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Aviation Safety
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Government Procurement
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Rules and Regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 83-305]

Gypsy Moth Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the list of gypsy moth regulated areas (regulated areas are divided into high-risk areas and low-risk areas) under the Federal Gypsy Moth and Browntail Moth Quarantine and Regulations by: (1) Redesignating areas in Delaware, Maryland, New York, and Pennsylvania from gypsy moth low-risk areas to gypsy moth high-risk areas; (2) by redesignating an area in Arkansas from a gypsy moth high-risk area to a gypsy moth low-risk area; (3) by designating previously nonregulated areas in California, Illinois, Maine, Michigan, North Carolina, Ohio, Oregon, Virginia, Washington, and Wisconsin as gypsy moth low-risk areas; (4) by expanding previously designated gypsy moth low-risk areas in Maine, Michigan, Virginia, and Washington; and (5) by deleting areas in Illinois, Michigan, and Ohio from the list of gypsy moth regulated areas. The quarantine and regulations impose restrictions on the interstate movement of certain articles from gypsy moth high-risk areas and gypsy moth low-risk areas. The amendments are necessary as emergency measures in order to prevent the artificial spread interstate of gypsy moth and to delete unnecessary restrictions on the interstate movement of certain articles.

DATES: Effective date of this interim rule March 21, 1983. Written comments concerning this interim rule must be received on or before May 20, 1983.

ADDRESS: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 728 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Gary E. Moorehead, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-8295.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been determined to be not a "major rule". Based on information compiled by the Department, it has been determined that this interim rule will have an annual effect on the economy of approximately $90,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim action. Due to the possibility that gypsy moths could be spread artificially interstate to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, where gypsy moth no longer occurs, immediate action is needed to delete unnecessary restrictions on the interstate movement of regulated articles.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291. Also, the Assistant Secretary for Marketing and Inspection Services has waived the requirements of Secretary's Memorandum 1512-1.

Certification under the Regulatory Flexibility Act

Mr. James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from specified areas in the States of California, Delaware, Illinois, Maine, Maryland, Michigan, New York, North Carolina, Ohio, Oregon, Pennsylvania, Virginia, Washington, and Wisconsin. Based on information compiled by the U.S. Department of Agriculture it has been determined that there are many hundreds of small entities that move regulated articles interstate from such States and many thousands of small entities that move regulated articles interstate from other States. However, based on such information, it has been determined that only approximately 135 small entities move regulated articles interstate from the specified areas affected by this action. Further, the annual overall economic impact from this action is estimated to be less than $90,000.

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a highly destructive pest of forest trees. The Gypsy Moth and Browntail Moth Quarantine and Regulations (7 CFR 301.45 *et seq.*) quarantine certain States because of the gypsy moth, and restrict the interstate movement from regulated areas of articles designated as regulated articles because of the gypsy moth. Such restrictions are necessary for the purpose of preventing the artificial spread of the gypsy moth.

Areas designated as gypsy moth regulated areas are areas in which a gypsy moth infestation has been found by an inspector, or areas which are necessary to regulate because of proximity to gypsy moth infestation or inseparability for quarantine enforcement purposes from infested localities. Regulated areas are divided into high-risk areas and low-risk areas. Under the regulations there is a basis for designating an area as a high-risk area when an inspector determines that regulated articles exist within or adjacent to an area where defoliation has occurred or where an inspector has reason to believe that 50 or more egg masses per acre of the gypsy moth are present. Low-risk areas are those portions of regulated areas that are not designated as high-risk areas.

Section 301.45–3 (a), (b), and (c) of the regulations imposes the following conditions on the movement of regulated articles:

(a) A regulated article shall not be moved interstate from any high-risk area into or through any nonregulated area unless a certificate or permit has been issued and attached to such regulated article in accordance with §§ 301.45–4 and 301.45–7.

(b) A regulated article shall not be moved interstate from any low-risk area into or through any nonregulated area when it is determined by an inspector that any life stage of the gypsy moth or browntail moth is on the regulated article, and the person on possession thereof has been so notified by an inspector unless a certificate or permit has been issued and attached to such regulated articles in accordance with §§ 301.45–4 and 301.45–7.

(c) A regulated article orginating outside of any high-risk area, except any regulated article in any low-risk area determined by an inspector to present a hazard of spreading the gypsy moth or browntail moth pursuant to paragraph (b) of this section, may be moved interstate directly through any high-risk area without a certificate or permit, if the point of origin of the article is clearly indicated by shipping documents, their identity has been maintained, and they have been safeguarded against infestation while in any high-risk area.

These regulations are designed to restrict the interstate movement of regulated articles in those circumstances where there would be a significant risk of spread of the gypsy moth. A certificate or limited permit is authorized to be issued based on treatment of a regulated article or based on a determination that movement of a regulated article without treatment would not result in the spread of the gypsy moth.

Designation of Areas as High-Risk Areas

As an emergency measure the following areas in Delaware, Maryland, New York, and Pennsylvania which were previously designated as gypsy moth low-risk areas are redesignated as gypsy moth high-risk areas:

Delaware

Kent County. The entire county.

Maryland

Kent County. That portion of the county bounded by a line beginning at a point where State Highway 290 intersects the Kent County-Queen Annes County line; then north along said highway to its intersection with the Maryland-Delaware state line; then south along said line to its intersection with the Kent County-Queen Annes County line; then west along said line to the point of beginning.

New York

Cayuga County. The towns of Fleming, Ledyard, Moravia, Niles, Owasco, Sempronius, Springport, Summer Hill, and Venice.

Livingston County. The town of Ossian.

Monroe County. The towns of Chili, Clarkson, Gates, Greece, Hamlin, Mendon, Ogden, Parma, Riga, Rochester City, Rush Sweden, and Wheatland.

Oneida County. The towns of Annsville, Camden, New Hartford, Verona, Westmoreland, and Whitestown.

Onondaga County. The towns of Cley, Lafayette, and Otisco.

Oswego County. The towns of Hastings, Palermo, and West Monroe.

Seneca County. The towns of Covert and Ovid.

Steuben County. The towns of Addison, Bath, Bradford, Cameron, Dansville, Prattsburg, Rathbone, Thurston, Tuscarora, Urbana, Wayland, Wayne, Wheeler, and Woodhull.

Yates County. The towns of Barrington, Milo, Starkey, and Torrey.

Pennsylvania

Indiana County. The entire county.
Jefferson County. The entire county.
Potter County. The entire county.

Based on recent surveys, inspectors have determined with respect to all of the areas added to the list of gypsy moth high-risk areas, that defoliation has occurred in these areas because of the gypsy moth or that there is reason to believe that 50 or more egg masses per acre of the gypsy moth are present in these areas. Also, regulated articles exist within or adjacent to these areas. Accordingly, there is a substantial risk of artificially spreading the gypsy moth by unrestricted interstate movement of such regulated articles. Therefore, as an emergency measure, it is necessary to designate such areas as gypsy moth high-risk areas and impose restrictions on the interstate movement of regulated articles from these areas in accordance with the regulations in order to prevent the artificial spread of the gypsy moth.

Designation of Areas as Low-Risk Areas

As an emergency measure, Secs. 25, 28, 35, and 36, T. 20 N., R. 5 W. of Fulton County in Arkansas, which was previously designated as gypsy moth high-risk area is redesignated as gypsy moth low-risk area.

As an emergency measure, the following areas in California, Illinois, Maine, Michigan, North Carolina, Ohio, Oregon, Virginia, Washington, and Wisconsin which were previously nonregulated areas are designated as gypsy moth low-risk areas:

California

Alameda County. That portion of the county bounded by a line beginning at a point where Interstate Highway 680 and Bernal Avenue intersect; then northwesterly on Interstate Highway 680 to its intersection with Stoneridge Drive; then easterly along Stoneridge Drive to its intersection with Hopyard Road; then easterly along an imaginary line from said intersection to the intersection of West Las Positas Boulevard and Santa Rita Road; then southerly along said road to its intersection with Mohr Avenue; then easterly along said avenue to its intersection with Kolln Street; then southerly along said street to its intersection with Valley Avenue; then southerly from said intersection along an imaginary line to the end of Kolln Street; then southerly along Kolln Street to its intersection with Jensen Street; then westerly along Jensen Street to its intersection with Main Street; then southerly along Main Street to its intersection with Bernal Avenue; then westerly along said avenue to the point of beginning.

Contra Costa County. That portion of the county bounded by a line beginning at a point where Pine Hollow Road and Mitchell Canyon Road intersect; then southerly on Mitchell Canyon Road to its intersection with Mitchell Creek; then southerly from said intersection along an imaginary line to the peak of Mitchell Rock; then easterly from said rock along an imaginary line to the intersection of Trail Ride Road and East Trail; then due north from said intersection along an imaginary line to an unimproved and unnamed road through Irish Canyon; then northwesterly along said road to its intersection with Black Diamond Way; then westerly along Black Diamond Way to its junction with Main Street in the town of Clayton; then westerly on Main Street to its

end; then westerly from the end of said street along an imaginary line to the east end of Pine Hollow Road; then westerly on Pine Hollow Road to the point of beginning.

Marin County. That portion of the county bounded by a line beginning at a point where San Marin Drive intersects Business U.S. Highway 101; then easterly on San Marin Drive to its junction with Atherton Avenue; then easterly on Atherton Avenue to its intersection with Binford Road; then northerly on Binford Road to Rush Creek; then northeasterly along the southern boundary of Rush Creek to the northern-most corner of Marin Memorial Gardens (cemetery); then southeasterly along the eastern boundary of Marin Memorial Gardens to Bahia Drive; then easterly along an imaginary line to the west end of Laguna Vista Drive; then southeasterly from the west end of said drive along an imaginary line to the intersection of School Road and Atherton Avenue; then southeasterly on Atherton Avenue to State Highway 37; then southwesterly on State Highway 37 to its intersection with Novato Creek; then northwesterly along Navato Creek to its intersection with an unnamed tributary; then southwesterly and northwesterly along said tributary to its intersection with U.S. Highway 101; then northerly on U.S. Highway 101 to Rowland Boulevard; then westerly on Rowland Boulevard to Business U.S. Highway 101; then northerly on Business U.S. Highway 101 to the point of beginning.

San Mateo County. That portion of the county bounded by a line beginning at a point where 27th Avenue and Alameda De Las Pulgas intersect; then northeasterly along 27th Avenue to its intersection with South El Camino Real; then northeasterly along an imaginary line from said intersection to the intersection of East Hillsdale Boulevard and South Norfolk Street; then southeasterly along South Norfolk Street to its intersection with Los Prados; then southeasterly along Los Prados to its intersection with Bahia; then southeasterly along an imaginary line from said intersection to the intersection of Winchester Court and Galveston Street; then southeasterly along Galveston Street to its intersection with Bodega Street; then southerly along said street to its intersection with Chesapeake Avenue; then easterly along said avenue to its intersection with Biscayne Avenue; then southerly along an imaginary line from said intersection to the intersection of U.S. Highway 101 and Ralston Avenue; then southwesterly along Ralston Avenue to its intersection with Alameda De Las Pulgas; then northerly along Alameda De Las Pulgas to its intersection with Sharon Avenue; then westerly along said avenue to its intersection with Coronet Boulevard; then southerly along said boulevard to its intersection with Casa Bona Avenue; then westerly along said avenue to its intersection with Semeria Avenue; then northwesterly along said avenue to its intersection with Cipriani Boulevard; then westerly along said boulevard to its intersection with Wooster Avenue; then westerly along said avenue to its intersection with Thurm Avenue; then northerly along said avenue to its intersection with Bettina Avenue; then northerly along said avenue to its intersection with 42nd Avenue; then easterly along said avenue to its intersection with Kingridge Drive; then northwesterly along said drive to its merger with 36th Avenue; then northeasterly along said avenue to its intersection with Alameda De Las Pulgas; then northerly along Alameda De Las Pulgas to the point of beginning.

That portion of the county beginning at a point where El Camino Real (State Highway 82) intersects Encinal Avenue; then northwesterly along El Camino Real to its intersection with Charter; then northeasterly along Charter to its end; then northeasterly along an imaginary line from the end of Charter to the intersection of Middlefield and Charter Street; then northeasterly along Charter Street to its intersection with Broadway; then northwesterly along an imaginary line from said intersection to the intersection of Woodside Road (State Highway 84) and U.S. Highway 101; then easterly along an imaginary line from said intersection to the end of Marsh Road; then southerly along Marsh Road to its intersection with U.S. Highway 101; then southerly along an imaginary line from said intersection to the intersection of Acorn Way and Greenoaks Drive; then westerly along Acorn Way to its intersection with Catalpa Drive; then southerly along said drive to its intersection with Linden Avenue; then southerly along said avenue to its intersection with Middlefield; then westerly along Middlefield to its intersection with Encinal Avenue; then southerly along said avenue to the point of beginning.

Santa Barbara County. That portion of the county beginning at a point where U.S. Highway 101 and Lambert Road intersect; then north on Lambert Road to its end; then northerly along an imaginary line from the end of Lambert Road to the intersection of State Highway 192 and Ladera Lane; then north on said lane to its intersection with Bella Vista Drive; then due north along an imaginary line from said intersection to an imaginary point ½ mile north of and within the boundary line of the Los Padres National Forest; then westerly along an imaginary line which is ½ mile within the Los Padres National Forest boundary line to an imaginary point on Parma Creek ½ mile north of the intersection of Parma Creek and the Los Padres National Forest boundary line; then southerly along Parma Creek to its intersection with State Highway 192; then southeasterly along said highway to its intersection with State Highway 144; then southerly along said highway to its intersection with Salinas Street; then southeast on said street to U.S. Highway 101; then easterly on said highway to the point of beginning.

Santa Clara County. That portion of the county bounded by a line beginning at a point where East Charleston Road intersects Independence Avenue; then southerly along said avenue to its intersection with West Middlefield Road; then easterly along said road to its intersection with Thompson Avenue; then southwesterly along said avenue to its intersection with Central Expressway; then southwest from said intersection along an imaginary line to its intersection with the intersection of Gabriel Avenue and Showers Drive; then southerly along Showers Drive to its intersection with El Camino Real; then northwesterly along El Camino Real to its intersection with San Antonio Road; then southerly along said road to its intersection with Loucks Avenue; then westerly along said avenue to its intersection with Los Altos Avenue; then northwesterly along an imaginary line from said intersection to the end of Laguna Avenue; then northwesterly along said avenue to its intersection with Matadero Avenue; then northeasterly along said avenue to its intersection with El Camino Real; then northwesterly along El Camino Real to its intersection with Lambert Avenue; then northeasterly along said avenue to its intersection with Park Boulevard; then northwesterly along an imaginary line from said intersection to the intersection of Alma Street and El Dorado Avenue; then northeasterly along said avenue to its intersection with Cowper Street; then northwesterly along said street to its intersection with Colorado Avenue; then northeasterly along said avenue to its intersection with Middlefield Road; then southeasterly along said road to its intersection with Loma Verde Avenue; then northeasterly along said avenue to its intersection with Louis Road; then southeasterly along said road to its intersection with East Meadow Drive; then northeasterly along said drive to its intersection with Fabian Way; then southerly along said way to its intersection with East Charleston Road; then easterly along said road to the point of beginning.

Illinois

Kane County. SW¼ sec. 21, T. 40 N., R. 8 E.

Maine

Aroostook County. Township of Molunkus.

Penobscot County. The townships of Burlington, Chester, E. Millinocket, Hopkins Academy Grant, Indian Purchase, Lee, Long A, Mattawamkeag, Medway, Millinocket, Winn, Woodville, Veazie Gore, AR 7, AR 8, and 9, and 3 R 1.

Washington County. The townships of Alexander, Baileyville, Baring, Calais, Cooper, Charlotte, Cutler, Dennysville, Eastport, Edmonds, Lubec, Marion, Meddybemps, Penbroke, Perry, Princeton, Robbinston, Trescott, Whiting, Plantation 14, and Plantation 21.

Michigan

Arenac County. The entire county.

Genesee County. The entire county.

Gladwin County. The entire county.

Livingston County. Sec. 10, 11, 14, and 15, T. 1 N., R. 5 E., and sec. 13 and 14, T. 3 N., R. 6 E.

Osceola County. The entire county.

Van Buren County. Sec. 15, 16, 21, and 22, T. 3 N., R. 13 W.

North Carolina

Carteret County. That area bounded by a line beginning at a point on the northern shoreline of Taylors Creek and running north on an imaginary course to the intersection of State Secondary Road 1310 and State Secondary Road 1311; then northerly along State Secondary Road 1311 to its ending; then

northerly along an imaginary line to its intersection with North River; then southwesterly along North River shoreline to its junction with Taylors Creek; then westerly along Taylors Creek to the point of beginning.

Ohio

Franklin County. That portion of the village of Blacklick bounded by a line beginning at a point where Blacklick Creek and Columbus-Newark Road intersect; then west along said road to its intersection with Taylor Station Road; then northerly along said road to its intersection with Taylor Road; then easterly along said road to its intersection with Reynoldsburg-New Albany Road; then due east from said intersection along an imaginary line to its intersection with Blacklick Creek; then southerly along said creek to the point of beginning.

That portion of the city of Gahanna bounded by a line beginning at a point where Morse Road and Shull Road intersect; then southerly along said road to its intersection with Headley Road; then east along Headley Road to its intersection with Clark State Road; then southwesterly along said road to its intersection with Clofts Road; then northerly along said road to its intersection with Columbus-Millersburg Road; then northeasterly along said road to its intersection with Morse Road; then east along said road to the point of beginning.

Hamilton County. That portion of the city of Cincinnati bounded by a line beginning at a point where Wasson Road intersects with Paxton Avenue; then south along said avenue to its intersection with Erie Avenue; then west along said avenue to its intersection with Edwards Road; then north along said road to its intersection with Wasson Road; then east along said road to the point of beginning.

That portion of Anderson Township bounded by a line beginning at a point where Lawyer Road intersects with Hunley Road; then northeast along said road to its intersection with Wolfangle Road; then southerly along said road to its intersection with Clough Pike; then southwest, southwesterly, and northwesterly along said pike to its intersection with Newton Road; then northeast along said road to its intersection with Lawyer Road; then southeast along said road to the point of beginning.

Knox County. That portion of Clinton and Morris Townships bounded by a line beginning at a point where McKensie Road and the eastern boundary line of Morris Township intersect; then south along said township line to its intersection with the northern boundary line of the city limit line of the city of Mt. Vernon; then westerly, northerly, and westerly along said city limit line to its intersection with Mansfield Road; then northerly along said road to its intersection with McKensie Road; then easterly along said road to the point of beginning.

Lucas County. That portion of the city of Sylvania bounded by a line beginning at a point where Monroe Street and Whiteford Road intersect; then south along said road to its intersection with Cory Road; then northwest along said road to its intersection with Monroe Street; then southeast along said street to the point of beginning.

Oregon

Marion County. Sec. 23, T. 7 S., R. 3 W.
Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, and 35, T. 8 S., R. 3 W.
Secs. 6, 7, 17, 18, 19, 20, 28, 29, 30, and S½ of 21, T. 8 S. R. 2 W.

Virginia

Arlington County. The entire city.
City of Alexandria. The entire city.
City of Fairfax. The entire city.
City of Falls Church. The entire city.
City of Manassas. The entire city.
City of Winchester. The entire city.
Clarke County. The entire city.
Culpeper County. That portion of the county beginning at a point where Fauquier, Rappahannock, and Culpeper Counties intersect with the Rappahannock River; then southwest along the Culpeper-Rappahannock County line to its intersection with State Road 729; then southerly along State Road 729 to its intersection with State Road 685; then easterly along State Road 685 to its intersection with State Road 625; then northeasterly along State Road 625 to its intersection with Muddy Run; then east along Muddy Run to its intersection with the Hazel River; then easterly along the Hazel River to its intersection with the Rappahannock River; then northerly and westerly along the Rappahannock River to the point of beginning.
Frederick County. The entire county.
Prince William County. The entire county.
Shenandoah County. That portion of the county which lies north and east of State Road 675.
Stafford County. The entire county.
Warren County. The entire county

Washington

Clark County. That portion of the county bounded by a line beginning at a point where the Columbia River shoreline intersects N.W. 179th Street; then easterly along said street to its intersection with Interstate 5; then southerly along Interstate 5 to its intersection with N.E. 78th Street; then due west from said intersection along an imaginary line to its intersection with the Columbia River shoreline; then north along the Columbia River shoreline to the point of beginning.
Kitsap County. The entire county.
Pierce County. The entire county.

Wisconsin

Waukesha County. That portion of the city of Elm Grove bounded by a line beginning at a point where Juneau Boulevard and Highland Drive intersect; then north on Highland Drive to its intersection with North Avenue; then east on North Avenue to its intersection with CM ST P&P railroad tracks; then southeasterly along said tracks to its intersection with Juneau Boulevard; then west on Juneau Boulevard to the point of beginning.

Also, as an emergency measure, certain areas in Maine, Michigan, Virginia, and Washington previously designated as gypsy moth low-risk areas are retained as gypsy moth low-risk areas but are expanded as set forth below.

The area in Piscataquis County in Maine previously described as "The townships of Abbott, Dover-Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangeville, Sebec, and Wellington." is retained as a gypsy moth low-risk area but is expanded and redescribed as "The townships of Abbott, Dover-Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangeville, Sebec, Wellington, and 1 R 9."

The area in Somerset County in Maine previously described as "The townships of Bingham, Brighton Plantation, Concord Plantation, Highland Plantation, Lexington Plantation, Mayfield, Moscow, and Pleasant Ridge Plantation." is retained as a gypsy moth low-risk area but is expanded and redescribed as "The townships of Bingham, Brighton Plantation, Caratunk, Concord Plantation, Highland Plantation, Lexington Plantation, Mayfield, Moscow, and Pleasant Ridge Plantation."

The area in Bay County in Michigan previously described as "Township of Williams." is retained as a gypsy moth low-risk area but is expanded and redescribed as "The entire county."

The area in Clare County in Michigan previously described as "Townships of Garfield, Grant, Sheridan, and Surrey." is retained as a gypsy moth low-risk area but is expanded and redescribed as "The entire county."

The area in Gratiot County in Michigan previously described as "Townships of Arcada, Bethany, Emerson, Hamilton, LaFayette, Newark, New Haven, North Star, Pine River, Seville, Sumner, and Wheeler." is retained as a gypsy moth low-risk area but is expanded and redescribed as "The entire county"

The area in Kalamazoo County in Michigan previously described as "Sec. 1 and 2, T. 1 S., R. 11 W." is retained as a gypsy moth low-risk area but is expanded and redescribed as "Sec. 1 and 2, T. 1 S., R. 11 W., and sec. 16, and 17, T. 3 S., R. 11 W."

The area in Midland County in Michigan previously described as "Townships of Greendale, Homer, Ingersoll, Jasper, Lee, Midland, Mount Haley, and Porter," is retained as a gypsy moth low-risk area but is expanded and redescribed as "the entire county."

The area in Montcalm County in Michigan previously described as "Townships of Belvidere, Cato, Chrystal, Day, Douglas, Evergreen Ferris, Home, Richland, and Sidney." is retained as a gypsy moth low-risk area but is expanded and redescribed as "The entire county."

The area in Oakland County in Michigan previously described as "Sec. 16 and 21, T. 2 N., R. 10 E." is retained as a gypsy moth low-risk area but is expanded and redescribed as "The entire county."

The following five areas in Fairfax County in Virginia previously described as: (1) "That portion of the county beginning at a point where State Highway 603 intersects Deepwood Drive; then north on Deepwood Drive to its end; then due north on an imaginary line from the end of Deepwood Drive to the Potomac River shoreline; then westerly along said shoreline to the Colonial Pipeline Company's easement for a petroleum

pipeline; then south along said easement to State Highway 603; then easterly on said highway to the point of beginning."; (2) "That portion of the county bounded by a line beginning at a point where the Dulles Airport Access Road and Interstate Highway 495 intersect; then east along said road to its intersection with State Highway 123; then southwesterly along said highway to its intersection with Interstate Highway 495; then north along Interstate Highway 495, to the point of beginning."; (3) "That portion of the county bounded by a line beginning at a point where State Highway 236 and Guinea Road intersect; then east along said highway to its intersection with Wakefield Drive; then south along said drive to its intersection with St. Ark Road; then west along said road to its intersection with Guinea Road; thence north along Guinea Road to the point of beginning."; (4) "That portion of the county bounded by a line beginning at a point where State Highway 236 and State Highway 649 intersect; then east along State Highway 236 to its intersection with State Highway 617; then southeast along State Highway 617 to its intersection with State Highway 620; then west along State Highway 620 to its intersection with State Highway 649; then northeast along State Highway 649 to the point of beginning."; and (5) "That portion of the county bounded by a line beginning at a point where State Highway 640 (Sydenstricker Road) and Colgate Drive intersect; then northest along said drive to its intersection with Hadlow Drive; then southeast along Hadlow Drive to its intersection with Dryburgh Court; then due northeast along an imaginary line from said intersection to Pohick Creek; then southeast along Pohick Creek to its intersection with Samos Court; then due west from said intersection along an imaginary line to Middle Valley Drive; then west along Middle Valley Drive to Goins Road; then west along Goins Road to its intersection with Gambrill Road; then south along Gambrill Road to its intersection with Middle Run Drive; then west along Middle Run Drive to its intersection with Newington Woods Drive; then north along Newington Woods Drive to the end; then due north along an imaginary line from the end of Newington Woods Drive to its intersection with Flemingwood Lane; then north along Flemingwood Lane to its intersection with State Highway 636; then east along said highway to its intersection with State Highway 640; then northwest along State Highway 640 to the point of beginning." are retained as gypsy moth low-risk areas but are expanded and redescribed as "The entire county."

The area in Fauquier County in Virginia previously described as "Those properties owned by the Audrey B. Currier estate, and Andrea B. and Lavinia M. Currier, known as Kinlock Farms, located on the southeast and northwest side of State Highway 601 and west of State Highway 628; 1 mile, more or less, northeast of the intersection of State Highway 628 and 601." is retained as a gypsy moth low-risk area but is expanded and redescribed as "The entire county."

The area in Loudoun County in Virginia previously described as "That portion of the county bounded by a line beginning at a point where U.S. Highway 15 intersects with State highway 658; then soughest along State Highway 658 to its intersection with State Highway 662; then southeast along State Highway 662 to its intersection with State Highway 657; then due south from said intersection along an imaginary line to the Potomac River; then southerly along the Potomac River to its intersection with State Highway 655; then west along State Highway 655 to its intersection with U.S. Highway 15; then south along U.S. Highway 15 to its intersection with State Highway 748; then west along State Highway 748 to its end; then north along an imaginary line from the end of said highway to the intersection of State Highway 661 and State Highway 662; then northeast along State Highway 662 to its intersection with U.S. Highway 15; then north along U.S. Highway 15, to the point of beginning." is retained as a gypsy moth low-risk area but is expanded and redescribed as "The entire county."

The following three areas in King County in Washington previously described as: (1) "That area within the University District of the city of Seattle beginning at a point where Interstate 5 intersects N.E. 75th Street, then easterly on N.E. 75th Street to its intersection with N.E. 35th Avenue, then south on N.E. 35th Avenue to its end, then due south from the end of N.E. 35th Avenue on an imaginary line to Union Bay shoreline, then westerly along Union Bay shoreline to Portage Bay shoreline, then westerly along Portage Bay shoreline to its intersection with Interstate 5, then north on Interstate 5 to the point of beginning."; (2) "That area within the city of Mercer Island beginning at a point where Sunset Highway intersects Lake Washington shoreline at the Lacey V. Murrow Memorial Bridge, then northerly, easterly, and southerly along the Lake Washington shoreline to its intersection with S.E. 44th Street, then due west from said intersection along an imaginary line to Lake Washington shoreline on the west side of Mercer Island, then northerly along said shoreline to the point of beginning."; and (3) "That area within the city of Seattle bounded by a line beginning at a point where State Highway 509 and State Highway 99 intersect, then south along State Highway 509 to its intersection with S.W. 105th Street, then due west along an imaginary line from said intersection to Puget Sound shoreline, then northerly along said shoreline to its intersection with SW Juneau Street, then east along SW Juneau Street to its intersection with 16th Avenue SW, then due east from said intersection along an imaginary line to State Highway 99, then south along State Highway 99 to the point of beginning." are retained as gypsy moth low-risk areas but are expanded and redescribed as "The entire county."

Based on recent surveys, inspectors have determined that infestations of gypsy moth occur in these areas designated as gypsy moth low-risk areas, but that these areas do not meet the criteria referred to above for gypsy moth high-risk areas.

As noted above, restrictions concerning the gypsy moth are imposed on movements of regulated articles from gypsy moth low-risk areas, only if it is determined by an inspector that any life stage of the gypsy moth is on the regulated article, and the person in possession thereof has been so notified by an inspector, unless a certificate or permit has been issued and attached to such regulated article in accordance with §§ 301.45–4 and 301.45–7 of the regulations. In this connection, it is necessary as an emergency measure to designate such areas as gypsy moth low-risk areas in order to advise persons of the likelihood that inspectors would conduct inspections in such areas and that based on their findings of life stages of gypsy moth, restrictions could apply to the movement of regulated articles from such areas.

Deletion of Areas From List of Regulated Areas

Prior to the effective date of this document, the following areas in Illinois, Michigan, and Ohio which were designated as gypsy moth regulated areas are deleted from the list of gypsy moth regulated areas.

Illinois

An area in Lake County, Illinois, described as "SE¼ sec. 36, T. 44 N., R. 10 E."

An area in McHenry County, Illinois, described as "That area within the city limits of McHenry which begins at the point where Willow Lane intersects Meadow Lane; thence east along Willow Lane to its end; thence 924 feet along an imaginary projected line to a point due north of Industrial Road; thence south from said point 396 feet to where Industrial Road begins; thence along Industrial Road to State Road 120; thence southeasterly along said road to Front Royal Avenue; thence southwesterly along Front Royal Avenue to Summerset Mall Street; thence south 528 feet along Summerset Mall Street to its end; thence southeasterly 132 feet along an imaginary projected line to the intersection of said line with Woods Lane; thence along Woods Lane to Crystal Lake Road; thence southwesterly to where Crystal Lake Road intersects Hanley Street; thence northwesterly along Hanley Street to Front Royal Avenue; thence southwesterly along Front Royal Avenue to Ashley Drive; thence along Ashley Drive to Chesterfield Drive; thence northwesterly along Chesterfield Drive to Oakwood Drive; thence north on Oakwood Drive to Bonner Drive; thence southeasterly along Bonner Drive to Meadow Lane; thence north on Meadow Lane to Willow Lane, to the point of beginning."

Michigan

An area in Wayne County, Michigan, described as "Sec. 1, T. 1 S., R. 9 E."

Ohio

An area in Belmont County, Ohio, described as "That portion of the county within the boundaries of Barkcamp State Park."

An area in Cuyahoga County, Ohio, described as "That portion of the city of Bay Village bounded by a line beginning at a point where Osborn Road and Cahoon Road intersect, then south along Cahoon Road to its intersection with the N &W Railroad tracks, then west along said tracks to its intersection with Crocker Road, then north along said road to its intersection with Osborn Road, then east along Osborn Road to the point of beginning.

That portion of the city of Pepper Pike in Cuyahoga County, Ohio, bounded by a line beginning at a point where Shaker Boulevard and SOM Center Road intersect, then south along said road to its intersection with Old Kingsman Road, then west along Old Kingsman Road to its intersection with Pinetree Road, then northwesterly along Pinetree Road to its intersection with South Woodland Road, then northwest along South Woodland Road to its intersection with Lander Road, then north along Lander Road to its intersection with Shaker Boulevard, then east along said boulevard to the point of beginning.

That portion of the city of Solon in Cuyahoga County, Ohio, bounded by a line beginning at a point where Cannon Road and SOM Center Road intersect, then south along SOM Center Road to its intersection with U.S. Highway 422, then northwest along said highway to its intersection with Cannon Road, then east along Cannon Road to the point of beginning."

An area in Hamilton County, Ohio, described as "That portion of the county bounded by a line beginning at a point where Fields-Ertel Road and U.S. Highway 71 intersect, then southwest along said highway to its intersection with Snider Road, then north along said road to its intersection with Fields-Ertel Road, then east along Fields-Ertel Road to the point of beginning.

That portion of the city of Montgomery in Hamilton County, Ohio, bounded by a line beginning at a point where Broomwell Avenue and the Montgomery City limits line intersect, then southeast and westerly along said line to its intersection with Weil Road, then northerly along said road to its intersection with Weller Road, then northerly along Weller Road to its intersection with Tanager Woods Drive, then southeasterly along said drive to its intersection with Winthrop Drive, then easterly along said drive to its intersection with Bromwell Avenue, then northeasterly along said avenue to the point of beginning.

That portion of Hamilton County, Ohio, bounded by a line beginning at a point where U.S. Highway 275 and Eight Mile Road intersect, then southerly along said road to its intersection with U.S. Highway 52, then westerly along said highway to its intersection with Asbury Road, then northerly along said road to its intersection with U.S. Highway 275, then east on said highway to the point of beginning."

An area in Jefferson County, Ohio, described as "That portion of the county within the boundaries of Jefferson State Park."

An area in Lucas County, Ohio, described as "That portion of the city of Ottawa Hills bounded by a line beginning at a point where Indian Road and Sulphur Springs Road intersect, then, southerly along Sulphur Spring Road to its intersection with Evergreen Road, then southwest along Evergreen Road to its intersection with the Ottawa River, then westerly along said river to an imaginary point due south of Inland Court, then due north along an imaginary line to the end of Inland Court, then northerly along Inland Court to its intersection with Westchester Road, then northerly along said road to its intersection with Forrest View Drive, then northeasterly along said drive to its intersection with Indian Road, then southeast along said road to the point of beginning."

An area in Ottawa County, Ohio, described as "That portion of Catawba Island bounded by a line beginning at a point where Sloan Street and East Catawba Road intersect, then south along said road to its intersection with South Fairway Drive, then west along an imaginary line to the end of Weyhe Road, then west on Weyhe Road to its intersection with West Catawba Road, then north along West Catawba Road to its intersection with Sloan Street, then east along said street to the point of beginning."

An area in Portage County, Ohio, described as "That portion of the county located on the north side of the Ohio Turnpike known as Portage Plaza."

An area in Stark County, Ohio, described as "That portion of Lake Township bounded on the south by State Route 619, on the east by Mogadore Road, on the north by Pontius Raod, and on the west by Cleveland Avenue."

An area in Tuscarawas County, Ohio, described as "That portion of the city of Newcomerstown bounded by a line beginning at a point where County Road 221 and the Newcomerstown city limits line intersect, then easterly, southerly, and westerly along said line to its intersection with U.S. Highway 36, then westerly along said highway to its intersection with County Road 221, then northerly along said road to the point of beginning.

Based on treatments with insecticides and subsequent negative surveys in accordance with the quarantine and regulations, it has been determined that the gypsy moth no longer occurs in these areas. Accordingly, there is no basis to continue listing such areas as regulated areas for the purpose of preventing the artificial spread of gypsy moth. Therefore, as an emergency measure, it is necessary to delete these areas from the list of regulated areas in order to delete unnecessary restrictions on the movement of gypsy moth regulated articles.

List of Subjects in 7 CFR 301

Agricultural commodities, Gypsy moth, Plant pests, Quarantine, Transportation.

PART 301—[AMENDED]

Under the circumstances referred to above, § 301.45–2a(a) of the gypsy moth and browntail moth quarantine and regulations (7 CFR 301.45–2a(a)) is revised to read as follows:

§ 301.45–2a Regulated areas; high-risk and low-risk areas.

(a) The areas described below are designated as gypsy moth regulated areas, and such regulated areas are divided into high-risk areas or low-risk areas as follows:

Arkansas

(1) *High-risk area:* None.
(2) *Low-risk area:*
(3) *Fulton County.* Secs. 25, 26, 35, and 36, T. 20 N., R. 5 W.

California

(1) *High-risk area:* None.
(2) *Low-risk area:*

Alameda County. That portion of the county bounded by a line beginning at a point where Interstate Highway 680 and Bernal Avenue intersect; then northwesterly on Interstate Highway 680 to its intersection with Stoneridge Drive; then easterly along Stoneridge Drive to its intersection with Hopyard Road; then easterly along an imaginary line from said intersection to the intersection of West Las Positas Boulevard and Santa Rita Road; then southerly along said road to its intersection with Mohr Avenue; then easterly along said avenue to its intersection with Kolln Street; then southerly along said street to its intersection with Valley Avenue; then southerly from said intersection along an imaginary line to the end of Kolln Street; then southerly along Kolln Street to its intersection with Jensen Street; then westerly along Jensen Street to its intersection with Main Street; then southerly along Main Street to its intersection with Bernal Avenue; then westerly along said avenue to the point of beginning.

Contra Costa County. That portion of the county bounded by a line beginning at a point where Pine Hollow Road and Mitchell Canyon Road intersect; then southerly on Mitchell Canyon Road to its intersection with Mitchell Creek; then southerly from said intersection along an imaginary line to the peak of Mitchell Rock; then easterly from said rock along an imaginary line to the intersection of Trail Ride Road and East Trail; then due north from said intersection along an imaginary line to an unimproved and unnamed road through Irish Canyon; then northwesterly along said road to its intersection with Black Diamond Way; then westerly along Black Diamond Way to its junction with Main Street in the town of Clayton; then westerly on Main Street to its end; then westerly from the end of said street along an imaginary line to the east end of Pine Hollow Road; then westerly on Pine Hollow Road to the point of beginning.

Marin County. That portion of the county bounded by a line beginning at a point where San Marin Drive intersects Business U.S. Highway 101; then easterly on San Marin Drive to its junction with Atherton Avenue; then easterly on Atherton Avenue to its intersection with Binford Road; then northerly on Binford Road to Rush Creek;

then northeasterly along the southern boundary of Rush Creek to the northernmost corner of Marin Memorial Gardens (cemetery); then southeasterly along the eastern boundary of Marin Memorial Gardens to Bahia Drive; then easterly along an imaginary line to the west end of Laguna Vista Drive; then southeasterly from the west end of said drive along an imaginary line to the intersection of School Road and Atherton Avenue; then southeasterly on Atherton Avenue to State Highway 37; then southwesterly on State Highway 37 to its intersection with Novato Creek; then northwesterly along Novato Creek to its intersection with an unnamed tributary; then southwesterly and northwesterly along said tributary to its intersection with U.S. Highway 101; then northerly on U.S. Highway 101 to Rowland Boulevard; then westerly on Rowland Boulevard to Business U.S. Highway 101; then northerly on Business U.S. Highway 101 to the point of beginning.

Orange County. That area within San Juan Capistrano bounded on the north by Ortega Highway, on the south by Calle Arroyo, on the east by Aveneda Siega, and on the west by Calle Del Campo.

San Mateo County. That portion of the county bounded by a line beginning at a point where 27th Avenue and Alameda De Las Pulgas intersect; then northeasterly along 27th avenue to its intersection with South El Camino Real; then northeasterly along an imaginary line from said intersection to the intersection of East Hillsdale Boulevard and South Norfolk Street; then southeasterly along South Norfolk Street to its intersection with Los Prados; then southeasterly along Los Prados to its intersection with Bahia; then southeasterly along an imaginary line from said intersection to the intersection of Winchester Court and Galveston Street; then southeasterly along Galveston Street to its intersection with Bodega Street; then southerly along said street to its intersection with Chesapeake Avenue; then easterly along said avenue to its intersection with Biscayne Avenue; then southerly along an imaginary line from said intersection to the intersection of U.S. Highway 101 and Ralston Avenue; then southwesterly along Ralston Avenue to its intersection with Alameda De Las Pulgas; then northerly along Alameda De Las Pulgas to its intersection with Sharon Avenue; then westerly along said avenue to its intersection with Coronet Boulevard; then southerly along said boulevard to its intersection with Casa Bona Avenue; then westerly along said avenue to its intersection with Semeria Avenue; then northwesterly along said avenue to its intersection with Cipriani Boulevard; then westerly along said boulevard to its intersection with Wooster Avenue; then westerly along said avenue to its intersection with Thurm Avenue; then northerly along said avenue to its intersection with Bettina Avenue; then northerly along said avenue to its intersection with 42nd Avenue; then easterly along said avenue to its intersection with Kingridge Drive; then northwesterly along said drive to its merger with 36th Avenue; then northeasterly along said avenue to its intersection with Alameda De Las Pulgas; then northerly along Alameda De Las Pulgas to the point of beginning.

That portion of the county beginning at a point where El Camino Real (State Highway 82) intersects Encinal Avenue; then northwesterly along El Camino Real to its intersection with Charter; then northeasterly along Charter to its end; then northeasterly along an imaginary line from the end of Charter to the intersection of Middlefield and Charter Street; then northeasterly along Charter Street to its intersection with Broadway; then northwesterly along an imaginary line from said intersection to the intersection of Woodside Road (State Highway 84) and U.S. Highway 101; then easterly along an imaginary line from said intersection to the end of Marsh Road; then southerly along Marsh Road to its intersection with U.S. Highway 101; then southerly along an imaginary line from said intersection to the intersection of Acorn Way and Greenoaks Drive; then westerly along Acorn Way to its intersection with Catalpa Drive; then southerly along said dive to its intersection with Linden Avenue; then southerly along said avenue to its intersection with Middlefield; then westerly along Middlefield to its intersection with Encinal Avenue; then southerly along said avenue to the point of beginning.

Santa Barbara County. That portion of the county beginning at a point where U.S. Highway 101 and Lambert Road intersect; then north on Lambert Road to its end; then northerly along an imaginary line from the end of Lambert Road to the intersection of State Highway 192 and Ladera Lane; then north on said lane to its intersection with Bella Vista Drive; then due north along an imaginary line from said intersection to an imaginary point ½ mile north of and within the boundary line of the Los Padres National Forest; then westerly along an imaginary line which is ½ mile within the Los Padres National Forest boundary line to an imaginary point on Parma Creek ½ mile north of the intersection of Parma Creek and the Los Padres National Forest boundary line; then southerly along Parma Creek to its intersection with State highway 192; then southeasterly along said highway to its intersection with State Highway 144; then southerly along said highway to its intersection with Salinas Street; then southeast on said street to U.S. Highway 101; then easterly on said highway to the point of beginning.

Santa Clara County. That portion of the county bounded by a line beginning at a point where East Charleston Road intersects Independence Avenue; then southerly along said avenue to its intersection with West Middlefield Road; then easterly along said road to its intersection with Thompson Avenue; then southwesterly along said avenue to its intersection with Central Expressway; then southwest from said intersection along an imaginary line to its intersection with the intersection of Gabriel Avenue and Showers Drive; then southerly along Showers Drive to its intersection with El Camino Real; then northwesterly along El Camino Real to its intersection with San Antonio Road; then southerly along said road to its intersection with Loucks Avenue; then westerly along said avenue to its intersection with Los Altos Avenue; then northwesterly along an imaginary line from said intersection to the end of Laguna Avenue; then northwesterly along said avenue to its intersection with Matadero Avenue; then northweasterly along said avenue to its intersection with El Camino Real; then northwesterly along El Camino Real to its intersection with Lambert Avenue; then northeasterly along said avenue to its intersection with Park Boulevard; then northwesterly along an imaginary line from said intersection to the intersection of Alma Street and El Dorado Avenue; then northeasterly along said avenue to its intersection with Cowper Street; then northwesterly along said street to its intersection with Colorado Avenue; then northeasterly along said avenue to its intersection with Middlefield Road; then southeasterly along said road to its intersection with Loma Verde Avenue; then northeasterly along said avenue to its intersection with Louis Road; then southeasterly along said road to its intersection with East Meadow Drive; then northeasterly along said drive to its intersection with Fabian Way; then southerly along said way to its intersection with East Charleston Road; then easterly along said road to the point of beginning.

Connecticut

(1) *High-risk area*: The entire State
(2) *Low-risk area*: None.

Delaware

(1) *High-risk area*::
Kent County. The entire county.
New Castle County. The entire county.
(2) *Low-risk area*:
Sussex County. The entire county.

Illinois

(1) *High-risk area*: None.
(2) *Low-risk area*:
DuPage County. SE¼ sec. 2, sec 11, W½ sec. 12, NW¼ sec. 13, and N½ sec. 14, T. 38 N., R. 9 E.; secs. 8, 9, 10, 11, 16, 17, 18, 19, 20, 29, and 30, T. 39 N., R. 10 E.; SW¼ sec. 5, S½ sec. 6, sec. 7, W½ sec. 8, NW¼ sec. 17 and N½ sec. 18, T. 38 N., R. 11 E.; and secs. 10, 11, 13, 14, 15, 16, 21, 22, and 23, T. 40 N., R. 11 E.
Kane County. SW¼ sec. 21, T. 40 N., R. 8 E.
Lake County. SE¼ sec. 28, T. 43 N., R. 10 E.; NE¼ sec. 24, T. 45 N., R. 11 E.; and SW¼ sec. 6, T. 45 N., R. 11 E.

Maine

(1) *High-risk area:*
Androscoggin County. The entire county.
Cumberland County. The entire county.
Franklin County. The townships of Avon, Carthage, Chesterville, Farmington, Industry, Jay, New Sharon, New Vineyard, Perkins, Strong, Temple, Washington, Weld, and Wilton.
Hancock County. The entire county.
Kennebec County. The entire county.
Knox County. The entire county.
Lincoln County. The entire county.
Oxford County. The townships of Albany, Batchelders Grant, Bethel, Brownfield, Buckfield, Canton, Denmark, Dixfield, Fryeburg, Greenwood, Hanover, Hartford, Hebron, Hiram, Lovell, Mason Plantation Mexico, Milton Plantation, Norway, Oxfor

Paris, Peru, Porter, Rumford, Stoneham, Stow, Sumner, Sweden, Waterford, and Woodstock.

Penobscot County. The townships of Alton, Argyle, Bangor City, Bradford, Bradley, Brewer City, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Edinburg, Enfield, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Howland, Hudson, Kenduskeag, La Grange, Levant, Lincoln, Lowell, Mattamiscontis, Maxfield, Milford, Newburgh, Newport, Old Town City, Orono, Orrington, Pasadumkeag, Plymouth, Stetson, Summit, Veazie-Eddington, and 1 ND.

Piscataquis County. The townships of Atkinson, Medford, Milo, and Orneville.

Sagadahoc County. The entire county.

Somerset County. The townships of Anson, Athens, Cambridge, Canaan, Cornville, Detroit, Embden, Fairfield, Harmony, Hartland, Madison, Mercer, New Portland, Norridgewock, Palmyra, Pittsfield, Ripley, Skowhegan, Smithfield, Solon, St. Albans, and Starks.

Waldo County. The entire county.

Washington County. The townships of Addison, Beals, Beddington, Centerville, Cherryfield, Columbia, Columbia Falls, Crawford, Deblois, East-Machias, Harrington, Jonesborro, Jonesport, Machias, Machiasport, Marshfield, Milbridge, Northfield, Rogue Bluffs, Steuben, Wesley, Whitneyville, 5 ND, 18 ED, 18 MD, 19 ED, 19 MD, 24 MD, 25 MD, 26 ED, 27 ED, 29 MD, 30 MD, 31 MD, 36 MD, 37 MD, 42 MD, and 43 MD.

York County. The entire county.

(2) *Low-risk area:*

Aroostook County. Township of Molunkus

Franklin County. The townships of Crockertown, Dallas Plantation, Freeman, Jerusalem, Kingfield, Madrid, Mount Abraham, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, 6, E, and D.

Oxford County. The townships of Andover, Andover North, Andover West, Byron, Gilead, Grafton, Magalloway Plantation, Newry, Richardsontown, Riley, Roxbury, Upton, C, and C Surplus.

Penobscot County. The townships of Burlington, Chester, E, Millinocket, Hopkins Academy Grant, Indian Purchase, Lee, Long A, Mattawamkeag, Medway, Millinocket, Winn, Woodville, Veazie Gore, AR 7, AR 8 & 9, and 3 R 1.

Piscataquis County. The townships of Abbott, Dover-Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangeville, Sebec, Wellington, and 1 R 9.

Somerset County. The townships of Bingham, Brighton Plantation, Caratunk, Concord Plantation, Highland Plantation, Lexington Plantation, Mayfield, Moscow, and Pleasant Ridge Plantation.

Washington County. The townships of Alexander, Baileyville, Baring, Calais, Cooper, Charlotte, Cutler, Dennysville, Eastport, Edmonds, Lubec, Marion, Meddybemps, Pembroke, Perry, Princeton, Robbinston, Trescott, Whiting, Plantation 14, and Plantation 21.

Maryland

(1) *High-risk area:*

Baltimore City. The entire city.

Baltimore County. The entire county.

Carroll County. The entire county.

Cecil County. The entire county.

Frederick County. The entire county.

Harford County. The entire county.

Kent County. That portion of the county bounded by a line beginning at a point where State Highway 290 intersects the Kent County-Queen Annes County Line; then north along said highway to its intersection with the Maryland-Delaware state line; then south along said line to its intersection with the Kent County-Queen Annes County line; then west along said line to the point of beginning.

Washington County. The entire county.

(2) *Low-risk area:*

Allegany County. The entire county.

Anne Arundel County. The entire county.

Caroline County. The entire county.

Dorchester County. The entire county.

Howard County. The entire county.

Kent County. That portion of the county bounded by a line beginning at a point where State Highway 290 intersects the Kent County-Queen Annes County line; then north along said highway to its intersection with the Maryland-Delaware state line; then north along said line to its intersection with Kent County-Cecil County line; then westward, southward, and eastward along the Kent County line to the point of beginning.

Montgomery County. The entire county.

Prince Georges County. The entire county.

Queen Annes County. The entire county.

Talbot County. The entire county.

Wicomico County. The entire county.

Worcester County. The entire county.

Massachusetts

(1) *High-risk area:* The entire State.

(2) *Low-risk area:* None.

Michigan

(1) *High-risk area:*

Isabella County. Sec. 33, T. 13 N., R. 4 W.; and sec. 35, T. 14 N., R. 6 W.

(2) *Low-risk area:*

Arenac County. The entire county.

Bay County. The entire county.

Berrien County. Sec. 1 and 2, T. 3 S., R. 18 W.

Clare County. The entire county.

Genesee County. The entire county.

Gladwin County. The entire county.

Grand Traverse County. Sec. 36, T. 28 N., R. 11 W.

Gratiot County. The entire county.

Isabella County. Entire county *except* sec. 33, T. 13 N., R. 4 W.; and sec. 35, T. 14 N., R. 6 W.

Kalamazoo County. Sec. 1 and 2, T. 1 S., R. 11 W., and sec. 16 and 17, T. 3 S., R. 11 W.

Kent County. Sec. 27, T. 5 N., R. 10 W.

Livingston County. Sec. 10, 11, 14, and 15, T. 1 N., R. 5 E., and sec. 13 and 14, T. 3 N., R. 6 E.

Mecosta County. The entire county.

Midland County. The entire county.

Montcalm County. The entire county.

Muskegon County. Sec. 6 and 7, R. 16 W., T. 9 N., and sec. 1 and 2, R. 17 W., T. 9 N.

Oakland County. The entire county.

Osceola County. The entire county.

Ottawa County. Secs. 23, 24, 25, and 26, T. 7 N., R. 16 W.

Saginaw County. The entire county.

Van Buren County. Sec. 15, 16, 21, and 22, T. 3 S., R. 13 W.

Nebraska

(1) *High-risk area:* None.

(2) *Low-risk area:*

Lancaster County. SE¼ sec. 1, E½ sec. 12, NE¼ sec. 13, T. 10 N., R. 5 E., and S½ sec. 6, sec. 7, N½ sec. 18, T. 10 N., R. 6 E.

New Hampshire

(1) *High-risk area:*

Belknap County. The entire county.

Carroll County. The entire county.

Cheshire County. The entire county.

Grafton County. The entire county.

Hillsboro County. The entire county.

Merrimack County. The entire county.

Rockingham County. The entire county.

Strafford County. The entire county.

Sullivan County. The entire county.

(2) *Low-risk area:*

Coos County. The entire county.

New Jersey

(1) *High-risk area:* The entire State.

(2) *Low-risk area:* None.

New York

(1) *High-risk area:*

Albany County. The entire county.

Bronx County. The entire county.

Broome County. The entire county.

Cayuga County. The towns of Fleming, Genoa, Ledyard, Locke, Moravia, Niles, Owasco, Scipio, Sempronius, Springport, Sterling, Summer Hill, and Venice.

Chemung County. The entire county.

Chenango County. The towns of Afton, Bainbridge, Coventry, German, Greene, Guilford, McDonough, New Berlin, North Norwich, Oxford, Pharsalia, Pitcher, Plymouth, Preston, Smithville, and the city of Norwich.

Clinton County. The entire county.

Columbia County. The entire county.

Cortland County. The towns of Cincinnatus, Cortlandville, Freetown, Hartford, Lapeer, Marathon, Solon, Taylor, Virgil, Willet, and the city of Cortland.

Delaware County. The entire county.

Dutchess County. The entire county.

Essex County. The entire county.

Franklin County. The entire county

Fulton County. The entire county.

Greene County. The entire county.

Jefferson County. The town of Cape Vincent.

Kings County. The entire county.

Livingston County The town of Ossian

Madison County. The town of Sullivan

Monroe County. The entire county.

Montgomery County. The entire county

Nassau County. The entire county.

New York County. The entire county.

Oneida County. The towns of Annsville, Camden, Deerfield, Lee, Marcy, New Hartford, Rome City, Utica City, Verona, Vienna, Western, Westmoreland, and Whitestown.

Onondaga County. The towns of Clay, Lafayette, and Otisco.

Orange County. The entire county.

Otsego County. The entire county.

Oswego County. The towns of Constantia, Hastings, Palermo, Schroeppel, Volney, and West Monroe.
Putnam County. The entire county.
Queens County. The entire county.
Rensselaer County. The entire county.
Richmond County. The entire county.
Rockland County. The entire county.
Saratoga County. The entire county.
Schenectady County. The entire county.
Schoharie County. The entire county.
Schuyler County. The entire county.
Seneca County. The towns of Covert, Lodi, Ovid, Romulus, and Varick.
St. Lawrence County. The towns of Brasher, Hopkinson, Lawrence, Louisville, Massena, Norfolk, and Stockholm.
Steuben County. The towns of Addison, Bath, Bradford, Cameron, Campbell, Caton, Corning, Corning City, Dansville, Erwin, Hornby, Lindley, Prattsburg, Pulteney, Rathbone, Thurston, Tuscarora, Urbana, Wayland, Wayne, Wheeler, and Woodhull. City, Erwin, Hornby, Lindley, and Pulteney.
Suffolk County. The entire county.
Sullivan County. The entire county.
Tioga County. The entire county.
Tompkins County. The entire county.
Ulster County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Westchester County. The entire county
Yates County. The towns of Barrington, Jerusalem, Milo, Starkey, and Torrey.
(2) *Low-risk area:*
Allegany County. The entire county.
Cattaraugus County. The entire county.
Cayuga County. The towns of Aurelius, Brutus, Cato, Conquest, Ira, Mentz, Montezuma, Sennett, Throop, and Victory.
Chautauqua County. The entire county.
Chenango County. The towns of Columbus, Lincklaen, Otselie, Smyrna, and Sherburne.
Cortland County. The towns of Cuyler, Homer, Preble, Scott, and Truxton.
Erie County. The entire county.
Genesee County. The entire county.
Hamilton County. The entire county
Herkimer County. The entire county.
Jefferson County. The entire county *except* the town of Cape Vincent.
Lewis County. The entire county.
Livingston County. The entire county *except* the town of Ossian.
Madison County. The entire county *except* the town of Sullivan.
Niagara County. The entire county.
Oneida County. The towns of Augusta, Ava, Boonville, Bridgewater, Florence, Floyd, Forestport, Kirkland, Marshall, Paris, Remsen, Sangerfield, Steuben, Trenton, and Vernon.
Onondaga County. The entire county *except* the towns of Clay, Lafayette, and Otisco.
Ontario County. The entire county.
Orleans County. The entire county.
Oswego County. The entire county *except* the towns of Constantia, Hastings, Palermo, Schroeppel, Volney, and West Monroe.
Seneca County. The towns of Fayette, Junus, Seneca Falls, Tyre, and Waterloo.
Steuben County. The towns of Avoca, Canisteo, Conocton, Fremont, Greenwood, Hartsville, Hornellsville, Howard, Jasper, Troupsburg, and West Union.
St. Lawrence County. The entire county *except* the towns of Brasher, Hopkinson, Lawrence, Louisville, Massena, Norfolk, and Stockholm.
Wayne County. The entire county.
Wyoming County. The entire county.
Yates County. The towns of Benton, Italy, Middlesex, and Potter.

North Carolina

(1) *High-risk area:* None.
(2) *Low-risk area:*
Carteret County. That area bounded by a line beginning at a point on the northern shoreline of Taylors Creek and running north on an imaginary course to the intersection of State Secondary Road 1310 and State Secondary Road 1311; then northerly along State Secondary Road 1311 to its ending; then northerly along an imaginary line to its intersection with North River; then southwesterly along North River shoreline to its junction with Taylors Creek; then westerly along Taylors Creek to the point of beginning.
Johnston County. That property known as the Lakeview KOA Campground on the southeast side of Interstate Highway 95 and located 0.5 mile from the junction of Interstate Highway 95 and U.S. Highway 70A.
Wake County. That area bounded by a line beginning at a point where Millbrook Road intersects Windy Hill Drive; then north on said drive to its intersection with Quail Ridge Road; then northeasterly on said road to its intersection with the powerline right-of-way; then southeasterly along said right-of-way to its intersection with Departure Drive; then south on said drive to its intersection with Millbrook Road; then northwesterly on said road to its intersection with Lacy Avenue; then southwesterly on said avenue to its intersection with 2nd Street; then northwesterly on said street to its intersection with Millbrook Road and Old Wake Forest Road; then westerly on Millbrook Road to the point of beginning.

Ohio

(1) *High-risk area:* None.
(2) *Low-risk area:*
Columbiana County. That portion of the city of Salem and Perry Township bounded by a line beginning at a point where Painter Road and Brooklyn Avenue intersect, then south along Brooklyn Avenue to its itersection with 3rd Avenue, then west along 3rd Avenue to its intersection with Highland Avenue, then north along Highland Avenue to its intersection with Painter Road, then east along Painter Road to the point of beginning.
Franklin County. That portion of the village of Blacklick bounded by a line beginning at a point where Blacklick Creek and Columbus-Newark Road intersect; then west along said road to its intersection with Taylor Station Road; then northerly along said road to its intersection with Taylor Road; then easterly along said road to its intersection with Reynoldsburg-New Albany Road; then due east from said intersection along an imaginary line to its intersection with Blacklick Creek; then southerly along said creek to the point of beginning.
That portion of the city of Gahanna bounded by a line beginning at a point where Morse Road and Shull Road intersect; then southerly along said road to its intersection with Headley Road; then east along Headley Road to its intersection with Clark State Road; then southwesterly along said road, to its intersection with Clofts Road; then northerly along said road to its intersection with Columbus-Millersburg Road; then northeasterly along said road to its intersection with Morse Road; then east along said road to the point of beginning.
Hamilton County. That portion of the city of Cincinnati bounded by a line beginning at a point where Wasson Road intersects with Paxton Avenue; then south along said avenue to its intersection with Erie Avenue; then west along said avenue to its intersection with Edwards Road; then north along said road to its intersection with Wasson Road; then east along said road to the point of beginning.
That portion of Anderson Township bounded by a line beginning at a point where Lawyer Road intersects with Hunley Road; then northeast along said road to its intersection with Wolfangle Road; then southerly along said road to its intersection with Clough Pike; then southwest, southwesterly, and northwest along said pike to its intersection with Newtown Road; then northeast along said road to its intersection with Lawyer Road; then southeast along said road to the point of beginning.
Knox County. That portion of Clinton and Morris Townships bounded by a line beginning at a point where McKensie Road and the eastern boundary line of Morris Township intersect; then south along said township line to its intersection with the northern boundary line of the city limit line of the city of Mt. Vernon; then westerly, northerly, and westerly along said city limit line to its intersection with Mansfield Road; then northerly along said road to its intersection with McKensie Road; then easterly along said road to the point of beginning.
Lucas County. That portion of the city of Sylvania bounded by a line beginning at a point where Monroe Street and Whiteford Road intersect; then south along said road to its intersection with Cory Road, then northwest along said road to its intersection with Monroe Street, then southeast along said street to the point of beginning.

Oregon

(1) *High-risk area:* None.
(2) *Low-risk area:*
Marion County. That portion of the city of Salem beginning at a point where Liberty Road S.E. intersects Salem Heights Avenue; then east along said avenue to Ratcliff Drive; then easterly along said drive to its intersection with Bluff Avenue; then due east from said intersection along an imaginary line to the Southern Pacific Railroad; then southeast along said railroad to its intersection with Madrona Avenue; then southwest along said avenue to its intersection with Strong Road; then southeast along said road to its intersection with Reed Road; then southwest along said road to its intersection with Battle Creek Road; then southeast along said road to its intersection

with Boone Road; then east along said road to its intersection with Interstate Highway 5; then southerly along said highway to its intersection with Delaney Road; then westerly along said road to its intersection with Sunnyside Road; then north along said road to its intersection with Hylo Road; then west along said road to its intersection with Liberty Road; then north along said road to its intersection with Cole Road; then westerly along said road to its intersection with Moore Road; then northwesterly along said road to its intersection with Skyline Road; then northeast along said road to its intersection with Liberty Road; then northeast along said road to the point of the beginning.

Sec. 23, T. 7 S., R. 3 W.

Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, and 35, T. 8 S., R. 3 W.

Secs. 6, 7, 17, 18, 19, 20, 28, 29, 30, and S½ of 21, T. 8 S., R. 2 W.

Pennsylvania

(1) *High-risk area:*
Adams County. The entire county.
Bedford County. The entire county.
Berks County. The entire county.
Blair County. The entire county.
Bradford County. The entire county.
Bucks County. The entire county.
Cambria County. The entire county.
Cameron County. The entire county.
Carbon County. The entire county.
Centre County. The entire county.
Chester County. The entire county.
Clearfield County. The entire county.
Clinton County. The entire county.
Columbia County. The entire county.
Cumberland County. The entire county.
Dauphin County. The entire county.
Delaware County. The entire county.
Elk County. The entire county.
Franklin County. The entire county.
Fulton County. The entire county.
Huntingdon County. The entire county.
Indiana County. The entire county.
Jefferson County. The entire county.
Juniata County. The entire county.
Lackawanna County. The entire county.
Lancaster County. The entire county.
Lebanon County. The entire county.
Lehigh County. The entire county.
Luzerne County. The entire county.
Lycoming County. The entire county.
Mifflin County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Montour County. The entire county.
Northampton County. The entire county.
Northumberland County. The entire county.
Perry County. The entire county.
Philadelphia County. The entire county.
Pike County. The entire county.
Potter County. The entire county.
Schuylkill County. The entire county.
Somerset County. The entire county.
Snyder County. The entire county.
Sullivan County. The entire county.
Susquehanna County. The entire county.
Tioga County. The entire county.
Union County. The entire county.
Wayne County. The entire county.
Wyoming County. The entire county.
York County. The entire county.

(2) *Low-risk area:* Counties not designated as high-risk area.

Rhode Island

(1) *High-risk area:* The entire State.
(2) *Low-risk area:* None.

Vermont

(1) *High-risk area:*
Addison County. The entire county.
Bennington County. The entire county.
Chittenden County. The entire county.
Franklin County. The entire county.
Grand Isle County. The entire county.
Rutland County. The entire county.
Windham County. The entire county.
Windsor County. The entire county.
(2) *Low-risk area:*
Caledonia County. The entire county.
Essex County. The entire county.
Lamoille County. The entire county.
Orange County. The entire county.
Orleans County. The entire county.
Washington County. The entire county.

Virginia

(1) *High-risk area.* None.
(2) *Low-Risk area:*
Arlington County. The entire county.
City of Alexandria. The entire city.
City of Fairfax. The entire city.
City of Falls Church. The entire city.
City of Manassas. The entire city.
City of Winchester. The entire city.
Clarke County. The entire county.
Culpeper County. That portion of the county beginning at a point where Fauquier, Rappahannock, and Culpeper Counties intersect with the Rappahannock River; then southwest along the Culpeper-Rappahannock County line to its intersection with State Road 729; then southerly along State Road 729 to its intersection with State Road 685; then easterly along State Road 685 to its intersection with State Road 625; then northeasterly along State Road 625 to its intersection with Muddy Run; then east along Muddy Run to its intersection with the Hazel River; then easterly along the Hazel River to its intersection with the Rappahannock River; then northerly and westerly along the Rappahannock River to the point of beginning.
Fairfax County. The entire county.
Fauquier County. The entire county.
Floyd County. That area bounded by a line beginning at the junction of State Highways 8 and 750; thence southwesterly along State Highway 750 to its westernmost junction with State Highway 738; thence northwesterly along State Highway 738 to its junction with State Highway 737; thence southwesterly along State Highway 737 to its junction with State Highway 739; thence southeasterly along State Highway 739 to its junction with State Highway 730; thence easterly along State Highway 730 to its junction with State Highway 705; thence northeasterly along State Highway 705 to its junction with State Highway 8; thence northwesterly along State Highway 8 to the point of origin.
Frederick County. The entire county.
Loudoun County. The entire county.
Lunenburg County. That portion of the county bounded by a line beginning at a point where State Highway 712 and Gills Creek intersect; then southeast along an imaginary line to its intersection with State Highway 687 and State 628; then southwest along State Highway 628–687 to its intersection with State Highway 688; then southwest on State Highway 687 to an imaginary point 0.6 mile southwest of the intersection of State Highway 628–687 and State Highway 688; then west along an imaginary line from said imaginary point to the end of State Highway 698; then northwest along said highway to its intersection with State Highway 628; then northwest from said intersection along an imaginary line to the intersection of State Highway 712 and the Charlotte County-Lunenburg County Line; then northeast along State Highway 712 to the point of beginning.
Prince William County. The entire county.
Shenandoah County. That portion of the county which lies north and east of State Road 675.
Stafford County. The entire county.
Warren County. The entire county.

Washington

(1) *High-risk area:* None.
(2) *Low-risk area:*
Clark County. That portion of the county bounded by a line beginning at a point where Interstate 5 intersects N.W. 179th Street, then southerly along Interstate 5 to its intersection with N.W. 78th Street, then west on said street to its end, then due west along an imaginary line from the end of N.W. 78th Street to the Columbia River, then northerly along said river to an imaginary point which is due west from the intersection of N.W. 179th Street and N.W. 41st Avenue, and then due east from said imaginary point along an imaginary line to the intersection of N.W. 179th Street and N.W. 41st Avenue, then west along N.W. 179th Street to the point of beginning.

That portion of the county bounded by a line beginning at a point where the Columbia River shoreline intersects N.W. 179th Street, then easterly along said street to its intersection with Interstate 5; then southerly along Interstate 5 to its intersection with N.E. 78th Street; then due west from said intersection along an imaginary line to its intersection with the Columbia River shoreline; then north along the Columbia River shoreline to the point of beginning.
King County. The entire county
Kitsap County. The entire county.
Pierce County. The entire county.

West Virginia

(1) *High-risk area:* None.
(2) *Low-risk area:*
Berkeley County. The entire county.
Jefferson County. The entire county.
Morgan County. The entire county.

Wisconsin

(1) *High-risk area:* None.
(2) *Low-risk area:*
Dane County. That portion of the city of Monona beginning at a point where Lake Monona shoreline and Winnequah Road intersects; thence easterly on said road to its intersection with Schluter Road; thence northeasterly on said road to its intersection with Maywood Road; thence northeasterly along said road to its intersection with Greenway Road; thence east on said road to its intersection with Midmoor Road; thence northerly on said road to its intersection with

Outlook Street; thence northwesterly on said street to its intersection with Lake Monona shoreline; thence southeasterly along said shoreline to the point of beginning.

Waukesha County. N½ Sec. 2, and NE¼ Sec. 3, T. 7 N., R. 17 E; SE¼ Sec. 34, and S½ Sec. 35, T. 8 N, R. 17 E.

That portion of the city of Elm Grove bounded by a line beginning at a point where Juneau Boulevard and Highland Drive intersect; then north on Highland Drive to its intersection with North Avenue; then east on North Avenue to its intersection with CM ST P&P railroad tracks; then southeasterly along said tracks to its intersection with Juneau Boulevard; then west on Juneau Boulevard to the point of beginning.

* * * * *

(Secs. 8 and 9, 37 Stat. 318, as amended, secs. 105 and 106, 71 Stat. 32, 33; (7 U.S.C. 161, 162, 150dd, 150ee); 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 16th day of March 1983.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83-7239 Filed 3-18-83; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 403; Lemon Reg. 402, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period March 20–26, 1983, and increases the quantity of lemons that may be shipped during the period March 13–19, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective March 20, 1983, and the amendment is effective for the period March 13–19, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on March 15, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.703 is added as follows:

§ 910.703 Lemon Regulation 403.

The quantity of lemons grown in California and Arizona which may be handled during the period March 20, 1983, through March 26, 1983, is established at 250,000 cartons.

2. Section 910.702 Lemon Regulation 402 (48 FR 10292) is revised to read as follows:

§ 910.702 Lemon Regulation 402.

The quantity of lemons grown in California and Arizona which may be handled during the period March 13, 1983, through March 19, 1983, is established at 270,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Dated: March 17, 1983.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-7308 Filed 3-18-83; 8:45 am]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Revision 2—Amdt. 27]

Delegation of Authority to Conduct Program Activities in Field Offices

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Regional Administrator in Region IV proposed a change to the Delegations of Authority for Field Offices which would implement the consolidation, over the next 180 days, of the Surety Bond Guarantee Program at the regional office level in his region. This proposal necessitated increasing the delegated authority of Region IV's Assistant Regional Administrator for Finance and Investment from $500,000 to $1,000,000, and the Surety Bond Coordinator from $250,000 to $500,000. This change was approved. The increased authority will enable the Surety Bond Guarantee Program personnel in the Atlanta Regional Office to process the Surety Bond Guarantee Program workload received from Region IV district offices.

EFFECTIVE DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald Allen, Paperwork Management Branch, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416. Telephone No. (202) 653–8538

SUPPLEMENTARY INFORMATION: Part 101 consists of rules relating to the Agency's organization and procedures; therefore, notice of proposed rulemaking and

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public participation thereon as prescribed in 5 U.S.C. 553 is not required and this amendment to Part 101 is adopted without resort to those procedures.

List of Subjects in 13 CFR Part 101

Authority delegations (Government agencies), Administrative practice and procedure, Organization and functions (Government agencies).

All actions guaranteeing sureties against portion of losses resulting from the breach of bid payment, or performance bonds on contracts, taken by the Assistant Regional Administrator for Finance and Investment and the Surety Bond Coordinator in the Atlanta Regional Office for the period including January 24, 1983 until publication of this amendment in the **Federal Register** are hereby ratified.

For the reasons set forth in the preamble and pursuant to authority in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, Part 101, 13 CFR 101.3–2 is amended as set forth below:

Part III, Section C, paragraph 1., subparagraphs a. through i. are revised as a. through j. as follows:

a. Regional Administrator	$1,000,000
b. Deputy Regional Administrator	1,000,000
c. Assistant Regional Administrator/F&I, except Atlanta, R.O	500,000
d. Assistant Regional Administrator/F&I, Atlanta R.O only	1,000,000
e. Supervisory Surety Bond Guarantee Specialist, Philadelphia R.O only	500,000
f. Surety Bond Coordinator, Atlanta R.O only	500,000
g. District Director and Deputy District Director, San Francisco and all Region IV district offices only	500,000
h. Assistant District Director/F&I, San Francisco and all Region IV district offices only	[illegible],000
i. Senior Surety Bond Guarantee Specialist	250,000
j. Surety Bond Officer	250,000

(Sec. 5(b)(6), Small Business Act, 15 U.S.C. 634)

Dated: March 11, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-7257 Filed 3-18-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 23401; SC No. 23-ACE-2]

Special Conditions; New Zealand Aerospace Industries, Ltd., Model Cresco Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These Special Conditions are issued to New Zealand Aerospace Industries, Ltd., (NZAI) to become a part of the type certification basis for NZAI Model Cresco airplane. The airplane will have novel or unusual design features associated with a turbopropeller installation on a single-engine airplane for which the applicable airworthiness standards of Part 23 of the Federal Aviation Regulations (FAR) do not contain adequate or appropriate safety standards. These Special Conditions contain the additional safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations applicable to the Model Cresco airplane.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: J. Robert Ball, Aerospace Engineer, Regulations and Policy Office (ACE-110), Aircraft Certification Division, Central Region, Federal Aviation Administration, Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374–5688.

SUPPLEMENTARY INFORMATION:

Type Certification Basis

The applicable airworthiness standards for import products are those regulations designated in accordance with § 21.29 of the FAR and are known as the "type certification basis" for the airplane design. The type certification basis for the New Zealand Aerospace Industries, Ltd., Model Cresco airplane is as follows: Part 23 of the FAR effective February 1, 1965, through Amendment 23–25, effective March 6, 1980; Part 36 of the FAR effective December 1, 1969 through Amendment 36–9; Special Federal Aviation Regulation (SFAR) No. 27 effective February 1, 1974, through Amendment 27–3; and the Special Conditions adopted by this rulemaking action.

Special Conditions may be issued, and amended as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) of the FAR do not contain adequate or appropriate safety standards because of novel or unusual design features. Special Conditions, as appropriate, are issued in accordance with §§ 21.16 and 21.101(b)(2) of the FAR and become a part of the type certification basis in accordance with § 21.17(a)(2) of the FAR.

Background

On May 29, 1978, New Zealand Aerospace Industries, Ltd., filed an application for a United States issued type certificate for its Model Cresco airplane under the procedures as set forth in § 21.29 of the FAR for a showing of compliance with the airworthiness standards of Part 23 of the FAR. The type certificate was not issued within the three-year limit established by § 21.17(b) of the FAR. The applicant (NZAI) requested two extensions to the original type certificate application pursuant to § 21.17(c)(2) of the FAR and recommended October 13, 1980, as the new date of effectivity for applicable airworthiness requirements. The FAA granted the requested time extension, and the New Zealand Civil Aviation Division was advised that the type certification basis would be revised to reflect additional airworthiness standards of Part 23 of the FAR.

The Model Cresco is a single-engine airplane of conventional metal construction with maximum certificated takeoff weights of 6,450 pounds for operation as a normal category airplane and 7,000 pounds in the restricted category when used for agricultural purposes. The airplane is powered by an Avco Lycoming LTPO 101 turbine engine rated at 600 shaft horsepower (SHP) and equipped with a Hartzell three-bladed propeller. The turbopropeller engine is mounted on a long mount forward of the fuselage. While dynamic loads imposed on the aircraft structure by such turbopropeller engine installations were considered when the regulations were promulgated by Amendment 23–7, effective September 14, 1969 (34 FR 13078), for multiengine airplanes, single-engine installations were not envisioned at that time.

Discussion of Comments

One public comment was received in response to Notice No. SC–82–4–CE which was published in the **Federal Register** on November 26, 1982 (47 FR 53397). The one commenter, General Aviation Manufacturers Association (GAMA), had no objection to the Special Conditions as published in the notice.

List of Subjects

14 CFR Part 21

Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 23

Air transportation, Aircraft, Aviation safety, Safety, Tires.

Adoption of the Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, Special Conditions No. 23–ACE–2 are adopted for the New Zealand Aerospace Industries, Ltd., Model Cresco airplane, effective April 20, 1983, as follows:

Dynamic Evaluation, Engine Installation

In addition to the requirements in § 23.629 of the FAR, the dynamic evaluation of the airplane must include:

1. Whirlmode degree of freedom which takes into account the stability of the plane of rotation of the propeller and significant elastic, inertial, and aerodynamic forces; and

2. Engine-propeller-engine mount stiffness and damping variations appropriate to the particular configuration.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. §11.49(b) of the Federal Aviation Regulations (14 CFR 11.49(b)))

Issued in Kansas City, Missouri, on March 4, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83–7012 Filed 3–18–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 82–ASW–84]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area; De Ridder, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at De Ridder, LA. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Beauregard Parish Airport. This amendment is necessary since the relocation of the nondirectional radio beacon (NDB) and the installation of an instrument landing system (ILS).

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW–535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877–2640.

SUPPLEMENTARY INFORMATION:

History

On January 3, 1983, a notice of proposed rulemaking was published in the **Federal Register** (48 FR 29) stating that the Federal Aviation Administration proposed to alter the De Ridder, LA, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones and/or transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70–3A dated January 3, 1983, is amended, effective 0901 G.m.t., April 14, 1983, as follows:

De Ridder, LA Revised

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Beauregard Parish Airport (latitude 30°50′00″N., longitude 93°20′30″W.)

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on March 8, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83–7013 Filed 3–18–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 23566; Amdt. No. 1238]

Air Traffic and General Operating Rules; Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Pubic Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

** * * Effective April 28, 1983*

Flippin, AR—Marion County Regional, VOR–A, Amdt. 10
Sacramento, CA—Sacramento Executive, VOR Rwy 2, Amdt. 8
Chester, CT—Chester, VOR–A, Amdt. 2
Morris, IL—Morris Muni, VOR–A, Amdt. 8
Peoria, IL—Greater Peoria, VOR Rwy 12 (TAC), Amdt. 19
Peoria, IL—Greater Peoria, VOR/DME or TACAN Rwy 30, Amdt. 5
Westfield, MA—Barnes Muni, VOR Rwy 20, Amdt. 18
Westfield, MA—Barnes Muni, VOR or TACAN Rwy 2, Amdt. 2
Ann Arbor, MI—Ann Arbor Muni, VOR Rwy 6, Amdt. 11
Ann Arbor, MI—Ann Arbor Muni, VOR Rwy 24, Amdt. 10
Gaylord, MI—Otsego County, VOR Rwy 9, Amdt. 4
Gaylord, MI—Otsego County, VOR Rwy 27, Amdt. 4
Three Rivers, MI—Three Rivers Muni Dr. Haines, VOR–A, Amdt. 7
Ainsworth, NE—Ainsworth Muni, VOR Rwy 17, Amdt. 6
Ainsworth, NE—Ainsworth Muni, VOR Rwy 35, Amdt. 2
Jaffrey, NH—Jaffrey Muni—Silver Ranch, VOR–A, Amdt. 3
Binghamton, NY—Edwin A. Link Field-Broome County, VOR Rwy 10, Amdt. 5
Binghamton, NY—Edwin A. Link Field-Broome County, VOR/DME Rwy 28, Amdt. 8
Wallace, NC—Henderson Field, VOR/DME–A, Amdt. 3
Seven Springs Borough, PA—Seven Springs, VOR–A, Amdt. 1
State College, PA—State College Air Depot, VOR–A, Amdt. 8, cancelled
Austin, TX—Tims Airpark, VOR/DME Rwy 18, Original
Austin, TX—Tims Airpark, VOR/DME–A, Amdt. 4, cancelled
Cleveland, TX—Cleveland Muni, VOR–A, Amdt. 2
Gruver, TX—Cluck Ranch, VOR/DME–A, Amdt. 1
Gruver, TX—Gruver Muni, VOR/DME–A, Amdt. 1

** * * Effective April 14, 1983*

Grand Canyon, AZ—Grand Canyon National Park, VOR Rwy 3, Amdt. 4
Mansfield, OH—Mansfield Lahm Muni, VOR Rwy 14, Amdt. 10
Mansfield, OH—Mansfield Lahm Muni, VOR Rwy 32, Amdt. 3

** * * Effective March 9, 1983*

Austin, MN—Austin Muni, VOR Rwy 17, Amdt. 11
Austin, MN—Austin Muni, VOR Rwy 35, Amdt. 11

** * * Effective February 28, 1983*

Ardmore, OK—Downtown Ardmore, VOR–A, Amdt. 10

** * * Effective February 25, 1983*

Kremmling CO—Kremmling, VOR/DME–A, Original

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

** * * Effective April 28, 1983*

Auburn, AL—Auburn-Opelika Robert G. Pitts, LOC/DME Rwy 36, Original
Elmira, NY—Chemung County, LOC BC Rwy 6, Amdt. 1
Schenectady, NY—Schenectady County, LOC Rwy 4, Amdt. 2

** * * Effective April 14, 1983*

Mansfield, OH—Mansfield Lahm Muni, LOC BC Rwy 14, Amdt. 4

3. By amending Part 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective April 28, 1983*

Sacramento, CA—Sacramento Executive, NDB Rwy 2, Amdt. 8
Peoria, IL—Greater Peoria, NDB Rwy 30, Amdt. 11
Pratt, KS—Pratt Muni, NDB Rwy 17, Amdt. 2
Westfield, MA—Barnes Muni, NDB Rwy 20, Amdt. 13
Gaylord, MI—Otsego County, NDB Rwy 9, Amdt. 5
Three Rivers, MI—Three Rivers Muni Dr. Haines, NDB Rwy 27, Amdt. 5
Binghamton, NY—Edwin A. Link Field—Broome County, NDB Rwy 34, Amdt. 15
Elmira, NY—Chemung County, NDB Rwy 24, Amdt. 11
Schenectady, NY—Schenectady County, NDB Rwy 22, Amdt. 11
Idabel, OK—Idabel, NDB Rwy 17, Amdt. 1
Athens, TX—Athens Muni, NDB Rwy 35, Amdt. 2
Gruver, TX—Gruver Muni, NDB Rwy 20, Amdt. 1
Hereford, TX—Hereford Muni, NDB Rwy 21, Amdt. 1

** * * Effective April 14, 1983*

Sturgis, KY—Sturgis Muni, NDB Rwy 36, Amdt. 3
Basking Ridge, NJ—Somerset Hills, NDB–A, Amdt. 5, cancelled
Mansfield, OH—Mansfield Lahm Muni, NDB Rwy 32, Amdt. 8

* * * *Effective February 28, 1983*

Ardmore, OK—Downtown Ardmore, NDB Rwy 35, Amdt. 3

4. By amending Part 97.29 ILS-MIS SIAPs identified as follows:

* * * *Effective April 28, 1983*

Sacramento, CA—Sacramento Executive, ILS Rwy 2, Amdt. 21
Atlanta, GA—The William B Hartsfield Atlanta INTL, ILS Rwy 9L, Amdt. 3
Atlanta, GA—The William B Hartsfield Atlanta INTL, ILS Rwy 27R, Amdt. 1
Peoria, IL—Greater Peoria, ILS Rwy 12, Amdt. 2
Peoria, IL—Greater Peoria, ILS Rwy 30, Amdt. 2
Portland, ME—Portland Intl Jetport, ILS Rwy 11, Amdt. 18
Westfield, MA—Barnes Muni, ILS Rwy 20, Amdt. 3
Binghamton, NY—Edwin A. Link Field-Broome County, ILS Rwy 16 Amdt. 1
Binghamton, NY—Edwin A. Link Field-Broome County, ILS Rwy 34, Amdt. 19
Elmira, NY—Chemung County, ILS Rwy 24, Amdt. 13
Bismarck, ND—Bismarck Muni, ILS Rwy 13, Amdt. 1
LaCrosse, WI—LaCrosse Muni, ILS Rwy 18, Amdt. 11

* * * *Effective April 14, 1983*

Mansfield, OH—Mansfield Lahm Muni, ILS Rwy 32, Amdt. 11

* * * *Effective March 3, 1983*

Washington, DC—Dulles Int., ILS Rwy 19R, Amdt. 17

5. By amending Part 97.31 RADAR SIAPs identified as follows:

* * * *Effective April 28, 1983*

Sarasota (Bradenton), FL—Sarasota-Bradenton, RADAR-1, Amdt. 3
Peoria, IL—Greater Peoria, RADAR-1, Amdt. 9
Binghamton, NY—Edwin A. Link Field-Broome County, RADAR-1, Amdt. 6

* * * *Effective March 3, 1983*

Washington, DC—Dulles Intl, RADAR-1, Amdt. 11

5. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective April 28, 1983*

Mobile, AL—Bates Field, RNAV Rwy 9, original
Peoria, IL—Greater Peoria, RNAV Rwy 4, Amdt. 4
Peoria, IL—Greater Peoria, RNAV Rwy 22, Amdt. 5
Ann Arbor, MI—Ann Arbor Muni, RNAV Rwy 24, Amdt. 3
Binghamton, NY—Edwin A. Link Field-Broome County, RNAV Rwy 10, Amdt. 1, cancelled
Binghamton, NY—Edwin A. Link Field-Broome County, RNAV Rwy 16, Amdt. 1, cancelled
Binghamton, NY—Edwin A. Link Field-Broome County, RNAV Rwy 28, Amdt. 1, cancelled

* * * *Effective April 14, 1983*

Mansfield, OH—Mansfield Lahm Muni, RNAV Rwy 23, Amdt. 4

* * * *Effective March 3, 1983*

Washington, D.C.—Dulles Intl, RNAV Rwy 19R, Amdt. 6
White Plains, NY—Westchester County, RNAV Rwy 34, Amdt. 3

* * * *Effective February 28, 1983*

Ardmore, OK—Downtown Ardmore, RNAV Rwy 17, Amdt. 2
Ardmore, OK—Downtown Ardmore, RNAV Rwy 35, Amdt. 2

* * * *Effective February 24, 1983*

Oklahoma City, OK—Clarence E. Page Muni, RNAV Rwy 17, Amdt. 2
Oklahoma City, OK—Clarence E. Page Muni, RNAV Rwy 35, Amdt. 2

Note.—The FAA published an amendment in Docket No. 23549, Amdt. No. 1237 to Part 97 of the Federal Aviation Regulations (Vol 48 FR No. 45 Page 9519; Dated March 7, 1983) Under Section 97.33 Effective April 14, 1983, Which is Hereby Amended as Follows:

Joliet, IL—Joliet Park District, RNAV Rwy 12, Amdt. 10
Cadillac, MI—Wexford County, RNAV Rwy 7, Amdt. 3
Cadillac, MI—Wexford County, RNAV Rwy 25, Amdt. 2
St. Louis, MO—Lambert-St. Louis Intl, RNAV Rwy 6, original
Pittsburgh, PA—Greater Pittsburgh Intl, RNAV Rwy 14, Amdt. 4, cancelled

Procedures Shall Be Removed From This § 97.33 Radar and Added To § 97.33 RNAV With Same Effective Date of April 14, 1983.

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on March 11, 1983.

John M. Howard,

Manager, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

[FR Doc. 83-7240 Filed 3-18-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Computing Primary Insurance Amounts; Correction

AGENCY: Social Security Administration, HHS.

ACTION: Final rules; correction.

SUMMARY: This document corrects the example which follows § 404.211(e)(4) in the final rules which were published on July 15, 1982 (47 FR 30731). In the example as published, we erroneously dropped out, under the "child care dropout" provision, years in which the worker had earnings. As provided in § 215(b)(2)(A) of the Social Security Act, "child care dropout" years can be only years of no earnings.

FOR FURTHER INFORMATION CONTACT: Jack Schanberger, Room 3-B-4, Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301)594-6785.

Dated: March 15, 1983.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

PART 404—[AMENDED]

Accordingly, the Social Security Administration is correcting the example which follows 20 CFR 404.211(e)(4) by revising the last sentence in the first paragraph, by revising the last sentence of the second paragraph, and by adding a sentence to the second paragraph, so that the example as corrected reads as follows:

§ 404.211 Computing your average indexed monthly earnings.

* * * * *

(e) * * *

(4) * * *

Example. Ms. M., born August 4, 1953, became entitled to disability insurance benefits (DIB) beginning in July 1980 based on a disability which began January 15, 1980. In computing the DIB, we determined that the elapsed years are 1975 through 1979, the number of dropout years is 1 (5 elapsed years divided by 5), and the number of computation years is 4. Since Ms. M. had no earnings in 1975 and 1976, we drop out 1975 and use her earnings for the years 1977 through 1979.

Ms. M. lived with her child, who was born in 1972, in all months of 1973 and 1974 and did not have any earnings in those years. We, therefore, recompute Ms. M.'s DIB beginning with July 1981 to give her the advantage of the child care dropout. To do this, we reduce

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the 4 computation years by 1 child care year to get 3 computation years. Because the child care dropout cannot be applied to computation years in which the worker had earnings, we can drop only one of Ms. M.'s computation years, i.e., 1976, in addition to the year 1975 which we dropped in the initial computation.

* * * * *

FR Doc. 83-7298 Filed 3-18-83; 8:45 am]
BILLING CODE 4190-11-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD7-82-10]

Amendment to Security Zone—Kennedy Space Center, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule adopts the interim final rule amending the Coast Guard's Security Zone regulations for Kennedy Space Center, Florida by moving the boundary line from the NASA Causeway East (Orsino Causeway) to a line in the Banana River one-quarter mile south of the causeway. Interested persons were invited to comment on the interim rule. No comments were received and no changes to the interim rule have been made. This change in the security zone boundary is made to allow the Coast Guard adequate time to respond to possible intrusions of the security zone.

EFFECTIVE DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Lieutenant Robert Buford, Commander (m), Seventh Coast Guard District, 51 S.W. First Avenue, Miami, FL, 33130; (305)-350-5651.

SUPPLEMENTARY INFORMATION: The Coast Guard published an interim rule with request for comments in the October 25, 1982 issue of the **Federal Register** (47 FR 47241). No public hearing was held on the interim rule which was effective on October 25, 1982.

Drafting Information: The principal persons involved in drafting this notice are Lieutenant Robert Buford, Project Officer, Marine Safety Division, Seventh Coast Guard District and Lieutenant Michael T. Harris, Project Attorney, Legal Officer, Seventh Coast Guard District.

Discussion of Final Rule: This change in the security zone boundary is made to allow the Coast Guard adequate time to respond to possible intrusions of the security zone.

These regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.05 of May 22, 1980). An economic evaluation of the proposal has not been conducted since their impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities. These regulations have been reviewed in accordance with Executive Order 12291 on Federal Regulation and have been determined not to be major rules under terms of that order.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation, Security measures, Vessels, and Waterways.

In consideration of the foregoing, § 165.701 of Title 33, Code of Federal Regulations is amended by replacing the text:

§ 165.701 Amended

* * * "Intracoastal Waterway to NASA Causeway East (Orsino Causeway), thence Westerly along the Southern shoreline of NASA Causeway East to the shoreline on Merritt Island at position 28-31.2N, 80-37.4W," * * *

with the text:

* * * "Intracoastal Waterway to daymarker '35' thence North Westerly one quarter of a mile south of NASA Causeway East (Orsino Causeway) to the shoreline on Merritt Island at position 28-30.95N, 80-37.6W," * * *

(c. 30, Sec. 1, 40 Stat. 220, as amended (50 U.S.C. 191); E.O. 10173; 33 CFR 6.04-6; 49 CFR 1.46(b))

Dated: December 22, 1983.

D. C. Thompson,

District Commander, Seventh Coast Guard District.

[FR Doc. 83-7125 Filed 3-18-83; 8:45 am]
BILLING CODE 4910-14-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

41 CFR Ch. 18

[Procurement Regulation Directive 82-4 (dated August 16, 1982)]

Procurement Regulations; Miscellaneous Amendments

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 82-4 concerning the following:

1. Charter of Aircraft.
2. Safety and Health.
3. Lobbying Cost.

EFFECTIVE DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Procurement Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, D C. 20546, Telephone: 202-755-2237.

SUPPLEMENTARY INFORMATION:

1. In Part 1, § 1 1350 is amended to cite the current NASA Management Instruction that is applicable to this subject.

2. In Part 1, Subpart 52 is revised to strengthen and emphasize the responsibility of affected NASA officials and to increase the effectiveness of NASA contractors in safety and health matters by revision to the Safety and Health clause. This revision also updates certain technical aspects of working environments and materials. Needed editorial changes are also made.

3. In Part 15, § 15.205-51, Lobbying Costs, is amended by the addition of language in paragraph (c) to clarify when communications considered lobbying are allowable.

List of Subjects in 41 CFR Ch. 18

Government procurement.

(42 U.S.C. 2473(c)(1).)

S. J. Evans,

Assistant Administrator for Procurement.

PART 1—GENERAL PROVISIONS

1. In Part 1, Table of Contents, the page numbers for paragraphs 1.5203 and 1.5204 are amended to read as follows:

* * * * *

Sec.
1.5203 Hazardous Materials and Operations..... 1-52:3
1.5204 Contract Provisions..... 1-52:3

2. In Part 1, § 1.1350 is revised to read as follows:

§ 1.1350 Chapter of Aircraft.

See NASA Management Instruction 7910.1, "NASA Aircraft Management."

3. In Part 1, §§ 1.5200 through 1.5204 are revised to read as follows:

Subpart 52—Safety and Health

§ 1.5200 Scope of Subpart.

This Subpart sets forth NASA's safety and health policy, responsibility, and requirements relating to its contractors.

§ 1.5201 Policy.

It is NASA policy that contractors and subcontractors will perform in a safety and health conscious environment which, within the limits of controllable hazards, will:

(i) protect the life, health, and physical well-being of NASA and contractor employees during their work on NASA programs;

(ii) assure proper protection of the public from hazards incident to operations of NASA contractors and subcontractors;

(iii) avoid accidental work interruptions which could delay NASA programs;

(iv) prevent contamination and damage to or loss of property, supplies and equipment;

(v) provide data whereby risks and loss factors in space technology related to NASA programs can be accumulated and evaluated; and

(vi) comply with applicable regulation, standards and guides.

§ 1.5202 Responsibility.

(a) *Originators of Procurement Requests.* Originators of procurement requests will ensure, in accordance with installation safety and health screening criteria, that procurement requests affected by considerations of safety or health are processed through the appropriate installation safety and health officials or other designated responsible officials for: (i) Determining if hazards are involved in the procurement; (ii) formulating or selecting specific safety and health provisions applicable to the procurement in accordance with 1.351 "Procurement of Potentially Hazardous Items" or Part 14, Subpart 6; and (iii) determining to what extent a contractor safety and health plan will be required.

(b) *Installation safety Officials, Occupational Health Officials, or Other Designated Responsible Officials.* The appropriate installation safety and health officials, within their respective areas of responsibility, will advise and assist the contracting officer in:

(i) evaluating prospective contractors' safety and health programs;

(ii) determining to what extent safety and health provisions, if any, should be included in a proposed procurement;

(iii) assigning the specific safety and environmental health provisions to be included in a contract Schedule;

(iv) determining, in coordination with the cognizant program or project manager, the need for and the adequacy of contractors' safety and health plans;

(v) Assigning the specific occupational medicine provisions to be included in a contact Schedule;

(vi) determining the extent and form of accident or incident reports, required of contractors in compliance with the Federal Reports Act of 1942, and NASA reporting requirement;

(vii) requesting inspections of NASA Contractors by representatives of the Occupational Safety and Health Administration (OSHA) when appropriate; and

(viii) reviewing contractor hazardous operations procedures and certification requirements.

(c) *Headquarters Operational Health Official.* At installations where medical and environmental health officers or other designated responsible officials are not available to assist with the formulation of occupational medicine and environmental health provisions of a contract, the Chief, NASA Occupational Health Office, will assume this responsibility.

(d) *Contracting Officer.*

(1) *Safety and Health.* The contracting officer will obtain advice, assistance, recommendations, and applicable requirements from the appropriate safety, and health officials prior to the issuance of an invitation for bid or request for proposal in the following procurements:

(i) construction, modification, and demolition of facilities on Government installations;

(ii) manufacture of aerospace systems, including such items as power units, energy systems, boosters, engines, liquid and solid fuels, oxidizers, and/or propellants;

(iii) transportation of fuels, oxidizers, hazardous chemicals, and other hazardous or regulated materials;

(iv) research, development or test of engines, related components and propellants which involve hazardous operations or the use of hazardous or regulated materials;

(v) services on Government installations which involve hazardous operations or the use of hazardous or regulated materials;

(vi) operations which involve the use of or exposure to, potential health hazards (asbestos, polychlorinated biphenyls (PCB's) etc.), confined space entries, use of hazardous materials, or potential contamination of property, and pollution of air, water, vegetation, and soil;

(vii) activities which may (by either direct or secondary effect) adversely effect the work environment due to the use of ionizing radiation, microwaves, noise, lasers, ultraviolet, and infrared sources;

(viii) operations which necessitate exposures in neutral buoyancy or hyperbaric chambers and operations related thereto.

(2) Before issuing a stop-work order under paragraph (d)(2) of the "Safety and Health" clause, prior coordination will be effected with the safety and health officials and with the cognizant program or project manager.

§ 1.5203 Hazardous Materials and Operations.

(a) Hazardous Materials.

Hazardous material is defined by law as "a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce" (49 U.S.C. 1801). The Secretary of Transportation has developed a list of materials that are hazardous and may be found listed in 49 CFR 172.101. Typical hazardous materials are those that may be highly reactive, poisonous, explosive, flammable, combustible, corrosive radioactive; or those that may contaminate or pollute the environment or otherwise cause adverse health effects or unsafe conditions.

(b) Hazardous Operations.

Hazardous operations are those that involve the use of, or handling of, hazardous materials or involve the use of other materials, phenomena or elements at abnormal environmental or physical parameters that could result in personnel injury, illness or property damage if special precautions are not followed (e.g. high pressure gas operations in excess of 150 pounds per square inch gauge (psig), low pressure high volume gas operations, voltages above 550 volts, storage or handling of propellants or explosives, use of "heavy lift" material handling equipment, high or low temperature environments, environments with less than 19.5% or more than 25% oxygen by volume at normal atmospheric pressure, reduced gravity, radiation, excessive noise, etc.)

§ 1.5204 Contract Provisions.

(a) Specific system safety requirements which are to be included in the contract for the purpose of procuring system safety engineering services shall be defined in the contract Schedule in accordance with NASA PR Part 14, Subpart 6.

(b) Any unique facility safety or health requirements, which are in addition to the general provisions of the "Safety and Health" clause required herein, shall be prescribed as required by § 1.5202(b)(iii).

(c) The following clause shall be included in:

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(i) all negotiated contracts of $1 million or more, unless the contracting officer makes a written determination in accordance with § 1.5202(b) that, under the circumstances of the procurement, the clause is not necessary;

(ii) all construction, repair, or alteration contracts in excess of $25,000;

(iii) all contracts having, within their total requirement, construction, repair or alteration tasks in excess of $25,000; and

(iv) any procurement regardless of dollar amount when: (A) the deliverable contract end items are of a hazardous nature; (B) during the life of the contract it can reasonably be expected that hazards will be generated within the operational environment, and the contracting officer determines that the hazards warrant the inclusion of the clause.

(d) This clause may, however, be excluded from any contract which is subject to either the Walsh-Healy Public Contracts Act (NASA PR Part 12 Subpart 6) or the Service Contract Act of 1965 (NASA PR Part 12 Subpart 10) and in which the application of either Act and any regulations thereunder constitute adequate safety and health protection. However, the clause should not be excluded without approval of the local safety and health officials.

Safety and Health (August 1982)

(a) The Contractor shall take all reasonable safety and health measures in performing under this contract and shall, to the extent set forth in the Schedule of the contract, submit a safety plan and a health plan for the Contracting Officer's approval. The Contractor shall comply with all applicable Federal, state and local laws, applicable to safety and health which are in effect on the date of this contract and with the safety and health standards, specifications, reporting requirements, and provisions as set forth in the Schedule of the contract.

(b) The Contractor shall take or cause to be taken such other safety and health measures as the Contracting Officer may direct. To the extent that the Contractor may be entitled to an equitable adjustment for such measures under the terms and conditions of this contract, such equitable adjustment shall be determined pursuant to the procedures of the clause of this contract entitled "Changes"; *provided* that no adjustment shall be made under this clause for any change for which an equitable adjustment is expressly provided under any other provision of this contract.

(c) The Contractor shall immediately notify and promptly report to the Contracting Officer or his representative any accident, incident or exposure resulting in fatality, lost-time occupational injury, occupational disease, or contamination of property beyond any stated acceptable threshold limits set forth in the Schedule of the contract, or property loss of $25,000 or more arising out of work performed under this contract, *provided*, however, the Contractor will not be required to include in any report an expression of opinion as to the fault or negligence of any employee. Service Contractors (excluding construction contracts) will provide quarterly reports which specify lost-time frequency rate, number of lost-time injuries, exposure, and accident/incident dollar losses as specified in the Schedule of the contract. The Contractor will investigate all such work related incidents or accidents to the extent necessary to determine their cause or causes and furnish the Contracting Officer with a report, in such form as the Contracting Officer may require, of the investigative findings and proposed or completed corrective actions.

(d) Noncompliance with Provisions of this Safety and Health Clause.

(1) The Contracting Officer may notify the Contractor in writing of any noncompliance with the provisions of this clause and may also specify corrective actions to be taken. The Contractor shall, promptly take, and report, any necessary corrective action.

(2) If the Contractor fails or refuses to institute prompt corrective action in accordance with (d)(1) above, the Contracting Officer may invoke the provisions of the "Stop Work" clause in this contract or any other remedy legally available to the Government in the event of such failure by the contractor.

(e) The Contractor (or subcontractor or supplier) shall cause the substance of this clause including this paragraph (e) and any applicable Schedule Provisions, with appropriate changes of designations of the parties, to be inserted in subcontracts of every tier which: (i) amount to $1,000,000 or more unless the Contracting Officer makes a written determination that this is not required; (ii) require construction, repair, or alteration in excess of $25,000; or (iii) regardless of dollar amount, involve the use of hazardous materials or operations.

(f) The Contractor agrees that authorized Government representatives of the Contracting Officer shall have access to and the right to examine, the sites or areas where work under this contract is being performed in order to determine the adequacy of the Contractor's safety and health measures under this clause.

(g) As a part of the contractor's safety plan (and health plan, where applicable) and to the extent required by the Schedule, the Contractor shall furnish a list of all hazardous operations to be performed, including operations indicated in Paragraphs (a) and (b) of this clause, and shall in addition furnish a list of other major or key operations required or planned in the performance of the contract although not deemed hazardous by the Contractor. NASA and the contractor will jointly decide which operations are to be considered hazardous, with NASA as the final authority. Before hazardous operations commence, the contractor will develop and submit for NASA concurrence, *either or both* of the following as required by the Schedule of the contract or as may be required at the direction of the Contracting Officer.

(1) Written Hazardous Operating Procedures (HOP) for all hazardous operations, and/or

(2) A certification program for personnel involved in hazardous operations.

PART 3—[AMENDED]

§ 3.106–4 [Amended]

4. In Part 3, § 3.106–4 is amended to change the reference "1.304.2" to read "1.304–2."

§ 3.809 [Amended]

In Part 3, § 3.809(c)(1)(ii) the reference "(see Part 51, Subpart 3)," is amended to read "(see Part 20, Subpart 6).".

§ 3.811 [Amended]

In Part 3, § 3.811(e), remove the word "and" that appears before "Contract Negotiation Memorandum."

PART 7—CONTRACT CLAUSES

5. In Part 7, Table of Contents, the page numbers for paragraph § 7.203–13 and §§ 7.203–16 through 7.203–22 are amended to read as follows:

* * * * *

Sec.
7.203–13 [Reserved]....7–2:8
* * * * *
7.203–16 Contract Work Hours Standards Act—Overtime Compensation....7–2:8A
7.203–17 Walsh-Healey Public Contracts Act....7–2:8A
7.203–18 Equal Opportunity....7–2:8A
7.203–19 Officials Not To Benefit....7–2:8A
7.203–20 Covenant Against Contingent Fees....7–2:8A
7.203–21 Government Property....7–2:8A
7.203–22 Insurance-Liability to Third Persons....7–2:8A

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PART 15—CONTRACTS WITH COMMERCIAL ORGANIZATIONS

5. In Part 15, § 15.205–51(c) is revised to read as follows:

§ 15.205–51 Lobbying cost.

* * * * *

(c) Legislative liaison activities, such as attendance at committee hearings, gathering information regarding pending legislation, analysis of the effect of pending legislation, and the like are not lobbying and are allowable. In addition, communications to the Congress that would be considered lobbying in accordance with (a) above shall be allowable if they are performed in response to a written request from a congressional source.

PART 16—PROCUREMENT FORMS

§ 16.001 [Amended]

6. In Part 16, § 16.001(a) is amended by changing "ITS–999" to read "ITA–999."

PART 21—PROCUREMENT MANAGEMENT REPORTING SYSTEM

7. In Part 21, § 21.700 is revised to read as follows:

Subpart 7—Report on College and University Projects

§ 21.700 Committee on Academic Science and Engineering (C.A.S.E.) Report.

The Committee on Academic Science and Engineering (C.A.S.E.) Report on Support of Colleges and Universities (NASA Form 1356) is designed to collect data (not appropriate for inclusion on Form 507) required for preparation of Government-wide reports on sponsored projects in universities. Information submitted with Form 1356 is used in conjunction with existing procurement and financial data to produce reports required by the National Science Foundation Act, the Office of Management and Budget, the Legislative Branch and private sector requestors. The preparation and utilization of NASA Form 1356 has been made an integral part of the NASA-University Program Information System (QUA–MIS) for recording all activity with colleges and universities, regardless of the nature of the obligating instrument (grant, contract, cooperative agreement, purchase order) or type of proposal (solicited or unsolicited). Preparation of the form is specified by NMI 5101.12. Detailed instructions for completion are on the form itself.

[FR Doc. 83–7243 Filed 3–18–83; 8:45 am]
BILLING CODE 7510–01–M

41 CFR Ch. 18

[Procurement Regulation Directive 82–3 (dated June 25, 1982)]

Procurement Regulations; Miscellaneous Amendments

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 82–3 concerning the following:

1. Subcontractor Kickbacks, and
2. Patent Rights.

EFFECTIVE DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Procurement Policy Division (Code HP–1), Office of Procurement, NASA Headquarters, Washington, D.C. 20546, Telephone: 202–755–2237.

SUPPLEMENTARY INFORMATION:

1. In Part 1, § 1.111 is revised to bring it into closer alignment with the Defense Acquisition Regulation. By this revision the paragraph title is changed and new paragraph 1.111–3 is added which covers "Subcontractor Kickbacks."

2. Public Law 96–517, December 12, 1980, creates unique rights in inventions developed by small business firms or nonprofit organizations working under Government contracts where a purpose is to perform experimental, developmental and research work. Interim implementation of the Act was provided by Office of Management and Budget (OMB) Bulletin 81–22, Patents-Small Firms and Non-Profit Organizations. The Act and the Bulletin were applied to NASA contracts by Procurement Regulation Directive 81–5, July 1, 1981. For NASA grants, implementation was made by Instruction No. 1, July 1, 1981, of the NASA Grant and Cooperative Agreement Handbook.

On February 10, 1982, OMB issued Circular No. A–124 to provide definitive policies, procedures and guidelines with respect to inventions made by small business firms and nonprofit organizations, including universities, under funding agreements with Federal agencies where a purpose is to perform experimental, developmental or research work. The Circular superseded OMB Bulletin 81–22, effective March 1, 1982.

NASA provided partial implementation of the circular through issuance of procurement Notice No. 82–4, March 11, 1982, which contained a definitive Patent Rights clause for contracts. The notice also included a Patent Rights clause for use in grants and cooperative agreements, as well as a modification of the New Technology (July 1981) clause on April 20, 1982, a letter to all NASA Procurement Officers was used to distribute a single spaced version of the clauses.

With the exception of grants and cooperative agreements, this PRD completes the NASA Procurement Regulation coverage of Public Law 96–517 by setting forth policies and procedures consistent with OMB Circular A–124, as well as contract clauses. Policies and procedures for grants and cooperative agreements are not included in this PRD but will be issued in a future Grant Handbook Instruction. Pending issuance of that Instruction, grants personnel will continue to use the Patents Rights clause in Enclosure No. 2 of Procurement Notice No. 82–4. All other guidance in that notice is cancelled by issuance of this PRD.

List of Subjects in 41 CFR Ch. 18

Government procurement.

(42 U.S.C. 2473(c)(1))

S. J. Evans,

Assistant Administrator for Procurement.

PART 1—GENERAL PROVISIONS

1. In Part 1, Table of Contents, paragraphs 1.109–1 through 1.111–2 are amended and paragraph 1.111–3 is added to read as follows:

Sec.
1.109–2 Approval of Deviations.....1–1:4
1.109–3 Requests for Deviations.....1–1:4
1.109–50 Modification to Existing Contracts for New Procurement.....1–1:4
1.110 Reports of Purchases and Contracts.....1–1:4A
1.111 Reports of Noncompetitive Practices.....1–1:4A
1.111–1 (Reserved).....1–1:4A
1.111–2 Noncompetitive Practices.....1–1:4A
1.111–3 Subcontractor Kickbacks.....1–1:4B

2. In Part 1, the title for § 1.111 is revised and § 1.111–3 is added to read as follows:

§ 1.111 Reports of Suspected Criminal Conduct, Noncompetitive Practices, Kickbacks, and Other Procurement Irregularities.

* * * * *

§ 1.111–3 Subcontractor Kickbacks.

The Anti-Kickback Act (41 U.S.C. 51) prohibits the payment, directly or indirectly, by or on behalf of a subcontractor in any tier under any Government negotiated contract of any fee, commission, compensation, gift, or gratuity to the prime contractor or any

higher tier subcontractor or to any officer, partner, employee, or agent of the prime contractor, of any higher tier subcontractor, as an inducement or acknowledgment for the award of a subcontract or order. The Act further provides that the amount of any such fee, commission, or compensation, or the cost or expense of any such gratuity or gift, whether heretofore or hereafter paid by the subcontractor, shall not be charged, either directly or indirectly, as a part of the contract price charged by the subcontractor to the prime contractor or higher tier subcontractor. It also creates a conclusive presumption that the cost of any such prohibited payment has been included in the price of the subcontract or order and ultimately borne by the Government. The Act provides for the recovery on behalf of the United States action, or by set-off of moneys otherwise owing to the subcontractor either by the United States directly or by the prime contractor. The Act imposes criminal penalties on any person who knowingly, makes or receives, directly or indirectly, any such prohibited payment.

PART 3—PROCUREMENT BY NEGOTIATION

§ 3.501 [Amended]

3. In Part 3, § 3.501(b) Section C(8) is amended by changing the reference "3.102" at the end of the sentence to read "3.101."

PART 9—PATENTS, DATA, AND COPYRIGHTS

4. In Part 9, the Table of Contents is amended by changing the page numbers for paragraphs 9.107 through 9.114 to read as follows:

9.107 Property Rights in Inventions Made in the Performance of Work Under NASA Contracts with Other Than Small Business Firms or Nonprofit Organizations....9–1:7
9.107–1 General....9–1:7
9.107–2 [Reserved]....9–1:8
9.107–3 Policy....9–1:8
9.107–4 Procedures....9–1:8B
9.107–5 New Technology Clause....9–1:8C
9.107–6 [Reserved]....9–1:12
9.107–7 Foreign Contracts....9–1:12
9.107–8 Patent Rights Under Product Improvement Programs or Independent Research and Development Programs....9–1:12
9.107–9 Procurement Using Funds Transferred to, or Received from, Another Government Agency....9–1:13
9.108 Patent Rights Under Funding Agreements with Small Business Firms or Nonprofit Organizations for the Performance of Experimental, Developmental, or Research Work....9–1:14
9.108–1 Introduction....9–1:14
9.108–2 Definitions....9–1:15
9.108–3 Policy....9–1:16
9.108–4 Procedures....9–1:16
9.108–5 Clause for Funding Agreements (Small Business Firms and Nonprofit Organization)....9–1:19
9.108–6 [Reserved]....9–1:25
9.108–7 Clause for Foreign Contracts....9–1:25
9.108–8 [Reserved]....9–1:26
9.108–9 Procurement: using Funds Transferred to, or Received from, Another Government Agency....9–1:26
9.108–10 Retention of Rights by Inventor....9–1:26
9.108–11 Government Assignment to Contractor of Rights in Invention of Government Employee....9–1:26
9.108–12 (Reserved)....9–1:26
9.108–13 (Reserved)....9–1:26
9.108–14 Licensing of Background Patent Rights to Third Parties....9–1:26
9.109 Administration of the New Technology and Patent Rights Clauses; Waiver of Rights to Inventions Under 42 U.S.C. 2457 and Election of Title under 35 U.S.C. 202....9–1:27
9.109–1 New Technology and Patent Rights Clauses Follow-Up; Designation of New Technology and Patent Representatives....9–1:27
9.109–2 Follow-Up by Contractor....9–1:29
9.109–3 Follow-Up by Government....9–1:29
9.109–4 Remedies....9–1:31
9.109–5 Conveyance of Invention Rights Acquired by the Government....9–1:31
9.109–6 Waiver of Rights to Inventions in Contracts Containing the New Technology Clause....9–1:31
9.109–7 Publication or Release of Invention Disclosures....9–1:35
9.109–8 Reporting on Utilization of Inventions [Reserved]....9–1:36
9.109–9 Exercise of March-in-Rights [Reserved]....9–1:36
9.109–10 Appeals [Reserved]....9–1:36
9.110 Payment of Royalties....9–1:36
9.111 and 9.112 [Reserved]....9–1:37
9.113 Proposal of Equivalent Merit....9–1:37
9.114 Facilities License....9–1:37

§ 9.107–5 [Amended]

5. In Part 9, § 9.107–5, the date of the clause "New Technology" is amended to read "(March 1982)" in place of "(July 1981)."

6. In Part 9, § 9.107–5 is amended by revising introductory text to paragraph (i) (2) of the "New Technology" clause to read as follows:

§ 9.107–5 "New Technology" Clause.

* * * * *

(i) *Subcontracts.*

(2) Unless otherwise authorized or directed by the Contracting Officer, the Contractor shall include this "New Technology" clause modified to identify the parties in any subcontract hereunder with other than a small business firm or a nonprofit organization if a purpose of the subcontract is the conduct of experimental, developmental, research, design, or enginerring work. For subcontracts for experimental, developmental, or research work with a small business form or nonprofit organization the "Patent Rights (Small Business Firm and Nonprofit Organization)" clause suitably modified, shall be used. In the event of refusal by a subcontractor to accept either clause, as applicable, the Contractor:

* * * * *

7. In Part 9, § 9.107–7, the last sentence is revised to read as follows:

§ 9.107–7 Foreign Contracts. * * *

The clause in § 9.107–5 may not be appropriate, and a substitute or modified clause may be used after consultation with the installation patent counsel to meet the requirements peculiar to the foreign procurement.

8. In Part 9, § 9.107–9 the first sentence is revised to read as follows:

§ 9.107–9 Procurement Using Funds Transferred to, or Received from Another Government Agency.

(a) Whenever NASA requests another Government agency to perform work of the type specified in either § 9.107–4(a)(1) or § 9.108–4(a)(1), and unless special agreements relating to patent rights exist between NASA and such other agency, the contracting officer shall determine whether such agency contemplates contracting for such work or performing the work in-house. * * *

9. In Part 9, § 9.107–9(b) is revised to read as follows:

§ 9.107–9 Procurement Using Funds Transferred to, or Received from, Another Government Agency.

* * * * *

(b) Whenever another Government agency requests NASA to perform experimental, developmental, or research work and NASA contemplates contracting for all or part of such work the "New Technology" clause of 9.107–5 or the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5, whichever is applicable, may be used unless the other agency requests alterations thereto or a substitute clause. If alterations or a substitute clause are requested, the contracting officer shall consult with installation patent counsel as to the appropriateness of the use thereof. In some instances agreements will exist between NASA and another agency requiring special clauses and other provisions relating to patents and inventions to be included in any contract executed by NASA for or on behalf of the other agency. The

contracting officer shall refer to such agreements prior to initiating procurement action for any such contracts and shall consult with installation patent counsel with respect to any question concerning the appropriate clauses to use or the interpretation, implementation, or departure from the provisions or clauses set forth in such agreements. When the contract is with a small business firm or nonprofit organization, any exceptions made under 35 U.S.C. 202(a) and any documentation and reporting requirements required by 35 U.S.C. 202(b)(1), shall be the responsibility of the requesting agency unless otherwise provided in such agreement (see also 9.108–4(a)).

10. In Part 9, § 9.108 through 9.109–10 are revised to read as follows:

§ 9.108 Patent Rights Under Funding Agreements with Small Business Firms or Nonprofit Organizations for the Performance of Experimental, Developmental, or Research Work.

§ 9.108–1 Introduction.

(a) On December 12, 1980, Public Law 96–517 (35 U.S.C. 200 et seq.) was enacted governing the distribution of rights in inventions made by small business firms and domestic nonprofit organizations under funding agreements with Federal agencies.

(b) This Act takes precedence over any other Acts which would require a disposition of rights in subject inventions of small business firms or domestic nonprofit organizations in a manner inconsistent with the new Act. Additionally, the new Act will take precedence over any future Act unless the future Act cites the new Act and provides that it will take precedence. The provisions of the Act took effect on July 1, 1981, and will be applicable to all funding agreements with small business firms and domestic nonprofit organizations executed on or after that date.

(c) As to any subject inventions which are "made" on or after July 1, 1981, in the performance of funding agreements which were awarded prior to July 1, 1981, to small business firms or domestic nonprofit organizations, paragraph 1245–118 of the NASA Patent Waiver Regulations of July 1, 1981, (14 CFR 1245.1) may be applied.

§ 9.108–2 Definitions.

As used in this paragraph:

(a) The term "funding agreement" means any contract, grant, or cooperative agreement entered into between any Federal agency, other than the Tennessee Valley Authority, and any contractor for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government. Such term includes any assignment, substitution of parties, or subcontract of any type entered into for the performance of experimental, developmental, or research work under a funding agreement as herein defined.

(b) The term "contractor" means any person, small business firm or domestic nonprofit organization that is a party to a funding agreement.

(c) The term "invention" means any invention or discovery which is or may be patentable or otherwise protectable under title 35 of the United States Code.

(d) The term "subject invention" means any invention of a contractor conceived or first actually reduced to practice in the performance of work under a funding agreement.

(e) The term "practical application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(f) The term "made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(g) The term "small business firm" means a small business concern as defined at Section 2 of Public Law 85–536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this Subpart, the size standard for small business concerns involved in Government procurement and subcontracting at 13 CFR 121.3–8 and 121.3–12, respectively, will be used.

(h) The term "nonprofit organization" means universities and other institutions of higher education or an organization of the type described in Section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under Section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)), or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

§ 9.108–3 Policy.

This paragraph 9.108 is intended to establish uniform and coordinated implementation of 35 U.S.C. 200–204 so as to foster the policy and objectives set forth in 35 U.S.C. 200.

§ 9.108–4 Procedures.

(a) *Use of the "Patent Rights (Small Business Firm or Nonprofit Organization)" Clause.*

(1) Each funding agreement awarded to a small business firm or domestic nonprofit organization which has as a purpose the performance of experimental, developmental or research work shall contain the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause set forth in 9.108–5, except that the funding agreement may contain alternate provisions:

(i) when the funding agreement is for the operation of a Government-owned research or production facility; or

(ii) in exceptional circumstances when it is determined by NASA that restriction or elimination of the right to retain title to any subject invention will better promote the policy and objectives of Chapter 38 of Title 35 of the United States Code; or

(iii) when it is determined by a Government authority which is authorized by statute or Executive Order to conduct foreign intelligence or counterintelligence activities that the restriction or elimination of the right to retain title to any Subject Invention is necessary to protect the security of such activities.

(2) Any determination under subparagraph (a)(1)(ii) of this paragraph will be in writing and accompanied by a written statement of facts justifying the determination. The statement of facts will contain such information as NASA deems relevant and, at minimum, will (1) identify the small business firm or domestic nonprofit organization involved, (2) describe the extent to which NASA action restricted or eliminated the right to retain title to a subject invention, (3) state the facts and rationale supporting NASA action, (4) provide supporting documentation for those facts and rationale, and (5) indicate the nature of any objections to NASA action and provide any documentation in which those objections appear. A copy of each such determination and written statement of facts will be sent to the Comptroller General of the United States within thirty days after the award of the applicable funding agreement. In cases of determinations applicable to funding agreements with small business firms, copies will also be sent to the Chief Counsel for Advocacy of the Small Business Administration.

(3) To assist the Comptroller General to accomplish his or her responsibilities under 35 U.S.C. 202, the Assistant Administrator for Procurement shall accumulate and, at the request of the

Comptroller General, provide the Comptroller General or his or her duly authorized representative the total number of prime funding agreements entered into with small business firms or domestic nonprofit organizations that contain the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause set forth in 9.108–5 during each period of October 1 through September 30, beginning October 1, 1982.

(4) To qualify for the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5, the small business firm or domestic nonprofit organization may be required by the contracting officer to certify that it is either a small business firm or domestic nonprofit organization. If the contracting officer has reason to question the status of the prospective contractor as a small business firm or a domestic nonprofit organization, he or she may file a protest in accordance with 13 C.F.R. 121.3–5 if the small business firm status is questioned or require the prospective contractor to furnish evidence to establish its status as a domestic nonprofit organization.

(5) *Right to Sublicense Foreign Governments and International Organizations.* When the Administrator or duly authorized designee determines at the time of contracting with a small business firm or domestic nonprofit organization that it would be in the national interest to acquire the right to sublicense foreign governments or international organizations pursuant to any existing or future treaty or agreement, a sentence may be added at the end of paragraph (b) of the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause in 9.108–5 as follows:

This license will include the right of the Government to sublicense foreign governments and international organizations pursuant to the following treaties or international agreements; or pursuant to any future treaties or agreements with foreign governments or international organizations.

This language may be modified to be limited to specific treaties or agreements or otherwise specify a time when the Government's right to sublicense ends.

(b) *Minimum rights to contractor.*

(1) Paragraph (e) of the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5 specifies the minimum rights retained by the contractor in Subject Inventions. The contractor will retain a revocable, nonexclusive, royalty-free license throughout the world in each Subject Invention to which the Government obtains title except if the contractor fails to disclose the subject invention within the times specified in paragraph (c) of the aforementioned clause of 9.108–5. The contractor's license extends to its domestic subsidiaries and affiliates, if any, within the corporate structure of which the contractor is a part and includes the right to grant sublicenses of the same scope to the extent the contractor was legally obligated to do so at the time the contract was awarded. The license is transferable only with the approval of NASA except when transferred to the successor of that part of the contractor's business to which the invention pertains.

(2) the contractor's domestic license may be revoked or modified by NASA to the extent necessary to achieve expeditious practical application of the Subject Invention pursuant to an application for an exclusive license submitted in accordance with the NASA Patent Licensing Regulations (14 CFR 1245.2). This license will not be revoked in that field of use or the geographical areas in which the contractor has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of NASA to the extent the contractor, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, NASA will furnish the contractor a written notice of its intention to revoke or modify the license, and the contractor will be allowed thirty days (or such other time as may be authorized by NASA for good cause shown by the contractor) after the notice to show cause why the license should not be revoked or modified. The contractor has the right to appeal, in accordance with the procedures set forth in the NASA Patent Licensing Regulations (14 CFR 1245.2), from any decision concerning the revocation or modification of its license.

(c) *Subcontracts.*

(1) Paragraph (g) of the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5 requires that the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause suitably modified to identify the parties, be included in all subcontracts, regardless of tier, for experimental, developmental, or research work to be performed by a small business firm or domestic nonprofit organization. For subcontracts, regardless of tier, with other than a small business firm or domestic nonprofit organization for the performance of experimental, developmental, research, design or engineering work the "New Technology" clause or other patent rights clause required by 9.107–4(b) is to be used.

(2) The Subcontractor will retain all rights provided for the contractor in this clause, and the contractor will not as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(3) As to all NASA contracts (and subcontracts) entered into prior to July 1, 1981, which contain either the "New Technology (Long Form)" clause then appearing in 9.107–5 or the "New Technology (Short Form)" clause of former paragraph 9.107–6, the contractor (or subcontractor) is authorized to flow-down the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5 as required by this subparagraph 9.108–4(c) in lieu of the requirements of the aforementioned "New Technology" clauses (subparagraphs (i) and (f), respectively) in all subcontracts executed after July 1, 1981, with a small business firm or domestic nonprofit organization. Also, as to any contract (or subcontract) entered into with a small business firm or domestic nonprofit organization on or after July 1, 1981, the contractor (or subcontractor) is authorized to substitute the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5 as required by this subparagraph 9.108–4(c) for any previous version of such clause.

§ 9.108–5 Clause for Funding Agreements (Small Business Firms and Nonprofit Organizations).

The following clause will be used in funding agreements with small business firms and domestic nonprofit organizations unless the funding agreement falls within one of the exceptions described in 9.108–4(a)(1).

Patent Rights (Small Business Firm or Nonprofit Organization) (June 1982)

(a) *Definitions.*

(1) "Invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code.

(2) "Subject Invention" means any invention of the Contractor conceived or first actually reduced to practice in the performance of work under this contract.

(3) "Practical Application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or

system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(4) "Made" when used in relation to any invention means the conception or first actual reduction to practice to such invention.

(5) "Small Business Firm" means a small business concern as defined at Section 2 of Public Law 85–536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standards for small business concerns involved in Government procurement, and subcontracting at 13 CFR 121.3–8 and 13 CFR 121.3–12, respectively, will be used.

(6) "Nonprofit Orgainzation" means a university or other institution of higher education or an organization of the type described in Section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

(b) *Allocation of Principal Rights.* The contractor may retain the entire right, title, and interest throughout the world to each Subject Invention subject to the provisions of this clause and 35 U.S.C. 203. With respect to any Subject Invention in which the Contractor retains title, the Federal Government shall have a non-exclusive, non-transferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world.

(c) *Invention Disclosure, Election of Title and Filing of Patent Applications by Contractor.*

(1) The Contractor will disclose each Subject invention to NASA within two months after the inventor disclose it in writing to Contractor personnel responsible for patent matters. The disclosure to NASA shall be in the form of a written report and shall identify the contract under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding, to the extent known at the time of the disclosure, of the nature, purpose, operation, and the physical, chemical, biological or electrical characteristics of the invention. The disclosure shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to NASA, the Contractor will promptly notify NASA of the acceptance of any manuscript describing the invention for the publication or of any on sale or public use planned by the Contractor.

(2) The Contractor will elect in writing whether or not to retain title to any such invention by notifying NASA within twelve months of disclosure to the Contractor; provided that in any case where publication, on sale or public use has initiated the one year statutory period wherein valid patent protection can still be obtained in the United States, the period for election of title may be shortened by NASA to a date that is no more than 60 days prior to the end of the statutory period.

(3) The Contractor will file its initial patent application on an elected invention within two years after election or, if earlier, prior to the end of any statutory period wherein valid patent protection can be obtained in the United States after publication, on sale, or public use. The Contractor will file patent applications in additional countries within either ten months of the corresponding initial patent application of six months from the date permission is granted by the Commissioner of Patents and Trademarks to file foreign patent applications where such filing has been prohibited by a Secrecy Order.

(4) Requests for extension of the time for disclosure to NASA, election, and filing may, at the discretion of NASA be granted.

(d) *Conditions When the Government May Obtain Title.*

(1) The Contractor will convey to NASA, upon written request, title to any subject invention:

(i) If the Contractor fails to disclose or elect the Subject Invention within the times specified in (c) above, or elects not to retain title.

(ii) In those countries in which the Contractor fails to file patent applications within the time specified in (c) above; provided, however, that if the Contractor has filed a patent application in a country after the times specified in (c), above, but prior to its receipt of the written request of NASA, the Contractor shall continue to retain title in that country.

(iii) In any country in which the Contractor decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in reexamination or opposition proceeding on, a patent on a subject invention.

(e) *Minimum Rights to Contractor.*

(1) The Contractor will retain a nonexclusive, royalty-free license throughout the world in each Subject Invention to which the Government obtains title except if the Contractor fails to disclose the Subject Invention within the times specified in (c), above. The Contractor's license extends to its domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a party and includes the right to grant sublicenses of the same scope to the extent the Contract was legally obligated to do so at the time the contract was awarded. The license is transferable only with the approval of NASA, except when transferred to the successor of that part of the Contractor's business to which the invention pertains.

(2) The Contractor's domestic license may be revoked or modified by NASA to the extent necessary to achieve expeditious practical application of the Subject Invention pursuant to an application for an exclusive license submitted in accordance with application provisions in NASA's Patent Licensing Regulation, 14 CFR 1245.2. This license will not be revoked in that field of use or the geographical areas in which the Contractor has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of NASA to the extent the Contractor, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, NASA will furnish the Contractor a written notice of its intention to revoke or modify the license, and the Contractor will be allowed thirty days (or such time as may be authorized by NASA for good cause shown by the Contractor) after the notice to show cause why the license should not be revoked or modified. The Contractor has the right to appeal, in accordance with NASA Patent Licensing Regulation, 14 CFR 1245.2, any decision concerning the revocation or modification of its license.

(f) *Contractor Action to Protect the Government's Interest.*

(1) The Contractor agrees to execute or to have executed and promptly deliver to NASA all instruments necessary to

(i) establish or confirm the rights the Government has throughout the world in those Subject Inventions to which the Contractor elects to retain title, and

(ii) convey title to NASA when requested under (d) above, and to

enable the Government to obtain patent protection throughout the world in that Subject Invention.

(2) The contractor agrees to require, by written agreement, its employees, other than clerical and non-technical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the Contractor each Subject Invention made under contract in order that the Contractor can comply with the disclosure provisions of (c) above, and to execute all papers necessary to file patent applications on Subject Inventions and to establish the Government's rights in the Subject Inventions. This disclosure format should require, as a minimum, the information required by (c)(1) above. The Contractor shall instruct such employees through employee agreements of other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) The Contractor will notify NASA of any decision not to continue the prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than thirty days before the expiration of the response period required by the relevant patent office.

(4) The Contractor agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a Subject Invention, the following statement, "This invention was made with Government support under (identify the contract) awarded by NASA. The Government has certain rights in this invention."

(5) The Contractor shall furnish the Contracting Officer:

(i) interim reports every twelve (12) months from the date of this contract, listing all Subject Inventions required to be disclosed during that period, or stating that there were no such Subject Inventions;

(ii) a final report prior to close out of the contract listing (A) all Subject Inventions or stating that there were none and (B) all subcontracts containing a patent rights clause or stating that there were none;

(iii) notification of all subcontracts for experimental, developmental, research, design or engineering work and identification of the patent rights clause (either the "New Technology" clause as required by NASA Procurement Regulation 9.107–4 or the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause as required by NASA Procurement Regulation 9.108–4), and a copy of the subcontract upon request;

(iv) upon request, the filing date, serial number, and title; a copy of the patent application (including an English translation when available); and a patent number and issue date for any Subject Invention in any country in which the Contractor has applied for patents.

(g) *Subcontracts.*

(1) The Contractor will include this clause, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental or research work to be performed by a small business firm or domestic nonprofit organization. The subcontractor will retain all rights provided for the Contractor in this clause, and the Contractor will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's Subject Inventions.

(2) The Contractor will include in all other subcontracts, regardless of tier, for experimental, developmental, research, design or engineering work the patent rights clause as required by NASA Procurement Regulation 9.107–4(b).

(3) In case of subcontracts, at any tier containing the clause required by (g)(1) above, when the prime award with NASA was a contract (but not a grant or cooperative agreement) containing this clause, NASA, the subcontractor and the Contractor agree that the mutual obligations of the parties created by this clause constitute a contract between the subcontractor and NASA with respect to those matters covered by this clause.

(h) *Reporting on Utilization of Subject Inventions.* The Contractor agrees to submit on request periodic reports no more frequently than annually on the utilization of a Subject Invention or on efforts at obtaining such utilization that are being made by the Contractor or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the Contractor, and such other data and information as NASA may reasonably specify. The Contractor also agrees to provide additional reports as may be requested by NASA in connection with any march-in proceeding undertaken by NASA in accordance with paragraph (j) of this clause. To the extent data or information supplied under this section is considered by the Contractor, its licensee or assignee to be privileged and confidential and is so marked, NASA agrees that, to the extent permitted by 35 U.S.C. 202(c)(5), it will not disclose such information to persons outside the Government.

(i) *Preference for United States Industry.* Notwithstanding any other provision of this clause, the Contractor agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any Subject Invention in the United States unless such person agrees that any products embodying the Subject Invention or produced through the use of the Subject Invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by NASA upon a showing by the Contractor or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

(j) *March-in Rights.* The Contractor agrees that with respect to any Subject Invention in which it has acquired title, NASA has the right in accordance with the procedures established by the NASA Procurement Regulation which are consistent with OMB Circular A–124 to require the Contractor, an assignee or exclusive licensee of a Subject Invention to grant a non-exclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the Contractor, assignee, or exclusive licensee refuses such a request, NASA has the right to grant such a license itself if NASA determines that:

(1) Such action is necessary because the Contractor or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the Subject Invention in such field of use;

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the Contractor, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the Contractor, assignee, or licensees; or

(4) Such action is necessary because the agreement required by paragraph (i) of this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any Subject Invention in the United States is in breach of such agreement.

(k) *Special Provisions for Contracts with Nonprofit Organizations.* If the Contractor is a nonprofit organization, it agrees that:

(1) Rights to a Subject Invention in the United States may not be assigned without the approval of NASA, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention provided that such assignee will be subject to the same provisions as the Contractor;

(2) The Contractor may not grant exclusive licenses under United States patents or patent applications in Subject Inventions to persons other than small business firms for a period in excess of the earlier of

(i) five years from first commercial sale or use of the invention; or

(ii) eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, unless on a case-by-case basis, NASA approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use will not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention will not be deemed to end the exclusive period to different subsequent products covered by the invention.

(3) The Contractor will share any royalties collected on a Subject Invention with the inventor; and

(4) The balance of any royalties or income earned by the Contractor with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of Subject Inventions, will be utilized for the support of scientific research or education.

(l) *Communications.* NASA shall designate a New Technology Representative and a Patent Representative to be the central point of contact for administering this clause in accordance with the procedures of NASA Procurement Regulation 9.109–1. The Contractor shall include such designation in all subcontracts containing either this clause or the clause required by NASA Procurement Regulation 9.107–4(b).

§ 9.108–6 [Reserved]

§ 9.108–7 Clause for Foreign Contracts.

A patent rights clause is to be included in every contract with a non-domestic firm or organization for the performance of experimental, developmental, or research work. The clause of 9.108–5 is limited to small business firms and domestic nonprofit organizations; and the regulations of the Small Business Administration exclude foreign businesses from being considered as small business firms. Therefore, Patent Counsel should be consulted for appropriate clauses to be used when the contractor is a non-domestic firm or organization or the work is to be performed outside the United States (see also 9.107–7)

§ 9.108–8 [Reserved]

§ 9.108–9 Procurement Using Funds Transferred to, or Received from, Another Government Agency.

The policy, procedures and instructions set forth in 9.107–9 apply, as appropriate, to funding agreements with small business firms and domestic nonprofit organizations.

§ 9.108–10 Retention of Rights by Inventor.

In contracts with small business firms or domestic nonprofit organizations, if the contractor does not elect to retain title to a Subject Invention, NASA may consider and, after consultation with the contractor, may grant requests for retention of rights by the inventor. Retention of rights by the inventor will be subject to those conditions that apply to a small business firm.

§ 9.108–11 Government Assignment to Contractor of Rights in Invention of Government Employee.

In any case when a NASA employee is a coinventor of any invention made under a funding agreement with a small business firm or domestic nonprofit organization, and when NASA transfers or reassigns the right it has acquired in the subject invention from its employee to the contractor as authorized by 350.S.C.202(e), the assignment will be made subject to the same conditions as would apply to the contractor under the clause of 9.108–5.

§§ 9.108–12 and 9.108–13 [Reserved]

§ 9.108–14 Licensing of Background Patent Rights to Third Parties.

(a) A funding agreement with a small business firm or domestic nonprofit organization will not contain a provision allowing NASA to require the licensing to third parties of inventions owned by the contractor that are not Subject Inventions unless such provision has been approved by the Administrator and a written justification has been signed by the Administrator. Any such provision will clearly state whether the licensing may be required in connection with the practice of a Subject Invention, a specifically identified work object, or both. The Administrator may not delegate the authority to approve such provisions or to sign justifications required for such provisions.

(b) NASA will not require the licensing of third parties under any such provision unless the Administrator determines that the use of the invention by others is necessary for the practice of a Subject Invention or for the use of a work object of the funding agreement and that such action is necessary to achieve the practical application of the Subject Invention or work object. Any such determination will be on the record after an opportunity for a NASA hearing. Any action commenced for judicial review of such determination will be brought within sixty days after notification to the contractor of such determination.

§ 9.109 Administration of the New Technology and Patent Rights Clauses; Waiver of Rights to Inventions Under 42 U.S.C. 2457 and Election of Title Under 35 U.S.C. 202.

§ 9.109–1 New Technology and Patent Rights Clauses Follow-Up; Designation of New Technology and Patent Representatives.

(a) It is important that the Government and the contractor know, protect, and exercise their rights in any inventions, discoveries, improvements or innovations made in the performance of work under contracts of NASA in order to ensure their expeditious availability to the public, to enable the Government, the contractor, and the public to avoid unnecessary payment of royalties, and to defend themselves against claims and suits for infringement. To attain these ends, contracts having the "New Technology" clause of 9.107–5, the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5, or other patent rights clause (hereinafter referred to as "the clause" unless otherwise indicated) should be so administered that:

(1) Reportable Items and Subject Inventions, as defined in the clause, are identified, disclosed, reported and election made, as required by the clause;

(2) The rights to the Government in such Reportable Items and Subject Inventions are established;

(3) When appropriate, patent applications are timely filed and prosecuted by contractors or by the Government;

(4) The rights in patent applications and any resulting patents are documented by formal instruments such as confirmatory licenses or assignments; and

(5) Expeditious commercial utilization of such Reportable Items or Subject Inventions is achieved.

(b)(1) For each contract containing the clause the contracting officer shall designate representatives (hereinafter referred to as the "New Technology Representative" and the "Patent Representative") to administer the clause, protect the Government's rights, and take other actions in relation thereto. The respective responsibilities and authorities of these representatives in administering the clause, are set forth in 9.109–3. Designation of these representatives shall be accomplished by incorporation of a provision into the contract Schedule containing the following or similar statements;

Designation of New Technology Representative and Patent Representative

(a) For purposes of administration of the clause of this contact entitled "New Technology" or "Patent Rights (Small Business Firm or Nonprofit Organization)" clause, whichever is included, the following named representatives are hereby designated by the Contracting Officer to administer such clause:

Title	Office code	Address (including Zip Code)
New Technology Representative		
Patent Representative		

(b) Reports of Reportable Items, and disclosure of Subject Inventions, interim reports, final reports, utilization reports, and other reports required by the clause, as well as any correspondence with respect to such matters, should be directed to the New Technology Representative unless transmitted in response to correspondence or request from the Patent Representative. Inquiries or requests regarding disposition of rights, election of rights, or related matters should be directed to the Patent Representative. This provision shall be included in any subcontract hereunder requiring a "New Technology" clause or "Patent Rights (Small Business Firm on Nonprofit Organization)" clause, unless otherwise authorized or directed by the Contracting Officer. The respective responsibilities and authorities of the above-named representatives is set forth in 9.109–3 of the NASA Procurement Regulation.

(2) The New Technology Representative shall be the Technology Utilization Officer or the staff member (by titled position) having cognizance of technology utilization matters for the NASA installation concerned; and the Patent Representative shall be the Patent Counsel or the staff member (by titled position) having cognizance of patent matters for the NASA installation concerned.

(3) The contracting officer shall:

(i) Furnish the New Technology Representative a copy of each contract (and modifications thereto) containing the clause, copies of the final technical report, interim technical progress reports, and other pertinent material provided under the contract, unless the New Technology Representative indicates otherwise.

(ii) Notify the New Technology Representative of the organizational element of the NASA installation having technical cognizance of the contract; and

(iii) Furnish the Patent Representative a copy of each contract (and modifications thereto) containing the clause, copies of the final technical report, interim progress reports, and other pertinent material provided under the contract, unless the Patent Representative indicates otherwise.

(4) The New Technology Representative and the Patent Representative shall maintain complete files of correspondence and other actions involving their respective administration of the clause. Copies of documents which are appropriate for inclusion in the general contract files shall be furnished to the contracting officer.

§ 9.109–2 Follow-Up by Contractor.

(a) Each contractor other than a small business firm or domestic nonprofit organization is required to establish and maintain effective procedures to ensure that Reportable Items made in the performance of work under contracts of NASA are identified, reported, and when appropriate, patent applications filed, and that the Government's rights therein are established and protected. Each contractor that is a small business firm or a domestic nonprofit organization *should* establish and maintain effective procedures to ensure that inventions made under the contract are identified, disclosed, election of rights made and when appropriate, patent applications filed, and that the Government's rights therein are established and protected.

(b) When it is determined after the award of a contract that the contractor or a subcontractor may not have a clear understanding of the rights and obligations of the parties under the clause, a post-award orientation conference or letter may be used to explain these rights and obligations. When reviewing a contractor's procedures, particular attention is to be given to ascertaining their effectiveness for identifying, reporting, and disclosing Reportable Items and Subject Inventions as required by the clause.

(c) During the period of performance of each contract or subcontract the contractor or subcontractor is to submit to the New Technology Representative (or any other representative designated by the contracting officer) all reports of Reportable Items, disclosure of Subject Inventions, interim reports, subcontract identification, and other information in the manner required by the clause; and upon the completion of the work under the contract or subcontract the final report if required by the clause.

(d) Reporting of Reportable Items required by the "New Technology" clause promptly and before the completion of contract work, and the prompt submission of the final report upon completion of contract work, will aid New Technology clearance. Timely submission of annual interim reports, where contracts cover a period of more than one year, will also facilitate clause administration and expedite final clearance.

§ 9.109–3 Follow-Up by Government.

In order to ensure compliance by the contractor with the obligations of the clause:

(a) The New Technology Representative shall review, as necessary, the technical progress of work performed under the contract to ascertain whether the contractor and his subcontractors, where appropriate, are complying with the reporting requirements of the clause. This effort should be directed primarily toward contracts and subcontracts which, by the nature of the experimental, developmental, research, or other work to be performed, or the dollar amounts involved, are likely to produce Reportable Items or Subject Inventions of significant quantity or quality, or toward contracts and subcontracts where there is reason to believe the contractors may not be complying with their contractual obligations. Other contracts and subcontracts should be

spot-checked when feasible. These follow-up activities may include:

(1) Reviewing technical reports submitted by the contractor;

(2) Requesting the Patent Representative to check sources for patents issued to the contractor in fields related to his Government contracts;

(3) Interviewing contractor personnel regarding work under the contract, observing the work on-site, and inspecting laboratory notebooks and other records of the contractor related to work under the contract where so authorized by the clause;

(4) Interviewing agency technical personnel concerning novel developments in contracts under their cognizance; and

(5) Ensuring that the contractor is timely in submitting the reports of Reportable Items and disclosure of Subject Inventions, interim reports, subcontract identification, and final reports as required by the clause.

(b) The New Technology Representative shall forward to the Patent Representative copies of all contractors' and subcontractors' written reports of Reportable Items and disclosure of Subject Inventions, and a copy of the written statement, if any, submitted with the report of the Reportable Item. The New Technology Representative shall consult with the Patent Representative whenever a question arises as to whether a given Reportable Item is to be considered a Subject Invention or whether it was made in the performance of work under the contract. All correspondence relating to inventions and waivers under the "New Technology" clause, and election of title under the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause will also be promptly forwarded to the Patent Representative.

(c) The Patent Representative shall review each Reportable Item to ascertain whether it is to be considered a Subject Invention, obtain any determinations required by paragraph (b) of the "New Technology" clause, and so notify the contractor. As to any Subject Invention, the Patent Representative shall ensure that the contractor has provided sufficient information to protect the Government's rights and interests therein, including, as required, information and documents necessary for the preparation, filing, and prosecution of patent applications, determinations of inventorship, and the preparation of instruments establishing the Government's rights therein. The Patent Representative shall also, as necessary, conduct selected reviews of the nature set forth in paragraph (a), above, to ensure that Subject Inventions are identified, adequately documented, and timely reported or disclosed.

(d) Upon receipt of any final report required by the clause, and upon determination that the contract work is complete, the New Technology Representative shall determine whether the contractor has complied with the reporting requirements of the clause. If so, the New Technology Representative shall certify compliance, obtain the Patent Representative's concurrence with such certification, and forward the certification to the contracting officer. Such determinations generally will require consultation with cognizant technical personnel.

(e) Either the New Technology Representative or the Patent Representative, in consultation with the other, may prepare opinions, make determinations and otherwise advise the contracting officer with respect to any withholding of payment under paragraph (h) of the "New Technology" clause. Either the New Technology Representative or the Patent Representative may represent the contracting officer for the purpose of examining the contractors books, records and other documents in accordance with paragraph (g) of the "New Technology" clause. However, no action shall be taken by either the New Technology Representative or the Patent Representative which would constitute a final decision under the Disputes clause or involve a change or an increase in the work required to be performed under the contract which is inconsistent with 9.109–10 or which otherwise is outside the scope of obligations imposed upon the contractor by the contract.

(f) Release of final payment under the contract, and, if applicable, any reserve set aside under the withholding provisions of the clause for deficiencies and delinquent reporting not corrected as of the time of the submission of the final report by the contractor, shall not be approved by the contracting officer until receipt of the New Technology Representative's certification of compliance, and the Patent Representative's concurrence therewith, as specified in paragraph (d), above.

§ 9.109–4 Remedies.

If the contractor, for a contract containing the New Technology clause of 9.107–5, fails to establish, maintain, or follow effective procedures for identifying and disclosing Reportable Items or other reports and information or fails to correct any deficiency after notice thereof, the contracting officer may require the contractor to make available for examination, books, records, and documents relating to inventions, discoveries, improvements, or innovations in the same field of technology as the contract to enable a determination of whether there are such Reportable Items, and may invoke the withholding provisions of the clause. Further, the contracting officer may invoke the withholding provisions of the clause if the contractor fails to report any Reportable Item as required by the clause.

§ 9.109–5 Conveyance of Invention Rights Acquired by the Government.

(a) Where the Government acquires the entire right, title, and interest in an invention under the "New Technology" clause of 9.107–5, a determination of title is to be made in accordance with 42 U.S.C. 2457 and reflected in appropriate instruments executed by NASA and forwarded to the contractor. When the Government acquires the entire right, title and interest in an invention under the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause of 9.108–5, assignments are required from the inventor to the contractor and from the contractor to the Government, or from the inventor to the Government with the consent of the contractor, to establish clearly the chain of title from the inventor to the Government. The form of conveyance of title from the inventor to the contractor must be legally sufficient to convey the rights the contractor is required to convey to the Government.

(b) When the contractor is granted a waiver under the "New Technology" clause (see 9.109–6), or elects to retain title under the "Patent Rights (Small Business Firm or Nonprofit Organization)" clause and, in either case, timely files a patent application on the invention, an instrument confirmatory of the Government's license rights and other rights is to be obtained.

(c) Assignments, licenses, confirmatory instruments, and other papers evidencing any rights of the Government in patents or patent applications shall be recorded in the Statutory Register or documented in the Governmental Register maintained by the U.S. Patent and Trademark Office pursuant to Executive Order 9424, February 18, 1944.

§ 9.109–6 Waiver of Rights to Inventions in Contracts Containing the "New Technology" Clause.

(a) Pursuant to the NASA Patent Waiver Regulations, 14 CR Section 1245, Subpart 1, the Administrator may, in appropriate cases in contracts or

subcontracts with other than a small business firm or a domestic nonprofit organization, grant a request for the waiver of rights to any or all inventions made or which may be made under such contract or subcontract. The conditions, reservations, and obligations of a waiver are set forth in the Waiver Regulations and will be included in the Instrument of Waiver.

(b) Under § 1245.104 of the Waiver Regulations, advance waiver of rights to any or all inventions which may be made under a contract may be requested prior to the execution of the contract, or within 30 days after execution of the contract by the contractor. Waiver of rights to an identified invention made and reported under a contract may be requested under 14 CFR 1245.105. Waiver of rights may be requested under any of these provisions even though a request under a different provision was not made, or if made, was not granted. Waiver of foreign rights under 14 CFR 1245.106 may be requested concurrently with domestic rights or independently thereof.

(c) A request for the waiver of invention rights is made in the form of a petition, the requirements of which are specified in 14 CFR 1245.110. Petitions for advance waiver of rights presented prior to contract execution must be submitted through the contracting officer to the Inventions and Contributions Board, National Aeronautics and Space Administration, Washington, D.C. 20546. All other petitions shall be submitted directly to this Board. Forms which may be used in petitioning for waiver of invention rights and other general information pertaining thereto may be obtained from the Board.

(d) Subcontractors and prospective subcontractors may petition for waiver of invention rights in the same manner as described in this Subpart for prime contractors. Petitions by subcontractors or prospective subcontractors may be submitted directly to the Board, except that when a petition is made prior to the execution of a contract, it must be submitted to the Board through the NASA contracting officer.

(e) Petitions for advance waiver of rights prior to execution of the contract submitted by organizations selected for negotiation of a contract and petitions for advance waiver of rights submitted by contractors within 30 days after execution of a contract, will be considered by the Board. Contracting officers should forward petitions submitted prior to execution of the contract to the installation Patent Counsel for processing; the Patent Counsel will then forward the petitions to the Board. If the Board finds that a petition submitted prior to execution of the contract qualified under the criteria set forth in § 1245.104 of the regulations, it will recommend to the Administrator that waiver be granted and shall inform the contracting officer of the Administrator's determination with respect thereto. Should the Board, in considering a petition for advance waiver of rights prior to the execution of the contract, determine that there is insufficient time or information or other reasons to permit it to make its findings and recommendations to the Administrator without unduly delaying execution of the contract, the Board, through the installation Patent Counsel, will inform the contracting officer of its action and request him to notify the petitioner. The contractor may, within 30 days following execution of a contract, request the Board to reconsider the petition, either on the record or with any additional information which the contractor may care to furnish in support of the original petition. Contractors that have submitted petitions within 30 days after contract execution will be notified directly by the Board of its findings and proposed recommendation.

(f) Petitions for advance waiver should include sufficient information to permit the Board to make the specific findings under § 1245.104(c) and (d) of the regulations. These findings relate to the purpose of the contract, the field of science or technology of the contract, the relative commercial versus Government funding in the identified field of science, the commercial position of the contractor relative to the contract work or, if the contractor has not established such a commercial position, other facts which may, nevertheless, qualify the contractor under the "special situations" provisions of the regulations. In addition, Section 1245.104(b) of these regulations permit the Board to recommend to the Administrator the grant of waiver in "exceptional circumstances" when the Board is unable to make some of the specific findings required by the regulations. In the event the petitioner seeks to qualify his advance waiver under the exceptional circumstances provision of the regulations, suffcient information should be submitted to adequately support this finding.

(g) Advance waiver of invention rights granted under § 1245.04 of the regulations shall apply to those inventions reported during the term of the applicable contract and upon which the contractor indicates that he has filed or intends to file an application for U.S. patent. The waiver shall extend to any division or continuation patent application provided the scope of the invention remains substantially the same as that of the reported invention. An advance waiver of rights shall also extend to any contract changes, modifications or supplemental agreements so along as the purpose of the contract or the scope of work to be performed is not substantially altered.

(h) When the "New Technology" clause of 9.107–5 is to be applicable to the procurement, the following provision will be included in the request for proposals:

Waiver of Rights to Inventions (June 1982)

(a) In accordance with the NASA Patent Waiver Regulations, 14 CFR Part 245, Subpart 1, waiver of rights to any or all inventions made or which may be made under a NASA contract or subcontract with other than a small business firm or a domestic nonprofit organization may be requested at different time periods. Under § 1245.104 of the regulations, advance waiver of rights to any or all inventions which may be made under a contract or subcontract may be requested prior to the execution of the contract or subcontract, or within 30 days after execution by the selected Contractor. Waiver of rights to an identified invention made and reported under a contract or subcontract may be requested under 14 CFR 1245.105, even though a request for an advance waiver was not made or, if made, was not granted.

(b) If a proposer intends to petition NASA for the waiver of invention rights prior to contract execution, the petition for waiver should be presented with the proposal. Forms which may be used in petitioning for waiver may be obtained from the NASA Inventions and Contributions Board, National Aeronautics and Space Administration, Washington, DC 20546. The findings which must be made by the Board in order to recommend that a waiver be granted are set forth in 14 CFR Section 1245, Subpart 1.

(c) Petitions submitted with proposals selected for negotiation of a contract will be forwarded by the Contracting Officer to the installation Patent Counsel and then to the Inventions and Contributions Board. The Board will consider these petitions and where the Board makes the findings to support the waiver, the Board will recommend to the Administrator that waiver be granted, and will notify the petitioner and the Contracting Officer of the

Administrator's determination. The Contracting Officer will be informed by the Board whenever there is insufficient time or information or other reasons to permit a decision to be made without unduly delaying the execution of the contract. In the latter event, the petitioner will be so notified by the Contracting Officer. The petitioner may within 30 days following execution of the contract request the Board to reconsider the petition on the record or with any additional information he may care to furnish. The Board shall notify the petitioner of its action and if waiver is granted, the conditions, reservations, and obligations thereof will be included in the Instrument of Waiver.

(i) When NASA requests another Government agency to perform work, of a type defined in 9.107–4, on behalf of NASA and it is contemplated that a contract will be awarded, instructions for transmittal of petitions for waiver shall be provided to the other agency in accordance with 9.107–9(a)(6). The NASA Inventions and Contributions Board will consider any petitions and recommend to the Administrator whether or not waiver should be granted. The Administrator's determination will be transmitted to the contractor and the contracting officer of the other agency.

(j) The Board shall inform the installation Patent Counsel of the decision of the Administrator to either grant or deny advance waiver of patent rights. The installation Patent Counsel shall notify the contracting officer and the New Technology Representative of the Administrator's action.

§ 9.109–7 Publication or Release of Invention Disclosures.

(1) The publication of information disclosing an invention by any party before the filing of a patent application may create a bar to a valid patent. In recognition of this, 35 U.S.C. 205 provides

"Federal agencies are authorized to withhold from disclosure to the public information disclosing any invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license) for a reasonable time in order for a patent application to be filed. Furthermore, Federal agencies shall not be required to release copies of any document which is part of an application for patent filed with the United States Patent and Trademark Office or with any foreign patent office."

(2) NASA will, therefore, to the extent authorized by 35 U.S.C. 205, withhold from disclosure to the public reports or disclosures of Subject Inventions submitted pursuant to the clause of either 9.107–5 or 9.108–5 for a reasonable time in order for patent applications to be filed.

(3) NASA will also use reasonable efforts to withhold other information disclosing a Subject Invention that may be included in data delivered pursuant to contract requirements (see 9.200), *provided* that the contractor notifies NASA of the identity of the data and the Subject Inventions to which it relates at the time of delivery of the data. Such notification must be to both the contracting officer and the patent representative designated in the contract.

(4) With respect to small business firms or domestic nonprofit organizations, OMB Circular A–124 states that a reasonable time for withholding the report or disclosure of a Subject Invention under (2) above is that time during which an initial patent application may be filed pursuant to the clause of 9.108–5, and a reasonable time for withholding other information under (3) above is six months from delivery of the data with notification.

(5) It is NASA's general practice, if circumstances permit, to provide notice to the submitter prior to release of any unpublished information disclosing a Subject Invention pursuant to a request under the Freedom of Information Act.

§ 9.109–8 Reporting on Utilization of Inventions. [Reserved]

§ 9.109–9 Exercise of March-In Rights. [Reserved]

§ 9.109–10 Appeals. [Reserved]

§ 16.802 [Amended]

11. In Part 16, 16.802 is amended by removing "1.507 through".

[FR Doc. 83–7244 Filed 3–18–83; 8:45 am]
BILLING CODE 7510–01–M

LEGAL SERVICES CORPORATION

45 CFR Part 1612

Restrictions on Certain Activities

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends § 1612.4 of the Legal Services Corporation regulations governing legislative and administrative representation. The amendments impose additional restrictions on legislative and administrative activities mandated by provisions of the continuing resolution appropriating FY 1983 funds for the Corporation, Pub. L. 97–377. The amendments also include changes in the language of the regulation to more closely conform it to the language of the Legal Services Corporation Act, and to provide for additional recipient documentation and reporting requirements including a provision applicable to recipient publications which address legislative measures.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Alan R. Swendiman (202) 272–4010.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation published proposed amendments to § 1612.4 on November 8, 1982, (47 FR 50660) and interested parties were given 30 days until December 8, 1982, to submit comments on the proposed amendments. The amendments were drafted, in part, to implement certain provisions of the continuing resolution enacted on October 2, 1982, which appropriated FY 1983 funds for the Corporation (Pub. L. 97–276). The Corporation gave full consideration to all comments that it received on the proposed amendments.

At its December 16–17, 1982, meeting, the Corporation's Board of Directors authorized final publication of the proposed regulations including changes made in response to comments received. At the same time, the Board amended proposed § 1612.4(f) by adding a new paragraph (f)(2) which limited the authority of recipients of Corporation funds to communicate with elected officials to responding to requests concerning appropriations or other measures directed to the authority or conduct of a recipient as a provider of legal services to eligible clients. The amendment also provided that a response could be directed only to the requesting party, and prohibited soliciting a request from an elected official to testify or otherwise advocate the support or defeat of legislative measures. However, on December 21, 1982, subsequent to the Board's approval of the final regulations as amended, the President signed Pub. L. 97–377, a second continuing resolution appropriating FY 1983 funds for the Corporation. Public Law 97–377 amended the lobbying provisions of the previous continuing resolution by removing the language in Pub. L. 97–276 which limited communications to elected officials to matters "pertaining to the authorization or appropriations of funds or oversight measures directly affecting the operation of the program involved." As a result, Pub. L. 97–377 invalidated the provision in amended § 1612.4(f)(2) which limited the substantive matters on which communications could be directed to

elected officials. Therefore, the final regulations which the Corporation is adopting are those that were published for comment with the changes authorized by the Board and the changes in paragraph (f) mandated by Pub. L. 97–377. Those changes are as follows:

Documentation Requirements

Proposed § 1612.4(b)(4) would have required that communications made in response to a request from an elected official be obtained in writing and in advance. A number of commentators, particularly legislators, stated that this requirement was unrealistic because the order of legislative business frequently was unpredictable and there might not always be time to put a request for testimony, information, or other assistance in writing in advance of the time it is needed. One state legislator noted that he had no staff. Accordingly, the Corporation has rewritten § 1612.4(b)(4) to permit responses to oral requests so long as the fact, nature, and circumstances of the request are subsequently documented in writing

Reporting Requirements

Proposed § 1612.4(b)(5) would have required recipients to submit monthly reports of their legislative and administrative advocacy activities. Many of the comments received noted that monthly reporting was unduly burdensome, particularly since other reports requied by the Corporation are submitted quarterly. Therefore, the Corporation has changed § 1612.4(b)(5) to provide for quarterly reports.

In addition, a number of comments pointed out that a literal reading of "administrative advocacy activities" as used in the regulation could be taken to require reporting of advocacy in administrative proceedings of an adjudicatory nature, such as welfare hearings, Social Security hearings, etc. On the contrary, the term "administrative advocacy" as used in these regulations refers only to representation in formal rule-making proceedings or other efforts to influence agency rules or procedures. Neither the reporting requirements nor any other provision of this part is addressed to representation in administration adjudications.

Restrictions on Lobbying Under the Continuing Resolution

Paragraph (f)(1) has been redrafted to track the language of the lobbying provisions of Pub. L. 97–377. In addition, the provisions of paragraph (f)(2) added by the Board of Directors which are inconsistent with Pub. L. 97–377 have been stricken. Under paragraph (f), a recipient or an employee of a recipient may direct communications to elected officials in response to a formal request. Comments from legislators expressed concern that this provision would preclude a recipient from responding to a formal request made on his or her behalf by a staff member. This regulation is not intended to prohibit recipients from responding to formal requests from a legislator made through a member of the legislator's staff. It does prohibit recipients or their employees from sending communications or information requested by one legislator to other legislators who have not requested such information or communications.

In addition to these changes, the Corporation made a conforming amendment to § 1612.4(h)(4). As originally proposed, the section permitted direct contact with elected officials if such activities were authorized by § 1612.4(a). Since Pub. L. 97–377 imposes additional restrictions on recipient activities which have been incorporated in § 1612.4(f), § 1612.4(h)(4) should also incorporate those restrictions. Therefore, the Corporation has deleted the specific reference to § 1612.4(a) contained in proposed § 1612.4(h)(4) and substituted the phrase "under these regulations."

List of Subjects in 45 CFR Part 1612

Legal services, restrictions on certain activities, Lobbying

PART 1612—[AMENDED]

For the reasons set out in the preamble, 45 CFR Part 1612 is amended as follows:

1. The authority citation for Part 1612 is revised to read as follows:

Authority: Secs. 1006(b)(5), 1007(a)(5), 1011, 1008(e), Pub. L. 93–355, 88 Stat. 378 (42 U.S.C. 2996e(b)(5), 2996f(a)(5), 2996j, 2996g(e)), Pub. L. 95–431, 92 Stat. 1021, Pub. L. 95–68, 93 Stat. 416, Pub. L. 96–536, 94 Stat. 3166, Pub. L. 97–161, 96 Stat. 22, Pub. L. 97–377, 96 Stat. 1874.

2. Section 1612.4 is revised to read as follows:

§ 1612.4 Legislative and administrative representation.

(a) No funds made available to a recipient by the Corporation shall be used, at any time, directly or indirectly, to support activities intended to influence the issuance, amendment, or revocation of any executive or administrative order or regulation of a Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body or State proposals by initiative petition, except that:

(1) An employee may engage in such activities in response to a request from a governmental agency or a legislative body, committee, or member made to the employee or to a recipient to testify, draft or review measures or to make representations to such agency, body, committee or member; or,

(2) An employee may engage in such activities on behalf of an eligible client of a recipient, if such activities are necessary to the provision of legal advice and representation to a client who may be affected by a particular legislative or administrative measure but no employee shall solicit a client in violation of professional responsibilities for the purpose of making such representation possible; or,

(3) An employee may engage in such activities if a governmental agency, legislative body, committee, or member thereof is considering a measure directly affecting the activities under the Act of the recipient or the Corporation. This exception extends only to appropriations or other measures directed to the Corporation, or the recipient or its employees.

(b) Recipients shall adopt procedures and forms to document that the legislative and administrative activities in which they engage fall within the activities permitted in § 1612.4(a). Such documentation shall include:

(1) With respect to activities permitted under § 1612.4(a), a written request signed by an official of the governmental agency or a member of the legislative body or committee making the request which states the type of representation or assistance requested and identifies the executive or administrative order or regulation, or legislation, to be addressed;

(2) With respect to activities permitted under § 1612.4(a)(2), a retainer agreement, signed by the client or clients represented, or by an official of the client group in the case of a group client, which agreement shall specify the legislative or administrative measure on which representation is sought, the type of representation sought, (appearance at a hearing, legislative drafting, etc.), and which shall include a statement of the client's direct interest in the particular legislative or administrative measure to be addressed;

(3) With respect to activities permitted under § 1612.4(a)(3), a written statement signed by the recipient's executive director authorizing the initiation of such activities.

(4) Recipients shall obtain the documentation required by this section

prior to undertaking any of the activities permitted by §§ 1612.4(a) or 1612.4(f), except that recipients may respond to an oral request made pursuant to §§ 1612.4(a)(1) or 1612.4(g)(2) in the absence of a written request provided that the fact, nature, and circumstances of the request are subsequently documented in writing signed by the requesting authority.

(5) Recipients shall submit quarterly reports, in a form prescribed by the Corporation, describing their legislative and administrative advocacy activities conducted pursuant to these regulations.

(c) Recipients may not establish full time legislative offices unless the decision to establish such an office is formally made by the Board of Directors of the recipient consistent with the provisions of Section 1620, provided that the legislative activities of these offices are solely activities permitted under § 1612.4(a). Recipients shall provide the Corporation with a copy of the board resolution formally approving the establishment of a full time legislative office together with an annual budget for such office which describes, in a form prescribed by the Corporation, the annual costs of the office, including personnel costs.

(d) Notwithstanding the provisions of § 1612.4(a), recipients shall not use funds made available by the Corporation for publicity or propaganda purposes designed to support or defeat proposed legislation or legislation pending before Congress or any state legislature. For purposes of this regulation, "publicity or propaganda" means any oral communication or any advertisement, telegram, letter, article, newsletter, or other printed or written matter or device which contains a direct suggestion, or, when taken as a whole, an indirect suggestion to the public at large or to selected individuals to contact elected representatives in support of or in opposition to pending or proposed legislation.

(e) No funds made available to a recipient by the Corporation shall be used to support the preparation, production, and dissemination of any article, newsletter, or other publication or written matter for general distribution which contains any reference to proposed or pending legislation unless:

(1) The publication does not contain any publicity or propaganda prohibited by § 1612.4(d); and

(2) the recipient has adopted a policy requiring the recipient's executive director, or his or her designee, to review each publication produced by the recipient prior to its dissemination for conformity to these regulations; and

(3) The recipient provides a copy of any such material produced by the recipient to the Corporation within 30 days after publication; and

(4) Such funds are used only for costs incident to the preparation, production, and dissemination of such publications to recipients, recipient staff and board members, private attorneys representing eligible clients, eligible clients, and the Corporation, as opposed to the public at large.

(f)(1) Notwithstanding the provisions of § 1612.4(a), no funds made available to a recipient by the Corporation under the authority of Pub. L. 97–377 shall be used, directly or indirectly, to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except where legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights and responsibilities, or to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications made in response to any Federal, State, or local official, upon a specific matter.

(2) The exception for communications to officials does not authorize communication with anyone other than the requesting party. No employee of the recipient shall, directly or indirectly, solicit a request from any official to testify or otherwise advocate the support or defeat of legislative measures.

(g) Recipients shall adopt procedures and forms to document that the legislative and administrative activities in which they engage fall within the activities permitted under § 1612.4(f). Such documentation shall include:

(1) With respect to activities on behalf of eligible clients, a retainer agreement, signed by the client or clients represented, or by an official of the client group in the case of a group client, which agreement shall specify the administrative measure on which representation is sought, the type of representation sought, (appearance at a hearing, etc.) and which shall include a statement of the client's direct interest in the particular administrative measure to be addressed;

(2) With respect to activities in response to a request from a Federal, State, or local elected official, a written request signed by the offical making the request which states the type of communication requested (testimony, legal analysis, legislative drafting, etc.) and identifies the legislative measure to be addressed. Such documentation shall also include the signature of the recipient's executive director (or his or her designee) authorizing the communications requested.

(h) Nothing in this section is intended to prohibit an employee from:

(1) Communicating with a governmental agency for the purpose of obtaining information, clarification, or interpretation of the agency's rules, regulations, practices, or policies; or

(2) Informing a client about a new or proposed statute, executive order, or administrative regulation consistent with the requirements of Section 1612.4(e); or

(3) Advising a client with respect to the client's own communications to elected officials concerning proposed or pending legislation; or

(4) Making direct contact with elected officials concerning proposed or pending legislation as long as such activities are authorized under these regulations; or

(5) Communicating with the Corporation for any purpose.

Dated: March 16, 1983.

Donald P. Bogard,

President.

[FR Doc. 83–7242 Filed 3–18–83, 8:45 am]

BILLING CODE 6820–35–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80–719; RM–3682; FCC 82–558]

Radio Broadcast Services; Petition To Reallocate VHF Television Channel 9 From New York, New York, to a City Within the City Grade Contour of Station WOR–TV.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action reassigns VHF Television Channel 9 from New York, New York, to Secaucus, New Jersey, and grants the licensee of Station WOR–TV a 5-year license specifying Secaucus as the city of license in response to a request by RKO General, Inc. The

assignment will provide a first commercial VHF television station to the State of New Jersey.

EFFECTIVE DATE: April 20, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of a petition to reallocate VHF television channel 9 from New York, New YorK, to a city within the city grade contour of station WOR-TV; BC Docket No 80-719 RM-3682.

Adopted: December 8, 1982.
Released: March 11, 1983.

By the Commission; Commissioners Fogarty and Rivera concurring in part and dissenting in part and issuing a joint statement at a later date; Commissioner Jones concurring in part and dissenting in part and issuing a statement; Commissioner Dawson concurring and issuing a statement.

1. In 1980 the Commission adopted a *Notice of Proposed Rule Making*, 84 FCC 2d 180 (1980), proposing to reassign Channel 9 from New York City to a community in Northern New Jersey within the present city grade contour of Station WOR-TV (Channel 9). On August 19, 1982, while this rulemaking proceeding was pending, Congress passed the Tax Equity and Fiscal Responsibility Act of 1982, which added Section 331 to the Communications Act of 1934, as amended (hereinafter Section 331).[1] This new section requires the Commission to reallocate a VHF commercial television station to a community within a state that does not have such a station, upon notification from a licensee that it agrees to the relocation. Specifically, Section 331 directs that when a licensee notifies the Commission of its agreement to reallocation "to a community * * * the Commission shall, notwithstanding any other provision of law, order *such* reallocation * * *" (Emphasis added.) Thus, the Commission's discretion in this matter, including determining the community of license, is limited by the express wording of the statute.

2. In response to this legislation, RKO has notified the Commission by letter dated September 7, 1982, that it agrees to the requirements of Section 331. In this regard, RKO states that it will relocate its main studio to Secaucus, New Jersey, upon issuance by the Commission of a license for a term of five years. It indicates that its transmitter will remain atop the World Trade Center in New York City. On the basis of this notification, we find that RKO satisfies the terms of Section 331,[2] and that we are now in a position to grant a first commercial VHF station to New Jersey by reallocating Channel 9 to Secaucus, New Jersey.[3] Moreover, in light of the passage of Section 331 and our action today in conformity with the statute we will terminate our rulemaking proceeding.[4]

3. In reassigning Channel 9 to serve New Jersey, we have not followed traditional assignment criteria developed pursuant to section 307(b) of the Communications Act of 1934, as amended. In this regard, we have not undertaken an evaluation of communities eligible for licensing and their comparative needs for a local television station. Rather, we are guided strictly by what we perceive to be the intent of the legislation to license a station to "operate for the public benefit of the unserved state." S. Rep. No. 530, 97th Cong. 2d Sess. 690 (1982). As the sponsor of the amendment stated:

> [T]he reallocation of a license to New Jersey will mean that the licenseholder will move its studios and offices to New Jersey and operate in New Jersey *for the benefit of the people in our State* * * * I intend to carefully monitor the development of any New Jersey station to insure that *it is responsive to the needs of my State. This station will not be a New Jersey station in name only. It will serve the people of New Jersey.*

128 Cong. Rec. S10946 (daily edition) August 3, 1982 (remarks of Senator Bradley) (emphasis added).

4. Thus we believe it would be appropriate to take steps toward carrying out this intention through a higher service responsibility within RKO's Grade B coverage area. We come to this conclusion regarding RKO's service based not only on the Congressional intent but also from RKO's statements pertaining to its own programing intentions. In its October 13, 1982, letter to the Commission, RKO stated "* * * RKO believes that as New Jersey's only VHF television station it will be desirable to orient the station's news and other informational programing to the entire region of New Jersey, which it will serve." Indeed, RKO states that its specification of Secaucus as the city of license would allow it to devote more time to the needs of its entire New Jersey coverage area since the needs of Secaucus could be readily satisfied. In contrast, RKO suggests that the local needs of a much larger city, such as Newark, would require more time to satisfy, at the expense of the needs of the rest of its northern New Jersey service area.

5. Considering RKO's statements with regard to its programing expectations in conjunction with the clear Congressional intent, we anticipate that RKO's continued use of VHF Channel 9 will be directed toward satisfying the programing needs of its New Jersey Grade B coverage area. In the usual case, Secaucus, the city of assignment, would be the primary focus of the licensee's programing responsibilities. However, we have previously determined that the lack of local VHF television service to this highly populated area of northern New Jersey presented a unique set of circumstances. *See e.g.*, Docket 20350 *2nd R&O*, 59 FCC 2d 1386 (1976), wherein special service obligations have been imposed on all New York City and Philadelphia TV

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[1] The new Section 331 provides: It shall be the policy of the Federal Communications Commission to allocate channels for very high frequency commercial television broadcasting in a manner which ensures that not less than one such channel shall be allocated to each State, if technically feasible. In any case in which a licensee of a very high frequency commercial television broadcast station notifies the Commission to the effect that such licensee will agree to the reallocation of its channel to a community within a State in which there is allocated no very high frequency commercial television broadcast channel at the time of such notification, the Commission shall, notwithstanding any other provision of law, order such reallocation and issue a license to such licensee for that purpose pursuant to such notification for a term of not to exceed 5 years as provided in Section 307(d) of the Communications Act of 1934.

[2] An examination of the television allocation table (§ 73.606(b) of the Commission's Rules) shows that Channel 13, a non-reserved VHF television channel, is allocated to New Jersey. However, this channel has been used for more than twenty years by educational broadcasting Station WNET-TV for a *non-commercial* purpose as part of the New York state educational facilities network. Thus, RKO's application would represent the first provision of commercial VHF television service to New Jersey and would conform to the explicit Congressional intent to facilitate such service to the State of New Jersey. *See* 128 Cong. Rec. S10946 (daily ed. Aug. 19, 1982) (remarks of Sen. Bradley); 128 Cong. Rec. H6347 (daily ed. August 17, 1982) 128 Cong. Rec. S8923 (daily ed. July 22, 1982), and S. Rep. No. 97-530, 97th Cong., 2nd Sess. 690 (1982).

[3] Although the Commission previously denied renewal of RKO's license, *RKO General, Inc. (WOR-TV)*, 78 F.C.C. 2d 357 (1980), that decision has been remanded to the Commission by the U.S. Court of Appeals, *RKO General, Inc.* v. *FCC*, 670 F. 2d 215 (D.C. Cir. 1981), *cert. denied*,—U.S.—, 102 S. Ct. 2931 (1982), and no action on the remand has been taken. Thus RKO's present status as a licensee qualifies it under Sections 307(d) and 331 of the Communications Act and Section 558(c) of the Administrative Procedure Act.

[4] Further compliance with the rulemaking procedures of the Administrative Procedure Act (e.g. further notices of proposed rulemaking etc.) is unnecessary in light of the explicit direction from Congress in Section 331. to reallocate the channel upon notification by a licensee who qualifies under the statute.

stations. Accordingly, we expect RKO to perform a higher degree of service to its Grade B coverage area than is normally required of a broadcast licensee. At renewal time RKO will be judged by how it has met the obligation to serve the greater service needs of northern New Jersey, which we view as broader than the specific needs of Secaucus.

6. We recognize that our action here moots the competing application of Multi-State Communications Inc. for the Channel 9 frequency (Docket Nos. 19991–19992). Multi-State's mutually exclusive application was pending when section 331 was enacted. After a careful examination of both the terms and the legislative history of section 331, however, we are convinced that Congress did not intend that any reallocation be followed by comparative hearing proceedings, including completion of proceedings which commenced prior to the passage of section 331. The statute specifically says that, upon notification by a licensee of its agreement to reallocate its channel to an unserved State, "the Commission shall, *notwithstanding any other provision of law,* order such reallocation and issue a license to such licensee" for a term of up to five years. The emphasized language, in our view, includes those statutory and regulatory provisions pertaining to comparative proceedings.

7. Moreover, the legislative history of section 331 indicates an explicit Congressional intent to facilitate commercial VHF television service to the State of New Jersey. See n. 2, *supra.* The Conference Report explaining section 331 states:

> It is the intention of Congress that any current licensee which exercises the option of seeking the transfer of its license to an unserved state under the terms of this section will move its studio and offices, *to and operate for the public benefit of the unserved State.*

S. Rep. No. 530, *supra,* at 690 (emphasis added).

8. At the same time section 331 does not give the Commission the power to force an unwilling licensee to move to New Jersey. Instead Congress here contemplated that a reallocation would occur only as a result of a licensee's voluntary notification of its agreement to such reallocation. RKO is the only licensee to come forward since the enactment of section 331 and voluntarily agree to the reallocation of its channel to an unserved State. There is nothing in the record here to indicate, however, that RKO would be willing to undertake a reallocation to New Jersey if the pending comparative proceeding in which it was involved were to continue. Indeed, in its notification to the Commission pursuant to the statute, RKO stated that "it agrees to the reallocation of Channel 9 from New York, New York to Secaucus, New Jersey, *upon issuance by the Commission to RKO of a regular license for that purpose having a term of five years."* (Emphasis added.) RKO recently stated its understanding that its notification pursuant to section 331 would terminate the comparative proceeding:

> Thus, section 331 and RKO's acceptance of the reallocation of WOR–TV requires that the previous proceedings on Multi-State's application for Channel 9 in New York and RKO's renewal application for WOR–TV, New York, come to an end. When WOR–TV has moved to New Jersey, Channel 9 will no longer be available in New York. Consequently, by operation of the statute, the proceedings before the Commission concerning RKO's and Multi-State's applications for that channel will become moot when the Commission complies with the statute and issues a license to RKO for the reallocated Channel 9.

Letter to Chairman Mark S. Fowler, September 15, 1982.

9. It is also apparent that Congress was aware that section 331 might apply, *inter alia,* to RKO,[5] and that the statute would affect competing applicants. In particular, Chairman Fowler wrote to Congressman John Dingell, Chairman of the House Energy and Commerce Committee on July 27, 1982, concerning an earlier version of the statute, S. 1629. In that letter Chairman Fowler stated that under the provisions of the proposed legislation:

> [T]he Commission would be required to grant the renewal application of the VHF licensee in question without considering other public interest factors long used in making such a decision * * *. [C]ompeting applications for the licensee's facilities would be dismissed without comparison of the qualifications of the new applicant(s) *vis-a-vis* those of the incumbent licensee.

Multi-State itself raised those concerns during Congressional consideration of the earlier version of Section 331. In letters sent to 22 Senators and Congressmen on May 19, 1982, Multi-State stated:

> [Multi-State's] "protected status" is well established by FCC regulations and recognized by the Commission in all its proceedings. The Bradley amendment [to S. 1629] disregards this recognized right of Multi-State and will totally destroy the longstanding equity of our protected position * * * [The] amendment * * * destroys the recognized standing of one party.

10. Under these circumstances, we view the statute as a Congressional determination of the rights of competing applicants.[6] Accordingly, as discussed above, we have concluded that RKO's notification is sufficient to bring Section 331 into play and we have issued RKO the license it requests pursuant to that notification. We believe that these actions are compelled by the statute and Congressional intent, notwithstanding the adverse effects on Multi-State.

11. One issue raised in the *Notice of Proposed Rule Making* should be addressed at this time; *i.e.,* the special service obligations now imposed upon New York and Philadelphia stations to provide better coverage to the needs of New Jersey residents.[7] When this obligation was imposed, it was announced that a review of each station's performance would take place in connection with each station's renewal application. The period for renewing New York television stations is June 1, 1984, while the licenses for Pennsylvania television stations expire on August 1, 1984. The *Notice* announced that we did not intend to abandon this requirement. Rather the obligations imposed under the previous Commission orders would continue to be scrutinized. We believe that a review of the performance of each station's service obligations to New Jersey should

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[5] For example, in discussing the bill that was ultimately adopted, Senator Bradley stated: "It is my hope that an application will shortly be made. One station has already expressed a desire to move to New Jersey." 97 Cong. Rec. S10946 (daily ed. August 19, 1982). In addition, Congressman John F. Seiberling and seven other Members of the House noted: "What this means is that WOR–TV in New York will be able to move to New Jersey and have its license reallocated there." Letter to Congressman John Dingell, Chairman, House Energy and Commerce Committee, August 5, 1982.

[6] The Commission's allocation and licensing functions are derived directly from the authority of Congress to regulate radio communications pursuant to its power to regulate interstate commerce. In delegating its authority, Congress sets forth the standards by which that authority will be exercised. *FCC* v. *Pottsville Broadcasting Co.,* 309 U.S. 134 (1940); *Federal Radio Comm'n* v. *Nelson Brothers Bond & Mortgage Co.,* 289 U.S. 266 (1933).

[7] In connection with the rulemaking proceeding we have pending two "Motions to Strike." The first was submitted by Multi-State Communications, Inc. directed to a study attached to the comments of Andrew Maguire. The second motion relates to supplemental comments of RKO General, Inc. that pertain to the then pending-legislation (Section 331) and the appeal of the RKO case before the Court of Appeals. The subsequent enactment of Section 331 renders both of these matters moot.

Similarly, we have before us the request of Wm. J. Pascrell, Jr., Director of Policy Planning and Management, Paterson, New Jersey, to reopen the comment period in view of the enactment of Section 331, or in the alternative, to consider additional data regarding the needs of Paterson for the reassignment of Channel 9. As stated in the text, our discretion in this matter is limited by the express wording of the statute. Accordingly, the request will be denied.

take place as scheduled in connection with the renewals of these station licenses to determine the benefits occasioned by this program and the need to continue or eliminate the subject obligation. However, we note that the existence of a commercial VHF station located in northern New Jersey and licensed to serve the needs of this area may have a significant impact on the necessity to continue the special service obligations imposed upon the New York stations when they come up for review.

12. Accordingly, it is ordered, That effective April 20, 1983, § 73.606(b) of the Commission's Rules, the Television Table of Assignments IS AMENDED for the following communities:

City	Channel No.
Secaucus, New Jersey	9+
New York, New York	2, 4, 5+, 7, 11+, *25, 31-

13. Canadian concurrence in this action has been obtained.

14. Authority for the adoption of the amendments herein is contained in sections 4(i), 303(r) and 331 of the Communications Act of 1934, as amended.

15. IT IS FURTHER ORDERED, That pursuant to Section 331 of the Communications Act of 1934, as amended, RKO General, Inc., the licensee of Station WOR-TV, Secaucus, New Jersey is hereby granted a license for a term of 5 years from the effective date of this action.[*]

16. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Statements of Commissioners Fogarty, Rivera and Dawson to be issued at a later date.

Statement of Commissioner Anne P. Jones Concurring in Part and Dissenting in Part

In Re: Reallocation of VHF television Channel 9 from New York to New Jersey and modification of Station WOR-TV's license to specify the new location.

March 10, 1983.

I concur in the basic decision to reallocate Channel 9 to New Jersey because I agree that under existing circumstances such reallocation is, in effect, mandated by new Section 331 of the Communications Act. Although I find this action very problematical insofar as it moots Multi-State's competing application, I believe the Commission must bow in this matter to the apparent will of Congress.

I do not, however, agree with the majority that we need or should approve RKO's selection of Secaucus as its new community of license or issue this license for a 5-year term. On the first point, I believe it would make more sense, and better comport with the Act as a whole, to assign this channel to Newark, the largest city in New Jersey, rather than to the much smaller Secaucus. On the second point, I believe that limiting the term of this license to June 1, 1984, would serve two good purposes: It would conform the term of this license to those of all other New Jersey television licenses and also would provide an early opportunity for Multi-State to renew its bid for this license if it chooses to do so. On these points, therefore, I respectfully dissent.

[FR Doc. 83-7228 Filed 3-18-83; 8:45 am]

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[*] RKO will be expected to file a renewal application at the end of its term that would specify a period extending to June 1, 1989, in order to make its license term consistent with the expiration date of all New Jersey television licenses.

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47 CFR Part 73

[BC Docket No. 82-704; RM-4183]

Radio Broadcast Services; FM Broadcast Stations in Kingman, Ariz.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns a third FM channel to Kingman, Arizona, in response to a petition filed by Mohave Communications Systems.

EFFECTIVE DATE: May 13, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Kingman, Arizona); BC Docket 82-704, RM-4183.

Adopted: March 4, 1983.
Released: March 14, 1983.
By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 47 FR 46118, published October 15, 1982, proposing the assignment of Channel 261A to Kingman, Arizona, in response to a petition filed by Mohave Communications Systems ("MCS") ("petitioner"). Petitioner filed supporting comments restating its interest in the channel. Mohave Sun Broadcasting [1] submitted opposing comments to which petitioner responded.

2. In opposition to the proposal, Mohave Sun Broadcasting argues that at the time the petition was filed, the petitioner sought a second FM assignment to Kingman. After the *Notice* was issued, Kingman received a second allocation (in BC Docket 82-262, adopted November 19, 1982). Thus, Channel 234 is available for application by interested parties. According to Mohave Sun, there has been no interest expressed for a third assignment at Kingman and there is no justification for a third broadcast service to that community under the Commission's current relaxed FM assignment procedures. Thus, it urges the Commission to deny petitioner's request to assign Channel 261A to Kingman.

3. In response, the petitioner acknowledges that the proposal will provide a third service to Kingman. Petitioner states that the opposition's contention that there is no interest in a third FM service to Kingman is unacceptable since it filed comments indicating a continuing interest in the channel. In response, petitioner claims that Channel 234 was made available as a result of the counterproposal filed by Lilly Amador (a Hispanic American female), who specifically indicated her intent to apply for the channel. Thus, if it would apply for Channel 234, a hearing for the channel could result causing needless delay and expenses before additional service could be provided to Kingman. Petitioner asserts that the proposed assignment would create an intermixture of channels;[2] however, it would be the only party economically affected by the Class A operation, and is willing to operate under such conditions. Finally, petitioner states that the merits of this proceeding clearly warrant a third assignment to Kingman, and urges the Commission to adopt its proposal.

4. After carefully considering the proposal and comments filed in this proceeding, the Commission is persuaded that the public interest would be best served by adopting the proposal. Our decision reaffirms our policy of providing service where there is a demand for new service, see *Helena, Montana*, 50 R.R. 2d 70 (1981). Although the *Notice* proposed a second

[1] Mohave Sun Broadcasting is the licensee of Station KZZZ(FM), Channel 290, Kingman.

[2] Petitioner states that it is aware of the Class C channels available for assignment; and that the *Revision of FM Assignment Policies and Procedures* 90 F.C.C. 2d 88 (1982), allows voluntary competition of Class A stations with Class B and C stations.

assignment, the Commission did not rely on the provision of a second channel to Kingman (BC Docket 82–262). Rather an additional local service was the primary basis for proposing the channel. We believe the assignment should be granted. In view of the above, we shall make the requested assignment of Channel 261A to Kingman, Arizona.

5. Mexican concurrence in the assignment has been obtained.

6. Accordingly, pursuant to the authority contained in section 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective May 13, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, IS AMENDED, with respect to the community listed below:

City	Channel No.
Kingman, Ariz.	234, 261A, and 290

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,
Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83–7235 Filed 3–18–83; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 82–308; RM–4059; RM–4165]

Radio Broadcast Services; FM Broadcast Station in Medford and Klamath Falls, Oregon; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Class C Channel 239 for Channel 237A in Medford, Oregon, in response to a request from M–3–X, Inc., licensee of Station KBOY–FM, Medford, and modifies its license to specify the new channel. Class C Channel 278 is also assigned to Medford in response to another expression of interest. Also, Channel 296A is substituted for Channel 240A at Klamath Falls, Oregon, to accommodate the Medford proposal.

EFFECTIVE DATE: May 16, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Medford and Klamath Falls, Oregon); BC Docket No. 82–308, RM–4059, RM–4165.

Adopted: March 4, 1983.
Released: March 15, 1983.

By the Chief, Policy and Rules Division.

1. Before the Commission is the *Further Notice of Proposed Rule Making*, 47 FR 49421, published November 1, 1982, proposing two alternative assignment options looking toward the assignment of two Class C channels to Medford, Oregon, one of which requires a related channel substitution at Klamath Falls, Oregon, as follows:

Option I—Substitute Channel 296A for Channel 240A at Klamath Falls; substitute Channel 239 for Channel 237A and add Channel 278 to Medford, Oregon;

Option II—No change in existing allocations at Klamath Falls; delete Channel 237A and assign Channels 278 and 295 at Medford, Oregon.

These proposals were made in response to a petition filed by M–3–X, Inc. ("petitioner"), licensee of FM Station KBOY–FM (Channel 237A), Medford, seeking the substitution of Class C Channel 239 for Channel 237A and modification of its license to specify operation on the Class C channel.

2. In response to the *Further Notice*, opposing comments were filed by Wynne Broadcasting Company, Inc. ("Wynne"), applicant for Channel 240A in Klamath Falls. Comments and reply comments were filed by petitioner in support of Option I. Additionally, comments were filed by Matthias Enterprises ("Matthias"), licensee of AM Station KYJC, Medford, expressing an interest in either option.

3. Petitioner objects to adoption of Option II which, *inter alia*, proposes to substitute Channel 295 for its existing operation on Channel 237A. Specifically, petitioner states that it has occupied its present dial location for many years and that such substitution would cause widespread disruption of listening habits in its audience. However, it claims that if Channel 239 is substituted in lieu of 237A, such a change would be virtually indistinguishable from its existing dial position.

4. Moreover, petitioner claims that Wynne, the Klamath Falls applicant, has not advanced to licensee status and therefore its interest in operating a new station there can be easily effectuated through operation on Channel 296A. Accordingly, petitioner asserts that Wynne would experience no disruption of viewing habits and that its cut-off protection would not be lost by amending its application to reflect the channel substitution.

5. In its comments, Wynne, although not outright refusing to amend its application, has nevertheless expressed its reluctance to do so since it was recently issued a construction permit for the facility.

6. Matthias initially requested that Channel 278 also be assigned at Medford, but indicates in its comments that it supports either option since both would afford it an opportunity to apply for a Class C channel. However, it claims that *Ashbacker* [1] does not permit assignment of new Class C channels to a community, then placing one of them in reserve in order to modify a particular party's license. Therefore, Matthias claims that petitioner should be required to submit a new application and pursue it in the customary comparative fashion.

7. In its reply comments, petitioner reiterates its position with respect to the proposed substituion at Klamath Falls, and continues to support adoption of Option I to specify its operation on Channel 239 instead of Channel 295 (Option II), as the least disruptive to its listening audience.

8. Furthermore, petitioner indicates that Matthias' assertion regarding *Ashbacker* is erroneous since another Class C channel has been proposed which could accommodate the interest. As a result, petitioner notes there is no bar to a modification of its license, since there are enough Class C channels to accommodate each interest.

9. Moreover, petitioner indicates that Matthias' concern stems from a fear of economic hardship (even though it has indicated an interest in applying for Channel 278), since it is the licensee of the exising AM station in Medford and doubtless does not welcome the competition petitioner's Class C operation could generate.

10. In sum, petitioner urges that adoption of Option I would enable it to compete on a more equitable basis in the marketplace since, in the alternative,

[1] See, 326 U.S. 327 (1945).

it would be forced to operate at a disadvantage in an intermixed market.

11. In view of the above considerations, we find that the public interest would benefit from adoption of Option I. First, Medford could provide two new wide coverage area stations. The alternate plan (Option II) may not result in such services in view of petitioner's lack of interest in that proposal. Secondly, Wynne would still be afforded the opportunity to provide service to Klamath Falls. Although Wynne did not support this option, it was previously given notice that it may be required to amend its application to accommodate the instant proposal. Wynne's comments provided no reasons for denying the substitution since it had not informed us how the channel substitution at Klamath Falls should affect its proposed operation.

12. In deciding to adopt Option I, we are not relying on petitioner's argument regarding intermixture, nor disruption of viewing habits. Since adoption of the *Second Report and Order* in BC Docket No. 80–130, *Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982), intermixture is no longer considered in this type of proceeding. Moreover, petitioner's concern that a certain channel (295) would create a marketplace disadvantage is not a basis for allocations decisions. Even though local viewing habits may be tuned to an existing channel on the dial, the Commission does not recognize differences between the same class of FM channels. As a general rule, we will not assign channels solely because an interested party desires a certain placement on the FM band. Our decision to adopt Option I is premised on the fact that we believe this plan has the best chance of providing two wide coverage area Class C services from Medford while not adversely affecting the proposed Klamath Falls service.

13. Contrary to Matthias' assertion that petitioner's license should not be automatically modified in light of *Ashbacker*, that position is incorrect since we are assigning a second Class C channel to accommodate its expression of interest. This practice has been consistently applied by us since the *Cheyenne, Wyoming* [2] decision.[3]

14. If Matthias' underlying fear is one of economic harm, as claimed by petitioner, it will have an opportunity to address such issue at the application stage. See *Bend, Oregon*, 46 Fed. Reg. 62858, published December 29, 1981, and cases cited therein.

[2] 62 F.C.C. 2d 63 (1976)

[3] See, *e.g., Helena, Montana*, 46 FR 43169, published August 27, 1981.

15. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective May 16, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Klamath Falls, Oreg.	223, 258 and 296A
Medford, Oreg.	229, 239, and 278.

16. It is further ordered, pursuant to the authority contained in section 316 of the Communications Act of 1934, as amended, that the license of FM Station KBOY–FM, Medford, Oregon, is modified to specify operation on Channel 239, subject to the following provisions:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

17. It is further ordered, That the Secretary shall send a copy of this *Order* by *Certified Mail*, return receipt requested to: M–3–X, Inc., 413 East Main Street, Medford, Oregon 97501.

18. It is further ordered, pursuant to the authority contained in section 316 of the Communications Act of 1934, as amended, that the permit of FM Channel 240A, Klamath Falls, Oregon, is modified to specify operation on Channel 296A, subject to the following provisions:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301) specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

19. It is further ordered, That, the Secretary shall send a copy of this *Order* by Certified Mail, return receipt requested, to Wynne Broadcasting Company, Inc. 1338 Oregon Avenue, Klamath Falls, Oregon 97601.

20. It is further ordered, That this proceeding is terminated.

21. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83–7238 Filed 3–18–83; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 90

Private Land Mobile Radio Services; Use of Facsimile Transmission When Requesting Special Temporary Authority

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC is making a rule change that will add the use of facsimile transmission as a method for requesting special temporary authority, thus providing licensees with another option when making such requests.

DATE: Effective January 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau, (202) 634–2443.

List of Subjects in 47 CFR Part 90

Administrative practice and procedure.

Order

Adopted: January 11, 1983.
Released: January 12, 1983.

In the matter of; Amendment of Part 90 of the Commission's Rules to Permit the Use of Facsimile Transmission when Requesting Special Temporary Authority.

By the Managing Director:

1. Part 90 of the Commission Rules and Regulations, 47 CFR 90.145(a), states that requests for special temporary authority for use of private land mobile radio facilities may be made by a properly signed letter submitted at least 10 days prior to the date of the proposed operation. In emergencies, the request may be made by telephone or telegraph, to be followed by a letter within 10 days.

2. The Private Radio Bureau's Licensing Division in Gettysburg, PA has recently installed a facsimile system, and is now able to accept facsimile transmission relating to its normal business. Therefore, in order to allow

licensees an additional means to request special temporary authority, we are amending 47 CFR 90.145(a), to permit the use of facsimile for this purpose.

3. Since this change is procedural in nature and represents no substantive change in the Commission's Rules, there is no need for public notice and comment thereon. See 5 U.S.C. 553(b). Authority for this action is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, (47 U.S.C. 154(i) and 303(r)) and Section 0.231(d) of the Commission's Rules and Regulations. (47 CFR 0.231(d).)

4. Accordingly, Part 90 of the Commission's Rules and Regulations IS AMENDED as set forth in the attached Appendix, effective January 27, 1983.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Alan R. McKie,

Deputy Managing Director.

Appendix

PART 90—[AMENDED]

47 CFR Part 90 is amended as follows:

Section 90.145(a) is revised to read:

§ 90.145 Special temporary authority.

(a) In circumstances requiring the temporary use of radio facilities, the Commission may issue special temporary authority for new or modified operations. A request for special temporary authority may be made in letter form signed in accordance with § 90.125 of this part. It should be submitted, in duplicate, at least 10 days prior to the date of the proposed operation. However, in cases of emergency involving danger to life or property, or due to damage to equipment, the request may be made by telephone, telegraph or facsimile transmission under the condition that a letter request is submitted within the following 10 days. All requests for special temporary authority shall be clear and complete within themselves and shall not rely on any pending application.

* * * * * .

[FR Doc. 83-7237 Filed 3-18-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 30223-29]

Pacific Coast Groundfish Fishery; Corrections

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of inseason adjustment and request for comments; corrections.

SUMMARY: This document corrects a notice of inseason adjustments that appeared in the **Federal Register** on February 28, 1983, (48 FR 8283). The following corrections are made in FR Doc. 83-5013:

1. On p. 8286, last paragraph of the first column, *"Sebastes"* is the correct spelling.

2. On p. 8287, the authority is corrected to read "(16 U.S.C. 1801 *et seq.*)"

FOR FURTHER INFORMATION CONTACT: Donna D. Turgeon (Regulations Coordinator), 202-634-7455.

Dated: March 15, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-7293 Filed 3-18-83; 8:45 am]

BILLING CODE 3510-22-M

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Proposed Rules

Federal Register
Vol. 48, No. 55
Monday, March 21, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Table Grapes (European or Vinifera Type)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service proposes to revise the voluntary United States Standards for Grades of Table Grapes (European or Vinifera Type). These standards need updating to bring them in line with current cultural and marketing practices. Since the standards were last revised in 1971 several varieties of seedless table grapes have become commercially prominent. In addition, changes made in State maturity regulations in California and Arizona for certain varieties since that time are not compatible with the requirements contained in the current standards. This proposal would add two seedless varieties to those now specified in the current standards and permit all seedless varieties to be covered by the same size requirements; provide for adjustment to recent changes in State maturity regulations; and, add a new subsection applicable to maturity of table grapes subject to U.S. import regulations.

DATE: Comments must be received on or before April 20, 1983.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Rm. 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Michael V. Morrelli, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202) 447–2011.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA Procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It will not result in an annual effect of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action willl not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it reflects current marketing practices.

These voluntary grade standards were last revised in 1971 to provide uniform maturity requirements compatible with the then current State laws and regulations concerning grape maturity. The maturity requirements of the Agricultural Code of California and the Arizona Fruit and Vegetable Standardization Laws in effect on April 7, 1971, were referenced in the grade standards. In addition, minimum size requirements for the higher grades were revised and minimum size requirements for four seedless varieties and other varieties were added to the U.S. No. 1 Table grade. However, provisions were not made for later changes in State regulations or the introduction of seedless varieties with similar characteristics.

This proposal would:

(1) Add the statement "Superior Seedless, Flame Seedless and other seedless varieties" to those currently listed. This would permit all seedless varieties to be covered by the same size requirements.

(2) Redefine "Mature" to mean that grapes grown in either Arizona or California shall meet the respective State's maturity requirements which are in effect on the effective date of this amendment and grapes grown in other States or countries shall meet the maturity requirements referenced in § 51.887(c) of this proposal.

Grapes grown in California are subject to maturity regulations set forth in Title 3 of the Administrative Code of California. Regulations for Arizona grown grapes, currently in the process of being amended to include all varieties under soluble solids testing by hand refractometer, are set forth in Title 3, Chapter 7 of the Arizona Official Compilation of Administrative Rules and Regulations. Maturity regulations in these two States differ from Table III to reflect different climatic conditions in these States.

(3) Add a subsection applicable to maturity of grapes subject to the U.S. import regulations. This addition is timely in that table grapes were recently added to the commodities subject to import regulations under Section 608e of the Agricultural Marketing Agreement Act of 1937.

List of Subjects in 7 CFR Part 51

Fresh fruits, Vegetables and other products (Inspection, Certification and standards).

PART 51— [AMENDED]

Accordingly, it is proposed that 7 CFR Part 51 be amended as follows:

1. In § 51.882, paragraph (i)1)(ii) is revised to read:

§ 51.882 U.S. Fancy Table.

. . . . .

(i) * * *

(1) * * *

(ii) For Thompson Seedless, Perlette, Delight, Beauty Seedless, Superior Seedless, Flame Seedless and other seedless varieties, 75 percent shall be at least ten-sixteenths of an inch; and,

. . . . .

2. In § 51.884, paragraph (i)(1)(i) is revised to read:

§ 51.884 U.S. No. 1 Table.

* * * * *

(i) * * *

(1) * * *

(i) Thompson Seedless, Perlette, Delight, Beauty Seedless, Superior Seedless, Flame Seedless and other seedless varieties nine-sixteenths of an inch.

* * * * *

3. Section 51.887 is revised to read:

§ 51.887 Maturity requirements.

(1) In the case of grapes grown in Arizona or California, "mature" means grapes in any lot shall meet the maturity requirements for the variety as set forth in the applicable State Agricultural Laws and Regulations in effect on the effective date of this regulation.

(b) Grapes subject to U.S. import regulations shall meet the maturity requirements specified in such regulations.

(c) Grapes produced in States other than Arizona or California, or grapes imported from countries outside the United States during periods in which U.S. import regulations do not apply, shall meet the minimum percentage of soluble solids set forth in Table III as determined by use of a standard hand refractometer.

TABLE III

Variety	Percent of soluble solids
Muscat	17.5
All varieties not listed in this table	16.5
Cardinal, Emperor, Perlette, Ribier, Olivette Blanche, Rish Baba, Red Malaga, and similar varieties	15.5

(1) The minimum percentage of soluble solids for any lot shall be determined from the juice of at least 10 percent, by weight, of whole bunches of the least mature grapes in that container which appears to have the least mature grapes. No lot shall be considered as failing to meet these requirements unless samples from two containers which appear to have the least mature grapes test below the required percentage of soluble solids.

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C. on: March 14, 1983.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 83-7148 Filed 3-18-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-11-AD]

Airworthiness Directives; Pilatus Britten-Norman, Ltd., BN-2A MK III Trislander Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD), applicable to Pilatus Britten-Norman Ltd. BN-2A MK III Trislander Series airplanes which would require visual inspection and modification of the rudder drive lever support assembly. Shearing of the attachment rivers and cracking of the rudder drive lever support have been reported to the manufacturer which could result in detachment of the lever pivots and loss of rudder control. The visual inspection and modification of the rudder drive lever support will detect potential attachment rivet failures and cracks before structural failure of the rudder drive lever support could occur with subsequent loss of rudder control.

DATE: Comments must be received on or before May 9, 1983. *Compliance:* As prescribed in the body of the AD.

ADDRESSES: Britten-Norman Service Bulletin (SB) No. BN-2/SB.102, Issue 1, dated May 12, 1977, and Britten-Norman Mod. NB/M/908 Leaflet dated July 6, 1977, applicable to this AD may be obtained from Britten-Norman (Bembridge) Ltd., Bembridge, Isle of Wight, England, or the Rules Docket at the address below.

Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 83-CE-11-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, telephone 513.38.30; or Mr. P. Cormaci, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, telephone 816/374-6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FFA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-CE-11-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

The manufacturer has received three reports of cracks and/or loose rivets developing in the rudder drive lever support assembly and/or attachment rivets becoming loose on Pilatus Britten-Norman Ltd. BN-2A MK III Trislander Series airplanes. As a result, Pilatus Britten-Norman Ltd. has issued SB No. BN-2/SB.102, Issue 1, dated May 12, 1977, which provides instructions for visual inspection and modification as required of the rudder drive lever support assembly to detect and prevent loose or sheared attachment rivets and cracks. The United Kingdom Civil Aviation Authority (UKCAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in England has classified this Britten-Norman SB No. BN-2/SB.102, Issue 1, dated May 12, 1977, as mandatory and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under English registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design

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certificated for operation in the United States.

The FAA has examined the available information related to the issuance of SB No. BN-2/SB. 102, Issue 1, dated May 12, 1977, and the mandatory classification of this SB by the UKCAA.

Based on the foregoing, the FAA believes that the condition addressed by SB No. BN-2/SB. 102, Issue 1, dated May 12, 1977, is an unsafe condition that may exist on other products of this type design certificated for operation in the United States even though no reports of structural defects in the rudder drive lever support assembly have been received by the FAA. Consequently, the proposed AD would require visual inspections for loose or sheared attachment rivets and cracks in the corners of the rudder drive lever support assembly, replacement of the attachment rivets with bolts, and modification as required of the rudder drive lever support.

There are approximately six BN-2A MK III and two BN-2A MK III 2 airplanes affected by the proposed AD. The cost of complying with the proposed AD is estimated to be $5,200 to the private sector

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Pilatus Britten-Norman LTD.: Applies to BN-2A MK III Trislander series airplanes (all serial numbers) not incorporating Britten Norman Mod. NB/M/308 certificated in any category

Compliance: Required as indicated, unless already accomplished.

To prevent the structural failure of the rudder drive lever support assembly and loss of rudder control, within the next 100 hours time-in-service after the effective date of this AD accomplish the following:

(a) Visually inspect the rudder drive lever support assembly attachment rivets for evidence of looseness or shearing and the corners of the two rudder lever mounting channels for cracks in accordance with the "Inspection" section of Britten-Norman SB No. BN-2/SB.102, Issue 1, dated May 12, 1977. (hereinafter referred to as the SB), or an FAA approved equivalent.

(1) If no evidence of shearing in the attachment rivets or cracks in the lever mounting channels is found during accomplishment of paragraph (a) of this AD, with the next 25 hours time-in-service replace the attached rivets with bolts in accordance with the instructions in "Part 1" of the "Rectification" section of the SB and repeat the inspection for cracks specified in paragraph (a)(2) of this AD at intervals not exceeding 100 hours time-in-service.

(2) If cracks are less than 0.25 inches in length are found during accomplishement of paragraph (a) of this AD, within the next 25 hours time-in-service stop drill ends of cracks and install the modification described in "Part 2" of the "Rectification" section of the SB

(3) If cracks are greater than 0.25 inches in length are found during accomplishment of paragraph (a)(2) of this AD, before a further flight, stop drill ends of cracks and install the modification described in "Part 2" of the "Rectification" section of the SB.

(b) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(c) The repetitive inspections required by paragraph (a)(1) of this AD may be discontinued upon installation of the modification as described in "Part 2" of the "rectification" section of the SB.

(d) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(e) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421 and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C 1655(c)); and § 11.85 of the Federal Aviation Regulations (14 CFR 11.85).

Note.—For reasons discussed earlier in the preamble: the FAA has determined that this document: (1) Involves a proposed regulation that is not major under the provisions of Executive Order 12291, (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) certifies under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location identified under the caption "ADDRESSES."

Issued in Kansas City, Missouri on March 9, 1983

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-7014 Filed 3-18-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 15b

[Docket No. 30210-25]

Involuntary Child and Spousal Support Allotments of NOAA Corps Officers

AGENCY: Office of the Secretary, Commerce.

ACTION: Proposed Rule.

SUMMARY: This proposed rule will implement Section 172 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248). The proposed rule provides specific guidance on processing involuntary child or child and spousal support allotments to states, courts, and other interested parties. The issuance (a) establishes Department of Commerce policy; (b) provides instructions on the service of notice; (c) defines the limitations or the amount of a support allotment; (d) prescribes procedures for officer notification and consultation; (e) lists the designated official who will process involuntary support allotments.

DATES: Written comments must be received by May 20, 1983.

ADDRESS: Office of the Assistant General Counsel for Administration, Office of the General Counsel, U.S. Department of Commerce, Washington, D.C. 20230

FOR FURTHER INFORMATION CONTACT: Mr. Eric Moll, 202-377-5391.

SUPPLEMENTARY INFORMATION: In order to effect prompt implementation as soon as possible after October 1, 1982, the Department of Commerce will follow the proposed rule until a final rule is issued.

List of Subjects in 15 CFR Part 15b

Child support, Alimony, Wages, Government employee, NOAA Corps allotments.

Dated: March 16, 1983

Irving P. Margulies,

Deputy General Counsel.

Accordingly, it is proposed to amend Subtitle A, 15 CFR, by adding a new Part 15b, reading as follows:

PART 15b—INVOLUNTARY CHILD AND SPOUSAL SUPPORT ALLOTMENTS OF NOAA CORPS OFFICERS

Sec

15b.1 Purpose.
15b.2 Applicability and scope.
15b.3 Definitions.
15b.4 Policy.
15b.5 Procedures.

Authority: 37 U.S.C. 101, 706; 15 U.S.C. 1673; 42 U.S.C. 465.

§ 15b.1 Purpose.

This part provides implementing policies governing involuntary child or child and spousal support allotments for officers of the uniformed service of the National Oceanic and Atmospheric Administration (NOAA), and prescribes applicable procedures.

§ 15b.2 Applicability and Scope.

This part applies to Commissioned Officers of the NOAA Corps on active duty

§ 15b.3 Definitions.

(a) *Child Support.* Periodic payments for the support and maintenance of a child or children, subject to and in accordance with state or local law. This includes, but is not limited to, payments to provide for health care, education, recreation, clothing, or to meet other specific needs of such a child or children.

(b) *Spousal Support.* Periodic payments for the support and maintenance of a spouse or former spouses in accordance with state or local law. It includes, but is not limited to, separate maintenance, alimony pendente lite, and maintenance. Spousal support does not include any payment for transfer of property or its value by an individual to his-her spouse or former spouse in compliance with any community property settlement, equitable distribution of property, or other division of property between spouses or former spouses.

(c) *Notice.* A court order, letter, or similar documentation issued by an authorized person, which provides notification that an officer has failed to make periodic support payments under a support order.

(d) *Support order.* Any order for the support of any person issued by a court of competent jurisdiction or by administrative procedures established under state law that affords substantial due process and is subject to judicial review. A court of competent jurisdiction includes: (1) Indian tribal courts within any state, territory, or possession of the United States and the District of Columbia; and (2) a court in any foreign country with which the United States has entered into an agreement that requires the United States to honor the notice.

(e) *Authorized person.* (1) any agent or attorney of any state having in effect a plan approved under part D of title IV of the Social Security Act (42 U.S.C. 651–664), who has the duty or authority to seek recovery of any amounts owed as child or child and spousal support (including, when authorized under a state plan, any official of a political subdivision); and (2) the court which has authority to issue an order against the officer for the support and maintenance of a child, or any agent of such court.

(f) *Designated official.* The official who is designated to receive notices of failure to make payments from an authorized person (as defined in paragraph (e) of this section). For the Department of Commerce this official is the Assistant General Counsel for Administration.

(g) *Active duty.* Full-time duty in the NOAA Corps.

§ 15b.4 Policy.

(a) It is the policy of the Department of Commerce to require Commissioned Officers of the NOAA Corps on active duty to make involuntary allotments from pay and allowances as payment of child, or child and spousal, support payments when the officer has failed to make periodic payments under a support order in a total amount equal to the support payable for two months or longer. Failure to make such payments shall be established by notice from an authorized person to the designated official. Such notice shall specify the name and address of the person to whom the allotment is payable. The amount of the allotment shall be the amount necessary to comply with the support order. If requested, the allotment may include arrearages as well as amounts for current support, except that the amount of the allotment, together with any other amounts withheld for support from the officer as a percentage of pay, shall not exceed the limits prescribed in section 303 (b) and (c) of the Consumer Credit Protection Act (15 U.S.C. 1673). An allotment under this Part shall be adjusted or discontinued upon notice from an authorized person.

(b) Notwithstanding the above, no action shall be taken to require an allotment from the pay and allowances of any officer until such officer has had a consultation with an attorney from the Office of the Assistant General Counsel for Administration, in person, to discuss the legal and other factors involved with respect to the officer's support obligation and his/her failure to make payments. Where it has not been possible, despite continuing good faith efforts to arrange such a consultation, the allotment shall start the first pay period beginning after 30 days have elapsed since the notice required in paragraph (d)(1) of § 15b.5 is given to the affected officer.

§ 15b.5 Procedures.

(a) *Service of Notice.* (1) An authorized person shall serve on the designated official the following:

(i) A written statement of delinquent support payments signed by the authorized person.

(ii) A certified copy of the underlying support order.

(iii) A statement of the amount of arrearages and the amount which is to be applied each month toward liquidation of the arrearages, if applicable.

(iv) The full name and address of the person to whom the allotment will be payable.

(v) Any limitations on the duration of the support allotment.

(2) The notice shall be accomplished by certified or registered mail, return receipt requested, or by personal service, upon the appropriate designated official, who shall note the date and time of receipt on the notice.

(3) If the notice is not directed to the appropriate designated official or is otherwise incorrectly addressed, the recipient within the Department of Commerce or NOAA shall forward the notice to the designated official. However, valid service is not accomplished until the notice is received in the office of the designated official.

(4) If applicable, the notice must state that the support allotment qualifies for the additional 5 percent in excess of the maximum percentage limitations found in 15 U.S.C. 1673. Supporting evidence must be submitted establishing that the support order is twelve or more weeks in arrears.

(5) The notice must contain sufficient identifing information about the officer to enable processing. The following officer information is requested:

(i) Full name.

(ii) Social security number.

(iii) Date of birth.

(iv) Duty station location.

(6) When the information submitted is not sufficient to identify the officer the notice shall be returned directly to the authorized person with an explanation of the deficiency. However, prior to returning the notice if there is sufficient time, an attempt should be made to inform the authorized person who caused the notice to be served, that it will not be honored unless adequate information is supplied.

(7) Upon proper service of notice of delinquent support payments, together with all required supplementary documents and information, the pay of the officer shall be reduced by the amount necessary to comply with the support order and liquidate arrearages

provided the maximum amount to be allotted does not exceed:

(i) 50 percent of the officer's aggregate disposable earnings for any month where the officer asserts by affidavit or other acceptable evidence, that he/she is supporting a spouse and/or dependent child, other than a party in the support order. The officer must provide over half of the support for a spouse and/or dependent child in order to qualify for the 50 percent ceiling. When the officer submits evidence, copies shall be sent to the authorized person, together with notification that the officer's support claim will be honored. If the support claim is contested by the authorized person, the matter should be immediately referred to the appropriate court, or other authority, for resolution.

(ii) 60 percent of the officer's aggregate disposable earnings for any month where the officer fails to assert by affidavit or other acceptable evidence the he/she is supporting a spouse and/or dependent child.

(iii) Regardless of the limitations above, an additional 5 percent of the officer's aggregate disposable earnings shall be withheld when it is stated in the notice that the member is in arrears in an amount equivalent to 12 or more weeks' support.

(b) *Aggregate Disposable Earnings.* The following moneys are subject to inclusion in computation of the officer's aggregate disposable earnings:

(1) Basic pay.
(2) Basic allowances for quarters.
(3) Basic allowance for subsistence.
(4) Aviation career incentive pay.
(5) Incentive pay for Hazardous Duty.
(6) Family separation allowances if outside the contiguous United States.
(7) Diving pay.
(8) Sea pay.

(c) *Exclusions.* In determining the amount of any moneys due from or payable by the United States to any individual, there shall be excluded amounts which are:

(1) Owed by the officer to the United States.

(2) Required by law to be deducted from the remuneration or other payment involved, including, but not limited to:

(i) Amounts withheld from benefits payable under Title II of the Social Security Act where the withholding is required by law.

(ii) Federal employment taxes.

(3) Properly withheld for federal and state income tax purposes if the withholding of the amounts is authorized or required by law and if amounts withheld are not greater than would be the case if the individual claimed all dependents to which he/she were entitled. The withholding of additional amounts pursuant to section 3402(i) of Title 26 of the United States Code may be permitted only when the officer presents evidence of a tax obligation which supports the additioal withholding.

(4) Deducted for servicemen's Group Life Insurance coverage.

(5) Advances of pay that may be due and payable by the officer at some future date.

(d) *Officer Notification.* (1) As soon as possible, but not later than 15 calendar days after the date of receipt of notice, the designated official shall send to the officer, at his/her duty station or last known address, written notice:

(i) That notice has been served, including a copy of the documents submitted;

(ii) Of the maximum limitations set forth, with a request that the officer submit supporting affidavits or other documentation necessary for determining the applicable percentage limitation;

(iii) That by submitting supporting affidavits or other necessary documentation, the officer consents to the disclosure of such information to the party requesting the support allotment;

(iv) Of the amount or percentage that will be deducted if the officer fails to submit the documentation necessary to enable the designated official to respond to the legal process within the time limits set forth;

(v) That legal counsel will be provided by the Office of the Assistant General Counsel for Administration; and

(vi) Of the date that the allotment is scheduled to begin.

(2) The officer shall be provided with the following:

(i) A consultation in person with an attorney from the Office of the Assistant General Counsel for Administration, to discuss the legal and other factors involved with the officer's support obligation and his/her failures to make payment.

(ii) Copies of any other documents submitted with the notice.

(iii) The Office of the Assistant General Counsel for Administration will make every effort to see that the officer receives a consultation concerning the support obligation and the consequences of failure to make payments within 30 days of the notice required in paragraph (d)(1). In the event such consultation is not possible, despite continuing good faith efforts to arrange a consultation, no action shall be taken to require an allotment from the pay and allowances of any NOAA Corps Officer until 30 days have elapsed after the notice described in paragraph (d)(1) is given to the affected officer.

(e) *Absence of Funds.* (1) When notice is served and the identified officer is found not be entitled to moneys due from or payable by NOAA, the designated official shall return the notice to the authorized person, and advise that no moneys are due from or payable by NOAA to the named individual.

(2) Where it appears that moneys are only temporarily exhausted or otherwise unavailable, the authorized person shall be fully advised as to why, and for how long, the money will be unavailable.

(3) In instances where the officer separates from active duty service, the authorized person shall be informed that the allotment is discontinued.

(f) *Effective Date of Allotment.* The allotment shall start with the first pay period beginning after the officer has had a consultation with an attorney from the Office of the Assistant General Counsel for Administration but not later than the first pay period beginning after 30 days have elapsed since the notice required in paragraph (d)(1) of this section is given to the affected officer. The Department of Commerce shall not be required to vary its normal NOAA Corps allotment payment cycle to comply with the notice.

(g) *Designated Official.* Notice should be sent to: The Assistant General Counsel for Administration, Office of the General Counsel, U.S. Department of Commerce, Washington, D.C. 20230. (202) 377–5387.

[FR Doc. 83–7297 Filed 3–18–83: 8:45 am]
BILLING CODE 3510–BP–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9165]

Stihl, Inc., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a manufacturer and seller of power tools and its advertising agency, among other things, to cease representing that the Stihl 015 AV chain saw has been top-rated by a leading consumer publication; that power was one of the factors

considered in the rating; and that Stihl chain saws start faster and run smoother than other chain saws. The order would prohibit the companies from making false or unsubstantiated representations concerning the performance or durability of any power tool, and would require them to possses and rely upon a reasonable basis when making such claims. Further, the companies would be barred from misrepresenting the purpose or conclusion of any test or evaluation, and would be required to retain documentation for performance-related claims for a period of three years.

DATE: Comments must be received on or before May 20, 1983

ADDRESS: Comments should be directed to: FTC/S, Office of the Secretary, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PA, James Skiles, Washington, D.C 20580. (202) 724–1507.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Advertising, Chain saws, Trade practices.

In the matter of Stihl, Incorporated, a corporation, and Stuart Ford, Inc., a corporation; Docket No. 9165, Agreement Containing Consent Order to Cease and Desist.

The agreement herein, by and between Stihl, Incorporated, a corporation, and Stuart Ford, Inc., a corporation, by their duly authorized officers, hereafter sometimes referred to as respondents, and their attorneys, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith, the parties hereby agree that:

1. Respondent Stihl, Incorporated, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Deleware, with its office and principal place of business located at 536 Viking Drive, Virginia Beach, Virginia 23452. Respondent Stuart Ford, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Virginia with its office and principal place of business located at 1108 East Main Street, Richmond, Virginia 23219.

2. Respondents have been served with a copy of the complaint issued by the Federal Trade Commission charging it with violation of Section 5 of the Federal Trade Commission Act.

3. Respondents admit all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Respondents waive:

(a) Any further procedural steps:

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

5. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute and admission by respondents that the law has been violated as alleged in the said copy of the complaint issued by the Commission, or that any of the facts alleged therein are true.

7. This agreement comtemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's Rules, the Commission may without further notice to respondents, (1) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service, of the decision containing the agreed-to order to respondents' addresses as stated in this agreement shall constitute service. Respondents waive any right they might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or to contradict the terms of the order.

8. Respondents have read the complaint and the order comtemplated hereby. Respondents understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondent Stihl, Inc., ("Stihl"), and Stuart Ford, Inc., ("Stuart Ford"), corporations, and their successors and assigns, and respondents; officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or distribution of any chain saw for consumer or commercial use in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, contrary to fact, that:

A. (1) The current Stihl model 015 AV chain saw is rated best of all home saws tested by a leading consumer publication;

(2) Power was one of the factors considered in the test by a leading consumer publication.

B. Stihl's chain saws start faster than all other chain saws on the market.

C. Stihl's chain saws are the smoothest running chain saws on the market.

II

If is further ordered that respondents, their successors and assigns, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection

with the advertising, offering for sale, sale, or distribution of any power tool, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting in any manner, directly or by implication, the purpose, content, validity, reliability, or conclusions of any test or evaluation.

III

It is further ordered that respondents, their successors and assigns, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or distribution of any power tool, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representations, directly or by implication, regarding the performance or durability of any such product unless, at the time the representation is made, respondents possess and rely upon a reasonable basis. For purposes of the order a reasonable basis shall consist of one or more competent tests or other competent and reliable evidence that substantiates the representation.

Provided, however, that in circumstances where Stuart Ford relied upon scientific or professional tests, analyses, research, studies, or any other evidence based on expertise of professionals in the relevant area, which was not directly or indirectly prepared, controlled, or conducted by respondent Stuard Ford, Inc., it shall be an affirmative defense to an alleged violation of Part III of this Order of Stuart Ford to prove that it reasonably relied on the expert judgment of its client or of an independent third party in concluding that it had a reasonable basis in accordance with Part III of this Order. Such expert judgment shall be in writing signed by a person qualified by education or experience to render the opinion. Such opinion shall describe the contents of such evidence upon which the opinion is based.

IV

It is further ordered that respondents, for the period of three years after they last disseminated the advertisements of the products covered by this Order, shall retain all test results, data and other documents or information on which they relied for such advertisements and all documentation which contradicts, qualifies or calls into serious question any claim included in such advertisements which were in respondents', possession during either creation or dissemination of such advertisements. Such records shall be available for inspection by the staff of the Commission upon reasonable notice.

V

It is further ordered that respondents notify the Commission at least thirty (30) days prior to any proposed change in respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the Order.

VI

It is further ordered that the respondents shall forthwith distribute a copy of this Order to each of its operating divisions, and to each of tis officers, agents, representatives or employees who are engaged in the preparation and placement of advertisements.

VII

It is further ordered that respondents shall, within sixty (60) days after service of this Order and annually thereafter for three (3) years, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Stihl, Incorporated, and Stuart Ford, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charged both respondents with violating Section 5 of the Federal Trade Commission Act. Stihl, Inc., manufactures and markets chain saws and other power tools; Stuart Ford, Inc., Stihl's advertising agency, helped create and disseminate the advertising challenged in the complaint.

The complaint charged the respondents with disseminating advertisements containing several false, misleading or unsubstantiated representations regarding Stihl's chain saws and other power tools. The complaint alleged that advertisements for Stihl chain saws claimed falsely and without a reasonable basis that: (1) In 1980 and 1981, the then-current Stihl model 015 AV chain saw was top-rated by a leading consumer publication and that "power" was one of the factors rated; (2) Stihl chain saws start faster and run smoother than any other chain saw on the market. The complaint also charged that respondents lacked a reasonable basis for the advertised claim that all Stihl power tools last at least twice as long as any other power tool.

The consent order contains various provisions designed to remedy the alleged advertising violations.

Part I of the order forbids the respondents from making certain specific claims unless they are verifiably true. This provision prohibits the claims alleged to be false in the complaint. These prohibited claims are: (1) The current Stihl model 015 AV chain saw is top-rated by a leading consumer publication, and that "power" was a factor considered in the rating; (2) Stihl chain saws start faster and run smoother than all other chain saws on the market.

Part II of the order prohibits the respondents from misrepresenting, in advertising or marketing of power tools, any test or evaluation. Part II forbids misrepresentation of the purpose, content, results, current validity, reliability or conclusions of any such test or evaluation. This provision is designed to correct the kind of misrepresentation of test ratings alleged in the complaint.

Part III of the order prohibits respondents from making any unsubstantiated claim about the performance or durability of power tools. Part III requires that respondents possess and rely on a reasonable basis at the time such claims are made. The provision defines a reasonable basis to be "one or more competent tests or other competent and reliable evidence that substantiates the representation." In addition, Part III describes an affirmative defense which may be available to respondent Stuart Ford, the advertising agency, if it ever charged with a violation of Part III of the order. The provision states that under certain circumstances Stuart Ford may be allowed to show that it reasonably relied on the expert judgment of its client or an independent third party in concluding that it had a reasonable basis for a claim.

Part IV of the order requires respondent to maintain records of its substantiation for its claims for a period

of three (3) years after the dissemination of any advertisement subject to this order. The order also requires respondent to retain for such period of time any documents which contradict or call into question any of its advertising claims. Such documentation may be inspected by the Commission's staff.

Parts V and VI of the order require respondent to distribute a copy of the order to each of its operating divisions and to notify the Commission of any change in its corporate structure which might affect compliance obligations. Finally, the order provides that within sixty (60) days after the effective date of this order, and annually thereafter for three (3) years, respondent must file a report with the Commission detailing its compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-7241 Filed 3-18-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 401

Seaway Regulations, Miscellaneous Amendments

Correction

In FR Doc. 83-5357, beginning on page 9037, in the issue of Thursday, March 3, 1983, make the following corrections:

1. In the second column in the fourth paragraph, in the first line "§ 401.1C(c)" should read "§ 401.10(c)".

2. In the second column, in the sixth paragraph, in the second line, the sentence should end with "clarity." and the rest of the sentence should be removed.

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AD-FRL 2326-2; Docket No. A-83-01]

Compliance With Statutory Provisions of the Clean Air Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of comment period extention.

SUMMARY: On February 3, 1983, the Administrator proposed in the **Federal Register** to find the implementation plans for certain areas inadequate to comply with the provisions of Part D of the Act (48 FR 4972) and proposed approval or disapproval of plans required to be submitted by July 1, 1982, where extensions of the attainment date to 1987 for carbon monoxide or ozone were previously granted by the Administrator (48 FR 5022–5149). By this notice, the Agency is extending the public comment period from March 21, 1983 to May 5, 1983 on all of those actions proposed at 48 FR 4972 and on the disapprovals (but not the approvals) proposed at 48 FR 5022–5149.

DATES: Written comments must be received no later than May 5, 1983.

ADDRESSES: All written comments should be submitted (in duplicate if possible) to: Central Docket Section (A–130), Docket No. A–83–01, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Johnnie L. Pearson, Office of Air Quality, Planning, and Standards (MD–15), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711 (telephone: (919) 541–5540).

SUPPLEMENTARY INFORMATION: On February 3, 1983, (48 FR 4972–5149), the Agency proposed two sets of actions, approving/disapproving State Implementation Plans (SIP) designed to attain the primary ambient air quality standards as required by Sections 171–179 (Part D) of the Clean Air Act. At that time, the Agency established a 45-day period (ending March 21, 1983) for the receipt of public comment. Subsequent to that action, the Agency has received numerous requests that the Agency provide additional time for the preparation and delivery of comments on the several disapproval actions proposed in the **Federal Register** on February 3, 1983. (It received no such requests as to the proposed approvals.) These requests expressed concern regarding the complexity of the factual and policy issues involved. Requesters also noted that the additional time, if granted, would provide a more adequate opportunity for States to analyze 1982 air quality data to determine whether the Agency's proposed finding of SIP inadequacy is correct or incorrect.

The Agency has concluded that at least some of the requesters do appear to require additional time to formulate comments on the proposed disapproval actions and policies relating to the implementation of the mandated Clean Air Act sanctions. The Agency, therefore, believes it is appropriate to grant these requests for an extension to the public comment period on the proposals at 48 FR 4972 and on the proposed disapprovals of State plans at 48 FR 5022–5149. The Agency is not, however, granting an extension of the comment period on those approvals proposed at 48 FR 5022–5149.

The Agency, recognizing both the need for prompt action on the part of the Agency and the need for public evaluation and comment of the Agency's proposal, believes it is appropriate to provide this limited extension of the comment period. Hence, by today's action, the Agency is granting a 45-day extension of the public comment period to May 5, 1983, as noted above, for the disapproval actions proposed on February 3, 1983. Based upon the requests received to date, the Agency believes that the 45-day extension granted by this notice is sufficient, and therefore intends to deny all subsequent requests for further extensions of the comment period.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Authority: This notice is issued under the authority granted by Sections 101, 110, 172, and 301 of the Clean Air Act, 42 U.S.C. 7401, 7410, 7502, 7601.

Dated: March 17, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 83-7377 Filed 3-18-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-190; RM-4262]

TV Broadcast station in Elk City, Oklahoma; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a third television assignment to Elk City, Oklahoma, in response to a petition filed by Griffin Television, Inc.

DATES: Comments must be filed on or before April 29, 1983, and reply comments on or before May 16, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202)634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Elk City, Oklahoma); MM Docket No. 83–190, RM–4262.

Adopted: March 2, 1983.

Released: March 15, 1983.

By the Chief, Policy and Rules Division.

1. Griffin Television, Inc. ("petitioner")[1] filed a petition for rule making on November 24, 1982, proposing to amend the Television Table of Assignments (Section 73.606(b) of the Rules) by deleting the educational reservation on (unused) Channel *15 in Elk City, Oklahoma, making it available for commercial use, and substituting Channel *31 in lieu thereof. The proposal could provide for a second commercial television assignment to Elk City. Petitioner stated that it would apply for Channel 15, if made available for commercial use.

2. Elk City (population 9,579), in Beckham County (population 19,243)[2], is located in west centeral Oklahoma, approximately 175 kilometers (110 miles) west of Oklahoma City. Elk City is presently assigned Channel 8 (KECO (TV)) and Channel *15 (unoccupied and unapplied for). Channel *31 can be assigned to Elk City in conformity with the minimum distance separation requirements, without a site restriction.

3. Petitioner asserts that Elk City's 1980 population showed an increase of 31% over the 1970 population, while Beckham County's population increased 22% over the 1970 figures. Petitioner adds that Elk City's economy is primarily based on agriculture, and the gas and oil industry. Elk City is said to be the "deep gas capital of the world," and according to Griffin, this rapidly expanding oil and gas industry will provide an economic base for the city's and county's future growth. The petitioner submitted a comprehensive community profile to demonstrate its need for the proposed assignment.

4. In further support of its proposal, petitioner states that an agreement has been made to mount a LPTV antenna on its tower, for the use of the Elk City Public Schools (at a nominal fee). Petitioner alleges that this provision would facilitate the early inauguration of an educational facility at Elk City which could be seen as a public interest benefit to the community, citing *New Orleans, Louisiana*, 17 F.C.C. 2d 419 (1969). We are also told by the petitioner that its proposal is similar to past cases where the Commission authorized the exchange of a noncommercial allocation, citing *Jacksonville, Florida*, FCC 64–768, released July 31, 1964, 3 R.R. 2d 1505 (1964). In that proceeding the Commission stated that the technical difference between higher and lower UHF channels was not of great significance, thus the licensee was authorized the lower frequency, with a greater potential and competitive viability in the market. As a final argument, the petitioner points out that in addition to establishing a successful UHF operation in Elk City (if a lower channel is used), the proposal would provide the local school system with access to a million dollar tower at virtually no cost, which would be highly unlikely for an educational facility under normal circumstances. Petitioner included a letter from the Oklahoma Educational Television Authority and from the Elk City Public Schools, both stating that they have no objection to the proposed change in reservation of Channel *15, and that they have no immediate plans to use Channel *15.

5. More recent cases since the *Jacksonville* case have consistently held that there is no significant difference between lower and higher UHF channels, and that where an alternate channel exists which can be assigned for commercial purposes, a reserved channel will not be set aside for commercial usage, see, *e.g., Vancouver, Washington*, 46 R.R. 2d 1498 (1980).[3] Here, we feel that no unusual circumstances exist which justify the dereservation of Channel *15 at Elk City.[4] Since we have previously disallowed requested dereservation of educational channels, absent sufficient justification, we propose to retain the *status quo* of Channel *15, and propose Channel 31 as a second commercial television assignment at Elk City.

6. Comments are invited on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Elk City, Oklahoma	8+, *15–	8+, *15–, and 31

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before April 29, 1983, and reply comments on or before May 16, 1983, and are advised to read the Appendix for the proper procedures.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[1] Griffin Television, Inc. is the licensee of Station KWTV (TV), Oklahoma City, Oklahoma.

[2] Population figures are taken from the 1980 U.S. Census.

[3] See also *High Point, North Carolina*, 44 FR 67665 (1979) (BC Docket No. 79–127); *Kalamazoo, Michigan*, 44 FR 67667 (BC Docket No. 79–170); and *Mansfield and Marion, Ohio*, 45 FR 81203 (1980) (BC Docket No. 80–69).

[4] We found such circumstances sufficient to justify the substitution of a lower UHF channel at *Crossville, Tenn.*, 47 R.R. 2d 1285 (1980) and at *Seaford, Del.*, 43 R.R. 2d 1551 (1978).

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-7229 Filed 3-18-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-80; RM-4270]

FM Broadcast Station in Denver City, Tex.; Correction.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a typographical error made in the Proposed Rule in this proceeding regarding the assignment of an FM Broadcast Station to Denver City, Texas.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

Correction

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Denver City, Tex.); MM Docket No. 83-80, RM-4270.

On February 24, 1983, a Notice of Proposed Rule Making in the above-captioned proceeding was published in the **Federal Register** on page (48 FR 7760).

Inadvertently, the deadline date for filing reply comments was mentioned as being March 12, 1983 in the document's Preamble. This document corrects that date to read April 12, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-7230 Filed 3-18-83; 8:45 am]
BILLING CODE 6712-01-M

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Notices

Federal Register
Vol. 48, No. 55
Monday, March 21, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum Agreement Regarding Transfer of Public Lands in Montana

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council, the Bureau of Land Management, and the Montana State Historic Preservation Officer have executed a Programmatic Memorandum of Agreement concerning the transfer of 26,740.66 acres of public lands to the State of Montana. This agreement was the subject of a notice published in the **Federal Register** on January 14, 1983 (48 FR 1781).

FOR FURTHER INFORMATION CONTACT: Mr. Louis Wall, Chief, Western Division of Project Review, Advisory Council on Historic Preservation, 730 Simms Street, Suite 450, Golden, CO 80401.

Dated: March 15, 1983.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 83-7259 Filed 3-18-83; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 83-311]

Cooperation Gypsy Moth Suppression and Regulatory Program—1983; Decision Notice

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of a record of decision for the gypsy moth treatment areas in California.

SUMMARY: This gives notices that a decision has been made to cooperate with the State of California on the gypsy moth suppression program. The California Department of Food and Agriculture (CDFA) has decided to use carbaryl for the proposed treatment areas in Alameda, Contra Costra, Los Angeles, Marin, San Mateo, and Santa Clara Counties in California. Based on an evaluation of the Programmatic Environmental Impact Statement (PEIS) and a site-specific environmental analysis for the proposed treatment areas in California the Animal and Plant Health Inspection Service (APHIS) has determined that this treatment method poses no significant adverse impact on the environment of these areas.

FOR FURTHER INFORMATION CONTACT: Gary Moorehead, Staff Director, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, Hyattsville, MD 20782, (301) 436-8295.

SUPPLEMENTARY INFORMATION: A notice of the availability of a site-specific environmental analysis document for the proposed treatment areas in Alameda, Contra Costa, Los Angeles, Marin, San Mateo, and Santa Clara Counties in California for the USDA Cooperative Gypsy Moth Suppression and Regulatory Program was published in the **Federal Register** on March 2, 1983 (47 FR 8828).

On March 2, 1983, CDFA decided to conduct a ground spray treatment program using carbaryl in the proposed treatment areas in California.

Based on the Department's review of the PEIS and the site-specific analysis, and in accordance with the National Environmental Policy Act and the Department's PEIS, the Department has decided to cooperate with the State of California in the conduct of this program.

The Organic Act of September 21, 1944, as amended (7 U..C. 147a) authorizes APHIS to cooperate with States to retard the artifical, long-range spread of the gypsy moth and to eradicate isolated infestations of the pest.

Carbaryl, in accordance with the Federal Insecticide Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et. seq.*), is registered by the Environmental Protection Agency (EPA) for use against gypsy moth. It will be applied according to the label directions and APHIS operating procedures. Appropriate public involvement, notification and utilization of insecticide treatment measures will further reduce human exposure during periods of application.

Gypsy moth egg masses are expected to reach peak hatching in California on or about March 21, 1983. The California Department of Food and Agriculture has notified the Department that if a spraying program on gypsy moth in California is to be effective, they must be prepared to commence spraying on or about March 21, 1983. Therefore, implementation of the program may take place immediately after the date of publication of this decision.

Done at Washington, D.C., this 17th day of March, 1983.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83-7247 Filed 3-18-83; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Boise National Forest Grazing Advisory Board; Meeting

The Boise National Forest Grazing Advisory Board will meet at 1 p.m. April 15, 1983, in the Boise National Forest conference room at 1750 Front Street, Boise, Idaho 83702. The purpose of this meeting is to discuss range allotment management plans and to give advice on the use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Boise National Forest, 1750 Front Street, Boise, Idaho 83702, phone 208-334-1232. Written statements may be filed with the committee before or after the meeting.

Dated: March 16, 1983.

John J. Lavin,

Forest Supervisor.

[FR Doc. 83-7343 Filed 3-18-83; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

National Agricultural Research and Extension Users Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92–463, 86 Stat. 770–776) Science and Education announces the following meeting:

Name: National Agricultural Research and Extension Users Advisory Board.

Date: March 21–22, 1983.

Time: 8:30 a.m.–5:00 p.m., March 21 and 22. 1982.

Place: U.S. Department of Agriculture, 12th and Independence Ave., S.W., Room 139–W, Administration Building, Washington, D.C.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: The Board will be preparing a preliminary report of materials recommending responsibilities and allocations of funds among Federally supported agricultural research and extension agencies.

Contact Person for Agenda and More Information: Barbara L. Fontana, Executive Secretary, National Agricultural Research and Extension Users Advisory Board; Room 351–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250; telephone (202) 447–3684.

Done in Washington, D.C., this first day of March 1983.

Barbara L. Fontana,

Executive Secretary, National Agricultural Research and Extention Users Advisory Board.

[FR Doc. 83–7278 Filed 3–18–83; 8:45 am]

BILLING CODE 3410–03–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Week Ended: March 11, 1983.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Mar 9, 1983	41348	Tower Air, Inc., c/o Stephen L. Gelband, Hewes, Morella, Gelband & Lamberton, 1010 Wisconsin Avenue, N.W. Suite 640, Washington, D.C. 20007 Application of Tower Air, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests issuance of a certificate of public convenience and necessity which would authorize it to engage in scheduled foreign air transportation of passengers, property and mail, as follows: Between points within the United States of America including, but not limited to, the following coterminal points: New York, NY and Newark, NJ; and points in: Belgium, including Brussels, and Israel, including Tel Aviv. Conforming Applications, Motions to Modify Scope and Answers may be filed by April 6, 1983.
Mar 10, 1983	41349	Buffalo Airways, Inc., c/o George T. Volsky, 1333 H. Street N.W. Suite 600, Washington, D.C. Application of Buffalo Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests a certificate of public convenience and necessity authorizing charter air transportation of passengers and property between any point or points in the United States or its possessions or territories. Conforming Applications, Motions to Modify Scope and Answers may be filed by April 6, 1983.
Do	41350	Buffalo Airways, Inc., c/o George T. Volsky, 1333 H. Street N.W. Suite 600, Washington, D.C. Application of Buffalo Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests a certificate of public convenience and necessity authorizing it to engage in foreign charter air transportation of persons and property between any point or points in the United States or its possessions or territories, on the one hand, and, on the other hand, any point or points in foreign air transportation. Conforming Applications, Motions to Modify Scope and Answers may be filed by April 7, 1983
Mar 11, 1983	41353	Bellair, Incorporated, c/o Kenneth A. Bellows, P.O. Box 371 Sitka, Alaska 99835. Application of Bellair, Incorporated pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transporation of persons, property and mail between the terminal point Baranof, the intermediate points Little Port Walter, Port Alexander, and the terminal point Sitka, Alaska. Conforming Applications, Motions to Modify Scope, and Answers may be filed by April 8, 1983
Do	41358	Arrow Airways, Inc., c/o Lawrence D. Wsko, Seamon, Wasko & Ozment, 1211 Connecticut Avé. N.W., Washington, D.C. 20036. Application of Arrow Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the board's Procedural Regulations for issuance or amendment of a certificate of public convenience and necessity for "back-up" authority to engage in scheduled foreign air transportation of persons, property and mail between the terminal point, Baltimore Maryland, on the one hand, and the terminal point London, United Kingdom, on the other hand, and beyond London to points listed in Arrow's certificate for Route 343–F (Conforming Application). Answers may be filed by March 29, 1983.
Do	41361	Era Helicopters, Inc., c/o Robert Reed Gray, Hale Russel & Gray Suite 400, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036. Application of Era Helicopters, Inc. pursuant to Section 401 of the Act and Subpart q of the Board's Prdcedural Regulations requests authority to provide interstate and overseas air transportation of persons, property and mail on either a scheduled or charter basis. Additionally, ERA requests authority to use, in addition to its corporate name, the trade names "Livingston Copters" and "Jet Alaska". Conforming Applications, Motions to Modify Scope and Answers may be filed by April 8, 1983
Mar 8, 1983	[illegible]	Bidzy Ta Hot' Aana, Inc. d/b/a Tanana Air Service, c/o John B. Patterson, 880 H Street, Suite 201, Anchorage, Alaska 99501. Supplemental Data of Bidzy Ta Hot' Aana, Inc. d/b/a Tanana Air Service as required by order deferring processing of application. Answers may be filed by April 5, 1983.
Do	41344	Trans North Turbo Air Limited d/b/a Trans North Air, c/o Robert Reed Gray, Hale Russell & Gray, 1025 Connecticut Avenue, N.W. Suite 400, Washington, D.C. 20036. Application of Trans North Turbo Air Limited d/b/a Trans North Air pursuant to Section 402 of the Act and subpart Q of the Board's Procedural Regulations requests an amendment to its existing foreign carrier permit to authorize it (1) to provide scheduled foreign air transportation of persons, property and mail between Whitehorse, Yukon Territory, Canada and Fairbanks, Alaska; and (2) to carry mail on its existing route between Whitehorse and Juneau. Answers may be filed by April 5, 1983
Mar 7, 1983	41342	Polynesian Airlines (Holdings) Limited and Polynesian Airlines (Operations) Limited d/b/a Polynesian Airlines, c/o Robert D. Papkin, Squire, Sanders & Dempsey, 1201 Pennsylvania Ave., N.W. Washington, D.C. 20004. Joint Application of Polynesian Airlines Limited et al, pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests the issuance of a permit authorizing them to engage in foreign air transportation of persons, property and mail as follows: Between the terminal point Apia, Western Samoa, the terminal Point Pago Pago, American Samoa, and beyond Pago Pago to Rarotonga, the cook Islands, and to Papeete, Tahiti. Answers may be filed by April 4, 1983

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–7281 Filed 3–18–83; 8:45 am]

BILLING CODE 6320–01–M

CIVIL RIGHTS COMMISSION

Alaska and Washington Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alaska and Washington Advisory Committees to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m., on April 14, 1983, at the Cape Fox Hotel, 51 West Egan Drive, Conference Room, Juneau, Alaska 99811. A media conference will be held also by the Alaska and Washington Advisory Committees, which will convene at 10:00 a.m. and will end at 12 Noon, on April 15, 1983, at the Alaska Court and Office Building, Fourth and Main, Court Room A, Juneau, Alaska 99811. The purpose of the meeting is a briefing session on the Alaska-Washington seafood study. The purpose of the media conference is to release the Alaska-Washington report, *Minorities and Women in Seafood Processing.*

Persons desiring additional information or planning a presentation to the Committees, should contact the Chairpersons, Mr. Donald Peter, 108 Stewart Street, Anchorage, Alaska 99504; (907) 272-0531; Ms. Katharine M. Bullitt, 1125 Harvard Avenue East, Seattle, Washington 98102; (206) 447-9800; or the Northwestern Regional Office, 915 Second Avenue, Room 2852; (206) 399-1246.

The meeting and conference will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 16, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-7258 Filed 3-18-83; 8:45 am]

BILLING CODE 6335-01-M

Hearing To Subpena; Civil Rights Information Withheld By Federal Agencies

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights is scheduled for April 25, 1983, at 1121 Vermont Avenue, N.W., Washington, D.C., fifth floor conference room.

The purpose of the hearing is to receive subpenaed information within the jurisdiction of the Commission from Federal agencies, particularly concerning their civil rights enforcement efforts. The Commission will issue subpenas and hold a hearing only if the Commission's requests to Federal agencies for needed documents are not met in a timely manner.

The Commission is an independent bipartisan factfinding agency authorized to study, collect, and disseminate information and to appraise the laws and policies of the Federal government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap or national origin, or in the administration of justice.

Dated at Washington, D.C., March 16, 1983.

Clarence M. Pendleton, Jr.,

Chairman.

[FR Doc. 83-7261 Filed 3-18-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 6-83]

Proposed Foreign-Trade Zone—Harrison County, Mississippi (Gulfport Port of Entry); Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Gulfport/Biloxi Foreign Trade Zone, Inc. (GBFTZ), a Mississippi non-profit development corporation, requesting authority to establish a general-purpose foreign-trade zone in Harrison County, Mississippi, within the Gulfport Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 15, 1983. The applicant is authorized to make this proposal under Section 59-3-35 of the Mississippi Code of 1972, Annotated.

The proposed zone covers 228 acres on four sites in Harrison County. Site 1 is located within the Port of Gulfport on Highway 90. It involves a 55,000 square foot warehouse (Transit Shed 15) and 4 acres of open space. Site 2 covers 99 acres on three parcels at Gulfport-Biloxi Regional Airport in Gulfport to be used for air-cargo related zone activities and as standby space for future development. Site 3 involves 97 acres within the 1500-acre Bernard Bayou Industrial District located on Interstate 10 at Lorraine Road in Harrison County. Site 4 involves a 27-acre parcel within the 520-acre Long Beach Industrial Park on Espy Avenue, Long Beach. Sites 3 and 4 are requested to provide space for firms requiring separate facilities. GBFTZ's board membership is intended to insure cooperation of the zone project with the Harrison County Development Commission, the Mississippi State Port Authority at Gulfport, and the Gulfport/Biloxi Regional Airport Authority.

The application contains evidence of the need for zone services in the Gulfport area. A number of prospective tenants have indicated an interest in using the zone for warehousing/distribution, inspection, manufacturing and assembly of products such as forgings, oil field equipment, tractor components, heating equipment, chemicals, steel wire, building materials, metal hardware, furniture parts, lighting fixtures, aluminum products, electronic components, apparel and food products. Specific manufacturing approvals are not being sought at this time, requests to be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Garnet Fee, District Director, U.S. Customs Service, South Central Region, 250 N. Water Street, Mobile, Alabama 36601; and Colonel Patrick J. Kelly, District Engineer, U.S. Army Engineer District Mobile, P.O. Box 2288, Mobile, Alabama 36628.

As part of its investigation, the examiners committee will hold a public hearing on April 20, 1983, beginning at 9:00 a.m. in the Board Room of the Mississippi State Port Authority Office, Highway 90 at 30th Avenue, Gulfport. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377-2862) by April 12. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through May 20, 1983. Evidence submitted during the post-hearing period is not desired unless it is shown that the matter is new and material and that there are good reasons why it could not be presented at the

hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 2301 14th Street, Gulfport, Mississippi 39501, or

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, N.W., Washington, D.C. 20230.

Dated: March 16, 1983.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 83-7268 Filed 3-18-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles published pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Decision: Applications Denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles for such purposes as the foreign articles are intended to be used are not being manufactured in the United States.

Reasons: The requirements for the resubmission of applications that have been denied without prejudice to resubmission are contained in § 301.5(e) of the regulations. Each of the applicants has failed to resubmit its application within the specified time period. Pursuant to § 301.5(e)(4), this failure shall result in a denial of the application.

In accordance with § 301.5(f) notice of these decisions is forwarded to the **Federal Register** for publication.

Docket No.: 81-00362. Applicant: SRI International, Department of Chemical Kinetics, 333 Ravenswood Avenue, Menlo Park, CA 94025. Article: Excimer Laser System, Model EMG-101. Date of denial without prejudice to resubmission: December 23, 1982.

Docket No.: 82-00252 Applicant: State University at Stony Brook, Department of Chemistry, Stony Brook, NY 11794. Article: Excimer Laser-Pumped Dye Laser System, EMG 101. Date of denial without prejudice to resubmission: December 23, 1982.

Docket No.: 82-00269. Applicant: University of Rochester, River Campus, Rochester, NY 14627. Article: Excimer Laser, Model TE 861S-2 and Accessories. Date of denial without prejudice to resubmission: December 23, 1982.

Docket No.: 82-00274. Applicant: University of Florida, Division of Urology, J. Hillis Miller Health Center, Box J-247, Room N2-11, Gainesville, FL 32610. Article: Mark II Electrophoresis Apparatus and Accessories. Date of denial without prejudice to resubmission: December 29, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-7267 Filed 3-18-83; 8:45 am]

BILLING CODE 3510-25-M

Certain Softwood Products From Canada; Preliminary Negative Countervailing Duty Determination

Correction

In FR Doc. 83-6316 beginning on page 10395 in the issue of Friday, March 11, 1983, make the following correction:

On page 10397, third column, in the tenth line, "0.9 percent" should have read "0.09".

BILLING CODE 1505-01-M

Tool Steel From Brazil; Suspension of Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of suspension of investigation.

SUMMARY: The Department of Commerce has decided to suspend the countervailing duty investigation involving tool steel from Brazil. The basis for the suspension is an agreement by the government of Brazil to offset with an export tax all benefits which we find to constitute subsidies on tool steel exported to the United States.

EFFECTIVE DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 377-3003.

SUPPLEMENTARY INFORMATION:

Case History

On July 30, 1982, we received a petition from Al Tech Specialty Steel Corporation, Braeburn Alloy Steel Division, Continental Copper & Steel Industries, Inc., Carpenter Technology Corporation, Colombia Tool Steel Company, Crucible Specialty Metals Division, Colt Industries, Inc., Cyclops Corporation, Guterl Special Steel Corporation, Jessop Steel Company, Latrobe Steel Company, on behalf of the U.S. industry producing tool steel, and the United Steelworkers of America, AFL/CIO. The petition alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Brazil of tool steel.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation and on August 18, 1982, we initiated a countervailing duty investigation (47 FR 36874). We stated that we expected to issue a preliminary determination by October 25, 1982. We subsequently determined that the investigation is "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determination for 65 days until December 27, 1982 (47 FR 49436).

Since Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the U.S. International Trade Commission (ITC) of our initiation. On September 13, 1982, the ITC determined that there is a reasonable indication that these imports are materially injuring, or threatening to materially injure, a U.S. industry (47 FR 41881).

We presented a questionnaire concerning the allegations to the government of Brazil in Washington, D.C. On November 15, 1982, we received the response to that questionnaire. During December 13-17, 1982, we verified this information by a review of government documents and company books and records of Acos Finos Piratini S/A (Piratini), Acos Villares S/A (Villares) and Eletrometal Acos Finos S/A (Eletrometal), which exported over 85 percent of Brazilian tool steel to the United States during calendar year 1981.

On December 27, 1982, we preliminarily determined that the government of Brazil was providing subsidies to manufacturers, producers, or exporters of tool steel under seven programs. The programs preliminarily found to confer subsidies were:

- Industrialized Products Tax (IPI) export credit premium
- Preferential working capital financing for exports
- Income tax exemption for export earnings
- Long-term loans
- IPI rebates for capital investment
- Industrial Development Council (CDI) program, and
- Accelerated depreciation for capital goods manufactured in Brazil

Notice of the preliminary affirmative countervailing duty determination was published on January 3, 1983 (48 FR 53). We directed the U.S. Customs Service to suspend liquidation of all entries of tool steel entered or withdrawn from warehouse, for consumption on or after January 3, 1983, and to require a cash deposit or bond in the amount of 17.766 percent of the f.o.b. value of the merchandise.

On February 10, 1983, the Department initiatied a proposed agreement to suspend the counterveiling duty investigation involving tool steel from Brazil. The basis for the proposed agreement was that the government of Brazil would offset by an export tax the entire amount of benefits we found to confer subsidies on tool steel exported to the United States.

In compliance with the procedural requirements of section 704(e) of the Act, we consulted with the petitioners concerning the proposed agreement and provided them a copy of it.

Scope of Investigation

The product covered by this investigation is tool steel which includes hot-finished tool steel, cold-finished tool steel, high speed tool steel, chipper knife steel and band saw steel bars and rods as currently provided for in items 606.9300, 606.9400, 606.9505, 606.9510, 606.9520, 606.9525, 606.9535, 606.9540, 607.2800, 607.3405, 607.3420, 607.4600, 607.5405 and 607.5420 of the *Tariff Schedules of the United States Annotated.*

The period for which we are measuring subsidization is that fiscal year for each company which most closely corresponds to calendar year 1981. That period is calendar year 1981 for Piratini, February 1, 1981 through January 31, 1982 for Villares, and October 1, 1981 through September 30, 1982 for Electrometal. We have referred to these periods as fiscal year 1981 in this notice.

Changes Since the Preliminary Determination—Industialized Products Tax (IPI) Export Credit Premium

In the preliminary determination we calculated a subsidy rate based upon the 15 percent IPI credit available during the companies' 1981 fiscal year. However, the government of Brazil has made three reductions in the level of the IPI credit during 1982, the most recent on September 30, 1982 to 11 percent, the rate currently in effect. Since the rate established for purposes of the suspension is prospective, we will make a proportional reduction in our calculation of the subsidy rate from ths program

Preferential Working Capital Financing for Exports: Resolution 674

On February 11, 1983, the government of Brazil notified the Department that the Banco do Brasil rate for discounting accounts receivable had increased from 59.6 percent to 72 percent effective January 3, 1983. In addition, effective January 11, 1983, the tax on financial transactions was reduced from 6.9 percent to 4.6 percent. These changes result in a rate differential of 32.6 percent rather than 22.5 percent as stated in the preliminary determination with respect to tool steel. Consequently, since the rate established for purposes of ths suspension is prospective, we will use 32.6 percent as the applicable differential in determining the subsidy rate from this program.

Petitioners' Comments

The Department has consulted with the petitioners and received the following comments from them concerning the proposed suspension agreement. Our response is shown for each comment.

Comment 1: The petitioners argue that any agreement suspending this investigation should be an agreement eliminating injurious effect under section 704(c) of the Act, rather than an agreement to offset completely the net subsidy under section 704(b) of the Act. The petitioners contend that this case meets all the criteria for an agreement under section 704(c).

DOC Position: The statute provides alternate means by which the Department may suspend an investigation. The statute states no preference for one alternative over another. The Department believes that a 704(b) suspension agreement in this case will offset completely the net subsidy. It therefore eliminates any injury caused by the net subsidy.

Comment 2: The petitioners suggest that we add a provision to the proposed agreement requiring that the export tax be paid in full at the time of export. They contend that a delay in collection of the export tax would reduce the real value of the tax, given the high rate of inflation in Brazil. In addition, they request that the terms under which the government of Brazil imposes penalties for late payment of the export tax should be added to the agreement.

DOC Position: The Department believes that the method of collection of the export tax to be used by the government of Brazil will offset completely offset the net subsidy found to exist on the subject products. Brazil requires that the export tax be paid within 45 days of the last day of the month in which the merchandise is exported, which is the minimum amount of time administratively feasible for collection. Our experience shows that Brazilian exporters generally do not receive countervailable benefits until after the date of export. In monitoring the agreement, we will verify that either payment was made within 45 days or the appropriate penalty imposed.

For late payments (payments after 45 days), the government of Brazil imposes penalties sufficient to offset the amount of the benefits derived from the delay in payment. These penalties which are stated in Brazilian law, Portaria 321 dated September 16, 1980 are as follows:

- For voluntary payment within 30 days of the due date, exporters are required to pay:
  (a) Full monetary correction,
  (b) One percent interest on the corrected amount, and
  (c) A 15 percent penalty on the corrected amount
- For voluntary payment after 30 days, exporters are required to pay:
  (a) Full monetary correction,
  (b) One percent interest per month on the corrected amount, and
  (c) A 30 percent penalty on the corrected amount
- For payment as the result of government action, exporters are required to pay:
  (a) Full monetary correction,
  (b) One percent interest on corrected amount, and
  (c) A 100 percent penalty on the corrected amount

Comment 3: The petitioners propose that we change the word "constitute" in paragraph B.1. (h) to "confer." They wish to distinguish between programs that we have found to "constitute" subsidies in this and other investigations of Brazilian products from

those programs which we found actually "confer" benefits which constitute subsidies on the subject products.

DOC Position: We agree with the point raised by the petitioners. In order to clarify that provision, we have reworded paragraph B.1. (h) to read:

Any other program subsequently determined by the Department to confer a benefit which constitutes a subsidy under the Act on the subject products.

Comment 4: The petitioners propose that paragraph B.2. be modified to read: "The Government of Brazil certifies that no new or equivalent benefit shall be granted on the subject products." Their proposed wording eliminates the phrase "as a substitute for any benefits offset by the agreement" from the proposed agreement.

DOC Position: The Department has intended that the language of paragraph B.2 require that the government of Brazil certify that they have not granted any new or equivalent benefits on the subject products regardless of whether these are substitutes for benefits offset by the agreement. To eliminate any ambiguity that may have arisen by the original language, we have deleted the words "as a substitute for any benefits offset by the agreement" from the suspension agreement. In addition, we are making the corresponding changes in paragraph C.3.

Comment 5: The petitioners oppose the use of the period stated in the proposed agreement, June 1981 through May 1982, as the base period for the establishment of export levels under section 704(d)(2) of the Act. They cite the high and growing rates of imports of tool steel from Brazil during that period and suggest that it is "more reasonable" to use calendar year 1981, when shipments were lower, as a base period.

DOC Position: To establish the export level during the interim period, the Department had intended to use July 1981 through June 1982 (the 12-month period prior to the filing of the petition) as "the most recent representative period." We note that the use of that period results in a reduction from present levels of exports of the subject products to the United States. In addition, the interim period ending May 1, 1983, the date the offsetting export tax becomes effective, is considerably shorter than the period allowed by the statute. We have amended the agreement to reflect the July 1981 through June 1982 period.

Comment 6: The petitioners request that we modify paragraph C.4. to require the Department to verify at least four times each year.

DOC Position: The Department believes that effective monitoring is practicable under the agreement. Paragraph C of the agreement requires the government of Brazil to permit such verification and data collection as the Department requests to monitor the agreement. The Department's monitoring efforts for the most part will occur during yearly section 751 administrative reviews. These are conducted in the same manner as reviews of a countervailing duty order. Paragraph C also imposes comprehensive reporting requirements on the government of Brazil which will help ensure effective monitoring.

Comment 7: The petitioners request that paragraph C.2. of the proposed agreement be changed to reflect the language of the proposed suspension agreement in the case of *Certain Stainless Steel Products from Brazil. They propose that paragraph C.2. should read as follows:*

The Government of Brazil shall notify the Department if any exporters of the subject product transship the subject product through third countries or apply for or receive, directly or indirectly, the benefits of the programs described in paragraph (B)(1) regarding the manufacture, production or export of the subject product.

The petitioners contend that the language in paragraph C.2. of the proposed suspension agreement only requires that the government of Brazil give notification where *exporters of the subsidized merchandize* transship through third countries to the United States. The petitoners state that their language would require the government of Brazil to give notification where *any* Brazilian exporter of the subject merchandise transships the subject product through third countries to the United States and give notification whenever any exporter applies for receives the benefits of a program covered by this agreement.

DOC Position The Department intends that paragraph C.2. apply to all transshipments of the subject products from Brazil via third countries to the United States. The language of the proposed agreement has been revised to take into account the concerns of the petitioners, since by covering all transshipments, the paragraph applies to all Brazilian exporters of the covered merchandise who transship. Paragraph C.2, as revised, reads as follows:

The government of Brazil shall notify the Department of any transshipment of the subject products through third countries to the United States and whether the export tax required by this agreement has been paid with respect to those transshipped products.

Suspension of Investigation

The Department consulted with the petitioners and has considered the comments submitted with respect to the proposed suspension agreement. We have determined that the agreement will offset completely the net subisdy with respect to the subject merchandise exported directly or indirectly to the United States, that the agreement can be monitoried effectively, and that the agreement is in the public interest. Therefore, we find that the criteria for suspension of an investigation pursuant to section 704 of the Act have been met. The terms and conditions of the agreement, signed March 14, 1983, are set forth in Annex I to this notice.

Pursuant to section 704(f)(2)(A) of the Act, the suspension of liquidation of all entries, entered or withdrawn from warehouse, for consumption of tool steel from Brazil effective January 3, 1983, as directed in our notice of "Preliminary Affirmative Countervailing Duty Determination, Tool Steel from Brazil," is hereby terminated. Any cash deposits on entries of tool stell from Brazil pursuant to that suspension of liquidation shall be refunded and any bonds shall be released.

The Department intends to conduct an adminstrative review within 12 months of the anniversary date of publication of this suspension as provided in section 751 of the Act.

Notwithstanding the suspension agreement, the Department will continue the investigation if we receive such a request in accordance with section 704(g) of the Act within 20 days after the date of publication of this notice.

This notice is published pursuant to section 704(f)(1)(A) of the Act.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 14, 1983.

Annex I—Suspension Agreement

Tool Steel from Brazil

Pursuant to section 704 of the Tariff Act of 1930, as amended (the Act), and § 355.31 of the Commerce Regulations, the United States Department of Commerce (the Department) and the government of Brazil enter into the following suspension agreement (the agreement) on the basis of which the Department shall suspend its countervailing duty investigation initiated on August 18, 1982 (47 F.R. 36874) with respect to tool steel from Brazil. The agreement shall be in accordance with the terms and provisions set forth below.

A. *Scope of the Agreement:* The agreement applies to tool steel manufactured in Brazil and exported, directly or indirectly, from Brazil to the United States (hereinafter referred to as the "subject products"). "Tool

steel" includes hot-finished tool steel, cold-finished tool steel, high speed tool steel, chipper knife steel and band saw steel bars and rods as currently provided for in items 606.9300, 606.9400, 606.9505, 606.9510, 606.9520, 606.9525, 606.9535, 606.9540, 607.2800, 607.3405, 607.3420, 607.4600, 607.5405 and 607.5420 of the *Tariff Schedules of the United States Annotated.*

B. *Basis of the Agreement:* 1. The government of Brazil hereby agrees to offset completely the amount of the net subsidy determined by the Department in this proceeding to exist with respect to the subject products. The offset shall be accomplished by an export tax applicable to the subject products exported on or after May 1, 1983. The export tax shall offset completely any benefits found to exist with respect to the following programs:

(a) Industrialized Products Tax (IPT) export credit premium;

(b) Preferential working capital financing for exports;

(c) Income tax exemption for export earnings;

(d) Long-term loans;

(e) IPI rebates for capital investment;

(f) Industrial Development Council (IDC) program;

(g) Accelerated depreciation for capital goods manufactured in Brazil; and

(h) Any other program subsequently determined by the Department to confer a benefit which constitutes a subsidy under the Act on the subject products.

The Department shall officially notify the government of Brazil of any determination made with respect to items (a) through (h) above.

2. The government of Brazil certifies that no new or equivalent benefits shall be granted on the subject products.

3. The offset of these benefits does not constitute an admission by the government of Brazil that such benefits are subsidies within the meaning of the U.S. countervailing duty law.

4. The government of Brazil agrees that from the effective date of the suspension of the investigation and until the imposition of an export tax no later than May 1, 1983 that completely offsets the net subsidy determined by the Department to exist, the rate of exports of the subject products will not exceed the average monthly rate of exports to the United States in the period July 1981–June 1982. Exports in excess of this quantity will constitute a violation of the agreement pursuant to section 704(i) of the Act.

C. *Monitoring of the Agreement:* 1. The government of Brazil agrees to supply to the Department documentation concerning the method and time of payment of the export tax and any other information the Department deems necessary to demonstrate that it is in full compliance with the agreement.

2. The government of Brazil shall notify the Department of any transshipment of the subject products through third countries to the United States and whether the export tax required by this agreement has been paid with respect to those transshipped products.

3. The government of Brazil shall certify to the Department within 15 days after the first day of each three-month period beginning on July 1, 1983 whether it continues to be in compliance with the agreement by offsetting completely the net subsidy referred to in paragraph B.1 and whether it has granted any new or equivalent countervailable benefits. The first certification shall include the period May 1, 1983—June 30, 1983. Failure to supply such information or certification in a timely fashion may result in the immediate resumption of the investigation or issuance of a countervailing duty order.

4. The government of Brazil shall permit such verification and data collection as is requested by the Department in order to monitor the agreement. The Department will request such information and perform such verification periodically pursuant to administrative reviews conducted under section 751 of the Act.

5. The government of Brazil shall promptly notify the Department, with appropriate documentation, of any change in the amount of benefits to the subject products, of any change in the rate of the export tax, or if it decides to alter or terminate its obligations, with respect to any of the terms of the agreement.

6. If quantitative trade restrictions affecting U.S. imports from all for a substantial number of trading partners of the U.S. are implemented with respect to merchandise covered by this agreement, the parties agree to consult concerning the possibility of modification or amendment of this agreement in such a fashion that will continue to meet the requirements of U.S. law in light of the quantitative restrictions or other types of relief then in effect. Pending any possible modification of this agreement, the terms of this agreement will remain in effect.

D. *Violation of the Agreement:* If the Department determines that the agreement is being or has been violated or no longer meets the requirements of section 704(b) or (d) of the Act, then section 704(i) shall apply.

E. *Effective Date:* The effective date of the agreement is the date of publication.

Signed on this 14th day of March 1983, for the Government of Brazil.

José Alfredo Graça Lima,

First Secretary, Brazilian Embassy.

I have determined that the provisions of paragraph B completely offset the subsidies that the government of Brazil is providing with respect to tool steel exported directly or indirectly from Brazil to the United States and that the provisions of paragraph C ensure that this agreement can be monitored effectively pursuant to section 704(d) of the Act. Furthermore, I have determined that the agreement meets the requirements of section 704(b) of the Act and suspension of the investigation is in the public interest.

U.S. Department of Commerce.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-7285 Filed 3-18-83: 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: Dr. Allan T. Scholz (P320), Department of Biology, Eastern Washington University, Cheney, Washington 99004.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Harbor seal (*Phoca vitulina*) 105.

4. Type of Take: Seals will be taken by tagging and/or marking and up to 30 seals will also be radio tagged and tracked to study the movements, activity patterns, and population.

5. Location of Activity: Puget Sound, Washington.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northwest Region, 7600 Sand Point Way, NE, BIN C15700, Seattle, Washington 98115.

Dated: March 15, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-7291 Filed 3-18-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Marine Mammals; Receipt of Application for Permit; The Whale Museum

Notice is hereby given that an Applicant has applied in due form for a Permit to import marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: The Whale Museum (P311A), P.O. Box 945, Friday Harbor, Washington 98250.

2. Type of Permit: Scientific Research.

3. Summary of Request: To import one (1) Killer whale *(Orcinus orca)* skull from the Proincial Museum, British Columbia, Canada.

4. Period of Activity: One (1) year.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northwest Region, 7600 Sand Point Way, N.W., BIN C15700, Seattle, Washington 98115.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-7290 Filed 3-18-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Marine Mammals; Sefel Geophysical Ltd.

The National Marine Fisheries Service has issued a Letter of Authorization under the authority of the Marine Mammal Protection Act of 1972, as amended, to conduct activities allowed under 50 CFR Part 228, Subpart B—Taking of Ringed Seals Incidental to On-Ice Seismic Activities to the following: Sefel Geophysical Ltd., 201 South Cherokee Street, Denver, Colorado 80223.

This Letter of Authorization is valid for 1983, and is subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing Small Take of Marine Mammals Incidental to Specified Activities (50 CFR Part 228, Subparts A and B). This Letter is in addition to five others issued under the same authorization for 1983. Issuance of this letter does not change the original finding that the level of taking will have a negligible impact on the ringed seal species or stock and its habitat and its availability for subsistence use.

This Letter of Authorization is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Dated: March 15, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-7289 Filed 3-18-83; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration.

Title: Small Business Export Development Assistance Program Application.

Form Numbers: OMB—0106; Agency—Uses SF-424.

Type of Request: New.

Burden: 400 respondents; 10,000 reporting hours.

Needs and Uses: The information to be collected will be used to determine which proposal should be funded. Information provided by the applicants will be used to evaluate and rank the applications. Matching grants of up to $150,000 will be awarded to local entities which in turn will provide export assistance to small businesses desiring to pursue export sales.

Affected Public: Entities able to assist small businesses such as: State and local government agencies, Small Business Development Centers, small business, regional commissions and non-profit corporations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefit.

OMB Desk Officer: Ken Allen, 395-3785.

Agency: International Trade Administration.

Title: Application for an Export Trade Certificate of Review.

Form Numbers: OMB—None; Agency—ITA-4093P.

Type of Request: New.

Burden: 180 respondents; 5,760 reporting hours.

Needs and Uses: The information provided by private or public organization on this application will enable the Department of Commerce to begin an evaluation and to determine, with concurrence of the Department of Justice, if an Export Trade Certificate of Review should be issued or denied to such organization in accordance with Title III of the Export Trading Company Act.

Affected Public: Persons, businesses, state or local government entities, associations, and others involved in export trade activities.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefit.

OMB Desk Officer: Ken Allen, 395-3785.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to Ken Allen, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 83-7282 Filed 3-18-83; 8:45 am]

BILLING CODE 3510-CW-M

Committee for the Implementation of Textile Agreements

Adjusting Import Restraint Levels for Certain Man-Made Fiber Textile Products From the Dominican Republic

March 16, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Decreasing the level of restraint established for man-made fiber brassieres in Category 649 from 1,500,000 dozen to 1,497,750 dozen by the addition of 105,000 dozen swing and the deduction of 107,250 dozen carryforward used in the previous agreement year, and decreasing by the square yard equivalent amount of swing applied to Category 649, the level of restraint for women's, girls', and infants' knit shirts and blouses of man-made fibers in Category 639 from 336,887 dozen to 303,287 dozen. These adjustments apply to man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the agreement year which began on June 1, 1982 and extends through May 31, 1983.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic provides that specific ceilings may be increased by not more than seven percent during an agreement year (swing), provided the amount of increase is offset by an equivalent square yard decrease in one or more specific limits. The agreement further provides for the borrowing of yardage from the following agreement year (carryforward) with the amount used being deducted from the level in the following year. In accordance with the terms of the bilateral agreement and at the request of the Government of the Dominican Republic, the import restraint levels established for man-made fiber textile products in Category 639 and 649 are being adjusted for the twelve-month period which began on June 1, 1982.

EFFECTIVE DATE: March 22, 1983.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On May 26, 1982, there was published in the **Federal Register** (47 FR 23000) a letter dated May 21, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established import restraint levels for certain specified categories of cotton and man-made fiber textile products, including Categories 639 and 649, produced or manufactured in the Dominican Republic and exported to the United States during the twelve-month period which began on June 1, 1982 and extends through May 31, 1983. In accordance with the terms of the bilateral agreement and at the request of the Government of the Dominican Republic, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in the letter published below, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 639 and 649 in excess of the respective, adjusted levels of restraint of 303,287 dozen and 1,497,750 dozen

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

March 16, 1983.

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: On May 21, 1982, the Chairman of the Committee for the Implementation of Textile Agreements directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period which began on June 1, 1982 and extends through May 31, 1983 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Dominican Republic, in excess of designated levels of restraint. The Chairman further advised you to the levels of restraint are subject to adjustment.[1]

Effective on March 22, 1983, the levels of restraint established for Categories 639 and 649 in the directive of May 21, 1982, are adjusted to the following:

Category	Adjusted 12-month level of restraint [1] (dozen)
639	303,287
649	1,497,750

[1] The levels of restraint have not been adjusted to reflect any imports after May 31, 1982.

The actions taken with respect to the Government of the Dominican Republic and with respect to imports of man-made fiber textile products from the Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-7284 Filed 3-18-83; 8:45]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic, which provide, in part, that: (1) Specific limits may be exceeded by designated percentages to account for swing with comparable amounts being deducted from other specific limits; (2) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Adjusting the Level of Restraint for Certain Cotton Textile Products from Brazil

March 16, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Further amending the bilateral agreement with Brazil to increase to 7,608,696 pounds the designated consultation level of 7,173,913 pounds established for cotton yarn in Category 300/301, produced or manufactured in Brazil and exported during the twelve-month period which began on April 1, 1982.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

SUMMARY: The Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982, as amended, between the Governments of the United States and the Federative Republic of Brazil provides consultation levels for certain categories of textile products, such as Category 300/301, which are not subject to specific ceilings and which may be adjusted upon agreement between the two governments. Agreement has been reached between the two governments to amend the bilateral agreement further to increase the designated consultation level for cotton textile products in Category 300/301 to 7,608,696 pounds.

EFFECTIVE DATE: March 16, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230; (202/377–4212).

SUPPLEMENTARY INFORMATION: On April 23, 1982, there was published in the Federal Register (47 FR 17607) a letter dated April 19, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishing levels of restraint for certain categories of cotton and man-made fiber textile products, including Category 300/301, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on April 1, 1982. The letter published below amends the letter of April 19, 1982 to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 300/301, produced or manufactured in Brazil and exported during the twelve-month period which began on April 1, 1982 and extends through March 31, 1983, in excess of the increased level of 7,608,696 pounds.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

March 16, 1983.

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of April 19, 1982, from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the twelve-month period which began on April 1, 1982 and extends through March 31, 1983 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Brazil, in excess of designated levels of restraint.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982, as amended, between the Governments of the United States and the Federative Republic of Brazil; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on March 16, 1983 and for the twelve-month period which began on April 1, 1982 and extends through March 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 300/301, produced or manufactured in Brazil, in excess of 7,608,696 pounds.[1]

The action taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textile products from Brazil has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-7283 Filed 3-18-83; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports March 31, 1982.

COMMODITY FUTURES TRADING COMMISSION

Applicants for Registration as Associated Persons; Extension of Expiration Date of No-Action Positions

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of extension of expiration date of no-action positions.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has previously determined not to take enforcement action with respect to certain applicants for registration as an associated person ("AP") based solely on the failure of such an individual to be registered. 47 FR 53764 (November 29, 1982); 48 FR 4709 (February 2, 1983). These "no-action" positions, which also applied to an AP's sponsoring futures commission merchant ("FCM"), were to have expired on April 30, 1983. The Commission is now extending the expiration date of those two no-action positions until June 30, 1983.

EFFECTIVE DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: The Commission initially adopted a "no-action" position for certain applicants for AP registration and their sponsoring FCMs where the futures commission merchant with whom the AP was to be associated submitted and received approval of a written certification specifying, *inter alia*, that the FCM is a registered securities broker or dealer and member of the National Association of Securities Dealers ("NASD") and, additionally, that the AP is registered with the NASD as a registered representative or registered principal. The Commission's no-action position was further limited to those applicants whose applications had been submitted to the Commission on or before November 18, 1982. 47 FR 53764 (November 29, 1982). The Commission subsequently extended its no-action position to "commodities only" APs and their sponsoring FCMs if the AP's application was submitted on or before November 18, 1982 and the sponsoring FCM submitted and received approval of a certification containing the information required by the Commission. 48 FR 4709 (February 2, 1983).

Each of those no-actions positions was originally scheduled to expire on April 30, 1983 or the earlier occurrence of any one of the following events: (1) Receipt by the FCM which sought a no-action position on behalf of an AP applicant of a notice from the Commission that the AP's registration has been granted; (2) receipt by the Commission of a termination notice (Form 8–T or U–5) from the sponsoring FCM indicating that an AP applicant has terminated his employment with the FCM, or receipt of any other notice from the FCM indicating that the FCM is withdrawing its certification as to the eligibility of an AP applicant for a no-action position; or (3) notice from the Commission's Division of Trading and Markets to the FCM which sought and obtained a no-action position on behalf of an AP applicant that the no-action position has been revoked with respect to such applicant.[1]

The Commission has determined, however, to extend the expiration date of those two no-action positions from April 30, 1983 to June 30, 1983. The Commission is using the information thus far provided in connection with the no-action requests to improve further its registration processing system. The Commission wishes to emphasize, however, that none of the other criteria for either the granting or termination of such a no-action position—including the requirement that an application for AP registration must have been filed on or before November 18, 1982—is in any way modified by this extension of the expiration date for these no-action positions.

[1] 47 FR 53764, 53765 (November 29, 1982); 48 FR 4709, 4710 (February 2, 1983).

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Issued in Washington, D.C., on March 15, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-6184 Filed 3-18-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 8, 1983.

The USAF Scientific Advisory Board ad hoc committee on Software will meet at Wright-Patterson AFB, Ohio, April 7–8, 1983. The purpose of the meeting will be to review the USAF Logistics Command software process and to examine software development records of the F–15 and F–16. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on both days.

The meeting will be open to the public; however, seating will be limited to those personnel presenting significant academic and industry credentials as well as discussion topics pertinent to the task statement before the committee.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc 83-7008 Filed 3-18-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Corps of Engineers; Everett Harbor, Wash.; Environmental Impact Statement

AGENCY: U.S. Army Corps of Engineers, Seattle District, Defense.

ACTION: Preparation of an environmental impact statement (EIS) for proposed improvements for navigation of the exisiting Snohomish River and Tributaries Navigation Project in Everett Harbor, Washington.

SUMMARY: The navigation portion of Snohomish River Basin studies undertaken in the early 1970's is being reactivated at the request of the local sponsor, the Port of Everett. A reconnaissance report has been prepared (September 1982) which concluded that a Federal interest existed for modifying segments of the existing Federal project, but that more detailed studies are required to verify a feasible plan. At this time, improvements to the East Waterway and the Snohomish River to river mile (R.M.) 0.5 appear engineeringly feasible and environmentally acceptable. A reconnaissance-level analysis will be conducted early in the study to indicate whether detailed studies are warranted for improvements to the navigation channel above R.M. 0.5. New information has developed that was not available during preparation of the reconnaissance report.

Alternatives are being developed but generally involve dredging of the East Waterway to a depth between 30 and 45 feet and a width between 200 and 500 feet, dredging of the Snohomish River channel to R.M. 0.5 to a depth between 30 and 45 feet and a width between 200 and 350 feet, and disposal of the dredged material. The local sponsor has not yet provided specific disposal sites, but potential sites to be investigated include open water disposal at the state-approved deep water site off Port Gardner; intertidal and shallow subtidal fill at various locations within the harbor area, including Jetty Island; and upland sites in the area. In addition, the alternative of No Action by the Corps of Engineeers will be evaluated. Other alternatives will be developed during scoping as appropriate.

Significant issues to be addressed in the draft EIS include: the need for navigation improvments, quality of sediments dredged and their acceptability for open water disposal, water quality effects, fisheries habitat and ecosystem effects due to dredging and disposal of sediments, and effects of navigation improvements on treaty Indian rights. Data suggest that sediment in the East Waterway could be contaminated and specific tests are scheduled to evaluate the problem and develop appropriate solutions.

Other environmental review and consultation requirements include preparation of a Section 404(b)(1) evaluation. No known listed or proposed endangered species, historic or prehistoric cultural resources, or prime and unique farmlands are expected to be affected.

Public Involvement: A public scoping process will be undertaken to clarify issues of major concern and identify studies that might be needed in order to analyze and evaluate project impacts and on which to determine mitigation needs. A scoping information package will be mailed to all persons identified as having interest in this action. A public scoping meeting or other meetings may be scheduled as needed.

Draft EIS Availability: The draft EIS for this proposed improvement study should be available by late 1984.

Address: Questions and/or comments on this action or the draft EIS may be directed to: Mr. John Malek, Environmental Resources Section, U.S. Army Corps of Engineers, Seattle District, P.O. Box C–3755, Seattle, Washington 98124; telephone (206) 764–3624.

Dated: March 8, 1983.

Norman C. Hintz,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-7212 Filed 3-18-83; 8:45 am]

BILLING CODE 3710-GB-M

Department of the Air Force

Acceptance of Group Application And Contract Surgeons in World War II

Under the provisions of Section 401 of Pub. L. 95–202 and DODD 1000.20, the DOD Civilian/Military Service Review Board has accepted an application on behalf of Contract Surgeons in World War II. Person with information or documentation pertinent to the determination of whether the service of this group was equivalent to active military service are encouraged to submit such information or documentation wthin 60 days to the DOD Civilian/Military Service Review Board, Secretary of the Air Force (SAF/MIPC), Washington, D.C. 20330. For further information contact Mrs. Simard, telephone No. 694–5204.

Winnibel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc 83-7209 Filed 3-18-83; 8:45 am]

BILLING CODE 3910-01-M

Acceptance of Group Application and All Oceangoing Merchant Marines Who Participated in Military Invasions During World War II

Under the provisions of Section 401 of Pub. L. 95–202 and DODD 1000.20, the DOD Civilian/Military Service Review Board has accepted an application on behalf of All Oceangoing Merchant Marines Who Participated in Military Invasions During World War II. Persons with information or documentation pertinent to the determination of whether the service of this group was equivalent to active military service are encouraged to submit such information or documentation within 60 days to the DOD Civilian/Military Service Review Board, Secretary of the Air Force (SAF/MIPC), Washington, D.C. 20330. For

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further information contact Mrs. Simard, telephone no. 694–5204.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–7210 Filed 3–18–83; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF EDUCATION

Application Notice for the Program of Research Grants on Teaching and Learning

AGENCY: Department of Education.

ACTION: Application notice for the program of research grants on teaching and learning.

SUPPLEMENTARY INFORMATION: The Secretary invited grant applications for new awards in Fiscal Year 1983 under the National Institute of Education's (NIE) Program of Research Grants on Teaching and Learning.

The purpose of this program is to support research to further the goal of providing American educators with the tools necessary to help individuals acquire those skills necessary for full and productive participation in society.

Authority for this program is contained in Section 405 of the General Education Provisions Act (20 U.S.C. 1221e).

Any college, state or local education agency, or other public or private agency, organization, group, or individual is eligible to apply.

Closing Dates: An application for a grant must be mailed or hand-delivered by April 22, 1983.

Program Information

Because of the limited resources available, the Secretary has selected eligible research areas from those set forth in 34 CFR 710.5, taking into account NIE's research priorities and national needs. Only applications that address one of these eligible research areas will be funded. This year for convenience, the eligible research areas have been grouped into two categories: (1) Literacy/mathematics learning and (2) teaching/methodology. Further, applicants are encouraged to focus research proposals on one of the specific subtopics listed below.

1. *Literacy/Mathematics Learning.*—The Secretary especially invites applications that propose research on the subtopics of:

(a) Mathematics learning;

(b) Basic cognitive skills in mathematics, reading, writing or other areas;

(c) Language learning and the development of literacy in a second language;

(d) Reading comprehension; or

(e) Writing.

2. *Teaching/Methodology.*—The Secretary encourages all applicants to focus on the influence of policy and practice on the quality of teaching. The Secretary especially invites applications that propose research on the subtopics of:

(a) Rewards and incentives;

(b) Local management of schools; or

(c) Policy implementation and schooling practices.

The Secretary selects applications for grants under each category of eligible research areas. Thus, under this application notice there are two separate competitions.

Grant Application Information

The National Institute of Education has published a program information package on the Program of Research Grants on Teaching and Learning designed to provide more information to prospective applicants on the nature of the program, the availability of funds, expected number of awards, eligibility and review criteria, and grant application instructions. Although the average size of grant awards made in previous competitions has been $50,000 for direct and indirect costs, applications for smaller awards averaging $25,000 or less for direct and indirect costs are encouraged. Persons who wish to receive a copy of the program information package may request one by sending a self-addressed mailing label to the Grants Coordinator, Teaching and Learning Program, Mail Stop 8, National Institute of Education, 1200 19th Street, N.W., Washington, D.C. 20208. Telephone: (202) 254–6000. (A stamped envelope is not usable.)

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information package is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 30 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Instructions for Transmittal of Grant Applications

Applicants should note carefully the instructions for the transmittal of applications included below:

Transmittal of grant applications: Grant applications for new awards must be mailed or hand-delivered on or before April 22, 1983.

Grant applications delivered by mail: Grant applications sent by mail should be addressed to: Proposal Clearinghouse, Mail Stop 1, National Institute of Education, 1200 19th Street, N.W., Washington, D.C. 20208. Applications should display in the lower left hand corner of the package the words, "Teaching and Learning Program" and should indicate the area (including the subtopic) to which the proposal is addressed. Applications will be accepted only if they are mailed on or before the closing date and the following proof of mailing is provided:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If a grant application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, applicants should check with their local post office.

An applicant is encouraged to use registered or at least first class mail.

Each applicant whose grant application does not meet the closing dates shown above will be notified that the late application will not be considered for the Fiscal Year 1983 grants competition and that the application will be returned if the applicant prefers.

Grant applications delivered by hand: A hand-delivered grant application must be taken to the Proposal Clearinghouse, National Institute of Education, Room 813, 1200 19th Street, N.W., Washington, D.C. The Proposal Clearinghouse will accept a hand-delivered grant application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturday, Sundays, and Federal holidays. A grant application that is

hand-delivered will not be accepted after 4:30 p.m. on the closing dates shown above.

Available Funds

An estimated $1,600,000 is budgeted for Fiscal Year 1983 for funding grants. However, the President has proposed budget rescissions to the Congress that may eliminate the funds for this program. The deadline in this notice will not be extended, and applicants should prepare and submit applications pending further notification. Applications must be submitted to NIE at the address in this notice. Approximately 15–25 large grants (averaging $50,000 for direct and indirect costs) and 8–20 small grants (averaging $25,000 or less for direct and indirect costs) will be awarded during Fiscal Year 1983. The total amount awarded to any applicant is based on the merits of the grant application as determined by the Secretary.

It is expected that new awards will be for a period not to exceed three years. However, initial funding in most cases will not exceed 12 months. Subsequent funding of multi-year awards will be contingent on satisfactory performance and the availability of funds.

In any event, only research projects of the highest quality will be supported, whether or not the resources of the program are exhausted. These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Applicable Regulations

Regulations applicable to this program include the following:

(a) The Teaching and Learning Research Grants Program is governed by the Basic Skills Research Grants Program Regulations (34 CFR Part 710).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78); and

(c) The National Institute of Education General Provisions Regulations (34 CFR Parts 700 and 702).

For Further Information Contact: Warren Simmons, Teaching and Learning Grants Program, National Insitute of Education, Mail Stop 8, 1200 19th Street, NW., Washington, D.C. 20208. Telephone: 202–254–6000.

Dated: March 15, 1983.

(Catalog of Federal Domestic Assistance Number 84.117, Educational Research and Development)

T. H. Bell,

Secretary of Education.

[FR Doc. 83-7249 Filed 3-18-83; 8:45 am]
BILLING CODE 4000-01-M

Discretionary Grant Programs Under the Rehabilitation Act of 1973, as Amended: Application Notice Establishing Closing Dates for Transmittal of Fiscal Year 1983 Applications

AGENCY: Department of Education.

ACTION: Application notice establishing closing dates for transmittal of fiscal year 1983 applications.

SUMMARY: The purpose of these application notices is to inform potential applicants of fiscal and programmatic information and closing dates for transmittal of applications for certain *new* and *noncompeting continuation* grants awarded by the Department of Education under the Rehabilitation Training Program authorized under Section 304 of the Rehabilitation Act of 1973, as amended.

SUPPLEMENTARY INFORMATION:

Organization of Notice

This notice covers the Rehabilitation Training Program administered by the Rehabilitation Services Administration within the Department of Education. Notices covering noncompeting continuation grant applications for Rehabilitation Long-Term Training and Rehabilitation Continuing Education Programs were published in the Federal Register on November 26, 1982.

This notice contains two parts. Part I includes the list of all closing dates covered by this notice. Part II consists of the individual application announcements for each program.

The budget estimates in the individual application notices are based on the Fiscal Year 1983 Second Continuing Resolution and are subject to change by the Congress.

Instructions for Transmittal of Applications

Applicants should note specifically the instructions for the transmittal of applications included below:

Transmittal of Applications: Applications for all *new* grants must be mailed or hand delivered on or before the closing date given in the individual program announcements included in this document.

In order to be assured of consideration for funding, applications for *noncompeting continuation projects* should be mailed or hand delivered on or before the closing date given in the individual program announcements included in this document. If a noncompeting continuation application is late, the U.S. Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: Except where specified otherwise immediately below and in the individual program announcements, applications for both *new* and *noncompeting continuation projects* must be addressed to the Department of Education Application Control Center, Attention: (Appropriate CFDA No.), Washington, D.C. 20202.

Applicants for programs under 83.129D (Rehabilitation Continuing Education Programs, new projects) and 84.129Z (State Vocational Rehabilitation Unit In-Service Training, noncompeting continuations and new projects) are required to send applications to the Regional Offices of the U.S. Department. The individual program announcement for these programs specifically directs applicants to transmit applications to the appropriate Regional Office. In these cases applications must be mailed or hand delivered to the appropriate address below:

Region I: RSA Regional Commissioner, Department of Education, OSERS, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203;

Region II: RSA Regional Commissioner, Department of Education, OSERS, 26 Federal Plaza, Room 4106, New York, New York 10278;

Region III: RSA Regional Commissioner, Department of Education, OSERS, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101;

Region IV: RSA Regional Commissioner, Department of Education, OSERS, 101 Marietta Street, N.W., Suite 821, Atlanta, Georgia 30323;

Region V: RSA Regional Commissioner, Department of Education, OSERS, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606;

Region VI: RSA Regional Commissioner, Department of Education, OSERS, 1200 Main Tower Building, Room 2040, Dallas, Texas 75202;

Region VII: RSA Regional Commissioner, Department of Education, OSERS, 324 E. 11th Street, 11 Oak Building, 10th Floor, West, Kansas City, Missouri 64106;

Region VIII: RSA Regional Commissioner, Department of

Education, OSERS, Federal Office Building, Room 7415, 19th and Stout Streets, Denver, Colorado 80202;

Region IX: RSA Regional Commissioner, Department of Education, OSERS, Federal Office Building, 50 United Nations Plaza, San Francisco, California 94102; or

Region X: RSA Regional Commissioner, Department of Education, OSERS, 2901 Third Avenue (M/S 111), Seattle, Washington 98121.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping lable, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant for a *new* award will be notified that its application will not be considered.

Applications Delivered by Hand: Applications for *new* and noncompeting continuation grants must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C., to the appropriate Regional Office at the address given above.

The Application Control Center will accept hand-delivered applications between 8:30 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

The Regional Offices will accept hand-delivered applications between 8:30 a.m. and 4:30 p.m. (local time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered for a *new* grant will not be accepted by the Application Control Center or the Regional Office after 4:30 p.m. on the closing date.

Part I—Programs Covered

CFDA No.	Program	Closing date
84.129	Rehabilitation Long-Term Training Projects (New Projects).	May 9, 1983.
84.129D	Rehabilitation Continuing Education Programs (New Projects, Region IV only).	Do.
84.129Y	Experimental and Innovative Training Projects (Noncompeting Continuations)	Do.
84.129Z	State Vocational Rehabilitation Unit In-Service Training Program.	
	(Noncompeting Continuations)	Do.
	(New Projects)	Do.

Part II—Application Announcements for Each Program

84.129—Rehabilitation Long-Term Training Projects

Closing Date: May 9, 1983—New Projects.

Authority for this program is contained in Section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Awards are made under this program to State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education.

The purpose of the Rehabilitation Long-Term Training Program is to support projects designed for training personnel available for employment in public or private agencies involved in the rehabilitation of physically and mentally handicapped individuals, especially those who are the most severely handicapped. Historically Black colleges and universities are encouraged to participate in this program.

Available Funds: The total amount of funds available for rehabilitation training in Fiscal Year 1983 is $19,200,000, including $2,326,000 for new rehabilitation long-term training projects. The range of funded projects is expected to be from $15,000 to $175,000. These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

It is estimated that the following funds will be available for new projects in these Long-Term Training categories:

Rehabilitation Counseling	$738,576
Rehabilitation Medicine	584,063
Rehabilitation Facility Administration	67,769
Prosthetics and Orthotics	313,013
Allied Health Professions: Physical Therapy	155,000
Blind	49,155
Deaf	210,010
Undergraduate Education	151,400
Vocational Evaluation	57,252
Total	2,326,238

These long-term training categories are included in the list of training fields set forth in the program regulations in 34 CFR 386.1 and are considered annual funding priorities in accordance with 34 CFR 75.105(b)(2)(ii).

Application Forms: Application forms and program information packages for new awards are available and may be obtained by writing to the Division of Resource Development, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Room 3221, Mary E. Switzer Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Application forms and program information packages will be mailed to grantees who are completing rehabilitation long-term training projects during the 1982–1983 academic year.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The program information is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competitions.

The Secretary urges that the narrative portion of applications for new awards not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

All applicants for new projects must submit their applications to the Department of Education, Application Control Center, as noted earlier.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Rehabilitation Long-Term Training Program (34 CFR Parts 385 and 386); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: Martin W. Spickler, Ph.D., Director, Division of Resource Development, Rehabilitation Services Administration, Office of Special Education and Rehabilitation Services, U.S. Department of Education, Room 3221, Mary E. Switzer Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245–0075.

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84.129D—Rehabilitation Continuing Education Programs

Closing Date: May 9, 1983—New Projects (Region IV only).

Authority for this program is contained in Section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Awards are made under this program to State vocational rehabilitation agencies and other public or nonprofit agencies and organizations, including institutions of higher education.

The purpose of this program is to support training centers that serve either a Federal region or another multi-State geographical area and provide for a broad integrated sequence of training activities that focus on meeting recurrent training needs of rehabilitation personnel employed in public and nonprofit programs providing rehabilitation services to severely physically and mentally disabled individuals.

Available Funds: The total amount of funds available for rehabilitation training in Fiscal Year 1983 is $19,200,000. Of this amount approximately $2,000,000 is available for Rehabilitation Continuing Education Programs Fiscal Year 1983, including $285,093 for the support of new projects in Region IV. Funds are available for the support of new projects under this program in Fiscal Year 1983 in Region IV only.

These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages will be mailed to grantees who are completing Rehabilitation Continuing Education Programs during Fiscal Year 1983. Additional forms and instructions may be obtained by writing to the Division of Resource Development, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Room 3329, Mary E. Switzer Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The program information is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competitions.

The Secretary urges that narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicants applying for assistance under this program must submit their applications to the appropriate Regional Office.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Rehabilitation Continuing Education Program (34 CFR Parts 385 and 389); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: Martin W. Spickler, Ph.D., Director, Division of Resource Development, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Room 3329, Mary E. Switzer Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245–0075.

84.129Y—Experimental and Innovative Training Projects

Closing Date: May 9, 1983—Noncompeting Continuations.

Authority for this program is contained in Section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Awards are made under this program to State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education.

The purpose of the Experimental and Innovative Training Program is to train new types of rehabilitation personnel and to demonstrate new and improved methods of training rehabilitation personnel.

Available Funds: The total amount of funds available for rehabilitation training in Fiscal Year 1983 is $19,200,000. Of this amount approximately $740,000 is available for the support of noncompeting continuation projects for experimental and innovative training. These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages will be mailed to September cycle grantees who are conducting experimental and innovative training projects during the 1982–1983 academic year and who are eligible for noncompeting continuation grant support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions and forms included in the program information package. The program information is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competitions.

The Secretary urges that the narrative portion of applications not exceed 15 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this progam include the following:

(a) Regulations governing the Experimental and Innovative Training Program (34 CFR Parts 385 and 387); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: Martin W. Spickler, Ph.D., Director, Division of Resource Development, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Room 3329, Mary E. Switzer Building, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245–0075.

84.129Z—State Vocational Rehabilitation Unit In-Service Training Program

Closing Date: May 9, 1983—Noncompeting Continuations; May 9, 1983—New Projects.

Authority for this program is contained in Section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Awards are made under this program to State vocational rehabilitation agencies, and other public or nonprofit agencies and organizations, including institutions of higher education.

The purpose of this program is to support special projects for training personnel employed by State vocational rehabilitation units in program areas essential to the effective management of the State unit program of vocational rehabilitation services or in skill areas which will enable State unit personnel to improve their ability to provide vocational rehabilitation services to severely handicapped individuals.

Available Funds: The total amount of funds available for rehabilitation training in Fiscal Year 1983 is $19,200,000. Of this amount approximately $2,800,000 is available for noncompeting continuation and new projects under the State Vocational Rehabilitation Unit In-Service Training program in Fiscal Year 1983.

Noncompeting continuation funds are expected to be distributed to the following Federal Regions:

Region II	$221,017
Region III	370,917
Region V	70,035
Region VI	335,932
Region VII	183,271
Region VIII	155,095
Region IX	35,000

Funds for *new* projects are expected to be distributed to the following Federal Regions:

Region I	$224,469
Region II	15,195
Region IV	558,653
Region V	269,940
Region VII	4,680
Region IX	208,831
Region X	146,965

These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages will be mailed to grantees who are eligible to apply for noncompeting continuation grant support under this notice.

Application forms and program information packages for new awards are available and may be obtained by writing to the Division of Resource Development, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Room 3329, Mary E. Switzer Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The program information is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competitions.

The Secretary urges that the narrative portion of application for: (1) New awards not exceed 25 pages in length, and (2) noncompeting continuation awards not to exceed 15 pages in length. The Secretary further urges that only the information required be submitted.

Applicants applying for assistance under this program must submit their applications to the appropriate Regional Office.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the State Vocational Rehabilitation Unit In-Service Training Program (34 CFR Parts 385 and 388); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

Further Information: Martin W. Spickler, Ph.D., Director, Division of Resource Development, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Room 3329, Mary E. Switzer Building, 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone: (202) 245–0075.

(Catalog of Federal Domestic Assistance No. 84.129 Rehabilitation Training Program)

Dated: March 4, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83–7248 Filed 3–18–83; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective April 1, 1983. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue, S.W., Room BE–034, Washington, D.C. 20585; telephone: (202) 252–6077.

Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

(Dollars per Million British Thermal Units (Btu's))

State:	
Alabama	3.47
Arizona [1]	3.54
Arkansas [1]	3.44
California	3.48
Colorado [2]	3.51
Connecticut [1]	3.85
Delaware [1]	3.73
Florida	3.43
Georgia [1]	3.64
Idaho [2]	3.51
Illinois [1]	3.40
Indiana	3.30
Iowa [1]	3.66
Kansas [1]	3.66
Kentucky [1]	3.40
Louisiana [1]	3.44
Maine	3.84
Maryland	3.72
Massachusetts	3.78
Michigan [1]	3.40
Minnesota	3.48
Mississippi [1]	3.64
Missouri [1]	3.66
Montana [2]	3.51
Nebraska [1]	3.66
Nevada [1]	3.54
New Hampshire [1]	3.85
New Jersey	3.61
New Mexico	3.10
New York [1]	3.73
North Carolina [1]	3.64
North Dakota [1]	3.66
Ohio	3.33
Oklahoma [1]	3.44
Oregon [1]	3.54
Pennsylvania [1]	3.73
Rhode Island [1]	3.85
South Carolina [1]	3.64
South Dakota [1]	3.66
Tennessee [1]	3.64
Texas [1]	3.44
Utah [2]	3.51
Vermont [1]	3.85
Virginia [1]	3.64
Washington [1]	3.54
West Virginia [1]	3.40
Wisconsin [1]	3.40
Wyoming [2]	3.51

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM–79–21.

[2] Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2

distillate fuel oil landed in the greater New York City Metropolitan area during January 1983 was $36.24 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of Btu's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective April 1, 1983, is $8.12 per million Btu's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81–27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81–28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. *Data Collected.*—The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of November 1982, December 1982, and January 1983.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. *Method Used to Determine Alternative Price Ceilings.*—(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective March 1, 1983, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, November 1982, December 1982, and January 1983. Reported prices for sales in November 1982 were adjusted by the percent change in the nationwide volume-weighted average price from November 1982 to January 1983. Prices for December 1982 were similarly adjusted by the percent change in the nationwide volume-weighted average price from December 1982 to January 1983. The volume-weighted 3-month average of the adjusted November 1982 and December 1982, and the reported January 1983 prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Price.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of November, December 1982, and January 1983. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending March 14, 1983, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of January 1983. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Region B

Delaware
Maryland
New Jersey
New York
Pennsylvania

Region C

Alabama
Florida
Georgia
Mississippi
North Carolina
South Carolina
Tennessee
Virginia

[1] Large Industrial User.—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or local), and the military are excluded.

Region D

Illinois
Indiana
Kentucky
Michigan
Ohio
West Virginia
Wisconsin

Region E

Iowa
Kansas
Missouri
Minnesota
Nebraska
North Dakota
South Dakota

Region F

Arkansas
Louisiana
New Mexico
Oklahoma
Texas

Region G

Colorado
Idaho
Montana
Utah
Wyoming

Region H

Arizona
California
Nevada
Oregon
Washington

Issued in Washington, D.C., March 17, 1983.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 83-7355 Filed 3-18-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Jaguar Petroleum Incorporated and R. Wayne Stufflebean; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Jaguar Petroleum Incorporated, formerly at 4122 Victory Drive, Houston, Texas 77002, and R. Wayne Stufflebean, 8818 Arbor Wood, Houston, Texas 77040. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.186, 210.62, and 205.202. The principal amount of the alleged violation of 10 CFR 212.186, 210.62, and 205.202 for the period January through December 1980 is $860,350.70.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, Attn: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Texas, on the 9th day of March 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-7251 Filed 3-18-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Proposal for Surveys of Enrollments and Degrees in Nuclear-Related Disciplines (Forms ER-616 and ER-617)

AGENCY: Office of Energy Research (OER), DOE.

ACTION: Notice of Proposed Forms ER-616, "Nuclear Engineering Enrollment and Degree Survey," and ER-617, "Health Physics (Radiation Protection) Enrollment and Degree Survey."

SUMMARY: The Office of Energy Research (OER) of the Department of Energy (DOE) is proposing Forms ER-616, "Nuclear Engineering Enrollment and Degree Survey," and ER-617, "Health Physics (Radiation Protection) Enrollment and Degree Survey," designed to supersede Forms IR-616 and IR-617, respectively, with similar titles, effective July 1, 1983. OER would implement Forms ER-161 and ER-616 to continue the data series.

DATES: Written comments must be submitted on or before April 20, 1983.

ADDRESS: Comments should be sent to Ms. June S. Chewning at the address listed immediately below.

FOR FURTHER INFORMATION CONTACT: To obtain additional information or copies of the ER-616 or ER-617, contact: Ms. June S. Chewning (ER-43), Senior Manpower Analyst, Office of Energy Research, Department of Energy, Mail Station: 3F-032, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-6641.

SUPPLEMENTARY INFORMATION:

I. Current Action.
II. Differences between Form IR-616/IR-617 and Form ER-616/ER-617.
III. Request for Comments.

I. Current Action

OER proposes Forms ER-616, "Nuclear Engineering Enrollment and Degree Survey," and ER-617, "Health Physics (Radiation Protection) Enrollment and Degree Survey, designed to supersede Forms IR-616 and IR-617, respectively, which had similar titles, and which expire effective June 30, 1983. OER plans to implement Forms ER-616/617 to continue the data series initiated by the Atomic Energy Commission in 1971. Forms ER-616/617 would be conditional upon approval of the Office of Management and Budget. The data will be collected and processed by the Oak Ridge Associated Universities, Inc. OER will publish data from Forms ER-616/617 in reports of the findings, and will include information from the survey respondents in publications incorporating data on other energy sources from various surveys conducted by OER. Publications will be distributed to responders and to requesters from industry, the general public, DOE and other Federal and State government agencies. OER and other DOE components will use the information in conjunction with data from other sources in making projections of the supply of nuclear trained manpower and for program planning. The respondent burden, defined as person-hours required to complete a form, varies depending on department size and student data-keeping methods. The burden for each form is estimated to average one-half hour.

II. Differences between Forms IR-616/617 and ER-616/ER-617

The data collected on Forms ER-616 and ER-617 and the predecessor forms IR-616 and IR-617 are identical. Copies of proposed Forms ER-616 and ER-617 are included in this notice. Slight design changes have been made to simplify and clarify the form. The main changes are:

A. The title of ER-617 has been renamed "Health Physics (Radiation Protection) Enrollment and Degree Survey" to better describe the discipline on which information is requested. The alphabetical designation preceding the numbers has been changed from "IR" to "ER" to reflect the transfer of organizational responsibility for the data to the Office of Energy Research.

B. The presentation of degree options has been changed to show the sub-discipline first in order to eliminate confusion about which specific students should be reported.

C. The address blocks have been enlarged and rearranged into a better sequence, and labels will be used.

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D. The questions concerning post-graduation employment plans have been incorporated into the main forms; this information was formerly collected on a supplemental form designated by the respective form numbers followed by "A".

E. The voluntary response nature of the form has been made more readily apparent.

III. Request for Comments

Forms ER–616 and ER–617 are reproduced following this notice. OER invites prospective respondents to comment on the planned revisions within 30 days of the publication of this notice. The following general guidelines are provided to assist in the preparation of responses:

(As a potential data provider)

A. Are the instructions and definitions clear and sufficient?

B. Can the data be submitted using the definitions included in the instructions?

C. Can the data be submitted in accordance with the response time specified in the instructions?

D. How many hours, including time for preparation and administrative review, will your company require to complete and submit the form?

E. What is the estimated cost of completing this form, including the direct and indirect costs associated with the data collection? Direct costs should include all costs, such as development, assembly, equipment, ADP and other administrative costs directly attributable to providing this information.

F. How can the form be improved?

(As a potential user)

A. Do you need data at the levels of detail indicated on the form?

B. For what purposes would you use these data? (Be specific)

C. How could the form be improved to better meet your specific data needs?

D. Are there alternative sources of data and do you use them? What are their deficiencies?

OER is also interested in receiving comments from persons as to their views on the need for the collection of this information at all.

Comments submitted in response to this Notice will be included in the request for Office of Management and Budget approval of this data collection and will become a matter of public record.

Issued in Washington, D.C. March 10, 1983.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

Note.—Information provided through this survey will not be held confidential.

Instructions and Definitions for Completing DOE Form ER–1616

Purpose: This voluntary survey is conducted for the Department of Energy (DOE) in partial fulfillment of their obligation to "assure an adequate supply of manpower for . . . energy research and development programs . . . by . . . the collection analysis and dissemination of necessary manpower supply and demand data . . ." as mandated in P.L. 93–438, the Energy Reorganization Act of 1974, as amended. It is used to determine, by degree level, the yearly supply and anticipated supply of those trained in nuclear engineering or in another engineering discipline with a nuclear option, except in the areas of radiation protection.

Who Should Complete and Submit Forms: All departments with program in nuclear engineering or in other engineering discipline with a nuclear option sufficient to equip its graduates to function as nuclear engineers. *Exception:* Any health physics or radiation protection option within an engineering curriculum should be reported on DOE Form ER–617, which is available from the address or telephone number given below. Each major program should be reported on the appropriate line or on separate lines in the write-in space. Very small specialties should be combined.

When and Where To Submit Forms: Forms should be submitted within two weeks of receipt, or the latest, by mid-November, depending upon your institution's enrollment schedule. Send completed forms to: Duveen L. Shirley, Oak Ridge Associated Universities, P.O. Box 117, Oak Ridge, Tennessee 37830, (615) 576–3409.

A self-addressed, postage-paid envelope is enclosed for your convenience.

Special Instructions: Report only students enrolled in a degree program. Count on-campus semester co-op students (see definition below) as full-time students. If exact figures are not available, give your best estimate and indicate by an "E" after each number that is estimated.

Definitions

Junior: A student who is more than one and less than two academic years short of a Bachelor's degree or equivalent.

Senior: A student who is one year or less short of a Bachelor's degree or equivalent.

Master's Candidate: A student enrolled in a program leading to any degree above the B.S. or B.A. level and below the Ph.D. level.

Co-Op Student: A student who alternates sessions of schooling with sessions of employment in a position related to the academic specialty.

Foreign National: Any student who is a citizen of another country and who has not applied for U.S. citizenship.

White not of Hispanic origin: A person having origin in any of the original peoples of Europe, North Africa, or the Middle East.

Black not of Hispanic origin: A person having origin in any of the black racial groups of Africa.

Hispanic: A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin regardless of race.

Asian or Pacific Islander: A person having origin in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

American Indian or Alaskan Native: A person having origin in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

BILLING CODE 6450–01–M

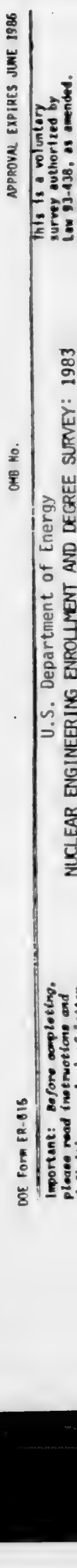

DOE Form ER-816 | OMB No. | APPROVAL EXPIRES JUNE 1986

Important: *Before completing, please read instructions and definitions on back of letter.*

U.S. Department of Energy

NUCLEAR ENGINEERING ENROLLMENT AND DEGREE SURVEY: 1983

This is a voluntary survey authorized by Law 93-438, as amended.

Affix label if address is correct; otherwise, please type here.

Official Supplying Data _____ Title _____

Department(s) _____ Phone _____

Signature _____ Date _____

While you are not required to respond, your cooperation is needed to make the results comprehensive, accurate, and timely. Information will NOT be held confidential, and is supplied to government and industry recruiters.

CURRICULUM OR OPTION	CODE	ENROLLMENTS FALL 1983								DEGREES GRANTED July 1982-June 1983		
		UNDERGRADUATES Junior		UNDERGRADUATES Senior		MASTER CANDIDATES		DOCTORATE CANDIDATES				
		Full Time	Part Time	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time	Bachelor	Master	Doctorate
Nuclear engineering program	10											
Nuclear engineering option within chemical engineering program	20											
Nuclear engineering option within engineering science program	30											
Nuclear engineering option within electrical engineering program	40											
Nuclear engineering option within mechanical engineering program	50											
Other: (*Specify, e.g., Industrial, Civil*)	60											
Totals ▶												

•Please break out the following from the totals reported above.		CODE	FT	PT	FT	PT	FT	PT	FT	PT	B	M	D
Foreign nationals	Male	M 1											
	Female	F 1											
White U.S. citizens, not of Hispanic origin	Male	M 2											
	Female	F 2											
Black U.S. citizens, not of Hispanic origin	Male	M 3											
	Female	F 3											
Hispanic U.S. citizens	Male	M 4											
	Female	F 4											
Asian or Pacific Islander U.S. citizens	Male	M 5											
	Female	F 5											
American Indian or Alaskan native U.S. citizens	Male	M 6											
	Female	F 6											

PLACEMENT

Please Indicate Placement or Plans of Degree Recipients for July 1982-June 1983

ER-616

PLACEMENT OR PLANS AFTER GRADUATION	CODE	BACHELORS		MASTERS		DOCTORATES	
		Total Graduates	Number of Foreign Nationals in Total	Total Graduates	Number of Foreign Nationals in Total	Total Graduates	Number of Foreign Nationals in Total
Continued study for higher degree (include post doctoral study)	1						
U.S. academic employment. [*Students employed part-time should be listed under "Continued Study."*]	2						
Federal government employment	3						
Government-owned, contractor-operated installations employment (GOCOs)	4						
State and local government employment	5						
Nuclear utility employment, U.S.	6						
Other industrial employment, U.S.	7						
Employment with foreign employer	8						
U.S. military service	9						
Other (specify)	10						
Still seeking employment	11						
Unknown	12						
TOTAL (should agree with totals of degrees reported on front side).							

REMARKS:

BILLING CODE 6450-01-C

Note.—Information provided through this survey will not be held confidential.

Instructions and Definitions for Completing DOE Form ER–617

Purpose: This voluntary survey is conducted for the Department of Energy (DOE) in partial fulfillment of its obligation "to assure an adequate supply of manpower for . . . energy research and development programs . . . by . . . the collection, analysis, and dissemination of necessary manpower supply and demand data . . ." as mandated in the Energy Reorganization Act of 1974 (P.L. 93–438), as amended. It is used to determine, by degree level, the yearly supply and anticipated supply of those trained in health physics, radiation health or safety, radiological health, or similar programs, who would be qualified to be responsible for some major phase of a program for the evaluation and control of radiation hazards.

Who Should Complete and Submit Forms: All departments with programs in any curriculum the successful completion of which will equip graduates to take the major role in conducting, coordinating, directing, or planning a program for the evaluation and control of radiation hazards for an installation, community, or state agency. Each major program should be reported on the appropriate line or on separate lines in the write-in space. Very small specialties should be combined.

When and Where to Submit Forms: Forms should be submitted within two weeks of receipt, or at the latest, by mid-November, depending upon your institution's enrollment schedule. Send completed forms to: Duveen L. Shirley, Oak Ridge Associated Universities, P.O. Box 117, Oak Ridge, Tennessee 37830, (615) 576–3409.

A self-addressed, postage-paid envelope is enclosed for your convenience.

Special Instructions: Report only students enrolled in a degree program. Count on-campus semester Co-op students (see definition below) as full-time students. If exact figures are not available, give your best estimate and indicate by an "E" after each number that is estimated.

Definitions

Junior: A student who is more than one and less than two academic years short of a Bachelor's degree or equivalent.

Senior: A student who is one year or less short of a Bachelor's degree or equivalent.

Master's Candidate: A student enrolled in a program leading to any degree above the B.S. or B.A. level and below the Ph. D. level.

Co-op Student: A student who alternates sessions of schooling with sessions of employment in a position related to the academic speciality.

Foreign National: Any student who is a citizen of another country and who has not applied for U.S. citizenship.

White not of Hispanic origin: A person having origin in any of the original peoples of Europe, North Africa, or the Middle East.

Black not of Hispanic origin: A person having origin in any of the black racial groups of Africa.

Hispanic: A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin regardless of race.

Asian or Pacific Islander: A person having origin in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

American Indian or Alaskan Native: A person having origin in any of the original peoples of North America and who maintains a cultural identification through tribal affiliation or community recognition.

BILLING CODE 6450–01–M

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Important: *Before completing, please read instructions and definitions on back of letter.*

U.S. Department of Energy

HEALTH PHYSICS/RADIATION PROTECTION ENROLLMENT AND DEGREE SURVEY: 1983

This is a voluntary survey authorized by Public Law 93-438, as amended.

Affix label if correct; otherwise, please type correct address here.

Official Supplying Data _____ **Title** _____

Department(s) _____ **Phone** _____

Signature _____ **Date** _____

While you are not required to respond, your cooperation is needed to make the results comprehensive, accurate, and timely. Information will NOT be held confidential, and is supplied to government and industry recruiters.

CURRICULUM OR OPTION	CODE	ENROLLMENTS FALL 1982 UNDERGRADUATES Junior Full Time	Junior Part Time	Senior Full Time	Senior Part Time	MASTER CANDIDATES Full Time	MASTER CANDIDATES Part Time	DOCTORATE CANDIDATES Full Time	DOCTORATE CANDIDATES Part Time	DEGREES GRANTED July 1982–June 1983 Bachelor	Master	Doctorate
Health physics, radiation protection, or radiation health program	10											
Health physics option within radiobiology or biophysics program	20											
Health physics option within medical physics program	30											
Health physics option within engineering or basic sciences program	40											
Other: *(Specify those not listed)*	50											
Totals ▶												
*Please break out the following from the totals reported above.	CODE	FT	PT	FT	PT	FT	PT	FT	PT	B	M	D
Foreign nationals — Male	M 1											
Foreign nationals — Female	F 1											
White U.S. citizens, not of Hispanic origin — Male	M 2											
White U.S. citizens, not of Hispanic origin — Female	F 2											
Black U.S. citizens, not of Hispanic origin — Male	M 3											
Black U.S. citizens, not of Hispanic origin — Female	F 3											
Hispanic U.S. citizens — Male	M 4											
Hispanic U.S. citizens — Female	F 4											
Asian or Pacific Islander U.S. citizens — Male	M 5											
Asian or Pacific Islander U.S. citizens — Female	F 5											
American Indian or Alaskan native U.S. citizens — Male	M 6											
American Indian or Alaskan native U.S. citizens — Female	F 6											

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Continental U.S. (including U.S. employees stationed abroad)												
Federal												
Government institutions												
State												
Medical (including hospitals)												
Nuclear power												
Non-nuclear power												
Other												
Other												
U.S.												
Employed												
Still												
Unknown												
TOTAL												
REMARKS												

[FR Doc. 83-7555 Filed 3-18-83; 8:45 am]
BILLING CODE 6450-01-C

PLACEMENT

ER-617 Please Indicate Placement or Plans of Degree Recipients for July 1982-June 1983

PLACEMENT OR PLANS AFTER GRADUATION	CODE	BACHELORS		MASTERS		DOCTORATES	
		Total Graduates	Number of Foreign Nationals in Total	Total Graduates	Number of Foreign Nationals in Total	Total Graduates	Number of Foreign Nationals in Total
Continued study for higher degree (include post doctoral study)	1						
U.S. academic employment. [*Students employed part-time should be listed under "Continued Study."*]	2						
Federal government employment	3						
Government-owned, contractor-operated installations employment (GOCOs)	4						
State and local government employment	5						
Medical facilities (including teaching hospital) employment	6						
Nuclear utility employment, U.S.	7						
Non-nuclear utility employment, U.S.	8						
Other industrial employment, U.S.	9						
Employment with foreign employer	10						
U.S. military service	11						
Other (specify)	12						
Still seeking employment	13						
Unknown	14						
TOTAL (should agree with totals of degrees reported on front side).							

REMARKS:

[FR Doc. 83-6823 Filed 3-18-83; 8:45 am]
BILLING CODE 6450-01-C

Materials R&D Panel Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Material R&D panel of the Energy Research Advisory (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92–463. 86 Stat. 770).

Date and Time: April 11, 1983, 8 a.m. to 4 p.m.

Place: Department of Energy, Room 4A–110, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Contact: William Woodard, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER–6, 1000 Independence Avenue, SW., Washington, DC 20585; telephone 202/252–8933.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda:

- Discussion of Initial Working Outline for Draft Meeting
- Future Meetings Outside Washington, D.C.

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact William Woodard at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:00 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

Issued at Washington, DC on March 15, 1983.

J. Ronald Young,

Director for Management, Office of Energy Research.

[FR Doc. 83–7252 Filed 3–18–83; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ST81–216–001]

Columbia Gulf Transmission Company; Extension Reports

March 7, 1983.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. A "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before March 30, 1983 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
*ST81-216-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001	Southern Natural Gas Co	2/14/83	G	3/6/83
ST81-269-001	Monterey Pipeline Co., 821 Graver St., New Orleans, LA 70112	Columbia Gas Transmission Corp	2/9/83	C	5/11/83
ST81-284-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Bay State Gas Co	2/14/83	B	5/14/83
ST81-285-001	Tennessee Gas Pipeline Co., P.O Box 2511, Houston, TX 77001	Fitchburg Gas and Electric Co	2/14/83	B	5/14/83
ST81-286-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Consolidated Gas Supply Corp	2/8/83	G	5/14/83
St81-287-001	Natural Gas Pipeline Co. of America, 122 South Michigan Ave., Chicago, IL 60603	Entex, Inc	2/9/83	B	5/10/83
*ST82-134-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NB 68102	Peoples Natural Gas Co	2/7/83	F	2/3/83

*These extension reports were filed after the date specified by the Commission's regulations, and shall be the subject of a further Commission order.

[FR Doc. 83–6175–Filed 3–18–83; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 7017–000, et al.]

Tumwater Associates, et al.; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1.a. Type of Application: Preliminary Permit.

b. Project No.: 7017–000.

c. Date Filed: January 24, 1983.

d. Applicant: Tumwater Associates.

e. Name of Project: Tumwater Hydroelectric.

f. Location: On Wenatchee River in Chelan County, Washington within the Wenatchee National Forest.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Tom Forbes, P.O. Box 421, Mercer Island, Washington, 98040 and Mr. Joel Rector,

Attorney at Law, 4832 Colony Circle, Salt Lake City, Utah 84119.

i. Comment Date: May 20, 1983.

j. Description of Project: The Applicant proposes to study two alternative schemes of development utilizing an existing 20-foot-high, 350-foot-long concrete gravity dam and a reservoir with a surface area of 160,000 square feet and a storage capacity of 40 acre-feet at a spillway elevation of 1,487 feet msl owned by the Chelan Public Utility District (District). Alternative I would consist of: (a) An 11-foot-diameter, 1,400-foot-long penstock; (b) a powerhouse containing two generating units with a combined rated capacity of 4,800 kW, operating under a head of 59 feet; (c) a 400-foot-long tailrace channel; and (d) a 5.5-mile-long, 12.5-kV transmission line tying into an existing District line. The average annual energy output would be 25 million kWh. Alternative II would consist of: (a) An 11-foot-diameter, 11,650-foot-long penstock; (b) a powerhouse containing two generating units with a combined rated capacity of 12,000 kW, operating under a head of 165 feet; (c) a 400-foot-long tailrace; and (d) a 3.4-mile-long, 34.5-kV transmission line tying into an existing line owned by the District. The average annual energy output would be 80 million kWh.

A preliminary permit, if issued does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. No new road construction will be required for the purpose of conducting these studies. The estimated cost for conducting these studies is $150,000.

k. Purpose of Project: Project power will be sold to the Chelan Public Utility District.

l. This notice also consists of the following standard paragraph: A4a, A4c, B, C, and D2.

2.a. Type of Application: Preliminary Permit.

b. Project No.: 7076–000.

c. Date Filed: February 14, 1983.

d. Applicant: Northern Wasco County People's Utility District.

e. Name of Project: Dalles Dam North Fishway Project.

f. Location: On the Columbia River, near The Dalles, at The Dalles Dam, in Klickitat County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Harold E. Haake, Manager, Northern Wasco County People's Utility District, P.O. Box 621, The Dalles, Oregon 97058.

i. Comment Date: May 23, 1983.

j. Description of Project: The proposed project would utilize the existing North Fishway of the existing Corps of Engineers' The Dalles Dam and would consist of: (1) Modification of an inlet structure; (2) a 600-foot-long, concrete-lined penstock tunnel; (3) a powerhouse with one generating unit rated at 4.5 MW; and (4) a transmission line. The project would generate 29 million kWh using surplus water discharged through the fishway.

A preliminary permit does not authorize construction. Applicant seeks a 36-month permit to conduct feasibility studies and prepare an FERC license application. No new roads would be required. The cost would be $60,000.

k. Purpose of Project: Power would be utilized by Applicant in its service area.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2.

3.a. Type of Application: Minor License.

b. Project No: 3863–001.

c. Date Filed: September 3, 1982.

d. Applicant: Floyd N. Bidwell.

e. Name of Project: Lost Creek Hydroelectric #1.

f. Location: On Lost Creek, within Lassen National Forest, near Burney, in Shasta County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. E. J. Simpson, 1097 Denton Way, Redding, California 96002.

i. Comment Date: May 18, 1983.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high, 26-foot-long concrete diversion structure; (2) a 2750-foot-long, 42-inch-diameter steel penstock; (3) a powerhouse containing a single generating unit with a total installed capacity of 1,400 kW; (4) a 70-foot-long tailrace conduit; (5) a 2-mile-long, 12-kV transmission line connecting the powerhouse to an existing PG&E transmission line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy production would be 9.0 million kWh.

k. Purpose of Project: The project power will be sold to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A2, B, C, and D1.

4.a. Type of Application: Short Form Minor License.

b. Project No.: 4247–001.

c. Date Filed: August 13, 1981 and revised December 20, 1982.

d. Applicant: Long Lake Energy Corporation.

e. Name of Project: Newport Hydroelectric Project.

f. Location: West Canada Creek, Herkimer County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Donald E. Hamer, Long Lake Energy Corporation, 420 Lexington Avenue, Suite 320, New York, New York 10017.

i. Comment Date: April 27, 1983.

j. Competing Applications: Projects Nos. 4313–000, 5196–000. Date Filed: 2/27/81, 8/16/81.

k. Description of Project: The proposed project would consist of: (1) An existing ogee-shaped concrete gravity dam, 8.2 feet high and 242 feet wide, creating a reservoir with a surface elevation of 641.3 feet m.s.l. (when two-foot flashboards are used), covering 35 acres and having a storage capacity of 150-acre-feet; (2) a new intake structure, 50 feet wide and 13 feet deep; (3) an expanded power canal to measure 50 feet wide, 11 feet deep and 170 feet long; (4) an expanded powerhouse to be 46 by 55 feet in area and to contain four 325-kV turbine/generator units operating under a net head of 10.4 feet; (5) a low-voltage, 50-foot transmission line leading to an existing substation; (6) a switchyard; and (7) appurtenant electrical and mechanical facilities.

l. Purpose of Project: The project's average annual generation of 6.3 million kWh will be sold to the Niagara Mohawk Power Corporation.

m. This notice also consists of the following standard paragrahs: A2, B, C, and D1.

5.a. Type of Application: Major License.

b. Project No.: P–3218–001.

c. Date Filed: December 22, 1982.

d. Applicant: City of Orrville, Ohio.

e. Name of Project: Pike Island.

f. Location: Pike Island Locks and Dam on the Ohio River at Tiltonsville, Ohio.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Philip J. Movish, Daverman Associates, Inc., 500 South Salina Street, Syracuse, New York 13202.

i. Comment Date: May 23, 1983.

j. Description of Project: The proposed project would utilize the existing U.S. Corps of Engineers Pike Island Dam and would consist of the following: (1) Replacement of a short section of an existing retaining wall; (2) a proposed 155-foot-wide, 71-foot-high intake structure; (3) a proposed 155-foot by 189-foot powerhouse located on the right abutment of the dam containing; (4) three proposed turbine/generator units with a total installed capacity of 49.5-

MW; (5) a proposed 350-foot-long, 160-foot-wide tailrace; (6) a proposed 8,600-foot-long, 138-kV transmission line; and (7) appurtenant facilities. Applicant proposes to construct a new fishing facility, approximately 250 feet wide and 650 feet long, immediately downstream of the powerhouse, to replace the existing fishing access which will be eliminated by the project. Applicant estimates that the average annual generation would be 244,316 MWh. This license application was filed during the term of the Applicant's preliminary permit for Project No. 3218.

k. Purpose of Project: Project energy would be used by the City to meet the requirements of its residential, commercial, and industrial electric consumers, with any surplus provided to American Municipal Power-Ohio, Inc.

l. This notice also consists of the following standard paragraphs: A2, B, and C.

6.a. Type of Application: 5 MW Exemption.

b. Project No.: P-4402-001.

c. Date Filed: January 24, 1983.

d. Applicant: Lawrence R. Taft.

e. Name of Project: Talcville Water Power Project.

f. Location: On the Oswegatchie River, in St. Lawrence County, New York.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (Act), 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Lawrence R. Taft, 10315 Caughdenoy Road, Central Square, New York 13036, Timothy R. Fallon, 3 Maplewood Point, Ithaca, New York 14850, and Peter J. Fallon, 28 Sonora Parkway, Rochester, New York 14618.

i. Comment Date: April 22, 1983.

j. Competing Application: Project No. 6996-000, Dated Filed: January 12, 1983, Due Date: April 15, 1983.

k. Description of Project: The proposed project would operate on a run-of-river basis and would consist of: (1) Reconstruction of the breached Talcville Dam, an integrated concrete gravity structure which is 14 feet long and 13 feet high, having an 80-foot-long spillway section; (2) an existing reservoir having a surface area of 32 acres and a maximum surface elevation of 631 m.s.l.; (3) an existing 135-foot-long, 16-foot-wide, 13-foot-high flume; (4) an existing wood frame powerhouse containing two existing generating units, the first will be renovated and have a rated capacity of 250 kW, the second will be replaced by a new unit having a rated capacity of 750 kW for a total rated capacity of 1 MW; (5) an existing 1.5 MW, 23,000 volt substation; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 5 GWh. The energy derived at the proposed project would be sold to Niagara Mohawk Power Corporation. The property contained in the project area is owned by the Gouveneur Talc Company, Inc.

l. Purpose of Exemption: An Exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

m. This notice also consists of the following standard paragraphs: A1, A3, B, C and D3a.

7. a. Type of Application: Exemption from Licensing (5 MW or less).

b. Project No.: 6952-000.

c. Date Filed: December 21, 1982.

d. Applicant: McMillan Hydro Company.

e. Name of Project: McMillan Hydro.

f. Location: On the North Fork of Little Cow Creek in Shasta County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Mr. Percy R. McMillan, P.O. Box 226, Round Mountain, California 96084.

i. Comment Date: April 22, 1983.

j. Description of Project: The proposed project would utilize an existing diversion at approximate elevation 4,000 feet and would consist of three developments: Development 1 comprising: (a) A 24-inch-diameter, 3,600-foot-long penstock; (b) Powerhouse #1 containing two turbine-generators with rated capacities of 50 kW and 150 kW and a combined average annual output of 868,538 kWh; (c) a tailrace to Pond #1, an existing impoundment with a 5 acre-foot storage capacity; and (d) a 2,200-foot-long transmission line to Powerhouse #2; Development 2 comprising (a) a tee in the penstock for Powerhouse #3; (b) a 12-inch-diameter, 2,251-foot-long penstock; (c) existing Powerhouse #2 to be upgraded with a turbine-generator with a rated capacity of 75 kW and an average annual output of 178,281 kWh; and (d) a 1,300-foot-long transmission line to Powerhouse #3; and Development 3 comprising (a) a 24-inch-diameter, 2,870-foot-long penstock from Pond #1; (b) Powerhouse #3 containing 3 turbine-generators with rated capacities of 100 kW for one unit and 300 kW each for the remaining two units, with a combined average annual output of 2,320,023 kWh; and (c) a 7,500-foot-long transmission line connecting with existing Parific Gas and Electric Company lines.

k. Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

8. a. Type of Application: Preliminary Permit.

b. Project No.: 7012-000.

c. Date Filed: January 20, 1983.

d. Applicant: Greene County Electric Company.

e. Name of Project: Old Factory Dam Project.

f. Location: Sparta, White County, Tennessee.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person; Mr. Daniel E. Burgner, Rt. 10, Box 183A, Greenville, Tennessee 37743.

i. Comment Date: May 16, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 430-foot long and 16-foot-high concrete dam; (2) an existing reservoir having a storage capacity of 100 acre-feet and a surface area of 25 acres; (3) a new powerhouse with an installed generating capacity of 500 kW; (4) transmission lines; and (5) appurtenant facilities. The Applicant estimates that all power generated would be sold to a local utility company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

9.a. Type of Application: Preliminary Permit.

b. Project No.: 6640-001.

c. Date Filed: February 10, 1983.

d. Applicant: Arkansas River Power Authority.

e. Name of Project: John Martin.

f. Location: Arkansas River, near the town of Hasty, Bent County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: James M. Henderson, General Manager, Arkansas River Power Authority, Box 70, Lamar, Colorado 81052.

i. Comment Date: April 22, 1983.

j. Description of Project: The proposed project would utilize the existing John Martin Dam and Reservoir owned and operated by the U.S. Army Corps of Engineers. The project would consist of: (1) A 100-foot long penstock running from the existing outlet works; (2) a new powerhouse located on the south bank of the Arkansas River containing

turbine-generators with a total rated capacity of 2,500 kW; (3) a 3-mile long transmission line; and (4) appurtenant facilities. The project would generate up to 5,500,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to member municipal electric systems.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. Proposed Scope of Studies Under Permit: Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geologic investigations, coordinate studies with the U.S. Army Corps of Engineers, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be less than $30,000.

10.a. Type of Application: Preliminary Permit.

b. Project No.: 7038–000.

c. Date Filed: 1/31/83.

d. Applicant: Great Northern Hydro Company.

e. Name of Project: Stillaguamish Tributaries Hydropower.

f. Location: North Fork Wallace River, and May Creek, in Snohomish County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Ed Grant, President, Great Northern Hydro Company, 210 10th Street, Gold Bar, Washington 98251.

i. Comment Date: May 13, 1983.

j. Description of Project: The proposed project would consist of two sites. Site 1 on May Creek would consist of: (1) A diversion structure with a maximum height of 6-feet; (2) a 36-inch-diameter, 900-foot-long penstock; and (3) a powerhouse containing a generating unit with a rated capacity of 2,650 kW. Site 2 on the North Fork of Wallace River would consist of: (1) A diversion structure with a maximum height of 6-feet; (2) a 36-inch-diameter, 10,500-foot-long penstock; and (3) a powerhouse containing a generating unit with a rated capacity of 4,100 kW. The Applicant estimates a 22.7-GWh and 21.2-GWh average annual energy production, respectively. The Applicant has requested a 36-month permit in which to do feasibility studies and prepare a license application at a cost of $100,000.

k. Purpose of Project: Power would be sold to local utilities.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

11. a. Type of Application: Preliminary Permit.

b. Project No.: 7045–000.

c. Date Filed: February 1, 1983.

d. Applicant: Mainstream Hydro Corporation.

e. Name of Project: Sullivan Project.

f. Location: On the Sugar River in Sullivan County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: George K. Lagassa, President, Mainstream Hydro Corporation, 40 Bridge Street, Portsmouth, New Hampshire 03801.

i. Comment Date: May 13, 1983.

j. Description of Project: The proposed project would consist of: (1) The existing Broad Street Dam 6 feet high and 115 feet long; (2) a reservoir having a surface area of 2 acres with neglible storage, and a normal water surface elevation of 518 feet m.s.l.; (3) a new 8-foot diameter steel penstock 740 feet long; (4) a new powerhouse located adjacent to the existing Sullivan Machine Company Dam housing units have a generating capacity of 1500 kW; (5) a new 4.16-kV transmission line; and (6) appurtenant facilities. The Applicant estimates the average annual energy prouction would be 4,840,000 kWh. The Dam is owned by the City of Claremont.

k. Purpose of Project: All project power would be sold to the Connecticut Valley Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies would be $10,000.

12. a. Type of Application : Exemption from Licensing (5 MW or less).

b. Project No.: 6388–001.

c. Date Filed: December 17, 1982.

d. Applicant: Lawrence J. McMurtrey.

e. Name of Project: Lost Creek.

f. Location: Lost Creek within Snoqualmie—Mt. Baker National Forest in Snohomish County, Washington.

g. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. §§ 2705 and 2708 as amended).

h. Contact Person: Mr. Lawrence J. McMurtrey, 12122—196th, N.E., Redmond, Washington 98052.

i. Comment Date: April 22, 1983.

j. Competing Application: Project No. 6529–000 Date Filed: 7/16/82 Notice Issued: 10/19/82.

k. Description of Project: The proposed project would consist of: (1) a 2-foot-high, 36-foot-long diversion structure; (2) a 36-inch-diameter, 8,000-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 2.32 MW; and (4) appurtenant facilities. The Applicant estimates 10.15 GWh average annual energy production.

l. Purpose of Project: Power would be sold to local utilities.

m. This notice also consists of the following standard paragraphs: A1, B, C, D3a.

13.a. Type of Application: Preliminary Permit.

b. Project No: P–2973–003.

c. Date Filed: February 1, 1983.

d. Applicant: Fall River Rural Electric Cooperative, Inc.

e. Name of Project: Island Park.

f. Location: On Henry's Fork of the Snake River near Ashton, in Fremont County, Idaho.

g. Filed Pursuant to: 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Calvin H. Wickham, P.O. Box 617, Ashton, Idaho 83420.

i. Comment Date: May 16, 1983.

j. Description of Project: The proposed project would utilize the existing Bureau of Reclamation's Island Park Dam and would affect lands of the United States within the Targhee National Forest. Applicant proposes to study two alternative projects as follows:

(1) Alternative One comprising: (a) A water intake tunnel which would tap the existing outlet tunnel upstream from the gate chamber on the right abutment of the dam (b) an underground powerhouse containing a generating unit having a rated capacity of 6,500-kW operated under a 79-foot head and at a flow of 1,370 cfs (c) a tailwater discharge tunnel return to the existing outlet-spillway tunnel; and (d) appurtenant facilities; or

(2) Alternative Two comprising: (a) A water intake on the left abutment (b) a penstock through the abutment (c) a powerhouse on the left bank at the toe of the dam containing a generating unit having a rated capacity of 6,500-kW operated under a 79-foot head and at a flow of 1,370 cfs; and (d) appurtenant

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facilities. Project energy would be fed into Applicant's system through an existing 3-mile-long 12.5-kV underground powerline.

k. Purpose of Project: Project energy would be sold to another utility or would be utilized in Applicant's electric distribution system. Applicant estimates that the average annual generation would be 25,000 MWh.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform studies and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $100,000.

14. a. Type of Application: License for 5 MW or Less.

b. Project No: 6728–000.

c. Date Filed: September 30, 1982.

d. Applicant: Clifton Power Corporation.

e. Name of Project: Clifton Mill No. 3.

f. Location: Spartanburg County, South Carolina.

g. Filed Pursuant to: Order No. 185, RM81–10.

h. Contact Person: Mr. Charles B. Mierek, Clifton Power Corporation, Tucker, Georgia 30084.

i. Comment Date: April 22, 1983.

j. Competing Application: Project No. 6642–000, Date Filed: August 26, 1982.

k. Description of Project: The proposed project would consist of: (1) An existing reservoir with a storage capacity of 4-acre-feet and a surface area of 50 acres at power pool elevation of 625 feet m.s.l.; (2) an existing stone-rubble, gravity type dam approximately 275 feet long and 28 feet high, with 52 inch high flashboards; (3) an existing brick and concrete powerhouse containing two generating units rated at 500 kW and 1,200 kW; (4) a proposed 600 volt, 500 foot transmission line; and (5) appurtenant facilities. The estimated average annual generation would be 7,014,000 kWh.

l. Purpose of Project: The Applicant proposes to sell the generated power to Duke Power Company.

m. The notice also consists of the following standard paragraphs: A2, B, C, and D1.

15. a. Type of Application: Preliminary Permit.

b. Project No: 7084–000.

c. Date Filed: February 14, 1983.

d. Applicant: Lassen Associates.

e. Name of Project: Lassen.

f. Location: On Parsnip Creek within Modoc National Forest, near Likely, in Lassen County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040.

i. Comment Date: May 13, 1983.

j. Description of Project: The proposed project would consist of: (1) A 5-foot-high concrete diversion structure; (2) a 10,000-foot-long pipeline; (3) a 16,400-foot-long, 36-inch-diameter steel penstock; (4) a powerhouse containing one generating unit rated at 2.1 MW; and (5) a transmission line. The average annual generation is estimated to be 8.3 million kWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 24 months during which it would conduct feasibility studies and prepare an FERC license application. No new roads would be required. The work would cost $150,000.

k. Purpose of Project: Power would be sold to a local utility.

l. The notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

16. a. Type of Application: Case—Specific Exemption for Small Hydroelectric Power Project of 5 MW or less Capacity.

b. Project No: 6870–000.

c. Date Filed: November 22, 1982.

d. Applicant: Richard J. and Georgenia M. Wilkinson.

e. Name of Project: Prospect Creek Hydroelectic Project.

f. Location: Prospect Creek in Sanders County, Montana.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705, and 2708 *as amended*).

h. Contact Person: Mr. Richard J. and Georgenia M. Wilkinson, P.O. Box 848, Thompson Falls, Montana 59873.

i. Comment Date: April 25, 1983.

j. Description of project: The proposed project would consist of: (1) A proposed 10-foot-high and 50-foot-long diversion structure composed of reinforced concrete; (2) a proposed 4000-foot-long and 60-inch diameter, buried penstock; (3) a proposed powerhouse containing two turbine/generator units, one 1250 kW and one 800 kW unit for a total installed capacity of 2050 kW; (4) a proposed tranmission line approximately one-half mile in length and interconnecting with the Montana Power Company; and (5) appurtenant facilites. The Applicant estimates the average annual energy production to be 8.5 GWh.

k. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

17. a. Type of Application: Preliminary Permit.

b. Project No: 7002–000.

c. Date Filed: January 17, 1983.

d. Applicant: Hoopa Valley Business Council.

e. Name of Project: Supply Creek Power.

f. Location: On Supply Creek in Humboldt County, California within the Hoopa Valley Indian Reservation.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. L. R. Ulibarri, Planning Department, Hoopa Valley Business Council, P.O. Box 1348, Hoopa, California 95546.

i. Comment Date: May 13, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 5-foot-high, 55-foot-long diversion-intake structure at elevation 1,000 feet, owned by the Hoopa Valley Indian Tribe; (2) a 36-inch-diameter, 800-foot-long penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 1,200 kW, operating under a head of 500 feet; and (4) a 1,000-foot-long tranmission line tying into an existing line owned by the Pacific Gas and Electric Company. The average annual energy output would be 5.5 million kWh.

A preliminary permit, if issued does not authorize construction. The Applicant seeks a 36 month permit to study the feasibility of constructing and operating the project. No new access road will be required for the purpose of conducting these studies. The estimated cost for conducting these studies range between $80,000 and $140,000.

k. Purpose of Project: Project power will be sold to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

18. a. Type of Application: Preliminary Permit.

b. Project No: 7030–000.

c. Date Filed: January 27, 1983.

d. Applicant: Dryden Hydro Associates.

e. Name of Project: Dryden Hydroelectric.

f. Location: On Wenatchee River, in Chelan County, Washington.

g. Filed Pursaunt to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040 and Mr. Joel Rector, Attorney at Law, 4832 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: May 13, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 15-foot-high, 550-foot-long, concrete gravity dam owned by the Chelan Public Utility District; (2) a reservoir with a surface area of 150,000 square feet and a storage capacity of 35 acre-feet at crest elevation 970 feet msl; (3) an existing intake structure; (4) an existing canal; (5) a 6-foot-diameter, 150-foot-long penstock; (6) a powerhouse containing two generating units with a combined rated capacity of 4,000 kW, operating under a head of 57 feet; (7) an existing tailrace channel; and (8) appurtenant facilities. The average annual energy output would be 22 million kWh.

A preliminary permit, if issued does not authorize construction. The Applicant seeks a 24 month permit to study the feasibility of constructing and operating the project. No new access roads will be required for the purpose of conducting these studies. The estimated cost for conducting these studies is $150,000.

k. Purpose of Project: Project power will be sold to either the Bonneville Power Administration or a local service utility.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

19. a. Type of Application: Preliminary Permit.

b. Project No: 7028–000.

c. Date Filed: January 27, 1983.

d. Applicant: The Grisdale Hill Company.

e. Name of Project: Cottage Grove Dam.

f. Location: On Coast Fork of Willamette River, in Lane County, Cottage Grove, Oregon.

g. Filed Pursaunt to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Ms. Joy Leong, Morrison and Foerster, 1920 N Street, N.W., Washington, D.C. 20036.

i. Comment Date: May 11, 1983.

j. Description of Project: The proposed project, to be located at the base of the existing Corps of Engineers' Cottage Grove Dam, would consist of: (1) A new outlet structure; (2) a 200-foot-long, 54-inch-diameter penstock; (3) a powerhouse to contain one turbine-generating unit with a rated capacity of 1.4 MW operating under a head of 50 feet; (4) a switchyard; and (5) a 500-foot-long, 115-kV transmission line to connect to an existing Pacific Power and Light Company line. The average annual energy would be 5.5 million kWh. The Applicant seeks a 24-month preliminary permit to study the feasibility of constructing and operating the project and to prepare an FERC license application. No new roads would be required to conduct the studies.

k. Purpose of Project: Power produced at the project would be offered for sale to Bonneville Power Administration or to a local investor-owned utility.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2

20.a. Type of Application: Application for License (5MW or Less).

b. Project No.: 6744–000.

c. Date Filed: October 4, 1982.

d. Applicant: The City of Ithaca, New York.

e. Name of Project: Ithaca Falls.

f. Location: Fall Creek, Tompkins County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: M. Helen Jones, City Planner, City of Ithaca, City Hall, 108 East Green Street, Ithaca, New York 14850.

i. Comment Date: April 25, 1983.

j. Competing Application: Project No. 5878–000 Date Filed: 1/15/82, 5928–000 Date Filed: 1/29/82.

k. Description of Project: The proposed run-of-the-river project would consist of: (1) An existing dam, 140.0 feet long and 5.0 feet high; (2) an existing reservoir with a surface area of 1.15 acres, a usable storage capacity of 3.0 acre-feet, and a normal maximum surface elevation of 544.0 feet M.S.L.; (3) two proposed reinforced concrete intake structures, one 22.0 feet long, 18.0 feet wide, and 12.0 feet high, the other 13.0 feet long, 8.0 feet wide, and 15.0 feet high; (4) a proposed tunnel raceway with concrete lining, 200.0 feet long; (5) a proposed 6.0-foot diameter steel penstock, 750.0 feet long; (6) a proposed reinforced concrete powerhouse, 42.0 feet long and 39.0 feet wide, containing a single generating unit with a total installed capacity of 2,507 kW; (7) a proposed 8.3-kV transmission line, 160.0 feet long; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7,421,849 kWh. The existing project facilities are owned by Cornell University.

l. Purpose of Project: Project power would be sold to the New York State Electric and Gas Company.

m. This notice also consists of the following standard paragraphs: D1, A3, B and C.

21.a. Type of Application: Preliminary Permit.

b. Project No.: 7054–000.

c. Date Filed: February 3, 1983.

d. Applicant: Mountain West Hydro, Inc.

e. Name of Project: Pup Creek.

f. Location: Clackamas County, Oregon; Pup Creek.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C 791(a)–825(r).

h. Contact Person: David Browning, Mountain West Hydro, Inc., 2155 Christina N.W., Salem, Oregon 97304.

i. Comment Date: May 16, 1983.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high diversion structure; (2) a 6,600-foot-long, 16-inch-diameter steel penstock; (3) a powerhouse with a total installed capacity of 1,100 kW; and (4) a 300-foot-long, 12-kV transmission line connecting with an existing Portland General Electric Company transmission line. The proposed project would affect United States lands within Mt. Hood National Forest. A preliminary permit does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. No new roads would be constructed for conducting the studies. The work under the preliminary permit would cost $83,000.

k. Purpose of Project: The estimated annual output of 6.09 million kWh generated by the project would be sold to the Bonneville Power Administration or the Portland General Electric Company.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C, D2.

22.a. Type of Application: Preliminary Permit.

b. Project No.: 7094–000.

c. Date Filed: February 22, 1983.

d. Applicant: Taft Hydro Corporation.

e. Name of Project: Lake Algonquin.

f. Location: Sacandaga River, near the town of Wells, Hamilton County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Lawrence R. Taft, 10315 Caughdenoy Road, Central Square, New York 13036.

i. Comment Date: May 20, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 17-foot high, 250-foot long concrete gravity dam with a 77-foot long center gate structure with 3 vertical lift roller gates; (2) an existing 275-acre reservoir (Lake Algonquin) at elevation 986.0 feet m.s.l.; (3) a new 100-foot long penstock; (4) a new powerhouse containing turbine-generators with a total rated capacity of 680 kW; (5) a new 2,000-foot long transmission line; and (6) appurtenant facilities. The dam is owned by the town of Wells, New York.

The project would generate up to 3,000,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. Proposed Scope of Studies Under Permit: A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $10,000.

23.a. Type of Application: Exemption (5 MW or Less).

b. Project No.: 6301–000.

c. Date Filed: May 7, 1982.

d. Applicant: Woods Creek, Inc. and Murray-Pacific Corporation.

e. Name of Project: Trout Creek.

f. Location: On Trout Creek, within Mt. Baker—Snoqualmie National Forest, near Index, in Snohomish County, Washington.

g. Filed Pursuant to: Energy Security Act of 1980, Section 405 16 U.S.C. 2705 and 2708 *as amended.*

h. Contact Person: Neil H. Macdonald, Woods Creek/Murray-Pacific Corporation, 14 South Idaho Street, Seattle, Washington 98134.

i. Comment Date: April 25, 1983.

j. Competing Application: Project No. 5342–000, Date Filed: September 8, 1981, Notice Issued: November 1, 1981.

k. Description of Project: The proposed project would consist of: (1) A 6-foot-high, 120-foot-long concrete weir; (2) a concrete intake structure; (3) a 9,900-foot-long, 4-foot-diameter steel penstock; (4) a powerhouse containing two generating units, each rated at 2,500 kW; and (5) a 6.5-mile-long transmission line. The average annual energy generation is estimated to be 16.5 million kWh.

l. Purpose of Project: Power will be sold to Puget Sound Power and Light Company.

m. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

24. a. Type of Application: Preliminary Permit.

b. Project No.: P–6994–000.

c. Date Filed: January 11, 1983.

d. Applicant: City of Memphis, Tennessee.

e. Name of Project: H.M. Bessie.

f. Location: the Bessie Cutoff area of the Mississippi River, in Lake County, Tennessee, Fulton County, Kentucky, and New Madrid, Missouri.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Arnold Fieldman, Mr. Channing D. Strother, Jr., Goldberg, Fieldman & Letham, P.C., 1100 Fifteenth Street, N.W., Washington, D.C. 20005, and Ira C. Stanfill, Memphis Light, Gas and Water Division, P.O. Box 430, Memphis, Tennessee 38101.

i. Comment Date: May 16, 1983.

j. Description of Project: The proposed project would consist of: (1) the Construction of a new channel; (2) a new powerhouse containing 25 generating units having a total rated capacity of 100 MW; (3) a new 161-kV, 5.6-mile long transmission line and an upgrading of an existing 69-kV 24-mile long transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 641 GWh.

k. Purpose of Project: The most likely market for the energy derived at the proposed project would be the Tennessee Valley Authority.

l. The notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $14,000.

25. a. Type of Application: Exemption Under 5 MW.

b. Project No.: 6905–000.

c. Date Filed: December 2, 1982.

d. Applicant: T & G Hydro Project.

e. Name of Project: T & G Hydro Project.

f. Location: On Canyon Creek, near Whitmore, in Shasta County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 *as amended.*

h. Contact Person: Mr. H. Ward Gandy, T & G Hydro, 5163 Surry Drive, Redding, California 96002.

i. Comment Date: April 22, 1983.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 3-foot-high, 5-foot-long concrete diversion structure; (2) a 2,500-foot-long, 10-inch-diameter pipeline; (3) a 1,500-foot-long, 10-inch-diameter steel penstock; (4) a powerhouse containing a single 100-kW generating unit with an estimated annual generation of 825,000 kWh; and (5) appurtenant facilities.

An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. The notice also consists of the following standard paragraphs: A1, B, C, and D3a.

a. Type of Application: Preliminary Permit.

b. Project No: 6939–000.

c. Date Filed: December 17, 1983.

d. Applicant: The City of Jackson, Ohio.

e. Name of Project: Belleville Locks and Dam.

f. Location: on the Ohio River, in Meigs County, Ohio and Wood County, West Virginia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: W.M. Lewis & Associates, Inc., 740 Fifth Street, P.O. Box 1383, Portsmouth, Ohio 45663, Attention: Mr. James S. Sigg, Manager, Studies and Planning.

i. Comment Date: April 22, 1983.

j. Competing Application: Project No. 6900–000, Date Filed: December 1, 1982, Due Date: April 20, 1983.

k. Description of Project: The proposed project would utilize the existing Corps of Engineers' Belleville Locks and Dam and would consist of: (1) A new powerhouse containing three generating units having a total rated capacity of 54.6 to 100.2 MW; (2) interconnection with an existing 138-kV transmission line; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 287.0 and 526.6 GWh.

l. Purpose of Project: The energy derived at the proposed project would be utilized by the Applicant.

m. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 11 months. The work proposed under

the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $100,000.

a. Type of Application: License (5 MW or Less).
b. Project No: 6715–000.
c. Date Filed: September 23, 1982.
d. Applicant: Gold Run Hydro Associates.
e. Name of Project: Long Ravine Pipe Power.
f. Location: On Lower Boardman Canal in Placer County, California.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
h. Contact Person: Eddy Balocco, 2855 Mitchell Drive, Suite 140, Walnut Creek, California 94598.
i. Comment Date: April 22, 1983.
j. Competing Application: Project No. 6047, Date Filed: February 26, 1982, Notice Issued: March 24, 1982.
k. Description of Project: The proposed project would consist of: (1) A 20-foot long, 30-inch diameter bifurcation section connected to an existing unpressurized 30-inch diameter penstock, and the new powerhouse; (2) a powerhouse containing a turbine-generating unit with a rated capacity of 168 kW; (3) a 100-foot long transmission line connecting to an existing Pacific Gas and Electric line; and (4) a 20-foot long tailrace feeding into Lower Boardman Canal. The Applicant estimates a 1,030,180 kWh annual energy production.
l. Purpose of Project: Power will be sold to local utilities.
m. This notice also consists of the following standard paragraphs: A2, B, C, D1.

28.a. Type of Application: Exemption of a 5MW or less Hydroelectric Facility.
b. Project No: 6524–001.
c. Date Filed: October 1, 1982.
d. Applicant: Hy-Tech Company.
e. Name of Project: Elk Creek Falls Hydroelectric.
f. Location: On Elk Creek in Clearwater County, Idaho within the Clearwater National Forest.
g. Filed Pursuant to: Energy Security Act 1980 (16 U.S.C. 2705 and 2708 as amended).
h. Contact Person: Mr. Carl W. Haywood, Managing Partner, 2109 Broadview Drive, Lewiston, Idaho 83501 and Mr. David J. Milan, James M. Montgomery, Consulting Engineers, Inc., 1301 Vista Ave., Boise, Idaho 83705.
i. Comment Date: April 25, 1983.
j. Competing Application: Project No. 6518–000 Date Filed: 7/14/82 Notice Issued: August 5, 1982.
k. Description of Project: The proposed project would consist of: (1) A 4-foot-high, 45-foot-long diversion structure at elevation 2,660 feet; (2) a 60-inch-diameter, 2,500-foot-long penstock; (3) a powerhouse containing three generating units with a combined rated capacity of 2,980 kW, operating under a head of 360 feet; (4) a 20-foot-long tailrace; and (5) a 4-mile-long, 13.5-kV transmission line tying into a Washington Water and Power Company line. The average annual energy output is 10 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

l. Purpose of Project: Project power will be sold to the Washington Water and Power Company.
m. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1982). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33 (a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or §§ 4.101 to 4.104 (1982).

A3. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, exemption or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate). Any application for license or exemption from licensing, or notice of intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate.

Preliminary Permits

A4a. Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested

person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST" or "MOTION TO INTERVENE," as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. Exemption applications (5MW or less capacity)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—the U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: March 16, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–7280 Filed 3–18–83; 8:45 am]

BILLING CODE 6717–01–M

Office of the Secretary

International Energy Program; Request for Comment on Proposed Approval by the Secretary of Energy Pursuant to Section 5 of the Voluntary Agreement and Plan of Action

AGENCY: Department of Energy.

ACTION: Publication of Notice of Proposed Approval of Participation by U.S. Oil Companies in the International Energy Agency's Fourth Allocation Systems Test and Request for Comment.

SUMMARY: A draft of a proposed letter of approval with respect to U.S. oil company participation in the Fourth Test of the International Energy Agency's Emergency Oil Allocation Systems, including operating procedures and recordkeeping requirements, is being published for public comment.

DATE: Written comments to be submitted by April 11, 1983.

ADDRESS: Comments should be submitted to Craig S. Bamberger, Assistant General Counsel for International Trade and Emergency Preparedness, Department of Energy, Mail Stop 6F–094, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Craig S. Bamberger, Assistant General Counsel for International Trade and Emergency Preparedness, Room 6A–141, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585; (202) 252–2900.

SUPPLEMENTARY INFORMATION: Pursuant to section 252 of the Energy Policy and Conservation Act, 42 U.S.C. 6272, the Secretary of Energy monitors the carrying out of voluntary agreements to implement the Agreement on an International Energy Program (TIAS 8278, November 18, 1974) by U.S. oil companies and issues certain approvals with respect thereto. In this connection, U.S. oil companies who are members of the Voluntary Agreement and Plan of Action to Implement the International Energy Program, 2 CCH Federal Energy Guidelines, para. 15,845, will be requested to assist the International Energy Agency (IEA) in conducting a test of the IEA's Emergency Oil Allocation Systems beginning with the transmission of a disruption telex on April 22, 1983. The Department of Energy, in cooperation with the staffs of the Department of Justice, the Department of State and the Federal Trade Commission, has developed the drafts of the clearance documents which follow below and which are published today for comment.

The first document is a draft letter of approval for U.S. oil companies participating in the IEA's Fourth Allocation Systems Test (AST–4). The second document, an attachment to this letter, is the "Operating Procedures and Requirements for Recordkeeping by U.S. Companies in the Fourth Allocation Systems Test (AST–4)" which U.S. participants will be required to observe in AST–4. These operating procedures and recordkeeping requirements will apply existing DOE regulations, contained in Title 10 CFR Part 209, to AST–4.

The proposed approval letter and operating procedures/recordkeeping requirements are similar to those which were provided for the IEA's Third Allocation Systems Test (AST–3) held in 1980, *see* 45 FR 71314 (October 27, 1980). Several changes have been made based on experience of the U.S. Government in monitoring AST–3, and operating procedures and recordkeeping requirements have been simplified and made less burdensome.

In addition, a new form of approval has been adopted for the provision of confidential or proprietary company information or data by participating companies. In previous tests, the types of information or data which could be disclosed in the tests without need for specific U.S. Government approval were enumerated, and specific approval was required for the disclosure of other types of information or data. Paragraph 9 of the proposed approval letter likewise enumerates types of information or data which may be disclosed, but under paragraph 9(n) of this letter, it also would be permissible to disclose for the purpose of AST–4, "such additional * * * types of information or data as may be needed on a timely basis in implementing the [IEA's] oil allocation procedures" if a request for advance approval of such disclosure were not feasible. However, prompt notice of any such additional disclosure must be given to U.S. Government monitors observing the test along with an explanation of why advance approval could not be obtained, and approval for the continued submission or exchange of such information or data can be terminated.

DOE has determined that utilization of a verbatim transcript for portions of the test is practicable. Accordingly, as provided in section 252(c)(3) of EPCA, it is contemplated that a transcript will be taken of many of the group sessions during AST–4. In addition, U.S. Government observers will maintain a full and complete record of AST–4 in the form of memoranda, documents and communications logs of U.S. oil company personnel involved in the test.

AST–4 is primarily a training exercise, involving aspects of the IEA emergency sharing system which previously were tested in AST–3. Like AST–3, it will test company-to-company communications concerning voluntary offers by oil companies to reallocate oil under the IEA system and communications between the Industry Supply Advisory Group (ISAG), an industry group serving at IEA headquarters as part of the IEA Emergency Management Organization, and governmental National Emergency Sharing Organizations (NESOs) in each participating IEA member country.

U.S. oil companies will participate in AST–4 as IEA "Reporting Companies" which will provide information and data to ISAG and the IEA Secretariat, including information and data with respect to oil availability during the hypothetical supply disruption and with respect to possible hypothetical actions to reallocate available oil in accordance with the IEA sharing formula. U.S. companies also will assist the IEA by providing staff for the ISAG.

One unique feature of this system test is the role of a "Group of Experts," engaged as consultants to the IEA, who will witness AST–4 and participate in appraising it. The draft antitrust approval letter permits the Group of Experts to have access to information and data disclosed by U.S. companies and their representatives in AST–4. The Experts have not yet been identified by the IEA, and must be selected before this approval letter will be issued. Depending on the nature of any connections which they may have with the energy industry, modifications may be made in the draft letter with respect to their access to information and data.

Comment Procedure

Written comments regarding the proposed approval letter and recordkeeping guidelines will be accepted and considered if received by 4:30 p.m., April 11, 1983. Any person submitting written comments with respect to the letter and recordkeeping requirements should submit ten (10) copies to Craig S. Bamberger, Assistant General Counsel for International Trade and Emergency Preparedness, Department of Energy, Mail Stop 6F–094, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585. Comments should be identified on the outside of the envelope and on documents submitted with the designation "Proposed Approval Letter and Operating Procedures/ Recordkeeping Requirements for AST–4."

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, in one copy only, in accordance with procedures set forth in 10 CFR 205.9(f). Any material not accompanied by a statement of confidentiality will be considered to be non-confidential. The Department of Energy reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., March 17, 1983.

Craig S. Bamberger,

Assistant General Counsel for International Trade and Emergency Preparedness.

Appendix

Proposed letter from the Secretary, United States Department of Energy, to United States Reporting Companies.

1. The International Energy Agency (IEA) will conduct in the near future a fourth test of the emergency allocation systems (AST–4). The Department of Energy (DOE) considers AST–4 an important part of our preparedness efforts. We hope your company will participate and provide full cooperation to the IEA in this undertaking.

2. This letter sets out guidelines for participation in AST–4 by U.S. oil companies and personnel of U.S. oil companies and provides required approvals for the disclosure or exchange of confidential or proprietary information or data in connection with AST–4, as required by the Voluntary Agreement and Plan of Action to Implement the International Energy Program ("Voluntary Agreement"), 2 CCH Federal Energy

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Guidelines, Paragraph 15,845. Participation by U.S. companies is governed by section 252 of the Energy Policy and Conservation Act (EPCA), DOE regulations at 10 CFR Part 209, and the Voluntary Agreement.

3. The primary objectives of AST–4 are: (a) To continue the program of periodic training of personnel of participating IEA governments, oil companies and the IEA Secretariat in the data systems and emergency oil allocation procedures developed to implement the provisions of the Agreement on an International Energy Program (IEP) (TIAS 8278, November 18, 1974), which are delineated in the Emergency Management Manual (EM) and the Industry Supply Advisory Group/Secretariat Operations Manual (ISOM); (b) to exercise all elements of the National Emergency Sharing Organization (NESO) in each participating IEA country that are essential to the efficient and successful operation of the IEA emergency oil sharing systems, including national emergency procedures; and (c) to test modifications and improvements made to the systems and procedures since the last test (AST–3) held in the autumn of 1980. The scope of AST–4, as detailed in the AST–4 Test Guide, is to be broadly similar to that of AST–3 as far as the IEA Secretariat, ISAG, Reporting Company and NESO activities are concerned.

4. AST–4 will begin with the sending of a disruption telex on April 22, 1983, and will continue for approximately eight weeks. It will consist of one full and one curtailed allocation cycle. Prior to the completion of the full regular cycle commencing May 2, 1983, a second disruption telex will be released by the IEA Secretariat. Questionnaire A (QA) and Questionnaire B (QB) data will be submitted and allocation rights and allocation obligations will be calculated by the Secretariat and relayed to countries and companies for each cycle. Following communication of allocation rights and allocation obligations for the second cycle, the test will cease as far as IEA-directed activity is concerned. Thus the large majority of ISAG representatives will be involved for less than four weeks, although a few ISAG representatives may remain until the completion of the test.

5. An Experts Group engaged as consultants to the IEA Secretariat will witness the test and study the voluntary offer process. The Experts Group will contribute to the test appraisal, and for this purpose is expected to discuss the test with individuals participating in the test. For purposes of this letter, the activities of the Experts Group shall be considered to be part of the carrying out of AST–4.

6. Industry will participate in several ways. First, industry representatives will staff the Industry Supply Advisory Group (ISAG); the ISAG, with the IEA's Allocation Coordinator, Secretariat and a Standing Group on Emergency Questions Emergency Group composed of representatives of IEA member countries, will comprise the IEA Emergency Management Organization at IEA headquarters in Paris, France, which will conduct the test. Second, Reporting Companies will submit QA and other data to the IEA Secretariat and the ISAG, and individually will discuss these data with the IEA Secretariat and with the ISAG to the extent required for the test; their affiliates will make similar data submissions and have similar individual discussions with the NESOs of the participating countries in which they operate. Third, Reporting Companies will propose and simulate the carrying out of certain hypothetical supply reallocation measures called "Type 2" allocation by the IEA; in this connection, Reporting Companies may communicate with other Reporting Companies: (a) For the purpose of identifying suitable suppliers or receivers of oil to formulate "closed loop" Type 2 offers, (b) to enable Reporting Companies to work out logistics needed to implement Type 2 offers, or (c) to undertake needed subsequent modification of Type 2 offers which have previously been accepted by the Allocation Coordinator. Finally, it is our understanding that some NESOs may have employees of Reporting or Non-Reporting Companies or their affiliated as members or advisors.

7. In Paris, the test will be conducted, for notice purposes under the Voluntary Agreement, as a single meeting of ISAG carried out in accordance with Section 5 of the Voluntary Agreement. In addition to individual tasks and contacts with the Secretariat by ISAG members, working sessions will include meetings of all ISAG members and smaller group meetings of several ISAG members, as well as joint working sessions of a few ISAG members assigned to solve particular problems. The ISAG Manager or his designee may meet with members of the AST–4 Control Group, consisting of the Chairman of the Industry Advisory Board, the Chairman of the Standing Group on emergency Questions and the IEA Executive Director, with the AST–4 Design Group Chairman, or with members of the Standing Group on Emergency Questions Emergency Group. A verbatim transcript of certain sessions will be made under the supervision of U.S. Government observers; such transcripts will be available for review participants in the sessions so transcribed or for their counsel, either during the test or later. For some ISAG sessions, a full and complete record will be prepared by U.S. Government observers who are present. A full and complete record of other communications will be maintained by the U.S. test participants. More detailed recordkeeping requirements, including operating procedures, are set out in the attachment to this letter. These recordkeeping requirements have been prepared in cooperation with the Department of State, the Department of Justice and the Federal Trade Commission, and are to be considered an integral part of this letter of approval.

8. In order to carry out the test, it will be necessary for Reporting Companies to provide the IEA Secretariat and the ISAG with certain information or data on IEA questionnaire forms and formats, and to submit voluntary offers to supply or receive reallocated oil, and they may have to engage in other communications with the IEA Secretariat or ISAG to clarify, amplify, correct, or supplement such data submissions and voluntary offers. Further, ISAG members may have to exchange this and other information or data among themselves, with members of the IEA Secretariat, with IEA Reporting Companies, and with NESOs. Access to such information or data and to ISAG discussions and work sessions will be open to official observers from the European Community and IEA member countries authorized by the IEA to be present at the test, and to the Experts Group. Aside from the IEA questionnaire and format data and information as to voluntary offers, much of the data or information will be available from public sources. Some such information or data, while actually public information, may not be definitely known to be publicly available by those exchanging it or it may be considered confidential by some companies. Some of the data or information needed to be provided or exchanged clearly will be confidential or proprietary.

9. Accordingly, approval under section 5(b) of the Voluntary Agreement is hereby given to Voluntary Agreement participants and their employees engaged in AST–4 to submit and exchange the types of information or data listed below which involve or might involve disclosure of confidential or proprietary information or data. However, this approval is granted only to the extent that the submission or exchange of these types of confidential or proprietary information or data is necessary during the first cycle, and until allocation rights and allocation obligations have been determined and communicated by the IEA Secretariat in the second cycle, in order to implement the oil allocation procedures of the IEP as guided by the EMM, the ISOM, and the AST–4 Test Guide, and to meet specific problems as they arise during AST–4. Approval is further limited to information or data covering the historical period March 1981 through August 1981. This letter neither approves nor disapproves the activities of company employees serving on NESOs or any communication between a Reporting Company or its affiliate and a NESO. Under these limitations, and those set forth in paragraphs 10, 11, 12, 13 and 14, the submission and exchange of the following types of information or data is approved:

(a) Disaggregated March thru August 1981 QA or QB data submitted during AST–4, *i.e.*, data as required by the QA and QB reporting instructions in effect for AST–4 as further defined in the AST–4 Test Guide, and ISAG work formats derived from such data, including:

—Indigenous production of crude oil and natural gas liquids (NGLs) and feedstocks;
—Imports and exports of crude oil, NGLs and feedstock;
—Petroleum product imports and exports (in crude oil equivalents);
—International marine bunkers;
—Inventory levels and changes; and
—Stocks at sea.

This data base will be amended by Reporting Companies, coordinating with their affiliates as required, and by NESOs for Non-Reporting Companies operating within their boundaries, based on the Secretariat's disruption telex at the beginning of each cycle, and as elaborated during each cycle by

updating telexes from the Secretariat. Reporting Companies may mask data if they so choose in accordance with the procedures established in the AST–4 Test Guide. Reporting Companies will rearrange their international supply plans to reflect the reduced availability of certain types of crude oil as well as certain other restrictions as indicated in the disruption telex and updating telexes and will report the new supply plan on QA submitted to the Secretariat. In addition, each NESO will compile QB from information or data received from Reporting Companies or their affiliates operating within its country and from Non-Reporting Companies operating within its country and will submit QB to the Secretariat. Some of the data submitted by companies will be unaffected by the assumed supply disruption and will therefore be actual data. Such actual data are likely to include the following:

—Inventory level changes in March 1981 and inventories at the end of March 1981, from which inventories as of March 1, 1981 can be derived (see paragraph 10(b) with respect to provision of this data to the ISAG);
—Indigenous crude/NGL production through all six months in the data base; and
—International marine bunkers.

(b) Capability of a refinery to process crude oil or specific crude oils, and the capability of a pipeline, dock or terminal or other storage or transit facility to receive, store, or throughput crude oils or specific crude oils or petroleum products or specific petroleum products.

(c) Capability of a port, installation, or waterway to receive or move vessels of various sizes and configurations.

(d) The availability of tankers, including their location, routine, size, specifications and operating characteristics.

(e) Main characteristics of crude grades and product specifications (excluding individual company crude yields and product specifications).

(f) Actual and estimated historical production data on crude oils and NGLs for individual countries.

(g) Aggregated historical country supply patterns for crude oil, NGLs and petroleum products, *e.g.*, imports by country of origin, exports to country of destination, and inventory profiles.

(h) Specific refinery considerations that prevent acceptance or release of certain crudes, *e.g.*, the inability of a refinery to process specific types of crude oil or to make certain specialty products for which the crude oil is particularly suited; the inability of a type of crude oil to meet product specifications; hazards to refinery operations which processing of a particular type of crude oil might cause; or the need for a refinery to operate at a minimum throughput level.

(i) Identification of supply logistics problems relating to certain countries or regions of countries.

(j) Identification, without disclosure of specific costs, prices or financial information, or other underlying facts, of the existence of certain individual company considerations which would preclude or make impracticable a proposed movement of oil, involving:

(i) Commercial policy;

(ii) Supply or transportation factors;

(iii) Affiliate, third-party, concessional or other contractual arrangements; or

(iv) Constraints relating to actions or policies of governments.

(k) Identification of differences between the crude oil and petroleum product supply mix and demand for products in certain countries or regions of countries.

(l) Information or data concerning voluntary offers made by Reporting Companies to supply or receive, and information or data concerning the implementation of voluntary offers which have been accepted by the Allocation Coordinator.

(m) Clarification, amplification, correction, explanation or supplementation of the types of information enumerated in (a)-(1), provided that this subparagraph (m) does not supersede any specific prohibition contained in this approval letter.

(n) Such additional information or data or types of information or data as may be needed on a timely basis in implementing the oil allocation procedures of the IEP as guided by the EMM, the ISOM and the AST–4 Test Guide, if a request for advance approval under paragraph 17 is not feasible; provided, that prompt written notice of such submission or exchange together with a description of the circumstances necessitating such submission or exchange without a request for advance approval must be given to the representatives of the Secretary of Energy, the Attorney General and the Federal Trade Commission attending the test. Approval for the continued submission or exchange of such information or data can be terminated prospectively by the Department of Energy representative of the Department of Justice representative.

10. In order to carry out the test, these information and data must be provided and exchanged on a disaggregated basis and the finding required by section 5(b)(2) of the Voluntary Agreement in this regard is hereby made, with the following limitations:

(a) During the first test cycle, U.S. ISAG personnel will examine QAs and QBs to detect supply or logistical anomalies that might indicate that an error had been made by a Reporting Company or NESO in preparing or transmitting the data. After detecting a potential supply or logistical anomaly, a U.S. ISAG member may discuss such anomaly with Secretariat personnel, members of ISAG, the Reporting Company or NESO which transmitted the anomalous QA or QB data and the Reporting Company whose data is included in a QB and which data is thought to be such an anomaly. U.S. ISAG personnel may not discuss suspected anomalies with any other persons. All discussions of anomalies among U.S. ISAG personnel and other members of ISAG must be conducted in the presence of a U.S. Government observer at AST–4. When responding to an inquiry from the ISAG member regarding such anomalies, a U.S. Reporting Company may only confirm the accuracy of the reported data, provide corrrected data, or discuss with ISAG members whether the reported data accurately reflect the cycle's reallocation and the cycle's disruption scenario. Any further explanation of such anomalies may only be provided to personnel of the IEA Secretariat.

(b) Company-specific opening inventory data as of March 1, 1981, data showing inventory level changes in March 1981 and the "check total" for March 1981 as reflected in QAs and QBs shall not be made available to ISAG personnel on a routine basis, but only as necessary to solve specific supply problems when they arise. A U.S. Government observer present at the AST–4 test site may give written approval for disclosure of such data, upon receipt and consideration of a written request from the ISAG Manager of his delegate stating that access to such data is necessary.

(c) It is understood that the IEA Secretariat will not permit any disaggregated QA data of a Reporting Company, other than data submitted by the Reporting Company in AST–4, to be accessed by any other Reporting Company or ISAG representative thereof.

(d) The Experts Groups will witness the provision and exchange of these disaggregated information and data, in AST–4. The Voluntary Agreement participants and their representatives serving on the ISAG, however, may not disclose to the Experts Group any additional confidential or proprietary information or data. Section 5(b)(1) of the Voluntary Agreement may apply to certain other communications (not involving confidential or proprietary information or data) with the Experts Group by U.S. Reporting Companies or their representatives serving on the ISAG.

(e) The Deparment of Energy representative, with the concurrence of the Department of Justice representative, after consultation with the Federal Trade Commission representative at AST–4, may terminate this approval as it applies to the conduct of any supply analysis by U.S. ISAG personnel if such analysis may lead to unwarranted disclosure of competitively sensitive supply or logistical information, or have any other unwarranted anticompetitive effect.

11. This approval does not extend to provision or exchange of:

(a) Confidential or proprietary crude oil or petroleum product prices;

(b) Costs or market shares of crude oil or petroleum products (other than those which can be derived from the QA or QB data submitted during AST–4); or

(c) Individual company information regarding overall long-term investment, divestment, refining, operating, transportation or marketing programs.

12. A U.S. Reporting Company will be permitted to communicate confidential or proprietary information or data with another Reporting Company only after first cycle allocation rights and allocation obligations have been determined and communicated, and continuing until its second cycle QA has been submitted to the IEA Secretariat, and only to enable it to formulate "closed-loop" voluntary offers, to arrange the logistics needed to implement Type 2 offers, and to modify previously approved voluntary offers if necessary, for the purpose of carrying out first cycle supply reallocation measures. Type

2 transactions are those intended to balance allocation rights and allocation obligations and to alleviate differences between product demand and the available supply mix. These communications will be limited to discussions of the quality and volumes of oil that would be involved in a voluntary offer and the timing or logistics involved in effecting the physical transfer of such oil. No other confidential or proprietary information or data shall be discussed or exchanged. Prices or values of the oil shall not be discussed. Type 1 transactions are transactions made by a company to satisfy its own commercial supply, distribution or logistics needs in response to an oil supply emergency situation. Type 1 transactions will be assumed to have occurred without inter-company communications during AST–4.

13. Participation in AST–4 does not create an obligation on U.S. ISAG members or U.S. Reporting Companies to provide or exchange any information or data which may be confidential or proprietary.

14. In no case shall an employee or representative of a U.S. company participant in the Voluntary Agreement or any affiliate of a U.S. company, which affiliate is listed as a participant in the Voluntary Agreement, supply to his company or to any other person, any confidential or proprietary information or data obtained as a consequence of his membership in the ISAG or participation in any NESO, except such information or data as is necessary to be supplied in the course of carrying out AST–4 or related NESO activities. No U.S. ISAG member may remove any documents related to the test from the IEA premises, except as authorized in writing by a U.S. Government representative attending the test.

15. Copies of all QA data shall be provided on QA formats, as distinguished from telex form, to:

Ms. Catherine Monzel, Voluntary Agreement Coordinator, International Affairs, IA–11, Department of Energy, Forrestal Building, Room 7G–076, 1000 Independence Avenue, S.W., Washington, D.C. 20585; Telex No. 710–822–0176; TWX No. 710–822–0001; or

Ms. Melanie Stewart Cutler, Energy Section, Antitrust Division, Department of Justice, P.O. Box 14141, Washington, D.C. 20044; Telex No. 710–822–1907; TWX No. 710–822–1907.

16. Any confidential or proprietary information or data exchanged or furnished pursuant to the test to or by a U.S. Reporting Company or its representative serving on the ISAG shall be supplied by them, upon request, to U.S. Government observers from the Department of Energy, Department of State, Department of Justice or Federal Trade Commission. During AST–4 U.S. Government observers may obtain access to the offices of U.S. participants at the test site in Paris for the purpose of observing AST–4 related activities, reviewing records kept in conneciton with AST–4 or interviewing U.S. Reporting Company employees participating in AST–4.

17. This approval may be modified or revoked in writing by the Department of Energy representative, with the concurrence of the Department of Justice representative in consultation with the Federal Trade Commission representative, if developments during AST–4 indicate that modification or revocation is warranted. Any modification or revocation shall be in writing and conveyed to all participants in the Voluntary Agreement and the ISAG Manager or his designee. No modification or revocation shall have retroactive effect.

18. This approval of U.S. company participation in the test and of the provision of certain data and information (including the need to provide it in disaggregated form) has been the subject of consultation with the Department of State and has been concurred in by the Department of Justice, after consultation with the Federal Trade Commission, all as required by the Voluntary Agreement. Copies of correspondence reflecting our consultation with the Department of State, and the Department of Justice's concurrence in our approval, after consultation with the Federal Trade Commission, are annexed.

Operating Procedures and Requirements for Recordkeeping by U.S. Companies in the Fourth Allocation Systems Test (AST–4)

1. Introduction

The following operating procedures and requirements are in further implementation of the existing U.S. recordkeeping requirements in Section 252 of EPCA and 10 CFR Part 209 and apply to the fourth IEA Allocation Systems Test (AST–4). These operating procedures and requirements apply to U.S. Reporting Companies and to U.S. Reporting Company representatives serving on the ISAG who will be participating in the test at the Test Site.

If experience indicates the need, the U.S. Government observers at the Test Site will have discretion to allow alternative operating procedures and recordkeeping requirements consistent with Section 252 of EPCA and existing regulations.

2. Definitions

For purposes of these requirements the following definitions apply:

(a) "Communication" means any written or unwritten disclosure, provision or exchange of data or information (excluding administrative, procedural, or ministerial data or information), not subject to attorney-client privilege, in or relating to the carrying out of AST–4.

(b) "Test Site" means that space in IEA headquarters designated by the Allocation Coordinator as the work area in which AST–4 shall be conducted.

(c) "Test Site Communication" means any unwritten face-to-face Communication occurring on the Test Site, other than in a Test Meeting.

(d) "Test Site Telephone Communication" means any telephonic Communication received at or sent from the Test Site.

(e) "Off-Site Communication" means any unwritten face-to-face or telephonic Communication which does not occur on the Test Site.

(f) "Test Meeting" means the following group meetings held on the Test Site (with or without IEA Secretariat participation):

(i) Meetings of the entire ISAG;

(ii) Meetings of the ISAG's Country Supply, Supply Coordination or Supply Analysis subgroups; or

(iii) Meetings of the ISAG Manager and/or Deputy Manager with ISAG subgroup heads.

3. U.S. Government Monitoring and Recordkeeping at the Test Site

(a) A U.S. Government observer shall be present throughout all Test Meetings, and may be present at the Test Site during any other Communications. It is intended that a U.S. Government observer will be present continuously at the Test Site to monitor Test Meetings, Communications, work sessions and individual work by Reporting Company representatives serving on the ISAG: (i) During such regular work hours as ISAG adopts; and (ii) at any extraordinary hours if given reasonable advance notice. U.S. Reporting Company representatives serving on the ISAG may: (i) engage in individual work or in Communications other than Test Site Communications or Communications in Test Meetings, even if no U.S. Government observer is present at the Test Site; or (ii) engage in Test Site Communications despite the absence of a U.S. Government observer at the Test Site if reasonable advance notice of such Communications has been given to the U.S. Government observers, or if reasonable advance notice cannot be given; provided, that adequate records of such Communications and, with respect to (ii), of the circumstances concerning notice given or of the circumstances which necessitated such Communications without reasonable advance notice, are made by the U.S. Reporting Company representatives serving on the ISAG.

(b) Test Meetings shall be monitored by a U.S. Government observer, who shall be responsible for keeping a written record of each session, or for ensuring that a verbatim transcript is made. Failure of the U.S. Government to maintain a full and complete written record shall not vitiate the antitrust defense accorded by Section 252 of EPCA unless such failure is due to the wiliful act of a U.S. Reporting Company representative serving on the ISAG or of a U.S. Reporting Company.

(c) U.S. Government observers shall be permitted to be present during any test activities, including Communications, involving a U.S. Reporting Company representative serving on the ISAG, except Communications between an individual U.S. Reporting Company representative serving on the ISAG and his legal counsel.

4. Unwritten Communications Involving U.S. Reporting Company Representatives Serving on the ISAG

(a) These recordkeeping requirements for unwritten Communications apply to Test Site Communications, Test Site Telephone Communications, and Off-Site Communications by or to U.S. Reporting Company representatives serving on the ISAG, including Communications with members of the Industry Advisory board or the Experts Group, but excluding Communications with the IEA Secretariat, members of the SEQ Emergency Group, or the U.S. NESO.

(b) All unwritten Communications of U.S. Reporting Company representatives serving on the ISAG which relate to AST–4 shall occur on the Test Site except when circumstances make an Off-Site Communication necessary, *i.e.*, when a need for an immediate Communication arises unexpectedly or after normal working hours or otherwise makes a return to the Test Site impracticable or unreasonable, or when time zone differences involved in necessary Communications otherwise would require early morning arrival or late nite stay at the Test Site.

(c) Except when a U.S. Government observer present agrees to make the record, a U.S. Reporting Company representative serving on the ISAG shall make a full and complete record of any Test Site Communication, Test Site Telephone Communication on Off-Site Communication, by means of entering in a standardized log the date, time, identity of the parties (by name and organization) and a description of the transaction or information or data discussed, including identification of any problem involved and any conclusions reached or recommendations made. In the case of an Off-Site Communication, he also shall state the special circumstances necessitating this Communication; and in the case of a Test Site Communication occurring in the absence of a U.S. Government observer from the Test Site, he also shall state the circumstances concerning reasonable advance notice given to the U.S. Government observers, or the circumstances which necessitated such Communication without reasonable advance notice.

(d) When a U.S. Reporting Company representative serving on the ISAG has been assigned to a joint work session to solve a specific identified problem, the overall subject matter of which already is contained in a full and complete record of a Test Meeting, the result of which work session will be reported at a meeting where a full and complete record will be maintained, then notwithstanding subsection (c), the record of such session to be kept by the U.S. ISAG representative need only include the date, time and identity of the parties and a brief indication of the substance of the discussion during the work session, with a reference to the Test Meeting where it was more fully discussed.

(e) When a U.S. Reporting Company representative serving on the ISAG communicates with an individual in a NESO, he shall ascertain whether the NESO individual normally is employed by an oil company, and if so the identity of that company should be recorded in the log kept pursuant to Section 4(c).

(f) When more than one U.S. Reporting Company representative serving on the ISAG is involved in a Communication, the representatives may designate who shall make and supply the record. Non-U.S. Reporting Company representatives serving on the ISAG may agree to furnish the records of Communications with U.S. Reporting Companies and with U.S. Reporting Company representatives serving on the ISAG which are otherwise required to be furnished by the U.S. Reporting Companies or their representatives on the ISAG, if such records are kept in the required form and supplied to a U.S. Government observer in accordance with these requirements, and if the U.S. Reporting Companies or their representatives involved so agree.

5. Disposition of Records Made and Documents Prepared or Received at the Test Site by U.S. Reporting Company Representatives Serving on the ISAG

(a) Each U.S. Reporting Company representative serving on the ISAG shall provide to a U.S. Government observer at the Test Site, within three working days of the first day it covers, a copy of any log kept pursuant to Section 4(c), and within one working day of the occurrence, a copy of any other written Communication which he prepares or receives that relates to the carrying out of AST–4.

(b) The requirement imposed by paragraph (a) of this Section may be waived by the U.S. Government observers at the Test Site, to the extent that the IEA Secretariat agrees to provide copies of such Communications to the U.S. Government observers in accordance with these requirements.

6. U.S. Government Monitoring at U.S. Reporting Company Offices

(a) U.S. Government observers shall be permitted to interview all U.S. Reporting Company employees engaged in AST–4 activities at Reporting Company offices upon reasonable advance notice to the U.S. Reporting Company involved. Any interviewed employee may have counsel present.

(b) U.S. Government observers shall be permitted to examine and copy, at company headquarters during normal business hours and upon reasonable notice to the Reporting Company involved, any Communication, or any document or other information source not subject to attorney-client privilege, in the possession of a U.S. Reporting Company, concerning the carrying out of AST–4 activities.

7. Recordkeeping Requirements for U.S. Reporting Companies

(a) A U.S. Reporting Company promptly shall make a full and complete record of the following Communications or documents (excluding documents which are administrative, procedural or ministerial in nature) and shall maintain such records and records of any other of the following documents (other than those which are administrative, procedural or ministerial in nature) which relate to the carrying out of AST–4:

(i) Intra-corporate documents, not subject to attorney-client privilege, including telexes received and sent, memoranda concerning intra-company discussions of hypothetical sales or exchanges, documentation concerning actions requested by the ISAG or proposed by a Reporting Company, and any other documents generated by the test;

(ii) Communications with Reporting Company representatives serving on the ISAG, including any of its own representatives serving on the ISAG, except when the Reporting Company has agreed with the ISAG or with a Reporting Company representative serving on the ISAG that the record of the Communication will be made and provided to U.S. Government observers at the Test Site, by ISAG or by the Reporting Company representative;

(iii) Communications with another company or with the IEA Secretariat, including Communications with respect to developing or implementing a voluntary offer; and

(iv) Communications with the Experts Group.

(b) Records of unwritten Communications should be made by U.S. Reporting Companies in the manner described in Section 4 for U.S. Reporting Company representatives serving on the ISAG.

8. Disposition of Records by Reporting Companies

(a) Each U.S. Reporting Company within two weeks of preparation shall forward copies of all records required by Section 7 to an appropriate office at company headquarters, where they shall be maintained for five years separately from other company records. These records may be subject to U.S. Government examination during and after AST–4.

(b) Each U.S. Reporting Company shall send to the Department of Energy, the Department of Justice and the Federal Trade Commission, within seven days after the close of the week (ending Saturday) of the Communications recorded thereunder, records required to be made and maintained under Sections 7(a) (ii), (iii) and (iv), except that records of unwritten Communications with another company shall be sent no later than the close of the week (ending Saturday) of the Communications recorded. Any portions of such records which are believed not to be subject to public disclosure should be specified. If possible, copies of Communications by U.S. Reporting Companies shall be sent to the U.S. Government simultaneously with and by the same means of transmission used to send the original. In the case of a voluntary offer a "clear" rather than a coded copy should be sent.

9. Reports of Actions Taken

(a) Under the Voluntary Agreement, U.S. Reporting Companies must report to the U.S. Government actions taken pursuant to a plan of action. Therefore, for the purposes of AST–4, each U.S. Reporting Company shall report to the Departments of Energy and Justice and the Federal Trade Commission, actions and hypothetical actions taken as part of the test, such as voluntary offers accepted, and reallocations of supply in response to accepted voluntary offers. Communications with respect to developing or implementing a voluntary offer are to be reported under Section 8(b).

(b) A report shall be submitted within seven days of the end of the week (ending Saturday) in which the action was taken.

(c) The style and content of a report are left to the discretion of the individual U.S. Reporting Company. It can be submitted in any fashion a company believes will best reflect what it has done. In the case of voluntary offers, the record should include

substantially all of the material terms contained in the voluntary offer itself.

10. Reporting Addresses

Reports and records required hereunder to be sent to U.S. Government agencies should be addressed to:

Ms. Catherine Monzel, Voluntary Agreement Coordinator, International Affairs, IA–11, Department of Energy, Forrestal Building, Room 7G–076, 1000 Independence Avenue, S.W., Washington, D.C. 20585; Telex No. 710–822–0178, TWX No. 710–822–0001

Ms. Melanie Stewart Cutler, Energy Section, Antitrust Division, Department of Justice, P.O. Box 14141, Washington, D.C. 20044; Telex No. 710–822–1907, TWX No. 710–822–1907; or

Mr. Harvey Blumenthal, Federal Trade Commission/CS–4, Washington, D.C. 20580.

[FR Doc. 83–7356 Filed 3–18–83; 8:45 am]

BILLING CODE 6450–01–M

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 1]

Agency Forms Submitted for OMB Review

AGENCY: Export-Import Bank of the United States.

ACTION: In accordance with the provisions of the Paperwork Act of 1980, Eximbank has submitted a proposed collection of information to the Office of Management and Budget for Review.

Purpose: The proposed form is to be used by commercial banks participating in Eximbank's guarantee program. The collection will provide Eximbank with the information necessary to evaluate the transaction and to assure that relevant statutory programs are met.

Summary: The following summarizes the information collection proposal submitted to OMB:

(1) Type of request—new.

(2) Number of forms submitted—one.

(3) Form number—EIB No. 73–1.

(4) Title of information collection—Application and Supplementary Agreement to the Export-Import Bank of the United States.

(5) Frequency of Use—Upon request by a commercial bank for a guarantee of loan.

(6) Respondents—Commercial banks throughout the United States.

(7) Estimated number of responses—635.

(8) Estimated total number of hours needed to fill out form—159. Section 3504(h) of Pub. L. 96–511 does not apply.

Additional Information or Comments: Copies of the proposed format and supporting documents may be obtained from Adrian B. Wainwright, Agency Clearance Officer, (202) 566–8111. Comments and questions should be directed to (OMB) Francine Picoult, (202) 395–7231.

Dated: March 16, 1983.

Adrian B. Wainwright,

Agency Clearance Officer.

[FR Doc. 83–7286 Filed 3–18–83; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 83–149, et al.]

Allen Broadcasting Corp. et al.; Hearing

Adopted: February 28, 1983.

Released: March 3, 1983.

In re applications of Allen Broadcasting Corporation, Honolulu, Hawaii, MM Docket No. 83–149, File No. BPCT–820901KM; Janesville Broadcasting Company, Honolulu, Hawaii, MM Docket No. 83–150, File No. BPCT–821108KE; for construction permit; designating applications for consolidated hearing on stated issues.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Allen Broadcasting Corporation (Allen) and Janesville Broadcasting Company (Janesville) for authority to construct a new commercial television broadcast station on Channel 32, Honolulu, Hawaii.

2. On February 10, 1983, Janesville filed an amendment to its application stating that the transmitter and tower site proposed may no longer be available. An appropriate issue will be specified.

3. No determination has been reached that the tower height and location proposed by Janesville would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

4. Section 73.682(a)(15) of the Commission's Rules states that the effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter. Janesville's aural power is 100% of the visual. The applicant will be required to correct this situation by an appropriate amendment.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issue specified below.

6. Accordingly, *it is ordered,* That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding,* before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Janesville, whether there is reasonable assurance that its specified transmitter site will be available.

2. If issue one is answered in the affirmative, to determine whether there is a reasonable possibility that the tower height and location proposed by Janesville would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

7. *It is further ordered,* That the Federal Aviation Administration is made a party respondent with respect to Issue 2.

8. *It is further ordered,* That Janesville shall submit, pursuant to § 73.682(a)(15) of the Commission's Rules, to the presiding Administrative Law Judge within 20 days after the date of release of this Order, an appropriate engineering amendment to correct the aural effective radiated power.

9. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants and the party respondents herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. *It is further ordered,* That the applicant herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594, of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Laurence E. Harris,

Chief, Mass Media Bureau.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-7233 Filed 3-18-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-134, et al.]

Educational Television of Houston, Inc., et al.; Hearing

Adopted: February 25, 1983
Released: March 3, 1983.

In re applications of Educational Television of Houston, Inc., Houston, Texas; MM Docket No. 83-134, File No. BPET-820305KF; Amerivision Corporation, Houston, Texas; MM Docket No. 83-135, File No. BPET-820510KT; Texas Educational Network, Inc., Houston, Texas; MM Docket No. 83-136, File No. BPET-820510KU; for Construction permit: designating applications for consolidated hearing on stated issues.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Educational Television of Houston, Inc. (ETH), Amerivision Corporation (Amerivision) and Texas Educational Network, Inc. (TENI) for authority to construct a new non-commercial educational television station on Channel 14, Houston, Texas.[1]

2. Due to the adjacency of Channel 14 to frequencies used by land mobile radio services, a Channel 14 permittee that inadequately suppresses its secondary emissions could cause interference to land mobile radio services. *See* Section 73.687(i)(l) of the Commission's Rules. Accordingly, the grant of a construction permit to any of the applicants will be conditioned to require the permittee to take adequate measures, prior to program test authority, to prevent interference to land mobile radio stations in the 460–470 MHz band.

3. Since we have not received a determination from the Federal Aviation Admnistration that the tower height and location proposed by ETH and Amerivision would not constitute a hazard to air navigation, and issue regarding this matter will be specified.

4. The material submitted in Amerivision's and TENI's applications does not demonstrate the applicants' financial qualifications.[2] Although the financial standards are unchanged, the Commission is changing FCC Form 340 to require only certification as to financial qualifications.[3] Accordingly, the applicants will be given 30 days from the date of release of this Order to review their financial proposals in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the same manner as called for in the December 13, 1982 Public Notice, as to their financial qualifications. If either applicant cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify and appropriate issue.

5. Applicants for new broadcast stations are required by Section 73.3580 of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission certification of compliance with the requirements as described in § 73.3580(h). We have no evidence that TENI has published the required local notice. To remedy this, TENI will be required to file with the presiding Administrative Law Judge certification of compliance with § 73.3580 within 30 days after release of this Order.

6. TENI proposes a transmitter site 59 miles from the site of the station authorized to Texas Gulf Communications, Inc. to operate on Channel 21, Nederland, Texas, whereas § 73.610 of the Rules requires a minimum separation of 60 miles, producing a one-mile short-spacing. The applicant has requested a waiver of § 73.610, but has offered no reasons to support its waiver request. Applicants proposing short-spacing sites must make the threshold showing that fully-spaced sites are not available. TENI has not done so. Since ETH and Amerivision have each specified a fully-spaced site, we cannot assume that no fully-spaced sites are available to TENI. Accordingly, an appropriate issue will specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, *it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding* to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Educational Television of Houston, Inc. and Amerivision Corporation, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine with respect to Texas educational Network, Inc. whether the application is consistent with § 73.610 of the Commission's Rules and, if not, whether circumstances exist which would warrant a waiver of the Rule.

3. To determine the extent to which each applicant's proposed operation will be integrated into the overall cultural and educational objectives of the respective applicants;

4. To determine the manner in which each applicant's proposed operation meets the needs of the community to be served;

5. Whether the factors in the record demonstrate that one applicant will provide a superior non-commercial broadcast service.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. *It is further ordered*, That, in the event of a grant of any of the applications, the construction permit shall contain the following condition:

During equipment tests, authorized by § 73.1610 of the Commission's Rules, the permittee shall take adequate measures to identify and substantially eliminate objectionable interference which may be caused to existing land mobile radio facilities in the 460–470 MHz band. Documentation that objectionable interference will not be caused to existing land mobile radio facilities shall be submitted along with the application for license and the appropriate request for program test authority.

10. *It is further ordered*, That the Federal Aviation Administration *is made a party respondent* to this proceeding with regard to Issue 1.

11. *It is further ordered*, That Amerivision Corporation and Texas Educational Network, Inc. shall each submit a financial certification in the same form as required by Section III,

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[1] EITH filed a "Petition for Leave to Amend" on July 12, 1982, accompanied by an amendment updating information as to the terms of credit by RCA. Also, on September 24, 1982, TENI filed a "Petition for Leave to Amend" which updates Section II, pursuant to Section 1.65 of the Commission Rules. For good cause shown, both petitions are granted and the respective amendments accepted for filing.

[2] Amerivision did not file its balance sheet or equipment letter. The bank requires a pledge of TENI's assets and guaranties of principals; however, the principals have not indicated a willingness to furnish such guaranties.

[3] In the interim, non-commercial educational TV applicants will be allowed to certify. Public Notice released December 13, 1982 FCC 82-557

F.C.C. Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

12. *It is further ordered,* That Texas educational Network, Inc. shall file certification with the presiding Administrative Law Judge that it has or will publish local notice of the filing of its application within 30 days after the date of release of this Order.

13. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

14. *It is further ordered,* That the applicants herein shall pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules give notice of the hearing within time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.2594(g) of the Rules.

Federal Communications Commission.

Laurence E. Harris,

Chief, Mass Media Bureau.

Roy J. Stewart,

Chief, Video Services Divisions, Mass Media Bureau.

[FR Doc. 83-7232 Filed 3-18-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-174, et al.]

Margarette Kathelene Wamsley et al.; Hearing

Adopted: February 23, 1983.
Released: March 8, 1983.

In re applications of; Margarette Kathelene Wamsley, Roy, Utah; Req: 107.9 MHz, Channel 300C, 100k W (H&V), 1740 feet; MM Docket No. 83-174, File No. BPH-810420AD; Robert L. Wikstrom, Roy, Utah; Req: 107.9 MHz, Channel 300C, 49kW (H&V), 2360 feet; MM Docket No. 83-175, File No. BPH-810817AH; Roy Broadcasters, Inc., Roy Utah; Req: 107.9 MHz, Channel 300C, 68kW, (H&V), 2370 feet; MM Docket No. 83-176, File No. BPH-810818AI; Faith Communications Corporation, Roy, Utah; Req: 107.9 MHz, Channel 300C, 100 kW (H&V), 1260 feet; MM Docket No. 83-177, File No. BPH-810819BT; for construction permit for a new FM station; designating applications for consolidated hearing on stated issues.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Margarette Kathelene Wamsley (Wamsley), Robert L. Wikstrom (Wikstrom), Roy Broadcasters, Inc., (RBI), and Faith Communications Corporation (Faith).

2. *Wikstrom.* Wikstrom's balance sheet does not segregate current liabilities from long-term liabilities. Accordingly, we must assume that all liabilities shown are current. Since these liabilities exceed current assets, we find no funds available from this source. In addition, the balance sheet is more than 90 days old. Moreover, Wikstrom did not include any lease agreements for the equipment, land and buildings. Therefore, the material submitted in Wikstrom's application does not demonstrate his financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, Wikstrom will be given 30 days from the release of this Order to review his financial proposal in light of Commission requirements, to make any changes that may be necessary and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to his financial qualifications. If Wikstrom cannot make the required certification, he shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.,* BC Docket No. 82-378.

3. Applicants for new broadcast stations are required by § 73.3580 of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in Section 73.3580(h) of the Rules. We have no evidence that Wikstrom published the required notice. To remedy this deficiency, Wikstrom will be required to publish local notice of his application, if he has not already done so, and to file a statement of publication, within 30 days of the release of this Order, with the presiding Administrative Law Judge.

4. Wikstrom's proposal constitutes a major environmental action, as defined by Section 1.1305(a) of the Commission's Rules, since his tower will exceed 300 feet in height above ground. Therefore, a proposal to construct such a tower must include a narrative statement containing environmental information specifically requested under Section 1.1311 of the Communication's Rules. Wikstrom attempts to incorporate by reference environmental information contained in another application. In accordance with Instruction E of the application form, if an applicant wishes to incorporate by reference, it must identify that application by file number and filing date, and the page or exhibit referred to. Where possible, the call letters of the station should also be given. However, with reference to the application file number given by Wikstrom, our data base shows that this application was dismissed on September 1, 1981. Therefore, it will be necessary for Wikstrom to file an amendment with the presiding Administrative Law Judge, within 30 days of the release of this Order.

5. Wikstrom has not submitted a description in narrative form of the programming service relating to the issues of public concern facing his proposed service area. See *Deregulation of Radio,* 84 FCC 2d 968, 999 (1981). Accordingly, it will be necessary for the applicant to file an amendment with the presiding Administrative Law Judge, within 30 days of the release of this Order.

6. Vincent L. Hoffart (Hoffart) has filed an informal objection as a "concerned citizen" against Wikstrom's application. Although FCC Form 301 requires an applicant to list his other media interests, Hoffart alleges that Wikstrom has failed to: (i) list himself as an officer of Great American Radio Corp. (KCKO), Spokane, Washington, (ii) Give the date of his acquisition of Great American Radio Corp. stock, (iii) reveal his directorship in Sevier Valley Broadcasting Co. (KSVC(AM) and KKWZ(FM), Richfield, Utah) and (iv) mention the application for a new FM station filed by Metropolitan School of the Bible, Edmunds, Washington, although he is listed as the president. An examination of Wikstrom's application and other information before us reveals that while Wikstrom's application lists interests in applications for new FM stations at Olympia, Washington and at Sweet Home, Oregon, it does not contain any reference to whether he was an officer and/or director of Metropolitan School of the Bible [1] and Sevier Valley Broadcasting Co. In addition, although Wikstrom lists having a 14.5% interest in Great American Radio Corp., which he later sold, the application makes no mention of the date he acquired the stock or the fact that he was an officer and/or director of this corporation. Accordingly, an issue

[1] The Sweet Home application was dismissed on January 8, 1982 and the Edmond's application was returned on December 15, 1981 as unacceptable for filing.

will be specified to determine if Wikstrom failed to disclose all the information called for by Section II, Items 17 and 18 of FCC Form 301 (June 1977) and, if so, the effect of the non-disclosure on his qualifications to be a Commission licensee.

7. *RBI.* RBI's bank letter fails to comply with Paragraph 4(e) of Section III in that it does not specify the terms of repayment or the interest rate of the loan. In addition, although the loan will require the personal guarantees of stockholders, RBI has not submitted a statement establishing their willingness to guarantee the loan, as required by Paragraph 4(e) of Section III. Therefore, the material submitted in RBI's application does not demonstrate its financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, RBI will be given 30 days from the release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If RBI cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82–378.

8. RBI's proposal consitutes a major environmental action, as defined by § 1.1305(a) of the Commission's Rules, since its tower will exceed 300 feet in height above ground. Therefore, a proposal to construct such a tower must include a narrative statement containing environmental information specifically requested under Section 1.1311 of the Commission's Rules. RBI attempts to incorporate by reference environmental information contained in another application. In accordance with Instruction E of the application form, if an applicant wishes to incorporate by reference, it must identify that application by file number and filing date, and the page or exhibit referred to. Where possible, the call letters of the station should also be given. However, with reference to the application file number given by RBI, our data base shows that this application was dimissed on September 1, 1981. Therefore, it will be necessary for RBI to file an amendment with the presiding Administrative Law Judge, within 30 days of the release of this Order.

9. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

10. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. Accordingly, *it is ordered,* That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding,* at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Wikstrom failed to disclose all the information called for by Section II, Items 17 and 18 of FCC Form 301 and, if so, the effect thereof on the applicant's basic and/or comparative qualifications.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which, if any, of the applications should be granted.

12. *It is further ordered,* That Wikstrom shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580 of the Commission's Rules within 30 days of the release of this Order.

13. *It is further ordered,* That Wikstrom shall file an amendment with the presiding Administrative Law Judge outlining his proposed programming service relating to the issues of public concern facing his proposed service area, within 30 days of the release of this Order.

14. *It is further ordered,* That both Wikstrom and RBI shall, within 30 days of the release of this Order, submit financial certifications in the form required by Section III, FCC Form 301, or advise the presiding Administrative Law Judge that the certification cannot be made, as may be appropriate.

15. *It is further ordered,* That both Wikstrom and RBI shall submit environmental narrative statements with the presiding Administrative Law Judge, pursuant to § 1.1311 of the Commission's Rules, within 30 days of the release of this Order.

16. *It is further ordered,* That Vicent L. Hoffart is made a party to this proceeding with respect to Issue one only.

17. *It is further ordered,* That the Petitions for Leave to Amend, filed by Faith Communications Corporation, are granted and the accompanying amendments are accepted.

18. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

19. *It is further ordered,* That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Laurence E. Harris,

Chief, Mass Media Bureau.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83–7231 Filed 3–18–83; 8:45 am]

BILLING CODE 6712–01–M

Public Information Recordkeeping Requirement Submitted to Office of Management and Budget for Review

On March 8, 1983 the Federal Communications submitted the following information recordkeeping requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511.

Copies of this submission are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632–7513. Comments should be sent to Edward H. Clarke, Office of Management and Budget, OIRA, Room 3201 NEOB, 726 Jackson Place, NW., Washington, D.C. 20503.

Title: Temporary Permit to Operate a General Mobile Radio Service System.

Form No.: FCC 574–T.

Action: New.

Respondents: Individuals, associations, partnerships and corporations eligible to hold a radio station authorization in the General Mobile Radio Service.

Estimated Annual Burden: 3,000 Responses; 300 Hours.

The temporary permit is completed and retained by the applicant. It is valid for 180 days from the date FCC Form 574 is mailed to the FCC.

Dated: March 15, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–7234 Filed 3–18–83; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Formation of Bank Holding Companies; Bank of Southside Virginia Corp. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *The Bank of Southside Virginia Corporation,* Carson, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of The Newco Bank, Carson, Virginia (successor by merger to The Bank of Southside Virginia). Comments on this application must be received not later than April 14, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Merchants and Planters Corporation,* Newport, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Merchants and Planters Bank, Newport, Tennessee. Comments on this application must be received not later than April 14, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis Missouri 63166:

1. *GCB Bancshares, Inc.,* Sheridan, Arkansas; to become a bank holding company by acquiring 80 percent of the voting shares of Grant County Bank, Sheridan, Arkansas. Comments on this application must be received not later than April 14, 1983.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota. 55480:

1. *Hamburg Financial, Inc.,* Edina, Minnesota; to become a bank holding company by acquiring 94.5 percent of the voting shares of State Bank of Hamburg, Hamburg, Minnesota. Comments on this application must be received not later than April 13, 1983.

Board of Governors of the Federal Reserve System, March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83–7206 Filed 3–18–83; 8:45 am]

BILLING CODE 6210–01–M

Acquisition of Bank Shares by a Bank Holding Company; First National of Nebraska, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *First National of Nebraska, Inc.,* Omaha, Nebraska; to acquire 92.6 percent of the voting shares or assets of Valley State Bank, Yankton, South Dakota. Comments on this appliction must be received not later than April 14, 1983.

Board of Governors of the Federal Reserve System, March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83–7205 Filed 3–18–83; 8:45 am]

BILLING CODE 6210–01–M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Manufacturers Hanover Corp.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Manufacturers Hanover Corporation,* New York, New York

(industrial bank activities; Colorado): To engage through its indirect subsidiaries, Continental Industrial Bank, Continental Merchants Industrial Bank, North Continental Industrial Bank, Southglenn Continental Industrial Bank, First Continental Industrial Bank, and South Continental Industrial Bank, in offering NOW Accounts, Money Market Deposit Accounts, and transaction accounts as permitted under state law. These activities will be conducted from offices in Denver, Westminster, Littleton and Englewood, Colorado, serving the Denver Metropolitan Area. Comments on this application must be received not later than April 6, 1983.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *BancOhio Corporation,* Columbus, Ohio (financing and servicing activities; Ohio and Kentucky): To engage, through its subsidiary, BancOhio Mortgage Company, in making, acquiring or servicing for its own account or for the account of others, all types of residential and commercial mortgage loans and other extensions of credit (including issuing letters of credit and accepting drafts) and other such activities as are incidental thereto. These activities will be conducted from offices in Akron and Newark, Ohio, serving the entire states of Ohio and Kentucky. Comments on this application must be received not later than April 7, 1983.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Southern Bancorporation, Inc.,* Greenville, South Carolina (consumer finance activities; Oklahoma): To engage through its subsidiary, World Acceptance Corporation in the following activities: making extensions of credit as a licensed consumer finance lender. Such activities will be conducted from an office in Sand Springs, Oklahoma, serving the approximate city limits of Sand Springs and certain other parts of Tulsa County within a ten mile radius of Sand Springs. Comments on this application must be received not later than April 14, 1983.

2. *Southern Bancorporation, Inc.,* Greenville, South Carolina (consumer finance activities; Oklahoma): To engage through its subsidiary, World Acceptance Corporation in the following activities: making extensions of credit as a licensed consumer finance lender. Such activities will be conducted from an office in Tulsa, Oklahoma, serving the approximate city limits of Tulsa and certain other parts of Tulsa County within a ten mile radius of Tulsa. Comments on this application must be received not later than April 14, 1983.

3. *Southern Bancorporation, Inc.,* Greenville, South Carolina (consumer finance activities; Oklahoma): To engage through its subsidiary, World Acceptance Corporation in the following activities: Making extensions of credit as a licensed consumer finance lender. Such activities will be conducted from an office in Sapulpa, Oklahoma, serving the approximate city limits of Sapulpa and certain other parts of Creek County and Tulsa County within a ten mile radius of Sapulpa. Comments on this application must be received not later than April 14, 1983.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Mustang Financial Corporation,* Rio Vista, Texas, (financing activities; Texas): To engage, through its subsidiary, Mustang Credit corporation, in consumer and commercial finance activities, including the extensions of direct loans to consumers, the discount of retail and installment notes or contracts, and other extensions of credit such as would normally be made by a finance company. These activities would be conducted from an office in Cleburne, Texas, primarily serving Johnson County, Texas, and occasionally serving persons who live outside of Johnson County. Comments on this application must be received not later than April 12, 1983.

Board of Governors of the Federal Reserve System, March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7207 Filed 3-18-83; 8:45 am]

BILLING CODE 6210-01-M

GOVERNMENT PRINTING OFFICE

Depository Library Council To the Public Printer; Meeting

The Depository Library Council to the Public Printer will meet during the period April 27–29, 1983 at the Sheraton National Hotel, Arlington, Virginia.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Anyone who wishes to attend should notify the Director, Library Programs Service, Government Printing Office, Washington, D.C. 20401 (telephone: (703) 557–2050).

General participation by members of the public, or questioning of Council members or other participants, shall be permitted with the approval of the Chair.

Dated: March 11, 1983.

William J. Barrett,

Deputy Public Printer.

[FR Doc. 83-7282 Filed 3-18-83; 8:45 am]

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of Funds for Maternal and Child Health

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that funds are now available for grants for carrying out the following activities: special projects of regional and National significance; maternal and child health research and training; genetic disease testing, counseling and information projects; and hemophilia diagnostic and treatment centers. Awards will be made under the authority of Section 502(a) of the Social Security Act, as amended by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), which is commonly referred to as the Maternal and Child Health (MCH) Federal Set-Aside Program. Because of the diverse nature of the section 502(a) grants and of their varying funding cycles, HRSA, through this notice, invites potential applicants to inquire about specific application requirements for the particular grant in which they are interested and then to make their applications for funding.

FOR FURTHER INFORMATION CONTACT: Potential applicants wishing to inquire about possible grant support should address their inquiries in writing to the Office of the Director, Division of Maternal and Child Health, Bureau of Health Care Delivery and Assistance, Room 6–05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443–2170.

DATE: Dates by which applications must be received differ for the several categories of grants, but range from May 1 to August 1, 1983. Specific information on filing deadlines will be included in the program guidelines which will be mailed to interested applicants as part of the application materials. Interested applicants should make their inquiries to the address above as soon as possible.

SUPPLEMENTARY INFORMATION: The Omnibus Budget Reconciliation Act of 1981 revised Title V of the Social Security Act to establish the Maternal

and Child Health Services Block Grant. Between 10 and 15 percent of the funds appropriated for Title V in each fiscal year are to be retained by the Secretary for the award of grants for the purposes specified above. These programs were previously supported under sections 503(2), 504(2), 511 and 512 of the Social Security Act and under sections 1101 and 1131 of the Public Health Service Act as in effect prior to the enactment of Pub. L. 97–35.

Approximately $15 million is anticipated to be available for support of new and competitive renewal projects. Of the $15 million available, approximately $2.5 million has been allocated for training, $2.2 million for research, $2.5 million for genetics, $1.2 million for hemophilia, and $6.6 million for other special projects.

A Notice of Proposed Rulemaking (NPRM) proposing rules for implementing this set-aside program was published on January 12, 1983 (48 FR 1323). That NPRM proposes revising 42 CFR Part 51a (Grants for Maternal and Child Health and Crippled Childrens Services), Part 51d (Grants for Service Projects for Genetic and Other Diseases), and Part 51f (Project Grants for Genetic Diseases Testing and Counseling Programs) by eliminating repetitive and unnecessary provisions in those regulations and by providing for a single regulation to govern the various grants included in the set-aside program. The comment period on the NPRM ended on February 11, 1983.

On June 25, 1982, 42 CFR Parts 51a, 51d, and 51f, which were initially issued under the authorities of Title V of the Social Security Act and sections 1101 and 1131 of the Public Health Service Act, as in effect prior to the 1981 Public Law 97–35 amendments, were amended to make them applicable to grants awarded under the new section 502(a) authority (see 47 FR 27824). The preamble to that amending documents states that until a concise new regulation governing the set-aside grant program can be developed, the amended regulations issued under the former categorical authorities (42 CFR Parts 51a, 51d and 51f) are to govern to award of set-aside funds. However, the Department notes that 42 CFR Part 51a was removed from the Code of Federal Regulations effective October 1, 1982 (see 47 FR 48593).

In terms of what types of entities may apply for the various types of set-aside grants, it should be noted that the statute at section 502(a)(2) provides that training grants may be made only to public or nonprofit private institutions of higher learning and that research grants may be made only to public or nonprofit private institutions of higher learning or to nonprofit agencies and organizations engaged in research or in maternal and child health or crippled children's programs. Under the applicability provisions of 42 CFR Part 51d, governing comprehensive hemophilia diagnostic and treatment center grants, only public and nonprofit private entities are eligible to receive such grants (see 42 CFR 51d.101). Similarily, with respect to genetic diseases testing and counseling program grants, only public and nonprofit private entities are eligible to receive such grants (see 42 CFR 51f.103). There are no statutory or regulatory limitations on the type of entity which may apply for special project grants of regional and national significance.

All requests for application information must be in writing and must specify clearly the type of applicant organization or agency, the specific type of project for which information is desired, and a brief one paragraph description of the activity for which support will be requested. It is essential that all interested applicants responding to this announcement specify either research, training, genetic disease testing, counseling and information, hemophilia diagnostic and treatment centers or special projects of regional and national significance as the primary purpose of their application.

The MCH program is listed as No. 13.110 in the OMB *Catalog of Federal Domestic Assistance*.

Dated: March 14, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 83–7214 Filed 3–18–83; 8:45 am]

BILLING CODE 4160–16–M

Health Professions Eligible for Scholarship Consideration Under the Health Professions Preparatory Scholarship Program for Indians and the Indian Health Scholarship Program

The Health Professions Preparatory Scholarship Program for Indians is authorized by section 103 of the Indian Health Care Improvement Act, Pub. L. 94–437. The Indian Health Scholarship Program was initially authorized by section 104 of Pub. L. 94–437, but is now authorized by section 338G (formerly section 757) of the Public Health Service Act. Both programs are intended to encourage Indians to enter the health professions and to assure the availability of Indian health professionals to serve Indians. This list is based upon the needs of the Indian Health Service as well as upon the needs of Indians for additional service by specific health professions.

Regulations at 42 CFR 36.304 provide that the Indian Health Service shall, from time to time, publish a list of health professions eligible for consideration for the award of Health Professions Preparatory Scholaships for Indians and Indian Health Scholarships. Also, section 338G (b) of the Public Health Service Act (42 U.S.C. 294y–1) authorizes the determination of specific health professions for which Indian Health Scholarships will be awarded.

Pending the availability of funds, consideration will be given to qualified applicants for scholarship support under the above named scholarship programs in the following health professions categories:

Medical Technology
Radiology Technology
Optometry
Nursing * * *
  Bachelor of Science in Nursing
  Associate Degree in Nursing
Medicine
Masters in Hospital Administration

This list of eligible health professions is effective for the 1983/1984 academic year only.

FOR FURTHER INFORMATION CONTACT:
Mr. Pierre Colombel, Indian Health Service, Parklawn Building, Room 6A–29, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: 301–443–5441.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 83–7215 Filed 3–18–83; 8:45 am]

BILLING CODE 4160–16–M

Public Health Service

Health Resources and Services Administration; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of December 9, 1982, by the Secretary of Health and Human Services to the Assistant Secretary for Health (48 FR 9067), the Assistant Secretary for Health has delegated to the Administrator, Health Resources and Services Administration, all of the authorities delegated to the Assistant Secretary for Health under Title V of the Public Health Service Act (42 U.S.C. 219 *et seq.*), as amended, insofar as they pertain to the functions assigned to the Health Resources and Services Administration, excluding the authority to accept offers of real property.

Offers of personal property shall not be accepted by the Health Resources and Services Administration if the total costs associated with acceptance are

expected to exceed the cost of purchasing a similar item and the cost of normal care and maintenance.

The Administrator, Health Resources and Services Administration, may redelegate the authority delegated to him, except redelegation of the authority under section 501 is limited to the acceptance of unconditional gifts of personal property valued at $5,000 or less. In addition, the Administrator, Health Resources and Services Administration, may redelegate to the Director, National Hansen's Disease Center, the authority to accept conditional gifts of $5,000 or less offered to National Hansen's Disease Center.

Exercise of the authorities under Title V of the Public Health Service Act shall be in accordance with established policies, procedures, guidelines, and regulations as prescribed by the Office of the Secretary and the Public Health Service.

All previous delegations of authority under Title V of the Public Health Service Act made to the Health Resources Administration and the Health Services Administration have been superseded. Provision has been made for previous delegations and redelegations made to other officials within the Health Resources and Services Administration of authority under Title V of the Public Health Service Act to continue in effect pending further redelegation provided they are consistent with the delegation to the Administrator, Health Resources and Services Administration.

The delegation to the Administrator, Health Resources and Services Administration, became effective on March 9, 1983.

Dated: March 9, 1983.

Edward N. Brandt, Jr.

Assistant Secretary for Health.

[FR Doc. 83-7287 Filed 3-18-83; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket No. N-83-1219]

Community Development Block Grant Program

AGENCY: Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD is issuing a Notice of the dates for submission of applications to the HUD Area Office in Kansas City, Missouri for the HUD-operated Small Cities Program in Kansas under the Community Development Block Grant Program for Fiscal Year 1983.

FOR FURTHER INFORMATION CONTACT: Helen Duncan, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410; (202) 755-6322. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given that in accordance with 24 CFR 570.420(h)(3) the Department of Housing and Urban Development (HUD) has established dates for submission of applications for Small Cities Program Grants in the State of Kansas for Fiscal Year 1983. Notice of application submission dates for any other States where HUD is administering the program in Fiscal Year 1983 will appear in the **Federal Register** at a later date. Applications for funding under the Single Purpose and Comprehensive Grant provisions of the HUD-operated Small Cities Program will be accepted only during the designated time period. Applications received in the Area Office after the deadline must be postmarked no later than the applicable deadline submission date. Any applications postmarked after that date are unacceptable and will be returned.

Applicants from the State of Kansas are hereby advised to submit their applications for Single Purpose Grants pursuant to 24 CFR 570.430, or their applications for Comprehensive Grants pursuant to 24 CFR 570.426, to the HUD Area Office in Kansas City, Missouri.

	No earlier than	No later than
Kansas	Apr. 4, 1983	Apr. 18, 1983

Dated: March 14, 1983.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 83-7273 Filed 3-18-83; 8:45 am]

BILLING CODE 4210-29-M

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-83-1218]

Availability of Funding Under the Community Housing Resource Board Program

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of fund availability.

SUMMARY: HUD is soliciting applications from eligible Community Housing Resource Boards for funding under the Community Housing Resource Board (CHRB) Program. Resource Boards must meet eligibility criteria and minimum funding standards for specific project proposals in order to qualify for consideration.

DATE: Applications for funding must be submitted by May 19, 1983.

FOR FURTHER INFORMATION CONTACT: Doris D. Williams, Room 5256, Office of Procurement and Contracts, Office of the Assistant Secretary for Administration, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Application kits will be sent only upon written request to the Office of Procurement and Contracts at the above address. Telephone requests for applicants kits will not be honored.

SUPPLEMENTARY INFORMATION: This Notice of Funds Availability is issued pursuant to the regulations for the CHRB Program contained in 24 CFR Part 120. Interested Resource Boards are urged to review these regulations and the factors for award in the application kit to determine whether or not they should apply under this program.

The program has two categories of funding: (1) Maintenance and (2) Improvement. A Resource Board should apply for *maintenance* funding when its activities have resulted in full implementation of the terms of the Voluntary Affirmative Marketing Agreement (VAMA). Funding in this category will be provided to maintain Resource Board efforts related to the goals of the VAMA.

A Resource Board should apply for *Improvement* funding when the terms of the VAMA have not been fully implemented. Funding in this category will be provided to improve the capability of Resource Board efforts related to the goals of the VAMA.

Eligible Resource Boards may apply for funds under only one category.

Program Background: Section 808(e) of Title VIII of the Civil Rights Act of 1968, as amended, require the Secretary to "cooperate with and render technical assistance to Federal, State, local and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices * * * and administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this title."

Further, Section 809 requires that the "Secretary * * * commence such education and conciliatory activities as in his judgment will further the purposes of this title * * * call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement."

In order to promote the achievement of the goal of fair housing throughout the United States, the Department of Housing and Urban Development has developed the Voluntary Affirmative Marketing Agreements Program. This nationwide program focuses on local efforts to assure nondiscrimination in connection with the sale, rental or financing of housing and the provision of services and facilities in connection therewith and to promote achievement of a condition in which individuals of similar income levels in the same housing marketing area have available to them a like range of choices in housing regardless of their race, color, religion, sex or national origin.

Consistent with its responsibilities under Title VIII, HUD has entered into Voluntary Affirmative Marketing Agreements (VAMAs) with the National Association of Realtors and the National Association of Real Estate Brokers. These agreements are intended to promote a broad equal opportunity program which is designed to assure that housing will be marketed on a nondiscriminatory basis. In addition, signatories to a VAMA agree to conduct certain programs and activities to acquaint communities with the availability of equal housing opportunities, to establish office procedures to ensure that there is no denial of equal professional service and to make materials available which explain the commitment of signatories to the goal of fair housing.

The VAMAs, signed by housing associations at the national level, are implemented locally, and in addition to providing a program to promote fair housing efforts, commit HUD to provide technical assistance to local real estate boards who become signatories to the agreement. Assistance in implementing VAMA commitments is provided to the local real estate boards through HUD-established Community Housing Resource Boards composed of representatives of community organizations dedicated to equal housing opportunity. This program is included in the Catalog of Federal Domestic Assistance, under program number 14.401, Fair Housing Assistance Program. All reporting requirements contained in this Notice are in compliance with the Paperwork Reduction Act of 1980, approved by the Office of Management and Budget under OMB control number 2529–0001.

Eligible Applicants. In order to be eligible to participate in the program, an applicant must first meet the following criteria:

(a) The applicant must be a Resource Board consisting of HUD-appointed representatives from community organizations or agencies dedicated to equal housing opportunity, formed to fulfill HUD's obligation to provide technical assistance to local real estate boards in the implementation and monitoring of progress under the VAMA.

(b) The Resource Board must have been in existence at least six months prior to the date of this Notice of Funds Availability.

(c) The Resource Board must not have received funding under the fiscal year 1983 CHRB Notice of Funds Availability.

Method of Distribution. Applicants for funding must submit all information required in the application kit, including a separate funding proposal and a one page synposis of the proposed project. Funding amounts will be either $15,000 or $25,000. $15,000 will be awarded to CHRBs in jurisdictions with populations under 50,000; $25,000 will be awarded to CHRBs in jurisdictions with populations of 50,000 or more. Two categories of awards have been established : *Maintenance*, where VAMAs have been fully implemented, and *improvement*, where VAMAs have not been fully implemented. Projects will be evaluated for funding within each category to avoid disadvantage to Resource Boards seeking to fully implement VAMA objectives, but which are located in areas where results under the VAMA have not been demonstrated.

Although HUD does not intend to differentiate between the categories in terms of funding levels, information received through the Voluntary Affirmative Marketing Monitoring Form, HUD 941A, indicates that a larger number of Resource Boards will be funded in the improvement category, since the majority of Resource Boards assist local real estate boards that have not fully accomplished the goals of the VAMA. In order to be eligible to apply for and receive funds, a Resource Board must demonstrate in its application that it meets the criteria specified in §§ 102.15(d), 120.20, 120.25, 120.30 and 120.35 of the CHRB regulations (24 CFR Part 120).

It is important to note that, although funds may be used to cover the operating costs associated with the specific funded activities of the Resource Board program, proposals that use the majority of their funds *for program costs* (as opposed to administrative costs) will receive priority consideration.

Application Requirements. Congress has appropriated $3.5 million dollars to promote the fair housing technical assistance efforts of the Community Housing Resource Boards. Funding will be limited to a one-time proposal for a one-year effort following which Resource Board will be encouraged to seek funds from other sources for continuing projects. HUD believes that this program can provide the assistance necessary to affort existing Resource Boards the capability of rendering more effective assistance to local real estate boards. Grant amounts may vary depending upon the size of the jurisdiction where the Resource Board operates. HUD has determined that large jurisdictions are eligible to receive larger grants than small jurisdictions.

Since training is an essential part of this program, all funded Resource Boards are required to set aside 5% of the HUD funds for training for development purposes. Further clarification on training requirements will be provided by HUD Headquarters during the funding year.

The format and content requirements for applications are described in application kits which will be provided to each Board interested in applying. Application kits will be sent upon written request, after April 8, 1983 at the address set forth above. All applicants will receive the same application kits.

Where the factors for award differ for the maintenance and improvement categories, such differences are set forth in the application kit. In reviewing of applications under the ranking criteria, the Assistant Secretary for Fair Housing and Equal Opportunity will give priority consideration to projects which will have a significant impact in areas with substantial minority populations. In addition, the Assistant Secretary may take into account the geographic location of projects, to assure a broad geographic distribution of projects under the program.

Regional Offices will be advised of the CHRBs in their jurisdiction that submit applications for funding, and informed of the Assistant Secretary's awardees prior to any press release. In addition, program monitors will be required to submit quarterly monitoring reports on the activities of the funded

CHRBs to the Government Technical Representative and the Regional Administrator.

Notification of Applicants. All applicants will be notified by mail of the results of their applications, as soon as review and evaluation of the applications are completed. No information will be made available to applicants during the period of HUD review and evaluation, except for notification of those applicants that are determined to be ineligible.

All awards are expected to be announced by HUD within 90 days of the final submission date set forth above. Applications for funding must be submitted by May 19, 1983. No application received by HUD after that date will be considered unless the application is received before awards are made, and one of the late application exceptions set forth in the application kit is met.

(Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601))

Dated. March 14, 1983.

Antonio Monroig,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 83-7274 Filed 3-18-83; 8:45 am]

BILLING CODE 4210-28-M

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-83-1142]

Tax-Exempt Construction Financing for Turnkey Public Housing Projects

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of HUD policy.

SUMMARY: HUD is giving notice of its policy concerning tax-exempt construction financing for development of turnkey public housing projects, including the conditions which must be met by developers who wish to use such financing.

EFFECTIVE DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Raymond W. Hamilton, Director, Public Housing Development Division, Office of Public Housing, Office of the Deputy Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410; (202) 426-0938. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Escalating interest rates for turnkey financing have significantly increased development costs and frequently precluded turnkey developers from proceeding with development of projects. During periods of high interest rates, Field Offices and Public Housing Agencies ("PHAs") should consider the use of the conventional (bid) development method to avoid this problem. However, for those projects for which the turnkey method is selected, tax-exempt construction financing may be authorized under the conditions outlined in this Notice, in order to reduce project development costs. Tax-exempt construction financing under Section 11(b) of the United States Housing Act of 1937 (the "Act") may be made available through a PHA or an agency or instrumentality PHA. Tax-exempt construction financing may also be made available through a PHA or an agency other than a PHA (e.g., a City or county government or a state agency) under Section 103 of the Internal Revenue Code. *Information and Commitments To Be Submitted to the Field Office.* The entity proposing to provide tax-exempt construction financing to the turnkey developer shall submit the following information to the Field Office for review. The submission must be made in sufficient time to allow review and approval by the Field Office prior to execution of the Contract of Sale.

a. A request from the PHA that the tax-exempt financing be approved by HUD.

b. Depending upon the source of tax-exemption, paragraph (1) or (2) below is applicable:

(1) If the entity is a PHA issuing obligations under Section 11(b), an opinion of counsel for the PHA that it has the legal authority to provide tax-exempt construction financing and may do so in accordance with state law. If the entity is an agency or instrumentality PHA, evidence of compliance with the requirements set forth in 24 CFR 811.105.

(2) If the issuance is under Section 103, an opinion of bond counsel that the issuance will be in compliance with all requirements of Federal law and regulations.

c. A copy of the proposed construction loan documents, including the trust indenture and related documents, and any agreements between the developer, the issuer, trustee and lender.

d. A statement identifying the amount for the construction financing costs to be included in the Contract of Sale price and an itemization of all amounts to be paid to the lender underwriter and other parties, whether as interest, discounts or fees. (These information collection requirements have been approved by the Office of Management and Budget under OMB control number 2502-0248).

Field Office Review. In addition to the normal turnkey review discussed in Handbooks 7417.1 or 7417.1 REV-1, as applicable, the Field Office shall review the documents outlined above and ensure that the following requirements are met:

a. Where the issuer is a PHA, neither the PHA nor the agency or instrumentality PHA shall assume any liability in connection with the tax-exempt obligations other than the obligation to acquire the completed project pursuant to the turnkey Contract of Sale.

b. The entity issuing the tax-exempt obligations shall not receive any compensation in connection with the construction financing, except for HUD-approved expenses.

c. The maturity date of the tax-exempt obligations shall not unreasonably exceed the anticipated construction period incorporated in the turnkey Contract of Sale and the period of tax-exemption shall be explicitly limited to this period.

d. The turnkey developer's price shall reflect the cost savings to be realized by using tax-exempt construction financing.

e. The amount of the tax-exempt obligations shall not exceed the total developer's price as stated in the turnkey Contract of Sale.

f. Any income realized from investment of the tax-exempt funds prior to being advanced to the developer must accrue to the PHA to be used as a donation to reduce the total development cost of the project. Such income should be invested to earn interest in time deposits that are Federally insured, in Treasury securities, in securities issued by a Federal agency or Federally sponsored agency, or in certificates of deposit that are fully secured by a pledge of securities similar to those listed above.

g. The interest rate proposed must be reasonable; the current ceiling for obligations issued under 24 CFR Part 811 Subpart A should be used as a guide in determining reasonable construction interest rates. The expenses of issuing the obligations and the financing costs must be reasonable and necessary for the issuance and servicing of the obligations. Tax-exempt financing should not be approved unless the interest and financing costs of the tax-exempt issuance are significantly less than non-tax-exempt construction financing.

Field Office Notification of Approval. If the Field Office approves the use of tax-exempt construction financing.

notifications to the issuer, the PHA (if other than the issuer) and the developer shall be prepared by the Area Counsel for the signature of the Field Office Manager/Supervisor. The notification shall indicate the following:

a. Identification of the project number and the tax-exempt obligations.

b. The total amount of the tax/exempt obligations, including the specific amounts included for interest on the obligations and for all financing costs.

c. If the tax-exemption is under Section 11(b), a statement that HUD has aproved the obligations pursuant to Section 11(b) of the Act.

d. If the issuer is a PHA, a statement that the issuance is approved pursuant to Section 422 of the Annual Contributions Contract.

e. A statement that prior to settlement under the Contract of Sale, the PHA and trustee or lender must submit to the Field Office a report of all advances made in connection with the construction of the project (separately identifying interest payments and all discounts, fees and expenses paid) and a statement as to the amount of investment income realized from the tax-exempt funds prior to each advance to the developer.

Applicability of Notice. This Notice is applicable to tax-exempt construction financing for any turnkey project for which the executed Contract of Sale is approved by HUD after the effective date of this Notice.

Information collection requirements contained in this Notice have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 and have been assigned OMB control number 2502–0248.

(Sec. 7(d) Department of HUD Act: 42 U.S.C. 3535(d))

Dated: March 14, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83–7272 Filed 3–18–83; 8:45 am]

BILLING CODE 4210–27–M

Office of the Secretary

[Docket No. D–83–695]

Delegation of Authority; Amendment

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Delegation of authority.

SUMMARY: This delegation of authority delegates the power and authority of the Secretary of Housing and Urban Development with respect to discretionary grants from the Secretary's Fund under section 107(b)(1) of Title I of the Housing and Community Development Act of 1974, in behalf of new communities assisted under Title VII of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968, to the Assistant Secretary for Community Planning and Development and the General Deputy Assistant Secretary for Community Planning and Development. The previous delegation of authority with respect to grants under section 107(b)(1) is rescinded.

EFFECTIVE DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Grant E. Mitchell, Assistant General Counsel, New Communities Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, 202–755–6550. (This is not a toll-fee number.)

SUPPLEMENTARY INFORMATION: Title I of the Housing and Community Development Act of 1974 establishes the Community Development Block Grant Program. With certain exceptions, the authority to implement this program was delegated by the Secretary to the Assistant Secretary for Commmunity Planning and Development and General Deputy Assistant Secretary for Community Planning and Development in a delegation of authority published February 5, 1975 at 40 FR 5385 (later amended and published at 40 FR 37074 on August 25, 1975, 40 FR 54606 on November 25, 1975, 41 FR 15359 on April 12, 1976, 42 FR 45037 on September 8, 1977 and 44 FR 76598 on December 27, 1979). Section B.3. of the delegation of authority listed above excepted from the delegation the power and authority of the Secretary with respect to discretionary grants from the Secretary's Fund under section 107(b)(1) (prior to 1981, designated as section 107(a)(1)) of Title I of the Housing and Community Development Act of 1974 in behalf of new communities assisted under Title VII of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968. It is less clear, but likely, that the delegation also excluded the power and authority of the Secretary with respect to grants under Section 107(b)(1) "in behalf of new community projects assisted under Title X of the National Housing Act which meet the eligibility standards set forth in Title VII of the Housing and Urban Development Act of 1970 and which were the subject of an application or preapplication under such title prior to January 14, 1975". (The quoted language was added to the former Section 107(a)(1) by Section 15(c) of the Housing Authorization Act of 1976, Pub. L. 94–375.)

The power and authority of the Secretary which was excepted from the basic delegation as described above was delegated by the Secretary to the General Manager of the New Community Development Corporation (with the concurrence of the Assistant Secretary for Community Planning and Development or the General Deputy Assistant Secretary for Community Planning and Development also required for final approval action) by a delegation of authority published June 27, 1975 at 40 FR 27286 and amended and published at 41 FR 15360 on April 12, 1976. However, as a result of the termination of the New Communities Program and in order to continue the administration of Title I grants for new communities, the power and authority of the Secretary with respect to grants under section 107(b)(1) is now being delegated to the Assistant Secretary for Community Planning and Development and General Deputy Assistant Secretary for Community Planning and Development.

Accordingly, the Secretary delegates as follows:

Section A. Authority Delegated. Section B.3. of the delegation of authority published February 5, 1975 at 40 FR 5385 (as amended) is hereby terminated.

Section B. Supersedure. This delegation supersedes the delegation of authority published June 27, 1975 at 40 FR 27286 and as amended and published April 12, 1976 at 41 FR 15360.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: March 14, 1983.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 83–7275 Filed 3–18–83; 8:45 am]

BILLING COE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–50379]

Alaska; Proposed Withdrawal and Opportunity for Public Hearing

On February 10, 1983, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the surveyed and unsurveyed public lands and national forest lands described herein, subject to valid

existing rights, from settlement, sale, location, or entry under the general public land laws, as specified in paragraphs 1 and 2 hereof, to provide for settlement of the land claims of Chugach Natives, Inc., under the Alaska Native Claims Settlement Act of December 18, 1971 (hereinafter "ANCSA"), as amended (43 U.S.C. 1601 et seq.), pursuant to a Settlement Agreement entered into by and among the Department of the Interior, the Department of Agriculture, the State of Alaska, and Chugach Natives, Inc.:

1. The following described lands are proposed for withdrawal from settlement, sale, location, or entry under the general public land laws, including selections by the State of Alaska under the Alaska Statehood Act (72 Stat. 339 et seq.), as amended, and Subsection 906(b) of the Alaska National Interest Lands Conservation Act (hereinafter "ANILCA") of December 2, 1980 (94 Stat. 2371, 2437), location and entry under the general mining laws (30 U.S.C. Ch. 2) and leasing under the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), to be reserved for conveyance to Chugach Natives, Inc., pursuant to Subsection 14(h)(8) of the ANCSA (43 U.S.C. 1601, 1613(h)(8)) or for exchange of lands or interests therein with Chugach Natives, Inc., pursuant to Subsection 22(f) of the ANCSA (43 U.S.C. 1601, 1621(f)) and Subsections 1302(h) and 1430(a) of the ANILCA (94 Stat. 2371, 2475, 2531), under the terms and conditions of the Settlement Agreement:

U.S. Survey No. 440 situated at the head of Orca Bay, District of Alaska.

U.S. Survey No. 2241 situated at Cordova, Territory of Alaska.

U.S. Survey No. 3345 A & B, Tract A, Block 1, Eyak addition, Townsite of Cordova, Alaska.

Copper River Meridian

T. 14 S., R. 2 W.,
Lands withdrawn by War Department Orders dated December 18, 1909, and September 14, 1910, located adjacent to U.S. Survey No. 440, and further described as follows:
Beginning on line 22–23 of said Survey No. 440, at a point south forty-four degrees east seventy-one and forty-six hundredths chains from Corner No. 22; thence north forty-six degrees east two hundred thirty-six and seventy-three hundredths chains; thence south forty-two degrees, thirteen minutes, thirty seconds east seven and seventy-eight hundredths chains; thence south forty-six degrees west two hundred thirty-six and forty-nine hundredths chains; thence north forty-four degrees west seven and seventy-eight hundredths chains to the place of beginning.
T. 14 S., R. 3 W.,
Secs. 1 to 5, inclusive;
Secs. 9, 10, and 11.
T. 13 S., R. 5 W.,
Secs. 33, 34, and 35.
T. 14 S., R. 5 W.,
Secs. 3 and 4.
T. 11 S., R. 6 W.,
Secs. 1 to 24, inclusive;
Secs. 27 to 33, inclusive.
T. 12 S., R. 6 W.,
Secs. 4 to 7, inclusive;
Secs. 21 and 30 (fractional).
T. 14 S., R. 6 W.,
Sec. 1, E½SE¼;
Sec. 12, E½NE¼, SW¼NE¼, SE¼SW¼;
Secs. 13 and 24.
T. 28 S., R. 6 W.,
Secs. 5 to 8, inclusive (fractional);
Secs. 17, 18, 19, and 30 (fractional).
T. 10 S., R. 7 W.,
Secs. 29 to 34, inclusive.
T. 11 S., R. 7 W.,
Secs. 1 to 30, inclusive;
Secs. 32 to 36, inclusive.
T. 12 S., R. 7 W.,
Secs. 1 to 4, inclusive;
Sec. 9.
T. 13 S., R. 7 W.,
Secs. 20 and 29.
T. 28 S., R. 7 W.,
Secs. 13 and 23 (fractional);
Secs. 24, 25, 26, and 36 (fractional).
T. 10 S., R. 8 W.,
Secs. 25 to 28, inclusive;
Secs. 35 and 36.
T. 17 S., R. 8 W.,
Sec. 32, SE¼SE¼SE¼;
Sec. 33, S½;
Sec. 34, W½SW¼.
T. 18 S., R. 8 W.,
Sec. 4 (fractional);
Sec. 5, E½, E½E½SW¼;
Sec. 8, N½.
T. 11 S., R. 11 W.,
An island located northwest of Growler Bay and adjacent to Glacier Island in Prince William Sound, Alaska, having a latitude and longitude at its midpoint of 147°07'30" W. and 60°54'15" N. and further described as follows:
Sec. 14, that portion of the large island located in the SE¼;
Sec. 23, that portion of the large island located between Eagle Bay and Growler Bay east of Elder Point which lies primarily in the E½.
T. 2 S., R. 1 E.,
Secs. 1 and 2;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 3 S., R. 1 E.,
Secs. 2, 3, and 4;
Secs. 9 and 10;
Secs. 15, 16, 21, and 22;
Secs. 27, 28, 29, 32, and 33.
T. 14 S., R. 4 E.,
Sec. 7, SE¼NE¼SW¼, N½SE¼SW¼, W½SE¼, S½SE¼SE¼ (fractional);
Sec. 8, SW¼ (fractional);
Sec. 17, NW¼ (fractional);
Sec. 18, NE¼, S½NE¼NW¼, SE¼NW¼, E½SW¼ (fractional).
T. 19 S., R. 5 E.,
Secs. 10 and 11;
Sec. 13, SE¼NE¼, SE¼;
Secs. 15 and 21;
Secs. 24 and 25.
T. 19 S., R. 6 E.,
Secs. 5, 7, and 8;
Secs. 17 to 20, inclusive;
Secs. 29, 30, and 31.
T. 16 S., R. 7 E.,
Secs. 25 and 26;
Secs. 31 to 36, inclusive.
T. 17 S., R. 7 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 17, inclusive;
Secs. 20 to 23, inclusive;
Secs. 27, 28, and 29.
T. 16 S., R. 8 E.,
Secs. 1, 12, 13, and 14;
Secs. 21 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 17 S., R. 8 E.,
Secs. 1 to 24, inclusive.
T. 16 S., R. 9 E.,
Secs. 6, 7, 18, 19, 30, and 31, lying west of the eastern boundary of the Chugach National Forest.
T. 17 S., R. 9 E.,
Secs. 6, 7, 18, 19, 30, and 31, lying west of the eastern boundary of the Chugach National Forest.
T. 22 S., R. 24 E.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 22 S., R. 25 E.,
Secs. 4 to 9, inclusive;
Sec. 18.

Seward Meridian

T. 2 N., R. 1 E.,
Sec. 6, E½;
Sec. 7, E½;
Sec. 18, E½;
T. 8 N., R. 5 E.,
Sec. 18 (fractional).
T. 3 N., R. 10 E.,
Secs. 1 to 5, inclusive (fractional);
Sec. 6, NE¼SE¼, S½S½;
Sec. 7, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 8, N½;
Sec. 9, N½, N½SW¼, E½SW¼SW¼, SE¼SW¼, SE¼;
Sec. 10 (fractional);
Sec. 11;
Secs. 12, 13, and 14 (fractional);
Sec. 15, N½N½, SW¼NW¼, W½SW¼;
Sec. 16, E½, E½E½W½;
Sec. 18, N½NW¼NE¼, N½NW¼, SW¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, W½NE¼SW¼, NW¼SW¼;
Sec. 21, E½, E½W½;
Sec. 22, S½S½;
Secs. 23, 24, 26, and 27 (fractional);
Sec. 28, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 33, SE¼SW¼, S½SE¼;
Secs 34 and 35 (fractional).
T. 3 N., R. 10 E.,
The subsurface estate in the following described lands:
Sec. 16, W½E½SW¼, SW¼SW¼, S½NW¼SW¼;
Sec. 17, S½SE¼;
Sec. 20, E½, E½NW¼, NE¼SW¼;
Sec. 21, W½W½;
Sec. 28, SW¼NE¼, W½NW¼, SE¼NW¼, S½;

Secs. 29 to 32 inclusive (fractional)
Sec. 33, N½, N½S½, SW¼SW¼.
T. 4 N., R. 10 E.,
Sec. 34, SE¼;
Secs. 35 and 36 (fractional)
T. 3 N., R. 11 E.,
Secs. 6 and 7 (fractional).
T. 1 S., R. 1 W.,
U.S. Survey No. 1116, Block 9, W½, federal addition to Seward, Alaska, excluding A–023920.
T. 2 S., R. 8 E.,
Sec. 23, SE¼ (fractional), that portion on Latouche Island;
Secs. 24, 25, 26, 34, and 35 (fractional);
Sec. 36.
T. 3 S., R. 8 E.,
Secs. 1 and 2 (fractional);
Sec. 3, E½E½ (fractional);
T. 2 S., R. 9 E.,
Secs. 1 and 2 (fractional);
Sec. 3, E½, E½W½;
Sec. 7 (fractional);
Sec. 9, E½;
Sec. 10;
Secs. 11 and 14 (fractional);
Secs. 15, 16, and 17;
Secs. 18 and 19 (fractional);
Secs. 20 and 21;
Secs. 22, 23, 27, and 28 (fractional);
Secs. 29 and 30;
Secs. 31, 32, and 33 (fractional).
T. 2 S., R. 9 E.,
Subject to the provisions of Sec. 24 of the Federal Power Act (16 U.S.C. 818) for Power Project 1949, dated April 12, 1946
Sec. 3, W½W½;
Sec. 4, N½, SE¼, including Power Project 1949: N½SW¼;
Sec. 8, S½, S½NW¼, S½SW¼NE¼;
Sec. 9, SW¼, SE¼NW¼.
T. 3 S., R. 9 E.,
Sec. 6 (fractional).
T. 3 S., R. 10 E.,
Sec. 15, S½SE¼.
Sec. 21, S½NE¼, S½ (fractional).
Sec. 22;
Sec. 28, NW¼NW¼ (fractional).
Secs. 29 and 30 (fractional)
T. 2 S., R. 11 E.,
Sec. 13, E½NE¼;
Sec. 25, E½SW¼, SW¼SW¼, SE¼;
Sec. 35, E½E½;
Sec. 36.
T. 3 S., R. 11 E.,
Sec. 1 (fractional);
Sec. 2, E½, SE¼NW¼, SW¼ (fractional);
Sec. 3, S½SW¼, SE¼.
Sec. 4, W½NE¼, W½, SE¼;
Sec. 5, E½E½;
Sec. 8, NE¼NE¼;
Sec. 9, NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 10;
Sec. 11 (fractional);
Sec. 14, NW¼;
Sec. 15, N½, N½S½.
T. 1 S., R. 12 E.,
Sec. 34, S½S½ (fractional).
T. 2 S., R. 12 E.,
Sec. 3 (fractional);
Sec. 4, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 7, E½SW¼, SE¼;
Sec. 8;
Sec. 9, N½NE¼, SW¼NE¼, W½, W½SE¼, SE¼SE¼ (fractional);
Sec. 10, N½NW¼ (fractional);
Sec. 16, (fractional);
Secs. 17 and 18;
Sec. 19, N½N½, S½NW¼;
Sec. 20, E½NE¼, N½NW¼, NE¼SE¼, S½SE¼;
Sec. 21, 22, 27 and 28 (fractional);
Sec. 29, E½, E½NW¼, SW¼;
Sec. 30, S½S½;
Secs. 31 to 34, inclusive (fractional).
T. 3 S., R. 12 E.,
Sec. 3 (fractional).

The above described lands aggregate approximately 193,291 acres.

2. The following described lands are proposed for withdrawal from settlement, sale, location, or entry under the general public land laws, including location and entry under the general mining laws (30 U.S.C. Ch. 2), and from leasing under the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), to be reserved either for selection by the State of Alaska pursuant to Subsection 6(a) of the Alaska Statehood Act (72 Stat. 339, 340) or for exchange of lands or interests therein with Chugach Natives, Inc., pursuant to Subsection 22(f) of the ANCSA (43 U.S.C. 1601, 1621(f)) and Subsections 1302(h) and 1430(a) of the ANILCA (94 Stat. 2371, 2475, 2531) under the terms and conditions of the Settlement Agreement.

Seward Meridian

T. 8 N., R. 5 E.,
Sec. 10, S½;
Sec. 11, W½;
Sec. 14, NW¼NW¼;
Sec. 15, N½, N½SW¼, SW¼SW¼.
Sec. 16, NE¼NE¼, S½NE¼, SE¼.

The above described lands aggregate approximately 1,520 acres.

The lands described in paragraphs 1 and 2 aggregate approximately 194,811 acres.

The purpose of the proposed withdrawal is to segregate the lands until conveyance to Chugach Natives, Inc., purusant to the Chugach Settlement Agreement as authorized by Subsection 1430(a) of the ANILCA (94 Stat. 2371, 2531).

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Alaska State Director within 90 days from the date of publication of this notice. Upon determination by the State Director that a public meeting will be held, a notice of the time and place will be published in the *Cordova Times* and the Federal Register at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from the date of publication of this notice, the lands will be segregated as specified above unless the application is denied or canceled, or the withdrawal is approved prior to that date.

Prior to any conveyance of lands or interest in lands described in paragraphs 1 and 2 above, the lands shall be subject to administration by the Secretary of the Interior, or by the Secretary of Agriculture in the case of national forest lands, under applicable laws and regulations, and their authorities to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by the proposed withdrawal; provided, however, that the prior consent of Chugach Natives, Inc., be obtained, as appropriate, pursuant to Subsection 1430(f)(3) of the ANILCA (94 Stat. 2371, 2532). Applications for leases under the Mineral Leasing Act, as amended, will be rejected until the lands are appropriately classified to permit mineral leasing.

The temporary segregation of the lands shall not affect the Secretary of the Interior's authority to convey lands or interests therein to Chugach Natives, Inc., pursuant to the provisions of the ANCSA and the ANILCA and as provided by the terms and conditions of the agreement to settle the land claims of Chugach Natives, Inc., entered into on January 10, 1983.

All communications in connection with this proposed withdrawal should be addressed to:

Beau McClure (202) 343–6511, Bureau of Land Management, 18th & C Streets, N.W., Washington, D.C. 20240; or
Robert W. Faithful IV (907) 271–5768, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

James M. Parker,

Acting Director.

March 16, 1983.

[FR Doc. 83–7269 Filed 3–18–83; 8:45 am]

BILLING CODE 4310–84–M

Utah; Addition of Indian Springs Tract to the Preferred Alternative of the Green River-Hams Fork II Coal EIS

AGENCY: Bureau of Land Management (BLM), DOI.

ACTION: Notice.

SUMMARY: On January 11, 1983, the Green River-Hams Fork Regional Coal Team (RCT) met to rank tracts for the 1984 round of coal leasing and to establish alternatives for the EIS. This notice modifies the preferred alternative selected at that meeting and allows a public comment period of thirty (30) days.

FOR FURTHER INFORMATION CONTACT: Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202, Attention: Kenneth Smith.

SUPPLEMENTARY INFORMATION: On January 11, 1983, the Green River-Hams Fork RCT met and selected the following EIS alternatives for analysis in the EIS. Each of the leasing alternatives is added to the prior alternative.

(In million tons)

	Recoverable tonnage	Subtotal	Total
A No Action Alternative—			
B Lease:			
Little Middle Creek	12.8		
Middle Creek	5.5		
Prairie Dog	44.0		
Deadman	.3		
Leucite Hills	17.7		
Point of Rocks	17.5		
Tract 98	3.4	101.2	101.2
C Lease B and:			
Rattlesnake Mesa	36.0		
Signal Butte	79.9		
Atlantic Rim	178.1		
Byrne Creek	15.8		
Corral Canyon	72.2		
Wild Horse Draw	12.1	394.1	495.3
D Preferred Alternative. Lease C and:			
Fish Creek	64.3		
Isles Mountain	33.5		
Peck Gulch	36.7		
Pio	11.1		
Winton	69.4	215.0	710.3
E Lease D and			
Bell Rock	39.1		
Horse Gulch	7.1		
Lay Creek	50.3		
Williams Fork Mountain	39.1		
Indian Springs	49.0		
N.E. Cow Creek	91.6	276.2	986.5

Alternative D, the preferred alternative, contained tracts totaling 710.3 million tons of recoverable resource. The leasing level set by the Assistant Secretary, Land and Water Resources, was 750–950 million tons of recoverable resource, **Federal Register**, page 6410, February 11, 1983. Pursuant to 43 CFR 3420.3–4, the members of the Regional Coal Team have consulted and added the Indian Springs tract to the preferred leasing alternative. The addition of this tract increases the recoverable tonnage in the preferred alternative to 759.3 million tons.

The tract delineation document and tract profile for the Indian Springs tract may be ordered from the above address. Public comments on the increase in the preferred alternative will be received at the above address for 30 days following publication of this notice.

Dated: March 11, 1983.

Roland G. Robison,

State Director.

[FR Doc. 83-8962 Filed 3-18-83; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Exxon Corporation's Road Hollow Project Draft Environmental Assessment (DEA) Lincoln County, Rock Springs District, Wyoming; Availability of Draft Environmental Assessment and Public Comment Period

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of draft environmental assessment and public comment period.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, has prepared a draft environmental assessment for a gas treatment plant and ancillary facilities for the Road Hollow Unit in Lincoln County, Wyoming and has made copies available for public review and comment.

Exxon Corporation plans to construct and operate a plant to process up to 80 million cubic feet per day of wellhead gas to pipeline quality. This will involve separation of liquid hydrocarbons and a small percentage (0.6%) of Hydrogen Sulfide, (H_2S) a toxic gas. Elemental Sulfur and gas condensate would be produced and transported from the plant site.

Ancillary facilities addressed in the DEA include an access road, above-ground powerline, 4 inch gathering lines, a 10 inch sales gas pipeline, a 4 inch condensate and a 4 inch natural gas liquids pipeline.

The DEA also analyzes the impacts of alternatives to the proposed action and no action.

DATES: Written comments on the proposal contained in the draft environmental assessment will be accepted up to and including May 10, 1983.

ADDRESSES: Written comments on the proposal in the document are to be addressed to: Steve Howard, Kemmerer Resource Area Manager, Bureau of Land Management, Box 632, Kemmerer, Wyoming 83101; (307) 877–3933.

A limited number of single copies of the DEA may be obtained from the above address. Copies are also available at the following location: Bureau of Land Management, Rock Springs District Office, P.O. Box 1869, Rock Springs, Wyoming 82901; (307) 382–5350.

Donald Sweep,

District Manager.

[FR Doc. 83-7283 Filed 3-18-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Report on Blowout and Fire, Eugene Island Block 361, Gulf of Mexico Outer Continental Shelf, Offshore the State of Louisiana

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of blowout report.

SUMMARY: Pursuant to the provisions of Section 22 of the Outer Continental Shelf (OCS) Lands Act, 33 U.S.C. 1348, an investigation was conducted into the blowout and fire that occurred on October 21, 1982, involving drilling operations on Well A–10, Lease OCS–G 2324, Eugene Island Block 361, Gulf of Mexico, off the Louisiana coast. A report has been prepared by the Investigative Panel, and copies are now available.

The Investigative Panel consisted of five Minerals Management Service (MMS) personnel: One from Reston, Virginia; two from Metairie, Louisiana; and two from Lafayette, Louisiana. Informal hearings were held in the MMS facility in Metairie, Louisiana, on October 26 and December 8, 1982. Both the operator, Chevron U.S.A., Inc., and the drilling contractor, Noble Drilling Company, had key witnesses present.

The investigative findings included in the report cover the following topics:

A. Preliminary Activities;

B. Loss of Well-Control;

C. Attempts at Restoring Well-Control;

D. Blowout and Fire;

E. Emergency Warning and Evacuation;

F. Damage.

Additionally, the Investigative Panel determined the proximate cause of the incident and provided several contributing causes associated with the incident. They concluded the report with

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three recommendations concerning the revision of OCS Order No. 2.

ADDRESSES: Copies of the report may be obtained from the Offshore Rules and Operations Division, Minerals Management Service, Mail Stop 646, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Price McDonald or Jill Breslin at (703) 860–7564.

Dated: March 4, 1983.

Robert L. Rioux,

Associate Director for Offshore Minerals Management.

[FR Doc. 83–7213 Filed 3–18–83; 8:45 am]

BILLING CODE 4310–MR–M

Office of Surface Mining Reclamation and Enforcement

Availability of Draft Environmental Impact Statement on Western Energy Company's Comprehensive Plan for the Rosebud Mine, Rosebud County, Montana

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of draft environmental impact statement.

SUMMARY: Notice is hereby given that the Montana Department of State Lands (MDSL) and the Office of Surface Mining Reclamation and Enforcement (OSM), Western Technical Center, have jointly prepared a draft environmental impact statement (EIS) on the comprehensive plan submitted by Western Energy Company for the Rosebud Mine, Rosebud County, Montana. The EIS has been written to serve as a parent document for future site-specific environmental analyses that will be prepared as Western Energy carries out its proposed mining plan.

DATE: All written comments should be received by the Montana Department of State Lands at the location listed under "Addresses" no later than May 9, 1983.

Public hearing: Any person wishing a public hearing or meeting must contact one of the individuals listed under "**FOR FURTHER INFORMATION CONTACT**" before April 4, 1983.

ADDRESSES: Copies of the draft EIS may be obtained from, and comments should be addressed to, Kit Walther, EIS Team Leader, Department of State Lands, Capitol Station, Helena, MT 59620. A limited number of copies of the draft EIS are also available from, Charles Albrecht, Environmental Analysis Branch, Western Technical Center, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, CO 80202.

FOR FURTHER INFORMATION CONTACT: Charles Albrecht (telephone: 303–837–5656) at the OSM location given under "**ADDRESSES,**" or Kit Walther (telephone: 406–449–2711) at the MDSL location given under "**ADDRESSES.**"

SUPPLEMENTARY INFORMATION: Western Energy submitted a comprehensive operations plan which proposes to expand and operate the mine through the year 2017. To carry out the plan, the company must, as the mine is developed, prepare detailed mine plans and obtain approvals from the Office of Surface Mining and the Montana Department of State Lands. The Department of the Interior and the Montana Department of State Lands have prepared numerous environmental impact statements on specific areas within the Rosebud mine. However, no comprehensive assessment of the environmental impacts of all mining operations at the Rosebud mine has been done. This comprehensive EIS will provide the Commissioner of State Lands and the Director of the Office of Surface Mining with a reference document for the entire Rosebud mine to serve as the framework for subsequent environmental documents prepared to analyze environmental impacts from site-specific activities related to the company's 5-year permit applications, thereby minimizing duplication and overlap. The comprehensive EIS does not serve as a decision document but provides the information necessary to facilitate and improve the decisionmaking process.

If substantial public interest is shown, a public hearing or meeting may be held (see "Dates") and notice of such a hearing or meeting will be published.

Dated: March 15, 1983.

J. Steven Griles,

Acting Director.

[FR Doc. 83–7276 Filed 3–18–83; 8:45 am]

BILLING CODE 4310–05–M

Rejection of Petition for Designation of Lands as Unsuitable for Surface Coal Mining Operations, Carbon County, Wyoming

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of rejection of a petition for designation of lands as unsuitable for surface coal mining operations.

SUMMARY: Notice is given that, on March 2, 1983, the Office of Surface Mining Reclamation and Enforcement (OSM) rejected a petition from the Cheyenne High Plains Audubon Society (CHPAS) to designate certain Federal lands in the Medicine Bow, Wyoming, area as unsuitable for surface coal mining operations. A notice of complete petition and request for comments appeared in the January 19, 1983, Federal Register (Vol. 48, No. 13). Interested persons are referred to that notice for background information on the petition and for locations of public record files.

FOR FURTHER INFORMATION CONTACT: Charles Albrecht, Office of Surface Mining Reclamation and Enforcement, Western Technical Center, 1020 15th Street, Denver, CO 80202 (telephone: 303–837–5656 or FTS 327–5656).

SUPPLEMENTARY INFORMATION: As provided in 30 CFR 769.14(g), OSM received a recommendation letter on the petition from the Bureau of Land Management (BLM). This recommendation and other information led OSM to determine that: (1) No new evidence was presented in the petition that was not considered by BLM in their Carbon Basin Area environmental impact statement and in their usuitability review which considered all the criteria of 30 CFR Part 762; (2) stipulations included in coal lease W–50061 demonstrate that the deleterious mining impacts alleged in the petition can be sufficiently mitigated and the resource values protected; (3) the remaining CHPAS concerns for the balance of the petition area will be considered in the BLM Resource Management Plan process, scheduled to begin in October 1983, if coal development potential is identified for the area; and (4) CHPAS will have the opportunity to become fully involved in that BLM land use planning process.

Based upon these facts, in accordance with 30 CFR 769.14(d) and pursuant to Section 522 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272), OSM rejected the CHPAS Medicine Bow unsuitability petition.

Dated: March 15, 1983.

J. Steven Griles,

Acting Director.

FR Doc. 83–7277 Filed 3–18–83 8:45 am]

BILLING CODE 4310–05–M

National Park Service

Appalachian National Scenic Trail Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Appalachian National Scenic Trail Advisory Council will be held in Harpers Ferry, West Virginia on April 22, from 9:00 a.m. to 4:00 p.m. The agenda of the meeting will include a review of Appalachian Trail

protection status and implementation of the cooperative management system.

The meeting will be open to the public, although space will be limited. Persons will be accommodated on a first-come, first-served basis. Any person may file with the Council a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact David A. Richie, Project Manager, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, West Virginia 25425, at Area Code (304) 535–2346.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the above address. Copies of the minutes will also be available from Room 3120, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240, and at the headquarters of the Appalachian Trail Conference, Washington Street, Harpers Ferry, West Virginia 25425.

Dated: March 15, 1983.

David A. Richie,

Project Manager.

[FR Doc. 83–7271 Filed 3–18–83; 8:45 am]

BILLING CODE 4310–70–M

Native American Relationships Policy; Management Policy

AGENCY: National Park Service, Interior.

ACTION: Extension of the comment period.

SUMMARY: On November 26, 1982 (47 FR 53688) the National Park Service published a proposed revised management policy on Native American Relationships. This notice extends the comment period on that proposed rule.

DATE: The National Park Service will consider all comments received on this proposed policy by April 1, 1983.

ADDRESS: Comments should be directed to: Chief, Office of Management Policy, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Geraldine Smith, Office of Management Policy, 343–7456; or Jackson W. Moore, Jr., Anthropology Division, 343–8155.

SUPPLEMENTARY INFORMATION: On November 26, 1982, the National Park Service published a proposed revised management policy on Native American Relationships which will replace Special Directive 78–1 *Policy Guidelines for Native American Cultural Resources Management,* with request for comments. Several individuals and tribal groups have requested an additional period of time in which to comment. Because of this interest and in an effort to ensure maximum public involvement, the Service is extending the comment period until April 1, 1983.

Russell E. Dickenson,

Director.

[FR Doc. 83–7270 Filed 3–18–83; 8:45 am]

BILLING CODE 4310–70–M

Statue of Liberty-Ellis Island Centennial Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), as amended, that a meeting of the Statue of Liberty-Ellis Island Centennial Commission will be held at 9:30 a.m. on Friday, April 8, 1983, at the Waldorf Astoria Hotel, New York, New York. The meeting is for the purpose of reviewing plans for rehabilitation of the Statue of Liberty and Ellis Island.

Further information concerning this meeting may be obtained from Garnet Chapin, National Park Service, Department of the Interior, 18th and C Sts. NW, Washington, D.C. 20240 (202–343–6781).

F. Ross Holland, Jr.,

Associate Director, Cultural Resources Management National Park Service.

[FR Doc. 83–7266 Filed 3–18–83; 8:45 am]

BILLING CODE 4310–70–M

Office of the Secretary

Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770 (5 U.S.C. App. 1 § 10)), that a meeting of the Cape Cod National Seashore Advisory Commission will be held at 1:30 pm on Friday, April 8, 1983 at the Headquarters building, Cape Cod National Seashore.

The Commission was established pursuant to Pub. L. 91–383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

At the meeting at 1:30 pm the Commission will consider the following:

Old Business

(1) Proposed Economic Impact Study;
(2) Nauset Knoll and Salt Pond Motels;
(3) Dune Stabilization/Revegetation—Synthesis of Public Comments.

The meeting is open to the public. It is expected that 30 persons will be able to attend the session in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, MA 02663, Telephone (617) 349–3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Herbert Olsen,

Superintendent, Cape Cod National Seashore.

March 11, 1983.

[FR Doc. 83–7265 Filed 3–18–83; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practices. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with

the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verfied statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–89

Decided: March 7, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 1940 (Sub-46), filed February 22, 1983. Applicant: TRAILWAYS OF NEW ENGLAND, INC., 625 Eighth Ave., New York, NY 10018. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201; (214) 655–7937. Transporting (1) *passengers,* in charter and special operations, between points in the U.S. (except HI), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation in part (1).

MC 74761 (Sub-27), filed February 18, 1983. Applicant: TRAILWAYS TAMIAMA, INC., 200 Spring St., N.W., Atlanta, GA 30303. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201; (214)–655–7937. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI), and (2) *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—In (2) above applicant seeks to provide privately funded charter and special transportation.

MC 116661 (Sub-2), filed February 18, 1983. Applicant: BRIDAL VEIL TOURS, INC., 8470 Niagara Falls Blvd., Niagara Falls, NY 14304. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202; (716) 854–5870. Transporting *passengers* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 149960 (Sub-1), filed February 22, 1983. Applicant: VIRGINIA TOURS, INC., 2101 Loumour Ave., Richmond, VA 23230. Representative: Harold B. Crafts, 2320 West Broad St., Richmond, VA 23220; (804)–257–7288. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 155080 (Sub-2), filed February 22, 1983. Applicant: PASTY ANN BREWER, d.b.a. BREWER CHARTER SERVICE, R. R. #1, Mapleton, IL 61547. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701; (217) 544–5468. Transporting *Passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166250, filed February 11, 1983. Applicant: BILL MILLER, 8600 S.W. Elligsen Rd., Wilsonville, OR 97070. Representative: David E. Wishney, P.O. Box 847, Boise, ID 83701; (208)–336–5955. As a *broker* of *general commodities* (except households goods), between points in the U.S..

MC 166251, filed February 14, 1983. Applicant: MAGNOLIA MIDWEST LINES, Route 4, Box N–180, Hattiesburg, MS 39401. Representative: Jerolyn Price, Route 3, Box 121–B, Tylertown, MS 39667; (601) 684–6310. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166341, filed February 22, 1983. Applicant: ARIES BUS COMPANY, P.O. Box 192, Fredericksburg, VA 22401. Representative: Calvin F. Major, 200 West Grace St., Suite 115, P.O. Box 5010, Richmond, VA 23220; (804) 649–7591. Transporting *passengers* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166371, filed February 23, 1983. Applicant: SAWYER'S BUS SERVICE CO., Route 1, Box 255 A, Murfreesboro, NC 27855. Representative: Thomas L. Jones, Drawer 247, Murfreesboro, NC 27855; (919)–398–4521. Transporting *passengers,* in charter and special operations, beginning and ending at points in Hertford County, NC, and extending to points in SC, GA, FL, VA, NJ, PA AND NY.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166381, filed February 18, 1983. Applicant: C W SERVICES, INC., 610 High St., Wisconsin Rapids, WI 54494. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603; (312) 236–9375. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166390, filed February 23, 1983. Applicant: APOLLO CHARTER BUS SERVICE, INC., 8700 SW 26th Ave., Suite O, Portland, OR 97219. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201; (503) 226–6491. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166391, filed February 23, 1983. Applicant: SHERIDAN TRUCKING, INC., 25 Paulson Drive, West Springfield, MA 01089. Representative: Donald Sheridan (same address as applicant), (413)–739–7445. As a *broker* of *general commodities* (except household goods), between points in MA, CT, RI, VT, NH, NY, NJ, ME and PA.

MC 166401, filed February 23, 1983. Applicant: ALPHA BUS LEASING, INC., 3473 Johnson Drive, Lithonia, GA 30058. Representative: Chester Royse, 6063 Arcade Drive, Fairfield, OH 45014; (513) 829–0465. Transporting *passengers,* in charter and special operations, beginning and ending at points in GA and OH, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166420 filed February 25, 1983. Applicant: AIR TRAVEL TRANSPORTATION, INC., 524 Whitehall St., SW., Atlanta, GA 30303. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237; (404)–477–1525. Transporting *passengers,* in charter and special operations, beginning and ending at points in AL, FL, GA, NC, SC and TN, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166421, filed February 22, 1983. Applicant: GEORGE A. PRALL, d.b.a. BEELINE BROKERS, P.O. Box 11234, Phoenix, AZ 85061. Representative: George A. Prall, 4614 West Mission Lane, Glendale, AZ 85302; (602) 937–0302. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP1–91

Decided: March 10, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 116670 (Sub-3), filed February 28, 1983. Applicant: TWO NATIONS TOURISM, INC., 1260 95th St., Niagara Falls, NY 14304. Representative: Joseph F. Principe (same address as applicant), (716) 297–5038. Transporting *passengers,* in charter and special operations, beginning and ending at points in Niagara, Erie, Genesee, Monroe, Orleans and Wyoming Counties, NY, and extending to points in the U.S. (except AK and HI).

Note.—Applicants seeks to provide privately-funded charter and special transportation.

MC 158590 (Sub-1), filed March 1, 1983. Applicant: CLARENCE E. COVERDALE, 233 Florida Avenue, NW., Washington, DC 20001. Representative: Clarence Coverdale (same address as applicant), (202) 462–5520. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166471, filed February 28, 1983. Applicant: BRIAN E. JUEDES, d.b.a. AMERICAN SHIPPERS ASSOCIATION, 1118 Cleghorn, Unit D, Diamond Bar, CA 91765. Representative: Brian E. Juedes (same address as applicant), (714) 595–2098. As a *broker* of *general commodities* (except household goods), between points in the U.S..

MC 166550, filed March 1, 1983. Applicant: WARRIOR SERVICES, INC., P.O. Box 54, Glen Ridge, NJ 07028. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 09804; (201) 572–5551. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166561, filed March 2, 1983. Applicant: CARAVAN COACH, INC., 1256 South Tamiami Trail, Osprey, FL 33559. Representative: David H. Baker, 600 Maryland Ave., S.W., Washington, DC 20024; (202) 484–9090. Transporting *passengers,* in charter and special operations, beginning and ending at points in FL and GA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166570, filed February 25, 1983. Applicant: JAMES C. WEIRE, d.b.a. F & S TRANSPORTATION, R.D. #1, Mt. Wolf, PA 17347. Representative: J. Bruce Walter, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108; (717) 233–5731. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–110

Decided: March 11, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 166122, filed February 7, 1983. Applicant: DELUXE TRAVEL, INC., P.O. Box 411, Gambrills, MD 21054. Representative: Edward N. Button, 635 Oak Hill Avenue, Hagerstown, MD 21740; (301) 739–4860. Transporting *passengers,* in charter and special operations between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–7225 Filed 3–18–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application,

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including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a pubic demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistant with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly.

Please direct status inquiries to Team One at (202) 275–7992.

Volume No. OP1–90

Decided: March 7, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF–670, filed February 22, 1983. Applicant: XYQOR FORWARDING, INC., 8775 Dalewood Ave., San Diego, CA 92123. Representative: Terri L. Pellman (same address as applicant), (619) 268–0310. As a *freight forwarder*, in connection with the transportation of *household goods, unaccompanied baggage, and used automobiles*, between points in the U.S. (except VT).

MC 290 (Sub-12), filed February 8, 1983. Applicant: JACK RABBIT LINES, INCORPORATED, 301 North Dakota Ave., Sioux Falls, SD 57102. Representative: James R. Becker, 420 Western Surety Bldg., P.O. Box 1443, Sioux Falls, SD 57101; (605)–336–2565. Transporting over regular routes *passengers* (1) between Mankato, MN and Minneapolis-St. Paul, MN: from Mankato over U.S. Hwy 169 to junction MN Hwy 101, then over MN Hwy 101 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Minneapolis-St. Paul, MN, and return over the same route, (2) between Mankato, MN and Winona, MN: from Mankato, over U.S. Hwy 14 to junction U.S. Hwy 52, then over U.S. Hwy 52 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction MN Hwy 43, then over MN Hwy 43 to Winona, MN, and return over the same route, (3) between Sioux City, IA and Omaha, NE: from Sioux City over Interstate Hwy 29 to junction Interstate Hwy 480, then over Interstate Hwy 480 to Omaha, NE, and return over the same route, serving all intermediate points in (1), (2) and (3) above and the off-route points of Onawa and Missouri Valley, IA in (3) above.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(b) over the same route.

MC 2900 (Sub-464), filed February 23, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr., (same address as applicant), (904)–353–3111. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Quaker Oats Company, of Chicago, IL.

MC 19201 (Sub-147), filed February 22, 1983. Applicant: PENNSYLVANIA TRUCK LINES, INC., 308 E. Lancaster Avenue, Wynnewood, PA 19096. Representative: James V. Fleming, III (same address as applicant), (215)–645–1416. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Trans-Am Shippers Cooperative Association, Inc., of Chicago, IL.

MC 23441 (Sub-25), filed February 16, 1982. Applicant: LAY TRUCKING COMPANY, INC., 104 Hawthorne St., LaPorte, IN 46350. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240; (317) 846–6655. Transporting *machinery and transportation equipment*, between Moline, IL, on the one hand, and, on the other, points in MO and WI.

MC 27530 (Sub-19), filed January 10, 1983. Applicant: KERRVILLE BUS COMPANY, INC., P.O. Box 712, Kerrville, TX 78028. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767; (512)–472–8800. Transporting over regular routes *passengers*, between Belton, TX and Austin, TX over Interstate Hwy 35, serving all intermediate points.

Note.— Applicant seeks to provide regular route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(b) over the same route.

Note.—Applicant intends to tack the authority herein with its presently authorized operations.

MC 74681 (Sub-21), filed February 23, 1983. Applicant: STEVENS VAN LINES, INC., 121 South Niagara St., Saginaw, MI 48602. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036; (202) 785–0024. Transporting *household goods*, between points in the U.S. (except AK

and HI), under continuing contract(s) with Volkswagen of America, Inc., of Warren, MI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either: (1) State that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 1, Room 2379.

MC 108531 (Sub-27), filed February 1, 1983. Applicant: BLUE BIRD COACH LINES, INC., 502–504 North Barry St., Olean, NY 14760. Representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701; (716)–664–5210. Transporting over regular routes *passengers,* between Olean, NY and Syracuse, NY, serving all intermediate points: from Olean over NY Hwy 16 to Maplehurst, then over NY Hwy 17 to Cuba, then over NY Hwy 305 to junction NY Hwy 19, then over NY Hwy 19 to junction NY Hwy 19A, then over NY Hwy 19A to junction NY Hwy 39, then over NY Hwy 39 to junction U.S. Hwy 20A, then over U.S. Hwy 20A to junction Interstate Hwy 390, then over Interstate Hwy 390 to Rochester, then over NY Hwy 31 to junction NY Hwy 5, then over NY Hwy 5 to Syracuse, and return over the same route.

Note.— Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(b) over the same route.

MC 126931 (Sub-2), filed February 18, 1983. Applicant: LOMPOC VAN & STORAGE, INC., 333 North D Street, Lompoc, CA 93436. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956; (414) 722–2848. Transporting (1) *machinery and household goods,* between points in San Luis Obispo and Santa Barbara Counties, CA, on the one hand, and, on the other, points in the U.S. (except HI), and (2) *furniture and fixtures, machinery, printed matter, pulp, paper and related products, and road and street signs,* between points in Santa Barbara County, CA, on the one hand, and, on the other, points in the U.S. (except HI).

MC 139900 (Sub-4), filed February 22, 1983. Applicant: L. CAPONE TRUCKING, INC., New Freedom-New Brooklyn Rd., Berlin, NJ 08009. Representative: Raymond A. Thistle, Jr., Five Cottman Court, 426 Cottman St., Jenkintown, PA 19046; (215)–576–0131. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 141661 (Sub-1), filed February 24, 1983. Applicant: TANNAHILL TRANSPORT LTD/LTEE, Allan's Corners, Ormstown, Quebec, Canada JOS 1KO. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167; (313) 349–3980. Transporting *fertilizer and fertilizer ingredients,* between points on the international boundary line between the United States and Canada in NY and VT, on the one hand, and, on the other, points in NY and VT, under continuing contract(s) with Fertibec, Inc., of St. Martine, Quebec, Canada.

MC 142501 (Sub-6), filed February 18, 1983. Applicant: HERBERT O. KINDRICK d.b.a. KINDRICK TRUCKING COMPANY, Route #8, Box 342, Harriman, TN 37748. Representative: Jess D. Campbell, 205 Clinch Ave., Knoxville, TN 37902; (615) 546–2141. Transporting *ammonium nitrate,* between points in the U.S., under continuing contract(s) with Kentucky-Tennessee Powder Company, Inc., of Woodbine, KY.

MC 142730 (Sub-9), filed February 18, 1983. Applicant: T. McGINNIS TRUCKING CO., INC., Route 3, Box 329, Catlettsburg, KY 41129. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526; (304) 562–3460. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request of the permits in MC–142730 Sub 2 issued September 21, 1977, MC–142730 Sub 4 issued July 5, 1978, MC–142730 Sub 6 issued May 29, 1980, MC–142730 Sub 7X issued August 27, 1981, and MC–142730 Sub 8 issued November 26, 1982.

Note.—The purpose of this application is to convert applicant's existing contract carrier authority in MC–142730 (Sub-Nos. 2, 4, 6, 7X, and 8) to common carrier authority.

MC–146121 (Sub-4), filed February 23, 1983. Applicant: BAY CARTAGE COMPANY, 1122 E. Barney Ave., Muskegon, MI 49444. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503; (616) 459–6121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Meijer, Inc., of Grand Rapids, MI.

MC 153480 (Sub-3), filed February 8, 1983. Applicant: RICHARD P. WARD d.b.a. WARD DISTRIBUTING COMPANY, P.O. Box 713, Alamosa, CO 81101. Representative: Jean Paul Jones, P.O. Box 1034, Alamosa, CO 81101; (303) 589–4677. Transporting *malt beverages,* between Fort Worth, TX, on the one hand, and, on the other, points in CO.

MC 161210 (Sub-2), filed February 18, 1983. Applicant: J-R TRANSPORTATION SERVICES, INC., R.D. 6, Box 385, Hammonton, NJ 08037. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113; (215) 365–5141. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Ron A. Verblauw, of East Rutherford, NJ, C–J Transportation Services, Inc., of Williamstown, NJ, Alexander Paper, of Bensalem, PA, M & S Conversion Co., Inc., of Montoursville, PA, and Godiva Chocolatier, Inc., of Reading, PA.

MC 161231, filed February 23, 1983. Applicant: PLATEAU EXPRESS, INC., Rt. 11, Box 226, McMinnville, TN 37110. Representative: Roland M. Lowell, Fifth Floor, 501 Union St., Nashville, TN 37219; (615) 255–0540. Transporting (1) *metal products,* (2) *lumber and wood products,* (3) *electric motors,* (4) *clay, concrete, glass or stone products,* (5) *waste or scrap materials not identified by industry producing* and (a) between points in IL, MS and PA, and (b) between points in IL, MS and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161410, filed February 24, 1983. Applicant: A. B. TIBBITS, P.O. Box 162, Teton, ID 83451. Representative: J. D. Hancock, 30 South 2nd West, P.O. Box 427, Rexburg, ID 83440; (208) 356–5493. Transporting (1) *coal and coal products,* (2) *fertilizer,* and (3) *rock and road salt,* between points in ID, UT, MT, WY, and WA.

MC 161730, filed February 22, 1983. Applicant: ROADEX TRANSPORT LTD., 24 Jellicoe Crescent, Bramption, Ontario, Canada L6S 3H8. Representative: William J. Hirsch, 64 Niagara Street, Buffalo, NY 14202, (716) 853–0200. Transporting *machinery, metal products, and rubber and plastic products,* between points in the U.S. (except AK and HI), under continuing contract(s) with A.P.B. Extrusion Tooling Ltd., Ondrus Enterprise, Ondrus Hydra Lenth & Roll Former Automation Ltd., Becz Machine Manufacturing Ltd., Baron Metal Industries, Inc., Rogal Plastics Limited, Yorkview Plastics Limited, Ultimate Plastics Ltd.,

Dominion Plastics Limited, Amcan Plastics Limited, and Pillar Plastics Limited, all of Ontario, Canada.

MC 161941, Filed February 11, 1983. Applicant: MICHAEL G. MORRIS d.b.a. MORRIS TRUCKING, P.O. Box 1034, Tupelo, MS 38801. Representative: Michael G. Morris (same address as applicant), (601)–844–2154. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CO, and those points in the U.S. in and east of WI, IL, MO, OK and TX (except ME).

MC 164041 (Sub-1), Filed February 8, 1983. Applicant: ENGEL INTERNATIONAL, INC., 901 Julia St., Elizabeth, NJ 07201. Representative: Robert J. Gallagher, 1000 Connecticut Ave., Suite 1200, Washington, DC 20036; (202)–785–0024. Transporting *household goods*, between points in AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WV, WA, WI, WY, and DC.

MC 165991, Filed January 31, 1983. Applicant: EL PASO ENVIRONMENTAL SYSTEMS OF ARIZONA, INC., d.b.a. WHY WASTEWATER?, 1161 North El Dorado Place #323, Tucson, AZ 85715. Representative: Jack M. Wheatley, P.O. Box 10751, El Paso, TX 79997; (915) 779–3937. Transporting *Hazardous materials, hazardous waste and waste or scrap materials not identified by producing industry*, between points in TX, NM, AZ, and CA, under continuing contract(s) with Industrial Fabrication Services, Inc., Allen-Bradley Company, Enviromining Company, Inc., and W. R. Weaver Company, all of El Paso, TX.

MC 166120, Filed February 22, 1983. Applicant: COMPASS CARRIERS, INC., 1517 East Aurora, Des Moines, IA 50313. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501; (402) 475–6761. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Load Locators Ltd., of Des Moines, IA.

MC 166260, Filed February 15, 1983. Applicant: RAINBOW EXPRESS INCORPORATED, P.O. Box 171, Sonora, KY 42776. Representative: Herbert D. Liebman, 403 West Main St., P.O. Box 478, Frankfort, KY 40602; (502) 875–3493. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166301, filed February 16, 1983. Applicant: LARRY THORNTON d.b.a. CAVANAL EXPRESS COMPANY, Route 1, Box 153, Shady Point, OK 74956. Representative: Royce G. Caskey, P.O. Box 321, Tulsa, OK 74112; (918) 561–3968. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in LeFlore, Latimer, Haskell, Sequoyah, Muskogee, Wagoner, Tulsa, Pittsburg, McIntosh, and Okmulgee Counties, OK and Sebastian, Crawford, Washington, Benton, Franklin, Logan, Johnson, Yell and Pope Counties, AR.

MC 166400, filed February 23, 1983. Applicant: THOMAS TRUCKING, INC., P.O. Box 57, Gainesville, GA 30503. Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., NE., Atlanta, GA 30326; (404) 262–7855. Transporting *floor coverings and building materials*, between points in GA, TN, and NJ, on the one hand, and, on the other, points in CA and AZ.

MC 166431, filed February 24, 1983. Applicant: DIAMOND HAULING, INC., 355 Mitchell Road, Norcross, GA 30071. Representative: James M. Horn, 3089 Dover Drive, Duluth, GA 30136; (404) 476–2082. Transporting *machinery*, between points in the U.S. (except AK and HI).

MC 166440, filed February 22, 1983. Applicant: A–1 AUTO MOVERS, 415 South 7th St., Renton, WA 98055. Representative: Donald H. Landis (same address as applicant), (206)–226–4290. Transporting *transportation equipment*, between points in the U.S.

MC 166441, filed February 22, 1983. Applicant: ARROW MOVING & STORAGE, INC., P.O. Box 416, 1121 N. Bluemond Dr., Appleton, WI 54912. Representative: Edward J. Gerrity, P.O. Box 914, Appleton, WI 54912; (1–414) 734–5608. Transporting *household goods*, between points in Waupaca, Outagamie, and Winnebago Counties, WI, and IL, IN, IA, MI, and MN.

Volume No. OP1–92

Decided: March 10, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 730 (Sub-533), filed February 28, 1983. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: Alfred G. Krebs (same address as applicant); (415) 944–7260. Transporting *general commodities* (except A and B explosives, household goods and commodities in bulk), between points in the U.S. (except classes AK and HI), under continuing contract(s) with Allied Corporation, of Morristown, NJ.

MC 41951 (Sub-56), filed March 3, 1983. Applicant: WHEATLEY TRUCKING INC., P.O. Box 458, Cambridge, MD 21613. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814; (301) 654–2240. Transporting *textile mill products*, between points in NY, NJ, PA, DE, MD, VA, TN, MS, AL, NC, SC, GA, FL, KY, OH and WV.

MC 80730 (Sub-8), filed February 25, 1983. Applicant: MAGNOLIA TRANSPORTATION CO., INC., 5121 Oates Road, P.O. Box 24458, Houston, TX 77013. Representative: Lester R. Gutman, 1919 Pennsylvania Avenue, NW., Suite 500, Washington, DC 20006; (202) 828–5017. Transporting *Mercer commodities*, between points in the U.S. (except AK and HI).

MC 102150 (Sub-17), filed March 4, 1983. Applicant: JENSEN TRANSPORT, INC., P.O. Box 368, Albert Lea, MN 56007. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501; (515) 682–8154. Transporting *commodities in bulk*, between points in IA, KS, MN, NE, ND, SD and WI.

MC 119080 (Sub-2), filed March 2, 1983. Applicant: DUPLANTIS TRUCK LINE, INC., P.O. Box 127, Houma, LA 70361. Representative: Richard P. Kissinger, 50 S. Steele Street, Suite 330, Denver, CO 80209; (303) 320–6100. Transporting *Mercer commodities*, between in LA, MS, TX, FL, AL, AR and OK.

MC 128290 (Sub-24), filed February 24, 1983. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339; (404) 434–3381. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

MC 141571 (Sub-1), filed March 1, 1983. Applicant: BATTELINI'S GARAGE, INC., Harding Highway, P.O. Box 78, Landisville, NJ 08326. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934; (201) 234–0301. Transporting *transportation equipment*, between points in the U.S. (except AK and HI).

MC 141981 (Sub-3), filed March 1, 1983. Applicant: BATES TRUCK LINE, INC., 507 Slocum Street, Lancaster, OH 43130. Representative: John L. Alden, 1396 West Fifth Avenue, Columbus, OH 43212; (614) 481–8821. Transporting

general commodities (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 144011 (Sub-12), filed February 24, 1983. Applicant: HALL SYSTEMS, INC., 214 South 10th St., Birmingham, AL 35233. Representative: George M. Boles, 629 Frank Nelson Bldg., Birmingham, AL 35203; (205) 251–6602. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145731 (Sub-5), filed February 25, 1983. Applicant: BREADNER TRANSPORT LTD., #26 Highway, Meaford, Ontario, Canada NOH 1YO. Representative: William J. Hirsch, 64 Niagara Street, Buffalo, NY 14202; (716) 853–0200. Transporting *general commodities* except classes A and B explosives, and household goods), between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150890 (Sub-3), filed February 28, 1983. Applicant: THIELE TRANSPORTATION, INC., 1338 Dugdale Road, Waukegan, IL 60085. Representative: Paul J. Maton, 27 East Monroe Street, Suite 1000, Chicago, IL 60603, (312) 332–0905. Transporting (1) *metal products*, between points in IL, IN, MI, WI and OH, and (2) *building materials* between points in Boone County, IL, on the one hand, and, on the other, points in OH.

MC 156800 (Sub-7), filed March 3, 1983. Applicant: SEABOARD EXPRESS, INC., 565 Plank Rd., Waterbury, CT 06705. Representative: Raymond Talipski, 121 S. Main St., Taylor PA 18517, (717) 344–8030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in New Haven County, CT, on the one hand, and, on the other, points in the U.S. (except HI).

MC 157001 (Sub-1), filed March 3, 1983. Applicant: KERN FOODS, INC. 13000 E. Temple Ave., City of Industry, CA 91749. Representative: Pete Peterson (same address as applicant), (213) 962–5111. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, MT, NV, OR, UT, WA and WY.

MC 159781 (Sub-3), filed February 25, 1983. Applicant: WESTPOINT PEPPERELL TRANSPORTATION COMPANY, P.O. Box 71, WestPoint, GA 31833. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, DC 20036, (202) 457–1100. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Aubrey R. Wilson, d/b/a Regulated Freight Brokers, of Rock Hill, SC, and (2) Genco Transportation Services, Inc., of West Mifflin, PA.

MC 165971, filed February 25, 1983. Applicant: V. B. MOTOR SERVICE, INC., 9870 Franklin Avenue, Franklin Park, IL 60131. Representative: Donald B. Levine. 180 North LaSalle Street, Chicago, IL 60601, (312) 368–0100. Transporting *metal products and machinery*, between Chicago, IL, on the one hand, and, on the other, points in WI.

MC 166020, filed January 31, 1983. Applicant: RIVER CITY TRANSPORT, DIVISION OF ALLIED BLACKTOP CORPORATION, Box 356, 915 Short St., Eau Claire, WI 54702. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, (608)–256–7444. Transporting *clay, concrete, glass or stone products*, and *ores and minerals*, between points in WI, on and north of U.S. Hwy 10, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166511, filed March 2, 1983. Applicant: O.S.T. TRUCKING COMPANY, INC., 320 North Point Road, Baltimore, MD 21224. Representative: Joseph Schwartz (same address as applicant), (301) 633–2471. Transporting *metal products, containers, and trailers*, between points in MD, DE, PA, OH, KY, NJ, VA, WV, NY, and DC.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–111

Decided: March 11, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 129702 (Sub-13), filed February 7, 1983. Applicant: CARPET TRANSPORT, INC., Rte 5, Lovers Lane Road, Calhoun, GA 30701. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 570, Atlanta, GA 30345, (404)321–1765. Transporting *textiles and textile products, floor coverings, chemicals and related products, and plastic and plastic products*, between points in CA and CO, and those points in U.S., in and east of IL, KY, TN, AR, LA and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145783 (Sub-3), filed February 11, 1983. Applicant: ALPINE TRANSPORTATION CO., INC., P.O. Box 740, Tenafly, NJ 07670. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Right On Freight Forwarding Inc., of Jersey City, NJ.

MC 166572, filed February 24, 1983. Applicant: ALDRIDGE MOBILE HOME SERVICE, INC., P.O. Box 153, Cottondale, AL 35453. Representative: Gerald D. Colvin, Jr., 601–09 Frank Nelson Bldg., Birmingham, AL 35203, 205–251–2881. Transporting *mobile homes and portable buildings*, between points in AL, FL, MS, LA, GA, and TN.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–156

Decided: March 15, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 164686, filed February 18, 1983. Applicant: DANNIE GILDER, INC., Route 1, Whitewater, MO 63785. Representative: Georgia Helderman, Route 1, Box 152, Whitewater, MO 63785, (314) 243–8268. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AR, IN, IL, KS, KY, MI, MO, NC, OH, TN, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 (202) 275–7289.

Volume No. OP5–118

Decided: March 14, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 25399 (Sub-22), filed March 1, 1983. Applicant: A–P–A TRANSPORT CORP., 2100 88th St., North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Lennox Industries, Inc., of Dallas, TX, Community Playthings, of Rifton, NY, Contonex Corp., of Westbury, NY, J.I. Holcomb, of Dayton, NJ, and Vandenburgh Bulb, of Chester, NY.

MC 25798 (Sub-402), filed February 28, 1983. Applicant: CLAY HYDER

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TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (Same address as applicant), 813–967–1101. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., (except AK and HI), under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 34099 (Sub-5), filed March 2, 1983. Applicant: SILCON TRUCKING CO., INC., 411 West Street, West Bridgewater, MA 02379. Representative: Ester A. Winslow (same address as applicant), (617) 961–1180. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI).

MC 41098 (Sub-97), filed March 2, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006, (202) 833–8884. Transporting *household goods*, between points in the U.S., under continuing contract(s) with TRW, Inc., of Redondo Beach, CA.

MC 41098 (Sub-98), filed March 2, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833–8884. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S.

MC 41359 (Sub-2), filed February 22, 1983. Applicant: EDMONDS-ALDERWOOD AUTO FREIGHT COMPANY, 6203 215th S.W., Mountlake Terrace, WA 98043. Representative: Michael A. Johnson, 300 Central Building, Seattle, WA 98104, (206) 624–2521. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in WA, OR, ID and MT.

MC 58549 (Sub-38), filed February 28, 1983. Applicant: GENERAL MOTOR LINES, INC., 1634 Granby St., NE., P.O. Box 13727, Roanoke, VA 24036–3727. Representative: Jerry D. Beard (same address as applicant), (703) 982–2120. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in GA, KY, MD, NC, SC, TN, VA, WV, and DC.

MC 79658 (Sub-60), filed February 28, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills, (same address as applicant), 812–424–2222. Transporting *household goods* between points in the U.S. (except AK and HI), under continuing contract(s) with Monsanto Company, of St. Louis, MO.

MC 79658 (Sub-61), filed February 28, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509 Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), 812–424–2222. Transporting *household goods* between points in the U.S. (except AK and HI), under continuing contract(s) with Sky Chefs, a division of Flagship International, Incorporated, of Arlington, TX.

MC 117699 (Sub-5), filed March 1, 1983. Applicant: MILLER BROS, CO., INC., P.O. Box EA, Hyrum, UT 84319. Representative: Bruce W. Shand, Suite 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. Transporting *such commodities* as are dealt in by grocery and food business houses, department stores, and variety stores, between those points in the U.S. in and west of MN, WI, IL, MO, AR, and LA (except AK and HI).

MC 141168 (Sub-1), filed March 1, 1983. Applicant: LESLIE EUGENE ALSTON, 2715 Central Avenue, N.E., Washington, DC 20018. Representative: (Same address as applicant), (202) 635–7598. Transporting *building materials, clay, concrete, glass, or stone products*, and *construction equipment* and *machinery*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 144888 (Sub-21), filed March 1, 1983. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 130 Somerset St., Somerville, NJ 08876. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146709 (Sub-5), filed February 28, 1983. Applicant: EDMONDSON SWIFT MEAT TRANSPORT, INC., P.O. Box 86, Georgetown, GA 31754. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, 703–893–4924. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. in and east of MN, IA, NE, CO and NM.

MC 147198 (Sub-14), filed March 1, 1983. Applicant: P. & E.I. TRUCK LINES, INC., P.O. Box 175, Rossville, IL 60963. Representative: Paul J. Maton, 27 E. Monroe St., Suite 1000, Chicago, IL 60603, (312) 332–0905. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 150179 (Sub-5), filed March 1, 1983. Applicant: LOGISTICS, INC., 214 So., Perry St., Dayton, OH 45402. Representative: Stephen J. Habash, 100 E. Board St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Boone County, KY, Randolph and Wayne Counties, IN, and points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 5, Room 2414.

MC 150589 (Sub-10), filed March 1, 1983. Applicant: J & K TRANSPORTATION CO., INC., 1600 Industrial, Dearborn, MI 48120. Representative: Michael F. Morrone, 1150 17th St., N.W. Suite 1000, Washington, DC 20036, 202–457–1124. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 152368 (Sub-5), filed March 1, 1983. Applicant: D.L. WILLIAMS TRUCKING, INC., P.O. Drawer 719, Hillsboro, TX 76645. Representative: James W. Hightower, Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237–2385, 214–339–4108. Transporting *pipe*, between points in AL, AR, AZ, CA, CO, FL, GA, IL, IN, IA, ID, KS, KY, LA, MI, MO, MT, MS, NE, NC, NJ, NM, NY, NV, OH, OK, OR, SC, TN, TX, UT, VA, WA, WY and WV.

MC 152848 (Sub-1), filed February 28, 1983. Applicant: TIGER TRANSPORTATION, INC., 301 Crescent Street, Scottdale, PA 15683. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in

LA and TX and those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 158288 (Sub-9), filed March 1, 1983. Applicant: TOMAHAWK TRANSPORTATION, A DIVISION OF TOMAHAWK SERVICES, INC., 5400 Laurel Rd., Billings, MT 59101. Representative: William E. Seliski, 2 Commerce St. P.O.B. 8255, Missoula, MT 59807, 406–543–8369. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S.

MC 160378, filed February 28, 1983. Applicant: KEN–MAC TRAILER TOWING LTD., 11147 Bridge St. Surrey, B.C. Canada V3V 3V1. Representative: James W. McGaw, 11402 87 A Ave., Delta, B.C. Canada V4C 3A6, 604–596–6858. Transporting *mobile homes* and *mobile machinery,* between points in WA and OR.

MC 160958 (Sub-1), filed February 28, 1983. Applicant: SUNBELT TRANSPORT, INC., P.O. Box 29303, Greensboro, NC 27408. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288, 919–635–4711. Transporting *general commodities* (except class A and B explosives, household goods, and commodities in bulk), between points in NC. on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 161569 (Sub-4), filed March 1, 1983. Applicant: TRANSPORT CONRACTORS, INC., 2206 Frankfort Avenue, Louisville, KY 40206. Representative: Taylor O. Cowan III, 6408 Clinton Highway, Knoxville, TN 37912 (615) 938–5001. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Devoe & Raynolds Co., Division of Grow Group, Inc., of Louisville, KY.

MC 164559, filed February 28, 1983. Applicant: CHICAGO STEEL SERVICE, INC., 4344 West 45th St., Chicago, IL 60632. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719 (608) 273–1003. Transporting *metal and metal products,* products, between points in the U.S. (except AK and HI), under continuing contract(s) with House of Stainless, Inc., of Chicago, IL, Metal Source, Inc., Great Western Division, of Chicago, IL, and Triumph Industries, Division of Metal Source, Inc., of Bridgeview, IL.

MC 166458, filed February 28, 1983. Applicant: WALKER WRECKER SERVICE, INC., Route 2, Piggott, AR 72454. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201 (501) 375–9151. Transporting *wrecked or disabled motor vehicles,* between points in AR and those in MO on and south of Interstate Hwy 70, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166468, filed February 28, 1983. Applicant: R & R TRUCKING, INC., 2701 Broening Highway, Baltimore, MD 21222. Representative: Walter T. Evans, 4304 East-West Highway, Bethesda, MD 20814, 301–657–2636. Transporting *general commodities* (except classes A and B explosives and household goods), between points in MD, on the one hand, and, on the other, point in DE, MD, PA, VA, WV, and DC.

MC 166508, filed February 28, 1983. Applicant: MERLIN C. POOLE, d.b.a. POOLE TRUCKING CO.,7624 Drew Ave., Burr Ridge, IL 60521. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016 (312) 298–1094. Transporting *food and related products,* and *rubber and plastic products,* (a) between Chicago, IL, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MA, MI, MN, MS, MO, MT, NE, NJ, NY, NC, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WV, and WI, and (b) between points in Cumberland County, NJ, on the one hand, and on the other, points in FL, GA, IL, MA, NY, NC, PA, SC, TN, VA, and DC.

MC 166529, filed February 23, 1983. Applicant: DeFILIPPIS HAULAGE, INC., 15–10 130th St., College Point, NY 11356. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528 (914) 835–4411. Transporting *commodities* which because of their size or weight require the use of special handling or special equipment, between points in CT, NJ, and NY, on the one hand, and, on the other, points in CT, DE, IL, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

MC 166569, filed February 24, 1983. Applicant: L & H TRANSIT, INC., 170 Amaral Street, East Providence, RI 02914. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI 02852 (401) 884–0969. Transporting *general commodities* (except classes A and B explosives and household goods), between points in CT, MA, ME, NH, NJ, NY, RI, and VT.

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BILLING CODE 7035–01–M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–246

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC–56344 (Sub-1–2TA), filed March 7, 1983. Applicant: ALERT MOTOR FREIGHT, INC., Moorestown-Bridgeboro Road, P.O. Box 1045 Delran, NJ 08075. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Metal products,* between the Commercial Zones of Baltimore, MD, Chicago, IL, New York, NY and Philadelphia, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): There are seven

statements in support of this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC–166616 (Sub-1–1TA), filed March 7, 1983. Applicant: COMBS, INC., 712 Route 1 North, P.O. Box 806, Edison, NJ 08817. Representative: Harold L. Reckson, 33–28 Halsey Road, Fair Lawn, NJ 07410. *Food and related products,* between New York, NY, and its commercial zone, on the one hand, and, on the other, points in PA, WV, MD, VA, NC, SC, GA, FL, AL, MS, LA, TX, KY, AR, TN and DC. Supporting shipper(s): Major Products Co. Inc., 66 Industrial Ave., Little Ferry, NJ 07643; Colonial Spice & Extract Co., Inc., 210 Kent Ave., Brooklyn, NY 11211; Van Besta Co., Inc., 611 Bergen St., Brooklyn, NY 11238.

MC 124905 (Sub-1–7TA), filed March 8, 1983. Applicant: GARY W. GRAY TRUCKING, INC., P.O. Box 48, Delaware, NJ 07833. Representative: Raymond Talipski, 121 S. Main Street, Taylor, PA 18517. *Cement,* between York, Lehigh and Northampton Counties, PA, on the one hand, and , on the other, NY, NJ, and CT. Supporting shipper(s): Best Block Co., Inc., 1025 U.S. Route 1, Metuchen, NJ 08840; Smithtown Concrete Products Corp., P.O. Box 612, Jericho Turnpike and Arthur Drive, Smithtown, Long Island, NY 11787.

MC 164100 (Sub-1–3TA), filed March 4, 1983. Applicant: HANNAFORD TRUCKING COMPANY, 54 Hannaford Street, South Portland, ME 04106. Representative: Beth Dobson, P.O. Box 586, Portland, ME 04112. *Contract carrier:* irregular routes: *General commodities (except Class A and B explosives)* between points in the U.S. under continuing contract(s) with Hannaford Bros. Co. of South Portland, ME. Supporting shipper: Hannaford Bros. Co., 54 Hannaford Street, South Portland, ME 04106.

MC 164100 (Sub-1–4TA), filed March 4, 1983. Applicant: HANNAFORD TRUCKING COMPANY, 54 Hannaford Street, South Portland, ME 04106. Representative: Beth Dobson, P.O. Box 586, Portland, ME 04112. *General commodities (except Class A and B explosives)* between points in the U.S. Supporting shipper(s): Hannaford Bros. Co., P.O. Box 1000, Portland, ME 04104; Exide Corp., 185A New Boston Street, Woburn, MA 01801; Solon Manufacturing Co., P.O. Box 285, Solon, ME 04979–0285; The Emery Waterhouse Co., P.O. Box 659, Rand Road, Portland, ME; Saco Defense Systems Div., Maremont, 291 North Street, Saco, ME 04072.

MC 66567 (Sub-1–1TA), filed March 8, 1983. Applicant: BOB KILPATRICK MOVING & STORAGE INC., 147 Walnut Street, Northvale, NJ 07647. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Machinery and electrical machinery, or equipment and associated supplies STCC 35 and 36,* between Northvale, NJ on the one hand, and, on the other, points in ID, IL, KY, LA, MA, NY and TX, under continuing contract(s) with Austin Associates, Northvale, NJ. Supporting shipper: Austin Associates, 152 Veterans Drive, Northvale, NJ 07647.

MC 106207 (Sub-1–3TA), filed March 7, 1983. Applicant: NEW YORK–KEANSBURG–LONG BRANCH BUS CO. INC., 50 Highway 36, Leonardo, NJ 07737. Representative: Sidney J. Leshin, 3 East 54th Street, New York, NY 10022. *Common carrier:* regular routes: *Passengers and their baggage* between Lakewood, NJ and New York, NY serving all intermediate points: Commencing in Lakewood, NJ over local streets to Route 9, north on Route 9 to junction of Garden State Parkway, north on Garden State Parkway to junction New Jersey Turnpike, north on New Jersey Turnpike to I–495, west on I–495 to Port Authority Terminal, New York, NY, return in reverse direction. Supporting shipper(s): There are twenty statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 149576 (Sub-1–1TA), filed March 4, 1983. Applicant: TRANS-AMERICAN TRUCKING SERVICE, INC., 130 Meadows Road, P.O. Box 1247, Nixon Station, Edison, NJ 08818. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives, household goods and commodities in bulk),* between points in the U.S. (except AK and HI), under contract(s) with Ecodyne Corp. of Union, NJ. Supporting shipper: Ecodyne Corp., 2720 Route 22, Union, NJ 07083.

MC 165689 (Sub-1–1TA), (republication) filed January 14, 1983. Applicant: TRANSPORT I. BIJEAU LTD, 237 7th Avenue, Deux Montagnes, Quebec, CD. Representative: Issac Bijeau, C.P. 531, St. Eustache, Quebec, CD J7R 3H7. *Building material, lumber, fencing and plate glass* between points of entry on the U.S./CD International Boundary at Champlain, NY, and Highgate Springs, VT, and points in CT, DC, DE, MA, MD, NH, NJ, NY, PA, RI, TN, VA, WV and VT. Supporting shipper(s): There are six statements of support with this application which may be examined at the Regional Office of the I.C.C. in Boston, MA. Sole purpose of this republication is to add DE which was not shown in the publication of January 31, 1983.

MC 166084 (Sub-1–1TA), filed March 4, 1983. Applicant: JAMES E. WHALEN, d.b.a. WHALEN SERVICE, 11403 Tomarsue Drive, Marilla, NY 14102. Representative: John L. Trigilio, Esq., Gunderman & Associates, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Exposed, processed, and unprocessed photographic film, prints, slides, and related photographic products and supplies, business records, inter-office communications, and related documents, cameras, parts, and attachments, binoculars and related equipment, and calculators and miscellaneous electronic equipment,* between points in NY, OH, and PA, under continuing contract(s) with Carhart Photo, Inc. of Rochester, NY. Supporting shipper: Carhart Photo, Inc., 3333 West Henrietta Road, Rochester, NY 14603.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 150511 (Sub-2–14TA), filed March 1, 1983. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: Thomas B. Hill, 1101 31st St., Downers Grove, Il 60515. *Contract Irregular: Furniture and fixtures,* from Baltimore, Md to points in Va and Washington, D.C., under continuing contract(s) with Sealy of Maryland and Virginia, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Sealy of Maryland and Virginia, Inc., Baltimore Beltway Exit 10, Baltimore, Md 21227.

MC 166451 (Sub-II–1TA), filed February 28, 1983. Applicant: C & S TRANSPORT, Rd. 2, Parkesburg, PA 19365. Representative: John W. Metzger, 49 N. Duke St., Lancaster, PA 17602. *Agricultural pulverized limestone,* (a) between points in Lancaster County, PA, on the one hand, and, on the other, points in NY, NJ, DE, MD, and VA, and (b) between Viola and Laurel, DE, on the one hand, and, on the other, points in MD and VA. An underlying ETA seeks 120 days authority. Supporting shipper(s): Martin Limestone, Inc., Box 155, Blue Ball, PA 17506.

MC 158860 (Sub-II–3TA), filed March 1, 1983. Applicant: CAVALIER FREIGHT, INC., 5741 Bayside Rd., Suite 106, Virginia Beach, VA 23455. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *General commodities (except classes A and B explosives, household goods and*

commodities in bulk), between Norfolk, VA (and points in its commercial zone), on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ERA seeks 120 days authority. Supporting shipper(s): Gambro, Inc., 401 Rotary St., Hampton, VA 23661; The Hipage Co., Inc., 227 E. Plume St., Norfolk, VA 23510.

MC 166450 (Sub-2–1TA), filed February 28, 1983. Applicant: D.W.L. TRUCKING, INC., 635 West Poplar St., Grove City, PA 16127. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Contract: Irregular: *Coal* between points in Venango, Mercer, Butler, Lawrence, Beaver and Allegheny Counties, PA, on the one hand, and, on the other, points in OH, under continuing contract(s) with D.W.L. Coal Company and Kerry Coal Company, for 270 days. Supporting shippers: D.W.L. Coal Company, 635 West Poplar St., Grove City, PA 16127 and Kerry Coal Company, Rd. 2, Box 19, Portersville, PA 16051.

MC 163825 (Sub-II–1TA), filed March 1, 1983. Applicant: G & B ANDERSON, INC., 11574 Franchester R, West Salem, OH 44287. Representative: Joseph A. Mamone, #520—75 Public Square, Cleveland, OH 44113. *Steel, aluminum, and alloyed steel products in the form of sheets, plates, structurals and bars; and aluminum, steel, and alloyed steel products* between points in OH, MI, and PA for 270 days. An underlying eta seeks 120 days authority. Supporting shipper: Wayne Steel, Inc., 1070 W. Liberty Street, Wooster, OH 44691.

MC 150817 (Sub-II–3TA), filed March 1, 1983. Applicant: Hoffman Transport Inc., Route 6, Box 89, Hagerstown, MD 21740. Applicant's Representative: Edward N. Button, 635 Oak Hill Avenue, Hagerstown, MD 21740. *Vending machines, materials, equipment, and supplies, used in the manufacture and sale thereof,* between Ranson, WV on the one hand, and, on the other, points in the U.S., restricted to traffic originating at or destined to the facilities of Dixie Narco, for 270 days. An underlying eta seeks 120 days authority. Supporting shipper: Dixie Narco, P.O. Box 460, Ranson, WV 25438.

MC 166380 (Sub-II–1TA), filed February 23, 1983. Applicant: RICHARD K. KING, INC., Rt. 1, Box 72B, Wytheville, Va. 24382. Representative: Richard K. King (same address as applicant). *Metal Products and Machinery* between Bland and Wythe Counties, VA, on the one hand, and, on the other, points in OH, PA and NY. Supporting shipper(s): Brown Boveri Electric Co., Bland, VA, Amsco Products, Wytheville, VA.

MC 166112 (Sub-II–1TA) filed March 1, 1983. Applicant: FRED LANTINGA, P.O. Box 629, Culpeper, VA 22701. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. *Lumber and wood products,* between all points in and east of WI, KY, TN and MS, under continuing contract with Culpeper Wood Preservers of Culpeper, VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Culpeper Wood Preservers, P.O. Box 819, Culpeper, VA 22701.

MC 36531 (Sub-II–1TA), filed March 2, 1983. Applicant: MAIN TRUCKING COMPANY, 52 Rainbow Avenue, Sunbury, OH 43074. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. *Lime, burnt lime, limestone and limestone products,* from Wayne and Monroe Counties, MI, to Franklin County, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: City of Columbus, Division of Water, 90 W. Broad St., Columbus, OH 43215.

MC 147465 (Sub-II–3TA), filed March 3, 1983. Applicant: MOORE & SON CO., 1101 Cable Ave., Columbus, OH 43222. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Contract, irregular: *beverages, containers, and related products* between Columbus, OH, including points in its Commercial Zone, and points in MI under continuing contract(s) with Coca-Cola Bottling Company of Michigan, Lansing, MI, for 270 days.

MC 155143 (Sub-II–4TA), filed February 22, 1983. Applicant: NEW DIXIE TRANSPORTATION CORP., P.O. Box 112, Providence Forge, VA 23140. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Aggregates, charcoal cooking grills, building materials, clay, concrete, glass or stone products, lumber and wood products and materials, equipment and supplies used in the manufacture, distribution and sales of the above commodities* between points in CT, DE, GA, KY, MA, MD, NC, NJ, NY, OH, PA, RI, SC, TN, VA, WV and DC. An underlying ETA seeks 120 days authority. Supporting shipper(s): Betco Block & Products, Inc., 5400 Butler Rd., Bethesda, MD 20816.

MC 163508 (Sub-II–3TA), filed February 28, 1983. Applicant: NORRIS TRANSPORT, INC., White Horse Road, Devault, PA 19432. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Food and related products, materials, equipment and supplies used in the manufacture and distribution of food and related products,* between points in the US in and east of ND, SD, NE, KS, OK, TX. Supporting shippers: There are 7 statements in support attached to this application which may be examined at the Phila. Regional Office.

MC 107012 (Sub-II–271TA), filed March 1, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the United States, under continuing contract(s) with Crown Life Insurance Co., Toronto, Ontario, Canada, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Crown Life Insurance Co., 120 Bloor Street, E., Toronto, Ontario M4W 1B8.

MC 107012 (Sub-II–272TA), filed March 1, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the United States, under continuing contract(s) with Pacific Southwest Airlines of San Diego, California, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pacific Southwest Airlines, 3225 Harbor Drive, San Diego, CA 92101.

MC 107012 (Sub-II–273TA), filed March 1, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the United States, under continuing contract(s) with Texas Instruments, Inc., Dallas, Texas, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Texas Instruments, Inc., P.O. Box 266015, Dallas, TX 75265.

MC 152640 (Sub-II–15TA), filed February 22, 1983. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 North Dupont Highway, Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005. *Machinery and lawn and garden supplies and equipment,* between Randolph County, IN, on the one hand, and, on the other, points in the U.S. located in and east of ND, SD, NE, CO and NM, for 270 days. Supporting

shipper: Lazy Boy Parmi Tool Company, Inc., P.O. Box 326, Lynn, IN 47355.

MC 146807 (Sub-II–35TA), filed March 1, 1983. Applicant: S n W ENTERPRISES, INC. P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Peter Wolff, 722 Pittston Avenue, Scranton, PA 18505. *School, Art and Hobby Supplies* between Winfield, KS, on the one hand, and, on the other, points in AR, CA, GA, IL, IN, IA, MN, MO, NE, NV, TN and WA for 270 days. An underlying ETA seeks 120 days. Supporting shipper(s): Binney & Smith, Inc., P.O. Box 431, 1100 Church Lane, Easton, PA 18042.

MC 165700 (Sub-II–1TA) Filed February 28, 1983. Applicant: HARVEY SALT COMPANY, 1325 Mohrs La., Baltimore, MD 21220. Representative: Steven T. Blomberg, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. Contract: Irregular, *salt and salt products* between points in MD, PA, DE, DC, NJ, NY, OH, WV, VA, NC, and SC, under continuing contract(s) with International Salt Co., of Clarks Summit, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): International Salt Co., Abington Executive Park, Clarks Summit, PA 18411.

MC 147258 (Sub-II–2TA), filed February 28, 1983. Applicant: F. T. SILFIES, INC., 751 Pt. Phillips Rd., Bath, PA 18014. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *(1) Carbon, (2) Ferro-Silicon and (3) Firebrick,* in dump vehicles, (1) from Lancaster, PA to Harleyville, SC, (2) from Lancaster, PA to Birmingham, AL and Zanesville, OH to Lancaster, PA, and (3) from Baltimore, MD and Lancaster, PA to Columbiana, OH. An underlying ETA seeks 120-day authority. Supporting shipper: E & H Recycling Co., Inc., P.O. Box 291, York, PA 17405.

MC 166449 (Sub-II–1TA), filed February 28, 1983. Applicant: SOUTHSIDE MOBILE HOME SERVICE, INC., 1321 West Danville St., South Hill, VA 23970. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288. *Mobile homes, modulars and specially designed trailers* between Emporia and South Hill, VA; Henderson, NC; and Baltimore, MD, on the one hand, and, on the other points in DE, MD, VA, NC And DC. An underlying ETA seeks 120 days authority. Supporting shippers: Farmstead Industries of VA, Inc., Star Route, Box 4–C, Emporia, VA 23847; Watkins Manufacturing Co., Inc., 854 Grazier St. (P.O. Box 370) South Hill, VA 23970; Williams Mobile Offices, Inc., 8656 Pulaski Hwy., Baltimore, MD 21237.

MC 165932 (Sub-II–1TA), filed February 23, 1983. Applicant: TARA TRUCKING, INC., 514 W. Main St., Monongahela, PA 15063. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Machinery and machinery parts,* between points in PA, on the one hand, and, on the other, points in WV, VA, OH and KY. An underlying ETA seeks 120 days authority. Supporting shipper(s): Lee-Norse Co., P.O. Box 2863, 6600 Steubenville Pike, Pittsburgh, PA 15230.

MC 61334 (Sub-II–2TA), filed February 28, 1983. Applicant: TRANS-BRIDGE LINES, INC., 2012 Industrial Dr. Bethlehem, PA 18017. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. Common, regular: *Passengers,* between Bethlehem, PA, over US Hwy 22 to junction INT Hwy 78 at Still Valley, NJ, then over INT Hwy 78 to junction INT Hwy 287 at Pluckemin, NJ, then over INT Hwy 287 to junction INT Hwy 95 near Fords, NJ, then over INT Hwy 95 and through the Lincoln Tunnel to New York, NY, and return over the same route, serving all intermediate points in PA and those in NJ between Phillipsburg and Clinton, both inclusive, for 270 days. An underlying ETA seeks 120 days authority. There are 21 supporting statements attached to this application which may be examined at the Philadelphia Regional Office.

MC 157866 (Sub-II–1TA), filed February 22, 1983. Applicant: TULTEX TRANSPORTATION, INC., Franklin St., P.O. Box 5191–A, Martinsville, VA. 24115. Representative: Ernest W. Sams (same address as applicant). Contract, irregular: *Industrial chemicals (except in bulk, and Classes A & B explosives),* between points in CT, DE, GA, MD, MA, NJ, NY, NC, PA, RI, SC, TN and VA, under a continuing contract(s) with Prillaman Chemical Corp. An underlying ETA seeks 120 days authority. Supporting shipper(s): Prillaman Chemical Corp., P.O. Box 4024, Martinsville, VA 24115.

MC 158923 (Sub-II–4TA), filed February 22, 1983. Applicant: JOHN R VALENTINO TRUCKING, R.D. No. 2, Box 9B, Cochranville, PA 19330. Representative: John R. Valentino (same address as applicant). *General commodities (except household goods as defined by the Commission, Classes A & B explosives, secret and sensitive weapons and munitions),* between points in NJ, NY, DE, PA, MD, DC, VA, CT, RI and MA, for 270 days. Restricted to U.S. Government traffic. An underlying ETA seeks 120 days authority. Supporting shipper(s): Veterans Administration Supply Depot, VASD Route 206, Somerville, NJ 08876.

MC 166479 (Sub-II–1TA), filed March 1, 1983. Applicant: JIM WRIGHT d.b.a. WRIGHT EXPRESS, 159 Greenfield Ave., Rear., Pittsburgh, PA 15207. Representative: Jim Wright (same address as applicant). *Metal products* between points in PA, on the one hand, and, on the other, points in DE, IL, IN, KY, MD, MI, MO, NJ, NY, NC, OH, SC, VA and WV. Supporting shipper(s): Lockhart Iron & Steel, McKees Rocks, PA, Hussmann Refrigeration Inc., Monroeville, PA, Schultheis Bros., Bessemer, PA, Pittsburgh Smeltering Refinery Co., Pittsburgh, PA, Brennan Trucking & Prefabricated, Dravosburg, PA.

MC 158196 (Sub-II–4TA), filed February 23, 1983. Applicant: BANKS WRIGHT d.b.a. WRIGHT MOTOR LINES, Box 177, Armagh, PA 15920. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Contract, irregular: *Steel and steel products, including materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between the facilities of or used by Deitrich Industries, Inc. located at Blairsville, PA; Baltimore, MD; Hicksville, OH; Hammond, IN; Aurora, OH and Ashville, AL, on the one hand, and, on the other, points in the U.S. (except AK & HI), under continuing contract(s) with Deitrich Industries, Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Deitrich Industries, Inc., R.D. 1, Blairsville, PA 15715.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 159333 (Sub-3–6TA), filed March 10, 1983. Applicant: McINVALE FREIGHT LINES, INC., 5965 Highway 18 S, Jackson, MS 39209. Representative: W. M. McInvale (same as applicant). *Cleaning compounds, and related articles thereto,* between the facilities of Blue Cross Laboratories, Inc., Saugus, CA on the one hand, and, on the other, all points in the U.S. (except Alaska and Hawaii). Supporting shipper: Blue Cross Laboratories, Inc., 26411 Golden Valley Road, Saugus, CA 91350.

MC 162239 (Sub-3–2TA), Applicant: SALEM CARRIERS, INC., 245 Charlois Blvd., Winston Salem, NC 27103. Representative: Steven J. Kalish, 1750 Pennsylvania Ave., NW., Washington, D.C. 20006. *Contract carrier:* Irregular: *textile mill products and materials used*

in the manufacture, distribution, and sale of textile mill products, under continuing contract(s) with Unifi, Inc. between the facilities of Unifi, Inc. at Yadkinville, NC and the facilities of Unifi's customers in the Los Angeles, CA commercial zone. Supporting shipper: Unifi, Inc., 7201 West Friendly Ave., Greensboro, NC 27410.

MC 166603 (Sub-3–1TA), filed March 7, 1983. Applicant: MMT TRUCKING COMPANY, 1283 Murfreesboro Road, Nashville, TN 37217. Representative: Carl L. Steiner, 135 South LaSalle Street, Chicago, IL 60603. *Contract Carrier*—Irregular Routes—*Such commodities as are dealt in by manufacturers and distributors of automotive parts and accessories* between Chickasha, OK and points in TN, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, KS, OK and TX under continuing contract(s) with Maremont Corporation of Chicago, IL, and its subsidiaries, to wit, Maremont Marketing, Inc. of Chicago, IL; C & C Manufacturing, Inc. of Rockford, IL; Maremont International Corporation of Chicago, IL; Maremont Overseas Corporation of Chicago, IL; Gabriel of Canada, Ltd. of Toronto, Ontario, Canada; Gabriel Europe, Inc. of Chicago, IL; Marwil Products Company of Fort Loramie, OH; and MMT Transportation Services Company of Nashville, TN. Supporting shipper: Maremont Corporation, 1283 Murfreesboror Road, Nashville, TN 37217.

MC 166604 (Sub-3–1TA), filed March 7, 1983. Applicant: DNURE TOURS, INC., 1515 South Atlantic Avenue, Daytona Beach, FL 32018. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street, NW., Washington, DC 20005. *Passengers and their baggage in special operations,* between Chicago, IL, Indianapolis, IN, Louisville, KY, and Nashville, TN, on the one hand, and on the other, Daytona Beach and Daytona Beach Shores, FL. Supporting shipper: Treasure Island Inn, 2025 South Atlantic Avenue, Daytona Beach Shores, FL 32018.

MC 163706 (Sub-3–2TA), filed March 7, 1983. Applicant: BIG WHEEL TRANSPORT, INC., 711 S. Jackson Street, Hawkinsville, GA 31036. Representative: F. Lee Champion, III, Champion & Champion, P.O. Box 2525, Columbus, GA 31902. *Meats and meat products* between points in AL, AR, CO, DC, DE, FL, GA, IA, ID, IL, KS, KY, LA, MD, MI, MN, MO, MS, NB, NC, ND, NJ, NY, OH, OK, PA, SC, SD,TN, TX, VA, WI and WV. Supporting shipper: Codi Wholesale Meats, Jackson Street, Hawkinsville, GA 31036.

MC 146993 (Sub-3–3 TA), filed March 7, 1983. Applicant: VAUGHAN CARTAGE COMPANY, INC., 116 Cooley Industrial Park, LaGrange, GA 30241. Representative: W. H. Tomlinson, 1601 13th St., Suite B, Columbus, GA 31901. *Contract Carrier,* irregular, *carpet, carpet tile, carpet roll goods and yarn* between LaGrange, GA on the one hand, and on the other, points at the United States-Canadian Border in the States of MI and NY for continuing to and return from the Province of Ontario, Canada, under continuing contract with Interface Flooring Systems, Inc. of LaGrange, GA and Interface Flooring Systems (Canada), Inc. of Belleville, Ontario.

MC 166132, (Sub-3–1 TA), filed February 25, 1983. Applicant: CAROLINA TAXI & INDUSTRIAL TRANSPORTATION, INC., 537 Fitzsimmons Street, Hendersonville, NC 28739. Representative: Edwin R. Groce, 112 South Main Street, Hendersonville, NC 28739. *Contract carrier,* irregular routes; *electrical equipment parts, materials and supplies used in the manufacture and distribution of electric equipment and parts (except commodities in bulk, those which require special equipment, and aerospace craft and aerospace craft parts),* between the facilities of the General Electric Company at or near East Flat Rock, NC, on the one hand, and, on the other, points and places in the states of AL, GA. KY, SC, MS, PA, TN and VA, under continuing constract(s) with General Electric Company. Supporting shipper(s): General Electric Company, P.O. Box 2650, Hendersonville, NC 28739.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 6992 (Sub-4–10 TA), filed March 7, 1983. Applicant: AMERICAN RED BALL TRANSIT CO., INC., 1335 Sadlier Circle, East Drive, Indianapolis, IN 46239. Representative: John F. Spickelmier (Same address as applicant). Contract irregular, transporting *household goods,* between points in the U.S. (expect AK and HI), under continuing contract(s) with Eads Moving Brokers for 270 days. Supporting shippers: Eads Moving Brokers, 2730 S. Harbor Blvd., Suite J, Santa Ana, CA 9270.

MC 15735 (Sub-4–61 TA), filed March 7, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *General commodities* (except commodities in bulk and classes A and B explosives) between points in the U.S. (except AK and HI) under a continuing contract with Quadrex Corp. and its subsidiaries of Campbell, CA.

MC 69833 (Sub-4–15TA), filed March 7, 1983. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue, N.W., Grand Rapids, MI 49503. Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI 48226. Transporting *General Commodities* (except Classes A and B explosives, commodities in bulk and those requiring special equipment, and household goods as defined by the Commission), between points in the U.S. (except AK and HI), under continuing contract with Montgomery Ward & Co. Supporting shipper: Montgomery Ward & Co., Montgomery Ward Plaza, Chicago, IL 60671.

MC 114227 (Sub-4–1TA), filed March 7, 1983. Applicant: A & C CARRIERS, INC., 2909 E. Laketon Ave., Muskegon, MI 49442. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933 (517) 482–2400. Transporting *ethanol alcohol* between Cedar Rapids, IA and its commercial zone, and various points in MI. An underlying ETA seeks 120-day authority. Supporting shipper: Archer Daniels Midland Company, Box 1470, Decatur, IL 62525.

MC 123765 (Sub-4–7TA), filed March 7, 1983. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: William P. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract,* irregular; *containers,* between points in WI on the one hand, and on the other, points in the Chicago, IL Commercial Zone and points in the Minneapolis-St. Paul, MN Commercial Zone under continuing contract(s) with Continental Can Company, U.S.A., a member of the Continental Group, Inc. Supporting shipper: Continental Can Company, U.S.A., 10050 Regency Circle, Omaha, NE 68114.

MC 126111 (Sub-4–5TA), filed March 7, 1983. Applicant: SCHAETZEL TRUCKING COMPANY, INC., 520 Sullivan Drive, P.O. Box 1579, Fond du Lac, WI 54935. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Liquid Calcium Chloride* from Chicago, IL, Ludington and Midland, MI, and Sheboygan, WI, to points in WI under continuing contract(s) with Sicalco, Ltd., of Oak Brook, IL. Supporting shipper: Sicalco, Ltd., 2122 York Road—Suite 100, Oak Brook, IL 60521.

MC 138492 (Sub-4–1TA), filed March 7, 1983. Applicant: RICHARD E.

GREGORY d.b.a. GREGORY GRAIN CO., Rt. 1, Moweaqua, IL 62550. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Cattle hides, cured and salted,* from Mason City, IL to points in the U.S. East of MT, WY, CO and NM. An underlying E/T/A seeks 120 days authority. Supporting shipper: National By-Products, Inc., P.O. Box 192, Mason City, IL 62664.

MC 146846 (Sub-4–6 TA), filed March 7, 1983. Applicant: LOUIS LANE, INC. 1025 South 3rd Avenue, Wausau, 54401. Representative: Richard A. Westley, Attorney. 4506 Regent Street, Suite 100 P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. Paper and paper products from the facilities of Ward Paper Comapny, a division of Arvey Corporation at or near Merrill, WI to points in CA and OR. An underlying ETA seeks 120 days authority. Supporting shipper: conservatree Paper Company, 2107 Van Ness Avenue, Suite 104, San Francisco, CA 94109.

MC 150404 (Sub-4–2 TA), filed March 7, 1983. Applicant: ROBERT POWELL, R.R. #1 Chrisman, IL 61924. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St. P.O. Box 5039, Springfield, IL 62706. *Fertilizer* between points in the States of IN, IL, MI, OH, & IA. An underlying ETA seeks 120 days' authority. Supporting shipper: Sohio Chemical Company, A Wholly Owned Subsidiary of Standard Oil of Ohio, 1540 Rockefeller Building, 614 Superior Ave., Cleveland, OH 44113.

MC 156908 (Sub-4–4TA), filed March 7, 1983. Applicant: AMTRANS, INC. P.O. Box 04704 Milwaukee, WI, 53204. Representative: William P. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract,* irregular; *containers,* between points in WI, on the one hand, and, on the other, points in the Chicago, IL Commercial Zone and points in the Minneapolis-St. Paul, MN, Commercial Zone under continuing contract(s) with Continental Can Company, U.S.A., a member of the Continental Group, Inc. Supporting shipper: Continental Can Company, U.S.A., 10050 Regency Circle, Omaha, NE 68114.

MC 165669 (Sub No. 4–1 TA), filed March 7, 1983. Applicant: PAMELA KUHL and PENNY KRUGER, d.b.a. KUHL HORSE TRANSPORTATION, 5820 Capulina Street, Morton Grove, IL 60053. Representative: Martin J. Kennedy, 120 West Madison Street, Suite 1306, Chicago, IL 60602. *Horses, horses' tack and equipment* between Chicago, IL and points in its commercial zone and points in FL, IN, KY, OH, NJ, and NY. An underlying ETA seeks 120 days authority. Supporting shippers: Jim Ferguson Stables, 815 S. Thurlow, Hinsdale, IL; Sandy Silver Stables, 880 N. Lake Shore Dr., Chicago, IL and Tom Lynch Racing Stable, Maywood Park Raceway, Maywood Park, Il.

MC 166625 (Sub-4–1TA), filed March 7, 1983. Applicant: GALAXY TRANSPORT, INC., 8200 South 85th Court, Justice, IL 60458. Representative: Gary E. Harper (same address as applicant). *Transportation Equipment* Between points in the states of—AL, AR, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI. Supporting shipper: Chrome Crankshaft of Illinois, 6010 South New England Avenue, Chicago, IL 60638.

MC 166626 (Sub-4–1TA), filed March 7, 1983. Applicant: MANISTIQUE PAPERS, INC., South Mackinac Ave., P.O. Box 111, Manistique, MI 49854. Representative: Herbert & Wood (John R. Wood), Attorneys at Law, 127 South Cedar Street, Manistique, MI 49854. *Contract carrier:* irregular routes: *Corrugated waste papers,* from Detroit, MI to Milwaukee, WI, under continuing contract with Milwaukee Recycling Services of Milwaukee, WI. Supporting shipper: Milwaukee Recycling Services, 4875 North 32nd Street, P.O. Box 90462, Milwaukee, WI 53209.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 53965 (Sub-5–13TA), filed March 7, 1983. Applicant: GRAVES TRUCK LINE, INC., 8717 W. 110th St., Suite 700, Overland Park, KS 66210. Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI 48226. Contract, irregular; *General Commodities* (except Classes A and B explosives, commodities in bulk and those requiring special equipment, and household goods as defined by the Commission), between points in the U.S. (except AK and HI), under continuing contract with Montgomery Ward & Co. Supporting shipper: Montgomery Ward & Co., Chicago, IL.

MC 121293 (Sub-5–3TA), filed March 8, 1983. Applicant: PHILIP E. REEDY, d.b.a. VALLEY TRANSFER, Elkhorn, NE 68022. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. (a) Such commodities as are used or dealt in by manufacturers and distributors of (1) irrigation systems, (2) light poles, (3) heating and cooling systems, (4) sewage and waste treatment systems, (5) steel pipe or tubing, and (6) iron or steel articles, between the facilities of Valmont Industries, Inc. of Valley, NE and points in the U.S. (except AK and HI), and (b) Such commodities as are used or dealt in by manufacturers and distributors of iron and steel articles, between the facilities of Gate City Steel of Omaha, NE, and points in the U.S. (except AK & HI).

MC 143051 (Sub-5–1TA), filed March 7, 1983. Applicant: SANDAU CORPORATION, 3066 Sir Christopher, Florissant, MO 63033. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102. Contract, irr.; such commodities as are dealt in by retail department stores between points in Franklin, Jefferson, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Warren and Washington Counties and St. Louis, MO, under continuing contract(s) with J. C. Penney Company, Inc. Shipper: J. C. Penney Company, Inc., Earth City, MO.

MC 154621 (Sub-5–4TA), filed March 7, 1983. Applicant: MONROE WAREHOUSE COMPANY, INC., P.O. Box 2525, Monroe, Louisiana 71207. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Contract, irr.; *Insulation and materials and supplies* used in the manufacture and distribution of insulation; and *waste paper* between points in TX on the one hand, and, on the other, points in AR, LA, MS and OK under continuing contract(s) with Manville Service Corporation of West Monroe, LA. Supporting shipper: Manville Service Corporation, West Monroe, LA.

MC 166630 (Sub-5–1TA) filed March 8, 1983. Applicant: RBJ TRANSPORTATION, INC., P.O. Box 46491, Houston, TX 77234. Representative: Willian P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. (1) *Bananas* from Galveston, TX and Gulfport, MS to points in IA, IL, MN and WI; (2) *non-exempt grain and vegetables* from Omaha, NE, Union Grove, WI and points in IA to Chicago, IL, Kansas City, MO, Oklahoma City, OK and points in LA and TX. Supporting shippers: Castle & Cooke, Inc., Metairie, LA; Ackley Food Processors, Inc., West Ackley, IA; National Oats Co., Inc., Cedar Rapids, IA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7224 Filed 3–18–83 8:45 am]

BILLING CODE 7035–01–M

[No. MC-F-15004]

Motor Carriers; Atlas Van Lines, Inc., et al.—Pooling Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Pooling Application.

SUMMARY: Atlas Van Lines, Inc. (Atlas) is applying for approval of a new pooling arrangement under 49 U.S.C. 11342 between itself and 30 carrier agents (AAA Van & Storage Co., of El Cajon, CA, Ace Transfer & Storage Co. of Oklahoma City, OK, Acme Movers & Storage Co., Inc., of Morehead City, NC, Action Van Service, Inc., of Jackson, MS, Admiral Storage & Van, Inc., of El Paso, TX, Ainsworth Van Lines, Inc., of Bethany, OK, Alaska Seavan Inc., doing business as Mitchell Moving & Storage Co., Seattle, WA, Banks Moving & Storage Company, of Marshall, MO, Cardinal Van & Storage, of Twenty-Nine Palms, CA, Central Valley Moving and Storage, of Turlock, CA, Champion Van & Storage, of Buellton, CA, Chevalley Moving & Storage of Altus, Inc., Altus, OK, Columbine Moving & Storage Co., of Aurora, CO, El Camino of Monterey, Inc., of Seaside, CA, Florida Moving & Storage, Inc., of Jacksonville, FL, International Movers, Inc., of Lemon Grove, CA, Law's Moving & Storage, Inc., of Vero Beach, FL, Loh International Movers, Inc., of Oakland, CA, Louisiana Transfer Co., of Leesville, LA, Mallory Transfer & Storage, of Moberly, MO, Manitou Express Co., Inc., of Colorado Springs, CO, Morris Moving & Storage of Wichita Falls, TX, Nationwide Moving & Storage Corp., of Shreveport, LA, W. W. Owens & Sons Transfer & Storage of Elizabeth City, NC, Southern Nevada Movers, Inc., of North Las Vegas, NV, Sunvan Washington, Inc., of Seattle, WA, Timm Moving & Storage Co., of Minot, ND, Valdez Transfer, Inc., of Yuma, AZ, Van's Moving & Storage Company, of Gulfport, MS, and Vetzel Moving & Storage, Inc., of Tampa, FL are the carrier agents participating in the proposed pooling agreement), for the express purpose of transporting pack-and-crate articles and government traffic as defined in No. MC-C-4455, *Kingpak, Inc., Investigation of Operations*, 103 M.C.C. 318 (1966) and *Transportation of Government Traffic*, 131 M.C.C. 845 (1979).

In No. MC-F-14784, *Atlas Van Lines, Inc.—Pooling*; and No. 29972, *Declaratory Order—The Applicability of 49 U.S.C. 11342 to Agreements Between Household Goods Carriers and Noncarrier Agents,—I.C.C.*—(February 17, 1983), the Commission determined that agreements between Atlas and *bona fide* noncarrier agents do not fall within the purview of section 11342 and that the affiliation of such agents with carriers does not impart carrier status for purposes of pooling. Accordingly, the Commission determined that it lacked jurisdiction over such agreements. However, because agents will be permitted to hold government traffic and *Kingpak* authority under the proposed pooling arrangement, the prior approval of the Commission is necessary.

The proposed pooling agreement is intended to supersede an existing pooling agreement initially approved by the Commission in *Atlas Van Lines, Inc.—Control and Merger*, 70 M.C.C. 629 (1957), *aff'd* 75 M.C.C. 175 (1958). By letter filed February 25, 1983, Atlas has agreed to extend the existing pooling agreement until April 30, 1983.

Under the proposed pooling arrangement, Atlas will no longer pool with agents holding and operating under authority broader than that specified in the agreement. The agreement also provides that Atlas and its agents will pool facilities, equipment, or personnel for the solicitiation, booking, and hauling of government or military traffic. All traffic handled by any agent under its authority will be transported on separate shipping documents and the name of Atlas will not appear thereon. If the shipper (government or military) tenders any shipments to an agent and intends to secure the services of Atlas, the shipment must be booked with Atlas, regardless of whether it moves within the territory which the agent may serve under its own authority. All terms and conditions binding upon Atlas and any agent may from time to time be amended on notice to the agent. Compensation to any agent will be governed by Rule 19 of the *Atlas Rules and Regulations—Compensation to Agents*. Compensation may be varied on notice to the agent. Petitioner also seeks authority to update the pooling plan periodically by submitting information concerning new participants and changes in the pooling arrangement among the carrier and carrier agents.

The scope of the involved operations (if an Atlas agent elects to transport the shipment on Atlas' bills of lading) will be conducted under: (1) No. MC-79658 (Sub-No. 13)X, which authorizes the transportation of household goods as defined by the Commission and furniture and fixtures, between points in the United States, and (2) No. GT-702-80 which provides for the transportation of general commodities (except classes A and B explosives, radioactive materials, etiologic agents, shipments of secret materials, and weapons and ammunition which are designated sensitive by the U.S. Government), between points in the United States, restricted to the transportation of traffic handled for the United States Government, or on behalf of the United States Government where the government contractor (consignee or consignor) is directly reimbursed by the government for the transportation costs.

Comments are solicited from prospective parties as to whether the proposed pooling agreement will be in the interest of better service to the public or of economy of operation and whether the pooling agreement will unduly restrain competition. In addition, parties may address other pertinent issues raised by this proceeding.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register**.

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representatives:

Michael L. Harvey, Esq., 1212 St. George Road, Post Office Box 509, Evansville, IN 47703

Herbert Burstein, Esq., Zelby & Burstein, 387 Park Avenue South, New York, NY 10016

Comments should refer to No. MC-F-15004.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the pooling application, which may be obtained free of charge by contacting petitioner's representatives In the alternative, the pooling application may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 15, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7220 Filed 3-18-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the

Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action signifcantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–80124. By decision of February 28, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3, approved the transfer to Intercontinental Express, Inc., of Lenexa, KS, of a portion of Certificate No. MC–78400 (Sub-Nos. 28 and 104X) issued September 19, 1973, and December 3, 1982, respectively, to Beaufort Transfer Company of Gerald, MO, authorizing transportation of: In Certificate No. MC–78400 (Sub-No. 104X) *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between St. Louis, MO and junction Missouri Highway 100 and US Highway 50, over Missouri Highway 100. Between junction US Highway 50 and Missouri Highway 100 and Hermann, MO, over Missouri Highway 100. In Certificate No. MC–78400 (Sub-No. 28) *general commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment), between St. Louis, MO and junction Missouri Highway 100 and US Highway 50, over Missouri Highway 100. Between junction US Highway 50 and Missouri Highway 100 and Hermann, MO, over Missouri Highway 100. Applicant's Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7222 Filed 3–18–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For status, please call Team 1 at 202–275–7992.

Volume No. OP1–FC–88

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–81216. By decision of March 11, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to CENTRAL EXPRESS, INC., Des Moines, IA, of Permit No. MC–142431 (Sub-No. 11), issued May 27, 1981, and Certificates No. MC–142431 (Sub-Nos. 13, 14, and 15), issued February 2, 1982, May 27, 1982, and January 14, 1983, respectively, to WAYMAR TRANSPORT CORP., Des Moines, IA, authorizing the transportation over irregular routes of (1) *food and related products,* between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL, (2) *paper products,* between points in IA and MI, on the one hand, and, on the other, points in IL, MN, MO, NE, MA, NY, OH, WI, IA, and MI, (3) *food and related products,* between points in IA, NE, RI, MN, and WI, on the one hand, and, on the other, those points in Polk County, IA, on the one hand, and, on the other, points in the U.S. in and east of MN, NE, MO, OK, and TX, (4) *floor covering,* between points in AR, IL, NY, and PA, on the one hand, and, on the other, points in IA, NE, and MO, (5) *feed supplements,* between points in the U.S.(except AK and HI), (6) *chemicals* (except in bulk), between Minneapolis, MN, Appleton, WI, Florence, MA, and points in Cook County, IL, on the one hand, and, on the other, points in CA, MS, MI, NH, GA, TX, IL, IN, and MO, (7) *materials equipment and supplies* used in the printing business, between Babylon, NY, Fairfield, NJ, Chicago, IL, McIntyre, GA, and points in Los Angeles County, CA, Barrien, St. Clair and Kalamazoo Counties, MI, and Berkshire County, MA, on the one hand, and, on the other, points in Polk County, IA, (8) *ceramics,* between points in IA, on the one hand, and, on the other, points in TN, and NY, and (9) *food and related products, chemicals and related products, and plastic products,* between points in MN and WI, on the one hand,

and, on the other, points in the U.S. (except AK and HI). Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. (515) 244–2329

MC–FC–81238. By decision of March 11, 1983 issued under 49 U.S.C. 10924, 10926 and the transfer rules at 49 CFR 1181.32, and 1045.11 Review Board Number 3 approved the transfer to Holmdel Distributing and Warehousing, Inc., of Rahway, NJ, of Permits No. MC–145120, issued February 22, Sub 1, issued July 24, Sub 2, issued July 24, and Sub 3, issued July 24, 1980, respectively. License No. MC–145120 Sub 10, issued August 10, 1981, and Certificates No. MC–145120 Sub 11, issued January 11, and Sub 12, issued December 8, 1982, respectively to Holmdel Trucking Corp., of Rahway, NJ, authorizing the transportation of (1) wine, in containers, from Hawthorne, NJ, to points in the U.S. (except AK and HI), under continuing contract(s) with Wine Importers of America, of Hawthorne, NJ, (2) chemicals, metals, oils, catalyst, dust, machinery parts, filtration tanks, filtration tank parts (except commodities in bulk), between Newark and Union, NJ, and New York, NY, on the one hand, and, on the other, points in IA, MS, TX, CA, LA, OH, WV and PA, under continuing contract(s) with England Industries, Inc., of Newark, NJ, (3) such commodities as are dealt in or used by department stores (except foodstuffs and commodities in bulk), (a) between the facilities of Gaylords National Corporation, at or near New York, NY, on the one hand, and, on the other, points in AL, DE, FL, GA, IL, LA, MD, MS, NC, OH, PA, SC and VA, under continuing contract(s) with Gaylords National Corporation, of Secaucus, NJ, and (b) between the facilities of Lady Rose Division, at or near New York, NY, on the one hand, and, on the other, points in MI, IN, OH, TX, MN, PA, NJ and NY, under continuing contract(s) with Lady Rose Division, (4) as a broker of general commodities (except household goods), between points in the U.S., (5) general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (6) general commodities (except classes A and B explosives, household goods and commodities in bulk), between New York, NY, New Orleans, LA, Chicago, IL, Los Angeles, CA, Boston, MA, Houston and Dallas, TX, and points in Middlesex and Union Counties, NJ, and Broward County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Applicant's representative: Edward J. Kiley, Suite 501, 1730 M St., N.W., Washington, DC 20036.

MC–FC–81252. By decision of March 11, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181. Review Board Number 3 approved the transfer to TRANSCONTINENTAL TRANSPORTATION, INC., Ontario, CA, of Certificates No. MC–158930 and Sub Nos. 1, 2, 5, 6, and 9, issued December 6, 1983, November 17, 1982, May 25, 1982, and January 25, 1983, respectively, and of Permit No. MC–158930 Sub 7, issued September 27, 1982, to U.S. TRANSPORTATION, INC., Bloomington, CA, authorizing the transportation of fabricated metal products, between points in Allegheny County, PA, on the one hand, and, on the other, those points in the U.S. in and west of CO, MT, NM, TX and WY (except AK and HI); cedar fencing, between points in Fresno County, CA, on the one hand, and, on the other, those points in the U.S. in and west of OH, WV, KY, TN and AL (except AK and HI); chemicals, between points in Cuyahoga County, OH, on the one hand, and, on the other, points in CA, adhesives & specified commodities, between points in Allegheny County, PA and Knox County, KY, on the one hand, and, on the other, those points in the U.S. in and west of MT, WY, CO, NM and TX (except AK and HI), and metal products & other commodities between points in San Joaquin County, CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NM, NV, OR, UT, WA, and WY; and general commodities (except classes A and B explosives and household goods), between points in Los Angeles, Orange and Alameda Counties, CA, Cook County, IL, Hudson County, NJ, Baltimore County, MD, DeKalb, Cobb and Fulton Counties, GA, Platte, Clay and Jackson Counties, MO, King County, WA, Shelby and Davison Counties, TN, Harris, Dallas and Tarrant Counties, TX, and Philadelphia County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI); and general commodities, with the usual exceptions, between points in the U.S. (except AK and HI), under continuing contract(s) with Standard Brands Paint Co., Inc., of Torrance, CA. An application for temporary authority has been filed. Applicants representative: Frederick J. Coffman, 4045 E. Guasti Rd., Suite 204, Ontario, CA 91761.

MC–FC–81260. By decision of March 9, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to Wilson Lines, Inc., of River Falls, WI, of Certificate No. MC–152441, issued October 26, 1981, to Wilson Leasing, Inc., authorizing the transportation of such commodities as are dealt in or used by grocery stores and food business houses, between points in AR, CA, FL, GA, IA, IL, IN, KS, MI, MN, MO, ND, NE, NJ, NY, OH, PA, SC, SD, TN, TX, VA and WI, on the one hand, and, on the other, points in the U.S. Applicant's representative: James M. Christenson, 4444 IDS Center, Minneapolis, MN 55402. Temporary authority has been filed.

For status, please call Team 2 at 202–275–7251.

Volume No. OP2–FC–81128

MC–FC–81128. By decision of March 7, 1983, issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR Part 1181; Review Board Number 2 approved the transfer to All AMERICA TRUCK SALES, INC., Omaha, NE, of Certificates No. MC–2052 (Sub-Nos. 25 and 26X [including Sub-Nos. 6, 9, 10, 11, 14F, 15F, 17F, 20F, 21F, 23F, 24F which underlie and were superseded by Sub 26X]), to BLAIR TRANSFER, INC, (Merle J. Nicola, Trustee in Bankruptcy), Blair, NE, authorizing the transportation of (1) food and related products, between Milwaukee, WI, ST. Paul, MN, and points in Peoria and St. Clair Counties, IL, on the one hand, and, on the other, points in NE, (2) food and related products, between points in Colfax County, NE, on the one hand, and, on the other, points, IL, IA, and WI; between points in Potawattamie County, IA, on the one hand, and, on the other, points in MD, NY, OH, PA, WV, and DC; between points in Colfax County, NE, on the one hand, and, on the other, point in GA, NE, SC, and points in FL on and north of FL Hwy 50; between points in Dodge and Colfax Counties, NE, on the one hand, and, on the other, points in IN and OH, (3) such commodities as are dealt in by food and drug stores and food businesshouses, between Chicago, IL, on the one hand, and, on the other, points in CO, IA, KS, MN, MO, NE, SD, and WI, (4) machinery, metal products, transportation equipment, and related products, between points in Washington County, NE, on the one hand, and, on the other, points in the U.S. (5) rubber and plastic products, between points in Portage County, OH, on the one hand, and on the other, points in AR, CO, IL, IA, KS, LA, MN, MO, NE, OK, TX, and WI, (6) such commodities as are dealt in by manufacturers or distributors of art, craft or hobby materials, equipment and supplies, between points in Allen County, OH, and Washington County, NE; between points in Lexington County, SC, and Allen County, OH. An

application for temporary authority has been filed. Representative: James F. Crosby, Oak Park Office Bldg., Ste. 210B, 7363 Pacific St., Omaha, NE 68114.

MC–FC–81162. By the decision of March 7, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1161, Review Board Number 3 approved the transfer to Cavaluzzi & Sons, Inc., of Bronx, NY, of authority issued to Delphi Overseas Moving & Shipping Co., Inc., of Brooklyn, NY, in MC–22562 Sub 5, authorizing the transportation of (a) household goods, (1) between points in NY, on the one hand, and, on the other, points in RI, MD, MA, NJ, CT, DE, PA, VA, NY, and DC, and (2) between points in NY, on the one hand, and, on the other, points in CT, NJ, and NY within 80 miles of Columbus Circle, New York, NY, and (b) theatrical production equipment and materials used therefor, muscial instruments, trunks and wardrobes, between points, in NY, NJ, and CT within 75 miles of New York, NY, including New York, NY. Transferee is a carrier holding authority under MC–95030 and subs thereto. Representative: Alvin Altman, 888 Seventh Ave., New York, NY.

MC–FC–81170. By decision of March 7, 1983, issued under 49 U.S.C. 10926, and the transfer rules at 49 CFR Part 1161, Review Board Number 2, approved the transfer to Carter Express, Inc., Anderson, IN, of Certificate No. MC–158033, issued May 4, 1982, to Carter Industrial Services, Inc., Anderson, IN, authorizing the transportation of general commodities, with the usual exceptions, between those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX. An application for temporary authority has been filed. Representative: E.H. van Deusen, 2455 North Star Rd., Columbus, OH 43221.

MC–FC–81197. By decision of March 7, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1045.11, Review Board Number 2, approved the transfer to The Agile Group Ltd., of Milwaukee, WI, of authority issued to M.E. Dey & Co., Inc., of Milwaukee, WI, in MC–130713, authorizing, as a broker, the transportation of general commodities (except household goods), between points in the U.S. Representative: The Company Corporation, 725 Market St., Wilmington, DE 19801.

MC–FC–81250. By the decision of March 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1161, Review Board Number 3 approved the transfer to BILLY D. McCRAW & S. JEAN McCRAW, d.b.a. B & J McCRAW TRUCKING, Lubbock, TX, of Certificate No. MC–147013 Sub-Nos. 5X [including the underlying authority in Subs 2 and 4 which were superseded by Sub 5X], 6, 7, 8, and 9, issued August 21, 1981, December 9, 1980, March 17, 1981, September 9, 1981, September 17, 1981, October 8, 1981, and July 29, 1982, respectively, to RDL, Inc., Gambrils, MD, authorizing the transportation of (1) food and related products, between points in Seward County, KS, on the one hand, and, on the other, points in the U.S.; between points in PA and Berkeley County, WV, on the one hand, and, on the other, points in AR, LA, OK, and TX; between points in Hale, Potter, and Randall Counties, TX, on the one hand, and, on the other, points in CT, MD, MA, NJ, NY, NC, PA, RI, VA, and DC; between Winchester, VA, and points in Rockingham County, VA, Berkeley County, WV, and Lincoln County, NC on the one hand, and, on the other, points in TX, LA, AL, AR, GA, OK, TN, MS, and FL; and between Chicago, IL, and points in Warren County, NJ, Baltimore County, MD, Lancaster County, PA, and McLennan County, TX, on the one hand, and, on the other, points in NJ, IL, PA, LA, OK, AR, AZ, TX, CA, OR, MO, CO, OH, and GA; and (2) general commodities, between the facilities of Armstrong World Industries, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. A temporary authority application has been filed. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW, Washington, DC 20005.

[FR Doc. 83–7223 Filed 3–18–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions

Correction

In FR Doc. 83–4348 beginning on page 7513 in the issue of Tuesday, February 22, 1983, make the following correction:

On page 7517, middle column, MC 142553 (Sub-2), Osborne Trucking Company, in the last line of the paragraph, "TA" should have read "TN".

BILLING CODE 1505–01–M

[Ex Parte No. 388 (Sub–4)]

Rail Carriers; Intrastate Rail Rate Authority—Florida

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed certification.

SUMMARY: The Commission tentatively certifies the Florida Public Service Commission under 49 U.S.C. 11501(b), to regulate intrastate rail transportation, subject to modification of its standards and procedures as noted in the full decision.

DATES: Comments are due by April 12, 1983. A statement of the modifications in Florida's standards and procedures is due on May 12, 1983.

ADDRESS: Send an original and, if possible, 15 copies of all comments to: Rail Section, Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Chairman Taylor dissented in part with a separate expression. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Chairman Taylor, dissenting in part:

I support the decision to certify the State of Florida to exercise jurisdiction over intrastate rail transportation. Florida has endeavored to conform its standards to those established in the Staggers Act for the regulation of interstate transportation. However, I must again dissent from the majority's views regarding exemptions. What was stated in Commissioner Simmons' and my dissent in the Illinois proceeding, *State Intrastate Rail Authority—Pub. L. 96–448*, 367 ICC 149 (1983) is no less true here. I see no justification for compelling Florida to have exemptions identical to those developed for interstate transportation. The majority's decision in this respect only frustrates Florida's efforts to have a meaningful role in regulating intrastate transportation.

[FR Doc. 83–7218 Filed 3–18–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 290 (Sub-2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approval of railroad cost index and rail cost adjustment factor.

SUMMARY: The Commission has decided to approve the cost index filed by the Association of American Railroads (AAR) under the procedures of Docket Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures.* The application of the index provides for a Rail Cost Adjustment Factor (RCAF) of .979. This RCAF, when compared to the first quarter 1983 RCAF of 1.010, shows a decrease of 3.1 percent in railroad input prices. No rate actions will be ordered.

EFFECTIVE DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT:

Robert C. Hasek (202) 275–0938; or Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: By decision served April 17, 1981 (46 FR 22594, April 20, 1981) we outlined procedures for the calculation of the interim Mid-Quarter Index of railroad costs and the methodology for computation of the RCAF. AAR was required to calculate and submit the Mid-Quarter Index to the Commission no later than 20 days before the end of each quarter.

INTERIM MID-QUARTER INDEX

Line No. and category	1980 weights (percent)	Fourth quarter 1982 actual	First quarter 1983 [illegible]	[illegible] quarter 1983 [illegible]
1 Salaries, wages and supplements	47.2	128.5	134.4	134.3
2 Fuel	12.3	116.2	114.9	91.6
3 Materials and supplies	12.2	107.9	105.5	104.7
4 Other expenses	28.3	111.7	111.8	109.3
5 1980 = 100		119.7	122.1	118.4
6 10/1/80 = 100 [1]		116.6	118.9	115.3
7 10/1/82 = 100 (rail cost adjustment factor)		[2]100.0	101.0	97.9

[1] Weighted Average 10/1/80 = 102.7.
[2] Based on 10/1/82 = 120.9 Denominator rebased to an October 1, 1982 level in accordance with the requirements of the Staggers Rail Act of 1980.

We have reviewed AAR's calculations of the Mid-Quarter Index for the second quarter of 1983 and find that these calculations comply with the guidelines contained in our decision served April 17, 1981.

Based upon the above table we conclude that the first quarter 1983 RCAF remains at 1.010 and that the RCAF for the second quarter 1983 is .979. Because the RCAF for the second quarter of 1983 is below the level of the first quarter 1983 RCAF no rate actions will be ordered.

This decision will not significantly affect the quality of the human environment or conservation of energy resources. Although this proceeding is not subject to Pub. L. 96–354, it is our opinion that it will not have a significant adverse impact on a substantial number of small entities.

(49 U.S.C. 10321, 10707a, 5 U.S.C. 553)

Dated: March 15, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7219 Filed 3–18–83; 8:45 am]

BILLING CODE 7035–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19600; File No. SR–OCC–82–25]

Filing of an Amendment To a Proposed Rule Change by the Options Clearing Corporation ("OCC")

March 14, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 7, 1983, OCC filed with the Securities and Exchange Commission an amendment ("Amendment No. One"), described herein, to the above-captioned proposed rule change filed with the Commission on November 9, 1982. That proposed rule change was published for comment in the **Federal Register** on December 20, 1982. *See* Securities Exchange Act Release No. 19323 (December 10, 1982), 47 FR 56760 (December 20, 1982). The Commission is publishing this notice to solicit from interested persons comments on Amendment No. One.

The overall purpose of the proposed rule change is to facilitate the ability of OCC's clearing members to finance their positions by pledging their unexercised excess long market-maker or specialist option positions as collateral for loans from banks or other clearing members. OCC states that the Amendment is designed to reduce the burden of participation for clearing members and pledgees in the Options Pledge Program, without altering the overall purpose of the proposed rule change. The Amendment accomplishes this, in OCC's view, by reducing the amount of the clearing member's required margin deposits and by eliminating the pledgee's obligation to make a demand for any "Overpledged Value Amount" that may occur as a result of the sale or exercise of pledged options.

More specifically, Amendment No. One provides that a clearing member shall deposit with OCC, by 9:00 a.m. on the business day following the exercise or sale of a pledged option ("Report Day"), the "Overpledged Value Amount," which is equal to the product of: (a) The unit of trading for the series of options of the pledged option multiplied by (b) the current highest asked per unit premium quotation for options of that series on Options Exchanges at or about the close of trading on the preceding business day; provided, however, that OCC may fix the Overpledged Value Amount to be equal to the daily options marking price pursuant OCC Rule 601. The Overpledged Value Amount is then paid by OCC to the pledgee. Under the proposed rule change, as originally filed, clearing members were required to deposit margin to the extent of 130 percent of the daily options marking price of the pledged option that was exercised or sold. This margin requirement has been eliminated.

In addition, Amendment No. One eliminates the pledgee's demand notice obligation and provides, instead, that clearing members with Overpledged Positions have an obligation to deposit at OCC the Overpledged Value Amount by 9:00 a.m. on Report Day, as discussed above. If a pledgor clearing member fails to deposit the Overpledged Value Amount by the end of Report Day, OCC, under the Amendment, may suspend the clearing member from membership in OCC and take appropriate action under the Amendment, *e.g.*, take possession of the proceeds from the sale of a pledged option and deposit the proceeds in the pledgee's bank account. If a suspended clearing member's overpledged position resulted from the exercise of a pledged option, the Amendment provides that the assigned clearing member shall be notified by OCC to buy-in or sell-out in accordance with OCC Rules 910 and

911. Any excess funds from the buy-in or sell-out will be credited by OCC to the pledgee's bank account. If, however, a deficiency results because, in the case of a call, the price paid for securities sold out is less than the exercise settlement price or, in the case of a put, the exercise settlement price is less than the price of the securities bought in, that deficiency will be paid to the assigned clearing member from funds obtained by OCC from liquidating the suspended clearing member's pledge account and then from the pledgee. Under the original proposed rule change, OCC Rule 614(i) required the pledgee to issue a series of demand notices as a prerequisite to receipt of any payment in respect of a pledged option that was exercised or sold.

OCC believes that the proposed rule change, as amended, is consistent with the purposes and requirements of Section 17A of the Securities Exchange Act of 1934 because: (i) It promotes the prompt and accurate clearance and settlement of options transactions and (ii) it reduces the borrowing costs of clearing members participating in the Options Pledge Program.

In order to assist the Commission in determining whether to approve the proposed rule change, as amended, or to institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–OCC–82–25.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–7279 Filed 3–18–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–19596; File No. SR–OCC–83–4]

Self-Regulatory Organizations; Proposed Rule Change by Options Clearing Corp.; Relating to the Liquidation of Open Long Positions of Suspended Clearing Members

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 24, 1983, the Options Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

The proposed rule change would amend OCC Rule 1106 to require that segregated long positions carried by a suspended Clearing Member (*i.e.*, long options positions on which OCC claims no lien) be closed out, rather than maintained subject to the instructions of the suspended Clearing Member or its representative.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

The proposed rule change is the outgrowth of discussions between OCC and the staff of the Securities Investor Protection Corporation ("SIPC"). Its Purpose is to provide greater protection for customers of insolvent Clearing Members, while at the same time reducing OCC's exposure to loss in liquidating Clearing Members, simplifying the liquidation process, and reducing the associated costs.

In the past, SIPC has sought to protect customers of insolvent Clearing Members primarily by arranging to have their long options positions transferred to other brokers. OCC's policy of maintaining segregated long positions in existence, instead of liquidating them, was consistent with that approach.

In practice, however, SIPC has experienced substantial delays in arranging such transfers, and in a number of instances, was unable to arrange a transfer at all, with the result that the SIPC trustee found it necessary to close out the positions involved. When that happens, SIPC becomes liable to the customers whose positions were closed out for the full value of those positions as of the date when SIPC first intervened, regardless of the price received by the trustee on liquidation.

Whether SIPC is successful in arranging a transfer or not, customers typically have little or no control over their positions during the interim between the SIPC filing and the date when the positions are either transferred or closed out. If the positions are ultimately transferred, customers are required to accept them at their then-current market value and have no recourse for the inevitable loss of time value in the interim. If the positions are instead closed out, SIPC is required to bear any loss in value since the filing date. In either case, customers are likely to experience substantial delays before their claims are satisfied.

Moreover, the present policy of preserving customer long positions makes it impossible for OCC to net them against the insolvent Clearing Member's uncovered short positions. This means that the latter positions must be liquidated primarily through market transactions, which can artificially influence the market and increase OCC's liquidation costs. If SIPC is ultimately unable to arrange a transfer of the long positions and the trustee finds it necessary to close them out, the opposite effect can occur, with sales by the trustee tending to depress the market and reduce the amount realized by the trustee.

The proposed rule change would address these problems by abandoning the effort to preserve customer long positions for a possible future transfer. Instead, the positions would automatically be closed out. That would avoid the inevitable loss of time value on frozen positions, eliminate the

market risk (whether to customers or to SIPC) associated with preserving such positions pending transfer, and permit OCC to maximize the use of netting in liquidating the suspended Clearing Member's positions, and thereby minimize adverse market effects.

The proposed rule change is consistent with Section 17A of the Securities Exchange Act of 1934, as amended, because it protects investors and the public interest by improving OCC's liquidation procedures.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received. OCC has informally discussed the proposed rule change with the staff of SIPC and understands that SIPC supports the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 14, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7280 Filed 3-18-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular on Composite Aircraft Structure

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed advisory circular (AC) 20-107A, comments invited.

SUMMARY: Proposed AC 20-107A is a complete revision of AC 20-107 reflecting composite material technology advances. It provides guidance material for composite material structures that are considered acceptable to the FAA for showing compliance with certification requirements of civil composite aircraft. This AC cancels AC 20-107 "Composite Aircraft Structure," dated July 10, 1978.

Availability of proposed AC: Copies of the proposed AC 20-107A are available at the address listed below.

Comments invited: Comments are invited on all aspects of the proposed AC. Commenters must identify file number AC 20-107A, and comments must be received on or before April 20, 1983.

ADDRESS: Send all comments and requests for copies of the proposed AC to: Federal Aviation Administration; Office of Airworthiness; Aircraft Engineering Division (Attention: AWS-103); 800 Independence Avenue, SW.; Washington, D.C. 20591. Comments may be inspected at Room 336, FAA Headquarters Building (FOB-10A), between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Joseph R. Soderquist, Aircraft Engineering Division, (Attention: AWS-103); Office of Airworthiness; Federal Aviation Administration; 800 Independence Avenue, SW.; Washington, D.C. 20591; telephone: (202) 426-8198.

Issued in Washington, D.C., on March 2, 1983.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 83-7010 Filed 3-18-83; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

National Highway Safety Advisory Committee; Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App. I), notice is hereby given of a meeting of the Executive Subcommittee of the National Highway Safety Advisory Committee to be held April 7, 1983.

The Chairmen and Vice Chairmen of each Subcommittee will update the Executive Subcommittee on all activities in each of their areas. The Executive Subcommittee will also plan the agenda for the June Full Committee Meeting. Following is a list of each subcommittee and the topics they are reviewing.

Alcohol Subcommittee. This subcommittee is working to ensure the wide dissemination of educational training packages developed by the agency, for enforcement, prosecutorial, judicial, and total system delivery in the alcohol-related traffic safety area.

Safety Belt Subcommittee. This subcommittee is tracking the effectiveness of networking operations of NHTSA's Safety Belt Program (is the safety belt message getting down to the local level).

Highway Environment/55 MPH Subcommittee. This subcommittee is studying the safety implications of FHWA's 3R/4R Program, and assisting in the congressionally mandated study on 55 MPH.

402 Government-Public-Private-Relationship Subcommittee. This subcommittee is planning a National Conference on Highway Safety.

Accident Investigation & Records Subcommittee. This subcommittee is studying ways to upgrade data collection procedures and also ways to upgrade accident investigation training.

The Executive Subcommittee will meet from 2:00 p.m.—6:00 p.m. on Thursday, April 7 at the Denver Marriott Hotel Southeast, Interstate 25 at Hampden Avenue, Denver, Colorado 80222.

Attendance is open to the interested public but limited to the space available. Members of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretariat, Room 5221, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202–426–2870.

Issued in Washington, D.C. on: March 16, 1983.

Robert E. Doherty,

Executive Secretary.

[FR Doc. 83–7250 Filed 3–18–83; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

[Department Circular Public Dept Series No. 8–83]

Treasury Notes of March 31, 1987; Series H–1987

March 16, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $5,500,000,000 of United States securities, designated Treasury Notes of March 31, 1987, Series H–1987 (CUSIP No. 912827 PH 9). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1 The securities will be dated March 31, 1983, and will bear interest from that date, payable on a semiannual basis on September 30, 1983, and each subsequent 6 months on March 31 and September 30 until the principal becomes payable. They will mature March 31, 1987, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denonimations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, March 22, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, March 21, 1983, and received no later than Thursday, March 31, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ on one percent increment, which results in an equivalent average accepted price close to 100.000 and lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent

to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Thrusday, March 31, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturint on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, March 29, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identitfying number as required on tax returns and on other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities alloted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for alloted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested from of registration has been validated, the registered interest account has been established and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-7444 Filed 3-18-83; 10:46 am]

BILLING CODE 4810-40-M

[Department Circular Public Debt Series No. 9-83]

Treasury Notes of April 15, 1990; Series D-1990

March 16, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $4,750,000,000 of United States securities, designated Treasury Notes of April 15, 1990, Series D-1990 (CUSIP No. 912827 PJ 5). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated April 4, 1983, and will bear interest from that date, payable on a semiannual basis on October 15, 1983, and each subsequent 6 months on April 15 and October 15 until the principal becomes payable. They will mature April 15, 1990, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available.

and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m, Eastern Standard time, Wednesday, March 23, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, March 22, 1983, and received no later than Monday, April 4, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are premitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash), maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, April 4, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, March 31, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and

delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-7445 Filed 3-18-83; 10:46 am]

BILLING CODE 4810-40-M

[Department Circular Public Debt Series No. 10-83]

Treasury Bonds of 2003

March 16, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $3,250,000,000 of United States securities, designated Treasury Bonds of 2003 (CUSIP No. 912810 DD 7). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated April 4, 1983, and will bear interest from that date, payable on a semiannual basis on November 15, 1983, and each subsequent 6 months on May 15 and November 15 until the principal becomes payable. They will mature May 15, 2003, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be accpetable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Thursday, March 24, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, March 23, 1983, and received no later than Monday, April 4, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash), maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 95.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to

the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, April 4, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, March 31, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for alloted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be dilvered at the expense and risk of the holder.

5.4. Deliverey of securities in registered form will be made after the requested form of registration has been validated, the registred interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-7446 Filed 3-18-83; 10:47 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Veterans Administration gives notice under the provisions of Pub. L. 92-463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C., on May 20, 1983, at 8:30 a.m. The purpose of the meeting will be to assemble and analyze information concerning toxicological issues which the Veterans Administration needs to formulate appropriate medical policy and procedures in the interest of veterans who may have encountered herbicidal chemicals used during the Vietnam Conflict.

The meeting will be open to the public up to the seating capacity of the room. Members of the public may direct questions, in writing only, to the Chairman, Barclay M. Shepard, M.D., and submit prepared statements for review by the Committee. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Transcripts of the proceedings and rosters of the Committee members may be obtained from Mr. Donald Rosenblum, Agent Orange Projects Office (10A7), Room 848, Department of Medicine and Surgery, Veterans Administration Central Office, Washington, D.C. 20420 (Telephone: (202) 389-5411).

Dated: March 14, 1983.

By direction of the Administator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-7254 Filed 3-18-83; 8:45 am]

BILLING CODE 8320-01-M

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists an

extended form. This entry contains the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(H) of Pub. L. 96–511 applies.

Addresses: Copies of the proposed form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Ave. NW., Washington, DC, 20420; (202) 389–2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Joe Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503; (202) 395–6880.

Dates: Comments on the form should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: March 15, 1983.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extensions

1. Department of Veterans Benefits.
2. Annual Farm and Home Plan for Instutional On-Farm Course of Training (Chapter 31).
3. VA Form 28–1905p.
4. Annually.
5. Veteran farm trainees.
6. 50 responses.
7. 150 hours.
8. Not applicable under 3504(H).

[FR Doc. 83–7256 Filed 3–18–83; 8:45 am]

BILLING CODE 8320–01–M

Career Development Committee; Meeting

The Veterans Administration gives notice under the provisions of Pub. L. 92–463 that a meeting of the Career Development Committee, authorized by 38 U.S.C. 4101, will be held in the Assembly Room of the Hotel Washington, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20004, April 18, 19 and 20, 1983 at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration. The committee advises the Director, Medical Research Service on selection and appointment of Associate Investigators, Research Associates, Clinical Investigators, Medical Investigators, Senior Medical Investigators and William S. Middleton Award Nominees.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mr. David D. Thomas, Executive Secretary of the Career Development Committee (151J), Veterans Administration Central Office, Washington, D.C. 20420 (Phone 202–389–2317) prior to April 5, 1983.

The meeting will be closed from 9 a.m. to 5 p.m. on April 18, 19 and 20 for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which would constitute a clearly unwarranted invasion of personel privacy. In addition, decisions recommended by the committee are strictly advisory in nature; other factors are considered in final decisions. Premature disclosure of committee recommendations as well as the disclosure of research information would be likely to significantly frustrate implementation of final proposed agency actions. Accordingly, closure of this portion of the meeting is permitted by section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463 as amended, in accordance with subsections (c)(6) and (c)9(B), 5 U.S.C. 552b.

Minutes of the meeting and rosters of the committee members may be obtained from Mr. David D. Thomas, Chief, Career Development Program, Medical Research Service (151J), Veterans Administration, Washington, D.C. 20420 (Phone 202–389–2317).

Dated: March 14, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83–7253 Filed 3–18–83; 8:45 a.m.]

BILLING CODE 8320–01–M

Veterans Administration Wage Committee; Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Veterans Administration Wage Committee has been renewed by the Administrator of Veterans Affairs for a two year period beginning March 7, 1983 through March 7, 1985.

Dated: March 14, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc 83–7255 Filed 3–18–83; 8:45 a.m.]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 55
Monday, March 21, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Items
Equal Employment Opportunity Commission	1
Federal Home Loan Bank Board	2, 3
Federal Mine Safety and Health Review Commission	4
Federal Reserve System	5

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, March 22, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room No. 200, Second floor, Columbia Plaza Office Building, 2401 E Street N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83-1-FOIA-2-CL, concerning a request for documents in a closed ADEA charge file.
4. Freedom of Information Act Appeal No. 83-01-FOIA-01-CH, concerning a request for portions of a charge file.
5. Freedom of Information Act Appeal No. 82-12-FOIA-148-PA, concerning a request for documents from a closed ADEA investigative file.
6. Freedom of Information Act Appeal No. 83-1-FOIA-3-ME, concerning a request for materials from a closed age/equal pay discrimination file.
7. Freedom of Information Act Appeal No. 82-12-FOIA-250, concerning a request for denied materials: intra-management memo and interagency documents.
8. Limited Scope Commissioner Charges.
9. Federal Register Notice Limiting the Department of Education's (ED's) Participation in the "Procedures for Complaints of Discrimination Filed Against Recipients of Federal Financial Assistance" (Title VI-Title VII Rule).

Closed:

1. Litigation Authorization; General Counsel Recommendations.
2. Consideration for Withdrawal of Certain Charges.
3. OFCCP's Proposed Final Affirmative Action Rules.
4. Approval of Funding for Second Option Year for Expert Services Contract.

(In addition to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions.

Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

This notice Issued March 15, 1983.

[S-384-83 Filed 3-16-83; 5:12 pm]

BILLING CODE 6750-06-M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48, Page No. None at this time. Date published—None at this time.

PLACE: Board room, sixth floor, 1700 G Street, NW., Wahington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679)

CHANGES IN THE MEETING: THE FOLLOWING ITEM HAS BEEN WITHDRAWN FROM THE OPEN PORTION OF THE BANK BOARD MEETING SCHEDULED THURSDAY, MARCH 17, 1983, AT 11 A.M.:

Charters and Bylaws Available to Federal Associations and Savings Banks

[S-385-83 Filed 3-17-83; 10:29 am]

BILLING CODE 6720-01-M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 1:30 p.m., Thursday, March 24, 1983.

PLACE: Board room, Sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

MATTERS TO BE CONSIDERED: Concurrent Branch Applications—(1) Coast Federal Savings and Loan Association, Los Angeles, California and (2) Great Western Savings, a Federal Savings and Loan Association, Beverly Hills, California.

[S-388-83 Filed 3-17-83; 3:21 pm]

BILLING CODE 6720-01-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 15, 1983

TIME AND DATE: 10 a.m. Wednesday, March 23, 1983.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. MSHA v. Roy Glenn, Docket No. WEST 80-158-M. (Issues include whether the judge properly concluded that a corporate agent had "knowingly authorized", within the meaning of section 110(c) of the Mine Act, a violation of a mandatory safety standard.)

* * * * *

TIME AND DATE: Following Oral Argument, March 23, 1983.

STATUS: Closed (Pursuant to 5 U.S.C. 552(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the above listed case.

It was determined by a majority vote of Commissioners that the meeting be closed.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

[S-386-83 Filed 3-17-83; 11:39 am]

BILLING CODE 6735-01-M

5

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Friday, March 25, 1983.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20556.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments,

promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: March 17, 1983.

James McAfee,

Associate Secretary of the Board.

[S-387-83 Filed 3-17-83; 3:04 pm]

BILLING CODE 6210-01-M

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federal register

Monday
March 21, 1983

Part II

Environmental Protection Agency

Organic Chemicals and Plastics and Synthetic Fibers Category Effluent Limitations Guidelines, Pretreatment Standards; and New Source Performance Standards; Proposed Regulation

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 414 and 416

[WH-FRL 2305-7]

Organic Chemicals and Plastics and Synethic Fibers Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency.

ACTION: Proposed regulation.

SUMMARY: The Environmental Protection Agency (EPA), is proposing effluent limitations guidelines for "best practicable technology", "best conventional technology" and "best available technology", new source performance standards and pretreatment standards for the Organic Chemicals and Plastics and Synthetic Fibers (OCPSF) Category as required under Sections 301, 304, 306, 307, and 501 of the Clean Water Act. These proposed regulations will limit the discharge of effluents into waters of the United States or into publicly owned treatment works from facilities that produce organic chemicals, plastics and synthetic fibers. After considering comments received in response to this proposal, EPA will promulgate a final rule.

DATE: Comments on this proposal must be received by June 19, 1983. However, the Agency solicits earlier comments on the additional data collection activities (Section XV of the preamble) for immediate use in program planning.

ADDRESSES: Send comments to or obtain technical information from E. H. Forsht, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attention EGD Docket Clerk, Organic Chemicals, Plastic and Synthetic Fibers Industry (WH-552). The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (EPA Library Rear) PM-213. Copies of technical documents may be obtained from Denise Beverly, Distribution Officer at the above address or by calling (202) 382-7115. A copy of the economic analysis may be obtained from Harold Lester, Economic Analysis Staff (WH-586), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, or by calling (202) 382-5380. A copy of the preliminary regulatory impact analysis may be obtained from Alec McBride, Monitoring and Data Support Division (WH-553) Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, or by calling (202) 382-7046.

FOR FURTHER INFORMATION CONTACT: E. H. Forsht, Senior Project Officer, Organic Chemicals Branch, Environmental Protection Agency by calling (202) 382-7135.

SUPPLEMENTARY INFORMATION:

Overview: This preamble describes the scope, purpose, legal authority and background of this proposal, the technical and economic bases and the methodology used by the Agency to develop proposed effluent limitations guidelines and standards for the Organic Chemicals and Plastics and Synthetic Fibers (OCPSF) industrial category, and the procedures which will be utilized to implement the regulations upon promulgation. It also presents a summary of public comments on the draft contractor's engineering reports which were circulated in December, 1981 and April, 1982 to the industry and other interested parties, and solicits comments on specific areas of interest.

These proposed regulations are supported by EPA's technical conclusions which are detailed in the Development Document for Best Practicable Technology, Best Conventional Technology and New Source Performance Technology in the Organic Chemicals and Plastics and Synthetic Fibers Industry, and in the Development Document for Best Available Technology, Pretreatment Technology, and New Source Performance Technology in the Organic Chemicals, Plastics and Synthetic Fibers Industry. (These documents are referred to in this preamble as the BPT Development Document and BAT Development Document, respectively). The Agency's economic analysis is presented in the Economic Impact Analysis of Effluent Limitations and Standards for the OCPSF Industry.

Abbreviations, acronyms, and other terms used in the Supplementary Information section are defined in Appendix A to this notice.

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I. Legal Authority

The regulations described in this notice are proposed under authority of Sections 301, 304, 306, 307, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 *et seq.*, as amended by the Clean Water Act of 1977, Pub. L. 95–217 (the "Act")). These regulations are also proposed in response to the Settlement Agreement in *Natural Resources Defense Council, Inc.* v. *Train*, 8 ERC 2120 (D.D.C. 1976), modified 12 ERC 1833 (D.D.C. 1979), and modified again by order of the Court dated October 26, 1982.

II. Background

A. The Clean Water Act

The Federal Water Pollution Control Act Amendments of 1972 established a comprehensive program to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters," (Section 101(a)).

Section 301(b)(1)(A) set a deadline of July 1, 1977, for existing industrial direct dischargers to achieve "effluent limitations requiring the application of the best practicable control technology currently available" ("BPT").

Section 301(b)(2)(A) set a deadline of July 1, 1983, for these dischargers to achieve "effluent limitations requiring the application of the best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants" ("BAT").

Section 306 required that new industrial direct dischargers comply with new source performance standards ("NSPS"), based on best available demonstrated technology.

Sections 307 (b) and (c) required the Administrator to set pretreatment standards for new and existing dischargers to publicly owned treatment works ("POTWs"). While the requirements for direct dischargers were to be incorporated into National Pollutant Discharge Elimination System (NPDES) permits issued under Section 402, the Act made pretreatment standards enforceable directly against dischargers to POTWs (indirect dischargers).

Sections 402(a)(1) of the 1972 Act does allow requirements for direct dischargers to be set on a case-by-case basis. However, Congress intended control requirements to be based for the most part on regulations promulgated by the Administrator of EPA.

Section 304(b) required regulations that establish effluent limitations reflecting the ability of BPT and BAT to reduce effluent discharges.

Sections 304(c) and 306 of the Act required regulations for NSPS.

Sections 304(g), 307(b), and 307(c) required regulations for pretreatment standards.

In addition to these regulations for designated industry categories, Section 307(a) required the Administrator to promulgate effluent standards applicable to all dischargers of toxic pollutants.

Finally, Section 501(a) authorized the Administrator to prescribe any additional regulations "necessary to carry out his functions" under the Act.

The EPA was unable to promulgate many of these regulations by the deadlines contained in the Act, and, as a result, EPA was sued in 1976 by several environmental groups. In settling this lawsuit, EPA and the plaintiffs executed a "Settlement Agreement" which was approved by the Court. This agreement required EPA to develop a program and meet a schedule for controlling 65 "priority" pollutants and classes of pollutants in 21 major industries. See *Natural Resources Defense Council, Inc.* v. *Train, supra.*

Several of the basic elements of the Settlement Agreement program were incorporated into the Clean Water Act of 1977. This law also made several important changes in the Federal water pollution control program.

Sections 301(b)(2)(A) and 301(b)(2)(C) of the Act now set July 1, 1984, as the deadline for industries to achieve effluent limitations requiring the application of BAT for "toxic" pollutants. "Toxic" pollutants here includes the 65 pollutants and classes of pollutants which Congress declared "toxic" under Section 307(a) of the Act.

Likewise, EPA's programs for new source performance standards and pretreatment standards are now aimed principally at controlling toxic pollutants.

To strengthen the toxics control program, Section 304(e) of the Act authorizes the Administrator to prescribe certain "best management practices" (BMPs"). These BMPs are to prevent the release of toxic and hazardous pollutants from: (1) Plant site runoff, (2) spillage or leaks, (3) sludge or waste disposal, and (4) drainage from raw material storage if any of those events as associated with, or ancillary to, the manufacturing or treatment process.

In keeping with its emphasis on toxic pollutants, the Clean Water Act of 1977 also revised the control program for non-toxic pollutants.

For "conventional" pollutants identified under Section 304(a)(4) (including biochemical oxygen demand, suspended solids, oil and grease, fecal coliform and pH), the new Section 301(b)(2)(E) requires "effluent limitations requiring the application of the best conventional pollutant control technology" ("BCT"), instead of BAT, to be achieved by July 1, 1984. The factors considered in assessing BCT for an industry include the relationship between the cost of attaining a reduction in effluents and the effluent reduction benefits attained, and a comparison of the cost and level of reduction of such pollutants by publicly owned treatment works and industrial sources. For nontoxic, nonconventional pollutants, Sections 301 (b)(2)(A) and (b)(2)(F) require achievement of BAT effluent limitations within three years after their establishment or by July 1, 1984, whichever is later, but not later than July 1, 1987.

B. Prior EPA Regulations

EPA promulgated effluent limitation guidelines and standards for the Organic Chemicals Manufacturing Industry in two phases in 40 CFR Part 414. Phase I, covering 40 product/processes (a product that is manufactured by the use of a particular process—some products may be produced by any of several processes), was promulgated on April 25, 1974 (39 FR 12076). Phase II, covering 27 additional product/processes, was promulgated on January 5, 1976 (41 FR 902).

EPA also promulgated effluent limitation guidelines and standards for the Pastics and Synthetics Industry in two phases in 40 CFR Part 416. Phase I, covering 31 product/processes, was promulgated on April 5, 1974 (39 FR 12502). Phase II, covering 8 additional product/processes, was promulgated on January 23, 1975 (40 FR 3718).

Several industry members challenged the above regulations. On February 10, 1976, the Court in *Union Carbide* v. *Train*, 541 F.2d 1171 (4th Cir. 1976), granted the parties' motion to remand the Phase I Organic Chemicals regulations. The Court also directed EPA to withdraw the Phase II Organic Chemical regulations, which EPA did on April 1, 1976 (41 FR 13936). Pursuant to an agreement with the industry petitioners, however, the regulations for butadiene manufacture were left in place. The Court in *FMC Corp.* v. *Train*, 539 F.2d 973 (4th Cir. 1976), remanded the Phase I Plastics and Snythetics regulations. In response EPA withdrew both the Phase I and Phase II regulations on August 4, 1976 (41 FR 32587) except

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for the pH limitations, which had not been addressed in the lawsuit.

Today, there are no promulgated regulations for the Organic Chemicals and Plastics and Synthetic Fibers industries except for the butadiene and pH regulations mentioned above.

C. Scope of This Rulemaking

EPA is today proposing effluent limitations guidelines based on the application of the best practicable technology (BPT), best conventional technology (BCT), best available technology (BAT), new source performance standards (NSPS), and pretreatment standards for existing and new sources (PSES and PSNS).

These proposed regulations apply to wastewater discharges resulting from the manufacture of organic chemicals, plastics and synthetic fibers. The organic chemicals industry is generally included within the U.S. Department of Commerce, Bureau of the Census Standard Industrial Classification (SIC) Major Groups 2865 and 2869. The plastic and snythetic fibers industry is generally included in SIC Groups 2821, 2823, 2824. Due to the interdependence of these two industries, EPA studied them in combination and is today including both of them in a single set of proposed regulations.

When finally promulgated, these regulations will supersede the existing regulations for butadiene manufacture and the pH limitation for the manufacture of plastics and synthetic fibers.

Some plants have OCPSF operations that are a minor portion of and ancillary to their primary production. In some such cases, effluent guidelines for the primary production category (*e.g.*, the guidelines for the petroleum refining, pesticides, and pharmaceuticals industries) include subcategories for the discharge of combined wastewaters from the primary production and the OCPSF processes. In such cases, to avoid duplication and potential inconsistencies, these OCPSF discharges are excluded from coverage by today's proposed OCPSF regulations and remain subject to the other applicable regulations.

The proposed regulations also do not apply to discharges from the extraction of organic chemical compounds from natural materials. Natural materials used to make organic chemical compounds include a variety of parts of plants (e.g., trees and seaweed) and animals. Today's proposal addresses the manufacture of organic chemicals via chemical synthesis. Readers should note that extraction of chemical compounds from natural materials is included in many other industrial categories—*e.g.*, Adhesives and Sealants, Pharmaceuticals and Gum and Wood Chemicals. Readers should also note that discharges from the synthesis of organic chemical compounds that have been extracted from natural materials are covered by today's proposed regulation.

III. Overview of the Industry

The OCPSF industry is large and diverse, and many plants in the industry are highly complex. The industry includes approximately 1,200 facilities which manufacture their principal or primary product or group of products under the OCPSF SIC Groups. Some plants are secondary producers, with OCPSF products ancillary to their primary manufacture. Various sources studied by EPA indicate that the number of secondary OCPSF plants is in the range of 320 to approximately 900 plants. Thus the total number of plants in the OCPSF industry may be as high as 2,100. This range is attributed to the difficulties inherent in segregating the OCPSF industry from other chemical producing industries such as petroleum refining, inorganic chemicals, pharmaceuticals and pesticides as well as chemical formulation industries such as adhesives and sealants, paint and ink, and plastics molding and formulating. Even though over 25,000 different organic chemicals, plastics and synthetic fibers are manufactured, only 1,200 products are produced in excess of 1,000 pounds per year. As mentioned above, except for certain specified exceptions, all discharges from OCPSF operations at these plants are covered by today's proposed regulations.

Some plants produce chemicals in large volumes, while others produce only small volumes of "specialty" chemicals. Large-volume production tends toward continuous processes, while small-volume production tends toward batch processes. Continuous processes are generally more efficient than batch processes in minimizing water use and optimizing the consumption of raw materials in the process.

Different products are made by varying the raw materials, chemical reaction conditions, and the chemical engineering unit processes. The products being manufactured at a single large chemical plant can vary on a weekly or even daily basis. Thus, a single plant may simultaneously produce many different products in a variety of continuous and batch operations, and the product mix may change frequently.

Total production of organic chemicals in 1980 was 291 billion pounds with sales of $54 billion. Production of plastics and synthetic fibers in 1980 was 60 billion pounds with sales of $26 billion.

For the 1,200 facilities whose principal production relates to the OCPSF industry, approximately 40 percent are direct dischargers, approximately 36 percent are indirect dischargers (plants that discharge to publicly owned treatment works) and the remaining facilities use zero or alternative discharge methods. The estimated average daily flow per plant is 2.31 MGD (millions of gallons per day) for direct dischargers and 0.80 MGD for indirect dischargers. The remainder use dry processes, reuse their wastewater, or dispose of their wastewater by deep well injection, incineration, contract hauling, or evaporation or percolation ponds.

As a result of the wide variety and complexity of raw materials and processes used and of products manufactured in the OCPSF industry, an exceptionally wide variety of pollutants are found in the wastewaters of this industry. This includes conventional pollutants (pH, BOD, TSS and oil and grease); toxic pollutants (both metals and organic compounds); and a large number of nonconventional pollutants (including the organic compounds produced by the industry for sale). EPA focused its attention in today's rulemaking on the conventional pollutants and on the 65 toxic pollutants and classes of pollutants required to be addressed in accordance with the Settlement Agreement.

IV. Available Wastewater Control and Treatment Technology

To control the wide variety of pollutants discharged by the OCPSF industry, OCPSF plants use a broad range of in-plant controls, process modifications and end-of-pipe treatment techniques. Most plants have implemented programs that combine elements of both inplant control and end-of-pipe wastewater treatment. The configuration of controls and technologies differs from plant to plant, corresponding to the differing mixes of products manufactured by different facilities. In general, direct dischargers treat their waste more extensively than indirect dischargers.

The predominant end-of-pipe control technology for direct dischargers in the OCPSF industry is biological treatment. The chief forms of biological treatment are activated sludge and aerated lagoons. Other systems, such as extended aeration and trickling filters, are also used, but less extensively. All

of these systems reduce BOD and TSS loadings, and, in many instances, incidentally remove toxic and nonconventional pollutants. Biological systems biodegrade some of the organic pollutants; remove bio-refractory organics and metals by sorption into the sludge; and strip some volatile organic compounds into the air.

Other end-of-pipe treatment technologies used in the OCPSF industry include neutralization, equalization, polishing ponds, filtration and carbon adsorption. While most direct dischargers use these physical/chemical technologies in conjunction with end-of-pipe biological treatment, at least 39 direct dischargers use only physical/chemical treatment.

In-plant control measures employed at OCPSF plants include water reduction and reuse techniques, chemical substitution and process changes. Techniques to reduce water use include the elimination of water use where practicable and the reuse and recycling of certain streams, such as reactor and floor washwater, surface runoff, scrubber effluent and vacuum seal discharges. Chemical substitution is utilized to replace process chemicals possessing highly toxic or refractory properties by others that are less toxic or more amenable to treatment. Process changes include various measures that reduce water use, waste discharges, and/or waste loadings while improving process efficiency. Replacement of barometric condensers with surface condensers; replacement of steam jet ejectors with vacuum pumps; recovery of product or by-product by steam stripping, distillation, solvent extraction or recycle, oil-water separation and carbon adsorption; and the addition of spill control systems are examples of process changes that have been successfully employed in the OCPSF industry to reduce pollutant loadings while improving process efficiencies.

Another type of control widely used in the OCPSF industry is physical/chemical in-plant control. This treatment technology is generally used selectively on certain process wastewaters to recover products or process solvents, to reduce loadings that may impair the operation of the biological system or to remove certain pollutants that are not removed sufficiently by the biological system. In-plant technologies widely used in the OCPSF industry include sedimentation/clarification, coagulation, flocculation, equalization, neutralization, oil/water separation, steam stripping, distillation, and dissolved air flotation.

Many OCPSF plants also use physical/chemical treatment after biological treatment. Such treatment is used in the majority of situations to reduce solids loadings that are discharged from biological treatment systems. The most common post-biological treatment systems are polishing ponds and multimedia filtration.

At approximately 5 percent of the direct discharging plants surveyed, no treatment is provided. At another 20 percent, only physical/chemical treatment is provided. The remaining 75 percent utilize biological treatment. Approximately 36 percent of biologically treated effluents are further treated by polishing ponds, filtration or other forms of physical/chemical control.

At approximately 52 percent of the indirect discharging plants surveyed, no treatment is provided. At another 39 percent, some physical/chemical treatment is provided. Nine percent have biological treatment.

V. Best Practicable Technology Effluent Limitations

A. Legal Criteria for Developing BPT

The factors considered in defining the best practicable control technology currently available (BPT) include: (1) The total cost of applying the technology relative to the effluent reductions that result, (2) the age of equipment and facilities involved, (3) the processes used, (4) engineering aspects of the control technology, (5) process changes, (6) non-water quality environmental impacts (including energy requirements), (7) and other factors, as the EPA Administrator considers appropriate. In general, the BPT level represents the average of the best existing performances of plants within the industry of various ages, sizes, processes, or other common characteristics. When existing performance is uniformly inadequate, BPT may be transferred from a different subcategory or category. BPT focuses on end-of-process treatment rather than process changes or internal controls, except when these technologies are common industry practice.

The cost/benefit inquiry for BPT is a limited balancing, committed to EPA's discretion, that does not require the Agency to quantify benefits in monetary terms. See e.g., *American Iron and Steel Institute* v. *EPA*, 526 F. 2d 1027 (3rd Cir, 1975). In balancing costs against the benefits of effluent reduction, EPA considers the volume and nature of existing discharges, the volume and nature of discharges expected after application of BPT, the general environmental effects of the pollutants, and the cost and economic impacts of the required level of pollution control. The Act does not require or permit consideration of water quality problems attributable to particular point sources, or water quality improvements in particular bodies of water. Therefore, EPA has not considered these factors. See *Weyerhaeuser Company* v. *Costle, 590 F. 2d 1011 (D.C. Cir. 1978).*

B. Technical Data Gathering Efforts for BPT

The technical data gathering efforts for BPT (described in detail in Section III of the BPT Development Document) were conducted by reviewing existing literature relating to the OCPSF industry and by procuring additional information (through written surveys of the industry and contacts with representatives of governmental agencies and private research facilities).

Under the authority of Section 308 of the Act, EPA sent two sets of data collection questionnaires to 556 reported operating OCPSF plants seeking information on the age and size of facilities, raw material usage, production processes employed, wastewater characteristics and methods of wastewater control treatment and disposal. In particular, we requested end-of-pipe data covering periods of at least 18 months. Followup letters with computer transcriptions of the questionnaires were sent to all plants to validate and update their data.

In addition, EPA considered, where relevant, the information collected as part of the BAT technical data gathering efforts (discused below in Section VII of this preamble).

C. BPT Technology Selection Criteria

In selecting appropriate BPT technologies, EPA focused on the primary end-of-pipe technologies used in the industry. These technologies are widely used in the industry to control conventional pollutants. To varying extents, these technologies also remove toxic and nonconventional pollutants. However, it is not possible to calculate consistent removals of specific toxic and nonconventional pollutants across the industry without carefully considering a variety of process controls and in-plant treatment technologies that are more appropriately considered to be BAT controls and technologies. Therefore, the selected BPT technologies are end-of-pipe technologies that address the conventional pollutants BOD and TSS, supplemented by those in-plant controls and technologies that are commonly used to assure the proper and efficient operation of the end-of-pipe technologies.

The proposed BPT regulations do not require the installation of any particular technology. Rather, they require plants to achieve effluent limitations that are based upon the proper operation of the recommended technologies or equivalent technologies. The proposed limitations are based on the average of the best performance of plants that use the recommended technologies.

EPA has based the proposed BPT limitations on two technologies. The predominant technology used in the OCPSF industry, and thus the primary technology used as a basis for the limitations, is biological treatment preceded by the necessary controls to protect the biota and otherwise assure that the biological system functions effectively and consistently. Activated sludge and aerated lagoons are the primary examples of such biological treatment. Other biological systems, such as aerobic lagoons, rotating biological contractors, and trickling filters, are also used effectively at a few plants and data from such plants was also used to develop BPT limitations.

The second BPT technology used in the OCPSF industry is a biological system followed by a polishing pond or filter. This biological/polishing combination demonstrates effective treatment of BOD and TSS. In some cases, plants originally installed biological systems that had inadequate retention times or were otherwise not designed and operated to optimally treat conventional pollutants. When these plants were required in the late 1970s to upgrade to meet BPT permit limits (established by permit writers in the absence of guidelines on a case-by-case basis, using their best engineering judgment), some chose to add polishing ponds or filters rather than to enlarge or otherwise improve their existing biological systems. The biological/polishing combination thus constitutes an alternative method to meet BPT.

As indicated previously, some plants rely exclusively upon end-of-pipe physical/chemical treatment. Some of these plants have low BOD and thus find physical/chemical treatment more effective in reducing TSS loadings. (Biological systems cannot function unless influent BOD is high enough to sustain their biota). Other plants have determined, based on an analysis of the types and volumes of pollutants that they discharge, that physical/chemical treatment is more economical, easier to operate, or otherwise more appropriate. Many of these plants can control conventional pollutants effectively without using the two recommended technologies discussed above. Some plants do not have any treatment in place at all; many of these have low BOD and TSS concentrations in their raw wastewaters.

Of the 16 plants in the data base that have no treatment at all and that have submitted TSS data, 11 already comply with the proposed TSS limitations. Of the 13 of these plants submitting BOD data, 8 already comply with proposed BOD limits. Of the 21 plants that use only physical/chemical treatment and that have submitted TSS data, 13 already comply. For BOD, 10 out of 21 comply. For plants that haven't already achieved the proposed BOD and/or TSS limits, compliance can be achieved by the installation of the recommended end-of-pipe BPT technologies. In some cases, especially where only TSS noncompliance exists, solids control by physical/chemical means may suffice. EPA has assumed for purposes of estimating BPT costs that plants that presently do not comply with the BOD limits alone or with both the BOD and TSS limits would install (the generally more expensive) biological treatment. For plants that comply with BOD but not with TSS, and presently have no biological treatment in place, EPA costed only additional, physical/chemical solids control. EPA invites comment on the suitability of its regulatory and costing approach for these plants.

After selecting the BPT technologies, EPA developed a statistical criterion to segregate the better designed and operated plants from the poorer performers. This was done to assure that the plant data relied upon to develop BPT limitations reflected the average of the best existing performers. The criterion selected was to include in the data base any plant with a biological treatment system that, on the average, (1) discharged 50 mg/l or less BOD after treatment, or (2) removed 95% or more of the BOD that entered the end-of-pipe treatment system. This criterion reflects the performance level that is generally achieved by well-operated plants in the OCPSF industry that use the recommended BPT technologies. A detailed explanation of the development of this statistical criterion is contained in Section VII of the Development Document.

Of the 139 plants that use the recommended technologies and submitted BOD data to EPA, 114 (82 percent) achieve 50 mg/l or less BOD after treatment or 95 percent or more BOD removal. Thus, only a small group of the relatively worst performers, 18 percent of the treatment systems, were deleted from the data base used to derive the long-term averages to develop effluent limitations.

EPA is giving serious consideration to recommending, and using as a basis for final TSS limitations, an additional technology for controlling solids. Approximately one-third of the plants in the BPT data base use post-biological treatment such as polishing ponds or multimedia filtration to further reduce solids. Thus, it may be appropriate to define "average-of-the-best" TSS control as biological treatment followed by effective solids control. If EPA decides to use this technology as the basis for final TSS limitations, it would do so by deleting from the BPT data base, for TSS purposes, those biological systems that are not followed by adequate physical/chemical solids control systems. Based upon the present data base on the performance of such biological/tertiary solids control systems, this approach would result in the following TSS limitations.

Subcategory (described below)	Daily maximum	30-day average
Plastics only	111	39
Oxidation		
a. High water use	166	62
b. Low water use	166	62
Type 1	106	40
Other discharges	103	38

A comparison of these values with the TSS limitations proposed today shows that the requirement of additional solids control would reduce TSS discharges substantially for the Oxidation subcategory and reduce them slightly for the other three BPT subcategories. (Subcategories are discussed immediately below). EPA invites comments on this approach and solicits data on the use and effectiveness of polishing ponds and filters in reducing TSS.

D. Subcategorization and Calculation of BPT Limitations

EPA determined whether different effluent limitations were appropriate for different segments of the OCPSF industry. The factors considered included: raw materials used, products manufactured, production processes employed, wastewater characteristics and treatability, plant size, location and age, and treatment costs. Detailed information on the basis for this subcategorization scheme is presented in Section IV of the BPT Development Document.

EPA has established four subcategories for the proposed BPT regulations. The subcategories are based upon the types of product/processes

contributing to the discharge. The subcategories apply to discharges (i.e., single outfalls). Plants with more than one outfall could have their separate discharges assigned to different subcategories.

To establish subcategories, EPA examined the 41 major generic processes used in the OCPSF industry for their potential to generate BOD loadings. For example, the oxidation process generally produces a relatively high BOD loading; some plastics-producing processes produce relatively low BOD loadings. Since the BOD of the raw waste load influences the practicably achievable effluent BOD concentration, this factor was deemed appropriate for subcategorization. (TSS loadings could not be related in a similar manner to particular processes.) Information on the generic processes and product/processes is contained in Section III and Appendix A of the BPT Development Document. The subcategories are as follows:

1. *Subcategory 1—Plastics Only:* Discharge resulting from the manufacture of plastics and synthetic fibers only.

2. *Subcategory 2—Oxidation:* Discharges resulting from the manufacture of organic chemicals only, or both organic chemicals and plastics and synthetic fibers, that include wastewater from the oxidation process.

This subcategory is further divided into two groups based upon the factor of flow: a high-water-usage group (greater than or equal to 0.2 gallon per pound of total daily production) and a low-water-usage group.

3. *Subcategory 3—Type I:* Discharges resulting from the manufacture of organic chemicals only or, both organic chemicals and plastics and synthetic fibers, that include wastewater from any of the following generic processes (referred to in the BPT Development document as "Type I" processes) but not from the oxidation process:

Peroxidation
Acid Cleavage
Condensation
Isomerization (e.g., m-xylene to o- or p-xylene)
Esterification
Hydroacetylation
Hydration
Alkoxylation
Hydrolysis
Carbonylation
Hydrogenation (e.g., butyraldehyde to n-butanol)
Neutralization

4. *Subcategory 4—Other Discharges:* All OCPSF discharges not included in Subcategories 1–3.

Plant size, location and age were all examined and found not to be factors in subcategorization. Flow was also considered and used to subdivide Subcategory 2, as discussed above.

For each subcategory, EPA calculated the long-term average concentrations for BOD and TSS, using the data from those plants that had been selected under the criteria discussed above and that were included in the subcategory. Then, based on 12 months of daily data from 17 plants, EPA developed variability factors for all plants. The variability factors were applied to the long-term averages to calculate daily maximum concentrations and monthly maximum values for BOD and TSS for each subcategory.

The subcategorization scheme allows discharges that are somewhat different from each other to be included in a single subcategory. This occurs because the entire flow from an outfall will often be assigned to a subcategory based upon only part of the production processes contributing to the discharge. For example, a discharge that has both Type I and oxidation process effluents will be in the Oxidation subcategory regardless of the relative wastewater contributions of each process. As a result, for example, the data base for the Oxidation subcategory includes discharges that have only oxidation effluents (which tend to have higher BOD), discharges that have both oxidation and Type I effluents, and discharges that have both oxidation and non-Type I effluents (which tend to have lower BOD). The long-term average calculated for the subcategory reflects the effluent levels for all of these discharges in the subcategory.

For each subcategory, EPA has grouped for analysis those plants performing better than the subcategory medians and those performing worse. For each subcategory, EPA has found that both groups have similar mixes and numbers of generic processes, similar ranges in the number of specific product processes, similar raw waste concentration distributions, and similar contributions from secondary production of non-OCPSF products. Thus, it does not appear that different types of plants were improperly combined in a single subcategory. EPA welcomes comments on this conclusion.

Another effect of the subcategorization scheme that is related to the one discussed above is that the subcategory assignment of an entire plant's discharge can be shifted if a particular product/process contributing to the outfall is added to or deleted from its operations. For example, a plant's discharge in the Type I subcategory would be moved to the Oxidation subcategory (and be subject to less stringent limitations) if it added an oxidation process effluent to its outfall. If the same plant later closed its oxidation process, the discharge once again would become subject to the lower and more stringent Type I limitations.

Of course, if a plant adds or drops a production line that substantially changes the nature of its raw waste load, a change in its subcategory designation and hence its effluent limitations may well be appropriate. However, it would be somewhat anomalous to substantially change a plant's subcategory and limitations as the result of the addition or deletion of a process that contributed only a small portion of the plant's total process flow. EPA is uncertain whether, as a practical matter, such anomalies are likely to occur. We solicit comments on this matter.

EPA considered the option of designing each subcategory discretely to include only plastics, oxidation, Type I, and other operations, respectively. A discharge with more than one type of process effluent could then have its flow apportioned among the subcategories as appropriate. Since the end-of-pipe effluent data for each plant reflects combined treatment of different process waste streams fed to single outfalls, it is not practicable to separately determine the treatability of the various individual processes or groups of processes entering the end-of-pipe treatment system.

Another option, suggested by an industry trade association, is to subcategorize based upon the TSS and/or BOD levels in the influent to the end-of-pipe treatment system. It was further suggested that, for each subcategory, EPA set percent-reduction limits (around the end-of-pipe system) rather than concentration-based limitations. EPA has rejected this approval because it creates serious inequities and discourages good treatment. Subcategorization based on a raw-waste-load/percent-removal approach requires a determination of a sampling point for raw waste load. Raw waste loads are created by individual product/processes and are affected by process controls and in-plant treatment.

The industry's suggested approach would give no credit to plants practicing in-plant controls; on the contrary, it would actively discourage such highly desirable wastewater control practices. For example, a plant that significantly reduces BOD and TSS loads prior to end-of-pipe treatment would be required under the suggested approach to further reduce its BOD and TSS by the same

percentage as a plant not using such controls. Indeed, no matter how effective a plant's internal controls or how clean its initial product/process discharges are, it would be required under that approach to obtain significant additional percent reduction.

EPA believes its proposed approach is more equitable than the suggested approach. First, it bases the subcategories on the product/processes that contribute raw waste loads of TSS and BOD, rather than looking at raw wastes prior to end-of-pipe treatment. Second, by setting concentration limitations at the end of the pipe, it gives full credit for any treatment or control taking place in the plant, regardless of where that treatment or control occurs. EPA welcomes comments on its adopted approach and on the suggested approach.

EPA is also considering simplifying its subcategorization scheme by combining certain subcategories. For example, it may be reasonable to combine subcategories 3 and 4 based on the similarities of treated effluents for discharges in these subcategories. EPA invites comment on this and other similar approaches.

Finally, in addition to continuing to consider various options for final subcategorization, EPA intends to collect more data on the performance of BPT technology. EPA believes that several of the proposed BPT limitations may be higher than warranted for the types of influent waste loads entering the BPT treatment systems. In particular, the proposed daily maximum limitations for TSS in the Oxidation subcategory are quite high. EPA solicits additional information on the performance of BPT systems, especially those used in the Oxidation subcategory, with respect to TSS.

E. Concentration-Based Limitations

The proposed BPT limitations (as well as other limitations and standards proposed today for the OCPSF industry) are expressed in terms of concentration rather than mass. In general, EPA has in the past preferred mass limitations, where feasible, to encourage flow reduction and to prevent the substitution of dilution for treatment. However, concentration-based limitations have been used where production and achievable wastewater flow could not be correlated (e.g., for the various mining industries). In the OCPSF industry, such correlations do not exist, as explained below, and accordingly, EPA is proposing concentration-based limitations.

In the OCPSF industry, production often varies from day to day or even hour to hour. This is particularly true in large integrated plants producing a large variety of products as well as plants employing batch processing. The treatment system, in contrast, has a retention time varying from approximately eight hours to two weeks or more. The average retention time in OCPSF plants is approximately 3 days. In fact, good waste treatment practice generally requires the smoothing out of variations in wastewater flow by the use of equalization basins, because biological treatment systems in particular are sensitive to sharp changes in influent flow or quality. Interception and mixing of a plant's combined flow from all of its product/processes plus the additional retention time in the balance of the treatment system results in a delay such that pollutants discharged by a given product/process often will not appear in a plant's final effluent until several days later.

In most industrial categories, a lag of several days between generation of pollutants and appearance in the final effluent does not prevent a correlation between production and effluent flow, because the production is consistent from day to day. In the OCPSF industry, the extensive variation of production prevents correlation.

The problems described above could only be mitigated if mass-based limits are set on individual process lines prior to biological treatment, with credit given for percent reductions across the biological system. However, such in-plant mass limits are inconsistent with the definition of BPT for this industry, which is based on end-of-pipe treatment and does not require inplant flow reduction or pollutant control. Furthermore, such an approach would require the development of separate mass limitations for each of hundreds or thousands of product/processes discharged by OCPSF, a monumental and infeasible task.

EPA believes that dilution of process wastewaters by non-process wastewaters can be minimized by requiring the permit writer to establish mass based limits in the permit. Therefore, the proposed regulations require that the permit writer set mass-based limits by multiplying the plant's combined end-of-pipe process wastewater flow by the concentration limitation established by the guideline. The other source of dilution, commingling different process wastewater streams that contain different pollutants, could not be prevented even by end-of-pipe mass limitations. It could only be prevented by setting separate limitations for each product/process stream prior to the biological system. As noted above, however, such an approach would be incompatible with the concept of end-of-pipe BPT treatment.

F. BPT Pollutant Reductions, Costs and Economic Impacts

EPA estimates that the proposed BPT Limitations would result in annual incremental removals of 149 million pounds of BOD and 102 million pounds of TSS. The estimated costs of removal are capital costs of 316 million and annual costs of 105 million. No closures or employment losses are anticpated. EPA has concluded that the proposed regulations is justified and consistent with the requirements of the Act.

VI. Best Conventional Technology Effluent Limitations

The 1977 amendments added Section 301(b)(2)(E) to the Act, establishing "best conventional pollutant control technology" (BCT) for discharges of conventional pollutants from existing industrial point sources. Section 304(a)(4) designated the following as conventional pollutants: BOD, TSS, fecal coliform, and pH. The Administrator designated oil and grease as "conventional" on July 30, 1979, 44 FR 44501.

BCT is not an additional limitation but replaces BAT for the control of conventional pollutants. In addition to other factors specified in Section 304(b)(4)(b), the Act requires that BCT limitations be assessed in light of a two part "cost-reasonableness" test. EPA published a methodology for determining BCT on August 29, 1979 (44 FR 50732). In *American Paper Institute* v. *EPA*, 660 F. 2d 954 (4th Cir. 1981), EPA was ordered to revise the cost test.

The court held that EPA must apply a two-part test. The first test compares the cost for private industry to reduce its conventional pollutants with the costs to publicly owned treatment works for similar levels of reduction in their discharge of these pollutants. The second test examines the cost-effectiveness of additional industrial treatment beyond BPT. EPA must find that limitations are "reasonable" under both tests before establishing them as BCT. In no case may BCT be less stringent than BPT.

In response to the court order, EPA has proposed a revised BCT cost-reasonableness test at 47 FR 49176 (October 29, 1982). The proposed test provides that BCT is cost-reasonable if (1) the incremental cost per pound of conventional pollutant removed in going from BPT to BCT is less than $.27 per pound in 1976 dollars, and (2) this same

incremental cost per pound is less than 143% of the incremental cost per pound associated with achieving BPT.

EPA has considered an incremental level of conventional pollutant control beyond BPT. The technology, which is already practiced to some degree by approximately one third of the plants in the industry, is additional solids control. This includes such technology as polishing ponds and filters, which reduce the TSS levels from those achieved by BPT.

To analyze whether this technology is cost-reasonable, EPA calculated the incremental (beyond BPT) conventional pollutant removals and the incremental costs associated with this technology. Based on this information, cost per pound ratios were calculated for each of the four BPT subcategories. The results of this analysis resulted in the following incremental costs per pound in 1979 dollars:

Subcategory 1: $14.09 per pound
Subcategory 2: $1.13 per pound for high water usage $1.77 per pound for low water usage
Subcategory 3: $0.46 per pound
Subcategory 4: $1.52 per pound

All of these were found to fail the first part of the cost-reasonableness test ($0.33 per pound in 1979 dollars). Therefore, EPA is proposing that BCT be set equal to BPT. A more complete discussion of the basis for decision is contained in Section X of the BPT Development Document.

Readers should note that the BCT cost-reasonableness test results depend heavily on the limits set for BPT. If the BPT limits in the final regulation are modified based upon comment and EPA review of the proposed BPT limitations, EPA will recalculate the cost-reasonableness test to determine whether BCT should equal BPT or be more stringent than BPT. EPA also requests comment on whether any other technology, or set of technologies, should be considered as a candidate BCT technology. Furthermore, if the general BCT cost-reasonableness test proposed on October 29, 1982, is modified, EPA will reevaluate the appropriateness of BCT for the OCPSF industry accordingly.

VII. Best Available Technology Effluent Limitations

A. Legal Criteria for Developing BAT

The factors considered in establishing the best available technology economically achievable (BAT) level of control include the age of process equipment and facilities, the process employed, process changes, the engineering aspects of applying various types of control techniques, the costs of applying the control technology, nonwater quality environmental impacts such as air pollution, solid waste generation and energy requirements, and such other factors as the Administrator deems appropriate. (Section 304(b)(2)(B)). In general, the BAT technology level represents, at a minimum, the best existing economically achievable performance among plants with shared characteristics. Where existing performance is uniformly inadequate, BAT technology may be transferred from a different subcategory or industrial category. BAT may also include process changes or internal controls which are not common industry practice.

The statutory assessment of BAT considers costs but does not require a balancing of costs against effluent reduction benefits (see *Weyerhaeuser* v. *Costle*, 590 F. 2d 1011, (D.C. Cir. 1978)). In assessing the proposed BAT, however, the Agency has given substantial weight to the reasonableness of costs. The Agency has considered the volume and nature of discharges expected after application of BAT, and the costs and economic impacts of the required pollution control levels.

Despite this consideration of costs, the primary determinant of BAT is the effluent reduction capability of the control technology. As a result of the Clean Water Act of 1977, the achievement of BAT has become the national means of controlling the discharge of toxic pollutants from direct discharging plants.

B. Technical Data Gathering Efforts for BAT

The technical data gathering efforts for this rulemaking have involved several extensive activities which are summarized briefly in this section and in detail in Section V of the BAT Development Document.

In general, data gathering efforts were conducted by three principal means: (1) Review of existing information in EPA's files relating to the OCPSF industry and procurement of additional information (through written surveys of the industry and contacts with representatives of governmental agencies and private research facilities); (2) solicitation of additional information through questionnaires under the authority of Section 308 of the Act; and (3) implementation of filed sampling and analysis programs (screening, verification, and industry self-monitoring). The data gathered in the development of the BPT regulations, including responses to the BPT questionnaire, were also used in the development of the BAT regulation.

Four questionnaires were mailed to OCPSF plants. First, as mentioned previously, two sets of general questionnaires were mailed to 556 OCPSF plants requesting information on product/processes, raw waste loads, discharges, and wastewater treatment. Two additional questionnaires were mailed to selected plants for specific information on the performance of carbon adsorption and steam stripping systems.

Thousands of organic compounds are produced and potentially discharged by this industry. To specify technically supportable methods for accurately and precisely measuring each of these compounds in wastewater and to collect data to define the treatability of each of these compounds would have been an unmanageable task within the available time for developing these rules. Therefore, EPA focused its data gathering effort on the list of 65 toxic pollutants and classes of pollutants designated in the Clean Water Act.

Even the list of 65 toxic pollutants and classes of pollutants includes potentially thousands of specific pollutants. To make the task more manageable, therefore, EPA has selected for study in this rulemaking (as well as other industry rulemakings) 126 specific compounds referred to as "priority" pollutants. The criteria for choosing these pollutants included the frequency of their occurrence in water, their chemical stability and structure, the amount of the chemical produced, and the availability of chemical standards for measurement.

EPA conducted four major sampling and analysis programs: (1) Screening; (2) verification; (3) longterm sampling of physical/chemical systems and (4) 5-plant, long-term sampling of biological treatment systems. The primary objective of these programs was to produce composite samples of wastewater from which determinations could be made of the concentration (weight per unit volume) and/or mass load (weight per unit time) of the pollutants present in OCPSF wastewaters before and after various stages of treatment.

The screening program was conducted in two phases. In the first phase, 131 manufacturing plants (including direct and indirect dischargers) that represented a cross-section of the OCPSF industry were studied. A one-day composite sample from each plant was analyzed by an EPA laboratory or an EPA contractor for the presence of priority pollutants. The wastewater

samples were generally taken before end-of-pipe treatment, but sometimes after minimal preliminary end-of-pipe treatment (*e.g.*, primary sedimentation), depending on accessibility to the wastewater stream. Treated effluent samples were taken either following physical/chemical treatment (for indirect dischargers) or after biological or physical/chemical end-of-pipe treatment (for direct dischargers). EPA also sampled the raw water source (intake water) to determine the presence of pollutants prior to contamination by the manufacturing process.

These screening samples were analyzed for the presence of organic priority pollutants by gas chromatography/mass spectrometry (GC/MS) and for the presence of priority pollutant metals by atomic adsorption spectrophotometry (AAS), as detailed in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants* (EPA, Cincinnati, Ohio, April 1977). (Some metals data was collected by a method other than AAS and was not included in the data base because of analytical concerns). The development of these methods of analysis has been described in the preamble to the proposed regulation for the Leather Tanning Point Source Category, 40 CFR Part 425, 44 FR 38749, July 2, 1979. A summary of all priority pollutant analyses reported from the screening program is incorporated into Section VI of the BAT Development Document.

In the second screening phase, EPA sampled and analyzed 40 additional plants, including 13 direct dischargers and 24 indirect dischargers. This phase concentrated on smaller plants and plants producing specialty and relatively small-volume products.

The screening results have not been used as part of the data base for developing BAT limitations. Rather, they have been used to generally identify the pollutants of concern in a variety of plants, to confirm process chemistry predictions, to help identify candidate pollutants and processes for further study and to investigate subcategorization for BAT.

The verification program was designed to obtain 3 days of data from a representative sample of plants in the industry. In this program, EPA focused upon plants that manufacture (and thus are likely to discharge) priority pollutants and those that produce large-volume chemicals (and thus account for a major portion of the industry's discharge flow as well as the industry's economic activity).

The verification program included 37 plants. Of these, 30 are direct dischargers, 5 are indirect dischargers and 2 are zero dischargers (deep well disposal). Of the direct dischargers, 27 use at least some end-of-pipe biological treatment and 3 use only physical/chemical treatment. These plants produce 315 product/processes, including the major high-production processes, the processes used to manufacture priority pollutants, and many smaller-volume processes. These product/processes represent over 70 percent of total industry production and over 45 percent of total industry process wastewater flow.

The verification program was designed not only to study the performance of end-of-pipe systems, as in the screening program, but also to examine the nature and treatability of 176 individual product/process wastewater effluents and combinations of such effluents in the visited plants. At each plant, EPA sampled the raw waste load of individual production lines, determined the rate of production, and sampled the discharge from in-plant physical/chemical treatment systems used to treat those product/process effluents either singly or in combination with other product/process effluents.

Before sampling a verification plant, EPA first analyzed the product/processes at the plant and, through the use of process chemistry, determined which priority pollutants were likely to be discharged at the plant. A pollutant was determined to be likely to be discharged if it was the final manufactured product, used as a raw material or solvent, or commonly known or reported to be a by-product of the process reaction. In addition, EPA generally analyzed a grab sample at the plant, prior to taking 3 days of composite samples, to further identify the pollutants being discharged by the plant. Finally, EPA developed analytical methods that were specifically appropriate to measure those pollutants in the particular wastewater matrix being sampled.

The methods used by EPA were generally GC/CD (gas chromatography with conventional detectors, such as electron capture or flame ionization). The Agency used these techniques rather than GC/MS because: (1) They were commonly in use in the industry and were often being used by the sampled plants to monitor their process wastewater streams; (2) equipment to use these techniques was widely available; and (3) the costs of monitoring for a small number of targeted priority pollutants is lower for these techniques than for GC/MS. However, EPA's analytical program called for the use of GC/MS for as much as 10 percent of the samples to confirm the GC/CD results.

A discussion and summary of all priority pollutant analytical methods is contained in Appendix E of the BAT Development Document. A summary of results of the priority pollutant analyses is contained in Section V of the BAT Development Document.

In response to comments on the verification program from EPA's Science Advisory Board, EPA has carefully reviewed the analytical methods used to collect the verification data. Based upon our review, we have determined that some mistakes were made in collecting the data for some plants. For example, appropriate spiking levels were not used at six plants. As a result, EPA has deleted all of the data for 6 verification plants from the data base used to generate the BAT limitations. Furthermore, some data from other plants may be similarly deleted prior to final promulgation if warranted by further analysis. We believe that most of the data used to develop the proposed limitations are supported by adequate quality assurance/quality control (QA/QC) procedures and will be appropriate for use in the final regulation.

An additional data base assembled by EPA contains information on steam stripping, activated carbon and solvent extraction. Several full-scale systems were sampled for certain priority pollutants. Supplemental data were obtained from pilot studies, bench scale studies and laboratory studies, and engineering design models were used to allow extrapolation of the results to full scale systems.

This physical/chemical treatment data base has not been used to develop BAT limitations. However, by indicating the discharge levels achieved by variously sized and designed physical/chemical treatment systems, it has been used to help determine the costs of removing certain priority pollutants by physical/chemical means.

The last major data-collection activity was a long-term (approximately one month) sampling program at 5 plants (2 of which were also verification plants). The sampling was done on a cooperative basis among EPA, the Chemical Manufacturers Association and the 5 companies. The sampling was conducted around the end-of-pipe systems (which included biological treatment at each plant). Split samples were analyzed by EPA, CMA and, in most cases, the plants. Metals were not addressed in this study. In addition, the study did not analyze all of the organic priority pollutants.

Data from the 5-plant study, like the verification data, were used to develop the BAT limits. The five plants included an additional 16 product/processes that were not covered in the verification study. Thus the two combined data bases include 331 product/processes.

In addition to gathering data, EPA studied (using both process chemistry theory and empirical validation) the principal feedstocks (basic raw materials) and generic processes used in the OCPSF industry to determine the priority pollutants that are likely to be discharged from particular product/processes. This information has been and is continuing to be used in several ways, including: (1) Providing a theoretical understanding of the collected data; (2) identifying product/processes that have not get been sampled by EPA and are likely to discharge priority pollutants and thus are good candidates for future sampling and analysis; (3) indicating the extent to which the product/process and pollutant-discharge data in EPA's data base is representative of the entire industry; and (4) assisting permit writers and plants in determining the pollutants that are likely to be discharged and thus need to be treated and routinely monitored. A detailed discussion of this subject is contained in Section V of the BAT Development Document. EPA invites commenters to submit information to improve this discussion of priority pollutant pathways.

C. Need for BAT Regulation

The OCPSF industry is unique in that it is the only industry that intentionally manufactures large volumes of the majority of organic priority pollutants. This fact alone indicates that significant discharges of organic priority pollutants will likely occur in this industry. Several other significant sources of organic priority-pollutant discharges in the OCPSF industry are: (1) The use of priority pollutants as raw materials; (2) the use of priority pollutants as solvents; (3) the creation of priority pollutants as co-products in petrochemical processes; and (4) the presence of priority pollutants as contaminants in raw materials. Furthermore, many priority pollutant metals are used in various product segments as catalysts, oxidizing and reducing agents, reagents, reactants, raw materials, by-products and corrosion inhibitors and thus also may be expected to be discharged from OCPSF plants.

Actual data collected by EPA confirm the discharge of a wide variety of priority pollutants. Nearly every priority pollutant has been detected in at least 42 percent of the influent or effluent samples in the screening, verification and 5-plant studies. While most of these pollutants are attributable to OCPSF processes, some are not. For example, the pesticide priority pollutants found in end-of-pipe effluent cannot be attributed to OCPSF wastewaters because they are not used as raw materials or solvents, are not produced as products or co-products, and are unlikely to appear as raw material contaminants in OCPSF product/processes. They are most likely attributable to intake water used in the process or to pesticide formulations that were being applied around the plant grounds but are not related to production processes. Even after good biological treatment that meets the criteria set for the BPT data base (BOD less than 50 mg/l or better than 95% BOD reduction), the discharge of many priority pollutants is still significant and treatable.

Due to the huge process-wastewater flows that occur at many OCPSF plants, the total mass (flow times concentration) of discharged priority pollutants can be very high even at low concentrations. The total mass of discharged organic priority pollutants from this industry is the highest of any industry. EPA estimates that direct dischargers would discharge 668 million pounds of priority pollutants after achieving BPT. (The priority pollutant mass loading figures presented in the preamble are based on developing flow-weighted industry-wide priority pollutant loadings for the 176 selected product/process and then, on the basis of flow, extrapolating the loading to the entire industry).

Based upon the above information, EPA has concluded that priority pollutant discharges from the OCPSF industry are significant even after BPT treatment. Therefore, BAT limitations are necessary to control priority pollutant discharges.

D. BAT Technology Selection

Due to the diversity of priority pollutants in the OCPSF industry, a variety of treatment technologies are employed by OCPSF plants to control priority-pollutant (as well as nonconventional pollutant) discharges. Consequently, the selection of a particular set of "BAT" treatment technologies is plant-specific. Unlike other industries for which EPA has established BAT guidelines, the OCPSF industry is not amenable to the specification of a single model BAT technology.

The range of technologies used to control priority-pollutant discharges in the OCPSF industry encompasses virtually the entire range of industrial wastewater-treatment technology. Generally, as indicated previously, this technology is usually some combination of in-plant control, or treatment of specific wastestreams (from one or several product/processes) by any of a variety of physical/chemical methods, biological treatment of combined waste streams, and post-biological treatment.

Some of the controls or technologies preceding the biological segment of the treatment system are installed specifically to reduce priority pollutants. However, others are expressly designed into the treatment system to assure compliance with BPT by protecting the biological segment of the system from shock loads and other forms of interference. It is thus infeasible to specify that any particular technology is or is not a "BAT" technology or a "priority-pollutant control" technology in the OCPSF industry. Rather, each plant wishing to control its priority-pollutant discharges will employ some combination of controls and technologies (and, to some extent, dilution of some process wastewater by other process wastewater having lower concentrations of certain priority pollutants) that result in the desired reduction.

Based upon these considerations, EPA has refrained in this rulemaking from specifying a particular set of controls as the basis for BAT. Rather, EPA has based the proposed BAT limitations on the levels of priority pollutant control that are actually achieved at various OCPSF plants using differing treatment configurations. In doing so, EPA has carefully analyzed the plants in its BAT data base to assure that the data relied upon to develop BAT limitations represent the best available technology rather than simply an average of existing performance levels.

EPA has used certain existing rules to determine which plants are included in the data base used to develop BAT limitations. These rules are discussed in Section V of the BAT Development Document. EPA will continue to consider the appropriateness of the editing rules and invites comment on them.

E. Calculation of BAT Limitations

EPA considered two general options for developing BAT effluent limitations. The selected option is concentration-based limitations, based on end-of-pipe data that reflect total treatment system performance. The rejected option would have set mass-based (or, in a suboption, concentration-based) limitations, based primarily on an evaluation of the treatability of individual product/

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process streams by in-plant process control, physical/chemical treatment, and biological treatment.

1. *Option 1: Mass-Based Limitations on Specific Product/Processes.* The Agency gave the rejected mass-based, product/process option very serious consideration throughout the development of these regulations. This option would have relied primarily on the data gathered in the verification program for the 176 product/processes and their treatability and also on the physical/chemical treatability data based. Based on this data, EPA would have determined what mass limitations could be achieved for each product/process through the use of in-plant control.

Under this option, each product/process would have been considered a separate subcategory, and the regulation would have contained separate mass-based limitations for each such subcategory. Monitoring would have been separately required for each product/process effluent. However, credit could have been provided for removals by an end-of-pipe (usually biological) treatment system if sampling before and after that system demonstrated a percent reduction through the biological segment of the system. This is similar to the use of removal credits in the Pretreatment program for indirect dischargers. (See 40 CFR 403.7, 46 FR 9404, January 28, 1981). See also the proposed amendments to 40 CFR 403.7, 47 FR 42698, September 28, 1982.

This option, if supported by sufficient technical information, provides some potential advantages over an end-of-pipe-based regulation:

a. By setting limits on individual product/processes, this option would assure treatment prior to the commingling of different process wastewaters. Thus, the dilution of one process wastewater containing only pollutants A–E by another process wastewater containing only pollutants F–J could not be used as a partial substitute for treatment.

b. This option could be expected, in practice, to result in an emphasis on process controls and in-plant physical/chemical treatment, thereby promoting the recycling and reuse of wastewater and by-products. Such an emphasis would result in a reduction of the overall pollutant release through various environmental media that might otherwise occur through a heavier reliance on end-of-pipe biological treatment. For example, biological treatment can, in some instances, cause the transfer of some volatile organic pollutants from the wastewater to the air, and the adsorption of some other organic pollutants, as well as metals, to the biological sludge, which is then disposed of through methods which may affect other media. While some in-plant physical/chemical controls may similarly transfer pollutants to other media (*e.g.*, precipitation of metals often results in the transfer of metals from wastewater to other media), other in-plant controls and treatments return at least some pollutants to the process, thereby minimizing total environmental releases.

Despite these theoretical advantages, EPA has concluded that this option is both technically and administratively infeasible. The difficulties with this option are outlined below:

a. EPA collected data characterizing 176 specific product/process effluents. This covers all of the high-volume products in the industry, and represents approximately 40 percent of the industry wastewater flow and approximately 65 percent of its production. Despite this extensive coverage, thousands of minor individual product/processes are left unaddressed. In implementing BAT regulations to issue a permit under this option, a permit writer would typically be faced with the arduous task of characterizing and developing effluent limitations for those product/processes at each plant that are not explicitly addressed by the regulation. The time and expertise needed by the States and EPA Regional offices to implement this approach would be enormous. It is thus likely that this approach would substantially delay the issuance of permits to, and the installation and operation of BAT controls by, OCPSF plants.

b. Calculating mass limits requires that for each product/process, EPA must calculate an F/P (flow divided by production volume) ratio representative of good industry practice. (Multiplying F/P by concentration yields a mass pollutant loading per unit of production.) For 146 of the 176 product/processes, EPA has F/P data with corresponding final effluent data at only one plant. Moreover, where we have data from two or three plants, wide variations in F/P ratios often occur. (In one case the variation is a factor of 74). Causes for these disparities could be a variety of differing process controls. To establish a BAT F/P ratio, EPA would practically have to set design and operating practices for each product/process in the industry. This is far beyond the reasonable scope of the BAT project.

c. Plants often combine the raw wastewater from several product/processes prior to in-plant treatment. The piping configurations often make it impossible to sample the isolated wastewater streams before they are combined. Undetermined mixes of several product/process effluents would confound attempts to attribute F/P ratios, raw waste loads or treatabilities to particular product/process effluents. This problem would similarly confront plants attempting to monitor individual product/process effluents in order to comply with permits implementing this option.

d. EPA's data indicating the day-to-day variability of physical/chemical-treatment-system performance is somewhat limited. Such information is available for some physical/chemical systems' day-to-day performance in treating particular priority pollutants in particular wastewater matrices. However, for others, only laboratory, pilot or bench scale data and/or theoretically based extrapolations exist. Obtaining additional full-scale data on many of the more important physical/chemical systems (e.g., steam stripping and activated carbon) would be enormously complicated. The systems must be sampled at time intervals much smaller than required for biological systems. Thus, the minimum number of samples to obtain a representative set of data, is very large, and the cost of performing such analyses for different physical/chemical treatment systems is correspondingly high.

e. Monitoring for compliance with individual product/process limitations would be enormously expensive. Sampling and analysis for organic pollutants, unlike analysis for conventional pollutants and metals, is very expensive. Monitoring on a routine basis for organic pollutants at many different points within the plant would be exceptionally expensive. For example, if a large plant monitored 15 sample points for priority pollutants once a week, the annual cost of monitoring alone could be as high as $663,000.

Although EPA has decided not to propose product/process oriented, mass-based BAT limitations, the product/process-related data have proved enormously useful to the Agency and are expected to be useful in the future. First, the information has helped EPA verify its theoretical understanding of the sources of priority pollutant discharges in the OCPSF industry. This helps assure the representativeness of the data used for the selected option and will assist permit writers in developing monitoring requirements. Second, as discussed below, the information has been crucial to EPA's analysis of the

costs and economic impacts of the proposed BAT limitations.

2. *Option 2: The selected approach—End-of-Pipe Concentration Limitations.* EPA has decided to propose concentration-based BAT limitations for two separate subcategories based upon end-of-pipe data that reflect the best available technology, including combinations of process controls, in-plant physical-chemical treatment, and end-of-pipe (usually including biological) treatment. The data base includes the verification plants and the plants included in the 5-plant study. The use of concentration-based, end-of-pipe BAT limitations avoids the difficulties discussed above with respect to a mass-based approach. However, as in the case of BPT limitations, the permit writer would multiply the concentration limit by the plant's combined wastewater flow to set a mass limitation in the permit. In addition, the permit may limit flow, on a case-by-case basis using best engineering judgment, where water use is excessive and prevents effective reduction of priority pollutant loadings.

Prior to calculating concentration-based limitations, EPA considered whether the industry should be subcategorized for BAT purposes. We considered the types of factors discussed above with respect to BPT subcategorization. We concluded that two subcategories were appropriate for BAT. One subcategory consists of discharges resulting from the manufacture of plastics and synthetic fibers only ("Plastics Only" which corresponds to the BPT Plastics Only subcategory). They tend to have less significant levels of priority pollutants than the remaining discharges, all of which result from the manufacture of at least some organic chemicals ("Not Plastics-Only" subcategory which corresponds to the BPT oxidation, Type I and Other Discharges subcategories). Thus, as discussed below, relatively few priority pollutants require control in the Plastics Only subcategory while many priority pollutants require control in the Not Plastics-Only subcategory.

The designation of fewer subcategories for BAT than for BPT stems from the conceptual differences between BAT and BPT. BPT reflects the average of the best existing industry practice. The four BPT subcategories reflect the fact that the best practicable treatment technology results in differing practicably achievable BOD and TSS discharge levels for each subcategory. The data gathered by EPA for BAT show that plants in the 3 BPT subcategories other than Plastics Only can all achieve the same effluent limitations by installing the best available technology economically achievable. Age, size, location and flow were considered and found not to be factors in subcategorization. The BAT subcategorization is discussed in further detail in Section IV of the BAT Development Document.

EPA is considering establishing a separate subcategory, for BAT purposes, for discharges resulting from the manufacture of rayon. These discharges would otherwise be covered by the Plastics Only subcategory. An industry trade association has recently submitted raw waste load and treated effluent data for this subcategory. These data indicate that discharges from the manufacture of rayon differ dramatically from other plastics discharges. Concentrations of metals in other raw (untreated) waste loads are almost always less than 5 μg/l. Rayon raw waste discharges of zinc often exceed that figure by 100 times or more. Even after good treatment, it is reasonable to expect, as the data indicate, that rayon discharges cannot achieve the same level as other plastics discharges. EPA invites comments on the suitability of establishing a separate subcategory for discharges from rayon manufacturers.

Having established the BAT subcategories, EPA then established limitations for each subcategory. EPA first calculated long-term averages for each priority pollutant that was discharged above levels achievable by BAT (36 organics and 8 metals in the Not Plastics-Only subcategory, and 5 organics and 5 metals in the Plastics Only subcategory). The averages were then multiplied by variability factors to calculate daily maximum and 4-day average effluent limitations. The 99th and 95th percentiles of the long-term data distribution provide the basis for calculating the daily maximum and 4-day average variability factors, respectively. A detailed discussion of EPA's methodology in developing limitations is contained in Section IX of the BAT Development Document.

The 4-day averages are expressed as "average of daily values for 4 consecutive monitoring days." The actual monitoring frequency will vary from plant to plant (see the discussion in Section XI of this preamble). EPA feels that monitoring four times a month is a reasonable average frequency for some plants. For others, a different frequency (*e.g.*, once per month) may be more appropriate. In any case, the 4-day average would apply to any set of 4 consecutive samples, regardless of the period of time over which the samples were taken.

One issue that has arisen with respect to the effluent limitations for organic priority pollutants is the analytical variability associated with measurements for these pollutants, especially at low levels. The practical lower limit of detection for most of these pollutants, given the proper use of analytical procedures, is between 1 and 10 μg/l. If GC/CD is used with careful cleanup and other appropriate procedures, the practical detection limit is generally even lower (between 0.1 and 1 μg/l). At very low levels approaching the detection limit from above, unless great precautions are taken, analytical variability may substantially affect the process of quantification. EPA's statistical methodology for developing the BAT limits has been designed with this problem in mind. The methodology does not require the quantification of values below 10 μg/l.

EPA found that some pollutants known to be in raw waste loads were uniformly reduced to 10 μg/l or less by plants in EPA's data base. For others, treatment uniformly reduced pollutant levels to not much higher than 10 μg/l. Appropriate statistical techniques yield low BAT limits (both daily maximum and 4-day average) for these pollutants (often less than or equal to 10 μg/l).

Low-level concentration data is viable for inclusion in a data base that reflects the range of performance of BAT systems. However, EPA feels that setting regulatory limits at 10 μg/l, even where warranted by appropriate statistical techniques applied to the data, will result in apparent violations that may occur due to analytical variability at this low level of detection. In such cases, the discharger and the pretreatment control or permitting authority would have to review the analytical procedures used, in order to determine if a violation actually occurred. Many disputes would arise concerning incidental analytical methods issues, diverting attention from the central issue: whether the appropriate set of BAT controls and treatments are being properly operated. EPA believes that sound regulatory policy dictates that levels be chosen that lessen the necessity for analytical disputes without being so high that inadequate treatment is allowed.

Consequently, a less stringent threshold of 50 μg/l has been set for organic priority pollutant limitations. This level has been selected as the daily maximum limitation whenever the statistical methodology yields lower (less than 50 μg/l) concentrations. For

pollutants whose daily maxima are proposed to be 50 μg/l (for the reasons described above), EPA is not setting 4-day average numbers. Based upon statistical techniques, these averages should be even lower than the daily maxima, which have been raised to 50 μg/l to avoid analytical method disputes. To be consistent, the 4-day averages would have to be raised to 50 μg/l for the same reasons. No purpose would be served by having average limits set at the same level as daily maxima. The daily maximum limitations of 50 μg/l will suffice for regulatory and enforcement purposes.

EPA will continue to consider the appropriateness of the 50 μg/l lower bound used in these proposed regulations. Given the extremely low levels of detection for most of the pollutants, the 50 μg/l level may be higher than necessary to avoid significant analytical methods disputes. Certainly, for the pollutants in question, substantially lower levels are both technically achievable and measurable, provided that adequate care is taken with respect to analytical techniques. EPA invites comments and analytical methods data that would shed further light on this issue.

A related issue raised by an industry trade association concerns the implementation aspects of low level limits once they have been established in the final regulation. The concern raised is that at any reasonably low level, analytical variability is sufficient to result in some cases, in apparent noncompliance caused solely by such variability. The industry association suggested an upward adjustment of such limitations to account for such variability or, alternatively, an EPA policy on how to interpret violations of a limit that are within a certain range of analytical variation from the limit.

EPA does not believe that the regulatory limits should be adjusted to address this concern. The data used to derive the limitations reflect the range of variability found in the industry, including analytical variability as well as product/process and treatment variability. Furthermore, statistical techniques used to derive the daily maximum limitations already account for analytical and other variability by multiplying the average long-term performance by variability factors. Finally, the other measures discussed above should reduce any remaining variability problems.

EPA agrees, however, that an enforcement program or a general policy that recognizes the problems of analytical variability could be useful. EPA intends to consider such an approach and welcomes comments on how best to develop and implement it.

F. Applicability of BAT Limitations

The two subcategories established for BAT, and the limitations established for each subcategory, apply to all plants that have discharges resulting form OCPSF manufacturing operations. Thus, they cover discharges of priority pollutants from thousands of product/processes.

The plants included in the BAT data base for the development of BAT limitations include 234 product/processes. These product/processes represent approximately 70 percent of industry production and approximately 45 percent of industry flow. Thus, EPA believes that they provide a fair representation of the entire industry with respect to achievable end-of-pipe concentrations.

In analyzing the BAT data base, EPA found that many plants already achieve low effluent concentrations for the pollutants covered by the BAT regulation even when those pollutants are at significant concentrations in the raw waste load. Indeed, well-operated plants are generally able to achieve low effluent levels regardless of any high loadings that may initially be generated by particular product/processes within the plants. In the case of plants that are discharging particular pollutants at higher levels than other plants in the data base, EPA has generally been able to identify a certain type of control or treatment (usually process controls or in-plant physical/chemical treatment) that is used by the better performers to treat that pollutant, but that is not being used by the poorer performers. These facts lead to the conclusion that a well-operated plant should be able to meet the BAT limitations regardless of this product/processes are being used at the plant, provided that appropriate technologies are applied. Thus, the proposed limitations based on our data base should be achievable by all plants in the industry, even when they use some product/processes that are not specifically covered by our data base.

The conclusion that the proposed BAT limitations are broadly applicable is strongly supported by an analysis of the sources of priority pollutants from a process chemistry perspective. As noted previously, priority pollutants are discharged from chemical processes generally as the result of one of the following five causes: (1) The pollutant is manufactured by the plant; (2) the pollutant is a co-product of the process reaction; (3) the pollutant is used as a raw material; (4) the pollutant is used as a solvent; or (5) the pollutant is a contaminant of a raw material.

EPA's data base includes most of the product/processes used to manufacture the priority pollutants that are produced in large volume. It includes almost all of the important types of generic chemical processes used in the OCPSF industry. Similarly, the inclusion of many different types of product/processes used in the industry ensures that the data reflect a good cross-section of the use of pollutants as raw materials or solvents. The final source of pollutants, contamination of raw materials, is largely variable even for a given product/process, depending on the plant's raw material source at a particular time. The plants and product/processes in the data base may be expected to provide a representative picture with respect to this factor as well.

EPA intends to gather more data from additional plants, including additional product/processes, to broaden the direct coverage of the data base and to confirm its representativeness of previously unsampled plants. In addition to gathering data on pollutants limited in the proposed regulation, we will be seeking data on pollutants that are not limited in the proposal, to further assure ourselves that significant discharges of these pollutants are not occurring. Based on this additional information, EPA may modify the proposed limitations or decide to limit additional pollutants. EPA's data-gathering plan is discussed in greater detail in Section XV below.

EPA invites comments on this issue. Specifically, do product/processes exist whose raw waste loads for particular priority pollutants are so high that their effluent loadings cannot be reduced to comply with the proposed BAT limitations by using the best available technology economically achievable? If so, what are the product/processes, what pollutants do they generate at what concentrations, and what difficulties preclude the achievability of the BAT limitations? Do certain product/processes discharge, at significant levels, priority pollutants that are not limited in the proposed BAT regulation? What product/processes are these, and what pollutants do they discharge at what levels?

G. BAT Removals of Priority Pollutants, Costs and Economic Impacts

EPA estimates that the proposed BAT regulation will result in the incremental removal (beyond that achieved by BPT) of 648 million pounds per year of priority pollutants. BAT is estimated to result in

capital costs of $520 million and annual costs of $243 million. Five plant closures are anticipated. In addition, 9 process lines are expected to close, resulting in the loss of 377 out of 295,000 total jobs in the industry.

Based upon the above, EPA has concluded that the proposed BAT limitations are justified and consistent with the requirements of the Act.

VIII. New Source Performance Standards

The basis for new source performance standards (NSPS) under Section 306 of the Act is the best available demonstrated technology. At new manufacturing plants, the opportunity exists to design the best and most efficient processes and wastewater treatment facilities. Therefore, Congress directed EPA to consider the best demonstrated process changes, in-plant controls, and end-of-pipe treatment technologies that reduce pollution to the maximum extent feasible.

Priority pollutants proposed for control by this regulation include those listed for BAT. BOD and TSS which are regulated in BPT, are proposed for regulation under NSPS.

The technologies used to control conventional and priority pollutants at existing plants are fully applicable to new plants. Furthermore, EPA has not identified any technologies or combinations of technologies that are demonstrated for new sources that are different from those used to establish BPT and BAT limitations for existing sources. Therefore, EPA is establishing NSPS subcategories and proposing NSPS limitations that are identical to those proposed for BPT and BAT.

IX. Pretreatment Standards for Existing Sources

A. Legal Criteria in Developing Pretreatment Standards

Section 307(b) of the Act requires EPA to promulgate pretreatment standards for existing sources (PSES), which must be achieved within three years of promulgation. PSES are designed to prevent the discharge of pollutants that pass through, interfere with, or are otherwise incompatible with the operation of POTWs. The legislative history of the 1977 Act indicates that pretreatment standards are to be technology-based, analogous to the best available technology for removal of toxic pollutants. The General Pretreatment Regulations which serve as the framework for the proposed pretreatment standards are in 40 CFR Part 403. (See 43 FR 27736, June 26, 1978; 46 FR 9404, January 28, 1981).

Before proposing pretreatment standards, the Agency examines whether the pollutants discharged by the industry pass through POTW or interfere with POTW operation or sludge disposal practices. In determining whether pollutants pass through a POTW, the Agency compares the percentage of a pollutant removed by POTWs with the percentage removed by direct dischargers applying BAT. A pollutant is deemed to pass through the POTW when the average percentage removed nationwide by well-operated POTWs (those meeting secondary treatment requirements) is less than the percentage removed by direct dischargers complying with BAT effluent limitations guidelines for that pollutant.

This approach to the definition of pass through satisfies two competing objectives set by Congress: That standards for indirect discharges be equivalent to standards for direct dischargers, and that the treatment capability and performance of the POTW be recognized and taken into account in regulating the discharge of pollutants from indirect dischargers. Rather than compare the mass or concentration of pollutants discharged by the POTW with the mass or concentration of pollutants discharged by a direct discharger, EPA compares the percentage of the pollutants removed by the plant with the POTW removal. EPA takes this approach because a comparison of mass or concentration of pollutants in a POTW effluent with pollutants in a direct discharger's effluent would not take into account the mass of pollutants discharged to the POTW from nonindustrial sources nor the dilution of the pollutants in the POTW effluent to lower concentrations from the addition of large amounts of nonindustrial wastewater.

B. Need for Pretreatment Standards

Indirect dischargers in the OCPSF industry, like the direct dischargers, use as raw materials and solvents, and produce as products or byproducts, many organic priority pollutants. Similarly, they use many priority pollutant metals in their manufacturing operations. Therefore, as in the case of direct dischargers, they may be expected to discharge many priority pollutants to POTWs at significant mass and concentration. Indeed, EPA estimates that indirect dischargers annually discharge 174 million pounds of priority pollutants to POTWs.

EPA has conducted a study of 50 well-operated POTWs that use biological treatment and meet the secondary treatment criteria to determine the extent to which priority pollutants are reduced by such POTW's. This study showed that the metals proposed for BAT regulation are typically removed at rates varying from 59 to 91 percent in POTWs. In contrast, BAT level treatment by direct dischargers in the OCPSF industry achieves removal of these metals in the range of 17 to 83 percent. While the ranges overlap in general, BAT removal exceeds POTW removal with respect to particular pollutants in only a few cases. EPA has found that one metal (lead), and cyanide discharged from the Plastics Only subcategory pass through POTWs, and 2 metals (chromium and mercury) from the Not Plastics-Only subcategory pass through.

For the organic priority pollutants proposed for BAT regulation, data from the 50 POTWs illustrate a wide range of removals for various pollutants, ranging from 45 to 98 percent reductions. BAT-level treatment by direct dischargers in the OCPSF industry also illustrates a wide range of removal. Removal data across OCPSF biological systems show a percent reduction range from 33 to greater than 99 percent. In many instances, the data on removals across biological systems understate, because of the location of the sampling points, the percent reduction across the entire BAT treatment system (including reductions across in-plant treatment). However, it is reasonable to assume that the precent reduction across an entire system would be higher than across the end-of-pipe treatment alone.

POTW percent reduction data are available for 27 of the 36 organic pollutants proposed for BAT limitations. BAT percent reductions are greater than POTW percent reductions for 11 priority pollutants. For 16 other priority pollutants, POTW removals are better than BAT removals (calculated only across the end-of-pipe portion of the BAT system, as mentioned above). Higher POTW removals for this latter group indicate the absence of pass-through with respect to the pollutants in that group. However, as noted in the above paragraph, the BAT removals may be understated by the available data.

Some of the 11 pollutants in the first group fall into a grey area. The data indicate that BAT percent reductions for 5 pollutants exceed POTW percent reduction by less than 5 percent. In light of the fact that EPA had less data in the POTW studies on organic priority pollutants than it had for the metals, and in light of the analytical variability for organic priority pollutants at the

concentrations typically found in end-of-pipe biological systems at POTWs and OCPSF plants, EPA believes that differences of 5 percent or less between the OCPSF and POTW data for organic priority pollutant reductions may not reflect real differences in treatment efficiency. Therefore, EPA has determined that for the purposes of the proposed PSES regulation, these grey-area pollutants do not pass through POTWs. We solicit comments on this issue.

In addition to the pass-through problem, many of the pollutants in OCPSF wastewaters, at sufficiently high concentrations, can inhibit biodegradation in POTW operations. Indeed, in some cases, OCPSF discharges into POTWs have caused severe upsets at POTWs resulting not only in the pass-through of the OCPSF discharge but also in the partial or complete failure by the POTW to treat other wastes.

Finally, the high concentrations of priority pollutants in a POTW's sludge can limit the use of sludge management alternatives, including the beneficial use of sludges on agricultural lands or the codisposal of sludge with refuse for recovery of thermal energy. In particular, a high level of cadmium (which is discharged by some OCPSF plants) can result in a POTW's inability to comply with the specific limitations established under Section 405 of the CWA for land spreading of Cadmium containing wastes. See 40 CFR Part 257, 44 FR 53460, September 13, 1979. EPA is not proposing PSES standards for cadmium to address this concern because cadmium discharges from OCPSF plants occur infrequently and are not known to be causing a national problem for POTW sludges. If a particular POTW is having sludge problems due to an OCPSF discharge of cadmium into the POTW, that local problem should be addressed through the local pretreatment program. We request comments on the proposal not to set a national pretreatment standard for cadmium.

Based upon the above considerations, EPA has concluded that PSES regulations are necessary for a substantial number of pollutants in this industry. Accordingly, EPA is proposing pretreatment standards today for all of the pollutants included in the BAT regulation except for those which we have determined do not pass through POTWs as discussed above. Thus, there are pretreatment standards for 15 organic priority pollutants and 2 metal priority pollutants for the Not Plastics-Only subcategory. These include 9 pollutants without corresponding POTW data to make such a determination. EPA solicits comments on whether any additional pollutants should be subject to PSES standards to prevent interference with POTW operations or to prevent POTW's sludge disposal problems.

C. Technology Selection and Establishment of Limits

The selected technology for PSES is the same as for BAT: the combination of process controls, in-plant physical/chemical treatment and end-of-pipe treatment that is the best available to control priority pollutant discharges at each plant. The PSES limitations reflecting this technology are based upon the same data as the BAT limitations: the verification data and the five plant data. This ensures that those pollutants that were found to pass through POTWs are controlled in a manner that is analogous to BAT.

As discussed previously in the case of BAT, two subcategories have been established for pretreatment: Plastics Only and Not Plastics-Only. Fewer pollutants are regulated in the pretreatment standards, reflecting the fact that POTWs adequately remove some of the pollutants regulated by BAT. For the Plastics Only subcategory, 2 organic and 2 metals are limited. For the Not Plastics-Only subcategory, 15 organics and 2 metals are limited. Standards for these pollutants are concentration-based and are equal to the BAT limitations.

In some cases, EPA anticipates that plants will install biological systems as part of their total pretreatment systems. This will occur when the use of biological treatment is more cost-effective than the use of a purely physical/chemical system in meeting the standards. However, EPA anticipates that biological treatment will be used less frequently by indirect dischargers than by direct dischargers, because the pretreatment standards do not limit the conventional pollutants BOD and TSS. Therefore, indirect dischargers that can control priority pollutants by physical/chemical means will not need to install biological treatment to address BOD and TSS. Additionally, as discussed in the next section, some indirect dischargers may obtain credits for POTW removals, resulting in less stringent limitations which may eliminate the need for biological treatment.

As in the case of BPT and BAT, PSES standards are expressed in terms of concentration rather than mass. However, unlike direct dischargers, indirect dischargers are not issued permits (except where a POTW voluntarily chooses to adopt a permit system to implement a local pretreatment program). Therefore, the concentration-based PSES standards will generally not be converted into mass-based limits as in the case of BPT and BAT limitations. EPA solicits comments on whether, and how, EPA should develop an approach whereby concentration-based PSES standards are converted to mass-based standards.

D. Removal Credits

For many priority pollutants, POTWs do not remove the pollutants as efficiently as biological systems at OCPSF plants. This occurs for two main reasons. First, influent concentrations of these pollutants at an OCPSF plant are often higher than at a POTW (which dilutes pollutant-bearing wastewaters with other wastewaters); higher influent concentrations can in many cases be reduced more efficiently (*i.e.*, by a greater percentage) than can lower concentrations. Second, OCPSF biological systems are more likely to have biota that are better acclimated to the specific OCPSF wastes than are the POTW biota receiving such wastes.

Although some priority pollutants are not adequately treated by POTWs, they are removed by POTWs to at least some extent. Recognizing this fact, Congress amended the Clean Water Act in 1977 to allow POTWs to grant "removal credits" to indirect dischargers in appropriate circumstances. The decision whether to grant removal credits is made by the POTW. No POTW removal credit can be granted without approval of the POTW owner or operator.

Section 307(b)(1) of the CWA now provides that if a POTW removes all or part of a toxic pollutant discharge and the discharge from the POTW does not violate the limitation which would apply to the pollutant if it were discharged by a source other than a POTW (i.e., an industrial plant), and does not prevent sludge use or disposal by the POTW in accordance with Section 405 of the CWA, then the owner or operator of the POTW may, at his discretion, revise the pretreatment standards to reflect the POTW removal. EPA regulations implementing this statutory provision are contained in 40 CFR 403.07, 46 FR 9404 (January 28, 1981). Revisions of these rules were recently proposed to simplify procedures and encourage the use of such "removal credits" where appropriate. See 47 FR 42698 (September 28, 1982). The proposed rules would establish, for well-operated POTWs, uniform, nationally available removal credits for the metals regulated by

today's pretreatment standards, ranging from 19 to 65 percent. The general pretreatment regulations currently allow a POTW to grant a removal credit for any pollutant for which the POTW demonstrates actual removal. Although EPA anticipates that many OCPSF plants will be granted removal credits by POTWs for metals and some will be granted removal credits for organic pollutants, EPA has assumed, for costing purposes, that OCPSF plants will not obtain removal credits and will be required to meet fully the proposed PSES limitations. This assumption may have resulted in a substantial overestimate of the costs and economic impact of the proposed PSES regulation.

E. Compliance Date

EPA is proposing a compliance date for PSES for the OCPSF category of 3 years from the date of promulgation. We believe that three years (the maximum compliance period allowed by law) are necessary for several reasons. First, many indirect dischargers presently have little or no treatment in place. Therefore, very substantial capital improvements will be required. Second, due to the complexity of OCPSF plant configurations, product mixes, and wastewater matrices, a substantial amount of engineering design work must precede the selection and installation of equipment. Third, biological systems typically require a substantial amount of startup time to acclimate the biota, attain equilibrium and achieve compliance with effluent limitations.

EPA solicits comments on the proposed compliance date for PSES.

F. PSES Priority Pollutant Removals Costs and Economic Impacts

EPA estimates that the proposed PSES regulation will result in the incremental removal of 165 million pounds per year of priority pollutants. PSES is estimated to result in capital costs of $880 million and annual costs of $404 million. Three plant closures are anticipated. In addition, 12 process lines are expected to close, resulting in the loss of 117 out of 295,000 jobs in the industry.

Based upon the above, EPA has concluded that the proposed PSES limitations are justified and consistent with the requirements of the Act.

X. Pretreatment Standards for New Sources

Section 307(c) of the Act requires EPA to promulgate pretreatment standards for new sources (PSNS) at the same time that it promulgates NSPS. These standards are intended to prevent the discharge of pollutants which pass through, interfere with or are otherwise incompatible with POTW. New indirect dischargers, like new direct dischargers, have the opportunity to incorporate the best available demonstrated technologies including process changes, in-plant control measures, and end-of-pipe treatment, and to use plant site selection to ensure adequate treatment system installation.

The priority pollutants selected for regulation by PSNS are the same as those selected for control by PSES. For the reasons discussed above, EPA has determined that these pollutants may pass through, interfere with or otherwise be incompatible with the POTW. The pretreatment standards selected as the basis for PSNS are also the same as those selected for PSES because EPA has not identified any technologies or combination of technologies that are demonstrated for new sources that are different from those used to establish PSES. These standards are the same as NSPS except that pollutants regulated by NSPS that do not pass through POTWs are not regulated by PSNS.

XI. Monitoring Requirements

The proposed regulations control a substantial number of priority pollutants, including many organic priority pollutants. To insure compliance with the proposed effluent limitations and standards, plants will be required to periodically monitor their discharges for the regulated pollutants. Permitting authorities generally must specify monitoring requirements in direct dischargers' permits, including type, intervals, and frequency sufficient to yield data that are representative of the monitored activity. See 40 CFR 122.11(b), 45 FR 33290, 33428, May 19, 1980. Similarly, today's proposed § 414.13(a) specifies that the pretreatment control authority must specify such monitoring requirements for indirect dischargers.

To date, EPA has not promulgated analytical methods for many of the organic priority pollutants. However, EPA has proposed both GC/MS and GC methods for these pollutants in 44 FR 69464 (December 3, 1979) and expects to promulgate them soon in 40 CFR Part 136. Plants will be required to use promulgated methods, or alternative methods approved by the EPA Administrator under 40 CFR 136.5, to comply with monitoring requirements.

As in the case of other industry regulations, today's proposed regulations do not specify monitoring frequency. The appropriate monitoring frequency for a particular plant depends not only on general categorical factors but also on plant-specific factors such as the size of the plant's flow and the nature of the local receiving waters. Thus, the specification of monitoring frequency is best determined locally on a case-by-case basis.

The proposed regulations do provide some guidance, however, on the appropriate range of monitoring frequencies. They include two sets of limitations; daily maxima and averages of daily values for 4 consecutive monitoring days. Although the regulations don't specify the period over which the 4 consecutive samples must be taken, the 4-day averages were concieved as replacements for the monthly averages that have typically been established in effluent guidelines and standards. EPA considers 4 times per month to be an appropriate frequency for many plants in the industry. A monitoring frequency lower than four times per month may, however, be more appropriate for smaller plants in the industry, given the relatively high cost of monitoring for organic priority pollutants. For metals, a frequency greater than four times per month may be appropriate in some cases.

EPA recognizes that some OCPSF plants do not generate some priority pollutants in their product/processes, and therefore do not discharge some of the priority pollutants that are subject to effluent standards and limitations in the proposed regulations. It would be unreasonable to require such plants to frequently monitor for these pollutants. Therefore, EPA has developed a procedure in proposed § 414.12 whereby the permitting authority (for direct dischargers) or the pretreatment control authority (for indirect dischargers) may reduce monitoring requirements for such pollutants to once per year. Two criteria must be met.

First, the Pollutant must not have been detected during the preceding year at a level exceeding 10 μg/l if it has exceeded 10 μg/l, then it is reasonable to monitor for it frequently enough to assure that it is not being discharged at levels that would violate the applicable limits.

The monitoring data to be considered in making this assessment initially include the data submitted in the permit application (see 40 CFR 122.53, 45 FR 33290 and Form 2C, 45 FR 33516, May 19, 1981) for direct dischargers, and the initial reporting requirements for indirect dischargers (see § 403. 12(b)). Subsequently, plants seeking reduced monitoring requirements will need to submit compliance monitoring data so that the control authority can determine whether the first criterion for reduced monitoring is met. In addition, the plant must certify that the 10 μg/l level has

not been exceeded in any monitoring that it has performed.

The second criterion for granting reduced monitoring requirements is a finding, based upon the product/processes used at the plant, that the pollutant in question is not likely to be discharged above the concentration level set forth in the applicable effluent limitation or standard. This criterion is based upon the fact that at most OCPSF plants, the nature of the product/process mix and the resultant discharge do not remain constant. Even "representative" monitoring data, unless taken very frequently at considerable expense, will not indicate the full potential for priority pollutant discharges from the plant. An analysis of product/processes, based upon information provided by the plant, will assist the control authority in identifying the potential for priority pollutant discharges not revealed by the monitoring data available for the preceeding year. The proposed regulations also direct the permitting or control authority to separately consider which product/processes were operating when the monitoring data was gathered, thereby providing a better understanding of the potential sources of priority pollutant discharges at the plant.

The analysis of the likelihood of priority pollutant discharges above regulatory levels will be made not only by the permitting or pretreatment control authority, but also by the plant, through the submission of certification. It is of course essential that the appropriate authority review the relevant information and satisfy itself that such discharges are not likely to occur. However, the plant may have knowledge of additional facts not considered by the authority which indicate that such discharges will occur. An example of this is contaminants of raw materials. Plants are often aware of the general levels of particular priority pollutants that contaminate their raw materials. Such information may be obtained by sampling raw materials for quality control or by repeatedly obtaining raw materials from a sole source over and extended period of time. The authority would generally not be aware of such a potentially significant source of priority pollutant discharges at the plant.

EPA invites comment on its proposed monitoring reduction regulations, including the once-per-year minimum monitoring requirement, the likelihood that the reduction will result in undetected permit violations, and the efficiency and reasonableness of the certification requirement.

EPA has estimated the costs of monitoring to comply with the BAT and PSES regulations. EPA estimates that a uniform monitoring requirement of once per month for all direct and indirect dischargers would result in total annual costs of $5,400,000 for BAT and $8,800,000 for PSES. This estimate assumes a cost of $800 per sample. EPA has not included this cost in the cost summaries and economic impact analyses prepared for today's proposed regulations. (However, the monitoring costs per plant are relatively low and are not expected to create significant economic impacts). Prior to final promulgation, EPA intends to develop a reasonable monitoring scenario (*e.g.*, assuming that a certain percentage of plants will monitor four times per month, others twice per month, and others once per month). This will be used to develop monitoring costs to be included in the total cost estimates and economic impact analyses that will be prepared to support the final regulation. EPA solicits comments on reasonable scenarios for this costing exercise.

XII. Best Management Practices

Section 304(e) of the Clean Water Act authorizes the Administrator to prescribe "best management practices" ("BMPs"). EPA may develop BMPs that apply to all industrial sites or to a designated industrial category, and may offer guidance to permit authorities in establishing management practices required by unique circumstances at a given plant.

Although EPA is not proposing them at this time, future BMPs could require dikes, curbs or other measures to contain leaks and spills and could require the treatment of toxic pollutants in these wastes.

XIII. Regulatory Status of Pollutants

A. Priority Pollutants Regulated

The priority pollutants the Agency is proposing to regulate at BAT and NSPS for the Plastics Only and Not Plastics-Only subcategories are set forth in Appendix B to this preamble. The priority pollutants the Agency is proposing to regulate at PSES and PSNS are a subset of the pollutants regulated at BAT and NSPS and are indicated in Appendix B by asterisks.

B. Priority Pollutants Not Regulated

1. *Paragraph 8 Exclusions.* Paragraph 8 of the Settlement Agreement contains provisions authorizing EPA to exclude toxic pollutants and industry subcategories from regulation under certain circumstances. Paragraph 8(a)(iii) authorizes the Administrator to exclude from regulation: Toxic pollutants not detectable by Section 304(h) analytical methods or other state-of-the-art methods; toxic pollutants present in amounts too small to be effectively reduced by available technologies; toxic pollutants present only in trace amounts and neither causing nor likely to cause toxic effects; toxic pollutants detected in the effluent from only a small number of sources within a subcategory and uniquely related to only those sources; toxic pollutants that will be effectively controlled by the technologies upon which are based other effluent limitations and standards; or toxic pollutants for which more stringent protection is already provided under Section 307(a) of the Act. Appendix C to this preamble lists the 18 toxic pollutants proposed for exclusion from these regulations for the Plastics Only and Not Plastics-Only subcategories pursuant to these criteria. The 18 toxic pollutants proposed for exclusion from these regulations are pesticides which, as discussed previously, are not produced as products or co-products and are unlikely to appear as raw material contaminants in OCPSF product/processes. Therefore, they are not likely to be present in OCPSF process wastewater discharges. (As noted previously, they may occasionally appear in discharges that contain OCPSF effluents, but their appearance results from Non-OCPSF-process sources.)

2. Pollutants That Do Not Pass Through POTWs

Some pollutants were excluded from the PSES and PSNS regulations because they were determined not to pass through or interfere with, and are not otherwise incompatible with, the operation of POTWs. These 28 toxic pollutants are listed in Appendix D to this preamble.

3. Priority Pollutants of Concern

EPA is not proposing to regulate at this time the priority pollutants listed in Appendix E to this preamble because adequate data ar not avilable (64 pollutants in the Not Plastics-Only subcategory and 98 pollutants in the Plastics Only subcategory). Most of these pollutants have been detected in at least 42 percent of sampled influents or effluents in the screening, verification and 5-plant sampling progams. Furthermore, the industry operates a substantial number of product/processes that, on theoretical grounds relating to raw materials and process chemistry, would be expected to

generate these pollutants in their process wastewaters. However, limited information exists on their concentrations in the industry. Therefore, EPA cannot yet establish uniform national standards and limitations controlling the discharge of these pollutants. Nor can EPA yet conclude that any of these pollutants is eligible under Paragraph 8 of the Settlement Agreement to be excluded from regulation.

EPA intends to gather additional data on at least some of these pollutants prior to final promulgation of these regulations. EPA specifically solicits comments from industry, states and the public on whether these priority pollutants are present, at what levels, and what treatment technology could be utilized to achieve effluent limitations and standards for these pollutants. EPA is considering regulating these priority pollutants in the future if warranted by the analysis of additional data.

C. Nonconventional and Nonpriority Pollutants Excluded

The proposed regulations do not address nonconventional pollutants. They also do not address some pollutants that may be covered by the list of toxic pollutants and classes of pollutants but are not specifically listed as priority pollutants. Given the variable mix of organic chemicals, plastics and synthetic fibers produced, and the complex process chemistry that are associated with the OCPSF industry, it is likely that many organic chemical compounds and other nonconventional pollutants are in OCPSF raw wastewaters and, in some cases, discharged. Some of these pollutants are known to be toxic and/or carcinogenic or mutagenic and, if discharged at significant levels, would be of concern. Indeed, some of these pollutants are discharged at significant levels by some plants.

Although EPA is concerned about the potential discharges of nonconventional and non-priority pollutants from OCPSF plants and their impacts on health and the environment, we have not been able to include them in the proposed regulation. As indicated by the foregoing discussion, the development of analytical methods and gathering of treatment data for the priority pollutants alone has been a large task. Addressing a greater list of pollutants than this priority list was beyond the feasible scope of this regulatory effort.

EPA believes that the installation and proper operation of treatment equipment to meet the BPT and BAT limitations for conventional and priority pollutants will, in may cases, be accompanied by reductions in the discharges of nonconventional and non-priority toxic pollutants to BAT levels. However, in cases where nonconventional and non-priority pollutants may be discharged at significant levels even if the proposed limitations are met, permit writers should limit these pollutants on a case-by-case basis. See Section XVII(c) below for a general discussion of case-by-case permit limitation. While EPA did gather some data on nonconventional and non-priority pollutants and parameters (e.g., chemical oxygen demand, total organic carbon and ammonia nitrogen), EPA did not focus upon creating a data base for these pollutants that could be used to establish effluent limitations. (See Section VI of the BPT and BAT Development Documents for further discussion).

D. Conventional Pollutants Excluded

Oil and grease and fecal coliform are not covered in this regulation. High-molecular weight fatty acids and other sources of oil and grease, and fecal coliform are not generally significant in OCPSF discharges.

The permit writing authority is encouraged to review plant data and, if necessary, include limitations for these pollutants in the permit on a case-by-case basis.

XIV. Costs, Economic Impacts, Cost Effectiveness, Regulatory Flexibility, Executive Order 12291, and Science Advisory Board

A. Costs and Economic Impacts

The cost and economic impacts analysis is set forth in the *Economic Analysis of Proposed Effluent Standards and Limitations for the Organic Chemicals and Plastics, Synthetics, and Fibers Industry,* EPA 440/2–83–004. This report details the investment and annual costs for the industry as a whole and for typical plants covered by the proposed regulation. Compliance costs are based on the engineering estimates of the capital requirements and annual operating and maintenance costs for the treatment technologies needed to comply with the proposed regulations.

The estimate BPT compliance costs, EPA modified existing cost curves for publicly owned treatment works (which use biological systems to treat BOD and TSS). Next, these unit treatment costs were combined in a building-block approach to yield the total plant treatment costs for 169 OCPSF facilities. Finally, the costs for the 169 facilities were used to estimate treatment costs for an additional 397 OCPSF direct dischargers.

To estimate BAT compliance costs, EPA developed treatment unit cost curves using standard engineering practice. However, EPA did not directly develop plant-specific treatment costs from these unit costs. Rather, the Agency used a modeling approach to characterize the types of wasteloads, treatment technologies, and compliance costs in the industry. EPA constructed 55 "generalized plant configurations" ("GPCs" are model plants which were configured to represent typical combinations of product/processes and corresponding combined raw wastewater loadings generally found in the OCPSF industry). Information collected on 176 product/processes in the 37 plant verification program provided the data to model combined pollutant loadings and to calculate investment and operating costs for the model facilities. EPA estimated compliance costs for real plants from these results. A detailed explanation of the cost methodology is contained in Section VIII and Appendix G of the BPT Development Document, Section VIII of the BAT Development Document, and Section 4 of the economic impact analysis.

PSES costs were generally developed in the same manner as BAT costs. The costing procedures took account of the fact that fewer pollutants are regulated at PSES than at BAT (since pollutants that do not pass through POTWs are not regulated at PSES).

EPA identified about 1500 facilities that manufacture organic chemicals or plastics, synthetics and fibers. Total investment for BPT, BAT, and PSES is estimated to be $1.7 billion with annual costs of $750 million, including depreciation and interest. These costs are expressed in 1982 dollars and are based on the determination that plants will move from existing treatment to BPT and BAT, from BPT to BAT or from existing treatment to PSES. (In a few instances, a plant may already meet BAT for its priority pollutants but require some expenditure to achieve BPT for its coventional pollutants). Twenty-one product/process closures are projected to occur as a result of these compliance costs. This represents about one percent of the total product/process lines in the industry. EPA estimates that 8 plants may close. These shut-downs and closures are expected to cause a decrease of 493 jobs. This is less than 0.2 percent of a total employment of 295,000. Price increases for the industry will average one percent. Balance of trade effects are insignificant.

The economic analysis assesses the impact of effluent control costs in terms of price changes, plant closures, process line closures, employment effects and balance of trade effects. Incremental impacts to facilities and major product groups were considered. The analysis estimated levels of prices and production volumes in 1985 without the proposed regulations. Impacts were measured as changes from this basis. The analysis also examined the effects of these proposed regulations on individual products and production processes. The Agency developed a model to reflect an important characteristic of the chemical industry: end products of some processes are often used as raw materials in other processes. Thus, the models were programmed so that a forecast for a particular chemical product could be related to forecasts for other chemical products that are upstream (raw material) or downstream (end-product) of that product in various manufacturing routes utilized by the industry.

BPT. A total of 405 facilities are estimated to incur compliance costs. Investment costs for BPT are $316 million with $105 million in annualized costs. There are no significant economic impacts projected as a result of BPT.

BAT. This regulation is estimated to affect 453 of 566 direct dischargers. Investment costs are $520 million and total annual costs $243 million. Five plants and 9 product/process lines are expected to close. Two hundred and thirty-six jobs would be lost due to plant closures and 140 jobs would be lost due to process line shutdowns.

PSES. This regulation is estimated to affect 913 indirect dischargers. Investment costs are $880 million and total annual costs are $403 million. Twelve product/process lines and 3 plants are expected to close. These colusures would result in the loss of 117 jobs.

NSPA/PSNS. The requirements for new sources are identical to those for existing sources. Regulation for new sources will not generate incremental costs or impacts.

These compliance costs are large. As discussed in the Public Comment Summary, several commenters suggested that EPA has underestimated costs of the technologies studied in this regulation. However, the Agency wishes to point out that the aggregate capital and annual cost estimates are possibly overestimated for the reasons discussed below.

First, the technology basis for PSES cost estimation is equivalent to that for BAT. It is possible that many facilities that discharge to POTWs would not use biological treatment for their process wastewater. This could occur for two reasons. Removal credits in individual locations may allow achievement of these proposed standards without the recommneded technology. In addition, less expensive physical/chemical treatment properly designed and operated for specific waste streams could, in many cases, achieve these priority pollutant limitations without relying upon biological treatment. (No PSES standards are set for conventional pollutants, which often require biological treatment).

Second, the incremental cost estimates are based on information supplied to EPA in questionnaires in the late 1970's as to treatment in place. However, the industry has installed a great deal of wastewater treatment equipment since the plants submitted the information. For example, in 1978–1980 alone, capital investments for wastewater treatment in the industry are estimated to be 580 million dollars. Clearly, less incremental treatment will be needed to achieve BAT and PSES than assumed. We will be gathering more information, as discussed in Section XV of this preamble, to improve our estimates of treatment in place.

Third, EPA used very conservative (on the high side) assumptions in developing costs for indirect dischargers. EPA assumed that any plant in our data base that is not known to be a direct discharger is, therefore, an indirect discharger. Since some of these plants actually discharge no process wastewaters, this overestimates total industry costs for pretreatment. EPA expects to collect more information to refine its analysis in this area.

One possible source of potential underestimation of total industry costs is the fact that some plants may have discharges from OCPSF operations of which EPA is unaware. This may occur where OCPSF operations are ancillary to other operations.

B. Cost effectiveness

EPA has conducted an analysis of the incremental removal cost per pound-equivalent for each of the proposed technology-based options. A pound-equivalent is calculated by multiplying the number of pounds of pollutant discharged by a weighting factor for that pollutant. The weighting factor is equal to the aquatic life water-quality criterion for a standard pollutant (copper), divided by the aquatic life water-quality criterion for the pollutant being evaluated. The use of "pound-equivalent" gives relatively more weight to removal of more highly toxic pollutants. Thus for a given expenditure, the cost per pound-equivalent removal would be lower when a highly toxic pollutant is removed than if a less toxic pollutant is removed. This analysis is included in the record of the Organic Chemicals and Plastics and Synthetic Fibers Category. EPA invites comments on the methodology used in this analysis.

C. Regulatory Flexibility Analysis

Public Law 96–354 requires that a Regulatory Flexibility Analysis (RFA) be prepared for regulations proposed after January 1, 1981 that have a significant impact on a substantial number of small entities. The analysis may be done in conjunction with, or as part of, any other analysis conducted by the Agency.

A small business analysis is included in the economic impact analysis. This analysis shows that there will not be a significant impact on any segment of the industry, large or small. Number of employees is the variable used to distinguish firm size. Firms with less than fifty employees were defined as small businesses. The Agency invites comment on this size definition. No significant differential impacts were estimated for small businesses; therefore a formal Regulatory Impact Analysis is not required.

D. Executive Order 12291

Executive Order 12291 requires EPA and other agencies to perform regulatory impact analyses of major regulations. Major rules impose an annual cost to the economy of $100 million or more or meet other economic impact criteria. The proposed regulation for the Organic Chemicals, Plastics and Synthetic Fibers Industry exceeds $100 million annually and thus is a major rule. EPA has prepared a preliminary regulatory impact analysis (RIA) which may be obtained at the address listed at the beginning of this preamble.

The RIA contains an analysis of the effect of the proposed regulations on existing water quality. The analysis has two parts.

The first part of the RIA projects, based upon a modeling approach, water quality impacts for 50 plants located on 40 stream segments across the country. EPA's published water quality criteria for priority pollutants are used to assess water quality impacts. The analysis indicates that existing violations of water quality criteria will be reduced by about 50 percent by the proposed regulations.

The second part of the RIA attempts to assess the specific health and environmental benefits that may result from the proposed regulations in a few

selected locations. To date, only two stream segments have been investigated. Neither of these segments has drinking water intakes. The first segment is part of the Kanawha River in West Virginia. Recreational and other non-health benefits are estimated to be in the range of $2.3 to 9.7 million, versus a projected cost for OCPSF plants on that segment of about $5.8 million. The second segment is the Houston Ship Channel. Recreational and commercial fishing benefits are estimated at less than $1 million, versus costs of about $25 million. However, this segment is considered to present a worst-case scenario in terms of benefits due to its heavy use by ocean-going vessels, its physical characteristics, and the fact that OCPSF plants are not the major sources of pollution within the area. In both areas, reduction in human health risks from commercial fishing and volatilization of organic compounds has been estimated to be quite small. However, some additional reduction in human health risks due to subsistence fishing along the channel's lateral bays is anticipated but could not be quantified in the study. EPA expects to study at least two additional stream segments prior to final promulgation. In particular, EPA hopes to analyze the effect of the regulation upon human health risks caused by drinking water taken from the receiving water bodies.

This regulation was submitted to the Office of Management and Budget for review, as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the EPA Public Information Reference Unit at the address listed above in this preamble.

E. Science Advisory Board

Pursuant to the provisions of the Environmental Research, Development and Demonstration Authorization Act (ERDDAA) of 1978, 42 U.S.C. 4365, EPA's Science Advisory Board has reviewed certain technical aspects of these proposed regulations. The SAB is currently reviewing these technical issues and is preparing a report to the Administrator. Copies of this report will be made publicly available.

XV. Collection of Additional Data

As explained at various points throughout this preamble, EPA has expended considerable resources to characterize the OCPSF industry in terms of product/process operations, raw waste loads, technologies in place, effectiveness of technologies, unit and plant costs to meet target limits, economic impacts, and other relevant factors. The industry is large and complex and EPA has attempted to obtain data that is representative of the industry with respect to these many factors and to appropriately characterize the industry.

Throughout the development of this rulemaking, members and representatives of the regulated industry have expressed concern that, despite extensive data gathering, the data base is incomplete and fails to adequately address certain types of plants and discharges. While the Agency believes that the data base is adequate to support the proposed regulation, the Agency welcomes the submission of any data that confirm, supplement or contradict elements of our data base.

To further assure the regulated community that the final regulations will be supported by an adequate and representative date base, EPA will gather additional data from OCPSF plants under the authority of Section 308 of the CWA. This effort will consist of two parts: a sampling and analysis of a limited number of plants to supplement our technical data base, and a questionnaire soliciting information to supplement our data base on costs and potential economic impacts.

The sampling and analysis program will be designed to enhance EPA's technical data base. It will cover the following areas:

1. Supplemental end-of-pipe data on regulated pollutants to increase the number of data points reflecting BAT treatment.

2. Data on unregulated priority pollutants and on several nonconventional pollutant parameters such as TOC, COD, ammonia and certain other parameters believed to be discharged in significant amounts, to determine whether any of these parameters are in fact discharged in significant amounts and need to be regulated and, if so, to establish appropriate limitations.

3. Raw waste load data and treated effluent data for plants using product/processes not previously sampled by EPA.

4. Data on raw waste loads from product/processes not covered by the verification study.

5. Additional data on physical/chemical treatment system performance, both in-plant and end-of-pipe (*e.g.*, as used by many indirect dischargers).

6. Additional long-term (at least 15 days) data to obtain additional information to be used to develop variability factors for both organic and metal priority pollutant concentrations in treated effluents.

EPA has already selected some plants for future study. Some important criteria for plant selection include: The potential to discharge priority pollutants (based upon a review of product/processes used) for which additional information is sought; the proper operation of appropriate treatment technologies for those pollutants; the use of physical/chemical systems known to be effective in treating those pollutants; and the operation of product/processes not previously sampled, but which have some potential for generating priority pollutants. A major consideration is whether a plant combines several of these criteria, thereby providing a maximum amount of information per plant visit.

The questionnaire will be directed at factors that affect technology and costs to comply with the limitations and the impact of those costs. It would update information received in response to the previous BAT questionnaire as well. The questionnaire would validate or update existing information with basic questions concerning current discharge status (direct, indirect or zero), flows, end-of-pipe influent and effluent loadings, operation characteristics (e.g., number of production days annually), and treatment in place. This information would be used to update and broaden our data base on the costs to be incurred by plants to comply with the BAT regulations. Indirect discharges would also be asked to set forth the user fees that they now pay to POTWs to provide a complete picture of their wastewater treatment costs.

The questionnaire would also request information that is relevant to predicting economic impacts. This would include plant size, product mix, production levels, volume of sales, and product prices. It would also cover new capital investment for production and for pollution control, capacity utilization and employment.

As mentioned previously, EPA believes that our current estimates of costs and resulting economic impacts are significantly overestimated. Additional information of the type outlined above should reduce such overestimates.

The Agency requests that comments on the additional data collection activities be submitted as soon as possible for immediate use in program planning activities.

XVI. Non-Water Quality Environmental Impacts

The elimination or reduction of one form of pollution may create or aggravate other environmental

problems. Therefore, sections 304(b) and 306 of the Act require EPA to consider the non-water quality environmental impacts (including energy requirements) of certain regulations. In compliance with these provisions, EPA has considered the effect of these regulations on air pollution, solid waste generation, and energy consumption.

The following are the non-water quality environmental impacts associated with the proposed regulations:

A. *Air Pollution*—The effect of BPT, if viewed alone, would likely be a moderate increase in concentrations of hazardous air pollution in the immediate vicinity of some OCPSF industry plants. This would be the result of plants installing or upgrading the performance of aerated lagoons, activated sludge basins and neutralization basins and thus more effectively driving off volatile organic compounds. This effect would be more than offset, however, by moving to BAT, because we expect many plants to comply with the BAT Limits by installing in-process controls that effectively remove volatile organic compounds before they reach the end-of-pipe controls. Thus, we expect a net decrease in both air loadings and concentrations of volatile organic compounds from BPT and BAT combined, and we expect similar effects as a result of PSES as well.

B. *Solid Waste*—EPA has considered the effect these proposed reguations would have on the accumulation of solid waste, including hazardous waste defined under Section 3001 of the Resource Conservation and Recovery Act (RCRA). EPA estimates that the total solid waste, including hazardous waste, generated as a result of the proposed regulations will increase insignificantly compared to current levels.

EPA's Office of Solid Waste has analyzed the hazardous waste management and disposal costs imposed by the RCRA requirements and has published some results in 45 FR 33066 (May 19, 1980). Additional cost estimates for land disposal of hazardous wastes were published in 47 FR 32274 (July 26, 1982). Thirty solid waste streams currently generated at OCPSF plants have been listed as hazardous under Section 3001 of RCRA (See 40 CFR Part 261.32). Other waste streams not listed may be hazardous by virtue of possessing characteristics of ignitability, corrosivity, reactivity or toxicity (see 40 CFR 261.21–.24, 45 FR 33066, May 19, 1980). The annual increase in RCRA costs due to these proposed reguations is estimated to be $9 million, or approximately one percent of the total current estimated annual cost for the industry.

C. *Energy Requirements*—EPA estimates that the attainment of proposed BPT, BAT, NSPS, and PSNS will increase energy consumption by a small increment over present industry use.

Further details are set forth in Sections VIII and IX of the BPT Development Document and Sections VIII and IX of the BAT Development document.

XVII. Regulatory Implementation

A. Upset and Bypass Provisions

A recurring issue is whether industry limitations and standards should include provisions authorizing noncompliance with effluent limitations duirng periods of "upset" or "bypass." An upset, sometimes called an "excursion," is an unintentional noncompliance occurring for reasons beyond the reasonable control of the permittee. EPA believes that upset provisions are necessary because such upsets will inevitably occur due to limitations in control technlolgy. Because technology-based limitations can require only what technology can achieve, it is claimed that liability for such situations is improper. When confronted with this issue, courts have been divided on the question of whether an explicit upset or excursion exemption is necessary or whether upset or excursion incidents may be handled through EPA's exercise of enforcement discretion. Compare *Marathon Oil Co.* v. *EPA*, 564 F.2d 1253 (9th Cir. 1977) with *Weyerhaeuser* v. *Costle*, 590 F.2d 1011 (D.C. Cir. 1978). See also *American Petroleum Institute* v. *EPA*, 540 F.2d 1023 (10th Cir. 19176); *CPC International, Inc.* v. *Train*, 540 F.2d 973 (4th Cir. 1976)); *FMC Corp.* v. *Train*, 539 F.2d 973 (4th Cir. 1976).

While an upset is an unintentional episode during which effluent limits are exceeded, a bypass is an act of intentional noncompliance during which waste treatment facilities are circumvented in emergency situations.

EPA has both upset and bypass provisions in NPDES permits, and has promulgated NPDES reguations which include upset and bypass permit provisions. (See 45 FR 33290, 33448; 40 CFR 122.60(g)(h), May 19, 1980). The upset provision establishes an upset as an affirmative defense to prosecution for violation of technology-based effluent limitations. The bypass provision authorizes bypassing to prevent loss of life, personal injury, or severe property damage. Since permittees in the OCPSF industry will be entitled to upset and bypass provisions in NPDES permits, these proposed regulations do not specifically repeat these provisions.

B. Variances and Modifications

Upon the promulgation of these regulations, the numerical effluent limitations for the appropriate subcategory must be applied in all Federal and State NPDES permits issued to direct dischargers in the OCPSF industry. In addition, the pretreatment standards are directly applicable to indirect dischargers.

For the BPT effluent limitations, the only exception to the binding limitations is EPA's "fundamentally different factors" variance. (See *E. I. duPont de Nemours and Co.* v. *Train*, 430 U.S. 112 (1977)). This variance recognizes factors concerning a particular discharger which are fundamentally different from the factors considered in this rulemaking. Although this variance clause was set forth in EPA's 1973–1976 industry regulations, it is now included in the NPDES regulations and not the specific industry regulations. (See the NPDES regulations at 40 CFR Part 125 Subpart D; 44 FR 32854, 32893 (June 7, 1979) for the text and explanation of the "fundamentally different factors" variance).

Discharges subject to the BAT limitations proposed in these regulations also are subject to EPA's "fundamentally different factors" variance. In addition, BAT limitations for nonconventional pollutants may be modified under Section 301(c) and 301(g) of the Act. Under Section 301(1) of the Act, these statutory modifications are not applicable to "toxic" or conventional pollutants.

Discharges subject to pretreatment standards for existing sources are subject to the "fundamentally different factors" variance and credits for pollutants removed by POTWs (See 40 CFR 403.7 and 403.13; 46 FR 9404 (January 28, 1981)). Discharges subject to pretreatment standards for new sources are subject only to the credit provision (See 40 CFR 403.7; 46 FR 9404 (January 28, 1981)). New sources subject to NSPS are not eligible for EPA's "fundamentally different factors" variance or any statutory or regulatory modifications. (See *duPont* v. *Train, supra).*

C. Relationship to NPDES Permits

The BPT and BAT limitations and NSPS in this regulation will be applied to individual plants through NPDES permits issued by EPA or approved State agencies under Section 402 of the Act. The preceding section of this preamble discussed the binding effect of

this regulation on NPDES permits, except when variances and modifications are expressly authorized. This section adds more detail on the relationship between this regulation and NPDES permits.

One subject of interest is the scope of NPDES permit proceedings when effluent limitations and standards do not exist. Under current EPA regulations, States and EPA regions that issue NPDES permits before regulations are promulgated must do so on a case-by-case basis. This regulation provides a technical and legal base for new permits.

Another issue is how the regulation affects the authority of those that issue NPDES permits. EPA has developed the limitations and standards in this regulation to cover the typical facility for this point source category. In specific cases, the NPDES permitting authority may have to establish permit limits on pollutants that are not covered by this regulation. The regulation does not restrict the power of any permit-issuing authority to comply with law or any EPA regulation, guideline, or policy. For example, if this regulation does not control a particular pollutant, the permit issuer may still limit the pollutant on a case-by-case basis, when such action conforms with the puposes of the Act. Similarly, although this regulation does not set a national limit to require flow reduction due to insufficient data, a permit writer may set a limit for flow where required to achieve effective removals of priority pollutants. In addition, if State water quality standards or other provisions of State or Federal law require limits on pollutants not covered by this regulation (or require more stringent limits on covered pollutants), the permit-issuing authority *must* apply those limitations. (See the detailed discussion immediately below).

A final topic of concern is the operation of EPA's NPDES enforcement program, many aspects of which have been considered in developing this regulation. The Agency emphasizes that although the Clean Water Act is a strict liability statute, the initiation of enforcement proceedings by EPA is discretionary (*Sierra Club* v. *Train*, 557 F. 2d 485, (5th Cir., 1977). EPA has exercised and intends to exercise that discretion in a manner that recognizes and promotes good-faith compliance.

D. Relationship of the Proposed Technology-Based Regulations to the Water Quality and Hazardous Waste enforcement Actions

As discussed throughout this preamble, the regulations proposed today are uniform technology-based limits for the OCPSF industry. In some situations, however, local water quality or other environmental factors may, under a variety of legal authorities, require more stringent limitations to be set for OCPSF process wastewater discharges as well as other discharges resulting initially from OCPSF operations (*e.g.*, discharges of chemical wastes from landfills and lagoons, or discharges by POTWs that receive wastewater from OCPSF operations). In these cases, limitations may be set in permits, judicial decrees or other legally binding documents that are lower (*i.e.*, more stringent) than the limits set forth in these proposed BPT, BAT and pretreatment standards. In a number of hazardous waste enforcement actions, EPA has sought, pursuant to various statutory authorities, to abate the migration of substances that may create an "imminent and substantial endangerment" to the public health or the environment in particular locations. Statutory authorities used to bring such actions include Section 504 of the Clean Water Act, 33 U.S.C. 1364, Section 7003 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6973, Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606 and Section 1431 of the Safe Drinking Water Act, 42 U.S.C. 300i. Many of the chemicals of concern in these cases are priority pollutants that are subject to limitations in today's proposed regulations. In these cases, EPA is often seeking (and in some cases has already obtained in judicial decrees) limits that are lower that those contained in today's proposed regulation. These lower limits are based on unique site-specific determinations of the nature and degree of local endangerment of human health, water quality and other environmental effects.

The remedies that EPA has obtained in these cases vary from site to site and the limits on the chemicals may vary depending upon the toxicity of the chemical, the presence of other chemicals, the degree of exposure and other relevant information. Such site-specific determinations are based on a substantial amount of site-specific information, including often the presence of a definable population at risk. In such cases, these determinations, rather than today's proposed regulations, will be used to develop appropriate limits for the discharges in question.

Another authority for more stringent limits than those proposed today is water quality standards, which are generally established by States under Section 303 of the Clean Water Act, 33 U.S.C. 1302. A water quality standard limits the ambient concentration of a particular chemical that is permitted in a particular water body. The purpose of water quality standards is to protect the public health or welfare, ehance the quality of water and generally serve the purposes of the Act. Based on water quality standards, NPDES permits may contain effluent limits that are more stringent than the guideline limits. Other legal authorities may compel consideration of water quality in determining discharge limits, as discussed immediately below.

The most significant and comprehensive example of the need to make such site specific water quality determinations is EPA's onging Niagara Frontier Agenda. Concerns about the discharges of toxic chemicals to the Niagara River have been noted since 1973. International Joint Commission, Special Report on the Niagara River at 3 (1981).

In response to specific problems along the Niagara, EPA initiated litigation, *e.g.*, *United States et al.* v. *The City of Niagara Falls*, Civ. Act. No. 81–363 (W.D.N.Y., May 6, 1981) and *United States et al.* v. *Hooker Chemicals & Plastic Corp. et al. (Hyde Park Landfill)*, Civ. Act. No. 79–989 (W.D.N.Y., Dec. 20 1979). (A consent decree settling this case was entered April 30, 1982.) EPA has also used CERCLA to investigate or remedy other problems, as in the case of the Love Canal CERCLA remedial action program.

In recognition of the potential for area-wide effects along the Niagara River and in Lake Ontario and the need to co-ordinate regulatory responses, EPA and the State of New York, in consultation with the government of Canada, have initiated the Niagara Frontier Agenda. This effort is designed to more accurately identify the source and quantities of toxic chemicals entering the Niagara River and, utilizing the best scientific information available, reduce the discharges of toxic chemicals as required by law.

In addition to the domestic statutes that govern the discharge of substances to the Niagara River, the 1909 Treaty Between the United States and Great Britain Relating to Boundary Waters, and Questions Arising Between the United States and Canada (1909 Boundary Waters Treaty) requires that boundary waters "shall not be polluted on either side to the injury of the health or property of the other." Article IV of the 1909 Boundary Waters Treaty. The United States "has standing * * * also to carry out treaty obligations [pursuant to the 1909 Boundary Waters Treaty] to

a foreign power bordering upon some of the Lakes concerned * * *" *Sanitary District* v. *United States*, 266 U.S. 405, 425–6 (1924).

In addition, the 1978 Agreement Between the United States and Canada on Great Lakes Water Quality (1978 Great Lakes Agreement) sets out specific and general water quality objectives for the boundary waters and requires that any regulations promulgated by either country "shall be consistent with the achievement of the General and Specific Objectives." Article V of the 1978 Great Lakes Agreement. The treaty and international agreement indicate the unique character of the Niagara River as an international water body.

The Niagara Frontier Agenda provides a concrete example of how site-specific factors may require more stringent effluent limits, as well as how the unique international status of a water body may require additional obligations.

In regard to the above considerations, it should be noted that although today's proposed regulations use a floor of 50 μg/l for organic priority pollutant limits for a variety of reasons, detection limits for most organic priority pollutants are in the range of 0.1 to 10 μg/l, depending on the method used. Indeed, limitations at very low μg/l ranges have been agreed to by several chemical companies in hazardous waste consent decrees, *e.g., United States* v. *Fike Chemical Inc., et al.*, Civ. Act. No. 80–2497 (S.D.W.Va., entered Nov. 16, 1982) and *United States et al.* v. *Hooker chemicals & Plastics Corp. et al. (Hyde Park Landfill)*, Civ. Act. No. 79–989 (W.D.N.Y., entered April 30, 1982). Careful attention to detail in performing analyses (*e.g.*, the use of appropriate sample cleanup procedures and of confirmatory techniques to resolve interferences) should result in acceptable precision and accuracy even at these low levels. Where necessary to protect the public health and the environment, consent decrees in such enforcement actions may appropriately require the detection of organic chemicals in low concentrations.

XVIII. Summary of Public Participation

In December, 1981 the Agency circulated a draft contractor's report describing the data gathering efforts in support of today's proposed BPT regulations. The report was distributed to trade associations, environmental groups, individual companies in the OCPSF industry, states and EPA regions.

In April, 1982 the Agency similarly distributed a draft contractor's report describing the data gathering efforts in support of the proposed BAT, NSPS, PSES, and PSNS regulations.

In addition the agency has conducted public seminars on its analytical methods. The Agency has also conducted workshops concerning the special problems of incorporating these proposed regulations into NPDES permits.

The Agency has met frequently with representatives of the industry and environmental groups.

Written comments were solicited concerning the draft contractor's reports. Additional written comments have been received by the Agency. A summary of major comments received to date is presented in Appendix F to this proposed regulation.

XIX. Solicitation of Technical and Economic Data and Comment on Other Aspects of this Proposed Regulation

EPA invites and encourages public participation in this rulemaking. The Agency asks that any deficiencies in the record of this proposal be pointed to with specificity and requires that suggested revisions or corrections be supported by relevant data.

Throughout this preamble, EPA has requested data and comments with respect to a variety of technical and policy issues. We reiterate those requests here. Set forth below is a summary of the major areas in which additional comments and information are solicited. Supporting data should be submitted wherever appropriate.

(1) EPA is considering, as a basis for final TSS limitations, an additional BPT technology for solids control (i.e. defining "average-of-the best" TSS control as biological treatment followed by effective solids control). If EPA decides to use this technology, those biological systems that are not followed by adequate physical/chemical solids control systems would be deleted from the BPT TSS data base. The Agency invites comments on this approach and solicits data on the use and effectiveness of polishing ponds, filters and other treatment technologies used to reduce TSS loadings from biological treatment systems.

(2) EPA has concluded that its BPT subcategorization will not, in practice, improperly group together plants that cannot practicably achieve the required limitations. EPA requests comment on this conclusion.

(3) EPA requests comments on the likelihood that some plants will shift subcategories by adding or deleting particular product/processes. For which specific plants is this a significant possibility?

(4) EPA's BPT subcategorization approach bases subcategories on the product/processes that contribute raw waste loadings of BOD, and sets concentration limitations at the end of the pipe, giving full credit for any treatment or control taking place prior to that point. An alternative suggested approach would subcategorize based on BOD and/or TSS levels in the influent to the end-of-pipe treatment system, and set percent reduction limits. The Agency invites comments on the advantages and disadvantages of these approaches.

(5) EPA invites comments on its consideration of simplifying the BPT subcategorization scheme by combining certain subcategories.

(6) EPA solicits comments regarding its unit costs (*i.e.*, CAPDET municipal treatment model modified to reflect OCPSF unit costs). EPA used this model to estimate compliance costs for proposed BPT limitations. Alternative unit costs were offered without an explanation of their basis. The Agency solicits specific actual costs, how they were calculated, what assumptions were used in the calculations, and what they were incurred for.

(7) EPA invites comments identifying OCPSF plants that experience significant difficulties meeting the BPT limitations and standards because ambient temperatures are too high (specifically, detailed explanations as to how high ambient temperatuare makes meeting the proposed limitations infeasible).

(8) EPA solicits comments on the suitability of its regulatory and costing approach for plants that presently comply with BOD but not with TSS, and presently have no biological treatment in place.

(9) EPA solicits additional information on the performance of BPT systems in the Oxidation subcategory with respect to TSS.

(10) EPA devised a method to determine which priority pollutants are likely to be discharged from particular product/processes. This method was used to assist EPA in technical data gathering efforts for the proposed BAT limitations. The Agency solicits information to improve its priority pollutant pathway scheme.

(11) EPA seeks information on existing product/processes having raw waste loadings for particular priority pollutants so high that achieving the proposed BAT limitations is infeasible economically. Specifically, what are these product/processes, what concentrations of what pollutants are being generated, and what difficulties

prelude the achievability of the proposed BAT limitations?

(12) EPA solicits information on product/processes discharging, at significant levels, priority pollutants that are not limited in the proposed BAT regulations. Specifically, what are these product/processes, and what priority pollutants do they discharge, at what levels?

(13) EPA solicits comments on its determination that, for the OCPSF industry, some priority pollutants do not pass through POTWs.

(14) EPA invites information on additional pollutants that the public or industry believes should be subject to PSES standards to prevent interference with POTW operations. EPA also invites comment on whether cadmium PSES standards are necessary to prevent interference with particular POTWs' chosen sludge disposal practices.

(15) EPA welcomes comment on the proposed PSES compliance date of three years from the date of promulgation.

(16) EPA solicits information on priority pollutants not regulated—whether they are present, and at what levels. The Agency would also like suggestions as to what treatment technologies could be utilized to achieve effluent standards and limitations for these pollutants.

(17) EPA invites comments on the methodology used in its analysis of the incremental removal cost per pound equivalent for these limitations and standards. (This analysis is included in the record of the OCPSF Category.)

(18) EPA invites comments on its size definition (firms with less than fifty employees were defined as small businesses). EPA's economic impact analysis shows that there will not be a significant impact on any segment of the industry, large or small. The Agency solicits information from small plants that would suffer economically from the proposed regulations (including factual reasons as to why they would suffer)

(19) EPA invites industry to submit data that would fill any gaps that they believe still remain in the data base. EPA also solicits additional data on variability to supplement the existing data base.

(20) If any information submitted to EPA is not now representative of a particular facility, EPA specifically solicits comments and additional information more representative of current practice.

(21) EPA solicits data that would contribute to the improvement of its modeling effort evaluating the performance of treatment technologies, as well as to the design of the generalized plant configurations. EPA welcomes the submission of additional biological treatment K-rate data by industry.

(22) EPA solicits operating and analytical information on powdered activated carbon performance in removal of toxic pollutants.

(23) EPA welcomes the submission of additional data to make possible a review of the technical assumptions of the model describing the performance of activated carbon, steam stripping, and ion exchange.

(24) EPA solicits data from the regulated industry (particularly from any plants that have installed any of the technologies evaluated as BAT) to be used in further cost curve development. The data should include details of design, unit costs, labor, any assumptions in calculating costs of capital, and other information of the type used in EPA's present cost modeling.

(25) EPA continually solicits data and product/process waste loads and toxic waste loads that could be added to the computed master process file catalogue. Data should be submitted showing the waste sampled, their source, the analytical method used, the compounds analyzed for, the compounds detected, and a quantitative measure of the compounds detected.

(26) EPA solicits comments and analytical methods data on the appropriateness of the 50 μg/l lower limit used in the proposed regulation.

(27) EPA welcomes comments on whether and how to develop and implement a compliance program or a general policy that recognizes the problems of analytical variability.

(28) EPA invites comment on the proposed monitoring reduction strategy, including the once-per-year minimum monitoring requirement, the likelihood that the reduction will result in undetected permit violations, and the efficiency and reasonableness of the certification requirement.

(29) To determine the economic impact of this regulation, the Agency has calculated the cost of installing BPT, BAT, PSES, NSPS and PSNS for model plants and each manufacturing facility for which data was available. The details of the estimated costs and economic impacts are presented in the Technical Development Document and in the Economic Impact Analysis. The Agency estimates that no significant economic impacts will result from the proposed regulation. Much of the data used in the analysis is from publicly available information, independent estimates from private sources, and technical data submitted to the agency. Because the Agency did not have plant specific data on production costs, costs of capital, sales and prices and other financial measures, the Agency used industry averages, ranges, or analytical results to estimate compliance costs and economic impacts. The agency invites comments, supported by appropriate data, on these analyses. The Agency particularly seeks comments on whether the incremental costs are achievable, especially at small or secondary producers of organic chemicals. Commenters are requested to address not only the potential for plant closure or process shut downs, but also the effects of the regulation on capacity expansion, production costs, cost of capital for environmental control, product prices, and profitability. We solicit specific data on these factors.

(30) The Agency requests comments and suggestions on the economic impact analysis methodology. In particular, we solicit specific comments concerning the product/process supply-demand analysis, the closure methodologies, and estimation of treatment costs for facilities.

The reporting provisions in this rule will be submitted for approval to the Office of Management and Budget under Section 3504(h) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. Any final rule will explain how its reporting provisions respond to any Office of Management and Budget or public comments.

List of Subjects in 40 CFR Part 414

Chemicals, Waste treatment and disposal, Water pollution control.

Dated: February 28, 1983.

Anne M. Burford,

Administrator.

Appendix A—Abbreviations, Acronyms, and Other Terms Used in this Notice

Act—The Clean Water Act.

Agency—The U.S. Environmental Protection Agency.

BAT—The best available technology economically achievable, applicable to effluent limitations to be achieved by July 1, 1984, for industrial discharges to surface waters, as defined by Section 304(b)(2)(B) of the Act.

BAT Development Document—Development Document for Proposed Effluent Limitations Guidelines and Standards for the Organic Chemicals and Plastics and Synthetic Fibers Point source Category, Vol. II (BAT), EPA 440/1-83/009-b.

BCT—The best conventional pollutant control technology, applicable to discharges of conventional pollutants from existing industrial points sources,

as defined by Section 304(b)(4) of the Act.

BMP—Best management practices, as defined by Section 304(e) of the Act.

BPT—The best practicable control technology currently available, applicable to effluent limitations to be achieved by July 1, 1977, for industrial discharges to surface waters, as defined by Section 304(b)(1) of the Act.

BPT Development Document—Development Document for Proposed Effluent Limitations Guidelines and Standards for the Organic Chemicals and Plastics and Synthetic Fibers Point Source Category, Vol. I (BPT) EPA 440/1–83/009–b.

Clean Water Act—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.), as amended by the Clean Water Act of 1977 (Pub. L. 95–217).

Consent Decree—See Settlement Agreement.

Conventional Pollutants—Constituents of wastewater as determined by Section 304(a)(4) of the Act, including, but not limited to, pollutants classified as biochemical oxygen demand, suspended solids, oil and grease fecal coliform, and pH.

Direct Discharger—An industrial discharger that introduces wastewater to a receiving body of water with or without treatment by the discharger.

Economic Analysis—*Economic Analysis of Proposed Effluent Standards and Limitations for the Organic Chemicals and Plastics, Synthetics, and Fibers Industry*, EPA 440/2–83–004.

Effluent Limitation—A maximum amount, per unit of time, production or other unit, of each specific constituent of the effluent that is subject to limitation from an existing point source. Allowed pollutant discharge may be expressed as a concentration in milligrams per liter (mg/l) or micrograms per liter (μg/l).

End-of-Pipe Treatment (EOP)—Refers to those processes that treat a combined plant wastestream for pollutant removal prior to discharge. EOP technologies covered are classified as primary (physical separation processes), secondary (biological processes), and tertiary (treatment following secondary) processes. Different combinations of these treatment technologies may be used depending on the nature of the pollutants to be removed and the degree of removal required.

GPCs—Generalized plant configurations, used for costing purposes, defined as model plants which were configured to represent typical combinations of product/processes and corresponding generally found in the OCPSF industry.

Indirect Discharger—An industrial discharger that introduces wastewater into a publicly owned treatment works.

In-plant Control or Treatment Technologies—Controls or measures applied within the manufacturing process to reduce or eliminate pollutant and hydraulic loadings of raw wastewater. Typical in-plant control measures include process modification, instrumentation, recovery of raw materials, solvents, products or by-products, and water recycle.

Nonconventional Pollutants—Parameters selected for use in developing effluent limitation guidelines and new source performance standards which have not been previously designated as either conventional pollutants or toxic pollutants.

Non-Water Environmental Quality Impact—Deleterious aspects of control and treatment technologies applicable to point source category wastes, including, but not limited to air pollution, noise, radiation, sludge and solid waste generation, and energy used.

NPDES—National Pollutant Discharge Elimination System, a Federal program requiring industry and municipalities to obtain permits to discharge plant effluents to the nation's water courses, under Section 402 of the Act.

NSPS—New source performance standards, applicable to industrial facilities whose construction is begun after the publication of the proposed regulations, as defined by Section 306 of the Act.

OCPSF—Organic chemicals, plastics, and synthetic fibers manufacturing point source category.

Point Source Category—A collection of industrial sources with similar function or product, established by Section 306(b)(1)(A) of the Federal Water Pollution Control Act, as amended for the purpose of establishing Federal standards for the disposal of wastewater.

POTW—Publicly owned treatment works, facilities that collect, treat, or otherwise dispose of wastewaters, owned and operated by a village, town, county, authority, or other public agency.

Pretreatment Standard—Industrial wastewater effluent quality required for discharge to a publicly-owned treatment works.

Product/Process— A product definition specifying both the raw material and the generic process by which it is produced.

PSES—Pretreatment Standards for existing sources of indirect discharges, under Section 307 (b) of the Act.

PSNS—Pretreatment standards for new sources of indirect discharges, under Section 307 (b) and (c) of the Act.

RCRA—Resources Conservation and Recovery Act (Pub. L. 94–580) of 1976 Amendments to Solid Waste Disposal Act.

Revised Settlement Agreement—A rewritten form of the Settlement Agreement which described provisons authorizing the exclusion from regulation, in certain industries, of toxic pollutants and industry subcategories.

Settlement Agreement—Agreement entered into by EPA with the Natural Resources Defense Council and other environmental groups and approved by the U.S. District Court for the District of Columbia on June 7, 1976. One of the principal provisions of the Settlement Agreement was to direct EPA to consider an extended list of 65 classes of toxic pollutants in 21 industrial categories in the development of effluent limitations and guidelines and new source performance standards.

SIC—Standard Industrial Classification, a numerical categorization scheme used by the U.S. Department of Commerce to denote segments of industry.

Toxic Pollutants—All compounds specifically named or referred to in the Settlement Agreement, as well as recommended specific compounds representative of the nonspecific or ambiguous groups or compounds named in the agreement. This list of pollutants was developed based on the use of criteria such as known occurrence in point source effluents, in the aquatic environment, in fish, in drinking water, and through evaluations of carcinogenicity, other chronic toxicity, bioaccumulation, and persistence.

Zero Discharger—A plant that does not discharge wastewaters to either POTWs or to surface water bodies. Methods of zero discharge include: deep well injection, contract hauling, offsite treatment, incineration, evaporation, impoundment, and land disposal.

Appendix B—Toxic Pollutants Regulated

Note.—This table sets forth 46 toxic pollutants regulated at BAT and NSPS for the Plastics-Only (denoted by P) and/or Not Plastics-Only (denoted by O) subcategories. The 21 toxic pollutants regulated at PSES and PSNS are denoted by an asterisk.

Pollutant or pollutant property	Not plastics only	Plastics only
2,4,6-trichlorophenol	O*	
2-chlorophenol	O*	
2,4-dichlorophenol	O*	
2,4-dimethylphenol	O*	

Pollutant or pollutant property	Not plastics only	Plastics only
2-nitrophenol	O*	
2-nitrophenol	O*	
2,4-dinitrophenol	O*	
pentachlorophenol	O	
phenol	O	P
acenaphthene	O	
1,2,4-trichlorobenzene	O	
1,2-dichlorogenzene	O	
isophorone	O*	
bis(2-ethylhexyl)phthalate	O	P
di-n-butyl phthalate	O	
diethyl phthalate	O	
dimethyl phthalate	O*	
acenaphthylene	O*	
fluorene	O*	
phenanthrene	O*	
acrolein		P*
benzene	O	
carbon tetrachloride	O	
1,2-dichloroethane	O*	
1,1,1-trichloroethane	O	
1,1-dichloroethane	O	
1,1,2-trichloroethane	O	
chloroethane	O*	
chloroform	O	
1,1-dichloroethylene	O	
ethylbenzene	O	P
methylene chloride	O	
methyl chloride	O	
methyl bromide	O*	
dichlorobromomethane	O	
toluene	O	
trichloroethylene	O	
vinyl chloride		P*
antimony	O	
cadmium	O	P
chromium	O*	P
copper	O	P
mercury	O*	
zinc	O	
lead	O	P*
cyanide	O	P*

Appendix C—Toxic Pollutants Excluded Under Paragraph 8

Note. This table sets forth 18 toxic pollutants excluded from these proposed regulations for both the Plastics Only and Not Plastics Only subcategories under Paragraph 8 authority

Pollutant or Pollutant Property

aldrin
dieldrin
chlordane
4,4'-DDT
4,4'-DDE
4,4'-DDD
alpha-endosulfan
beta-endosulfan
endosulfan sulfate
endrin
endrin aldehyde
heptachlor
heptachlor epoxide
alpha-BHC
beta-BHC
gamma-BHC
delta-BHC
toxaphene

Appendix D—Pollutants Not Regulated by PSES or PSNS

Note.—This table sets forth 28 toxic pollutants excluded from PSES and PSNS regulations because they were determined not to pass through or interfere with the operation of POTWs.

Pollutant or pollutant property	Not plastics only	Plastics only
pentachlorophenol	O	
phenol	O	P
acenaphthene	O	
1,2-4-trichlorobenzene	O	
1,2-dichlorobenzene	O	
bis (2-ethylhexyl) phthalate	O	P
di-n-butyl phthalate	O	
diethyl phthalate	O	
benzene	O	
carbon tetrachloride	O	
1,1,1-trichloroethane	O	
1,1-dichloroethane	O	
1,1,2-trichloroethane	O	
chloroform	O	
1,1-dichloroethylene	O	
ethylbenzene	O	P
methylene chloride	O	
methyl chloride	O	
dichlorobromomethane	O	
toluene	O	
trichloroethylene	O	
antimony	O	
cadmium	O	P
chromium		P
copper	O	P
zinc	O	
lead	O	
cyanide	O	

Appendix E—Toxic Pollutants Not Regulated*

Note.—This table sets forth the 64 pollutants for Not Plastics-Only subcategory and the 98 toxic pollutants for the Plastics Only subcategory which are not proposed for regulation at this time generally due to lack of adequate data. The letters O (Not Plastics-Only) and P (Plastics-Only) indicate in which subcategory a pollutant is not regulated.

Pollutant or pollutant property	Not plastics only	Plastics only
2,4,6-trichlorophenol		P
p-chloro-m-cresol	O	P
2-chlorophenol		P
2,4-dichlorophenol		P
2,4-dimethylphenol		P
2-nitrophenol		P
4-nitrophenol		P
2,4-dinitrophenol		P
4,6-dinitro-o-cresol	O	P
pentachlorophenol		P
acenaphthene		P
benzidine	O	P
1,2,4-trichlorobenzene		P
hexachlorobenzene	O	P
hexachloroethane	O	P
bis(2-chloroethyl)ether	O	P
2-chloronaphthalene	O	P
1,2-dichlorobenzene		P
1,3-dichlorobenzene	O	P
1,4-dichlorobenzene	O	P
3,3'-dichlorobenzidine	O	P
2,4-dinitrotoluene	O	P
2,6-dinitrotoluene	O	P
1,2-diphenylhydrazine (as azobenzene)	O	P
fluoranthene	O	P
4-chlorophenyl phenyl ether	O	P
4-bromophenyl phenyl ether	O	P
bis(2-chloroisopropyl) ether	O	P
bis(2-chloroethoxy) methane	O	P
hexachlorobutadiene	O	P

*Each of 126 toxic pollutants of the 129 priority pollutants listed in the Consent Decree are accounted for in Appendices B through E. Three have been removed from the original group of 129. These are bis(chloromethyl) ether (deleted 46 FR 10723 2/4/81), and trichlorofluoromethane and dichlorofluoromethane (deleted 46 FR 2266 1/8/81).

Pollutant or pollutant property	Not plastics only	Plastics only
hexachlorocyclopentadiene	O	P
isophorone		P
naphthalene	O	P
nitrobenzene	O	P
N-nitrosodimethylamine	O	P
N-nitrosodiphenylamine	O	P
N-nitrosodi-n-propylamine	O	P
butyl benzyl phthalate	O	P
di-n-butyl phthalate		P
di-n-octyl phthalate	O	P
diethyl phthalate		P
dimethyl phthalate		P
benzo(a)anthracene	O	P
benzo(a)pyrene	O	P
3,4-benzofluoranthene	O	P
benzo(k)fluoranthene	O	P
chrysene	O	P
acenaphthylene		P
anthracene	O	P
benzo(ghi)perylene	O	P
fluorene		P
phenanthrene		P
dibenzo(a,h)anthracene	O	P
ideno(1,2,3-cd)pyrene	O	P
pyrene	O	P
2,3,7,8-tetrachlorodibenzo-p-dioxin	O	P
acrolein	O	
acrylonitrile	O	P
benzene		P
carbon tetrachloride		P
chlorobenzene	O	P
1,2-dichloroethane		P
1,1,1-trichloroethane		P
1,1-dichloroethane		P
1,1,2-trichloroethane		P
1,1,2,2-tetrachloroethane	O	P
chloroethane		P
2-chloroethylvinyl ether	O	P
chloroform		P
1,1-dichloroethylene		P
1,2-trans-dichloroethylene	O	P
1,2-dichloropropane	O	P
1,3-dichloropropylene	O	P
methylene chloride		P
methyl chloride		P
methyl bromide		P
bromoform	O	P
dichlorobromomethane		P
chlorodibromomethane	O	P
tetrachloroethylene	O	P
toluene		P
trichloroethylene		P
vinyl chloride	O	
PCB-1242	O	P
PCB-1254	O	P
PCB-1221	O	P
PCB-1232	O	P
PCB-1248	O	P
PCB-1260	O	P
PCB-1016	O	P
antimony		P
arsenic	O	P
asbestos	O	P
beryllium	O	P
mercury		P
nickel	O	P
selenium	O	P
silver	O	P
thallium	O	P
zinc		P

Appendix F.—Public Comment Summary

A. BAT

1. *Comment:* It cannot be inferred from available information that different product/processes using the same generic process produce pollutant loads that have similar treatabilities.

Response: EPA's grouping of product/processes under several generic process headings is simply for convenience in sorting out the manufacturing methods of the industry as a whole. It has not

been used to develop treatability data for use in the regulation. While a generic process may be common to a number of product/processes, the subset of priority pollutants that is associated with a particular product/process is usually dependent on, and generically related to, the raw material used. For example, chlorination of benzene will lead to a different subset of priority pollutants than the chlorination of ethylene. Thus, the EPA agrees that the subset of priority pollutants likely to be in the effluent cannot be inferred from the generic process alone; rather the generic process and raw material must both be considered.

EPA hypothesized, when it began its BAT studies, that subsets of generically related priority pollutants, regardless of product/process origin, have an inherent treatability. Since such subsets are specifically related to product/processes, it follows that the combined wastewaters from similar mixes of product/processes will have similar treatability. The data EPA has collected across treatment systems operating at different plants within the OCPSF industry shows good and consistent reduction of priority pollutants coming from a variety of product/process mixes. These empirical results suggests that the concept that a generic subset of priority pollutants has an inherent treatability, regardless of product/process origin, is general to most of the major product/process mixes represented within the OCPSF industry.

2. *Comment:* EPA's grouping of product/processes into generic groups and predicting expected pollutant loadings from reaction chemistry and other scientific methods is qualitative not quantitative and, therefore, has no place in the establishment of effluent limitations for product/processes not characterized under EPA's study program.

Response: EPA agrees that the predictive scheme is qualitative. It is useful for identifying, but not predicting precise levels of, those priority pollutants that are likely to be found in the combined wastewater at a plant. For that very reason, the proposed effluent limitations have not been derived from the predictive scheme.

As used by EPA in its study program of the OCPSF industry, the term "product/process" defines a manufacturing method in terms of the product, its raw material and a generic process. Through an understanding of the chemistry of a product/process, generically related subsets of priority pollutants likely to be associated with that product/process are predictable. The EPA generally confirmed the expected predictability by sampling and analyzing the individual wastewater effluents of over 170 major product/processes of the OCPSF industry.

EPA's studies further suggest that many higher order product/processes (using simpler organic compounds to manufacture more complex organic compounds), beyond those that were specifically characterized, are not significant sources of priority pollutants. These findings support the concept that only certain raw material-generic process combinations have any significant potential to generate priority pollutants, and explain why priority pollutants often fail to show up in the effluents of many of the higher order product/processes.

3. *Comments:* EPA's displays of analytical data in tables should not be carried out to significant figures representative of thousandths of a part per billion. This could give a misleading impression of the precision of the analytical methods to a reader who is not familiar with the limitations of the method.

Response: This preamble discussion and the effluent limitations and standards set forth in the regulations are consistent with the comment. Computer-calculated averages, provided in the Development Document, are sometimes carried to decimal points generated by the algorithms and not rounded off in the data presentations. However, discussions of analytical variability in the document should ensure that the reader understands the limitations of analytical methods. Numerical values presented in the record for this proposed rulemaking are of two types: the laboratory reported individual analytical sample results, or statistics calculated from these sample results. The Agency reports the individual sample results as they were reported by the laboratory that analyzed the samples. Statistics generated from individual analytical results represent a summary of these values. EPA agrees that an excessive number of significant figures resulting from such calculations does not represent a measure of the precision of the analytical methodology.

4. *Comment:* Because of inherent variability in the analytical data, EPA should not display or use that data as numerical values, but instead should display and use them as ranges.

Response: As previously noted, EPA is aware of the inherent variability of analytical results. Regardless of the substance or material, (*e.g.*, pollutants in the environment, tensile strength of a metal, length of life of an electrical product, etc.) a measured value is the result of many sources of variation. That is, any value resulting from measurement has uncertainty associated with it. However, the fact that uncertainty exists in a reported value does not preclude the pragmatic reporting of specific laboratory results. Furthermore, EPA's statistical procedures include analytical variability, as well as other sources of variability, in the mathematical computations for determining the numerical limitations based on the data. As previously described in this preamble, and as done in the case of other industry regulations, EPA has used such procedures in its computations of the proposed OCPSF effluent guidelines limitations. Using such procedures that account for variability—both analytical and other types—makes the display and use of that data as numerical values a valid procedure.

5. *Comment:* At concentrations below 100 parts per billion (ppb) the variability of analytical results becomes much more pronounced. As concentrations approach 10 ppb even the identification of compounds becomes suspect. These limitations should be considered in any use of the data.

Response: EPA has considered limitations inherent in the analytical methods in using the data to support today's proposed guidelines and standards.

EPA did not analyze verification samples for all priority pollutants. It only analyzed for compounds that were detected in a preliminary screening, or those with a high probability of occurrence based on an understanding of the process chemistry. Knowledge of expected pollutants enabled EPA to focus its analytical resources on those pollutants that were ascertained to be in each sample.

Most samples were analyzed by compound specific methods based on gas chromatography with conventional detectors (GC/CD). As will be discussed further in comment 10, EPA believes that these very sensitive detectors produce accurate quantitative results, particularly in the low concentration ranges. Properly used, GC/CD procedures often have detection limits in the range of 0.1 to 1 μg/l. Thus, in many cases, GC/CD results were reported in the data base at concentrations below 10 ppb. Other data are based on analysis with gas chromatography with identification and quantification by mass spectrometer (GC/MS). GC/MS has a detection limit of less than 10 ppb for nearly all priority pollutants. The assertion that pollutants cannot be identified by GC/MS with confidence

when they are present at levels approaching 10 ppb is incorrect.

In analyzing its data base, EPA has treated all values reported below 10 ppb from either method as 10 ppb. EPA selected this criterion as a conservative measure to avoid potential problems concerning the variability of numbers in the data base that were reported at less than 10 μg/l.

The concentration limitations and standards proposed today contain no requirements lower than 50 ppb. These are based on data indicating long to term achievable concentrations in the 10 to 20 ppb range and lower, and are associated with relatively low calculated variability factors. Thus, a wide range of potential analytical error is accounted for in the regulation.

EPA believes that the above procedures have insured that the special problems of measurement at the limits of analytical detection have been fairly considered in setting limitations. The resulting limitations are well within the recognized analytical capability of available monitoring technology.

6. *Comment:* EPA's calculation of mass loadings for certain product/processes appears, in some cases, to be based on only one observation and is, therefore inappropriate for characterizing OCPSF industry wastewater.

Response: As discussed earlier in this preamble, EPA has shifted the focus of this proposed regulation from a mass-based regulation applied to specific product/processes, to a concentration-based regulation applied to the plant discharge. Thus, the focus of the characterization of OCPSF wastewaters has shifted from data such as that criticized by the commenter to end-of-pipe data. The criticized data were, however, used in estimating the cost of compliance. The criticism as it relates to the cost analysis will be discussed below as a part of comments relating to the cost estimating methodology.

7. *Comment:* EPA's verification sampling program covered only 37 plants of 1,217 in the industry and 176 product/processes of over 2,500 used in the industry. Those samples are not sufficiently representative of the industry to permit characterization of the entire industry. The data are particularly unrepresentative of batch and complex second generation product/processes.

Response: EPA has collected data that we believe, based on process chemistry, are representative of the entire industry. The product/process effluents that the EPA elected to characterize are those of high-volume products and of products that, either are priority pollutants, or are expected to be associated with them. The priority pollutants observed in each of these effluents were found to be generally consistent with the raw materials, solvents, process chemistry and coproducts of the corresponding product/processes. Moreover, plant effluent data, on which these proposed regulations are based, include the combined and treated wastewater discharges from product/processes other than the 176 that were explicitly characterized. Among these others were higher order product/processes, often manufactured by a batch process (rather than a continuous process). Thus, the EPA has collected data that it believes is representative of the entire industry. As discussed in Section XV of the preamble, EPA expects to collect additional data to further confirm the representativeness of the data base.

As in the response to the previous comment, EPA notes that product/process data are used mainly for treatment cost estimations.

Further, the commenter is contradicted by its own report on the 5-plant sampling program. This report concludes, "these (5) manufacturing sites and their respective treatment systems are a representative sample from the organic chemicals industry." Elsewhere it states, "(t)his comparison supports the conclusion that the participating biological treatment plants in the five plant study generally can be considered representative of the median level of performance obtained by biological treatment of organic chemicals industry wastewater." EPA has used the data from the CMA/EPA Five-Plant sampling program. It has also used data from 37 verification plants (2 of which were included in the CMA/EPA study). EPA believes that inclusion of data from 35 additional plants can only increase the representativeness of the data base.

Finally, we continue to invite the commenter and all other persons with relevant data to submit such data to EPA.

8. *Comment:* EPA's use of a three-day sampling period at most plants is too short, ignoring variability in raw wasteloads and making the data useless for calculating long term averages or variability.

Response: EPA's data base includes, on the one hand, data collected over a 24 to 30-day period at each of 5 plants. The use of 3-day verification data, on the other hand, allowed EPA to include a greater number of plants and product/processes than would otherwise have been feasible. EPA believes that this dual approach is pragmatic and rational. Furthermore, OCPSF plants generally use flow equalization and biological treatment systems with retention times sufficient to smooth out wasteload variations. EPA made every effort to ensure that the product/processes considered representative of the industry were in fact operating when plants were sampled. Thus, EPA believes that the three day sampling period provided results that are characteristic of long-term averages of priority pollutants in treated plant effluent discharges.

Variability in the data derives from a number of sources. These include process variation, sampling variation, and variation in the practices of analytical methods between and within laboratories. EPA's data base reflects all of these sources of variability.

9. *Comment:* The most extensive and best long-term (4 to 6 weeks) data base was generated by the EPA/CMA five-plant sampling program. This data base is supported wtih a comprehensive QA/QC program and can provide EPA with an understanding of biological treatability and uncertainty associated with analytical methods for organic priority pollutants. EPA's verification phase data base, generated with a site specific analytical methodology that essentially was not validated, is suspect.

Response: EPA agrees that the EPA/CMA five plant sampling program is a good source of data to support this proposed regulation. EPA does not agree, as the comment seems to imply, that it should be used to the exclusion of the verification data base. As noted in responses to other comments, we believe that the verification data are valid, and therefore will be used by EPA.

Furthermore, EPA notes that placing sole reliance on the five-plant data would result in significant gaps in the data base. The five-plant analytical effort included none of the metals and only some of the organic priority pollutants that are characteristic of the OCPSF industry. EPA's study of the verification results suggests that some pollutants, not covered by the 5 plant sampling program, are discharged at significant and treatable levels, even when a plant has installed a well designed and operated biological treatment system. For these reasons, reliance on the 5-plant data alone would be inappropriate.

EPA concludes that a data base resulting from a combination of the verification and the five plant sampling efforts is reliable and representative data upon which to base today's proposed effluent limitations and standards. EPA invites the industry to

submit additional data on long-term performance and on variability to supplement the existing data base.

10. *Comment:* Most of the verification sampling results were obtained by gas chromatography with conventional detectors (GC/CD). Only about 10 percent of the results were confirmed using gas chromatography with a mass spectrophotometer for detection (GC/MS). Use of GC/CD analysis increases the risk of false positive and false negative compound identification.

Response: EPA believes that GC/CD and GC/MS are both excellent techniques for analyzing organic priority pollutants in wastewater. Both methods are commonly used by OCPSF plants to routinely monitor process and end-of-pipe wastewater. EPA has in fact proposed both GC/CD amd GC/MS methods for such analyses and expects to promulgate them in the near future.

The use of GC/CDS can increase the risk of false positives (*i.e.*, the risk of "identifying" a compound that is not actually present in the sample being analyzed), but the likelihood of any false negatives (*i.e.*, the failure to detect a compound that is actually present in the analyzed sample) is extremely small with the use of GC/CD. A false positive can occur if the compound of interest is so-eluted from the gas chomatograph with a second ("interfering") compound. The risk of such an occurrence can be minimized by employing certain procedures. Such procedures were used by EPA and its contractors, as described below.

First, proper cleanup procedures prior to injecting the sample into the chromatograph will reduce the number of potential interferences. Second, interferences can be reduced by selection of a GC column with appropriate column conditions. Third, selective detectors (i. e., detectors sensitive only to certain compounds, exclusive of others present) may be employed.

Finally, GC/MS can be used for interferences that still remain. EPA authorized its contract laboratories to run up to 10 percent of their samples on GC/MS. The laboratory analysts were given the discretion to determine when to use GC/MS. This approach, as opposed to a rigid schedule for systematic use of GC/MS, assured that the GC/MS could be run in precisely those situations where it was needed to resolve interferences and confirm GC/CD results. Furthermore, at some plants, GC/MS was run prior to the GC/CD analyses to identify the compounds present. In total, GC/MS was actually used for approximately 15 percent of all samples analyzed in the verification program.

EPA's program and, in most cases, its laboratory practices, followed the above procedures. As mentioned in the preamble, EPA has deleted some data that do not meet its rigorous quality criteria and will continue to examine the remaining data to assure that it is valid.

Qualitatively (i. e., with respect to identifying compounds), the GC/CD methods used by EPA in its verification program are similar to the GC/CD methods which EPA has been developing under Section 304(h) of the Clean Water Act. EPA's effort under that statutory provision is intended to promulgate both GC/MS and GC/CD methods as valid analytical procedures for organic priority pollutants.

11. *Comment:* The QA/QC program used during verification "should have, but did not include, an adequate level of quantitative GC/MS to validate the GC/CD analytical concentration."

Response: EPA disagrees. The QA/QC program for the analysis of wastewater samples from the OCPSF industry included GC/CD quantitation by both replicate analysis and analysis of spiked samples. GC/CD quantitation is known to be more accurate than GC/MS quantitation, because some of the conventional detectors are more sensitive (detection limit is lower) than the mass spectrometer. Therefore, quantitative validation of GC/CD measured concentrations by GC/MS generally is unnecessary.

12. *Comment:* The GC/CD methods should have been validated at the start of the verification program prior to sample collection, by an independent methodology such as GC/MS.

Response: The commenter appears to be suggesting that EPA should have conducted a "round-robin" validation program, incorporating the analysis of many samples from many wastewaters by many laboratories, prior to gathering any of the data needed to develop effluent guidelines and standards for the OCPSF industry. Such a program typically takes several years to complete. Indeed, EPA has been conducting a validation program for the 600-series methods proposed on December 3, 1979, and this program has taken several years.

As discussed above in the preamble, EPA has been subject to a Settlement Agreement, modified by subsequent court orders, that has required the proposal and promulgation of effluent guidelines and standards for many industries, including the OCPSF industry, by dates set forth in the agreement. For all industrial categories subject to the Settlement Agreement, EPA has recognized that compliance with that agreement required the collection of necessary data, whether by GC/MS or GC/CD, prior to conducting validation programs for these analytical methods. In all cases, EPA used then-existing state-of-the-art methods for GC/MS and/or GC/CD to develop the data needed to comply with its legal obligations under the court-sanctioned agreement.

Although the GC/CD methods that were used to analyze OCPSF wastewaters were not validated on a uniform national basis prior to their use in collecting data, they were validated on a case-by-case basis as the data was collected. By using appropriate QA/QC (quality assurance/quality control), including such procedures as duplicate analysis and spiked samples, EPA validated each method for the precise wastewater sample being measured. This approach had the advantage of ensuring a valid methodology for the specific wastewater matrix being analyzed.

13. *Comment:* EPA adjusted the verification values by using recovery values. These are obtained by injecting a known quantity of a pollutant into water and determining the percent of the known amount measured. Such factors are not technically supportable.

Response: EPA does not agree as a general proposition that use of recovery values are technically unsupportable. EPA does agree, however, that the results of this study are better represented as unadjusted for recovery. EPA has, therefore, based these proposed regulations on unadjusted values in the data base.

14. *Comment:* EPA deviated from its sampling protocol in some cases in ways that could affect the reliability of some results.

Response: EPA has conducted a thorough review of its data base to determine which values could be affected by such errors as excessive lag between sample collection and analysis as well as other departures from the sampling protocol. Some data has been deleted as a result of this review. If the commenter or other members of the public are aware of other values that have not been properly evaluated, EPA solicits specific comments identifying which samples are involved, what variations occurred and how the variation may have affected the reliability of the data.

15. *Comment:* Some of the data EPA is using is as much as five years old and may not be representative of current OCPSF industry practice.

Response: As described in the body of this preamble and in the technical support documents, the development of these proposed effluent limitations guidelines involved a massive and often sequential data gathering effort. Technical questionnaires requesting information under section 308 of the Act had to be prepared, returned and evaluated before a significant sampling effort could begin.

EPA is particularly aware that some plants have upgraded their treatment technology and has attempted to account for these improvements in its technical and costing analyses. If any member of the public, particularly the regulated industry, believes that the information they submitted to EPA is not now representative of their facility, EPA specifically solicits comments and additional information that would make the previously submitted information more representative of current practice. It is noted that the use of outdated data tends to yield higher (less stringent) effluent limitations and to overstate the impacts of the regulation. Thus, any error is in favor of the industry.

16. *Comment:* Some of the effluent targets evaluated by EPA appear to be water-quality-based and not technology based as required by the Act.

Response: EPA has evaluated a number of effluent target levels simply for the purpose of identifying the costs associated with those levels. Some were set very low to determine whether available technology could achieve them and what cost would be associated with those options. The effluent limitations in the regulation reflect real world data demonstrating the actual performance of available technology practiced in the industry and are not based upon target levels, or water quality criteria.

17. *Comment:* EPA considers 64 priority pollutants to be significant for BAT regulation. These pollutants were selected by applying a selection criterion. If the pollutant occurred in more than 50 percent of the plants sampled, it was considered significant. Alternatively, if the mean or median concentration across all plants exceed 100 ppb, it was considered significant. These criteria are arbitrary. They are particularly unfair when the mean is used as a selection criterion, since a few plants with high concentrations could result in a mean over 100 ppb resulting in regulation of that pollutant for the whole industry rather than for the few discharging it.

Response: EPA has modified its criteria for selecting pollutants to be controlled by this proposed regulation. EPA has examined plants employing BPT treatment technology—those meeting the criteria of 95 percent removal of BOD or a final effluent concentration of 50 mg/l or less of BOD. Pollutants discharged from these plants for which we have adequate data are covered in the proposed regulation. Only 46 pollutants are covered.

EPA is sensitive to the commenter's concern that industry-wide regulation of a significant number of toxic pollutants could result in unnecessary monitoring requirements of certain pollutants by individual plants. As discussed in Section XI of this preamble, EPA has developed a program to avoid unnecessary monitoring requirements.

18. *Comment:* The modeling effort outlined by EPA for evaluating the performance of treatment technologies is seriously flawed by such factors as inaccurate kinetic co-efficients, invalid model components, and a lack of model verification. However, if corrected for these deficiencies, the model has potential value for estimating incremental costs associated with different levels of treatment. The modeling approach is not suitable for purposes of establishing effluent limitations based on a given treatment train.

Response: EPA is not proposing effluent limitations based on its modeling effort. Today's proposed effluent limitations guidelines are based on statistical analysis of data from actual treatment systems that EPA believes are representative of the industry.

EPA's modeling effort was, however, used to estimate the cost of complying with these proposed regulations. The comments appear to suggest that EPA should design the most cost-effective treatment system for each plant in the industry and calculate its cost. For example, one "flaw" alleged by the commenter is the model's failure to account for local topography in calculating pumping costs.

While cost is a factor considered by the Administrator in selecting BAT technology, EPA does not believe that the Act requires detailed analysis of every single plant with the precision implied by many of the commenter's suggestions (discussed below). EPA's use of a computer modeling system for 55 model plants (called generalized plant configurations, GPC's) to develop a reasonable estimate of plant costs is sufficient under the Act.

EPA believes that these 55 GPC's represent a reasonable cross-section of the industry. Using the costs generated for complying with BAT effluent limitations, EPA has calculated an estimate of the compliance cost throughout the industry. Such a modeling approach is permitted by the Act. Indeed, when an industrial category is as large and diverse as the OCPSF industry, it is the only reasonable way to calculate toxic pollutant reduction costs. While this approach does not generate costs with the precision advocated by the commentor, EPA believes that it does estimate cost with sufficient accuracy to permit EPA to properly consider cost and to evaluate economic impacts in its selection of BAT technology. EPA solicits data that would contribute to the improvement of the model, as well as to the design of the GPC's.

19. *Comment:* A major technical flaw in the model is that its kinetic co-efficients do not consider competing modes of removal in activated sludge systems such as biooxidation, volatilization, and adsorption. The model itself however, does consider removal by volatilization and adsorption. This causes the model to "remove" pollutants "twice" in the activated sludge system. The model will, thus, generally predict superior performance in activated sludge systems than is actually achievable.

Response: EPA believes that the model has been properly adjusted to consider removal by adsorption and volatilization as well as biooxidation. EPA will, however, continue to evaluate the model. EPA's sampling efforts have contained a large number of activated sludge systems. Those data do not support the commenter's contention that activated sludge cannot reduce effluents to the degree assumed by the model.

20. *Comment:* EPA's comprehensive model should be reevaluated in the light of more recent, available data.

Response: EPA is continually seeking data that will make this rulemaking as technically sound as is possible. We solicit additional detailed technical information that would improve the model. EPA will thoroughly review its model in light of all available data before promulgation.

21. *Comment:* The K factors (factors used to determine rates of biodegradability of wastestreams) used in EPA's model are based on insufficient data and, thus, only are accurate to an order of magnitude.

Response: This comment appears to arise out of the commentor's concern (discussed previously) that the model would be used to calculate effluent limitations. As stated in previous responses, EPA is using the model for treatment cost purposes only. Furthermore, EPA has compared the effluent quality predicted by the model with that of actual activated sludge

effluents and finds that they are sufficiently comparable for use in cost estimating. Of course, EPA welcomes the submission of additional K-rate data.

22. *Comment:* EPA's model estimates BOD removal in activated sludge systems by determining the BOD contribution of individual product/processes and calculating a weighted K factor based on these contributions. This approach is subject to large amounts of error, and is not likely to produce a true representation of BOD removal in an activated sludge system.

Response: Weighting the K factors for the contributions by various product/processes of biodergradable materials to the activated sludge system is a valid means of deriving an appropriate K-rate for the combined waste streams. Comparison of GPC modeled removals in activated sludge systems with removals in actual systems sampled by EPA do not reveal large discrepancies in BOD removal. The model appears to estimate BOD removal well within the acceptable range for the model's objective of estimating costs of compliance.

23. *Comment:* The model sets maximum influents for activated sludge of total dissolved solids (TDS) and mixed liquor volatile suspended solids (MLVSS) are 10,000 mg/l and 4,000 mg/l, respectively. These values are well below levels encountered in some OCPSF industry waste treatment plants which are successfully operating. For actual systems capable of operating at higher TDS and MLVSS the model will add additional treatment technology that might be more economically deleted by operating the activated sludge system at higher TDS and MLVSS rates.

Response: These technology-based regulations are based on technology which EPA concludes can be used throughout the industry. EPA recognizes that with some plants' wastewater matrices, the same effluent quality can be more economically achieved by using technlolgy. These proposed regulations would not require industry to install the model technology. Industry is free to use any technology, including operating activated sludge at higher TDS and MLVSS values than assumed for the model technology. The only requirement would be that industry achieve the proposed effluent quality. These comments indicate that the industry's cost to comply with the proposed limitations will be lower than EPA's estimates.

24. *Comment:* EPA has not evaluated the effectiveness of powdered activated carbon (PAC) enhancement of activated sludge. PAC, although expensive, may be cost effective if the alternatives are tertiary treatment with granular activated carbon, or resin adsorption, or pretreatment by steam stripping, solvent extraction, etc.

Response: EPA did not believe it had sufficient data on actual operation of PAC on toxic pollutants to evaluate it and include it in the model treatment catalogue. If particular plants believe they can more economically achieve the final effluent limitations using PAC, they are, of course, free to do so.

EPA solicits operating and analytical information on PAC performance removing toxic pollutants that would permit it to include PAC in its treatment catalogue.

25. *Comment:* The removal of heavy metals due to adsorption on biological solids in the activated sludge process is not considered by the model.

Response: EPA has recognized this error, which would have overstated the cost of complying with the proposed BAT limitation for metals, and has corrected the model results to reflect heavy metals removal in the activiated sludge system.

26. *Comment:* If phenol concentrations exceed 300 mg/l, a solvent extraction system is designed in the computer model prior to activated sludge to minimize potential toxicity problems. The arbitrary 300 mg/l cut off point should be deleted, since well acclimated biological treatments systems can biologically treat higher phenol concentrations. In addition, specification of a solvent extraction system under these circumstances will overstate costs associated with treatment.

Response: EPA agrees that some biological treatment systems can and will adequately treat phenol concentrations in excess of 300 mg/l. However, since some systems will require solvent extraction and others will not, the model was conservatively designed to specify and cost that treatment on an industry-wide basis.

27. *Comment:* The model sometimes designs unrealistic activitated sludge systems. In one case, it designed one with a 15-minute detention time. Such systems are not practical and allowing the model to design such systems significantly understates costs.

Response: Such impractical designs are a consequence of the system logic, which attempts to upgrade biological treatment to presumed BCT levels. EPA will review and attempt to correct the model to avoid such anomalies. For estimating BAT compliance costs, the model's assumed starting point is well-designed and operated biological treatment. With such a floor, it is unlikely that BAT compliance costs will be significantly understated. Since the model adds other treatment processes to the basic biological segment of the treatment system to achieve a selected final effluent target level for *all* pollutants inthe GPC raw waste load, it is more likely that BAT compliance costs will be overstated.

28. *Comment:* The comment designs a separate nitrification unit for ammonia concentrations in the range of 10 mg/l to 2000 mg/l as N. Such systems are often unnecessary in the OCPSF industry, since operating parameters of the activated sludge system can often be adjusted to treat ammonia in these ranges.

Response: Although operating characteristics of individual activated sludge units can be adjusted to obviate the need for special treatment to remove ammonia, EPA does not believe that the need for separate nitrification units can be eliminated in all cases simply by adjusting the operating parameters of activated sludge systems. Thus, in estimating costs, EPA has conservatively assumed that the installation of additional treatment would be required.

29. *Comment:* EPA's questionnaire for carbon adsorption technology was deficient. The results are therefore suspect. The Chemical Manufacturer's Association offered an alternative questionnaire requesting more information, which was rejected by EPA. The items that differ between the two questionnaires should be evaluated to determine whether additional information should be obtained.

Response: EPA, of course, has already evaluated CMA's alternative questionnaire, reviewing both the information sought and that not sought, in the light of its modeling needs. EPA believes that the additional information suggested by CMA would be useful for an exhaustive study of activated carbon performance. However, EPA does not believe it was appropriate for the purpose of developing model costs.

30. *Comment:* Some of the technical assumptions used in the model describing the performance of activated carbon, steam stripping and ion exchange are incorrect.

Response: EPA has reviewed these technical assumptions and will continue to do so in light of available information to insure that these assumptions reflect the best available theoretical foundations. We welcome the submission of additional data.

31. *Comment:* The basis for selecting cadmium, chromium, cyanide, and mercury as removable pollutants using

activiated carbon has not been demonstrated.

Response: The proposed limitations are based on data from a variety of plants using different treatment configurations. No single technology was selected by EPA to remove any particular pollutants.

32. *Comment:* Other technologies contained in the treatment file used by the model do not yield the most cost efficient treatment train for a given plant's unique wastewater characteristics.

Response: As discussed in previous comments, EPA's model technology approach sometimes errs on the high side in developing costs for its model plants. This approach benefits industry by assuming that potential economic impacts will be fully addressed.

33. *Comment:* EPA's Master Process File (MPF) contains pollutants for each product/process found in raw wastewaters during verificaion sampling. The MPF is the starting point in designing treatment systems for the purpose of cost estimating. Some pollutants occur in the MPF that are not predicted by EPA's generic methodology. They should be dropped as extraneous since the system may design and cost treatment for them.

Response: The data in the MPF are actual sampling data. EPA's generic methodology is a useful tool to predict likely priority pollutant coproducts from various raw material/generic process combinations. EPA does not contend that the generic methodology will predict every conceivable pollutant from every source. One of it several useful purposes is to conceptually characterize the industry's potential for generating priority pollutants, to ensure that EPA has collected data from a representative cross section of the industry. It is technically erroneous to conclude that a measured pollutant is extraneous simply because the generic methodology did not identify it as an anticipated pollutant. It is possible, however, that some of the pollutants listed for certain product/processes in the MPF, but not predicted by the generic methodology, are false positives (i.e., analytical anomalies). EPA has reviewed the master process file and tried to identify and remove such pollutants. If any remain, they will result in overestimating costs, rather than an understanding.

34. *Comment:* The cost curves used by the computer model to estimate cost for model plants appear to underpredict capital costs. In particular, the other two cost estimating manuals published by EPA generally give higher capital cost estimates for comparable units.

Response: The cost curves used by the EPA model were developed by using actual cost estimates prepared by EPA's contractor, after considering the particular applications of the OCPSF industry. The cost estimating manuals referenced by the commenter are more general estimating guides. The estimates from one appear reasonably consistent with those predicted by the model. The other predicts much higher costs. EPA will examine this discrepancy prior to final promulgation.

EPA solicits data from the OCPSF industry with which the most accurate cost curves possible can be developed. EPA specifically solicits data from any plants in the OCPSF industry that have already installed any of the technologies evaluated as BAT technology. Data should be in sufficient detail to allow it to be used in developing generalized cost curves and should not be merely total costs of installation. Data should include details of design, unit costs, labor costs, any assumptions in calculating costs of capital, and other information of the type included in EPA's present cost modeling.

35. *Comment:* EPA did a benchmark analysis of its costing model by comparing modeled costs with acutal costs incurred for seven plants in the OCPSF industry. While the costs generally agree on an overall basis, costs of individual treatment show considerably less agreement. This points to deficiencies in the model.

Response: EPA disagrees. As the commenter has pointed out in other comments, specific facilities designed to treat a specific wasterwater will have a treatment system tailored to that wastewater. Designers may find that increasing the biological treatment system with less in-plant control will result in a more cost effective treatment system at that site or vice versa. EPA's costing model uses more generalized design parameters and, thus, result in a more standardized design for costing purposes. For example, as discussed in an earlier comment, the model assumes that influent phenol should be reduced to 300 ppb to protect the treatment system. The commenter argued that some biological systems treating some wastewaters could be designed to treat higher concentrations of phenol. In this case the model would design in-plant treatment for phenol followed by biological treatment. The real plants may have no in-plant treatment, but perhaps a more expensive biological treatment system.

Because model systems designs were being compared with specific treatment systems, EPA believes it properly evaluated the more generalized total cost of treatment when benchmarking the model.

36. *Comment:* The cost-estimating model designs a treatment system based on the average raw wasteload contained in the master process file. If instead costs were estimated based on the maximum and minimum wasteloads, the estimated costs would differ by an order of magnitude. This analysis shows that the cost estimating procedure is sensitive to variations in raw wasteload from plant to plant. The model therefore cannot be used to estimate total cost of compliance but only incremental costs from the technology to technology.

Response: EPA is estimating the cost of compliance of this proposed regulation by calculating the costs of compliance of 55 representative plant configurations (called GPC's). These model plants were configured to represent typical combinations of product/processes and corresponding raw wasteloads found in the OCPSF industry. Therefore, EPA believes it properly used average concentration, rather than maximum or minimum because the average is more representative of the industry.

Large errors in the average concentrations (and loadings) would create large errors in costs estimated for compliance. EPA believes, however, that it has made a scientifically valid survey of the industry by sampling a representative cross section of product/process of the industry. EPA continually solicits additional data, however, to insure that the average wasteloads are representative of the industry. EPA specifically solicits any data the regulated industry may have on toxic pollutant wasteloads that could be added to the MPF catalogue. Data should be submitted showing the wasteloads sampled, their source with particularity, the analytical method used, the compounds analyzed for, the compounds detected and a quantitative measure of the compounds detected.

Summary of Comments-BPT

37. *Comment:* The data collected to support BPT are now six years old and were gathered before many BPT permits were effective. They might not be reflective of current OCPSF plants' treatment performance (comment submitted in July 1982). However, in comments submitted recently, the same commenter criticized EPA's reliance on plant performance data gathered after 1977, when most plants were complying with permits, based upon permit writers' best engineering judgment of BPT, saying that this unrealistically distorts the data and results in limitations

requiring far better treatment than the Act contemplated for BPT limitations (comment submitted in January, 1983 by the same commenter).

Response: The industry has, as late as July, 1982, criticized EPA on the ground that its data did not reflect the true treatment potential of well operated and designed biological treatment systems. In part as a response to these comments, EPA has solicited and obtained more current data on well operated biological treatment systems and included them in its data base. Some data is as recent as 1981 but most reflects treatment in place in the mid 1970's.

Industry has recently changed its stance on this issue. It now contends that EPA should not use post 1977 data unless EPA includes *all* plants, whether or not they are properly designed and operated. In short, they now ask EPA to set limits reflecting average performance, rather than the "average of the best" performance, in defining BPT.

EPA rejects this last argument. The definition of BPT, as explained in the preamble, is the average-of-the-best control of conventional pollutants by end-of-pipe treatment systems, preceded by necessary in-plant controls to assure that the end-of-pipe systems function effectively and consistently. The selected end-of-pipe technologies have been widely practiced within the industry for years, and the selection of them for BPT is fully consistent with the Act.

The criteria for selecting plants for inclusion in the data base were those that reflect proper design and operation of end-of-pipe systems. Any plant that meets such criteria is a useful example of proper biological treatment and deserves to be included in the data base, thereby assuring a broad and fully representative data base. As noted in the preamble, 82 percent of all plants compared against these criteria met them. In other words, in defining "average-of-the-best", we included 82 percent of all plants as representing the "best" treatment, on the basis of which a long-term average was computed. This confirms the representativeness of the data included in the BPT data base and the appropriateness of using the selection criteria and all available data on well designed and operated treatment systems.

38. *Comment:* Guideline limits should be based on concentrations rather than a mass per unit of production. Many treatment systems are arranged to treat a variety of influent flows, some nonregulated under effluent guidelines. A production-based limit makes it very difficult to properly allocate pollutant loadings for each process flow in order to achieve the combined discharge limit.

Response: As discussed in Section V of this preamble, EPA has decided to propose concentration-based limits rather than mass-based ones.

39. *Comment:* A production-based limit does not accurately address treatment efficiencies or capabilities during process outages, startups or treatment upsets.

Response: The effects of normal variations in treatment efficiencies are accounted for in statistically derived variability factors based on actual plant data. Abnormal excursions or treatment upsets are addressed by permit upset and bypass provisions discussed earlier in this preamble.

40. *Comment:* Both BPT and BAT guidelines should allow flexibility for case-by-case permitting considering such factors as plant age, size, and location.

Response: All relevant factors, including plant age, size and location were considered in deriving these proposed regulations. In cases where existing plants have factors fundamentally different than those considered in setting the effluent limitation guideline or standard and where those factors significantly affect a plant's ability to attain the limit, a variance may be considered on a case-by-case basis. These fundamentally different factors (FDF) variances are discussed earlier in this preamble.

41. *Comment:* If the existing data are not the sole basis for writing effluent guidelines, there should be an opportunity for public comment regarding any additional data used in writing effluent guidelines.

Response: As described earlier in this preamble, EPA does expect to gather additional data. EPA intends to release any new data it expects to use in establishing effluent limitations for public comment.

42. *Comment:* Plants that do not discharge wastewater to POTWs or directly to surface water are grouped under a classification called "zero discharge." This includes plants that dispose of wastewaters by deep well injection, contract hauling, and other methods. Use of the term "zero discharge" to describe these plants is misleading and implies that they either do not generate wastewater or practice total recycle. A term such as "alternative discharge" would better describe these plants.

Response: EPA believes it has adequately defined the term "zero discharge" to remove any implication that it applies only to plants generating no wastewater or practicing total recycle. This term has been similarly used throughout the history of the effluent guidelines regulatory program.

43. *Comment:* In attempting to subcategorize the OCPSF industry, EPA contends that there is no correlation between the age of the process and its impact on effluent flow or treatability. Clearly a plant designed and built after the Federal Water Pollution Control Act of 1972 has a significantly smaller flow of aqueous wastes.

Response: As discussed above, EPA is proposing concentration-based effluent limitations and standards. Thus, an older plant's flow relative to a newer plant's lower flow is not necessarily a significant factor. The chief factor for subcategorization for the concentration-based regulation is the use of product/processes that contribute high or low raw concentrations of BOD. Age is not a significant factor in this regard. Furthermore, age is an amorphous concept in the OCPSF industry, since most plants have both old and new processes contributing to a combined end-of-pipe discharge. Finally, EPA's data base does not reveal any differences in achievable effluent concentrations that are attributable to age.

44. *Comment:* The BPT report makes reference to an assumption that non-contact cooling water makes no contribution to the pollutant load of a treatment plant. Such water can exert a significant BOD and TSS load.

Response: EPA has based these proposed regulations on end-of-pipe discharge data which are expressed in concentration units. Where EPA could separately attribute concentrations to process wastewater, it did so. Where it could not, it assumed that commingled cooling water was uncontaminated. This assumption results in a slightly higher raw waste concentration for process wastewater. This conservative assumption is not likely to introduce substantial error, and any error would favor industry.

45. *Comment:* The capital and operating costs are expressed in 1979 dollars. This inappropriately understates the incumbent financial obligations associated with the construction, operation, and maintenance of the treatment facilities in question. One especially troublesome area that is ignored in this analysis is the dramatic increase in the cost of capital over the last three years. There are fairly standard and simple means of converting capital cost that should be applied here.

Response: EPA has used 1982 costs for today's proposed effluent guidelines and standards.

46. *Comment:* EPA used the CAPDET municipal treatment model to estimate costs of compliance. OCPSF treatment plants are not analogous to municipal systems and require significantly higher unit costs for such things as labor, building, excavation, etc. The commenter provides recommended unit costs as much as 7 times those used by EPA.

Responses: EPA believes that CAPDET, appropriately modified to reflect OCPSF unit costs, is technically sound costing approach. EPA solicits specific comments on the accuracy of the unit costs it used. The commenter, however, simply offered alternative costs without explaining the basis for them. Such conclusory data cannot be properly evaluated to determine whether the costs EPA used are in fact too low. EPA, therefore, solicits specific comments regarding its unit costs including specific actual costs, how they were calculated, what assumptions were used, and for what they were incurred.

47. *Comment:* EPA evaluated TSS effluent targets of 20, 30, and 50 mg/l. EPA did not evaluate a TSS target level of 100 mg/l on the basis that such a level would be deleterious to the receiving waters. The report fails to justify that conclusion. In any event it is irrelevant to a technology-based regulation.

Response: EPA evaluated long-term target levels of 20, 30 and 50 mg/l of TSS for costing purposes only and believes them to be reasonable target levels for available technology in the industry. Technology-based analyses have been conducted and are the basis of today's proposed effluent limitations and standards.

48. *Comment:* The BPT report inappropriately equates TSS with BOD.

Response: The evaluation leading to TSS and BOD limitations for four subcategories was not based on that assumption. Instead separate, actual BOD and TSS data were evaluated. Thus the limits proposed today do not rest on any assumption about TSS/BOD correlation.

49. *Comment:* The effluent target limits failed to adequately address ambient temperature effects on biological treatment system efficiency. Use of heating degree days is an inappropriate variable for assessing those effects since it ignores poor system performance at very high temperatures. Moreover, use of State boundaries to determine heating degree days is inappropriate in that it ignores climatological variations within a state.

Response: EPA used heating degree days to assess whether locations should be a factor in subcategorizing the OCPSF industry. In particular, EPA wanted to assess whether plants in generally colder climates should be subcategorized to reflect poorer system performance. The analysis was limited to whether generally colder climates would have a significant effect on a plant's ability to achieve the limitations and standards proposed today. For such an analysis EPA believes consideration by states, rather than by even smaller geographical subdivisions, is appropriate. Temperature was not found to be a significant factor in determining a plant's ability to treat conventional pollutants. If temperature had been found to be a significant factor, a more detailed analysis such as recommended by the commenter might be appropriate. EPA is not aware of OCPSF plants that experience significant difficulties meeting the limitations and standards proposed today because ambient temperature is too high. If such plants exist, EPA invites comments identifying those plants and explaining in detail how high ambient temperature makes meeting today's proposed limitations and standards infeasible.

50. *Comment:* Some OCPSF plants discharge into water-quality limited stream segments. Permits, and resulting treatment, were designed to meet water quality limitations, not technology-based limitations. Inclusion of these plants in the technology-oriented data base is, therefore, inappropriate.

Response: EPA has reviewed the data submitted by the industry regarding these plants with treatment systems designed to meet water quality limits. Several plants that included treatment not considered BPT were deleted from the BPT data base. In many of the plants, the treatment that was allegedly installed to meet water quality based requirements consisted simply of well designed and operated BPT systems. As such, EPA believes that the data are relevant to determine PBT limits.

51. *Comment:* No single effluent target should be set throughout the industry. The industry should be subcategorized based on product/process, influent loadings, and size of the treatment unit.

Response: EPA has conducted a thorough review of the industry and concluded that subcategorization based on four broad groups of product/processes is appropriate. For this concentration-based regulations, EPA believes that these categories adequately describe significant differences in waste generation and consequent influent loadings throughout the industry. EPA does not believe that size of the treatment unit is a relevant factor in defining subcategories. Size of an existing treatment system may become relevant in considering the cost of compliance. Where existing treatment is inadequate, EPA has calculated incremental costs associated with upgrading the treatment system to meet proposed limitations or standards and has evaluated their associated economic impacts.

For the reasons set out in the preamble, 40 CFR Parts 414 and 416 are amended as set forth below.

PART 416—[REMOVED]

1. 40 CFR is amended by removing Part 416.

2. 40 CFR Part 414 is revised to read as follows:

PART 414—ORGANIC CHEMICALS, PLASTICS, AND SYNTHETIC FIBERS

Subpart A—General

Sec.
414.10 General definitions.
414.11 Applicability.
414.12 Compliance data for Pretreatment Standards for Existing Sources (PSES).
414.13 Monitoring requirements.

Subpart B—Plastics Only Subcategory

414.20 Applicability; description of the plastics only subcategory.
414.21 Specialized definitions.
414.22 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology (BPT).
414.23 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology (BCT).
414.24 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology economically achievable (BAT).
414.25 New source performance standards (NSPS).
414.26 Pretreatment standards for existing sources (PSES).
414.27 Pretreatment standards for new sources (PSNS).

Subpart C—Oxidation Subcategory

414.30 Applicability; description of the oxidation subcategory.
414.31 Specialized definitions.
414.32 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology (BPT).
414.33 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology (BCT).
414.34 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology economically achievable (BAT).

414.35 New source performance standards (NSPS).
414.36 Pretreatment standards for existing sources (PSES).
414.37. Pretreatment standards for new sources (PSNS).

Subpart D—Type I Subcategory

414.40 Applicability; description of the Type I subcategory.
414.41 Specialized definitions.
414.42 Effluent limitations representing the degree effluent reduction attainable by the application of the best practicable pollutant control technology (BPT).
414.43 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).
414.44 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
414.45 New source performance standards (NSPS).
414.46 Pretreatment standards for existing sources (PSES).
414.47 Pretreatment standards for new sources (PSNS).

Subpart E—Other Discharges Subcategory

414.50 Applicability; description of the Other Discharges subcategory.
414.51 Specialized definitions.
414.52 Effluent limitations representing the degree of effluent reduction attainable by application of the best practicable pollutant control technology (BPT).
414.53 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).
414.54 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
414.55 New source performance standards (NSPS).
414.56 Pretreatment standards for existing sources (PSES).
414.57 Pretreatment standards for new sources (PSNS).

Authority: Secs. 301, 304 (b), (c), (e), and (g), 306 (b) and (c), 307 and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977) (the "Act"); 3 U.S.C. 1311, 1314 (b), (c), (e) and (g), 1316 (b) and (c), 1317 (b) and (c), and 1361; 86 Stat. 816, Pub. L. 92–500; 91 Stat. 1567, Pub. L. 95–217.

Subpart A—General

§ 414.10 General definitions.

As used in this part:

(a) Except as provided in this regulation, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this part.

(b) "Pretreatment control authority" means: (1) The POTW if the POTW's submission for its pretreatment program has been approved in accordance with the requirements of 40 CFR 403.11, or (2) the Approval Authority if the submission has not been approved. "Priority pollutants" means the toxic pollutants listed in 40 CFR 401.15.

§ 414.11 Applicability.

The provisions of this part are applicable to discharges resulting from the manufacture of synthetic organic chemicals, plastics and synthetic fibers, except that they do not apply to any such discharges for which a different set of effluent limitations guidelines and standards in Parts 405 through 699 of this subchapter apply. They also do not apply to any discharges from the extraction of organic chemical compounds from natural materials.

§ 414.12 Compliance date for Pretreatment Standards for Existing Sources (PSES).

All dischargers subject to PSES in this part must comply with the standards no later than three years after promulgation of this regulation.

§ 414.13 Monitoring requirements.

(a) The pretreatment control authority shall specify monitoring type, intervals and frequency requirements for each industrial user for all pollutants controlled by the applicable categorical pretreatment standard (PSES) or (PSNS) in this part. The frequency shall be sufficient to yield data that are representative of the monitored activity.

(b) The permitting authority or pretreatment control authority may reduce the monitoring frequency for a particular pollutant to once per year if:

(1) The pollutant has not been detected during the preceding year at a level exceeding 10 $\mu g/l$;

(2) Based upon a review of all product/processes used at the plant whose effluents contribute to the discharge, the authority determines that the pollutant is not likely to be discharge above the concentration level set forth in the applicable effluent limitation or standard. In reviewing the product/processes used, the control authority shall separately review:

(i) All product/processes in operation when monitoring occurred, and

(ii) All other product/processes that are regularly scheduled to operate periodically; and

(3) The facility seeking a reduction in monitoring submits a certification by an authorized employee stating that:

(i) The certifier has knowledge of the information contained in the certification, based upon personal examination of the information or upon inquiry of those individuals immediately responsible for obtaining the information;

(ii) The facility has monitored the discharge for the pollutant one or more times during the twelve-month period preceding the submission of the certification, and the pollutant has in no case been detected at a level exceeding 10 $\mu g/l$; and

(iii) Based upon a review of the raw materials and raw material contaminants, generic processes and solvents used, products manufactured, and other information known by the certifier, the certifier concludes that the pollutant is unlikely to be discharged above the concentration level set forth in the applicable effluent limitation or standard.

Subpart B—Plastics Only Subcategory

§ 414.20 Applicability; description of the plastics only subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of plastics and synthetic fibers only.

§ 414.21 Specialized definitions.

For the purpose of this subpart:

Except as provided in 40 CFR 414.10(e) or below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 414.22 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable pollutant control technology (BPT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART B

Pollutant or pollutant property	BPT effluent limitations [1]	
	Maximum for any 1 day	Maximum for monthly average
BOD5	49	22
TSS	117	36
pH	([2])	([2])

[1] All units except pH are milligrams per liter.
[2] Within the range of 6.0 to 9.0 at all times.

§ 414.23 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve

discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART B

Pollutant or pollutant property	BPT effluent limitations [1]	
	Maximum for any 1 day	Maximum for monthly average
BOD5	49	22
TSS	117	36
pH	([2])	([2])

[1] All units except pH are milligrams per liter
[2] Within the range of 6.0 to 9.0 at all times

§ 414.24 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART B

Pollutant or pollutant property	BAT effluent limitations [1]	
	Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
Phenol	50	—
bis (2-ethylhexyl) phthalate	100	50
Acrolein	50	—
Ethylbenzene	50	—
Vinyl Chloride	50	—
Cadmium	30	20
Chromium	110	60
Copper	120	60
Lead	40	20
Cyanide	50	20

[1] All units are micrograms per liter. A dash (—) signifies no limitation

§ 414.25 New source performance standards (NSPS).

Any new source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART B

Pollutant or pollutant property	NSPS effluent limitations [1]	
	Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
Phenol	50	—
bis(2-ethylhexyl) phthalate	100	[redacted]
Acrolein	50	—
Ethylbenzene	50	—

SUBPART B—Continued

Pollutant or pollutant property	NSPS effluent limitations [1]	
	Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
Vinyl Chloride	50	—
Cadmium	30	20
Chromium	110	60
Copper	120	60
Lead	40	20
Cyanide	50	20

[1] All units except pH, BOD5 and TSS are micrograms per liter. BOD5 and TSS are milligrams per liter. A dash (—) signifies no limitation.

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
BOD5	[redacted]	22
TSS	117	[redacted]
pH	([2])	([2])

[2] Within the range of 6.0 to 9.0 at all times.

§ 414.26 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart that introduces pollutants into a publicly owned treatment works (POTWs) must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES):

SUBPART B

Pollutant or pollutant property	Pretreatment standards for existing sources [1]	
	Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
Vinyl chloride	50	—
Acrolein	50	—
Cyanide	50	[redacted]
Lead	40	20

[1] All units are micrograms per liter. A dash (—) signifies no limitation

§ 414.27 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7 any new source subject to this subpart that introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS):

SUBPART B

Pretreatment standards for [redacted] [1]	Pollutant or pollutant property	
	[redacted] for any 1 day	Average of daily values for 4 [redacted] monitoring days
Vinyl chloride	50	—
Acrolein	50	—
Cyanide	[redacted]	20
Lead	40	20

[1] All units are micrograms per liter. A dash (—) signifies no limitation

Subpart C—Oxidation Subcategory

§ 414.30 Applicability; description of the oxidation subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of organic chemicals only or both organic chemicals and plastics and synthetic fibers that include wastewater from the oxidation generic process.

§ 414.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided in 40 CFR 414.10(e) or below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) "High water-use" means a plant at which wastewater discharge is greater than or equal to 0.2 gallon per pound of total daily production.

(c) "Low water-use" means a plant at which wastewater discharge is less than 0.2 gallon per pound of daily production.

(d) "Daily production" means the annual production divided by the number of operating days in the year. Production shall be determined for each plant based upon past production practices, present trends, or committed growth.

§ 414.32 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable pollutant control technology (BPT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

(a) *High Water Use.*

SUBPART C(a)

Pollutant or pollutant property	BPT effluent limitations [1]	
	Maximum for any 1 day	Maximum for monthly average
BOD5	106	42
TSS	246	84
pH	([2])	([2])

[1] All units except pH are milligrams per liter
[2] Within the range of 6.0 to 9.0 at all times

Low Water Use.

SUBPART C(b)

Pollutant or pollutant property	BPT effluent limitations [1]	
	Maximum for any 1 day	Maximum for monthly average
BOD5	146	58
TSS	353	120
pH	([2])	([2])

[1] All units except pH are milligrams per liter
[2] Within the range of 6.0 to 9.0 at all times

§ 414.33 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

(a) *High Water Use.*

SUBPART C(a)

Pollutant or pollutant property	BCT effluent limitations [1]	
	Maximum for any 1 day	Maximum for monthly average
BOD5	106	42
TSS	246	84
pH	([2])	([2])

[1] All units except pH are milligrams per liter
[2] Within the range of 6.0 to 9.0 at all times

(b) *Low Water Use.*

SUBPART C(b)

Pollutant or pollutant property	BCT Effluent Limitations [1]	
	Maximum for any 1 day	Maximum for monthly average
BOD5	146	58
TSS	353	120
pH	([2])	([2])

[1] All units except pH are milligrams per liter
[2] Within the range of 6.0 to 9.0 at all times

§ 414.34 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART C

Pollutant or pollutant property	BAT effluent limitations [1]	
	Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
2, 4, 6-trichlorophenol	175	100
2-chlorophenol	75	50
2, 4-dichlorophenol	200	100
2, 4-dimethylphenol	50	–
2-nitrophenol	100	75
4-nitrophenol	500	325
2, 4-dinitrophenol	150	100
pentachlorophenol	100	50
phenol	50	–
acenaphthene	50	–
1, 2, 4-trichlorobenzene	225	125
1, 2-dichlorobenzene	250	125
isophorone	50	–
bis (2 ethylhexyl) phthalate	350	150
di-n-butyl phthalate	300	150
diethyl phthalate	275	125
dimethyl phthalate	375	175
acenaphthylene	50	–
fluorene	50	–
phenanthrene	50	–
benzene	125	75
carbon tetrachloride	50	–
1, 2-dichloroethane	150	100
1, 1, 1-trichloroethane	50	–
1, 1-dichloroethane	225	125
1, 1, 2-trichloroethane	75	50
chloroethane	50	–
chloroform	75	50
1, 1-dichloroethylene	125	75
ethylbenzene	275	150
methylene chloride	50	–
methyle chloride	50	–
methyl bromide	50	–
dichlorobromomethane	50	
toluene	225	125
trichloroethylene	75	50
antimony	780	370
cadmium	70	40
chromium	190	90
copper	150	70
lead	70	40
mercury	90	50
zinc	210	100
cyanide	410	180

[1] All units are micrograms per liter. A dash (—) signifies no limitation.

§ 414.35 New source performance standards (NSPS).

Any new source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART C

Pollutant or pollutant property	NSPS effluent limitations [1]	
	Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
2, 4, 6-trichlorophenol	175	100
2-chlorophenol	75	50
2, 4-dichlorophenol	200	100

SUBPART C—Continued

Pollutant or pollutant property	NSPS effluent limitations [1]	
	Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
2, 4-dimethylphenol	50	
2-nitrophenol	100	75
4-nitrophenol	500	325
2, 4-dinitrophenol	150	100
pentachlorophenol	100	50
phenol	50	
acenaphthene	50	–
1, 2, 4-trichlorobenzene	225	125
1, 2-dichlorobenzene	250	125
isophorone	50	–
bis(2-ethylhexyl) phthalate	350	150
di-n-butyl phthalate	300	150
diethyl phthalate	275	125
dimethyl phthalate	375	175
acenaphthylene	50	–
fluorene	50	–
phenanthrene	50	
benzene	125	75
carbon tetrachloride	50	–
1, 2-dichloroethane	150	100
1, 1, 1-trichloroethane	50	–
1, 1-dichloroethane	225	125
1, 1, 2-trichloroethane	75	50
chloroethane	50	–
chloroform	75	50
1, 1-dichloroethylene	125	75
ethylbenzene	275	150
methylene chloride	50	–
methyl chloride	50	–
methyl bromide	50	–
dichlorobromomethane	50	–
toluene	225	125
trichloroethylene	75	50
antimony	780	370
cadmium	70	40
chromium	190	90
copper	150	70
lead	70	40
mercury	90	50
zinc	210	100
cyanide	410	180

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
High Water Use		
BOD5	106	42
TSS	246	84
pH	([2])	([2])
Low Water Use		
BOD5	146	58
TSS	353	120
pH	([2])	([2])

[1] All units except pH, BOD5 and TSS are micrograms per liter. BOD5 and TSS are milligrams per liter. A dash (—) signifies no limitation.
[2] Within the range of 6.0 to 9.0 at all times

§ 414.36 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart that introduces pollutants into a publicly owned treatment works (POTWs) must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES).

SUBPART C

Pollutant or pollutant property	Pretreatment standards for existing sources [1]	
	Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
2,4,6-trichlorophenol	175	100
2-chlorophenol	75	50
2,4-dichlorophenol	200	100
2,4-dimethylphenol	50	—
2-nitrophenol	100	75
4-nitrophenol	500	325
2,4-dinitrophenol	150	100
isophorone	50	—
dimethyl phthalate	375	175
acenaphthylene	50	—
fluorene	50	—
phenanthrene	50	—
1,2-dichloroethane	150	100
chloroethane	50	—
methyl bromide	[illegible]	—
chromium	190	90
mercury	[illegible]	50

[1] All units are micrograms per liter. A dash (—) signifies no limitation.

§ 414.37 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart that introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS).

SUBPART C

Pollutant or pollutant property	Pretreatment standards for new sources [1]	
	Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
2,4,6-trichlorophenol	175	100
2-chlorophenol	75	50
2,4-dichlorophenol	200	100
2,4-dimethylphenol	50	—
2-nitrophenol	100	75
4-nitrophenol	500	325
2,4-dinitrophenol	150	100
isophorone	50	—
dimethyl phthalate	375	175
acenaphthylene	50	—
fluorene	50	—
phenanthrene	50	—
1,2-dichloroethane	150	100
chloroethane	50	—
methyl bromide	50	—
chromium	190	90
mercury	90	50

[1] All units are micrograms per liter. A dash (—) signifies no limitation.

Subpart D—Type I Subcategory

§ 414.40 Applicability; description of Type I subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of organic chemicals only or both organic chemicals and plastics and synthetic fibers that include wastewater from any of the following ("Type I") generic processes but not from the oxidation generic process.

Peroxidation	Hydration
Acid Cleavage	Alkoxylation
Condensation	Hydrolysis
Isomerization	Carbonylation
Esterification	Hydrogenation
Hydroacetylation	Neutralization

§ 414.41 Specialized definitions.

For the purpose of this subpart: Except as provided in 40 CFR § 414.10(e) the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 414.42 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable pollutant control technology (BPT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART D

Pollutant or pollutant property	BPT effluent limitation [1]	
	Maximum for any 1 day	Maximum for monthly [illegible]
BOD5	100	40
TSS	137	47
pH	(2)	(2)

[1] All units except pH are milligrams per liter.
[2] Within the range of 6.0 to 9.0 at all times.

§ 414.43 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART D

Pollutant or pollutant property	BCT effluent limitation [1]	
	Maximum for any 1 day	Maximum for monthly average
BOD5	100	40
TSS	137	47
pH	(2)	(2)

[1] All units except pH are milligrams per liter.
[2] Within the range of 6.0 to 9.0 at all times.

§ 414.44 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART D

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
2,4,6-trichlorophenol	175	100
2-chlorophenol	75	50
2,4-dichlorophenol	200	100
2,4-dimethylphenol	50	—
2-nitrophenol	[illegible]	75
4-nitrophenol	[illegible]	325
2,4-dinitrophenol	150	100
pentachlorophenol	[illegible]	50
phenol	[illegible]	—
acenaphthene	50	—
1,2,4-trichlorobenzene	225	125
1,2-dichlorobenzene	250	125
isophorone	50	—
bis(2-ethylhexyl) phthalate	350	150
di-n-butyl phthalate	300	150
diethyl phthalate	275	125
dimethyl phthalate	[illegible]	175
acenaphthylene	[illegible]	—
[illegible]	[illegible]	—
phenanthrene	50	—
benzene	125	75
carbon tetrachloride	50	—
1,2-dichloroethane	150	100
1,1,1-trichloroethane	50	—
1,1-dichloroethane	225	125
1,1,2-trichloroethane	75	50
chloroethane	50	—
chloroform	75	50
1,1-dichloroethylene	125	75
ethylbenzene	275	150
methylene chloride	50	—
methyl chloride	[illegible]	—
methyl bromide	[illegible]	—
dichlorobromomethane	[illegible]	—
toluene	225	125
trichloroethylene	75	50
antimony	[illegible]	370
cadmium	[illegible]	[illegible]
chromium	190	90
copper	150	70
lead	[illegible]	[illegible]
mercury	[illegible]	50
zinc	210	100
cyanide	410	180

[1] All units are micrograms per liter. A dash (—) signifies no limitation.

§ 414.45 New source performance standards (NSPS).

Any new source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART D

Pollutant or pollutant property	NSPS effluent limitations [1]	
	maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
2,4,6-trichlorophenol	175	100
2-chlorophenol	75	50
2,4-dichlorophenol	[illegible]	100
2,4-dimethylphenol	50	—
2-nitrophenol	100	75
4-nitrophenol	[illegible]	325
2,4-dinitrophenol	150	100

SUBPART D—Continued

Pollutant or pollutant property	NSPS effluent limitations [1] maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
pentachlorophenol	100	50
phenol	50	—
acenaphthene	50	—
1,2,4-trichlorobenzene	225	125
1,2-dichlorobenzene	250	125
isophorone	50	—
bis(2-ethylhexyl) phthalate	350	150
di-n-butyl phthalte	300	150
diethyl phthalate	275	125
dimethyl phthalate	375	175
acenaphthylene	50	—
fluorene	50	—
Phenanthrene	50	—
benzene	125	75
carbon tetrachloride	50	—
1,2-dichloroethane	150	100
1,1,1-trichloroethane	50	—
1,1-dichloroethane	225	125
1,1,2-trichloroethane	75	50
chloroethane	50	—
chloroform	75	50
1,1-dichloroethylene	125	75
ethylbenzene	275	150
methylene chloride	50	—
methyl chloride	50	—
methyl bromide	50	—
dichlorobromomethane	50	—
toluene	225	125
trichloroethylene	75	50
antimony	780	370
cadmium	70	40
chromium	190	90
copper	150	70
lead	70	40
mercury	90	50
zinc	210	100
cyanide	410	180

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
BOD5	100	40
TSS	137	47
pH	(1)	(1)

[1] All units except pH, BOD5 and TSS are micrograms per liter. BOD5 and TSS are milligrams per liter. A dash (—) signifies no limitation

§ 414.46 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart that introduces pollutants into a publicly owned treatment works (POTWs) must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES).

SUBPART D

Pollutant or pollutant property	Pretreatment standards for existing sources [1] Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
2,4,6-trichlorophenol	175	100
2-chlorophenol	75	50
2,4-dichlorophenol	200	100
2,4-dimethylphenol	50	—
2-nitrophenol	100	75

SUBPART D—Continued

Pollutant or pollutant property	Pretreatment standards for existing sources [1] Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
4-nitrophenol	500	325
2,4-dinitrophenol	150	100
isophorone	50	—
dimethyl phthalate	375	175
acenaphthylene	50	—
flourene	50	—
phenanthrene	50	—
1,2-dichloroethane	150	100
chloroethane	50	—
methyl bromide	50	—
chromium	190	[illegible]
mercury	90	50

[1] All units are micrograms per liter. A dash (—) signifies no limitation

§ 414.47 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart that introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS).

Subpart D

Pollutant or pollutant property	Pretreatment standards for new sources [1] Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
2,4,6-trichlorophenol	175	100
2-chlorophenol	75	50
2,4-dichlorophenol	200	100
2,4-dimethylphenol	50	—
2-nitrophenol	100	75
4-nitrophenol	500	325
2,4-dinitrophenol	150	100
isophorone	50	—
dimethyl phthalate	375	175
acenaphthylene	50	—
fluorene	50	—
phenanthrene	50	—
1,2-dichloroethane	150	100
chloroethane	50	—
methyl bromide	50	—
chromium	190	90
mercury	90	50

[1] All units are micrograms per liter. A dash (—) signifies no limitation

Subpart E—Other Discharges Subcategory

§ 414.50 Applicability; description of other discharges subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of organic chemicals only or both organic chemicals and plastics and synthetic fibers that are not subject to subparts B, C and D of this part.

§ 414.51 Specialized definitions.

For the purpose of this subpart:

Except as provided in 40 CFR 414.10(e) the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 414.52 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable pollutant control technology (BPT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART E

Pollutant or pollutant property	BPT effluent limitations [1] Maximum for any 1 day	Maximum for monthly average
BOD5	69	28
TSS	115	39
pH	(2)	(2)

[1] All units except pH are milligrams per liter.
[2] Within the range of 6.0 to 9.0 at all times.

§ 414.53 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART E

Pollutant or pollutant property	BCT effluent limitations [1] Maximum for any 1 day	Maximum for monthly average
BOD5	69	28
TSS	115	39
pH	(2)	(2)

[1] All units except pH are milligrams per liter.
[2] Within the range of 6.0 to 9.0 at all times

§ 414.54 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR § 125.30 through 125.32, any existing point source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART E

Pollutant or pollutant property	BAT effluent limitations [1] Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
2,4,6-trichlorophenol	175	100
2-chlorophenol	75	50
2,4-dichlorophenol	200	100
2,4-dimethylphenol	50	—
2-nitrophenol	100	75
4-nitrophenol	500	325
2,4-dinitrophenol	150	100
pentachlorophenol	100	50
phenol	50	—
acenaphthene	50	—
1,2,4-trichlorobenzene	225	125
1,2-dichlorobenzene	250	125
isophorone	50	—
bis(2-ethylhexy) phthalate	350	150
di-n-butyl phthalate	300	150
diethyl phthalate	275	125
dimethyl phthalate	375	175
acenaphthylene	50	—
fluorene	50	—
phenanthrene	50	—
benzene	125	75
carbon tetrachloride	50	—
1,2-dichloroethane	150	100
1,1,1-trichloroethane	50	—
1,1-dichloroethane	225	125
1,1,2-trichloroethane	75	50
chloroethane	50	—
chloroform	75	50
1,1-dichloroethylene	125	75
ethylbenzene	275	150
methylene chloride	50	—
methyl chloride	50	—
methyl bromide	50	—
dichlorobromomethane	50	—
toluene	225	125
trichloroethylene	75	50
antimony	780	370
cadmium	70	40
chromium	190	90
copper	150	70
lead	70	40
mercury	90	50
zinc	210	100
cyanide	410	180

[1] All units are micrograms per liter. A dash (—) signifies no limitation.

§ 414.55 New source performance standards (NSPS).

Any new source subject to this subpart must achieve discharges not exceeding the quantity determined by multiplying the process wastewater flow subject to this subpart times the concentration listed in the following table.

SUBPART E

Pollutant or pollutant property	NSPS effluent limitations [1] Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
2,4,6-trichlorophenol	175	100
2-chlorophenol	75	50
2,4-dichlorophenol	200	100
2,4-dimethylphenol	50	—
2-nitrophenol	100	75
4-nitrophenol	500	325
2,4-dinitrophenol	150	100
pentachlorophenol	100	50
phenol	50	—
acenaphthene	50	—
1,2,4-trichlorobenzene	225	125
1,2-dichlorobenzene	250	125
isophorone	50	—
bis(2-ehthylhexyl phthalate	350	150
di-n-butyl phthalate	300	150
diethyl phthalate	275	125
dimethyl phthalate	375	175
acenaphthylene	50	—
fluorene	50	—
phenanthrene	50	—
benzene	125	75
carbon tetrachloride	50	—
1,2-dichloroethane	150	100
1,1,1-trichloroethane	50	—
1,1-dichloroethane	225	125
1,1,2-trichloroethane	75	50
chloroethane	50	—
chloroform	75	50
1,1-dichloroethylene	125	75
ethylbenzene	275	150
methylene chloride	50	—
methyl chloride	50	—
methyl bromide	50	—
dichlorobromomethane	50	—
toluene	225	125
trichloroethylene	75	50
antimony	780	370
cadmium	70	40
chromium	190	90
copper	150	70
lead	70	40
mercury	90	50
zinc	210	100
cyanide	410	180

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
BOD5	69	28
TSS	115	39
PH	([2])	([2])

[1] All units except pH, BOD5 and TSS are micrograms per liter. BOD5 and TSS are milligrams per liter. A dash (—) signifies no limitation.

[2] Within the range of 6.0 to 9.0 at all times.

§ 414.56 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart that introduces pollutants into a publicly owned treatment works (POTWs) must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES):

SUBPART E

Pollutant or pollutant property	Pretreatment standards for existing sources [1] Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
2,4,6-trichlorophenol	175	100
2-chlorophenol	75	50
2,4-dichlorophenol	200	100
2,4-dimethylphenol	50	—
2-nitrophenol	100	75
4-nitrophenol	500	325
2,4-dinitrophenol	150	100
isophorone	50	—
dimethyl phthalate	375	175
acenaphthylene	50	—
fluorene	50	—
phenanthrene	50	—
1,2-dichloroethane	150	100
chloroethane	50	—
methyl bromide	50	—
chromium	190	90
mercury	90	50

[1] All units are micrograms per liter. A dash (—) signifies no limitation.

§ 414.57 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart that introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS):

SUBPART E

Pollutant or pollutant property	Pretreatment Standards for New Sources [1] Maximum for any 1 day	Average of daily values for 4 consecutive monitoring days
2,4,6-trichlorophenol	175	100
2-chlorophenol	75	50
2,4-dichlorophenol	200	100
2,4-dimethylphenol	50	—
2-nitrophenol	100	75
4-nitrophenol	500	325
2,4-dinitrophenol	150	100
isophorone	50	—
dimethyl phthalate	375	175
acenaphthylene	50	—
fluorene	50	—
phenanthrene	50	—
1,2-dichloroethane	150	100
chloroethane	50	—
methyl bromide	50	—
chromium	190	90
mercury	90	50

[1] All units are micrograms per liter. A dash (—) signifies no limitation.

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Part III

Environmental Protection Agency

Motor Vehicles; Emission Control System Performance Warranty Short Tests

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part Part 85

[AMS-FRL 2198-6]

Motor Vehicles; Emission Control System Performance Warranty Short Tests; Additional Short Tests and Other Amendments

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to amend the Emission Control System Performance Warranty Short Tests as provided in Section 207(b) of the Clean Air Act, 42 U.S.C. 7541(b), and as established May 22, 1980 (45 FR 34802).

Under a provision contained in the existing short test regulations (40 CFR 85.2211), Ford Motor Co. has requested that the Administrator approve an alternative short test procedure for its 1981 and later model year vehicles. This Notice proposes to approve the alternative short test procedure requested by Ford. This test procedure is also proposed for non-Ford vehicles as an optional test.

Secondly, this action also proposes to establish a variation of an existing short test for use with the warranty: the 2500 rpm/Idle Test.

Thirdly, this action proposes to establish a process States and other Inspection/Maintenance (I/M) authorities can use to gain EPA approval for certain quality control procedures which are different but equally or more effective than the procedures now specified in the short test regulations.

Lastly, this action proposes to make specific the total error limit for inspection analyzers. Adjustments are required if the sum of the leak plus electronic errors of an instrument exceed ±5%.

DATES: There will be a 60 day public comment period following publication of this Notice in the **Federal Register** for the proposed rules. Any requests for a public hearing should be submitted within 10 days of publication.

ADDRESSES: Comments should be submitted (4 copies if possible) to Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. A-81-40, 401 M Street SW., Washington, D.C. 20460. In addition, the dockets of the original emission performance warranty rulemaking, Nos. EN-79-6 and EN-79-8, are hereby incorporated by reference into this docket. The docket is located in the U.S. EPA, Central Docket Section, West Tower Lobby, Gallery I, 401 M St. SW., Washington, D.C. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays. As provided in 40 CFR Part 2, EPA may charge a reasonable fee for copying.

FOR FURTHER INFORMATION CONTACT: Phil Lorang, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, telephone: (313) 668-4374.

SUPPLEMENTARY INFORMATION: Section 207(b) of the Clean Air Act as amended, 42 U.S.C. 7541(b), requires the Administrator to establish testing procedures to be used for determining in-use vehicle compliance with emission standards if the Administrator determines that the procedures are in accordance with good engineering practices and are reasonably capable of being correlated with the certification test (Federal Test Procedure (FTP)). The Administrator also is required to prescribe regulations requiring manufacturers to warrant their vehicles' emission control systems when the Administrator determines that the facilities and equipment needed to perform the test procedures are available. On May 22, 1980, the Administrator made the necessary findings and established three such testing procedures, or "short tests" (45 FR 34802), and promulgated the emissions performance warranty regulations (45 FR 34829). The three short tests are called the Idle Test, the Two Speed Idle Test and the Loaded Test. These short tests are to be used in State or local vehicle Inspection/Maintenance (I/M) programs, and the performance warranty covers any 1981 or later light-duty vehicle or light-duty truck owner subject to any sanction for failing an approved short test for the vehicle's statutory useful life of 5 years or 50,000 miles if the vehicle was maintained in accordance with the manufacturer's instructions.

I. Proposal To Approve an Alternative Short Test in Response To Ford Petition

A. *Basis for the Proposal.* Under § 85.2211 of 40 CFR, Ford Motor Company has requested that the Administrator promulgate an alternative short test for Ford vehicles. The basis for this request is that a high percentage of certain 1981 and later Ford vehicles will incorrectly fail the existing Idle Test and Two Speed Idle Test if they idle too long prior to testing. The existing tests in question place no limitation on how long a vehicle may idle before the test. These incorrect failures are the result of a design feature in the air pump control system which routes air from the air pump (secondary air) to the atmosphere instead of the exhaust stream after 60-120 seconds at idle. This can result in an increase in idle HC and CO emissions that may cause the vehicles to fail the short tests even though the same vehicles would pass the Federal Test Procedure (FTP), which does not include extended idle periods greater than those found during normal driving cycles.

Not all Ford vehicles display the same sensitivity (increase in idle HC and CO emissions) to the loss of secondary air. In addition, some but not all of these Ford vehicles reroute secondary air to the exhaust with 2500 rpm preconditioning, which allows them to be tested properly with the Two-Speed Idle Test and with the Idle Test with optional 2500 rpm preconditioning. However, EPA believes that enough Ford vehicles are sensitive and enough cannot reroute air to the exhaust with 2500 rpm preconditioning to warrant some action to prevent a disproportionate number of incorrect failures on Ford vehicles. Although one alternative would be to require I/M programs to limit the amount of idling prior to testing to no more than 60 seconds, most programs could not effectively control the amount of vehicle idling that occurs immediately prior to testing. Providing an alternate test that ensures that the secondary air is routed to the exhaust at the time of measuring the pollutant concentrations is the most efficient means to correct this situation. Since Ford's unique air control system can result in a higher short test failure rate than that assumed by EPA when it established the short tests, Ford is entitled to relief under § 85.2211.

EPA has authority under 40 CFR 86.077-2(b) to deny vehicle certification if an auxiliary emission control device that reduces the effectiveness of the emission control system under normal operating conditions is used, unless its use is justified to prevent damage or accident. EPA has approved certification of vehicles with this air control system on the basis that it was necessary to prevent the catalyst from overheating. Basing design of a system on catalyst protection is commendable. Nevertheless, because of the potential emissions effect, EPA plans to explore with Ford whether the continued use of this system is necessary, whether there are any alternative systems which can accomplish the same purpose without any adverse effect on idle emissions, or whether the frequency of occurrence in normal urban driving of prolonged idle is so infrequent and the emission increase small enough to result in an

insignificant effect on emissions during urban driving.

The correspondence between EPA and Ford on this alternate short test is available in the docket. Also in the docket is a report entitled "Technical Appendix to **Federal Register** Notice of Proposed Rulemaking: Alternative Emissions Peformance Warranty Short Test for Ford Vehicles; 2500 RPM/Idle Test." This report contains extensive discussions on the causes of the problems which Ford vehicles may experience on the current short tests, plus all EPA and Ford data that are relevant to the problem. Copies of this report may also be obtained from the Information Contact listed at the beginning of these proposed rules. Overall, EPA believes that the technical justification for Ford's request is valid for at least some Ford engine families and may be valid for others, and that the test requested by Ford should therefore be proposed.

EPA also believes that the short test proposed for Ford vehicles meets the statutory criteria of being "available, * * * in accordance with good engineering practices, and * * * is reasonably capable of being correlated with (certification tests)" (45 FR 34802 column 3). Furthermore, the test proposed for Ford results in similar air quality benefits as the currently approved short tests. These items are discussed further in the Technical Appendix to this document, which is available from the Information Contact listed at the beginning of this action, and is also available from the docket.

B. *Ford's Proposed Short Test Procedure.* Ford has requested that the following procedure be required for all Ford vehicles. The short test procedure involves three steps: first, the ignition is turned off; second, the vehicle is restarted and the engine is operated at 2500 rpm ±300 rpm for 30 seconds; [1] and third, the vehicle is returned to idle and idle emissions are measured within 30 seconds. This will hereinafter be referred to as the Engine Restart Idle Test.

Ford has not requested different standards for the Engine Restart Idle Test; therefore, the Engine Restart Idle Test is proposed with standards of 1.2% CO and 220 ppm HC (as hexane). These are the same standards as those for the Idle Test and the Loaded Test.

C. *Proposed Action.* Although EPA first considered making the alternative short test applicable to only those 1981 and later Ford vehicles that have problems with the current short tests, and then considered making the alternative test applicable to only all 1981 and later Ford vehicles, EPA is proposing the Engine Restart Idle Test as an approved test for *all* 1981 and later vehicles. Reasons why this action was chosen are discussed in Section F—"Alternatives Not Proposed" and in the Technical Appendix. There appears to be no technical reason why the Engine Restart Idle Test would adversely affect the short test results for non-Ford vehicles. EPA wishes to protect other auto manufacturers' rights, and therefore invites comment as to whether making this test applicable for all vehicles would adversely affect any manufacturer. Comments should be specific as to how and why short test emissions might increase with the Engine Restart Idle Test. Also, EPA invites comment on whether the action of proposing the alternative test for all 1981 and later vehicles is in fact needed or desired by I/M administrators to make I/M programs more practical to administer.

D. *Effects of Proposed Action on Inspection and Maintenance Programs.* By proposing that the Engine Restart Idle Test be approved for all vehicles, States and localities implementing I/M could choose the least burdensome method of obtaining warranty coverage for Ford vehicles. Any one of six options which would be created if EPA takes the proposed action could be used: (1) Implement the Engine Restart Idle Test for all vehicles regardless of model year or manufacturer; (2) implement the Engine Restart Idle Test for all Ford vehicles regardless of model year; (3) implement the Engine Restart Idle Test for all 1981 and later vehicles; (4) implement the Engine Restart Idle Test only for 1981 and later Ford vehicles; (5) implement the Engine Restart Idle Test only for Ford vehicles, regardless of model year, which have failed another warranty test implemented for all other vehicles (such as the Idle Test); (6) implement the Engine Restart Idle Test only for 1981 and later Ford vehicles which have failed another warranty test implemented for all other vehicles. Of course, in all cases the Emissions Performance Warranty extends only to 1981 and later model year vehicles.

Under the first option, I/M programs could implement the Engine Restart Idle Test for all vehicles. Some I/M programs, particularly decentralized ones, might want to do this so as to reduce the number of short tests an inspector must learn. Centralized programs are concerned with obtaining the highest throughput in their facilities. The Engine Restart Idle Test requires slightly more time to complete than some of the other warranty short tests (i.e., the Idle Test) that might be selected by centralized programs; therefore, centralized programs might select one of the other options.

Under the second, third, and fourth options, I/M programs could implement the Engine Restart Idle Test for the certain specified vehicles, and have a separate test for other vehicles. Decentralized program inspectors would have to learn two short tests. Centralized programs would have a time savings over the situation in which the Engine Restart Idle Test were implemented for all vehicles, regardless of model year. However, all inspectors would have to learn to discern one type of vehicle from the other, based on model year and/or manufacturer.

Model year indentification could be accomplished by the inspector examining the vehicle registration card, the Vehicle Identification Number (VIN), or the emission control label in the engine compartment. Most States require the owner of a vehicle to have the registration card in the vehicle when the vehicle is driven. The VIN is printed on a tag in the upper left-hand corner of the dash, above the instrument panel, and can be easily sighted through the windshield. The emission control lable is usually affixed to either the inside of the engine hood or around the area of the hood latch mechanism. In any event, inspectors should be able to develop quick and reliable ways of determining a vehicle's model year. Identification of manufacturer should not be a problem as most cars are clearly marked, and most inspectors would quickly learn the differences, if they did not already know them.

Under the fifth option, I/M programs could implement the Engine Restart Idle Test only on all Ford vehicles which had already failed another short test the State may be using. In other words, Ford vehicles would be given a second chance with the Engine Restart Idle Test, regardless of model year. Centralized I/M programs might choose this option, since it would likely result in fewer Ford cars being tested with the longer duration Engine Restart Idle Test. For example, if the Idle Test with 2500 rpm preconditioning is used to inspect all vehicles initially, only the Ford vehicles whose secondary air injection system is not reset by 2500 rpm operation will possibly fail the test incorrectly due to secondary air being diverted to the atmosphere. Only those Ford vehicles would need to be retested with the Engine Restart Idle Test. (See

[1] Ford originally requested a 90–100 second period of 2500 rpm operation following restart, but later requested that this be shortened to 30 seconds.

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the Technical Appendix in the public docket for a detailed explanation of subtypes of Ford vehicles and their test requirements.)

Under the sixth and final option, I/M programs could implement the Engine Restart Idle Test only on 1981 and later Ford vehicles which fail another short test the State might be using. The same discussions apply here as in option five, except that inspectors would again need to determine the model year of Ford vehicles.

E. *Summary Description of Proposed Action.* 1. Establish the test requested by Ford as a replacement for the Idle and Two Speed Idle Tests. Any 1981 or later Ford vehicle would need to fail either the Engine Restart Idle Test or the currently approved Loaded Test in order to receive warranty coverage. The Engine Restart Idle Test would be used with standards of 1.2% CO and 220 ppm HC.

2. Delete the label requirement contained in § 85.2211(b) for 1981 and 1982 model year Fords but require it for 1983 and later model year Fords. This label requirement states that any alternative test procedure must be specified on the emission control label to be effective for a given vehicle. Since the 1982 model year is already underway, it is impossible for this requirement to be met for the 1981 model year or the majority of 1982 production.

3. Establish the Engine Restart Idle Test as an option for all non-Ford vehicles. The test would be used with standards of 1.2% CO and 220 ppm HC.

More specific language describing the proposed action can be found in the proposed regulations.

F. *Alternatives Not Proposed.* The following briefly described the various alternatives which were examined and why they were not proposed.

1. Take no action: This might have been unfair to Ford, since the available evidence (presented in the Technical Appendix) indicates that a significant number of Ford vehicles would be incorrectly failed by the existing Idle Test and Two-Speed Idle Test if they are allowed to idle too long before the test.

2. Leave only the Loaded Test approved for Fords: This would have forced I/M programs to adopt this more expensive and complex test in order to ensure warranty coverage for Ford vehicle owners. Since a workable nonloaded test—the Engine Restart Idle Test—is available, this would have imposed an unnecessary burden. Also, some I/M programs might not implement the Loaded Test, leaving some Ford owners unprotected by the warranty.

3. Establish one test for some types of Ford vehicles and another test for other types: There are two ways of segregating Ford vehicles into different groups receiving different test procedures. The first way assumes that all Fords must be tested with the benefit of secondary air, regardless of whether or not they are sensitive to the loss of secondary air. The Engine Restart Idle Test would be required only on those Fords with systems that do not route air to the exhaust stream at 2500 rpm operation. The Two-Speed Idle Test or the Idle Test with 2500 rpm preconditioning would be acceptable on all other Fords and the Idle Test without 2500 rpm preconditioning would be unacceptable, but the Engine Restart Idle Test would also be acceptable for these vehicles (and all others).

In this alternative EPA would have to list in the short test regulations those engine families that need the Engine Restart Idle Test to ensure proper routing of the secondary air. This information has been submitted by Ford Motor Company for the 1981 model year, but may change in later model years. I/M inspectors would have to identify these vehicles in I/M lanes. One way to do this is by lifting the hood of the car and reading the emission label. Although these labels are seldom removed they can become dirty, cracked, or otherwise rendered unreadable after a short period of vehicle operation. A second method of identifying these Ford vehicles which require the Engine Restart Idle Test would be through the Vehicle Identification Number (VIN). For example, based on Ford's submission, only the 1981 Mercury Marquis and Ford LTD models with a "D" or "F" in the 8th position of the VIN will require the special test for proper routing of secondary air. Others could be tested with a different test, but could also be tested with the special test. Quick and proper identification of these vehicles via the label or even the VIN might not always be possible for I/M inspectors, however, due to lack of inspector care, proficiency, and supervision. Also, Ford might change its designs in subsequent model years such that other models with different VIN codes might need the special test. Inspectors would then be faced with a bigger job in trying to determine which Ford vehicles need the special test. Therefore, EPA believes that this first way of implementing separate tests for different groups of Ford vehicles is less preferable than requiring one test for all 1981 and later Ford vehicles.

The second way EPA could propose one test for one group of Ford vehicles and another test for another group would be to require the Engine Restart Idle Test only on those Ford vehicles which are proved by short test results to be sensitive to the absence of secondary air and which need the Engine Restart Idle Test to ensure the presence of secondary air. The Two-Speed Idle Test or Idle Test with 2500 rpm preconditioning would be acceptable for other sensitive Fords but not the Idle Test without 2500 rpm preconditioning; I/M programs could use any of the 207(b) short tests for nonsensitive Fords. States could implement the Engine Restart Idle Test for all Ford and non-Ford vehicles if they prefer to use a single test.

There are two reasons why this alternative was not proposed. First and most importantly, there is not enough data to determine conclusively which 1981 and 1982 families are sensitive to the absence of secondary air. Second, 1983 and later Ford engine families may be different, requiring a new rulemaking each year. The previously stated difficulties in identifying particular Ford vehicles are also a consideration. Therefore, EPA believes that this alternative is also less preferable.

4. Establish the Engine Restart Idle Test only for 1981 and later Ford vehicles: EPA considered approving the Engine Restart Idle Test for 1981 and later Ford vehicles only. All other vehicles would need to be tested with one of the other three existing short tests. However, EPA thought that some I/M programs would want to use a single short test for all vehicles. This would eliminate the need for inspectors to identify Fords from non-Fords, and would eliminate the need for inspectors to learn two tests. EPA could find no technical reason why the Engine Restart Idle Test should not be applicable to non-Fords, so it was proposed for all vehicles. However, EPA is interested in other parties' and other manufacturers' views on this applicability.

G. *Request for Comments.* Comments are specifically requested in the following areas. Comments not related to these specific areas may, of course, also be submitted. However, it is not EPA's intention in this rulemaking to reopen issues of statutory interpretation which were decided in the original 207(b) rulemaking (45 FR 34802). All comments should be submitted to the Public Docket at the address given earlier in this notice.

1. Other alternative procedures which might be simpler, shorter or easier to administer than the procedure requested by Ford.

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2. Other possible methods of implementing the Engine Restart Idle Test which may provide savings in time or administrative complexity.

3. Appropriateness of approving the Engine Restart Idle Test for all vehicles. Manufacturers objecting to the use of the Engine Restart Idle Test on their vehicles should provide technical discussions and/or data as to why the Engine Restart Idle Test should not be used on their vehicles.

4. Other potential effects of the proposed action which were not discussed in this notice, including any adverse effects on State or local I/M programs.

5. Whether the typical amount of vehicle idling prior to testing in I/M programs is enough for a significant number of Ford vehicles to incorrectly fail the current short tests.

6. Whether any of the alternatives which were not proposed should be preferred over the one that is being proposed.

II. 2500 rpm/Idle Test

A. Introduction. The Two Speed Idle test is the only one of the three currently specified short tests in which compliance can be determined at 2500 rpm as well as at idle. EPA would like to make available another short test in which compliance can be determined at 2500 rpm and idle. EPA is proposing the establishment of a new test procedure: the 2500 rpm/Idle Test. Two versions of the test are proposed, one suitable for use with all vehicles and a simpler version suitable for all vehicles other than Ford vehicles. The first test is called the Engine Restart 2500 rpm/Idle Test. Procedurally, the engine restart step is the only difference between the two tests; consequently, technical discussion of the test will focus only on the 2500 rpm/Idle Test.

The 2500 rpm/Idle Test is very similar to the Two Speed Idle Test. The only difference between the two is how compliance is determined. Compliance on the Two Speed Idle Test (which involves sampling a vehicle's emissions during an initial idle mode followed by a 2500 rpm mode and a second idle mode) can be determined on the basis of: (1) The lower emissions from the two idle modes, (2) the emissions from the 2500 rpm mode, or (3) both (1) and (2). The proposed 2500/rpm Idle Test involves measuring a vehicle's emissions during a 2500 rpm mode and a subsequent idle mode (the initial idle mode is deleted) with compliance determined in both modes. This differs from the third compliance variation of the Two Speed Idle Test in that under the proposed test only the emissions from the single idle mode are used rather than the *lower* emissions from the first and second idle mode.

This test avoids the step of determining (for two pollutants) which idle mode has the lower emissions for each pollutant. While this determination may not appear to be very difficult, it does present an opportunity for errors to be made. The 2500 rpm/Idle Test also takes less time than the third variation of the Two Speed Idle Test, since emissions from the first idle mode do not need to be measured.

It is proposed that the 2500 rpm/Idle Test be used with emission standards of 1.2% CO and 220 ppm HC. Further technical discussions of this test are presented in the Technical Appendix.

B. *Discussion of Proposed Action.* The 2500 rpm/Idle Test must independently meet the statutory requirements for Emission Performance Warranty short tests. EPA has conducted an analysis of the parameters which define the effectiveness of a short test (i.e., its ability to detect "excess emissions," or measured emissions that exceed the standards established under Section 202 of the Clean Air Act), and its ability to meet the statutory criteria. The same data base that was used to evaluate the three previously approved short tests—the Portland Study data (see 45 FR 34802)—was used to evaluate the proposed test. This has allowed EPA both to compare the effectiveness of the proposed procedure to the current Two-Speed Idle Test and to ensure that this procedure, when applied in combination with particular cutpoints, will impose no more of a burden on manufacturers than do the current tests, i.e., that it is "reasonably correlated" to the Federal Test Procedure (FTP).

The results of the analysis are presented in the Technical Appendix. Excess emissions identified, overall failure rate, and errors of commission (incorrect failures) exhibited by the 2500 rpm/Idle Test are all slightly higher than the same parameters of the Two-Speed Idle Test when cutpoints of 1.0% CO and 200 ppm HC are used for both tests. This introduces a problem only with respect to the rate of errors of commission, since EPA has used a correlation methodolgy that holds false short test failures to the same approximate levels as if the FTP were used as the short test (see 45 FR 34803). Since EPA was able to avoid excessively high rates of errors of commission for the approved short tests by choosing appropriately high cutpoint levels, the same can be done for the proposed procedure. By applying cutpoints of 1.2% CO and 220 ppm HC, the rate of errors of commission remain in the range that EPA has determined to approximate that of the FTP.

The short tests standards proposed with the 2500 rpm/Idle Test will still detect a substantial portion of HC and CO emissions above the FTP standarda. approximately as well as the Two-Speed Idle Test and its cutpoints. Since the proposed test will identify most high emitting vehicles with about the same error of commission rate as the FTP, it is reasonably correlated with the FTP. (See 45 FR 34803 (col. 3).)

Since the proposed test is very similar to the Two-Speed Idle Test, it also meets the remaining statutory criteria of availability and being in accordance with good engineering practices. (See 45 FR 34802 (col. 3).) The proposed procedure is well within the capabilities of field equipment and personnel since it will be shorter and simpler to administer than the Two-Speed Idle Test, and jurisdictions need not obtain equipment different from that needed for the Two-Speed Idle Test in order to adopt the proposed test. For these reasons, EPA concludes that the findings and conclusions demonstrating that the Two-Speed Idle Test meets statutory criteria support the 2500 rpm/Idle Test as well, and the Agency hereby incorporates by reference those findings and conclusions.

EPA does not propose to establish the 2500 rpm/Idle Test for Ford vehicles, since like the existing Two Speed Idle Test it may result in secondary air-related errors of commission. However, if the 2500 rpm/Idle Test is preceded by turning the engine off and then restarting it, the resulting test (hereinafter called the Engine Restart 2500 rpm/Idle Test) will be suitable for both Ford and non-Ford vehicles. EPA concludes that establishing the Engine Restart 2500 rpm/Idle Test for all vehicles will not represent an additional burden of compliance on the manufacturers or a loss in the air quality benefit of I/M and will meet statutory criteria. In light of this, it is proposed that the 2500 rpm/Idle Test be established using standards of 1.2% CO and 220 ppm HC for non-Ford vehicles, and that the Engine Restart 2500 rpm/Idle Test be established using the same standards for all vehicles. These are the same standards which are specified for the Idle Test and the Loaded Test in the current warranty. More specific language describing the actual test procedures can be found in the proposed regulations.

C. Effects of the Proposed Action. 1. 2500 rpm/Idle Test: As mentioned above, this proposed action should not place any additional burden on the

manufacturers since the rate of errors of commission should be as low or lower for the 2500 rpm/Idle Test as for the currently established Two Speed Idle Test. In addition, the proposed action does not represent a loss of environmental benefit since the data indicate that the 2500 rpm/Idle Test is as effective in identifying excess emissions as the Two Speed Idle Test.

The main negative effect of the proposed action is that it might slightly complicate the understanding and administraton of the Emission Performance Warranty. This would be simply because of the availability of another short test.

The main positive effect of the proposed action is that it provides a new test procedure for non-Ford vehicles which is both shorter and easier to administer than the Two Speed Idle Test. Some States and localities may choose a test procedure for their I/M programs which includes a 2500 rpm pass/fail mode. The 2500 rpm/Idle Test represents the quickest and most workable way of including a 2500 rpm mode.

2. Engine Restart 2500 rpm/Idle Test: This test should not place any additional burden on the manufacturers for the same reasons as described in the preceding section on the 2500 rpm/Idle Test. Similarly, no loss in environmental benefits is expected with this test.

Positive effects of this action are that I/M authorities will have a single short test which: (1) Is applicable to all vehicles, (2) is easy to administer and is quicker than the Two Speed Idle Test, and (3) is as effective in terms of air quality benefits as the Two Speed Idle Test.

D. *Request for Comments.* Comments are specifically requested in the following areas. Comments not related to these specific areas may, of course, also be submitted. However, it is not EPA's intention in this rulemaking to reopen issues of statutory interpretation which were decided in the original 207(b) rulemaking (45 FR 34802). All comments should be submitted to the Public Docket at the address given earlier in this notice.

1. Adequacy of the data analysis, and the extent to which the 2500 rpm/Idle Test meets applicable statutory criteria, including correlation to the FTP.

2. Any reasons why the 2500 rpm/Idle Test for non-Ford vehicles might represent either an additional burden to the manufacturers or a loss of emission reduction for those I/M programs which select the 2500 rpm/Idle Test.

3. Any reasons why the Engine Restart 2500 rpm/Idle Test for all vehicles might represent either an additional burden to the manufacturers or a loss of emission reduction for those I/M programs which select the Engine Restart 2500 rpm/Idle Test. Comments should be specific as to how and why short test results in the Engine Restart 2500 rpm/Idle Test will be higher than the corresponding results from the 2500 rpm/Idle Test, if such a claim is intended.

III. Simultaneous Sampling of Dual Exhausts

The current warranty short tests require that vehicles with dual exhausts have each exhaust outlet sampled individually and the emission results be numerically averaged. To apply this same principle to the Engine Restart 2500 rpm/Idle Test and the 2500 rpm/Idle Test could require the test procedures to be excessively long in duration. This might represent an excessive and costly burden on centralized I/M programs which want to implement these tests but also want to achieve maximum throughput. This burden is unnecessary, since sampling hardware exists which allows simultaneous sampling of both tailpipes on dual exhaust vehicles, the emission results being the same as one would obtain if the tailpipes were individually sampled and numerically averaged. EPA therefore proposes that the Engine Restart 2500 rpm/Idle Test and the 2500 rpm/Idle Test allow the use of such hardware. Furthermore, since there is no technical reason against the use of such hardware in the existing short tests, and there are significant potential cost savings to I/M programs which use such hardware, EPA proposes to amend each of them to allow the use of such hardware.

EPA is interested in other parties' views on this issue. EPA invites comments on the use of simultaneous sampling hardware for dual exhaust vehicles, and will consider such comments it receives before the Administrator makes a final decision.

IV. Provision for Approving Alternative Instrument Quality Control Procedures

A. *Introduction.* The State of New York has requested permission from EPA to use quality control (QC) procedures for analyzers different from those currently specified in the short test regulations. Sections for which this permission was requested are § 85.2217(b) [hourly electrical zero and span], (d)(1) (calibration frequency), and (d)(2) (leak check). EPA has evaluated these requests, and has asked for additional clarification and data from New York on them.

Currently there is no provision in the short test regulations which would allow EPA to grant permission to States and other I/M authorities to use different QC procedures which may be equivalent or better than those currently specified in the short test regulations. However, in principle I/M programs should have the flexibility to design the most effective and efficient QC procedures for their individual I/M programs without sacrificing warranty coverage, provided that the statutory requirements of correlation and good engineering practice are met. Therefore, EPA is proposing a process which I/M programs may use to gain EPA approval for alternative QC procedures. This process will provide notice and allow interested parties to comment on each State request.

B. *Discussion of Proposal.* The currently specified QC procedures in § 85.2217 of the short test regulations have been determined by the Administrator to meet the statutory criteria of being available, in accordance with good engineering practices, and result in the short tests being reasonably capable of being correlated with the FTP (see 45 FR 34802). EPA would like to accommodate I/M programs' use of other QC procedures, provided that they also meet the statutory criteria. The most sensible approach to accommodating other QC procedures is to define the critical parameters considered in determining whether the statutory criteria have been met. Since EPA based its approval of the current QC procedures on their effectiveness in limiting errors of commission or false failures due to instrument inaccuracies, placing a limit on total errors occurring in the analyzers used for inspections in a given I/M program would achieve the same goals. The limit would be in the form of a requirement that specific percentage of the analyzers in a program must be within a specific tolerance of a calibration gas which meets the calibration gas requirements in § 85.2217. If the values for these two parameters are specified to achieve approximately the same results as achieved by the current procedures, then alternative QC procedures meeting the limit would meet the statutory criteria. It is also possible for the Administrator to determine that the statutory criteria are met with certain values for the parameters, without direct comparison to the current procedures.

EPA proposes that if a State or other unit of government can show that 95% of the analyzers in a given I/M program will be within ±5% of a calibration gas

that meets the § 85.2217 requirements, then the State can use QC procedures other than those currently in § 85.2217. That is, EPA proposes to determine that the 95% and ±5% requirements meet statutory criteria insofar as analyzer accuracy is concerned. With these requirements, the number of errors of commission due to analyzer inaccuracy will certainly be not more than 2.5%, assuming an equal number of high and low errors among the 5% of analyzers which may be more than ±5% in error. The actual error of commission rate due to instrument error will likely be much less since only a fraction of inspected vehicles which should pass will be close enough to the inspection standards to have their pass/fail outcome changed by the typical analyzer which has an error of more than +5%. EPA believes that these requirements will result in approximately the same rate of accuracy achieved by the QC procedures currently specified. However, the comparison with the current procedures is not essential to EPA's proposed determination; EPA proposes to find that the 95% and ±5% requirements directly fulfill the statutory criteria.

This approach will require a demonstration in practice and a survey to support each request. The following is an example of this type of demonstration. A State with a decentralized I/M program desires to require inspectors to use the leak test specified in the short test regulations, but at a frequency of once every two weeks instead of the specified frequency of once per week. In this hypothetical I/M program, different inspectors have purchased different types of analyzers, all of them accredited for use in the I/M program by State regulations and all meeting 40 CFR 85.2215. The State would then require inspectors to perform leak checks once every two weeks for a reasonable period, and then undertake a survey of a representative sample of the analyzers to determine if 95% of the analyzers are within ±5% immediately before their next biweekly check.

There may be requests which can be demonstrated equivalent to the current procedures without any demonstration in practice. An example of this could be where only one type of analyzer is used in an I/M program, where a laboratory evaluation on one of these analyzers concludes that a newly developed leak check procedure is equivalent in its ability to detect leaks to the specified leak check procedure, and where the I/M program intends to use the new leak check procedure once per week. EPA does not wish to force expensive demonstrations where not necessary, and so is including a general equivalency provision.

EPA therefore proposes to amend §85.2211 "Alternative Standards and Procedures" so that a third paragraph is added which says that States and other I/M authorities may request to use QC procedures which are different than those in § 85.2217. Requestors must supply relevant test data or technical support that substantiates that the alternative procedures are as effective as the current procedures *or* that they result in 95% of the instruments in an I/M program being accurate to within ±5% of a calibration gas which meets the specifications in § 85.2217. The accuracy of a given instrument type must be measured by flowing a known concentration calibration gas through the probe to yield a total error value which would include any leak or electronic drift errors.

The Administrator will evaluate the alternative procedures. and upon a preliminary determination that the procedures meet one or both of these criteria, will publish a **Federal Register** notice explaining the request and EPA's preliminary determination on the alternative procedure. Data or technical support relative to the procedure will be placed in a docket that is referenced by the notice. Interested parties may review the notice, data and technical information, and may provide comments within 30 days of publication of the notice. If comments received by EPA during the 30 day period do not provide a basis for EPA to conclude that its preliminary determination was in error, a final notice will be published allowing the State to use the alternative procedure.

The short test regulations would not be amended by this process. Although this process avoids informal rulemaking proceedings to allow for what is basically EPA's application of a technical standard on a case-by-case basis, EPA believes that all interested parties will have adequate notice and opportunity for comment on each request under the process described above.

C. *Effects of Proposed Action.* This action would have two primary effects. First; it would encourage States and other I/M authorities to develop new QC procedures and techniques that may be more efficient and less costly, and result in procedural accuracy that is equal or better than the current QC procedures.

The second effect of this action would be to serve EPA and requestors' time by not having to initiate rulemaking to amend the short test regulations with every request for an alternate procedure.

D. *Alternatives Not Proposed.* The only alternative to what is proposed is for EPA to initiate rulemaking for each state request. EPA does not believe the issues likely to surround such requests are such that rulemaking is necessary to protect the interests of all parties, and can be adequately dealt with through the more informal, but thorough, process proposed herein. EPA believes the process proposed herein conforms to all applicable procedural requirements specified by statute.

E. *Request for Comments.* EPA invites comments on this proposal to establish a procedure for evaluating and approving alternate quality control procedures, and will consider such comments in making a final decision. In particular, EPA requests comments on whether the criterion of 95% of the analyzers being accurate within ±5% meets the statutory requirements of section 207(b) of the Clean Air Act.

V. Limits for Instrument Adjustments

A. *Introduction.* The short test regulations currently state that inspection analyzers shall be checked with gas traceable to NBS ±2% once per week, and that the analyzers "be adjusted, if necessary" (§ 85.2217(d)(1)). The regulations do not clearly specify when an adjustment is necessary; consequently, the I/M authority or the individual I/M inspector is left to decide when it is necessary to adjust an inspection analyzer. The regulations may therefore lead to a lack of uniformity within I/M programs and between I/M programs with respect to in-use analyzer accuracy. EPA proposes to specify the limits at which analyzers require adjustments so that the accuracy of inspection analyzers is more uniform.

B. *Discussion.* EPA is proposing to amend the regulations to require adjustments to analyzers if they are not accurately reading within ±2% if checked through the calibration port or ±5% if checked through the probe. These specifications are equivalent. The reason for the difference in limits is that when an analyzer is checked through the probe, the resulting error could be a leak error, an electronic error, or both, whereas when an analyzer is checked through its calibration port, the resulting error is electronic only. Under the short test regulations, the maximum allowable leak is 3% (§ 85.2217). Therefore, if an analyzer with a 3% leak is found to have a −2% electronic error when checked through the calibration port, its error

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when checked through the probe should be −5%. EPA is not not proposing to alter the requirement for a leak check in addition to the calibration check.

C. *Effects of Proposed Action.* This proposal should improve I/M program uniformity without putting additional administrative burdens on I/M programs, since EPA is specifying only when adjustments need to be made. I/M programs that are already meeting the terms of the short test regulations are checking the calibration of their analyzers once per week for calibration and leak errors. The proposed action will help prevent cases in which a warranty claim is made because too large a tolerance was thought appropriate by the person performing the calibration check, and thereby protect manufacturers. It may also reduce cases in which a manufacturer and a vechicle owner dispute whether a warranty claim is valid.

D. *Request for Comments.* EPA invites comments on this proposal to set limits beyond which analyzers require adjustments, and will consider such comments before the Administrator makes a final decision.

VI. Effective Model Year

EPA proposes that all of the changes proposed in this notice be effective for the 1981 and later model years. EPA believes this is consistent with the provisions of Section 207(b) of the Clean Air Act, for reasons discussed below. EPA invites comments on this proposal as discussed below.

Section 207(b) of the Act directs the Administrator to prescribe regulations which shall require manufacturers to warrant emission control devices and systems of each new vehicle which is "manufactured in a model year beginning after the Administrator first prescribes warranty regulations under this paragraph." EPA first prescribed such regulations on May 22, 1980 (45 FR 34829). Therefore, manufacturers must warrant emission control devices and systems of 1981 and later model year vehicles.

The Act does not prevent changes in the methods and procedures (i.e., short tests and short test standards) associated with the warranty from beging effective for model years which are already in progress at the time EPA issues the final rule for the changes, or for previous model years as far back as the 1981 model year. The requirement that the warranty initially apply only to subsequent model years allowed manufacturers to adjust new car prices in anticipation of higher warranty costs during their useful lives. Congress did not anticipate that manufacturers would require lead time to make design changes to their vehicles, and did not provide lead time for such changes, because the warranty does not impose any additional performance requirement on vehicles.

The performance requirement was and is that vehicles conform to the new vehicle emission standards prescribed under Section 202 of the Act. Because the short tests used in conjunction with the warranty must meet the statutory requirements for correlation with the more complex test (the Federal Test Procedure) on which the Section 202 standards are based, the requirement that manufacturers warrant their vehicle to pass the short test imposes no performance requirement not already imposed by Section 202. Furthermore, once a manufacturer knows it will be liable for warranty repairs on vehicles which do not meet this performance requirement in use and has adjusted its new car prices to recover whatever portion of the warranty costs it wishes to recover, it does not matter to the manufacturer what short tests are used to trigger the warranty provided each short test meets the statutory criteria for correlation with the FTP. This is especially true when, as is the case for each of the tests proposed here, the short test is so similar to an existing short test that virtually identical vehicle-by-vehicle results can be expected from the two tests, in addition to the condition that both correlate to a third test, the FTP.

EPA also believes that the other amendments proposed herein (Simultaneous Sampling, Provision for Approving Alternative Instrument Quality Control Procedures, and Limits for Instrument Adjustments) give no cause for postponing the applicability of the amended warranty and short test regulations beyond the 1981 model year. Therefore, there is no statutory or policy reason not to make this entire proposed action effective for the 1981 and subsequent model years. There are sound policy reasons for making the new tests effective for these model years, since it will protect Ford Motor Company from the potential problems that may occur with the existing test and will allow I/M programs to use a simpler common short test (the 2500 rpm/Idle Test or the Engine Restart 2500 rpm/Idle Test) for 1981 and later model year vehicles if they so choose.

In some later model year, Ford Motor Company could alter its vehicle designs so that the existing short tests presented no potential problems of the sort which have motivated Ford to seek this rulemaking. Ford has stated that it is studying the idea of lengthening the timer period in future Ford vehicles so that they do not have to be tested with the special test. If this occurs, EPA hopes Ford will so notify it in a timely fashion, so the simpler tests can be re-established for those Ford vehicles. EPA will monitor the designs of Ford vehicles, and may itself initiate rulemaking to re-establish the simpler tests when appropriate.

EPA is interested in other parties' views on this issue. EPA invites comments on the model years for which the changes proposed here may be effective under statutory provisions and the model years for which they should be effective for reasons of practicality and policy. EPA will consider the comments it receives before the Administrator makes a final determination.

Administration Designation:

Under Executive Order 12291 EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it involves no negative cost impacts and has no sigificant adverse effect on competition, productivity, investment, employment, or innovation.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Effect on Small Entities

Pursuant to Section 605 of the Regulatory Flexibility Act, I certify that the proposed changes to the regulation will not have any significant impact on small entities. The few small entities which manufacture new vehicles for sale in the U.S. must provide owners with an Emission Control Performance Warranty pursuant to existing regulations (40 CFR Part 85, 45 FR 34802). However, these proposed optional tests are no more stringent than the existing Mission Performance Warranty short tests, so there should be no additional effect on small entities manufacturing vehicles than is present in the existing warranty program. These same comments apply to small entity manufacturers of aftermarket parts, also. Therefore, no small entities should see any significant impact.

Impacts of Reporting Requirements

The reporting or recordkeeping provisions in this rule have been submitted for approval to the Office of Managment and Budget (OMB) under section 3504(b) of the Paperwork Reduction Act of 1980 U.S.C. 3501 et seq. Any final rule will explain how its

reporting or recordkeeping provisions respond to any OMB or public comments.

List of Subjects in 40 CFR Part 85

Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research Warranties.

Dated: February 28, 1983.

Anne M. Burford,

Administrator.

For the reasons set forth in the preamble, it is proposed that Subpart W—Emission Control System Performance Warranty Short Tests, Part 85 of Chapter I, Title 40 of the Code of Federal Regulations be revised to read as follows:

PART 85—CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES AND MOTOR VEHICLE ENGINES

Sec.

85.2201 Applicability.
85.2202 General provisions.
85.2203–81 Short test standards for 1981 and later model year light-duty vehicles.
85.2204–81 Short test standards for 1981 and later model year light-duty trucks.
85.2205 to 85.2207 [Reserved]
85.2208 Alternative standards and procedures.
85.2209 2500 rpm/Idle Test.
85.2210 Engine restart 2500 rpm/Idle test.
85.2211 Engine restart Idle test.
85.2212 Idle test.
85.2213 Two speed idle test.
85.2214 Loaded test.
85.2215 Exhaust sampling system.
85.2216 Dyamometer.
85.2217 Calibrations, adjustments.
85.2218 Test report.

Authority: Section 207, 301(a), Clean Air Act as amended (42 U.S.C. 7545 and 7601(a)).

§ 85.2201 Applicability.

This subpart contains the short tests and standards to be employed in conjunction with the Emissions Performance Warranty, Subpart V. Vehicles manufactured by Ford Motor Co. must be tested with either the Engine Restart 2500 rpm/Idle Test procedure described in § 85.2210, or the Engine Restart Idle Test procedure described in § 85.2211, or the Loaded Test procedure described in § 85.2114 in order to be eligible for coverage under the Emissions Performance Warranty. All other vehicles are eligible to receive warranty coverage using any of the short test procedures.

§ 85.2202 General provisions.

The definitions and abbreviations in Subpart A of Part 86 of this chapter apply to this subpart.

§ 85.2203–81 Short test standards for 1981 and later model year light-duty vehicles.

(a) For 1981 and later year light-duty vehicles at low altitude, and for 1982 and later model year light-duty vehicles at high altitude to which high altitude certification standards of 1.5 g/mile HC and 15 g/mile CO or less apply, short test emissions shall not exceed:

(1) 2500/Idle Test, high speed mode.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon monoxide:* 1.2%.
(2) 2500/Idle Test, idle mode.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon monoxide:* 1.2%.
(3) Engine-Restart 2500/Idle Test, high-speed mode.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon Monoxide:* 1.2%.
(4) Engine Restart 2500/Idle Test, idle mode.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon Monoxide:* 1.2%.
(5) Engine Restart Idle Test.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon monoxide:* 1.2%.
(6) Idle Test.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon monoxide:* 1.2%.
(7) Two speed idle test, idle mode. The lowest readings from the two idle modes shall be used to determine compliance.
(i) *Hydrocarbons:* 200 ppm as hexane.
(ii) *Carbon monoxide:* 1.0%.
(8) Two speed idle test, high speed mode.
(i) *Hydrocarbons:* 200 ppm as hexane.
(ii) *Carbon monoxide:* 1.0%.
(9) Loaded test, idle mode.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon monoxide:* 1.2%.
(10) Loaded test, low speed mode.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon monoxide:* 1.2%.

§ 85.2204–81 Short test standards for 1981 and later model year light-duty trucks.

(a) For 1981 and later model year light-duty trucks at low altitude, and for 1982 and later model year light-duty trucks at high altitude to which high altitude certification standards of 2.0 g/mile HC and 26 g/mile CO or less apply, short test emissions shall not exceed:

(1) 2500/Idle Test, high speed mode.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon monoxide:* 1.2%.
(2) 2500/Idle Test, idle mode.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon monoxide:* 1.2%.
(3) Engine Restart 2500/Idle Test, high-speed mode.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon Monoxide:* 1.2%
(4) Engine Restart 2500/Idle Test, high-speed mode.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon Monoxide:* 1.2%
(5) Engine-Restart Idle Test.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon Monoxide:* 1.2%
(6) Idle Test.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon Monoxide:* 1.2%
(7) Two speed idle test, idle mode. The lowest readings from the two idle modes shall be used to determine compliance.
(i) *Hydrocarbons:* 200 ppm as hexane.
(ii) *Carbon monoxide:* 1.0%.
(8) Two speed idle test, high speed mode.
(i) *Hydrocarbons:* 200 ppm as hexane.
(ii) *Carbon monoxide:* 1.0%.
(9) Loaded test, idle mode.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon monoxide:* 1.2%.
(10) Loaded test, low speed mode.
(i) *Hydrocarbons:* 220 ppm as hexane.
(ii) *Carbon monoxide:* 1.2%.

§ 85.2205 through 85.2207 [Reserved]

§ 85.2208 Alternative standards and procedures.

(a)(1) As a part of the certification process, as set forth in § 86.078 et seq., a manufacturer may request an alternative short test standard or short test procedure for any vehicle or engine for which the standards or procedures specified in this subpart are not appropriate. The manufacturer shall supply relevant test data and technical support to substantiate his claim and shall also recommend alternative test procedures and/or standards for the Administrator's consideration. Upon an acceptable showing that the general standards or procedures are not appropriate, the Administrator shall set through rulemaking procedures alternative standards or procedures. The administrative provisions of the certification process (see § 86.078 et seq.), apply to such a request for alternative standards or procedures.

(2) Any such alternative standards or test procedure must be specified on the emission control information label to be effective for that particular vehicle or engine. The Administrator may waive this requirement if it is determined that a given model year of production for which an alternative test procedure is requested is too far advanced to make such a requirement practical. The requirement is so waived for 1981 and 1982 model year Ford vehicles.

(b) A State or other I/M authority conducting or supervising tests under this subpart may request to use quality control procedures which are different than those in § 85.2217. The Administrator shall approve the requested procedures provided the

requested procedures are equivalent to those in § 85.2217 or result in 95% of the inspection analyzers in the I/M program being accurate to within ±5% of the concentration of a calibration gas which meets the calibration gas specifications of § 85.2217. This accuracy must be determined by comparing analyzer readings to a calibration gas which is traceable to NBS standards ±2%, when the gas is flowed through the probes of a representative sample of analyzers in the I/M program at a time when the number of inaccurate analyzers can be reasonably expected to be at its maximum. The requestor shall supply relevant test data or technical support to substantiate its claim that the procedures meet the specifications described herein.

§ 85.2209 2500 rpm/idle test.

(a) *General requirements.* Vehicles shall be tested in as-received condition. Engines shall be at normal operating temperature and not overheating (as indicated by gauge warning light or boiling radiator) with all accessories off.

(b) *Test Sequence.* (1) Analyzers shall be warmed-up, in stablized operating condition and adjusted as required in § 85.2217.

(2) Attach tachometer pick up.

(3) With engine idling and transmission in neutral, the sample probe shall be inserted into the tailpipe.

(4) The engine speed shall be increased to 2500 ± 300 rpm, with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. This process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously sampling multiple tailpipes may be used. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust systems in which the exhaust pipes originate from a common point.

(5) The engine speed shall be reduced to free idle with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. Repeat as specified in subparagraph (4) for multiple exhaust pipes, if necessary.

(6) For vehicles with multiple exhaust pipes, the separate results from each pipe for each mode (subparagraphs (4) and (5) above shall be numerically averaged for each pollutant, unless hardware which is capable of simultaneously sampling multiple exhaust pipes has been used.

(7) Exhaust concentration measurements from both the idle mode and the high speed mode are required.

§ 85.2210 Engine restart 2500 rpm/idle test.

(a) *General requirements:* Vehicles shall be tested in as-received condition. Engines shall be at normal operating temperature and not overheating (as indicated by gauge warning light or boiling radiator) with all accessories off.

(b) *Test Sequence.* (1) Analyzers shall be warmed-up, in stabilized operating condition and adjusted as required in § 85.2217.

(2) Attach tachometer pick up.

(3) With engine idling and transmission in neutral, the sample probe shall be inserted into to tailpipe.

(4) The engine shall be turned off and then restarted.

(5) The engine speed shall be reduced to free idle with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. This process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously sampling vehicles with multiple tailpipes may be used. However, if this hardware is not used, exhaust concentrations from each pipe shall be measured within the 30 second period if stable readings can be obtained from both pipes before the 30 seconds have elapsed. If this is not possible, the procedures shall be conducted through step (6) for the first pipe and then the entire procedure beginning from step (4) shall be repeated for the second pipe. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust pipes originating from a common point.

(6) The engine speed shall be reduced to free idle with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. This process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously sampling vehicles with multiple tailpipes may be used. However, if this hardware is not used, exhaust concentrations from both pipes shall be measured in this step (6) within the 30 second period if stable readings can be obtained before the 30 seconds have elapsed. If this is not possible, the entire procedure beginning from step (4) shall be repeated for the second pipe. For vehicles with multiple exhaust pipes only one of which was measured in step (5) before the 30 seconds at 2500 ±300 rpm had elapsed, the entire procedure beginning from step (4) shall be repeated for the second pipe after this step (6) is completed for the first pipe. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust pipes originating from a common point.

(7) For vehicles with multiple exhaust pipes, the separate results from each pipe for each mode (subpargraphs (5) and (6) above) shall be numerically averaged for each pollutant, unless hardware which is capable of simultaneously sampling multiple exhaust pipes has been used.

(8) Exhaust concentration measurements from both the idle mode and the high speed mode are required.

§ 85.2211 Engine restart idle test.

(a) *General requirements.* Vehicles shall be tested in as-received condition. Engines shall be at normal operating temperature and not overheating (as indicated by gauge warning light or boiling radiator) with all accessories off.

(b) *Test Sequence.* (1) Analyzers shall be warmed-up, in stabilized operating condition and adjusted as required in § 85.2217.

(2) Attach tachometer pick up.

(3) With engine idling and transmission in neutral, the sample probe shall be inserted into the tailpipe.

(4) The engine shall be turned off and then restarted.

(5) The engine speed shall be increased to 2500 rpm ± 300 rpm, with transmission in neutral, for 30 seconds.

(6) The engine speed shall be reduced to free idle with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. this process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously sampling vehicles with multiple tailpipes may be used. However, if this type of hardware is not used, exhaust concentrations from each pipe shall be measured within the 30 second period if stable readings can be obtained from both pipes before the 30 seconds have elapsed. If this is not possible, the entire procedure beginning from step (4) shall be repeated for the second pipe. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust systems in which the exhaust pipes originate from a common point.

(7) Multiple readings from multiple exhaust pipes shall be numerically averaged, if taken.

§ 85.2212 Idle test.

(a) *General requirements.* Vehicles shall be tested in as-received condition.

Engines shall be at normal operating temperature and not overheating (as indicated by gauge warning light or boiling radiator) with all accessories off.

(b) *Test Sequence.* (1) Analyzers shall be warmed-up, in stabilized operating conditions and adjusted as required in § 85.2217.

(2) *Optional.* The engine may be preconditioned by operating it at 2500±300 rpm for up to 30 seconds.

(3) With engine idling and transmission in neutral, the sample probe shall be inserted into the tailpipe. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. This process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously sampling vehicles with multiple tailpipes may be used. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust systems in which the exhaust pipes originate from a common point.

(4) Multiple readings from multiple exhaust pipes shall be numerically averaged, if taken.

§ 85.2213 Two speed idle test.

(a) *General requirements.* Vehicles shall be tested in as-received condition. Engines shall be at normal operating temperature and not overheating (as indicated by gauge warning light or boiling radiator) with all accessories off.

(b) *Test Sequence.* (1) Analyzers shall be warmed-up, in stabilized operating conditions and adjusted as required in § 85.2217.

(2) Attach tachometer pick up.

(3) With engine idling and transmission in neutral, the sample probe shall be inserted into the tailpipe. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. This process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously sampling vehicles with multiple tailpipes may be used. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust systems in which the exhaust pipes originate from a common point.

(4) The engine speed shall be increased to 2500 ±300 rpm, with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. Repeat as in subparagraph (3) for multiple exhaust pipes, if necessary.

(5) The engine speed shall be reduced to free idle with transmission in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. Repeat as specified in subparagraph (3) for multiple exhaust pipes, if necessary.

(6) For vehicles with multiple exhaust pipes, the separate results from each pipe for each mode (subparagraph (3), (4), and (5)) shall be numerically averaged for each pollutant, unless hardware which is capable of simultaneously sampling multiple tailpipe vehicles has been used.

(7) The idle mode final results shall be the lowest HC and lowest CO readings from steps (3) and (5).

(c) Exhaust concentration measurements from both the idle mode and the high speed mode are not required. The short test may be used to evaluate emissions from either mode alone or from both modes, the choice being made by the jurisdiction implementing the inspection program. If exhaust concentrations are not measured on a given mode, the vehicle shall be operated at the specified test condition for 15 to 30 seconds. The final idle mode, paragraph (b)(5) of this section, may be omitted if only high speed mode exhaust concentrations are to be measured or if the vehicle is below idle standards on the first measurement, paragraph (b)(3) of this section. The high speed mode and final idle mode may be omitted if only idle mode exhaust concentrations are to be measured and if the vehicle is below idle standards on the first measurement.

§ 85.2214 Loaded test.

(a) *General requirements.* Vehicles shall be tested in as-received condition. Engines shall be at normal operating temperature and not overheating (as indicated by gauge, warning light or boiling radiator) with all accessories off. An auxilliary cooling fan is optional.

(b) *Test Sequence.* (1) The dynamometer and analyzers shall be warmed-up, in stabilized operating conditions and adjusted as required in §§ 85.2216 and 85.2217.

(2) The vehicle shall be placed on the dynamometer.

(3) The sample probe shall be inserted into the tailpipe.

(4) *Opitonal:* A high speed mode, maximum 50 mph and 30 seconds duration, is permitted if vehicle overheating does not occur.

(5) Drive for automatic or 3rd gear for manual transmissions shall be used. The vehicle shall be operated at 30±1 mph roll speed while measuring exhaust HC and CO. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. This process shall be repeated as necessary for multiple exhaust pipes, or hardware which is capable of simultaneously sampling vehicles with multiple tailpipes may be used. Neither multiple readings nor simultaneous sampling hardware is necessary for exhaust system in which the exhaust pipes originate from a common point.

(6) The vehicle shall be idled in neutral. Record exhaust concentrations after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first. Repeat as specified in subparagraph (5) of this paragraph for multiple exhaust pipes, if necessary.

(7) For vehicles with multiple exhaust pipes, the separate results from each pipe for each mode (subparagraph (5) and (6) of this paragraph) shall be numerically averaged for each pollutant, unless hardware which is capable of simultaneously sampling multiple tailpipe vehicles has been used.

(c) Exhaust concentration measurements from both the loaded mode and the idle mode are not required. The short test may be used to evaluate emissions from either mode alone or from both modes, the choice being made by the jurisdiction implementing the inspection program. If exhaust concentratins are not measured on the loaded mode the avehicle shall be operated at the specified test condition for 15 to 30 seconds. If idle exhaust concentrations are not measured, the idle mode may be omitted.

§ 85.2215 Exhaust sampling system.

(a) The exhaust sampling system shall consist of a sample probe, moisture separator and analyzers for HC and CO.

(b)(1) The HC analyzer shall have an accuracy of ±15 ppm at 200 to 220 ppm concentration HC (as hexane): the CO analyzer shall have an accuracy of ±0.10% CO from 1.0% to 1.2% concentration.

(2) Response time of the analyzers shall be 15 seconds to 95% of the final reading.

(3) Analyzer drift (up-scale and down-scale zero and span wander) shall not exceed ±0.11% CO and ± 15 ppm HC (as hexane) on the lowest range capable of reading 1.0% or 200 ppm HC (as hexane) during a one-hour period.

§ 85.2216 Dynamometer.

(a) The loaded test dynamometer shall be adjusted to produce a load of 9.0 ±1.0 hp at 30 mph.

(b) Speed shall be measured from the dynamometer roll(s) with an accuracy of ±1.5 mph at 30 mph true roll speed.

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§ 85.2217 Calibrations, adjustments

(a) Equipment shall be calibrated in accordance with the manufacturers' instructions.

(b) Within one hour prior to a test, the analyzers shall be zeroed and spanned. Ambient air is acceptable as a zero gas; an electrical span check is acceptable. Zero and span checks shall be made on the lowest range capable of reading the short test standard.

(c) Within eight hours prior to a loaded test, the dynamometer shall be checked for proper power absorber settings.

(d)(1) Tha analyzers shall have been spanned using gas traceable to NBS standards +2% within one week of the test. Adjustments to the analyzer are required if the analyzer reading does not agree with the gas concentration within +2% of checked via the calibration port, and are required if the analyzer is not within +5% of the calibration gas if checked by the probe. The span gas used shall have concentrations either:

(i) Between the standards specified in this subpart and the jurisdictions inspection standards of 1981 model year light duty vehicles, or

(ii) Be within −50% to +100% of the standards in this subpart.

(2) For analyzers with a separate calibration or span port, CO readings using calibration gas through the probe and through the calibration port shall be made; discrepancies of over 3% shall require repair of leaks. No analyzer adjustments shall be permitted during this check.

§ 85.2218 Test report.

(a) Upon failure of a short test, the vehicle's operator or owner shall be furnished with a test report containing:

(1) Vehicle description, including either license plate or manufacturer identification number, and odometer readings.

(2) Date of test.

(3) Name of individuals or organization performing the test and location thereof.

(4) Type of short test performed.

(5) Test results, exhaust concentrations for each mode measured.

(b) The test report shall certify that the short test was performed in accordance with these regulations and it shall be signed by an individual who either performed the test or has actual knowledge of the performance of the test.

(c) For purposes of this section, "failure of a short test" means that the vehicle exceeded the standards in this subpart of the Inspection/Maintenance standards of the jurisdiction, whichever is less stringent.

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Part IV

Department of Transportation

Federal Railroad Administration

Signal and Train Control; Proposal

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 233, 235, and 236

[Docket No. RSSI-78-5, Notice No. 8]

Signal and Train Control; Miscellaneous Proposed Amendments

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend the Signal and Train Control (S&TC) Regulations and Orders. The proposed amendments would revise and clarify existing rules and would eliminate certain rules no longer considered necessary for safety. This action is taken by FRA to improve the effectiveness of its safety regulatory program and to reduce unnecessary and burdensome regulations.

DATES: (1) *Written Comments:* Written comments must be received before May 2, 1983. Comments received after that date will be considered so far as possible without incurring additional expense or delay.

(2) *Public Hearing:* A public hearing will be held at 10:00 a.m. on April 19, 1983. Any person who desires to make an oral statement at the hearing should notify the Docket Clerk before April 15, 1983.

ADDRESSES: (1) *Written Comments:* Written comments should identify the docket number and the notice number and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Persons desiring to be notified that their written comments have been received by FRA shall submit a stamped, self-addressed postcard with their comments. The Docket Clerk will indicate on the postcard the date on which the comments were received and will return the card to the addressee. Written comments will be available for examination, both before and after the closing date for written comments, during regular business hours in room 7321A of the Nassif Building at the above described address.

(2) *Public Hearing:* A public hearing will be held in Room 2230 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Persons desiring to make an oral statement at the hearing should notify the Docket Clerk by telephone 202–426–2761 or by writing to: Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, at the above mentioned address.

FOR FURTHER INFORMATION CONTACT:

Principal Author:

Principal Program Person: S. H. Stotts, Office of Safety, RRS–11, Federal Railroad Administration, Washington, D.C. 20590, phone 202–472–4094.

Principal Attorney: J. Thomas Furphy, Office of Chief Counsel, RCC–3, Federal Railroad Administration, Washington, D.C. 20590, phone 202–426–9416.

SUPPLEMENTARY INFORMATION:

I. Background

A. Review of S&TC Regulations

During 1978 the FRA initiated a General Railroad Safety Inquiry for the purpose of evaluating and improving the effectiveness of its safety regulatory program. The inquiry and the notice of public hearings related to the S&TC systems portion of this regulatory program were published in the May 8 and December 12, 1978, and the January 3, 1979 issues of the **Federal Register** (43 FR 19696, 43 FR 58100, and 44 FR 925). A two-day public hearing on S&TC systems was held on February 22 and 23, 1979.

The purpose of conducting those two-day hearings was to elicit information from the public to assist FRA in reviewing its present safety regulatory programs with respect to S&TC systems. The Signal Inspection Act (49 U.S.C 26) authorizes the FRA to adopt regulations governing S&TC systems, to order the installation of S&TC systems, and to require reporting of failures of S&TC systems. It also requires common carriers by railroad to obtain FRA approval prior to discontinuance or material modification of any S&TC system. The existing orders and regulations on S&TC systems are contained in Interstate Commerce Commission (ICC) Docket Nos. 13413 and 29543 and also in 49 CFR Parts 233, 235 and 236.

B. Historical Perspective of the S&TC Systems

In 1922 an order was issued in ICC Docket No. 13413 requiring individual railroads to install automatic train stop (ATS) or train control (ATC) devices on designated portions of their lines. For over 40 years numerous proceedings were held in connection with petitions by individual railroads requesting discontinuance of these systems or other relief such as the substitution of automatic cab signal (ACS) devices for train stop or train control devices. Railroad mergers have increased the complexity of the decisions rendered in this matter.

The Signal Inspection Act was enacted on August 26, 1937 and charged the ICC with the responsibility of administering and enforcing the provisions of that law. The ICC issued the initial rules pertaining to S&TC systems on September 24, 1937 (2 FR 1959) by notifying all carriers that such systems may no longer be discontinued or materially modified without ICC approval; that each carrier was required to file its rules, standards and instructions for such systems with the ICC within six months after the enactment of the amendatory provision; and that each carrier owning or maintaining such systems must immediately report each accident resulting from failure of such system, device or appliance to indicate or function as intended.

On December 1, 1937 the ICC issued detailed instructions on procedures to be followed when submitting applications for approval of a discontinuance or material modification and for reporting of signal failures and accidents on published forms beginning with the month of January 1938 (2 FR 2847–2848 December 17, 1937.).

The order contained in ICC Docket No. 29543 was issued in 1947 and required carriers to install a manual block system or an automatic block signal system where freight trains are operated at 50 or more miles per hour or passenger trains are operated at 60 or more miles per hour and an automatic train stop, train control or cab signal system where any train is operated at 80 or more miles per hour. With few exceptions, Order 29543 has remained unchanged.

Part 233 requires the immediate reporting to FRA of each accident caused by the failure of any S&TC device, the reporting within five days of each failure which results in a false proceed signal indication, and the filing of annual reports concerning S&TC systems.

The Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System (Part 235) were initially issued in 1937 and have been amended several times in attempts to clarify the requirements. Despite these amendments, railroad representatives and interested parties to the numerous proceedings under this Part have frequently alleged inconsistency in decisions. FRA hopes to eliminate this problem through this further revision.

The Rules, Standards and Instructions for Installation, Inspection, Maintenance

and Repair of Systems, Devices and Appliances (Automatic Block Signal Systems, Interlockings, Traffic Control Systems, Automatic Train Stop, Train Control and Cab Signal Systems, and Other Similar Appliances, Methods and Systems) (RS&I) are contained in Part 236. The RS&I were initially issued in 1939, underwent a major revision in 1950 and were revised again to a lesser degree in 1966. In addition, amendments have also been made to individual rules at various times. Nevertheless, most of the RS&I have remained unchanged since 1950. The FRA believes that the RS&I are long overdue for an in-depth review to assess their relevancy in light of more recent technological developments in S&TC devices, appliances and systems.

C. Discussion of the Proposal

Since the hearings were held in 1979, there have been during the period from August 5, 1981 through January 17, 1983, a number of informal meetings by FRA representatives with staff members of the Association of American Railroads (AAR), the Brotherhood of Locomotive Engineers (BLE), the Brotherhood of Railroad Signalmen (BRS), the International Brotherhood of Electrical Workers (IBEW), the Railway Labor Executives' Association (RLEA) and other interested parties concerning these very technical S&TC systems regulations. See, e.g., 35 FR 12463 (1970) for an indication of prior agency practice. The proposals made by the various parties during these meetings have been recorded by FRA employees and copies have been included in the public docket to these proceedings.

After thoroughly reviewing the entire record in this matter, the FRA is issuing this NPRM. The changes in this proposed notice are also responsive to information developed as part of the General Safety Inquiry and to recommendations made by representatives of labor and management as well as other interested parties, who participated in the above mentioned informal meetings, regarding possible regulatory changes. The FRA appreciates the assistance of the AAR, the BLE, the BRS, the IBEW and the RLEA in focusing attention on those regulatory provisions that they believe are in need of revision and in furnishing specific regulatory language expressing their agreement on the revisions required. References in this NPRM to "the parties" will include the AAR and one or more of the unions.

II. Section-By-Section Analysis

A. Order 13413

Order 13413 was issued by the ICC in 1922 under the applicable provisions of section 26 of the Interstate Commerce Act of 1920. The Signal Inspection Act of 1937 contains identical language. Thus, Order 13413 should have been closed long ago. Since the pertinent language in the Interstate Commerce Act of 1920 is expressly covered by the Signal Inspection Act of 1937, the FRA proposes to permanently close Order 13413.

B. Order 29543

The FRA is proposing to codify the provisions of Order 29543 under the applicable provisions of § 236.0 of this NPRM. By this action, the FRA also proposes to permanently close Docket No. 29543.

C. Part 233—Signal System Reporting Requirements

Section 233.1 Scope.

This section does not now clearly establish that all signal and train control systems are subject to this Part. The proposed change specifically sets forth those methods, appliances and systems that are subject to the FRA's reporting requirements, which clarifies and simplifies the matter.

Section 233.5 Accidents resulting from signal failure.

The current provisions of § 233.5 do not comport with similar requirements in the FRA's Accident/Incident Reporting Requirements (49 CFR Part 225) and the FRA's Railroad Locomotive Safety Standards (49 CFR Part 229). The proposed revision will achieve a standardized reporting requirement in the several disciplines within the FRA. Thus, this revision will reduce the reporting burden currently placed on the railroad industry.

Section 233.7 Signal failure reports.

This section currently requires each respondent railroad to report each failure of an appliance, or of a device, method or system to function or indicate as intended in a manner detrimental to the safety of train operation within 5 days of the failure. In addition, if no such failure occurs within a calendar month, each carrier is required to report that fact.

The proposed revision would provide 15 days within which each such failure must be reported. The agency has found that 5 days frequently does not provide sufficient time in which to determine the cause of such failures. Therefore, 15 days is a more logical time frame in which to make such a determination, prepare the report and allow it to reach the FRA. Further, the proposed revision eliminates the requirement for a negative replort during months in which no failure occurs. The proposed changes will further reduce the paperwork burden now placed on the railroad industry by the current rule as prescribed in the Paperwork Reduction Act of 1980, Pub. L. No. 511, 96th Cong., 2d sess. (1980), 94 Stat. 2812, 44 U.S.C. 3502 et seq. However, the railroads should be aware that under this proposed revision all failures of appliances, devices, methods or system to function as intended must be reported. The FRA feels the proposed changes provide the carriers with more latitude under the requirements, but due to the recognized seriousness of such failures, the FRA must insist that each report of a failure be documented.

Section 233.9 Annual reports.

Only a minor modification is proposed in § 233.9. Section 233.9 presently requires an annual report to be submitted by January 15 of each year. This is an extremely busy time for the railroads when they are gathering statistics, reviewing and planning budgets, and determining depreciation, taxes, and other similar matters. In order to reduce these kinds of burdens, which are associated with this seasonal workload, the FRA proposes the annual report be submitted no later than April 1 of each year, which gives these common carriers an additional two and one half months in which to accumulate the necessary information and prepare the report.

Section 233.11 Civil penalty.

A significant modification is proposed for § 233.11. This section currently provides for a penalty of not less than $250 and not more than $2,500 for each failure to comply with this Part, 49 CFR 233.11. For all practical purposes, the relaxation of the reporting requirements proposed in § 233.7 places this industry on the honor system as far as compliance is concerned. Since this Part has been revised to eliminate costly and unnecessary burdens previously imposed on the railroads, the FRA believes that imposition of the maximum penalty—$2,500—for each failure to file the required report is necessary for the purpose of securing meaningful compliance with the safety considerations implicit in this Part.

C. Part 235—Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System

The initial instructions governing filing of applications were published by the ICC in 2 FR 2847 on December 17, 1937. The instructions subsequently were modified several times to provide direction for various circumstances involved with the need to make changes in S&TC systems. As a consequence the current provisions are difficult to read; this tends to produce varying, even conflicting, interpretations. The instructions and procedures currently prescribed require substantial expenditures of the FRA's resources and, in many instances, cause unnecessary delay to S&TC projects badly needed by the industry. Therefore the FRA proposes to make significant modifications of this Part, which will make the FRA more cost effective and efficient in responding to petitions and applications. The proposed modifications will satisfy the FRA's statutory responsibilities in this area while streamlining the procedures for obtaining more expeditiously the FRA's approval of certain requested signal changes without any reduction in railroad safety. Thus, both the government and industry will benefit from the proposed revisions.

Section 235.1 Scope.

Existing § 235.1 consists of language which is vague and overly legalistic in tone. The proposed revision expresses the scope of this Part in clear and simple terms.

Section 235.3 Application.

This proposed section is new and was extracted from existing § 235.1 for the purposes of clarity mentioned above.

Section 235.5 Changes requiring filing of application.

This proposed section comports with existing § 235.2. The existing provisions are difficult to interpret. The term "decrease in area covered" is subject to debate and all too often is not considered when signal changes are planned by the railroads. This proposal clarifies when an application is required subject only to the exception clause.

Section 235.7 Changes not requiring filing of application.

This proposed revision comports with existing § 235.3. The existing provisions contain the most controversial language in this Part. The requirements are broadly stated to cover varied circumstances. There are frequent misunderstandings of what constitutes a material modification, a discontinuance, a catastrophic occurence, a track change, or closing of an interlocking or a block station.

In order to clarify those terms, proposed § 235.7 contains three paragraphs. The first paragraph, (a), addresses discontinuances and identifies those circumstances where signal systems or appliances could be discontinued or removed without FRA's approval.

The second paragraph, (b), addresses decreases in the area covered and identifies those circumstances in which the limits of a system could be reduced without the FRA's approval. This paragraph also incorporates the provisions of the present footnote of § 236.410 that provide for removal of electric locks from hand-operated switches in traffic control territory, which further reduces the paper work and related costs presently imposed on the railroads that unnecessarily require obtaining FRA approval for removal of such locks. Further, § 236.410 will now be brief and more to the point.

The third paragraph, (c), addresses material modifications and identifies those particular signal changes that could be made without the FRA's approval.

Section 235.8 Relief from the requirements of Part 236.

For purposes of clarity, consistency and simplicity, all relief from the requirements of Part 236 is now being incorporated into Part 235. Since all other S&TC applications are filed under Part 235, this will consolidate all applications concerning S&TC systems and relief from the RS&I governing S&TC systems into one Part 235.

Section 235.9 Civil penalty.

This proposed section is new and will provide for the maximum penalty of $2,500 where unauthorized changes are made in S&TC systems. The proposed modification to this Part removes costly and unnecessary burdens previously imposed on the railroads. Therefore, for the purpose of securing meaningful compliance with the very important safety requirements now contained in this Part, the FRA would seek collection of the maximum penalty of $2,500 for each violation.

Section 235.10 Application format, contents.

Existing § 235.10 provides for applications to be submitted by a letter setting forth information required by § 235.11. For purposes of clarity and simplicity, the proposed modification combines the provisions of §§ 235.10 and 235.11. Thus, § 235.11 would be deleted.

Section 235.13 Filing procedure.

The changes proposed in this section are the elimination of examples of numerous carrier officials who may now submit applications and the address to which the application is to be addressed. Proposed § 235.13 would simply provide for applications to be submitted by an authorized officer of the railroad.

Section 235.14 Notice.

Existing § 235.14 requires the posting of a public notice to cover the filing of an application with copies to be mailed only to all interested parties. The proposed revision will also require the posting of a public notice to cover a request for reconsideration of an application. Thus, all parties would be aware of all actions by the FRA involving S&TC applications, which provides consistency in the administration of this Part.

Section 235.20 Protests.

The only change proposed in this section is the address to which protests are to be filed.

E. Part 236—Installation, Inspection, Maintenance, and Repair of Systems, Devices and Appliances

Section 236.0 Applicability of this Part, relief and instructions governing applications for relief.

The existing § 236.0 prescribes the rules, standards and instructions for each carrier subject to the Interstate Commerce Act. In addition, the current provisions provide for the granting of relief from the requirements and sets forth the procedures to be followed when relief is sought.

Interested parties, namely the AAR and the RLEA, have proposed that FRA continue the existing requirements with some modification for purposes of clarity. These parties also recommend that the provisions contained in ICC Order 29543, which by virtue of the Department of Transportation Act of 1966 (49 U.S.C. 1651–59) is now administered by the FRA, be codified into this section. The FRA feels that merely codifying Order 29543 into this section with the existing requirements will cause considerable confusion about the overall requirements of the section. Therefore, for purposes of clarity the FRA proposes to move the provisions for relief from § 236.0 to Part 235. This action would put all requirements and instructions pertaining to S&TC block signal applications and applications for

relief from the RS&I into one Part, 235. Accordingly, section 236.0 would be recaptioned as it would contain only provisions of applicability and the codified requirements now contained in Order 29543; 273 I.C.C. 660 (1949); 268 I.C.C. 547 (1947).

Originally there was a wide disparity in the recommendations of the parties to codify Order 29543. The AAR recommended that block signal systems not be required except where trains would be operated at a speed of 60 or more miles per hour and that automatic cab signal, train stop or train control system not be required except where trains would be operated at a speed of 100 or more miles per hour.

The RLEA originally recommended that block signal systems be required where trains would be operated at a speed of 30 or more miles per hour; that automatic cab signal, train stop or train control system be required where trains would be operated at 50 or more miles per hour; and that such systems be required where hazardous materials would be hauled over Class 2 track or better.

The parties carefully reconsiderd this matter and determined that the existing requirements of Order 29543 are adequate in today's railroad environment. The requirements of Order 29543 have served well as the criteria to determine the need for signaling systems. The parties recommend that the existing requirements of Order 29543 be codified without change.

In Order 29543 the ICC found that fast transportation is desirable, but the safety of passengers and employees must come first. This consideration is still essential. Accordingly, the FRA proposes to codify the provisions of Order 29543 into the proposed § 236.0.

The proposed change would subject the RS&I contained in this Part to each common carrier by rail subject to the Signal Inspection Act, 49 U.S.C. 26. In addition, the proposed change would establish speed limits for passenger trains and freight trains that cannot be exceeded except by the installation of a manual block system that conforms to the requirements contained in this section, or, by the installation of a roadway block signal system that conforms to the requirements contained in this Part. Finally, the proposed change woud establish speed limits for all trains, above which an automatic train stop, automatic train control or automatic cab signal system will be required.

The remaining proposed changes merely clarify that nothing in this Part authorizes the discontinuance of systems covered by this Part without the express written approval of the FRA.

Subpart A—Rules and Instructions: All Systems General

Section 236.1 Plans, where kept.

The current rule names in detail the various plans required to be kept and also requires a copy of those plans to be kept at many specified field locations, divisional, regional and system offices.

The proposed rule would provide that the necessary plans for proper maintenance of the subject S&TC system will be available for use at each automatic signal, controlled point and interlocking. While the proposed rule would reduce the regulator burden by eliminating the requirement for plans at certain locations mentioned above, which is costly and unnecessary, there would be no diminution in safety since the field personnel will have ready access to the plans referred to in § 236.1. It is clear that the proposed rule would include track layout plans, circuit plans, locking sheets, dog charts and profiles, as appropriate. Such plans would also be maintained in the carrier's system office and would be correct, legible and available for use by the FRA's representatives as required by the existing rule.

Section 236.3 Locking of instrument cases and interlocking machine cabinets.

The present rule requires the use of locks or seals on specific types of signal housings. The rule also excepts signal mechanism housings at interlockings where maintenance forces are continuously on duty.

The proposed rule leaves to the managerial discretion of the carrier the specific manner in which the signal housings are secured and the rule will apply to all signal housings. The proposed rule also removes the exception regarding signal mechanisms at interlockings where maintenance forces are continuously on duty. Since all the housings will now be secured, it should reduce vandalism—frequently a problem—and be of economic benefit to the carriers.

The proposed rule would apply to power interlocking machine cabinets, time releases, emergency releases, and electric locks on interlocking machines; all such devices would be required to be secured. That requirement is consistent with the present rule. Certain traffic control machines and electric cabinets do not contain apparatus that, if interfered with by unqualified personnel, would result in an unsafe condition. Thus, such machines and cabinets would not be covered by the proposed rule.

Section 236.4 Interference with normal functioning of device.

The parties suggested that the words "for insuring" be deleted and the phrase "to provide for" be substituted in its place. The FRA agrees to the proposed editorial change.

Section 236.8 Operating characteristics of electromagnetic, electronic or electrical apparatus.

The present rule applies only to electromagnetic apparatus but does not adequately address electronic devices currently used in railroad signaling.

The proposed modification would require that all electromagnetic and electronic devices or their components be maintained in accordance with the limits within which such apparatus is designed to operate.

This change would permit management to utilize the newest technological advances and encourage innovation by the carriers to obtain economic savings without any reduction in the existing level of safety of train operation.

Section 236.11 Adjustment, repair, or replacement of component.

Section 136.11, (now § 236.11) which has been very controversial, was adopted in 1950 to consolidate four separate 1939 rules referring to replacement or repair of defective signal apparatus. Section 136.11 required "Any piece of appartus or any part thereof which fails to perform its intended function shall be promptly adjusted, replaced, or repaired."

In 1964 certain changes were proposed in § 136.11. The main change was to add the phase "without undue delay" and delete the word "promptly". The proposed rule would read: "When any component of a system or interlocking except track rails, the proper functioning of which is essential to the safety of train operation, fails to perform its intended function, it shall be adjusted, repaired or replaced without undue delay." The discussions and finding of the ICC hearing officer in 1964 were (1) that changing the word "apparatus" to "component" clarified the rule and should be adopted; (2) that a change to exclude track rail from the rule was discussed; (3) that the whole theme of the Signal Inspection Act and the duly adopted rules and regulations is to promote the safety of train operations and the proposed language "the proper functioning of which is essential to the safety of train operation" was perfectly

consistent with the true purpose and objective of this Act and the rules and regulations promulgated thereunder; (4) that "the fact that a false stop or false restrictive signal may cause great inconvenience and expense seems to require its prompt repair as a matter of efficient management" but on the record then before the Examiner it did not appear to pose a safety problem; and (5) that the purpose of substituting "without undue delay" for the word "promptly" was to clarify the situation regarding the need to repair a signal system outside of normal working hours. Simply stated, the intent of this rule was that repairs or adjustments be made before the next movement over the line. Finally, the Examiner then found that, in the best interests of safety and clear and effective administration of this rule, the phrase "without undue delay" should be adopted and so interpreted. No final action was taken on the 1964 proposal until 1966.

During the 1966 hearings on this matter the question of repair of broken rails was again discussed. The AAR submitted that the Commission did not have the authority to require a carrier to repair a broken rail.

In response to this position the Commissioners of Division 3 stated in their report: "The AAR's agrument to the effect that the Commission has no jurisdiction to require repair of a broken track rail which normally functions as a component of a signal system is contrary to section 25 which, as here pertinent, provides that a signal system may not be discontinued or materially modified without approval of the Commission.

"In order to insure that rule 11 is not susceptible of a construction that it applies to tracks generally, we believe that the language of the present rule should be clarified by adding 'signaling' before 'function' and our order will so provide. This modification should dispel the fears of the AAR that rule 11 goes beyond the Commission's authority in section 25.

"Rule 11 was promulgated to insure that if a piece of signal apparatus, such as a relay, switch circuit controller, an electric lock, a switch-and-lock-movement or some other similar device was found defective to such an extent that it failed to perform its intended function, it should be adjusted, repaired or replaced as soon as practicable." 329 I.C.C. 717, 722–723 (1966).

The interpretation of the phrase "without undue delay" was defined by the ICC. At page 723 of 329 I.C.C., the ICC said: "We find that the record does not support a rule which would require that repairs be made before the next movement in all situations. Such a rule would be unduly restrictive since adequate temporary safety measures can be taken until necessary repairs are made. We further find that the phrase 'without undue delay' is a reasonable provision considering the infinite variety of factual situations in which Rule 11 is applicable." Thus, the present rule was adopted in 1966 after consideration of the historical data and the summation of the 1964 and 1966 hearings.

The proposed changes in this rule at this time would require a carrier to investigate and determine the cause of each signal aspect that is not in accordance with known operating conditions. The regulatory language was proposed by the parties. The FRA has seriously considered the matter and agrees to include the suggested language to obtain assurance that a "stop" signal or a "stop and proceed signal," which is caused by an unknown condition, will require the carrier to determine the reason for such signal aspects. If that condition affects the safety of train operation, action would be required to correct that condition.

Section 236.12 Spring switch signal protection; where required.

This rule, as originally adopted on June 29, 1950, provides that spring switches installed after the effective date, October 1, 1950, would be provided with signal protection. All such installations in service before that date would be exempted from these requirements.

The parties have agreed to propose deleting from the rule the phrase "hereafter installed" and, in lieu thereof, to add the following note:

"Note.—Does not apply to spring switch installed prior to October 1, 1950 in automatic block signal, automatic train stop, train control or cab signal territory."

This will clarify the intent of this section that only spring switches installed after the original adoption of the rule would be subject to these requirements.

Section 236.16 Electric lock main track releasing circuit.

The parties agreed to the need for a new rule which will prescribe standards for a main track releasing circuit at an electrically locked hand-operated switch. The advent of new technology, such as the audio frequency overlay, has resulted in widely varied designs for such releasing circuits, and a need has developed for safety standards regarding the installation of the main track releasing circuit. The present installations on the major carriers throughout the nation have been installed within guidelines similar to the requirements of the proposed rule. Thus, the adoption of this rule will clearly not result in a significant economic impact.

Section 236.17 Pipe for operating connections, requirement.

Proposed § 236.17 is not a new rule but was adopted in 1950 and followed closely the requirements of its predecessor which was included in the 1939 rules. The present rule, § 236.313, applies only to interlockings.

The parties have proposed that this rule apply to all systems so that all such pipe-connected switches, derails facing point locks and other pipe-connected appurtenances will be covered with equal consistency. Therefore, the FRA proposes to move the requirements to Subpart A by recaptioning § 236.313 as § 236.17.

Roadway Signals and CAB Signals

Section 236.21 Location of roadway signals.

The 1939 rule, § 136.2(b)(1), required that signals be aligned to give the best possible indication for approaching trains and that, "signals shall be installed to avoid, so far as possible, the liability of mistaking the indication of one signal for the indication of another signal, or confusion between signal and other lights." The rule adopted in 1950 (then § 136.21) required: "Each roadway signal hereafter installed shall be located over or to the right of the track it governs." The rule was effective October 1, 1950 and remained unchanged until 1970.

On June 11, 1970 the FRA considered proposed changes to this rule to relieve what the carriers felt was an unnecessary burden. The FRA found that the safety of train operation did not require roadway signals to be placed only to the right or above the track governed on single-track territory, but to prevent confusion and assure safety of operation in multiple track territory, the roadway signals should be placed over to the right of the track governed in other than single track territory. The FRA also added language to require that each roadway signal shall be properly positioned and aligned so that the indication it displays can be clearly associated with the track it governs. 35 FR 9926 (1970). It is felt that a requirement to mandate that roadway signals be located to the right of the track governed is unnecessary. The record shows that the present rule is still regarded by the carriers as too restrictive. A great many applications for relief from this rule have been filed

with the FRA and almost without exception, each request for relief has been approved. The FRA proposes to delete the provision of the rule requiring that a roadway signal be located over or to the right of the track governed. However, the carriers are here put on notice the FRA will depend heavily on its inspectors' judgment whether the location and alignment of a signal complies with the intent of this section and that the signal aspect is clearly associated with the track governed.

Section 236.23 Aspects and indications.

The 1939 rules provided as follows: "Signal indications shall be given by positions, by colored lights, or by both. A single white light shall not be used for a proceed indication."

The existing rule, adopted in 1950, is more detailed and provides a desirable standardization of signal aspects for the nation's railroads. The only carrier then objecting to the adoption of this rule was the Great Northern who used a white light for a signal aspect. Section 236.23 as adopted in its present form on July 19, 1950 and made effective October 1, 1950.

The present rule is well written and has served the industry well, but the parties to this proceeding agree that certain changes need to be made. Accordingly, the FRA proposes to revise paragraph (b) to permit the use of illuminated numerals as cab signal aspects.

The FRA proposes to revise paragraph (e) of this section for clarity with no change in the intent of the rule that a carrier shall furnish its employees and the FRA a copy of its current rules regarding signal names, aspects and indications. That portion of the rule which indicates approval by the FRA is deleted because the FRA's primary function is to review those rules for compliance with applicable FRA rules or regulations.

In addition the FRA proposes to delete existing § 236.25 and add those provisions to this section along with new requirements that the absence of a qualifying appurtenance shall not cause a signal to display a less restrictive aspect than intended. The FRA proposes to add these provisions in a new paragraph (f) of this section.

It should be clearly understood that the FRA does not intend hereafter to permit the use of night aspects which depend upon external light for illumination in lieu of those fundamental indications prescribed in paragraph (d) of this section.

Section 236.25 False restrictive position of semaphore signal arm or failure of lamp in light signal.

The FRA proposes to delete this rule and the requirements would be written into § 236.23(f).

Section 236.27 Phantom signal aspect.

The FRA proposes to delete this rule. It is the position of one of the parties that, due to its serious nature, it is not necessary to tell a carrier to prevent a phantom false proceed signal aspect. The existing rule does not require action until after a phantom signal aspect has occurred. The rule is not readily enforceable because the phantom indication is normally caused by conditions beyond the control of the carrier, such as reflected sun light. Other contributing factors are covered by other rules. Thus, FRA proposes to delete this section.

Track Circuits

Section 236.51 Track circuit requirements.

The present rule prescribes the standard by which all track circuits are designed. The original 1939 rules required all track circuits to be so installed and maintained that the track relay would be in deenergized position and track circuit of ACS, ATC or ATS systems be deenergized in the rear of the point of a rail that is broken or when a rail or frog is removed; when a train, engine or car occupies any part of a track section; and where switch shunting is used, when a switch point is not in proper position or switch and lock movement is not locked or an independently operated fouling point derail equipped with a switch circuit controller is not in the derailing position.

The 1950 rules provided for the same requirements and additionally imposed restrictions that shunt fouling could not be used on turnouts where speeds exceeded 45 miles per hour. The 1950 rules also adopted certain exclusions in that the provisions regarding broken rails or removal of rails do not apply to shunt fouling section or to a rail broken within the confines of a joint bar; it is not a violation if leakage of a foreign current in the rear of a broken rail or a removed rail energizes the track circuit; and it is not a violation if rust, grease or other foreign material prevents effective shunting of the track circuit.

In 1966 the rule was further relaxed to provide that rails broken within the limits of rail joint bond, appliance or other protective device which provides a bypath for the electric current would also be exempt from the requirement that the track relay be in the deenergized position. The present rule has served well and its requirements are reasonable. However, within the last ten years, several signal systems have been developed in this country that do not have a track relay associated with the systems's track circuits. Instead there is an electronic device that functions similar to a track relay. After seriously considering the matter, the FRA now feels that this is the time to realistically modify this rule so that it is clear to all concerned that the provisions of this rule apply equally to track circuits with track relays and track circuits which have electronic devices instead of relays. While considering the first paragraph, it is well to note the carriers have submitted that this section should not be applied to circuits such as annunciator circuit, approach lighting circuit and such circuits that do not affect the safety of train operation. The FRA proposes to modify this section to apply only to those track circuits which affect the safe movement of trains.

In order that this first paragraph be properly interpreted a definition of "most restrictive state" is proposed in the definition section, subpart G, section 236.813a.

The parties to this proceeding agree that, whenever a rail is removed, the track circuit should detect the removal of that rail regardless of circumstances. Accordingly, the FRA proposes to delete the words "or a rail is removed" from paragraph (a)(2) of this section.

Section 236.54 Minimum length of track circuit.

This rule is virtually unchanged since 1939. In 1950 the wording was added, "or special circuit not used for control of signaling facilities." Presumably this was done to exempt such circuits as annunciator circuits.

In recent years the industry has developed several ways to detect track occupancy of short track sections without resorting to trap circuits. The FRA proposal to change this rule will recognize advances of such technology in the industry and will not preclude the use of those devices which provide protection equal to or better than a trap circuit.

Section 236.55 Dead section; maximum length.

The 1939 rule required a special circuit if a dead section exceeded 35 feet or the length of the wheelbase of any engine or car.

The 1950 rule was modified to provide the dead section should not exceed 35 feet or the outer wheelbase of any locomotive operating over such dead

section. The FRA proposes to insert the word "a" after "35 feet" at the end of the first sentence as a mere editorial change.

Section 236.56 Shunting sensitivity.

The 1939 rule provided that a track circuit should be energized sufficiently to properly operate in wet weather with minimum ballast resistance but would not be over-energized to the extent that it would not shunt properly during dry weather under conditions of maximum ballast resistance.

The rule was changed in 1950 to its present form which prescribes a track circuit be maintained so the track relay will be in deenergized position when a shunt of 0.06 ohm resistance is connected to the rails of the track circuit. The rule in its present form does not address the issue of track circuits having electronic devices which detect track occupancy. Such circuits have no track relay.

The FRA proposes changes to the rule's language to recognize the electronic devices and make this rule applicable to all track circuits regardless of the type of track occupancy detection device.

The carriers submit that certain track circuits, such as annunciator circuits, do not affect the safety of train operation and should be exempted from the requirements of this rule. The FRA agrees the requirements of this section should not address track circuits that do not affect safety of train operation. Accordingly, the FRA's proposed modification would cover only those track circuits that control home signals.

Section 236.57 Shunt wires.

The 1939 rule required that, "shunt wires, preferably in duplicate, shall provide adequate conductivity to ensure effective shunting and shall be kept in place and in good condition." That rule did not refer to fouling wires and did not mandate the use of two conductors.

The revision of the rules in 1950 changed this section to its present form which requires the use of two conductors for shunt and fouling wires, except shunt wires to switch circuit controllers, through which signal control circuits are controlled and track circuits are shunted.

Interpretation of this rule has permitted the use of a single unit shunt or fouling wire having two conductors with a single plug on each end. This duplex fouling or shunt wire has the disadvantage that, if either of the two plugs were broken off the rail, a dangerous condition could possibly result. The intent of the proposed revision is clearly to preclude such a dangerous condition from occurring.

The interested parties to this proceeding agree the rule should be changed to require two separate conductors. However, a need exists to recognize the severe economic burden that would be placed on the nation's carriers if they would be immediately required to comply. The proposed revision will grandfather existing installations. The language used to make these rules applicable to electronic devices as previously discussed in § 236.51 also applies here. Further, the proposed rule will not apply to shunt wires where signal control circuits are controlled through the switch circuit controller.

Section 236.58 Turnout, fouling section.

This rule referring to fouling section specifically was adopted in 1950. It simply requires: "Fouling section of turnout shall extend to clearance point."

There are problems with this rule since the FRA does not prescribe the location of "clearance point" and there is no requirement that the fouling section be bonded. The fouling section of a turnout is part of the track circuit on the main track and as such must comply with § 236.56, which requires that all portions of the track circuit offer effective shunting. In order to assure the shunting is effective, it is the practice of the nation's carriers to bond the fouling section. The parties have agreed on an alternative to the use of the words "clearance point". The FRA has considered this recommendation, and it will be incorporated into the proposed rule.

Section 236.60 Shunting of track circuits.

A new rule, § 236.60, is proposed. It has long been recognized that the shunting of track circuits by a switch circuit controller attached to the switch point is not completely fail safe.

It was suggested that a new rule be adopted to prohibit the use of such track circuit shunting at switches and at other protective devices, such as slide fences.

There are presently more than 37,000 hand-operated switches in signaled territory of which at least 50% are equipped with track circuit shunting. To require the carriers to bring the existing installations into compliance with the provisions of the proposed new rule would impose a very severe economic burden on the industry. To obviate that unnecessary burden, the parties have agreed and the proposed rule so provides that the proper protection to such switches or devices would apply to track shunts installed after the effective date of the rule.

Wires and Cables

Secton 236.71 Signal wires on pole line and aerial cables.

The 1939 rules required that pole lines carrying signal circuits be properly installed and maintained; that wires be properly tied in on insulators; and that broken insulators be replaced. The revisions of 1950 resulted in the present rules, §§ 236.71 and 236.75.

The FRA proposes to consolidate the requirements of §§ 236.71 and 236.75 into one section that would prescribe the requirements for pole lines and aerial cables carrying signal circuits. The resulting § 236.71 would more clearly define the requirements regarding pole lines and aerial cables. Existing § 236.75 would be deleted.

Section 236.72 Clearance of overhead signal wires and cables.

The requirements for overhead signal wires and cables contained in the 1939 rules were continued in the 1950 revision, which resulted in the wording of the present section, § 236.72. This rule required wires and cables to be maintained at least 27 feet above the top of the rail to preclude a low hanging wire or cable from knocking a person from the top of a railroad car. The requirement no longer has relevance to the railroad industry of today because walkways are no longer provided on the top of railroad cars and the railroads no longer permit employees to ride on top of cars. The FRA proposes to delete this section.

Section 236.75 Insulated wires and cables; support.

As previously stated herein, for purposes of clarity the FRA proposes that the requirements of this rule be included in § 236.71 and this section would be deleted.

Section 236.76 Interference of wires with operating parts of mechanisms.

The FRA proposes that the requirements of this section and those contained in § 236.77 be combined into one section for purposes of brevity and clarity. This editorial change would require § 236.76 to be recaptioned and would permit § 236.77 to be deleted.

Section 236.77 Tagging of wires.

The FRA proposes to combine the requirements contained in this section with those of § 236.76. Accordingly, the FRA proposes to delete this section.

Section 236.78 Lightning arrester.

This rule requires that lightning arresters be connected to a well maintained ground. The rule does not require the use of lightning arresters, but if lightning arrestors are used, they must be connected to a ground that will provide a good path for electrical discharges.

The parties agree this rule serves no safety oriented function and enforcement serves no useful purpose. Therefore, the FRA proposes to delete this rule.

Inspections and Tests; All Systems

Section 236.101 Purpose of inspections and tests; removal from service of relay failing to meet test requirements.

This rule prescribes that certain FRA required tests shall be made and that all such tests are to be made to determine the apparatus and/or equipment is in condition to perform its intended function. Such inspections and tests must be made in accordance with the carriers specifications which are subject to the FRA's approval. The rule further requires that any apparatus and/or equipment failing to meet the requirements of a specific test shall not be continued in service but must be replaced, repaired or adjusted.

The existing requirements were contained in several sections of the 1939 rules. The revisions in 1950 consolidated those requirements into the present rule.

The current rule has served well and is a good rule. However, the parties agree that the language of the rule needs to be revised to recognize the technological advances in present day signal systems. The electronic or solid state signal system needs to be recognized. The proposed rule reflects these important considerations.

Section 236.102 Signal mechanism.

The 1939 rules required a signal mechanism to be inspected to ensure the apparatus was in safe condition. Tests were required as specified by the carrier, subject to approval by the ICC, and such tests had to be made at least once every two years.

The revision in 1950 resulted in the present rule which mandates inspections every six months and tests every two years.

The current rule refers to signal mechanisms. A difference of opinion among signal people has existed for many years as to whether this rule applies to both semaphore and searchlight signal mechanisms. The FRA and its predecessor, the ICC, applied this rule equally to semaphore and searchlight signals.

The parties agree that a clarification of the rule is needed. The parties have suggested that a change be made in the language of § 236.102 so it will only apply to semaphore signals and a new section be written, § 236.102a, which will only apply to searchlight signals. The FRA has reviewed this matter and proposes to recaption and amend this section to adopt the suggested clarification. The FRA proposes to revise the rule so that paragraph (a) would cover semaphore signal mechanism test requirements and paragraph (b) would cover searchlight signal mechanism test requirements.

Section 236.103 Switch circuit controller.

The 1939 rule required a switch circuit controller to be inspected frequently and to be tested quarterly.

This rule was revised in 1950 as follows: "Switch circuit controller shall be inspected and tested at least once every three months."

There has been some confusion within the railroad industry concerning the application of this rule. Some carriers have believed that this rule applies to point detectors of power-operated switches. The FRA has never applied these requirements to such point detectors, but does agree that point detectors of power-operated switches should be tested.

The parties have proposed the rule be expanded to include test of point detectors because they realize that the carriers already make the test, and some submit, therefore, that such tests should be required. The FRA proposes to recaption this section and include the requirements that switch circuit controllers, point detector or circuit controller of hand-operated, mechanically-operated or power-operated switches be inspected and tested at least once every three months.

Section 236.106 Relays.

The 1939 rule required all relays to be tested every 2 years and a relay would be removed from service if such relay failed to meet the requirements of the specified test. The 1950 revision kept the 2 year testing requirement, exempted locomotive relays and moved to § 236.101 the requirement that relays be removed from service if the relay failed to meet the test requirements. The test period for most relays can be extended without any reduction of safety. However, research has revealed that certain types of relays need to be tested at least every 2 years—some even more often.

A review of the false proceed signal indications reported to the FRA by the nation's carriers since 1977 indicates that almost 30% of the false proceed signal indications attributed to defective relays were caused by AC centrifugal, AC vane and polar relays. The AC centrifugal relays alone represent 12% of the total of false proceed failures, although centrifugal relays make up less than 1% of the total relays in the nation. There are also still in service certain relays which use soft iron instead of silicon steel for the magnetic structure of the relay. This type of relay is subject to being permanently magnetized which would result in a significant safety hazard.

The FRA's proposed revision would relieve the industry from the expensive burden of unnecessarily testing relays which do not affect safety of train operations or relays which have no record of significant failures. However, it would retain the requirements of more frequent testing of those types of relay that present a significant safety hazard.

Section 236.107 Lightning arresters.

The 1939 rules required as follows: "Lightning arrestors shall be inspected frequently during the seasons of the year when lightning occurs, and gas and vacuum types tested annually and record made of date of tests".

However, as pointed out in the discussion of § 236.78, there was no rule requiring the use of lightning arresters.

The 1950 revisions recognized that lightning arresters were not required and that some carriers chose not to install them. The present rule, § 236.107, was adopted requiring testing of gas and vacuum type lightning arresters. The railroad industry has gradually discontinued the use of the gas or vacuum type arrestors on signal circuits and such lightning arresters are considered by most carriers to be obsolete.

There is no need to retain a section requiring testing of apparatus no longer in general use. Therefore, the FRA proposes to delete the present rule.

Section 236.107 Ground tests.

During consideration of §§ 236.2 and 236.108, the FRA determined that a need exists for a rule requiring periodic testing of signal circuits for grounds. Section 236.2 requires that circuits be kept free of grounds but does not require the carrier to perform tests that will provide definite information as the ground free condition of the circuits. On the other hand, § 236.108 requires testing of insulation resistance of wires and cables every 5 to 8 years.

The parties proposed the requirements of § 236.108 be changed to relieve the

burden of what they consider to be unnecessary testing. But, in order to maintain the integrity and safety of the signal systems, the parties have recommended and agreed that a new rule should be adopted requiring a periodic ground test of all circuits affecting the safety of train operation. The parties agreed the proposed revision of § 236.108 and the proposed recaptioned new rule, § 236.107, would have the net result of providing significant relief from the testing requirements pertaining to the condition of insulation of signal conductors, but the integrity and safety of the signal systems would be maintained. It is the consensus of the parties to these proceedings that an improvement in safety would result if this proposal were adopted. The FRA concurs and proposes to adopt this new requirement.

Section 236.108 Insulation resistance tests.

The requirements of the rules adopted in 1939 regarding insulation resistance testing have remained virtually unchanged until the present time. The existing rule requires that low voltage conductors not designed for underground installation and installed underground or in trunking be tested every 5 years and minimum allowable resistance be maintained at 1 megohm. In addition, the rule requires that low voltage wires and cables not underground or in trunking, low voltage wires and cable designed for underground use and installed underground or in trunking, and local signal wiring will be tested every 8 years and minimum allowable resistance be maintained at 1 megohm. Lead covered signal power cables are required to be tested every 8 years and minimum allowable resistance must be maintained to at least 100 megohms. Underground signal power lines not lead sheathed must be tested every 5 years and minimum allowable resistance is 40 megohms for voltages up to 660 volts and 100 megohms for voltages over 660 volts.

It was submitted that this rule puts an unncessarily large and costly testing burden on the carriers and the rule needs to be changed. It was proposed that a new rule, § 236.107, be adopted to require a periodic ground test of all signal circuits. Thus, the testing rule for signal wires and cables can safely be relaxed. It is the parties' position that protection and safety would actually be maintained and enhanced. The parties have agreed to this proposed revision of § 236.108. The FRA has carefully considered these suggestions and proposes to recaption and revise the rule.

Section 236.109 Results of tests.

The requirements for records of tests have not been changed significantly since the adoption of the 1939 rules. The 1950 revision merely changed the numbers of the rules referred to in accordance with the new numbers of the 1950 rules and clarified the matter by providing that the records will be kept in the office of a divisional officer of the division where the tests were made.

Current technology permits the carriers to use data processing equipment to store information and print out test reports to be completed by field personnel. The parties agree such procedures would be desirable and recommend changes to the rule to recognize the computerized test forms.

The existing section requires that a record of tests be filed and kept at the office of the carrier officer responsible for such tests. Currently, there is no requirement for retention of such records. The parties agree that each record should be retained until the next record for that test is received but in no case less than one year.

This rule needs to be changed to reflect the changes proposed in this Part and make the rule more flexible to permit the use of data processing technology for recordkeeping and assure that records will be kept for a certain specified period of time rather than for an indeterminate period. The existing rule is vague and this proposal, which the FRA considers desirable in the interests of clarity, assures that cost effectiveness and safety will thus be achieved.

A proposal contained hereinafter would move § 236.385 to subpart A. The FRA proposes to recaption § 236.385 as 236.109 to maintain the logical order of this subpart. Therefore, the FRA proposes the provisions contained in existing § 236.109 be revised as herein discussed and adopted as § 236.110.

Subpart B—Automatic Block Signal Systems Standards

Section 236.204 Track signaled for movements in both directions, requirements.

The parties have recommended an editorial change be made in the last sentence of this rule to more clearly state the intent of the rule. The FRA has considered the change and agrees it will be beneficial because it does clarify the rule. The FRA proposes to revise the last sentence to read: "In absolute permissive block signaling when a train passes a head block signal, it shall cause the opposing head block signal to display an aspect with an indication not more favorable than stop." This revision would clarify that a train stopped at such a headblock signal could not proceed except by authority of the dispatcher or under flag protection.

Section 236.205 Signaled control circuits; requirements.

The requirements of the existing rule were contained in section 208 of the 1939 rules. The requirements were adopted with editorial changes in 1950 and have remained unchanged since that time. While the existing rule has served well and its requirements are still valid, the railroad industry has begun using electronic devices in lieu of track relays. These technological advances were discussed in connection with the changes proposed in §§ 236.51 and 236.56. Those considerations apply to the instant rule.

Therefore, the FRA proposes to revise paragraph (d) of this section to recognize the use of electronic or solid state devices and prescribe their signaling performance.

Section 236.207 Electric lock on hand-operated switch; control.

This rule was adopted in 1950 and prescribes the standards of an electric lock installed in automatic block signal territory. These provisions establish the minmum standards of performance when an electric lock is installed in automatic block signal territory.

The parties have proposed a mere editorial change in the wording of this rule. They feel the words, "signals governing movements over such switch," is more descriptive of the requirements than the present wording, "protecting such switch."

The FRA agrees and proposes to make the suggested changes in this rule.

Subpart C—Interlocking Standards

Section 236.302 Track circuits and route locking.

The 1939 rules required as follows: "Track circuits shall be provided throughout the interlocking limits except when otherwise authorized by the Commission."

The 1950 revision of this rule deleted that portion, "except when authorized by the Commission," and added two footnotes. The first footnote provided that relief from the requirements of this rule would be granted on an adequate showing by a carrier and the second provided that all installations not in compliance would be brought into compliance on a percentage basis each

year until 1955 when all installations would be required to be in compliance.

In 1964, as a result of the circumstances involved in a collision at an interlocking, a change was proposed to require that route locking be effective when the first pair of wheels of an engine passes a point not more than five feet in advance of the signal governing its movement. The five-foot requirement was found to be unduly restrictive and the final rule adopted in 1966 set the distance at thirteen feet.

The existing rules, adopted in 1950, have a requirement that a loss of shunt of 5 seconds or less will not permit an established route to be changed at an automatic interlocking (§ 236.309).

The interlockings existing at that time were largely either automatic or locally controlled manual interlockings. These circumstances have now changed so that there are a large number of remotely controlled interlockings where the loss of shunt within interlocking limits poses a distinct safety hazard where a remotely controlled switch might be operated under a train.

The parties have recommended revision of the existing rule to specifically identify the point from where the 13 feet is to be measured. In addition, they suggest the revision include a five-second loss of shunt requirement for route locking. However, the cost of retrofitting the existing installations would be prohibitive, and for the purpose of assuring that this rule will be cost beneficial, all parties agree the requirements for loss of shunt should apply only to those power-operated switches installed after the adoption of the proposed rule.

The recommended method of measuring the 13-foot standard is already followed by the FRA and the proposed section details this method.

The FRA agrees safety would be enhanced by requiring loss of shunt protection for power-operated switches hereafter installed. However, the FRA does not believe that this section (and later, § 236.408) is the appropriate place to add such provisions. The FRA believes § 236.309, captioned "Loss of shunt at automatic interlockings," should be revised to include power-operated switches hereafter installed. Thus, revision of § 236.309 will be proposed later in this NPRM.

Section 236.307 Indication locking.

The 1939 rules required: "Signals governing movements over switches, movable point frogs and derails shall be so controlled that indications to proceed can be displayed only when such units are in proper position," and also stated: "Indication locking or equivalent shall be provided for approach signals of semaphore type and power-operated home signals at manually operated interlockings."

The existing rule consolidating those provisions was adopted in 1950, and added an indication locking requirement for all approach signals installed thereafter except light signals controlled by coded track circuits or double wire line circuits. The language of the existing rule is vague and the term "double wire line circuit" has been subject to many interpretive arguments. Further, recent technological developments have provided other more cost effective means to safely control the approach signal aspects.

The parties propose changing the language of the rule to clarify it and to permit the use of other more cost effective circuits for approach signal control circuits. The FRA has considered these suggestions and proposes to change this section accordingly.

Section 236.309 Loss of shunt at automatic interlocking.

During the discussion of §§ 236.302 and 236.408, the parties recommeded that loss of shunt protection be required on route locking for power-operated switches. It was further discussed that to require the carriers to come into compliance with such provisions would be a costly burden on the entire industry. A suggestion was made that loss of shunt protection be required on power-operated switches but all existing installations be grandfathered. The FRA proposes that § 236.309 be recaptioned and so revised that loss of shunt protection would be required on the route locking of all power-operated switches hereafter installed and will further propose to revise § 236.401 to make § 236.309 applicable to traffic control systems.

Section 236.311 Signal control circuits, selection through track relays, and through signal mechanism contacts and time releases at automatic interlocking.

The 1939 rules provided in pertinent part: ". . . that proceed control circuits for home signal at automatic interlocking be selected; through track relays for all track circuits within the interlocking; through signal mechanism contacts or relays repeating such signal mechanisms that would indicate all conflicting signals were at stop; and through the normal contacts of time releases for conflicting routes." In the 1939 rule there were no requirements for manual interlockings.

The present rule was proposed in 1950 with the Great Northern Railroad making the only comment regarding its concern that the wording of the rule would preclude the use of relays repeating track circuits. The rule was revised and adopted in 1950 to include repeating relays and remained unchanged until now except for a very minor editorial change in 1966.

The present rule does not recognize improved technology in railroad signaling or permit the use of electronic devices that function as track relays. The parties have proposed that this rule be changed to achieve this purpose. The FRA agrees and proposes the rule be recaptioned and revised accordingly.

Section 236.312 Movable bridge, interlocking of signal applicances with bridge devices.

The 1939 rules required that, when movable bridge was protected by interlocking, provision would be made to insure that movements of bridge devices succeed each other in a predetermined order and the bridge and track devices be locked in their proper positions with proper mechanisms to accurately align, surface and secure the movable span and track in place.

The rule adopted in 1950 consolidated the requirements into a single rule and specified that the bridge locking members be within one inch of their proper position and the track rail on the movable span be within three-eighths of an inch of correct surface and alignment. The rule also specified the bridge and track must be locked.

The 1966 revision changed this rule to the existing language because the more modern installations no longer used rail locks but used self aligning frogs with switch circuit controllers or other type of electric devices to assure correct track surface and alignment. The present rule adopted in 1950, and revised in 1966, requires the bridge to be locked and the track to be correctly aligned.

The operating panel of each drawbridge usually provides for an "emergency release" or "by pass" switch or device to permit the bridge to be operated when trouble occurs with signal circuits protecting the bridge. This switch or device is usually provided with a means to lock or seal the switch or device. However, there is no existing requirement that the switch or device be locked of sealed.

The parties have recommended that a sentence be added to the end of this rule to make the use of the emergency switch or by pass device more difficult so it cannot be used for routine operations. Therefore, the FRA proposes to add a provision requiring emergency bypass

switches and devices to be locked or sealed.

Section 236.313 Pipe for operating connections; requirements.

As previously noted, the FRA proposes to move this section to subpart A, as § 236.17, and make it applicable to all systems.

Rules and Instructions

Section 236.327 Switch, movable-point frog or split-point derail.

Section 136.4, paragraph 4, of the 1939 rules required: "Switch shall be so maintained that it cannot be locked when one-fourth-inch rod is placed between stock rail and switch point 6 inches back from the point of switch. Locking edges shall be kept square.

The revision of the rules in 1950 relaxed the requirements. The one-fourth inch was changed to a three-eighths inch and the requirements, concerning locking edges being square, were dropped from the rule.

The parties agree that the present requirements of this rule are reasonable and should be retained. However, they feel that the language of the rule should be revised to omit the reference to an "obstruction" of the switch point. The FRA agrees. In the interest of clarity, the FRA proposes to omit the word "obstruction" and to make it abundantly clear that this rule only applies to switches, movable-point frogs, or split-point derails that are equipped with lock rods since not all switches are so equipped. The FRA's inspectors will test this adjustment by placing an obstruction 6 inches back from the point of switch and operating the switch-and-lock movement until the slide bar strikes the lock rod.

Section 236.331 Repairs to switch and signal valves and cylinders.

The present rule was adopted in 1950 and provides that repairs to pneumatic switch and signal valves and cylinders shall not be made while they are in service to ensure that unsafe conditions are not created by the repair of such devices.

The parties suggest that § 236.4 of these rules provides the necessary requirements to ensure the needed safety and that § 236.331 should be deleted. The FRA has studied the matter and agrees with them. Therefore, The FRA proposes to delete this section.

Section 236.332 Air distribution system; draining condensation.

The existing rule requires that carriers take certain actions to reduce the amount of condensation in air distribution lines of pneumatic signal apparatus. These provisions have remained unchanges since the 1939 rules were originally adopted. The parties agree that this is not a safety related rule and should be deleted.

The FRA has considered the matter and concurs that this rule is not necessary for safety and should be deleted.

Section 236.333 Pole changer on electric switch operating mechanism.

The requirements of this section have not been changed since 1939. Minor editorial changes were made in 1950.

The parties agree that the requirements of this section are adequately covered by §§ 236.8 and 236.11. They suggest that this section be deleted as being unnecessary. The FRA has reviewed §§ 236.11 and 236.333 and has determined that §§ 236.8 and 2136.11 provide the necessary requirements to obtain the safety objectives of § 236.333. Therefore, the FRA proposes to delete § 236.333.

Inspection and Tests

Section 236.376 Mechanical locking.

The provisions of this section have remained unchanged since the original 1939 rules were adopted. Only editorial changes were made in 1950.

These provisions are applicable to mechanical interlocking machines. The FRA notes that the present technology of the railroad industry makes the installation of mechanical interlocking uneconomical. No new mechanical interlockings have been installed in the last several years, and the average age of such interlockings is approaching 60 years. The locking beds and mechanical parts of these interlockings are becoming worn and no longer meet the manufacturers' original specifications. The 1939 and 1950 rules dealt with the testing of mechanical interlockings in relatively good condition, while the present rules must deal with the devices near the end of their effective use. In the interest of economy, efficiency and safety, the FRA recommends this old, antiquated equipment should be tested more frequently and proposed to the parties that the test period be lowered to 2 years on mechanical interlocking machines. The parties agree with the FRA. Therefore, the FRA proposes to revise this section to the extent mechanical locking shall be tested when locking is installed, a change is made, locking becomes disarranged or at least once every two years.

Section 236.377 Approach locking.

The requirement that approach locking be tested once each year was contained in the 1939 rules and remained unchanged in the 1950 rules. The rule was written to require testing of approach locking of mechanical, electro-mechanical and electric interlockings.

Approach locking is achieved by electrical circuits which will continue to give satisfactory performance unless the circuits are modified, disarranged or interfered with. The test period of one year can be extended to two years without a reduction in safety, but approach locking needs to be tested when installed or when circuit changes are made, and a definite need exists for a periodic test to assure continued safety. The FRA has proposed, and the parties have agreed, that the rule be so revised.

Section 236.378 Time locking.

The testing requirements for time locking have not changed since 1939. These provisions require testing of time locking at mechanical, electro-mechanical and electric interlockings at least once each year. Time locking may be achieved either electrically or mechanically. The record shows that time locking is not subject to frequent failure, and seldom are defective conditions detected in routine tests of time locking. However, there is a definite need to test time locking when it is installed, when circuits are modified or for some reason disarranged. In the interest of safety, a periodic test also needs to be made to continually monitor the condition of the vital locking circuits of all interlockings.

The test period of one year can be extended to two years without a reduction in safety. In the interests of safety and also to make this rule more cost effective, the FRA has proposed, and the parties have agreed, to the proposed revisions.

Section 236.379 Route locking.

The present rule requires, as follows: "Route or other type of switch locking shall be tested at least once every three months." The requirements of the present rule have remained unchanged since 1939 except for the making of mere editorial changes.

When the original rules were adopted, route locking was achieved by mechanical means (detector bars) as well as by using electrical circuits. Mechanical locking was subject to wear and needed frequent testing and adjustment. Route locking is now achieved by electrical circuits and electromagnetic devices such as electric locks on levers of mechanical interlockings. These electrical circuits and electro-magnetic devices will

continue to function as intended until such time as changes are made in the circuits or they are disturbed in some manner.

The FRA recognizes the unnecessary testing burden placed on the industry and proposes to change the requirements of this rule to relieve this burden of making such unnecessary tests but to also retain the intended safety.

The parties also agree that such changes should be made.

Section 236.380 Indication locking.

The present rule adopted in 1950 requires: "Indication locking for semaphore signals and for switch or lock levers shall be tested at least once a year and for light signals at least once every two years."

Similar testing requirements were contained in the 1939 rules and the need for such testing is still valid.

However, the industry has improved its design of signal systems over the years and no longer installs semaphore signals or mechanically locked switch or lock levers. The mechanical interlocking machines still in service will be tested more frequently than heretofore under proposed § 236.376.

Indication locking achieved by all electric locking circuits is not subject to wear of mechanical locking parts. Such electric locking will continue to function as intended until the circuit is modified or disarranged in some manner. The parties agree the rule should be relaxed to the extent that indication locking be tested every two years but would require additional tests if the circuit is changed or disturbed.

After throughly considering this suggested change, the FRA proposes this revision be adopted.

Section 236.381 Traffic locking.

Adopted in 1950 the present rule reads: "Traffic locking shall be tested at least once a year."

This testing requirement was first adopted in 1939 and at that time applied for the most part to electrically locked mechanical interlocking levers or locking within the mechanical interlocking machine.

Mechanical or electro-mechanical traffic locking is no longer installed and is being replaced by the industry with electrical circuits as conditions dictate. The electric traffic locking circuits do not have mechanical components that wear or break, but will continue to function as intended until the circuit is changed or disrupted in some manner. The FRA proposes to revise this rule by inserting language identical to that used in the previous three sections.

Section 236.382 Switch obstruction test.

The 1939 rules required the following: "Switch obstruction test shall be made quarterly to ensure proper maintenance and adjustment of switches."

The 1950 revision of the rules resulted in the present rule which reads as follows: "Switch obstruction test shall be made at least once a month."

It has been suggested that a safety void exists because no test is required at the time a lock rod is installed. The FRA has considered the suggested revision and proposes that the rule be revised to provide for switch obstruction testing of lock rods when installed and at last once a month thereafter.

Section 236.383 Valve locks, valves and valve magnets.

Adopted in 1950, the present rule has the same testing requirements that was provided in the original 1939 rules. The revision of 1950 merely edited the rule's language for the sake of brevity.

The present rule reads: "Valve locks on valves of the non-cut-off type, valves and valve magnets shall be tested at least once every three months."

In considering this rule, the FRA notes that the valve lock on the non-cut-off type is an internal mechanical lock which serves a vital safety function to prevent the pneumatic switch from being operated beneath the wheels of a train. The valves and valve magnets themselves are a different matter. Should they fail to function the switch simply will not operate. Further, the C valve of the non-cut-off type has been replaced with the modern CP valve which does not have this internal mechanical arrangement.

In the interest of making these requirements more cost effective but consistent with safety, the FRA proposes that valve locks of the cut off type still be tested once every three months but that testing of valves and valve magnets be tested at least once every year.

Section 236.384 Cross protection.

The present rule reads: "Cross protection shall be tested at least once every three months."

The testing requirements of this rule were included in the 1939 rules. The 1950 revisions edited the previous rule for brevity and defined cross protection in the definitions. This rule applies to only those interlockings that are provided with an arrangement to prevent the movement of switches, signals or other signal appliances as the result of a cross in the electrical circuits.

FRA previously proposed in this NPRM to require ground tests every three months (proposed new § 236.107), and the parties feel it is no longer necessay to test cross protection as frequently if the new ground test reuirement is adopted. Therefore, the parties recommend that the test period be extended from every three months to every six months. The FRA concurs and proposes the change be adopted.

Section 236.385 Time releases and timing relays.

The requirements of the existing section, 236.385, were contained in the 1939 rules as § 136.4(c)(11). Editorial changes were made in 1950 but the requirements remained unchanged and the current rule reads: "Time releases and timing relays shall be tested at least once every three months. The timing shall be maintained at not less than 90 percent of the predetermined time interval, which shall be shown on the plans or marked on the time release or relay." The existing section applies only to interlockings and traffic control systems.

The parties have recommended that this section be moved to Subpart A and made applicable to all systems. Further, they have suggested that the testing period be extended to one year since the design of the time releases and time relays has given the industry timing devices which are very stable in their timing cycles. It was submitted that the carriers' records indicate no significant problems exist with timing devices. It was also pointed out the newest timers are electronic timers.

The FRA has considered the merits of the application of this rule to all systems and of the extension of the test period from 3 months to one year. The FRA believes making all systems subject to the requirements of this section would benefit safety and the extension of the test period would relieve the carrier of unnecessary testing without reducing the existing level of safety. The FRA proposes to revise this section as discussed and move the requirements to Subpart A and recaption it as § 236.109.

Subpart D—Traffic Control Systems Standards

Section 236.401 Automatic block signal system and interlocking standards applicable to traffic control systems.

In § 236.309, the FRA proposed that § 236.309 be recaptioned and so revised that loss of shunt protection would be required on the route locking of all power-operated switches hereafter installed and further proposed to revise § 236.401 to make § 236.309 applicable to

traffic control systems. Thus, FRA now proposes to revise § 236.401 by adding § 236.309 to the other sections presently listed in § 236.401.

Section 236.403 Signals at controlled points.

This rule was contained in the 1939 rules as § 136.5(a), (6). The revisions of 1950 made minor editorial changes so that the present rule reads: "Signals at a controlled point shall be so interconnected that those aspects to proceed cannot be displayed simultaneously for conflicting movements."

The parties have agreed to add the following: "except that opposing signals may dislay an aspect indicating 'proceed at restricted speed' at the same time on a tract used for switching movements only, * * *"

The parties pointed out that the companion rule governing interlockings, § 236.308, has such a provision excepting switching tracks from compliance. The FRA has considered the recommendation and proposes that the rule be revised to be consistent with § 236.308.

Section 236.406 Indication of track circuit occupancy at controlled points.

In the 1939 rules, § 136.5(a)(10) required: "A track diagram or other means shall be provided at control station to indicate occupancy of track sections at controlled points."

The language of the rule was changed for reasons of clairty during the 1950 revisions resulting in existing § 236.406.

The parties have submitted that the requirements of this rule do not address safety-related issues so the rule should be deleted. They believe that the occupancy of track circuits at controlled points and between controlled points could be registered in other ways than indications on a control panel. Further, the issue is moot since the dispatcher or the system must have train location information in order to function efficiently. The parties recommend deletion of this rule.

The FRA agrees with the recommendation presented by the parties. Accordingly, the FRA proposes to delete this rule.

Section 236.407 Approach or time locking; where required.

The 1939 rules required approach or time locking shall be provided. The 1950 revisions required approach or time locking on controlled signals and electrically locked hand-operated switches. The 1966 revision deleted from the requirements the reference to electric locks and the existing rule, § 236.407, now reads: "Approach or time locking shall be provided for all controlled signals."

It was suggested that some controlled signals are, in fact, nothing more than "holding signals" used to hold a train at a specific location. Therefore, the parties agree that approach or time locking need only be provided at locations where routes can be changed or direction of traffic can be reversed, and the proposed rule reflects this change.

Section 236.408 Route locking.

The requirement that route locking shall be provided for all power operated switches has remained unchanged since 1939. The last sentence of the existing rule regarding the location where such route locking shall be effective was adopted in 1966 after a particular accident which resulted from the effective insulating joint being too far in advance of the signal. After discussing the matter, the parties have agreed that language should be added to the rule to specify the 13 feet referred to in the last sentence be measured from the signal or the center of the signal mast. It was pointed out by various parties during discussions that a loss of shunt protection similar to the requirements of § 236.309 is desirable in traffic control systems, particularly over power-operated switches in those systems that are controlled by computers or switching systems which automatically operate the power-operated switches. Further, the parties also agree that a loss of shunt requirement should be added to this rule.

The FRA has considered these suggested changes and believe it is in the interest of safety to adopt the proposed changes.

As previously explained in the analysis of §§ 236.302 and 236.309, the FRA does not believe adding requirements for loss of shunt protection to this section is appropriate. The FRA has instead proposed that § 236.309 be revised to accomplish this change.

The FRA does propose to revise existing § 236.408 to include a procedure for determining the 13-foot requirements.

Section 236.409 Control machine; indication of switch operation.

The requirements of the existing rule have remained essentially unchanged since 1939. The rule as written requires the control panel to indicate when a power-operated switch has completed its movement and is locked up.

New technology using computers stores such information without need of indicators. Further, the rule does not address a safety issue because all safety circuits are in the field control circuits. The parties agreed to deletion of this rule.

The FRA has considered the recommendation of the parties and proposes to delete this rule.

Section 236.410 Locking, hand-operated switch.

The current provisions of § 236.410 identify those hand-operated switches in traffic control systems that are required to be provided with an electric or mechanical lock. Additionally, the manner in which the locks must perform is prescribed and provisions are made for removal of locks under specific conditions.

The 1939 rules did not contain requirements that hand-operated switches in traffic control systems be provided with electric locks. The 1950 revision of the rules recognized the need to electrically lock hand-operated switches in traffic control systems in order to enhance the integrity of operating trains by signal indications. Accordingly, § 136.410 (now § 236.410) was adopted requiring, among other things, that each hand-operated switch installed after October 1, 1950 in traffic control territory be electrically locked where train speeds exceed 20 miles per hour. In 1961 this section was further revised to the extent that mechanical locks may be used in lieu of electric locks and that locks were only required at hand-operated switches where speeds exceeded 20 miles per hour and trains were permitted to clear the main track in systems or at switches installed after October 1, 1950. In 1966 the rule was again revised to permit removal of electric or mechanical locks from hand-operated switches in traffic control territory where trains were not permitted to clear the main track or speeds did not exceed 20 miles per hour, or both, in accordance with procedures appended to the rule in a footnote.

The activity surrounding § 236.410 indicates that the requirements contained in this section have continually been made more reflective of railroad operating problems. Still there is substantial need for additional change. During the informal meetings extensive discourse occurred between the parties concerning the need for further revision. These discussions failed to result in a unanimous concensus. However, as a result of the information provided by the interested parties, the FRA believes § 236.410 can be modified to provide more flexible requirements for railroad operating conditions without sacrificing the level

of safety existing under the current requirements.

The FRA proposes to amend paragraph (a) of § 236.410 to require each hand-operated switch in signaled track in traffic control territory be provided with either an electric or mechanical lock unless: (1) Train speeds over the switch do not exceed 20 miles per hour; (2) trains are not permitted to clear the signaled track at such switch; (3) both switch and traffic-control system were installed prior to October 1, 1950; or (4) a signal is provided to govern train movement from the auxiliary track to the signaled track.

The FRA proposal that a new exception be added to paragraph (a) will permit the use of a signal in lieu of an electric or mechanical lock. The signal will clearly provide the same continuity of operation by signal indication as an electric or mechanical lock.

The FRA also proposes to modify § 236.410 by the addition of paragraph (c). This modification will prescribe the performance of a signal installed to govern train movements from the auxiliary track to the main track in lieu of an electric or mechanical lock on a hand-operated switch.

The final change proposed by the FRA will delete the footnote to § 236.410. The FRA has proposed placing provisions for removal of electric or mechanical locks in Part 235, § 235.8. The FRA has determined the industry is capable of achieving compliance of train operations prescribed by the footnote in procedures more suitable to individual properties. Therefore, the real change here reduces the paper burden and does not affect safety of train operation.

The parties concur with these proposals.

Section 236.476 Interlocking inspections and tests applicable to traffic control systems.

This section provides that certain inspections and tests pertaining to interlockings also apply to traffic control systems. The FRA has proposed to move the requirements of § 236.385 to Subpart A, which is applicable to all systems. Therefore, the FRA proposes to delete from § 236.476 the reference to § 236.385.

Subpart E—Automatic Train Stop, Train Control and CAB Signal Systems Standards

Section 236.504 Operation interconnected with automatic block-signal system.

The 1939 rules required the ATS or ATC systems operate in connection with fixed signals of a wayside system and be so interconnected with the wayside system that the ATS or the ATC would perform its function if the engineer fails to obey a signal indication.

As adopted in 1950, the present rule provides that the ATS or ATC system shall be interconnected with the signal system which may or may not have wayside signals. Further, the rule requires the system to perform its intended function if the engineer fails to obey a signal requiring a reduction in speed. In 1966 the wording of the rule was changed by adding the words "main tracks" so that the rule only applied to signals governing movements on the main track. This revision relieved the carriers of the requirement for an inductor, circuit or device to be associated with a signal on a siding.

In informal meetings it was stated that an intermittent ATS system cannot comply with that portion of the present rule which requires the system to perform its intended function if the engineer fails to obey a main track signal. The engineer can simply acknowledge the restrictive signal and continue the train movement at maximum authorized speed.

One party proposed new language for this rule that clarifies the rule, makes the rule more meaningful and at the same time retains the true purpose and intent of the rule. The other parties have reviewed this proposal and agreed to the suggested changes.

The FRA has reviewed these suggestions and proposes to revise this section accordingly.

Section 236.508 Interference with application of brakes by means of brake valve.

The requirements of the existing rule were contained in the 1939 rules as § 136.7(12). Those requirements were continued unchanged in the 1950 revisions when only editorial changes were made.

One party now submits that the language of the existing rule seems to preclude the use of electrical braking systems or of blended braking systems. It has suggested the word "air" be deleted from the rule so that the rule will apply to all types of braking systems which are presently used or which might be developed in the future. The other parties agree. Therefore, the FRA proposes to revise this section to permit the use of a blended braking or other system equally or more efficient than the present air brake system.

Section 236.510 Conformance with established clearances.

This rule requires all ATS, ATC and ACS apparatus installed on locomotives to conform with the carriers' established clearances.

One party submitted that, since the FRA prescribes no clearances and each carrier may establish whatever clearances it wants, the rule is unenforceable. Further, it does not bear upon the safety performance of the signal system. This party suggests this rule be deleted and the other parties agree with this stated position.

The FRA also concurs and proposes the rule be deleted.

Section 236.513 Audible indicator.

Sections 236.513 and 236.516 are companion rules applying to the audible indicator of ATS, ATC and ACS.

The parties have agreed that the two sections should be consolidated for purposes of simplicity and clarity.

The FRA also agrees and proposes to consolidate these rules.

Section 236.515 Visibility of cab signals.

The present rule reads as follows: "The cab signals shall be plainly visible to members of the locomotive crew from their stations in the cab."

It is true that occasionally there is only one crew member in the locomotive, particularly on commuter cars. The AAR feels the wording of the present rule implies that a locomotive crew shall consist of more than one person.

Thus, one party proposed, and the other parties agreed, to add the words "member or" to the rule to clearly denote that there may be only one locomotive crew member. The FRA concurs and proposes to so revise this section.

Section 236.516 Cab indicator; requirement.

As previously stated in this NPRM the provisions contained in this rule would be consolidated into § 236.513. Therefore, this section would be deleted.

Section 236.516 Power supply.

During the discussions of other rules regarding cab signals, specifically § 236.551, *"Power supply voltage; requirements,"* the parties realized that a serious problem had developed with regard to automatic cab signal, train stop and train control power supplies on certain locomotives.

The original 1939 rules addressed the problems of a generator type of power supply which furnished power to only the headlight and the on-board cab signal, train stop, or train control equipment. However, during the past decade solid state power supplies have

been developed that can supply control devices.

The problem has developed because a particular type of ATC has been manufactured that uses a power supply common to all other electrical control circuits on the locomotive. This type of power supply is almost impossible to keep clear of grounds. For example, the circuit can be grounded by carbon dust on the frames of blower motors.

During the discussions of these problems, the involved parties suggested that power supplies for ACS, ATS and ATC systems should be a separate and distinct power supply to eliminate interference from other electrical control circuits. The FRA has considered the matter and proposes the adoption of a new rule to correct this problem. However, if the existing installations were required to be brought into compliance, a severe economic burden would be placed on certain carriers. Therefore, the FRA proposes to make this section applicable only to systems hereafter installed. This proposal recaptions § 236.516 and contains these changes.

Rules and Instructions; Roadway

Section 236.527 Roadway element insulation resistance.

The present rule applies to intermittent inductive and intermittent magnetic ATS systems. The magnetic train stop is obsolete and is no longer in service in the United States. The FRA proposes to delete the words "or magnetic winding" from this rule.

Section 236.529 Roadway element inductor; height and distance from rail.

The filing of the specifications with the FRA as required by this section serves no useful purpose. The parties recommend the deletion of the words "on file with the FRA" from the last sentence of this rule. The FRA concurs and proposes adoption of the recommended change.

Section 236.530 Ramp; height and distance from rail.

The FRA proposes to delete this rule because the type of system to which it applies is obsolete and is no longer used in this country.

Section 236.531 Trip arm; height and distance from rail.

The parties propose to delete the words "on file with the FRA". The FRA agrees to relieve the carriers from another unnecessary filing burden and proposes to delete those words from this rule.

Section 236.532 Strap iron inductor; use restricted.

The FRA proposes to delete from this rule the words "short ramp" because the ramp type of train stop is now obsolete.

Section 236.533 Track magnet; height.

Because the magnetic type of train stop is obsolete and is no longer used in the United States, the FRA proposes to delete this rule.

Rules and Instructions: Locomotives

Section 236.552 Insulation resistance; requirement.

In the 1939 rules, § 136.8(c)(2) read as follows: "Insulation resistance between wiring when dry and ground shall be not less than 1 megohm."

The 1950 revisions relaxed this requirement to 250,000 ohms for continuous inductive ATS, ATC and ACS, and to 20,000 ohms for intermittent inductive ATS. This was done in response to carrier comments that the one megohm was impossible to maintain since the electrical circuits on the steam locomotives were subject to moisture from steam leaks and severe vibration of the locomotives.

During the informal discussions concerning daily or after trip tests and the periodic tests, insulation resistance was also discussed.

During these informal meetings, the FRA proposed a change in the requirement of § 236.586 be made so that a daily or after trip test would not be required if a periodic test is performed at intervals of not more than two months. The reference to 6,000 miles would be eliminated from § 236.586. The environment on the modern diesel locomotive makes it easier to obtain the higher insulation resistance originally required by the 1939 rules. Therefore, the FRA proposes to raise the insulation resistance requirement to one megohm on continuous inductive ATS, ATC and ACS systems and to 250,000 ohms on intermittent inductive ATS systems at the time the periodic test is made. When the systems are tested between periodic tests, the insulation resistance would be maintained at not less than 250,000 ohms for continuous inductive ATS, ATC and ACS systems, and not less than 20,000 for intermittent inductive ATS.

The parties agree to the proposed changes.

Section 236.557 Receiver, intermittent inductive; location with respect to rail.

Since the words "on file with the FRA" impose an unnecessary paperwork burden on the railroads, the FRA proposes to delete that phrase from this rule.

Section 236.558 Contact shoe; location with respect to rail.

Since the provisions of this section apply to an obsolete system no longer in service in the United States, the FRA proposes to delete this section.

Section 236.559 Receiver, intermittent magnetic; location with respect to rail.

Since the provisions of this section apply to an obsolete system no longer in service in the United States, the FRA proposes to delete this section.

Section 236.560 Contact element, mechanical trip type; location with respect to rail.

The parties proposed the words "on file with the FRA" be deleted from the last sentence of this rule.

The FRA agrees with the interested parties that the requirement to file this information with the FRA serves no useful purpose. The deletion of this requirement would relieve the carriers of an unnecessary burden. The FRA proposes to delete the words "on file with the FRA" from the last sentence of the rule.

Section 236.561 Safety chain or safety hanger.

This rule no longer serves a useful purpose. There is no rule to require a safety chain or safety hanger. The FRA proposes to delete this rule. The parties agree to this deletion.

Section 236.562 Minimum rail current required.

The parties suggested words "on file with the FRA" be deleted from this rule.

The FRA agrees with the interested parties that the requirement to file this information with the FRA serves no useful purpose and is an unnecessary burden on the carriers. Therefore, the FRA proposes to delete the words "on file with the FRA" from the last sentence of this rule.

Inspections and Tests: Roadway

Section 236.577 Test, acknowledgement and cut-in circuits.

The current provisions of this section require that test, acknowledgement and cut-in circuits at test points along the wayside or on equipped locomotives that are used to determine the onboard equipment is functioning as intended be tested for proper calibration at least once every six months. The FRA proposes to lengthen this periodic test requirement to once every twelve (12) months. Based on the FRA's experience,

the modern apparatus that controls these circuits do not vary from proper calibration often enough to justify testing once every six months.

During shipment this equipment is often subjected to damage that affects calibration. This damage is more likely to be cause for repairs then the proposed extended test period. This change should reduce the number of spare test units affected carriers are now required to have on hand in order to comply with the existing provisions.

Inspections and Tests; Locomotives

Section 236.586 Daily or after trip tests.

The caption of this rule is derived from the time frame in which the test may be performed—either daily before departure of the equipped locomotive from its initial terminal or immediately upon completion of a trip by the equipped locomotive. The current provisions of this section require that each locomotive operating in equipped territory be tested either once every 24 hours or within 24 hours before departure upon each trip. There is an exception provided from these requirements for diesel-electric and electric locomotives where the periodic test prescribed in § 236.588 is performed each 6000 miles or at intervals of not more than two (2) months, whichever shall occur first.

The FRA finds § 236.586 imposes the largest burden of all reporting requirements contained in the RS&I. Accordingly, during the informal meetings, the interested parties labored long to reduce that burden without affecting the level of safety provided by the existing requirements. During deliberations they concluded that a need exists for all equipped locomotives to be inspected visually for damage that may have resulted on the previous trip caused by such things as chafing of cables as a result of loosened fasteners or brackets or damage inflicted by flying debris beneath the locomotive. They also determined that measurement of power supply voltages and insulation resistance values could be deleted from the test until such time as the need may show they should be reinstated. Further, they concluded that since automatic cab signal systems depend on a modulated carrier received from the track circuit, the test of pickup value of coded cab signals could be deleted. The proposed changes are premised on each equipped locomotive being inspected and tested by an employee capable of detecting defective conditions and taking corrective action prior to the locomotive being dispatched from its initial terminal.

Accordingly, the FRA proposes to require daily or after trip test except where tests prescribed by § 236.588 are performed at intervals of not more than two months. The proposal will require the inspection and test to be made each calendar day or within 24 hours before departure upon each trip. Revised § 236.586 would require the apparatus of locomotives equipped with intermittent inductive ATS, non-coded continuous inductive ATS or ATC to be tested to determine the pickup of the device is within specified limits and responsive to wayside equipment. In addition, the proposed change would require such equipment to be cycled to determine that it functions as intended.

The interested parties concur and the FRA proposes to revise this section accordingly.

Section 236.587 Departure test.

The purpose of the departure test is to assure the ATS, ATC or ACS apparatus is in service and is functioning properly. This section provides the test may be made over track elements or test circuits permanently installed in the track or with portable test equipment. Recent technological developments permit the test device to be mounted onboard the locomotive. Therefore, the FRA proposes that this section be revised to include onboard test devices as a permissible means of testing such equipment. No other changes are proposed.

Section 236.588 Periodic test.

The current provisions of this section require ATS, ATC and ACS apparatus to be tested at least once every three months, except as provided in § 236.586, and multiple unit cars as specified by the carrier subject to approval of the FRA. During the informal meetings, the AAR pointed out that tests of locomotives required in 49 CFR Part 229 are prescribed at 92 day intervals.

Accordingly, the FRA proposes to revise this section to require periodic testing of apparatus on equipped locomotives at 92 day intervals. This minor revision will coincide with the FRA's locomotive rules and regulations and permit more efficient utilization of locomotives by the industry. In view of the proposed revision of § 236.586, the FRA intends that the periodic test prescribed by this section be a thorough and indepth test of ATS, ATC and ACS apparatus. The periodic test shall be made in a manner that determines the apparatus is installed and maintained to meet the rules, standards and instructions contained in Subpart E of this Part. Each defective condition shall be immediately corrected during the periodic test which shall consist of at least the following tests and inspections:

1. Examination of the electrical cables and wires including measurement of insulation resistance;
2. Measurement of the power supply voltage;
3. Measurement of the pickup value required to restore the device to normal condition;
4. Measurement of the release value of the device in continuous non coded systems;
5. Test of sensitivity in intermittent inductive ATS systems;
6. Measurement of acknowledging time;
7. Measurement of delay time;
8. Measurement of reset time in train stop and train control systems;
9. Measurement of height of ATS or ATC receivers, except in continuous inductive coded systems, and tripper mechanism of mechanical trip stop system;
10. Test of audible indicator;
11. Replacement of relays with dates that expire prior to next scheduled periodic test;
12. Replacement of pneumatic apparatus with cleaning dates that expire prior to next scheduled periodic test;
13. Measurement of accuracy of speed governor in train control system; and
14. Cycle test of apparatus to determine that if functions as intended.

The FRA again emphasizes the proposed changes in § 236.586 would require very thorough periodic tests which will assure proper operation between tests. The FRA wishes to clarify that this Part contains no provisions for out-of-service time credits. Therefore, the apparatus and its components are required to be tested, cleaned or replaced as required without regard to the days the locomotives may be out-of-service under the provisions of 49 CFR 229.

Section 236.589 Relays.

The requirements of the current rule have remainded unchanged since the original rules were adopted in 1939.

The rule requires that every 4 years all relays shall be removed from the onboard ACS, ATS, or ATC equipment and sent to a shop, where the relays will be thoroughly tested and repaired. The relays shall not be placed back in service unless the relay meets the specifications for the operating characteristics applicable to that relay.

These test requirements for onboard relays are different from the testing

requirements for wayside signal relays which must be tested every 2 years, but are not required to be removed and sent to a shop for inspection, testing and repair.

The FRA considered several different proposals to reduce the burden of this rule. The experience of the carriers has shown that very few relays are found to be defective by this 4 year cycle of removal from service for testing and repair.

However, certain types of onboard relays have caused a significant number of false proceed signal failures in systems that use continuous non-coded ACS, ATS or ATC track current. The FRA proposes to extend the 4 year removal and test period to 6 years for most relays, but to require more frequent testing for those types of relays which have a history of causing false proceed signal failures. The overall effect will be to reduce the testing burden on the industry but will maintain or increase the safety results of this type of testing. The interested parties to this proceeding agree with the proposed changes.

Section 236.590 Pneumatic apparatus.

One party has proposed, and the other parties have agreed, to change the current 24 month test period to 736 days which will be uniform with other FRA air brake testing rules. This will permit all pneumatic apparatus on locomotives to be tested together.

The FRA has had some difficulty in determining when this type of apparatus was last inspected or cleaned. Such information is vital for the proper maintenance of the pneumatic apparatus as well for meaningful enforcement of this rule. The carrier must have a method of determining the last cleaning date if the apparatus is to be cleaned on a definite schedule as it should be.

The FRA proposes that the revised rule also address the change of testing period and the lack of information concerning the last test date. The FRA proposal will not impose any significant burden on the carriers.

Subpart G—Definitions

Section 236.704 Aspect, phantom signal.

The FRA proposes to delete this definition. It is no longer necessary because the rule concerning phantom aspects (§ 236.27) is also being deleted.

Section 236.715 Chain safety.

The FRA proposes to delete this definition since the FRA also proposes to delete § 236.561 pertaining to safety chain.

Section 236.716 Changer, pole.

The FRA proposes to delete this definition since it also proposes to delete § 236.333 pertaining to pole changer.

Section 236.717 Characteristics, operating.

The parties recommended this definition be changed to include electronic equipment. The FRA agrees and proposes this definition be changed to achieve that purpose.

Section 236.744 Element, roadway.

The words "magnet, ramp" refer to obsolete systems which are no longer in service. Therefore, the FRA proposes to delete them from this definition.

Section 236.746 Feature, restoring.

The FRA proposes to revise this definition to make it abundantly clear that the restoring feature is found only on electro-pneumatic switches and does not apply to electric switch machines.

Section 236.748 Hanger, safety.

The FRA proposes to delete this section because it also proposes deletion of § 236.561 pertaining to safety hanger.

Section 236.781 Point, clearance.

The FRA proposes to delete this definition since, with the proposed change to § 236.58, it is no longer needed.

Section 236.812 Speed, restricted.

The present definition of restricted speed was adopted in 1950. In the intervening years the operating conditions and train operations have changed considerably. In 49 CFR, Part 218, Subpart C—"Protection of Trains and Locomotives," § 218.35(b)(2) provides: "Trains and engines, except designated class trains, within yard limits must move prepared to stop within one-half the range of vision but not exceeding 20 miles per hour unless the main track is known to be clear by block signal indictions."

The FRA proposes to revise the definition contained in § 236.812, so that it will correspond to similar language used in 49 CFR 218.35(b)(2).

Section 236.813a State, most restrictive.

The use of electronic devices in signal systems of today makes this new definition essential. The words "most restrictive state" are used in the proposed revisions of §§ 236.51, 236.56, 236.57, 236.205 and 236.311. This definition means the mode of an electric or electronic device that functions equivalent to a track relay when any condition described in paragraph (a), (b), or (c) of § 236.51 exists. The FRA proposes to adopt this definition in order to clarify the revisions to those sections listed above.

Section 236.820a Switch, power-operated.

One of the parties suggested that a power-operated switch should be defined as a switch operated by an electric, hydaulic, or pneumatic switch-and-lock movement. The FRA has considered the suggestion and proposes adoption of this definition.

Section 236.831 Time, delay.

The definition of delay time that is provided in § 236.563 has been frequently misinterpreted as the period of time between the loss of track circuit current and application of the train brakes. All train control or train stop apparatus have inherent delays from time the track circuit current is changed until the apparatus detects that change. When the apparatus detects the change of track circuit current, an automatic brake application is initiated. The train brakes are kept from applying by the delay time. The FRA proposes to clarify that the delay time is that period of time after the onboard ATC or ATS apparatus detects the change in track circuit current until the train brakes start to apply.

Regulatory Impact

This proposal has been evaluated in accordance with existing regulatory policies including Executive Order 12291 issued on February 17, 1981 (46 FR 1391). This proposal primarily contains clarifying and technical revisions of the existing regulations. In addition, some mere editorial changes have also been made.

Generally, the revision would tend to reduce the economic burdens of the existing regulations as has been explained previously in the section-by-section analysis. Moreover, the revisions, as drafted, would not add any requirements. The proposed changes would extend the frequencies of periodic testing and result in a significant economic benefit through a reduction in the hours of work expended. The FRA has been unable to quantify the economic impact of this regulation as it is extremely difficult to assess the precise impact on the railroads involved. In addition, it is not clear how extensively the railroads can or would utilize these changes. Therefore, the FRA does not believe the proposal constitutes a major rulemaking

under the terms of Executive Order 12291 or a significant rulemaking under DOT's Regulatory Policies and Procedures. However, after FRA has received comments made in response to this proposal and has had an opportunity to study them, it will again review this determination.

The proposal will have a primary impact economically on large railroads which own and operate hundreds of miles of signal systems. The impacts on small railroads which possess few or no signal systems will be indirect and insignificant. Based on these facts, it is certified that this proposal will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The proposed rules would also effect reductions in paperwork burdens and related costs. For instance, the proposal would eliminate the requirement for negative reports and reduce the paperwork burden by at least 40% by more precisely identifying when applications must be submitted for approval of block signal changes or discontinuances.

Additionally, the proposal has also been considered and reviewed pursuant to the FRA procedures for ensuring full consideration of the environmental impact of FRA's actions as required by the National Environmental Policy Act (42 U.S.C. 4321 et seq.), other environmental statutes, executive orders, and DOT Order 5610.1c.

These FRA procedures require that an "environmental assessment" be performed prior to all major FRA actions. The precedures contain a provision that enumerates seven criteria which, if met, demonstrate that a particular action is not a "major" action for environmental purposes. These criteria involve disparate factors, including environmental controversiality; availability of adequate relocation housing; the possible inconsistency of the action with Federal, State or local law; the possible adverse impact on natural, cultural, recreational, or scenic environments; the use of properties covered by section 4(f) of the DOT Act; and the possible increase in traffic congestion. The proposed revision of the S&TC requirements meets the seven criteria which establish an action as a non-major one.

Due to the above-described reasons, the FRA has determined that the proposed revision of Parts 233, 235 and 236 of Title 49 of the CFR does not constitute a major FRA action requiring an environmental assessment.

Participating in this Proceeding

Written Comments and Hearing

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should identify the regulatory docket number and the notice number, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before May 2, 1983 will be considered before final action is taken on the proposed rules. All comments received will be available for examination by interested persons at any time during regular working hours in Room 7321A, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

In addition, the FRA will conduct a public hearing on April 19, 1983. The hearing will be informal, and will not be a judicial hearing. It will be conducted in accordance with FRA's published rules of practice in 49 CFR Part 211. The purpose of the hearing is to elicit information that will assist the FRA to make a final decision concerning these proposed revisions.

A staff member of the FRA will make an opening statement outlining the matter set for hearing. Interested persons will then have an opportunity to present their oral or written statement at the hearing. After these statements have been made, each person will be permitted to make an additional comment, or, if deemed appropriate by that person, a rebuttal statement. These rebuttal statements will be made in the same order in which the original statements were made.

The FRA hearing panel may ask questions of the persons making statements. Further, the hearing officer will receive questions from persons attending the hearing that they wish to be asked of a person making a statement. The hearing officer will pose, as appropriate, the questions so received. There will be no cross examination of persons making statements.

All statements will be made a part of the record of the hearing. Any person who wishes to make an oral statement at the hearing should notify the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. (Phone 202–426–2760), before April 15, 1983.

The proposals contained in this notice may be changed in light of the oral statements made at the public hearing or the written comments submitted in response to this notice.

List of Subjects

49 CFR Part 233

Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 235

Administrative practice and procedure, Railroad safety.

49 CFR Part 236

Railroad safety.

III. The Proposed Rules

In consideration of the foregoing, the FRA proposes the following:

A. 49 CFR Part 233 is revised to read as follows:

PART 233—SIGNAL SYSTEMS

Reporting Requirements

Sec.

233.1 Scope.
233.3 Application.
233.5 Accidents resulting from signal failure.
233.7 Signal failure reports.
233.9 Annual reports.
233.11 Civil penalty.
233.13 Criminal penalty.

Authority: Section 25, Interstate Commerce Act, as amended (49 U.S.C. 26); Section 6(e)(6)(A) of the Department of Transportation Act (49 U.S.C. 1655(e)(6)(A)); Secs. 202 and 208, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431 and 437); § 1.49(g) and (n) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(g) and (n)).

§ 233.1 Scope.

This part prescribes reporting requirements with respect to methods of train operation, block signal systems, interlockings, traffic control systems, automatic train stop, train control and cab signal systems or other similar appliances, methods and systems.

§ 233.3 Application.

This part applies to each common carrier by railroad subject to the Signal Inspection Act, 49 U.S.C. 26.

§ 233.5 Accidents resulting from signal failure.

Each carrier shall report within 24 hours to the Federal Railroad Administration by toll free telephone, number 800–424–0201, whenever it learns of the occurrence of an accident/incident arising from the failure of an appliance, device, method or system to function or indicate as required by Part 236.

§ 233.7 Signal failure reports.

Each carrier shall report within 15 days each failure of an appliance, device, method, or system to function or indicate as required by Part 236. Form FRA F6180–14, Signal Failure Report, shall be used for this purpose and completed in accordance with instructions printed on the form.

§ 233.9 Annual reports.

Not later than April 1 of each year, each carrier shall file a report for the preceding calendar year on Form FRA F6180–47, Signal Systems Annual Report, in accordance with instructions and definitions on the reverse side thereof.

§ 233.11 Civil penalty.

A carrier that fails or refuses to file reports as required by this part is liable to the maximum civil penalty of $2500 for each offense as prescribed by the Signal Inspection Act, 49 U.S.C. 28. Each day failure or refusal continues is a separate offense.

§ 233.13 Criminal penalty.

Whoever knowingly and willfully—

(a) Makes, causes to be made, or participates in the making of a false entry in reports required to be filed by this part; or

(b) Files a false report or other document required to be filed by this part is subject to a $5,000 fine and 2 years imprisonment as prescribed by sec. 20 of the Interstate Commerce Act, 49 U.S.C. 20.

B. 49 CFR Part 235 is revised to read as follows:

PART 235—INSTRUCTIONS GOVERNING APPLICATIONS FOR APPROVAL OF A DISCONTINUANCE OR MATERIAL MODIFICATION OF A SIGNAL SYSTEM OR RELIEF FROM THE REQUIREMENTS OF PART 236

Sec.

235.1 Scope.
235.3 Application.
235.5 Changes requiring filing of application.
235.7 Changes not requiring filing of application.
235.8 Relief from the requirements of Part 236.
235.9 Civil penalty.
235.10 Contents of application.
235.12 Additional required information—points.
235.13 Filing procedure.
235.14 Notice.
235.20 Protests.

Authority: Section 25, Interstate Commerce Act, as amended (49 U.S.C. 26); Section 6(e)(6)(A) of the Department of Transportation Act (49 U.S.C. 1655(e)(6)(A)); Secs. 202 and 208, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431 and 437); § 1.49 (g) and (n) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49 (g) and (n)).

§ 235.1 Scope.

This part provides for relief from Part 236 and prescribes application for approval to discontinue or materially modify block signal systems, interlocking, traffic control systems, automatic train stop, train control or cab signal systems, or other similar appliances, devices, methods or systems.

§ 235.3 Application.

This part applies to each common carrier by railroad subject to the Signal Inspection Act, 49 U.S.C. 26.

§ 235.5 Changes requiring filing of application.

(a) Except as provided in § 235.7, applications shall be filed to cover the following:

(1) The discontinuance of a block signal system, interlocking, traffic control system, automatic train stop, train control or cab signal system or other similar appliance or device;

(2) The decrease of the limits of a block signal system, interlocking, traffic control system, automatic train stop, train control or cab signal system; or

(3) The modification of a block signal system, interlocking, traffic control system, automatic train stop, train control or cab signal system.

§ 235.7 Changes not requiring filing of application.

(a) It is not necessary to file an application for approval of the following discontinuances:

(1) Removal of block signal system, interlocking, traffic control system, automatic train stop, train control or cab signal system from track approved for abandonment by formal proceeding;

(2) Removal of devices and associated signals used to provide protection against unusual contingencies such as landslide, burned bridge, high water, high and wide load or tunnel protection when the unusual contingency no longer exists;

(3) Removal of an interlocking where a drawbridge has been permanently closed by the formal approval of another government agency; or

(4) Removal from service not to exceed six months of block signal system, interlocking, or traffic control system necessitated by catastrophic occurrence such as derailment, flood, fire or hurricane.

(b) When the resultant arrangement will comply with Part 236 of this chapter, it is not necessary to file for approval to decrease the limits of a system as follows:

(1) Decrease of the limits of an interlocking when interlocked switches, derails or movable-point frogs are not involved;

(2) Removal of electric or mechanical lock from hand-operated switch in automatic block signal or traffic control territory where train speed over switch does not exceed 20 miles per hour; or

(3) Removal of electric or mechanical lock from hand-operated switch in automatic block signal or traffic control territory where trains are not permitted to clear the main track at such switch.

(c) When the resultant arrangement will comply with Part 236 of this chapter, it is not necessary to file an application for approval of the following modifications:

(1) A modification which is required to comply with an order of the Federal Railroad Administration or any section of Part 236;

(2) The installation of an automatic block signal or a traffic control system to replace manual block or non-signaled territory;

(3) The installation of a traffic control system to replace a roadway automatic block signal system (discontinuance of an automatic cab signal system is not permitted without FRA approval);

(4) The installation of automatic train stop, train control or cab signal system in existing automatic block or traffic control system;

(5) The installation of continuous inductive automatic train stop to replace an existing intermittent inductive automatic train stop system;

(6) The installation of continuous inductive automatic train stop to supplement an existing automatic cab signal system;

(7) The installation of automatic train control to replace an existing automatic train stop system or to supplement an existing automatic cab signal system;

(8) The installation of interlocking to replace existing stop signs, gates or pipe-connected derails protecting a railroad crossing at grade;

(9) The installation of all relay type locking to replace existing mechanical or electromechanical locking of an interlocking;

(10) The installation of additional controlled point in existing traffic control system;

(11) The installation of an interlocking in an existing block signal system;

(12) The conversion of a hand-operated switch or hand-operated switch locked either electrically or mechanically, or a spring switch to a power-operated switch;

(13) The conversion of a spring switch to a hand-operated switch, or to a hand-

operated switchlocked either electrically or mechanically;

(14) The removal or relocation of signals associated with a spring switch converted to hand operation;

(15) The installation, relocation or removal of signals to specifically provide adequate stopping distance;

(16) The change of aspects;

(17) The relocation of a signal to improve preview of signal aspect visibility;

(18) To replace a signal with a signal of another type;

(19) To change an approach signal to operative or inoperative signal, or remove an approach signal not required by § 236.310;

(20) The change in location of a machine from which an interlocking or traffic control system is controlled;

(21) The closing of a manual block station or the change in hours during which a manual block station is attended;

(22) The change in hours during which a manual interlocking is attended provided the interlocking operates for all routes over which train movements are permitted;

(23) The installation of devices used to provide protection against unusual contingencies such as landslide, burned bridges, high water, high and wide loads or dragging equipment;

(24) The installation, relocation, or removal of signals, interlocked switches, derails, movable-point frogs or electric locks in an existing system directly associated with:

(i) The installation of new track;

(ii) The elimination of existing track other than a second main track;

(iii) The extension or shortening of a passing siding;

(iv) Elimination of second main track where signal system on retained main track is arranged to provide both opposing and following protection for train movements provided second main track is physically removed; or

(v) A line relocation; or

(25) The temporary or permanent arrangement of existing systems necessitated by highway rail separation construction. Temporary arrangements shall be removed within six months following completion of construction.

§ 235.8 Relief from the requirements of Part 236.

Relief from the requirements of the Rules, Standards and Instructions contained in Part 236 of this chapter will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier shall constitute relief to the same extent as relief granted under the requirements of this Part.

§ 235.9 Civil penalty.

A carrier that fails or refuses to file an application required by this Part is liable to the maximum civil penalty of $2,500 for each offense as prescribed by the Signal Inspection Act, 49 U.S.C. 26. Each day a failure or refusal continues is a separate offense.

§ 235.10 Contents of applications.

(a) The application may be submitted by letter and shall contain the following information:

(1) The corporate name of each applicant;

(2) The manner in which applicant is involved;

(3) The location of the project, giving name of operating division and nearest station;

(4) Track or tracks involved;

(5) Complete description of proposed changes as they would affect the existing facilities or of the section from which relief is sought;

(6) Reason for propsoed changes or justification for relief from the requirements;

(7) Approximate dates of beginning and completion of project;

(8) Changes in operating practices, temporary or permanent;

(9) Whether safety of operation will be affected, and if so, how; and

(10) Whether proposed changes will conform to the Federal Railroad Administration's Rules, Standards and Instructions (Part 236 of this chapter).

§ 235.12 Additional required information—prints.

(a) A print or prints, size 8 inches by 10½ inches or 8½ inches by 11 inches or folded to 8 inches by 10½ or 8½ inches by 11 inches shall be furnished with each application.

(b) The print or prints shall be to scale or by indicated dimensions, using Association of American Railroad graphic symbols.

(c) The following information shall be shown on the print or prints:

(1) Present and proposed arrangement of tracks and signal facilities,

(2) Name or carrier,

(3) Operating division,

(4) Place and State, and

(5) Timetable directions of movements.

(d) If stopping distances are involved, the following information shall also be shown:

(1) Curvature and grade.

(2) Maximum authorized speeds of trains.

(3) Length and signal control circuits for each signal indication displayed.

(e) The following color scheme is suggested on prints:

(1) Installations, relocations, and added signal aspects should by colored preferably in yellow.

(2) Removals, discontinuances, and abandonments should be colored, preferably in red.

(3) Existing facilities not pertinent to change proposed in application should be shown uncolored.

§ 235.13 Filing procedure.

(a) Applications or requests for reconsideration of an application shall be submitted by an authorized officer of the carrier.

(b) The original and two copies of each application with supporting papers should be filed.

(c) The application and correspondence in reference thereto should be addressed to the Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590.

(d) A separate application shall be filed for each project.

(e) At a joint facility where changes are proposed in the automatic block signal system, interlocking, traffic control system, automatic train stop, train control or cab signal system on the tracks of more than one carrier, or if more than one carrier will be affected by the proposed changes or relief sought, a joint application signed by all carriers affected shall be filed.

(f) Where only one carrier at a joint facility is affected by the discontinuance or modification of the installation or relief sought, it shall be responsible for filing the application. It shall also certify that the other joint carriers have been notified of the filing of its application.

§ 235.14 Notice.

The FRA will post public notice of the filing of an application or a request for reconsideration of an application in the FRA Office of Public Affairs and will mail copies to all interested parties.

§ 235.20 Protests.

(a) A protest against the granting of an application shall set forth specifically the grounds upon which it is made, and contain a concise statement of the interest of protestant in the proceeding.

(b) The original and two copies of any protest shall be filed with the Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590, and one copy shall be furnished to each applicant.

(c) Protests should be filed within the time limit set forth in the public notice.

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(d) The protestant shall certify that service of a copy of its protest was made upon each applicant.

(e) Request for hearing must be accompanied with a showing why the protestant is unable to properly present his position by written statements.

C. Part 236 of this Title, 49 CFR, is amended as follows:

PART 236—INSTALLATION, INSPECTION, MAINTENANCE AND REPAIR OF SYSTEMS, DEVICES AND APPLIANCES

1. Section 236.0 is revised to read as follows:

§ 236.0 Applicability of this Part.

(a) The rules, standards and instructions contained in this Part apply to each common carrier subject to the Signal Inspection Act, 49 U.S.C. 26.

(b) Where a passenger train is operated at a speed of 60 or more miles per hour, or a freight train is operated at a speed of 50 or more miles per hour, a block signal system complying with the provisions of this part shall be installed or a manual block system shall be placed permanently in effect which shall conform to the following conditions:

(1) A passenger train shall not be admitted to a block occupied by another train except under flag protection;

(2) No train shall be admitted to a block occupied by a passenger train except under flag protection;

(3) No train shall be admitted to a block occupied by an opposing train except under flag protection; and

(4) Freight trains, including work trains, may be authorized to follow a freight train, including a work train, into a block but the following train must proceed prepared to stop within one-half the range of vision but not exceeding 20 miles per hour.

(c) Where any train is operated at a speed of 80 or more miles per hour, an automatic cab signal, automatic train stop or train control system complying with the provisions of this Part shall be installed.

(d) Nothing in this section authorizes the discontinuance of a block signal system, interlocking, traffic control system, automatic train stop, train control or cab signal system without approval of the Federal Railroad Administration.

Subpart A—Rules and Instructions: All Systems

2. Section 236.1 is revised to read as follows:

§ 236.1 Plans, where kept.

As required for maintenance, plans shall be kept at all interlockings, automatic signals and controlled points. Plans shall be legible and correct.

3. Section 236.3 is revised to read as follows:

§ 236.3 Locking of signal apparatus housings.

Signal apparatus housings shall be secured against unauthorized entry.

4. Section 236.4 is revised to read as follows:

§ 236.4 Interference with normal functioning of device.

The normal functioning of any device shall not be interfered within testing or otherwise without first taking measures to provide for safety of train operation which depends on normal functioning of such device.

5. Section 236.8 is revised to read as follows:

§ 236.8 Operating characteristics of electromagnetic, electronic or electrical apparatus.

Signal apparatus, the functioning of which affects the safety of train operation, shall be maintained in accordance with the limits within which the device is designed to operate.

6. Section 236.11 is revised to read as follows:

§ 236.11 Adjustment, repair or replacement of component.

When any component of a signal system, the proper functioning of which is essential to the safety of train operation, fails to perform its intended signaling function or is not in correspondence with known operating conditions, the cause shall be determined and the faulty component adjusted, repaired or replaced without undue delay.

7. Section 236.12 is revised to read as follows:

§ 236.12 Spring switch signal protection; where required.

Signal protection shall be provided for facing and trailing movements through spring switch within interlocking limits and through spring switch installed in automatic block signal, train stop, train control or cab signal territory where train movements over the switch are made at a speed exceeding 20 miles per hour, except that signal protection shall be required only with the current of traffic on track signaled for movement in only one direction.

Note.—Does not apply to spring switch installed prior to October 1, 1950 in automatic block signal, automatic train stop or automatic train control territory.

8. Add a new § 236.16 to read as follows:

§ 236.16 Electric lock, main track releasing circuit.

When an electric lock releasing circuit is provided on the main track to permit a train or an engine to diverge from the main track without time delay, the circuit shall be of such length to permit occupancy of the circuit to be seen by a crew member stationed at the switch. When the releasing circuit extends into the fouling circuit, train or engine on the siding shall be prohibited from occupying the releasing circuit by a derail either pipe-connected to switch point or equipped with an independent electric lock.

9. Redesignate § 236.313 as § 236.17 and revise to read as follows:

§ 236.17 Pipe for operating connections, requirements.

Steel or wrought-iron pipe one inch or larger, or members of equal strength shall be used for operating connections for switches, derails, movable-point frogs, facing point locks, rail-locking devices of movable bridge protected by interlocking, and mechanically operated signals, except up-and-down rod which may be three-fourths inch pipe or solid rod. Pipe shall be fully screwed into coupling and both ends of each pipe shall be riveted to pipe plug with 2 rivets. Pipeline shall not be out of alignment sufficiently to interfere with proper operation, shall be properly compensated for temperature changes, and supported on carriers spaced not more than 8 feet apart on tangent and curve of less than 2° and not more than 7 feet apart on curve of 2° or more. With lever in any position, couplings in pipe line shall not foul carriers.

Roadway Signals and CAB Signals

10. Section 236.21 is revised to read as follows:

§ 236.21 Location of roadway signals.

Each roadway signal shall be positioned and aligned so that its aspects can be clearly associated with the track it governs.

In § 236.23, paragraphs (a)(2), (b) and (e) are revised and new paragraph (f) is added to read as follows:

§ 236.23 Aspects and indications.

(a) * * *

(2) Reflector lenses or buttons or other devices which depend for visibility upon reflected light from an external source shall not be used hereafter in night aspects, except qualifying appurtenances.

(b) The aspects of cab signals shall be shown by lights or by illuminated letters or numbers.

* * * * *

(e) The names, indications and aspects of roadway and cab signals shall be defined in the Carrier's Operating Rule Book or Special Instructions on file with the FRA. Modifications shall be filed with the FRA within thirty days after such modifications become effective.

(f) The absence of a qualifying appurtenance, the failure of a lamp in a light signal or a false restrictive position of an arm of a semaphore signal shall not cause the display of a less restrictive aspect than intended.

Track Circuits

12. Section 236.51 is amended by revising the introductory paragraph and paragraph (a)(2) to read as follows:

§ 236.51 Track circuit requirements.

Track relay controlling home signals shall be in deenergized position or device that functions as a track relay controlling home signals shall be in its most restrictive state and the track circuit of an automatic train stop, train control, or cab signal system shall be deenergized in the rear of the point where any of the following conditions exist:

(a) * * *

(2) as result of leakage current or foreign current in the rear of a point where a break occurs.

* * * * * *

13. Section 236.54 is revised to read as follows:

§ 236.54 Minimum length of track circuit.

When track circuit shorter than maximum inner wheelbase of any locomotive or car operated over such track circuit is used for control of signaling facilities, other means shall be used to provide the equivalent of track circuit protection.

14. Section 236.55 is revised to read as follows:

§ 236.55 Dead section; maximum length.

Where dead section exceeds 35 feet, a special circuit shall be installed. Where shortest outer wheelbase of a locomotive operating over such dead section is less than 35 feet, the maximum length of the dead section shall not exceed the length of the outer wheelbase of such locomotive unless special circuit is used.

15. Section 236.56 is revised to read as follows:

§ 236.56 Shunting sensitivity.

Track circuit controlling home signal or approach locking shall be so maintained that track relay is in deenergized position, or device that functions as a track relay shall be in its most restrictive state if, when track circuit is dry, a shunt of 0.06 ohm resistance is connected across the track rails of the circuit, including fouling sections of turnouts.

16. Section 236.57 is revised to read as follows:

§ 236.57 Shunt and fouling wires.

(a) Except as provided in paragraph (b) of this section, shunt wires and fouling wires hereafter installed shall consist of at least two discrete conductors and each shall be of sufficient conductivity and maintained in such condition that the track relay will be in deenergized position, or device that functions as a track relay will be in its most restrictive state when the circuit is shunted.

(b) This rule does not apply to shunt wires where signal control circuits are controlled through the switch circuit controller.

17. Section 236.58 is revised to read as follows:

§ 236.58 Turnout, fouling section.

Rail joints within the fouling section shall be bonded, and fouling section shall extend at least to a point where sufficient track centers and allowance for maximum car overhang and width will prevent interference with train, locomotive or car movement on the adjacent track.

18. Add a new § 236.60 to read as follows:

§ 236.60 Shunting of track circuits.

Switch shunting circuit-shall not be hereafter installed, except where track or control circuit is opened by the circuit controller.

Wires and Cables

19. Section 236.71 is revised to read as follows:

§236.71 Signal wires on pole line and aerial cable.

Signal wire on pole line shall be securely tied in on insulator properly fastened to crossarm or bracket supported by pole or other support. Signal wire shall not interfere with, or be interfered by, other wires on the pole line. Aerial cable shall be supported by messenger.

20. Section 236.76 is revised to read as follows:

§236.76 Tagging of wires and interference of wires or tags with signal apparatus.

Each wire shall be tagged or otherwise so marked that it can be identified at each terminal. Tags and other marks of identification shall be made of insulating material and so arranged that tags and wires do not interfere with moving parts of apparatus.

Inspections and Tests: All Systems

21. Section 236.101 is revised to read as follows:

§236.101 Purpose of inspection and tests; removal from service of relay or device failing to meet test requirements.

The following inspections and tests shall be made in accordance with specifications of the carrier subject to approval of the FRA to determine if the apparatus and/or equipment is maintained in condition to perform its intended function. Electronic device, relay or other electromagnetic device which fails to meet the requirements of specified tests shall be removed from service, and shall not be restored to service until its operating characteristics are in accordance with the limits within which such device or relay is designed to operate.

22. Section 236.102 is revised to read as follows:

§236.102 Semaphore or searchlight signal mechanism.

(a) Semaphore signal mechanism shall be inspected at least once every six months, and tests of the operating characteristics of all parts shall be made at least once every two years.

(b) Searchlight signal mechanism shall be inspected and the mechanical movement shall be observed while operating the mechanism to all positions at least once every six months. Tests of the operating characteristics shall be made at least once every two years.

23. Section 236.103 is revised to read as follows:

§ 236.103 Switch circuit controller/point detector.

Switch circuit controller/point detector and circuit controller operated by switch-and-lock movement shall be inspected and tested at least once every three months.

24. Section 236.106 is revised to read as follows:

§ 236.106 Relays.

Each relay, the functioning of which affects the safety of train operations, shall be tested at least once every four years except:

(a) AC centrifugal relays shall be tested at least once every 12 months;

(b) Alternating current vane relays and direct current polar relays shall be tested at least once every 2 years; and

(c) All relays with soft iron magnetic structure shall be tested at least once every 2 years.

25. Section 236.107 is revised to read as follows:

§ 236.107 Ground tests.

(a) Except as provided in paragraph (b) of this section, tests for grounds on energy buses furnishing power to circuits, the functioning of which affects the safety of train operation, shall be made when placed in service, and shall be made at least once every three months thereafter.

(b) The provisions of this rule shall not apply to track circuit wires, common return wires of grounded common single-break circuits, or AC power distribution circuits grounded in the interest of safety.

26. Section 236.108 is revised to read as follows:

§ 236.108 Insulation resistance tests, wires in trunking and cables.

(a) Insulation resistance of wires and cables, except wires connected directly to track rails, shall be tested when wires, cables, and insulation are dry. Insulation resistance tests shall be made between all conductors and ground, and between conductors of a multiple conductor cable and between conductors in trunking when wires or cables are installed and at least once every ten years thereafter.

(b) When insulation resistance of wire or cable is found to be less than 500,000 ohms, the carrier shall take prompt action to repair or replace the defective wire or cable and until such defective wire or cable is replaced, the carrier shall make insulation resistance tests annually.

(c) In no case shall a circuit be permitted to function on a conductor having an insulation resistance to ground or between conductors of less than 200,000 ohms during the period required for repair or replacement.

27. Section 236.109 is revised to read as follows:

§ 236.109 Time releases, timing relays and timing devices.

Time releases, timing relays and timing devices shall be tested at least once every twelve months. The timing shall be maintained at not less than 90 percent of the predetermined time interval, which shall be shown on the plans or marked on the time release, timing relay or timing device.

28. Section 236.110 is added to read as follows:

§ 236.110 Results of tests.

Results of tests made in compliance with §§ 236.102 to 236.109 inclusive; 236.376 to 236.387 inclusive; 236.576; 236.577; 236.586; 236.588; and 236.589 shall be recorded on preprinted or computerized forms provided by the railroad. Such forms shall show the name of the railroad, place and date, equipment tested, results of tests, repairs, replacements, adjustments made and condition in which the apparatus was left. Each record shall be signed by the employee making the test and shall be filed in the office of a supervisory official having jurisdiction. Each record shall be retained until the next record is filed but in no case less than one year.

Subpart B—Automatic Block Signal Systems Standards

29. Section 236.204 is amended by revising the last sentence to read as follows:

§ 236.204 Track signaled for movements in both directions, requirements.

* * * In absolute permissive block signaling, when a train passes a head block signal, it shall cause the opposing head block signal to display an aspect with an indication not more favorable than stop.

30. Section 236.205 is amended by revising paragraph (d) to read as follows:

§ 236.205 Signal control circuits; requirements.

* * * * *

(d) When a track relay is in de-energized position; or a device which functions as a track relay is in its most restrictive state; or when signal control circuit is deenergized.

31. Section 236.207 is revised to read as follows:

§ 236.207 Electric lock on hand-operated switch; control.

Electric lock on hand-operated switch shall be controlled so that it cannot be unlocked until control circuits of signals governing movements over such switch have been opened. Approach or time locking shall be provided.

Subpart C—Interlocking Standards

32. Section 236.302 is revised to read as follows:

§ 236.302 Track circuits and route locking.

Track circuits and route locking shall be provided and shall be effective when the first pair of wheels of a locomotive or a car passes a point not more than 13 feet in advance of the signal governing its movement, measured from the center of the mast, or if no mast, from the center of the signal.

33. Section 236.307 is revised to read as follows:

§ 236.307 Indication locking.

Indication locking shall be provided for operative approach signals of the semaphore type, power-operated home signals, power-operated switches, movable-point frogs and derails and for all approach signals except light signals, all aspects of which are controlled by polar or coded track circuits or line circuits so arranged that a single fault will not permit a more favorable aspect than intended to be displayed.

34. Section 236.309 is revised to read as follows:

§ 236.309 Loss of shunt protection; where required.

(a) A loss of shunt of 5 seconds or less shall not permit an established route to be changed at an automatic interlocking.

(b) A loss of shunt of 5 seconds or less shall not permit the release of the route locking of power-operated switches hereafter installed.

35. Section 236.11 is revised to read as follows:

§ 236.311 Signal control circuits, selection through track relays or devices functioning as track relays and through signal mechanism contacts and time releases at automatic interlocking.

(a) The control circuits for aspects with indications more favorable than "proceed at restricted speed" shall be selected through track relays or devices that function as track relays for all track circuits in the route governed.

(b) At automatic interlocking, signal control circuits shall be selected (1) through track relays, or devices that function as track relays, for all track circuits in the route governed and in all conflicting routes within the interlocking; (2) through signal mechanism contracts or relay contacts closed when signals for such conflicting routes display stop aspects; and (3) through normal contacts of time releases, time element relays or timing devices for such conflicting routes or contacts of relays repeating the normal postion or normal state of such time releases, time element relays or timing devices.

38. Section 236.312 is amended by adding a new last sentence to read as follows:

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§ 236.312 Movable bridge, interlocking of signal appliances with bridge devices.

* * * Emergency bypass switches and devices shall be locked or sealed.

Rules and Instructions

37. Section 236.327 is revised to read as follows:

§ 236.327 Switch, movable-point frog or split-point derail.

Switch, movable-point frog or split-point derail equipped with lock rod shall be maintained so that it can not be locked when the point is open three-eighths inch or more.

38. Section 236.376 is revised to read as follows:

§ 236.376 Mechanical locking.

Mechanical locking in interlocking machine shall be tested when new locking is installed; change in locking is made or locking becomes disarranged; or tested at least once every two years, whichever shall occur first.

39. Section 236.377 is revised to read as follows:

§ 236.377 Approach locking.

Approach locking shall be tested when placed in service and thereafter when modified, disarranged or at least once every two years, whichever shall occur first.

40. Section 236.378 is revised to read as follows:

§ 236.378 Time locking.

Time locking shall be tested when placed in service and thereafter when modified, disarranged or at least once every two years, whichever shall occur first.

41. Section 236.379 is revised to read as follows:

§ 236.379 Route locking.

Route locking or other type of switch locking shall be tested when placed in service and thereafter when modified, disarranged or at least once every two years, whichever shall occur first.

42. Section 236.380 is revised to read as follows:

§ 236.380 Indication locking.

Indication locking shall be tested when placed in service and thereafter when modified, disarranged or at least once every two years, whichever shall occur first.

43. Section 236.381 is revised to read as follows:

§ 236.381 Traffic locking.

Traffic locking shall be tested when placed in service and thereafter when modified, disarranged or at least once every two years, whichever shall occur first.

44. Section 236.382 is revised to read as follows:

§ 236.382 Switch obstruction test.

Switch obstruction test of lock rod of each power-operated switch and lock rod of each hand-operated switch equipped with switch-and-lock-movement shall be made when they are placed in service or changed out but not less than once each month.

45. Section 236.383 is revised to read as follows:

§ 236.383 Valve locks, valves and valve magnets.

Valve locks on valves of the non-cut-off types shall be tested at least once every three months and valves and valve magnets shall be tested at least once every year.

46. Section 236.384 is revised to read as follows:

§ 236.384 Cross protection.

Cross protection shall be tested at least once every six months.

Subpart D—Traffic Control Systems Standards

47. Section 236.401 is revised to read as follows:

§ 236.401 Automatic block signal system and interlocking standards applicable to traffic control systems.

The standards prescribed in §§ 236.201 to 236.203 inclusive, 236.205, 236.206, 236.303, 236.307 and 236.309 to 236.311, inclusive, shall apply to traffic control systems.

48. Section 236.403 is revised to read as follows:

§ 236.403 Signals at controlled point.

Signals at controlled point shall be so interconnected that aspects to proceed cannot be displayed simultaneously for conflicting movements, except that opposing signals may display an aspect indicating "proceed at restricted speed" at the same time on a track used for switching movements only.

49. Section 236.407 is revised to read as follows:

§ 236.407 Approach or time locking; where required.

Approach or time locking shall be provided for all controlled signals where route or direction of traffic can be changed.

50. Section 236.408 is revised to read as follows:

§ 236.408 Route locking.

Route locking shall be provided where switches are power-operated. Route locking shall be effective when the first pair of wheels of a locomotive or car passes a point not more than 13 feet in advance of the signal governing its movement, measured from the center of the signal mast or if no mast, from the center of the signal.

51. Section 236.410 is amended by revising paragraph (a) and adding paragraph (c) to read as follows:

§ 236.410 Locking, hand operated switch; requirements.

(a) Each hand operated switch in main track shall be locked either electrically or mechanically in normal position, except where:

(1) Train speeds over the switch do not exceed 20 miles per hour;

(2) Trains are not permitted to clear the main track;

(3) Both switch and traffic-control system were installed prior to October 1, 1950; or

(4) A signal is provided to govern train movements from the auxiliary track to the signaled track.

* * * * *

(c) Where signal is used in lieu of electric or mechanical lock to govern movements from auxiliary track to signaled track, signal shall not display an aspect to proceed until after control circuits of signals governing movement on main track direction over the switch have been opened and approach locking circuits to the switch are unoccupied or a predetermined time has expired.

Inspections and Tests

52. Section 236.476 is revised to read as follows:

§ 236.476 Interlocking inspections and tests applicable to traffic control systems.

The inspections and tests prescribed in §§ 236.377 to 236.380, inclusive, and 236.382, 236.383, and 236.386 shall apply to traffic control systems.

Subpart E—Automatic Train Stop, Train Control and Cab Signal Systems Standards

53. Section 236.504 is revised to read as follows:

§ 236.504 Operation interconnected with automatic block-signal system.

(a) A continuous automatic train stop or train control system shall operate in connection with an automatic block signal system and shall be so interconnected with the signal system as to perform its intended function in event of failure of the engineer to acknowledge or obey a restrictive wayside signal or a more restrictive cab signal.

(b) An intermittent inductive automatic train stop system shall operate in connection with an automatic block signal system and shall be so interconnected with the signal system that the failure of the engineer to acknowledge a restrictive wayside signal will cause the intermittent inductive automatic train stop system to perform its intended function.

54. Section 236.508 is revised to read as follows:

§ 236.508 Interference with application of brakes by means of brake valve.

The automatic train stop, train control or cab signal apparatus shall be so arranged as not to interfere with the application of the brakes by means of the brake valve and not to impair the efficiency of the brake system.

55. Section 236.513 is revised to read as follows:

§ 236.513 Audible indicator.

(a) The automatic cab signal shall be so arranged that when the cab signal changes to display a more restrictive aspect, an audible indicator will sound continuously until silenced by manual operation of an acknowledging device.

(b) The audible cab indicator of automatic cab signal, automatic train stop or automatic train control systems shall have a distinctive sound and be clearly audible throughout the cab under all operating conditions.

56. Section 236.515 is revised to read as follows:

§ 236.515 Visibility of cab signals.

The cab signals shall be plainly visible to member or members of the locomotive crew from their stations in the cab.

57. Section 236.516 is revised to read as follows:

§ 236.516 Power supply.

Automatic cab signal, train stop or train control device hereafter installed shall operate from a separate or isolated power supply.

Rules and Instructions; Roadway

58. Section 236.527 is revised to read as follows:

§ 236.527 Roadway element insulation resistance.

Insulation resistance between roadway inductor and ground shall be maintained at not less than 10,000 ohms.

59. Section 236.529 is revised to read as follows:

§ 236.529 Roadway element inductor; height and distance from rail.

Inductor of the inert roadway element type shall be maintained with the inductor pole faces at a height above the plane of the tops of the rails, and with its inner edge at a horizontal distance from the gage side of the nearest running rail, in accordance with specifications of the carrier.

60. Section 236.531 is revised to read as follows:

§ 236.531 Trip arm; height and distance from rail.

Trip arm of automatic train stop device when in the stop position shall be maintained at a height above the plain of the tops of the rails, and at a horizontal distance from its center line to gage side of the nearest running rail, in accordance with specifications of the carrier.

61. Section 236.532 is revised to read as follows:

§ 236.532 Strap iron inductor; use restricted.

No railroad shall use strap iron inductor or other roadway element with characteristics differing from its standard type on track where speed higher than restricted speed is permitted.

Rules and Instructions; Locomotives

62. Section 236.552 is revised to read as follows:

§ 236.552 Insulation resistance; requirement.

When periodic test prescribed in § 236.588 is performed, insulation resistance between wiring and ground of continuous inductive automatic cab signal system, automatic train control or automatic train stop system shall be not less than one megohm and intermittent inductive automatic train stop system not less than 250,000 ohms. Insulation resistance values between periodic tests shall be not less than 250,000 ohms for continuous inductive automatic cab signal system, automatic train control system or automatic train stop system and 20,000 ohms for intermittent inductive automatic train stop system.

63. Section 236.557 is revised to read as follows:

§ 236.557 Receiver, intermittent inductive; location with respect to rail.

Receiver of intermittent inductive automatic train stop device of the inert roadway element type shall be maintained with bottom of the receiver at a height above the plane of the tops of the rails, and with its outer edge at a horizontal distance from the gage side of the nearest rail, in accordance with specifications of the carrier.

64. Section 236.560 is revised to read as follows:

§ 236.560 Contact element, mechanical trip type; location with respect to rail.

Contact element of automatic train stop device of the mechanical trip type shall be maintained at a height above the plane of the tops of the rails, and a horizontal distance from the gage side of the rail, in accordance with specifications of the carrier.

65. Section 236.562 is revised to read as follows:

§ 236.562 Minimum rail current required.

The minimum rail current required to restore the locomotive equipment of continuous inductive automatic train stop or train control device to normal condition or to obtain a proceed indication of automatic cab signal device (pick-up) shall be in accordance with specifications of the carrier.

Inspection and Tests; Roadway

66. Section 236.577 is revised to read as follows:

§ 236.577 Test, acknowledgement and cut-in circuits

Test, acknowledgement and cut-in circuits shall be tested at least once every twelve months.

Inspection and Tests; Locomotive

67. Section 236.586 is revised to read as follows:

§ 236.586 Daily or after trip test.

(a) Except where tests prescribed by § 236.588 are performed at intervals of not more than 2 months, each locomotive equipped with automatic cab signal, train stop or train control device operating in equipped territory shall be inspected for damage to the equipment and tested at least once each calendar day or within 24 hours before departure upon each trip.

(b) Each locomotive equipped with intermittent inductive automatic train stop or non-coded continuous inductive automatic train stop or train control systems shall be tested to determine the pickup of the device is within specified limits. Each equipped locomotive shall be tested to determine the locomotive equipment is responsive to the wayside equipment and cycled to determine the device functions as intended.

68. Section 236.587 is revised to read as follows:

§ 236.587 Departure test.

A test of the automatic train stop, train control, or cab signal apparatus on each locomotive, except locomotives and multiple-unit cars equipped with mechanical trip stop only, shall be made over track elements or tests circuits, or with portable test equipment or onboard

test device, either on departure of locomotive from its initial terminal, or if locomotive apparatus is cut out between initial terminal and equipped territory, prior to entering equipped territory, to determine if such apparatus is in service and is functioning properly. If a locomotive makes more than one trip in any 24-hour period, only one departure test shall be required in such 24-hour period. If departure test is made by an employee other than the engineer, the engineer shall be informed of the results of such test and a record kept thereof.

69. Section 236.588 is revised to read as follows:

§ 236.588 Periodic test.

Except as provided in § 236.586, periodic tests of the automatic train stop, train control or cab signal apparatus shall be made at least once every 92 days, and on multiple-unit cars as specified by the carrier, subject to approval by the FRA.

70. Section 236.589 is revised to read as follows:

§ 236.589 Relays.

(a) Each relay shall be removed from service, subjected to thorough test, necessary repairs and adjustments made, and shall not be replaced in service unless its operating characteristics are in accordance with the limits within which such relay is designed to operate, as follows:

(1) Master or primary relays of torque type depending on spring tension to return contacts to deenergized postion in noncoded continuous inductive automatic train stop or train control system, at least once every two years; and

(2) All other relays at least once every six years.

71. Section 236.590 is revised to read as follows:

§ 236.590 Pneumatic apparatus.

Automatic train stop, train control, or cab signal pneumatic apparatus shall be inspected and cleaned at least once every 736 days. The pneumatic apparatus shall be stenciled, tagged or otherwise marked to indicate the last cleaning date of the apparatus.

Subpart G—Definitions

72. Section 236.717 is revised to read as follows:

§ 236.717 Characteristics, operating.

As applied to electrical or electronic apparatus, the measure of electrical values at which the apparatus operates, (drop-away, pick-up, maximum and minimum current, working value, etc.).

73. Section 236.744 is revised to read as follows:

§ 236.744 Element, roadway.

That portion of the roadway apparatus of automatic train stop, train control or cab signal system, such as electric circuit, inductor or trip arm to which the locomotive apparatus of such system is directly responsive.

74. Section 236.746 is revised to read as follows:

§ 236.746 Feature, restoring.

An arrangement on an electro-pnuematic switch by means of which power is applied to restore the switch movement to full normal or to full reverse position, before the driving bar creeps sufficiently to unlock the switch, with control lever in normal or reverse position.

75. Section 236.812 is revised to read as follows:

§ 236.812 Speed, restricted.

A speed that will permit stopping within one-half the range of vision but not exceeding 20 miles per hour.

76. Add a new § 236.813a to read as follows:

§ 236.813a State, most restrictive.

The mode of an electric or electronic device that is equivalent to a track relay in its deenergized position.

77. Add a new § 236.820a to read as follows:

§ 236.820a Switch, power-operated.

A switch operated by an electric, hydraulic or pneumatic switch-and-lock movement.

78. Section 236.831 is revised to read as follows:

§ 236.831 Time, delay.

As applied to an automatic train stop or train control system, the time which elapses after the onboard apparatus detects a more restrictive indication until the brakes start to apply.

79. The following sections are removed in their entirety:

§ 236.25 False restrictive position of semaphore signal arm or failure of lamp in light signal. [Removed]

§ 236.27 Phantom signal aspect. [Removed]

§ 236.72 Clearance of overhead signal wires and cables. [Removed]

§ 236.75 Insulated wires and cables; support. [Removed]

§ 236.77 Tagging of wires. [Removed]

§ 236.78 Lightning arrester. [Removed]

§ 236.313 Pipe for operating connections; requirements. [Removed]

§ 236.331 Repairs to switch and signal valves and cylinders. [Removed]

§ 236.332 Air distribution system; draining condensation. [Removed]

§ 236.333 Pole charger on electric switch operating mechanism. [Removed]

§ 236.385 Time releases and timing relays. [Removed]

§ 236.406 Indication of track circuit occupancy at controlled points. [Removed]

§ 236.409 Controlled machine; indication of switch operation. [Removed]

§ 236.510 Conformance with established clearances. [Removed]

§ 236.530 Ramp; height and distance from rail. [Removed]

§ 236.533 Track magnet; height. [Removed]

§ 236.558 Contact shoe; location with respect to rail. [Removed]

§ 236.559 Receiver, intermittent magnetic; location with respect to rail. [Removed]

§ 236.561 Safety chain or safety hanger. [Removed]

§ 236.704 Aspect, phantom signal. [Removed]

§ 236.715 Chain, safety. [Removed]

§ 236.716 Changer, pole. [Removed]

§ 236.748 Hanger, safety. [Removed]

§ 236.781 Point, clearance. [Removed]

(Sec. 25, Interstate Commerce Act, as amended (249 U.S.C. 26); Sec. 6(e)(6)(A) of the Department of Transportation Act (49 U.S.C. 1655(e)(6)(A)); Secs. 202 and 208, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431 and 437); § 1.49(g) and (n) of the regulations of the Office of the Secretary of Transportation (49 CFR 1049(g) and (n))).

Issued at Washington, D.C. on March 11, 1983.

Robert W. Blanchette,

Administrator.

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Part V

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Expected Family Contribution Schedule for the Self-Help Grant Program and Expected Family Contribution Schedule for the Pell Grant Program; Proposed Rule

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DEPARTMENT OF EDUCATION

34 CFR Parts 690 and 691

Expected Family Contribution Schedule for the Self-Help Grant Program and Expected Family Contribution Schedule for the Pell Grant Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes alternative regulations for determining a student's family contribution under the "Self-help Grant Program" (Alternative A) and under the Pell Grant Program (Alternative B). The schedule of expected family contributions proposed for the 1984–85 award year under Alternative A is based upon the timely enactment of the Administration's proposed Higher Education Amendments of 1983. These legislative amendments would replace the existing Pell Grant Program with a new grant program entitled the Self-help Grant Program and would also change the expected family contribution schedule to assure that income information is based on the most accurate and verifiable indicators of family financial need.

The proposed regulations under Alternative B would apply to the current Pell Grant Program and are based on the need analysis provisions found in paragraphs (a), (b) and (c) of Section 482 of the Higher Education Act of 1965, as amended, and in sections 4 and 8 of Pub. L. 97–301.

DATES: Comments must be received on or before April 20, 1983.

ADDRESS: Comments should be addressed to Brian Kerrigan, Chief, Pell Grant Policy Section, Division of Policy and Program Development, ROB–3, Room 4318, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Brian Kerrigan or Deborah Cohen, telephone number (202) 472–4300.

SUPPLEMENTARY INFORMATION:

Introduction

The Secretary is proposing legislation for a new Self-help Grant Program for the 1984–85 award year that will, if enacted, encompass and extend the goals of the Pell Grant, Supplemental Educational Opportunity Grant, and State Student Incentive Grant Programs. Under Alternative A of this proposed regulation, a Family Contribution Schedule is provided that would support this new Self-help Grant Program.

The Self-help Grant Program is designed to provide grant aid as a supplement to the family's and student's self-help contributions toward educational costs at postsecondary institutions. The Administration's Fiscal Year 1984 budget request provides for full funding of awards of up to $3,000 for qualified students. As the cost of education increases, students will qualify for larger Self-help Grant awards and will also be asked to make a larger self-help contribution. Therefore, while restoring some of the responsibility for educational costs to the student and family, substantial grant aid is provided to ensure not only access *to* but a wider choice *of* institutions, particularly for low-income students.

Description of the New Self-help Grant Program

There will be two elements for determining a student's financial eligibility for the Self-help Grant Program. The first element will be the expected family contribution as determined by Alternative A of this proposed regulation. The second element will be a self-help contribution from the student which will included in the award calculation.

The expected family contribution determined under Alternative A will incorporate several legislative changes which will focus need analysis on the five most significant indicators of family income. The changes will therefore increase the accuracy of applicant reported data, and will allow for a more complete verification of such data.

The calculation used in determining the student's award will, in general, provide for a minimum self-help expectation of $800 or 40 percent of the cost of attendance. The expectation rises as the cost of attendance increases.

The calculation used to determine a student's grant under this new program will be the lesser of the following:

—Cost of attendance minus $800 minus expected family contribution;
—Cost of attendance minus 40 percent of cost of attendance minus expected family contribution;
—Maximum grant minus expected family contribution;
—$1,200 plus 25 percent of cost of attendance minus expected family contribution.

Cost of attendance not met by the family contribution or the grant represents the student's self-help contribution. The student's self-help contribution can be met either through work earnings, loans, or scholarships.

The allowable cost of attendance for the new program will be direct educational costs (tuition and fees) plus an allowance for indirect costs ($3,000 for students not living at home and $1,500 for students living at home). Except for these numerical changes in the indirect cost allowances, the cost of attendance regulations for the Self-help Grant program will be identical to the current Pell Grant cost of attendance regulations. The cost of attendance regulations for the Self-help Grant will be published later in the year.

The Self-help Grant Program has a number of advantages over the existing Pell Grant Program. Under the new program all students will have a greater opportunity to attend the postsecondary institution of their choice because students will be able to qualify for larger awards at higher cost schools. Under current law, a low income student's Pell Grant would remain the same at any institution with a cost of attendance above $3,600, as its maximum award is $1,800. Under the new program, a student's Self-help Grant would continue to increase up to a cost of attendance of $7,200. The maximum Self-help Grant will be $3,000 for the 1984–85 award year.

Although the Supplemental Educational Opportunity Grant is currently available to some students to meet expenses at higher cost institutions, many postsecondary institutions that participate in the Pell Grant Program do not participate in the Supplemental Educational Opportunity Grant (SEOG) Program. Thus many low income students are currently denied access to higher cost institutions that do not participate in the SEOG Program, even though these same students are eligible to receive a Pell Grant. This restriction would not exist under the Self-help Grant Program. A similar problem of restricted access to certain postsecondary institutions exists under the State Student Incentive Grant Program.

Another advantage to the new grant program is that it more equitably distributes federal financial assistance to students at a wider range of public and private institutions. Under the current Pell Grant Program the grant award for two students with the same expected family contribution is the same at any institution with any cost of attendance above $3,600. Under the new program these two students' grant awards can vary with cost of attendance up to $7,200. In the new Self-help Grant Program, the student's contribution requirement also varies depending upon the cost of attendance.

The Self-help Grant award calculations will reduce the grants of middle income students attending low cost schools as compared to other

students at the same institutions who have a higher financial need. Under the existing program, two students attending the same low cost institution may receive the same award even though one student is from a low income family and another student is from a middle income family.

Proposed Statutory Changes to the Expected Family Contribution Schedule Under Alternative A

To strengthen the integrity of the new grant program, the Secretary is proposing several legislative changes to the schedule of expected family contributions to improve the delivery system for the new program.

There is an urgent need to verify the accuracy of applicant data. This need is based upon the findings of several studies conducted by both GAO and the Department of Education. Most recently a Department of Education study calculated the rate of error in Pell Grant awards during the 1980–81 award year. These findings (based on a sample of 4,000 Pell Grant applications and award calculations by 305 financial aid officers) estimated that approximately $340 million in overpayments and $51 million in underpayments were made to students due to inaccurate information supplied by applicants. This error rate indicates an obvious need for radical changes in order to substantially reduce payment errors.

Simpler and more verifiable applicant data can be expected to reduce these large payment errors and increase program equity. Therefore, the Secretary is proposing to reduce the number of data elements that would be used to determine a student's award from 22 to 5. This reduction would leave those elements that are the most significant indicators of income, easiest to verify, and least prone to applicant error. The remaining five data elements are:

1. Adjusted Gross Income.
2. Federal taxes paid.
3. Household size (based on tax exemptions).
4. Non-taxable income.
5. Liquid assets.

The data elements that the Secretary proposes to delete include: business assets, farm assets, home assets, unusual medical expenses, tuition for elementary and secondary education, the number of family members enrolled in postsecondary education, and income of the dependent student.

The advantage of using the five retained data elements is that applicants are less likely to misreport data that require exact figures and that can be verified. It may be argued that the deleted elements in the existing formula are needed to develop an accurate picture of a student's true need. However, the accuracy of this information has been so unreliable that the use of this additional data has adversely affected the determination of need. For example, misreporting of home equity, household size and the number of family members enrolled in postsecondary education had an associated net dollar error of $85 million in the Department's study. The goal of attaining an accurate picture of a student's need comes into question when the use of additional data elements yields such unreliable figures.

Although the taxable income of the dependent student can be verified if the income that is included in the expected family contribution is from the base year, estimated income is often used instead because the income of a dependent student varies substantially from one year to the next. This problem has been resolved by eliminating dependent student income from the calculation of an expected family contribution. However, it should be noted that the income of the dependent's spouse will be included in the expected family contribution.

Dependent student income is taken into account by the student's self-help contribution, which can range from $800 to $4,200. In 1981–82, only 17 percent of the single dependent students received incomes above their $2,650 income offset. Dependent student income that is not taken into account by the self-help contribution will, in many cases, be considered under the student asset (savings) component of the expected family contribution.

The Department's study also indicates that those students who have been misreporting information overwhelmingly do so for their own benefit. Restricting the data elements to those which can be easily verified should improve the accuracy of reported financial information and result in a more equitable distribution of funds.

In addition to being easier to verify and less prone to error than the other data elements, the five retained data elements are the major indicators of wealth for a family. Thus, the use of only those five data elements will not affect the goal of assisting students from low-income families. A formula that requires additional data elements may reduce the expected family contribution of middle income families, but those additional data elements have little effect on families with discretionary incomes that are already very low. There will be some students from middle income families with unusual financial circumstances that are not taken into account by this simpler formula. However, institutions may take these circumstances into account in determining awards from the College Work-Study Program and the need for a Guaranteed or National Direct Student Loan.

Summary of Other Proposed Changes Under Alternative A

The items described below are changes proposed in the formula from the 1983–84 Pell Grant Family Contribution Schedule.

I. Changes To Income Assessment

1. Social Security Educational Benefits. In 1983–84, social security educational benefits will not be considered in determining a student's eligibility for a Pell Grant. This treatment is based upon the requirements of Pub. L. 97–301. For the 1984–85 award year, the Secretary proposes to assess all Social Security educational benefits received during the 1984–85 award year as income in determining a student's expected family contribution.

2. Multiple Assessment Rates for Family Income. The Secretary is required to set a series of rates for discretionary income. Discretionary income is the income that remains after income taxes and all of the other offsets are subtracted from the total income of the family. The Secretary has proposed that the first $15,000 of discretionary income be divided into three amounts. Under Alternative A, the first $5,000 is assessed at 18 percent, the second $5,000 is assessed at 20 percent and the third $5,000 is assessed at 25 percent. The income of independent students with dependent children would be assessed in the same manner as we assess the income of the parents of dependent students. Single independent students with no dependent children would have their incomes assessed at 75 percent. Married independent students with no dependents other than the spouse would have their incomes assessed at 50 percent.

The assessment rates for Alternative A are based on a full funding level of $2,714.8 million, a maximum award of $3,000, a minimum award of $100, the standard expense allowances proposed by the Secretary for cost of attendance, and the Secretary's legislative proposal to limit Self-help Grants to the least of the four proposed calculation rules.

3. Updating of the Family Size Offsets to Account for Inflation. The Administration's proposal incorporates the provisions of section 6(c) of Pub. L. 97–301 which provides that the family

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size offsets for the 1984–85 award year shall be based upon the offsets used in the 1983–84 award year adjusted by a percentage change equal to the percentage increase or decrease in the Consumer Price Index for Wage Earners and Clerical Workers published by the Department of Labor rounded to the nearest $100. The precentage change must be the percentage difference between the arithmetic mean for the period of October 1, 1981, through September 30, 1982, and the arithmetic mean for the period of October 1, 1982, through September 30, 1983. Public Law 97–301 directs the Secretary to publish the family size offset tables for 1984–85 immediately after the Secretary of Labor publishes the Consumer Price Index for September 1983. Therefore, the family size offsets will be published in the **Federal Register** at that time.

II. Changes to Asset Assessment

1. Asset Treatment for Dependent Students, and Their Parents. For 1983–84, the Family Contribution Schedules provide an asset reserve of up to $25,000 against the parent's principal place of residence, $25,000 against other personal assets, and $80,000 against farm and/or business assets. However, the total asset reserve for a family is limited to $100,000 against all of their assets.

Under Alternative A, the Secretary proposes to assess only liquid assets. An asset reserve of up to $10,000 is provided against the liquid assets of the parents, and any liquid assets above the amount of the reserve is assessed at ten percent. The dependent student also has assets that are assessed. These are not included with parental assets. Only dependent students with dependent children would have a separate $10,000 reserve, with liquid assets above $10,000 assessed at ten percent. For other dependent students (regardless of their marital status) all the liquid assets of the student and spouse would be assessed at 33 percent. This is a change from the 1983–84 Family Contribution Schedule which gives all married dependent students an asset reserve.

2. Asset Treatment for Independent Students. Under Alternative A, the liquid assets of an independent student would be treated in the same manner as the liquid assets of a dependent student. If the student has dependent children, there would be an asset reserve of $10,000 and an assessment rate of ten percent. For all other independent students (regardless of their marital status), all liquid assets of the student and spouse would be assessed at 33 percent.

Summary of Proposed Changes Under Alternative B

I. General Background

The Education Amendments of 1980 made substantial changes in the statutory language of the formula that determines the expected family contribution for the Pell Grant Program. Many of these changes are applicable to the 1984–85 award year even though they were not incorporated in the 1982–83 and 1983–84 Family Contribution Schedules because Congress mandated an alternative formula for those award years.

II. Changes in Income Assessment

1. Social Security Educational Benefits. These benefits will be assessed in the same manner as Alternate A, i.e., Social Security educational benefits will be assessed as income.

2. Treatment of Dependent Student Income. The contribution from a dependent student's income has been based on the income he or she received during the calendar year prior to the first calendar year of the award year (i.e., income for 1983 for the 1984–85 award year). This is called base year income. However, in those cases where the student estimated that his or her income for the school year would not exceed 60 percent of the actual income reported for the base year, the Pell Grant formula automatically used the student's estimated income in the computation of the student's eligibility. The income has been assessed, after an offset has been subtracted, at the rate of 75 percent for single students and 25 percent for married students.

For 1984–85, the Secretary proposes adding dependent student income to parental income and that total income would then have the appropriate family size offset applied to it that would be applied to the parental income. The offset for the student's basic living costs is already included in the family's household size offset. The dependent student income offset that has been used in the past would be eliminated. All dependent student income will now be assessed, although, at a lower rate. This change reflects the Secretary's interest in promoting the concept of a self-help contribution from students who apply for financial assistance. All students will now contribute a portion of their income to meet educational expenses.

Estimated dependent student income would not be used in determining the student's eligibility.

3. Use of Income Taxes as an Offset Against Income. The current law requires that "Federal, State, and local taxes paid or payable with respect to . . . income" shall be considered. Thus, State and local income taxes as well as Federal income taxes are subtracted from income.

4. Multiple Assessment Rates for Family Income. The assessment rates used in Alternative A would also apply to the combined discretionary income of the dependent student and his or her parents. These same assessment rates will apply to married independent students and unmarried independent students with dependents. Single independent students with no dependent children will have their incomes assessed at 75 percent.

5. Updating the Family Size Offsets. The same offsets that will be used in Alternative A will also apply to Alternative B. As required by Pub. L. 97–301, these offsets will be published in the **Federal Register** immediately after the Secretary of Labor publishes the Consumer Price Index for September 1983.

II. Changes in Asset Assessment

1. Asset Treatment for Dependent Students. For 1983–84, the Family Contribution Schedules provide an asset reserve of up to $25,000 against the parent's principal place of residence, $25,000 against other personal assets, and $80,000 against farm and/or business assets. However, the total asset reserve for a family is limited to $100,000 against all of their assets. The current law requires that home equity shall be excluded from assets, so there is no longer a need for an asset reserve against the parent's principal place of residence.

The treatment of assets specified in the current law for the 1984–85 award year addresses the assets of both the student and the parents. Thus, under Alternative B an asset reserve would be applied against the combined assets of the parents and the student. However, since under this Alternative, parental assets would be assessed at ten percent and the student's assets at 33 percent, we are proposing that the asset reserve of $10,000 be applied first against the parental assets. If the parents do not have $10,000 of net assets, they would not need the entire asset reserve. In that case, the amount of asset reserve that they do not need would be applied against the student's assets.

Under Alternative B, independent students with dependents would be afforded the same treatment as the parents of dependent students. They would have an asset reserve of $10,000 against personal assets and $50,000 against farm and/or business assets.

The student's spouse is defined as a dependent under Alternative B. As in the past, the assets of a single independent student will be assessed at the rate of 33 percent.

Definition of an Independent Student. The definition of an independent student will be removed from the Family Contribution Schedule. A new definition, which will be more stringent for most undergraduate students, will be published as a Notice of Proposed Rulemaking (NPRM) in the Student Assistance General Provisions regulations. The new definition that results from the NPRM will become effective in the 1984–85 award year.

Executive Order 12291: These proposed regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification. The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations establish the formula for determining student eligibility for financial assistance under the Pell Grant Program. They do not have an impact on small entities.

Invitation To Comment: Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments submitted on or before the 30th day after publication of this document will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 4318, ROB–3, 7th and D Streets, S.W., Washington, D.C. 20202, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday of each week except Federal holidays.

List of Subjects in 34 CFR Parts 690 and 691

Administrative practice and procedure, Education, Education of disadvantaged, Grant programs—education, Student aid.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations. These citations appear only in Alternative B. Citations will be added to Alternative A if a statute authorizing that alternative is enacted.

Dated: March 15, 1983.

T. H. Bell,

Secretary of Education.

(Catalogue of Federal Domestic Assistance Number 84.063, Pell (Basic) Grant Program)

The Secretary proposes to add Part 691 to Title 34 of the Code of Federal Regulations as shown below under Alternative A, or to amend Part 690 of Title 34 of the Code of Federal Regulations by revising both the table of contents for subparts C and D and subparts C and D as shown under Alternative B as follows:

Alternative A

PART 691—SELF-HELP GRANT PROGRAM

Subparts A–B—[Reserved]

Subpart C—Expected Family Contribution for a Dependent Student

Sec.

691.31 Indicators of financial strength.
691.32 Special definitions.
691.33 Effective family income.
691.34 Computation of the expected family contribution from the effective family income.
691.35 Computation of the expected contribution from parental liquid assets.
691.36 Computation of the expected contribution from the liquid assets of the dependent student (and spouse).
691.37 Computation of the total expected family contribution.
691.38 Extraordinary circumstances affecting the expected family contribution determination.

Subpart D—Expected Family Contribution for an Independent Student

691.41 Indicators of financial strength.
691.42 Special definitions.
691.43 Effective family income.
691.44 Computation of the expected family contribution from the effective family income.
691.45 Computation of the expected contribution from the liquid assets of the independent student (and spouse).
691.46 Computation of the total expected family contribution.
691.47 Extraordinary circumstances affecting the expected family contribution determination.

Subparts E–H—[Reserved]

Subparts A and B—[Reserved]

Subpart C—Expected Family Contribution for a Dependent Student

§ 691.31 Indicators of financial strength.

"Expected family contribution" for a dependent student means the amount that the student and his or her family may reasonably be expected to contribute toward the cost of his or her education for an award period. Each of the following elements of financial strength will be considered in determining the expected family contribution for a dependent student:

(a) The effective incomes of the student's parents and the student's spouse;

(b) The number of family members in the household of the student's parents; and

(c) The liquid assets of (1) the student and his or her spouse, and (2) the student's parents.

(Pub. L. 98–)

§ 691.32 Special definitions.

For purposes of this subpart:

"Dependent of the student's parents" means the student, the student's spouse and other persons who have been claimed on a 1983 Federal income tax returns as a dependent by the parents, the student and the student's spouse. If the parents have not filed a 1983 Federal income tax return at the time of application, "dependent of the student's parents" means the student, the student's spouse, and other persons who were eligible to be claimed in 1983 by the parents, the student, and student's spouse under the Internal Revenue Code of 1954.

"Dependent student" means any student who does not qualify as an independent student as defined in 34 CFR 668.1a.

"Effective family income" is described in § 691.33.

"Family-size offset" means an allowance to meet the subsistence expenses of a family, including food, shelter, clothing, and other basic needs. This offset is derived from the "Weighted Average Thresholds at the Low Income Level," developed by the Social Security Administration.

"Federal income tax" means: (a) The tax on income paid to the U.S. Government under Subtitle A of the Internal Revenue Code, or (b) the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions, or (c) the comparable taxes paid to the central government of a foreign country.

"Legal guardian" means an individual who has been appointed by a court to be a legal guardian of a person and who is specifically required by the court to use his or her own financial resources to support that person.

"Liquid assets" means cash on hand including amounts in checking and

savings accounts, time deposits, money market funds, trusts, stocks, bonds, mutual funds and other securities.

"Net assets" means the current market value at the time of application of the assets included in the definition of "liquid assets" minus the outstanding liabilities (indebtedness) against those assets.

"Parent" means the student's mother, father or legal guardian. An adoptive parent is considered to be the student's mother or father.

(Pub. L. 98–)

§ 691.33 Effective family income.

(a) Effective family income is the annual adjusted family income minus the Federal income taxes paid or payable on that adjusted family income.

(b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), (e), (f), (g), and (h) of this section, and § 691.38,

(1) The sum received in 1983 by the student's parents and the student's spouse, if any, from—

(i) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) Investment income upon which no Federal income tax need by paid. An example of such income is the interest on municipal bonds; and

(iii) Other income, such as child support payments and welfare benefits, upon which no Federal income tax is paid, except for—

(A) Veterans benefits paid under chapters 34 and 35 of title 38 of the United States Code;

(B) Social Security educational benefit received by or on account of the student; and

(C) Social Security educational benefits paid to the student's parents for the student's siblings that would not be paid if those siblings were not students.

(2) One-half of any veteran's benefits to be paid to the student for the 1984–85 award year under chapters 34 and 35 of title 38 of the United States Code.

(3) The Social Security educational benefits to be paid to the student, or to the students' parents for the student for the 1984–85 award year.

(c) For a Native American student, the annual adjusted family income received by the student's parents under the Distribution of Judgment Funds Act (25 U.S.C. 1401, *et seq.),* the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.),* or the Maine Indians Claims Settlement Act (25 U.S.C. 1721 *et seq*)

(d) For a student whose parents are divorced or separated the following procedures apply for reporting a parent's income to determine the annual adjusted family income—

(1) Include only the income, as described in paragraph (b) of this section, of the parent with whom the student resided for the greater portion of the 12-month period preceding the date of the application.

(2) If the preceding criterion does not apply, include only the income of the parent who provided the greater portion of the student's support for the 12-month period preceding the date of application.

(3) If neither of the preceding criteria apply, include only the income of the parent who provided the greater support during the most recent calendar year for which parental support was provided.

(e) If either of the parents have died, the student shall include only the income of the surviving parent. If both parents have died, the student shall not report any parental income.

(f) The following rule applies if either a parent whose income is taken into account under paragraph (d) of this section, or a parent who is a widow or widower and whose income is taken into account under paragraph (e) of this section, has remarried. The income of that parent's spouse shall be included in determining the student's annual adjusted family income if, in 1983, the student—

(1) Has received financial assistance of more than $1000 from that spouse; or

(2) Has lived for more than six weeks in the home of the parent and that spouse.

(g) The annual adjusted family income does not include any student financial assistance except those veterans and Social Security benefits cited in paragraphs (b) (2) and (3) of this section.

(Pub. L. 98–)

§ 691.34 Computation of the expected family contribution from the effective family income.

The expected family contribution for a dependent student from effective family income is calculated as follows:

(a) Determine the family's discretionary income by deducting a family size offset from the effective family income. (The Secretary will determine the amount of the family size offsets in accordance with section 8(c) of the Student Financial Assistance Technical Amendments Act of 1982. The Secretary will publish a table in the Federal Register setting forth the offsets immediately after the Secretary of Labor publishes the Consumer Price Index for September 1983.)

(b) Determine the family-size by applying the following rules—

(1) If the parents are not divorced or separated, family members include the student's parents and the dependents of the student's parents.

(2) If the parents are divorced or separated and not remarried, family members include the parent whose income is included in computing the effective family income and the dependents of that parent. However, if both parents claimed the same person on a joint tax return, that person is dependent on the parent who will provide the greater portion of his or her support between July 1, 1984 and June 30, 1985.

(3) If the parents are divorced and the parent whose income is included in computing the effective family income has remarried, or if the parent was a widow or widower who has remarried, family members include, in addition to those people referenced in paragraph (b)(2) of this section, the new spouse and any dependents of the new spouse, if that spouse's income is included in determining the effective family income. Dependents of the new spouse are determined by the same criteria that apply to dependents of the student's parent in paragraph (b)(2) of this section.

(c) If the discretionary income is a positive amount, determine the expected contribution from the effective family income according to the following chart. If the discretionary income is negative, there is an expected contribution from income.

Discretionary income	Expected contribution
0 to $5,000	18% of discretionary income.
$5,001 to $10,000.	$900 + 20% of amount over $5,000.
$10,001 and above.	$1,900 + 25% of amount over $10,000.

(Pub. L. 98–)

§ 691.35 Computation of the expected contribution from parental liquid assets.

The expected contribution from parental liquid assets is determined in the following manner:

(a) Deduct $10,000 from the net value of the parental liquid assets. If this subtraction produces a negative number, it shall be changed to zero.

(b) Multiply the result obtained in paragraph (a) of this section by ten percent.

(c) If the calculation of discretionary income required by § 691.34(a) produces a negative number, the expected contribution from parental assets, calculated under paragraph (b) of this section, shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative

number, the expected contribution shall be zero.

(d)(1) if the student's parents are separated or divorced and not remarried, only the liquid assets of the parent whose income is included in computing annual adjusted family income shall be considered.

(2) If that parent has remarried, or if the parent was a widow or widower who has remarried, and the parent's spouse's income is also included under § 691.33, the liquid assets of that parent's spouse shall also be included.

(Pub. L. 98–)

§ 691.36 Computation of the expected contribution from the liquid assets of the dependent student (and spouse).

(a) The expected contribution from the net assets of a single dependent student or a married dependent student (and spouse) with no dependent children equals 33 percent of the amount of those net liquid assets.

(b) The expected contribution from the net liquid assets of the dependent student (and spouse) with dependent children is determined in the following manner.

(1) Dedcuct an asset reserve of $10,000 from the net liquid assets. If the result is negative, the expected contribution shall be zero.

(2) Multiply the remainder obtained in paragraph (b)(1) of this section by ten percent.

(c) If a married dependent student is separated, only his or her net liquid assets shall be considered.

(Pub. L. 98-)

§ 691.37 Computation of the total expected family contribution.

For each grant, the total expected family contribution is the sum of—

(a) The expected contribution from effective family income as determined under § 691.34;

(b) The expected contribution from parental assets as determined under § 691.35; and

(c) The expected contribution from the student's (and spouse's) assets as determined under § 690.36.

(Pub.L. 98–)

§691.38 Extraordinary circumstances affecting the expected family contribution determination.

(a) A student may submit an application to the Secretary for determination of his or her expected family contribution using income data from 1984 (where 1983 income is usually requested), if—

(1) A parent or stepparent whose 1983 income from work must be reported under § 691.33 has lost his or her job for at least ten weeks during 1984. However, the loss of a job, e.g., a work-study job, that did not produce reportable income, would not be included;

(2) A parent or stepparent whose 1983 income from work must be reported under § 691.33 has been unable to pursue normal income-producing activities for at least ten weeks during 1984 because of the occurrence—in 1983 or 1984—of: (i) A disability, or (ii) a natural disaster;

(3) A parent or stepparent whose income must be reported under § 691.33 received unemployment compensation or nontaxable income in 1983 (that would be used in the calculation of the student's expected family contribution) and had a complete loss for at least ten weeks in 1984 of one of those benefits. A non-taxable benefit, for purposes of this paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits would include Social Security benefits, welfare, and court ordered child support;

(4) The parent(s) of the student have become separated or divorced after the student submitted an application for 1984–85. The student may not use 1984 information based on his or her parents' divorce if the parents were already separated at the time of original filing. If such a separation or divorce is between a parent and a stepparent, the stepparents' income must have been reportable on the previous application under § 691.33 for this condition to apply; or

(5) A parent or stepparent whose 1983 income must be reported under § 691.33 has died after the student submitted an application for 1984–85. However, if the parent referred to in this paragraph is the last surviving parent with whom the student has or will have a dependency relationship according to 34 CFR 668.1a, the student must file an application under § 691.47(a)(7) if he or she wishes to use income data from 1984.

(b) For an application submitted under paragraph (a) of this section, the student's parent and spouse shall include the income specified in § 691.33(b)(1) (i), (ii), and (iii) that has already been received for 1984 and an estimate of that income to be received for the remainder of the year.

(Pub. L. 98–)

Subpart D—Expected Family Contribution for an Independent Student

§ 691.41 Indicators of financial strength.

"Expected family contribution" for an independent student means the amount that the student and his or her spouse may reasonably be expected to contribute toward the cost of his or her education for an award period. Each of the following elements of financial strenght will be considered in determining the expected family contribution for an independent student:

(a) The effective family income of the independent student and spouse;

(b) The number of family members in the household of the student and spouse; and

(c) The liquid assets of the student and spouse.

(Pub. L. 98–)

§ 691.42 Special definitions.

The definitions of "family size offset," "Federal income tax," "legal guardian," "liquid assets," "net assets," and "parent," are set forth in § 691.32.

"Dependent of the student" means the student's spouse, and other persons who have been claimed on the 1983 Federal income tax return as a dependent by the student and student's spouse. If the student has not filed a 1983 Federal tax return at the time of application, "dependent of the student" means the student's spouse and other persons who were eligible to be claimed in 1983 by the student and student's spouse under the Internal Revenue Code of 1954.

"Effective family income" is described in § 691.43.

"Independent student" is a student who meets the definition set forth in 34 CFR 668.1a.

(Pub. L. 98–)

§ 691.43 Effective family income.

(a) Effective family income is the annual adjusted family income minus the Federal income taxes paid or payable on that adjusted family income.

(b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d) and (e) of this section and § 691.47,

(l) The sum received in 1983 by the student and spouse from—

(i) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) Investment income upon which no Federal income tax is paid. An example of such income is the interest on municipal bonds; and

(iii) Other income, such as child support payments and welfare benefits, upon which no Federal income tax is paid, except for

(A) Veterans benefits paid under chapters 34 and 35 of title 38 of the United States Code; and

(B) Social Security educational benefits received by the student.

(2) One-half of any veteran's benefits to be paid to the student for the 1984–85 award year under Chapters 34 and 35 of title 38 of the United States Code; and

(3) The Social Security educational benefits to be paid to the student for the 1984–85 award year.

(c) For a Native American student, the annual adjusted family income does not include the income received by the student or spouse under the Distribution of Judgment Funds Act (25 U.S.C. 1401, *et seq.*), the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, *et seq.*)

(d) In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income shall not be considered in determining the annual adjusted family income.

(e) The annual adjusted family income does not include any student financial assistance except those veteran's and Social Security benefits cited in paragraphs (b)(2) and (3) of this section.

(Pub. L. 98–)

§ 691.44 Computation of the expected family contribution from the effective family income.

The expected family contribution for the independent student from effective family income is calculated as follows:

(a) Determine discretionary income by deducting a family-size offset from the effective family income. (The Secretary will determine the amount of the family size offsets in accordance with section 6(c) of the Student Financial Assistance Technical Amendments Act of 1982. The Secretary will publish a table in the **Federal Register** setting forth the offsets immediately after the Secretary of Labor publishes the Consumer Price Index for September 1983.)

(b) determine the family-size by applying the following rules:

(1) Family members include the student, spouse and other persons who have been claimed or could have been claimed in 1983 as a dependent for Federal income tax purposes by the student and spouse.

(2) If the student is divorced or separated, (i) the spouse (ex-spouse) and his or her dependents are not counted in the family size, and

(ii) If both the student and spouse claimed the same person on a joint tax return, that person is dependent on the student rather than the spouse if the student will provide the greater portion of his or her support between July 1, 1984 and June 30, 1985.

(c) If the discretionary income is a positive amount, determine the expected contribution from the effective family income according to the following charts. If the discretionary income is negative, there is no expected contribution from income.

(1) For a single independent student with no dependent children—

Discretionary income	Expected contribution
Any positive amount.	75% of that amount.

(2) For a married independent student with no dependent children—

Discretionary income	Expected contribution
Any positive amount.	50% of that amount.

(3) For an independent student with dependent children—

Discretionary income	Expected contribution
0 to $5,000	18% of discretionary income.
$5,001 to $10,000.	$900 + 20% of amount over $5,000.
$10,001 and [illegible]	$1,900 + 25% of amount over $10,000.

(Pub. L. 98–)

§ 691.45 Computation of the expected contribution from the liquid assets of the independent student (and spouse).

(a)(1) The expected contribution from the net assets of an independent student with no dependent children equals 33 percent of the amount of those net liquid assets.

(2) If the calculation of discretionary income required by § 691.44(a) produces a negative number, the expected contribution from the student's net liquid assets calculated under paragraph (a)(1) of this section shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, the expected contribution shall be zero.

(b) For an independent student with dependent children, the expected contribution from the net liquid assets of the student (and spouse) is determined in the following manner:

(1) Deduct $10,000 from the net value of liquid assets. If this subtraction produces a negative number, the expected contribution shall be zero.

(2) Multiply the results obtained in paragraph (b)(1) of this section by ten percent.

(3) If the calculation of discretionary income required by § 691.44(a) produces a negative number, the expected contribution from the student's (and spouse's) assets calculated under paragraph (b)(2) of this section shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, the expected contribution shall be zero.

(c) If a married independent student with dependents is separated, only his or her liquid assets shall be considered.

(Pub. L. 98–)

§ 691.46 Computation of the total expected family contribution.

For each grant, the total expected family contribution is the sum of—

(a) The expected contribution from effective family income as determined under § 691.44 and

(b) The expected contribution from liquid assets as determined under § 691.45.

(Pub. L. 98–)

§ 691.47 Extraordinary circumstances affecting the expected family contribution determination.

(a) An independent student may submit an application to the Secretary for determination of his or expected family contribution using income data from 1984 (where 1983 income is usually requested) if—

(1) The student was employed full-time in 1983 (at least 35 hours per week for a minimum of 30 weeks during 1983) in a job that produced reportable income and is no longer employed full-time;

(2) A spouse whose 1983 income from work must be reported under § 691.43 has lost his or her job for at least ten weeks during 1984. However, the loss of a job, e.g., a work-study job, that did not produce reportable income, would not be included;

(3) The student or spouse whose 1983 income from work must be reported under § 691.43 has been unable to pursue normal income-producing activities for at least ten weeks during 1984 because of the occurrence—in 1983 or 1984—of (i) a disability or (ii) a natural disaster;

(4) The student or spouse whose income must be reported under § 691.43 received unemployed compensation or nontaxable income in 1983 (that would be used in the calculation of the student's expected family contribution) and had a complete loss for at least ten weeks in 1984 of one of those benefits. A nontaxable benefit, for purposes of this paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits would include Social Security benefits, welfare, and court ordered child support;

(5) The student has become separated or divorced after he or she submitted an application for 1984–85. A student who divorces cannot apply under this section if he or she was already separated at the time of original filing;

(6) A spouse whose 1983 income must be reported under § 691.43 has died after he or she sumitted an application for 1984–85; or

(7) The student's last surviving parent with whom the student has or will have a dependency relationship according to § 691.42 has died.

(b) For an application submitted under paragraph (a) of this section, the student shall include the income specified in § 691.43(b)(1) (i), (ii), and (iii) that has already been received for 1984 and an estimate of that income to be received for the remainder of the year.

(Pub. L. 98–)

Subparts E–H—[Reserved]

Alternative B

PART 690—PELL GRANT PROGRAM

* * * * *

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Subpart C—Expected Family Contribution for a Dependent Student

§ 690.31 Indicators of financial strength.

"Expected family contribution" for a dependent student means the amount that the student and his or her family may reasonably be expected to contribute toward the cost of his or her education for an award period. Each of the following elements of financial strength will be considered in determining the family contribution for a dependent student:

(a) The effective incomes of (1) the student and his or her spouse, and (2) the student's parent(s);

(b) The number of family members in the household of the student's parent(s);

(c) The number of family members in the household of the student's parent(s) who are enrolled in, on at least a half-time basis, a program of postsecondary education;

(d) The assets of: (1) The student and his or her spouse, and (2) the student's parent(s);

(e) The unusual medical expenses of the student's parents;

(f) The additional expenses incurred when both parents of the student are employed or when a family is headed by a single parent who is employed; and

(g) The tuition paid by the student's parents for dependent children, other than the student, who are enrolled in an elementary or secondary school.

(20 U.S.C. 1089(b))

§ 690.32 Special definitions.

For purposes of this subpart:

"Assets" means cash on hand, including amount in checking and savings accounts, time deposits, money market funds, trusts, stocks, bonds, other securities, mutual funds, real estate (except the student's or parent's single principal place of residence), income producing property, business equipment, and business inventory. However, for Native American students, the following shall not be considered as an asset of the student or his or her family in determining the expected family contribution:

(a) Any property received under the Distribution of Judgment Funds Act (25 U.S.C. 1401, *et seq.*), the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, *et seq.*),

(b) Any property that may not be sold or encumbered without the consent of the Secretary of Interior, and

(c) Any other property held in trust for the student or his or her family by the United States Government.

"Business assets" means property that is used in the operation of a trade or business, including real estate, inventories, buildings, machinery and other equipment, patents, franchise rights, and copyrights.

"Dependent of the student's parents" means:

(a) The student;

(b) The student's spouse;

(c) Any of the student's dependent children;

(d) Dependent children of the student's parents including those children who are deemed to be dependent students when applying for title IV aid; and

(e) Other persons who live with and receive more than one-half of their support from the parents and will continue to receive more than half of their support from the parents for the 1984–85 award year.

"Dependent student" means any student who does not qualify as an independent student as defined in 34 CFR 668.1a.

"Effective family income" is described in § 690.33.

"Employment expense offset" means an allowance to meet expenses related to employment when both parents are employed or when one parent qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

"Family-size offset" means an allowance to meet the subsistence expenses of a family, including food, shelter, clothing, and other basic needs. This offset is derived from the "Weighted Average Thresholds at the Low Income Level," as developed by the Social Security Administration.

"Farm assets" means any property owned and used in the operation of a farm for profit, including real estate, livestock, livestock products, crops, farm machinery, and other equipment inventories. A farm is not considered to be operated for profit if crops or livestock are raised mainly for the use of the family, even if some income is derived from incidental sales.

"Federal income tax" means: (a) The tax on income paid to the U.S. Government under Subtitle A of the Internal Revenue Code, or (b) the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions, or (c)

the comparable taxes paid to the central government of a foreign country.

"Legal guardian" means an individual who has been appointed by a court to be a legal guardian of a person and who is specifically required by the court to use his or her own financial resources to support that person.

"Local income tax" means the tax on income paid to a town, city, country, or other local municipality.

"Medical expenses" means unreimbursed medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code and that were paid in 1983 unless the student files an application with the Secretary under the provisions of §690.39. In that case the expenses reported are those paid in 1984.

"Net assets" means the current market value at the time of application of the assets included in the definition of "assets" minus the outstanding liabilities (indebtedness) against those assets.

"Parent" means the student's mother, father or legal guardian. An adoptive parent is considered to be the student's mother or father.

"State income tax" means the tax on income paid to one of more of the 50 States of the United States, or to the District of Columbia.

(20 U.S.C. 1089).

§ 690.33 Effective family income.

(a) Effective family income is the annual adjusted family income minus the Federal, State, and local income taxes paid or payable on that adjusted family income.

(b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), (e), (f), (g), and (h) of this section and § 690.39,

(1) The sum received in 1983 by the student, his or her spouse, and his or her parents from—

(i) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) Investment income upon which no Federal income tax need be paid. An example of such income is the interest on municipal bonds; and

(iii) Other income, such as child support payments and welfare benefits, upon which no Federal income tax is paid, except for

(A) Veterans benefits paid under chapters 34 and 35 of Title 38 of the United States Code;

(B) Social Security educational benefits received by or on account of the student; and

(C) Social Security educational benefits paid to the student's parents for the student's siblings that would not be paid if those siblings were not students;

(2) One-half of any veteran's benefits to be paid to the students for the 1984–85 award year under chapters 34 and 35 of Title 38 of the United States Code; and

(3) The Social Security educational benefits to be paid to the student, or to the student's parents for the student for the 1984–85 award year.

(c) For a Native student, the annual adjusted family income does not include the income received by the student, his or her spouse, or his or her parents under the Distribution of Judgment Funds Act (25 U.S.C. 1401, *et seq.*), the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, *et seq.*),

(d) For a student whose parents are divorced or separated the following procedures apply for reporting a parent's income to determine the annual adjusted family income—

(1) Include only the income, as described in paragraph (b) of this section, of the parent with whom the student resided for the greater portion of the 12 month period preceding the date of the application.

(2) If the preceding criterion does not apply, include only the income of the parent who provided the greater portion of the student's support for the 12-month period preceding the date of application.

(3) If neither of the proceding criteria apply, include only the income of the parent who provided the greater support during the most recent calendar year for which parental support was provided.

(e) If either of the parents have died, the student shall include only the income of the surviving parent. If both parents have died, the student shall not report any parental income.

(f) The following rule applies if either a parent whose income is taken into account under paragraph (d) of this section or a parent who is a widow or widower and whose income is taken into account under paragraph (e) of this section, has remarried. The income of that parent's spouse shall be included in determining the student's annual adjusted family income if, in either 1983 or 1984, the student—

(1) Has received or will receive financial assistance of more than $750 in either of those years from that spouse; or

(2) Has lived or will live for more than six weeks in either of those years in the home of the parent and that spouse.

(g) In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income shall not be considered in determining the effective family income.

(h) The annual adjusted family income does not include any student financial assistance except those veterans of Social Security benefits cited in paragraphs (b) (2) and (3) of this section.

(20 U.S.C. 1089)

§ 690.34 Computation of the expected family contribution from the effective family income.

The expected family contribution for a dependent student from effective family income is calculated as follows:

(a) Determine the parent's discretionary income by deducting the following offsets from the effective family income:

(i) A family-size offset. [The Secretary will determine the amount of the family size offsets in accordance with section 6 (c) of the Student Financial Assistance Technical Amendments Act of 1982. The Secretary will publish a table in the Federal Register setting forth the offsets immediately after the Secretary of Labor publishes the Consumer Price Index for September 1983.]

(ii) In determining the family-size offset the following rules apply—

(A) If the parents are not divorced or separated, family members include the student's parents and the dependents of the student's parents.

(B) If the parents are divorced or separated and not remarried, family members include the parent whose income is included in computing the effective family income and that parent's dependents.

(C) If the parents are divorced and the parent whose income is included in computing the effective family income has remarried, or if the parent was a widow or widower who has remarried, family members include, in addition to those people referenced in paragraph (a)(1)(ii)(B) of this section, the new spouse and any dependents of the new spouse, if that spouse's income is included in determining the effective family income.

(2) An unusual expense offset equal to the amount by which the sum of unreimbursed medical and dental expenses exceed 20 percent of the effective family income. The expenses that may be reported are those expenses paid by the student, his or her spouse and his or her parents during 1983 unless that student files an application with the Secretary under the provisions of § 690.39. In that case, the expenses reported will be those paid in 1984. The expenses of both parents are included only if the income of both are subject to inclusion in determining the effective family income. Similarly, a stepparent's expenses are included only if his or her income is subject to inclusion.

(3) An employment expense offset calculated as follows—

(i) If both parents were employed in the year for which their income is reported and both have their incomes reported in determining the expected family contribution, use the lesser of $1,500 or 50 percent of the reportable (according to § 690.33) income earned by work of the parent with the lesser earned income.

(ii) If a parent qualifies as a head of household as defined in section 2 of the Internal Revenue Code, use the lesser of $1,500 or 50 percent of his or her reportable earned income.

(iii) The earned income figure to be used in all cases is the figure for 1983 unless the student files an application with the Secretary under the provisions of § 690.39. In that case, the figure to be used is the one for 1984.

(4) An educational expense offset equal to the tuition paid by the student's parents for dependent children, other than the student, enrolled in elementary or secondary school. The tuition which may be reported is the tuition paid in 1983 unless the student files an application with the Secretary under the provisions of § 690.39. In that case, the tuition reported will be that paid in 1984.

(b) If the discretionary income is a positive amount, determine the expected contribution from the effective family income according to the following chart. If the discretionary income is negative, there is no expected contribution from income.

Discretionary income	Expected contribution
$0 to $5,000	18% of discretionary income.
$5,001 to $10,000	$900 + 20% of amount over $5,000.
$10,001 and above	$1,900 + 25% of amount over $10,000

(20 U.S.C. 1089; Pub. L. 97-301, section 6 (c))

690.35 Computation of the expected contribution from parental assets.

The expected contribution from parental assets is determined in the following manner.

(a) If the parental assets do not include farm or business assets, deduct $10,000 from the net value of parental assets.

(b) If the parental assets include farm or business assets, deduct: (1) $50,000 from the net value of the farm and business assets, and (2) $10,000 from the net value of non farm and non business assets.

(c) If the result obtained under paragraphs (a), (b) (1), or (b) (2) of this section is a negative amount, the expected contribution shall be zero.

(d) The expected contribution from parental assets equals ten percent of the total of the results obtained in paragraphs (a) or (b) of this section.

(e) If the calculation of discretionary income required by § 690.34(a) produces a negative number, the expected contribution from parental assets, calculated under paragraph (d) of this section, shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, the expected contribution shall be zero.

(f)(1) If the student's parents are separated or divorced and not remarried, only the assets of the parent whose income is included in computing annual adjusted family income shall be considered.

(2) If that parent has remarried, or if the parent was a widow or widower who has remarried, and the parent's spouse's income is also included under §690.33, the assets of that parent's spouse shall also be included.

(20 U.S.C. 1089)

§ 690.36 Computation of the expected contribution from effective family income and parental assets, adjusted for the number of family members enrolled in programs of postsecondary education.

(a) For each grant, the amount expected from effective family income as determined § 690.34 is added to the amount expected from parental assets as determined in § 690.35.

(b)(1) For each grant, the combined expectation determined under paragraph (a) of this section is adjusted in the following manner for the number of family members who will be attending, on at least a half-time basis, a program of postsecondary education during the award year for which Pell Grant assistance is requested:

Number of family members enrolled in programs of postsecondary education	Expected contribution per student from combined contributions
1	100 percent of the contribution determined in paragraph (a)
2	70 percent of the contribution determined in paragraph (a).
3	50 percent of the contribution determined in paragraph (a).
4 or more	40 percent of the contribution determined in paragraph (a).

Note.—Family members are those persons referenced in § 690.34(a)(1).

(20 U.S.C 1089)

§ 690.37 Computation of the expected contribution from the assets of the dependent student (and spouse).

(a) The expected contribution from the assets of the dependent student (and spouse) is determined in the following manner:

(1) Determine the student's asset reserve by subtracting the amount of his or her parent's non farm and non business assets from $10,000. If the result is negative, it shall be changed to zero.

(2) Deduct the asset reserve calculated in paragraph (a)(1) of this section from the student's (and spouse's) net assets. If the result is negative, it shall be changed to zero.

(3) The expected contribution from the net assets of the dependent student (and spouse) equals 33 percent of the remainder obtained in paragraph (2) of this section.

(b) If the married dependent student is separated, only his or her assets shall be considered.

(20 U.S.C. 1089)

§ 690.38 Computation of the total expected family contribution.

For each grant, the total expected family contribution is the sum of—

(a) The expected contribution from the effective family income and parental assets as determined under § 690.36, and

(b) The expected contribution from the student's (and spouse's) assets as determined under § 690.37.

(20 U.S.C. 1089)

§ 690.39 Extraordinary circumstances affecting the expected family contribution determination.

(a) A student may submit an application to the Secretary for determination of his or her expected family contribution using income data from 1984 (where 1983 income is usually requested) for effective family income, if—

(1) A parent or stepparent whose 1983 income from work must be reported under § 690.33 has lost his or her job for at least ten weeks during 1984. However, the loss of a job, e.g. a work-study job, that did not produce reportable income, would not be included.

(2) A parent or stepparent whose 1983 income from work must be reported under § 690.33 has been unable to pursue normal income-producing activities for at least ten weeks during 1984 because of the occurrence—in 1983 or 1984—of (i) a disability, or (ii) a natural disaster.

(3) A parent or stepparent whose income must be reported under § 690.33 received unemployment compensation or nontaxable income in 1983 (that would be used in the calculation of the student's expected family contribution) and had a complete loss for at least ten weeks in 1984 of one of those benefits. A nontaxable benefit, for purposes of this

paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits would include Social Security benefits, welfare, and court ordered child support.

(4) the parent(s) of the student have become separated or divorced after the student submitted an application for 1984–85. The student may not use 1984 information based on his or her parents' divorce if the parents were already separated at the time of original filing. If such a separation or divorce is between a parent and a stepparent, the stepparent's income must have been reportable on the previous application under § 690.33 for this condition to apply, or

(5) A parent or stepparent whose 1983 income must be reported under § 690.33 has died after the student submitted an application for 1984–85. However, if the parent referred to in this paragraph is the last surviving parent with whom the student has or will have a dependency relationship according to 34 CFR 668.1a, the student must file an application under § 690.47(a)(7) if he or she wishes to use income data from 1984.

(b) For an application submitted under paragraph (a) of this section, the student's parent shall include the income specified in § 690.33(b)(1) (i), (ii), and (iii) that has already been received for 1984 and an estimate of that income to be received for the remainder of the year.

(c) A student may submit a revised application to reflect changes in asset amounts reported on a previously submitted application if the student or his or her family has suffered a loss of, or damage to, assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States.

(20 U.S.C. 1089)

Subpart D—Expected Family Contribution for an Independent Student

§ 690.41 Indicators of financial strength.

"Expected family contribution" for an independent student means the amount that the student and his or her spouse may reasonably be expected to contribute toward the cost of his or her education for an award period. Each of the following elements of financial strength will be considered in determining the expected family contribution for an independent student:

(a) The effective family income of the independent student and spouse;

(b) The number of family members in the household of the student and spouse;

(c) The number of family members in the household of the student and spouse who are enrolled in, or at least a half-time basis, a program of postsecondary education;

(d) The assets of the student and spouse;

(e) The unusual medical expenses of the student and spouse;

(f) The additional expenses incurred when both the student and spouse are employed or when the employed student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code; and

(g) The tuition paid by the student or spouse for dependent children who are enrolled in an elementary or secondary school.

(20 U.S.C. 1089)

§ 690.42 Special definitions.

The definitions of "assets," "business assets," "family size offset," "farm assets," "Federal income tax," "legal guardian," "local income tax," "medical expense," "net assets," "parent," and "State income tax" are set forth in § 690.32.

"Dependent of the student" means:

(a) The student's spouse (unless separated or divorced from the student);

(b) Any of the student's or spouse's children who are deemed to be dependent students (with respect to the student or spouse) when filing for title IV aid;

(c) Other dependent children of the student or spouse; and

(d) Other persons who live with and receive more than one-half of their support from the student or spouse and will continue to receive more than half of their support from the student or spouse for the 1984–85 award year.

"Effective family income" is described in § 690.43.

"Employment expense offset" means an allowance to meet expenses relating to employment when both the independent student and his or her spouse are employed or when the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

"Independent student" is a student who meets the definition set forth in 34 CFR 668.1a.

(20 U.S.C. 1089)

§ 690.43 Effective family income.

(a) Effective family income is the annual adjusted family income minus the Federal, State and local income taxes paid or payable on that adjusted family income.

(b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), and (e) of this section and § 690.47,

(1) The sum received in 1983 by the student and spouse from—

(i) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) Investment income upon which no Federal income tax is paid. An example of such income is the interest on municipal bonds; and

(iii) Other income, such as child support payments and welfare benefits, upon which no Federal income tax is paid, except for

(A) Veterans benefits paid under chapters 34 and 35 of title 38 of the United States Code; and

(B) Social Security educational benefits received by the student;

(2) One-half of any veterans benefits to be paid to the student for the 1984–85 award year under chapters 34 and 35 of title 38 of the United States Code; and

(3) The Social Security educational benefits to be paid to the student for the 1984–85 award year.

(c) For a Native American student, the annual adjusted family income does not include the income received by the student or spouse under the Distribution of Judgment Funds Act (25 U.S.C. 1401, *et seq.*), the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, *et seq.*).

(d) In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income shall not be considered in determining the annual adjusted family income.

(e) The annual adjusted family income does not include any student financial assistance except those veterans and Social Security benefits cited in paragraphs (b) (2) and (3) of this section.

(20 U.S.C. 1089)

§ 690.44 Computation of the expected family contribution from the effective family income.

The expected family contribution for the independent student from effective family income is calculated as follows:

(a) Determine discretionary income by deducting the following offsets from the effective family income.

(1)(i) A family size offset. (The Secretary will determine the amount of the family size offsets in accordance with section 6(c) of the Student Financial Assistance Technical Amendments Act of 1982. The Secretary will publish a table in the Federal Register setting forth the offsets immediately after the Secretary of Labor

publishes the Consumer Price Index for September 1983.)

(ii) In determining the family size, the following rules apply—

(A) Family members normally include the student and spouse and their dependents.

(B) However, if the student is divorced or separated, the spouse (ex-spouse) and his or her dependents are not counted in the family size.

(2) An unusual expense offset equal to the amount by which the sum of unreimbursed medical and dental expenses exceeds 20 percent of effective family income. The expenses that may be reported are those expenses paid by the student and spouse in 1983, unless the student files an application with the Secretary under the provisions of § 690.47. In that case, the expenses reported will be those paid in 1984. The expenses of both the student and spouse are included only if the incomes of both are subject to inclusion in determining the effective family income.

(3) An employment expense offset calculated as follows—

(i) If both the student and spouse were employed in the year for which their income is reported and both have their income reported in determining the expected family contribution, use the lesser of $1,500 or 50 percent of the reportable (according to § 690.43) income earned by work of the person with the lesser earned income.

(ii) If a student qualifies as a head of household as defined in section 2 of the Internal Revenue Code, use the lesser of $1,500 or 50 percent of his or her reportable earned income.

(iii) The earned income figure to be used in all cases is that figure for 1983, unless the student files an application with the Secretary under the provisions of § 690.47. In that case, the figure to be used is the one for 1984.

(4) An educational expense offset equal to the tuition paid by the student and spouse for dependent children enrolled in elementary or secondary school. The tuition that may be reported is the tuition paid in 1983, unless the student files an application with the Secretary under the provisions of § 690.47. In that case the tuition reported will be that paid in 1984.

(b) If the discretionary income is a positive amount, determine the expected contribution from the effective family income according to the following charts. If the discretionary income is negative, there is no expected contribution from income.

(1) For a single independent student with no dependents—

Discretionary income	Expected contribution
Any positive amount	75% of that amount

(2) For an independent student with dependents including a spouse—

Discretionary income	Expected contribution
$0 to $5,000	18% of discretionary income.
$5,001 to $10,000.	$900 + 20% of amount over $5,000
$10,001 and above	$1,900 + 25% of amount over $10,000

(20 U.S.C. 1089; Pub. L. 97–301, section 6(c))

§ 690.45 Computation of the expected contribution from the assets of the independent student (and spouse).

(a)(1) The expected contribution from the net assets of the single independent student with no dependents equals 33 percent of the amount of those assets.

(2) If the calculation of discretionary income required by § 690.44(a) produces a negative number, the expected contribution from the student's assets calculated under paragraph (a)(1) of this section shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, the expected contribution shall be zero.

(b) For an independent student with dependents, the expected contribution from the assets of the student (and spouse) is determined in the following manner:

(1) If the assets do not include farm or business assets, deduct $10,000 from the net value of those other assets.

(2) If the assets include farm or busines assets, deduct: (i) $50,000 from the net value of the farm and business assets, and (ii) $10,000 from the net value of non farm and non business assets.

(3) If the result obtained under paragraphs (b)(1), (b)(2)(i), or (b)(2)(ii) of this section is a negative amount, it shall be changed to zero.

(4) The expected contribution from the assets of the independent student with dependents equals ten percent of the total of the results obtained in paragraphs (b)(1) or (b)(2) of this section.

(5) If the calculation of discretionary income required by § 690.44(a) produces a negative number, the expected contribution from the student's (and spouse's) assets calculated under paragraph (b)(4) of this section shall be reduced by the amount of that negative discretionary income, but not to an amount below zero.

(6) If the married independent student with dependents is separated, only his or her assets shall be considered.

(20 U.S.C. 1089)

§ 690.46 Computation of the total expected contribution from the income and assets of the independent student (and spouse), adjusted for the number of family members enrolled in programs of postsecondary education.

(a) For each grant, the amount expected from family income as determined in § 690.44 is added to the amount expected from assets as determined in § 690.45.

(b) For each grant, the combined expectation determined in paragraph (a) of this section is adjusted in the following manner for the number of family members who will be attending, on at least a half-time basis, a program of postsecondary education during the award period for which Pell Grant assistance is requested:

Number of family members enrolled in programs of postsecondary education	Expected contribution per student from combined contributions
1	100 percent of the contribution determined in paragraph (a)
2	70 percent of the contribution determined in paragraph (a)
3	50 percent of the contribution determined in paragraph (a)
4 or more	40 percent of the contribution determined in paragraph (a)

Note.—Family members are those persons referenced in § 690.44(a)

(20 U.S.C. 1089)

§ 690.47 Extraordinary circumstances affecting the expected family contribution determination.

(a) A student may submit an application to the Secretary for determination of his or her expected family contribution using income data from 1984 (where 1983 income is usually requested) if—

(1) The student was employed full-time in 1983 (at least 35 hours per week for a minimum of 30 weeks) in a job that produced reportable income, and is no longer employed full-time.

(2) A spouse whose 1983 income from work must be reported under § 690.43 has lost his or her job for at least ten weeks during 1984. However, the loss of a job, e.g., a work study job, that did not produce reportable income, would not be included.

(3) The student or spouse whose 1983 income from work must be reported under § 690.43 has been unable to pursue normal income-producing activities for at least ten weeks during 1984 because

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of the occurrence—in 1983 or 1984—of (i) a disability or (ii) a natural disaster.

(4) The student or spouse whose income must be reported under § 690.43 received unemployment compensation or nontaxable income in 1983 (that would be used in the calculation of the student's expected family contribution) and had a complete loss for at least ten weeks in 1984 of one of those benefits. A nontaxable benefit, for purposes of this paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits would include Social Security benefits, welfare and court ordered child support.

(5) The student has become separated or divorced after he or she submitted an application for 1984–85. A student who divorces cannot apply under this condition if he or she already was separated at the time the original application was submitted.

(6) A spouse whose 1983 income must be reported under § 690.43 has died after he or she submitted an application for 1984–85, or

(7) The student's last surviving parent with whom the student has or will have a dependency relationship according to 34 CFR 668.1a, has died.

(b) For an application submitted under paragraph (a) of this section, the student shall include the income specified in § 690.43(b)(1) (i), (ii) and (iii) that has already been received for 1984 and an estimate of that income to be received for the remainder of the year.

(c) A student may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the student or his or her spouse has suffered a loss of, or damage to, assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States.

(20 U.S.C. 1089)

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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Rules and Regulations

Federal Register
Vol. 48, No. 56
Tuesday, March 22, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: These regulations amend the Schedule A excepted service appointing authority for research positions filled through the Research Associate Program of the National Research Council to permit appointments of 2-year duration. These changes implement suggestions by the National Research Council and agencies participating in the program to reflect more accurately the actual duration of most projects and to make the program more attractive to potential associates.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: William Bohling, Noncompetitive Staffing Branch, Staffing Group, (202) 632–6000.

SUPPLEMENTARY INFORMATION: The National Research Council each year announces competition for postdoctoral research associateships in participating scientific organizations. The Council evaluates and ranks the applicants and refers them to the participating organizations. Federal organizations participating in this program appoint associates under 5 CFR 213.3102(aa), which permits initial appointment for 1 year, with a possible 1-year extension. Participating agencies and the National Research Council have found that projects undertaken by research associates typically require 2 years to complete and that appointments are routinely extended.

To reflect more accurately the actual employment which research associates may expect, proposed regulations permitting 2-year appointments, subject to satisfactory research progress during the first year, were published on December 7, 1982, (47 FR 54974) for a 60-day comment period. Only two comments were received, both from Federal agencies supporting the proposal.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because if affects only the length of appointment of certain nonpermanent Federal employees.

List of Subjects in 5 CFR Part 213

Government employees.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 213—[AMENDED]

Accordingly, the U.S. Office of Personnel Management is revising 5 CFR 213.3102(aa), to read as follows:

§ 213.3102 Entire executive civil service.

* * * * *

(aa) Scientific and professional research associate positions at GS–11 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its post-doctoral research associate program, may not exceed 2 years, and are subject to satisfactory outcome of evaluation of the associate's research during the first year.

* * * * *

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

[FR Doc. 83–7308 Filed 3–21–83; 8:45 am]
BILLING CODE 6325–01–M

5 CFR Part 213

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: Positions filled by National Guard Technicians who are applying for or receiving an annuity based on a disability that disqualifies them from National Guard membership or from holding a military grade required by their technician employment, or by promotion, reassignment or demotion of former National Guard Technicians initially appointed under this authority, are excepted from the competitive service under Schedule A because it is impracticable to examine for them. Establishment of this appointing authority is necessary to implement the provisions of 5 U.S.C. 8337(h).

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: William Bohling, Noncompetitive Staffing Branch, Staffing Group, 202–632–6000.

SUPPLEMENTARY INFORMATION: 5 U.S.C. 8337(h) provides: (1) That a National Guard Technician who is required as a condition of employment to be a member of the National Guard or to hold a certain military grade may be eligible for disability retirement based on a disability that disqualifies the individual from membership in the National Guard or from holding the required military grade; and (2) that any individual applying for or receiving an annuity under this provision "shall, in accordance with regulations prescribed by the Office, be considered by any agency of the Government before any vacant positon in the agency is filled if—(A) the position is located within the commuting area of the individual's former position; (B) the individual is qualified to serve in such position as determined by the head of the agency; and (C) the position is at the same grade or equivalent level as the position from which the individual was separated." Interim regulations for referral and consideration of such Technicians for appropriate vacancies are being published in 5 CFR Part 330. However, because National Guard Technicians are appointed under 32 U.S.C. 709(a), which confers no status or eligibility for

movement to other agencies, a special appointing authority is needed to give full effect to the consideration provisions.

Interim regulations published October 1, 1982 (47 FR 43634) established a Schedule A excepted service appointing authority to permit placement of disabled National Guard Technicians in other agencies. Comments on this authority were invited. Only one comment was received from a Federal agency. It suggested: (1) That noncompetitive appointments in the competitive service be authorized instead of Schedule A; (2) that initial appointments be limited to positions at or below the level of an individual's National Guard Technician position; and (3) that provision be made for promotion, demotion or reassignment to other positions in the same agency following initial appointment. The latter two suggestions have been adopted. Provision for noncompetitive appointments in the competitive service would, however, exceed both the letter and intent of 5 U.S.C. 8337(h).

Previous laws and Executive orders which have formed the basis for noncompetitive appointing authorities in the competitive service have stated explicitly that certain persons were to be appointed in the competitive service without regard to the requirements governing competitive appointments. 5 U.S.C. 8337(h) contains no such statement. The statutory intent of controlling retirement outlays by encouraging continued employment of and providing comparable employment opportunities for Technicians who become disabled for military, but not civilian, duties can be met without giving the Technicians benefits of competitive status which they could not have earned in their original appointments.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under secton 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains solely to the conditions for appointment of certain employees by Federal agencies.

List of Subjects in 5 CFR Part 213

Government employees.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 213—[AMENDED]

Accordingly, the Office of Personnel Management is revising 5 CFR 213.3102(j) to read as follows:

§ 213.3102 **Entire executive civil service**

* * * * *

(j) Positions filled by (1) appointment of persons previously employed as National Guard Technicians under 32 U.S.C. 709(a) in positions at the same or equivalent grade level, or below, who are applying for or receiving an annuity under the provisions of 5 U.S.C. 8337(h) by reason of a disability that disqualifies them from membership in the National Guard or from holding the military grade required as a condition of their National Guard employment; or (2) reassignment, promotion or demotion within the same agency of former National guard Technicians originally appointed under this authority.

* * * * *

(5 U.S.C. 3301, 3302, 8337(h))

[FR Doc. 83-7305 Filed 3-21-83; 8:45 am]
BILLING CODE 6325-01-M

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5 CFR Part 359

Removal From the Senior Executive Service; Guaranteed Placement in Other Personnel Systems

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: These final regulations prescribe the procedures for making furloughs of career appointees (other than reemployed annuitants) in the Senior Executive Service and provide an appeal right to the Merit Systems Protection Board for such actions. The regulations will help to ensure that furlough actions are taken fairly, that employees have a means of redress if they believe the actions are not fair, and that furloughs are not used when adverse action, performance removal, or reduction in force is the appropriate action.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: Neal Harwood, (202) 632–4625.

SUPPLEMENTARY INFORMATION: On January 15, 1982, the Office of Personnel Management (OPM) published interim regulations on furloughs in the Senior Executive Service (SES) (47 FR 2283). The comment period of 60 days from the date of publication ended on March 16, 1982. Three comments were received from agencies, two from individuals, and one from an organization representing SES members.

The Senior Executives Association (SEA) alleged that OPM did not have statutory authority to issue furlough regulations. As explained in the Supplementary Information section of the **Federal Register** carrying the interim regulations, although there is no specific statutory reference to SES furloughs, we believe that OPM has authority to regulate furloughs of career appointees under its SES administrative and oversight responsibility accorded by the Civil Service Reform Act of 1978. Further, as indicated in the Summary, the regulations help ensure that furlough actions are taken fairly and are not used in lieu of other personnel actions, such as adverse action.

The SEA raised this same allegation with the Merit Systems Protection Board (MSPB) pursuant to 5 U.S.C. 1205(e), which authorizes the Board to review rules and regulations issued by OPM to determine if they have required or would require any Federal employee to commit a prohibited personnel practice in violation of 5 U.S.C. 2302(b). On September 3, 1982, the Board issued an opinion stating that it had decided not to exercise its discretion to review the challenged regulations. The Board indicated that if the issue of a regulation's validity can or will reach the Board through the ordinary channels of its appellate jurisdiction, it will not review validity outside those channels. The Board pointed out that the regulations specifically allowed a furloughed SES member to appeal to the Board.

A notice of the Board's action was published in the **Federal Register** on October 8, 1982 (47 FR 44643).

The interim regulations stated that the furlough of a noncareer, limited term, or limited emergency appointee was not subject to the subpart. One commentor recommended adding for clarity purposes that such an appointee may be furloughed without regard to the regulations. This has been done.

One commentor recommended that reemployed annuitants with career appointments also be excluded from coverage of the regulations. They then could be furloughed without regard to competitive procedures and would not have an appeal right to the Merit Systems Protection Board. A reemployed annuitant serves at the pleasure of the agency and may be released permanently at any time without having an appeal right. We

agree, therefore, with the recommendation and have excluded reemployed annuitants from coverage of the regulations.

The interim regulations stated that furloughs result from "lack of work or funds or other nondisciplinary reasons." One commentor recommended eliminating "or other nondisciplinary reasons" as being too broad in meaning. We have retained the phrase to clarify that furloughs are nondisciplinary and to cover possible situations not involving lack of work or funds. Similar language is in 5 U.S.C. 7511(a)(5) governing furloughs of executives not in the Senior Executive Service.

Two commentors suggested editorial changes in the definition of "furlough."

The suggestion was that the definition be revised from the placing of an appointee "in a temporary status without duties and pay" to the placing of an appointee "temporarily in a nonduty and nonpay status." Although the suggested change may be somewhat clearer, we have retained the current definition since it is the same as in 5 U.S.C. 7511(a)(5) for furloughs outside the SES.

One commentor recommended adding a section providing that an appointee may voluntarily request a furlough. We do not believe this addition is appropriate as it may cause confusion with requests for leave without pay.

One commentor recommended that competitive procedures for furloughs be required only if the furlough exceeds 60 calendar days, rather than the 30 calendar days in the interim regulations. We have retained the 30-day requirement as it is consistent with 5 CFR Part 351 procedures for employees outside the SES.

One commentor recommended that in the absence of any agency policy as to SES furlough competitive procedures, the agency shall follow the SES RIF competitive procedures. We do not believe this is necessary, since an agency must specify prior to a furlough what procedures it will use.

The interim regulations provided that an employee may appeal to the Merit Systems Protection Board if the regulations have not been correctly applied. One commentor recommended that the regulations be amended to provide that an employee may also appeal if the agency's procedures have not been correctly applied. This is implied in the interim regulations, but has been specified in the final regulations.

One commentor recommended that the regulations state that appeals shall not be submitted to the MSPB until after the effective date of the furlough and state the time limits for submitting appeals. Since the determination of what the time limits for an appeal are and when it will be accepted are within the jurisdiction of the Board itself, it would not be appropriate for OPM to regulate on these matters. As a matter of information, current Board regulations provide that an appeal may be submitted within 20 calendar days of the effective date of the action.

One commentor recommended that instead of a single 30-day advance written notice, there should be provisions for general and specific written notices as management options. There is nothing to prevent this under the present regulations where appropriate. For example, an agency may provide a general notice explaining that a furlough may be necessary and giving the reasons, and then provide a specific notice with the effective dates if the dates are not known at the time of the first notice.

One commentor recommended that the notice give the reason if the notice period is less than 30 days. This change has been made. Another recommendation was to require that the notice explain any changes in retirement, health insurance, or life insurance benefits. Although an agency should provide this information to employees, we do not believe the notice is the only means for doing so and have not included the recommendation in the final regulations.

One commentor asked about the effect of a furlough on the completion of the Senior Executive Service probationary period and recommended providing credit for up to 22 work days. We agree with the credit suggestion, but believe it would be more appropriate to incorporate it in the forthcoming FPM Supplement 920–1 on the Senior Executive Service than in these regulations.

E. O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it deals with the Senior Executive Service of the executive branch of the Federal Government.

List of Subjects in 5 CFR Part 359

Government employees.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management is amending 5 CFR Part 359 by:

1. Revising the heading for Part 359 to read as follows:

PART 359—REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

2. Revising Subpart H, §§ 359.801 through 359.807, to read as follows:

Subpart H—Furloughs in the Senior Executive Service

Sec.

359.801 Agency authority.
359.802 Definitions.
359.803 Competition.
359.804 Length of furlough.
359.805 Appeals.
359.806 Notice.
359.807 Records.

Authority: 5 U.S.C. 3133 and 3136.

* * * * *

Subpart H—Furloughs in the Senior Executive Service

§ 359.801 Agency authority.

This subpart sets the conditions under which an agency may furlough career appointees in the Senior Executive Service. The furlough of a noncareer, limited term, or limited emergency appointee is not subject to this subpart. The furlough of a reemployed annuitant holding a career appointment also is not subject to the subpart.

§ 359.802 Definitions.

For the purpose of this subpart, "furlough" means the placing of an appointee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

§ 359.803 Competition.

Any furlough for more than 30 calendar days shall be made under competitive procedures established by the agency. The procedures shall be made known to the SES members in the agency.

§359.804 Length of furlough.

A furlough may not extend more than one year. It may be made only when the agency intends to recall the appointee within one year.

§ 359.805 Appeals.

A career appointee who has been furloughed and who believes this subpart or the agency's procedures have

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not been correctly applied may appeal to the Merit Systems Protection Board under provisions of the Board's regulations.

§ 359.806 Notice

(a) An appointee is entitled to a 30 days' advance written notice of a furlough. The full notice period may be shortened, or waived, only in the event of unforseeable circumstances, such as sudden emergencies requiring immediate curtailment of activities.

(b) The written notice shall advise the appointee of:

(1) The reason for the agency decision to take the furlough action.

(2) The expected duration of the furlough and the effective dates;

(3) The basis for selecting the appointee for furlough when some but not all Senior Executive Service appointees in a given organizational unit are being furloughed;

(4) The reason if the notice period is less than 30 days;

(5) The place where the appointee may inspect the regulations and records pertinent to the action; and

(6) The appointee's appeal rights, including the time limit for the appeal and the location of the Merit Systems Protection Board office to which the appeal should be sent.

§ 359.807 Records.

The agency shall preserve all records relating to an action under this subpart for at least one year from the effective date of the action.

[FR Doc. 83-7304 Filed 3-21-83; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 271

Food Stamp Program; Eligibility Criteria and Reduction or Termination of Benefits

Correction

In FR Doc. 82-33824 beginning on page 55903 in the issue of Tuesday, December 14, 1982, make the following corrections:

In § 271.2, page 55908, center column, in the 19th line from the top, "benefits states or" should have read "benefits stated or".

BILLING CODE 1505-01-M

Packers and Stockyards Administration

9 CFR Part 201

General Bonding Regulations

Correction

In FR Doc. 83-5207 beginning on page 8804 in the issue of Wednesday, March 2, 1983, make the following corrections.

1. On page 8807, third column, eighth line of the third complete paragraph, "to" should read "on".

2. On page 8808, first column, tenth line of the third paragraph, "other such" should read "such other". In the same column, the last word of the fifth line of paragraph (b) reading "of", should read "on".

3. On page 8808, second column, eleventh line of paragraph (c), "amounts" should read "amount"; and in the thirteenth line, "obtaining" should read "obtained".

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 3

Agents and Associated Persons of Futures Commission Merchants; Statement of Policy

AGENCY: Commodity Futures Trading Commission.

ACTION: Statement of policy.

SUMMARY: Recent amendments to the Commodity Exchange Act ("Act") will eliminate the current category of unregistered "agents" of futures commission merchants ("FCMs") and will further require many of those agents to be registered with the Commodity Futures Trading Commission ("Commission") as "introducing brokers." In addition, individuals employed by such agents as associated persons ("APs") would no longer be required to be registered as APs of the sponsoring FCM but could instead be registered under the sponsorship of the introducing broker. The Commission has announced that it will continue to accept applications for registration and related reports filed in accordance with the Commission's existing regulations until such time as it makes effective final regulations implementing the above-described statutory changes.

EFFECTIVE DATE: March 22, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Rosenzweig, Assistant Chief Counsel, or Robert P. Shiner, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8955 or 254-9703, respectively.

SUPPLEMENTARY INFORMATION: The Futures Trading Act of 1982 ("FTA") has amended the Commodity Exchange Act, *inter alia*, to require the registration with the Commission of "introducing brokers" and to eliminate the former unregistered statutory category of "agents" of futures commission merchants.[1] As a result, most agents of FCMs will be required to register with the Commission as introducing brokers,[2] which is defined in the FTA to mean:

> any person, except an individual who elects to be and is registered as an associated person of a futures commission merchant, engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.[3]

Section 212 of the FTA further provides generally that any person associated with an introducing broker in any capacity which involves the solicitation or acceptance of customers' orders or the supervision of any persons so engaged must be registered with the Commission as an AP of that introducing broker. By comparison, prior to the enactment of the FTA, Section 4k of the Act and § 3.12 of the Commission's regulations thereunder (17 CFR 3.12) specified that such an individual could be registered as an

[1] *See* Futures Trading Act of 1982, Pub. L. No. 97-444, sections 207, 208, 212, 96 Stat. 2302, 2303-04 (January 11, 1983), *amending* Sections 4d, 4f, and 4k of the Commodity Exchange Act (7 U.S.C. 6d, 6f, 6k).

[2] *See, e.g.*, H.R. Rep. No. 97-565, 97th Cong., 2d Sess. 87 (1982).

[3] Futures Trading Act of 1982, Pub. L. No. 97-444, section 201(1), 96 Stat. 2297, *amending* Section 2(a) of the Act (7 U.S.C. 2). Persons who now do business as agents of FCMs could, of course, become branch offices of an FCM if the agent and its employees were properly registered as associated persons and other conditions of the Commission's regulations (*see, e.g.*, 17 CFR 3.10(c), 3.31) were met.

associated person only if he was associated, through the agent, with a futures commission merchant.

These new statutory requirements have not yet become effective.[4] The Commission's staff has nonetheless received inquiries as to whether persons who may be affected by these statutory changes may continue in business as agents of FCMs or as associated persons of those FCMs. In particular, the question has arisen as to whether the Commission will continue to accept notifications from FCMs of new agency relationships and whether FCMs may continue to "sponsor" the registration of APs who will be associated with the FCM through its agent.

The Commission wishes to give notice that until such time as regulations implementing the above-described statutory changes have become effective, the Commission will continue to accept applications for registration and related reports which are filed in accordance with its presently-existing registration regulations. The Commission expects that affected individuals and firms will continue to comply with those regulations and, if necessary, will take appropriate action to enforce those requirements. In this regard, the Commission wishes to emphasize that a futures commission merchant is fully responsible for the acts of both its agents and the individual persons associated with the futures commission merchant through an agent.[5] The Commission further wishes to emphasize that until an agent becomes registered with the Commission as an introducing broker pursuant to regulations adopted by the Commission for that purpose, an agent may continue to engage in activities which would otherwise require registration as an introducing broker only if it remains an agent (or in the case of an individual, an associated person) of a futures commission merchant.

Issued in Washington, D.C. on March 16, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-7404 Filed 3-21-83; 8:45 am]

BILLING CODE 6351-01-M

[4] Section 239 of the FTA provides that Sections 207 and 212 of the FTA, which respectively establish the new registration requirements for introducing brokers and for APs of introducing brokers (as well as for APs of commodity trading advisors and commodity pool operators) "shall be effective [May 11, 1983], or such earlier date as the Commodity Futures Trading Commission shall prescribe by regulation." 96 Stat. 2327.

[5] Section 2(a) of the Act, 7 U.S.C. 4; 45 FR 80485, 80491 (December 5, 1980).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 77P-0413]

Labeling of Firming Ingredients

Correction

In FR Doc. 83-4714 appearing on page 8053 in the issue of Friday, February 25, 1983, make the following correction:

On page 8053, third column, last line on the page, "the change has little impact" should have read "the change has very little impact".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-83-1066]

Minimum Property Standards; Withdrawal of Incorporation by Reference

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Withdrawal of incorporation by reference.

SUMMARY: HUD is withdrawing its Use of Materials Bulletin No. 74, which sets forth the conditions for acceptance of urea-formaldehyde foam insulation and stipulates limitations for its use. This withdrawal has the effect of disapproving further use of urea-formaldehyde foam insulation in HUD's mortgage insurance and low income Public Housing program pursuant to the Consumer Product Safety Commission's ban of urea-formaldehyde foam insulation in residences and schools.

EFFECTIVE DATE: May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Donald K. Baxter, Director, Construction Standards Division, Office of Manufactured Housing and Construction Standards, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410; telephone (202) 755-5718. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: HUD Minimum Property Standards are published in handbooks: Minimum Property Standards for One- and Two-Family Dwellings in Handbook 4900.1, Multifamily Housing in Handbook 4910.1, and Care-Type Housing in Handbook 4920.1. The Minimum Property Standards are incorporated by reference into Part 200, Subpart S, 24 CFR 200.927. In addition, 24 CFR 200.933 requires that changes in Minimum Property Standards be made in accordance with HUD policy for the adoption of rules and regulations.

On October 13, 1977, the Department published a notice in the **Federal Register** (42 FR 55143) promulgating its Use of Materials Bulletin No. 74 which set forth conditions for acceptance of urea-formaldehyde foam insulation and stipulated certain limitations for its use. The Bulletin sets forth the physical properties, test methods, installation guidelines and labeling requirements for such insulation. The Bulletin was then referenced in the Minimum Property Standards.

On April 2, 1983, the Comsumer Product Safety Commission issued a rule banning urea-formaldehyde foam insulation in residences and schools (47 FR 14366). The rule became effective August 10, 1982. On August 13, 1982, the Department reminded all Regional Administrators, DHUD Office managers, Service Office Supervisors and Housing Division Directors of Valuation and Endorsement Stations by telegram of the effective date of the ban, and of HUD's intention to notify the public by publication in the **Federal Register** of withdrawal of UM 74 as a HUD publication and its removal from all volumes of the Minimum Property Standards where it is incorporated by reference. This action by the Department is based solely on the action taken by the Consumer Product Safety Commission. The Department has made no independent assessment of the grounds underlying the action taken by the CPSC, and no inference is to be drawn that the Department either endorses or questions the conculsion drawn by CPSC. The Department does not anticipate that its withdrawal will have any practical effect, given the present unavailability of use of the product due to the CPSC ban. However, the Department considers it appropriate to remove an apparent inconsistency between a Departmental publication and the ban issued by the CPSC.

Because this action is based on the prior action of the CPSC and will have no separate practical effect, the Secretary has determined that prior notice and public procedure is unnecessary and that good cause exists for publishing this withdrawal as a final rule. Accordingly, the Department now withdraws UM 74 and deletes all instances where it is incorporated by

reference in the Minimum Property Standards.

This rule does not constitute a "major rule" as that term is defined in section 1(h) of the Executive Order 12291. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 10278, 451 Seventh Street, SW., Washington, D.C. 20410.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because the Department's removal of urea-formaldehyde foam insulation from the Minimum Property Standards is based on a ban of that insulation by the Consumer Product Safety Commission for use in schools and residences and is merely a formalization of the ban with respect to the Department's regulations.

This withdrawal of an incorporation by reference was not listed in the Department's Semi-Annual Agenda of regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance does not apply.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Incorporation by reference, Reporting and recordkeeping requirements, Loan programs—Housing and community development, Mortgage insurance, Organization and functions (Government agencies).

Accordingly, HUD's Use of Materials Bulletin No. 74 is hereby withdrawn, and its incorporation by reference 24 CFR 200.927 is terminated.

(Sec. 7(d) of the Department of Housing and Urban Development Act of 1965 (42 U.S.C. 3535(d)); sec. 211 of the National Housing Act (12 U.S.C. 1715(b))

Dated: March 14, 1983.

Philip Abrams,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 83-7307 Filed 3-21-83; 8:45 am]
BILLING CODE 4210-27-M

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24 CFR Parts 200, 203, 233, 234, and 237

[Docket No. R-83-1037]

Mutual Insurance Programs Under the National Housing Act; Direct Endorsement Processing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule amends Parts 200, 203, 233, 234 and 237 to implement a new program involving direct underwriting of insured single family mortgage loans by approved mortgage lenders. Under this program, the lender underwrites and closes the mortgage loan, and submits the loan to HUD for insurance endorsement, without obtaining a prior HUD commitment. This Direct Endorsement program does not replace the conditional and firm commitment application procedure, but is offered in addition to the existing procedure. The purpose of the program is to simplify and expedite the process by which mortgagees can secure mortgage insurance endorsements from HUD.

EFFECTIVE DATE: Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver. Notice of the effective date of the final rule will be published in the **Federal Register**. The information collection requirements of §§ 200.163 and 200.164 are under review at OMB. The effective date for these information collection requirements will be announced by separate notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: John Coonts, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone, (202) 755-6720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

I. Background

A proposed rule, to amend Parts 200, 203, 233, 234 and 237 to implement a program involving the underwriting and closing of insured mortgage loans by approved lenders without prior HUD review, was published in the **Federal Register** for public comment on November 24, 1982 (47 FR 53038). This program represents a significant departure from current HUD/FHA endorsement procedures because HUD relies on approved mortgagees to make underwriting determinations. To expedite the procedure for obtaining a HUD insurance endorsement for certain single family mortgages, HUD will rely on mortgagee certifications that specific statutory and regulatory requirements have been satified. Because of this reliance, HUD is placing significant emphasis on mortgagees' qualifications and on quality control reviews of participating mortgagees' underwriting activities. The rule sets forth specific qualification requirements, certifications, and quality control procedures.

II. Summary of Proposed Direct Endorsement Program

The proposed Direct Endorsement program was applicable only to the section 203(b), section 245 graduated and modified graduated payment, section 221(d)(2) moderate income and displaced persons, and section 234(c) individual condominium unit programs. The program applied to proposed construction, rehabilitation, and existing home purchases as well as refinancing existing indebtedness and financing the acquisition of property for non-occupant owners.

To qualify for this program mortgagees had to be HUD-approved "supervised" or "non-supervised" mortgagees in good standing with at least five years of experience in the origination and servicing of HUD/FHA insured single family mortgages. In addition, except for "supervised" mortgagees, the mortgagees had to be approved either as Federal National Mortgage Association (FNMA) seller/servicers or as issuers of Government National Mortgage Association (GNMA) Mortgage-Backed Securities.

The mortgagee had to employ, or retain for fee, qualified professionals to conduct mortgage credit examinations, inspections, and architectural and engineering functions. The underwriter had overall responsibility for assuring

compliance with all HUD instructions, for coordinating all phases of processing, and for the quality of the decisions made in appraisals, compliance inspection and credit analyses under the program. The mortgagee was to use appraisers assigned by HUD from the fee panel.

Each mortgagee was required also to utilize a Quality Control Plan for managing the conduct and review of the underwriting of mortgage loans submitted for Direct Endorsement. The primary purpose of such a plan was to assure that the procedures and the personnel used when underwriting loans met all HUD requirements. An additional purpose was to provide a procedure for correcting problems once the mortgagee became aware of their existence, either through its own management review procedures or when brought to its attention by HUD.

To be approved for participation in the program, mortgagees were to apply to each HUD field office within whose jurisdiction loans were to be made. Applications were to include a nomination of the underwriter and the technical personnel to be used, the applicant's business history, and when appropriate, an indication of secondary market experience. The applicant mortgagee was to satisfactorily pass a HUD review of the first twenty-five mortgages submitted by the mortgagee to each HUD field office.

Upon successful completion of these approval steps, mortgagees were granted unconditional approval, renewable by application of the mortgagee on an annual basis, to process loans under the Direct Endorsement program. HUD's decision to renew a mortgagee's approval would be based on past program experience. Mortgagees could continue to process loans until HUD notified them, in writing, that their reapplication had been denied.

When processing mortgages for endorsement the mortgagee would be responsible for checking those aspects of property eligibility, valuation and mortgage credit as set forth in the various HUD regulations and handbooks. As part of the loan application, the mortgagee's underwriter was required to certify that a prescribed set of statutory and regulatory requirements had been met before endorsement. These certifications were in addition to certifications presently required in HUD Forms 92800 and 92900 that deal with items such as builder's warranty, and non-discrimination with regard to rental or sale of property. Certification to these items would not have relieved participating mortgagees from the general requirement of meeting all HUD regulation and handbook requirements.

HUD would have limited its review of documents, prior to endorsement, to determine that: (1) All necessary documents had been submitted and were properly executed; (2) the mortgage had been executed on a form approved, by HUD, for use in the jurisdiction in which the property covered by the mortgage was situated; (3) the mortgage term, interest rate and amount met the applicable statutory and regulatory requirements; (4) the ratio of loan to value or replacement costs, as stated on a property appraisal form approved by HUD and completed by a HUD-approved appraiser, met applicable statutory and regulatory requirements; and (5) all required certifications had been made by the HUD-approved mortgage underwriter.

Failure to satisfy this review would have resulted in a denial of insurance endorsement by HUD until such time as discrepancies were corrected.

Following endorsement HUD/FHA reviewed all documents submitted by the mortgagee to determine whether the mortgage satisfied the requirements of the Direct Endorsement program. Also, at least ten percent of endorsed mortgages were subject to a detailed, quality control review covering architectural, property value and mortgage credit analysis.

Because HUD's review for program compliance occurred after the endorsement of individual mortgages, HUD would take remedial actions as soon as problem mortgagees were identified. The proposed program specified that HUD could place the mortgagee on probation and require that the mortgagee revise certain procedures, repeat part of the training. and/or require the mortgagee to take other actions, including, but not limited to periodic reporting to HUD, or submission to HUD of internal audits. HUD could temporarily suspend a mortgagee from participation in the programs or, if the infraction was of sufficient severity, withdraw the mortgagee's status as an approved mortgagee under HUD's other programs.

The final rule is substantially similar to the proposed rule. The principal changes incorporated into the final rule are listed below with a fuller explanation for the changes provided in Section III.

1. The proposed rule was applicable to only the section 203(b), section 245 (Graduated Payment), section 221(d)(2) and section 234(c) mortgage insurance programs. The final rule adds section 203(i) as an eligible program. (See 24 CFR 200.163(a)(1)). (Unless otherwise noted, all references are to 24 CFR.)

2. The final rule contains a limitation to the section 221(d)(2) program. A seldom used provision of the program, which permits a builder-mortgagor to sell the property to a displaced family on a deferred basis, is not available in the Direct Endorsement program. (See § 200.163(a)(2)).

3. The rule makes explicit that a mortgagee has a duty to use due diligence when underwriting mortgages. Due diligence means the same care which would be exercised in originating a loan in which the mortgagee would be entirely dependent on the property as security to protect the mortgagee's investment. The Secretary is publishing guidelines which describe the procedures which constitute the minimum exercise of due diligence. (§§ 200.163(b) (1) and (2)).

4. The proposed rule did not address the use of Veterans Administration certificates of reasonable value (CRVs), Veterans Administration master certificates of reasonable value (MCRVs), HUD conditional commitments, or HUD master conditional commitments. Both the HUD conditional commitment and the CRV pertain to single properties while the master commitment and MCRV cover properties in approved subdivisions. The final rule permits the use of CRVs, MCRVs, HUD conditional commitments and HUD master conditional commitments, in lieu of the mortgagee submitting an appraisal, for those mortgage loan submissions involving properties classified by the VA or HUD as proposed construction. (§ 200.163(b)(3)).

5. The Underwriter's Certification has been modified in the following ways:

a. The underwriter is to certify that he/she has personally reviewed the application and loan documents and has been duly diligent in this regard. The underwriter is also to certify that the mortgage complies with the specific items of certification for the given mortgage type. The Secretary is to publish a list of mortgages by type which are eligible for Direct Endorsement processing along with a particularized list of certifications to be made for each mortgage type. (§ 200.163(c)).

b. The certifications pertaining to graduated and modified graduated payment mortgages have been consolidated. (§ 200.163(c) (4) & (5)).

c. The underwriter is required to certify that the mortgage amount is not greater than the maximum mortgage amount permissible by law and

regulation. Under the proposed rule, the underwriter only certified to the loan-to-value requirements. (§ 200.163(c)(8)).

d. An explicit certification covering situations involving negotiated interest rates has been added. (§ 200.163(c)(19)).

e. An explicit certification covering properties in outlying areas has been added. (§ 200.163(c)(20)).

6. Section 200.163(c)(16) sets forth a specific certification for refinancing under Section 221 of the National Housing Act. Refinancing under other programs covered by the Direct Endorsement program is likewise eligible for Direct Endorsement processing. The stated mortgage amount for a mortgage refinancing a mortgage must satisfy the limitations set forth in 24 CFR 203.18, 203.18a, 203.18b, 203.29, or 203.29 as incorporated by reference in §§ 221.1, 221.10, 221.11, 221.20, 221.50, 234.29, 234.49, as applicable, and such further limitations as prescribed by the Secretary.

7. Section 200.163(f) is a new provision which permits the Secretary to add, in the Direct Endorsement Handbook, additional certification requirements which, on the basis of program experience, he deems necessary. The rule sets forth procedures whereby the Secretary is to provide notice in the **Federal Register** of new certification items.

8. The proposed rule stated that mortgagees were to have specific experience originating and servicing HUD/FHA insured mortgages. Under the final rule mortgagees are not required to have specific experience originating HUD/FHA loans; nor are mortgagees required to have specific experience servicing either FHA or conventional loans. The final rule requires that mortgagees have experience originating single family mortgages. (§ 200.164(c)(1)).

9. The proposed rule stipulated that to participate in the Direct Endorsement program all mortgagees, other than supervised mortgagees, had to establish that they were approved either as Federal National Mortgage Association (FNMA) seller/servicers or as issuers of Government National Mortgage Association (GNMA) mortgage-backed securities. The final rule permits governmental institutions as mortgagees and provides that a non-supervised mortgagee with a net worth of $250,000 may qualify for participation in the Direct Endorsement program. The final rule modifies the FNMA seller/servicer alternative by requiring that the mortgagee need be only an approved FNMA seller. (§ 200.164(c)(2)).

10. The proposed rule did not permit mortgagees to use staff appraisers. The final rule permits the use of HUD-approved staff appraisers. However, mortgagees cannot use staff appraisers or inspectors in situations where the mortgagee has a financial interest in, is owned by or is affiliated with a building or selling entity. (§ 200.164(d)).

11. The proposed rule provided that HUD would perform, prior to unconditional approval of a mortgagee, a detailed review of the first twenty-five mortgage loan applications submitted by the mortgagee. The final rule has been revised to provide that HUD will review no less than the first fifteen submissions. This review of mortgagee loan submissions may be continued until the Department is satisfied that the mortgagee is competent to participate in the program. (§ 200.164(g)).

12. The final rule incorporates negotiated interest rates for use in the Direct Endorsement program. (§ 203.51(a)(2)).

13. Presently, the regulatory provision at 24 CFR 203.405, provides that debentures shall bear interest at the rate in effect as of the day the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever is higher. This section has been amended to reflect the new Direct Endorsement program. Since no commitment is issued under this program, debentures will bear interest at the rate in effect as of the date the mortgage was endorsed for insurance.

III. Discussion of Comments

Forty-one comments were received in response to the proposed rule. Sixteen letters were from, or on behalf of, mortgage companies, five from local trade associations, four each from national trade associations and home building companies, three from commercial banks, two from savings banks, two from independent appraisers, and one each from a private mortgage insurance company, a real estate company, and a national professional organization. Two comments were received from HUD field offices. The principal comments are summarized below, along with HUD's response to them.

A. Mortgagee Qualifications (§ 200.164)

1. Experience. The proposed rule stated that mortgagees were to have specific experience originating and servicing HUD/FHA insured mortgages. One comment pointed out that certain mortgage banking companies originate mortgage loans but do not retain the servicing contracts when the mortgage loans are sold to investors. The comment suggested that the quality of loan origination is not dependent upon retention of servicing.

HUD agrees with this comment. The Direct Endorsement program covers the origination, not the servicing, of mortgages. Therefore, the requirement for servicing experience is inappropriate and has been eliminated. For the same reason, the provision that a mortgagee can satisfy part of its approval requirements by being an approved FNMA seller/servicer is modified to allow approved FNMA sellers to qualify.

A trade association commented that many of its members, single family mortgage lenders, have not been active in the HUD/FHA programs in recent times due to a combination of record high interest rates, severe earnings pressures, disintermediation, and the increased flexibility of conventional loan programs. The association urged that general single family origination experience be acceptable for participation in the program.

The Department agrees that an experienced originator of conventional single family mortgages, if it can successfully complete the training and initial case review under this program, should not be excluded from the Direct Endorsement program. Accordingly, the requirement that mortgagees have experience originating HUD/FHA loans has been removed.

2. Automatic Approval. Several comments recommended that certain mortgage lenders receive automatic approval as Direct Endorsement mortgagees based upon their participation in currently operating programs which contain features similar to the Direct Endorsement program. Similar programs cited were HUD's Demonstration program, the Veterans Administration's (VA) Automatic Approval program and the Federal National Mortgage Association's (FNMA) Delegated Underwriting program.

The Department previously considered such automatic approval and decided against it. The Department has again decided against automatic approvals because of the basic differences between the Direct Endorsement program and the other programs cited above. For example, the VA automatic approval program only gives lenders authority to make the determination of borrower eligibility; the property underwriting function is retained by the VA. For this reason, the VA-approved underwriter is required only to have mortgage credit expertise. Similarly, HUD's Demonstration program, described in the proposed rule, did not require the lender to assume the

property underwriting responsibility. The lender had the option of performing only the mortgage credit analysis. Therefore, there will be underwriters who were approved for the demonstration program who may not qualify for participation in the Direct Endorsement program.

With respect to the FNMA Delegated Underwriting program, FNMA now requires all mortgage loan sellers to deliver mortgages to FNMA without prior approval. While such experience may demonstrate the ability of a lender to originate satisfactorily, this neither indicates experience originating HUD/FHA mortgages nor takes into account the FNMA buy back requirement. FNMA's program incorporates a contractual commitment under which the mortgagee must buy back problem mortgages, a feature not present in HUD's program. Because of the buy back protection, the risk to FNMA of using unqualified mortgagees is manageable. HUD's program does not include a buy back requirement, and, therefore, HUD has to rely on basic eligibility requirements and, for this reason, will require all mortgagees who seek approval under the Direct Endorsement program to establish that they meet these requirements.

3. Field Office Approval. Three mortgagees suggested that it would be more efficient if mortgagees were approved on a national basis, rather than by each HUD field office in which the mortgagee does business. The Department is not persuaded by this request. The most important component of the mortgagee's application to participate in the Direct Endorsement program will be the qualifications of the underwriter. The certifications to be signed by the underwriter require familiarity with the market area in which the property is located. The decision to approve at the field office level reflects the conclusion that most mortgagees will use different underwriters in different regions. In most situations where an individual underwriter has been approved by one field office, the application process will be simplified so that the underwriter can more easily obtain approval in other offices.

4. Annual Recertification. Three comments suggested that the Department reconsider the requirement that lenders reapply for eligibility each year. Two of these comments suggested that the approval not be limited to one year. The third comment suggested that the reapproval process be simplified.

The final rule does not limit mortgagee approval to one year. The annual recertification requirement has been deleted. Instead, the final rule requires notification from mortgagees when the mortgagee's qualifications change (e.g., use of a new underwriter).

The original purpose of the annual recertification was to provide a point in time when a mortgagee's experience can be formally reviewed and a decision can be made as to continued participation in the program. Upon reconsideration, the Department believes that an annual recertification is not the most appropriate time for such a review. Given the significant responsibilities placed upon approved mortgagees, HUD intends to maintain an on-going review of each mortgagee through its post-endorsement review of mortgages processed. HUD can detect problems with mortgagee performance during this post-endorsement check. Correction of mortgagee procedures or removal of mortgagees should be done when the problem arises. This can be effectively, and efficiently, handled through the procedures set forth in section 200.164(h) "Mortgagee sanctions".

5. Net Worth. A national trade association suggested that a minimum net worth of $250,000 be required of all non-supervised lenders. The comment suggested that this dollar amount would be sufficient to lessen the opportunity for abuse by mortgage originators who enter the business for short periods of time. Another comment, from a mortgage lender, suggested that FNMA or GNMA approval should not be required for lenders who do not qualify as supervised lenders or governmental institutions, since there are qualified HUD/FHA mortgage originators who market their mortgage loans to other secondary market investors.

The primary qualification of a lender for the Direct Endorsement program is the ability to originate mortgage loans which meet all of the Department's underwriting requirements. The Department believes that net worth is an important component of mortgagee eligibility; it ensures that the mortgagee is sufficiently capitalized to be able to assume the responsibilities (including quality control) imposed under the Direct Endorsement program. For this reason the proposed rule required that non-supervised lenders were required to have either FNMA or GNMA approval. FNMA requires its lenders to have a minimum net worth of $250,000. GNMA has a sliding scale for determining net worth, a $100,000 minimum with an added requirement based on mortgage backed security activity.

The Department has determined that non-supervised lenders which are not governmental institutions, and which do not participate in FNMA or GNMA programs, should not be precluded from participating in the Direct Endorsement program. Therefore, the final rule adds a third basis on which non-supervised lenders may qualify for participation in the Direct Endorsement program—a minimum adjusted net worth of $250,000. (Adjusted net worth is defined in HUD Handbook 4060.1, Mortgagee Approval Handbook).

6. Governmental Agencies (§ 200.164(b)). The final rule has also been modified to permit Federal, State or municipal government agencies, empowered to hold mortgages insured under the National Housing Act, and meeting the general approval requirements of § 203.2, to serve as mortgagees under the Direct Endorsement program. The Department has determined that there is no reason to exclude such mortgagees. These mortgagees are not required to be approved as Federal National Mortgage Association sellers or as issuers of Government National Mortgage Association mortgage-backed securities.

B. Twenty-Five Case Review (§ 200.164(g))

The proposed rule provided that HUD would perform a detailed review, before endorsement, of the first twenty-five mortgage loan applications submitted by the mortgagee to each HUD field office. The purpose of the review is to ensure that program requirements are understood and are being followed.

Four comment letters suggested that this twenty-five case review be waived, or reduced, for those mortgagees which have successfully participated in the Department's demonstration Delegated Processing program. Another comment suggested that, regardless of previous program experience, twenty-five cases were too many and review of a fewer number, such as ten to fifteen, would serve the same objective. A national trade association suggested that supervised lenders not be required to participate in the review phase of the program.

The Department agrees that flexibility is required to adequately respond to different levels of demonstrated ability. However, the Department believes that the unique features of the Direct Endorsement program necessitate that mortgagees demonstrate to each HUD field office a complete understanding of the program requirements before receiving unconditional approval to participate in the program. In some circumstances, even twenty-five cases will not establish that program guidelines are understood and/or being followed. For these reasons the final

rule requires that HUD review no less than the first fifteen submissions before endorsement for issuance of commitments. This review and issuance of commitments may be continued until the Department is satisfied that the mortgagee is competent to participate in the program. Once the review reveals acceptable processing, the mortgagee will be approved to close subsequent mortgages and submit them directly for endorsement in accordance with the process set forth in § 200.163 of the regulation. If the mortgagee does not perform in an acceptable manner following an extended period of review, the mortgagee will be denied participation in the program in accordance with § 200.164(g).

C. Underwriter Qualifications

The preamble to the proposed rule stated the Department's intention to require the mortgagee's underwriter to have specific experience in the origination of HUD/FHA-insured mortgages. One comment suggested that a mortgage loan underwriter with knowledge and experience of conventional originations could, with the proper training, satisfactorily underwrite HUD/FHA mortgage loan applications. The Department agrees with this comment and will delete the HUD/FHA requirement from the HUD Handbook.

Several comments stated that the underwriter's qualifications discussed in the preamble of the proposed rule were overly restrictive. One comment suggested that the requirements for underwriters established by the VA Automatic Approval procedure should be adopted for the Direct Endorsement program. The Department does not believe that the qualifications are too restrictive or that VA's Automatic Approval procedure should be adopted for this program. The Department is requiring a minimum of three years full-time experience (or equivalent, part-time) reviewing credit and property applications associated with one-to-four family properties. The underwriter must be knowledgeable of the principles, practices and techniques of mortgage underwriting, including real estate appraisal, mortgage credit evaluation, and factors affecting property values and real estate trends. These qualifications are somewhat less than the five years credit reviewing experience required by the VA Automatic Approval program. However, the Direct Endorsement program requires the underwriter to determine property eligibility (which is not part of the VA Automatic Approval program). Therefore, it is necessary that underwriters have property evaluation experience as well as credit experience.

D. Underwriting Procedures (§ 200.163(b)(1))

Section 200.163(b)(1) imposes a duty of due diligence on mortgagees when underwriting mortgage loans to be processed under the Direct Endorsement program. This requirement was implicit in the proposed program. All mortgagees, approved to originate mortgages under any single family housing program insured by HUD, are obligated to comply with "such additional conditions and requirements as the Commissioner [FHA] may impose." (§ 203.2(a)(6)). HUD Handbook 4000.2 REV–1, Mortgagees' Guide, Application Through Insurance (Single Family) (Revised April 1982) states the mortgagee's loan origination responsibility as follows:

> HUD requires the originators of insured mortgages to develop such loans in accordance with accepted practices of prudent lending institutions and HUD requirements. They must obtain and verify information with at least the same care that would be exercised in originating a loan in which the mortgagee would be entirely dependent on the property as security to protect its investment. Chapter 5, paragraph 5–1.

The duty of due diligence owed the Department by approved mortgagees is based not only on these regulatory requirements, but also on civil case law. This is best summarized in *United States* v. *Bernstein*, 533 F.2d 775 (2nd Cir., 1976), *cer't den'd*, 429 U.S. 998, when the court said:

> Under the analogous civil case law the mortgagee, knowing that the federal insurer [FHA] is "relying on its professional judgment in a business relationship" has an affirmative duty "to use due care in providing information and advice" to the federal mortgage guarantor * * * [citations deleted] The entire scheme of FHA mortgage guaranties presupposes an honest mortgagee performing the initial credit investigation with due diligence and making the initial judgment to lend in good faith after due consideration of the facts found. *Id.* at 797.

Because of the importance of mortgagee processing under the Direct Endorsement program, HUD has made explicit this duty of due diligence by expressly incorporating it into the regulation. HUD considers the exercise of due diligence an affirmative duty on the part of mortgagees participating in the program. Thus, procedures a prudent mortgagee would use if it looked solely to the property as security to protect its interest, should be used to assure that information collected and used to make underwriting decisions is accurate, current and complete. These procedures are to be made a part of the mortgagee's Quality Control Plan.

HUD does not intend to require mortgagees to follow set procedures specified by HUD. HUD will issue guidelines, as part of the Mortgagee's Guide to the Direct Endorsement Program, defining what the Department considers the minimum set of procedures. These are minimum procedures because due diligence will vary by the circumstances surrounding a particular transaction or pattern of transactions. If mortgagees follow these procedures, their actions will be deemed an exercise of due diligence. Undoubtedly, these guidelines will be modified in response to experience gained under the program.

E. Underwriter Certification (§ 200.163(c))

The underwriter will be required to certify as part of the loan application, that a prescribed set of statutory and regulatory requirements have been met for purposes of endorsement. These certifications are important as HUD will rely upon them for purposes of endorsing the mortgage loan, thereby eliminating the necessity for a detailed HUD review of the loan prior to endorsement. The proposed rule requested public comment on whether each loan submission by the mortgagee should include an itemized list of all the certifications applicable to the specific mortgage, or instead, just one general certification that the mortgagee has satisfied all HUD requirements. A total of sixteen comment letters addressed this issue. Thirteen favored the use of a general certification. Two preferred the itemized list, suggesting it would be advantageous to the mortagee and underwriter to be fully aware of the specific criteria which the mortgage loan must satisfy. One suggested that the underwriter execute a detailed master certification once a year; for each mortage loan submitted; individual certifications would be referenced by short titles on a pre-printed form.

The Department has decided to accept a general certification. While an itemized certification would be a helpful check for the mortgagee, it is not considered essential for the operation of the program. HUD will provide, in the Mortgagees' Guide to the Direct Endorsement Program, a list of required certifications as required under § 200.163(c) for specific mortgage types. The underwriter can use this listing in the handbook as a checksheet for his review and control of the underwriting process.

The underwriter will execute an underwriter certification for and on behalf of the mortgagee on a form prescribed by the Secretary. The certification form will contain the following information: HUD case number, program section of the act, single family or condominium, number of dwelling units in the structure, local jurisdiction identification, date of mortgagor approval, date or mortgage closing, statement that there is a negotiated interest rate (if applicable), and certification language. As to the latter, the underwriter will certify that (1) the application and accompanying documents have been reviewed personally by the underwriter with due diligence; and (2) the mortgage complies with the required certifications set forth in § 200.163 for the mortgage type, as detailed in the Mortgagees' Guide to the Direct Endorsement Program, and such other certifications as are published in the **Federal Register** pursuant to § 200.163(f).

The Secretary will publish in the Mortgagees' Guide to the Direct Endorsement Program guidelines for underwriting procedures. Compliance with these procedures will constitute the exercise of due diligence in underwriting loans.

F. Use of Staff Appraisers (§ 200.163(b))

The proposed rule did not permit mortgagees to use staff appraisers. Twenty-eight comment letters specifically addressed this issue. Of the twenty-eight, ten were either from, or on behalf of, mortgage banking companies which had used staff appraisers under the Department's Delegated Processing demonstration program. They strongly favored a similar policy for the Direct Endorsement program. Of the other eighteen, thirteen favored the option to use staff appraisers. These thirteen included three depository institutions, three national trade associations, two mortgage banking companies, one professional association and four home building companies. Two comments pointed out that HUD was expecting mortgagees to certify to property eligibility determinations which are to be made by fee appraisers selected for the mortgagees by HUD. These mortgagees stated that if they are expected to make such certifications they should be permitted to use their own staff appraisers with whose expertise and judgment they are familiar. Five mortgage banking companies advised against the use of staff appraisers; principally, they cited potential conflicts of interest as their reason.

The Department has reconsidered this issue and, in light of the comments received, has decided to permit the use of staff appraisers. The Department believes that the post-endorsement monitoring system for the Direct Endorsement program will reveal improper appraisals whether conducted by staff or HUD fee appraisers. Prompt actions to correct improper appraisal practices, or removal of mortgagees from the program, can minimize the number of these problems.

Staff appraisers must meet the same qualifications as HUD fee appraisers. Further, mortgagees cannot use approved staff appraisers or inspectors in situations where the mortgagee has a financial interest in, is owned by, or is affiliated with a building or selling entity; in these cases, mortgagees must use appraisers and inspectors assigned by HUD. HUD does not expect all, or even most, mortgagees to use staff appraisers because the economics of the business warrant payment for such services when required instead of carrying appraisal staff as overhead.

G. Selection of Fee Appraiser (§ 200.163(b)(3))

Another issue commented upon was whether the selection of a HUD approved fee appraiser to appraise a particular property should be made by HUD or the mortgagee. Three mortgagees suggested that HUD should not select appraisers. These mortgagees urged that they be permitted to select the appraiser they feel can do an efficient and capable job in any given case. A national trade association suggested that HUD, in lieu of allowing a mortgagee to select an appraiser, should provide the mortgagee with the names of two approved appraisers. The mortgagee could then select between the two.

Two letters of comment were received from independent appraisers presently serving on HUD fee panels. One of these, a minority appraiser, expressed concern that mortgagees, if permitted to select their own appraisers, would discriminate against minority appraisers. The second appraiser urged that HUD continue to appoint appraisers so as to prevent appraisers from providing favorable reports in return for anticipated future assignments.

To ensure that all appraisers in good standing on the HUD fee panels receive a fair share of the appraisal assignments generated by HUD/FHA single family programs, the Department has elected to retain the assignment responsibility in all cases where staff appraisers are not used.

One mortgagee commented that there are appraisers on a HUD/FHA panel in his area who do not perform satisfactory work. This mortgagee does not wish to be forced to utilize unqualified appraisers. The Department will review every appraisal submitted in the Direct Endorsement program. Fee appraisers who perform unsatisfactorily will be removed from the HUD/FHA panel. In addition, the Department will investigate reports from mortgagees concerning unsatisfactory performance by fee appraisers.

H. Acceptance of VA Certificates of Reasonable Value and HUD Conditional Commitments (§ 200.163(b)(3))

The proposed rule did not specifically address the use of VA certificates of reasonable value (CRVs), VA master certificates of reasonable value (MCRVs), HUD conditional commitments and HUD master conditional commitments. The proposed rule stated that each mortgage loan must include a property appraisal when submitted for endorsement. When a mortgagee applies for a VA CRV, or a HUD conditional commitment, the mortgagee is not responsible for analyzing the appraisal report; the appraisal is sent directly to, and reviewed by, the VA or HUD.

Six comments were received concerning VA CRVs and VA MCRVs. One mortgagee and one local trade association urged that since HUD accepts VA CRVs and MCRVs in its regular programs these certificates should be accepted here. Two national trade associations and a mortgagee commented that CRVs and MCRVs are particularly important when processing a large group of loans involving proposed construction (e.g., a proposed subdivision). A mortgagee suggested that there are many instances when a VA CRV is obtained prior to the sale of the property. The mortgagee suggested that for such cases to be eligible for Direct Endorsement processing, another appraisal would have to be performed. In this case, the parties to the transaction might be unwilling to accept a new appraisal.

The issue here is not reciprocity between VA and HUD; rather the issue is under what conditions should HUD accept a HUD or VA appraisal as part of the Direct Endorsement process. It is the Department's intent that the mortgagee under the Direct Endorsement program assume all the underwriting responsibilities involved in the origination of a HUD/FHA single family mortgage. To accept HUD conditional

commitments in those cases where the mortgagee reasonably could be expected to have the appraisal performed would be contrary to the intent of the program and would provide a disincentive for mortgagees to assume the appraisal responsibility. Similarly, to accept the VA CRVs and not HUD conditional commitments could have the effect of shifting the property eligibility determination to the Veterans Administration, in lieu of the mortgagee assuming the responsibility, thereby contravening the intent of the program.

With respect to the comment that there are instances when a VA CRV is obtained prior to the sale of an existing property, the Department is aware that home sellers will often obtain CRVs, as well as HUD conditional commitments, as a marketing tool. In these cases, the Department expects the mortgagee to utilize the regular commitment procedure rather than perform a new appraisal for Direct Endorsement purposes. The Direct Endorsement program is not designed to mix mortgagee and HUD processing, except for proposed construction as discussed below.

In response to the comments, the Department acknowledges that proposed construction deserves special consideration. With proposed construction cases, in order to qualify for a favorable loan to value ratio, the mortgagee must have the appraisal performed, and the plans and specifications approved, prior to the start of construction. Properties are rarely sold prior to the start of construction. The mortgagee, therefore, would not yet know whether the potential purchaser will seek VA, HUD/FHA or conventional financing. Because the Veterans Administration, at present, will not accept the appraisals performed for lenders under the Direct Endorsement program, the Department recognizes that it would be unrealistic to expect a mortgagee to have an appraisal made prior to construction for the Direct Endorsement program, which would preclude subsequent VA financing.

Hence, in order to permit mortgagees to meet VA requirements and still use the Direct Endorsement program the Department has elected to permit, at time of endorsement, the use of VA CRVs, VA MCRVs, HUD conditional commitments and HUD master conditional commitments, in lieu of the mortgagee submitting the appraisal, for those mortgage loan submissions involving properties classified by the VA or HUD as proposed construction.

The Department recognizes that there will be instances when the mortgagee knows, prior to the start of construction, that the purchaser will be utilizing HUD/FHA financing. In such instances, the mortgagee may wish to perform the required property analysis.

If the mortgagee does not use a HUD conditional commitment or CRV, for proposed construction, the Direct Endorsement program provides the mortgagee three processing options to qualify the property for a high loan to value ratio. Under the first option, the mortgagee submits the plans and specifications to HUD, prior to both the start of construction and performance of the appraisal, for HUD review and approval. Once HUD approval has been received, the mortgagee has the appraisal and compliance inspections performed; the mortgagee is responsible for review of the appraisal and inspections. Under the second option, the mortgagee is responsible for review of the plans and specifications and determines compliance with the applicable standards. Under this approach, the mortgagee, prior to the start of construction and performance of the appraisal, uses either a staff construction analyst approved by HUD, or an analyst assigned by HUD, who reviews the plans and specifications and, if acceptable, certifies that they comply with the applicable HUD standards; the mortgagee is responsible for the appraisal and compliance inspections. Under the third option, the property must be covered by a consumer protection or warranty plan acceptable to HUD. The appraisal may be done prior to, during or after construction. The mortgagee must obtain a certification from a registered architect or a licensed engineer that the plans and specifications meet HUD's property standards for proposed construction. In addition to architects and engineers making the certification, a builder may make the certification provided: (1) He has successfully completed a training session conducted by HUD on the use of the standards and applicable review requirements; and (2) the first five certifications are reviewed by HUD prior to the appraisal.

I. Quality Control Plan (§ 200.164(e))

In accordance with § 203.2(a)(10), each mortgagee must implement a written Quality Control Plan which assures compliance with regulations and other HUD issuances concerning loan origination. Section 200.164(e) requires that these plans be revised, if necessary, to reflect the added responsibilities of the mortgagee under the Direct Endorsement program. The proposed rule requested public comment on the necessity or desirability of HUD review of the Quality Control Plan as a precondition to mortgagee approval. Thirteen comments addressed this issue.

Several homebuilding associations and homebuilding companies urged that HUD permit mortgagees to develop these plans during their first year of participation. The Department disagrees with these comments; the Department believes that it is critical that an acceptable quality control process exist before the mortgagee begins to originate mortgages under the Direct Endorsement program.

Three mortgagees and two national trade associations suggested that HUD review of the plan not be a precondition for approval to participate in the Program. One mortgagee suggested that HUD review, as a precondition to approval, conflicts with the Department's intent to place maximum reliance on mortgagee determinations. One mortgagee felt that HUD should review the plan.

The Department does not agree that review of the Quality Control plans is inconsistent with the intent of the program. The Department has determined that this program can be offered only if the mortgagees have acceptable Quality Control plans and, of course, if the Department carefully monitors the endorsed mortgages. Hence, as a precondition to mortgagee approval, the Department will require each mortgagee to have a Quality Control Plan to manage, conduct and review the underwriting of mortgage loans which are to be submitted for Direct Endorsement. The primary purpose of these plans is to assure that prudent procedures and qualified personnel are used when underwriting loans so that HUD requirements are met. An additional purpose is to provide procedures for quality control reviews and for correcting problems once the mortgagee becomes aware of their existence.

The mortgagee shall submit its Quality Control Plan, as revised to reflect the requirements of the Direct Endorsement program, as part of the application for approval in accordance with § 200.164. Because HUD does not specify the exact content, style or format of the Plans, HUD's review will be limited to whether the mortgagee has addressed the requirements for the Direct Endorsement program. HUD may require revisions if the Plan fails to address specific provisions. HUD review, however, will not constitute approval of specific provisions.

A national trade association suggested that HUD establish clear guidelines for Quality Control Plans. The Department already provides guidelines

for mortgagees applying for HUD mortgagee approval pursuant to section 203 in HUD Handbook 4060.1, Mortgagee Approval Handbook. The Department will provide guidelines concerning those controls for the Direct Endorsement program which must be addressed in the plan. (See III, D. above.) Each mortgagee must develop a system which will ensure that HUD requirements are being followed by its personnel. The Department believes that the additional responsibilities assumed by the Direct Endorsement mortgagee will require review of the existing plan. It may be necessary to amend the plan to reflect these added responsibilities.

J. Mortgagee Compensation

Presently, mortgagees are permitted to charge up to one percent of the original principal amount of the mortgage for transactions involving existing construction. The proposed rule did not provide for additional compensation to mortgagees for expenses incurred originating and closing mortgage loans.

Five mortgagees and two national trade associations commented on this issue. In general, all stated that participation in the Direct Endorsement program will result in higher staffing costs for mortgagees; they stressed that these costs will result in loan origination expenses in excess of the maximum one percent origination fee. One national trade association suggested that the origination fee be increased to one and one-half percent or the the mortgagee be permitted to charge an underwriting fee for each loan; if increased compensation is not permitted, this association suggested, mortgagees will simply pass on the added costs to sellers in the form of higher mortgage loan discount points. There other mortgagees also recommended either increasing the origination fee or allowing underwriting fees. One party suggested that an origination fee of $300.00 per case be permitted. Another urged that an underwriting fee be permitted of $65.00 per case. The third mortgagee suggested an underwriting fee of $15.00 per case.

The Department has decided not to increase the fee which a mortgagee can charge. The Direct Endorsement process offers an optional procedure for obtaining FHA insurance. Those mortgagees which determine that the added costs of using the program are greater than the benefits realized by the expedited process can continue using the present commitment process. The Department believes that the benefits realized from using the program—including a more efficient and predictable period for loan origination and closing—significantly offset the additional costs incurred.

The Department has, however, allowed the mortgagee who uses staff to conduct appraisals or inspections to recoup from the borrower the reasonable and customary charges for such appraisals and inspections (§ 203.27(a)(3)(v) as amended by this rule).

K. Eligible Mortgage Insurance Programs (§ 200.163(a)(1))

The proposed rule provided that the program would be made applicable to only the Section 203(b), Section 245 Graduated Payment, Section 221(d)(2) and Section 234(c) mortgage insurance programs. Comment was specifically requested on whether or not graduated payment mortgages, and mortgages secured by properties with leasehold provisions, should be included in the Program.

Fourteen comments addressed both issues. All suggested permitting both graduated payment mortgages and leaseholds; that mortgagees would have no difficulties dealing with either situation. Hence, both are permitted in the final rule.

A national trade association suggested that the Section 203(i) program for outlying area properties be included as an eligible program. Because the underwriting requirements of Section 203(i) are very similar to Section 203(b), the final rule includes Section 203(i) as an eligible program.

The final rule contains a limitation to the Section 221(d)(2) program. A seldom used provision of the program, which permits a builder-mortgagor to sell the property to a displaced family on a deferred basis, is not available in the Direct Endorsement program.

L. Application Forms

Six comments were received which suggested that the Department accept the mortgage credit application and appraisal forms which are widely accepted in the primary and secondary conventional mortgage markets.

The Department recognizes the advantages for mortgagees and appraisers who are more familiar with conventional mortgage documents. The Mortgagees' Guide to the Direct Endorsement Program will permit mortgagees using staff appraisers to submit property appraisals on the appropriate appraisal forms used by FNMA and the Federal Home Loan Mortgage Corporation. In such cases, the mortgagee must also submit the applicable certifications on the HUD Form 92800, Application For Property Appraisal.

For the borrower's mortgage credit application, at this time the Department will require the HUD Form 92900, Application For HUD/FHA Insured Mortgage to be used for all Direct Endorsement cases. HUD will continue to work towards greater flexibility and use of common forms.

M. Withdrawal of Approval (§ 200.164(h))

The proposed rule specifically requested the public to comment on the adequacy of the post-endorsement review as a means of detecting mortgagee practices in violation of HUD requirements; also, comment was requested concerning the sanctions HUD proposed to apply to those mortgagees who underwrite mortgages which, under the conventional processing procedures, would not have been accepted by HUD for endorsement. Six comments, three from mortgagee lenders, two from national trade associations and one from a local trade association, addressed this issue. All agreed that once a problem mortgagee is identified, HUD must take immediate action. The proposed rule provided that such action would vary according to the severity of the problem. Depending upon the nature and extent of the infractions detected during the HUD review, HUD could place the mortgagee on probation, temporarily deny participation in the Direct Endorsement program, withdraw Direct Endorsement status or withdraw HUD/FHA approval status.

To avoid confusion, the temporary denial of participation sanction has been deleted. The final rule provides withdrawal of approval procedures developed specifically for the Direct Endorsement program.

The new procedures provide that HUD may: (1) Place the mortgagee on probation for a specified period of time for the purpose of evaluating the mortgagee's compliance with the requirements of the Direct Endorsement program; (2) withdraw the mortgagee's approval to participate in the Direct Endorsement program upon written notice which states the grounds for the action and provides the right to an informal hearing before the decision maker; or (3) withdraw the mortgagee's HUD/FHA approval for serious non-compliance with the requirements of the Direct Endorsement program. If a mortgagee is placed on probation it still may process mortgage applications under the Direct Endorsement program. HUD may, however, place conditions on the mortgagee's participation. For example, HUD may require that the mortgagee correct certain procedures,

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undertake additional training, or repeat the mortgage review process pursuant to § 200.163(g).

N. Waiver (§ 200.164a)

The final rule includes a waiver provision. This provision permits the Secretary in an individual case to waive any requirement which would adversely affect achievement of the purposes of the National Housing Act and the Direct Endorsement program.

O. Negotiated Interest Rates (§ 203.51(a)(2))

The proposed rule did not specifically address the Negotiated Interest Rate provision which may apply to mortgages insured under section 203(b) although HUD intended the Direct Endorsement program to cover such mortgagee loans. This provision which was authorized by section 332 of the Housing and Community Development Act of 1980, permits a limited number of section 203(b) mortgages to be executed at interest rates exempt from the maximum HUD single family rate. Instead, the interest rate and the number of discount points are negotiable between the borrower and the lender. The final rule incorporates the Negotiated Interest Rate provision for use in the Direct Endorsement program. However, because the Department's authority to insure with this provision is limited, mortgagees will be required to obtain authorization from the HUD field office prior to entering into the Negotiated Rate binding agreement. An amendment has been made to §203.51 in order to address the differences resulting from the Direct Endorsement program.

IV. Findings and Other Information

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. A Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices of consumers, individual industries, Federal, State or local government agencies, or geographic regions; (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The Catalog of Federal Domestic Assistance numbers are 14.105 through 14.165.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs—Housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum property standards.

24 CFR Part 203

Home improvement, Loan programs—Housing and urban development, Mortgage insurance, Solar energy.

24 CFR Part 233

Loan programs: housing and community development, Mortgage insurance, Experimental housing, Projects.

24 CFR Part 234

Condominium, Mortgage insurance, Homeownership, Projects, Units.

24 CFR Part 237

Low and moderate income housing, Mortgage insurance.

IV. Final Rule

Accordingly, 24 CFR Parts 200, 203, 233, 234 and 237 are amended as follows:

PART 200—[AMENDED]

1. Part 200 is amended by revising the table of contents, for Subpart E—Mortgage Insurance Procedures and Processing, to read as follows:

Subpart E—Mortgage Insurance Procedures and Processing

Claims for Losses

Sec.
200.153 Presentation of claim.
200.154 Notice of default.
200.155 Claim requirements.
200.156 Settlement of claims.
200.157 Provisions and characteristics of debentures.
200.158 Applicability of Treasury regulations to debenture transactions.
200.159 Relief on account of lost, stolen, destroyed, mutilated or defaced debentures.
200.160 Redemption of debentures prior to maturity.
200.161 Administration of debenture transactions.
200.162 Certificates of claim.
200.163 Direct endorsement.
200.164 Approval of direct endorsement mortgagees.
200.164a Waivers.

2. Part 200 is amended by revising § 200.141 to read as follows:

§ 200.141 Procedure in general.

(a) All mortgage insurance programs, with the exception of the single family Direct Endorsement and coinsurance programs, involve four steps. First, application for insurance; second, commitment for insurance; third, insurance endorsement; and fourth, where applicable, a claim for loss.

(b) Except as set forth in §§ 200.163(b) and 200.164(g), commitments are not issued by HUD under the single family Direct Endorsement program.

3. Part 200 is amended by revising paragraph (b) of § 200.145 to read as follows:

§ 200.145 Technical analysis and underwriting processing.

* * * * *

(b) Underwriting processing involves consideration of the elements having to do with eligibility for insurance including review of the planning, construction, and specifications, cost estimation and valuation, and credit analysis. The findings are included in a report and recommendation which is the basis for the commitment. Except as set forth in §§ 200.163(b) and 200.164(g) commitments are not issued by HUD under the single family program of Direct Endorsement.

4. Part 200 is amended by revising paragraph (a) of § 200.146 to read as follows:

§ 200.146 Acceptance, rejection and reconsideration.

(a) If an application for mortgage insurance meets the eligibility requirements, a commitment for insurance is issued. Except as set forth

in §§ 200.163(b) and 200.164(g) commitments are not issued by HUD under the single family program of Direct Endorsement. Under this program the Department reviews the executed loan documents in accordance with the procedure set forth in § 200.163 and, if the documents are acceptable, the mortgage is endorsed.

* * * * *

5. Part 200 is amended by revising § 200.147 to read as follows:

§ 200.147 Issuance of commitment.

After a determination that the mortgagor and the property offered for security meet the standards and requirements as to eligibility, a commitment is prepared at the request of the mortgagee and forwarded over the signature of the Authorized Agent to the approved mortgagee setting forth the terms and conditions under which the mortgage transaction will be insured. The commitment is a binding contract between HUD and the mortgagee presenting the application. Except as set forth in §§ 200.163(b) and 200.164(g), commitments are not issued by HUD under the single family Direct Endorsement program.

6. Part 200 is amended by revising § 200.150 to read as follows:

§ 200.150 Request for endorsement.

(a) When all conditions of the commitment are fully met, the commitment, together with all supporting documents such as the note, mortgage and any other exhibits as required by the terms of the commitment, are returned to HUD by the mortgagee for endorsement for insurance.

(b) For applications involving mortgages originated under the single family Direct Endorsement program, the mortgagee shall submit to the Secretary, within 30 days, or such additional time as approved by the Secretary, after the date of closing of the loan, the documents required by § 200.163 and shall certify that the principal amount of the loan has been disbursed to the mortgagor or for the mortgagor's account.

7. Part 200 would be amended by revising § 200.152 to read as follows:

§ 200.152 Endorsement for insurance.

(a) When it has been determined that the terms and conditions of the commitment have been fully complied with, the Secretary insures the mortgage and evidences the insurance by the issuance of a Mortgage Insurance Certificate. After issuance of the mortgage insurance certificate, the mortgagee is entitled to the benefits of insurance subject to compliance with the administrative regulations which are a part of the insurance contract.

(b) For applications involving mortgages originated under the single family Direct Endorsement program, if the mortgagee submits to the Secretary within 30 days after the date of closing of the loan, or such additional time as permitted by the Secretary, the documentation required by § 200.163, the Secretary will insure the loan and evidence the insurance by the issuance of a Mortgage Insurance Certificate. After issuance of the mortgage insurance certificate, the mortgagee is entitled to the benefits of insurance subject to compliance with the regulations which are a part of the insurance contract.

8. Part 200 is amended to add the center caption "Direct Endorsement" to appear before § 200.163.

9. In Part 200, § 200.163 is added to read as follows:

Direct Endorsement

§ 200.163 Direct endorsement.

(a) *Definition and Applicability.* Single family mortgage insurance applications, eligible for processing under this section, are underwritten and closed by eligible mortgagees and the documentation required by paragraphs (b) and (c) of this section are submitted to HUD/FHA for mortgage insurance endorsement in accordance with paragraph (d) of this section. HUD/FHA does not review applications for mortgage insurance or issue commitments except as provided by paragraph (b) of this section and § 200.164(g) before the mortgage is executed and submitted to be considered for endorsement.

(1) Single family mortgage insurance loans defined under sections 203(b), 203(i), 221(d)(2), 234(c) and 245 of the National Housing Act are eligible for processing under this section.

(2) Single family mortgages insured under any of the programs listed in paragraph (a)(1) of this section pursuant to sections 244, 223, 225 and 238(c) of the National Housing Act are not eligible for processing under this section. The provision contained in 24 CFR 221.55 which permits a builder-mortgagor to sell a property to a displaced family on a deferred basis is not available in the Direct Endorsement program.

(3) The Secretary shall publish in the Mortgagees' Guide to the Direct Endorsement program a list of the mortgage loans by type which are eligible for Direct Endorsement processing under this section. Such listing shall set forth with particularity the required certifications applicable to each mortgage type.

(b) *Mortgagee Underwriting and Submission for Endorsement.*—(1) *Underwriting/due diligence.* A mortgagee, authorized to submit mortgages under this section, shall exercise due diligence when underwriting mortgages processed under this section. Due diligence means that care which a mortgagee would exercise in obtaining and verifying information for a loan in which the mortgagee would be entirely dependent on the property as security to protect its investment. Mortgagee procedures that evidence such due diligence shall be incorporated as part of the Quality Control Plan required under § 200.164(e).

(2) *Guidelines for underwriting procedures.* The Secretary shall publish guidelines for underwriting procedures in the Mortgagees' Guide to the Direct Endorsement Program. Compliance with these guidelines is deemed to be the minimum exercise of due diligence in underwriting mortgage loans.

(3) *Appraisal.* An approved mortgagee shall appraise the property, using an appraiser assigned by HUD from its current fee panel or a staff appraiser approved by HUD. In those cases where the mortgagee has a financial interest in, is owned by or is affiliated with a building or selling entity, the mortgagee shall use an appraiser and inspector assigned by HUD from its fee panel. In lieu of appraising the property, an approved mortgagee may, for those properties which HUD accepts as proposed construction, utilize a HUD conditional commitment or master conditional commitment, or a Veterans Administration certificate of reasonable value or master certificate of reasonable value.

(4) *Mortgagor's income.* The mortgagee shall determine whether the mortgagor's income is and will be adequate to meet the periodic payments under the mortgage, and shall review the eligibility of the property and prospective mortgagor under 24 CFR Parts 203, 221, or 234.

(5) *Submission for endorsement.* Upon a determination by the mortgagee that the proposed mortgage is eligible for insurance under 24 CFR Part 203, 221, or 234 the mortgage is executed. Within 30 days, or such other time as is approved by the Secretary, after the date of closing of the loan, the mortgagee shall submit the following documents, as are appropriate, and which are properly executed, to HUD/FHA at which point the loan is considered for endorsement in accordance with paragraph (d) of this section:

(i) Property appraisal upon a form prescribed by the Secretary (or HUD

conditional commitment or master conditional commitment, or Veterans Administration certificate of reasonable value or master certificate of reasonable value) and all accompanying documents required by the Secretary;

(ii) An application for insurance of the mortgage upon a form prescribed by the Secretary and all accompanying documents required by the Secretary;

(iii) A certified copy of the mortgage and note executed upon forms approved by the Secretary for use in the jurisdiction in which the property covered by the mortgage is situated;

(iv) A warranty of completion, on a form prescribed by the Secretary, (for proposed construction cases);

(v) An Underwriter Certification that the requirements of paragraph (c) of this section have been satisfied;

(vi) Where applicable, a certificate under oath and contract regarding use of the dwelling for transient or hotel purposes in accordance with §§ 203.16 and 203.36, or §§ 203.16 and 203.36 as incorporated by reference in §§ 221.1, or §§ 234.15 and 234.67;

(vii) Where applicable, a certificate of intent to occupy by military personnel, in accordance with § 203.31, or § 203.31 as incorporated by reference in § 221.1, or § 234.51;

(viii) Where a mortgage for an existing property is to be insured under section 221(d)(2) of the National Housing Act, a letter from the local government official that the property meets applicable code requirements if appropriate;

(ix) For proposed construction, where an individual water or sewer system is being used, approval letter from local health authority indicating approval of the water supply and/or sewage disposal installation; and

(x) For proposed construction, where the mortgagee does not obtain a VA CRV, VA MCRV, HUD conditional commitment, HUD master conditional commitment or a consumer protection or warranty plan, or submit the plans and specifications for HUD's prior approval, a certification by a HUD-approved architect, engineer or construction analyst that the plans and specifications comply with the applicable property standards.

(c) *Underwriter Certification.* The underwriter shall personally review the mortgage documents and applications for insurance endorsement processed under this section, and shall execute an Underwriter Certification for and on behalf of such mortgagee on a form prescribed by the Secretary evidencing this review. For each mortgage reviewed, this Underwriter Certification shall include an identification of the mortgage by type, as identified pursuant to § 200.163(a)(3), a statement that the underwriter has personally reviewed the mortgage documents and insurance endorsement application, and a statement that the mortgage complies with the requirements of this subsection. The Underwriter Certification shall include, in addition to such supplemental certification items published pursuant to paragraph (f) of this section, each of the below listed certification items which apply to the mortgage loan submitted for endorsement. The Underwriter Certification is in addition to certifications presently required of the mortgagee and/or mortgagor on current HUD Forms 92800 and 92900.

(1) That the mortgage satisfies the requirements of 24 CFR 203.17, or §§ 221.5, 221.25, 221.30, 221.32, 221.40, 221.35, and 221.45 or 234.25;

(2) That the mortgage shall be on real estate held in fee simple, or on a leasehold under a lease for not less than 99 years which is renewable, or under a lease which otherwise meets the requirements of 24 CFR 203.37, or 203.37 as incorporated by reference in 221.1, or 234.65;

(3) That the mortgaged property is located in a community where the housing standards meet the requirements of the Secretary as required by 24 CFR 203.40;

(4) That the graduated payment mortgage meets the requirements of the Secretary as established under 24 CFR 203.45 or 234.75;

(5) That the modified graduated payment mortgage meets the requirements of the Secretary as established under 24 CFR 203.46 or 234.76;

(6) That the property covered by the mortgagee meets the flood plain requirements set forth in § 203.16a, or § 203.16a as incorporated by reference in § 221.1, or § 234.17;

(7) That there is located on the mortgaged property a dwelling unit designed principally for residential use for not more than four families, as required by 24 CFR 203.38, or 203.38 as incorporated by reference in § 221.1;

(8) That the stated mortgage amount (i) satisfies the requirements of 24 CFR 203.18, 203.18a, 203.18b, 203.29, or 203.29 as incorporated by reference in §§ 221.1, 221.10, 221.11, 221.20, 221.50, 234.27, or 234.49, as applicable; and (ii) for a mortgage given to refinance a mortgage, the stated amount satisfies the limitations set forth in paragraph (c)(8)(i) of this section, and such further limitations as prescribed by the Secretary.

(9) That the mortgagor's monthly mortgage payments will not be in excess of his or her reasonable ability to pay, as required under 24 CFR 203.21, or 203.21 as incorporated by reference in 221.1, or as required under 234.36;

(10) That the mortgagor's income is and will be adequate to meet the periodic payments required for the mortgage submitted for insurance, as required by 24 CFR 203.33, or 203.33 as incorporated by reference in 221.1, or 234.56;

(11) That the mortgagor's general credit standing is satisfactory, as required under 24 CFR 203.34, or 203.34 as incorporated by reference in 221.1, or 234.57;

(12) That the buildings are the property secured by the mortgage comply with the applicable property standards issued by HUD as required by 24 CFR 200.925 *et seq.*, for proposed construction, and the standards set forth in HUD Handbooks 4905.1, for existing construction, and 4940.4, for rehabilitation construction.

(13) In cases where the mortgaged property is subject to a secondary loan or mortgage made or insured, or other secondary lien, held by a Federal, State or local government agency or instrumentality, that the required monthly payments under the insured mortgage and the secondary mortgage or lien do not exceed the mortgagor's reasonable ability to pay, as required under 24 CFR 203.32, or 203.32 as incorporated by reference in 221.1, or 234.55.

(14) That the mortgagor has made the minimum investment as required by 24 CFR 203.19, 221.50 or 234.28;

(15) That no prepaid expenses other than those listed in 24 CFR 221.54 and those specifically approved by the Secretary were included in determining the mortgagor's minimum investment;

(16) That for a mortgage involving refinancing to be insured under 24 CFR 221.21, that the mortgage, in addition to the limitations contained in §§ 221.10, 221.11 and 221.20, does not exceed the estimated cost of repair and rehabilitation and the amount required to refinance the existing indebtedness secured by the property;

(17) That a property designed for a two, three or four family residence has one of the dwelling units occupied by the mortgagor, as required by 24 CFR 221.12;

(18) For a condominium, that the mortgaged property is in a project which has been approved by HUD pursuant to 24 CFR 234.26;

(19) For a mortgage involving a negotiated interest rate, that the mortgage meets the requirements of 24 CFR 203.51;

(20) For a property located in an outlying area that the mortgage meets the requirements of 24 CFR 203.18(d); and

(21) For a mortgage to be insured under section 234(c) of the National Housing Act that the mortgage meets the requirements of 24 CFR 234.59.

(22) In the case of proposed construction, that the subdivision, where applicable, within which the property is located has been granted HUD subdivision approval in accordance with HUD Handbook 4135.1 REV, Procedures for Approval of Single Family Proposed Construction Applications in New Subdivisions.

(23) That the property covered by the mortgage is not located in an area that is precluded from receiving Federal financial assistance pursuant to the Coastal Barrier Resources Act (Pub. L. No. 97–349).

(d) *HUD/FHA Pre-Endorsement Review.* Upon submission by an approved mortgagee of the documents required by paragraphs (b) and (c) of this section, HUD/FHA will review the loan documents to determine:

(1) That the mortgage is executed on a form approved by the Secretary for use in the jurisdiction in which the property covered by the mortgage is situated;

(2) That the mortgage maturity meets the requirements of §§ 203.17, 221.30 or 234.25 as applicable;

(3) That the stated mortgage amount does not exceed the maximum dollar limitation permissible under §§ 203.18, 203.18a, 203.18b, 203.29, or 203.29 as incorporated by reference in §§ 221.1, 203.45, 203.46, 221.10, 221.11, 234.27, 234.49, 234.75, or 234.76 as applicable.

(4) That the mortgage interest rate meets the requirements, as applicable, of §§ 203.20, 203.51, 203.20 and 203.51 as incorporated by reference in § 221.1, or § 234.29;

(5) That all documents required by paragraph (b) of this section are submitted; and

(6) That all necessary certifications are made in accordance with paragraph (c) of this section.

If, following this review, the mortgage is determined to be eligible, it is endorsed for insurance. If the mortgage is determined to be ineligible, HUD will inform the mortgagee in writing of this fact, and include the reasons thereof and any corrective actions that may be taken.

(e) *Post-Endorsement Review.* Following endorsement, HUD/FHA will review all documents required by paragraphs (b) and (c) of this section. If following this review HUD/FHA determines that the mortgage does not satisfy the requirements of the single family Direct Endorsement program, the Department may place the mortgagee on probation, withdraw the authority of the mortgagee to participate in the Direct Endorsement program pursuant to § 200.164(h) or withdraw the mortgagee's HUD/FHA approval pursuant to the provisions of 24 CFR Part 25.

(f) *Supplementary Items.* The Secretary may prescribe supplementary certifications, mortgage types and modifications thereof without prior notice and public procedure. These supplementary items will be published in the Mortgagee's Guide to the Direct Endorsement Program. Specific notice of these supplementary items shall be published in the **Federal Register**, in accordance with 5 U.S.C. 552 and 24 CFR 15.11. Such notice may incorporate these supplementary items by reference. In addition, these supplementary items will be available for examination and distribution in the Information Center, Room 1104, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, and in each HUD Regional and Area Office.

10. In Part 200, § 200.164 is added to read as follows:

§ 200.164 Approval of direct endorsement mortgagees.

(a) Mortgagees shall comply with the following requirements when applying for approval:

(1) Submit an application to the HUD area office in whose jurisdiction the mortgagee seeks to process loans pursuant to § 200.163;

(2) Submit (i) documentation showing compliance with § 200.164 (b), (c) and (d); (ii) the Quality Control Plan which complies with § 200.164(e); and (iii) other such information as the Secretary may require.

(b) To participate in the Direct Endorsement program set forth in § 200.163, a mortgagee must be an approved mortgagee meeting the requirements of 24 CFR 203.3 or 203.4 or 203.7(a), and this section.

(c) The mortgagee must establish that it meets the following qualifications:

(1) The mortgagee has five years of experience in the origination of single family mortgages. The Department will approve mortgagees with less than five years experience in the origination of single family mortgages if a principal officer has had a minimum of five years of managerial experience in the origination of single family mortgages;

(2) The mortgagee, other than a supervised mortgagee or governmental institution, is approved as a Federal National Mortgage Association (FNMA) seller, as an issuer of Government National Mortgage Association (GNMA) mortgage-backed securities, or has a net worth, in assets acceptable to the Secretary, of not less than $250,000.

(d) The mortgagee, to be approved for participation in the Direct Endorsement program, must have on its permanent staff an underwriter approved by the Department for participation in this program and authorized by the mortgagee to bind the mortgagee on matters involving the origination of mortgage loans under this program. The technical staff utilized in the Direct Endorsement program by the mortgagee, including appraisers, construction analysts, inspectors, mortgage credit examiners, architects and engineers, must also be approved by the Department. The technical staff may be employees of the mortgagee or may be hired on a fee basis from a HUD panel. A mortgagee which has a financial interest in, owns, is owned by, or is affiliated with a building/selling entity may originate, under the Direct Endorsement program and process mortgages for this entity, only if the property appraisals and inspections are done by independent appraisers and inspectors approved, and assigned, by the Department, rather than by appraisers or inspectors on the staff of the mortgagee. For proposed construction, where the mortgagee does not obtain a VA CRV, VA MCRV, HUD conditional commitment, or HUD master conditional commitment, or a consumer protection or warranty plan, or submit the plans and specifications for HUD's prior approval, then the mortgagee must utilize an architect, engineer or construction analyst, approved by HUD, to certify that the plans and specifications meet the applicable standards.

(e) A mortgagee shall implement an acceptable Quality Control Plan that is designed to assure mortgagee compliance with HUD underwriting requirements for the Direct Endorsement program. Such plan will be kept current and available upon request for HUD.

(f) A mortgagee's underwriter and technical staff shall satisfactorily complete a training program on HUD underwriting requirements as a condition to approval under this section.

(g) To be eligible to participate in the Direct Endorsement program, a mortgagee qualified to participate in the program pursuant to this Part must submit initially fifteen mortgages processed in accordance with the requirements set forth under § 200.163. The documents required by § 200.163 will be reviewed by the Department

and, if acceptable, commitments will be issued prior to endorsement of the loans. If the underwriting and processing of these fifteen mortgages is satisfactory, then the mortgagee may be approved to close subsequent mortgages and submit them directly for endorsement in accordance with the process set forth in § 200.163. Unsatisfactory performance by the mortgagee at this stage constitutes grounds for denial of participation in the program, or for continued pre-endorsement review of a mortgagee's submissions. If participation in the program is denied, such denial is effective immediately and may be appealed in accordance with the procedures set forth in paragraph (h)(2) of this section.

(h) *Mortgagee Sanctions.* Depending upon the nature and extent of the noncompliance with the requirements of the Direct Endorsement program, as determined by HUD, HUD may take any of the following actions:

(1) *Probation.* HUD may place a mortgagee on probation for a specified period of time for the purpose of evaluating the mortgagee's compliance with the requirements of the single family Direct Endorsement program. During the probation period the mortgagee may continue to process mortgage loans pursuant to § 200.163 subject to conditions required by HUD. HUD may: Require the mortgagee (i) To process mortgages in accordance with paragraph (g); (ii) to submit to additional training; (iii) to make changes in the Quality Control Plan of paragraph (e); and (iv) to take other actions, which may include, but are not limited to, periodic reporting to HUD, and submission to HUD on internal audits.

(2) *Withdrawal of Approval of Direct Endorsement Mortgagees.* (i) HUD may withdraw a mortgagee's approval to participate in the Direct Endorsement program upon written notice which states the grounds for the action and which provides for the right to an informal hearing before a decision maker in the local HUD office. Such hearing shall be expeditiously arranged and the mortgagee may be represented by counsel.

(ii) After consideration of the materials presented, the decision maker in the local HUD office shall advise the mortgagee in writing whether the withdrawal is rescinded, modified or affirmed.

(iii) The mortgagee may appeal such decision to the Assistant Secretary for Housing. A decision by the Assistant Secretary shall constitute final agency action.

(3) *Withdrawal of HUD–FHA Approval.* Serious noncompliance with the requirements of the Direct Endorsement program may also result in withdrawal of a mortgagee's HUD/FHA approval pursuant to 24 CFR Part 25.

(i) *Notification of Changes.* The mortgagee shall promptly notify those field offices which have granted approval under this section of any changes that affect qualifications under paragraphs (b), (c) and/or (d) of this section.

11. In Part 200, § 200.164a is added to read as follows:

§ 200.164a Waivers.

The Secretary in an individual case may waive any requirement not required by statute if the Secretary finds that application of such requirement would adversely affect achievement of the purposes of the Act. Provided, however, this waiver requirement does not apply to the requirements in Subpart E, § 200.152 through § 200.162. Each such waiver shall be in writing and supported by a statement of the facts and grounds forming the basis for the waiver. The authority under this section may be delegated to the Assistant Secretary for Housing-Federal Housing Commissioner, but shall not be redelegated.

PART 203—[AMENDED]

12. Part 203 is amended by revising § 203.13 to read as follows:

§ 203.13 Approval of application.

(a) Upon approval of an application, acceptance of the mortgage for insurance will, except as provided in paragraph (b) of this section, be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Secretary, the terms and conditions upon which the mortgage will be insured.

(b) Except as set forth in §§ 200.163(b) and 200.164(g), commitments are not issued by HUD under the single family program of Direct Endorsement—which may be utilized only by those sections of the National Housing Act specified in § 200.163. Under this program the Department reviews the executed loan documents in accordance with the procedure set forth in § 200.163, and, if the documents are acceptable, the loan is endorsed.

13. Part 203 is amended by revising § 203.27(a)(3)(v) to read as follows:

§ 203.27 Maximum charges, fees or discounts.

(a) * * *

(3) * * *

(v) Fees paid to an appraiser or inspector approved by the Commissioner for the appraisal and inspection, if required, of the property. Notwithstanding any limitations in this paragraph(a)(3) of this section, if the mortgagee uses the services of staff appraisers and inspectors for processing mortgages pursuant to § 200.163, for mortgages insured under these sections of the National Housing Act specified therein, the mortgagee may collect from the mortgagor the reasonable and customary amounts for such appraisals and inspections.

* * * * *

14. Part 203 is amended by revising § 203.51(a)(2) to read as follows:

§ 203.51 Negotiated interest rate.

(a) * * *

(2)(i) Be binding on the mortgagee for at least thirty calendar days from the date on which the HUD field office receives a lender's commitment signed by mortgagee and mortgagor and accompanied by than application for an FHA firm commitment (Form HUD 92900).

(ii) In the case of mortgages processed pursuant to § 200.163, the firm commitment requirement of paragraph (a)(i) of this section, shall not apply. In such cases the lender's commitment may not be signed by the mortgagor or the mortgagee until the mortgagee has completed its credit underwriting, property appraisal and other processing of the loan application. The lender's commitment shall be binding on the mortgagee for 30 days from the date on which the last party executes the commitment.

(iii) The lender's agreement may be extended by mutual agreement between the mortgagee and mortgagor.

* * * * *

15. Part 203 is amended by revising § 203.255 to read as follows:

§ 203.255 Insurance of mortgage.

(a) Upon compliance with a commitment, the Secretary will insure the loan and will provide evidence of the insurance by the issuance of a Mortgage Insurance Certificate.

(b) For applications involving mortgages originated under the single family Direct Endorsement program, if the mortgagee submits to the Secretary within 30 days after the date of closing of the loan, or such additional time as permitted by the Secretary, the documentation required by § 200.163, for mortgages insured under those sections of the National Housing Act specified in § 200.163 and certifies that the principal amount of the loan has been disbursed to the mortgagor or for the mortgagor's account, the Secretary will insure the loan and evidence the insurance by the issuance of a mortgage insurance

certificate. After this endorsement, the mortgagee is entitled to the benefits of insurance subject to compliance with the regulations which are, in effect, a part of the insurance contract.

16. Part 203 is amended by revising the introductory text of § 203.405 to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the day the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. For applications involving mortgages originated under the single family Direct Endorsement program, debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the mortgage was endorsed for insurance.

* * * * *

17. Part 233 is amended by adding § 233.5(a)(6) to read as follows:

§ 233.5 Cross-reference.

(a) * * *

(6) Mortgages and loans processed under the Direct Endorsement program set forth in § 200.163 shall not be eligible under this part.

* * * * *

PART 234—[AMENDED]

18. Part 234 is amended by revising § 234.12 to read as follows:

§ 234.12 Approval and commitment.

(a) Upon approval for an application, acceptance of the mortgage for insurance may be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Secretary, the terms and conditions upon which the mortgage will be insured.

(b) Except as set forth in §§ 200.163(b) and 200.164(g), commitments are not issued by HUD under the single family program of Direct Endorsement. Under this program, the Department reviews the executed loan documents in accordance with the procedure set forth in § 200.163. If the documents are acceptable, the loan is endorsed.

PART 237—[AMENDED]

19. Part 237 is amended by revising § 237.5 to read as follows:

§ 237.5 Cross-reference.

To be eligible for insurance under this subpart, a mortgage shall meet all of the eligibility requirements for insurance under § 203.1 *et seq.*, except § 203.51, (Part 203, Subpart A) of this chapter; § 220.1 *et seq.* (Part 220, Subpart A) of this chapter; § 221.1 *et seq.* (Part 221, Subpart A) of this chapter, or § 234.1 *et seq.* (Part 234, Subpart A) of this chapter, except that the mortgage shall comply with the special requirements of this subpart.

Mortgages and loans processed under the Direct Endorsement program set forth in § 200.163 shall not be eligible under this part.

(Sec. 211, National Housing Act (12 U.S.C., 1715(b)); Section 7(d), Department of HUD Act (42 U.S.C., 3535(d)

Dated: March 14, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-7296 Filed 3-18-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5f

[T.D. 7879]

Temporary Income Tax Regulations Under the Tax Equity and Fiscal Responsibility Act of 1982; Special Transitional Basis Adjustment Rules Concerning Safe Harbor Lease Property

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides clarification to temporary regulations regarding transitional rules and related matters concerning safe harbor leases. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982 ["TEFRA"]. These regulations provide guidance to persons executing lease agreements under section 168(f)(8) of the Internal Revenue Code of 1954.

DATE: The regulations apply with respect to certain safe harbor lease agreements executed on or before December 1, 1982.

FOR FURTHER INFORMATION CONTACT: John A. Tolleris of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains an amendment to temporary regulations published by Treasury Decision 7850 in the **Federal Register** for November 10, 1982 (47 FR 50852) concerning transitional rules for certain safe harbor leases executed after July 1, 1982. The amendment provides clarification regarding the circumstances in which parties who have failed to include all direct and indirect costs within the basis of certain property leased under a transitional safe harbor lease after July 1, 1982, may make a retroactive basis adjustment with respect to an additional undivided interest in such property by April 21, 1983. There is a need for immediate guidance relating to these provisions so taxpayers leasing certain property under section 168(f)(8) of the Internal Revenue Code of 1954 can comply with these new provisions. These regulations will remain in effect until superseded by final regulations on this subject.

Explanation of Provisions

Treasury Decision 7850, published in the **Federal Register** for November 10, 1982, provided guidance regarding transitional rules, enacted by section 208(d) of TEFRA (Pub. L. 97-248, 96 Stat. 439), which for a limited time period permits certain property to be leased under the provisions of Code section 168(f)(8) which were in effect prior to the enactment of TEFRA. However, there was some uncertainty prior to the issuance of Treasury Decision 7850 concerning whether certain direct and indirect costs allocable to the leased property (*e.g.*, installation costs) could be included within the basis of transitional safe harbor lease property. Due to this uncertainty, some taxpayers did not include such costs in the basis of transitional property leased under a safe harbor lease agreement prior to December 1, 1982.

Treasury Decision 7850 provides that if a property qualifies as transitional safe harbor lease property, then virtually all direct and indirect capital costs allocable to such property will be includible in the basis of such property. To provide relief to taxpayers who entered into transitional safe harbor lease agreements before issuance and dissemination of Treasury Decision 7850, the amendment added by this Treasury decision provides that the adjusted basis of a transitional safe harbor lease property leased under an agreement executed on or before December 1, 1982, shall be deemed to include virtually all direct and indirect

costs (including installation costs) allocable to such property incurred before it was leased, notwithstanding that such costs were not included in the lessor's adjusted basis under the terms of the lease agreement, provided the parties to such agreement reasonably believed they had leased the whole property. This regulation is intended only to help those firms that erroneously failed to include direct and indirect costs allocable to the property leased under the TEFRA transitional rules because they had to close their transactions before T.D. 7850 was issued. This regulation is not intended to allow firms to transfer additional property not included as part of the original lease.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that these temporary regulations are not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553 (b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of these regulations is John A. Tolleris of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects in 26 CFR Part 5f

Income tax, Deductions, Leasing, Tax Equity and Fiscal Responsibility Act of 1982.

PART 5f—[AMENDED]

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 5f is amended as follows:

Section 5f.168(f)(8)–1 is amended by adding a new subdivision (iii) to item A–2. The added provision reads as follows:

§ 5f.168(f)(8)–1 Questions and answers concerning transitional rules and related matters regarding certain safe harbor leases.

* * * * *

A–2: * * *

(iii) The adjusted basis to the lessor of property leased on or prior to December 1, 1982, under a transitional safe harbor lease shall be deemed to include all direct and indirect costs (including installation costs) described in subdivision (ii) allocable to such property that were incurred before it was leased despite the fact that such costs were not included in the lessor's adjusted basis of such property under the terms of the lease ageeement, provided that the parties to such agreement reasonably believed that they had leased the whole of such property. Such costs will be treated as having been included in the lessor's adjusted basis of such safe harbor lease property on the date the lease agreement was executed without regard to any provisions in the lease agreement that limits the dollar amount of the permissible adjustment of the lessor's adjusted basis to such property. To qualify for inclusion of such direct and indirect costs within the basis of such property, the parties to such agreement must file an amended Form 6793, the Safe Harbor Lease Information Return, no later than April 21, 1983, which reflects the parties' intent to include installation and other such costs within the basis of such property. For purposes of this subdivision, a transitional safe harbor lease is a lease either which was executed after July 1, 1982, and on or prior to December 1, 1982, or which includes some transitional safe harbor lease property, as defined in TEFRA section 208(d)(3), that was placed in service after July 1, 1982, and on or prior to December 1, 1982.

* * * * *

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 16, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83–7402 Filed 3–21–83; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Part 53

[T.D. 7878]

Foundation and Similar Excise Taxes; Private Foundation Distributions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to private foundation distributions. Changes to the applicable law were made by the Economic Recovery Tax Act of 1981 ("ERTA"). The regulations conform existing regulations with ERTA and affect all private foundations.

DATE: The regulations are effective for taxable years beginning after December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Monice Rosenbaum of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 Attention: CC:LR:T:EE–153–81, (202–566–3422) (not a toll-free number).

SUPPLEMENTARY INFORMATION: On May 13, 1982, the Internal Revenue Service published in the **Federal Register** proposed amendments to the Regulations on Foundation and Similar Excise Taxes (26 CFR Part 53) under section 4942(d) and section 4942(j)(3)(A) of the Internal Revenue Code of 1954. These amendments were proposed to conform the regulations to section 823 of the Economic Recovery Tax Act of 1981 (Pub. L. 97–34, 95 Stat. 351). A public hearing was not held. There were two comments on the proposals. These comments dealt with portions of the regulations not affected by the notice. The proposals are adopted without change as final regulations.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply and no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of these proposed regulations is Monice Rosenbaum of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR Part 53

Excise taxes, Foundations.

Adoption of Amendments to the Regulations

Accordingly, the proposed amendments to the Regulations on Foundation and Similar Excise Taxes (26 CFR Part 53) under section 4942(d) and section 4942(j)(3)(A), as published in the **Federal Register** (47 FR 20629) on May 13, 1982, are adopted without change. These regulations were issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 7, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

PART 53—FOUNDATION AND SIMILAR EXCISE TAXES

The amendments to 26 CFR Part 53 are as follows:

1. Paragraph (b)(1) of § 53.4942(a)–2 is revised to read as follows:

§ 53.4942(a)–2 Computation of undistributed income.

* * * * *

(b) Distributable amount—(1) In general. For purposes of paragraph (a) of this section, the term "distributable amount" means—

(i) For taxable years beginning before January 1, 1982, an amount equal to the greater of the minimum investment return (as defined in paragraph (c) of this section) or the adjusted net income (as defined in paragraph (d) of this section); and

(ii) For taxable years beginning after December 31, 1981, an amount equal to the minimum investment return (as defined in paragraph (c) of this section), reduced by the sum of the taxes imposed on such private foundation for such taxable year under subtitle A of the Code and section 4940, and increased by the amounts received from trusts described in subparagraph (2) of this paragraph.

* * * * *

2. Paragraph (a)(1) of § 53.4942(b)–1 is revised to read as follows:

§ 53.4942(b)–1 Operating foundations.

(a) Operating foundation defined—(1) In general. For purposes of section 4942 and the regulations thereunder, the term "operating foundation" means any private foundation which, in addition to satisfying the assets test, the endowment test or the support test set forth in § 53.4942(b)–2 (a), (b) and (c), makes qualifying distributions (within the meaning of § 53.4942(a)–3(a)(2)) directly for the active conduct of activities constituting its charitable, educational, or other similar exempt purpose equal in value to—

(i) For taxable years beginning before January 1, 1982, substantially all of the foundation's adjusted net income (as defined in § 53.4942(a)–2(d)); and

(ii) For taxable years beginning after December 31, 1981, substantially all of the lesser of the foundation's adjusted net income (as defined in § 53.4942(a)–2(d)) or minimum investment return (as defined in § 53.4942(a)–2(c)). If the foundation's qualifying distributions exceed its minimum investment return (but are less than the foundation's adjusted net income) substantially all of such qualifying distributions must be made directly for the active conduct of activities constituting its charitable, educational or other similar exempt purpose. However, if the foundation's minimum investment return is less than its adjusted net income and the foundation's qualifying distributions equal or exceed such adjusted net income, only that portion of the qualifying distributions equal to substantially all of the foundation's adjusted net income must be made directly for the active conduct of activities constituting its charitable, educational or other similar exempt purpose.

* * * * *

[FR Doc. 83–7401 Filed 3–21–83; 8:45 am]
BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 0

Post Employment Conflict of Interest

AGENCY: Office of the Secretary, Labor.

ACTION: Final rule.

SUMMARY: The rule provides for the Department of Labor's implementation of Title V of the Ethics in Government Act of 1978 (as amended) with respect to post employment conflicts of interest and it establishes the procedures for imposing administrative sanctions for violation of these post employment laws.

EFFECTIVE DATE: April 21, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel. (202) 523–8201.

SUPPLEMENTARY INFORMATION:

Background

Subsections (a), (b) and (c) of section 207, Title 18, United States Code contain various criminal prohibitions on activities of former United States Government employees. Section 207(j), as added by section 501(a) of the Ethics in Government Act of 1978 (Pub. L. 95–521), requires Federal departments and agencies to establish administrative disciplinary procedures within their respective departments and agencies with respect to alleged violations of 18 U.S.C. 207(a), (b) and (c). These procedures have been developed in consultation with the Office of Government Ethics in the Office of Personnel Management and provide for implementation of 18 U.S.C. 207(j) with respect to the Department of Labor.

Please note that certain matters concerning post employment activities of former employees are also subject to action by the Office of the Inspector General, Department of Labor, under the Inspector General Act of 1978 (Pub. L. 95–452).

It has been determined that this is a rule of agency organization, procedure and practice and if may therefore be published as a final rule in accordance with 5 U.S.C. 553(b)(A).

Drafting Information

This document was prepared under the direction and control of T. Timothy Ryan, Jr., Solicitor of Labor, U.S. Department of Labor, Room S–2002, 200 Constitution Avenue NW., Washington, D.C. 20210, Telephone 202–523–7675.

Classification

The revision is procedural in character. Therefore, this rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, Pub. L. 96–354, 91 Stat. 1164, 5 U.S.C. 601 *et seq.*,

pertaining to regulatory flexibility analyses, do not apply to this rule. See: 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 0

Conflict of interest, Ethics, Government employees, Reporting requirements, Administrative practice and procedures.

Accordingly, 29 CFR Part 0 is amended by adding a new Subpart F, §§ 0.737–1 through 0.737–10, to read as follows:

PART 0—[AMENDED]

* * * * *

Subpart F—Post Employment Conflict of Interest

Sec.

0.737–1 Applicability.
0.737–2 Appointment of alternate officials.
0.737–3 Initiation of administrative disciplinary hearing.
0.737–4 Request for a hearing.
0.737–5 Appointment of examiner
0.737–6 Time, date and place of hearing.
0.737–7 Hearing rights.
0.737–8 Hearing decision and exceptions.
0.737–9 Decision on exceptions.
0.737–10 Administrative sanctions.
0.737–11 Judicial review.

Authority: 18 U.S.C. 207, as amended, and 5 CFR Part 737 unless otherwise noted.

* * * * *

Subpart F—Post Employment Conflict of Interest

§ 0.737–1 Applicability.

This subpart is applicable to any former employee of the Department of Labor leaving Government service on or after July 1, 1979.

§ 0.737–2 Appointment of alternate officials.

Notwithstanding any other provision of this subpart, the Secretary of Labor is authorized to perform any of the functions otherwise assigned in this subpart to the Under Secretary in any proceeding. The Secretary is also authorized to appoint as an alternate official any other officer or employee of the Department of Labor to perform functions otherwise assigned in this subpart to the Under Secretary or the Solicitor of Labor in any proceeding; except that: (a) The functions otherwise assigned in this subpart to the Under Secretary and the Solicitor shall not both be performed by the same alternate official in the same proceeding, and (b) the same individual shall not be appointed as both an Examiner under § 0.737–5 and an alternate official under this section in the same proceeding.

§ 0.737–3 Initiation of administrative disciplinary hearing.

(a) Any person may, in writing, report an apparent violation of 18 U.S.C. 207 (a), (b) or (c) or the regulations of the Office of Personnel Management at 5 CFR Part 737 by a former employee described in § 0.737–1 to the Solicitor of Labor.

(b) On receipt of information regarding a possible violation of 18 U.S.C. 207, and after determining that such information appears to be substantiated, the Solicitor shall expeditiously provide such information, along with any comments or agency regulations, to the Office of the Inspector General, the Director of the Office of Government Ethics and to the Criminal Division, Department of Justice.

(c) Whenever the Solicitor has determined after appropriate review that there is reasonable cause to believe that a former employee described in § 0.737–1 has violated 18 U.S.C. 207 (a), (b) or (c) or the regulations of the Office of Personnel Management at 5 CFR Part 737, the Solicitor may initiate an administrative disciplinary proceeding by providing the former employee with a notice of alleged violation.

(d) The notice of alleged violation shall include:

(1) A statement of allegations (and the basis thereof) sufficiently detailed to enable the former employee to prepare an adequate defense;

(2) Notification of the right to a hearing; and

(3) An explanation of the method by which a hearing may be requested.

§ 0.737–4 Request for a hearing.

(a) Any former employee who is the subject of a notice of alleged violation issued by the Solicitor under § 0.737–3 may within 15 days from the date of such notice request a hearing by writing to: The Office of the Under Secretary, U.S. Department of Labor, 200 Constitution Avenue, Washington, D.C. 20210.

(b) If the former employee fails to request a hearing in accordance with paragraph (a), the Under Secretary may then render a final administrative decision in the matter and, if appropriate, impose the sanctions specified in § 0.737–10.

§ 0.737–5 Appointment of Examiner.

Whenever a notice of alleged violation has been issued and a hearing requested, the Under Secretary shall provide for the selection of a Department of Labor Administrative Law Judge, appointed in accordance with 5 U.S.C. 3105, to act as the Examiner with respect to the matter.

§ 0.737–6 Time, date and place of hearing.

(a) Any hearing shall be conducted at a reasonable time, date and place as determined by the Examiner.

(b) In setting a hearing date the Examiner shall give due regard to the former employee's need for:

(1) Adequate time to prepare a defense properly, and

(2) An expeditious resolution of allegations that may be damaging to his or her reputation.

§ 0.737–7 Hearing rights.

(a) The following rights shall be afforded at a hearing conducted before the Examiner:

(1) To represent oneself or to be represented by counsel,

(2) To introduce and examine witnesses and to submit physical evidence,

(3) To confront and cross-examine adverse witnesses,

(4) To present oral argument; and

(5) To obtain a transcript or recording of proceedings, on request.

(b) In a hearing under this Subpart, the Federal Rules of Civil Procedure and Evidence do not apply. However, the Examiner may make orders and determinations regarding discovery, admissability of evidence, conduct of examination and cross-examination, and similar matters as the Examiner deems necessary or appropriate to ensure orderliness of the proceedings and fundamental fairness to the parties.

(c) In any proceeding under this subpart, the Department must establish any violation by a preponderance of the evidence.

§ 0.737–8 Hearing decision and exceptions.

The Examiner shall make a determination exclusively on matters of record in the proceeding, and shall set forth in the hearing decision all findings of fact and conclusions of law relevant to the matters at issue. The hearing decision of the Examiner shall be considered final agency administrative action unless either party files exceptions in writing to the Under Secretary, U.S. Department of Labor, 200 Constitution Avenue, Washington, D.C. 20210 within 30 days from the date of such hearing decision.

§ 0.737–9 Decision on exceptions.

(a) Upon receipt of exceptions, the Under Secretary may afford both parties an opportunity to submit briefs or other appropriate statements in support of their respective positions.

(b) the Under Secretary shall issue a decision based solely on the record of the proceedings or those portions thereof cited by the parties to limit the issues.

(c) If the Under Secretary modifies or reverses the initial hearing decision of the Examiner, he or she shall specify such findings of fact and conclusions of law as are different from those of the Examiner.

§ 0.737–10 Administrative sanctions.

The Examiner (or the Under Secretary in any matter in which exceptions are filed or which is decided in accordance with § 0.737–4(b)) may take appropriate action in the case of any individual found in violation of 18 U.S.C. 207(a), (b) or (c) or of the regulations at 5 CFR Part 737 upon final administrative decisions by:

(a) Prohibiting the individual from making, on behalf of any other person (except the United States), any formal or informal appearance before, or, with the intent to influence, any oral or written communication to the Department of Labor on any matter of business for a period not to exceed five years, which may be accomplished by directing agency employees to refuse to participate in any such appearance or to accept any such communications; or

(b) Taking other appropriate disciplinary action.

§ 0.737–11 Judicial review.

Any person found to have participated in a violation of 18 U.S.C. 207(a), (b), or (c) or the regulations at 5 CFR Part 737 may seek judicial review of the administrative determination in an appropriate United States district court.

Signed at Washington, D.C. this 17th day of March, 1983.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 83–7389 Filed 3–21–83; 8:45 am]

BILLING CODE 4510–23–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY–011; A–4–FRL 2308–6]

Approval and Promulgation of Implementation Plans; Kentucky: Removal of Conditions and Full Approval of Part D Sulfur Dioxide SIP Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces its full approval of the State Implementation Plan (SIP) revisions which Kentucky developed for sulfur dioxide (SO_2) nonattainment areas pursuant to Part D of Title I of the Clean Air Act. The action taken today removes the conditions attached to EPA's approval of these revisions on October 31, 1980 (45 FR 72153). On September 24, 1982, the Kentucky Natural Resources and Environmental Protection Cabinet submitted the changes needed to satisfy the conditions of approval. EPA has reviewed the changes and finds them approvable.

EFFECTIVE DATE: This action will be effective on May 23, 1983 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the materials submitted to the State may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Office of the Federal Register, Room 8401, 1100 L. Street, SW, Washington, D.C. 20460.

Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, GA 30365.

Kentucky Natural Resources and Environmental Protection Cabinet, Division of Air Pollution Control, 18 Reilly Road, Building No. 2 Ft. Boone Plaza, Frankfort, KY 40601.

FOR FURTHER INFORMATION CONTACT: Melvin Russell, EPA Region IV, Air Programs Branch at the Region IV address above or call 404/881–3286 or FTS 257–3286.

SUPPLEMENTARY INFORMATION: This notice announces full approval of Kentucky's Part D SO_2 SIP revisions and removes the conditions of approval noted in the October 31, 1980, **Federal Register** (45 FR 72153). In the October 31, 1980, notice, EPA outlined deficiencies in Kentucky's revisions. In an April 3, 1981, notice (46 FR 20171), EPA clarified portions of the October 31, 1980, notice. The clarification reiterated EPA's position that continuous monitoring should be conducted in the vicinity of the Ashland Oil complex in Boyd County.

Kentucky has satisfied all conditions required by EPA's October 31, 1980 conditional approval (45 FR 72153). The Kentucky SIP revision being approved in this rulemaking corrects the SIP deficiencies associated with the Boyd County SO_2 nonattainment area. The October 31, 1980, notice at page 72158, under § 52.928 Control strategy: Sulfur oxides, paragraph (a)(1), states the deficiencies associated with the SIP for this area as follows:

(1) Boyd County nonattainment area. The 1979 sulfur dioxide revisions for this area are approved on condition that the following be submitted by July 1, 1981:

(i) An enforceable regulation for continually determining compliance with Kentucky regulation 401 KAR 61:015 Section 5(4).

(ii) A revision of regulation 401 KAR 61:015 providing increments or progress in compliance schedules applicable to sources which are being made subject to more stringent emission limits.

(iii) A commitment, with regard to ambient monitoring around the Ashland Oil complex, that the monitoring will begin by a certain date, will be conducted for a specific length of time, and will be done with a Federal equivalent method.

Kentucky's September 24, 1982, submittal corrects these deficiencies by including the following as part of an agreed order between the State and Ashland Oil, Inc:

1. Method for determining compliance with Kentucky Regulation 401 KAR 61:015 on a continual basis (Item 1 of the order).

2. Legally enforceable compliance schedules for Kentucky regulation 401 KAR 61:145, Existing Petroleum Refineries. The schedule satisfies EPA's request for the state to revise Regulation 401 KAR 61:015, because the schedule achieves the same end under 61:145 as it would under 61:015 for the affected source. (Item 3 of the order). Regarding compliance schedules for 401 KAR 61:015 (Existing Indirect Heat Exchangers) for sources in other counties which are being made subject to more stringent emission limits: Kentucky has satisfied this condition by certifying in a letter dated October 23, 1982, that the only sources being made subject to more stringent emission limits are located in Muhlenberg County. EPA has determined that the present SIP includes an applicable compliance timetable for the Muhlenberg County sources at Section 8(2) (b) and (c) of 401 KAR 61:015. Therefore, it is not necessary to revise 401 KAR 61:015 and the deficiencies regarding Boyd County are the only deficiencies for which a SIP revision is required.

3. Ambient SO_2 monitoring requirements according to item (1)(iii) page 72158 of the October 31, 1980 notice and the clarification notice of April 3, 1981 (46 FR 20171). (Item 2 of the order).

The order, in accordance with Kentucky regulations 401 KAR 59:015 and 401 KAR 61:015 Section 3(3)(a),

provides for stack-by-stack alternative emission limitations for the applicable sources. The alternative emission limitation for the indirect heat exchangers is established as an overall allowable of 1.01 lbs/MMBTU of heat input on a twenty-four hour basis. This emission limit became effective October 1, 1981. This alternative emission limitation provides a net air quality improvement since the old allowable for each indirect heat exchanger was 1.1 lbs/MMBTU.

The affected sources have met all requirements of the compliance schedule to date and are in compliance with the overall 1.01 lbs/MMBTU emission limit. EPA finds the emission limits and the Kentucky procedures for determining compliance approvable.

Action: Having found Kentucky's Part D SO_2 SIP revisions consistent with EPA requirements, EPA today fully approves the State's Part D SO_2 SIP revisions.

This action will be effective 60 days from the date of this **Federal Register** notice. However, if we receive notice within 30 days that someone wishes to submit critical comments, we will withdraw this action and will publish two subsequent notices before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and esablishing a comment period.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under section 307(b)(1) of the Act petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [60 days from today]. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Incorporation by reference of the Kentucky State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502)).

Dated: March 14, 1983.

John W. Hernandez,

Acting, Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart S—Kentucky

§ 52.920 [Amended]

1. In § 52.920, is amended by adding paragraph (c)(35) as follows:

§ 52.920 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(35) Corrections in 1979 Part D revisions for sulfur dioxide nonattainment area (Boyd County), submitted on September 24, 1982, by the Kentucky Natural Resources and Environmental Protection Cabinet.

§ 52.928 [Reserved]

2. Section 52.928, Control strategy: Sulfur oxides, is removed and reserved.

[FR Doc. 83-7348 Filed 3-21-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[TN-005; A-4-FRL 2267-4]

Approval and Promulgation of Implementation Plans; Tennessee; 1979 Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today is conditionally approving the State Implementation Plan (SIP) revision submitted by the State of Tennessee for the Chattanooga-Hamilton County total suspended particulate (TSP) nonattainment area. This action is based on the State's submittal of a control strategy and regulations as required by Part D of Title I of the Clean Air Act (CAA) of 1977. An improvement in the air quality in Chattanooga-Hamilton County is expected from this action.

EFFECTIVE DATE: April 21, 1983.

ADDRESSES: Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460;
Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005;
Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365;
Tennessee Air Pollution Control Division, 150 9th Avenue North, Nashville, Tennessee 37203; or
Chattanooga-Hamilton County Air Pollution Control Bureau, 3511 Rossville Boulevard, Chattanooga, Tennessee 37407.

FOR FURTHER INFORMATION CONTACT: Raymond S. Gregory of EPA Region IV's Air Management Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365, telephone 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: In the March 3, 1978, **Federal Register** (43 FR 8962 at 9035), a number of areas within the State of Tennessee were designated as not attaining certain national ambient air quality standards (NAAQS). Included in those areas was that portion of Hamilton County within, approximately, the city limits of Chattanooga which was designated as not attaining the primary ambient standard for total suspended particulates (TSP).

General Discussion

The implementation plan revision submitted for this area by Tennessee's Department of Public Health under Part D of Title I of the CAA was submitted for EPA's approval on November 6, 1981. A discussion of this submittal was included in the proposed rulemaking in the June 28, 1982, **Federal Register** (47 FR 27874). Additional information and required revisions identified in the June 28, 1982, notice were submitted on December 22, 1982. One comment was received in response to EPA's notice of proposed rulemaking. The Glass Packaging Institute (GPI) objected to the emission standard contained in the regulations for Glass Manufacturing Plants. GPI contends that the mass emission limit of 0.9 pounds per ton (ppt) of glass pulled is "too stringent to be considered RACT (Reasonably Available Control Techology) and that the record in Tennessee does not support the feasibility of such a severe standard."

In response, EPA has documentation that the only glass manufacturing facility currently in the affected area is already in compliance with the emission limit by a substantial margin. Since the facility is meeting the limitation without additional control equipment being required, it is apparent that the standard

is RACT and EPA is approving it as submitted.

In the proposed rulemaking on this revision there were two errors which should be addressed. At page 27874, third column, fourth paragraph, the last sentence states: "EPA agreed that would adversely resolve the question." This sentence should have read: "EPA agreed that would adequately resolve the question."

Secondly, immediately following the fourth condition for full approval, there should have been a section heading of *Action*. The first paragraph of this section was also inadvertently omitted. The missing paragraph designated December 31, 1982, as the date by which adopted revisions to the plan satisfying the conditions for full approval must be submitted for EPA's review.

The Chattanooga regulations do not clearly contain definitions of major stationary source and major modification that included both entire plants as well as individual emissions units. Chattanooga has committed by letter dated December 21, 1982 that the city will apply the regulations as if the definitions clearly include both varieties of sources. Chattanooga has further committed to propose future changes to the regulations to clarify that the source definitions do include both entire plants and individual emissions units. EPA is approving the regulations with the understanding that Chattanooga will apply the regulations as stated and will submit future clarifications.

There is one area of the plan for which approval is not being given. Chattanooga's definition of "reconstruction" uses the term "facility" instead of "stationary source." This could cause the definition to be interpreted in such a way as to apply only to a reconstructed plant, and not to an individual emission unit, as required by EPA's rule. Chattanooga intends, in the near future, to propose to change the definition to be equivalent to EPA's definition. Until the definition is changed, EPA will retain permitting authority for any source which qualifies as a reconstruction under EPA's definition (40 CFR 51.18(j)(1)(ix), 45 FR 52676), but does not under Chattanooga's definition.

In addition, approval is being given on the condition that all limitations and conditions, including permit restrictions, established under the authority of this Plan be made federally enforceable. This condition also requires the phrase "federally enforceable" to be defined in the Plan.

Note.—On February 22, 1982, EPA entered into a settlement agreement with industry petitioners in the Chemical Manufacturers Association litigation. In that agreement, EPA committed to propose regulatory amendments regarding this issue. Conforming amendments to this plan may not be necessary as a result of these proposed new source review regulatory changes. If the time period for adopting changes to this plan expires and EPA is in the process of revising the new source review requirements, but has not finalized the changes, the Administrator could extend the conditional approval date for this condition.

Action. Based on the foregoing, EPA is conditionally approving the SIP under Part D of Title I of the CAA as it relates to the attainment of the primary TSP standards in Chattanooga-Hamilton County, Tennessee except for any source which qualifies as a reconstruction under EPA's definition (40 CFR 51.18(j)(1)(ix), 45 FR 52676), but does not under Chattanooga's definition.

This exception will place permitting authority for such a source with EPA until the appropriate revision is approved. Tennessee is required to submit adopted revisions to the plan which satisfy the conditional approval by December 31, 1983.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any response are available for public inspection at the EPA Region IV office (see address above).

Incorporation by reference of the Tennessee State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: March 14, 1983.

John W. Hernandez, Jr.,

Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart RR—Tennessee

1. Section 52.2220 is amended by adding paragraph (c)(49) as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(49) Part D revisions for the Chattanooga primary TSP nonattainment area, submitted on August 31, 1981, and December 22, 1982, by the Tennessee Department of Public Health. (No action is taken on the definition of "reconstruction" contained in the revisions.)

2. A new paragraph (a) is added to § 52.2231 as follows:

§ 52.2231 Control strategy: Sulfur oxides and particulate matter.

Part D Conditional approval.

(a) The Chattanooga primary TSP plan's provisions for review of new sources and modifications in the nonattainment area are approved on condition that the State submit by December 31, 1983, a definition of the term "Federally enforceable" and provision for making Federally enforceable all limitations, conditions, and offsets, including permit restrictions, relied upon under the plan, and in the interim, implement these provisions in a manner consistent with EPA requirements.

* * * * *

[FR Doc. 83-7380 Filed 3-21-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 55

[A-FRL 2314-5]

State and Federal Administrative Enforcement of Implementation Plan Requirements After Statutory Deadlines; Delayed Compliance Order for the Montaup Electric Company's Somerset Station

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) announces the issuance of a delayed compliance order (DCO) to the Montaup Electric Company. The DCO will allow Boilers number 7 and 8 of the company's Somerset, Massachusetts Generating Station to operate out of compliance with certain requirements of the Massachusetts State Implementation Plan (SIP) until December, 1985, so that the boilers can be converted from burning oil to burning

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coal. During this interim period, however, the company must install the pollution control equipment necessary for the coal fired boilers to operate in compliance with the Massachusetts SIP. This DCO contains a compliance schedule, interim emissions limitation and other requirements of Section 113(d)(5) of the Clean Air Act to minimize non-compliance with state air pollution control requirements and to prevent violations of primary national ambient air quality standards [NAAQS].

EFFECTIVE DATE: March 22, 1983.

ADDRESSES: Copies of all public comments and EPA responses are available for public inspection during the normal business hours at the Environmental Protection Agency, Region I, JFK Federal Building, Room 2111, Boston, Massachusetts and at the Somerset Public Library in Somerset, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Brian Hennessey or Robert A. O'Meara at Region I EPA in Boston or telephone (617) 223–5130.

SUPPLEMENTARY INFORMATION: EPA proposed to issue a DCO to Montaup Electric Company's Somerset Station on October 20, 1982 (47 FR 46713). Under the proposal, the Somerset Station could be converted to coal immediately. This would cause it to operate out of compliance, for up to 36 months, with the following pollution regulations which are part of the federally-approved Massachusetts SIP:

310 CMR 7.02(8) limiting particulate emission to 0.12 pounds per million Btu heat input, and

310 CMR 7.16(1)—limiting visible emissions to 20% opacity except up to 40% for no more than 6 minutes in any hour.

On November 4, 1982, EPA held a public hearing in Somerset, Massachusetts, on the proposed DCO. Public comments on the proposal were accepted until November 19, 1982. Only those comments which caused EPA to make substantive changes in the DCO are discussed in today's notice.

1. *Best Practicable System of Emission Reduction (BPSER)*—EPA's proposed BPSER comprised use of low ash coal, refurbishment of the mechanical dust collectors and good operation and maintenance procedures. EPA also proposed an interim emission limit as one means of enforcing BPSER. The interim emission limit in the proposed DCO is 0.6 pound per million Btu. In calculating this emission limit, EPA relied on the design performance curves for the mechanical dust collectors (also called multiclones).

These performance curves are the multiclone manufacturer's predictions of how effectively the pollution control equipment can be expected to operate. During the public comment period, Montaup submitted data on how well multiclones had performed at several coal-fired plants. Montaup argued that it is likely that its multiclones cannot achieve the efficiency rate predicted by the manufacturer. Montaup proposed to EPA that an emission rate of 1.1 pounds per million Btu was the most reasonable emission limit in light of the new evidence on the capabilities of its multiclones. EPA now is convinced that the multiclones manufacturer's performance curves make unrealistically high predictions about the equipment's actual capabilities. However, the discrepancies between design and actual multiclone performance at the coal-fired plants documented by Montaup may reflect poor equipment maintenance in addition to erroneous design data.

EPA has determined that, with stringent maintenance of the multiclones, the efficiency of that equipment will be considerably better than Montaup estimated but below what the multiclone manufacturer suggests. In the final DCO, therefore, EPA has set a 0.9 pound per million Btu interim emission limit.

Additionally, EPA has required that very stringent maintenance procedures for the multiclones be included in Montaup's operation and maintenance plan. In the proposed DCO, EPA stated that its approval of this plan was a prerequisite to final issuance of the DCO. The plan has been incorporated by reference in the final DCO and its terms will be fully enforceable DCO requirements.

These terms include a requirement that Montaup shut down and clean the multiclones each month. There are provisions for relaxing the required frequency of shut down and maintenance to once quarterly, if EPA determines that for three consecutive months the multiclones have not been significantly plugged such that the efficiency of the equipment has been affected. EPA has maintained the flexibility to reimpose the monthly maintenance requirement under certain circumstances. Montaup's Operation and Maintenance plan is on file for public inspection at the addresses listed above.

Testing Schedule

2. One commenter argued that the proposed emission test schedule, once 120 days after the start of coal burning and again eleven months later, is not frequent enough to effectively monitor Montaup's compliance with the emission limit.

The final DCO requires Montaup to perform emission tests every six months.

EPA increased the testing frequency for two reasons. First, the final DCO places a greater emphasis on good maintenance as a part of BPSER. The more frequent testing requirements will allow EPA to focus better on the adequacy of Montaup's maintenance procedures. Second, the final DCO increases the interim emission limit. Obviously, this increase in allowable emissions reduces the calculated margin of safety for protecting the primary ambient air quality standard for particulates. EPA would like to emphasize that a significant margin of safety still is predicted. However, more frequent emission tests is the best way to ensure that the primary standard is not violated.

Conditions

3. The proposed DCO notice contained a section listing conditions which Montaup had to satisfy before EPA would issue final rulemaking. Montaup has satisfied all these conditions. Five plans which were required, an operations and maintenance plan, quality assurance plans for the continuous emissions monitors system and the ambient monitoring system, a coal sampling plan and a fugitive dust control plan, have been incorporated by reference in the final DCO and will be enforced by EPA as part of the DCO. These plans are available for public inspection at the addresses listed above.

After considering the DCO application submitted by Montaup, the comments received in response to proposed rulemaking, EPA's own findings and the written concurrence from the Governor of the Commonwealth of Massachusetts, EPA hereby issues this Order, which will take effect today.

(42 U.S.C. 7413(d))

Before the United States Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Statutory Authority

This order is issued under Sections 113(d)(5) and 114 of the Clean Air Act [the Act], as amended, 42 U.S.C. 7413(d)(5) and 7414. This Order contains findings, interim requirements, a compliance schedule, monitoring and reporting requirements, and other requirements which satisfy the terms of these Sections of the Act. Public notice has been provided under Section

113(d)(1) of the Act, 42 U.S.C. 7413(d)(1). The Governor of the Commonwealth of Massachusetts has concurred with issuance of this Order.

List of Subjects in 40 CFR Part 55

Air pollution control, Energy.

In consideration of the foregoing, 40 CFR Part 55 is amended as follows:

PART 55—FEDERAL ADMINISTRATIVE ORDERS ISSUED UNDER SECTION 113(d)(5) OF THE CLEAN AIR ACT

Subpart W—Massachusetts

1. By adding § 55.473 to read as follows:

§ 55.473 Federal administrative orders issued under section 113(d)(5) of the act.

Findings

The Administrator of EPA [Administrator] makes the following findings:

1. The Montaup Electric Company [Montaup] owns and operates the Somerset Station [Somerset] located in Somerset, Massachusetts.

2. Somerset is a major stationary source, having the potential to emit more than 100 tons per year of particulates and sulfur dioxide (SO_2) while operating pollution control equipment.

3. Currently, Somerset Boilers Number 7 and 8 burn residual oil.

4. On February 23, 1982, the U.S. Department of Energy published a proposed order under the Powerplant and Industrial Fuel Use Act, 42 U.S.C. § 8301 *et seq.* (1978), as amended by the Omnibus Budget Reconciliation Act of 1981, Pub. L. No 97–35, which would prohibit Somerset Boilers 7 and 8 from burning oil. 47 FR 7875 (1982).

5. A State Implementation Plan [SIP] to regulate air pollution in Massachusetts has been approved by the Administrator of EPA under Section 110 of the Act, 42 U.S.C. 7410. See 40 CFR 52.1123 (1981).

6. Massachusetts regulation 310 CMR 7.02(8), which concerns emission limitations, is part of the applicable SIP within the meaning of Section 113(d)(5) of the Act and reads in pertinent part as follows:

> No person owning, leasing, or controlling the operation of any fossil fuel utilization facility shall cause, suffer, allow, or permit emissions therefrom in excess of those emission limitations set forth in the following tables * * * [0.12 lbs. of particulate per million Btu heat input].

7. Massachusetts regulation 310 CMR 7.06(1), which concerns visible emissions, is part of the applicable SIP within the meaning of Section 113(d)(5) of the Act and reads in part as follows:

> (a) No person shall cause, suffer, allow, or permit the emission of smoke which has a shade, density, or appearance equal to or greater than No. 1 of the Chart [20%] for a period, or aggregate period of time in excess of six minutes during any one hour, provided that at no time during the said six minutes shall the shade, density, or appearance be equal to or greater than No. 2 of the Chart [40%].

8. EPA has determined that Somerset Boilers 7 and 8 cannot now burn coal and comply with 310 CMR 7.02(8) and 7.06(1).

9. Somerset is located in the Metropolitan Providence Interstate Air Quality Control Region which EPA has designated as an area which is attaining the primary national ambient air quality standard [NAAQS] for total suspended particulates [TSP].

10. The Administrator has determined that the emission limits and other enforceable measures contained in the following Order are sufficient to assure that the burning of coal at Somerset will not cause or contribute to concentrations of any air pollutant in excess of any primary NAAQS.

11. The Administrator also has determined that the compliance schedule in the following Order requires compliance with 310 CMR 7.02(8), and 7.06(1) as expeditiously as practicable, and before December 31, 1985.

12. Furthermore, the Administrator has determined that the interim requirements of the following Order require the best practicable systems of emission reduction (BPSER) to protect the public health and minimize noncompliance with 310 CMR 7.02(8) and 7.06(1).

Based on the foregoing findings, it is hereby ordered:

I. SIP Limitation

Boilers Number 7 and 8 of the Somerset Station owned by Montaup Electric Company shall comply with the interim limitations, compliance schedule, and other enforceable requirements set forth in this Order.

The emission limits contained in this Order are authorized only for coal burning in Somerset Boilers 7 and 8 and only until Montaup can install the pollution control equipment necessary to achieve compliance with Sections 310 CMR 7.02(8) and 7.06(1) of the Massachusetts SIP while burning coal at Somerset Station. These regulations govern particulate emissions and visible emissions, respectively.

II. Interim Requirements

EPA has determined that the following interim requirements ensure that the burning of coal in Somerset Boilers 7 and 8 will not cause or contribute to violations of the primary NAAQS for TSP:

(A) Particulate Emission Limitation:

(1) Upon burning coal at Somerset Station, particulate emissions from either Boiler 7 or 8 shall not exceed 0.90 pounds per million British thermal units (Btu) gross heat imput at maximum continuous rating.

(2) Within 120 days after Montaup begins burning coal at Somerset, Montaup must conduct a set of particulate emission tests on Boilers 7 and 8 and must submit to EPA a written emission test report for each boiler which demonstrates compliance with the emission rate above.

(3) During the sixth month after completing the emission tests listed above and during every sixth month thereafter, Montaup shall conduct another series of particulate emission tests to demonstrate continued compliance with the 0.90 pounds per million Btu emission rate. A written emissions test report shall be submitted to EPA within 30 days after Montaup completes the tests.

(4) Montaup shall perform any additional testing required by EPA within 30 days of receipt of written notification of such requirement. Among other things, additional testing may be required to quantify changes in emissions due to such factors as changes in coal characteristics or changes in boiler operations. Additional tests also may be required to quantify suspected changes in emissions indicated by frequent violation of the opacity limit.

(B) Opacity Limitations:

(1) Montaup shall comply with opacity limitations set by EPA.

(2) The following procedure shall be used to set opacity limitations and guideline transmissometer readings:

(a) With each particulate emission test report, Montaup shall submit to EPA a report which correlates opacity as determined by EPA Method 9 (40 CFR Part 60, Appendix A) and transmissiometer readings as a function of particulate emissions from burning coal. At the same time, Montaup shall also submit a proposed hourly average opacity limitation and a guideline hourly average transmissometer reading based on its correlation analysis or guideline transmissometer limit.

(b) Once EPA has set a Method 9 visible emissions limitation, it shall become an enforceable emission limit under this Order.

(c) EPA may require Montaup to submit additional opacity or transmissometer reading correlation analyses and may use the additional data to revise opacity and transmissometer reading limits applicable to coal burning under this Order.

(C) Coal Ash Content:

For the duration of this Order, Montaup shall burn coal with an ash content not greater than 4.6 lbs. per million Btu.

(D) Operation and Maintenance:

For the duration of this Order Montaup shall comply with all the provisions contained in its "Flyash Collection and Handling System Operation and Maintenance Plan" dated February 2, 1983.

(E) Fugitive Emissions Control:

For the duration of this Order, Montaup shall comply with all the provisions of its plan for fugitive emission control titled "Fugitive Emissions from Coal Handling and Fly Ash Silo System" dated November 3, 1982 as revised by a February 2, 1983 addendum to the plan.

III. Compliance Schedule

(A) Increments of Progress:

Coal burning in Somerset Boilers 7 and 8 shall achieve compliance with 310 CMR 7.02(8) and 7.06(1) as expeditiously as practicable but no later than December 31, 1985.

Montaup must achieve increments of progress to final compliance as specified in the following compliance schedule:

Date	Increment of progress
(1) Within 6 months of the effective date of this Order	Place purchase orders for electrostatic precipitators for Somerset Boilers 7 and 8.

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Date	Increment of progress
(2) Within 16 months of the effective date of this Order	Begin on-site construction of new electrostatic precipitators.
(3) Within 28 months of the effective date of this Order	Remove Somerset Boiler 8 from service for tie-in to new electrostatic precipitator
(4) Within 31 months of the effective date of this Order	Complete tie-in of Boiler 8 and remove Boiler 7 from service for tie-in to new electrostatic precipitator
(5) Within 33 months of the effective date of this Order	Complete tie-in of new electrostatic precipitator to Somerset Boiler 7.
(6) Within 33 months of the effective date of this Order, but not later than December 31, 1985	Submit particulate emission tests to EPA demonstrating compliance of Somerset Boiler 8 with 310 CMR 7.02(8) and 7.06(1).
(7) Within 35 months of the effective date of this Order, but not later than December 31, 1985	Submit particulate emission tests to EPA demonstrating compliance of Somerset Boiler 7 with 310 CMR 7.02 (8) and 7.06(1).

(B) Force Majeure:

In the event Montaup is unable to comply with any of the schedule increments established in III(A) above, and such failure is due to an act of God, war, strike, or other cause(s) beyond its control, Montaup may petition EPA to extend the time for compliance with such schedule increment and all subsequent schedule increments by a period equal to the delay caused by such circumstances clearly beyond its control.

Any delay caused by such circumstances shall not be deemed a violation of this Order. In no event, however, shall final compliance be achieved later than December 31, 1985.

IV. Monitoring Requirements

(A) Emission Monitoring:

For the duration of this Order, Montaup must operate transmissometers and continuous SO_2 and diluent emission monitors on Somerset Boilers 7 and 8 in the locations it proposed in its "Quality Assurance Plan—Continuous Emission Monitoring" dated January 24, 1983.

(1) Each continuous emission monitoring system shall be operated in accordance with 40 CFR Part 60, Appendix B, as amended, and in accordance with Montaup's "Quality Assurance Plan—Continuous Emission Monitoring" dated January 24, 1983.

(2) Within 45 days after Somerset begins burning coal, Montaup shall complete a specification performance test on each transmissometer according to 40 CFR Part 60, Appendix B, Specification 1. Montaup shall report the results of the performance test within 30 days after it completes the test.

(3) Within 45 days after Somerset begins burning coal, Montaup shall complete a specification performance test on each SO_2 and diluent monitor according to 40 CFR Part 60, Appendix B, Performance Specification 2 and 3.

Montaup shall report the results of the performance test within 30 days after it completes the test.

(4)(a) Montaup shall notify EPA ten days before it removes any monitor from its location.

(b) This notification also shall include data which demonstrates that the new location for the monitor or its replacement meets the requirements of 40 CFR Part 60, Appendix B.

(c) Additionally, the monitor or its replacement shall be completely recertified according to 40 CFR Part 60 Appendix B before it is reinstalled. Data demonstrating recertification shall be provided to EPA upon request.

(B) Ambient Monitoring:

(1) Montaup shall operate an ambient monitoring network at the following locations:

(a) Fall River—The parking lot at Truesdale Hospital—SO_2 and TSP.

(b) Fall River—Stanley Street Site #22 0580 036 J02—SO_2 and TSP.

(c) Somerset—On Montaup Electric Property approximately 35 feet south of the coal pile runoff pond—TSP only.

(d) Swansea—Sharps Lot site #22 2230 001 J05—SO_2 and TSP

EPA reserves the right to require additional monitors to measure emissions from the coal pile.

(2) All ambient monitoring locations and equipment shall comply with 40 CFR Part 58, Appendix B (Quality Assurance), Appendix C (Ambient Air Quality Monitoring Methodology), and Appendix E (Probe Siting Criteria).

(3) Montaup shall operate the ambient monitoring system in accordance with its "Quality Assurance Procedures Manual for Ambient Air Monitoring Networks" dated January 14, 1983 as amended by the February 14, 1983 addendum to the plan.

(4) The burning of coal at the Somerset Station under this Order constitutes acceptance by Montaup, that ambient monitoring data, collected on its property, is representative of ambient air quality levels in the surrounding area. EPA may use this data, as such, for any purpose appropriate under the Act.

(5) The sampling frequency at all the TSP sites shall be daily; however, the sampling frequency at any TSP monitoring site may be reduced to once every three days if the following conditions are met at such site during any continuous 365 day period after commencement of coal burning:

(a) Every 24-hour TSP concentration measured at the site must be less than 200 micrograms per cubic meter; and

(b) The annual geometric mean for TSP, measured at the site, must be less than 60 micrograms per cubic meter.

(6) It is Montaup's responsibility to provide independent performance audits to satisfy the requirements for the quarterly accuracy audits (40 CFR Part 58, Appendix B, Section 3).

(7) Montaup shall receive permission in writing from EPA prior to conducting any further analysis of the TSP filters. Montaup must keep all TSP filters in a suitable condition for further analysis for a period of 12 months after termination of this Order.

(8) Montaup must supply any of these TSP filters to EPA upon request for further analysis. If the Federal Reference Method for total suspended particulates is modified or replaced during the period of this Order, EPA reserves the right to require Montaup to modify or replace any or all existing particulate monitors.

(9) All SO_2 analyzers are to be operated on the 0.5 ppm or 1.0 ppm ranges unless ambient air quality levels exceed this concentration. If this case occurs, then any such instrument must be operated on the appropriate higher range.

(10)(a) Montaup shall operate continuous meteorological monitoring instruments on a 20 meter tower located as specified in Stone and Webster drawing 14185–EY–10A–3.

(b) All meteorological instrumentation shall comply with EPA requirements as specified in EPA Guideline 450/ 4–80–012.

(c) Montaup shall follow the procedures for operating the meteorological monitoring equipment in accordance with the procedures in its "Quality Assurance Procedures Manual for Air Monitoring Networks" dated January 14, 1983.

(C) Coal Sampling:

(1) Montaup shall perform coal sampling and analysis in accordance with its "Coal Sampling and Analysis Plan for Somerset Station Coal Reconversion Project" dated February 1, 1983.

(2) Montaup shall participate in the EPA coal analysis audit program and shall conduct appropriate analysis in accordance with ASTM methods.

V. Test Procedures, Recordkeeping, and Reporting

(A) Compliance Test Methods:

All particulate emission testing required by this Order shall be conducted in accordance with EPA Reference Method 5, 40 CFR Part 60, Appendix A, under operating conditions approved by EPA and in the presence of EPA personnel or EPA representatives. Further, for each emission test which Montaup must perform under this Order:

(1) Montaup shall provide safe access to a safe sampling platform on the unit to be tested.

(2) For the purposes of this Order, a particulate emission test shall consist of four Method 5 sampling runs.

(a) One of the four runs shall be conducted during the normal boiler sootblowing cycle, and three runs shall be conducted without sootblowing.

(b) The average emission rate for a particulate emission test shall consist of the arithmetic average of the three non-sootblow runs prorated in a manner specified by EPA to account for the change in emissions encountered during the sootblow run.

(3) At least 30 days prior to each particulate emission test, Montaup must submit to EPA for approval a written pretest report detailing compliance test dates, times, and protocols safety and access provisions for test personnel and observers, and supplemental fuel and plant operating information which operating information which will be collected.

(4) EPA's approval of any pretest report may require Montaup to collect additional data during or prior to a test and may specify additional conditions on the actual conduct of the test. Only particulate emission tests, performed in accordance with all conditions of EPA's written approval, shall be accepted by EPA towards compliance with the interim requirements of this Order. EPA will, as a minimum, require 30 days to review each pretest report.

(5) No fewer than five days prior to emission testing, Montaup shall meet with EPA to finalize operations and testing protocol.

(B) Recordkeeping:

Montaup must maintain complete cumulative records of all data required elsewhere in this Order and also data on all coal deliveries to Somerset Station during the term of the Order. These records as a minimum shall include:

(1) For continuous emissions monitoring:

(a) Strip charts from each monitor,

(b) Reduced monitor data tabulated in an EPA-approved format;

(c) A logbook detailing the results of all emissions monitor quality assurance checks, all monitor calibrations, and all periods when the monitor malfunctioned or did not operate.

(2) For ambient air quality monitoring:

(a) Strip charts or filters and raw data sheets (as appropriate for each monitor);

(b) Reduced air quality data tabulated in an EPA-approved format;

(c) A logbook detailing the results of all quality assurance checks, all calibrations, and all periods when a monitor malfunctioned or was not operated.

(3) For coal deliveries: the delivery date, source, amount in tons, and sulfur content, ash content, and higher heating value (all as received) for each coal shipment.

(4) For daily coal samples: The sulfur content, ash content and gross calorific value.

(5) For operation of the boilers: hourly readings of load (gross megawatts), pressure drop across each cyclone, flue gas temperatures at the cyclone inlet, and air flow.

(C) Reporting:

Montaup must prepare reports on its coal conversion activities, and on emission monitoring, air quality monitoring, and other data obtained during this Order.

(1) Montaup must submit monthly reports on the following items. Monthly reports must be received by EPA within 30 days of the end of each calender month.

(a) For the period between commencement of coal burning and EPA's designation of a guideline transmissometer reading under II(B)(2) of this Order, Montaup shall submit hourly average transmittance data from each boiler in an EPA-approved format.

(b) After EPA designates a guideline transmissometer reading under II(B)(2) of this Order, Montaup shall submit only hourly average transmittance data which exceeds the guideline reading with an explanation of why opacity limits were exceeded and a statement of the unit's load at the time.

(c) All ambient monitoring and meteorological data shall be submitted to the Massachusetts Department of Environmental Quality Engineering (DEQE) within 30 days of the close of each month in machine-readable SAROAD format.

The data reported to DEQE shall be for individual hourly observations of SO_2, wind speed and direction, as well as daily averages for TSP. Montaup shall ensure that EPA receives the above information within 90 days of the end of each calendar quarter.

(d) Montaup shall submit to both EPA and the DEQE, Southeast Regional Office, Lakeville, one paper copy of all monitoring and meteorological data within 30 days of the close of each month. This data will be maintained for public inspection at the EPA Regional Office, Boston, and the DEQE Regional Office, Lakeville, during normal working hours.

(2) Montaup must submit quarterly reports on the following items. Quarters shall consist of three month periods ending on the last day of March, June, October, and December. Montaup must submit each quarterly report within one month of the close of that quarter. Quarterly reports shall include:

(a) A tabulation for the quarter presenting the daily coal sampling and delivery data (recorded under V(B)(3) of this Order);

(b) The results of any audit coal sample analyses performed during the quarter. Coal analyses data should be presented on a dry basis;

(c) A narrative detailing all activities towards specifying, contracting for, and constructing new ductwork and electrostatic precipitators for compliance with 310 CMR 7.02(8) and 7.06(1).

(d) Montaup must also specifically describe its compliance status for each increment of progress in the Compliance Schedule in this Order;

(e) A report in an EPA-approved format listing 24 hour sulfur emissions averages based on SO_2 emission monitoring data.

(3) If a unit commences burning coal more than half way through either a monthly or quarterly reporting period, the first report shall be due 30 days after the completion of the first full reporting period.

(4) Montaup shall notify EPA in writing of any instance in which any primary NAAQS is exceeded within 15 days after such an occurrence.

(5) Within 30 days of the occurrence of any violation of the primary NAAQS for TSP in the Metropolitan Providence Intersate AQCR, Montaup shall submit to EPA all data required by Section 113(d)(5)(D)(i) through (iii) of the Act.

(6) Not later than 14 days before commencing coal burning in each of Somerset Boilers 7 and 8, Montaup shall submit to EPA a written notice of its intent to commence burning coal.

(7) Montaup shall submit a written notice of whether it met each milestone in the compliance schedule under III(A) of this Order within 10 days of the date set for achieving the milestone.

If non-compliance is reported, Montaup must submit:

(a) A description of the noncompliance.

(b) A description of any actions taken or proposed by Montaup to comply with the elapsed schedule requirements.

(c) A description of any factors which tend to explain or mitigate the noncompliance.

(d) An approximate date by which Montaup will perform the required action.

VI. General Requirements

(A) This Order shall not be effective during any interval after EPA finds and notifies Montaup that (1) a primary NAAQS for TSP is being exceeded in the Metropolitan Providence Interstate AQCR (Section 113(d)(5)(D)), and (2) Montaup has failed to prove that the requirements of Sections 113(d)(5(D) (i) through (iii) of the Act have been satisfied. During any such intervals, Montaup shall comply with 310 CMR 7.02(8) and 7.06(1), or any superceding regulations approved by EPA. If Montaup violates these regulations, it shall be subject to enforcement action under any and all authorities of the Act.

(B) Nothing herein shall affect the responsibility of Montaup to comply with any applicable local, state or federal regulations except as specified in this Order.

(C) Montaup shall submit a copy of all correspondence and reports required under this Order to the Director, Air Management Division, EPA, Region I, JFK Federal Building, Boston, MA 02203, and/or the Massachusetts Division of Air Quality Control, Department of Environmental Quality Engineering, One Winter Street, 8th Floor, Boston, Massachusetts 02108.

Montaup may assert a business confidentiality claim covering part or all of the information requested by this Order in the manner described by 40 CFR 2.203(b). Information covered by such a claim will be disclosed by EPA only as set forth in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to Montaup. Certain categories of information are not properly the subject of such a claim. For example, the Act provides that emission data shall in all cases be made available to the public. See 42 U.S.C. 7414(c).

(D) Montaup is hereby notified that its failure to achieve final compliance at its Somerset Station with 310 CMR 7.02(8) and 7.06(1) by the compliance date specified in III(A)(6) of this Order may result in an assessment of a noncompliance penalty under Section 120 of the Act. 42 U.S.C. 7240.

This penalty may be imposed at an earlier date, as provided under Section 113(d) and Section 120 of the Act, in the event that this Order is terminated or violated as provided in VI (E) and (F) below. In either event, Montaup will be formally notified of its noncompliance, under Section 120(b)(3) of the Act or any regulations promulgated thereunder.

(E) This Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator determines, on the record, after notice and opportunity for hearing, that the inability of Montaup to comply with 310 CMR 7.02(8) and 7.06(1) as approved by EPA, no longer exists with respect to its Somerset Station.

Additionally, if Montaup demonstrates compliance with 310 CMR 7.02(8) and 7.06(1) prior to the applicable compliance dates specified in III(A)(6) of this Order, then this Order shall be terminated at that earlier date.

(F) Under Section 113(d)(9) of the Act, 42 U.S.C. 7413(d)(9), violation of any requirement of the Order shall result in one of the following:

1. Enforcement of such requirement under Section 113 (a), (b), or (c) of the Act, 42 U.S.C. 7413 (a), (b), or (c);

2. Revocation of this Order, after notice and opportunity for a public hearing;

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3. Notification of noncompliance and assessment of a noncompliance penalty under Section 120 of the Act.

(G) This order is effective upon publication in the **Federal Register** and after having received concurrence from the Governor of the Commonwealth of Massachusetts.

Dated: March 16, 1983.

John W. Hernandez, Jr.,

Administrator, U.S. Environmental Protection Agency.

The Montaup Electric Company (Montaup), by the duly authorized undersigned, hereby consents to the findings made and to the terms of this Order and waives any and all rights under provision of law to challenge this Order; however, Montaup expressly reserves the right to assert any defense or to seek such other relief (other than an appeal from the issuance of this Order and the findings contained therein) as may be available to Montaup in any enforcement action or other action taken pursuant to this Order or otherwise.

(42 U.S.C. 7413(d))

Dated: January 24, 1983.

W. R. Bisson,

Vice President.

[FR Doc. 83-7477 Filed 3-21-83; 8:45 am]

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Proposed Rules

Federal Register
Vol. 48, No. 56
Tuesday, March 22, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 810

U.S. Standards for Wheat; Request for Public Comment

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Advance Notice of Proposed Rulemaking; review of existing regulations.

SUMMARY: As part of the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) will study and evaluate the U.S. Standards for Wheat to determine their effectiveness and responsiveness to the needs of the wheat industry. Views and comments are solicited from interested parties to assist in the study and evaluation of present grading practices relating to the standards for wheat in the development of any recommendations for change.

DATE: Comments must be submitted on or before May 23, 1983.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Unit, USDA, FGIS, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382–1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., same address as above, telephone (202) 382–1738.

SUPLEMENTARY INFORMATION: This study and evaluation of the wheat standards is part of the periodic review of existing regulations. The review will include a determination of the continued need for the standards; the potential for clarifying or simplifying the language of the standards; a review of changes in marketing practices and functions affecting the standards; a review of changes in technology and economic conditions in the the area affected by the standards; and a determination of the potential for improving the standards and their application through the incorporation of grading factors or tests which better indicate quality attributes. The objective is to assure that the standards continue to serve the needs of the market to the greatest possible extent.

The public is further advised that several issues involving the wheat standards have been identified by interested parties or by FGIS for extensive evaluation. Information and data are requested on these and other issues, which should be considered by FGIS in this review. Specifically, FGIS will study and evaluate the following issues.

1. Whether to revise the rule for rounding dockage so that 0.0 to 0.25 percent dockage would be certified as 0.0 percent, 0.26 to 0.75 percent would be certificated as 0.5 percent, 0.76 to 1.25 percent would be certificated as 1.0 percent, and so forth.

2. Whether to delete "Light garlicky" and define "Garlicky" as wheat containing more than 2 green bulblets in 1,000 grams. Bulbet count would only be shown upon request. The size of the work portion would be reduced to 250 grams for counts in excess of 10 green garlic bulbets.

3. Whether to tighten the allowable limits for castor beans in the numerical grades from 2 to 1, for example, 2 seeds will render wheat Sample grade.

4. Whether to clafity test weight requirements for Mixed wheat. When Hard Red Spring wheat or Club wheat is predominate in a mixture, the test weight requirements for those wheats would apply.

5. Whether to delete the presence of an extreme amount of smut as a factor rendering wheat Sample grade.

6. Whether to list the components of the subclass Western White wheat in the order of predominance on the official certificate.

7. Whether to analyze the factors—wheat of other classes, contrasting classes, and subclass on a work portion of wheat free from dockage and shrunken and broken kernels.

8. Whether to treat kernels of Soft Red Winter wheat as a contrasting class when found in Hard Red Winter or Hard Red Spring wheat. The reverse would also apply.

Discussion:

Dockage consists primarily of chaff, coarse grains, small weed seeds, dust, and very small pieces of broken wheat. Dockage is not generally usable for milling into flour and is removed in the cleaning process. Dockage has little economic value, but may be utilized in animal feeds.

The certification of dockage is an important issue. A number of foreign buyers question the adequancy of the current method of certificating (rounding off) dockage (7 CFR 810.305), for example, 0.0 to 0.49 percent, no dockage is shown; 0.50 to 0.99 percent, 0.5 percent dockage is shown; 1.0 to 1.49 percent, 1.0 percent dockage is shown; 1.50 to 1.99 percent, 1.5 percent dockage is shown; and so forth. They are concerned about this rounding procedure in that it may not state the actural amount of dockage. For example, in current practice a shipment certificated as "U.S. No. 2 Dark Northern Spring wheat dockage 1.0 percent" will usually contain about 1.3 to 1.4 percent actual dockage. Therefore, the wheat (because of the rounding down in certification) contains more dockage than is stated on the certificate

Foreign buyers have complained when they receive wheat with more dockage than stated on the certificate due to rounding because:

1. They may pay freight and a high levy on each ton of wheat imported which includes the dockage, and

2. The dockage may segregate during loading, resulting in possible inequitable distribution to receivers. Also, the dust in the dockage has resulted in complaints regarding workings conditions and health hazards from the unloading and reloading personnel.

An FGIS review resulted in two potential alternatives. One is the certification of dockage in 0.1 percent increments. This alternative is not considered viable because of the tightness of the limit and inability to reproduce test results due to equipment capabilities and sample variations.

The second alternative involves rounding both up and down on the basis of 0.25 percent. The rounding can be demonstrated by comparing the current and the alternate method as follows:

Current		Alternative	
Actual	Certificated (percent)	Actual	Certificated (percent)
0.0 to 0.49	None shown	0.0 to 0.25	None shown.
0.50 to 0.99	0.5	0.26 to 0.75	0.5.
1.00 to 1.49	1.0	0.76 to 1.25	1.0.
1.50 to 1.99	1.5	1.26 to 1.75	1.5.

The alternative method continues the cerification of dockage in 0.5% increments but more precisely reflects the actual dockage, for example, rounding both up and down to a mid-point instead of disregarding up to 0.49 percent dockage. Under this alternative, the limit is tight and test results are reproducible.

An FGIS economic study of this alternative method indicates that changing the current rounding procedure would have a negligible effect (less than 1/10th of 1 cent per bushel) upon prices received by producers. The study evaluated data from representative market samples of all classes of wheat for a 5-year period. Reported dockage levels tended to be higher under this alternative method. However, if the trade were to adjust its price for the lesser amount of dockage actually contained in the wheat, then any possible producer loss is nullified. A copy of this study can be obtained by contacting N. Gail Jackson, Director, Standardization Division, USDA, FGIS, Building 221, Richards-Gebaur AFB, Grandview, Missouri 64030, telephone (816) 348–2086.

Currently, wheat which contains in a 1,000-gram portion, two or more, but not more than six, green garlic bulblets or an equivalent quantity of dry or partly dry bulblets is graded "Light garlicky" (7 CFR 810.308(b)). Similarly, wheat which contains more than six green garlic bulblets or an equivalent quantity of dry or partly dry bulblets is graded "Garlicky" (7 CFR 810.308(c)). Millers indicate that small quantities of garlic do not significantly affect grinding equipment or flour production. Consequently, FGIS is considering combining the two special grades by deleting the special grade "Light garlicky" and setting the limit for the special grade "Garlicky" at "more than 2 green garlic bulblets or an equivalent quantity of dry or partly dry bulblets in 1,000 grams."

Also, a reduction in the size of the work portion, when more than 10 green bulblets are present, may be warranted because of the excessive time required to analyze 1,000 grams of wheat containing extreme quantities of garlic. The improved accuracy resulting from the larger work portion is not necessary at the higher levels. The number of garlic bulblets would be furnished upon request.

The numerical grade limit of 2 castor bean seeds is too lenient. Castor bean seeds are rarely found in any grain (7 CFR 810.306 at (3)), but the large size of the seed and the toxicity of the ricin found within, make it prudent to permit the presence of only the minimum number of seeds in wheat.

The grade chart on the application of test weight requirements for the class Mixed wheat need to be clarified (7 CFR 810.306(b)). Therefore, a change is needed to assure that when Hard Red Spring wheat or Club wheat predominate in the mixture, the test weight requirements for those wheats are applied.

Current requirements state that when smut is evident in a sample, the special grades "Light smutty" and "Smutty" are applied (7 CFR 810.308 (d) & (e)). Also, when the sample contains a quantity of smut so great that one or more grade requirements cannot be accurately determined, a Sample grade designation is applied (7 CFR 810.306 at (2)). Inspection data show that wheat very rarely, if ever, contains so much smut that grade requirements cannot be accurately determined. It appears that the special grades adequately inform the user of the condition of the wheat and make the requirement regarding extreme quantities of smut unnecessary. Therefore, FGIS is considering removing the applicable sample grade provision.

In Western White wheat, the percentage of Club wheat is stated first in the "Remarks" section of the official certificate, followed by the percentage of other white wheat (7 CFR 810.307(a)(5)). Certification procedures for mixtures of grains or classes are to list the components of the mixture in the order of predominance. In most samples of Western White wheat, Club wheat comprises a small or minimal proportion of the mixture. The percentage of wheats which comprise Western White wheat should be listed in the order of predominance.

Heat-damaged kernels, damaged kernels (total), and foreign material are currently determined on the basis of the grain when free from dockage and shrunken and broken kernels (7 CFR 810.302(g)). The analysis for wheat of other classes, contrasting classes, and subclasses is currently performed on wheat after the removal of dockage only (7 CFR 810.303(c)). In the interest of improved inspection accuracy, these analyses should be performed on wheat after the removal of dockage and shrunken and broken kernels. This procedure would decrease sample preparation time and reduce subjectivity of the analysis.

There are three classes of red wheat grown in the United States. Two of these classes (Hard Red Spring and Hard Red Winter, collectively referred to hereafter as hard types) are considered bread wheats. Commercial varieties of these two classes are produced for their protein quantity and quality (gluten strength) and milled into flour for quality yeast breads. Commercial varieties of the class Soft Red Winter wheat with less quantity and different quality protein, are produced and milled into flour for quality pastry products.

Because the two types (hard and soft) of wheat have been developed to fill a particular need, mixing the two may affect milling and flour performance.

Currently, a U.S. No. 2 grade (the most common export grade for wheat) permits up to a total of 5.0 percent of hard type wheats in Soft Red Winter wheat (7 CFR 810.307). The opposite also is true. For example, a cargo of U.S. No. 2 Dark Northern Spring wheat or U.S. No. 2 Hard Red Winter wheat, may currently contain up to 5.0 percent of Soft Red Winter.

Hard wheats often are purchased by foreign millers to strengthen the gluten characteristics of their domestic wheats, and the practice of blending soft wheat into hard wheats is contrary to the purposes for which high quality hard wheats usually are purchased. The addition of soft to hard type wheats offsets quality attributes such as gluten strength, which plant breeders strive to attain. Soft and hard wheats possess different tempering characteristics, complicating the work of the miller. Differing water absorption and mixing times may result from random mixtures of soft and hard wheats, to the detriment of the baker. FGIS is of the opinion that the image and performance of U.S. wheat may be imparied when soft and hard wheats are blended together. Changing the standards to consider soft and hard types as contrasting classes may discourage this practice. The limit would then be 2.0 percent in a U.S. No. 2 grade which is the present limit for contrasting classes.

This request for public comment does not constitute notification that changes to the standards are, or will, be proposed. Any action proposed with respect to the existing standards will be published in the **Federal Register** at a later date. At that time the standards may be continued without change, or revised in whole or in part.

The U.S. Department of Agriculture encourages citizen participation and solicits the public's views on any

changes which may improve the official grading standards for wheat.

List of Subjects in 7 CFR Part 810

Export, Grain.

(Secs. 5 and 18, Pub. L. 94–582, 90 Stat. 2869 and 2884 (7 U.S.C. 76 and 87e)

Dated: March 15, 1983.

Kenneth A. Gilles,

Administrator.

[FR Doc. 83–7461 Filed 3–21–83; 8:45 am]

BILLING CODE 3410–EN–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 24 and 113

Proposed Customs Regulations Amendments To Establish Interest Charges on Certain Delinquent Accounts

Correction

In FR Doc. 83–6174 appearing on page 10077 in the issue of Thursday, March 10, 1983, make the following corrections:

(1) On page 10077, middle column, in the third line of the "**SUMMARY**", "charges for the last" should have read "charges for the late".

(2) In the third column of the same page, in the 15th line of the first paragraph under **BACKGROUND**, "April 1973" should have read "April 1976".

BILLING CODE 1505–01–M

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19 CFR Parts 111 and 141

Powers of Attorney

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations relating to powers of attorney. The document would: (1) Eliminate the requirement that powers of attorney required for resident corporations be supported by a certificate showing the authority of the person who executed the power of attorney; (2) reduce the documentation required in support of powers of attorney executed by nonresident corporations; (3) eliminate the requirement that powers of attorney for sealed documents be under seal; and (4) amend several sections of the regulations to conform with a section which states that powers of attorney for customhouse brokers are not required to be filed with the district director of Customs.

DATE: Comments must be received on or before May 23, 1983.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: James F. Bartley, Entry, Licensing and Restricted Merchandise Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5765).

SUPPLEMENTARY INFORMATION:

Background

A power of attorney (a legal instrument authorizing another to act as one's agent or attorney) may be executed for the transaction by an agent or attorney of a specified part or all of the Customs business of the principal. Sections 141.31 through 141.46, Customs Regulations (19 CFR 141.31 through 141.46) pertain to powers of attorney. The power of attorney may be executed on Customs Form 5291, or as otherwise provided in § 141.32.

Customs has reviewed its regulations relating to powers of attorney, and has concluded that certain requirements may be eliminated or simplified.

Section 141.38 states in part that when a power of attorney is required for a resident corporation, it shall be executed by a person duly authorized for such purpose, and shall be supported by a certificate showing the authority of such person to execute the power of attorney. Customs believes that the requirement of a certificate of authority is unnecessary; proposed § 141.38 would not contain such a requirement.

Section 141.37 provides that a power of attorney executed by a nonresident corporation shall be supported by filing: a certification from the proper public officer of the country showing the legal existence of the corporation; a copy of that portion of the charter or articles of incorporation which shows the scope of the business of the corporation and the governing body thereof; and certain proof of the grantor's authority to grant a power of attorney for the corporation. Customs believes that some of these requirements are unnecessary, in part because of § 141.18, Customs Regulation (19 CFR 141.18), which provides that a nonresident corporation shall not enter merchandise for consumption unless it has a resident agent in the state where the port of entry is located who is authorized to accept service of process against such corporation and unless the nonresident corporation files an bond having a resident corporate surety to secure the payment of any increased and additional duties which may be found due. Proposed § 141.37 would require that a power of attorney executed by a nonresident corporation be supported by documentation establishing the authority of the corporation to execute a power of attorney and establishing the authority of the grantor to execute the power of attorney on behalf of the corporation.

Section 141.31(b) provides that if a power of attorney is for the execution of sealed instruments, it shall be under seal. Section 141.39(a) provides in part that, with respect to partnerships, if the power of attorney is for the execution of sealed instruments, it shall be signed and sealed by each partner. Customs has determined that a power of attorney need not be under seal. Accordingly, Customs proposes to delete § 141.31(b), and proposes to delete the part of § 141.39(a) that pertains to sealed documents.

Section 141.44 provides that powers of attorney are to be filed with a district director. Section 141.46 provides an exception to this rule, by stating that a customhouse broker is not required to file a power of attorney with the district director. Section 111.3(b)(1), Customs Regulations (19 CFR 111.3(b)(1)), makes reference to a customhouse broker filing a power of attorney with the district director, authorizing an employee of the broker to sign Customs documents on behalf of the broker. It is proposed to amend § 111.3(b)(1) to provide that such a power of attorney is not required to be filed with the district director, but that proof of its existence must be provided to Customs upon request. Sections 141.34, 141.36 and 141.37 make reference to the filing of the power of attorney with the district director. It is proposed to amend these sections to delete these references, in order that these sections may be consistent with the fact that powers of attorney need not always be filed with the district director (§ 141.46).

Comments

Before adopting this proposal, consideration will given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

These amendments are proposed under the authority of R.S. 251, as amended, section 484, 46 Stat. 722, as amended, section 624, 46 Stat. 759 (19 U.S.C. 66, 1484, 1624).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final reglatiory flexibility analysis (5 U.S.C. 603, 604) are not applicable to these proposals because the regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, or to impose or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

Because this document will not result in regulations which will be "major rules" as defined in section 1(b) of E.O. 12291, a regulatory impact analysis as prescribed by section 3 of the E.O. is not required.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Lists of Subjects

19 CFR Part 111

Administrative practice and procedure, Brokers, Customs duties and inspection, Imports.

19 CFR Part 141

Customs duties and inspection, Imports.

Proposed Customs Regulations Amendments

It is proposed to amend Parts 111 and 141, Customs Regulations (19 CFR Parts 111 and 141), in the following manner:

PART 111—CUSTOMHOUSE BROKERS

It is proposed to revise § 111.3(b)(1) to read as follows:

§ 111.3 Transactions for which license is not required.

* * * * *

(b) *As employee of brokers.* An employee of a broker, acting solely for his employer, is not required to be licensed where:

(1) *Authorized to sign Customs doucments.* The broker has authorized the employee to sign Customs documents on his behalf, and has executed a power of attorney for that purpose. The broker is not required to file the power of attorney with the district director, but shall provide proof of its existence to Customs upon request. Only employees who are residents of the United States may be authorized to sign Customs documents; or

* * * * *

PART 141—ENTRY OF MERCHANDISE

§ 141.31 [Amended]

1. It is proposed to amend § 141.31 by removing paragraph (b).

2. It is proposed to revise § 141.34 to read as follows:

§ 141.34 Duration of power of attorney.

Powers of attorney issued by a partnership shall be limited to a period not to exceed 2 years from the date of execution. All other powers of attorney may be granted for an unlimited period.

§ 141.36 [Amended]

3. It is proposed to amend § 141.36 by removing the word "filed" and inserting in its place the word "executed".

4. It is proposed to revise § 141.37 to read as follows:

§ 141.37 Additional requirements for nonresident corporations.

A power of attorney executed by a nonresident corporation shall be supported by documentation:

(a) Establishing the authority of the corporation to execute such a power of attorney; and

(b) Establishing the authority of the grantor to execute such a power of attorney on behalf of the corporation.

5. It is proposed to revise § 141.38 to read as follows:

§ 141.38 Resident corporations.

A power of attorney shall not be required if the person signing Customs documents on behalf of a resident corporation is known to the district director to be the president, vice president, treasurer, or secretary of the corporation. When a power of attorney is required for a resident corporation, it shall be executed by a person duly authorized to do so.

6. It is proposed to revise § 141.39(a) to read as follows:

§ 141.39 Partnerships.

(a) *General.* A power of attorney granted by a partnership shall state the names of all members of the partnership. One member of a partnership may execute a power of attorney in the name of the partnership for the transaction of all of its Customs business.

* * * * *

William H. Russel,

Acting Commissioner of Customs.

Approved: March 7, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-7440 Filed 3-21-83; 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Part 177

Tariff Classification of Bulk Liquid Chocolate

AGENCY: Customs Service, Treasury.

ACTION: Proposed change of position and solicitation of comments.

SUMMARY: Customs has been requested by an importer of chocolate to review its position regarding the tariff classification of bulk liquid chocolate imported into the United States for further manufacturing. Specifically, Customs has been requested to classify this merchandise under the provision for sweetened chocolate in bars or blocks weighing 10 pounds or more each, in item 156.25, Tariff Schedules of the United States (TSUS), rather than as it is currently classified, under the provision for sweetened chocolate in any other form, in item 156.30, TSUS.

Because Customs' decision in this matter may have a substantial impact upon both importers and domestic manufacturers, public comments are invited.

DATE: Comments (preferably in triplicate) must be received on or before May 23, 1983.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Lee C. Seligman, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

As a result of a request for a tariff classification ruling, Customs is reviewing its position regarding the classification of bulk liquid sweetened chocolate, which is imported into the United States in temperature-controlled tank trucks for further manufacturing. Customs' present position is that this merchandise is classifiable under the provision for sweetened chocolate in any other form, in item 156.30, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), at a rate of duty of five percent ad valorem.

It has been represented to Customs that the most economical method of transporting the chocolate from Canada to the United States is in the temperature-controlled tank trucks. If left at room temperature, the chocolate would harden. However, the trucks contemplated for use in transporting the chocolate would maintain sufficient heat during transit to keep the chocolate in a molten state during transportation and transfer in order to facilitate unloading and further processing at the contemplated United States facility. Transport of the chocolate in other than molten form would substantially increase the costs of the contemplated operation, and probably create a result which is economically unfeasible. Customs has been asked to consider classifying this merchandise under the provision for sweetened chocolate in bars or blocks weighing 10 pounds or more each, in item 156.25, TSUS, at a rate of duty of 0.2 cents per pound, if the merchandise would be sold at room temperature.

It has also been represented to Customs that the legislative history of item 156.25, TSUS, clearly shows that Congress intended the lower rate of duty to apply to all bulk imports of sweetened chocolate for manufacturing use, and that the specification of bars or blocks weighing 10 pounds or more each merely reflects Congress' understanding of the form in which chocolate in bulk for manufacturing was transported at the time this provision was originally enacted.

Customs seeks public comment on this proposal, and especially on the following issues:

(1) Does the legislative history of item 156.25, TSUS, *clearly* reveal a Congressional intent to prescribe a lower rate of duty for *all* bulk shipments of sweetened chocolate and not just those in bars and blocks weighing 10 pounds or more each?

(2) If the answer to the previous question is affirmative, is it proper for Customs to ignore the phrase "in bars or blocks weighing 10 pounds or more each" in considering whether liquid chocolate may be classified under item 156.25, TSUS?

(3) If so, how should chocolate in bulk form for manufacturing use be defined?

Although no practice exists (within the meaning of § 177.10(c), Customs Regulations (19 CFR 177.10(c))), Customs' decision in this matter may have a substantial impact upon both importers and domestic manufacturers. Merchandise subject to this decision may be exempt from the quota restraints of items 950.15 and 950.16, TSUS.

Comments

Before making a determination on this matter, Customs will consider any written comments, preferably in triplicate, timely submitted to the Commissioner of Customs.

This ruling request, as well as all comments received in response to this notice, will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), between the hours of 9:00 a.m. and 4:30 p.m. on normal business days, at the Regulations Control Branch, room 2426, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: March 17, 1983.

John P. Simpson,

Director, Office of Regulations and Rulings.

[FR Doc. 83-7406 Filed 3-21-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 131

[Docket No. 83N-0010]

Butter and Whey Butter; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard of Identity

Correction

In FR Doc. 83-4197 beginning on page 7200 in the issue of Friday, February 18, 1983, make the following corrections.

1. On page 7202, first column, second line of paragraph "5.1", "WEO", should have read "WHO".

2. On the same page, first column, the second line of paragraph "5.4", "WEO" should have read "WHO".

BILLING CODE 1505-01-M

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21 CFR Parts 182 and 184

[Docket No. 79N-0371]

Lactic Acid and Calcium Lactate; Affirmation of GRAS Status as Direct Human Food Ingredients

Correction

In FR Doc. 83-4747 beginning on page 8086 in the issue of Friday, February 25, 1983, make the following corrections:

(1) On page 8086, middle column, in the **SUMMARY**, second from the last line, "use of food" should have read "use or food".

(2) On page 8087, third column, fourth line from the bottom of the page, "182 and 814" should have read "182 and 184".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 48

Training and Retraining of Miners; Advance Notice of Proposed Rulemaking

Correction

In FR Doc. 83-7141 appearing on page 11669 in the issue of Friday, March 18, 1983, make the following correction:

Under "**DATE**", the deadline for comments now given as "March 17, 1983" should have been "May 17, 1983".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22 and 74

[Gen. Docket No. 83-45; RM-3910; RM-3924; FCC 83-35]

Frequency Allocation for Offshore Radio Telecommunication Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission proposes allocating UHF-TV Channels 15 (476–482 MHz) and 16 (482–488 MHz) to the Offshore Radio Telecommunication Service on a shared basis. Because of continuing and

increasing growth in the offshore oil and gas operations it is necessary to propose an allocation to expand the existing service, because usage of the existing channels has reached a level of saturation.

DATE: Comments must be received on or before April 18, 1983. Reply comments must be received on or before May 3, 1983.

ADDRESS: Comments may be addressed to the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Harding Chism, Office of Science and Technology, Spectrum Management Division, Telephone (202) 653–8166.

List of Subjects

47 CFR Part 2

Frequency allocations, Radio.

47 CFR Part 22

Offshore radio telecommunications service.

47 CFR Part 74

Television.

Proposed Rule Making

In the matter of an amendment of Parts 2 of Commission's Rules governing Frequency Allocations; 22 of the Commission's Rules governing the Public Mobile Radio Service; and 74 of the Commission's Rules governing Experimental, Auxiliary, and Special Broadcast, and Other Program Distribution Services to provide additional Channels for the Offshore Radio Telecommunications Service; Gen. Docket No. 83–45, RM–3910, RM–3924.

Adopted: January 27, 1983.
Released: February 22, 1983.

By the Commission; Commissioner Quello concurring and issuing a statement.

Introduction

1. Notice is hereby given of proposed rule making in the above stated matter. Initiation of this proceeding is in response to the petitions (RM–3924) filed June 15, 1981 and (RM–3910) filed June 10, 1981, by the Offshore Telephone Company (OTC). One petition (RM–3924) proposes the allocation of frequency spectrum and the promulgation of regulations necessary to permit the augmentation of an established comprehensive common carrier radio service in the Outer Continental Shelf (OCS) region of the Louisiana-Texas Gulf Coast.[1] The petitioner requests an expansion of the currently operational Offshore Radio Telecommunication Service (ORTS) along the southern Louisiana-Texas Gulf Coast. The other petition (RM–3910) proposes the use of interstitial frequency within the existing ORTS channel 17.[2]

2. The petitioner is a telephone company providing common carrier communication services to oil and gas producing platforms and drilling rigs located offshore in the Gulf of Mexico. The company provides various telecommunications services making use of radio, cable and point-to-point microwave. The communication system is also coupled to the domestic telephone network on the mainland.

3. The Association of Maximum Service Telecasters, Inc. (hereinafter "AMST") filed a single set of comments in opposition to both petitions. No other comments were filed. Only OTC filed reply comments.

Background

4. In August of 1976 the Commission adopted a Report and Order establishing a new common carrier service, Offshore Radio Telecommunications Service (ORTS).[3] The ORTS was designed to meet the growing communications needs of the petrochemical companies operating in the Outer Continental Shelf region of the southern Louisiana Gulf Coast, and is intended for use primarily by these companies.[4]

5. The rules adopted in Docket 20368 also amended the Table of Frequency Allocations in § 2.106 of the FCC Rules by the addition of footnote NG114. This footnote reallocated UHF–TV Channel 17 frequencies (488–494 Mhz) to the Domestic Public and Industrial Radio Services in the offshore Louisiana Gulf Coast area.[5] Four megahertz of this spectrum was assigned for ORTS use pursuant to Section 22.1001 of the Rules with the remaining two megahertz assigned to the Industrial Radio Services for private use pursuant to Part 90 of the FCC Rules.

Need for additional spectrum

6. OTC Advises that the rapid step-up in offshore leases ordered by the Department of Interior has created an increasing demand for communications in the Gulf. Section 22.1001 of the Rules presently limits the ORTS zone on the west by 94° West Longitude in order to provide protection for both onshore television and land mobile use of the same spectrum. In 1972, when ORTS was first proposed, there was little oil development west of 94°. Following the Arab oil embargo, grants of offshore oil leases in the Gulf of Mexico have greatly increased and the area west of 94 degrees is now under rapid development.

7. To meet the increasing need for communications in the present ORTS zone (hereafter designated as Zone A), which OTC maintains cannot be fully met through the use of interstitial channels, requested in 3910 and to provide needed communications in the rapidly developing area in the western part of the Gulf (west of 94 degrees West Longitude), OTC requests an expanded service area with a corresponding increase in spectrum allocation. This would be accomplished through the establishment of two new zones designated as Zones B and C, respectively. Zone B would primarily overlay the existing Zone A and extend from 87° 45′ West Longitude on the east to 95° West Longitude on the west. Zone C would be bounded by 94° West Longitude on the east, the coastal limit on the north and west, an arc described by a 281.6 Km (175 mile) radius from Linares, Nuevo Leon, Mexico, on the southwest, latitude 26° on the south, and the outer continental shelf on the southeast. To satisfy the spectrum requirements of these two new zones, OTC requests the reallocation of UHF TV Channel 15 frequencies (476–482 MHz) in Zone C and UHF TV Channel 16 frequencies (482–488 MHz) in Zone B.

8. AMST, in its opposition, notes that ORTS is essentially a fixed communications service and OTC's once-proclaimed need for mobile communications, as being the reason for not utilizing frequencies in the fixed services including satellite communications, is no longer valid. In its petition, OTC agrees that the ORTS service has developed as a service to fixed and temporarily fixed locations and not a service utilized by mobile operators. Because of this fact, continues OTC, much more effective use of the channels has been possible as it was unnecessary to reserve certain

[1] The Outer Continental Shelf is the seabed extending from the three mile limit outward to a water depth of 200 meters (656 ft.).

[2] More voice channels are provided in the same amount of spectrum by using new channels offset 12.5 kHz from those presently available. These new channels are commonly referred as being interstitial.

[3] *Report and Order*, Docket No. 20368, 41 FR 33883 (August 11, 1976).

[4] This service is authorized in the area bounded by the coordinate lines 94° 00′ West Longitude on the west, and 87° 45′ West Longitude on the east; by the three mile limit along the Gulf Coast on the north; and by the outer continental shelf on the south.

[5] NG114. In the offshore Louisiana Gulf Coast area, the band 488–494 MHz (TV channel 17) is allocated to the Domestic Public and Industrial Radio Service in accordance with the regulation(s) set forth in Parts 21 (now 22) and 91 (now 90), respectively.

clear channels for shared use by mobile subscribers.

9. In regard to the use of satellite communications, AMST further comments that the 1976 decision (Docket 20368) authorizing the use of UHF/TV Channel 17 for ORTS was based on the Commission's understanding that satellite earth stations would not be feasible form mobile ORTS communications and were too expensive at that time for general application. It is the perception of AMST with respect to satellite utilization by ORTS that this communication medium still remains a viable alternative and OTC has in fact failed to give any consideration to the use of satellite services. AMST is of the opinion that the deployment of satellite earth stations by oil companies is persuasive evidence that costs have dropped since 1976 to the point where their widespread use in offshore drilling areas is feasible. OTC, in its reply, notes that AMST does not provide any cost or specification data to support its claim of the feasibility of satellite implementation. To OTC's knowledge, the only satellite earth station in use, or proposed to be used, in the Gulf of Mexico is one that has been in use by the Cities Service Oil Co. since 1975. It claims that the applications filed by Exxon some years ago were for drilling ships to be used in world-wide operation. OTC is unable to determine any proposal presently pending before the Commission seeking authority to put an earth station in the area contemplated in this proceeding.

10. OTC points out that satellite transmission for telephone service in the Gulf requires the installation of transmit-receive earth stations with a minimum of a five meter dish, thus requiring expensive cantilevering and platform alteration. Because of the adverse weather conditions, including salt corrosion problems, a great deal of maintenance is required for proper utilization. OTC asserts further that the capacity of such a station, like microwave stations, is spectrally inefficient in that it requires a great deal of spectrum when the needs of the subscriber are for one or two voice and/or data channels.

11. AMST further alleges that OTC has not demonstrated that existing ORTS channels are being used to the peak of their efficiency. In response, OTC notes that in a period of less than three years every ORTS channel is being used. OTC points to the increased use of the available channels and the greater spectrum efficiency through its implementation of a plan for frequency re-use based on frequency grouping which involves geographical separation. The channels are divided into groups of five and are assigned to areas in a repetitive manner with a spacing of 241.4 to 321.8 km (150 to 200 miles) between channel re-use to prevent interference. The degree and manner of re-use is affected by a number of factors including performance limitations of off-the-shelf equipment, co-channel interference, intermodulation interference, performance or available duplexing equipment and propagation anomalies associated with transmissions in the Gulf of Mexico, including its coastal areas.

12. OTC states that a factor which complicates frequency re-use is that the assignment of ORTS stations is dependent on the location of the offshore platforms, which is a product of random location of petrochemical resources. Through experience gained in the use of ORTS, OTC has been able to establish a set of guidelines that are applied in the selection of frequencies to be used at each location. Thus channel usage is maximized an interference is minimized. However even with this type of efficient spectrum utilization, OTC indicates that it still has a number of requests for ORTS service that cannot be satisfied.[7] The filing of the petition (RM–3910) is a further indication of OTC's effort to meet these new requests.

13. AMST comments that OTC's petition is silent on the operational efficiencies employed to achieve optimum spectrum efficiency. This remark is made in reference to the Notice of Inquiry PR Docket No. 80–440, 45 FR 63305 adopted August 1, (1980), which involves the use of new spectrum-use technologies and techniques. OTC argues that the technologies being discussed in this docket are not now available nor are they even in the preliminary design stage. Accordingly, OTC believes it is unrealistic to contemplate use of such technologies now or within the next several years.

Discussion

14. We concur that there is increasing petrochemical development in the Gulf with a concurrently increasing need for expanded telecommunication capability. OTC quotes *Offshore Magazine* as reporting that in June of 1972, when ORTS was first proposed, there were some 359 tracts consisting of 1,152,583 acres leased off southern Texas, but as of the Federal lease in November of 1979 there were a total of 810 tracts consisting of 3,915,974 acres leased for petrochemical development in this area. This amounts to more than a tripling of the area under development in the Gulf of Mexico off southern Texas. In 1979, the Secretary of Interior stated,[8] "[t]he Gulf Coast area continues to be the highest priority for oil and gas exploration." Also early in 1980 the House Outer Continental Shelf Committee reported that:

> It is estimated that the OCS accounts for more than 9% of the U.S. crude oil production and 23% of domestic gas production. It is also estimated that 32%–60% of our undiscovered oil and gas resources are contained in the OCS.[9]

By 1979 the Government had unconditionally concluded that the proven reserves in the Central and Western, Outer Continental Shelf (OCS) i.e. Louisiana and Texas, were 3.84 billion barrels of oil and 49 trillion cubic feet of natural gas.[10] This area accounted for 12% of the U.S. crude oil extensions and 25% of the U.S. natural gas extensions. New field discoveries were more dominant, registering 41% of crude oil and 48% of U.S. natural gas totals. These areas also accounted for 46% (crude oil) and 49% (natural gas) of new reservoir discoveries in old fields.[11]

15. In an effort to evaluate what impact these developments are having on offshore activity in the Gulf of Mexico and the resulting future needs of ORTS for more spectrum, an analysis of the growth in offshore oil and gas activity and operations in the Gulf was performed. Data obtained from the U.S. Geological Survey of the Department of Interior confirms that there has been an resulting increase in offshore activity in the Gulf.[12] Pilots of well status (number of active wells) by year, for offshore Texas and Louisiana, using regression analysis, show an 84% increase offshore Louisiana from 1976 to 1980 while offshore Texas the increase has been over 200% for the period from 1975 to 1980. Well activity (number of wells started or new wells created) for offshore Texas shows an even greater trend in activity which is reflective of the stepped-up activity in oil leases. The extrapolation of these trends give an

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[7] OTC indicates it has been unable to provide service requested by the Southern Natural Gas Company, Ocean Production Company, and the Ocean Drilling and Exploration Company because there are no more frequencies available.

[8] *Andrus eyes nation's offshore future*, Offshore, April 1979.

[9] *House panel urges faster OCS sale pace*, Oil and Gas Journal, February 11, 1980.

[10] Department of Energy, *Federal Leasing and Outer Continental Shelf Energy Production Goals*, February 1979.

[11] 1979 Annual Report, *U.S. Crude Oil, Natural Gas, and Natural Gas Liquids Reserves*, Department of Energy.

[12] *Outer Continental Shelf Statistics*, U.S. Geological Survey, Department of Interior, June 1981.

indication of activity, however a precise prediction of future activity may not be possible because of such factors as economic conditions, the world wide oil situation, break-throughs in alternative sources of energy, etc. However, with the emphasis the Department of Interior has placed on oil and gas exploration in the Gulf and with the known reserves that exist there, we feel that there is a need for increased communications capacity for the proposed Zones in the Gulf of Mexico. Increased capacity, however, can be obtained in several ways. Two primary ways of accomplishing this would be through more efficient use of existing spectrum and through increased spectrum allocation.

16. As suggested above increased communications capacity can be obtained by making more efficient use of existing spectrum through the application of new technologies and techniques. Such new technologies and[13] techniques are being addressed in part in PR Docket 80-440 45 **Federal Register** 83305 (September 24, 1980) include trunking, cellular and single sideband including amplitude compandored operation.[14] Any consideration of new technologies must weigh the benefits to be derived from the use of new systems or techniques against whatever harm may result from simply expanding an existing system. As discussed, and demonstrated later, there are no significant disadvantages apparent in a single expansion of the present ORTS system.

17. With regard to the increased use of the existing spectrum, we believe OTC is taking measures to increase spectrum utilization with its frequency re-use plan and with its petition to use interstitial frequencies. While the use of interstitial frequencies will not totally satisfy OTC's projected needs, the petition has merit and we propose that this technique be available for ORTS. The extent to which interstitial channels will be of use for ORTS will depend on the actual demand and the interference analysis necessary for the use of each specific location. This analysis will be left to the licensee, who will retain the flexibility to determine in what cases the need for additional communications capacity calls for the use of interstitial channels. We also would prefer to allow licensees maximum flexibility in the use of the new and efficient technologies and techniques such as those mentioned above.[15] But in this case, we must ask about the relative value of these less familiar techniques, compared to the difficulty of ensuring that interference to television service will not occur. Therefore we will entertain comments on the opportunities and problems associated with the use of other technologies. We find the allocations of this spectrum for ORTS to be in the public interest. We do not believe that this allocation imposes any significant restriction on our ability to make fuller allocations for future communications services. However, we will entertain comments as to any future flexibility we may be giving up by the proposed allocations.

18. As for satellite utilization, a technical paper presented at the National Telecommunications Conference in 1975, stated that the critical and vital nature of communication services to offshore operations in conjunction with a hostile environment and the difficulty in providing quick and responsive maintenance to these remote locations, imposes a requirement for an earth station with high reliability. This translates to a high degree of redundancy with automatic fault detection, monitoring, and switchover to stand-by units. Further, the space limitations on an offshore oil platform limits the size of the earth station. This makes it necessary to use a larger portion of the satellite transponder capacity to achieve the desired quality of service.[16]

19. Nevertheless, there may be instances, however, where it may be desirable to use satellite communications for offshore operations.[17] For example, satellite communications could be used to link a group of communication spurs from a concentration of offshore platforms with the mainland. In this regard, comments regarding the feasibility of satellite communications for offshore communications in the Gulf of Mexico are solicited. However, for the communication needs in the Gulf which include duplex voice, facsimile, teletype, control data and emergency, we concur with OTC that the service being provided through the ORTS is more satisfactory than any other alternative.

20. Also we note that in Docket No. 20368 the Commission adopted special provisions governing the use of the 488–494 MHz band (UHF–TV Channel 17) in the southern Louisiana Offshore zone for assignment to private land mobile stations under Part 90 of the Commission's Rules. Correspondent with the instant proposal to expand ORTS, we solicit comments as to the desirability of allocating some of the frequencies for private land mobile usage. Information with respect to existing usage and future needs would be beneficial. Accordingly, it appears that the needs of this service justifies an allocation of additional spectrum.

Consideration of Alternate Band(s)

21. When ORTS was first established in Docket 20368, the Commission examined the use of other frequency bands and noted that the only radio channels that were authorized for common carrier use in the offshore area of the Gulf were available to the Rural Radio Service in the 150 MHz and 450 MHz bands. This availability, however, is on a secondary basis to the Domestic Public Land Mobile Service.[18] Therefore, an alternate frequency band approach was quite desirable in this case, particularly when the use of these frequencies by authorized land mobile facilities near the Gulf would impact the offshore use of these same frequencies on a secondary basis.

22. In that docket we found that channels available for private systems in the Gulf area were highly congested and restricted in their operational use. The situation today is unchanged. Microwave systems operating in the Gulf area are severely congested in all frequency bands up to 6 GHz and fixed systems in the VHF and UHF bands are heavily used. The use of the 72–76 MHz band is restricted because of adjacent channel interference protection requirements to TV Channels 4 and 5. Additionally, there are only five "splinter" frequencies in the 150–170 MHz band, all of which are heavily used, and, due to their narrow channel widths, are not suitable for voice operations. Frequencies in the 450–470

[13] The Commission has received a cellular radio application looking toward a service in the offshore gulf area. *See Application for Developmental Gulf of Mexico, Area Wide Cellular Radio Telephone Systems*, File number 2900–CL–P–83, October 26, 1982.

[14] Equipment using narrow single sideband channels in the 150 MHz band is now commercially available and is being tested in the Gulf region. *See* developmental licensee of standard oil of Indiana, WRV–776, granted August 27, 1982. Air-to-ground telephone communications on single sideband channels in the 900 MHz region is also underway. *See, e.g.* experimental applications for Air-to-ground Telephone Service filed by Airfone, Inc., October 25, 1979, granted December 12, 1980.

[15] We have previously authorized increased technical flexibility for 800 MHz land mobile frequencies in choosing the type of emission mode to be used and the amount of bandwidth to be occupied. 90 F.C.C. 2d 1281, 1324 (1982).

[16] George L. Sarver, *Satellite Communications for Offshore Oil Operations Using WESTAR*, National Telecommunications Conference, New Orleans, La. 1975

[17] The INMARSAT satellite system now provides telephone, telex, facsimile and data communication to the commercial shipping and offshore industries.

[18] Supra, footnote 3.

MHz band for fixed station use are subject to geographical restrictions by the rules. The Cities Service Company, in planning communications support to the High Island area offshore Texas, have found the VHF systems in the Gulf to be extremely congested.[19]

23. Propagation considerations also rule out the use of certain frequencies. For example, communications on frequencies below 100 MHz are susceptible to severe distruption due to skywave propagation. Use of the 900 MHz band will also experience other anomalies. Microwave systems are normally limited to short path lengths because of the greater transmitter power and higher antenna gains needed to overcome free space path losses at these frequencies. And, because of the space and power limitations on offshore platforms, the suitability of the 900 MHz band is highly questionable. Another disadvantage of using 900 MHz frequencies for ORTS, as cited in Docket 20368, is the restrictions such use would impose on future land mobile and other services along the Gulf Coast.[20] We believe these factors would render the band of little value to ORTS. In the previous proceeding we stated that:

> From the spectrum management standpoint, the essential issue is not simply whether an allocation at 900 MHz is a feasible alternative, but whether it would also result in the most efficient use of the spectrum. We are convinced that it would not, Frequencies allocated to ORTS in the Gulf of Mexico will be rendered unuseable by other services for some distance inland along the Gulf coast. Consequently, an allocation of spectrum at 900 MHz for ORTS would foreclose future use of these frequencies by the land mobile or other services in the Gulf coastal region.[21]

The proposed frequencies for the expansion of ORTS appear most appropriate and represent an added spectrum efficient value derived from the UHF–TV band.

UHF–TV Service Compatibility

A. Full Service

24. The present use of UHF–TV Channel 17 by ORTS in the gulf region was authorized based on certain separation distances derived to minimize the probability of interference to on-land UHF–TV broadcast stations. Using these separation distances, OTC in its petition asserts that similar use of UHF–TV Channels 15 and 16 in certain zones in the gulf is equally compatible with full power television service.

25. Since the primary issue is compatibility, it is essential to examine the individual points of disagreement. AMST asserts that OTC's petition for expansion of ORTS through use of UHF–TV channels 15 and 16 would adversely affect both existing and future broadcasting services by causing interference. OTC argues that AMST simply assumes that interference to television reception is already being caused by the present ORTS stations and therefore concludes that an additional impact will arise by the present proposal. Moreover, OTC continues, AMST's opposition does not contain any supportive engineering data to establish that interference to TV reception on UHF–TV channel 17 exists. AMST argues that although OTC reports that there have been no complaints of interference to WMAU–TV, Channel 17, Bude, Mississippi, from offshore operation, the lack of complaints is not a valid indication of the absence of interference. AMST's consulting engineer concluded that since OTC does not report field tests showing a lack of interference to reception by the public on UHF–TV channel 17, Bude, Mississippi, such interference must therefore exist. Thus AMST concludes that objectionable interference will occur to UHF–TV station reception of channels 15 and 16.

26. Extra care must be exercised in estimating potential interference in the Gulf Coast area because of enhanced propagation due to higher than average refractivity gradients that result in superrefraction and ducting layers for significant percentages of the time. Available propagation models, developed for the original ORTS proceeding, suggest the feasibility of using Channels 15 and 16. While there remains some uncertainty regarding these propagation predictions, we do have the benefit of OTC's experience with the use of Channel 17 frequencies. This coupled with the fact that we are not aware of any reported incidences of interference to UHF–TV Channel 17 reception caused by ORTS stations leads us to conclude that the existing Part 22 standards and separation criteria for ORTS establish a sound basis for proposing new rules governing the use of UHF–TV channels 15 and 16 for ORTS.

27. In conclusion, we are persuaded that the separation criteria established for ORTS in the Gulf on frequencies within UHF–TV channel 17 are applicable to the petitioner's proposed use of frequencies within UHF–TV Channels 15 and 16 also in the Gulf. Accordingly, the Commission believes both services could operate compatibly on UHF–TV channels 15 and 16, in addition to the currently alloted channel 17. Details involving the discussion of station boundaries and separation distances are contained in Appendix A.

B. Low Power Television Service

28. On March 4, 1982, the Commission adopted final rules in BC Docket No. 78–253 establishing a low power television service (LPTV).[22] This service is, in many respects, a logical extension of the existing translator service which consists of broadcast stations operating at relatively low power. (These translator stations receive a television signal on one channel, amplify and then retransmit it on another channel. Under the new rules, LPTV stations are permitted to originate programming and/or operate subscription service.) LPTV stations are limited to a power output of 10 watts (100 watts in certain instances) VHF and 1 kilowatt UHF, and will be allowed to operate on any available VHF and UHF channel, subject to interference criteria and standards, on a secondary, noninterfering basis to full-service stations or other services authorized on a primary basis. Again, as with full service television, compatibility is the main question to be addressed for the low power television sharing with ORTS. However, compatibility considerations involving ORTS and LPTV are somewhat different since LPTV is a secondary use of the TV spectrum. This distinction is discussed in Appendix A.

29. During the course of the rule making in BC Docket No. 78–253, the Commission continued to accept applications for translators, including applications for translators seeking low power features on a waiver basis. Over 7,000 applications were filed. A computer review of these applications disclosed only three requests for UHF–TV Channels 15, 16, 17, or 18 in areas of concern to proposed ORTS operations. However, each of these 3 applications may not be able to be granted on grounds of not complying with existing rules requiring specific distances of separation from authorized television broadcast and land mobile operations. We note these existing requirements already preclude much of the Gulf coast area from possible usage of LPTV on channels 16, 17, or 18. Nevertheless, to provide protection to ORTS from the likelihood of interference, our proposal

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[19] *Cities Service Satellite Operation Fares Well in Gulf of Mexico*, Communications Magazine, April 1977 (42–47).

[20] *Notice of Proposed Rule Making/Notice of Inquiry*, Docket No. 20368, 40 FR 12678, (March 20, 1975).

[21] Supra, Footnote 3.

[22] *Report and Order*, BC Docket No. 78–253, 47 FR 21488 (May 18, 1982).

will require LPTV stations to be excluded from operation in certain coastal areas of UHF-TV Channel 15 and in areas additional to those excluded on Channels 16 and 17. On balance, we point out that because the prescribed area is sparsely populated, there should be an adequate number of other UHF-TV channels available for low power use. For these reasons, we believe the impact on LPTV would be minimal. A discussion of this subject in greater detail including an interference analysis is contained in Appendix A.

Land Mobile Service Compatibility

30. Because frequencies within UHF-TV channel 17 are presently authorized for use by the land mobile radio services in Houston, Texas, it is recognized that certain intermodultion problems could arise from proposed ORTS operations on frequencies within UHF-TV channel 16. The Commission has analyzed this problem in detail, contained in Appendix A herein, and is persuaded that the problem should be minimal. Nonetheless, we solicit comments on the need for protection from the likelihood of interference due to intermodulation and the best means to provide this protection.

Summary

31. In summary, we are proposing to amend the Commission's Rules as follows and as set forth in Appendix B.

—Designate the existing ORTS area of operation using UHF-TV Channel 17 frequencies as Zone A.
—Provide for the use of interstitial channels within an area east of 92 degrees West Longitude of Zone A on frequencies within the 488–490 MHz and 491–493 MHz bands.
—Reallocate UHF-TV Channel 16 frequencies (482–488 MHz) for use by ORTS in the Gulf of Mexico offshore from Louisiana and Texas (ORTS Zone B see Table B).
—Reallocate UHF-TV Channel 15 frequencies (476–482 MHz) for use by ORTS in the Gulf of Mexico offshore from Texas (ORTS zone C see Table C).
—Add a new note to Table D in § 22.1001 of the Rules to preclude operation of an ORTS station at less than 241.4 km (150 miles) from any full service co-channel TV station.
—Amendment of § 74.709 of the Rules to expand the areas from which low power TV is prohibited and to include Channel 15 in this prohibition.
—To impose the separation standards of Table B of § 22.11001 of the Rules to protect full-service TV when TV Channels 15 nd 16 are used by ORTS.
—To impose the same adjacent channel and co-channel criteria for the protection of full-service TV from ORTS stations using Channel 15 and 16 frequencies that presently apply to ORTS use of Channel 17 (§ 22.1001 of the Rules.)
—To require ORTS users to frequency coordinate with each other for a distance of 321.8 km (200 miles).
—To prohibit co-channel ORTS frequency assignments within 241.4 km (150 miles).
—To require each ORTS application for a new frequency and location be investigated to determine if any third order intermodulation products fall within 12.5 kHz of any frequency presently in use within 32.2 km (20 miles) of the proposed facility and to prohibit the new assignment if interference will occur.

32. We believe that allocation of this spectrum for ORTS to be in the public interest. We do not believe that this allocation imposes any significant restriction on our ability to make fuller allocations for future communications services. However we will entertain comments as to any future flexibility we may be giving up by the proposed allocations.

Procedural Matters

33. Pursuant to Section 605(b) of the Regulatory Flexibility Act, Pub. L. 96.354, the Commission issues the following initial regulatory flexibility analysis:

I. Entities Affected; Nature of Economic Impact; Significant Alternatives

The rules proposed in this notice would not have, if adopted, a significant impact on a substantial number of small businesses. The notice does not propose to displace anyone assigned to these frequency bands nor harm their existing operations. The extent to which it might limit future use of these bands is not considered to be significant. The proposed action would, however, provide a critically needed communications capability to numerous companies through the provisions explained in the notice.

II. Recording Recordkeeping and Other Compliance Requirements

There is no required recording or recordkeeping criteria, however there would be compliance to the rules as amended and proposed in the Notice of Proposed Rule Making herein.

34. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, and *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceedings. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation, on the day of oral presentation. That written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission offical receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231. A Summary of these Commission procedures governing *ex parte* presentation in informal rulemaking is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C 20554.

35. Authority for issuance of this *Notice* is contained in Section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to procedures set out in § 1.415 of the Commission's Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before April 18, 1983, and reply comments on or before May 3, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into account information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

36. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, 47 CFR 1.419, formal

participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file and original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

37. For further information concerning this Notice contact Harding Chism, FCC, Office of Science and Technology, Spectrum Utilization Branch, Washington, D.C. 20554, telephone (202) 653–8166.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Full Power TV Service

1. Using the separation criteria contained in § 22.1001 of the Commission's Rules, OTC found that TV channel 16 frequencies (482–488 MHz) could be used off the coast of Louisiana and TV channel 15 frequencies (476–482 MHz) could be used off the coast of Texas. As previously discussed these two zones would be designated ORTS Zones B and C, respectively, with the existing ORTS (channel 17) being designated Zone A. OTC found that it is possible to use TV channel 16 frequencies in an area larger than provided for under Table A of § 22.1001 and still provide broadcast protection. Therefore, the proposed Zone B encompasses all of the existing Zone A and extends one degree of longitude farther west. It is therefore referred to as the Southern Louisiana-East Texas ORTS zone.

2. The area where a new channel 15 TV allotment could be located is limited by the following spacing requirements:

Linares, NL, Mex.—Channel 15, 281.6 km (175 miles)
Matamoros, TX, Mex.—Channel 14, 88.5 km (55 miles)
Mobile, AL—Channel 15, 329.8 km (205 miles)
LaFayette, LA—Channel 15, 329.8 km (205 miles)
College Station, TX—Channel 15, 329.8 km (205 miles)
Corpus Christi, TX—Channel 16, 88.5 km (55 miles)

The remaining area that would be affected by a new channel 15 ORTS allocation is several thousand square miles located 96.6–225.3 (60 to 140 miles) west of Corpus Christi, Texas. While most of this area is sparsely populated with an ample supply of available UHF–TV frequencies, the area does contain Laredo, Texas. Laredo, (1980 U.S. Census, Advance Report population 91,449), is located about 217.2 km (135 miles) from the proposed channel 15 ORTS zone. There are currently 5 applications on file at the Commission requesting use of the only unoccupied commercial channel allotted to Laredo. Channels 15 and 68 are the last channels that could be allotted to Laredo without requiring changes at other communities. The impact of ORTS on full service TV use of channel 15 can be considered minimal only if a channel 15 TV allotment at Laredo is not precluded. Because Laredo is 217.3 km (135 miles) from the ORTS zone, some ORTS stations may locate less than 214.4 km (150 miles) from Laredo. However, the location of the shoreline will require any ORTS stations there to operate with a reduced power for adjacent channel TV protection. Therefore, only a small increase in the chance of interference to a future Laredo channel 15 TV station would be predicted. In view of the above, we believe that a channel 15 ORTS zone as proposed and a channel 15 Laredo, Texas TV allotment could co-exist. Although no specific limit is proposed for the ORTS stations other than contained in tables D and E, they are warned that a channel 15 TV station at Laredo may be authorized in the future. Therefore, the ORTS impact on full service TV use of channel 15 would be minimal.

3. Section 22.1001 of the Rules precludes operation of an ORTS station within 241.4 km (150 miles) of a co-channel TV station. Two small areas within the 241.4 km (150 mile) arcs described from the two co-channel stations (KADN, Lafayette, Louisiana; and KAMU, College Station, Texas) fall within the proposed new ORTS Zone C (channel 15). However, we are proposing a new note to Table D in Section 22.1001 to preclude operation of an ORTS station at less than 241.4 km (150 miles) from any co-channel TV station. That note would preclude ORTS stations within 241.4 km (150 miles) of Laredo, Texas, only if a rule making proceeding adds the channel 15 allotment there.

4. Similarly, for ORTS use of UHF–TV Channel 16, there is no substantial land area south of the 281.6 km (175 mile) arc from co-channel TV stations WAPT, Jackson, Mississippi; 329.8 km (205 mile) arcs from co-channel TV Station KEDT, Corpus Christi; Texas and the co-channel allotment at Marianna, Florida; the 88.5 km (55 mile) arc from adjacent channel 15 KADN at Lafayette, Louisiana; the 96.6 km (60 mile) arc from seventh adjacent channel 23 allotment at DeRidder, Louisiana; the 341.1 km (212 mile) arc from the channel 16 land mobile allotment at Dallas, Texas; and the 225.3 km (140 mile) arc from the channel 17 land mobile allotment at Houston, Texas. Almost all of the area is either salt water or salt water marshes; therefore, the use of UHF–TV channel 16 in the proposed ORTS Zone B (offshore Louisiana) would have little or no impact on the possible future use of these frequencies on land by full power television stations. As noted previously, this area, ORTS Zone B, would extend one degree of longitude farther west than the existing ORTS zone and would, therefore, overlap the proposed Zone C by one degree of longitude. This would provide additional communications channels for the existing ORTS zone where thay are needed as well as providing additional channels in the transition areas between zones where usage is also heavy.

5. AMST cites, that while OTC's latest proposal depends on maintaining a 241.4 km (150 mile) minimum mileage separation between co-channel television and ORTS stations, OTC proposes to afford a 330 km (205 mile) protection to the Mexican UHF station allotment at Linares in accordance with the United States-Mexican agreement. AMST contends that this inconsistency is further evidence of the inadequacy of the 241.4 km (150 mile) separation. With respect to AMST's contention concerning the separation distance provided to the Mexican UHF–TV station assignment at Linares, Nuevo Leon, Linares is in Mexico therefore applicable to TV Zone 2 separation standards. The UHF–TV Agreement specifies a 281.6 km (175 mile) requirement if either the Mexican or the U.S. allotment is in Zone 2. Furthermore, a new agreement with Mexico recognizes that the 470–512 MHz band is shared betwen TV broadcasting and the land mibile service. Under Section B.1. of the Land Mobile Agreement, the "assignment of frequencies in the band 470–512 MHz for the land Mobile service in areas less than 150 kilometers from the common border can be made only after coordination with and concurrence by the other country."[1] The Agreement

[1] Agreement Relating to Assignments and Usage of Television Broadcasting Channels in the frequency range 470–806 MHz (Channels 14–69) along the United States-Mexico border. Dated June 1982.

also indicates that a greater coordination distance is necessary near the Gulf and Pacific coasts where unusual propagation conditions exist. The coordination requirement is by and large most compatible with existing domestic standards, which are and quite adequate. Nevertheless, OTC correctly suggests that licensees of the Commission are obliged to adhere to the limitations imposed by this Agreement. We do not bvelieve the requirements of this Agreement are directly relevant to AMST's contention that the separation distance between ORTS stations and U.S. UHF–TV station assignments is inadequate.

Low Power TV Service

6. The current low power prohibited areas were primarily based on an equivalent protection approach. ORTS stations have to tolerate certain signal levels from co-channel and adjacent channel full service TV stations, so it was assumed that similar levels from low power TV stations could be tolerated. No channel 16 or 18 full service TV station provides a strong signal in the Channel 17 ORTS zone. Therefore, the adjacent channel low power restrictions do not allow even moderately strong channel 16 of channel 18 signals in the channel 17 ORTS area. On the other hand, the proposed channels 15 and 16 ORTS will be subject to very strong adjacent channel signals from full service TV stations in Corpus Christi, Texas (KEDT, channel 16), Houston, Texas (3 applications pending for channel 14), and Mobile, Alabama (WPMI, channel 15). ORTS stations, that must be located at least 11.3 km (7 miles) from the shore, could receive predicted F(50,50) TV field strengths from the above stations that would range from 75 dBu to 95 dBu. That is much stronger than a lower power station could produce, even if it was located right on the beach. As a practical matter, full service TV stations tend to use directional transmitting antennas to avoid placing strong signals over water. However, low power TV stations are predominately directional, whether or not a body of water is involved and are even more likely to avoid "wasting" their limited coverage area over water. In view of the above, we are proposing no adjacent channel low power TV limitations to protect the proposed channels 15 and 16 ORTS. Because there are a number of land mobile stations on shore sharing the allocation channel 17 ORTS under Part 90 of the Rules, we propose to keep the channel 18 low power limitation that is in the current rules.

7. The proposed low power prohibited areas, for the protection of ORTS, are contained in the attached Appendix B. They are developed with two goals in mind: First, to prevent low power stations from locating less than about 120.7 km (75 miles) from the co-channel ORTS zone; and second, to prohibit as little area as possible, where low power stations could otherwise exist, protecting both full service TV stations, and existing land mobile service. A computer assisted analysis of translator and low power TV applications revealed only one (in addition to the two channel 16 Galveston applications prohibited by existing rules) in the proposed prohibited areas. However, that application is for Channel 17 at Morgan City, Louisiana, which is unacceptable under the current ORTS protection rule. As was the case in providing protection for ORTS Channel 17, it was found that requirements for protection of full service TV and existing land mobile allocations eliminate the major portions of the prohibited zones from possible low power TV use. Nevertheless, except for ORTS protection, it appears that Channel 15 may be available from low power TV use in approximately one-third of the proposed prohibited area. Cities that would lose the potential low power TV use of Channel 15 include Brownsville, Harlingen, Beaumont and Port Arthur, Texas. On the other hand, the proposed change in the Channel 17 prohibited area involves cutting off the northwest corner of the current prohibited box, as outlined in Appendix B low power prohibited areas. As a result, a few additional communities (Lufkin, Diboll or Huntington, Texas) may be able to use Channel 17 for a low power TV station. Changing the Channel 16 low power TV prohibited zone has no effect on that channel's availability for low power TV use. Overall, the impact on low power TV is not significant.

Compatibility With Other Services

8. In addition to restricting adjacent Channel 18 for low power TV use in the vicinity of the ORTS zones, there are other adjacent channel considerations. TV Channel 17 is authorized for use by the land mobile radio services in Houston, Texas. Land mobile base stations are allowed 80.5 km (50 miles) from the reference coordinates for the City of Houston while mobile stations are allowed to operate 48.3 km (30 miles) from the base stations. The Gulf shoreline is within 80.5 km (50 miles) of Houston, therefore base stations could be located along the coast in Galveston. An ORTS station could operate as close as 11.3 km (7 miles) from the shore using Channel 16 frequencies; therefore, intermodulation problems could exist between the frequencies being used by the two services. When two or more frequencies are combined in a non-linear circuit a phenomenon known as heterodyning takes place and two new frequencies are generated. These new frequencies will be the sum and difference of the original frequencies. A non-linear circuit will generate harmonics (multiples of the original frequencies) which, in turn, will create new sum and difference frequencies. These additional frequencies are called intermodulation products (or "intermod"). Although many intermods can be created when two or more transmitters are located in proximity, only those frequencies being received nearby are a problem since most intermods are low in amplitude. The most serious intermodulation products are the third order intermods which might involve the fundamental of one frequency and the second harmonic of another frequency, or the sum of two fundamentals minus the fundamental of a third. This can be illustrated as follows:

$$\frac{2(489.0\ \text{MHz})}{\text{LM 17}} - \frac{487.0\ \text{MHz}}{\text{ORTS 16}} = \frac{491.0\ \text{MHz}}{\text{LM 17}}$$

or

$$\frac{478.0\ \text{MHz}}{\text{ORTS 15}} + \frac{489.0\ \text{MHz}}{\text{LM 17}} - \frac{484.0\ \text{MHz}}{\text{ORTS 16}} = \frac{483.0\ \text{MHz}}{\text{ORTS 16}}$$

9. It can be seen from this example that intermodulation interference can be caused to both land mobile operations on Channel 17 frequencies and to ORTS operations. Whether or not there is harmful interference depends on the specific combinations of frequencies and the proximity of the stations. The OTC petitions suggests a separation distance of 32.2 km (20 miles) between ORTS stations operating on frequencies capable of producing third order

intermodulation interference within the ORTS band. A possible solution could be to bar within a certain distance, possibly 32.2 km (20 miles) the use of ORTS Channel 16 or Houston Land Mobile Channel 17 frequencies capable of causing harmful intermod interference to the other service. Alternatively we could require inter-service coordination. Neither solution is particularly attractive. The first alternative would prohibit ORTS from using Channel 16 frequencies within a small area of the Gulf near Galveston as well as possible restrict land mobile use of Channel 17 frequencies. The second alternative imposes an additional administrative burden on both services, especially ORTS which would have to coordinate with the coordinating activities of six separate land mobile services. As OTC notes, the transmitters must be in close proximity to each other before harmful intermods are generated, therefore it is quite possible that the disadvantage of a distance separation or frequency coordination may outweigh the advantages to be gained. Since the nearest ORTS station must be located at least 11.3 km (7 miles) (see Table C, § 22.1001 of the Rules) offshore, the possibility of creating harmful intermods is remote.

10. Third order intermodulation products could also be a source of interference between ORTS and full service TV stations. For example, TV Channel 16 in Corpus Christi, Texas, could interact with proposed ORTS stations on Channel 15 frequencies:

$$\frac{2(483.25\ \text{MHz})}{2(\text{TV 16})} \quad \frac{480.0\ \text{MHz}}{\text{ORTS 15}} = \frac{486.5\ \text{MHz}}{\text{TV 16}}$$

Again harmful interference will result only if the right combination of frequencies are used by stations within proximity of each other. Initial examination suggests that adjacent channel separation in accordance with Table C of § 22.1001 of the Commission's Rules will provide sufficient protection to full service TV from intermodulation interference. We are therefore proposing the application of these same standards for ORTS use of Channels 15 and 16 frequencies. Additionally, we are proposing the same adjacent channel and co-channel criteria for the protection of full-service TV from ORTS stations on Channels 15 and 16 frequencies that presently apply to ORTS use of Channel 17 as contained in § 22.1001 of the Rules.

Coordination of ORTS

11. As for the coordination of the Offshore Radio Telecommunication Service, OTC has developed several guidelines found to be necessary for the selection of frequencies to be used at each location. Furthermore, OTC has, through careful calculation, test, trial and error, concluded that the ideal separation of co-channel stations using ORTS frequencies would be 482.7 km (300 miles). OTC has found, however that the spacing can be reduced to 241.4 km (150 miles) through careful control of effective radiated power and with an acceptable degradation of service. For this reason, OTC suggest that frequency coordination with other ORTS users be required for a distance of 321.8 km (200 miles) and that co-channel assignments be made within 241.4 km (150 miles). We concur with these suggestions and have incorporated them into the proposed rules contained in the Appendix B.

12. The problem of intermodulation interference can also exist with adjacent ORTS channels. This problem led OTC to undertake a computerized analysis of the 74 communications channels (TV channel 17) presently allocated to ORTS. This analysis resulted in dividing the available channels into fifteen groups of four to five channels each. These groups are so arranged that no combination of frequencies in any group will result in third order intermodulation products that would cause interference to any other frequency in that group. Further analysis selected those groups that were compatible with each other. It was found that these groups could be re-used with a mileage separation of about 241.4 km–321.8 km (150–200 miles). OTC proposes that each ORTS application for a new frequency and location be investigated to determine if any third order intermodulation products fall within 12.5 kHz of any frequency presently in use within 32.2 km (20 miles) of the proposed facility. A new assignment would not be made where the results of the analysis discloses a potential intermodulation interference situation. We concur with this proposal and have incorporated it into the proposed rules contained in the Appendix B.

13. In addition to careful frequency selection to avoid intermodulation interference, OTC notes that the performance of available duplexing equipment must also be considered. The use of radio to provide a telephone circuit, with simultaneous two-way conversation, requires duplex operation with separate frequencies for transmit and receive. This allows the transmitter and receiver to operate simultaneously. In order to prevent the transmitter output from entering the receiver and disabling it, a filtering device known as a duplexer is used, however, the ability to reject some frequencies and pass others is not perfect. In addition OTC notes that the duplexer pass-reject characteristics are difficult to tailor. OTC notes furthermore that maximum performance can be obtained when all transmitters at any given location operate on frequencies close enough to fall within the reject bandwidth of the duplexer. This can be accomplished without complication when only one TV channel is involved. However, the OTC proposal looks toward use of both TV channel 17 and TV channel 16 in the same zone. It is customary in mobile service to operate the base station so that its transmit frequency is lower than the transmit frequency of the mobile station. If this same procedure were followed on TV channel 16, the offshore central transmit frequencies would be at least 3 MHz from the transmit frequencies of offshore central stations using TV channel 17. If the frequency pairs are reversed and the offshore central transmit frequencies made 3 MHz higher than the transmit frequency of the subscriber, the offshore central transmit frequencies in TV channel 17 will be adjacent to the offshore central transmit frequencies in TV channel 16 and will fall within the reject bandwidth of the duplexer. It is for this reason trhat OTC proposes that the communications channels proposed for use in ORTS Zone B be specified with the offshore central transmit frequencies higher than the subscriber transmit frequencies. We concur with this proposal and have incorporated it into the proposed rules contained in the Appendix B.

Appendix B

For the reasons set forth in the preamble, Parts 2, 22, and 74 of Chapter I of Title 47 of the Code of Federal Regulations are proposed to be amended as follows:

A. PART 2.—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106, footnote NG 114 is revised to read as follows:

§ 2.106 Table of Frequency allocations.

* * * * *

NG 114 In the offshore Zones of the Gulf of Mexico the frequency bands 488–494 MHz, 482–488, and 476–482 MHz are allocated to the Domestic Public and Industrial Radio Services as follows:

a. In the offshore Louisiana Gulf Coast Zone, the band 488–494 MHz (TV Channel 17) is allocated to the Domestic Public and Industrial Radio Services in accordance with the regulations set forth in Parts 22 and 90, respectively.

b. In the offshore Louisiana-Texas Gulf Coast Zone, the band 482–488 MHz (TV Channel 16) is allocated to the Domestic Public Radio Service in accordance with the regulations set forth in Part 22.

c. In the offshore Texas Gulf Coast Zone, the band 476–482 MHz (TV Channel 15) is allocated to the Domestic Public Radio Services in accordance with the regulations set forth in Part 22.

* * * * *

B. PART 22—PUBLIC MOBILE RADIO SERVICES

1. Section 22.1001 is revised as follows:

§ 22.10001 Frequencies.

(a) On a shared basis with television broadcasting Channel 17, the following frequencies are for assignment to stations of communication common carriers in the Zone specified in Table A below together with the classes of station(s) to which they are normally assigned and the specific limitations which are enumerated in the explanatory notes:

Offshore central station frequencies (megahertz	Offshore subscriber frequencies (megahertz	Limitations
488.025	491.025	(1)
488.050	491.050	(1)
488.075	491.075	(1)
488.100	491.100	(1)
488.125	491.125	(1)
488.150	491.150	(1)
488.175	491.175	(1)
488.200	491.200	(1)
488.225	491.225	(1)
488.250	491.250	(1)
488.275	491.275	(1)
488.300	491.300	(1)
488.325	491.325	(1)
488.350	491.350	(1)
488.375	491.375	(1)
488.400	491.400	(1)
488.425	491.425	(1,3)
488.450	491.450	(1,3)
488.475	491.475	(1,3)
488.500	491.500	(1,3)
488.525	491.525	(1,3)
488.550	491.550	(1,3)
488.575	491.575	(1,3)
488.600	491.600	(1,3)
488.625	491.625	(1,3)
488.650	491.650	(1,3)
488.675	491.675	(1,3)
488.700	491.700	(1,3)
488.725	491.725	(1)
488.750	491.750	(1)
488.775	491.775	(1)
488.800	491.800	(1)
488.825	491.825	(1)
488.850	491.850	(1)
488.875	491.875	(1)
488.900	491.900	(1)
488.925	491.925	(1)
488.950	491.950	(1)
488.975	491.975	(1)
489.000	492.000	(1)
489.025	492.025	(1)
489.050	492.050	(1)
489.075	492.075	(1)
489.100	492.100	(1)
489.125	492.125	(1)
489.150	492.150	(1)
489.175	492.175	(1)
489.200	492.200	(1)
489.225	492.225	(1)
489.250	492.250	(1)
489.275	492.275	(1)
489.300	492.300	(1)
489.350	492.350	(1)
489.400	492.400	(1)
489.425	492.425	(1)
489.450	492.450	(1)
489.475	492.475	(1)
489.500	492.500	(1)
489.525	492.525	(1)
489.550	492.550	(1)
489.575	492.575	(1)
489.600	492.600	(1)
489.625	492.625	(1)
489.650	492.650	(1)
489.675	492.675	(1)
489.700	492.700	(1)
489.725	492.725	(1)
489.750	492.750	(1)
489.775	492.775	(1)
489.800	492.800	(1)
489.825	492.825	(1)
489.850	492.850	(1)
489.875	492.875	(1)
489.900	492.900	(1)
489.925	492.925	(1)
489.950	492.950	(1)
489.975	492.975	(1)
490.000	493.000	(1)

[1] These frequencies will be assigned for voice grade general communications.

[2] These frequencies may be assigned for private line service.

[3] These frequencies are available for emergency communications involving protection of life and property.

[4] These frequencies may be assigned to radio relay stations upon a satisfactory showing as to why it is impracticable to achieve the requisite communication without the use of radio relay stations operating on such frequencies.

[5] These frequencies shall be used only for emergency auto alarm and voice transmission pertaining to emergency conditions.

[6] These frequencies may be used for emergency shut-off remote control telemetry, environmental Data Acquisition and Dissemination, or facsimile transmissions.

TABLE A.—FREQUENCY AVAILABILITY FOR OFFSHORE RADIO TELECOMMUNICATIONS SERVICE USE

Offshore zone	Boundaries of zone	Frequencies (megahertz)
Southern Louisiana (Zone A).	From long. 87°45' on the east to long. 94°00' on the west and from the 3-mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south.	Channel 17, 488–490, 491–493.

(b) On a shared basis with television broadcasting Channel 16, the following frequencies are for assignment to stations of communication common carriers in the zone specified in Table B below together with the classes of station(s) to which they are normally assigned. These frequencies will be assigned for voice grade general communications and may be assigned for private line service.

Offshore central station frequencies (megahertz)	Offshore subscriber station frequencies (megahertz)
485.025	482.025
485.050	482.050
485.075	482.075
485.100	482.100
485.125	482.125
485.150	482.150
485.175	482.175
485.200	482.200
485.225	482.225
485.250	482.250
485.275	482.275
485.300	482.300
485.325	482.325
485.350	482.350
485.375	482.375
485.400	482.400
485.425	482.425
485.450	482.450
485.475	482.475
485.500	482.500
485.525	482.525
485.550	482.550
485.575	482.575
485.600	482.600
485.625	482.625
485.650	482.650
485.675	482.675
485.700	482.700
485.725	482.725
485.750	482.750
485.775	482.775
485.800	482.800
485.825	482.825
485.850	482.850
485.875	482.875
485.900	482.900
485.925	482.925
485.950	482.950
485.975	482.975
486.000	483.000
486.025	483.025
486.050	483.050
486.075	483.075
486.100	483.100
486.125	483.125
486.150	483.150
486.175	483.175
486.200	483.200
486.225	483.225
486.250	483.250
486.275	483.275
486.300	483.300
486.325	483.325
486.350	483.350
486.375	483.375
486.400	483.400
486.425	483.425
486.450	482.450
486.475	483.475
486.500	483.500
486.525	483.525
486.550	483.550
486.575	483.575
486.600	483.600
486.625	483.625
486.650	483.650
486.675	483.675
486.700	483.700
486.725	483.725
486.750	483.750
486.775	483.775
486.800	483.800
486.825	483.825
486.850	483.850
486.875	483.875
486.900	483.900
486.925	483.925
486.950	483.950
486.975	483.975
487.000	484.000
487.025	484.025
487.050	484.050
487.075	484.075
487.100	484.100
487.125	484.125

Offshore central station frequencies (megahertz)	Offshore subscriber station frequencies (megahertz)
487.150	484.150
487.175	484.175
487.200	484.200
487.225	484.225
487.250	484.250
487.275	484.275
487.300	[illegible]
487.325	484.325
487.350	484.350
487.375	484.375
487.400	484.400
487.425	484.425
487.450	484.450
487.475	484.475
487.500	484.500
487.525	484.525
487.550	484.550
487.575	484.575
487.600	484.600
487.625	484.625
487.650	484.650
487.675	484.675
487.700	484.700
487.725	484.725
487.750	484.750
487.775	484.775
487.800	484.800
487.825	484.825
487.850	484.850
487.875	484.875
487.900	484.900
487.925	484.925
487.950	484.950
487.975	484.975

TABLE B.—FREQUENCY AVAILABILITY FOR OFFSHORE RADIO TELECOMMUNICATIONS SERVICE USE

Offshore zone	Boundaries of zone	Frequencies (megahertz)
Southern Louisiana—Texas (Zone B)	From longitude 87°45' on the east to longitude 95°00' on the west and from the 3-mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south.	Channel 16, 482–488.

(c) On a shared basis with TV broadcast Channel 15, the following frequencies are for assignment to stations of communication common carriers in the zone specified in Table C below together with the classes of station(s) to which they are normally assigned. These frequencies will be assigned for voice grade general communications and may be assigned for private line service.

Offshore central station frequencies (megahertz)	Offshore subscriber station frequencies (megahertz)
476.025	479.025
476.050	479.050
476.075	479.075
476.100	479.100
476.125	479.125
476.150	479.150
476.175	479.175
476.200	479.200
476.225	479.225
476.250	479.250
476.275	479.275
476.300	479.300
476.325	479.325
476.350	479.350
476.375	479.375
476.400	479.400
476.425	479.425
476.450	479.450
476.475	479.475
476.500	479.500
476.525	479.525
476.550	479.550
476.575	479.575
476.600	479.600
476.625	479.625
476.650	479.650
476.675	479.675
476.700	479.700
476.725	479.725
476.750	479.750
476.775	479.775
476.800	[illegible]
476.825	479.825
476.850	479.850
476.875	479.875
476.900	479.900
476.950	[1]479.950
477.000	480.000
477.025	[illegible]
477.050	480.050
477.075	480.075
477.100	480.100
477.125	480.125
477.150	480.150
477.175	480.175
477.200	480.200
477.225	480.225
477.250	480.250
477.275	480.275
477.300	480.300
477.325	480.325
477.350	480.350
477.375	480.375
477.400	480.400
477.425	480.425
477.450	480.450
477.475	480.475
477.500	480.500
477.525	480.525
477.550	480.550
477.575	480.575
477.600	[illegible]
477.625	480.625
477.650	[illegible]
477.675	480.675
477.700	[illegible]
477.725	480.725
477.750	480.750
477.775	480.775
477.800	[illegible]
477.825	[illegible]
477.850	[illegible]
477.875	480.875
477.900	[illegible]
477.925	[illegible]
477.950	480.950
477.975	480.975
478.000	481.000
478.025	481.025
478.050	481.050
478.075	481.075
478.100	481.100
478.125	481.125
478.150	481.150
478.175	481.175
478.200	481.200
478.225	481.225
478.250	481.250
478.275	481.275
478.300	481.300
478.325	481.325
478.350	481.350
478.375	481.375
478.400	481.400
478.425	481.425
478.450	481.450
478.475	481.475
478.500	481.500
478.525	481.525
478.575	481.575
478.600	481.600
478.625	481.625
478.650	481.650
478.675	481.675
478.700	481.700
478.725	481.725
478.750	481.750
478.775	481.775
478.800	481.800
478.825	481.825
478.850	481.850
478.875	481.875
478.900	481.900
478.925	481.925
478.950	481.950
478.975	481.975

[1] Frequencies shall be used only for emergency auto alarm and voice transmission pertaining to emergency conditions.

TABLE C.—FREQUENCY AVAILABILITY FOR OFFSHORE RADIO TELECOMMUNICATIONS SERVICE USE

Offshore zone	Boundaries of zone	Frequencies (megahertz)
Southern Texas (Zone C).	Longitude 94° 00' on the east, the 3 mile limit on the north and west, a 175 mile radius from the reference point at Linares, N.L., Mexico on the southwest, Latitude 26° 00' on the south, and the limits of the outer continental shelf on the southeast.	Channel 15, 476–482.

(d) All frequencies listed in this section are subject to the following conditions:

(1) No fixed or temporary-fixed stations shall be located and no mobile stations shall be operated outside the limits of the respective Zones specified in Tables A, B, and C.

(2) All classes of stations in the Offshore Radio Telecommunications Service shall afford protection to co-channel full service television stations in accordance with the values set out in Table D below.

(3) All classes of stations in the Offshore Radio Telecommunications Service shall afford protection to adjacent channel full service television stations in accordance with the values set out in Table E below.

(4) No airborne subscriber station shall be operated with an effective radiated power in excess of 1 watt or at heights in excess of 1000 feet above mean sea level. Airborne subscriber stations using channel 17 frequencies shall not be operated outside the limits of the Zone specified in Table A. Further, to provide adjacent channel protection to TV Channel 18, these stations shall not operate within a 128.8 km (80 mile) radial distance to Lake Charles, Louisiana. Airborne subscriber stations using Channel 16 frequencies shall not be operated outside the limits of the Zone specified in Table B.

Further, to provide adjacent channel protection to TV Channel 15, these stations shall not operate within an 80 mile radial distance to Lafayette, Louisiana. Airborne subscriber stations using Channel 15 frequencies shall not be operated outside the limits of the Zone specified in Table C. Further, to provide adjacent channel protection to TV Channel 14 and 16, these stations shall not operate within an 80 mile radial distance of either Corpus Christi or Houston, Texas.

(5) Antenna heights in excess of 61 meters (200 feet) above mean sea level will not be authorized, except that, surface mobile stations will be limited to a height of 30 feet above the waterline.

(6) Mobile stations shall not operate with an effective radiated power in excess of 25 watts within 32.2 km (20 miles) of the 3 mile limit. In all other Zones, the effective radiated power shall not exceed 100 watts.

(7) On its regularly assigned frequency, an offshore central station may be used to perform the added functions of a repeater station when means are provided whereby the licensee of the radio system is able to turn the station on and off-at will irrespective of the transmissions of subscriber units on the mobile frequency associated therewith.

TABLE D.—PROTECTION OF CO-CHANNEL FULL SERVICE TELEVISION STATIONS BY STATIONS IN THE OFFSHORE RADIO TELECOMMUNICATIONS SERVICE-MAXIMUM EFFECTIVE RADIATED POWER (WATTS)

[65dB protection]

Distance from ORTS transmitter to TV station the same channel (miles)	Antenna height above sea level		
	100 ft (watts)	150ft (watts)	200 ft (watts)
210	1,000	1,000	1,000
205	1,000	900	[illegible]
200	800	710	[illegible]
195	590	520	[illegible]
190	450	400	330
185	320	[illegible]	240
180	250	210	175
175	175	[illegible]	130
170	130	110	[illegible]
165	95	[illegible]	70
160	[illegible]	[illegible]	[illegible]
155	50	[illegible]	35
150	35	[illegible]	[illegible]

Note.—To determine the maximum permissible effective radiated power:

(a) Using the method specified in § 73.611, determine the distance between the proposed station and the protected co-channel television station. If the exact mileage does not appear in Table D, the next lower mileage separation figure is to be used.

(b) Enter the table at the mileage figure found in (a) above. Opposite this mileage figure, ERPs' are given that may be used for antenna heights of 100, 150 or 200 feet above sea level. If the exact antenna height is not shown, the ERP allowed will be that shown for the next higher antenna height.

(c) If the power found to be permitted following this procedure is lower than that determined hereafter from Table E, this lower figure is the maximum power that may be employed at the proposed station.

Note.—No ORTS station shall operate less than 241.4 km (150 miles) from any full service co-channel TV station.

TABLE E.—PROTECTION OF ADJACENT FULL SERVICE CHANNEL TELEVISION STATIONS BY STATION IN THE OFFSHORE RADIO TELECOMMUNICATIONS SERVICE

[0 db protection]

Distance beyond the 3-mile (4.8 km) limit (miles)	Antenna height above sea level	
	100 ft (30.5 meters) (watts)	200 ft (61 meters) (watts)
4	25	[illegible]
5	[illegible]	10
[illegible]	[illegible]	15
7	100	25
8	150	[illegible]
[illegible]	215	50
10	295	70
11	[illegible]	100
12	530	130
13	685	170
14	[illegible]	215
15	1,000	270
16	1,000	415
17	1,000	[illegible]
18	1,000	610
19	1,000	[illegible]
20	1,000	865
21	1,000	1,000

Note.—Table E applies only within an 128.8 km (80 mile) radial distance of full service adjacent channel TV stations.

(e) A new ORTS station may be permitted upon a showing of compliance with the following provisions:

(1) That the applicant has notified all licensees and permittees of ORTS stations located within 321.8 km (200 miles) of the proposed station of the proposal giving them the following data at least thirty days before filing the application:

(i) The name, businesss address, frequency coordinator, and telephone number of the applicant.

(ii) The location by coordinate of the proposed station.

(iii) The frequency and type of emission proposed.

(iv) The height and type of antenna proposed.

(v) The bearing of the main lobe.

(vi) The effective radiated power proposed.

(2) That the proposed station protects the primary ORTS channels by compliance with the following separations:

(i) Co-channel to a distance of 241.4 km (150 miles).

(ii) When offset (interstitial) channels are used, adjacent channels (±12.5 kHz) to a distance of 80.5 km (50 miles).

(iii) Third order intermodulation channels plus or minus 12.5 kHz to a distance of 32.2 km (20 miles).

(f) Upon a showing of compliance with the following additional limitations an ORTS station may be permitted using interstitial frequencies (12.5 kHz offset) in Zone A (Table A) using TV Channel 17 frequencies (488–490 and 491–493 MHz):

(1) That the station will be located east of 92 degrees West Longitude in the Southern Louisiana ORTS zone (Zone A).

(2) That utilization of this channel is secondary to the utilization of any primary ORTS channel set forth in paragraph (a) of this rule.

(3) That the station be utilized for voice grade general communications or to provide for private line service (see limitations 1 and 2 to the list of frequencies in paragraph (a) of this section).

§ 22.1003 [Amended]

2. Section 22.1003 is amended by removing Table B and the notes that accompany it.

C. PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

1. In § 74.709, paragraph (e) is revised to read as follows:

§ 74.709 Land mobile station protection.

* * * * *

(e) To protect stations in the Offshore Radio Telecommunications Service, a low power TV or TV translator station construction permit application will not be accepted if it specifies operation on channel 15, 16, 17 or 18 in the following areas. West Longitude and North Latitude are abbreviated as W.L. and N.L. respectively.

(1) On Channel 15: west of 92°00′ W.L.; east of 98°30′ W.L. and south of a line extending due west from 30°30′ N.L., 92°00′ W.L. to 30°30′ N.L. 96°00′ W.L. and then due southwest to 28°00′ N.L., 98°30′ W.L.

(2) On Channel 16: west of 86°40′ W.L.; east of 96°30′ W.L. and south of a line extending due west from 31°00′ N.L., 86°40′ W.L. to 31°00′ N.L., 95°00′ W.L. and then due southwest to 29°30′ N.L., 96°30′ W.L.

(3) On Channel 17: west of 86°30′ W.L.; east of 96°00′ W.L.; and south of a line extending due west from 31°30′ N.L., 86°30′ W.L. to 31°30′ N.L. 94°00′ W.L. and then due southwest to 29°30′ N.L., 96°00′ W.L.

(4) On Channel 18: west of 87°00′ W.L.; east of 95°00′ W.L.; and south of 31°00′ N.L.

In re: Proposed Amendment of Parts 2, 22 and 74 of the Commission's Rules to Reallocate UHF–TV Channels 15 and 16 to Provide Additional Channels to the Offshore Radio Telecommunications Service (ORTS) in the Gulf of Mexico

I am willing to concede that there appears to be a developing need for more spectrum to permit communications with a growing number of offshore oil platforms in the Gulf of Mexico. I am not yet willing to concede that this spectrum should come from the UHF television spectrum.

First, I believe that the nature of the Offshore Radio Telecommunications Service should be more carefully defined. If, as it appears and the Association of Maximum Service Telecasters (AMST) suggests, ORTS is really a fixed service then perhaps its requirements could best be met through fixed service technology including satellite communications. If, on the other hand, ORTS is a mobile service, as it has contended, then the use of 900 MHz spectrum would seem to be appropriate. In any event, the use of these alternatives should be seriously considered and not summarily dismissed as this Notice of Proposed Rulemaking attempts to do.

While the argument is made that satellite communications to oil drilling platforms just to provide telephone service is inefficient, it's not clear to me that the communications needs of the offshore platforms is limited to voice service. I seem to recall representations to the Commission in the past that broadband data services were needed.

I would welcome comments on all of these issues to clalrify both the needs and the alternatives. I believe the Commission needs a substantial record before it makes further incursions into the UHF television spectrum. I expect this Notice to provide much information that is clearly lacking at this time.

Therefore, I concur.

[FR Doc. 83–7129 Filed 3–21–83; 8:45 am]
BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 23

[OST Docket 64c; Notice No. 83–8]

Participation By Minority Business Enterprises in Department of Transportation Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of extension of comment period.

SUMMARY: On February 28, 1983, (48 FR 8416) the Department published a notice of proposed rulemaking (NPRM) to implement section 105(f) of the Surface Transportation Assistance Act of 1982, which requires that ten percent of the funds authorized to be appropriated by that Act be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. The comment period for the NPRM was scheduled to expire on March 21, 1983. This notice extends the comment period by 15 days. With this extension, comments on the NPRM should be received by April 5, 1983.

DATE: Comments on the referenced notice of proposed rulemaking should be received in the Department by April 5, 1983.

ADDRESS: Interested persons should submit comments to the Docket Clerk, OST Docket No. 64c, Department of Transportation, 400 7th Street, SW., Room 10421, Washington, D.C. 20590. Commenters wishing to have their submissions acknowledged should include a stamped, self-addressed postcard with their comments. The Docket Clerk will time and date stamp the postcard and return it to the commenter. Comments will be available for inspection at the above address from 9:00 a.m. through 5:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street SW., Room 10421, Washington, D.C., 20590; (202) 426–4723.

SUPPLEMENTARY INFORMATION: The Department of Transportation published a notice of proposed rulemaking on February 28, 1983, to implement section 105(f) of the Surface Transportation Assistance Act of 1982 (48 FR 8416). Section 105(f) requires ten percent of the funds authorized to be appropriated under the Act to be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. The Department established a shorter-than-usual 21-day comment period for this NPRM. The reason for this decision was that fiscal year 1983 funds to which section 105(f) applies had already been apportioned or allocated to states and transit authorities, and these recipients needed to have final rules in place as soon as possible in order to comply with the statutory requirement.

However, a number of parties, including the National Association of Minority Contractors and the leadership of the House Committee on Public Works and Transportation, have requested that the comment period be extended. The reason for these requests is to give interested parties additional time to comment on a proposal that has important effects on them. In response to these requests, the Department has decided to extend the comment period for the NPRM for another 15 days. The new closing date for comments on the rulemaking is Tuesday, April 5, 1983.

Issued in Washington, D.C., this 16th day of March 1983.

Rosalind A. Knapp,

Acting General Counsel, Department of Transportation.

[FR Doc. 83–7521 Filed 3–18–83; 4:28 pm]
BILLING CODE 4910–62–M

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Notices

Federal Register
Vol. 48, No. 56
Tuesday, March 22, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Toiyabe National Forest Grazing Advisory Board; Meeting

The Toiyabe National Forest Grazing Advisory Board will meet on April 12, 1983 at 10:00 a.m. in the Lander County Courthouse, Austin, Nevada. The meeting will be open to the public.

The purpose of the meeting is to discuss: 1. Allotment Management Planning 2. Utilization of Range Betterment Fund.

Dated: March 14, 1983.

R. M. "Jim" Nelson,

Forest Supervisor.

[FR Doc. 83-7315 Filed 3-21-83; 8:45 am]

BILLING CODE 3410-11-11

Soil Conservation Service

Helen Morgan School RC&D Measure, New Jersey

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 6650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Helen Morgan School RC&D Measure, Sussex County, New Jersey.

FOR FURTHER INFORMATION CONTACT: Joseph C. Branco, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, Somerset, New Jersey 08873, telephone (201) 246-1205.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Joseph C. Branco, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for stabilizing critically eroding areas at the Helen Morgan School. The planned works of improvement include the installation of two drop inlets with an underground pipe outlet and the reshaping of adjacent areas to effectively control surface runoff.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Joseph C. Branco.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph C. Branco,

State Conservationist.

[FR Doc. 83-7288 Filed 3-21-83; 8:45 am]

BILLING CODE 3410-16-M

Romancoke Park; Critical Area Treatment RC&D Measure, Maryland; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Romancoke Park Critical Area Treatment RC&D Measure, Queen Anne's County, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, College Park, Maryland 20740, telephone 301-344-4180.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to control erosion along 115 feet of shoreline on southern Kent Island. The planned works of improvement include installation of stone riprap on the shoreline, placement of fill behind the structure, and grading and seeding of the disturbed area.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and various Federal, State, and local agencies and interested parties. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

March 7, 1983.

Gerald R. Calhoun,

State Conservationist.

[FR Doc. 83-7039 Filed 3-21-83; 8:45 am]

BILLING CODE 3410-16-M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Closed Meeting

In accordance with the Federal Advisory Committee, Act, as amended, the U.S. Arms Control and Disarmament Agency announces the following meeting:

Name: General Advisory Committee on Arms Control and Disarmament.

Date: April 7 and 8, 1983.

Time: 9:00 a.m. each day.

Place: State Department Building, Washington, D.C.

Type of meeting: Closed.

Contact Person: Dr. Charles M. Kupperman, Executive Director of the General Advisory Committee, Room 5927, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, telephone (202) 632–5176.

Purpose of Advisory Committee: To advise the Director of U.S. Arms Control and Disarmament Agency on arms control and disarmament policy and activities, and from time to time to advise the President and the Secretary of State respecting matters affecting arms control, disarmament, and world peace.

Agenda: Will include the following discussions and presentations:

April 7

A.M. Status of the INF and START Negotiations.

P.M. Developments of the Committee on Disarmament Status of U.S. Strategic Modernization Programs.

April 8

A.M. Discussions of the foregoing and possibly other similar matters.

Reason for closing: The GAC members will be reviewing and discussing matters specifically required by Executive Order to be kept secret in the interest of national defense and foreign policy.

Authority to close meeting: The closing of this meeting is in accordance with a determination by the Acting Director of the U.S. Arms Control and Disarmament Agency dated March 8, 1983, made pursuant to the provisions of Section 10(d) of the Federal Advisory Committee Act as amended.

John E. Grassle,

Committee Management Officer.

[FR Doc. 83–7345 Filed 3–21–83; 8:45 am]

BILLING CODE 8320–32–M

CIVIL AERONAUTICS BOARD

[Docket No. 41071]

Akron/Canton Airlines Fitness Investigation; Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-titled matter will be held on March 31, 1983, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., March 17, 1983.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 83–7396 Filed 3–21–83; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 41127]

Sea and Sun Airlines, Inc. Enforcement Proceeding; Hearing

Notice is hereby given pursuant to the Federal Aviation Act, as amended, that a hearing in the above-titled matter will be held on April 26, 1983, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., March 17, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83–7397 Filed 3–21–83; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Final Affirmative Countervailing Duty Determination; Industrial Nitrocellulose From France

AGENCY: International Trade Administration, Commerce.

ACTION: Final affirmative countervailing duty determination.

SUMMARY: We have determined that certain benefits which constitute subsidies within the meaning of the counterviling duty law are being provided to Societe Nationale des Poudres et Explosifs, a producer and exporter in France of industrial nitrocellulose described in the "Scope of Investigation" section of this notice. The estimated net subsidy is 3.248 percent *ad valorem*. The U.S. International Trade Commission will determine whether imports are materially injuring or threatening to materially injure a U.S. industry, within 75 days after publication of this notice.

EFFECTIVE DATE: March 22, 1983.

FOR FURTHER INFORMATION CONTACT: Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377–0161.

SUPPLEMENTARY INFORMATION: Based upon our investigation, we have determined certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to Societe nationale des Poudres et Explosifs (SNPE), a manufacturer and exporter in France of industrial nitrocellulose as described in the "Scope of Investigation" section of this notice.

The following programs are found to confer subsidies:

- Grant from the Ministry of Defense;
- Cross-subsidization through military sales;
- Assumption of labor costs;
- Regional development incentives.

We determine the net subsidy to be 3.248 percent *ad valorem*.

Case History

On September 14, 1982, we received a petition from counsel for Hercules Incorporated (Hercules), a U.S. producer of industrial nitrocellulose. The petition alleged certain benefits constituting subsides within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in France of industrial nitrocellulose.

We found the petition sufficient and initiated a countervailing duty investigation on October 4, 1982 (47 FR 44807). We stated we expected to issue a preliminary determination by December 8, 1982. We subsequently determined the investigation is "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determination 14 days until December 22, 1982 (47 FR 53441). At that time we stated we expected to issue a final determination by February 21, 1983. However, due to the complex nature of the investigation, and in accordance with section 705(a) of the Act, we subsequently determined we would issue our final determination by March 15, 1983.

Since France is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the International Trade Commission (ITC) of our initiation. On October 29, 1982, the ITC determined there is a reasonable indication these imports are materially injuring, or threatening to materially injure, a U.S. industry (47 FR 51024). We presented questionnaires concerning the allegations to the government of France, and to counsel for SNPE, in Washington, D.C. We received the response to the

questionnaire on November 17, 1982. A supplemental response was received from SNPE on December 15, 1982.

On December 22, 1982, we preliminarily determined that the government of France was providing SNPE with certain benefits constituting subsidies within the meaning of the countervailing duty law. However, the estimated net subsidy was *de minimis*, and, therefore, our preliminary determination was negative (47 FR 58330).

On January 17–21, 1983, we verified in France the questionnaire response submitted by the government of France and SNPE.

We held a public hearing on January 28, 1983. Both Hercules and SNPE participated.

Scope of investigation

The merchandise covered by this investigation consist of industrial nitrocellulose containing between 10.8 percent 12.2 percent nitrogen, not to be confused with explosive grade nitrocellulose which contains over 12.2 percnt nitrogen. Industrial nitrocellulose is a dry, white, amorphous synthetic chemical produced by the action of nitric acid on cellulose. It is extremely falmmable, so it is stored and shipped wet with alcohol. Industrial nitrocellulose comes in several viscosities and is used to form films and lacquers, coatings, furniture finishes and printing ink. This product is currently classified as cellulosic plactic materials, other than cellulose acetate, under item number 445.2500 of the *Tariff Schedules of the United States Annotaied.* Explosive grade nitrocellulose is classified differently.

SNPE is the only known producer and exporter in France of the subject merchandise exported to the United States. The period for which we are measuring subsidization is the calendar year 1981.

Analysis of Programs

Based upon our analysis of the petition, responses to our questionnaires, verification, and comments received before, during, and after the public hearing held on January 28, 1983, we determine the following:

I. Programs Determined To Confer Subsidies

We have determined subsidies are being provided under the programs listed below to SNPE, a manufacturer, producer, and exporter in France of industrial nitrocellulose included in this investigation.

A. *Grant from the Ministry of Defense.* SNPE reported receipt of a grant from the Ministry of Defense (MOD). The purpose was to aid modernization of the company's plant facilities at Bergerac, the site at which industrial nitrocellulose is produced. Since this grant was limited to a specific enterprise (and specifically benefited production of industrial nitrocellulose), we determine it constitutes a subsidy within the meaning of the countervailing duty law.

The subsidy rate for this grant is calculated according to the Department's usual methodology. As indicated in several recent determinations, our allocation technique is a present value analysis based on the concept that a sum of money to be received in the future does not have the same value as that sum received today. The present value of any series of payments under this program is calculated using a risk-free discount rate. For this rate, we used the average annual yield of public and semi-public sector bonds on the secondary market in France published by the Organization for Economic Cooperation and Development (OECD) because it represents the best estimate of the risk-free rate in France. Dividing the present value of the 1981 benefit by SNPE's 1981 industrial nitrocellulose sales, we calculated an *ad valorem* benefit of 0.345 percent.

B. *Cross-Subsidization Through Military Sales.* Petitioner alleges SNPE's close ties to the French military establishment provide a framework for indirect subsidization of industrial nitrocellulose production. In effect, earnings from a guaranteed, profitable market for military sales establish a pool of cash from the government which can be drawn upon to purchase assets for use in the production of industrial nitrocellulose.

To test the allegation, we requested that we be provided with specific data to be used in constructing a profit and loss provide for industrial nitrocellulose. Our rationale was that if we could verify the independent profitablility of SNPE's industrial nitrocellulose operations, there would be no economic or business reason for supporting industrial production from earnings on military sales.

After repeated requests for this data, we were informed by the government of France that it would not approve release of the requested information because it was "not necessary" for our investigation (letter of February 25, 1983, from M. Francois David, Sous-Directeur—Ministry of Economics and Finance). In addition, SNPE was unable to provide us with the value of purchases of fixed assets used in the production of industrial nitrocellulose from 1972 through 1981, but did provide the total purchases of fixed assets by year for the same period. (We note that this incomplete response is in contrast to the cooperation otherwise given in this case by both SNPE and the government of France.)

In view of respondent's refusal to furnish the information required to prove or disprove the petitioner's allegation that military sales are used to provide a subsidized basis for industrial nitrocellulose, we must assume its validity.

Under section 776(b) of the Act, in the event of refusal of requested information, we are required to use the best information otherwise available.[1] In our view, such information is the respondent's to the extent we have been able to verify it, and supplemented where necessary by other information. We note that in this case, petitioner's submissions regarding this issue do not contain the type of information readily applicable to our methodology for calculating the potential subsidy. Finally, there is precedent in Departmental practice for using information derived from respondent's submissions as the best information available. (*See, e.g., Michelin X-Radial Steel Belted Tires from Canada: Final Results of Administrative Review of Countervailing Duty Order* (46 FR 48739) (1981)).

To calculate the potential subsidy on industrial nitrocellulose production from sales of the military product ot the government of France, we applied a methodology which measures subsidies arising from government purchases as a

[1] In this respect, it is important to point out what we perceive as a valid distinction between a refusal of information based on the assertion of national security considerations and an outright denial of requested information. Under Article XXI of the GATT, any contracting party has the right to refuse disclosure of information where it considers such disclosure contrary to its security interests. In our view, while national security considerations cannot serve as a blanket excuse for non-cooperation, nor for non-compliance with our countervailing duty and antidumping laws, the legitimate national security interests of a respondent government must be taken into account in any decision regarding what constitutes best information available. Where access to information deemed relevant to an investigation is barred by legitimate claims of national security, resort to "best information available" supporting the most adverse assumptions or results would give every appearance of punishing the respondent for its invocation of a right recognized by the GATT and by general principles of international law and sovereignty.

In this specific aspect of this investigation, the denial of information requested has not been based on any claim of national security. Consequently, there are none of the constraints discussed above on our determination regarding best information available.

form of equity. An equity based methodology was used because cash infusions by means of government purchases of military products at premium or "excess" prices may, when such prices are paid to a wholly government-owned company, properly be viewed as infusions of equity. The use of this methodology was required by the novel situation presented and the need to work within the limits imposed by the verified information available to us. The formula used to calculate the potential subsidy has three basic elements: (1) The respondent's company-wide rate of return on equity, (2) the rate of return achieved on industrial nitrocellulose, which was compared against the respondent's company-wide rate of return on equity, and (3) the results of these comparisons applied against purchases of fixed assets associated with industrial nitrocellulose production.

The return on equity through income earned on opeartions is considered the appropriate benchmark because it would reflect the effect of subsidies through military purchases. Earnings from military sales at advantageous prices would augment income, and this would be reflected in a higher rate of return. The return on equity through income earned on operations is also useful because we believe it provides an accurate measure of company performance free of distortions resulting from extraordinary events.

As for the second element, the rate of return achieved on industrial nitrocellulose is relevant because the product under investigation represents only a small portion of SNPE's total operations. In effect, by comparing the return on industrial nitrocellulose with the company-wide return, we have a measure of whether industrial operations perform at a level which would justify support from other operations. In this case, since SNPE was unable to provide us with the financial data needed to evaluate the performance of its industrial nitrocellulose operations during the relevant period, we have assumed a return of zero.

Fixed asset purchases are used because we have no accurate measure of the possible premiums or excess paid on purchases of military products. Our assumption is that the benefit to the company from premiums on military sales would be the availability of additional cash which could be used to purchase assets required for the production of industrial nitrocellulose. In addition, since SNPE was unable to provide figures reflecting the purchase of assets devoted solely to industrial nitrocellulose production, we have arrived at a figure by allocating a proportional share of total asset purchases to industrial nitrocellulose. The allocation is based upon the ratio of industrial nitrocellulose sales to total sales on all products for the calendar year 1981.

We applied the methodology described above to asset purchases in each of the 10 years prior to and including 1981. The 10-year period represents the average useful life of assets employed in the manufacture of industrial nitrocellulose. Our selection of this useful life is based upon information gathered from both petitioner and respondent. We then allocated the 1981 subsidy figure arrived at under this methodology over total industrial nitrocellulose sales in 1981 and calculated an *ad valorem* benefit of 2.710 percent.

C. *Assumption of Labor Costs.* When SNPE was incorporated, all military and civilian personnel of its predecessor, Service des Poudres (SP), were placed at the disposal of the president of SNPE, as authorized by Article 5 of Law No. 575 dated July 5, 1970. After a period of one year, those employees had the option of either: (a) Being placed again at the disposal of the Minister of National Defense; or (b) being recruited by SNPE in accordance with the provisions of the labor laws. Employees with government civil service status who remained with SNPE had the option of retaining this status. Original employees of SNPE who elected to retain civil service status would continue to be subject to the terms and conditions applicable to government employees in any facility which fell under the jurisdiction of the Minister of National Defense. According to the 1982 Report of the Government of France's Auditor General's Office, there are still a number of workers with government status employed at SNPE. All new employees hired since the establishment of SNPE have no option to choose civil service status.

Petitioner alleges SNPE is relieved of the payment of certain wage costs because a portion of its workforce retains government status. We have verified that, while SNPE is responsible for the payment of the wages for all its employees (status and non-status), it is relieved of the payment of certain benefit costs (unemployment, pension, and health insurance premiums) for those workers retaining government status.

According to section 771(5)(B) of the Act, "the assumption of any costs or expenses of manufacture, production, or distribution" by government action will be treated as a domestic subsidy if provided to a specific enterprise. SNPE's non-payment of certain benefit obligations for status workers is an assumption by the government of France to those costs and is, therefore, a counteravailable benefit within the meaning of the Act. For purposes of our subsidy calculaton, the Department generally treats labor-related subsidies as untied grants. Since these are relatively small grants applied to costs normally expensed in the year they are received, we allocated them only to the year of receipt. Following this methodology, we calculated an *ad valorem* benefit for 1981 of 0.141 percent.

D. *Regional Development Incentives.* The government of France provides a series of tax and non-tax regional incentives to French and foreign businesses to establish new, or to expand existing businesses in certain French regions selected as those in which to promote additional development. The Delegation a l'Amenagement du Territoire et l'Action Regionale (DATAR) coordinates the programs of various government agencies and ministries. The Department has verified that, for incentive purposes, France is divided into several zones. Each zone, or part of a zone, is eligible for different types and levels of assitance. The assistance includes development grants, non-industrial grants, research and development grants, decentralization indemnities, and job training subsidies. Since the availability, kind and extent of benefits received under these programs are based upon regional preferences, we determine assistance provided through DATAR constitutes subsidies within the meaning of the Act.

SNPE reported the receipt of a grant in 1979, designated for the Bergerac plant, for the purpose of improving production facilities and general infrastructure. Using the Department's usual methodology for grants, we calculated an *ad valorem* benefit of 0.052 percent.

II. Programs Determined Not To Confer Subsidies

We have determined that subsidies are not being provided under the following programs to manufacturers, producers, or exporters in France of industrial nitrocellulose.

A. *Reorganization of the Explosive Powders and Substances Industry.* Prior to the creation of SNPE, the French state historically maintained a monoploy over the manufacture of and trade in powders and explosives. The monoploy

extended to industrial nitrocellulose, a co-product of explosive grade nitrocellulose. The monopoly was operated by the Service des Poudres (SP), a division of the Ministry of Defense.

Article 37 of the Treaty of Rome establishing the European Economic Community (EEC) requires Member states to:

> Adjust any State monopoly of a commercial character so as to ensure that * * * no discrimination regarding the conditions under which goods are procured and marketed exists between nationals of Member States. The provisions of this Article shall apply to any body through which a Member State, in law or in fact, either directly or indirectly supervises, determines or appreciably influences imports or exports between Member States. These provisions shall likewise apply to monopolies delegated by the State to others.

In response to its obligations under Article 37, the French government, as authorized by Law No. 575 of July 3, 1970, established guidelines and regulations for reorganizing the explosive powders and substances industry. In exchange for stock, the government transferred the commercial and industrial assets and operations of SP to SNPE, a newly formed public corporation. The government, through the Ministry of Finance, remains the majority shareholder with over 99 percent of the outstanding stock.

Petitioner alleges the transfer of assets of SNPE constitutes "the provision of capital * * * on terms inconsistent with commerical considerations," as set out in section 771(5)(B)(i) of the Act, because the company acquired land, equipment, and other assets, including industrial nitrocellulose production facilities at Bergerac, from the government of France in return for equity. Petitioner contends these asset transfers should be treated as countervailable grants.

The record in this case shows that SNPE was organized in response to binding directive that certain state monopolies be adjusted to operate on a competitive, commercial basis. Indeed we have discovered no evidence that the purpose or intent of the French government was anything other than the commercialization of SP. Given that government ownership of a business is not a subsidy *per se*, the French government's decision to fulfill its treaty obligations by "spinning off" its industrial nitrocellulose operations does not, on its face, constitute subsidization of those operations.

Our conclusion that the creation of SNPE was not inconsistent with commercial considerations is supported by several factors. First, we have verified that a proper valuation was made, in accordance with French commercial law and practice, of assets transferred to the company. The methods of valuation employed were proper under generally accepted accounting procedures in France, and met or exceeded U.S. accounting practice standards for comparable exercises. The operation of SNPE since 1972, supported by other evidence on the record, indicated that the government of France expected SNPE would function as a commercial enterprise. Insofar as we are able to determine, SNPE has been operated in a commercial fashion.[2] With certain exceptions discussed elsewhere in this notice, industrial nitrocellulose operations and improvements have been financed from operating revenues. Except for a small loss in 1975 stemming from the accidental destruction of one of its plants, SNPE has achieved a company-wide profit in every year since its inception. Third, since industrial nitrocellulose continues to represent a relatively small share (*e.g.*, 9.6 percent of 1981 total sales value) of SNPE's overall activity, it does not follow that, whatever the reasons for the company's creation, they were predicated on an intent to establish an operation dedicated solely, or even primarily, to the subsidized production of industrial nitrocellulose.

In sum, viewing SNPE's industrial nitrocellulose operations within the context of the whole company, and in the larger context of the special circumstances of the company's creation, there is no evidence to suggest an intent to subsidize industrial production. To the contrary, the evidence we have gathered and verified supports the conclusion the French government has no purpose other than the fulfillment of its treaty obligation to commercialize SP. Consequently, we conclude the creation of SNPE and the transfer of assets by which it was carried out did not take place on terms inconsistent with commercial consideration and, therefore did not give rise to countervailable benefits.

[2] The fact SNPE, by virtue of its status as the sole supplier of certain military products, retains close business ties with the government does not necessarily lead to the conclusion that it cannot operate as a truly commercial entity. In the United States, there are a number of companies which function as independent, commercial entities even though they serve primarily or exclusively as defense contractors. Petitioner Hercules also performs defense work for the U.S. government. For example, it manages and operates the U.S. government-owned military nitrocellulose plant at Radford, Virginia.

B. *Equity Infusions Not Used.* Prior to the reorganization of SP, the government of France had begun a program to modernize SP facilities to comply with regulations governing pyrotechnical safety, security and environmental protection. The program was continued after reorganization, with the government covering the cost of completion in return for additional stock in SNPE. Petitioner argues these equity infusions constitute countervailable benefits to SNPE.

We have verified that these post-reorganization payments to SNPE represented later stages of the original reorganization plan and were accounted for properly as additional equity invested in SNPE. In addition, we have verified that all such post-reorganization payments were tied directly and solely to products other than industrial nitrocellulose. Therefore, we determine these payments or equity infusions do not confer countervailable benefits on the production of industrial nitrocellulose.

C. *Financing from Credit National.* Credit National (CN) is a major financial institution which plays an important role in the French financial banking system and has a special legal status. Though not nationalized, 36.85 percent of CN's stock is owned by nationalized institutions. The General Manager of CN is nominated by the President of France, and the government is at least indirectly represented by a majority of its board of directors. CN undertakes special operations for the government. These include extending "special procedure loans" on behalf of the government and performing certain advisory and management functions on projects designated for the government, its agencies and authorities. A substantial portion of CN's economic and financial activity is directed to sectors of French national interest. Thus, while CN is not a governmental institution, it does maintain a variety of official, semi-official and indirect ties with the government of France.

We were able to verify, however, that, while some of the loans made by CN are of a "special " nature (i.e. at interest rates set by the government and made in conjunction with medium-term credits which may be rediscounted), the majority of its loans are of the "ordinary" type. Such loans are extended on commercial terms, with interest rates similar to those of commercial banks in France.

On the basis of our analysis and verfication of the terms and conditions—including interest rate, repayment obligations and security

requirements—of SNPE's loan agreement with CN, we conclude this loan was of the "'ordinary" type and made on commercial terms. Therefore, in this specific instance we determine there has been no subsidy to SNPE.

D. *Research and Development (R&D) Assistance.* SNPE reported receiving funding for R&D projects from the French government through the Direction Generale a la Recherche et a la Technologie (DGRT), formerly the Delegation General a la Recherche scientifique et Technique, a subdivision of the Ministry of Research and Technology.

We verified that R&D funding was not targeted to a specific industry, group of industries, or to industries in specified regions, and research results are made publicly available. Therefore, we have determined the small amounts SNPE received through this program did not confer a subsidy within the meaning of the countervailing duty law.

E. *Energy Assistance.* SNPE received a few small grants from the Agence Pour les Economics d'Energie (AEE), referred to in our preliminary determination as the National Agency for Energy Conservation. The AEE is a government agency, created in 1974, that provides grants to foster energy conservation and energy research. Early in 1982, the AEE was merged with several other agencies to form the Agence Francaise Pour la Maitrise de l'Energie. We verified that these grants were not provided on a regional or industry-specific basis. Therefore, we have determined that the amounts received by SNPE from AEE do not constitute subsidies within the meaning of the Act.

F. *Regional Anti-Pollution Agencies.* Created by Law No. 64–1245 of 1964, these regional agencies known generically as "Agences Financieres de Bassin," and referred to in our preliminary determination as River Dock Agencies, provide incentives for the installation of anti-pollution devices. These incentives are generally available and do not benefit a specific industry, group of industries, or industries in specified regions. We have also verified that the agencies' operations are funded solely by dues from industrial users and that expenditures do not exceed collections.

SNPE has received funds from the Adour-Garonne Agency for its Bergerac and Toulouse plants, and from the Rhone-Mediterranee Corse Agency for its Sorgues plant. Since the funds disbursed by these agencies cannot exceed the amount of dues collected from industrial users, we find the funds received by SNPE do not confer subsidies on users, such as SNPE, who provide the funds.

G. *Labor Programs.* SNPE has participated in the following labor programs:

- *Contract Emploi-Formation*—Under this program, the government provides funds for the training of young people first entering the job market.
- *Reduction of Benefit Costs*—Under this program, firms may reduce by 50 percent for up to one year the amount of payments to the government for health insurance, pensions, and family allowances on behalf of those young people who are given new jobs.

Since we have verified that assistance under these programs is not limited to a specific industry, group of industries or to industries in specified regions in France, we determine no subsidy exists.

H. *Local Business Tax Reductions.* Under the direction of the French Tax Authority ("Direction Generale des Impots"), all French industries are eligible for reductions in local business taxes ("taxe professionelle") for the purpose of expansion of business activities. SNPE received local business tax reductions in 1980. Since we have verified that tax reductions under this program are not limited to a specific industry, group of industries or to industries in specified regions, we determine no subsidy exists.

I. *Subvention d'Equipment.* In our preliminary determination, we stated we would seek additional information on the line item in SNPE's balance sheet entitled "Subvention d'equiment," or equipment subsidies. We have since verified that the amount indicated in this line item represents the cumulative value of all government grants received by SNPE since 1975, including those grants from the Ministry of Defense and DATAR which were found to be countervailable, as well as other grants received by SNPE which were found not to be countervailable.

J. *Inputs.* SNPE purchases oleum, nitric acid, natural gas and electricity from companies owned by the government of France. Petitioner alleges these government-owned suppliers of energy and raw materials act as conduits for passing on subsidies in the form of lower, preferential prices to SNPE. Petitioner also alleges that SNPE, as a result of high volume discount purchaes of materials used primarily to produce military products is receiving subsidies for its production of industrial nitrocellulose.

In the case of SNPE's purchases of electricity and natural gas, we have verified that the utility rates charged to SNPE are based on a standard pricing formula which is applicable to all industrial users in the region of SNPE's Bergerac plant. We have found no evidence indicating preferential pricing practices with respect to SNPE's purchases of energy from these government-owned utility companies.

With respect to SNPE's purchases of oleum and nitric acid, we have verified that while the suppliers of these inputs are now owned by the government of France, during the period of investigation these companies were privately owned and controlled. Any countervailable benefits flowing to the company which occur outside the period for which we are measuring subsidization would be included in an annual review following any issuance of a countervailing duty order in this investigation.

Finally, a company's mere purchasing power as a function of its size is not a subsidy *per se*, even where such size or purchasing power results from a high volume of business with the government. There is no evidence SNPE obtains volume discounts because of government pressure on its suppliers. Nor is there evidence to support a finding that the terms upon which the company is able to secure volume discounts are unduly favorable to SNPE, as opposed to other large volume buyers of these inputs. In sum, we have no basis to conclude SNPE does not negotiate volume discounts at arm's length or that its agreements to purchase inputs are not arrived at on purely commercial terms. Consequently, we determine there is no basis to support the allegation that SNPE's industrial nitrocellulose production indirectly receives countervailable benefits as a result of government influence or pressure on the transactions through which SNPE is able to secure volume discounts on the purchase of inputs used primarily in the production of military products.

III. Programs Determined Not To Be Used

We determine the following programs are not used by the manufacturers, producers, or exporters in France of industrial nitrocellulose.

A. *Fonds de Development Economique et Social (FDES).* Created by the French Parliament in 1955, FDES is a fund which provides loans to businesses and corporations in order to further the French government's economic, social, industrial, and regional development objectives.

We have no evidence SNPE received benefits from FDES.

B. *Caisse des Depots et Consignations (CDC).* CDC is a government institution that invests funds deposited in the Caisses d'Espargne (the French savings banks), pension funds, and insurance companies' deposits. CDC makes both short- and long-term loans to various industries.

We have no evidence SNPE received benefits from CDC.

C. *Fonds Special d'Adaptation Industrielle (FASAI).* FSAI was established in 1978 to promote job creation and industrial diversification in various industries in France.

We have no evidence SNPE received benefits from FSAI.

D. *Loan Guarantees.* We have determined SNPE has not received loan guarantees directly from the government of France, or indirectly from any financial institution acting on the direction of the government of France.

E. *Fonds National de l'Emploi (FNE).* FNE was established in 1963 to provide vocational training programs, and relocation and early retirement allowances to workers confronted with industrial changes brought about by economic development.

We have no evicence SNPE received benefits from the FNE.

F. *Early Retirement and Layoff Benefits.* French corporations have certain statutory and contractual obligations to pay severance to their employees in case of interruption or cessation of employment. There are several French government early retirement plans designated to compensate for the effects of mass layoffs.

We have no evidence SNPE has received benefits under any of these early retirement plans.

Petitioner's Comments: 1. Petitioner argues the Department has not given adequate consideration to its allegation that SNPE's military nitrocellulose operations serve as a means for subsidizing industrial production. Petitioner argues further that, where access to relevant information is barred on grounds of military secrecy, the Department is required to rely on petitioner's submissions as the best information available.

DOC Position: See the section of this notice titled "Cross-subsidization Through Military Sales," particularly footnote 1.

2. Petitioner argues NSPE is in effect an arm of the government of France and the Department should presume, therefore, that all asset transfers to SNPE constitute countervailable grants.

DOC Position: On the basis of our verification and all other information available from the record, insofar as we are able to determine, SNPE is an independent company which operates in a commercial fashion.

3. Petitioner argues that even if SNPE is an independent company and not an arm of the government, the Department must determine whether it has received transferred assets and funds on a commercial basis.

DOC Position: See the section of this notice titled "Reorganization of the Explosive Powders and Substances Industry."

4. Petitioner argues SNPE receives indirect subsidies through volume discounts on inputs sold to it by government-owned suppliers.

DOC Position: During the period of investigation, certain suppliers of inputs were not government-owned. In addition, we find no evidence to support this allegation. See the section of this notice titled "Inputs."

5. Petitioner contends the Department has failed to verify whether government-owned suppliers of inputs charge SNPE the same rates as those charged other purchasers.

DOC Position: On the basis of standard verification procedures and the information available to it, the Department is satified SNPE does not receive special benefits or discounts on its purchases of inputs. For further detail, see the section of this notice titled "Inputs."

Respondent's Comments: 1. Respondent argues the scope of the investigation should be limited solely to industrial nitrocellulose. Issues relating to military nitrocellulose are not germane to the investigation. In any case, there is no substance to the allegation that industrial production receives indirect subsidies through military operations. Moreover, information relating to military nitrocellulose production cannot be provided in violation of respondent's security commitments to the government of France.

DOC Position: The Department recognizes the legitimate national security claims of the gdovernment of France and has acted accordingly (*see* footnote 1 to this notice). The Department does not, however, pursue its investigations in a vacuum. In this case, military and industrial products are produced at the same facility and are closely related in nature and composition. In the face of the allegation that industrial production receives indirect subsidies through military sales, and in view of the fact that industrial nitrocellulose is a co-product of military grade nitrocellulose, the Department must carry out its charge to investigate petitioner's claim. Finally, our determination regarding this allegation has been based on the respondent's refusal to provide information, a refusal which involved no claim of national security. For additional detail regarding our treatment of this issue, *see* the section of the notice titled "Cross-subsidization Through Military Sales."

2. Respondent argues the loan to SNPE from Credit National, which was preliminarily determined to be countervailable, was made on commercial terms.

DOC Position: One the basis of additional information developed in the course of our verification, we agree with respondent that, in this instance, the loan from Credit Nation was made on commercial terms and does not, therefore, confer countervailable benefits.

3. Respondent argues that, since capital grants are subject to taxation as income, any countervailing duty arising out of grants should be calculated on the basis of the net, post-tax value of the grant.

DOC Position: The Department consistently has declined to consider the tax consequences of grants to companies in calculating the benefit, and thus the subsidy, received by a company. Further, it is our understanding of French tax accounting practice that, though capital grants are in theory subject to the income tax, no actual tax is paid in any given period because the amount of the grant taken in as income is offset by the depreciation expense for the same period. Consequently, any countervailing duty calculation should be based on the full value of the grants.

4. Respondent argues that since DATAR grants are available to all industries in France, they should not be considered as countervailable. In any event, even if treated as countervailable, the benefit to SNPE from DATAR grants should be allocated over industrial nitrocellulose sales plus the value of shared infrastructure at the Bergerac plant.

DOC Position: Though DATAR grants may be available in some form throughout France, the extent of benefits available under this program vary according to a system of regional priorities and preferences. The Department has consistently held that grants which confer incentive benefits on the basis of regional preference are countervailable. As to the appropriate denomination over which to allocate the value of these grants, the Department agrees with the respondent.

Verification

In accordance with section 776(a) of the Act, we verified the data relied upon in our final determination. During verification we followed standard procedures, including inspection of documents, discussions with government officials and on-site inspection of the manufacturer's operations and records.

Administrative Procedures

The Department has afforded interested parties an opportunity to present oral views in accordance with its regulation (19 CFR 355.35). Also, in accordance with the its regulation (19 CFR 355.34(a)), a hearing was requested and held, and written views have been received and considered.

Suspension of Liquidation

In accordance with section 705(c)(1)(B) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of industrial nitrocellulose from France which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**, and to require a cash deposit or the posting of a bond, for each such entry of the merchandise in the amount of 3.248 percent *ad valorem*.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination and make available to it all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

This notice is published pursuant to section 705(d) of the Act and section 355.33 of the Department of Commerce regulations (19 CFR 355.33).

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-7390 Filed 3-21-83; 8:45 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 83-2]

Honeywell, Inc., a Corporation; Complaint

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of a complaint under the Consumer Product Safety Act.

SUMMARY: Under Provisions of its Rules of Practice for Adjudicative Procedings (16 CFR Part 1025, 45 FR 29206), the Consumer Product Safety Commission must publish in the **Federal Register** Complaints which it issues. Printed below is a Complaint in the matter of Honeywell, Inc., a corporation.

DATE: March 17, 1983.

Sheldon D. Butts,

Acting Secretary.

Complaint

Nature of the Proceedings

1. This is an adjudicative proceeding for public notice and remedial action for a substantial product hazard or hazards and for a civil penalty pursuant to sections 15, 19 and 20 of the Consumer Product Safety Act (CPSA), as amended, 15 U.S.C. 2064, 2068 and 2069. This proceeding is governed by the Rules of Practice for Adjudicative Proceedings before the Consumer Product Safety Commission, 16 CFR Part 1025.

Jurisdiction

2. This proceeding is instituted pursuant to sections 15, 19 and 20 of the CPSA, 15 U.S.C. 2064, 2068 and 2069.

Parties

3. Respondent Honeywell, Inc. (Honeywell) is a corporation organized and existing under the laws of the State of Delaware with its principal corporate offices at Honeywell Plaza, 2701 Fourth Avenue South, Minneapolis, Minnesota 55408.

4. Honeywell manufactured certain gas combination controls (hereinafter, the "controls"), identified further below: (a) For sale to consumers for use in their heating appliances in their permanent or temporary households or residences, schools and recreational buildings; and (b) for the personal use, consumption or enjoyment of consumers in their heating appliances in their permanent or temporary households or residences, schools, in recreation, or otherwise. These heating appliances, such as gas furnaces and space heaters, are consumer products within the meaning of section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1). The controls are a component part of the above said heating appliances and are, therefore, consumer products within the meaning of section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1).

5. Honeywell manufactured and sold the controls nationwide for installation in households, residences, schools, recreational buildings, and otherwise and for use, consumption, or enjoyment by consumers. Honeywell is, therefore, a "manufacturer" of a "consumer product" which is "distributed in commerce," as these terms are defined in sections 3(a)(1), (4), (8), (11) and (12) of the CPSA, 15 U.S.C. 2052(a)(1), (4), (8), (11) and (12).

The Consumer Product

6. The subject Honeywell gas combination control is a device which regulates the amount of fuel gas that flows from a source (e.g., a liquid petroleum tank) into a heating system or appliance (e.g., a gas central forced air furnace or space heater) used to heat, for example, homes, schools, or meeting halls. The control is incorporated into the heating unit itself.

7. Although the gas combination control in question is commonly called a "gas valve," it is actually a device which incorporates a series of valves and functions. The portion of the control that the consumer has access to and contact with is a raised metal knob which allows the consumer to turn the furnace *pilot* light "on" and "off." This same knob allows the consumer to turn the *furnance* "on" or "off." By physically manipulating the knob, the routing and amount of gas supplied to the furnace is controlled; a smaller amount of the pilot burner to keep it operating and a larger amount to the thermostat valve, to be delivered to the main burner when the thermostat calls for heat. See Figure I attached.

8. The control is intended to also perform a vital safety function: to automatically prevent raw (unburned) fuel gas from flowing to the furnace when the pilot is not lit. This safety feature is intened to work as follows:

In order to light the pilot the user turns the gas cock knob to the "PILOT" positon. The user must then push the knob down, allowing gas to flow to the pilot burner only (not the main burner), so he can ingnite the pilot burner with a match or some other ignition source. After the pilot burner is ignited, the gas cock knob must then be held in this depressed position for 30 to 60 seconds. This is done to hold the safety valve open mechanically so gas will continue to flow to the pilot flame allowing it to heat a thermocouple device in the flame. Once it is sufficiently heated, the thermocouple (which transforms heat energy from the pilot flame to electrical energy) generates electricity that flows through an electromagnet inside the valve which holds the safety valve opern automatically. This is the same safety valve that the user had to open automatically by pushing the knob downward.

9. The user may now release the knob and turn it to the furnace "ON" position. Then gas can flow constantly to the pilot through the open safety valve and to the main burner as needed when the thermostat calls for heat. So long as there is a pilot light flame, the safety valve will remain open, as a result of the electricity generated by the thermocouple. See Figure II attached. Should the pilot flame be extinguished for any reason, the thermocouple will cool and no longer generate electricity to hold the safety valve open. The safety valve is then supposed to close automatically by means of a compressed spring which expands preventing *any* gas from entering the furnace. If the thermostat calls for heat, a closed safety valve prevents raw gas (unignited given the absence of a pilot light) from spilling into the furnance and surrounding areas. Stop mechanisms on the knob and retaining ring were designed to prevent the knob from becoming depressed and in the "ON" position.

10. Honeywell produced thirty-one models of gas combination controls that incorporated an identical gas cock operating design concept, the so-called "Lite Rite" design.

11. Each of the 31 models using the "Lite Rite" design concept is considered a member of this design family.

12. One of the best selling controls in this design family was model V8280.

13. The controls which are the subject of this action are identified collectively herein as the V8280 family.

14. Of the 31 models in the V8280 family each model belongs to one of three "Pilotstat" groups. The three Pilotstats differ in size and capacity, and they are identified as follows:

Pilotstat models C5281, CS5281, C5223 [1]	[redacted] C5278, CS5278 [2]	[redacted] C5296, CS5296 [3]
C5193	[redacted]	[redacted]
C5290	C5231	C5216
V4277	[redacted]	V4280
V5245	V4257	V4292
V5267	V5234	V8292
V5269	V5236	V8243
V5272	V8240	VS8279
V8277	V8257	VS8291
V8289	V8265	
VS8194	VS8233	
	V5261	
	V5221	
	V8236	

[1] 80,000 Btu capacity (midget.)
[2] 115,000 Btu capacity.
[3] 224,000 and 262,000 Btu capacity.

15. The controls are designed to be used in heating systems fueled by natural gas or liquefied petroleum gas. Those controls used in heating systems fueled by liquefied petroleum gas (hereafter, LP gas) are the subject of this action.

Count I—Substantial Product Hazard

16. The allegations of paragraphs 1 through 15 are hereby realleged.

17. The gas cock knob may become stuck down in the "ON" position during normal and reasonably foreseeable use and misuse because the mechanical stops provide to prevent such occurrence are inadequate in their design.

18. The design inadequacies affecting the stop mechanisms of these controls render them defective under section 15 of the CPSA, 15 U.S.C. 2064.

19. Honeywell's manufacturing and quality assurance procedures were inadequate to maintain tolerances affecting the stop mechanisms and as a result, controls that were out of tolerance were manufactured, distributed and sold.

20. The production of controls that were out of design tolerance due to faults, flaws and irregularities in the manufacturing process created controls that contain a defect as that term is used in section 15 of the CPSA, 15 U.S.C. 2064.

21. Most consumers have no knowledge of the presence of a safety valve or the safety valve function within the controls.

22. The Honeywell operating instructions accompanying the V8280 family of combination controls were unclear; they failed to adequately advise the consumer how to safely operate the gas cock knob and failed to give any warning to the consumer of the serious hazard created by a gas cock knob that becomes stuck while depressed and in the "ON" position.

23. The inadequacies of the instructions affecting consumer operation of the controls render them defective under section 15 of the CPSA, 15 U.S.C. 2064.

24. The effect of the gas cock knob being stuck while it is depressed and in the "ON" position is that while the knob is held down the control's safety valve is rendered inoperable. Should the pilot light go out while the knob is depressed and in the "ON" position, raw fuel gas will spill into the furnace main burner chamber and adjacent areas when the thermostat calls for heat.

25. LP gas is heavier than air. Should raw (unburned) LP gas flow into a furnace with no pilot light, it will accumulate and remain in the lowest points in the furnace or surrounding areas and will not, of itself, be vented up through the heating flue system.

26. Should an ignition source be introduced to a volatile LP fuel/air mixture, an explosion and fire will occur.

27. An ignition source capable of igniting raw LP gas may be a spark generated by a number of means, including but not limited to turning a light switch on, by an automatic water heater, a clothes dryer, sump pump or other nearby appliance, or by a match or other means introduced to relight the pilot.

28. The V8280 family of controls, produced pursuant to the defective design specifications, and accompanied by the inadequate instructions and no warning, were made for use in heating systems fueled by LP gas as follows:

Size/pilotstat	Approximate period of defective production	Approximate number produced for LP [redacted]
80,000 Btu, C5261, CS5261, C5223.	1963 through 1965	116,774
115,000 Btu, C5278, CS5278.	1961 through 1974	97,592
224,000 and 262,000 Btu, C5296, CS5296.	1961 through March 1967.	228,622
Total		242,988

29. On information and belief between 1971 and 1982 there were at least thirteen explosion incidents involving the 224,000 and 262,000 Btu series of V8280 controls. These explosions were caused by the gas cock knob being stuck down while in the "ON" position; the safety valve was thereby held open and, when the pilot light went out, raw gas flowed into the furnace area. These explosions caused 17 serious injuries involving burns and disfigurements of the face, hands and body, as well as impact related injuries caused by the force of the explosion.

30. All the controls involved in the incidents described in paragraph 29 were produced before the Honeywell design change, called for in the December 16, 1966 Engineering Order, #6–763, was in effect.

31. On information and belief there have been at least four explosion incidents involving the 115,000 Btu series of V8280 control. These explosions were caused by the gas cock knob being stuck down while in the "ON" position; the safety valve was held open; and when the pilot light went out, raw gas flowed into the furnace area. These explosions caused one death and three severe burns and disfigurements of the face, hands and body.

32. The force of the explosion in incidents described in paragraphs 29 and 31 above is sufficient to cause extensive property damage and has destroyed entire homes.

33. Additional deaths and grievous bodily injuries are likely to occur as a result of the above identified defects associated with the V8280 family of combination controls. The past incidents and injuries are indicia of the continuing and future risk of injury.

34. The death and many severe burns and other injuries caused by the V8280 family of gas combination controls, the many explosions that have already occurred (of which we are aware), the potential for future tragic accidents, the inherently dangerous nature of the environment in which the controls function, the hundreds of thousands of controls distributed for use with LP gas, and the defects in the controls (singly and collectively) create a substantial risk of injury within the meaning of sections 15(a)(2), (c) and (d) of the CPSA, 15 U.S.C. 2064(a)(2), (c) and (d).

COUNT II

35. The allegations of paragraph 1 through 34 are hereby realleged.

36. On or about November 1965 Honeywell was aware that the design of the 80,000 Btu series control stop mechanism was inadequate to assure performance of its intended function—to prevent the gas cock knob from becoming stuck while depressed and in the "ON" position. By implementing Engineering Order #9230 Honeywell changed the dimensions of the gas cock knob stop to attempt to prevent this dangerous condition.

37. On or about December, 1966, Honeywell obtained information that the design of the 224,000 and 262,000 Btu series control stop mechanism was inadequate to assure its intended function—to prevent the gas cock knob from becoming stuck while depressed and in the "ON" position. By implementing Engineering Order #6–763, Honeywell changed the dimensions of its gas cock knob stop to attempt to prevent this dangerous condition.

38. In May, 1973 the Consumer Product Safety Act created the Consumer Product Safety Commission; and the section 15(b) CPSA, 15 U.S.C. 2064(b), reporting requirement was established.

39. On or about August, 1976, Honeywell was aware that a jury finding that the subject gas cock knob was defectively designed and caused an injury was upheld by a U.S. court of appeals. *Raney* v. *Honeywell, Inc.* 540 F. 2d 932 (8th Cir. 1976).

40. By December 31, 1978 Honeywell had been named as a defendant in, and had been served with, at least nine separate product liability lawsuits alleging that the defects which are the subject of this action had caused nine explosions and at least seven serious injuries. All nine involved LP gas appliances.

41. By December 31, 1981 Honeywell had been named as a defendant in, and has been served with, at least six additional separate product liability lawsuits alleging that the defects which are the subject of this action had caused one death and nine more serious injuries. Five incidents (causing one death and eight injuries) involved LP appliances and one incident (causing one injury) involved a natural gas furnace.

42. Honeywell obtained information which reasonably supported the conclusion that the subject controls contained defects which could create a substantial product hazard within the meaning of section 15(b) of the CPSA, 15 U.S.C. 2064(b).

43. Honeywell failed to immediately report this information to the Commission as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b).

44. Honeywell continued to received additional information after December 1981, that reasonably supported the conclusion that the subject controls contained defects which could create a substantial product hazard within the meaning of section 15(b) of the CPSA, 15 U.S.C. 2064(b).

45. Honeywell failed to immediately report this information to the Commission as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b).

46. By failing to report information required to be reported to the Commission under section 15(b) of the CPSA, Honeywell knowingly committed a prohibited act under section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), subjecting itself to civil penalties under section 20 of the CPSA, 15 U.S.C. 2069. Any person who knowingly violates section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), is subject to a civil penalty not to exceed $2,000.00 per violation.

47. A violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), shall constitute a separate offense with respect to each consumer product involved.

48. In 1982 Honeywell, Inc. employed approximately 96,000 persons and has sales of approximately $5,351,200,000.

49. In view of the nature of the product defects, the severity of the risk of injury, the number of defective products distributed, the occurrence of death and injuries and the appropriateness of the civil penalty sought in relation to the size of the business charged, the amount of the penalty sought by the staff in this action, $500,000, is appropriate.

Relief Sought

Wherefore, in the public interest, Complaint Counsel requests that the Commission, after affording interested persons an opportunity for a hearing:

A. Determine that the V8280 family of gas combination controls (as defined in paragraphs 10, 11 and 14 of this Complaint) manufactured during the periods in question and used in connection with heating appliances fueled by LP gas presents a substantial product hazard within the meaning of section 15(a)(2), 15 U.S.C. 2064(a)(2), and that notification under section 15(c) of the CPSA, 15 U.S.C. 2064(c), is required to adequately protect the public, and

1. Order Honeywell to give public notice of the substantial product hazard and defects in the gas combination controls by:

(a) Mailing notices directly to its customers, the makers and users of furnace and heating equipment, directing them to notify the current users of controls;

(b) Mailing notices directly to utility companies and liquefied petroleum distributors, directing them to notify current users of the controls;

(c) Mailing notices directly to consumers with heating equipment that may use a subject control;

(d) Placing full page advertisements in the 500 largest circulation newspapers in the country twice a week for twelve consecutive weeks;

(e) Placing paid television and radio advertisements on national network and local stations during prime audience time;

(f) Placing full page advertisements in Parade and Family Weekly magazines as well as other appropriate publications serving that market defined as LP gas users, each week for 12 consecutive weeks.

2. Require that the form and content of each notice shall be approved by the Commission staff.

B. Determine that the V8280 family of gas combination controls (as defined in paragraphs 10, 11 and 14 of the Complaint) manufactured during the periods in question and used in connection with heating appliances fueled by LP gas presents a substantial product hazard within the meaning of section 15(a)(2), of the CPSA, 15 U.S.C. 2064(a)(2) and that action under section 15(d) of the CPSA, 15 U.S.C. 2064(d), is in the public interest and order Honeywell either to refund the purchase price of the gas combination controls, to replace the controls with like or equivalent products which do not present a substantial hazard, or to repair

the controls so that they do not present a substantial product hazard to the public.

C. Order Honeywell to reimburse any consumer who avails himself of any remedy provided as a result of this proceeding for any reasonable and foreseeable expenses incurred in availing himself of that remedy in accordance with section 15(e) of the CPSA, 15 U.S.C. 2064(e).

D. Order Honeywell to keep records:

1. Of the notice required to be given in paragraph A;

2. Of the number of refunds and the amount of each refund made; of the number of replacements and the kind of each replacement made; of the number of repairs and the kind of each repair made under paragraph B; and of the name and address of each person receiving the remedy.

3. Of the name and address of each person receiving a reimbursement and the amount of each reimbursement made for reasonable and necessary expenses of consumers under paragraph C.

E. Order Honeywell to provide to the Commission staff copies of the records specified in paragraph D as well as copies of advertising used to give public notice.

F. Order Honeywell to file reports with the Commission staff containing information specified in paragraph D and other information that may be requested to determine compliance with any order issued in this proceeding at 30-day intervals until the actions required in paragraphs A through E are completed. The format of such reports to be submitted and shall be acceptable to the Commission staff.

G. Order Honeywell to notify the Commission at least 30 days prior to any change in its business (such as incorporation, dissolution, assignment, sale, or declaration of bankruptcy) that results in the emergence of a successor corporation, the creation or dissolution of subsidiaries, the dissolution of the corporation, or any other change that might affect compliance obligations under any Commission order issued in this proceeding for a period of two years after issuance of the order or orders.

H. Order Honeywell to pay a civil penalty of $500,000, pursuant to section 20 of the CPSA, 15 U.S.C. 2069, for violation of section 19(a)(4) of the CPSA.

I. Grant such other and further relief as the Commission deems necessary to protect the public health and safety and to implement the CPSA.

Issued as authorized by the Consumer Product Safety Commission.

Dated: March 7, 1983.

[FR Doc. 83-7378 Filed 3-21-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplemental Environmental Impact Statement on Measures To Protect the Rio Grande Valley From San Acacia to Elephant Butte Reservoir From Floods and Sediment Originating From the Rio Puerco and Rio Salado

AGENCY: Army Corps of Engineers, DOD.

ACTION: Preparation of a draft Supplemental Environmental Impact Statement (DSEIS).

SUMMARY: 1. *Proposed Action and Alternatives:* The proposed action is to control sediment and floods originating from the Rio Puerco and Rio Salado to prevent damages to the Rio Grande Valley from San Acacia to Elephant Butte Reservoir. Seven alternatives are being considered to alleviate flood and sediment problems in the Rio Grande Valley. These alternatives include dam sites at river miles 5 and 15 on the Rio Salado; a dam site at mile 18 on the Rio Puerco; a continuous levee on the west bank of the Rio Grande from San Acacia to the Bosque del Apache National Wildlife Refuge; separate ring levees around San Acacia, Socorro, and Bosque del Apache National Wildlife Refuge; watershed treatment within the Rio Puerco and Rio Salado watersheds to reduce sediment production; and flood proofing of structures within the Rio Grande flood plains.

2. *Public Involvement Process:* The process of determining the scope of issues to be addressed and identifying significant issues related to the alternatives was initiated through a general public meeting in July 1979. Additionally significant input was received from Federal, State and local agencies and individuals in developing the watershed treatment plan. Additional scoping will be carried out in which all interested persons and agencies will be given an opportunity to identify significant issues in the DSEIS. At this time, there are no plans to hold additional public meetings. Interested parties are invited to submit comments on the DSEIS when it becomes available.

This study is coordinated with the U.S. Fish and Wildlife Service pursuant to the requirements of the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563) (Pub. L. 93-205). Consultation with the Advisory Council on Historic Preservation, the New Mexico State Historic Preservation Officer and the National Park Service has been initiated pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915) as amended (94 Stat. 2987) and the Reservoir Salvage Act of 1960 (74 Stat. 220), as amended (88 Stat. 174 and 94 Stat. 2987).

3. *Significant Issues Analyzed:* The DSEIS will evaluate new information which has become available since preparation of the initial EIS on this project. It will evaluate the effects of moving the Lower Hidden Mountain Dam from river mile 15 to mile 18 on the Rio Puerco. Significant issues to be analyzed include impacts of the various alternatives on operation of the Sevilleta National Wildlife Refuge, which was created after preparation of the initial EIS, and impacts on the Federally endangered whooping crane (*Grus americana*) and designated critical habitat at the Bosque del Apache National Wildlife Refuge. Additionally, new information on cultural and historic resources will be evaluated to determine impacts on these resources. Effects of the various alternatives on Bureau of Land Management Wilderness Study Areas, needs for mitigation, impacts on floral and faunal resources and impacts on grazing will also be evaluated.

4. *Public Review:* DSEIS should be available for pubic review in January 1984.

5. *Further Information:* Questions about the alternatives and DSEIS may be answered by: Mr. William Tully, USAED, Albuquerque, P.O. Box 1580, Albuquerque, N.M. 87103, Phone: (505) 766-2657, (FTS) 474-2657.

Dated: March 11, 1983.

Julian E. Pylant,

Lieutenant Colonel, EN District Engineer.

[FR Doc. 83-7312 Filed 3-21-83; 8:45 am]

BILLING CODE 3710-KK-M

Department of the Navy

Board of Visitors to the United States Naval Academy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1), notice is hereby given that the Board of Visitors to the United States Naval Academy will meet on April 5, 1983, at the U.S. Capitol Building. The session, which is open to the public, will commence at 8:30 a.m., April 5, 1983, in Room EF100 of the U.S. Capitol Building, Washington, D.C., and end at 10:00 a.m.

The purpose of the meeting is to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy.

The contact officer will be Rear Admiral Robert W. McNitt, USN (Ret.), Secretary of the Board of Visitors, Dean of Admissions, U.S. Naval Academy, Annapolis, Maryland 21402, telephone (301) 267–4361.

Dated: March 18, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83–7491 Filed 3–21–83; 8:45 am]

BILLING CODE 3810–AE–M

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, May 3, 1983; Tuesday, May 10, 1983; Tuesday, May 17, 1983; Tuesday, May 24, 1983; and Tuesday, May 31, 1983 at 10:00 a.m. in Room 1E801, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c) (2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c) (4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy & Requirements) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b (c) (2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c) (4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington, D.C. 20301.

M.S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 16, 1983.

[FR Doc. 83–7309 Filed 3–21–83; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

National Commission on Excellence in Education

AGENCY: National Commission on Excellence in Education.

ACTION: Notice of closed meeting.

SUMMARY: This notice is intended to notify the public of a closed meeting to be held by the National Commission on Excellence in Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: March 23–24, 1983.

Location: O'Hare Hilton Hotel, O'Hare Airport, Chicago, Illinois.

FOR FURTHER INFORMATION CONTACT: Milton Goldberg, Executive Director, or Betty Baten, Administrative Officer (202–254–7920).

The National Commission on Excellence in Education is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90–247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees. The Commission is established to advise and make recommendations to the Nation and to the Secretary of Education.

The National Commission on Excellence in Education will meet in closed session on March 23 (evening) and March 24, 1983 to discuss, review and edit in detail extensive drafts of its Final Report which is to be presented to the public and to the Secretary of Education in April, 1983 under a charter issued by the Secretary in August, 1981.

It has been determined that this meeting should be closed because detailed discussion in public session of the contents of an advanced draft of the Final Report would be detrimental to the orderly completion of the Commission's work and presentation of its Report to the public. Determination to close the meeting was made under the authority of exemption (9)(B) of Section 552b(c) of 5 U.S.C. and under Section 10(d) of the Federal Advisory Committee Act.

The public is being given less than fifteen days notice of this meeting because the Chairman determined only on March 17 the need of a meeting.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting at the Commission's office located at 1200 19th Street, N.W., Room 222, Monday through Friday, from the hours of 8:00 a.m. to 5:00p.m.

Dated: March 18, 1983.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement

[FR Doc. 83–7576 Filed 3–12–83; 11:13 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket Nos. 52007–1626–01–02–03–82]

Concurrence on Certifications and Issuance of Final Prohibition Orders; Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of concurrence on certifications and issuance of prohibition orders.

SUMMARY: In accordance with sections 301 (a) and (b) and 702(a) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or "the Act"), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of: (1) Its concurrence on certifications of coal-capability filed with it on November 23, 1981 by the New England Power Company (NEPCO) on behalf of Salem Harbor Generating Station Unit Nos. 1, 2, and 3 (hereafter referred to as Salem

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Harbor 1, 2, and 3); and (2) its issuance of final prohibition orders to Salem Harbor 1, 2, and 3. The certifications address the technical capability and financial feasibility of Salem Harbor 1, 2, and 3 to use coal as their primary energy source, and, together with supporting material submitted by NEPCO and other information contained in the administrative record of this proceeding, they constitute the basis for the issuance of the final prohibition orders which prohibit the use of petroleum or natural gas in the powerplants to which they refer.

ERA's Notice of Acceptance of Certifications and Issuance of Proposed Prohibition Orders to Salem Harbor 1, 2, and 3 was published at 46 FR 59574 (December 7, 1981). At that time, a public comment period was announced for the purpose of receiving written comments and requests, if any, for a public hearing on ERA's proposed prohibition orders. The comment period expired on January 21, 1982; no comments or requests for hearing were received.

The regulations implementing section 301 of FUA and governing this proceeding are 10 CFR Parts 500, 501, and 504. Additional information on the proceeding, together with the final prohibition orders to Salem Harbor 1, 2, and 3, appear in the **SUPPLEMENTARY INFORMATION** section below.

EFFECTIVE DATES: The final prohibition orders shall take effect on May 23, 1983, and their provisions shall take effect on December 31, 1985.

FOR FURTHER INFORMATION CONTACT:
Steven E. Ferguson, Director, Fuels Conversion Division, Office of Fuels Programs, Forrestal Building, Room GA–093, Washington, D.C. 20585, Phone: (202) 252–1316;
Marya Rowan, Esq., Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–222, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252–2967.

The public file containing a copy of this Notice and all other documents and supporting materials related to the proceeding is available for inspection upon request Monday through Friday from 8:00 a.m. to 4:00 p.m. at: Department of Energy Freedom of Information Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252–6020.

SUPPLEMENTARY INFORMATION: On March 28, 1980, ERA issued proposed prohibition orders pursuant to former section 301 of FUA to Salem Harbor 1, 2, and 3 (45 FR 22183, April 3, 1980), commencing a proceeding to prohibit the use of petroleum or natural gas as the primary energy source for those powerplant units by mandatory order, if ERA could make the findings of technical capability and financial feasibility required by the Act. Prior to the issuance of final orders, however, former section 301 of FUA was amended by section 1021 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 (OBRA) to limit the authority of the Secretary of Energy to prohibit oil or natural gas use only in those cases in which the owner or operator of the existing powerplant had voluntarily certified to ERA the unit's technical capability and financial feasibility to use an alternate fuel. Under amended section 301, the proceeding could be continued, without lapse, if the utility involved submitted the coal-capability certification required by section 301(b) to actuate DOE's order issuing authority at a date early enough to permit ERA to issue proposed orders under the amended section 301, prior to November 30, 1981 (46 FR 48118 (October 1, 1981)). On November 23, 1981, NEPCO filed certifications with ERA on behalf of Salem Harbor 1, 2, and 3. ERA examined the certifications and the documentation submitted for each of the powerplants and believed that it would be able to concur in such certifications and to ultimately issue final prohibition orders based thereon. Accordingly, ERA accepted the certifications and issued proposed prohibition orders under Section 301, as amended, to Salem Harbor 1, 2, and 3 on November 30, 1981 (46 FR 59574, December 7, 1981).

ERA's final regulations applicable to the issuance of prohibition orders to existing powerplants that have been certified as coal capable under section 301 of FUA are 10 CFR Parts 500, 501, and 504. The regulations require that the following actions be completed before issuance of final prohibition orders to Salem Harbor 1, 2, and 3:

(1) *Notice of Order.* Pursuant to 10 CFR 501.52(b)(2), proposed prohibition orders based upon ERA's review of the certifications and the supporting information, and including an explanation of the basis therefor, must be issued to the proposed recipients and published in the **Federal Register**, together with a Notice of Acceptance of the certifications. ERA complied with this requirement on November 30, 1981 (46 FR 59574, December 7, 1981).

(2) *Public Participation.* Pursuant to 10 CFR 501.52(b)(3), the Notice of Acceptance must commence a 45-day public comment period during which evidence pertaining to the certifications and to ERA's proposed action could be submitted and a public hearing could be requested. The public comment period established for Salem Harbor 1, 2, and 3 in the Notice of Acceptance referred to in paragraph (1), above, expired on January 21, 1982, without receipt of either comments or hearing requests.

(3) *NEPA Compliance.* Pursuant to 10 CFR 501.52(b)(3), no final prohibition orders can be issued until any necessary environmental review pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA) is completed. ERA completed its NEPA review in October 1982 with the issuance of a final Environmental Impact Statement (EIS) on Salem Harbor 1, 2, and 3. The Record of Decision was signed on March 3, 1983 and published in the **Federal Register** on March 9, 1983 (47 FR 9907).

Prohibition Orders

Accordingly, after consideration of the whole record in this proceeding, and finding its proposed actions to be supported by reliable, probative, and substantial evidence, ERA concurs in the certifications of coal capability filed by NEPCO on behalf of Salem Harbor 1, 2, and 3, and issues the following final prohibition orders:

Prohibition Orders

New England Power Co., Salem Harbor #1, Docket No. 52007–1626–01–82
New England Power Co., Salem Harbor #2, Docket No. 52007–1626–02–82
New England Power Co., Salem Harbor #3, Docket No. 52007–1626–03–82

Pursuant to section 301(b) of FUA and 10 CFR 504.6, ERA hereby prohibits the above-named powerplants from burning petroleum or natural gas as a primary energy source, effective December 31, 1985.

As provided in section 301 (a) and (b) of FUA and 10 CFR 504.6 (c), (d), (e), and (f), these prohibition orders are based upon ERA's findings that:

(1) Salem Harbor 1, 2, and 3 have the technical capability to use coal as their primary energy source without requiring:

(A) Substantial physical modifications, or

(B) Substantial reduction in the rated capacity of any one of them.

This finding is supported by evidence in the record which indicates that the units were constructed to burn coal and have burned coal in the past; that any adjustments to the units that will be required prior to burning coal will be insubstantial in terms of magnitide, complexity, and impact on operations at the site; and that any reductions in rated

capacity occasioned by conversion to coal will be insignificant.

(2) It is financially feasible to use coal as the primary energy source in Salem Harbor 1, 2, and 3. This finding is based upon NEPCO's certification and its demonstration that it is able to raise the money necessary to finance the conversion to, and operation of the units on, coal as their primary energy source.

In considering the financial feasibility of the conversion of the units, ERA notes that, for the year 1981, the average differential price of oil and coal delivered to the Brayton Point Station (NEPCO's largest station located near Somerset, Massachusetts) was 217.7 cents per million BTU, base on prices of $29.23 per barrel of oil (464.2 cents per million Btu) and $64.41 per ton of coal (246.5 cents per million Btu). These prices are from the DOE publication "Cost and Quality of Fuel for Electric Utility Plants—1981 Annual."

The evidence in the record upon which the above findings are made consists of: (a) The certification pertaining to Salem Harbor 1, 2, and 3 submitted by NEPCO to ERA, pursuant to section 301(a) of FUA, on which certifications ERA concurred, above; (b) data furnished to ERA in support of the certifications; and (c) information contained in the administrative record of the previous proceeding under former section 301 of FUA, which record has been incorporated into, and made part of the record in this proceeding.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by these Orders may petition for judicial review thereof at any time before the 60th day following publication in the **Federal Register**.

Issued in Washington, D.C., on March 17, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-7392 Filed 3-21-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 5992-001]

Edmondson Hydro Associates; Notice of Surrender of Preliminary Permit

March 17, 1983.

Take notice that Edmondson Hydro Associates, Permittee for the proposed Edmondson Hydropower Project No. 5992, has requested that its preliminary permit be terminated. The permit was issued on September 10, 1982, and would have expired on February 29, 1984. The project would have been located on the Holston River in Washington County, Virginia.

The Permittee filed its request on February 23, 1983, and the surrender of the preliminary permit for Project No. 5992 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7322 Filed 3-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-769-001]

Minnesota Power & Light Co.; Order Granting Rehearing in Part Vacating Termination of Docket, and Initiating an Investigation

Issued: March 16, 1983.

On November 26, 1982, Cooperative Power Association (CPA) filed a request for rehearing of our Order Accepting Rates For Filing, Granting Late Intervention, and Terminating Docket, issued on October 29, 1982, 21 FERC ¶61,052.[1] That order was issued in response to a Minnesota Power & Light Company (MP&L) filing dated September 2, 1982, which proposed to implement an unexecuted amendment to MP&L's Integrated Transmission Agreement (IT Agreement) with CPA, and to implement an unexecuted Outlet Facilities Agreement No. 3 applicable to CPA.

Background

Following MP&L's submittal in this proceeding, the Commission published notice of the filing the **Federal Register** and established a September 29, 1982 deadline for the filing of protests or interventions. CPA filed a protest on September 15,1982, and an untimely motion to intervene several weeks later on October 7, 1982. In all material respects, the allegations contained in each of CPA's pleadings were the same. With no support or elaboration,[2] CPA stated: (1) That it had not executed the subject agreements because they would result in unjust and unreasonable charges; (2) that MP&L had no authority to unilaterally impose the revised contract provisions; (3) that MP&L was seeking to impose charges that are not based on any service provided to CPA; (4) that by including all system control and load dispatching costs in FERC Account 556 (rather than reflecting some costs as operating expenses in Accounts 561 and 581), MP&L has sought to charge CPA for some of its operating expenses, contrary to the parties' existing contracts; and (5) that MP&L's rate study contained "other errors which also accrue to the benefit of [MP&L]."

The Commission considered these contentions as well as a responsive pleading by MP&L in the October 29 order. We concluded, however, that CPA had raised no issues of law or fact upon which to proceed to hearing and that the rates submitted by MP&L did not appear to be excessive. Accordingly we accepted MP&L's filing without suspension.

With respect to CPA's motion to reject the filing, we stated:

> * * * we note that the intervenor's vague reference to the *Sierra-Mobile* doctrine and contractual inconsistencies provide little basis on which the Commission can consider such claims. CPA has cited no relevant contract provisions or other substantiation for its position.

Since our own review of the underlying contracts did not reveal an apparent *Sierra-Mobile*[3] *bar to MP&L's unilateral rate filing, we denied CPA's motion to reject the filing.*

With respect to CPA's protest of the proposed amendment to the IT Agreement, we stated that CPA's vague allegations concerning MP&L's attempts to overcharge CPA for system control and load dispatching expenses were not supported by our review. In the absence of more specific information, we concluded that CPA's protest was without merit. Concerning the proposed Outlet Facilities Agreement No. 3, we also found no support for CPA's allegation that MP&L's proposed facilities charges were not based on a service which MP&L provides for CPA. We stated further that our own examination showed that the unsupported allegation was in direct conflict with MP&L's submittal and at odds with past service relationships among several utilities in the region.

Request for Rehearing

CPA first articulated the bases for its position in its November 26 request for rehearing. Initially, CPA seeks to explain the history of its contract negotiations with MP&L. With respect to the Outlet Facilities Agreement No. 3, [4]

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[1] The Commission granted rehearing for the limited purpose of further consideration by order dated December 27, 1982.

[2] In each pleading, CPA's objections encompassed approximately one type-written page.

[3] *FPC* v. *Sierra-Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956).

[4] This agreement purports to reflect additional investment in transmission facilities required to transfer energy from CPA's new Coal Creek generating units to the parties' integrated transmission system.

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CPA relies upon Section 2 of the parties' General Coordinating Agreement (GC Agreement) and Section 1.08 of the IT Agreement in support of its *Sierra-Mobile* claim. CPA denies that some of the lines and structures included in MP&L's charges are, in fact, being used as "outlet facilities," and indicates that the GC Agreement "clearly contemplates" that outlet facilities are to be mutually designated as such by the parties. In addition, CPA contends that MP&L is seeking compensation for the use of specifically identified facilities that are either not used to provide service to CPA, not owned by MP&L, or already being compensated for under the IT Agreement. CPA further contends that MP&L's derivation of charges is faulty, noting in particular MP&L's method of valuation and a mechanism for (and the calculation of) annual adjustment of the charges.

Concerning System Control and Load Dispatching services, CPA again indentifies for the first time the specific contractual provisions which MP&L is said to have contravened. CPA challenges MP&L's stated charge for such service on a number of specific grounds.[5] Moreover, CPA asserts and provides support for the contention that several factual issues are presented, including a determination of the precise services being performed by MP&L for CPA and the amount of time properly allocable to CPA for MP&L's power supply coordinator activities. Finally, CPA compares the cumulative charges under MP&L's agreements with MP&L's currently effective wheeling rate, arguing that the charges are discriminatory and contrary to the purposes of the IT Agreement.

Discussion

Before discussing the procedures we shall establish, some comment on CPA's actions in this docket is necessary. Rule 214 of this Commission's Rules of Practice and Procedure with respect to interventions, 18 CFR 385.214, states in pertinent part (emphasis added):

> (b) *Contents of Motion* [1] Any motion to intervene must state, to the extent known, the position taken by the movant and *the basis in fact and law for that position.*

Pursuant to section 205 of the Federal Power Act, 16 U.S.C. 824d, the Commission generally has, as it had in this case, only sixty days in which to initially review a utility's rate filing. The public comment period designated for a given filing is calculated in such a way to provide the maximum time for interested parties to express their positions, while giving the Commission and its staff an opportunity for meaningful analysis of the initial pleadings and any appropriate responses. A fundamental purpose of such a comment period is to allow parties to explain their concerns and to assist the Commission in its review. As the Court of Appeals for the District of Columbia Circuit stated in a related matter:

> The agency cannot reasonably be expected to take a hard look unless the parties participate in the task of identifying the hard problems, and of bringing to light pertinent information and analysis bearing on their resolution. The agency's obligation presupposes a burden on the part of interested parties to draw attention to the consequences of proposed action that adversely affects their interests.

Rhode Island Consumers' Council, et al. v. *FPC,* 504 F.2d 203, 212 (D.C. Cir. 1974). Our review of CPA's request for rehearing reveals no factual information that was not available, or that should not have been reasonably available, at the time CPA filed its motion to intervene.[6] As discussed below, CPA's request for rehearing, for the first time, presents specific legal and factual questions which warrant an evidentiary hearing. However, based on the information previously available, we permitted MP&L's rate changes to take effect after the statutory notice period without exercising our suspension authority. Since we lack the authority to suspend a rate after it has become effective, 18 CFR 2.4(a), we cannot change our decision not to suspend and make the rate subject to refund. In any event, we find no compelling reason to change that decision since MP&L should not be forced to remain uncertain of the status of its rates because CPA failed to fully explain its concerns in a timely manner.

Nonetheless, we are persuaded that rehearing should be granted to the extent of providing for an evidentiary hearing under Section 206. Having reviewed the contract provisions alluded to by CPA, we find that they are not readily susceptible to a single interpretation. We further note that our regulations pertaining to rehearings (18 CFR 385.713) have precluded MP&L from answering CPA's contract claims. Because CPA relies heavily on the intent of the parties as well as on various contract provisions, we believe that the matter of CPA's right to file the amendments at issue should be considered at a hearing. At such hearing, CPA also will be permitted to present evidence relevant to the factual questions identified in its request for rehearing including: (1) Whether MP&L has allocated expenses to the correct accounts; (2) whether MP&L's rates will generate revenues in excess of its costs; (3) whether CPA will make use of the integrated transmission system to transmit capacity and energy from the Coal Creek plant to its own system; (4) which system control and load dispatch functions are being performed by MP&L for CPA; and (5) whether the increased charges are discriminatory.

The Commission orders:

(A) Rehearing of the Commission's order issued in this proceeding on October 29, 1982, is hereby granted in part and denied in part as noted in the body of this order.

(B) Ordering Paragraph (D) of our order of October 29, 1982, is hereby vacated.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly section 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the legal and factual matters raised in CPA's request for rehearing.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

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[5] CPA, for example, claims that MP&L's charge fails to recognize the fact that certain scheduling and system control activities formerly performed by MP&L are now performed independently by CPA. According to CPA, MP&L has also failed to reflect its sales to other utilities in the allocation process. CPA futher contends, that MP&L has improperly neglected to segregate specific operating expenses in Accounts 561 and 581, rather than Account 556.

[6] CPA's request for rehearing indicates that it "did not learn of the deadline" for filing interventions until October 8, 1982, that its motion to intervene was then drafted the same day, and that it otherwise would have presented its contentions more fully. Nonetheless, CPA acknowledges receipt of MP&L's filing on September 7, 1982, and CPA did file a protest on September 15. Despite the three weeks or so between CPA's protest and its intervention, no further information was forthcoming. Unfortunately, a belated desire to have better articulated a position cannot aid the Commission *ab initio.*

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7323 Filed 3-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-45-002]

Montana Dakota Utilities Co.; Notice of Filing

March 16, 1983

Take notice that on March 4, 1983, Montana Dakota Utilities mission Company (MDU) tendered for filing a motion to put into effect its Substitute Seventeenth Revised Sheet No. 10 to the First Revised Volume No. 2 of MDU's FERC Gas Tariff. MDU also submitted a corporate agreement and undertaking on behalf of MDU to implement the rates subject to refund under § 154.67 of the Commission's Rules.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7324 Filed 3-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL83-7-000]

Wholesale Customers of Ohio Edison Co. v. Ohio Edison Co.; Order Setting Complaint for Investigation and Establishing Procedures

Issued: March 16, 1983.

On January 14, 1983, the Wholesale Customers of Ohio Edison Company (WCOD) [1] filed a complaint seeking modification of certain terms and conditions of Ohio Edison Company's (Ohio Edison) partial requirements tariff and contracts thereunder. WCOE contends that the existing provisions severely restrict WCOE members' ability to purchase power from electric systems other than Ohio Edison and result in substantial and unwarranted penalty charges to WCOE members and an unjustifiable windfall to Ohio Edison.

Notice of the filing was published in the **Federal Register** with comments due on or before February 28, 1983. On January 31, 1983, Ohio Edison filed an answer in which it requests dismissal of WCOE's complaint. Ohio Edison notes that the partial requirements tariff was the product of arms-length negotiations and compromise betwen Ohio Edison and WCOE. The company argues that the instant complaint is no more than an attempt to reopen forced negotiations concerning the tariff terms. Furthermore, Ohio Edison contends that WCOE has alleged no violation of statute or misapplication of tariff provisions warranting Commission review.

The complaint concerns a partial requirements tariff which was submitted for filing by Ohio Edison in 1980, supported by WCOE as an intervenor, and accepted for filing by the Director of the Office of Electric Power Regulation in Docket No. ER80-361-000. WCOE states that although it previously agreed to the tariff terms and is not now accusing Ohio Edison of any express wrongdoing, its agreement with Ohio Edison was reached prior to any practical operating experience under the tariff; actual experience has allegedly revealed inadequacies and improprieties in the tariff terms and conditions.

The specific terms and conditions contested by WCOE include: (1) A requirement that the capacity to be purchased by each member must be scheduled three years in advance with allowable modifications to be limited to 10% of the prior year demand schedule; (2) an excess charge applied to demands imposed on Ohio Edison which exceed 110% of the forecasted peak demand in any month; (3) use of a ratchet provision which is applied when actual demands fall below 85% of forecasted demands or below 60% of the actual demands established during the prior eleven months; (4) application of a uniform 5% loss factor to third-party power deliveries regardless of the purchaser's delivery voltage; and (5) failure of Ohio Edison to credit WCOE members when actual energy delivered is less than the amount of energy scheduled to be delivered to that member from third-party suppliers.

WCOE contends that these tariff terms and conditions restrict WCOE members' ability to purchase power from other electric systems when sources with a cost lower than Ohio Edison's become available. In addition, WCOE alleges that fluctuations in demand caused by any number of circumstances, combined with the applicable rates, result in substantial and unwarranted penalty charges to WCOE members and an unjustifiable windfall to Ohio Edison. According to WCOE, the result is that WCOE's members are unable to take advantage of lower cost capacity purchase opportunities unless the seller is willing to wait many months before the transaction is to begin and is willing to guarantee that it will last for as long as is necessary for the WCOE member to avoid the imposition of the penalties under the Ohio Edison tariff.

WCOE recommends the following modifications to the tariff in order to remedy its concerns: (1) Elimination of the 60% ratchet applied to actual demands established during the prior eleven months; (2) elimination of the advance schedule of capacity purchases from Ohio Edison; (3) reduction of the scheduling notice for purchases from sources other than Ohio Edison; (4) use of variable loss factors based on delivery voltage; and (5) establishment of an overscheduling credit when actual energy deliveries are less than those scheduled. In the alternative, WCOE suggests that the scheduling requirements, ratchets, and penalties be applied to the WCOE group as a whole because it is the combined, diversified load of all WCOE members which determines the peak demand imposed upon Ohio Edison. A third alternative proffered by WCOE would be to widen the window for application of the penalty provisions from the present 85%-110% range to a 75%-125% range, with the establishment of an absolute threshold amount (*i.e.*, a stated kW amount) to operate as a restraint on the percentage limits when applied to smaller customers.

Discussion

Initially, we find no merit to Ohio Edison's contention that WCOE's complaint must be dismissed on the grounds that WCOE has failed to allege a specific statutory violation or a departure from the stated terms of the company's tariff. Rule 206(a) of our Rules of Practice and Procedure (18 CFR 385.206(a)), which implements section 306 of the Federal Power Act (16 U.S.C.

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[1] WCOE is an *ad hoc* group of municipal customers of Ohio Edison Company consisting of the following cities: Amherst, Beach City, Brewster, Columbiana, Cuyahoga Falls,Galion, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroeville, Newton Falls, Niles, Oberlin, Prospect, Seville, South Vienna, Wadsworth, and Wellington.

825e), allows any person to seek Commission action against any other person "alleged to be in contravention or violation of any statute, rule, order, or other law administered by the Commission, or for any other alleged wrong over which the Commission may have jurisdiction." In essence, WCOE is suggesting that the terms and conditions of Ohio Edison's tariff are currently operating in an unjust, unreasonable, and non-cost-justified manner. These are matters over which the Commission clearly has jurisdiction. Indeed, section 205 of the Federal Power Act declares unjust and unreasonable rates and charges to be unlawful.

In addition, we assign little weight to the argument that WCOE should be precluded from filing its complaint because it previously consented to the tariff terms and conditions. The contracts governing service under the disputed tariff provisions do not purport to be "fixed rate" agreements and we perceive no bar to allowing WCOE to challenge the current operation of those provisions. WCOE is, in effect, structuring an argument of changed circumstances inasmuch as it is arguing that when the tariff service was first initiated, no customer had any practical experience operating under the designated terms and conditions, whereas the matters now complained of have become apparent only after such operating experience. Furthermore, it is not unreasonable that to conclude that WCOE was unable to, or did not, anticipate operating problems under the tariff at the time the tariff was originally drafted.

Our review of the allegations in WCOE's complaint indicates that WCOE has raised questions of fact appropriately resolved on the basis of an evidentiary hearing. Accordingly, we shall set this matter for investigation wherein WCOE will be afforded an opportunity to prove its allegations. The burden of proof that the present rates, terms, or conditions of service are now unjust, unreasonable, or otherwise unlawful rests with WCOE

The Commission orders:

(A) WCOE's request for investigation of its contracts and tariff with Ohio Edison is hereby granted.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Organization Act and by the Federal Power Act, particularly section 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the matters raised in WCOE's compliant.

(C) A presiding administrative law judge to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately thirty (30) days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Such conference shall be held for purposes of establishing procedural dates, including the submittal of testimony and exhibits by WCOE. The presiding judge is authorized to establish procedures and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(D) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7326 Filed 3-21-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-10-FRL No. 2326-3]

Approval of Reduction in Non-Federal Match for Clean Air Act Grant to State of Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of reduction in minimum match.

SUMMARY: Section 105 of the Clean Air Act allows EPA to accept reductions in the non-Federal matching share of a grant if the reductions are due to a non-selective reduction in the expenditures of all executive agencies. EPA Region 10 has determined that a series of four executive and legislative reductions in the Washington State budget are not selective. Therefore, EPA Region 10 approves a $332,548 reduction in the Washington State non-Federal matching share of its Section 105 air program grant (to $2,321,344 including non-Federal funding expended by agencies). Even with this reduction in the non-Federal share the State still meets its minimum eligibility requirement for Federal Section 105 Air Program grants.

DATE: February 22, 1983.

ADDRESSES: The material supporting this decision may be examined during normal business hours at the following locations:

Central Docket Section (10A-83-1), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 Southwest M Street, Washington, D.C. 20460.

Environmental Protection Agency, Air Programs Branch, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Clark L. Gaulding, Air Programs Branch, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-1941, FTS: 399-1941.

SUPPLEMENTARY INFORMATION: On January 3, 1983, EPA published in the *Daily Olympia* and the *Seattle Times* a request for public comment and an opportunity for a public hearing on the intent to allow a reduction in the non-Federal matching share to the section 105 Air Programs Grant. It is suggested that the reader refer to these published documents to obtain background information. No hearing or comments were received during the 30-day comment period. Therefore, EPA approves a reduction and publishes this notice to inform the public that a reduction is approved.

Dated: February 22, 1983.

John R. Spencer,

Regional Administrator.

[FR Doc. 83-7093 Filed 3-21-83; 8:45 am]

BILLING CODE 6560-50-M

[A-3-FRL 2327-7]

Proposed Approval of PSD Permit Extension; Public Comment Period

Notice is hereby given that on December 1, 1982, the Hampton Roads Energy Company requested an extension of the Prevention of Significant Air Quality Deterioration (PSD) permit issued by the Environmental Protection Agency on January 25, 1980. The original PSD permit authorized construction, under certain conditions, of a 184,000 barrel per stream day refinery and terminal at Portsmouth, Virginia. The 18-month construction period authorized by the PSD regulations, 40 CFR 52.21(r)(2), was to have expired on July 25, 1981 but an 18-month extension was granted on June 30, 1981. This permt extension was to have expired on January 25, 1983. Expiration of the permit is now stayed pending resolution of the Company's current PSD permit extension request.

EPA believes the Company has adequately justified, in accordance with 40 CFR 52.21(r)(2), its inability to begin construction within the allotted time frame. As stated in its December 1, 1982 letter, several substantial court

challenges to the construction of this project have prevented commencement of construction. Several of these challenges remain unresolved and it appears it will be another year or two before final court decisions are handed down.

On January 18, 1983, the Commonwealth of Virginia notified EPA that it knew of no planned expansions in the Portsmouth area that would add to the predicted impacts of the proposed HREC facility. The Commonwealth further stated that it understood the need for an extension, that its Regulations already provide for a similar type of extension, and had no objections to the approval of the Company's request.

In light of the above, EPA is today proposing approval of an indefinite extension, providing construction is begun within nine months of the resolution of all construction-related litigation, and inviting public comment relative to this decision. The proposed extension is further conditioned as follows:

1. All emission limitations, reporting requirements, and permit conditions contained in the January 25, 1980 permit remain in effect unless and until revised by the Environmental Protection Agency.

2. Beginnning July 1, 1983, the Company must submit semi-annual reports detailing the status of the pending litigation.

3. By July 25, 1984, if construction has not yet commenced, the Company must submit an updated status report on this project including a summary of any unresolved litigation, corporate projections for construction commencement, and any other information pertinent to the refinery-terminal project.

4. By November 1, 1984, EPA will complete its review of this material and perform a re-evaluation and update, if necessary, of the BACT determination and air quality modeling analyses. At this time, if construction has not yet commenced, permit conditions and emission limitations will be revised if appropriate.

PUBLIC COMMENT PERIOD: Comments must be submitted on or before April 21, 1983.

ADDRESSES: Copies of the extension request, PSD permit, and supporting documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Programs & Energy Branch, Curtis Building, Sixth & Walnut Streets, Philadelphia, PA 19106, attn: Ms. Eileen M. Glen

Virginia State Air Pollution Control Board, Region VI, Pembroke Office Park, Pembroke IV, Suite 409, Virginia Beach, VA 23462, attn: Mr. Ramon P. Minx

All comments on the proposed PSD permit extension submitted on or before April 21, 1983 will be considered and should be submitted to Mr. James E. Sydnor at the EPA Region III address stated above. For further information contact Ms. Eileen M. Glen at the Region III address stated above or call 215/597-8187.

(42 U.S.C. 7401-7642)

Dated: March 9, 1983.

Stanley L. Laskowski.

Deputy Regional Administrator.

[FR Doc. 83-7344 Filed 3-21-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pusuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No. : T-4097.

Title: Oakland/Mitsui/Yamashita Lease.

Parties: Port of Oakland (Port)/Mitsui O.S.K. Lines, Ltd. and Yamashita-Shinnihon Steamship Company, Ltd. (the Lines)

Synopsis: Agreement No. T-4097 provides for the lease by Port to the Lines of 3.7 acres of land together with Port Building No. C-516, to be used for establishing and maintaining a truck and rail terminal. Compensation is as set forth in the agreement. The term of the agreement is for four years.

Filing Party: John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, P.O. Box 2064, Oakland, California 94604.

Agreement No. : 161-40

Title: Gulf/United Kingdom Conference.

Parties: Gulf Europe Express, Hapag Lloyd AG, Lykes Bros. Steamship Co., Inc. and Sea-Land Service, Inc.

Synopsis: The basic agreement would be amended to provide that each member shall have the right of independent action with respect to (but only with respect to), any ocean port-to-port rate and other specified matters published at the "Commodity and Description" pages of the Conference tariff subject to express procedures, restrictions and limitations.

Filing Party: Howard A. Levy, Attorney At Law, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. : 10332-3.

Title: Korea Marine Transport Co.—NYK Space Charter Agreement.

Parties: Korea Marine Transport Company, Limited and Nippon Yusen Kaisha.

Synopsis: Agreement No. 10332, as amended, is a space charter agreement. Agreement No. 10332-3 amends Article 11 to extend the duration thereof for another three year period to and including July 1, 1986.

Filing Agent: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

Agreement No. : 10371-2.

Title: KMTC, NYK & Showa Space Charter Agreement.

Parties: Korea Marine Transport Company, Limited, Nippon Yusen Kaisha and Showa Line, Ltd.

Synopsis: Agreement No. 10371, as amended, is a subchartering arrangement whereby space not to exceed 420 monthly TEU's is chartered to Showa. Agreement No. 10371-2 amends Article 1 to extend the duration thereof for another three years to and including July 1, 1986.

Filing Agent: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

By Order of the Federal Maritime Commission.

Dated: March 17, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-7316 Filed 3-21-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 83-16]

Terry Marler and James Beasley D.B.A. Titanic Steamship Line—Possible Violations of Section 3(a), of Public Law 89-777, Order of Investigation and Hearing

The Commission has received information which indicates that Terry Marler and James Beasley d/b/a Titanic Steamship Line (Respondents) may have advertised or offered passage from United States ports on a 600 passenger vessel, the *Titanic II*, in violation of section 3(a) of Pub. L. 89-777 (46 U.S.C. 817e) and 540.3 of the Commission's General Order No. 20 (46 CFR 540.3) during the period January, 1981 through June, 1981. The statute and Commission's regulations provide that no person in the United States may arrange, offer, advertise, or provide passage on a vessel, with accommodations for 50 or more passenger, from United States ports unless the Commission has issued that person a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (Certificate (Performance)). The Respondents have not established their responsibility nor been issued a Certificate (Performance).

Now therefore it is ordered, That pursuant to sections 3(a), (c), and (d) of Pub. L. 89-777 (46 U.S.C. 817e) and sections 22 and 32 of the Shipping At, 1916 (46 U.S. 821, 831), a proceeding is hereby instituted to determine:

1. Whether James Beasley and Terry Marler d/b/a Titanic Steamship Line violated section 3(a) of Pub. L. 89-777 and 540.3 of the Commission's General Order 20 (46 CFR 540.3) during the period January, 1981 through June, 1981.

2. Whether civil penalties should be assessed against James Beasley and Terry Marler d/b/a Titanic Steamship Line for violations of section 3(a) of Pub. L. 89-777 (46 U.S.C. 817e) and 46 CFR 540.3 and, if so, the amount of any such penalty which should be imposed, taking into consideration factors in possible mitigation of such a penalty.

It is further ordered, That James Beasley and Terry Marler d/b/a/ Titanic Steamship Line be named Respondents in this proceedings;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but no later than 180 days after service of this order.

The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Hearing Counsel shall be a party to this proceeding;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served upon all parties of record.

It is further ordered, That any person other than parties of record having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of recored in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By The Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-7301 Filed 3-21-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; One Valley Bancorp of West Virginia, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *One Valley Bancorp of West Virginia, Inc.*, Charleston, West Virginia; to acquire 100 percent of the voting shares or assets of The Security Bank of Huntington, Huntington, West Virginia. Comments on this application must be received not later than April 15, 1983.

Board of Governors of the Federal Reserve System, March 16, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7328 Filed 3-21-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Security Financial Corp.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President)

701 East Byrd Street, Richmond, Virginia 23261:

1. *First Security Financial Corporation,* Salisbury, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Security Bank and Trust, Salisbury, North Carolina. Comments on this application must be received not later than April 13, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *South Florida Banking Corporation,* Bonita Springs, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Bonita Springs, Bonita Springs, Florida. Comments on this application must be received not later than April 11, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Michigan Bancorp, Inc.,* South Bend, Indiana; to become a bank holding company by acquiring 80 percent of the voting shares of The Western State Bank, South Bend, Indiana. Comments on this application must be received not later than April 11, 1983.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Egyptian Bancshares, Inc.,* Carrier Mills, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The Egyptian State Bank, Carrier Mills, Illinois. Comments on this application must be received not later than April 13, 1983.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Overton Bancorp,* Overton, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Overton, Overton, Nebraska. Comments on this application must be received not later than April 13, 1983.

2. *Windsor Bancorporation, Inc.,* Windsor, Colorado; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Windsor, Windsor, Colorado. Comments on this application must be received not later than April 13, 1983.

F. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Caribank Corporation,* Dania, Florida; to become a bank holding company by acquiring 99 percent of the voting shares of The Dania Bank, Dania, Florida. Notice of this application originally was published in the **Federal Register** in 1981. 46 FR 40726 Processing of the application was suspended, however, in view of certain issues raised in connection with proceedings on the application by the State of Florida. The Board has now resumed proceedings on the application and, in view of the length of time since the original notice was published, is republishing notice of the application at this time. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Comments on this application must be received not later than April 13, 1983.

Board of Governors of the Federal Reserve System, March 16, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7327 Filed 3-21-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Dickson Corp. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Dickson Corporation,* Dickson, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Dickson, Dickson, Tennessee. Comments on this application must be received not later than April 15, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *FirstAmerican Corporation of Colorado Springs,* St. Paul, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of FirstAmerican Bank, Colorado Springs, Colorado. Comments on this application must be received not later than April 15, 1983.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *LBO Bancorp, Inc.,* West Monroe, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of Louisiana Bank of Ouachita Parish, West Monroe, Louisiana. Comments on this application must be received not later than April 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7328 Filed 3-21-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Hawkeye Bancorporation et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 VFR 225.4(b)(1)), for permission to engage *de novo (or continue to engage in an activity earlier commenced de novo),* directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific

application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Hawkeye Bancorporation,* Des Moines, Iowa (mortgage lending and servicing activities; serving Iowa and contiguous areas in Nebraska and South Dakota): To establish *de novo* offices at the following locations: Cedar Rapids, Iowa, Serving Linn County, Iowa and contiguous counties; Sioux City, Iowa, serving Woodbury County, Iowa and contiguous counties; Des Moines, Iowa, serving Polk County, Iowa and contiguous counties; Burlington, Iowa, serving Des Moines County, Iowa and contiguous counties; Ankeny, Iowa, serving Polk County, Iowa and contiguous counties; Council Bluffs, Iowa, serving Pottawatamie County, Iowa and contiguous counties, at which Hawkeye Bancorporatrion will engage indirectly through its existing subsidiary Hawkeye Mortgage Company in mortgage lending, servicing and related activities currently authorized by the Federal Reserve Board to be conducted from its principal office in West Des Moines, Iowa. Comments on the application must be received not later than April 14, 1983.

B. Federal Reserve Bank of Richmond (Loyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation,* Roanoke, Virginia (leasing, financing, and insurance activities; Virginia): To engage through its subsidiary, Dominion Leasing Corporation, in leasing personal property or acting as agent, broker, or advisor in leasing such property, making loans and other extensions of credit for its own account and for the account of others, servicing such loans and other extensions of credit for others, and in the sale of credit life insurance, credit accident and health insurance, credit disability related to its extensions of credit, and to engage through its subsidiary, Dominion Bankshares Services, Inc., in acting as insurance agent or broker with respect to credit life insurance, credit accident and health insurance, credit disability insurance and non-convertible term life insurance related to extensions of credit involving Dominion Leasing Corporation. These activities will be conducted from an office in Richmond, Virginia, serving the eastern half of Virginia. Comments on this application must be received not later than April 15, 1983.

Board of Governors of the Federal Reserve System, March 16, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7329 Filed 3-21-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 82M-0323]

Marlin Industries; Premarket Approval of the Marlin Salt System 250 MG

Correction

In FR Doc. 83-4202, beginning on page 7306 in the issue of Friday, February 18, 1983, make the following correction.

On page 7306, third column, eleventh line from the bottom of the page, "(212 U.S.C." should read (21 U.S.C.".

BILLING CODE 1505-01-M

[Docket No. 83M-0039]

Parker Hannifin Corp.; Premarket Approval of Cryomax®

Correction

In FR Doc. 83-4195, appearing on page 7307, in the issue of Friday, February 18, 1983, the "Docket No." should have appeared as set forth above.

BILLING CODE 1505-01-M

[Docket No. 82M-0326]

Professional Supplies, Inc.; Premarket Approval of Soft Rinse 250 ™

Correction

In FR Doc. 83-4203 beginning on page 7307 in the issue of Friday, February 18, 1983, make the following correction.

On page 7308, first column, second paragraph under "**SUPPLEMENTARY INFORMATION**", eleventh line, "21 U.S.C. 321 (lh))" should read "(21 U.S.C. 321 (h))".

BILLING CODE 1505-01-M

Office of the Secretary

Small Business Innovation Research Program; Delegation of Authority

Notice is hereby given that on January 28, 1983, the Secretary of Health and Human Services delegated, with the authority to redelegate, to the Assistant Secretary for Planning and Evaluation for the Office of the Secretary, and to the heads of Operating Divisions for their respective Operating Divisions, the authority vested in the Secretary under section 9 of the Small Business Act, as amended (15 U.S.C. 638), to administer a Small Business Innovation Research Program. Excluded from the delegation were the authority to promulgate regulations, establish advisory councils and committees and appoint members to these bodies, and submit reports to the Congress.

Dated: March 14, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-7400 Filed 3-21-83; 8:45 am]

BILLING CODE 4150-04-M

Public Health Service

Delegation of Authority; Miscellaneous

Notice is hereby given that in furtherance of the delegation by the Secretary of Health and Human Services on December 9, 1982 (48 FR 9067) of authority under Title V of the Public Health Service Act to the Assistant Secretary for Health, the Assistant Secretary for Health has delegated to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, the following authorities insofar as they pertain to the functions assigned to the Alcohol, Drug Abuse, and Mental Health Administration.

Section 501, of the Public Health Service Act (42 U.S.C. 219), as amended, *Gifts,* excludig the authority to accept gifts of real property. Offers of personal property shall not be accepted if the total costs associated with acceptance are expected to exceed the cost of purchasing a similar item and the cost of normal care and maintenance; Section 502, of the Public Health Service Act (42 U.S.C. 220), as amended, *Use of Immigration Station Hospitals;* Section 504, of the Public Health Service Act (42 U.S.C. 222), as amended, *Care of Service Patients at Saint Elizabeths Hospital;* Section 509, of the Public Health Service Act (42 U.S.C. 227), as amended, *Appropriations;* and Section 515, of the Public Health Service Act (42 U.S.C. 229d), as amended, *Recovery.*

The Administrator, Alcohol, Drug Abuse, and Mental Health Administration, may redelegate the authority delegated to him, except redelegation of the authority under Section 501 is limited to the acceptance of unconditional gifts of personal property valued at $5,000 or less.

Previous delegations to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, of Title V authorities have been

superseded. Provision has been made for previous delegations and redelegations made to other officials within the Alcohol, Drug Abuse, and Mental Health Administration, to continue in effect pending further redelegation provided they are consistent with the delegation to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

The above delegation became effective on March 15, 1983.

Dated: March 15, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-7432 Filed 3-21-83; 8:45 am]

BILLING CODE 4160-20-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Forest Management, General; Availability of Final Forest Resources Policy Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Final Forest Resources Policy Statement for the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands.

SUMMARY: The Bureau of Land Management's restatement and revision of the Final Forest Resource Policy Statement for the Revested Oregon and Californis Railroad and Reconveyed Coos Bay Wagon Road Grant Lands is now available. This policy statement concerns when timber harvesting can be restricted or excluded from the base used to develop an allowable cut declaration.

EFFECTIVE DATE: The policy statement will be effective April 21, 1983.

ADDRESS: Copies of the Final Forest Resources Policy Stataement can be obtained by writing: Director (230), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240 or State Director Oregon P.O. Box 2965, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Charles Frost, (202) 653-8864

James M. Parker,

Associate Director.

March 16, 1983.

[FR Doc. 83-7347 Filed 3-21-83; 8:45 am]

BILLING CODE 4310-84-M

[NM 0559044-WR]

New Mexico; Notice of Proposed Continuation of Withdrawal

Dated: March 14, 1983.

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Bureau of Land Management (BLM) is reviewing possible continuation of an existing withdrawl for protection of experimental areas and scientific studies made by Public Land Order No. 4263 dated August 11, 1967. The following land is included in the proposed continuation:

New Mexico Principal Meridian

T. 20 S., R. 1 W.,
Secs. 1, 3, 4, 5;
Sec. 7, N½NE¼, SE¼;
Sec. 8, NE¼, N½NW¼, S½;
Secs. 9 to 15, inclusive;
Secs. 17 to 29, inclusive;
Sec. 30, lots 1, 2, 3, 8, E½, E½NW¼;
Sec. 31, lots 1, 6, 7, 8, 15, E½NE¼;
Secs. 33, 34, 35.
T. 21 S., R. 1 W.,
Sec. 1;
Sec. 12, E½.
T. 20 S., R. 1 E.,
Secs. 6, 7;
Sec. 8, S½NE¼, W½, SE¼;
Sec. 9, SW¼;
Sec. 14, E½SW¼;
Sec. 15, W½NW¼, S½;
Secs. 17 to 23, inclusive;
Sec. 24, S½NW¼, S½;
Secs. 25 to 31, inclusive;
Sec. 33, 34, 35.
T. 21 S., R. 1 E.,
Sec. 1;
Secs. 3 to 15 inclusive;
Secs. 17 to 21, inclusive;
Sec. 22, N½NE¼, SW¼NE¼, W½, SE¼;
Secs. 23, 26, 27, 28;
Sec. 29, N½, N½SW¼, SE¼, SE¼;
Secs. 33, 34, 35.
T. 20 S., R. 2 E.,
Sec. 19, lot 4;
Secs. 30, 31.
T. 21., R.2 E.,
Secs. 6, 7, 18.

The areas described aggregate approximately 52,000.00 acres in Dona Ana County.

The Bureau proposes continuation of the withdrawal in its entirety for a period of 20 years. The purpose of the withdrawal is for protection of experimental areas and scientific studies in aid of programs of the New Mexico State University. The withdrawal closed the described lands to all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws. No change in the segregative effect or use of the land would be effected by the continuation.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must sumit a written request for a hearing to the undersigned within 30 days of the publication of this notice. Upon a determination by the State Director, BLM, that a public hearing should be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additonally, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM within 30 days of the date of publication of this notice.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Bill J. Warner,

Acting Chief, Division of Operations.

[FR Doc. 83-7311 Filed 3-21-83; 8:45 am]

BILLING CODE 4310-84-M

[M 57981(ND)]

North Dakota; Notice of Invitation Coal Exploration License Application

Members of the public are hereby invited to participate with The North American Coal Corporation in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Mercer County, North Dakota:

T. 144 N., R. 88 W., 5th P.M.
Sec. 14: SW¼
Sec. 22: N½
480.00 acres.

Any party electing to participate in this exploration program shall notify, *in writing* both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107; and The North American Coal Corporation, Kirkwood Office Tower, Bismarck, North Dakota 58501. Such written notice must refer to serial number M 57981(ND) and be received no later than 30 calendar days after publication of this Notice in the **Federal Register** or 10 calendar days

after the last publication of this Notice in the Beulah Beacon, whichever is later. This Notice will be published for two consecutive weeks.

This proposed exploration program is fully described an will be conducted pursuant to an exploration plan to be approved by the District Mining Supervisor, Bureau of Land Management, 2525 4th Avenue North, Billings, Montana, and the Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana. The exploration plan is available for public inspection at either of these offices at the addresses given.

Dated: March 14, 1983.

Karen L. Skauge,

Acting Chief, Branch of Adjudication

[FR Doc. 83-7313 Filed 3-17-83; 2:08 pm]

BILLING CODE 4310-84-M

[OR 18224 (Wash.)]

Washington; Realty Action, Lease and/or Sale; Public Lands in Okanogan County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action OR 18224 (Wash.), Recreation and Public Purposes Classification and Lease and/or Sale of Public Land in Okanogan County, Washington.

SUMMARY: The Conconully Cemetery Association of Conconully, Washington, has applied to purchase three isolated tracts of public land for existing and future grave sites.

The following land has been examined and classified as suitable for lease and/or sale under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741), as amended (43 U.S.C. 869 et seq.):

Willamette Meridian, Okanogan County, Washington

T. 35 N., R. 25 E.,
Sec. 7, lots 19, 20 and 22.
Encompassing 4.92 acres, more or less.

This decision/notice is based on the following reasons:

1. The lands are valuable for recreation and public purposes and lease/sale of the land will not be adverse to any known public or private interests.

2. The land is not of national significance and not essential to any Bureau of Land Management program.

3. The lease/sale is consistent with the Bureau's planning for the lands and has been discussed with county and state officials, and other interested agencies and associations.

4. The lease/sale will have no significant effects on the human or natural environment.

5. Lease/sale of the land to the Conconully Cemetery Association serves important public objectives by providing land for the existing cemetery.

6. The land is isolated, irregular in size and shape and receives only custodial management.

Classification of the land for lease/sale under the provisions of the above cited authority segregates the land from all other appropriations, including locations under the mining laws, except to applications under the Mineral Leasing laws and applications uner the Recreation and Public Purposes Act.

The lease/sale will be subject to:

1. A reservation to the United States for ditches and canals constructed by the United States;

2. A reservation of all mineral rights to the United States; and

3. The reversionary requirements of 43 CFR 2741.8 for:

a. Title transfers by patentee or successors,

b. Uses other than for which lands were conveyed,

c. Non-use,

d. Failure to follow approved development/management plans, and

e. Civil rights violations.

Detailed information concerning this Recreation and Public Purposes Application, including the environmental assessment, land report, terms and conditions, and any special stipulations that will be included in the patent, is available for review at the Spokane District Office, Bureau of Land Management, East 4217 Main Avenue, Spokane, WA 99202.

Interested parties may submit comments to the District Manager, at the above address, for a period of thirty (30) days from the date of this notice. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. This realty action will become the final determination of this Department in the absence of any action by the State Director.

Dated: March 7, 1983.

Albert Martin,

Acting District Manager.

[FR Doc. 83-7317 Filed 3-21-83; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 11, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 6, 1983.

Carol D. Shull,

Chief of Registration, National Register.

CALIFORNIA

Los Angeles County

Los Angeles, *Byrson Apartment Hotel*, 2710 Wilshire Blvd.
Pasadena, *Prospect Historic District*, Prospect Blvd., Square, Crescent, and Terrace, Rosemont Ave., Armada and Fremont Drs., and La Mesa Pl.

Merced County

Merced vicinity, *Buhach Grammar School*, 2606 N. Buhach Rd.

Orange County

Anaheim, *Melrose-Backs Neighborhood Houses*, 226 and 228 E. Adele and 303, 307, 317, 321 N. Philadelphia St.
Orange vicinity, *Irvine Park*, 21401 Chapman Ave.

Santa Cruz County

Watsonville, *Stoesser Block and Annex*, 331–341 Main St.

FLORIDA

Duval County

Jacksonville, *310 West Church Street Apartments*, 420 N. Julia St.

Hillsborough County

Tampa, *Kress, S.H., and Co. Building*, 811 N. Franklin St.

GEORGIA

Bacon county

Alma, *Alma Depot*, Dixon and 11th Sts.

Carroll County

Carrollton, *U.S. Post Office*, 402 Newnan St.

Evans County

Claxton, *Daniel, Dr. James W., House*, 102 N. Newton St.

Meriwether County

Greenville, *Hill, Hiram Warner, House*, LaGrange St.

Stephens County

Toccoa, *Simmons, James B., House*, 130 W. Tugalo St.

ILLINOIS

Adams County

Quincy, *Downtown Quincy Historic District*, Roughly bounded by Hampshire, Jersey, 4th and 8th Sts.

LOUISIANA

East Feliciana Parish

Clinton, *Siliman Institute*, Bank St.

St. Landry Parish

Opelousas vicinity, *Poiret Place*, NW of Opelousas off LA 167

St. Tammmany Parish

Mandeville, *Moorer House*, 1717 Lakeshore Dr.

MASSACHUSETTS

Worchester County

Northbridge, *Whitinsville Historic District*, Church, East, Fletcher, Hill, Woodland, Lake, and Water Sts., Castle Hill Rd., and Linwood Ave.

NEW YORK

Saratoga County

Ballston Spa, *Verbeck House*, 20 Church Ave.
Saratoga Springs, *Broadway Historic District (Amended)*, Phila, Caroline, and Byron Sts., Maple and Woodlawn Aves.

NORTH CAROLINA

Alamance County

Graham, *Graham Historic District*, E. and W. Harden, E. and W. Elm, N. and S. Main and W. Pine Sts.

PENNSYLVANIA

Berks County

Stouchsberg, *Spicker, Peter, House*, 150 Main St.

TEXAS

Bell County

Belton, *Miller-Curtis House*, 1004 N. Main St.

Dallas County

Dallas, *McIntosh, Roger D., House*, 1518 Abrams Rd.

UTAH

Juab County

Nephi, *Booth, Oscar M., House*, 395 E. 100 South

Utah County

Provo, *Lewis Terrace*, 68–82 N. 700 East

VIRGINIA

Albermarle County

Greenwood vicinity, *Mirador*,, U.S. 250
Richmond (Independent City)
Commonwealth Club Historic District, 319–415 and 400–500 W. Franklin St.
Roanoke (Independent City)
Roanoke City Market Historic District, Roughly bounded by Williamson Rd., Norfolk Ave., S. Jefferson St., and Church Ave.

WYOMING

Sheridan County

Ucross, *Big Red Ranch Complex*, Off U.S. 14/16

[FR Doc. 83–7284 Filed 3–21–83; 8:45 am]
BILLING CODE 4310–70–M

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Lands Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of Availability of Findings of No Significant Impact (FONSI) Addressing Environmental Assessments (EAs) for development of nine abandoned mine land projects under the State of Illinois Reclamation Plan.

SUMMARY: The Illinois Department of Mines and Minerals, Abandoned Mine reclamation Council has prepared EA's on projects submitted to the Office of Surface Mining (OSM) in the Federal Grant Application.

The OSM, Eastern Technical Center, has prepared FONSI's based on EA's for the reclamation projects indicated below and included in the grant application developed under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231–1234.

Reclamation Projects included in the FONSI, location and description:

1. *1983 Northern Illinois Hazardous Sites Project (8 sites), Grudy, Knox, LaSalle, Livingston, Peoria, and Stark Counties:* Reclamation within this 27-acre project includes covering or burying deteriorating mine buildings, refuse and openings, and regrading and revegetating the disturbed areas.

2. *Acme and Harrison No. 4 Project, Lasalle County:* Reclamation on this 9.4-acre project includes covering or burying coal refuse, filling abandoned mine openings, regrading and revegetating the area.

3. *The 1983 Central Illinois Hazaradous Sites Project (7 sites), Vermilion, Morgan, and Shelby Counties:* Reclamation of 25 acres will include covering or burying deteriorating mine buildings, mine refuse and openings, regrading and revegetating the area.

4. *Banner Marsh Project, Banner Marsh State Wildlife Area, Peoria County:* Reclamation on this 106-acre project consists of covering or burying deteriorating mine buildings and mine refuse, regrading and revegetating all disturbed areas.

5. *Consolidation Coal Company #7 Project, Macoupin County:* Reclamation on this 56-acre project consists of extinquishing burying refuse, covering or burying refuse, regrading and revegetating all disturben areas.

6. *Mt. Olive and Livingston Mine Project, Madison County:* Reclamation of this 19-acre site consists of filling abandoned underground mine openings, covering or burying concrete foundation structures and mine refuse, regrading and reseeding all disturbed areas.

7. 1983 Southern Illinois Hazardous Sites Project (7 sites), Williamson and Saline Counties: Reclamation on the sites consists of filling subsidence and abandoned mine openings, covering or burying deteriorating building structures and mine refuse, regrading and reseeding 27 acres within this project.

8. *Dering Coal Company Mine #2 Project, Saline County:* Reclamation on this 16-acre site consists of covering or burying deteriorating tipple buildings and mine refuse, filling abandoned mine openings and regrading and reseeding the area.

9. *Pyramid Coal Corporation Strip Mine, Pits 1, 2 and 3 Project, Perry County:* Reclamation on this 20-acre site consists of regrading a half mile section of eroded highwall, covering or burying mine refuse, regrading and revegetating the area.

ADDRESS: Copies of the EA's and FONSI are available for inspection or may be obtained at the following location between the hours of 8:00 a.m. and 4:30 p.m.: Office of Surface Mining, Springfield Field Office, 4 Old State Capitol Plaza North, Springfield, Illinois 62701; (217) 492–4495.

FOR FURTHER INFORMATION CONTACT: James Fulton, Director, Springfield Office, (217) 492–4495, address above.

Dated: March 15, 1983.

William B. Schmidt,

Assistant Director, POI.

[FR Doc. 83–7361 Filed 3–21–83; 8:45 am]
BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of Railroad, Contract Number, and Specifics	Review Board [1]	Decided
863	Norfolk and Western Railway Co., ICC–NW–C–0050, (Grain) via Port of Norfolk, VA	3	3–14–83
864	Pittsburgh and Lake Erie Railroad Co., ICC–PLE–C–15, (Scrap iron or steel)	1	3–14–83

[1] Review Board No 1, Members Parker, Chandler, and Forber Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7221 Filed 3–21 83; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. 39074]

Motor Carriers; Allied Van Lines, Inc.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Allied Van Lines, Inc., has requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATE: Comments are due on April 6, 1983. The sought relief will become final on April 21, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing the relief.

ADDRESS: Send original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Robin K. Williams, (202) 275–7697

or

Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 set forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

Allied Van Lines Inc., has filed this petition requesting exemption under the three exemption provisions mentioned above. Petitioner currently holds contract carrier authority and has been granted an exemption from the tariff filing requirements for that authority. See No. 38998, *Allied Van Lines, Inc.—Petition for Exemption from Tariff Filing Requirements* (not printed), decided December 10, 1982.

Allied now seeks exemption from the statutory requirements noted above for a recently granted temporary authority [No. MC–15735 (Sub-No. 4–48–TA)] which authorizes the transportation of household goods. Allied argues that the volume of household goods traffic has declined due to the recession and this necessitates a reduction in expenses where ever possible. Therefore, it desires to eliminate the costs and time delays inherent in full-fulling the tariff filing requirements which further drain its resources. It maintains that a grant of the requested relief would better allow it to perform its function of serving its contract shippers.

Petitioner's request is well grounded. We see no reason to deny Allied the savings to be realized from a tariff filing exemption. It appears that the requirement that petitioner file schedules is not in the public interest and that relief will promote the transportation policies of 49 U.S.C. 10101.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that it file tariffs governing its future contract operations, is warranted.[1] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and its shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be made final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: March 2, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Chairman Taylor and Commissioner Simmons would not grant the exemption for future contracts.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7333 Filed 3–21–83; 8:45 am]

BILLING CODE 7035–01–M

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[1] See No. 38983, *Red and Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

[No. 39024]

Motor Carriers; Contract Transportation Systems Co.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Contract Transportation Systems Co., a motor contract carrier, has requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 6, 1983. The sought relief will become effective on April 21, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:
Robin K. Williams, (202) 275–7697
or
Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b) and 10762(f).

Contract Transportation Systems Co. (CTS/Co.) holds a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. In order to remain competitive, petitioner seeks to eliminate unnecessary expenses, delays and administrative burdens arising from the publication requirement for contract carrier rates and charges. CTS/Co. argues that while it is allowed to negotiate with its shippers any rate found to be mutually agreeable, the publication requirement prevents it from reacting to competitive and economic changes as quickly as required in today's economy. Petitioner indicates that it will make available to any interested person, upon request, a copy of the rates negotiated between it and the contract shippers under the involved permits.

Petitioner's requests are well grounded. We see no reason to deny CTS/Co. the savings to be realized from a tariff filing requirement exemption.[1] It appears that the requirement that petitioner file schedules is not in the public interest and that relief will promote the transportation policies of 49 U.S.C. 10101. We will not order CTS/Co. to provide copies of its rates upon request by interested parties since we have not imposed that requirement for other recent filings. *See* No. 38828, *Three Way Corporation, Petition for Exemption from Tariff Filing Requirements* (not printed), decided June 25, 1982.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that it file tariffs governing its future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for this carrier and its shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from and exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We, therefore, provisionally grant petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval should be made final.

This decision does not appear to have a significant effect on either the human environment or conservation of energy sources. However, comments may be submitted on these issues

(49 U.S.C. 10702(b) 10761(b) and 10762(f)).

Decided: March 3, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Chairman Taylor and Commissioner Simmons would not grant the exemption for future contracts.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–7334 Filed 3–21–83; 8:45 am]
BILLING CODE 7035–01–M

[1] A proceeding to investigate the exemption of motor contract carriers on an industry-wide basis has been instituted in Ex Parte No. MC–165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1983).

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

[Ex parte No. MC–43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: March 10, 1983.

Southern Freightways, Inc. (No. MC–144140), and Service Trucking Inc. (No. MC–151622), petition for waiver of Subpart B (§§ 1057.11 and 1057.12) of the *Lease and Interchange of Vehicles Regulations* (49 CFR Part 1057), with respect to equipment augmented between them.

We find: The petitioners are commonly controlled as authorized in No. MC–F–14751, and operate a consolidated, unified safety program.

Granting this petition only with respect to equipment augmented between petitioners will permit more efficient and economic operations. Also, granting this waiver has no affect on the application of the leasing regulations concerning a lease between an owner-operator and an authorized carrier.

No public policy consideration or objective overrides petitioners' purpose of reducing energy consumption and other costs. Denying the petition offers no protection to the public, but would prevent petitioners' purpose of providing more efficient and economical operations, as well as other cost savings.

It is ordered: The petition of Southern Freightways, Inc. (No. MC–144140) and Service Trucking, Inc. (No. MC–151622) for waiver of Subpart B of the leasing regulations is granted, but only with respect to equipment augmented between petitioners.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7335 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

[No. 38983]

Red and Tan Tours—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Red and Tan Tours, a motor contract carrier of passengers and their baggage, in charter operations, has requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 6, 1983. The sought relief will become effective on April 21, 1983, unless, in response to timely adverse comments, the Commission issues a further decision withdrawing the relief.

ADDRESS: Send original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D C. 20423

FOR FURTHER INFORMATION CONTACT:

Robin Williams, (202) 275–7697

or

Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b) and 10762(f).

Red and Tan Tours (R and T) holds motor contract carrier authority to transport passengers and their baggage, in charter operations, between points in the United States under a continuing contract with Parker Tours, Inc. of New York, NY. R and T petitioned for an exemption from tariff filing requirements for its contract operations.

R and T seeks exemption from these requirements to avoid the unnecessary expenditure of time and money which impede its efforts to provide economical and efficient service. Specifically, it mentions its desire to avoid not only the costs associated with compiling and printing the tariff schedule, but also costs associated with participation in the Mileage Guide, which must be made a part of the schedule.

We see no reason to deny this carrier the savings to be realized from a tariff filing exemption. It appears that exemption of this covering contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101. We can discern no statutory or other reason to apply any different standards to the exemption of motor contract carriers of passengers than are applied to motor contract carriers of property.[1]

We further conclude that an exemption is justified for future contracts and services, as well as for the existing contract. Previously we have denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, we do not believe that it is necessary to know in advance the name of a shipper who could enter into an agreement with a contract carrier at a future point in time or the extent of the prospective authority (i.e., the *scope* of the contract) in order to grant the contract carrier complete relief from tariff filing requirements. Under current law a carrier must apply for authority for new contract carrier service (49 U.S.C. 10923). As a result, prior to initiation of any new contract carrier service, the *scope* of the contract will be known or can be determined. In addition, Commission decisions have granted particular contract carrier authority where the permit with certain limitations contemplated automatic expansion for future contract service to shippers not currently known or specified. (See No. MC–114211 (Sub-No. 509)), *Warren Transport, Inc., Extension—Tiger International, Inc.*, decided November 23, 1982 and No. MC–30837 (Sub-No. 503), *Kenosha Auto Transport Corp., contract Carrier Application*, decided February 15, 1983.) In these two cases, the decisions considered the advantages of the certainty for protestants and the Commission in terms of the *scope* of a contract carrier permit allowing only for service to a specified shipper against the disadvantages to applicant of the costly and time consuming process of continual application for additional similar contract authority and found that the protection was not in the overall public interest. Further, our previous concern about the *terms* of future contracts is unwarranted. The actual agreement or contract between a shipper and a contract carrier which specifies the actual *terms* of service no longer needs to be filed with the Commission. Information about the customized arrangement between shipper and carrier (the *terms*) which is the basis for the rates charged for the service may never be fully known for either future or existing contracts.

After weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that it file tariffs governing its future contract operations, is warranted. The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the commission. We also recognize that, for this carrier and its passengers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be made final.

[1] Section 10702(b), 10761(b) and 10762(f) state generally that the Commission may grant relief from the tariff filing requirements "to contract carriers when such relief is consistent with the public interest and the transportation policy of section 10101." A contract carrier is defined at 49 U.S.C. 10102(5) as meaning "a contract carrier and a water contract carrier." 49 U.S.C. 10102(13) (A) and (B) define a motor contract carrier as "a person providing motor vehicle transportation of passengers * * *." and "a person providing motor vehicle transportation of property * * *." Accordingly, it is clear that Congress intended that there be no distinction between passenger or property contract carriers with respect to the type of relief to be afforded under 49 U.S.C. 10702, 10761, and 10762. Also, in Ex Parte No. MC–165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1982), the Commission is investigating the possibility of an industry-wide exemption for motor property and passenger contract carriers from the tariff filing requirements.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: February 24, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commisioners Andre, Simmons, and Gradison. Chairman Taylor and commissioner Simmons would not grant the exemption for future contracts.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7332 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume 114—OP2-MCF-15075]

Motor Carriers; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2. (d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: March 11, 1983.

By the Commission, Review Board 3, Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC-F-15075 (Supplemental publication). By decision notice published in the **Federal Register** February 14, 1983, an application was noticed for Versinco, Inc., to continue in control of Command Systems, Inc., and Carl Subler Trucking Inc., upon the institution, by Versinco and Command, of operations as carriers.

H. M. Richters (1301 Versailles Road, Russia, OH 45363), T. E. Subler (1070 Woodland Drive, Versailles, OH 45380), D. L. Subler (11692 Conover Road, Versailles, OH 45380), and S. D. Subler (8898 Long Road, Versailles, OH 45380).—Continuance in Control—Versinco, Inc. (Versino) (2100 First National Bank Bldg., Dayton, OH 45402). Representative: J. G. Dail, Jr., P.O. Box 81, McLean, VA 22101.

H. M. Richters, T. E. Subler, D. L. Subler, and S. D. Subler, individuals controlling Carl Subler Trucking, Inc. (Subler), and Vantage Transport, Inc. (Vantage), through ownership of its outstanding stock, seek to continue in control of Versinco upon approval of its current application for a certificate and institution of operations thereunder.

Subler and Vantage are motor common carriers operating pursuant to Nos. MC-116763 and subs thereto and MC-161795, respectively. Versinco is applying for common carrier authority in MC-164432 to transport lumber and wood products, metal products, and machinery, between Los Angeles, CA, and points in Dade County, FL, Shelby County, OH, Pontotoc County, OK, and Windsor County, VT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this supplemental publication is to give notice of H. M. Richters, T. E. Subler, D. L. Subler, and S. D. Subler, individuals in control of Versinco, a non-carrier, to continue in control of Versinco upon its institution of operations as a carrier.

[FR Doc. 83-7330 Filed 3-21-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Decision-Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before

the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Volume No. OP2–113

For status, please call Team 2 at 202–275–7030.

MC–FC–81190. By decision of March 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3, approved the transfer to LOWER CAPE BUS AND TAXI, INC., North Truro, MA, of authority issued to GARFIELD & SARGENT, INC. (JOHN L. WHITLOCK, TRUSTEE IN BANKRUPTCY), South Dennis, MA, in certificate No. MC–143142, authorizing the transportation of passengers and their baggage, in special and charter operations, in round-trip pleasure and sightseeing tours, beginning and ending at points in that part of Barnstable County, MA, in and east of the western boundary of the town of Yarmouth, MA, and extending to points in the U.S. (except HI). Representatives: William Shields, III, for transferee, and John L. Whitlock, for transferor, Room 2900, 100 Federal St., Boston, MA, 02110.

MC–FC–81222. By decision of March 11, 1983, issued under 49 U.S.C. 10926, and the transfer rules at 49 CFR Part 1181, Review Board Number 3, approved the transfer to L V Company, Inc., Coplay, PA, of Certificate Nos. MC–150163 Subs 1, 3, 5, 6, 7, 8, 9X (including Subs 2 and 4 which 9X superseded), and 10, issued January 26, 1981, March 24, 1981, May 4, 1981, July 16, 17, 1981, October 27, 1981, February 18, 1982, and March 18, 1982 respectively, and Permit No. MC–149463 Sub-1 issued October 29, 1982, the Horwith Trucks, Inc., Coplay, PA, authorizing the transportation of coal from Locust Summit, Minersville, and Treverton, PA, to points in CT, ME, MS, RI, and VT; aluminum concentrate from South River, NJ, to ports of entry on the international boundary line between the United States and Canada in NY, and lead residue from ports of entry on the international boundary line between the United States and Canada in New York, to Nesquehoning, PA; general commodities on behalf of the United States Government, between points in the U.S.; metal products and machinery between points in Hartford County, CT, and Lehigh and Northampton Counties, PA, on the one hand, and, on the other, points in the U.S.; coal and coal products between points in Berks, Chester, and Northumberland Counties, PA, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, PA, NY, NJ, DE, MD, VA, RI, and DC; ores and minerals, between points in Northampton County, PA, on the one hand, and, on the other, Baltimore MD, and points in Litchfield County, CT, and Sussex County, NJ; waste or scrap materials, between points in Bristol County, MA, on the one hand, and, on the other, points in DE, MD, NJ, NY, OH, and PA, and coal and coal products, between points in Carbon, Luzerne and Schuylkill Counties, PA, on the one hand, and, on the other, points in the U.S.; scrap or waste materials, between points in CT, NJ, NY, and PA, and general commodities (except A and B explosives), between points in the U.S. under continuing contract with Tonolli Corp., of Nesquehoning, PA; building materials and supplies, between points in the U.S. under continuing contract with Eastern Industries of Wescoesville, PA; and commodities in bulk, between points in the U.S. under continuing contract with the Bylite Corporation of Wilkes Barre, PA. Representative: Francis W. Doyle, 323 Maple Avenue, Southampton, PA, 18966.

Volume No. OP2–115

For status, please call Team 2 at 202–275–7030.

MC–FC–81185. By decision of March 15, 1983, issued under 49 U.S.C 10926 and the trar ,fer rules at 49 CFR Part 1181, Review Board Number 1, approved the transfer to Atlantic Van Lines, Inc., Richmond, VA, of Certificate No. MC–3103, issued March 7, 1942, to J. C. Shelburne Transfer & Storage Corp., Richmond, VA, authorizing the transportation of household goods over irregular routes, from points in NC, the DC Commercial Zone, and those points in VA west of the Chesapeake Bay, to points in AL, CT, DE, DC, FL, GA, IL, IN, KY, LA, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, and WV; and from the above destination points to points in NC, SC, points in VA west of the Chesapeake Bay, points in MD west of the Susquehanna River, points in GA on and north of U.S. Hwy 78, and points in the DC Commercial Zone. Representative: Atlantic Van Lines, Inc., 4920 W. Broad St., Richmond, VA 23230.

Volume No. OP3–MC–FC–107

Decided: March 14, 1983.

For status, please call Team 3 at 202–275–5223.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC–81166 By decision of March 14, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to WRAYCO ENTERPRISES INC., DOING BUSINESS AS WRAYCO MOVING & STORAGE, of Boulder, CO 80302 of Certificate No. MC–55194, issued January 23, 1978 to MOSENG MOVING & STORAGE, INC., of Greeley, CO 80631, authorizing the transportation of household goods, over irregular routes, between points in Weld County, CO, on the one hand, and, on the other, points in WY, KS, and NE. Applicant's Representative: Jack B. Wolfe, Law Offices of Lee E. Lucero, Suite 107, 601 East 18th Avenue, Denver, CO 80302.

Volume No. OP4–FC–157

For status, please call Team 4 at 202–275–7669.

By the Commission, Review Board No. 2, Members Carleton, Williams, and wing.

MC–FC–81291, filed March 8, 1983. By decision of March 15, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to James W. Ambler & Laura J. Ambler, a partnership doing business as James W. Ambler, Mendota, IL, of Certificate No. MC–159387, issued June 2, 1982, to James W. Ambler, Mendota, IL, authorizing the transportation of general commodities (with exceptions), between the facilities used by Ralston Purina Company at points in the United States, on the one hand, and, on the other, points in the United States (except AK and HI). Representative: Robert T. Lawley, 300 Reisch Bldg., Springield, IL 62701, (217) 544–5468.

[FR Doc. 83–7339 Filed 3–21–83; 8:45 am]

BILLING CODE 7035–01–M

[No. 39050]

Motor Carriers; DSI Transports, Inc.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: DSI Transports, Inc., a motor contract carrier, has requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 6, 1983. The sought relief will become final 15 days after the close of the comment period unless, in response to timely filed adverse comments, the Commission issues a decision withdrawing this relief.

ADDRESS: Send an original and, if possible 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Robin K. Williams, (202) 275–7697

or

Howell I. Sporn, (202) 275–7691

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b) and 10762(f).

DSI Transports holds contract carrier authority to serve a single shipper, Celanese Corporation and its subsidiary, Celanese Chemical Co., Inc. Petitioner seeks an exemption from the tariff filing requirements arguing that such requirement inhibits the ability of DSI and its contracting shipper to structure a transportation agreement and rate schedule which is fully responsive to their needs. DSI complains that the tariff publication requirements force it and its contracting shipper to follow rate and service conventions which are not consistent with their operational and pricing goals. It asserts that the exemption from the need to file a tariff will enable it to provide a more responsive, specialized service and will allow for the realization of cost savings.

We see no reason to deny this carrier the savings to be realized from a tariff filing exemption for its existing contract.[1] It appears that the exemption of this carrier from the requirement that it file a tariff covering its existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that it file tariffs governing its future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for this carrier and its shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and decide whether this tentative approval ought to be made final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on theses issues.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: March 16, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7331 Filed 3–21–83; 8:45 am]

BILLING CODE 7035–01–M

[1] A proceeding to investigate the exemption of motor contract carriers on an industry-wide basis has been instituted in Ex Parte No. MC–165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1982).

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 3, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common

control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.— All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–117

Decided: March 15, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 148522 (Sub-14), filed February 11, 1983. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Ave., Stroudsburg, PA 18360. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (171) 344–8030. Transporting, for or on behalf of the United States Government, *general commodities* (except household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 148632 (Sub-12), filed February 15, 1983. Applicant: DIXON MOTOR FREIGHT, INC., 2620 Old Egg Harbor Rd., Lindenwold, NJ 08021. Representative: Gary V. Dixon (same address as applicant), 609–435–3300. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 163373, filed February 14, 1983. Applicant: WILLIAM B. ELE, d.b.a. LAND ROVER TOURS, 1202 Olive, Winfield, KS 67156. Representative: William B. Ele (same as applicant), (316) 221–4817. Transporting *passengers,* in charter and special operations, beginning and ending at points in KS, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166273, filed February 15, 1983. Applicant: J. T. BURGESS, 3037 Castleman, Memphis, TN 38118. Representative: J. T. Burgess (same address as applicant), 901–363–4579. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166362, filed February 22, 1983. Applicant: DAVID D. FRIS, d.b.a. CASABLANCA TOURS, 2600 Sunset Blvd., Los Angeles, CA 90026. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, 714–667–8107. Transporting *passengers,* in charter and special operations, beginning and ending at points in CA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP2–119

Decided: March 9, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 98713 (Sub-10), filed February 14, 1983. Applicant: ORANGE BELT STAGES, 525 E. Acequia St., Visalia, CA 93291. Representative: Michael Haworth, P.O. Box 949, Visalia, CA 93279, 209–733–4408. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 150253 (Sub-3), filed February 15, 1983.Applicant: LOMA, INC., d.b.a. ABE LIMO-BUS SERVICE, Front & Allen Sts., Allentown, PA 18102. Representative: Francis W. Doyle, 322 Maple Ave., Southampton, PA 18966, 215–357–7220. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 152243 (Sub-3), filed February 17, 1983. Applicant: DISTRIBUTORS, LTD., E. Forest Ave., Box 189, Antigo, WI 54409. Representative: James A Spiegel, Olde Towne Office, Park, 6333 Odana Rd., Madison, WI 53719, 608–273–1003. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 159073 (Sub-1), filed February 18, 1983. Applicant: C. T. TRAVEL, INC., 2111 University Ave., St. Paul, MN 55114. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 163072, filed February 15, 1983. Applicant: B/T EXPRESS TRUCKING COMPANY, INC., 1536 Montvale Circle, West Chester, PA 19380. Representative: Donald Britt (same address as applicant) 215–873–1424. Transporting (1) for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.; and (2) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 166313, filed February 17, 1983. Applicant: PAUL DAVIDSON, P.O. Box 2699, Park City, UT 84060. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, 801–531–1777. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–104

Decided: March 15, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC 166544, filed March 1, 1983. Applicant: DALWORTH BUS LEASING, INC., 1823 Belt Line Rd., Carrollton, TX 75006. Representative: D. Paul Stafford, Suite 1125, Frito Lay Tower, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *passengers,* in charter and special operations, beginning and ending at points in TX, OK, AR, LA and NM, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7340 Filed 3–21–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g, unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, mortor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted probelms) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied befoe the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verfied statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–116

Decided: March 15, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 6992 (Sub-24), filed February 22, 1983. Applicant: AMERICAN RED BALL TRANSIT CO., INC., 1335 Sadlier Circle, East Dr., Indianapolis, IN 46239. Representative: John F. Spickelmier (same address as applicant) 317–353–8331. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Hughes Aircraft Company, of El Segundo, CA.

MC 107012 (Sub-800), filed February 22, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219–429–2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with International Harvester Company, of Chicago, IL.

MC 124393 (Sub-10), filed January 21, 1983. Applicant: FRANK POTTER TRUCKING CO., Route 1, Box 132, Nooneville, MO 65233. Representative: Patricia F. Scott, P.O. Box 1000, Laurie, MO 65038, 314–374–9618. Transporting *food and related products,* between points in the U.S. (except AK and HI).

Note.—Applicant seeks to convert its contract carrier permit under MC–124393 Sub 9X to that of a common carrier certificate.

Condition: Issuance of a certificate in this proceeding is subject to coincidental revocation of Permit No. MC–124393 Sub 9X, issued April 22, 1982.

MC 139772 (Sub-6), filed February 28, 1983. Applicant: ROBERTS TRUCKING, INC., Rte. #1, Eldorado, WI 54932. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901, 608–742–3579. Transporting *food and related products,* between points in AZ, CA, CO, IL, IA,

ID, KS, MN, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, WY, and MO.

MC 142733 (Sub-7), filed February 23, 1983. Applicant: UNITED TRANSPORT, INC., 630 S.W. 69th Ave., Miami, FL 33144. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166, 305–592–0036. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Hill's Pet Chemicals, Inc., of Miami Springs, FL, and (b) Caribe Food Corp., of Miami, FL.

MC 146803 (Sub-5), filed February 23, 1983. Applicant: WILLIAMS PAPER COMPANY, INC., 934 North First St., St. Louis, MO 63102. Representative: James A. Williams (same address as applicant), 314–231–0661. Transporting *general commodities* (except classes A and B explosives, houshold goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with (a) Millinckrodt, Inc., (b) Raskas Dairy, Inc., both of St. Louis, MO, (c) Natco Products Co., of West Warwick, RI, (d) Polyvinyl Chemical Industries, of Wilmington, MA, and (e) Video Techni Lites, of Union, MO.

MC 148023 (Sub-5), filed February 18, 1983. Applicant: HACKE TRUCKING, INC., 13482 West Wadsworth Rd., Waukegan, IL 60087. Representative: Joel H. Steiner, 135 South LaSalle St., Suite 2106, Chicago, Il 60603, 312–236–9375. Transporting *radioactive waste materials*, Between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: This certificate is limited to a period expiring 5 years from its date of issuance.

MC 151193 (Sub-37), filed February 17, 1983. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam (same address as applicant), 201–499–3869. Transporting *such commidities* as are dealt in or used by supermarkets, between points in the U.S. (except AK and HI), under continuing contract(s) with Apple and Eve, Inc., of Great Neck, NY.

MC 151193 (Sub-38), filed February 17, 1983. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam (same address as applicant), 201–499–3869. Transporting *chemicals*, between points in the U.S. (except AK and HI), under continuing contract(s) with Interstab Chemicals, Inc., of New Brunswick, NJ.

MC 151642 (Sub-3), filed February 23, 1983. Applicant: AUBREY L. JONES, d.b.a. JONES TRUCKING SERVICE, Stewardson, IL 62463. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, 217–544–5468. Transporting *lumber and wood products and institutional furniture and fixtures*, between points in the U.S. (except AK and HI), under continuing contract(s) with Stevens Cabinet Co., Inc., of Teutopolis, IL.

MC 152813 (Sub-5), filed February 28, 1983. Applicant: FRESH EXPRESS, INC., P.O. Box 5442, St. Louis, MO 63147. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, 314–727–0777. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 155223 (Sub-8), filed February 23, 1983. Applicant: HIGHWAY EXPRESS, INC., 5742 W. Maryland, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, 213–945–3002. Transporting *such commodities* as are dealt in or used by retail department stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Goldwaters, of Scottsdale, AZ.

MC 159962 (Sub-1), filed February 18, 1983. Applicant: JACK DALE TRIPP AND CLARENCE H. TRIPP, d.b.a. TRIPP BROTHERS TRUCKING, P.O. Box 8436, Missoula, MT 59807. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, 406–543–8369. Transporting (1) *machinery*, (2) *building materials*, (3) *metal products*, and (4) *such commodities* as are dealt in or used by (a) lumber yards, and (b) farm-ranch supply stores, between those points in the U.S. in and west of OH, IN, IL, MO, OK, and TX (except AK and HI).

MC 166322, filed February 15, 1983. Applicant: FREDERICK W. MOORE, 1120 Seeley, P.O. Box 471, Myrtle Creek, OR 97457. Representative: Frederick W. Moore (same address as applicant), 503–863–4959. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with R&R Truck Brokers, Inc., of Medford, OR.

MC 166382, filed February 22, 1983. Applicant: LONNIE L. BARDEN, d.b.a. LONNIE L. BARDEN TRUCKING, 2144 Sykes Creek Rd., Rogue River, OR 97537. Representative: Lonnie L. Barden (same address as applicant), 503–582–3376. Transporting *general commodities* (except classes A and B explosives, household goods), between points in the U.S., under continuing contract(s) with R&R Truck Brokers, Inc., of Medford, OR.

MC 166433, filed February 18, 1983. Applicant: NETEX FROZEN FOODS, INC., 1000 O'Tyson St., Mount Plesant, TX 75455. Representative: Robert Heller, Box 67, Eleva, WI 54738, 715–287–4614. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of pet food, between points in Rice and Winona Counties, MN, and Barron, Rusk, and Trempealeau Counties, WI, under continuing contract(s) with (a) Netex Pet Foods, Inc., of Eleva, WI, and (b) Northwest Mink Ranch, Inc., of Bruce, WI.

MC 166562, filed March 2, 1983. Applicant: AMERICAN STUDENT MOVING, INC., 200 East 82nd St., New York, NY 10028. Representative: William F. King, Suite 304, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, 703–750–1112. Transporting *household goods*, between Boston, MA, Albany, NY, and points in Cortland and Tompkins Counties, NY, on the one hand, and, on the other, points in CT, MA, NJ, and NY.

MC 166563, filed March 3, 1983. Applicant: MILTON T. WALLACE, Rte. 1, Box 90, Isabella, OK 73747. Representative: Michael Lennox, 5501 N. Triple XXX Rd., Choctaw, OK 73020, 405–399–5128. Transporting *food and related products*, between points in KS, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP2–118

Decided: March 9, 1983.

By the Commission, Review Board No. 3 Members Krock, Joyce, and Dowell.

MC 52793 (Sub-124), filed February 23, 1983. Applicant: BEKINS VAN LINES, CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), (312) 547–2184. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with State Farm Mutual Automobile Insurance Co., of Bloomington, IL.

MC 69833 (Sub-167), filed February 11, 1983. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave., NW., Grand Rapids, MI 49503. Representative: Bruce A. Bullock, One Woodward Ave. 26th Floor, Detroit, MI 48226, 313–496–3534. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing

contract(s) with K mart Corporation, of Troy, MI.

MC 74052 (Sub-3), filed February 11, 1983. Applicant: LEIGHTY TRUCK LINE, INC., 2339 S E Grand Ave., Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210, 503–226–3755. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OR and WA.

MC 107012 (Sub-802), filed February 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (some address as applicant), (219) 429–2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Anheuser-Busch Companies, Inc., of St. Louis, MO.

MC 107012 (Sub-804), filed February 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 W. P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *household goods,* between points in the U.S., under continuing contract(s) with State Farm Mutual Automobile Insurance Company, of Bloomington, IL.

MC 107012 (Sub-805), filed February 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 W. P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (some address as applicant), (219) 429–2110. Transporting *household goods,* between points in the U.S. under continuing contract(s) with Pacific Southwest Airlines, of San Diego, CA.

MC 119343 (Sub-5), filed February 24, 1983. Applicant: MINDEMANN TRUCKING, INC., N63 W22985 Main St., Sussex, WI 53089. Representative: Daniel E. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, Milwaukee, WI 53203, (414) 273–7410. Transporting *general commodities* (except classes A and B explosives and household goods), between points in IA, IL, IN, KY, MI, MN, MO, OH, TN, TX, and WI, on the one hand, and, on the other, those points in the U.S. in east of ND, SD, NE, CO, OK, and TX.

MC 147952 (Sub-2), filed February 18, 1983. Applicant: ASSEMBLY & DISTRIBUTION TERMINALS OF WASHINGTON, INC., 801 1st Ave. S., Seattle, WA 98134. Representative: Bruce C. Meyer (same address as applicant), 206–622–1892. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with (a) Pacific Northwest Perishable Shippers Association, (b) Washington Oregon Shippers Cooperative Association, Inc., (c) Northwest Perishable Shippers Cooperative Association, Inc., (d) Pacific Northwest Shippers Cooperative Association, Inc., and (e) Trailer Express, Inc., all of Seattle, WA.

MC 150093 (Sub-8), filed February 15, 1983. Applicant: THE TOM DAVIS CORP., d.b.a. DAVIS LINES, 5335 N.W. 111th Dr., Grimes, IA 50111. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *wine and liquors,* between points in IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161462 (Sub-6), filed February 15, 1983. Applicant: ILLINI 48 INC., 5501 West 109th St., Oak Lawn, IL 60453. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses, between points in GA, MN, MO, and KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164912, filed February 23, 1983. Applicant: BEOTHUCK TRANSPORT LIMITED, Donovan's Industrial Park, Pratt Bldg., Glencoe Dr., St. John's, Newfoundland, Canada A1C 5S6. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043, (617) 749–6500. Transporting *food and related products,* between Somerville, MA, on the one hand, and, on the other, ports of entry on the International Boundary line between the U.S. and Canada located in ME.

MC 166373, filed February 22, 1983. Applicant: BEN FORMAN & SONS, INC., 201 Water St., Brooklyn, NY 11201. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *metal products and waste or scrap materials not identified by industry producing,* between points in Oneida County, NY, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NC, OH, PA, RI, SC, VT, VA, WV, and DC, and (2) *silverware, plated ware and glassware,* between points in NY, on the one hand, and, on the other, points in CT, MA, and RI.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–103

Decided: March 15, 1948.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC 111274 (Sub-92), filed March 2, 1983. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant), (309) 266–9773. Transporting *materials and components used in the manufacture, erection and completion of metal buildings and metal buildings,* between points in the U.S. (except AK and HI), under continuing contract(s) with Pasco Bldg. Systems of Columbus, GA.

MC 127115 (Sub-30), filed March 1, 1983. Applicant: MILLER'S TRANSPORT, INC., 510 W. Fourth No., Hyrum, UT 84319. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145794 (Sub-5), filed March 2, 1983. Applicant: ARD'S TRUCKING COMPANY, INCORPORATED, P.O. Box 362, Darlington, SC 29532. Representative: Martin S. Driggers, P.O. Box 1439, Hartsville, SC 29550, (803) 332–5151. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 150185 (Sub-7), filed February 25, 1983. Applicant: STAM-WIN, INC., 2727 Transport Rd., Cleveland, OH 44115. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S., under continuing contract(s) with Ferro Corporation, of Cleveland, OH.

MC 152024 (Sub-3), filed March 2, 1983. Applicant: RUMM ASSOCIATES, INC., P.O. Box 521, Grand Blanc, MI 48439. Representative: Martin J. Lavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with General Motors Corporation of Troy, MI.

MC 161024 (Sub-2), filed March 1, 1983. Applicant: RAMROD TRUCKING, INC., 9005 Weedy Lane, Houston, TX 77093. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, (512) 472–8800. Transporting (1) *Mercer*

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commodities and (2) *those commodities which because of their size and weight require the use of special handling or equipment*, between points in TX.

Note. Applicant seeks conversion of its Certificate of Registration in No. MC–161024.

MC 166444, filed February 25, 1983. Applicant: U.S. EXPRESS, 2025 Eye Street N.W., Ste. 108, Washington, DC 20006. Representative: Peter J. Dolan (same address as applicant), (202) 463–0796. Transporting *printed matter*, between Washington, DC, on the one hand, and, on the other, points in the U.S.

MC 166575, filed March 3, 1983. Applicant: BLAINE EVANS, d.b.a. BLAINE EVANS TRUCKING, 858 N. 4th E. Spanish Fork, UT 84660. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *building materials and metal products*, between points in CA, NV, UT, CO, WY, MT, AZ, NM, WA, OR, and ID.

MC 166585, filed March 2, 1983. Applicant: DENNY CHANCLER EQUIPMENT CO., INC., 3086 Crater Lake Hwy, Medford, OR 97501. Representative: Dennis N. Chancler (same address as applicant), (503) 773–2917. Transporting *general commodities* except classes A and B explosives, household goods and commodities in bulk), between points in CA, ID, NV, OR and WA.

[FR Doc. 83–7341 Filed 3–21–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,
Secretary.

For status, please call Team 3 at 202–275–5223.

Volume No. OP3–101

Decided: March 11, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 144035 (Sub-3)X, filed March 4, 1983. Applicant: MINUTE AIR, INC., P.O. Box 881, Latham NY 12110. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801, (518) 792–0957. Sub-3 Certificate: broaden commodity description from general commodities (except classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), to "general commodities (except classes A and B explosives, household goods, and commodities in bulk)"; broaden the territorial description to Albany County, NY, from Albany County Airport, Albany, NY; and remove the restriction to prior or subsequent movement by air.

For status, please call Team 3 at 202–275–7030.

Volume No. OP3–121

Decided: March 15, 1983.

By the Commission, Review Board No. 1, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC 29452 (Sub-9)X, filed February 14, 1983. Applicant: B.O.W. EXPRESS, INC., 3163 Fairfax Trafficway, Kansas City, KS. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, 913–234–0565. Lead and Subs 3, 4, and 8: (A) broaden the Lead to (1) "Farm Products" from (a) livestock and poultry supplies; (2) "Petroleum, natural gas and their products" from (a) petroleum products in containers; and (b) motor oil in containers; (3) "food and related products" from (a) feed; and (b) poultry supplies. (4) "textile mill products" from (a) twine (5) "furniture and fixtures" from (a) store fixtures (6) "chemicals and related products" from (a) paints; and (b) stock remedies (7) "metal products" from (a) hardware; (b) farm hardware; and (c) fencing (8) "machinery" from (a) windmills; (b) washing machines; (c) radios; (d) stoves; (e) automobile parts; (f) farm machinery and parts; (g) agricultural implements and parts; and (h) agricultural implements (9) "transportation equipment" from automobile motors and (10) "such commodities as are used or dealt in by retail food business houses" from (a) groceries (B) remove (1) all exceptions from the general commodities authority, except classes A and B explosives, commodities in bulk, and household goods, in lead, subs 3, 4, and 8; (2) restriction against the transportation of oils and greases to the terminal of Kansas City, MO, and the off-route point of North Kansas City, MO, lead; (C) allow service at all intermediate points and change one-way to two-way authority (regular routes), in applicable subs; (D) broaden off-route points to (1) county-wide authority: (a) lead (points within eight miles of Baldwin, KS) Douglas, Johnson, Franklin, and Miami Counties, KS; (Wellsville) Franklin County, KS; (Princeton) Franklin County, KS; (Pleasant Grove, KS, and points within 10 miles of Pleasant Grove) Douglas and Franklin Counties, KS; (Garnett) Anderson County, KS; (Lawrence) Douglas County, KS; (Paola) Miami County, KS; (b) Sub 8 (Lyndon and Melvern) Osage County, KS; (Harris) Anderson County, KS; (Lebo, Waverly, Halls Summit and Sharpe) Coffey County, KS; (c) Sub 3 (Redmond Dam, New Strawn, Le Roy and Gridley) Coffey County, KS; (Madison and Lamont) Greenwood County, KS; and (d) Sub 4 (Fall River Reservoir, Eureka) Greenwood County, KS; (Toronto Reservoir) Woodson County, KS; (Moline) Elk County, KS; (Elk City Reservoir, Sycamore) Montgomery County, KS; (New Albany, Buxton, Altoona) Wilson County, KS; (Longton) Elk County, KS; (Westphalia) Anderson County, KS; (Pomona Reservoir, Quenemo) Osage County, KS; and (E) radial authority, lead.

[FR Doc. 83–7337 Filed 3–21–83; 8:45 am]
BILLING CODE 7035–01–M

[Docket No. MC–F–15166 Vol. 120]

Motor Carriers; S & L Services, Inc.—Purchase Exemption—Sigma–4 Express, Inc. (James K. McNamers, Trustee-in-Bankruptcy)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property under 49 U.S.C. 11343,* 363 I.C.C. 113 (1982), S&L Services, Inc., No. MC–138805, and, in turn Lawrence and Elizabeth Mattern who jointly control S&L seeks an exemption from the requirement under section 11343 of prior regulatory approval of the purchase of authorities issued to Sigma–4 Express, Inc. in No. MC–125023 (Sub-No. 28).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representatives, Terrence D. Jones and Anthony J. Ciccone, Jr., Billig, Sher & Jones, P.C., 2033 K St. NW., Washington, DC 20006.

Comments should refer to No. MC–F–15166.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 15, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7342 Filed 3–21–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30130]

Rail Carriers; Itel Rail Corporation–Control–Hartford and Slocomb Railroad Co.; McCloud River Railroad Co.; Green Bay & Western Railroad Co.; and the Ahnapee and Western Railway Co.; Notice of Exemption

March 16, 1983.

Itel Corporation (Itel) and Itel Rail Corporation (Itel Rail) filed a notice under 49 CFR 1180.2 and 1180.4(g) for exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 11343–7 for Itel to transfer control of subsidiary railroads, subject to Commission jurisdiction, to Itel Rail. At present, Itel directly controls 3 railroads: Hartford and Slocomb Railroad Company (HS), McCloud River Railroad Company (MCR) and Green Bay & Western Railroad Company (GBW). GBW, in turn, controls the Ahnapee and Western Railway Company (AHW). Itel Tail in a wholly owned subsidiary of Itel.

Itel has been operating as a Debtor-In-Possession under Chapter 11 of the Bankruptcy Act under jurisdiction of the United States District Court for the Northern District of; California. Under an Amended Plan of Reorganization filed with the Court, Itel will transfer control of its railroad subsidiaries to Itel Rail. At present, Itel owns all stock of HS, and virtually all the stock of MCR and GBW. GBW owns nearly all the stock of AHW. Itel now controls the transportation activities of its rail subsidiaries through its Rail Division. Undere the amended plan, the stock of the subsidiary rail carriers will be transferred to Itel Rail, which will then control and operate the transportation activities of each subsidiary. Itel will become a holding company and will indirectly own the stock of the rail subsidiaries through Itel Rail. No change is anticipatd in the nature or structure of the operations of the rail subsidiaries.

The transaction is within the corporate family of Itel and will not result in adverse changes in service levels, significant operational changes, or changes in the competitive balance with carriers outside the corporate family and is thus exempt from requirements of prior approval.

Any employee affected by this transaction shall be protected by the conditions prescribed in *New York Dock Ry.-Control-Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2). A request by the Railway Labor Executives' Association, file March 3, 1983 for oral hearing on this issue is, accordingly, not necessary.

Related transactions are also being considered in No MC–F–14959, *Itel Corporation-Control-Itel Transportation Services Corp,* and Finance Docket No. 30129, *Itel Rail Corporation-Control-Itel Transportation Services Corp.*

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7330 Filed 3–21–83; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Proposed Consent Decrees With Indiana State Implementation Plan at Northern Indiana Public Service Company's Generating Plants at Gary and Wheatfield, Indiana

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on December 30, 1982, two proposed consent decrees in *united States of America* v. *Northern Indiana Public Service Company,* Civil No. 82–852, were lodged with the United States District Court for the Northern District of Indiana.

The proposed consent decrees require the Northern Indiana Public Service Company (NIPSOC) to bring two of its coal fired electric generating stations, the Dean H. Mitchell station in Gary, Indiana, and the rollin M. Schahfer station in Wheatfield, Indiana, into compliance with the applicable regulations of the Indiana State Implementation Plan and the Clean Air Act, 42 U.S.C. 7401, *et seq.* Pursuant to the terms of the decrees, NIPSOC has agreed to pay a cash penalty of $25,000 for violations of the Clean Air Act at the Mitchell Station.

The proposed consent decrees may be examined at the Office of the United States Attorney, 312 Federal Building, 507 State Street, Hammond, Indiana 46320; at the Region V. Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; and at the office of the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department Of Justice, Room 1515, Tenth & Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decrees may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $2.20 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decrees for a period of thirty days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resource Division of the Department of Justice, Tenth and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *United States* v. *Northern Indiana*

Public Service Company, D.J. Ref. 60-5-2-1-429.

Carol E. Dinkins,

Assistant Attorney General.

[FR Doc. 83-7318 Filed 3-21-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period March 7, 1983—March 11, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,723; Van Normal Machine Co., Inc., Springfield, MA

TA-W-13,713; Pine Brook Manufacturing Co., Inc., New York, NY

TA-W-13,724; West Virginia Flat Glass, Inc., Clarksburg, WV

TA-W-13,742; Metropolitan Ladies' Wear Co., Inc., New York, NY

TA-W-13,450; International Shoe Co., Batesville, AR

TA-W-13,512; Mesta Machine Co., New Castle, PA

TA-W-13,648; Dolan Steel Co., Bridgeport, CT

TA-W-13,835; Verson Allsteel Press Co., Chicago, IL

TA-W-13,334; Gem Products, Inc., Rib Lake, WI

TA-W-13,487; Lello Fashions, North Bergen, NJ

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-13,735; Stride Rite Corp., Newburyport, MA

TA-W-13,776; Magma Copper Co., Superior Div., Superior, AZ

TA-W-13,616; Duval Corp., Mineral Park Property, Kingman, AZ

TA-W-13,676; Duval Corp., Sierrita Proterty, Sahuarita, AZ

TA-W-13,698; Duval Corp., Esperanza Property, Tucson, AZ

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-13,863; Union Carbide Corp., Metals Div., Coal Group, Clendenin, WV

Aggregate U.S. imports of metallurgical coal are negligible

TA-W-13,843; Travco Coal Co., Man, WV

Aggregate U.S. imports of metallurgical coal did not increase as required for certification.

TA-W-13,827; Maple Meadow Mining Co., Inc., Maple Meadow Mine, Raleigh County, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,825; Imperial Colliery Co., Eskadale Div., Kanawha Co., WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,838; Duhue Coal Co., Duhue, WV

Aggregate U.S. imports of metallurgical coal did not increase as required for certification.

TA-W-13,741; Ironton Coke Corp., Ironton, OH

Aggregate U.S. imports of coke did not increase as required for certification.

TA-W-13,836; B.L. Montague, Inc., Greenville, SC

The workers' firm did not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-13,787; Lee Ann Coal Co., Madison, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,783; Dokata Enterprises, Inc., Lyburn, WV

Aggregate U.S. imports of bituminous coal did not increase as required for certification.

TA-W-13,808; Mapco Corp., Pontiki Mine Complex, Lovely, KY

Aggregate U.S. imports of or coke coal did not increase as required for certification.

TA-W-13,886; TRW, Inc., Customer Service Div., Brookfield, WI

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-13,685; Cone Mills Corp., Revolution Plant, Greensboro, NC

Aggregate U.S. imports of fabric are negligible.

TA-W-13,769; Sewell Coal Co., Meadow River #1 Mine, Lookout, WV

Aggregate U.S. imports of coal or coke did not increase as required for certification.

TA-W-13,817; Cannelton Industries, Inc., Indiana Creek Div., Charleston, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,818; Canneltion Industries, Inc., Kanawka Div., Charleston, WV

Aggregate U.S. imports of metallurgical coal are neglible.

TA-W-13,846; Bishop Coal Co., Mine #34, Bishop, WV

Aggregate U.S. imports of bituminous coal did not increase as required for certification.

TA-W-13,847; Bishop Coal Co., Bishop #33/36 Mine, Bishop, WV

Aggregate U.S. imports of bituminous coal did not increase as required for certification.

TA-W-13,848; Bishop Coal Co., Mine #37, Dry Fork, VA

Aggregate U.S. imports of bituminous coal did not increase as required for certification.

TA-W-13,771; Itmann Coal Co., #1 Mine, Wyoming County, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,772; Itmann Coal Co., #2 Mine, Wyoming County, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,773; Itmann Coal Co., #3A Mine, Wyoming County, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,774; Itmann Coal Co., Shop, Wyoming County, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,775; Itmann Coal Co., Tipple, Wyoming County, WV

Aggregate U.S. imports of metallurgical coal are negligible.

Affirmative Determinations

TA–W–13,729; H.K. Porter Co., Inc., Alloy Metal Wire Works, Prospect Park, PA
A certification was issued covering all workers of the firm separated on or after January 1, 1982 and before September 1, 1982.

TA–W–13,740; Hall Ski-Lift Co., Inc., Watertown, NY
A certification was issued in response to a petition received on August 17, 1982 covering all workers separated on or after August 12, 1981.

TA–W–14,169; Bethlehem Mines Corp., Mine #81, Drennen, WV
A certification was issued covering all workers of the firm separated on or after October 1, 1982.

TA–W–13,622; Wheeling-Pittsburgh Steel Corp., Benwood, WV
A certification was issued in response to a petition received on June 25, 1982 covering all workers separated on or after June 21, 1981.

TA–W–13,730; International Shoe Co., Hopkinsville, KY
A certification was issued in response to a petition received on August 17, 1982 covering all workers separated on or after January 1, 1982 and before October 1, 1982.

TA–W–13,653; Copper Range Co., White Pine Div., White Pine, MI
A certification was issued covering all workers of the firm separated on or after January 1, 1982.

TA–W–13,427; Brown Shoe Co., Brookfield, MO
A certification was issued covering all workers of the firm separated on or after November 28, 1981.

TA–W–13,788; N.L. Chemicals/N.L. Industries, Titanium Div., Sayreville, NJ
A certification was issued in response to a petition received on September 16, 1982 covering all workers separated on or after March 7, 1982.

TA–W–14,176; Walpole Woodworkers, Inc., Detroit, MI
A certification was issued in response to a petition received on September 16, 1982 covering all workers separated on or after November 23, 1981.

TA–W–14,177; Walpole Woodworkers, Inc., Chester, ME
A certification was issued in response to a petition received on September 16, 1982 covering all workers separated on or after November 23, 1981.

I hereby certify that the aforementioned determinations were issued during the period March 7, 1983–March 11, 1983. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: March 15, 1983.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 83–7393 Filed 3–21–83; 8:45 am]
BILLING CODE 4510–30–M

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period in the State of North Dakota

This notice announces the beginning of a new Extended Benefit Period in the State of North Dakota, effective on March 6, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemplyment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on February 19, 1983, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on March 6, 1983.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law.The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on March 15, 1983.

Albert Angrisani,
Assistant Secretary of Labor.

[FR Doc. 83–7394 Filed 3–21–83; 8:45 am]
BILLING CODE 4510–30–M

Office of the Secretary

The Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: April 5, 1983, 9:30 a.m., Rm. N3437 A & B Frances Perkins, Department of Labor Building, 200

Constitution Avenue, NW., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Joseph S. Papovich, Executive Secretary, Labor Advisory Committee, Phone: (202) 523–6171.

Signed at Washington, D.C., this 15th day of March 1983.

Robert W. Searby,

Deputy Under Secretary International Affairs.

[FR Doc. 83–7395 Filed 3–21–83; 8:45 am]

BILLING CODE 4510–28–M

Office of Pension and Welfare Benefit Programs

Grant of Individual Exemptions; Morgan & Associates

AGENCY: M.D.'s P.C. et. al. Pension and Welfare Benefit programs Office Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c) (2) of the code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participant and beneficiaries; and

(c) They are protective of the rights of the participant and beneficiaries of the plans.

Morgan & Associates, M.D.'s P.C., Employees Pension Plan and Trust (the Plan) Located in Bismarck, North Dakota

[Exemption Application No. D–3570; (Prohibited Transaction Exemption 83–43]

Exemption

The restrictions of section 406(a), 406(b) (1) and 406(b) (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed sale of a parcel of real property (the Property) by the Plan to Dr. Riffat Morgan and his wife, Margaret Morgan, parties in interset with respect to the Plan, provided the sales price is at least the fair market value of the Property at the time of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 28, 1983 at 48 FR 4070.

For Further Information Contact: Louis Campagna of the Department, telephone (202) 523–8883. (This is not a toll-free number.)

Operating Engineers Journeyment and Apprentice Training Trust (the Plan) Located in the City of Industry, California

[Exemption Application No. L–3588; Prohibited Transaction Exemption 83–44]

Exemption

The restrictions of section 406(a) shall not apply to: (1) The proposed use by the Plan of certain real property owned by Mr. William Schmidt (Schmidt), a party in interest with respect to the Plan, for storage and training purposes, provided that the terms and conditions of such use are at least as favorable to the Plan as those obtainable by the Plan in an arm's length transaction with an unrelated party; and (2) the restrictions of section 406(a), 406(b)(1) and 406(b)(2) shall not apply to the execution of an indemnification agreement between the Plan and Schmidt relating to the use of such property, provided that the terms and conditions of such agreement are at least as favorable to the Plan as those obtainable by the Plan in an arm's length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2859.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523–8972. (This is not a toll-free number.)

F.E.S. Drilling Consultants, Inc., Money Purchase and Defined Benefit Pension Plans (the Plans) Located in Elk City, Oklahoma

[Exemption Application No. D–3611; Prohibited Transaction Exemption 83–45]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of certain registered securities by F.E.S. Drilling Consultants, Inc., the Employer, to the Plans, provided that the terms of the sale are not less favorable to the Plans than those obtainable in an arm's length transaction with an unrelated party on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2862.

For Further Information Contact: Ms Linda M. Hamilton of the Department, Telephone (202) 523–8881. (This is not a toll-free number.)

The Sun Valley Mobile Homes, Inc. Target Pension Plan and the Sun Valley Mobile Homes, Inc. Profit Sharing Plan (collectively, the Plans) Located in Mesa, Arizona

[Exemption Application Nos. D–3620 and D–3621; (Prohibited Transaction Exemption 83–46)]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application

of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) Loans (the Loans) by the Plans of 35 percent of their aggregate assets to Sun Valley Mobile Homes, Inc. (the Employer), provided the terms and conditions of the Loans are at least as favorable to the Plans as those obtainable in an arm's length transaction with an unrelated party; and (2) the guarantee of repayment of the Loans by the principal shareholders of the Employer.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2863.

Temporary Nature of Exemption: The exemption is temporary in nature and will expire five years from the date of the grant with respect to the making of the Loans by the Plans to the Employer. Subsequent to the expiration of this exemption, the Plans may hold the Loans provided they originated during the five year period.

For Further Information Contanct: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Reliable Stores Corporation Pension Plan and Trust (the Plan) Located in Baltimore, Maryland

[Exemption Application No. D–3650; (Prohibited Transaction Exemption 83–47)]

Exemption

The restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed cash purchase by the Plan of a deed of trust note from Reliable Stores Corporation, the sponsor of the Plan; and (2) the resulting extension of credit by the Plan to REKA Properties Limited Partnership, a party in interest with respect to the Plan, provided that the terms and conditions of such transaction are at least as favorable to the Plan as those which the Plan could receive in a similar transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2864.

For Further Information Contact: Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

Haserjian Bros., Inc. Profit Sharing Plan (the Plan) Located in Hollywood, California

[Exemption Application No. D–3663; Prohibited Transaction Exemption 83–48]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of a note by the Plan for $936,282.57 to Haserjian Bros. Realty Co., a party in interest with respect to the Plan, provided that the terms of the transaction were not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party on the date of consummation of the transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2865.

Effective Date: The effective date of the exemption is August 10, 1982.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

The Miami Rug Company Employees Profit Sharing Plan and Trust (the Plan) Located in Miami, Florida

[Exemption Application No. D–3712; Prohibited Transaction Exemption 83–49]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan of $125,000 made on December 1, 1974, by the Plan to Miruco Corporation, provided the terms of the loan were not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time the loan was made.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 7, 1983 at 48 FR 904.

Effective Date: This exemption is effective January 1, 1975 through November 8, 1982.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Corning Glass Works Pension Plan (the Plan) Located in Corning, New York

[Exemption Application No. D–3721; Prohibited Transaction Exemption 83–50]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed contribution (the Contribution) of a certain limited partnership interest (the Partnership Interest) to the Plan by Corning Glass Works, the sponsor of the Plan, provided that the value of the Partnership Interest used for the Contribution is not greater than the fair market value of the Partnership Interest at the time of the Contribution.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2867.

For Further Information Contact: Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

Engelman-General Profit Sharing Plan (the Plan) Located in Wichita Falls, Texas

[Exemption Application No. D–3899; Prohibited Transaction Exemption 83–51]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale by the Plan of a parcel of real property located at 8501 Jacksboro Highway in Wichita Falls, Texas to Engelman-General, Inc. for $54,000, provided that this amount is at least the fair market value of the property at the time of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 28, 1983 at 48 FR 4072.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section

4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 17th day of March 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-7388 Filed 3-21-83; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-25]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Informal Task Force for the Study of Effective Shuttle Utilization.

DATE AND TIME: April 7, 1983, 8:00 a.m. to 5 p.m.

ADDRESS: NASA Ames Research Center, Room 213, Building 200, Moffett Field, California 94035.

FOR FURTHER INFORMATION CONTACT: Mr. Carl R. Praktish, Code LB-4, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-8380).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council Informel Task Force for Effective Shuttle Utilization was established under the NASA Advisory Council to conduct a study of the directions NASA should take to ensure the most effective use of the Shuttle capability and to report its findings and recommendations to the Council. The Task Force is chaired by Edgar M. Cortright, and has a total of 10 members.

At this meeting the members will discuss their work plan and what remains to be done. Visitors will be admitted to the meeting room up to its capacity, which is approximately 45 persons including Task Force members and other participants. Visitors will be requested to sign a visitor's register.

Type of Meeting: Open.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

March 15, 1983.

[FR Doc. 83-7346 Filed 3-21-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

SUPPLEMENTARY INFORMATION:

Date: March 21, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review the Endowment's program of U.S. Newspaper Projects, examine the work of existing projects and consider the implications of pending applications for the Division of Research Programs.

The proposed meeting is for the purpose of Panel review, discussion and recommendation on present and future directions of the U.S. Newspaper Projects applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978. I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code. Because the meeting could not be scheduled until recently, the required notice period prior to the meeting could not be given. Delaying the meeting would mean current project proposals would not be considered by the next meeting of the National Council on the Humanities.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 83-7310 Filed 3-21-83; 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506:

Date: April 12, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.
Program: This meeting will review applications for Summer Seminars in American and European History, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 14, 1983.
Time: 9:00 a.m. to 5:30 p.m.

Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in American and English Literature; and Composition and Rhetoric, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 15, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Anthropology, Sociology, Linquistics, and Folklore, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 18, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Philosophy, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 22, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Music and Art History, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 25, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Comparative Literature, Drama and Film, submitted to the Division of Fellowships and Seminars for projects beginning after June 1, 1983.

Date: April 26, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in German, Slavic and Classical Languages and Literatures, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 27, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Religion and Science and Technology, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

Date: April 20, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Political Science; and Latin American and Non-Western History, submitted to the Divison of Fellowships, for projects beginning after June 1, 1983.

Date: April 29, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314 or 315.

Program: This meeting will review applications for Summer Seminars in Romance Languages and Literatures, submitted to the Division of Fellowships, and Seminars, for projects beginning after June 1, 1983.

The proposed meetings are for the purpose of Panel review, discussion evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724–0367.

Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 83–7399 Filed 3–21–83; 8:45 am]
BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–313]

Arkansas Power & Light Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR–51, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (ANO–1) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications to support operation at full rated power during Cycle 6.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For furhter details with respect to this action, see: (1) The application for amendment dated November 19, 1982 as supplemented November 23, 1982, January 27, 1983, and February 11, 1983, (2) Amendment No. 71 to License No. DPR–51, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,
Chief, Operating Reactors Branch No. 4 Division of Licensing.

[FR Doc. 83–7358 Filed 3–21–83; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 50–265]

Commonwealth Edison Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 79 to Facility Operating License No. DPR–30 issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit 2 located in Rock Island County, Illinois. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to allow a temporary

increase in the Linear Heat Generation Rate (LHGR) from 13.4 to 14.7 kW/ft for certain Barrier Fuel Test Assemblies present in the Unit 2 core. This new limit applies only during the remainder of the current operating Cycle 6.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(40 an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see: (1) The application for amendment dated January 27, 1983 (2) Amendment No. 79 to License No. DPR-30 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504 17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-7359 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 82 to Facility Operating License No. DPR-39, and Amendment No. 72 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised the Licenses and the Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Licenses and the Appendix B Environmental Technical Specifications to delete the non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see: (1) The application for amendments dated February 10, 1983, (2) Amendment Nos. 82 and 72 to License Nos. DPR-39 and DPR-48, and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-7361 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-295 and 50-304]

Commonwealth Edison Co. (Zion Nuclear Power Station Units 1 and 2); Exemption

I

The Commonwealth Edison Company (the licensee) is the holder of Facility Operating License Nos. DPR-39 and DPR-48 which authorize operation of the Zion Nuclear Power Station, Units 1 and 2, respectively (Zion or the facilities). These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facilities are pressurized water reactors lacated at the licensee's site in Zion, Illinois.

II

Section III.G.2 of Appendix R to 10 CFR Part 50 requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

a. Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistance equivalent to that required of the barrier;

b. Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area; or

c. Enclosure of cables and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

The licensee, in a July 30, 1982 submittal, requested exemptions from these requirements for the following areas:

(1) Crib house outer room (Fire Area 18.4A-0)—

- Service water pump power cables.

(2) Crib house inner room (Fire area 18.4B-0)—

- Service water pumps and power cables.

(3) Aux. building, elev. 560' (Fire Area 11.2-0)—

- Component cooling pumps and power cables,

- Power cables for Units 1 and 2 centrifugal charging pump coolers,
- Power cables for Unit 2 RHR pumps and their unit coolers,
- Division 19 MCC 1393A and Division 18 MCC 1383A,
- Division 27 and 28 MCC power feeds and Division 29 (MCC 2393A).

(4) Aux. building, elev. 519' (Fire Area 11.3–0)—

- Power cables for service water pumps,
- Power cables for Units 1 and 2 centrifugal charging pumps and their coolers,
- Power cables for Unit 2 RHR pumps and their coolers.

(5) Aux. building, elev. 592' (Fire Area 11.4–0)—

- Power cables for service water pumps,
- Power cables for Units 1 and 2 centrifugal charging pumps,
- Power cables for Unit 2 RHR pumps,
- Power cables for Unit 2 AFW pumps and steam islolation valves for turbine driven AFW pump 2A,
- Auxiliary fedwater flow signal cable.

(6) Aux. building, elev. 617' (Fire Area 11.5–0—

- Unit 1 centrifugal charging pumps' power cables.

For each of these areas, the licensee has described the physical configuration pertaining to the fire hazards such as separation between redundant components, in-situ fire load, room volume, location of cable trays and risers, fire detectors, portable and installed fire suppression capability, and barriers between redundant components. By combination of these features, the licensee demonstrates that a fire in these areas would be unlikely to disable both redundant components located in that area so that one train of equipment needed for safe shutdown remains operable.

Based on our evaluation, described in Enclosure 2 to the letter transmitting this exemption, we find that the fire protection in areas for which an exemption has been requested provides a level of fire protection equivalent to the technical requirements of Section III. G.2 of Appendix R, and therefore, the exemption should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, these exemptions are authorized by law and will not endanger life or property or the common defense and security, are otherwise in the public interest, and hereby grants the requested exemptions for the areas as identified in Section II above from Section III.B.2, of Appendix R.

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see: (1) The application for Exemptions dated July 30, 1982, and (2) the NRC staff's Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of these items may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 7th day of March 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor regulation.

[FR Doc. 83-7360 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

Dairyland Power Coop., La Crosse Boiling Water Reactor; Issuance of Amendment to Provisional Operational License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Provisional Operating License No. DPR-45, issued to Dairyland Power Cooperative (the licensee), which revised the Technical Specifications for operation of the La Crosse Boiling Water Reactor (the facility) located in Vernon County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment authorizes Technical Specification changes to require annual audits of the Emergency and Security Plans.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated October 29, 1982, as supplemented on February 18, 1983, and (2) Amendment No. 32 to License No. DPR-45, including the Commission's letter of transmittal which contains its evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601. A single copy of item (2) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-7362 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270 and 50-287]

Duke Power Co; Issuance of Amendments To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 119, 119 and 116 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconne Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments become effective on March 14, 1983.

These amendments revise the TSs concerning the heatup, cooldown and inservice test limitations for the reactor coolant systems of each Oconee unit.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the

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Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CRR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated November 12, 1982, as supplemented February 24, 1983, (2) Amendments Nos. 119, 119, and 116 to Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83–7363 Filed 3–21–83; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co., et al.; Exemption From Appendix R to 10 CFR 50, Fire Protection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted an exemption from certain requirements of Appendix R to 10 CFR Part 50 to Dequesne Light Company, Ohio Edison Company and Pennsylvania Power Company (the licensees). The Exemption relates to the Fire Protection Program for the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pensylvania. The Exemption is effective as of March 14, 1983.

The Exemption waives certain requirements of Subsection III.G and III.L for this facility. Details are provided in the Exemption and are summarized as follows:

1. *Control Room.* The Control Room is separated from other plant areas by three-hour rated fire barriers, is manned continuously, has low combustible loading and is equipped with fire detectors and portable fire extinguishers. A remote emergency auxiliary shutdown panel and a backup instrument panel are provided away from the control room. An exemption from Subsection III.G.3.b is granted to the extent that an automatic suppression system is not needed.

2. *Charging Pump Cubicles in the Primary Auxiliary Building.* This area does not comply with Section II.G.2.b because an automatic suppression system is not provided. Because the combustible loading is low, partial height walls between the charging pumps, and one-hour barriers and smoke detectors are provided, these alternative features will provide reasonable assurance that one train of charging pumps will be maintained free of fire damage for a sufficient period to enable the fire brigade to respond and manually extinguish a fire. This exemption is granted.

3. *Reactor Containment.* The protection for redundant trains of safe shutdown equipment inside containment does not meet the technical requirements of Section III.G.2.b because there is not 20 feet of separation between redundant power cables free of intervening combustibles. Due to their configuration and location within the containment and to the restricted access of these sub-areas during plant operations, and exposure fire involving the accumulation of significant quantities of transient combustible materials is unlikely. Because there are only a few cables in these sub-areas and all cables inside containment are qualified to a test comparable to that of IEEE Standard 383 and routed in conduit, a fire of sufficient magnitude to damage redundant cables or components is also unlikely. This exemption is granted.

4. *Pipe Tunnel.* This area is not provided with an automatic suppression system and 20 feet of separation free of intervening combustibles between redundant components of alternative shutdown capability. If a fire did occur, there is approximately ½-hour to manually operate the necessary valves if a loss of offsite power occurs; if such a loss does not occur these valves would remain operable. Because of the time available to take manual control of the backup system, there is reasonable assurance that one train of components will be available for cooling the containment air recirculation coils. This exemption to Subsection III.G.2.b is granted.

5. *Cable Tunnel.* Subsection III.G.2.b requires 20 feet of separation free of intervening combustibles between cables. Based on our evaluation, the level of existing protection in cable tunnel CV-3 in conjunction with the proposed Halon 1301 system provides a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R. Therefore, the exemption is granted.

6. *HVAC Ductwork for the Charging Pump Cubicles.* The licensee has proposed to install 1½-hour fire dampers in common ductwork that penetrates three-hour-rated fire barriers. We note that this does not comply with the Section III.G.2.a requirements for three-hour-rated barriers between redundant components. Because smoke detection, 1½-hour-rated fire dampers, and duct insulation are provided, there is reasonable assurance that a fire in one charging pump cubicle will be promptly detected and extinguished by the fire brigade before the redundant pumps are damaged. This exemption is granted.

7. *Use of Portable Fans in Charging Pump Cubicles and Emergency Switchgear Room.* These areas contain equipment essential for hot shutdown. Loss of their normal HVAC systems means that the temperature will rise rapidly, thus damaging or prematurely aging the equipment housed inside these areas. The proposed use of the gasoline-powered fans is considered a repair, which is not allowed by the requirement of III.G.1.a. Repairs which can be accomplished within 72 hours are permitted for cold-shutdown-related equipment. However, the licensee has shown, by analysis, that there is a time period of approximately 1 to 2 hours during which these fans would not need to be employed. Because of this time factor, we accept the use of portable fans as backup HVAC equipment for these areas. This exemption is granted.

8. *Cold Shutdown Capability.* The licensee has requested an exemption from the 72-hour requirement to achieve cold shutdown, per Section III.L of Appendix R. The licensee proposed to use the method of solid steam generator to achieve cold shutdown only when the RHR system is not available. It will need 127 hours to achieve cold shutdown. Since this method is used only when offsite power and RHR are lost, we consider the extended cold shutdown time, from 72 hours to 127 hours, acceptable. This exemption is granted.

The request for Exemption complies with the standards and requirements of

the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR which are set forth in the Exemption.

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this Exemption.

For further details with respect to this action, see (1) The application for Exemption dated June 30, 1982, as revised October 28 and December 21, 1982, (2) the Commission's letter dated March 14, 1983, and (3) the Exemption. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing.

[FR Doc. 83-7364 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co.; et al; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised the Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 9, 1983, (2) Amendment No. 64 to License No. DPR-66, and (3) the Commission's related letter dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-7365 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications (TSs) for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

This amendment exempts certain containment isolation valves, after the valves have been placed in their containment isolation position, from the provisions of TS 3.0.4.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this section, see: (1) The application for amendment dated January 11, 1980, as revised November 2, 1981, (2) Amendment No. 63 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 83-7366 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 93 to Facility Operating License No. DPR-31, and Amendment No. 87 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments delete Appendix B Environmental Technical Specifications which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see: (1) The application for amendments dated February 10, 1983, as supplemented by letter dated February 16, 1983, (2) Amendment Nos. 93 and 87 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related letter dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-7367 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-321 and 50-366]

Georgia Power Co. et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 94 and 31 to Facility Operating Licenses Nos. DPR-57 and NPF-5, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2 (the facility) located in Appling County, Georgia. The amendments are effective as of the date of issuance.

These amendments revise the Appendix B Environmental Technical Specifications to delete nonradiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972; and to delete the aerial erosion control surveys of the Hatch Nuclear Plant-Bonnaire transmission corridor.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the deletion of water-quality requirements is a ministerial action required as a matter of law and will not result in any significant environmental impact; that the deletion of aerial erosion surveys will not result in any significant environmental impact; and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not prepared in connection with these actions.

For further details with respect to this action, see: (1) The application for amendments dated October 30, 1981, (2) Amendments Nos. 94 and 31 to Licenses Nos. DPR-57 and NPF-5, and (3) the Commission's letter to Georgia Power Company dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-7368 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Co., et al.; Issuance of Amendent to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 83 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

This change to the Technical Specifications allows the licensee to perform a manual stroke test on the mechanical snubbers in the forthcoming February 1983 refueling outage in lieu of the required functional test.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need

not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated August 20, 1982 as revised November 24, 1982, (2) Amendment No. 83 to License No. DPR–49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83–7369 Filed 3–21–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–289]

Metropolitan Edison Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 83 to Facility Operating License No. DPR–50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation (the licensees), which revised the Technical Specifications (TSs) for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to nonradiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see: (1) The application for amendment dated September 30, 1982, (2) Amendment No. 83 to License No. DPR–50, and (3) the Commission's letter to GPU Nuclear dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A single copy of items (2) and (3) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83–7370 Filed 3–21–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–275]

Pacific Gas and Electric Co., Diablo Canyon Nuclear Power Plant, Unit 1; Exemption

I

The Pacific Gas & Electric Company (the licensee or PG&E) was issued Facility Operating License No. DPR–76 on September 22, 1981, authorizing PG&E to load fuel in the Diablo Canyon, Unit 1 reactor and conduct low power testing up to five percent of rated power. Subsequently, prior to any fuel being loaded into the reactor vessel, the Commission issued an Order, CLI–81–30, on November 19, 1981 which suspended the authority to load fuel and conduct low power testing on the basis of the discovery of certain seismic design discrepancies at the facility. Nevertheless, the license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect. The facility is a pressurized water reactor (PWR) located at the licensee's site in San Luis Obispo County, California.

II

Among the provisions of the Commission's regulations are requirements relating to physical security measures required for facilities which have been issued operating licenses. In particular, 10 CFR 73.55 and Appendices B and C to 10 CFR Part 73 address the requirements of physical security, guard training and qualification, and safeguards contingency planning for nuclear power reactors. 10 CFR 73.55 became effective on March 28, 1977, and Appendices B and C became effective on October 23, 1978, and June 6, 1978 respectively. These requirements are reflected in a license condition in paragraph 2.E.

By letter dated February 25, 1983, the licensee requested a temporary exemption from the requirements of 10 CFR 73.55 (b) through (h) and Appendix C of 10 CFR Part 73, which would relax physical security measures currently implemented in connection with Unit 1. This exemption will require an amendment to the foregoing license conditions. In support of this request, the licensee notes that there are major construction activities underway at the facility, there is no fuel in the reactor core, and there is no irradiated fuel at the facility.

III

The Nuclear Regulatory Commission (NRC) staff has reviewed the licensee's exemption request. 10 CFR 73.55 requires that each applicant for a license to operate a nuclear power reactor pursuant to 10 CFR Part 50 establish, prior to receipt of the license, a physical protection system designed to protect the facility against radiological sabotage from a specified design basis threat. The licensee has complied with this requirement, and an NRC approved security system has been in place and in effect since September 1981, the date the operating license was issued. At the time 10 CFR 73.55 was promulgated, it was not anticipated that significant time would elapse between the date of operating license issuance and fuel loading. Accordingly, no explicit provisions were made for relaxation of security requirements for those instances where this interval was extensive.

Since the reactor at this facility has never been loaded with fuel and thus no

criticality has been achieved, no irradiated fuel is on site and, accordingly, there is no current potential for radiological sabotage. (From a practical standpoint the facility is still in the construction stage. There are no activities on site related to reactor operation and no areas or equipment need to be designated as vital during this period.) Without safeguards in place, there is, however, the possibility of illegal activities designed to damage the plant or compromise the security system at some future date after operation has commenced. (This same potential exists at all new reactors prior to the issuance of the operating license.) To compensate for these concerns, the licensee has committed to an extensive return-to-service alignment, test, and inspection program of both vital plant components and intrusion alarm systems. The staff believes that the licensee's return-to-service program which is designed to ensure: (i) The operability of vital plant systems, (ii) the integrity of the intrusion alarm and access control systems, and (iii) that sabotage or sabotage materials have not been introduced into the vital areas, is acceptable. To provide additional assurance, during any period of reduced safeguards, the licensee will be required to continue to (i) control and limit site access to individuals having work-related needs, and (ii) maintain the tamper protection capability of the intrusion alarms, as currently required by the approved plans.

In regard to the fresh fuel stored on site, NRC safeguards regulations only require protection of the material against theft since low enriched uranium fuel poses little radiation risk to the public safety. The licensee's program for the protection of the Unit 1 fuel assemblies will be similar to that presently in effect for Unit 2 and is considered to satisfy the requirements of 10 CFR 73.67 for material of low strategic significance.

It is the staff's judgment, that the temporary suspension of those provisions of the licensee's security plan relative to the requirements of 10 CFR 73.55(b) through (h) prior to fuel loading satisfies the purpose and intent of the general performance requirements of 10 CFR 73.55 and will not significantly increase the risk of radiological sabotage at the present time or over the life of the facility. In addition, on its own initiative, the Commission is extending the exemption to include § 73.55(a) in order to remove any uncertainty regarding the extent to which the licensee is released from its Plan commitments.

IV

Accordingly, the staff has determined that, pursuant to 10 CFR 73.5 an . exemption is authorized by law and will not endanger life or property or common defense and security and is otherwise in the public interest, and hereby grants a temporary exemption from the requirements of Section 10 CFR 73.55 (a) through (h) and Appendix C of 10 CFR Part 73 as stated in the Diablo Canyon Physical Security Plan and the Diablo Canyon Safeguards Contingency Plan.

The staff has determined that the granting of this exemption and amendment does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. Having made this determination, we have further concluded that the granting of this exemption and amendment involves an action which is insignificant from the standpoint of an environmental impact and, pursuant to 10 CFR 51.5(d)(4), that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these actions.

The staff has also concluded, based on the considerations discussed above, that: (1) Because the granting of this exemption and amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of an accident of a type different from any evaluated previously, and does not involve a significant reduction in a margin of safety, the granting of this exemption and amendment does not involve a significant hazards consideration; (2) there is reasonable assurance that the health and safety of the public will not be endangered by these actions; and (3) such activities will be conducted in compliance with the Commission's regulations and the granting of this exemption and issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-7371 Filed 3-21-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-272 and 50-311]

Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co., and Atlantic City Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. DPR-70, and Amendment No. 18 to Facility Operating License No. DPR-75 issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised the Technical Specifications for operation of the Salem Nuclear Generating Station, Unit Nos. 1 and 2 (the facilities) located in Salem County, New Jersey. The amendments are effective as of the date of issuance.

The amendments delete the Appendix B Environmental Technical Specifications which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Contol Act Amendments of 1972.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see: (1) The application for amendments dated February 10, 1983, (2) Amendment Nos. 51 and 18 to License Nos. DPR-70 and DPR-75, and (3) the Commission's related letter dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the

U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-7372 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District (the licensee), which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of the date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to nonradiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 17, 1983, (2) Amendment No. 45 to License No. DPR-54, and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-7373 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and The Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications (TSs) for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

The amendment deletes the Applendix B Environmental Technical Specifications (ETS) which pertain to nonradiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see: (1) The application for amendment dated June 13, 1980, (2) Amendment No. 55 to License No. NPF-3, and (3) the Commission's letter to Toledo Edison dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the University of Toledo Library, Documents Department, 2801 West Bancroft Avenue, Toledo, Ohio 43606. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-7374 Filed 3-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 85 to Facility Operating License No. DPR-32, and Amendment No. 86 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments delete the Technical Specifications which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required

since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see: (1) The application for amendments dated February 14, 1983, (2) Amendment Nos. 85 and 86 to License Nos. DPR–32 and DPR–37, and (3) the Commission's related letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83–7375 Filed 3–21–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–397 CPA]

Washington Public Power Supply System, et al. (WPPSS Nuclear Project No. 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit amendment proceeding:

Spethen F. Eilperin, Chairman
Christine N. Kohl
Dr. Reginald L. Gotchy

Dated: March 15, 1983.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83–7376 Filed 3–21–83; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Reactor Operations; Meeting

The ACRS Subcommittee on Reactor Operations will hold meeting on April 6, 1983, Room 1046, 1717 H Street, N.W., Washington, D.C. The Subcommittee will discuss the proposed final rules on immediate notification requirements (10 CFR 50.72) and the revised License Event Report System (10 CFR 50.73). The Subcommittee may discuss other topics relating to reactor operations as time will allow.

Notice of this meeting was published February 23, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, April 6, 1983—8:30 a.m until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard K. Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., e.s.t.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 15, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–7379 Filed 3–21–83; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Systematic Evaluation Program; Meeting

The ACRS Subcommittee on the Systematic Evaluation Program will hold a meeting on April 7, 1983, Room 1046, 1717 H Street, NW., Washington, D.C. The Subcommittee will discuss the Systematic Evaluation Program review of Haddam Neck. Notice of this meeting was published February 23, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, April 7, 1983—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Herman Alderman (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., e.s.t.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 15, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–7380 Filed 3–21–83; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22881; 70–6848]

American Electric Power Co., Inc. et al.; Proposed Sale of Utility Assets

March 16, 1983.

In the matter of American Electric Power Company, Inc., 180 East Broad Street, Columbus, Ohio 43215; Columbus and Southern Ohio Electric Company, 215 North Front Street, Columbus, Ohio 43215, and Indiana & Michigan Electric Company, One Summit Square, P.O. Box 60, Fort Wayne, Indiana 46801.

American Electric Power Company, Inc. ("AEP"), a registered holding company, and two of its electric utility subsidiaries, Columbus and Southern Ohio Electric Company ("C&SOE"), and Indiana & Michigan Electric Company ("I&M"), have filed with this Commission an application-declaration pursuant to Sections 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 44 promulgated thereunder.

C&SOE seeks authorization to sell (1) three 2.5 megawatt diesel-driven generating units and associated equipment (the "I&M units") to I&M and (2) one 2.5 megawatt diesel-driven generating unit and one gas turbine generating unit (with associated equipment, hereafter referred to as "the Alaska units") to Alaska Electric Light & Power Company ("Alaska"), a company not affiliated with either C&SOE or AEP.

The I&M units proposed to be sold were acquired and installed by C&SOE in 1966–67. These units are no longer required by C&SOE because it has established transmission reinforcement through interconnections with Ohio Power Company, an electric utility subsidiary of AEP, to a portion of its southern service area previously provided service radially on a 69 KV transmission line. I&M desires to acquire the I&M units to provide "black start" capability for a generating station during periods when the station becomes isolated from I&M's transmission lines. The I&M units will provide a service of emergency power.

I&M has offered to purchase, and C&SOE has agreed to sell, the three I&M units for a total price of approximately, $200,000. The purchase price will equal the net depreciated value of the units on the effective date of sale. The I&M units had a total original cost of $528,588.

The Alaska units were also acquired by C&SOE in 1966–67. The diesel-driven unit is no longer required for the same reason set forth previously with respect to the I&M units. The gas turbine unit, with a normal peaking net output of 17.5 megawatts, is no longer required by C&SOE because it has adequate reserves of generating capacity without the unit, and the gas turbine uses fuel which is more expensive than the coal-fired generating capacity available to C&SOE from its own and other AEP System generating units.

The Alaska units had a total original cost to C&SOE of $1,525,300 and, as of December 31, 1982, has a net depreciated value on C&SOE's books of $556,596. Alaska has offered to purchase, and C&SOE has agreed to sell, the Alaska units for a total purchase price of approximately $1 million. The purchase price includes acquisition of all associated equipment and was arrived at through arms'-length bargaining between Alaska and C&SOE. Alaska will first acquire an exclusive option on the Alaska units. The cost of the option, $5,000, will be applied against the total purchase price which will be paid at a later date. Any amounts paid by Alaska for the option or for the purchase shall be refunded in the event that the proposed transaction is not completed for lack of required Commission authorization.

The I&M and Alaska units shall be sold by C&SOE free and clear of its Indenture of Mortgage and Deed of Trust to Citibank, N.A., as Trustee, dated September 1, 1940, as amended and supplemented. C&SOE has also indicated that it may be necessary or desirable to dispose of other gas turbine and diesel-driven generating units in the future. In that event, C&SOE will file with the Commission all necessary information regarding such units and the proposed transactions.

the application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 11, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed, or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–7382 Filed 3–21–83; 8:45 am]

BILLING CODE 8010–01–M

[Released Nos. 13099 and 843; 812–5383; 803–26]

Arnold Bernhard & Co., Inc. and Value Line, Inc.; Filing of Application

March 16, 1983.

Notice is hereby given that Arnold Bernhard & Co., Inc. ("Bernhard") and its wholly-owned subsidiary, Value Line, Inc. ("VLI") (collectively, "Applicants"), 711 Third Avenue, New York, NY 10017, both New York corporations, filed an application on November 22, 1982, and amendments thereto on December 1, 1982, and March 3, 1983, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") and Section 206A of the Investment Advisers Act of 1940 ("Advisers Act") temporarily exempting Applicants from the provisions of Section 15(a)(4) of the Act and Section 205(2) of the Advisers Act to permit Bernhard to transfer its investment advisory business to VLI as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein,

which are summarized below, and are referred to the Act and the Advisers Act, and the rules thereunder, for further information as to the provisions to which the exemption applies.

According to the application, Bernhard is a closely-held New York corporation, and registered with the Commission as an investment adviser under the Advisers Act that offers investment advisory services under the trade name, "Value Line." Applicants state that Bernhard acts as investment adviser to The Value Line Fund, Inc., The Value Line Income Fund, Inc., The Value Line Special Situations Fund, Inc., The Value Line Leveraged Growth Investors, Inc., The Value Line Cash Fund, Inc. and the Value Line Bond Fund ("Funds"), all registered under the Act as open-end management investment companies. Applicants represent that the current Manager and Investment Adviser Contracts between Bernhard and the Funds were approved in March, 1982, with the exception of the Bond Fund's advisory contract which was approved by shareholders in May, 1982. There are approximately 145,000 shareholders of the Funds which, at October 31, 1982, had aggregate net assets of approximately $1,220,492,000. Applicants further represent that Bernhard publishes The Value Line Investment Survey, The Value Line OTC Special Situations Service and Value Line Options and Convertibles, which provide investment advice to approximately 110,000 subscribers. Applicants state that as of October 31, 1982, approximately 46% of Bernhard's subscriptions were due to expire within six months, 79% were due to expire within 12 months and the remaining subscriptions were due to expire within 24 months. Bernhard further offers to approximately 111 institutional and professional subscribers, the Value Line Data Base, a computerized data base containing financial information.

Applicants represent that Bernhard, through its Asset Management Division, also furnishes investment advisory services to pension and profit sharing plans, foundations, endowment funds, corporate and financial institutions and individuals. At October 31, 1982, Asset Management had approximately 52 clients and total assets under management, exceeding $3,000,000,000.

According to the application, all of VLI's one class of stock is owned by Bernhard; VLI's Articles of Incorporation are similar to Bernhard's; and VLI is empowered to conduct the same business as Bernhard. Applicants further represent that the board of directors of VLI is identical to Bernhard's board and each officer of Bernhard holds, or will hold, a corresponding office with VLI. While VLI has conducted no business operations to date, it is preparing to register as an investment adviser under the Advisers Act and will continue the investment advisory business presently conducted by Bernhard.

Applicants state that pursuant to a Sale and Purchase Agreement dated October 31, 1982, Bernhard has agreed to transfer all of its operating assets utilized in its investment advisory business and related liabilities to VLI, its wholly-owned subsidiary, in exchange for additional shares of VLI stock ("Reorganization"). Applicants represent that VLI will register as an investment adviser under the Advisers Act upon the closing of the proposed Reorganization which is conditioned, among other things, upon obtaining various approvals and consents including the exemptive order sought by Applicants. Applicants further state that after consummation of the proposed Reorganization Bernhard proposes to make a public offering of not more than 20 percent of VLI stock. Upon consummation of the proposed Reorganization, Bernhard will primarily retain and manage its own investment assets, and will engage in certain non-investment advisory activities.

Applicants represent that, after the proposed Reorganization all of the current officers, directors and employees of Bernhard will assume corresponding positions with VLI and all of the resources currently utilized by Bernhard in rendering advisory services will become the property of VLI. After giving effect to the proposed Reorganization as contemplated by the Agreement, Applicant states that VLI's balance sheet of October 31, 1982, would reflect total assets of $25,000,000, including $19,500,000 in cash or readily marketable securities, and a net worth of $2,000,000. Applicants further state that Bernhard's net worth, excluding its investment in VLI, will be approximately $27,000,000.

Applicants represent that the transfer of assets, liabilities and personnel to VLI under the proposed Reorganization contemplates that VLI will be able to continue the business now conducted by Bernhard. According to the application, the directors, including the non-interested directors, of each of the Funds, at a meeting held on November 30, 1982, unanimously approved the Funds' entering into investment advisory agreements with VLI, which are identical in all substantive respects to the Funds' current advisory contracts with Bernhard. Applicants represent that the proposed Reorgnization will not take place unless approved by the shareholders of all the Funds, except Bond Fund, at meetings to be held March 29, 1982. Assuming such shareholder approval is obtained, Applicants propose to implement the Reorganization before the annual meeting of the Bond Fund shareholders, which is not scheduled to be held until May, 1983. For the interim period between the effective date of the proposed Reorganization and the annual meeting of the Bond Fund, the board of directors of the Bond Fund, including the non-interested directors, unanimously approved the Bond Fund's entering into an advisory agreement with VLI which is identical in all substantive respects to the current advisory contract agreement between Bernhard and the Bond Fund. Applicants state that the formal approval of the Bond Fund's board, however, is conditioned upon receipt from the Commission of the exemptive order sought by Applicants herein.

Applicants further contemplate that investment advisory contracts between Bernhard and its non-investment company clients, including subscribers to Value Line publications, will be treansferred to VLI, which will then provide the investment advisory services that Bernhard now provides. Applicants represent that Bernhard will send a written notice of the proposed Reorganization to each subscriber to a Value Line publication whose subscription expires in more than 12 months. That notice will also offer each such subscriber a 30-day option to cancel the remaining portion of the subscription and receive a pro-rata refund of the subscription price, if and when the Reorganization is consummated.

Applicants represent that its request for exemptive relief relates solely to the remaining term of the existing advisory agreement between Bernhard and the Bond Fund, and the remaining terms of the existing investment advisory agreements between Bernhard and its non-investment company clients. Applicants request a temporary exemption from Section 15(a)(4) of the Act to eliminate the requirement that Bernhard seek the approval of the shareholders of the Bond Fund before entering into an identical investment advisory contract with VLI for the interim period between the effective date of the proposed Reorganization and the May, 1983 shareholders meeting of the Bond Fund. Applicants further seek exemption from Section 205(2) of the Advisers Act to permit them to forego

obtaining the consent of their non-investment company clients before transfering the remaining terms of those clients' advisory agreements from Bernhard to VLI, as contemplated by the proposed Reorganization.

Applicants assert that the proposed Reorganization, including the transfer of non-investment company advisory contracts, will not constitute an "assignment" of such contracts, as defined in Section 2(a)(4) of the Act and Section 202(a)(1) of the Advisers Act, because it will not result in a change of actual management or control of the existing investment adviser, Bernhard, when the proposed Reorganization is effected. Nevertheless, Applicants believe it is prudent to seek a temporary exemption to render moot any future controversy as to whether a technical assignment had taken place or whether the existing investment advisory contracts terminated by operation of law or by the terms of those contracts upon consummation of the proposed Reorganization.

Section 6(c) of the Act and Section 206A of the Advisers Act together permit the Commission to conditionally or unconditionally exempt any transaction or any class or classes of transactions for any provision of the Act and Advisers Act if and to the extent that such exemption is necessry or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants estimate that the cost of preparing, printing and mailing shareholders proxy materials and convening a special meeting for the Bond Fund shareholders and the expense of seeking consent from other advisory clients would be significant. According to the application, the exemptions requested will permit Bernhard's advisory clients to continue their present relationships without interruption and save Applicants the expense and inconvenience of submitting proxy material to, and obtaining the consent of its advisory clients. In addition, Applicants argue that the proposed Reorganization will not affect the personnel who are performing advisory services for their investment company and non-investment company clients, the ability of the adviser to service its clients, or the price, quality or quantity of services performed.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7386 Filed 3-21-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13100; 812-5468]

Metropolitan Tower Life Insurance Co. et al.; Application

March 16, 1983.

Notice is hereby given that Metropolitan Tower Life Insurance Company ("Metropolitan Tower"), Separate Account One of Metropolitan Tower Life Insurance Company ("Separate Account One"), a separate account registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust, and Metropolitan Life Insurance Company ("Metropolitan Life") (collectively, "Applicants") One Madison Avenue, New York, 10010, filed an application on March 4, 1983 and an amendment thereto on March 14, 1983 for an order of the Commission approving the terms of certain offers of exchange pursuant to Section 11 of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

Metropolitan Tower and Separate Account One intend to offer variable life insurance policies funded through Separate Account One. Metropolitan Life is the principal underwriter of the policies. Separate Account One is divided into investment divisions, each of which will invest solely in shares of one of the portfolios of Metropolitan Series Fund, Inc. (the "Series Fund"), a management investment company of the series type. Separate Account One will purchase and redeem Series Fund shares at their net asset value, without any sales charges or other deductions. There currently are three investment divisions, each of which will invest in one of the three current portfolios of the Series Fund.

The amount provided for investment (the "Benefit Base") under the policies will be allocated to the investment divisions of Separate Account One. Benefits under the policies will vary based, among other things, on the investment experience of the investment divisions used in connection with the policy. Once each policy year the policy owner can change the allocation of the existing amounts of Benefit Base among the investment divisions. More frequent changes may, however, be permited with the consent of Metropolitan Tower. Changes in allocations of Benefit Base will be effected at the net asset values of the relevant divisions next computed after receipt by Metropolitan Tower of a written transfer request, provided all due premiums have been paid. No fees or charges of any kind will be imposed in connection with such transfers.

Applicants request Commission approval under Sections 11(a) and 11(c) of the Act to the extent necessary to permit policy owners to effect transfers of Benefit Base between the three initial divisions of Separate Account One pursuant to the policies.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 11, 1983, at 5.30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7387 Filed 3-21-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13097; 811-2584]

Pliyield Fund, Inc.; Filing of Application

March 15, 1983.

Notice is hereby given that Pliyield Fund, Inc. ("Applicant"), Two Shell Plaza, 777 Walker, Suite 2000, Houston, TX 77002, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on January 24, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company, as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Pennsylvania corporation, states that on July 25, 1975, it filed a registration statement pursuant to Section 8 of the Act. Its registration statement filed under the Securities Act of 1933 was declared effective on September 29, 1975, and an initial public offering was commenced immediately thereafter.

Applicant represents that on March 22, 1982, its board of directors approved the Plan and Agreement of Merger ("Plan of Merger") between Applicant and Southwestern Investors Income Fund, Inc. ("Southwestern Investors"). Applicant states that a majority of its shareholders approved and adopted the Plan of Merger. Applicant states that effective July 26, 1982, it was merged into Southwestern Investors and no longer exists as a separate corporation.

Applicant represents that a dividend of $.34 per share was distributed on July 21, 1982. Applicant further represents that upon consummation of the merger, each share of capital stock of Pliyield was automatically converted into shares of common stock of Southwestern Investors on the basis of 1.72368549 shares of Southwestern Investors common stock for each share of Applicant's stock.

Applicant represents that it has no debts or other outstanding liabilities, and it is not a party to any litigation or administrative proceeding. Applicant states that within the last 18 months it has not transferred any of its assets to a separate trust. Finally, Applicant states that it is not now engaged, and does not propose to engage, in any business activity other than that necessary to wind up its affairs.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than Aprl 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7384 Filed 3-21-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13098; 812-5119]

Southwest Funding Corp.; Filing of Application

March 15, 1983.

Notice is hereby given that Southwest Funding Corp. ("Applicant"), 165 Broadway, New York NY 10080, a Delaware corporation, filed an application on January 28, 1983, seeking an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), amending a prior order of the Commission (Investment Company Act Release No. 12463) ("Prior Order"), which exempts Applicant from all provisions of the Act, to the extent necessary to permit Applicant to engage in certain additional business activities consistent with the terms of the Prior Order. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

By application filed March 2, 1982 ("Original Application"), Applicant requested an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicant from all provisions of the Act. On May 3, 1982, the Commission issued a notice (Investment Company Act Release No. 12415) of the Original Application and on June 4, 1982, the Commission issued the Prior Order granting the relief requested by the Original Application. All interested persons are referred to the Original Application for a statement of the representations contained therein.

As stated in the Original Application, Applicant's sole business consists of issuing and selling its commercial paper notes and advancing the net proceeds of sale thereof, to United States entities engaged in the business of purchasing or otherwies acquiring mortgages and other liens on and interests in, real estate. Applicant now represents that its sole business will consist of the issuance and sale of: (1) Short-term negotiable promissory notes of the type exempt from the registration requirements of the Securities Act of 1933 ("Securities Act") by virtue of paragraph 3(a)(3) thereof and generally referred to as commercial paper ("Commercial Paper Notes") and (2) medium-term promissory notes ("Medium-Term Notes") in non-public transactions exempt from the registration requirements of the Securities Act pursuant to the private placement exemption available under Section 4(2) of the Securities Act.

Applicant states that it will advance the net proceeds of sale thereof to United States customers of Mercantile National Bank of Dallas ("Mercantile") that participate in Applicant's promissory note program ("Borrowers"), and that substantially all of Applicant's assets will consist of promissory notes issued by the Borrowers ("Advance Notes"), evidencing the obligations of the Borrowers to repay to Applicant indebtedness of the Borrowers arising by reason of advances made thereto by Applicant. Applicant represents that each Advance Note of each Borrower to Applicant will be supported by a separate irrevocable letter of credit ("Letter of Credit") issued in favor of the holder of the Advance Note by Mercantile for the account of the Borrower.

Applicant represents that none of its outstanding common stock is, or in the future will be, owned by Mercantile or by any of the Borrowers, or by any affiliate of any of them. Applicant states that there has been, and undertakes that in the future there will be, no public offering of its common stock or of any other equity security of Applicant.

Applicant states that the Commerecial Paper Notes will be sold in minimum denominations of $100,000, will have a maturity not exceeding 270 days, and

will neither be payable on demand prior to maturity nor eligible for any extension; renewal, or automatic "rollover" at the option of either the holder or the issuer. Applicant undertakes not to market the Commercial Paper Notes before receiving an opinion of counsel to the effect that the proposed offering of commercial paper is entitled to an exemption from the registration requirements of the Securities Act by virtue of paragraph 3(a)(3) thereof. Applicant does not request Commission review or approval of counsel's opinion regarding the availability of an exemption under paragraph 3(a)(3) of the Securities Act. Applicant states that the Commercial Paper Notes will be offered publicly, through one or more major dealers, only to the types of sophisticated and largely institutional investors that ordinarily participate in the commercial paper market and that, while an announcement of the establishment of the commercial paper facility may be made as a matter of record, the offering will not be advertised. Applicant undertakes to ensure that each dealer in the Commericial Paper Notes will furnish each offeree with memoranda describing the businesses of Mercantile and Applicant and providing the most recent annual and quarterly financial information for Mercantile. Applicant represents that the memoranda prepared by each dealer will be updated as promptly as practicable to reflect any material adverse changes in the financial status of Applicant or of Mercantile and will be at least as comprehensive as memoranda customarily used in offering commercial paper.

Applicant represents that the Medium-Term Notes will be sold in minimum denominations of not less than $150,000 and will have maturities ranging from one to seven years. Applicant further represents that the Medium-Term Notes will be sold only in non-public transactions exempt from the registration requirements of the Securities Act pursuant to the private placement exemption available under Section 4(2) of the Securities Act. Applicant undertakes not to issue and sell any Medium-Term Notes prior to receiving an opinion of counsel that the private placement exemption available under Section 4(2) of the Securities Act is applicable to the transactions in which the Medium-Term Notes are proposed to be sold. Applicant does not request Commission review or approval of counsel's opinion regarding the availability of an exemption under Section 4(2) for the issuance and sale of the Medium-Term Notes in non-public transactions.

Applicant represents that prior to their issuance, the Commercial Paper Notes, and any future offering of Applicant's debt securities, will have received one of the three highest investment grade ratings from at least one nationally-recognized statistical rating organization. However, no such rating shall be required to be obtained with respect to an issue of Medium-Term Notes or other debt securities of Applicant if, in the opinion of Applicant's counsel, an exemption is available for the issue pursuant to Section 4(2) of the Securities Act for the transactions in which the Medium-Term Notes or other debt securities are sold. Applicant undertakes that, in respect of any future offerings of Applicant's debt securities, it will obtain an opinion of counsel as to the availability of an exemption from the registration provisions of the Securities Act.

Applicant undertakes to select a major commercial bank to act as issuing and paying agent for the Commercial Paper Notes and the Medium-Term Notes ("Depositary"). Mercantile will consent to the appointment of the Depositary. As trustees for the benefit of holders of the Commercial Paper Notes and the Medium-Term Notes, the Depositary will receive an assignment of all of Applicant's rights to payments of the Advance Notes and all of Applicant's rights under the Letters of Credit attached thereto. The Depositary will receive the proceeds from Applicant's sale of the Commercial Paper Notes and the Medium-Term Notes and will collect payments made in respect of the Advance Notes upon maturity.

Maturing Commercial Paper Notes will be paid by the Depositary with funds received either from: (i) Payments made by Borrowers under Advance Notes issued with respect to advances of the net proceeds of the sale of Commercial Paper Notes or (ii) the net proceeds of sales of Commercial Paper.

Notes. Similarly, maturing Medium-Term Notes will be paid by the Depositary with funds received either from (i) payments made by Borrowers under Advance Notes issued with respect to advances of the net proceeds of the sale of Medium-Term Notes or (ii) the net proceeds of sales of Medium-Term Notes.

Applicant states that it will advance all of the net proceeds from sales of the Commercial Paper Notes or the Medium-Term Notes to the Borrowers. For each Borrower, Applicant will issue Commercial Paper Notes or Medium-Term Notes in aggregate amounts which, together with disbursements under the Letters of Credit and loans made by Mercantile to the Borrower pursuant to a loan agreement between Mercantile and each Borrower ("Loans"), will not exceed a designated amount ("Commitment") specified for each Borrower. Applicant further states that the payment obligations of each Borrower to Applicant with respect to Advance Notes of that Borrower will be supported by separate Letters of Credit issued in favor of the holders thereof by Mercantile for the account of the Borrower.

Section 6(c) of the Act provides that the Commission by order upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class of persons, securities, or transactions from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that approval of this application is necessary and appropriate in the public interest. Applicant, the Borrowers and Mercantile believe that significant efficiencies and economies can be obtained by the consolidation of what would be separate borrowings into a program whereby a single entity, such as Applicant: (i) Issues and sells in public transactions, commercial paper notes and issues and sells in non-public transactions, medium-term notes and (ii) advances the proceeds thereof to the Borrowers. Applicant believes that this program would enable the Borrowers to gain expeditious access to the attractive rates available in either the commercial paper market or the medium-term note market without being subject to certain of the costly arrangements and procedures which would accompany the entry by the Borrowers into those markets on their own.

Applicant represents that it will receive assurances from each Borrower that the Borroer is not an investment company within the meaning of Section 3(a) of the Act or is deemed to be excluded from the definition of an investment company by virtue of the provisions of either of Sections 3(b) or 3(c) of the Act. As a company which is not an investment company within the meaning of Section 3(a) of the Act or which is deemed excluded from the definition of an investment company, Applicant states that each Borrower would be permitted to issue directly and

sell debt securities without registering under the Act as an investment company. Applicant maintains that while it may technically be deemed to be an investment company under Section 3(a) of the Act, Applicant's operations would be conducted only in order to provide funds to entities which are not treated as investment companies under the Act.

Applicant contends that approval of the application would be consistent with the protection of investors. Applicant states that its limited business purpose and Applicant's obligation to invest only in the Advance Notes, none of which will be an obligation of an investment company and the payment of each of which will be supported by a Letter of Credit issued by Mercantile, obviate the need for the regulatory safeguards provided by the Act. Applicant also states that as a special purpose corporation created solely to issue and sell the commercial Paper Notes and Medium-Term Notes and advance the proceeds of sale thereof to the Borrowers, Applicant's only "investment" activity would be the purchase or other acquisition of promissory notes (i) of entities which are excluded or exempted from the Act because they are not investment companies as defined in the Act, and (ii) which would be supported by Letters of Credit of a major United States bank. In addition, each of the Advance Notes of the Borrowers will have the same maturity date as the maturity date of either the Commercial Paper Notes or the Medium-Term Notes issued by the Applicant to obtain funds to make Advances.

Applicant further states that the holders of the Commercial Paper Notes do not require the protections accorded investors under the Act. Applicant maintains that the assignment to the Depositary, as trustee for holders of the Commercial Paper Notes, of Applicant's rights to the collateral, if any, securing the Borrowers' obligations to pay the Advance Notes and of Applicant's right under the Letters of Credit supporting the payment of the Advance Notes effectively supports the payment of those Advance Notes and adequately protects the holders of the Commercial Paper Notes.

Applicant contends that because the Commercial Paper Notes will generate funds for "current transactions," will have a maturity of 270 days or less, exclusive of days of grace, and will neither be payable on demand nor provide for any extension, renewal, or automatic "rollover," the characteristics of the Commercial Paper Notes themselves also limit the possible exposure of investors as well as the possiblity of the abuses against which the Act is directed.

Applicant similarly contends that the holders of the Medium-Term Notes do not require the protections accorded investors under the Act. Applicant maintains that the assignment to the Depositary, as trustee for the holders of the Medium-Term Notes, of Applicant's rights under the irrevocable Letters of Credit issued by Mercantile and attached to each of the Advance Notes evidencing Advances funded with the net proceeds of sales of Medium-Term Notes, and of Applicant's rights to the collateral, if any, securing the Borrowers' obligations to pay those Advance Notes supports the payment of those Advance Notes and adequately protects the holders of the Medium-Term Notes.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7385 Filed 3-21-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19601; File No. SR-AMEX-82-14]

Self-Regulatory Organizations; Proposed Rule Change By American Stock Exchange, Inc., Relating To Facilitation Orders and Registered Option Traders' Activities

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 7, 1982, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change described, as amended by filings of October 13, 1982, and February 2, 1983, in Items I, II, and III below, which items are drawn from materials prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. proposes to amend Rule 950, as it relates to Rules 111, 126 and 131, and Rule 958, as it relates to Rule 111, as set forth below. *Italics* indicates material proposed to be added; brackets [ ] indicate material proposed to be deleted.

Rule 950. Rules of General Applicability

(a) and (b)—[no change].

(c) The provisions of Rule 111 and Commentary thereto, with the exception of paragraphs *(a)(1),* (b) and (e) of such Rule and Commentary insofar as it relates to such paragraphs, shall apply to Exchange option transactions. In addition, the following commentary shall also apply to an order in a class of options also traded on another exchange which is placed for an account in which a market maker in options registered as such on such other exchanges has an interest (a "covered account"):

* * * Commentary.

.01 and .02—[no change].

.03 The number of Registered Option Traders in a trading crowd who are establishing or increasing a position for accounts in which they have an interest may temporarily be limited when, in the judgment of two Floor Officials, the interests of a fair and orderly market are served by such limitation.

(d) The provisions of Rule 126, with the exception of sub-paragraphs (a) and (b) thereof, shall apply to Exchange option transactions and the following additional commentary shall also apply:

* * * Commentary.

.01—[Relating to spread priority—no change].

.02 A member who holds both an order for a public customer of a member organization and a facilitation order for the proprietary account of a member organization may cross such orders if:

(a) the member organization discloses aon its option order ticket all the terms of the public customer order, including, if applicable, any contingency involving other options, underlying securities, or related securities; and

(b) the member requests bids and offers for the option series subject to facilitation, then discloses the public customer order and any contingency respecting such order and identifies the order as being subject to facilitation; and

(c) after providing an opportunity for such bids and offers to be made, the member, on behalf of the public customer, either bids above the highest bid or offers below the lowest offer in the market. After all other market participants are given an opportunity to accept the bid or offer made on behalf of the public customer, the member may cross all or any remaining part of the public customer order and the facilitation order at the public customer's bid or offer by announcing in public outcry that (s)he is crossing such orders stating the quantity and price(s).

When accepting a bid or offer made on behalf of a public customer, all contingencies of the public customer order must be satisfied. Once the bid or offer has been made on behalf of the public customer, such order has precedence over any other bid or offer in the crowd at the same price, to trade immediately with the facilitation order.

For purposes of this Rule and Rule 950(e)(iv) the term "public customer of a member organization" means a customer that is neither a member nor a broker/dealer.

Rule 950. (e) The types of orders specified in Rule 131 and the following additional types of orders shall be applicable to Exchange option transactions:

(i) through (iii)—[No Change].

(iv) Facilitation Order—A Facilitation order is an order for the proprietary account of a member organization which is only executed, in whole or in part, in a cross transaction with an order for a public customer of the member organization. All facilitation orders must be marked as required by the Exchange.

Rule 958. Options Transactions of Registered Traders—[No Change].

* * * Commentary.

.01 through .05—[No change].

.06 Rule 111 as modified by Rule 950 [(b)] (*c*) also applies to Exchange option transactions effected by Registered Traders. [Paragraph .01 of the Commentary to Rule 111 shall apply to Registered Traders when effecting transactions in classes of options not assigned to them, but shall not apply to Registered Traders when effecting transactions in classes of options to which they are assigned.]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Summaries of the most significant aspects of such statements are set forth in sections (A), (B), and (C) below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

Exchange Rule 111 (Restrictions on Registered Traders), paragraphs (a)(1) and Commentary .01 thereto, currently prohibit congregation in a particular stock and limit the number of Registered Traders in a trading crowd to three traders establishing or increasing positions. This restriction is made applicable to options trading and Registered Options Traders ("ROTs") by Rule 950 (Rules of General Applicability). The Exchange's experience with respect to its options trading program has underscored the importance of ROTs in trading crowds. ROTs have demonstrated a positive effect on the markets in which they trade, adding both depth and liquidity to the market place, as well as fulfilling regulatory market-making responsibilities. Given the expanding number of option series available for trading, both puts and calls, any limitations on the number of ROTs permitted in a trading crowd would be counter-productive. Therefore, the Exchange proposes to remove the limitation of three ROTs per trading crowd, but reserve the authority to restrict the number of ROTs in a trading crowd in rare instances when, in the opinion of two Floor Officials, the market would best be served by such restriction.

A portion of Commentary .06 to Rule 958 restates certain provisions of Rule 111 and Commentary .01 thereto regarding the number of Registered Traders permitted in a trading crowd. The Exchange is proposing to delete the repetitive language to be consistent with the changes proposed for Rule 950(c). The change in Commentary .06 from a reference to Rule 950(b) to a reference to Rule 950(c) is also a technical change. Rule 958 was inadvertently not amended to reflect the re-paragraphing of Rule 950 on a prior occasion.

The proposed changes to Rule 950 (d) and (e) would provide for a new type of order, a "facilitation order," to facilitate the crossing of public customer orders with firm proprietary account orders.

Presently, Exchange rules provide a procedure for crossing orders on the Trading Floor. This procedure is frequently used by member firms to cross a customer order with an order for the firm's proprietary account in instances where the firm attempts to accommodate its customer. The crossing procedure, however, permits other Floor members to participate on either side of the cross-transaction. On occasion, this results in other market participants competing with the customer side of the cross-transaction (thereby not permitting the completion of the customer order) while the member firm order (entered solely as an accommodation to its customer) receives a complete execution.

To alleviate this situation, the Exchange proposes adoption of a "facilitation order" to facilitate the crossing of public customer orders with firm proprietary account orders to insure complete execution of such customer orders. As proposed, a faciliation order would be an order for the proprietary account of a member firm which is to be executed, in whole or in part, in a cross-transaction with a public customer order. Facilitation orders would need to be announced as such to the trading crowd and marked appropriately. The procedure for crossing the facilitation order with the customer order would provide that Floor members may only compete with the facilitation order and not the customer order.

In addition, the proposed rule provides that any contingencies attached to or associated with the customer order must be disclosed to the trading crowd. Acceptance of a customer's bid or offer would mean acceptance of the contingency as well. For example, if a customer enters an order to buy 20,000 shares of XYZ stock and simultaneously sell 400 XYZ calls, (a 1 : 2 buy/write), and the firm is willing to accommodate the customer by selling the stock and buying the calls, the firm could enter a facilitation order for the options on the AMEX Floor. Once the stock contingency is disclosed on the Floor, all bids competing with the firm's option facilitation order must also be willing to sell stock at the same (or better) price than that at which the firm is willing to sell the stock. Floor members wishing to participate partially in such a transaction may do so, provided they participate in the same stock/option ratio. (E.g., a member might

participate partially by committing to sell 10,000 shares of stock and buy 200 options.)

A similar procedure, which is intended to facilitate the execution of customer orders, particularly stock/option, option spread and combination orders was recently adopted by the Chicago Board Options Exchange, Incorporated ("CBOE").

The proposed rule changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that they further a free and open market which will facilitate options transactions.

Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Amex does not believe that the proposed rule changes will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received from Members, Participants, or Others

The Exchange's Options Committee and its Subcommittee on Trading Practices and Procedures considered and approved the proposed rule changes in substance after a review of similar proposals by the Philadelphia Stock Exchange, Inc., and the CBOE.

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 15, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7383 Filed 3-21-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region VIII Advisory Council; Meeting

The Casper District Office of the Small Business Administration will hold a public meeting to include the Wyoming Small Business Administration Advisory Council members at the Hitching Post, 1700 Lincolnway, Cheyenne, Wyoming, on Thursday, April 14, 1983, beginning at 1:00 pm and closing April 15, 1983, at 12:00 noon.

For further information, write or call Paul Nemetz, District Director, U.S. Small Business Administration, P.O. Box 2839, Casper, Wyoming 82602, Phone: (307) 261-5761.

Dated: March 14, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-7398 Filed 3-21-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 854]

Applications for Permit To Fish Off the Coasts of the United States

The Fishery conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management councils that receive copies of these applications, be published in the **Federal Register.**

Individual vessel applications for fishing in 1983 have been received from the Governments of the Union of Soviet Socialist Republics, Spain, Italy, Portugal, Japan and Denmark (Faroe Islands).

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F/CM7), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (Telephone: (202) 634-7432).

Dated: March 1, 1983.

James A. Storer,

Director, Office of Fisheries Affairs.

Fishery Codes and Designation of Regional Councils Which Review Applications for Individual Fisheries are as Follows

Code	Fishery	Regional Council
ABS	Atlantic Billfishes and Sharks.	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet.	North Pacific.
CRB	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England, Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean).	Western Pacific.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California Trawl	Pacific.
PBS	Pacific Billfish and Sharks.	Western Pacific

Activity Codes Specify Categories of Fishing Operations Applied for are as Follows:

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Joint Ventures			
Spain:			
Axaxo, stern trawler	SP-83-0104	NWA	2
Nuska, medium stern trawler	SP-83-0043	NWA	2
Andes, medium stern trawler	SP-83-0117	NWA	2
Spain and Sea Harvest Inc., 985 Ocean Drive, Cape May, New Jersey, 08204, Tel: (609) 884-3000, have applied to engage in a joint venture fishery aimed at producing 1400 metric tons of Illex Squid, 1400 mt of Loligo Squid and incidental bycatch during the months of May through December 1983.			
Izarra, medium stern trawler	SP-83-0064	NWA	2
Spain and Sea Harvest Inc., 985 Ocean Drive, Cape May, New Jersey, 08204, Tel: (609) 884-3000, have applied to engage in a joint venture fishery aimed at producing 1000 mt of Illex Squid, 400 mt of Loligo Squid and incidental bycatch during the months of May through December 1983.			
Playa de pesmar, medium stern trawler	SP-83-0113	NWA	2
Teucro, medium stern trawler	SP-83-0101	NWA	2
Spain and Sea Harvest Inc., 985 Ocean Drive, Cape May, New Jersey, 08204, Tel: (609) 884-3000, have applied to engage in a joint venture fishery aimed at producing 900 mt of Illex Squid, 450 mt of Loligo Squid and incidental bycatch during the months of May through December 1983.			
Pescapuerta Segundo, stern trawler/freezer	SP-83-0112	NWA	2
Pescapuerta Tercero, stern trawler/freezer	SP-83-0020	NWA	2
Anavar, S.A. of Vigo, Spain and Stonington Seafood Products, Inc., P.O. Box 748, Narragansett, Rhode Island, 02882, Tel: (401) 783-3310, have applied to engage in a joint venture fishery aimed at processing between 3500 and 5000 metric tons of Loligo Squid during the months of April 1, 1983 to March 31, 1984.			
Portugal:			
Vimieiro, stern trawler	PO-83-0013	NWA	2
Sao Rafael, large stern trawler	PO-83-0002	NWA	2
Armazens Jose Luiz do Costa e. Ca. Ida. Lisbon, Portugal and Scan Ocean, 42 Rogers Street, Gloucester, Massachusetts 01930, Tel: (617) 283-1004, have applied to engage in a joint venture fishery aimed at producing 5000 metric tons of Illex Squid during the months of May 1, 1983 through October 31, 1983			
Joau Alvares Fagundes, stern trawler/factory	PO-83-0004	NWA	2
Luis Ferrera De Carvalho, stern trawler/factory	PO-83-0005	NWA	2
Elisabeth, stern trawler/factory	PO-83-0015	NWA	2
Sociedade Nacional Dos Armadores de Bacalhau, Rua de Ferragial, 33-1 4E, 1200 Lisboa, Portugal and William Quinby, President, Joint Trawlers (North America) Ltd., P.O. Box 1209 Gloucester, Massachusetts 01930 have applied to engage in a joint venture fishery aimed at producing 3000 metric tons of Illex Squid during the months of June to October 1983.			
U.S.S.R.:			
Sulsk, factory ship	UR-83-0238	WOC	2, 3
18 Syezd Vlksm, large stern trawler	UR-83-0617	WOC	2, 3
Baganovo, large stern trawler	UR-83-0758	WOC	2, 3
Mys Kronotskiy, large stern trawler	UR-83-0711	WOC	2, 3
Mys Kunlskiy, large stern trawler	UR-83-0738	WOC	2, 3
Mys Otradnyi, large stern trawler	UR-83-0073	WOC	2, 3
Mys Orekhova, large stern trawler	UR-83-0017	WOC	2, 3
Ivan Malyakin, large stern trawler	UR-83-0737	WOC	2, 3
Mys Maltseva, large stern trawler	UR-83-0192	WOC	2, 3
Khrustalnyi, large stern trawler	UR-83-0710	WOC	2, 3
Armenlya, large stern trawler	UR-83-0016	WOC	2, 3
Pisatel, large stern trawler	UR-83-0561	WOC	2, 3
Pint, large stern trawler	UR-83-0079	WOC	2, 3
Nadezhda, large stern trawler	UR-83-0061	WOC	2, 3
Mramornyi, large stern trawler	UR-83-0713	WOC	2, 3
Aragonit, large stern trawler	UR-83-0224	WOC	2, 3
The U.S.S.R. and Marine Resources Co (MRC), 192 Nickerson, Suite 307, Seattle, Washington 98109, have applied to engage in a joint venture fishery aimed at producing 35000 metric tons of yellowfin Sole and other flounder, 25000 mt of Atka Mackerel, 25000 mt of Pollock, 17000 mt of Cod, 65000 mt of Hake, 65000 mt of Jack Mackerel, 5000 mt of Shortbelly Rockfish, and 2000 mt of other species in the time frame between February to November 1983			
Tigil, large stern trawler	UR-83-0162	BSA, GOA	2, 3
Mys Egorova, large stern trawler	UR-83-0097	BSA, GOA	2, 3
Kontsika, large stern trawler	UR-83-0076	BSA, GOA	2, 3
Korenga, large stern trawler	UR-83-0215	BSA, GOA	2, 3
Korsakovskaja Baza Okeanich-eskogo Rybolovstva, U.S.S.R. and Marine Resources Co. (MRC). 192 Nickerson, Suite 307, Seattle, Washington 98109, have applied to engage in a joint venture fishery aimed at producing 35000 metric tons of Yellowfins Sole and other flounders, 25000 mt of Atka Mackerel, 25000 mt of Pollock, 17000 mt of Cod, 65000 mt of Hake, 6500 of Jack Mackerel, 5000 mt of Shortbelly Rockfish and 2000 mt of other species in the time frame between February to November 1983.			
Severodonetsk, factory ship	UR-83-0757	BSA, GOA,WOC	2, 3
Baza Tralovogo I Refrigeratornogo Flota, U.S.S.R. and Marine Resources Co. (MRC), 192 Nickerson, Suite 307, Seattle, Washington 98109, have applied to engage in a joint venture fishery aimed at producing 35000 metric tons of Yellowfins Sole and other flounders, 25000 mt of Atka Mackerel, 25000 mt of Pollock, 17000 mt of Cod, 65000 mt of Hake, 6500 of Jack Mackerel, 5000 mt of Shortbelly Rockfish and 2000 mt of other species in the time frame between February to November 1983.			
Zavolshye, altay stern trawler/freezer/processor	UR-83-0751	NWA	2
Karakumy, altay stern trawler/freezer/processor	UR-83-0752	NWA	2
Sevryba, U.S.S.R. and Scan Ocean, 42 Rogers Street, Gloucester, Massachusetts 01930, Tel: (617) 283-1004, have applied to engage in a joint venture fishery aimed at producing 12000 metric tons of Illex Squid, 200 mt of Loligo Squid and 500 mt of Mackerel during the months of June 15 to October 31, 1983.			
Italy			
Assunta Tontini Madre, large stern trawler	IT-83-0001	NWA	1
Tontini Pesca Terzo, large stern trawler	IT-83-0002	NWA	1
Tontini Pesca Quarto, large stern trawler	IT-83-0003	NWA	1
de Giosa T., medium stern trawler	IT-83-0004	NWA	1
Antonietta Madre, medium stern trawler	IT-83-0013	NWA	1
de Giosa L., medium stern trawler	IT-83-0023	NWA	1
Maria Michela, medium stern trawler	IT-83-0024	NWA	1
de Giosa Giuseppe, medium stern trawler	IT-83-0016	NWA	1
Stanislava, large stern trawler	IT-83-0019	NWA	1
Maria C., medium stern trawler	IT-83-0021	NWA	1
Giovanni C., medium stern trawler	IT-83-0022	NWA	1
Airone, medium stern trawler	IT-83-0008	NWA	1
Gabriella C., medium stern trawler	IT-83-0010	NWA	1

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Corrado Secondo, medium stern trawler	IT-83-0012	NWA	1
Carlo di Fazio, medium stern trawler	IT-83-0015	NWA	1
Bella, medium stern trawler	IT-83-0006	NWA	1
Tortonalli E., medium stern trawler	IT-83-0011	NWA	1

Italy and the International Seafood Trading Corp., P.O. Box 555, Cape May, New Jersey, 08204, have applied to engage in a joint venture fishery aimed at producing 14000 metric tons of Illex Squid and 12000 mt of Loligo Squid during the months of April 1 to March 31, 1983.

End Joint Ventures

Japan:			
Ena Maru, cargo/transport vessel	JA-83-0577	BSA, NWA, GOA	3
Shinasahi Maru, cargo/transport vessel	JA-83-0578	BSA, GOA, SNA, NWA	3
Yamasan Maru No. 101, medium stern trawler	JA-83-1164	BSA	1, 2
Yamasan Maru No. 102, medium stern trawler	JA-83-1165	BSA	1, 2
Uno Maru No. 7, cargo/transport vessel	JA-83-1166	CRB, BSA, GOA, NWA, ABS, PBS, SMT, SNA	3
Uno Maru No. 17, cargo/transport vessel	JA-83-1208	CRB, BSA, GOA, NWA, ABS, PBS, SMT, SNA	3
Swallow, cargo/transport vessel	JA-83-0032	NWA, BSA, GOA, SMT	3
Daikan Maru, cargo/transport vessel	JA-83-0033	NWA, BSA, GOA, SMT	3
Seagull, cargo/transport vessel	JA-83-0034	NWA, BSA, GOA, SMT	3
Daisno Maru, cargo/transport vessel	JA-83-0035	NWA, BSA, GOA, SMT	3
Akebono Maru No. 31	JA-83-0306	BSA, GOA, SMT	1, 2
U.S.S.R.:			
Bereg Mechty, cargo/transport vessel	UR-83-0753	BSA, GOA, WOC	3
Bereg Nadezdy, cargo/transport vessel	UR-83-0754	BSA, GOA, WOC	3
Kamchatskiy Bereg, cargo/transport vessel	UR-83-0755	BSA, GOA, WOC	3
Sakhalinskie Gory, cargo/transport vessel	UR-83-0261	BSA, GOA, WOC	3
Amurskiy Bereg, cargo/transport vessel	UR-83-0750	BSA, GOA, WOC	3
Marshal Rokossovskiy, cargo/transport vessel	UR-83-0274	BSA, GOA, WOC	3
Abinsk, cargo/transport vessel	UR-83-0756	BSA, GOA, WOC	3
Zolotoi Rog, cargo/transport vessel	UR-83-0270	BSA, GOA, WOC	3
Granitnyi, cargo/transport vessel	UR-83-0268	BSA, GOA, WOC	3
Almaznyi, cargo/transport vessel	UR-83-0264	BSA, GOA, WOC	3
Khudozhnik Vrubel, cargo/transport vessel	UR-83-0276	BSA, GOA, WOC	3
Ust-Kut, tanker fuel/water	UR-83-0727	BSA, GOA, WOC	3
Ust-Ilimsk, tanker fuel/water	UR-83-0748	BSA, GOA, WOC	3
Mys Kodosh, tanker fuel/water	UR-83-0731	BSA, GOA, WOC	3
Galve, tanker fuel/water vessel	UR-83-0733	BSA, GOA, WOC	3
Ust-Karsk, tanker/fuel/water	UR-83-0728	BSA, GOA, WOC	3
Reshitelnyi, repair ship	UR-83-0644	BSA, GOA, WOC	3
Snorovistyi, repair ship	UR-83-0724	BSA, GOA, WOC	3
Denmark (Faroe Islands):			
Bakur TN 468, longline fishing vessel	DA-83-1005	ABS	1, 2
Portugal:			
Joao Alvares Fagundes, large stern trawler	PO-83-0004	NWA	1, 2
Luis Ferreira de Carvalho, large stern trawler	PO-83-0005	NWA	1, 2
Elisabeth, large stern trawler	PO-83-0015	NWA	1, 2

[FR Doc. 83-7314 Filed 3-21-83; 8:45 am]

BILLING CODE 4710-09-M

[Public Notice 853]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 655 (44 FR 1784b), March 23, 1979, the Department is submitting its September, October, November, December 1982, January & February 1983 list of U.S. accredited Delegations which included priyate-sector representatives.

Publication of this list is required by Articles III(c)(5) of the guidelines published in the **Federal Register** on March 23, 1979.

Dated: March 9, 1983.

H. B. Shishkin,

Deputy Director, Office of International Conferences

United States Delegation to the XIV Inter-American Travel Congress (IATC), Organization of American States (OAS), Acapulco, August 29–September 4, 1982

Representative

David L. Edgell, Director, Office of Policy and Planning, U.S. Travel and Tourism Administration, Department of Commerce

Alternate Representative

Leona Bryant, Director of Tourism, Division of Tourism, The Virgin Islands of the United States

Private Sector Adviser

Yezmin Hernandez, Assistant Coordinator for Tourism, University of the Sacred Heart, San Juan, Puerto Rico

United States Delegation to the 34th Session of the Subcommittee on the Carriage of Dangerous Goods, International Maritme Organization (IMO), London, September 6–10, 1982

Representative

Robert L. Storch, Commander, Marine Technical and Hazardous Materials Division, U.S. Coast Guard, Department of Transportation

Alternate Representative

John P. Aherne, Lieutenant, Marine Technical and Hazardous Materials Division, U.S. Coast Guard, Department of Transportation

Advisers

Edward A. Altemos, International Standards Coordinator, Materials Transportation Bureau, Department of Transportation

Harvey Clew, Shipping Attache, American Embassy, London

P.C. Lauridsen, Captain, Planning and Special Projects Staff, U.S. Coast Guard, Department of Transportation

Private Sector Advisers

Michael T. Bohlman, Sea-Land Services, Inc., Elizabeth, New Jersey

Donald W. Gates, Captain, National Cargo Bureau, Inc., New York, New York

United States Delegation To the Forty-Seventh Session of the Maritime Safety Committee (MSC) Intergovernmental Maritime Organization (IMO), London, September 13–17, 1982

Representative

Clyde T. Lusk, Jr., Rear Admiral, Chief, Office of Merchant Marine Safety, U.S. Coast Guard, Department of Transportation

Alternate Representative

Daniel F. Sheehan, Technical Adviser, Office of Merchant Marine Safety, U.S. Coast Guard, Department of Transportation

Advisers

Donald J. Kerlin, Fire Protection Engineer, Ship Design Branch, U.S. Coast Guard, Department of Transportation
Robert Markle, Acting Chief, Survival Systems Branch, U.S. Coast Guard, Department of Transportation
Norman W. Lemley, Deputy Chief, Marine Technical and Hazardous Materials Division, U.S. Coast Guard, Department of Transportation

Private Sector Advisers

William M. Benkert, USCG (Ret), Rear Admiral, President, American Institute of Merchant Shipping, Washington, D.C.
William Hannan, Vice President, American Bureau of Shipping, New York, New York
Donald C. Hintze, USCG (Ret), Captain, National Ocean Industries Association, Washington, D.C.
Edward H. Middletown, Technical Adviser, Maritime Institute for Research and Industrial Development, Washington, D.C.
Lloyd Martin, Captain, Secretary Treasurer, Master, Mates and Pilots, New York, New York
John F. Fay, Captain, Assistant Secretary Treasurer, Seafarers International Union of North America, Brooklyn, New York

United States Delegation To the Committee on Housing, Building and Planning, Forty-Third Session, Economic Commission for Europe (ECE), Geneva, September 13–17, 1982

Representative

The Honorable, Stephen J. Bollinger, Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

Adviser

John M. Geraghty, ECE Coordinator, Office of International Affairs, Department of Housing and Urban Development

Private Sector Advisers

James F. Aylward, Jr., President and Chairman of the Board, Mortgage Bankers Association, Washington, D.C.
Harry A. Pryde, First Vice President, National Association of Home Builders, Washington, D.C.

United States Delegation Committee on International Investment and Multinational Enterprise Working Group on Accounting Standards, Organization for Economic Cooperation and Development (OECD), Paris, September 27–October 1, 1982

Representative

Philip T. Lincoln, Jr., Deputy Director, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

Alternative Representative

Edmund Coulson, Office of the Chief Accountant, Securities and Exchange Commission

Private Sector Advisers

Richard Fitzgerald, Vice President, Price Waterhouse & Company, New York, New York
E. Raymond Simpson, Project Manager, Financial Accounting Standards Board, Stamford, Connecticut

United States Delegation to the Interrim Committee on a Code of Conduct on the Transfer of Technology, United Nations Conference on Trade and Development (UNCTAD), Geneva, September 20–October 1, 1982

Representative

John P. Riley, Office of Business Practices, Bureau of Economic and Business Affairs, Department of Justice

Advisers

W. David Braun, Anittrust Division, Department of State
John Harter, U.S. Mission, Geneva
Dieter Hoinkes, Patent and Trademark Office, Department of Commerce
Lucy Hummer, Office of the Legal Adviser, Department of State
Richard Schepard, Attorney, Paris, France

Private Sector Adviser

Robert Muir, Director of Patents and Licensing, Catepillar Tractor Company, Peoria, Illinois

United States Delegation to the International Telecommunication Union (ITU) Plenipotentiary Conference, Nairobi, September 28–November 5, 1982

Chairman

The Honorable Michael Gardner, Ambassador, Washington, D.C.

Vice Chairmen

The Honorable William C. Harrop, Ambassabor, United States Embassy, Nairobi
Kalmann Schaeffer, Assistant to the Chairman for International Communications, Federal Communications Commission
Francis Urbany, International Manager, Spectrum Plans and Policies, National Telecommunications and Information Administration, Department of Commerce

Senior Advisers

Henry Rivera, Commissioner, Federal Communications Commission
Matthew Scocozza, Deputy Assistant Secretary for Transportation and Telecommunication Affairs, Bureau of Economic and Business Affairs, Department of State
Michael Uhlmann, Special Assistant to the President, Office of Policy Development, The White House
The Honorable Bernard Wunder, Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce

Advisers

Dexter Anderson, Office of Science and Technology, Federal Communications Commission
William Cook, Assistant to the Assistant Secretary for Communications Command and Control, Department of Defense
John Gilsenan, Common Carrier Bureau, Federal Communications Commission
Lucy A. Hummer, Deputy Assistant Legal Adviser, Department of State
Wayne Kay, Senior Policy Analyst, Office of Science and Technology Policy, The White House
Harold Kimball, Chief, Communications and Frequency Management, National Aeronautic and Space Administration
David Macuk, Telecommunications Attaché, U.S. Mission, Gevena
D. Clark Norton, Agency Directorate for Transportation and Telecommunications, Bureau of International Organization Affairs, Department of State
Lawrence Palmer, Communications Specialist, Federal Communications Commission
Richard Parlow, Deputy Associate Administrator, Federal Spectrum and Systems Management, National Telecommunications and Information Administration, Department of Commerce
James Pope, Planning and Guidance Staff, International Communication Agency
Richard Shay, Chief Counsel and Acting Director for International Affairs, National Telecommunications and Information Administration, Department of Commerce
Richard E. Shrum, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

Roy Andres, Vice President of Engineering, Western Union International, New York, New York
Raymond Crowell, Senior Policy Adviser, World Systems Division, Communications Satellite Corporation, Washington, D.C.
Joseph A. DeBlasi, Director of Standards, International Business Machines, Armonk, New York
Richard B. Nichols, Vice President of Overseas Department, American Telephone and Telegraph, Morris Plains, New Jersey
Phillip Onstad, Assistant to the Vice President and General Counsel, Control Data Corporation, Washington, D.C.
Samuel E. Probst, Senior Associate for Spectrum Engineering, Systematics General Corporation, Falls Church, Virginia

Maurice B. Tobin, Attorney-at-Law, Washington, D.C.
Margita White, Communications Consultant, McLean, Virginia

United States Delegation to the General Assembly Meeting of the International Institute for Cotton and Plenary Meeting of the International Cotton Advisory Committee, Cairo, October 2–9, 1982

Representative

Everett Rank, Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture

Alternate Representatives

John A. Barcas, Topical Products Division, Bureau of Economic and Business Affairs, Department of State
Gordon H. Lloyd, Tobacco, Cotton, and Seeds Division, Foreign Agricultural Service, Department of Agriculture

Advisers

Charles V. Cunningham, Agricultural Stabilization and Conservation Service, Department of Agriculture
Leonard Mobley, Industry Assessment Division, Office of Textiles, Department of Agriculture

Private Sector Advisers

Donald B. Colin, President Emeritus, New York Cotton Exchange, New York, New York
Kevin McDermott, Sales Analyst, AMCOT, Inc., Bakersfield, California
Samuel Reeves, President, American Cotton Shippers Association, Memphis, Tennessee
Lawrence H. Shaw, Cotton Incorporated, Raleigh, North Carolina
Harold Weeth, President, Cotton Council International, Washington, D.C.

United States Delegation to the Chemical Industry Committee, Economic Commission for Europe (ECE), Geneva, October 4–8, 1982

Representative

Vincent J. Kamenicky, Director, Chemical and Rubber Division, Bureau of Industrial Economics, Department of Commerce

Private Sector Adviser

Myron Foveaux, Legislative Representative, International Trade, Chemical Manufacturers Association, Washington, D.C.

United States Delegation to the Assembly of Parties, International Telecommunications Satellite Organization (INTELSAT), Washington, D.C., October 4–8, 1982

Representative

The Honorable Abbott Washburn, Commissioner, Federal Communications Commission

Alternate Representative

Matthew V. Scocozza, Deputy Assistant Secretary for Transportation and Telecommunications, Department of State

Advisers

Melvin Barmat, Deputy of Commerce
Willard Demory, Federal Communications Commission
William J. Lowell, Bureau of Economic and Business Affairs, Department of State

Private Sector Adviser

Andrea D. Maleter, Communications Satellite Corporation, Washington, D.C.

United States Delegation to the First Session of the Programme Group for the Co-operative Investigation in the North and Central Western Indian Ocean (CINCWIO–1), Intergovernmental Oceanographic Commission (UNESCO) (IOC), Nairobi, October 4–9, 1982

Representative

Louis B. Brown, Division of Ocean Sciences, National Science Foundation, Washington, D.C.

Alternate Representative

Paul E. Smith, Southwest Fisheries Center, National Marine Fisheries Service, National Oceanic and Atomospheric Administration, La Jolla, California

Private Sector Advisers

Otis B. Brown, University of Miami, Miami, Florida
Donald R. Johnson, Old Dominion University, Norfolk, Virginia

United States Delegation to the 49th Session of the Legal Committee, International Maritime Organization (IMO), London, October 4–9, 1982

Representative

Frederick F. Burgess, Jr., Captain, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Alternate Representatives

J. Peter Bernhardt, Attorney Adviser, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Frederick D. Presley, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Congressional Staff Adviser

Duncan Smith, Minority Counsel, Subcommittee on Coast Guard Navigation, Committee on Merchant Marine and Fisheries, United States House of Representatives

Advisers

Harvey Clew, Shipping Attache, United States Embassy, London
Charles R. Corbett, Captain, Office of Marine Environment and Systems, United States Coast Guard, Department of Transportation

Private Sector Advisers

Ernest J. Corrado, Vice President, American Institute of Merchant Shipping, Washington, D.C.
Sidney A. Wallace, Rear Admiral (Ret.), Marine Ecology Committee, Maritime Law Association, Washington, D.C.
Office of International Conferences, Department of State, October 6, 1982

United States Delegation to the Third Session of the Diplomatic Conference, Paris Industrial Property Convention, Geneva, October 4–30, 1982

Representative

The Honorable Gerald J. Mossinghoff, Ambassador, Commissioner of Patents and Trademarks, Department of Commerce

Alternate Representatives

Michael K. Kirk, Assistant Commissioner for External Affairs, Patent and Trademark Office, Department of Commerce
Harvey J. Winter, Director, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State

Advisers

George Dempsey, United States mission, Geneva
Lee Schroeder, Office of Legislation and International Affairs, Patent and Trademarks Office, Department of Commerce

Private Sector Advisers

Donald W. Banner, Schuyler, Banner, Birch, McKie and Beckett, Washington, D.C.
Robert B. Benson, Allis-Chalmers Manufacturing Company, Milwaukee, Wisconsin
Donald R. Dunner, Finnegan, Henderson, Farabow, Garrett and Dunner, Washington, D.C.
Larry W. Evans, Standard oil Company, Cleveland, Ohio
W. Thomas Hofstetter, Pattishall, McAuliffe and Hofstetter, Chicago, Illinois
John T. Lanahan, UOP Inc., Des Plaines, Illinois
Alan D. Lourie, Smith Kline Bechman Corp., Philadelphia, Pennsylvania
Leonard B. Mackey, ITT Corporation, New York, New York
Pauline Newman, FMC Corporation, Philadelphia, Pennsylvania
Louis T. Pirkey, Arnold, White and Durkee, Austin, Texas
Thomas F. Smegal, Jr., Townsend and Townsend, San Francisco, California
Richard C. Witte, Proctor and Gamble Company, Cincinnati, Ohio

United States Delegation to the Group of Exports on the Transport of Perishable Foodstuffs, 37th Session, Economic Commission for Europe (ECE), Geneva, October 11–15, 1982

Representative

Robert F. Guilfoy, Jr., Chief, Transportation and Packaging Research Branch, Office of Transportation, Department of Agriculture

Advisers

Anthony Cruit, Agricultural Counselor, United States Mission, Geneva
George Dempsey, United States Mission, Geneva

Private Sector Adviser

James L. Clark, American Maritime Association, Washington, D.C.

United States Delegation to the 26th Session of the Consultative Committee and 16th Ordinary Session of the International Union for the Protection of New Varieties of Plants (UPOV), Geneva, October 12–15, 1982

Representative

Stanley D. Schlosser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Private Sector Advisor

Sidney B. Williams, Jr., Patent Attorney, The Upjohn Company, Kalamazoo, Michigan

United States Delegation to the Study Group XVII, International Telephone and Telegraph Consultative Committee (CITT), International Telecommunication Union (ITU), Geneva, October 18–22, 1982

Representative

Thijs de Haas, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado

Adviser

Frank McLelland, National Communications System, Arlington, Virginia

Private Sector Advisers

Claude C. Kleckner, American Telephone and Telegraph Company, Basking Ridge, New Jersey
Virginius N. Vaughn, Chatham, New Jersey
Dale M. Walsh, General DataComm Industries, Danbury, Connecticut

United States Delegation to the International North Pacific Fisheries Commission (NPFC), Tokyo, October 25—November 6, 1982

Commissioners

The Honorable Elmer E. Rasmuson, Chairman, National Bank of Alaska, Anchorage, Alaska
The Honorable Dayton Alverson, Managing Partner, Natural Resources Consultants, Inc., Seattle, Washington
The Honorable Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Juneau, Alaska
The Honorable Robert M. Thorstenson, Chairman, Icicle Seafoods, Seattle, Washington

Advisers

Christine L. Dawson, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Robert T. B. Iversen, Regional Fisheries Attache, United States Embassy, Tokyo
Douglas W. McCaleb, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

Robert Moss, Chairman, Advisory Committee, Commercial Fisherman, Homer, Alaska
Robert Alverson, Fishing Vessel Owner's Association, Seattle, Washington
Joan Bergy, Consumer Product Safety Commission, Seattle, Washington
Alvin Burch, Commercial Fisherman, Kodiak, Alaska
William Dreshler, Pacific Pearl Seafoods, Seattle, Washington
Jessie Foster, Commercial Fisherman, Quinhagek, Alaska
John Gilbert, Bumble Bee Seafoods, Seattle, Washington
Gordon Jensen, Alaska Board of Fisheries, Petersburg, Alaska
Richard B. Lauber, Association of Pacific Fisheries, Juneau, Alaska
Herman McDevitt, Pacific Regional Fishery Management Council, Pocatello, Idaho
Henry Mitchell, Bering Sea Fisherman's Association, Anchorage, Alaska
Keith W. Specking, Alaska State Legislature, Juneau, Alaska
Jeffrey Stephans, United Fisherman's Marketing Association, Kodiak, Alaska
Clement Tillion North Pacific Fisheries Management Council, Homer, Alaska

United States Delegation to the Working Party, Organization for Economic and Cooperative Development (OECD) Paris, November 2–3, 1982

Representative

J. D. Darroch, Director, Office of Basic Industries, Department of Commerce

Advisers

Thomas O'Herron, Office of Special Trade Activities, Bureau of Economic and Business Affairs, Department of State
Jorge Perez Lopez, Bureau of International Labor Affairs, Department of Labor

Private Sector Advisers

Frank Fenton, Vice President, American Iron and Steel Institute, Washington, D.C.
Peter Mulloney, Vice President, United States Steel Company, Pittsburgh, Pennsylvania
Jack Sheehan, Director, Legislative Department, United Steelworkers of America, Washington, D.C.

United States Delegation to the Committee on Administration, International Rubber Organization, Kuala Lumpur, November 8–11, 1982

Representative

Robert Pastorino, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Advisers

Gregory Christopolus, Office of the U.S. Trade Representative, Executive Office of the President
Elizabeth Shelton, U.S. Embassy, Kuala Lumpur
Frederic Siesseger, Resources Policy Division, Department of Commerce

Private Sector Advisers

Collier Baird, Baird Rubber Trading Company, Hoboken, New Jersey
Howard Chapell, Goodyear Orient Private Ltd., Singapore
James N. Walsh, Goodyear Tire and Rubber Company, Akron, Ohio

United States, Delegation to the First Preparatory Meeting on Bauxite, United Nations Conference on Trade and Development (UNCTAD), Geneva, November 8–12, 1982

Representative

Robert Goldberg, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

William Sugg, International Resources Division, Department of Commerce

Private Sector Advisers

Frank P. Jones, Jr., Vice President for, Government Affairs, Aluminum Company of America, Washington, D.C.
Alan W. Popp, General Manager, Mineral Resource Development, Reynolds Metals Company, Richmond, Virginia

United States Delegation to the Working Party on Building, Fourteenth Session, Economic Commission for Europe (ECE), Brussels, November 9–12, 1982

Representative

Orville G. Lee, Chief Architect, Building Technology Division, Office of Policy Development and Technology, Housing and Urban Development

Private Sector Adviser

Thomas M. Moses, Director/General Manager, Reedy Creek Improvement District, Orlando, Florida

United States Delegation to the Committee for Coordination of Joint Prospecting for Mineral Resources in the South Pacific Offshore Areas (CCOP/SOPAC), Eleventh Session, Economic and Social Commission for Asia and the Pacific (ESCAP), Wellington, November 9–17, 1982

Representative

Maurice J. Terman, Chief, Asian and Pacific Geology, Office of International Geology, U.S. Geological Service, Department of the Interior

Advisers

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Kenneth L. Norton, Commercial Attache, U.S. Embassy, Wellington

Private Sector Adviser

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United States Delegation to the Plenary Session of the International Commission for the Conservation of Atlantic Tuna (ICCAT) Funchal, Madeira Islands, November 10–16, 1982

Commissioners

The Honorable Carmen J. Blondin, Chairman, U.S. Section
National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

The Honorable Frank B. Carlton, Executive Secretary, National Coalition for Marine Conservation, Savannah, Georgia
The Honorable John McGowan, Astoria, Oregon

Congressional Staff Adviser

George Mannina, Minority Counsel, Subcommittee on Fisheries and Wildlife Conservation and Environment, United States House of Representatives

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Stephen Savage, Office of Oceans and Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Barbara Rothschild, Office of International Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

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Christopher M. Weld, New England Fishery Management Council, Boston, Massachusetts

United States Delegation to the Committee on Buffer Stock Operations International Rubber Organization, Kuala Lumpur, November 12–19, 1982

Representative

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Elizabeth Shelton, U.S. Embassy Kuala Lumpur

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James N. Walsh, Goodyear Tire and Rubber Company, Akron, Ohio

United States Delegation to the Council and Committees on Statistics and Other Measures, International Rubber Organization Kuala Lumpur, November 12–19, 1982

Representative

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Advisors

Robert Pastorino, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State
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James N. Walsh, Goodyear Tire and Rubber Company, Akron, Ohio

United States Delegation to the Meeting of the Administrative and Legal Committees, Union for the Protection of New Plant Varieties, Geneva, November 16–17, 1982

Representative

Stanley D. Schlosser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Private Sector Advisor

Leo Donahue, Executive Director, National Association of Plant Patent Owners, Washington, D.C.
Harold Loden, Executive Director, American Seed Trade Association, Washington, D.C.

United States Delegation to the Insurance Committee and Joint Working Group of the Insurance Committee and the Committee on Invisible Transactions, Organization for Economic and Cooperation Development (OECD), Paris, November 16–19, 1982

Representative

Brant Free, Director, Office of Service Industries, Department of Commerce

Alternate Representative

Richard Self, Deputy Assistant Trade Representative for Services and Policy Development, Office of the U.S. Trade Representative, Executive Office of the President

Private Sector Advisers

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Edith F. Lichota, Vice President, Government Affairs, Insurance Company of North America, New York, New York
Ronald K. Shelp, Vice President, American International Underwriters Corporation, New York, New York

United States Delegation to the Working Group on Tariffs, Inter-American Telecommunications Conference (CITEL), Organization of American States (OAS), Lima, November 22–26, 1982

Delegate

Leon Kestenbaum, Common Carrier Bureau, Federal Communications Commission

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Stanley Araujo, Director for Rates, Western Union International, New York, New York
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Nester Ortiz, Regional Vice President, Western Hemisphere, Western Union Telegraph Company, Upper Saddle River, New Jersey

United States Delegation to the Ninth Meeting of the All Weather Operations Panel of the International Civil Aviation Organization (ICAO), Montreal, November 23–December 8, 1982

Panel Member

Douglas Vickers, Systems Research and Development Service, Federal Aviation Administration, Department of Transportation

Advisers

Carl Peterson, Electronics Engineer, Federal Aviation Administration, Department of Transportation
Ralph Vallone, Systems Analyst, Federal Aviation Administration, Department of Transportation
Lyle Wink, Air Space Systems Inspection Pilot, Federal Aviation Administration, Department of Transportation

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United States Delegation to the Commodities: International Wheat Council (IWU), London, November 29–December 1, 1982

Representative

Donald Novotny, Foreign Agricultural Service, Department of Agriculture

Alternate Representative

Donald Hart, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State

Advisors

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Michael Goldman, Food Policy Division, Bureau of Economic and Business Affairs, Department of State
Turner Oyloe, Agricultural Counsellor, U.S. Embassy, London

Private Sector Advisors

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Winston Wilson, U.S. Wheat Associates, Washington, D.C.

United States Delegation to the Meeting of the Permanent Technical Committee I of the Inter-American Telecommunications Conference (CITEL), Organization of American States (OSA), Lima, November 29–December 3, 1982

Delegate

Leon Kestenbaum, Common Carrier Bureau, Federal Communication Commission

Alternate Delegate

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Julio Vasquez, Director for Relations—Central America Western Union, Inc., New York, New York

United States Delegation to the Committee for Coordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (CCOP), Economic and Social Commission for Asia and the Pacific (ESCAP), Tokyo, November 19–December 10, 1982

Representative

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United States Delegation to the Commodities: Food Aid Committee, London, December 1–2, 1982

Representative

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Private Sector Advisers

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United States Delegation to the Eleventh Session of the Subcommittee on Bulk Chemicals Intergovernmental maritime Organization (IMO), London, December 6–10, 1982

Representative

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United States Delegation to the Committee of Experts on the Transport of Dangerous Goods, Twelfth Session, Economic and Social Council (UN) (ECOSOC), Geneva, December 6–15, 1982

Representative

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Alternate Representative

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Bruce O. Stuart, Stauffer Environmental Health Center, Stauffer Chemical Company, Farmington, Connecticut

United States Delegation to the Committee on International Investment and Multinational Enterprises, Working Group on the Guidelines, Organization for Economic Cooperation and Development (OECD), Paris, December 8–10, 1982

Representative

John T. McCarthy, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

Adviser

Judith Sever, Investment Policy Division, Department of Commerce

Private Sector Adviser

Richard Rowan, Wharton School of Finance, University of Pennsylvania, Philadelphia, Pennsylvania

United States Delegation to the Ad Hoc Working Group of Legal and Technical Experts for Elaboration of a Global Framework, Convention for Protection of the Ozone Layer (2nd Session), United Nations Environmental Program (UNEP), Geneva, December 10–17, 1982

Representative

Mary Rose Hughes, Deputy Assistant Secretary for Environment, Health and Natural Resources, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representative

Scott A. Hajost, Office of the Assistant Legal Adviser, Department of State

Adviser

Larry C. Dorsey, Office of Pesticides and Toxic Substances, Environmental Protection Agency

Private Sector Adviser

Robert Watson, Jet Propulsion Laboratory, Pasadena, California

United States Delegation to the Special Session of the Committee for Information Computer and Communications Policy, Organization for Economic Cooperation and Development (OECD), Paris, December 13–15, 1982

Representative

The Honorable Mark S. Fowler, Chairman, Federal Communications Commission

Adviser

Nancy Adams, Office of the U.S. Trade Representative, Executive Office of the President
Earl Barbely, Federal Communications Commission
James L. Gorman, Bureau of Economic and Business Affairs, Department of State
Lucy Hummer, Office of the Legal Adviser, Department of State
Kenneth Leeson, National Telecommunications and Information Administration, Department of Commerce
Joyce Rabens, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

B.C. Burgess, Bank of America, San Francisco, California
John O'Boyle, ITT Worldcom, New York, New York
Dennis O'Shea, IBM Armonk, New York
Beverly Sincavage, GTE-Telenet, Vienna, Virginia

United States Delegation to the 25th Session of the Subcommittee on Radio Communications of the Intergovernmental Maritime Organization (IMO), London, December 13–17, 1982

Representative

Marshall E. Gilbert, Captain, USCG, Chief, Plans and Policy Division, United States Coast Guard, Department of Transportation

Alternate Representative

Richard L. Swanson, Plans and Policy Division, United States Coast Guard, Department of Transportation

Advisers

Harvey Clew, Shipping Attache, United States Embassy, London
Gordon F. Hempton, Private Radio Bureau, Federal Communications Commission
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Private Sector Advisers

Charles Dorian, Communications Satellite Corporation, Washington, D.C.
Harvey Strichartz, American Radio Association, AFL–CIO New York, New York

United States Delegation to the Committee on Invisibles and Financing Related to Trade, United Nations Conference on the Trade and Development (UNCTAD) Geneva, December 13–17, 1982

Representative

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Ted Tumminello, Vice President and General Counsel, Pan-American Life Insurance Company, New Orleans, Louisiana

United States Delegation to the Subcommittees of the Berne Union Universal Copyright Convention and Rome Convention on Problems Arising From Cable Transmission of TV Programs, UN Educational, Scientific and Cultural Organization/World Intellectual Property Organization (UNESCO/WIPO), Paris, December 13–17, 1982

Representative

David L. Ladd, Register of Copyrights, U.S. Copyright Office

Alternate Representative

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Adviser

David Liebowitz, Senior Attorney, U.S. Copyright Office

Private Sector Advisers

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Professor Alan Latman, School of Law, New York University

United States Delegation to the Executive Council of the International Program for Development of Communications (IPDC) (Third Session), UN Educational, Scientific and Cultural Organization (UNESCO), Paris, December 13–20, 1982

Representative

William G. Harley, U.S. National Commission for UNESCO, Department of State

Alternate Representative

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Senior Adviser

W. Scott Thompson, Associate Director for Programs, United States Information Agency

Advisers

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Martin Jacobs, Officer in Charge of Communications, Bureau of International Organization Affairs, Department of State
William Read, Communications Counsel, United States Information Agency
Elkin Taylor, United States Deputy Permanent Representative, to UNESCO, Paris

Private Sector Adviser

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United States Delegation to the 28th Session of the Subcommittee on Fire Protection, Intergovernmental Maritime Organization (IMO), London, January 17–21, 1983

Representative

Donald J. Kerlin, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

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Harvey Clew, Shipping Attache, United States Embassy, London
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United States Delegation to the Committee on Gas Twenty-Ninth Session, Economic Commission for Europe (ECE), Geneva, January 17–21, 1983

Representative

George Dempsey, U.S. Mission, Geneva

Alternate Representative

James Porter, U.S. Mission, Geneva

Private Sector Adviser

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United States Delegation to the Meeting on Antarctic Mineral Resources, Wellington, New Zealand, January 17–28, 1983

Representative

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Advisers

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Michael Danaher, Office of the Legal Adviser, Department of State
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Private Sector Advisers

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Robert Rutford, President, University of Texas, Dallas, Texas

United States Delegation to the Meetings of International Telegraph and Telephone Consultative Committee, Working Party III/2, January 24–26, 1983 and Study Group III, of the International Telecommunication Union, Geneva, January 27–February 4, 1983

Representative

Earl S. Barbely, Federal Communications Commission, Washington, D.C.

Private Sector Advisers

John Klotsche, RCA Globcom, New York, New York
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Philip Onstad, Control Data Corporation, Greenwich, Connecticut
Dennis O'Shea, IBM, Armonk, New York
Louis Peterec, Western Union International, New York, New York
Beverly Sincavage, GTE Telenet, Vienna, Virginia

Fred Voege, Western Union Telegraph Company, Upper Saddle River, New Jersey

United States Delegation to the 28th Session of the Subcommittee on Stability, Load Lines and the safety of Fishing Vessels International Maritime Organization (IMO) London, February 7–11, 1983

Representative

William A. Cleary, Jr., Chief, Ship Characteristics Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

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Advisers

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Joseph T. Lewis, Chief, Admeasurement Branch Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Private Sector Advisor

Edward H. Middleton, Maritime Institute for Research and Industrial Development, Washington, D.C.

United States Delegation to the Meeting of the International Telegraph and Telephone Consultative Committee Study Group I Working Parties of the International Telecommunication Union, Geneva, February 7–18, 1983

Representative

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Gary Fereno, MCI Corporation, Washington, D.C.
Ralph E. Grant, 3M Company, St. Paul, Minnesota
Joseph Mendres, WUI, New York, New York
Philip Onstad, Control Data Corporation, Greenwich, Connecticut
Harry Silberman, RCA Globcom, New York, New York
Herman R. Silbiger, American Telephone and Telegraph Company, Morristown, New Jersey
Fred Voege, Western Union Telegraph Company, Upper Saddle River, New Jersey

United States Delegation to the Meeting of the International Telegraphic and Telephone Consultative Committee (CCITT), Study Group XVIII, Group of Experts on Integrated Services Digital Network (ISDN) International Telecommunication Union (ITU) Kyoto, February 14–25, 1983

Representative

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 96 (Rev. 7)]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This revision extends the authority granted to the Director of each EP/EO Key District to limit the retroactive effect of the revocation of any determination letter issued with respect to certain employee plans from December 31, 1982, to December 31, 1983; and the deadline by which plans must satisfy certain conditions in order to be eligible for such relief from September 30, 1982, to September 30, 1983. The text of the delegation order appears below.

EFFECTIVE DATE: March 15, 1983.

FOR FURTHER INFORMATION CONTACT: Sheila M. Connor, OP:E:EP:T:8, 1111 Constitution Ave., N.W., Washington, D.C. 20224; 202–566–3149 (Not a Toll-Free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Samuel A. Greer,
Acting Director, Employee Plans Division.

Order No. 96 (Rev. 7)

Effective date: March 15, 1983.

Application of Rulings Without Retroactive Effect

1. Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7805–1(b):

a. The Associate Chief Counsel (Technical) and the Deputy Associate Chief Counsel (Technical) are hereby authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from the Chief Counsel relating to the internal revenue laws shall be applied without retroactive effect.

b. The Assistant Commissioner (Employee Plans and Exempt Organizations) and the Deputy Assistant Commissioner (Employee Plans and Exempt Organizations) are hereby authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from the Assistant Commissioner relating to the internal revenue laws shall be applied without retroactive effect.

2. a. Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7805–1(b), there is hereby delegated to the Director, Employee Plans Division and to the Director, Actuarial Division of the National Office, and to the Director of each EP/EO Key District, the authority to limit the retroactive effect of the revocation of any determination letter issued with respect to employee plans if the following conditions are met:

(1) The plan sponsor has received a favorable determination letter under the law in effect prior to the date that the Employee Retirement Income Security Act of 1974 (ERISA) applied to the plan, but did not receive a favorable post-ERISA determination letter.

(2) The plan sponsor executed the necessary plan amendments to conform to ERISA retroactively to the first plan year that was subject to ERISA and such amendments are executed no later that 91 days after the issuance of a final determination letter or notice of amendments needed to effect compliance (which notice shall be issued at least 91 days prior to the final examination report).

(3) Employees' and beneficiaries' rights and/or benefits under the plan are restored to levels they would have had to attain if the plan had never failed to qualify under ERISA.

(4) The requirements of section 2b relating to form are satisfied on June 4, 1980, and the requirements of section 2b relating to operation are met beginning with the ERISA effective date for the minimum participation standards determined with regard to each plan.

b. The requirements of this section are:

(1) The plan satisfies the age and service requirements for participation described in section 410(a) of the Code or fails to satisfy such requirements solely because the plan incorrectly credits service for eligibility purposes;

(2) The plan satisfies the requirements of section 411(a) or fails to satisfy such requirements solely because the plan incorrectly credits service for vesting purposes;

(3) In the case of a plan subject to the joint and survivor requirements of section 401(a)(11) such plan provides a joint and survivor annuity;

(4) The plan has not failed to satisfy the requirements of section 414(1);

(5) The plan has not, in operation, violated the limitations of section 415(c) by making excess allocations to individuals who are officers, shareholders or highly compensated; and

(6) The plan has not, in operation, been discriminatory in coverage or in contributions or benefits under sections 410(b) and 401(a)(4).

c. In the case of a plan that fails to satisfy section 2a solely as a result of not satisfying one or more of the requirements of section 2B, partial relief will be granted through section 7805(b). The employer's contributions will not be deductible as contributions to a qualified plan. However, section 7805(b) relief will be applied to the trust and all employees except to the extent described in the next two sentences. In the case of a plan that does not satisfy section 2b(5), the 7805(b) relief described in the previous sentence will not apply to any officer, shareholder, or highly compensated individual who received annual additions that did not satisfy such section. In the case of a plan which does not satisfy section 2b(6), the 7805(b) relief will not apply to any officer, shareholder or highly compensated individual. Thus, any such officer, shareholder or highly compensated individual will not receive tha tax treatment applicable with respect to qualified plans. In the case of a plan which fails to satisfy applicable requirements for any other reason relief can only be granted pursuant to section 1b.

d. The section 7805(b) relief detailed in sections 2a, 2c and 3 shall be effective for the period beginning with the ERISA effective date for the minimum participation standards determined with regard to each plan and ending on the date of final compliance which shall be no later than the date defined in section 2a(2) of this order.

(e) In determining whether the requirements of this section are satisfied, proposed amendments received by the Service by June 4, 1980, will be taken into account.

3.a. In addition to the authority delegated in section 2 above, there is delegated to the Director of each EP/EO Key District, the Director, Employee Plans Division and the Director, Actuarial Division, the authority to limit the retroactive effect of the revocation, if any, of a favorable post-ERISA determination letter issued for a plan, except issues with respect to which an Alert Guidelines worksheet was completed. If a determination letter was issued erroneously with respect to issues covered by a completed Alert Guidelines worksheet, retroactive relief may only be granted pursuant to section 1b.

b. If a plan described in section 3a is amended in accordance with section 2a(2), restoration will be required and relief will be granted to the extent described below. If the defect did not exist at the time of the prior letter, the sponsor must restore any benefits and relief will be granted in accordance with the principles in section 2c for the period in which the defect existed. If the defect did exist at the time of the prior letter, the related benefits need only be restored for the period during which the plan was, without regard to the defect, not in compliance with Code section 401(a), and full section 7805(b) relief will be granted.

4. The delegation of authority granted pursuant to sections 2 and 3 above does not permit relief to be granted in any case if after September 30, 1983, amendments required for complete compliance have not been executed or a request for a determination letter with proposed ERISA amendments has not been filed. Notwithstanding the above, the Director of each EP/EO Key District is not delegated any section 7805(b) authority in the case of a plan which the Director of each EP/EO Key District determines to have been discriminatory for years before the effective date of section 410 for such plan. Cases described in this section must be referred to the National Office pursuant to procedures governing requests for technical advice.

5. Notwithstanding any of the above, section 7805(b) authority is not delegated to the Director, Employee Plans Division, the Director, Actuarial Division and the Director of each EP/EO Key District in the case of a plan which has been determined to have violated the exclusive benefit rule of section 4019a).

6. The section 7805(b) authority described in sections 2a, 2c or 3 will be exercised except in rare and unusual circumstances. Where rare and unusual circumstances exist, denial of section 7805(b) relief will be applied only if approved by the National Office.

7. The authority delegated section 1 may not be redelegated.

8. The authority to grant 7805(b) relief in certain employee plan matters herein delegated to the Director, Employee Plans Division and to the Director of each EP/EO. Key District may not be redelegated below the level of the Chief, Employee Plans Technical Branch and the Assistant Chief, EP/EO Division, respectively. The authority to grant 7805(b) relief delegated to the Director, Actuarial Division may not be redelegated.

9. This delegation order expires with respect to the Director of each EP/EO Key District on December 31, 1983.

10. To the extent that authority previously exercised consistent with this Order may require ratification, it is hereby affirmed and ratified.

11. Delegation Order No. 96 (Rev. 6), effective March 21, 1982, is superseded.

James I. Owens,

Deputy Commissioner.

[FR Doc. 83-7099 Filed 3-21-83; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Grant Application for a Veterans Cemetery, Government of Guam; Finding of No Significant Impact

The Veterans Administration (VA), in cooperation with the Government of Guam, has determined that potential environmental impacts will be minimal from the development of a Veterans Cemetery in Piti, Guam.

The project will ultimately include the development of between 20–25 acres of land (17–23 acres of burial sites) with associated roadways, fencing, and essential buildings (chapel, administration, storage, etc.). The site identified is located near the village of Piti and immediately adjacent to and including an existing U.S. Navy operated cemetery.

It is anticipated that there will be temporary impacts associated with the construction of the proposed action. These impacts will include increased noise levels, air quality degradation and

potential erosion problems. These impacts will be temporary in nature and should not have a significant effect on the surrounding environment.

The site will be committed to cemetery land use through the known future. However, since a portion of the land is currently a cemetery, this is not a significant factor.

The temporary construction impacts will be mitigated to incur minimal disruption to the environment. During the construction phase and subsequent operation, the Government of Guam will comply with all applicable Federal and local environmental regulations and codes. Mitigation actions that should be instigated include erosion control, air quality and noise level controls and approved solid waste disposal measures. Should any historic or cultural resources be discovered during the construction of this project, the contractor must contact the Government of Guam. The VA Historic Preservation Office must be contacted immediately by Guam and project work directed away from the area until the resources can be evaluated.

The significance of the identified impacts has been evaluated relative to considerations of both context and intensity as defined by the Council on Environmental Quality Regulations (Title 40 CFR 1508.27).

The Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs (088C), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389–3316. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: March 14, 1983.

By direction of the Administration.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 83–7321 Filed 3–21–83; 8:45 am]

BILLING CODE 8320–01–M

Development of the Oregon Trail State Veterans Cemetery, Evansville, Wyoming; Finding of No Significant Impact

The Veterans Administration (VA), in cooperation with the State of Wyoming, has determined that potential environmental impacts will be minimal from the development of a State Veterans Cemetery in Evansville, Wyoming.

The project will ultimately include the development of approximately 100 acres (Phase I, 11.32 acres) into burial areas, buffer zones and the construction of the required support facilities (i.e. buildings, roadways, entrances, etc.). The site identified for development is located in east-central Wyoming, north of the town of Evansville.

Temporary impacts associated with the construction of the proposed action will occur. It is anticipated that these impact will raise noise levels and air quality degradation from construction operations. These impacts are temporary and should not have a significant effect on the surrounding environment.

A permanent impact will be the change in land use and commitment of the site in perpetuity for the burial of eligible veterans and their dependants. The development will improve the visual appearance of the existing landscape which is very poor pasture land.

Temporary impacts from construction will be mitigated so as to incur minimal disruption to the environment. During the construction phase and subsequent operation, all applicable Federal, State, and local environmental regulations and codes will be adhered to. Mitigation actions that would be instituted include erosion, air quality and noise level controls, as well as, approved solid waste disposal measures. Should any archeological resources be discovered during the construction of this project, the VA Historic Preservation Office will be notified immediately by the contractor and work will be directed away from the area until the resources can be evaluated by the VA. The VA will be responsible for notifications required by Federal law. Subsequently, direct notification will also be made to the State Historic Preservation Officer.

The significance of the identified impacts has been evaluated relative to considerations of both context and intensity as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

The Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs (088C), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389–3316. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: March 16, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 83–7320 Filed 3–21–83; 8:45 am]

BILLING CODE 8320–01–M

VOL
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Sunshine Act Meetings

Federal Register
Vol. 48, No. 56
Tuesday, March 22, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M–377, March 17, 1983]

TIME AND DATE: 9:30 a.m., March 24, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Docket 41075, *International Air Associates, Inc., Fitness Investigation.* (Memo 1736, OGC)
3. Docket 41032, *Jet USA Airlines, Inc., Fitness Investigation.* (Memo 1519–A, OGC)
4. Docket 41003, *South Pacific Island Airways, Inc.* v. *Mid Pacific Airlines, Inc., and Arrow Airways, Inc.*, Motion for review of Enforcement Division's dismissal of third-party complaint. (OGC)
5. Docket 40841, *South Pacific Island Airways, Inc. Enforcement Proceeding*, Petition to review ALJ's Initial Decision issuing cease and desist order and imposing civil penalties for violation of reporting requirements. (OGC)
6. *Unified Agenda of Federal Regulatons.* (OGC)
7. Docket 40336, New Proposed Charter Rules. (OGC, BDA, BIA, OCCCA)
8. H.R. 54—a bill to prohibit air carriers from offering passengers free alcohol or tobacco on board aircraft. (OGC)
9. Docket 41303, Petition of Flying Tiger to amend the transfer and penalty provisions of Part 320, *Procedures for Awarding Japanese Charter Authorizations*, to permit carriers holding Japan charter authorizations to return them to the board, without penalty, for redistribution. (BIA, OGC)
10. Commuter carrier fitness determination of Resort Air, Inc. (Memo 1744, BDA)
11. Commuter carrier fitness determination of Air Marianas, Inc. (Memo 1748, BDA)
12. Commuter carrier fitness determination of AAR Western Skyways, Inc. (Memo 1747, BDA)
13. Docket 41044, Application of Frontier Flying Service, Inc., for a certificate of public convenience and necessity, Petition of Air North for review of Order 83–1–25, establishing further procedures. (BDA)
14. Dockets 41208 and 41209, Applications of Fleming International Airways, Inc., for certificates of public convenience and necessity to engage in interstate and overseas charter air transportation and foreign charter air transportation; request for 30-day deferral. (BDA)
15. Dockets 41224 and 41225, Notice of Arrow Airways to terminate service at Pago Pago, American Samoa and request for exemption to terminate on less than the statutory notice period. (BDA, OCCCA, OGC)
16. Docket 39244, 90-day Notice of Republic Airlines, Inc., to terminate service at Manistee/Ludington, Michigan. (BDA, OCCCA, OC)
17. Pan American World Airways, Inc.'s reduction of service at Guam effective April 24, 1983. (BDA, OGC, OCCCA)
18. Docket 41029, Six mainline points in Alaska on notice by Wien Air Alaska for which we have deferred requesting proposals. (BDA, OCCCA)
19. Dockets 40824, 40825 and 40826, Replacement service at Chico, Crescent City and Santa Rosa, California. (Memo 1392–A, BDA, OCCCA, OC)
20. Docket 40657, Notice of Pioneer Airways to terminate service at Sidney, Alliance and Chadron, Nebraska. (Memo 1331–C, BDA, OCCCA, OC)
21. Docket 40165, Request for instructions on carrier selection for Pendleton, Oregon. (Memo 1730, BDA, OCCCA)
22. Docket 40437, Request for instructions on carrier selection at Moultrie/Thomasville, Georgia. (BDA, OCCCA)
23. Docket 39353, Air Midwest, Inc., Application for compensation for losses at Alamogordo, New Mexico. (Memo 401–B, BDA, OCCCA, OC, BCAA)
24. Docket 36595, Investigation into the Competitive marketing of Air Transportation. (OGC)
25. Docket 40534, *Braniff South American Route Transfer Case.* Request for Instructions. (OGC)
26. Docket 41163, *Newark-London Backup Case.* Request for Instructions. (OGC)
27. Docket 40857, Application of Air Specialties Corp. For amendment of its certificate of public convenience and necessity to authorize it to engage in worldwide charter air transportation of persons, property, and mail. (Memo 1737, BIA, OGC)
28. Docket 41125, Application of Action Air Cargo Corporation for an amendment to its certificate of public convenience and necessity to operate scheduled cargo service between the United States and Jamaica. (Memo 1746, BIA, OGC, BALJ)
29. Docket 40972, Application of Western Air Lines, Inc., for: (1) The revocation of the primary authority of Pacific Southwest Airlines, Inc., to offer scheduled combination air transportation between Los Angeles, California, and Puerto Vallarta and Mazatlan, Mexico; (2) an amendment to its certificate for Route 152 to award its primary authority over that route; (3) permission to integrate this authority with its other U.S.—Mexico certificate authority; and (4) staying the effectiveness of the backup authority of United Air Lines, Inc., on the route. (Memo 1738, BIA, OGC, BALJ)
30. *Air Florida, Inc., Transatlantic Route Realignment Proceeding.* (BIA, OGC, BALJ)
31. Dockets 40892, 41153, 41117, Applications of Northeastern International Airways, Pan American World Airways, and Wright Air Lines for certificates of public convenience and necessity to provide scheduled foreign air transportation between Erie, Pennsylvania and Toronto, Canada. Dockets 41154, 41183, Applications of Pan American and Northeastern International for exemption authority between Erie, Pennsylvania and Toronto, Canada. (Memo 1742, BIA, OGC)
32. Dockets 41139, 41188, 41129, 41245, Applications of Global International Airways Corporation, United Air Lines, Inc., Western Air Lines, Inc., and Frontier Airlines, Inc., for Los Angeles/San Francisco-Toronto/Montreal certificate authority. (Memo 1749, BIA, OGC, BALJ)
33. Dockets 40921 and 40978, Applications of Capitol Air, Inc., and Transamerica Airlines, Inc., for certificates of public convenience and necessity pursuant to section 401 of the Federal Aviation Act of 1958, as amended. (Memo 1743, BIA, OGC, BALJ)
34. Docket 41131, Application of Korean Air Lines Co., LTD. for an exemption from section 402 of the Federal Aviation Act of 1958, as amended. (Intermodal cargo service) (Memo 1745, BIA, OGC, BALJ)
35. Docket 40768, Application of Air Panama Internacional, S.A. (Air Panama) to renew and amend its foreign air carrier permit. (Memo 1739, BIA, OGC, BALJ)
36. Docket 40960, Intercarrier agreement on U.S.-Ireland fares covering the period March 1983 to March 1984. (Memo 1511–F, BIA)
37. Docket 35634, Agreement C.A.B. 28941 R–1 through R–13, IATA agreement affecting U.S.-Europe cargo rates. (BIA)
38. Docket 35634, Agreement C.A.B. 28947 and Agreement C.A.B. 28948, IATA agreements primarily affecting cargo rates in the Mexico-USA/Canada market. (BIA)
39. Docket 41254, Application of Singapore Airlines (SIA) for an exemption from the frequency limitation condition on its Hong Kong-U.S. services, contained in its foreign air carrier permit. (BIA, OGC)
40. Docket 41236, Application of Pan American World Airways, Inc., for an exemption. (U.S.-Japan-Taiwan; U.S.-Japan-South Korea) (BIA, OGC, BALJ)
41. Report on Negotiations with Brazil. (BIA)

42. Negotiations with Venezuela. (BIA)
43. Negotiations with Argentina. (BIA)
44. Discussion on Trinidad and Tobago. (BIA)
45. Discussion on Canadian Fuel Tax. (BIA)

STATUS: 1–39 open, 40–45 closed.

PERSON TO CONTACT FOR INFORMATION: Phyllis T. Kaylor, *the Secretary, (202) 673–5068.*

[S–390–83 Filed 3–18–83; 3:16 pm]

BILLING CODE 6320–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:17 p.m. on Wednesday, March 16, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding the liquidation of assets acquired by the Corporation from The Hamilton . National Bank of Chattanooga, Chattanooga, Tennessee (Case No. 45,589–L (Amended)).

In calling the meeting, the Board determined, on motion of Chairman William M. Issac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (C)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(9)(B), and (c)(10)).

Dated: March 17, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–389 Filed 3–18–83; 11:20 am]

BILLING CODE 6714–01–M

3

FEDERAL ELECTION COMMISSION

Federal Register No. 357.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 24, 1982, 10 a.m.

CHANGE IN MEETING: The following matters have been added to the agenda for this date:

National Council of Farmers Cooperatives Petition for Rulemaking
Proposed Notice of Rulemaking for General Election Regulations (continued from meeting of 3–17–83)
Legislative Recommendations (continued from meeting of 3–17–83)

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer; telephone 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S–391–83 Filed 3–18–83; 3:34 pm]

BILLING CODE 6715–01–M

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federal register

Tuesday
March 22, 1983

Part II

Department of Health and Human Services

Public Health Service

Health Maintenance Organizations; Amendments of 1981

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

Health Maintenance Organizations; Amendments of 1981

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Public Health Service rules on health maintenance organizations (HMOs) to conform with the 1981 amendments to the HMO statute regarding member protection in the event of insolvency, community rating by class, and primary care within the service area of a non-metropolitan HMO. In addition, this notice proposes: (a) to remove provisions of the rules that are considered unnecessary or burdensome, such as the regulatory specification of contractual provisions, and (b) to increase one of the regulatory limits on copayments to permit HMOs to become more competitive with alternative forms of health insurance.

DATE: Comments must be received on or before May 23, 1983.

ADDRESSES: Written comments should be sent to the Acting Associate Director for Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Parklawn Building, Room 9–05, 5600 Fishers Lane, Rockville, Maryland 20857. The comments will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday except for Federal holidays.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph. D., Acting Associate Director for Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Parklawn Building—Rm. 9–05, 5600 Fishers Lane, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Subtitle F of Title IX of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) amended the provisions of Title XIII of the Public Health Service Act (the Act). Subtitle F is entitled the "Health Maintenance Organization Amendments of 1981" (HMO Amendments). On May 5, 1982, the Department published a final rule in the **Federal Register**, 47 FR 19336–44, to make the changes necessary to place the HMO regulations in conformity with the amended Act. In addition, that notice changed the requirement in § 110.211 for the repayment of grant funds and amended the regulations for the award of loans or loan guarantees to qualified HMOs for the acquisition or construction of ambulatory health care facilities and the acquisition of equipment for those facilities (Subpart J). With the exception of the revisions to the grant repayment requirement and to Supart J, the regulatory changes set forth as a final rule on May 5, 1982, reflect and incorporate verbatim statutory changes.

The regulatory changes proposed in this notice clarify provisions of the statute and the regulations, as amended on May 5. In addition, the Secretary proposes to amend several provisions of the regulations that were not altered by the statutory amendments.

Set forth below is a discussion of the proposed changes to the regulations.

1. *Contracts with medical groups, IPAs, and health professionals.* In an effort to identify and delete unnecessary regulations, the Secretary has reviewed § 110.104(b), which deals with provisions that HMOs must include in their contracts with medical groups, individual practice associations (IPAs), and health professionals. The Secretary has determined that the selection of the specific provisions to be included in HMO contracts is a business decision that should be made by the HMO, and that such provisions should not be prescribed by regulation. The Secretary believes that other regulatory provisions, both current and proposed, are adequate to insure the delivery of quality health care services and sound fiscal management without the need to impose requirements that such provisions be included in HMO contracts. For example, "hold harmless" argeements between HMOs and any provider of health services are addressed in the proposed amendment to § 110.108(a)(3), and the establishment of an ongoing quality assurance program is required by § 110.108(h). Accordingly, we are proposing to delete § 110.104(b) in its entirety.

At the same time, the Secretary feels that it is necessary for the regulations to continue to provide that utilization review and cost containment are necessary elements of an HMO's operations. The present § 110.104(c) imposes such a requirement for staff model HMOs. We are proposing to make § 110.104(c) (to be renumbered as § 110.104(b)) apply to all HMOs, and to include examples of provisions, such as risk sharing, that the Secretary would consider to be appropriate mechanisms for monitoring utilization and controlling costs.

2. *Copayment Limit.* Under 1301(b)(1)(D) of the Act, HMOs may charge their members nominal copayments for the provision of specific health services. Section 110.105(a)(4)(ii) imposes on the HMO a copayment limitation for each subscriber in each calendar year of 100 percent of the total annual premium cost which the subscriber would be required to pay if he were enrolled under an option with no copayment. The Department proposes to increase this copayment limitation to 200 percent. This proposal is consistent with the general intent of the HMO Amendments of 1981 to permit HMOs to become more competitive with alternative forms of health insurance. (See H. Rep. No. 208, 97th Cong., 1st Sess. 811 (1981).) The existing level interferes with an HMO's ability to design more flexible pricing arrangements which utilize expanded cost-sharing to produce more competitive premiums. The proposed change would provide HMOs with more flexibility to structure rates in order to compete at various premium levels while maintaining comprehensive benefits.

The Secretary is aware that the proposed amendment would permit HMOs to raise their copayment requirements to a level at which the HMO members are exposed to a risk of paying double the current annual limit on copayments. He recognizes that in some cases HMO members may accordingly have to pay higher copayments, but believes that the lower premium levels that this will permit should offset the risk of the higher copayments. In addition, the Secretary has concluded that the 200 percent limitation is sufficient to insure that copayments do not serve "as a barrier to the delivery of health services," in accordance with section 1301(b)(1)(D) of the Act. The Secretary has surveyed the catastrophic limits established by indemnity and service benefit carriers under the Federal Employees Health Benefit Program. While the limits vary greatly, the 200 percent limitation, if implemented by an HMO, would result in a maximum copayment falling within the range of these catastrophic limits.

The remaining regulatory copayment limitations would not be revised. They provide that copayment charges may not exceed 50 percent of the total cost of providing any single service, nor in the aggregate more than 20 percent of the total cost of providing all basic health services. (See § 110.105(a)(4)(i).

3. *Member Protection.* The Secretary proposes to amend § 110.108(a)(3). The purpose of this paragraph is to

implement section 1301(c)(8) of the Act, which requires the HMO to have in place arrangements that protect its members from being liable for the legal obligations of the HMO. Section 110.108(a)(3) provides that an HMO may meet this requirement in one of several ways: (1) By having financial resources (e.g., reserves, insurance, or both) available for the purpose of meeting the HMO's obligations in the event the HMO becomes insolvent; (2) by showing through contractual arrangements that health care providers will not look to the HMO member for payment of the obligations of the HMO; (3) by adopting other protections acceptable to the Secretary; or (4) by combining any of these arrangements in a manner acceptable to the Secretary.

The Secretary is proposing to amend § 110.108(a)(3) in several respects. First, the Department proposes to revise § 110.108(a)(3) to indicate that the Secretary will consider the existence of hold harmless agreements with any provider of health services, not just hospitals, in determining whether HMOs adequately protect their members from liability. The statutory provision upon which it is based, section 1301(c)(8) of the Act, refers only to "hold harmless" agreements between the HMO and "any hospital regularly used by members of the HMO." While, as noted above, we are proposing to delete the requirement that HMOs include "hold harmless" provisions in their contracts with health professionals (present § 110.104(b)(1)(iii) and § 110.104(b)(2)), the existence of such contract provisions will, of course, be a factor in the Secretary's evaluation of the HMO's member protection arrangments.

Second, we propose to make explicit the fact that the Department will examine the combination of member protection provisions that an HMO has developed. The present language of § 110.108(a)(3) might suggest that a hold harmless clause with only one hospital used by the HMO's members would alone be sufficient member protection. Because, of course, this would not be the case, we propose to state explicitly that the Department will examine the entire range of member protection provisions adopted by the HMO.

As provided at section 1301(c)(8) of the Act, § 110.108(a)(3) states that the HMO need not meet this requirement when under State law the HMO member may not be liable for payment of any fees which are the legal obligation of the HMO. Thus, if State law does not permit a provider of services to HMO members to recover uncompensated costs from the HMO members, there would be no need to adopt any of the arrangements provided in § 110.108(a)(3). The third proposed clarification would make clear that it is the Secretary who decides whether State law protects the members of the HMO.

There is a second requirement regarding insolvency that is related to the requirement of § 110.108(a)(3). Under § 110.108(a)(1)(iv), the HMO is required to have a plan for handling insolvency that allows for continuation of benefits for the duration of the contract period for which payment has been made, continuation of benefits for members who are confined on the date of insolvency in an inpatient facility until their discharge, and payments to unaffiliated providers for services rendered. To meet this requirement, the HMO must show either that it has financial resources available to obtain services for the remainder of the contract period or that the providers have agreed to continue to provide services for that period following the HMO's insolvency. The Secretary proposes to delete the portion of § 110.108(a)(1)(iv) that requires the HMO to have its plan allow for payments to unaffiliated providers for services rendered. This provision is no longer necessary, because arrangements must be in place for payments to unaffiliated providers to meet pre-insolvency liabilities (§ 110.108(a)(3)), and services must be provided to members after insolvency through the period for which premiums have been paid at no additional cost to the members (see the first clause of § 110.108(a)(1)(iv)).

4. *Community Rating System.* The Act requires that HMOs fix their health services payments under a community rating system. The definition of "community rating" was broadened by Congress to permit a system of community rating by class, as explained in § 110.105(b)(2) of the regulations. Section 1302(8) of the Act gives the Secretary the authority to review the factors used by an HMO in such a system and "if the Secretary determines that any such factor may not reasonably be used to predict the use of the health services by individuals and families, the Secretary shall disapprove such factor for such purpose." In order to carry out this responsibility, the Department has developed a review process for evaluating the factors used in a community rating by class system established or proposed by an HMO. The proposed process requires the following: (1) An HMO may not market premiums established under a community rating by class system prior to approval of the factors by the Secretary; (2) HMOs must provide (a) a list of factors to be used in the determination of the rate by class and (b) sufficient rationale or justification to substantiate by reference or submitted statistical data that the factors selected reasonably predict differences in the use of HMO services by the individuals and families in the class; and (3) after all necessary data are made available to the Secretary, a final decision will be issued within 30 days unless the Secretary advises the HMO that he needs additional time to review the written request, in which case the HMO will be notified of the final decision within 90 days.

A rationale or justification is not required to be submitted for the following factors: age, sex, family composition, and marital status, because there is sufficient evidence that these factors are significant predictors of health services utilization. Additional factors that become certified as predictors will be described in notices published in the **Federal Register**, and will be routinely approved after initial certification without submission of rationale or justification.

Additional information on formulating a system of community rating by class can be found in the paper "Guidance for Community Rating by Class." This guidance paper is available from the Bureau of Health Maintenance Organizations and Resources Development upon request. HMOs that have received approval of factors under the provisions of this guidance will not be required to resubmit such factors for further approval should the regulations be adopted as proposed.

5. *Primary Care.* The HMO Amendments changed section 1301(b)(4) of the Act to exempt HMOs in non-metropolitan areas from the requirement to provide all basic health services entirely within the HMO's service area. A non-metropolitan HMO may now make a basic health service, other than primary care and emergency care, available outside of its service area when there are not enough providers within the service area willing to provide the service to members of the HMO. Primary and emergency care must still be available and accessible wholly within the service area of a non-metropolitan HMO.

After a thorough review of various definitions used by the medical care community, the Secretary believes that the following definition of primary care best meets the provision's intent to give non-metropolitan HMOs maximum operational flexibility: "primary care includes the field of general practice,

family practice, general internal medicine, general pediatrics, and general obstetrics and gynecology. An HMO providing the services that are covered by these fields: (i) Through a general or family practitioner, or (ii) through a pediatrician and a general internist, would be viewed as providing primary care." The Department proposes to amend the regulations by incorporating this definition in § 110.107(b)(1).

6. *Policymaking body.* The Secretary proposes to amend § 110.108(f)(1)(i) to relax restrictions on which members may not be included in the minimum one-third member representation on the policymaking body. Section 110.108(f)(1)(i), with some exceptions, does not allow an HMO member who has ownership of or financial interest in the HMO to be considered for the purposes of determining whether the HMO meets the requirements of 110.108(f) that one-third of the membership of its policymaking body must be members of the HMO. The regulations exempt from this prohibition a member whose financial interest is limited to receiving payment of directors' fees, interest, and dividends derived from membership in an HMO cooperative. The Secretary recognizes that there may be other instances in which a person might have a financial interest in an HMO, but that interest is not significant enough to create a conflict with the responsibility as a board member in representing the enrollees of the HMO. To permit member-representatives on the HMO's policymaking body to have a small equity interest in the HMO, the Secretary proposes to amend 110.108(f)(1)(i) to provide that any person who is not directly or indirectly the beneficial owner of more than 5 percent of the equity of the HMO is deemed not to have ownership of or financial interest in the HMO so as to be precluded from participating on the member portion of the HMO's policymaking body. This percentage is consistent with the definition of "party in interest" conained in section 1318 of the PHS Act.

7. *Subpart A.* The Department reviewed the Subpart A regulations and proposes to eliminate certain nonstatutory requirements that are no longer necessary. These provisions are as follows:

a. Section 110.104(a)(2) states that a staff or medical group model HMO may have physician providers who have also entered into arrangements with IPAs, but only if these physicians number less than 50 percent of the IPA's physicians. In specified circumstances, section 1310 of the Act requires that employers offer their employees a choice of membership in either: (1) A staff or medical group model HMO or (2) and IPA model HMO. The original intent of 110.104(a)(2) was to assure that employers dealing with HMOs under section 1310 of the Act would definitely have a choice of HMO providers to offer their employees. Initially, the Secretary was concerned that a significant overlap of physicians between a staff or medical group model HMO and an IPA model HMO would not represent a choice of offerings. However, because there has been no adverse experience to date with different model HMOs using the same physicians, the Secretary concludes that this provision is no longer required.

b. Section 110.105(d) and § 110.106(c) provide information on charges for benefits covered by worker's compensation laws or insurance policies. These provisions are informational, not regulatory, and even in their absence an HMO can seek reimbursement for benefits covered under a worker's compensation law or insurance policies. The statutory provision to this effect remains a part of the Act, and is found at section 1301(b)(1), and thus the Secretary has determined that §§ 110.105(d) and 110.106(c) are no longer necessary.

c. Section 110.108(a)(1)(vii) is proposed for deletion since every HMO can be expected to maximize enrollment in a manner consistent with sound management, as presently required by that provision.

d. Within § 110.108(h)(1)(ii), the Secretary proposes deleting the "except clause," which states that if the membership from medically underserved populations is at least 5 percent of the total enrollment, then those populations shall not be without representation on the member portion of the policymaking body. The Department now believes that it is unnecessary to set a specific mimimum requirement for equitable representation on the policymaking body of members from medically underserved populations and that HMOs should be given greater flexibility in meeting this requirement.

e. Section 110.108(k) is proposed for deletion, since the Secretary is confident that all HMOs seek to preserve human dignity without the need for a Federal regulation directing them to do so.

f. The Secretary proposes deleting § 110.109 "Prohibited Activities" from the regulations. This section was added to the regulations published in the **Federal Register** on October 31, 1980. This section prohibits an HMO or its employees from selling, marketing, or promoting health insurance or health service benefit plans for health benefits that are part of the HMO's prepaid health benefits package. The Department now believes that this requirement is too restrictive and proposes to remove it from the regulations. While it is proposed that this requirement be removed, the Department notes that an HMO may not offer prepaid health benefits which do not meet the requirements of § 110.102(a). This prohibition would remain a part of the regulations at § 110.102(e).

8. *Subpart B.* The present regulations require the submission of documents pertaining to reviews of financial assistance applications by the appropriate health planning agencies to the Department's Regional Office. (§§ 110.203(e) and 110.204(a).) Because the Regional Offices no longer have a role in reviewing these applications, we are proposing to delete the references to the Regional Offices in Subpart B.

9. *Subpart C.* The regulations of Subpart C apply to grants awarded under section 1303 of the Act for projects to determine the feasibility of developing and operating or expanding the operation of health maintenance organizations. Because feasibility grants are no longer being made and the Secretary does not anticipate that any existing grant will be extended beyond September 30, 1982, the Secretary proposes to delete Subpart C.

10. *Subpart H.* The Secretary proposes the deletion of the following sections:

a. Section 110.803(g) discusses the employer's right to offer the HMO benefit at any time agreeable with the HMO. This provision is only informational, and the Secretary has determined that it is no longer necessary.

b. Section 110.808(h) requires the employer to retain for three years the data used to compute its level of contribution to the alternatives included in the health benefits plan. The purpose of this requirement was to have available the data necessary to determine whether the employer's contribution to an HMO selected by his employees was calculated in accordance with the regulations. The Department's experience has been that no major problems resulting from the computation of contribution levels have arisen. Therefore, we view this data retention requirement as unnecessary and burdensome, and in keeping with the goals of the Paperwork Reduction Act of 1980, we propose that it be deleted.

c. Section 110.810 states that employers shall make the HMO offer to eligible employees consistent with obligations under the National Labor Relations Act, the Railway Labor Act and other laws of similar effect. This section simply makes clear that the employer's obligations under those Acts are not superseded by the HMO Act. Because it is only informational, the Secretary proposes to delete it.

11. *Subpart I.* The Secretary proposes to change the timing of the effective date of revocation of HMO qualification from the fifth working day after the HMO receives the notice of relocation to the tenth calendar day after the date of the notice. See § 110.904(d). This method will provide for certainty in determining the actual effective date of revocation. In addition, we are proposing to delete § 110.905(d) because it duplicates the effective date provision in § 110.904(d).

Executive Order 12291, Federal Regulation

The Department of Health and Human Services has determined that this proposed rule is not "a major rule" for the purposes of Executive Order 12291, Federal Regulation. The provision in the proposed rule which doubles the current copayment cap will have some impact on HMO enrollees. However, as is discussed earlier in the preamble, the Secretary believes that the lower premium levels this will permit can offset the higher copayment, resulting in a minor net economic impact. Because the remainder of this document would simply remove some restrictions in the present regulations, clarify other provisions, and set forth procedures under which this Department will administer other provisions, we have concluded that it will not result in: (1) An annual effect on the economy of $100 million or more; (2) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies or geograhic regions, or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

For the same reasons, the Department of Health and Human Services certifies that these proposed rules would have no significant economic impact on a substantial number of small entities, including HMOs, small business, small organizational units, and small governmental jurisdictions.

Paperwork Reduction Act

Section 110.105(e) of this proposed rule contains information collection requirements. As required by section 3504(h) the Paperwork Reduction Act of 1980, we have submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of these information collection requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to the agency official designated for this purpose whose name appears in the preamble, and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3208), Washington, D.C. 20503, Attn: Desk Officer for HHS.

List of Subjects in 42 CFR Part 110

Grant programs/health, Health care, Health facilities, Health insurance, Health Maintenance Organizations, Loan programs/health.

Accordingly, the Assistant Secretary for Health of the Department of Health and Human Services, with the approval of the Secretary of Health and Human Services, hereby proposes to amend 42 CFR Part 110, as set forth below.

(Sec. 215 of the Public Health Service Act, as amended, 58 Stat. 690 (42 U.S.C. 216); secs. 1301–1318, as amended, Pub. L. 97–35, 95 Stat. 572–578 (42 U.S.C. 300e–300e–17)

Dated: December 21, 1982.

Edward N. Brandt, Jr.

Assistant Secretary for Health.

Approved: February 9, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary.

PART 110—HEALTH MAINTENANCE ORGANIZATIONS

Subpart A—Requirements for a Health Maintenance Organization

It is proposed to amend 42 CFR Part 110 as follows:

§ 110.104 [Amended]

1. In § 110.104(a)(1), change the reference to paragraph "(e)" in the first sentence to paragraph "(c)".

2. In § 110.104, remove paragraph (a)(2) and redesignate paragraph (a)(3) as (2).

3. In § 110.104, remove paragraph (b) and redesignate paragraphs (c) as (b), (d) as (c), (e) as (d) and (f) as (e).

4. In § 110.104, amend the paragraph redesignated (e)(2) by replacing the reference to paragraph "(g)(1)" with "(e)(1)".

5. In § 110.104, amend paragraph (b) as redesignated above to read as follows: (b) HMOs shall have effective procedures to monitor utilization and to control cost of basic and supplemental health services and to achieve utilization goals, which may include mechanisms such as risk sharing, financial incentives, or other provisions agreed to by providers.

* * * * *

§ 110.105 [Amended]

6. In § 110.105(a)(4)(ii), change the percentage in the first sentence from "100" to "200."

* * * * *

7. In § 110.105, remove paragraph (d) and redesignate paragraph (e) as (d).

8. In § 110.105, a new paragraph (e) is added to read:

* * * * *

(e) *Review procedures for evaluating the community rating by class system under paragraph (b)(2).*[1] An HMO may establish a community rating system under paragraph (b)(2) of this section or revise factors used to establish classes after it receives written approval of the factors from the Secretary. The Secretary will give approval if he concludes that the factors can reasonably be used to predict the use of health services by individuals and families.

(1) An HMO must make a written request to the Secretary, listing the factors to be used in the community rating by class system under paragraph (b)(2) of this section.

(2) The Secretary will notify each HMO within 30 days of receipt of the request and application of one of the following:

(i) The application is approved;

(ii) Additional information or data are required and the Secretary will notify the HMO of his decision within 30 days from the date of receipt of this information or data; or

(iii) The Secretary needs additional time to review the written request and the HMO will be notified of the Secretary's decision within 90 days.

§ 110.106 [Amended]

9. In § 110.106, remove paragraph (c).

§ 110.107 [Amended]

10. In § 110.107, amend paragraph (b)(1) by adding at the end, the following:

* * * * *

(b) * * *

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[1] Further information entitled "Guidelines for Rating by Class" may be obtained by requesting it from the Acting Associate Director for Health Maintenance Organizations, Parklawn Building, Rm. 9–05, 5600 Fishers Lane, Rockville, Maryland 20857.

(1) * * * For purposes of this paragraph, the term primary care includes the field of general practice, family practice, general internal medicine, general pediatrics, and general obstetrics and gynecology. An HMO providing the services that are covered by these fields: (i) Through a general or family practitioner, or (ii) through a pediatrician and a general internist, would be viewed as providing primary care.

* * * * *

§ 110.108 [Amended]

11. In § 110.108, revise paragraph (a)(1)(iv) to read:

(a) * * *

(1) * * *

(iv) A plan for handling insolvency which allows for continuation of benefits for the duration of the contract period for which payment has been made and continuation of benefits to members who are confined on the date of insolvency in an inpatient facility until their discharge.

* * * * *

12. In § 110.108, remove paragraph (a)(1)(vii).

13. In § 110.108, revise paragraph (a)(3) to read:

(a) * * *

(3) *Protection of members.* (i) Each HMO shall adopt and maintain arrangements satisfactory to the Secretary to protect its members from incurring liability for payment of any fees which are the legal obligation of the HMO. These arrangements may include:

(A) Contractual arrangements with health care providers used by the members of the HMO prohibiting the providers from holding any member liable for payment of any fees which are the legal obligation of the HMO;

(B) Insurance, acceptable to the Secretary;

(C) Financial reserves, acceptable to the Secretary, that are held for the HMO and restricted for use only in the event of insolvency; or

(D) Any other arrangements acceptable to the Secretary.

(ii) The requirements of this paragraph do not apply to an HMO if the Secretary determines that applicable State law provides that members of the HMO may not be liable for payment of any fees which are the legal obligation of the HMO.

* * * * *

14. In § 110.108, revise paragraph (f)(1)(i) to read:

* * * * *

(f) * * *

(1) * * *

(i) No member having ownership of or financial interest in, or employed by, or gaining financial reward from direct dealings with, the HMO or a plan-affiliated institution or organization, and no members of the immediate family of such member shall be included in the minimum one-third representation on the policymaking body. However, none of the foregoing prohibits the payments of directors' fees or other similar fees, or interest and dividends derived from membership in an HMO cooperative, to persons serving on the policymaking body. Any person who is not directly or indirectly the beneficial owner of more than five percent of the equity of the HMO is deemed not to have ownership of or financial interest in the HMO.

* * * * *

15. In § 110.108, revise paragraph (f)(1)(ii) to read:

* * * * *

(f) * * *

(1) * * *

(i) * * *

(ii) There shall be equitable representation on the member portion of the policymaking body of members from the medically underserved populations served by the HMO in proportion to their enrollment relative to the entire enrollment.

* * * * *

16. In § 110.108, remove paragraph (k) and redesignate paragraphs (l) as (k), (m) as (l), and (n) as (m).

§ 110.109 [Amended]

17. Remove § 110.109 and redesignate § 110.110 as § 110.109 and § 10.111 as § 110.110.

Subpart B—Federal Financial Assistance: General

§ 110.203 [Amended]

18. In § 110.203, revise paragraph (a) to read:

(a) *Financial information.* On the basis of the information submitted by the applicant, the Secretary will determine whether the applicant would not be able to complete the project without the assistance for which it has applied.

* * * * *

19. In § 110.203, revise paragraph (e) to read:

* * * * *

(e) *Health planning agency reviews.* Each applicant must show in its application that it has sent to each health systems agency whose health service area covers any part of the area to be served by the HMO for which the application is submitted (or if there is no such agency, the State health planning and development agency whose State includes any part of the area to be served) a copy of the application. The agency may then review and comment on the application in accordance with § 110.204.

* * * * *

§ 110.204 [Amended]

20. In § 110.204, revise the introductory language of paragraph (a) to read:

(a) *Time, manner, and considerations for review and comment.* If the appropriate health systems agency or State health planning and development agency elects to review and comment upon the application, it shall within 67 days receiving an application for financial assistance under this part provide to the Secretary comments and recommendations regarding the application. Except as provided in paragraph (c) of this section, the agency shall base its review and comment solely on the following considerations:

* * * * *

§ 110.207 [Removed]

§§ 110.207, 110.208, 110.209. 110.210 [Redesignated from §§ 110.208, 110.209. 110.210 and 110.211]

21. Remove § 110.207 and redesignate § 110.208 as § 110.207, § 110.209 as § 110.208, § 110.210 as § 110.209, and § 110.211 as § 110.210.

Subpart C—Grants for Feasibility

Subpart C—[Removed]

22. Remove Subpart C.

Subpart H—Emloyees' Health Benefit Plans

§ 110.803 [Amended]

23. In § 110.803, remove paragraph (g).

§ 110.808 [Amended]

24. In § 110.808, remove paragraph (h).

§ 110.810 [Removed]

25. Remove § 110.810.

Subpart I—Continued Regulation of Health Maintenance Organizations and Other Entities

§ 110.904 [Amended]

26. In § 110.94, amend paragraph (d)(1) by replacing the words "fifth working day after the HMO receives" with the words "tenth calendar day after the date of", and replacing the words "fifth working day after the HMO received" with the words "tenth calendar day after the date of the".

§ 110.905 [Amended]

27. In § 110.905, remove paragraph (d).

[FR Doc. 83- 7202 Filed 3-21-83; 8:45 am]
BILLING CODE 4160-16-M

Tuesday
March 22, 1983

Part III

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 849]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 17, 1982.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5) Mile rule)
102–3: New well (1000 Ft trule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS — VOLUME 849

ISSUED MARCH 17, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
ALASKA OIL & GAS CONSERVATION COMMISSION									
-UNION OIL COMPANY OF CALIF				RECEIVED:	02/10/83	JA: AK			
8322819		5086300000		103		KENAI BELUGA WELL #13-8	KENAI	0.0	
8322820		5086300000		103		KENAI BELUGA WELL #41-7	KENAI	0.0	
8322816		5086300000		103		KENAI DEEP WELL #5	KENAI	0.0	
8322817		5086300000		103		KENAI DEEP WELL #6	KENAI	0.0	
8322818		5086300000		103		KENAI DEEP WELL #8	KENAI	0.0	
8322821		5086305000		103		KENAI TYONEK WELL #43-6X	KENAI	0.0	
8322811		5086300000		103		KU WELL # 14 32	KENAI	0.0	
8322813		5086300000		103		KU WELL # 24-7	KENAI	0.0	
8322809		5086300000		103		KU WELL #11-17	KENAI	0.0	
8322808		5086300000		103		KU WELL #11-8	KENAI	0.0	
8322812		5086300000		103		KU WELL #24-5	KENAI	0.0	
8322814		5086300000		103		KU WELL #31-7	KENAI	0.0	
8322815		5086300000		103		KU WELL #34-32	KENAI	0.0	
8322810		5086300000		103		KU WELL# 13-6	KENAI	0.0	
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-INDUSTRIAL NATURAL GAS CORP				RECEIVED:	02/16/83	JA: MI			
8322852		2116500000		102-4	103	STATE-KAPLAN #2-20		54.8	
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-ADOBE OIL & GAS CORPORATION				RECEIVED:	02/17/83	JA: PA			
8322706	18969	3702120173		102-2		ALLAN VARNER #1	HASTINGS	26.0	COLUMBIA GAS TRAN
8322718	19150	3706327247		103		CARL KALUS #1	BURNSIDE	25.0	T W PHILLIPS GAS
-C & C TROYER BROTHERS				RECEIVED:	02/17/83	JA: PA			
8322681	17912	3704922016		102-2		DAVID A KNIGHT #1	FRANKLIN	10.0	NATIONAL FUEL GAS
8322680	17911	3704922016		107-TF		DAVID A KNIGHT #1	FRANKLIN	10.0	NATION FUEL GAS S
8322685	17920	3704921991		102-2		HURST-CAIRNS #1 (#62)	WATERFORD	12.0	NATIONAL FUEL GAS
8322684	17919	3704921991		107-TF		HURST-CAIRNS #1 (#62)	WATERFORD	12.0	NATIONAL FUEL GAS
8322683	17916	3704921992		102-2		ROGER A WOODS #1	WASHINGTON	13.0	NATIONAL FUEL GAS
8322682	17915	3704921992		107-TF		ROGER A WOODS #1	WASHINGTON	13.0	NATIONAL FUEL GAS
-CARDINAL OIL CO				RECEIVED:	02/17/83	JA: PA			
8322721	15193	3704900000		107-TF		HUDACKY-WADSWORTH #1 82-3 ERI-21894	CONNEAUT	0.0	NATIONAL FUEL GAS
8322708	19069	3703921907		107-TF		JOHN KORT #3 82-35 PA PER CRA-21907	CONNEAUT	0.0	COLUMBIA GAS TRAN
8322709	19070	3703921858		107-TF		WALTER BAYUS #2 82-32 PA CRA-21858	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	02/17/83	JA: PA			
8322678	15163	3706521720		108		ANITA COAL MINING CO #1 WN 1726	WINSLOW TOWNSHIP	24.0	GENERAL SYSTEM PU
8322666	18624	3703320998		102-4		DONALD FLEMING #1 WN-1812	BRADY	5.0	GENERAL SYSTEM PU
8322674	12068	3706523183		108		L E STARTZELL WN 1452	BANKS TOWNSHIP	21.0	GENERAL SYSTEM PU
8322677	15162	3706521223		108		MELISSA E MOORE #1 WN 1469	WINSLOW TOWNSHIP	26.0	GENERAL SYSTEM PU
8322687	18623	3703321350		102-4		PAUL FULTON #1 WN-1889	BURNSIDE	45.0	GENERAL SYSTEM PU
-DELTA DRILLING CO				RECEIVED:	02/17/83	JA: PA			
8322720	19152	3706321220		103		KAZCUR-JARVIE UNIT #1 IND 27220	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8322719	19151	3706300000		102-4		KAZCUR/JARVIE UNIT #1 IND 27220	CHERRYHILL	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-EASTERN STATES EXPLORATION CO				RECEIVED:	02/17/83	JA: PA			
8322717	19137	3706522488		103		C MARUCA #1	MCCALMONT	30.0	CONSOLIDATED GAS
-ENDEAVOR VENTURES				RECEIVED:	02/17/83	JA: PA			
8322669	10419	3705300000		108		EV 1980-26	QUEEN SAND GLADE FORM	5.0	NATIONAL FUEL GAS
8322671	10421	3705300000		108		EV 1980-27	QUEEN SAND GLADE FORM	5.0	NATIONAL FUEL GAS
8322670	10420	3705300000		108		EV 1980-28	QUEEN SAND GLADE FORM	5.0	NATIONAL FUEL GAS
-ENVIROGAS INC				RECEIVED:	02/17/83	JA: PA			
8322707	18965	3704922062		107-PE		G MORRIS #3	WATERFORD	18.0	COLUMBIA GAS TRAN
-FAIRMAN DRILLING CO				RECEIVED:	02/17/83	JA: PA			
8322713	19117	3703300000		102-2		MELVIN MCCULLEY #1 F-3610	CHERRY TREE	40.0	COLUMBIA GAS TRAN
-FOX OIL & GAS INC				RECEIVED:	02/17/83	JA: PA			
8322711	19107	3706326903		103		C D BUTERBAUGH #2 279	CHERRYHILL TOWNSHIP	25.5	COLUMBIA GAS TRAN
8322679	15214	3706324927		102-2		CARL DECKER #2	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8322712	19108	3706327117		103		LOIS D TREESE #1 278	MONTGOMERY TOWNSHIP	25.[illegible]	COLUMBIA GAS TRAN
-LUBY ENERGY INC				RECEIVED:	02/17/83	JA: PA			
8322686	18481	3705921778		102-4		STOCKDALE #1	RUFF CREEK	12.[illegible]	CARNEGIE NATURAL
-MAYS GAS & COAL CO				RECEIVED:	02/17/83	JA: PA			
8322691	18928	3703100000		107-PE		A RUFFNER #1 31411	KINGSVILLE-FROGTOWN	0.[illegible]	PEOPLES NATURAL G
8322696	18933	3703100000		107-PE		ALTMAN #1 29952	KINGSVILLE-FROGTOWN	0.[illegible]	PEOPLES NATURAL G
8322698	18935	3703100000		107-PE		ALTMAN #2 29533	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322699	18936	3703100000		107-PE		BRADEN #1 26751	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322700	18937	3703100000		107-PE		BRADEN #2 21241	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322705	18942	3703100000		107-PE		BRADEN #3 30971	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322692	18929	3703100000		107-PE		DAVE MILLER #1 27705	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322693	18930	3703100000		107-PE		DAVE MILLER #2 27742	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322694	18931	3703100000		107-PE		DAVE MILLER #3 27883	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322695	18932	3703100000		107-PE		DAVE MILLER #4 30163	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322701	18938	3703100000		107-PE		DAVIS #1 27380	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322660	18917	3703100000		107-PE		F C RHOADES #1 30770	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322697	18934	3703120720		107-PE		GEORGE #1 20720	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322704	18941	3703100000		107-PE		GEORGE #2 21839	KINGSVILLE-FROGTOWN	0.[illegible]	PEOPLES NATURAL G
8322657	18924	3703100000		107-PE		GUTHRIE #1 31059	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322656	18923	3703100000		107-PE		J H EMHOFF #1 30839	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322661	18918	3703100000		107-PE		J M KELLY #1 28602	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322662	18919	3703100000		107-PE		J M KELLY #2 28876	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322653	18920	3703100000		107-PE		LETTIE MCEWAN #1 29412	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322654	18921	3703100000		107-PE		MILLER #1 27652	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322659	18916	3703100000		107-PE		MILLER #2 27794	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322703	18940	3703100000		107-PE		REINSEL #1 20511	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322702	18939	3703100000		107-PE		REINSEL #2 23060	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322664	18913	3703100000		107-PE		REINSEL #3 23454	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322668	18911	3703100000		107-PE		REINSEL #4 23666	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322663	18912	3703100000		107-PE		REINSEL #5 26640	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322665	18914	3703100000		107-PE		W A SMITH #1 29904	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322658	18915	3703100000		107-PE		W A SMITH #2 23951	KINGSVILLE-FRONGTOWN	0.0	PEOPLES NATURAL G
8322690	18927	3703100000		107-PE		W J HUMPHREY #1 31143	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322688	18925	3703100000		107-PE		W J HUMPHREY #2 31237	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322689	18926	3703100000		107-PE		W J HUMPHREY #3 31324	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
8322655	18922	3703100000		107-PE		W J HUMPHREY #4 31364	KINGSVILLE-FROGTOWN	0.0	PEOPLES NATURAL G
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	02/17/83	JA: PA			
8322676	13702	3703100000		108		J P & S K REED #3320	HIGHLAND TOWNSHIP	0.4	GENERAL SYSTEM PU
8322675	13700	3703100000		108		MYER & LUTZ #3324	PAINT TOWNSHIP	1.4	GENERAL SYSTEM PU
-REX-HIDE REALTY INC				RECEIVED:	02/17/83	JA: PA			
8322667	18773	3706327252		103		JOSEPH BRUZDA #1	LIMESTONE	50.[illegible]	
-VICTORY DEVELOPMENT C[illegible]				RECEIVED:	02/17/83	JA: PA			
8322715	19133	3702120183		103		LIONS REC #1	SUSQUEHANNA	36.[illegible]	COLUMBIA GAS TRAN
8322716	19134	3702120182		103		LIONS REC #2	SUSQUEHANNA	36.[illegible]	COLUMBIA GAS TRAN
8322714	19132	3703321458		102-2		SAM BROTHERS #5	BURNSIDE	36.[illegible]	COLUMBIA GAS TRAN
-VINEYARD OIL & GAS CO				RECEIVED:	02/17/83	JA: PA			
8322673	11118	3704921644		107-TF		BECK #2	EDINBORO - WASHINGTON	18.0	COLUMBIA GAS TRAN
8322672	11119	3704921644		102-2		BECK #2	EDINBORO - WASHINGTON	18.0	COLUMBIA GAS TRAN
-WBC EXPLORATION & DEVELOPMENT INC				RECEIVED:	02/17/83	JA: PA			
8322710	19074	3704900226		108		STEVENS #1		37.0	CONSOLIDATED GAS
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WEST VIRGINIA DEPARTMENT OF MINES									
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-CARSON PETROLEUM CORP				RECEIVED:	02/16/83	JA: WV			
8322846		4702103498		108		CONNER #1	BIG ELLIS	19.0	CARNEGIE NATURAL
8322835		4701703055		103		GEORGE ADRIAN #1	FALLEN TIMBER	25.0	CONSOLIDATED GAS
8322847		4702102999		108		T F REED #3	GLENVILLE	17.0	EQUITABLE GAS CO
-FRANCIS E CAIN				RECEIVED:	02/16/83	JA: WV			
8322833		4701300444		108		JACOB DEEMS #1	CENTER	0.0	CABOT CORP
8322834		4701302045		108		JACOB DEEMS #2	CENTER	[illegible].0	CABOT CORP
-J & J ENTERPRISES INC				RECEIVED:	02/16/83	JA: WV			
8322850		4701702786		107-DV		J-130	NEW MILTON	[illegible].0	CONSOLIDATED GAS
8322849		4701702700		107-DV		J-140	NEW MILTON	[illegible].0	CONSOLIDATED GAS
8322838		4701702815		107-DV		J-144	CENTRAL	[illegible].0	CONSOLIDATED GAS
8322832		4701702814		107-DV		J-17	CENTRAL	0.0	CONSOLIDATED GAS
8322824		4703302430		107-DV		J-195	SARDIS	0.0	CONSOLIDATED GAS
8322831		4701702879		107-DV		J-204	GREENBRIER	[illegible].0	CONSOLIDATED GAS
8322823		4702103618		107-DV		J-253	TROY	0.0	CONSOLIDATED GAS
8322827		4701702702		107-DV		J-276	WEST UNION	0.0	CONSOLIDATED GAS
8322826		4701702842		107-DV		J-334	GREENBRIER	[illegible].0	CONSOLIDATED GAS
8322851		4702103696		107-DV		J-376	TROY	[illegible].0	CONSOLIDATED GAS
8322822		4701702784		107-DV		J-40	NEW MILTON	[illegible].0	CONSOLIDATED GAS
8322825		4701702701		107-DV		J-41	NEW MILTON	[illegible].0	CONSOLIDATED GAS
8322829		4701702734		107-DV		J-42	NEW MILTON	0.0	CONSOLIDATED GAS
8322830		4701702769		107-DV		J-43	NEW MILTON	[illegible].0	CONSOLIDATED GAS
-MERT DEVELOPMENT INC				RECEIVED:	02/16/83	JA: WV			
8322837		4702103691		103		BURTON #1	TROY	73.0	CONSOLIDATED GAS
8322836		4700101574		103		CARPENTER #1	BARKER	20.0	CONSOLIDATED GAS
8322838		4702103801		103		COLE #1	TROY DISTRICT	25.0	CONSOLIDATED GAS
8322848		4708505056		103		HALE LANGFORD #1	UNION	35.0	CONSOLIDATED GAS
8322842		4701702933		103		LEMLEY-SMITH #1	GRANT	40.0	CONSOLIDATED GAS
8322844		4701702853		103		MATHENY #1	COVE DISTRICT	65.0	CONSOLIDATED GAS
8322841		4702103692		103		MATHENY #1	COVE CREEK	70.0	CONSOLIDATED GAS
8322843		4701702570		103		PANSY HEFLIN #1	WEST UNION	75.0	CONSOLIDATED GAS
8322840		4702103783		103		REED #1	TROY DISTRICT	25 0	CONSOLIDATED GAS
8322839		4702103792		103		REED #3	TROY DISTRICT	25.0	CONSOLIDATED GAS
8322845		4704900708		103		WILMOTH #1	MANNINGTON DISTRICT	30.0	CONSOLIDATED GAS
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
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-BLACKWOOD & NICHOLS CO LTD				RECEIVED:	02/17/83	JA: NM 4			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8322790	NM 0217-82PB	3004501058		108-PB		NORTHEAST BLANCO UNIT #59-24
8322784	NM 0218-82PB	3004522528		108-PB		NORTHEAST BLANCO UNIT #65
-CONOCO INC				RECEIVED	02/17/83	JA: NM 4
8322807	NM 2987-79	3002500000		108-PB		ELLIOTT B-15 #1
-CONSOLIDATED OIL & GAS INC				RECEIVED	02/17/83	JA: NM 4
8322797	NM0203-82PB	3003921510		108-PB		TRIBAL "C" #11
-DEPCO INC				RECEIVED	02/17/83	JA: NM
8322806	NM 0180-82PB	3003911733		108-PB		MKL #14
-DUGAN PRODUCTION CURP				RECEIVED	02/17/83	JA: NM 4
8322743	NM 1631-82	3004524482		103		PINEY #2
-EL PASO EXPLORATION CO				RECEIVED	02/17/83	JA: NM 4
8322788	NM 0215-82PB	3003906671		108-PB		JICARILLA 119 N #3
8322795	NM0200-82PB	3003921189		108-PB		JICARILLA 123 C #21
-EL PASO NATURAL GAS COMPANY				RECEIVED	02/17/83	JA: NM 4
8322749	NM-1608-82	3003920407		108		CANYON LARGO UNIT #165
8322780	NM 0223-82PB	3003920783		108-PB		CANYON LARGO UNIT #230
8322753	NM 1301-82	3003920953		108		CANYON LARGO UNIT #269
8322793	NM0211-82PB	3004560060		108-PB		MOORE #3
8322746	NM1303-82	3004521024		108		MUDGE #39 PC
8322757	NM-0849-82	3003920497		108		RINCON UNIT #192
8322803	NM 0189-82PB	3003906939		108-PB		SAN JUAN 27-4 UNIT #29
8322779	NM 0222-82PB	3003920688		108-PB		SAN JUAN 27-4 UNIT #65
8322758	NM-0245-82PB	3003920719		108-PB		SAN JUAN 27-4 UNIT #70
8322759	NM-024-82PB	3003920719		108-PB		SAN JUAN 27-4 UNIT #70
8322786	NM 0221-82PB	3003920827		108-PB		SAN JUAN 27-4 UNIT #85
8322792	NM 0207-82PB	3003920837		108-PB		SAN JUAN 27-4 UNIT #98
8322802	NM0188-82PB	3003906862		108-PB		SAN JUAN 27-4 UT #25
8322763	NM 0243-82PB	3003920825		108-PB		SAN JUAN 27-4 WAIT #84
8322762	NM-0242-82PB	3003920672		108-PB		SAN JUAN 27-5 UNIT #158
8322791	NM 0206-82PB	3003906964		108-PB		SAN JUAN 27-5 UNIT #16
8322798	NM0190-82PB	3003906878		108-PB		SAN JUAN 27-5 UNIT #66
8322787	NM 0213-82PB	3003907191		108-PB		SAN JUAN 27-5 UT #61
8322756	NM-0690-82	3003907281		108		SAN JUAN 28-4 UNIT #20
8322760	NM 0247-82PB	3003920510		108-PB		SAN JUAN 28-4 UNIT #35
8322800	NM0192-82PB	3003920674		108-PB		SAN JUAN 28-4 UNIT #36
8322785	NM 0220-82PB	3003920878		108-PB		SAN JUAN 28 5 UNIT #95
8322754	NM 1299-82	3003920574		108-PB		SAN JUAN 28-6 UNIT #130
8322750	NM-0910-82	3003907875		108		SAN JUAN 30-4 UNIT #11
8322768	NM 0241-82PB	3003920525		108-PB		SAN JUAN 30-6 UNIT #103
8322789	NM-0216-82PB	3003907844		108 PB		SAN JUAN 30-6 UNIT #66
8322764	NM 0244-82PB	3003907858		108-PB		SAN JUAN 30-6-UNIT #39
8322755	NM-0683-82	3004524875		108		SAN JUAN 32-9 UNIT #95R
8322796	NM0201-82PB	3003907206		108-PB		SJ 27-4 UNIT #19 PC & MV
8322794	NM0198-82PB	3003902130		108-PB		SJ 2846 UNIT #80 MV & PC
8322761	NM 0248-82PB	3004511955		108-PB		STOREY B #8
8322805	NM-0129-PB	3003922081		108-PB		VALDEZ #4
8322799	NM0191-82PB	3003907902		108-PB		SJ 30-4 UNIT #23
-GLENN COPE				RECEIVED	02/17/83	JA: NM 4
8322722	NM0733-82102	3001524086		102-4 103		FEDERAL 30 COM #1
-GULF OIL CORPORATION				RECEIVED	02/17/83	JA: NM 4
8322742	NM 1613-82	3003923040		103		APACHE FEDERAL #8E
-HNG OIL COMPANY				RECEIVED	02/17/83	JA: NM 4
8322745	NM1677-82102	3002527826		102-2 103		MADERA "28" FEDERAL COM #1
-LAGUNA PETROLEUM CO				RECEIVED	02/17/83	JA: NM 4
8322752	NM 1136-82	3002527058		103		FEDERAL 7 #1
-NORTHWEST EXPLORATION COMPANY				RECEIVED	02/17/83	JA: NM 4
8322782	NM 0225-82PB	3004523094		108-PB		MIDDLE MESA #1
-NORTHWEST PIPELINE CORPORATION				RECEIVED	02/17/83	JA: NM 4
8322771	NM 0233-82PB	3004521483		108-PB		COX CANYON UNIT #12
8322774	NM 0237-82PB	3003906897		108-PB		JICARILLA 92 #2
8322783	NM 0226-82PB	3003921130		108-PB		JICARILLA 92 #3
8322770	NM 0232-82PB	3003921133		108-PB		JICARILLA 93 #10
8322776	NM 0228-82PB	3003907951		108-PB		ROSA #21
8322772	NM 0234-82PB	3003907964		108-PB		ROSA UNIT #10
8322801	NM0187-82PB	3003907963		108-PB		ROSA UNIT #16
8322765	NM 0238-82PB	3003907963		108-PB		ROSA UNIT #16
8322781	NM 0224-82PB	3003907981		108-PB		ROSA UNIT #43
8322769	NM 0231-82PB	3003921397		108-PB		ROSA 62
8322767	NM 0240-82PB	3003907971		108-PB		ROSE UNIT #22
8322778	NM-0230-82PB	3003900000		108-PB		S/J 30-5 UNIT #2 R
8322777	NM 0229-82PB	3003907916		108-PB		S/J 31-6 UNIT #22
8322751	NM-1047-82	3003907581		108		SAN JUAN 29-6 UNIT 77
8322775	NM 0227-82PB	3003921791		108-PB		SAN JUAN 30-3 #63
8322773	NM 0236-82PB	3003907907		108-PB		SAN JUAN 31-6 #14
8322766	NM 0239-82PB	3004511125		108-PB		SAN JUAN 32-8 UNIT #14
-PIONEER PRODUCTION CORPORATION				RECEIVED	02/17/83	JA: NM 4
8322804	NM0022-82ER	3004500000		108-ER		LUCERNE A #1
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED	02/17/83	JA: NM 4
8322724	NM-1696-82	3003920626		108		JICARILLA "D" #12
8322731	NM-1697-82	3003921000		108		JICARILLA "D" #15
8322725	NM-1698-82	3003920999		108		JICARILLA "D" #16
8322740	NM 1684-82	3003906276		108		JICARILLA "D" #2
8322741	NM 1685-82	3003900000		108		JICARILLA "D" #3
8322736	NM-1686-82	3003906301		108		JICARILLA "D" #4
8322737	NM 1687-82	3003900000		108		JICARILLA "D" #5
8322730	NM-1695-82	3003922038		108		JICARILLA "D" #6
8322738	NM 1688-82	3003900000		108		JICARILLA "E" #1
8322732	NM-1689-82	3003900000		108		JICARILLA "E" #2
8322733	NM-1690-82	3003900000		108		JICARILLA "E" #3
8322723	NM-1701-82	3003921509		108		JICARILLA "K" #19
8322734	NM-1691-82	3003900000		108		JICARILLA "K" #2
8322726	NM 1699-82	3003921540		108		JICARILLA "K" #20
8322727	NM-1700-82	3003922037		108		JICARILLA "K" #21
8322735	NM-1692-82	3003900000		108		JICARILLA "K" #4
8322728	NM-1693-82	3003900000		108		JICARILLA "K" #7
8322729	NM 1694-82	3003900000		108		JICARILLA "K" #9
-SOUTHLAND ROYALTY CO				RECEIVED	02/17/83	JA: NM 4
8322744	NM-1675-82	3004508592		108		HARE #12
-YATES PETROLEUM CORPORATION				RECEIVED	02/17/83	JA: NM 4
8322739	NM1683-82107	3000561520		102-3 107	-TF	FEDERAL "HY" #4
PLAINS PRODUCTION INC				RECEIVED	02/17/83	JA: OK 4
8322747	OKA-1574-82	3511921462		103		DEWITT LITTLECHIEF #1
8322748	OKA-1575-82	3511900000		103		DEWITT LITTLECHIEF #2

FIELD NAME	PROD	PURCHASER
BLANCO MESAVERDE NE 2	1.8	EL PASO NATURAL G
BLANCO MESAVERDE NE/4	20.0	EL PASO NATURAL G
DRINKARD	0.0	GETTY OIL CO
BLANCO MESAVERDE	21.0	NORTHWEST PIPELIN
SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
WAW FRUITLAND PC	18.0	EL PASO NATURAL G
TAPACITO-PICTURED CLI	5.6	NORTHWEST PIPELIN
SOUTH BLANCO-PICTURED	17.0	NORTHWEST PIPELIN
OTERO CHACRA	22.0	EL PASO NATURAL G
SOUTH BLANCO - PICTUR	20.[illegible]	EL PASO NATURAL G
BALLARD - PICTURED CL	22.0	EL PASO NATURAL G
BLANCO-MESAVERDE	16.[illegible]	EL PASO NATURAL G
BLANCO - PICTURED CLI	21.0	EL PASO NATURAL G
BASIN DAKOTA	15.[illegible]	EL PASO NATURAL G
BLANCO-MESA VERDE	15.0	EL PASO NATURAL G
TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
BASIN DAKOTA	0.0	EL PASO NATURAL G
BASIN DAKOTA	0.0	EL PASO NATURAL G
TAPACITO-PICTURED CLI	20.0	EL PASO NATURAL G
BASIN-DAKOTA	15.[illegible]	EL PASO NATURAL G
BLANCO MESAVERDE	[illegible].[illegible]	EL PASO NATURAL G
TAPACITO - PICTURED C	18.0	EL PASO NATURAL G
TAPACITO - PICTURED C	16.0	EL PASO NATURAL G
BLANCO-MESAVERDE	14.0	EL PASO NATURAL G
BLANCO-MESAVERDE	15.0	EL PASO NATURAL G
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BLANCO - MESA VERDE	15.0	EL PASO NATURAL G
BASIN - DAKOTA	16.0	EL PASO NATURAL G
BASIN DAKOTA	14.0	EL PASO NATURAL G
TAPACITO-PICTURED CLI	10.0	EL PASO NATURAL G
BASIN - DAKOTA	20.0	EL PASO NATURAL G
EAST BLANCO - PICTURE	10.0	EL PASO NATURAL G
BLANCO - MESA VERDE	11.0	EL PASO NATURAL G
BLANCO MESAVERDE	20.0	EL PASO NATURAL G
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BLANCO - PICTURED CLI	10.0	EL PASO NATURAL G
TAPACITO-PICTURED CLI	18.0	EL PASO NATURAL G
BLANCO-MESAVERDE AND	23.0	EL PASO NATURAL G
BLANCO MESAVERDE GAS	18.0	EL PASO NATURAL G
CHOZA MESA PICTURED C	18.0	EL PASO NATURAL G
BLANCO EAST-PICTURED	14.6	EL PASO NATURAL G
UNDESIGNATED	213.3	EL PASO NATURAL G
BASIN DAKOTA	0.0	EL PASO NATURAL G
WILDCAT MORROW	164.0	TRANSWESTERN PIPE
WANTZ (ABO DRINKARD)	52.6	GETTY OIL CO
SO LOS PINOS FRUITLAN	0.0	NORTHWEST PIPELIN
BLANCO PICTURED CLIFF	21.0	NORTHWEST PIPELIN
BLANCO	12.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	24.0	NORTHWEST PIPELIN
TAPACITO PICTURED CLI	0.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	21.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BLANCO MV	0.0	EL PASO NATURAL G
BLANCO MV	0.0	EL PASO NATURAL G
BLANCO MESAVERDE	25.0	EL PASO NATURAL G
BASIN DAKOTA	0.0	NORTHWEST PIPELIN
BLANCO	9.0	NORTHWEST PIPELIN
BLANCO	19.0	NORTHWEST PIPELIN
BLANCO	13.0	NORTHWEST PIPELIN
BASIN DAKOTA	0.0	NORTHWEST PIPELIN
BLANCO PICTURED CLIFF	0.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BLANCO	19.0	NORTHWE T PIPELIN
BASIN DAKOTA	0.0	WESTAR TRANSMISSI
TAPACITO PICTURE CLIF	[illegible].0	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	8.[illegible]	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	[illegible].[illegible]	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	10.[illegible]	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	[illegible].[illegible]	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	8.[illegible]	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	5.0	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	1.[illegible]	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	[illegible].0	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	[illegible]	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	[illegible].0	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	10.[illegible]	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	[illegible].[illegible]	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	17.[illegible]	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	11.[illegible]	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	[illegible].0	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	[illegible].[illegible]	GAS CO OF NEW MEX
SOUTH BLANCO PICTURE	0.9	GAS CO OF NEW MEX
AZTEC	15.6	SOUTHERN UNION GA
PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
YALE	25.0	PHILLIPS PETROLEU
YALE	25.0	PHILLIPS PETROLEU

[FR Doc. 83-7351 Filed 3-18-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 850]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 17, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 Mile rule)
- 102–3: New well (1000 Ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal Seams
- 107–DV: Devonian Shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS

VOLUME 850

ISSUED MARCH 17, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-CHALLENGER MINERALS INC				RECEIVED:	02/17/83	JA: CA			
8322866	83-4-0199	0402966037		102-4		JENSEN #45X-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
8322867	83-4-0200	0402966720		102-4		JENSEN #46X-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
8322868	83-4-0201	0402966341		102-4		KIMMEL #56-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
8322869	83-4-0202	0402966322		102-4		PAUL 82X-A-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
8322870	83-4-0203	0402967095		102-4		THORNTON #27X-32	WEST BELLEVUE	0.0	PACIFIC LIGHTING
-PETRO-LEWIS CORPORATION				RECEIVED:	02/17/83	JA: CA			
8322865	83-4-0205	0402966538		103		KING 87H-19	SOUTH BELRIDGE	6.0	MOBIL OIL CORP
-TXO PRODUCTION CORP				RECEIVED:	02/17/83	JA: CA			
8322864	83-6-0004	0410320136		102-4		"WEBER" 21-1	EAST RICE CREEK GAS	300.0	PACIFIC GAS & ELE
8322863	82-6-0085	0401100345		102-4		HALL F-2	STEGEMAN GAS	300.0	PACIFIC GAS & ELE
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED:	02/17/83	JA: NM			
8322860		3004520953		108		CANEPLE GAS COM "B" #1	BLANCO-PICTURED CLIFF	18.0	EL PASO NATURAL G
8322861		3004509680		108		CHRISMAN GAS COM #1 (2ND FILING)	BASIN DAKOTA	18.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/18/83	JA: NM			
8322873		3002527954		103		MAE F CURRY #2	EUMONT YATES (SEVEN R	92.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED:	02/17/83	JA: NM			
8322854		3002527902		103		NANCY STEPHENS #4	TUBB	0.0	GETTY OIL CO
-MARBOB ENERGY CORPORATION				RECEIVED:	02/17/83	JA: NM			
8322858		3001524309		103		S R C STATE #1	RED LAKE QUEEN GRAYBU	47.0	PHILLIPS PETROLEU
-MESA PETROLEUM CO				RECEIVED:	02/17/83	JA: NM			
8322855		3001524068		103		OGDEN STATE COM #2E	WHITE CITY PENN	1584.0	NATURAL GAS PIPEL
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	02/17/83	JA: NM			
8322859		3004521484		108		HOLT #4	BLANCO PICTURED CLIFF	21.5	NORTHWEST PIPELIN
-SOUTHLAND ROYALTY CO				RECEIVED:	02/17/83	JA: NM			
8322857		3004525337		103		CALLOWAY #3	BASIN	74.0	SOUTHERN UNION GA
8322856		3004525337		103		CALLOWAY #3	BLANCO PICTURED CLIFF	0.0	
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/17/83	JA: NM			
8322862		3002500000		108		STATE "A" A/C1 #90	LANGLIE MATTIX (7 RVR	10.0	PHILLIPS PETROLEU
-TEXACO INC				RECEIVED:	02/17/83	JA: NM			
8322853	-	3002500000		103		NEW MEXICO "AT" STATE #9	SAUNDERS-PERMO UPPER	210.0	WARREN PETROLEUM
-WARRIOR INC				RECEIVED:	02/18/83	JA: NM			
8322872		3002524164		108		STATE #2	EUMONT YATES SEVEN RI	19.0	PHILLIPS PETROLEU
8322871		3002525040		108		STATE WE "B" #2	EUMONT YATES SEVEN RI	3.0	PHILLIPS PETROLEU
OHIO DEPARTMENT OF NATURAL RESOURCES									
-AMERICAN PETROEL INC				RECEIVED:	02/14/83	JA: OH			
8322934		3416726886		107-DV		BLANEY LUMBER #2	GRANDVIEW	50.0	
-ATLAS ENERGY GROUP INC				RECEIVED:	02/14/83	JA: OH			
8322936		3415521815		102-2		F MELONI #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN
8322935		3415521658		102-2		F MILLER #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN
8322943		3415522136		102-2		GOULDTHORPE #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322937		3415521944		102-2		LEJEUNE #1	GREEN	0.0	COLUMBIA GAS TRAN
8322942		3415522112		102-2		QUIGGLE #1	GUSTAVUS	8.0	COLUMBIA GAS TRAN
8322938		3415521982		102-2		S MELONI #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN
8322941		3415522066		102-2		SHON #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN
8322939		3415521983		102-2		SPANGENBERG #1	GREENE	0.0	COLUMBIA GAS TRAN
8322940		3415522038		102-2		YUNKMAN UNIT #1	GREENE	8.0	COLUMBIA GAS TRAN
-BAY STATE EXPLORATION CO				RECEIVED: 02/14/83 JA: OH					
8322944		3416320492		103		ANKROM #2	JACKSON	0.0	COLUMBIA GAS TRAN
8322946		3416320544		103		MINTON #1	JACKSON	0.0	COLUMBIA GAS TRAN
8322945		3416320495		103		W W APPLEMAN #1	VINTON	18.5	COLUMBIA GAS TRAN
-BELDEN & BLAKE & CO #79				RECEIVED: 02/14/83 JA: OH					
8322951		3416923471		103	107-TF	F & M WRIGHT #1-341292	CHESTER	36.5	
-BELDEN & BLAKE & CO 80				RECEIVED: 02/14/83 JA: OH					
8322947		3410323057		103	107-TF	A J MACDONALD #1-341213	GRANGER	36.5	
8322948		3413322928		103	107-TF	HUGO SAND CO INC #2-341258	FRANKLIN	36.5	
8322950A		3415123764		103		J & M SEIFERT #2-341256	MARLBORO	36.5	
8322950B		3415123764	D	107-TF		J & M SEIFERT #2-341256	MARLBORO	36.5	
8322949		3413322933		103	107-TF	SUNSHINE SAND CO - #1-341259	STREETSBORO	36.5	
-BERMAN J SHAFER				RECEIVED: 02/14/83 JA: OH					
8322953		3411122751		107-DV		GARNES #1	MALAGA	7.5	NATIONAL PETROLEU
8322952		3410323187		107-TF		MURRAY #1	WESTFIELD	7.5	COLUMBIA GAS TRAN
8322954		3411122752		107-DV		STEPHEN #1	SENECA	7.5	NATIONAL PETROLEU
-BILL BLAIR INCORPORATED				RECEIVED: 02/14/83 JA: OH					
8322955		3402920802		103	107-TF	GROVE #1	HOMEWORTH	18.0	EAST OHIO GAS CO
8322956		3402920914		103	107-TF	SANOR #6	HANOVERTON	12.0	EAST OHIO GAS CO
8322957		3402920915		103	107-TF	STOFFER #8	HANOVERTON	11.0	EAST OHIO GAS CO
-BRUSK JOINT VENTURE				RECEIVED: 02/14/83 JA: OH					
8322958		3411921817		107-TF		MURPHY #2	MALTA	1.6	COLUMBIA GAS TRAN
-CALLANDER & KIMBREL INC				RECEIVED: 02/14/83 JA: OH					
8322959		3403124510		103		BOWERS #1	COPPERSDALE	5.0	
8322960		3411122873		103		LANDEFELD #1A	MILTONBURG	27.0	
-CHARLES D LIGHTHIZER				RECEIVED: 02/14/83 JA: OH					
8322969		3411926461		107-TF		FORAKER #2	PERRY	0.0	COLUMBIA GAS TRAN
-CLINTON OIL CO				RECEIVED: 02/14/83 JA: OH					
8323105		3411925156		103	107-TF	J BRIGGS #4-546	WASHINGTON	10.0	
-CLOVER OIL CO				RECEIVED: 02/14/83 JA: OH					
8323106		3410322961		103		R & C RAW #2	SPENCER	0.0	
-DAN-DEE OIL CO				RECEIVED: 02/14/83 JA: OH					
8322970		3416727137		103		PHILIP E PERDUE #1	BARLOW	4.0	RIVER GAS CO
-DOME ENERGY 82				RECEIVED: 02/14/83 JA: OH					
8322972		3409321170		107-TF		PDK #2	COLUMBIA	15.0	COLUMBIA GAS TRAN
8322971		3403521164		107-TF		SHADY-RATAJCAK #1	OLMSTED	5.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED: 02/14/83 JA: OH					
8322974		3408720276		107-DV		AVERILL BAMMER #1	FAYETTE	12.0	COLUMBIA GAS TRAN
8322976		3408720295		107-DV		DELBERT SARK #1	PERRY	12.0	COLUMBIA GAS TRAN
8322977		3408720299		107-DV		DONALD WILSON #1	FAYETTE	12.0	COLUMBIA GAS TRAN
8322981		3408720323		107-DV		ISAAC YANCY #1A	LAURENCE	12.0	COLUMBIA GAS TRAN
8322980		3408720320		107-DV		J KERMIT HOWELL #1	FAYETTE	12.0	COLUMBIA GAS TRAN
8322973		3408720275		107-DV		JAMES ADKINS #1	PERRY	12.0	COLUMBIA GAS TRAN
8322982		3408720333		107-DV		JOHN HOLTON #2	LAURENCE	12.0	COLUMBIA GAS TRAN
8322978		3408720300		107-DV		R C DUDDING #1	FAYETTE	12.0	COLUMBIA GAS TRAN
8322979		3408720302		107-DV		SYLVIA MELVIN #1	PERRY	12.0	COLUMBIA GAS TRAN
8322975		3408720293		107-DV		WILBUR D KENNEY #1	FAYETTE	12.0	COLUMBIA GAS TRAN
-EAGLE MOUNTAIN ENERGY CORP				RECEIVED: 02/14/83 JA: OH					
8322984		3411522979		103	107-TF	LACEY HEIRS #1	BRISTOL	20.0	COLUMBIA GAS TRAN
8322983		3411522965		103	107-TF	LEEPER (BRISTOL) UNIT #2	BRISTOL	20.0	COLUMBIA GAS TRAN
-ELKHEAD GAS & OIL COMPANY				RECEIVED: 02/14/83 JA: OH					
8322985		3408323188		103		CARTER #2	KNOX	50.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP				RECEIVED: 02/14/83 JA: OH					
8322987		3400722034		103	107-TF	MILLS #1	NEW LYME	18.0	
8322986		3400722033		103	107-TF	NEALEN #2	NEW LYME	19.0	
8322985		3400722043		103	107-TF	SHAUS #1	NEW LYME	20.0	
8322989		3400722060		103	107-TF	SYKES #1	ROME	18.0	
-EVERFLOW EASTERN INC				RECEIVED: 02/14/83 JA: OH					
8322990		3415723658		103	107-TF	BOUDITCH #1	PUSH	0.0	
8322991		3415723767		103	107-TF	EDWARDS-BEDWAY #1	PUSH	0.0	
-FRONTIER PETROLEUM LTD				RECEIVED: 02/14/83 JA: OH					
8323048		3411122859		107-DV		CLYDE WECKBACHER #1	WASHINGTON	12.0	COLUMBIA GAS TRAN
-GASEARCH INC				RECEIVED: 02/14/83 JA: OH					
8323049		3409321470		103	107-TF	NATIONAL NORTHERN INC (JACKSON) #2	JACKSON	20.0	YANKEE RESOURCES
-GREEN GAS COMPANY				RECEIVED: 02/14/83 JA: OH					
8323050		3409321186		107-TF		BARTTER #3	COLUMBIA	15.0	COLUMBIA GAS TRAN
8323051		3416923427		107-TF		JACQUET #1-A	CANAAN	25.0	COLUMBIA GAS TRAN
-GWF CORP				RECEIVED: 02/14/83 JA: OH					
8323052		3416726560		107-DV		SARGENT-WILSON #1	DECATUR	15.0	COLUMBIA GAS TRAN
-H & K ENERGY CORP				RECEIVED: 02/14/83 JA: OH					
8323053		3412725718		103		GIVENS #1	PIKE	5.0	
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED: 02/14/83 JA: OH					
8323056		3411122074		107-DV		GILBERT & LUCILLE HUFFMAN #1	SENECA	20.0	COLUMBIA GAS TRAN
8323059		3411122782		107-DV		H G & T L SCOTT #1	SENECA	10.0	COLUMBIA GAS TRAN
8323057		3411122725		107-DV		JAMES & MARY D SCOTT #2	SENECA	10.0	COLUMBIA GAS TRAN
8323054		3411122221		107-DV		URBAN HEFT JR #1	SENECA	10.0	COLUMBIA GAS TRAN
8323055		3411122281		107-DV		URBAN L & RUBY HEFT #2	SENECA	8.0	COLUMBIA GAS TRAN
8323058		3411122781		107-DV		VIRGIL & PAULINE MORRIS #1	SENECA	10.0	COLUMBIA GAS TRAN
-J D DRILLING CO				RECEIVED: 02/14/83 JA: OH					
8323061		3410522478		107-DV		ROSS & LEOPA GRIMES #1	LEBANON	7.0	COLUMBIA GAS TRAN
-JANCO WELL OPERATIONS LTD 82-3				RECEIVED: 02/14/83 JA: OH					
8323060		3410323267		107-TF		HARDWAY UNIT #1	GRANGER	250.0	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC				RECEIVED: 02/14/83 JA: OH					
8323062		3415321087		103	107-TF	BOLTZ-LEITER #1	NORTHAMPTON	0.0	
-L & S OIL & GAS				RECEIVED: 02/14/83 JA: OH					
8323063		3411926538		107-TF		JIM WILSON #1	WILSON	0.0	
-LAKE REGION OIL INC				RECEIVED: 02/14/83 JA: OH					
8323065		3415123685	D	107-TF		CHESTER CHRISTMAN #1	PERRY	10.0	EAST OHIO GAS CO
8323064B		3407523763	D	107-TF		RICHARD HENRY #1	RICHLAND	15.0	COLUMBIA GAS TRAN
8323064A		3407523763		103		RICHARD HENRY #1	RICHLAND	15.0	COLUMBIA GAS TRAN
-LANGASCO DRILLING CO				RECEIVED: 02/14/83 JA: OH					
8323073		3402920931		107-TF		CHARLES WOOLF #1	BUTLER	42.0	COLUMBIA GAS TRAN
8323067		3402920923		107-TF		KARL SUMMER #1	WEST	50.0	COLUMBIA GAS TRAN
8323072		3402920930		107-TF		LARRY ROSENBERGER #1	WEST	45.0	COLUMBIA GAS TRAN
8323071		3402920929		107-TF		PAUL DROTLEFF #1	BUTLER	45.0	COLUMBIA GAS TRAN
8323066		3402920889		107-TF		ROBERT POWELL #1	HANOVER	45.0	COLUMBIA GAS TRAN
8323070		3402920926		107-TF		RONALD BERGER #1	BUTLER	46.0	COLUMBIA GAS TRAN
8323069		3402920925		107-TF		RUDOLPH DROTLEFF #1	BUTLER	45.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323068		3402920924		107-TF		RUSSELL KIKO #1	BUTLER	47.0	COLUMBIA GAS TRAN
8323074		3402920939		107-TF		WILLIAM ALTENHOF #1	BUTLER	45.0	COLUMBIA GAS TRAN
				RECEIVED: 02/14/83 JA: OH					
-LEADER EQUITIES INC									
8323075		3408923695	D	107-TF		BAUGHMAN #1-A	PERRY	12.0	
8323076		3411522983		103	107-TF	DOTY #4	MEIGSVILLE	13.0	
				RECEIVED: 02/14/83 JA: OH					
-LIBERTY OIL & GAS CORP									
8323077		3410522424		103		LAURA & O C GILPIN #2	OLIVE	18.0	COLUMBIA GAS TRAN
				RECEIVED: 02/14/83 JA: OH					
-MARK RESOURCES CORP									
8323078		3400722118		107-TF		MCQUILLAN-CHILDS UNIT #1	KINGSVILLE	30.0	
				RECEIVED: 02/14/83 JA: OH					
-MINNESOTA-OHIO OIL CORP									
8323080		3416727197		107-DV		LAWRENCE BOWERSOCK #1	LUDLOW	12.0	COLUMBIA GAS TRAN
8323079		3416727196		107-DV		U S A #6 WARD CLINE	LUDLOW	12.0	COLUMBIA GAS TRAN
				RECEIVED: 02/14/83 JA: OH					
-NORTHEASTERN ENERGY									
8323081		3410323025		103	107-TF	CANTER WELL #1	WADSWORTH	25.0	EAST OHIO GAS CO
				RECEIVED: 02/14/83 JA: OH					
-OHIO OIL & GAS CO									
8323085		3415522137		107-TF		BRONSON #1	KINSMAN	20.0	COLUMBIA GAS TRAN
8323089		3415522227		107-TF		CONSUMER #8	FOWLER	20.0	COLUMBIA GAS TRAN
8323091		3415522262		107-TF		COVER #1	FOWLER	20.0	COLUMBIA GAS TRAN
8323090		3415522259		107-TF		DAVIS #1	FOWLER	20.0	COLUMBIA GAS TRAN
8323084		3415522132		107-TF		DUNNIGAN #1	KINSMAN	20.0	COLUMBIA GAS TRAN
8323087		3415522139		107-TF		FITCH #1	KINSMAN	20.0	COLUMBIA GAS TRAN
8323088		3415522140		107-TF		FITCH #2	KINSMAN	20.0	COLUMBIA GAS TRAN
8323082		3415522032		107-TF		GRIFFIN #6	KINSMAN	20.0	COLUMBIA GAS TRAN
8323083		3415522033		107-TF		KIDWELL #1	KINSMAN	20 0	COLUMBIA GAS TRAN
8323086		3415522138		107-TF		SAVAKIS #1	KINSMAN	20.0	COLUMBIA GAS TRAN
				RECEIVED: 02/14/83 JA: OH					
-RED HILL DEVELOPMENT									
8323031		3415723111		108		A ANDREWS - #1		7.0	
8323034		3415723413		108		BAAB-HERSHBERGER - #1		9.0	
8323028		3415723085		108		C ORR - WELL #1		10.0	
8323006		3415722888		108		D KINSER - #2		9.0	
8323032		3415723124		108		D SCHNEBELEN - WELL #1		16.0	
8323019		3415723009		108		E FLEMING - #1		10.0	
8323041		3415723469		108		E FUNK - #1		10.0	
8323004		3415722885		108		E KEIM - #1		6.0	
8323043		3415723503		108		E MILLER - #6		10.0	
8323012		3415722934		108		EICHEL - WISE - #1		10 0	
8323024		3415723040		108		F KARL - #3		12 0	
8323009		3415722923		108		F KARL - WELL #2		11 0	
8323007		3415722909		108		F KIMBLE - #1		11 0	
8322994		3415722686		108		F MAURER - #1		[illegible].0	
8322995		3415722687		108		F SCHNEITER - #1		10 0	
8323008		3415722910		108		G AUMAN - #1		13.0	
8323042		3415723487		108		G SCHERER - WELL #1		1.0	
8323026		3415723083		108		H CASEBEER - #4		18.0	
8323005		3415722887		108		H KINSER - WELL #1		7.0	
8323015		3415722990		108		J GRAEF - #1		2.0	
8322992		3415722680		108		J PYLE #1		17.0	
8323014		3415722943		108		J SHEA - #1		9.0	
8323025		3415723082		108		JOHN MILLER - #1		6.0	
8323001		3415722805		108		L BAAB - #2		14.0	
8323040		3415723468		108		L GOEDEL - #1		7.0	
8322993		3415722681		108		LIFE SCIENCE CHURCH - #1		8.0	
8323030		3415723097		108		M GRAY - #1		4 0	
8322999		3415722727		108		M WENGER - #2		6 0	
8323000		3415722728		108		M WENGER - WELL #1		8 0	
8323045		3415723533		108		MARVIN MILLER - #7		17 0	
8323022		3415723020		108		MERVIN MILLER - #4		8 0	
8323039		3415723448		108		MERVIN MILLER - #5		11 0	
8323033		3415723374		108		N ROEMER - #1		7 0	
8323016		3415722991		108		O HUMERICKHOUSE - #1		9 0	
8322997		3415722701		108		P SNYDER - WELL #1		7 0	
8323023		3415723039		108		R BAMBECK - #1		16.0	
8323002		3415722860		108		R BLEININGER - WELL #1		13.0	
8323011		3415722932		108		R FINCHER - #1		3.0	
8323010		3415722931		108		R LAHMERS - #1		4 0	
8323038		3415723429		108		R SEIKEL - #1		[illegible].0	
8323003		3415722862		108		R SWONGER - #1		[illegible].0	
8323013		3415722939		108		R WILLIAMSON - #1		9 0	
8323018		3415723008		108		RABER-LUTHY - #1		8.0	
8323046		3415723536		108		REYNOLDS-STUCKY - #2		11 0	
8323036		3415723417		108		S BREWISER - #1		0 0	
8323037		3415723428		108		SUGARCREEK LAND CO - #1		12 0	
8322998		3415722707		108		T KANE - #1		10.0	
8323020		3415723016		108		W CAP - #1		4.0	
8323029		3415723096		108		W LIESER - #1		9 0	
8323035		3415723414		108		W MYERS - #1		2 0	
8323044		3415723532		108		W YOUNGEN - #1		12 0	
8323027		3415723084		108		WARDELL-CAUGHEY - #1		13 0	
8322996		3415722699		108		WM KLEIN - #1		[illegible] 0	
8323017		3415722997		108		WM MARINO - #1		8 0	
8323021		3415723017		108		WM SAUERNHEIMER - #1		18 0	
8323047		3415723548		108		WM SNYDER - #2		18.0	
				RECEIVED: 02/14/83 JA: OH					
-REPUBLIC STEEL CORP									
8323092		3409921507		103	107-TF	AMERICAN FIRE CLAY - AFC #4	GREEN	6.0	REPUBLIC STEEL CO
				RECEIVED: 02/14/83 JA: OH					
-ROBERT D CHARLEBOIS									
8323093		3415522125		107-TF		GINTERT #1	BRACEVILLE	15.0	COLUMBIA GAS TRAN
				RECEIVED: 02/14/83 JA: OH					
-ROCKWELL RESOURCES INC									
8323094		3411122747		107-DV		PHENA PIATT #1	WASHINGTON	12.0	COLUMBIA GAS TRAN
				RECEIVED: 02/14/83 JA: OH					
-SANDHILL ENERGY INC (OH)									
8323095		3416726952		103		FLAHERTY #2	GRANDVIEW	36 5	
8323096		3416726983		103		SHAPLEY/USA #1	GRANDVIEW	12.0	
8323097		3416726984		103		SHAPLEY/USA #2	GRANDVIEW	12.0	
				RECEIVED: 02/14/83 JA: OH					
-STOCKER&SITLER INC									
8323100		3407920165		107-TF		B KRIEBEL #1	MILTON	45.0	COLUMBIA GAS TRAN
8323103		3407920169		107-TF		BIERHUP #1	MILTON	37.0	COLUMBIA GAS TRAN
8323102		3407920168		107-TF		LEACH #1	MILTON	29.0	COLUMBIA GAS TRAN
8323101		3407920166		107-TF		P JOHNSON #1	MILTON	41.0	COLUMBIA GAS TRAN
				RECEIVED: 02/14/83 JA: OH					
-STONE OIL & GAS CO									
8323104		3410322673		107-TF		SARAH STONE #1	GUILFORD	3.0	EAST OHIO GAS CO
				RECEIVED: 02/14/83 JA: OH					
-SUN EXPLORATION & PRODUCTION CO									
8323098		3416727253		103		H ROARK #1	WESLEY	0.0	
8323099		3416727254		103		P HARSHBERGER #1	WESLEY	0.0	
				RECEIVED: 02/14/83 JA: OH					
-TIGER OIL INC									
8323107		3411122665		107-DV		E HALL #1	WASHINGTON	5.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TITAN ENERGY CORP				RECEIVED: 02/14/83 JA: OH					
8323108		3415522238		103	107-TF	KETTLER-HACKETT-UNIT #1	BROOKFIELD	20.0	COLUMBIA GAS TRAN
-VIKING RESOURCES CORPORATION				RECEIVED: 02/14/83 JA: OH					
8323109		3408520334		103	107-TF	LAKE COUNTY NURSERY #3	PERR	30.0	
-W J LYDIC INC				RECEIVED: 02/14/83 JA: OH					
8323115		3411122548		103		HENTHORN #1	JACKSON	35.0	COLUMBIA GAS TRAN
8323117		3411122940		107-DV		HINDERLONG #1	SUMMIT	20.0	
8323114		3411122399		107-DV		J RITCHIE #1	JACKSON	0.0	COLUMBIA GAS TRAN
8323118		3412725637		103	107-TF	RICKETTS #1	READING	12.0	NATIONAL GAS & OI
8323116		3411122656		103		ROUSENBERG #3	MALAGA	35.0	
8323113		3411122398		107-DV		WANDA BYERS #1	JACKSON	0.0	COLUMBIA GAS TRAN
-WALLICK PETROLEUM CO				RECEIVED: 02/14/83 JA: OH					
8323110		3411522969		103	107-TF	ROBERT HALLEY #1	PENN	10.0	
8323111		3411522984		103	107-TF	RON WEBER #1	MARION	10.0	
-WISP ENERGY INC				RECEIVED: 02/14/83 JA: OH					
8323112		3411122945		107-DV		RITCHIE #2	WOODSFIELD	73.0	COLUMBIA GAS TRAN
-WORTHINGTON OIL COMPANY INC				RECEIVED: 02/14/83 JA: OH					
8322965		3411522398		103	107-TF	DEAN & ELOISE MUMMEY #2	BRISTOL	10.0	COLUMBIA GAS TRAN
8322966		3411522399		103	107-TF	ETHEL WILSON #1	BRISTOL	10.0	COLUMBIA GAS TRAN
8322963		3411522396		103	107-TF	J O MILLER #1	BRISTOL	10.0	COLUMBIA GAS TRAN
8322964		3411522397		103	107-TF	J O MILLER #2	BRISTOL	10.0	COLUMBIA GAS TRAN
8322962		3411522395		103	107-TF	JAMES R CAMPBELL #1	BRISTOL	10.0	COLUMBIA GAS TRAN
8322961		3411522258		103	107-TF	SAMUEL W RAY #1	BRISTOL	10.0	COLUMBIA GAS TRAN
8322967		3411522586		103	107-TF	WILBUR MATSON #2	BRISTOL	10.0	COLUMBIA GAS TRAN
8322968		3411522587		103	107-TF	WILBUR MATSON ET AL #3	BRISTOL	10.0	COLUMBIA GAS TRAN
WEST VIRGINIA DEPARTMENT OF MINES									
-ASHLAND EXPLORATION INC				RECEIVED: 02/17/83 JA: WV					
8322933		4708100000		103		EAGLE LAND CO #4 - 093471	PAINT CREEK	10.1	
8322898		4708100585		107-DV		EAGLE LAND COMPANY #4 - 093471	PAINT CREEK	10.1	
8322912		4701900163		108		W A RHODES #1 - 155800	LOUP CREEK	12.0	ELKEM METALS CO
-BEREA OIL AND GAS CORPORATION				RECEIVED: 02/17/83 JA: WV					
8322909		4709320056		102-4		RUTH ALLMAN UNIT #1	CANAAN VALLEY	275.0	COLUMBIA GAS TRAN
8322902		4700121593		102-4		SEWELL #1	BARKER DISTRICT	25.0	BROOKLYN UNION GA
8322932		4700121593		103		SEWELL #1	BARKER DISTRICT	25.0	BROOKLYN UNION GA
-CHASE PETROLEUM				RECEIVED: 02/17/83 JA: WV					
8322897		4708505261		107-DV		HELEN MCCULLOUGH #1	CLAY DISTRICT	18.0	
-D C MALCOLM INC				RECEIVED: 02/17/33 JA: WV					
8322903		4703903810		107-DV		SOVICK #1	CLENDENIN	27.0	COLUMBIA GAS TRAN
-FRANKLIN ADKINS				RECEIVED: 02/17/83 JA: WV					
8322899		4708524449		103		CONRAD #2	MURPHY DISTRICT	3.7	CONSOLIDATED GAS
8322901		4702122452		108		R MARSHALL HRS 1-A	GLENVILLE DISTRICT	3.7	CONSOLIDATED GAS
8322900		4702123548		108		T M MARSHALL HRS 1-B	GLENVILLE DISTRICT	3.7	CONSOLIDATED GAS
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED: 02/17/83 JA: WV					
8322911		4700120645		108		P FERGUSON	VALLEY DISTRICT	19.2	CONSOLIDATED GAS
8322910		4700120730		108		R POLING	VALLEY DISTRICT	20.1	CONSOLIDATED GAS
-MERT DEVELOPMENT INC				RECEIVED: 02/17/83 JA: WV					
8322881		4700101508		103		BOLYARD #1	GLADE	280.0	COLUMBIA GAS TRAN
8322924		4700701709		103		BOSTIC #1	OTTER	35.0	COLUMBIA GAS TRAN
8322931		4708300519		103		BROSCHART #1	ROARING CREEK	30.0	COLUMBIA GAS TRAN
8322880		4700101509		103		BULATKO #1	GLADE	0.0	COLUMBIA GAS TRAN
8322921		4700101599		103		C HARRIS #1	BARKER	25.0	COLUMBIA GAS TRAN
8322885		4700101470		103		CANNON #1	BELINGTON	45.0	COLUMBIA GAS TRAN
8322896		4700101364		103		CONRAD/STANLEY #1	GLADE	35.0	COLUMBIA GAS TRAN
8322920		4700101598		103		DELAUDER #3	BELINGTON	35.0	COLUMBIA GAS TRAN
8322874		4700101435		103		E COONTZ #1	BARKER	20.0	COLUMBIA GAS TRAN
8322929		4701501889		103		EARL L BOGGS #1	OTTER DISTRICT	50.0	COLUMBIA GAS TRAN
8322889		4700101420		103		EISMON #1	GLADE	21.0	COLUMBIA GAS TRAN
8322922		4700101614		103		G BOOTH #1	VALLEY DISTRICT	30.0	COLUMBIA GAS TRAN
8322884		4700101452		103		GAINER #1	GLADE	28.0	COLUMBIA GAS TRAN
8322875		4700101451		103		H BOOTH #1	GLADE	220.0	COLUMBIA GAS TRAN
8322882		4700101507		103		HARRIS #1	GLADE	20.0	COLUMBIA GAS TRAN
8322888		4700101429		103		HOLSBERRY #1	GLADE	24.0	COLUMBIA GAS TRAN
8322877		4700101579		103		JAMES MARSH #1	GLADE	35.0	COLUMBIA GAS TRAN
8322879		4700101510		103		KENNEDY-MAYLE #1	GLADE	22.0	COLUMBIA GAS TRAN
8322895		4700101375		103		KINES #1	GLADE	23.0	COLUMBIA GAS TRAN
8322876		4700101461		103		LEWIS #1	GLADE	20.0	COLUMBIA GAS TRAN
8322915		4700701784		103		LLOYD #3	OTTER	35.0	COLUMBIA GAS TRAN
8322917		4700101561		103		MARTIN #1	GLADE	30.0	COLUMBIA GAS TRAN
8322887		4700101436		103		PITTMAN #1	BARKER	30.0	COLUMBIA GAS TRAN
8322923		4700701591		103		PUTNAM FARM & LAND #1	OTTER DISTRICT	30.0	COLUMBIA GAS TRAN
8322893		4700101389		103		R BOOTH #1	GLADE	23.0	COLUMBIA GAS TRAN
8322919		4700101612		103		RADABAUGH #1	UNION DISTRICT	30.0	COLUMBIA GAS TRAN
8322927		4700701789		103		ROBERT & HELEN TRAUGH #1	OTTER DISTRICT	35.0	COLUMBIA GAS TRAN
8322930		4704900687		103		SANDY DEMARK #4	MANNINGTON DISTRICT	30.0	COLUMBIA GAS TRAN
8322913		4700101521		103		SEECH MOORE #1	BARKER	10.0	COLUMBIA GAS TRAN
8322892		4700101398		103		SHUPP #1	GLADE	18.0	COLUMBIA GAS TRAN
8322883		4700101501		103		SIMPSON #1	BARKER	30.0	COLUMBIA GAS TRAN
8322890		4700101408		103		SIPE #1	GLADE	24.0	COLUMBIA GAS TRAN
8322886		4700101437		103		SKIDMORE-JONES #1	BARKER	30.0	COLUMBIA GAS TRAN
8322891		4700101399		103		STRAUGHN #1	GLADE	270.0	COLUMBIA GAS TRAN
8322894		4700101376		103		UPTON #1	GLADE	22.0	COLUMBIA GAS TRAN
8322925		4700701727		103		W B & S T PERRINE #1	OTTER DISTRICT	35.0	COLUMBIA GAS TRAN
8322878		4700101514		103		WARE #1	GLADE	25.0	COLUMBIA GAS TRAN
8322916		4700101560		103		WARREN KOONTZ #1	GLADE	20.0	COLUMBIA GAS TRAN
8322918		4700101578		103		WILSON #1	GLADE	30.0	COLUMBIA GAS TRAN
8322914		4700701728		103		YEDLOSKY #2	OTTER DISTRICT	45.0	COLUMBIA GAS TRAN
8322926		4700701729		103		YEDLOSKY #3	OTTER DISTRICT	35.0	COLUMBIA GAS TRAN
8322928		4700701791		103		YEDLOSKY #5	OTTER DISTRICT	45.0	COLUMBIA GAS TRAN
-PEAKE OPERATING CO				RECEIVED: 02/17/83 JA: WV					
8322908		4708100578		103		CUCKLER #1-A	(TOWN DISTRICT)	5.0	
8322906		4708100566		103		JONES & GIBSON #1-AJ	(TRAP HILL DISTRICT)	5.0	
8322907		4708100584		103		RAGLAND #1-A	(CLEAR FORK DISTRICT)	5.0	
-UNITED OPERATING COMPANY				RECEIVED: 02/17/83 JA: WV					
8322904		4700101765		103		FINDLEY #2	BELINGTON	0.0	PARTNERSHIP PROPE
8322905		4700101766		103		HOLBERT #2	BELINGTON	0.0	PARTNERSHIP PROPE

[FR Doc. 83-7352 Filed 3-18-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 851]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 17, 1983.

The following notices of determination were received from the indicated juridictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The application for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, VA 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressued brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS
ISSUED MARCH 17, 1983

VOLUME 851

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS									
-KENTUCKY WEST VIRGINIA GAS CO				RECEIVED:	02/15/83	JA: KY			
8323284	503329	1607100000		107-DV		A C HOWARD #1415	KENTUCKY EAST	3.8	
8323148	503193	1619500000		107-DV		A J AKERS #910	KENTUCKY EAST	1.7	
8323390	503435	1607100000		107-DV		A L MARTIN -#398	KENTUCKY EAST	11.3	
8323354	503399	1607100000		107-DV		A MOORE -#310	KENTUCKY EAST	8.2	
8323434	503479	1607100000		107-DV		ABIGAL AKERS #519	KENTUCKY EAST	6.8	
8323395	503440	1607100000		107-DV		ADAM SKEANS -#412	KENTUCKY EAST	5.0	
8323229	503274	1619500000		107-DV		ADRON LOWE - #1253	KENTUCKY EAST	3.2	
8323216	503261	1607100000		107-DV		ALEX BOYD #1205	KENTUCKY EAST	20.9	
8323389	503434	1607100000		107-DV		ALEX CLICK -#393	KENTUCKY EAST	6.7	
8323394	503439	1607100000		107-DV		ALEX CLICK -#406	KENTUCKY EAST	12.2	
8323350	503395	1607100000		107-DV		ALEX MARTIN -#297	KENTUCKY EAST	1.7	
8323458	503500	1607100000		107-DV		ALEX MARTIN #637	KENTUCKY EAST	16.6	
8323347	503392	1607100000		107-DV		ALICE MAY -#291D	KENTUCKY EAST	7.1	
8323305	503350	1619300000		107-DV		AMANDA BRASHEAR - #1489	KENTUCKY EAST	1.6	
8323173	503218	1607100000		107-BV		AMANDA CRUMB #1050	KENTUCKY EAST	1.2	
8323167	503212	1615300000		107-DV		AMOS HIREMAN #1003D	KENTUCKY EAST	8.4	
8323373	503418	1607100000		107-DV		ANDERSON HOOVER -#357	KENTUCKY EAST	9.1	
8323383	503428	1607100000		107-DV		ANDY MOORE - #382	KENTUCKY EAST	10.1	
8323333	503378	1607100000		107-DV		ANDY MOORE -#208	KENTUCKY EAST	19.0	
8323318	503363	1607100000		107-DV		ANNA MAYO - #26D	KENTUCKY EAST	20.7	
8323164	503209	1619500000		107-DV		ANNIE MAYNARD #987	KENTUCKY EAST	17.4	
8323428	503473	1607100000		107-DV		ARMINA AKERS #500	KENTUCKY EAST	18.8	
8323266	503311	1619300000		107-DV		ASBEL CORNETT -#1363	KENTUCKY EAST	6.7	
8323168	503213	1619500000		107-DV		B F JOHNSON #1009	KENTUCKY EAST	2.8	
8323157	503202	1619500000		107-DV		B F JOHNSON #966	KENTUCKY EAST	13.6	
8323163	503208	1619500000		107-DV		B F JOHNSON #979	KENTUCKY EAST	8.5	
8323137	503182	1611900000		107-DV		B F KING #378	KENTUCKY EAST	3.5	
8323331	503376	1607100000		107-DV		B JOHNSON -#183	KENTUCKY EAST	5.4	
8323392	503437	1607100000		107-DV		B L C MAY -#400	KENTUCKY EAST	9.7	
8323396	503441	1607100000		107-DV		B L C MAY -#413	KENTUCKY EAST	14.2	
8323235	503280	1619300000		107-DV		B T MCDANIEL - #1268	KENTUCKY EAST	6.0	
8323236	503281	1619300000		107-DV		B T MCDANIEL - #1271	KENTUCKY EAST	8.0	
8323139	503184	1619500000		107-DV		BALLARD WEDDINGTON - #881	KENTUCKY EAST	1.4	
8323150	503195	1619500000		107-DV		BALLARD WEDDINGTON #914	KENTUCKY EAST	9.1	
8323152	503197	1619500000		107-DV		BALLARD WEDDINGTON #930	KENTUCKY EAST	7.9	
8323356	503401	1607100000		107-DV		BANNER LESLIE -#313	KENTUCKY EAST	12.7	
8323185	503230	1619500000		107-DV		BEATRICE S THOMPSON -#1110	KENTUCKY EAST	1.2	
8323162	503207	1619500000		107-DV		BEN F YOUNG #978	KENTUCKY EAST	6.4	
8323378	503423	1607100000		107-DV		BETHSHEBA DINGUS -#368	KENTUCKY EAST	2.8	
8323230	503275	1611900000		107-DV		BETTIE AMBURGEY - #1254 D	KENTUCKY EAST	0.9	
8323232	503277	1611900000		107-DV		BETTIE AMBURGEY - #1259D	KENTUCKY EAST	3.4	
8323237	503282	1607100000		107-DV		BUEL JOHNSON - #1279	KENTUCKY EAST	4.8	
8323307	503352	1607100000		107-DV		C C HORTON #1491	KENTUCKY EAST	5.5	
8323411	503456	1607100000		107-DV		C C HORTON #460	KENTUCKY EAST	12.4	
8323321	503366	1607100000		107-DV		CARR HAYS -#118D	KENTUCKY EAST	18.4	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323258	503303	1619300000		107-DV		CARRIE CORNETT #1345	KENTUCKY EAST	11.2	
8323384	503429	1607100000		107-DV		CARROLL & GOULD - #383	KENTUCKY EAST	7.8	
8323391	503436	1607100000		107-DV		CARROLL & GOULD - #399	KENTUCKY EAST	8.9	
8323419	503464	1607100000		107-DV		CARTER MARTIN #479	KENTUCKY EAST	13.6	
8323460	503505	1607100000		107-DV		CELINA BRANHAM #642	KENTUCKY EAST	18.5	
8323291	503336	1619300000		107-DV		CHARLES FARLER #1433	KENTUCKY EAST	3.5	
8323339	503384	1607100000		107-DV		CHAS GOBLE -#235	KENTUCKY EAST	3.6	
8323340	503385	1607100000		107-DV		CHAS GOBLE -#250D	KENTUCKY EAST	8.7	
8323343	503388	1607100000		107-DV		CHAS GOBLE -#274	KENTUCKY EAST	2.1	
8323227	503272	1611900000		107-DV		CHESTER COMBS - #1250	KENTUCKY EAST	6.1	
8323178	503223	1611900000		107-DV		CHESTER COMBS #1065	KENTUCKY EAST	16.3	
8323251	503296	1619300000		107-DV		CHLOE C BRASHEAR - #1333	KENTUCKY EAST	2.8	
8323134	503179	1619500000		107-DV		CLYDE TAYLOR #867	KENTUCKY EAST	2.9	
8323309	503354	1619300000		107-DV		CORDELL MARTIN - #1510	KENTUCKY EAST	3.0	
8323296	503341	1613300000		107-DV		COY WATTS #1454	KENTUCKY EAST	2.4	
8323144	503189	1619500000		107-DV		CUSTER JONES #900	KENTUCKY EAST	2.8	
8323334	503379	1607100000		107-DV		DAN GIBSON -#212	KENTUCKY EAST	9.0	
8323119	503164	1619500000		107-DV		DAN J SYCK #787	KENTUCKY EAST	6.8	
8323355	503400	1607100000		107-DV		DAN SCOTT -#312	KENTUCKY EAST	7.9	
8323142	503187	1619500000		107-DV		DAN W SYCK #895	KENTUCKY EAST	1.7	
8323423	503468	1611900000		107-DV		DANIEL WILLIAMS #487	KENTUCKY EAST	0.1	
8323316	503361	1619300000		107-DV		DENVER MINIARD - #1550	KENTUCKY EAST	6.6	
8323335	503380	1607100000		107-DV		DOCK MEADOWS -#214	KENTUCKY EAST	6.9	
8323314	503359	1607100000		107-DV		E K MARTIN - #1543	KENTUCKY EAST	5.0	
8323324	503369	1607100000		107-DV		E K MARTIN -#136D	KENTUCKY EAST	3.3	
8323326	503371	1607100000		107-DV		E K MARTIN -#141D	KENTUCKY EAST	13.5	
8323327	503372	1607100000		107-DV		E K MARTIN -#143D	KENTUCKY EAST	8.3	
8323328	503373	1607100000		107-DV		E K MARTIN -#144D	KENTUCKY EAST	14.3	
8323180	503225	1619500000		107-DV		E L PINSON -#1077D	KENTUCKY EAST	6.5	
8323136	503181	1619500000		107-DV		E L PINSON #876	KENTUCKY EAST	2.5	
8323365	503410	1607100000		107-DV		E P MERRITT -#337	KENTUCKY EAST	9.0	
8323408	503453	1607100000		107-DV		E V HALL #450	KENTUCKY EAST	20.3	
8323402	503447	1611900000		107-DV		E V HOPKINS #423	KENTUCKY EAST	11.1	
8323409	503454	1611900000		107-DV		E V HOPKINS #452	KENTUCKY EAST	4.3	
8323457	503502	1607100000		107-DV		EDMOND CLARK #636	KENTUCKY EAST	5.1	
8323275	503320	1613300000		107-DV		ELIHU REYNOLDS -#1390	KENTUCKY EAST	11.8	
8323278	503323	1613300000		107-DV		ELIHU REYNOLDS -#1398	KENTUCKY EAST	4.4	
8323289	503334	1613300000		107-DV		ELIHU REYNOLDS #1427	KENTUCKY EAST	2.5	
8323225	503270	1607100000		107-DV		ELIJAH AKERS #1239	KENTUCKY EAST	5.6	
8323401	503446	1607100000		107-DV		ELIJAH WALLEN #420	KENTUCKY EAST	3.7	
8323214	503259	1611900000		107-DV		ELIZABETH COLLINS #1197	KENTUCKY EAST	7.1	
8323270	503315	1607100000		107-DV		ELIZABETH SELLARDS -#1372	KENTUCKY EAST	7.1	
8323439	503484	1607100000		107-DV		ELIZABETH SELLARDS #543	KENTUCKY EAST	8.5	
8323260	503305	1619500000		107-DV		ELLA F BENTLEY -#1351	KENTUCKY EAST	1.0	
8323155	503200	1619500000		107-DV		ELLA F BENTLEY #944	KENTUCKY EAST	16.9	
8323252	503297	1619300000		107-DV		EUGENE BRASHEAR - #1336	KENTUCKY EAST	8.5	
8323217	503262	1607100000		107-DV		EUGENE HALL #1209	KENTUCKY EAST	16.1	
8323344	503389	1607100000		107-DV		EVA MEADE HALL -#281	KENTUCKY EAST	7.9	
8323233	503278	1619300000		107-DV		EZEKIEL BRASHEAR - #1260	KENTUCKY EAST	12.7	
8323420	503465	1611900000		107-DV		F A HALL #480	KENTUCKY EAST	9.9	
8323271	503316	1613300000		107-DV		F C LUSK - #1379	KENTUCKY EAST	7.0	
8323300	503345	1619300000		107-DV		FLORA RATLIFF - #1464	KENTUCKY EAST	1.9	
8323218	503263	1619500000		107-DV		FLOYD BURCHETT #1215	KENTUCKY EAST	2.9	
8323459	503504	1619500000		107-DV		FLOYD BURCHETT #638	KENTUCKY EAST	2.8	
8323282	503327	1619300000		107-DV		FORDSON COAL CO #1408	KENTUCKY EAST	3.7	
8323286	503331	1619300000		107-DV		FORDSON COAL CO #1424	KENTUCKY EAST	3.5	
8323313	503358	1619300000		107-DV		FORDSON COAL CO #1526	KENTUCKY EAST	2.1	
8323222	503267	1619500000		107-DV		FRANCIS L RICE - #1230	KENTUCKY EAST	1.2	
8323231	503276	1619500000		107-DV		FRANCIS L RICE - #1257	KENTUCKY EAST	1.8	
8323243	503290	1619300000		107-DV		G D BRASHEAR - #1306	KENTUCKY EAST	6.5	
8323204	503249	1607100000		107-DV		G P DAVIDSON #1173	KENTUCKY EAST	8.6	
8323367	503412	1607100000		107-DV		GEORGE FRAZIER -#344	KENTUCKY EAST	7.9	
8323336	503381	1607100000		107-DV		GEORGE HOOVER -#217	KENTUCKY EAST	14.5	
8323312	503357	1611900000		107-DV		GOODLOE BROTHERS CO INC - #1517	KENTUCKY EAST	1.0	
8323456	503501	1619500000		107-DV		GORDY WALKER #631	KENTUCKY EAST	3.1	
8323418	503463	1607100000		107-DV		GRANT WEDDINGTON #478	KENTUCKY EAST	15.2	
8323205	503250	1611900000		107-DV		GURNEY ADAMS #1176	KENTUCKY EAST	4.1	
8323422	503467	1611900000		107-DV		H C SLONE #483	KENTUCKY EAST	17.3	
8323359	503404	1607100000		107-DV		H D JOHNS -#326	KENTUCKY EAST	0.7	
8323131	503176	1611900000		107-DV		H H SMITH #851	KENTUCKY EAST	5.7	
8323158	503203	1611900000		107-DV		H H SMITH #968D	KENTUCKY EAST	17.2	
8323181	503226	1607100000		107-DV		H K CRUM -#1078	KENTUCKY EAST	7.6	
8323238	503283	1619300000		107-DV		H M HALL - #1286	KENTUCKY EAST	1.7	
8323430	503475	1607100000		107-DV		HAMILTON COAL & LAND CO #502	KENTUCKY EAST	5.9	
8323257	503302	1619300000		107-DV		HAZARD COAL CORP #1343	KENTUCKY EAST	12.5	
8323248	503293	1619300000		107-DV		HAZARD COAL CORPORATION - #1321	KENTUCKY EAST	16.7	
8323387	503432	1607100000		107-DV		HELEN GEAPHEART -#387	KENTUCKY EAST	1.4	
8323332	503377	1607100000		107-DV		HELEN MARTIN -#192	KENTUCKY EAST	3.1	
8323243	503288	1619300000		107-DV		HENRY BRASHEAR - #1303	KENTUCKY EAST	17.9	
8323160	503205	1607100000		107-DV		HIRAM SLONE #972	KENTUCKY EAST	0.3	
8323445	503490	1607100000		107-DV		INGRAM STEPP #557	KENTUCKY EAST	1.3	
8323446	503491	1607100000		107-DV		INGRAM STEPP #565	KENTUCKY EAST	3.1	
8323451	503496	1611900000		107-DV		IRA G SPARKMAN #596	KENTUCKY EAST	4.0	
8323397	503442	1607100000		107-DV		ISAIAH CONN -#414	KENTUCKY EAST	5.7	
8323443	503488	1611900000		107-DV		ISOM GIBSON #553	KENTUCKY EAST	7.2	
8323455	503500	1611900000		107-DV		ISOM GIBSON #607	KENTUCKY EAST	3.1	
8323363	503408	1607100000		107-DV		ISOM MOORE -#335	KENTUCKY EAST	9.7	
8323256	503301	1619300000		107-DV		IVORY CRAFT -#1340	KENTUCKY EAST	6.6	
8323254	503299	1619300000		107-DV		J A LUSK - #1333	KENTUCKY EAST	8.5	
8323360	503405	1607100000		107-DV		J B HOLBERT -#331	KENTUCKY EAST	15.5	
8323317	503362	1607100000		107-DV		J B MARTIN - #18D	KENTUCKY EAST	21.4	
8323274	5033319	1607100000		107-DV		J C CLARK #1387	KENTUCKY EAST	11.8	
8323358	503403	1607100000		107-DV		J C LAFFERTY -#322	KENTUCKY EAST	3.8	
8323215	503260	1619500000		107-DV		J C MULLINS #1204D	KENTUCKY EAST	4.2	
8323135	503180	1619500000		107-DV		J C MULLINS #869	KENTUCKY EAST	20.5	
8323201	503246	1607100000		107-DV		J M DAVIDSON #1164	KENTUCKY EAST	12.5	
8323410	503455	1607100000		107-DV		J M HALL #455	KENTUCKY EAST	6.1	
8323191	503236	1611900000		107-DV		J MARCUS COMBS -#1136	KENTUCKY EAST	9.8	
8323319	503364	1607100000		107-DV		J N ALLEN -#105	KENTUCKY EAST	5.2	
8323345	503390	1607100000		107-DV		J N ALLEN -#283D	KENTUCKY EAST	15.2	
8323364	503409	1607100000		107-DV		J N ALLEN -#336	KENTUCKY EAST	11.8	
8323320	503365	1607100000		107-DV		J P AKERS -#107D	KENTUCKY EAST	11.8	
8323414	503459	1607100000		107-DV		J P M DAVIDSON #467D	KENTUCKY EAST	5.5	
8323261	503306	1613300000		107-DV		J R LUSK -#1354	KENTUCKY EAST	4.2	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323264	503309	1613300000		107-DV		J R LUSK -#1361	KENTUCKY EAST	8.9	
8323239	503284	1619500000		107-DV		J S CLINE - #1287	KENTUCKY EAST	5.7	
8323453	503498	1619500000		107-DV		J S CLINE #600	KENTUCKY EAST	3.6	
8323121	503166	1619500000		107-DV		J S CLINE #793	KENTUCKY EAST	3.4	
8323122	503167	1619500000		107-DV		J S CLINE #804	KENTUCKY EAST	10.0	
8323125	503170	1619500000		107-DV		J S CLINE #827	KENTUCKY EAST	6.4	
8323138	503183	1619500000		107-DV		J S CLINE #879	KENTUCKY EAST	7.8	
8323141	503186	1619500000		107-DV		J S CLINE #894	KENTUCKY EAST	4.9	
8323154	503199	1619500000		107-DV		J S CLINE #939	KENTUCKY EAST	8.7	
8323159	503204	1619500000		107-DV		J S CLINE #969	KENTUCKY EAST	19.4	
8323170	503215	1619500000		107-DV		J S CLINE JR ETC #1035	KENTUCKY EAST	7.6	
8323172	503217	1619500000		107-DV		J S CLINE JR ETC #1046	KENTUCKY EAST	3 4	
8323330	503375	1607100000		107-DV		J SALISBURY -#175	KENTUCKY EAST	4.4	
8323322	503367	1607100000		107-DV		J W WEBB -#127	KENTUCKY EAST	5.8	
8323438	503483	1607100000		107-DV		JACOB DAMRON #542D	KENTUCKY EAST	8.3	
8323374	503419	1607100000		107-DV		JACOB P AKERS -#359	KENTUCKY EAST	3.6	
8323287	503332	1613300000		107-DV		JAMES BACK #1425	KENTUCKY EAST	17.4	
8323145	503190	1619500000		107-DV		JAMES DAMRON #902	KENTUCKY EAST	12.2	
8323175	503220	1607100000		107-DV		JAMES F HARRIS #1058	KENTUCKY EAST	3.0	
8323242	503287	1619300000		107-DV		JANE MCINTYRE - #1297	KENTUCKYEAST	8.1	
8323246	503291	1611900000		107-DV		JASON RICHIE #1311	KENTUCKY EAST	3.0	
8323268	503313	1607100000		107-DV		JENNIE CALDWELL -#1369	KENTUCKY EAST	4.8	
8323435	503480	1607100000		107-DV		JENNIE CALDWELL #523	KENTUCKY EAST	9.6	
8323277	503322	1619300000		107-DV		JESSIE HORN & LUCRETIA COMBS -#1396	KENTUCKY EAST	0.8	
8323283	503328	1619300000		107-DV		JESSIE HORN & LUCRETIA COMBS #1413	KENTUCKY EAST	2.8	
8323285	503330	1619300000		107-DV		JESSIE HORN & LUCRETIA COMBS #1421	KENTUCKY EAST	2.8	
8323193	503238	1619500000		107-DV		JOHN B LESLIE -#1142	KENTUCKY EAST	5.5	
8323353	503398	1615300000		107-DV		JOHN B SHEPHERD -#308	KENTUCKY EAST	19.5	
8323450	503495	1611900000		107-DV		JOHN CAMPBELL #587	KENTUCKY EAST	6.1	
8323156	503201	1619500000		107-DV		JOHN E TAYLOR #958	KENTUCKY EAST	20.8	
8323441	503486	1607100000		107-DV		JOHN H & BENJAMIN SELLARDS #548D	KENTUCKY EAST	1.8	
8323187	503232	1613300000		107-DV		JOHN HALL -#1118	KENTUCKY EAST	5.2	
8323273	503318	1613100000		107-DV		JOHN HAMILTON -#1386	KENTUCKY EAST	2.6	
8323292	503337	1613100000		107-DV		JOHN HAMILTON #1434	KENTUCKY EAST	3.4	
8323433	503478	1607100000		107-DV		JOHN M HALL #516	KENTUCKY EAST	3.2	
8323149	503194	1619500000		107-DV		JOHN NICHOLS #911	KENTUCKY EAST	6.2	
8323393	503438	1607100000		107-DV		JOHN W HARRIS -#405	KENTUCKY EAST	6.3	
8323276	503321	1611900000		107-DV		JOHN WICKER -#1393	KENTUCKY EAST	5.0	
8323417	503462	1611900000		107-DV		JOS HALL #477	KENTUCKY EAST	1.8	
8323432	503477	1611900000		107-DV		JOSEPH HALL #509	KENTUCKY EAST	13.7	
8323436	503481	1611900000		107-DV		JOSEPH HALL #528D	KENTUCKY EAST	5.3	
8323440	503485	1611900000		107-DV		JOSEPH OWENS #544	KENTUCKY EAST	12.7	
8323325	503370	1607100000		107-DV		JULIA MARTIN -#137D	KENTUCKY EAST	13.2	
8323399	503444	1607100000		107-DV		JULIA MARTIN #417D	KENTUCKY EAST	7.9	
8323426	503471	1607100000		107-DV		JULIA MARTIN #496	KENTUCKY EAST	14.1	
8323329	503374	1607100000		107-DV		KELSE GAYHEART -#150D	KENTUCKY EAST	6.2	
8323403	503448	1607100000		107-DV		KELSE GAYHEART #426	KENTUCKY EAST	18.4	
8323249	503294	1619500000		107-DV		KENTUCKY BLOCK FUEL CO #1326	KENTUCKY EAST	6.2	
8323189	503234	1619300000		107-DV		KENTUCKY RIVER COAL CORP -#1128	KENTUCKY EAST	7.3	
8323197	503242	1619300000		107-DV		KENTUCKY RIVER COAL CORP -#1156	KENTUCKY EAST	5.6	
8323198	503243	1619300000		107-DV		KENTUCKY RIVER COAL CORP -#1158	KENTUCKY EAST	5.2	
8323200	503245	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1161	KENTUCKY EAST	2.0	
8323202	503247	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1165	KENTUCKY EAST	2.7	
8323203	503248	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1171	KENTUCKY EAST	8.4	
8323208	503253	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1185	KENTUCKY EAST	5.3	
8323209	503254	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1186	KENTUCKY EAST	6.9	
8323210	503255	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1188	KENTUCKY EAST	14.1	
8323211	503256	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1190	KENTUCKY EAST	15.9	
8323212	503257	1619300000		107-DV		KENTUCKY RIVER COAL CORP #1192	KENTUCKY EAST	9.7	
8323255	503300	1613300000		107-DV		KYCOGA LAND CO - #1339	KENTUCKY EAST	6.3	
8323303	503348	1613300000		107-DV		KYCOGA LAND CO - #1475	KENTUCKY EAST	3.6	
8323308	503353	1613300000		107-DV		KYCOGA LAND CO - #1498	KENTUCKY EAST	4.7	
8323315	503360	1613300000		107-DV		KYCOGA LAND CO - #1547	KENTUCKY EAST	1.2	
8323295	503340	1613300000		107-DV		KYCOGA LAND CO #1446	KENTUCKY EAST	3.7	
8323298	503343	1613300000		107-DV		KYCOGA LAND CO #1462	KENTUCKY EAST	11.3	
8323126	503171	1611900000		107-DV		L D PARKS #834	KENTUCKY EAST	4.5	
8323174	503219	1619500000		107-DV		LAFE BURRIS #1055	KENTUCKY EAST	2.4	
8323177	503222	1619500000		107-DV		LAFE BURRIS #1063	KENTUCKY EAST	3.1	
8323444	503489	1611900000		107-DV		LARK SLONE #554	KENTUCKY EAST	11.2	
8323297	503342	1613300000		107-DV		LAURA CAMPBELL #1456	KENTUCKY EAST	8.0	
8323398	503443	1607100000		107-DV		LEE HALL -#416	KENTUCKY EAST	14.8	
8323352	503397	1607100000		107-DV		LEVI HIGNITE -#307	KENTUCKY EAST	9.5	
8323449	503494	1607100000		107-DV		LEVI MITCHELL #586	KENTUCKY EAST	14.8	
8323385	503430	1607100000		107-DV		LINDSAY P JOHNS - #384	KENTUCKY EAST	20.8	
8323361	503406	1607100000		107-DV		LINDSAY P JOHNS -#333D	KENTUCKY EAST	7.6	
8323362	503407	1607100000		107-DV		LINDSAY P JOHNS -#334D	KENTUCKY EAST	19.9	
8323381	503426	1607100000		107-DV		LINDSAY P JOHNS #374	KENTUCKY EAST	2 0	
8323165	503210	1619500000		107-DV		LOTTIE SMALLWOOD #989	KENTUCKY EAST	2.7	
8323412	503457	1607100000		107-DV		M A DAVIDSON #463	KENTUCKY EAST	6 1	
8323182	503227	1613300000		107-DV		M D LEWIS -#1081	KENTUCKY EAST	4.0	
8323183	503228	1613300000		107-DV		M D LEWIS -#1090	KENTUCKY EAST	12 2	
8323338	503383	1607100000		107-DV		M F MARTIN - #226	KENTUCKY EAST	10 7	
8323280	503325	1619300000		107-DV		M K EBLEN #1403	KENTUCKY EAST	1.1	
8323290	503335	1619300000		107-DV		M K EBLEN #1430	KENTUCKY EAST	7.5	
8323130	503175	1615300000		107-DV		M M COLLINS #850	KENTUCKY EAST	6.2	
8323431	503476	1607100000		107-DV		MARY STRATTON #505	KENTUCKY EAST	11.3	
8323306	503351	1613300000		107-DV		MAUDE DIXON STEELE #1490	KENTUCKY EAST	4.0	
8323310	503355	1613300000		107-DV		MELDIE CAMPBELL - #1515	KENTUCKY EAST	3.9	
8323323	503368	1607100000		107-DV		MELVIN HOOVER-130D	KENTUCKY EAST	11.1	
8323413	503458	1607100000		107-DV		MICHAEL CRUM #466	KENTUCKY EAST	11.7	
8323342	503387	1607100000		107-DV		MILFORD HALL -#263	KENTUCKY EAST	21.7	
8323371	503416	1607100000		107-DV		MILFORD HALL -#351	KENTUCKY EAST	9.7	
8323382	503427	1607100000		107-DV		MILFORD HALL #375	KENTUCKY EAST	11.1	
8323263	503308	1619300000		107-DV		MILFORD YOUNG -#1358	KENTUCKY EAST	3.3	
8323341	503386	1607100000		107-DV		MINTA GOBLE -#261D	KENTUCKY EAST	4.2	
8323240	503285	1619300000		107-DV		MONROE BRASHEAR - #1288	KENTUCKY EAST	8.8	
8323241	503286	1619300000		107-DV		MONROE BRASHEAR - #1294	KENTUCKY EAST	9.6	
8323221	503266	1611900000		107-DV		MONROE FUGATE - #1229	KENTUCKY EAST	5.8	
8323226	503271	1611900000		107-DV		MONROE FUGATE - #1244	KENTUCKY EAST	4.6	
8323337	503382	1607100000		107-DV		MORGAN SALISBURY -#218	KENTUCKY EAST	4.0	
8323369	503414	1607100000		107-DV		MORGAN SALISBURY -#347	KENTUCKY EAST	6.1	
8323379	503424	1607100000		107-DV		MOUSIE & ISOM MOORE #369	KENTUCKY EAST	4.2	
8323234	503279	1607100000		107-DV		MYRTLE PORTER - #1265	KENTUCKY EAST	3.6	
8323176	503221	1607100000		107-DV		MYRTLE PORTER #1060	KENTUCKY EAST	1.2	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323207	503252	1611900000		107-DV		N W SIMPSON #1182	KENTUCKY EAST	16.1	
8323213	503258	1611900000		107-DV		N W SIMPSON #1193	KENTUCKY EAST	6.9	
8323349	503394	1615300000		107-DV		NANCY JANE WIREMAN -#296D	KENTUCKY EAST	10.5	
8323404	503449	1607100000		107-DV		NANCY STEWART #427	KENTUCKY EAST	12.3	
8323293	503338	1613300000		107-DV		NOAH CAMPBELL #1441	KENTUCKY EAST	2.5	
8323370	503415	1607100000		107-DV		O C HALL -#350	KENTUCKY EAST	10.4	
8323253	503298	1619300000		107-DV		OSCAR BRASHEAR - #1337	KENTUCKY EAST	5.5	
8323377	503422	1607100000		107-DV		PARMER SCUTCHFIELD -#362	KENTUCKY EAST	7.6	
8323129	503174	1619500000		107-DV		PERRY CLINE #841	KENTUCKY EAST	17.2	
8323169	503214	1619500000		107-DV		PITTSBURGH CONSOLID COAL CO #1029	KENTUCKY EAST	7.6	
8323346	503391	1615300000		107-DV		R B HALE -#289	KENTUCKY EAST	9.4	
8323179	503224	1619500000		107-DV		R THOMPSON -#1070	KENTUCKY EAST	20.0	
8323405	503450	1607100000		107-DV		REBECCA CLARK #435	KENTUCKY EAST	7.3	
8323206	503251	1607100000		107-DV		REBECCA HOBSON #1180	KENTUCKY EAST	3.1	
8323425	503470	1611900000		107-DV		REUBEN SLONE #491	KENTUCKY EAST	8.4	
8323388	503433	1611900000		107-DV		RICHARD HALL-#390	KENTUCKY EAST	0.6	
8323375	503420	1607100000		107-DV		RICHARD SALISBURY -#360	KENTUCKY EAST	5.3	
8323416	503461	1611900000		107-DV		RILEY CASEBOLT #474	KENTUCKY EAST	0.4	
8323429	503474	1611900000		107-DV		RILEY CASEBOLT #501	KENTUCKY EAST	11.3	
8323224	503269	1619500000		107-DV		ROBERT DAMRON - #1236	KENTUCKY EAST	7.5	
8323376	503421	1607100000		107-DV		ROBERT OWSLEY -#361D	KENTUCKY EAST	16.3	
8323171	503216	1619500000		107-DV		ROBERT WILLIAMS #1041	KENTUCKY EAST	4.7	
8323161	503206	1619500000		107-DV		ROBERT WILLIAMS #973	KENTUCKY EAST	22.8	
8323301	503346	1613300000		107-DV		ROBERTA COAL CO - #1467	KENTUCKY EAST	2.3	
8323304	503349	1613300000		107-DV		ROBERTA COAL CO - #1478	KENTUCKY EAST	6.1	
8323272	503317	1613300000		107-DV		ROBERTA COAL CO -#1383	KENTUCKY EAST	2.8	
8323279	503324	1613300000		107-DV		ROBERTA COAL CO #1399	KENTUCKY EAST	10.0	
8323281	503326	1613300000		107-DV		ROBERTA COAL CO #1405	KENTUCKY EAST	2.3	
8323294	503339	1613300000		107-DV		ROBERTA COAL CO #1443	KENTUCKY EAST	7.6	
8323288	503333	1613300000		107-DV		ROBERTA COAL COMPANY #1426	KENTUCKY EAST	15.8	
8323188	503233	1611900000		107-DV		S B SMITH -#1119	KENTUCKY EAST	12.3	
8323194	503239	1619500000		107-DV		S H LESLIE -#1145	KENTUCKY EAST	1.4	
8323199	503244	1607100000		107-DV		S P DAVIDSON #1159	KENTUCKY EAST	16.6	
8323147	503192	1619500000		107-DV		SALLIE HATFIELD #905	KENTUCKY EAST	1.3	
8323447	503492	1607100000		107-DV		SAMUEL DILLON #566D	KENTUCKY EAST	7.9	
8323151	503196	1611900000		107-DV		SANDY RIDGE LANDS CORP #921	KENTUCKY EAST	10.1	
8323372	503417	1607100000		107-DV		SANFORD ALLEN -#354	KENTUCKY EAST	3.7	
8323424	503469	1611900000		107-DV		SHERWOOD OSBORN #490	KENTUCKY EAST	8.2	
8323448	503493	1611900000		107-DV		SHERWOOD OSBORN #578	KENTUCKY EAST	12.3	
8323262	503307	1619300000		107-DV		SIZEMORE MINING CORP -#1356	KENTUCKY EAST	4.6	
8323265	503310	1619300000		107-DV		SIZEMORE MINING CORP -#1362	KENTUCKY EAST	3.0	
8323267	503312	1619300000		107-DV		SIZEMORE MINING CORP -#1365	KENTUCKY EAST	4.7	
8323120	503165	1619500000		107-DV		SOPHRONIA BARTLEY #788	KENTUCKY EAST	2.7	
8323190	503235	1611900000		107-DV		T B WOLFE & ELIZ R JENNINGS -#129	KENTUCKY EAST	2.4	
8323184	503229	1613300000		107-DV		T B WOLFE -#1097	KENTUCKY EAST	4.3	
8323442	503487	1611900000		107-DV		T J HAGANS GDN #549	KENTUCKY EAST	15.5	
8323348	503393	1607100000		107-DV		T J WEBB -#292	KENTUCKY EAST	8.7	
8323357	503402	1607100000		107-DV		T J WEBB -#318	KENTUCKY EAST	6.1	
8323421	503466	1607100000		107-DV		T P HENSON #481	KENTUCKY EAST	6.8	
8323427	503472	1607100000		107-DV		T P HENSON #499	KENTUCKY EAST	9.5	
8323311	503356	1619500000		107-DV		THADEUS SCOTT - #1516	KENTUCKY EAST	6.4	
8323299	503344	1619500000		107-DV		THADEUS SCOTT #1463	KENTUCKY EAST	4.0	
8323153	503198	1619500000		107-DV		THOMAS E SCOTT #936	KENTUCKY EAST	3.8	
8323247	503292	1619300000		107-DV		TROY L BACK - #1320	KENTUCKY EAST	2.7	
8323228	503273	1611900000		107-DV		VICTOR SPURLOCK - #1251	KENTUCKY EAST	3.8	
8323166	503211	1619500000		107-DV		W A YOUNG #992	KENTUCKY EAST	7.2	
8323223	503268	1611900000		107-DV		W B CORNETT - #1234	KENTUCKY EAST	11.7	
8323140	503185	1611900000		107-DV		W D HALL - #888	KENTUCKY EAST	4.9	
8323186	503231	1611900000		107-DV		W D HALL -#1112	KENTUCKY EAST	6.0	
8323124	503169	1611900000		107-DV		W D HALL #826	KENTUCKY EAST	10.6	
8323128	503173	1611900000		107-DV		W D HALL #839	KENTUCKY EAST	12.6	
8323133	503178	1611900000		107-DV		W D HALL #861	KENTUCKY EAST	14.3	
8323143	503188	1611900000		107-DV		W D HALL #896	KENTUCKY EAST	2.8	
8323146	503191	1611900000		107-DV		W D HALL #903	KENTUCKY EAST	10.0	
8323302	503347	1619300000		107-DV		W H BRASHEAR #1474	KENTUCKY EAST	7.5	
8323400	503445	1607100000		107-DV		W J GUBLE #419D	KENTUCKY EAST	8.1	
8323244	503289	1619300000		107-DV		W M BROWNING - #1305	KENTUCKY EAST	4.7	
8323406	503451	1607100000		107-DV		W P BEVINS #438	KENTUCKY EAST	9.3	
8323407	503452	1607100000		107-DV		W P BEVINS #447	KENTUCKY EAST	5.2	
8323123	503168	1607100000		107-DV		W R HALL SR #807	KENTUCKY EAST	11.4	
8323127	503172	1607100000		107-DV		W R HALL SR #838	KENTUCKY EAST	6.4	
8323132	503177	1607100000		107-DV		W R HALL SR #858	KENTUCKY EAST	2.0	
8323437	503482	1611900000		107-DV		W W BOLEN #530	KENTUCKY EAST	12.2	
8323366	503411	1607100000		107-DV		WARDEN COLLINS -#340	KENTUCKY EAST	19.0	
8323415	503460	1611900000		107-DV		WILLIAM B ISAACS #468D	KENTUCKY EAST	15.2	
8323380	503425	1607100000		107-DV		WILLIAM JARRELL #371	KENTUCKY EAST	14.5	
8323250	503295	1619300000		107-DV		WILLIAM O ZIEBOLD - #1332	KENTUCKY EAST	6.0	
8323192	503237	1611900000		107-DV		WILLIAM O ZIEBOLD -#1139	KENTUCKY EAST	4.5	
8323195	503240	1611900000		107-DV		WILLIAM O ZIEBOLD -#1149	KENTUCKY EAST	11.3	
8323196	503241	1611900000		107-DV		WILLIAM O ZIEBOLD -#1154	KENTUCKY EAST	17.4	
8323259	503304	1619300000		107-DV		WILLIAM O ZIEBOLD -#1348	KENTUCKY EAST	3.1	
8323269	503314	1619300000		107-DV		WILLIAM O ZIEBOLD -#1371	KENTUCKY EAST	11.9	
8323220	503265	1611900000		107-DV		WILLIAM PATRICK #1225	KENTUCKY EAST	4.3	
8323351	503396	1607100000		107-DV		WILLIAM STUMBO -#304	KENTUCKY EAST	6.1	
8323452	503497	1611900000		107-DV		WILLIE D HALL #599	KENTUCKY EAST	8.3	
8323454	503499	1611900000		107-DV		WILLIE D HALL #602	KENTUCKY EAST	3.8	
8323386	503431	1607100000		107-DV		WM HUBBARD -#386	KENTUCKY EAST	4.9	
8323368	503413	1607100000		107-DV		WM J WICKER -#345	KENTUCKY EAST	2.9	
8323219	503264	1607100000		107-DV		WYLIE SLONE - #1222	KENTUCKY EAST	4.0	

[FR Doc. 83-7354 Filed 3-18-83; 8:45 am]
BILLING CODE 6717-01-C

[Volume 852]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 17, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 19 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshor reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plub,
Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS VOLUME 852

ISSUED MARCH 17, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS									
-KENTUCKY WEST VIRGINIA GAS CO				RECEIVED:	02/15/83	JA: KY			
8323737	503787	1611900000		107-DV		A J KELLEY -#5688	KENTUCKY EAST	6.7	
8323633	503683	1619500000		107-DV		A J MAY #5395	KENTUCKY EAST	14.7	
8323648	503698	1619500000		107-DV		A J MAY #5444	KENTUCKY EAST	5.0	
8323599	503649	1611900000		107-DV		A JOHNSON -#5312	KENTUCKY EAST	7.2	
8323689	503739	1611500000		107-DV		A M SPEARS #5571	KENTUCKY EAST	1.6	
8323605	503655	1619500000		107-DV		AARON JUSTICE #5324	KENTUCKY EAST	6.0	
8323485	503530	1607100000		107-DV		ABIGAIL AKERS - #734D	KENTUCKY EAST	8.7	
8323639	503689	1607100000		107-DV		ABRIGAL HALL #5411	KENTUCKY EAST	10.7	
8323484	503529	1619500000		107-DV		ADRON LOWE - #731	KENTUCKY EAST	17.7	
8323731	503781	1611900000		107-DV		ALAMANDER CAUDILL -#5670	KENTUCKY EAST	2.1	
8323701	503751	1611900000		107-DV		ALAMANDER CAUDILL #5594	KENTUCKY EAST	4.6	
8323708	503758	1611900000		107-DV		ALAMANDER CAUDILL #5611	KENTUCKY EAST	4.3	
8323700	503750	1611900000		107-DV		ALBERT CONLEY #5592	KENTUCKY EAST	7.6	
8323743	503793	1619500000		107-DV		ALBERT THACKER -#5720 D	KENTUCKY EAST	1.1	
8323512	503562	1607100000		107-DV		ALEX J STUMBO - #5099	KENTUCKY EAST	4.3	
8323671	503721	1607100000		107-DV		ALEXANDER HALL #5518	KENTUCKY EAST	4.4	
8323569	503619	1607100000		107-DV		ALIE WARD -#5246	KENTUCKY EAST	4.7	
8323570	503620	1607100000		107-DV		ALIE WARD -#5249	KENTUCKY EAST	3.5	
8323469	503514	1607100000		107-DV		ALLEN CLINE - #682D	KENTUCKY EAST	3.9	
8323630	503680	1619500000		107-DV		AMOS SCALF #5381	KENTUCKY EAST	11.6	
8323787	503837	1611900000		107-DV		ANDY FRANKLIN -#5837	KENTUCKY EAST	13.4	
8323684	503734	1607100000		107-DV		ANTHONY HOWELL -#5552	KENTUCKY EAST	8.7	
8323752	503802	1619500000		107-DV		B F GILLIAM -#5747	KENTUCKY EAST	2.5	
8323587	503637	1611900000		107-DV		B G DYER -#5291	KENTUCKY EAST	1.9	
8323578	503628	1611900000		107-DV		BENJAMIN SMITH -#5272	KENTUCKY EAST	10.1	
8323582	503632	1611900000		107-DV		BENJAMIN SMITH -#5282	KENTUCKY EAST	4.6	
8323595	503645	1611900000		107-DV		BENJAMIN SMITH -#5304	KENTUCKY EAST	3.7	
8323734	503784	1611900000		107-DV		BENJAMIN SMITH -#5677	KENTUCKY EAST	12.7	
8323552	503602	1607100000		107-DV		BIG MUD COAL CO -#5202	KENTUCKY EAST	1.3	
8323554	503604	1607100000		107-DV		BIG MUD COAL CO -#5205	KENTUCKY EAST	13.1	
8323556	503606	1607100000		107-DV		BIG MUD COAL CO -#5208	KENTUCKY EAST	3.4	
8323791	503841	1611900000		107-DV		BURDINE GIBSON -#5856	KENTUCKY EAST	2.9	
8323757	503807	1611900000		107-DV		C C MARTIN -#5757	KENTUCKY EAST	4.7	
8323661	503711	1611900000		107-DV		C C MARTIN #5482	KENTUCKY EAST	3.6	
8323500	503550	1607100000		107-DV		C C SLONE - #5061 D	KENTUCKY EAST	9.4	
8323562	503612	1607100000		107-DV		C F CONN ETAL -#5215	KENTUCKY EAST	7.2	
8323564	503614	1615900000		107-DV		C W PREECE -#5218D	KENTUCKY EAST	17.6	
8323670	503720	1619500000		107-DV		CHAS BARTLEY #5514	KENTUCKY EAST	5.4	
8323678	503728	1619500000		107-DV		CHAS BARTLEY #5531	KENTUCKY EAST	17.0	
8323728	503778	1611900000		107-DV		CHAS SHORT -#5657	KENTUCKY EAST	2.9	
8323503	503553	1611900000		107-DV		CLABOURNE CONLEY #5070	KENTUCKY EAST	16.3	
8323651	503701	1615900000		107-DV		CLERY TAYLOR #5453	KENTUCKY EAST	4.1	
8323540	503590	1611900000		107-DV		COLUMBUS BATES #5178	KENTUCKY EAST	6.6	
8323628	503678	1607100000		107-DV		CYROS FRASURE #5373	KENTUCKY EAST	14.2	
8323509	503559	1607100000		107-DV		D C MAY - #5091 D	KENTUCKY EAST	10.5	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323741	503791	1607100000		107-DV		D D MARTIN -#5703	KENTUCKY EAST	17.0	
8323474	503519	1619500000		107-DV		D W JAMES - #695	KENTUCKY EAST	12.5	
8323504	503554	1607100000		107-DV		DAN HOWARD - #5074	KENTUCKY EAST	7.9	
8323490	503535	1619500000		107-DV		DAN J SYCK - #760D	KENTUCKY EAST	9.4	
8323493	503538	1619500000		107-DV		DAN J SYCK - #769	KENTUCKY EAST	3.3	
8323584	503634	1611900000		107-DV		DAVID MARTIN -#5288	KENTUCKY EAST	5.8	
8323658	503708	1611900000		107-DV		DAVID MARTIN #5476	KENTUCKY EAST	21.1	
8323758	503808	1619500000		107-DV		DAVID NEWSOM -#5760	KENTUCKY EAST	5.8	
8323660	503710	1607100000		107-DV		E S FRASURE - #5481	KENTUCKY EAST	18.1	
8323706	503756	1615900000		107-DV		ELI CRUM #5607	KENTUCKY EAST	2.2	
8323693	503743	1611900000		107-DV		ELIJAH COMBS #5582	KENTUCKY EAST	10.4	
8323750	503800	1607100000		107-DV		ELIJAH JOHNSON -#5744	KENTUCKY EAST	2.5	
8323769	503819	1607100000		107-DV		ELIJAH JOHNSON -#5792	KENTUCKY EAST	5.4	
8323634	503684	1607100000		107-DV		ELIJAH MCKINNEY #5399	KENTUCKY EAST	4.0	
8323629	503679	1611900000		107-DV		ELIJAH WALLEN #5374	KENTUCKY EAST	2.5	
8323514	503564	1607100000		107-DV		ELISHA HALL #5105	KENTUCKY EAST	10.8	
8323626	503676	1619500000		107-DV		ELIZABETH ROBINSON #5369	KENTUCKY EAST	9.9	
8323547	503597	1607100000		107-DV		EMERT HAMILTON -#5188	KENTUCKY EAST	6.9	
8323672	503722	1619500000		107-DV		EMILY THACKER #5519	KENTUCKY EAST	6.5	
8323771	503821	1619500000		107-DV		EUEL ELLIS -#5794	KENTUCKY EAST	10.1	
8323785	503835	1619500000		107-DV		EUEL ELLIS -#5834	KENTUCKY EAST	4.7	
8323627	503677	1611900000		107-DV		F C AKERS - #5371	KENTUCKY EAST	15.5	
8323617	503667	1611900000		107-DV		F C AKERS #5350 D	KENTUCKY EAST	16.6	
8323463	503508	1607100000		107-DV		F M RICE - #648	KENTUCKY EAST	13.2	
8323624	503674	1607100000		107-DV		F M TACKETT #5366	KENTUCKY EAST	17.0	
8323783	503833	1619500000		107-DV		FERRELL & HATCHER -#5823	KENTUCKY EAST	12.7	
8323792	503842	1619500000		107-DV		FERRELL & HATCHER -#5858	KENTUCKY EAST	2.9	
8323476	503521	1611900000		107-DV		FLORENCE & ROBERT WICKER - #702	KENTUCKY EAST	15.9	
8323468	503513	1611900000		107-DV		FLORENCE AND ROBERT WICKER - #680	KENTUCKY EAST	2.6	
8323518	503568	1611900000		107-DV		FLORENCE HALL - #5113	KENTUCKY EAST	5.1	
8323572	503622	1611900000		107-DV		FLORENCE HALL -#5260	KENTUCKY EAST	20.1	
8323535	503585	1607100000		107-DV		G B HALL #5161	KENTUCKY EAST	16.6	
8323511	503561	1607100000		107-DV		G B STURGILL - #5098	KENTUCKY EAST	8.1	SEE EXHIBIT B
8323736	503786	1611900000		107-DV		G J SHORT -#5686	KENTUCKY EAST	5.4	
8323674	503724	1611500000		107-DV		G W DAVIS #5522	KENTUCKY EAST	1.5	
8323505	503555	1607100000		107-DV		G W RATLIFF - #5080	KENTUCKY EAST	1.1	
8323506	503556	1607100000		107-DV		G W RATLIFF - #5081	KENTUCKY EAST	5.5	
8323507	503557	1607100000		107-DV		G W RATLIFF - #5082 D	KENTUCKY EAST	5.5	
8323664	503714	1611500000		107-DV		G W WELLS #5493	KENTUCKY EAST	3.0	
8323702	503752	1619500000		107-DV		GEO W MAYNARD #5595	KENTUCKY EAST	1.8	
8323499	503549	1607100000		107-DV		GEORGE MCGUIRE - #5057	KENTUCKY EAST	2.9	
8323526	503576	1607100000		107-DV		GEORGE MOORE #5141 D	KENTUCKY EAST	10.5	
8323691	503741	1607100000		107-DV		GEORGE MOORE #5573	KENTUCKY EAST	14.1	
8323690	503740	1619500000		107-DV		GEORGE W ELSWICK #5572	KENTUCKY EAST	11.9	
8323614	503664	1611900000		107-DV		GILBERT MARTIN #5345	KENTUCKY EAST	1.1	
8323650	503700	1611900000		107-DV		GILBERT MARTIN #5449	KENTUCKY EAST	9.8	
8323688	503738	1611900000		107-DV		GILBERT MARTIN #5568	KENTUCKY EAST	6.5	
8323585	503635	1619500000		107-DV		GREEN THACKER -#5289	KENTUCKY EAST	7.8	
8323644	503694	1619500000		107-DV		GREENVILLE CHARLES #5435D	KENTUCKY EAST	1.4	
8323524	503574	1615900000		107-DV		H B WARD #5134	KENTUCKY EAST	3.5	
8323521	503571	1607100000		107-DV		H E STEWART - #5129	KENTUCKY EAST	2.9	
8323679	503729	1607100000		107-DV		H R JOHNSON #5533	KENTUCKY EAST	6.9	
8323466	503511	1607100000		107-DV		H W MCCOY - #665	KENTUCKY EAST	3.2	
8323772	503822	1611900000		107-DV		HARDIN SLONE -#5796	KENTUCKY EAST	4.7	
8323799	503849	1619500000		107-DV		HARMON NEWSON -#5881	KENTUCKY EAST	6.7	
8323759	503809	1611900000		107-DV		HARRISON SLONE -#5761	KENTUCKY EAST	0.7	
8323682	503732	1619500000		107-DV		HARVEY HOWARD #5543	KENTUCKY EAST	2.9	
8323738	503788	1607100000		107-DV		HARVEY JOHNSON -#5691	KENTUCKY EAST	10.5	
8323698	503748	1607100000		107-DV		HARVEY JOHNSON #5590	KENTUCKY EAST	10.5	
8323704	503754	1607100000		107-DV		HARVEY JOHNSON #5602	KENTUCKY EAST	19.2	
8323748	503798	1611900000		107-DV		HAWK HALL -#5737	KENTUCKY EAST	10.7	
8323542	503592	1607100000		107-DV		HENDERSON ROBERTS -#5180	KENTUCKY EAST	6.1	
8323580	503630	1607100000		107-DV		HENDERSON ROBERTS -#5279	KENTUCKY EAST	2.1	
8323716	503766	1611500000		107-DV		HENRY C WELLS HRS #5629	KENTUCKY EAST	1.2	
8323795	503845	1607100000		107-DV		HENRY JOHNSON -#5864	KENTUCKY EAST	10.1	
8323696	503746	1611900000		107-DV		HENRY THORNSBERRY #5588 D	KENTUCKY EAST	18.8	
8323718	503768	1611900000		107-DV		HENRY THORNSBERRY #5636	KENTUCKY EAST	5.7	
8323576	503626	1611900000		107-DV		HENRY WATSON -#5266	KENTUCKY EAST	6.5	
8323782	503832	1619500000		107-DV		HIBBARD WILLIAMSON -#5822 D	KENTUCKY EAST	5.8	
8323489	503534	1611900000		107-DV		HIRAM GIBSON - #753	KENTUCKY EAST	13.3	
8323537	503587	1607100000		107-DV		HIRAM LAWSON #5166	KENTUCKY EAST	30.7	
8323563	503613	1611900000		107-DV		ISAAC SLONE -#5217	KENTUCKY EAST	15.9	
8323565	503615	1611900000		107-DV		ISAAC SLONE -#5221	KENTUCKY EAST	2.1	
8323534	503584	1611900000		107-DV		ISAAC TERRY #5159	KENTUCKY EAST	3.6	
8323481	503526	1611900000		107-DV		ISOM SLONE - #724	KENTUCKY EAST	7.5	
8323775	503825	1611900000		107-DV		ISOM SLONE -#5805	KENTUCKY EAST	3.6	
8323475	503520	1619500000		107-DV		J A SCOTT - #697	KENTUCKY EAST	6.1	
8323478	503523	1619500000		107-DV		J A SCOTT - #708	KENTUCKY EAST	8.2	
8323480	503525	1619500000		107-DV		J A SCOTT - #715	KENTUCKY EAST	8.9	
8323486	503531	1619500000		107-DV		J A SCOTT - #737D	KENTUCKY EAST	5.4	
8323483	503528	1619500000		107-DV		J A TAYLOR - #728	KENTUCKY EAST	2.4	
8323786	503836	1619500000		107-DV		J C OSBORN -#5835	KENTUCKY EAST	3.8	
8323767	503817	1611500000		107-DV		J F YORK -#5785	KENTUCKY EAST	2.8	
8323583	503633	1615900000		107-DV		J G CARLISLE -#5284	KENTUCKY EAST	20.4	
8323727	503777	1615900000		107-DV		J G CARLISLE -#5656	KENTUCKY EAST	22.0	
8323784	503834	1611900000		107-DV		J M BAILEY -#5832	KENTUCKY EAST	5.4	
8323606	503656	1611900000		107-DV		J M GIBSON #5325	KENTUCKY EAST	1.0	
8323612	503662	1607100000		107-DV		J M PORTER #5340	KENTUCKY EAST	1.0	
8323471	503516	1619500000		107-DV		J M TAYLOR - #684	KENTUCKY EAST	3.9	
8323473	503518	1619500000		107-DV		J M TAYLOR - #692D	KENTUCKY EAST	6.1	
8323573	503623	1607100000		107-DV		J P STURGILL -#5261	KENTUCKY EAST	11.6	
8323549	503599	1615900000		107-DV		J S CASSADY -#5195D	KENTUCKY EAST	5.4	
8323482	503527	1619500000		107-DV		J S CLINE - #725	KENTUCKY EAST	3.6	
8323492	505357	1619500000		107-DV		J S CLINE #766	KENTUCKY EAST	11.3	
8323789	503839	1611900000		107-DV		J S FRANKLIN -#5844	KENTUCKY EAST	6.5	
8323594	503644	1619500000		107-DV		J W VICARS -#5303	KENTUCKY EAST	6.5	
8323610	503660	1619500000		107-DV		J W VICARS #5331	KENTUCKY EAST	2.4	
8323801	503851	1619500000		107-DV		JACKSON DESKINS -#5884	KENTUCKY EAST	12.3	
8323510	503560	1607100000		107-DV		JACKSON MOORE - #5097 D	KENTUCKY EAST	2.1	
8323559	503609	1607100000		107-DV		JACOB AKERS -#5211	KENTUCKY EAST	2.1	
8323676	503726	1619500000		107-DV		JAMES A GREER #5527	KENTUCKY EAST	7.6	
8323592	503642	1607100000		107-DV		JAMES C JONES -#5301	KENTUCKY EAST	5.8	
8323802	503852	1611900000		107-DV		JAMES FRANKLIN -#5885	KENTUCKY EAST	5.8	
8323543	503593	1607100000		107-DV		JAMES NEWMAN -#5181	KENTUCKY EAST	6.9	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323470	503515	1607100000		107-DV		JAMES NUNNERY - #683D	KENTUCKY EAST	3.7	
8323555	503605	1607100000		107-DV		JAMES OSBORNE -#5206	KENTUCKY EAST	9.0	
8323598	503648	1607100000		107-DV		JAMES OSBORNE -#5311	KENTUCKY EAST	15.9	
8323608	503658	1607100000		107-DV		JAMES S STRATTON #5327	KENTUCKY EAST	3.6	
8323561	503611	1607100000		107-DV		JAMES STURGILL -#5213	KENTUCKY EAST	10.7	
8323593	503643	1619500000		107-DV		JAMES W BEVINS -#5302	KENTUCKY EAST	10.5	
8323611	503661	1619300000		107-DV		JAMES W BEVINS #5333	KENTUCKY EAST	3.6	
8323498	503548	1607100000		107-DV		JAMES WRIGHT #5048 D	KENTUCKY EAST	10.8	
8323527	503577	1611900000		107-DV		JAS C MULLINS #5145	KENTUCKY EAST	6.5	
8323588	503638	1607100000		107-DV		JAS HAROLD -#5295	KENTUCKY EAST	7.2	
8323744	503794	1607100000		107-DV		JAS HOPKINS -#5722	KENTUCKY EAST	12.3	
8323777	503827	1607100000		107-DV		JAS HOPKINS -#5809	KENTUCKY EAST	10.1	
8323732	503782	1611900000		107-DV		JAS NICHOLS -#5671	KENTUCKY EAST	8.3	
8323730	503780	1607100000		107-DV		JAS P REYNOLDS -#5667	KENTUCKY EAST	8.3	
8323740	503790	1607100000		107-DV		JAS P REYNOLDS -#5701D	KENTUCKY EAST	21.0	
8323760	503810	1607100000		107-DV		JAS P REYNOLDS -#5762	KENTUCKY EAST	10.5	
8323623	503673	1607100000		107-DV		JASPER JOHNSON - #5364	KENTUCKY EAST	3.6	
8323513	503563	1607100000		107-DV		JEFFERSON ROBINSON - #5100	KENTUCKY EAST	5.4	
8323516	503566	1607100000		107-DV		JEFFERSON ROBINSON #5108	KENTUCKY EAST	2.9	
8323724	503774	1611900000		107-DV		JEPTHA HAGINS -#5646	KENTUCKY EAST	8.5	
8323712	503762	1611900000		107-DV		JEPTHA HAGINS #5620	KENTUCKY EAST	9.6	
8323589	503639	1611900000		107-DV		JESSE BATES -#5297	KENTUCKY EAST	3.4	
8323602	503652	1611900000		107-DV		JESSE BATES #5317	KENTUCKY EAST	1.0	
8323494	503544	1611900000		107-DV		JOE CONLEY - #5005 D	KENTUCKY EAST	26.4	
8323656	503706	1607100000		107-DV		JOEL HAMILTON -#5468	KENTUCKY EAST	11.8	
8323581	503631	1607100000		107-DV		JOEL STUMBO #5281	KENTUCKY EAST	11.1	
8323620	503670	1619500000		107-DV		JOHN BEVINS #5360	KENTUCKY EAST	5.4	
8323515	503565	1607100000		107-DV		JOHN D HALBERT - #5106	KENTUCKY EAST	1.4	
8323567	503617	1607100000		107-DV		JOHN F BURCHETT -#5233	KENTUCKY EAST	2.5	
8323558	503608	1607100000		107-DV		JOHN H AKERS -#5210	KENTUCKY EAST	8.7	
8323655	503705	1619500000		107-DV		JOHN H BRANHAM #5467	KENTUCKY EAST	9.0	
8323742	503792	1619500000		107-DV		JOHN H LOWE -#5716	KENTUCKY EAST	19.2	
8323669	503719	1607100000		107-DV		JOHN HALL #5510	KENTUCKY EAST	12.7	
8323546	503596	1607100000		107-DV		JOHN LITTLE -#5187D	KENTUCKY EAST	13.4	
8323726	503776	1611900000		107-DV		JOHN M GIBSON -#5653	KENTUCKY EAST	10.8	
8323497	503547	1611900000		107-DV		JOHN MOORE - #5015 D	KENTUCKY EAST	3.2	
8323532	503582	1607100000		107-DV		JOHN MOORE #5157	KENTUCKY EAST	10.8	
8323541	503591	1607100000		107-DV		JOHN NEUMAN -#5179	KENTUCKY EAST	7.6	
8323773	503823	1607100000		107-DV		JOHN W JONES -#5797	KENTUCKY EAST	11.9	
8323640	503690	1607100000		107-DV		JOHN W MITCHELL #5417	KENTUCKY EAST	7.6	
8323713	503763	1611900000		107-DV		JOHN W SHORT #5621	KENTUCKY EAST	9.0	
8323571	503621	1607100000		107-DV		JOHN W TAYLOR -#5259	KENTUCKY EAST	14.8	
8323566	503616	1607100000		107-DV		JOHN W WOOD -#5229	KENTUCKY EAST	10.8	
8323551	503601	1611900000		107-DV		JONATHAN ISAACS -#5198	KENTUCKY EAST	5.4	
8323788	503838	1611900000		107-DV		JOS KING -#5839 D	KENTUCKY EAST	3.2	
8323699	503749	1611900000		107-DV		JOS REYNOLDS #5591	KENTUCKY EAST	7.2	
8323756	503806	1611900000		107-DV		JOSEPH STEWART -#5755	KENTUCKY EAST	1.0	
8323464	503509	1619500000		107-DV		JULIUS STEPP~ #661D	KENTUCKY EAST	7.6	
8323781	503831	1619500000		107-DV		K F LESLIE -#5821 D	KENTUCKY EAST	12.7	
8323794	503844	1619500000		107-DV		K F LESLIE -#5862 D	KENTUCKY EAST	8.4	
8323477	503522	1607100000		107-DV		KEENAS AKERS - #705	KENTUCKY EAST	16.6	
8323719	503769	1615900000		107-DV		L D HINKLE #5637	KENTUCKY EAST	3.5	
8323641	503691	1607100000		107-DV		LAFAYETTE CLARK #5420	KENTUCKY EAST	3.2	
8323491	503536	1619500000		107-DV		LAFE SPEARS #764	KENTUCKY EAST	2.9	
8323764	503814	1611900000		107-DV		LEE HALL -#5778 D	KENTUCKY EAST	10.8	
8323643	503693	1611900000		107-DV		LEE HALL #5434	KENTUCKY EAST	3.2	
8323751	503801	1611900000		107-DV		LEE HALL #5745	KENTUCKY EAST	10.8	
8323717	503767	1611900000		107-DV		LEE SLONE #5631	KENTUCKY EAST	16.7	
8323709	503759	1619500000		107-DV		LEONARD BRANHAM #5616	KENTUCKY EAST	5.8	
8323662	503712	1611900000		107-DV		LEONARD GIBSON #5483	KENTUCKY EAST	5.0	
8323793	503843	1619500000		107-DV		LEVI TRIVETT -#5860D	KENTUCKY EAST	11.9	
8323667	503717	1619500000		107-DV		LEVI TRIVETT #5504	KENTUCKY EAST	15.2	
8323763	503813	1615900000		107-DV		M B GOBLE -#5774 D	KENTUCKY EAST	2.9	
8323568	503618	1611900000		107-DV		M M PRATT -#5238	KENTUCKY EAST	12.6	
8323687	503737	1611900000		107-DV		MARION REYNOLDS -#5566	KENTUCKY EAST	12.3	
8323586	503636	1607100000		107-DV		MARTHA ALLEY -#5290	KENTUCKY EAST	9.2	
8323597	503647	1607100000		107-DV		MARTHA ALLEY -#5310	KENTUCKY EAST	12.3	
8323539	503589	1607100000		107-DV		MARTHA ALLEY #5175	KENTUCKY EAST	16.6	
8323488	503533	1619500000		107-DV		MARTIN COLLINSWORTH - #744	KENTUCKY EAST	4.9	
8323675	503725	1611500000		107-DV		MARY C PORTER #5523	KENTUCKY EAST	2.8	
8323472	503517	1607100000		107-DV		MARY STRATTON - #687	KENTUCKY EAST	17.9	
8323657	503707	1619500000		107-DV		MORGAN SLONE -#5475	KENTUCKY EAST	3.5	
8323796	503846	1619500000		107-DV		N T HOPKINS -#5865	KENTUCKY EAST	2.5	
8323697	503747	1619500000		107-DV		NATHANIEL THACKER #5589	KENTUCKY EAST	4.6	
8323647	503697	1607100000		107-DV		NIMROD AKERS #5441	KENTUCKY EAST	5.1	
8323663	503713	1611900000		107-DV		NOAH BOLEN #5484	KENTUCKY EAST	2.1	
8323800	503850	1619500000		107-DV		NOAH NELSOM -#5883	KENTUCKY EAST	14.5	
8323544	503594	1607100000		107-DV		PRESTON TACKETT -#5183	KENTUCKY EAST	3.5	
8323553	503603	1611900000		107-DV		R B TATE -#5204	KENTUCKY EAST	5.0	
8323766	503816	1619500000		107-DV		R E ROBINSON -#5783	KENTUCKY EAST	9.0	
8323495	503545	1607100000		107-DV		R J RATLIFF #5006 D	KENTUCKY EAST	1.8	
8323517	503567	1607100000		107-DV		REUBEN MOORE - #5109	KENTUCKY EAST	7.9	
8323519	503569	1607100000		107-DV		REUBEN MOORE - #5122	KENTUCKY EAST	13.7	
8323529	503579	1607100000		107-DV		RHODA MOORE #5150	KENTUCKY EAST	15.9	
8323591	503641	1611900000		107-DV		RICHARD HALL -#5299D	KENTUCKY EAST	15.5	
8323538	503588	1611900000		107-DV		RICHARD HALL #5169	KENTUCKY EAST	5.4	
8323601	503651	1611900000		107-DV		RICHARD HALL #5315	KENTUCKY EAST	12.5	
8323609	503659	1611900000		107-DV		RICHARD HALL #5329	KENTUCKY EAST	14.4	
8323616	503666	1611900000		107-DV		RICHARD HALL #5349	KENTUCKY EAST	5.8	
8323619	503669	1611900000		107-DV		RICHARD HALL #5358	KENTUCKY EAST	5.1	
8323625	503675	1611900000		107-DV		RICHARD HALL #5367	KENTUCKY EAST	3.6	
8323638	503688	1611900000		107-DV		RICHARD HALL #5410	KENTUCKY EAST	4.3	
8323768	503818	1619500000		107-DV		RICHARD KEESEE -#5791	KENTUCKY EAST	10.1	
8323711	503761	1611900000		107-DV		ROACH THORNSBERRY #5619	KENTUCKY EAST	4.5	
8323739	503789	1611900000		107-DV		ROBERT BATES -#5692	KENTUCKY EAST	7.2	
8323692	503742	1611900000		107-DV		ROBERT BATES #5576	KENTUCKY EAST	5.4	
8323673	503723	1611900000		107-DV		ROBERT THACKER #5520	KENTUCKY EAST	1.4	
8323746	503796	1619500000		107-DV		ROBT MITCHELL -#5735 D	KENTUCKY EAST	5.8	
8323683	503733	1619500000		107-DV		S B LESLIE -#5547	KENTUCKY EAST	7.6	
8323747	503797	1619500000		107-DV		S B LESLIE -#5736	KENTUCKY EAST	7.2	
8323665	503715	1619500000		107-DV		S B LESLIE #5496	KENTUCKY EAST	4.3	
8323798	503848	1611900000		107-DV		S H ISAACS -#5879 D	KENTUCKY EAST	2.1	
8323749	503799	1611900000		107-DV		S N BENTLEY -#5743	KENTUCKY EAST	1.4	
8323502	503552	1607100000		107-DV		SALLIE SHEPHERD #5069	KENTUCKY EAST	17.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8323694	503744	1611500000		107-DV		SAM CLARK -#5584	KENTUCKY EAST	3.0	
8323707	503757	1611500000		107-DV		SAM CLARK #5610	KENTUCKY EAST	3.5	
8323735	503785	1611500000		107-DV		SAM CLARK #5679	KENTUCKY EAST	0.8	
8323501	503551	1607100000		107-DV		SAM CLICK - #5063	KENTUCKY EAST	3.2	
8323531	503581	1607100000		107-DV		SAMUEL COOK #5156 D	KENTUCKY EAST	16.6	
8323659	503709	1619500000		107-DV		SAMUEL NEWSOM #5480 D	KENTUCKY EAST	4.7	
8323467	503512	1611900000		107-DV		SHERWOOD OSBORNE - #671	KENTUCKY EAST	16.9	
8323479	503524	1611900000		107-DV		SHERWOOD OSBORNE - #714	KENTUCKY EAST	5.6	
8323721	503771	1611900000		107-DV		SILAS FRANCIS -#5640	KENTUCKY EAST	6.1	
8323520	503570	1607100000		107-DV		SOLOMAN ALLEN - #5127	KENTUCKY EAST	3.2	
8323522	503572	1607100000		107-DV		SOLOMAN SALMONDS - #5131	KENTUCKY EAST	11.2	
8323666	503716	1619500000		107-DV		SPURLOCK ADKINS #5503 D	KENTUCKY EAST	7.6	
8323668	503718	1611900000		107-DV		SUSAN HAYS #5508	KENTUCKY EAST	1.4	
8323525	503575	1607100000		107-DV		SYLVESTER GEARHEART - #5140	KENTUCKY EAST	2.5	
8323705	503755	1611900000		107-DV		T A DAVIS #5606	KENTUCKY EAST	6.7	
8323729	503779	1611900000		107-DV		T G BATES -#5661 D	KENTUCKY EAST	6.1	
8323686	503736	1611900000		107-DV		T G BATES # 5563	KENTUCKY EAST	9.7	
8323645	503695	1607100000		107-DV		T J LITTLE #5437	KENTUCKY EAST	4.7	
8323685	503735	1619500000		107-DV		T J MAYNARD -#5555	KENTUCKY EAST	6.3	
8323533	503583	1607100000		107-DV		T N NEWSOM - #5158	KENTUCKY EAST	16.3	
8323649	503699	1611900000		107-DV		TAYLOR AND REED #5446	KENTUCKY EAST	0.9	
8323646	503696	1619500000		107-DV		THOMAS CHARLES #5440	KENTUCKY EAST	3.4	
8323632	503682	1607100000		107-DV		THOMAS CRUM #5385	KENTUCKY EAST	8.7	
8323780	503830	1619500000		107-DV		THOMAS LITTLE -#5818	KENTUCKY EAST	7.2	
8323790	503840	1619500000		107-DV		THOMAS LITTLE -#5849	KENTUCKY EAST	9.4	
8323720	503770	1611900000		107-DV		THOMAS MADDLE #5639	KENTUCKY EAST	5.1	
8323637	503687	1619500000		107-DV		THOS CHARLES #5409	KENTUCKY EAST	17.3	
8323665	503510	1619500000		107-DV		THOS DESKINS - #664	KENTUCKY EAST	3.2	
8323615	503665	1607100000		107-DV		TOLBERT AKERS #5347	KENTUCKY EAST	15.2	
8323604	503654	1619500000		107-DV		W A CAMPBELL #5322	KENTUCKY EAST	5.2	
8323677	503727	1607100000		107-DV		W B HALL #5530	KENTUCKY EAST	3.6	
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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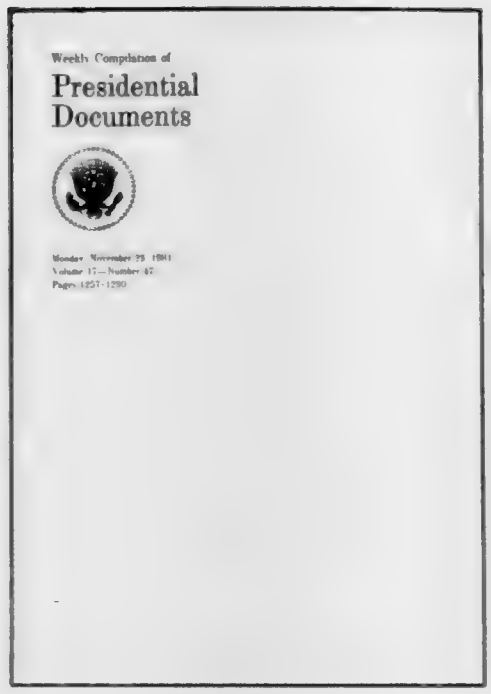

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Pesticides and Pests
Environmental Protection Agency

Privacy
Federal Emergency Management Agency
National Aeronautics and Space Administration

Radio
Federal Communications Commission

Radio and Television Broadcasting
Federal Communications Commission

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Wednesday, March 23, 1983

Presidential Documents

Title 3—

The President

Proclamation 5033 of March 21, 1983

National Eye Donor Month, 1983

By the President of the United States of America

A Proclamation

One of the most magnificent presents that one human being can bestow upon another is the gift of sight. Incredible as it may seem, it is within the power of each of us to give this precious gift simply by making arrangements to donate our eyes after death.

Thanks to advances in eye research, donor eyes can be stored and the preserved corneal tissues transplanted into the eyes of people who would otherwise be unable to see the beautiful and exciting world in which we live.

Each year some 30,000 people lose vision because their corneas have been damaged by injury, disease, or an inherited condition. Where the cornea has become so clouded that vision is lost, sight usually can be restored through a replacement cornea provided by a cornea donor.

Tragically, some visually impaired people who could benefit from this operation cannot be helped because suitable corneal tissue is not always available when needed. Donor eyes are also needed for vision research so that we may learn more about how this organ functions and develop ways to prevent and treat the many disorders which threaten sight.

It is appropriate that we as a Nation encourage eye donations and increase public awareness of the need for such donations. By filling out a uniform donor card and carrying it, we may give the gift of sight to people who now suffer from corneal blindness and benefit others from eye research.

The Congress, by Senate Joint Resolution 15, has designated March 1983 as "National Eye Donor Month" and has authorized and requested the President to issue a proclamation in observance of that month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of March 1983 as "National Eye Donor Month." I urge all citizens, health care professionals, educators, the media, and public and private organizations concerned with vision and vision research to join me in supporting this humanitarian action.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-7627
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Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R-0461]

Reserve Requirements of Depository Institutions; Regulation D; Reserve Requirements on Nonpersonal Time Deposits

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) to modify the reserve requirements on nonpersonal time deposits. Under the amendment, nonpersonal time deposits with original maturities of 2½ years or more will be subject to a reserve requirement ratio of zero percent. Nonpersonal time deposits with original maturities of less than 2½ years will continue to be subject to a three percent reserve requirement ratio. This action was taken in view of the change in the Depository Institutions Deregulation Committee's rules, effective April 1, 1983, to permit the issuance of a ceiling-free time deposit with an original maturity of 2½ years or more which may be offered by depository institutions in negotiable form.

EFFECTIVE DATES: March 31, 1983. The first reserve maintenance period to which the amendment applies commences April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452–3625) or Paul S. Pilecki, Senior Attorney (202/452–3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 (Title I of Pub. L. 96–221; 94 Stat. 132) ("MCA") authorizes the Board to prescribe, solely for the purpose of implementing monetary policy, reserve requirements against nonpersonal time deposits within a reserve ratio range of zero to nine percent. The Monetary Control Act requires the reserve requirement against nonpersonal time deposits to be applied uniformly to the deposits at all depository institutions, except that such requirement may vary by deposit maturity. Nonpersonal time deposits are defined by the MCA as time deposits that are transferable, regardless of the nature of the holder, and time deposits in which any beneficial interest is held by a depositor who is not a natural person. Nontransferable time deposits in which the entire beneficial interest is held solely by a natural person are not subject to reserve requirements.

Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) currently imposes a three percent reserve requirement on nonpersonal time deposits with original maturities or notice periods of less than 3½ years. Nonpersonal time deposits with maturities of 3½ years or more are subject to a zero percent reserve requirement.

The Depository Institutions Deregulation Committee ("DIDC"), pursuant to its authority under the Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96–221; 12 U.S.C. 3501 *et seq.*), authorized Federally insured commercial banks, mutual savings banks, and savings and loan associations to offer, effective May 1, 1982, a new category of ceiling-free time deposit with an original maturity of 3½ years or more. Such time deposits may be issued in negotiable or nonnegotiable form at the option of the issuer to any holder. Effective April 1, 1983, the minimum maturity of this deposit category will be reduced to 2½ years.

This new instrument, if issued to an individual with an original maturity of 2½ to less than 3½ years and in negotiable form (as well as an instrument with that maturity issued to other than a natural person regardless of negotiability) would be subject to a three percent reserve requirement. Thus, the existing reserve requirement structure presents a disincentive for issuing the new instrument with maturities of 2½ to less than 3½ years to individuals in negotiable form. At the time the 3½ year or more instrument was first authorized, the Board modified the maturity break for reserve requirements on nonpersonal time deposits from four years to 3½ years to facilitate the DIDC's objectives in authorizing this instrument in negotiable form. In this regard, a negotiable time deposit was viewed as more attractive to depositors since it could be sold as an alternative to incurring an early withdrawal penalty. To continue to facilitate the DIDC's objectives, the Board has amended the reserve requirements on nonpersonal time deposits so that, after the completion of the transition periods set forth in the MCA, nonpersonal time deposits with original maturities of 2½ years or more will be subject to a zero percent reserve requirement ratio and nonpersonal time deposits with original maturities of less than 2½ years will be subject to a three percent reserve requirement ratio. The Board estimates that the amount of reserves held on nonpersonal time deposits with maturities of 2½ to 3½ years is small, and, thus, this action will not adversely affect monetary control.

According to the current deregulation schedule adopted by the DIDC (12 CFR 1204.119), the minimum maturity of the 2½ year or more time deposit instrument will decrease by one year annually until March 31, 1986, at which time the minimum maturity will be that specified for any time deposit. However, the Board indicated that its action is not an indication that it will make further adjustments in the reserve requirements on nonpersonal time deposits in line with the DIDC's currently announced schedule to decrease annually the minimum maturity of this ceiling-free time deposit by one year. The Board notes that reducing further the nonpersonal time deposit maturity break could have an adverse effect on monetary control by eroding the reserve base and loosening the linkage between reserves and deposits in the money stock. Accordingly, any decision to shorten the maximum time deposit maturity to which reserve requirements apply will be considered by the Board as the DIDC implementation dates approach when account can be taken of experience up to that point and monetary and credit conditions at the time.

This action is effective for depository institutions that report deposits and

maintain reserves on a weekly basis with the reserve computation period beginning March 31, 1983. The first reserve maintenance period to which this action applies for these institutions commences April 14, 1983. For depository institutions that report deposits and maintain reserves on a quarterly basis, the change in reserve requirements on nonpersonal time deposits with maturities of 2½ years to 3½ years will commence with the reserve maintenance period that begins on May 19, 1983, for such institutions that will submit a Report of Transaction Accounts, Other Deposits and Vault Cash (Form FR 2900) for the computation period of April 21–27, 1983. The change in reserve requirements for other quarterly reporters will be effective with the reserves required to be maintained based on deposit reports to be submitted in either May 1983 or June 1983.

In view of the fact that commercial banks, mutual savings banks, and savings and loan associations may offer this time deposit category with a minimum maturity of 2½ years as of April 1, 1983, the Board finds that application of the notice and public participation provisions of 5 U.S.C. 553 to this action would be contrary to the public interest, and that, since this action relieves a restriction, good cause exists for making this action effective March 31, 1983.

List of Subjects in 12 CFR Part 204

Banks, banking, Currency, Federal Reserve System, Penalties, Reporting Requirements.

Part 204—[Amended]

Pursuant to its authority under sections 19, 25, and 25(a) of the Federal Reserve Act (12 U.S.C. 461, 601 *et seq.*, 611 *et seq.*) and under section 7 of the International Banking Act of 1978 (12 U.S.C. 3105), the Board amends Regulation D (12 CFR Part 204) effective March 31, 1983, by revising paragraph (a)(1) of section 204.9 to read as follows:

§ 204.9 Reserve requirement ratios.

(a)(1) *Reserve percentages.* The following reserve ratios are prescribed for all depository institutions, Edge and Agreement Corporations and United States branches and agencies of foreign banks:

Category	Reserve requirement
Net Transaction Accounts:	
$0–$26.3 million	3 percent of amount.
Over $26.3 million	$789,000 plus 12 percent of amount over $26.3 million.
Nonpersonal Time Deposit:	
By original maturity (or notice period):	
less than 2½ years	3 percent.
2½ years or more	0 percent
Eurocurrency Liabilities	3 percent

* * * * *

By order of the Board of Governors of the Federal Reserve System, March 17, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83–7456 Filed 3–22–83; 8:45 am]

BILLING CODE 6210–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 217

[Economic Reg. No. 1; Reg. ER–1334]

Reporting Data Pertaining to Civil Aircraft Charters Performed by U.S. Certificated and Foreign Air Carriers; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that Office of Management and Budget (OMB) has approved the revised reporting requirements contained in reissued Part 217 of the Board's Economic Regulations, "Reporting of Data Pertaining to Civil Aircraft Charters Performed by U.S. Certificated and Foreigh Air Carriers" (ER–1320, 48 FR 3939, January 28, 1983). This approval has been granted through March 31, 1986. OMB approval is required the Paperwork Reduction Act of 1980.

DATE: Adopted: March, 18 1983.

Effective: March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Linda K. Koman, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–6042.

Accordingly, the Civil Aeronautics Board amends Part 217 of its Economic Regulations (14 CFR Part 217) by adding a note at the end of the table of contents to Part 217 to read:

Note: The reporting requirement contained in § 217.3 has been approved by the Office of Management and Budget under number 3024–0005.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–7506 Filed 3–22–83; 8:45 am]

BILLING CODE 6320–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1212

Protection of Personal Privacy

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: 14 CFR Part 1212 is amended by revising § 1212.503, "Fee schedule," to correct an error in the NASA regulations regarding access to Privacy Act records. § 1212.503 is revised to reflect that under the Privacy Act there are no charges for the searching or retrieval of an individual's records. Since this revision involves only administrative correction in agency management procedures, no public comment period is required.

EFFECTIVE DATE: Date published in the Federal Register.

ADDRESS: Office of General Counsel, Code GG, NASA Headquarters, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: George E. Reese, (202) 755–3924.

List of Subjects in 14 CFR Part 1212

Privacy.

PART 1212—PROTECTION OF PERSONAL PRIVACY

For reasons set out in the Preamble, 14 CFR 1212.503 is revised to read as follows:

§ 1212.503 Fee schedule.

(a) *Prohibition Against Charging Fees*—Individuals will not be charged for:

(1) Search for or retrieval of the requesting individual's records;

(2) Review of the requesting individual's records;

(3) Making a copy of a requesting individual's record when it is a necessary part of the process of making the record available for review;

(4) Transportation of the requesting individual's record;

(5) Making a copy of an amended record to provide the requesting individual with evidence of the amendment.

(b) *Waiver*—The system manager may, at no charge, provide copies of a record if it is determined the production

of the copies are in the interest of the government.

(c) *Fee Schedule and Method of Payment*—Fees will be charged as provide below, except as provided in paragraphs (a) and (b) of this section.

(1) Duplication of records—The system manager will follow the provisions of Subpart 1206.700(a) in charging fees for duplication of records only.

(2) Where it is anticipated that duplication fees chargeable under this section will amount to more than $25.00, and the requester has not indicated in advance a willingness to pay fees as great as are anticipated, the requesting individual shall be notified of the amount of the anticipated fees before copies are made. The notification shall offer the requester the opportunity to confer with agency personnel in a manner which will reduce the fees, yet still meet the needs of the requester.

(3) Where the anticipated fee chargeable under this section exceeds $25.00, an advance deposit of part or all of the anticipated fee may be required.

James M. Beggs,

Administrator.

[FR Doc. 83-7443 Filed 3-22-83; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203, 213, 221, 227, 234, and 235

[Docket No. R-83-790]

Mutual Mortgage Insurance and Insured Home Improvement Loans

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: The regulation finalizes provisions that permit HUD to allow amortization periods other than in just five-year intervals as is presently required. This authority will enable HUD to accommodate innovative types of financing. The amortization period may not be in excess of the term of the mortgages. The maximum term permitted for mortgages is not being changed.

EFFECTIVE DATE: May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Coonts, Director, Single Family Development Division, Room 9270, Department of Housing and Urban Development, Washington, D.C. 20410. (202) 755-6720. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Historically, HUD has established amortization periods of either 10, 15, 20, 25, 30, or 35 years, by providing for either 120, 180, 240, 300, 360, or 420 monthly amortization payments. On May 2, 1980, HUD published an interim rule which authorized it to allow mortgage amortization periods other than at five year intervals. The rule permitted adjustments to HUD mortgage term requirements to accommodate a variety of financing arrangements.

The interim rule did not change the prohibition against amortization periods exceeding the term of the mortgage or the maximum term permitted for mortgages.

The Department did not receive any comments from the public in response to the interim rule; therefore, it is publishing the interim rule as final.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410.

This rule was listed as item (B) 23. H-38-79 under the Office of Housing in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48439), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The Catalog of Federal Domestic Assistance program numbers are 14.105, 14.117, 14.120, 14.126, 14.133, and 14.165.

List of Subjects

24 CFR Part 203

Home improvement, Loan programs; Housing and community development, Mortgage insurance Solar energy.

24 CFR Part 213

Mortgage insurance, Cooperatives.

24 CFR Part 221

Condominiums, Low and moderate income housing, Mortgage insurance, Displaced families, Single family housing, Projects, Cooperatives.

24 CFR Part 227

Federally affected areas: Defense housing, Military personnel, Mortgage insurance, Projects, Rental housing, Single family housing.

24 CFR Part 234

Condominiums, Mortgage insurance, Homeownership, Projects, Units.

24 CFR Part 235

Condominiums, Cooperatives, Low and moderate income housing, Mortgage insurance, Homeownership, Grant programs: Housing and community development.

Accordingly, the interim rule published at 45 FR 29277 on May 2, 1980 is hereby adopted as final.

(Sec. 211 of the National Housing Act (12 U.S.C. 1709, 1715b))

Dated: March 14, 1983.

Philip Abrams,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 83-5685 Filed 3-22-83; 8:45 am]

BILLING CODE 4210-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 162

[OPP 250023C; PH-FRL 2322-6]

Federal Insecticide, Fungicide, and Rodenticide Act; Effective Date for Exemption of Certain Biological Control Agents From Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule related notice.

SUMMARY: As required by section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),

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EPA submitted a final regulation regarding the exemption of certain biological control agents from regulations under FIFRA to both Houses of Congress for review prior to the regulation taking effect. The regulation was published in the **Federal Register** of June 2, 1982 (47 FR 23928). The minimum 60-day period for Congressional review ended on September 21, 1982. Congress did not act either to extend the review period or to disapprove the regulation. Also, the Agency submitted the regulation to the Office of Management and Budget (OMB), as required by Executive Order 12291, for a 15-day review on November 27, 1981. OMB did not comment on the regulation and on December 4, 1981, cleared it for **Federal Register** publication. Therefore, the Agency is now establishing an effective date for the rule.

DATE: The regulation becomes effective on March 30, 1983.

FOR FURTHER INFORMATION CONTACT: Fred S. Betz, Hazard Evaluation Division (TS-769C), Office of Pesticide Programs, Environmental Protection Agency, Room 821, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7351).

SUPPLEMENTARY INFORMATION: EPA promulgated a final regulation which was published in the **Federal Register** of June 2, 1982 (47 FR 23928) under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.). This regulation established an exemption from regulation under section 25(b) of FIFRA, as amended, for certain organisms which are used as biological control agents and which are therefore considered "pesticides" under FIFRA. However, as required by section 25(a)(4) of FIFRA, this regulation could not take effect until it had been submitted to both Houses of Congress for review and possible disapproval. This review period was to last for a minimum of 60 days of continuous Congressional session, as defined by section 25(a)(4), with a possibility of extension by Congress for an additional 30 days. Since it was not possible to predict an exact date on which the Congressional review period would end, the preamble to the final regulation stated that EPA would issue a separate **Federal Register** notice after the review period was over announcing the effective date of the regulation. On September 21, 1982, 60 days of continuous Congressional session elapsed. Since neither House of Congress took any action in that period either to disapprove the regulation or to extend the review period, Congressional review under section 25(a)(4) of FIFRA ended on that date. Accordingly, the final regulation promulgated as 40 CFR 162.5(c) on June 2, 1982, will take effect on March 30, 1983.

Dated: March 4, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-6943 Filed 3-22-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 2F2722/R502; PH-FRL 2327-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Hexakis [2-Methyl-2-Phenylpropyl] Distannoxane

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide hexakis[2-methyl-2-phenylpropyl]distannoxane and its metabolites in or on the raw agricultural commodities pecans and walnuts. This regulation to establish maximum permissible levels for the combined residues of the insecticide in or on the commodities was requested, pursuant to a petition, by the Shell Chemical Company.

EFFECTIVE DATE: March 23, 1983.

ADDRESS: Written objections may be submitted to the Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, Product Manager (PM) 12, Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of August 25, 1982 (47 FR 37289) which announced that Shell Chemical Company, Suite 200, 1025 Connecticut Ave., NW., Washington, D.C. 20036, had submitted pesticide petition 2F2722 proposing that 40 CFR 180.362 be amended by establishing tolerances for the combined residues of the insecticide hexakis[2-methyl-2-phenylpropyl] distannoxane and its organotin metabolites calculated as hexakis[2-methyl-2-phenylpropyl]distannoxane in or on the raw agricultural commodities pecans and walnuts at 0.5 part per million (ppm).

There were no comments received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerances included a 2-year dog feeding study with a no-observed-effect level (NOEL) of 5 mg/kg; a 2-year rat feeding/oncogenicity study which was negative for oncogenic effects at 600 ppm (highest dose tested); an 18-month mouse feeding study which was negative for oncogenic effects at 600 ppm (highest dose tested); multigeneration reproduction study with a NOEL of 100 ppm; mammalian mutagenicity assays which were negative for mutagenic effects; and rat and rabbit teratology studies with NOEL's of 30 mg/kg for pre-implantation losses and 1.0 mg/kg, for maternal toxicity respectively. Based on the 2-year rat feeding/oncogenicity study with a NOEL of 100 ppm (5 mg/kg of body weight (bw)/day) and using a safety factor of 100, the acceptable daily intake (ADI) for humans is 0.05 mg/kg of bw/day. The theoretical maximum residue contribution (TMRC) for existing tolerances for a 1.5 kg daily diet is calculated to be 1.8370 mg/day and represents 61.23 percent of the ADI. The current action will contribute .0005 mg/day to the TMRC and increase the ADI by 0.025 percent.

The metabolism of the pesticide in plants is adequately understood, and an adequate analytical method, gas-liquid chromatography using a tin selective flame photometric detector, is available for enforcement purposes. No significant feed items are involved and therefore there will be no problem of secondary residues in meat, milk, poultry, and eggs. No actions are currently pending against the continued registration of the insecticide, nor are there any other relevant considerations involved in establishing these tolerances.

The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the establishment of the tolerances will protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the

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objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 CFR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Raw agricultural commodities, Pesticides and pests.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: February 28, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.362 is amended by adding and alphabetically inserting the commodities pecans and walnuts to read as follows:

§ 180.362 Hexakis [2-methyl-2-phenylpropyl]distannoxane; tolerances for residues.

Tolerances are established for the combined residues of the insecticide hexakis[2-methyl-2-phenylpropyl] distannoxane and its organotin metabolites calculated as hexakis[2-methyl-2-phenylpropyl] distannoxane in or on the following raw agricultural commodities:

Commodities	Parts per million
. . . . .	
Pecans	0.5
. . . . .	
Walnuts	0.5
. . . . .	

[FR Doc. 83–7077 Filed 3–22–83; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 2F2704/R537; PH–FRL 2325–1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 1-(4-Chlorophenoxy)-3,3-Dimethyl-1-(1H-1,24-Triazol-1-yl)-2-Butanone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolite in or on the raw agricultural commodities grass forage, seed cleanings (including hulls), and seed grass straw (including chaff). This regulation to establish maximum permissable levels for residues of the fungicide in or on the commodities was requested, pursuant to a petition, by the Mobay Chemical Corporation.

EFFECTIVE DATE: March 23, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of August 11, 1982 (47 FR 34851), that announced that Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120, had submitted pesticide petition 2F2704 proposing to amend 40 CFR 180.410 by establishing tolerances for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone and its metabolite beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1*H*-1,2,4-triazol-1-ethanol in or on the raw agricultural commodities seed grass cleanings, including hulls, at 145 parts per million (ppm), and seed grass straw, including chaff, at 105 ppm.

On November 24, 1982 (47 FR 53116), the EPA announced that Mobay had amended the petition by proposing a tolerance for grass forage at 0.2 ppm.

There were no comments received in response to the notices of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of these tolerances included a rat teratology study which indicated that cleft palates are treatment-related effects (the no-observed-effects level (NOEL) for fetal development and teratology is considered to be at least 50 mg/kg/day, the NOEL for maternal toxicity is considered to be 10 mg/kg/day); an inhalation study in rats which was negative for teratogenicity and embryotoxicity at a dose level of 11.3 mg/m^3; dominant lethal test which was negative for mutagenicity; a micronucleus test which was negative; an Ames test which was also negative for mutagenicity; a 2-year feeding (oncogenicity) study in rats with no oncogenic potential observed under the conditions of the study and a systemic NOEL of 50 ppm (2.5 mg/kg/day in the diet); a 2-year feeding (oncogenicity) study in mice, with no oncogenic potential observed under the conditions of the study and a systemic NOEL of 50 ppm (7.1 mg/kg/day in the diet); and a multigeneration reproduction study in rats with a NOEL of 50 ppm (2.5 mg/kg/day in the diet) for reproductive effects.

Based in the NOEL of 50 ppm (2.5 mg/kg) in the 2-year feeding study in rats, and using a 100-fold safety factor, the allowable daily intake (ADI) is calculated to be 0.025 mg/kg/day and the maximum permissible intake (MPI) is 1.5 mg/day for a 60-kg person. Presently established temporary tolerances, toxicologically approved tolerances, and tolerances established by this rule, result in a maximum theoretical residue contribution (TMRC) of 0.3606 mg/day for a 60-kg person which represents 24.04 percent of the ADI. Temporary tolerances have previously been established for the combined residues of this fungicide and its metabolite in or on wheat grain, apple pomace, grape pomace, raisin waste, and in fresh apples and grapes.

Residues resulting in fat, meat, meat byproducts of cattle, goats, hogs, horses, poultry, and sheep and in milk and eggs from use of these raw agricultural commodities as feed, are adequately covered by tolerances established by EPA (48 FR 5919, February 9, 1983).

There are no regulatory actions pending against the continued registration of the fungicide and there are no other considerations involved in establishing these tolerances. The metabolism of this fungicide and its metabolite is adequately understood, and an adequate analytical method, gas chromatography with scintillation spectrophotometry, is available for enforcement purposes.

Based on the information cited above, the Agency has determined that the

establishment of tolerances for residues of this fungicide and its metabolite in or on the raw agricultural commodities seed grass cleanings, including hulls; seed grass straw, including chaff and grass forage will protect the public health. The pesticide is considered useful for the purposes for which the tolerances are sought and are therefore established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Raw agricultural commodities, Pesticides and pests.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: March 10, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.410 is amended by adding and alphabetically inserting the following commodities to read as follows:

§ 180.410 1-(4-Chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-butanone; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Grass, forage	0.2
Grass, seed cleanings (including hulls)	145.0
Grass, seed straw (including chaff)	105.0
* * * * *	

[FR Doc. 83-7098 Filed 3-22-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 0E2408/R524; PH-FRL 2327-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 5-Ethoxy-3-Trichloromethyl-1,2,4-Thiadiazole

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its metabolite in or on the raw agricultural commodity tomatoes. This regulation to establish a maximum permissible level for residues of the fungicide in or on the commodity was requested, pursuant to a petition, by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on March 23, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the **Federal Register** of February 2, 1983 (48 FR 4680) that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 0E2408 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Georgia proposing to amend 40 CFR 180.370 by establishing a tolerance for the combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the raw agricultural commodity tomatoes at 0.15 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 10, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.370 is amended by adding and alphabetically inserting the raw agricultural commodity tomatoes to read as follows:

§ 180.370 5-Ethoxy-3-trichloromethyl-1,2,4-thiadiazole; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Tomatoes	0.15
* * * * *	

[FR Doc. 83-7078 Filed 3-22-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-49

[FPMR Amendment H-137]

Utilization, Donation, and Disposal of Foreign Gifts and Decorations—Miscellaneous Changes

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation amends FPMR Part 101-49 to require executive agencies to maintain security and physical custody of foreign gifts and decorations until conclusion of the screening period; to obtain commercial appraisals of foreign gifts to be offered for sale to an interested recipient; to annotate additional information on the reporting document, including an indication of the recipient's interest in designating a potentially eligible donee; and to provide additional information on the transfer document, including justification supporting the request. It further provides that GSA will assume physical custody of foreign gifts and decorations at the conclusion of the donation screening period, and specifies conditions under which foreign gifts will be considered for transfer for futher use by Federal agencies. These changes are made in response to a recent GSA audit report on security for foreign gifts and decorations and to expedite the disposition of this property by having agencies provide additional information on the reporting and transfer documents.

EFFECTIVE DATE: March 23, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley M. Duda, Director, Utilization Division, (703) 557-0807.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-49

Conflict of interest, Decorations, Medals, Awards, Foreign relations, Government property, Government property management.

PART 101-49—UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATIONS

Subpart 101-49.1—General Provisions

1. The table of contents for Part 101-49 is amended by revising the following five entries:

Sec.
101-49.107 [Reserved].
101-49.302 Requests by public agencies and nonprofit tax-exempt institutions and organizations.
101-49.401 Approval by the Secretary of State on sales.
101-49.402 Sale of gifts by GSA to interested recipients.
101-49.403 Sale of gifts by GSA to the public.

2. Section 101-49.101(a) is revised to read as follows:

§ 101-49.101 Custody of gifts and decorations.

(a) GSA generally will not take physical possession of gifts and decorations during the utilization and donation screening period governed by this Part 101-49. Gifts and decorations shall remain in the physical custody and be the responsibility of the employing agency during the screening period.

* * * * *

3. Section 101-49.102 is revised to read as follows:

§ 101-49.102 Care and handling.

(a) Each employing agency shall be responsible for the security of gifts and decorations in its custody.

(b) Each employing agency shall be responsible for and bear the cost of delivery of gifts and decorations to the physical custody of GSA after the screening period.

4. Section 101-49.105 is revised to read as follows:

§ 101-49.105 Appraisals.

In those cases where the recipient has indicated an interest in purchasing a gift required to be reported to GSA, employing agencies shall obtain a commercial appraisal for each gift before GSA offers the gift for negotiated sale to recipient. The commercially appraised value plus the cost of the appraisal shall be annotated on a copy of the SF 120, Report of Excess Personal Property, at the time of delivery of the gift to GSA for sale and a copy of the commercial appraisal shall be attached.

§ 101-49.107 [Reserved]

5. Section 101-49.107 is removed and reserved.

6. Section 101-49.108 is revised to read as follows:

§ 101-49.108 Disposal of firearms.

Firearms received as foreign gifts that are reported to GSA may be offered for transfer to Federal agencies, including law enforcement activities. Firearms shall not be donated. Those firearms not transferred to a Federal activity shall be destroyed under Subpart 101-45.309-4.

Subpart 101-49.2—Utilization of Foreign Gifts and Decorations

7. Section 101-49.201-1 is amended by revising the introductory text of paragraph (a) and paragraph (a)(8) and adding paragraphs (a)(9) and (a)(10) to read as follows:

§ 101-49.201-1 Gifts and decorations required to be reported.

(a) Except as provided in §§ 101.49.106 and 101-49.201-2, tangible gifts and decorations that are not retained for official use or returned to the donor shall be reported to GSA within 30 calendar days after deposit of the gift or decoration with the employing agency. Tangible gifts and decorations that have been retained for official use and have not been returned to the donor shall be reported to GSA within 30 calendar days after termination of the official use. Gifts and decorations shall be reported on Standard Form 120, Report of Excess Personal Property (see § 101-43.4901-120), to the General Services Administration (FM), Washington, DC 20406. The Standard Form 120 shall be conspicuously marked "FOREIGN GIFTS AND/OR DECORATIONS" and include the following information:

* * * * *

(8) An indication whether the recipient is interested in having the gift or decoration, if it becomes available for donation, donated to an eligible public agency or nonprofit tax-exempt institution for public display or reference purposes. This interest shall be documented in a letter outlining any special significance of the gift to the proposed donee institution. The mailing address and telephone number of both the recipient and the proposed donee shall be provided.

(9) The appraised value plus the cost of the appraisal shall be added to a copy of the SF 120, Report of Excess Personal Property, before GSA offers gifts for sale to interested recipients. At the time of termination of agency use, GSA may direct that the foreign gift be appraised.

(10) Each foreign gift or decoration shall be identified as a separate line item.

* * * * *

8. Section 101–49.202 is amended to revise paragraph (b) and to add paragraphs (c), (d), and (e) to read as follows:

§ 101–49.202 Transfer to other Federal agencies.

* * * * *

(b) Transfers will be accomplished by submitting for approval a Standard Form (SF) 122, Transfer Order Excess Personal Property (see § 101–43.4901–122), or any other transfer order form approved by GSA, to the General Services Administration (FM), Washington, DC 20406. The SF 122, or other transfer order form shall be conspicuously marked "FOREIGN GIFTS AND/OR DECORATIONS" and include all information furnished by the employing agency as specified in § 101–49.201–1(a).

(c) Transfers of gifts and decorations shall be for public display or other bona fide agency use and not for the personal benefit of any individual. GSA will approve only transfers of foreign gifts of the type that would ordinarily be acquired through procurement channels, identified by a National Stock Number, and stocked in a Federal warehouse or purchased from authorized schedules. Gift items suitable as museum specimens will be made available to Federal museums. Transfers will not be approved for use in private or semi-private offices or dining rooms or for loan to a third agency.

(d) A brief justification of the display or official use of the gift or decoration shall be shown on or accompany the transfer document to support the request.

(e) The transfer document shall include the statement, "At such time as these items are no longer required, they will be reported to the General Services Administration, Office of Property Management (FM), Washington, DC 20426, and will be identified as foreign gift items, and cross-referenced to the original excess report number."

Subpart 101–49.3—Donation of Foreign Gifts and Decorations

9. Section 101–49.302 is revised and the caption changed as follows:

§ 101–49.302 Requests by public agencies and nonprofit tax-exempt institutions and organizations.

Requests for donation of gifts and decorations to public agencies and eligible nonprofit tax-exempt institutions and organizations shall be supported with a letter of intent, signed and dated by the authorized representative of the proposed donee, describing the intended use of the items and the manner in which they would be displayed or used for reference purposes. Donations of gifts and decorations will be accomplished by submitting for approval a SF 123, Transfer Order Surplus Personal Property (see § 101–44.4901–123), to the General Services Administration (FM), Washington, DC 20406. The SF 123, Transfer Order Surplus Personal Property, shall be prepared and distributed in accordance with the instructions in § 101–44.4901–123–1 and shall be conspicuously marked "FOREIGN GIFTS AND/OR DECORATIONS."

10. Section 101–49.303 is revised to read as follows:

§ 101–49.303 Allocation.

Allocation of gifts and decorations among the States will be made at the discretion of the Administrator of General Services. The employee recipient may recommend that a gift or decoration be allocated for donation through the State agency to a specific donee. A statement of this recommendation shall be entered on the SF 120, Report of Excess Personal Property, by the reporting agency. The request must be supported by a letter from the outlining any special significance of the gift or decoration to the proposed donee. The mailing address and telephone number of both the recipient and the proposed donee shall also be included in the letter. Such requests will receive consideration if it is determined that the item is to be donated.

11. Section 101–49.304 is amended by revising paragraphs (c), (e), (f), (g), (h), and (i) to read as follows:

§ 101–49.304 Conditions of donation.

* * * * *

(c) The donee shall place the gift or decoration into use for public display or reference purposes within 12 months following receipt and use the gift or decoration in accordance with this section in perpetuity.

(e) The donee shall submit an annual report to GSA through the State agency. The report shall contain a description of the current condition and use of all gifts or decorations that the donee has received, and a certification that the donee is in compliance with the conditions of donation imposed on the gifts and decorations.

(f) The State agency shall review the use made of the gifts or decorations for compliance by the donee with terms, conditions, reservations, and restrictions imposed on foreign gifts and decorations. The donee shall allow the right of access to the donee's premises at reasonable times for inspection of the gifts or decorations by duly authorized representatives of the U.S. Government or the State agency.

(g) The donee shall not sell, trade, lease, lend, bail, encumber, cannibalize, or dismantle for parts or otherwise dispose of the property; or remove it permanently for use outside the State; or transfer title to the gift or decoration directly or indirectly; or do or allow anything to be done that would cause the gift or decoration to be seized, taken into execution, attached, lost, stolen, damaged, or destroyed.

(h) In the event the donee no longer desires to use the gift or decoration for public display or reference purposes as provided in this section, the donee shall notify the General Services Administration (FM), Washington, DC 20406, through the State agency; and upon demand by GSA, title and right to possession of the gift or decoration shall revert to the U.S. Government. In this event, the donee shall comply with transfer or disposition instructions furnished by GSA through the State agency, with costs of transportation, handling, and reasonable insurance during transportation to be paid by the donee or as directed by GSA.

(i) Upon the donee's failure to comply with any of the above conditions, GSA may demand return of the gift or decoration and, upon demand, title and right to possession of the gift or decoration shall revert to the U.S. Government. In this event, the donee shall return the gift or decoration in accordance with instructions furnished by GSA, with costs of transportation, handling, and reasonable insurance during transportation to be paid by the donee or as directed by GSA. If the gift or decoration is lost, stolen, or cannot legally be recovered or returned for any other reason, the donee shall pay to GSA the fair market value of the gift or decoration at the time of this demand as determined by GSA. If the gift or decoration is damaged or destroyed, GSA may require the donee to (1) return the item and pay the difference between the fair market value of the item if it were not damaged or destroyed and the fair market value of the damaged or destroyed item, or (2) pay the fair market value of the item if it were not damaged or destroyed, as determined by GSA.

Subpart 101-49.4—Sale or Destruction of Foreign Gifts and Decorations

12. Subpart 101–49.4 is revised to read as follows:

Subpart 101-49.4—Sale or destruction of foreign gifts and decorations

Sec.
101–49.400 Scope of subpart.
101–49.401 Approval by the Secretary of State on sales.
101–49.402 Sale of gifts by GSA to interested recipients.
101–49.403 Sale of gifts by GSA to the public.
101–49.404 Proceeds from sales.
101–49.405 Destruction of gifts and decorations.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); and sec. 515, 91 Stat. 862; 5 U.S.C. 7342.

§ 101–49.400 Scope of subpart.

This subpart prescribes policies and procedures governing the disposal by sale or destruction of foreign gifts and decorations that GSA has determined are not needed for Federal utilization and donation.

§ 101–49.401 Approval by the Secretary of State on sales.

The approval of the Secretary of State or the Secretary's designee shall be obtained before offering any gift for public sale.

§ 101–49.402 Sale of gifts by GSA to interested recipients.

GSA shall offer gifts through negotiated sales only to a recipient who has indicated an interest in purchasing the item(s). The mailing address and telephone number of the recipient shall be provided on the SF 120, Report of Excess Personal Property. The sales price shall be the appraised value of the gift(s) plus the cost of the appraisal. Sales shall be documented in accordance with Part 101–45

§ 101–49.403 Sale of gifts by GSA to the public.

GSA shall sell gifts in accordance with Part 101–45.

§ 101–49.404 Proceeds from sales.

The proceeds from the sale of gifts shall be deposited in the Treasury as miscellaneous receipts, unless other disposition is authorized by law or regulation.

§ 101–49.405 Destruction of gifts and decorations.

Gifts that are not sold under this Subpart 101–49.4 and decorations may be destroyed and disposed of as scrap or for their material content.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and sec. 515, 91 Stat. 862; 5 U.S.C. 7342)

Dated: March 3, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–7474 Filed 3–22–83; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

Health Maintenance Organizations

Correction

In FR Doc. 83–815 beginning on page 1301 in the issue of Wednesday, January 12, 1983, make the following correction:

On page 1302, column three, § 110.603(b)(2)(i), line seven, close parenthesis after "services".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 6

Privacy Act of 1974; Solicitation of Social Security Numbers

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This document amends FEMA Regulation 44 CFR 6.3(c) to modify a restriction on solicitation of social security numbers. The existing regulations prevent solicitation of social security numbers which are needed for administration of training programs and in connection with claims collection.

EFFECTIVE DATE: April 22, 1983.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Room 835, 500 C Street SW, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Thomas Ainora, Office of General Counsel, FEMA (202) 287–0379.

SUPPLEMENTARY INFORMATION: FEMA's Privacy Act Regulations presently effectively prohibit the obtaining of social security numbers. (44 CFR 6.3(c).) The statutes do not require such a rigorous provision but only provide that a benefit, right, or privilege cannot be denied for failure to disclose the social security number.

Use of such number can serve valid administrative purposes, and thus FEMA determined to revise its rule to conform to the statutory provision and to obtain social security numbers as identifiers in its forms used in training programs and in connection with claims collection. A notice of proposed rulemaking was published on January 6, 1983, at 48 FR 676. No comments were received. This final rule is the same as the proposed rule with very minor editorial changes.

This regulation deals with administrative matters and, hence, is categorically excluded from the requirements for an environmental assessment under 44 CFR Part 10. Further, it is not a major regulation under the terms of Executive Order 12291 and, since it deals with individuals, does not have impact on small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The regulation, as amended, does not require disclosure of any information and is not an information collection requirement. Any collection or attempt at collection of the social security number on any form or elsewhere must be justified in a separate process.

List of Subjects in 44 CFR Part 6

Privacy.

PART 6—IMPLEMENTATION OF PRIVACY ACT OF 1974

Accordingly, 44 CFR Part 6 is amended by revising paragraph (c) of § 6.3 to read as follows:

§ 6.3 Collection and use of information (Privacy Act Statements).

* * * * *

(c) *Solicitation of Social Security Numbers:* Before an employee of FEMA can deny to any individual a right, benefit, or privilege provided by law because such individual refuses to disclose his/her social security account number, the employee of FEMA shall ensure that either:

(1) The disclosure is required by Federal statute; or

(2) The disclosure of a social security number was required under a statute or regulation adopted before January 1, 1975, to verify the identity of an individual, and the social security number will become a part of a system of records in existence and operating before January 1, 1975. If solicitation of the social security number is authorized under paragraph (c) (1) or (2) of this section, the FEMA employee who requests an individual to disclose the social security account number shall first inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, and the use that will be made of it.

* * * * *

Dated: March 17, 1983.

Louis O. Giuffrida,

Director.

[FR Doc. 83-7447 Filed 3-22-83; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the Unincorporated Areas of Hillsborough County, Florida Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Hillsborough County, Florida. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Areas of Hillsborough County, Florida, that certain property is not within the Special Flood Hazard Area and that certain property is within the Special Flood Hazard Area.

This map amendment, by establishing that portions of the subject property is and that portions are not within the Special Flood Hazard Area, removes or adds the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 23, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472. (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 120112, Panel 0190B, published on October 6, 1980, in 45 FR 66059, indicates that Lots 98, 102, 103, 107, and 108 in Block 8; Lots 13 and 14 in Block 12; and 14 through 18 in Block 11 of Timberlane Subdivision, Unit No. 5, Hillsborough County, Florida, as recorded in Plat Book 53, Page 45 of the Public Records of Hillsborough County, Florida, are located within the Special Flood Hazard Area. Map No. 120112, Panel 0190B also indicates that Lot 96 in Block 8 of Timberlane Subdivision, Unit No. 5, Hillsborough County, Florida, is not within the Special Flood Hazard Area.

Map No. 120112, Panel 0190B is hereby corrected to reflect that Lots 98, 102, 103, 107, and 108 in Block 8; Lots 13 and 14 in Block 12; and Lots 14 through 18 in Block 11 of the above-mentioned property are not within the Special Flood Hazard Area identified on June 18, 1980. These lots are in Zone B.

Map No. 120112, Panel 0190B is also corrected to reflect that Lot 96 in Block 8 of the above-mentioned property is partially located within the Special Flood Hazard Area identified on June 18, 1980.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support).

Issued: March 2, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-7451 Filed 3-22-83; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA-5952]

44 CFR Part 70

Letter of Map Amendment of the Town of Henrietta, New York Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Henrietta, New York. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Henrietta, New York, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: December 15, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Managment Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related finanical assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294 Bethesda,

Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 360419, Panel Number 0005C, published on December 15, 1980, in FR Volume 45 No. 242, page 82260, indicates that Lot 4, Township 12, Range 7, as described in Deed Book Libers 4666 and 4359, pages 220 and 281, of the Monroe County Clerk's office, is located wihin the Special Flood Hazard Area.

Map Number FIRM 360419, Panel Number 0005C, is hereby corrected to reflect that existing structure located at 1387 Bringhton-Henrietta Town Line Road of the above-mentioned property is not within the Special Flood Hazard Area identified on November 5, 1980. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participation communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support).

Issued: February 28, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83–7452 Filed 3–22–83; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR PART 70

[Docket No. FEMA–6237]

Letter of Map Amendment for the Township of South Lebanon, Pennsylvania Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Township of South Lebanon, Pennsylvania. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Township of South Lebanon, Pennsylvania, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes tha requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with section 70.7(a):

Map Number FIRM 420581, Panel Number 0005B, published on January 25, 1980, in FR Volume 47 No. 16, page 3356, indicates that 1600 King Street, as described in the Deed Book Volume 90, page 975, of Lebanon County, Pennsylvania, is located within the Special Flood Hazard Area.

Map Number FIRM 420581, Panel Number 0005B, is hereby corrected to reflect that existing structure located at 1600 King Street of the above-mentioned property is not within the Special Flood Hazard Area identified on December 15, 1981. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E. O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: March 9, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83–7453 Filed 3–22–83; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–6048]

Letter of Map Amendment for Williamson County, Tennessee, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Williamson County, Tennessee. It has been determined by the Associate Director, State and Local Program and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Williamson County, Tennessee, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 23, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief,

Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner as required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number 470204 Panel 0020 A published on May 12, 1982 in 46 FR 26307 indicates that portions of the River Rest Estates Subdivision, Sections 3 and 4, as recorded in Book 6 at Pages 70 and 72, respectively, in the Register's Office, Williamson County, Tennessee and Lot 113 in proposed River Rest Estates, Section 5, being a 29.14 acre parcel of land which is evidenced in Book 222, Page 54, Register's Office, Williamson County, Tennessee are located within the Special Flood Hazard Area.

Map Number 470204 Panel 0020 A is hereby corrected to reflect that the portions of Lots 80 through 83 of Section 3, Lots 84 through 111 of Section 4, and Lot 113 of proposed Section 5 which are not contained within the regulatory floodway and are at or above elevation 584 feet National Geodetic Vertical Datum (NGVD) as shown on the Grading Plan of River Rest, prepared by Turner Engineering Co., Inc., dated May 5, 1981, are not within the Special Flood Hazard Area identified on April 1, 1981. The portions lying between 584 feet (NGVD) and 586.4 feet (NGVD) are located in Zone B, and the portions above 586.4 feet (NGVD) are in Zone C. However, some of the lots would be partially inundated by the base flood.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: March 9, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82–320; FCC 83–81]

Radio Broadcast Services; Suburban Community Policy, Berwick Doctrine, and De Facto Reallocation Policy

AGENCY: Federal Communications Commission.

ACTION: Final rule (*Report and Order*).

SUMMARY: The Report and Order eliminates three policies and two rules used in the licensing of radio and television stations. The policies are the suburban community policy, the *Berwick* doctrine and the *de facto* reallocation policy. The rules are the 10- and 15-mile rules, 47 CFR 73.203(b) and 73.607(b). The action is necessary in order to delete rules and policies rendered unnecessary by changes that have occurred in the industries regulated. This action will expedite the authorization of radio and television stations.

EFFECTIVE DATE: February 17, 1983.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Kilday, Mass Media Bureau, 202–632–6968.

List of Subjects in 47 CFR Part 73

Radio broadcast.

Report and Order

Adopted: February 17, 1983.
Released: March 14, 1983.

In the matter of; The Suburban Community Policy, the *Berwick* Doctrine, and the *De Facto* Reallocation Policy; BC Docket 82–320; FCC 83–81.

By the Commission: Commissioner Quello dissenting in part and issuing a statement; Commissioner Sharp dissenting in part and issuing a statement.

Introduction

1. Before the Commission is the *Notice of Proposed Rulemaking*, 47 FR 29282, published July 1, 1982 and the comments filed in response to that notice. In the notice, the Commission sought comment on whether the public interest requires the continuation of three policies used in the licensing of radio and television stations. The policies, adopted to aid the Commission in fulfilling its responsibilities under section 307(b) of the Communications Act, 47 U.S.C. 307(b), are the suburban community policy, used in authorizing AM radio, and the *Berwick* doctrine and the *de facto* reallocation policy, used in authorizing FM radio and television stations. We have reviewed carefully the comments filed in this proceeding. The comments indicate that the policies frequently are used for anticompetitive purposes. Commenting parties also contend that the policies have frustrated rather than furthered the goals of section 307(b) by inhibiting the establishment of stations in small communities located nearby larger ones. Consequently, based on our analysis of the comments and for the reasons that follow, we believe that the mandate of section 307(b) can be fulfilled without reliance on these policies which, we conclude, no longer serve the public interest and should be eliminated. We emphasize, however, that elimination of these policies will not eliminate or modify section 307(b) of the Communications Act. Our obligation to implement that statutory responsibility continues and will be faithfully carried out.

Background

2. The notice set out Commission responsibilities under section 307(b) of the Communications Act. Section 307(b) requires the Commission to "make such distribution of licenses, frequencies, hours of operation and of power among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same." Prior to the Radio Act of 1927, radio licensees generally were free to locate their radio stations in any preferred location subject to the then-existing minimal limitations against electrical interference. The result was "an unjustifiable grouping of stations within limited areas. There are within 50 miles of Chicago, 40 stations; of New York, 38; of Philadelphia, 22; and of San

Francisco, 22." 67 Cong. Rec. 5479 (1926) (remarks of Representative White). To dilute this concentration of radio stations in and around large cities, Congress enacted Section 9 of the Radio Act of 1927, which provided, *inter alia*, that

> The licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operations, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same.

Pub. L. 69–632, ch. 169, section 9, 44 Stat. 1166. By this statutory provision, Congress authorized the newly created Federal Radio Commission "in passing upon a license to consider its proposed location and the area to be served" and directed the Commission to "effect an equitable geographical distribution of stations over the entire country." 67 Cong. Rec. 5479 (1926).

3. Unsuccessful efforts were made to include in Section 9 language requiring the Commission to consider "the right of each state to have allocated to it" a certain quota of frequencies. 68 Cong. Rec. 2557 (1927). However, the following year, a compromise amendment to Section 9 was enacted which directed the Commission to allocate frequencies among five zones, each composed of several states. The frequencies were to be allocated in accordance with a formula based on population. Pub. L. 70–195, 45 Stat. 373. In 1934, Congress reenacted Section 9, as amended, into the Communications Act, as section 307(b). Two years later, in 1936, Congress deleted the five-zone scheme, which had proved to be mechanistic and unsatisfactory. This restored the original language of Section 9 of the Radio Act of 1927. Pub. L. 74–652, 49 Stat. 1475, 47 U.S.C. 307(b). Thus, the legislative intent behind the original Section 9 of the Radio Act is still controlling today; namely, to effect an equitable geographical distribution of stations across the entire nation.

4. The Commission implemented section 307(b) in commercial FM radio and TV by establishing and incorporating in its rules a Table of Assignments for each service.[1] These tables provide for a distribution of channels to specific communities throughout the United States based, in part, on fixed mileage separations. The Commission determined that:

> Effectuation of the distribution of radio facilities in such a manner that the result is fair, efficient and equitable and otherwise in the pubic interest from the standpoint of the listening and viewing public of the United States (Sections 303 and 307(b)) * * * can best be achieved by the adoption of a Table of Assignments * * *.

Sixth Report and Order on Television Allocations, 41 FCC 148, 151 (1952). The licensing procedure for FM and television is a two-step process. Step one fulfills the section 307(b) obligation by making available for licensing only a frequency which has been assigned to a specific community on the Table of Assignments. If the applicant is desirous of utilizing the frequency in another community, he or she must petition for a rulemaking to amend the Table of Assignments. In step two of the licensing procedure, applications are processed in order to ascertain that the applicants have the requisite qualifications to be licensees of the Commission. If there is more than one applicant for a frequency, a comparative hearing takes place in order to determine the party most worthy of the grant. The notice explained that Commission rules permit a station to be located within 15 miles (TV or Class B/C FM) or 10 miles (Class A FM) [2] of the community listed in the Tables.[3] If multiple applicants apply for a single frequency within the 15-mile or 10-mile limit, and these applications propose different communities of license, then a second section 307(b) determination is made during the comparative hearing.

5. In contrast, AM radio frequencies are allocated on a demand basis, with an applicant requesting the desired community and providing engineering exhibits to show the absence of harmful interference to existing stations. Section 307(b) considerations are made during the one-step proceeding to process the construction permit application. A hearing can result if petitions to deny are filed raising substantial and material questions of fact or if there are mutually exclusive applications.

6. Objectives and priorities guide the Commission's section 307(b) determinations. These set up preferences for applicants proposing to establish a station in an underserved community or in a community lacking broadcast service. Because the preferences are based on section 307(b) considerations, they can be conclusive in a mutually exclusive licensing contest.[4] The Commission feared that preferences could create incentives for applicants to try to prevail on the section 307(b) issue by designating as the community of license an underserved community proximate to a larger, more lucrative community, which was the intended recipient of the service. Thus, in an attempt to determine which community an applicant actually *intended* to serve, the Commission created policies that are under study in this proceeding.

7. The suburban community-central city setting presented the Commission with its first occasion to test intent. Designation of a suburban community without a local transmission service could garner an applicant a section 307(b) preference while, at the same time, permitting coverage of the larger metropolitan community, not favored under section 307(b). Out of this situation, the suburban community policy was promulgated. The notice stated that the suburban community policy, adopted in 1965 and modified in 1975 to apply principally in hearings involving mutually exclusive license applicants, is applicable where

> The applicant's proposed 5 mV/m daytime contour would penetrate the geographic boundaries of any community with a population of over 50,000 persons and having at least twice the population of the applicant's specified community * * * a presumption will arise that the applicant realistically proposed to serve that larger community rather than its specified community.

Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 193 (1965) ("*Suburban Community Policy*"). Related to this is the *Berwick* Doctrine, which applies the public interest considerations underlying the AM suburban community policy to FM radio and television, but without benefit of the presumption. *Berwick Broadcasting Corp.*, 12 FCC 2d (Rev. Bd. 1968); 20 FCC 2d 393 (1969); *sub. nom. P.A.L. Broadcasters, Inc.*, 40 FCC 2d 546 (Rev. Bd. 1973). *De facto* reallocation is

> [A]n attempt to utilize a channel assigned to one community in order to establish a broadcast service in another community, thereby depriving the assigned community of service from that channel.

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[1] *See, Sixth Report and Order on Television Allocations*, 41 FCC 148, 151–153 (1952). *Revision of FM Broadcast Rules*, 40 FCC 747, 757 (1963). 47 CFR 73.202 contains the FM Radio Table of Assignments and 47 CFR 73.606 contains the Television Table of Assignments.

[2] A Class A FM station is designed to render service to a relatively small community, city, or town, and the surrounding rural area. A Class B FM station is designed to render service to a sizable community, city, or town, or to the principal city or cities of an urbanized area, and to the surrounding area. A Class C FM station is designed to render service to a community, city, or town, and large surrounding area.

[3] The 10- and 15-mile rule for FM is found at 47 CFR §§ 73.203(b) of the rules. The 15-mile rule for TV is found at 47 CFR 73.607(b).

[4] *FCC* v. *Allentown Broadcasting Corp.*, 349 U.S. 348 (1955).

Hall Broadcasting Co., Inc., 71 FCC 2d 235, 237 (1979).

8. The notice explained that the instant rulemaking proceeding was prompted, in part, by a remand of *Communications Investment Corporation* v. *FCC*, 641 F.2d 954 (1981) ("CIC"), by the United States Court of Appeals for the District of Columbia. In that case, the Court reviewed two actions of the Commission granting construction permits for two FM [5] radio stations in Utah. The *CIC* court said that the Commission had failed to follow its own and court precedent in authorizing, without a hearing, a transmitter location that objectors claimed constituted *de facto* reallocation of two class C FM stations from their city of license to a larger community. The court derived from the precedents nine factors [6] for determining when an evidentiary hearing is required on *de facto* reallocation and *Berwick* doctrine issues before a transmitter location can be approved. The court, however, invited our review of the policies. Based on that invitation and on our continuing evaluation of the relevancy of all our rules and policies in furthering the public interest, we undertook this rulemaking proceeding.

9. The notice sought comment on whether the policies under review herein continue to be necessary in implementing section 307(b) in light of the extensive dispersion of radio and television services throughout the United States. The notice also expressed concern that the policies may impose unwarranted costs on the public and the parties involved in licensing new or improved service. This occurs, according to the notice, when allegations that a proposed facility will not serve its designated community are made, not in furtherance of a fair, efficient, and equitable distribution of service, but in order to delay or to impede the authorization of new service and new competition, most often in smaller communities. We asked comment on whether the benefits to be derived from the policies warrant the costs involved.

10. The notice also sought comment on whether the term "community" should be redefined for section 307(b) purposes in application processing to mean, not the specified community, but the metropolitan area effectively covered by the signal of the proposed station. Utilization of such a definition, said the notice, would remove the comparative preference for designating as the community of license an underserved suburb while proposing power sufficient to cover a metropolitan area. The final item on which we sought comment was an implementation scheme in the event that the policies were deleted.

Comments

11. Comments were filed by parties representing two main interests: those generally concerned about the policies in question and those with matters pending before the Commission involving the policies. [7] One theme enunciated by commenting parties favoring retention of the policies centered on the Commission's responsibility to challenge, as stated by Seven Parties, [8] "disingenuous" applications. These were defined as construction permit applications specifying, as the community of license, a small community that is nearby a large or metropolitan community the applicant actually intends to serve. In a similar vein, Dempsey and Koplovitz said that, if the policies were removed, the Commission "will be plagued with questions of good faith, (and) undisclosed motivation for service to the larger more lucrative market," as long as an advantage can be earned under section 307(b). Chatterbox, Inc. and Commanche Broadcasting, Inc. warn that "the evils sought to be averted by the policies still exist."

12. Parties favoring deletion of the policies generally agreed with Ben Lomond [9] who stated that the policies "are relics of an earlier age when there was a paucity of local transmission services." Atlantic Broadcasting Coporation expressed a similar conviction: "[A]lthough the policies may have served legitimate public policy concerns years ago, they have outlived their usefulness and, in fact, may actually undermine the policies underlying section 307(b)." Gordon & Healy Chartered, declaring that the policies have denied local facilities to suburban American communities, submitted that , "It makes no sense in 1982 to view such current proposals [for new service] in light of American social structure of 1965 when the Suburban Community Policy was first adopted."

13. The comments presented divergent views on the benefits smaller communities, the intended beneficiaries under section 307(b), have reaped from these policies. Buena Vista Telecasters of Texas, Inc., Chatterbox and Edward O. Fritts stated that elimination of the policies will hurt smaller communities because stations licensed to those communities will direct service to nearby larger areas and ignore the needs of the smaller communities. Ward & Mendelsohn, P.C., believes that the suburban community policy, or a suitable replacement, is necessary to "prevent abuse, but that significant communities which merit their own local outlet (due to a reasonable population benchmark) should not lose their valid section 307(b) interests merely because they are located near a still larger community." Atlantic states that tastes and interests of persons living in large and small communities proximate to each other are not so divergent that service to one precludes service to another. Buena Vista, although urging retention of the policies, notes that "the frequencies for which applications are pending, or for which no applications have yet been filed, tend to be those available for suburban or outlying communities." Arch Communications commented that "hindrance of competition, hearing costs and delays, the realization of section 307(b) objectives through past allocation

[5] *D & B Broadcasting Co., Inc.*, 67 FCC 2d 570, *reconsid. denied*, 67 FCC 2d 1116 (1978); *Ben Lomond Broadcasting Co.*, 68 FCC 2d 1331 (1978).

[6] The nine factors are: the ratio of the population of the city of license to that of the larger city; the ratio of the distance between the proposed site and the city of license to the distance between the site and the larger community; the ratio of the signal strength in the city of license to the signal strength in the larger city; a loss area in the city of license or surrounding areas; whether the proposed site is already in use by larger city stations; whether the station is commonly owned with an AM station in the larger city and plans to share programming, staff or facilities with it; whether the station has evinced a prior intent to locate in the larger city; whether the station proposes to move its studio to the larger city; and whether there is a unique advantage to the site proposed.

[7] *See* Appendix A for a list of the commenting parties. On August 6, 1982, Southern Minnesota Broadcasting Co., Antares Broadcasting Co., and four FM applicants commenting jointly, Beaufort County Broadcasting Co., Dutchess Communications Corp., Carson Valley Broadcasting Company, and Jack A. Carpenter ("Beaufort"), requested the Commission to accept late filed comments. Because the filings were only one day late and in the interest of developing a full record in this proceeding, the comments have been accepted and considered. In similar fashion, "Beaufort" filed reply comments one day late, which, for the same reasons, will be accepted. On September 9, 1982, Channel 287, Inc., requested leave to respond to the reply comments of Mid-States Broadcasting, Inc. Because this unauthorized filing refers to a specific application pending before the Commission and otherwise raises no new or significant issues relevant in this rulemaking, it is denied. Denton Channel Two Foundation, Inc. filed a Motion to Strike portions of the reply comments of Public Communications Foundation for North Texas who, on October 6, 1982, filed an opposition. Because the Motion to Strike refers to matters pending in a restricted adjudicative proceeding, the Motion to Strike is granted.

[8] Joint comments filed by: Alegria I, Inc., Alegria II, Inc., Alegria III, Inc., Big Time Radio, Inc., the Orange County Broadcasting Corporation, Santa Maria Radio, Inc., and Sonrisa, Inc. ("Seven Parties").

[9] Joint comments of Ben Lomond Broadcasting Company, KDAB, Inc., and Wasatch Broadcasting Partnership ("Ben Lomond").

decisions and the existence of other rules and policies to assure that licensees will direct their service to their specified communities of license" are persuasive reasons for abolishing the policies.

14. Eight different parties [10] focused on the 10- and 15-mile rules as a solution to the *Berwick* doctrine. Because the Tables of Assignment constitute the Commission's decision as to the "fair, efficient and equitable" distribution of FM radio and TV stations mandated by section 307(b), these parties contended that the rulemaking proceeding to amend the Tables should satisfy and conclude the section 307(b) question for those services. In other words, step one of the licensing process should resolve all section 307(b) determinations. As stated by Ward & Mendelsohn:

> [A]ny party wishing to apply for a channel in a community other than that specified in the Table of Assignments or in a Petition for Rulemaking (to specify a new channel assignment) shall do so in the course of the Commission's initial allocation procedures rather than via an application.

15. The Notice's request for comments on a redefinition of community elicited varied responses. Arch Communications stated that without such a redefinition, unwarranted preferences could become acute. Buena Vista, Ward & Mendelsohn, National Radio Broadcasters Association (NRBA), and Gordon & Healy warned about the impossibility in many instances, due to geographic configurations, of covering a specified community with the requisite signal and avoiding penetration of larger nearby communities with the same signal. Dempsey and Koplovitz suggested that the proposal be treated as one for the largest community to which "significant" [11] principal-city service is provided, regardless of the community specified. Southwest Radio Enterprises disagrees with a redefinition of community. It states, however, that if such a definition is adopted, it not be applied to Class A FM facilities, which are designed to serve small local communities. Buena Vista and NRBA warn that applicants receiving conclusive Section 307(b) preferences by proposing power sufficient to serve underserved communities could later amend to increase power and/or move their transmitter, thereby providing service to a larger more lucrative community. Ogden Broadcasting Service, Inc., cautions that such a redefinition "would defeat the important policy goals of Section 307(b) by virtually insuring that smaller communities situated near larger communities will never acquire their own local broadcast transmission services."

16. In commenting on the *de facto* reallocation policy, the Denton Channel Two Foundation and Communications Investment Corporation said that as long as the Tables of Assignment are retained, so must the *de facto* reallocation policy in order to insure that applicants do not subvert the Table. McKenna, recognizing that "inconsistent application of the *de facto* reallocation doctrine has generated considerable confusion, which has only been heightened by the *CIC* decision," suggests a *de facto* reallocation test based on the nine-factor *CIC* test. The National Association of Broadcasters (NAB) suggested a similar test. Taft Broadcasting Co. believes that the nine-factor analysis in the *CIC* case constitutes a reasonable approach to *de facto* reallocation, which the Commission should reaffirm. Gordon & Healy suggested that enforcement of Commission rule § 73.315(b) which states that the FM transmitter should be located as near the center of the proposed service area as possible, would solve the *de facto* reallocation problem for FM. On the other hand, Ben Lomond finds that the distinctions some commenters draw about the importance to section 307(b) of the *de facto* reallocation policy as opposed to the importance to section 307(b) of the suburban community policy and the *Berwick* doctrine are not persuasive.

17. Putbrese and Hunsaker suggests an alternative if the policies are eliminated. The Commission should adopt a policy holding that in cases "where there are mutually exclusive applicants for broadcast licenses in which there is overlap of 50% or greater of the proposed primary service contours of the proposals, then no section 307(b) preference would be awarded."

18. The notice's request for comment on the implementation process should any or all of the policies be abandoned, elicited the full range of options. Seven Parties and Southwest Radio Enterprises said that the current policies should be applied to all applications that have been "cut-off." Arch states that, should the three policies be eliminated and community redefined, those decisions should be applied in all pending cases. Ben Lomond states that the retroactive effectiveness of the abolition of the policies could be so disruptive to cases far into the hearing process that it may be prudent to have various implementation programs dependent on the category of case. Denton believes that *de facto* reallocation issues already designated for hearing should not be deleted.

Discussion

19. Before discussing our decision on the policies under consideration in this item, we believe it important to focus attention on one view expressed by some of the commenting parties. These parties warn of the misrepresentation that is rife when an applicant applies for a facility in a community proximate to a community larger or more lucrative than the designated one. These parties state that the instant policies must be continued so that the Commission can look behind the declarations about community of license made in the application and/or related documents in order to ascertain the real intent of the applicant with regard to the primary community to be served. We acknowledge that such misrepresentations may occur. Nevertheless, policies which attempt to guard against the eventuality of such behavior should be discarded if they are ineffectual or disserve the overall public interest, as long as other means are available to deter misrepresentations. In this case, statutory and regulatory provisions concerning candor and veracity required on applications, amendments and related statements of fact filed with the Commission adequately respond to the concerns of the parties. Section 312(a)(1) of the Communications Act, 47 U.S.C. 312(a)(1), [12] empowers us to revoke a station license for false statements knowingly made in applications. Section 73.3513(d) of our rules, 47 CFR 73.3513(d), states that willful false

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[10] The parties are: ABC, Inc.; Joint Comments of Beaufort County Broadcasting Co., Dutchess Communications Corp., Copper Valley Broadcasting Co., Jack A. Carpenter ("Beaufort"); Dempsey and Koplovitz; Gordon & Healy; Joint Reply Comments of Arcatel, Inc., Lockhart Omni Communications, Inc., Cen-tex Broadcasting Corporation, Texas Professional Communications, Inc., and Lockhart Radio, Inc. ("Lockhart"); Ward and Mendelsohn; McKenna, Wilkinson and Kittner ("McKenna"). Joint Comments of Forward Communications Corp., Group One Broadcasting Co., Guaranty Broadcasting Corp., Lake Huron Broadcasting Corp., Shamrock Broadcasting Co., Inc., Ralph C. Wilson Industries, Inc., Summit Radio Corp., Wilson Communications, Inc., WKRG–TV, Inc. ("Licensees").

[11] Significant could mean, according to Dempsey and Koplovitz, "provision to the larger community of at least 50% of the service that would satisfy any of the applicable principal community criteria."

[12] Section 312(a)(1) reads as follows:

> The Commission may revoke any station license or construction permit—
>
> (1) for false statements knowingly made either in the application or in any statement of fact which may be required pursuant to section 308.

statements made in applications, amendments and related statements of facts are punishable by fine and imprisonment.[13] Stating one community of license, while intending to render primary service to another community fails the candor and veracity test. The requirements for candor and veracity in all dealings with the Commission are mandated by the Communications Act and by our rules. *RKO General, Inc.* v. *FCC*, 670 F. 2d 215 (D.C. Cir. 1981). We remind all applicants that those requirements pertain whether or not the instant policies are maintained.

20. On the basis of the record adduced, we have determined that the policies in question, which attempt to ascertain an applicant's intent with respect to the community to be served, should be abolished. Due to the growth in broadcast services, suburban locations are oftentimes as attractive to licensee applicants as nearby cities. Thus, we no longer see a substantial likelihood that, merely because of proximity to larger urban areas, licensees will provide inadequate service to their communities. Moreover, these policies inhibit entry into unserved communities because they increase costs to suburban applicants and cause delays in processing. In addition, the policies provide incumbent stations a means to delay competition from new suburban stations and thereby retard competition in metropolitan markets. Consistent with this analysis is the indication, gleaned from a review of the cases, that the test for determining intent under the suburban community policy and *Berwick* doctrine may be invalid for that purpose. For these reasons the policies in question undermine the goal of Section 307(b), to distribute broadcast services fairly, efficiently, and equitably, and should therefore be abolished.

21. *Suburban Community Policy and the Berwick Doctrine.* We begin the rationale for our decisions with the suburban community policy and its FM corollary, the *Berwick* doctrine.[14] Because the *de facto* reallocation policy is so closely related, much of our reasoning applies with equal validity to that policy. The oldest of the policies, the suburban community policy, was adopted in 1965. At that time, the Commission was faced with the problem of processing "rising numbers of applications for suburban communities, which would be entitled to a first transmission service preference in a comparative hearing." *Suburban Community Policy*, 2 FCC 2d at 191. The Commission also had been instructed by the U.S. Court of Appeals for the District of Columbia to establish or clarify the standards used to distinguish between suburban applicants for the same frequency. *Miners Broadcasting Service, Inc.* v. *Federal Communications Commission*, 349 F. 2d 199 (1965). The suburban community policy was the Commission's response to those events.

22. The suburban community policy was designed to further Section 307(b)'s mandate for a fair, efficient, and equitable distribution of service by "testing" the AM radio applicant's intent to serve the suburban community designated rather than a metropolitan center located nearby. The test consists of the applicant's evidence that:

1. The suburban community has programming needs, separate and distinct from the central city;

2. Those needs are unmet currently;

3. The applicant's programming proposal will meet the specific, unsatisfied programming needs of the suburb; and

4. Advertising revenues generated within the specified community are adequate to support the programming proposal.

This is a rugged test. An applicant subject to the presumption can attempt to rebut it without a hearing through submission with the application of information on the four issues. An applicant has to demonstrate that its community has separate and distinct programming needs which are currently unmet by existing stations. Establishing with competent and probative evidence that existing stations are not serving the community's programming needs is a difficult task. Normally, program logs and/or portions of an existing station's renewal application are not detailed enough to satisfy the required showing. Moreover, there is little incentive for existing stations, whose personnel are the most knowledgable and thus most competent witnesses, to provide assistance. Consequently, reliance is often placed on costly programming surveys. This evidentiary problem is exacerbated by the fact that the nearby larger community normally has a number of aural facilities whose programming has to be surveyed. In addition, it is not unusual for these nearby stations to direct at least some programming to the smaller suburban community. With regard to demonstrating the source and adequacy of projected revenues, again an applicant is faced with a difficult burden. While the suburban community policy specifically stated that dependence on revenues from other communities would not necessarily be determinative, applicants still have to make an effort to demonstrate the source of their revenues. The only reliable means of obtaining this information involves surveying potential advertisers. Thus, not only are the standards somewhat confused, but even when understood, the evidentiary burdens are time consuming and costly to meet. The burdens of proof required to rebut the presumption were criticized by the United States Code of Appeals for the District of Columbia in 1972. In the Court's view, applicants were left "devoid of any guidelines as to the type and degree of evidence required to rebut the Commission's Policy Statement," *Northern Indiana Broadcasters, Inc.* v. *F.C.C.*, 459 F.2d 1351 (1972). Although the Court thought it incumbent upon the Commission to clarify the standards used to grant or deny licenses in suburban communities, the Commission itself has not since 1972 had occasion to resolve a suburban community proceeding after hearing.[15]

23. We have analyzed the reported cases involving the suburban community issue and find what we believe is a disturbing variance in success on rebutting the presumption. When there is only one applicant for a frequency, the suburban applicant has been more successful in rebutting the presumption than when there are competing applicants. This is true in cases in which the presumption was rebutted without a hearing [16] as well as in cases in which the presumption was rebutted in a hearing.[17] When the suburban applicant

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[13] Section 73.3513(d) reads as follows:

Applications, amendments, and related statements of fact need not be submitted under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act.

[14] The *Berwick* doctrine is rarely invoked in licensing proceedings for television stations because, by virtue of their technical specifications, television stations are designed to serve regional areas.

[15] *Radio Wheeling*, 85 FCC 2d 486, 490 (Rev. Bd. 1981).

[16] *Pettit Broadcasting Co.*, 21 RR 2d 317 (1971); *David Ortiz Radio Corp.*, 16 FCC 2d 798 (1969); *Wood & Watkins*, 12 RR 2d 97 (1968); *KACY, Inc.*, 15 FCC 2d 33 (1968); *WTOW, Inc.*, 11 FCC 2d 277 (1968); *Burlington Broadcasting Co.*, 9 RR 2d 1119 (1967); *Virginia Broadcasters*, 9 FCC 205 (1967); *Major Market Stations, Inc.*, 8 FCC 2d 13 (1967); *Donnelly C. Reeves*, 6 FCC 2d 531 (1967); *Du Page County Broadcasting Inc.*, 5 FCC 2d 557 (1966); *Clay Broadcasters, Inc.*, 4 FCC 2d 932 (1966). *Wood & Watkins, Burlington, DuPage County* and *Virginia Broadcasters* involved two or more applicants.

[17] *Progressive Broadcasting Co.*, 54 FCC 2d 638 (1975); *Hymen Lake*, 46 FCC 2d 560 (1974); *Great Southern Broadcasting Co.*, 14 FCC 2d 176 (1968); *Jupiter Associates, Inc.*, 12 RR 2d 889 (1968); *Mount-Ed-Lynn, Inc.*, 9 FCC 2d 986 (1967); *Jersey Cape*

was not successful in rebutting the presumption in a hearing, he typically was competing with another for the frequency.[18] These results seem to indicate that, prior to 1975 when the policy was relaxed to exclude most singleton applicants, an applicant who was not vying with another applicant for one frequency had a good chance of convincing the Commission that the designated community truly would be the community served. However, that outcome was not so certain when another applicant joined the contest for a single outlet. We are concerned that the test can be manipulated by the competing applicant so that it becomes not a measurement of intent but a tool useful in defeating a suburban community applicant.

24. Settlements of mutually exclusive licensing contests frequently result in the demise of the suburban community applicant.[19] This result leads us to question whether the burden of rebutting the presumption creates an incentive seemingly at odds with the goals of section 307(b). For example, as a result of the settlement in *H-B-K Enterprises*, the application designating the suburban community of Grandview, Missouri, vying for its first local service, dropped out, and Kansas City, Missouri, was awarded its sixth local service.

25. The Commission acknowledged that the suburban community policy presented a signficant obstacle to the authorization and improvement of AM radio service in 1974. In that year, the Commission initiated a rulemaking proceeding designated to liberalize AM radio allocations policies. In the *Notice of Proposed Rulemaking*, 39 FR 42920, published on November 27, 1974, we sought comment on whether or not the rule changes proposed would be effective in encouraging more AM applications if the suburban community policy remained unaltered. The *Report and Order* concluding the proceeding found that, unchanged, the suburban community policy would obstruct the goals sought to be achieved by liberalizing § 73.37 of the rules in order to encourage AM applicants. Therefore, the Commission relaxed the suburban community presumption to apply primarily in mutually exclusive licensing contests in which a hearing was required irrespective of the suburban community issue. We said:

> By amending the rules * * * while continuing to impose the significant burden of the section 307(b) presumption, particularly on applications for improvements to existing facilities, we would merely be removing one so-called artificial barrier while leaving another in its place.

54 FCC 2d at 21.

26. In 1969, the Review Board applied the public interest considerations underlying the suburban community policy in an FM licensing case and the *Berwick* doctrine was born. In its decision on the merits in the *Berwick* proceeding, decided *sub nom. P.A.L. Broadcasters, Inc.*, 40 FCC 2d 546 (1973), the Review Board made clear that the suburban applicants for an FM facility had the burden of proving the same four sub-issues that the Commission had adopted for AM suburban applicants. *See*, paragraph 22, *supra*. However, in two recent cases that we affirmed, the Review Board has criticized those standards as "unworkable, unduly burdensome, and not reasonably related to the Commission's concern" about an applicant's intent to serve the designated community rather than a nearby larger one. *Radio Wheeling, Inc.*, 85 FCC 2d 486, 489 (Rev. Bd., 1981). In *Bie Broadcasting Co.*, 81 FCC 2d 1 (Rev. Bd., 1980), the Review Board rejected outright use of the standards. Thus, the *Berwick* doctrine, as traditionally applied, has been found to be infirm as a test for determining an FM applicant's intent. This result parallels our determination with respect to the suburban community policy, as outlined above. It is appropriate, therefore, that these tests be abolished.

27. We are mindful that the policies were promulgated in order to protect underserved, small, and suburban communities, favored under section 307(b), by assuring they actually receive the service promised. As we said when promulgating the suburban community policy, "developing deserving suburban communities" should be protected in situations where the

> propagation of a competitive signal over a heavily populated area of substantial size, * * * (has) led to our licensees' serving the transmission and reception needs of the area rather than the transmission needs of their specified communities.

2 FCC 2d at 193. The suburban community policy and the *Berwick* doctrine responded to what apparently was considered the inevitable intent of a small market licensee: To *abandon* the needs of its designate market in those situations in which its signal was able to reach a more populous community. Although that assumption may have been valid in 1965, changes in the broadcasting industry since that time, especially in radio, make the assumption invalid today.

28. The major change of relevance to the present proceeding is the growth since 1965 in the number of broadcasting facilities. At the end of fiscal year 1965, there was a total of 5,630 AM and FM radio stations in operation and 681 commerical and educational television stations.[20] By the end of fiscal year 1981, that number had grown to 9,067 for radio and 1,035 for television.[21] Growth in the number of stations has increased competition in the industry and created the incentive for broadcasters to discover discrete markets within which to provide an economically viable service. For example, it is possible that a station could earn more revenues as the single station in a 40,000 person community rather than the 11th station in a nearby community of 400,000 persons. Indentification with and service of small community becomes economically feasible after an increase in the number of players in an industry fractionalizes a market.[22]

29. Another change in the broadcasting industry of relevance to this proceeding is the role of demographics, creating an economic incentive for a broadcaster to establish a station in a small community to serve a particular type of audience, instead of in a larger, more heterogeneous nearby community. For example, there are 122 radio stations utilizing Spanish language programming for twenty or more hours per week.[23] Not all these stations are licensed to large metropolitian communities. Among the communities in this category are:

Seguin, Texas, KWED

Broadcasting Corp., 2 FCC 2d 942 (1966); *Southington Broadcasters*, 2 FCC 2d 936 (1966). *Progressive Broadcasting Co.* was the only mutually exclusive licensing contest case.

[18] *Centreville Broadcasting Co.*, 50 FCC 2d 261 (1974); *James E. Reese*, 45 FCC 2d 315 (1974); *Broadcasters 7, Inc.*, 46 FCC 2d 282 (1974). *What the Bible Says, Inc.*, 28 FCC 2d 551 (1971); *Harry D. and Robert E. Stephenson*, 33 FCC 2d 763 (1969); *Kittyhawk Broadcasting Corp.*, 20 FCC 2d 1011 (1969); *Augustus L. Cavallaro, Jr.*, 15 FCC 2d 4863 (1969); *Tri-State Broadcasting Co., Inc.*, 19 FCC 2d 1042 (1969); *Tidewater Broadcasting Co., Inc.*, 12 FCC 2d 471 (1968); *Northern Indiana Broadcasters, Inc.*, 13 FCC 2d 548 (1968); *KWEN Broadcasting Co.*, 10 FCC 2d 753 (1967); *Boardman Broadcasting Co., Inc.*, 10 FCC 2d 422 (1967); *Goodman Broadcasting Co.*, 10 FCC 2d 141 (1967); *Lebanon Valley Radio*, 2 FCC 2d 683 (1966). *Centreville, Cavallaro, Tri-State, Northern Indiana* and *Goodman* were singleton applicants.

[19] *Ditmer Broadcasting Co., Inc.*, 23 FCC 2d 283 (Rev. Bd. 1970); *Sundial Broadcasting Co., Inc.*, 17 FCC 2d 614 (Rev. Bd. 1969); *Howard M. McBee*, 19 FCC 2d 800 (1960); *H-B-K Enterprises*, 15 FCC 2d 683 (Rev. Bd., 1968); *Logan Broadcasting Co.*, 10 FCC 2d 166 (1967).

[20] *FCC Annual Report*, 1965.

[21] *FCC Annual Report*, 1981.

[22] *See generally, Inquiry and Proposed Rulemaking; Deregulation of Radio*, 44 FR 57636, published October 5, 1977, for an analysis of competition in radio markets.

[23] *Broadcasting/Cablecasting Yearbook, 1982*, at D–94

Bishop, Texas, KFLZ–FM
Clyde, Ohio, WMEX–FM
Ceres, California, KLOC
Muleshoe, Texas, KMUL
Vineland, New Jersey, WDVL
Henderson, Nevada, KVOV
Millville, New Jersey, WREY
Chualar, California, KUBO–FM
Fowler, California, KLIP
Gilroy, California, KCUR
Lodi, California, KAZA
Kissimmee, Florida, WMJK
Belen, New Mexico, KARS
Espanola, New Mexico, KDCE
Beeville, Texas, KIBL

The *Broadcasting/Cablecasting Yearbook, 1982* also lists 151 all news radio stations. This kind of programming appeals to a specialized audience usually described by broadcasting entrepreneurs as well educated and middle income. Among the communities receiving service from all-news stations are the following:[24]

Black Canyon City, Arizona, KUET
Crystal Lake, Illinois, WIVS
Sonora, California, KVML
Thousand Oaks, California, KGOE
Salisbury, Maryland, WQHQ–FM
Plymouth, North Carolina, WPNC
Palm Desert, California, KGUY
Searcy, Arkansas, KWCK
Greeley, Colorado, KFKA
Auburn, Maine, WRXV
Poynette, Wisconsin, WIBU
Hancock, Michigan, WMPL
Griffin, Georgia, WKEU
Glens Falls, New York, WBZA.

Thus, it is plausible that a broadcaster can fashion as service targeted for a specific community characteristic, such as ethnicity, educational level or cultural preference and find the service economically remunerative enough to be disinclined to abandon the smaller community for the larger.

30. We believe the policies may be used to stem the establishment of competing stations. In practice, the policies are frequently invoked by stations in large communities against the establishment of new or improved service in small communities.[25] Moreover, a *Berwick* issue is not limited to mutually exclusive licensing contests as is generally true in AM radio since 1975.[26] It can be obtained in Petitions to Deny new applications and applications for improved facilities. If the small community applicant is unsuccessful in passing the stringent test created by these policies, new or improved service will be denied to the small community. This is a result at odds with Commission policy fostering competition in the broadcasting industry and with the objectives of section 307(b). If the suburban community policy and the *Berwick* doctrine have worked against the purposes of section 307(b), the statutory provision they were formulated to implement, then their continuation is mere folly. The test for overcoming these policies is a rugged one involving high expenditures for lawyers and engineers who participate in hearings with a resulting delay in the authorization of new service in the smaller community.[27] This tends, ironically, to benefit stations in the larger, metropolitan markets by delaying or frustrating the establishment or improvement of competing stations in nearby smaller markets.

31. After considerable reflection, we fail to see the deleterious effect on the public living in small communities from our authorization of a station that designates the small community as its community of license, locates its main studio in that community, places the requisite signal over the community, fashions a programming proposal to meet the needs and interests of the smaller community, and then also competes in the larger metropolitan area that includes the community of license. The station failing to live up to its obligations to the community of license risks a renewal challenge. In the *Notice of Proposed Inquiry and Proposed Rulemaking* in BC Docket 80–130, 45 FR 26390, published April 18, 1980, we said about the *Berwick* doctrine: "Even if it's true that the station intends to compete in the metropolitan market, this does not mean that it would not be able to offer programming responsive to the needs of this small locality." We continue to believe that statement to be true.

32. Many commenting parties in this proceeding discussed the so-called 10- and 15-mile rules, 47 CFR 73.203(b) (FM) and 73.607(b) (TV). These rules permit an FM or TV station to be licensed to an unlisted community with ten miles (Class A FM) or 15 miles (Class B/C FM and TV) of a community contained in the Tables of Assignments without petitioning for a rule making to add the community to the Table. These rules were adopted at the time the Tables were adopted.[28] Their purpose was "to preserve flexibility and to permit adjustments * * * upon demand and need in communities other than those listed in the table without going through the rule making procedure." *Notice of Proposed Rulemaking*, FCC 68–54, 33 FR 917, published January 25, 1968. The Commission was well aware of the fact that in adopting a Table of Assignments it was impossible to predict population trends or pinpoint community development. However, "a Table coupled with the flexibility present in a 'twenty-five mile rule,' [now the 10- and 15-mile rule] provides the best means to insure an efficient *present* distribution of channels." 40 FCC at 758. (emphasis added) We also noted, that, "the question of future flexibility becomes increasingly academic as the available FM channels are put to use by present day applicants." *Id.* The decision to provide for flexibility within the limited geographical area surrounding each listed community was appropriate for the early days in which the new services were being established. That condition does not exist today. Television and FM radio are mature, thriving services, well dispersed throughout the United States.[29] We no longer have to foster and facilitate their development as we did when the Tables of Assignments were adopted. In addition, the rules create an unnecessary burden on applicants and the Commission alike. The issues raised under the rules are issues that can be resolved more efficiently and at lower cost to both the applicant and the Commission in a rulemaking proceeding than in a hearing.[30] Therefore, we have decided to

[24] *Id.* at D–91.

[25] *Communications Investment Corp. v. FCC*, 641 F.2d 954 (1981); *Home Service Broadcasting Corp.*, 68 FCC 2d 1135 (1978).

[26] In the *Report and Order* relaxing the applicability of the suburban community policy to mutually-exclusive licensing contests primarily, the Commission affirmed its continuing concern about the intent of applicants with regard to their community of license and stated that it would entertain suburban community issues where warranted even outside a mutually-exclusive contest. 54 FCC 2d at 22. *See e.g., Home Service Broadcasting Corp.*, 68 FCC 2d 1135 (1978).

[27] The *CIC* court quoted from one party's pleadings that a hearing in that case would have meant a delay of up to two years and an estimated cost of $50,000 for attorney's fees.

[28] *Sixth Report and Order on Television Allocations*, 41 FCC 148, 209 (1952); *Revision of FM Broadcast Rules, Third Report, Memorandum Opinion and Order*, 40 FCC 747, 763 (1963). In FM, § 73.203(b) originally permitted a station to locate within 25 miles of a listed community without amending the Table of Assignments. This rule was changed in 1968 to 10 miles for Class A stations and 15 miles for Class B and C stations. *Amendment of § 73.203(b) Concerning the Availability of FM Channels to Unlisted Communities*, 12 FCC 2d 660 (1968).

[29] The Commission has found that "there is no part of the contiguous 48 states which lacks at least some aural broadcast service, and almost no place * * * where multiple skywave services are not available." *Clear Channel Broadcasting in the AM Broadcast Band*, 78 FCC 2d 1345, 1356 (1980). Similarly, in the television service, the Commission has stated that the "Table of Assignments * * * was designed to provide service to as large a part of the population as was possible and at the same time to provide local outlets for as many communities as possible * * * the goals of the Table have been largely achieved * * *" *Inquiry Into the Future Role of Low-Power Television Broadcasting*, FCC 80–503, 45 FR 69178, 69179 (Oct. 17, 1980).

[30] Section 307(b) determinations are based on, *inter alia*, the number of transmission services in

eliminate the 10- and 15-mile rules. This, of course, does not mean that applicants are foreclosed from applying for communities 10 or 15 miles from listed communities. Our decision only means that the applicant must petition for a rulemaking in order to add the community to the Table. Henceforth, all § 307(b) issues will be concluded in the rulemaking proceeding, which is step one of the licensing process. Step two will be concerned solely with establishing the qualifications of the applicants and, when there are competing applicants, deciding which applicant should prevail.

33. *De Facto Reallocation.* The *de facto* reallocation policy is closely related to the *Berwick* doctrine.[31] It is applicable only in the FM and TV services and does not require a central city-suburban community setting. The Commission has made clear that two essential elements must be present in order for a proponent to prevail on an allegation of *de facto* reallocation: (1) redirection of the service of an FM or TV station from its community of license in such a manner as to constitute its removal from that community, and (2) its effective use to provide service to another community. *Central Alabama Broadcasters, Inc.*, 68 FCC 2d 1339, 1340 (1978); *Hall Broadcasting Co., Inc., supra.* The policy is most often invoked in proceedings to modify existing facilities, for example, to change a transmitter site or to increase power. If, as a result of such a proposal, the station's signal either reaches another community, typically a larger one, or penetrates more of it, the stage is set for a *de facto* reallocation allegation.

34. Some commenting parties have urged that the *de facto* reallocation policy is essential in safeguarding the integrity of the Tables of Assignments and, through the Tables, section 307(b). Others have contended that our requirements for, *inter alia,* the requisite signal over the community of license,[32] and the location in that community of the station's main studio,[33] are adequate safeguards. As we will outline below, we find that the policy has many of the same infirmities we found to be present in the suburban community/*Berwick* policies. Therefore, based principally upon those same reasons, and upon the fact that in many instances the *de facto* reallocation policy is indistinguishable from the *Berwick* doctrine, we have determined that the *de facto* reallocation policy no longer serves the public interest and should be abolished.

35. Our major concern with the policy is that rather than furthering the purposes of section 307(b), the *de facto* reallocation policy, as applied, has frustrated that end. It is most often invoked against small market stations. The frequent proponents of the policy are licensees located in larger communities who will face increased competition as the result of an application to modify or improve facilities filed by licensees in nearby smaller communities.[34] The arguments proponents make in support of *de facto* reallocation are strikingly similar to those made by proponents of the suburban community/*Berwick* policies: that a station in the smaller community will, as the result of the modification, direct its service to the larger community thereby abandoning its community of license, undermining the Tables, and subverting the goals of section 307(b). Changes in the industry, as we described above, no longer pre-ordain such results. Moreover, the policy places a burden on the establishment and improvement of service in small communities that is not in keeping with the objectives of section 307(b). We are also convinced that the policy too frequently is invoked to preclude additional competition. Such a result is an abuse of the policy.

36. Because the *de facto* reallocation policy does not require a central city-suburban community relationship, its applicability is broader than that of the suburban community policy and the *Berwick* doctrine. More than ten years ago, in a case in which a Chicago station filed a petition to deny raising *de facto* reallocation against a Gary, Indiana station filing to relocate its transmitter, we said:

> [W]e did not intend to prohibit a Gary station from serving large portions of the city of Chicago as it is simultaneously providing primary service to Gary . . . A *de facto* reallocation issue does not arise merely because a licensee proposes an extension of a station's service area, and in some circumstances, the retention of the station's main studio in its community of license may itself constitute sufficient contact with the community to rebut any presumption of reallocation. *Rhode Island Television Corp.* v. *FCC,* 320 F.2d 762 (1963); *Community Telecasting Co. (WXTV)* v. *FCC,* 255 F.2d 891 (1958).

General Media TV, Inc., 27 FCC 2d 861, 863 (1971). The policy can be invoked without regard to the size of the communities involved. Even though the smaller of two communities is an independent, non-suburban, and thriving city, worthy and capable of supporting its own stations, an application to modify the license of a station in that community will likely prompt an allegation of *de facto* reallocation from a licensee in the larger community.[35] The policy also can be invoked without regard to the type of station involved. For example, a Class C FM station is a wide area station designed to serve a community, city or town *and* a large surrounding area. Similarly, television stations are capable of serving wide areas. However, if such a station applies to modify its signal strength to the highest permitted, an allegation of *de facto* reallocation would undoubtedly be forthcoming from a licensee in a community receiving a new or strengthened signal.[36] The fact that Class C FM and television stations are supposed to serve wide areas is not enough to deflect an allegation of *de facto* reallocation or even to avoid a hearing on the allegation.[37]

37. The *CIC* majority constructed its nine-factor test for determining when a hearing must be held on a *Berwick* or *de facto* reallocation issue from precedents found in four cases decided between 1963 and 1969.[38] The record of Commission action in this area, however, includes other cases whose holdings are at variance with the outcomes cited by the *CIC* majority. Several of these cases pre-date the 1978 Commission action in the cases

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competing communities, the number of reception services in each, and the size of the communities involved.

[31] *See, CIC,* 641 F.2d at 967, n. 82.

[32] 47 CFR §§ 73.188 (AM); 73.315 (FM); 73.685 (TV).

[33] 47 CFR § 73.1125. "The Commission has frequently ruled that a station is identified by the place where its studios are kept, not the location of its transmitter or antenna." *Community Telecasting Co.* v. *FCC,* 255. F.2d 891, 893 (1958).

[34] *San Broadcasting, Inc.*, 79 FCC 2d 598 (1980); *Hall Broadcasting Co.*, 71 FCC 2d 235 (1979); *D and B Broadcasting Co. (KDAB),* 67 FCC 2d 243 (1978); *Central Alabama Broadcasters,* 68 FCC 2d 1339 (1978); *Magic Box Media;* 65 FCC 2d 45 (1977); *Kaiser Broadcasting Corp.*, 62 FCC 2d 246 (1977); *Great Trials,* 59 FCC 2d 918 (1976); *Robert P. Adams,* 36 FCC 2d 479 (1972); *General Media TV, Inc.*, 27 FCC 2d 861 (1971); *WSTE-TV,* 11 FCC 2d 1013 (1968).

[35] In the *CIC* case, Salt Lake City stations raised the issue of *de facto* reallocation against Ogden, Utah stations that located their transmitters in an antenna farm located near Salt Lake City. This location apparently cured a multipath interference problem, caused by terrain, that impaired reception of the Ogden stations in Ogden. Judge Wald, in dissent, noted, that the Salt Lake City stations were received in Odgen more clearly than was Odgen station *KDAB* before its move.

[36] *WSET-TV,* 80 FCC 2d 233 (1980); *Sarasota-Bradenton,* 70 FCC 2d 699 (1979); *Hall Broadcasting,* 71 FCC 2d 235 (1979).

[37] *Radio Wheeling,* 85 FCC 2d 486 (1981).

[38] *Wometco Enterprises, Inc. FCC,* 314 F.2d 266 (D.C. Cir. 1963) (per curiam), *rev'g Scripps-Howard Radio, Inc.,* 22 RR 1054 (1962); *Louisiana Television Broadcasting Corp.* v. *FCC,* 347 F.2d 806 (D.C. Cir. 1965) (per curiam), *rev'g St. Anthony Television Corp.*, 2 RR 2d 348 (1964); *Santa Fe Television, Inc.*, 18 FCC 2d 741 (1969); *Berwick Broadcasting Corp.*, 20 FCC 2d 393 (1969).

consolidated in *CIC*,[39] while others are more recent. In three cases decided before Commission action in *CIC*, *Grindstone Boradcasting Corp.*, 41 RR 2d 1107 (1977); *Magic Box Media, Inc.* 65 FCC 2d 45 (1977); and *Public Service Broadcasters, Inc., supra*, we found that the mere fact that a station proposes to put a city-grade signal over a larger nearby community, in addition to its designated community, is not sufficient to lead to the conclusion that the station intends to serve the larger community.[40] Since Commission action in the *CIC* case, we have continued to move away from designating *Berwick* and *de facto* reallocation issues. In *Hall Broadcasting Co., Inc., supra*, the Commission could not find that a *de facto* reallocation would occur when the transmitter of a Class C FM station was moved to a point midway between the community of license and a larger community and the antenna height was increased, permitting greater coverage of the larger community. Nor would we designate a *de facto* issue in *Bie Broadcasting Co.*, 81 FCC 2d 1 (1980) and *Radio Wheeling, Inc.*, 85 FCC 2d 486 (1981). Many years ago, a similar decision withstood judicial scrutiny. In *Rhode Island Television Corp* v. *FCC*, 320 F.2d 762, 766 (11s3), the Court approvingly quoted the Commission's conclusion:

> The mere fact that as a result of the proposed modification, WTEV will improve its signal to the Providence area from Grade B to Grade A does not warrant [the conclusion that there has been a channel reassignment]. In fact, WTEV will continue to be a New Bedford station, will maintain its main studio in New Bedford, will place a principal city signal over that community and will be primarily responsible for providing for the needs of that community under the Rules. Accordingly, grant of the proposal will not change the channel assignment.

The court's unequivocal statement twenty years ago has not resulted in a disciplined use of the policy. Rather, the policy has been invoked to frustrate more competition despite our consistent rejection of such a course. The trend we have documented now must be concluded by abolition of the policy. Anything less would permit future use in a manner we find inconsistent with the public interest.

38. In the future, we will examine applications to determine compliance with our licensing rules. If that exists, we will presume the licensee intends to serve the community designated. Compliance with the rules will result in the requisite signal to the community of license, location of the main studio in that community and a programming proposal that will serve the needs of the community of license. Abolition of this policy does not mean that we will countenance subversion of our rules or the Tables. However, we believe the risk of a renewal challenge for failure *actually* to serve the designated community consititutes a more effective regulatory tool than utilization in advance of guidelines and factors that are inexact in dividing intent. Abolition of the *de facto* reallocation policy also means that it will not be available for anti-competitive purposes. Ten years age, in approving an assignment of license application in which *de facto* reallocation policy also means that it will not be available for anti-competitive purposes. Ten years ago, in approving an assignment of license application in which *de facto* reallocation was raised by a petitioner to deny, we said:

> [P]etitioner is in effect asking us to hold a hearing to determine whether the assignee will do what it has affirmatively represented it would do. In effect, we are being asked to determine, in advance, whether the assignee will operate KUTE as it has proposed it would. In view of the assignee's explicit representations regarding its proposed operation of KUTE, a hearing on this question is clearly unnecessary. Moreover, such a hearing would deprive the assignee of the opportunity to demonstrate its good faith. *Brandywine-Main Line Radio, Inc.*, 4 RR 2d 697, 702 (1965).

Robert Adams, 38 FCC 2d 1, 4 (1972). By abolishing the policy, we will return to that position.

Redefinition of Community

39. The *Notice* asked for comment on whether the term "community" should be redefined for Section 307(b) purposes to mean, not necessarily the community specified on the application, but the community actually receiving service as a result of the power proposed. We have reviewed carefully the record in this proceeding to determine if it supports such an action. We have determined that it does not. The current definition of community has guided our Section 307(b) determinations through the years. To change from that concept to one based on a larger geographical or urbanized metropolitan area standard, for example, requires that our action be supported by an adequate record and a rational basis for making the change. We do not believe that we have that record before us in this proceeding. Consequently, we decline to adopt the proposed redefinition.

40. Our refusal to change the concept of community for section 307(b) purposes at this time does not foreclose the possibility of doing so in the future. A rulemaking in which comments are elicited on such questions as the benefits to the public interest of a new definition, the costs that may be involved in making a change, the different geographical standards that could be substituted, and the standard that would be preferable could well provide the adequate basis to support a decision to change the concept in the future.

41. *Implementation.* We believe that the public interest requires the implementation of these decisions with respect to the suburban community policy, the *Berwick* doctrine and the *de facto* reallocation policy upon adoption of this *Report and Order*. Permitting the policies abolished herein to be used, even in pending application contests, would simply continue what we have found to be adverse to the public interest. Therefore, effective with the adoption of this *Report and Order* we will:

1. Process AM radio applications without application of the suburban community policy;

2. Process petitions to amend the TV Table of Assignments without application of the *Berwick* doctrine;[41]

3. Process FM and TV applications for new service or for modification to existing service without application of the *Berwick* doctrine and the *de facto* reallocation policy; and

4. Delete from all hearings, in progress and scheduled to start after adoption of this *Report and Order*, all issues based on the suburban community policy, the *Berwick* doctrine and the *de facto* reallocation policy.

42. Deletion of §§ 73.203(b) and 73.607(b) of our rules, the 10- and 15-mile rules, will be phased in. Applications already on file as of the date of the adoption of this *Report and Order* that utilize these rules, will be processed under the rules. Applications filed after the date of adoption of this *Report and Order* utilizing the 10- and 15-mile rule will be accepted only if such an application is tendered as a valid competing application to one the staff

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[39] *See CIC*, 641 F.2d at 977, where majority seems to believe that only one case with a contrary holding pre-dated Commission action in *CIC*.

[40] *See also, General Media Television, Inc.*, 27 FCC 2d 861, 863 (1971); *Almardon, Inc.*, 16 FCC 2d 395, 399 (Rev. Bd. 1969); *David Ortiz Radio Corp.*, 46 FCC 2d 341, 342 (Rev. Bd. 1974); *Congaree Broadcasters, Inc.*, 40 FCC 2d 297, 300 (Rev. Bd. 1973).

[41] The *Berwick* doctrine is not entertained in petitions to amend the FM Table of Assignments. *FM Assignment Policy and Procedures*, 90 FCC 2d 88 (1982).

has already found acceptable for filing under the 10- or 15-mile rule.

43. *Regulatory Flexibility Act Final Analysis.* The rule and policy changes effected herein are appropriate in light of the changes that have taken place in the broadcasting industry. These revisions will also facilitate the establishment of additional radio and television facilities by abolishing issues that give rise to costly hearings with resultant delays in new service.

44. We received no public comments which specifically addressed the initial regulatory flexibility analysis contained in the Notice of Proposed Rulemaking. Since the decisions we are making in this proceeding relieve an economic burden, especially for licensees in small communities, our action is consistent with the purposes of the Regulatory Flexibility Act. Other alternatives that we might have adopted would have achieved more limited benefits.

45. Accordingly, *it is ordered,* pursuant to the authority contained in Section 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 303, that effective as stated herein, Part 74 of the Commission's Rules is amended by the deletion of § § 73.203(b) and 73.607(b). *It is further ordered,* that, effective February 17, 1983, the suburban community policy, the *Berwick* Doctrine, and the *de facto* reallocation policy are abolished. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Comments Submitted:

Alegria I, Inc., *et al.:*
- Alegria II, Inc.
- Alegria III, Inc.
- Big Time Radio, Inc.
- Orange County Broadcasting Corp.
- Santa Maria Radio, Inc.
- Sonrisa, Inc.

Association of Maximum Service Telecasters
Arch Communications Corp.
Atlantic Broadcasting Corp.
Beaufort County Broadcasting Company, *et al.:*
- Dutchess Communications Corp.
- Copper Valley Broadcasting Company
- Jack A. Carpenter

Ben Lomond Broadcasting Co., *et al.:*
- KDAB, Inc.
- Wasatch Broadcasting Partnership

Buena Vista Telecasters of Texas, Inc.
Chatterbox, Inc.
Communications Investment Corp.
Commanche Broadcasting, Inc.
Carl Como, Ronette Communications Corp.
Dempsey and Koplovitz
Denton Channel Two Foundation, Inc.
Edward O. Fritts
Gordon & Healy, Chartered
Historic Hudson Valley Radio, Inc.
Kaldor Communications, Inc.
The Honorable Thomas N. Kindness, Member of Congress from Ohio
McKenna, Wilkinson & Kittner
National Radio Broadcasters Association
National Association of Broadcasters
Mark Pierce
Puerto Rico Broadcasting, Inc.
Putbrese & Hunsaker
Southern Minnesota Broadcasting Co. and Antares Broadcasting Co.
Southwest Radio Enterprises, Inc.
Taft Broadcasting Co.
Town and Country Broadcasting, Inc.
Ward & Mendelsohn, P.C.

Reply Comments Submitted:

American Broadcasting Companies, Inc.
Arcatel, Inc., *et al.:*
- Lockhart Omni Communications, Inc.
- Cen-Tex Broadcasting Corp.
- Texas Professional Communications, Inc.
- Lockhart Radio, Inc.

Atlantic Broadcasting Corp.
Beaufort County Broadcasting Co., *et al.:*
- KDAB, Inc.
- Wasatch Broadcasting Partnership

Buena Vista Telecasters of Texas, Inc.
Community Television of Connecticut, Inc.
Forward Communications Corporation, *et al.:*
- Group One Broadcasting Company
- Guaranty Broadcasting Corp.
- Lake Huron Broadcasting Corp.
- Shamrock Broadcasting Co., Inc.
- Ralph C. Wilson Industries, Inc.
- Summit Radio Corp.
- Wilson Communications, Inc.
- WKRG–TV, Inc.

Mid-States Broadcasting, Inc.
National Association of Broadcasters
Ogden Broadcasting Service, Inc.
Public Communications Foundation for North Texas
Sanger Telecasters, Inc.
South Florida Broadcasting Company, Inc.
United Church of Christ, Office of Communication
WDOD of Chattanooga, Inc.
Ward & Mendelsohn, P.C.

February 17, 1983.

Statement of FCC Commissioner James H. Quello; Dissenting in Part

In re: The Suburban Community Policy, the *Berwick* Doctrine and the *De Facto* Reallocation Policy

I support these new policies, but I dissent from the Commission's refusal to consider broadening the definition of community in this proceeding.

Dissenting Statement of Commissioner Stephen A. Sharp

Re: The Suburban Community Policy, the Berwick Doctrine and the De Facto Reallocation Policy

I dissent from the Commission's action because, under the guise of administrative convenience, it returns us to the pre-*Berwick* era without a new answer to the problems as to which the *Berwick* doctrine and its brethren have proven to be an inadequate solution. In so doing, the *Report and Order* exhibits a basic misunderstanding of the nature of major market radio broadcasting. This flaw stems, I believe, from an attempt to justify the original result in the Odgen-Salt Lake City dispute (while avoiding a second reversal and remand) rather than solving the underlying problem. As a result, this proceeding skews the rational, market-based decisions of broadcasters in a manner not mandated by statute and is thus fundamentally inconsistent with the deregulatory principles to which we have sought to adhere.

Problems in the Report and Order

This ad hoc approach to policy-making leads to muddled facts and questionable logic weakening the credibility of the *Report and Order's* entire analysis. For example, paragraph 20 states that "[d]ue to the growth in broadcast services, suburban locations are oftentimes as attractive to licensee applicants as nearby cities." The decision offers no factual support for this conclusory statement and fails to show how, to the extent suburban locations *are* attractive, such attractiveness is not due to the Section 307(b) preference accorded applicants for such communities.

The discussion in paragraphs 27 through 29 provide the clearest example of the frailty of this decision. The *Report and Order* confuses "small market lincensees" with suburban applicants and confuses a "market" with a community of license. It labels as an "assumption" the economic necessity of today's major market radio stations: service to an area beyond the borders of a particular suburb. It states that "small, and suburban communities" are "favored under Section 307(b)" without any basis in the record, the statute or the legislative history and in the face of contrary indications in paragraphs 2 and 3. While the decision catalogues the growth of broadcasting and increased competition, it fails to show the relevance of national totals to the suburban community issues at hand.

From the general, the *Report and Order* leads to the specific arguing that "it is possible that a station could earn more revenues as a single station in a 40,000 person community rather than the 11th station in a neighboring community of 400,000 persons." While a station with no competition in a community some distance from a metropolitan area could earn substantial revenue, the unsupported suggestion that this is as true for the single licensee in a suburban community blinks at reality.

While a station may be the only licensee in a particular suburb, it is compared with and competes for revenues against all of the other stations in that metropolitan radio market. In nearly every case, a close "identification with service of a small community" in a metropolitan market will ensure that the station will be the 11th rated station if, indeed, it is rated at all. The "fractionalization" of larger markets is both the result of and the reason for distinctive formats based on content designed to appeal to a specific category of listeners generally spread over a geographic area larger than the specific community of license. The two lists in paragraph 29 further demonstrate the

unstated and unsupported assumptions which underlie the decision. Even to the extent all news radio usually appeals to a "well educated and middle income" audience, the fact that over ninety percent of such stations are within metropolitan areas does not lend much credence to the implication that serving audiences in more than the community of license is not important for a station's viability. Indeed, without an analysis of the service area demographics for the listed stations, the relevance of paragraph 29 is questionable at best.[1]

An Alternative Analysis

I agree that the *Berwick*, suburban community and de facto reallocation doctrines and the 10- and 15-mile rules, have failed to provide the Commission with an effective means to determine whether broadcast applicants intend to serve suburban municipalities rather than the heart of the market, the center city. Instead, they may have been devices of delay and great cost to both parties and the Commission, often animated by anti-competitive motives.

However, their elimination merely uncovers the deeper issue. The Commission's administrative embellishment of Section 307(b) of the Act has provided an incentive for applicants to seek a suburban community of license in the form of a dispositive preference vis-a-vis those who openly seek to serve a center city. To the extent this regulatory gloss has deterred applicants from serving the market of their choice, it has given rise to *Berwick* et al. as a means of testing their true intent.

To my mind, it is this governmental incentive which is crucial. By removing it, as I proposed, *Berwick* issues would, perforce, disappear as well.[2] My proposal would eliminate any Section 307(b) preference available for an applicant as compared with a mutually-exclusive applicant who seeks a community of license within the same metropolitan statistical area ("MSA"). Thus, in the AM band, the city of license sought would mean the MSA in which that city lies. In the FM and TV bands, the city identified in the Tables would be interpreted to mean the MSA in which that city is located. Thus, an applicant could, if consistent with our technical requirements, apply for any city withing the MSA, without a rulemaking and without affecting its Section 307(b) status relative to others in the same MSA. Other technical, coverage, service and studio requirements remain in force. Section 307(b) preferences would continue to be available in situations where a competing applicant seeks a city of license outside of the MSA.

Four objections have been raised in opposition to my proposal. First, it is alleged to be inconsistent with the Commission's reliance on each applicant forthrightly to state its intent to serve its proposed city of license. My proposal purportedly denies that such reliance is feasible and therefore would obviate the intent issue entirely (at least within MSAs). Such an analysis misperceives my approach and, indeed, stands it on its head. No reason has been given as to why the Commission should be concerned with the applicant's stated intent to serve a particular intra-MSA city for Section 307(b) purposes. Until this is answered, there is no harm in eliminating the issue, regardless of whether intent is stated honestly. Our misrepresentation jurisprudence exists to ensure compliance with our substantive rules; we do not and should not establish rules merely in order to test compliance with them.

Second, it is stated that my recognition of the need for waivers in MSAs of unusual size or configuration would be overused or abused. But it is not clear why waivers in this context would be different than in any other. We are legally required to provide for waivers. The cause of legal certainty can only be promoted by stating the parameters for grant at the outset.

Third, my proposal is thought to be internally inconsistent because it does not modify certain localism-based standards, such as city coverage, studio location, ascertainment and programming requirements, while limiting the impact of the Commission's gloss on Section 307(b) itself (within MSAs). However, to the extent there is an inconsistency, it is an argument for a close review of those remaining Commission-imposed requirements, not for the retention of an otherwise erroneous policy. If they have a policy basis different from that of the application selection preference, there may be a basis for keeping them. If not, they should be revisited.

Last, my suggestion to use the MSA designed by the Census Bureau and OMB is challenged as not being an "appropriate" delineation of a metropolitan area community for "our purposes". It is difficult to refute these arguments because they advance no standards of their own. Our reliance on city boundaries is indeed longstanding, but continuing past approaches for their own sake is not sound policy-making. Similarly, I recognize that MSAs are not a perfect device in this context; nonetheless, they are the best available geographic definition of the common socio-economic interests and patterns by which we define community. Whatever weaknesses do inhere in the use of MSAs, they are no different than those of municipal borders.

I am also concerned that no cogent arguments have been made to refute my approach to this issue. Neither the existence, nor the market-distorting impact, of the problem have been denied; no pro-suburban incentive legal requirement has been cited and my proposal is more consistent with the general policy of this Commission.

The present Commission has sought to rely on market forces rather than government regulation, whenever feasible. However, by encouraging applicants to seek suburban locations on the basis of the number of stations currently licensed to a particular municipality, the Commission not only ignores the basic fact that radio waves do not stop at political boundaries, but also inhibits the applicant's otherwise market-based decision to serve a perceived market need.

Congress has indicated that, in certain situations, other policies concerns are paramount; and with that decision I have no quarrel here. Nonetheless, the elimination of preferences within a metropolitan area is fully consistent with the language, legislative history and Commission and judicial interpretation of Section 307(b). Significantly, the statutory language itself does not define "community"; the Commission's distribution of broadcast facilities "among the several States and communities" must be "fair, efficient and equitable to each of the same." The complex legislative history of this provision indicates that Congress was concerned primarily with preserving the ability of less populated areas of the country, particularly in the west, but also rural areas in general, to obtain broadcast service. *See Pasadena Broadcasting Co. v. FCC*, 555 F. 2d 1046, 1050 (D.C. Cir. 1977). To the extent there was any concern with intrametropolitan area distribution of facilities, it was not clearly expressed.

Section 307(b), in its present form, was added to the Communications Act in 1936. It was designed to restore the provisions originally enacted in the Radio Act of 1927 which had been significantly revised in 1934. *See* 80 Cong. Rec. 8032 (1936) (remarks of Sen. Wheeler). The 1927 provision was animated by congressional concerns that an excessive percentage of both the total and preferred radio frequencies were used by stations based in the nation's largest cities, particularly those in the east. As Rep. Davis noted, of the approximately 700 stations then licensed, "[a]bout 600 of those are held in 21 States, chiefly in a few large cities." 68 Cong. Rec. 2575 (1927). Similarly, he stated "in the entire South and Southwest . . . there were 79 broadcasting stations, and there was not one first-class license in the whole lot, and is not to-day, south of the Ohio River." *Id.* He had previously cited the fact that there were "*within 50 miles* of Chicago 40 stations, of New York 38, of Philadelphia 22, and of San Francisco 22" as the basis for enjoining the Secretary of Commerce "to effect an equitable distribution of stations over the entire country." 67 Cong. Rec. 5479 (1926) (emphasis added). There is no indication in the legislative history that, in enacting Section 307(b) or its 1927 predecessor, Congress intended that the Commission be concerned with the relative status of a center city versus a suburb, much less grant dispositive preferences on that basis.

As far back as the *Sixth Report and Order on Television Allocations*, 1 R.R. 601, 621 (1952), we have recognized that metropolitan centers and their central cities have "broad areas of common interest" which we must consider in allocating broadcast channels under Section 307(b). As a result, very few suburbs received allocations, even after the center city received several. Indeed, even prior to that point, not only we, but the Court of Appeals as well, have recognized that smaller municipalities in metropolitan areas are properly treated as identical to the center city for Section 307(b) purposes. *Huntington*

[1] There are factual problems with the lists as well. For example, many people in Henderson, Nevada would be surprised to learn they were not part of the Las Vegas metropolitan area.

[2] The non-resolution of this problem here is compounded by immediately eliminating *Berwick*-type issues in pending cases, thus prejudicing the rights of competing applicants who have already applied for a license for a center city rather than a convenient suburb.

Broadcasting Co. v. FCC, 192 F.2d 33 (D.C. Cir. 1951).

Similarly, in *St. Louis Telecast, Inc.*, 22 FCC 625 (1957), the Commission refused to find Section 307(b) applicable in selecting among mutually exclusive applicants for a television station in St. Louis as its proposed city of license. We noted there that both St. Louis and East St. Louis were in the St. Louis Standard Metropolitan Area and that "there exists a single economically and culturally integrated community * * *." 22 FCC at 713. *See also Rossmoyne Corp.*, 7 R.R. 117 (1951). I would expand that finding, by rule, to all MSAs.

Finally, I would note that, while this issue may appear to be a minor one; it does, in fact, have long-term significance. We are currently considering a proposal to drop in a substantial number of FM stations. Later this decade, an entire new segment of the spectrum may be made available for AM stations in the 1600 KHz band. Thus, the Commission's action is important and will affect many licensing decisions in the years ahead.

In conclusion, I acknowledge the Commission's willingness to consider a new proceeding, on an accelerated schedule, to provide a more copious record on this issue. While later is better than never, given the many major policy issues in the mass media area which are to be resolved in the near future, I am not optimistic of an early resolution. Sound deregulation is not accomplished by utilizing two rulemaking proceedings when one will do.

[FR Doc. 83-7501 Filed 3-22-83; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

49 CFR Part 1137

[Ex Parte No. 322 (Sub-No. 1)]

Revised Procedures for Divisions of Revenue Cases

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission is modifying its regulations governing the processing of division of revenue proceedings. Modifications are necessary to implement revised deadlines for these cases established in the Staggers Rail Act of 1980. Other changes amend the existing procedural rules and evidentiary standards for the purpose of simplifying them and eliminating unnecessary restrictions in the development of evidence.

EFFECTIVE DATE: April 22, 1983.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The Commission has adopted the rules as proposed (46 FR 51261, October 19, 1981), with three exceptions. First, proposed § 1137.1(i), "Alternative to resolution of divisions dispute through adjudication" has been rejected. Second, clarification of the evidentiary guideline § 1137.1(g)(1) has been made to identify exempt traffic as either that traffic which has specifically been exempted from the federal regulation or traffic which moves under rail contracts. Finally, an additional requirement has been made to § 1137.1(c) prohibiting the filing of the formal complaint sooner than 120 days after the filing of the notice of intent. However, this requirement may be waived upon a showing of good cause.

Additional information is contained in the Commission's decision decided February 24, 1983. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

We find that the modified rules should be implemented as shown in the appendix.

This notice of Final Rules is issued under 5 U.S.C. 553 and 49 U.S.C. 10321 and 10705. The rules do not significantly affect the quality of the human environment, the conservation of energy resources, or small entities.

The index terms covering 49 CFR Part 1137 are as follows: Administrative practice and procedure, and Railroads.

It is ordered:

1. Part 1137 of Chapter X of Title 49 of the Code of Federal Regulations is amended as set forth in the appendix.

2. This decision is effective on April 22, 1983.

Decided: March 17, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix

49 CFR Part 1137 is amended as follows:

Part 1137—[Amended]

Section 1137.1 is revised to read as follows:

§ 1137.1 Divisions of revenue cases.

(a) Notice of intent to file complaint.

(1) An original and 15 copies shall be filed for Commission use. Complainant shall serve copies of the notice upon each party (each receiver or trustee if a bankrupt line) to the joint rate.

(2) The notice of intent shall state generally: the involved traffic and applicable joint rates, the territorial scope, the participating railroads, and the present and proposed divisions.

(3) The notice shall include a statement indicating when filing of the formal complaint is expected. The formal complaint may not be filed more than one year after the filing of the notice of intent, unless the Commission approves an extension of time. Lack of diligence in filing of the formal complaint may result in dismissal of the action.

(b) Notice of intent to file cross complaint. These notices shall be filed within 30 days from service of the original notice and are subject to the requirements in paragraph (a) of this section.

(c) Formal complaint (and cross complaint). The formal complaint (and cross complaint) shall be filed no sooner than 120 days after the filing of the notice of intent unless good cause is shown either for not filing a notice or for a shorter notice period. The request to waive the notice time requirement may be included in the formal complaint or in a separate petition. The formal complaint (or cross complaint) shall contain the case-in-chief. All supporting papers shall be made available to opposing parties for inspection and copying. Complaints (and cross complaints) are subject to the same copy requirements as in paragraph (a) of this section. Complainant (or cross complainant) shall serve copies on each party of record. If circumstances permit, the cross complaint will be consolidated for disposition.

(d) Answer. The answer to the formal complaint shall contain the entire case-in-rebuttal. Supporting papers shall be made available to opposing parties for inspection and copying. If the notice of intent procedure was used, the case-in-rebuttal shall be filed within 30 days from service of the complaint. If the notice procedure is waived, the case-in-rebuttal shall be filed within 5 months of the filing of the complaint. Answers shall be served on each party of record. An original and 15 copies shall be submitted to the Commission.

(e) Further proceedings. Following submission of defendant's evidence, complainant may, within 2 months, submit reply evidence which shall be served on each party of record. Unless otherwise ordered, no further filing shall be accepted. Divisions cases shall be handled under the modified procedure, unless oral hearing is shown to be necessary.

(f) Discovery. If the notice of intent procedure was used, discovery shall be available to all parties only prior to the

filing of the complaint. If the notice procedure was not used, discovery shall be available to defendants only and must be exercised under the time restrictions contained in paragraph (d) of this section. Prehearing conferences may be requested to adjudicate discovery requests, or they may be resolved by written pleadings.

(g) Evidentiary guidelines.

(1) Traffic and cost studies, either individual or joint, may be submitted. Studies shall be accepted for consideration as long as they do not delay the process or conflict with other applicable deadlines. Cost studies should be developed, absent a more specific method, in accordance with Rail Form A (or URCS, if implemented), adjusted to reflect the specific traffic and updated to a current level. Studies may include the types of evidence discussed in Appendix D of *Expeditious Handling of Divisions of Revenue Cases*, 353 I.C.C. 349, 388 (1976).

(2) The following evidentiary standards apply:

(i) Costs associated with exempt or contract traffic shall not be included, except that allocation of certain common costs to regulated traffic may be acceptable if adequately explained.

(ii) Elements of profit, income tax, and passenger, commuter, and LCL deficits are not proper expense items for developing fully allocated cost [See *Rules to Govern Assembling and Presenting Cost Evidence*, 337 I.C.C. 298 (1970)], but will be treated under the issue of revenue need.

(iii) Passenger and commuter service costs shall be considered only in relation to the carrier's revenue need.

(iv) All subsidies shall be disclosed and explained.

(v) The same divisional basis shall apply on "border point" traffic.

(h) Time periods for completion of proceedings. In accordance with section 10705(f)(1)(A)(ii), a party, for good cause, may seek extension of any applicable filing deadline. If a requested extension will result in an evidentiary period in excess of 9 months and the proceeding does not involve Class III carriers, the request shall contain sufficient information to allow the required report to Congress and set forth the reasons why the extension is necessary. When the proceeding involves a railroad in reorganization or a contention that the divisions do not cover the variable costs of handling the traffic, requests for extension of filing deadlines shall be viewed with disfavor. The Act directs us to give these proceedings preference and to take final action at the earliest practicable time. 49 U.S.C. 10705(f)(1)(A)(i).

[FR Doc. 83-7485 Filed 3-22-83; 8:45 am]
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Proposed Rules

Federal Register
Vol. 48, No. 57
Wednesday, March 23, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM82-32-000]

Limitation on Incentive Prices for High-Cost Gas to Commodity Values

March 21, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On February 10, 1983, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking to modify the maximum lawful price of high-cost gas designated by the Commission under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA), to ensure that ceiling prices do not go above the commodity value of the natural gas. (48 FR 7469, February 22, 1983). The comment period is being extended at the request of Indicated Producers and Henderson Clay Products, Inc.

DATE: Comments must be submitted on or before May 27, 1983.

ADDRESS: All comments should refer to Docket No. RM82-32-000 and should be submitted to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, (202) 357-8400.

Notice of Extension of Time

Limitation on Incentive Prices for High-Cost Gas to Commodity Values; Docket No. RM82-32-000.
March 21, 1983.

Indicated Producers and Henderson Clay Products, Inc., have filed motions for an extension of time to file comments in response to the Commission's Notice of Proposed Rulemaking issued February 10, 1983, in the above-docketed proceeding. The motions state that the companies require additional time in order to complete their evaluation of the proposed rulemaking and to prepare adequate responses.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including May 27, 1983.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-7631 Filed 3-22-83; 8:45 am]
BILLING CODE 6717-01-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Effective Date for Reduced Awards of Educational Assistance Allowance

AGENCY: Veterans Administration.

ACTION: Proposed regulation.

SUMMARY: This proposed regulation implements a provision of the Omnibus Budget Reconciliation Act of 1982 which affects veterans receiving educational assistance under chapter 34, title 38, United States Code. Veterans who lose a dependent will have their assistance reduced effective the end of the month in which the loss occurred, rather than at the end of the year.

DATES: Comments must be received on or before April 22, 1983. In keeping with Pub. L. 97-253, it is proposed that this regulation be made effective October 1, 1982.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

All written comments received will be available for public inspection at this address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until May 2, 1983. Anyone visiting Veterans Administration Central Office in Washington, D.C. for the purpose of inspecting any of these comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW., Washington, D.C. 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: Section 21.4135, Title 38, Code of Federal Regulations, is amended to provide that when a veteran loses a spouse or dependent child, his or her award of educational assistance allowance will be reduced effective the end of the month in which the loss occurs.

The Veterans Administration has determined that this proposed regulation does not contain a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. The proposal will not result in any major increases in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs hereby certifies that this proposed regulation, if promulgated, will not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this proposed regulation, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because this proposed regulation implements a statutory change and has no independent economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance number for the program affected by this proposed regulation is 64.111

List of Subjects in 38 CFR Part 21

Civil rights, Claims education, Grant programs—Education, Loan program—

Education, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 10, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

March 10, 1983.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

It is proposed to amend 38 CFR Part 21 as follows:

In § 21.4135, paragraphs (b), (c)(1) and (d)(1) are revised as follows:

§ 21.4135 Discontinuance dates.

* * * * *

(b) *Death of dependent.* Last day of the month in which death occurs unless discontinuance is required at an earlier date under other provisions. (38 U.S.C. 3012(b), 3013; Pub. L. 97–253, 96 Stat. 763)

(c) *Divorce.* (1) Veteran, chapter 34: Last day of the month in which divorce occurs unless discontinuance is required at an earlier date under other provisions. (38 U.S.C. 3012(b), 3013; Pub. L. 97–253, 96 Stat. 763)

* * * * *

(d) *Dependent child—chapter 34.* (1) *Marriage.* Last day of the month in which marriage occurred unless discontinuance is required at an earlier date under other provisions. (38 U.S.C. 3012(b), 3013; Pub. L. 97–253, 96 Stat. 763)

* * * * *

[FR Doc. 83–7511 Filed 3–22–83; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AWO11WV; A–3–FRCL 2327–6]

West Virginia State Implementation Plan; Extensions of Time

AGENCY: Environmental Protection Agency.

ACTION: Notice of time extensions to submit revisions to the West Virginia State Implementation Plan (SIP).

SUMMARY: This action extends the deadline for the State of West Virginia to submit the required sulfur dioxide (SO_2) revisions to the West Virginia SIP for the Harrison and Mitchell power plants.

DATE: Required information must now be submitted on or before September 17, 1983 for the Mitchell power plant and December 31, 1984 for the Harrison power plant.

FOR FURTHER INFORMATION CONTACT: Lillie R. Ellerbe (3AW13), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, 215/597–8170.

SUPPLEMENTARY INFORMATION: On September 27, 1982 (47 FRL 42382), EPA published a notice in the **Federal Register** granting an extension of time until January 17, 1983 for the State of West Virginia to submit the required SO_2 revision for attaining the secondary standard to its SIP concerning the Harrison and Mitchell power plants. Additional time is now needed by the State to submit the necessary information.

On January 10, 1983 and January 11, 1983, the State requested more time to complete and submit the revisions as appropriate to the SIP. Extensive modeling and meteorological data collection have now necessitated additional time being needed. An eight month extension until September 17, 1983 is requested for the Mitchell power plant to perform needed air quality modeling and an extension until December 31, 1984 is requested for the Harrison power plant to collect on-site meteorological data prior to submitting the revision.

The extensions would allow the State time for data analyses and collection, completion of public notices and hearings, and submittal of any regulatory changes that may be necessary.

EPA fully agrees with the State that these extensions are justified and hereby approves September 17, 1983 for the Mitchell power plant and December 31, 1984 for the Harrison power plant as the dates by which the required information must be submitted.

(42 U.S.C. 7401–7642)

Dated: March 8, 1983.

Stanley L. Laskowski,

Deputy Regional Administrator.

[FR Doc. 83–7308 Filed 3–22–83; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[A–9–FRL 2298–1]

Approval and Promulgation of Implementation Plans; State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing to approve, as revisions to the California State Implementation Plan (SIP), three South Coast Air Quality Management District (SCAQMD) rules, one Kern County rule, and one Ventura County rule which control nitrogen oxides (NO_x) emissions. In addition, EPA proposes to approve procedures of the Bay Area Air Quality Management District (BAAQMD) for enforcement and monitoring. This notice also proposes to approve a SCAQMD visible emissions rule, except the provision which exempts coke oven operations. These rules are approvable because they represent measures necessary to insure attainment and maintenance of the National Ambient Air Quality Standards. Because the visible emission limit is especially important to the control of fugitive emissions and the coke oven operation is a major source of fugitive emissions, EPA proposes to disapprove the exemption provision.

DATE: Comments will be considered if received on or before April 22, 1983.

ADDRESSES: Comments should be sent to: Regional Administrator, Environmental Protection Agency, Region 9, ATTN: Air Management Division, Air Programs Branch, State Implementation Plan Section (A–2–3), 215 Fremont Street, San Francisco, CA 94105.

Information pertinent to this notice is available for public inspection during normal business hours at the EPA Region 9 office at the address above and at the following locations:

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109

South Coast Air Quality Management District, 9150 Flair Drive, El Monte, CA 91731

Kern County Air Pollution Control District, 1601 "H" Street, Suite 250, Bakersfield, CA 93301

Ventura County Air Pollution Control District, 800 South Victoria Avenue, Ventura, CA 93009

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974–7641.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act requires states to revise their SIPs for areas that have not attained the National Ambient Air Quality Standards (NAAQS). The State of California recently submitted revisions to EPA for its SIP. Included in these revisions were five rules to control

NO_x emissions, one SCAQMD rule to limit visible emissions, and portions of the BAAQMD's Manual of Procedures (MOP). EPA evaluated these revisions by comparing them to the requirements of the Clean Air Act, as amended in 1977. The reader is directed to EPA's Technical Support Document (available at the above address) for more detailed information on the evaluations. A summary of EPA's evaluation and conclusions for each revision follows:

Rule 1112—Emissions of Oxides and Nitrogen From Cement Kilns (SCAQMD)

The State submitted Rule 1112 to EPA on May 20, 1982. The rule limits NO_x emissions to 3.1 pounds of NO_x per ton of clinker produced, beginning July 1, 1984. The rule also requires the SCAQMD to conduct a public hearing in January 1984, to review the rule's emission limit and compliance date. Two issues have been raised on this rule by a cement company representative: (1) The technology to meet the 3.1 limit may not be available yet and (2) the rule could be considered unenforceable since the emission limit and final compliance date may be changed after the January 1984 public hearing.

EPA has determined that the rule is fully approvable since it provides new emission limits for NO_x in an area that exceeds the NAAQS for NO_x, ozone and particulate matter. In addition, there is ample legal precedence showing:

(1) EPA is precluded from taking economic and technological feasibility factors into account in determining whether to approve SIP submittals, and

(2) Although Rule 1112 is contingent upon the results of ongoing fact finding, it is still valid and constitutional.

EPA has been informed in informal communications with the SCAQMD that Rule 1112 may be amended after this notice of proposed rulemaking has been published but prior to final rulemaking. If the SCAQMD submits such an amendment to EPA for approval, and if EPA determines that the changes are only minor (for example, if the public hearing and compliance date are extended), EPA will publish direct-final approval of the amended rule. Comments received in response to today's proposed rulemaking will of course be considered by EPA prior to any final rulemaking.

Rule 1110 (SCAQMD) and Rule 74.9 (Ventura County)—Emissions From Stationary Internal Combustion Engines

Rule 74.9 was formally submitted to EPA on October 23, 1981 and Rule 1110 was submitted on March 1, 1982. The two rules are identical and require owners of certain internal combustion engines to participate in a program to demonstrate effective methods for reducing NO_x emissions.

EPA evaluated these rules and finds them to be approvable because they strengthen the SIP and could contribute to the attainment of the NO_x, ozone, and/or particulate matter standards.

Rule 1117—Emissions of Oxides of Nitrogen From Glass Melting Furnaces (SCAQMD)

Rule 1117 was submitted to EPA on May 20, 1982. The rule requires all container glass manufacturers to participate in a program to determine the baseline NO_x emission characteristics of each furnace and to evaluate methods to reduce NO_x emissions. The intent of the rule is to first demonstrate effective NO_x control measures, and then implement the measures when the furnaces are rebuilt. EPA evaluated Rule 1117 and finds it to be approvable because it is both consistent with the State's NO_x control strategy and is necessary for attainment of the NO_x NAAQS.

Rule 425—Oxides of Nitrogen Emissions From Steam Generators Used in Thermally Enhanced Oil Recovery (Kern County)

Rule 425 was submitted to EPA on June 28, 1983. The rule limits NO_x emissions from existing steam generators. Kern County is designated attainment for NO_x and nonattainment (San Joaquin Valley portion) for ozone and particulate matter. EPA believes that Rule 425 is approvable because it both strengthens the SIP and could contribute to the attainment of the ozone and particulate standards.

Rule 401—Visible Emissions (SCAQMD)

The State submitted Rule 401 to EPA on August 15, 1980. The rule limits visible emissions from all sources, with certain exceptions, including an exemption for coke oven operations. The exemptions are generally approvable since they would not significantly impact the air quality. However, the coke oven operation is a major source of particulate, both fugitive and stack emissions, in the SCAQMD which is nonattainment for particulate matter. Because the visible emission limit is especially important to the control of fugitive emissions, EPA proposes to disapprove the exemption for coke oven operations. The remainder of the rule is proposed to be approved.

BAAQMD MOP

The State submitted to EPA on May 20, 1982, the following portions of their MOP: Volume I, *Enforcement Procedures;* Volume V, *Continuous Emission Monitoring and Procedures;* and Volume VI, *Air Monitoring Procedures.* EPA proposes to approve these procedures because they are consistent with Section 110 of the Clean Air Act and strengthen the SIP. No action is taken on Sections 3 and 4 of Volumes I and VI, since these sections address pollutants for which a NAAQS has not been set.

Regulatory Process

As required by the Regulatory Flexibility Act (5 U.S.C. (b)), EPA hereby certifies that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small businesses. (See 46 FR 8709) Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Authority: Sec. 110, 129, 171 to 178 and 301(a) of the Clean Air Act, as amended, (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a))

Dated: January 21, 1983.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 83-7493 Filed 3-22-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-1-FRL 2317-2]

Approval and Promulgation of Implementation Plans; Revisions to Sulfur-in-Fuel Regulation—New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of New Hampshire concerning sulfur-in-oil requirements. These revisions would raise the statewide sulfur-in-oil limit for eligible sources from 1.0% sulfur by weight to 2.2% in the New Hampshire portion of the Androscoggin Valley Interstate Air Quality Control Region and to 2.0% in all other parts of the

State. The intended effect of these revisions is to allow residual oil burning facilities in New Hampshire to burn cheaper oil than that currently allowed. These revisions do not apply to eight identified sources which will be the subject of a future SIP revision to be submitted by New Hampshire.

DATE: Comments must be received on or before April 22, 1983.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2312, JFK Federal Building, Boston , MA 02203. Copies of the New Hampshire submittals and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2111, JFK Federal Building, Boston, MA 02203; and the New Hampshire Air Resources Commission, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

FOR FURTHER INFORMATION CONTACT: Miriam Fastag, State Air Programs Branch, EPA Region I, JFK Federal Building, Boston, Massachusetts 02203. (617) 223–5130.

SUPPLEMENTARY INFORMATION: On July 12, 1973; April 11, 1975; and December 21, 1982, the State of New Hampshire submitted regulatory changes to the New Hampshire State Implementation Plan (SIP) which would raise the allowable sulfur content of No. 5 and No. 6 residual oils and crude oil used, purchased or sold for use in stationary combustion installations within the State. The proposed revisions would allow the use of 2.2% sulfur content residual fuel oil in the New Hampshire portion of the Androscoggin Valley Interstate Air Quality Control Region and 2.0% sulfur content oil in all other parts of the State, by all but eight fuel burning sources. The excluded sources are:

1. International Packings Corp., Bristol
2. Dartmouth College, Hanover
3. Hinsdale Products Co., Inc., Hinsdale
4. Groveton Paper Co., Northumberland
5. James River Corp./Cascade Division, Gorham
6. Velcro USA, Inc., Manchester
7. ATC Petroleum, Newington
8. Anheuser-Busch, Inc., Merrimack

They will be the subject of a future SIP revision to be submitted by New Hampshire.

The SIP currently prohibits use of any fuel with a sulfur content greater than 1.0% by weight at any facility, except for the James River Corporation plant in Berlin, New Hampshire, formerly known as the Brown Company. (EPA approved a revision to New Hampshire's sulfur-in-fuel regulation for this plant only on June 23, 1980 (45 FR 41942). The SIP revision, as it applies to other sources in New Hampshire, was not acted on by EPA at that time because it contained insufficient technical support.)

The July 12, 1973 and April 11, 1975 SIP revision submittals were incomplete because they did not contain sufficient technical support for the proposed changes. In 1981, EPA required as a federal grant condition that New Hampshire submit additional technical materials, and provided assistance to New Hampshire to analyze the effect of the higher sulfur-in-fuel allowance on the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2). First, ambient monitoring data were used to assess the impact of sources with potential emissions less than 100 tons per year. No problems were identified. Next, all point sources in the State with potential SO_2 emissions equal to or greater than 100 tons per year were modeled in accordance with EPA's *Guideline on Air Quality Models*. The modeling demonstrated NAAQS compliance while burning higher sulfur oil for all but the eight sources excluded from these revisions. The State and EPA are presently investigating suitable control measures or other actions for these eight sources, and these will be the subject of a separate State submittal and Federal rulemaking action. As to impacts on neighboring States, EPA has concluded that this revision would not interfere with any other States' ability to meet the NAAQS.

The State of New Hampshire, except Berlin, has been designated as attaining the NAAQS for SO_2, and this designation is supported by the currently available ambient monitoring data which show no SO_2 violations outside of Berlin. The SO_2 attainment plan for Berlin (approved at 45 FR 41942, June 23, 1980), projected attainment of the NAAQS by December 31, 1981. In fact, no values in excess of the SO_2 standards were recorded in Berlin during 1981 or in the 1982 record available thus far. Further air quality improvement is expected to result from continued implementation of this attainment plan.

These SIP revisions approving regulatory changes made by the State and initially submitted to EPA in 1973 and 1975, will not result in the consumption of any Prevention of Significant Deterioration (PSD) increment. Rather, the emissions from sources eligibile to burn the higher sulfur fuel are included in the baseline for SO_2.

The revisions submitted by New Hampshire include a provision for the unavailability of conforming fuel. That provision would allow for the use of 2.5% sulfur oil upon adequate demonstration that conforming fuel is not available. The provision further stipulates that no such variance would become effective until it has received approval from EPA.

Proposed Action: EPA is proposing to approve the revisions to burn higher sulfur oil by those sources in New Hampshire which are the subject of these revisions.

Under 5 U.S.C., Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substnatial number of small entities (see 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

The Administrator's decision to approve or disapprove the plan revisions will be based on whether they meet the requirements of Sections 10(a)(2) (A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: February 17, 1983.

Paul G. Keough,

Acting Regional Administrator, Region I

[FR Doc. 83–7492 Filed 3–22–83; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 180

[OPP–300073; PH–FRL 2327–1]

Polybutenes, Polyvinyl Chloride, and Butyl Benzyl Phthalate; Proposed Exemptions From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rules.

SUMMARY: This document proposes that polybutenes, polyvinyl chloride, and butyl benzyl phthalate be exempted from the requirement of a tolerance when combined with each other and used as inert ingredients in multi-

layered dispensers of pesticide formulations. This proposed regulation was requested by the Health-Chem Corporation.

DATE: Written comments must be received on or before April 22, 1983.

ADDRESS: Written comments to: Process Coordination Branch (TS–767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 716 D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Roland D. Blood, (703) 557–7700 at the above address.

SUPPLEMENTARY INFORMATION: At the request of the Health-Chem Corporation, the Administrator proposes to amend 40 CFR Part 180 by establishing an additional exemption from the requirement of a tolerance for residues of polybutenes, polyvinyl chloride, and butyl benzyl phthalate, respectively, when combined with each other and used as inert ingredients in multi-layered dispensers of (Z)-11hexadecenal to disrupt the mating of the artichoke plume moth.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredients: Polybutenes, polyvinyl chloride, and butyl benzyl phthalate.

Name and address of requestor: Health-Chem Corporation, 1107 Broadway, New York, NY 10010.

Bases for approval:

1. These three inert ingredients are already exempt from the requirement of a tolerance for residues in or on the raw agricultural commodity cottonseed when used as inert ingredients in multi-layered dispensers of gossyplure to disrupt the mating habits of the pink bollworm.

2. Data indicate that there is little likelihood of residues reaching the marketplace because of the agricultural practices of artichoke growers.

3. However, if a dispenser does remain hidden inside an artichoke, it is of sufficient size, ¼" x ¼" x 0.02", as to be readily observed at the point of consumption and therefore avoided.

Based on the above information, and review of their use, it has been found that, when used in accordance with good agricultural practices, these ingredients are useful and do not pose a hazard to humans or the environment. It is concluded, therefore, that the proposed amendments to 40 CFR Part 180 will protect the public health, and it is proposed that the regulations be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains one or all of these inert ingredients, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulations. Comments must bear a notation indicating both the subject and the petition and document control number, [OPP–300073]. All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. Law 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 11, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

1. In § 180.1037, by designating the existing text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 180.1037 Polybutenes; exemption from the requirement of a tolerance.

* * * * *

(b) Polybutenes are exempt from the requirement of a tolerance for residues in or on the raw agricultural commodity artichokes when used as a sticker agent for multi-layered laminated controlled-release dispensers of (Z)-11-hexadecenal to disrupt the mating of the artichoke plume moth.

2. In § 180.1060, by designating the existing text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 180.1060 Polyvinyl chloride; exemption from the requirement of a tolerance.

* * * * *

(b) Polyvinyl chloride is exempt from the requirement of a tolerance for residues in or on the raw agricultural commodity artichokes when used as inert multi-layered laminated controlled-release dispensers of (Z)-11-hexadecenal to disrupt the mating of the artichoke plume moth.

3. In § 180.1062, by designating the existing text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 180.1062 Butyl benzyl phthalate; exemption from the requirement of a tolerance.

* * * * *

(b) Butyl benzyl phthalate is exempt from the requirement of a tolerance for residues in or on the raw agricultural commodity artichokes when used as an inert plasticizer in multi-layered laminated controlled-release dispensers of (Z)-11-hexadecenal to disrupt the mating of the artichoke plume moth.

[FR Doc. 83–7079 Filed 3–22–83; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 3E2770/P288; PH-FRL 2323-1]

Insecticide Acephate; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the insecticide acephate and its cholinesterase-inhibiting metabolite in or on the raw agricultural commodity cranberries. The proposed regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before April 22, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 3E2770 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Massachusetts, New Jersey, Oregon, Wisconsin and Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite *O,S*-dimethyl phosphoramidothioate in or on the raw agricultural commodity cranberries at 0.5 ppm (of which no more than 0.1 ppm is *O,S*-dimethyl phosphoramidothioate).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance were a 90-day rat feeding study with a no-observed-effect level (NOEL) of 5.0 ppm (0.25 mg/kg) based on the inhibition of cholinesterase activity in plasma, red blood cells (RBC), and brain; a 2-year dog feeding study with a NOEL of 30.0 ppm (0.75 mg/kg), based on the inhibition of plasma, RBC, and brain cholinesterase activity, and a NOEL of 100.0 ppm (2.5 mg/kg) for systemic toxicity; a 28-month rat feeding/oncogenic study with a NOEL of 5.0 ppm (0.25 mg/kg), based on the inhibition of cholinesterase activity in plasma, RBC and brain; a rabbit teratorlogy study with a NOEL of 10.0 mg/kg (highest dose tested); a rat teratology study with a NOEL of 200.0 mg/kg (highest dose tested); and a supplemental acute delayed neurotoxicity study with no effects observed (no leg paralysis) at the 375 mg/kg level.

In a recently conducted micronucleus test (mouse bone marrow), acephate did not display mutagenic activity. There are studies available, however, in which acephate did display such activity (gene mutations in microorganisms and DNA repair). Additional mutagenic studies have since been submitted and are currently under review by the Agency

Studies which are lacking but considered desirable include a rat reproduction study, and a delayed neurotoxicity study. A mouse oncogenic study has been submitted and is currently under review. Although there are significant data gaps for the chemical, the available toxicity data are adequate to support the proposed tolerance because the proposed use will result in an insignificant increase (0.05 percent) in the TMRC to the human diet. As stated in the **Federal Register** of May 11, 1979 (44 FR 27932-27936), the Agency will generally consider as insignificant an increase in the TMRC of 1.0 percent or less.

The acceptable daily intake (ADI), based on a NOEL of 0.25 mg/kg/day from the 28-month rat feeding/oncongenic study and using a 10-fold safety factor, is calculated to be 0.025 mg/kg of body weight (bw)/day. The maximum permitted intake (MIP) for a 60-kg human is calculated to be 1.5 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.4244 mg/day; the current action will increase the TMRC by 0.00023 mg/day. The existing tolerances and this regulation utilize a total of 28.31 percent of the ADI.

The nature of the residues is adequately understood and an adequate analytical method (gas chromatography with a thermionic detector is available for enforcement purposes. Since cranberries are not considered to be an animal feed commodity, there will be no problem with secondary residues in meat, milk, poultry and eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.108 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 403(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 3E2770/P288]. All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(e), 685 Stat. 514 (21 U.S.C. 346a(e)))

Dated: March 7, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.108 be amended by adding and alphabetically inserting the raw

agricultural commodity cranberries to read as follows:

§ 180.108 Acephate; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Cranberries (of which no more than 0.1 ppm is *O,S*-dimethyl phosphoramidothioate)	0.5
* * * * *	

[FR Doc. 83-6944 Filed 3-22-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 228

[WH-FRL 2329-6]

Ocean Dumping; Notice of Public Hearing on North Atlantic Incineration Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing.

SUMMARY: EPA today announces a public hearing to be held in Ocean City, Maryland, on April 14, 1983, to receive public comment on the proposed designation as an EPA approved ocean incineration site, the North Atlantic Incineration Site.

DATE: The public hearing will be held on April 14, 1983.

ADDRESSES: The public hearing will be held in the City Council Chambers, Third Street and Baltimore Avenue, Ocean City, Maryland.

Send comments or statements to: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, 202/755-0356.

SUPPLEMENTARY INFORMATION: On November 17, 1982, EPA published in the **Federal Register** a proposed rule to designate the North Atlantic Incineration Site as an EPA approved ocean incineration site. 47 FR 51769. The comment period on this proposed rule expired on Janaury 3, 1983. As a result of public comments and requests for a public hearing on the proposed designation of this site, EPA plans to hold a public hearing to receive additional public comment. This hearing will be held on April 14, 1983, in the City Council Chambers, Third Street and Baltimore Avenue, Ocean City, Maryland. There will be a morning session from 10 a.m. to 12 noon. If all those wishng to make statements cannot be accommodated during the morning session, an afternoon session will be held starting at 2 p.m. An evening session is scheduled to begin at 7 p.m.

All interested parties are invited to be present or to be represented to express their views on the proposed designation of this site. For reasons of accuracy, however, we request that statements be submitted in writing. Oral statements should summarize any extensive written material so there will be time for all interested parties to be heard. If persons desire to participate in this hearing but are not able to attend, they are encouraged to send their comments or statements to the address given above on or before the date of the hearing for inclusion in the record.

Dated: March 11, 1983.

Rebecca W. Hammer,

Assistant Administrator for Water.

[FR Doc. 83-7672 Filed 3-22-83; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 30304-32]

Foreign Fishing, Groundfish of the Bering Sea and Aleutian Islands Area

Correction

In FR Doc. 83-6343 beginning on page 10383 in the issue of Friday, March 11, 1983, make the following corrections:

1. On page 10385 in the second column, ninth line, "PSCA" should read "PSCs".

2. On page 10387 in the second column, § 611.93(c)(2)(iii)(D)(*1*), the paragraph designation "(*l*)" should read "(*1*)".

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 48, No. 57
Wednesday, March 23, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Section 800.6(d)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that the Advisory Council on Historic Preservation will meet at the Department of Transportation Building, 400 7th Street SW., Room 2230–32, Washington, D.C. The meeting is open to the public.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. 470) to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Architect of the Capitol, the Secretaries of the Interior, Agriculture, Housing and Urban Development, Treasury, Transportation; the General Services Administrator; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor, a Mayor, and eight non-Federal members appointed by the President.

The agenda for the meeting includes the following:

Call to Order
Chairman's Welcome
Order of Business
Consideration of Minutes of October 19, 1982, Meeting
I. Report of the Executive Director
II. Report of the General Counsel:
A. Regulations Review
B. Tax Study
III. Report of the Office of Cultural Resource Preservation:
A. Status of Section 106 Cases
B. Progress on Programmatic Memorandum of Agreement
C. Counterpart Regulations: Soil Conservation Service
D. Cost-Effectiveness Review
IV. New Business

DATE: The meeting will begin at 9:00 a.m., Tuesday, April 12, 1983.

FOR FURTHER INFORMATION CONTACT: Additional information concerning either the meeting agenda or the submission of oral and written statements to the Council is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Suite 430, Washington, D.C. 20005, 202–254–3967.

Dated: March 18, 1983.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 83-7476 Filed 3-22-83; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Tonto National Forest Grazing Advisory Board; Meeting

The Tonto National Forest Grazing Advisory Board will meet April 19, 1983, at 10:00 a.m. at the Canyon Volunteer Fire Company on Jess Hayes Road in Globe, Arizona. A portion of the meeting will consist of a field trip to selected grazing allotments. The purpose of this meeting is to cover the following agenda items:

1. Review proposed expenditure of Range Betterment Funds, as authorized by Public Law 94–579 (FLPMA Section 403), for Fiscal Year 1984.

2. Field trip to selected allotments on the Globe and Tonto Basin Ranger Districts to review Allotment Management Plans in operation and associated structural range improvements which have been constructed with Range Betterment Funds.

The meeting will be open to the public. Persons who wish to attend should notify James L. Kimball, Supervisor, Tonto National Forest, 102 South 28th Street, Phoenix, Arizona 85038, telephone (602) 261–3205. Written statements may be filed with the Board before or after the meeting.

Oral statements may be made by public attendance when recognized by the chair.

Dated: March 14, 1983.

James L. Kimball,

Forest Supervisor.

[FR Doc. 83-7504 Filed 3-22-83; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Forms Under Review by Office of Management and Budget

March 18, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of P.L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Statistical Clearance Officer, (202) 447–6201.

Revised

- Statistical Reporting Service
- Vegetable Surveys
- Weekly, monthly, quarterly
- Farms, businesses: 16,175 responses; 2,411 hours; not applicable under 3504(h)

Lee Sandberg (202) 447–6820

• Agricultural Marketing Service
Limes Grown in Florida-Marketing Order No. 911
On occasion, annually
Businesses: 5,056 responses; 5,214 hours; not applicable under 3504(h)
William J. Doyle (202) 447–5975

Extension

• Office of Rural Development Policy
7 CFR–1948–A, Area Development Assistance Planning Grants
Quarterly
State or local government, businesses: 547 responses; 1,368 hours; not applicable under 3504(h)
Marge Goodpasture (202) 447–2457
• Agricultural Marketing Service
Wheat and Wheat Foods Research and Nutrition Education
Quarterly
Businesses: 2,625 responses; 238 hours; not applicable under 3504(h)
Lowry Mann (202) 447–2650
• Animal and Plant Health Inspection Service
9 CFR 11, Horse Protection Regs (Recordkeeping)
On occasion
Businesses: 450 responses; 562 hours; not applicable under 3504(h)
Dr. R.L. Rissler (301) 436–5286

Marshall L. Dantzler,

Acting Statistical Clearance Officer.

[FR Doc. 83–7463 Filed 3–22–83; 8:45 am]
BILLING CODE 3410–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)
Dates of Meeting: Friday, 8 April 1983
Times: 0830–1700 hours (Closed)
Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board Ad Hoc Subgroup on Army Utilization of Space Assets will meet for classified briefings and discussions on the capabilities of currently available and future space assets to enhance the Army's ability to carry out its mission. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695–3039 or 697–9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83–7514 Filed 3–22–83; 8:45 am]
BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)
Dates of Meeting: Monday and Tuesday, 11 & 12 April 1983
Times: 0830–1700 hours (Closed)—both days
Place: Project Manager Smoke/Obscurants and Chemical Systems Laboratory, Aberdeen Proving Ground, Maryland
Agenda: The Army Science Board Ad Hoc Subgroup on Smoke and Obscurants Program will meet for classified briefings and discussions on the smoke and obscurants threat, concepts, doctrine, materiel developments, testing, training, toxicology, and research and development technologies. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695–3039 or 697–9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83–7515 Filed 3–22–83; 8:45 am]
BILLING CODE 3710–08–M

Army Science Board; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)
Dates of meeting: Thursday and Friday, 7 & 8 April 1983
Times: 0830–1700 hours (Open)—both days
Place: The Pentagon, Washington, D.C.
Agenda: The Equipping the Army Subpanel of the Army Science Board's 1983 Summer Study on the Future Development Goal will meet to discuss the performance, management Army goal of future development. Briefings and discussions will encompass steps to innovation across the critical areas of doctrine, force structure, manning, training, equipping, mobilizing, and leverage technology. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. In order to be able to accommodate prospective attendees, Helen M. Bowen, the ASB Administrative Officer, must be notified no later than 31 March 1983. For further information, call the ASB at (202) 697–9703 or 695–3039.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83–7643 Filed 3–21–83; 3:35 pm]
BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Intent to Prepare A Draft Environmental Impact Statement For Fall River/Lower Valley Transmission System Reinforcement

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of intent to prepare and consider an environmental impact statement (EIS) on a proposal to reinforce the electrical transmission system serving the areas of Targhee, Teton, and Drummond in Idaho and Palisades in Wyoming.

SUMMARY: BPA proposes to construct a 70-mile long, 161-kV transmission line between Goshen Substation, 12 miles south of Idaho falls, and Drummond Substation, 50 miles northeast of Idaho Falls.

Two routes are currently being considered for the new line. Both routes would likely parallel existing BPA lines to an area about 35 miles northeast of Goshen Substation. From this area the alternatives follow different routes across the Snake River and north to another existing transmission line belong to the Fall River Electric Cooperative. The line would likely parallel this line into Drummond Substation. An additional transformer and circuit breaker would be installed at Drummond Substation and another circuit breaker would be installed at Goshen Substation. Both construction alternatives may require siting transmission structures in a floodplain. Possible alternatives to the proposed action are conservation and no action.

Scoping for this EIS will include: (1) Consultation with affected utilities in the area including Fall River Electric Cooperative, Lower Valley Power and Light, and Utah Power and Light; (2) consultation with affected Federal, State, regional, and local agencies; and (3) public meetings. BPA will hold public scoping meetings March 30, 1983, in Idaho Falls, Idaho, at the City Electric Building, and March 31, 1983, in Driggs, Idaho, at the American Legion Hall. The meetings will begin at 7:30 p.m. BPA will

announce the meetings through local news media and direct mailings.

FOR FURTHER INFORMATION CONTACT: Those desiring further information or wishing to submit written comments on the scope of the environmental impact statement should address their correspondence to Anthony R. Morrell, Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208.

Issued in Portland, Oregon, March 14, 1983.

James J. Jura,

Acting Administrator.

[FR Doc. 83–7441 Filed 3–22–83; 8:45 am]

BILLING CODE 6450–01–M

Negotiation of New Regionwide Conservation Program Contracts and Opportunities for Public Participation

AGENCY: Bonneville Power Administration, (BPA), DOE.

ACTION: Notice of contract negotiation and opportunities for public participation.

SUMMARY: This notice summarizes the history of the negotiation process and invites participation of interested parties including States, local governments, BPA's customers, and interested individuals.

The process for negotiating the new regionwide conservation contracts is already underway. BPA has hosted three contract negotiation meetings in January and February 1983, in order to begin preparation of these new contracts. The meetings, which were open to the public, were announced to those individuals and groups who had expressed an interest in the BPA contract negotiation process in the past.

The purpose of the meetings was to determine the process by which new regionwide conservation contracts should be negotiated and to begin exploring the needs of the various parties who would be affected by the contracts. Due to the need of the parties to review the Pacific Northwest Electric Power Planning and Conservation Council's draft regional energy plan, the negotiations were adjourned in early February and will recommence in late March.

The next scheduled meeting is March 30, 1983, and will be used to organize 2 weeks of intensive negotiations beginning April 5 and ending April 15, 1983. General Contract Provisions (GCPs) will be discussed April 5 and 6. BPA has prepared a draft of the GCPs, as have representatives from the Intercompany Pool, representing the investor owned utilities in the region. These drafts are available from the BPA Public Involvement office for review by interested parties.

BPA will host an information meeting on March 24 in order to explain the provisions of the current GCP drafts and answer questions about the content and process of these negotiations. This meeting is primarily for State and local governments and interested individuals that might likely sponsor conservation programs at some point in the future, because the contracts being negotiated now may have direct bearing on how these sponsors structure their programs.

DATES: The following meetings are currently scheduled for the Regionwide Conservation Contracts. Additional meetings will be announced in BPA's weekly meting calendar. To receive a copy of the calendar, contact the Public Involvement office.

Mar. 24, 1983, 9 a.m..	GCP Information Meeting.	Room 464, BPA Building, 1002 NE. Holladay, Portland
Mar. 30, 1983, 9:30 a.m..	Negotiations Organizing Meeting.	BPA Building, 1002 NE., Holladay, Portland.
Apr. 5–15, 1983, 9 a.m..	GCP & Utility Program Contract Negotiations.	Cosmopolitan Hotel, 1030 NE. Union Avenue, Portland.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph F. Cade, Public Involvement, P.O. Box 12999, Protland, Oregon 97212, 503–230–3478. Oregon callers may use the toll-free number 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800–547–6048. Information may also be obtained from:

Mr. George Gwinnutt, Lowe Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, 503–230–4551

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503–687–6952

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518

Mr. George Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3860

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662–4377, extension 379

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206–442–4130

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, extension 701

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION:

I. Background

In July 1981, the first regionwide conservation contracts were offered to the region's electric utilities following a series of contract negotiation sessions which began in February 1981. Those negotiations continued through the summer and fall of 1981. The last of the initial regionwide program contracts was offered in November of that year. These contracts were designed to facilitate rapid program implementation and were expected to be replaced by long-term contracts within 2 years. Because these programs were to be administered by utilities, BPA negotiated with representatives of the region's utilities. The process was open to the public with regular participation by state energy office and consumer interest group representatives.

Initial work on the long-term contracts took place between September and November 1981 and culminated with a series of public meetings to review and discuss the agreements. These contracts were not offered because BPA wanted more knowledge and useful experience from the programs initiated under the July 1981 contracts.

During 1982, BPA negotiated contracts with the State of Oregon, Washington, Montana, and Idaho for two conservation programs. The contracts were again negotiated through a public process. They were offered in October 1982.

The contracts currently in place with the region's electric utilities for operating BPA conservation programs will terminate in September 1983. It is important that BPA prepare contracts to continue these programs beyond that time. Negotiations should be concluded by mid-spring to ensure time for BPA and implementing utilities to produce and process necessary contract documents.

II. Purpose and Need for These Contracts

The current programs, generally considered the focus for these contract negotiations, are being operated by electric utilities. However, the contracts being discussed have wide applicability in that the major component of those contracts will be the *General Contract Provisions*. These GCPs are intended to be the "boilerplate" for acquisitions of programmatic conservation, whether initiated by BPA or a program sponsor. Although site specific projects, or

metered energy purchase agreements between BPA and a cosumer/provider, may require a different contract form, the principles expressed in the GCPs will be used as a basis for these contracts where applicable.

Since the GCPs may affect future conservation contracts, any entity expecting to operate a conservation program funded by BPA should participate in, or be represented in, the development of these "boilerplate" provisions. This contract form is the same as was used with the state conservation programs mentioned earlier, but reflects BPA's experience since those contracts were negotiated.

The current programs being operated by the region's electric utilities will use these provisions beginning on October 1, 1983. The current programs operated by the region's States will remain in effect under existing contracts for the term of those contracts; any necessary changes resulting from existing negotiations will be in the form of amendments and in accordance with the current contract provisions.

The major difference between this concept of General Contract Provisions and the prior contract form used with some BPA programs is that BPA will now have an individual contract for each program. The contracts will be in effect for the expected life of the applicable programs.

Some of the major issues that remain outstanding and will be the primary focus of the negotiations in April include: Amendment of the agreement, suspension and termination, the collection of costs for operating the conservation programs, and program coordination. The March 24, 1983, information meeting will provide detailed background on these issues.

Issued in Portland, Oregon, March 11, 1983.

James J. Jura,

Acting Administrator.

[FR Doc. 83-7510 Filed 3-22-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 82-CERT-013]

Consolidated Edison Company of New York, Inc.; Certification of Eligible Use of Natural Gas to Displace Fuel Oil

On July 29, 1982, Consolidated Edison Company of New York, Inc. (Con Edison), 4 Irving Place, New York, N.Y. 10003, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for blanket certification of an eligible use of approximately 84.0 billion cubic feet of natural gas for a period of one year. The use of this natural gas is estimated to displace approximately 13.326 million barrels of residual fuel oil (0.3 percent sulfur), approximately 139,000 barrels of No. 2 fuel oil (0.2 percent sulfur), and approximately 739,000 barrels of kerosene (0.1 percent sulfur) at six of Con Edison's steam and electric generating stations located in New York City: Astoria in Queens; East River in Manhatttan; Narrows in Brooklyn; Ravenswood in Queens; Waterside in Manhattan; and East 60th Street in Manhattan. The eligible sellers and pipeline transportation companies will be determined at later dates as Con Edison negotiates and executes contracts with them. Within 5 days of the execution of the contracts, Con Edison will be required to report the following information to the Administrator of ERA who will notify the Federal Energy Regulatory Commission: (1) The names and addresses of the eligible sellers; (2) the names and addresses of the transporting pipeline companies; (3) the volume of gas to be used in each unit; and (4) the amount of oil which will be displaced, its type and sulfur content. Notice of that application was published in the **Federal Register** (48 FR 7776, February 24, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. One comment was received in support of Con Edison's application and concept of blanket certification.

At this time, Con Edison has in effect only one other certification by the ERA, as listed below, which authorizes a purchase of approximately 6 billion cubic feet of natural gas for use at the steam and electric generating stations named in this application for a blanket certificate.

Docket No.	Volume (Bcf)	Effective	Expires
81-CERT-016	6.0	10/07/82	10/06/83

The volume of natural gas to be certified by the requested blanket certificate includes this 6 Bcf, which would have needed recertification in the event of a renewal of the purchase arrangements by Con Edison. Therefore, renewal of this certification would now be accomplished by simply notifying ERA under this blanket certificate in accordance with the reporting requirements set forth above.

The ERA has carefully reviewed Con Edison's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Con Edison's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification is available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., March 15, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-7509 Filed 3-22-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-002]

Lukens Steel Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On January 14, 1983, Lukens Steel Company (Lukens), 50 South First Avenue, Coatesville, Pennsylvania 19320, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 1,200,000 million cubic feet of natural gas which is expected to displace the use of approximately 8,796,000 gallons (209,429 barrels) of No. 2 fuel oil (0.50 percent sulfur) per year at its steel manufacturing facility in Coatesville, Pennsylvania.

The eligible seller of the natural gas is Graham Exploration Ltd., Suite 200, 3510 N. Causeway Boulevard, Metarie, Louisiana 70002. The gas will be transported by Panhandle Eastern Pipe Line Company, P.O. Box 1642, Houston, Texas 77001; Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25325; and Columbia Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 7777, February 24, 1983) and an opportunity for public comment was

provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Lukens' application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Lukens' application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., March 15, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–7506 Filed 3–22–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–CERT–005]

Columbus Bituminous Concrete Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Columbus Bituminous Concrete Corporation (CBCC), P.O. Box 368, 301 Frank Road, Columbus, Ohio 43216, filed an application on March 4, 1983 with the Economic regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its asphalt production facilities in Columbus and Circleville, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, CBCC indicates that the volume of natural gas for which it requests certification is approximately 157,000 Mcf per year. This volume is estimated to displace the use of approximately 1,050,000 gallons (25,000 barrels) of No. 6 fuel oil (1.0 percent sulfur) per year.

The eligible seller is Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Box 1273, Charleston, West Virginia 25325; and by Columbia gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Attention: Paula A. Daigneault, within ten(10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The requests should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to CBCC and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on March 16, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–7442 Filed 3–22–83; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of January 31 Through February 4, 1983

During the week of January 31 through February 4, 1983, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 16, 1983.

Remedial Order

Davis and Forbes, February 4, 1983, DRO–0375

Davis and Forbes objected to a Proposed Remedial Order which the Office of Enforcement of the Economic Regulatory Administration issued to the firm on August 27, 1979. In the Proposed Remedial Order, the Office of Enforcement found that the firm improperly treated two separate leased premises as one property for purposes of applying the stripper well lease exemption to the sale of crude oil from the premises. The DOE concluded that the Proposed Remedial Order should be issued as a final Remedial Order. The important issues discussed in the Decision and Order include (i) whether the two properties could be aggregated pursuant to Ruling 1977–1, and (ii) whether the firm's estimates of production from particular wells raised any issue as to the accuracy of the production reports it originally filed with the state commission.

Requests for Exception

Borg-Warner Central Environmental Systems, January 31, 1983 HXE–0052

On November 18, 1982, Borg-Warner Central Environmental Systems (Borg-Warner) (formerly York Division Unitary Products) requested an extension of the exception relief granted to the firm on February 9, 1981 by the Office of Hearings and Appeals. *York Division Unitary Products*, 7 DOE ¶ 81,209 (1981). That Decision permitted Borg-Warner to modify the central air conditioner test procedures specified in 10 CFR Part 430 in order to more accurately test the energy consumption of its variable speed heat pump. In considering the request, the DOE determined that the current test procedures underestimate the energy efficiency of the variable speed heat pump manufactured by Borg-Warner causing the firm to suffer a competitive disadvantage and a gross inequity. Accordingly, exception relief was extended until December 31, 1983, or until the procedures are revised, whichever is sooner.

The 341 Tract Unit of the Citronelle Field, Exxon Company, U.S.A. et al. January 31, 1983, DEE–7746, *HED–0079*

On December 31, 1980, the DOE issued a Decision and Order to the Citronelle Unit. *The 341 Tract Unit of the Citronelle Field*, 7 DOE ¶ 81,140 (1980). In that Decision, interim exception relief was approved that allowed the Citronelle Unit to recoup an additional $63.8 million in revenues. The interim exception relief was designed to permit the Citronelle Unit to immediately implement an enhanced crude oil recovery project on the Citronelle Field. The level of exception relief was comparable to that which would have been available to a major oil company operating the Unit under the Tertiary Incentive Program. The present determination considered a number of Statements of Objections filed in opposition to a finalization of the interim relief granted to the Citronelle Unit.

The DOE first addressed a number of procedural challenges to the approval of exception relief. The DOE found that the notice and comment procedures followed by the agency in this case accorded the aggrieved parties proper due process. The DOE also determined that the manner in which the Intrim Order was isued was appropriate and conformed to the provisions of the DOE Procedural Regulations. The DOE next concluded that the Office of Hearings and Appeals possessed the requisite statutory authority to grant exception relief to the Citronelle Unit.

The DOE also considered a number of legal objections to the approval of exception relief. The DOE found that there was a sufficient causal nexus between the problems experienced by the Citronelle Unit in obtaining access to the provisions of the Tertiary Incentive Program and the DOE regulations to constitute a gross inequity. The DOE also determined that the exception relief granted to the Citronelle Unit did not constitute an abuse of the Crude Oil Entitlements Program.

The DOE next considered a number of factual objections to the approval of exception relief. According to the objectors, exception relief was not warranted to enable the Citronelle Unit to undertake the tertiary project. After a review of the record in the case, including testimony presented at an evidentiary hearing, the DOE concluded that the Citronelle Unit could not finance the tertiary project in the absence of a significant amount of exception relief. The DOE also determined that the level of exception relief approved for the Citronelle Unit in the Interim Order was appropriate. Consequently, the DOE affirmed the Interim Order but required the Citronelle Unit to repay the exception relief to the extent that the tertiary project is successful. The DOE also denied a consolidated Motion for Additional Discovery filed by Exxon Co., U.S.A. and other objectors.

Protective Order

Gulf Oil Corporation, January 31, 1983, *HRJ–0031*

Gulf Oil Corporation filed a motion requesting that the Office of Hearings and Appeals issue a protective order limiting the dissemination of any Gulf documents released by the firm to the Office of Special Counsel (OSC) pursuant to OHA's Decision and Order in *Office of Special Counsel (Gulf)* DOE ¶ 84,105 (1982). The motion related to a Proposed Remedial Order (PRO) OSC issued to Gulf on May 1, 1979. In considering Gulf's motion, the Office of Hearings and Appeals rejected OSC's claim that it should be permitted unrestricted use of the documents in question. OHA noted that its prior decisions had not addressed Gulf's assertion that the relevant documents were privileged with respect to parties other than OSC, and that production of the documents to OSC had been ordered only to enable OSC to rebut affirmative defenses Gulf had made in the pending PRO proceeding. OHA therefore concluded that Gulf had made an adequate showing to justify the issuance of a protective order, and issued the proposed protective order submitted by Gulf as an Order of the Department of Energy.

Interlocutory Order

Atlantic Richfield Co., Marathon Oil Co., Murphy Oil Corp., February 1, 1983, HRZ–0120, HRZ–0121, HRZ–0122

Atlantic Richfield Company, Marathon Oil Company, and Murphy Oil Corporation were each issued a Proposed Order of Disallowance by the Department of Energy. The POD's alleged that for certain months during the period October 1973 through May 1975 each of the firms improperly claimed increased costs in computing its maximum allowable prices in violation of the DOE refiner price regulations. The firms denied those allegations and were granted discovery of the transfer pricing data base relied upon by the DOE to calculate the maximum prices for the crude oil involved. *See Marathon Oil Co.*, 8 DOE ¶82,558 (1981); *Atlantic Richfield Co.*, 8 DOE ¶82,585 (1981).

In the present case, the firms contended that the data base which the OSC proposed to make available to them failed to comply with the OHA's discovery orders because the material contained data pertaining to crude oils not at issue in the POD proceedings. The firms requested the OHA to order the OSC to delete the non-responsive portions. In denying the firms' request, the OHA held that a party producing documents in response to a discovery request has no duty to ensure that all portions of the documents are responsive. The OHA also found that the firms had not shown that they would be unable to prepare their defenses to the POD's unless the OSC removed the non-responsive portions from the data base. Accordingly, the firms' request was denied.

Supplemental Orders

Atlantic Richfield Co., Gulf Oil Corp., Marathon Oil Co., Texaco Inc., Louisiana Land & Exploration Co., February 1, 1983, HRX–0074, HRX–0075, HRX–0077, HRX–0078, HRX–0078

On August 2, 1982, the Atlantic Richfield Company, the Gulf Oil Corporation, the Marathon Oil Company, Texaco Inc. and the Louisiana Land and Exploration Company (the "producers") filed a motion to compel additional discovery with the Office of Hearings and Appeals. In that motion, the producers requested the OHA to order the Office of Special Counsel for Compliance (OSC) to produce certain documents which the OSC had identified in response to the OHA's discovery order in *Atlantic Richfield Co.*, 5 DOE ¶82,521 (1980), and for which the OSC has asserted claims of privilege. On January 5, 1983, the OHA issued a Decision and Order upholding most of the privilege claims at issue and ordered the OSC to submit certain documents to the OHA for *in camera* review. *Atlantic Richfield Co.*, 10 DOE ¶84,020 (1983). Pursuant to that Decision the OSC submitted 16 documents to the OHA. After completing its *in camera* review, the OHA upheld the OSC's privilege claims for each of the documents submitted.

Dresser Industries, Inc., February 4, 1983, HEX–0079

A supplemental Order was issued to Dresser Industries, Inc. concerning two Requests for Information which the firm had submitted under the Freedom of Information Act (the FOIA). The Supplemental Order concluded that various documents which were found by the Director of the Office of Policy, Planning and Coordination to be properly classified records within the intended scope of Exemption 1 of the FOIA should not be released to Dresser.

Refund Applications

Northeast Petroleum Insustries, Inc./ DeBlois Oil Company, February 4, 1983, RF25–1

DeBlois Oil Company (DeBlois) filed an Application for Refund for a portion of the Northeast Petroleum Industries consent order fund. After analyzing DeBlois' claim, the Office of Hearings and Appeals found that DeBlois qualified for a refund under the procedures set forth in *Office of Enforcement (Northeast)*, 10 DOE ¶ 85,021 (1982). Accordingly, DeBlois' application was granted.

Northeast Petroleum Industries, Inc.,/ O.B. Hill Motor Transportation Company, Inc., February 4, 1983, RF25–2

O.B. Hill Motor Trans. Company, Inc. (Hill) filed an Application for Refund for a portion of the Northeast Petroleum Industries consent order fund. After analyzing Hill's claim, the Office of Hearings and Appeals found that Hill was not eligible to receive a refund under the procedures set forth in *Ofice of Enforcement (Northeast)*, 10 DOE ¶ 85,021 (1982). Accordingly, Hill's application was denied.

Standard Oil Company (Indiana)/ Lisk Standard Service.et al., February 2, 1983. RF21–3 et al.

On February 2, 1983, the DOE issued a Decision and Order concerning 103 Applications for Refund from branded retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel; In The Matter of Standard Oil Co. (Indiana)*, 10 DOE ¶ 85,048 (1982). Each retailer therefore submitted detailed information concerning its Amoco purchase volumes. After analyzing this information, the DOE conclued that each of the 103 applicants should receive a refund based upon the total volume of their Amoco motor gasoline

purchases. Accordingly, these applications were granted in full.

Vickers Energy Corporation/Red Rock Petroleum Co., Inc., February 4, 1983, RR1–2

On December 21, 1982, the Office of Hearings and Appeals issued a Decision and Order approving five Applications for Refund from a $2,850,000 fund obtained by the DOE through a consent order with Vickers Energy Corporation. *Vickers Energy Corp./Petroleum Marketing Co.*, 10 DOE ¶ 85,047 (1982). Subsequent to the issuance of the December 21 decision, it was discovered that due to an arithmetic error one applicant, Red Rock Petroleum Company, Inc., did not receive the full refund to which it was entitled. The Office of Hearings and Appeals therefore issued a Supplemental Order approving an additional refund to the firm.

Vickers Energy Corp./Koch Industries, Inc., February 4, 1983, RR1–1

Koch Industries, Inc. (Koch) filed a Motion for Modification requesting the DOE to reconsider its Decision and Order in *Vickers Energy Corp./Koch Industries, Inc.*, 10 DOE ¶ 85,038 (1982). In that Decision, Koch's Application for Refund was denied on the basis that the firm had incurred no competitive injury as a result of the alleged regulatory violations by Vickers. In considering its Motion, the DOE found that Koch did not meet the requirements for a Motion for Modification. The DOE also found that the data submitted by Koch did not demonstrate that it did no pass on the alleged Vickers' overcharges to its customers. Finally, the DOE found that Koch was not entitled to a refund based upon the threshold volume of 50,000 gallons per month.

Dismissals

The following submissions were dismissed.

Name	Case No
Amcole Energy Corp.	HRO–0088
Stephen M. Shaw	HFA–0110

[FR Doc. 83–7434 Filed 3–22–83; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of February 7 Through February 11, 1983

During the week of February 7 through February 11, 1983 the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Science Management Corporation, February 9, 1983, HFA–0109

Science Management Corporation filed an Appeal from a denial by the Director of the DOE Office of Procurement Operations of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the Director's search for responsive documents was adequate and that no responsive documents exist.

Request for Exception

Basin, Inc., February 7, 1983, BEE–1670

On July 1, 1981, Basin, Inc. (Basin) filed an Application for Exception from the provisions of 10 CFR 212.131(b)(2) with the Office of Hearings and Appeals (OHA) of the Department of Energy (DOE). Basin's exception request, if granted, would permit the firm to recertify certain crude oil sold to Cities Service Company (Cities) during the period January through December 1979. In considering this request, the OHA determined that Basin had failed to act reasonably, promptly and in good faith with DOE certification requirements. Accordingly, the firm's Application for Exception was denied.

Interlocutory Orders

Office of Special Counsel, February 8, 1983, HRZ–0095

The Office of Special Counsel sought to strike from the record of an enforcement proceeding certain geological exhibits and an affidavit filed by Texaco, Inc. At a hearing on the OSC motion, the Office of Hearings and Appeals deferred ruling on the request and directed the parties to propose mechanisms for expediting the resolution of the underlying dispute between them, the proper interpretation of the "very large tract" exception to the regulatory definition of "property." After considering the parties' proposals, the OHA determined to set the issue of the proper interpretation of the exception for decision and directed the parties to file legal briefs on that issue.

State of California, February 7, 1983, HRZ–0125

The State of California filed a Request to Participate in an enforcement proceeding involving P&R Trading Company. California sought to represent the interests of its citizens with respect to the disposition of any overcharges recovered through the proceeding. The Economic Regulatory Administration opposed California's participation on the ground that ERA had reserved until a later date the issue of the proper disposition of any overcharges recovered, and that this matter was therefore not an issue in the proceeding. DOE found that California's request should be granted. DOE noted that although the PRO does not address the distribution of any refunds recovered and DOE has in several previous decisions declined to consider the remedy issue in the context of an enforcement proceeding, the matter may still become an issue in the proceeding. In that event, DOE found that its resolution of the issue may benefit from the views of California. Accordingly, California was permitted to file comments on the issue of the distribution of any overcharges recovered through the P&R enforcement proceeding.

Dismissals

The following submissions were dismissed:

Company name	Case No.
Edward G. Connor	HFA–0115
Pittsburgh-Des Moines Corporation	HFA 0106

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., N. W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 16, 1983.

[FR Doc. 83–7435 Filed 3–22–83; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Proposed Decisions and Orders; Week of February 7 through February 11, 1983

During the week of February 7 through February 11, 1983, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception and to applications for refund in a Subpart V proceeding.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any

further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania, N.W. Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 16, 1983.

Petrolane Incorporated, Washington, D.C.; RF2–1 NGLP.

Mobil Oil Corporation, Fairfax, Virginia; NF2–2 NGLP.

Controller of the State of California, Washington, D.C.; RF2–3 NGLP.

On January 8, 1980 the Coline Gasoline Corporation (Coline) and the Department of Energy (DOE) entered into a consent order which established an escrow account in the amount of $628,480.70 in order to settle disputes arising from Coline's alleged pricing violations during the period August 1973 through May 1978. Petrolane Incorporated (Petrolane), Mobil Oil Corporation (Mobil), and the Controller of the State of California (California) filed applications to receive refunds from the Coline escrow account. In a Proposed Decision and Order issued on February 10, 1983, the DOE determined that: (1) Petrolane qualified for a refund of $438,587 plus 69.79% of the interest accrued in the escrow account; (2) Mobil's application did not warrant that the firm be granted a refund: and (3) the State of California's application should be considered during the second stage refund proceedings, when the remainder of the Coline escrow funds will be distributed.

Texas Armada Refining Company, Euless, Texas; BEE–1696.

Texas Armada Refining Company (TARCO) filed an Application for Exception from the provisions of 10 CFR 211.69. The exception request, if granted, would permit TARCO to file amended ERA–49 forms with the Economic Regulatory Administration pertaining to a period prior to the October 1, 1980 cut-off date specified in § 211.69. On February 10, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 7436 Filed 3–22–83; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of February 14 Through February 18, 1983

During the week of February 14 through February 18, 1983 the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy.

Appeal

Margaret Knoll, February 16, 1983; HFA–0107

Margaret Knoll filed an Appeal from a determination issued to her by the Idaho Operations Office, concerning a Request for Information which she had submitted pursuant to the Freedom of Information Act. In her request, she had sought personnel and medical records of her mother (Hazel Leisen), and documents concerning her mother's role in the SL–1 incident, an accident involving a nuclear reactor in which three persons died. In her Appeal, she argued that the Idaho Operations Office had not identified all documents responsive to her request. DOE found that there was no basis for the appellant's allegation that the medical records disclosed by the Operations Office were incomplete. With respect to the appellant's argument that her mother was interviewed following the SL–1 incident and that notes of the interview must exist, DOE found that while notes may have been taken of an interview with Hazel Leisen, they may have been discarded in the intervening years and that the Operations Office's search for responsive documents was adequate under the circumstances. Accordingly, the Appeal was denied.

Interlocutory Orders

Office of Special Counsel for Compliance, February 15, 1983; HRZ–0110.

The Office of Special Counsel for Compliance (OSC) filed a Motion for Sanctions in which it requested the issuance by the Office of Hearings and Appeals of an order precluding the Atlantic Richfield Company (Arco) from raising certain defenses in an enforcement proceeding before OHA. The proceeding concerns Arco's objections to a Proposed Order of Disallowance (POD) that OSC issued to the firm on May 15, 1980.

In considering the OSC Motion for Sanctions, OHA first rejected Arco's argument that it lacked the power to impose sanctions because it had no authority to adjudicate enforcement proceedings. OHA found that Arco had not raised this argument in a timely manner. Additionally, OHA found that even if Arco's argument were timely, it would conclude that it possessed authority to adjudicate the POD proceeding pursuant to section 301 of the Department of Energy Organization Act, 42 U.S.C. 7151(a). OHA also rejected Arco's argument that, even if OHA did possess authority to conduct adjudicative enforcement proceedings, it could seek enforcement of its discovery order only through issuance of a subpoena.

OHA then considered the merits of the Motion for Sanctions. OHA denied the motion insofar as OSC sought sanctions for Arco's alleged failure to provide a complete answer to OSC interrogatory 5(c) pursuant to OHA's order in *Office of Special Counsel (Arco)* 9 DOE ¶ 82,595 (1982) (*OSC/Arco*). OHA concluded that this request for sanctions was not made in a timely manner.

In addition, OSC requested that sanctions be imposed for Arco's failure to comply with OHA orders in *OSC/Arco* and *Atlantic Richfield Co.*, 10 DOE ¶ 82,515 (1982), requiring the firm to produce three documents responsive to OHA's discovery orders for which the firm's privilege claims were rejected. The sanction which OSC sought would have precluded Arco from offering proof concerning five issues in the case. OHA concluded that sanctions were warranted for Arco's refusal to comply with these orders. However, after examining the prejudice that Arco's failure to produce the documents caused OSC, OHA concluded that a less severe sanction than that sought by OSC was warranted. Instead, OHA stated it would infer that the three documents Arco failed to produce were unfavorable to its case. Accordingly, the OSC Motion for Sanctions was granted in part.

Texaco Inc., 2/26/83; HRZ–0134.

Texaco Inc. sought an order compelling the Office of Special Counsel to provide an additional response to a Texaco discovery request. The Office of Hearings and Appeals found that OSC's response was responsive to the discovery request and denied the motion.

Supplemental Orders

Atlantic Richfield Company, HRX–0127.
Gulf Oil Corporation, HRX–0128.
Marathon Oil Company, HRX–0130.
Texaco Inc., HRX–0131.
Louisiana Land and Exploration Company, 2/14/83; HRX–0129.

On January 14, 1983, Atlantic Richfield Company, Gulf Oil Corporation, Marathon Oil Company, Standard Oil Company (Ohio), Texaco Inc. and Louisiana Land and Exploration Company (the "producers") filed a motion to compel additional discovery with the Office of Hearings and Appeals. In that motion, the producers requested OHA to order the Office of Special Counsel for Compliance (OSC) to produce twenty-five documents which the OSC had identified in response to the OHA's discovery order in *Atlantic Richfield Co.*, 5 DOE ¶ 82,521 (1980), and for which the OSC has asserted claims of privilege. The documents sought by the producers were identified in an index which the OSC filed with the OHA on December 15, 1982. In considering the producer's motion, the OHA upheld the OSC's privilege claims for twenty-four of the documents at issue. In the one instance in which the OSC's privilege claim was not sustained, the OSC was ordered to submit the document to the OHA for *in camera* review.

MGPC, Inc., 2/16/83; HRX–0072.

MGPC, Inc. filed a Statement of Objections to a Proposed Remedial Order (PRO) issued by the Rocky Mountain District Office of Enforcement of the Economic Regulatory Administration in which it is alleged that the firm overcharged its purchasers in sales of natural gas liquids, natural gas liquid products, and crude oil condensate. In considering the violations alleged with respect to crude oil condensate, the DOE rejected MGPC, Inc.'s claims that the substance which it sold was not crude oil condensate and that the condensate produced by the firm was not a covered product during the period of violation. Accordingly, the DOE issued a final Remedial Order to MGPC, Inc. with respect to its sales of condensate, and retained jurisdiction over the remaining violations alleged in the PRO.

Refuned Applications

Standard Oil Company (Indiana)/Bozarth Oil Company, et al., 2/14/83; RF 21–238, et al.

On February 14, 1983, the DOE issued a Decision and Order concerning 27 Applications for Refund filed by wholesalers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). Each applicant therefore submitted detailed information concerning its Amoco purchase volumes. After analyzing this information, the DOE concluded that each of the 27 applicants should receive a refund based upon their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled $12,332.

Standard Oil Company (Indiana)/Jim Gandy Service et al., 2/14/83; RF 21–780, et al.

On February 14, 1983, the DOE issued a Decision and Order concerning 206 Applications for Refund from retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). Each retailer therefore submitted detailed information concerning its Amoco purchase volumes. After analyzing this information, the DOE concluded that each of the 206 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. Accordingly, these applications were granted in full.

Vickers Energy Corporation/ Walthers Oil Company, 2/16/83; RF1–105

On February 16, 1983 the DOE issued a Decision and Order concerning an Applications for Refund filed by Walthers Oil Company, a reseller and retailer which purchased 7,536,682 gallons of Vickers motor gasoline during the consent order period. Because Walther's purchases from Vickers exceeded the 50,000 gallon per month small claims thereshold, the DOE required the firm to establish that it had not passed through any alleged Vickers overcharges to its customers. Walthers purchased motor gasoline from a number of suppliers other than Vickers. In addition to its banks of unrecouped increased product costs, the firm therefore submitted detailed information concerning its purchase volumes and acquisition costs from each of these suppliers. An analysis was conducted to determine the degree of injury sustained by the firm as a result of its Vickers purchases, and the application was granted to the extent indicated by the analysis.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 16,1983.

[FR Doc. 83–7439 Filed 3–22–83; 8:45 am]

BILLING CODE 6450–01–M

Cases Filed; Week of February 18 Through February 25, 1983

During the Week of February 18 through February 25, 1983, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 16, 1983.

List of Cases Received by the Office of Hearings and Appeals

[Week of Feb. 18 through Feb. 25, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 18, 1983	Amoco Brand Committee, Conoco Brand Committee, Gulf Oil Wholesale Marketers Association, Inc. & the National Association of Union Oil Jobbers, Inc., Washington, D.C.	HEZ–0137	Interlocutory order. If granted: The Office of Hearings and Appeals would issue a Decision and Order clarifying the manner in which downstream purchasers can participate in the Alkek/Adams (Case No. DEF–0002) refund proceeding.
Feb. 18, 1983	Atlantic Richfield Company, Washington, D.C	HRH–0015	Evidentiary hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Atlantic Richfield Company in response to the Proposed Remedial Order (Case No. DRO–0193) issued to the firm.
Feb 18, 1983	OE/State of California Oildale, Calif.	HRZ–0136	Interlocutory order. If granted: The state of California would not be alowed to participate in the Proposed Remedial Order proceeding involving West Coast Oil Company (Case No. HRO–0087).
Feb 23, 1983	Texaco Inc., Washington, D.C.	HRR–0049	Request for modification/rescission. If granted: The Jan. 3, 1983, Decision and Order (Case No. HRZ–0104) issued to the Office of Special Counsel by the Office of Hearings and Appeals would be rescinded.
Feb. 24, 1983	Richard Rhodes	HFA–0120	Appeal of an information request denial. If granted: The Feb. 14, 1983, Information Request Denial issued by the Assistant Manager for Administration, Albuquerque Operations Office would be rescinded, and Richard Rhodes would receive access to "Engineering and Delivery" by N. F. Ramsey, volume XIII of the Los Alamos Technical Series.
Feb. 25, 1983	Cladouhos & Brashares, Washington, D.C.	HFA–0121	Appeal of an information request denial. If granted: The Jan. 27, 1983, Information Request Denial issued by the Office of Special Counsel of the Economic Regulatory Administration would be rescinded and Cladouhos & Brashares would receive access to information regarding crude oil prices and the interpretation of the safe harbor provision.

Notices of Objection Received

[Week of Feb. 18, 1983 to Feb. 25, 1983]

Date	Name and location of applicant	Case No.
Feb. 22, 1983	Husky Oil Co., of Delaware Tulsa, Okla.	BEX–0210
Feb. 23, 1983	Texas Armada Refining Co., Washington, D.C.	BEE–1696

Refund Applications Received

[Week of Feb. 18 to Feb. 25, 1983]

Date	Name of refund proceeding name of applicant	Case No.
Feb. 17, 1983	Arcone Oil Co./The Augsbury Corp	RF20–2
Feb. 22, 1983	Sid Richardson/Alpine Butane Co., Inc.	RF26–1

Refund Applications Received—Continued

[Week of Feb. 18 to Feb. 25, 1983]

Date	Name of refund proceeding name of applicant	Case No.
Feb. 22, 1983	Amoco refund applications	RF–2573, thru RF21–3311

[FR Doc. 83–7438 Filed 3–22–83; 8:45 am]

BILLING CODE 6450–01–M

Objection to Proposed Remedial Order Filed; Week of February 21 Through February 25, 1983

During the week of February 21 through February, 1983, the notice of objection to the proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearnings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 16, 1983.

A. L. Barton, Big Lake, Texas, HRO–0127, Crude Oil

On February 25, 1983, A. L. Barton, 1001 Main Street, Big Lake, Texas 76932 filed a Noice of Objection to a Proposed Remedial Order which the DOE Dallas District Office on Enforecement issued to the firm on January 28, 1983.

In the PRO the Dallas District found that during the period November 1973 to December 1979, Barton sold crude oil at prices in excess of the maximum lawful selling price, in violation of 10 CFR 212.93, 212.183 and 212.10, and that from January 1978 to December 1979, Barton failed to properly certify the crude oil he sold, in violation of 10 CFR 205.202, 210.62(c), 212.131 and 212.185(c).

According to the PRO the Barton violation resulted in $661,369.05 of overcharges. In the alternative, the PRO alleges that this violation resulted in $609,847.10 of overcharge.

[FR Doc. 83–7437 Filed 3–22–83; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50591; PH–FRL 2327–3]

Issuance of Experimental Use Permits; Dow Chemical U.S.A. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defined EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

464–EUP–67. Extension. Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 750 pounds of the herbicide 3,6-dichloro-2-pyridinecarboxylic acid as the monoethanoloamine salt on rangelands and permanent grass pastures to evaluate the control of mesquite, weeds, and associated woody species. A total of 1,500 acres are involved; the program is authorized only in the States of New Mexico and Texas. The experimental use permit is effective from January 11, 1983 to May 1, 1984. Temporary tolerances for residues of the active ingredient in or on forage grass, forage grass hay, the kidney of cattle, horses, and sheep, and the meat, fat, and meat byproducts of cattle, horses, and sheep have been established. (Robert Taylor, PM 25, Rm. 245, CM#2, (703–557–1800))

464–EUP–79. Issuance. Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of a total of 33,000 pounds of the herbicides 2,4-D (22,000 pounds) and triclopyr (11,000 pounds) on turf to evaluate the control of broadleaf weeds. A total of 2,750 acres are involved; the program is authorized in the States of Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, and Wyoming. The experimental use permit is effective from March 18, 1983 to March 18, 1985. (Robert Taylor, PM 25, Rm. 255, CM#2, (703–557–1800))

1471–EUP–58. Renewal. Elanco Products Company, 740 South Alabama St., Indianapolis, IN 46285. This experimental use permit allows the use of 300 pounds of the herbicide oryzalin on winter wheat to evaluate the control of various weeds. A total of 300 acres are involved. (Robert Taylor, PM 25, Rm. 255, CM#2, (703–557–1800))

1471–EUP–69. Renewal. Elanco Products Company, 740 South Alabama St., Indianapolis, IN 46285. This experimental use permit allows the use of 32,430 pounds of the herbicide oryzalin on winter wheat to evaluate the control of various weeds. A total of 32,430 acres are involved. This program and the one above are authorized in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Washington. The permits were previously effective from August 6, 1981 to August 6, 1982. The permits are now effective from February 3, 1983 to February 3, 1984. A temporary tolerance for residues of the active ingredient in or on wheat has been established. The permits will use the same active ingredient but different formulations. (Robert Taylor, PM 25, Rm. 251, CM#2, (703–557–1800))

279–EUP–89. Extension. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 2,112 pounds of the insecticide carbosulfan on apples to evaluate the control of various insects. A total of 132 acres are involved; the program is authorized in the States of California, Georgia, Idaho, Indiana, Maine, Maryland, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from March 10, 1983 to March 10, 1984. This permit is issued with the limitation that all crops are destroyed or used for research purposes

only. (Jay Ellenberger, PM 12, Rm. 202, CM#2, (703–557–2386))

279–EUP–93. Issuance, FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 4,800 pounds of the herbicide 2-(2-chlorophenyl) methyl-4,4-dimethyl-3-isoxazolidinone on soybeans to evaluate the control of various grasses and broadleaf weeds. A total of 800 acres are involved; the program is authorized in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (Robert Taylor, PM 25, Rm. 245, CM#2, (703–557–1800))

10182–EUP–28. Extension. ICI Americas Inc., Concord Pike and New Murphy Road, Wilmington, DE 19897. This experimental use permit allows the use of 1,375 pounds of the herbicide (±) butyl 2-(4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy] propanoate on various crops to evaluate the control of weeds. A total of 1,375 acres are involved; the program is authorized in all 50 States except Alaska. The experimental use permit is effective from February 2, 1983 to May 18, 1984. This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (Richard Mountfort, PM 23, Rm. 253, CM#2, (703–557–1830))

3125–EUP–177. Issuance. Mobay Chemical Corporation, P.O. Box 4913, Hawthorn Road, Kansas City, MO 64120. This experimental use permit allows the use of 832 pounds of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone on almonds, apricots, nectarines, and peaches to evaluate the control of blossom blight and brown rot. A total of 245 acres are involved; 80 acres to be treated in 1983 and 165 acres to be treated in 1984. The program is authorized only in the States of California, Oregon, and Washington. The experimental use permit is effective from January 31, 1983 to December 31, 1984. A temporary tolerance for residues of the active ingredient in or on almonds (hulls and meats), apricots, nectarines, and peaches has been established. (Henry Jacoby, PM 21, Rm. 229, CM#2, (703–557–1900))

3125–EUP–183. Issuance. Mobay Chemical Corporation, P.O. Box 4913, Hawthorn Road, Kansas City, MO. 64120. This experimental use permit allows the use of 120 pounds of the insect growth regulator 2-chloro-N-[[[4-(trifluoromethoxy)phenyl]amino]carbonyl] benzamide on forests and shade trees to evaluate the control of gypsy moth larvae. A total of 3,000 acres are involved; the program is authorized only in the States of New Jersey, New York, Pennsylvania, and Rhode Island. (Franklin Gee, PM 17, Rm. 207, CM#2, (703–557–2690))

3125–EUP–184. Issuance. Mobay Chemical Corporation, P.O. Box 4913, Hawthorn Road, Kansas City, MO 64120. This experimental use permit allows the use of 200 pounds of the insect growth regulator 2-chloro-N-[[[4-(trifluoromethoxy)phenyl]amino]carbonyl] benzamide on forests and shade trees to evaluate the control of the gypsy moth larvae. A total of 3,000 acres are involved; the program is authorized in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia. This experimental use permit and the one above are effectrive from March 1, 1983 to March 1, 1984. The permit will use the same active ingredient but different formulations. (Franklin Gee, PM 17, Rm. 207, CM#2, (703–557–2690))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: March 10, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83–7080 Filed 3–22–83; 8:45 am]
BILLING CODE 6560–50–M

[OPTS–44002; TSH–FRL 2328–2]

Chlorinated Paraffins, 2-Chlorotoluene, and Alkyl Phthalates Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces data submissions from negotiated testing programs under section 4 of the Toxic Substances Control Act (TSCA) received during the fourth quarter of 1982. Submissions include: (1) Range-finding reports for teratology and two teratology studies on three chlorinated paraffins, (2) a preliminary inhalation study in the rat and rabbit, and provisional results for embryotoxicity and teratogenicity of 2-chlorotoluene in the rat and rabbit, and (3) mutagenicity assays, a cell transformation test, and short-term biological studies in rats on di-2-ethylhexyl phthalate, di-2-ethylhexyl adipate and, in the mutagenicity studies, mono-2-ethylhexyl phthalate and 2-ethylhexanol.

ADDRESS: The studies described in the notice and others previously submitted to the Agency are available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. The material may be copied for a nominal fee. Rm. E–107, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jack McCarthy, Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800–424–9065), In Washington, D.C.: (554–1404), Outside the USA: (Operator-202–554–1404).

SUPPLEMENTARY INFORMATION: The EPA issued a notice published in the **Federal Register** of December 1, 1982 (47 FR 54160) that announced receipt of test data from negotiated testing programs for several chemicals under section 4 of TSCA for the third quarter of 1982. This notice announces test data received from negotiated testing programs for the fourth quarter of 1982.

I. Chlorinated Paraffins

The Consortium of Chlorinated Paraffins Manufacturers is conducting a negotiated testing program on chlorinated paraffins, substances use primarily as flame retardants and plasticizers. This testing program, described in full in the **Federal Register** of January 8, 1982 (47 FR 1017), was accepted by the EPA in lieu of a chlorinated paraffins test rule under section 4 of TSCA. The negotiated testing program is a two-level testing scheme on four chlorinated paraffins of differing chain length and degree of chlorination. All four of the chlorinated paraffins will be tested in some of the lower-level tests while other studies will test fewer. These lower-level tests include metabolism, teratology and mutagenicity tests in mammals, and subchronic toxicity tests in both mammals and aquatic organisms. The upper-level tests will use the compound considered the most toxic in the lower-

level tests, and will include a two-generation reproductive study in rats and a number of specialized aquatic studies. The American members of the Consortium also will be performing an avian reproductive study on a chlorinated paraffin yet to be selected.

The International Research and Development Corporation, under contract to the Consortium, has performed eight range-finding studies and two teratology studies on chlorinated paraffins, a listing of which follows.

1. Five-day oral range-finding study in rats of the 52 percent chlorinated intermediate chain length *n*-paraffin.
2. Range-finding teratology study in rats of the 52 percent chlorinated intermediate chain length *n*-paraffin.
3. Range-finding teratology study in rabbits of the 52 percent chlorinated intermediate chain length *n*-paraffin.
4. Second range-finding teratology study in rabbits of the 52 percent chlorinated intermediate chain length *n*-paraffin.
5. Range-finding teratology study in rabbits of the 58 percent chlorinated short chain length *n*-paraffin.
6. Second range-finding teratology study in rabbits of the 58 percent chlorinated short chain length *n*-paraffin.
7. Teratology study in rats of the 58 percent chlorinated short chain length *n*-paraffin.
8. Range-finding teratology study in rats of the 43 percent chlorinated long chain length *n*-paraffin.
9. Range-finding teratology study in rabbits of the 43 percent chlorinated long chain length *n*-paraffin.
10. Teratology study in rabbits of the 43 percent chlorinated long chain length *n*-paraffin.

The general toxicity range-finding studies were performed to enable the consortium to choose appropriate doses for the full teratology tests in rats and rabbits. They do not, in themselves, answer toxicological questions addressed by the Consortium program but are a preliminary state in one phase of the evaluation.

The teratology study in rats of the 58 percent chlorinated short chain length *n*-paraffin had dosage levels of 0, 100, 500 and 2,000 mg/kg-day by gavage on days six through 15 of gestation. According to the submission, at 2,000 mg/kg-day, eight rats died between gestation days 15 and 20 and maternal weight gain was reduced. A statistically significant increase in the number of post-implantation losses and an increase in digital abnormalities (missing and/or shortened digits) were also seen at this dose. At the 500 mg/kg-day dose maternal toxicity was observed, but no fetal effects.

The teratology study in rabbits of the 43 percent chlorinated long-chain length *n*-paraffin measured the effects of doses of 0, 500, 2,000, and 5,000 mg/kg-day by gavage for days six through 27 of gestation. The report states that no effects were seen on servival or maternal toxicity in any group compared with controls. Two rabbits in the high dose group (5000 mg/kg-day) and one in the mid dose group (2,000 mg/kg-day) aborted. In the high dose group only there was a slight increase in mean post-implantation loss and a slight decrease in the mean number of viable fetuses. No teratologic effects were reported seen in any group.

The Agency is evaluating these data and the conclusions that can be drawn from the data in regard to further testing under this program. The studies have been iserted in the public file on chlorinated paraffins [OPTS–42004] for the FR notice published in the **Federal Register** of January 8, 1982 (47 FR 1017).

II. 2-Chlorotoluene

Hooker Industrial and Specialty Chemicals of Occidental Chemical Corporation is conducting a negotiated testing program on 2-chlorotoluene, a solvent for agricultural pesticides and a general solvent replacement for 1,2-dichlorobenzene. The testing scheme is multi-level in approach, with the EPA participating at a number of decision points. The toxicological areas being addressed by this program are metablism, teratology, mutagenicity, chronic toxicity, and environmental toxicity. Because of Hooker/Occidental's commitment to this testing scheme, as detailed in the **Federal Register** of April 28, 1982 (47 FR 18172), the EPA decided that it would not propose a 2-chlorotoluene test rule under section 4 of TSCA. Occidental's submission includes:

1. A letter which presents interim results for the 2-chlorotoluene rat embryotoxicity study.
2. A letter which presents provisional findings for the fetal examinations in the rat embryotoxicity study, and initial findings in the rabbit embryotoxicity study with 2-chlorotoluene.
3. A letter providing preliminary data evaluation of the 2-chlorotoluene embryotoxicity inhalation study (item 1) in the rat.
4. A preliminary inhalation range finding study of 2-chlorotoluene in the rat and rabbit.
5. A letter assessing the 2-chlorotoluene preliminary inhalation study in rats and rabbits.

The interim report on the rat embryotoxicity study reviewed the experiment which involved 25 female rats exposed to 0, 1, 3, or 9 mg/l 2-chlorotoluene via inhalation, between days 6 and 20 of gestation. No additional information on the experimental procedure is provided in this report. The numbers of pregnant females at each concentration were 23, 23, 22, and 24, with mean litter sizes of 10.2, 11.2, 11.7, and 10.3, respectively, reported for each group. No deaths were reported; however, a dose-related reduction in maternal mean body weight gain and food consumption was noted. Fetal body weight was lowest at the 9 mg/l exposure level. No instances of total embryo resorption were reported. Nine out of 247 pups at the 9 mg/l dose showed macroscopic evidence of malformation. The more detailed fetal analysis revealed skeletal anomalies and sternebral variance, primarily brachydactyly (shortened digits). These skeletal abnormalities were postulated by Huntingdon Research Centre, the performing laboratory for this study, to be more attributable to maternal weight loss than to the toxic effects of 2-chlorotoluene.

The initial findings from the rabbit study showed that 10, 12, 13, and 10 females exposed, via inhalation between days 6 and 28 gestation, to 0, 1.5, 4, or 10 mg/l had mean litter sizes of 6.8, 5.3, 7.7 and 7.7 young, respectively. Initially each group contained 16 mated females; however, only the aforementioned numbers of females were successfully impregnated. Five animals at the 10 mg/l dose died or were killed (reason unspecified) prior to completion of the experiment; four of these showed macroscopic lung changes. The only evidence of structural abnormality in any of the offspring was evidence of brachydactyly in one fetus at 10 mg/l.

Evaluation of The Huntingdon Research Centre's preliminary data by Occidental Chemical Corporation resulted in the tentative conclusion that the teratogenic effects noted are the secondary result of maternal toxicity and resulting limitations on fetal growth and maturity.

The preliminary inhalation study in the rate and rabbit exposed 10 male and 10 female rats to mean analyzed levels of 0, 4, 7.6, 11.4, and 15.2 mg/l 2-chlorotoluene six hours per day for 14 days and 6 female rabbits to the same concentration, six hours per day, for 23 consecutive days. Three rats died at the 11.4 mg/l dose and 5 at the 15.2 mg/l dose during days 1 and 2 of the experiment. One control and one 11.4

mg/l rabbit died during the study. Dose-related loss in weight was observed in male rats and in the rabbits. A dose-related drop in food consumption was also noted for these two groups. Water consumption increased for all exposed rat groups while no difference in water consumption from the controls was noted in rabbits. Hematology and blood chemistry in rats indicated 2-chlorotoluene inhalation exposure caused mild liver toxicity. Blood data were not presented for rabbits. Liver, spleen and kidney weights were greater than those of controls for both sexes of rats at the three highest doses. No data were presented on organ weights for rabbits.

Occidental's letter that assesses the preliminary inhalation study in rats and rabbits postulated that the reduced weight gain in the exposed animals could be due to a central nervous system depression resulting in a lack of appetite, and that increased water consumption could be a response of a kidney to 2-chlorotoluene or one of its metabolites acting as a diuretic. This diuretic effect and the resulting alteration in blood chemistry appeared to affect male rats more severely. The mild liver toxicity observed could contribute to both the kidney and hematological effects observed.

The Agency is evaluating these data and the conclusions which can be drawn from the data in regard to further testing under this program. These studies have been inserted in the public file on 2-chlorotoluene [OPTS–42011A] for the notice published in the **Federal Register** of April 28, 1982 (47 FR 18172).

III. Aklyl Phthalates

The Chemical Manufacturers Association (CMA), through its Phthalate Esters Program Panel, is conducting testing on the phthalate esters, alkyl diesters of 1,2-benzenedicarboxylic acid, which are primarily used as plasticizers. The CMA's proposal was accepted by the Agency in lieu of a test rule under section 4 of TSCA and is described in the **Federal Register** of October 30, 1981 (46 FR 53775).

Industry's proposal addresses aquatic toxicity, environmental transport and fate, and biodegradation of the high production alkyl phthalates and benzyl butyl phthalate. The proposal also examines, in a more experimental approach, potential oncogenic and mutagenic effects of selected alkyl phthalates and benzyl butyl phthalate. Basically, CMA's health proposal is a multistage test program consisting of two first-stage components: (1) a battery of short-term mutagenicity tests; and (2) a 21-day *in vivo* test with rats. CMA will concurrently be performing extensive metablism work on di-2-ethylhexyl phthalate. Long-term tests, such as 2-year bioassays, may also be performed on alkyl phthalates selected on the basis of results of the short-term tests for other phthalates.

Phase I validation results for health effects testing have been obtained and submitted to the Agency by CMA. These are genotoxicity and biological studies with the reference compounds di-2-ethylhexyl phthalate (DEHP), di-2-ethylhexyl adipate (DEHA), mono-2-ethylhexyl phthalate (MEHP) and 2-ethylhexanol (2-EH).

Litton Bionetics, under contract to CMA, performed the genotoxicity tests and reported the test results which follow.

1. Ames Salmonella/Microsome Plate Test with and without rat liver S9 preparation; no mutagenic activity observed for any of the four reference compounds tested in any of the five Salmonella strains (TA–1535, TA–1537, TA–1538, TA–98, and TA–100) used.

2. Mouse Micronucleus Test with single and multiple (two) treatment doses; no clastogenic activity observed for any of the four reference compounds, except for equivocal results in female mice receiving multiple doses of MEHP.

3. *In Vitro* Transformation of BALB/3T3 Cell Assay with and without primary hepatocyte activation; no cell transformation activity observed for three of the reference compounds (DEHP, DEHA, and MEHP) tested nor for 2-EH without activation. Results for 2-EH with activation are to be provided in a supplementary report.

4. Mouse Lymphoma Forward Mutation Assay with and without S9 activation; no mutagenic activity observed for either of the two compounds (DEHP and DEHA) tested.

5. Primary Rat Hepatocyte Unscheduled DNA Synthesis Assay; no suggestion of DNA damage for either of the two compounds (DEHP and DEHA) tested. Published results as reported by CMA for MEHP and 2-EH also show negative results in these last two assays.

Midwest Research Institute (MRI) performed the biological studies on the two reference compounds (DEHP and DEHA) selected for study. These studies were designed to examine the hypolipidemic peroxisome proliferation potential for these two compounds. Both DEHP and DEHA produced significant increases in liver to body weight ratios in male and female rats; DEHA increases were greater in males than in females. Two weeks after cessation of treatment (compound administered in the diet) liver to body weight ratios had returned to normal. Changes were also noted in serum cholesterol and triglyceride levels with decreased levels in male and female rats fed DEHP or DEHA, except that triglyceride levels were not significantly changed in female rats fed DEHA. Other measures of liver function, serum glutamic pyruvic transaminase (SGPT) and alkaline phosphatase, were unaffected by treatment, except that in male rats fed DEHA a significant decrease in alkaline phosphatase levels was seen at the mid-dose level.

Liver enzyme activities were measured for carnitine acetyl transferase (CAT) and catalase. There was a marked increase in CAT activity for both compounds in both male and female rats at one and three weeks of feeding. For both compounds, CAT activity returned to control levels after two weeks of recovery. Catalase activity was much less changed by treatment with either compound, but MRI did report that there was a trend toward increasing catalase levels for both compounds in both sexes also.

Morphological studies further revealed areas of increased catalase activity and, by means of electron microscope identification, peroxisome proliferation in liver cells. After three weeks of treatment with DEHP, male rats showed an increase in peroxisome levels at the high dose. Female rats showed a lesser increase. Because of problems in staining liver sections, MRI was unable to obtain results for localization of catalase activity by cytochemical techniques for DEHA. However, liver sections from one male and one female rat from each treatment group and the control group were examined by electron microscopy. An increased level of hepatic microsomes was seen in the male rat at the high dose level of DEHA but little difference was noted in the female rats, even at the high dose.

CMA concluded that the ability of DEHP and DEHA to induce hypolipedemic peroxisomes has been confirmed and is a distinguishable end point. In contrast, CMA reported, no genotoxic effects were noted for any of the reference compounds tested. The Agency is evaluating these data and the conclusions that can be drawn from the data in regard to further (i.e. Phase II) testing under this program.

These studies have been placed in the public file on alkyl phthalates and benzyl butyl phthalate (OPTS–42005) for the notice published in the **Federal Register** of October 30, 1981 (46 FR 53775).

(Sec. 4, 90 Stat. 2006, Pub. L. 94–469 (15 U.S.C. 2601)

Dated: March 7, 1983.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 83–7494 Filed 3–22–83; 8:45 am]

BILLING CODE 6560–50–M

[OPP—240027; PH–FPL 2328–1]

State Registration of Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 26 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the **Federal Register**.

DATE: The last entry for each item is the date the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT: Sandra English, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1122, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2126).

SUPPLEMENTARY INFORMATION: Most of the registration listed below were received by EPA in September 1982. Receipts by EPA of State registrations will be published periodically. Except as indicated by (CUP) in 23 of the registrations listed below, there is no changed use pattern involved in any of these registrations.

Alabama

EPA SLN No. AL 82 0034. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on soybeans to control nematodes (root-knot, cyst, stunt, ring, sting, spiral, lesion, lance, dagger, and stubby-root). September 7, 1982.

EPA SLN No. AL 82 0035. Mobay Chemical Corp. Registration is for Furadan 10 GR, to be used on soybeans to control nematodes (root-knot, cyst, stunt, ring, sting, spiral, lesion, lance, dagger, and stubby-root). September 7, 1982.

Arizona

EPA SLN No. AZ 82 0018. Arizona Agrochemical Co. Registration is for Agro Chem Brand Methyl Parathion 4 E, to be used on guar beans to control midges and pale striped flea beetles. September 1, 1982.

California

EPA SLN No. CA 82 0039. California Dept. of Food and Agriculture. Registration is for Telone II, to be used on nursery stock growing grounds to control plant parasitic nematodes. (CUP). September 24, 1982.

EPA SLN No. CA 82 0095. EM Industires, Inc. Registration is for Funginex EC 18.2%, to be used on cherries to control monilinia fruit brown rot. (CUP). September 3, 1982.

EPA SLN No. CA 82 0096. Stoller Chemical Co., Inc. Registration is for That Big 8 FL Sulfur, to be used on lemons to control broad mites. (CUP). September 13, 1982.

EPA SLN No. CA 82 0097. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on new hay plantings of alfalfa to control weeds. September 13, 1982.

EPA SLN No. CA 82 0098. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on established plantings of alfalfa for desiccation of bluegrass, ryegrass, shepherd's-purse, chickweed, sowthistle, groundsel, and tansy mustard. September 16, 1982.

EPA SLN No. CA 82 0099. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on strawberries to control root weevils. September 29, 1982.

Connecticut

EPA SLN No. CT 82 0009. Bell Laboratories, Inc. Registration is for P.C.O. Rat and Mouse Bait, to be used on orchards and groves to control meadow and pine mice, and voles (*Microtus spp.*). September 15, 1982.

EPA SLN No. CT 82 0010. Motomco Ltd. Registration is for Contrax-P, to be used on orchards and groves to control meadow and pine mice, and voles (*Microtus supp.*). September 15, 1982.

Delaware

EPA SLN No. DE 82 0012. FMC Corp. Registation is for Pounce 3.2 EC, to be used on greenhouse chrysanthemums to control Liriomyza leafminer flies. September 24, 1982.

Florida

EPA SLN No. FL 82 0049. The Land, Epcot Center. Registration is for Sumithrin Greenhouse Spray, to be used on various crops to control infestations of whiteflies, aphids, spider mites, and mealybugs. September 7, 1982.

EPA SLN No. FL 82 0050. The Land, Epcot Center. Registration is for Tedion E–1, to be used on various crops to control European red mites, two-spotted mites, McDaniel mites, canadensis mites, carpini mites, schoenii mites, citrus red mites, Texas citrus mites, and tropical mites. September 7, 1982.

EPA SLN No. FL 82 0051. The Land, Epcot Center. Registration is for Fulex DDVP Fumigator, to be used on various crops to control red spider mites, aphids, whiteflies, and mealybugs. September 7, 1982.

EPA SLN No. FL 82 0052. The Land, Epcot Center. Registration is for Flora-Fog Malathion, to be used on various crops to control red spider mites, aphids, thrips, and whiteflies. September 7, 1982.

EPA SLN No. FL 82 0053. The Land, Epcot Center. Registration is for Flora-Fog Kethane, to be used on various crops to control red spider mites and cyclamen mites. September 7, 1982.

EPA SLN No. FL 82 0054. The Land, Epcot Center. Registration is for Flora-Fog Kethane, to be used on various crops to control chrysanthemum leafminers, aphids, red spider mites, thrips, whiteflies, and leaf rollers. Septembr 7, 1982.

EPA SLN No. FL 82 0055. The Land, Epcot Center. Registration is for Flora-Fog Vapona, to be used on various crops to control chrysanthemum leafminers, aphids, red spider mites, thrips, and whiteflies. September 7, 1982.

EPA SLN No. FL 82 0056. The Land, Epcot Center. Registration is for Dithane M–45, to be used on various crops to control *Alternaria, Cercospora,* downy mildew, gummy stem blight, *Botrytis,* late blight, gray leaf mold, anthracnose, and gray leaf spot. (CUP). September 7, 1982.

EPA SLN No. FL 82 0057. The Land, Epcot Center. Registration is for Flora-Fume Malathion, to be used on various crops to control mites, aphids, thrips, whiteflies, and chrysanthemum leafminers. Septembr 7, 1982.

EPA SLN No. FL 82 0058. The Land, Epcot Center. Registration is for Omite 30W, to be used on various crops to control brown almond, citrus red, clover, European red, McDaniel, Pacific spider, peach silver, strawberry spider, two-spotted spider, and Willamette mites. September 7, 1982.

EPA SLN No. FL 82 0059. The Land, Epcot Center. Registration is for Kelthane EC, to be used on various crops to control apple rust, Bermuda, carmine, citrus flat, citrus red (purple), citrus rust, clover (brown almond),

cyclamen, and desert mites. September 7, 1982.

EPA SLN No. FL 82 0060. The Land, Epcot Center. Registration is for Dibrom 8 Emulsive, to be used on various crops to control mites, thrips, aphids, armyworms, whiteflies, and mealybuds. September 7, 1982.

EPA SLN No. FL 82 0061. The Land, Epcot Center. Registration is for Enstar 5E, to be used on various crops to control whiteflies, aphids, soft and armored scales, mealybugs, and fungus gnats. September 7, 1982.

EPA SLN No. FL 82 0062. The Land, Epcot Center. Registration is for Karathane WD, to be used on various crops to control powdery mildew. (CUP). September 7, 1982.

EPA SLN No. FL 82 0063. The Land, Epcot Center. Registration is for Bravo W–75, to be used on various crops to control *Alternaria,* downy and powdery mildew, gummy stem blight, grey leaf mold, *Botrytis,* and target spot. (CUP). September 7, 1982.

EPA SLN No. FL 82 0064. The Land, Epcot Center. Registration is for Bravo 500, to be used on various crops to control *Alternaria,* downy mildew, powdery mildew, gummy stem blight, gray leaf mold, *Botrytis,* and target spot. (CUP). September 7, 1982.

EPA SLN No. FL 82 0065. The Land, Epcot Center. Registration is for Pentac WP, to be used on various crops to control Phytophagous mites, such as two-spotted, and tumid spider; European red and broad mites. September 7, 1982.

EPA SLN No. FL 82 0066. The Land, Epcot Center. Registration is for Manzate D, to be used on various crops to control early and late blight, anthracnose, *Cercospora,* downy mildew, gummy stem blight, gray leaf spot, and *Septoria.* (CUP). September 7, 1982.

EPA SLN No. FL 82 0067. The Land, Epcot Center. Registration is for Manzate 200, to be used on various crops to control *Phytophthora,* gray leaf mold, anthracnose, *Cercospora,* downy mildew, gummy stem blight, gray leaf spot, early blight, and *Septoria.* (CUP). September 7, 1982.

EPA SLN No. FL 82 0068. The Land, Epcot Center. Registration is for Exotherm Termil, to be used on various crops to control *Botrytis,* early and late blight, gray leaf spot, and leaf mold. (CUP). September 7, 1982.

EPA SLN No. FL 82 0069. The Land, Epcot Center. Registration is for Dithane Z–78, to be used on various crops to control downy mildew, *Cladosporium,* early and late blight, *Cercospora,* and gummy stem blight. (CUP). September 7, 1982.

EPA SLN No. FL 82 0070. The Land, Epcot Center. Registration is for Dithane M–22, to be used on various crops to control downy mildew, *Botrytis, Cladosporium,* early and late blight, gray leaf spot, and *Alternaria.* (CUP). September 7, 1982.

EPA SLN No. FL 82 0071. The Land, Epcot Center. Registration is for Kelthane 35, to be used on various crops to control European red, two-spotted (red spider), six-spotted, Pacific, privet, schoenii, yellow (carpini), McDaniel, Willamette, spruce, desert, and tropical mites. September 7, 1982.

EPA SLN No. FL 82 0072. The Land, Epcot Center. Registration is for Benlate, to be used on various crops to control gummy stem blight, powdery mildew, *Botrytis, Cladosporium,* and *Penicillium* rots. (CUP). September 7, 1982.

EPA SLN No. FL 82 0073. The Land, Epcot Center. Registration is for Fulex Nicotine Fumigator, to be used on various crops to control greenhouse aphids and most thrips. September 7, 1982.

EPA SLN No. FL 82 0074. The Land, Epcot Center. Registration is for Fulex Thiodan Insecticidal Smoke, to be used on various crops to control most greenhouse aphids, and adult whiteflies (including resistant strains). September 7, 1982.

EPA SLN No. FL 82 0075. The Land, Epcot Center. Registration is for Phaltan 50 Wettable, to be used on various crops to control powdery and downy mildew. (CUP). September 7, 1982.

EPA SLN No. FL 82 0076. The Land, Epcot Center. Registration is for Orthene 75 S, to be used on various crops to control aphids, armyworms, thrips, grasshoppers, loopers, cutworms, stink bugs, and leafhoppers. September 7, 1982.

EPA SLN No. FL 82 0077. The Land, Epcot Center. Registration is for Tedion W–50, to be used on various crops to control European red, two-spotted, spider, McDaniel, canadensis, carpini, schoenii, citrus red, Texas citrus, and tropical mites. September 7, 1982.

EPA SLN No. FL 82 0078. The Land, Epcot Center. Registration is for Pentac Aquaflow, to be used on various crops to control phytophagous mites including two-spotted and tumid spider; European red, and broad mites. September 7, 1982.

EPA SLN No. FL 82 0079. The Land, Epcot Center. Registration is for Orthocide 50 WP, to be used on various crops to control *Botrytis, Phythium* damp off, gray leaf spot, and downy mildew. (CUP). September 7, 1982.

EPA SLN No. FL 82 0080. Florida Dept. of Agriculture and Consumer Services. Registration is for Arasan 50-Red, to be used on dried citrus seeds to reduce albinism in young citrus seedlings. (CUP). September 20, 1982.

EPA SLN No. FL 82 0083. Dow Chemical U.S.A. Registration is for Lorsban 4E Insecticide, to be used on soybeans to control larvae of the lesser cornstalk borer infesting soybeans. September 23, 1982.

Georgia

EPA SLN No. GA 82 0018. American Hoechst Corp. Registration is for Hoelon 3 EC Herbicide, to be used on wheat to control rye grass. September 29, 1982.

Hawaii

EPA SLN No. HI 82 0002. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on sugarcane for preharvest crop desiccation. September 2, 1982.

Idaho

EPA SLN No. ID 82 0026. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on winter wheat for suppression of volunteer rye and downy brome (cheat grass). September 17, 1982.

EPA SLN No. ID 82 0027. Motomco Ltd. Registration is for Contrax-P, to be used on orchards to control mountain voles. September 21, 1982.

EPA SLN No. ID 82 0028. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on beef cattle, dairy cattle, and horses to control face flies, stable flies house flies, horn flies, and lice. September 21, 1982.

EPA SLN No. ID 82 0029. Union Carbide Agricultural Products. Registration is for Fruitone, T, to be used on Italian prunes to control preharvest drop. September 21, 1982.

EPA SLN No. ID 82 0030. Dow Chemical U.S.A. Registration is for Tordon 22K Weed Killer, to be used on non-irrigated fallow cropland to control perennial broadleaf weeds. September 28, 1982.

Illinois

EPA SLN No. IL 82 0017. Merck and Co., Inc. Registration is for Mertect 340–F Fungicide, to be used on soybeans grown for seed to control pod and stem blight, anthracnose, brown spot, frog eye, leaf spot, and purple seed stain. (CUP). September 3, 1982.

EPA SLN No. IL 82 0018. FMC Corp. Registration is for Furadan 10G Insecticide/Nematicide, to be used on sweet corn to control corn rootworms, flea beetles, and nematodes. September 8, 1982.

EPA SLN No. IL 82 0019. Vertac Chemical Corp. Registration is for Vertac General Weed Killer, to be used

on onion sets for desiccation of the top growth. September 24, 1982.

EPA SLN No. IL 82 0020. Vertac Chemical Corp. Registration is for Vertac Premegrge 3 Dinitro Amine Herbicide, to be used on peas to control root rot. September 24, 1982.

Indiana

EPA SLN No. IL 82 0014. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on livestock and their premises to control face, stable, house, horse, and horn fles and lice, ticks, and psoroptic (scabies) mites. September 14, 1982.

Kansas

EPA SLN No. KS 82 0017. Ciba-Geigy Corp. Registration is for D z n 50W, to be used on wheat to control white grubs. September 7, 1982.

EPA SLN No. KS 82 0018. Ciba-Geigy Corp. Registration is for D z n AG500, to be used on wheat to control white grubs. September 7, 1982.

Louisiana

EPA SLN No. LA 82 0032. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on livestock and their premises to control horn, face, stable, house, and horse flies and lice on beef and dairy cattle and horses, ticks and psoroptic (scabies) mites on beef and dairy cattle. September 7, 1982.

EPA SLN No. LA 82 0033. American Hoechst Corp. Registration is for Hoelon 3EC Herbicide, to be used on wheat and soybeans to control annual ryegrass. September 10, 1982.

EPA SLN No. LA 82 0034. Chevron Chemical Co. Registration is for Orthene Tree and Ornamental Spray, to be used on trees and ornamentals for fire ant mound treatment. September 10, 1982.

EPA SLN No. LA 82 0035. Shell Chemical Co. Registration is for Pydrin Insecticide 4 ULV Concentrate, to be used on cotton to control pink bollworms. September 13, 1982.

EPA SLN No. LA 82 0036. Chevron Chemical Co. Registration is for Orthene 75 S Soluble Powder, to be used on pastures and range areas for fire ant mound treatment.

Maryland

EPA SLN No. MD 82 0016. Chevron Chemical Co. Registration is for Orthene Tree and Ornamental Spray, to be used on turfgrass to control greenbugs. September 28, 1982.

EPA SLN No. MD 82 0017. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on beef and dairy cattle and horses and their premises to control horn, face, stable, and house flies, and on beef and dairy cattle to control lice, ticks, and psoroptic (scabies) mites. September 30, 1982.

Michigan

EPA SLN No. MI 82 0023. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on horse, beef, dairy, swine, sheep, and poultry premises and outside meat processing premises to control house and stable flies. September 21, 1982.

Mississippi

EPA SLN No. MS 82 0040. Dow Chemical U.S.A. Registration is for Lorsban 15G GR Insecticide, to be used on pine seedlings to control soil insects. September 13, 1982.

EPA SLN No. MS 82 0041. American Hoechst Corp. Registration is for Hoelon 3EC Herbicide, to be used on wheat to control annual ryegrass. September 22, 1982.

EPA SLN No. MS 82 0042. Chevron Chemical Co. Registration is for Orthene 75 S Soluble Powder, to be used on homeowner yards for fire ant mound treatment. September 22, 1982.

Montana

EPA SLN No. MT 82 0011. PCI/ Gordon Corp. Registration is for Acme Agricultural Products, Ultra-Sulv (Amine), to be used on small grains, pastures, rangelands, and non-crop areas to control weeds. September 15, 1982.

EPA SLN No. MT 82 0012. E.I. du Pont de Nemours and Co. Registration is for Du Pont Velpar L Weed Killer, to be used on reforestation areas to control weeds. September 14, 1982.

Nebraska

EPA SLN No. NE 82 0021. Phillips Roxane, Inc. Registration is for Anchor Permectrin 25% WP Long Lasting Barn and Premise Fly Spray, to be used on barns and livestock premises to control house, stable, and false stable flies and other manure-breeding flies. September 28, 1982.

EPA SLN No. NE 82 0022. Phillips Roxane, Inc. Registration is for Bio-ceutic Overtime 25% WP Long Acting Livestock Premise Insecticide, to be used on livestock premises to control house, stable, and false stable flies and other manure-breeding flies. September 28, 1982.

New Jersey

EPA SLN No. NJ 82 0017. ICI Americas Inc. Registration is for Gramoxone Paraquat Herbicide, to be used on alfalfa to control weeds. September 28, 1982.

New Mexico

EPA SLN No. NM 82 0021. E.I. du Pont de Nemours and Co. Registration is for Du Pont Lannate L Insecticide, to be used on cotton to control bollworms and tobacco budwords. September 9, 1982.

EPA SLN No. NM 82 0022. Chevron Chemical Co. Registration is for Ortho Monitor 4 Spray, to be used on peppers to control green peach aphids, leafminers, thrips, and flea beetles. September 13, 1982.

Oregon

EPA SLN No. OR 82 0061. Dow Chemical U.S.A. Registration is for Tordon 22K Weed Killer, to be used on small grain fields to control perennial broad leaf weeds. September 20, 1982.

EPA SLN No. OR 82 0062. Occidental Chemical Co. Registration is for Blueshield, to be used on Easter lilies to control bacterial blight and on sycamores to control anthracnose (CUP). September 20, 1982.

EPA SLN No. OR 82 0063. Occidental Chemical Company. Registration is for Blueshield, to be used on apples, pears, and European cankercranberries to control storage rots, and stem and leaf-blight. (CUP). September 20, 1982.

EPA SLN No. OR 82 0064. Great Lakes Chemical Corp. Registration is for Terr-O-Gas 75, to be used on onions to control white rot. September 20, 1982.

EPA SLN No. OR 82 0065. Chas. H. Lilly Co. Registration is for Miller's Wipe Out Slug and Snail Bait, to be used as a preplant application to control slugs or snails. September 28, 1982.

Tennessee

EPA SLN No. TN 82 0021. FMC Corp. Registration is for Furadan 10 GR, to be used on alfalfa to control clover root curculio, potato leafhoppers, crickets, and grasshoppers. September 14, 1982.

EPA SLN No. TN 82 0022. FMC Corp. Registration is for Furadan 15 GR, to be used on alfalfa to control clover root curculio, potato leafhoppers, crickets, and grasshoppers. September 14, 1982.

EPA SLN No. TN 82 0023. American Hoechst Corp. Registration is for Hoelon 3EC Herbicide, to be used on fall seeded wheat to control annual ryegrass. September 15, 1982.

Texas

EPA SLN No. TX 82 0048. FMC Corp. Registration is for Furadan 10 GR, to be used on peanuts to control root lesion nematodes. September 2, 1982.

EPA SLN No. TX 82 0049. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used on livestock and their

premises to control flies, lice, and ticks. September 3, 1982.

EPA SLN No. TX 82 0050. Philips Roxane, Inc. Registration is for Anchor Permectrin 25% WP Long Lasting Barn and Premise Fly Spray, to be used on livestock and their premises to control flies, lice, and ticks. September 7, 1982.

EPA SLN No. TX 82 0051. Philips Roxane, Inc. Registration is for Bioceutic Overtime 25% WP Long Acting Livestock Premise Insecticide, to be used on livestock and their premises to control flies, lice, and ticks. September 7, 1982.

EPA SLN No. TX 82 0052. Chevron Chemical Co. Registration is for Ortho Monitor 4 Spray, to be used on peppers to control green peach aphids, leafminers, thrips, and flea beetles. September 9, 1982.

EPA SLN No. TX 82 0053. Shell Chemical Co. Registration is for Pydrin Insecticide 2.4 EC, to be used on soybeans to control Mexican bean beetles, green cloverworms, velvetbean caterpillars, and tobacco leafhoppers. September 14, 1982.

EPA SLN No. TX 82 0054. Shell Chemical Co. Registration is for Pydrin Insecticide 4 ULV Concentrate, to be used on cotton to control pink bollworms and cotton leaf perforators. September 14, 1982.

EPA SLN No. TX 82 0055. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on beef and dairy cattle and horses to control face, stable, house, horse, and horn flies and lice. September 14, 1982.

EPA SLN No. TX 82 0056. Gustafson, Inc. Registration is for Gustafson Lorsban 30 FL, to be used on stored cotton and sorghum planting seed to control red flour beetles, rice weevils, sawtoothed grain beetles, Indian meal moths, angoumois grain moths, and cigarette beetles. September 16, 1982.

Virginia

EPA SLN No. VA 82 0030. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on livestock and their premises to control flies. September 27, 1982.

Washington

EPA SLN No. WA 82 0060. Wilbur-Ellis Co. Registration is for Wilbur-Ellis Zineb 10 Dust, to be used on mushrooms to control fungal diseases. (CUP). September 20, 1982.

EPA SLN No. WA 82 0061. Dow Chemical U.S.A. Registration is for Tordon 22K Weed Killer, to be used on small grain fields to control perennial weeds. September 22, 1982.

West Virginia

EPA SLN No. WV 82 0009. Motomco Ltd. Registration is for Contrax-P, to be used on orchards and groves to control meadow and pine mice and voles. September 27, 1982.

Dated: March 14, 1983.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 83-7495 Filed 3-22-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-317; PH-FRC 2323-8]

Certain Companies; Pesticide Petitions; Elanco Products Co. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to : Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-317] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, PM-21, (703-557-1900) at the address given above.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initial Filing

1. *PP 3E2836.* Elanco Products Co., 740 South Alabama St., Indianapolis, IN 46285. Proposes amending 40 CFR Part 180 by establishing tolerances for the residues of the fungicide nuarimol [alpha-(2-chlorophenyl)-alpha-(4-fluorophenyl)-5-pyrimidinemethanol in or on the commodity bananas at 0.10 part per million (ppm). The proposed analytical method for determining residues is gas-liquid chromatography using an electron capture detector.

2. *PP 3F2837.* Mobay Chemical Corp. P.O. Box 4913, Hawthorn Rd., Kansas City, MO 64120. Proposes amending 40 CFR 180.410 by establishing tolerances for the combined residues of the fungicide 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2-4-triazol-1-yl)-2-butanone and its metabolite beta-(4-chlorophenoxy)-alpha-(1,1-dimethylethyl)-1*H-1,2,4-triazole-1-ethanol in or on the commodities almonds, hulls at 0.10 ppm and meats at 0.05 ppm. The proposed analytical method for determining residues gas chromatography with a conductivity detector.*

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: March 9, 1983.

Robert Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-6940 Filed 3-22-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30222A, PH-FRL 2322-6]

Elanco Products Co.; Withdrawal of Application To Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Elanco Products Co. has withdrawn its application to register the insecticide Bant containing an active ingredient not included in any previously registered pesticide product as provided for in section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: George LaRocca, Product Manager (PM) 15, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, CM#2, Rm. 204, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2400).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of January 12, 1983 (48 FR 1349), which announced that the Elanco Products Co., 740 S. Alabama St., Indianapolis, IN 46285, had submitted an application to conditionally register the insecticide Bant, file symbol 1471-RGG. The product containing 0.75 percent of the active ingredient *N*-[2,-amino-3-nitro-5-(trifluoromethyl)phenyl]-2,2,3,3-tetrafluoropropanamide, an active

ingredient not included in any previously registered product, was intended for general use for the control of imported fire ants and use on noncropland areas only.

Elanco Products Co. withdrew the application without prejudice to future filing for registration of the product.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: March 7, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-8942 Filed 3-22-83; 8:45 am]

BILLING CODE 6560-50-M

[PP 3G2775/T406; PH-FRL 2323-7]

Mobay Chemical Corp.; Establishment of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established a temporary tolerance for the combined residues of the nematocide, ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate, and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity grapes. This temporary tolerance was requested by Mobay Chemical Corporation.

DATE: This temporary tolerance expires December 31, 1983.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 229, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1900).

SUPPLEMENTARY INFORMATION: Mobay Chemical Corporation, Agricultural Chemicals Division, P.O. Box 4913, Kansas City, MO 64120, has requested, in pesticide petition PP 3G2775 the establishment of a temporary tolerance for the combined residues of the nematocide, ethyl 3-methly-4(methylthio)phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metobolites in or on the raw agricultural commodity grapes at 0.1 part per million (ppm). A related document, establishing a food and feed additive regulation permitting residues of the nematocide in grape pomace and raisin waste was published in the **Federal Register** of February 24, 1983 (48 FR 7729).

This temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permits 3125-EUP-173 and 3125-EUP-174 which are being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permits and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permits.

2. Mobay chemical Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires December 31, 1983. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permits are revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Strat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346(j)))

Dated: March 9, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-8941 Filed 3-22-83; 8:45 am]

BILLING CODE 6560-50-M

[PP OG1802/T405; PH-FRL #2325-2]

Oryzalin; Renewal of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed a temporary tolerances for residues of the herbicide oryzalin in or on the raw agricultural commodity wheat.

DATE: This temporary tolerance expires February 3, 1984.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 13, 1978 (43 FR 15487) stating that a temporary tolerance had been established for residues of the herbicide oryzalin (3,5-dinitro-N^4, N^4-dipropylsulfanilamide) in or on the raw agricultural commodity wheat at 0.1 part per million (ppm). This tolerance was established in response to pesticide petition PP OG1802, submitted by Elanco Regulatory Services, Elanco Product Company, 740 South Alabama St., Indianapolis, IN 46285. The company has requested a one-year renewal of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permits 1471-EUP-58 and 1471-EUP-69 which are being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that a renewal of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been renewed on the condition that the pesticide be used in accordance with the experimental use permits and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permits.

2. Elanco Regulatory Services must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance, and on request make the records available to

any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires February 3, 1984. Residues not in excess of the temporary tolerance in or on the above raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permits and temporary tolerance. This tolerance may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: March 10, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83–7097 Filed 3–22–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing it

March 15, 1983.

Task Group A–2 of Working Group A: Facilities & Technology.

Chairman: Jeffrey Binckes (202) 863–6864.

Date: Friday, March 25, 1983.

Time: 9:30 A.M.–2:30 P.M.

Location: Communications Satellite Corporation, 950 L'Enfant Plaza SW., Room 6030, Washington, D.C.

Task Group B–1 of Working Group B: Legal Implications.

Chairman: Martin Rothblatt (202) 463–2962.

Date: Thursday, April 14, 1983.

Time: 1:30 p.m.–4:30 p.m.

Location: Schnader, Harrison, Segal & Lewis, 1111 19th Street NW., Suite 1000, Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–7498 Filed 3–22–83; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1398]

Petitions for Reconsideration of Actions in Rule Making Proceedings

March 18, 1983.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Section 73.606(b), Table of Assignments, Television Broadcast Stations. (Hampton-Norfolk-Portsmouth-Newport News, Virginia) (BC Docket No. 82–541, RM–4158)

Filed by: Paul A. Zevnik & Diane Z. Goldman, Attorneys for Paul, Hastings, Janofsky & Walker & Atlantic Telecasting Limited Partnership on 2–28–83.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–7497 Filed 3–22–83; 8:45 am]

BILLING CODE 6712–01–M

Public Information Collection and Recordkeeping Requirements Submitted to Office of Management and Budget for Review

March 15, 1983.

On March 15, 1983 the Federal Communications Commission submitted the following information collection and recordkeeping requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511.

Copies of these submissions are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632–7513. Comments should be sent to Edward H. Clarke, Office of Management and Budget, OIRA, Room 3201 NEOB, 726 Jackson Place, N.W., Washington, D.C. 20503.

- Title: Application for Permit to Deliver Programs to Foreign Broadcast Stations

Form No. FCC 308

Action: Revision

Respondents: Any applicant holding a valid radio or TV broadcast station construction permit or license, or other adult citizen of the U.S., its territories or possessions.

Estimated Annual Burden: 10 Responses; 210 Hours.

- Title: Application for Consent to Assignment of Radio Broadcast Station Construction Permit or License or Transfer of Control of Corporation Holding Broadcasting Station Construction Permit or License

Form No. FCC 316

Action: Revision

Respondents: Permittee or Licensee seeking authority for assignment or transfer of control.

Estimated Annual Burden: 580 Responses; 1,740 Hours.

- Title: Application for Instructional Television Fixed Station License

Form No. FCC 330–L

Action: Revision

Respondents: Licensees and Permittees of TV instructional fixed stations.

Estimated Annual Burden: 50 Responses; 88 Hours.

- Title: Application for TV or FM Broadcast Translator Station License

Form No. FCC 347

Action: Revision

Respondents: Licensees and Permittees of Low Power TV and TV or FM Translator Stations.

Estimated Annual Burden: 774 Responses; 1,742 Hours.

- Title: Standard Broadcast and FM Program Logging Rules Extension

Action: Extension

Respondents: All AM and FM licensees of operational noncommercial educational broadcast stations

Estimated Annual Burden: 1,181 Responses; 5,172,780 Hours.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–7499 Filed 3–22–83; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974; Proposed Amendments to Existing Systems of Records

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed inclusion of the Social Security Number in existing systems of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a,

notice is hereby given that the Federal Emergency Management Agency (FEMA) proposes to add the Social Security Number to five existing systems of records. These systems of records are entitled, "Claims Collection Files, FEMA/RMA–9," "Student Application and Registration Records, National Fire Academy, FEMA/NETC–1," "National Fire Academy Instructor Records, FEMA/NETC–2," "Student Academic and Course Records, FEMA/NETC–3." and "Home Study Courses, FEMA/NETC–4." The inclusion of the social security number will be used only for recordkeeping purposes to properly identify an individual. Because of a large number of individuals who have identical names and birth dates, some identities can only be distinguished by the Social Security Number. Disclosure of the Social Security Number is voluntary and failure to provide it will not result in denial of any right, privilege, or benefit to which the individual would otherwise be entitled. For those individuals who do not wish to provide their Social Security Number, an internal number will be assigned for recordkeeping purposes.

EFFECTIVE DATE: The proposed inclusion of the Social Security Number will become effective in the five mentioned FEMA systems of records, without further notice, on April 22, 1983, unless comments necessitate otherwise.

ADDRESS: Written comments may be sent or delivered to Rules Docket Clerk, Federal Emergency Management Agency, (Room 835), 500 C Street, S.W., Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Linda M. Keener, FOIA/Privacy Specialist, (202) 287–0313.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency last published the five subject systems of records in their entirety on November 26, 1982, 47 FR 53483. To economize on costs, we are only publishing the sections of the system of records notices which contain changes.

Dated: March 4, 1983.

James L. Holton,

Director, Office of Public Affairs, Federal Emergency Management Agency.

FEMA/RMA–9

SYSTEM NAME:

Claims Collection Files.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Claims Collection Officers' file will contain the name and address of the debtor, taxpayer's identification number (which may be the social security number), amount of claim or delinquent amount; basis of claim; date claim arose; office referring claim to the Claims Collection Officer; record of each collection made; credit report or financial statement reflecting the net worth of the debtor; date by which the claim must be referred to the Agency Collections Officer for further collection action; citation or basis on which claim was terminated or compromised; and the appropriation number under which the Accounts/Notes Receivable was established.

RETRIEVABILITY:

By name or taxpayer's identification number (which may be the social security number).

FEMA/NETC/1

SYSTEM NAME:

Student Application and Registration Records, National Fire Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include application forms and other information submitted by the applicants. Information collected includes, but is not limited to, name, sex, social security number, date of birth, education level, home address and job title. Files concerning students registered for Academy courses include the above information in addition to the next of kin (in case of emergency), home and/or business address, name or course, number of course credits, and grade, if any, and medical information in case of student injury or illness.

RETRIEVABILITY:

By name of the applicant or social security number.

FEMA/NETC/2

SYSTEM NAME:

National Fire Academy Instructor Records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Instructor's name; home and/or business addresses and telephone numbers; titles of courses taught; dates and locations of courses; and evaluations of courses and instructors.

RETRIEVABILITY:

Filed according to the surname of the Instructor or social security number.

FEMA/NETC/3

SYSTEM NAME:

Student Academic and Course Records.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains student application records—FEMA 95–2, containing name, address, educational level, social security number, emergency management courses taken and where, emergency management organization and program affiliation, emergency management title, emergency management telephone number and length of emergency management service, employer, business title and business telephone number, student travel authorization and voucher for partial expense and date and location of course; individual training records; individual and business file for National Emergency Training Center Catalogs, Information Bulletins, etc.; Career Development Individual files; photographs with identification; MOBDES training files; Career Development directory; Student Expense files; completed Grant-in-aid forms; State recommendations, attendance and progress reports, student locators, and related academic documents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, 3 x 5 index cards, and magnetic tape.

RETRIEVABILITY:

3 x 5 locator cards files alphabetically by name or social security number; academic records filed chronologically by course title; and travel authorizations and vouchers filed by fiscal year and State.

FEMA/NETC–4

SYSTEM NAME:

Home Study Courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

File includes individual application forms (including social security number), group enrollment forms, group completion forms, key punch cards and related computer printout indicating home study entry, progress, grades and completion, correspondence and related academic documents.

RETRIEVABILITY:

By name and address of Student Number or Social Security number.

[FR Doc 83–7462 Filed 3–22–83; 8:45 am]
BILLING CODE 6718–01–M

California; Amendment To Notice of Major-Disaster Declaration

[FEMA–677–DR]

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA–677–DR), dated February 9, 1983, and related determinations.

DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

Shasta County for Individual Assistance. Yolo County as an adjacent county for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83–516, Disaster Assistance. Billing Code 6718–02).

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83–7448 Filed 3–22–83; 8:45 am]

BILLING CODE 6718–01–M

[FEMA–677–DR]

California; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA–677–DR), dated February 9, 1983, and related determinations.

DATED: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

NOTICE: The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

Riverside, Solano and Trinity Counties as adjacent counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83–516, Disaster Assistance. Billing Code 6718–02)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83–7449 Filed 3–22–83; 8:45 am]

BILLING CODE 6718–01–M

[FEMA–674–DR]

Illinois; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Illinois (FEMA–674–DR), dated December 13, 1982, and related determinations.

DATED: March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Illinois dated December 13, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 13, 1982.

For Public Assistance:

Woodford County; Norman Township in Grundy County; Union County Unit Road District

(Catalog of Federal Domestic Assistance No. 83–516, Disaster Assistance. Billing Code 6718–02)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83–7450 Filed 3–22–83; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Chartercorp,* Kansas City, Missouri; to acquire 97.94 percent of the voting shares of Thornton Bank, Nevada, Missouri. Comments on this application must be received not later than April 15, 1983.

Board of Governors of the Federal Reserve System, March 17, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83–7457 Filed 3–22–83; 8:45 am]

BILLING CODE 6210–01–M

Bank Holding Companies; Notice of Proposed "De Novo" Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating

how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Bank of New York Company, Inc.*, New, York, New York (mortgage banking activities; Hawaii): To engage, through its wholly-owned subsidiary, Arcs Mortgage, Inc., in making, originating and servicing loans secured by first and second mortgages on real estate consisting of one- to four- family residential properties. These activities would be conducted from an office on Honolulu, Hawaii, serving the State of Hawaii. Comments of this application must be received not later than April 15, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *American Bancorporation Holding Company*, Brainerd, Minnesota (financing, servicing, data processing; Minnesota): To engage through a subsidiary, CreditAmerica Lending Company, primarily in consumer finance activities, including the extension of direct loans to consumers secured by personal or real property, and secondarily in commercial finance activities including extension of commercial loans secured by borrower's inventory, accounts, receivable, or other assets; servicing loans for affiliates and others; and providing bookkeeping and data processing services for affiliates in accordance with the Board's Regulation Y. These activities would be conducted from an office located in Brainerd, Minnesota, serving the community of Brainerd, Minnesota and the surrounding area. Comments on this application must be received not later than April 14, 1983.

Board of Governors of the Federal Reserve System, March 17, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7460 Filed 3-22-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1)) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companes by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Empire Bancshares, Inc.*, Hicksville, Ohio; to become a bank holding company by acquiring 100 percent of the capital stock of The Hicksville Bank, Hicksville, Ohio. Comments on this application must be received not later than April 15, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Eagan BanCorporation, Inc.*, St. Paul, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Minnesota National Bank of Eagan, Eagan, Minnesota. Comments on this application must be received not later than April 15, 1983.

Board of Governors of the Federal Reserve System, March 17, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7458 Filed 3-22-83; 8:45 am]

BILLING CODE 6210-01-M

Western Bancorporation, Inc.; Merger of Bank Holding Companies

Western BanCorporation, Inc., Houston, Texas, has applied for the Board's approval under § 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Port City Bancshares, Inc., Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 15, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 17, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7459 Filed 3-22-83; 8:45 am]

BILLING CODE 6210-01-M

Fee Schedules for Federal Reserve Bank Services

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Fee schedules for wire transfer of funds and net settlement services.

SUMMARY: The Monetary Control Act of 1980 (title I of Pub. L. 96-221) requires that schedules of fees be established for Federal Reserve Bank services. Revised fee schedules for the wire transfer of funds and net settlement services were implemented effective April 29, 1982. The Board has now determined to continue the existing fee schedules for these services.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Elliott C. McEntee, Assistant Director (202/452-2231) or Florence M. Young, Program Manager (202/452-3955) Federal Reserve Bank Operations; Gilbert T. Schwartz, Associate General Counsel (202/452-3625) or Daniel L. Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 ("Act") requires that fee schedules be developed for Federal Reserve Bank services based on pricing principles established by the Board. The fee schedules for wire transfer of funds and net settlement services became effective January 29, 1981. Proposed new fee schedules for wire transfer of funds and net settlement services were published for public comment on January 19, 1982 (47 FR 2790). New fee schedules for these services became effective on April 29, 1982 (47 FR 13406).

Revenues from the provision of wire transfer of funds and net settlement services are slightly in excess of the costs, including the 16 percent private sector adjustment factor ("PSAF"), incurred in providing the services from May 1982 through January 1983 ($42.4 million and $42.2 million, respectively). Based on 1983 estimates of the volume of funds transfers (39.7 million transfers), the Board believes that the fee schedules currently in effect will provide sufficient revenues to cover the costs of providing the services, including the PSAF. The Board has concuded that it is appropriate to retain the current fee schedules for the wire transfer of funds and net settlement services. The System is, however, conducting a comprehesive review of the fee structures of these services. Should it be determined that significant restructuring of the fee schedules for these services are desirable, public comment on any such proposed changes will be solicited. It is anticipated, however, that any changes to the current fee structures would not be implemented until 1984.

Accordingly, the fee schedules for the Federal Reserve's wire transfer of funds and net settlement services will continue in effect as follows:

Wire transfer of funds		Net settlement	
On-line transfer			
Originator	[illegible]	Settlement entries	$1.30
Receiver	0.65		
Off-line surcharges:		Off-line surcharges:	
Originator	3.50	Per settlement	5.00
Receiver	2.25	Telephone advice	2.25

Reserve Banks may charge higher fees for net settlement arrangements that result in higher costs.

By order of the Board of Governors of the Federal Reserve System, March 17, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-7455 Filed 3-22 83; 8:45 am]

BILLING CODE 6210-01-M

THE COMMISSION OF FINE ARTS

Notice of Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, April 19, 1983 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, N.W. Call 566-1066 for assistance.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 566-1066.

Dated in Washington, D.C., March 14, 1983.

Charles H. Atherton,

Secretary.

[FR Doc. 83-7468 Filed 3-22-83; 8:45 am]

BILLING CODE 6330-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Administrator

Advisory Board; Meeting

Notice is hereby given that the GSA Advisory Board's Subcommittee on Contracting will meet on March 29, 1983, from 10:00 a.m. to 4:30 p.m., in Room 328 of the John W. McCormack Post Office/ Post Office Courthouse, located on Post Office Square, Boston, MA 02109. This session will be devoted to discussions of matters relating to the agency's plans in the areas of internal contracting automation, internal organization of contracting policy functions, and status reports dealing with professionalism of the GSA contracting workforce and efforts to implement multi-year contracting within selected procurement operations.

Less than fifteen (15) days notice is being given due to scheduling difficulties.

For further information, contact Roger C. Dierman, Deputy Associate Administrator, on (202) 523-1141.

Charles S. Davis III,

Associate Administrator.

[FR Doc. 83-7715 Filed 3-22-83; 12:58 pm]

BILLING CODE 6820-26-M

National Archives and Records Service

National Archives Advisory Council; Meeting

Notice is hereby given that the National Archives Advisory Council will meet on April 28, 1983 from 9:00 a.m. to 5:30 p.m. and April 29, 1983 from 9:00 a.m. to noon in Room 105, National Archives and Records Service, 8th and Pennsylvania Avenue, N.W., Washington, D.C. 20408. The meeting will be devoted to a review of the current state of the Archives, reports from Council Subcommittees, and related matters of concern to the operation of the National Archives and Records Service of the United States.

The meeting will be open to the public.

Dates: March 14, 1983.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 83-7471 Filed 3-22-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Advisory Council on Social Security; Meeting

AGENCY: Health and Human Services Department.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Council on Social Security, as established by the Secretary of Health and Human Services in accordance with Section 706 of the Social Security Act, 42 U.S.C. 907.

DATE/ADDRESS: The meeting will be held on April 24 from 2:00 p.m. to 8:00 p.m. and on April 25 from 9:00 a.m. to 4:00 p.m. in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burke, Executive Director, Advisory Council on Social Security, 200 Independence Avenue, S.W., Washington, D.C. 20201; telephone (202) 755-8670/71.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Attendance will be limited to the space available. Interested parties may submit written presentations for considerations by the Council until April 15, 1983. Correspondence can be addressed to Advisory Council on Social Security, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Sign language interpreting services will be provided if requested in advance.

The proposed meeting agenda includes further briefings and discussion on the Medicare program; and such other business as the Chairperson, the Executive Director, or the membership may put before the Council.

A previous meeting of the Advisory Council on Social Security was announced in 48 FR 7813, February 24, 1983.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Administrative Officer, Advisory Council on Social Security, Room 317–H, HHH Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Thomas R. Burke,

Executive Director.

[FR Doc. 83–7475 Filed 3–22–83; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A–16084]

Classification Decision; Lease or Sale; Cochise County, Arizona

The following described land has been examined and found suitable for lease or sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (44 Stat. 741; 43 U.S.C. 869 et seq.).

Gila and Salt River Meridian, Arizona

T. 22 S., R. 21 E.,
Sec. 15: SE¼NE¼.
Containing 40 acres more or less.

The above described land is valuable for public purposes and is therefore considered chiefly valuable for public purposes. This classification is consistent with Land Use Plans for these lands.

These lands will be used for a communications testing and training facility by the Cochise County Department of Emergency Services in accordance with their plan of development.

Classification of the land under the provisions of the above cited Act will segregate it from all forms of appropriation, including location under the mining laws, except applications under the mineral leasing laws and application under the Recreation and Public Purposes Act.

Detailed information concerning this classification can be obtained from the Safford District Office. For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Safford District, Bureau of Land Management, 425 East Fourth Street, Safford, Arizona 85546. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: March 14, 1983.

Lester K. Rosenkrance,

District Manager.

[FR Doc. 83–7473 Filed 3–22–83; 8:45 am]

BILLING CODE 4310–84–M

Nevada; Ely District Advisory Council Meeting

AGENCY: District Advisory Council, Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780 that a meeting of the Ely District Advisory Council will be held on Wednesday, April 27, 1983.

The meeting will begin at 9:00 a.m. in the Conference Room of the Ely District Office on the Pioche Highway, Ely, Nevada. The agenda will include: (1) Updates and discussion of the district's major program efforts; (2) a briefing on current water policy; and (3) a 1:00 p.m. public comment period.

The meeting is open to the public. Interested persons may make oral statements for the council's consideration at 1:00 p.m. or file written comments with the District Manager prior to the meeting.

Summary minutes of the meeting will be available for public inspection at the Ely District Office within 30 days following the meeting.

DATE: April 27, 1983.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

FOR FURTHER INFORMATION CONTACT: Ms. Cleone McDonald, 702–289–4865.

Dated: March 14, 1983.

Merrill L. DeSpain,

District Manager.

[FR Doc. 83–7469 Filed 3–22–83; 8:45 am]

BILLING CODE 4310–84–M

[M55891]

Direct Sale of Public Lands; Montana

AGENCY: Bureau of Land Management, Butte District Office, Interior.

ACTION: Notice of Realty Action M55891, direct sale of public land in Jefferson County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than the fair market value:

Principal Meridian Montana

T9N, R3W,
Sec. 17, E½SE¼, lot 6.
The area described contains 2.56 acres.

The land will be sold to Mr. and Mrs. Al Hill as a final solution to a long standing, but inadvertent occupancy trespass. The sale will give the Hills full title to the land upon which part of their home and various ranch buildings are located. The sale will not affect access to or resource values on adjacent public land. The sale tract is located in northern Jefferson County near Montana City.

The subject tract has, in effect, been closed to public use since it was originally settled in 1917. A land report and environmental assessment identified little or no public values and the land is not needed for any resource management programs. This notice will constitute public notification of the proposed sale.

The proposed sale is consistent with the Bureau's planning system and Jefferson County government officials have been notified of the sale.

Terms and Conditions

The terms and conditions applicable to this sale are as follows:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine, and remove same under applicable law and regulations;

2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945;

3. The sale of these lands will be subject to all valid existing rights and reservations of record.

DATES: For a period of 45 days, from the date of this notice, interested parties may submit comments to the Butte District Manager, Bureau of Land Management, P.O. Box 3388, Butte, Montana 59702. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination of the Department of Interior. In the absence of any action by the State Director, this realty action will become a final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the sale, including planning documents, environmental assessment, and the record of public discussions is available for review at the Butte District Office, 106 North Parkmont, Butte, Montana.

Dated: March 10, 1983.

Jack A. McIntosh,

District Manager.

[FR Doc. 83–7465 Filed 3–22–83; 8:45 am]

BILLING CODE 8310–84–M

National Petroleum Reserve in Alaska; Availability of Final Environmental Impact Statement on the Establishment of a Competitive Oil and Gas Leasing Program

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a final environmental impact statement regarding the establishment of a competitive oil and gas leasing program in the National Petroleum Reserve in Alaska (NPR–A).

Single copies of the final environmental impact statement can be obtained from the Alaska State Office, Public Room, 701 C Street, Box 13, Anchorage, AK 99513; Fairbanks District Office, Public Room, North Post, Fort Wainwright, Box 1150, Fairbanks, AK 99707; NPR–A Program Office, Old Federal Building, Room 249, 605 West 4th Avenue, Anchorage, AK; and the Office of Public Affairs, Bureau of Land Management (130), 1800 C Street, NW., Washington, D.C. 20240.

Copies of the final environmental impact statement will also be available for review at the following locations: Alaska Federation of Natives, 1577 O Street, Suite 304, Anchorage, AK 99501; Department of the Interior, Resources Library, 701 C Street, Box 36, Anchorage, AK 99513; North Slope Borough, Department of Planning, P.O. Box 69, Barrow, AK 99723; North Star Borough Library, Fairbanks, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, AK 99801; Z. J. Loussac Public Library, 524 W 6th Avenue, Anchorage, AK 99801; Juneau Memorial Library, 114 W 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau, AK 99811; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK 99501; Kodiak Public Library, P.O. Box 985, Kodiak, AK 99615; University of Alaska, Juneau Library, P.O. Box 1447, Juneau, AK 99447; University of Alaska, Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; and University of Alaska, Elmer E. Rasmuson Library, Fairbanks, AK 99701. Copies are also available through village coordinators at the following locations: Anaktuvuk Pass, AK 99721; Nuiqsut, AK 99723; Point Hope, AK 99766; Point Lay, AK 99790; Wainwright, AK 99782; and Atqasuk, AK 99790.

George F. Brown,

Acting Assistant Director, Fluid Leasable Minerals.

[FR Doc. 83–7490 Filed 3–22–83; 8:45 am]

BILLING CODE 4310–84–M

New Mexico; Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Prepare a Resource Management Plan.

SUMMARY: The Bureau of Land Management (BLM), Albuquerque District, New Mexico is beginning preparation of a Resource Management Plan (RMP) which will include an environmental impact statement (EIS). The plan provides a framework through which resource management decisions will be made regarding public lands administered by the Bureau in the Rio Puerco Resource Area.

Background standards and precedures for the RMP are contained in Title 43 of the Code of Federal Regulations, Subpart 1601.

SUPPLEMENTARY INFORMATION: The planning area includes all of Bernalillo, Cibola, Torrance, and Valencia Counties. It also includes most of Sandoval County, 3,200 acres of southwest Santa Fe and 46,000 acres of McKinley Counties.

Land use planning has just been completed in Cibola and Valencia Counties, therefore, they will not be addressed in this document.

Significant resource issues will be identified during the first phase of the planning process. It is anticipated that some of the issues to be addressed in the Resource Management Plan will include, but not be limited to, the development of mineral resources, protection of cultural resources, management of wildlife habitat and critical watersheds, designation of off-road vehicle use areas, forage allocation, the management of livestock grazing on the public lands, designation of rights-of-way corridors, demand for fuelwood, and the disposal of isolated tracts of public lands.

The RMP will be developed by an interdisciplinary team including a wildlife biologist, realty specialist, outdoor recreation planner, archaeologist, geologist, hydrologist, and a range conservationist, and other staff specialists, as required.

A public participation plan has been prepared and is intended to involve interested or affected parties early and continuously throughout the planning process. The plan generally follows a "grass roots" approach to public involvement, emphasizing localized, one-to-one contacts and extensive direct mailings, as well as continual coordination with local, State and other Federal agencies.

Specific public participation events, dates, and locations will be announced. The comment period for proposed issues and planning criteria, developed as a result of initial public involvement, will be announced before the formal adoption of the issues and criteria. Individuals may submit written protests of the final EIS only with respect to those items that they submitted for the record to the District Manager during the planning process.

For information about resource management planning in the Rio Puerco Resource Area or to be placed on the mailing list, please contact: Herrick E. Hanks, Rio Puerco Resource Area Manager, (505) 766–3114, or Jeff Radford, Public Affairs Officer, (505) 766–2455, at the following address. USDI—Bureau of Land Management, P.O. Box 6770, 3550 Pan American Freeway N.E., Albuquerque, New Mexico 87107.

Complete records of the planning process, including draft and final Environmental Impact Statements will be available for review at the address above.

Dated: March 14, 1983.

L. Paul Applegate,

Albuquerque District Manager.

[FR Doc. 83–7472 Filed 3–22–83; 8:45 am]

BILLING CODE 4310–84–M

Oregon; Medford Grazing Management Plan; Intent To Prepare an Environmental Impact Statement and Conduct Scoping Meeting.

The Department of the Interior, Bureau of Land Management, Medford District Office, will be preparing an Environmental Impact Statement (EIS) on the grazing management program on approximately 400,000 acres of public land in the Medford EIS Area of the Medford District, southwestern Oregon. The final statement is to be completed by spring, 1984. Decisionmaking will take place over a several-month period following completion of the final statement. The EIS will identify impacts associated with an array of alternatives for the grazing management program. Alternatives being considered for discussion in the EIS include the Bureau's preferred alternative, no action, no livestock grazing, and at least one higher and one lower level of livestock grazing than that under the Bureau's preferred alternative. The statement and associated public input will serve as an analytical tool prior to final livestock grazing management decisionmaking in the Medford EIS area.

A public scoping meeting will be held on Tuesday, April 19, 1983 at 7 p.m. in

the Oregon Room of the BLM, Medford District Office, 3040 Biddle Road, Medford, Oregon to identify the significant issues which will be discussed in the EIS. The meeting will also solicit public comments to help develop the preferred land use alternative for the area and various alternatives that could realistically be addressed in the EIS. Possible methods for obtaining public comment on the draft EIS after distribution in fall 1983 will be discussed.

Additional information may be obtained from: Bureau of Land Management, Medford District Manager, 3040 Biddle Road, Medford, Oregon 97501, Telephone (503) 776–4174.

Dated: March 15, 1983.

Jerry E. Asher,

Acting District Manager.

[FR Doc. 83–7466 Filed 3–22–83; 8:45 am]

BILLING CODE 4310–84–M

Planning Criteria Completed for the Central Yukon Planning Area

The Fairbanks District Office of the Bureau of Land Management invites public comment on the proposed planning criteria for the Central Yukon Planning Area. Planning schedules require that all comments on these criteria be phoned in or postmarked no later than April 18, 1983. Copies of the proposed criteria may be obtained upon request. Comments and requests should be sent to Dave Ruppert, Planning Team Leader, Fairbanks District Office, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99707, (907) 356–5384.

Carl D. Johnson,

District Manager.

[FR Doc. 83–7464 Filed 3–22–83; 8:45 am]

BILLING CODE 4310–84–M

[NM–54358]

New Mexico; Notice of Proposed Withdrawal and Opportunity for Public Meeting

On March 12, 1983, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public land for settlement, sale, location, or entry under the general public land laws, including the mining laws, subject to valid existing rights:

New Mexico Principal Meridian

T. 15 N., R. 3 W.,
Sec. 14, lots 3 & 4.
T. 14 N., R. 12 W.,
Sec. 24, SE¼Ne¼, W½SE¼.

The area described contains 188.55 acres in McKinley and Sandoval Counties, New Mexico.

The purpose of the proposed withdrawal is to protect the lands by preserving the Cultural Resources in the two Chacoan Prehistoric Communities. The lands will be segregated from the operation of the public land laws, including the mining laws for a period of two years from the date of publication of this notice in the **Federal Register**, or until the withdrawal action is completed whichever occurs first. The temporary segregation of the lands in connection with a withdrawal proposal shall not affect recreation or other surface uses.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is nearby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled, or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregative period are

All communications in connection with this proposed withdrawal should be addressed to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 1449, Sante Fe, NM 87501.

Leroy C. Montoya,

Chief, Division of Operations.

March 12, 1983.

[FR Doc. 83–7503 Filed 3–22–83; 8:45 am]

BILLING CODE 4310–84–M

[I–20085]

Realty Action; Competitive Sale of Public Lands in Pauer County, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I–20085, Competitive Sale of Public Lands in Power County, Idaho, commonly known as the Blind Spring Creek Tract.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of the tract is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered for sale at public auction for no less than the appraised fair marked value indicated below. Both sealed and oral bids will be accepted.

	Acres	Value
T. 6 S., R. 32 E., Boise Meridian: Sec. 5: Lot 6, SW¼NW¼ and NW¼SW¼	120.38	$12,000.00

Upon publication of this Notice in the **Federal Register**, the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.
2. All valid existing rights and reservations of record.
3. All minerals will be reserved to the United States as required by Sec. 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.

The public auction will be held on May 18, 1983 at 1:00 P.M.

ADDRESS: The public auction will be held at the Burley District Office, 200 S. Oakley Highway, Burley, Idaho 83318.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the land, terms and conditions of the sale, and bidding instructions may be obtained from Nick James Cozakos, District Manager, at the above address or by calling (208) 678–5514.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: March 14, 1983.

Nick James Cozakos,

District Manager.

[FR Doc. 83-7505 Filed 3-22-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Mines

Environmental Statement, Impact; Bruceton, Pa.

AGENCY: Bureau of Mines, Interior.

ACTION: Notice.

SUMMARY: Based on an Environmental Assessment for the construction of an administrative office building at Bruceton, Pennsylvania, a "Finding of No Significant Impact" on the environment has been determined by the Department of the Interior, Bureau of Mines.

ADDRESSES: A copy of the Environmental Assessment is available for review at the Branch of Property and Facilities Management, Bureau of Mines, Cochrans Mill Road, Bruceton, Pennsylvania, and at the Division of Property and General Services, Bureau of Mines, 2401 E Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: For additional information contact the Chief, Branch of Property and Facilities Management, Bureau of Mines, Bruceton, Pennsylvania, on (412) 675-6795 or the Chief, Division of Property and General Services, Bureau of Mines, Washington, D.C., on (202) 634-1032.

Robert C. Horton,

Director.

[FR Doc. 83-7467 Filed 3-22-83; 8:45 am]

BILLING CODE 4310-53-M

National Park Service

Assateague Island National Seashore; Intent To Modify Existing Hunting Plan; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of public meetings.

SUMMARY: The National Park Service is considering modification of the existing hunting plan regulating hunting activities on those portions of Assateague Island and the adjacent waters under NPS jurisdiction within Assateague Island National Seashore in Maryland. Changes in the manner in which waterfowl hunting is conducted, modification of the bow and firearms deer hunting program, and changes in authorized hunting boundaries are among the elements to be addressed. Any modifications to the present plan will be compatible with Maryland State hunting laws and made in consultation with the Department of Natural Resources. Public meetings will be held at various locations to provide information on existing hunting activities and to solicit comments and suggestions for modifications.

DATES: Public meetings will be held as follows:

April 12, 1983, 7:00-8:45 p.m., Public Library meeting room No. 1, 122 South Division Street, Salisbury, Md.

April 14, 1983, 7:00-9:00 p.m., National Seashore Visitor Center, Route 611, Berlin, Md.

April 19, 1983, 7:00-8:45 p.m., Public Library meeting room, 1270 Odenton Road, Odenton, Md.

FOR FURTHER INFORMATION CONTACT: Michael V. Finley, Superintendent, Assateague Island National Seashore, Route 2, Box 294, Berlin, Md. 21811 (301/641-1441).

SUPPLEMENTARY INFORMATION: The Act of September 21, 1965, which authorized the national seashore, specifies that hunting shall be permitted on National Park Service-controlled lands and waters within the boundaries of Assateague Island National Seashore in accordance with appropriate State and Federal laws. In the Maryland portion of Assateague Island, hunting seasons and hours, bag limits, and permitted hunting devices are regulated under the laws and regulations of the State of Maryland. In addition, Federal law provides that no-hunting zones and no-hunting periods may be established for reasons of public safety, administration, fish or wildlife management, for public use and enjoyment.

Public waterfowl hunting in Maryland is restricted to 25 waterfowl blinds and two boat stakes, which are provided at no cost. The two boat stakes and five blinds are claimed on a first-come, first-served basis. All others are assigned by a lottery conducted at 4:30 each morning of the waterfowl season. During the 1-week firearms deer season, each deer hunter is checked in and out of the open hunting area. The present program results in accurate recording of deer kills and numbers of deer and waterfowl hunters. Reporting of waterfowl kills is done on a voluntary basis and the resulting figures are less accurate. In 1982 there were 56 deer killed on the National Park Service-owned portion of Assateague, and 375 waterfowl were reported taken.

This reappraisal of the seashore's hunting program is prompted by a steady decrease in the amount of private land available to public hunting, which has resulted in an incease in hunting pressure on Assateague. It is likely that this trend will continue. In addition, the cost of administering the present hunting system is rising each year and alternate more cost-effective approaches must be examined. Various alternatives are being formulated, and among the elements being addressed are the following:

1. Use of hunter-owned portable blinds at designated blind sites in lieu of Government-maintained blinds.

2. Charging of fees for use of waterfowl blinds if present system of Government-maintained blinds is retained.

3. Changes in the number and locations of waterfowl blind sites.

4. Methods of hunting access and maintenance standards of access roads.

5. Limitations of the number of hunters during deer season.

6. Training and proficiency requirements for bow hunters.

7. Boundary changes for the no-hunting zones.

The hunting program on the Virginia portion of Assateague Island is administered by the U.S. Fish and Wildlife Service. No changes in that program are proposed in this notice. National Park Service jurisdictional interests in Virginia extend from mean low water to the external water boundary. No changes in the manner in which hunting is conducted in Virginia are being proposed at this time.

For those unable to attend a public meeting, written comments and suggestions are invited on these and other facets of the hunting program on the portion of Assateague Island National Seashore under National Park Service jurisdiction. The deadline for written comments is April 30, 1983.

Bernard C. Fagan,

Acting Superintendent.

February 9, 1983.

[FR Doc. 83-7513 Filed 3-22-83; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-123]

Certain CT Scanner and Gamma Camera Medical Diagnostic Imaging Apparatus; Commission Hearing on the Presiding Officer's Recommendation and on Remedy, the Public Interest, and Bonding, and the Schedule for Filing Written Submissions

AGENCY: International Trade Commission.

ACTION: The scheduling of a public hearing and written submissions in investigation No. 337–TA–123, Certain CT Scanner and Gamma Camera Medical Diagnostic Imaging Apparatus.

Notice is hereby given that the presiding officer in this investigation has isued a recommended determination that there is no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the unauthorized importation into the United States and in the sale of the CT scanner and gamma camera imaging apparatus that are the subject of the investigation. The presiding officer's recommendation and the record upon which it is based have been certified to the Commission for review and a Commission determination. Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (as well as any other public documents on the record of the investigation) by contacting the Office of the Secretary, Docket Section, U.S. International Trade Commission, 701 E Street NW., room 156, Washington, D.C. 20436, telephone 202–523–0176.

Commission Hearing: The Commission will hold a public hearing on April 22, 1983, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officers recommended determination that there is no violation of section 337 of the Tariff Act of 1930 in this case. Second, the Commission will hear presentations concerning the appropriate remedy, the effect that such remedy would have upon the public interest, and the proper amount of the bond during the Presidential review period, in the event that the Commission determines that there is a violation of section 337 and that relief should be granted. These matters will be heard on the same day in order to facilitate the completion of this investigation within time limits established by law and to minimize the burden upon the parties.

Oral Arguments: Parties to the investigation and interested Government agencies may present oral arguments concerning the presiding officer's recommended determination. That portion of the total time allocated to each party or agency for oral argument may be used in any way the party or agency presentng arguments sees fit, i.e., a portion of the time may be reserved for rebuttal or devoted to summation. The oral arguments will be held in the following order: complainant, respondents, Government agencies, and the Commission investigative attorney. Any rebuttals will be held in this order: respondents, complainant, Government agencies, and the Commission investigative attorney. Persons making oral arguments are reminded that such arguments must be based upon the evidentiary record certified to the Commission by the presiding officer.

Oral Presentations on Remedy, the Public Interest, and Bonding: Following the oral arguments on the presiding officer's recommendation, parties to the investigation, Government agencies, public-interest groups, and interested members of the public may make oral presentations on the issues of remedy, the public interest, and bonding. This portion of the hearing is quasi-legislative in nature; presentations need not be confined to the evidentiary record certified to the Commission by the presiding officer and may include the testimony of witnesses. Oral presentations on remedy, the public interest, and bonding will be heard in this order: complainant, respondents, Government agencies, the Commission investigative attorney, public-interest groups, and interested members of the public.

If the Commission finds that a violation of section 337 has occurred, it may issue: (1) An order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in hearing presentations which address the form of relief, if any, which should be ordered.

If the Commission concludes that a violation of section 337 has occurred and contemplates a remedy, it must consider the effect of that remedy upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon: (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

If the Commission finds that a violation of section 337 has occurred and orders a remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission therefore is interested in hearing presentations concerning the amount of the bond, if any, which should be imposed.

Time Limit for Oral Argument and Oral Presentation: Complainant, respondents (collectively), the Commission investigative attorney, and Government agencies will be limited to a total of 30 minutes (exclusive of time consumed by questions from the Commission or its advisory staff) for presenting both oral arguments on violation and oral presentations on remedy, the public interest, and bonding. Persons making only oral presentations on remedy, the public interest, and bonding will be limited to 10 minutes (exclusive of time consumed by questions from the Commission and its advisory staff). The Commission may in its discretion expand the aforementioned time limits upon receipt of a timely request to do so.

Written Submissions: In order to give greater focus to the hearing, the parties to the investigation and interested Government agencies are encouraged to file briefs on the issues of violation (to the extent they have not already briefed that issue in their written exceptions to the presiding officer's recommended determination), remedy, the public interest, and bonding. The complainant and the Commission investigative attorney also are requested to submit a proposed exclusion order and/or proposed cease and desist orders for the Commission's consideration. Persons other than the parties and Government agencies may file written submissions addressing the issues of remedy, the public interest, and bonding. Written submissions on the question of violation must be filed not later than the close of business on April 4, 1983; written submissions on the questions of relief, the public interest, and bonding must be filed not later than the close of business

on April 8, 1983. During the course of the hearing, the parties may be asked to file posthearing briefs.

Notice of Appearance: Written requests to appear at the Commission hearing must be filed with the Office of the Secretary by April 15, 1983.

Additional Information: Persons submitting briefs and/or written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadlines states above. Any person desiring to discuss confidential information or to submit a document (or a portion thereof) of the Commission in confidence must request confidential treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the **Federal Register** of June 3, 1982, 47 FR 24232.

FOR FURTHER INFORMATION CONTACT: P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

Issued: March 15, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–7530 Filed 3–22–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–141]

Certain Copper-Clad Stainless Steel Cookware; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: March 14, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 83–7531 Filed 3–22–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–112]

Certain Cube Puzzles; Denial of Petition for Reconsideration

AGENCY: International Trade Commission.

ACTION: Denial of petition for reconsideration.

SUPPLEMENTARY INFORMATION: On December 29, 1982, the Commission concluded the above-captioned investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) with a determination that there is a violation of that section in the importation into and sale in the United States of certain cube puzzles. On January 12, 1982, complainant Ideal Toy Corp. (Ideal) filed a petition for reconsideration pursuant to § 210.58 of the Commission's Rules of Practice and Procedure (19 CFR 210.58) requesting that the Commission issue cease and desist orders and broaden its exclusion order to include 4 by 4 and other cube puzzles. On February 17, 1983, Ideal withdrew its request for cease and desist orders.

On March 16, 1983, the Commission denied the petition for reconsideration.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0499.

Issued: March 17, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–7534 Filed 3–22–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–123 (Preliminary)]

Certain Flat-Rolled Carbon Steel Products From Brazil

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Briazil of hot-rolled carbon steel plate, provided for in items 607.6615, 607.9400, 608.0710, and 608.1100 of the Tariff Schedules of the United States Annotated (TSUSA), and hot-rolled carbon steel products in coils, provided for in item 607.6610 of the TSUSA, which are alleged to be sold, or likely to be sold, in the United States at less than fair value (LTFV).[2]

Background

On January 31, 1983, a petition was filed with the Commission and the Department of Commerce by counsel on behalf of Bethlehem Steel Corp. alleging that imports of certain flat-rolled carbon steel products from Brazil are being, or are likely to be, sold in the United States at LTFV within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673). Accordingly, effective January 31, 1983, the Commission instituted a preliminary antidumping investigation under section 733(a) of the Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise

Notice of the institution of the Commission's investigation and of a conference to be held in connection therewith was given by posting copies of the notice in the office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on February 9, 1983, (48 FR 6042). The conference was held in Washington, D.C., on February 17, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on March 17, 1983. A public version of the Commission's report, Certain Flat-Rolled Carbon Steel Products from Brazil (investigation No. 731–TA–123 (Preliminary), USITC publication 1361, March 1983), contains the views of the Commissioners and information developed during the investigation. Copies may be obtained by contacting the Office of the

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern dissenting with respect to products provided for in item 607.6610 of the TSUSA.

Secretary, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523–5178.

Issued: March 17, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–7535 Filed 3–22–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–120, 121, and 122 (Preliminary)]

Certain Tapered Roller Bearings and Parts Thereof From Japan, the Federal Republic of Germany, and Italy

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Japan (investigation No. 731–TA–120 (Preliminary)), the Federal Republic of Germany (investigation No. 731–TA–121 (Preliminary)), and Italy (investigation No. 731–TA–122 (Preliminary)) of certain tapered roller bearings and parts thereof,[3] provided for in item 680.39 of the Tariff Schedules of the United States, which are alleged to be sold, or likely to be sold, in the United States at less than fair value (LTFV).

Background

On January 26, 1983, a petition was filed with the Commission and the Department of Commerce by counsel on behalf of Brenco, Inc. alleging that imports of certain tapered roller bearings and parts thereof from Japan, the Federal Republic of Germany, and Italy are being, or are likely to be, sold in the United States at LTFV within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673). Accordingly, effective January 26, 1983, the Commission instituted preliminary antidumping investigations under section 733(a) of the Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.

Notice of the institution of the Commission's investigations and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on February 2, 1983 (48 FR 4743). The conference was held in Washington, D.C., on February 16, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigations to the Secretary of Commerce on March 4, 1983. A public version of the Commission's report, Certain Tapered Roller Bearings and Parts Thereof from Japan, the Federal Republic of Germany, and Italy (investigations Nos. 731–TA–120, 121, and 122 (Preliminary), USITC Publication 1359, March 1983), contains the views of the Commissioners and information developed during the investigations. Copies may be obtained by contacting the Office of the Secretary, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523–5178.

Issued: March 14, 1983.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–7528 Filed 3–22–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–124]

Certain Textile Spinning Frames With Automatic Doffers; Change of the Commission Investigative Attorney

Notice is hereby given that, as of this date, Wilhelm Zeitler, Esq., of the Unfair Import Investigations Division will be the Commission investigative attorney in the above-cited investigation instead of Jeffrey Neeley, Esq.

The Secretary is requested to publish this Notice in the **Federal Register**.

Dated: March 15, 1983.

David I. Wilson,

Chief, Unfair Import Investigations Division.

[FR Doc. 83–7529 Filed 3–22–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–131]

Certain Variable Character Display Devices; Change of the Commission Investigative Attorney

Notice is hereby given that, as of this date, Arthur Wineburg, Esq., of the Unfair Import Investigations Division will be the Commission investigative attorney in the above-cited investigation instead of Jeffrey Neeley, Esq.

The Secretary is requested to publish this Notice in the **Federal Register**.

Dated: March 15, 1983.

David I. Wilson,

Chief, Unfair Import Investigations Division

[FR Doc. 83–7533 Filed 3–22–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 701–TA–152 (Final)]

Prestressed Concrete Steel Wire Strand From Brazil

Determination

On basis of the record [1] developed in its countervailing duty investigation on prestressed concrete steel wire strand from Brazil, the Commission unanimously determines, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1617d(b)), that an industry in the United States is not materially injured or threatened with material injury, not is the establishment of an industry in the United States materially retarded, by reason of imports of steel wire strand for prestressing concreter (PC strand), provided for in item 642.11 of the Tariff Schedules of the United States, upon which bounties or grants are being paid.

Background

On August 10, 1982, the Department of Commerce made a preliminary determination that there is reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930 (19 U.S.C. 1671) are being provided to manufacturers, producers, or exporters of PC strand in Brazil.

Accordingly, effective August 25, 1982, the Commission instituted an investigation under section 705(b) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of imports of PC strand from Brazil.

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern dissenting and Commissioner Haggart not participating.

[3] For purposes of these investigations, the term "certain tapered roller bearings and parts there" covers 2-row tapered roller bearings having outside diameters of between 6.5 and approximately 11 inches and parts thereof, including cone and cup assemblies in sets, cone assemblies and cups sold separately, and other parts which may or may not be lubricated, sealed at the manufacturer's factory, and/or unitized, all the foregoing meeting the specifications established by the Association of American Railroads in Specification M–934–81.

[1] The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

On October 22, 1982, however, the Department of Commerce suspended its countervailing duty investigation concerning PC strand from Brazil because of an agreement by the Government of Brazil to offset all benefits which Commerce found to constitute subsidies with an export tax on all exports of the subject merchandise to the United States (47 FR 47048, Oct. 22, 1982). Accordingly, pursuant to section 704(f)(1)(B) of the Tariff Act (19 U.S.C. 1671c(f)(1)(B)), the Commission also suspended its investigation (47 FR 49908, Nov. 3, 1982). On November 12, 1982, a request to continue the investigation was filed with Commerce and the Commission pursuant to section 704(g)(2)) of the Tariff Act (19 U.S.C. 1671c(g)(2)) by counsel for petitioners. Accordingly, effective November 12, 1982, the Commission continued its investigation (47 FR 54189, December 1, 1982).

The final determination by the Department of Commerce that subsidies are being provided in Brazil to manufactures, producers, or exporters of PC strand was published in the **Federal Register** on February 1, 1983 (48 FR 4516).

If the final determination by the Commission in this continued investigation had been affirmative, the agreement would have remained in effect and no countervailing duty order would have been issued unless the agreement were terminated, violated or otherwise failed to meet the requirements of section 704. However, because the Commission's final determination is negative, the agreement will have no force or effect and the investigation will be terminated. (19 U.S.C. 1671c(f)(3)).

Notice of the institution of the Commission's investigation and of a hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on September 1, 1982, (47 FR 38647). The hearing was held in Washington, D.C. on October 19, 1982, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on March 14, 1983. A public version of the Commission's report, *Prestressed Concrete Steel Wire Strand from Brazil* (investigation No. 701–TA–152 (Final), USITC Publication 1358, 1983), contains the views of the Commission and information developed during the investigation.

Issued: March 14, 1983.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–7536 Filed 3–22–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 104–TAA–13]

Rayon Staple Fiber From Sweden

Determination

On the basis of the record [1] developed in the subject investigation, the Commission unanimously determines, pursuant to section 104(b) of the Trade Agreements Act of 1979, that an industry in the United States would be materially injured by reason of imports from Sweden of rayon staple fiber, provided for in item 309.43 of the Tariff Schedules of the United States and covered by an outstanding countervailing duty order, if the order were to be revoked.

Background

On October 28, 1980, the U.S. International Trade Commission received a request from counsel for Svenska Rayon, AB, the sole Swedish producer of rayon staple fiber, for an investigation under section 104 of the Trade Agreements Act of 1979 with respect to rayon staple fiber imported from Sweden. Accordingly, effective November 16, 1982, the Commission instituted investigation No. 104–TAA–13 under section 104(b) to determine whether an industry in the United States would be materially injured or threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of rayon staple fiber from Sweden, currently covered by a countervailing duty order, if the order were to be revoked.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notices in the **Federal Register** (47 FR 53151, Nov. 24, 1982, and 47 FR 56217, Dec. 15, 1982). The hearing was held in Washington, D.C. on February 7, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on March 15, 1983. A public version of the Commission's report, *Rayon Staple Fiber from Sweden* (investigation No. 104–TAA–13, USITC Publication 1360, 1983), contains the views of the Commission and information development during the investigation.

Issued: March 16, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–7532 Filed 3–22–83; 8:45 am]

BILLING CODE 7020–02–M

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

INTERSTATE COMMERCE COMMISSION

[Investigation and Suspension Docket No. M–29788]

Charge for Shipments Moving on Order—Notify Bill of Lading N.M.F.T.A.

AGENCY: Interstate Commerce Commission.

ACTION: Final decision on reopening.

SUMMARY: The Commission finds unlawful the publication in the National Motor Freight Classification of the proposed order—notify rule and charge. The Commission clarifies and implements its policy regarding the subject matter appropriate for inclusion in freight classifications. Publishers of other freight classifications are directed either (1) to comply with this decision, or (2) to submit comments under their approved 5a or 5b agreements to show why the policy adopted here should not apply to them.

EFFECTIVE DATES: This decision is effective as of March 22, 1983. However, parties are given until September 19, 1983 to comply with the decision. Comments requested in the decision are due April 21, 1983.

FOR FURTHER INFORMATION CONTACT:

Jane Morris, (202) 275–6434

or

Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: The Commission finds that the National Motor Freight Traffic Association's section 5a agreement does not authorize the National Classification Committee (NCC) to publish in the National Motor Freight Classification (NMFC) the proposed order—notify rule and charge, or any other rule and/or charge unrelated to classification and not prescribed by the Commission. The NCC shall remove all such rules and/or charges from the NMFC. Publishers of other freight classifications shall either: (1) Comply with this decision, or (2) submit comments under their approved

5a or 5b agreements to show why the policy clarification adopted here should not be applied to them.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T. S. Infosystems, Inc., Room 2227, Washington, DC, 20423, or call 289–4357 in the DC metropolitan area or toll free (800) 424–5403.

Decided: March 14, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7484 Filed 3–22–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision—Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931, and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For status, please call Team 2 at 202–275–7030.

Vol. No. OP2–FC–81230

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–81230. By decision of March 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1181, Review Board Number 3 approved the transfer to ATENHAN TRUCKING, INC., Deshler, NE, or Permit No. MC–153692 (Sub-Nos. 1, 2, 3, 4, and 5), issued June 29, 1981, June 15, 1981, February 4, 1982, June 11, 1982, and November 23, 1982, respectively, to NEBRASKALAND CONTRACT CARRIERS, INC., Kearney, NE, authorizing the transportation of such commodities as are dealt in by manufacturers and distributors of lumber yards and hardware stores, between points in the U.S., under continuing contract(s) with Payless Building Center, Inc., of Kearney, NE, and Georgia-Pacific Corporation, of Portland, OR; metal products, machinery, and building materials, between points in the U.S., under continuing contract(s) with Modern Farm Systems, Inc., of Webster City, IA; general commodities (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with Our Own Hardware Company, of Minneapolis, MN; general commodities (except classes A and B exlposives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with (1) AIFP Trading Group, of Portland, OR, and its subsidiaries, and (2) Moose Creek, of Spokane, WA. A temporary authority application has been filed. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501.

For status, please call Team 4 at 202–275–7669.

Vol. No. OP4–FC–160

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC–81287. By decision of March 16, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to FEDERAL TRANSPORT, INC., Dallas, TX, of Certificate No. MC–60157 (Sub-No. 36), issued February 15, 1983, to C. A. WHITE TRUCKING COMPANY, Dallas, TX, authorizing the transportation of *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI). Representative: Michael D. McCormick, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. (317) 638–1301, for both transferee and transferor.

[FR Doc. 83–7479 Filed 3–22–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160. Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160. Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160. Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the requrest for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 says after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275-7030.

Vol. No. OP2-124

Decided: March 17, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 100853 (Sub-16), filed February 23, 1983. Applicant: PINKETT'S SHORE LINES, INC., P.O. Box 451, Route 313, Greensboro Rd., Denton, MD 21629. Representative: J. Raymond Clark, 1225 Nineteenth St. NW., Suite 350, Washington, DC 20036-2441. Transporting *passengers,* in charter and special operations between points in the U.S. (except HI). .

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 162823, filed February 24, 1983. Applicant: TIM BATEMAN, d.b.a. TLD CHARTER, 233 W. Ridgecrest Blvd. #C, Ridgecrest, CA 93555. Representative: Tim Bateman, 237 Holly Canyon, Ridgecrest, CA 93555, 619-375-5950. Transporting *passengers,* in charter operations, beginning and ending at points in Kern and San Bernardino Counties, CA, and extending to points in NV and AZ.

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 166433, filed February 24, 1983. Applicant: I.C.F. TRUCK LINE, 2637 So. 15 Lane, Kansas City, KS 66103. Representative: Frank C. Harvey (same address as applicant), 913-236-8583. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202-275-7669.

Vol. No. OP4-162

Decided: March 17, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166636, filed March 7, 1983. Applicant: LOUIS PATRICK MATTINGLY, Rt. 2, Box 45B, Springfield, KY 40069. Representative: Herbert D. Liebman, 403 W. Main St., P.O. Box 478, Frankfort, KY 40602, (502) 875-3493. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166687, filed March 7, 1983. Applicant: ROEHLIG FORWARDING, INC., 32 Broadway, Suite 1600, New York, NY 10004. Representative: Jochen Rathert (same address as applicant), (212) 344-8510. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 5 at 202-275-5223.

Vol. No. OP5-123

Decided: March 14, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 61599 (Sub-143(a) filed March 2, 1983. Applicant: TRAILWAYS SOUTHEASTERN LINES, INC., 200 Spring St., NW, Atlanta, GA 30303. Representative: G.W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655-7937. (1) Transporting *Passengers,* in charter or special operations, betwen points in the U.S. (except HI). (2) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI). NOTE: Applicant seeks other authority in MC-61599 Sub-143(b) published in this same issue.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164049, filed February 28, 1983. Applicant: HAI VAN TRAN AND DAN NGOC PHAM, d.b.a. ROSE'S TOURS, 414 E. William St., Suite 3, San Jose, CA 95112. Representative: Hai Van Tran (same address as applicant), (408) 947-8533. Transporting *Passengers,* in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 164669, filed February 28,1983. Applicant: FLEET LINES INC., P.O Box 715, Arcadia, CA 91006. Representative: Eva Magness, 817 Wigwam, Arcadia, CA 91006, (213) 446-7400. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 165179 (Sub-1), February 24, 1983. Applicant: CHAPARRAL TRUCKING COMPANY, Inc., 3003 Titleist St., Sprint, TX 77373. Representative: Robert L. Russell (same address as applicant), (713) 350-1065. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 166409, filed February 25, 1983. Applicant: PETER L. MCKENNA d.b.a. MACKENNA BROKERS, 4150-B Pleasantdale Road, Doraville, GA 30340.

Representative: Kim G. Meyer, P.O. Box 56282, Atlanta, GA 30303, (404) 523–1717. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S., (except AK and HI).

MC 166598, filed March 4, 1983. Applicant: STARDUST TOURS, INC., P.O. Box 120396, Nashville, TN 37212. Representative: Robert L. Baker, Sixth Floor, U.S. Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–7466 Filed 3–22–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP5–121]

Motor Carries; Permanent Authority Decision

Decided: March 14, 1983.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1160.40–1160.49. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary.

MC 166429, filed February 23, 1983. Applicant: KEN–DALE EXPRESS, INC., 785 Union Commerce Bldg., Cleveland, OH 44115. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703–522–0900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk),between points in the U.S. (except AK and HI).

Note.—Applicant has filed a directly-related petition for continuance in control-exemption in No. MC–F 15171, published in this same issue.

[FR Doc. 83–7461 Filed 3–22–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP2–123]

Motor Carriers; Permanent Authority Decisions

Decided: March 16, 1983.

90-Day Intrastate Motor Common Carriers of Passengers. The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1168, published in the Federal Register on Novembr 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1168.6 and 49 U.S.C. 10922(c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be performed. Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10,000.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 25 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant

maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 30 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are filed under 49 U.S.C. 10922(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate, regular-route authority on November 19, 1982.

Please direct status inquiries to Team 2, (202) 275–7030.

MC 134303 (Sub-7), filed March 1, 1983. Applicant: O'HARE WISCONSIN LIMOUSINE SERVICE, INC., 530 S. Michigan Ave., Chicago, IL 60605. Representative: Allan C. Zuckerman, 221 N. LaSalle St., Suite 826, Chicago, IL 60601, (312) 641–5900. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on the entire route in MC–134303 Sub 2 which traverse over the entire routes in IL and WI.

[FR Doc. 83–7482 Filed 3–22–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275–7030.

Vol. No. OP2–125

Decided: March 17, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 87113 (Sub-31), filed February 24, 1983. Applicant: WHEATION VAN LINES, INC., 8010 Castleton Rd., Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC. 20006, (202) 833–8884. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with The Stroh Company, Inc., and its subsidiaries, Stroh Brewing Co., Jos. Schlitz Brewing Co., and Shaffer Brewing Co., all of Milwaukee, WI.

MC 107012 (Sub-801), filed February 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, (same address as applicant), (219) 429–2110. Transporting *general*

commodities (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Texas Instruments, Inc., of Dallas, TX.

MC 107012 (Sub-803), filed February 24, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with R. R. Donnelley & Sons Company, of Chicago, IL.

MC 142672 (Sub-195), filed February 16, 1983. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. (except AK and HI).

MC 144843 (Sub-8) (correction), filed January 31, 1983, published in the **Federal Register**, issue of February 24, 1983, and republished, as corrected this issue. Applicant: GRACE DISTRIBUTION SERVICES, INC., P.O. Box 308, Duncan, SC 29334. Representative: Paul M. Daniell, 1200 Atlanta Gas Light Tower, 235-Peachtree St. NE., Suite 1200, Atlanta, GA 30303. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to correctly identify the exceptions as classes A and B explosives and household goods, only.

MC 149142 (Sub-5), filed February 25, 1983. Applicant: WESLEY J. REYNOLDS d.b.a. W.R. TRUCKING, 3022 MacArthur Blvd., Oakland, CA 94602. Representative: Wesley J. Reynolds (same address as applicant), 415–482–3165. Transporting (1) *paper and paper products,* between points in Navajo County, AZ, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Southwest Forest Industries, Inc., of Phoenix, AZ, and (2) *plastic pipe and plastic pipe fittings,* between points in CA, AZ, OR, WA, NV, ID, and UT, under continuing contract(s) with Apache Plastics, Inc., of Stockton, CA.

MC 163252, filed February 22, 1983. Applicant: M & W HOTSHOT, INC., P.O. Box 1967, Evanston, WY 82930. Representative: Melvin Johnson (same address as applicant), (307) 789–6858. Transporting *machinery, materials, equipment, materials, and supplies* used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and their products and byproducts, between Houston, Corpus Christie, and Odessa, TX, Lafayette, LA, Haleyville, and Mobile, AL, Oklahoma City, OK, Long Beach, CA, and Seattle, WA, and points in San Juan County, NM, Uintah County, UT, Yellowstone County, MT, Valley County, MT, Bottineau County, ND, Moffat County, CO, and points in WY.

For the following, please direct status calls to Team 3 at 202–275–5223.

Vol. No. OP3–111

Decided: March 10, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 166445, filed February 25, 1983. Applicant: DEMAR BOREN, d.b.a. DEMAR BOREN CONTRACTING, P.O. Box 8, Bonanza, UT 84078. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *ores and minerals,* between points in UT and CO, under continuing contract(s) with American Gilsonite Company of Salt Lake City, UT.

For the following, please direct status calls to Team 4 at 202–7669.

Vol. No. OP4–158

Decided: March 16, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC 33037 (Sub-26), filed February 28, 1983. Applicant: STUDER TRUCK LINE, INC., Beattie, KS 66406. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601. (913) 234–0565. Transporting *food and related products* between Los Angeles, CA, and points in Shawnee County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 116077 (Sub-442), filed March 10, 1983. Applicant: DSI TRANSPORTS, INC., P.O. Box 1505, Houston, TX 77001. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave. NW., Suite 500, Washington, DC 20006, (202) 828–5015. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Texaco, Inc., of Bellaire, TX.

MC 144386 (Sub-8), filed March 10, 1983. Applicant: WILLIAM B. BLANEY, JOHN D. BLANEY, JR., AND JAMES M. BLANEY, d.b.a. BLANEY FARMS, R.D. #1, Box 218B, Perryopolis, PA 15473. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Stroh Brewery Co., of Detroit, MI

MC 146846 (Sub-7), filed March 4, 1983. Applicant: LOUIS LANE, INC., 1025 S. 3rd Ave., Wausau, WI 54401. Representative: Richard A. Westley, 4506 Regent S., Suite 100, P.O. Box 5086, Madison, WI 53705, (608) 238–3119. Transporting *paper and paper products,* between points in Lincoln County, WI. on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148576 (Sub-12), filed March 7, 1983. Applicant: DOTSON TRUCKING COMPANY, INC., 1220 Murphy Ave., SW., Atlanta, GA 30310. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411–D Backlick Rd., Springfield, VA 22151, (703) 941–8200. Transporting (1) *telephone communication systems and equipment,* (2) *wire and cable,* (3) *cable reels,* between points in KY, TN, NC, SC, GA, AL, MS, LA, and FL, and (4) Waste or *scrap materials* and *copper rod,* between points in KY, TN, NC, SC, GA, AL, MS, LA, FL, AR, VA, MD, WV, and DC.

MC 151087 (Sub-13), filed March 7, 1983. Applicant: AREA INTERSTATE TRUCKING, INC., 15224 Dixie Hwy., Harvey, IL 60426. Representative: Leonard R. Kofkin, Suite 1515, 140 S. Dearborn St., Chicago, IL 60603, (312) 580–2210. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Santiam Midwest Lumber Co., of Grand Rapids, MI, Koos, Inc., of Kenosha, WI, Chicago Extruded Metals Co., of Cicero, IL, Chaparral Steel Company, of Midlothian, TX, and CertainTeed Corporation, of Valley Forge, PA.

MC 151607 (Sub-5), filed March 10, 1983. Applicant: TRANS–OVERLAND XPRESS, INC., 2222 East Grauwyler Rd., Irving, TX 75061. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312, (703) 750–1112. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 153287 (Sub-6), filed March 8, 1983. Applicant: DRESSER TRANSPORTATION SERVICES, INC.,

400 W. Wilson Bridge Rd., Worthington, OH 43085. Representative: Geroge C. Sanders, 4445 Weaver Court N., Hilliard, OH 43026, (614) 438–3455. Transporting *mud, gas and oil well drillings compounds and related products,* between points in the U.S. (except HI), under continuing contract(s) with Dresser Industries, Inc. Magcobar Group, of Houston, TX.

MC 153516 (Sub-5), filed March 8, 1983. Applicant: INTERSTATE EXPRESS, INC., P.O. Box 37144, Millard, NE 68137. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521, (312) 629–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 158846 (Sub-1), filed March 8, 1983. Applicant: MONARCH MARKET STREET CORP., 505 Long Beach Blvd., Long Beach, NY 11561. Representative: William J. Augello, 120 Main St., Huntington, NY 11743, (516) 427–0100. Transporting *beverages,* between points in the U.S., (except AK and HI), under continuing contract(s) with Island Park Beverage Corp., of Island Park, NY, Monarch Long Beach Corporation, of Long Beach, NY, Lou Pat Enterprises, Ltd., of Freeport, NY, Brush Hollow Distributing, of Bay Shore, NY, Chicago Beverage System, of Chicago, IL, East Northport Beverage Co., Inc., of East Northport, NY, and The Lion Inc., of Wilkes-Barre, PA.

MC 159736 (Sub-1), filed March 7, 1983. Applicant: DTX, INC., 500 Hogsback Rd., Mason, MI 48854. Representative: John R. Frederick (same address as applicant), (517) 676–3800. Transporting *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Dart Polymers, Inc., of Owensboro, KY.

MC 160977, filed March 7, 1983. Applicant: MAX R. GOULD, 205 West Main, Teton, ID 83451. Representative: J. D. Hancock, 30 South 2nd West, P.O. Box 427, Rexburg, ID 83440, (208) 356–5493. Transporting *coal, fertilizer, bulk rock, and road salt,* between points in ID, UT, MT, WY, and WA, under continuing contract(s) with Grant Produce, of Menan, ID, Reinke Grain Co., Inc., of Ashton, ID, Western Farm Service, of Parker, ID Madison Cooperative Association, of Rexburg, ID, City Transfer & Storage Co., Inc., of Soda Springs, ID, and Jefferson Co-op Supply, of Rigby, ID.

MC 166187, filed March 7, 1983. Applicant: W. L. STRENGTH, JR. d.b.a. PRATTVILLE TRANSPORTATION CO., 122 Oak Creek Circle, Prattville, AL 36067. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104, (205) 262–2756. Transporting *pulp, paper, and related products,* and *machinery,* between points in the U.S. (except AK and HI), under continuing contract(s) with Albany International Corp., Appleton Wire Division, of Montgomery, AL. Condition: The persons or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A), or 49 U.S.C. 11343(e), or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 2410.

MC 166597, filed March 4, 1983. Applicant: PAGE & BARNHILL TRUCKING, INC., Rt. 3, Box 176, Paris, TN 38242. Representative: James Page, 407 N. Market St., P.O. Box 1275, Paris, TN 38242, (901) 642–1755. Transporting *food products, and clay and minerals,* between points in the U.S. (except AK and HI).

Vol. No. OP4–161

Decided: March 17, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 129746 (Sub-2), filed March 11, 1983. Applicant: ARBE TRANSFER CO., INC., 675 New County Rd., Secaucus, NJ 07094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Secaucus, NJ, on the one hand, and, on the other, points in CT, RI, MA, NY, NJ, PA, OH, DE, MD, VA, and DC.

MC 138226 (Sub-1), filed March 11, 1983. Applicant: CHEVALLEY MOVING & STORAGE OF DEWEY, INC., 323 N. Osage St., P.O. Box 70, Dewey, OK 74029. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Phillips Petroleum Company and its subsidiaries, of Bartlesville, OK.

MC 143956 (Sub-38), filed March 11, 1983. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, P.O. Box 393, Berne, IN 46711, (219) 589–8883. Transporting *malt beverages, food and related products,* and *wine,* between points in the U.S. (except AK and HI), under continuing contract(s) with Anheuser-Busch Companies, Inc., of St. Louis, MO.

MC 159587, filed March 10, 1983. Applicant: BREMER SUGAR AND DISTRIBUTING COMPANY, INC., 10034 Gordon St., Zeeland, MI 49464. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Hi-Life Packing Company of Hamilton, MI.

MC 166527, filed February 24, 1983. Applicant: NORTH EAST ICE & TRUCKING CO., P.O. Box 2011, Wilmington, DE 19899. Representative: Maxwell A. Howell, 2554 Massachusetts Ave., NW, Washington, DC 20008, (202) 483–8633. Transporting *food and related products,* between those points in the U.S. in and east of WI, IL, MO, AR, and LA.

MC 166666, filed March 7, 1983. Applicant: PAVLICH, INC., 801 N. 5th, Kansas City, KS 66101. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *nonmetallic minerals,* between points in KS, MO, IA and NE.

MC 166667, filed March 7, 1983. Applicant: T & M TRUCKING, INC., 35480 Cold Springs Rd., Lebanon, OR 97355. Representative: Hulan Miller (same address as applicant), (503) 451–1269. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Cascade West Transportation Brokers, of Lake Oswego, OR; Farmers Union Central Exchange, Inc., a/k/a Cenex, of Grove Heights, MN; and Willamette Industries, Inc., Lebanon Trucking Division, of Lebanon, OR.

MC 166677, filed March 7, 1983. Applicant: MOTOR TRANSPORT CORPORATION OF AMERICA, 7233 N. 16th Ave., Phoenix, AZ 85021. Representative: David Robinson, 2228 W. Northern Ave., Suite B–201, Phoenix, AZ 85021, (602) 864–0999. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI.

MC 166686, filed March 9, 1983. Applicant: GWALTNEY OF SMITHFIELD, LTD., P.O. Box 489, Smithfield, VA 23430. Representative: Frank L. Willard, Suite #1001, First & Merchants National Bank Bldg., Norfolk,

VA 23510, (804) 627–0070. Transporting *such commodities* as are dealt in or use by grocery stores and food business houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Camellia Food Stores Cooperative, Inc., and Richfood, Inc., both of Richmond, VA; Military Distributors of Virginia, Inc., of Norfolk, VA; and Giant Food, Inc., of Washington, D.C.

MC 166707, filed March 9, 1983. Applicant: D & D DISTRIBUTION, INC., 340 Patterson St., Springfield, MO 65804. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–4447. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Vol. No. OP5–122

Decided: March 14, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 61599 (Sub-143(b)), filed March 2, 1983. Applicant: TRAILWAYS SOUTHEASTERN LINES, INC., 200 Spring St., NW., Atlanta, GA 30303. Representative: G. W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655–7937. Over regular routes, transporting *passengers* between Greensboro, NC, and Knoxville, TN, serving all intermediate points, over Interstate Hwy 40.

Note (1).—Applicant seeks to provide regular-route service in interstate or foreign commerce.

Note (2).—Applicant seeks other authority in MC–61599 Sub 143(a) published in this same issue.

MC 117699 (Sub-6), filed March 3, 1983. Applicant: MILLER BROS. CO., INC., P.O.B. EA, Hyrum, UT 84319. Representative: Bruce W. Shand, Suite 280, 311 S. State St., Salt Lake City, UT 84111, 801–531–1300. Transporting *paper, and paper products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Crown Zellerbach Corporation of San Francisco, CA.

MC 162239 (Sub-3), filed March 4, 1983. Applicant: SALEM CARRIERS, INC., 245 Charlois Blvd., Winston-Salem, NC 17103. Representative: Steven J. Kalish, Suite 1105, 1750 Pennsylvania Ave., NW., Washington, DC 20006, (202) 393–5710. Transporting *textile mill products,* between points in the U.S. under continuing contract(s) with Unifi, Inc., of Greensboro, NC.

MC 166449, filed February 28, 1983. Applicant: SOUTHSIDE MOBILE HOME SERVICE, INC., 1321 West Danville St., South Hill, VA 23970. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288, 919–635–4711. Transporting (1) *mobile homes,* (2) *buildings, complete, knocked down, or in sections,* and (3) *trailers,* between points in DE, MD, VA, NC, and DC.

[FR Doc. 83–7487 Filed 3–22–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket: and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestants shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protestants are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted

Motor Carriers of Property

Notice No. F–247

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 33037 (Sub-5–4TA), filed March 11, 1983. Applicant: STUDER TRUCK LINE, INC., Rt. 1, Beattie, Kansas 66406 Representative: William B. Barker, P.O Box 1979, Topeka, Kansas 66601. *Prepared Animal Food and Prepared Animal Food Supplements, and Materials and Supplies used in the Manufacture and Distribution of Prepared Animal Foods and Supplements,* Between City of Commerce, CA and Topeka, KS on the one hand, and, on the other, points in the United States (except AK and HI). Supporting Shipper: Hill's Pet Products. Inc., Topeka, Kansas.

MC 119766 (Sub-5–1TA), filed March 9, 1983. Applicant: NATIONAL OIL & SUPPLY CO., INC., d.b.a. ELLIS TRANSPORT, 2345½ W. Kearney, Springfield, MO 65803. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65803. *Gasoline, distillate fuels, diesel fuels, automotive fuels, aviation fuels, industrial fuels, distillate and residual fuels, compounded lubricating oils and petroleum solvents,* in bulk, in tank vehicles, between points in AR, CO, IA, IL, KS, LA, MO, NB, TN and TX. Supporting shippers: Wood Petroleum Company, Branson, MO; Midwest Petroleum Company, Camdenton, MO; TransChemical, Inc., St. Louis, MO.

MC 128449 (Sub-5–3TA), filed March 9, 1983. Applicant: JIMMIE TUCKER TRUCKING, INC., P.O. Box 428, Broken Bow, OK 74728. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Plywood,* between the facilities of Speltz Plywood Corporation at or near Memphis, TN on the one hand, and, on the other, points in AL, AR, CO, GA, IL, IN, KS, KY, LA, MI, MO, MS, NM, OK, TN, TX and WI. Supporting shipper: Speltz Plywood Corporation, Memphis, TN.

MC 143389 (Sub-5–6TA), filed March 9, 1983. Applicant: MERCHANTS DUTCH EXPRESS, INC., 2019 Jackson Street, Monroe, LA 71201. Representative: James K. Adams (same as above). Contract, Irregular. *Insulation and material and supplies used in the manufacture and distribution of insulation, except in tank vehicles,* between points in TX on the one hand, and points in AR, LA, OK, and MS on the other. Supporting shipper: Manville Service Corp., West Monroe, LA.

MC 150836 (Sub-5–4TA), filed March 11, 1983. Applicant: JOHN A. FOWLER, d.b.a. JOHN FOWLER TRUCKING, Route 4, #12 Robin Dale Lane, Burleson, TX 76028. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. Contract,

Irregular: *Such merchandise as is dealt in by retail grocery chains and food business houses and equipment, materials and supplies used in the conduct of such business* from points in Dallas County, TX, to points in CA under a continuing contract with Shedd's Food Products, a Division of Beatrice Foods. Supporting shipper: Shedd's Food Products, Dallas, TX.

MC 161767 (Sub-5–3TA), filed March 9, 1983. Applicant: ROBBY SMITH BROKERAGE, INC., P.O. Box 7026, Forth Worth, TX 76111. Repesentative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Forth Worth, TX 76112. *Frozen foods,* between points in WA, ID, CA, and UT, on the one hand, and, on the other, points in KS, OK, TX, AR, LA, and NM. Supporting shipper: The Lemons Co., Inc., Dallas, TX.

MC 165466 (Sub-5–4TA), filed March 11, 1983. Applicant: RICHARD GILBERT d.b.a. GILBERT & SONS, Route 4, Box 528, Tecumseh, OK 74873. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Lumber and wood products,* between points in AR, AZ, CO, LA, NM, OK, OR, and TX. Restricted to traffic moving for the account of the supporting shippers. Supporting shippers: Higgins & Sons Roof Truss Co., Inc., Tecumseh, OK, Buford White Lumber Company, Inc., Shawnee, OK.

MC 166367 (Sub-5–1TA), filed March 11, 1983. Applicant: ROBERT AMBLER, Route 2, Box 122, Burleson, TX 76028. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Forth Worth, TX 76104. Contract, irregular: *Travel and recreational trailers* between points in Johnson County, TX, on the one hand, and, on the other, points in states in the U.S. east of a line consisting of the eastern boundaries of the States of NM, CO, WY and MT. Supporting shipper: Komfort Industries of Texas, Inc., Burleson, TX.

MC 166675 (Sub-5–1TA), filed March 10, 1983. Applicant: C. R. WILSON & SONS VAN LINES, INC., 6706 Charles, Shawnee, KS 66216. Representative: Clyde N. Christey, Ks. Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612. Common: Irregular. *Household Goods, as defined in Practices of Motor Carriers of Household Goods, 17 MCC467,* Part 1) Between points in Wyandotte & Johnson Counties, KS, on the one hand, and points in CO east of U.S. Interstate Hwy. 25; points in AR north of U.S. Interstate Hwy. 40; points in OK north of U.S. Interstate Hwy. 40 and points in MO, on the other hand. Part 2) Between points in Jackson County, MO, on the one hand, and points in KS, those points in CO east of U.S. Interstate Hwy. 25; those points in AR north of U.S. Interstate Hwy. 40 and those points in OK north of U.S. Interstate Hwy. 40, on the other hand. Part 3) Between points in the Kansas City, KS/Kansas City, MO. Commercial zone, on the one hand, and points in NE on and south of U.S. Interstate Hwy. 80, on the other hand. Supporting shippers: There are 8 supporting shippers.

MC 166691 (Sub-5-1TA), filed March 9, 1983. Applicant: EMERSON ELECTRIC CO., 514 Earth City Expressway, Suite 100, Earth City, MO 63045. Representative: Fred Lenkman (same address as applicant). Contract; Irregular. *Primary metal products, fabricated metal products, electrical machinery, equipment, and supplies thereof,* between Washington, MO and its commercial zone on the one hand, and, on the other, points in the U.S., in and east of MN, IA, MO, OK, and TX under continuing contract(s) with Pauwels-Chance, Inc., Washington, MO. Supporting shipper: Pauwels-Chance, Inc., Washington, MO.

MC 166733 (Sub-5-1TA), filed March 11, 1983. Applicant: PETE WOLFE AND MALCOLM GRAVETTE, d.b.a. LAKESIDE TRUCKING CO., P.O. Box 667, Hughes, AR 72348. Representative: Pete Wolfe (same as applicant). *Building materials, and clay, concrete, glass or stone products* between points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OK, SC, TN, TX and VA. Supporting shippers: Concrete Products, Inc., Memphis, TN; A & H Glass, Inc., Memphis, TN: Heath & House Construction Co., West Memphis, AR.

MC 166736 (Sub-5-1TA), filed March 11, 1983. Applicant: RKM EQUIPMENT & TRUCKING, INC., P.O. Box 767, Yukon, OK 73099. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Metal products,* from Compton, Carson, Annaheim and Santa Ana, CA to points in the U.S. (except AK and HI). Supporting shippers: There are 5 supporting shippers.

The following applications were filed in Region 6. Send Protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 152691 (Sub-6–2TA), filed March 8, 1983. Applicant: SANTOS RICO, d.b.a. AUTO TRANSPORTES, 521 San Miguel Dr., Corona, CA 91720, Representative: Santos Rico (same address as applicant). *Contract Carrier,* irregular routes: *Lock parts* between Los Angeles, CA and the U.S. Border at Mexicali, MX for the account of Weslock, Div of TRE Corp. for 270 days. Supporting shipper: Weslock, Div of TRE Corp., 13344 S. Main St., Los Angeles, CA 90061.

MC 42487 (Sub-6–76TA), filed March 11, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V.R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Contract Carrier,* irregular routes: *General commodities,* (except Classes A and B explosives, household goods and commodities in bulk), between points in the United States, (except Alaska and Hawaii, under continuing contract(s) with Montgomery Ward & Co. and its wholly-owned subsidiaries, Jefferson Ward Stores and Standard-T-Chemical, Inc, for 270 days. Supporting shipper(s): Montgomery Ward & Co., Jefferson Ward Stores, Standard-T-Chemicals, Inc., Montgomery Ward Plaza, Chicago, IL 60671.

MC 152014 (Sub-6–1TA), filed March 11, 1983. Applicant: MARSHALL DILLON TRANSPORT, INC., 7357 East Fayette St., Tucson, AZ 85730. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. *Electronics, sub assemblies, and parts,* between points in AZ, AL, CA, GA and FL, for 270 days. Supporting shipper: Hughes Missiles Electronics, Inc., a div. Hughes Aircraft Co., P.O. Box 579, Eufaula, AL 36027.

MC 160345 (Sub-6–5TA), filed March 11, 1983. Applicant: EATON TRANSPORTATION COMPANY, INC., 2951 Coors Court, Santa Rosa, CA 95401. Representative: William D. Taylor, 100 Pine St., #2550, San Francisco, CA 94111. *Contract,* irregular; *Food and kindred products,* between points in Los Angeles, Orange, Riverside and San Bernardino Counties, CA on the one hand, and, on the other, points in Adams County, CO, under a continuing contract(s) with Food Products for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Food Products, 4303 Brighton Blvd., Denver, CO, 80216.

MC 263 (Sub-6–8TA), filed March 8, 1983. Applicant: GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, ID 83201. Representative: Bruce A Bullock, One Woodward Avenue—26th Floor, Detroit, MI 48226. *Contract Carrier,* irregular routes. *General Commodities* (except Classes A and B explosives, commodities in bulk and those requiring special equipment, and household goods as defined by the Commission), between points in the U.S. (except AK and HI), under continuing contract with Montgomery Ward & Co., for 270 days. Supporting shipper:

Montgomery Ward & Co., Montgomery Ward Plaza, Chicago, IL 60671.

MC 41098 (Sub-6–19TA), filed March 10, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. *Contract carrier,* irregular routes, *household goods* between points in the U.S. under continuing contract(s) with Amica Mutual Insurance Co. for 270 days. Supporting shipper: Amica Mutual Insurance Co., 10 Weybosset Street, Providence, RI 02904.

MC 41098 (Sub-6–20TA), filed March 10, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. *Contract carrier,* irregular routes, *computerized electronic communications switching systems and related parts and components* between points in the U.S. under continuing contract(s) with InteCom, Inc. of Allen, TX for 270 days. Supporting shippoer: InteCom, Inc., 601 InteCom Dr., Allen, TX 75002.

MC 41098 (Sub-6–21TA), filed March 11, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. *Contract,* irregular; *Household goods,* between points in the U.S. for 270 days. Supporting shippers: Eads Transfer & Storage Company, dba Eads Moving Brokerage, 2730 S. Harbor Blvd. Suite J, Santa Ana, CA 92704.

MC 166281 (Sub-6–1 TA), filed March 7, 1983. Applicant: L. W. MILLER TRANSPORTATION, INC., 1180 W. 2nd N., Logan, UT 84321. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract carriage,* irregular routes, transporting, *building and construction materials* between points in UT on the one hand and on the other points in CA, ID, OR, NV, WA, and MT, for 270 days, under a continuing contract(s) with Fullmer's Mill & Supply. An underlying ETA seeks 90 days authority. Shipper: Fullmer's Mill & Supply, 290 W. 400 S., Logan, UT 84321.

MC 140622 (Sub-6–1 TA), filed March 8, 1983. Applicant: JESSE NICHOLSON, d.b.a. JESSE NICHOLSON TRUCKING COMPANY, 2714 N. Compton Ave., Compton, CA 90220. Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth St., NW., Washington, D.C. 20005. *Contract carrier,* irregular routes; *Paper products and plastic products,* from Buena Park, CA to points in AZ, under continuing contract(s) with Williamette Industries, Inc., of Buena Park, CA, for 270 days. Supporting shipper: Williamette Industries, Inc., 6485 Descanso Ave., Buena Park, CA 90620.

MC 166699 (Sub-6–1TA), filed March 7, 1983. Applicant: PEERLESS ENTERPRISE OF EVANSTON, 927 Main St., Evanston, WY 82930. Representative: Willie Stogner, Sr. (same as applicant). *General Commodities, with usual exceptions,* between Unita County, WY; and Rich, Davis, Morgan, Summit, Weber and Salt Lake Counties, UT, for 270 days. Supporting shippers: There are 15 shippers. There statements may be examined at the Regional Office listed.

MC 166722 (Sub-6–1TA), filed March 10, 1983. Applicant: PERMAGAS, INC., 7605–222nd Street S.E., Woodinville, WA 98072. Representative: Frank Willson, 2828 Colby, Suite 400, Everett, WA 98201. (1) *Anhydrous ammonia, propane, butane and freon* between points in WA, on the one hand, and, on the other, between points in WA, OR, CA, and ID; (2) *building and roofing materials* between points in WA on the one hand, and on the other, points in OR, CA, NM, ID and NV; (3) *wood products, steel and machinery* between points in MT on the one hand, and on the other, points in WA, OR, and CA; (4) *floor tiles, building tiles, carpeting and glass products* between points in WA and CA on the one hand, and on the other, points in ID and OR; *liquid petroleum gases* between ports of entry on the international boundary line between U.S. and Canada, in Washington, on the one hand, and on the other, points in WA, OR and ID; *building materials, rock products and heavy machinery* between points in WA on the one hand, and on the other, points in NM, UT and ports of entry on the international boundary line between U.S. and Canada; *lime cement* in bulk and bag between points in WA, on the one hand, and on the other, points in ORM ID, CA and ports of entry on the international boundary line between U.S. and Canada; *heavy machinery, machine tools and steel* between points in WA and OR on the one hand, and on the other, points in OR, ID and MT; *frozen seafoods and perishables* between points in WA and ports of entry on the international boundary line between U.S. and Canada on the one hand, and, on the other, between points in OR and CA; *liquid, bulk and sacked fertilizer* between points in WA and ports of entry on the international boundary line between U.S. and Canada on the one hand, and on the other, points in OR and CA, for 270 days. Supporting shippers: There are 7 shippers. Their statements may be examined in the office listed.

MC 166724 (Sub-6–1TA), filed March 11, 1983. Applicant: SHASTA-SISKIYOU TRANSPORT, INC., P.O. Box 604, Redding, CA 96001. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Petroleum and petroleum products,* between points in CA, OR and NV for 270 days. Supporting shippers: There are five shippers. Their statements may be examined at the Regional Office listed above.

MC 164104 (Sub-6–5TA), filed March 7, 1983. Applicant: SITTER'S TRANSPORT LIMITED, 406 1st Ave., Kindersley, Saskatchewan, CD SOL 1SO. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. *Hides* from ports of entry on the U.S.-Canadian border at points in MT to Manteca, CA, Chicago, IL, Sioux City, IA, Detroit, MI, Minneapolis, MN, St. Joseph and St. Louis, MO, Portland, OR, Seattle, WA, and their commercial zones for 270 days. An ETA seeks 120 days authority. Supporting shippers: EX-IM Trading Corporation, 1000 Valley Forge Circle, Suite 108, King of Prussia, PA 19406.

MC 154571 (Sub-6–2TA), filed March 9, 1983. Applicant: SOUTHERN INTERIOR HOLDINGS LTD., d.b.a. SOUTHERN INTERIOR EXPRESS, P.O. Box 1519, Creston, B.C., CD VOB IGO. Representative: Herb Rennich, (same as applicant). *Contract Carrier,* irregular routes: *Bituminous Coal,* Between ports of entry on the U.S./CD border at or near Boundry and Northport, WA on the one hand, WA, MT, ID and OR on the other, for the account of Byron Creek Colleries Ltd. for 270 days. Supporting shipper: Byron Creek Colleries, 237 4 Avenue S.W., Calgary, Alberta, Rm. 509 E.T.—T2P OH6.

MC 147044 (Sub-6–2TA) filed March 4, 1983. Applicant: SOUTHWEST TRAILS, INC., 6510 Cherry Avenue, Long Beach, CA 90805. Representative: John C. Russell, 1545 Wilshire Blvd., Suite 606. Los Angeles, CA 90017. *Contract Carrier,* irregular routes: *aviation gasoline in bulk* from El Segundo, CA to Fort Huachaca, AZ, Davis Monthan A.F.B., AZ and Nellis A.F.B., NV. for 270 days.

MC 166716 (Sub-6–1TA), filed March 10, 1983. Applicant: TITAN TRANSPORTATION, INC., 746 North Texas St., Fairfield, CA 94533. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Contract Carrier,* irregular routes; *non-hazardous chemical fertilizer in bags,* between Stockton and Los Angeles, CA, on the one hand, and, on

the other, Yuma and Phoenix, AZ, under continuing contract with Capel Klang Company for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Capel Klang, P.O. Box 5487, Stockton, CA 95205.

MC 166698 (Sub-6–1TA), filed March 8, 1983. Applicant: TOMCO TRANSPORTATION, INC., 8306 Stevenson Ave., Sacramento, CA 95828. Representative: Arden Riess, P.O. Box 7965, Stockton, CA 95828 *Refrigerated meat, wine and soap* except for bulk shipments in tank vehicles, between points in Northern California, including the counties of Monterey, King, Tulare and Inyo and all counties north thereof up to the Oregon state line; AZ: Flagstaff, Phoenix, Prescott and Tucson; OR: Points within 5 air miles of I–5 from Medford to Portland and Klamath Falls, Bend, and The Dalles, WA: Points within 5 air miles of I–5 from Vancouver to Seattle and Walla Walla, Pasco, Kennewick and Spokane. Also, within Northern California as described above for the movement of rail piggyback trailers used in Interstate Commerce, for 270 days Supporting shipper: D & D Services, 1984 Holmes St., Livermore, CA 94550.

MC 148791 (Sub-6–22TA), filed March 10, 1983. Applicant: TRANSPORT-WEST, INC., 1850 S. 1100 W., Woods Cross, UT 84087. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84116. *Contract Carrier,* Irregular routes: *Paper and paper products,* from Denver, Co to Memphis, TN, for the account of Packaging Corporation of America, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Packaging Corporation of America, 1603 Orrington Avenue, Evanston, IL. 60204.

MC 166700 (Sub-6–1TA), filed March 9, 1983. Applicant: SHELDON R. MOWER & ROBERT E. READ, d.b.a. Two Rivers Trading Company, 5670 Leon Drive, Sparks, NV 89431. Representative: Sheldon R. Mower (same as applicant). *Ores and minerals, metal products, machinery, building materials, heavy equipment, and transportation equipment,* between points in CA, WA, OR, ID, WY, CO, OK, TX, NM, AZ, NV, UT, for 270 days. Supporting shippers: Values Mining, Inc., 5670 Leon Dr., Sparks, NV 89431; Carson Tahoe Rents, 1108 S. Stewart St., Carson City, NV 89701; Hurst Equipment Co., 311 Sutro St., Reno, NV 89512.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7480 Filed 3–22–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30135]

Rail Carriers; Baltimore & Ohio Railroad Co. and Western Maryland Railway Co.; Trackage Rights Over Conrail in Baltimore, MD; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts, under 49 U.S.C. 10505, the acquisition of trackage rights by the Baltimore and Ohio Railroad Company and Western Maryland Railway Company over 1.47 miles of Consolidated Rail Corporation track in Baltimore, MD, from the requirements of 49 U.S.C. 11343–45, subject to standard employee protective conditions.

DATES: This decision is effective on March 23, 1983. Petitions to reopen must be filed by April 12, 1983.

ADDRESSES: Send petitions to reopen to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioners' representative: Peter J. Shudtz, P.O. Box 6419, Cleveland, OH 44101.

Pleadings should refer to Finance Docket No. 30135.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275–7245

or

Anne K. Quinlan, (202) 275–6458.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call toll free (800) 424–5403 or, in the DC metropolitan area, 289–4357.

Decided: March 16, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7483 Filed 3–22–83; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–F–15128; OP 4F–159]

Rail Carriers; Royal Lines, Inc.; Purchase Exemption; Universe Company, Inc., and Irving, L. Johnson; Control Exemption-Royal Lines, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemptions.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and Commission's regulations in Ex Parte N. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 47 FR 53303 (November 24, 1982), Royal Lines, Inc. seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating rights of The Universe Company Inc., a motor carrier, (i.e., Certificates Nos. MC–136816 (Sub-Nos. 3, 10, 11, 13, 14 and 15), which certificates, collectively, authorize the irregular-route motor common carrier transportation of meats, food and related products, and building materials from and to various points and States located primarily east of the Mississippi River). Additionally, pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in *Proceedings for Handling Exemptions Filed by Motor Carriers* 367 I.C.C. 113 (1982), Irving L. Johnson who owns 100 percent of the stock of the Universe Company, Inc., seeks an exemption from the requirement under section 11343 of prior regulatory approval for his acquisition of 100 percent of the stock of Royal Lines, Inc.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES:

(1) Motor Section, Room 2353, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative, Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114.

Comments should refer to No. MC–F–15128.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemptions, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 17, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7488 Filed 3–22–83; 8:45 am]

BILLING CODE 7035–01–M

[OP 5-MCF-120; No. MC-F-15171]

Rail Carriers; U.S. Truck Lines, Inc. of Delaware, Continuance in Control Exemption; Ken-Dale Express, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions filed by Motor Carriers of Property under 49 U.S.C. 11343, 47 FR 55303* (November 24, 1982), U.S. Truck Lines, Inc. of Delaware, seeks and exemption from the requirement under section 11343 of prior regulatory approval for their continuance in control of Ken-Dale Express, Inc. Under the proposed transaction, U.S. Truck Lines, Inc. of Delaware a non carrier holding company, would directly control Ken-Dale Express, Inc. through a majority stock interest. Petitioner also controls through stock ownership (1) Be-Mac Transport Company, Inc., MC–10872 and subs thereto, (2) Brown Express, Inc., MC–46054 and subs thereto, (3) Central Truck Lines, Inc., MC–36473 and subs thereto, (4) The Cleveland, Columbus & Cincinnati Highway, Inc., MC–3419 and 3420 and subs thereto, (5) Kanawha Cartage Company, MC–150148 and subs thereto, (6) Mercury Freight Lines, Inc., MC–113528 and subs thereto, (7) Motor Express, Inc. of Indiana, MC–28813 and subs thereto, (8) Motor Express, Inc. (NJ), MC–1778 and subs thereto, (9) National Tank Truck Delivery, Inc., MC–116132 and subs thereto, (10) Ohio Delivery, Inc., MC–142758 and subs thereto, and (11) Motor Express Rentals Corporation, MC–164862 and subs thereto.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESS: Send comments to:

(1) Motor Section, Team 5, Room 2414, Interstate Commerce Commission, Washington, DC 20423
and
(2) Petitioner's representative, John C. Bradley, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209.

Comments should refer to No. MC–F–15171.

FOR FURTHER INFORMATION CONTACT: Lois Thompson, (202) 275–7289.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Note.—Ken-Dale Express, Inc., has filed a directly-related application in No. MC–166429, published in this same issue.

Decided March 14, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7489 Filed 3–22–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission

ACTION: Notices of provisional exemptions

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No. and specifics	Review Board [1]	Decided date
[illegible]	Norfolk and Western Railway Co., ICC–NW–C–0051, (bone chips, degreased)	3	3–16–83
[illegible]7	Richmond, Fredericksburg and Potomac Railroad Co., ICC–RFP–C–0014, (used motor vehicles)	1	3–16–83
[illegible]	Richmond, Fredericksburg and Potomac Railroad Co., ICC–RFP–C–0015, (used motor vehicles)0	2	3–16–83

[1] Review Board No. 1, members Parker, Chandler, and Forter. Review Board No. 2., Members Carleton, Williams, and Ewing. Member Williams not participating. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources

(49 U.S.C 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7336 Filed 3–22–83; 8:45 am]

BILLING CODE 7035–01–M

NATIONAL SCIENCE FOUNDATION

Subcommittee on Millimeter- and Submillimeter-Wavelength Astronomy of the Advisory Committee for Astronomical Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Millimeter- and Submillimeter-Wavelength Astronomy.

Date and time: April 7, 1983, 9:00 a.m. to 4:00 p.m.

Place: Rotunda Building, O'Hare Airport Terminal Chicago, Illinois.

Type of meeting: Open.

Contact person: Dr. Vernon L. Pankonin, Division of Astronomical Sciences, Room 618, National Science Foundation, Washington, DC, 20550, 202/357–9696.

Summary Minutes: May be obtained from the contact person.

Purpose of committee: To study future needs for this field of millimeter- and submillimeter-wavelength astronomy.

Agenda: Discussion on the text of the report and the recommendations which this Subcommittee is preparing for submission to the Astronomy Advisory Committee on April 28, 1983.

Dated: March 17, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83–7407 Filed 3–22–83; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published February 23, 1983 (48 FR 7660). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the Federal Register approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the April 1983 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Joint Metal Components and Combination of Dynamic Loads,* March 29, 1983, Washington, DC. The Subcommittee will review the reevaluation of double-ended guillotine pipe break design requirements for Westinghouse PWR plants.

**Clinch River Breeder Reactor (CRBR),* March 30, 1983 (Tentative), Washington, DC. The Subcommittee will continue the review of the CRBR construction permit application.

**Seabrook Nuclear Power Station Units 1 and 2,* April 1–2, 1983, Hampton Beach, NH. The Subcommittee will visit the plant and review the application of the Public Service Company of New Hampshire for an operating license.

**Reactor Operations,* April 6, 1983, Washington, DC. The Subcommittee will review the draft final rules, "Immediate Notification Requirements," 10 CFR 50.72, and the revised "Licensee Event Report (LER) Rule," 10 CFR 50.73.

**Systematic Evaluation Program,* April 7, 1983, Washington, DC. The Subcommittee will discuss the Systematic Evaluation Program review of Haddam Neck.

**Joint Reliability and Probabilistic Assessment and Extreme External Phenomena,* April 13, 1983, Washington, DC. The Subcommittee will discuss NREP (National Reliability Evaluation Program) and the use of probabilistic assessment in the licensing process, systems interactions, the Safety Goal Policy Evaluation plan, seismic design margins, and the reevaluation of design basis earthquakes for plants in the Eastern United States.

**General Electric Water Reactors,* April 21–22, 1983, Los Angeles, CA. The Subcommittee will review the application of General Electric for a final design approval of the GESSAR II (a GESSAR 238 Nuclear Island).

**Waste Management,* April 21–23, 1983 (Tentative), Washington, DC. The Subcommittee will review and comment on the Department of Energy's Site Characterization Report for the Basalt Waste Isolation Project (Hanford).

**Class-9 Accidents,* April 25, 1983, Washington, DC. The Subcommittee will review "The Industry Degraded Core Rulemaking (IDCOR) Program".

**Electrical Systems,* April 26, 1983, Washington, DC. The Subcommittee will review the status of the NRC sponsored research and the status of the NRC Generic Safety Issues relating to the electrical systems in nuclear plants.

**Westinghouse Water Reactors,* April 26, 1983, Washington, DC. The Subcommittee will discuss preliminary design information for the Westinghouse advanced pressurized water reactor (APWR).

**Reactor Radiological Effects,* April 28–30, 1983 (Tentative), Washington, DC. The Subcommittee will discuss NRC Staff's response to the ACRS comments and recommendations on control room habitability, Shippingport decommissioning, the potassium iodide (KI) issue, and generic safety issues.

**Anticipated Transient Without Scram (ATWS),* Date to be determined (April, Tentative), Washington, DC. The Subcommittee will continue review of the proposed rule on ATWS.

**AC/DC Power Systems Reliability,* May 10, 1983, Washington, DC. The Subcommittee will discuss the status of the NRC work on its reliability of AC/DC power systems with the principal item of discussion being the NRC work on station blackout.

**Safety Research Program,* May 11, 1983, Washington, DC. The Subcommittee will review the NRC Safety Research Program and Budget for FY 1985 and 1986, along with the Office of Research responses to ACRS recommendations included in a recent ACRS report to Congress (NUREG–0963).

**Joint Reliability and Probabilistic Assessment and Extreme External Phenomena,* May 11, 1983, Washington, DC. The Subcommittee will review the status of the NRC sponsored research relating to reliability and probabilistic assessment and external events.

**Human Factors,* May 19, 1983, Washington, DC. The Subcommittee will meet: (a) To review the adequacy of the application of the generic safety issue prioritization methodology to human factors related safety issues; (b) to review proposed human factors related modifications to the "General Design Criteria for Nuclear Power Plants," 10 CFR Part 50 Appendix A; (c) to be briefed by the Office of Inspection and Enforcement on recent activities at the NRC's incident response center; (d) to review the Human Factors Research Budget for FY 1985 and 1986; and (e) to discuss Dr. G. Salvendy's proposal for training human factors engineers relative to the safe design and operation of nuclear power plants.

**Joint Metal Components and Reactor Fuels,* May 19, 1983, Washington, DC. The Subcommittee will discuss BWR pipe cracking, turbine disk cracking, reactor coolant pump seal failure and fuel cladding degradation.

**Emergency Core Cooling Systems (ECCS),* May 24–25, 1983, Idaho Falls, ID. The Subcommittee will review the NRC research programs in loss of collant accidents (LOCA) and transient research.

**Systematic Evaluation Program,* Date to be determined (May, Tentative), Washington, DC. The Subcommittee will review the integrated safety assessment of systematic evaluation program for La Crosse Boiling Water Reactor.

**Human Factors,* Date to be determined (May, Tentative), Washington, DC. The Subcommittee will review the question of what qualifications would be desirable for members of a nuclear power plant operating staff.

**Plant Features Important to Safety,* June 7, 1983, Washington, DC. The Subcommittee will obtain from the NRC Staff a status report and program plans on Equipment Qualification and Classification Systems dealing with both mechanical and electrical components.

New initiatives in the quality assurance area will be explored.

Safety Research Program, June 8, 1983, Washington, DC. The Subcommittee will discuss the draft ACRS report to the Commission on the NRC Safety Research Program and Budget for FY 1985 and 1986.

Midland Plant Units 1 and 2, Date to be determined, Washington, DC. The Subcommittee will review Consumers Power Company's (CPCo) plan for an audit of plant quality at Midland Plant Units 1 and 2. In addition, representatives of CPCo will report on design and construction problems at Midland, their disposition, and the overall effectiveness of the effort to assue appropriate plant quality. The Committee will be briefed on CPCo's Construction Completion Plan.

Metal Components, Date to be determined, Washington, DC. The Subcommittee will discuss the NRC action plan on integrity of bolts.

ACRS Full Committee Meeting

April 14–16, 1983: Items are tentatively scheduled.

*A. *Clinch River Breeder Reactor (CRBR)*—Consider the request for a construction permit for this facility.

*B. *Seabrook Nuclear Power Station Units 1 and 2*—Consider the request for an operating license for this facility.

*C. *Yankee Nuclear Power Station*—Review the results of the systematic evaluation program for this facility.

*D. *Haddem Neck Plant*—Review the results of the systematic evaluation program for this facility.

*E. *Prioritization of Generic Issues*—Discuss application of proposed prioritization methodology to unresolved generic issues.

*F. *Reporting of Operating Events*—Discuss proposed changes in NRC rules (10 CFR Part 50) regarding submittal of licensee event reports.

*G. *Meeting with NRC Commissioners*—Discuss activities related to consideration of Class-9 Accidents in the regulatory process and the related Accident Source Term Program.

*H. *ACRS Subcommittee Activities*—Reports of designated ACRS Subcommittees regarding ongoing activities related to matters such as: *Waste Management and Disposal* including proposed DOE guidelines for selection of waste repositories for high level radioactive wastes (10 CFR Part 960); *Regulatory Requirements* including proposed NRC Regulatory Guide on Instrument Sensing Lines (Task No. IC 126–5); *Regulatory Policies and Practices* including proposed legislative and administrative changes to change the regulatory process; *Regionalization* of NRC activities; *Safety Philosophy, Technology and Criteria* including items related to precursor study of operating events, the NREP program, NRC systems interaction program, and seismic events; and consideration of the double-ended pipe break as the DBA in the regulatory process.

*I. *Recent Operating Experience*—Hear and discuss NRC Staff reports regarding recent operating experiences including failure of scram circuit breakers to operate properly at the Salem Nuclear Plant.

May 12–14, 1983—Agenda to be announced.

June 9–11, 1983—Agenda to be announced.

Dated: March 17, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–7408 Filed 3–22–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–348 and 50–364]

Alabama Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. NPF–2 and Amendment No. 22 to Facility Operating License No. NPF–8 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Houston County, Alabama. The amendments are effective as of the date of issuance.

The amendments delete Technical Specification Limiting Conditions for Operation and surveillance requirements for the boron injection tank and the heat tracing system.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 651.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated December 30, 1982, as supplemented February 11 and March 4, 1983, (2) Amendment Nos. 30 and 22 to License Nos. NPF–2 and NPF–8, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of March, 1983.

For the Nuclear Regulatory Commission

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 83–7409 Filed 3–22–83; 8:45 am]

BILLING CODE 7590–01–M

Alabama Power Co. (Joseph M. Farley Nuclear Plant, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

[Docket No. 50–348]

I.

Alabama Power Company (the licensee) is the holder of Facility Operating License No. NPF–2 which authorizes the operation of the Farley Nuclear Plant, Unit No. 1 (the facility) at steady-state power level not in excess of 2652 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site near the City of Dothan, Alabama.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The

staff's proosed requirements and schedule for inplementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) for items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Alabama Power Company responded to Generic Letter 82–05 by letter dated April 16, 1982; Alabama Power Company responded to Generic Letter 82–10 by letter dated June 4, 1982. In these submittals, Alabama Power Company confirmed that all except for one of the items identified in the Generic Letters had been completed and made a firm commitment to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82–10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining item is provided herein:

II.B.2 Plant Shielding

Part of this item will be delayed by the licensee and will be completed during the next refueling outage, R.O.V. R.O.V is scheduled to start in January 1983 and to continue for about 10 weeks. The delay was caused by late delivery of electrical disconnect devices for eight motor-operated valves (MOV's). The electrical disconnect devices have been received and are installed. During R.O.V the devices will be electrically connected and energized. All shielding required by this item has been installed. The licensee has stated that temporary shielding methods and procedures to allow operation of the eight MOV's will be used as a compensatory measure until final installation of the electrical disconnect devices has been completed.

We find, based on the above evaluation, that: 1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirement noted; 2) there is good cause for the one delay (equipment delay); and 3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall: Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March, 1983.

For the Nuclear Regulatory Commission

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

PLANT NAME: JOSEPH M. FARLEY, NUCLEAR PLANT, UNIT 1

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's Completion Schedule (or Status)[1]
I.A.3.1	Simulator Exams	10/1/81	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	1/1/82	Modify facility to provide access to vital areas under accident conditions.	Refueling outage V (1/83)
II.B.3	Post-accident sampling	1/1/82	Install upgrade post-accident sampling capability	Complete
II.B.4	Training for Mitigating Core Damage	10/1/81	Complete training program	Do
II.E.1.2	Aux FW Indication & Flow Indicator	7/1/81	Modify instrumentation to level of safety grade	Do
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 5—lower containment pressure setpoint to level compatible with normal operation.	Do
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 7—isolate purge and vent valves on radiation signal.	Do.
II.F.1	Accident Monitoring	1/1/81	(1) Install noble gas effluent monitors	Do.
		1/1/82	(2) Provide capability for effluent monitoring of iodine	Do.
		1/1/82	(3) Install in-containment radiation-level monitor	Do.

PLANT NAME: JOSEPH M. FARLEY, NUCLEAR PLANT, UNIT 1—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's Completion Schedule (or Status)[1]
		1/1/82	(4) Provide continuous indication of containment pressure.	Complete.
		1/1/82	(5) Provide continuous indication of containment water level	Complete.
		1/1/82	(6) Provide continuous indication of hydrogen concentration in containment.	Complete.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.1.3.1	Limit Overtime	10/1/82 per Gen. Ltr. 82-12 dtd. 6/15/82.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issud by Gen. Ltr. No. 82-12, dtd. June 15, 1982	Do.
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	7/1/82	Submit plant specific reports on relief and safety valve program	Complete.
II.D.1.3	Block Valve Test Program	7/1/82	Submit report of results of test program	Complete.
II.K.3.30 & 31	SBLOCA Analysis [2]	One year after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations.[2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined
III.A.1.2	Upgrade Emergency Support Facilities.[2]	do	do	Do.
III.A.2.2	Meteorological Data [2]	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order

[FR Doc. 83-7??? Filed 3-22-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-26]

Carolina Power and Light Co. (H. B. Robinson Steam Electric Plant, Unit No. 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Carolina Power and Light Company (the licensee) is the holder of Facility Operating License No. DPR-32 which authorizes the operation of the H. B. Robinson Steam Electric Plant, Unit No. 2 (the facility) at steady-state power level not in excess of 2300 megawatts thermal (rated power). The facility is a pressurized water reactor (PWR) located at the licensee's site in Darlington County,South Carolina.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.45(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) for items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Carolina Power and Light Company responded to Generic Letter 82-05 letter dated April 15, 1982, as supplemented by letters dated December 21, 1982 and February 7, 1983; Carolina Power and Light Company responded to Generic Letter 82-10 by letter dated June 9, 1982, as supplemented by letter dated December 7, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters has been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licessee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82-10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be

completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

II.B.3 Post Accident Sampling

This item will be delayed by the licensee and will be completed by July 1983. The portion of this work requiring an outage was completed during the last refueling outage. The outage was extensive because it included a 10 year inservice inspection program requiring engineering and construction resources to be redirected from the design and construction of the movable shield wall portion of the modification. Installation has been slowed due to a number of vendor recommended field changes which has delayed the systems initial start-up, flush and testing. Additional problems are expected during the initial start-up sequence due to design complexity and newness. During the interim period, previously estabished procedures for obtaining post-accident samples will remain in effect that were approved as TMI Lessons Learned Category A items.

III.D.3.4 Control Room Habitability

The licensee is not required by NUREG–0737 to adhere to an implementation date. However, the licensee is required to furnish a schedule indicating a completion date for this activity. The licensee's letter dated June 9, 1982, in response to Generic Letter 82–10, committed to a completion date of January 1984. However, NRC letter dated October 1, 1982 required the licensee to address all deficiencies identified in their contractors report. The licensee's letter dated December 7, 1982 committed to a response on or by June 1, 1983 and to provided a new schedule for implementation for any modifications and corrections found necessary with their resposes to our letter dated October 1, 1982. Therefore, the the licensee's commitment date for III.D.3.4 implementation is to be re-determined by June 1983.

We find, based on the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible for the effort to implement the NUREG–0737 requirements noted; 2) there is good cause several delays (unexpected design complexity, interface problems, and equipment delays); and 3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register** . A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Wahington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

For the Nuclear Regulatory Commision.

Dated at Bethesda, Maryland, this 14th day of March, 1983.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

PLANT NAME: H. B. ROBINSON, STEAM ELECTRIC PLANT, UNIT 2

ATTACHMENT 1—LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEM FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.3.1	Simulator Exams	10/1/81	Include simulator exams in licensing examinations	Complete
II.B.2	Plant Shielding	1/1/82	Modify facilty to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-accident sampling	1/1/82	Install upgrade post-accident sampling capability	July 1983
II.B.5	Training for Mitigating Core Damage	10/1/81	Complete training program	Complete.
II.E.1.2	Aux FW Indication & Flow Indicator	7/1/81	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 5—lower containment pressure setpoint to level compatible with normal operation	Do
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 7—isolate purge and vent valves on radiation signal.	Do.
II.F.1	Accident Monitoring	1/1/82	(1) Install noble gas effluent monitors	Do
		1/1/82	(2) Provide capability for effluent monitoring of iodine	Do
		1/1/82	(3) Install in-containment radiation-level monitor	Do.
		1/1/82	(4) Provide continuous indication of containment pressure	Do.
		1/1/82	(5) Provide continuous indication of containment water level.	Do.
		1/1/82	(6) Provide continuous indication of hydrogen concentration in containment.	Do.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 Schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	10/1/82 per Gen. Ltr. 82–12 dtd. 6/15/82.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82–12, dtd. June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	7/1/82	Submit plant specific reports on relief and safety valve programs.	Complete.
II.D.1.3	Block Valve Test Program	7/1/82	Submit report of results of test program.	Do.
II.K.3.30 & 31	SBLOCA Analysis [2]	1 yr. after staff approval of model.	Submit plant Specific analyses.	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations. [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities. [2]	do	do	Do.
III.A.2.2	Meteorological Data [2]	do	do	Do.
III.I.3.4	Control Room Habitability	To be determined by licnesee	Modify facility as identified by licensee study	To be determined in June 1983.

[1] Where completion date refers to a refueling outrage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc. 83–7411 Filed 3–22–83; 8:45 am]
BILLING CODE 7590–01–M

[Dockets Nos. 50–237/249]

Commonwealth Edison Co. (Dresden Nuclear Power Station, Units 2 and 3); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Commonwealth Edison Company (CECo or the licensee) is the holder of Provisional Operating License No. DPR–19 and Facility Operating License No. DPR–25 which authorize the operation of the Dresden Nuclear Power Station, Units 1 and 2 (Dresden or the facilities) at steady-state power levels not in excess of 2527 megawatts thermal for each unit. The facilities are boiling water reactors located at the licensee's site in Grundy County, Illinois.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, cofirmation of comletion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Commonwealth Edison Company responded to Generic Letter 82–05 by an initial letter dated April 15, 1982 and subsequently by letters dated June 1 and 11, July 8, August 5, September 2 and 3, October 4 and 14, and December 20 and 29, 1982 and January 14, 1983. The licensee responded to Generic Letter 82–10 by an initial letter dated June 4, 1982 and subsequently by letters dated June 28, September 20 and 22, October 15, and December 28 and 29, 1982 and January 6 and 14, 1983. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables (Attachments 1 and 2) summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are several items in Generic Letter 82–10 that, as noted in Attachment 2, have licensee schedules which are yet to be determined. These items are, therefore, not included in this Order. The licensee considers some of the items addressed in this Order to be completed or to require no modifications. These items are so noted in Attachments 1 and 2. The staff's evaluation of the licensee's delay for implementation of the remaining item is provided herein.

III.D.3.4 Control Room Habitability

The licensee's control room habitability study was completed and originally submitted in September 1981. Additional information was provided in December 1981 and June 1982. The modifications called for in the study are underway. Based on current information, the licensee has committed to completion of the modification by January 1, 1984. The modifications are subject to a post-implementation review by the staff.

For Dresden, there are three items from Generic Letter 82–05 that are incomlete, II.F.1.(1), II.F.1.(2) and II.F.1.(6). All others are, in the staff's view, complete. The staff evaluation of

the incomplete items, including compensatory measures, is as follows:

II.F.1.(1) Install Noble Gas Effluent Monitors

This item is delayed because of continuing difficulties by the licensee to develop an accurate correlation of the instrument reading to plant release. Purchase of a new source and further tests are required. CECo now projects that the completion date for this effort is July 1, 1983. In the interim, as a compensatory measure, the already installed SPING-4 monitors will be used. When possible the existing Main Chimney and Reactor Building ventilation exhaust noble gas monitor can be used as a back-up.

II.F.1.(2) Monitoring for Iodine in Post-Accident Releases

This item has been delayed due to vendor delivery problems. The latest information from the licensee is that they still expect delivery from the vendor in time to meet their installed and operable date of July 1, 1983. In the interim, as a compensatory measure, the licensee has installed and is operating an Eberline SPING-4 High Range Noble Gas Monitoring System which incorporates three noble gas monitoring channels (low, medium and high) and particulate and iodine filters all on one skid.

II.F.1.(6) Provide Continuous Monitoring of H_2 in Containment

This item is delayed because of licensee difficulties in procuring environmentally and seismically qualified hydrogen monitoring equipment. Based on current information, the licensee believes that properly qualified equipment can be delivered by September 1983 and made operable by December 31, 1983. In the interim, as a compensatory measure, the containment atmospheric monitor in the High Range Sample System will be relied on for hydrogen indication.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore the licensee's commitments should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 14 day of March, 1983.

Robert A. Purple,

Deputy Director Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1.—DRESDEN STATION, UNITS 2 AND 3 LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	10/01/81	Include simulator exams in licensing examinations	Complete
II.B.2	Plant Shielding	01/01/82	Modify facility to provide access to vital areas under accident conditions	Do
II.B.3	Post-Accident Sampling	01.01.82	Install upgrade post-accident sampling capability	Do
II.B.4	Training for Mitigating Core Damage	10/01/81	Complete training program	Do
II.E.4.2	Containment Isolation Dependability	07/01/81	Part 5-lower containment pressure setpoint to level compatible w/normal operation	Do
		07/01/81	Part 7-isolate purge & vent valves on radiation signal	Do
II.F.1	Accident Monitoring	01/01/82	(1) Install noble gas effluent monitors	July 1983
		01/01/82	(2) Provide capability for effluent monitoring of iodine	Do.
		01/01/82	(3) Install incontainment radiation-level monitors	Do
		01/01/82	(4) Provide continuous indication of containment pressure	Do
		01/01/82	(5) Provide continuous indication of containment water level.	Do
		01/01/82	(6) Provide continuous indication of hydrogen concentration in containment.	December 1983
II.K.3.15	Isolation of HPCI & RCIC Modification	07/01/81	Modify pipe break detection logic to prevent inadvertent isolation.	Complete
II.K.3.24	Space Cooling for HPIC/RCIC	01/01/82	Confirm adequacy of space cooling for HPCI/RCIC	Do
II.K.2.27	Common Reference Level	07/01/81	Provide common Reference Level for Vessel Level Instrumentation	Do

ATTACHMENT 2.—DRESDEN STATION, UNITS 2 AND 3 LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.1.3.1	Limit Overtime	10/01/82 per Gen Ltr 82-12 dtd 6/15/82	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12 dtd 6/15/82	Complete
I.A.1.3.2	Minimum Shift Crew [1]	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued.

ATTACHMENT 2.—DRESDEN STATION, UNITS 2 AND 3 LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
I.C.1	Revise Emergency Procedures [1]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D 1.1	RV and SV Test Programs	10/01/82	Submit plant specific reports on relief valve and safety valve program.	Complete.
II.K.3.18	ADS Actuation	09/30/82	Submit revised position on need for modifications	[illegible].
II.K.3.30 & 31	SBLOCA Analysis [1]	1 year after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [1].	Superseded by 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [1].	do	do	Do.
III.A.2.2	Meteorological Data [1]	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	January 1984.

[1] Not Part of Confirmatory Order.

[FR Doc. 83-7412 Filed 3-22-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co. (Zion Station, Unit Nos. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Commonwealth Edison Company (the licensee) is the holder of Facility Operating License Nos. DPR-39 and DPR-48 which authorizes the operation of the Zion Station, Unit Nos. 1 and 2 (the facilities) at power levels not in excess of 3250 megawatts thermal. The facilities are pressurized reactors (PWRs) located at the licensee's site in Zion, Illinois.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) for items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Commonwealth Edison Company responded to Generic Letter 82-05 by letters dated April 15, 1982, November 29, 1982 and January 14, 1983; the licensee responded to Generic Letter 82-10 by letter dated July 24, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82-10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

II.B.2 Plant Shielding

As part of the plant shielding task, the radiation monitor which controls the control room air intake is being upgraded. The licensee has obtained the SPING monitors for this application. Upon installation and checkout, it was determined that the monitor has an apparent generic electronic problem. The licensee is working with the manufacturer to correct the problem. However, in the interim, there is an existing monitor that is serving the air control function until the SPING problem can be fixed. This interim operation using the existing monitor is acceptable. All other immediate requirements for this task item have been completed.

II.B.3 Post Accident Sampling

The containment air sample radiation monitor is also being upgraded with the SPING monitor discussed above. There is an existing radiation monitor providing containment air sampling measurements and its operation during the interim period is acceptable. All other immediate requirements for this task have been completed.

II.F.1.1 and II.F.1.2 Accident Monitoring Instrumentation

The vent stack radiation monitor is also being replaced by a SPING monitor. In addition to the SPING problem, the velocity panel which automatically samples a constant bypass stream from the vent also has an electronic related problem which was discovered during equipment checkout. The vent stack has

an existing monitor and its operation for the interim period is acceptable. All other immediate requirements for this task have been completed.

III.D.3.4 Control Room Habitability

In the NRC letter dated June 24, 1982, this item was approved with a number of commitments made by the licensee. The commitment to tie the outside air intake damper closure to the safety-injection signal from either unit will require a unit shutdown for refueling or for a sufficient period of time to make the modifications. The last tie should be complete before the estimated January 1984 date. The other commitments to make this task acceptable have been completed. Sufficient protection exists in the control room to make the interim operation, without ESF tie-in, acceptable.

We find, based on the above evaluation, that: 1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; 2) there is good cause for the several delays (unexpected design complexity, interface problems, and equipment delays); and 3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

PLANT NAME: ZION UNIT 1 AND 2 Attachment 1.—LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulators Exams	10/1/81	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	1/1/82	Modify facility to provide access to vital areas under accident conditions.	March 1983.
II.B.3	Post-accident sampling	1/1/82	Install upgrade post-accident sampling capability	Do.
II.B.4	Training for Mitigating Core Damage.	10/1/81	Complete training program	Complete
II.E.1.2	Aux FW Indication & Flow Indicator	7/1/81	Modify instrumentation to level of safety grade	Do
II.E.4.2	Containment Isolation Dependability.	7/1/81	Part 5—lower containment pressure setpoint to level compatible with normal operation	Do
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 7—isolate purge and vent valves on radiation signal.	Do
II.F.1	Accident Monitoring	1/1/82	(1) Install noble gas effluent monitors	July 1983.
		1/1/82	(2) Provide capability for effluent monitoring of iodine	March 1983
		1/1/82	(3) Install in-containment radiation-level monitor	Complete.
		1/1/82	(4) Provide continuous indication of containment pressure	[illegible]
		1/1/82	(5) Provide continuous indication of containment water level	Do.
		1/1/82	(6) Provide continuous indication of hydrogen concentration in containment.	Do

[1] Where completion date refers to a refueling outage (the estimated date when the outrage begins), the item will be completed prior to the restart of the facility

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	10/1/82 per Gen Ltr 82–12 dtd. 6/15/82	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82–12, dtd. June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule	To be addressd in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	7/1/82	Submit plant specific reports on relief and safety valve program.	Complete.
II.D.1.3	Block Valve Test Program	7/1/82	Submit report of results of test program	Do.
II.K.3.30 & 31	SBLOCA Analysis [3]	1 year after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [3].	Superseded by 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [3].	...do	...do	Do.
III.A.2.2	Meteorological Data [3]	...do	...do	Do.

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	During refueling to occur before January 1984.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility
[2] Not Part of Confirmatory Order.

[FR Doc. 83-7413 Filed 3-22-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-245]

The Connecticut Light and Power Co., etal; Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

In the Matter of The Connecticut Light and Power Co., The Hartford Electric Light Co., Western Massachusetts Electric Co., and Northeast Nuclear Energy Co. (Millstone Nuclear Power Station, Unit 1).

Northeast Nuclear Energy Company et al, (licensee) is a holder of Provisional Operating License No. DPR-21 which authorizes the operation of the Millstone Nuclear Power Station, Unit No. 1 (the facility) at steady-state power level not in excess of 2011 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Waterford, Connecticut.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plant Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed between July 1, 1981 and March 1, 1982. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justificaton for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Northeast Nuclear Energy Company responded by letters dated April 16, June 4, 10 and 24, and December 30, 1982 and February 11 and 28, 1983. In these submittals, Northeast Nuclear Energy Company confirmed that most of the items identified in the March 17 letter have been completed and made firm commitments to complete the remainder. The attached Table summarizing the licensee's schedular commitment or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are several items in Generic Letter 82-10 that, as noted in Attachment 2, have licensee schedules which are yet to be determined. These items are, therefore, not included in this Order. The licensee considers some of the items addressed in this Order to be completed or to require no modifications. These items are so noted in Attachments 1 and 2. The staff's evaluation of the licensee's delays for implementation of the remaining items is provided herein.

The licensee's schedule for a few items does not meet the NUREG-0737 implementation dates. The licensee has identified other plant modifications to compensate for delays in completing NRC-TMI requirements, unavailability of qualified components, and necessity for plant outage and lost-power production as some of the reasons for delaying the implementation of these modifications. The licensee has proposed to complete these modifications in accordance with the attached schedule.

The staff has not completed the evaluation of item II.E.4.2 part 7, "Isolation of Purge and Vent Valves on Radiation Signal," or item II.F.1.6, "Continuous Indication of Containment Hydrogen Concentration." These items will be considered later for a separate order after final resolution, and therefore are not included in this Order.

We have reviewed the licensee's submittals and determined that the proposal is an integrated approach to satisfy all the requirements as soon as practical. We find the proposed schedule delay to be acceptable considering costs and interim measures that are being taken by the licensee.

Since the post-TMI requirements are being imposed to improve the level of safety of nuclear power plants, the delay in schedule for implementation of certain items identified in the attached tables does not detract from the level of safety existing at the Millstone Station, Unit 1. We find that the licensee has made a diligent effort to satisfy all the proposed requirements and the proposed schedule is acceptable.

In view of the foregoing, I have determined that the commitments are required in the interest of public health and safety and should, therefore, by confirmed by Order.

Accordingly, pursuant to Section 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in

Section III herein no later than the dates in the Attachments.

IV.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14 day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1.—MILLSTONE STATION, UNIT 1 LICENSEE'S COMMITMENT ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	10/01/81	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	01/01/82	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-Accident Sampling	01/01/82	Install upgrade post-accident sampling capability	April 1, 1983
II.B.4	Training for Mitigating Core Damage.	10/01/81	Complete training program	Complete.
II.E.4.2	Containment Isolation Dependability.	07/01/81	Part 5-lower containment pressure setpoint to level compatible w/normal operation.	Complete.
		07/01/81	Part 7-isolate purge & vent valves on radiation signal [2]	Under evaluation by the staff.
II.F.1	Accident Monitoring	01/01/82	(1) Install noble gas effluent monitors	[1]
		01/01/82	(2) Provide capability for effluent monitoring of iodine	[1]
		01/01/82	(3) Install incontainment radiation-level monitors	Complete.
		01/01/82	(4) Provide continuous indication of containment pressure.	Do.
		01/01/82	(5) Provide continuous indication of containment water level.	Do.
		01/01/82	(6) Provide continuous indication of hydrogen concentration in containment [2].	Under evaluation by the staff.
II.K.3.15	Isolation of HPCI & RCIC Modification.	07/01/81	Modify pipe break detection logic to prevent inadvertent isolation.	N/A.
II.K.3.22	RCIC Suction	01/01/82	Modify design of RCIC suction to provide automatic transfer to torus.	N/A.
II.K.3.24	Space Cooling for HPCI/RCIC	01/01/82	Confirm adequacy of space cooling for HPCI/RCIC	N/A.
II.K.3.27	Common Reference Level	07/01/81	Provide common Reference Level for Vessel Level Instrumentation.	Complete.

[1] End of outage prior to cycle 10 currently scheduled for spring 1984.
[2] Not part of confirmatory order.

ATTACHMENT 2.—MILLSTONE STATION, UNIT, 1 LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.1.3.1	Limit Overtime [1]	10/01/82	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dtd 6/15/82.	Under evaluation by the staff NNECO Letter dated October 1, 1982.
I.A.1.3.2	Minimum Shift Crew [1]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing At Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [1]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	07/01/82	Submit plant specific reports on relief valve and safety valve program.	Complete.
II.K.3.18	ADS Actuation	09/30/82	Submit revised position on need for modifications	Complete in accordance with NNECO submittal February 22, 1983.
II.K.3.30 & 31	SBLOCA Analysis [1]	1 year after staff approval of model	Sumbit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [1]	Superseded by 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [1]	do	do	Do.
III.A.2.2	Meterological Data [1]	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	December 31, 1984.

[1] Not Part of Confirmatory Order

[FR Doc. 83–7423 Filed 3–22–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co. (Haddam Neck Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Connecticut Yankee Atomic Power Company (licensee) is the holder of Facility Operating License No. DPR–61 which authorizes the operation of the Haddam Neck Plant (the Facility) at steady-state power level not in excess of 1825 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Middlesex County, Connecticut.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory

Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed between July 1, 1981 and March 1, 1982. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion. (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Connecticut Yankee Atomic Company responded by letters dated April 16, and June 4 and 10, and December 15, 29, and 30, 1982 and February 28, 1983. In these submittals Connecticut Yankee Atomic Power Company confirmed that most of the items identified in the March 17 letter have been completed and made firm commitments to complete the remainder. The attached Tables were developed by the staff from the Generic Letters and the licensee-provided information.

There are several items in Generic Letter 82–10 that, as noted in Attachment 2, have licensee schedules which are yet to be determined. These items are, therefore, not included in this Order. The licensee considers some of the items addressed in this Order to be completed or to require no modifications. These items are so noted in Attachments 1 and 2. The staff's evaluation of the licensee's delays for implementation of the remaining items is provided herein.

The licensee's schedule for a few items does not meet the NUREG–0737 implementation dates. The license has identified other compensations for delays in completing NRC-TMI requirements, unavailability of qualified components, and necessity for plant outage and lost-power production as some of the reasons for delaying the implementation of these modifications. The licensee has proposed to complete these modifications in accordance with the attached schedule.

We have reviewed the licensee's submittals and determined that the proposal is an integrated approach to satisfy all the requirements as soon as practical. We find the proposed schedule delay to be acceptable considering costs and interim measures that are being taken by the licensee.

Since the post-TMI requirements are being imposed to improve the level of safety of nuclear power plants, the delay in schedule for implementation of certain items identified in the attached tables does not detract from the level of safety existing at the Haddam Neck Plant. We find that the licensee has made a diligent effort to satisfy all the proposed requirements and the proposed schedule is acceptable.

In view of the foregoing, I have determined that the commitments are required in the interest of public health and safety and should, therefore, be confirmed by Order.

IV.

Accordingly, pursuant to Section 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—HADDAM NECK LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.3.1	Simulator Exams	10/01/81	Include simulator exams in licensing examinations	Complete
II.B.2	Plant Shielding	01/01/82	Modify facility to provide access to vital areas under accident conditions	Do.
II.B.3	Post-Accident Sampling	01/01/82	Install upgrade post-accident sampling capability	Mar. 31, 1983
II.B.4	Training for Mitigating Core Damage.	10/01/81	Compete training program	Complete
II.E.1.2	Aux. Feedwater Initiation & Flow Indication.	07/01/81	Modify instrumentation to level of safety grade	Do
II.E.4.2	Containment Isolation Dependability	07/01/81	Part 5-lower containment pressure setpoint to level compatible w/normal operation.	Do.
		07/01/81	Part 7-isolate purge & vent valves on radiation signal	Do.

ATTACHMENT 1—HADDAM NECK LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
II.F.1	Accident Monitoring	01/01/82	(1) Install noble gas effluent monitors	Do.
		01/01/82	(2) Provide capability for effluent monitoring of iodine	Do.
		01/01/82	(3) Install incontainment radiation-level monitors	Do.
		01/01/82	(4) Provide continuous indication of containment pressure.	Do.
		01/01/82	(5) Provide continuous indication of containment water level..	Do.
		01/01/82	(6) Provide continuous indication of hydrogen concentration in containment [2].	Under evaluation by the staff

[1] Compleaon date refrs to a refueling outage.
[2] The item will be completed prior to the restart of the facility. Not part of Confirmatory Order.

ATTACHMENT 2.—HADDAM NECK LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime [2]	10/01/82 per Gen Ltr 82-12 dtd. 6/15/82.	Revised administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dtd. 6/15/82	Under evaluation by the staff
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revised Emergency Procedures. [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined.
II.D.1.2	RV and SV Test Programs	07/01/82	Submit plant specific reports on relief valve and safety valve program.	Complete.
II.D.1.3	Block Valve Test Program	07/01/82	Submit report of results of test program	Do.
II.K.3.30 & 31	SBLOCA Analysis [2]	1 year after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations. [2]	Superseded by 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities. [2]	....do	....do	Do.
III.A.2.2	Meteorological Data [2]	....do	....do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	December 1984.

[1] Where completion date refers to a refueling outage, the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order

[FR Doc. 83-7414 Filed 3-22-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co. (Big Rock Point Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Consumers Power Company (the licensee) is the holder of Facility Operating License No. DPR-6 which authorizes the operation of the Big Rock Point Plant (the facility) at steady-state power level not in excess of 240 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Charlevoix County, Michigan.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982.[1] Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff has proposed for completion on or after July 1, 1982:

(1) For applicable items that have been completed, confirmation of completion and the date of completion. (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Consumers Power Company (CPC) responded to the Generic Letter 82-05 by letter dated May 14, 1982; CPC responded to the Generic Letter 82-10 by letter dated May 25, 1982. In these submittals, CPC confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensees's schedule commitments or status were developed by the staff from the Generic Letters and licensee-provided information.

[1] The letter sent to Cosumers Power Company was lost in the mail and this was not determined until they were questioned about their response on April 30, 1982. The letter was then telecopied to them and they responded 30 days after receipt.

There are several items in GL 82–10 that as noted in Attachment 2 have licensee schedules which are yet to be determined. These items are, therefore, not included in this Order. The licensee considers some of the items addressed in this Order to be completed or to require no modifications. These items are so noted in Attachments 1 and 2. The staff's evaluation of the licensee's delays for implementation of the remaining items is provided herein.

II.B.2 Plant Shielding

II.B.3 Post Accident Sampling

II.F.1.6 Containment Hydrogen Monitor

III.D.3.4 Control Room Habitability

By letter dated March 31, 1981, CPC submitted a Probablistic Risk Assessment (PRA) for the Big Rock Point Plant to the NRC. CPC also requested that implementation of several NUREG–0737 items to be deferred for Big Rock Point pending completion of the NRC's review of PRA.

The basis for this request was that the PRA would show that these items are not necessary for Big Rock Point. By letter dated August 12, 1981, NRC informed CPC that implementation of these four items, among others, would be deferred for Big Rock Point pending completion of the NRC's review of the PRA. The NRC's review of the PRA is presently scheduled to be completed in early 1983. After completion of the NRC review, the NRC will decide if these four items should be implemented at Big Rock Point. Therefore, items II.B.2, II.B.3, II.F.1.6 and IV.D.3.4 are not included in this Order.

II.F.1.1 Noble Gas Monitor

II.F.1.2 Iodine/Particulate Monitor

By letter dated February 16, 1983, CPC committed to have the stack monitoring system which fulfills both TMI Items II.F.1.1 and II.F.1.2 fully operational by December 31, 1983. Installation was delayed from previous commitments by failure of the instrument vendor to deliver the proper equipment in a timely fashion. The equipment is now on-site at Big Rock Point and installation is essentially complete. However, the licensee has been unable to obtain spare parts from the vendor to ensure that the system can be restored to operation in a timely manner if the equipment breaks down and needs repair. The current monitoring system used to quantify high level releases from the stack is still operational and will remain operational as an interim compensatory measure until the new monitoring system is ready to be declared fully operational.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the delays (delay of vendor delivery of equipment); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these commitments are required in the interest of public health and safety and should, therefore, the licensee's commitment should be confirmed by the Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 14 day of March, 1983.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—BIG ROCK POINT, LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 Schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.3.1	Simulator Exams	10/01/81	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding [2]	01/01/81	Modify facility to provide access to vital areas under accident conditions.	Deferred until NRC completes review of PRA.
II.B.3	Post-Accident Sampling [2]	01/01/82	Install upgrade post-accident sampling capability	[illegible]
II.B.4	Training for Mitigating Core Damage.	10/01/81	Complete training program	Complete.
II.E.4.2	Containment Isolation Dependability	07/01/81	Part 5-lower containment pressure setpoint to level compatible w/normal operation	Do.
		07/01/81	Part 7-isolate purge & vent valves on radiation signal	Do.
II.F.1	Accident Monitoring	01/01/82	(1) Install noble gas effluent monitors	12/83.
		01/01/82	(2) Provide capability for effluent monitoring of iodine	Do.
		01/01/82	(3) Install in containment radiation-level monitors	Complete.
		01/01/82	(4) Provide continuous indication of containment pressure.	Do.
		01/01/82	(5) Provide continuous indication of containment water level.	Do.
		01/01/82	(6) Provide continuous indication of hydrogen concentration in containment.[3]	Deferred until NRC completes review of PRA.
II.K.3.19	Interlock on Recirculation Pump	07/01/81	Install interlocks on recirculation pump loops	Complete, NRC concluded that modification was not necessary for Big Rock Point.
II.K.3.27	Common Reference Level	07/01/81	Provide common reference level for vessel level instrumentation.	Complete.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not part of Confirmatory Order.

ATTACHMENT 2—BIG ROCK POINT, LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.1 3.1	Limit Overtime	10/01/82 per Gen Ltr 82–12 dtd. 6/15/82.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dtd 6/15/82.	Complete.
I.A.1 3.2	Minimum Shift Crew [1]	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [1]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined
II.D 1.2	RV and SV Test Programs	07/01/82	Submit plant specific reports on relief valve and safety valve tests.	Complete.
II.K.3 18	ADS Actuation	09/30/82	Submit revised position on need for modifications	Complete, NRC concluded that modification was not necessary.
II.K.3 30 & 31	SBLOCA Analysis [1]	1 year after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1 2	Staffing Levels for Emergency Situations [1]	Superseded by 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be Determined
III.A.1.2	Upgrade Emergency Support Facilities [1]	..do	..do	Do.
III.A.2.2	Meteorological Data [1]	..do	..do	
III.D.3.4	Control Room Habitability [1]	To be determined by licensee	Modify Facility as identified by licensee study	Deferred until NRC completes review of PRA

[1] Not Part of Confirmatory Order

[FR Doc. 83–7415 Filed 3–22–83; 8:45]
BILLING CODE 7590–01–M

[Docket No. 50–255]

Consumers Power Co. (Palisades Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Consumers Power Company (the licensee) is the holder of Provisional Operating License No. DPR–20 which authorizes the operation of the Palisades Plant (the facility) at steady-state power level not in excess of 2530 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Covert Township, Van Buren County, Michigan.

II.

Following the accident at Three Mile Island Unit No.2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUSEG–0737, "Clarification or TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982 [1]. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

Consumers Power Company responded to the Generic Letter 82–05 by letters dated June 1, July 20, and October 25, 1982; Consumers Power Company responded to the Generic Letter 82–10 by letters dated June 7 and 30, 1982. In these submittals, Consumers Power Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are several items in Generic Letter 82–10 that as noted in Attachment 2 have licensee schedules which are yet to be determined. These items are, therefore, not included in this Order. The licensee considers some of the items addressed in this Order to be completed or to require no modifications. These items are so noted in Attachments 1 and 2. The staff's evaluation of the licensee's delays for implementation of the remaining items is provided herein.

II.B.3 Post Accident Sampling

This item will be delayed by the licensee and will be completed by June 1983. Delay in completion was caused by a design deficiency concerning the method by which a sample is drawn to determine the hydrogen content of the primary coolant. In addition, the containment hydrogen sample line will remain isolated until the isolation valve for the containment hydrogen monitor is reinstalled at the next shutdown longer than 15 days. As compensatory measures, plant procedures for handling and analyzing post-accident samples were developed and implemented using the existing NSSS sampling panel. These will be utilized until the post-accident sampling equipment becomes operational.

[1] The letter sent to Consumers Power Company was lost in the mail and this was not determined until they were questioned about their response on April 30, 1982. The letter was then telecopied to them and they responded 30 days after receipt.

II.E.1.2 Auxiliary Feedwater (AFW) Initiation and Flow Indication

This item is completed except for the electro-pneumatic converters for the auto-initiation of the auxiliary feedwater. Converters with safety grade certification were not available at the time this modification was installed but will be installed at the next refueling outage. In the interim, the licensee has installed control grade converters and the system is operational.

II.F.1 (1–6) Post-Accident Monitoring (6 items)

The licensee will delay four items, II.F.1(1), (2), (3), and (6). For Item II.F.1(1), Noble Gas Effluent Radiological Monitor, the present schedule for completion is March 1, 1983. Faulty detectors were delivered with the monitor and the vendor has delayed sending replacement detectors. In the interim, a collimated ion chamber which views the steam released from the atmospheric steam dump and code safety valves provides the capability to monitor radio-active releases from the secondary side steam system. For Item II.F.1(2), Continuous Sampling of Plant Effluents, the present schedule for completion is July 1, 1983. The equipment, as delivered, has some deficiencies including filter leakage which required ordering a new filter package from another vendor. In the interim, the radioactivity of the gas released from the Plant Stack is monitored by a collimated ion chamber which views the stack. For Item II.F.1(3), Containment High Range Monitor, the present schedule for completion is June 1, 1983. The only thing lacking to complete this item is a calibration source which the vendor is unable to provide. Consumers Power Company believes this can be resolved by June 1, 1983. In the interim, monitoring high levels of radiation in the Containment Building can be provided by the containment isolation area monitors and by containment atmosphere sampling. For Item II.F.1(6), Containment Hydrogen Monitor, the present schedule for completion is at the first outage of more than 15 days duration after December 15, 1982. The next scheduled outage is the refueling in September 1983. This delay was caused by leakage of the monitor's isolation valves which required their removal for repair and capping of the sample lines to preserve containment integrity during operation. In the interim, containment air samples can be drawn through the NSSS sampling panel when desired for analysis.

III.D.3.4. Control Room Habitability

The licensee has proposed modifications to the control room ventilation system. These modifications will be completed at the next refueling outage presently scheduled for September 1983.

We find, based on the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the delays (unexpected design complexity, interface problems, delivered equipment deficiencies and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore should be confirmed by order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachment to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, the licensee should apply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland. this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation

ATTACHMENT 1—PALISADES PLANT, LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.3.1	Simulator Exams	10/01/81	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	01/01/82	Modify facility to provide access to vital areas under accident conditions.	[illegible]
II.B.3	Post-Accident Sampling	01/01/82	Install upgrade post-accident sampling capability	Installed, being tested but isolate To be operational by 6/1/83 except dependent on H_2 Monitor II.1.1.(6).
II.B.4	Training for Mitigating Core Damage	10/01/81	Complete training program	Complete.
II.E.1.2	Aux. Feedwater Initiation & Flow Indication	07/01/81	Modify instrumentation to level of safety grade	Replace converters 9/83.[1]
II.E.4.2	Containment Isolation Dependability.	07/01/81	Part 5-lower containment pressure setpoint to level compatible w/normal operation.	Complete.
		07/01/81	Part 7-isolate purge & vent valves on radiation signal	Do.
II.F.1	Accident Monitoring	01/01/82	(1) Install noble gas effluent monitors	Vendor delay Operational by 3/1/83
		01/01/82	(2) Provide capability for effluent monitoring of iodine	Vendor delay Operational by 7/1/83
		01/01/82	(3) Install incontainment radiation-level monitors	Vendor delay Operational by 6/1/83
		01/01/82	(4) Provide continuous indication of containment pressure	Complete.
		01/01/82	(5) Provide continuous indication of containment water level.	[illegible]

ATTACHMENT 1—PALISADES PLANT, LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
		01/01/82	(6) Provide continuous indication of hydrogen concentration in containment	Complete except isolated because valve removed for repair. Return to service at next outage greater than 15 days.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

ATTACHMENT 2—PALISADES PLANT, LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirements	Licensee's completion schedule (or status) [1]
I.A.1 3.1	Limit Overtime	10/01/82 per Gen Ltr. 82-12 dtd 6/15/82.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dtd 6/15/82	Complete
I.A.1 3.2	Minimum Shift Crew [2]	To be superseded by proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined
II.D.1.2	RV and SV Test Programs	07/01/82	Submit plant specific reports on relief valve and safety valve program.	Complete
II.D.1.3	Block Valve Test Program	07/01/82	Submit report of results of test program	Do
II.K.3.30 & 31	SBLOCA Analysis [2]	1 year after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined
III.A.1.2	Upgrade Emergency Support Facilities [2]	do	do	Do
III.A.2.2	Meteorological Data [2]	do	do	Do
III.D.3.4	Control Room Habitability	To be determined by licensee Modify facility as identified by licensee study	9/15/81 [1]	Do

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not part of Confirmatory Order

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[Docket No. 50-409]

Dairyland Power Cooperative (La Crosse Boiling Water Reactor); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Dairyland Power Cooperative (the licensee) is the holder of Provisional Operating License No. DPR-45 which authorizes the operation of the La Crosse Boiling Water Reactor (the facility) at steady-state power level not in excess of 165 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Genoa, Vernon County, Wisconsin.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Relgulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operation Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demostration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Dairyland Power Cooperative responded to the Generic Letter 82-05 by letters dated May 7, 1982 and October 20, 1982; Dairyland Power Cooperative responded to the Generic Letter 82-10 by letters dated June 9, 1982 and October 20, 1982.

In these submittals, Dairyland Power Cooperative confirmed that most of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder, except for technical deviations requested for items II.F.1.3 and II.K.3.27. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are several items in Generic Letter 82-10 that as noted in Attachment 2 have licensee schedules which are yet to be determined. These items are, therefore, not included in this Order. The licensee considers some of the items addressed in this Order to be

completed or to require no modifications. These items are so noted in Attachments 1 and 2. The staff's evaluation of the licensee's technical deviations and delays for implementation of the remaining items is provided herein.

Generic Letter 82–18 and SECY 82–232 revised the NRC position on Item I.A.3.1, Simulator Exams, by removing the requirement for plants which do not have a plant specific simulator. Therefore, this item is considered resolved for La Crosse.

Item III.D.3.4, Control Room Habitability, is scheduled for completion by March 1, 1983. This schedule represents a 2 month delay from the licensee's originally proposed schedule of January 1, 1983 and is necessary since the original supplier of the monitoring equipment was unable to provide adequate equipment as previously claimed. No compensatory measures are necessary since the schedule for implementation of this item was to be determined by the licensee.

Item II.K.3.27, Common Reference Level, will be reviewed in the upcoming control room design review after which appropriate modifications will be implemented. Interim modifications to mark a common zero on operating scales have been reviewed and approved by the NRC on March 31, 1982.

A minor technical deviation in the calibration of item II.F.1.3, Radiation Level Monitors, resulted when La Crosse installed this equipment prior to the final NUREG–0737 guidance. Since the licensee complied with the NRC guidance at the time of installation, this deviation was reviewed and approved by the NRC on June 22, 1982.

We find, based on the above evaluation, that: (1) The licensee has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the delay (unexpected design complexity, interface problems, and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore the licensee's commitments should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachment to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such heraing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 14th day of March 1983.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1–LA CROSSE, LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	10/01/81	Include simulator exams in licensing examinations	Complete, as superseded by Generic Letter 82-18
II.B.2	Plant Shielding	01/01/82	Modify facility to provide access to vital areas under accident conditions.	Complete; no modif. needed; per LAC–6979; June 12, 1980
II.B.3	Post-Accident Sampling	01/01/82	Install upgrade post-accident sampling capability	Complete
II.B.4	Training for Mitigating Core Damage.	10/01/81	Complete training program	Complete 9/30/81.
II.E.4.2	Containment Isolation Dependability.	07/01/81	Part 5—lower containment pressure setpoint to level compatible w/normal operation	Complete; NRC approved 7/28/ [illegible]
		07/01/81	Part 7—isolate purge & vent valves on radiation signal	Complete; 7/7/81.
II.F.1	Accident Monitoring	01/01/82	(1) Install nobel gas effluent monitors	Complete.
		01/01/82	(2) Provide capability for effluent monitoring of iodine	Do.
		01/01/82	(3) Install incontainment radiation-level monitors	Complete; minor deviations as noted in 3/25/82 ltr., LAC–8178.
		01/01/82	(4) Provide continuous indication of containment pressure	Completed. 12/23/81 Submittal LAC–7990
		01/01/82	(5) Provide continuous indication of containment water level.	Do.
		01/01/82	(6) Provide continuous indication of hydrogen concentration in containment	Do.
II.K.3.19	Interlock on Recirculation Pump	07/01/82	Install interlocks on recirc. pump loops	Complete; NRC Approval Ltr dated 4/27/82
II.K.3.27	Common Reference Level [2]	07/01/82	Provide Common reference Level for vessel level instrumentation	Technical Deviation, request to evaluate during performance of I.D.1 Control Room Design Review.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

ATTACHMENT 2.—LA CROSSE, LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	10/01/82 per Gen Ltr 82/12 dtd. 6/15/82.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dtd. 6/15/82.	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	Superseded by Proposed Rule dtd. 8/30/82	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when final Rule is issued.
I.C.1	Revised Emergency Procedures [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined.
II.D.1.2	RV and SV Test Programs	07/01/82	Submit plant specific reports on relief valve and safety valve program.	Complete.
II.K.3.18	ADS Actuation	09/30/82	Submit revised position on need for modifications	Do
II.K.3.30 & 31	SBLOCA Analysis [2]	1 year after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by 82–111.	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be Determined.
III.A.1.2	Upgrade Emergency Support Facilities [2].	do	do	Do.
III.A.2.2	Meteorological Data [2]	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	03/01/83

[1] Where completion date refers to a refueling outage (the estimated date when the outage beings), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order

[FR Doc. 83–7417 Filed 3–22–83; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 50–370]

McGuire Nuclear Station, Unit No. 2, Issuance of Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. NPF–17 to the Duke Power Company (the licensee) which authorizes operation of the McGuire Nuclear Station, Unit 2, (the facility) at reactor core power levels not in excess of 3411 megawatts thermal in accordance with the provisions of the License, the Technical Specifications and the Environmental Protection Plan with a condition currently limiting operation to five percent of full power (170 megawatts thermal). Authorization to operate beyond five percent of full power will require specific Commission approval.

The McGuire Nuclear Station, Unit 2 is a pressurized water reactor located in Mecklenburg County, North Carolina, approximately 17 miles northwest of Charlotte, North Carolina. The license is effective as of its date of issuance and shall expire at midnight on February 28, 2013.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. Issuance of this license has been authorized by the Atomic Safety and Licensing Board by its Initial Decision, dated April 18, 1979, and its Supplemental Initial Decision dated May 26, 1981. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the Federal Register on October 7, 1974 (39 FR 36037).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details in respect to this action, see (1) Facility Operating License NFP–17 complete with Technical Specifications and the Environmental Protection Plan; (2) the report of the Advisory Committee on Reactor Safeguards, dated April 12, 1978; (3) the Commission's Safety Evaluation Report, dated March 1978 (NUREG–0422), and Supplements 1 through 6; (4) the Final Safety Analysis Report and Amendments thereto; (5) the Final Environmental Statement, dated May 1974 and supplements thereto; (6) the Floodplain Aspects of the McGuire Nuclear Plant Site, dated September 3, 1980; and (7) the Initial Decisions of the Atomic Safety and Licensing Board, dated April 18, 1979, and May 26, 1981, the Decision of the Atomic Safety and Licensing Appeal Board dated March 30, 1982, and the Commission's Memorandum dated July 27, 1982.

These items are available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of Facility Operating License NPF–17 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and its Supplements (NUREG–0422) and the Final Environmental Statement may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders may call 301–492–9530.

Dated at Bethesda, Maryland this 3rd day of March 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83–7418 Filed 3–22–83; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co. (Beaver Valley Nuclear Station, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Duquesne Light Company (the licensee) is the holder of Facility Operating License No. DPR–66 which authorizes the operation of the Beaver Valley Nuclear Station, Unit No. 1 (the facility) at steady-state power level not in excess of 2660 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Beaver County, Pennsylvania.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) for items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Duquesne Light Company responded to Generic Letter 82–05 by letter dated April 16, 1982; to Generic Letter 82–10 by letter dated June 8, 1982. In these submittals, the Duquesne Light Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82–10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

I.A.1.3.1 Limit Overtime

In the June 8, 1982 submittal, the licensee stated that he is unable to meet the objective of having his operating personnel work a normal 8-hour day, 40-day week. This is due to a large attrition rate of licensed personnel, the need for work schedules which support the minimum shift crew during periods of time when employees are on retraining, vacations, or sick leave. The licensee expects to have additional licensed personnel late in 1983 such that a five-shift schedule may be implemented. The licensee intends to be in conformance with Generic Letter 82–12 by March 31, 1984. We find that the implemented and planned actions by the licensee meet the objective of the requirement.

II.B.3 Post Accident Sampling

In the April 16, 1982 submittal the licensee stated that this plant modification was in progress with completion expected prior to plant start-up with the exception of Boron and Chloride on-line analyzers. All modifications have been made as of today. Due to equipment delivery problems, the licensee does not commit to installation of the analyzers by a specific date. However, as an interim method of determining boron and chloride concentrations the licensee will analyze samples collected from the Post-Accident Sampling System in the Chemistry Laboratory.

We find the licensee's position acceptable since NUREG–0737 requires only that the capability to analyze boron and chloride samples exists, and does not require the installation of on-line analyzers.

Equipment Qualification for Item II.F.1.5—Containment Water Level Monitors

For these items the licensee has stated that the modification is complete with the exception that some of the equipment is not fully qualified. Installed accident monitoring instrumentation will be upgraded in accordance with the schedule in 10 CFR 50.49(g).

The attached Tables were developed by the staff from the April 16 and June 8, 1982 letters and licensee-provided information. The NRC has not completed the post implementation review, now in progress, of all the items given in the Table. The results of this review may identify alterations to the licensee's method of implementing the requirement. Any identified alteration will be the subject of a separate action.

We find, based on the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays (unexpected design complexity, interface problems, and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

PLANT NAME: BEAVER VALLEY UNIT 1

ATTACHMENT 1—LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	10/1/81	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	1/1/82	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-accident sampling	1/1/82	Install upgrade post-accident sampling capability	Do.
II.B.4	Training for Mitigating Core Damage.	10/1/81	Complete training program	[redacted]
II.E.1.2	Aux FW Indication & Flow Indicator	7/1/81	Modify instrumentation to level of safety grade	[redacted].
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 5—lower containment pressure setpoint to level compatible with normal operation.	[redacted].
II.E.4.2	Containment Isolation Dependability.	7/1/81	Part 7—isolate purge and vent valves on radiation signal.	Do.

PLANT NAME: BEAVER VALLEY UNIT 1

LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
II.F.1	Accident Monitoring	1/1/82	(1) Install noble gas effluent monitors	Complete.
		1/1/82	(2) Provide capability for effluent monitoring of iodine	Do.
		1/1/82	(3) Install in-containment radiation-level monitor	Do.
		1/1/82	(4) Provide continuous indication of containment pressure	[redacted].
		1/1/82	(5) Provide continuous indication of containment water level.	Do.[1]
		1/1/82	(6) Provide continuous indication of hydrogne concentration in containment.	Do.

[1] Except equipment qualification to be completed in accordance with the schedule in 10 CFR 50.49(g).

PLANT NAME: BEAVER VALLEY UNIT 1

LICENSEE COMMITMENTS ON APPLICABLE NUREG-737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.1.3.1	Limit Overtime	10/1/82 per Gen. Ltr. 82-12 dtd. 6/15/82.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82-12, dtd. June 15, 1982.	March 31, 1984.
I.A.1.3.2	Minimum Shift Crew [1]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures [1]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	7/1/82	Submit plant specific reports on relief and safety valve program.	Complete.
II.D.1.3	Block Valve Test Program	do.	Submit report of results of test program	Do.
II.K.3.30 & 31	SBLOCA Analysis [1]	1 yr. after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [1]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [1]	do.	do	Do.
III.A.2.2	Meteorological Data [1]	do.	do	Do.
III.D 3.4	Control Room Habitability	To be determined by licensee.	Modify facility as identified by licensee study	Complete.

[1] Not Part of Confirmatory Order

[FR Doc. 83-7419 Filed 3-22-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co. (Turkey Point Plant, Unit Nos. 3 and 4); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Florida Power and Light Company (the licensee) is the holder of Facility Operating License Nos. DPR–31 and DPR–41 which authorize the operation of the Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) at steady-state power level not in excess of 2200 megawatts thermal. The facilities are pressurized water reactors (PWRs) located at the licensee's site in Dade County, Florida.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion. (2) for items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Florida Power and Light Company responded to Generic Letter 82–05 by letters dated April 8, April 27, June 9, July 9, August 12, November 15, 1982, January 28, February 10 and 28, 1983; Florida Power and Light Company responded to Generic Letter 82–10 by letters dated July 2, July 22, and October 12, 1982. In these submittals, Florida Power and Light Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82–10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

II.B.2 Plant Shielding

For this item all modifications have been completed except for replacing containment isolation valves CV 2819 and CV 2826 (air bleed valves used in the "pump back system") with valves that are qualified to operate in a post-LOCA environment. The delay in installing these valves is the result of late delivery of the valves and the necessity of at least a seven day outage for installation and checkout. The valves will be installed in Unit No. 4 during the current steam generator repair (SGR) outage (October 1982–June 1983) and Unit No. 3 during the next refueling outage currently scheduled for September 1983.

II.B.3 Post-Accident Sampling

The Post-Accident Sampling System has been installed with the exception of the chloride analyzer and boronmeter. The chloride analyzer has not been shipped from the manufacturer and the boronmeter was returned due to operability problems. The expected delivery of the chloride analyzer is March 4, 1983 and the boronmeter is March 14, 1983. The licensee has committed to have the system operable by August 1, 1983.

The licensee is evaluating onsite or offsite methods to be used to analyze the backup grabe samples the system is designed to take. In addition, they are participating with the Westinghouse Owners Group in assessing the relationship between radionuclide concentrations and core damage. Both of these items will be complete by March 1, 1984.

II.E.1.2 Auxiliary Feedwater Automatic Initiation and Flow Indication

A. Automatic Initiation

The as-built system is safety-grade. The actuation of the pressure regulating valves for the steam supply to the AFW pumps, which are shared by both units, is not designed in accordance with the single failure criteria. These valves are being removed and long-term modifications (new turbines and redundant piping) are being installed during the current Unit No. 4 SGR outage (October 1982–June 1983).

Two of three AFW steam supply valve actuators are being changed from AC to DC. This is being accomplished for Unit No. 4 during the SGR outage. The Unit No. 3 valves will be modified during the next refueling outage currently scheduled for September 1983.

II.F.1 (1–6) Post-Accident Monitoring (6 items)

(1) Noble Gas Monitor—System installed. Modifications being implemented to provide isokinetic sampling due to initial system operability problems. Modifications scheduled for completion by June 30, 1983.

(2) Iodine Particulate Monitoring—The systems have experienced severe problems due to moisture accumulation. New moisture traps are scheduled for installation February 28, 1983 for Unit 3 and the system will be operable by March 1, 1983. Unit 4 system will be modified and operational by September 15, 1983.

(6) Containment Hydrogen Monitor—Installation complete. Both trains in Unit 4 and one train in Unit 3 will be complete by March 31, 1983. The other train in Unit 3 is a one-inch pipe compared to ¾ inch for the other trains A temperature of 300 F is necessary and heat tracing is a problem which may require a redesign. The train will be operable by March 1, 1984.

III.D.3.4 Control Room Habitability

The proposed "short-term" and "long-term" modifications identified as the result of the licensee's control room

habitability study have been combined into a single completion date of July 1, 1983 for both Unit Nos. 3 and 4. The combined schedule is due to the interrelationship between control room design review covered by NUREG–0737 Item II.D.1 and problems with equipment procurement and delivery.

We find, based on the above evaluation, that: 1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; 2) there is good cause for the delays (unexpected design complexity, interface problems, and equipment delays); and 3) as noted above, iterim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effective of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director Division of Licensing Office of Nuclear Reactor Regulation.

PLANT NAME: TURKEY POINT, UNITS 3 AND 4

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A 3.1	Simulator Exams	Superseded by Generic Ltr. 82–18	Include simulator exams in licensing examinations	Complete
II B.2	Plant Shielding	1/1/82	Modify facility to provide access to vital areas under accident conditions..	Unit 3—Refueling outage (9/83, Unit 4—Steam Generator Repair (SGR) Outage (10/82–6/83).
II B.3	Post-accident sampling	1/1/82	Install upgrade post-accident sampling capability	Units 3 & 4—March 1984
II.B.4	Training for Mitigating Core Damage.	10/1/81	Complete training program.	complete.
II E 1.2	Aux FW Indication & Flow Indicator	7/1/81	Modify instrumentation to level of safety grade.	Unit 3—reflg. outage (9/83), Unit 4—SGR outage (10–82–6/83).
II.E 4.2	Containment Isolation Dependability	7/1/81	Part 5—Lower containment pressure setpoint to level compatible with normal operation.	Complete.
II.E 4 2	Containment Isolation Dependability	7/1/81	Part 7—Isolate purge and vant valves on radiation signal..	Complete.
II.F.1	Accident Monitoring	1/1/82	(1) Install noble gas effluent monitors.	June 30, 1983.
		1/1/82	(1) Install noble gas effluent monitors	June 30, 1983
		1/1/82	(2) Provide capability for effluent monitoring of iodine.	Unit 3—March 1983; Unit 4—September 1983.
		1/1/82	(3) Install in-containment radiation-level monitor.	Complete
		1/1/82	(4) Provide continuous indication of containment pressure	Do
		1/1/82	(5) Provide continuous indication of containment water level.	Do.
		1/1/82	(6) Provide continuous indication hydrogen concentration in containment..	Unit 3—Train B March 1983, Train A March 1984; Unit 4—Both trains March 1983.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A 1.3.1	Limit Overtime	10/01/82 per Gen Ltr 82–12 dtd 6/15/82	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dtd. June 15, 1982.	Complete.
I.A.1 3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be determined when Final Rule is issued.
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined.
II D.1.2	RV and SV Test Programs	07/1/82	Submit plant specific reports on relief and safety valve program.	Complete.
II D.1.3	Block Valve Test Program	7/1/82	Submit report of results of test program	Do.
II K.3 30 & 31	SBLOCA Analysis [2]	1 year after staff approval of model	Submit plant specific analyses	To be determined followng staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
III A.1.2	Upgrade Emergency Support Facilities [2]	do	do	Do.
III.A.2 2	Meteorological Data [2]	do	do	Do.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
III.D 3.4	Control Room Habitability	To be determined by licensee	Modify facility as indentified by licensee study	Unit 3 and 4—7/83

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc. 83-7421 Filed 3-22-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-219]

GPU Nuclear Corp. and Jersey Central Power and Light Co. (Oyster Creek Nuclear Generating Station); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

GPU Nuclear Corporation and Jersey Central Power and Light Company (the licensees) are the holders of Provisional Operating License No. DPR-16 which authorizes the operation of the Oyster Creek Nuclear Generating Station (the facility) at steady-state reactor power levels not in excess of 1930 megawatts thermal. The facility consists of a boiling water reactor (BWR) located in Ocean County, New Jersey.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implmentation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are herby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff has proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

GPU Nuclear Corporation responded to the Generic Letter 82-05 by letters dated April 20 and June 15, 1982 and February 18, 1983. GPU Nuclear Corporation responded to the Generic Letter 82-10 by letters dated October 8 and 19, 1982 and January 7, 1983. In these submittals, GPU Nuclear Corporation confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82-05 and 82-10 applied to fourteen and ten items respectively. Of the fourteen items listed in Generic Letter 82-05, two items are not included in this Order. You have requested that implementation of item II.B.3, "Post Accident Sampling," be deferred until the Cycle 11 refueling/maintenance outage. We believe that postponement of equipment installation beyond the Cycle 10 outage is not in the best interest of a sound emergency response position. Therefore item II.B.3 will be removed from this Order and its disposition will be determined under a separate licensing action. In addition, you have also taken the position that item II.E.4.2(7), "Isolate Purge and Vent Valves on Radiation Signal," is not applicable to the Oyster Creek Plant. We do not concur with this conclusion and therefore, item II.E.4.2(7) will be removed from this Order and disposition will be determined under separate licensing action.

There are several items in Generic Letter 82-10 that, as noted in Attachment 2, have licensee schedules which are yet to be determined. These items are therefore not included in this Order. The licensee considers some of the items addressed in this Order to be completed or to require no modifications. These items are so noted in Attachments 1 and 2. The staff's evaluation of the licensee's delays for implementation of the remaining items is provided herein.

II.B.2 Plant Shielding

This item is complete with the exception of tie-in for the Standby Gas Treatment System (SBGTS). The SBGTS modifications will be completed during the present refueling outage (Cycle 10) which began February 12, 1983. This tie-in could only be accomplished during a refueling outage. During the interim there were two trains of SBGT, and in the event one filter train became saturated, the redundant train would have been available.

II.F.1 Accident Monitoring (1-6)

A plant shutdown is required to accomplish the modifications. The current refueling outage which began on February 12, 1983 is the first available outage of sufficient duration which has occurred since the issuance of NUREG-0737. Items II.F.1.1, 2, 4, 5 and 6 will be completed during the Cycle 10 refueling outage. For II.F.1.1, 4, 5 and 6 there are existing monitors, however, the instruments ranges are not as specified in NUREG-0737. The licensee believes that these monitors would be acceptable for all but the most severe accidents. Emergency response recommendations to local agencies would be based on other plant parameters and inputs from offsite monitoring teams. For II.F.1.2 the licensee states that presently there are charcoal filters in the stack gas monitoring system, however, for severe accidents they would not be accesible

due to high radiation levels. In such cases the recommendations to local agencies would be accomplished based upon other plant parameters and inputs from offsite monitoring teams. For item II.F.1.3 completion can only be accomplished during a refueling outage and it has been deferred to the Cycle 11 outage because of the magnitude of the work scheduled for the present outage. The licensee has stated that there are other methods for detecting a major accident within containment such as high drywell pressure, low reactor water level, torus water level, and neutron monitoring.

II.K.3.19 Interlock of Recirculation Pump

Completion of this item can only be accomplished during a refueling outage and it has been deferred to the Cycle 11 outage because of the magnitude of the work scheduled for the present outage.

The Oyster Creek Technical Specifications (TS) safety limits require that at least two recirculation loop suction valves and their associated discharge valves be in the full open position. This requirement is also addressed in the plant operating procedures, and in addition, the licensee has installed hinged covers over each valve operating switch which serves as a warning to the operator not to violate the requirement.

We find, based on the above evaluation, that (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays (unexpected design complexity, interface problems, and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety, and therefore the licensee's commitments should be confirmed by Order.

IV.

Accordingly, pursuant to sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensees shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

The licensees may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensees, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—OYSTER CREEK LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	10/01/81	Include simulator exams in licensing examinations	Complete
II.B.2	Plant Shielding	01/01/82	Modify facility to provide access to vital areas under accident conditions.	Refueling outage 10 (2–83).
II.B.3	Post Accident Sampling [2]	01/01/82	Install upgrade post accident sampling capability	To be determined.
II.B.4	Training for Mitigating Core Damage	10/01/81	Complete training program	Complete.
II.E.4.2	Containment Isolation Dependability	07/01/81	Part 5—lower containment pressure setpoint to level compatible w/normal operation	Do.
		07/01/81	Part 7—isolate purge & vent valves on radiation signal.[2]	To be determined.
II.F.1	Accident Monitoring	01/01/82	(1) Install noble gas effluent monitors	Refueling outage 10 (2–83).
		01/01/82	(2) Provide capability for effluent monitoring of iodine	Do.
		01/01/82	(3) Install incontainment radiation-level monitors	Refueling outage 11 (4–85).
		01/01/82	(4) Provide continuous indication of containment pressure	Refueling outage 10 (2–83)
		01/01/82	(5) Provide continuous indication of containment water level.	Do
		01/01/82	(6) Provide continuous indication of hydrogen concentration in containment.	Do.
II.K.3.19	Interlock on Recirculation Pumps	07/01/81	Install interlocks on recirculation pump loops	Refueling outage 11 (4-85)
II.K.3.27	Common Reference Level	07/01/81	Provide common reference level for vessel level instrumentation.	Complete.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not part of confirmatory order.

ATTACHMENT 2—OYSTER CREEK LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	10/01/82 per Gen Ltr 82–12 dtd. 6/15/82	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dtd 6/15/82.	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revised Emergency [2] Procedures.	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined.
II.D.1.2	RV and SV Test Programs	04/01/82	Submit plant specific reports on relief valve and safety valve program.	Complete.
II.K.3.18	ADS Actuation	09/30/82	Submit revised postion on need for modifications	Do.

ATTACHMENT 2—OYSTER CREEK LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
II.K.3.30 & 31	SBLOCA Analysis [2]	1 year after staff approval of model.	Sumbit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations.[2]	Superseded by 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be Determined.
III.A.1.2	Upgrade Emergency Support Facilities.[2]	do.	do.	Do.
III.A.2.2	Meterological Data	do.	do.	Do
III.D.3.4	Control Room Habitability [2]	To be determined by licensee	Modify facility as identified by licensee study	Refueling outage 11 (4-85)

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins) the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc. 83-7420 Filed 3-22-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co. (Donald C. Cook Nuclear Plant Unit Nos. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Indiana and Michigan Electric Company (the licensee) is the holder of Facility Operating License Nos. DPR-58 and DPR-74 which authorizes the operation of the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) at steady-state power levels not in excess of 3350 and 3391 megawatts thermal, respectively, for each unit. The facilities consist of pressurized water reactors (PWR) located at the licensee's site in Barrien County, Michigan.

II.

Following the accident at Three Mile Island Unit No.2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the lecensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) for items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Indiana and Michigan Electric Company responded to Generic Letters 82-05 and 82-10 by letters dated December 23, 1981 and May 14, 1982, respectively. These letters were further supplemented by letters on November 5, 1982 and December 14, 1982. In these submittals Indiana and Michigan Electric Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82-10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

II.D.1.2 Relief and Safety Valve Test Program

The licensee has completed the plant specific evaluation of the safety (Crosby) and relief (Masoneilan) valves. These valves are the same size and series as those valves tested in the EPRI valve test program and the EPRI valve test conditions envelop the range of expected operating and accident conditions for the D. C. Cook Nuclear Plant. During the EPRI tests, pressure oscillations occurred in the valve inlet piping as a result of valve chattering. The Owners Group, of which D.C. Cook is a member, has authorized Westinghouse to perform an operability study of the safety valves. In addition, EPRI is performing an evaluation of the piping structural response to incorporate the observed loads on the piping system. Plant specific submittals on safety and relief valve piping and its supports are also required and this evaluation has been delayed by the above operability tests and evaluations. The licensee, however, has completed their review of these piping systems and supports as a requirement of Bulletin 79-14 on seismic stresses on piping and supports. The adjusted loads due to safety valve operation will be used to confirm earlier findings on acceptability of the piping and supports. At the D. C. Cook Nuclear Plant, the pressurizer safety valves have never lifted.

II.F.1.1 Noble Gas Effluent Monitors

II.F.1.2 Iodine and Particulate Monitors

The licensee has encountered environmental interface problems with the design and location of noble gas effluent monitors for the main steam lines and for the steam jet air ejector and gland steam condenser vents. Modifications are being made to correct the deficiencies to make the installed system operable. In the interim, there are two high range and one low range noble gas monitors on the unit vent and

noble gas monitors on the steam jet air ejector and gland steam exhaust. There is one particulate monitor on the unit vent. Particulate monitoring on the air ejector and gland steam exhaust are by grab samples; procedures are available for this.

For the main stram lines, procedures are available for the temportary use of strap-on monitors should they be necessary. The permanent monitors had been installed but are not operable.

Although the existing monitors and procedures are not consistent with the NUREG–0737 requirements, they are acceptable for the short period of time until the new systems can be made operable.

We find, based on the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays (interface problems); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effecive upon issuance.

Dated at Bethesda, Maryland, this 4th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

PLANT NAME: D. C. COOK; UNITS 1 and 2

ATTACHMENT 1—LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.3.1	Simulator Exams	10/1/81	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	1/1/82	Modify facility to provide access to vital areas under accident conditions	Do
II.B.3	Post-accident sampling	1/1/82	Install upgrade post-accident sampling capability	Do.
II.B.4	Training for Mitigating Core Damage.	10/1/81	Complete training program	Do.
II.E.1.2	Aux FW Indication & Flow Indicator	7/1/81	Modify instrumentation to level of safety grade	Do
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 5—Lower containment pressure setpoint to level compatible with normal operation	Do
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 7—Isolate purge and vent valves on radiation signal.	Do
II.F.1	Accident Monitoring	1/1/82	(1) Install noble gas effluent monitors	May 1983
		1/1/82	(2) Provide capability for effluent monitoring of iodine	Apr. 1983.
		1/1/82	(3) Install in-containment radiation-level monitor	Complete.
		1/1/82	(4) Provide continuous indication of containment pressure	Do
		1/1/82	(5) Provide continuous indication of containment water level.	Do
		1/1/82	(6) Provide continuous indication of hydrogen concentration in containment.	Do

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.1.3.1	Limit Overtime	10/1/82 per Gen. Ltr. 82–12 dtd. 6/15/82	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr No. 82–12, dtd June 15, 1982	Complete
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	RV and SV Test Programs	7/1/82	Submit plant specific reports on relief and safety valve program.	July 1, 1983
II.D.1.3	Block Valve Test Program	7/1/82	Submit report of results of test program	Complete
II.K.3.30 & 31	SBLOCA Analysis [2]	1 yr. after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [2]	do	do	Do.
III.A.2.2	Meteorological Data [2]	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc. 83–7422 Filed 3–22–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50-443-OL 50-444-OL; (ASLBP 82-471-02-OL)]

Public Service Company of New Hampshire, et al. (Seabrook Station, Units 1 and 2); Order Rescheduling Prehearing Conference

March 16, 1983.

Pursuant to 10 CFR 2.752, the Board hereby schedules a prehearing conference to commence on Thursday, April 7, 1983 at 10:00 a.m. and terminate no later than 6:00 p.m., on Friday, April 8, 1983. This conference will be held at the U.S. Tax Court, 13th Floor, U.S. Customs House, No. 2 India Street, Boston, Massachusetts. Representatives of all parties, interested states, and interested municipalities are directed to attend.

At the prehearing conference, each representative must be familiar with all details of the case and possess complete authority to enter into any necessary agreements, including settlement agreements and stipulations. The parties shall be prepared to discuss the pending motions for summary disposition, adjustments to the schedule set forth in our September 13, 1982 order, and those other matters specified in 10 CFR 2.752(a)(1)–(6) and pertaining to admitted contentions.[1]

The intervenors representing states and municipalities involved in formulating emergency plans shall be prepared to state and discuss their authority to make commitments with respect to those plans. In addition, the Board requests that the NRC Staff arrange for the presence of a FEMA representative at this prehearing conference. Participants should also be prepared to discuss the scheduling for off-site emergency planning contentions.

It is so ordered.

Dated: Bethesda, Maryland, March 16, 1983.
For the Atomic Safety and Licensing Board.

Helen F. Hoyt,
Chairperson, Administrative Judge.

[FR Doc. 83-7424 Filed 3-22-83; 8:45 am]
BILLING CODE 7590-01-M

[1] The matters for consideration specified in 10 CFR 2.752 are:

(1) Simplification, clarification, and specification of the issues;

(2) The necessity or desirability of amending the pleadings;

(3) The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;

(4) Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

(5) The setting of a hearing schedule; and

(6) Such other matters as may aid in the orderly disposition of the proceeding.

[Docket No. 50-272]

Public Service Electric and Gas Co. (Salem Nuclear Generating Station Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Public Service Electric and Gas Company (the licensee) is the holder of Facility Operating License No. DPR-70 which authorizes the operation of the Salem Nuclear Generating Station Unit No. 1 (the facility) at steady-state power level not in excess of 3338 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Salem County, New Jersey.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) for items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Public Service Electric and Gas Company responded to Generic Letter 82-05 by letters dated April 15 and June 11, 1982; Public Service Electric and Gas Company responded to Generic Letter 82-10 by letter dated July 15, 1982. In these submittals, Public Service Electric and Gas Comapny confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82-10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications.

We find, based on the above evaluation, that: 1) the licensee had taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG-0737 requirements noted; 2) there is good cause for the several delays (unexpected design complexity, interface problems, and equipment delays); and 3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in section III herein no later than the dates in the Attachments.

V.

The licensee may request a hearing on this order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Plant Name: Salem Nuclear Generating Unit 1

ATTACHMENT 1—LICENSEE COMMITMENTS ON APPLICABLE 0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	10/1/81	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	1/1/82	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-accident sampling	1/1/82	Install upgrade post-accident sampling capability	Do.
II.B.4	Training for Mitigating Core Damage.	10/1/81	Complete training program	Do.
II.E.1.2	Aux FW Indication & Flow Indicator	7/1/81	Modify instrumentation to level of safety grade	Do
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 5—Lower containment pressure setpoint to level compatible with normal operation.	Do.
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 7—Isolate purge and vent valves on radiation signal.	Do
II.F.1	Accident Monitoring.	1/1/82	(1) Install noble gas effluent monitors	Do.
2		1/1/82	(2) Provide capability for effluent monitoring of iodine	Do
		1/1/82	(3) Install in-containment radiation-level monitor	Do.
		1/1/82	(4) Provide continuous indication of containment pressure	Do.
		1/1/82	(5) Provide continuous indication of containment water level.	Do
		1/1/82	(6) Provide continous indication of hydrogen concentration in containment.	Do

ATTACHMENT 2.—LICENSEE COMMITMENT ON APPLICABLE 0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's schedule (or status) [1]
I.A.1.3.1	Limit Overtime	10/1/82 per Gen. Ltr 82-12 dtd 6/15/82	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82-12, dtd. June 15, 1982.	Complete
I.A.1.3.2	Minimum Shift Crew [4]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	RV and SV Test Programs	7/1/82	Submit plant specific rpts on relief and safety valve test program.	Complete
II.D.1.2	Block Valve Test Program	7/1/82	Submit report of results of test program	Do
II.K.3.30 & 31	SBLOCA Analysis [3]	1 yr. after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [2]	do.	do	Do
III.A.2.2	Meteorological Data	do	do	[illegible]
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete

[1] Where completion date refers to a refueling outage (the estimated data when the outage begins), the item will be completed prior to the restart of the facility
[2] Not Part of Confirmatory Order

[FR Doc. 83-7425 Filed 3-22-83, 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp. (R. E. Ginna Nuclear Power Plant); Order Confirming Licensee Commitments on Post-TMI Related issues

I

Rochester Gas and Electric Corporation (the licensee) is the holder of Provisional Operating License No. DPR-18 which authorizes the operation of the R. E. Ginna Nuclear Power Plant (the facility) at steady-state power level not in excess of 1520 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Wayne County, New York.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28,

1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demostration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Rochester Gas and Electric Corporation responded to the Generic Letter 82–05 by letters dated April 23, 1982, June 17, 1982, September 16, 1982 and December 2, 1982 and March 3, 1983. Rochester Gas and Electric Corporation responded to the Generic Letter 82–10 by letters dated June 11, 1982 and December 2, 1982 and March 7, 1983. In these submittals, Rochester Gas and Electric Corporation confirmed that most of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are several items in Generic Letter 82–10 that, as noted in Attachment 2, have licensee schedules which are yet to be determined. These items are, therefore, not included in this Order. The licensee considers some of the items addressed in this Order to be completed or to require no modifications. These items are so noted in Attachments 1 and 2. The staff's evaluation of the licensee's delays for implementation of the remaining items is provided herein.

II.B.2 Plant Shielding

This item will be completed in May 1983 and will be operational in July, 1983. The delay was caused by equipment delivery problems and the fact that the design was more complex, requiring a greater number of cables to be routed than originally expected. The licensee has stated that the experience at TMI has shown that existing radwaste equipment will probably not be used for long term recovery and cleanup following accidents with similar fuel damage. Existing radwaste equipment may be used following less significant accidents. In such cases the dose rates at the existing equipment will be reduced from the conservatively high doses calculated in their study. Because of the difficulty defining when the radwaste equipment may be used, the licensee has committed to relocate the radwaste control panel. This relocation may be prudent for some long term recovery actions to minimize radiation exposure.

II.B.3 Post-Accident Sampling

This item will be delayed by the licensee and will be completed three (3) weeks after achieving criticality following the Spring 1983 refueling outage or by June 30, 1983, whichever is later. Originally the licensee had proposed to provide additional shielding to the existing sampling system. That proposal was found to be impractical and the licensee then began formulating plans for a post-accident sampling system. The system was to have been installed by July 1, 1982, but due to the work load during the outage following the steam generator tube rupture (January 25, 1982) the completion date slipped to September 1, 1982. Subsequent to the outage, contractor-employed labor personnel involved in the installation of the system initiated a strike. The strike began on June 2, 1982, and ended July 21 1982. Installation was resumed but additional delays developed when a valve in the discharge line of the post-accident sampling system failed. The valve is inside containment and cannot be replaced before March 1983 shutdown. The utility has committed to have the post-accident sampling system installed and operational in three (3) weeks after achieving criticality following the Spring 1983 refueling outage or by June 30, 1983, whichever is later. In the interim, post accident sampling can be accomplished through the use of revised procedures, upgraded sample shields and transport equipment, and the addition of recently installed permanent shielding..

IID.1.2 Relief Valve and Safety Valve Test Programs

The licensee plans to issue its final report on the relief valve and safety valve test program in March 1983. The necessary pipe support modifications identified in the analyses will be completed during the refueling outage scheduled for the Spring of 1983. A preliminary evaluation shows that the valves tested represent the Ginna safety and relief valve designs and that the conditions tested envelope the range of expected operating and accident conditions for the Ginna plant.

III.D.3.4 Control Room Habitability

The licensee has completed the evaluations of the Ginna control room HVAC system that are part of Item III.D.3.4, and has identified certain plant modifications. The modifications were reviewed by the staff and were found to be acceptable provided the licensee addressed the single failure criterion of the intake and exhaust ductwork. RG&E has committed in a letter dated March 7, 1983, to install redundant dampers on the intake and exhaust ductwork which have direct access to the atmosphere to ensure that the single failure criterion is met. Due to the extensive design modifications that have been proposed, the completion of all of the modifications will be accomplished by July, 1984.

We find, based on the above evaluation, that: 1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement NUREG–0737 requirements noted; 2) there is good cause for the several delays (unexpected design complexity, contractor labor problems, and equipment delays); and 3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitments should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in Attachments.

V.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addresed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1.—GINNA PLANT LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	10/01/81	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	01/01/82	Modify facility to provide access to vital areas under accident conditions.	07/83.
II.B.3	Post-Accident Sampling	01/01/82	Install upgrade post-accident sampling capability	3 weeks after achieving criticality following Spring 1983 refueling outage or June 30, 1983, whichever is later.
II.B.4	Training for Mitigating Core Damage	10/01/81	Complete training program	Complete.
II.1.1.2	Aux. Feedwater Initiation & Flow Indication.	07-01-81	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependability	07/01/81	Part 5—lower containment pressure setpoint to level compatible w/normal operation.	Do
		07/01/81	Part 7—isolate purge & vent valves on radiation signal	Do.
II.F.1	Accident Monitoring	01/01/82	(1) Install noble gas effluent monitors	Do
		01/01/82	(2) Provide capability for effluent monitoring of iodine	Do.
		01/01/82	(3) Install incontainment radiation-level monitors	Do.
		01/01/82	(4) Provide continuous indication of containment pressure	Do.
		01/01/82	(5) Provide continuous indication of containment water level	Do.
		01/01/82	(6) Provide continuous indication of hydrogen concentration in containment	Do.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility

ATTACHMENT 2—GINNA PLANT LICENSEE'S COMMITMENTS ON APPLICABLE NUREG—0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedfule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	10/10/82 per Gen Ltr 82-12 dtd. 6/15/82.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dtd 6/15/82.	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Pro proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [3]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	RV and SV Test Programs	07/01/82	Submit plant specific reports on relief valve and safety valve program.	03/83
II.D.1.3	Block Valve Test Program	07/01/82	Submit report of results of test program	Complete
II.K.3.30 & 31	SBLOCA Analysis [2]	1 year after staff approval of model	Submit plant sepcific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be Determined.
III.A.1.2	Upgrade Emergency Support Facilities [2]	....do	....do	Do.
III.A.2.2	Meteorological Data [2]	....do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	07/84

[2] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[3] Not Part of Confirmatory Order

[FR Doc. 83-7428 Filed 3-22-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas and Electric Co. (San Onofre Nuclear Generating Station, Unit 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Southern California Edison Company (SCE) and San Diego Gas and Electric Company (the licensees) are the holders of Provisional Operating License No. DPR–13 which authorizes the operation of the San Onofre Nuclear Generating Station, Unit 1 (the facility) at steady-state power levels not in excess of 1347 megawatts thermal. The facility is a pressurized water reactor (PWR) located in San Diego County, California.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, On May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Southern California Edison Company (SCE) responded to Generic Letter 82–05 by letters dated April 16, October 12, October 14, November 19, 1982, and February 16, 1983. SCE responded to the Generic Letter 82–10 by letters dated June 4, 1982 October 12, 1982, November 19, 1982 and February 16, 1983. In these submittals, SCE confirmed that some of the items identified in the Generic Letters had been completed and made commitments to complete the remainder. The attached Tables summarizing SCE's schedular commitments or status were developed by the staff from the Generic Letters and the information provided by SCE.

There are several items Generic Letter 82–10 that as noted in Attachment 2 have licensee schedules which are yet to be determined. These items are, therefore, not included in this Order. The licensee considers some of the items addressed in this Order to be completed or to require no modifications. These items are so noted in Attachments 1 and 2. The staff's evaluation of the licensee's delays for implementation of the remaining items is provided herein.

II.B.3 Post Accident Sampling

By letter dated April 15, 1982, SCE informed the NRC of their intention to expand the post-accident sampling system to include on-line chloride and oxygen monitors. Subsequently, by letter dated December 3, 1982, SCE indicated that an undiluted sample facility would be provided rather than an on-line chloride monitor. SCE's letter dated February 16, 1983 stated that the O_2 analyzer and the undiluted sample facility is targeted for completion during the Cycle 9 refueling outage (next refueling outage). The NRC staff interprets this to mean that these items will be completed no later than the next refueling outage. A diluted grab sample capability currently exists. The other requirements of item II.B.3 will be completed prior to startup from the current outage that began on February 27, 1982.

II.E.1.2 Auxiliary Feedwater Initiation and Flow Indicator

Three safety-grade relays and a safety-grade ammeter and transducer will be installed during the current outage which began on February 27, 1982. This will complete the electrical upgrades necessary to comply with this item.

There is also mechanical equipment that needs to be upgraded to safety-grade to complete this item. The delay in installing this equipment is due to the need on the part of the licensees to undertake programs to qualify this mechanical equipment. These items will be installed no later than the next refueling outage. The control grade equipment will be operational in the interim.

II.F.1(3–6) Accident Monitoring (4 items)

This requirement will be completed during the current outage that began on February 27, 1982.

II.D.1.3 Block Value Test Program

A PORV block valve adequacy report will be provided by June 1, 1983. The delay in the PORV report is due to a basic difference in the actuator used in the EPRI tests compared to the San Onofre Unit 1 actuators. Additional valve-specific analyses are needed to reach any conclusions regarding the adequacy of the PORV block valves installed at San Onofre Unit 1.

III.D.3.4 Control Room Habitability

The scheduled completion of the planned modifications to the control room will be established in conjunction with the schedule for completion of any modifications identified during the Systematic Evaluation Program Integrated Assessment. SCE also indicated that the schedule could be impacted by the requirements of TMI Action Plan Item I.D.1—Control Room Design Reviews.

We find, based on the above evaluation, that: (1) SCE has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted: (2) there is good cause for the several delays (expansion of the post accident sampling system and qualification of mechanical equipment); and (3) as noted above, interim compensatory meaures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore

SCE's commitments should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in SCE's submittals notes in Section III herein no later than the dates in the Attachments.

V.

The licensees may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A copy should also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensees, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, the licensees should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—SAN ONOFRE UNIT 1 LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.3.1	Simulator Exams	10/01/81	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	01/01/82	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-Accident Sampling	01/01/82	Install upgrade post-accident sampling capability	No later than next refueling outage.
II.B.4	Training for Mitigating Core Damage.	10/01/81	Complete training program	Complete.
II.E.1.2	Aux. Feedwater Initiation & Flow Indication.	07/01/81	Modify instrumentation to level of safety grade	No later than next refueling outage.
II.E.4.2	Containment Isolation Dependability.	07/01/81	Part 5—lower containment pressure setpoint to level compatible w/normal operation.	Complete.
		07/01/81	Part 7—isolate purge & vent valves on radiation signal	Do.
II.F.1	Accident Monitoring	01/01/82	(1) install noble gas effluent monitors	Do.
		01/01/82	(2) Provide capability for effluent monitoring of iodine	Do.
		01/01/82	(3) Install incontainment radiation-level monitors	During the current outage that began on February 27, 1982.
		01/01/82	(4) Provide continuous indication of containment pressure.	Do.
		01/01/82	(5) Provide continuous indication of containment water level.	Do.
		01/01/82	(6) Provide continuous indication of hydrogen concentration in containment.	Do.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

ATTACHMENT 2—SAN ONOFRE UNIT 1 LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.1 3.1	Limit Overtime	10/01/82 per Gen Ltr 82–12 dtd 6/15/82	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dtd. 5/15/82	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	Superseded by Proposed Rule dtd 8/30/82	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
II.D 1.2	RV and SV Test Programs	7/1/82	Submit plant specific reports on relief valve and safety valve program.	Complete.
II.D 1.3	Block Valve Test Program	7/01/82	Submit report of results of test program	To be submitted by June 1, 1983.
II K 3 30 & 31	SBLOCA Analysis [2]	1 year after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined
III.A.1.2	Upgrade Emergency Support Facilities [2]	do.	do	Do.
III A.2.2	Meteorological Data [2]	do.	do.	Do.
III D 3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Modifications to be scheduled in conjunction with the schedule for completion of any modifications identified during the SEP Integrated Assessment.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility
[2] Not Part of Confirmatory Order

[FR Doc. 83–7427 Filed 3–22–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 86 to Facility Operating License No. DPR-32 and Amendment No. 87 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to restore the core thermal limits and overtemperature and overpower ΔT setpoints to values consistent with 100% of thermal design flow.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 22, 1982, (2) Amendment Nos. 86 and 87 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-7428 Filed 3-22-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co. (Surry Power Station, Units 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Virginia Electric and Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-32 and DPR-37 which authorize the operation of the Surry Power Station, Unit Nos. 1 and 2 (the facilities) at power levels not in excess of 2441 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Surry County, Virginia.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) for items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Virginia Electric and Power Company responded to Generic Letter 82-05 by letters dated April 16, May 17, June 18, June 23, August 23, October 1, December 27 and 29, 1982, and March 1 and March 11, 1983; the licensee responded to Generic Letter 82-10 by letters dated May 24, June 30, July 17 and November 16, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82-10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

II.B.3 Post Accident Sampling

This item will be delayed by the licensee and will be completed by June 1, 1983. At present, all sampling and analysis equipment is installed. The schedule extension is required because the installation of permanent supply and sample lines is delayed by the need to redesign and reroute portions of the lines to accommodate recent concerns associated with iodine plateout and equipment problems. Also, there have been procurement difficulties with the heat tracing materials and control circuitry. The interim sampling procedure required by the short-term TMI requirements will be in effect until the permanent system is operational.

Item II.D.1.2 RV and SV Test Programs

The licensee has submitted a plant-specific assessment regarding adequacy of the installed safety and relief valves and block values. The discharge piping evaluations for Surry depend on the results obtained from North Anna evaluations which were submitted December 21, 1982. The licensee has committed to complete the Surry evaluations by December 31, 1983.

II.E.1.2 Auxiliary Feedwater (AFW) Initiation and Flow Indication

All requirements for part 1 of Item II.E.1.2, automatic initiation, have been closed out for Unit No. 1 with the exception of the requirement for bypass indication for the motor-driven AFW pumps. Completion of part 1 exceeds the implementation date of July 1, 1982, as a result of clarification of the bypass indication requirement subsequent to the NRC staff/consultant submittals. This item will be completed during the next refueling outage for Unit No. 1. In the interim, indication will be determined by switch position and light status.

II.F.1 Accident Monitoring

Parts 1 and 2 deal with noble gas, iodine and particulate monitoring. Installation is complete except for an electric heat tracing system and startup testing for the Process and Vent Effluent Monitoring System, and the in-situ calibration and startup testing of the Steam Driven Auxiliary Feedwater Pump Exhaust Effluent Monitoring System. The schedule is extended to accommodate delays in the heat tracing system delivery. The new date for completion is March 1, 1983. The effluent monitoring system installed for the short-term TMI will be used as an interim measure unit this permanent system is operational.

Part 3 deals with the Containment High Range Radiation Monitors. The containment range monitor has been calibrated at the vendor plant and the system has been installed and tested. However, the licensee does not consider the system to be operational until such time that a final in-situ calibration has been completed. A prototype calibration source has been developed by the vendor and will be available by March 1983. The licensee is in the process of procuring the prototype calibration source so that a final in-situ calibration will be completed during the fall maintenance outage currently scheduled to be completed on October 15, 1983 for Unit 1 and November 30, 1983 for Unit 2.

Part 6 deals with Containment Hydrogen Monitors, which are installed and tested but are not connected to permanent sample supply and return lines. The slip to April 15, 1983 is due to delays in procurement of a qualified heat trace system. In the interim, the new hydrogen analyzers will be utilized by connecting them to existing containment air sample lines.

Item III.D.3.4 Control Room Habitability Requirements

Due to long lead times on procurement of materials, modifications to the control room will be complete by December 31, 1983.

We find, based on the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays (unexpected design complexity, interface problems, and equipment delays); and (3) at noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 15th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

PLANT NAME: SURRY POWER STATION, UNIT NOS.1 AND 2

ATTACHMENT 1—LICENSEE COMMITMENTS ON APPLICABLE NUREG—0737 ITEMS

Item	Title	NUREG–0737 Schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator exams	10/1/81	Include simulator exams in licensing examinations.	Complete
II.B.2	Plant Shielding	1/1/82	Modify facility to provide access to vital areas under accident conditions.	Do
II.B.3	Post-accident sampling	1/1/82	Install upgrade post-accident sampling capability	Reactor Coolant Sampling Sys & Containment Atmos. Sampling Sys.—June 1, 1983
II.B.4	Training for Mitigating Core Damage.	10/1/81	Complete training program	Complete.
II.E.1.2	Aux FW Indication & Flow Indicator	7/1/81	Modify instrumentation to level of safety grade	Unit 1—February/April 1983 refueling outage; Unit 2—Complete.
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 5—Lower containment pressure setpoint to level compatible with normal operation	Complete.
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 7—Isolate purge and vent valves on radiation signal.	Do
II.F—1	Accident Monitoring	1/1/82	(1) Install noble gas effluent monitors.	Mar. 1, 1983.
		1/1/82	(2) Provide capability for effluent monitoring of iodine	Do.

PLANT NAME: SURRY POWER STATION, UNIT NOS.1 AND 2—Continued

Item	Title	NUREG–0737 Schedule	Requirement	Licensee's completion schedule (or status)
		1/1/82	(3) Install in-containment radiation-level monitor	Fall maintenance outages scheduled to be completed for Unit 1 (October 15, 1983) & Unit 2 (November 30, 1983).
		1/1/82	(4) Provide continuous indication of containment pressure.	Complete.
		1/1/82	(5) Provide continuous indication of containment water level.	Do.
		1/1/82	(6) Provide continuous indication of hydrogen concentration in containment.	Apr. 15, 1983.

ATTACHMENT 2—LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	10/1/82 per Gen. Ltr. 82–12 dtd. 6/15/82.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82–12, dtd. June 15, 1982.	Complete.
I.A.1.3.2	Minimun Shift Crew[2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures[2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	7/1/82	Submit plant specific rpt on relief and safety valve program.	Dec. 31, 1983.
II.D.1.3	Block Valve Test Program	7/1/82	Submit report of results of test program	Complete.
II.K.3.30 & 31	BLOCA Analysis[2]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations[2].	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities[2].	do	do	Do.
III.A.2.2	Meteorological Data[2]	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Dec. 31, 1983.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc. 83–7429 Filed 3–22–83; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 50–305]

Wisconsin Public Service Corp. (Kewaunee Nuclear Power Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Wisconsin Public Service Corporation (the licensee) is the holder of Facility Operating License No. DPR–43 which authorizes the operation of the Kewaunee Nuclear Power Plant (the facility) at steady-state power level not in excess of 1650 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Kewaunee County, Wisconsin.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) for items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Wisconsin Public Service Corporation responded to Generic Letter 82–05 by letters dated April 23, July 30, and October 14 and November 30, 1982; Wisconsin Public Service Corporation responded to Generic Letter 82–10 by letter dated June 7, July 12, September 27, November 15 and 23, and December 10, 1982. In these submittals, Wisconsin Public Service Corporation confirmed that all but one of the items identified in the Generic Letters had been completed and made a firm commitment to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82–10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the

items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining item is provided herein:

III.D.3.4 Control Room Habitability

In the licensee's April 24, 1981 letter he committed to correcting deviations identified in the Control Room Habitability Evaluation Report. The remaining modification necessary to correct the identified deviations is adding one isolation damper and rewiring two additional dampers to provide redundancy.

The physical modification identified above is scheduled to be completed by June of 1983.

We find, based on the above evaluation, that: (1) The licensee has made a responsible effort to implement the NUREG–0737 requirements noted: (2) there is good cause for the delay of the remaining item (unexpected design complexity, interface problems, and equipment delays. In view of the foregoing, I have determined that these modifications and actions are required in interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

PLANT NAME: KEWAUNEE NUCLEAR POWERPLANT

ATTACHMENT 1—LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.3.1	Simulator Exams	Superceded by Generic Ltr. 82–18 dtd. 10/12/82.	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	1/1/82	Modify facility to provide access to vital areas under accident conditions.	[illegible]
II.B.3	Post-accident sampling	1/1/82	Install upgrade post-accident sampling capability	Do
II.B.4	Training for Mitigating Core Damage	10/1/81	Complete training program	Do
II.E.1.2	Aux FW Indication & Flow Indicator	7/1/81	Modify instrumentation to level of safety grade	Do
II.E.4.2	Containment Isolation Dependability	7/1/81	Part 5—Lower containment pressure setpoint to level compatible with normal operation	Do
II.E.4.2	Containment Isolation Dependability.	7/1/81	Part 7—Isolate purge and vent valves on radiation signal.	Do
II.F.1	Accident Monitoring	1/1/82	(1) Install noble gas effluent monitors	Do
		1/1/82	(2) Provide capability for effluent monitoring of iodine	Do
		1/1/82	(3) Install in-containment radiation-level monitor	Do
		1/1/82	(4) Provide continuous indication of containment pressure.	[illegible]
		1/1/82	(5) Provide continuous indication of containment water level.	[illegible]
		1/1/82	(6) Provide continuous indication of hydrogen concentration in containment.	Do

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.1.3.1	Limit Overtime	10/1/82 per Gen Ltr 82–12 dtd. 6/15/82	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No 82–12, dtd. June 15, 1982	Complete.
I.A.1.3.2	Minimum Shift Crew [1]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined
II.D.1.2	RV and SV Test Programs	7/1/82	Submit plant specific rpts. on relief and safety valve program.	Complete
II.D.1.3	Block Valve Test Program	7/1/82	Submit report of results of test programs	Do.
II.K.3.30 & 31	SBLOCA Analysis [1]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined followng staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined
III.A.1.2	Upgrade Emergency Support Facilities [2]	do	do	Do
III.A.2.2	Meteorological Data [2]	do	do	Do

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Scheduled for completion by June 1983

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.,

[FR Doc. 83-7430 Filed 3-22-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co. (Yankee Nuclear Power Station); Order Confirming Licensee Commitments On Post-TMI Related Issues

I.

Yankee Atomic Electric Company (YAEC) (the licensee) is the holder of Facility Operating License No. DPR-3 which authorizes the operation of the Yankee Nuclear Power Station (the facility) at steady-state power level not in excess of 600 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Franklin County, Rowe, Massachsetts.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the offical studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation specific information to be submitted by the licensee, scheduled to be completed on or after July 1,1981. On March 17, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion. (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed scheldule, and a description of the interim compensatory measures being taken.

III.

Yankee Atomic Electric Company responded to the Generic Letter 82-05 by letter dated May 14, 1982. YAEC responded to the Generic Letter 82-10 by Letter dated June 14, August 1, November 16, and December 28, 1982.

In these submittals, YAEC confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are several items in Generic Letter 82-10 that as noted in Attachment 2, have licensee schedules which are yet to be determined. These items are, therefore, not included in this Order. The licensee considers some of the items addressed in this Order to be completed or to require no modifications. These items are so noted in Attachments 1 and 2. The staff's evaluation of the licensee's delays for implementation of the remaining items is provided herein.

II.D.1.2 Relief Valve and Safety Valve Testing

By letters dated March 30, July 1, August 1, and December 28, 1982, the licensee provided information regarding the testing of the Safety and Relief Valves. The licensee committed to provide a final plant specific piping evaluation by April 1, 1983 and a new justification for safety valve operability prior to the installation of new pressurizer code safety valves which would be installed during the first extended cold shutdown following their receipt. The new code safety valves are expected to be delivered in March 1984, and therefore would be installed during the Spring 1984 refueling outage that is tentatively scheduled to begin in late March. In support of this delay, the licensee noted that none of the pressurizer safety or relief valves have ever been challenged in the 22 year operating history of the plant, and that due to its conservative design, the most limiting transient without valve operation would result in a maximum primary pressure of 2505 psia. In addition, successful in situ testing of the valves in the early 1960's provides justification of existing safety valve operability until the new safety valves can be installed.

III.D.3.4 Control Room Habitability

By letter dated November 16, 1982, the licensee informed the staff that modifications to the Control Room Ventilation System would be delayed until May 1, 1983. This delay was attributed to equipment delivery delays and the fact that turbine overhaul work during the recently completed Core 16 refueling physically interfered with the installation of portions of the system.

We find, based on the above evaluation, that (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG-0737 requirements noted; (2) there is good cause for the several delays (interference with other equipment and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore the YAEC commitments should be comfirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1.—YANKEE LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completon schedule (or status) [1]
I.A.3.1	Simulator Exams	10/01/81	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	01/01/82	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-Accident Sampling	01/01/82	Install upgrade post-accident sampling capability	Do.
II.B.4	Training for Mitigating Core Damage.	10/01/81	Complete training program	Do.
II.E.1.2	Aux. Feedwater Initiation & Flow Indication.	07/01/81	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependability.	07/01/81	Part 5-lower containment pressure setpoint to level compatible w/normal operation.	Do.
		07/01/81	Part 7-isolate purge & Vent valves on radiation signal	Do.
II.F.1	Accident Monitoring	01/01/82	(1) Install noble gas effluent monitors	Do.
		01/01/82	(2) Provide capability for effluent monitoring of iodine	Do.
		01/01/82	(3) Install incontainment radiation-level monitors	Do.
		01/01/82	(4) Provide continuous indication of containment pressure.	Do.
		01/01/82	(5) Provide continuous indication of containment water level.	Do.
		01/01/82	(6) Provide continuous indication of hydrogen concentration in containment.	Do.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

ATTACHMENT 2—YANKEE LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	[illegible]	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	10/01/82 per Gen Ltr 82-12 dtd. 6/15/82.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dtd 6/15/82.	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency [2] Procedures	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	4/1/82	Submit plant specific reports on relief valve and safety valve program.	3/84. [1]
II.D.1.3	Block Valve Test Program	07/01/82	Submit report of results of test program	Complete.
II.K.3.30 & 31	SBLOCA Analysis [2]	1 year after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [2].	Superseded by 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be Determined.
III.A.1.2	Upgrade Emergency Support Facilities [2].	do.	do.	Do.
III.A.2.2	Meterological Data [2]	do.	do.	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	5/1/83.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc. 83-7431 Filed 3-22-83; 8:45 am]
BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

Arizona; Region IX Advisory Council; Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Phoenix, Arizona, will hold a public meeting at 10:30 a.m. on Thursday, April 7, 1983, at the Ramada Inn, Tucson, Arizona, to be followed by an awards luncheon at the same location for the purpose of honoring the Small Business Person of the Year and the advocate honorees.

For futher information, write or call Walter Fronstin, District Director, U.S. Small Business Administration, 3030 North Central Avenue, Suite 1201, Phoenix, Arizona 85012 (602) 241-2206.

Dated: March 18, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-7527 Filed 3-22-83; 8:45 am]

BILLING CODE 8025-01-M

Florida; Region IV Advisory Council Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Jacksonville, Florida, will hold a public meeting at 9:30 a.m.to 4:00 p.m., Thursday, April 14, 1983, at The Foxfire (Caverns), 1515 E. Silver Springs Boulevard, Ocala, Florida 32670, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending. For further information, contact Douglas E. McAllister, District Director, U.S. Small Business Administration, Box 35067, 400 West Bay Street, Jacksonville, Florida 32202; telephone (904) 791-3103.

Dated: March 18, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-7523 Filed 3-22-83; 8:45 am]

BILLING CODE 8025-01-M

Idaho; Region X Advisory Council; Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Boise, Idaho, will hold a public meeting at 9:30 a.m., Thursday, April 14, 1983, at the Owyhee Plaza "Rainier Room", 1109 Main Street, Boise, Idaho, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Verne A. Leighton, District Director, U.S. Small Business Administration, 1005 Main Street, Boise, Idaho—(208) 334-1096.

Dated: March 18, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-7525 Filed 3-22-83; 8:45 am]

BILLING CODE 8025-01-M

Rhode Island; Region I Advisory Council Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Providence, Rhode Island, will hold a public meeting at 12:00 noon, on Wednesday, April 20, 1983, at the Holiday Inn, Providence-Downtown, Rhode Island, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call James A. Hague, District Director, U.S. Small Business Administration, 40 Fountain Street, Providence, Rhode Island 02903. Telephone number (401) 528-4580.

Dated: March 18, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-7522 Filed 3-22-83; 8:45 am]

BILLING CODE 8025-01-M

South Carolina; Region IV Advisory Council; Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Columbia, will hold a public meeting at 9:30 a.m. on Monday, April 18, 1983, at the Carolina Inn, 937 Assembly Street, Columbia, South Carolina, to discuss such matters as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write or call John C. Patrick, Jr., District Director, U.S. Small Business Administration, 1835 Assembly Street, Room 358, Columbia, South Carolina 29201—(803) 765-5373.

Dated: March 18, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-7524 Filed 3-22-83; 8:45 am]

BILLING CODE 8025-01-M

Virginia; Region III Advisory Council; Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Washington, D.C. will hold a public meeting at 9:00 a.m. on Wednesday, April 6, 1983, at the Officer's Club, Fort Myer, Virginia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Bernard Layne, District Director, U.S. Small Business Administration, 1111 Eighteenth Street, NW, Washington, D.C. 20417, (202) 634-1805.

Dated: March 18, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-7526 Filed 3-22-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supp. to Dept. Cir. Public Debt Series—No. 7-83]

Series S-1985; Interest Rate

March 17, 1983.

The Secretary announced on March 16, 1983, that the interest rate on the notes designated Series S-1985, described in Department Circular—Public Debt Series—No. 7-83 dated March 10, 1983, will be 9¾ percent. Interest on the notes will be payable at the rate of 9¾ percent per annum.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-7406 Filed 3-22-83; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 57
Wednesday, March 23, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:30 p.m. on Friday, March 18, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Pan American National Bank, Union City, New Jersey, which was closed by the Comptroller of the Currency on Friday, March 18, 1983; (2) accept the bid for the transaction submitted by Hudson United Bank, Union City, New Jersey; (3) approve the application of Hudson United Bank, Union City, New Jersey, for consent to purchase the assets of and assume the liability to pay deposits made in Pan American National Bank, Union City, New Jersey, and for consent to establish the sole office of Pan American National Bank as a branch of Hudson United Bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and(c)(9)(B)).

Dated: March 21, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–400–83 Filed 3–21–83; 3:29 pm]

BILLING CODE 6714–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 28, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant ot the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 21, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–397–83 Filed 3–21–83; 3:26 pm]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 28, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of the minutes of previous meetings.

Application for Federal deposit insurance:

Lewis County Bank, a proposed new bank to be located at the southeast corner of West Linden Street and North Court Street, Hohenwald, Tennessee.

Application for Federal deposit insurance for a federally licensed United States branch of a foreign bank:

Metropolitan Bank and Trust Company, Manila, Philippines, for Federal deposit insurance of deposits received at and

recorded for the account of its federally licensed branch located at One World Trade Center, New York, New York.

Applications for consent to merge and establish branches:

People's Savings Bank—Bridgeport, Bridgeport, Connecticut, an insured mutual savings bank, for consent to merge, under its charter and title, with State Bank for Savings, Hartford, Connecticut, and to establish the ten existing offices and two approved but unopened offices of State Bank for Savings as branches of the resultant bank.

Branch Banking and Trust Company, Wilson, North Carolina, an insured State nonmember bank, for consent to merge, under its charter and title, with City National Bank, Charlotte, North Carolina, and to establish the five offices of City National Bank as branches of the resultant bank.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Reynolds, Ridings & Hargis, Oklahoma City, Oklahoma, in connection with the receivership of Penn Square Bank, National Association, Oklahoma City, Oklahoma.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Audit Report re: Review and Confirmation of Lodging Claims, dated February 9, 1983

Audit Report re: Joint Audits Performed by the Office of Corporate Audits and Internal Investigations and Public Accounting Firms, dated January 7, 1983

Audit Report re: Liquidation Audit Report—Summary of Five, dated February 16, 1983

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 21, 1983.

Federal Deposit Insurance Corp.

Hoyle L. Robinson,

Executive Secretary.

[S–398–83 Filed 3–21–83; 3:27 pm]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:22 p.m. on Friday, March 18, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matter:

Application for assistance under section 13(c) of the Federal Deposit Insurance Act: Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: March 21, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–399–83 Filed 3–21–83; 3:28 pm]

BILLING CODE 6714–01–M

5

FEDERAL HOME LOAN MORTGAGE CORPORATION

DATE AND TIME: March 22, 1983, 2:15 p.m.

PLACE: Chairman's Conference Room, fifth floor, 1770 G Street, N.W., Washington, D.C.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION: Scott R. Daugherty.

MATTERS TO BE CONSIDERED: Closed meeting:

Pricing of Long-term Capital Debentures
Financial Strategy April 1983 Minute Entry
Short-term Debt Resolution
Hedging Contract Limitation Resolution
Amendment of General Policy on Investments of Funds
Minutes of February 18, 1983 Board of Director's Meetings
President's Report
Complete January Financial Statements
Complete February Financial Statements
Minute Entry

Dated: March 21, 1983.

[S–396–83 Filed 3–21–83; 1:45 pm]

BILLING CODE 6719–01–M

6

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10:00 a.m., Monday, March 28, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed follow-up report to Congress on the International Banking Act of 1978. (This item was originally announced for a meeting on February 28, 1983.)

2. Personnel actions (appointments, promotions, assignments, reassignments and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: March 18, 1983.

James McAfee,

Associate Secretary of the Board.

[S–392–83 Filed 3–18–83; 4:09 p.m.]

BILLING CODE 6210–01–M

7

NATIONAL MEDIATION BOARD

TIME AND DATE: 2 p.m., Wednesday, April 6, 1983.

PLACE: Board Hearing Room, Eighth floor, 1425 K. Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of Board actions taken by notation voting during the month of March, 1983.

2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary; Tel: (202) 523–5920.

Dated: March 21, 1983.

[S-395-83 Filed 3-21-83; 1:43 pm]

BILLING CODE 7550-01-M

5

NUCLEAR REGULATORY COMMISSION

DATE: Week of March, 21, 1983 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Thursday, March 24:*

9:30 a.m.:
Briefing on Salem Post-Trip Report (Public Meeting) (New Item) (Replaces Discussing of Notice and Standing in Materials Licensing Cases)

11:00 a.m.:
Affirmation/Discussion and Vote (Public Meeting) (Time Change)
a. Regulations to Implement Pub. L. 97–415 (Tentative) (*Postponed* from March 17)
b. San Onofre Memorandum and Order Re Arrangements for Medical Services (Tentative) (As Announced)

2:00 p.m.:
Briefing by Ad Hoc Committee on Regulatory Reform—Administrative Proposals (Public Meeting) (As Announced)

Friday, March 25:

3:00 p.m.:
Discussion of Notice and Standing in Materials Licensing Cases (Closed—Exemption 10) (New Item)

ADDITIONAL INFORMATION: Affirmation of 10 CFR Part 60—Disposal of High Level Radioactive Wastes in:

Geologic Repositories scheduled for March 24, *postponed.*
Hearing on NFS-Erwin scheduled for March 25, *postponed.*

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

March 17, 1983.

Walter Magee,

Office of the Secretary.

[S-401-83 Filed 3-21-83; 3:48 pm]

BILLING CODE 7590-01-M

9

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 28, 1983, at 450 5th Street, N.W., Washington, D.C.

A closed meeting will be held on Wednesday, March 30, 1983, at 10:00 a.m. Open meetings will be held on Thursday, March 31, 1983, at 10:00 a.m. and 3:00 p.m. in Room 1C30.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans, Thomas, Longstreth and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, March 30, 1983, at 10:00 a.m., will be:

Formal orders of investigation.
Institution of injunctive actions.
Settlement of administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, March 31, 1983, at 10:00 a.m., will be:

1. Consideration of whether to grant the application of Norman A. Weiner for reinstatement of the privilege of practicing before the Commission as an accountant. For further information, please contact Laura R. Singer at (202) 272–2454.

2. Consideration of whether to grant the application of The Travelers Insurance Company and several of its registered separate accounts requesting a commission order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") granting exemptions from various provisions of the Act, including Section 12(b) and Rule 12b–1 thereunder, to the extent necessary to permit them to offer certain variable annuity contracts. For further information, please contact Joan Boros at (202) 272–3038.

3. Consideration of whether to issue a notice on an application filed by ML Venture Partners I, L.P. ("Partnership"), a limited partnership registered with the Commission as a buiness development company, and Merrill Lynch Venture Captial Co., L.P. ("Managing General Partner"), a registered investment adviser which serves as managing general partner of the Partnership, requesting an order pursuant to Section 206A of the Investment Advisers Act of 1940 exempting them from the provisions of Section 205(l) thereof to permit the Managing General Partner to receive, under certain circumstances, a performance fee on the basis of unrealized capital gains upon the Partnership's portfolio securities. For further information, please contact Brian Kaplowitz at (202) 272–2028.

The subject matter of the open meeting scheduled for Thursday, March 31, 1983, at 3:00 p.m., will be:

The Commission will meet with representative of the Financial Analysts Federation to discuss issues of mutual interest including the utility of the disclosure system to the professional financial analyst. For further information, please contact John Mooney at (202) 272–3188.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Steve Boehm at (202) 272–2467.

March 18, 1983.

[S-393-83 Filed 3-21-83; 10:36 am]

BILLING CODE 8010-01-M

10

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting.

PLACE: 450 5th Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, March 9, 1983.

CHANGES IN THE MEETING: Additional item. The following additional item was considered at a closed meeting scheduled for Tuesday, March 15, 1983, at 10:00 a.m.:

Regulatory matter bearing enforcement implications.

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

March 18, 1983.

[S-394-83 Filed 3-21-83; 10:36 am]

BILLING CODE 8010-01-M

Wednesday
March 23, 1983

Part II

Federal Communications Commission

Radio Services

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15, and 96

[PR Docket No. 83-26; RM-4121; FCC 83-19]

Rules To Create a New Citizens Band Land Mobile Private Radio Communications Service in the 898-902 MHz and 937-941 MHz Bands

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing to amend the rules to create a new Private Radio Communications Service (PRCS) in the 898–902 MHz and 937–941 MHz bands. The rule amendments are being proposed to address an unmet communications need for low-cost, short-distance directed communications between people in private vehicles and other persons.

DATES: Comments are due by June 10, 1983 and replies by July 11, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski or Steve Lett, Private Radio Bureau, Special Services Division, (202) 632–4964.

List of Subjects

47 CFR Part 2

Frequency allocation, Radio.

47 CFR Parts 15 and 96

Radio.

Proposed Rule Making

Adopted: January 20, 1983.

Released: March 4, 1983.

In the matter of: Creation of an Additional Private Radio Service; General Docket No. 83–26, RM–4121.

By the Commission; Commissioners Quello and Rivera concurring and issuing a joint statement; Commissioner Fogarty absent; Commissioner Jones concurring in the result; Commissioner Dawson issuing a separate statement.

I. Introduction

1. The Federal Communications Commission proposes to create a Citizens Band Land Mobile Private Radio Communications Service to address the communications needs identified in PR Docket No. 79–140.

II. Background

2. On June 25, 1979, we released a *Notice of Inquiry* [1] for the purpose of seeking public comment on whether the allocation of additional frequencies for the creation of a new personal radio service is necessary, and, if so, to determine the communications requirements which need to be satisfied. This Inquiry was precipitated by the PURAC [2] recommendation that the Commission should plan for a new Personal Radio Service which would be relatively noise-free and having the capability for direct dailing, automatic trunking, and selective calling. Moreover, the Commission's own studies [3] indicated that a new personal radio service could better satisfy some of the public's personal radio needs.

3. We received several hundred comments in response to the *Notice of Inquiry*. These comments, by and large, confirmed the findings of our independent study and of PURAC group. It is evident that the public does have a need for additional radio communications services, primarily for directed communications between people in private vehicles and other persons, and that this need cannot be met with existing radio services.[4] Having reviewed the comments, and having determined that the matter merits additional consideration, we have terminated the Inquiry in PR Docket No. 79–140 and instead will commence a new proceeding with this notice of proposed rule making to further address these issues.

III. The GE Proposal

4. On May 11, 1982, the General Electric Company (GE) filed supplemental comments in PR Docket No. 79–140 which included a petition to expedite initiation of rulemaking proceedings (RM–4121). GE stated that its objective was "* * * to inaugurate at the earliest possible time a new, dynamic radio communications service specifically designed to meet the growing and unfulfilled consumer demand for a reasonably priced, private mobile communications capability." In its filing, GE described a new Personal Radio Communications Service (PRCS) it has developed: "Much more than an advanced CB, the PRCS is designed to provide discrete communications functionality which cannot be obtained by any existing personal radio service." *GE Petition* at 4. Our analysis in the *Report and Order* in PR Docket No. 79–140 and our evaluation of the comments filed in RM–4121 lead us to believe there is sufficient justification to warrant creation of an additional private radio service. This *Notice of Proposed Rulemaking* will set out our specific proposals for spectrum to be allocated for the service and the regulatory structure to be applied to the service.

5. In its *Petition* GE claimed that a new PRCS would meet the individual consumer's need for reliable and affordable mobile radio communications. GE indicated that it built its proposal upon the general concepts outlined in our *Notice of Inquiry* (PR Docket No. 79–140). GE views a PRCS as complementing the existing radio services by "* * * fulfilling unique mass market-oriented communications functions which the CB, mobile telephone, PLMR (private land mobile radio) and even cellular radio services are not intended nor likely to serve." *Id.* at 3–4.

6. GE stated that: "By obtaining the substantial economies available from large scale manufacturing and component procurement processes and retail distribution techniques, radios with functions previously unaffordable to the consumer can be designed and implemented * * *" *Id.* at 6. It said that the functions of the PRCS are made possible "* * * by the burgeoning development of computer-controlled radio trunking technology * * *" *Id.* However, by "* * * limiting the functionality of the new service to that necessary to meet the distinct requirements of individual consumers, complex and costly centralized control facilities can be avoided—control of channel usage can instead be decentralized into each individual's radio station." *Id.*

7. PRCS users would be able to communicate with their own or other PRCS units, typically over a distance of up to five miles. The user initiating communications could speak with another PRCS user, or could place a telephone call through a PRCS unit interconnected with the public switched telephone network (PSTN) at the user's premises. GE proposed that communications would be limited generally to three minutes except during periods of light channel occupancy. The user could extend his or her communicating range to 15–30 miles by using a repeater station. Additionally, a person using the PSTN to call someone who has a PRCS system could reach them by way of automatic activation of an interconnected PRCS unit if the call's

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[1] PR Docket No. 79–140, 44 FR 37522 (June 27, 1979).

[2] Personal Use Radio Advisory Committee, charter filed pursuant to Pub. L. 92–463 on April 16, 1976, after Commission action establishing the Committee on March 18, 1976. *See Public Notice*, FCC 76–282 (March 26, 1976).

[3] *Final Report, Alternatives for Future Personal Radio Services*, May 1978.

[4] *See Report and Order*, PR Docket No. 79–140, FCC 83–18 (March 4, 1983), for a summary of the comments in response to the *Notice of Inquiry* in that proceeding.

recipient is not at home, providing that the call's recipient is within range of the transmissions from the interconnected unit or an associated repeater station. There would be no common point interconnection at repeater stations. Repeater stations would not be linked, as in cellular common carrier systems, for wide-area operation. Repeater stations could not be "dialed up" directly through the public switched telephone network. Channel selection, selective calling, maximum conversation duration and transmitter identification would all be automatic, that is, beyond the control of the operator.

8. The characteristics of the PRCS system proposed by GE are as follow:

Transmitting frequencies: Two segments in the 900 MHz band.
Segment bandwidth: 4.5 MHz each.
Segment separation: 45 MHz.
Channel bandwidth: 30 kHz.
Modulation type: FM.
Power output: 10 watts maximum.
Number of channels: 151 total.
Control channels: 5 (pairs).
Local talk channels: 32 (pairs).
Repeater talk channels: 112 (pairs).
Party line channels: 2 (simplex).
Cost range: $400 for two units (one with interconnect capability).

9. In RM–4121, GE reported on the results of a survey they commissioned to identify the mobile communications requirements of the public and how these requirements are being met. Heads of households who own and operate private passenger vehicles were surveyed. The results appear to indicate that the unfilled mobile communciations requirements of some 12 million consumer households could be met with a PRCS-type service.

10. The technology involved in bringing the PRCS system cost down to consumer levels can also be utilized to great advantage in repeater stations, according to GE. GE expects that the operation of repeater stations will become a highly competitive entrepreneurial activity, and it advocates that as many stations as the marketplace can support should be authorized.

IV. Summary of Comments, RM–4121

11. On June 4, 1982, pursuant to Section 1.403 of the Commission's Rules, Public Notice of RM–4121 was given (Report No. 1356). Nine comments were filed. Although some of these comments were not timely filed and did not show proof of service to the petitioner, GE stated in its reply comments filed on July 21, 1982, that it was in receipt of and had replied to all nine comments. Therefore, in the interest of completeness of the record, all nine comments are accepted for filing. They were filed by: Bennett Z. Kobb (Kobb); Edward N. Simth (Smith); REACT International (REACT); Uniden Corporation of America (Uniden); Personal Communications Section, Communications Division of the Electronics Industries Association (EIA); Dynascan Corporation (Dynascan); Association of Maximum Service Telecasters (AMST); Metro Mobile Communications, Inc. (MMC); and the American Telecasters and Telegraph Company (AT&T).[5]

12. Kobb, an amateur radio operator, believes the GE-proposed PRCS would represent the best use of the 900 MHz spectrum. He reported that he has been able to assist in a number of emergency situations by using a hand-held VHF radio, and he stated that this type of capability should be available to the consumer, he indicated that operation of repeaters in the PRCS would be an excellent business opportunity, and that he would apply for a repeater license.

13. Smith agreed that the FCC should issue a Notice of Proposed Rulemaking in this matter "expeditiously," provided that the Notice include "* * * discussion and action based upon open discussion of previously raised issues and such topics as may be raised by those submitting comments." *Comments* of Smith. Additionally, he commented: "Many of the concepts presented would be very valuable and viable in a new Personal Radio Service * * *," *id.*, although he does not agree with some of the specific proposals.

14. REACT, "an independent non-profit public service organization providing organized citizens two-way radio communications in local emergencies," *Comments* of REACT, indicated that the GE-proposed PRCS deserves serious attention. REACT expressed its concern that the structure of the PRCS, "* * * and particularly the cost of repeater operations, will limit its public access." *Id.* REACT urged the Commission to reserve 9 MHz of spectrum for a personnal radio communications service in the 900 MHz frequency range.

15. Uniden stated that the proposed PRCS "* * * offers the opportunity to provide valuable low-cost radio communications to the mobile personal radio user." *Comments* of Uniden. However, it expressed doubts about GE's cost estimates.

16. Dynascan, "a major supplier of consumer communications electronics and electronic systems including both citizens band radios and cordless telephones" found the GE-proposed PRCS "* * * a novel and imaginative service considerably unlike the 27 MHz Citizens Radio Service, and unique enough to warrant serious consideration by the Commission and the consuming public." *Comments* of Dynascan. It pointed to the "* * * explosive growth of short range cordless telephone(s) within the United States over the past twelve months * * *" as proof that the U.S. consuming public is "* * * demanding telecommunications over and above those available by cord connected telephones." *Id.*

17. EIA "* * * has among its members manufacturers of telecommunications equipment intended for personal use by consumers * * *" such as "* * * cordless telephones, citizens band radios and similar devices." *Comments* of EIA. It stated that the GE-proposed PRCS is a "* * * service which would fill a need not presently met by any other radio service authorized or contemplated." *Id.* EIA commented that the petition merits closer consideration and thoughtful public comment.

18. AMST urged the FCC not to release unused private land mobile reserve frequencies until a compelling need is shown, "* * * to guard against land mobile encroachment on the full complement of UHF television channels * * *" *Comments* of AMST. AMST claimed that "* * * the evidence GE submits does not show that the public interest compels releasing land mobile frequencies in order to accommodate its new service." *Id.* AMST indicated it would support a new personal radio service in the 800–900 MHz band in order to phase out CB-type operations in the 27 MHz band, but that GE has shown no propensity for existing CB users to switch to the proposed service.

19. MMC commented that existing two-way radio services can be modified to meet the demand for mobile communications without the allocation of additional spectrum. MMC said: "* * * viewed from functional and cost standpoints, trunked SMR operations already provide the service proposed by GE * * * and * * * the Commission should modify the eligibility criteria for users of trunked SMR facilities to allow use of such facilities for non-business ends * * *." *Comments* of MMC.

20. AT&T argued that the GE-proposed PRCS would be an inefficient use of the radio frequency spectrum for the following reasons: it would not be as spectrally efficient as other technologies such as cellular because it is limited in capacity and its design lacks growth capability; it has the inherent potential

[5] Uniden's *Comments* were accompanied by a *Motion for Extension of Time to File Comments*. For the reasons stated above, this Motion is granted.

for being a poor quality service; it lacks operational control; and it is unlikely that the cost objectives can be met. Further, AT&T suggested that portions of the 806–902 MHz and 928–947 band mobile reserve allocation will be needed to expand cellular systems and recommends "* * * that the Commission exercise caution in allocating any spectrum for such speculative and limited service * * *." *Comments* of AT&T. Finally, AT&T suggested that a PRCS be tested in a developmental trial and in a computer simulation should the Commission perceive a need for it.

V. Summary of GE's Reply Comments

21. With particular regard to the comments of Kobb, Smith, REACT, Uniden, Dynascan and EIA, GE noted that a majority of parties commenting on RM–4121 favored initiation of the rulemaking proceedings necessary to explore in depth the specifics of the proposed PRCS. GE summarized the opposition of AMST, MMC and AT&T as: (a) that the petition has not demonstrated a consumer need for mobile communications capabilities which cannot be met adequately with cellular radio mobiletelephone or other public land mobile radio services; and (b) that the petition has not demonstrated the technical and operational viability of the GE-proposed PRCS.

22. GE noted that "* * * none of these (opposing) parties disputes that consumers have a significant need for, and desire to have, an advanced mobile radio capability for use in their personal vehicles while driving in their local environments. The only difference of opinion between those favoring the PRCS and those opposing its adoption appears to be where (i.e., in what part of the frequency spectrum) and how (i.e., in what radio service) to fulfill these needs and satisfy these demands." *Id.* Adoption of MMC's proposal to expand the eligibility for users of SMR systems to include individuals not otherwise eligible under Part 90, GE claimed, "* * * would lead, in short order, to a service degradation for Part 90 licensees." *Id.* In response to the opposing parties' claims that consumer demand to be accommodated within the celluar radio service, GE stated that the price the consumer would pay for PRCS equipment and for PRCS repeater service would be substantially lower than the cost of cellular equipment and service, and that these differentials could be a significant element in determining the viability of a new consumer-oriented radio service.

23. In answer to AT&T's comment that the PRCS is not "* * * as spectrally efficient as cellular * * *," GE replied that from a spectrum efficiently standpoint, an allocation of 9 MHz to the PRCS is fully justified in meeting the public interest in advanced mobile radio systems.

24. Turning to the contention that a PRCS is neither technically feasible nor operationally sound. GE stated that most of AT&T's objections are related to comparison of operational features of the PRCS to AT&T's cellular radio service. GE indicated that these operational features of the PRCS are the result of deliberate judgments that a lesser (but adequate) grade of service at lesser cost is as appropriate to meet user demand for short-range, short message interconnected mobile radio communication as the higher grade of service is in meeting the demand for advanced mobiletelephone service.

25. GE indicated that AT&T's concerns about potential interference should be obviated by good engineering practice in equipment design. In response to AT&T's statement that GE's proposal could not be implemented because to do so would require re-allocation of frequency bands now reserved for cellular radio, GE stated that it used the frequencies 932–935.5 MHz as a reference because the Commission has recently expressed a desire to reserve this spectrum for the Personal Radio Services (in deference to certain Canadian proposals). *See Notice of Proposed Rule Making,* Gen. Docket No. 82–243, FCC 82–201 (May 10, 1982). GE said that while the optimum 45 MHz separation could result in intrusion into the cellular reserve, the PRCS can be designed with as little as 30 MHz or with as much as 100 MHz separation.

VI. Summary of GE's Supplemental Reply Comments [6]

26. In its Motion for Leave To File Supplemental Reply Comments, GE indicated that it had "recently completed a detailed draft digital protocol for use on the PRCS control channels in establishing a PRCS call." *GE Motion for Leave To File Supplemental Reply Comments* at 2. Additionally, GE stated that it had "continued to study the technical standards for a 'Personal Radio Communications Service * * *' (t)aking into account the comments of other interested parties responding to GE's May 11, 1982 'Supplemental Comments.' " *Id.*

27. GE's Supplemental Reply Comments contain a comprehensive proposal for compatible digital signaling standards and reiterate GE's position that it does "recognize that certain concerns (raised regarding the technical and operational viability of the PRCS proposal) (those that are) the result of system simplifications to obtain consumer price levels might warrant further analyses." GE urged that such analyses were "the very reason for issuing a notice of proposed rulemaking on the subject." *GE Supplemental Reply Comments* at 3. GE stated that it has "determined additional or modified technical requirements necessary to assure inter- and intra-system compability among PRCS users, without unnecessarily limiting the manufacture and design of PRCS equipment." *Id.* at 4. One such suggested modification was to limit the length of conversations only when channel loading exceeds 70%. This would be accomplished by having each PRCS unit check all channels for occupancy every 90 seconds.

VII. Discussion

A. Need for a New Private Radio Communications Service

1. Notice of Inquiry Finds a Need

28. The *Report and Order* termination the *Notice of Inquiry* in PR Docket No. 79–140, FCC 83–18 (February 1983) concluded that the question of whether to create a new private radio service, "primarily one that will provide for directed communications from vehicles at a cost the average person can afford, merits further consideration." It is the need for such private directed communications, between a user within a short radius of home or work and a person with whom the user wishes to communicate, or who wishes to communicate with the user, that prompts issuance of this notice.

2. Not to Replace Present CB

29. This new private radio service is proposed not to replace the present 27 MHz Citizens Band (CB) Radio Service, but to supplement it by responding to a need met neither by the present 27 MHz CB nor by other available services. All 40 existing CB channels are shared, with no channels available for private or exclusive use (CB Rule 17 (e), (f), and (g)). Thus, on a CB set any channel may be selected on which to transmit or receive a "party-line" type of service.

[6] GE's Supplemental Reply Comments were accompanied by a Motion for Leave To File Supplemental Reply Comments. Because a full and complete discussion of these issues is in the public interest, and because it best conduces to the dispatch of Commission business, GE's Motion for Leave To File Supplemental Reply Comments is granted. *See* 47 U.S.C. 154(j); *see also* 47 CFR 1.405(c).

Additionally, CB Rule 40 permits only manual interconnection with the PSTN. The present 27 MHz Citizens Band Radio Service has generally been intended for and evolved as a service primarily designed for inter-station or intra-station communication. *California Citizens Band Assn., Inc.* v. *United States*, 375 F2d 43, 9 RR2d 2037 (9th Cir. 1967), *cert. den.* 389 U.S. 844, 88 S. Ct. 96, 19 L.Ed.2d 112. A new private radio communications service would neither replace CB as we now know it nor substantially compete with it. Rather, it would be structured to satisfy an identified unmet communications need for addressable, private communications capabilities within a user's normal driving area at affordable prices. It appears that the dedicated "party-line" local emergency channels REACT requested in its *Comments* in PR Docket No. 79–140 would neither be consistent with the nature of the service, nor would they be necessary. A user with a unit in the car and an interconnected unit at home would be able to call home or office if in a traffic jam, or would be able to directly contact a service station or law enforcement authorities in an emergency. Thus, this new service would provide increased communications for emergency situations where limited capabilities now exist.

3. *Other Present Services Do Not Meet This Need.*

30. With regard to current personal radio services, we have found that:

> * * * while CB certainly provides a valuable non-directed communications service, its usefulness is limited by many factors: predominantly, lack of adequate spectrum and propagation characteristics that often subject users to an intolerable level of interference. Both the R/C (Radio Control) and GMRS (General Mobile Radio Service) services suffer from the same problems of congestion and, in apparent recognition of this fact, virtually none of the commenters in this proceeding (PR Docket No. 79–140) identified expansion or modification of any of the current personal radio services as a means of meeting the public's communications requirements. *Report and Order*, PR Docket No. 79–140, FCC 83–18 (February —, 1983), at para. 33.

31. With regard to the current private land mobile radio services, eligibility is limited, and only includes specific classes of persons. Thus, many persons needing the communications services discussed in PR Docket No. 79–140 would not be eligible in the existing private land mobile radio services. Proposals (such as MMC's) to modify the eligibility criteria for users in the existing private land mobile radio services to allow any person to use private land mobile SMRS facilities would not comport with the design of the existing private land mobile radio spectrum allocations, which were intended to accommodate the needs of specific classes of persons identified by us as employing radio for activities and functions in furtherance of the public good.[7]

32. It appears that mobile telephone service currently provided by common carriers may be priced at a level that many individual consumers are not willing to pay the meet their private radio needs. Additionally, the quality of service and geographic coverage are different than contemplated by the new PRCS.

33. Similarly, cellular mobile radio systems, to be developed both by wireline and nonwireline common carriers, are:

> mobile radio systems with a high capacity to serve subscriber units due to the coordinated reuse of a group of radio channels. In such systems, each radio channel can be used many times in separate zones or cells within an area. Mobile units communicate with an array of cell control locations distributed throughout the system; these cell sites are linked to control and switching facilities and thereby interconnected with the telephone network. The frequencies used in the cells are carefully coordinated in such a way as to permit frequency reuse in geographically separated cells without mutual interference. A fully developed cellular system would have the ability to locate a subcriber unit, establish a connection through an appropriate cell site, and transfer ("hand off") that connection to other cell control locations as the subscriber unit moves through the grid of cell locations. The number of cell sites in a system is dependent on the degree of channel reuse, the amount of spectrum available, and the density of traffic on the system. *Report and Order*, CC Docket No. 79–318, FCC 81–161 (April 9, 1981), at note 1.

34. Only two such systems (one wireline-owned and one nonwireline-owned) will be permitted in any given geographic area. The most densely populated areas are most likely to receive service first. While a great interest has been developed in cellular systems, it is difficult in light of our regulatory scheme for disposing of applications to predict how quickly the least populated areas will receive service. A new PRCS may very well serve an important role in making personal and business communications readily available throughout the United States, particularly in areas of lesser population density. In any event, neither a PRCS nor cellular systems would necessarily compete with one another or meet similar communications needs, but rather would provide distinct communications capabilities. Comments on this matter are requested.

4. *Cordless Telephone Acceptance Reflects the Need*

35. Dynascan has pointed to the "explosive growth" of the demand for cordless telephones as indicative of a groundswell of consumer demand for mobile units capable of interconnection to the public switched telephone network (PSTN). We concur in this evaluation. However, cordless telephones have an extremely limited range and do not provide for interstation communications. A new PRCS with longer range allowing use in automobiles and with equivalent PSTN interconnect capability would, we expect, be well received.

5. *Summary*

36. Those private and common carrier services presently available which might partially serve some segment of the communications needs identified in PR Docket No. 79–140 do not, individually or in combination, appear to satisfactorily meet these needs. A New Private Radio Communications Service appears to be necessary, but would not replace these services, which we expect would retain their popularity for the functions they now serve.

B. Technical Structure of a New Private Radio Communications Service

1. *General Description*

37. The proposed Private Radio Communications Service (PRCS) relies heavily on state-of-the-art technology to accomplish actions which ordinarily the station operator would have to manually accomplish. The objective is to allow the greatest number of simultaneous conversations with little or no action on the part of each individual operator. Thus a technically unsophisticated radio operator who is interested primarily in getting a message from one point to another would have a communications device which is simple to operate and is not intimidating. The radio, and its many automatic actions are, in effect, user "transparent."

38. The proposed communications system is based upon the concept of "decentralized trunking." In a trunked system, each user desiring to have access to a channel is assigned, in turn, a clear channel devoid of other interfering communications. The station that the user desires to contact is also assigned to the same channel, at which time the communications exchange can

[7] *See Tentative Decision and Further Inquiry and Notice of Proposed Rule Making*, Docket No. 18921, FCC 81–263 (June 11, 1981), at para. 57.

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begin. These trunking assignments can be accomplished by commands issued from some central point (centralized trunking), usually by a computer, or can be accomplished through mutual agreement ("handshaking") between individual radio units (decentralized trunking).

39. A PRCS radio unit would be capable of automatically establishing contact with another PRCS unt, independent of whether a centralized trunking facility is within range. A PRCS unit would also have the capability to respond to centralized trunking commands, when necessary, to make contact with another PRCS unit through a repeater station. In this case, the repeater station is more capable of automatically determining the best channel to be assigned for the communications. Nonetheless, in every instance the radios would first automatically attempt to establish communications without a repeater station so that communications between nearby units would not unnecessarily tie up a channel over a wide area.

40. The key to the success of the PRCS is a carefully selected set of technical standards and regulations to make the service as self-regulating as possible. In many existing services we rely upon user familiarity with detailed regulations to govern the individual's actions on the air. Conversely, the service, we are proposing is designed to control a user's actions by the equipment and the natural limitations of the service's concept. For example, in the present Citizens Band Radio Service, users are limited by regulation to carrying on a conversation for no more than five minutes, at which time they are required to leave the air for one minute. While this regulation is necessary in order to allow an equal opportunity for access to the shared channels, it is not likely that each user precisely times a conversation from beginning to end. For the PRCS, we propose to have the user's equipment automatically time each conversation and terminate the conversation if it runs over the allowed limit. With this proposed regulatory scheme, the burden of familiarity with detailed operating requirements is removed from the many users. Instead, it is replaced with a lesser burden of type-acceptance requirements on the few manufacturers.

41. A carefully selected set of technical standards and regulations is also essential for high-quality service. The PRCS is a service designed to be available to an average individual without a technical background. A typical potential user of this service will not be able to make an informed or logical determination as to which brand of equipment might employ the most technically superior digital control system, modulation scheme or other aspect of system technology. But mandated standards might be costly and unnecessary for individuals with very narrow communications requirements. Therefore, we solicit comment on the extent to which technical standards should be FCC-mandated or voluntary.

42. We are proposing minimal technical regulations. We plan to leave a significant amount of leeway in the final standards so that manufacturers can tailor the radios they market to fit individual user needs. To this end, we are not proposing certain technical standards which GE requested in their petition that we have identified as being determinable in the "market place." We solicit comment on whether the particualr standards we are proposing are sufficient to accomplish the above-stated objectives. We also solicit comment on whether standards short of those we are proposing would accomplish the same goals.

43. In this regard, we request comment on whether "sunset" provisions may be appropriate for certain areas of technical regulation which may promote initiation of the service, but which may be unnecessary after the short term. In addition, we request information on the desirability of applying certain operational technical standards (*e.g.*, automatic disconnect provisions to provide for conservation time limits) only to repeater equipment. Furthermore, given that we expect several manufacturers to enter the market of supplying PRCS radio equipment, we do not believe that a single manufacturer is uniquely suited to determine the technical standards for a PRCS system. So while we are proposing standards based closely on those proposed by GE in its petition, we intend them primarily as a benchmark or guideline for further discussion. We anticipate that manufacturing interests considering entry into the RCS market will determine the technical standards and regulations which would be mutually acceptable and which would serve to meet our minimum stated goals. In any event, we expect and encourage extensive comment and discussion regarding the proposed technical standards.

44. GE, in its Petition and in its Supplmental Reply Comments, provided a very detailed perspective on the concept and technology that it believes will shape a viable personal radio service. GE relied heavily on carefully chosen technical standards—standards which would apply to very complex radio communications equipment. In this *Notice*, we cannot hope to provide the same detailed perspective (GE's Petition and its associated documentation are over 200 pages long) on the practical matters of radio automation, digital signaling and channel assignment protocols and algorithms. Consequently, we will outline GE's system concept, but only include detailed remarks on those issues where we differ with GE on proposed regulation or where we believe a particular issue needs to be addressed more thoroughly. We would recommend that any party, particulary manufacturing interests, desiring to comment on technical issues of the PRCS proposal in detail, carefully examine GE's Petition and Supplemental Reply Comments.[8]

45. As we have stated before, the proposed PRCS is based on the principles of trunking. Each radio would be capable of independent, decentralized trunking when it communicates with a station within its range. If the radio equipment cannot achieve direct contact within its range, it would then automatically attempt centralized trunking through a repeater so that the coverage range could be increased. (This would require that the station be authorized by a repeater operator to have communications access to those repeater facilities.)

46. To accomplish both the decentralized trunking and the centralized trunking there would be five "control channels" upon which only digitally encoded control signals would be tranmitted. There would be 30 "local talk channels" (or LTCs) which could automatically be selected by the radio equipment for conversations between stations close enough for direct contact. There would be 97 "repeater talk channels" (or RTCs) which could be automatically assigned to stations by a repeater if direct communications are not possible.

47. Finally, there would be one channel pair with the designation "party line channel" (or PLC) which would be the only channel which the station operator could actually manually select. This channel pair would be used for communications in the single frequency simplex mode, so there would in fact be two frequencies available for simultaneous conversations. These channel frequencies are intended for

[8] GE's filings in this proceeding, which include GE's specific technical recommendations, may be examined in the Commission's Public Reference Room at its headquarters in Washington, D.C. They may also be obtained from GE.

occasional non-directed communications which an operator may find necessary (for example, highway communications to obtain traffic reports). While we have proposed only one channel pair for "party line" use, we request comment on the desirability of increasing the number of channels for simplex mode communications, and recommendations on whether local or repeater channels should be used for this purpose.

48. Most of the use of system technology with the PRCS would occur while each individual call is being set up on the control channels. Once a channel is selected for the conversation to take place, radio operation is basically similar to any other conventional system. As GE originally proposed it, each control message would have consisted of a total of 464 bits of binary coded information. We have proposed, consistent with GE's *Supplemental Reply Comments*, that each control message would consist of a total of 532 bits of binary coded information. This information would include a source address (the eight digits of the user's selected identification code for his/her station along with the manufacturer's assigned transmitter identification number for the individual transmitter [9]), a destination address (the identification code of the station the operator desires to attempt contact with), a recommended "talk channel," a flag field (which would include coding to determine whether direct contact or contact through a repeater is being attempted, and whether the call is being made to a base station which should automatically interconnect with the public switched telephone network), and a variety of synchronizing and check bits.

49. The actual control channel to be used for establishing contact is determined by the last three digits of the called station's users selected address ("telephone number"). If, for example, a station operator selects for that station's address a number which has as its last three digits a combination between (and including) 000 and 199, that station would always monitor control channel 1 when in the stand-by mode. If the last three digit combination is between 199 and 400, then the station would always monitor control channel 2 when in the stand-by mode, and so forth. Whenever another station attempts to contact that station, it would transmit its control messages on the corresponding control channel. The exchange of control signals would then go according to the algorithm set forth in GE's filings.

2. *Disconnect and Default*

50. We are including in the proposed rules a requirement that every usage of a local talk channel or a repeater talk channel will be subject to an automatic disconnect capability after 100 seconds if the local or repeater talk channels are, respectively, at least 70% loaded. If the channels are not 70% loaded, the usage of the talk channel may continue for ninety second intervals, subject to automatic disconnect capability at the end of each interval if channels are at least 70% loaded. We have already discussed the advantages of automatically timing each conversation and automatically terminating the conversation if it runs over the allowed time limit.[10] We are also including in the proposed rules a transmitter default capability to assure that each station vacates a channel if contact with another station is lost during a conversation or if contact is never actually established after a channel assignment has been determined. The automatic disconnect capability and transmitter default capability for PRCS units are being proposed to assure maximum frequency re-use in the PRCS in any given local geographic area. Unlike cellular systems, the PRCS system would not provide for a roving mobile unit's communications to be automatically transferred to the closest repeater. Instead, channels would be vacated for use by other local PRCS units or PRCS units having access to a local repeater. We solicit comment on whether, alternatively, leaving all decisions about timing and disconnect to the marketplace may be desirable, particularly if there are no legal constraints upon repeater operators' use of time-of-day or peak-load pricing. We seek comment on whether the profit motive, absent Commission regulation of timing and disconnect decisions, would cause repeater entrepreneurs to adopt spectrum efficient timing schemes.

3. *Telephone Interconnection*

51. Part of GE's proposed interconnection standards requires that each control message to a base station, when interconnection is desired, include a series of binary digits which a user would set as a "combination" for the base station to identify before permitting interconnection. This is to assure that access to a person's telephone line cannot be made without authorization from that person. We believe that such a feature would be desirable, especially where purchasers of these units will generally not be knowledgeable about communications equipment. We propose that such a feature be required, but we will allow manufacturers to offer various alternative balances of system integrity and simplicity. Additionally, we propose that in order to be type accepted, PRCS equipment intended for interconnection with the PSTN, like all equipment intended for such interconnection, must comply with the Commission's existing standards in Part 68 of the Rules designed to protect the public telephone system from harm.

4. *Transmitter Power Cut-back*

52. GE has proposed that each PRCS radio be required to be equipped with a power cut-back feature on the transmitter. This feature would reduce the transmitter's radio frequency output power when the received signal strength from the station being communicated with is initially above certain threshold level. GE has proposed this feature as a means of keeping communications range limited only to the minimum necessary distance and thereby increasing channel reuse capability in a given area. We agree that such a feature would be desirable from the standpoint of spectrum efficiency. However, we envision two problems with this proposal. First, AT&T in its comments on GE's Petition expressed concern over a scenario where two stations located near to each other reduce their power to a fraction of the authorized maximum, and then two other stations located some greater distance away (and also distant from each other) perceive that the channel is not in use and assign themselves to it while operating at full power. If this were the case, the two stations initially using the channel could be "overun" by the communications of the second two stations. Second, we anticipate that at some point a manufacturer will be interested in marketing a hand-carried PRCS radio that may not be capable of operating at the full authorized power of 10 watts. In this case, if such a hand-carried unit were communicating with another unit capable of full powered operation, that unit may maintain its power output at an unnecesarily high level because it perceives the low-powered station to be farther away then it actually is. We are proposing this feature but we specifically invite comments as to how such a feature might be made to work more adequately in the proposed PRCS.

[9] We propose to require manufacturers to insert an unchangeable assigned transmitter identification number into the memory of the PRCS unit, and to require that this number be included as part of the station identification made by the unit.

[10] See paragraph 40, *infra*.

5. *Emission Standards*

53. In its proposals, GE appears to have considered the need for low costs, sufficient channels to serve a mass market, and efficient spectrum utilization. GE recommends the use of FM modulation, 30 kHz channels, and a frequency tolerance of 0.0005%.[11] We are proposing these standards as a benchmark for further discussion. Concerning the use of frequency modulation, GE cites its advantages as follows:

> [T]he receiver "capture" effect of FM transmissions, which locks out all but the strongest signal, allows for substantial frequency reuse within larger metropolitan areas. This provides real spectrum efficiency. The "capture" effect of FM also drastically reduces the impact of interference or noise during communications, a feature which simply cannot be obtained using AM technology. *GE Petition* at 22–23.

We request comment on whether FM modulation, as proposed, would best fulfill the needs for low cost equipment, spectrum efficient operation and good quality. We also seek comment on whether amplitude modulation would be preferable for the PRCS. With the use of companding [12], combined with either double sideband AM (A3) of SSB (A3J), amplitude modulation may still provide adequate quality while being more spectrum efficient than FM. Moreover, compandored AM may have an effect similar to the FM capture efficient cited by GE as advantageous. On the other hand, problems caused by frequency instability, the doppler effect, and multipath effects may increase the costs of acceptable AM equipment to prohibitive levels. Additionally, the present technical state of the art in the field of compandored AM may also make it an inappropriate experimental technology for the broad-based and common use intended.

6. *Supervisory Audio Tone*

54. GE has proposed that each station be required to transmit a 2850 Hz tone at all times when the transmitter is enabled in order to facilitate transmitter default capabilities. This tone would also be required to control an interconnected unit's receive/transmit mode which it is being used by a mobile unit for interconnection with the PSTN and the communications are being relayed through a repeater. We are including such a requirement in our proposed rules.

7. *Frequency Capability*

55. We are proposing to require that all user station radios have as a minimum the capability to operate on all of the "local talk channels" (LTCs). This is necessary since there is no provision in the digital control protocols for a particular station to list the channels upon which it is capable of operating and, consequently no way to be certain that a suggested talk channel could be agreed upon without several time consuming iterations. For this same reason we are proposing that if a PRCS user station radio is going to be capable of operating on any one of the " repeater talk channels" (RTCs) it must be capable of operating on all of the (RTCs). We proposed to require that all user station radios be capable of operating on the LTCs, while not making a similar requirement for the RTCs, because operation on the LTCs is clearly the more specturm efficient mode and we would desire that this more spectrum efficient mode be attempted before the less efficient repeater mode is used. We would also not authorize any PRCS station radio to be capable of operation on only the "party line channel" (PLC). This channel is proposed to be include only as an adjunct to the primary service concept. If a user would only have a need for such a channel, then there are other personal radio services which can meet that need, principally the 27 MHz CB Radio Service.

C. Regulatory Structure of a New Private Radio Communications Service

1. *Nature of the Service*

56. We propose to create a new Citizens Band Land Mobile Private Radio Communications Service, and to regulate it under a new Part 96. In abbreviated form, the service would be called the Private Radio Communications Service (PRCS). The service would have features of both the present Citizens Band Radio Service and the present Private Land Mobile Radio Services. As in the present Citizens Band Radio Service, all persons would be eligible to operate individual PRCS units.[13] As in the Private Land Mobile Radio Services, repeater service would be provided to users to permit them to engage in private two-way land mobile communications.

2. *Licensing*

57. *Operators.* GE proposed point-of-sale licensing by postcard notification and temporary authorization upon mailing of the postcard. *See Temporary Licensing, 800 MHz,* 89 FCC2d 638 (April 6, 1982); *Report and Order,* FCC 80–887, PR Docket No. 79–338 (Sept. 4, 1980), *aff'd Telocator Network of America* v *FCC* (D.C. Cir. Aug. 14, 1981), Docket No. 80–2182; *Order,* 44 FR 5288 (Jan. 16, 1979) FCC 78–846 (1979), *Errata,* 44 FR 8878 (Feb. 1, 1979); and *Order,* FCC 76–320 (1976). New Section 307(e)(1) of the Communications Act of 1934, as most recently amended by Pub. L. 97–259 in 1982, states:

> Notwithstanding any licensing requirement established in this Act, the Commission may by rule authorize the operation of radio stations without individual licenses in the radio control service and the citizens band radio service if the Commission determines that such authorization serves the public interest, convenience, and necessity.

The new PRCS would be part Citizens Band and part Private Land Mobile. Since it is a completely different technology it will be governed by a separate set of rules. Nonetheless, like the 27 MHz Citizens Band Radio Service, the PRCS, too, is intended, in large part, to be "a private, two-way, short-distance * * * communications service for personal or business activities." CB Rule 1, 47 CFR § 95.401. It is our preliminary view that no significant aspect of our public interest, convenience and necessity standard would be served by licensing individual PRCS stations, other than repeater stations, particularly where Section 307(e)(2) of the Act, as recently amended, further states:

> (2) Any radio station operator who is authorized by the Commission under paragraph (1) to operate without an individual license shall comply with all other provisions of the Act and with rules prescribed by the Commission under this Act

58. *Repeaters.* With regard to repeater operation, GE proposed reliance upon the marketplace in conjunction with traditional private land mobile licensing techniques such as fully private repeater systems, cooperatively shared repeaters, multiple licensed repeaters, or repeaters operated by licensed commercial entrepreneurs (i.e., Specialisted Mobile Radio Systems—SMRS's). While we have proposed not to issue individual licenses to operators of units which are not repeater stations, we are of the view

[11] GE proposes a stricter tolerance for repeater stations, 0.00015%, due to their higher operating power and greater range.

[12] Amplitude compandors consist of circuitry that can improve the apparent voice quality of mobile communications, in much the same manner as Dolby circuits are used to improve the signal to noise ratio in high fidelity sound equipment.

[13] Foreign governments, representatives of foreign governments and federal government agencies would not be eligible. 47 U.S.C. 310(a) prohibits the issuance of a license to a foreign government or a representative thereof. 47 U.S.C. 305 prohibits the issuance of a license to stations "belonging to and operated by" the United States.

that licensing of individual repeater stations would still be desirable, because: (1) A repeater in the PRCS, operated improperly, would have the potential to cause substantial disruption to the entire service in its area; and (2) FCC licensing assures that proper Federal Aviation Administration clearance is obtained for repeater antenna structures, a critically important safety of life consideration. In the PRCS, we would permit the following repeater licensing options:

(a) *Individually licensed repeater.* A person obtains a license for a PRCS repeater for his/her own use. This person could be an individual, partnership, corporation, association or governmental entity. A club or association of persons desiring to use the same repeater could be formed to be the licensee of the repeater. A corporation could be licensed to serve its parent corporation, another subsidiary of the same parent corporation, or its own subsidiary. A nonprofit corporation or association organized for the purpose of furnishing PRCS repeater service to its members could be licensed, subject to cooperative use provisions discussed below.

(b) *Cooperatively shared repeater.* A person obtains a license for a PRCS repeater for his/her own use, and for the use of other PRCS users cooperatively sharing the operation of the station with the licensee. In such a cooperative use arrangement, the repeater would be authorized to and controlled by the single licensee. All use of the licensee's facility would take place under the licensee's control. Ordinarily, the capital and operating expenses associated with the shared repeater system would be divided among the system sharers (*i.e.*, the repeater licensee and the other users) on a pro-rated, equitable basis. The licensee would be precluded from profiting from the arrangement. Stage II and stage III cooperative use arrangements, formerly permitted (but not prohibited) in the land mobile radio services, would be prohibited.[14] This approach comports with prior cooperative use decisions and promotes consistency in the application of our rules and procedures.[15]

(c) *Specialized Mobile Radio Systems (SMRS's)* A commercial entrepreneur seeking to operate a PRCS repeater would be licensed for the repeater facility itself. Users of the repeater would operate their PRCS units in connection with a repeater to which they subscribe. Users could be authorized by the SMRS licensee, with the concurrence of the Commission, to operate repeater control points.[16] [17] [18]

59. We have considered, but tentatively rejected, inclusion of the concept of multiple licensing in this service. We believe it could have been included in two different possible forms: (1) Each person in the PRCS would have been separately licensed for the repeater the person intended to use, or (2) each person in the PRCS would have been able to operate their own PRCS systems as well as repeaters without individual station licenses. We tentatively reject the former option on the basis that it substantially detracts from the administrative and cost advantages that we seek to gain by not individually licensing each person in the PRCS. We expect that there would be a relatively high demand by PRCS users to be associated with at least one repeater; should this association be achieved by multiple licensing, we would then issue a large number of licenses to the very persons we sought not to provide licenses in order to achieve administrative and cost savings. We tentatively reject the latter option because it results in no license being issued for the repeater whatever. (And in paragraph 58 above we have aleady indicated why we believe repeater licensing is desirable.) In either case, we believe that multiple licensing would be an unnecessary licensing mechanism in the PRCS. Nonetheless, we solicit comments regarding the propriety or disirability of multiple licensing in this service; any such comments should address the issues mentioned above, including whether repeaters should be licensed.

3. *Permissible Communications*

60. We propose that the new PRCS employ frequency modulation techniques and, accordingly, F9Y emissions are specified in the proposed technical rules for the control channel communications, while F3 emissions are specified for the actual communications exchange. However, by specifying F3 emissions we do not intend to limit communications to voice alone. We propose to allow a communications exchange to consists of any modulating signal which can be accommodated by the voice-grade circuit provided by a PRCS radio. In other words, teleprinting, slow-scan television or any other modulating signal which produces the bandwith characteristics of a voice emission would be permitted in the new service. While we are not proposing that PRCS units or repeaters be allowed any modulation or RF bandwidth other than that equivalent to a voice-grade circuit, we request comment on the effect adopting emission standards only for repeaters would have on the proposed service.

4. *Interconnection*

61. GE proposed interconnection only at user premises. GE did not propose common point interconnection in conjunction with repeater operation. We believe that this is consistent with the nature of the need we intend to meet, and with the requirements of Section 331(c)(1) of the Act. Thus, we will propose only user premises interconnection of PRCS equipment.

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[14] In the *Tentative Decision and Further Inquiry and Notice of Proposed Rule Making* in PR Docket No. 18921, *supra*, we defined a Stage II cooperative as an arrangement in which the licensee owned or leased the base station transmitter and made it available to sharing participants either at no charge or at less than cost, but provided participants with some other equipment or service (e.g., mobile stations/paging receivers or equipment service) on a for-profit basis. A Stage III cooperative is a situation in which an eligible in one of the radio service categories agrees with other eligibles in the same radio service to assume the responsibilities as licensee for the cooperative arrangement but arranges for the needed physical radio gear and maintenance service under an arrangement where the licensee of the system is paid nothing at all by the other participants; instead, all consideration flows directly to the third party supplier of goods and services, with the licensee and each participant paying the third party suppliers individually for any equipment or services provided to them. *Private Land Mobile Radio Services*, PR Docket No. 18921, 89 FCC 2d 766 (April 13, 1982), at para. 10, note 18.

[15] *See Private Land Mobile Radio Services*, PR Docket No. 18921, 89 FCC 2d 766, 786–7 (April 13, 1982).

[16] *See Temporary Licensing, 800 MHz*, 89 FCC2d 638, 639 (April 6, 1982).

[17] Just as we sought to promote new technological development (trunking) and competition in the private land mobile radio services by the creation of the SMRS licensee in Subpart M of Part 90, *see Second Report and Order*, Docket No. 18262, 46 FCC2d 752 (1974), *reconsidered, Memorandum Opinion and Order*, Docket No. 18262, 51 FCC2d 945 (1975), we now seek to achieve the goals of new technological innovation and competition by proposing SMRS licensing as an option in the new PRCS.

[18] For a discussion of our previous authority to create a private carrier such as the SMRS, *see NARUC* v. *FCC*, 525 F.2d 630 (D.C. Cir. 1976), *cert. denied*, 425 U.S. 992 (1976); *see also Temporary Licensing, 800 MHz*, 89 FCC2d 638, 642–644 (April 6, 1982). However, because they are Private Land Mobile Services as defined in new Sections 3(gg) and 331(c) of the Act, none of the repeater licensing arrangements set forth above constitute common carriage. *See* Section 331(c) (1), (2) and (3) of the Communications Act of 1934, as most recently amended by Pub. L. 97–259, enacted September 13, 1982, 47 U.S.C. 331(c) (1), (2) and (3). We do not propose to structure the PRCS as a common carrier service. We question whether the duties and responsibilities of common carrier status or the regulatory burdens associated therewith are appropriate for the use we intend to accommodate. However, to the extent that an entrepreneur may desire to functionally structure his/her repeater service offering as common carriage, we request comment as to whether it would be appropriate to permit the operation of a repeater station in the PRCS under the provisions of Title II of the Communications Act of 1934, as amended.

Unlike radio common carrier (including cellular) systems, a PRCS user in his/her car would be able to initiate a telephone call over the PSTN only if he/she is within range of his/her other PRCS unit interconnected at his/her premises. Also, unlike radio common carrier (including cellular) systems, a person trying to call a PRCS user in his/her car by using the PSTN could do so only by dialing the PRCS user's "home" phone and reaching the PRCS user within range of the user's premises.

5. *Identification*

62. We will require each PRCS unit and each PRCS repeater station to automatically identify itself at some point before, during or at the end of each transmission. We believe this complies with the identification requirements of Article 19 of the International Telecommunication Union (ITU).[19]

6. *Compliance*

63. We propose to structure the PRCS in a manner that would be virtually self-enforcing through the use of type-accepted equipment. Matters that often, in other services, involve the cooperation of a user would be automatically controlled by the equipment. These matters include conversation duration, channel selection and transmitter identification. Additionally, a system designed to accommodate only selective calling (except for "party line" channels) would alleviate many potential co-channel interference problems. Also, PRCS unit power restrictions would be a matter of type-acceptance.

64. The rules proposed are intended to minimize the number of possible operational violations. Conversations would be automatically limited in duration. Each PRCS unit would identify itself automatically at a specified time during each communications exchange rather than requiring operators to identify their stations during communications. After initial contact on "control" channels, the calling and called PRCS units would automatically agree to go to a specific vacant channel, rather than having operators themselves try to locate such a channel, with the possibility of encroachment upon another communication. In the PRCS, it would be impossible, with type-accepted equipment, to deliberately break in on another communication.

65. For compliance purposes, we would treat persons operating in violation of PRCS rules on frequencies assigned to the PRCS in two different ways. Rule violators using non-modified, type accepted PRCS equipment will be treated as operating within the PRCS but in violation of the rules. Rule violators using modified PRCS equipment or equipment not type accepted for use in the PRCS will be treated as operating without proper authorization and, thus, in violation of Sections 301 and 302 of the Act.

66. Repeater operation would always be licensed, either by an individual licensee for his/her own purposes, by one licensee cooperatively sharing the operation of the repeater, or by a commercial entrepreneur (the SMRS). A Commission licensee would always be responsible for an accountable for repeater transmissions. Thus, interference problems could be promptly and effectively resolved by working with a readily identifiable licensee associated with a given repeater. Adequate control of a repeater necessarily includes knowledge of who has access to the repeater. In this regard, we seek comments regarding our proposed rules requiring licensees of repeaters to maintain lists of current users, their addresses, and their automatic identification codes. We also seek comments on whether, in addition, we should require maintenance of logs of repeater usage identifying the user for each repeater use.

D. Feasibility of a New Private Radio Communications Service

1. *Cost*

67. It "is GE's view that a PRCS radio system . . . consisting of one mobile unit and one base unit capable of interconnection to the telephone network, can be manufactured and *sold at retail for under $400.*" *GE Petition* at 9. Both AT&T and Uniden questioned whether this cost objective can be met. GE's studies show that while marketability of PRCS units may drop if costs are increased from $350 to $450, average nationwide consumer interest in purchase of a PRCS system would remain higher than 10% of all households. We seek comment about the likely cost of a PRCS system, and the relationship between cost and consumer interest.

2. *Type Acceptance*

68. We are proposing adherence to certain technical specifications to assure expeditious initiation of service and to assure service self-policing. This is consistent with our desire to avoid the need for users to develop a working knowledge of extensive operating requirements typical of other private Citizens and Land Mobile services. In lieu of instituting detailed operating rules, we propose imposing limited type acceptance requirements on manufacturers. We expect that type acceptance rules directed toward a relatively small number of manufacturers would significantly diminish the otherwise large regulatory burden of more complex operating rules imposed upon each PRCS user. Nonetheless, we seek comment on whether we should forgo use of type acceptance as a means of simplifying the PRCS for the average user, and instead allow various technologies and systems to each use spectrum assigned to the PRCS. We also seek comment on whether the PRCS, as proposed, would preclude existing or new technologies and systems which should be accommodated in the service.

3. *Exclusive versus shared frequencies*

69. We are proposing a regulatory regime where each repeater operator could be licensed for all of the repeater channels. This would result in sharing the repeater channels. We propose no coordination or exclusivity, because the technical characteristics of our proposed trunking scheme should prevent interference. Moreover, frequency exlcusivity necessarily limits entrants, reduces certain scale economies, and requires use of private coordinators or expenditure of additional Commission resources to assure exclusive use in a given geographic area. Nonetheless, we request comment on whether frequency exlusivity (i.e., assigning a block of channels in a given geographic area to only one repeater operator) would be desirable, particularly with regard to considerations of spectrum efficiency, channel splitting, frequency re-use and the use of varied modulation types.

E. Spectum Allocation for a New Private Radio Communications Service

70. GE stated, in its Petition for Rule Making, that "a *minimum* of 9 MHz, split into two 4.5 MHz bands with a 45 MHz separation, is both necessary and appropriate" for a new PRCS. GE stated that the "4.5 MHz bands would be divided into 148 duplex channels and two simplex channels to provide the number of discrete control, local,

[19] ITU Radio Regulation No. 737, Mar 2 (Article 19) states: "A station shall be identified by a call sign or other recognized means of identification. Such recognized means of identification may be one or more of the following necessary for complete identification: name of station, location of station, operating agency, official registration mark, flight identification number, selective call number or signal, selective call identification number or signal, characteristic of emission or other clearly distinguishing features recognized internationally." This provision survives in substance as Radio Regulation No. 2089, Geneva, 1979.

repeater, and party line PRCS channels necessary for a viable service."

71. GE proposed that the requested 9 MHz be taken from the existing land mobile reserve allocations in the 806–902 MHz and 928–947 MHz frequency bands. Additionally, in Exhibit E to its Petition for Rule Making, titled Representative Regulations for the Proposed PRCS, GE illustrated the use of the 887–892.5 MHz and 932–936.5 MHz frequency bands to create 150 two-way 30 kHz radio channels. As AT&T pointed out in its Opposition to GE's Petition, a "portion of the 887–892.5 MHz frequency band is currently allocated to the Domestic Public Cellular Radio Telecommunications Service" for base station frequencies beginning at 880.020 MHz through 889.980 MHz. *AT&T Opposition to Petition* at 6. Thus, the frequencies set forth by GE in its original Petition are not acceptable.

72. We believe, however, that another portion of the land mobile reserve may be appropriate for the new Private Radio Communications Service. Although AT&T expressed the view that portions of the land mobile reserve will be needed to expand cellular systems, we believe that allocating a portion of the reserve above 896 MHz will not preclude expansion of either cellular or private conventional and trunked systems. Although AMST expressed concern that any diminution of the land mobile reserve could result in ultimate land mobile encroachment of UHF television frequencies, we view such a concern as too speculative to warrant rejection of the new PRCS.

73. GE has stated that it is necessary to maintain a two-way frequency separation of 30 to 100 MHz in order to minimize the cost of the PRCS units. To do this, it is apparent that one band of the PRCS must be placed near 896 MHz. We are presently considering allocating the 896–898 MHz and 941–943 MHz bands for a public air-to-ground telephone service. It would therefore seem logical for a proposed allocation to the new PRCS to begin just above the 896–898 MHz band. This approach, however, would limit the lower band of the new service to 4 MHz, rather than the 4.5 MHz proposed by GE, since the shared Government Radiolocation and non-Government Industrial, Scientific, and Medical Equipment band begins at 902 MHz. When paired with another 4 MHz band, the total allocation for the new PRCS would be 8 MHz, rather than the 9 MHz proposed by GE.

74. As noted in paragraph 70, GE has stated that a minimum of 9 MHz is necessary for its proposed PRCS. We note, however, that both the needed number of channels and channel bandwidth for the service is somewhat speculative. Demand for the service can only be approximated at this time, and the 30 kHz FM bandwidth proposed by GE could be reduced by narrowband FM or AM techniques. Thus, we believe that a total of 8 MHz should be sufficient for the new service. However, we request comments both as to the needed number of channels and the desirable channel bandwidth, taking into account their effects on the cost and quality of the service.

75. We are therefore proposing that the 898–902 MHz band be allocated for the new PRCS and that it be paired with a band 30 MHz to 100 MHz higher in frequency. Since, as noted in paragraph 73, the 941–943 MHz band is being considered for a public air-to-ground telephone service, we believe that a desirable location for the upper half of the PRCS is just below this band, at 937–941 MHz. This will allow for a 39 MHz separation between the two portions of the new PRCS band. In making this proposal, we note that in another Commission action today, we are proposing in General Docket No. 82–243 to shift the allocation for a Government and non-Government fixed service from the 899–902 MHz and 938–941 MHz bands to 932–935 MHz and 943–946 MHz. Thus, the 898–902 MHz and 937–941 MHz bands would be available for the new service. However, comments are requested on whether we should maintain the traditional frequency separation of 45 MHz for two-way services.

76. Given the general similarities between the proposed service and cordless telephone devices, it appears it may also be possible to accommodate cordless telephones in the PRCS. Cordless telephones are two-way low power communication devices which eliminate the connecting handset cord of standard telephones, thus allowing users considerably greater freedom of movement. Cordless phones operate in a full duplex mode (i.e., they are capable of simultaneously transmitting and receiving radio signals), which allows a continuous conversation between two parties. This method of operation requires the use of two frequencies for each cordless phone. The system includes a base station low power transmitter and receiver, connected to the telephone network, and a portable handset that incorporates a low power transmitter and receiver. The usual range of the portable unit is less than 1000 feet from the base station. Therefore, we request comments on how best to accommodate cordless telephones in this band along with the PRCS.

VIII. Proposal

77. We are proposing the PRCS in response to unmet personal and business communications needs. It is designed to promote high technology advancement in a field where mass marketing at reasonable prices can afford the average consumer access to a reasonably priced short-range mobile communications alternative for personal and business needs, with limited interconnection. We are proposing a Citizens Band Land Mobile Private Radio Communications Service without the necessity of licensing individual stations.

78. Finally, we would note that with this action three proposals are now before the public for comment—proposals which would consume a total of 18 MHz of the 900 MHz band. The 900 MHz band has been considered to be reserved for future growth to meet land mobile spectrum requirements. It is our intention to consider these proposals in a coordinated manner prior to making final decisions on any of them. Moreover, while we are proposing this allocation of 898–902 MHz and 937–941 MHz for the Private Radio Communications Service, we would welcome public comment as to whether this choice is optimum or whether other frequencies within this band, or another band altogether, should be selected for this purpose. In providing comment on this point, attention should be given to all three pending proposals for use of the 900 MHz spectrum.[20]

79. We recognize that these proposals may impact upon our ability to satisfy any additional private land mobile spectrum requirements. We are presently engaged in an ongoing *Inquiry in the Matter of Future Private Land Mobile Telecommunications Requirements. Notice of Inquiry*, PR Docket No. 82 10, FCC 82–8 (January 26, 1982). We will publish a *Final Report on Future Private Land Mobile Telecommunications Requirements* and terminate PR Docket No. 82–10 prior to adopting a *Report and Order* in this proceeding. It is our intention to consider the *Report and Order* in this proceeding at the same Agenda meeting

[20] The other two proposals are: (1) a *Further Notice of Proposed Rule Making* in General Docket No. 82–243, FCC 83–15 (February —, 1983), proposing Amendment of Part 2 of the Commission's Rules to provide for an allocation of 6 MHz to Government and non-government stations for fixed service usage; and (2) a *Notice of Proposed Rule Making* in general Docket No. 83–17, FCC 83–30 (February —, 1983), proposing amendment of the Commission's Rules to Allocate Spectrum for, and to Establish other Rules and Policies Pertaining to the Use of radio in establishing a Public Air-ground telephone System.

in which we next consider *Reports and Orders* in General Docket Nos. 82–243 and 83–17, so that we can jointly consider each of these proposals for the 896–947 MHz band.

IX. Conclusion

80. Notice is hereby given that we propose to amend 47 CFR by adding a new Part 96 to the Commission's Rules as set forth in the Appendix attached hereto.

X. Procedural Matters

81. Authority for issuance of this Notice is contained in Sections 4(i), 302 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 302 and 303. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before June 10, 1983, and reply comments on or before July 11, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

82. In accordance with Section 1.419 of the Commission's Rules, 47 CFR 1.419, formal paticipants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. Each set of comments must state on its face the proceeding to which it relates (General Docket Number) and should be submitted to: The Secretary, Federal Communications Commission, Washington, D.C. 20554. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

83. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a Public Notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of the oral presentation, that written summary must be served on the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally* Section 1.231 of the Commission's Rules, 47 CFR 1.231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is avilable from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554, (202) 632–7000.

XI. Initial Regulatory Flexibility Analysis

84. Pursuant to 5 U.S.C. 603, the initial regulatory flexibility analysis for this proceeding follows:

85. We propose to adopt a new Private Radio Communications Service (PRCS) to address an identified but as yet unmet need for radio communications. The objective of the proposed rules is to create a new Citizens Band Private Land Mobile Radio Service. Our authority to promulgate such rules, including creation of new radio services, derives from 47 U.S.C. 154(i) and 303.

86. The new rules would make all persons, including all small business entities, eligible in the new service. It is estimated that the combined cost for two PRCS units in this service, where one unit has interconnect capability, will be about $400.

87. Users of PRCS units would not be required to obtain individual station licenses. They would not be required to keep any station records. They would be required to comply with operating rules. Usual FCC enforcement measures would apply to their operation, including: (1) Stations must be available for inspection; (2) forfeitures for violations may be assessed; and (3) users must respond to discrepancy notices.

88. PRCS repeater stations would be licensed. PRCS repeater stations may be required to keep station records for the license term, including: (1) The license; (2) a list of each current user, the user's address, and the user's automatic identification code; (3) copies of letters from the licensee to the FCC concerning name or mailing address changes; (4) copies of answers to discrepancy notices; (5) a waiver of the rules or special temporary authority (STA); (6) a copy of any FCC permission to put an antenna higher than the rules allow; and (7) a copy of any FCC consent to a licensee corporation's change in its corporate control.

89. We believe that reliance upon type-acceptance of PRCS equipment to achieve many operational characteristics of a system which we would otherwise control by restrictions upon the operator results in minimization of burden on the PRCS operator in terms of record-keeping, reporting and enforcement as compared to other existing services.

90. We have included an Initial Regulatory Flexibility Analysis in this document because we cannot, at this juncture, determine with any specificity the number of manufacturers who would avail themselves of the opportunity to make PRCS equipment, or the number of small entities that would be users of the PRCS. Moreover, we are soliciting comment on the very nature of the service and the equipment to be used in the service. We will examine this proceeding's impact on small entities further in the Final Regulatory Flexibility Analysis in this proceeding, upon evaluation of the relevant comments.

XII. Ordering Clauses

91. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration, and that the Secretary shall also cause a copy of this Notice to be published in the **Federal Register.**

92. For further information about this proceeding contact John Borkowski or Steve Lett (202) 632–4964, Personal Radio Branch, Special Services Division, Private Radio Bureau, FCC, Washington, D.C. 20554.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

It is proposed that Parts 2 and 15 of the Commission's Rules and Regulations, 47 CFR Parts 2 and 15, be amended as follows, and that a new part, Part 96, 47 CFR Part 96, be added to read as follows:

PART 2—[AMENDED]

§ 2.106 [Amended]

1. In § 2.106, the Table of Frequency Allocations is revised for the band 896–946 MHz as follows:

United States		Federal Communications Commission				
Band (MHz)	Allocation	Band (MHz)	Service	Class of Station	Frequency (MHz)	Nature of services of stations
5	6	7	8	9	10	11
896–898	NG. (US 36), (US 100), (US 116).	896–898	LAND MOBILE	BASE. LAND MOBILE		DOMESTIC PUBLIC. (NG 12).
898–902	NG. (US 36),(US 100), (US 116).	898–902	LAND MOBILE			CITIZENS BAND LAND MOBILE PRIVATE RADIO COMMUNICATIONS SERVICE.
932–935	G, NG. (US 36), (US 116), (US 215).	932–935	FIXED	Operational Fixed		
937–941	NG. (US 36), (US 116), (US 215).	937–941	LAND MOBILE			CITIZENS BAND LAND MOBILE PRIVATE RADIO COMMUNICATIONS SERVICE
941–943	NG. (US 36), (US 116).....	941–943	Land Mobile	Base Land Mobile		DOMESTIC PUBLIC. (NG 12)
943–946	G, NG. (US 36),(US 116)	943–946	FIXED	Operational Fixed		

2. In the list of footnotes immediately following the table in § 2.106, footnote US116 and NG 12 are revised to read as follows:

US116—In the bands 890–902 MHz, 928–932 MHz, 935–943 MHz, and 946–947 MHz, no new assignments are to be made to Government radio stations after July 10, 1970 except on a case-by-case basis, to experimental stations and to additional stations of existing Networks in Alaska. Government assignments existing prior to July 10, 1970 to stations in Alaska may be continued. All other existing Government assignments shall be on a secondary basis to stations in the non-Government land mobile service and shall be subject to adjustment or removal from the bands 890–902 MHz 928–932 MHz, 935–943 MHz, and 946–947 MHz at the request of the FCC.

NG 12—Frequencies in the bands 454.40–455 MHz, 459.40–460 MHz, 896–898 MHz for air-to-ground links and 941–943 MHz for ground-to-air links may be assigned to domestic public land and mobile stations to provide air-ground public radio telephone service.

PART 15—[AMENDED]

3. In § 15.63, paragraph (a) would be revised to read as follows (the table in that paragraph would remain unchanged):

§ 15.63 Radiation interference limits.

(a) The radiation from all radio receivers that operate (tune) in the range 30 to 890 MHz, 898 to 902 MHz or 937 to 941 MHz, including frequency modulation broadcast receivers and television broadcast receivers manufactured after the effective date specified in § 15.72, shall not exceed the following field strength limits at a distance of 100 feet or more from the receiver:

* * * * *

4. A new § 15.64, would be added to read as follows:

§ 15.64 Additional emission requirements for PRCS receivers.

The emissions measured at the antenna connection of any receiver (or transceiver when in the receive mode) that operates (tunes) in the range 898 to 902 MHz and 937 to 941 MHz shall be less than −70 dBm. For transceivers operating in the full duplex mode (simultaneous transmission and reception) this limit shall apply, when transmitting, only to those emissions not covered by § 96.427.

5. Section 15.69 would be revised to read as follows:

§ 15.69 Certification of receiver.

Every receiver that operates (tunes) in the range 30 to 890 MHz, 898 to 902 MHz and 937 to 941 MHz shall be certificated pursuant to the procedures in Subpart B of this part to show that the receiver complies with the technical specifications in this subpart.

6. In § 15.72, paragraph (b) would be revised to read as follows:

§ 15.72 Date when certification is required.

* * * * *

(b) For other receivers. All radio receivers other than television broadcast receivers that operate (tune) in the range 30 to 890 MHz manufactured after October 1, 1956, and all receivers that operate (tune) in the range 898 to 902 MHz and 937 to 941 MHz manufactured after (the effective date of the Order in this proceeding), shall comply with the certification requirements with respect to radiation (and conduction for receivers that operate in the range 898 to 902 MHz and 937 to 941 MHz) of radio frequency energy, except as follows:

* * * * *

7. In § 15.79, the introductory paragraph would be revised to read as follows:

§ 15.79 Report of measurements: Receivers other than FM or TV.

The report of measurements for a receiver other than a FM or TV broadcast receiver and for each band in the range 30 to 890 MHz, 898 to 902 MHz and 937 to 941 MHz in a multiband broadcast receiver shall include the following:

* * * * *

8. A new part, Part 96, consisting of three subparts, Subparts A, B and C, would be added to read as follows:

PART 96—CITIZENS BAND LAND MOBILE PRIVATE RADIO COMMUNICATIONS SERVICE

Subpart A—User Regulations

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96.003 Using these Rules.
96.005 Key terms used in these Rules.
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96.053 Common carrier communications prohibited.
96.055 Automatically controlling a station.
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96.061 Servicing station transmitters.
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Subpart B—Repeater Station Regulations

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96.201 PRCS Repeater Stations.
96.203 License required.
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96.221 Channels available.
96.223 Number of PRCS repeater stations the same entity may have.
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Subpart A—User Regulations

General Provisions

§ 96.001 The Citizens Band Land Mobile Private Radio Communications Service (PRCS).

The PRCS is a private radio service for systems of user (mobile and base) stations. The operators exchange communications between the stations directly and through the intermediary of PRCS repeater stations.

§ 96.003 Using these Rules.

(a) These rules must be complied with by each person responsible for a PRCS system and by each station operator.

(b) These rules have been arranged to be useful when:

(1) A person plans a PRCS system (see § 96.021);

(2) A person manages the PRCS system (see § 96.051); and

(3) A station operator operates the station (see § 96.101).

Note.—The technical regulations for PRCS transmitters are contained in Part 96, Subpart C. PRCS repeater station rules are contained in Part 96, Subpart B.

§ 96.005 Key terms used in these rules.

(a) Where the rules of this part use the term *FCC*, it means the Federal Communications Commission. (Congress has given the FCC the responsibility to regulate radio services, including PRCS.)

(b) Where the rules of this Subpart A use the term *person*, it means the responsible individual or organization (see § 96.009) managing a PRCS system.

(c) Where the rules of Subpart B use the term *person* or *licensee,* it means the responsible individual or organization (see § 96.205) managing a PRCS repeater station.

(d) Other key terms are explained in the rules, as follows:

The key item	Is explained in rule (section)
Antenna	96.037
Automatically	96.021
Common carrier communications	96.053
Control link	96.057
Directly (transmit to)	96.023
Land (environmentally or historically important)	96.033
Lines A and C	96.027
Location	96.007
National Radio Quiet Zone	96.031
One-way communications	96.115
Payment (direct/indirect)	96.053
PRCS	96.001
PRCS System	96.021
Repeated	96.023
RF	96.067
STA	96.075
Station operator (duties)	96.003
User station	96.023

§ 96.007 No license required.

(a) No license is required for any user station in a PRCS system to transmit from:

(1) Any *location* (a specific geographic point) within or over the territorial limits of any area where radio services are regulated by the FCC. Those areas are:

(i) *The fifty States:*

(A) State of Alaska (coordination with the Government of Canada may be required (see § 96.027);

(B) State of Hawaii; and

(C) Remaining 48 states (coordination with the Government of Canada may be required (see § 96.027).

(iii) *The District of Columbia.*

(iii) *The Caribbean Insular areas:*

(A) Commonwealth of Puerto Rico;

(B) Navassa Island;

(C) United States Virgin Islands (50 islets and cays).

(iv) *The Pacific Insular areas:*

(A) American Samoa (seven islands);

(B) Baker Island;

(C) Commonwealth of Northern Mariannas Islands;

(D) Guam Island;

(E) Howland Island;

(F) Jarvis Island;

(G) Johnston Island (islets East, Johnston, North and Sand);

(H) Kingman Reef;

(I) Midway Island (islets Eastern and Sand);

(J) Palmyra Island (more than 50 islets); and

(K) Wake Island (islets Peale, Wake and Wilkes).

(b) Before an individual may be a station operator in a PRCS system that individual must either:

(1) Be the person responsible for the PRCS system; or

(2) Have permission to be a station operator from the person responsible for the PRCS system.

(c) A person may not manage a PRCS system or be a station operator in a PRCS system if that person has been issued a cease and desist order by the FCC and the order is still in effect.

WARNING: IF A STATION TRANSMITS IN DISOBEDIENCE TO A CEASE AND DESIST ORDER ISSUED BY THE FCC, IN VIOLATION OF THE COMMUNICATIONS ACT, THE PERSON RESPONSIBLE IS LIABLE TO SEVERE PENALTIES (SEE § 96.071).

§ 96.009 Eligibility to manage a PRCS system.

(a) A person is eligible to manage a PRCS system if:

(1) The person is: (i) 18 years of age or older;

(ii) A partnership, and each partner is 18 years of age or older;

(iii) A corporation;

(iv) An association;

(v) A State, territorial or local governmental unit; or

(vi) Other legal entity.

(2) And the person not: (i) A foreign government;

(ii) A representative of a foreign government; or

(ii) A Federal Government agency.

(b) An agency, such as a civil defense agency, authorized by a state, territorial or local governmental unit, is eligible to manage a PRCS system.

§ 96.011 Channels must be shared.

No PRCS system is permitted exclusive use of any channel. All PRCS channels are subject to being shared with other PRCS systems.

Considerations When Planning a PRCS System

§ 96.021 PRCS system description.

(a) *A PRCS system* is comprised of:

(1) One or more station operators;

(2) One or more user stations; and

(3) Does not include PRCS repeater stations.

(b) Except for the "party line channel" (PLC) the station operator must initiate a call to a particular PRCS system station and establish contact with that station prior to communicating the messages. The transmitting units *automatically* (without immediate thought or action by the station operator) select an appropriate channel for the message transmissions.

(c) A PRCS system may make use of a PRCS repeater station to assist in completing the message transmissions. (Refer to Part 96, Subpart B for PRCS repeater station rules.)

(d) A station in a PRCS system may transmit from any location within or over any area where radio services are regulated by the FCC (see § 96.007), except where additional restrictions apply.

(e) A station in a PRCS system must not transmit from any location within or over the territorial limits of any area where radio services are only regulated by:

(1) A foreign government; or

(2) A United States government agency other than the FCC.

§ 96.023 User station description.

(a) A *user station* is a unit by which communications may be originated (initially transmitted) in the PRCS.

(b) A user station may transmit communications *direclty* (not through a repeater station) or *repeated* (through a PRCS repeater station) to any other user station.

(c) A user station may transmit from any aircraft or ship, with the captain's permission, which is:

(1) Within or over any area where radio services are regulated by the FCC (see § 96.007, except where additional restrictions apply: and

(2) On or over international waters. (Operation of the user station must also comply with any applicable treaties to which the United States is a party.)

(d) A user station may be interconnected with the Public Switched Telephone Network (PSN) (see § 96.065).

(e) A user station must not automatically retransmit communications from any other PRCS station (this function may only be performed by PRCS repeater stations—see Subpart C).

(f) A user station must not transmit communications to any station which is not authorized to communicate in the PRCS.

§ 96.027 Additional restrictions near the Canadian borders.

(a) The United States and the Government of Canada coordinate frequency assignments of certain radio stations in areas along the common border. Coordination is required north of *Line A* and east of *Line C* (see Figure 1).

(b) The FCC may impose additional restrictions on a station in a PRCS system if it is at a location where coordination is required and the Government of Canada objects because the station's transmissions cause harmful interference to stations in Canada. The FCC may order the person managing the PRCS system to discontinue the station's transmissions from that location. If this happens, the person may move the station to another location and/or use a directional

antenna to prevent causing the harmful interference.

§ 96.029 Additional restrictions near FCC monitoring points.

The FCC may impose additional restrictions on a user station in a PRCS system if it is at a fixed location within 1.6 kilometers (1 mile) of an FCC monitoring station and the station's transmissions degrade, obstruct or repeatly interrupt the operation of the monitoring station. Before putting a user station at such a fixed location, or before changing anything in a station already at such a location, the person managing a PRCS system should consult with the FCC by writing to:

Chief, Field Operations Bureau, Federal Communications Commission, Washington, D.C. 20554.

§ 96.031 Additional restrictions in the National Radio Quiet Zone.

(a) The FCC may impose additional restrictions on a user station in a PRCS system if it is at a fixed location within the *National Radio Quiet Zone* (an area within the States of Maryland, Virginia and West Virginia (see Figure 1)), and the National Radio Astronomy Observatory files an objection with the FCC. The National Radio Quiet Zone is the area bounded by:

(1) 39 degrees, 15 minutes North on the north;

(2) 78 degrees, 30 minutes West on the east;

(3) 37 degrees, 30 minutes North on the south; and

Figure 1. Areas where coordination is required.

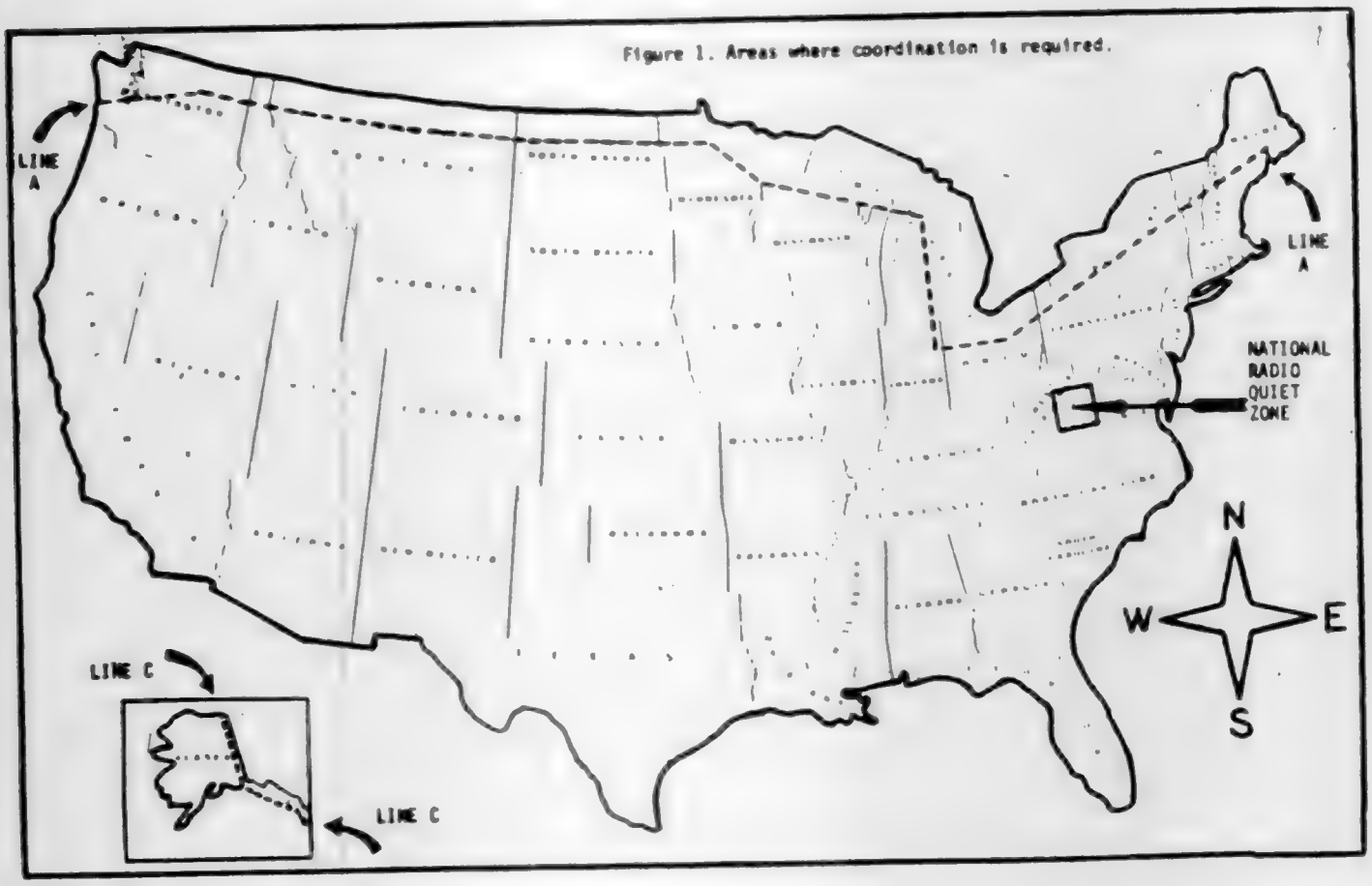

(4) 80 degrees, 30 minutes West on the west.

(b) Before putting a user station at a fixed location within the National Radio Quiet Zone, or before changing anything in a user station already at such a fixed location, the person managing the PRCS system must send a notice to:

Director, National Radio Astronomy Observatory, P.O. Box 2, Green Bank, West Virginia 24944

(c) The notice must include the following details about the proposed user station:

(1) Antenna location (latitude and longitude);

(2) Antenna height; and

(3) Antenna directivity and orientation; and

(4) Antenna polarization.

§ 96.033 Additional restrictions on environmentally or historically important land.

No station in a PRCS system may be at a fixed location on *environmentally or historically important land* (significant in American history, architecture or culture). (Before deciding whether to waive this rule for a particular station, the FCC may request public comment or conduct a hearing to determine how the station would affect its immediate surroundings.)

§ 96.035 Additional restrictions on Department of Defense land.

The Department of Defense may impose additional restrictions on a station transmitting from its land. (Before a person places or modifies a station at such a location, the commanding officer in charge of the land should be consulted.)

§ 96.037 Antenna height restrictions.

(a) *Antenna* means the station's radiating structure (for transmitting, receiving or both) and its supporting structure (tower, pole or mast). It includes everything attached to the structures.

(b) If the antenna is mounted on a hand-held portable unit, none of the following restrictions apply.

(c) An antenna must comply with either one of the following:

(1) The highest point must not be more than 6.1 meters (20 feet) higher than the highest point of the building or tree on which it is mounted; or

(2) The highest point must not be more than 18.3 meters (60 feet) above the ground.

(d) If a station is located at a location near an airport, and if the antenna is more than 6.1 meters high, these additional restrictions may apply. The highest point of the antenna must not exceed one meter above the airport elevation for every 100 meters distance from the nearest location of the nearest airport runway. (Differences in ground elevation between the airport runway and the antenna site must be accounted for. Consult Part 17 of the FCC's Rules for more information.)

WARNING: INSTALLING AND REMOVING ANTENNAS NEAR POWERLINES IS DANGEROUS.

Managing a PRCS System

§ 96.051 PRCS system management requirements.

(a) Each PRCS system must be managed as these rules require by the person responsible for the system.

(b) The person responsible for the system must have access to all station equipment and be able to cause a cessation of transmissions.

§ 96.053 Common carrier communications prohibited.

No PRCS system may be used to engage in *common carrier communications* (comunicating messages for pay). A person managing a PRCS system must not accept either *direct payment* (money, goods, food, etc.) or *indirect payment* (good will, publicity, advertising, etc.) for communicating messages for others. [This does not prohibit provision of PRCS repeater station service on a commercial basis (§ 96.205(d)) or the cooperative use of PRCS repeater stations (§ 96.225).]

§ 96.055 Automatically controlling a station.

Where the station operator's duties (see § 96.103) can be performed automatically, a station in a PRCS system may be automatically controlled.

§ 96.057 Remotely controlling a station.

Where the station operator's duties can be performed from a remote location through a *control link* (a connection between the remote control location and the station), a station in a PRCS system may be remotely controlled. The control link must be a wireline control link.

§ 96.059 Station transmitters.

(a) Every station in a PRCS system must use transmitters the FCC has type-accepted for use in PRCS. (Any FCC Field Office can provide information as to whether a particular transmitter model has been type-accepted for PRCS.)

(b) No transmitter may be used at a station in a PRCS system which:

(1) Is not FCC type-accepted for the PRCS;

(2) Has been internally modified to make it different from the FCC type-accepted model (see § 96.063); or

(3) Has been internally adjusted or repaired, by anyone, except a person authorized to do so by § 96.061(a).

§ 96.061 Servicing station transmitters.

(a) Each internal adjustment and each internal repair to a transmitter used at a station in a PRCS system must be made by, or under the direct supervision of, a person holding a commercial (not amateur) first- or second-class, or general radiotelephone operator license. (See Subpart C).

(b) Except as provided in paragraph (c) of this section, test transmissions during internal adjustments to a station transmitter must be made using a non-radiating simulated antenna.

(c) Brief test transmissions using a radiating antenna may be transmitted to adjust the antenna or to detect or measure spurious radiations. These test transmissions must not be longer than one minute during any five minute period.

§ 96.063 Modification to station transmitters prohibited.

(a) No internal changes may be made in a transmitter used at a station in a PRCS system to make the transmitter different from the FCC type-accepted model (see § 96.059).

(b) The FCC does not consider the conversion of one FCC type-accepted model to another FCC type-accepted model as an internal conversion if the conversion is done in accord with the original manufacturer's instructions.

§ 96.065 Interconnection to a telephone.

(a) A user station in a PRCS system may be interconnected to a public telephone system to make calls to and receive calls from another user station.

(b) The interconnection must be through a device which is registered with the FCC and must comply with the standards incorporated in a registration program designed to protect the public telephone system from harm (see Part 68 of the FCC Rules).

§ 96.067 Transmitter power limits.

(a) No station in a PRCS system may transmit with more than 10 watts output power.

(b) An external *RF* (radio frequency) power amplifier must not be attached to or used with any transmitter at a station in a PRCS system.

§ 96.069 Station inspection.

If an authorized FCC representative requests to inspect any station in a PRCS system, the person managing the PRCS system or the station operator must make the station available.

§ 96.071 Penalties for violations.

(a) If the FCC finds that a person has willfully or repeatedly violated the Communications Act, FCC Rules or U.S.C. 1464 (which prohibits the transmissions of obscene, indecent or profane language), the person may have to pay as much as $2,000 for each violation, up to a total of $5,000 (see Section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. 503(b)).

(b) If the FCC finds that a person has violated any section of the Communications Act or the FCC Rules, the person may be ordered to stop whatever action caused the violation (see Section 312(b) of the Communications Act of 1934, as amended, 47 U.S.C. 312(b)).

(c) Any person willfully and knowingly violating any provision of the Communications Act may be fined up to $10,000, or be imprisoned for one year, or both (see Section 501 of the Communications Act of 1934, as amended, 47 U.S.C. 501).

(d) Any person willfully and knowingly violating any FCC Rule may be fined up to $500 for each day that the violation was committed (see Section 502 of the Communications Act of 1934, as amended, 47 U.S.C. 502).

§ 96.073 Answering a discrepancy notice.

(a) If it appears to the FCC that a person has violated the Communications Act or these Rules, the FCC may send a discrepancy notice.

(b) Within the time period stated in the notice, the person must answer with:

(1) A complete written statement about the apparent discrepancy;

(2) A complete written statement about any action taken to correct the apparent discrepancy to prevent it from happening again; and

(3) The name of the station operator at the time of the apparent discrepancy.

(c) The person must not shorten the response by references to other communications or notices.

(d) The person must send the answer to the FCC office which sent the notice.

(e) If the discrepancy notice cannot be answered within the time stated, it must be answered at the earliest possible time. The answer must include an explanation of the delay.

(f) If the notice cover a discrepancy related to transmitter technical standards, the station must stop transmitting immediately, except for necessary tests and adjustments. The station must not transmit again until all transmitter technical problems have been corrected. The FCC may require the person managing the PRCS system to conduct specific tests and to report the results of those tests.

§ 96.075 Instructions in cases of interference.

(a) If the FCC notifies a person that the person's station, or a unit of the person's station, is causing interference for technical reasons, the person must follow all instructions in the official FCC notice.

(b) The person must comply with any restricted hours of station operation which may be included in the official FCC notice.

§ 96.077 Changing these Rules.

(a) Any person may ask the FCC to change any Rules in Subpart A by submitting a petition to the FCC (see Part 1 of the FCC's Rules).

(b) Any person may ask the FCC for a waiver of these Rules as they apply to a particular PRCS system. Requests for waiver shall state the nature of the desired exception and the rule(s) to be waived. Waiver requests must plead with particularity the facts and circumstances warranting such action, and must make a compelling showing that it would be impossible for a person to comply with the requirements of a rule, or that it would be inequitable to demand strict compliance with a rule.

Operating a Station

§ 96.101 Station operator required.

When a station in a PRCS system is transmitting, it must have a station operator. The station operator must be at the station control point, unless the station is automatically controlled (see § 96.055).

§ 96.103 Station operator duties.

The station operator's duties are to:

(a) Communicate messages;

(b) Control the station by:

(1) Starting it to transmit communications;

(2) Listening to the communications it transmits; and

(3) Stopping it from transmitting when:

(i) The communications are completed; or

(ii) There is a possibility of a rule violation.

§ 96.105 Cooperation in sharing the channels.

The station operator must cooperate in sharing the channels with station operators at other stations by:

(a) Communicating only necessary messages; and

(b) Stating the messages briefly. (The station transmitter automatically limits the time for each communication in certain circumstances.)

§ 96.107 Responsibility for station operator's communications.

The person managing a PRCS system is responsible for all communications made in the system. (The person should be certain every station operator in the PRCS system understands and complies with these Rules).

§ 96.109 Persons eligible to be a station operator.

The person managing a PRCS system may permit any individual who is not otherwise ineligible (see § 96.111) to be a station operator in the system.

§ 96.111 Persons ineligible to be station operators.

The person managing a PRCS system must not permit any individual to be a station operator if an FCC cease and desist order against that individual is in effect for unlawful operation of a station in a PRCS system.

§ 96.113 Permissible communications.

A station operator may communicate two-way messages about personal or business matters.

§ 96.115 Prohibited communications.

A station operator must not communicate:

(a) Messages for someone for pay (this is not to be construed as preventing retransmission of PRCS signals on a commercial basis by repeater stations pursuant to Subpart B);

(b) Messages in connection with any activity which is against Federal, State or local law;

(c) False or deceptive messages;

(d) Intentional interference;

(e) Music, whistling, sound effects or material to amuse or entertain;

(f) Sounds only to attract attention;

(g) Obscene, profane or indecent words, language or meaning;

(h) Advertisements for the sale of goods or services;

(i) Advertisements for a political candidate or political campaign;

(j) International distress signals (except when on a vehicle in immediate danger to ask for help);

(k) Programs (live or delayed) for broadcast; and

(l) *One-way communications* (messages not intended to establish two-way communications); except:

(1) Emergency messages; or

(2) Test transmissions (see § 96.061).

Subpart B—Repeater Station Regulations

General Provisions

§ 96.201 PRCS Repeater Stations.

(a) A PRCS repeater station is a privately operated station which automatically retransmits the signals of user stations in order to extend their communications ranges.

(b) A PRCS repeater station must not retransmit the signals of another repeater station.

(c) A PRCS repeater station must not originate (initially transmit) any communications other than control signals and station identification.

(d) A PRCS repeater station must not be interconnected to the Public Switched Telephone Network (PSTN).

§ 96.203 License required.

A license for a PRCS repeater station must be obtained from the FCC before operation may be commenced.

§ 96.205 Eligibility for a PRCS repeater station.

The following persons are eligible to hold a license for a PRCS repeater station:

(a) An individual (18 years of age or older), partnership, corporation, association or governmental entity.

(b) Any corporation proposing to furnish PRCS repeater station service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary. Eligibility under this paragraph is not subject to the cooperative use provisions of § 96.225.

(c) Any nonprofit corporation or association organized for the purpose of furnishing PRCS repeater station service to its members. Eligibility under this paragraph is subject to the cooperative use provisions of § 96.225.

(d) Any person, except a wire line telephone common carrier, eligible under this subpart proposing to provide PRCS repeater station service on a commercial basis as a Specialized Mobile Radio System (SMRS).

§ 96.207 Channels must be shared.

Each PRCS repeater station uses Control Channels and Repeater Talk Channels which must be shared, on a first-come first-served basis, with PRCS user stations, and other repeater stations.

Considerations When Planning a PRCS Repeater Station

§ 96.221 Channels available.

A PRCS repeater station may use all of the Control Channels and Repeater Talk Channels. Local Talk Channels and the Party Line Channels may not be used. (See Subpart C, § 96.421.)

§ 96.223 Number of PRCS repeater stations the same entity may have.

If an applicant is otherwise legally, technically and financially qualified to operate PRCS repeater stations, there is no limit to the number of repeater stations the same entity may have.

§ 96.225 Cooperative use of PRCS repeater stations.

(a) A licensee of a PRCS repeater station authorized under this subpart may share the use of its repeater with other persons eligible under this subpart, subject to the following conditions and limitations:

(1) The repeater must either be individually owned by the licensee, jointly owned by the licensee and the persons engaged in cooperative use with the licensee (the participants), leased individually by the licensee, or leased jointly by the licensee and the participants.

(2) The licensee must maintain access to and control over the repeater.

(3) The repeater may be shared only: (i) Without charge; or (ii) on a non-profit basis, with contributions to capital and operating expenses prorated equitably among all participants.

(4) The cooperative use must be conducted pursuant to a written agreement to be kept as part of the station records. The arrangement for cooperative use must be made directly between the licensee and the participants. Where the repeater is shared on a non-profit basis, the agreement between the licensee and each participant shall set forth the method(s) employed for determining the capital and operating expenses of the shared repeater and for allocating these costs among the participants on a prorated basis. If the repeater is shared without charge, the agreement must so state and must provide sufficient details to show that this is the arrangement.

(5) No person providing any radio equipment, maintenance or repair of equipment dispatching or telephone answering services for profit for use in or in connection with a shared repeater, and no employee or agent of such a person, may be an officer, director, partner or employee of the licensee of that repeater.

(6) Neither the licensee of a shared repeater nor persons engaged in cooperative use of a shared repeater may provide any equipment, maintenance or repair of equipment dispatching, or telephone answering services in connection with use of the shared repeater to any person sharing the repeater, except pursuant to the same restrictions applicable to the sharing of the repeater under § 96.225(a)(3).

§ 96.229 Additional restrictions near the Canadian border.

(a) If a PRCS repeater station is at a location north of Line A or east of Line C (see Subpart A, Figure 1), or if the communications range of the repeater is within those boundaries, its use must be coordinated with the Canadian Government.

(b) The FCC may impose additional restrictions on a PRCS repeater station if the Canadian Government objects because the station's transmissions cause harmful interference to stations in Canada. The FCC may order the licensee of the station to discontinue transmissions from that location. The repeater station licensee may, with the permission of the FCC, move the station to another location and/or use a directional antenna to prevent causing the harmful interference.

§ 96.231 Additional restrictions near FCC monitoring stations.

The FCC may impose additional restrictions on a PRCS repeater station if it is at a location within 4.8 kilometers (3 miles) of an FCC monitoring station, and the repeater station's transmissions degrade, obstruct or repeatedly interrupt the operation of the monitoring station. Before putting a PRCS repeater station at such a location, or before changing anything in a PRCS repeater station already at such a location, the licensee should consult with the FCC by writing to:

Chief, Field Operations Bureau, Federal Communications Commission, Washington, D.C. 20554

§ 96.233 Additional restrictions in the National Radio Quiet Zone.

The FCC may impose additional restrictions on a PRCS repeater station if it is at a location within the National Radio Quiet Zone (NRQZ) (see Subpart A, § 96.031 for the location and boundaries of the NRQZ). The Director, National Radio Astronomy Observatory, shall be notified before a licensee places or modifies a PRCS repeater station at such a location.

§ 96.235 Additional restrictions on environmentally or historically important land.

No PRCS repeater station may be at a location on environmentally or historically important land (see Subpart A, § 96.033). In considering a request for a waiver of this rule, the FCC may request public comment or conduct a hearing to determine how the PRCS repeater station would affect its immediate surroundings.

§ 96.237 Additional restrictions on Department of Defense land.

Additional restrictions may be imposed on a PRCS repeater station if it is at a location on Department of Defense land. The commanding officer in charge of the land should be consulted before a licensee places or modifies a PRCS repeater station at such a location.

§ 96.239 Type of antenna and antenna height restrictions.

(a) A PRCS repeater station antenna means the station's radiating structure (for transmitting, receiving or both). It includes the tower, mast or pole supporting it. It includes everything attached to the structure.

(b) A PRCS repeater station shall use an antenna which is vertically polarized (±10°).

(c) The top of the antenna may be as high as 6.1 meters (20 feet) above the building or tree it is mounted on.

(d) The top of the antenna may be as high as, but not higher than, an existing antenna to which the PRCS repeater station antenna is attached.

(e) The top of the antenna may be as high as 61 meters (200 feet) above the ground, unless it will be within 6.1 kilometers (20,000 feet) of an airport or heliport.

(f) If the antenna is near an airport or heliport listed in the FAA's Airport Facilities Directory, or one operated by the Department of Defense, the top of it must not be higher than:

(1) One meter higher than the airport elevation for every 100 meters from the nearest runway. This applies only if the runway is longer than one kilometer (3281 feet), and is within 6.1 kilometers (20,000 feet) of the antenna; *or*

(2) Two meters higher than the airport elevation for every 100 meters from the nearests runway. This applies only if the runway is no longer than one kilometer (3281 feet), and is within 3.1 kilometers (10,000 feet) of the antenna; *or*

(3) Four meters higher than the heliport elevation for every 100 meters from the nearest landing pad. This applies only if the pad is within 1.5 kilometers (5,000 feet) of the antenna.

(g) The licensee may have to mark the antenna with bright paint and light it up at night (See Part 17 of the FCC Rules).

WARNING: INSTALLING AND REMOVING ANTENNAS NEAR POWER LINES IS DANGEROUS.

§ 96.241 PRCS repeater station communication points.

(a) A PRCS repeater station may automatically retransmit communications only from authorized users initiating communications.

(b) A PRCS repeater station may also repeat communications of an addressed station (the station being called).

Applying for a PRCS Repeater Station License

§ 96.251 Applying for a new license.

(a) A person applies for a license for a new PRCS repeater station by completing an application form, attaching all information required and sending it to the FCC. The address is:

Federal Communications Commission,
Attention: PRCS, Gettysburg,
Pennsylvania 17325

(b) The application will be returned to the applicant if it is defective. An application is defective if:

(1) The form is not correctly completed;

(2) Necessary information is not included; or

(3) Necessary certifications are not made.

§ 96.253 Applying to modify a license.

The licensee applies to modify a license for an existing PRCS repeater station the same way as for a new repeater station. (See § 96.303 for name or mailing address change.)

§ 96.255 Forms to use.

Application for a license for a new or modified PRCS repeater station is made on FCC Form 574. (See § 96.267 for renewing a license without modification.) The applicant must follow the *Instructions for Completion of FCC Form 574*. It is available at FCC Field Offices.

§ 96.257 Basic information required.

The following information is required on all applications for a license for a new or modified PRCS repeater station:

(a) Applicant's *name;*

(b) Applicant's *mailing address* (the location in the United States where mail from the FCC can be received);

(c) Antenna height above average terrain;

(d) Maximum effective radiated power;

(e) The PRCS repeater station location;

(1) Latitude and longitude within one second; and

(2) Street address (if none, local directions to the station);

(f) The street address of the control point for each remotely controlled PRCS repeater station (see § 96.307). If there is no street address, give the local directions to the control point;

(g) Environmental impact (see § 96.261);

(h) Station accessibility and protection certification;

(i) Foreign government certification;

(j) Frequency claim waiver certification;

(k) Applicant's signature (see § 96.265); and

(l) The date the National Radio Astronomy Observatory was notified, if applicable (see § 96.259).

§ 96.259 Additional information required for stations in the National Radio Quiet Zone.

The applicant for a license for a new or modified PRCS repeater station at a location within the National Radio Quiet Zone (see § 96.233) must:

(a) Send a notice to:

Director, National Radio Astronomy
Observatory, P.O. Box 2, Green Bank,
West Virginia 24944

(b) Provide the following details about the proposed station in the notice:

(1) Antenna location (latitude and longitude);

(2) Antenna height;

(3) Antenna directivity and orientation;

(4) Maximum effective radiated power.

§ 96.261 Additional information required for stations on environmentally or historically important land.

The application for a license for a new or modified PRCS repeater station at a location on environmentally or historically important land (see § 96.235) may have to include additional information. The applicant must refer to Subpart I of Part 1 of the FCC Rules to determine whether the information must be included with the application (see § 96.257).

§ 96.263 Additional information required for stations with antennas higher than normally allowed.

If the applicant for a license for a new or modified PRCS repeater station wants permission to have an antenna higher than normally allowed (see § 96.239), he/she must:

(a) Include notification (on FCC Form 574) that the antenna would be higher than normally allowed; and

(b) Notify the Federal Aviation Administration (on FAA Form 7460–1) that the antenna would be higher than normally allowed.

§ 96.265 Signature required.

(a) If the applicant is an individual, he/she must sign the application.

(b) If the applicant is any other person, the following individual must sign the application:

If the person is	The individual who signs is
(1) A partnership	A partner;
(2) A corporation	An officer, director or employee;
(3) An association	An officer;
(4) A governmental unit	An official

(c) False statements on the application are punishable by fine or imprisonment, or both.

§ 96.267 Renewing a license.

(a) The licensee of a PRCS repeater station may apply to the FCC to renew the license for another term (see § 96.285) by completing FCC Form 405–A and sending it to the FCC (see § 96.303).

(b) If the renewal application is received by the FCC before the existing license expires, the PRCS repeater station may continue to transmit under the expired license until the FCC acts on the renewal application. (A copy of the renewal application should be kept in the station records (see § 96.299) until the renewed license, or other FCC action, is received.)

(c) A PRCS repeater station must stop transmitting when the license expires, unless a timely renewal application has been filed.

Managing a PRCS Repeater Station

§ 96.281 Licensee responsibilities.

(a) No PRCS repeater station may transmit until the responsible person has obtained a station license.

(b) The *licensee* (the person to which the license is issued) is responsible for the proper operation of the PRCS repeater station at all times.

(c) The licensee must have access to the station equipment and be able to disable it.

§ 96.283 What the license authorizes.

(a) A license authorizes the licensee to manage the PRCS repeater station only as:

(1) The Rules require;

(2) The license specifies; and

(3) Proposed by the applicant in the license application.

(b) If any information on the license changes, the licensee must do the following:

(1) If the licensee's name or mailing address changes, the licensee must notify the FCC in writing (see § 96.299). The notice must show the name and mailing address as they appear on the license, the station call sign, and the new name or new mailing address. A copy of the notice must be kept with the station records (see § 96.299). (FCC Form 405–A may be used for this purpose).

(2) If the licensee's legal entity (see § 96.281) changes (for instance, a partnership becomes a corporation or *vice versa*), the licensee must:

(i) Send the license to the FCC for cancellation; and

(ii) Apply for a new license for the PRCS repeater station in the name of the new legal entity.

§ 96.285 License term.

A license term for PRCS repeater station is usually issued for a 5-year term. (The FCC prints the actual expiration date on the license.)

§ 96.287 Keeping the license.

(a) The licensee must keep the license document until:

(1) The license expires; or

(2) The license is terminated by the FCC; or

(3) The licensee obtains a different license for the PRCS repeater station.

(b) The license must be kept in the station records (see § 96.299).

(c) The license may be photocopied for any lawful purpose.

(d) If the license is lost, the licensee must request a duplicate document from the FCC (see § 96.303).

(e) If the license is no longer wanted, it must be sent to the FCC (see § 96.303) with a written request that it be cancelled.

§ 96.289 License not transferable.

(a) The licensee must not transfer, assign, sell or give the license for PRCS repeater station to any other person except in accordance with the provisions of § 96.291.

(b) If the licensee sells or gives away the PRCS repeater station epuipment, the new owner must obtain a new license before using it (see § 96.281(a)).

§ 96.291 Assignment or transfer of control.

(a) If the licensee is a partnership, and any partner assigns any portion of his/her partnership interest which results in a change in control of the partnership, the licensee must request consent from the FCC to assign the license from the old partnership to the newly created partnership. The new partnership must file a form 574 accompanied by a letter from the assignor (the old partnership) setting forth the assignor's desire to assign the license, stating the call sign and location of the station, and that the assignor will submit the current station authorization for cancellation upon completion of the assignment. Form 1046 may be used instead of this letter.

(b) If the licensee of a PRCS repeater station is a corporation, and there is a change in the control of the corporation, the licensee must request consent for the change of control from the FCC on Form 703 (see § 96.303). The FCC document granting such consent must be kept with the station license in the station records (see § 96.299).

§ 96.293 Changing these Rules.

(a) Any person may ask the FCC to change any Rules in Subpart B by submitting a petition to the FCC (see Part 1 of the FCC Rules).

(b) A person may ask the FCC for an *STA* (special temporary authorization) relating to a PRCS repeater station. (See § 1.925 (a) and (b) of the Rules.)

(c) A licensee or applicant may ask the FCC for a waiver of these Rules as they apply to a particular PRCS repeater station. Requests for waiver shall state the nature of the desired exception and the rule(s) to be waived. Waiver requests must plead with particularity the facts and circumstances warranting such action, and must make a compelling showing that it would be impossible for a licensee or an applicant to comply with the requirements of a rule, or that it would be inequitable to demand strict compliance with a rule. An application for a license for a PRCS repeater station may be dismissed if an accompanying petition for waiver of the rules does not set forth reasons which, if true, would be sufficient to justify a waiver.

(d) The document granting an STA or waiver must be kept as part of the station records (see § 96.299).

§ 96.295 Penalties for violations.

(a) If the FCC finds that a person has willfully or repeatedly violated the Communications Act, FCC Rules, the terms of the license or 18 U.S.C. 1464 (which prohibits the transmission of obscene, indecent or profane language), the entity may have to pay as much as $2,000 for each violation, up to a total of $5,000 (see Section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. 503(b)).

(b) If the FCC finds that a licensee has willfully or repeatedly violated the Communications Act, FCC Rules or the terms of the license, it may revoke the PRCS repeater station license. (Other grounds for revoking a station license are listed in Section 312(a) of the Communications Act of 1934, as amended, 47 U.S.C. 312(a).

(c) If the FCC finds that a person has violated any section of the Communications Act, FCC Rules or the terms of the license, the person may be ordered to stop whatever action caused the violation (see Section 312(b) of the Communications Act of 1934, as amended, 47 U.S.C. 312(b)).

(d) Any person willfully and knowingly violating any provision of the Communications Act may be fined up to $10,000, or be imprisoned for one year, or both (see Section 501 of the Communications Act of 1934, as amended, 47 U.S.C. 501).

(e) Any person that willfully and knowingly violating any FCC Rule may be fined up to $500 for each day the violation was committed (see Section 502 of the Communications Act of 1934, as amended, 47 U.S.C. 502).

§ 96.297 Answering a discrepancy notice.

(a) If it appears to the FCC that a person has violated the Communications Act or these Rules, the FCC may send a discrepancy notice.

(b) Within the time period stated in the notice the person must answer with:

(1) A complete written statement about the apparent discrepancy; and

(2) A complete written statement about any action taken to correct the apparent discrepancy to prevent it from happening again.

(c) The person must not shorten the response by references to other communications or notices.

(d) The person must send the answer to the FCC office which sent the notice.

(e) If the discrepancy notice cannot be answered within the time stated, it must be answered at the earliest possible time. The answer must include an explanation for the delay.

(f) If the notice covers a discrepancy related to transmitter technical standards, the station must stop transmitting immediately (except for necessary tests and adjustments). The station must not transmit again until all transmitter technical problems have been corrected. The FCC may require a licensee to conduct specific tests and to report the results of those tests.

(g) A copy of the answer from a licensee must be kept in the PRCS repeater station records (see § 96.299).

§ 96.299 Station records.

(a) The licensee must keep records for the PRCS repeater station for the license term (see § 96.285).

(b) *PRCS station records* include the following documents (where applicable):

(1) The license (see § 96.281);

(2) A list of all current users, each user's address, and each user's automatic identification code;

(3) Copies of letters from the licensee to the FCC concerning name or mailing address changes (see § 96.303);

(4) Copies of answers to discrepancy notices (see § 96.297);

(5) A waiver of these Rules or STA (see § 96.293);

(6) A copy of the FCC permission to put an antenna higher than these Rules allow (see § 96.263); and

(7) A copy of the FCC consent to a licensee corporation's change in its corporate control (see § 96.291).

(c) If an authorized FCC representative requests to inspect the PRCS repeater station records, the licensee must make them available.

§ 96.301 Station inspection.

If an authorized FCC representative requests to inspect any PRCS repeater station, the licensee must make the station available.

§ 96.303 Where to contact the FCC.

(a) Write to: The nearest FCC Field Office:

(1) For application forms (see §§ 96.255, 96.263 and 96.267);

(2) For instruction forms (see § 96.255);

(3) To complain about interference; or

(4) To find out if the FCC has type-accepted a certain transmitter for use in the PRCS.

(b) Write to: Federal Communications Commission, Attention: PRCS, Gettysburg, Pennsylvania 17325.

(1) To ask a question about an application or about these Rules;

(2) To file an application;

(3) To request a duplicate license;

(4) To notify the FCC of a new name or mailing address;

(5) To request consent to an assignment or transfer of control;

(6) To return a license to the FCC for cancellation; or

(7) To file a request for an STA or waiver of these Rules.

(c) Write to: Chief, Field Operations Bureau, Federal Communications Commission, Washington, D.C. 20554. If consultation with the FCC is desired about putting a PRCS repeater station at a location within 4.8 kilometers (3 miles) of an FCC monitoring station.

§ 96.305 Transmitting channels.

Each PRCS repeater station may transmit on the Control Channels and the Repeater Talk Channels (see Subpart C, § 96.421).

§ 96.307 Station control point required.

The control point for each PRCS repeater station must be at the location where the station is, unless the license authorizes the station to be controlled from a remote location.

§ 96.309 Controlling a station from a station location.

(a) A PRCS repeater station may be controlled from a control point at a remote location through a control link (a connection between the remote control point and the remotely controlled station).

(b) The remotely controlled station must not make unauthorized transmissions.

(c) The station must be equipped so that if the control link fails to function, the remotely controlled station will automatically disable its transmitter.

(d) The FCC does not consider a PRCS repeater station as being remotely controlled if the connection is a wireline or mechanical control link, and the PRCS repeater station and its control point are both at the same street address, or within 152 meters (500 feet) of each other.

§ 96.311 Automatic control.

A PRCS repeater station, either locally controlled or remotely controlled, may also be operated by automatic control. Devices must be installed and procedures implemented to insure compliance with the rules. Upon notification by the Commission of improper operation of a station under automatic control, operation under automatic control shall be immediately discontinued until all deficiencies have been corrected.

§ 96.313 Station equipment.

(a) Every PRCS repeater station must use transmitters the FCC has type-accepted for use in the PRCS (see Subpart C, § 96.407). Write to any FCC Field Office to find out if a particular transmitter has been type-accepted for the PRCS.

(b) No transmitter may be used at a PRCS station which:

(1) Is not FCC type-accepted for PRCS;

(2) Has been internally modified to make it different from the FCC type-accepted model (see Subpart C, § 96.411); or

(3) Has been internally adjusted or repaired by anyone, except a person:

(i) FCC-licensed as a First Class, Second Class or General Radiotelephone Operator; or

(ii) Supervised by an FCC-licensed First Class, Second Class or General Radiotelephone Operator.

§ 96.315 Servicing station transmitter.

(a) Each internal repair and each internal adjustment to a transmitter used in a PRCS repeater station must be made by a person:

(1) FCC-licensed as a First Class, Second Class or General Radiotelephone Operator; or

(2) Supervised by an FCC-licensed First Class, Second Class or General Radiotelephone Operator.

(b) Except as provided in paragraph (c) of this section, test signals during internal adjustments to a station transmitter must be made using a nonradiating simulated antenna.

(c) Brief test signals using a radiating antenna may be transmitted to adjust the antenna to the station transmitter or to detect or measure spurious radiation. These test transmissions must not be longer than one minute during any five minute period.

§ 96.317 Modification to station transmitter prohibited.

(a) No internal changes may be made in a transmitter used in a PRCS repeater station to make the transmitter different from the FCC type-accepted model (see Subpart C, § 96.411).

(b) The FCC does not consider the conversion of one FCC type-accepted model to another FCC type-accepted model as an internal conversion, if the conversion is done:

(1) By the original manufacturer of the transmitter; or

(2) In accordance with the original manufacturer's instructions by a person holding an FCC First Class, Second Class or General Radiotelephone Operator License.

§ 96.319 Transmitter power limits.

(a) A PRCS repeater station may not exceed the effective radiated power indicated below:

Antenna height above average terrain	Maximum effective radiated power (watts)
800 feet or more	[illegible]
400 to 800 feet	[illegible]
Up to 400 feet	100

(b) A PRCS repeater station located north of Line A and east of Line C may have lower power limits imposed upon it, if harmful interference to Canadian stations occurs.

§ 96.321 Telephone interconnection.

PRCS repeater stations may not interconnect to the public telephone system.

§ 96.323 Managing a PRCS repeater station in an emergency.

A PRCS repeater station may retransmit and *emergency message* (concerning the immediate protection of property or the safety of someone's life) to any station in the PRCS.

Subpart C—Technical Regulations

General Provisions

§ 96.401 Purpose of these rules.

These rules provide the technical standards with which transmitters used in the Citizens Band Land Mobile Private Radio Communications Service (PRCS) must comply. They also provide requirements for a manufacturer when applying for type acceptance of a transmitter intended for use in the PRCS.

§ 96.403 Complying with these rules.

All transmitters used in the PRCS must comply with these rules, as applicable. (For operating rules, see Part 96, Subpart A—User Regulations and Part 96, Subpart B—Repeater Station Regulations.)

§ 96.405 Definitions.

The following definitions are applicable to this subpart.

PRCS transmitter. A transmitter intended to be used at a station authorized in the PRCS.

Channel frequency. The reference frequency from which the transmitter carrier frequency may not deviate by more than the specified tolerance.

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radio-navigation service or other safety service or seriously degrades, obstructs or repeatedly interrupts a radio-communication service operating in accord with applicable laws, treaties and rules.

Carrier power. The average radio frequency power expressed in watts measured at the transmitter output terminals during one radio frequency cycle with no modulation.

Crystal controlled transmitter. A transmitter wherein the reference frequency is established by a quartz piezo-electric element.

Public Switched Telephone Network (PSTN). The facilities of any authorized communications common carrier intended to provide telephone service to the public.

Control Channel, LTC, RTC, PLC. See § 96.421(b).

§ 96.407 Type acceptance required.

Every station manufactured or marketed for use in the PRCS shall be authorized by the Commission as set forth in Part 2, Subpart J of the Rules. The transmitter portion of the PRCS station shall be type accepted in accordance with § 2.981 *et seq.* of the Rules. The receiver portion of the PRCS station shall be equipment certified in accordance with § 15.61 *et seq.* of the Rules. Those functions of the receiver portion of the PRCS station which influence transmitter operation will be considered to be part of the transmitter and subject to type acceptance requirements.

§ 96.409 Procedure for type acceptance.

(a) Any manufacturing entity may request type acceptance in the PRCS for its model of transmitter, following the type acceptance procedures set forth in Part 2. Transmitters which are type accepted under this paragraph are included in the FCC Radio Equipment List (available for reference at any FCC Field Office and at the Commission's headquarters in Washington, DC).

(b) Type acceptance for an individual transmitter may not be requested.

(c) Additional rules with respect to type acceptance are set forth in Part 2. (These rules include information with respect to withdrawal of type acceptance, modification of type accepted equipment, and limitations on the findings upon which type acceptance is based.

§ 96.411 Transmitter modification.

Only the manufacturer of the particular type accepted PRCS transmitter may make the permissive modifications permitted under the provisions for type acceptance (see Part 2). The manufacturer must not make certain modifications to the PRCS transmitter without prior written permission from the FCC (see § 2.1001 of the Rules).

Technical Standards

§ 96.421 Transmitter channel frequencies.

(a) The PRCS transmitter channel frequencies are:

Channel No.	Low channel frequency (megahertz)	High channel frequency (megahertz)
1	896.015	937.015
2	896.045	[illegible]
3	896.075	937.075
4	[illegible]	937.105
5	896.135	937.135
6	[illegible]	937.165
7	[illegible]	937.195
8	[illegible]	937.225
[illegible]	[illegible]	937.255
10	[illegible]	937.285
11	896.315	937.315
12	[illegible]	937.345
13	896.375	937.375
14	[illegible]	937.405
15	[illegible]	937.435
16	[illegible]	937.465
17	[illegible]	937.495
18	[illegible]	937.525
19	896.555	937.555
20	[illegible]	937.585
21	896.615	937.615
22	[illegible]	937.645
23	896.675	937.675
24	[illegible]	937.705
25	[illegible]	937.735
26	[illegible]	[illegible]
27	[illegible]	[illegible]
28	[illegible]	[illegible]
29	[illegible]	937.855
30	[illegible]	937.885
31	896.915	937.915
32	896.945	937.945
33	896.975	937.975
34	[illegible]	938.005
35	[illegible]	938.035
36	[illegible]	[illegible]
37	[illegible]	[illegible]
38	[illegible]	938.125
39	[illegible]	938.155
[illegible]	[illegible]	938.185
41	899.215	938.215
42	[illegible]	938.245
43	899.275	938.275
44	[illegible]	[illegible]
45	[illegible]	938.335
[illegible]	[illegible]	[illegible]
47	[illegible]	[illegible]
48	899.425	938.425
49	899.455	938.455
50	899.485	[illegible]
51	899.515	938.515
52	899.545	938.545
53	899.575	938.575
54	[illegible]	[illegible]
55	899.635	938.635
56	[illegible]	938.665
57	[illegible]	[illegible]
58	899.725	938.725
59	899.755	[illegible]
60	[illegible]	[illegible]
61	899.815	938.815
62	899.845	938.845
63	899.875	938.875
64	[illegible]	[illegible]
65	[illegible]	[illegible]
66	[illegible]	[illegible]
67	[illegible]	[illegible]
68	[illegible]	939.025
69	900.055	939.055
70	[illegible]	[illegible]
71	900.115	939.115
72	900.145	939.145
73	900.175	939.175
74	900.205	[illegible]
75	900.235	[illegible]
76	900.265	[illegible]
77	[illegible]	[illegible]
78	900.325	939.325
79	[illegible]	939.355
80	[illegible]	[illegible]
81	900.415	939.415
82	900.445	939.445
83	900.475	939.475
84	900.505	[illegible]
85	900.535	939.535
86	900.565	939.565
87	[illegible]	[illegible]
88	900.625	[illegible]
89	[illegible]	939.655
90	900.685	[illegible]
91	900.715	939.715
92	900.745	939.745
93	900.775	939.775
94	[illegible]	[illegible]
95	[illegible]	[illegible]
96	900.865	[illegible]
97	[illegible]	[illegible]

Channel No.	Low channel frequency (megahertz)	High channel frequency (megahertz)
98	900.925	939.925
99	900.955	939.955
100	900.985	939.985
101	901.015	940.015
102	901.045	940.045
103	901.075	940.075
104	901.105	940.105
105	901.135	940.135
106	901.165	940.165
107	901.195	940.195
108	901.225	940.225
109	901.255	940.255
110	901.285	940.285
111	901.315	940.315
112	901.345	940.345
113	901.375	940.375
114	901.405	940.405
115	901.435	940.435
116	901.465	940.465
117	901.495	940.495
118	901.525	940.525
119	901.555	940.555
120	901.585	940.585
121	901.615	940.615
122	901.645	940.645
123	901.675	940.675
124	901.705	940.705
125	901.735	940.735
126	901.765	940.765
127	901.795	940.795
128	901.825	940.825
129	901.855	940.855
130	901.885	940.885
131	901.915	940.915
132	901.945	940.945
133	901.975	940.975

(b) Each of the PRCS transmitter channel frequencies are authorized for particular uses only, as follows:

(1) Channels 1 through 5 are designated "Control Channels" and are authorized only for the transmission of the digitally encoded signals necessary to establish communications with another station.

(2) Channels 6 through 35 are designated "Local Talk Channels" or "LTCs" and are authorized only for transmissions directly from one user station to another user station (radio equipment authorized for use in the PRCS must only be capable of operating in the two-frequency, full-duplex mode on these frequencies).

(3) Channels 36 through 132 are designated "Repeater Talk Channels" or "RTCs" and are authorized only for transmissions from a user station to a repeater station (on the low channel frequency only) or from a repeater station to a user station (on the high channel frequency only) to facilitate user station-to-user station communications.

(4) Channel 133 is designated the "Party-Line Channel" or "PLC" and is authorized only for transmissions from one user station to one or more other user stations. Both the high channel frequency and the low channel frequency of channel 133 may be used, but each communications exchange must take place entirely on one frequency or the other (radio equipment authorized for use in the PRCS must only be capable of operating in the single frequency, simplex mode on these frequencies).

(c) The PRCS transmitter channel frequency tolerance for user stations is 0.0005 percent.

(d) The PRCS transmitter channel frequency tolerance for repeater stations is 0.00015 percent.

§ 96.423 Modulation types

A PRCS transmitter may employ only modulation types F3 (for the purposes of this part, authorization of F3 emissions includes the use of F2, F4 and F5 emissions including the use of any modulating signal, provided that the emission is compliant with §§ 96.427 and 96.429), F9 (for use pursuant to §§ 96.457 and 96.459 only) and F9Y (for use in the transmission of control signals only).

§ 96.425 Channel bandwidth.

The authorized band of frequencies for each channel in the PRCS is 30 kilohertz (15 kHz above and below the authorized transmitter channel frequency).

§ 96.427 Spurious emissions.

(a) The requirements of this section apply to each PRCS transmitter both with and without the connection of all attachments (such as external speaker, microphone, power cord, antenna, etc.) acceptable for use with the transmitter.

(b) On any frequency removed from the center of the carrier frequency by 20 kHz, up to the second harmonic of the carrier, all emissions shall be attenuated by at least 70 dB below the carrier power.

(c) On any frequency twice, or greater than twice, the fundamental frequency, all emissions shall be attenuated by at least 60 dB below the carrier power.

(d) If spurious or harmonic emissions result in harmful interference, the FCC may, in its discretion, require appropriate technical changes in the station equipment to alleviate the interference.

§ 96.429 Modulation requirements.

(a) Each PRCS transmitter must not exceed a peak frequency deviation of 8 kilohertz when employing F3 emissions.

(b) During transmission on any channel other than a Control Channel, each PRCS transmitter must employ circuitry which includes an audio frequency low pass filter where necessary to assure compliance with § 96.427. This filter must be between the modulation limiter and the modulated stage of the transmitter. At any frequency (f) between 3 and 20 kilohertz, the filter must have an attenuation of at least 60 $\log_{10}$ (f/3) decibels greater than the attenuation of 1 kilohertz. Above 20 kilohertz, it must have an attenuation of at least a50 decibels greater than the attenuation at 1 kilohertz.

(c) Each PRCS transmitter must include preemphasis of voice emissions on audio frequencies between 300 and 3000 Hz, with an increase of 6 dB per octave.

(d) Each PRCS transmitter, when employing F9Y emissions, must utilize fast frequency shift keying (also known as minimum shift keying) and direct carrier modulation. The signaling rate must be 10 kilobits per second (± 1 kHz. (These emissions are only permitted on the Control Channels.)

(e) Amplitude modulation of a transmitter is prohibited.

§ 96.431 Maximum transmitter power.

A PRCS transmitter must not exceed 10 watts carrier power.

Type Acceptance requirements

§ 96.441 General requirements.

Each PRCS transmitter for which an application for type acceptance is filed must comply with the technical standards specified in this subpart and with the requirements which follow.

§ 96.443 Accessibility of controls.

No control, switch or other type of adjustment which, when manipulated can result in a violation of the rules, may be accessible from the transmitter operating panel or from the exterior of the transmitter enclosure.

§ 96.445 Power capability.

No PRCS transmitter may incorporate provisions for increasing its power to any level in excess of the pertinent limit specified in § 96.431.

§ 96.447 Crystal control required.

Each PRCS transmitter must be a crystal controlled transmitter.

§ 96.449 Instructions and warnings.

A user's instruction manual must be supplied with each PRCS transmitter marketed, and one copy (a draft or preliminary copy is acceptable provided a final copy is provided when completed) must be forwarded to the FCC with each request for type acceptance. This manual must contain all information necessary for the proper installation and operation of the transmitter including:

(a) Instructions concerning all controls, adjustments and switches which may be operated or adjusted

without resulting in a violation of the rules.

(b) Warnings concerning any adjustment which could result in a violation of the rules.

(c) Warnings concerning the replacement of any transmitter component (crystal, semiconductor, etc.) which could result in a violation of the rules.

(d) Warnings concerning licensing requirements and information concerning license application procedures.

§ 96.451 Frequency capability.

(a) All PRCS transmitters shall be capable of operating on all Control Channels.

(b) All PRCS user station transmitters shall be capable of operating on all LTCs. All PRCS user station transmitters capable of operating on any RTC shall be capable of operating on all RTCs. A PRCS user station transmitter may optionally be capable of operating on the PLC.

(c) A PRCS repeater station transmitter may be capable of operating on any RTC. PRCS repeater station transmitters shall not be capable of operating on any LTC or on the PLC.

§ 96.453 External controls.

Only the following external transmitter controls, connection or devices will normally be permitted in transmitters for which type acceptance is requested for use at a PRCS user station. Approval of additional controls, connections or devices may be given after consideration of the functions to be performed by such additions.

(a) Primary power connection. (Circuitry of devices such as rectifiers, transformers, or inverters which provide the nominal rated transmitter primary supply voltage may be used without voiding the transmitter type acceptance.)

(b) Microphone connectioin. (This includes any connection for the entry of digitally encoded data or interconnection to the PSTN including detection of ringing.)

(c) Radio frequency output power connection.

(d) Audio frequency power amplifier output connector(s) and selector switch(es). (This includes any connection for the demodulation of digitally encoded data or interconnection to the PSTN.)

(e) On/off switch for primary power to transmitter. (This may be combined with receiver controls such as the receiver on/off switch and/or volume control.)

(f) Transmit/receive switch or connection. (Where appropriate, features may be incorporated so that this function may be performed by internal circuitry of the transmitter after being prompted by some other action external to the transmitter such as lifting the microphone off-hook, pressing a button on the keypad (see paragraph (i)) or by a telephone ringing signal.

(g) Frequency request mode selector switch. This switch must only control whether the transmitter, in conjunction with the receiver, will attempt to establish contact with an addressed station on an LTC only, an RTC only, or on an LTC and an RTC; or whether the transmitter will operate on either the high or low PLC. Except for selection of operations on the PLCs, there must be no selector switch which permits the user to select a particular operating frequency. (Selection of a control channel based upon an addressed station's identification code will not be considered user selection.)

(h) Interconnection mode selector switch. This switch determines whether the transmitter will request the addressed station to interconnect to the PSTN or whether the transmitter will automatically address a particular station if a telephone ringing signal is detected at the terminals supplied for connection to the PSTN. (This switch may be combined with the frequency request mode selector switch or keypad.)

(i) Multi-button keypad. This control consists of an array of push-buttons used to enter the address of a station the user desires to communicate with.

(j) Code setting switches. These are the controls available to the user for selecting the station address to be transmitted by the station as its identification. (This function may be performed partially or entirely from the keypad control.)

(k) Meter(s) and selector switches for monitoring transmitter performance.

(l) Pilot lamps or meters to indicate the presence of radio frequency output power or that transmitter control circuits are activated to transmit.

§ 96.455 Transmitter inhibit, default and disconnect capability.

(a) A PRCS user station transmitter shall not be capable of transmitting on:

(1) A Control Channel except in conformance with the protocols and algorithms set forth in § 96.481;

(2) An LTC except when communications have been established on a Control Channel with another station and a mutually agreed upon channel has been selected which is void of other communications;

(3) An RTC except when assigned from a Control Channel to the RTC by a repeater station.

(b) A PRCS user station shall be equipped to relinquish an LTC or RTC it is using and terminate transmissions on that channel if it fails to detect for a continuous period of 10 seconds a supervisory audio tone (see § 96.457) from the station with which contact has been established. The station shall attempt to detect the supervisory audio tone at all times when it is in the receive mode on an LTC or RTC.

(c) A PRCS user station shall be equipped to relinquish an LTC or RTC it is using and terminate transmissions on that channel if it detects a disconnect audio tone (see § 96.459).

(d) A PRCS user station shall be equipped to terminate transmissions, in accordance with § 96.481, on an LTC automatically at the end of any 100 second interval if channel occupancy exceeds 70% for all LTCs. A PRCS repeater station shall be equipped to terminate the communications of a user station, in accordance with § 96.481, on an RTC automatically at the end of any 100 second interval if channel occupancy exceeds 70% for all RTCs.

(e) A PRCS user station shall be equipped to terminate transmissions on the high or low PLC automatically at the end of any 180-second period of continuous transmission.

§ 96.457 Supervisory audio tone.

Each PRCS user station transmitter shall automatically transmit a continuous 2850 Hz tone (±5 Hz) at a modulation level of 0.8 kHz (±0.2 kHz) peak deviation at all times while transmitting on an LTC or an RTC.

§ 96.459 Disconnect audio tone.

(a) Each PRCS tramsitter shall incorporate means to transmit a disconnect audio tone at times prescribed by the rules of this part.

(b) The disconnect audio tone shall consist of a 2850 Hz tone (±5 Hz) and an 1150 Hz tone (5 Hz) alternately keyed at a rate of 150 Hz (±25 Hz) and transmitted for 2 seconds with a peak frequency deviation of 7 kHz (±1 kHz).

§ 96.461 Transmitter identification circuitry.

(a) Each PRCS user station shall incorporate means to generate the following digital identification codes at times prescribed by the rules of this part:

(1) A station address code consisting of eleven binary coded decimal (BCD) digits which may be determined by the user with external controls, followed by;

(2) A transmitter identification code consisting of eight BCD digits programmed by the manufacturer, with the first four digits representing the identity of the manufacturer and the model of the transmitter, and the last four digits being the same as the last four digits of the individual transmitter's serial number.

(b) The circuitry for generating the transmitter identification code shall be protected in such a way as to make it, to the extent possible, inaccessible to the user and in such a way that it will render the transmitter inoperative if the transmitter identification code circuitry is disabled.

§ 96.463 Distinct serial number required.

Each PRCS transmitter shall be assigned a serial number by the manufacturer. For each consecutive group of 10,000 units of a particular model of transmitter assembled by the manufacturer, the last four digits of the serial number shall be a combination of digits distinct from the rest of the serial numbers of the group. The last four digits of the serial number shall also be the same as the transmitter's transmitter identification code (see § 96.461(a)).

§ 96.465 Determination of channel occupancy.

(a) Means shall be provided for a receiver to determine that an LTC (for user stations) or an RTC (for repeater stations) is unoccupied prior to assignment of such channel, in accordance with § 96.481, for transmissions from a PRCS station.

(b) A channel shall be considered occupied when a signal consisting of a carrier modulated by a supervisory audio tone (see § 96.457) is detected at a signal strength greater than −107 dBm at the antenna connection of a PRCS station. A channel shall not be considered unoccupied unless such a signal is not present for a continuous period of 1 second.

§ 96.467 Public switched telephone network interface.

PRCS user station transmitters and receivers designed for connection to the public switched telephone network shall comply with Part 68 of the Commission's Rules.

§ 96.469 Repeater station access.

Every repeater station shall be equipped to prevent unauthorized access by user stations and access not in accordance with the standard protocols and algorithms (see § 96.481).

Standard Protocols and Algorithms

§ 96.481 General requirements.

All PRCS transmitters shall be equipped to operate only in conformance with the standard protocols and algorithms detailed in the following sections. The transmission of, and responses to, digitally encoded control signals shall conform to those necessary to carry out the standard protocols and algorithms.

(Those protocols and algorithms which the Commission may find it necessary to adopt would be placed here)

Separate Statement of Commissioner Mimi Weyforth Dawson re: Reallocation of 900 MHz Reserve Spectrum

These three decisions present the classic dilemma in spectrum allocation: too much demand for too little spectrum.

Our present dilemma with these three decisions also takes place within an even larger dilemma with regard to the future needs of land mobile radio. The Commission anticipated in its findings in Docket No. 18262 that land mobile needs would be met through use of reserve spectrum. Yet, we are seeing this reserve spectrum chipped away and reallocated for other purposes. Meanwhile, in Docket 82–10, the Private Radio Bureau, which is investigating future land mobile needs, has stated that more than the available reserve spectrum will be required to meet land mobile requirements in the next decade. And, of course, strong battle lines are being drawn between the land mobile and broadcast services over any additional sharing by land mobile of the allocated UHF-TV spectrum.

Even from this brief outline, it is apparent that each of these decisions is interrelated and that the Commission should not proceed with the reallocation of land mobile reserve spectrum through insular, piecemeal actions While each proposal may have merit standing alone, it is the Commission's responsibility to weigh the need for and adequacy of each proposed service. In this regard, I believe that it bodes well for our consideration of these and other spectrum demands that the Commission will consider these competing demands concurrently.

NTIA's Request for 6 MHz

NTIA has requested reallocation of 6 MHz in the 900 MHz band for low capacity fixed systems. This would be shared by govenment and non-government users. In my opinion we should not rule on this request until NTIA has responded to Congress' stated concern for the government's use and management of the spectrum. The Further NPRM invites comments on this issue. I would expect NTIA to inform us of its position and its efforts in this area.

In particular, I feel that NTIA bears some burden of demonstrating why commercial providers cannot be used to meet the needs which have resulted in NTIA's request to reallocate 6 MHz in the 900 MHz band. We require non-government users, in requests for additional frequencies, to make specific showings of need or to submit loading studies. Therefore, it seems reasonable to expect government users to provide specific showings that their requirements cannot be met through available sources. It may very well be the case that 6 MHz of the 900 MHz spectrum is needed and that it would have minimal impact on non-government users sharing the same spectrum. I am not prejudging whether government is or isn't efficiently using the spectrum, but the Commission needs a more detailed record to establish these facts.

GE's Proposal

The GE proposed "Personal Radio Communications Service" presents an interesting concept. However, I think we must evaluate the service in view of our past experience with Citizens Band Radio; indeed, if the service, through lower costs of units approaches the popularity of CB, the service may be considerably less useful than envisioned by GE. Likewise, the service may be too limited in range to be worthwhile. It must also be evaluated as to whether it is a complement to cellular or whether the service could be provided through existing services.

Air-Ground Telephone Service

The air-ground service cannot be provided through existing services, and my initial analysis is that this may be a valuable service.

However, I would prefer to take a hard look at both of the proposals before us and not rush to limit the technical capability of such a system. While technical parameters are not proposed, limiting the spectrum for this service to 4 MHz essentially rules out a more sophisticated system. In fact, the 4 MHz limitation might preclude hand-off capability and ground-initiated calls which may well be desirable features in such a service. In any event, I believe that we cannot make a reasoned decision on this service until we have the results of the authorized experimental tests.

I believe that this 900 MHz spectrum is such a valuable resource that it should not be left unused when it can be put to work for the public good. However, the Commission cannot hand it out on a first come-first served basis with no consideration of our spectrum management mandate. Therefore, it is imperative that commenting parties not only address the proposal of immediate interest, but that they also respond to any other competing demands for this spectrum.

Simply put, we need to look at this whole piece of spectrum and decide what we want to do with it. After we see the whole package, it may appear that there is a greater need for one service than another or that some different combination than that proposed is better. But, at this time I believe that the Commission needs a comprehensive view of the larger picture to make such a decision.

Concurring Statement of Commissioners Henry M. Rivera and James H. Quello

RE: *Proposals To Allocate the 900 MHz Land Mobile Reserve Spectrum*

We concur in the issuance of these three Notices of Proposed Rulemaking,[1] but not without considerable reservation.

Collectively, the Notices would dispose of 18 of the remaining 21 MHz of land mobile reserve spectrum.[2] The untutored commenter might reasonably infer from this substantial proposed allocation that the Commission has developed a record indicating that these are the wisest uses for this premium reserved spectrum. Unfortunately, that is not true. The Commission is even now attempting to evaluate in Docket 82–10 the adequacy of the land mobile reserve to meet the future needs of land mobile users. The Private Radio Bureau's initial estimate projects shortages of at least 40–50 MHz by the year 2000.[3] While the Commission has not yet endorsed the Bureau's estimate, it seems clear that unless a refined sense of priority is established, we may casually allocate this rapidly dwindling resource without adequate consideration.

Ordinarily, it is difficult to quarrel with the issuance of notices of proposed rulemaking. In this instance, however, it seems imprudent at best, and foolish at worst, to set this Commission and the public on a course requiring devotion of substantial resources to assess a plan whose feasibility is highly suspect, particularly in view of the existence of the Commission's ongoing inquiry and the staff's initial findings in Docket 82–10. It is especially unfortunate that our actions here may create public expectations for new services whose likely authorization is speculative in the extreme, at least in the bands identified. Finally, we have grave misgivings about allocating the land mobile reserve to services whose claim to being land mobile services is extremely weak in two cases (personal radio communication and air-to-ground), and entirely unsupportable in the case of NTIA's proposal.

The Private Radio Bureau's commitment to complete Docket 82–10 before the proceedings initiated by the subject Notices are completed has somewhat allayed our fears that the Commission may allocate this spectrum without full information. It would indeed be regrettable if we were forced to reallocate additional UHF spectrum because we had given away the land mobile reserve to these new services and were then faced with confirmation of the need projected in Docket 82–10's Interim Report.[4]

Turning to the particulars of these NPRMs, the Further Notice proposing government/non-government fixed service allocations at 932–35 MHz and 943–46 MHz proposes a "housekeeping" change of bands to make way for the proposed personal radio communication service. We do not view this proposal as strictly housekeeping. The new allocation is technically questionable because it may interfere with Canada's contemplated personal radio service and it would displace broadcast auxiliary users now operating on a secondary basis in parts of the proposed band. The spectrum proposed is further questionable because it embodies less than the 45 MHz separation ordinarily called for in the fixed service. Finally, it is unclear why this premium spectrum should be devoted to fixed operations, which can exist above 1 GHz, albeit at a higher cost.

As for the Notice proposing an air-to-ground service allocation at 896–898 MHz and 941–943 MHz, we question the wisdom of allocating part of the land mobile reserve to a service which is spectrally inefficient and probably of limited appeal due to its high cost.

Finally, with regard to the new personal radio communication service proposed for 898–902 MHz and 937–941 MHz, we are concerned about whether the PRCS is sufficiently distinct from existing services to warrant additional spectrum. It is not clear why, for example, the personal and business communications needs identified (the service is expressly designed for both purposes, *see* para. 77) cannot be satisfied by existing land mobile services, be they "private" or "common carrier". If there are persuasive reasons why this is so, then the decision boils down to whether there is a strong public desire (as opposed to a strong desire solely on GE's part) for a new, technically distinct, hybrid personal service. We trust that the commenters will amplify the record on these issues.

Even if the PRCS should be authorized, it is still questionable whether it should occupy spectrum in the land mobile reserve. If the service can go far toward satisfying future land mobile requirements, then it would be reasonable to authorize its operation in that reserve. If such a new service cannot be counted on to meet future land mobile needs, than its claim to the land mobile reserve is wholly unwarranted and highly objectionable.

The issues raised by these NPRMs underscore the crying need for this Commission to place greater emphasis on spectrum management. Fair and efficient division of the spectrum between various services is becoming more important daily as the contests for spectrum multiply. How well and how wisely we accommodate competing spectrum demands will profoundly influence how well equipped we are to meet the telecommunications needs of the future. We do not know how the spectrum wars begun by the Notices will be finally resolved. But we are convinced that competing demands for spectrum will become increasingly common, the spectrum management must become a more highly prized activity at the FCC, and that our spectrum policies must be designed to encourage and reward the most up-to-date and efficient technology. If we do not make this activity a top priority, the public will suffer the consequences for years to come.

[FR Doc. 83–6803 Filed 3–22–83; 8:45 am]
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[1] *See* Notices of Proposed Rulemaking in Dockets 83–26 and 83–30 and Further Notice of Proposed Rulemaking in Docket 82–243.

[2] An additional 20 MHz of the land mobile reserve is tacitly set aside for the future growth of the cellular radio service.

[3] *See Future Private Land Mobile Telecommunications Requirements*, released August 1982. Even if, as some claim, the assumptions underlying this study are flawed, causing the projections to be off by as much as fifty percent, an unmet need of 20–25 MHz would still exist. Such a projection should indicate that it is ill-advised to consider allowing the reserve to be put to other than its intended use.

[4] We must see to it that the land mobile reserve is not drained away, leaving the UHF band as the only remaining alternative for land mobile operation. One need only recall how wrenching was the FCC's 1970 decision to reallocate UHF Channels 70–83 when the potential of UHF was not even fully recognized. By that 115 MHz reallocation—which was four times the amount of spectrum then allotted to land mobile services—the Commission intended to provide enough spectrum to meet land mobile's growth at least through the remainder of the 20th century. Now, barely a decade later, parties are aggressively moving to wrest additional spectrum from the UHF service.

The Commission would also do well to remember Congress' commitment, in the 1962 All-Channel Receiver Act, to the full development of UHF television and our own commitment to that end. And, finally, we must be mindful of the possibility that reallocation of UHF channels can seriously diminish the potential for new service, competition, diversity, and ownership opportunities. Such consequences would seriously undermine important Commission goals.

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47 CFR Part 2

[Gen. Docket 83–30; RM–3524; RM–3885; FCC 83–17]

Frequency Allocation for a Public Air-Ground Telephone System

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission proposes to allocate the 896–898 MHz and 941–943 MHz bands to the public mobile radio services to establish a public air-ground telephone system. Because of public interest demonstrated for such a system through two petitions for rulemaking submitted by Airfone, Inc. (RM–3524) and Aeronautical Radio, Inc. (RM–3885), the Commission is requesting comment on public need, the amount of allocation and each petitioner's proposed system.

DATE: Comments must be submitted on or before June 10, 1983. Reply comments must be submitted on or before July 11, 1983.

FOR FURTHER INFORMATION CONTACT: Melvin Murray, FCC, Spectrum Utilization Branch, Washington, D.C. 20554, (202) 653–8168; Room 7312.

List of Subjects in 47 CFR Part 2

Frequency allocations, Radio.

Proposed Rulemaking

Adopted: January 20, 1983.
Released: March 4, 1983.

In the matter of: Amendment of the Commission's Rules to Allocate Spectrum for, and to Establish other Rules and Policies Pertaining to the Use of radio in establishing a Public Air-ground telephone System; General Docket No! 83–30, RM–3524, RM–3885.

By the Commission: Commissioners Quello and Rivera concurring and issuing a joint statement; Commissioner Fogarty absent; Commissioner Jones concurring in the result; Commissioner Dawson issuing a separate statement.

I. Introduction

1. The Commission has received two petitions requesting the allocation of spectrum to establish a public air-ground telephone system. The first, RM-3524, was filed on October 25, 1979, by Airfone, Inc. The second, RM-3885, was filed by Aeronautical Radio, Inc. ("ARINC") on April 3, 1981. Each petitioner has also filed for and has received radio station authorization in the Experimental Radio Services under Part 5 of the FCC Rules to test equipment that each is developing for use in its respective system. Since these proposals differ significantly in the amount of spectrum requested and attendant claims for public service, our attention in this Notice will be directed to giving: (1) a summary of each system's operational characteristics; (2) a summary and discussion of comments received in response to each petition; and (3) a discussion of the spectrum allocation issues and a proposal to allocate the 896–898 MHz and 941–943 MHz bands for this service. We are reserving discussion of specific technical standards and common carrier issues until the petitioners have gathered sufficient data and information in the course of their experimental licenses to define the actual operating parameters of each system. Accordingly in this Notice we are *not* specifically proposing either petitioner's system; but, we are requesting the public to comment on (1) the need for a public air-ground radio telephone system, (2) what desirable operational features should be required if such a service were to be adopted and (3) the proposal to allocate 4 MHz at 896–898 and 941–943 MHz for an air-ground radio telephone system.

II. Airfone's Petition (RM-3524)

A. Operational Aspects

2. Airfone proposes a nationwide air-to-ground telephone system that would permit a passenger aboard a telephone-equipped, commercial airplane to place a call from either of two telephones aboard to any other telephone on the ground within the continental United States. Airfone claims its system is designed to handle 1700 calls per hour in heavily traveled areas and 400 to 900 in light-to-medium traffic areas. As Airfone's proposal is strictly for air-to-ground communications, provision is not being made for passengers to receive calls originating from ground telephones. Airfone claims that although it is technically feasible for a ground telephone to originate a call to a party aboard an aircraft, the interruptions to flight attendants to page a passenger are considered objectionable. Accordingly, for this reason it was decided to limit the service whereby a call could originate only from the aircraft when the seatbelt sign if off.

3. Also, no provision is being made for "hand off" which is the ability of the system to switch the telephone call automatically to another ground station when the aircraft gets out of range of the ground station through which the call was placed. Under "worst case" conditions, Airfone claims a person would have at least 6 minutes of uninterrupted calling time. If the caller is cut off after 6 minutes of conversation and desires to reestablish his connection, he may do so by re-dialing the number through a new ground station that would then be in range. The amount of time that an aircraft would be in range of a ground station would vary from a maximum of 40 minutes to a minimum of 6 minutes. If an aircraft is located at such a distance from a ground station where it would not be possible to have at least 6 minutes of calling time, then no connection is possible with that ground station.

4. Airfone also has proposed charging flat rate fees irrespective of the distance called. This, it claims, would eliminate the high costs involved in computing charges. These savings could then can be passed on to the public through lower rates. Payment for calls would be made through the use of nationally recognized credit cards or through the use of a token purchased from the flight attendant or at airport counters. Airfone currently is proposing a flat charge of $7.50 for a call up to three minutes and thereafter, one dollar and twenty-five cents for each overtime minute or fraction thereof.

B. Technical Description

5. Airfone requests an allocation of 4 MHz to be split between two bands, 896–898 MHz for the ground-to-air link and 941–943 MHz for the air-to-ground link. Each of the two bands would be divided into ten 200 kMz sub-bands to allow for frequency reuse. Nine of these sub-bands would be used in a matrix covering the continental United States such that frequencies would not be repeated at spacings closer than 500 to 600 miles. The tenth sub-band would be used to double channel capacity in areas where traffic studies indicate that it is advisable. Each ground station would be assigned one of the ten 200 kHz sub-bands which would then be further divided into thirty-one 6 kMz channels.[1] Also, within each 200 kHz band, frequency space would be provided for the transmission of a pilot frequency for the correction of Doppler and general frequency shifts. The pilot frequency transmitted from each ground station is utilized for station identification as well as in the radio equipment for correction of the Doppler shift.

6. The radio equipment on board the aircraft continuously scans the allocated 2 MHz band so that when a call is placed it will find and lock onto the farthest usable ground station ahead of the plane to ensure adequate time for a call connection and completion. Upon establishing communications using the pilot frequency assigned to the ground station, the air-borne equipment scans the individual channels within the 200 kMz assignment to find an available channel. The absence of a channel's tone or carrier frequency indicates that that channel is not in use. Accordingly, the on-board radio equipment selects the idle channel for transmission of the phone call. Removal of the phone from the switch hook causes the pilot tone or carrier for the available channel to be transmitted from the aircraft to the ground. At the ground station, the tone or carrier is received, filtered and amplified so that it may be used for demodulation of the incoming "call" and for modulation of the channel in the reverse direction. This provides for synchronous operation with the exception of correcting for the frequency shift caused by Doppler. Doppler shift is corrected by using the sub-band pilot frequency and automatic frequency control circuits.

C. Public Need

7. Airfone claims that "over a million people spend approximately 1.7 million hours each work day flying in commercial aircraft without benefit of air-to-ground communication to their offices, business associates and/or family. Over 60% of the air travelers are business people who have a need to call their offices for information or approvals. Moreover, due to weather and air traffic delays, there is often a need for a passenger to communicate

[1] Use of a new technology known as ACSB, or amplitude compandored signle sideband, would be employed in Airfone's air-ground radio telephone equipment design. ACSB adds a pilot tone to each single sideband (SSB) signal principally to provide an accurate frequency reference for a phase lock loop in the receiver to lock onto. In addition the pilot is used for automatic adjustment of gain controls as well as to provide positive squelch action. Further, a compandor circuit is added to improve noise rejection on the signal.

with the ground to rearrange schedules, cancel pickups at airports, cancel business meetings, etc."

8. Airfone also conducted a public survey of various frequent and infrequent air travelers to asses their interest in such a telephone system. Support for the system, as evidenced in some 100 different letters attached to Airfone's petition, came principally from business people, various airline officials, and government officials. Airfone further states that a study done by the airlines showed that between 20 and 30% of the air passengers would regularly use a telephone in flight. This study was confirmed by another done by Arthur D. Little, Inc. according to Airfone. As further evidence for need, Airfone points out that the twelve channels assigned to land mobile systems rendering communication service to airbone stations under Section 22.521 of the FCC Rules are utilized by approximately 90% of the aircrat owned by corporations which are among the top 100 business organizations ranked annually by *Fortune* magazine. These channels provide telephone service to persons that travel by private or corporate aircraft.

D. Comments and Replies

9. The following parties filed comments in response to the Airfone petition: Aeronautical Radio Inc. (ARINC), Aircraft Owners and Pilots Association (AOPA), American Telephone and Telegraph (AT&T), Associated Telephone Answering Services System, Inc. (Associated), Mobile Communications Corporation of American (MCCA), Mobile Radio Telephone Service, Inc. (MRTS), Mobilefone Service, Inc., and Southern Message Service, Inc., (Mobilefone/Southern) and WJG Telephone Company, Inc. (WJG Telco). In general, their comments support the consideration of a new allocation to be devoted to air-ground telephone service for use by passengers on commercial

10. Several of the commenters who are licensees of land mobile systems providing communication service to airborne stations in the Domestic Public Land Mobile Radio Service (See Sections 22.521–22.523 of the Commission's Rules) support the concept of an air-to-ground radiotelephone service for commercial airline passengers, but are concerned whether the service would become monopolistic. They suggest that in each market the Commission should allow any qualified entity to apply for authority to provide the service. They state that even in a service where there is but one carrier to a market, the public can benefit from diversity among the various markets. The commenters also feel the Commission should consider whether multiple carrier markets are feasible. They claim the public would benefit in cost reductions resulting from head-on-head competition if there were more than one carrier per market.

11. The commenting parties all seem to agree that a rule making proceeding should be initiated by the Commission that would address the following issues: public need; spectrum availability; allocation and efficiency; technical feasibility and standards; eligibility requirements and related common carrier issues.

12. A statement of opposition to Airfone's Petition was received from RAM Broadcasting Corporation, RAM Broadcasting of Florida, Inc., RAM Broadcasting of Nevada, Inc., RAM Broadcasting of South Carolina, Inc., and RAM Broadcasting of Texas, Inc. ("RAM"). The commenting parties are licensees of various land mobile systems rendering communication service to airborne stations under the Domestic Public Land Mobile Radio Service. RAM contends the petition is deficient for a number of legal and technical reasons. It claims that Airfone has requested an allocation from frequency bands that have been designated for "land mobile reserve." RAM states these frequencies are not for assignment to air-ground stations. RAM further claims that Airfone's proposal may be spectrally inefficient and inadequate. RAM states, "given current technology, it is feasible to provide ground-to-air communications. Airfone's proposal, which only envisions air-to-ground communications, therefore is an unnecessary, unwarranted, and undesirable limitation upon maximum use of limited spectrum space." The use of single-side band transmissions and the selection of ground stations based on Doppler shifts threaten the provision of adequate voice grade signals, according to RAM.

13. Airfone filed the only reply comment in this proceeding. In its filing, Arfone responded to the various issues raised by commenters. With regard to public demand, Airfone points to the availability of telephones for those of the public who travel. It cites that telephone service is available for private car and pleasure boat owners, commercial boats and ships, as well as certain bus and train passengers. Airfone indicates that it also has reached agreement with twleve commercial airlines to participate in testing the feasibility and quantifying the public interest to such a service during phase two of its developmental license. Again, Airfone cites the affirmative response made by various members of the traveling public to a questionnaire prepared by Airfone to determine if air travelers wanted and needed communications with the ground while in flight. Also, Airfone's petition is mentioned which contained numerous letters of support from frequent air travelers.

14. There was also some discussion in regard to whether technology exists to implement the air-ground telephone system Airfone is proposing. Airfone claims that two major technical developments have taken place in recent years that permit its system's feasibility. It states:

> First the development of economical oscillators which have a stability of one part in ten million per year. With the availability of these economical oscillators, Airfone's proposal to use reduced carrier single-sideband emission is made possible. Using this type of emission makes it possible for Airfone to obtain 310 voice communicating channels in 4 MHz bandwidth. This is 40% more channel capacity in ⅓ the bandwidth than proposed by AT&T in Docket 18262. The second major development was the common availability and usage of highly intelligent, low cost microprocessors. These low cost microprocessors enabled Airfone to put the intelligence and control in the airborne unit itself. This resulted in a more efficient use of the channels, closer spacing of ground stations with less concern for co-channel interference and a greater reuse of frequencies.

15. In response to RAM's statement of opposition claiming that adequate voice grade signals may not be possible with Airfone's system, Airfone replies that its system is essentially line-of-sight transmission and would not be subject to selective fading effects and multi-path reflections that are dominant in ground-mobile systems. In its *opposition* RAM had suggested that ground-to-air, as well as air-to-ground, service should be provided by paging passengers and the use of cordless telephones as a way of dispensing with participation of flight attendants in handling an incoming call, particularly during times the seatbelt sign is on. Airfone replies that it would still require an attendant to carry the telephone to the passenger's seat, unless every passenger was required to have a telephone at this seat which is impractical and economically unjustifiable.

16. A major concern among the issues raised by the commenters is whether Airfone's system would be monopolistic. Commenters suggested that if Airfone fully implemented the nationwide

system they envision, there would be inadequate spectrum left for competitors. In its *Reply*, Airfone contends there would be a sufficient number of frequencies for other carriers to compete with Airfone on a national or regional basis. It includes a series of maps in its filing showing that for each of the ten 200 kHz wide channels at least the same number or more would be available throughout the continental U.S. for license to other common carriers. For example, there is a total of fourteen ground stations spaced throughout the U.S. assigned under Airfone's scheme to Airfone's designated channel 1. Seven ground stations would be reserved for Airfone, while the remaining seven would be available for license to others. For Airfone's designated channel 8, another example, a total of 11 ground stations spaced throughout the U.S. would be available for assignment. In this case, Airfone reserved four stations for itself, leaving 7 others available for assignment to other carriers. These maps, according to Airfone, show that a number of applicants are able to file for competing stations with those of Airfone's. In laying out the maps Airfone states that it made sure that competing ground stations would essentially serve the same market areas covered by Airfone.[2]

III. ARINC's Petition (RM-3885)

A. Operational and Technical Aspects

17. ARINC is a communications company that provides various communication services to the aviation industry. This includes the operation of facilities for air-ground and point-to-point operational control communications throughout the United States. It also claims sponsorship of four industry committees: the Aeronautical Frequency Committee (AFC), the Airlines Electronic Engineering Committee (AEEC), Avionics Maintenance Conference (AMC) and the Airlines Coordinating Committee for Telecommunications Service (ACCTS) which meet regularly and provide forum for the exchange of views, ideas and needs. ARINC claims that from such experience and regular contact with individual airlines it has determined that a public air-ground telephone system should provide a blocking probability of 1% or less during peak busy hours which is equivalent to that of the land line telephone network. To achieve this end, it proposes four separate families of 150 channels each for a total of 600 nationwide. ARINC contends 10 kHz channel spacing using single-sideband modulation is the absolute minimum requirement as a lesser spacing would create significant problems with the dynamic frequency management and Doppler correction subsystems. Consequently, for its system ARINC claims that 6 MHz would be required (i.e. 600 channels x 10 kHz/channel) in each direction for a total of 12 MHz.[3]

18. In ARINC's proposed system, ground facilities would consist of a number of interconnected trunked radio stations controlled by a number of switching computers. These stations would provide continuous radio coverage and automatic zone transfer of calls in progress or "handoff."[4] The airborne facilities would consist of synthesized transceivers which would provide 5 channels on each aircraft initially and be expandable in 5 channel increments as the market dictates.

19. In ARINC's system when a call is initiated from an aircraft the ground computer assigns the aircraft a control channel and a voice channel. Thereafter, non-voice call signals to the aircraft are conducted over the control channel. These signals include billing information, call addressing, frequency assignments for subsequent calls, and "handoff". ARINC's proposed system would also accommodate needs of corporate and general aviation, as well as single-channel requirements of small air carriers. Because continuous coverage cannot be assured below 25,000 feet throughout the nation, at the aircraft operator's option, ARINC's system would also provide a lower grade of service which would not involve the "handoff" capability. ARINC claims the requirement for nationwide coverage would not prevent the establishment of competing nationwide systems.

B. Summary of comments to ARINC's Petition

20. Comments were received from the Association of Maximum Service Telecasters, Inc. ("AMST"), Mobile Communications Corporation of America ("MCCA"), Telocator Network of America ("Telocator") and Motorola, Inc. ("Motorola"). Reply comments were received only from ARINC. AMST supports a rulemaking that would explore the possible authorization of a public-air-ground service in the 900 MHz band, assuming international coordination is achievable. It contends that ARINC's assumptions about future need for such a service cannot be based on present use or demand, as the service does not now exist. It further claims that ARINC's request for a 12 MHz allocation is excessive. AMST charges that public air-ground telephone communications are not a priority service and ARINC's proposal for blocking rates equivalent to the landline network is not justifiable. MCCA supports ARINC's petition. It suggests that rules should be flexible enough to allow for a number of licensees to operate ground stations. It opposes any monopolistic control by a single licensee. Telocator, representing independent, non-wireline radio common carriers engaged in providing mobile telephone, dispatch, and signaling communication services for hire to the public, submitted a generally advisory statement. It emphasized that the Commission should proceed with caution in particular with respect to any decision that would create a monopoly in the provision of the new service. It claims the existing industry structure which supplies radio-telephone service to and from private aircraft would be jeopardized if a future allocation were turned over to a single supplier of the service.

21. Motorola submitted the only statement of opposition to ARINC's Petition. It cites a lack of demonstrable market demand. Also, Motorola questions the allocation of spectrum when approval from Mexico and Canada is speculative. Further, it claims that the Commission designated the spectrum requested by ARINC to be held in reserve to accommodate new land mobile services or unexpected growth in existing services. With respect to ARINC's request for an allocation of 12 MHz, Motorola contends that the petitioner's projected demand is incapable of evaluation on its face without supporting documentation. Its request is based on an extrapolation of the number of calls which might be placed over such a system from the number of business and non-business airline passengers. Motorola claims that a reallocation of this size is normally predicated on facts rather than on a myriad of assumptions.

22. ARINC submitted the only Reply comment. It states none of the commenters supplied any data or information to challenge its market analysis. Moreover, ARINC claims proprietary studies administered by other entities on the need for such a

[2] The action we propose today will not preclude competition in the expansion of the air-ground radio telephone system. This particular issue will be addressed in a later rulemaking when other common carrier matters are to be discussed.

[3] Under ARINC's proposal, the air passenger would be able to either initiate or receive calls. ARINC claims this would be an essential feature for corporate users.

[4] This feature which would provide continuous, uninterrupted coverage throughout the continuous U.S is hereafter referred to as "handoff".

service indicate that its assumption that 15% of air passengers would use in-flight telephones is understated. Further it states the level of usage of the existing 12-channel system is near saturation. The analogy is made that since most of these users are business travelers it is reasonable to expect that business travelers would make similar demands on board air-carrier aircraft where they constitute 55% of the passengers. ARINC contends that the air-carrier industry will participate only in a system with sufficient channels to meet the foreseeable demand. It further believes that air passengers will only use a system with adequate channel capacity equivalent to that of the landline telephone network.

23. With respect to its proposal that any one licensee must provide nationwide service ARINC replies that this requirement is necessary if the service is to be viable. Accordingly, it suggests that any applicant for a ground station should demonstrate that it will interconnect and share technical standards with other ground station applicants such that the whole of all ground stations will provide service to at least 85% of the contiguous 49 states.

24. A criticism was raised by Motorola with respect to the need to coordinate with Canada and Mexico to protect against interference. ARINC recognizes this need and is desirous of extending air-ground telephone service to Mexico and Canada through coordination with communications systems in those countries. It claims that the allocation plan adopted by the 1979 World Administrative Radio Conference (WARC) approved a footnote, 708, which allocates the bands 942–947 MHz and 952–960 MHz to the mobile service on a primary basis in the U.S. subject to the agreement of other countries whose services may be affected. Moreover, it indicates that coordination with our neighboring countries can be achieved similarly to action in CC Docket 79–318 where before international coordination was achieved, the Commission allocated spectrum for cellular communications systems.

III. Regulatory Background

25. The matter of providing frequencies for public air-ground radio telephone usage has been dealt with by the Commission over the past 25 years. Air-ground radio telephone service began in 1975 with two stations using a 50 kHz channel in the 450 MHz mobile band on an experimental basis. The service eventually expanded to ten base stations using six channels by 1960. On, February 17, 1960, the Commission amended Part 2 of its frequency allocation rules by adding Footnote NG12 to provide for air-ground public radiotelephone service in the Domestic Public Mobile bands 454.40–455 MHz and 459.40–460 MHz (Sixth Memorandum Report and Order in Docket 11959, FCC 60–162).[5] Because these frequencies were shared with land mobile and interference was likely to result, the Commission established an interim policy for the service by Order issued January 30, 1961 (FCC 61–117). The Order provided for the removal of domestic public land mobile and rural radio services from the frequencies that were being shared. Thereafter, AT&T requested that the rules be amended to permit operation on a nationwide two-way public air-ground service on a regular basis. In response the Commission in a Notice of Proposed Rulemaking issued May 4, 1962, in Docket No. 14615 (FCC 62–457) set forth technical standards for "splitting" the channels which would eventually permit doubling the number of available channels. Because the proposed standards were found to be either too restrictive or beyond the present state of the art, the Commission refused to adopt the proposed rules by Report and Order released June 10, 1963 (FCC 63–512) and terminated Docket No. 14615. However, a 1-year period was provided through September 1964 during which the Commission requested the submission of applications looking toward the development of an acceptable public air-ground radio communications system on the frequencies at that time reserved for the purpose or on bands higher in the spectrum.

26. In 1965 the commission initiated a Notice of Proposed Rulemaking in Docket No. 16073 (FCC 65–559) to again address the issue of establishing a public air-ground radiotelephone service on a regular basis. The Notice stated that "the Commission would be willing to consider constructive recommendations for the development of a new system using single sideband emissions within the existing frequency allocations and having a capacity of at least 60 two-way channels." Specific responsive comments proposing definite rule changes warranted the issuance of a Second Notice of Proposed Rulemaking on May 20, 1966 (FCC 66–438). Subsequently, a Memorandum Opinion and Order (FCC 68–885) and a Third Notice of Proposed Rulemaking (FCC 68–886, 33 FR 12787) were both released on September 4, 1968. In these items, the Commission proposed rules to create 12 channels from the then existing 6 channels by "channel splitting" and at the same time afforded the land mobile and air-ground radiotelephone systems the opportunity to share the frequencies and made provision for the submission of developmental licenses in accordance with the proposed rules. The Report and Order (FCC 69–1391 and 35 Fed. Reg. 424, January 13, 1970) established rules to govern a regular air-ground radiotelephone system over 12 channels in the Domestic Public Radio Service bands 454.40–455 MHz and 459.40–460 MHz. The proposal to share the frequencies with land mobile was rejected as not being feasible. Eligibility was restricted to general communications common carriers which include both wire line and miscellaneous common carriers. In the proceeding, the Commission recognized that the 12-channel system would provide at best only acceptable service due to the limited spectrum being allocated. In fact, AT&T pointed out that additional frequencies would be required to offer adequate service to the whole aviation industry and meet the long range system capacity and frequency spectrum requirements.

27. In Docket 18262 AT&T submitted a proposal in 1971 for a public air-ground telephone service using 11 MHz in the 806–960 MHz region. AT&T's proposal stated that 220 FM channels would be necessary for this service. The Commission rejected the proposal indicating AT&T had made no factual showing to substantiate any appreciable public demand for the service which could not be met through the use of the existing 12 channel system. However, the Commission stated:

> [A]RINC, in its July 1972 comments, noted the Air Traffic Conference of 1963 adopted a resolution which, in effect, prevents the use of public air/ground systems in scheduled service. Therefore, the spectrum which might have been allocated for air/ground service is being incorporated into the several reserve bands mentioned earlier. Should it be warranted, a separate proceeding may be instituted in the future to consider the overall question of public air/ground communications spectrum requirements.[6]

28. Proposals submitted during preparations for the 1979 World Administrative Radio Conference (WARC) stressed the need to expand greatly the spectrum allocated to air-ground service. The Radio Technical Commission for Aeronautics (RTCA), an

[5] For purpose of clarification, this service is *not* considered to be an aeronautical mobile service. Aeronautical mobile stations are intended for the transmission of information relating to air navigation, preparation for and safety of flight.

[6] *See Second Report and Order.* Docket No. 18262. 46 F.C.C. 2nd, p. 752, 757 par. 15 adopted May 1, 1974.

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association of aeronautical organizations of the U.S. from both government and industry, issued a report explaining the inadequacy of the present 12-channel system.[7] It provided a forecast of the growth of general aviation and air carrier aircraft through the year 2000. The forecast concluded that airline travel would more than triple and that the airline fleet and the corresponding hours of flying time would approximately double in number. For general aviation, the forecast reported that general aviation's fleet size and the corresponding hours of flying time would nearly triple in number. Accordingly, RTCA in its Report concluded that:

> [A]nticipated future expansion [of public air-ground telephone service] will require additional spectrum space that does not appear obtainable in the 450–460 MHz range due to heavy usage for land mobile operations not compatible with the air-ground operation. Therefore, 2 bands of 6 MHz each in the frequency range 806–960 MHz are being requested to support future worldwide needs of this service.[8]

29. In its Fifth Notice of Inquiry in Docket No. 20271 in preparation for the 1979 World Administrative Radio Conference (79–WARC), the FCC stated:

> [T]he Common Carrier Land Mobile and Aviation Service Working Groups have submitted substantial justification for this public air/ground service . . . [The] existing system which operates in 450–460 MHz is inadequate for anticipated future expansion and is primarily limited by agreement with the scheduled airlines to general and Business Aviation uses. Any air-ground public telephone system which would cater to airlines as well as general and business aviation should have adequate frequencies to support world-wide needs.[9]

30. However, in a subsequent report [10] the UHF Task Force [11] stated that there was a lack of an adequate showing to substantiate recommending an allocation of 12 MHz as was requested by the Aeronautical Service Working Group. [12] Accordingly, this led to the eventual withdrawal of a U.S. proposal to WARC for a public radiotelephone service.

[7] *RTCA, Initial Report on Civil Aviation Frequency Spectrum Requirements 1980–2000* (70–165), May 27, 1976.

[8] Ibid.

[9] *Fifth Notice of Inquiry*, Docket No. 20271, 42 FR 27755, 27761 (1977).

[10] See pages 74 and 75 of "Spectrum Requirements for the Civil Maritime and Aeronautical Services", November 1978. FCC Order No. 1820–8 (30 E25.13)

[11] The UHF Task Force was composed only of FCC staff members.

[12] The Aeronautical Service Working Group was composed of industry representatives who prepared recommendations to the Commission for 79–WARC.

IV. Basis for Proposed Allocation

31. We believe based on the information presented in the two petitions and the "regulatory background" section just discussed there is sufficient basis to initiate a proceeding proposing a further allocation for public air/ground communications. As the amount of spectrum requested by the petitioners differs by a factor of 3 and the amount of available spectrum is limited, we are compelled not only to consider the merits of each petition but also to weigh these requests in light of a number of other proposals for the 900 MHz reserve bands, several of which have been submitted to the FCC in petitions for rulemaking. The amount of spectrum represented in the requests now before the Commission surpasses the total amount of 900 MHz reserve spectrum available for allocation [13]. Accordingly, we are not persuaded that a 12 MHz allocation as requested by ARINC is justifiable. Moreover, we are concerned that, whatever spectrum may be allocated, it is utilized in the most efficient way possible [14]. In comparing the two proposals, Airfone proposes using a technology that would be 67% more efficient than that proposed by ARINC. (i.e., Airfone system would allow 5 channels for every 30 kHz as opposed to 3 channels for every 30 kHz in ARINC's system). Although Airfone's proposed system does not provide for initiation of calls from the ground as does ARINC's, we are not fully convinced that either the airlines or the public places a high priority on such capability. Of course, we solicit comments on the desirability and need for such ground-to-air service by all concerned parties in this proceeding. We reiterate the fact that both Airfone and ARINC have been granted developmental licenses which will not only test the feasibility and suitability of each proponent's system, but also include public usage testing nationwide and evaluation of service. It is anticipated that during the course of these tests many of the questions we have with regard to what the public actually needs and desires will be resolved.

32. In conclusion, we believe there has been an adequate showing of need to support a proposal to allocate spectrum to expand the current airground radiotelephone service that now is provided under our common carrier rules. Having reviewed the attributes of each petitioner's proposed service and the comments of the various parties, we cannot now conclusively state that either system is distinctly preferable, from an operational point of view. However, from a spectrum management viewpoint, we are compelled at this time to weigh each petitioner's allocation request in light of the several other pending allocation requests, previously mentioned, for this same spectrum. Since Airfone's system design indicates that a viable, useful air-ground service can be provided in only 4 MHz of spectrum, we find that the public interest will best be served by limiting the allocation to 4 MHz. Although we not proposing Airfone's system design, we agree with their conclusion that 4 MHz is an adequate amount of spectrum to allocate for the service.

33. Accordingly, in the Appendix we are proposing that 4 MHz be allocated to the Domestic Public Land Mobile Radio Service to expand the public air-ground radio telephone service without, at this time, making any proposal for the operational or technical rules to govern such expanded service. Consequently, we are seeking comments that will give us guidance with respect to what operational features the public desires and what corresponding technical parameters are needed to define the service.

V. Location of Proposed Allocation

34. Both Airfone's request of 4 MHz (896–898 MHz paired with 941–943 MHz) and ARINC's request of 12 MHz (896–902 MHz paired with 941–947 MHz) fall in frequency bands that were considered in the 1979 WARC for assignment of an international air-ground radio telephone system. The allocations made as a result of WARC

[13] Several currently pending allocation proceedings as follows:

1. Notice of Proposed Rulemaking in Gen. Docket 82–243 to allocate 899–902 MHz paired with 938–941 MHz to the government and non-government for fixed service usage.

2. Notice of Inquiry in PR Docket 79–140 is looking toward the creation of an additional personal radio service. In recent comments, General Electric Co. has proposed a system that would require 9 MHz of spectrum.

3. RM–2697 filed by the National Association of Broadcasters (NAB) requested allocation of 942–947 MHz for auxiliary aural broadcast links. Although the Commission has made an alternative proposal to allocate spectrum in the 2 GHz range in its Notice of Proposed Rulemaking in Gen. Docket 82–335, NAB's petition, included in the Notice, accordingly, is still pending.

Other needs that have been expressed concern the possibility of using 900 MHz spectrum to satisfy future aeronatical mobile service requirements.

Also, land mobile and maritime mobile services have expressed need for additional 900 MHz frequencies.

[14] Another feature indicated by Airfone in its petition is that the frequency bands requested could be reused by other land mobile users. Only each ground station's 200 kHz assignment would have to be protected within a 200 mile radius. ARINC did not indicate any sharing possibilities in its petition.

in these bands would permit the United States to implement a public air-ground radio-telephone service. However, problems could arise because the proposed frequencies are within the band 890–942 MHz which is utilized by Department of Defense for radiolocation operations. Within the continental U.S. such operations are limited to 902–928 MHz. However, ship board radiolocation (i.e. radar) in ocean areas operate over the entire 890–942 MHz band. As a consequence, the potential for the likelihood of interference between these radars and the proposed air-ground public correspondence system is of concern.

35. In early 1981, a series of tests was started to determine the feasibility of sharing between the shipboard radar operations and the Airfone air-ground radiotelephone system. Although these tests have not yet concluded, one possibility for avoiding an interference situation may be to reverse the uplink/downlink bands requested by the petitioners. In accordance with this presumption, the experimental license of Airfone was modified in July 1981, to permit development and tests with ground stations at 944–946 MHz. Similarly ARINC was granted an authorization to perform tests with ground stations at 942–947 MHz and mobile (aircraft) stations at 897–902 MHz. Preliminary test results indicate that the interference concerns are not as critical as once thought. Accordingly, we believe the frequency range requested by the petitioners to be the most suitable and appropriate for this service and are accordingly proposing in the Appendix herein that 4 MHz (896–898 MHz for the air-to-ground link paired with 941–943 MHz for the ground-to-air link) be allocated for this new public air-ground radio telephone service. In the unlikely event that any unresolvable problem of interference arises during the course of developmental testings we will reconsider this proposal.

36. We recognize that existing broadcast auxiliary operations in the 942–947 MHz band operating under the provisions of Footnote NG 64 may affect the instant proposal.[15] However, in another proceeding we are proposing that these stations be relocated to another band within 5 years of the adoption of the associated rules.[16] As a consequence, we cannot be certain of the timing or outcome of this action or any subsequent impact on the air-ground service. Nonetheless, in case the proposed relocation of broadcast auxiliary stations is delayed, we believe fixed stations operating from ground to air under the instant proposal could be coordinated with existing fixed broadcast auxiliary stations in the 941–943 MHz band.

VI. International Coordination

37. As a number of commenters pointed out, coordination of this *Notice* with our Canadian and Mexican neighbors is desirable before this service is approved. Accordingly, this *Notice* is being sent to both Canada and Mexico to notify them officially of our intention to use the bands in a manner as herein proposed. Further, we will coordinate this service, when and if adopted, pursuant to Article 35, No. 135 of the ITU Convention, with Canada and Mexico.

VII. Technical Standards

38. As we have indicated both petitioners are currently licensed under the provisions of Subpart F of Part 5 [i.e. Experimental Service (Developmental)] to develop data for the Commission to use in making determinations with respect to issues in this proceeding. Among these issues are the technical standards that need to be promulgated to regulate systems providing air-ground public radiotelephone service in the proposed bands. As the petitioners' systems are still being developed and tested, we are not in a position to propose any standards at this time. Accordingly, we invite comments from the petitioners and others as to what technical parameters need to be regulated and what corresponding limits and standards should be proposed. It is anticipated that this issue of technical standards will be addressed in a Further Notice.

VIII. Common Carrier Issues

39. With regard to the myriad of common carrier related questions that must be addressed in connection with the service that this proposal envisions, we similarly intend to consign these matters to a separate proceeding in this docket. Again, the common carrier issues that need to be addressed cannot be formulated until more information with regard to each petitioner's system has been submitted in connection with their experimental (developmental) licenses. Also, at this point, we have not yet ascertained the needs or interests of the public with regards to what operational aspects it desires. Again, we anticipate that comments filed by the public in response to this instant proposal, as well as the market surveys carried out by each petitioner in the course of its experimental (developmental) program, will aid us in making these necessary determinations.

IX. Conclusion

40. In summary we have set forth brief descriptions of each petitioner's public air-ground radiotelephone system and have summarized corresponding comments filed in response. In response to what we perceive to be persuasive evidence of public demand, we are proposing that 4 MHz be allocated for a nationwide air-ground radiotelephone service.[17] Because experimental (developmental) testing of equipment to be used in the systems proposed by each petitioner is still on-going, we cannot now address issues related to technical or common carrier matters. We do request comments on the proposed allocation with regard to public need and what operational characteristics are desirable for such a public air-ground telephone system.

41. Finally, we would note that with this action three proposals are now before the public for comment-proposals which would consume a total of 18 MHz of the 21 MHz of reserve spectrum between 896 and 947 MHz. These bands have been considered to be reserved for future growth to meet land mobile requirements. It is our intention to consider these proposals in a coordinated manner prior to making final decisions on any of them. Moreover, while we are proposing this action of 896–896 MHz and 941–943 MHz for an air-ground radiotelephone service, we would welcome public comment as to whether this choice is optimum or whether other frequencies with this band, or another band altogether, should be selected for this purpose. In providing comment on this point, attention should be given to all three pending proposals for use of the 896–947 MHz bands.[18]

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[15] NG 64—Broadcast auxiliary stations licensed as of July 10, 1970, to operate in the frequency band 942–947 MHz may continue to go operate pending a decision as to their disposition through a future rulemaking proceeding.

[16] *Notice of Proposed Rule Making* in Gen. Docket No. 82–335, 47 FR 31170, (July 16, 1982).

[17] The proposed frequency boundaries (i.e. 896–898 MHz and 941–943 MHz) may be subject to change in view of the Commission's need to accommodate other allocation requests. In another proceeding, *Notice of Proposed Rule Making* in Gen. Docket No. 82–243, 47 Fed. Reg. 27875 (June 28, 1982), Airfone has indicated a preference for the frequency bands 944–946 MHz and 899–901 MHz.

[18] The other two allocation proposals are:

a. Notice of Proposed Rulemaking in Gen. Docket No. 83–26 adopted January 20, 1983. This item proposes a new private radio service for the bands: 898–902 MHz and 937–941 MHz.

b. Further Notice of Proposed Rulemaking in Gen. Docket No. 82–243 adopted January 20, 1983. This item proposes shared use by government and non-government fixed users for the band: 932–935 MHz and 943–946 MHz.

42. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceedings. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission offical receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules.

43. Pursuant to Section 605 of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, we find that the proposed action herein would not have, if adopted, a significant economic impact on a substantial number of small businesses. However, this proposal may result in a small number of existing aural broadcast STL and intercity relay stations, which are currently operating in the 942–943 MHz band under the provision of Footnote NG64 of the Table of Frequency Allocations, being relocated to a different frequency band.[19] A rulemaking addressing the disposition of such stations in the 942–947 MHz band is now pending before the Commission.[20] The allocation herein would provide additional spectrum for domestic public land and mobile stations to provide air-ground public radio telephone service. Since the bands proposed for allocation are presently being held in reserve for land mobile, the allocation, if adopted, would not have any impact on businesses currently using mobile radio.

44. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to procedures set out in Section 1.415 of the Rules, interested persons may file comments on or before June 10, 1983 and reply comments on or before July 11, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

45. In accordance with the provisions of Section 1.419 of the Rules, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by comments are given the same consideration regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission Public Reference room at its headquarters, Room 239, 1919 "M" Street, NW. in Washington, D.C.

46. For further information concerning this document, contact Mel Murray at (202) 653–8168.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission

William J. Tricarico,

Secretary.

Appendix

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 2—[AMENDED]

§ 2.106 [Amended]

1. In § 2.106, the Table of Frequency Allocations is revised for the band 896–946 MHz as follows:

United States		Federal Communications Commission				
Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services of stations
5	6	7	8	9	10	11
896–898	NG. (US 36), (US 100), (US 116).	896–898	LAND MOBILE	Base. Land Mobile.		DOMESTIC PUBLIC. (NG 12).
898–902	NG. (US 36), (US 100), (US 116)	898–902	LAND MOBILE			CITIZENS BAND LAND MOBILE PRIVATE RADIO COMMUNICATIONS SERVICE.
932–935	G, NG. (US 36), (US 116), (US 215)	932–935	FIXED	Operational Fixed		
937–941	NG. (US 36), (US 116), (US 215).	937–941	LAND MOBILE			CITIZENS BAND LAND MOBILE PRIVATE RADIO COMMUNICATIONS SERVICE.
941–943	NG. (US 36), (US 116)	941–943	LAND MOBILE	Base. Land Mobile		DOMESTIC PUBLIC. (NG 12)

[19] Supra 14.

[20] Supra 15.

United States		Federal Communications Commission				
Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services of stations
5	6	7	8	9	10	11
943–946	G, NG. (US 36), (US 116).	943–946	FIXED.	Operational Fixed.		

2. In the list of footnotes immediately following the table in § 2.106, footnote: US116 and NG 12 are revised to read as follows:

US116—In the bands 890–902 MHz, 928–932 MHz, 935–943 MHz, and 946–947 MHz, no new assignments are to be made to Government radio stations after July 10, 1970 except on a case-by-case basis, to experimental stations and to additional stations of existing networks in Alaska. Government assignments existing prior to July 10, 1970 to stations in Alaska may be continued. All other existing Government assignments shall be on a secondary basis to stations in the non-Government land mobile service and shall be subject to adjustment or removal from the bands 890–902 MHz, 928–932 MHz, 935–943 MHz, and 946–947 MHz at the request of the FCC.

NG 12—Frequencies in the bands 454.40–455 MHz, 459.40–460 MHz, 896–896 MHz for air-to-ground links and 941–943 MHz for ground-to-air links may be assigned to domestic public land and mobile stations to provide air-ground public radio-telephone service.

Separate Statement of Commissioner Mimi Weyforth Dawson re: Reallocation of 900 MHz Reserve Spectrum

These three decisions present the classic dilemma in spectrum allocation: too much demand for too little spectrum.

Our present dilemma with these three decisions also takes place within an even larger dilemma with regard to the future needs of land mobile radio. The Commission anticipated in its findings in Docket No. 18262 that land mobile needs would be met through use of reserve spectrum. Yet, we are seeing this reserve spectrum chipped away and reallocated for other purposes. Meanwhile, in Docket 82–10, the Private Radio Bureau, which is investigating future land mobile needs, has stated that more than the available reserve spectrum will be required to meet land mobile requirements in the next decade. And, of course, strong battle lines are being drawn between the land mobile and broadcast services over any additional sharing by land mobile of the allocated UHF-TV spectrum.

Even from this brief outline, it is apparent that each of these decisions is interrelated and that the Commission should not proceed with the reallocation of land mobile reserve spectrum through insular, piecemeal actions. While each proposal may have merit standing alone, it is the Commission's responsibility to weigh the need for and adequacy of each proposed service. In this regard, I believe that it bodes well for our consideration of these and other spectrum demands that the Commission will consider these competing demands concurrently.

NTIA's Request for 6 MHz

NTIA has requested reallocation of 6 MHz in the 900 MHz band for low capacity fixed systems. This would be shared by government and non-government users. In my opinion we should not rule on this request until NTIA has responded to Congress' stated concern for the government's use and management of the spectrum. The further NPRM invites comments on this issue. I would expect NTIA to inform us of its position and its efforts in this area.

In particular, I feel that NTIA bears some burden of demonstrating why commercial providers cannot be used to meet the needs which have resulted in NTIA's request to reallocate 6 MHz in the 900 MHz band. We require non-government users, in requests for additional frequencies, to make specific showings of need or to submit loading studies. Therefore, it seems reasonable to expect government users to provide specific showings that their requirements cannot be met through available sources. It may very well be the case that 6 MHz of the 900 MHz spectrum is needed and that it would have minimal impact on non-government users sharing the same spectrum. I am not prejudging whether government is or isn't efficiently using the spectrum, but the Commission needs a more detailed record to establish these facts.

GE's Proposal

The GE proposed "Personal Radio Communications Service" presents an interesting concept. However, I think we must evaluate the service in view of our past experience with Citizens Band Radio; indeed, if the service, through lower costs of units approaches the popularity of CB, the service may be considerably less useful than envisioned by GE. Likewise, the service may be too limited in range to be worthwhile. It must also be evaluated as to whether it is a complement to cellular or whether the service could be provided through existing services.

Air-Ground Telephone Service

The air-ground service cannot be provided through existing services, and my initial analysis is that this may be a valuable service.

However, I would prefer to take a hard look at both of the proposals before us and not rush to limit the technical capability of such a system. While technical parameters are not proposed, limiting the spectrum for this service to 4 MHz essentially rules out a more sophisticated system. In fact, the 4 MHz limitation might preclude hand-off capability and ground-initiated calls which may well be desirable features in such a service. In any event, I believe that we cannot make a reasoned decision on this service until we have the results of the authorized experimental tests.

I believe that this 900 MHz spectrum is such a valuable resource that it should not be left unused when it can be put to work for the public good. However, the Commission cannot hand it out on a first come-first served basis with no consideration of our spectrum management mandate. Therefore, it is imperative that commenting parties not only address the proposal of immediate interest, but that they also respond to any other competing demands for this spectrum.

Simply put, we need to look at this whole piece of spectrum and decide what we want to do with it. After we see the whole package, it may appear that there is a greater need for one service than another or that some different combination than that proposed is better. But, at this time I believe that the Commission needs a comprehensive view of the larger picture to make such a decision

Concurring Statement of Commissioners Henry M. Rivera and James H. Quello

Re: *Proposals to Allocate the 900 MHz Land Mobile Reserve Spectrum*

We concur in the issuance of these three Notices of Proposed Rulemaking,[1] but not without considerable reservation.

Collectively, the Notices would dispose of 18 of the remaining 21 MHz of land mobile reserve spectrum.[2] The untutored commenter might reasonably infer from this substantial proposed allocation that the Commission has developed a record indicating that these are the wisest uses for this premium reserved spectrum. Unfortunately, that is not true. The Commission is even now attempting to evaluate in Docket 82–10 the adequacy of the land mobile reserve to meet the future needs of land mobile users. The Private Radio Bureau's initial estimate projects shortages of at least 40–50 MHz by the year 2000.[3] While

[1] *See* Notices of Proposed Rulemaking in Dockets 83–26 and 83–30 and Further Notice of Proposed Rulemaking in Docket 82–243.

[2] An additional 20 MHz of the land mobile reserve is tacitly set aside for the future growth of the cellular radio service.

[3] *See Future Private Land Mobile Telecommunications Requirements*, released August 1982. Even if, as some claim, the assumptions underlying this study are flawed.

the Commission has not yet endorsed the Bureau's estimate, it seems clear that unless a refined sense of priority is established, we may casually allocate this rapidly dwindling resource without adequate consideraton.

Ordinarily, it is difficult to quarrel with the issuance of notices of proposed rulemaking. In this instance, however, it seems imprudent at best, and foolish at worst, to set this Commission and the public on a course requiring devotion of substantial resources to assess a plan whose feasibility is highly suspect, particularly in view of the existence of the Commission's ongoing inquiry and the staff's initial findings in Docket 82–10. It is especially unfortunate that our actions here may create public expectations for new services whose likely authorization is speculative in the extreme, at least in the bands identified. Finally, we have grave misgivings about allocating the land mobile reserve to services whose claim to being land mobile services is extremely weak in two cases (personal radio communication service and air-to-ground), and entirely unsupportable in the case of NTIA's proposal.

The Private Radio Bureau's commitment to complete Docket 82–10 before the proceedings initiated by the subject Notices are completed has somewhat allayed our fears that the Commission may allocate this spectrum without full information. It would indeed be regrettable if we were forced to reallocate additional UHF spectrum because we had given away the land mobile reserve to these new services and were then faced with confirmation of the need projected in Docket 82–10's Interim Report.[4]

Turning to the particulars of these NPRMs, the Further Notice proposing government/non-government fixed service allocations at 932–35 MHz and 943–46 MHz proposes a "housekeeping" change of bands to make way for the proposed personal radio communication service. We do not view this proposal as strictly housekeeping. The new allocation is technically questionable because it may interfere with Canada's contemplated personal radio service and it would displace broadcast auxiliary users now operating on a secondary basis in parts of the proposed band. The spectrum proposed is further questionable because it embodies less than the 45 MHz separation ordinarily called for in the fixed service. Finally, it is unclear why this premium spectrum should be devoted to fixed operations, which can exist above 1 GHz, albeit at a higher cost.

As for the Notice proposing an air-to-ground service allocation at 896–898 MHz and 941–943 MHz, we question the wisdom of allocating part of the land mobile reserve to a service which is spectrally inefficient and probably of limited appeal due to its high cost.

Finally, with regard to the new personal radio communication service proposed for 898–902 MHz and 937–941 MHz, we are concerned about whether the PRCS is sufficiently distinct from existing services to warrant additional spectrum. It is not clear why, for example, the personal and business communications needs identified (the service is expressly designed for both purposes, *see* para. 77) cannot be satisfied by existing land mobile services, be they "private" or "common carrier". If there are persuasive reasons why this is so, then the decision boils down to whether there is a strong public desire (as opposed to a strong desire solely on GE's part) for a new, technically distinct, hybrid personal service. We trust that the commenters will amplify the record on these issues.

Even if the PRCs should be authorized, it is still questionable whether it should occupy spectrum in the land mobile reserve. If the service can go far toward satisfying future land mobile requirements, then it would be reasonable to authorize its operation in that reserve. If such a new service cannot be counted on to meet future land mobile needs, then its claim to the land mobile reserve is wholly unwarranted and highly objectionable.

The issues raised by these NPRMs underscore the crying need for this Commission to place greater emphasis on spectrum management. Fair and efficient division of the spectrum between various services is becoming more important daily as the contests for spectrum multiply. How well and how wisely we accommodate competing spectrum demands will profoundly influence how well equipped we are to meet the telecommunications needs of the future. We do not know how the spectrum wars begun by the Notices will be finally resolved. But we are convinced that competing demands for spectrum will become increasingly common, the spectrum management must become a more highly prized activity at the FCC, and that our spectrum policies must be designed to encourage and reward the most up-to-date and efficient technology. If we do not make this activity a top priority, the public will suffer the consequences for years to come.

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causing the projections to be off by as much as fifty percent, an unmet need of 20–25 MHz would still exist. Such a projection should indicate that it is ill-advised to consider allowing the reserve to be put to other than its intended use.

[4] We must see to it that the land mobile reserve is not drained away, leaving the UHF band as the only remaining alternative for land mobile operation. One need only recall how wrenching was the FCC's 1970 decision to reallocate UHF Channels 70–83 when the potential of UHF was not even fully recognized. By that 115 MHz reallocation—which was four times the amount of spectrum then allotted to land mobile services—the Commission intended to provide enough spectrum to meet land mobile's growth at least through the remainder of the 20th century. Now, barely a decade later, parties are aggressively moving to wrest additional spectrum from the UHF service.

The Commission would also do well to remember Congress' commitment, in the 1962 All-Channel Receiver Act, to the full development of UHF television and our own commitment to that end. And, finally, we must be mindful of the possibility that reallocation of UHF channels can seriously diminish the potential for new service, competition, diversity, and ownership opportunities. Such consequences would seriously undermine important Commission goals.

47 CFR PART 97

[PR Docket No. 79–140; FCC 83–18]

Creation of an Additional Personal Radio Service

AGENCY: Federal Communication Commission.

ACTION: Termination of inquiry (Report and Order)

SUMMARY: The Commission is adopting a Report and Order terminating an Inquiry into the creation of an additional personal radio service. The Report and Order concludes that there is an unmet communications need for low-costs shortdistance communicaitons between people in private vehicles and other persons.

FOR FURTHER INFORMATION CONTACT: Steve Lett or John J. Borkowski, Private Radio Bureau, Special Services Division, (202) 632–4964.

Report and Order

In the matter of Creation of an Additional Personal Radio Service, PR Docket No. 79–140.

Adopted: January 20, 1983.
Released: March 4, 1983.
By the Commission: Commissioner Fogarty absent.

Introduction

1. On June 25, 1979, the Commission released a Notice of Inquiry[1] in the above-captioned matter for the purpose of seeking public comment on whether the allocation of additional frequencies for the creation of a new personal radio service is necessary, and if so, to determine the communications requirements which would be satisfied. This inquiry was prompted by the PURAC [2] recommendation that the Commission plan for a new Personal Radio Service which would be relatively noise-free and have the capability for direct-dial, automatic trucking, and selective calling. Moreover, the Commission's own studies [3] indicated that a new personal radio service could better satisfy some of the public's personal radio needs.

2. Several hundred comments were filed in response to the Notice of Inquiry. The majority of commenters were individuals filing on their own behalf. These comments are summarized in paragraph 3 through 11 below.

[1] 44 FR 37522, June 27, 1976

[2] Personal Use Radio Advisory Committee, charter filed pursuant to P.L. 92–463 on April 16, 1976, after Commission action establishing the Committee on March 18, 1976. See Public Notice, FCC 76–282 (March 26, 1976).

[3] Final Report, Alternatives for Future Personal Radio Services, May 1978.

Additionally, we received comments from a number of user organizations, equipment manufacturers, trade groups, and governmental entities. A number of those comments are summarized in paragraphs 12 through 30 below.

Summary of Comments to the Notice of Inquiry

3. Over 70% of the individual commenters favored the establishment of a new personal radio service. Personal business had unanimous approval as a use for the service, but there was even division between those interested in social communications, those interested in small business communications, and those opposed to one or the other. The opponents of social communications claimed that the 27 MHz CB service already serves this function, while proponents claimed there is an inadequate number of existing 27 MHz channels. Opponents to business communications felt this need was being met elsewhere in the spectrum and were concerned with domination of the new service by business interests. Other felt that small business definitely needs an inexpensive, convenient radio service. Other comments advocated that commercial business users should be limited to communications exchanges with the general public only. These exchanges could facilitate a motorist's making motel reservations, calling for a tow truck, etc. There are suggestions that social and/or business communication be limited to certain channels. There was also a consensus that business users be limited in the number of units that they could operate (e.g. 5 units maximum). Some commenters questioned whether a new 900 MHz service should be established at all. In what appeared to be an organized campaign, some people complained of the expense, short range, and above all, the medical danger of a 900 MHz allocation. The medical concerns included the biological danger of the radiation and interference with bio-medical devices such as pacemakers.[4]

4. Frequent comments were made concerning the fate of the present 27 MHz CB service. The division was nearly even, with some respondents favoring the eventual abolishment of the service and others concerned about the loss of a valuable resouce in the current CB service. Those favoring abolishment felt that the new service would be adequate for all needs. Those concerned about the loss indicated a suspicion of the Commission's intentions in creating a new service—certain that it was to replace the old one. Several other comments mentioned that the old service should be "cleaned up" prior to any consideration of a new personal radio service.

5. Although there was some criticism about the potential for high cost of 900 MHz radio equipment, the majority of comments on this issue favored a reasonably high cost ($300–$500) for the equipment to deter less-than-serious users. Respondents also were interested in not seeing the market dominated by a few equipment companies. A general concern about manufacturer pressure on the Commission's rule making process was also evidence. Some respondents suggested that the proposal for a new service was based on industry's desire to sell more new radios. However, the national economic benefit was cited more than once as a position aspect of a new service.

6. Many comments favored requiring automatic transmitter identification system (ATIS) for any new personal radio service. Virtually all of these comments mentioned the integrity of (that is, the inability to defeat) the in-radio ATIS device as paramount in importance. Recommendations of stiff fines for tampering with ATIS devices seemed popular. The elimination of anonymity by ATIS (with perhaps the publication of ATIS codes assigned to owners) was considered a peer enforcement tool that would result in better compliance and radio procedure. The ease of recovering a stolen ATIS-equipped radio was considered a selling point of the system to the public. Technical comments made ASCII[5] the most popular ATIS code format and support was given to making ATIS compatible with selective calling systems, telephone interconnect and repeater billing and control, and any possible trunking systems.

7. Selective calling was favored, but as an option only. This feature could include automatic, digitally controlled "contact-and-switch" capability in which the user's radios would establish contact and agree on a clear channel to assign themselves to without the user's manual assistance. Recommendations were made to require an automatic "time-out" device which would warn the user with a tone when a prescribed transmit time limit had been exceeded and subsequently disable the transmitter. Data and radio control (R/C) modes of operation seemed to have general support. Where data transmission was concerned, there was suggestions that such activity be limited in "duty cycle" with a maximum continuous transmission limit (1–5 seconds) and a minimum pause time (5–15 seconds). The limits would be controlled by the data transmitting device and would give other users an opportunity to transmit portions of their messages and give repeaters an opportunity to prioritize users. This would create a time-share environment that would prevent long data transmissions from excluding other users from a channel, while most data messages would be expected to be accommodated by the time permitted in the initial transmissions interval. Automatic data exchange by unattended devices was suggested as a means of utilizing the low load periods (late night and early morning) for non-immediate date messages. Radio control interests recommended that more channels be established at 72 MHz for such use, but also wanted to see R/C models allocated channels contiguous to (but not in) a new personal radio service.

8. Many respondents considered repeaters a must. General comments recommended a competitive atmosphere permitting several or all types of systems, such as cooperatively shared, private (club or individual), RCC (radio common carrier), and multiply licensed systems. Most comments did not favor allowing community repeater operators to make services contingent upon equipment purchases or rentals. It was also considered important to prevent any one organization from monopolizing channels by establishing too many repeaters. Other suggestions were made that only FCC licensed commercial operators be permitted to actually operate repeaters. Two uses of ATIS with repeaters were mentioned: control of repeater access and a system that would prioritize users, giving the most recent users the least priority for the next use ("rotation" of use). A method suggested to prevent run-on conversations was "variable billing." This scheme would incrementally increase the cost-per-minute of time upward as a conversation progressed, thus making a long conversation exponentially more expensive.

9. As noted earlier, there was some support for a plan that would separate

[4] In the Notice of Inquiry a request was made for information on possible adverse biological effects of radiation at 900 MHz (Notice at paragraph 31). The matter of the Commission's responsibility to consider potential health hazards of electromagnetic radiation is being addressed in a separate proceeding, and we defer consideration of this issue and its potential impact on a proposed personal radio service to the results of that proceeding. See Notice of Proposed Rule Making in Gen. Docket 79–144, 47 FR 8214, February 25, 1982.

[5] Amercian Standard Code for Information Interchange—A popular code for computer communications.

business (and possibly social) communications onto specific channels in the new service. Some in favor of such a plan suggested allocating as much as 50% of the channels in this manner. Concerning the channels for general use, virtually all comments favored the Commission's designating the use of several channels for some or all of the following uses:

(A) Public Service/Safety Communications—Up to five channels were requested for this purpose, with one an emergency-only channel, one a motorist/travelers assistance channel (to provide information on food, lodging, highway directions, etc.), one or two for network operations during disasters and public service events (regular or recurring net operations would not be permitted), and one or two for administration and inter-organization coordination between public service communications organizations. Recommendations were made that any such channels be required in all new radios and that relevant private radio users in other services (police, fire, civil preparedness, Coast Guard, and amateur) be automatically authorized to operate on these channels under their existing licenses.

(B) Traffic—This channel would be available for motorists to hold informal discussions with each other regarding traffic conditions. FCC designation of this channel was considered important for proper coordination.

(C) Information—This channel would provide emergency and traffic information transmitted by police, traffic authorities, the National Weather Service, etc. A recommendation was made that an option for radios be priority/tone activation of this channel. Variations on this designation included separate channels for siren /hailing application and the establishment of NOAA National Weather Service broadcasting (similar to the Marine Service). The siren/hailing channel would be for the purpose of emergency vehicles warning motorists of their approach and for police officers to direct traffic under uncommon conditions.

(D) Data Communications—There was an interest in reserving some channels (3–5) only for data transmission, while permitting these transmissions on all channels.

(E) Calling—This channel would be reserved for establishing contact with another user for the purpose of moving to a working channel for the actual message exchange. Another calling channel was suggested for automatic, digitally-controlled "contact-and-switch."

(F) R/C—Channels for the radio control of devices.

10. Point-of-sale licensing had much support. The most popular scheme involved making the equipment dealer responsible for a block of serial numbers and ATIS codes (perhaps one in the same). The radios would then be registered to the owners as they were sold. Analogies were drawn between this system and the registration of automobiles and guns, the latter being a similar financial investment. Owners would then be licensed separately or not at all. Presentation of an owner's license (if adopted) would be required for purchase. Some comments concerning owner licensing recommended use of a test on the Commission's rules as a licensing criterion for the new service. The tests could be administered by the dealer, by FCC licensed commercial operators, or they could be computer-graded as part of the license application. Other comments suggested that owner licensing be by the existing FCC commercial operator permits, where an owner would be required to hold a Restricted Radio-telephone Certificate or other operator license. Automatic authorization of current personal radio service licensees received limited support.

11. Concerning modulation techniques, narrow-band FM and SSB were most frequently suggested. Proponents of SSB selected it because of its narrow bandwidth. Proponents of FM cited the difficulty of achieving the necessary frerquency stability for SSB at 900 MHz. Many considered a pilot tone (or similar technique) mandatory for successful SSB operation. A few comments proposed multi-mode operation in the new service. Power limit recommendations ranged from one watt to one hundred watts. Most fell in the twenty-five range. One comment suggested limiting Effective Radiated Power (ERP) or placing a gain limit on antennas. This was out of concern for the high gain design capability of antennas at 900 MHz. Band size recommendations ranged from 100 to 1,000 channels, with 200 and 400 being regular choices.

Other Comments

12. The Academy of Model Aeronautics (AMA) requested that a new personal radio service at 900 MHz include assignment of 25 unpaired channels for the exclusive use of radio control (R/C) stations. When writing rules for 900 MHz R/C service, the AMA believed the following points should be included:

(A) Any type of modulation should be permitted (within an authorized bandwidth);

(B) 15 channels should be reserved for model aircraft-only use;

(C) Transmission of telemetry from models at reduced power should be permitted; and

(D) Only portable R/C operation with a maximum output power of 1 watt should be permitted.

13. The American Association of State Highway and Transportation Officials (AASHTO) strongly supported the proposal for a new service providing personal, and most importantly, highway communications. They seemed especially interested in the service evolving with the careful direction of the Commission and provided several suggestions on how the evolution would best take place. A key component in their evolutionary plan concerned an "experimental period" where the traffic safety agencies would have an opportunity to propose an integrated system design (including band plan and equipment features) after the establishment of the new service becomes inevitable but before final implementation. This, they claimed, would give them the interval necessary to experiment with available technology and, in cooperation with other proposals, develop the optimal integrated system for the motoring public. Money cannot be appropriated for the required experimentation until it is certain that the new service will become a reality. Since AASHTO would like the new service to have the primary role of serving the motorists' safety and convenience, they proposed channel allocations and equipment features for at least the following two items (in addition to emergency/motorists assistance channels and selective calling proposed elsewhere):

(A) In-vehicle Route Guidance (IVRG)—A system using very low power transceivers in or near the road surface to interact automatically with an in-vehicle transceiver for the purpose of calculating and displaying to the driver the optimum route of travel.

(B) Safety Hazard Advance Warning System (SHAWS)—This system would also use low power transmitters to warn motorists automatically of visually obscured road hazards.

14. The U.S. Department of Transportation (DOT) viewed the proposed Personal Radio Service essentially as reflected in the presentation by AASHTO. AASHTO represents the Federal Highway Administration in this matter, with the

latter being a constituent agency of the DOT.

15. The American Telephone and Telegraph Company (ATT) questioned whether a need exists for a new personal radio service, and also stated that the proposed allocation is not appropriate regardless, until it is determined whether the 900 MHz mobile reserve frequencies will be required for business and/or cellular assignments. They were particularly concerned about the spectrum from 894 MHz to 896 MHz, since this is already paired with portions of 845–851 MHz for future use. Concerning telephone interconnection as a feature of a new personal radio service, they objected to such use on the grounds that this activity can be supported by present and future planned common carrier facilities. They also stated that cellular systems are more spectrally efficient in providing this service and consequently are in keeping with the Commission's policy toward such efficiency as established in Docket 18262.

16. Dynascan Corporation envisioned the following service concepts:

(A) FM Modulation Scheme—due to the infeasibility of an attractive and economical SSB scheme.

(B) No Repeaters—because of lessened level of channel reuse and difficulty of administration of repeater systems.

(C) Two Emergency Channels—one a duplex channel for an emergency repeater system (a single exception to the above) and the other a simplex channel for use where an emergency repeater does not exist. Both emergency channels would be controlled by a selector switch separate from the normal channel selector and marked "Emergency Only";

(D) Manual Telephone Interconnect Only—to limit the expected heavy use of any phone patch capability. This activity would also be limited to certain channels only; and

(E) No Required "Time-Out" Device—due to the expense of an effective system.

Dynascan was also interested in a "cordless telephone" allocation at 900 MHz.

17. General Electric Company, Audio Products Department (GE) supported the establishment of a new personal radio service and made many specific comments on how they envisioned the new service. They recommended that the new service be based, for the most part, on a trunking scheme where calling channels would be set aside exclusively for automatic, digitally-controlled, call-and-switch. A channel "busy" circuit would be employed to prevent anyone from transmitting or receiving on a channel in use. Other features they were interested in seeing were automatic transmitter identification, a transmitter "time-out" device, and automatic telephone interconnection through a person's home base station.

18. GE has since submitted to the Commission "Supplemental Comments and Petition to Expedite Initiation of Rule Making Proceedings."[6] That filing expands in great detail upon the system suggested by GE in its original comments on this proceeding and requests ". . . the Commission to issue a Notice of Proposed Rule Making expeditiously on the basis of the proposals. . . ." However, due to the length of the GE petition and due to the fact that it is the most comprehensive proposal for a new personal radio service submitted to the Commission, it will be considered in a separate proceeding to be initiated today.[7]

19. The E. F. Johnson Company supported a new personal radio service but objected to the 900 MHz frequency choice. Their opposition was based on concerns about the short communications range and large transmission line losses typical of 900 MHz systems. They also felt that the increased cost of 900 MHz equipment, however small, would have a serious detrimental effect on potential user acceptance due to the extreme price-elastic nature of the personal radio market. Consequently, Johnson proposed that 220 MHz once again be considered as a home for the new personal radio service. They also advocated that any new service be basic in scope with novel features and technology left to the future in order to keep equipment costs at a minimum.

20. The American Radio Relay League (ARRL) favored the proposed new personal radio service. However, they would like the Amateur Radio Service to receive a separate and noncontiguous allocation in the 894–947 MHz band. They felt that both these assignments would be in keeping with the Commission's intentions as expressed in Docket 20271. Concerning the new personal radio service, they saw no reason why all modes of modulation should not be considered for the service. They also stated that ATIS should be required.

21. The Citizens Radio Section of the Electronic Industries Association (EIA) contended that need for an additional personal radio service is proven by the vast numbers of licensees and users in the Citizens Band and General Mobile Radio Services.

They also rejected recommendations that the CB service at 27 MHz should not be allowed to expand. They suggested that any group of 15 million users loaded on a similar "sliver" of spectrum would evolve a chaotic environment and point to the active use, even under such loading, as additional proof of a need for expanded service. The Section did object, however, to the Commission's choice for a frequency allocation. They expressed a belief that required technology did not exist for the economical manufacture and marketing of 900 MHz personal radio equipment and returned to a "* * * previous call for the creation of a new FM personal service in part of the 220–225 MHz band." Regardless of the frequencies chosen, they recommended against any excessive embellishments for the new service. They counted amongst these: ATIS (easily defeated), trunking, duplex operation, automatic interconnect, and repeaters (all too complex). They also suggested that repeaters would cause excessive spectrum congestion and that any of these features would price the average consumer out of the market.

22. The Land Mobile Communications Section of the EIA did not object to a new personal radio service *per se*, however, they strongly contended that the 900 MHz land mobile reserve bands are an untenable choice for such an allocation. They suggested that the use (as projected by the Private Land Mobile Advisory Committee to the World Administrative Radio Conference, among other groups) of trunked and cellular systems, along with some conventional private systems, will require all the existing 900 MHz reserve bands and additional other allocations just to meet the needs through the end of this century. They believed that the overall public benefit from the land mobile users (police, fire and EMS were mentioned among others) also far outweighs any as of yet undetermined potential benefit of another personal radio service. No logic was seen in the Commission's suggestion that business users might share in the use of the new service, as this was considered incompatible with personal use.

23. The Consumer Electronic Group of EIA (EIA–CEG) presented data which it claimed shows that a new personal radio service at 900 MHz would adversely affect standard UHF television service above channel 69. As a consequence, they opposed the establishment of the new proposed

[6] RM–4121, June 4, 1982.

[7] See Notice of Proposed Rule Making in General Docket 83–26, FCC 83–19, published in this issue of the Federal Register.

service at that frequency due to the likelihood of interference with TV reception. The technical data concerned image response and interference from IF beat and one-half IF beat frequencies. These are cited as occurring at 91.5 MHz, 45.75 MHz, and 22.875 MHz respectively, above the TV frequency of interest. No technical information was offered with regard to the concern about the IF frequency interference; however, the image response problem was further documented.[8]

24. The Association of Maximum Service Telecasters (MST) supported the creation of a personal radio service at 900 MHz, however, they desired it to replace the 27 MHz service through a phasing out program. ATIS is the only add-on technical feature that MST supported for new service. They believed that additional features would increase cost and consequently slow the migration from the existing 27 MHz band. Additional features, it was also feared, would result in spectral enefficiency (repeaters and interconnect) and discourage the use of business and cellular systems, making these more expensive and less spectrally efficient. MST challenged EIA–CEG's contention that intolerable TV interference would result from allocation of the 900 MHz land mobile reserve bands to personal radio use. They pointed out that these bands will eventually have to be allocated to some land mobile application to relieve congestion and that more severe interference from personal radio use should not be expected. They also cited the current use of 800 MHz and the unrealized potential for interference to currently active UHF channels as an example of non-interfering co-existence.

25. The National Association of Business and Educational Radio, Inc. (NABER) contended that there may be no demand or need for an additional personal radio service. They felt that the Commission in its Notice has proposed "* * * an extremely attractive number of options which may in fact thereafter create the demand to justify the need for additional spectrum." NABER also suggested that the Commission recognizes, by its inquiry into whether business interests should be licensed in the new service, that there is a competing need for allocation of spectrum to business users. Consequently, NABER made the following suggestions: that a new business allocation be made in this available spectrum and that, in the event that a new business allocation is not made, small business users (less than 5 units) be permitted to be licensed in any new personal radio service.

26. The Special Industrial Radio Service Association, Inc. "* * * does not believe that further consideration of the creation of additional Personal Radio Services is warranted at this time." In addition to questioning the propriety of another "low quality" communications service, they noted the steady drop in CB equipment sales in recent years as proof that the public is losing its interest or need for personal communications. As an alternative to the establishment of a new service they recommended leaving allocation plans flexible until a demonstrated need for frequencies is shown at a future date. In the event of the establishment of a new service, they recommended that telephone interconnection not be permitted. They envisioned that any channels made available for such use would be quickly saturated and that such service would pose competition to cellular mobile telephone service.

27. The Central Committee on Telecommunications of the American Petroleum Institute opposed "hobby type" allocations at the expense of public safety, industrial and land transportation services that could make use of available spectrum. They cited declining CB sales as evidence that the public has little need for additional frequency expansion. To the extent that some additional space might be needed, they would not oppose a small allocation at 900 MHz provided that allocations were made to other services as well. If a large allocation were made to a new personal radio service, they felt that industrial users should be permitted in the new service. The Central Committee opposed telephone interconnect capability on the grounds that cellular mobile telephone already supports this need. They favored transmitter "time-out" devices as a self enforcement tool.

28. The Utilities Telecommunications Council saw no demonstrated need for a new personal radio service and submitted that the need proposed in the Notice could adequately be met by the new cellular service. In the event that a further need is shown, they strongly objected to the allocation of mobile reserve bands for personal radio and suggested that the only 900 MHz allocation that would be appropriate would be 902–928 MHz.

29. National Capital REACT, Inc. (NCRI) strongly supported a new personal radio service which excludes both hobby and business communications. They felt that hobby communications would be unnecessary in the new band and that business users are adequately supported by other services. However, they recommended a type of cooperative "co-existence" between a new personal service at 900 MHz and the established business services in the 800 MHz band. This would include the availability of transceivers capable of operation on both bands with a scanning feature designed to permit reception of calls from both services. The system operation proposed by NCRI would permit repeaters, but strongly encourage the simplex mode when adequate for a communications exchange. In equipment features, ATIS was considered a must, while compatible selective calling would be a selling point of the system to the public. An automatic distress signalling system was another proposed feature.

30. REACT International recommended the Commission take the following actions(s):

(A) Reserve adequate spectrum at 900 MHz or another suitable frequency range for a new Personal Radio Service;

(B) Retain the present Citizens Band Radio Service at 27 MHz regardless of other bands becoming available;

(C) Include the designation of at least one channel for emergency and travelers assistance communications;

(D) Avoid introducing technological innovations into a Personal Radio Service before they have been thoroughly proven in other radio services. Therefore caution was requested in launching a new service at 900 MHz until greater experience has been acquired in producing equipment and operating it at that frequency.

Conclusions

31. Certainly, in considering the creation of an additional personal radio service, the threshold issue to be addressed is whether there are significant unmet personal communications needs which could only be satisfied by a new service, rather than by the modification or expansion of existing services, or by services already planned for the immediate future. In this instance, the question becomes, then, whether the current personal radio services (the Citizens Band (CB) Radio Service, the Radio Control (R/C) Radio Service and the General Mobile Radio Service (GMRS)) and/or existing or planned mobile telephone services (including cellular telephone service) are meeting, or are capable of meeting, the personal radio communications need of the American public. Research performed on contract with the

[8] These frequencies have since been reallocated to land mobile services, with only residual use by television translators on a secondary basis.

Commission,[9] plus information contained in the record of this proceeding, provide a good indication of what sorts of personal communications needs the public considers important. From these sources, it can be concluded that of currently unmet needs, highway communications (that is, communications while driving) are generally considered to be very important with directed communications (that is, communications where the calling party specifically addresses the receiving party) being more important that non-directed communications (that is, communications where the calling party is looking, generally, for someone to talk with).

32. In its supplemental comments to this proceeding, GE presents extensive documentation of unmet public demand for communications services. That documentation is the result of a survey commissioned by GE and conducted by Opinion Research Corporation(a subsidiary of Arthur D. Little, Inc.) of Princeton, New Jersey. While GE's documentation is far too lengthy and involved to be reported here in any detail, there are some facts worth noting in the context of this proceeding. Of the respondents to the GE/ORC survey needing to communicate while in their vehicle, "87% of (the) respondents needing mechanical assistance were able to make the necessary communication * * * (b)ut only 42% who needed to report that they were in a traffic tie-up were successful in making required communications." Out of a group of typical situations that a driver might encounter where communications might be necessary, the respondents indicated that they were unable to make the required contact on somewhat less than half of the occasions. Furthermore, "(t)he survey showed that for those drivers who were able (to make) contact * * * 63.5% of the respondents had to find a public pay telephone to satisfy such requirements."

33. It is evident from the record of this proceeding that unfulfilled communications needs of the public do exist. Thus, the remaining question to be addressed is whether these needs can be met by existing or planned services. Of the three personal radio services, the CB service is, by far, the most popular. And while CB certainly provides a valuable non-directed communications service, its usefulness is limited by many factors: predominantly, lack of adequate spectrum and propagation characteristics that often subject users to an intolerable level of interference. Both the R/C and GMRS services suffer from the same problems of congestion and, in apparent recognition of this fact, virtually none of the commenters in this proceeding identified expansion or modification of any of the current personal radio services as a means of meeting the public's communications requirements. Furthermore, cellular mobile telephone service was not suggested in the comments as a solution to meeting these requirements. In sum, the bulk of the comments identified a further need for personal communications and identified a new radio service as the only adequate vehicle to meet that need.

34. The Commission is persuaded by the record of this proceeding that the question of a new radio service, primarily one that will provide for directed communications from vehicles at a cost the average person can afford, merits further consideration. As a result of these findings, the Commission will, today, initiate a new proceeding looking toward the establishment of an additional radio service to meet the needs identified in this proceeding. We plan to address the remaining unresolved questions involved in the establishment of a new radio service in the new proceeding.

35. Accordingly, it is ordered that this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-7294 Filed 3-22-83; 8:45 am]

BILLING CODE 6712-01-M

[9] Final Report, Implementation of User Demand and Satisfaction Model for Personal Radio Services, December 1977, Advanced Research Resources Organization.

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47 CFR Part 2

[General Docket No. 82-243; FCC 83-15]

Allocation of 6 MHz to the Government and Non-Government for Fixed Service Usage

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rule making.

SUMMARY: The FCC proposes to allocate the frequency bands 932–935 MHz, paired with 943–946 MHz for fixed services to be shared on a co-equal, co-primary basis between Government and non-Government users. The FCC previously issued a Notice of Proposed Rulemaking in this Docket proposing to allocate the 899–902 MHz and 938–941 MHz bands for this purpose. However, a new personal radio service is now being proposed for the 898–902 MHz and 937–941 MHz bands, and this would preclude fixed service use of these bands. Accordingly, a change in frequency bands for fixed services is being proposed.

DATES: Comments must be received on or before June 10, 1983. Reply comments must be received on or before July 11, 1983.

ADDRESSES: Comments may be mailed to the Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Rodney Small, Spectrum Planning Branch, Office of Science and Technology, Federal Communications Commission, Washington, D.C. 20554, (202) 653–8169.

List of Subjects in 47 CFR Part 2

Communications equipment, Radio, Frequency allocations.

Further Notice of Proposed Rule Making

Adopted: January 20, 1983.
Released: March 14, 1983.

In the matter of Amendment of Part 2 of the Commission's Rules to provide for an allocation of 6 MHz to the Government and the non-Government for fixed service usage; Gen. Docket No. 82-243.

By the Commission: Commissioners Quello and Rivera concurring and issuing a joint statement; Commissioner Fogarty absent; Commissioner Jones concurring in the result; Commissioner Dawson issuing a separate statement.

1. On May 10, 1982, the Commission released a *Notice of Proposed Rule Making* (*Notice*) in this proceeding, which proposed to reallocate 6 MHz of spectrum from the remaining 41 MHz of land mobile reserve in the 900 MHz range to a Government and non-Government fixed service.[1] On May 18, 1982, an *Erratum* was released, correcting one of the two proposed frequency bands to be used.[2] As modified, the proposed bands are 899–902 MHz and 938–941 MHz.

2. The proceeding was initiated when the National Telecommunications and Information Administration (NTIA) advised the Commission of a Federal Government requirement for additional spectrum for low capacity fixed systems. The notice concluded that using spectrum outside of the 900 MHz range for these requirements was not feasible, and that a 900 MHz allocation was therefore necessary. The notice also stated that a 900 MHz allocation could be shared between Government and non-Government fixed services. Accordingly, the 932–935 MHz and 938–

[1] 47 FR 23491.
[2] 47 FR 23495.

941 MHz bands were proposed for this type of use. Comments were requested as to what types of fixed services could most suitably share the proposed allocation, with the feasibility of Aural Broadcast Studio-to-Transmitter Link (STL) and Intercity Relay station (ICR) usage specifically mentioned. Comments were also requested as to any other alternatives to the proposed allocation, and as to what procedural and technical rules should be promulgated.

3. The *Erratum* in this proceeding changed the lower band to be used from 932–935 HHz to 899–902 MHz, due to concern about potential interference problems in Canadian border areas if 932–935 MHz were used. Shortly before the notice was adopted, it was learned that a (mobile) General Radio Service in the 933–935.5 MHz band was being considered in Canada, and it was a concern that fixed usage in the 932–935 MHz band in the United States would present compatibility problems. The lower band was therefore moved to 899–902 MHz to ensure compatibility with Canada. However, this change was inadvertently not incorporated into the notice; hence the need for the *Erratum*.

4. A total of nineteen parties filed comments and/or reply comments to the notice. Of these, eight generally favored the reallocation while eleven generally opposed it. The eight who favored it cited a need for additional spectrum for fixed services, while the eleven who opposed it stated that a need for another fixed service band had not been made. Those who opposed the service also maintained that even if there were a need for an additional fixed service band, it should be satisfied elsewhere in the spectrum. Parties also commented on the procedural and technical rules which should be promulgated.

5. Based upon the information available to us at this time, we conclude that should we ultimately accommodate the proposed fixed service there is no better alternative to the 900 MHZ land mobile reserve bands for this purpose. However, owing to the overall needs of national spectrum utilization, we are herein proposing that the new bands to be used for fixed services be changed from 899–902 MHz and 938–941 MHz to 932–935 MHz and 943–946 MHz. This proposed change stems from two other proposals we are making today. In General Docket No. 83–30, we are proposing to reallocate the 896–898 MHz and 941–943 MHz bands for a public air-to-ground telephone service. In General Docket No. 83–26, we are proposing to reallocate the 898–902 MHz and 937–941 MHz bands for a personal radio service. This latter proposal would preclude fixed service use of the 899–902 MHz and 938–941 MHz bands; however, we are proposing the change to accommodate the frequency separation required in the envisioned personal radio service. This information was not available at the time of the notice in this proceeding. We are therefore proposing that the lower band to be used for fixed services be placed where originally proposed in the notice—at 932–935 MHz—and that the upper band be placed just above the upper air-to-ground band—at 943–946 MHz. However, comments are also requested on the impact this proposal will have on the traditional frequency separation of 45 MHz for two-way mobile services.

6. This proposed change in frequency bands to be used for fixed services is not without its difficulties. By changing the lower band to be used to 932–935 MHz, we are risking compatibility problems with Canada, as was made clear in the *Erratum*. However, we now believe that should we ultimately accommodate the fixed service proposal this is an acceptable risk, since it is uncertain whether Canada will implement a general mobile radio service in the 933–935.5 MHz band. Furthermore, even if this service is implemented, it appears possible to avoid major incompatibility problems through careful engineering and coordination with the Canadians.

7. Changing the upper band proposed for fixed services to 943–946 MHz also presents potential problems, since the 942–947 MHz band is currently used by STL and ICR stations on a secondary basis to the primary land mobile radio service. However, we note that in General Docket No. 82–335, we have proposed to move the approximately 500 STL and ICR licensees at 942–947 MHz to the 2130–2150 MHz and 2180–2200 MHz bands over a five year period.[3] Also, as mentioned in the notice, we believe that sharing may be possible between STL and ICR stations and the types of services that will use the new fixed bands.

8. We solicit comments regarding the proposed change in frequency bands for fixed service use, as shown in the Appendix, particularly with respect to any compatibility problems it may pose in Canadian border areas, and its impact on STL and ICR licensees. In this regard, we are especially interested in the feasibility of permitting Government and non-Government operational fixed use of the 943–946 MHz band, while allowing existing STL and ICR licensees to remain. We also solicit comments on the feasibility of applying Part 94 frequency coordination procedures and technical standards to the proposed new fixed bands. Parties who oppose using Part 94 coordination procedures and/or technical standards should provide specific descriptions of procedures and/or standards they would use. These comments will be considered along with those submitted in response to the notice before a final decision is made in this proceeding.

9. We note that with this action three proposals are now before the public for comment—proposals which would consume a total 18 MHz of the 21 MHz of reserve spectrum between 896–947 MHz. These bands have been considered to be reserved to meet land mobile spectrum requirements. It is our intention to consider these proposals in a coordinated manner prior to making final decisions on any of them. Moreover, while we are proposing this action of 932–935 MHz and 943–946 MHz for the new fixed bands, we would welcome public comment as to whether this choice is optimum, or whether other frequencies within this band, or another band altogether, shoud be selected for this purpose. In providing comment on this point, attention should be given to all three pending proposals for use of the 896–947 reserve bands.

10. Finally, we would note that more and more spectrum demands are being made by both Government and non-Government users. It would be helpful in our evaluation if we had additional information regarding the Government's specific needs. We are aware that Congress has expressed its concern for such matters by asking NTIA to study the Government's use and management of radio spectrum. We invite comment on whether we should make a final decision on this item while NTIA makes its study.

11. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments)

[3] *Notice of Proposed Rule Making*, released July 2, 1982, 47 FR 31170. Only about 150 of the 500 licensees use the 943–946 MHz band. The other licensees use either 942–943 MHz or 946–947 MHz. If the upper band to be used for fixed services were changed to 944–947 MHz, approximately 400 licensees would be affected.

between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules.

12. Pursuant to Section 605 of the Regulatory Flexibility Act of 1980, Pub. L. 96–354, we find that the proposed action herein would not have, if adopted, a significant economic impact on a substantial number of small businesses. It does not propose to displace anyone assigned to any of the bands being considered in this proposal.[4] The allocation proposed herein would only provide additional spectrum for low-capacity fixed systems. Moreover, since the bands proposed for allocation are presently being held in reserve for land mobile, the allocation, if adopted, would not have any impact on small businesses currently using mobile radio. However, the extent of impact in the future due to increased demand for spectrum from land mobile users is unknown.

13. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to procedures set out in Section 1.415 of the Rules, interested persons may file comments on or before June 10, 1983 and reply comments on or before July 11, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

14. In accordance with the provisions of § 1.419 of the Rules, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting 1 copy. All comments are given the same consideration regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, Room 239, 1919 "M" Street, NW. in Washington, D.C.

15. For further information concerning this document, contact Rodney Small at (202) 653–8169.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[4] As noted in paragraph seven, STL and ICR stations currently use the 942–947 MHz band on a secondary basis. However, we are proposing to shift these stations to higher bands, and there is no reason to believe that the proposals contained herein will force this shift to occur prematurely. In fact, as noted in paragraph eight, existing STL and ICR licensees may be allowed to remain at 943–946 MHz.

Appendix

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 2—[AMENDED]

§ 2.106 [Amended]

1. In § 2.106, the Table of Frequency Allocations is revised for the band 896–946 MHz as follows:

United States		Federal Communications Commission				
Band (MHz)	Allocation	Band (MHz)	Service	Class of Station	Frequency (MHz)	Nature of services of stations
5	6	7	8	9	10	11
•	•	•	•	•	•	•
896–898	NG. (US 36), (US 100), (US 116).	896–898	LAND MOBILE	Base. Land Mobile		DOMESTIC PUBLIC. (NG 12).
898–902	NG. (US 36), (US 100), (US 116).	898–902	LAND MOBILE			CITIZENS BAND LAND MOBILE PRIVATE RADIO COMMUNICATIONS SERVICE
•	•	•	•	•	•	•
932–935	G, NG. (US 36), (US 116), (US 215).	932–935	FIXED	Operational Fixed.		
•	•	•	•	•	•	•
937–941	NG. (US 36), (US 116), (US 215).	937–941	LAND MOBILE			CITIZENS BAND LAND MOBILE PRIVATE RADIO COMMUNICATIONS SERVICE
941–943	NG. (US 36), (US 116)	941–943	LAND MOBILE	Base. Land Mobile.		DOMESTIC PUBLIC. (NG 12)
943–946	G, NG. (US 36), (US 116).	943–946	FIXED	Operational Fixed.		
•	•	•	•	•	•	•

2. In the list of footnotes immediately following the table in § 2.106, footnote: US116 and NG 12 are revised to read as follows:

* * * * *

US116—In the bands 890–902 MHz, 928–932 MHz, and 935–943 MHz, and 946–947 MHz, no new assignments are to be made to Government radio stations after July 10, 1970 except on a case-by-case basis, to experimental stations and to additional stations of existing Networks in Alaska. Government assignments existing prior to July 10, 1970 to stations in Alaska may be continued. All other existing Government assignments shall be on a secondary basis to stations in the non-Government land mobile service and shall be subject to adjustment of removal from the bands 890–902 MHz, 928–932 MHz, 935–943 MHz, and 946–947 MHz at the request of the FCC.

* * * * *

NG 12—Frequencies in the bands 454.40–455 MHz, 459.40–460 MHz, 896–898 MHz for air-to-ground links and 941–943 MHz for ground-to-air links may be assigned to domestic public land and mobile stations to provide air-ground public radio-telephone service.

Concurring Statement of Commissioners Henry M. Rivera and James H. Quello

Re: Proposals to Allocate the 900 MHz Land Mobile Reserve Spectrum

We concur in the issuance of these three Notices of Proposed Rulemaking,[1] but not without considerable reservation.

Collectively, the Notices would dispose of 18 of the remaining 21 MHz of land mobile reserve spectrum.[2] The untutored commenter might reasonably infer from this substantial proposed allocation that the Commission has developed a record indicating that these are the wisest uses for this premium reserved spectrum. Unfortunately, that is not true. The Commission is even now attempting to evaluate in Docket 82–10 the adequacy of the land mobile reserve to meet the future needs of land mobile users. The Private Radio Bureau's initial estimate projects shortages of at least 40–50 MHz by the year 2000.[3] While the Commission has not yet endorsed the Bureau's estimate, it seems clear that unless a refined sense of priority is established, we may casually allocate this rapidly dwindling resource without adequate consideration.

Ordinarily, it is difficult to quarrel with the issuance of notices of proposed rulemaking. In this instance, however, it seems imprudent at best, and foolish at worst, to set this Commission and the public on a course requiring devotion of substantial resources to assess a plan whose feasibility is highly suspect, particularly in view of the existence of the Commission's ongoing inquiry and the staff's initial findings in Docket 82–10. It is especially unfortunate that our actions here may create public expectations for new services whose likely authorization is speculative in the extreme, at least in the bands identified. Finally, we have grave misgivings about allocating the land mobile reserve to services whose claim to being land mobile services is extremely weak in two cases, (personal radio communication service and air-to-ground), and entirely unsupportable in the case of NTIA's proposal.

The Private Radio Bureau's commitment to complete Docket 82–10 before the proceedings initiated by the subject Notices are completed has somewhat allayed our fears that the Commission may allocate this spectrum without full information. It would indeed be regrettable if we were forced to reallocate additional UHF spectrum because we had given away the land mobile reserve to these new services and were then faced with confirmation of the need projected in Docket 82–10's Interim Report.[4]

Turning to the particulars of these NPRMs, the Further Notice proposing government/non-government fixed service allocations at 932–35 MHz and 943–46 MHz proposes a "housekeeping" change of bands to make way for the proposed personal radio communication service. We do not view this proposal as strictly housekeeping. The new allocation is technically questionable because it may interfere with Canada's contemplated personal radio service and it would displace broadcast auxiliary users now operating on a secondary basis in parts of the proposed band. The spectrum proposed is further questionable because it embodies less than the 45 MHz separation ordinarily called for in the fixed service. Finally, it is unclear why this premium spectrum should be devoted to fixed operations, which can exist above 1 GHz, albeit at a higher cost.

As for the Notice proposing an air-to-ground service allocation at 896–898 MHz and 941–943 MHz, we question the wisdom of allocating part of the land mobile reserve to a service which is spectrally inefficient and probably of limited appeal due to its high cost.

Finally, with regard to the new personal radio communication service proposed for 898–902 MHz and 937–941 MHz, we are concerned about whether the PRCS is sufficiently distinct from existing services to warrant additional spectrum. It is not clear why, for example, the personal and business communications needs identified (the service is expressly designed for both purposes, *see* para. 77) cannot be satisfied by land mobile services, be they "private" or "common carrier". If there are persuasive reasons why this is so, then the decision boils down to whether there is a strong public desire (as opposed to a strong desire solely on GE's part) for a new, technically distinct, hybird personal service. We trust that the commenters will amplify the record on these issues.

Even if the PRCs should be authorized, it is still questionable whether it should occupy spectrum in the land mobile reserve. If the service can go far toward satisfying future land mobile requirements, then it would be reasonable to authorize its operation in that reserve. If such a new service cannot be counted on to meet future land mobile needs, then its claim to the land mobile reserve is wholly unwarranted and highly objectionable.

The issues raised by these NPRMs underscore the crying need for this Commission to place greater emphasis on spectrum management. Fair and efficient division of the spectrum between various services is becoming more important daily as the contest for spectrum multiply. How well and how wisely we accomodate competing spectrum demands will profoundly influence how well equipped we are to meet the telecommunications needs of the future. We do not know how the spectrum wars begun by the Notices will be finally resolved. But we are convinced that competing demands for spectrum will become increasingly common, the spectrum management must become a more highly prized activity at the FCC, and that our spectrum policies must be designed to encourage and reward the most up-to-date and efficient technology. If we do make this activity a top priority, the public will suffer the consequences for years to come.

Separate Statement of Commissioner Mimi Weyforth Dawson re: Reallocation of 900 MHz Reserve Spectrum

These three decisions present the classic dilemma in spectrum allocation: too much demand for too little spectrum.

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[1] *See* Notices of Proposed Rulemaking in Dockets 83–26 and 83–30 and Further Notice of Proposed Rulemaking in Docket 82–243.

[2] An additional 20 MHz of the land mobile reserve is tacitly set aside for the future growth of the cellular radio service.

[3] *See Future Private Land Mobile Telecommunications Requirements*, released August 1982. Even if, as some claim, the assumptions underlying this study are flawed, causing the projections to be off by as must as fifty percent, an unmet need of 20–25 MHz would still exist. Such a projection should indicate that it is ill-advised to consider allowing the reserve to be put to other than its intended use.

[4] We must see to it that the land mobile reserve is not drained away, leaving the UHF band as the only remaining alternative for land mobile operation. One need only recall how wrenching was the FCC's 1970 decision to reallocate UHF Channels 70–83 when the potential of UHF was not even fully recognized. By that 115 MHz reallocation—which was four times the amount of spectrum then allotted to land mobile services—the Commission intended to provide enough spectrum to meet land mobile's growth at least through the remainder of the 20th century. Now, barely a decade later, parties are aggressively moving to wrest additional spectrum from the UHF service.

The Commission would also do well to remember Congress' commitment, in the 1962 All-Channel Receiver Act, to the full development of UHF television and our own commitmenmt to that end. And, finally, we must be mindful of the possibility that reallocation of UHF channels can seriously diminish the potential for new service, competition, diversity, and ownership opportunities. Such consequences would seriously undermine important Commission goals.

Our present dilemma with these three decisions also takes place within an even larger dilemma with regard to the future needs of land mobile radio. The Commission anticipated in its findings in Docket No. 18262 that land mobile needs would be met through use of reserve spectrum. Yet, we are seeing this reserve spectrum chipped away and reallocated for other purposes. Meanwhile, in Docket 82–10, the Private Radio Bureau, which is investigating future land mobile needs, has stated that more than the available reserve spectrum will be required to meet land mobile requirements in the next decade. And, of course, strong battle lines are being drawn between the land mobile and broadcast services over any additional sharing by land mobile of the allocated UHF-TV spectrum.

Even from this brief outline, it is apparent that each of these decisions is interrelated and that the Commission should not proceed with the reallocation of land mobile reserve spectrum through insular, piecemeal actions. While each proposal may have merit standing alone, it is the Commission's responsibility to weigh the need for and adequacy of each proposed service. In this regard, I believe that it bodes well for our consideration of these and other spectrum demands that the Commission will consider these competing demands concurrently.

NTIA's Request for 6 MHz

NTIA has requested reallocation of 6 MHz in the 900 MHz band for low capacity fixed systems. This would be shared by government and non-government users. In my opinion we should not rule on this request until NTIA has responded to Congress' stated concern for the government's use and management of the spectrum. The Further NPRM invites comments on this issue. I would expect NTIA to inform us of its position and its efforts in this area.

In particular, I feel that NTIA bears some burden of demonstrating why commercial providers cannot be used to meet the needs which have resulted in NTIA's request to reallocate 6 MHz in the 900 MHz band. We require non-government users, in requests for additional frequencies, to make specific showings of need or to submit loading studies. Therefore, it seems reasonable to expect government users to provide specific showings that their requirements cannot be met through available sources. It may very well be the case that 6 MHz of the 900 MHz spectrum is needed and that it would have minimal impact on non-government users sharing the same spectrum. I am not prejudging whether government is or isn't efficiently using the spectrum, but the Commission needs a more detailed record to establish these facts.

GE's Proposal

The GE proposed "Personal Radio Communications Service" presents an interesting concept. However, I think we must evaluate the service in view of our past experience with Citizens Band Radio; indeed, if the service, through lower costs of units approaches the popularity of CB, the service may be considerably less useful than envisioned by GE. Likewise, the service may be too limited in range to be worthwhile. It must also be evaluated as to whether it is a complement to cellular or whether the service could be provided through existing services.

Air-Ground Telephone Service

The air-ground service cannot be provided through existing services, and my initial analysis is that this may be a valuable service.

However, I would perfer to take a hard look at both of the proposals before us and not rush to limit the technical capability of such a system. While technical parameters are not proposed, limiting the spectrum for this service to 4 MHz essentially rules out a more sophisticated system. In fact, the 4 MHz limitation might preclude hand-off capability and ground-initiated calls which may well be desirable features in such a service. In any event, I believe that we cannot make a reasoned decision on this service until we have the results of the authorized experimental tests.

I believe that this 900 MHz spectrum is such a valuable resource that it should not be left unused when it can be put to work for the public good. However, the Commission cannot hand it out on a first come-first served basis with no consideration of our spectrum management mandate. Therefore, it is imperative that commenting parties not only address the proposal of immediate interest, but that they also respond to any other competing demands for this spectrum.

Simply put, we need to look at this whole piece of spectrum and decide what we want to do with it. After we see the whole package, it may appear that there is a greater need for one service than another or that some different combination than that proposed is better. But, at this time I believe that the Commission needs a comprehensive view of the larger picture to make such a decision.

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Wednesday
March 23, 1983

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Approval of the Permanent Regulatory Program Submission From the State of Alaska Under the Surface Mining Control and Reclamation Act of 1977

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 902

Approval of the Permanent Regulatory Program Submission From the State of Alaska Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: On July 23, 1982, the State of Alaska submitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of the submission is to demonstrate the State's intent and capability to administer and enforce the provisions of SMCRA and the permanent regulatory program regulations, 30 CFR Chapter VII. This rule grants approval of the Alaska permanent regulatory program.

A new Part 902 is being added to 30 CFR Chapter VII to implement this decision.

EFFECTIVE DATE: This approval is effective May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Abbs, Chief, Division of State Program Assistance, Program Operations and Inspection, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Phone: (202) 343–5361.

SUPPLEMENTARY INFORMATION:

Availability of Copies.—Copies of the Alaska program and the administrative record on the Alaska program are available for public inspection and copying during regular business hours at:

Office of Surface Mining, Administrative Record Office, Room 5315, 1100 L Street, N.W., Washington, D.C. 20240

Wyoming Field Office, Office of Surface Mining, 935 Pendell Boulevard, Freeden Building, Mills, WY 82644

Division of Minerals and Energy Management, Department of Natural Resources, State of Alaska, 555 Cordova Street, Room 22, Anchorage, AK 99501, Attention: Patricia Garvin

Department of Natural Resources, Division of Geological and Geophysical Surveys, 230 South Franklin Street, Room 401, Juneau, Alaska 99801, Attention: Judy Seigler

Department of Natural Resources, Division of Energy and Minerals Management, 4420 Airport Way, Fairbanks, Alaska 99701, Attention: Glenn Miller

Background on the Alaska Program Submission

On July 23, 1982, OSM received a proposed regulatory program from the State of Alaska. The program was submitted by the Alaska Department of Natural Resources (DNR), the agency which will be the regulatory authority under the Alaska permanent program. Notice of the receipt of the submission initiating the program review was published in the **Federal Register** on August 3, 1982 (47 FR 33520–33522), and in a newspaper of general circulation within the State. The announcement noted information for public participation in the State program review process. On September 24, 1982, OSM held a public hearing on the Alaska submission in Anchorage, Alaska.

By letter dated December 13, 1982, the DNR submitted amendments to the program submission which contained:

1. Final regulations implementing the Alaska Surface Coal Mining Control and Reclamation Act;
2. A Supplemental Narrative, describing State policy in regard to certain issues raised by OSM and the public;
3. Two State Attorney General's opinions; and
4. Draft regulations showing changes to the State rules submitted in July 1982.

On December 27, 1982, OSM published notice in the **Federal Register** (47 FR 57511), that these amendments to the Alaska permanent program submission were available for public review and comment.

Public disclosure of comments by Federal agencies was made on February 8, 1983 (48 FR 5763). The Administrator of the Environmental Protection Agency has transmitted her written concurrence on the Alaska Program.

The Director recommended to the Secretary that the Alaska program be approved.

This notice consists of the basis and purpose statement for the Secretary's decision to approve Alaska's program. The Alaska program consists of the formal submission of July 23, 1982 (Administrative Record No. AK–1), as amended by letter, dated December 13, 1982, (Administrative Record Nos. AK–19–21) and by letter, dated January 11, 1983 (Administrative Record No. AK–26).

Throughout the remainder of this notice, "Alaska Program" or "Alaska submission" is used to mean the documents cited above.

The Secretary's Findings below are organized to follow the order set forth in Section 503 of SMCRA and 30 CFR 732.15, respectively. These sections specify the findings which the Secretary must make before he may approve a regulatory program.

Secretary's Findings

Section 503(a)

In accordance with Section 503(a) of SMCRA the Secretary finds that Alaska has the capability to carry out the provisions of SMCRA. Findings made in accordance with Section 503(a) of SMCRA are set forth in Findings 1 through 7 below:

Finding 1

The Secretary finds that Alaska has laws which provide for the regulation of surface coal mining and reclamation operations on non-Indian and non-Federal lands in Alaska in accordance with SMCRA. The issues underlying this finding are analyzed in the findings below.

Finding 2

The Secretary finds that Alaska has laws which provide sanctions for violations of State laws, regulations or conditions of permits which meet the minimum requirements of SMCRA. The issues underlying this finding are analyzed in Finding 19 below.

Finding 3

The Secretary finds that the State regulatory authority will have sufficient administrative and technical personnel and sufficient funding to enable the State to regulate surface coal mining and reclamation operations in accordance with the requirements of SMCRA. Refer to Finding 30 for further discussion.

Finding 4

The Secretary finds that the State has laws which provide for effective implementation, maintenance and enforcement of a permit system meeting the requirements of SMCRA. The issues underlying this finding are analyzed in Finding 14 below.

Finding 5

The Secretary finds that the State has adequate processes for the designation of lands unsuitable for surface coal mining. Significant issues discovered during the review of Alaska regulations corresponding to Federal regulations developed pursuant to Section 522 of SMCRA are discussed under Finding 21, below.

Finding 6

The Secretary finds that the State has an adequate process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with all of the Federal and State permit processes applicable to the proposed operations. Significant issues discovered during the review of Alaska regulations corresponding to the Federal regulations on permitting are discussed under Finding 14, below.

Finding 7

The Secretary finds that the State has rules and regulations which are no less effective than 30 CFR Chapter VII. The issues uncovered in the review of the State's rules and regulations are discussed under various findings and the public comment section, below.

Section 503(b) of SMCRA Findings

As required by Section 503(b)(1)–(3) of SMCRA, and 30 CFR 732.11–732.13, the Secretary has, through OSM, fulfilled the requirements set forth in Findings 8 through 10 below:

Finding 8

The Secretary has solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture and the heads of other Federal agencies concerned with or having special expertise pertinent to the Alaska program.

Finding 9

The Secretary has obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of the Alaska program which relate to air or water quality standards promulgated under the authority of the Clean Water Act, as amended (33 U.S.C. 1151–1175), and the Clean Air Act, as amended (42 U.S.C. 7401 *et seq.).*

Finding 10

The Secretary has met the requirement to hold at least one public hearing in the State by having held a public hearing on the submission in Anchorage, Alaska on September 24, 1982.

Finding 11

In accordance with Section 503(b)(4) of SMCRA, the Secretary finds that Alaska has the legal authority and sufficient qualified personnel to enforce the environmental protection standards in accordance with SMCRA.

30 CFR 732.15 Findings

In accordance with 30 CFR 732.15, the Secretary makes Findings 12 through 30 below on the basis of information in the Alaska program submission, public comments and testimony, written presentations at the public hearing and other relevant information within the administrative record.

Finding 12

In accordance with 30 CFR 732.15(a), the Secretary finds that the program provides for the State to carry out the provisions and meet the purposes of SMCRA. State regulations and narrative descriptions are discussed in Findings 13 through 30. The issues underlying this finding are analyzed in the findings discussed throughout this **Federal Register** notice.

Finding 13

In accordance with 30 CFR 732.15(b)(1), the Secretary finds that the Alaska program submission demonstrates that the Alaska DNR can implement, administer and enforce all applicable requirements of Subchapter K of 30 CFR Chapter VII under existing authorities in Alaska laws, regulations and descriptive elements of the program submission. Alaska incorporated provisions of 30 CFR Chapter VII, Subchapter K, in articles 6, 7, and 10 of the State regulations. Alaska's description of its system to administer and enforce the performance standards, found in the narrative in Section 4, Part F entitled, "Administering and Enforcing Performance Standards", is found acceptable. Significant issues discovered during the review of the Alaska program corresponding to Subchapter K of 30 CFR Chapter VII are as follows:

13.1 11 Alaska Administrative Code (AAC) 90.085 addresses the protection of hydrologic balance. Subsection (b)(2) references, "the limits on pollutants in discharges subject to 11 AAC 90.323." The State rule at 11 AAC 90.323 does not include water quality effluent limitations such as those found in the comparable Federal regulation at 30 CFR 816.42(a)(7). In response to OSM concerns, the State has amended 11 AAC 90.323(a) to require that all discharges of water from underground workings to surface water and all surface drainage from the disturbed area must be passed through sedimentation ponds or a treatment facility before leaving the permit area unless the commissioner of DNR finds that impractical conditions, such as permafrost or ice-covered ponds, will be present and that the drainage will meet the applicable State and Federal water quality laws and regulations without treatment. Also, in the Supplemental Narrative the State verifies that 11 AAC 90.009(a) makes it clear that operators must comply with laws and regulations of any Federal, State or local government agency, which includes applicable Federal and State water quality standards. Further, by letter, dated January 11, 1983, Alaska specifically states that it interprets 11 AAC 90.321(c) to require operators to comply with the effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency at 40 CFR Part 434.

In the Supplemental Narrative, Alaska explains that sedimentation ponds and other surface disturbances may cause more environmental damage than protection in permafrost areas. This is because ponds may cause melting of the permafrost, resulting in a disturbance that will create an unstable land mass which might become fluid. Such land mass would be difficult to control, and would hinder revegetation efforts. Similarly, if sedimentation ponds are covered with ice at the time of highest runoff in the spring, there will be no storm water retention and high flows will cause more environmental damage if the structure is overtopped. The commissioner may only waive the sedimentation pond or treatment requirement: (1) Where these conditions are present, *and* (2) where the applicable State and Federal water quality standards will be met. See the SMCRA Section 708 study, Committee on Alaskan Coal Mining and Reclamation *et. al.,* Surface Coal Mining in Alaska (1980) (the Section 708 study), finding 2, page xxi; sections 3.1.2, 3.1.4.5.3, and 5.2.8.2.2; pages 222–6; Appendix A, pages 258–9, 265 and 267.

On these bases, the Secretary finds that 11 AAC 90.085 and 90.323 are no less effective than 30 CFR 816.42(a)(7).

13.2 11 AAC 90.149(d), unlike 30 CFR 785.19(d), provides the commissioner with authority to exempt an applicant from submitting information regarding an alluvial valley floor if the alluvial valley floor has no history of farming or is not subirrigated. In the Supplemental Narrative, Alaska states that flood irrigation is not a practice used in the Alaska agriculture industry. Further, the requisite information would be required except to the extent that the commissioner can make the necessary findings regarding the need for alluvial valley floor protections without the exempted information. On this basis, the Secretary finds 11 AAC 90.149(d) to be no less effective than 30 CFR 785.19(d).

13.3 11 AAC 90.391, regarding excess spoil, allows for flexibility in requirements for underdrains and topsoil removal. This flexibility generally gives the commissioner the discretion to waive the requirements because of unique climatic conditions. Underdrains and topsoil removal could cause melting of permafrost. In addition, in certain areas underdrains may become frozen and rendered useless. Similar discretion is provided in 11 AAC 90.331, regarding sedimentation ponds (See Finding 13.1, above). There is no such discretion in the comparable Federal regulations.

In addition to the discussion of sedimentation pond discretion in Finding 13.1, above, Alaska states, in the Supplemental Narrative, that under the topsoil provisions, the commissioner may waive removal of topsoil only if light traffic does not destroy existing vegetation or cause erosion, or if removal of topsoil threatens environmental harm due to permafrost melting or other environmental conditions. This is because removal of the insulating layer in permafrost areas would increase thawing and erosion. See the same citations to the SMCRA Section 708 study as in Finding 13.1, above.

Under 11 AAC 90.391, the underdrain system and filter are required unless the commissioner finds that the regulatory requirements for stability and minimization of water pollution will be met otherwise. Such a provision is necessary because of the very common occurrence in Alaska of extreme wet weather conditions and periods of extreme cold.

Also, in 11 AAC 90.391(m), the analogue to 30 CFR 816.72(b), sandstone and shale are much less common in Alaska than glacial boulders, generally of igneous or metamorphic rock, which would be superior for the construction of spoil underdrains. Igneous and metamorphic rock are very hard and much more durable than sandstone and shale. Accordingly, the State has specified that design and construction be according to the best geotechnical engineering practice to be determined by the commissioner on a case-by-case basis.

Based on these facts, the Secretary finds 11 AAC 90.391 to be no less effective than 30 CFR 816.71 and 817.71, and 11 AAC 90.331 to be no less effective than 30 CFR 816.46 and 817.46

13.4 In AAC 90.451(b)(2) Alaska uses the term, "seasonal characteristics of the original vegetation," rather than, "seasonal variety native to the area," as in 30 CFR 816.111(b)(1), in referring to the major season of growth for herbaceous species. In the Supplemental Narrative, Alaska states that it uses the former term because of its greater clarity; That term appears in the legislative history of SMCRA at H. Rep. No. 95–218, 95th Cong., 1st Sess. 106 (1977). These forms are functionally equivalent. On this basis, the Secretary finds 11 AAC 90.451(b)(2) to be no less effective than 30 CFR 816.111(b)(1).

13.5 At 11 AAC 90.457(d)(1), in referring to the period of responsibility under the performance bond requirements for the standards for revegetation success, the State requires the approved success standard to be met during the growing season of the last two years of the responsibility period, *not including the year of establishment.* The State explains in the Supplemental Narrative that the period of responsibility begins after the last year of augmented seeding, fertilizing, irrigation or similar work, and begins again whenever such work is conducted. The subsections of 11 AAC 90.457 require the same five and ten year periods of responsibility as in 30 CFR 816.116, and require that the success standard be met during the growing season of the last year of the responsibility period. The subsections also state that the two year period for meeting the success standard may not include the year of establishment. The meaning of the term, "establishment" varies for each species, and would be determined on a site-specific basis considering particular plants and local conditions. On this basis, the Secretary finds 11 AAC 90.457(d)(1) to be no less effective than 30 CFR 816.116.

13.6 The Alaska program contains no regulations which specifically apply to underground mines, and no general statute or regulation which applies surface mining rules to underground mines. 11 AAC 90.901(a) makes the State's surface mining rules applicable to all "coal exploration and surface coal mining and reclamation operations." The definitions of "surface coal mining and reclamation operations" and "surface coal mining operations" are found at Alaska Statute (AS) 41.45.998 (16) and (17), and include the surface impacts of underground mines. Further, in the side-by-side comparison of Federal Surface Mining Regulatons and proposed Alaska Surface Mining Regulations, in Section 2 of the State's submission, the State gives some general guidance to reviewers of the regulations. In item No. 4 of this guidance, it is stated that several sections of the Federal regulations were combined in the Alaska rules, and that this is generally true throughout for surface and underground application requirements and performance standards. On these bases, the Secretary finds that all the requirements for underground coal mines which are contained in SMCRA and the Federal regulations are applicable in Alaska, and that the Alaska program therefore is consistent in this area with SMCRA and the Federal Regulations.

Finding 14

In accordance with 30 CFR 732.15(b)(2), the Secretary finds that the Alaska program demonstrates that the Alaska DNR can implement, administer, and enforce a permit system consistent with Subchapter G of 30 CFR Chapter VII. The description of the permit system is found in the narrative entitled, "Permitting Systems." The permit system descriptions are acceptable. Alaska incorporated provisions of 30 CFR Chapter VII, Subchapter G, in articles 1–7 of the State regulations. Significant issues discovered during the review of the Alaska program corresponding to Subchapter G of 30 CFR Chapter VII are as follows:

14.1 11 AAC 90.079 states that applicable State and Federal air quality regulations must be complied with while 30 CFR 784.26 specifically references 30 CFR 816.95 (air resources protection) and identifies specific elements of a fugitive dust control plan. In the Supplemental Narrative, Alaska States that, as a matter of drafting philosophy, the State has tried to eliminate counterparts to Federal regulations which merely require adherence to other regulations in the program. Also, the State has avoided specific references to other applicable regulations so that the State would not have to change its surface mining regulations every time other, relevant regulations are revised. Alaska interprets the phrase, "applicable federal and state air quality regulations," to refer both to 11 AAC 90.421, regarding air resources protection, and to other agencies' applicable air quality regulations. On this basis, the Secretary finds 11 AAC 90.079 to be no less effective than 30 CFR 784.26.

14.2 11 AAC 90.045(b)(5) does not require analysis for pyrite and marcasite in the information to be supplied as part of the permit application as is required in 30 CFR 779.14(b)(1)(v) and 783.14(a)(2)(iv). Instead, the State rule requires analysis for total sulfur content. High sulfur coal and acid mine drainage are not common in Alaska. For this reason, the conditions existing within the State do not justify the additional analysis to distinguish the exact forms of sulfur present. Total sulfur analysis

will include the pyrite and marcasite forms of sulfur and indicate whether a potential for acid production exists. If such a potential exists, the State can require additional analysis under 11 AAC 90.045 to ensure that the requirements to protect the hydrologic balance are met. On this basis, the Secretary finds 11 AAC 90.045(b)(5) to be no less effective than 30 CFR 779.14(b)(1)(v) and 783.14(a)(2)(iv).

14.3 11 AAC 90.075(b), regarding blasting plans, does not require a description of unavoidable hazardous conditions as in 30 CFR 780.13(f). In the Supplemental Narrative, the State asserts that such conditions, by their nature, cannot be accurately predicted. Further, 11 AAC 90.375(d) requires that residents within one-half mile of the site be notified in advance of unscheduled blasts. 30 CFR 816.65(b) allows blasting in unavoidable hazardous situations without such advance notice. On this basis, the Secretary finds the Alaska program to be no less effective than 30 CFR 780.13(f).

14.4 11 AAC 90.045(e) allows an applicant to request and the commissioner to waive some of the permit application requirements regarding the geology description upon a written determination that the requirement is unnecessary because other equivalent information is available. 30 CFR 783.14(b) provides a similar waiver, but not for the geology for those surface lands within the proposed permit area which are underlain by the coal seam to be extracted and, in subsection (a)(2), the geology of the coal seam itself. The Secretary does not believe that Alaska's broader waiver provision is unreasonable as these portions of the application may be inappropriate in the State because of climate and remoteness. Therefore, the Secretary finds 11 AAC 90.045(e) to be no less effective than 30 CFR 783.14(b).

14.5 11 AAC 90.073(b)(2) does not specifically require dates for beginning and completing interim steps of the compliance plan for each existing structure proposed to be modified or reconstructed as in 30 CFR 784.12(b)(2). The State requires a specific schedule, however, in these instances, and such a schedule would include interim steps. The Secretary, therefore, finds 11 AAC 90.073(b)(2) to be no less effective than 30 CFR 784.12(b)(2).

14.6 11 AAC 90.089(a)(2) does not specifically require a map as part of the reclamation plan as in 30 CFR 784.16(a)(1)(ii). The State uses the more general term "plan" to include a map. The plan in this State rule will be certified by a professional engineer. Therefore, the Secretary finds 11 AAC 90.089(a)(2) to be no less effective than 30 CFR 784.16(a)(1)(ii).

Finding 15

In accordance with 30 CFR 732.15(b)(3), the Secretary finds that the Alaska Program demonstrates that the Alaska DNR can regulate coal exploration consistent with 30 CFR Parts 776 and 815. Alaska has incorporated the provisions of 30 CFR Parts 776 and 815 into Article 7 of the State regulations. The narrative description of the State systems is found in Section 4, Part A and Section 5, Part A. Significant issues underlying this finding are as follows:

15.1 30 CFR 815.15 (c)(4), (d) and (i) require that certain actions be taken "promptly" after completion of coal exploration activities: Existing roads are to be reclaimed; excavations, artificial flat areas or embankments created during exploration are to be returned to the approximate original contour (AOC); and, with certain exceptions, facilities and equipment are to be removed. 11 AAC 90.167(f)(3) requires restoration of the road, trail, runway or marine facility after exploration and other reclamation activities are completed. 11 AAC 90.167(g) states that roads, trails, runways, and marine facilities constructed or significantly altered must comply with 11 AAC 90.491, which contains the standards for the construction and maintenance of roads, transportation and support facilities and utility installations. 11 AAC 90.167(h) requires that excavations, artificial flat areas, or embankments created during exploration be returned to AOC when no longer needed. 90.167(m) requires, with certain exceptions, that all facilities and equipment be removed when no longer needed.

In the Supplemental Narrative, Alaska explains that in drafting its regulations, it believed that the word "promptly" added nothing substantively to the Federal requirements. Each of the State counterparts requires compliance with the appropriate performance standard at the appropriate time in exploration activity. That is the intention of phrases like "when no longer needed" and "after exploration and reclamation activities are completed." The commissioner will need to approve the timetable and methods for reclamation which are submitted under 11 AAC 90.163(2). It should also be noted that compliance with the approved schedule and reclamation methods would be required for complete release of the performance bond which may be required under 11 AAC 90.167(b). On this basis, the Secretary, finds 11 AAC 90.167 to be no less effective than 30 CFR 815.15.

15.2 11 AAC 90.167(k) does not state that the best technology currently available be used to prevent contribution of additional suspended solids to stream flow as in 30 CFR 815.15(g)(2). 11 AAC 90.167(k) does provide, however, that except for small and temporary diversions of overland flow of water around new roads, runways, marine facilities, drill pads and support facilities, no ephemeral, intermittent or perennial stream may be diverted. The rule further provides that overland flow must be directed in a manner that prevents erosion and complies with all other applicable State laws and regulations. The Secretary, therefore, finds 11 AAC 90.167(k) to be no less effective than 30 CFR 815.15(g).

15.3 11 AAC 90.167(a), unlike 30 CFR 776.15(a), provides that certain coal exploration bonding and performance standards may be waived if a written finding is made that these requirements will be superseded by subsequent, permitted operations. In the Supplemental Narrative, Alaska asserts that the State provision is intended to address the situation where an approved coal exploration operation is to be converted into a surface mining operation through approval of a permit application. It may not be practical in the remoteness of Alaska and its unique circumstances to require reclamation of a road or other surface facility when the operator is seeking approval for the use of such a facility under the surface mining permit, and the facility meets the requirements of the performance standards. The commissioner has discretion to waive requirements of the performance standards in the case of a superseding surface mining permit. The State asserts that the commissioner would not waive performance standard requirements where his or her action would threaten environmental harm. The commissioner will make a timely decision on whether to approve the superseding permit application.

Further, in its final rule the following sentence has been added to 11 AAC 90.167(a): "The commissioner will, in his or her discretion, impose additional performance standards to minimize environmental damage if the particular type of exploration activity requires them". In a State Attorney General's opinion, dated December 13, 1982, the State concludes the commissioner may lawfully impose such additional performance standards. It should also be noted that the State regulation is more stringent than the Federal regulation in allowing the commissioner to require a

performance bond for exploration activities. On these bases, the Secretary finds the Alaska program to be no less effective than 30 CFR 776.15(a).

Finding 16

In accordance with 30 CFR 732.15(b)(4), the Secretary finds that the Alaska program demonstrates that the Alaska DNR can regulate the extraction of coal incident to government-financed construction consistent with 30 CFR Part 707. State regulations and law consistent with 30 CFR Part 707 are found in Article 14 of the State regulations and AS 41.45.910(3).

Finding 17

In accordance with 30 CFR 732.15(b)(5), the Secretary finds that the Alaska program demonstrates that the Alaska DNR can enter, inspect and monitor all coal exploration and surface coal mining and reclamation operations consistent with Section 517 of SMCRA and Subchapter L of 30 CFR Chapter VII. Provisions of 30 CFR Chapter VII, Subchapter L are incorporated in Article 11 of the State regulations. The description of the State's inspection system is found in Section 4, Part D, of the narrative, entitled, "Inspection and Monitoring." Significant issues discovered during the review of the Alaska program corresponding to Subchapter L of 30 CFR Chapter VII are as follows:

17.1 AS 41.45.230(b) uses the word "may" instead of "shall" in describing permittee recordkeeping requirements as in SMCRA Section 517(b). The State has asserted in the Supplemental Narrative that no specific recordkeeping requirement in the Federal regulations has been eliminated in the Alaska program, and OSM has not been able to discover any such omission. On this basis, the Secretary finds the Alaska program to be consistent with SMCRA Section 517(b).

17.2 11 AAC 90.601(a) allows aerial inspections as partial inspections, but does not include statements that: (1) potential violations must be investigated on-site within 3 days, and (2) such on-site investigations do not constitute separate inspections as in 30 CFR 840.11. The State has assured OSM that potential violations will be investigated on-site as conditions warrant. In the Supplemental Narrative, Alaska states that the primary reasons for aerial inspections are the remoteness of many potential coal mining sites from established transportation facilities and the possibility of severe weather which may preclude on-site inspections, particularly during the winter months. Certain partial inspections can be completed without on-site visits, and certain types of violations can and will be cited solely from aerial inspections. Further, on-site follow-up investigations of potential violations observed during aerial inspections will not constitute separate inspections for purposes of fulfilling the requisite number of inspections. On these bases, the Secretary finds the Alaska program to be no less effective than 30 CFR 840.11.

17.3 11 AAC 90.607 omits confidentiality of the identity of a citizen who supplies information relating to a possible violation. In the Supplemental Narrative, the State asserts that its rule requires the State to take action even if the citizen complaint is unsigned. The State also agreed to advise citizens filing complaints that their identities will become a matter of public record if they sign the complaints. On this basis, the Secretary concludes that 11 AAC 90.607 is no less effective than 30 CFR 842.12 (b) and (e).

Finding 18

In accordance with 30 CFR 732.15(b)(6), the Secretary finds that the Alaska program demonstrates that DNR can implement, administer and enforce a system of performance bonds and liability insurance consistent with the requirements of Subchapter J or 30 CFR Chapter VII. Provisions of 30 CFR Chapter VII, Subchapter J are incorporated in Article 9 of the State regulations. The description of the proposed system for bonding and insurance is located in Section 4, Part C of the narrative entitled, "Bonding and insurance."

Finding 19

In accordance with 30 CFR 732.15(b)(7), the Secretary finds that the Alaska program demonstrates that the State has sufficient provisions for civil and criminal sanctions for violations of the law, regulations, and conditions of permits and exploration approvals consistent with Section 518 of SMCRA. Regulatory provisions related to Section 518 SMCRA are found in Article II of the State regulations. The State's system for implementing these sanctions is described in Section 4, Parts E–G of the narrative entitled, "Administrative, Civil and Criminal Sanctions," "Administering and Enforcing Performance Standards," and "Assessment and Collection of Civil Penalties." Significant issues discovered during the review of the systems and regulations pursuant to SMCRA Section 518 are as follows:

19.1 11 AAC 90.629(b) omits the statement in 30 CFR 845.18(b)(1) that failure to hold an assessment conference within 60 days shall not be grounds for dismissal of an assessment unless actual prejudice is proved. The State argues in the Supplemental Narrative that this provision grows out of OSM's experience in handling hundreds of penalty assessments through a system which has an organization consisting of field offices and centralized assessment personnel. In Alaska there is currently only one operating mine, and no more than two employees would be involved in penalty assessments. Accordingly, the State will easily be able to hold an assessment conference within the 60 day period. On this basis, the Secretary finds 11 AAC 90.629(b) to be the same or similar to 30 CFR 845.18(b)(1).

19.2 11 AAC 90.631 does not contain the statement that the fact of a violation may not be recontested at a subsequent hearing on the proposed civil penalty assessment as in 30 CFR 845.19(a). Under the Alaska program, there will be no opportunity for separate hearings on the fact of the violation and the amount of the penalty proposed to be assessed. Both issues will be determined in one administrative hearing (See Supplemental Narrative, major concern 13). On this basis, the Secretary finds the Alaska program to be the same or similar to 30 CFR 845.19(a).

Finding 20

In accordance with 30 CFR 732.15(b)(8), the Secretary finds that the Alaska program demonstrates that the State can issue, modify, terminate and enforce notices of violation, cessation orders and show cause orders in accordance with Section 521 and Subchapter L of 30 CFR Chapter VII. Provisions of 30 CFR Chapter VII, Subchapter L are incorporated in Article 11 of the State regulations. The description of the State's system for issuing enforcement notices is contained in Section 4, Part F entitled, "Administering and enforcing performance standards." One issue raised during the review of the Alaska program is analyzed as follows:

20.1 11 AAC 90.623 omits the statement that inability to comply cannot be considered in pattern of violations cases as in 30 CFR 843.18(b). The State rule also omits the phrase "unless caused by lack of diligence," as in 30 CFR 843.18(c). In the Supplemental Narrative, the State contends that it need not include the above statement from 30 CFR 843.18(b) because Rule 90.617 specifically lists the factors to be considered in determining whether a pattern of violations exists and, since inability to comply is not mentioned, it will not be so considered. Regarding the

omission of the phrase, "unless caused by lack of diligence," the State interprets inability to comply to mean that the violator is physically unable to comply with the required abatement and that a lack of diligence could not result in such an inability. On these bases, the Secretary finds the Alaska program to be no less effective than 30 CFR 843.18.

Finding 21

In accordance with 30 CFR 732.15(b)(9), the Secretary finds that the Alaska program demonstrates that the State can designate areas as unsuitable for surface coal mining consistent with 30 CFR Chapter VII, Subchapter F. Alaska incorporated provisions of Subchapter F in Article 12 of the State regulations. The State's description of the proposed system for designating lands unsuitable is located in Section 4, Part L, of the narrative entitled, "Designating Lands Unsuitable," and is found acceptable. The State has sufficient legislative and regulatory authority to accomplish this requirement. Significant issues raised during the review of the Alaska program are analyzed as follows:

21.1 11 AAC 90.709 does not require that the hearing on a petition to designate lands unsuitable for surface coal mining operations be legislative and fact-finding in nature without cross-examination of witnesses as in 30 CFR 764.17(a). In the Supplemental Narrative Alaska states its belief in the importance of State flexibility to structure the conduct of a particular petition hearing to best ascertain the true facts. In the situation of conflicting expert opinions, cross-examination may be the only way for the State to decide a technical reclamation issue. Further, hearing officers will be instructed to continue present department practice which is to prevent any kind of harassment of private citizens by cross-examination. Finally, in the State Attorney General's opinion, dated December 13, 1982 (Administrative Record No. AK–20), the State concludes that the Alaska Administrative Procedures Act does not require cross-examination of witnesses in a hearing on a petition to designate an area unsuitable for surface coal mining.

In the preamble to the Federal regulations at 44 FR 15004 (March 13, 1979), OSM discusses cross-examination of witnesses at such hearings and concludes that this technique may be used to intimidate certain witnesses. The discussion clearly implies that OSM's concern in this instance was the harassment of private citizens. Regarding State flexibility, the preamble states, "OSM recognizes, however, that within the framework of an informal hearing, States may apply their own applicable procedures. * * *" On these bases, the Secretary finds 11 AAC 90.709 to be no less effective than 30 CFR 764.17(a).

21.2 11 AAC 90.703 allows intervention up to 14 days prior to a hearing on a petition to designate lands unsuitable for surface coal mining operations, while 30 CFR 764.15(c) allows such intervention up to 3 days before the hearing. In the Supplemental Narrative, the State explains that its program provides for more time prior to the intervention deadline to ensure that all parties to the petition have sufficient time to respond to allegations of intervenors in preparation for the hearing. An intervenor will have a minimum of 25 days and a maximum of 295 days from the date of public notice to the intervention deadline. The object of the Federal provision is to maximize public participation, and the Secretary believes the Alaska rule accomplishes this objective. Therefore, the Secretary finds that 11 AAC 90.703 is no less effective than 30 CFR 764.15(c).

Finding 22

In accordance with 30 CFR 732.15(b)(10), the Secretary finds that the Alaska program demonstrates that the State provides for adequate public participation in the development, revision, and enforcement of State regulations and that the State program is consistent with the public participation requirements of SMCRA and 30 CFR Chapter VII. Provisions for public participation in the development and revision of regulations are discussed in Section 4, Part D, of the narrative entitled, "Public Participation in Program Development." Significant issues raised during the review of the Alaska program are analyzed as follows:

22.1 SMCRA Section 525(e) states:

> Whenever an order is issued under this section, or as a result of any administrative proceeding under this Act, at the request of any person, a sum equal to the aggregate amount of all costs and expenses (including attorney fees) as determined by the Secretary to have been reasonably incurred by such person for or in connection with his participation in such proceedings, including any judicial review of agency actions, may be assessed against either party as the court, resulting from judicial review or the Secretary, resulting from administrative proceedings, deems proper.

While AS 41.45.240(i) gives the commissioner the discretion to assess any party for costs and attorney fees in the circumstances enumerated in SMCRA Section 525(e), it is not clear from the face of the State statute that the assessment of costs and attorney fees, regarding the judicial review of agency actions, is authorized. In a State Attorney General's opinion, dated December 10, 1982, however, the State asserts that under Appellate Rule 508 of the Alaska Rules of Court, the Alaska appellate courts have broad discretion to render assessments for costs and expenses. Appeals of final administrative decisions are to the Superior Court. The appellate rules are applicable to administrative appeals to the Superior Court. On this basis, the Secretary finds the Alaska law and court rules to be consistent with SMCRA Section 525(e).

22.2 SMCRA Section 520(d) permits a court in a citizen suit to award costs of litigation, including attorney and expert witness fees, to any party whenever appropriate. The comparable State provisions are AS 41.45.950 and 09.60.010, and Civil Rules 79, 82 and 54(d) of the Alaska Rules of Court. It is not clear, however, on the face of these statutes and rules whether Alaska courts have the authority to make such awards: (1) Absent the recovery of a money judgment, or (2) to nonprevailing parties. In a State Attorney General's opinion, dated December 10, 1982, the State asserts that its courts have such authority based on the courts' broad discretion in characterizing a party as "prevailing" for purposes of making such awards. The Attorney General's Opinion further states that Civil Rules 82 and 54(d) provide for the award of attorney and expert witness fees absent the recovery of a money judgment. On these bases, the Secretary finds Alaska law and court rules to be consistent with SMCRA Section 520(d).

Finding 23

In accordance with 30 CFR 732.15(b)(11), the Secretary finds that the Alaska program demonstrates that the State can monitor, review and enforce the prohibition against indirect or direct financial interests in coal mining operations by the employees of the State regulatory authority consistent with the requirements of Subchapter A of 30 CFR Chapter VII. Alaska incorporated provisions of Subchapter A in Article 13 of the State regulations. The State's description of the proposed system for monitoring, reviewing and enforcing the prohibition against indirect or direct financial interests in coal mining operations by the employees of the State regulatory authority is located in Section 4, Part M of the narrative entitled, "Conflicts of Interest". Alaska has the legislative authority under AS 41.45.030

and 41.45.050 to restrict financial interests. A significant issue raised during the review of the Alaska program is analyzed as follows:

23.1 11 AAC 90.755(b)(2) prohibits the solicitation or acceptance of any gift, gratuity, favor, entertainment, loan or other thing of monetary value from a coal company except for meals, transportation, lodging or similar expenses when these expenses facilitate performance of duties or functions. These exceptions to the general prohibition are broader than those at 30 CFR 705.18(b) which involve family or personal relationships and items of nominal value. On page 3 of the side-by-side comparison of Federal and State regulations in the submission, the State explains that 11 AAC 90.755(b)(2) allows for on-site meals, transportation, lodging, etc. because of the remoteness of many sites from established transportation facilities and public services. Based on this explanation, the Secretary finds 11 AAC 90.755(b)(2) no less effective than 30 CFR 705.18(b).

Finding 24

In accordance with 30 CFR 732.15(b)(12), the Secretary finds that Alaska has sufficient legislative authority under AS 41.45.940 to require the training, examination, and certification of persons engaged in or responsible for blasting. The State program need contain only sufficient legal provisions to allow promulgation of rules in accordance with Section 719 of SMCRA until such time as the Federal rules on blaster certification are promulgated.

Finding 25

In accordance with 30 CFR 732.15(b)(13), the Secretary finds that the Alaska program demonstrates that the State can provide for a Small Operators Assistance Program (SOAP) consistent with the requirements of 30 CFR Part 795. The State has adequate legislative authority to implement the SOAP. The proposed system is described in Section 4, Part 9 of the narrative entitled, "Small Operator Assistance." Regulations implementing 30 CFR Part 795 are contained in Article 8 of the State regulations, which are found to be no less effective than the Federal requirements.

Finding 26

In accordance with 30 CFR 732.15(b)(14), the Secretary finds that the Alaska program demonstrates that the State provides for administrative review of State program actions in accordance with Section 525 of SMCRA and Subchapter L of 30 CFR Chapter VII. The State's description of the proposed system for administrative review is located in Section 4, Part P, of the narrative entitled, "Administrative and Judicial Review." Alaska regulations related to administrative review are found in articles 11 and 14 of the State regulations.

Finding 27

In accordance with 30 CFR 732.15(b)(15), the Secretary finds that the Alaska program provides for judicial review of State program actions in accordance with State law, as provided in Section 526(e) of SMCRA, except that judical review of State enforcement actions is in accordance with Section 526 of SMCRA. The State's description of the proposed system for judicial review is located in Section 4, Part P, of the narrative entitled, "Administrative and Judicial review.

Finding 28

In accordance with 30 CFR 732.15(b)(16), the Secretary finds that the Alaska program demonstrates that the State can coordinate with and provide documents and other information to the Office of Surface Mining under the provisions of 30 CFR Chapter VII. There is nothing in the Alaska legislation which prohibits dissemination of information to OSM. This authority is provided through State law and regulations.

Finding 29

In accordance with 30 CFR 732.15(c), the Secretary finds that there are no other laws or regulations in addition to those discussed in the preceding findings which would preclude implementation of SMCRA and 30 CFR Chapter VII.

Finding 30

In accordance with 30 CFR 732.15(d), the Secretary finds that the Alaska DNR and other agencies having a role in the program have sufficient legal, technial and administrative personnel and funds to implement, administer and enforce the provisions of the program, the requirements of 30 CFR 732.15(b) and other applicable State and Federal laws.

Disposition of Agency and Public Comments

Comments have been received and considered on Alaska's program submission of July 23, 1982, and on additional materials provided by Alaska in connection with a reopened public comment period. The majority of the public comments were submitted by a collection of the following organizations as a group: Environmental Policy Institute (EPI), National Audubon Society, Service Club, and Trustees for Alaska. Several other commenters made specific comments very similar to certain comments made by this group. In addressing these comments, the Secretary identifies the commenter as "EPI *et al.*" Comments from groups or agencies are identified by name, but names of individuals have not been used. Comments are organized into the following groups: General, Experimental Practices, Permitting, Inspection and Enforcement, Bonding, Designation of Lands as Unsuitable for Surface Mining, Conflict of Interest, Coal Exploration, Performance Stanards, Public Participation, and SOAP.

General

1. EPI *et al.* object to the State's reference to SMCRA Section 708, which recognizes special conditions in Alaska surface mining, as justifying many of the differences from the Federal law and regulations. Until Congress changes the law, the commenters assert that OSM must apply it as written.

The Secretary agrees and notes that no differences have been approved solely on the basis of SMCRA Section 708. Instead, such differences are evaluated on two bases: (1) Whether the statutory differences are consistent with SMCRA, and (2) whether the regulatory differences are no less effective than the Federal regulations.

2. EPI *et al.* comment that in its proposed rules Alaska has relied on proposed OSM rules in a number of instances, and OSM lacks legal authority to approve State rules based on Federal regulations not yet adopted. No portion of the Alaska program was evaluated based on any proposed revision to the present Federal regulations.

3. EPI *et al.* state that there are many gaps in understanding and mitigating the effects of coal mining, and that such gaps should be considered in the review of the program. The Secretary appreciates the suggestion, and has attempted to tailor his approval of this program to fill such gaps.

4. EPI *et al.* comment that the statements in the side-by-side comparison in the submission do not suffice to meet the State's burden of proving that its alternative approaches to the Federal regulations will be as effective in meeting the Federal standards. Where such statements do not suffice, the Secretary has required the State to cure the problems either by regulatory change or supplemental material.

5. EPI *et al.* object to the language in AS 41.45.010(b)(3), which gives as a purpose of the State Act "to assure that surface coal mining operations are conducted in a manner that will prevent unreasonable degradation of land and water resources." EPI *et al.* state that this language represents a significant weakening of the State Act and is inconsistent with SMCRA Section 102(d). SMCRA Section 503(a)(1) requires an approvable State program to have a law which is in accordance with the requirements of SMCRA. As SMCRA Section 102(d) is not a requirement of the Act, a State law need not contain a purpose clause, let alone one which is in accordance with SMCRA Section 102(d). Such a clause does not establish any substantive standards to which the State must adhere or with which operators must comply. The Secretary, therefore, finds that it is within the State's discretion as to whether its law should contain a purpose clause and what the content of such clause should be.

6. EPI *et al.* object to the State's having omitted certain definitions from its State program submission as follows:

a. Anthracite; Fund; Federal land; Federal lands program; historically used for cropland; moist bulk density; Federal program; significant forest cover; no significant recreational, timber, economic or other values incompatible with surface coal mining operations; half-shrub; and surface coal mining which exists on the date of enactment. These definitions, the State explains, are not included in its program because they are used only in sections of the Federal regulations which are not applicable in Alaska.

b. "Regulatory program" and "State program." The State uses the term "Alaska State Program" at 11 AAC 90.911(10) which is no less effective than the Federal definitions.

c. State Regulatory Authority. This term's meaning is self-evident.

d. Precipitation event. The State uses the term, "runoff event" at 11 AAC 90.911(87) which term is no less effective than the Federal definition.

e. Indian Land and Indian Tribes. At the meeting on September 9, 1982, between OSM and State personnel, the State explained that the only Indian reservation, Annette Island, and other land held in trust for Indian tribes, contains no coal.

f. Application; complete application; principal shareholder; violation notice; and noxious plants. The State program, while not separately providing these definitions, does use the substance of their meanings in the appropriate regulations.

g. Coal processing waste. The State uses the term, "hazardous coal processing waste"' at 11 AAC 90.911(45) which is no less effective than the definition of "coal processing waste" at 30 CFR 701.5.

The Secretary accepts the State's explanations for omitting the above definitions in the Federal regulations, and finds the State's rules to be no less effective than the Federal regulations without these definitions.

7. EPI *et al.* object to differences between the State and Federal regulations regarding the following definitions:

a. "Combustible material"—The State definitions uses an "easily ignited" criterion, while the Federal definition uses "capable of burning."

b. "Groundwater"—State definition is "one or more zones of saturation located at various depths below the ground surface and either confined by impermeable earth material or overlaying an impermeable layer of earth material." The Federal definition at 30 CFR 701.5 is "subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated."

c. "Intermittent stream"—Alaska definition combines separate criteria used in the Federal definition, making application of the term narrower.

The Secretary finds that there are no substantive differences between these State and Federal definitions, and that the State definitions are no less effective than their Federal counterparts.

8. EPI *et al.* comment that the State's definition of "employee" at 11 AAC 90.911(32) does not encompass an advisory board or commission members as in the Federal definition at 30 CFR 705.5. At the September 9, 1982, meeting between OSM and State personnel, the State explained that it has no advisory board or commission on surface mining (Administrative Record No. AK–15). Therefore, the Secretary finds the State definition of "employee" to be no less effective than the Federal definition.

9. EPI *et al.* object to the program applicability exception at proposed 11 AAC 90.901(a)(2) for removal of coal in one operation in excess of 250 tons by a group of individuals if the operation is not for profit, the disturbed area is five acres or less, and the landowner and commissioner approve the operation. This section of the Alaska rules has been eliminated in the State's final rules.

10. EPI *et al.* point out that the Federal rules at 30 CFR 865 on protection of employees are not contained in the Alaska State program. Under 30 CFR 731.14, which contains the requirements for a State program submission, the Federal rules at 30 CFR 865 are not included. Therefore, the State need not include them in its program.

11. The National Audubon Society, Alaska Center for the Environment and Trustees for Alaska (National Audubon Society *et al.*) ask whether the definition of "public park" at 90.911(78) includes State refuges, Parks, Critical Habitat areas, Sanctuaries and Forests, and urge that these areas be included in the definition. These areas are not included in the Federal definition at 30 CFR 761.5. The Secretary, therefore, finds 11 AAC 90.911(77) to be no less effective than 30 CFR 761.5. It is the State's prerogative to add such areas to the definition, but it is not a requirement for program approval.

12. The U.S. Fish and Wildlife Service commented that the term "commissioner" is not defined in the proposed State regulations. In its final rules, at 11 AAC 90.911(22) the term is defined.

13. The U.S. Fish and Wildlife Service suggests that 11 AAC 90.911 include a definition of "alluvial valley floors." This term is defined at AS 41.45.998(1).

14. The U.S. Fish and Wildlife Service questions why fish and wildlife resources are not included in the definition of "renewable resource land" at 11 AAC 90.911(85). Since the Federal definition at 30 CFR 701.5 does not include fish and wildlife resources, the Secretary cannot require the State to do so.

Experimental Practices

1. EPI *et al.* note that AS 41.45.920(3) provides for an experimental practices departure if, "the experimental practices do not reduce the protection afforded public health and safety below that provided by law *or* regulation." (Emphasis added.) This section should read, "law *and* regulation," to assure that variances from the State Act are not permitted which would violate SMCRA Section 711. The Federal statute only mentions "promulgated standards" for such departures. The Secretary believes that there is no practical difference between the State and Federal language. Further, as stated above, Alaska's regulatory drafting philosophy strongly discourages the repetition of statutory language in regulations. On this basis, the Secretary finds AS 41.45.920(3) to be consistent with SMCRA Section 711(iii).

2. EPI *et al.* state that AS 41.45.920 authorizes departures from the environmental performance standards *established under* AS 41.45.214. This terminology is acceptable to the commenters only if its intended meaning is "promulgated under." The Secretary

disagrees. The State may adopt performance standards which are different than the Federal standards by means of statute or regulation. Such State standards would be acceptable if they are approved by the Secretary and found no less effective than the comparable Federal regulations.

3. EPI *et al.* complain that proposed 11 AAC 90.153(d)(1) provided for presumptive approval of an experimental practice by the Secretary if the Secretary fails to respond to a request by the State within 90 days. In its final rules, Alaska has removed this provision.

4. EPI *et al.* assert that 11 AAC 90.153(e)(2) does not require each application for an experimental practice to set forth the 30 CFR Subchapter K standards to be implemented if the experimental practice fails, as 30 CFR 785.13(f) requires. AS 41.45.920 provides the same obligations for experimental practices as those in SMCRA Section 711 (i) and (iii). Further, Alaska states in the Supplemental Narrative that 11 AAC 90.153(e)(3) requires mitigative measures to be taken in such cases, and these measures would specify the performance standards to be met. Approval by the commissioner of the DNR of the experimental practice, the monitoring program required of the operator, and notification of any failure to the commissioner ensure that the performance standards will be met if the experimental practice fails. On this basis, the Secretary finds 11 AAC 90.153 to be no less effective than 30 CFR 785.13)(f).

5. EPI *et al.* state that the Alaska rules do not contain the requirements of 30 CFR 785.13(h), regarding permit conditions for experimental practices. The requirements of 30 CFR 785.13(h)(1)–(3) are covered in AS 41.45.920 and 11 AAC 90.153. 30 CFR 785.13(h)(4) requires that certain permit conditions be specified for an experimental practice. AS 41.45.920 requires explicit approval by both the Secretary and the commissioner of DNR as in 30 CFR 785.13(h)(4)(i). 11 AAC 90.153(e)(3), as discussed in comment No. 4, above, imposes enforceable alternative environmental protection requirements as in 30 CFR 785.13(h)(4)(ii). Finally, 11 AAC 90.153(e) requires monitoring, recording and reporting as in 30 CFR 785.13(h)(4)(iii). Therefore, the Secretary finds the Alaska program to be no less effective than 30 CFR 785.13(h).

6. EPI *et al.* object to 11 AAC 90.129 which, they claim, allows a written revision of an experimental practice to be subsumed within the procedural requirements for "minor revisions" of permits, in violation of 30 CFR 785.13(i). Further, any such revision of an experimental practice can only be viewed as a "major revision" to a permit.

As the State explains in the Supplemental Narrative, with regard to permit revisions incorporating revisions to experimental practices, 11 AAC 90.153(g) provides that such revisions will be processed in accordance with both the State program procedures for permit revisions, 11 AAC 90.129, and those for experimental practices. Any significant effect on the environment, as that concept is defined in 11 AAC 90.129, would be processed as a major revision in accordance with 11 AAC 90.129(a)(4) and would also have to comply with the requirements for experimental practices. Alaska envisions that the only minor revisions to experimental practices would be items like: (1) changes in equipment, or (2) changes in the area to be affected by the experimental practice within the permit area that would not have any effect on the environment. Given this explanation, the Secretary finds 11 AAC 90.153(g) and 90.129 to be no less effective than 30 CFR 785.13(i).

Permitting

1. EPI *et al.* complain that the language in AS 41.45.190(c) providing that, "A permittee may not apply under this section for an extension of the permit area, except by incidental boundary revision" is unclear, and could be misconstrued to allow broader extensions than that intended by SMCRA Section 511(a)(3). In the Supplemental Narrative the State indicates that no such change or interpretation was intended, and that there is no substantive difference between the State and Federal provisions. On this basis, the Secretary finds AS 41.45.190(c) to be consistent with SMCRA Section 511(a)(3).

2. EPI *et al.* state that in AS 41.45.130 the notice of permit applications or revisions in Alaska is to be based on AS 38.05.345 (b) and (c) except as provided by rules adopted under that chapter of the State's law, and that the provision may be contrary to the notice and hearing requirements of SMCRA Section 513(a). The applicable Alaska notice provisions are contained in 11 AAC 90.113 and 90.907, and are consistent with SMCRA Section 513(a).

3. EPI *et al.* object to 11 AAC 90.129 which provides a distinction between "major" and "minor" permit revisions. The commenters claim that this rule creates an illegal exemption for certain revisions from the requirements of both SMCRA Section 510(b)(1) and 30 CFR 771.21 (b)(3). In the telephone conversation of October 27, 1982 (Administrative Record No. AK–16), the State explained that 11 AAC 90.129 is its way of implementing the directive of SMCRA Section 511(a)(2) and 30 CFR 788.12 to develop guidelines for handling permit revisions. The Secretary agrees with the State, and views the procedures in 11 AAC 90.129 as the State's choice of administrative tools. Therefore, the Secretary finds 11 AAC 90.129 to be consistent with SMCRA Section 511(a)(2) and no less effective than 30 CFR 788.12.

4. EPI *et al.* point out that proposed 11 AAC 90.041 did not include the permit application requirement regarding the provision of information on cultural and historic resources eligible for listing on the National Register of Historic Places. 11 AAC 90.041 as a final rule contains this requirement.

5. EPI *et al.* object to 11 AAC 90.043 which, unlike 30 CFR 779.13, gives the commissioner the authority to determine that certain information is not necessary to determine the impact a proposed operation will have on environmental and other resources within the permit and general areas. In the Supplemental Narrative, under major concern no. 28, the State explains that this provision allows the commissioner to approve a permit without certain information when the commissioner determines from other data provided in the application that the information is not necessary for making an impact determination. The Secretary finds the State's explanation acceptable, and further finds 11 AAC 90.043 to be no less effective than 30 CFR 779.13.

6. EPI *et al.* object to proposed 11 AAC 90.064 which did not include map requirements showing resources eligible for listing in the National Register of Historic Places. In its final rules at 11 AAC 90.063(9), the State has added such a provision.

7. EPI *et al.* object to proposed 11 AAC 90.063(4) which did not provide for map information on the location of all buildings on and within 1,000 feet of the proposed permit area as in 30 CFR 779.24 and 783.24. In its final rules, the State has added this provision to 11 AAC 90.063(4).

8. EPI *et al.* recommend that in 11 AAC 90.063(9) the boundaries of critical habitats and wildlife sanctuaries be added as general map requirements to avoid any misinterpretation in application of the term "public park." As the Federal regulations contained no such requirement, the Secretary cannot require the State to add such a provision.

9. EPI *et al.* suggest adding the identification of National Parks,

National Forests, National Wildlife Refuges and National Recreation Areas to 11 AAC 90.063(1) as these information requirements are reflected in SMCRA Section 522(e). These information requirements can be found at AS 41.45.260(d)(1).

10. EPI *et al.* comment that 11 AAC 90.089 does not cross-reference the applicable design requirements contained elsewhere in the State rules as does the Federal rule at 30 CFR 780.25. As these are requirements contained elsewhere in the State program, the State need not repeat them in order to insure that operators comply with such requirements.

11. EPI *et al.* comment that 11 AAC 90.097 does not include certain provisions of 30 CFR 780.37 and 784.24, regarding transportation facilities, in subsections (b)–(e) of the Federal regulations. These subsections of the Federal regulations refer to requirements contained in other Federal regulations. As the State has rules containing these requirements, it need not repeat such requirements in 11 AAC 90.097.

12. EPI *et al.* object to 11 AAC 90.149 which, unlike 30 CFR 785.19, provides an exception whereby the commissioner may determine that certain alluvial valley floor information is unnecessary on the basis that a particular valley floor to be affected has no history of farming, is not sub-irrigated, or has no deficiency of water. For the reasons set forth above in Finding 13.2, the Secretary finds 11 AAC 90.149(a) to be no less effective than 30 CFR 785.19(d).

13. EPI *et al.* point out that 11 AAC 90.149(g) does not include a description of the term "significance to farming" as in 30 CFR 785.19(e)(2). As the Federal regulation has been suspended, the State need not include it.

14. EPI *et al.* suggest that 11 AAC 90.057 be revised to specify that permit applications include a map of habitat types, site locations of dens, nesting areas, and other areas for species propagation and reproduction. As the Federal regulations contain no comparable application specifications, the Secretary may not require the State to include them in its program.

15. National Audubon Society *et al.* suggest that the language in 11 AAC 90.055(b), regarding the mapping of vegetation and habitat important for fish and wildlife species, be included in the permit and proposed reference areas as well as in adjacent areas. As the Federal regulations contain no such language, the Secretary is unable to require the State to do so.

16. National Audubon Society *et al.* suggest the addition of the following language to proposed 11 AAC 90.057: "At a minimum, the study must indentify by map any endangered or threatened species and their critical habitats, and *fish and wildlife of commerical, recreational and/or* subsistence importance." In its final rule, Alaska has adopted similar language; i.e., "fish and game of economic, recreational or subsistence importance."

17. National Audubon Society *et al.* comment that 11 AAC 90.079 states that applicable State and Federal air quality requirements be complied with. 30 CFR 784.26 specifically refers to 30 CFR 816.95, and identifies specific elements of fugitive dust control plan. The Alaska regulation does not provide such guidance. For the reasons set forth above in Finding 14.1, the Secretary finds 11 AAC 90.079 to be no less effective than 30 CFR 784.26.

18. National Audubon Society *et al.* urge that the word "prevent" be placed before the word "minimize" in proposed 11 AAC 90.081 and other related sections in the State regulations, regarding the fish and wildlife protection plan, as the prevention of adverse impacts is preferable to minimization. In its final rules, Alaska has made these changes.

19. National Audubon Society *et al.* claim that the State has omitted from its criteria for permit approval the requirement that the operator not control operations which have demonstrated a pattern of willful violations. This requirement can be found in the State program at AS 41.45.180(f).

20. EPI *et al.* object to 11 AAC 90.121(a)(2) which would allow waivers for mining within 300 feet of an occupied dwelling if such waivers were executed before August 3, 1977. Such waivers would be applicable to subsequent owners if such owners had actual or constructive knowledge of the waiver. While the commenters are correct in stating that the Federal rules contain no such provision, the Secretary finds that it is not inconsistent with any provision of SMCRA or the Federal regulations and is hereby approved.

21. The U.S. Fish and Wildlife Service suggests changing 11 AAC 90.043(b) to read: "Information on *surface and ground water* hydrology, water quality and quantity . . . (emphasis added). Since 11 AAC 90.043(b) is the same as 30 CFR 779.13(a), the Secretary is unable to require the State to change its regulation. It is the State's prerogative to add such language, but it is not a requirement of program approval.

22. The U.S. Fish and Wildlife Service suggests that 11 AAC 90.081(3) be changed to read: "Habitats of high value for fish and wildlife." Since 11 AAC 90.081(3) is the same as 30 CFR 780.16(b)(3), the Secretary is unable to require the State to make this change. It is the State's prerogative to make this change, but it is not a requirement of program approval.

Inspection and Enforcement

1. EPI *et al.* complain that AS 41.45.230(b)(2) provides that the commissioner "may" specify monitoring and recordkeeping requirements of the permittee whereas SMCRA Section 517(b)(2) uses the term "shall." As explained in Finding 17.1, the Secretary finds the Alaska program to be consistent with SMCRA Section 517(b).

2. EPI *et al.* state that AS 41.45.230(b) provides that copies of information related to inspection and monitoring will be available, "at the district office of the department closest to the location of the surface coal mining and reclamation operation." SMCRA Section 517(f) provides that the information be available at "central and sufficient locations in the county, multicounty, and State area of mining". The Secretary fails to understand how the State provision is more restrictive, or makes access to the information by the public more limited. DNR's district office closest to the location of the operation is the most logical place to keep such information, and where a citizen would logically go to obtain it. Therefore, the Secretary finds AS 41.45.230(b) consistent with SMCRA Section 517(f).

3.a. EPI *et al.* object to AS 41.45.250(b) which provides that a bond for prepayment of civil penalties may be an alternative to payment in escrow unlike SMCRA Section 518(c) which is silent on the option of a bond. The Secretary finds the State procedure, which has been approved in other State programs, to be the same or similar to the Federal requirement. The prepayment provision was designed so that alleged violators would have a stake in the expeditious review of their cases. There can be no doubt that the requirement to post a bond also accomplishes this purpose. Therefore, the Secretary finds AS 41.45.250(b) consistent with SMCRA Section 518(a).

b. EPI *et al.* also comment that AS 41.45.250 omits the statement in SMCRA Section 518(c) that failure to forward the bond or amount of the proposed penalty results in a waiver of all rights to contest the amount of the penalty. 11 AAC 90.631(b) makes a hearing request effective *only* upon submission by the operator of the amount of the proposed penalty or a bond in that amount. Therefore, the Secretary finds 11 AAC

90.631(b) to be the same or similar to SMCRA Section 518(c).

4. EPI *et al.* comment that AS 41.45.240(h) provides for informal conferences rather than public hearings on violations. The Secretary believes the commenter confuses the State's informal conferences with its formal public hearing procedures. The informal conferences in AS 41.45.240(h) are comparable to the informal public hearings provided for at 30 CFR 843.15. The Secretary finds the Alaska informal conferences in AS 41.45.240(h) to be the same or similar to those under the Federal law and regulations.

5. EPI *et al.* state that AS 41.45.240(j)(3), (4) and (5), regarding instituting enforcement procedures, apply only to the commissioner and not his authorized representatives as in SMCRA Section 521 (a) (2) and (3) and (c). In Section 4, page 12, of the submission at 731.14(g)(6) under the narrative section entitled, "Administering and Enforcing Performance Standards," in the subsections on cessation orders and notices of violation, the State explains that inspectors will issue cessation orders and notices of violation. Also, AS 41.45.998(4) defines the "commissioner" as the commissioner of natural resources or his authorized representatives or agents, and 11 AAC 90.911(22) defines "commissioner" as the commissioner of the Department of Natural Resources or his or her designee. On these bases, the Secretary finds the Alaska program the same or similar to SMCRA Section 521 (a) (2) and (3) and (c).

6. EPI *et al.* claim that AS 41.45.240(b) does not require the immediate issuance of a cessation order upon the failure to abate a violation within the time allotted as in SMCRA Section 521(a)(3). 11 AAC 90.613(d) contains this requirement and is no less stringent than SMCRA Section 521(a)(3)

7. EPI *et al.* point out that 11 AAC 90.601 does not contain provisions comparable to 30 CFR 840.11 that any potential violation observed during an aerial inspection shall be investigated onsite within three days, and that such onsite investigation shall not constitute a separate inspection. For the reasons stated above in Finding 17.2, the Secretary finds the Alaska program to be no less effective than 30 CFR 840.11.

8. EPI *et al.* complain that 11 AAC 90.613, regarding cessation orders, does not provide as in 30 CFR 843.11(b)(2), that all steps deemed necessary must be taken in the most expeditious manner physically possible. AS 41.45.240(b) contains this provision and is the same or similar to 30 CFR 843.11(b)(2).

9. EPI *et al.* object to 11 AAC 90.617(d) which gives the commissioner the discretion to decline to issue a show cause order or vacate an outstanding order if, based on exceptional factors, it would be demonstrably unjust to issue or fail to vacate the show cause order. While the Federal rules contain no such discretion regarding show cause orders, the Director has this discretion regarding waiver of the use of the point formula to determine civil penalties pursuant to 30 CFR 845.16. The decision whether a pattern of violations exists under 30 CFR 843.13 is largely that of the Director of OSM and involves a good deal of discretion. Further, the commissioner's discretion under 11 AAC 90.617(d) is very narrowly drawn as in 30 CFR 845.16. On these bases, the Secretary finds that 11 AAC 90.617(d) is no less stringent than 30 CFR 843.13.

10. EPI *et al.* point out that in 11 AAC 90.623 the State fails to include the provision that inability to comply may not be considered in determining whether a pattern of violations exists. Further, the State deletes the phrase, "unless caused by lack of diligence." For the reasons set forth above in Finding 20.1, the Secretary finds the Alaska program to be no less stringent than 30 CFR 843.18.

11. EPI *et al.* point out that proposed 11 AAC 90.625 did not contain the requirement at 30 CFR 845.15(b)(2) that appropriate enforcement action be taken if the permittee has not abated the violation within a 30 day period. The State, in final rule 11 AAC 90.625(e), has added language including this requirement which is no less stringent than 30 CFR 845.15(b)(2).

12. EPI *et al.* comment that 11 AAC 90.629(b) does not include the provision at 30 CFR 845.18(b)(1) that a failure to hold the assessment conference within 60 days shall not be grounds for dismissal of an assessment unless actual prejudice is proved. For the reasons set forth in Finding 19.1, the Secretary finds 11 AAC 90.629(b) to be the same or similar to 30 CFR 845.18(b)(1).

13. EPI *et al.* comment that proposed 11 AAC 90.629(e) did not provide the appropriate time frame and action to be taken if full payment of the amount specified in the settlement agreement of a civil penalty action is not received by the commissioner within 30 days after the signing of the agreement as in 30 CFR 845.18(d)(2). In its final rule, the State has corrected 11 AAC 90.629(e) so that it is now the same or similar to 30 CFR 845.18(d)(2).

14. EPI *et al.* point out that the Alaska rules do not contain a provision comparable to 30 CFR 845.18(e) that an assessment conference may be terminated by the conference officer when it is determined that the issue cannot be resolved or that the person assessed is not diligently working toward resolution of the issues. Since the authority contained in 30 CFR 845.18(e) is discretionary with the conference officer and all such conferences must terminate in some manner, the Secretary believes that it is not necessary for the State to have a provision comparable to 30 CFR 845.18(e). The power to terminate such conferences is implicit in the power to hold them, and the manner of such termination should be in the discretion of the State. With respect to this issue therefore, the Alaska program is the same or similar to 30 CFR 845.18(e).

15. EPI *et al.* object to Alaska's failure to include a provision comparable to 30 CFR 845.19(a) that the fact of a violation may not be recontested if it has been decided in a review proceeding under 30 CFR 843.16. For the reasons set forth above in Finding 19.2, the Secretary finds the Alaska program to be the same or similar to 30 CFR 845.19(a).

Bonding

1. EPI *et al.* comment that AS 41.45.170 provides that the permittee give notice in the manner set forth in AS 38.08.345 (b) and (e) except as provided by regulations adopted under Chapter 41.45, and that the State statute does not provide advertisement specifications as in SMCRA Section 519(a). The advertisement specifications are set out at 11 AAC 90.211 (b) and (c), and have been adopted under AS 41.45. The Secretary finds these advertisement specifications to be consistent with those at SMCRA Section 519(a).

2. EPI *et al.* state that, unlike SMCRA Section 509(b), 11 AAC 90.203(a) specifies that the liability period for individual bonds may be limited if bonds are posted and approved to guarantee only specific phases or increments of reclamation. In its final rule, the State has eliminated the word "period" in the second sentence to remedy any confusion. Further, the general rule at AS 41.45.160(b) is consistent with SMCRA Section 509(b). For these reasons, the Secretary finds the Alaska program consistent with SMCRA Section 509(b).

3. National Audubon Society *et al.* urge that 11 AAC 90.203, regarding the period of bond liability, should include not only responsibility for vegetational reclamation but also for reclamation of aquatic habitats. The Federal rules provide for protection of such habitats in the performance standards, but not in the regulations on period of bond

liability. For this reason, the Secretary is unable to require the State to add such a provision.

Designation of Lands as Unsuitable for Surface Mining

1. EPI *et al.* claim that AS 41.45.260(c)(1) provides only for designation of lands as unsuitable for mining on technological, and not economic unfeasibility unlike SMCRA Section 522(a)(2). In the Supplemental Narrative, Alaska states that its law is more stringent than SMCRA because it could designate areas as unsuitable on economic grounds alone, whereas the Federal provisions require *both* economic and technological infeasibility as a prerequisite to an unsuitability finding. The Secretary agrees with the State, and finds that AS 41.45.260(c)(1) is consistent with SMCRA Section 522(a)(2).

2. EPI *et al.* object to AS 41.45.260(b) which provides for hearings to be held within three to seven months of the receipt of a petition to designate lands as unsuitable for mining whereas SMCRA Section 522(c) provides for such hearing to be held within ten months of receipt of the petition. The commenters also object to the State statutory provision which allows an extension of the time within which a hearing must be held to include a field season. The Secretary finds the commenters' objections confusing as they simultaneously argue that the time by which the hearing must be held is both too short and too long. The Secretary is convinced that the State requires flexibility in this area because of different climate and weather conditions, and finds AS 41.45.260(b) consistent with SMCRA Section 522(c).

3. EPI *et al.* comment that the State definition of "valid existing rights" at 11 AAC 90.123 contradicts and goes beyond the Federal language at 30 CFR 761.5(a)(2). In the Supplemental Narrative, the State explains that the State rule parallels the Federal language, and goes on to define "coal needed for an ongoing operation." A strict, three-part test, including a showing that the coal is part of the operator's mining plan, must be met to demonstrate that the coal is needed for an ongoing operation. The Secretary accepts the State's explanation, and finds 11 AAC 90.123 to be no less effective than 30 CFR 761.5(a)(2).

4. EPI *et al.* comment that the State definition of "occupied dwelling" at 11 AAC 90.911(64), unlike 30 CFR 761.5, excludes buildings used on a temporary basis for human habitation. In the Supplemental Narrative, the State explains that its definition does not exclude buildings used temporarily such as a hunting lodge. Such buildings must be used on a regular, albeit periodic, basis for human habitation. Given this explanation, the Secretary finds the State definition of "occupied dwelling" to be no less effective than the Federal definition.

5. EPI *et al.* comment that the definition of "substantial legal and financial commitment" at 11 AAC 90.715(b) is different than the Federal definition at 30 CFR 762.5, and would allow an application for a permit to suffice for a substantial legal and financial commitment. In the Supplemental Narrative, the State explains that such commitments will be based on a finding that significant investments have been made on the basis of a long term coal contract. The State definition discusses some of the factors which may be used to determine whether such commitments have been made, but the requirement for a long term coal contract remains intact. The Secretary sees nothing in the State definition which would allow mere application for a permit to suffice for such commitments. The Secretary, therefore, finds the State definition to be no less effective than the Federal definition.

6. EPI *et al.* state that the criteria for designation of lands unsuitable for mining should be included in the State regulations. The Secretary disagrees because the criteria are listed in AS 41.45.260. Further, the form required by the State to file a petition to designate lands unsuitable for mining has been included as part of the State's submission and is part of the program. If the State substantively amends any provision of its form, it would have to submit such a change as a program amendment.

7. EPI *et al.* object to 11 AAC 90.709 which does not require that the hearing on a petition to designate lands unsuitable for mining be legislative and fact-finding in nature with no cross-examination of witnesses as in 30 CFR 764.17. For the reasons set forth above in Finding 21.1, the Secretary finds 11 AAC 90.709 to be no less effective than 30 CFR 764.17.

8. EPI *et al.* comment that 11 AAC 90.701 states that petitions to designate lands unsuitable for mining must be filed on a form provided by the commissioner and must include all information requested on the form, but, unlike 30 CFR 764.13, the regulation specifies none of this information. The forms, however, have been included as part of the State's submission and are part of the State progam. As these forms request all the necessary information, the Secretary finds the Alaska program to be no less effective than 30 CFR 764.13.

9. EPI *et al.* object to 11 AAC 90.703(e) which provides for suspension of the consideration of a petition to designate lands unsuitable for mining: (1) Where there is no real and foreseeable potential for operations to occur; and (2) on State land if the land is unleased, not available for leasing, and is not the subject of an application for a coal prospecting permit. EPI *et al.* state that this provision is in conflict with SMCRA Section 522(c), which requires a written decision on a petition within one year, and with 30 CFR 764.15. The Secretary believes that the State provision is entirely reasonable, and is precisely the kind of instance where flexibility is needed. The commenters would have the State perform tasks with no practical results so that Alaska would be meeting an overly strict reading of the Federal law and regulations. The Secretary disagrees with the comment, and finds 11 AAC 90.703(e) to be consistent with SMCRA Section 522(c) and no less effective than 30 CFR 764.15.

10.a. EPI *et al.* point out that 11 AAC 90.705(d) provides for intervention in proceedings on a petition to designate lands unsuitable for mining until 14 days before the public hearing, while 30 CFR 764.15(c) allows such intervention up to 3 days before the hearing. For the reasons set forth above in Finding 21.2, the Secretary finds 11 AAC 90.705(d) to be no less effective than 30 CFR 764.15(c).

b. EPI *et al.* state that 11 AAC 90.709(c) and 90.711(b) provide that notice of hearings on petitions to designate lands unsuitable for mining be sent by certified mail to petitioners, intervenors, and persons with an ownership or other property interest in the petition area, and by regular mail to all other required parties. 30 CFR 764.17(b)(2) requires that such notice be given to all parties by certified mail. 11 AAC 90.709(c) provides such notice by regular mail only to: (1) Federal, state and municipal agencies and native corporations and villages, and (2) persons who have expressed to the commissioner an interest in the petition area. 11 AAC 90.711(b) allows the commissioner to send a copy of his/her decision by regular mail to persons who have requested a copy other than the petitioner, all intervenors and OSM. Since the primary parties in these proceedings are to be sent the required documents by certified mail and other parties are not being omitted, but will receive the documents by regular mail, the Secretary believes the difference

between the State and Federal regulations is insignificant. Therefore, the Secretary finds 11 AAC 90.709(c) and 90.711(b) to be no less effective than 30 CFR 764.17.

11. EPI *et al.* state that 11 AAC 90.707(e) does not specify that the State will provide information to the public on petition procedures necessary to have an area designated as unsuitable for mining or to have designations terminated, or how the inventory and data base system can be used. 11 AAC 90.701(a) refers to the required petition form, but EPI *et al.* complain that the State should be required to specify in its regulations that such information will be provided as in 30 CFR 764.23. The Secretary disagrees. The State forms have been submitted as part of the State program and the Secretary's approval extends to all parts of the State program. If the State substantively amends any provision of its forms, it would have to submit them to OSM as a program amendment. As the forms contain all the necessary information, the Secretary finds the Alaska program to be no less effective than 30 CFR 764.23.

12. The U.S. Fish and Wildlife Service suggests that buffer strips 100 feet on each side of anadromous fish streams be included as "areas where mining may be limited" in 11 AAC 90.121. As there is no such inclusion in the comparable Federal regulation at 30 CFR 761.11, the Secretary cannot require the State to have such a provision in its regulations. It is the State's prerogative to make this inclusion, but it is not a requirement of program approval.

Conflict of Interest

1. EPI *et al.* state that 11 AAC 90.755 does not contain the components of the Federal provision at 30 CFR 706.18 on penalties for accepting gifts and gratuities under the article on conflict of interest. The Secretary finds no evidence that any components of the Federal regulation are missing in the State rule and, therefore, finds that 11 AAC 90.755 is no less effective than 30 CFR 706.18.

2. EPI *et al.* object to the exception from the gifts and gratuities limitation at 11 AAC 90.755 for "meals, transportation, lodging or similar expenses when these expenses facilitate performance of the affected person's duties or function. . . ." The commenters suggest replacing the word "facilitate" with "are necessary." The Secretary sees no substantive difference between the language in the State rule and that suggested by the commenters. The Secretary finds 11 AAC 90.755 to be no less effective than 30 CFR 705.18 (See Finding 23.1).

3. EPI *et al.* comment that 11 AAC 90.753 does not contain a provision that the reviewer of a State employee's conflict of interest form will certify that the form was reviewed, that prohibited interests have been resolved, and that no other prohibited interests have been identified from the statement. As the statement is required to be made on an OSM form containing such a certification by the reviewer, the Secretary finds that the State need not repeat the requirement in its regulations.

Coal Exploration

1. EPI *et al.* object to 11 AAC 90.161 and 90.163 which make a distinction between coal exploration that will and will not substantially disturb the natural land surface for purposes of submitting information to the regulatory authority. The commenters state that there is no such distinction in 30 CFR 776.11 and 776.12; rather, the distinction in the Federal rules is based on the intent to remove less than 250 tons of coal in the area to be explored. However, 11 AAC 90.167 establishes the performance standards for coal exploration that substantially disturbs the natural land surface, and adds a bonding requirement not found in the Federal rules. 30 CFR 776.11 establishes that the performance standards found at 30 CFR 815 apply to exploration that substantially disturbs the natural land surface. 11 AAC 90.901(a)(1) applies the performance standards to exploration resulting in the removal of more than 250 tons of coal. The Secretary, therefore, finds 11 AAC 90.901(a), 90.161 and 90.163 to be no less effective than 30 CFR 776.11 and 776.12.

2. EPI *et al.* claim that 11 AAC 90.165 and 90.167 are not as effective as 30 CFR 776.13(b)(2) regarding endangered or threatened species. 30 CFR 776.13(b)(2) allows the regulatory authority to approve a coal exploration application if the application "will not jeopardize" the continued existence of endangered or threatened species. The Alaska rule requires "protection" of endangered or threatened species. In the October 27, 1982, telephone conversation (Administrative Record No. AK–16), the State explained that the Alsaka rule is more stringent than the Federal regulation because "protection" in concept and practice is a more inclusive term than "not jeopardizing." The Secretary agrees, and finds 11 AAC 90.165 and 90.167 to be no less effective than 30 CFR 776.13(b)(2).

3. EPI *et al.* suggest that 11 AAC 90.165(e) be revised to read, "if the applicant demonstrates and the commissioner determines," to clarify the burden of proof as reflected in 30 CFR Part 776.13(b). The Secretary believes that the applicant's requirements for receiving approval of an application for coal exploration are clearly set forth in Article 7 of the Alaska surface mining regulations, and that the commenters' suggested revision is unnecessary. The Secretary, therefore, finds Article 7 and 11 AAC 90.165(e) of the State's surface mining rules to be no less effective than 30 CFR 776.13(b).

4. EPI *et al.* claim that 11 AAC 90.165 does not provide, as a basis for permit approval, that exploration will not adversely affect cultural resources as in 30 CFR 776.13(b)(3). This requirement is covered at 11 AAC 90.167(d) in language, which the Secretary finds to be no less effective than that of 30 CFR 776.13(b)(3).

5. EPI *et al.* state that proposed 11 AAC 90.165(b) did not specify, as in 30 CFR 776.12(b)(3), that any person with an interest which is or may be adversely affected has the right to file written comments on the coal exploration application within reasonable time limits. In its final rule at 11 AAC 90.165(b) the State has added language allowing such written comments in accordance with 11 AAC 90.907(f). The Secretary finds 11 AAC 90.165(b) to be no less effective than 30 CFR 776.12(b)(3).

6. EPI *et al.* comment that proposed 11 AAC 90.165(f) did not require that a hearing of record be held within 30 days of a request on an application for coal exploration as does 30 CFR 787.11(b). In its final rule, the State has added language to 11 AAC 90.165(f) to insure that such a hearing will be held within 30 days of a request on an application.

7. EPI *et al.* object to 11 AAC 90.167(a) which, unlike 30 CFR 776.15(a), provides that certain coal exploration bonding and performance standards may be waived if a written finding is made that these requirements will be superseded by subsequent, permitted operations. For the reasons set forth above in Finding 15.3, the Secretary finds the Alaska program to be no less effective than 30 CFR 776.15(a).

8. EPI *et al.* claim that 11 AAC 90.167 omits the provisions of 30 CFR 815.15 (a) and (b) which: (1) Prohibit the disturbance of habitats of unique value for fish, wildlife and other related environmental values and areas during coal exploration, and (2) provide that important environmental characteristics of the exploration area will be measured during operations to minimize damage and provide information for permit applications. In the September 9, 1982, meeting between Alaska and OSM personnel (Administrative Record No.

AK–15) the State pointed to 11 AAC 90.167(c) which requires the protection of threatened or endangered species and their habitats. The Secretary finds that 11 AAC 90.167(c) is no less effective than 30 CFR 815.15 (a) and (b).

9. EPI *et al.* claim that 11 AAC 90.167 (f), (g), (h) and (m) do not specifythat required actions regarding restoration and removal of travel networks, and removal of excavations and other facilities and equipment will occur "promptly" after exploration is completed. For the reasons set forth above in Finding 15.1, the Secretary finds 11 AAC 90.167 to be no less effective than 30 CFR 815.15.

10. EPI *et al.* state that 11 AAC 90.167(k) does not include the requirement in 30 CFR 815.15(g)(2) that the best technology currently available be used to prevent contribution of additional suspended solids to stream flow. For the reasons set forth in Finding 15.2, above, the Secretary finds 11 AAC 90.167(k) to be no less effective than 30 CFR 815.15(g).

11. EPI *et al.* comment that 11 AAC 90.167 does not include a requirement for a permit for the commercial sale of coal extracted during coal exploration as in 30 CFR 815.17. 11 AAC 90.001(b) includes this requirement of commercial sale for testing purposes.

12. National Audubon Society *et al.* urge that 11 AAC 90.161, regarding coal exploration, be implemented with the full cooperation, coordination and knowledge of all State and Federal resource agencies. As the Federal regulations contain no such requirement, the Secretary is unable to require the State to do so.

13. National Audubon Society *et al.* suggest that where the Commissioner exercises his/her discretion in waiving a requirement under 11 AAC 90.167, regarding coal exploration bonding and performance standards, that he/she do so in consultation with the relevant State or Federal resource agencies. For the reasons set forth in the Secretary's response to public comment No. 7, above, the Secretary finds this provision of the Commissioner's discretion to be acceptable, and further finds this provision of the Alaska program to be no less effective than 30 CFR 776.15(a).

Performance Standards

1. EPI *et al.* state that 11 AAC 90.085, in specifying contents of plans for protecting the hydrologic balance, makes reference to "the limits on pollutants in discharges subject to 11 AAC 90.323." These limits, the commenters claim, do not adequately provide water quality effluent limitations as in 30 CFR 816.42(a)(7); they assert that the State rules must include these provisions. For the reasons set forth above in Finding 13.1, however, the Secretary finds 11 AAC 90.085 and 90.323 to be no less effective than 30 CFR 816.42(a)(7).

2. EPI *et al.* complain that the language in 11 AAC 90.321(a) that, "operations must be planned and conducted to prevent long-term adverse changes in the hydrologic balance," provides less protection against adverse impacts than 30 CFR 816.41(a) which covers protection for both short- and long-term impacts. The Secretary disagrees with the commenters' reading of 30 CFR 816.41(a). The preamble to the Federal regulations at 44 FR 15142 (March 13, 1979), in reference to 30 CFR 816.41–816.57, states that, "the purpose of these requirements is to ensure that both long-term and short-term adverse changes in the hydrologic balance * * * will be prevented * * *." 30 CFR 816.41(a) clearly addresses long-term impacts, and 30 CFR 816.42–816.57 enumerate specific standards of hydrologic balance, thus addressing short-term impacts. The comparable State regulations are at 11 AAC 90.323–90.353. The Secretary, therefore, finds 11 AAC 90.321(a) to be no less effective than 30 CFR 816.41(a).

3. EPI *et al.* comment that 11 AAC 90.375(f) establishes no maximum period before blasting for distribution of the schedule, unlike 30 CFR 816.64(a) which establishes a 20 day maximum. 11 AAC 90.375(g)(3) requires that the schedule contain specific information as to the dates and times when blasting shall be conducted. This approach, the Secretary finds, is no less effective than 30 CFR 816.64(a).

4. EPI *et al.* comment that proposed 11 AAC 90.379(d) allowed flyrock to be cast beyond the permit boundary to not more than half the distance to the nearest occupied structure, unlike 30 CFR 816.65(g) which limits flyrock travel to the line of property owned or leased by the permittee. In its final rule, the State has added language to conform the State rule to the Federal limitation. The Secretary finds 11 AAC 90.379(d) to be no less effective than 30 CFR 816.65(g).

5. EPI *et al.* suggest that the State add regulatory language giving the Commissioner the discretion to reduce maximum peak particle velocity on the basis of potential harm to fish and wildlife. In its final rules at 11 AAC 90.379(e), the State has added such language.

6. EPI *et al.* object to the flexibility in the requirements for underdrains and topsoil at 11 AAC 90.391(i), claiming the State provision is in conflict with 30 CFR 816.71 and 816.72. For the reasons set forth above in Finding 13.3, the Secretary finds 11 AAC 90.391 to be no less effective than 30 CFR 816.71 and 817.71.

7. EPI *et al.* object to 11 AAC 90.451 (a)(2) and (b) which, unlike 30 CFR 816.111, permit the use of introduced species. The Secretary believes that Alaska, because of its unique climatic conditions, needs the flexibility to allow introduced species, but feels that such introduction should only be permitted based on appropriate field trials. In its final rule at 11 AAC 90.451(a)(2), the State has accepted the Secretary's suggestion and, on this basis, the Secretary finds 11 AAC 90.451 (a)(2) and (b) to be no less effective than 30 CFR 816.111 and 817.111.

8. EPI *et al.* also object to 11 AAC 90.451(c) which gives the Commissioner the power to grant exceptions from the requirements of subsections (b) (2) and (3) of 90.451 if the reestablished plant species are necessary to achieve quick, temporary and stabilizing cover, and measures to establish permanent vegetation are included in the approved permit and reclamation plan. The Secretary believes that the State regulation provides Alaska with needed flexibility in this area because of unique climatic conditions. Further, the State rule is well defined and limited in its applicability. For these reasons, the Secretary finds 11 AAC 90.451(c) to be no less effective than 30 CFR 816.111.

9. EPI *et al.* state that 11 AAC 90.451(d) is not comparable to 30 CFR 816.111(b)(1), and does not constitute adequate regulation of cropland vegetation. SMCRA Section 515(b)(20) provides, "that when the regulatory authority issues a written finding approving a long-term, intensive, agricultural postmining land use as part of the mining and reclamation plan, the authority may grant exception to the provisions of paragraph (19) [of the Act]." SMCRA Section 515(b)(19) requires establishment of a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected. In some cases, the Secretary believes permanent vegetation would not necessarily be desirable when the postmining vegetative use is to be cropland because such land may be used to produce annual rather than the more permanent biennial or perennial species. 11 AAC 90.451(d) implements the exception granted in SMCRA Section 515(b)(20) and, on this basis, the Secretary finds the State provision to be consistent with SMCRA Section 515(b)(20) and no less effective than 30 CFR 816.111(b)(1).

10. EPI *et al.* state that, regarding standards of success, the Alaska rules fall short of SMCRA Section 515(b)(20) which requires a period of responsibility for successful vegetation for 5 years except in areas where the average, annual precipitation is 26 inches or less, where the operator's responsibility is for 10 years. 11 AAC 90.451(d) and 90.203 provide exceptions from this requirement. The Secretary finds that the exceptions in 11 AAC 90.451(d) and 90.203 are not exceptions from the requirements of SMCRA Section 515(b)(20). These requirements can be found at 11 AAC 90.457(d) and are consistent with those in SMCRA Section 515(b)(20).

11. EPI *et al.* state that proposed 11 AAC 90.471(a) did not include language requiring the operator to effectively support and maintain all surface access openings to underground operations as in 30 CFR 817.131(a). In its final rule, the State has added such language. The Secretary, therefore, finds 11 AAC 90.471(a) to be no less effective than 30 CFR 817.131(a).

12. EPI *et al.* comment that an additional requirement must be added to 11 AAC 90.443(a)(2) regarding minimum showings necessary for retention of highwalls. Retained portions of the highwall must not interrupt drainageways above the highwall and thus allow channelized flow over highwalls onto reclaimed areas below. On page 27 of the side-by-side comparison of Federal and State regulations, the State explains that most of the land in potential coal mining areas is remote, and is presently being used primarily as wildlife habitat or for its scenic vistas. This land should be returned to a condition which will support the pre-mining use and be consistent with the use and topography of the surrounding areas. The requirement to cover the highwall and return to an area of gentle slopes could defeat this purpose in the case of remote lands in areas with natural cliffs and outcrops by changing and destroying the natural environment for wildlife species and by creating unnatural topography. 11 AAC 90.443(a)(2) would allow the land to be restored to its most natural condition where artificial cliffs and outcrops could be created from highwalls as long as such restoration would closely resemble the original contour without creating pollution potential and would be consistent with land use plans. This approach would comply with the likely postmining land use of wildlife habitat or scenic enjoyment. The State also refers the reader to the SMCRA Section 708 study on Alaska surface mining at findings 2 and 4, page xxv, Section 3.2.4.2, Appendix A, page 255. The Secretary is persuaded by the State's explanation and, based on the limited exception to the highwall requirement contained therein, finds 11 AAC 90.443(a)(2) to be no less effective than 30 CFR 816.102 and 817.102.

13. National Audubon Society *et al.* suggest that 11 AAC 90.353, regarding stream buffer zones, be modified to be consistent with existing Alaska Department of Minerals and Energy Management oil and gas lease sale setback requirements. As there are no such requirements in the Federal regulations, the Secretary is unable to require the State to make such modifications.

14. National Audubon Society *et al.* urge that hazardous coal processing wastes be disposed of in accordance with the requirements of the new hazardous waste regulations being proposed by the Alaska Department of Environmental Conservation. As there are no such requirements in the Federal regulations, the Secretary is unable to require the State to adapt its program to such hazardous waste regulations.

15. One commenter suggested that monitoring wells be required to indicate the soil conditions for the breakdown of toxic waste produced by surface mining at 11 AAC 90.445. As the Federal regulations contain no such requirement for monitoring wells, the Secretary is unable to insist that the State include such a requirement.

Public Participation

1. EPI *et al.* object to the fact that 11 AAC 90.607 does not contain a provision as in 30 CFR 842.12 for confidentiality upon the request of citizens supplying information related to possible violations. For the reasons stated above in Finding 17.3, the Secretary finds the Alaska program to be no less effective than 30 CFR 842.12.

2. EPI *et al.* state that proposed 11 AAC 90.909 did not include the language of 43 CFR 4.1295 that an award of costs and expenses may include all costs and expenses, including attorneys' and expert witness fees in administrative proceedings. In its final rule at 11 AAC 90.909(b), the State has included such language.

3. EPI *et al.* comment that the State has not included provisions in its regulations comparable to 43 CFR 4.1130 *et seq.* which specify the methods by which parties in administrative proceedings may obtain discovery. In the Supplemental Narrative, the State clarifies its discovery procedures, stating that discovery will be conducted as specified under the Alaska Administrative Procedures Act (APA), AS 44.62. This statute contains provisions for subpoena of persons and materials, taking depositions, use of affidavits, hearing procedures and rules of evidence (AS 44.62.430–.480). In addition, the State APA hearings are supplemented by the civil rules of procedure which provide a range of discovery comparable to the Federal rules. On this basis, the Secretary finds the Alaska program to be no less effective than 43 CFR 4.1130 *et seq.*

4. EPI *et al.* comment that the Alaska program does not seem to allow for the assessment of costs and expenses against a party regarding the judicial review of agency actions. For the reasons set forth above in Finding 22.1, the Secretary finds Alaska law and court rules to be consistent with SMCRA Section 525(e).

5. EPI *et al.* comment that AS 41.45.950 is not clear as to whether awards of expert witness or attorneys' fees are allowed if no monetary judgment is recovered in a citizen's suit as in SMCRA Section 520(d). For the reasons set forth above in Finding 22.2, the Secretary finds Alaska law and court rules to be consistent with SMCRA Section 520(d).

SOAP

EPI *et al.* state that the narrative portion of the Alaska program regarding small operator assistance (SOAP) at 731.14(g)(16) does not explain important programmatic details such as program administration, contracting, or internal coordination. In the Supplemental Narrative the State explains that the Alaska program contains all the required statutory and regulatory authority for the SOAP program. At present, there are no small operators in Alaska. In order to determine the scope of this program, the State has recently contracted for a study of the potential for SOAP in Alaska. The State expects to have the study completed before receiving primacy, and to have all prerequisites in place before any requests for small operator assistance are received. The Secretary finds this narrative explanation acceptable.

The Secretary's Decision

As indicated above, under "Secretary's Findings", there are no deficiencies in the Alaska program. In all respects, the Alaska program meets the criteria for approval.

Accordingly, the Secretary is approving the Alaska program. This approval is effective on May 2, 1983. Beginning on that date, the Alaska

Department of Natural Resources shall be deemed the regulatory authority in Alaska and all Alaska surface coal mining and reclamation operations on non-federal and non-Indian lands and all coal exploration on non-federal and non-Indian lands in Alaska shall be subject to the permanent regulatory program.

On non-federal and non-Indian lands in Alaska, the permanent regulatory program consists of the State program approved by the Secretary. Following this approval, in accordance with Section 523(c) of SMCRA, Alaska may elect to enter into a cooperative agreement with the Secretary to provide for State regulation of surface coal mining and reclamation operations on federal lands within the State.

The Secretary's approval of the Alaska program relates at this time only to the permanent regulatory program under Title V of SMCRA. The approval does not constitute approval of any provisions related to implementation of Title IV under SMCRA, the abandoned mine lands reclamation program. In accordance with 30 CFR Part 884, Alaska may submit a state reclamation plan now that its permanent program has been approved. At the time of such a submission, all provisions relating to abandoned mined lands reclamation will be reviewed by officials of the Department of the Interior.

Additional Findings

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 902

Coal mining, Intergovernmental relations, Surface mining and Underground mining.

Therefore, 30 CFR Chapter VII is amended by adding a new Part 902 as set forth herein.

Dated: March 15, 1983.

James G. Watt,

Secretary of the Interior.

PART 902—ALASKA

Sec.

902.1 Scope.
902.10 State Regulatory Approval.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977, (30 U.S.C. 1201 *et seq.*)

§ 902.1 Scope.

This Part contains all rules applicable only within Alaska that have been adopted under the Surface Mining Control and Reclamation Act of 1977.

§ 902.10 State Regulatory Program Approval.

The Alaska State program, as submitted on July 23, 1982, as amended and clarified on December 13, 1982, and January 11, 1983, is approved, effective on May 2, 1983. Beginning on that date, the Alaska Department of Natural Resources shall be deemed the regulatory authority in Alaska for all surface coal mining and reclamation operations and all exploration operations on non-Federal and non-Indian lands. Only surface coal mining and reclamation operations on non-Federal and non-Indian lands shall be subject to the provisions of the Alaska permanent regulatory program. Copies of the approved program are available at the following addresses:

Office of Surface Mining, Administrative Record Office, Room 5315, 1100 L Street, NW, Washington, DC 20240

Wyoming Field Office, Office of Surface Mining, 935 Pendell Boulevard, Freeden Building, Mills, Wyoming 82644

Division of Minerals and Energy Management, Department of Natural Resources, State of Alaska, 555 Cordora Street, Room 22, Anchorage, Alaska 99501

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Part IV

Department of Health and Human Services

Office of Human Development Services

Child Welfare Services Training Grants Program; Announcement of Availability

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Administration for Children, Youth and Families; Child Welfare Services Training Grants Program;

Program Announcement 13648-831

AGENCY: Administration for Children, Youth and Families, Office of Human Development Services, HHS.

SUBJECT: Announcement of Availability of Grant Funds for the Child Welfare Services Training Grants Program.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for *Child Welfare Services Training Grants* authorized under Section 426 of the Social Security Act (part B of title IV, 42 U.S.C. 626).

DATES: Closing date for receipt of applications is May 23, 1983.

Scope of Announcement

This Program Announcement covers *all* Child Welfare Services Training Grants to be awarded in Fiscal Year 1983. This Announcement differs from those issued in previous years in order to focus results more directly on helping States in implementing Pub. L. 96-272, and to offer States as many potential resources as possible to carry out these mandates. Other significant differences in the Fiscal Year 1983 Grant Program include the following:

- Applications received under this Announcement will be reviewed by the Administration for Children, Youth and Families Central Office in Washington, D.C. Once funding decisions are made, grants will be awarded and administered by the Administration for Children, Youth and Families Regional Offices.
- Announcements for Child Welfare Teaching Grants and Child Welfare Traineeship Grants have been consolidated into one Program Announcement for Child Welfare Training Grants. Four *priority areas* have been established under this grant program.
- One of the four priority areas is a continuation of the Child Welfare Traineeship Grants; however, a very strong preference is expressed to award traineeships to person currently employed in the field of child welfare, while not eliminating the possibility for persons who are not so employed.
- Eligibility for all grant applications, including those applying for traineeship grants, has been broadened to include any accredited institution of higher learning which demonstrates that it has the organizational, professional, and educational capacity to provide eduaction and training in child welfare.
- Competition for all grants will be national, by priority area, with no allocations specified for particular priority areas or regions. (However, the Commissioner may take geographic distribution into account in deciding on awards.)
- Screening criteria have been established. All applications that do not meet these criteria will be considered non-conforming, and will not be accepted for review.

Program Purpose

In concert with the purposes identified for the HDS Discretionary Grants Program, the purpose of the Child Welfare Training Grants is to support training projects in the field of child welfare that improve education and training for the delivery and management of social service programs focused specifically on children and families. Funds are intended to support projects designed to:

(1) Provide national leadership in: (a) The development of effective methods of addressing social service needs; and (b) the development of State and local capacity to deliver social services appropriately targeted at local problems;

(2) Foster the efficient and effective use of available resources through improved social service management; and

(3) Improve the efficiency and effectiveness of social services through better program administration and responsiveness to local needs.

The purpose of this grant program is to develop, expand and improve education and training programs and resources for child welfare service providers, and to upgrade the skills and qualifications of child welfare workers through participation, full time or part time, in education or training programs focused specifically on child welfare services. Support may be provided to any accredited institution of higher learning which documents it has the organizational, professional and educational capacity to provide or improve child welfare education and training for degree or non-degree students. Applicant institutions are required to collaborate with State or local child welfare agencies in developing and implementing the proposed training projects.

Program Goals and Objectives

The goal of this program is to provide education and training opportunities at the State or multi-State level, and to support special projects in the field of child welfare which will enable persons working or who will work in the field of child welfare services to more effectively achieve the following outcomes for children and families:

- To provide support to families in order to prevent separation of children from their families; or
- Where separation is necessary, to develop a plan in conjunction with the parents and to provide support services to the family to enable children to be returned to their families within a limited time period; or
- Where these efforts fail or are inappropriate, to arrange for the children to become adopted, with or without adoption subsidy, or arrange for other permanent living arrangements including guardianship and permanent foster family care.

Priority Areas for Funding

Applications for projects should specify how the projected project will address one of the following priority areas:

I. Child Welfare Services Training

The objective for this priority area is:

- To develop and conduct practice-oriented training in one or more States for child welfare workers, supervisors, and other practitioners which address critical child welfare issues and problems such as those identified in findings and analyses of Child Welfare Services State Plans, State Plans for Foster Care and Adoption Assistance, Child Welfare Services Program Reviews, Section 427 compliance Reviews, and other related joint-planning processes instrumental for identifying training requirements necessary for implementation of Pub. L. 96-272.

II. Leadership Training in Child Welfare

The objective for this priority area is:

- To develop and conduct leadership training symposia and seminars on critical child welfare issues for persons involved in the administration and management of State public child welfare services programs, State legislators, attorneys general, juvenile and family court judges, volunteer or voluntary support groups, and other persons or groups involved in the provision of services to children and families. These symposia or seminars should provide training in critical areas

of need related specifically to the administration and management of child welfare systems such as those determined by findings and analyses of Child Welfare Services State Plans, State Plans for Foster Care and Adoption Assistance, Child Welfare Services Program Reviews, Section 427 Compliance Reviews and other related joint-planning processes instrumental for identifying training requirements necessary for implementation of Pub. L. 96–272.

III. State Training Assistance Projects

The objective for this priority area is:

• To provide consultation, assistance, resources and additional expertise in specific areas related to child welfare to one or more State or local child welfare agencies to improve their capacity to provide on-going practice-relevant child welfare services training, or to develop and implement related staff development activities.

IV. Child Welfare Traineeship Projects

The primary objective of this priority area is to provide financial support, special courses and practicums to enable workers currently employed by public and voluntary child welfare agencies to upgrade their practice skills, and to acquire specialized information and expertise related to the delivery of services for children and families, through participation in structured education or training programs related specifically to child welfare.

Although very strong preference is for trainees who are currently employed in the field of child welfare, consideration will also be given to projects which provide education and training for students and other practitioners concentrating in child welfare services, but who may not be currently employed in child welfare.

Issues of Special Interest to HDS: within the four priority areas, HDS is particularly interested in focusing resources on the following issues:

a. *Child welfare training in specialized areas of services* needed to implement Pub. L. 96–272.

b. *Training on child welfare and the law,* for addressing critical issues arising from the interface between child welfare and the judicial system, and to provide workers with appropriate interdisciplinary knowledge and skills (e.g. procedural safeguards; rights of children, birth parents and foster parents; termination of parental rights; dispositional hearings; legal aspects of adoption, etc.).

c. *Training on adoption of special needs children,* for training supervisors and workers in methods and techniques for expanded adoption of special needs children using nationally recognized child welfare curricula.

d. *Child welfare management training,* for improved leadership, administration and management of child welfare service systems at the State and local levels (e.g. effective supervision, utilizing supervisors as trainers; training of trainers; methods and techniques for accessing training effectiveness; program/client evaluation training; management and the use of information systems; use of program date and indicators for systems analysis; improvement of program management for child welfare services, etc.).

e. *Training in services to minority children and families,* for preparing child welfare staff to work with children and families from minority racial and ethnic backgrounds, and to promote the delivery of culturally/sensitive services to minority children in the child welfare system through the use of exemplary resource materials and nationally recognized training curricula.

Screening Criteria

The following screening criteria have been established. Applications which do not meet these criteria are non-conforming and will not be accepted for review.

• Each application must clearly identify and address a *single* priority area for which the application is to compete. If applicants want to compete for more than one priority area, separate applications must be submitted for each one.

• A one page abstract summarizing the purpose, objectives and activities of the proposed project must be submitted. This abstract will assist in identifying the priority area, and will be used to provide descriptive information on grants approved for funding

• Part IV Narratives for grant applications must not exceed 26 double-spaced typewritten pages (or 13 pages single spaced). Appendices, including supporting documents, capability statements, budget information, etc., are not to exceed 20 additional pages.

• Each application must include a letter of support from the State Commissioner of Social Services, State Commissioner of Human Resources or his or her designee that its content specifically addresses the child welfare service needs of the State, and that the State will work cooperatively as specified in the proposal to achieve the intended outcomes of the proposed project.

• Applications must not focus primarily on curriculum development or the development of new materials, where there is clear documentation that current materials already exist. Minor adaptations of existing materials will be premitted where the applicant documents that it does not exceed 20% of its level of effort. (See listing of current curricula included in grant application materials.)

Eligible Applicants

Child Welfare Services Training Grants are awarded to public and private nonprofit colleges and universities accredited by an appropriate accrediting authority (e.g. National or regional associations of colleges and secondary schools; National Council for Accreditation of Teacher Education; American Assembly of Collegiate Schools of Business; Council on Social Work Education; Council on Education for Public Health; Association for American Law Schools, et al.).

Applicant institutions are required to demonstrate their organizational, professional and educational capacity to provide education and training in child welfare.

For those institutions applying for Traineeship grants (Priority Area 4), very strong preference will be given to those offering traineeships to persons currently employed in child welfare.

Available Funds

Of funds expected to be available in Fiscal Year 1983, the Administration for Children, Youth and Families expects to award approximately $3,500,000 for new Child Welfare Services Training Grants. The budget period is the equivalent of one year's duration, although grant funds may be spent within a project period of 12–17 months to allow for grant start-up activities.

Grants for Priority Areas I, II, or III are expected to be awarded at funding levels ranging from $75,000 to $150,000. Grants for Priority Area IV will average approximately $25,000 per applicant institution. If an applicant desires to present justification to exceed these funding levels it will be considered on its merit, without penalty.

Indirect Cost Limitation

An indirect cost of 8% of the direct costs (or the institution's actual indirect cost if less than 8%) is allowable under this grant program.

Grantee Share of the Project

There is no cost sharing or matching requirement for grants under this announcement.

A–95 Notification Process

This program does not require A–95 notification and review process.

Application Process

Availability of Forms

Application for a grant under the child Welfare Services Training Grant Program must be submitted on standard forms provided for this purpose. Application forms and instructions may be obtained either by writing to or telephoning: Child Welfare Training Grant Program: Application Request, Assistance Branch, Children's Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013. Telephone: (202) 755–7730 or 755–7731.

Application Submission

One signed original and two copies of the grant application, including all attachments, must be submitted to: Grants Management Branch, Office of Human Development Services, Department of Health and Human Services, 300 Independence Avenue, SW. Washington, D.C. 20201. Attention: Mary White.

In order to facilitate processing of a grant application, please submit one signed original and five copies. The application must be signed by an individual authorized to act for the applicant institution and to assume for the institution the obligations imposed by the terms and conditions of the grant award.

Application Consideration

The Commissioner, Administration for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration for Children, Youth and Families. In addition to the results of the review, in his final decision, the Commissioner will also take into special consideration: (1) Geographic distribution of competing application; (2) comments from central office and regional office staff; and (3) in the case of traineeships, applicants who are offering traineeships to persons already employed in the field of child welfare.

If the Commissioner has reached a decision to disapprove a competing grant application, the unsuccessful applicant is notified in writing. Successful applicants are notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, and the total period for which project support is contemplated.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this Program Announcement is May 23, 1983. An application will be considered received on time if:

- The application was sent by registered or certified mail no later than (May 23, 1983) as evidenced by the U.S. Postal Service postmark; unless it arrives too late to be considered by the independent review panel.
- The application is received on or before close of business (COB) (May 23, 1983) in the Department of Health and Human Services Central Office mailroom. In establishing the date of receipt, consideration will be given to the time date stamps of such mailrooms or other documentary evidence or receipt maintained by the Department of Health and Human Services.

Criteria for Review and Evaluation of Applications

Priority Areas I, II and III

Grant applications for projects submitted under Priority Areas I, II and III will be evaluated against the following criteria:

(1) That the project objectives are identical with or are capable of addressing one of the specific program priority areas (Numbers I, II or III) as listed in this announcement; that the applicant identifies the specific child welfare issues which the project plans to address; and that the applicant describes how the project will improve and expand the child welfare resources and training capability of the affiliated State child welfare agency. (15 points)

(2) That the applicant provides documentation on the nature and extent of consultations held in planning this project with State or local administrators of public social service agencies, including, where appropriate, voluntary agencies or organizations. Participation of the public and voluntary agencies (and/or attorneys general, state legislators, judges etc., as appropriate and feasible) regarding the proposed project clearly takes into account the child welfare training needs of the State, as indicated in appropriate joint planning documents and other processes for identifying training requirements necessary for implementation of Pub. L. 96–272. The proposal documents that the State public agency will provide specific and substantive on-going support to and involvement with the project through to its conclusion. (20 points)

(3) That the application includes a work plan designed to achieve the results required by the program objectives, which includes the following:

(a) The proposed methodology for conducting the training project (including the plan for insuring continued involvement and support of the affiliated State or local public agency);

(b) Timetables for accomplishing program goals, objectives, and sub-objectives as identified and further defined by the applicant in the proposal; and target indicators for identifying and measuring proposed outcomes for program objectives;

(c) A management plan which describes how the project will be implemented;

(d) The proposed process and procedures that will be used to coordinate training and training asistance projects with the activities of the Regional Resource Centers for Children and Youth. (A list of these Centers is provided in the Grant Application Kit.) (20 points)

(4) That the applicant describes the State's or local public and voluntary agencies' plans to implement successful training projects or successful results of the State training assistance projects into an on-going training program within the State or local agency. Agency plans should include projected information about the qualifications of staff who will conduct the training or training assistance activities, the courses to be offered, and the types of trainees or staff who will be eligible or required to participate. (15 points)

(5) That the applicant demonstrates it has the organizational, professional and educational capacity to address the critical child welfare training issues facing States, with particular emphasis on the program goals of this announcement, including but not limited to such critical areas as prevention, in-home services, foster care services, case review, adoption and post-placement services, needs and minority children, services for minority children and families, legal issues in child welfare practice, management issues in child welfare service systems, etc.

(6) That the project personnel are or will be well qualified to provide child welfare training or training assistance and the applicant has or will have adequate resources to conduct the project. (10 points)

(7) That the estimated cost to the government and to the project is reasonable considering the anticipated results, and that the applicant has included funds to send at least one key person to a Statewide or regional meeting on child welfare training issues, and to two national meetings of all funded Training Grant projects in Washington, D.C. (5 points)

Priority Area IV

Grant applications for projects submitted under Priority Area IV will be evaluated against the following criteria:

(1) That the project objectives are identical with or are capable of achieving the program objectives in this announcement and the specific objectives for Priority Area IV. (5 points)

(2) That the proposed workplan is designed to achieve the results required by the program and priority area objectives, as identified in this program announcement and as further defined and elaborated by the applicant. (20 points)

(3) Assurance that all additional requirements for eligibility of students and for student stipends, will be met. (5 points)

(4) That the application includes a plan designed to recruit minority candidates into the traineeship program, especially those who have limited financial resources. This plan must specify activities and timetables by which the school will seek out, identify, and when implemented, *focus* traineeship selection on minority candidates. (15 points)

(5) That the applicant documents that for non-degree students it will provide a program of study which is specifically designed to develop or update practice oriented skills required for effective delivery of services to children and families in subject areas related specifically to the program goals and objectives identified in this announcement; and that for all degree students it will provide a field placement program or other appropriate practicum experience in which they will have an opportunity to integrate academic and field placement experiences into a more comprehensive understanding of the field of child welfare which will include the following:

(a) A description of the type of schedule the field placement will follow and the number of hours a week, month, semester, etc., it entails;

(b) Documentation that the trainee will work under the direction of professionally trained supervisory staff;

(c) Descriptive information about how the trainee will work in a field placement directly related to the provision of child wefare services;

(d) A description of the policies and procedures the applicant will follow in the supervision of the student's field placement, including: (1) whether there is a supervisor or director of field placement and that person's role and responsibility; (2) who provides direct supervision; (3) the criteria for the selection of field placements in child welfare; (4) the nature and quality of the supervisory contact required; and (5) the relationship between the field placement and the classroom instruction. (20 points)

(6) That the application include the following documentation:

(a) In the case of students who are currently employed in the field of child welfare, the applicant documents that it has obtained a letter of intent or commitment from a public or voluntary social service agency to release employees for the pursuit of training in child welfare. The letter of intent or commitment must specify the name(s) of employee(s) to be released and enrolled, and must state that the agency will continue to employ the trainee during the time of the traineeship or will make a resonable effort to rehire the employee, upon completion of the training, in a position providing services, training, conducting research or administering programs in child welfare.

(b) In the case of students not currently employed in the field of child welfare or not on release time from such employment, documentation that the applicant has obtained a letter of intent or commitment from an appropriate agency or organization providing child welfare services which provides reasonable assurance, subject to availability of funds, that the agency will hire recipients of traineeship grants to work in child welfare setting upon completion of the proposed training program. (20 points)

(7) That project personnel are or will be well qualified to provide direction and supervision to trainees specializing in child welfare, and the applicant organization has or will have adequate facilities and resources to conduct the project. (10 points)

(8) That the estimated cost to the government of the project is reasonable considering the anticipated results, and all costs are for student financial support. (5 points)

Additional Requirements for Eligibility of Students

(1) Trainees must express a commitment to a career in child welfare and an intent to begin or return to employment in a State or local agency or organization that provides child and family services.

(2) Trainee must be citizens of the United States or foreign nationals lawfully admitted to the United States for permanent residency.

(3) Trainee must be duly enrolled for full or part time study at the grantee institution, either for credit or non-credit. Degree oriented trainees must be duly enrolled in either the senior year of a program leading to a baccalaureate degree, or a program leading to a Masters degree.

(4) Trainees are not currently receiving educational allowances from any other Federal, State or local public or voluntary agency when that allowance is conditioned on a conflicting employment obligation incurred by the trainee, except for federally assisted student loans or educational benefits payable under the Veterans Education and Training Amendment Act of 1977 as limited by Section 213 of said Act.

(5) Trainees may not be employees of the Federal government.

Additional Requirements for Student Stipends

Non-degree traineeship programs may award traineeship grants to pay for the cost of tuition, educational fees and books.

Degree-oriented traineeship programs may award traineeship grants to pay for stipends and dependency allowances (see chart below), in addition to the cost of tuition and educational fees. Traineeship grants may only be used to provide student financial support *and not for any other direct or indirect costs for the applicant.*

Stipends and Allowances for Degree Students

At the undergraduate level, the total per student cost shall not exceed $1,000 for an academic year which may include stipends, tuition, fees or other costs. At the graduate level, costs which may be covered include tuition, fees, stipends, dependency allowances and travel expenses. Traineeship grants may be awarded for partial support of students at the discretion of the institution.

Dependency allowances for the dependents of graduate level students will be $600 per support year for each eligible dependent. Dependents are as defined in the Internal Revenue Code.

Dependency allowances are not available to baccalaureate level trainees.

Domestic travel allowances for students from their residence to the training institution will not be provided except, in those cases of extreme need or hardship for individual students where a one-way travel allowance may be granted at the rate of up to 20 cents per mile. A travel allowance for reimbursement for travel to field institution may be paid when it is the policy of the institution to pay such costs.

The chart below should be used in calculating graduate level stipends and allowances for full-time students.

Stipends and Allowances

STUDENTS WITH LITTLE OR NO RELATED PROFESSIONAL EXPERIENCES—MASTER'S LEVEL

Year of training	Annual rate	Monthly rate
First post-baccalaureate year	$2,400	$200
Years between first and terminal year	2,600	217
Terminal year [1]	2,800	233

[1] Applicable only to programs extending beyond 2 years. The second year of Master's Degree Program is at the $2,600 rate.

STUDENTS WITH RELATED PROFESSIONAL EXPERIENCE—MASTER'S LEVEL [1]

Previous related professional experience, master's level	Year of training					
	1		2		3	
	Annual	Month	Annual	Month	Annual	Month
6 to 11 months	$3,000	$250	$3,300	$275	$3,600	$300
12 to 23 months	3,300	275	3,600	300	3,900	325
24 to 35 months	3,600	300	3,900	325	4,200	350
36 to 47 months	4,200	350	4,200	350	4,200	350
48 or more months	4,200	350	4,200	350	4,200	350

[1] A trainee, who is awarded a "Master's Level Experience Student" Stipend, must have had professional experience in a field relevant to the professional training to be undertaken. A complete and detailed record of the trainee's employment must be maintained by the grantee institution so that the stipend level can be properly justified.

Applications received after the deadline or sent to any address other than the central office in Washington, D.C. will not be accepted and will be returned to the applicant.

(Catalog of Federal Domestic Assistance Program Number 13.648, Training Grants in the Field of Child Welfare.

Dated: March 11, 1983.

Warren Master,

Acting Commissioner, Administration for Children, Youth and Families.

Approved: March 17, 1983.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 83-7433 Filed 3-22-83; 8:45 am]

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Wednesday
March 23, 1983

Part V

Department of Education

Improvement of the Student Aid Delivery and Information Systems; Public Hearings and Request for Public Comment

DEPARTMENT OF EDUCATION

Improvement of the Student Aid Delivery and Information Systems; Public Hearings and Request for Public Comment

AGENCY: Education Department.

ACTION: Notice of public hearings and request for public comment on the improvement of the Student Aid Delivery and Information Systems.

SUMMARY: The Department of Education will be holding public hearings and the Secretary is requesting written comments from the public regarding the improvement of the Title IV student financial aid delivery and information systems.

DATES: Comments must be submitted on or before April 22, 1983. Public hearings are scheduled for March 31, April 6, 11, and 13, 1983.

ADDRESSES: Written comments should be addressed to: Patrick Sherrill, Credit Management Project, U.S. Department of Education, 400 Maryland Avenue, S.W., FOB–6, Room 3034, Washington, D.C. 20202.

Public hearings will be held in the following cities on the dates shown:

Chicago—March 31, 1983; Roosevelt University, 430 South Michigan Avenue, Sullivan Room, Room 220, Chicago, Illinois

San Francisco—April 6, 1983; Federal Building, 450 Golden Gate Avenue, Room 2007, San Francisco, California

Dallas—April 11, 1983; University of Texas, Dallas, Student Union, Room 2304, Richardson, Texas

Atlanta—April 13, 1983; U.S. Department of Education, 101 Marietta Towers, Room 2221, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Sherrill—202/472–6032.

SUPPLEMENTARY INFORMATION: The Secretary is requesting public comment on the Department's effort to impove the systems used to deliver Title IV student financial assistance under the Guaranteed Student Loan, PLUS, Pell Grant, College Work-Study, National Direct Student Loan, Supplemental Educational Opportunity Grant, and State Student Incentive Grant programs.

Need for Improvement

The U.S. Department of Education is under the Administration's mandate to improve its information management, financial management, funds disbursement, and debt management systems. Under OMB Bulletin 83–11, which requires that Executive Branch agencies upgrade their credit management and debt collection practices, the Department is responsible for implementing effective credit management procedures. The General Accounting Office has identified weaknesses in the current process that indicates that the current delivery system is highly error prone. There also have been a number of recommendations for changes in the current system from members of the financial aid community. Finally, the existing systems are at least a decade old in a field where advancements in technology suggest the possibility for remarkable improvements in program operation. To meet the responsibility of its stewardship of Federal funds, the criticism of the current systems, the community's desire for improvements, and the opportunity to take advantage of advanced procedures and technology, the Department of Education has undertaken this major evaluation effort.

Objectives of the Evaluation

The objectives of the systems improvement effort include the establishment of:

- An effective management information system,
- An auditable financial management system,
- An efficient funds disbursement system,
- An effective debt management system,
- Reduced administrative costs to all parties, and
- Effective communication between all participants.

The new systems should improve the delivery systems for all users, particularly the students, and the institutions, lenders, and State agencies.

The Secretary has formed a Credit Management Task Force whose goals are to review the current delivery systems, evaluate suggested modifications in and alternatives to the current system, and recommend an action plan to the Secretary. The Credit Management Task Force is made up of representatives from the Department of Education Offices of Planning, Budget, and Evaluation, Postsecondary Education, and Management.

How the Information Will Be Used

The Credit Management Task Force will measure proposed alternative systems against an objective evaluation standard to estimate the effects of the proposed system on the system users. The results will be presented to the departmental Credit Management Board, chaired by the Comptroller, who will present its recommendations to the Secretary.

Comments Should Address Delivery Systems

This project is addressing all the systems used to deliver student aid. These systems can be defined as the administrative procedures and mechanisms that provide Federal funds and services to students through mediating agencies such as States, lenders, institutions and private agencies. These systems guide the submission of applications, determination of eligibility, calculation of awards, disbursement of funds, and reconciliation of accounts. Policy questions which effect the current purposes, scope, distribution, or levels of funding of the Title IV programs are excluded from the evaluation effort. Your comments about these other issues should be forwarded to the Department of Education's Office of Student Financial Assistance.

Procedures for Public Comment

The Secretary encourages interested parties to send their written comments to the Department's Credit Management Project at the Washington address provided in this notice, or to appear at one of the public hearings. The Secretary encourages that those attending the hearings provide a written copy of their comments and be prepared to answer specific questions on their proposals. Written comments should be submitted no later than April 23, 1983 to the contact person named in this notice.

Format for Comments

The Secretary requests that the respondents identify their role in the delivery of student aid and the perspective from which they view the system—either as a representative of a State agency, school (private or public, two-year, four-year, etc.), lender, parent, student, or private citizen. In proposing an alternative system, respondents should address the main elements of a delivery system for each program. These elements include:

- Application submission,
- Eligibility determination,
- Benefit calculation,
- Funds disbursement,
- Account reconciliation.

The hearings are designed to elicit your perspective on how the current student financial aid delivery and information systems prevent and/or support the achievement of your administrative needs. Be specific regarding the data requirements, timing, coordination between parties, procedures, technology, and delegation of responsibility which should be in an

improved or redesigned system in order for that system to meet your needs.

(Catalog of Federal Domestic Assistance: 84.038 National Direct Student Loan Program; 84.033 College Work-study Program; 84.007 Supplemental Educational Opportunity Grant Program; 84.062 Pell Grant Program; 84.032 Guaranteed Student Loan and PLUS Programs; 84.069 State Student Incentive Grant Program)

Dated: March 18, 1983.

Charles L. Heatherly,

Deputy Under Secretary for Management.

[FR Doc. 83-7478 Filed 3-22-83; 8:45 am]

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Part VI

Department of Health and Human Services

Office of Community Services

Notice of Availability of Funds and Requests for Applications Under Community Services Discretionary Authority

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Community Services

[Program Announcement No. OCS-83-1]

Availability of Funds and Requests for Applications Under Community Services Discretinary Authority

AGENCY: Office of Community Services, HHS.

ACTION: Announcement of availability of funds and requests for applications under the Community Services Discretionary Authority.

SUMMARY: The Office of Community Services (OCS) announces that competing applications will be accepted for new grants and cooperative agreements pursuant to the Secretrary's discretionary authority under Title VI. Section 681 of Pub. L. 97-35 the Community Services Block Grant Act. This program announcement consists of four parts. Part I covers general information, discusses the overall purposes of the OCS Discretionary Program, lists the funding authority and briefly describes the FY 1983 competitive review process. Part II describes the program priority areas in which grants or cooperative agreements will be awarded. Part III describes the application process, who is eligible apply, what funds are expected to be available and the review and selection criteria. Part IV gives specific guidance on how to prepare and submit an application under each separate published program priority area.

DATES: The closing date for receipt of applications is June 1, 1983. Applicants may meet this deadline either by delivering or mailing the application on or before June 1st in accordance with the detailed instructions in Part IV below. Late applications will be returned to the senders without consideration in the competiton.

FOR FURTHER INFORMATION CONTACT: OCS/Office of State and Project Assistance/Division of Discretionary Programs, 1200 19th Street, N.W., Room 432, Washington, D.C. 20506, (202) 254-7079.

Part I—Overall Guidance

A. Scope of This Program Announcement

Section 681 of the Commuinity Services Block (CSBG) Act authorizes the Secretary of Health and Human Services to make funds availiable to support ongoing activities of national or regional significance to alleviate the causes of poverty in distressed communities.

Applicants must fully demonstrate that the project they are proposing represents an ongoing program activity of the applicant as defined below. Applicants must show that the proposed activity is clearly related to the purposes of the CSBG Act, i.e., to alleviate the causes of poverty in distressed communities.

For purposes of this announcement, the term "ongoing activity" means an activity that is actually in progress, that will continue to move towards meeting specific goals and objectives with OCS support, and that has a meaningful and measurable impact on the area and population to be served. The term "national or regional significance" means activities that directly address the causes of poverty in a way that can be replicated in another part of the region or country. Projects under this announcement must result in direct benefits targeted towards low-income people as defined in the most recent Annual Revision of Poverty Income Guidelines, most recently published in the **Federal Register** February 1983, pp. 7010-7011.

OCS will grant funds for only one year. Accordingly, each applicant must clearly demonstrate their ability to carry out their work plan with FY 1983 funds without substantial start-up costs and to achieve measurable results within the one year of funding. Applicants should demonstrate their ability to continue operating as viable organizations and meeting their program objectives after the cessation of OCS funding.

An applicant can be engaged in a *qualified* "ongoing activity" without having been a recipient of funds from OCS or the former CSA. Organizations previously funded by CSA or OCS may apply but such an application would constitute an application for new funding, rather than an application for continuation funding. This is a particularly relevant reminder for successful applicants under the FY 1982 discretionary program. All applications will be considered in competition with all other acceptable applications within each program priority area.

The Fiscal Year 1983 program is a continuation of the basic overall policy established by the Fiscal Year 1982 OCS Discretionary Program. The overall OCS policy direction is to promote self-sufficiency in terms of jobs, income and ownership opportunities for low-income individuals; to provide a better standard of living for rural low-income individuals in terms of housing, and water and sewer facilities; and to implement new and innovative strategies for addressing the special needs of migrant and seasonal farmworkers. The OCS believes that these policy objectives can be best met at the local level through local organizations that can coordinate linkages with other private and public sector initiatives and enhance private sector involvement.

B. FY 1983 Process

The FY 1983 Discretionary Process provides for a single application process. All timely applications will be initially screened by OCS staff to determine their completeness and conformance with the requirements of this announcement, using the screening factors listed below in Part III. Those applications which pass this screening will be given further consideration by referral to reviewers for scoring and explicative comment based on the criteria detailed in Part III and the specific requirements contained under each published program priority area. Following the final review by the Director, OCS and his staff, it is anticipated that awards under this announcement will be made in September, 1983.

Part II—Program Priority Areas

Priority Area 1: Urban and Rural Community Economic Development

The overall purpose of this priority area is to encourage the development of special programs by which the residents of urban and rural low-income areas may through self-help and mobilization of the community-at-large, with appropriate Federal assistance, improve the quality of their economic and social environment in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

Narrative Description

The Office of Community Services will provide funds to a limited number of for profit and non-profit corporations for business and community development activities at the local level. Funds for these activities will be used primarily for investment capital and will require the submission of business or community development proposals that meet the test of feasibility.

The purpose of this priority area is not only provision of resources to eligible applicants, but also the broader objectives of arresting tendencies toward dependency, chronic unemployment, and community deterioration in urban and rural areas. To this end, the program seeks to attract additional priviate capital into

distressed communities, including Enterprise Zones, build and expand the ability of local institutions to better serve the economic needs of local residents, and provide new employment and ownership opportunities for low-income people through business, physical or commercial development.

OCS is interested in providing funding support for a limited number of demonstration projects that are unique and innovative such as those which provide training and employment in high technology. These projects must further Administration goals of private-public partnerships, and new Federal initiatives such as urban and rural enterprise zones. OCS is particularly interested in receiving applications that stress public-private partnerships that are directed toward the development of economic self-sufficiency through a focus on economic expansion. Applications must show significant impact on creating new permanent private sector jobs, and maintaining existing jobs, targeted towards the unemployed and underemployed.

A distressed community enterprise zone is defined as a geographic urban neighborhood or rural community of high unemployment and pervasive poverty. Applicants located in a state or federally-designated enterprise zone, in which a legislative entity has enacted a program of tax and regulatory relief to encourage business development, are encouraged to submit applications. These applications must be linked with and complement ongoing enterprise zone initiatives, and may be for either a business venture or a demonstration of innovative ways of involving the poverty community in the implementation of the enterprise zone concept.

Applicants are expected to clearly describe how they plan to leverage their own resources and requested OCS funds with those of private sources and of other government agencies.

Technical Work Plan Requirements

Each application submitted under this program priority area must include a valid and complete business plan as part of its program narrative as required in Part IV of the SF 424.

The Business Plan is one of the major components in the required project narrative that will be evaluated by OCS in terms of feasibility and community benefits. Therefore, your business plan must be well prepared and address all the major elements of a business plan as detailed in the application kits.

It should contain a full and accurate description of the proposed use of the requested financial assistance, whether it is for a business facility, physical or commercial development project. The program narrative must show how increased employment, income, and ownership opportunities will be provided by the proposed project. The applicant must also clearly document an ability to strengthen linkages with, or leverage from, other private and public resources. Wherever applicable, assurances of participation of the private sector in the proposed project must be fully documented.

The Business Plan must demonstrate to OCS that there is reasonable assurance that the amount of the requested OCS funds, together with other funds available, is adequate for the completion of the project or achievement of the purposes for which an allocation of OCS funds is to be made.

Detailed guidelines for completing a business plan are included in the application kits.

Use of these guidelines should result in a complete and professional business plan which makes an orderly presentation of the facts necessary to be judged responsive to the program announcement. Commonsense should be used in applying the guidelines to develop a business plan for each venture.

Because the guidelines were written to cover a variety of possibilities, rigid adherence to them is not possible nor even desirable for all ventures. For example, a plan for a service business would not require a discussion of manufacturing nor product design.

The guidelines include the following twelve sections: Summary Business Plan; The Venture and its Industry; Products and Services; Market Research and Evaluation; Marketing Plan; Design and Developement Plans; Manufacturing and Operations Plan; Management Team; Overall Schedule; Critical Risks and Assumption; Community Benefits; and the Financial Plan.

Applicants which do not include a business plan as part of this application will be found non-responsive. The Business Plan requirement will be reviewed under Criterion 1.

The OCS will accept applications that include administrative costs. These funds will be extremely limited, and no awards for administrative costs only will be made. No more than 10% of the OCS discretionary funds requested may be used for administrative purposes. More favorable consideration may be given to applications where administrative costs are less than 10% of total project funds from all sources.

Any applicant applying under this priority area must document that it has been previously involved in substantial economic development activities and has a record of successful project implementation which justifies a high degree of confidence in the success of the proposed project.

Each applicant must document that it has a firmly established and quantifiable record of performance that shows the following capabilities:

—To plan and implement major activities such as: (1) Business development, (2) commercial development, (3) physical development, or (4) financial services;
—To leverage and mobilize dollars from such services as: (1) the private sector (corporations, banks, etc.), (2) foundations, (3) the public sector, (4) State and local governments, and/or (5) individuals;
—To establish and maintain relationships within the community (with public officials, financial institutions, corporations, other community organizations and residents);
—To maintain an asset base and organizational structure which is sound in terms of: (1) Net worth, (2) stability, and (3) capability;
—To develop and maintain a stable and diversified overall program in terms of business, physical and community development activities that have provided needed permanent jobs, services and other benefits to community residents, and impacted on community-wide economic problems and needs;
—To recruit and maintain both a qualified and demonstrably competent staff and a functioning Board of Directors that is capable of setting appropriate policy, making necessary program decisions, and providing adequate programmatic oversight;
—To have in place sound administrative and fiscal systems and controls, and;
—To establish and maintain partnerships with the private sector in such forms as financial support, volunteerism, or executives on loan.

The applicant is required to leverage private or public funds with each OCS dollar awarded. This match may be one private sector dollar or two public sector dollars to each dollar of OCS discretionary funds awarded. Matching funds must be definite, or contingent only on receipt of the OCS grant. Speculative match, or match based on independent contingencies (such as receipt or another grant) will not be counted towards the matching requirement. Funds expected to be raised as a result of the grant, whether

from program income or otherwise (e.g., from formation of a MESBIC) will not be counted. It is to be noted that for *existing* businesses or projects, projected income based on realistic extrapolation of past performance will be acceptable. The OCS will also not consider applicants that are geared toward the establishment of or investment in existing revolving loan funds, Small Business Investment Companies or Minority Enterprise Small Business Investment Companies.

Program Priority Area 2.0—Assistance For Rural Housing and Community Facilities Development

The purpose of this program area is to target funds in a limited number of low-income rural communities to address two major needs in rural areas—Housing and Water and Waste Treatment.

Area 2.1—Rural Housing Repairs and Rehabilitation

To assist low-income residents in rural communities to rehabilitate or repair existing substandard housing units; or acquire ownership of adequate housing and/or to otherwise assist families to obtain standard housing or to support the development of innovative ways to meet the housing needs of the rural poor, such as the conversion of non-residential buildings to residential use.

'Rural' includes all territory of a state that is not within the outer boundary of any city having a population of 25,000 or more and its immediate adjacent urban area with a population density of more than 100 persons per square mile according to the latest decennial census.

We will consider applications from such entities as rural housing development corporations, cooperatives and other public and private organizations with proven accomplishments in the area of rural housing.

Proposals should fully describe how the proposed use of funds will result in tangible improvements in the housing conditions of the rural poor, including one or more of the following:

- Interior or exterior structural repairs including weatherization and alternative energy systems or well-being of the rural poor;
- Provision of job opportunities to local unskilled residents while assuring quality work;
- Provision of technical assistance and professional services related to housing and community planning by community-based design and planning organizations. Such programs shall be conducted with maximum use of the voluntary services of professional and community personnel;
- Development of innovative housing strategies to help low-income rural residents acquire housing.

The OCS will accept applicatons that include administative costs. These funds will be extremely limited, and no awards for just administrative costs will be made. No more than 10% of the OCS discretionary funds requested may be used for administrative purposes. More favorable consideration may be given to applications where administrative costs are less than 10% of total project funds from all sources.

The applicant is required to leverage private or public funds with each OCS dollar awarded. This match may be one private sector dollar or two public sector dollars to each dollar of OCS discretionary fund awarded. Matching funds must be definite, or contingent only on receipt of the OCS grant. Speculative match, or match based on independent contingencies (such as receipt of another grant) will not be counted toward the matching requirement. Funds expected to be raised as a result of the grant, whether from program income or otherwise (e.g., from the formation of a MESBIC) will not be counted. It is to be noted that for *existing* businesses or projects, projected income based on the realistic extrapolation of past performance will be acceptable. The OCS will also not consider applicants that are gared toward the establishment of, or investment in existing revolving loan funds, Small Business Investment Companies or Minority Enterprise Small Business Investment Companies.

Specific Application Requirements

Each applicant must include in Part IV, Program Narrative, of the SF 424 application a full discussion and description of the applicant's project including the following sections:

- *Analysis of Needs/Priorities.* The nature and extent of the problem addressed with adequate description and documentation which identifies specific housing needs of the rural poor in the area targeted and a rationale for the strategies and priorities for which OCS support is requested.
- *Job Creation.* The number of new permanent direct jobs to be created, and the number of permanent jobs maintained by the proposed project including the number of unskilled workers resident in the target area to be trained and placed.
- *Basic Housing Data for Targeted Area.* Applicant should include information on status of housing in the targeted area, including but not limited to vacancy rates, housing deficiencies, characteristics of any housing units to be repaired, new construction inventory, values, rents and mortgage rates.

Area 2.2: Rural Communities Facilities Development (Water and Waste Water Treatment Systems Development)

The purpose of this area of consideration is to help low-income rural communities to develop the capability and expertise to establish and maintain affordable, adequate and appropriate water and waste water treatment facilities.

We will consider applications from Regional Technical Resource Centers and public or private organizations with proven technical expertise and accomplishments in water and waste water treatment programs.

In the Program Narrative as required by Section IV of the SF 424, applicants should fully describe how the proposed use of funds will result in tangible improvements in the quality of water and waste water treatment systems for the rural poor including one or more of the following:

—To assist rural communities in the operation and management of water and waste water facilities;
—To develop local expertise and capability in water and waste water development and engineering services;
—To improve the adequacy and dissemination of information to rural communities in engineering services; and
—To improve the State and local water and waste water service delivery system to serve rural communities more adequately.

Funds are not available under this area for the construction or hook-up of water and waste water treatment systems, nor for operating subsidies for such systems. However, applicants should coordinate projects with the Farmers Home Administration (FmHA) and other Federal and State agencies to ensure that funds for hardware for local community projects are available.

The OCS will accept applications that include administrative costs. These funds will be extremely limited, and no awards for just administrative cost will be made. No more than 10% of the OCS discretionary funds requested may be used for administrative purposes. More favorable consideration may be given to applications where administrative costs are less than 10% of the total project funds from all sources.

The applicant is required to leverage private or public funds with each OCS

dollar awarded. This match may be one private sector dollar or two public sector dollars to each dollar of OCS discretionary funds awarded. Matching funds must be definite, or contingent only on receipt of the OSC grant. Speculative match, or match based on independent contingencies (such as receipt of another grant) will not be counted towards the matching requirement. Funds expected to be raised as a result of the grant, whether from program income or otherwise (e.g., from the formation of a MESBIC) will not be counted.

It is to be noted that for *existing* businesses or projects, projected income based on the realistic extrapolation of past performance will be acceptable. The OCS will also not consider applicants that are geared toward the establishment of or investment in existing revolving loan funds, Small Business Investment Companies or Minority Enterprise Small Business Investment Companies.

Program Priority Area 3.0: Assistance to Migrants and Seasonal Farmworkers

The purpose of this area is to fund a limited number of projects which focus exclusively on the problems and special needs of migrant and seasonal farmworkers and which will contribute toward improving their quality of life and advancing them toward self-sufficiency. The term "migrant farmworkers" means an individual who works in agricultural employment of a seasonal or other temporary nature, and who is required to be absent overnight from his permanent place of residence. The term "seasonal farmworkers" means an individual who works in agricultural employment of a seasonal or other temporary nature and is *not* required to be absent overnight from his permanent place of residence.

Special consideration will be given to projects that emhasize the involvement of the private sector in addressing the unique problems of low-income farmworkers, with priority afforded to migrants, since local commuting farmworkers have greater access to other social services and poverty programs. Two farmworkers' needs that applicants are particularly encouraged to address are the need for permanent longer term employment, and for support in the areas of nutrition and housing. In respect to the employment problem, OCS encourages the submission of proposals that aim (1) to directly assist low-income farmworkers in improving their job skills so as to qualify them for longer term and permanent full-time employment in agriculture and (2) to assist low-income farmworkers who wish to leave agricultural employment and find jobs in other lines of work. In respect to farmworker needs in the area of nutrition and housing, OCS will entertain proposals that directly assist in such areas as crisis relief nutritional activities and the development of self-help systems of food production, and for activities in the areas of home repair, rehabilitation and home ownership.

Under the Community Services Block Grant Act, States may use block grant funds to provide services and assistance to migrant and seasonal farmworkers. Applications submitted under this discretionary grant priority area must not duplicate services or grants provided by the States through block grant funds in the specific State to be served by the applicant.

The OCS has recognized the special needs of Migrant and Seasonal Farmworkers and is adopting Congressional guidance on this area. Therefore, organizations with a primary focus on serving migrants and seasonal farmworkers are encouraged to apply only under this program priority area.

The OCS will accept applications that include administrative costs. These funds will be extremely limited, and no awards for just administrative costs will be made. No more than 10% of the OCS discretionary funds requested may be used for administrative purposes. More favorable consideration may be given to application where administrative costs are less than 10% of total project funds from all sources.

The applicant is required to leverage private or public funds with each OCS dollar award. This match may be one private sector dollar or one public sector dollar to each dollar of OCS discretionary funds awarded. Matching funds must be definite, or contingent only on receipt of the OCS grant. Speculative match, or match based on independent contingencies (such as receipt of another grant) will not be counted towards the matching requirement. Funds expected to be raised as a result of the grant, whether from program income or otherwise (e.g., from the formation of MESBIC) will not be counted. It is to be noted that for *existing* businesses or projects, projected income based on the realistic extrapolation of past performance will be acceptable. The OCS will also not consider applicants that are geared towards the establishment of, or investment in existing revolving loan funds, Small Business Investment Companies or Minority Enterprise Small Business Investment Companies.

Part III—Application Process

A. Eligible Applicants

Any incorporated organization, either public or private, either for-profit or non-profit, may submit an application under this announcement.

B. Available Funds

The Office of Community Services expects to award approximately $25,000,000 in the fourth quarter of FY 1983 for new grants and cooperative agreements.

The funding available for each program priority area is summarized below:

FUNDING SUMMARY

Program priority area	Availability of fiscal year 1983 funds
1.0 Urban and Rural Community Economic Development	$18,840,000
2.0 Rural Housing and Community Facilities Development	3,840,000
3.0 Assistance for Migrants and Seasonal Farmworkers	2,880,000

OCS expects to make approximately 75 new awards pursuant to this announcement. These awards are expected to range from $50,000 to $1,000,000 in the project year, with a typical award expected to be $300,000. Actual grants may vary widely and eligible applicants requesting smaller or larger awards should also apply.

Projects will be funded under this authority for a period not to exceed twelve months, and each project will have a termination date. However, at the discretion of the Director, shorter or longer project periods may be established. The demonstrated capacity of a grantee to secure other sources of funds—before, during, and after the termination date of the project OCS grant period—will be an important evaluation criterion for all the program priority areas. If a project is intended to continue beyond the OCS grant termination date, the applicant must demonstrate that it is able to continue with other sources of funding.

C. Grantee share of the Project

The OCS will accept applications that include administrative costs. These funds will be extremely limited, and no awards for just administrative costs will be made. No more than 10% of the OCS discretionary funds requested may be used for administrative purposes. More favorable consideration may be given to applications where administrative costs are less then 10% of total project funds for all sources.

The applicant is required to leverage private or public funds with each OCS dollar award. This match may be one private sector dollar or two public sector dollars to each dollar of OCS discretionary funds awarded in priority Areas 1.0, 2.1 and 2.2; for projects submitted under Program Priority Area 3.0, Assistance to Migrants and Seasonal Farmworkers, a match of one private and/or public sector dollar to each dollar of OCS discretionary funds awarded is required. Matching funds must be definite, or contingent only on receipt of the OCS grant. Speculative match, or match based on independent contingencies (such as receipt of another grant) will not be counted towards the matching requirement. Funds expected to be raised as a result of the grant, whether from program income or otherwise (e.g., from the formation of a MESBIC) will not be counted. It is to be noted that for *existing* businesses or projects, projected income based on the realistic extrapolation of past performance will be acceptable. The OCS will also not consider applicants that are geared towards the establishment of, or investment in existing revolving loan funds, Small Business Investment Companies or Minority Enterprise Small Business Investment Companies.

D. Application Process

Organizations wishing to compete for an award under this announcement must submit an application by June 1, 1983. Applications received in response to this announcement will be reviewed by OCS staff and outside reviewers.

1. *Availability of Forms.* Applications for awards under the OCS Discretionary Program must be submitted on standard forms provided for that purpose. Application kits containing copies of these forms as well as detailed technical instructions for preparing the application can be obtained by writing to: Office of State and Project Assistance, Division of Discretionary Programs, Office of Community Services, 1200 19th Street, N.W., Room 432–A, Washington, D.C. 20506, Attn: OCS–83–1–DP.

2. *Application Submission.*—One signed and a minimum of two copies of the application must be submitted to: Grants Management Office, Office of Community Services, 1200 19th Street, NW., Room 543, Washington, D.C. 20506, Attn: OCS–83–1–DP.

Applications will have to be duplicated and therefore must be submitted on 8½ x 11 inch paper, easily separated into single sheets, which should be numbered and not include colored, oversized or folded material.

3. *Executive Order 12372.*—Upon the Department's issuance of final rules for implementation of Executive Order 12372, "Intergovernmental Review of Federal Programs" (July 14, 1982), anticipated on or about April 30, 1983, applications submitted under this program announcement will be subject to review by the official intergovernmental review system developed by each State. The Director, Office of Community Services will accommodate the views of intergovernmental entities in accord with the procedures set forth in the Department's implementation rules for the executive order. To insure complete and timely consideration such views must be received, in writing, by the Director within the prescribed time period for receipt of comments stated in the Department's implementation rules for the executive order.

4. *Application Consideration.*—Complete applications that conform to the requirements of this Program Announcement will be reviewed competitively and evaluated by Federal officials and qualified persons outside of the Federal government. Each complete application will be referred to non-OCS reviewers for a numerical score, based solely on responsiveness to program priority area and criteria published in this notice, and for explicative comments. The results of these reviews will assist the Director and OCS program staff in considering competing applications. Evaluation scores will weigh heavily in funding decisions but will not be the only criteria considered.

Applications will generally be considered in order of the mean reviewer scores, but highly ranked applications are not guaranteed funding.

The Director may consider any other factors such as: Comments of reviewers and State and Local officials; staff evaluation and input concerning specific projects; geographical distribution of funding; the previous program performance of applicants, especially those that had previous HHS or CSA grants; audit reports and investigative reports on applicants and applicants' progress in resolving any final audit disallowances owing to OCS or CSA.

OCS reserves the option of discussing applications with other Federal or non-Federal funding sources to determine the applicant's track record relating to the above factors.

The official award document is the Notice of Financial Assistance Awarded, which sets forth in writing to the recipient the amount of funds awarded, the purpose of the award, other terms and conditions of the award, the effective date of the award, the budget period for which support is given, the total project period for which support is contemplated, and the total recipient participation.

Applicants are reminded that grantees are prohibited from using Federal grant funds to engage in any activity designed to influence legislation or appropriations pending before Congress.

E. Criteria for OCS Screening and Review of All Applications

All applications that meet the published deadline for submission will be screened to determine completeness and conformity to the requirements of this announcement. Complete, conforming applications will then be reviewed and evaluated competitively.

1. *Screen Requirements:* In order for an application to be in conformance it must meet all of the following requirements:

(a) *Number of copies:* An original signed application and *two* copies must be submitted;

(b) *Executive Summary:* A narrative summary of the application not to exceed five pages must be included in each application, immediately after Part III of the SF 424. This summary must directly address the program specifics within this announcement and the evaluation criteria contained below. (Applicants are cautioned that OCS will not accept a 5 page executive summary as the complete application or as a substitute for a properly detailed Part IV, Program Narrative, of the SF 424).

(c) *Standard Form 424:* The application must include an SF 424, completed according to instructions. Items 23a, 23b and 23c of Part I of this form must be signed by an official of the applicant organization having authority to legally obligate the applicant.

(d) *OCS' Priorities:* The project contained in the application must specifically address a single program priority area as stated in the announcement. An application which neither identifies one priority area or which shows multiple program priority areas will be deemed non-conforming.

(e) *Multiple Submittals:* A project can only be proposed once under this announcement. Multiple submittals of the same—or essentially the same—project as applications under different program priority areas will be judged non-conforming.

(f) *OCS target populations:* The application must clearly target the specific outcomes and benefits of the project to low income people as defined in the Annual Revision of Poverty Guidelines, most recently published in the Federal Register, February, 1983.

(g) *Match Requirements:* A match of one contributed private sector or two public sector dollars to each OCS discretionary dollar sought must be documented for all program priority areas, except Migrants and Seasonal Farmworker Programs. The match requirement for Migrant and Seasonal Farmworkers is one private or public sector dollar to each OCS dollar.

(h) *Support from Other Federal Agencies or Private Institutions:* Each applicant must provide a list of all financial assistance (loans, loan guarantees, grants, and cooperative agreements) from any Federal agency and all grant or program related investment assistance received within the last three years. The list must include the project or program title, the purpose of the assistance, the name of the agency or institution, the office within the agency or institution that administered the assistance and the name and telephone number of the responsible official or program officer. The list should be certified by the applicant as accurate and complete. Where no assistance has been received, the applicant must specifically so certify.

Special Note: If OCS should discover that the applicant has omitted or distorted any information submitted as part of their application, it will be grounds for not further reviewing the application or for the recovery of any grant award already made.

Applications must meet all of the above requirements to be considered.

2. Criteria for Review and Evaluation of Applications:

Applications which are judged to be in complete compliance with the announcement will be reviewed on a competitive basis. The OCS will use qualified individuals other than OCS employees to conduct a formal objective review of the applications.

Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explicative statements on the formal rating form describing major strengths and major weaknesses under each applicable criterion published in this notice. An overall rating will include the reviewers judgment of each application. The reviewers will be instructed to rate each application: "not recommended for funding"; "recommended for funding with conditions"; or "unconditionally recommended for funding", consistent with the points given under the evaluation criteria.

The indepth evaluation and review process will use the following criteria coupled with the specific requirements contained under each program priority area.

Criterion I: Project Implementation and Technical approach plan and Program Evaluation (Maximum: 25 points)

1A. *Project Implementation Component (sub-rating 15 points).* The application must contain a detailed and specified work plan that is both sound and feasible to accomplish the identified goals and objectives over the proposed project period.

1B. *Technical Approach Component (Sub-rating 5 points).* The application must contain a well defined and carefully designed technical approach which identifies problems and defines issues, that if well executed as projected will enable the applicant to fully attain the objectives of the project.

1C. *Evaluation Component (Sub-rating 5 points).* All proposals should include a self-evaluation component. The evaluation, data collection and analysis procedures should be specifically oriented to assess the degree to which the stated goals and objectives are achieved. Qualitative and quantitative measures should be used to the maximum extent possible.

Criterion II: Significant and Beneficial Impact (Maximum 25 points)

Projects funded under this announcement must produce permanent and measurable results that directly impact on the causes of poverty. The OCS strategy is to target limited funds into low-income communities which in combination with other private and public resources, will increase the economic and social self-sufficiency of residents. Project objectives must be identified with or capable of achieving the specific program priority area objectives defined in this program announcement.

The following are some examples of specific impact measures for the various program priority areas:

Area 1.0: *Urban and Rural Community Economic Development:* The number of new permanent direct jobs to be created and/or maintained; increase in taxes paid; new technical skills development and associated career opportunities for community residents; and development of the community's economic and physical assets; the amount of private dollars to be leveraged or mobilized; the degree of involvement by private sector individuals, corporations, and foundations in the implementation of the project.

Area 2.1: *Rural Housing Repair and Rehabilitation:* The number of sub-standard housing units to be repaired and/or rehabilitated; the number of low-income residents who will be helped to purchase or acquire adequate housing; the number of low-income people to be employed in such projects; total private and public (non-OCS) dollars mobilized; and justifications for selecting target communities that are based on the housing needs of local residents and which show the types and amounts of assistance that have been provided in the community in previous years.

Area 2.2: *Rural Community Facilities:* The number of rural communities provided with technical and advisory services; the number of rural poor individuals directly served by applicant-supported improved water and waste water systems; the decrease in the number of inadequate water systems related to applicant activity; the number of newly-established and applicant-supported treatment systems (all of the above may be expressed in terms of equivalent connections); the increase in local capacity in engineering and other areas of expertise; the amount of private and public dollars to be leveraged and/or mobilized.

Area 3.0: *Assistance to Migrants and Seasonal Farmworkers:* The number of farmworkers who have improved their agricultural skills and thus improved their agricultural employment situation; the number of farmworkers who have gained longer-term or permanent private-sector employment in areas outside agriculture; the number of farmworkers who have received help in the areas of nutrition and housing; the number of housing units repaired or rehabilitated; the degree and kind of such help; non-OCS dollars mobilized and the degree of private sector involvement utilized in developing and carrying out projects funded under this announcement.

Criterion III: Organizational Capability and Capacity (Maximum: 15 points)

A. *Staffing* (Sub-rating: 3 points). The application must fully describe the experience and skills of the staff to show that they are well qualified to successfully implement the project.

B. *Staff Responsibilities* (Sub-rating: 3 points). The assigned responsibilities of staff must be appropriate to the tasks identified for the project. Sufficient time of senior staff must be budgeted to assure timely implementation and cost-effective management of the project.

C. *Specific Program Priority Area Expertise* (Sub-rating: 3 points). Each applicant must document competence in the specific program priority area under which an application is submitted. Where the applicant has a history of two or more years of prior achievement

in that area, the documentation must address the success and effectiveness of projects undertaken, their cost effectiveness, delivery of services to low-income populations, and the permanent benefits provided. Applicants with a history of less than two years of prior achievement in the program area should identify themselves. Documentation provided by these applicants must address related achievements and completeness of each cooperating or sponsoring organization, the commitment of these organizations to the applicant organization and the projects, and the relevant experiences and achievement of key applicant personnel including board members, executive staff and project management staff.

D. *Management History* (Sub-rating: 3 points). The applicant must fully document a history of sound and effective management practices, timely and adequate financial and program progress reporting, and audit compliance. Applicants with less than 2 years of such corporate management history should so identify themselves. These applicants should submit any available documentation of their management practices and progress reporting and must submit a certification by a Certified Public Accountant of the sufficiency of the applicant's financial management system to adequately protect any Federal funds awarded under the application submitted.

E. *Applicant Resources* (Sub-rating: 3 points). The applicant must show that it has adequate facilities, resources and experience to carry out successfully the work plan (tasks and activities) specified in the project application.

Criterion IV: Public—Private Partnerships (Maximum: 25 points)

OCS is interested in receiving applications that demonstrate a capacity to leverage and mobilize other sources of projected-related funds and assistance, specifically from the private sector. This demonstrated ability will remain an important evaluation criterion. The application should clearly show these relationships with appropriate written documentation. In addition, OCS requires each applicant to address how other sources of funding will be used and mobilized to continue the project after the termination date of the OCS award.

The Office of Community Services will give special consideration to applicants which offer significant and substantial linkages and leverage from other private and public sources that are documented and in place. Applicants in their project description must also demonstrate the increased use of private sector involvement and resources in addressing the needs of the low-income target population.

Projects which exceed required match and which also have a high potential for success will receive greater consideration.

Each applicant must also provide a detailed description of the amount, type (cash, in-kind contributions, training and technical assistance, etc.), the sources (Federal, State, local, corporate and private) of funding or other significant support the applicant has received or is receiving within the past three years from any source.

Criterion V: Budget Appropriateness and Reasonableness (Maximum: 10 points)

Each applicant should carefully review the requirements of the specific program priority area and the budget submitted must coincide with these requirements.

The proposed request for funds must be commensurate with the level of effort necessary to accomplish the goals and objectives of the project. The estimated cost to the government of the project must also be reasonable in relation to the value of the anticipated results.

The contribution of any other private and/or public sector agencies or organizations must be assured in writing which is included with the application when it is submitted.

Part IV—Instructions for Completing Applications, Closing Date and Delivery of Applications

A. The closing date for receipt of applications submitted under this program announcement is June 1, 1983. Applications may be mailed or hand delivered to: Grants Management Officer, HHS/Office of Community Services, 1200 19th Street, N.W., Room 543, Washington, D.C. 20506, Attn: OCS–DP–1–83.

Applications must be received at the above address by the closing date. Hand delivered applications will be accepted during the normal working hours of 8:45 a.m. to 5:30 p.m., Monday through Friday. An application will be considered to be received on time under either one of the following two circumstances:

1. The application was sent by registered or certified mail no later than the closing date, as evidenced by a U.S. Postal Service date postmark, unless it arrives too late to be considered by the independent reviewers. Applicants should be aware that not all post offices provide a dated postmark. Applicants are advised to check with their post office to determine this.

2. The application is received on or before the closing date by the Department of Health and Human Services in Washington, D.C., at the address indicated above. In establishing the date of receipt of hand delivered applications, reliance will be placed on documentary evidence of receipt maintained by HHS.

Application Package: Each application should include:

1. A signed original and a minimum of two additional copies of the application. The orginial of the application must bear the original signatures of the certifying representative of the applicant organization. In order to facilitate processing, do not include extraneous materials such as agency promotional brochures, slides, tapes, film clips, etc. It is not feasible to use such items in the review process, and they will be discarded if included.

2. One acknowledgement card. The applicant must include a self-addressed, stamped postcard if acknowledgement of receipt is desired. All applications will be assigned an identification number. This number and the program priority area must be referred to in all subsequent communication with OCS concerning the application. OCS will notify applicants of this number by returning the self-addressed, stamped acknowledgement postcard. If you do not receive the acknowledgement within three weeks after the deadline date, please notify OCS by telephone (202) 653–9241.

Special Note: After an identification number is assigned and the applicant has been notified of the number, applications are filed serially by the number to aid in quick retrieval. It is not possible for OCS staff to provide a timely response to inquiries about a specific application unless this number and the program priority area are given.

C. Contents of Applications: Each copy of the application must contain in the order listed, each of the following (more detailed instructions are provided in the OCS Application Kit):

1. Standard Form 424, Parts 1, Sections I, II and IV completed according to instructions;

2. Project Approval Information, Part II, items 1 through 10, with attachments;

3. Budget Information, Part III, Section A, B, C, D, E, and F, with attachments; and

4. Executive Summary, no more than ten pages long, doubled spaced and typewritten on one side only (or five pages single-spaced).

5. Project narrative, Part IV of the SF–424 typewritten on 8½ x 11 plain white

bond paper. The narrative should fully describe the project you are proposing in response to this announcement. Your narrative should be fully responsive to the specific requirements contained under each program priority area and address the review criteria.

Applications once submitted are considered final and complete.

Applicants are cautioned to carefully read the specific requirements contained under each program priority area and detailed in the application kit.

Harvey R. Vieth,

Director, Office of Community Services.

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Part VII

Department of the Interior

Bureau of Indian Affairs

Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 36

Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations

March 10, 1983.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is publishing a proposed rule which establishes minimum academic standards for the basic education of Indian children and national criteria for dormitory situations. The minimum academic standards shall apply to all schools operated by the Bureau of Indian Affairs and to those Indian-controlled contract schools which adopt these standards. The national criteria for dormitory situations shall apply to all Bureau-operated and all Indian-controlled contract schools having dormitory situations. The standards are required as a result of the Education Amendments of 1978.

DATE: Comments must be received and/or postmarked on or before May 9, 1983.

ADDRESS: Written comments should be directed to the Director, Office of Indian Education Programs, Bureau of Indian Affairs, Department of the Interior, 18th and "C" Streets, NW., Washington, D.C. 20240. If preferred, comments may be delivered to Room 4646, Main Interior Building, 18th and "C" Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: George D. Scott, Office of Indian Education Programs, Bureau of Indian Affairs, Department of the Interior, 18th and "C" Street, NW., Washington, D.C. 20240, telephone number (202) 343–6675.

SUPPLEMENTARY INFORMATION: This proposed rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Historically, the Bureau of Indian Affairs had not established written Bureau-wide standards for the basic education of Indian children attending Bureau-operated schools. As a result, local Bureau schools vacillated to varying degrees in their efforts to meet the only other established educational standards, which were those established by the respective states. Likewise, formal criteria for dormitory living situations had not been established for Indian children residing in off-reservation, on-reservation, or peripheral dormitories. The absence of formally established criteria for dormitory living situations led in some cases to inadequate out-of-school supervision, minimal educational achievement, and a wide disparity in the type of facilities which housed students.

The Congress of the United States mandated, through Title XI of the Education Amendments of 1978, Pub. L. 95–561, that the Secretary of the Interior establish minimum academic standards for the education of Indian children and national criteria for dormitory situations. In response to this mandate, the Bureau of Indian Affairs in 1979 contracted with two Indian organizations. One contract led to the development of a set of alternative standards for Indian-controlled contract schools, and the other provided current information on the costs associated with Indian students in dormitory situations. In addition, the Bureau of Indian Affairs formed a task force to develop the proposed rule because of the potential impact of these standards and criteria on the education of American Indian/Alaskan Native children. The task force was composed of twenty-three members (17 were Indian, 6 non-Indian; 11 members were Bureau employees, 12 were not; and 4 were contract school representatives). Field hearings were held at fifteen different sites. The resulting proposed draft rule developed by the task force was carefully reviewed and evaluated. Included in the review process were Federal, State and private agencies, most notably the National Institute for Education, the National Center for Educational Statistics, and the New York State Education Department.

The proposed rule reflects State and national accrediting association formats and follows the standard terminology as used by the National Center for Education Statistics. The proposed rule is divided into several subparts: Subpart A contains general provisions applicable to both the academic standards and the dormitory criteria. Subparts B–G consist of the minimum academic standards for the basic education of Indian children. These subparts provide for delineation of the types of school systems, the programs of studies, the requirements for grade completion and graduation, the requirements applicable to instructional support functions, the evaluation of the impact of the established educational standards, and the requirements for compliance with the standards by all schools within the Bureau of Indian Affairs education system. Subparts H contains the national dormitory criteria and provides for a home living guidance program, residential staff-student ratios, space and privacy requirements and compliance requirements.

It should be noted that the Bureau of Indian Affairs redesignated numerous Parts of Chapter I of Title 25 of the Code of Federal Regulations on March 30, 1982 (47 FR 13326). Where references are made to other parts under this proposed rule, references to both the new number and the former number are made. This will enable the public to locate subject matter more easily. However, in the final rule, all references will be made accoding to the redesignation table for Chapter I, 25 CFR—Indians.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed rule to the location identified in the Addresses section of this preamble.

The Department of the Interior has determined that this rule does not consitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969.

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act. This rulemaking will apply to and affect only Bureau-operated schools and some Indian-controlled contract schools, which are funded from Congressional appropriations; no other group(s) will be affected.

The information collection requirements which may be contained in this proposal rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 *et seq.* The collection of this information will not be required until it has been approved by the Office of Management and Budget.

The primary authors of this document are Dr. Kenneth G. Ross and George D. Scott, Office of Indian Education Programs, Bureau of Indian Affairs, Department of the Interior, 18th and "C" Streets, N.W., Washington, D.C. 20240.

List of Subjects in 25 CFR Part 36

Indian education, Schools, Students, and Educational facilities.

It is proposed to add a new Part 36 to Subchapter E, Chapter I of title 25 of the Code of Federal Regulations to read as follows:

PART 36—MINIMUM ACADEMIC STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN AND NATIONAL CRITERIA FOR DORMITORY SITUATIONS

Subpart A—General Provisions

Sec.

36.1 Purpose, scope, and information collection requirements.
36.2 Applicability.
36.3 Definitions.
36.4 Revision of regulations.

Subpart B—Educational Management

36.10 Standard I—Philosophy and objectives.
36.11 Standard II—Administrative and organizational requirements
36.12 Standard III—Program planning and implementation.
36.13 Standard IV—Curriculum development.

Subpart C—Minimum Program of Instruction

36.20 Standard V—Minimum academic programs/school calendar
36.21 Standard VI—Kindergarten instructional program.
36.22 Standard VII—Elementary instructional program.
36.23 Standard VIII—Junior high/middle school instructional program.
36.24 Standard IX—Secondary instructional program.

Subpart D—Student Instructional Evaluation

36.30 Standard X—Grading requirements.
36.31 Standard XI—Student promotion requirements.
36.32 Standard XII—Graduation requirements for a high school diploma.

Subpart E—Instructional Support

36.40 Standard XIII—Library/media program.
36.41 Standard XIV—Textbooks.
36.42 Standard XV—Counseling services.
36.43 Standard XVI—Student activities.

Subpart F—Evaluation of Educational Standards

36.50 Standard XVII—School program evaluation and needs assessment.
36.51 Standard XVIII—Office of Indian Education Programs and Agency monitoring and evaluation responsibilities.

Subpart G—Compliance and Waivers

36.60 Compliance for minimum academic standards.
36.61 Waivers and revisions.

Subpart H—National Dormitory Criteria

36.70 Scope of subpart.
36.71 General provisions.
36.72 Elementary level dormitories.
36.73 Secondary level dormitories.
36.74 Homeliving (dormitory operations).
36.75 Space and privacy.
36.76 Compliance for the National Criteria for Dormitory Situations.

Authority: 25 U.S.C. Sections 2001, 2002, 2003.

Subpart A—General Provisions

§ 36.1 Purpose, scope, and information collection requirements.

(a) The purpose of this rule is to establish minimum academic standards for the basic education of Indian children for Bureau-operated schools and for those Indian-controlled contract schools which adopt these standards and to establish national criteria for dormitory situations for schools operated by the bureau of Indian Affairs and for Indian-controlled contract schools operating dormitories.

(b) These academic standards and dormitor criteria will take effect immediately upon the date of publication. The Bureau of Indian affairs intends to review and evaluate the applicability of the academic standards and dormitory criteria under this part after two years and make appropriate revisions.

(c) Information collection [Reserved].

§ 36.2 Applicability.

(a) The minimum academic standards for the basic education of Indian children established under this part, Subparts B through G, are mandatory for all Bureau of Indian Affairs operated schools unless a tribal governing body or the local school board, if so designated by the tribal governing body, requests a local waiver or revision as provided for under § 36.61 of this part.

(b) The minimum academic standards for the education of Indian children established under Subparts B through G are not applicable to Indian-controlled contract schools unless the Indian-controlled contract school board formally adopts them in whole or in part. The Bureau will not refuse to enter into a contract on the basis of failure to meet these standards but will through contracting procedures, assist the school in reaching compliance, if so requested by the Indian-controlled contract school board.

(c) The national criteria for dormitory situations established under Subpart H will serve as a minimum requirement and shall be mandatory for all Bureau-operated and Indian-controlled contract schools.

(d) Standards and criteria contained under this part will serve as minimum requirements for the regular school educational program except where a higher standard is required by (e) below.

(e) State minimum standards for education shall also be applicable for Bureau schools in the State in which they are located.

§ 36.3 Definitions.

For purposes of this part, the following definitions apply:

(a) "Accreditation" means a school has received an official decision by the State(s) department(s) of education, or another recognized agency having official authority, that, in its judgment, the school has met the established standards of quality.

(b) "Average daily membership (ADM)" means the aggregate days membership of a given school reporting period divided by the number of days school is in session during this period. Only days on which the students are under the guidance and direction of teachers should be considered as days in session. The reporting period is generally a given regular school term.

(c) "Agency" means the current organization unit of the Bureau which provides direct services to the governing body or bodies and members of one or more specified Indian tribes. The term includes Bureau Area offices only with respect to off-reservation day and residential schools and peripheral dormitories administered directly by such offices.

(d) "Agency school board" as defined in Section 1139(1), Pub. L. 95–561, means a body, the members of which are appointed by the school boards of the schools located within such agency. The number of such members shall be determined by the Director in consultation with the affected tribes. In agencies serving a single school, the school board of that school shall function as the agency school board.

(e) "Agency Superintendent for Education" means the Bureau official in charge of education functions at an Agency and to whom the school supervisor(s) and other educators under the Agency's jurisdiction report.

(f) "Area education program administrator" means the Bureau official in charge of Bureau education programs and functions in a Bureau Area Office and responsible for off-reservation day and residential schools, and, in some cases, peripheral dormitories.

(g) "Assistant Secretary" means the Assistant Secretary for Indian Affairs of the Department of the Interior.

(h) "Basic academic skills" means the abilities acquired by observation, study, or experience in mental and/or physical performance required for the mastery of school work.

(i) "Basic education" means those components of education emphasizing literacy in language arts, mathematics, natural and physical sciencies, history, and related social sciencies.

(j) "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(k) "Certification" means the general process by which the State or Agency authorized by the State adjudges and stipulates that an individual meets the established standards which are prerequisite to employment for a teacher or administrator in education.

(l) "Competency" means having the requisite abilities, skills, or level of mastery in a given course of study.

(m) "Content area" means the usual school subjects of instruction, such as: language arts, mathematics, science, social studies, fine arts, practical arts, health, and physicial education.

(n) "Course of study" means a written guide prepared by administrators, supervisors, consultants, and teachers of a school system or school as an aid to teaching a given course or an aspect of subject matter content to a given type of pupil.

(o) "Days" means calendar days.

(p) "Director" means the Director of the Office of Indian Education Programs in the Bureau.

(q) "Dormitory" means a facility which provides students boarding and lodging on a temporary residential basis for the purpose of attending a Bureau-operated or Indian-controlled contract or public school.

(r) "Dormitory manager" means a staff member who manages the day-to-day, 24 hour operation of one or more dormitories.

(s) "Educational media specialist" means an individual who specializes in activities concerned with the use of all teaching and learning resources, including hardware and content printed and non-printed sensory materials used for teaching and learning purposes.

(t) "Exceptional child program" means a program for students who are eligible to receive education and related services as defined by 25 CFR 39.11(i) (formerly § 31h.11(i)).

(u) "Feeder school" means a school whose existing students are absorbed by a school offering instruction on the next higher grade level.

(v) "Formative evaluation" means appraising a program, particularly during a period of program development, in order to improve its functioning by comparing the performance of students in a program to the objectives of the program.

(w) "Grade" means the portion of a school program which represents the work of one regular school year; identified by a designation such as kindergarten, grade 1, or grade 10.

(x) "Grade level" is a designation applied to that portion of the curriculum which represents the work of one regular school year.

(y) "Indian-controlled contract school" means a school (other than a public school) which is operated by a tribal organization and is funded under a contract with the Bureau.

(z) "Indian student" means a student who is a member of an Indian tribe.

(aa) "Indian tribe" or "tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(bb) "Intense residential guidance" means the program for resident students who need special residential services due to one or more of the problems as stated in 25 CFR 39.11(h) (formerly § 31h.11(h)).

(cc) "Kindergarten" means a group of students or a class that is organized to provide educational experiences for children for the year immediately preceding the first grade.

(dd) "Librarian" means a certificated school employee whose principal responsibilities include selection, acquisition, preparation, cataloging, and circulation of books and other printed materials; planning the use of the library by teachers and students; and instructing students in the use of library books and materials, whether the library is maintained separately or as a part of an instructional materials center.

(ee) "Local School Board" when used with respect to a Bureau-operated school means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending a Bureau-operated school. In schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected and the number of such members shall be determined by the Director in consultation with the affected tribes.

(ff) "Medically-trained person" means a licensed medical physician, physician's assistant, nurse practitioner, and/or registered nurse.

(gg) "Paraprofessional" means a staff member who works with and assists a professional staff member but who does not have full professional status; e.g., teacher's aide.

(hh) "Parent" means a natural parent or guardian or a person legally acting as a parent.

(ii) "Peripheral dormitory" is a facility which provides students boarding and lodging during the school year for the purpose of attending a public school.

(jj) "Regular program students" means all students except those determined to be eligible for services as defined under Exceptional Child Program, 25 CFR 39.11(i) (formerly § 31h.11(i)).

(kk) "Residential school" means an educational institution in which students are boarded and lodged as well as taught.

(ll) "Residential Services under Exceptional Child Program" means a program providing specialized residential care as determined by 25 CFR 39.11(i) (formerly § 31h.11(i)).

(mm) "School" means an educational institution, including elementary, junior high or middle, and high schools serving students in grades K–12. The term, unless otherwise specified, is meant to encompass Bureau-operated schools, residential schools, Indian-controlled contract schools and cooperative schools which are subject to compliance with the rules and regulations of this part.

(nn) "School Board" means an Area, Agency or a local school board.

(oo) "School day", "instructional day", or "teaching day" is a day on which the school is open and students are under the guidance and direction of teachers in instructional activities where the minimum number of instructional hours are met. Days on which the teaching facility is closed because of emergencies, holidays, inclement weather, or teacher training and where the minimum number of instructional hours is not met shall not be counted as school days.

(pp) "School Supervisor" means the official in charge of a school and/or peripheral dormitory who reports to an Agency School Superintendent and/or an Area Education Program Administrator.

(qq) "Secretary" means the Secretary of the Interior.

(rr) "Self contained class" means a class having the same teacher or team of teachers for all or most of the daily school session.

(ss) "Standard" means the established criterion and/or specified requirement which must be met and maintained.

(tt) "Summative evaluation" means a systematic attempt to determine whether a fully developed program is meeting its objectives more successfully than an alternative program.

(uu) "Unit/Unit of Instruction" means a major subdivision of instruction generally composed of several topics including content and learning

experiences developed around a central focus such as a limited scope of subject matter, a central problem, one or more related concepts, one or more related skills, or a combination of these. One unit equals one full year of instruction in a subdivision thereof. "Unit" and "credit" shall be used interchangeably.

§ 36.4 Revision of regulations.

In making any revisions to regulations in this part, the Secretary shall take the following actions:

(a) Consult with Indian tribes about the need for revision and consider their views in preparing the revision.

(b) Distribute the proposed revisions to all tribes and publish the proposed revisions in the **Federal Register** as proposed rulemaking to provide notice to, and solicit comments from, all tribes and other interested parties.

(c) After consideration of all comments received, publish the regulations in the **Federal Register** in final form not less than thirty (30) days before the date they are made effective.

Subpart B—Educational Management

§ 36.10 Standard I—Philosophy and objectives.

(a) Each school shall develop a written philosophy of education that addresses the accumulation of knowledge, development of skills, interests, appreciations, ideals, and attitudes within the school's total educational program. The educational philosophy shall include but not be limited to: conservation of tribal culture and natural resources, values of democracy, devotion to equality, individual freedom, political liberty, democratic processes, and the mastery of knowledge. The statement of philosophy shall incorporate a specific listing of measurable educational objectives for each content area that is included in the educational program. The content areas shall include but not be limited to: mathematics, science, social studies, language arts, fine arts, practical arts, and physical, environmental and health education. The objectives shall reflect the adoption of a required minimum course of study which is established for the State in which the school is located. The statement of philosophy and objectives shall be developed with the involvement of students, parents, lay citizens, school staff, and tribe(s), wherever practical, and shall be formally adopted by the local school board. The philosophy and objectives for each content area shall be reviewed annually and revised as necessary. A copy of the philosophy and objectives shall be submitted to the Agency Superintendent for Education and/or Area Education Program Administrator.

(b) Provisions shall be made to interpret to staff, students, and school patrons the minimum academic standards for the basic education of Indian children required under this part. This provision shall be made in the form of a manual, handbook, brochure, or other written document which will be made available and explained to all who are interested. The topics shall include but not be limited to the following:

(1) Statement of basic philosophy and objectives;

(2) Description of how policies are developed and administered;

(3) A brief explanation of curricular offerings;

(4) Basic practices related to:

(i) A comprehensive and effective plan for evaluating student achievement.

(ii) Grading system and graduation requirements.

(iii) Attendance, absences, excuses, etc.

(iv) Pupil personnel services.

(v) Class programming, including maximum and minimum student loads.

(vi) Special programs—gifted, physically and mentally handicapped, remedial, speech and hearing defects, bilingual education, etc.

(vii) Available student activities.

(viii) Fiscal practices in the use and accounting of student body funds (reference 25 CFR 32.7; formerly § 31.7).

§ 36.11 Standard II—Administrative and organizational requirements.

(a) *Application of standards by school organizational levels.* For the purpose of this section, the standards, as indicated herein, shall apply according to the following school organizational levels:

(1) Kindergarten is a one-year program immediately before grade one.

(2) Elementary school is grades one through six, except when grade six is included in the junior high or middle school level.

(3) Junior high or middle school is grades seven and eight, but may include grade six when it is not included in the elementary school level and/or grade nine when it is not included in the high school level.

(4) High school is grades nine through twelve, except when grade nine is included in the junior high or middle school organizational unit.

(b) *Staffing.* Each school shall, at a minimum, meet the following requirements:

(1) The overall school ratio of regular program students to regular program teachers in self-contained classrooms shall not exceed the following except under the conditions set forth in paragraphs (b)(4)(i) and (ii) of this section. Average daily membership (ADM) shall be used in meeting the follow ratios.

Level	Ratio
Kindergarten	20:1
1st grade-3rd grade	22:1
4th grade-high school	25:1

(2) Multi-grade classrooms that cross grade-level boundaries (e.g., k–1, 3–4, etc.) shall use the maximum of the lower grade. In grades K–8 grades shall be consolidated to meet the teacher ratios listed above.

(3) The daily teaching load per teacher in departmentalized classes shall not exceed 150 students (ADM) except in activity type classes such as music and physical education.

(4) Schools exceeding these specific staffing ratios for over thirty (30) days during one school year shall submit the justification for a request for a waiver to the Director which may be approved for a period not to exceed one school year and only for the following reasons:

(i) Additional classroom space is not available for establishing another class; or

(ii) The school, Agency, Area and Office of Indian Education Programs Applicant Supply File has been exhausted and the required teacher position cannot be filled. However, efforts to fill the vacancy shall be continued.

(5) Each school shall provide, in the absence of a regular teacher, a certified substitute teacher who meets the State substitute teacher qualifications. In the event that such a substitute is not available, coverage will be provided by a school employee designated by the school supervisor. A class cannot have as a teacher an employee without teaching credential for more than thirty (30) school days during any one school year.

(6) Specific staffing requirements may be waived, for a period not to exceed one year, by the Director, for positions other than that of teacher, for reasons such as those set forth in paragraphs (b)(4)(i) and (ii) of this section, providing the services to be obtained from the waived position are assigned to other school staff.

(c) *Written school enrollment and attendance policies.* Each school shall have written school enrollment and attendance policies in compliance with and/or consistent with 25 CFR Part 31, Federal Schools for Indians; the statutes

of the State; and tribal education ordinances.

(d) *Geographic Attendance Boundaries.* Each Agency Superintendent of Education shall establish and implement non-overlapping geographic attendance boundaries within that agency for each school within the administrative jurisdiction of that agency. The establishment of such geographic boundaries shall require coordination with contiguous agencies within the area and consultation with the agency or other relevant school board and/or tribe and shall be reviewed each year to appropriately adjust for geographic changes in enrollment, changes in school capacities and improvement of day school opportunities for students. The Director shall establish and implement geographic attendance boundaries for each off-reservation boarding school under his/her administrative jurisdiction.

The establishment of geographic boundaries shall require coordination with other Area Education Program Administrators similarly affected by the requirement of this part, the affected tribes, and the Director.

§ 36.12 Standard III—Program planning and implementation.

The curriculum of each school shall be based on an assessment of educational needs. As assessment shall include at least the following:

(a) A statement of educational needs which identifies the difference between the current status of students and the desired levels of attainment of those students.

(b) Clearly stated student educational goals and objectives. A student educational goal is defined as a statement of the knowledge, skills, attitudes, or concepts students are expected to exhibit upon completion of a program level. Student educational objectives are defined as statements of more specific knowledge, skills, attitudes, or concepts students must exhibit in order to achieve the goal. The objectives shall ensure cumulative and sequential educational experiences.

(c) A strategy including provisions for collecting data about student educational goals and/or objectives in the following three areas:

(1) Perceptions of the community, educators, and the student with regard to the relevance and importance of the goals.

(2) Means to determine the extent to which educational objectives have been achieved.

(3) Relevant demographic data about the student.

(d) Logical and defensible procedures established for determining the priority of the educational needs identified, such as:

(1) Identifying current job needs with the local community, and

(2) Assisting in determining the relevancy of courses being offered by the school in meeting such needs, etc.

§ 36.13 Standard IV—Curriculum development.

(a) Each school shall implement an organized program of curriculum development involving certified staff members.

(b) Curriculum development program activites shall be based on an analysis of school programs and shall be related to needs assessment and evaluation.

(c) Each school should involve staff and the tribal community in planning programs, objectives, and activities which meet staff and student needs.

Subpart C—Minimum Program of Instruction

§ 36.20 Standard V—Minimum academic programs/school calendar.

(a) Each school shall meet the applicable minimum programs of instruction provided in this subpart and, where applicable, the graduation requirements under § 36.32. The school which has difficulty in meeting these minimum academic program requirements may seek alternative ways of meeting some portions of the minimum program. For example, courses may be taught in alternating years. Should a school wish to adopt alternative measures, the school shall submit a request for approval to the Agency Superintendent for Education and/or Area Education Program Administrator for the adoption of alternative measures with a written justification as to how this action will meet the applicable minimum program of instruction.

(b) All schools shall provide an educational program of studies which is conducted for not less than 180 instructional days per school year. Regular program students shall be in instructional activities, exclusive of lunch (which must be at least thirty (30) minutes a day), in accordance with the following minimums.

Kindergarten—2.5 instructional hours/day, equalling 450 instructional hours/year

Grades 1–3—4.5 instructional hours/day, equalling 810 instructional hours/year

Grades 4–6—5.0 instructional hours/day, equalling 900 instructional hours/year

Grades 7–12—5.5 instructional hours/day, equalling 990 instructional hours/year

(c) If an emergency arises from an uncontrollable circumstance during the school day which results in the dismissal of students by the school administration, the day may be counted as a school day providing the instructional hours are met or on a future date made up.

(d) Certain specific courses, in a given content area, are required within each State's minimum educational standards, and these courses will be adhered to unless a State waiver is granted.

§ 36.21 Standard VI—Kindergarten instructional program.

(a) The curriculum for kindergarten shall provide children with experiences which emphasize language development and performance of the requirements in paragraph (b) of this section. Such programs shall assist children in developing positive feelings toward themselves and others.

(b) A kindergarten program shall include but not be limited to:

(1) Language (observing, listening, speaking).

(2) Exploration of the environment (number, space and time relationships, natural science).

(3) Psychomotor and socialization development.

(4) Development of imaginative and creative tendencies.

(5) Health education inclusive of the requirements contained in 62 BIAM 5.4A.

§ 36.22 Standard VII—Elementary instructional program.

Elementary instructional programs, grades 1–6, shall include:

(a) *Language Arts.* The receptive and expressive dimensions of the English language shall be utilized (observing, listening, speaking, reading, writing). The language arts program shall include literature, drama, spelling, and the grammatical functions of the English language. The language the child brings to school shall be a prime consideration in establishing developmental needs. Where a student does not speak English, that child's native language will serve as a medium of instruction until such time as the student becomes capable of being instructed in English.

(b) *Mathematics.* Number relationships and mathematical concepts shall be developed progressively to include but not be limited to: addition, subtraction, multiplication, division, factoring, sets, integers, units and nature of

measurements, percent, informal algebra, and geometry in the computational and applicational phases. The program shall maintain a balance among concepts, fundamental operations, and applications.

(c) *Social studies.* The conceptual framework shall include a comparison and analysis of the immediate environment with the world community, an interdisciplinary approach for anthropology, history, economics, sociology, political science, geography, and an integration of Indian history, culture, and language at all levels.

(d) *Sciences.* The conceptual framework shall include an interdisciplinary approach to the life, earth, and physical sciences, incorporating the conservation of national and tribal resources, and utilize an investigative process in problem solving.

(e) *Fine arts.* The conceptual framework shall include a program of instruction and planned activities in art, music, drama, and dance or rhythmic activities, and the integration of tribal fine arts to encourage exploration and creativity.

(f) *Physical education.* The conceptual framework shall include a program of instruction and a variety of structured and constructed activities to develop psychomotor skills. The basic physical education program shall include participation by all students regardless of ability or sex. Development of physical and motor skills shall take precedence over team sports and intramural competitive activities.

(g) School shall integrate the following content areas into the above-required curriculum:

(1) Career awareness.

(2) Environmental and safety education.

(3) Health education. The conceptual framework of health education shall include a program of instruction in student physical, social, and mental development in relation to nutrition, human growth, family health, health maintenance and consumer, environmental and community health, and the requirements contained in 62 BIAM 5.4A.

(4) Metric education.

§ 36.23 Standard VIII—Junior high/middle school instructional program.

(a) The instructional program shall reflect the school's philosophy, the needs of the students, and the nature of the community. It shall be part of a progressive development, wherever possible, which begins in the elementary program which precedes it and continues to the secondary program which follows.

(b) The curriculum shall include the following required content areas at each grade level:

(1) *Language arts.* One unit shall be required of each student every year.

(2) *Social studies.* All programs shall emphasize the value of cultural diversity and recognize the intrinsic worth of each culture. Studies applicable to the State and tribes shall be integrated into appropriate study areas at all grade levels and shall be recognized specificially in studying United States history. One unit shall be required of each student every year.

(3) *Mathematics.* One unit shall be required of each student every year.

(4) *Science.* One unit shall be required of each student every year.

(5) *The Arts.* These are normally exploratory in nature and include fine arts, applied arts, practical arts, and performing arts. One unit shall be required of each student in the junior high/middle school instructional program.

(6) *Physical education.* One unit shall be required of each student in the junior high/middle school instruction program.

(7) *Other exploratory and elective areas.*

(c) The following content areas shall be intergrated into the curriculum:

(1) Career exploration and orientation.

(2) Environmental and safety education.

(3) Metric education.

(4) Consumer economics (including personal finances).

(5) Health education. The program shall include concepts appropriate to the student's physical, social, and mental development and which are necessary for decision-making in nutrition, human growth, family health, health maintenance, consumer health, environmental and community health, and shall meet the requirements contained in 62 BIAM 5.4A.

(d) The education program shall offer multi-culture and multi-ethnic dimensions designed to enable students to function effectively in a pluralistic society.

(e) Languages other than English are encouraged to be offered as a content area beginning at junior high/middle school level.

(f) Student enrollment in any laboratory or vocational exploration class shall be consistent with applicable health and safety standards.

§ 36.24 Standard IX—Secondary instructional program.

(a) The secondary instructional program shall reflect the nature of the community, the school's philosophy, student needs, and an awareness of the changing world.

(b) The secondary instructional curriculum shall include the following content areas:

(1) Language arts (communication skills).

(2) Sciences.

(3) Mathematics.

(4) Social studies.

(5) Fine arts.

(6) Physical education.

(7) Languages other than English.

(8) Driver education (see guidelines available from the applicable State Department of Education).

(9) Vocational education—Curriculum shall be designed to introduce and familiarize students with various occupations in technology, industry, and business, as well as required special skills and the training requisites. Programs shall be directed toward assisting students in making career choices and developing consumer skills and may include the following:

(i) Vocational exploration.

(ii) Vocational skill devleopment.

(iii) School/on-the-job cooperative education programs.

(c) The following shall be integrated into the curriculum:

(1) Consumer economics (including personal finances).

(2) Metric education.

(3) Safety education.

(4) Health education. The program shall include concepts which are appropriate to the student's physical, social, and mental development and which are necessary for decision-making in nutrition, human growth, family health, health maintenance, consumer health, environmenal health, and community health, and shall meet the requirements contained in 62 BIAM 5.4A.

(d) The high school program shall provide program coordination with feeder schools, career direction, and preparation for the student entering independent living through employment, post-secondary education, and/or marriage.

(e) The educational program shall include multi-culture and multi-ethnic dimensions designed to enable students to function effectively in a pluralistic society.

(f) Yearly class schedules shall take into account the graduation requirements of each student.

(g) Student enrollment in any laboratory or vocational class shall be consistent with applicable health and safety standards.

(h) All intraschool programs (library, instructional labs, physical education, music, etc.) which are directly related to or affect student instruction shall provide services from the beginning of the school year through the final class period at the close of the school year.

Subpart D—Student Instructional Evaluation

§ 36.30 Standard X—Grading requirements.

(a) Each school shall implement a uniform and explicit competency grading system which assesses a student's mastery of the prescribed objectives of the courses of study undertaken. This shall serve as the primary measure of academic attainment for reporting student grades on report cards.

(b) The information derived from student instructional evaluations shall be shared with the student and with the parents and shall be used to give teachers and students direction for subsequent learning activities.

(c) Parent/teacher and parent/teacher/student conferences focused on the student's instructional progress and development shall be held, where feasible and practical, to provide an additional means of communication between home and school. Residential schools may meet this standard by documenting the communication of student grades on report cards to parents.

(d) Each school shall issue a report card to parents on a regular basis, not less than four (4) times yearly. The report card shall be a written academic evaluation specifying each student's degree of attainment of the major prescribed objectives within the courses of study undertaken according to a standard school grading system. In addition, the report shall include, but not be limited to, the following sections:

(1) Recommendations and probable promotion status;

(2) Parents' signature request and return of report; and

(3) School/parent conference request for use at the option of either party.

(e) A summary of each year's final report card shall become part of the student's permanent school record.

§ 36.31 Standard XI—Student promotion requirements.

(a) Each school shall establish and implement a competency promotion policy and requirements for all students including the number of times a student may be retained. Such promotion requirements shall be submitted to and approved by the local school board and Agency Superintendent for Education and/or Area Education Program Administrator. Each student shall be required by the school to demonstrate mastery and/or achievement of the given requirements in order to be promoted. The requirements shall include, but not be limited to, the following:

(1) Each grade level or equivalent must have uniform and explicit criteria for student promotion based primarily upon a measurable mastery of the instructional objective for each grade level.

(2) Each teacher shall develop and utilize a criterion-referenced test that evaluates student skills development toward predetermined instructional objectives to be mastered by students at each grade level. The evaluation results shall form the basis for the promotion of each student.

(3) The local school supervisor, upon the teacher's written recommendations attesting to the student's mastery of the instructional objectives, shall approve the student's promotion to the next higher grade level, provided the requirement of § 36.31(a)(4) is adhered to.

(4) A student who has failed to directly participate, or through approved alternative instructional methods participate, in a minimum of 160 instructional days per academic year or 80 instructional days per semester shall not be promoted. Alternative instructional methods must be submitted in writing and receive prior approval by the local school board and Agency Superintendent for Education and/or Area Education Program Administrator.

§ 36.32 Standard XII—Graduation requirements for a high school diploma.

Graduation requirements contained under this section shall be applied beginning with the graduating class of the 1986–87 school year.

(a) Satisfactory completion of a minimum number of units shall be the measure for the issuance of a high school diploma.

(b) To graduate, a student shall earn twenty (20) units in a four-year high school; fifteen units shall be required as follows:

(1) Language arts—four (4) units.

(2) Mathematics—three (3) units.

(3) Social studies—three (3) units.

(i) One (1) unit in United States history;

(ii) One-half (½) unit in civics/government;

(iii) One-half (½) unit in tribal history/government;

(iv) One-half (½) unit in Indian studies; and

(v) One-half (½) unit in any other social studies;

(4) Science—two (2) units.

(i) One (1) unit in chemistry, physics, biology, zoology, or anatomy; and

(ii) One (1) unit in the general science area.

(5) Physical education—one (1) unit. An exemption may be requested from the Agency Superintendent for Education and/or Area Education Program Administrator based on special student handicapping conditions. This exemption request shall require a certificate signed by a licensed medical doctor, osteopath, or chiropractor. In such a case, health courses may be substituted to satisfy this required unit.

(6) Practical arts—one (1) unit. Credit in any vocational course may also be used to satisfy this required unit.

(7) Fine arts—one (1) unit. Music, art, dance, drama, theatre, and other fine arts courses may be used to satisfy this required unit.

These are minimal requirements; local schools may establish academic or vocational requirements beyond those prescribed by these standards.

(c) A school with an average enrollment of fewer than 75 students may offer subjects in alternate years. If schools use this pattern, alternating pairs of subjects shall be listed and approved by the Agency School Superintendent and/or Area Education Program Administrator.

(d) Credits earned through approved correspondence or extension study may be accepted if such credits are from schools approved or accredited by the State in which they are located or by a college or university which is regionally accredited for such purposes.

(e) A school may substitute courses required for graduation on an individual student basis upon receipt of approval from the Agency Superintendent for Education and/or Area Education Program Administrator.

(f) A special education student not meeting these graduation requirements shall receive a "certificate of achievement" upon completion of a planned individual course of study.

(g) Students who successfully complete the requirements of the High School Proficiency Examination in the State in which the school is located shall receive an endorsement so stating on their diplomas.

Subpart E—Instructional Support

§ 36.40 Standard XIII—Library/media program.

(a) Each school shall provide a library/media program which shall, as a

minimum, meet the applicable State and/or regional standards, but shall not be limited to these, and shall include the following:

(1) A written set of instructional and service objectives shall be established, integrated, and consistent with the school's educational goals and philosophy. The librarian or educational media specialist, with students and staff, shall set objectives based on assessed academic and residential needs. The program and services will be evaluated yearly by the principal and the librarian or educational media specialist to determine the degree to which all objectives have been met.

(2) A written policy for the selection of materials and equipment shall be developed by the librarian or education media specialist in collaboration with the school staff and approved by the school board. The collection of materials shall include as a minimum the following:

(i) A collection of books suitable for the range of student abilities and interests being served in the following ADM ratios: Elementary K–6, 15 books per student, Middle 7–8, 12 books per student, Secondary 9–12, 10 books per student.

(ii) Eight (8) to twelve (12) percent of the basic collection must be composed of reference books, currently relevant and in a state of good physical condition, for practical use. Single copies of the principal textbooks used to complement instruction shall be in the collection, but textbooks cannot be counted toward this standard.

(iii) A periodical collection, suitable for the range of student abilities and interests being serve, consisting of one (1) periodical for every ten (10) students, shall be maintained. Schools of over 200 will have a base collection of 20 periodicals.

(iv) A professional collection for the school staff shall be developed and maintained by the librarian or educational media specialist in cooperation with a faculty committee.

(v) A variety of audio-visual materials, suitable for the range of instruction being provided, of at least 750 items or five (5) items for each student, whichever is larger, and inclusive of materials located in the classrooms. This category includes some of each of the following: tactile objects, globes, models, maps, films, filmstrips, microforms, slides, audio and video tapes, recordings, transparencies, graphics, and the equipment to use all of these. Multiple items within a specific set of materials will be counted as separate items.

(3) There shall be a library media center serviced by a librarian. Schools with fewer than 200 students are encouraged, wherever feasible, to cooperate in sharing librarian resources. Schools within an Agency and/or Area may cooperatively share the costs and services of a librarian who shall facilitate sharing of the combined available resources among the cooperating schools in accordance with the following ratios:

School Enrollment (ADM)	
Up to 100	½ time librarian provided the school has a full-time library aide.
101 to 200	½ time librain or ¼ time librarian provided the school has a full-time library aide.
201 to 400	1 full-time librarian or ½ time librarian provided the school has a full-time library aide.
401 plus	1 full-time librarian and a full-time library aide.

(4) Prior to the purchase of new materials, all schools must conduct an inventory of available books and materials.

(b) Each school shall equitably distribute instructional materials to all classrooms. Each school shall annually inventory all accountable property and equipment prior to the primary requistioning date for such materials. Copies of the inventory shall be kept on file by the school staff.

§ 36.41 Standard XIV—Textbooks.

(a) Each school shall establish a textbook review committee composed of teachers and, where feasible, parents and students.

(b) The textbook committee shall establish a procedure and criteria for the review annually of textbooks and other materials used to complement instruction. The criteria shall include, but not be limited to, the following:

(1) The textbook content shall meet the course objectives which are within the adopted school curriculum.

(2) The textbook content shall provide congruency between the materials and the program for which they are to be used.

(3) The textbook content shall present cultures accurately and avoid stereotypes.

(4) The textbooks shall be current or published within five (5) years, in good physical condition and varied in reading levels.

§ 36.42 Standard XV—Counseling services.

Each school shall offer student counseling services concerned with physical, social, emotional, intellectual, and vocational growth, as determined, in part, for each individual and the school as a whole through a school-wide testing program.

(a) School-wide testing requirements. Each Agency shall institute and supervise a uniform testing program for its schools in order to provide for the objective assessment of student academic performance. Required formal tests will be administered annually to all regular program students in grades one through twelve. These formal tests and their subject content will include, but not be limited to, the following:

(1) Minimum competency tests of basic skills or criterion-referenced tests based upon a majority of the principal instructional objectives in the content areas of reading, language arts, and mathematics;

(2) A pre-test and post-test from nationally normed and standardized achievement tests which can be nationally correlated in the content areas of reading, language arts, and mathematics to be administered in October and April of each school year.

(3) Each school shall report, as directed, the results of all formal tests under paragraphs (a) (1) and (2) of this section to its Agency and/or Area.

(4) Each Agency and/or Area shall report, as directed, results of all formal tests under paragraphs (a) (1) and (2) to the Office of Indian Education Programs.

(b) Each counseling program shall provide the following:

(1) Each school having a minimum school MD of 200 students shall make provisions for the full-time professional services of a counselor and each school enrolling fewer than 200 students shall make provisions for a parttime professional counselor.

(2) The counselors in a bi-cultural or multi-cultural setting shall be familiar with the unique tribal, social, and economic characteristics of students.

(3) The counseling program shall contain the following:

(i) a written referral procedure.

(ii) counseling techniques and documentation procedures to provide for the career, academic, social, and personal needs of the students which are based on the cultural beliefs and values of the students being served.

(iii) provide perventative and crisis counseling on both individual and group bases.

(iv) maintain confidentiality and security of counseling records for each student.

(v) Design and implement orientation programs to facilitate the pupil's transition from elementary to junior high/middle school and from junior high/middle school to high school.

(vi) Each junior high or middle school and high school student shall receive academic counseling a minimum of twice yearly during which time the counselor shall assist the student in developing a written academic and career plan based on ability, aptitude, and interests. Additionally, counselors will assist high school students in selecting courses which satisfy the school's and the State's graduation requirements and the student's academic and career plan. Further, seniors will be given aid in completing registration and/or financial assistance applications for either vocational or academic post-secondary institutions.

(vii) Each high school counseling program will be required to have on file for each student a planned academic program of studies which is available from the regular course offerings of the school to meet the student's career objectives and which will show that the student has received counseling.

§ 36.43 Standard XVI—Student activities.

All schools shall provide and maintain a well-balanced student activities program based on assessment of both student and program needs. These programs shall help develop leadership abilities and provide opportunities for student participation but not be limited to activities that include special interest clubs, physical activities, student government, and cultural affairs. The activity program shall be an intergral part of the overall educational program.

(a) All student activities shall require school board approval and have qualified sponsors designated by the school.

(b) A plan of operation will be submitted by each activity at the beginning of each school year. The plan will include the purpose, structure, coordination, and planned types of fund-raising activities.

(c) Schools may participate in interscholastic sports and activities on an informal or formal basis. On an informal basis, the Bureau-operated schools will coordinate with other schools in setting up a schedule of sports and games. Schools that participate in State-recognized leagues will abide by those State rules regulating interschool competition.

(d) Until comparable competitive opportunities are provided all students regardless of sex, no student shall be barred from participation in interscholastic competition in noncontact sports, except on the basis of individual merit.

(e) Residential schools shall plan and provide a formal intramural program for its resident students. The program shall include a variety of scholastic and sport activities.

(f) Students shall be only involved in activities which are directly related to the educational program.

(g) All student activities involved in fundraising are required to establish a school/student activity bank account following school/student banking procedure outlined under 25 CFR 31.7 and 62 BIAM 8. All student activity accounts shall be audited annually.

(h) The school shall provide for the safety and welfare of students participating in school-sponsored activities.

(i) Each sponsor of a student activity will be given orientation and training covering the responsibilities of a sponsor by the school supervisor.

Subpart F—Evaluation of Educational Standards

§36.50 Standard XVII—School program evaluation and needs assessment.

Each school shall complete a formal, formative evaluation at least once every four (4) years beginning no later than the second complete school year following the publication date of this part. The primary purpose of this evaluation will be to determine the effects of the school program and to improve the operations and services of the school programs.

(a) Each school's evaluation design or model will provide objective and quantitive analysis of each area to be evaluated. The analysis shall include product and process evaluation methods. The areas to be reviewed will include, but not be limited to, the following:

(1) School philosophy and objectives.
(2) Administrative and organizational requirements.
(3) Program planning and implementation.
(4) Curriculum development and instruction.
(5) Primary education.
(6) Program of studies for elementary, junior high/middle, and high schools.
(7) Grading requirements.
(8) Promotion requirements.
(9) High school graduation requirements.
(10) Library media.
(11) Textbooks and other instructional materials.
(12) Counseling services.
(13) Medical and health services.
(14) Student activities.
(15) Transportation services.
(16) Staff performance.
(17) Facilities (school plant).
(18) Parent and community concerns.
(19) School procedures and policies.
(20) School board operations.

(b) The Director, within six (6) months from the publication date of this part, shall distribute to each school, Agency and/or Area a nationally standardized needs assessment and evaluation instrument which is to be completed and returned to the Director within sixty (60) days of receipt.

§36.51 Standard XVIII—Office of Indian Education Programs and Agency monitoring and evaluation responsibilities.

(a) The Office of Indian Education Programs shall monitor and evaluate the conformance of each Agency and/or Area and its schools with the requirements of this part. In addition, it shall annually conduct on-site monitoring at one-third of the Agencies and Areas, thereby monitoring on-site each Agency and/or Area at least once every three (3) years. Within forty-five (45) days of the on-site visit, the Director shall issue to each Agency and/or Area a written report summarizing the monitoring findings and ordering, as necessary, required actions to correct noted deficiencies.

(b) Each Agency and/or Area in conjunction with the Agency and/or Area School Board shall monitor and evaluate the conformance of its schools with the requirements of this part through an annual on-site evaluation involving one-third of the schools annually, thereby monitoring on site each school at least once every three (3) years. Within thirty (30) days of the on site visit, the Agency Superintendent for Education and/or Area Education Program Administrator, shall issue to the local school board a written report summarizing the findings and ordering, as necessary, required actions to correct noted deficiencies.

(c) Schools, Agencies, and Areas shall keep such records and sumit to the responsible official, or designee, accurate reports at such times, and in such form and containing such information as determined by that official to be necessary to ascertain conformance with the requirement of this part.

(d) Schools, Agencies, and Areas shall permit access by the responsible official, or any duly authorized designees, for examination purposes, to any records and other sources of information which are related or pertinent to the requirements of this part.

(e) The Office of Indian Education Programs, each Agency and Area shall annually conduct a summative evaluation to assess the degree to which each Bureau educational policy and administrative procedure assists and/or

hinders schools in complying with the requirements of this part. This will include, but not be limited to, the following actions:

(1) Evaluate current policies and practices not related to this part and the effects thereof on the amount of time and resources required of a school which otherwise would be available for these standards;

(2) Modify any policies and practices which interfere with or compromise a school's capability to achieve and maintain these standards;

(3) Invite non-Federal agencies to evaluate the effects current policies and procedures have had on complying with the requirements of this part; and

(4) Submit annually to the Director a copy of the summative evaluation.

Subpart G—Compliance and Waivers

§ 36.60 Compliance for minimum academic standards.

Implementation of these standards shall begin immediately on the effective date of publication.

(a) A school is in compliance when it has met and satisfied all the requirements of these standards.

(b) Earch school supervisor shall, within forty-five (45) days after the start of each school year, submit a compliance report to the local school board, the Agency Superintendent for Education and/or the Area Education Program Administrator which attests to whether a school is in compliance.

(c) In those instances where a school does not meet the requirements of these standards, the school supervisor shall inform the parents or legal guardians by letter no later than forty-five (45) days after the start of each school year.

(d) The compliance report shall contain the following:

(1) A written statement attesting to the fact that the school has or has not met all of the requirements.

(2) A specific listing of the requirements which have not been met.

(3) A detailed plan of action outlining the steps which will be taken during the year to bring the school(s) into compliance.

(4) A copy of the notice which must be provided to parents informing them of the school's noncompliance status.

(5) A statement signed by the local school board attesting to the fact that they have been appraised of the school's compliance status and concur with the action plan to reach compliance.

(e) The Agency Superintendent for Education and/or the Area Education Program Administrator shall review each school's compliance report and shall provide the Director with a summative report by November 15 of each year which includes:

(1) A listing of those schools not in compliance.

(2) A brief statement as to why each school is not in compliance and how they propose to reach compliance.

(3) A plan of action outlining what actions the Agency and/or the Area education offices will take to assist the school(s) to reach compliance.

(f) In the event a school is not in compliance for two consecutive years due to conditions which can be corrected locally, appropriate personnel actions will be initiated at all applicable levels of school administration and may be acceptable grounds for dismissal.

(g) The Secretary shall include, within the annual report to Congress, a detailed analysis of the reasons for the non-compliance status of each school and the administrative and programmatic actions which will be taken to achieve compliance by all schools.

§ 36.61 Waivers and revisions.

(a) The tribal governing body, or the local school board if so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standard(s) established in this part, where a standard(s) is deemed by such body to be inappropriate and shall also have the authority to revise such standard(s) to take into account the specific needs of the tribe's children. A waiver or revised standard(s) shall be approved in writing by the Assistant Secretary. The written notice of approval shall be sent to the affected tribe(s) and local school board. The Assistant Secretary may reject a request for a waiver and/or the revised standard for good cause. Such rejection shall be final and unreviewable. Requests for a waiver and revised standards shall be submitted to the Assistant Secretary in writing and will adhere to the following procedure:

(1) All requests for waivers and revisions must be submitted at least seventy-five (75) days prior to the beginning of the school year.

(2) The standard to be waived must be specified, and the extent to which it is to be deviated from shall be described.

(3) A justification shall be included with a revised standard which explains why the alternative standard is considered necessary.

(4) Measurable objectives of the alternative standard(s), the method of achieving the alternative standard(s), and the estimated cost of implementation must be stated.

(5) Until such waivers are authorized by the assistant Secretary, the standard(s) in this part will be in effect. the Assistant Secretary shall respond to each waiver within fourty-five (45) days of receipt.

(b) The Assistant Secretary shall assist the school board of an Indian-controlled contract school in the implementation of the standards established under this part if the school board requests that these standards, in part or in whole, be implemented. At the request of an Indian-controlled contract school board, the Assistant Secretary shall provide alternative or modified standards to those established in this part to take into account the needs of the Indian children and the Indian-controlled contract school.

Subpart H—National Dormitory Criteria

§ 36.70 Scope of subpart.

This subpart contains the criteria and mandatory requirements for all dormitories.

§ 36.71 General provisions.

(a) The Homeliving Specialist is the administrative head of the dormitory who shall have sufficient autonomy and authority to ensure the successful functioning of all phases of the dormitory program, and, in dormitories attached to a school, shall report to the school supervisor.

(b) Each dormitory program which does not have an academic counseling program under § 36.42 of this part shall provide a guidance program following the same standards.

(c) Students who qualify for residential services under the Exceptional Child Program must have in their individualized education plan objectives that are to be met in the homeliving program. Documentation to support completion of these objectives is required.

(d) Dormitories with intense residential guidance programs shall have updated written descriptions of the programs with stated purposes, objectives, activities, staffing, and evaluation system. Each student diagnosed as being in need of intense guidance services shall have a file which contains the following:

(1) Documentation of eligibility according to the definition contained under 25 CFR 39.11(h) (formerly § 31h.11(h)).

(2) Documentation of a diagnosis of the student's needs;

(3) A placement decision signed by a minimum of three (3) staff members;

(4) An individualized treatment plan which includes:

(i) Referral date and referral sources;

(ii) Diagnosis identifying specific needs;

(iii) Specific goals and objectives to be met;

(iv) Record of specific services including beginning and ending dates;

(v) Designation of responsible staff person(s); and

(vi) A means by which the student's progress and the effectiveness of the individualized treatment plan can be periodically reviewed and re-evaluated.

(e) Each dormitory program which does not have an academic program under Subpart C shall provide career counseling information on educational and occupational opportunities and help students assess their aptitudes and interests. This shall be done on a continuing basis beginning at the kindergarten level.

(f) time for counseling shall be made available in student as well as counselor schedules.

(g) Provisions shall be made to interpret to staff, students, and dormitory patrons the administrative policies and practices of the dormitory. This provision shall be made in the form of a manual, handbook, brochure or other written document which will be made available and explained to all who are interested. The topics shall include, but not be limited, to the following:

(1) Statement of basic philosophy and objectives;

(2) Description of how policies are developed and administered;

(3) Basic practices related to:

(i) A comprehensive and effective plan for evaluating student achievement.

(ii) Grading system and graduation requirements.

(iii) Attendance, absences, excuses, etc.

(iv) Pupil personnel services.

(v) Special programs—gifted, physically and mentally handicapped, remedial, speech and hearing defects, bilingual education, etc.

(vi) Available student activities.

(vii) Fiscal practices in the use and accounting of student body funds. (Reference 25 CFR, §32.7; formerly § 31.7)

(viii) Listing of curricular offerings.

(ix) A brief overview of dormitory rules and regulations.

(4) A student rights and responsibilities handbook, a statement of educational philosophy and objectives which interprets the administrative policies and practices of the dormitory to students, parents, and staff, shall be submitted to the Agency Superintendent for Education and/or Area Education Program Administrators.

(h) Programs will be designed and orientation programs implemented to facilitate the pupils' transition from elementary to middle school and from middle to high school, where appropriate.

(i) All dormitories shall provide and maintain a well-balanced student activities program based on assessment of both student and program needs. Programs shall provide opportunities for student participation in but not be limited to, activities that include special interest clubs, physical activities, student government, and cultural affairs. In addition, the following provisions shall be adhered to:

(1) Dormitories shall plan and provide for a formal intramural program which includes a variety of scholastic and sport activities.

(2) A plan of operation shall be submitted by each activity at the beginning of each school year. The plan shall include the purpose, structure, and coordination of all activities.

(3) All dormitories conducting fund-raising activities are required to establish a school/student activity bank account following school/student banking procedure outlined under 25 CFR 31.7 and 62 BIAM 8. All accounts shall be audited annually.

(4) All student activities shall require school board approval and qualified sponsors designed by the school.

(j) Parent/teacher and parent/teacher/student conferences on the student's instructional progress and development shall be held, where feasible and practical, to provide an additional means of communication between home and dormitory. Peripheral dormitories may meet this standard through documenting student grades on report cards and communicating them to parents.

§ 36.72 Elementary level dormitories.

(a) Each dormitory program shall provide the services of a qualified counselor who holds a valid counselor certificate and has training and experience in dealing with elementary students.

(b) Counselors shall not be assigned school supervisory duties. A school supervisor shall not serve in the capacity of counselor while holding the position of school supervisor.

(c) The dormitory program shall have the following ratios (ADM) for counselors:

Less than 74 students.....	½ time counselor.
75 to 150 students.....	1 full-time counselor.
151 to 225 students.....	1 full-time and ½ time counselors.
226 to 300 students.....	2 full-time counselors.

For dormitories which exceed 300 students (ADM), additional counselor time shall be provided according to the above ratio. Dormitories within an Agency are encouraged to try a variety of approaches to guidance service. In this arrangement, the counselor's time may be shared between dormitories. As long as one half-time, professionally-trained counselor is provided, the dormitory program may use supportive personnel and teachers to meet the ratio.

(d) Dormitory counselors shall be available daily between the hours of 2:00 p.m. and 10:00 p.m.

§ 36.73 Secondary level dormitories.

(a) Each dormitory program shall provide the services of a qualified counselor who holds a valid counselor certificate and has training and experience dealing with secondary students.

(b) Counselors shall not be assigned school supervisory duties. A school supervisor shall not serve in the capacity of a counselor while holding a position as a school supervisor.

(c) The dormitory program shall have the following ratios (ADM) for counselors:

Less than 100 students.....	½ time counselor.
100 to 199 students.....	1 full-time counselor.
200 to 300 students.....	1 full-time and ½ time counselor.

For dormitories which exceed 300 students (ADM), counselor time will be provided according to the above ratio. As long as one half-time, professionally trained counselor is provided, the dormitory program may use supportive personnel and teachers to meet the ratio.

(d) Counselors shall be available daily between the hours of 3:00 p.m. and 11:00 p.m. Counseling services will be made available on a 24-hour basis as needed.

§ 36.74 Homeliving (dormitory operations).

Staff shall be provided so that at least one adult is on duty at all times when students are in the dormitory. Each dormitory program shall include, but not be limited to, the following:

(a) Every dormitory facility shall be under the direct supervision of a dormitory manager. A building composed of separate wings or several floors shall be counted as one facility.

(b) Each dormitory operation will provide the following minimum on-duty paraprofessional staff to student ratio (ADM):

	Ration
Grades 1–6:	
Weekdays:	
Mornings	1:30
During school hours	1:40
Evenings	1:30
Nights	1:40
Weekends:	
Mornings	1:30
Evenings	1:30
Nights	1:40
Grades 7–12:	
Weekdays:	
Mornings	1:50
During school hours	1:80
Evenings	1:50
Nights	1:80
Weekends:	
Mornings	1:50
Evenings	1:50
Nights	1:80

Dormitory operations for grades one through eight are encouraged to provide additional staff aides during the time children in the primary grades are dressing and preparing for breakfast and school. Staff ratios on weekends shall be reduced at boarding schools to adjust for those students who go home.

(c) Group instruction and discussion sessions shall be conducted on various topics on a weekly basis. Topics to be presented shall be determined by a committee comprised of students, staff, administrators, and parents. These topics shall include discussions of problems or needs that exist at the location and/or community.

(d) Each dormitory facility shall be cleaned and checked for safety on a daily basis. Student assistance may be utilized; however, the overall responsibility for cleanliness and sanitation of the facilities shall rest on the facility personnel. Bed and bath linen shall be changed a minimum of once per week. Necessary toiletry items shall be made available to those students who are economically unable to provide them.

(e) Dormitory operations shall have clothes washers and dryers. Equipment shall be utilized only for student clothing unless a laundry contract is not in force. In grades one through six, residential paraprofessionals shall be responsible for the upkeep of clothing. Students in grades seven through twelve shall be responsible for the upkeep of clothing. Students in grade seven through twelve shall be responsible for the upkeep of their own clothing. Students in grades nine through twelve shall be allowed to wash and dry their clothing after training is given in using the machines.

(f) A system of student accountability shall be established at each residential facility. Minimum requirements of the system shall include an attendance procedure at least four (4) times per normal waking day for grades one through eight and two (2) times for grades nine through twelve. However, students in grades seven through twelve may be allowed to have a self check-in system provided that an employee reviews the roaster within an hour of each designated check-in time. During sleeping hours, students in grades one through eight shall be checked on an hourly basis, students in grades nine through twelve shall be checked on every two (2) hours. At the start of each school day, residential facilities supervisors shall report to the school office which students will not be in attendance. An intra-school pass system shall be developed and implemented.

(g) Students who wish to sign out/in of the dormitory facility shall do so only when prior approval is granted by the partent or guardian designate. However, such a policy must be approved by the local school board. Under such a policy, students who are of legal age may be allowed to sign themselves out/in. The homeliving specialist shall have the right to set curfew limits on any self sign out/in system.

(h) Dormitory operations shall have a designated room that is to be utilized as an isolation room. The room shall be utilized in the event that a student contracts a communicable disease and must be kept separate from the rest of the students. Such students shall be checked on an hourly basis.

(i) Each dormitory operation shall develop a written procedure for handling emergency situations. Such a procedure shall include names and telephone numbers of the responsible parties to contact in case of emergencies. Situations that shall be considered emergencies include life-threatening medical/health problems, power failure, walkaways, etc.

(j) A tutoring program shall be developed and implemented to assist those students having academic difficulties. Each dormitory operation shall provide a time and place where tutoring, homework, reading, and/or studying can be done for at lest one (1) hour daily.

(k) The homeliving specialist shall be responsible for reporting any hazardous or defective items in the dormitory to the local facility manager.

(l) Leisure-time activities shall be provided to dormitory students. A maximum of three (3) hours per day may be designated as unstructured leisure time. Structured leisure time may include such activities as recreational activities, clubs, arts/crafts, reading of newspaper and periodicals. Television viewing shall not be considered as structured leisure time unless a scheduled program provides educational benefit. On weekends and holidays, unstructured leisure time may be extended to ten (10) hours a day.

(m) Lines of communication shall be established with other local social service agencies to assist in the resolution of problems that may extend beyond the confines of the dormitory. These agencies may be State, tribal, or Federal.

(n) Dormitory personnel will receive training in emergency first-aid procedures.

§ 36.75 Space and privacy.

The configuration of sleeping space and other living areas will vary according to the grade levels of the occupants; however, sleeping rooms shall provide sufficient space and privacy for the resident students. The following space and privacy requirements shall be required for domitories.

(a) For grades K–8 level dormitory facilities, a space footage varying from 50 to 65 square feet per student shall be allowed for sleeping rooms, exclusive of furniture (wardrobe, desks, beds, etc.).

A dormitory shall be considered at capacity when the addition of one more student would put the school out of compliance with the space standard; and additional students shall not be admitted for residential purposes.

(b) Dormitories serving grades nine through twelve shall require sleeping room space of no less than 70 square feet per student.

A dormitory shall be considered at capacity when the addition of one more student would put the school out of compliance with the space standard; and additional students shall not be admitted for residential purposes.

(c) When new dormitories are constructed or existing dormitories are remodeled sleeping rooms shall be constructed not to exceed a maximum of four (4) students per room for grades K–12.

(d) Peripheral dormitories shall have a library media program serviced by a librarian on a part-time or time-sharing basis. The collection shall consist of:

(i) Three (3) books per student (ADM) with at least one (1) book per student being reference material;

(ii) One (1) periodical collection based on assessed needs;

(iii) A professional collection based on assessed needs; and

(iv) Audio-visual materials, suitable for leisure and planned recreational activities. Structured educational television viewing shall be included.

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§ 36.76 Compliance for the national criteria for dormitory situations.

Implementation of the National Criteria for Dormitory Situations shall begin immediately on the effective date of this part.

(a) A dormitory is in compliance when it has met and satisfied all the requirements under this part.

(b) Homeliving supervisor shall report to their supervisor(s) within forty-five (45) days after the start of each school year with a compliance report to the local school board, the Agency Superintendent for Education and/or Area Education Program Administrator which attests to whether a dormitory is or is not in compliance.

(c) In those instances where a dormitory does not meet the requirements of this part, the school supervisor or dormitory homeliving supervisor shall inform the parents or legal guardians by letter no later than forty-five (45) days after the start of each school year.

(d) The compliance report shall contain the following:

(1) A written statement attesting to the fact that the dormitory has or has not met all of the requirements.

(2) A specific listing of the requirements which have not been met.

(3) A detailed plan of action outlining the steps which shall be taken during the year to bring the dormitory into compliance.

(4) A copy of the notice which must be given to parents informing them of the school's noncompliance status.

(5) A statement signed by the local board attesting to the fact that they have been appraised of the school's compliance status and concur with the action plan to reach compliance.

(e) The Agency Superintendent for Education and/or the Area Education Program Administrator shall review each dormitory compliance report and shall provide the Director with a summary report by November 15 each year which shall include:

(1) A list of dormitories indicating those not in compliance.

(2) A brief statement as to why each school is not in compliance and how it is proposed to reach compliance.

(3) A plan of action outlining what actions the Agency and/or the area education offices will take to assist the dormitories to reach compliance.

(f) In the event a dormitory is not in compliance for consecutive years due to conditions which can be corrected locally, appropriate personnel actions will be initiated at all appropriate levels of school administration; and noncompliance may be grounds for dismissal.

Kenneth Smith,

Assistant Secretary, Indian Affairs.

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Rules and Regulations

Federal Register
Vol. 48, No. 58
Thursday, March 24, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products;[1] Regulations Governing Inspection and Certification

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products. This rule was developed at the request of the processed food industry and for clarification purposes. The rule: (1) Deletes the authorization for licensed samplers to collect fees directly from an applicant; (2) deletes the tables of charge for certain micro, chemical and other special analyses; (3) revises the examples of approved identification marks; (4) replaces descriptive grade nomenclature with a uniform, single letter grade designation; (5) provides for the purchase of review samples; and (6) incorporates minor editorial changes.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Raymondo O'Neal, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–521.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices to consumers; individual firms; Federal, State, or local government agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–534 (5 U.S.C. 601), because it reflects current marketing practices.

The Agricultural Marketing Act of 1946 authorizes the official inspection, grading, and certification of processed food products including processed fruits, vegetables, and processed products thereof. The Agricultural Marketing Service (AMS) makes available an impartial, official inspection service for processed fruits and vegetables. Applicants may make use of this service to obtain inspection of products in which they have a financial interest. The service is voluntary and self-supporting and is offered on a fee-for-service basis.

It is in the interest of both the agency and users of the service to conduct the program on a cost effective basis. "Licensed samplers" are used in the effort to minimize fees for grading services incurred by applicants who are located considerable distances from a central grading facility. Fees can be reduced by using a local licensed sampler who usually incurs less mileage and travel time than a regular full time Federal employee.

These licensed samplers are trained to perform basic sampling, examinations of condition of food containers, and to submit sampling reports. To protect the integrity of the Federal grading service, the rule deletes the provision which permits licensed samplers to collect fees directly from an applicant.

The tables containing charges for micro, chemical and certain other special analyses are deleted and the regulations are revised to provide that charges for analyses be paid on the basis of the regular fee schedule set forth in § 52.42. Changes in analytical procedures may result in an increase or decrease in the time needed for completion of certain types of analytical testing. Time required for analysis may also vary among types of products. The cost of chemicals may also change. Adjustment of the charges to applicants cannot be made rapidly enough to accommodate these changes since it requires a change in the regulations. This revision results in a more cost efficient method of charging fees for micro, chemical, and certain other special analyses.

The regulations set forth official grade and inspection marks of the U.S. Department of Agriculture (USDA) for use by fruit and vegetable processors. These processors contract for the fee-for-service grading programs of the Department and, as permitted, may use various types of official grade and inspection marks for processed fruits and vegetables and other related products. The revision increases utilization of these official marks, provides industry with greater flexibility in marketing, and provides greater consumer awareness.

It was also necessary to provide more flexibility in the type of official marks used for programs within the USDA, such as the Child Nutrition Label Program. Use of the official marks provides the assurance to users of these products that they comply with program requirements. In addition, the revision provides for the use of specified official marks on product labels that are not covered by U.S. grade standards.

The revision eliminates the descriptive grade names such as "fancy," "choice" or "standard" in favor of a single letter grade designation of "A","B", or "C" within the figures or examples.

Elimination of such descriptive names and adoption of the exclusive use of single letter grade designations not only simplifies industry and consumer understanding of grades but also continues application of a uniform set of terms common to processed fruits, vegetables and related products.

It is necessary for the grading service to review periodically samples of products purchased by the Government for school lunch and other domestic feeding programs. These reviews enable the agency to monitor its specifications and make comparisons with processed

[1] May include the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea, cocoa, coffee, spices, condiments.

fruits and vegetables which are available in the commercial marketplace. In addition, the agency may wish to "sensory test" specific purchases of foods which differ from traditional diet patterns. It is also necessary from to time to perform specific studies on processed fruits and vegetables including, but not limited to, fill weight, drained weight, soluble solids measurement or analysis of nutritional data.

The revision provides for the purchase of review samples acquired from industry and Government sources and eliminates a potential conflict of interest situation or an appearance of such situation.

A notice of proposed rulemaking was published in the **Federal Register** (47 FR 54086–54090) on December 1, 1982. The proposed rule comment period closed January 31, 1983. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Agricultural Marketing Service.

One letter of public comment was received during the sixty day comment period. The comment favored the proposed revision with some minor suggestions.

It was suggested that figure 7 be designated as "shield with plain background" in § 52.53 (d) *Approved plant-lot inspection grade marks.* In-plant inspection provides for the use of specific inspection contracts requiring a resident inspector. Figure 7 is used as an in-plant inspection and grade mark and, as such, provides for a distinction between the types of inspection services.

It was also suggested that a modification of figure 6 should be allowed. Modification of figure 6 would depart from the intent of the original design (shield with plain background). The designs of the official marks intend to reflect the level of inspection service provided.

The comment suggested that the Department should consider performing lot inspections and allow utilization of the shield on products that are imported. Utilization of official marks such as the shield, contemplates on-sight inspection of facilities and products. The Agricultural Marketing Act of 1946 and the regulations do not provide for inspection in foreign countries.

Since these suggestions would change the intent of the revision, good cause is found not to adopt them.

It was suggested that a choice of color of the shield in figure 6 be allowed if appropriate with the color design of the package. The rule does not prohibit use of a color of the shield compatible with the color design of the package; provided, the use of colors in the official marks do not simulate approved marks for other types of services.

It was further suggested that the terminology "fancy", "choice", etc., should be permitted but not necessarily within the shield itself. The rule eliminates the descriptive names such as "U.S. Fancy", "U.S. Choice" or "U.S. Standard" within the figures, in favor of a single letter grade designation when used with approved identification. It does not prohibit the descriptive names from appearing elsewhere on the package.

Minor editorial changes have been made. Figures were rearranged in § 52.53 (c) and (d) to provide for clarification. Figures 5 through 10 are used in (c) in-plant inspection (other than continuous) grade and inspection marks. Figures 11 through 14 are used in (d) Approved plant lot inspection grade marks. Illustrations were added (Figures 13 and 14) showing the use of the statement "Inspected by the U.S. Department of Agriculture.

List of Subjects in 7 CFR Part 52

Processed fruits and vegetables, Food grades and standards.

Accordingly, the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (7 CFR 52.43, 52.44, 52.45, 52.47, 52.53, and 52.56) are revised to read as follows:

PART 52—[AMENDED]

1. Section 52.43 is revised to read as follows:

§ 52.43 Fees to be charged and collected for sampling when performed by a licensed sampler.

Such sampling fees as are specifically prescribed by the Administrator in connection with licensing of the particular sampler will be assessed and collected from the applicant by the office of inspection serving the area where services are performed. *Provided,* that if the employee is an employee of a state, the appropriate authority of the state may make the collection.

2. Section 52.44 is revised to read as follows:

§ 52.44 Inspection fees when charges for sampling have been collected.

For any lot of processed products from which a sample in drawn by a licensed sampler and the applicable sampling fee is collected, as provided in § 52.43, the fees for the other inspection services with respect to such lot shall not include charges for sampling.

3. Section 52.45 is revised to read as follows:

§ 52.45 Inspection fees when charges for sampling have not been collected.

For any lot of processed products from which a sample is drawn by a licensed sampler and the sampling fee is not collected by the appropriate authority as provided in § 52.43, the fees and charges for inspection services with respect to such lot shall be the applicable fees and charges prescribed in § 52.42.

4. Section 52.47 is revised to read as follows:

§ 52.47 Fees to be charged for micro, chemical and certain other special analyses.

Fees for micro, chemical and certain other special analyses made at the request of the applicant, or because of additional specification requirements, and whether or not performed in connection with the normal inspection to determine the quality or condition of the product, shall be at the rate specified in § 52.42.

5. Paragraphs (c), (d), and (f)(1) of § 52.53 are revised to read as follows:

§ 52.53 Approved identification.

* * * * *

(c) *In-plant inspection (other than continuous) grade and inspection marks.* The official marks approved for use by plants operating under USDA inspection service contracts (other than continuous) requiring a resident inspector shall be limited to those similar in form and design to the examples in figures 5 through 14 of this section; Provided: That the official marks illustrated by figures 9 and 10 are limited to products packed by plants operating under an approved Quality Assurance type of an inspection contract.

BILLING CODE 3410-02-M

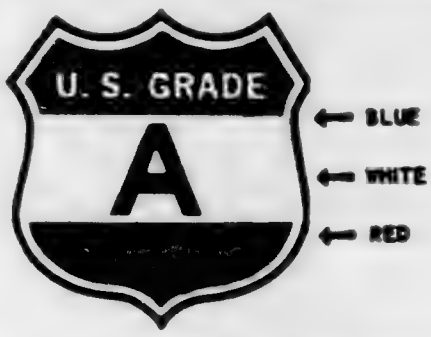

Shield using red, white, and blue background or other colors appropriate for Label.

FIGURE 5

FIGURE 6

PACKED UNDER
INSPECTION
OF THE
U. S. DEPT. OF
AGRICULTURE

Statement without the use of the shield.

FIGURE 7

Statement enclosed within a shield.

FIGURE 8

FIGURE 9

PACKED UNDER
QUALITY ASSURANCE
PROGRAM
of the
U.S. DEPT. OF AGRICULTURE

Statement without the use of the shield.

FIGURE 10

BILLING CODE 3410-02-C

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(d) *Approved plant-lot inspection grade marks.* Processed products that are produced in an "approved plant" as defined in § 52.2 and inspected and certified by an inspector on a lot basis may be labeled with an "official mark" as defined in § 52.3 when adequate control and use is approved. The use of "official marks" for this type service is restricted to grade marks (with or without plain shield) and/or the statement "Inspected by the U.S. Department of Agriculture" (with or without plain shield). The official marks shall be similar in form and design as illustrated in figures 11 through 14.

Failure to have all lots bearing official marks either inspected and certified or certified as produced in an "approved plant" shall cause the debarment of the user from receiving subsequent services, and such other actions as provided for in the Agriculture Marketing Act of 1946.

BILLING CODE 3410-02-M

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Shield with plain background.

FIGURE 11

(1) U. S. GRADE A

(2) U. S. GRADE B

(3) U. S. GRADE C

FIGURE 12

Statement enclosed within a shield.

FIGURE 13

INSPECTED
BY THE
U.S.DEPT. OF
AGRICULTURE

Statement without the use of the shield

FIGURE 14

BILLING CODE 3410-02-C

(e) * * *

(f) *Removal of labels bearing approved grade or inspection marks.*

(1) At the time a lot of processed products bearing approved grade or inspection marks is found to be mislabeled, the processor shall separate and retain such lot for relabeling. Removal and replacement of labels shall be done, under the supervision of a USDA inspector, within the time specified by the Administrator or as may be mutually agreed by the processor and the Administrator.

* * * * *

6. Section 52.56 will read as follows:

§ 52.56 Purchase of commodity samples for review.

Employees are authorized to purchase commodity samples for review. Employees must pay and obtain receipts for such purchases and keep receipts subject to inspection by supervisory or other authorized Department employees.

* * * * *

(Agricultural Marketing Act of 1946, Sec. 203, 205, 60 stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C. on March 21, 1983.

Eddie F. Kimbrell,

Deputy Administrator.

[FR Doc. 83-7691 Filed 3-23-83 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 907

[Navel Orange Reg. 571]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 25–March 31, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

DATE EFFECTIVE: March 25, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on March 22, 1983 at Lindsay, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested person were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

1. Section 907.871 is added as follows:

§ 907.871 Navel orange regulation 571.

The quantities of navel oranges grown in California and Arizona which may be handled during the period March 25, 1983 through March 31, 1983, are established as follows:

(1) District 1: 1,700,000 cartons;

(2) District 2: Unlimited cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 23, 1983.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-7796 Filed 3-23-83; 11:43 am]

BILLING CODE 3410-02-M

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7 CFR Part 1099

[Milk Order No. 99]

Milk in the Paducah, Kentucky, Marketing Area; Order Terminating Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of rules.

SUMMARY: This action terminates the seasonal incentive producer payment plan (Louisville plan) that was designed to encourage level milk production by dairy farmers throughout the year. The action was requested by Dairymen, Inc., a cooperative representing a large portion of the producers who supply milk for the market. The plan should be terminated because it no longer accomplishes its intended purpose.

EFFECTIVE DATE: May 1, 1983.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Termination: Issued February 9, 1983; published February 14, 1983 (48 FR 6544).

It has been determined that this termination order is not a major action under the criteria set forth in Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action will have no effect on the application of the order to regulated handlers, since the action affects only the manner in which the proceeds from milk sales are distributed to producers.

This order of termination is issued pursuant to the provisions of the

Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Paducah, Kentucky, marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 6544) concerning a proposed termination of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. In § 1099.61, the provisions in that part of paragraph (e) that read "except for the months specified below, shall be".

2. In § 1099.61, the provisions contained in paragraphs (f) through (j) in their entirety.

3. In § 1099.70, the provisions in paragraph (b) in their entirety.

Statement of Consideration

This termination order removes from the Paducah order those provisions that provide for withholding from payments to producers 50 cents per hundredweight during April through July and distributing the money so accumulated to producers supplying the market during the ensuing September through December. This plan, which is commonly known as the "Louisville plan," was intended to encourage level milk production throughout the year.

Termination of the Louisville plan was requested by Dairymen, Inc., a cooperative association representing a large portion of the producers supplying the market.

When the 50-cent take-out rate was adopted in 1967, it amounted to about 10 percent of the average "blend" prices before reflecting the Louisville plan withholding adjustments. That same rate represented less than 4 percent of such average prices in April–July 1982. Price adjustments of the current magnitude are inadequate to effectively encourage producers to level out their milk production annually. The seasonal payment plan no longer accomplishes its intended purpose.

Interested parties were asked to comment on the proposed termination of the Louisville plan. No opposing views were received.

In view of the foregoing, the Louisville plan should be terminated.

Therefore, good cause exists for making this order effective May 1, 1983.

List of Subjects in 7 CFR Part 1099

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674)

Effective date: May 1, 1983.

Signed at Washington, D.C., on March 21, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83–7692 Filed 3–23–83; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 32

Consumer Products Containing Small Quantities of Radioactive Material; Modified Reporting and Recordkeeping Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to modify the reporting and recordkeeping requirements imposed on persons specifically licensed to distribute consumer products containing byproduct material. The existing annual reporting requirements are amended to require that reports be submitted (1) every five years, or (2) at the time of application for renewal of the specific license, or (3) at the time the licensee notifies the Commission that it is discontinuing distribution of these consumer products. The amendment is intended to reduce the number of reports submitted to the Commission. This amendment pertains only to the submission of reports and recordkeeping requirements and will not affect the safety properties of the products that are distributed.

EFFECTIVE DATE: June 30, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Anthony N. Tse, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301–443–5825).

SUPPLEMENTARY INFORMATION:

Background

On November 23, 1982, the NRC published in the **Federal Register** (47 FR 52719) a Notice of Proposed Rulemaking to amend 10 CFR Part 32, "Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material." The proposed amendments to Part 32 suggested modifications to the reporting and recordkeeping requirements imposed on persons licensed to distribute consumer products containing small quantities of byproduct material (exempt items).

These regulations required licensees to submit an annual report to the NRC specifying the total quantity of byproduct material transferred in each type of consumer product and the total number of each product transferred during the reporting period. An annual report was required even if a licensee made no transfers during the reporting period. This process provided the NRC and other interested parties with information concerning the extent and pattern of consumer product distribution. The NRC has also used this information to estimate the exposure of the general public to radiation from these products.

After reviewing these reporting requirements, the NRC proposed a minor change to the requirements that would reduce paperwork burdens on the affected licensees and the agency without diminishing the value of these reports to the NRC's regulatory program. The NRC proposed that the licensees be required to submit a report every 5 years, or at the time of application for renewal of the specific license, or at the time the licensee notifies the Commission that it is discontinuing distribution of these consumer products. In the notice of proposed rulemaking, the NRC also sought public comment on two alternative actions: (1) Eliminating reporting requirements completely, and (2) establishing a threshold such that if less than 1000 units were distributed annually, a report would not be required. However, the NRC has decided to adopt the approach set out in the proposed rule. The reason for this decision is outlined in the NRC's response to comments received on the proposed rule and the suggested alternatives.

The requirements for the type of records that must be kept is not changed although in certain cases the length of time that these records must be stored is modified to conform with the 5 year reporting period. This is necessary to facilitate the licensee's preparation of summary reports.

Comments

Interested persons were invited to submit written comments. The 30-day comment period expired on December 23, 1982. Eleven letters of comment were

received: ten from private industry and one from a state agency.

Most commenters supported the Commission's effort to reduce the reporting burden on licensees. However, the commenters varied in their views as to which alternative action should be taken. One suggested that the NRC terminate licensing for small distributors of consumer products; four favored complete elimination of reporting requirements; three supported the 5-year reporting period but two of these three also favored eliminating the reporting requirements; two preferred a threshold number and one opposed any change to the existing regulations.

Copies of the comments may be examined in the Commission's Public Document Room at 1717 H Street NW. Washington, DC. A summary of the comments and the NRC staff's responses to these comments is presented below.

1. Most commenters supported complete elimination of reporting requirements because (1) the public exposure to radiation from consumer products is very small and (2) the data contained in the reports could be obtained by other means, such as literature searches or discussions with product manufacturers. Although the public exposure to radiation from consumer products is very small, the Commission must, from time to time, reassess the exposure and verify that the public exposure remains small. Relatively current and accurate data on the types and quantities of products and radionuclides distributed are necessary to inform the Commission of the extent of the distribution of these products and to provide data for performing adequate assessments of public exposure to radiation from these products. Thus, the Commission believes a reasonably accurate data base should be collected by the Commission.

The Commission considered alternative ways of collecting the necessary data. Some data may be collected by literature search or by discussions with product distributors or manufacturers. However, these methods may have the following drawbacks (1) certain information, such as the number of products distributed in a year, might not be available in the literature because of its proprietary nature, (2) the data collected could have a large degree of uncertainty unless information from all licensees who distribute the products is included, and (3) the efforts spent by licensees to locate and report distribution data in response to an unscheduled data collection survey might be more burdensome than the efforts required to prepare one report every five years. Therefore the Commission believes the data obtained from reports submitted at 5-year intervals is more accurate than data collected from literature search or by discussion with manufacturers.

2. One commenter suggested that the NRC should terminate licensing small distributors of consumer products containing byproduct materials. The principal issue in this rulemaking is not whether the NRC should continue to license consumer product distributors; the issue is whether the NRC should modify its existing reporting requirements applicable to this group of licensees. Thus, this comment is not relevant to the issue in this rulemaking proceeding.

3. Two commenters preferred the alternative that would establish a threshold number for the submission of an annual report. Another commenter, on the other hand, stated that a 1000-unit threshold plan would eliminate very few smoke detector manufacturers because it is unlikely that someone would handle such a small number of products. Although the 1000-unit threshold option would result in about 30% reduction in the number of reports, it would also have three major drawbacks: (1) The data would be relatively inaccurate because it is uncertain what percent of the total would be reported, (2) the licensees would still have to summarize product distribution data at the end of a reporting period so that they could determine whether the distribution exceeded the threshold number, and (3) lack of the report from a specific licensee would lead to the uncertainty whether the threshold had not been exceeded or the licensee had neglected to file the report. On the other hand, the 5-year reporting option, as compared to the existing annual reporting requirements, would provide 80% reduction in the number of reports a licensee must submit. Therefore, the Commission believes the threshold option is not as effective in reducing the reporting burden as the 5-year reporting option.

4. One commenter suggested that the existing reporting requirements not be changed. He doubted the efficacy of the change in reducing paperwork. In addition, the turnover in personnel would make the information on a 5-year reporting interval not as valuable as it is on a yearly basis. The Commission believes that, if the reporting period is extended from 1 year to a 5-year period, there would be a significant reduction (by a factor of 5) in the number of reports that must be prepared by licensees. Although the Commission agrees that the information obtained at 5-year reporting intervals would not be as current as the information contained in annual reports, the lack of data on the yearly basis would have little impact in the NRC's effort in assessing of public exposure to radiation from these products because the period between assessments is usually greater than 5 years. Considering the significant reduction in the number of reports, the Commission believes it is cost effective to extend the reporting period from 1 year to 5 years.

5. Several commenters are concerned with extending the recordkeeping requirements. Two stated that the retention of records for another year would impose an additional and unwarranted cost. Another, however, stated that they keep records as live records for a year or two before these records are transferred to archival storage and that there is little difference between the storage of archival records for 3 or 6 years as long as these records do not have to be retrieved on a regular basis. This amendment requires that the record be maintained one year after that record was used in preparation of the 5-year report submitted to the Commission. The average record retention period would be 3 years. This replaces the existing record retention period of 2 years for about 25 licensees and 5 years for about 175 licensees or an average record retention period of 4.5 years, thereby resulting in an overall reduction in recordkeeping requirements. The Commission believes that, although each licensee may have different recordkeeping systems and the changes in recordkeeping requirements will have a different impact on various licensees, the burden on recordkeeping averaged over all the affected licensees would result in a slight reduction in the record retention periods.

The Regulation

The final rule is the same as the proposed rule. It modifies the reporting and recordkeeping requirements in 10 CFR 32.12, 32.16, 32.20, 32.25, and 32.29.

Paperwork Reduction Act Statement

The rule was submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act (Pub. L. 96–511; 42 U.S.C. Ch. 15). The information collection requirements contained in this regulation were approved by OMB. OMB approval No. 3150–0001.

Regulatory Flexibility Certification

Since these amendments generally would reduce present recordkeeping and reporting requirements, the Commission,

in accordance with sec. 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. Persons specifically licensed to distribute consumer products containing byproduct material will no longer be required to submit an annual report to the Commission but will be required to submit reports covering periods of approximately five years. An estimated reduction of about 80 percent of the approximately 200 reports currently submitted annually is expected.

List of Subjects in 10 CFR Part 32

Byproduct materials, Labeling, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended and section 553 of title 5 of the United States Code the following amendment of title 10 chapter 1, Code of Federal Regulations, Part 32, is published as a document subject to codification.

PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

1. The authority citation for Part 32 is revised to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 23, 68 Stat. 958, as amended (42 U.S.C. 2273); secs. 32.13, 32.15 (a), (c) and (d), 32.19, 32.25 (a) and (b), 32.29 (a) and (b), 32.54, 32.55 (a), (b) and (d), 32.58, 32.59, and 32.62 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and secs. 32.12, 32.16, 32.20, 32.25(c), 32.29(c), 32.51a, 32.52 and 32.56 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. The authority citations at the end of the following sections in Part 32 are removed: §§ 32.1, 32.14, 32.15, 32.16, 32.17, 32.18, 32.22, 32.25, 32.26, 32.29, 32.40, 32.51, 32.52, 32.53, 32.54, 32.56, 32.57, 32.61, 32.62, 32.71 and 32.110.

3. Section 32.12 is revised to read as follows:

§ 32.12 Same: records and material transfer reports.

(a) Each person licensed under § 32.11 shall maintain records of transfer of material and file a report with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter.

(b) The report must identify the—

(1) Type and quantity of each product or material into which byproduct material has been introduced during the reporting period;

(2) Name and address of the person who owned or possessed the product or material, into which byproduct material has been introduced, at the time of introduction;

(3) The type and quantity of radionuclide introduced into each product or material; and

(4) The initial concentrations of the radionuclide in the product or material at time of transfer of the byproduct material by the licensee.

(c) The licensee shall file the report within 30 days following—

(1) Five years after filing the preceding report; or

(2) Filing an application for renewal of the license under § 30.27; or

(3) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized under the license issued under § 32.11.

(d) The report must cover the period between the filing of the preceding report and the occurrence specified in paragraphs (c) (1), (2), or (3) of this section. If no transfers of byproduct material have been made under § 32.11 during the reporting period, the report shall so indicate.

(e) The licensee shall maintain the record of a transfer for a period of one year after the event is included in a report to the Commission.

4. Section 32.16 is revised to read as follows:

§ 32.16 Certain items containing byproduct material: Records and reports of transfer.

(a) Each person licensed under § 32.14 or § 32.17 shall maintain records of transfer of material and report to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter

(b) The report must include the following information on items transferred to other persons for use under § 30.16 of this chapter or equivalent regulations of an Agreement State—

(1) A description or identification of the type of each product;

(2) For each radionuclide in each type of product, the total quantity of the radionuclide; and

(3) The number of units of each type of product transferred during the reporting period.

(c) The licensee shall file the report within 30 days after—

(1) Five years after filing the preceding report; or

(2) Filing an application for renewal of the license under § 30.37; or

(3) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized under the license issued under § 32.14 or § 32.17.

(d) The report must cover the period between the filing of the preceding report and the occurrence specified in paragraphs (c) (1), (2), or (3) of this section. If no transfers of byproduct material have been made under § 32.14 or § 32.17 during the reporting period, the report must so indicate.

(e) The licensee shall maintain the record of a transfer for a period of one year after the event is included in a report to the Commission.

5. Section 32.20 is revised to read as follows:

§ 32.20 Same: Records and material transfer reports.

(a) Each person licensed under § 32.18 of this part shall maintain records of transfer of material identifying, by name and address, each person to whom byproduct material is transferred for use under § 30.18 of this chapter or the equivalent regulations of an Agreement State and stating the kinds and quantities of byproduct material transferred. The licensee shall maintain the record of a transfer for a period of one year after the event is included in a summary report to the Commission.

(b) The licensee shall file a summary report stating the total quantity of each isotope transferred under the specific license with the Director of Nuclear Material Safety and Safeguards, U.S Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter.

(c) The licensee shall file the summary report within 30 days following—

(1) Five years after filing the preceding report; or

(2) Filing an application for renewal of the license under § 30.37; or

(3) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized under the license issued under § 32.18.

(d) The report must cover the period between the filing of the preceding report and the occurrences specified in

paragraphs (c)(1), (2), or (3) of this section. If no transfers of byproduct material have been made under § 32.18 during the reporting period, the report must so indicate.

6. In § 32.25, paragraph (c) is revised to read as follows:

§ 32.25 Conditions of licenses issued under § 32.22: quality control, labeling, records, and reports of transfer.

Each person licensed under § 32.22 shall:

* * * * *

(c) Maintain records and file reports with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with copies to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter.

(1) The report must include the following information on products transferred to other persons for use under § 30.19 of this chapter or equivalent regulations of an Agreement State—

(i) A description or identification of the type of each product;

(ii) For each radionuclide in each type of product, the total quantity of the radionuclide; and

(iii) The number of units of each type of product transferred during the reporting period.

(2) The licensee shall file the report within 30 days following—

(i) Five years after filing the preceding report; or

(ii) Filing an application for renewal of the license under § 30.37; or

(iii) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized under the license issued under § 32.22.

(3) The report must cover the period between the filing of the preceding report and the occurrences specified in paragraphs (c)(2)(i), (ii), or (iii) of this section. If no transfers of byproduct material have been made under 32.22 during the reporting period, the report must so indicate.

(4) The licensee shall maintain the record of a transfer for a period of one year after the event is included in a report to the Commission.

7. In § 32.29, paragraph (c) is revised to read as follows:

§ 32.29 Conditions of licenses issued under § 32.26: Quality control, labeling, records, and reports of transfer.

Each person licensed under § 32.26 shall:

* * * * *

(c) Maintain records and file a report with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with copies to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter.

(1) The report must include the following information on products transfered to other persons for use under § 30.20 of this chapter or equivalent regulations of an Agreement State—

(i) A description or identification of the type of each product;

(ii) For each radionuclide in each type of product, the total quantity of the radionuclide; and

(iii) The number of units of each type of product transferred during the reporting period.

(2) The licensee shall file the report within 30 days following—

(i) Five years after filing the preceding report; or

(ii) Filing an application for renewal of the license under § 30.37; or

(iii) Notifying the Commission under § 30.34(f) of the licensee's decision to permanently discontinue activities authorized pursuant to the license issued under § 32.26.

(3) The report must cover the period between the filing of the preceding report and the occurrences specified in paragraphs (c)(2) (i), (ii), or (iii) of this section. If no transfers of byproduct material have been made under § 32.26 during the reporting period, the report must so indicate.

(4) The licensee shall maintain the record of a transfer for a period of one year after the event is included in a report to the Commission.

Dated at Bethesda, Maryland this 4th day of March 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-7895 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. NM-1, Special Condition No. 25-ANM-1]

Special Conditions: Canadair CL-600-2A12 (CL-601)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Special Conditions.

SUMMARY: This action issues special conditions for the Canadair CL-600-2A12 (CL-601) series airplane. The special conditions originally issued for the CL-600-1A11 are amended for this derivative model (CL-601) because an increase in operating altitude is anticipated. Additionally, the CL-600-2A12 (CL-601) airplane will have novel and unusual design features associated with an automatic takeoff thrust control system (ATTCS) for which the applicable airworthiness regulations do not have adequate or appropriate safety standards. These special conditions contain safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations applicable to the Canadair CL-600-2A12 (CL-601) series airplane because of novel and unusual features.

DATES: Effective date: March 8, 1983.

Comments must be received on or before May 23, 1983.

ADDRESS: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket (ANM-7), Docket No. NM-1, 17900 Pacific Highway South, C-68966, Seattle, Washington 98166; or delivered in duplicate to: Office of the Regional Counsel, ANM-7, at the above address. All comments must be marked: Docket No. NM-1. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: James Walker (ATTCS) or Mark Quam (High Altitude Operations), Regulations and Policy Office, ANM-110, FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Telephone (206) 764-7051/7053.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective in less than 30 days; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator, and these special conditions may be changed based on comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of these

special conditions will be filed in the Rules Docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request, must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments on Docket No. NM–1." The postcard will be date/time stamped and returned to the commenter.

Background

On May 1, 1981, Canadair Limited, Post Office Box 6087, Montreal, Quebec, Canada H3C 3G9, applied for an amendment to United States Import Type Certificate No. A21EA for its Canadair CL–600–2A12 (CL–601) series airplane. The Model CL–600–2A12 (CL–601) is a twin engine, pressurized transport category airplane. The airplane is similar to the Model CL–600–1A11 except for installation of winglets and General Electric CF34 turbofan engines. The maximum takeoff gross weight is 42,100 pounds. The General Electric CF34 engines produce 9140 pounds takeoff thrust under sea level standard day conditions. The airplane has a seating capacity of 21 persons, including the crew, and has a maximum anticipated altitude of 45,000 feet.

The major modification covered under this amendment to the type certificate is the installation of an automatic takeoff thrust control system (ATTCS) called Automatic Performance Reserve (APR) system by Canadair. With the ATTCS installed, takeoffs would normally be made with engine thrust set at less than the maximum takeoff thrust approved for the airplane under the existing ambient conditions. In the event of an engine failure on takeoff, the automatic system will reset the fuel schedule on the operating engine to provide the maximum takeoff thrust. Provisions are also made for manual selection of the maximum takeoff thrust. The application of maximum takeoff thrust, whether set by the automatic system or manually, will not result in the takeoff operating limits of the engine being exceeded.

High Altitude Operation

The special conditions issued for high altitude operation for the CL–600–1A11 were Special Condition No. 25–94–EA–12, issued March 26, 1980, and Amendment No. 1 issued September 11, 1981. These same special conditions are being applied to the CL–600–2A12 with the amended portions discussed here.

The CL–600–2A12 will be initially certificated to operate to 41,000 feet. The manufacturer has expressed interest in increasing the operating altitude to 45,000 feet at a later date. To cover that eventuality, special conditions are being applied. The FAA policy is to apply special conditions to Part 25-type executive transports when the certificated altitude exceeds the capability of the oxygen system (in this case, the passenger system). This has been the case for the early Learjet, Lockheed Jetstar and Aero Commander, and Cessna 650 (46 FR 35929 dated July 13, 1981).

Analysis indicates that for some failure conditions, the cabin altitude after failure may exceed the cabin altitude/time curve limits in Special Condition No. 25–94–EA–12. Continuous flow passenger oxygen equipment is certificated for use up to 40,000 feet. Studies have shown for rapid decompressions above 34,000 feet, reverse diffusion leads to low oxygen partial pressures in the lungs to the extent a small percentage of passengers may lose useful consciousness at 35,000 feet to an estimated 60 percent at 40,000 feet, even with the use of the continuous flow system.

To prevent possible brain damage, the cabin altitude is not to exceed 25,000 feet for more than two minutes. The maximum cabin altitude has been set at 40,000 feet to be in agreement with past FAA certification; and, in addition, at these altitudes, the other aspects of decompression sickness have significant detrimental effect on pilot performance (for example, a pilot can be incapacitated by internal expanding gasses).

Decompression above the 37,000 foot limit specified in Special Condition No. 25–94–EA–12 strains man's physiological limits and every effort must be made to provide the pilot with adequate oxygen equipment to withstand these severe decompressions. Reducing the time interval before the pilot receives oxygen will provide a safety margin against being incapaciated and can be accomplished by the action of mask mounted regulators. Item 4(a) of Special Condition No. 25–94–EA–12, therefore, has been amended for the CL–600–2A12 series airplanes to require pressure demand masks with mask mounted regulators for the flightcrew. This combination of equipment will provide the best practical protection for the failures covered by the special conditions and for improbable failures not covered by the special condition, provided the cabin altitude is limited.

Automatic Takeoff Thrust Control System (ATTCS)

The type design of the Model CL–600–2A12 (CL–601) series airplane, with the automatic system installed, contains a number of novel and unusual design features for an airplane type certificated under the airworthiness requirements incorporated by reference in Type Certificate No. A21EA or under the applicable airworthiness requirements in effect on the date of application for change to that type certificate. In either case, the applicable airworthiness requirements do not contain adequate or appropriate safety standards. Special conditions are necessary to provide a level of safety equal to that established by the regulations incorporated by reference in the type certificate and to support a finding by the Administratior that no feature or characteristic of the airplane with the ATTCS installed makes it unsafe for the category in which certification is requested. These special conditions specify limits on the maximum power increment which may be applied to the operating engine(s) by the ATTCS, prescribe system reliability and status monitoring requirements, require provisions for manual selection of the maximum takeoff thrust approved for the airplane under existing conditions, prohibit approval of the system if the automatic or manual application of maximum takeoff thrust would result in an engine operating limit being exceeded, and require the installation of an independent engine failure warning system if the inherent characteristics of the airplane do not provide a clear warning to the crew.

The FAA developed special conditions for an ATTCS for current turbine-powered transport category airplanes, and sent the proposal to U.S. user groups and various foreign Civil Air Authorities for review and comment in November 1977. Comments were received, reviewed, and the special conditions were revised and sent to the same groups in May 1978. This procedure was repeated again in November 1978. Cooperating with the FAA in this development were the Aerospace Industries Association of America (AIA), Air Transport Association of America (ATA), Air Line Pilots Association (ALPA), Allied Pilots Association (APA), Rolls Royce (RR), Hawker Siddeley Aviation Ltd. (HS), British Civil Air Authority (BCAA), the Civil Air Authorities of Australia and Japan, the French Technical Commission Navigation (FTCN) and the French Civil Air Authorities (FCAA), Lockheed, Boeing, McDonnell Douglas, and Rockwell International.

Based on the comments received and on further review by the FAA, a number of changes were made to the special conditions proposal. These provide for consideration of the following specific matters:

1. For the fail-operational (able to perform its intended function after a single failure or combination of failures not shown to be extremely improbable within the ATTCS system) system proposed, a reduction of the ATTCS failure probability from extremely improbable to improbable for the ATTCS alone, the addition of an extremely improbable failure probability for the combined ATTCS and engine failure, and deletion of the all-engine performance criteria.

2. For the nonfail-operational system proposed, a reduction in the failure probability from improbable to 10^{-3} for the ATTCS alone, introduction of a climb gradient for the combined ATTCS and engine failure case, and deletion of an engine failure warning means if the inherent characteristics of the engine failure are clearly made known to the pilot.

3. For clarifying changes, including a graphical presentation to clarify the definition of the term "Critical Time Interval."

The special conditions differ in one major respect from similar special conditions previously issued for other airplane models. The certification basis for the Canadair CL–600–2A12 (CL–601) includes Amendment No. 25–23 to Part 25 which modified the requirements of § 25.1309(b)(2). Previous model airplanes to which special conditions for an ATTCS were applied do not have to meet the current requirements of § 25.1309(b)(2). The current rules in § 25.1309(b)(2) are more stringent than the previous special condition requirements; therefore, the option to provide an ATTCS with reduced reliability if a specific level of minimum performance is available with both the ATTCS and an engine failed has been deleted from these special conditions.

Type Certification Basis

The type certification basis of the Canadair CL–600–2A12 (CL–601) series airplane with the ATTCS and an anticipated increase in operational altitude to 45,000 feet is as follows:

1. Certification basis for the Model CL–600–1A11, shown in Type Certificate Data Sheet A21EA, Revision 1, dated May 26, 1981.

2. Special Conditions No. 25–94–EA–12, Docket No. 16921, issued March 26, 1980.

3. Amendment No. 1 to special conditions No. 25–94–EA–12 for Canadair CL–600–1A11 series airplane, issued September 11, 1981.

4. The special conditions contained herein for the CL–600–2A12 (CL–601) series airplane for the ATTCS and amendments for higher altitude operation above 41,000 feet to 45,000 feet.

The substance of these two special conditions has been the subject of notice and public procedure in several prior instances. See 46 FR 35929, 46 FR 27092, and 46 FR 46118. They are adopted herein without substantive change for the CL–601. Accordingly, and because this application is for an amendment only to an existing type certificate which already contains approved special conditions for high altitude operation, the FAA has determined that additional notice and public procedure are unnecessary and the applicable special conditions are being issued effective immediately.

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane.

List of Subjects in 14 CFR Part 21

Air transportation, Aircraft, Aviation safety, Safety.

Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued to Canadair Limited for the Canadair CL–600–2A12 (CL–601) series airplanes:

High Altitude Special Condition Amendments

Special Condition No. 25–94–EA–12, issued March 26, 1980, and Amendment No. 1 issued September 11, 1981, as follows:

1. Amend Item 3(a), titled "Pressurization," to read: "The pressurization system must be capable of maintaining the following relationships between specific failure and cabin altitude-time histories for operations above 41,000 feet:" The rest reads the same, except as follows: Revise the referenced Figures 3 and 4 of Item 3, titled "Pressurization," of Special Condition No. 25–94–EA–12 to include the notes as shown on Figures 3 and 4.

2. Amend 4(a) of Item 4, titled "Oxygen Equipment and Supply" to read: "In addition to the requirements of § 25.1441, the following apply: A pressure demand oxygen system with a quick donning mask with mask mounted regulators must be provided for the flightcrew * * *." The rest reads the same.

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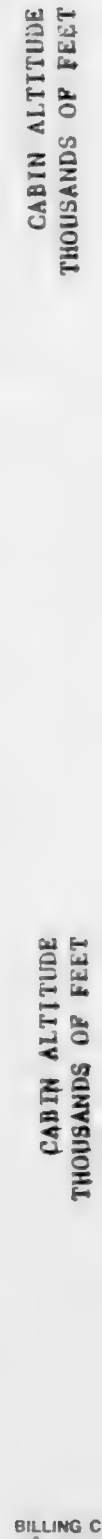

For Figure 3, time starts at the moment cabin altitude exceeds 8,000 feet during depressurization. After depressurization, the maximum cabin altitude exceedence is limited to 30,000 feet. The maximum time the cabin altitude may exceed 25,000 feet is two minutes; time starting when the cabin altitude exceeds 25,000 feet and ending when it returns to 25,000 feet.

FIGURE 3
CABIN ALTITUDE - TIME HISTORY
(Supplemental oxygen available to all passengers.)

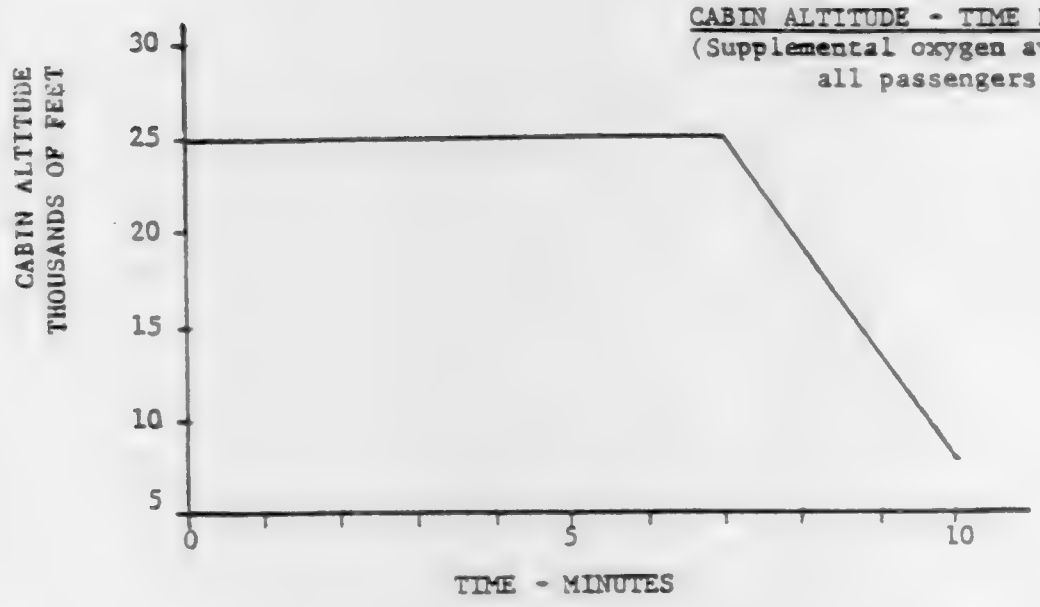

FIGURE 4
CABIN ALTITUDE - TIME HISTORY
(Supplemental oxygen available to all passengers.)

For Figure 4, time starts at the moment cabin pressure exceeds 8,000 feet during depressurization. After depressurization, the maximum cabin altitude exceedence is limited to 40,000 feet. The maximum time the cabin altitude may exceed 25,000 feet is two minutes; time starting when the cabin altitude exceeds 25,000 feet and ending when it returns to 25,000 feet.

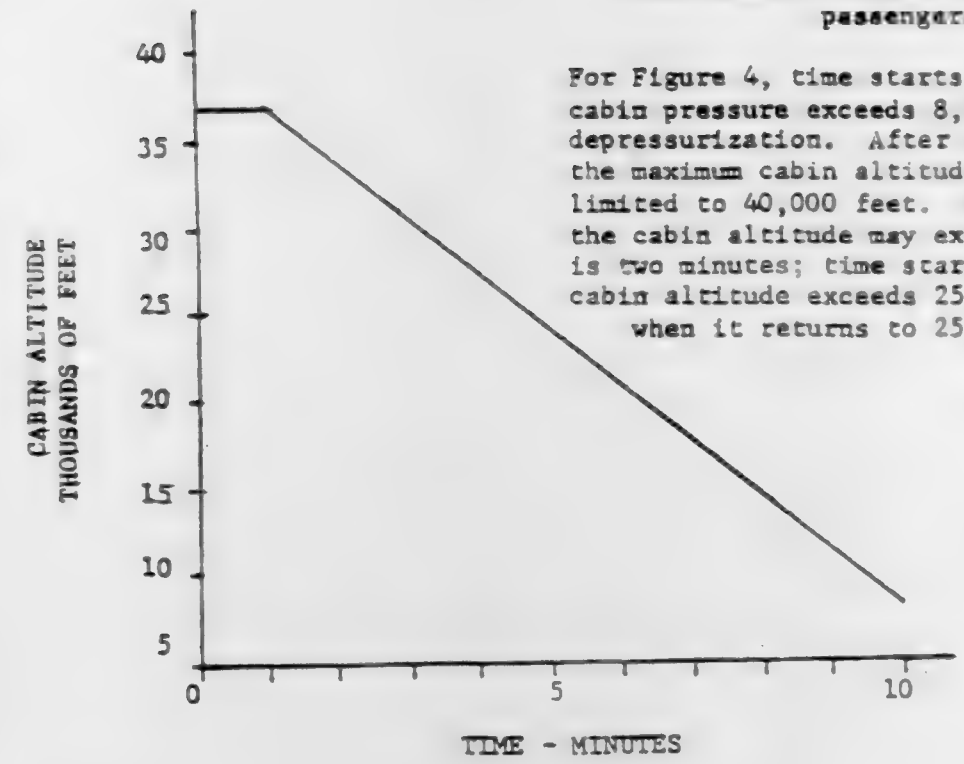

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Automatic Takeoff Thrust Control System (ATTCS)

A. *General.* With the ATTCS and associated systems functioning normally as designed, all applicable requirements of Part 25, except as provided in these special conditions, must be met without requiring any action by the crew to increase thrust.

B. *Definitions.* An ATTCS is defined as the entire automatic system used on takeoff, including all devices, both mechanical and electrical, that sense engine failure, transmit signals, actuate fuel controls or power levers on operating engines to achieve scheduled thrust increase, and furnish cockpit information on system operation.

1. *Critical Time Interval.* When conducting an ATTCS takeoff, the critical time interval between V_1 minus 1 second and a point on the minimum performance all-engine flight path, where assuming a simultaneous engine and ATTCS failure, the resulting minimum flight path thereafter intersects the Part 25-required gross flight path at not less than 400 feet from the takeoff surface. This definition is shown in the following graph:

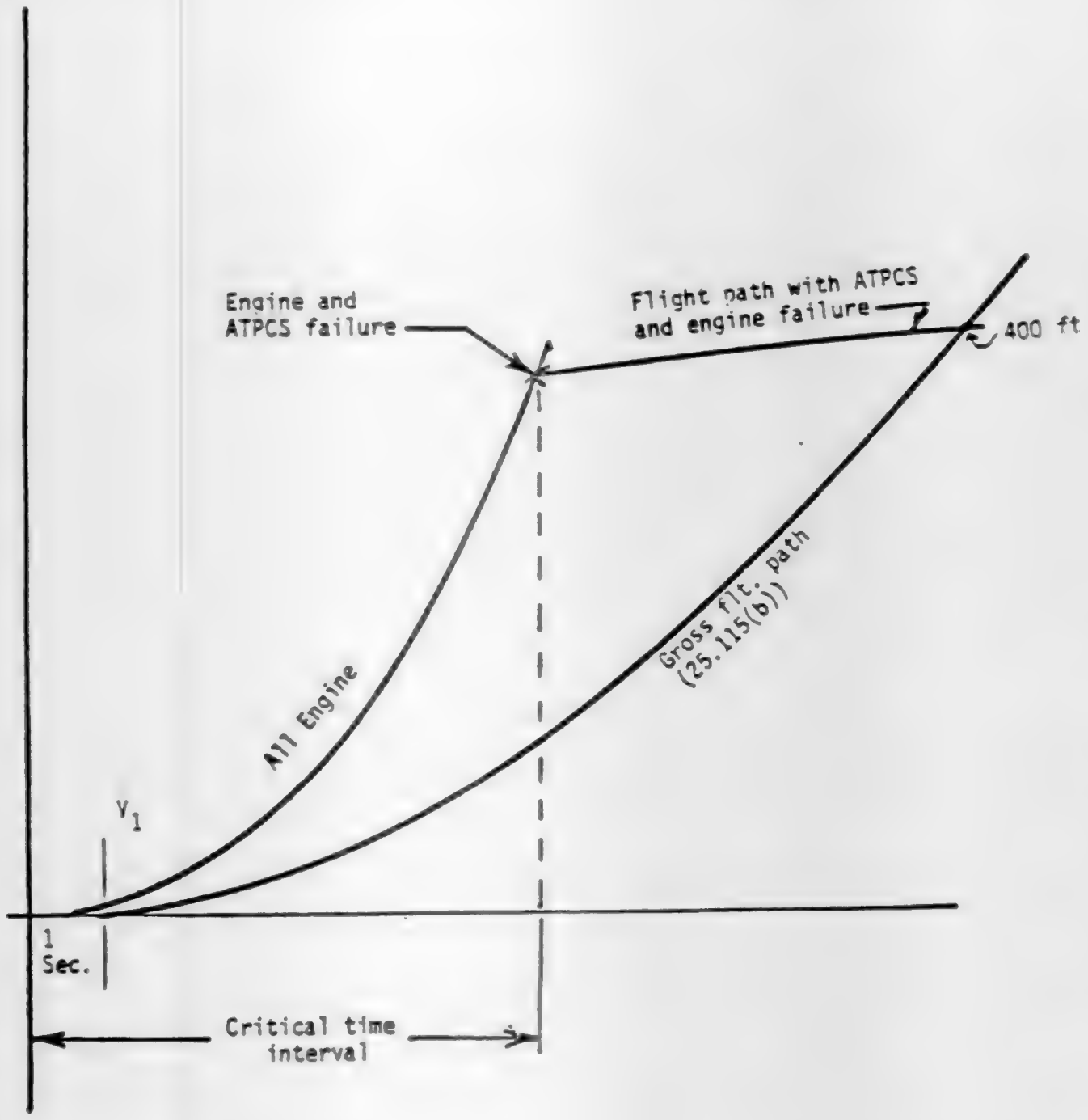

2. *Takeoff Thrust.* Notwithstanding the definition of "Takeoff Thrust" in Part 1 of the Federal Aviation Regulations (FAR), "Takeoff Thrust" means each thrust obtained from each initial thrust setting approved for takeoff under these special conditions.

C. *Performance Requirements.* The following reliability and performance criteria apply:

1. An ATTCS system failure during the critical time interval must be shown to be improbable.

2. The concurrent existence of an ATTCS failure and an engine failure during the critical time interval must be shown to be extremely improbable.

3. All applicable performance requirements of Part 25 must be met with an engine failure

occurring at the most critical point during takeoff with the ATTCS system functioning.

D. *Thrust Setting.* The initial takeoff thrust set on each engine at the beginning of the takeoff roll may not be less than:

1. Ninety (90) percent of the thrust level set by the ATTCS (the maximum takeoff thrust approved for the airplane under existing conditions);

2. That required to permit normal operation of all safety-related systems and equipment dependent upon engine thrust or power lever position; or

3. That shown to be free of hazardous engine response characteristics when thrust is advanced from the initial takeoff thrust level to the maximum approved takeoff thrust.

E. *Powerplant Controls—General.* 1. In addition to the requirements of § 25.1141, no single failure or malfunction, or probable combination thereof, of the ATTCS system, including associated systems, may cause the failure of any powerplant function necessary for safety.

2. The ATTCS must be designed to:

a. Apply thrust on the operating engine(s), following an engine failure during takeoff, to achieve the selected takeoff thrust without exceeding engine operating limits;

b. Permit manual decrease or increase in thrust up to the maximum takeoff thrust approved for the airplane under existing conditions through the use of the power lever, except that for aircraft equipped with limiters that automatically prevent engine operating limits from being exceeded under existing conditions, other means may be used to increase the maximum level of thrust controlled by the power levels in the event of an ATTCS failure provided the means is located on or forward of the power levers, is easily identified and operated under all operating conditions by a single action of either pilot with the hand that is normally used to actuate the power levers, and meets the requirements of § 25.777 (a), (b), and (c).

c. Provide means to verify to the flightcrew prior to takeoff that the ATTCS is in a condition to operate.

d. Provide a means for the flightcrew to deactivate the automatic function. This means must be designed to prevent inadvertent deactivation.

F. *Powerplant Instruments.* In addition to the requirements of § 25.1305,

1. A means must be provided to indicate when the ATTCS is in the armed or ready condition; and

2. If the inherent flight characteristics of the airplane do not provide adequate warning that an engine has failed, a warning system that is independent of the ATTCS must be provided to give the pilot a clear warning of any engine failure during takeoff.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transporation Act (49 U.S.C. 1655(c)); and 14 CFR 11.28 and 11.29(b))

Note. The FAA has determined that this document involves a regulation which is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and is not major as defined in Executive Order 12291. In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this regulation, at promulgation, will not have a significant economic impact on a substantial number of small entities. The regulation affects only certain unusual or novel design features of one model series of airplanes. The regulation is necessary for safety and affects primarily the manufacturer who applied to the FAA for approval of these features on the airplane.

Issued in Seattle, Washington, on March 8, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-7570 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-06-AD; Amdt. 39-4589]

Airworthiness Directives: Boeing Model 767 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires installation of an ice shield on the inboard slat center support link doors of Boeing Model 767 airplanes. Compliance with this AD is required to prevent simultaneous loss of the throttle control on both engines due to ice buildup on the engine power lever cables.

DATES: Effective April 4, 1983. Compliance required within the next 30 days after the effective date of this AD.

ADDRESSES: The applicable Service Bulletin may be obtained from the Boeing Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Stewart R. Miller, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, Federal Aviation Administration, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2520. Mailing Address: Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration has determined that Boeing Model 767 airplanes subjected to operation in icing conditions with leading edge slats extended are subject to ice accumulation on the power lever cables where they are routed through the wing cavity behind the inboard slats. During one flight subsequent to type certification, large amounts of ice formed in both wings and led to binding of the power lever cable on both engines. The flight involved slats extended operation in icing conditions. This condition has the potential for simultaneous loss of power lever control on both engines and is likely to occur on all aircraft of this type.

Boeing has designed an ice shield to prevent the accumulation of ice in the wing with slats extended. This shield is being installed on current production Model 767 airplanes and is available as a kit for retrofit on existing airplanes.

Since a situation exists which requires immediate adoption of this amendment, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to Boeing Model 767 Series Airplanes certificated in all categories. To prevent loss of engine throttle control due to power lever cable icing, accomplish the following within 30 days from the effective date of this AD, unless already accomplished.

A. Install ice shields on the number 6 and 7 slats per Boeing Service Bulletin 767-30-2 dated December 13, 1982, or later FAA approved revision.

B. Special Flight permits may be issued in accordance with FAR 21.199 to operate airplanes to a base for the accomplishment of this AD.

C. Alternate means of compliance with the AD which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

This amendment becomes effective April 4, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe

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condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on March 14, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-7573 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-CEF-4-AD; Amdt. 39-4586]

British Aerospace Model HP137 Jetstream MK1 and Series 200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 82-20-04, Amendment 39-4468, applicable to British Aerospace Model HP137 Jetstream MK1 and Series 200 airplanes. The manufacturer has conducted additional fatigue testing and, as a result, extended the recommended inspection intervals. This revision changes these intervals to those now specified by the manufacturer.

DATE: Effective: March 28, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: British Aerospace Service Bulletin (SB) No. 7/8, dated May 7, 1982, as revised by Revision 2, dated January 6, 1983, may be obtained from British Aerospace, Inc., P.O. Box 17414, Dulles International Airport, Washington, D.C. 20041. A copy of this service information is also contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, telephone 513.38.30, or Mr. P. Cormaci, Manager, Foreign FAR 23 Section, ACE-109, Central Region, FAA, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: AD 82-20-04, Amendment 39-4468 (47 FR 43017, 43018), applicable to British Aerospace Model HP137 Jetstream MK1 and Series 200 airplanes requires, in part, certain visual and non-destructive testing (NDT) inspections of the main landing gear (MLG) hinge fitting support angles at intervals specified in British Aerospace Service Bulletins No. 7/5 dated March 31, 1982, and 7/8 dated May 7, 1982, as revised by Revision 1 dated May 20, 1982. Subsequent to the issuance of AD 82-20-04, the manufacturer has continued fatigue testing of the aircraft and, as a result, has issued Revision 2 dated January 6, 1983, to SB No. 7/8. This revision extends the current inspection intervals. Accordingly, this amendment revises the AD by changing the inspection intervals now specified in the AD to those contained in the latest revision to SB No. 7/8.

Since this amendment only eliminates the variance between the current manufacturer's recommended inspection intervals and the AD requirements by increasing the interval between required repetitive inspections, is in the interest of safety, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and not in the public interest and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, AD 82-20-04, Amendment 39-4468 (47 FR 43017, 43018), § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended as follows:

(1) Restate paragraphs (b)(1) through (b)(3) to read as follows:

(b) Prior to the accumulation of 4000 landings or on airplanes already having 4000 landings within the next 50 landings after the effective date of this AD:

(1) Using a strong light and eight power lens, visually inspect the MLG hinge fitting support angles for cracks in accordance with British Aerospace Service Bulletin No. 7/8 dated May 7, 1982, as revised by Revision 2, dated January 6, 1983, paragraphs 3.2 and 3.3.

(2) If no cracks are found, return the aircraft to service and thereafter repeat the inspection required by paragraph (b)(1) of this AD at intervals not exceeding 400 landings.

(3) If cracks are found emanating from either end of the support angle, but which have propagated no further than the tooling holes, return the aircraft to service and thereafter repeat the inspection required by paragraph (b)(1) of this AD at intervals not exceeding 400 landings.

(2) Restate paragraph (c)(1) to read as follows:

(c) Prior to the accumulation of 4000 landings or on airplanes already having 4000 landings, within the next 50 landings after the effective date of this AD:

(1) Using a strong light and eight power lens, visually inspect the MLG hinge fitting at the auxiliary spar web for cracks in accordance with British Aerospace Service Bulletin No. 7/8 dated May 7, 1982, as revised by Revision 2 dated January 6, 1983, paragraph 3.2, 3.6, and 3.7

(3) Restate paragraphs (d) through (d)(2) to read as follows:

(d) Conduct an NDT inspection of the MLG hinge fitting per British Aerospace Service Bulletin No. 7/8 dated May 7, 1982, as revised by Revision 2 dated January 6, 1983, paragraphs 3.10 through 3.11.

(1) If cracks are found, prior to further flight, replace the MLG hinge fitting with a new fitting of the same part number.

(2) If no cracks are found, return the aircraft to service and repeat the NDT inspection at intervals not to exceed 1200 landings.

This amendment becomes effective March 28, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(a)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation only involves an annual cost reduction of $1,050 on 21 airplanes. Therefore, I certify that this action (1) is not a major rule under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and because of the cost and few airplanes involved owned by small entities, it will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 10, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-7571 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-10-AD; Amdt. 39-4588]

Airworthiness Directives: McDonnell Douglas Model DC-9-80 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires a one-time inspection of the

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electrical connections of the discharge plugs to fire extinguishing bottles Nos. 1 & 2 on McDonnell Douglas Model DC–9–80 series airplanes. Reports have been received of the plugs installed cross connected. This action is necessary to prevent potential fire extinguisher discharge into the wrong area.

DATES: Effective April 4, 1983. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, Cl–750 (54–60). This information also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle Washington or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Roy McKinnon, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2835.

SUPPLEMENTARY INFORMATION: Two operators have reported finding discharge plugs Pl–74 and Pl–75 on Firex bottle No. 2 in a crossed condition. Pl–74 should connect to the cartridge for agent discharge into the right engine compartment. Plug Pl–75 should connect to the cartridge for agent discharge into the APU compartment. This condition would cause the fire extinguisher to discharge into the wrong compartment.

Since this situation is likely to exist on other airplanes of the same type design, this AD requires inspection of the discharge plug to verify proper installation of electrical connections, correction if necessary, and modification of the clamping method to prevent improper installation.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–9–80 series airplanes fuselage numbers through 1086, certificated in all categories. Compliance required as indicated, unless previously accomplished.

To prevent possible discharge of fire extinguishing agent into an unselected area, accomplish the following within 300 flight hours time in service after the effective date of this AD:

A. Inspect for proper installation of electrical connection of plugs, Pl–70, Pl–71 and Pl–72 to Firex bottle No. 1 and plugs Pl–73, Pl–74, and Pl–75 to Firex bottle No. 2 and inspect for proper clamping method and correct if necessary, in accordance with McDonnell Douglas DC–9–80 Alert Service Bulletin A26–13, dated February 2, 1983, or Revision 1, dated February 3, 1983, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

C. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, Cl–750 (54–60). These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or at the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California

This Amendment becomes effective April 4, 1983.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington March 14, 1983.

Charles R. Foster,

Director, Northwest Mountain Region

[FR Doc. 83–7572 Filed 3–23–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 82–NM–67–AD; Amdt. 39–4590]

Airworthiness Directives; McDonnell Douglas Model DC–9 Series –30, –40 and –50 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) that requires inspection and replacement, if necessary, of Main Landing Gear (MLG) shock strut restrictor supports on certain McDonnell Douglas Model DC–9–30, –40 and –50 series airplanes. This action is needed to detect improperly heat treated MLG shock strut restrictor supports; the failure of which could cause a loss of strut pressure and may result in failure of the landing gear support structure.

DATES: Effective April 28, 1983. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). This information also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington 98168, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Mr. M. N. Asahara, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Northwest Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach California 90808, telephone (213) 548–2824.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new Airworthiness Directive (AD) to require inspection and replacement, if necessary, of MLG shock strut restrictor support tubes on certain McDonnell Douglas Model DC–9–30, –40, and –50 series airplanes was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** September 16, 1982 (47 FR 40810). The comment period

for the proposal closed on November 8, 1982.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received. The Air Transport Association of America (ATA) commenting on behalf of its member operators requested that the comment period be extended to January 10, 1983. The ATA stated that this would give industry time to develop a reliable eddy current inspection which does not require MLG removal and inspection. ATA requested that the compliance time be increased to 12 months if the comment period is not extended. After due consideration of this request and subsequent evaluation, the FAA determined that the compliance time period can be entended, in lieu of extending the comment period.

The estimated costs associated with this AD are as follows: The proposed AD applies to certain serial numbered MLG shock struts, for the inspection and/or replacement of improperly heat-treated P/N 5925786–501 support tubes. It is estimated that support tubes, in a total of 89 MLG struts, are suspected of being improperly heat treated and, of these, 36 supports will require replacement. It will take approximately 22 manhours per strut (inspection/replacement) to accomplish the required actions at an average labor cost of $35 per manhour. Based on these figures, the total cost impact of this AD is estimated to be $27,720. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule, with the change previously noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–9–30, –40, and –50 series airplanes, with the following MLG strut serial numbers installed: R4429N, R4430 thru R4436, R4438 thru R4449, R4462 thru R4469, R5415 thru R5420, R7475, R7476, R7478 thru R7526, R8734, R8736, R8742 and R8743, certificated in all categories. Compliance required prior to December 14, 1983, unless previously accomplished.

To prevent failure of the main landing gear support structure, accomplish the following:

A. Perform an eddy current inspection to determine the heat treat condition of the restrictor support tube in accordance with the Accomplishment Instructions of McDonnell Douglas DC–9 Service Bulletin 32–186, original issue, dated January 29, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Replace restrictor tubes if any are found to be improperly heat treated in accordance with the above service bulletin.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

D. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington 98168, or Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This Amendment becomes effective April 28, 1983.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the Federal Aviation Administration has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, since it involves few, if any small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on March 14, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83–7545 Filed 3–23–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 83–CE–14–AD; Amdt. 39–4592]

Airworthiness Directives; Short Brothers & Harland, Ltd., Model SC–7 Series 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Short Brothers & Harland, Ltd., Model SC–7 series 3 airplanes. It requires an eddy current inspection and rework or replacement of the main landing gear lever. The Manufacturer's fatigue analysis has shown that the main landing gear lever sub-assembly is subject to cracking. Such cracking could result in structural failure of the main landing gear. The inspections and rework or replacement of the main landing gear lever specified in this AD will prevent structural failure of the main landing gear.

DATES: *Effective Date:* March 31, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Dowty Rotol Service Bulletins (SB's) No. 32–9M dated February 15, 1982, and No. 32–11M dated April 29, 1982, applicable to this AD may be obtained from Dowty Rotol, Inc., Box 5000, Sully Road, Sterling, Virginia 22170. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. P. Cormaci, FAA, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: Fatigue analysis has disclosed that the Model SC–7 Series 3 airplane's main landing gear lever is subject to structural failure due to the development of fatigue cracks. As a result, Dowty Rotol has issued Mandatory SB's No. 32–9M dated February 15, 1982, and No. 32–11M dated April 29, 1982, which provide for an eddy current inspection and rework or replacement of the main landing gear lever. The Civil Aviation Authority (CAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom (U.K.) has classified these SB's and the actions recommended

therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under U.K. registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the CAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of SB's No. 32–9M dated February 15, 1982, and No. 32–11M dated April 29, 1982, and the mandatory classification of these SB's by the CAA.

Based on the foregoing, the FAA has determined that the condition addressed by SB's No. 32–9M dated February 15, 1982, and No. 32–11M dated April 29, 1982, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring an eddy current inspection and rework or replacement of the main landing gear levers on Short Brothers & Harland, Ltd., SC–7 Series 3 airplanes in accordance with procedures set forth in the above mentioned SB's.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Short Brothers & Harland, Ltd.: Applies to Model SC–7 Series 3 airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent structural failure of the main landing gear, accomplish the following:

(a) Upon the accumulation of 12,000 landings or within 200 landings after the effective date of this AD for those airplanes which have already accumulated 12,000 landings, and at 2,000 landing intervals thereafter until the airplane has accumulated 20,000 landings, perform an eddy current crack detection inspection of the main landing gear lever sub-assembly bores at the shock absorber attachment lugs as indicated in paragraph D.1. of Service Bulletin (SB) No. 32–9M dated February 15, 1982.

(b) Upon the accumulation of 14,000 landings or within 200 landings after the effective date of this AD for those airplanes which have already accumulated 14,000 landings, and at 2,000 landing intervals thereafter until the airplane has accumulated 20,000 landings, perform an eddy current crack detection inspection of the main landing gear lever sub-assembly at the area between the bores of the brake torque bolt and axle attachment holes as indicated in paragraph D.1. of SB No. 32–9M dated February 15, 1982.

(c) If cracks are found during the inspections of paragraphs (a) or (b) of this AD, or upon the accumulation of 20,000 landings, accomplish, in their entirety, the procedures of Mod. No. (c) AC.9725 which are available in SB No. 32–11M dated April 29, 1982. If cracks are detected during the post modification inspection required by SB No. 32–11M dated April 29, 1982, replace the lever with a serviceable lever of the part number indicated in paragraph 3 of that SB.

(d) Upon the accumulation of 5,000 landings after incorporation of the modifications required by SB No. 32–11M dated April 29, 1982, and at 1,000 landings intervals thereafter, conduct the inspections required by paragraphs (a) and (b) of this AD.

(e) If a serviceable replacement lever is installed in accordance with paragraph (c) of this AD, the inspections required by paragraphs (a) and (b) of this AD are applicable at the specified accumulated number of landings on the replacement lever rather than the airplane.

(f) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(g) Operators who have not kept records of total number of landings must substitute airplane hours time-in-service at the rate of two landings per hour in lieu thereof.

(h) Aircraft may be flown in accordance with FAR 21.197 to a location where this Airworthiness Directive (AD) can be accomplished.

(i) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on March 31, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 10, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83–7547 Filed 3–23–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–CE–12–AD; Amendment 39–4591]

Airworthiness Directives; SIAI-Marchetti Models F260, F260B and F260C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to SIAI-Marchetti Models F260, F260B and F260C airplanes. It requires dye-penetrant inspection of the nose-gear barrel joint weld at the attachment plate for cracks and replacement of any nose-gear barrels if cracks are found. There have been reports of cracks at the joint weld of the nose-gear barrel which could result in the failure of the nose-gear. The inspection procedure will detect the presence of these cracks.

DATES: *Effective Date:* March 31, 1983. *Compliance:* As prescribed in the body of the AD.

ADDRESSES: SIAI-Marchetti Service Bulletin (SB) No. 260B34, dated September 21, 1981, applicable to this AD may be obtained from SIAI-Marchetti S.P.A., V-12070 via Indipendenza, 2, 21018 Sesto Calenda, Italy. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. P. Cormaci,

FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: SIAI-Marchetti has received reports of cracks developing in the joint weld of the nose-gear barrel at its attachment plate on Models F260, F260B and F260C airplanes. Undetected cracks in the nose-gear barrel may result in failure of the nose-gear and subsequent damage to the airplane. As a result, SIAI-Marchetti has issued SB No. 260B34, dated September 21, 1981, which provides for initial and repetitive dye-penetrant inspections of the nose-gear barrels. If a crack is found, the part must be replaced prior to further flight. The Registro Aeronautico Italiano (RAI) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States. The FAA has examined the available information related to the issuance of SIAI-Marchetti, SB No. 260B34, dated September 21, 1981, and the mandatory classification of this SB by RAI.

Based on the foregoing, the FAA has determined that the condition addressed by SIAI-Marchetti, SB No. 260B34, dated September 21, 1981, is an unsafe condition that may exist or develop on products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring initial and repetitive dye-penetrant inspection of the nose-gear barrel joint weld at its attachment plate and if necessary replacement of any cracked barrels on SIAI-Marchetti Models F260, F260B and F260C airplanes in accordance with procedures set forth in the above mentioned SB.

Because an emergency condition exists that requires immediate adoption of this regulation, it is found that notice and public procedures herein are impractical and contrary to the public's interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

SIAI-MARCHETTI: Applies to Models F260, F260B and F260C, (Serial Numbers up to 774 inclusive) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished. To preclude failure of the nose-gear barrel joint weld, accomplish the following:

(a) Within the next 100 hours time-in-service on those barrels having 400 or more hours time-in-service on the effective date of this AD or prior to the accumulation of 500 hours time-in-service on those barrels having less than 400 hours time-in-service on the effective date of this AD and thereafter at intervals not exceeding 100 hours time-in-service accomplish the following:

(1) Using a dye-penetrant method, inspect the nose-gear barrel (Part Number (PN) 260-14-63-01/-05/-07) joint weld at the attachment plate for cracks. Perform the inspection in accordance with the "Instructions" section of SIAI-MARCHETTI, SB No. 260B34, dated September 21, 1981, or an FAA approved equivalent.

(i) If a crack is found, prior to further flight replace the part (PN 260-14-63-01/-05/-07), in accordance with the applicable paragraph of the Maintenance Manual.

(ii) If no crack is found, repeat the inspection required by paragraph (a)(1) of this AD.

(b) Operators who have not kept records of hours time-in-service for the nose-gear barrel must substitute airplane hours time-in-service.

(c) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(e) An equivalent method of compliance with this AD may be used if approved by Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on March 31, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "**ADDRESSES**" at the location identified.

Issued in Kansas City, Missouri, on March 10, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-7546 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AAL-12]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area Shishmaref, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a 700-foot transition area in the vicinity of Shishmaref, AK. A nondirectional radio beacon (NDB) was installed at Shishmaref and public instrument flight rules (IFR) procedures were developed using that navigation aid. This transition area will provide controlled airspace from 700 feet above the surface for the approach, departure, missed approach, and holding procedures.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Bill Hill, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On December 13, 1982 (47 FR 55687), the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area in the vicinity of Shishmaref, AK, to provide controlled airspace from 700 feet above the surface in conjunction with instrument flight rules (IFR) procedures developed for the Shishmaref Airport. Interested parties

were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections to the proposed action were received. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations establishes a 700-foot transition area in the vicinity of Shishmaref, AK, for the purpose of providing controlled airspace for approach, departure, holding, and missed approach procedures that have been developed utilizing an NDB installed at Shishmaref.

List of Subjects in 14 CFR Part 71

Transition areas, aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) ia amended, effective 0901 G.m.t., June 9, 1983, as follows:

Shishmaref, AK [New]

By adding "That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Shishmaref NDB (lat. 66°15'30"N., long. 166°03'12"W.) 336° bearing extending from the NDB to 18.5 miles north and within 5 miles west and 10 miles east of the NDB 186° and 006° bearings extending from 8 miles north to 18.5 miles south."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 17, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-7542 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASW-10]

Redesignation of VOR Federal Airway V-20; McAllen, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action redesignates a 6 NM segment of VOR Federal Airway V-20 between Reynosa, Mexico, and McAllen, TX. Mexican representatives have advised that a duplicate V-20 which begins at Nuevo Laredo, Mexico, approximately 105 miles northwest of McAllen, TX, is causing confusion in their system. The airway segment between Reynosa and McAllen is redesignated as VOR Federal Airway V-387.

DATES: Effective date—June 9, 1983. Comments must be received on or before May 5, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Southwest Region, Attention: Manager, Air Traffic Division, Docket No. 83-ASW-10, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Bill Hill, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves redesignation of a small segment of VOR airway and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed.

Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to redesignate a 6 NM segment of V-20 between McAllen, TX, and Reynosa, Mexico, as V-387. This amendment will eliminate the duplication of an airway number (V-20) in the Mexican airway system. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

VOR Federal airways.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., June 9, 1983, as follows:

V-20 [Amended]

By deleting the words "From Reynosa, Mexico, via McAllen, TX;" and substituting for them the words "From McAllen, TX, via"

V-387 [New]

From McAllen, TX, to Reynosa, Mexico

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 14, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-7301 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-19613]

Delegation of Authority to Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendment.

SUMMARY: The Commission is amending its rules governing delegation of authority with respect to the Securities Exchange Act of 1934 ("Act") to delegate authority to the Director of the Division of Market Regulation to extend unlisted trading privileges and to deny applications for unlisted trading privileges by national securities exchanges pursuant to Section 12(f)(2) of the Act, and Rule 12f-1 thereunder.

EFFECTIVE DATE: March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Michael Cavalier, Esq., Division of Market Regulation, (202) 272-2910.

SUPPLEMENTARY INFORMATION: The Commission is amending its rules governing delegation of authority to delegate to the Director of the Division of Market Regulation and other senior staff members the authority both to extend unlisted trading privileges and to deny applications for unlisted trading privileges by national securities exchanges pursuant to Section 12(f)(2) of the Act and Rule 12f-1 thereunder. The Director of the Division of Market Regulation currently has delegated authority only to extend unlisted trading privileges.

Exchanges denied unlisted trading privileges would be given the right to have such denials reviewed by the Commission. The Commission finds, in accordance with the Administrative Procedure Act ("APA") (5 U.S.C. 533(b)(3)(B)) that this amendment relates solely to agency organization, procedure and practice and that notice and procedure pursuant to the APA are therefore not necessary and that such amendment shall be adopted, effective immediately on publication in the **Federal Register.**

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of information, Privacy, Securities.

The Securities and Exchange Commission, pursuant to the Act, and particularly Sections 2, 12 and 23 (15 U.S.C. 78b, 78/ and 78w), thereof, and the Delegation of Functions Act, 15 U.S.C. 78d-1, hereby adopts an amendment to Section 200.30-3(a).

The Commission hereby amends paragraph (a)(2) of § 200.30-3, 17 CFR Chapter II to read as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(2) To extend unlisted trading privileges and to deny applications for unlisted trading privileges by national securities exchanges pursuant to Section 12(f)(2) of the Act, 15 U.S.C. 78/(f)(2), and Rule 12f-1 thereunder, 17 CFR 240.12f-1, provided that any applicant exchange denied unlisted trading privileges is advised of its right to have such denial reviewed by the Commission.

(Pub. L. 87-592, 76 Stat. 394, 15 U.S.C. 78d-1, 78d-2).

* * * * *

By the Commission.
Dated: March 18, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7683 Filed 3-23-83; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Parts 200, 230, 239, 240 and 249

[Release Nos. 33-6459; 34-19612; File No. S7-953]

American Depositary Receipts

AGENCY: Securities and Exchange Commission.

ACTION: Final rule

SUMMARY: The Commission today announces the adoption of (1) a new form for registering Depositary Shares under the Securities Act of 1933 replacing two existing forms; and (2) a rule allowing depositaries to designate the date and time of effectiveness of registration statements filed on that form. These actions simplify and streamline the registration process of Depositary Shares, codify current practices, and eliminate obsolete provisions.

EFFECTIVE DATE: March 24, 1983. The staff will fully review the initial registration statements on Form F-6 filed by each depositary. Thereafter, the depositary may use the provisions of Rule 466.

FOR FURTHER INFORMATION CONTACT:
Carl T. Bodolus ((202) 272-3246)

or

Ronald Adee ((202) 272-3250), Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is adopting several changes in its regulation of American Depositary Receipts ("ADRs") that include: a definition of the term Depositary Shares; a new Form F-6 to consolidate and replace Forms S-12 (17 CFR 239.19) and C-3 (17 CFR 239.5) for the registration of Depositary Shares under the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a et seq. 1976 and Supp. III 1979); and Rule 466 (17 CFR 230.466) that permits depositary banks to designate, under certain circumstances, the effective date and time of registration statements filed on Form F-6.

The Commission solicited public comments on these changes in Release No. 33-6438 (November 19, 1982) (47 FR 53904). Two depositary banks and one law firm commented on the proposals.[1] The form and rules as adopted have been revised to be largely consistent with most of the comments except as explained below.

First, the legal entity created by the agreement for the issuance of ADRs is required to sign a registration statement on Form F-6 although the depositary may sign on behalf of such entity. Two commentators disagreed with the proposal that the entity sign the registration statement even for sponsored arrangements because in those situations the foreign issuer and various officers and directors must sign the registration statement. The Commission believes that the signature of the depositary on behalf of the entity

[1] Copies of these comment letters are in File No. S7-953 and are available for public inspection and copying at the Commission's Public Reference Room.

is necessary because the depositary must undertake to submit certain information to the Commission and must determine the effective date under Rule 466.[2] Signatures of the foreign issuer and its representatives would not bind the depositary.

Second, one condition for the use of Form F–6 is that the foreign issuer be reporting under section 13(a) or 15(d) of the Exchange Act or the deposited shares be exempt under Rule 12g3–2(b) [17 CFR 240.12g3–2(b)]. Two commentators opposed this condition because it might preclude a depositary from establishing an ADR arrangement if the foreign issuer had not registered or established the exemption. Form F–6, as adopted, contains the requirement. The Commission wishes to emphasize that the ADR procedure, Form F–6, and old Form S–12, were intended to facilitate trading in foreign securities for which there is an existing market in the United States. Therefore, the foreign private issuer is likely to have an obligation to register its securities under section 12 or to have an exemption from registration.[3] Thus, in many situations the foreign private issuer has an obligation to register or establish the Rule 12g3–2(b) exemption before the ADR arrangement is created. In the past, many foreign private issuers for which an ADR arrangement is created will establish the Rule 12g3–2(b) exemption at the same time so the Commission envisions few practical problems with this eligibility condition.

The typical fee structure for ADRs has remained virtually unchanged since 1928. In view of the significant inflation experienced since then, the Commission believes the ADR procedures should be revised to facilitate changes in fees. Form S–12 required the fee schedule to be printed on the ADR certificate. Although Form F–6 permits this, it also allows another procedure. Basically, the certificate may contain a general description of the fees charged, a statement that the fees may differ among depositaries, a statement that the depositary may change fees upon thirty days' notice, and an undertaking to provide the fee schedule without charge upon request.[4] Thus, if fees are changed, a new fee schedule would be prepared but the outstanding certificates would not need to be replaced.

[2] Item 4 of Form F–6.

[3] Section 12 applies only to equity securities. In rare instances, ADR arrangements have been established for debt securities. In these circumstances, the Commission would expect the foreign issuer to register under section 12 or to establish the exemption in Rule 12g3–2(b).

[4] General Instruction B and Item 4(c) of Form F–6.

List of Subjects in 17 CFR Parts 200, 230, 239, 240, and 249

Administrative practice and procedure, Freedom of information, Privacy, Reporting and recordkeeping requirements, Securities.

Text of Final Rules

17 CFR Chapter II is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. By adding Form F–6 to paragraph (b) of § 200.800 to read as follows:

§ 200.800 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) *Display.*

Information collection requirement	17 CFR part or section where identified and described	Current OMB control No	Expiration date
Form F–6	§ 239.36	3235–0292	Jan. 31, 1986

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

2. By revising paragraph (a) of § 230.174 to read as follows:

§ 230.174 Delivery of prospectus by dealers; exemptions under section 4(3) of the Act

* * * * *

(a) No prospectus need be delivered if the registration statement is on Form F–6 (§ 239.36 of this chapter).

* * * * *

3. By adding the definition of "Depositary Share" after the definition of "Control" in § 230.405 to read as follows:

§ 230.405 Definitions of terms.

* * * * *

Depositary share. The term "depositary share" means a security, evidenced by an American Depositary Receipt, that represents a foreign security or a multiple of or fraction thereof deposited with a depositary.

* * * * *

4. By revising paragraph (a)(1)(viii) of § 230.415 to read as follows:

§ 230.415 Delayed or continuous offering and sale of securities.

(a) * * *

(1) * * *

(viii) Securities which are registered on Form F–6 (§ 239.36 of this chapter).

* * * * *

5. By revising paragraph (j) of § 230.457 to read as follows:

§ 230.457 Computation of fee.

* * * * *

(j) Notwithstanding the other provisions of this rule, the proposed maximum aggregate offering price of Depositary Shares evidenced by American Depositary Receipts shall, only for the purpose of calculating the registration fee, be computed upon the basis of the maximum aggregate fees or charges to be imposed in connection with the issuance of such receipts.

* * * * *

6. By adding § 230.466 to read as follows:

§ 230.466 Effective date of certain registration statements on Form F–6.

(a) A depositary that previously has filed a registration statement on Form F–6 (§ 239.36 of this chapter) may designate a date and time for a registration statement (including post-effective amendments) on Form F–6 to become effective and such registration statement shall become effective in accordance with such designation if the following conditions are met:

(1) The depositary previously has filed a registration statement on Form F–6 (§ 239.36 of this chapter), which the Commission has declared effective, with identical terms of deposit, except for the number of foreign securities a Depositary Share represents, and the depositary so certifies; and

(2) The designation of the effective date and time is set forth on the facing-page of the registration statement, or in any pre-effective amendment thereto. A pre-effective amendment containing such a designation properly made shall be deemed to have been filed with the consent of the Commission.

(b)(1) The Commission may, in the manner and under the circumstances set forth in paragraph (b)(2) of this section, suspend the ability of a depositary to designate the date and time of effectiveness of a registration statement, and such suspension shall remain in effect until the Commission furnishes written notice to the depositary that the suspension has been terminated. Any suspension, so long as it is in effect, shall apply to any registration statement that has been filed but has not, at the time of such suspension, become

effective and to any registration statement the depositary files after such suspension. Any such suspension applies only to the ability to designate the date and time of effectiveness under paragraph (a) of this section and does not otherwise affect the registration statement.

(2) Any suspension under paragraph (b)(1) of this section becomes effective when the Commission furnishes written notice thereof to the depositary. The Commission may issue a suspension if it appears to the Commission: (i) that any registration statement containing a designation under this section is incomplete or inaccurate in any material respect, whether or not such registration has become effective, or (ii) that the depositary has not complied with any of the conditions of this section. The depositary may petition the Commission to review the suspension. The Commission will order a hearing on the matter if a request for such a hearing is included in the petition.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.5 [Removed]

7. By removing § 239.5.

§ 239.19 [Removed]

8. By removing § 239.19.

9. By adding registration statement Form F–6 (§ 239.36) to read as follows (The Form does not appear in the Code of Federal Regulations):

§ 239.36 Form F–6, for registration under the Securities Act of 1933 of depositary shares evidenced by American Depositary Receipts.

Form F–6 may be used for the registration under the Securities Act of 1933 (the "Securities Act") of Depositary shares evidenced by American Depositary Receipts ("ADRs") issued by a depositary against the deposit of the securities of a foreign issuer (regardless of the physical location of the certificates) if the following conditions are met:

(a) The holder of the ADRs is entitled to withdraw the deposited securities at any time subject only to (1) temporary delays caused by closing transfer books of the depositary or the issuer of the deposited securities or the deposit of shares in connection with voting at a shareholders' meeting, or the payment of dividends, (2) the payment of fees, taxes, and similar charges, and (3) compliance with any laws or governmental regulations relating to ADRs or to the withdrawal of deposited securities;

(b) The deposited securities are offered or sold in transactions registered under the Securities Act or in transactions that would be exempt therefrom if made in the United States; and

(c) As of the filing date of this registration statement, the issuer of the deposited securities is reporting pursuant to the periodic reporting requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934 or the deposited securities are exempt therefrom by Rule 12g3–2(b) (§ 240.12g3–2(b) of this chapter) unless the issuer of the deposited securities concurrently files a registration statement on another form for the deposited securities.

Securities and Exchange Commission

Form F–6—Registration Statement Under the Securities Act of 1933 for Depositary Shares Evidenced by American Depositary Receipts

(Exact name of issuer of deposited securities as specified in its charter)

(Translation of issuer's name into English)

(Jurisdiction of incorporation or organization of issuer)

(Exact name of depositary as specified in its charter)

(Address, including zip code, and telephone number including area code, of depositary's principal executive offices)

(Address, including zip code, and telephone number, including area code, of agent for service)

It is proposed that this filing become effective under Rule 466

(check appropriate box)

[ ] immediately upon filing

[ ] on (Date) at (Time).

If a separate registration statement has been filed to register the deposited shares, check the following box. [ ]

CALCULATION OF REGISTRATION FEE

Title of each class of securities to be registered	Amount to be registered	Proposed maximum aggregate price per unit	Proposed maximum aggregate offering [illegible]	Amount of registration [illegible]

Form F–6 General Instructions

I. Eligibility Requirements for Use of Form F–6

A. General. Form F–6 may be used for the registration under the Securities Act of 1933 (the "Securities Act") of Depositary Shares evidenced by American Depositary Receipts ("ADRs") issued by a depositary against the deposit of the securities of a foreign issuer (regardless of the physical location of the certificates) if the following conditions are met:

(1) The holder of the ADRs is entitled to withdraw the deposited securities at any time subject only to (i) temporary delays caused by closing transfer books of the depositary or the issuer of the deposited securities or the deposit of shares in connection with voting at a shareholders' meeting, or the payment of dividends, (ii) the payment of fees, taxes, and similar charges, and (iii) compliance with any laws or governmental regulations relating to ADRs or to the withdrawal of deposited securities;

(2) The deposited securities are offered or sold in transactions registered under the Securities Act or in transactions that would be exempt therefrom if made in the United States; and

(3) As of the filing date of this registration statement, the issuer of the deposited securities is reporting pursuant to the periodic reporting requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934 or the deposited securities are exempt therefrom by Rule 12g3–2(b) (§ 240.12g3–2(b) of this chapter) unless the issuer of the deposited securities concurrently files a registration statement on another form for the deposited securities.

B. Registration of Deposited Securities. Form F–6 is available for registration of the Depositary Shares only. The registration of the deposited securities, if necessary, shall be on any other form the registrant is eligible to use. Alternatively, Depositary Shares may also be registered on any form used to register the deposited securities if such registration statement also conforms to the requirements of Parts I and II of Form F–6 and either the depositary or the legal entity created by the agreement for the issuance of ADRs signs the registration statement with respect to the disclosure and undertakings made in response to such requirements. The amount of fees charged need not be disclosed in the prospectus if the depositary makes and follows the undertakings in Item 4(c) and if the prospectus lists the various services for which fees may be charged,

states that such fees may differ from those other depositaries charge, states that the fee schedule is available without charge from the depositary, and states that each registered holder of an ADR will receive thirty days notice of a change in the fee schedule.

II. *Amount of Securities; Filing Fee*

An ADR evidences one or more Depositary Shares, as defined in Rule 405 (§ 230.405 of this chapter). The registration statement relates to Depositary Shares, not the number of physical certificates issued. For example, if an ADR is issued against a Depositary Share, which equals two common shares in a foreign issuer, the registration of 100,000 Depositary Shares represents 200,000 common shares. If the depositary issues a certificate for 10,000 Depositary Shares and another for 15,000 Depositary Shares, then 75,000 (100,000 minus 25,000) Depositary Shares (not 99,998) remain available for distribution under the registration statement. Rule 457(j) (§ 230.457(j) of this chapter) describes the method of computing the filing fee.

III. *Application of General Rules and Regulations*

A. Attention is directed to the General Rules and Regulations under the Securities Act, particularly Regulation C (§ 230.400 et seq. of this chapter). That Regulation contains general requirements regarding the preparation and filing of registration statements.

B. The prospectus may consist of the ADR certificate if it includes the information required in Part I of this Form. Such prospectus need not confrom to the requirements of Rule 420 (§ 240.420 of this chapter) except that the type shall be roman type at least as large as 5½ point modern type.

C. The number of copies of the registration statement and of each amendment required by Rules 402 and 472 (§ 230.402 and § 230.472 of this chapter) shall be filed with the Commission except that the number of additional copies referred to in Rule 402(b) may be reduced from ten to three and the number of additional copies referred to in Rule 472(a) may be reduced from eight to three.

Part I. Information Required in Prospectus

Item 1. *Description of Securities To Be Registered.*

Furnish the information required by Item 202(f) of Regulation S–K (§ 229.202(f) of this chapter).

Item 2. *Available Information.*

State the information in either (a) or (b) below, whichever is applicable, and that the documents described therein can be inspected by holders of ADRs and copied at public reference facilities maintained by the Commission in Washington, D.C.

(a) The foreign issuer furnishes the Commission with certain public reports and documents required by foreign law or otherwise under Rule 12g3–2(b) under the Securities Exchange Act of 1934.

(b) The foreign issuer is subject to the periodic reporting requirements of the Securities Exchange Act of 1934 and, accordingly, files certain reports with the Commission.

Part II. Information Not Required in Prospectus

Item 3. *Exhibits.*

Subject to the rules as to incorporation by reference, the exhibits specified below shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Instruction 1 to Item 601 of Regulation S–K applies to this paragraph.

(a) A copy of the Deposit Agreement or Deposit Agreements under which the securities registered hereunder are issued. If the Deposit Agreement is amended during the offering of the Depositary Shares, such amendments shall be filed as amendments to the registration statement.

(b) Any other agreement, to which the depositary is a party relating to the issuance of the Depositary Shares registered hereby or the custody of the deposited securities represented thereby.

(c) Every material contract relating to the deposited securities between the despositary and the issuer of the deposited securities in effect at any time within the last three years.

(d) An opinion of counsel as to the legality of the securities being registered, indicating whether they will when sold be legally issued, and entitle the holders thereof to the rights specified therein.

(e) Furnish the name of each dealer known to the registrant or depositary who (1) has deposited shares against issuance of ADRs within the past six months, (2) proposes to deposit shares against issuance of ADRs, or (3) assisted or participated in the creation of the plan for the issuance of the ADRs or the selection of the deposited securities. As to each such person indicate the number of securities proposed to be deposited to the extent known. The information furnished pursuant to this item is not to be deemed "filed" as part of the registration statement.

(f) If the procedure in Rule 466 is being used, a certification in the following form:

Certification under Rule 466

The depositary, ————, represents and certifies the following:

(1) That it previously had filed a registration statement on Form F–6 (Name and File No.), which the Commission declared effective, with terms of deposit identical to the terms of deposit of this registration statement except for the number of foreign securities a Depositary Share represents.

(2) That its ability to designate the date and time of effectiveness under Rule 466 has not been suspended.

[Depositary] ————————————

By [Signature and Title]————————————

Item 4. *Undertakings.*

Notwithstanding the provisions of Rule 415(a)(2) (§ 230.415(a)(2) of this chapter), the undertakings in Item 512(a) of Regulation S–K are not required. Furnish the following undertakings:

(a) The depositary undertakes to furnish promptly the following information to the Commission semi-annually, beginning on or before six months after the effective date of the registration statement:

(1) The following information in substantially the tabular form indicated:

Number of Depositary Shares Evidenced by Receipts issued during period covered by report	Number of Depositary Shares Evidenced by Receipts retired during period covered by report	Total Amount of Depositary Shares Evidenced by Receipts remaining outstanding at end of six-month period	Total Number of Holders of Receipts at end of six-month period

(2) The name of each dealer known to depositary depositing shares against issuance of ADRs during the period covered by the report.

(b) The depositary hereby undertakes to make available at the principal office of the depositary in the United States, for inspection by holders of the ADRs, any reports and communications received from the issuer of the deposited securities which are both (1) received by the depositary as the holder of the deposited securities; and (2) made generally available to the holders of the underlying securities by the issuer.

(c) If the amounts of fees charged are not disclosed in the prospectus, the

depositary undertakes to prepare a separate document stating the amount of any fee charged and describing the service for which it is charged and to deliver promptly a copy of such fee schedule without charge to anyone upon request. The depositary undertakes to notify each registered holder of an ADR thirty days before any change in the fee schedule.

Signatures

Pursuant to the requirements of the Securities Act of 1933, the registrant certifies that it has reasonable grounds to believe that all the requirements for filing on Form F–6 are met and has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ——, State of ——, on ——— —, 19—.

[Legal entity created by the agreement for the issuance of American Depositary Receipts for shares of ——.] ——

By [Signature and Title]———————
[Registrant] ———————
By [Signature and Title]———————

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed by the following persons in the capacities and on the dates indicated.

[Signature] ———————
[Title] ———————
[Date] ———————

Instructions. 1. The legal entity created by the agreement for the issuance of ADRs shall sign the registration statement as registrant. The depositary may sign on behalf of such entity, but the depositary for the issuance of ADRs itself shall not be deemed to be an issuer, a person signing the registration statement, or a person controlling such issuer. If the issuer of the deposited securities sponsors the ADR arrangement, the registration statement shall also be signed by the issuer and its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer, at least a majority of the board of directors or persons performing similar functions, and its authorized representative in the United States.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement. Attention is directed to Rule 402 concerning manual signatures and Item 601 of Regulation S–K concerning signatures pursuant to powers of attorney.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

10. By adding the definition of "Depositary Share" after the definition of "Control" in § 240.12b–2 to read as follows:

§ 240.12b–2 Definitions.

* * * * *

Depositary share. The term "depositary share" means a security, evidenced by an American Depositary Receipt, that represents a foreign security or a multiple of or fraction thereof deposited with a depositary.

* * * * *

11. By adding § 240.15d–3 to read as follows:

§ 240.15d–3 Reports for depositary shares registered on Form F–6.

Annual and other reports are not required with respect to Depositary Shares registered on Form F–6 (§ 230.36 of this chapter) if the depositary furnishes the information required by Item 4(a) of that Form. The exemption in this rule does not apply to any deposited securities registered on any other form under the Securities Act of 1933.

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

12. By adding General Instruction H to Form 20–F (§ 249.220f) (the Form does not appear in the Code of Federal Regulations):

§ 249.220f Registration of securities of foreign private issuers pursuant to Sections 12 (b) or (g) and annual reports pursuant to Sections 13 and 15(d).

General Instructions:

* * * * *

H. American Depositary Receipts (ADRs)

This form, or any other form available for the registration of deposited securities, may be used to register Depositary Shares if either the depositary or the legal entity created by the agreement for ADRs signs the registration statement with regard to the description of the ADRs and the Depositary Shares.

* * * * *

Statutory Basis

These amendments are adopted pursuant to authority in Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933; Sections 12, 13, 15(d), and 23(a) of the Securities Exchange Act of 1934.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat. 704; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 78 Stat. 565–568, 569, 570–574; secs. 1, 2, 82 Stat. 454; sec. 28(c), 84 Stat. 1435; secs. 1, 2, 84 Stat. 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78*l*, 78m, 78*o*(d), 78w(a))

By the Commission.

George A. Fitzsimmons,

Secretary.

FR Doc. 83–7884 Filed 3–23–83; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 1

Disclosure of Records; Fees for Specific Services

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Final Rule.

SUMMARY: This final rule amends the Department's regulations implementing the Freedom of Information Act (FOIA). The rule increases fees for duplication, search, and unpriced printed materials to reflect increased costs to the Department. No comments were received following publication of the proposed rule on December 3, 1982.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Phyllis De Piazza, Departmental Disclosure Officer, Department of the Treasury, Room 5423, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, Telephone: 202–566–2789.

SUPPLEMENTARY INFORMATION: The Department of the Treasury is revising the fee schedule by increasing the amounts charged for duplication, search, and unpriced materials. On December 3, 1982, the Department published a notice of proposed rulemaking (47 FR 54475) concerning the revision of fees charged for services provided under the Freedom of Information Act. No public comments were received with respect to that notice, and this rule basically adopts the proposed revisions. In this final rule we are making a few additional changes based on past experiences. The existing schedule has been in effect since 1975 and the increased fees are an attempt to more closely reflect the actual costs of processing requests for information. Experience has shown searches often must be made by mid-level program or professional staff familiar with the

content of the records. The new fees take into account this experience concerning the cost of records searches as well as the effects of inflation. We are imposing a standard charge—$10.00 an hour—which represents a median salary for Department employees handling FOIA requests. Also, charges for computer searches will reflect the actual direct cost of the search. The fee for computer printouts will also be actual costs. Additionally, duplication charges are increased to $.15 per copy for each page. Unpriced printed material will no longer be available at reduced rates. These printed materials were made available at the convenience and election of the Department and normally consisted of materials surplus to the Department's needs or produced to avoid the necessity of repetitive photocopying of frequently requested records. Since costs have risen and since these printed materials were not always available to all requesters, the uniform rate of $.15 per copy for each page will be charged. Other duplication costs not specifically identified are chargeable at the actual cost to the Department. The Department of Treasury will reserve the right to request prepayment before releasing documents. If fees for previous requests have not been paid, documents will not be released without prepayment.

Executive Order 12291

This rule is not classified as a "major rule" and therefore does not require a regulatory impact analysis.

Regulatory Flexibility Act

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612) the Secretary of the Treasury has certified that these regulations do not have significant economic impact on a substantial number of small entities.

List of Subjects in 31 CFR Part 1

Freedom of Information, Privacy.

For reasons set out in the preamble, Part I of Subtitle A, Title 31 of the Code of Federal Regulations is amended as shown.

PART 1—DISCLOSURE OF RECORDS

Section 1.6 is amended by adding paragraph (f)(3) and revising paragraph (g) (1), (2) and (3) as follows:

§ 1.6 Fees for services.

* * * * *

(f) * * *

(3) The Department of the Treasury reserves the right to request prepayment before releasing documents. If fees for previous requests have not been paid, documents will not be released without prepayment.

(g) * * *

(1) *Copying records.* (i) $.15 per copy of each page, up to 8½" × 14", made by photocopy or similar process.

(ii) Photographs, films, and other materials—actual cost of reproduction.

(iii) Records may be released to a private contractor for copying and the requester will be charged the actual cost of duplication charged by the private contractor.

(2) *Search services.* (i) Searches other than for computerized records—$10.00 for each hour or fraction thereof for time spent by each clerical, professional, and supervisor in finding the records and information within the scope of the request, and for transportation of personnel and records necessary to the search at actual cost.

(ii) Searches for computerized records—Actual direct cost of the search. The fee for computer printouts will be actual costs.

(3) *Other costs.* When other duplications not specifically identified above are requested and provided, their direct cost to the Department shall be charged. Other services and materials requested which are not covered by this part are chargeable at the actual cost to the Department.

Dated: March 17, 1983.

Cora P. Beebe,

Assistant Secretary (Administration).

[FR Doc. 83-7519 Filed 3-23-83; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD12-83-01]

Marine Parade; Pacific Inter-Club Yacht Association Opening Day Parade on San Francisco Bay

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This notice establishes special local regulations for the annual Pacific Inter-Club Yacht Association Opening Day Parade on San Francisco Bay. The purpose is to control vessel traffic in designated areas and within the vicinity of the marine parade. This rule is necessary due to the confined areas involved and the anticipated vessel congestion during the event.

EFFECTIVE DATE: April 24, 1983.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Robert A. Byers, c/o Commander (bt), Twelfth Coast Guard District, Government Island, Alameda, CA 94501, (415) 273–6193 or (415) 437–3309.

SUPPLEMENTARY INFORMATION: On 10 February 1983, the Coast Guard published a notice of proposed rule making in the Federal Register for this regulation (48 FR 6135). Interested persons were requested to submit comments and no comments were received.

This final rule is made effective in less than 30 days in order to provide regulations for the 1983 Parade scheduled for 24 April 1983.

Drafting Information

The drafters of this notice are LCDR Robert A. Byers, Project Officer, Twelfth Coast Guard District, Boating Technical Branch and LT Charles A. Amen, Project Attorney, Twelfth Coast Guard District Legal Office.

Economic Assessment and Certification

This regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since it involves negligible cost and will not have significant impact on recreational vessels, commercial vessels or other marine interests. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this regulation will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Final Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding § 100.35–1201 to read as follows:

§ 100.35–1201 Opening Day Marine Parade, San Francisco Bay.

(a) This section is effective from 0900 to 1400 PST, 24 April 1983 and thereafter annually on the last Sunday in April as published in the Local Notices to Mariners.

(b) The following areas are designated "regulated areas" during the marine parade.

(1) Northern Area in Raccoon Strait. The area between a line drawn from Bluff Point on the southeastern side of Tiburon Peninsula to Point Campbell on the northern edge of Angel Island, and a line drawn from Peninsula Point on the southern edge of Tiburon Peninsula to Point Stuart on the western edge of Angel Island.

(2) Southern Area. The area defined by a line drawn from Fort Point (37°48'40" N, 122°28'34" W) 079° T approximately 5,000 yards to a point located at 37°49'09" N, 122°25'28" W thence 173° T to the tip of Aquatic Park Peninsula (37°48'39" N, 122°25'24" W).

(c) Regulation. (1) All vessels entering the regulated areas shall follow the parade route and maintain an approximate speed of six knots.

(2) All vessels in the Raccoon Strait area shall proceed in a generally southwesterly direction except in that area immediately adjacent to the shore of Angel Island where vessels may transit in a northeasterly direction.

(3) Vessels departing the San Francisco Yacht Harbor in the southern area may exit through the area subject to direction of Coast Guard patrol boats.

(4) The parade will be interrupted, as necessary, to permit the passage of commercial vessel traffic.

(5) All vessels in the vicinity of the parade shall comply with the instructions of the U.S. Coast Guard patrol personnel.

(46 U.S.C. 454, 49 U.S.C. 1655(b); 33 CFR 100.35, 49 CFR 1.46(b))

Dated: March 15, 1983.

C. E. Larkin,

Vice Admiral, U.S. Coast Guard, Commander, Twelfth Coast Guard District.

[FR Doc. 83-7641 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[Third Coast Guard District Reg. CCGD3-83-03]

Safety Zone Regulations; New Jersey, New York Harbor, Newark Bay

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in the waters of the Newark Bay Southern Reach. The zone is needed to protect vessels from a safety hazard associated with the demolition of the CNJ Newark Bay Bridge. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation is effective on March 10, 1983. It terminates on May 6, 1983.

FOR FURTHER INFORMATION CONTACT: Captain J. L. McDonald, Captain of the Port, New York, (212) 668-7917.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to respond to (potential) hazard(s) to the vessels involved.

Drafting Information

The drafters of this regulation are Lieutenant Junior Grade G. M. Jacobson, Project Officer for the Captain of the Port, and Lieutenant Commander J. J. D'Alessandro, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation result from the potential hazards to navigation resulting from the demolition operations on the CNJ Newark Bay Bridge.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new section to read as follows:

PART 165—[AMENDED]

§ 165.347 Safety Zone: New Jersey, New York Harbor, Newark Bay.

(a) *Location.* The following area is a safety zone: The waters of the Newark Bay, Southern Reach within a boundary extending from Newark Bay Lighted Channel Buoy 3A(LLN1828.50), thence north on a course of 054 degrees True approximately 270 yards to the southeastern corner on the center island of the CNJ Newark Bay Bridge; thence northwest, from the northeast corner on the center island of the CNJ Newark Bay Bridge on a course of 340 degrees True approximately 175 yards to longitude 74 degrees 08 minutes 47 seconds west, latitude 40 degrees 39 minutes 22.1 seconds north; thence south to the starting point is established as a Safety Zone from March 10, 1983 to May 6, 1983.

(b) *Regulations.* (1) In accordance with the General regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: March 21, 1983.

B. P. Novak,

Deputy Executive Secretary, U.S.C.G. Marine Safety Council.

[FR Doc. 83-7644 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

COTP Hampton Roads, VA, Regulation 83-05 Safety Zone Regulations; Back River, Chesapeake Bay, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard established a safety zone in Back River, Chesapeake Bay, Virginia, in the vicinity of the Langley Air Force Base on March 29, 1983. This zone is established to safeguard watercraft from damage during the U.S. Air Force Thunderbirds flight demonstration team air show. Entry into this zone is prohibited except as otherwise stated.

EFFECTIVE DATES: This regulation becomes effective on March 29, 1983, at 2:30 PM local time. It terminates on March 29, 1983, at 4:00 PM local time.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander W. K. SIX, Chief, Port Operations Department, Coast Guard Marine Safety Office, Hampton Roads, Norfolk, Virginia 23510, (804) 441-3296.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to safeguard watercraft and their occupants.

Drafting Information

The drafter of this regulation is Lieutenant Commander W. K. SIX, project officer for the Captain of the Port.

Discussion of Regulation

The Federal Aviation Administration has requested that this safety zone be imposed as a condition for its granting approval for the air show to take place. To prevent possible damage to watercraft and their occupants, no watercraft will be permitted to enter, remain in, moor in, or transit this safety zone unless specifically authorized by

the Captain of the Port, Hampton Roads, Virginia. This rule is in response to a request by the U.S. Air Force for Coast Guard assistance in precluding vessels from transiting the area.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new § 165.516 to read as follows:

§ 165.516 Safety Zone: Back River, Chesapeake Bay, Virginia.

(a) *Location.* The following area is a safety zone: The waters of Back River, Hampton, Virginia, bounded by a line beginning at a point 37–05–30N, 76–20–33W, thence to 37–06–10N, 76–19–05W, thence to 37–05–43N, 76–18–42W, thence to 37–05–00N, 76–20–25W, thence along the shoreline to the point of beginning.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, no person may enter, remain in, moor in, or transit this safety zone between 2:30 PM local time and 4:00 PM local time, 29 March 1983.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: March 15, 1983.

J. D. Webb,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads, U.S. Coast Guard.

[FR Doc. 83–7639 Filed 3–23–83; 8:45 am]

BILLING CODE 4910–14–M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 5–1, 5A–1 and Ch. 5B

[APD 2800.2 CHGE 30; 2800.3 Chge 38, 2800.4 Chge 18]

General Procurement Regulations

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Procurement Regulations (GSPR), Chapter 5, are amended by transferring previously issued implementing regulations issued by the Federal Supply Service and the Public Buildings Service (GSPR Chapters 5A and 5B) into Chapter 5. The intended effect is to have a single GSA-wide procurement regulation and improve the procurement system.

EFFECTIVE DATE: February 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy (202–523–4755).

List of Subjects in 41 CFR 5–1

Administrative practices and procedures, Government procurement, Labor surplus areas, Recovered material, Responsible prospective contractors, and Small businesses.

PART 5–1—[AMENDED]

1. The Contents of Part 5–1, General, is amended by adding the following:

Sec.

Subpart 5–1.2—Definition of Terms

* * * * *

5–1.250 Procuring director.

Subpart 5–1.3—General Policies

5–1.305 Specifications.
5–1.305–2 Exceptions to mandatory use of Federal Specifications.
5–1.305–3 Deviations from Federal Specifications.
5–1.305–4 Optional use of Interim Federal Specifications.
5–1.305–50 Use and availability of specifications and standards.
5–1.305–51 Processing waivers and deviations.
5–1.306 Standards.
5–1.307 Purchase descriptions.
5–1.307–1 Applicability.
5–1.307–4 Brand name products or equal.
5–1.307–5 Limitations on use of "brand name or equal" purchase descriptions.
5–1.307–6 Solicitations, "brand name or equal" descriptions.
5–1.307–7 Offer evaluation and award, "brand name or equal" descriptions.
5–1.316 Time of delivery or performance.
5–1.316–2 General.
5–1.316–3 Factors to be considered.
5–1.316–4 Terms.
5–1.317 Noncollusive offers and proposals.
5–1.319 Procurement of items using jewel bearings.
5–1.319–50 Deviation authority.
5–1.350 Advance notices of contract award.
* * * * *
5–1.352 Contract numbering.
5–1.352–1 Contracts required to be numbered.
5–1.352–2 Numbering system.
5–1.352–3 Numbering of small contracts.
5–1.352–4 Contract Register.
5–1.370 Warranties.
5–1.370–1 General.
5–1.370—2 Policy.
5–1.370–3 Use of a warranty.
5–1.370–4 Warranty clause for supply contracts.
5–1.370–5 Warranty statement in purchase orders.
5–1.371 Construction progress payments.
5–1.375 Forms recommending award(s) for supplies and services (excluding construction).

Subpart 5–1.4—Procurement Responsibility and Authority

5–1.400 Scope of subpart..
* * * * *
5–1.402 Authority of contracting officers.
5–1.402–70 General responsibility of contracting officers.
5–1.402–71 Responsibility for assuring the availability of funds.
5–1.402–72 Applicable penal statute.
5–1.450 Legal review and assistance.
5–1.450–1 Applicability.
5–1.450–2 Definitions.
5–1.450–3 Responsibility.
5–1.450–4 Legal review.
5–1.450–5 Legal assistance.
5–1.450–6 Waivers.

Subpart 5–1.5—Contingent Fees

5–1.507 Use of Standard Form 119.
5–1.508 Enforcement.
5–1.508–1 Failure or refusal to furnish representation and agreement.
5–1.508–2 Failure or refusal to furnish Standard Form 119.
5–1.508–3 Misrepresentations or violations of the covenant against contingent fees.

Subpart 5–1.6—Debarred, Suspended, and Ineligible Bidders

* * * * *
5–1.603 Establishment and maintenance of a list of debarred, suspended, or ineligible contractors and agency records
5–1.603–1 Consolidated list of debarred, suspended, and ineligible contractors.
5–1.603–2 Agency records.
5–1.604 Treatment to be accorded listed contractors.
* * * * *
5–1.604–2 Review procedures.
5–1.604–3 Continuation of current contracts.
5–1.605–3 Procedures.
5–1.606 Suspension.
5–1.606–3 Procedures.

Subpart 5–1.7—Small Business Concerns

5–1.700 General.
5–1.701–8 Set-aside for small business.
5–1.703–2 Protest regarding small business status.
5–1.704 Agency program direction and operations.
5–1.704–1 Program direction.
5–1.704–2 Program operations.
5–1.706 Procurement set-asides for small business.
5–1.706–5 Total set-asides.
5–1.706–6 Partial set-asides.
5–1.706–50 Small business set-aside determinations.
5–1.706–51 Determinations not to set aside.
5–1.706–52 Change of status of unrestricted or set-aside procurements.
* * * * *
5–1.713–60 Data concerning minority business enterprise matters.

Subpart 5–1.9—Reporting Possible Antitrust Violations

5–1.901 General.

Sec.
5–1.902 Documents to be transmitted.

Subpart 5–1.10—Publicizing Procurement Actions

5–1.1003 Synopses of proposed procurements.
5–1.1003–1 Department of Commerce Synopses.
5–1.1003–7 Preparation and transmittal.
5–1.1003–70 Synopses of amendments to solicitations for offers.
5–1.1004 Synopses of contract awards.
5–1.1004–1 Preparation and transmittal.

Subpart 5–1.11—Qualified Products

5–1.1101 Procurement of qualified products.
5–1.1101–70 Solicitations.
5–1.1101–71 Wavier of qualification requirement.

Subpart 5–1.12—Responsible Prospective Contractors

5–1.1204 Determination of responsibility or nonresponsibility
5–1.1205 Procedures for determining responsibility or prospective contractors.
* * * * *
5–1.1205–4 Preaward surveys.
5–1.1206 Subcontractor responsibility.
5–1.1250 Performance records.

Subpart 5–1.16—Reports of Identical Offers

5–1.1603 Reporting requirements.
5–1.1603–3 Submission of reports.

Subpart 5–1.18—Postaward Orientation of Contractors

5–1.1802 Policy.
5–1.1803 Postaward orientation conferences.
5–1.1803–2 Initial action.
5–1.1803–4 Participants.
5–1.1803–5 Conference procedure.
5–1.1805 Reports.

Subpart 5–1.72—Public Relations

5–1.7201 Visitors to procuring activities.

Subpart 5–1.73—Preparation and Distribution of Contract Documents

5–1.7301 Purchase order forms.

Authority: Sec. 205(c), 63 Stat. 390; (40 U.S.C. 48(c)).

2. Part 5–1, General, is amended as follows:

2A. Section 5–1.103 if revised to read as follows:

§ 5–1.103 Authority.

The General Services Administration Procurement Regulations (GSPR 5) are prescribed by the Assistant Administrator for Acquisition Policy in Chapter 5, Title 41, Code of Federal Regulations, under the authority of the Federal Property and Administrative Services Act of 1949, as amended, except that exclusive authority within GSA for implementation and administration of Pub. L 89–306 has been delegated to the Assistant Administrator of Information Resources Management (k) by the Administrator of General Services.

2B. Section § 5–1.107–2(c) is revised to read as follows:

§ 5–1.107–2 Numbering.

* * * * *

(c) When GSPR 5 supplements the FPR and thus deals with subject matter not contained in the FPR, numbers in the group 50 through 89 are assigned to the supplementing part, subpart, section, or subsection.

* * * * *

2C. Section 5–1.109–2(b) is revised to read as follows:

§ 5–1.109–2 Deviation.

* * * * *

(b) * * *

(1) Deviations by GSA activities from GSPR 5 or the FPR in individual cases may be approved at a level no lower than the Head of the procuring activity or Staff Office, except that deviation regarding the implementation and administration of Pub. L. 89–306 may be approved only by the Assistant Administrator (k). The file shall disclose the nature of the deviation and the reasons for the action. A copy of the deviation approval and disclosure shall be furnished to the Office of Acquisition Policy (VR).

(2) Deviations by GSA activities from the FPR in classes of cases may be approved only by the Administrator of General Services, provided that requests for deviations regarding the implementation and administration of Public Law 80–306 shall be forwarded to and reviewed by the Assistant Administrator (K) (see also FPR § 1–1.009–3).

(3) Deviations by GSA activities from GSPR 5 in classes of cases may be approved only by the Assistant Administrator for Acquisition Policy (V), except that deviations regarding the implementation and administration of Pub. L 89–306 may be approved only by the Assistant Administrator (K). These deviations will expire in 12 months if not extended. They may be recinded earlier without prejudice to any action previoulsy taken.

* * * * *

2D. Section 5–1.206 is revised to read as follows:

§ 5–1.206 Head of the procuring activity.

"Head of the procuring activity" means: (a) The Assistant Administrators for Acquisition Policy, Federal Supply and Services, and Information Resources Management; (b) Commissioners of Services, (c) the Archivist of the United States; (d) Director of Oversight; or (e) Regional Administrators.

2E. Section 5–1.250 is added to Subpart 5–1.2 as follows:

§ 5–1.250 Procuring director.

"Procuring director" as used in this GSPR 5 means: (a) Central Office procurement division directors, National Commodity Center procurement division directors; (b) regional directors of procurement divisions; or (c) directors of equivalent organizational elements who have a procurement responsibility. 2F. Subpart 5–1.3 is amended by adding §§ 5–1.305, 5–1.305–2 through 5–1.305–4, 5–1.305–50, 5–1.305–51, 5–1.306 through 5–1.307–7, 5–1.316, 5–1.316–2 through 5–1.316–4, 5–1.317, 5–1.319, 5–1.319–50, 5–1.350, 5–1.352 through 5–1.352–4, 5–1.370 through 5–1.370–5, 5–1.371, and 5–1.375 as follows:

§ 5–1.305 Specifications.

§ 5–1.305–2 Exceptions to mandatory use of Federal Specifications.

In § 1–1.305–2(f), when an Interim Federal Specification exists for a specific item which is also described in a Federal Specification, procuring activities shall use the Interim Federal Specification instead of the Federal Specification upon determination that the Interim Federal Specification is more suitable for the specific application. In the absence of a Federal Specification, an Interim Federal Specification, if any, shall be used.

§ 5–1.305–3 Deviations from Federal Specifications.

Any deviation from the requirements in a Federal Specification or Interim Federal Specification contemplated under § 1–1.305–3 shall be submitted to the appropriate specification manager for approval prior to use in a solicitation or contract modification. The request shall include a statement describing the deviation, with justification therefor, and when appropriate, a recommendation for revision or amendment to the specification.

§ 5–1.305–4 Optional use of Interim Federal Specifications.

Procuring activities shall use Interim Federal Specifications instead of Federal Specifications whenever practical, in accordance with § 5–1.305–2. When a procuring activity finds an Interim Federal Specification is not practical for use, or that changes are desirable, the appropriate specification manager shall be notified by submission of GSA Form 2967, Request for Specification and/or Purchase Description Action, setting forth reasons for the impracticability and recommendations for changes.

§ 5–1.305–50 Use and availability of specifications and standards.

(a) Formal specifications and standards shall be incorporated by reference in solicitations for offers. The reference shall fully identify the specification or standard by the series printed thereon, i.e., Federal, military, or departmental (e.g., Forest Service), followed by the number and date. (The specification number includes the revision indicator.) Amendments shall be separately identified, e.g., Federal Specification PPP–B–636G, dated February 17, 1972, and Interim Amendment 1, dated August 30, 1972.

(b) Canceled or superseded specifications or standards shall not be used.

(c) When formal specifications or standards are referenced in the solicitation for offers, the following clause shall be included in the solicitation:

Copies of Government Specifications and Standards

The Government specification(s) or standard(s), if any, applicable to each article is stated in the Solicitation for Offers in connection with the general description of the article. A single copy of the referenced Federal or Interim Federal Specification or Standard is available without charge from the General Services Administration Business Service Centers in Boston; New York; Philadelphia; Atlanta; Chicago; Kansas City, MO; Ft. Worth; Houston; Denver; San Francisco; Los Angeles; and Seattle; or from Specification Sales Office, GSA, ROB, Room 6039, 7th & D Streets, SW., Washington, DC 20407. Additional copies may be purchased from the Specification Sales Office, Washington, DC. Military Specifications, Standards, and Qualified Products Lists may be obtained from Commanding Officer, Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. If other specifications or standards are applicable, the Solicitation for Offers will state where copies of such specifications may be obtained.

(End of Clause)

(d)(1) In formally advertised procurements, when the contracting officer discovers before the time set for the opening of offers that a specification has been improperly cited (e.g., revision indicator not compatible with date) resulting in an ambiguity concerning the intended specification, the solicitation shall be amended in accordance with § 1–2.207. If the current version of a specification has not been cited (e.g., basic specification cited correctly, but latest interim amendment not shown), the solicitation shall be amended if such action will serve the Government's best interest inclusive of extending the time of the offer period.

(2) If such a discovery is made after offer opening, but before award, the offers should not be rejected and the solicitation canceled unless it is determined that cancellation is in the best interest of the Government. For example, cancellation may be considered when the supplies to be furnished under the cited specification would differ significantly from the Government's current actual requirements or where offerors may have been misled as to the actual specification intended.

(3) When the discovery is not made until after award, the contractor shall be required to comply with the cited specification unless the supplies furnished thereunder would be unsatisfactory to the Government. In such case, the contract may be modified by mutual agreement or by change order, *Provided, however*, That such modification would not change the design, construction, and cost of the item to the extent that it would be unfair to deprive other suppliers of the opportunity to submit offers under the revised specification. If the contracting officer determines that it would be in the best interest of the Government to do so, the contract shall be canceled, with the agreement of the contractor, and new offers solicited.

(e) In negotiated procurements, discoveries made either before the closing date for the receipt of proposals or after award, shall be handled in accordance with the procedure provided in § 5–1.305–50(d) for discoveries made either before the time set for the opening of offers or after award, respectively. When discovery is made after the closing date for receipt of proposals but before award, and it is determined that award on the basis of the cited specification would not be in the best interest of the Government, negotiations on the basis of the specification which would have been cited in the request shall be conducted with offerors as provided in § 1–3.805–1(d), or the request shall be canceled.

§ 5–1.305–51 Processing waivers and deviations.

(a) Section 101–26.100–2 of the Federal Property Management Regulations (FPMR) sets forth instructions to agencies regarding the submission of requests to waive the requirement for use of items available from GSA stock or Federal Supply Schedules and provides that such requests shall be submitted to the Director of Procurement, Office of Federal Supply and Services (FC), for approval or disapproval.

(b) In processing agency requests for waivers, the Office of Contract Management will coordinate with the Office of Procurement (FCP) or the regional procurement division having procurement responsibility for the category of items involved, and any other interested organizational element.

(c) A copy of the F letter in response to the agency request will be forwarded to the Commodity Management Division (FCM). That activity will review waiver actions on a continuing basis and identify any items having substantial value and recurrent demand that should be included in the supply system.

(d) Normally, when an agency submits a request for a waiver, it intends to purchase the proposed item through its own procurement office. Occasionally, an agency may submit a waiver request and at the same time (or subsequent to approval of the waiver) request F to make the procurement. If the purchase request is for a particular make, model, or brand of item, the justification submitted by the agency must meet the requirements of FPMR 101–26.105(b).

§ 5–1.306 Standards.

The provisions of §§ 5–1.305–2 and 5–1.305–3 relating to the mandatory use of Federal Specifications and the processing of requests for deviations from Federal Specifications are also applicable to Federal Standards.

§ 5–1.307 Purchase description.

§ 5–1.307–1 Applicability.

When it has been determined in accordance with § 1–1.307–1(b) that only a particular brand name product has features which are essential to the Government's requirements, the purchase description shall specify the brand name of the product without adding the words "or equal." In such cases, the procurement should be made by negotiation (see also paragraph (a)(1), (2) and (13) of § 1–3.210).

§ 5–1.307–4 Brand name products or equal.

(a) *Referencing of brand name products.* "Brand name or equal" purchase descriptions shall reference all brand name products known to be acceptable and of current manufacture. When the use of a "brand name or equal" purchase description results in the purchase of an acceptable brand name product which was not referenced in the description as an "equal" product, a reference to that brand name product should be included in the purchase description for subsequent procurements. When it is found that a referenced brand name product is no

longer applicable, the reference thereto shall be deleted from the purchase description. Information regarding such additions and deletions coming to the attention of procurement personnel shall be immediately communicated to the appropriate specification manager.

(b) *Specifying salient characteristics.* (1) It is imperative that "brand name or equal" purchase descriptions specify each physical, functional, or other characteristic of the referenced brand name product which is essential to the intended end use. Failure to do so may result in a defective solicitation and the necessity to readvertise the requirements (see § 5–1.307–7). However, care must be taken to avoid specifying characteristics which cannot be reasonably demonstrated as materially affecting the intended end use of the product since this would tend to restrict competition unnecessarily. Depending upon the particular product involved and its intended end use, it may be essential to specify:

(i) Kind of material.

(ii) Dimensions.

(iii) Weight limitations, where weight is significant.

(iv) Electrical or chemical requirements.

(v) Principles of operation.

(vi) Restrictive or significant environmental conditions or safety and health requirements.

(vii) Essential operating or use conditions.

(viii) If part of an assembly, the location within the assembly.

(ix) Equipment with which the item is to be used.

(x) Special features.

(2) When describing salient characteristics, permissible tolerances should be indicated. Care must be taken to avoid specifying an exact characteristic (e.g., a specific dimension) of a particular brand name product as set forth in commercial catalog description, except where that exact characteristic is essential to the Government's need. The contracting officer must be prepared to justify such a requirement.

§ 5–1.307–5 Limitations on use of "brand name or equal" purchase descriptions.

(a) *General.* The use of "brand name or equal" purchase descriptions in solicitations for offers in the limited circumstance described in § 1–1.307–5 is intended to promote maximum competition by encouraging the offering of products which are equal in all material respects to the brand name products referenced in such descriptions. The identification of items by the use of "brand name or equal" descriptions is not intended to indicate a preference for the brand name products referenced in the descriptions, but is to indicate the quality and characteristics of products that will meet the Government's needs (see paragraph (a) of the clause in § 1–1.307–6). Brand name or equal descriptions shall not be used as means of procuring a particular brand name product under the guise of competitive procurement to the exclusion of other products which would meet the actual needs (see § 5–1.307–1).

(b) *Approval required.* A "brand name or equal" purchase description shall not be used unless it has been approved by the head of the procuring activity or his/her designee, with the following exceptions:

(1) Purchase descriptions applicable to Forest Service items shall be approved by the Chief, Forest Service, U.S. Department of Agriculture. (Questions arising in other GSA regions concerning technical aspects of Forest Service requirements will be referred to Region 8 and will ordinarily be resolved between Region 8 and the Forest Service, Division of Fire Control, Washington, DC).

(2) Purchase descriptions covering Veterans Administration items shall be approved by the Director, Supply Service, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420.

(3) Purchase descriptions applicable to public exigency procurements of nonstock items, or other procurements valued at $5,000 or less, may be approved by the procuring director.

§ 5–1.307–6 Solicitations, "brand name or equal" descriptions.

(a) The entries prescribed in § 1–1.307.6(a)(1) shall be prominently inserted in the item listed after each item or component part of an end item to which a "brand name or equal" purchase description applies. In addition, because offerors frequently overlook the requirements of the clause in § 1–1.307–6(a)(2), the following cautionary note shall be inserted in the item listing after each "brand name or equal" item (or component part), or at the bottom of each page listing several "brand name or equal" items, or in a manner which may be otherwise considered appropriate to direct the offeror's attention to this clause:

OFFERORS OFFERING OTHER THAN BRAND NAME ITEMS IDENTIFIED HEREIN SHOULD FURNISH WITH THEIR OFFERS ADEQUATE INFORMATION TO ENSURE THAT DETERMINATION CAN BE MADE AS TO EQUALITY OF THE PRODUCT(S) OFFERED (SEE THE SOLICITATION CLAUSE ENTITLED "BRAND NAME OR EQUAL" SET FORTH IN SECTION 1–1.307–6 OF THE FEDERAL PROCUREMENT REGULATIONS (41 CFR 1–1.307–6)).

(b) If offer samples are requested for "brand name or equal" procurements the above notice shall not be included in the solicitation.

§ 5–1.307–7 Offer evaluation and award, "brand name or equal" descriptions.

An offer may not be rejected for failure of the offered product to equal a characteristic of a referenced brand name product if that characteristic was not specified in the "brand name or equal" description. However, if it is clearly established that such unspecified characteristic is essential to the intended end use, the solicitation is defective and no award may be made. In such cases, the contracting officer should readvertise the requirements, using a purchase description which sets forth fully all essential characteristics.

§ 5–1.316 Time of delivery or performance.

§ 5–1.316–2 General.

(a) Normally, time of delivery provisions in solicitations and resultant contracts, except multiple-award schedules, shall be stated as "required" time of delivery (or shipment), expressed in specific periods from receipt by the contractor of a notice of award (or receipt of a delivery order under term contracts). In multiple-award schedule solicitations, delivery times shall ordinarily be stated as "desired" time of delivery, and offerors shall be requested to indicate in spaces provided in the solicitation a definite number of days within which delivery will be made.

(b) Information shall be included in the contract file to justify the use of unusually short time of delivery requirements. This is particularly important where the time specified is so short that it may limit competition and possibly result in higher prices. Examples of circumstances providing such justification are:

(1) Furniture is required in a short time to outfit quarters scheduled for occupancy on a specific early date,

(2) Construction material is required to meet predetermined job progress schedules, and

(3) Supplies are required at a port to meet scheduled ship sailings for overseas destinations. The contracting officer must be satisfied that the requisitioning office has justified such unusually short time of delivery.

(c) When a portion of the total requirement is needed at an early date,

consideration should be given to requiring delivery of that portion by the required date and the balance later. Determination must be made as to whether the portion required early and the balance of the requirements should be included as separate items in the same solicitation or whether the two portions should be procured under separate solicitations.

(d) Delivery times for requirements-type contract solicitations shall be carefully calculated to ensure that they reflect the most advantageous terms to the Government without imposing an unreasonable burden on potential contractors.

(e) When a particular solicitation contains a mixture of items which require substantially different times for delivery, the delivery periods should be set forth separately and items with similar delivery time requirements should be grouped under the appropriate delivery time shown in the solicitation.

(f) In negotiations for multiple awards, secure the best possible delivery time regardless of the "desired" delivery time(s) shown in the solicitation. For example, where some offers comply with the Government's desired delivery time but others cite delivery times which are substantially shorter, the former should be questioned and negotiated to bring them closer in line with the latter. Variable delivery time offers (e.g., 30–90 days) should be negotiated to keep the time span to a minimum in favor of the shorter end of the span. If the span applies to several items or several quantity breaks for one item, the items or item quantity breaks should be segregated into smaller groups which can be assigned more specific delivery times.

§ 5–1.316–3 Factors to be considered.

In addition to the requirements of § 1–1.316–3, the contracting officer shall, when determining time of delivery or performance, consider the circumstance where lengthy testing is involved and the time for completion of tests cannot be properly estimated. In making a determination, the contracting officer should also consider use of the solicitation clauses set forth in § 5–7.103–87.

§ 5–1.316–4 Terms.

(a) *Definite quantity contracts.* For definite quantity type contracts, other than small purchases, where the delivery period begins upon receipt of the notice of award by the contractor, one of the following methods, as appropriate, shall be used to provide evidence of the actual date the notice of award was received:

(1) Mail the notice of award using certified mail with return receipt requested (see §1–1.316–4(e)).

(2) Forward GSA Form 2497, Contractual Document Transmittal Receipt (see § 5–16.950–2497) with the notice of award for completion and return by the contractor.

(3) Deliver the notice of award to the contractor (for example by contracting officer or Quality Control representative) and obtain a receipt therefor.

(b) *Requirements contracts for stock replenishment, Federal Supply Schedule and other term Contracts.* (1) *Basic contract.* To provide evidence of the actual date of receipt by the contractor of the notice of award on the contract, one of the methods in § 5–1.316–4(a) shall be used.

(2) *Delivery orders placed under the term contract.* Usually, separately documented evidence of the date of receipt by the contractor of delivery orders placed against term contracts is not required. However, if it is believed that circumstances warrant obtaining a receipt, one of the methods in § 5–1.316–4(a), as appropriate, may be utilized to provide the Government with the actual date of receipt of the delivery order.

§ 5–1.317 Noncollusive offers and proposals.

Determinations described in paragraph (d) of the certification prescribed by § 1–1.317 shall be made by the head of the procuring activity after concurrence by legal counsel.

§ 5–1.319 Procurement of items using jewel bearings.

§ 5–1.319–50 Deviation authority.

The provisions of §§ 1–1.009, Deviations, shall not be invoked for the purpose of waiving the requirement to purchase jewel bearings without the prior approval of the Assistant Administrator for Acquisition Policy.

§ 5–1.350 Advance notices of contract award.

Advance notice of award may be given by the contracting officer in writing, by telegraph, or orally. Notices shall include the identification of the solicitation, description of the item quantity, price, and contract number assigned. Advance notices shall be followed as soon as possible by formal contract documents.

(a) *Written notices.* The form and content of written notices may vary, but shall contain all of the essential elements to identify the award, such as, identification of the solicitation, description of the item(s), quantity and price, and contract number.

(b) *Telegraphic notices.* Telegraphic notices, when use, shall contain all of the information discussed in this § 5–1.350. In addition, a statement that written confirmation will follow shall be made.

(c) *Oral notices.* Oral notices may be given only when the circumstances surrounding the procurement do not allow time for telegraphic notice and shall include all information normally included in written notices. Notices shall also include statement that written confirmation will follow.

(d) *Circumstances which warrant advance notice.* Advance notices of contract award may be issued by contracting officers under any of the circumstances listed below.

(1) An offer is about to expire and it is necessary to issue an award promptly.

(2) Prompt action is necessary to give the contractor an opportunity to secure materials.

(3) Delivery or performance is urgent and cannot await release of formal contract documents.

(4) Prompt action is necessary to secure advance pre-delivery samples.

(5) Prompt action is necessary to permit contractors to proceed with the preparation of necessary catalogs and other Federal Supply Schedule data.

(6) Prospective contractor requests early notification and gives sufficient reason to the satisfaction of the contracting officer.

(7) Other circumstances which have been approved by the head of the procuring activity warrant advance notice.

(e) *Prevalidation.* If the contract requires prevalidation, funds shall be obligated prior to the release of the advance notice of award.

§ 5–1.352 Contract numbering.

Contracts shall be numbered as prescribed below.

§ 5–1.352–1 Contracts required to be numbered.

All contracts and agreements involving the payment of $20,000 or more in a single payment and all multiple-payment contracts, regardless of amount, shall be numbered. Contracts involving the payment of less than $20,000 in a single payment may or may not be numbered depending upon the needs of the procuring activity. In case of doubt whether the amount to be paid under a contract will be more or less than $20,000, or whether more than one payment may be necessary the contract shall be numbered.

§ 5–1.352–2 Numbering system.

(a) Contract numbers shall be placed in the space provided on the applicable procurement forms, or if no space is provided in the upper right hand corner of the contract document. Different contract numbers will be assigned for stock and nonstock items when they are combined in the same solicitation for offers.

(b) Contract numbers shall be assigned in sequence from 00001 thru 99999. When all numbers have been assigned, the sequence will begin again at 00001. The procuring activity shall maintain records to ensure continuity and control of issuance of contract numbers (see § 5–1.352–4).

(c) Each contract number shall be prefixed by use of the symbol "GS", and the appropriate activity designation set forth in paragraphs (d) and (e) of this subsection, without dashes.

(d) The following designations shall be used to identify the appropriate activity (Central Office or GSA region) in which the procuring activity is located:

00 Central Office
0W National Capital Region
01 Region 1
02 Region 2
03 Region 3
04 Region 4
05 Region 5
06 Region 6
07 Region 7
08 Region 8
09 Region 9
10 Region 10

(e) The following designations shall be used to identify the procuring office:

B Office of Plans, Programs, and Financial Management
D Federal Property Resources Service
F Office of Federal Supply and Services
K Office of Information Resources Management
N National Archives and Records Service
O Office of Oversight
P Public Buildings Service

(f) An example of the numbering system is: GS02F00001.

(1) The letters "GS" denote the General Services Administration.

(2) The number "02" identifies the location of the procuring office, in this case Region 2.

(3) The letter "F" identifies the procuring office, in this case the Office of Federal Supply and Services.

(4) The number "00001" identifies the first contract made by the procuring office in this series.

(g) Each negotiated contract shall contain the symbol "NEG" inserted immediately above the contract number. Additional identification not inconsistent with that prescribed above may be used if necessary for the internal control and routing of contracts and related documents. Additional identification should be held to the minimum consistent with adequate control of contracts.

§ 5–1.352–3 Numbering of small contracts.

Contracts negotiated under small purchase procedures in § 1–3.203 shall not normally be numbered. However, a contract number may be assigned (for reference and reporting purposes) when the resulting purchase order is to be written by an office other than the office awarding the contract. Purchase orders of this type shall be identified by special entries as provided below.

(a) An assigned contract number and a notation that the number was assigned for reference purposes only.

(b) A reference to the supplier's quotation.

(c) A reference to "Sec. 302(c)(3), 41 U.S.C. 252(c)(3)."

§ 5–1.352–4 Contract Register.

GSA Form 2728, Procurement Contract Register, shall be used to ensure continuity and control of contract numbers and for registering pertinent contract data. See § 5–16.950–2728 for illustration of the form.

§ 5–1.370 Warranties.

§ 5–1.370–1 General.

A warranty clause gives the Government a contractual right to assert claims regarding the deficiency of supplies or services furnished, notwithstanding any other contractual provision pertaining to acceptance by the Government. Such a clause allows the Government additional time after acceptance in which to assert a right to correction of the deficiencies or defects, reperformance, an equitable adjustment in contract price, or other remedies. This additional period of time may begin at the time of delivery or at the occurrence of a specified event, and may run for a given number of days or months or until occurrence of another specified event. The value of a warranty clause depends upon the circumstances of the procurement, and its use, terms, and conditions are influenced by many factors (see § 5–1.370–3(b)). A warranty clause may be tailored to fit the individual procurement or class of procurements and may include special provisions for items shipped to overseas customers.

§ 5–1.370–2 Policy.

(a) A warranty clause shall be used when it is found to be in the best interests of the Government after an analysis of the factors listed in § 5–1.370–3(b).

(b) Any warranty clause included in a contract shall not limit any rights afforded to the Government by the provision of the Inspection clause relating to latent defects, fraud, and gross mistakes that amount to fraud. Care should be taken to ensure that the warranty clause used and any other warranty provision in the contract (e.g., in the specification) are consistent, especially where performance specifications are used.

§ 5–1.370–3 Use of a warranty.

(a) The procuring director shall approve the use of a warranty in supply contracts, except when the warranty is in the specification, or the contractor's commercial warranty is included, or a warranty is prescribed in the GSPR for specific situations. To the extent practicable, a clause substantially similar to that prescribed in § 5–1.370–4 shall be used. Warranty clauses that differ substantially shall be approved or prescribed by the Assistant Administrator for Acquisition Policy.

(b) In deciding whether to use a warranty clause, the following factors shall be considered:

(1) Nature of the item and its end use;

(2) Cost of the warranty and degree of price competition as it may affect this cost;

(3) Criticality of meeting specifications;

(4) Damages to the Government that might be expected to arise in the event of defective performance;

(5) Cost of correction or replacement, either by the contractor or another source, in the absence of a warranty;

(6) Administrative cost and difficulty of enforcing the warranty;

(7) Ability to take advantage of the warranty, as conditioned by storage time, distance of the using agency from the source, or other factors;

(8) Operation of the warranty as a deterrent against deficiencies;

(9) The extent to which the Government acceptance is to be based upon contractor inspection or quality control;

(10) Whether the Government inspection system would not be likely to provide adequate protection without a warranty because of the nature of the items;

(11) Whether the industry's present quality program is reliable enough to provide adequate protection without a warranty, or, if not, whether a warranty would cause the contractor to institute an effective and reliable quality program;

(12) Reliance on "brand-name" integrity;

(13) Whether the warranty is regularly given for a commercial component of the end item being procured;

(14) Criticalness of item for protection of personnel or property;

(15) Extent to which specifications safeguard the interest of the Government;

(16) The stage of development of the item and the state of the art; and

(17) Customary trade practices.

(c) Scope of Warranty clause.

(1) The terms and conditions of a warranty clause vary with the circumstances of the procurement. The clause must state the duration of the warranty. The clause may either provide that the contractor will be liable for defects or nonconformance to contract requirements existing at the time of delivery, or provide that the contractor will be liable for such defects or nonconformance which develop prior to the expiration of a specified period of time or before the occurrence of a specified event.

(2) Where the Government specifies the design of the item and its precise measurements, tolerances, materials, tests, or inspection requirements, the contractor's liability for defects or nonconformance should usually be limited to those in existence at the time of delivery.

(3) Where a contract contains performance specifications and design is of minor importance, the contractor's liability may extend to defects or nonconformance to specifications which may arise after delivery of the supplies or acceptance of the services. Normally, the warranty should be limited to defects or nonconformance existing at the time of delivery of the supplies or acceptance of the services.

(4) Ordinarily, the remedy provided under a warranty clause to return nonconforming supplies to the contractor for correction or replacement should satisfy the Government's needs. However, where the supplies are of such nature (e.g., subsistence or drugs) that correction or replacement does not afford adequate remedy to the Government, the clause should provide (i) that the contracting officer may either return the supplies to the contractor, dispose of them in a reasonable manner, or replace with similar supplies, and (ii) that the contractor shall be liable for any cost to the Government because of the nonconformance.

(5) When it can be foreseen that it will not be practical to return an article for correction or replacement because of the nature of its use or the cost of preparation for its return (e.g., where operating equipment installed in a vessel, automobile, or truck needs only a correction or adjustment, but to return it would require substantial expense of removal from where it is installed), the clause should provide that the contractor or the Government may (i) correct the article in place at its location at the contractor's expense, or (ii) provide that the contractor shall furnish necessary replacement parts.

(6) Where it is determined that a warranty for the entire item is not advisable, a warranty may be required for a particular aspect of the items which may need special protection (e.g., installation, components, accessories, parts, subassemblies and preservation, packaging and packing, etc.).

(7) Warranty clauses applicable to shelf-life items should, to the extent feasible, indicate the nature of and the degree to which deterioration will be permitted during the warranty period, unless such factors are adequately covered in the product specification.

(d) Where a warranty clause is used in a supply contract, consideration shall be given to the inclusion of a provision requiring that the warranted items be so marked or that a warranty notice be furnished with the items. The marking or notice need not state the complete warranty; however, a statement noting that a warranty exists, its duration, and whom to notify concerning defects usually will suffice.

§ 5-1.370-4 Warranty clause for supply contracts.

The following sets forth provisions to be used when developing a warranty clause for a specific commodity. These provisions may be modified to accommodate special requirements.

Warranty of Supplies

(a) Notwithstanding inspection and acceptance by the Government of supplies furnished under the contract or any provision of this contract concerning the conclusiveness thereof, the Contractor warrants that for *(enter specific warranty period such as "one year after specified date," or other applicable warranty provision)* all supplies furnished under this contract will be free from defects in material or workmanship and will conform with the specifications and all other requirements of this contract. Further, the Contractor certifies that the supplies will be suitable for their intended purpose. Unless otherwise provided, this warranty period shall begin 60 days after the date of shipment.

(b) Unless otherwise provided, this warranty is applicable both within and outside the continental limits of the United States.

(c) Within a reasonable time after discovery of any breach of this warranty, the Contracting Officer or other Government Representative shall give written notice to the Contractor and either: (i) Require the prompt correction or replacement of any supplies or part thereof (including preservation, packaging, packing, and marking) that do not conform with the requirements of this contract within the meaning of paragraph (a) of this clause; or (ii) retain such supplies, whereupon the contract price thereof shall be reduced by the Contracting Officer in an amount which is negotiated and agreed upon as being equitable under the circumstances and the contractor shall promptly make appropriate repayment.

(d) When return, correction, or replacement is required, the Contracting Officer or other Government Representative shall return the supplies or part thereof, where feasible, and transportation charges and responsibility for such supplies while in transit shall be borne by the Contractor. However, the Contractor's liability for such transportation charges shall not exceed an amount equal to the cost of transportation by the usual commercial method of shipment between the designated destination point under this contract and the Contractor's plant, and return.

(e) If the contractor fails or refuses to correct or replace the nonconforming supplies within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer or other Government Representative specifying such failure or refusal, the Contracting Officer may by contract or otherwise, correct or replace them with similar supplies and charge to the Contractor the cost occasioned to the Government thereby. In addition, if the Contractor fails to furnish timely disposition instructions, the Contracting Officer may dispose of the nonconforming supplies for the Contractor's account in a reasonable manner, in which case the Government is entitled to reimbursement from the Contractor or from the proceeds for the reasonable expenses of the care and disposition of the nonconforming supplies, as well as for excess costs incurred or to be incurred.

(f) Any supplies or parts thereof corrected or furnished in replacement under this clause shall also be subject to all the provisions of this clause to the same extent as supplies initially delivered.

(g) Failure to agree upon any determination to be made under this clause shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(h) The word "supplies" as used herein includes related services.

(i) The rights and remedies of the Government provided in this clause are in addition to and do not limit any rights afforded to the Government by any other clause of the contract.

(j) In addition to other marking requirements of this contract, the container of all warranted items shall be clearly marked by the Contractor by affixing a cloth tag or durable label which must set forth the contract number and state:

"This item is warranted for * days after ——— (unless otherwise provided,

Contractor will enter effective date computed by adding 60 days to the shipping date.)

(End of Clause)

* Note.—Contracting Officer to insert same warranty period entered in paragraph (a) of this clause.

§ 5–1.370–5 Warranty statement in purchase orders.

The following statement shall be included in purchase orders for warranted items:

Warranty. This order covers warranted items which must be specially marked—see contract terms.

(End of Statement)

§ 5–1.371 Construction progress payments.

When the contracting officer determines that progress on a construction contract is satisfactory, § 1–7.602–7(c) permits full payment of the current monthly progress payment. However, it is the policy of the Public Buildings Service for the contracting officer to retain 5 percent from each progress payment until substantial completion, even when progress is satisfactory, and to retain 10 percent when progress is not satisfactory. When substantially completed, the accumulated retained amounts may be reduced to the minimum that is required to protect the Government's interests and to promote timely completion of the remaining items of work.

§ 5–1.375 Forms for recommending award(s) for supplies and services.

The following forms are required for use by the Office of Federal Supply and Services and optional on all other GSA procuring activities.

(a) GSA Form 1535, Recommendation for Award(s), and GSA Form 1535–A, Recommendation for Award(s)—Continuation Sheet, shall be used to document all proposed awards of more than $10,000 whether resulting from advertised or negotiated procurements. The use of the form for awards of $10,000 or less is at the discretion of the procuring activity. One or more awards may be set forth on each form. All information pertinent to the recommendation shall be furnished on the form. The checklist on the back of the form shall be completed. The forms shall be prepared as indicated in § 5–16.950–1535–I.

(b) GSA Form 1447, Procurement Case Summary, shall be used to detail the analyses of procurements which require concurrence or approval in accordance with the GSA Delegations of Authority Manual, (ADM P 5450.39B, or FSS P 5450.21A).

§ 5–1.400 Scope of subpart.

In addition to the Federal Procurement Regulations Scope, this subpart sets forth contracting officers responsibility for obtaining legal reviews.

2G. Subpart 5–1.4 is amended by adding §§ 5–1.400, 5–1.402, 5–1.402–70 through 5–1.402–72, 5–1.450 through 5–1.450–6 as follows:

§ 5–1.402 Authority of contracting officers.

Contracting officers may enter into, amend, modify, and take other appropriate action with respect to contracts, provided:

(a) The contract is written on a standard or approved contract form;

(b) The contract is authorized by law and complies with the Federal Procurement Regulations and the General Services Procurement Regulations; and

(c) Necessary clearance and approval has been obtained.

§ 5–1.402–70 General responsibility of contracting officers.

Contracting officers shall exercise reasonable care, skill, and judgment in all actions.

§ 5–1.402–71 Responsibility for assuring the availability of funds.

(a) *GSA revolving funds.* Unless otherwise notified, contracting officers may assume that sufficient funds are available for purchases payable from GSA revolving funds upon the reciept of an authenticated requisition citing funds.

(b) *GSA funds, other than revolving funds.* The receipt of an authenticated requisition shall be considered as evidence that the amount of funds cited is available for purchases payable from GSA funds other than revolving funds. Clearance as to the availability of additional funds shall be obtained from the requisitioning activity prior to issuance of a contract or purchase order when the purchase exceeds (by 10 percent or $50, whichever is greater) the amount cited on the purchase requisition.

(c) *Other federal agencies' funds.* On purchases for direct delivery to Federal agencies other than GSA, the receipt of a properly authenticated purchase request shall be considered as sufficient evidence that funds are available. Where, however, the agency's purchase request indicates that a specific dollar amount has been set aside for the procurement, as in the case of a Project Implementation Order/Commodities (PIO/C) from the Agency for International Development, the buying activity shall not exceed the fund limitation except to the extent authorized in supply support agreements. When the funds stated on the purchase request appear to be or are insufficient to cover all applicable costs for the procurement, transportation, export surcharge, and any other expense involved in the delivery of material to designated consignees, additional funds shall be requested from the requiring agency by the activity indicated below.

(1) Requirements submitted by agencies directly to a procurement division in the Central Office (whether the procurement is actually made by the appropriate procurement division in the Central office or subsequently transmitted, in whole or in part, to one or more regions for procurement) the request for additional funds shall be made by the appropriate Central Office procurement division.

(2) Requirements submitted to a regional procurement division (whether procurement is made by that region, forwarded in whole or in part to another regional procurement division or to a procurement division in the Central Office) the request for additional funds shall be made by the order processing and control activity in the region initially receiving the requirement.

(d) In requesting additional funds, GSA Form 1774, Request for Additional Funds and/or Information, shall be used where time permits. Where time does not permit, the request may be made by a more expeditious means of communication. GSA Form 1774 may also be used to obtain information concerning specifications, inadequate purchase descriptions, or other data necessary to prepare a solicitation.

§ 5–1.402–72 Applicable penal statutes.

Certain statutes make it a criminal offense for an officer, employee, or agent of the United States to engage in practices or activities which are at variance with the duty which he owes to the United States. Among applicable criminal statutes are:

(a) Acts affecting a personal financial interest (18 U.S.C. 208).

(b) Activities of officers and employees in claims against the Government, and other matters affecting the Government (18 U.S.C. 205).

(c) Compensation to Members of Congress, officers, and others in matters affecting the government (18 U.S.C. 203).

(d) Fraud in connection with procurement (40 U.S.C. 489(b)).

§ 5–1.450 Legal review and assistance.

This section sets forth the responsibilities of contracting personnel

and assigned legal counsel in obtaining and providing legal review and assistance.

§ 5–1.450–1 Applicability.

The provisions of this section apply to all GSA organizational elements having contracting responsibility, as defined in § 5–1.450–2.

§ 5–1.450–2 Definitions.

(a) *Contracting.* The term "contracting" includes the procurement or disposal by contract or lease of any interest in real or personal property, or services. To the extent that specific language herein reflects terminology used in procurement, it is understood that counterpart disposal terminology is intended for matters involving disposals; likewise, to the extent that specific language herein reflects terminology involving contracts, it is understood that counterpart leasing language is intended for matters involving leases.

(b) *Legal review.* Legal review is a formal process whereby assigned counsel analyzes a matter to ensure legal sufficiency (i.e., that the proposed action is in compliance with applicable laws, regulations, and directives). During this process, counsel is also required to bring to the attention of appropriate contracting officials any problems concerning the matter under review and should object on policy or other grounds where such action appears warranted, notwithstanding approval for legal sufficiency.

(c) *Legal assistance.* Legal assistance is a process whereby assigned counsel provides guidance with respect to questions or problems that arise during the contracting process. Assistance need not be limited to matters of legal sufficiency.

§ 5–1.450–3 Responsibilities.

(a) *Contracting officials.*

(1) Contracting officals are expected to exercise sound judgment in obtaining legal review or assistance before taking any action that would affect the rights or obligations of the Government, a contractor, an offeror, or a potential offeror. Contracting officials should seek legal assistance throughout the contracting cycle, particularly when there is doubt or controversy as to the propriety or legal sufficiency of an action, or the interpretation or application of existing statutes, policies, regulations, and directives.

(2) When legal review or assistance is requested by a contracting official, the official shall provide assigned counsel with all pertinent information. When appropriate, the official shall brief assigned counsel regarding the facts and points at issue and provide a detailed rationale for the proposed action. Legal review or assistance should be requested in a timely fashion in order to allow assigned counsel sufficient time to respond to the matter in issue. Counsel's approval, comments, or objections should be documented and retained as part of the contract file.

(b) *Legal counsel.* It is the responsibility of assigned counsel to provide timely assistance with respect to a broad range of legal and business problems arising during the contracting process and to ensure that proposed contractual actions comply with applicable laws, regulations, and directives. When legal review is required on any contract-related matter, the approval of counsel shall attest to the legal sufficiency of the action or document.

§ 5–1.450–4 Legal review.

The following matters shall be submitted to assigned counsel, before action being taken thereon, for legal review and, where appropriate, written approval. Heads of procuring activities, in conjunction with the assigned counsel, are encouraged to establish more stringent supplemental criteria for legal review when available resources make such supplemental requirements practicable. Copies of supplemental directives shall be forwarded to the Assistant Administrator for Acquisition Policy and to the General Counsel

(a) Solicitations which contain novel provisions or provisions which deviate from standard terms or conditions provided for by regulation or other appropriate authority.

(b) Alleged mistakes in bid.

(c) Protests (including small business size protests).

(d) Determinations and findings required by FPR, GSPR, or other appropriate authority to be reviewed by counsel.

(e) Offers indicating that contingent fee has been, or may be, paid.

(f) Matters involving the disclosure of offers prior to opening and determinations as to whether such disclosure was made with collusive intent.

(g) Decisions involving the nonapplication of, or any exemptions proposed to be taken from, the subcontracting plan requirements of Pub. L. 95–507.

(h) Questions regarding the proper use of appropriations or other funds.

(i) Proposed awards to other than low offerors.

(j) Proposed no-awards for reasons other than excessive prices.

(k) Proposed letter contracts.

(l) Proposed contract awards subject to the requirements of GSA Order APD 2800.1A, Contract Clearance, GSA Order APD 2800.7, Non-competitive contracting procedures, or GSA Order ADM 2800.12B, Procurement of Consulting Services.

(m) Termination actions, including pretermination (i.e., "cure") letters.

(n) Contract disputes of any nature.

(o) Waivers of material contract terms, conditions or specifications.

(p) Assignments of claims or rents, and change of name and novation agreements.

(q) Contract claims, actions taken under the disputes clause (including final decision letters), and memorandums of position and appeal files in case appealed to the General Services Board of Contract Appeals or Court of Claims.

(r) Recommendations relative to suspending or debarring a concern or individual, and notices of suspension or proposed debarment.

(s) Freedom of Information Act (5 U.S.C. 552) and Privacy Act (5 U.S.C. 552a) matters.

(t) Proposed responses to Congressional inquiries, and to General Accounting Office (GAO) and Inspector General audit reports which pertain to the legality of proposed or past actions.

(u) Deviations from the FPR, GSPR, or other directives.

(v) Matters relating to litigation before the courts or the GSA Board of Contract Appeals.

(w) Late bids, offers, and modifications.

§ 5–1.450–5 Legal assistance.

The following matters illustrate areas in which legal issues are likely to arise; accordingly, contracting officials are encouraged to pay special attention to these areas and to present problems or questions relating thereto to assigned counsel for assistance in a timely manner.

(a) Preliminary questions or problems relating to matters requiring legal review.

(b) Meetings scheduled with legal representatives of private parties or meetings where legal issues are likely to be discussed.

(c) Solicitations involving repurchase actions against the account of a defaulted contractor.

(d) Matters concerning nonresponsiveness or nonresponsibility.

(e) Matters involving the application of the Buy American Act (41 U.S.C. 10 et seq.) or related provisions of law.

(f) Matters involving the application of labor statutes (e.g., Walsh-Healey Act, Service Contract Act, etc.).

(g) Matters involving small business or labor surplus area concerns.

(h) Matters involving the consideration of subcontracting plans as required by Pub. L. 95–507.

(i) Matters involving the withholding of payments to contractors for Department of Labor wage/rate violations.

(j) Matters involving the adequacy of offer, payment, or performance bonds.

(k) Matters relating to contractor indebtedness, bankruptcy, or financing.

(l) Matters involving the utilization of special and directed sources of supply, e.g., procurement of supplies and services from Federal Prison Industries or from workshops for the blind and other severely handicapped.

(m) Matters involving eligibility to use GSA supply sources.

(n) Offers received from corporations.

§ 5–1.450–6 Waivers.

The General Counsel may waive the legal review requirements. A request for waiver may be made in writing by an Assistant General Counsel or Regional Counsel in conjunction with the head of a procuring activity, or a Regional Administrator. Under circumstances of extreme urgency, requests for waiver may be made and granted orally but written documentation of the waiver shall be made as soon as time permits.

2H. Subpart 5–1.5 is amended by adding §§ 5–1.507, 5–1.508 through 5–1.508–3 as follows:

§ 5–1.507 Use of Standard Form 119, Statement of Contingent or Other Fees.

Upon receipt of Standard Form 119, the contracting officer shall obtain advice of Counsel as to the legality and general propriety of the relationship disclosed thereon. Also, the contracting officer may request the Office of the Inspector General (Assistant Inspector General for Investigations (JI) for Central Office procuring activities) to develop further information if the facts available are deemed insufficient for a proper decision. After careful review and evaluation of all the information obtained, the contracting officer shall render a decision in writing which shall be made a part of the contract file.

§ 5–1.508 Enforcement.

When the contingent fee representation required by § 1–1.505 is in the affirmative, the prospective contractor shall be required to submit a completed Standard Form 119, in triplicate, except under the circumstances listed in § 1–1.507–3.

§ 5–1.508–1 Failure or refusal to furnish representation and agreement.

The name of each indicated successful bidder proposed contractor who fails or refuses to furnish the representation and agreement after opportunity therefor has been afforded, shall be submitted, with a statement of the pertinent circumstances, to the Office of Inspector General (JI for Central Office procuring activities) for such further action as may be appropriate.

§ 5–1.508–2 Failure or refusal to furnish Standard Form 119.

The name of each prospective contractor who fails or refuses to furnish a completed Standard Form 119 (or a statement in lieu thereof as provided in § 1–1.507–2) shall be submitted, together with pertinent information, to the Office of Inspector General (JI for Central office procuring activities) for appropriate action. If the contract has been awarded or offer accepted, consideration shall be given to the feasibility of terminating the contract, the future eligibility of the firm in question as an offeror or contractor, or other appropriate action.

§ 5–1.508–3 Misrepresentations or violations of the convenant against contingent fees.

If an award has been made, any action to enforce the terms of the convenant shall be taken only upon the recommendation of legal counsel. Whether or not an award has been made, a suspected misrepresentation or anticipatory violation of the convenant against contingent fees shall be reported to the Office of Inspector General (JI for Central Office procuring activities) in the manner prescribed in § 5–1.508–2.

2I. Subpart 5–1.6 is amended by revising § 5–1.604–1 and 5–1.605 and adding §§ 5–1.603 through 5–1.603–2, 5–1.604 through 5–1.604–3, 5–1.605–3, 5–1.606, 5–1.603–3 as follows:

§ 5–1.600 Scope of subpart.

This subpart implements and supplements Subpart 1–1.6 with respect to the debarment and suspension of contractors and the maintenance, distribution, and use of a consolidated list of debarred, suspended, and ineligible contractors. The subpart is applicable to all elements of GSA with respect to the procurement of personal property and nonpersonal services, including construction and leases of real property.

§ 5–1.602 Definitions.

In addition to the definitions set forth in § 1–1.602, the following terms have special meanings as indicated:

(a) The "debarring official" and the "suspending official" for GSA is the Assistant Administrator for Acquisition Policy. The authority to act in these capacities may be delegated to his/her deputy.

(b) "Notice" means a written communication sent by certified mail, return receipt requested, to the last known address of a party, its identified counsel, or agent for service of process. In the case of a business, such notice may be sent to any partner, principal officer, director, owner or co-owner, or joint venturer. If no return receipt is received within 10 calendar days of mailing, receipt shall then be presumed.

(c) The "fact-finding official" for GSA is the Chairman of the General Services Administration Board of Contract Appeals or his/her designee(s).

§ 5–1.603 Establishment and maintenance of a list of debarred, suspended, or ineligible contractors and agency records.

§ 5–1.603–1 Consolidated list of debarred, suspended, and ineligible contractors.

(a) The debarring and suspending official shall be responsible for the compilation, maintenance, revision, and distribution of the Consolidated List, including distribution to GSA contracting activities.

(b) Heads of procuring activities and other interested officials shall notify the debarring and suspending official of their distribution needs and shall ensure that the list is used effectively by agency contracting officers.

§ 5–1.603–2 Agency records.

The debarring and suspending official shall maintain records containing the information required by § 1–1.603–2, in accordance with agency practices.

§ 5–1.604 Treatment to be accorded listed contractors.

§ 5–1.604–1 General—determination of compelling reason.

(a) Heads of procuring activities (see § 5–1.206) may determine that there is a compelling reason to accord debarred or suspended contractors treatment other than that required by § 1–1.604–1. Determinations must be approved by the debarring and suspending official.

(b) A copy of all determinations of compelling reasons shall be forwarded to the debarring and suspending official.

§ 5–1.604–2 Review procedures.

(a) Prior to initiating a pre-award survey or any of the procurement actions set forth in § 1–1.604–1 with respect to a particular bidder, offeror, or proposed subcontractor, the contracting officer shall review the current copy of

the Consolidated List. If the bidder, offeror, or proposed subcontractor is listed, the contracting officer shall accord the contractor such treatment as is appropriate according to the basis for its listing.

(b) Contractors who have been debarred, suspended, or declared ineligible to participate in GSA contracting programs shall be removed from agency bidders mailing lists for the period of the exclusion.

§ 5–1.604–3 Continuation of current contracts.

(a) Notwithstanding the debarment or suspension of a contractor, contracting officers may continue contracts or subcontracts in existence at the time of the debarment or suspension. However, termination of current contracts should be considered under the circumstances set forth in paragraphs (b), (c), and (d) of this section.

(b) Termination for default under a contract's "Default" clause is appropriate where the circumstances giving rise to the debarment or suspension also constitutes a default in the contractor's performance of the contract. Debarment or suspension of the contractor for reasons unrelated to the performance of the contract will not support a termination for default.

(c) Termination for convenience or cancellation under appropriate contract provisions should be considered where the contractor presents a significant risk to the Government in completing a current contract and such action is determined to be in the Government's best interests. In making this determination the contracting officer should consider such factors as the:

(1) Seriousness of the cause for debarment or suspension;

(2) Extent of contract performance;

(3) Potential costs of termination and reprocurement;

(4) Urgency of the requirement and the impact of the delay of reprocurement;

(5) Availability of other safeguards to protect the Government's interests until completion of the contract.

(d) A decision to terminate an existing contract with a debarred or suspended contractor under a "Termination for Convenience" or "Cancellation" clause must be concurred in by assigned legal counsel and approved at a level above the contracting officer.

§ 5–1.605 Debarment.

§ 5–1.605–3 Procedures.

(a) *Investigation and referral.*

(1) Any constituent element of GSA that becomes aware of circumstances which may serve as the basis for a debarment shall refer those circumstances to the debarring official through appropriate channels for consideration of debarment action. However, circumstances that involve possible criminal or fraudulent activities shall first be reported to the Office of the Inspector General (OIG), which shall conduct an investigation and, if appropriate, make a referral to the debarring official.

(2) Referrals for consideration of debarment action at a minimum should include:

(i) The cause for debarment see (§ 1–1.605–2);

(ii) A statement of facts;

(iii) Copies of supporting documentary evidence and a list of all necessary or probable witnesses, including addresses and telephone numbers, together with a statement concerning their availability to appear at a fact-finding proceeding and the subject matter of their testimony;

(iv) A list of all contractors involved, either as principals or as affiliates (including current or last known home and business addresses and zip codes);

(v) A statement of GSA's procurement history with such contractors, including any recent experience under a GSA contract;

(vi) A statement concerning any known pertinent active or potential criminal investigation, criminal or civil court proceeding, or administrative claim before Boards of Contract Appeals;

(vii) A statement from the cognizant contracting activity as to the impact of the debarment action on GSA programs.

(3) Referrals may be returned to the originator for further information, investigation, or development.

(b) *Notice of proposal to debar.* (1) Upon receipt of a completed referral, the debarring official shall decide whether to initiate debarment action, after coordinating the matter with assigned legal counsel.

(2) Where a determination is made to initiate action, affected contractors and any specifically named affiliates shall be given written notice of the information required by § 1–1.605–3(c) and contained in § 5–1.605–3(c).

(3) A copy of the notice shall be given to affected agency components.

(4) Where a determination is made not to initiate action, notice shall be given to the agency official who made the referral.

(c) *Decision-making process.* (1) Contractors shall be given opportunity to submit, in person, in writing, or through a representative, information and arguments in opposition to a proposed debarment. However, if a response to the debarment notice is not received by the debarring official within 30 calendar days of receipt of the notice, the debarment shall become final.

(2) If, in response to the debarment notice, the contractor, or a representative, desires to present information and arguments in person to the debarment official, an oral presentation will be held within 20 calendar days of receipt of the request, unless a longer period of time is requested by the contractor. The oral presentation shall be informally conducted and a transcript need not be made. The contractor may, however, supplement the oral presentation with written information and arguments for inclusion in the administrative record.

(3) In actions not based upon a conviction, civil judgment, or a debarment by another agency, and where the contractor disputes facts relating to the proposed debarment, the contractor may also request, and shall be entitled to, a hearing before the agency fact-finding official. The hearing will be conducted within 20 calendar days of receipt of the contractor's response, unless a longer period of time is requested by the contractor.

(4) The purpose of a hearing is to: (i) Afford the affected contractor the opportunity to dispute facts relating to the proposed debarment through the submission of oral and written evidence; (ii) provide the debarring official with findings of fact based on a preponderance of evidence; and (iii) provide the debarring official with a determination as to whether a cause for debarment exists, based on the facts as found.

(5) Hearings will be conducted by the fact-finding official in accordance with rules promulgated by that official. The rules shall be as informal as is practicable, consistent with principles of fundamental fairness and Subparts 1–1.6 and 5–1.6; they shall provide an opportunity for the affected contractor to appear with counsel, submit documentary evidence, present witnesses, and cross-examine any witness GSA presents. The fact-finding official shall make a transcribed record of the hearing and make it available at cost to the affected contractor upon request, unless the contractor and GSA, by mutual agreement, waive the requirement for a transcript.

(6) The hearing shall be initiated by a formal written transfer of the matter by the debarring official to the fact-finding official.

(7) Upon receipt of such a transfer, the fact-finding official shall notify the affected contractor, schedule a hearing date, and provide the contractor an

opportunity to present written evidence and oral testimony and to cross examine opposing witnesses. The fact-finding official shall deliver written findings to the debarring official (together with a transcription of the proceeding, if made) within 10 calendar days after the hearing. The findings shall resolve any facts in disputes based on a preponderance of the evidence presented and determine whether a cause for debarment exists.

(d) *Debarring official's decision.* The debarring official's final decision shall be made in writing in accordance with § 1–1.605–3(d) and notice of the decision will be given in accordance with § 1–1.605–3(e). A copy of the notice shall be given to affected agency components.

§ 5–1.606 Suspension.

§ 5–1.606–2 Procedures.

(a) Investigation and referral shall be accomplished as provided in § 5–1.605–3(a), except that referrals will be made to the suspending official and will contain information pertinent to a suspension action.

(b) *Notice of suspension.* (1) Upon receipt of a completed referral, the suspending official shall decide whether to suspend, after coordinating the matter with assigned legal counsel.

(2) In cases not based on an indictment or suspension by another agency, the suspending official shall, in appropriate cases, obtain through OIG the written advice of the Department of Justice or state prosecutorial authority as to whether substantial interests of the Federal or state government in pending or comtemplated legal proceedings based on the same facts as the suspension would be prejudiced by the conduct of a hearing before the agency fact-finding official. If, on the basis of advice received, the suspending official determines that substantial interests of the Federal or a state government would be impaired he/she shall so advise the contractor in the notice.

(3) Notice shall be provided as provided in § 5–1.605–3(b) except that notice to the contractor shall contain the information required by § 1–1.606–3(c) and contained in § 5–1.606–3(c).

(c) *Decision-making process.* (1) Contractors shall be given an opportunity to submit, in person, in writing, or through a representative, information and arguments in opposition to a suspension. However, to be considered, a response must be received by the suspending official within 30 calendar days of receipt of the suspension notice.

(2) When requested, an oral presentation before the suspending official shall be conducted as in § 5–1.605–3(c)(2).

(3) In actions not based on an indictment or a suspension by another agency, and where the contractor disputes facts relating to the suspension, the contractor may also request, and shall be entitled to, a hearing before the agency fact-finding official, unless a determination has been made that substantial interests of the Government would be prejudiced by a hearing. The hearing will be conducted within 20 calendar days of receipt of the contractor's response, unless a longer period of time is requested by the contractor.

(4) The purpose of a hearing is to: (i) Afford the affected contractor the opportunity to dispute facts relating to the suspension action through the submission of oral and written evidence, and (ii) provide the suspending official with a determination as to whether adequate evidence exists to support the cause for suspension. Hearings shall be conducted as in § 5–1.605–3(c) (5), (6), and (7).

(d) The suspending official's decision shall be made in writing and notice shall be given in accordance with § 1–1.606(3)(d).

2J. Subpart 5–1.7 is amended by adding §§ 5–1.700, 5–1.701–8, 5–1.703–2, 5–1.704 through 5–1.704–2, 5–1.706, 5–1.706–5, 5–1.706–6, 5–1.706–50 through 5–1.706–52, 5–1.713–60 as follows:

§ 5–1.700 General.

This subpart implements and supplements § 1–1.7 by prescribing procedures for implementing the GSA small business program, including set-asides.

§ 5–1.701–8 Set-aside for small business.

(a) *Clarification of class set-aside definition.* In further explanation of § 1–1.705–3(b), a class set-aside may consist of an item (or service), a group of related items under a Federal Supply Class (FSC), or a whole FSC class when restricted to small business on a continuing, as distinct from a one-time, basis. Under this definition, a single item or a group of items restricted to small business on a continuing basis, even though constituting only a small portion of an FSC class, is defined as class set-aside.

(b) *Determining the set-aside status of an item.* The fact that an item, group of items, or a class is the subject of a class set-aside, and presumptively will be set aside on the next procurement, does not mean that it is automatically set aside without consideration of events which may have occurred since the last procurement. The contracting officer must determine if intervening events have changed the situation so that it is no longer in the best interest of the Government to make a particular set-aside (either individual or class set-aside). When the conclusion is reached that a set-aside should be dissolved, it must be accomplished in accordance with § 1–1.706–3(b) and considered only as one-time dissolution if feasible.

(c) *Class set-aside determination.* Except for construction contracts subject to provisions of § 5–1.706 (b) and (c) small business class set-asides will normally be made on a unilateral basis by the contracting officer and documented in accordance with § 5–1.706–51(a), class set-aside determinations shall be reviewed at least annually.

§ 5–1.703–2 Protest regarding small business status.

(a) Even though an offeror's representation as a small business concern is not protested by another offeror, contracting officers should question the small business status whenever that status is in doubt and shall refer all questionable cases to Small Business Administration (SBA) for determination.

(b) When the solicitation provides for a total or partial small business set-aside, or labor surplus area set-aside, it is essential that the applicable small business size standard be set forth clearly in the schedule (see §§ 1–1.706–5(c) and 1–1.706–6(c)). In addition, the following notice shall be included in all solicitations for supplies and services (other than construction):

Notice Concerning Size Status

The small business representation appearing on page 2 of the solicitation is a material representation of fact upon which the Government relies when making award. If it is later determined that the small business representation was erroneous, and the Contractor was not a small business on the date of award of this contract, the contract may be canceled by the Government and the Contractor charged with any damages sustained by the Government as a result of such cancellation. Any offeror who has a question as to whether he is or is not a small business concern shall contact the nearest office of the Small Business Administration for guidance and assistance. In case of conflict between standards set forth in the solicitation and those of the SBA, the SBA regulations as of the time of bid opening shall control.

(End of Clause)

(c) In addition to the usual preaward actions, the following procedures shall be followed when evaluating offers for supplies or services (other than

construction) involving preference for small business concerns.

(1) When submitting GSA Form 894, Financial Responsibility-Inquiry and Reply (see § 5–1.1205(b)), a notation shall be entered in the "Remarks" block requesting the appropriate GSA finance activity to furnish any available information such as corporate affiliation, franchise arrangements, number of employees, volume sales, and other information which may have a bearing on the small business status of the prospective contractor. A copy of the Standard Form 33, Solicitation, Offer, and Award, executed by the offeror (or an appropriate extract of the offer) shall be attached to the GSA Form 894 in order to provide the finance activity with the necessary information.

(2) When submitting GSA Form 353, Plant Facilities Report (see § 5–1.1205–4) enter in Block 2 of the form "Being considered for preferential award as a small business concern" and request information as to (i) The firm's number of employees, and (ii) evidence of apparent affiliation relationships such as joint occupancy of premises.

(d) In cases involving equal low offers, when requesting the written statement required by § 1–2.407–6(c), a concern which is to receive preference based on its small business representation shall be specifically advised of the applicable small business size standard and requested to confirm that it will perform the contract as a small business concern in accordance with that standard. The procedures in (c) and (e) of this section shall also be followed when applicable.

(e) If a protest regarding small business size status is received after expiration of the 5-day period specified in § 1–1.703–2, or if the protest is received after contract award, the matter shall be presented to SBA (unless there is obviously no validity to the protests as in the case where SBA has recently determined the size status of the firm in question) on the basis that the contracting officer questions the size status of the firm involved. The contracting officer's reasons for raising the question should be stated and copies of the pertinent available documents should be furnished to SBA. If SBA determines that the concern in question is not a small business concern, the following action shall be taken.

(1) If award has not been made, the offer shall be rejected as nonresponsive when the procurement is totally set-aside for small business concerns. When the procurement is partially set-aside, the firm which has misrepresented its size status shall not be considered for preferential award under the set-aside portion.

(2) If award has been made, the contract should be canceled in accordance with the provisions of the clause prescribed in paragraph (b) above, unless cancellation would not be in the best interest of the Government. Prior to final action under this paragraph, the case shall be referred to the cognizant Procuring Directors (for Central Office procuring activities) or Assistant Regional Administrator for approval. Such submissions shall include the status of performance of the contract, the urgency of need for the items covered, any evidence bearing on the issue of whether the erroneous certification was willful or inadvertent, and any other information which would be helpful in determining whether the contract should be terminated and whether the matter should be referred to the Department of Justice.

§ 5–1.704 Agency program direction and operations.

§ 5–1.704–1 Program direction.

The head of each procuring activity and each Regional Administrator is responsible for results under the small business program.

§ 5–1.704–2 Program operations.

(a) Each procuring activity shall use its bests efforts to identify procurements where a potential exists for increasing the small business share of contract awards. Whenever feasible, contracting officers shall seek the assistance of Business Service Center (BSC) personnel and Small Business Administration (SBA) procurement representatives in locating qualified small business sources.

(b) The head of each procuring activity shall develop and continuously maintain a training program as necessary to emphasize the importance of small business set-aside program.

(c) Each BSC will keep all other BSC's and the Office of Small and Disadvantaged Business Utilization (AU) informed on items of mutual interest under the small business program.

(d) Each BSC will:

(1) Take appropriate actions to publicize advance and current information about regional and national GSA business opportunities to the maximum extent feasible.

(2) Provide maximum advance and current information, assistance, and counseling of such nature, extent, and timeliness so as to enable small business concerns to take full advantage of the available business opportunities and to compete for contracts.

(3) Develop publications and public relations techniques designed to obtain maximum interest and participation of small business concerns. This activity will include, but not be limited to, the following:

(i) Arranging for and participating in meetings with business groups such as Chambers of Commerce, trade associations and similar organizations, State development corporations, Governors' and Mayors' advisory groups, local business and civic organizations, and small business councils.

(ii) Developing, preparing, and distributing informational material designed to stimulate interest on the part of small business concerns.

(iii) Developing interest and cooperation on the part of trade publications, the local press, and other media.

(e) Proposed regulations and procedures affecting the operation of the small business program shall be coordinated with the SBA prior to issuance.

§ 5–1.706 Procurement set-asides for small business.

(a) *General.* Procuring activities, to the maximum extent feasible, shall make unilateral small business set-asides on all procurements qualifying therefor, as provided in Subpart 1–1.7, and as required by paragraphs (b) through (h) below. Priority consideration shall be given to establishing class set-asides. Procuring activities shall periodically review individual set-asides to identify commodities and services suitable for class set-asides.

(b) *Construction contracts from $2,500 to $500,000.* In an understanding with the SBA, every proposed procurement for construction, including alteration, maintenance, and repairs estimated to be in excess of $2,500 and under $500,000 shall be considered individually as though the SBA had initiated a set-aside request and shall be set aside, except as otherwise provided in § 5–1.706(d) and (g).

(c) *Construction contracts from $500,000 to $1 million.* The Commissioner, (P), has unilaterally established a class set-aside for PBS procurements of construction, including alteration, maintance, and repairs estimated to cost between $500,000 and $1 million, except as otherwise provided in § 5–1.706(d) and (h).

(d) *Exemption of certain construction and repair contracts.* All separate construction contracts under a

construction-management-phased construction project and contracts for repair of mechanical systems, such as elevators, steam generators, air-conditioners, or distributing systems, are exempt from the requirements of § 5–1.706(b) or (c). However, contracting officers shall review each such exempt procurement and initiate a small business set aside where it appears that there would be sufficient competition to ensure award at a reasonable price and set-aside is otherwise feasible.

(e) *Building service contracts in excess of $2,500.* Each procuring activity shall, to the maximum extent feasible, arrange for the making of small business set-asides on all contract actions which qualify therefor as provided in Subpart 1–1.7. In the initiation of small business set-asides, procuring activities should give priority consideration to the establishment of class set-asides. Procuring activities shall periodically review individual set-asides to identify services suitable for class set-asides.

(f) *Architect-Engineer contracts.* (1) All architect-engineer contracts for construction projects with an estimated construction contract amount not exceeding $2.5 million shall be set-aside for small business.

(2) A synopsis message indicating that the architect-engineer contract is set-aside for small business shall be prepared and forwarded as provided by § 1–1.1003–7(b)(6).

(g) *All other contracts.* All contracts other than those contracts subject to the provisions of § 5–1.706(b), (c), (e), and (f) are subject to set-aside in accordance with the provisions of § 1–1.706 and § 5–1.706(a).

(h) *Determination not to set aside.* Where the contracting officer determines that a small business set-aside of a procurement is not feasible, the procedures defined in § 1–1.706 and § 5–1.706–5 shall be followed.

§ 5–1.706–5 Total set-asides.

When a total small business-labor surplus area set-aside or a total small business set-aside is made, an appropriate statement to that effect shall be placed on the face of the solicitation.

§ 5–1.706–6 Partial set-asides.

(a) *Initiating partial set-asides.* Contracting officers shall continuously review the items for which they have procurement responsibility (both national and regional requirements) and make partial small business set-aside as provided herein. Particular attention shall be given to high volume items which are not totally set aside and which have a potential for being partially set aside. Partial set-asides for stock items may be made when the following Economic Order Quantity (EOQ) factors are present: (1) For annual contracts, an EOQ factor not exceeding 3 months; and (2) for 6-month contracts, an EOQ factor not exceeding 1 month.

(b) *Preparation of solicitation.* In addition to the requirements of § 1–1.706–6, the following instructions are applicable when preparing solicitations involving requirements-type contracts and partial small business set-asides.

(1) Include the following provision concerning an equitable division of orders placed under resulting contracts:

Allocation of Orders—Partially Set-Aside Items

(Applicable only to requirements type contracts for stock items). Where the set-aside portion of an item or group of items is awarded to a contractor other than to the one receiving the award on the corresponding non-set-aside portion, the Government will make an equitable division of requirements to be ordered between the two contractors with the intent of achieving, as nearly as possible, a 50/50 division of the total value of orders placed under such contracts for the items partially set-aside. In no case should this division vary to more than a 60/40 division, (with either the non-set-aside or set-aside contractor receiving the larger portion). If fluctuations, in demand or other factors cause a variance greater than a 60/40 division, additional orders will be placed by the Government within 30 calendar days following the expiration of the contract to bring division within the 60/40 limits.

(End of Provision)

(2) When a group of items is covered by partial set-aside awards, it is not necessary to order identical quantities of each item from each portion of the award so long as at least a 60/40 division of the total value of the orders issued is attained. Additional orders needed to bring the value division within 60/40 limits can be made for any item included in the partial set-aside awards regardless of previous quantities ordered on that item.

(c) *Evaluation of offers and contract award.* (1) Offers on the non-set-aside portion shall be evaluated under normal procedures while those on the set-aside portion shall be evaluated under § 1–1.706–6. Normally, only one award will be made for each item or subitem whether it be of the non-set-aside or of the set-aside portion.

(2) When the set-aside portion of an item is to be awarded to the same concern which was awarded the corresponding non-set-aside portion of an item, such an award shall be documented by issuing a separate contract in the same manner as if two different concerns are involved.

(3) If offers are received which appear designed to take unfair advantage of other offerors by devices such as unrealistically low offers on mere token quantities the matter shall be referred to the appropriate procuring director for resolution.

(d) *Procurement of unawarded set-aside portions.* If the entire set-aside portion cannot be awarded under the partial set-aside procedures, the unawarded portion shall be procured by advertising or negotiation, as appropriate, in accordance with § 1–1.706–7.

(e) *Partial coverage.* When only the non-set-aside portion of the procurement is awarded prior to the expiration of the current contract, contractual documents covering the transaction shall be distributed to the ordering activities to provide at least partial coverage of the requirements.

(f) *Contract coding.* To assure that set-asides are properly identified for reporting purposes, information regarding awards based on partial or total set-asides as required in Line No. 5 reverse of the GSA Form 1535, shall be completed. Further, if a class set-aside is involved, the face of the GSA Form 1535 shall be annotated as follows: "Class set-asides apply to items——."

(g) *Contract summaries.* GSA Form 1584, Contract Summary, shall be prepared in accordance with § 5–16.950–1584–I. A summary covering the non-set-aside portion of the items awarded will be prepared promptly after award is made and Statement (1) set forth in § 5–16.950–1584–I, Block 12 will be used. When award is made on the set-aside items, Statement (2) set forth in § 5–16.950–1584–I Block 12, will be shown in the summary.

(h) *Ordering procedures.* The Inventory Manager is responsible for ensuring that the specified division of orders is made in those cases where two contractors are to supply one item to one destination.

§ 5–1.706–50 Small business set-aside determinations.

(a) The determination to make a partial or total small business set-aside in connection with an individual procurement shall be noted in the procurement contract file. (See § 1–3.201(c)(2).)

(b) Class set-aside determinations shall be documented substantially in the format set forth below and a copy shall be retained in the "purchase history" file or equivalent record covering the commodity or service involved.

Small Business Class Set-Aside Determination

In accordance with FPR § 1–1.706, it is hereby determined that procurements by the (name of procuring activity) of the following commodities or services shall be set aside for small business concerns on a class basis. This determination shall be reviewed on (date), or, in any event, not later than 1 year after the above determination date. This determination does not apply to any individual procurement for which small purchase procedures are to be used and applies only to the procuring activity named above.

(List items or services)

The above format should be appropriately modified with respect to any class of procurements proposed to be partially set aside. It shall be signed by the contracting officer having procurement responsibility for the class of commodities or services involved and approved by the appropriate Procuring Director or his designee.

§ 5–1.706–51 Determinations not to set aside.

(a) When the contracting officer determines that a procurement cannot be restricted for small business, the reasons for this determination shall be submitted for review.

(b) Responsibility for these reviews shall be as follows:

(1) For supply and service contracts:

(i) The SBA representatives and the regional directors of Business Service Centers have the responsibility for reviewing small business non-set-aside procurements for the Procurement Divisions in their respective regions.

(ii) The SBA representative and the Office of Federal Supply and Services Technical Advisor are responsible for the review of small business non-set-aside procurements for the Central Office Commodity Centers in Washington, DC.

(iii) If SBA representative does not agree to a proposed non-set-aside action, the procedures in §§ 1–1.706–2 and 1–1.706–2 shall be followed.

(2) For construction contracts:

(i) The contracting officer after deciding not to have a set-aside, shall notify the appopriate GSA Regional Director of Business Affairs or, in Central Office procurements, the Director, Procurement Policy Review Staff of his decision

(ii) The officials designated above are responsible for the review of procurements not to be set-aside and when feasible the review shall be conducted jointly with the Small Business Administration Procurement Center Representative.

(iii) The designated reviewing officials are responsible for any coordination with the Small Business Administration. If the Small Business Administration Procurement Center Representative does not agree to a proposed non-set-aside action, the procedures set forth in §§ 1–1.706–2 and 1–1.706–3 shall be followed.

(c) Reviews of the proposed small business not-set-aside procurement shall be completed by reviewing offices within five workdays. If no response or objection is received within five workdays, the contracting officer may assume concurrence by the reviewing offices in the determination not to make a small business set-aside procurement.

(d) When the reviewing officials mentioned above can provide additional small business sources or if they have other information which might result in a set-aside procurement, the sources and/or information shall be furnished to the contracting officer within the prescribed time. In this connection, reviewing officials who furnish additional small business sources should be completely aware of the capability of these sources to produce the item to be procured. Additionally, the furnishing of these small business sources should be based on information (including firms' interest to bid) obtained through actual contact with them and not merely firms selected from general registers or listings. If time is of the essence, additional small business sources and other pertinent information may be given orally to the contracting officer. The contracting officer shall consider any suggestion received before making a final non-set-aside determination.

(e) If there is a disagreement between the reviewing official and the contracting officer concerning the initiation of a small business set aside, the disagreement shall be referred as follows:

(1) *Supply and service contracts.* If there is disagreement between a Central Office reviewing official or the Regional Director, Business Service Center and the contracting officer concerning the initiation of a small business set-aside, the disagreement shall be referred to the head of the procuring activity, as defined in § 5–1.206. In the event the disagreement is not resolved, the following procedures shall be followed:

(i) In no circumstances will procurement actions be initiated until small business set-aside disagreements have been formally resolved by the appropriate officials in accordance with this regulation.

(ii) In any procurement where a set-aside is not considered feasible, the reasons for not making a set-aside shall be summarized in the procurement contract file. In addition, if the Central office reviewing officials or the Regional Director, Business Service Center has recommended a set-aside for that procurement action, he shall be furnished a copy of the summary of the reasons for not making a set-aside. In other cases, the procurement contract files containing the reasons for not making a set-aside shall be made available for review by the Central Office reviewing official or the Regional Director, Business Service Center or his designee, on an on-site basis.

(iii) In any case where the Central Office reviewing officials or the Regional Director, Business Service Center disagrees with a contracting activity's determination not to make a small business set-aside on a proposed procurement, or in any case where the Central Office reviewing officials or the Regional Director, Business Service Center develops information which indicates that a small business set-aside should be made on a scheduled procurement action, he will promptly so notify the contracting officer.

(2) *Construction contracts.* If there is disagreement between the reviewing official and the contracting officer concerning the initiation of a small business set-aside, the disagreement shall be referred as follows:

(i) *Regional procurement actions.* Refer to the appropriate Division Director or, if the Division Director is the contracting officer, to the Regional Commissioner. In the event the disagreement is not resolved, referral shall be made to the Regional Administrator for decision.

(ii) *Central office procurement actions.* Refer to the appropriate Assistant Commissioner or, if the Assistant Commissioner is the contracting officer, to the Commissioner, P. If the disagreement is not resolved, referral shall be made to the Commissioner, P, for decision.

(3) Actions taken shall be summarized in the contract file.

§ 5–1.706–52 Change of status of unrestricted or set-aside procurements.

(a) The determination not to make a set-aside shall not be changed (except when there is an appeal by the Small Business Administration) once the solicitation is issued even if information subsequently available discloses a basis for setting aside an unrestricted procurement, unless the contracting officer determines in writing that to do so will not unduly delay the procurement process. See § 1–1.706–3.

(b) A set-aside must be dissolved in accordance with § 1–1.706–7. Depending

upon the procurement, a resolicitation may be required.

(c) In accordance with the provisions of § 1–1.1003–6, the notice shall:

(1) Describe the procurement and the fact that it has been changed to an unrestricted procurement; and

(2) Establish a new bid opening date, if necessary.

(d) The contracting officer may remove a set-aside under circumstances where:

(1) It becomes apparent that there will not be adequate competition with the small business community; or

(2) An amendment is issued which will increase materially the scope or extent of the procurement which would diminish participation by small business.

§ 5–1.713–60 Data concerning minority business enterprise matters.

(a) *Responsibilities.* (1) The Office of Small and Disadvantaged Business Utilization (AU) is responsible for collecting Section 8(a) award information from Regional Offices of Small and Disadvantaged Business Utilization (AU) and preparing a cumulative report.

(2) The regional contracting officer is responsible for submitting Section 8(a) contract award information to the regional AU.

(3) The regional OSDBU is responsible for submitting the Section 8(a) contract award information to AU as an attachment to the GSA Form 3077 (See ADM 2800.17). This data is required on the 20th calendar day following the end of each quarter.

(4) Central Office services and commodity center contracting officers are responsible for submitting the Section 8(a) contract award information to AU.

(b) *Reporting procedures.* (1) GSA Form 2877, Minority Contract Fact Sheet, shall be used to report the information required by this section.

(2) Regional OSDBU's shall report Section 8(a) awards when they have been executed. It is difficult to make a correction after the report has been completed and widely distributed.

(3) Regional OSDBU's shall report all amendments or modifications to existing Section 8(a) contracts on a separate GSA Form 2877.

2K. Subparts 5–1.9, 5–1.10, 5–1.11 are added as follows:

Subpart 5–1.9—Reporting Possible Antitrust Violations

§ 5–1.901 General.

(a) When contracting officers become aware of circumstances concerning an offer or offers that may indicate violation of antitrust laws, they shall report the information required by §§ 1–1.902 and 1–1.903 in narrative form, in duplicate, as follows:

(1) Central Office contracting officers shall report to the appropriate head of the procuring activity or his/her designee.

(2) Regional contracting officers shall report to the appropriate Assistant Regional Administrator.

(b) Contracting officers may contact the Office of Inspector General for assistance in preparing formal documents and statements for submission to the Department of Justice.

§ 5–1.902 Documents to be transmitted.

(a) Contracting officers initially shall prepare documents and statements required by §§ 1–1.902 and 1–1.903.

(b) Specific material shall be prepared for each category in §§ 1–1.902 and 1–1.903. When a category has no applicability to a particular procurement, it shall be so stated in the report. Written statements shall indicate if information is unavailable or if contracting officers are ignorant of such matters as for example, the existence of patents.

(c) The Office of Inspector General will determine the need for additional data to meet the requirement of Subpart 1–1.9. Contracting officers shall secure such additional data and complete all documents and statements and forward them to the Inspector General.

(d) If the Inspector General finds that violations of antitrust laws may have been committed, the Inspector General, with the coordination of General Counsel, will refer the matter to the Department of Justice, in accordance with § 4(d) of the Inspector General Act of 1978, 5 U.S.C. Appendix.

Subpart 5–1.10—Publicizing Procurement Actions

§ 5–1.1003 Synopses of proposed procurements.

§ 5–1.1003–1 Department of Commerce Synopsis.

All synopsis messages (single and/or consolidated) for proposed procurements shall be forwarded to the appropriate Business Service Center (BSC). Procuring activities shall ensure that internal procedures for forwarding message to BSC provide for maximum compliance with § 1–1.1003–6, Time of publicizing. Business Service Centers will arrange for prompt submission of information concerning proposed procurements for publication in the Commerce Business Daily. Submission to the Commerce Department shall be in accordance with § 1–1.1003–7.

§ 5–1.1003–7 Preparation and transmittal.

(a) Synopsis messages shall be prepared on informal letterhead stationery.

(b) Texts of synopsis messages shall be prepared as prescribed in § 1–1.1003–7(b), except that the name and address of the contracting office (see § 1–1.1003–7(b)(3)) shall be construed to mean the appropriate BSC. The transmittal number required by § 1–1.1003–7(b)(2) is assigned by BSC. This entry shall be shown as "Transmittal number ———."

§ 5–1.1003–70 Synopses of amendments to solicitations for offers.

All amendments to solicitations for offers shall be reported for publication in the Commerce Business Daily if the initial procurement was published or if the amendment is of a type to bring the procurement within the criteria for publication (e.g., if the quantity is increased).

§ 5–1.1004 Synopses of contract awards.

§ 5–1.1004–1 Preparation and transmittal.

Except that message texts shall be prepared as prescribed in § 1–1.1004–1, all other provisions of §§ 5–1.1003–1 and 5–1.1003–7 are equally applicable to contract award synopsis messages.

Subpart 5–1.11—Qualified products

§ 5–1.1101 Procurement of qualified products.

§ 5–1.1101–70 Solicitations.

(a) *Qualified Products clause.* Qualified Products clause. (For advertised or negotiated procurements, see § 1–1.1101(b) or (c).

(b) *Product removal from qualified products lists.* Products may be removed from qualified products lists for reasons stated in the Federal Standardization Handbook (FPMR 101–29).

(1) When security cabinets, security vault doors, and changeable combination padlocks which have been qualified under applicable Federal or Interim Federal Specifications are to be procured, the following clause shall be included in the solicitation:

Product Removal From Qualified Products List

If, during the performance of this contract, the product being furnished is, for any reason except those outlined in paragraph 3.1.1 of the applicable Federal or Interim Federal Specification, removed from the Qualified Products List, the Government may terminate this contract for default pursuant to Article 11(a)(ii) of Standard Form 32, General Provisions.

(End of Clause)

(2) When other qualified products are to be procured, the following clause shall be included in the solicitation:

Product Removal From Qualified Products List

If, during the performance of this contract, the product being furnished is for any reason removed from the Qualified Products Lists, the Government may terminate this contract for default pursuant to Article 11(a)(ii) of Standard Form 32, General Provisions.

(End of Clause)

§ 5-1.1101-71 Waiver of qualification requirement.

(a) When a procuring activity has a requirement for a product to be procured under a specification which includes a qualification requirement and the contracting officer has evidence to support a conclusion that it is likely that a solicitation for a QPL product would not produce acceptable offers or adequate competition, a request for a waiver from the qualification requirement of the specification shall be submitted by the procuring director to the Director, Commodity Management Division (FCM). The reasons why the waiver is being requested shall be stated on the request.

(b) If a waiver is granted, it shall be stated in the solicitation that the qualification requirement of the specification does not apply. Unless a notification of waiver states otherwise, each waiver granted shall apply only to the specific procurement for which the waiver was requested, and shall not be construed as authorizing a waiver with respect to any other procurement.

2L. Subpart 5-1.12 is amended by adding §§ 5-1.1204, 5-1.1205, 5-1.1205-4, 5-1.1206 and 5-1.1250 as follows:

§ 5-1.1204 Determination of responsibility or nonresponsibility.

When an offer is rejected because of a determination by the contracting officer that the prospective contractor does not qualify as responsible, the contracting officer shall notify the prospective contractor by letter, setting forth the reasons for the rejection. This will provide opportunity, where applicable, for the correction of the offending practices prior to future offerings.

§ 5-1.1205 Procedures for determining responsibility of prospective contractors.

(a) *Past performance.* Poor past performance can form the basis for a finding of nonresponsibility (§ 1-1.1203-1(c)). It should be emphasized, however, that poor performance is usually a symptom of some other difficulty such as lack of capacity, integrity, or perseverance, and the basic cause of the poor performance must be determined. When poor performance is the basis for a finding of nonresponsibility, such poor performance must have been experienced in the relatively recent past. Emphasis should not be placed on poor performance which occurred during periods so remote in time as to bear little relationship to the bidder's current capabilities or willingness to perform. Where there have been repeated instances of poor performance on the part of a contractor, debarment pursuant to § 1-1.604 should be recommended through appropriate channels.

(b) *Advice and assistance.* Advice and assistance should be obtained from all appropriate activities, including legal counsel, quality control, and finance, in arriving at a determination that an offeror qualifies as responsible under the standards set forth in § 1-1.1203.

(c) *Plant survey.* In the case of large dollar value procurements for supplies which warrant special attention; e.g., a special or critical item not previously produced by the prospective contractor, a current plant facilities report (PFR) shall be requested. (See § 5-1.1205-4.) In advertised procurements, a plant facilities report (PFR) usually shall not be requested until a determination has been made that the bid is responsive and offers a reasonable price. A secondary PFR may be requested for the bidder next in line if there is reason to believe that the otherwise acceptable bidders will not be eligible for award. In such cases, the PFR shall be marked "SECONDARY PFR" in block No. 6 of the request. In competitive negotiated procurements where the position of offerors for award purposes cannot be determined with any degree of certainty until award is made, a PFR shall be requested on all offerors within an acceptable competitive range provided such a report is required under current regulations.

(d) *Financial responsibility.* For any contract of $50,000 or more or which involves Government financial assistance, the contracting officer shall obtain a financial responsibility report regarding the prospective contractor involved from the appropriate credit and finance activity, except with respect to transportation contracts with regulated common carriers under Government bills of lading which are not subject to special terms, conditions, or specifications. Unless notified otherwise, the information furnished should be considered current for a reasonable length of time for use in connection with subsequent offers of the prospective contractor. The request for a financial responsibility report is submitted, in duplicate, on GSA Form 894, Financial Responsibility—Inquiry and Reply (illustrated at § 5-16.950-894).

§ 5-1.1205-4 Preaward surveys. (Applicable to contracts for supplies)

(a) The procuring contracting officer (PCO) shall request a plant facilities report (PFR) as soon as possible after bid opening, if it is determined to be necessary. The PCO shall request a PFR on the apparent low offeror when poor performance has been recently exhibited. A responsibility determination may be made without obtaining a new or updated PFR if the PCO is satisfied the prospective contractor has the facilities, capacity, and quality control system to perform the proposed contract considering the dollar value and critical aspects of the procurement. Before making award without a PFR to a contractor who is performing under other current F contracts, the PCO shall obtain assurance from the responsible administrative contracting officer (ACO) that the contractor's current performance is satisfactory. PFR's for proposed contracts of less than $15,000 shall be requested only with the concurrence of the appropriate procuring activity branch chief.

(b) Requests for a PFR shall be made on GSA Form 353, Plant Facilities Report. The procuring activity making the request shall complete section I of GSA Form 353. Any special reasons for making the request should be stated in block 6 of the form. Any pertinent information which would be helpful in making the Form 353 on hand indicating the contractor is capable, and there is merely a need to determine the proposed contractor's available plant capacity to perform the contract, requests should indicate "capacity only" in block 6 of the form.

(1) Contracting officers shall prepare an original and two copies of GSA Form 353. The original and first copy shall be forwarded to the Contract Management Division, and the second copy retained as a file copy. The original and first shall be accompanied by:

(i) A copy of the solicitation for offers;

(ii) A copy of all pertinent information submitted in the offer, including delivery time and, where applicable, the offeror's indicated monthly production capacity or supply potential (instead of extracting such information from the offer, copies of the offer or pertinent pages thereof may be furnished);

(iii) Any pertinent correspondence between GSA and the offeror; and

(iv) Any other information the procuring activity has which should be

considered by the Contract Management Division in making the evaluation.

(2) the Contract Management Division shall prepare and forward PFR's to the requester within 15 workdays from the date the request is received, except that twenty workdays will be required if the offeror's testing laboratory is located in another region. If a PFR has been requested and it is determined prior to receipt of the report not to make award to the bidder, the office preparing the PFR shall be notified without delay.

(3) When the procuring contracting officer (PCO) does not concur in the PFR recommendation, he/she shall bring the matter to the attention of the branch chief who will, if he/she agrees, contact the regional Quality Control Division Director concerned in an effort to resolve the points in question. If agreement cannot be reached, and it is determined to override the regional Quality Control Division recommendation, the GSA Form 1535, Request for Approval of Awards, shall be documented to include a factual summary and be forwarded to the appropriate Procurement Division Director for concurrence. In all cases involving awards exceeding $100,000 (or below in sensitive cases), if the Procurement Division Director agrees with the override, he/she shall contact the Director, Contract Management Division, in the region performing the survey in an effort to resolve the points in question and to obtain a written concurrence. Should the Director, Contract Management Division, not concur in the proposed override, the Procurement Division Director shall bring the matter to the attention of the Commodity Center Director for Central Office Procurements or the Assistant Regional Administrator for Personal Property in the procuring region for final decision. If award is made to a firm despite an unfavorable PFR, the PCO shall furnish a copy of the rationale/justification for the action to the Office of Contract Management (FQ), the regional Contract Management Division which prepared the PFR, and include a copy in the contract file. Emphasis shall be placed on avoiding award of a contract to a marginal supplier.

§ 5–1.1206 Subcontractor responsibility.

(a) Before authorizing a contractor for supplies to change a designated source of supply or any designated inspection or production point, the contracting officer shall determine that such change will not be detrimental to the ability of the contractor to fulfill his obligations under the terms of the contract.

(b) In making an evaluation of the requested change, contracting officers shall exercise precautions with regard to new sources similar to those taken in determining the acceptability of the initial supply source. If the contracting officer approves a change of supply source, inspection point, or production point, he shall issue an appropriate contract modification specifying the nature of the change and the effective date. Where feasible, the modification shall provide that delivery orders placed prior to the effective date, will remain in effect as written. In determining the effective date, contracting officers shall take into consideration the time necessary for offices concerned to take required actions thereunder.

§ 5–1.1250 Performance records.

Performance records shall include, by contractor, information or data relative to performance, integrity, or judgment. These records shall be consulted by contracting officers of the procuring activity in determining whether prospective contractors meet the responsibility standards prescribed by § 1–1.1203.

2m. Subparts 5–1.16, 5–1.18, 5–1.72 and 5–1.73 are added as follows:

Subpart 5–1.16—Reports of Identical Offers

§ 5–1.1603 Reporting requirements.

§ 5–1.1603–3 Submission of reports.

Identical bid reports shall be prepared by contracting officers, on U.S. Department of Justice Form DJ–1500, Identical Bid Reports for Procurement, in accordance with § 1–1.1603. The report shall be reviewed and submitted to the Attorney General by the Director of the procuring activity and shall be transmitted as follows:

(a) Two copies as required by § 1–1.1603–3(b) shall be sent to the Attorney General, Ref. AT–IBR, Washington, DC 20530 (No transmittal letter is required), and

(b) One copy to the appropriate GSA Special Agent in Charge, Field Investigation Office, Office of Investigations, Office of Inspector General.

Subpart 5–1.18—Postaward orientation of contractors

§ 5–1.1802 Policy.

The policies and procedures in this Subpart 5–1.18 are not to be interpreted as precluding appropriate meetings with personnel of prospective contractors during the course of preaward surveys or otherwise for the purpose of obtaining information regarding the ability of prospective contractors to meet the responsibility standards in § 1–1.1203.

§ 5–1.1803 Postaward orientation conferences.

§ 5–1.1803–2 Initial action.

(a) Upon the award of a contract for which a regional Contract Management Division has responsibility for providing contract administration assistance, that division also has the responsibility for conducting a postaward orientation conference. Ordinarily, such conferences will be conducted by the quality assurance specialist (QAS) on the initial visit to the supplier's plant. When, because of special circumstances, the contracting officer determines that GSA personnel in addition to the QAS should participate in the conference, or that the conference should be held at the office of the contracting activity or at some place other than the supplier's plant, the contracting officer shall make special arrangements with the activity responsible for contract administration assistance.

(b) In the case of contracts other than those referred to in paragraph (a) of this section, the contracting officer shall determine whether there is a need for a postaward orientation conference, giving consideration to the factors in § 1–1.1803–1 and any other pertinent factors. Special consideration as to the feasibility and desirability of postaward orientation conferences shall be given to contracts exceeding $50,000 when the contracts involve new suppliers, suppliers who have given substandard performance under previous contracts, new types of contracts, or important changes in the specifications or test methods from those used in previous purchases. Sound judgment shall be used in determining whether postaward orientation conferences should be conducted. The procuring director shall approve each determination of need for a postaward orientation conference should be conducted. The procuring director shall approve each determination of need for a postaward orientation conference prior to any action toward arranging such a conference.

(c) Whether feasible, the postaward orientation conference shall be held at the contractor's plant or other designated place of business so that the contractor's plant management officials and other representatives responsible for contract performance can participate in the conference. In unusual circumstances, and if agreeable to the contractor, the conference may be held

at the office of the contracting activity, or at the regional office in the region in which the contractor (or contractor's plant) is located.

(1) When it is determined under paragraph (b) of this section, that a postaward orientation conference is to be conducted by the contracting activity, the contracting officer shall make the necessary arrangements (see § 1–1.1803–2). Such conferences shall be conducted by the contracting officer unless otherwise directed.

(2) When it is determined under paragraph (b) of this section, that a postaward orientation conference should be conducted by the region in which the contractor (or contractor's plant) is located, a memorandum request to arrange for and conduct the conference shall be sent to the respective Assistant Regional Administrator. The memorandum shall specify the matters to be included in the conference agenda (see § 1–1.1803–3) and shall be accompanied by the documents and information needed to conduct the conference.

§ 5–1.1803–4 Participants.

Participants in postaward orientation conferences should include, as appropriate, quality assurance personnel, personnel of the office responsible for contract administration, legal counsel, accounting personnel, and other interested government personnel. Personnel attending conferences as representatives of contract management/quality assurance activities shall, whenever possible, be the same individuals who will be responsible for providing contract administration assistance in connection with the contract.

§ 5–1.1803–5 Conference procedure.

During the course of a conference, the contractor shall be fully informed of the contractor responsibilities under the contract and of the desire on the part of GSA to be helpful in answering any questions or in resolving any difficulties which the contractor may encounter. The conference shall also be used as an opportunity to emphasize the close, direct, and continuous interest this agency will display in the contractor's performance under the contract. Also, the contractor should be informed that other than routine questions should be taken up with the contracting officer.

§ 5–1.1805 Reports.

The official who conducts a postaward orientation conference shall be responsible for preparing a summary report in accordance with § 1–1.1805. In those cases where the conference was conducted by one region at the request of another region or a central office procuring activity, the report shall be transmitted to the requesting activity with a covering memorandum.

Subpart 5–1.72—Public relations

§ 5–1.7201 Visitors to procuring activities.

(a) Visitors to procuring activities shall be treated in a business-like manner and with appropriate courtesy. Discussions shall be conducted in a manner to preclude compromise of any information, including the possibility of other visitors overhearing conversations which could influence their actions or present an undue advantage. Care shall be exercised to prevent the visual observance of documents which may be on desks or tables and which are not intended to be shown to the visitor.

(b) To facilitate the above, the following are illustrative of the type of procedures which should be prescribed;

(1) Register all visitors;

(2) Conduct discussions and other business with visitors in a central location, away from the immediate work area of the person visited;

(3) If visitors need to leave the central location area, they should be escorted or should be required to wear some numbered identification tag which should be recorded when issued and again when turned in at the end of the visit;

(4) In the central location, conduct business in special rooms or booth-type facilities; and

(5) Post signs or otherwise make known that visitors are prohibited from entering work areas, unless specifically authorized.

(c) Procuring directors shall be responsible for implementing these procedures.

Subpart 5–1.73—Preparation and Distribution of Contract Documents

§ 5–1.7301 Purchase order forms.

(a) GSA Form 300, Order for Supplies or Services, illustrated in § 5–16.950–300, is a six-part form designed for use as a purchase order or as a delivery order. This form is prescribed for purchases payable by GSA under the National Electronic Accounting and Reporting (NEAR) System of funds control. The form will not be used for stock replenishment or direct delivery purchases payable from GSA revolving supply funds. GSA Form 3025 shall be used as the receiving report. Where origin inspection is required in connection with purchases made under the NEAR system, memorandum copy No. 6 of the GSA Form 300 will be utilized in the preparation of two copies for the appropriate quality control office for origin inspection purposes.

(b) GSA Form 3184, GSA Stock Item Direct Delivery Order, illustrated in § 5–16.950–3184, is a 7-part form for use when ordering stock items that are to be delivered by the vendor direct to the consignee.

(c) GSA Form 3186, Order for Supplies or Services, illustrated in § 5–16.950–3186, is a 7-part form used primarily for stock replenishment and nonstock direct delivery purchase orders.

(d) GSA Form 3433, Marking and Shipping Instructions, illustrated in § 5–16.950–3433, is provided for use as an attachment to GSA Forms 3184 and 3186 when marking and shipping instructions are not otherwise specified.

CHAPTER 5A—OFFICE OF ACQUISITION POLICY, GENERAL SERVICES ADMINISTRATION

PART 5A–1—[REMOVED]

3. 41 CFR Chapter 5A is amended by removing Part 5A–1.

CHAPTER 5B—OFFICE OF ACQUISITION POLICY, GENERAL SERVICES ADMINISTRATION [REMOVED]

4. 41 CFR is amended by removing Chapter 5B in its entirety.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Dated: February 3, 1983.

William B. Ferguson,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 83–7595 Filed 3–23–83; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6365

[AR–011033]

Arizona; Partial Revocation of Public Land Order No. 1626

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes Public Land Order No. 1626 as it affects 72.19 acres in the Show Low Recreation Area of the Sitgreaves National Forest. The lands are not needed for the purpose for which withdrawn and have been determined suitable for disposal to private ownership through exchange. As

a result, the lands will not be restored to surface entry, mining, or mineral leasing.

EFFECTIVE DATE: March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 601–261–4774.

By virtue of the authority contained in Section 204(a) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1626 of May 6, 1958, which withdrew lands within the Sitgreaves National Forest for use by the Forest Service as a recreation area is hereby partially revoked insofar as it affects the following described lands:

Gila and Salt River Meridian, Arizona

Show Low Recreation Area

T. 10 N., R. 22 E.,
Sec. 16, SW¼SW¼NE¼SW¼, W½SW¼SE¼SW¼NE¼SW¼, S½S½NW¼SW¼, SW¼SW¼, W½E½SE¼NW¼SE¼SW¼, W½E½NW¼SE¼SW¼, W½NW¼SE¼SW¼, SW¼SE¼SW¼, SW¼SW¼SE¼SE¼SW¼.

The area described contains 72.19 acres in Navajo County.

2. The lands described in paragraph 1 are currently under Forest Service exchange applications and shall immediately be made available for conveyance to private ownership through a pending Forest exchange. Therefore, the lands will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 18, 1983.

[FR Doc. 83–7896 Filed 3–23–83; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 82–122; FCC 83–85]

Interconnection Arrangements Between and Among Domestic and International Record Carriers: Store-and-Forward and TWX/Telex Conversion

AGENCY: Federal Communications Commission.

ACTION: Interim Order and Waiver of Rules.

SUMMARY: Under the Record Carrier Competition Act, record carriers are required to make facilities available for interconnection. Previous FCC orders had addressed most forms of such interconnection, but not interconnection to the facilities addressed in this order. In this order, the FCC resolves interconnection to record carriers' store-and-forward and service conversion facilities and prescribes interconnection under tariff. Also, the FCC clarifies that interconnection is required to "traditional" record services, even if they are enhanced services which otherwise would be unregulated.

DATES: Effective upon actual notice to the affected record carriers March 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael S. Slomin, 202–632–9342.

Memorandum Opinion and Interim Order

In the matter of: Interconnection Arrangements between and among Domestic and International Record Carriers: Store-and-forward and TWX/Telex Conversion; CC Docket No. 82–122; FCC 83–85.

Adopted: March 3, 1983.
Released: March 14, 1983.
By the Commission:

I. Introduction

1. In the Record Carrier Competition Act of 1981 (RCCA), Pub. L. 97–130, 95 Stat. 1687, Congress amended Section 222 of the Communications Act to establish a new structure for full and fair participation in the provision of international and domestic record services. Included is a requirement that facilities for teletypwriter-based (and other traditional) record services by record carriers be made available for interconnection with facilities of other record carriers. The RCCA contemplated that the affected carriers meet and reach interconnection agreements to implement interconnection for others which is equal in type and quality to that provided their own operations, and if they were unable to do so, that the Commission prescribe appropriate tariff, compensation, technical and operational arrangements for such interconnection.

2. The commission sponsored meetings among the carriers thereafter, but the carriers were unable to reach such agreements. Thus, the Commission was forced to prescribe appropriate arrangements in an April 8, 1982 *Interim Order*[1] and in a June *Memorandum Opinion and Order (Rejection Order)*,[2] employing a tariff prescription mechanism to ensure that the prescribed arrangements were effectuated. Pursuant to these orders, the vast bulk of domestic and international teletypewriter-based record services are not fully interconnected.

3. Although the carriers had been unable themselves to reach comprehensive interconnection agreements, and had forced the Commission to embark upon the prescription path, the Commission sponsored additional meetings subsequent to adoption of the *Interim Order* in an effort to promote voluntary resolution of the non-compensation technical and operational details of interconnection. As is summarized in the *Rejection Order*, many such issues were resolved during the course of these meetings, and formed the basis for prescription in the *Rejection Order*. However, the parties were unable to do so with respect to store-and-forward and TWX/Telex conversion interconnection because of their technical complexities and the need for additional Commission guidance.

4. For this reason, contemporaneously with release of the June order, the Chief, Common Carrier Bureau released a *Tentative Decision*[3] which summarized the carriers' discussions of the store-and-forward and TWX/Telex interconnection issues at the meetings and proposed resolution of these issues. Comments filed in response showed that several carriers were prepared to implement the proposals in the *Tentative Decision*. However, one carrier, TRT, claimed that it was unable to do so without extensive and time-consuming facilities modifications. And, two carriers, WUI and ITT, argued in favor of additional meetings among the carriers to discuss these issues further. In these circumstances, the Chief, Common Carrier Bureau concluded that it would be desirable to sponsor additional meetings to resolve the store-and-forward and TWX/Telex conversion interconnection issues, and by *Order* released July 6, 1982, CC5003, convened such meetings July 13 and 14, 1982 (hereafter the July meetings). At the July meetings, the carriers drafted consensus language, but they reserved the right to assent or dissent thereto subsequently. However, their language utilized principles which were inconsistent with those advanced in the *Tentative Decision*, and for that reason

[1] 89 FCC 2d 988 (1982).

[2] —FCC2d—, FCC 82–264, released June 11, 1982.

[3] Tentative Decision, CC4563, released June 11, 1982.

by letter to each of the carriers dated July 21, 1982, further comment was requested on the necessity for the arrangements addressed in the carriers' consensus language.

5. In view of the comprehensive comments before us, filed pursuant to the *Tentative Decision* and in response to the Bureau Chief's July 21, 1982 letter, we are prepared to resolve on an interim basis the store-and-forward and TWX/Telex interconnection issues.

6. However, a related matter has arisen which also must be addressed, namely the relationship of this proceeding to § 64.702(a) of our rules, which became effective January 1, 1983 as the result of the *Second Computer Inquiry*.[4] In Transmittal No. 7992, Western Union has sought to detariff certain store-and-forward and service conversion offerings heretofore tariffed on the theory that these are enhanced services and therefore not properly the subject of tariffs. Certain of the offerings within the scope of Western Union's filing are within the ambit of the store-and-forward and TWX/Telex conversion issues of this proceeding, and we therefore must resolve whether the tariff mechanisms employed to implement the RCCA appropriately may be employed for such store-and-forward and service conversion offerings.

II. The Tentative Decision

7. The *Tentative Decision* identified and proposed resolution of significant complications which foreclosed the ability of the record carriers themselves to resolve interconnection to store-and-forward and TWX/Telex conversion facilities. We briefly summarize the proposals in the *Tentative Decision* below.

A. Proposed Treatment of Store-and-Forward Interconnection

8. The *Tentative Decision* addressed solely interconnection of one carrier's switched telegraph services with the input of another carrier's store-and-forward facilities, the latter of which are integral to the second carrier's telegraph-based and traditional telegraph service offerings. It did not address the correlative possibility that the output of store-and-forward facilities might be connected to another carrier's facilities, as this matter had not been raised or addressed during the course of the carrier's meetings.[5]

9. Several issues were identified in the *Tentative Decision* which, because of controversy among the carriers, foreclosed their ability to resolve store-and-forward interconnection. These were: Discrepancies in actual input time and output time when store-and-forward messages are handled: disparate treatment by the Commission and the carriers of international and domestic minutes; and identification of which carrier is the "originating carrier" (i.e., the carrier which bills the subscriber and which compensates the interconnected carrier for use of its facilities). A further issue concerned whether a store-and-forward transmission should be treated as two calls (i.e., one to the store-and-forward facilities, and a second from these facilities to the destination) or as a single call (i.e., a single call from the originator to the destination, ignoring the intermediate storage), and whether the carrier compensation arrangements should be consistent with such a two call or one call treatment. And finally, there was an attempt in the *Tentative Decision* to address the claims of several carriers that a unified treatment of store-and-forward interconnection for all carriers alike would be infeasible, as various carriers had claimed that they could not implement various options which had been discussed at the meetings preceding release of the *Tentative Decision*.

10. The *Tentative Decision* proposed that the carrier bringing messages to another carrier's store-and-forward facilities should be compensated on the basis of input time to the store-and-forward facilities, as such time represents the actual usage of the interconnecting first carrier's facilities. One way of achieving this result would be to place such calling on a subscriber-paid basis, i.e., that the subscriber would compensate the first carrier no differently than it would compensate this carrier for any other domestic call. While it appeared that Western Union was able to implement such an arrangement for calls toward its store-and-forward facilities from other carriers' subscribers, the other carriers sought to avoid such a subscriber-paid approach in calling toward their own store-and-forward facilities as they claimed that such an approach could not be implemented using the same interconnection arrangements used for real-time services. The ability of their customers to access their store-and-forward and real-time services alike, using the same carrier-paid access ports, would be foreclosed under a subscriber-paid interconnection arrangement. Moreover, many international store-and-forward calls start as real-time calls and revert to store-and-forward if they cannot be completed real-time (for example, if a busy signal is reached). It would be difficult to permit such reversion if different access arrangements were required for the two types of calls.

11. To meet these concerns, the *Tentative Decision* proposed an additional carrier-paid interconnection option, with compensation by the store-and-forward carrier to the interconnecting carrier for use of the latter's facilities, but subject to certain constraints. First, the Commission had to receive adequate assurance that reporting of usage minutes would be accurate and verifiable in such arrangements. And second, to ensure that subscribers would be treated alike regardless of which of the two arrangements might be selected, *Tentative Decision* proposed non-application of a carrier interconnection discount to the carrier-paid option. Under this latter constraint, the carrier bringing traffic to another carrier's store-and-forward facilities would receive the same compensation regardless of which option might be selected.

12. In sum, both options would achieve domestic treatment of the compensation of the interconnecting carrier (the subscriber's carrier bringing traffic to another carrier's store-and-forward facilities) based on the actual time the interconnecting carrier's facilities are used in interconnected store-and-forward service, that is, based on input minutes. The *Tentative Decision* concluded that such an approach would best comply with the directive in the RCCA that we establish an "equitable allocation of revenues * * * based on the costs of the record communications service or facility *employed*", Section 222(c)(2) [emphasis added], on the theory that such actual time represents the time in which the interconnecting carrier's facilities are "employed." Furthermore, the *Tentative Decision* noted that many

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[4] 77 FCC2d 384, 84 FCC2d 50 (1980), 88 FCC2d 512 (1981), *aff'd sub. nom.* C.C.I.A. v. F.C.C., 693 F.2d 198 (D.C. Cir. 1982), *petitions for certiori filed,* —— USLW —— (U.S. Feb. 9 and 10, 1983, Nos. 82–1351 and 82–1352).

[5] We similarly do not propose to address this case in this order, but without prejudice to whether carriers may, or should, themselves arrive at suitable procedures for interconnecting the outputs of store-and-forward facilities to other carriers' facilities. As was noted in the Tentative Decision, para. 4 note 2, outputs from Western Union's "Infomaster" appear currently to be interconnected to other carriers' international facilities for international handling. Similarly, outputs of international record carriers' store-and-forward facilities may already be connected to other carriers' facilities for message handling on a transit basis. In sum, this form of interconnection appears already to exist, at least to some extent, and may raise no special problems requiring further FCC action.

store-and-forward messages are common text multiple-address messages (so-called "book" messages) in which input time often is far less than output time. In such circumstances, any compensation approach for the interconnecting carrier based on store-and-forward output time might result in excessive compensation to the interconnecting subscriber's carrier. We noted that while the carriers themselves might not be particularly concerned over such potential overcompensation, it is subscribers who would provide the funds and not the carriers. Thus, even if the carriers might not perceive a competitive disadvantage from such rate practices, it was unclear whether such practices could be reconciled with the substantive requirements of Sections 201(b) and 202(a) of the Act.

B. Proposed Treatment of TWX/Telex Conversion Interconnection

14. TWX/Telex conversion presented different problems. For purposes of this discussion we are focusing on real time conversation issues, and not conversions which might be performed as part of a store-and-forward offering.[6]

15. Historically, TWX has been offered solely in the United States and Canada as a teletypewriter exchange service. Telex has been offered worldwide (including the United States and Canada). The two services differ both in speed and in code. TWX operates at 110 baud using the ASCII character set and code, while Telex operates at 50 baud using an older and less versatile character set and code, the so-called "Baudot" code, which does not include many characters found in the ASCII set. While TWX may be a more useful service domestically, for TWX users to be able to send and receive international messages, speed and code conversions are required for crossover between the two services. Such conversions have been performed both by international record carriers (for international calling to TWX subscribers) and by Western Union (for domestic calling as part of its integration of TWX and Telex domestic services). Conversion equipment is in place for these services and is being used.

16. While Western Union sought to continue to offer interconnection to TWX using its normal ASCII coding and 110 baud speed for international interconnection,[7] in its interconnection tariff filings it sought to limit interconnection to TWX for domestic service soley to the Telex-based speed and Baudot code, thereby retaining the TWX/Telex conversion function for domestic interconnection.[8] Western Union did not propose to make any domestic interconnection offering of TWX using the TWX code and speed. This failure to make an actual domestic TWX interconnection offering proved controversial, both to carriers which were contemplating the future offering of competitive domestic TWX services (which argued that the absence of direct TWX interconnection could serve as a barrier to their entering the domestic TWX market), and to at least one other carrier, Graphnet, which claimed already to be offering TWX service. It was argued that by limiting domestic TWX interconnection to the Telex speed and character set, Western Union was nullifying the speed and character set benefits of TWX over Telex through unnecessary and inefficient double conversions (from another carrier's TWX, to Western Union's Telex-like interconnection interface, and back to Western Union's TWX).

17. A number of proposals were made by the carriers during their meetings, and in the *Tentative Decision* we proposed interim adoption of one of Western Union's proposals, without prejudice to determination of broader TWX interconnection issues should controversy remain. Specifically, we proposed acceptance of Western Union's proposal that it continue to offer interconnection to its domestic TWX facilities using the Telex code and speed, and that it additionally offer interconnection to its domestic TWX facilities using TWX code and speed, but "without restraint".[9]

18. The effect of such an interconnection offering would be to permit other carriers' subscribers with TWX terminals to receive the full advantages of TWX interconnection, including avoidance of double conversions of TWX to Telex and back to TWX, but to frustrate the ability of other carriers themselves to perform TWX/Telex conversion in lieu of Western Union if their subscribers are using lower-speed non-TWX terminals to receive messages originating at Western Union's TWX subscribers' terminals.

19. We tentatively concluded that, as a practical matter, the only carrier which might immediately be affected by this proposal is Graphnet (which apparently today offers service to subscribers with TWX terminals), and that a "without restraint" offering by Western Union would be usable for direct domestic TWX interconnection between the TWX facilities of Western Union and Graphnet. We concluded that adoption of Western Union's proposed "without restraint" arrangement would not foreclose provision of additional TWX interconnection "with restraint" in the future should an appropriate showing be made, and we proposed that the "without restraint" interconnection offering be made effective without prejudice to the resolution of the "with restraint" issues under the RCCA and the Communications Act generally.

III. Comments

20. Comments were filed on the *Tentative Decision* which were divided on the proposed treatment of store-and-forward interconnection, but which generally supported adoption of the TWX/Telex conversion proposals (as interim measures, and without prejudice to the "with restraint" issue). Since the latter were not controversial, they are prescribed at para. 70 below, for reasons stated in the *Tentative Decision*, and are not discussed further herein.

A. Comments on the Tentative Decision

21. Two carriers, Western Union and RCA, were prepared to implement the store-and-forward proposals of the *Tentative Decision*, although Western Union argued that any implication that the store-and-forward carrier unbundle the access component (under a carrier-paid access arrangement) for fully domestic calling is not required under the RCCA.[10] CCI and IRI supported the technical and operational proposals for store-and-forward interconnection, claiming that their facilities are fully capable of capturing and utilizing input minutes in calling towards their store-and-forward facilities, but they argued that a carrier-to-carrier interconnection discount should apply in the event that

[6] Store-and-forward facilities do not necessarily store and subsequently deliver messages unchanged. They also often change the outputs into different forms than those received at their inputs, and are capable of performing TWX/Telex and other conversions on a store-and-forward basis. We address this latter type of conversion offering in connection with our resolution of store-and-forward interconnection.

[7] This offering would continue to allow the international record carriers to perform the TWX/Telex conversions which they have long performed for international calling by TWX subscribers.

[8] The international carriers had not performed such conversion prior to enactment of the RCCA.

[9] "Restraint" is a technical term which refers to the ability of a facility periodically to stop a higher speed signal source. *See* Tentative Decision, para. 35

[10] Western Union argued that the equal in type and quality provisions, and the Commission's requirement that the benefits of carrier-to-carrier interconnection discount be passed along to subscribers, apply only to domestic-to-international interconnection, and not to wholly domestic interconnection.

the carrier-paid option of the *Tentative Decision* is selected.

22. TRT and WUI opposed adoption of the store-and-forward interconnection proposals (with ITT specifically concurring in WUI's comments on this point), and argued in favor of utilization of output minutes as a basis for compensation of an interconnecting carrier, an approach which was tentatively rejected in the *Tentative Decision*. They did so on rate structure grounds,[11] and TRT argued further that to implement the *Tentative Decision* it would be required to make major modifications to its facilities (requiring at least one year of effort, at a labor cost exceeding $150,000).[12] WUI noted several ambiguities inherent in the proposals of the *Tentative Decision*, and argued in favor of additional carrier meetings (or an additional round of comments) to resolve these ambiguities. Finally, WUI argued that the disruptive effect of the store-and-forward interconnection proposals was disproportionate to the traffic actually involved.[13]

B. The July Meetings

23. In view of the congressional preference for agreement among the carriers rather than FCC regulatory solutions as a means of effectuating the interconnection requirements of the RCCA, and in view of the specific request for additional meetings by WUI with the concurrence of ITT, we scheduled meetings on July 13, and 14, 1982 to afford the carriers a further opportunity, under our sponsorship, to reach agreement on the store-and-forward interconnection issues.

24. At the meetings, the carriers generally continued to advance positions advanced previously in their filed comments, and TRT and WUI discussed in more detail why facilities modifications would be necessary for implementation of the proposals of the *Tentative Decision* (or, failing that, why existing service features might be affected or curtailed). TRT explained that if interconnection of its store-and-forward services alone were involved, it could implement these proposals without facilities modifications. But, in TRT's view, the RCCA requires equality between the store-and-forward offerings made to its own subscribers and the store-and-forward offerings made to interconnecting carriers. If compensation for carriers' interconnection to its store-and-forward facilities were to be based on input minutes, in TRT's view similar two call treatment would be required for offerings to its own subscribers of store-and-forward services; this latter rate pattern cannot be implemented on TRT's existing facilities.

25. WUI did not specifically claim an inability to implement the proposals of the *Tentative Decision*. Rather, it claimed that there would be subscriber confusion as a consequence of the inability to line up specific input-based access charges with specific store-and-forward (output) messages on subscriber bills, and for that reason argued in favor of allowance of an output-based compensation option. The FTCC and ITT also argued in favor of output-based compensation, primarily on the basis that a change to input-based compensation would disrupt existing rate structures.

26. The remaining participating carriers did not disagree in principle with the TRT, WUI, FTCC and ITT position that output-based compensation should be permitted as an option, so long as the input-based compensation options of the *Tentative Decision* remained available. And, the relatively recent entrants, CCI and IRI, continued to argue that an input-based carrier-paid option (with the store-and-forward carrier providing the total subscriber bill, and compensating the interconnecting carrier for access) should be treated as a carrier-to-carrier interconnection with an appropriate discount. The more traditional carriers argued against such a discount.

27. TRT then proposed creation of a new option which might to some extent create a mechanism for CCI and IRI to utilize input-based compensation in conjunction with an ability for them (rather than the interconnecting carrier) to bill subscribers for the totality of interconnected store-and-forward service, but which in TRT's view would not specifically be classified as a through service justifying a carrier-to-carrier interconnection discount. Under TRT's proposal, the interconnecting carrier's subscriber would make a collect call towards the store-and-forward carrier's facilities; the store-and-forward carrier would be treated as a called party by the interconnecting carrier; but as is the case of any collect call, the called party (i.e., the store-and-forward carrier) would be billed for the call rather then the originator. Since in TRT's view this would be a species of a subscriber-paid approach, no discount would apply. Furthermore, since this would be a domestic call to the interconnecting subscriber's carrier, this approach would largely implement the carrier-paid option of the *Tentative Decision*, but on an end-on-end basis.

28. Not surprisingly, CCI and IRI were unsatisfied with this proposal in view of their strenuous argument that an interconnection discount should apply if the store-and-forward carrier performs full subscriber billing in interconnected store-and-forward calling. However, because of rounding effects they were willing to discuss further the merits of TRT's proposal.[14]

29. Furthermore, CCI and IRI noted that much of their traffic is "book" message traffic, where output times are often greater than input times. If CCI and IRI were to opt for the TRT-proposed approach, while other carriers opted for an output-based compensation approach, CCI and IRI would provide less compensation to the interconnecting carrier for "book" messages independent of the rounding up effects described previously. In sum, both for individual store-and-forward messages, and for "book" messages, a carrier opting for TRT's subscriber-paid-collect proposal, even without a carrier-to-carrier interconnection discount, would be providing less compensation to interconnecting carriers (and could

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[11] *I.e.*, that anomalies might be created through an establishment of different rates for the real time and store-and-forward calling to the same point. *See* paras. 10 and 22 of the Tentative Decision.

[12] WUI also argued that certain offerings now available to its store-and-forward subscribers, namely departmental billing (billing disaggregated among a subscriber's departments and functional units) could not be performed if the proposals of the Tentative Decision were implemented.

[13] WUI claimed that store-and-forward traffic is approximately 10% of its total traffic, and that common text multiple-address ("book") messages, which raised policy problems addressed in the *Tentative Decision*, are only about 10% of the store-and-forward traffic. Thus, the messages that create problems with output-based compensation—the preferred approach of WUI, TRT and ITT—are only about 1% of total traffic. In WUI's view, such a *de minimis* problem should not be dealt with in a way which disrupts ratemaking for all of its traffic, real time and store-and-forward

[14] Specifically, the other carriers noted that international timing includes a rounding up process under which message durations for international messages are rounded to the next whole minute. Because of such rounding, even if a 15% discount is applied to treatment of output based compensation under the existing principles applicable to real time interconnection, for average length messages carriers selecting the TRT-proposed subscriber-paid-collect option would still be providing less compensation to interconnecting carriers for average-length messages than carriers utilizing an output-based compensation option.

An average length store-and-forward message was claimed to be 2.9 minutes at the input of store-and-forward facilities, and 2.4 minutes at their output. Under an output-based compensation approach, the 2.4 minutes would be rounded to 3, multiplied by 1.3 (the current international to domestic conversion factor) and by 0.85 (the current 15% discount) for an international call—the case of interest to CCI and IRI—resulting in 3.315 minutes of compensation to the interconnecting carrier. By contrast, under TRT's proposal, the interconnecting carrier would receive 2.9 minutes of compensation (without a discount).

therefore make its prices more competitive) than a carrier opting for an output-based compensation approach. Since ITT, TRT, WUI and FTCC were specifically advocating the output-based compensation approach, it appeared that many (if not all) of the competitors of CCI and IRI would be subject to the higher compensation costs associated with the output-based compensation approach, thus it appared that CCI and IRI might have a competitive advantage (at least for a time).

30. In view of this discussion, the carriers agreed to draft language embodying the approaches discussed. Their language proposed that a store-and-forward carrier might select "one or more" of the following options: (1) An output-based compensation option under which compensation of the interconnecting carrier would be based on the store-and-forward message outputs (under the factoring and discount principles applicable to real time calls); (2) a subscriber-paid access option under which the interconnecting carrier would place a call to a store-and-forward carrier's facilities no differently than any normal domestic call (with normal domestic billing of the originating subscriber); and (3) a subscriber-paid-collect access option under which the interconnecting carrier would place a call to a store-and-forward carrier's facilities as a domestic call, but would bill the store-and-forward carrier for the call (rather than the originator).

31. Finally, language was drafted to implement an ITT proposal intended to ameliorate the concerns in the *Tentative Decision* about "book" messages if output-based compensation is employed.[15]

32. Specific "agreement" to the drafted language was not reached during the July meetings inasmuch as several carriers indicated that they would be reviewing the consensus results subsequently. As is noted below in the discussion of the responses filed to the Bureau Chief's July 21, 1982 letter, carriers other than CI and IRI subsequently expressed satisfaction with the drafted language. Although CCI and IRI had appeared satisfied during the meetings with TRT's subscriber-paid-collect proposal, they subsequently continued to argue in favor of a carrier interconnection discount for such arrangements. Thus, to this extent it is unclear whether "agreement" as such was the result of the July meetings.[16]

C. Responses to the July 21, 1982 Letter.

33. On July 21, 1982, the Chief, Common Carrier Bureau addressed a letter to each of the participating record carriers requesting additional information which appeared necessary to ultimate resolution of the issues of the *Tentative Decision*. Questions were posed on the following issues: (1) To what extent does the RCCA require a restructuring of a store-and-forward carrier's rates to its own subscribers, if the carrier-to-carrier interconnection proposals of the *Tentative Decision* are adopted, in view of TRT's apparent ability to implement these proposals for interconnection purposes, but not for its own services? (2) What are the bases for TRT's time and cost estimates for modification of its facilities to implement the proposals of the *Tentative Decision?* (3) To what extent would the ability of carriers to perform departmental billing be affected if the proposals of the *Tentative Decision* were made final? (4) What basis is there for distinguishing TRT's subscriber-paid-collect interconnection proposal from other forms of carrier-to-carrier interconnection to which an interconnection discount is applicable, since the interconnection arrangements themselves would appear to be the same as are employed for interconnection purposes? (5) What basis is there for carriers to be able to select "one or more" options simultaneously, rather than a single option, in view of the *prima facie* discrimination which could be the result if multiple options were made available simultaneously?

34. TRT argued that the RCCA requires a direct flowthrough in its subscriber charges for its payout to an interconnecting carrier connecting with the input of its store-and-forward facilities, and that a different rate structure for its own subscribers would be patently discriminatory and neither at "the same rates and upon the same terms and conditions" nor "equal in type and quality" as required by the RCCA.[17] Western Union argued to the contrary.

35. In Western Union's view, the RCCA would not prevent a carrier from disadvantaging its own subscribers as compared with the service offered other carriers through interconnection. More fundamentally, Western Union took issue with TRT's underlying argument that the RCCA requires that the same rate structure utilized for compensation of interconnecting carriers must be applied to a carrier's own subscribers; in Western Union's view, Section 222(c)(2) gives the rate setting carrier freedom to establish its subscriber rates as it sees fit. While Western Union had previously supported the input-based compensation proposals of the *Tentative Decision*, it had done so in the belief that such a rate structure had no bearing on its subscriber rate structure. If the Commission were to require that the subscriber rate structure conform to the interconnection rate structure, Western Union would be compelled to select the same output-based compensation approach advocated by TRT and other international carriers.

36. While TRT provided no additional information on the cost estimates provided previously, it provided detailed time and labor estimates for the tasks which, in its view, would be necessary to implement the proposals of the *Tentative Decision*. TRT noted that its systems are unique, that personnel outside of TRT are incapable of performing the requisite modifications, and that even within TRT the number of persons capable of performing such work are limited. Thus, TRT argued that its time estimates could not be shortened. The estimates assumed that the compensation principles of the *Tentative Decision* would govern store-and-forward offerings to its own subscribers,[18] and would be the same

[15] Briefly, ITT had proposed that output minutes be divided by an industrywide weighted average of the output/input time ratios for "book" messages, to minimize excessive compensation of the interconnecting carrier in the case of "book" messages, if output-based compensation is otherwise employed. When ITT made this proposal at the meetings, FTCC and WUI claimed that their facilities could not distinguish "book" messages from individual messages, making it impossible for them to identify the outputs to which such a factor could be applied. Western Union and TRT argued that any such industrywide averaging could penalize individual carriers with message patterns significantly different from the industry as a whole. In comments filed subsequently, all commenting carriers urged that this proposal not be adopted.

[16] Under the RCCA, only the primary record carriers (which category does not include CCI and IRI) need reach an "agreement." Since the primary carriers appear to have agreed, the result of the July meetings probably qualifies as an "agreement." However, other carriers are free to seek from the Commission modifications to any "agreement" among the primary carriers, and the Commission may modify an "agreement" on its own motion. In this order, we shall treat the objections of CCI and IRI to the drafted language as a request for Commission modification.

[17] In response to a question in the Bureau Chief's letter whether the RCCA could properly be construed as intended to prevent prejudice in interconnection offerings, and not advantage, as compared with service offered a carrier's own subscribers, TRT argued that such construction would be inconsistent with the actual language of the statute (i.e., "same" terms and conditions, and "equal" in type and quality).

[18] As noted, TRT is capable of implementing the Tentative Decision without facilities modification for carrier interconnection purposes. Its time and labor estimates are for the effect required to implement an input-based two call treatment of store-and-forward offerings to its own subscribers, on the theory that the RCCA would require such a result if such an offering were made for interconnection purposes.

regardless of which of the two options therein might be chosen. Under a scenario in which all billing (and related) services now performed would continue to be available, task milestones traverse six month to fifteen month periods (with total labor ranging from 41.5 to 51.5 person-months).

37. Alternatively, under a scenario in which full departmental billing capabilities might be lost (i.e., for a component representing input to store-and-forward facilities), task milestones would not exceed six months (with total labor ranging from 18.5 to 23.5 person-months).[19] It should be noted that not all departmental billing would be lost under the second scenario; departmental billing associated with the outputs of store-and-forward facilities would be unaffected. While we requested information on whether the input (access) portion of overall store-and-forward message billing for typical calls is significant, to determine whether the capabilities which might be lost are important or are *de minimis*, TRT did not provide specific data on this. Rather, it argued that full departmental billing capabilities are important to its subscribers.

38. The fourth group of questions, relating to the rationale for not applying a discount to TRT's proposed subscriber-paid-collect interconnection arrangements, evoked strong argument. TRT argued that discounts should only apply to through service arrangements such as the carrier-paid arrangements employed for real time international services where the second carrier serves as the "originating carrier." TRT's proposal was for an end-on-end service arrangement, on the principle that two calls, rather than a through call, are involved. CCI and IRI argued that the physical and operational arrangements for implementing TRT's proposal are no different than arrangements already employed for real time services to which a discount applies, and that the same economies which justify a discount for the real time arrangements are available for the store-and-forward arrangements as well.

39. Furthermore, these carriers argued that the stated basis of the *Tentative Decision* for not applying a discount to the carrier-paid proposal—that there should be no rate effects on subscribers regardless of which of the options therein might be chosen—would no longer have any force if the output-based compensation proposal advanced by the other carriers were accepted. In such case there would already be different rates to subscribers if both an output-based compensation option and a subscriber-paid access option were available: [20] an additional interconnection option would not exacerbate the discriminatory effects of such disparities.

40. Western Union acknowledged that such a possibility of discrimination would remain were both input-based and output-based compensation options available, but nevertheless it argued that non-applicability of a carrier-to-carrier interconnection discount to TRT's subscriber-paid-collect proposal would not affect the analysis of the *Tentative Decision* on this point. ITT argued that the subscriber-paid-collect arrangements proposed by TRT are no different from subscriber-paid (normally billed) arrangements, and therefore should be treated no differently from the latter, i.e., with no discount.

41. Comment on the last question, whether an offering by a single carrier of multiple options simultaneously would raise discrimination problems, was somewhat divided. TRT acknowledged that such an approach would raise "serious questions under Section 202(a)" of the Act, but it argued that the Commission need not rule on this issue unless and until a given carrier sought to do so. In TRT's view, it would be sufficient that the parties are now on notice that such an approach might be considered unlawful. Western Union and ITT argued that such an approach would not be unlawful, and Western Union observed that a carrier's marketing philosophy might cause it to adopt a different approach for access to domestic and international store-and-forward services; in Western Union's view, a carrier's flexibility to do so should not be foreclosed. CCI argued that use of the different options for which language was drafted would be to provide essentially *different* services, therefore such an approach would not be the offering of *like* services at different charges, the usual case of prima facie discrimination. CCI argued further that the ability of a carrier to pursue multiple approaches would represent a competitive option in the marketplace, and that the purposes of the RCCA in seeking development of a competitive record service marketplace would be better served if such flexibility were retained.

42. Finally, the commenting carriers addressed the merits of adoption of the language drafted at the July meetings. All commentors argued against adoption of ITT's proposal for factored output-based compensation for "book" messages. ITT, TRT and Western Union argued specifically that the remaining three options should be adopted. CCI and IRI agreed that the technical and operational arrangements embodied in the three remaining options should be adopted, provided that the subscriber-paid-collect option proposed by TRT be recognized as a carrier-to-carrier interconnection option to which a discount is applicable.

IV. Discussion

43. We have now received comment on the proposals of the *Tentative Decision*, both in comments filed in response and in the responses to the Bureau Chief's July 21, 1982 letter, and we conclude that we are in a position to resolve the store-and-forward and TWX/Telex interconnection issues now. But first, it is important that we resolve a legal issue which has arisen largely since issuance of the *Tentative Decision*, namely the relationship of implementation of the RCCA to the *Second Computer Inquiry* ("Computer II") which enacted § 64.702(a) of the Commission's rules.

A. Relationship to Computer II

4. Under § 64.702(a) of the Commission's rules, enhanced services are beyond the scope of the FCC's Title II regulatory jurisdiction, and for that reason are not properly the subject of tariffs filed pursuant to Section 203 of the Communications Act. The rule defines enhanced services as:

> "* * * services, offered over common carrier facilities used in interstate communications, which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide the subscriber additional, different, or restructured information; or involve subscriber interaction with stored information."

Both the store-and-forward and TWX/Telex conversion offerings which are the subject of this proceeding may, to some extent, be classified as enhanced services within the meaning of § 64.702(a).[21]

[19] TRT argued strenuously against utilization of the second scenario, claiming that its departmental billing (and related) offerings are desirable to subscribers, and that they represent TRT s competitive edge over other carriers, developed as a result of considerable effort.

[20] This would particularly be the case with respect to "book" messages. An output-based compensation approach would generally result in considerably more compensation to the interconnecting carrier than an input-based (subscriber-paid) compensation approach to "book" messages.

[21] It should be noted that there is a pending FCC proceeding which is broadly addressing protocol conversion issues under Computer II, *Notice of Inquiry on Digital Communications Protocols*, 83 FCC2d 318 (1980). As is developed below, we

45. We address first the store-and-forward services. In Computer II, the Commission recognized that store-and-forward technology may be used in a carrier's network for the provision of basic services. In so doing, a distinction was made between the offering of store-and-forward service, and the use of store-and-forward technology, *Final Decision*, 77 FCC2d 384, 421, n. 35 (1980). Use of store-and-forward technology in the provision of basic services is subject to the following parameters:

> "* * * memory or storage within the network is used only to facilitate the transmission of information from the origination to its destination, and the carrier's basic transmission network is not used as an information storage system. Thus, in a basic service, once information is given to the communications facility, its progress towards the destination is subject to only those delays caused by congestion within the network or transmission priorities given by the originator."

Id. at 420.[22] Record carriers' store-and-forward offerings appear to fall in both such categories.

46. It would appear that many store-and-forward offerings involved in this proceeding are in the nature of use of store-and-forward technology, thus such basic offerings of themselves do not raise Computer II issues. However, many store-and-forward offerings traditionally associated with record services do not necessarily transmit their outputs in the same form as the inputs were received.

47. For example, in the case of "book" messages, a common text transmitted along with a list of addresses. If the common text alone were transmitted to each addressee, the service probably would represent a use store-and-forward technology to support basic service. But, often, each specific addressee's name and address information is appended to the common text when the message is sent to the addressee. In such case, the message which is delivered is reformatted by the store-and-forward facilities. Subject to pending proceedings (n. 21, *supra.*) this would represent an enhanced service, both by providing "additional, different or restructured information" and by acting on the "format, content, code, protocol or similar aspects of the subscriber's transmitted information."

48. Also, some store-and-forward facilities are employed simultaneously both for store and deliver functions, and for service crossover functions. For example, Western Union's "Infomaster" facilities accept inputs from TWX and Telex terminals for delivery to high speed printers at Post Offices for Mailgram™ service. Not only is a store and deliver function performed (which, as noted, of itself would be basic, at least for individual unreformatted messages), but also code and protocol conversion as well. This type of conversion, which is somewhat similar to the TWX/Telex conversions addressed more specifically in this proceeding, i.e. the real time "with restraint" and "without restraint" conversions, is enhanced.

49. Conversion between TWX and Telex, regardless of whether performed at the output of store-and-forward facilities or real time, is a code (and, more broadly, protocol) conversion, as TWX employs the ASCII code, and Telex employs the Baudot code. Thus, the offering of TWX/Telex conversion service is an offering of an enhanced service under our rules.

50. But, while the foregoing forms of store-and-forward service and TWX/Telex conversion are enhanced services within the meaning of § 64.702(a) of the Commission's rules, they also are arguably traditional record service offerings within the meaning of the RCCA, as they long have been offered in association with switched record services. Thus, we must consider whether, in enacting the RCCA subsequent to adoption of the Computer II rules (and presumably, in full awareness of the otherwise applicable unregulated treatment in Computer II of such offerings), Congress intended to establish a special transitional regulatory regime for traditional record services, including even such enhanced service offerings as otherwise might have been deregulated upon implementation of § 64.702(a) of the Commission's rules. As is discussed below, we conclude that such was Congress' intent.

51. The RCCA itself establishes a largely self-contained regulatory plan for the treatment of record carriers and record communications services. Other carriers and their services are not addressed under this plan, and not even all record services are encompassed thereby. For example, the legislative history specifically requires that high speed data offerings not be in any way affected by the RCCA[23]. But, conversely, services "commonly provided by telegraph companies" including "telegraph, telex and TWX service"[24] were intended to be embraced by the subject matter definition of the RCCA. Section 222(a)(3) states:

> "The term 'record communications service' means those services traditionally offered by telegraph companies, such as telegraph, telegram, telegram exchange, and similar services involving an interconnected network of teletypewriters."[25]

52. We conclude that the enhanced service offerings by record carriers of certain store-and-forward services associated with TWX and Telex, and TWX/Telex conversion (and other service crossover offerings) are within the subject matter scope of the RCCA if they meet a three-part test as to whether they are encompassed by Section 222(a)(3): (1) the services involved in the offering are switched teletypewriter or telegraph services (and not high-speed data services, or voice services, which were intended by Congress to be excluded from the operation of the RCCA); (2) the offering was made prior to enactment of the RCCA[26]; and (3) if a service crossover offering is involved (e.g., conversion between TWX and Telex, or conversion between either of TWX or Telex and another service) *both* services involved in such crossover, and the crossover offering itself, were offered prior to enactment of the RCCA. Under this three-part test, store-and-forward offerings, the input of which is reached by TWX and Telex, would be covered by the RCCA if their outputs are also TWX or Telex. If their outputs are other traditional telegraph services within the scope of Section 222(a)(3), e.g. public telegraph or Mailgram™ (the latter of which has been considered as public telegraph-like)[27], and the

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conclude that the RCCA carves out a limited exception to the broader treatment of such issues in Computer II. Thus, our treatment of such issues herein has no effect on the outcome of this proceeding. Conversely, any order which might be adopted therein will have no effect on the dispositions made in this order.

[22] On reconsideration, we made clear that the phrase "or transmission priorities given by the originator" does not permit the originator or the recipient "to control the progress of information through the network", 84 FCC2d 50, 58 (1980). The phrase was intended to focus on consumer options in obtaining different levels of service quality, and a basic service does not include "the ability of the originator of a message to control storage within the network". *Id.*

[23] Energy and Commerce Committee Report on H.R. 4927 (House Report), H.R. Rept. No. 97-356, 97th Cong. 1st Sess., Dec. 3, 1981, 10.

[24] *Id.*

[25] *See also* discussion of the goal of achieving "universal access to teletypewriter networks" to increase both the level of competition and the utilization of record services. *Id.* at 5.

[26] The Commission will pay close attention to carrier attempts to frustrate the objectives of the RCCA by repackaging traditional record services that are subject to the RCCA under the guise of a "new service", or by offering new services that are so similar to traditional record services that such new services are required to be treated within the special regulatory scheme of the RCCA.

[27] United Telegraph Workers, AFL-CIO v. FCC, 436 F.2d 920, 923 (D.C. Cir. 1970); Western Union Telegraph Co. v. FCC, 665 F.2d 1126 (D.C. Cir. 1981).

crossover itself was offered prior to enactment of the RCCA, such a service crossover use of the store-and-forward facilities involved, notwithstanding the enhanced nature of the offering, is encompassed by the RCCA. If "book" messages have traditionally (i.e., prior to enactment of the RCCA) been reformatted by appending specific address information to the common text for delivery to individual addressees, this offering too would be encompassed by the RCCA, notwithstanding its enhanced nature[28]. Processing for TWX/Telex conversion also would be encompassed by the RCCA.

53. Given this conclusion, that certain otherwise unregulated enhanced sevices were intended to be encompassed by the special regulatory plan of the RCCA, we now consider how we shall treat interconnection to the facilities which are used to provide these services. We conclude that use of the regulatory tools employed previously to implement the RCCA, including the use of tariff and prescription mechanisms, is at this time warranted. First, the RCCA was enacted subsequent to adoption of § 64.702(a) of our rules, and may properly be construed as intentionally carving out a limited, narrow and special treatment for the services and carriers addressed therein. In view of this, there is no legal impediment to the use of tariff mechanisms to address interconnection within the scope of the RCCA, notwithstanding the more general principles under § 64.702(a) of our rules which were established prior to enactment of the RCCA. Second, it is clear that Congress intended that we initially regulate the pricing and other terms of interconnection to record carrier facilities used to provide teletypewriter-based and other traditional record services. Given our previous experience with RCCA interconnection issues, we conclude that tariffs are the most effective tool which might be used, at this time, to carry out Congress' will. Third, there is language in Section 222(c)(2) (which is subject to "sunsetting" in the future) which suggests that Congress intended that the RCCA be implemented initially through the use of tariffs[29]. And finally, inasmuch as the various traditional record services are often substitutable for one another, there is a danger that a failure initially to treat all RCCA interconnection alike, including interconnection to traditional record services which otherwise are enhanced, could lead to frustration of the objectives of the RCCA.

54. It should be emphasized that Congress viewed many aspects of the special regulatory requirements of the RCCA, as transitional and subject to automatic "sunsetting" in less than two years, Section 222(e)(1). Thus, our decision to subject to continued tariff regulation under the RCCA store-and-forward and service conversion offerings which meet the three-part test of paragraph 52 above will only have effect for the remaining two years of vitality of the entire RCCA. Thereafter such offerings would be controlled by our overall Computer II policies and by those portions of the RCCA which are not subject to "sunsetting," including our specific authority to phase down and forebear from regulation as competition develops.[30]

55. The three-part test of paragraph 52 is intended to ensure that new offerings which may arise during the period of full effectiveness of the RCCA are not unnecessarily subjected to comprehensive regulation. We are willing to interpret the RCCA as specially carving out a limited exception to Computer II for "traditional" record services; we are not willing to extend this exception to non-traditional offerings of otherwise enhanced services, particularly in view of the recognition by Congress that not all services provided by record carriers are to be treated specially under the RCCA (*e.g.*, the exclusion of high-speed data services, as discussed previously).

56. In sum, we conclude that the RCCA establishes a limited exception (for no more than two years) from the otherwise applicable ineligibility for tariffing of enhanced services in § 64.702(a) of our rules, for certain store-and-forward offerings and service conversion offerings by record carriers, and that such offerings must be regulated using tariff regulation procedures during the period specified in Section 222(e)(1). In this proceeding, we are considering carrier-to-carrier interconnection issues related to interconnection with the facilities which implement these offerings. We conclude that we are free to utilize the tariff regulation mechanisms previously employed in the *Interim Decision* and in the *Rejection Order* for other forms of RCCA-mandated interconnection to achieve the purposes of the RCCA, that such an approach is required to carry out the intent of Congress, and that such an approach comports with the public interest.

B. Prescription of Store-and-Forward Interconnection

57. As noted, during the July 13–14, 1982 meetings the carriers generally agreed to the concept that three options for interconnection to store-and-forward facilities, at the option of the carrier operating these facilities, should be available: two options under which the interconnecting subscriber's carrier would be compensated on the basis of input minutes (treated as domestic minutes, regardless of whether the output messages are domestic or international), and one option under which the interconnecting subscriber's carrier would be compensated on the basis of output minutes (under principles otherwise applied to real time calling, including factoring of international outputs, and discounting of compensation for all outputs). Where the carriers parted company was over whether a carrier-to-carrier interconnection discount should apply to one of the first group of input-based compensation options (a subscriber-paid-collect option). Several of the traditional record carriers argue that since an end-on-end service offering is contemplated alike by both of the input-based options (i.e., subscriber-paid, and subscriber-paid-collect), a discount should not be applied to either. The more recent entrants, CCI and IRI, argue that the subscriber-paid-collect case is no different than any other form of carrier-to-carrier interconnection under which the second carrier (i.e., the carrier operating the store-and-forward facilities here) is billing the subscriber

[28] However, one form of the historic treatment of "book" messages would not, in our view, properly meet this test. Western Union has traditionally offered a form of "book" message service whereby the subscriber transmits to it a list of addressees which are then retained in storage by Western Union for association with messages not transmitted contemporaneously with such a list. In some cases, the stored list might be accessed months and even years after its transmission, for association with common text messages transmitted then. We conclude that such a service offering truly involves the offering of "an information storage system", 77 FCC2d at 420, and that it is not sufficiently related to the record carrier communications "services" encompassed by the RCCA to be treated as an exception to Computer II. The distinction is whether the multiple addresses are transmitted contemporaneously with the common text, or not.

[29] See also, House Report, supra. n. 23, 11.

[30] Therefore, traditional store-and-forward offerings which meet the three-part test of para. 52 will be required to be offered on a tariffed basis. Although the RCCA generally requires relatively comprehensive regulation of carrier-to-carrier interconnection, because the costs of interconnection compensation are generally contained in carriers' subscriber tariffs, and because of the requirement that carriers pass along to subscribers the benefits of interconnection savings, subscriber tariffs also have been affected by the RCCA. We therefore are ordering that tariffs for store-and-forward services and service conversion offerings within the boundaries established by para. 52 will be maintained, notwithstanding the provisions of § 64.702(a) of the Commission's rules.

for the through call and compensating the first interconnecting carrier. Thus, they argue for a discount.

58. In the *Tentative Decision*, paras. 18–22, we discussed at length our tentative view that output-based compensation is inconsistent both with the terms of the RCCA, and the Communications Act generally. It can lead to overcompensation of an interconnecting carrier in the case of "book" messages, and it does not properly reflect the economies (or costs) associated with use of store-and-forward facilities in lieu of real-time facilities for message completion. We still believe that the analysis in the *Tentative Decision* was correct, and that the compensation principles discussed therein are appropriate.

59. However, in interpreting the RCCA we have applied a "rule of reason" to minimize excessive disruption of carriers' existing operations. While the RCCA requires interconnection which is "equal in type and quality", we previously have utilized the normal Communications Act standard of reasonableness in interpreting this requirement. Here, similar analysis has some bearing upon the result. TRT argues that it cannot implement input-based compensation without extensive facilities modifications; other carriers argue that they can, but only by sacrificing departmental billing capabilities which they are now providing and their subscribers desire.

60. In these circumstances, we are prepared to permit the output-based compensation option to be make available.[31] But, if we do so other problems are created. The *Tentative Decision* proposed two input-based compensation options and, to reach the result that subscribers would be indifferent to which of these options might be chosen by a carrier, it proposed further that compensation to the interconnecting subscriber's carrier be the *same* under either such approach (by proposing that a carrier-to-carrier discount not be applied in one of these approaches). If the new output-based compensation option is made available, compensation will be different under such an approach than under *either* of the input-based compensation approaches previously proposed, regardless of whether a discount is applied to one of the latter approaches or not. Thus, the thrust of the proposal in the *Tentative Decision* that a subscriber be indifferent to which compensation approach might be chosen by the store-and-forward carrier is lost. In these circumstances, there is no basis for not applying a carrier-to-carrier discount to input-based compensation approaches, just as the carriers have proposed to do with respect to the output-based approach which they have requested us to sanction.

61. One of the input-based approaches is a subscriber-paid access approach where a store-and-forward call is literally treated as two separate calls. The subscriber places a domestic call on the interconnecting carrier's network, and that network completes the call to a store-and-forward carrier's facilities the same as it might complete any other domestic call, and it provides timing and billing to the subscriber for the call just as it would for any other domestic call. For such calling, no discount is justified as the store-and-forward carrier is assuming no functions or costs otherwise assumed by the interconnecting carrier.

62. But, the other input-based approach advanced at the July meetings, the subscriber-paid-collect approach, appears to represent end-on-end service in name only. The subscriber does not receive a bill from the interconnecting carrier for a call towards another carrier's store-and-forward facilities; it receives one bill from the store-and-forward carrier for a through call. The store-and-forward carrier in fact is providing compensation to the interconnecting carrier, albeit in lieu of the subscriber, under the proposed "collect" billing arrangements. This is no different than other forms of carrier-to-carrier interconnection where the second carrier is deemed the "originating carrier", except in name. Indeed, it is unclear which carrier would actually perform the timing of such calls. The new entrants argue that the actual physical interconnection arrangements to implement this interconnection would be identical to those employed for carrier-paid real-time interconnection, which suggests that the store-and-forward carrier would provide timing as well as billing in lieu of the interconnecting subscriber's carrier.

63. We conclude that there is much force to the arguments of CCI and IRI that the so-called subscriber-paid-collect option should be deemed a carrier-paid interconnection option to which discounting is applicable. The basis in the *Tentative Decision* for not applying such discounting is no longer present if the output-based compensation option is made available, and the actual interconnection arrangements appear no different than those for other carrier-paid access interconnection to which discounting is applied. Furthermore, no distinction should be made between international and domestic messages transmitted over such arrangements. The conversion factor (currently 1.3) is not intended to create different compensation for international and domestic message; it is intended to convert measured international minutes to minutes which represent actual use of the interconnecting carrier's domestic facilities, in circumstances where the actual domestic minutes are not ordinarily measured and captured. Here, such a proxy for the minutes of use of the interconnecting carrier's facilities in unnecessary; the actual minutes are measured when input-based compensation is used.

64. Thus, we shall treat this form of carrier-to-carrier interconnection no differently than other forms of such interconnection are treated, including application of a carrier-to-carrier discount (currently 15%). We recognize that under such circumstances, a given carrier might be placed in the position of interconnecting with another carrier's store-and-forward services on a different basis than it provides domestic service toward its own store-and-forward services. (For example, based on the comments, it is likely that TRT would select an output-based billing arrangement for its own store-and forward subscribers, while CCI or IRI would select an input-based arrangement for calling by TRT's subscribers toward their store-and-forward facilities.) However, under a "rule of reason" approach, such inequality would be permissible under the RCCA, and we need not resort to a legal fiction of deeming the input-based compensation arrangement a species of subscriber-paid access to avoid this issue. In essence, the proper compensation approach in our view is the input-based one. We are willing to permit carriers to opt for a less desirable output-based one for their own store-and-forward services to avoid major facilities changes. But, we will not permit such carriers—which retain the option of employing the more desirable approach—to use this choice as a basis for denying other carriers the more

[31] We believe that this result will be transitional. The newer entrants, CCI and IRI, primarily offer store-and-forward international message services. These carriers have make it clear that they will opt for input-based compensation approaches, and under universal interconnection subscribers will be able to access their offerings with relative ease. To the extent that such approaches are more efficient and will result in lower subscriber rates than those of competitors opting for output-based compensation, the new entrants will make competitive inroads. At some point, their more traditional competitors will have incentives to change their facilities to implement the input-based compensation approaches.

desirable compensation approach, or for denying them discounts.

65. Furthermore, upon review of the merits of allowing for two forms of "carrier-paid" access and a third "subscriber-paid" access option (as originally was proposed in the *Tentative Decision* and as was retained in the carriers' consensus language), we conclude that the "subscriber-paid" access option need not, and should not, be available. While we are prepared, under a "rule of reason" principle, to allow a given carrier's domestic facilities to be connected with the store-and-forward facilities of another carrier on a different basis than to its own store-and-forward facilities—at the option of the store-and-forward carrier and presumably without prejudice thereto—we are unwilling to allow for any more inequality than is absolutely necessary. The RCCA requires interconnection by a carrier with others which is "equal in quality in type" to that used by the carrier in its own operations. Unnecessarily diverse interconnection options would be difficult for carriers and for the Commission to monitor, and may give rise to disputes, particularly if the availability of such options might be manipulated effectively to deny carriers the benefits of the interconnection requirements of the RCCA.

66. In view of the foregoing, we hereby prescribe the following options for carrier-to-carrier interconnection to store-and-forward facilities, at the option of each store-and-forward carrier:

A. The store-and-forward carrier shall compensate the carrier on whose network the call is initiated on the basis of the billable minutes of output from the store-and-forward facility occasioned by the customer's input. The basis of compensation will be the initiating carrier's domestic intra-network rate as discounted by Commission prescription (currently 15%), provided that in the case of international output, the output minutes shall be multiplied by the conversion factor for international-to-domestic billable minutes then in effect between the initiating carrier and the store-and-forward carrier. The initiating carrier shall make no charge to its subscriber for such calls, and the store-and-forward carrier shall bill the subscriber for the through call.[32]

B. The store-and-forward carrier shall compensate the carrier on whose network the call is initiated on the basis of the measured minutes of input to the store-and-forward carrier's facilities occasioned by the customer's input. The basis of compensation will be the initiating carrier's domestic intra-network rate as discounted by Commission presciption (currently 15%). The initiating carrier shall make no charge to its subscriber for such calls, and the store-and-forward carrier shall bill the subscriber for the through call.[33]

67. Finally, we must address the desire of certain carriers to be able to select "one or more" options simultaneously. As was acknowledged in TRT's response to the Bureau Chief's July 21, 1982 letter, simultaneous selection by a store-and-forward carrier of multiple options would raise serious questions under Section 202(a) of the Act. Under either of the options, the same store-and-forward message service would be made available to subscribers through interconnection, but the charges therefor would be different, which certainly raises the spectre that like service at unlike charges (in violation of Section 202(a)) would be involved. Under options A and B above, the store-and-forward carrier providing a bill for through service to the subscriber in interconnected service must pass through to the subscriber the access compensation provided the interconnecting carrier unchanged in the case of an international message. Since the compensation would differ depending upon which of these options might be utilized, it is obvious that different subscriber charges would be involved. And, since the services provided over either option, as perceived by the subscriber, would be identical (except with respect to price), they would be "like."

68. TRT argues that it is sufficient that we place the carriers on notice of these potential problems, and that we face this issue only if a given carrier seeks to utilize multiple options. However, CCI argues that it is free to utilize multiple options now (and that it expects to do so). We hereby conclude that in the clear cases of interconnection for international calling under options A and B, both may not be selected simultaneously; because of the pass along requirement, such simultaneous selection of these options will create offerings of like service at different charges in violation of Section 202(a).

69. In sum, we have prescribed the principles under which carrier-to-carrier interconnection to store-and-forward facilities will proceed, at the option of each carrier operating store-and-forward facilities. We conclude that interconnection to store-and-forward facilities which meet the three-part test established in para. 52 above is required by the RCCA, and that such interconnection is required in the public interest. Accordingly, we order each carrier operating store-and-forward facilities to offer access thereto through interconnection with the facilities of other record carriers, by filing revisions in its tariffs as follows. Each carrier operating store-and-forward facilities must file revisions in its public *international* tariff including: a description of the offering of store-and-forward access through interconnection; an appropriate access code for use by other record carriers and their subscribers; an indication that subscribers will be billed by the store-and-forward carrier for the total end-to-end charge; a domestic component which is unbundled from an international component (the latter of which may include a store-and-forward component); a statement indicating that the domestic component of another record carrier will be applied in lieu of the store-and-forward carrier's domestic charge if the customer is calling from another domestic network, and a reference to the interconnection tariffs of other carriers to facilitate the determination by subscribers of applicable charges; and a single chosen basis for computation of domestic minutes or equivalents thereto in the case of telegram or similar service (that is, input minutes or factored output minutes). Each carrier operating store-and-forward facilities must file revisions in its public *domestic* tariff including: a description of the offering of store-and-forward access through interconnection; an appropriate access code for use by other record carriers and their subscribers; an indication that subscribers will be billed by the store-and-forward carrier for the total end-to-end charge; and a single chosen basis for computation of message timing or equivalents thereto in the case of telegram or similar service (that is, input minutes or output minutes). The store-and-forward carrier may make a single choice between input-based compensation and output-based compensation, which will apply equally to international and to domestic service.

70. Furthermore, interconnecting record carriers are ordered to revise their interconnection tariffs to reflect compensation for use of their facilities, in interconnected service to store-and-

[32] This language was drafted by the carriers at the July 14, 1982 meeting.

[33] This language, which is patterned after the carriers' option A language above, is ours, and it implements an input-based compensation approach subject to carrier-to-carrier interconnection discounting. The controversial language drafted by the carriers at the July 14, 1982 meeting to implement their subscriber-paid-collect proposal was: "The subscriber of the initiating carrier shall pay the store-and-forward carrier for the entire service. Carrier-to-carrier billing shall be done based on actual domestic connect time times the tariffed domestic intra-network rate. The initiating carrier shall make no charge to its subscriber for such calls.

forward carriers' facilities, under both compensation options made available in this decision, as specified in each store-and-forward carrier's public tariffs (as is required in the previous paragraph). Specifically, an output-based compensation option and an input-based compensation option must be specified, as outlined in paragraph 66 above. Since both of these options are "carrier-paid" interconnection options, interconnecting carriers are ordered to ensure that subscriber billing is suppressed during interconnected calling by their subscribers to another carrier's store-and-forward facilities. Moreover, store-and-forward carriers are ordered to maintain accurate and verifiable records of compensation due interconnecting carriers, and to settle with such carriers expeditiously.[35]

C. 110 Baud ASCII Access to TWX

71. In the *Tentative Decision* we proposed that "without restraint" domestic interconnection to TWX (using the TWX code and protocol, in addition to the current telex code and protocol access to TWX) be made available, without prejudice to consideration in the future of whether, and to what extent, "with restraint" TWX interconnection also should be made available. The comments support this proposal, although several advert to the possibility that the "with restraint" issue will be required to be faced in the future. Accordingly, we prescribe that domestic interconnection to TWX be made available using the TWX code and protocol but "without restraint", in addition to telex-like domestic interconnection to TWX using the telex code and protocol, as proposed in the *Tentative Decision*.

V. Ordering Clauses

72. Accordingly, *it is hereby ordered*, pursuant to Sections 4(i), 4(j), 201, 202, 203, 205, 222 and 416(c) of the Communications Act of 1934 as amended, That Western Union Telegraph Company, RCA Global Communications, Inc., Western Union International, Inc., FTC Communications, Inc., TRT Telecommunications Corp., and ITT World Communications Inc., *shall comply with this order and file tariff revisions consistent therewith* no later than twenty days from release of this order, to be effective on no more than ninety days notice.

73. *It is further ordered*, That, the foregoing carriers *shall not detariff* any store-and-forward or service conversion offering which meets the three-part test of para. 52 of this order, and which therefore is within the subject matter of the Record Carrier Competition Act of 1981, notwithstanding the provisions of § 64.702(a) of the Commission's Rules, 47 CFR 64.702(a), which otherwise might be applicable.

74. *It is further ordered*, That §§ 61.58, 61.59 and 61.74 of the Commission's Rules *are hereby waived to the extent necessary* to permit the filing of tariff revisions implementing the prescriptive provisions and specific prescribed language as set forth in this order.

75. *It is further ordered*, That the filing of data required by §61.38 of the Commission's Rules for the filings necessary to implement this order *is hereby deferred* until such time as may be required by the Chief, Common Carrier Bureau.

76. *It is further ordered*, That the public interest as expressed in the Record Carrier Competition Act of 1981 and the Communications Act requires that this *order be effective immediately* upon actual notice to the affected carriers.

77. *It is further ordered*, That this order be printed in the **Federal Register**.[36]

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-7500 Filed 3-23-83; 8:45 am]

BILLING CODE 6712-01-M

[35] A final matter was resolved by the carriers in their comments. To implement any interconnection to store-and-forward facilities, it is assumed that the store-and-forward carrier will bill the originating subscriber for message outputs, and for access as well. Carriers operating store-and-forward facilities require access to interconnecting carriers' "answerback" data, to identify the subscribers to whom bills may be sent. It was proposed in the Tentative Decision that such information be exchanged among the record carriers without charge. This concept was agreed to by the carriers, and is hereby prescribed.

[36] Pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), *it is certified*, That Sections 603 and 604 of that Act do not apply because this prescription will not have a significant economic impact on a substantial number of small entities. The primary economic impact of this order will be upon carriers, not users

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 98

[Docket No. 75]

Administrative Enforcement of Restrictions on Post-Employment Activities

AGENCY: Transportation Department.

ACTION: Final rule.

SUMMARY: The Department of Transportation is publishing this final regulation to add to title 49, Code of Federal Regulations, a new Part 98, setting forth procedures for the administrative enforcement of restrictions upon post-employment activities of former DOT employees. The procedures will be used in the Department in cases of possible violations of the post-employment restrictions in 18 U.S.C. 207. The rules are necessary to implement Title V of the Ethics in Government Act if 1978, as amended, and to set forth the procedures used in defining violations and sanctioning violators under the Act.

DATE: This rule is effective on March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Marc C. Owen, Office of Environmental, Civil Rights, and General Law; Room 10424, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 426-4710.

SUPPLEMENTARY INFORMATION:

Background

Title V of the Ethics in Government Act of 1978, as amended (Pub. L. 96-28), imposes new restrictions on the post-employment activities of former federal employees (18 U.S.C. 207). Under the Act, agencies are responsible for enforcing these restrictions and are required to promulgate procedures for bringing administrative proceedings against persons suspected of violating them (18 U.S.C. 207(j), 5 CFR 737.27). The regulations set forth the Department of Transportation's procedures for the conduct of these proceedings. The regulations state the steps involved in determining whether or not a possible violation has occurred, specify the procedures used in prosecuting an alleged violation, specify the defense and appeal rights of an accused former employee, and establish the sanctions that will be imposed against a former employee who is found to have committed a violation.

The Department of Transportation published this regulation as a proposed rule on July 29, 1982 (47 FR 32747). Comments from the public were solicited in the notice of proposed rulemaking; however, no comments were received.

The Director, Office of Government Ethics, Office of Personnel Management, has approved, as required by 18 U.S.C. 207(j) and 5 CFR 737.27(a)(11), this regulation as conforming to the law and to that Office's implementing regulations.

Please note that certain matters concerning post-employment activities of former employees also are subject to action by the Office of the Inspector General, Department of Transportation, under the Inspector General Act of 1978 (Pub. L. 95–452).

The Department has considered the economic effect that this final rule will have on small entities (i.e., small businesses, small organizations, and small governments) pursuant to the Regulatory Flexibiliby Act (5 U.S.C. 601, *et seq.*) There is no evidence that would lead the Department to believe that the economic impact would be significant. Because the regulations will affect only individual violators of a conflict of interest statute, I certify that the regulation will not have a significant economic impact upon a substantial number of small entities.

Regulatory Evaluation

This rule is not covered by Executive Order 12291—"Federal Regulation"—as it pertains to agency management and personnel. This regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures; the regulation is not significant under those procedures, and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

Issued in Washington, D.C. on March 15, 1983.

Elizabeth Hanford Dole,

Secretary of Transportation.

List of Subjects in 49 CFR Part 98

Ethical conduct, Conflict of Interests.

Accordingly, title 49, Code of Federal Regulations, is amended by adding a new Part 98 to read as follows:

PART 98—ENFORCEMENT OF RESTRICTIONS ON POST-EMPLOYMENT ACTIVITIES

Subpart A—Administration of Enforcement Proceedings

Sec.

98.1 Purpose.
98.2 Definitions.
98.3 Reports of apparent violations.
98.4 Initiation of administrative disciplinary proceeding.
98.5 Former employee response to notice.
98.6 Examiner.
98.7 Hearing.
98.8 Decision by examiner.
98.9 Decision if hearing waived.
98.10 Appeal.
98.11 Final administrative decision.

Subpart B—Administrative Sanctions

98.12 Administrative sanctions.

Subpart C—Judicial Review

98.13 Judicial review.

Authority: 18 U.S.C. 207; Pub. L. 96–28.

Subpart A—Administration of Enforcement Proceedings

§ 98.1 Purpose.

The purpose of this Part is to set forth the administrative enforcement procedures that the Department of Transportation will follow when there is an allegation that a former employee of the Department has violated 18 U.S.C. 207.

§ 98.2 Definitions.

For the purposes of this Part, the following definitions apply:

(a) "Administration" means each of the following:

(1) The United States Coast Guard.

(2) The Federal Aviation Administration.

(3) The Federal Highway Administration.

(4) The Federal Railroad Administration.

(5) The National Highway Traffic Safety Administration.

(6) The Urban Mass Transportation Administration.

(7) The Saint Lawrence Seaway Development Corporation.

(8) The Research and Special Programs Administration.

(9) The Maritime Administration.

(b) "Department" means the Department of Transportation.

(c) "18 U.S.C. 207" means 18 U.S.C. 207 (a), (b), or (c) or any regulations issued under 18 U.S.C. 207.

(d) "Secretary" means the Secretary of Transportation.

§ 98.3 Reports of apparent violations.

Any person may report, to the Assistant General Counsel for Environmental, Civil Rights and General Law, an apparent violation by a former employee of the Department of 18 U.S.C. 207.

§ 98.4 Initiation of administrative disciplinary proceeding.

(a) Whenever the Assistant General Counsel for Environmental, Civil Rights and General Law has determined that there is reasonable cause to believe that a former Departmental employee has violated 18 U.S.C. 207, the Assistant General Counsel for Environmental, Civil Rights, and General Law—

(1) Shall expeditiously provide that information to the Director, Office of Government Ethics, and to the Criminal Division, Department of Justice; and

(2) After coordinating any proceeding with the Criminal Division, Department of Justice, to avoid prejudicing criminal proceedings, may institute an administrative disciplinary proceeding in accordance with this Part.

(b) The person who shall provide for the prosecution of the alleged violation in an administrative disciplinary proceeding under this Part (hereinafter referred to as the "Departmental counsel") is—

(1) In a case where the last Departmental employer of the alleged violator is the Office of the Secretary, the Assistant General Counsel for Environmental, Civil Rights and General Law, or his or her designee; or

(2) In a case where the last Departmental employer of the alleged violator is an administration, the Chief Counsel, or his or her designee, for that administration.

(c) Before beginning an administrative disciplinary proceeding, the Departmental counsel shall provide the former employee with actual notice of the institution of a proceeding. This notice must include—

(1) A statement of allegations and the basis for those allegations, which statement must be sufficiently detailed to enable the former employee to prepare an adequate defense;

(2) Notification of the right to a hearing;

(3) An explanation of the method by which a hearing may be requested; and

(4) A statement of the possible sanctions that may be imposed if a violation by the former employee is found to have occurred.

§ 98.5 Former employee response to notice.

(a) Within 30 working days after service of a notice pursuant to § 98.4(c), the former employee may submit to the Departmental counsel in writing—

(1) A request for a hearing, which, if not all issues are disputed by the former employee, should specify those issues that are;

(2) Any evidence and arguments in lieu of a hearing or

(3) A statement that the allegations are true and set forth any factors that should be considered in determining the administrative sanction to be imposed.

(b) The Department shall deem the right to a hearing to have been waived by the former employee if the former employee does not submit a request under paragraph (b)(1) of this section within 30 working days after service of notice pursuant to § 98.4(c).

§ 98.6 Examiner.

(a) The presiding official at a hearing held under this Part and the deciding official under § 98.9 of this Part (hereinafter referred to as the

"examiner") shall be designated by the Secretary.

(b) The examiner shall not have been involved in any of the events specified in the allegations, shall not have been involved in the investigation of the allegations and the institution of the proceedings under this Part, and shall not be or have been employed by the administration, or the Office of the Secretary if applicable, in which the alleged violation occurred.

§ 98.7 Hearing.

(a) The examiner shall, within 30 working days of a request for a hearing under § 98.5(b), schedule the hearing for a reasonable time, date, and place. The examiner shall grant any delays or continuances that the examiner determines to be necessary and appropriate for fair resolution of the case, with due regard to the former employee's need for adequate time to prepare a defense and for expeditious resolution of allegations that may be damaging to that former employee's reputation.

(b) The following rights shall be granted to a former employee who requests a hearing under § 98.5(b):

(1) To represent oneself or to be represented by counsel.

(2) To introduce and examine witnesses and to submit physical evidence.

(3) To confront and cross-examine adverse witnesses.

(4) To present oral argument.

(5) To obtain a transcript or recording of the hearing on request from the official reporter upon payment of the fees fixed therefor.

(c) In a hearing under this Part, the Federal Rules of Civil Procedure and Evidence do not apply. However, the examiner may make such orders and determinations regarding discovery, admissibility of evidence, conduct of examination and cross-examination, and similar matters the examiner deems necessary or appropriate to ensure orderliness in the proceedings and fundamental fairness to the parties.

§ 98.8 Decision by examiner.

(a) In a hearing under § 98.7 of this Part, the Departmental counsel must establish a violation by a preponderance of the evidence.

(b) The examiner shall make a decision exclusively on matters of record in the proceeding and shall set forth in the decision—

(1) All findings of fact relevant to the matters at issue;

(2) All conclusions of law relevant to the matters at issue; and

(3) The sanction to be imposed, if any.

§ 98.9 Decision if hearing waived.

(a) If the former employee waives or, in accordance wth § 98.5(b) of this Part, is deemed to have waived a hearing under this Part, the examiner shall, after review of the record as it exists, make a decision as to whether the former employee is in violation of 18 U.S.C. 207.

(b) In a decision under paragraph (a) of this section, the requirements of § 98.8 of this Part apply.

§ 98.10 Appeal.

(a) Within 30 working days after receipt of a decision issued under § 98.8 or § 98.9 of this Part, either the Departmental counsel or the former employee may appeal the decision to the Secretary.

(b) In making a decision on an appeal, the Secretary shall consider only the evidence admitted during the prior proceeding and contained in the record of that proceeding.

(c) If the Secretary modifies or reverses the initial decision, the Secretary shall specify the findings of fact and conclusions of law that are different from those of the examiner.

§ 98.11 Final administrative decision.

The final administrative decision under this Part shall be—

(a) The decision of the examiner under § 98.8(b), if there is no appeal under § 98.10;

(b) The decision by the examiner under § 98.9, if a hearing is waived or is deemed to have been waived and there is no appeal under § 98.10; or

(c) The decision of the Secretary on an appeal under § 98.10.

Subpart B—Administrative Sanctions

§ 98.12 Administrative sanctions.

(a) The Secretary, in decisions under § 98.10 of this Part, and the examiner, in decisions under § 98.8 and § 98.9 of this Part, may impose an administrative sanction against a former employee who, after a final administrative decision under this Part, is found to be in violation of 18 U.S.C. 207.

(b) The administrative sanctions that may be imposed under subsection (a) of this section are—

(1) Prohibiting the former employee from making, on behalf of any other person except the United States, any formal or informal appearance before, or, with the intent to influence, any oral or written communication to, the Department of any of its administrations on any matter of business for a period not to exceed five years; or

(2) Taking other appropriate disciplinary action, such as a reprimand or suspension from participation in a particular matter or matters before the Department.

Subpart C—Judicial Review

§ 98.13 Judicial review.

Any former employee found to have violated 18 U.S.C. 207 by a final administrative decision under this Part may seek judicial review of disciplinary action imposed under this Part.

[FR Doc. 83-7616 Filed 3-23-83; 8:45 am]
BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 73-3; Notice 15]

Federal Motor Vehicle Safety Standards; School Bus Passenger Seating and Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This notice amends the agency's school bus seating standard to increase seat spacing from 21 to 24 inches. This amendment is being issued to resolve problems experienced by users, i.e., school districts and contract carriers, to the effect that mandatory seat spacing at the prior level inhibited some necessary uses. The agency finds that an additional space seating option will not inhibit safety.

DATE: This amendment is effective March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Williams, Crashworthiness Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: Standard No. 222, *School Bus Passenger Seating and Crash Protection,* was one of several standards implemented pursuant to the Motor Vehicle and School Bus Safety Amendments of 1974 (Pub. L. 93-492). The standard regulates the performance aspects of school bus seats. One portion of the standard limits the longitudinal spacing between seats in buses with gross vehicle weight ratings (GVWR) of more than 10,000 pounds. No seat may be positioned more than 21 inches from the seat immediately to the front, measured from the seating reference point to the seat back or restraining barrier located in front of the seat.

The initial version of Standard 222 which became effective on April 1, 1977,

limited school bus seat spacing to 20 inches. Soon after school buses began to be produced in compliance with this requirement, users began to experience problems of inadequate spacing. Because of quality control and other production problems affecting seat spacing, manufacturers were spacing seats significantly less than the 20 inches permitted by the standard to ensure compliance. As manufacturers improved their production techniques, seat spacing was extended.

The agency upon examination of its then existing data concluded later that same year that it could extend seat spacing to 21 inches without adversely affecting the compartmentalization concept that was the key to protecting children in the buses. Compartmentalization attempts to protect children between well-padded high-backed seats. The agency amended the rule accordingly (42 FR 64119, December 22, 1977) and undertook to study further the appropriateness of the required seat spacing.

Both the amendment and improved manufacturer production methods reduced the number of spacing problems significantly. Some problems continue to exist, however, especially concerning buses used to transport children long distances to and from school, or to and from school-related events which may be located far from the school itself. The agency has conducted tests to see whether it could improve seat spacing to respond to these continuing problems, without compromise of safety. The tests, which are available in the Technical Reference Section of the agency under H73–3 "School Bus Passenger Seat and Lap Belt Sled Tests", DOT–HS–804985, December 1978, show that seat spacing could be increased up to 24 inches without impairing the concept of compartmentalization. An increase in seat spacing beyond 24 inches might impair the ability of the seats to absorb energy in the manner required by the Standard. Accordingly, on February 25, 1982, the Agency proposed a further increase in seat spacing to 24 inches (47 FR 8231).

The agency received numerous comments in response to the notice of proposed rulemaking. Virtually all of those comments supported the agency's action. In accordance with the comments and the existing agency information, the agency, by this notice, makes final the increased seat spacing to 24 inches.

Three school districts out of the more than 140 commenters on the February notice objected to the increased seat spacing. It appears that these commenters were afraid that the increased seat spacing was mandatory and that this would in turn reduce the seating capacity in their vehicles resulting in the need to purchase additional buses or realign school routes. This understanding is not accurate. The increased seat spacing is merely optional. If a school chooses to have additional spacing in some or all of its buses, up to 24 inches, this would be permitted. Otherwise, schools may continue to purchase buses with seats spaced as they are today. Seat spacing less than 24 inches is completely within the discretion of the school that is purchasing the vehicles.

Commenters to the February notice raised another issue that is somewhat related to seat spacing. They requested more comfortable seats and additional leg room for long distance school buses. These are the vehicles that frequently have been involved in transporting children to and from activities or, in some instances, carry children over long distances to schools in some of the Western States. The commenters in general would prefer to have recliner seats or some other seating system that would be more comfortable for these uses.

The agency has explored the possibility of establishing another optional seating mode in school vehicles that would accommodate the concerns of these commenters. The agency concludes that recliner seats could not provide the same level of safety as provided by existing seat requirements in school buses. Accordingly, the agency declines to adopt this suggestion. NHTSA believes that the seat spacing extension being made today should address adequately the problem of comfort in buses used for school activities.

This amendment is being made effective immediately. It relieves a restriction, and is completely optional, and does not require any manufacturer or purchaser to alter present practices. Further, the agency has learned that many companies and purchasers are waiting for this amendment before purchasing new vehicles. Therefore, an immediate effective date is in the public interest.

The agency has considered the economic and other impacts of this final rule and has determined that the rule is not major within the meaning of Executive Order 12291 or significant within the meaning of the Department of Transportation's regulatory procedures. The basis for these determinations is that the rule will have little or no impact on most school buses. Any impact that will occur would result from schools' exercise of their increased freedom to order buses with improved seat spacing. However, no mandated changes will occur as a result of this notice. Accordingly, the cost impact of this proposal would be minimal. Nevertheless, a final regulatory evaluation has been prepared and placed in the public docket. A copy may be obtained from the Docket Section.

The agency has considered the effects of the final rule in relation to the Regulatory Flexibility Act. I certify that it will not have a significant economic effect on a substantial number of small entities. The rule will mandate absolutely no change in existing school buses. Accordingly, small manufacturers will not be required to produce buses any differently than current production buses. To the extent that some schools might elect to purchase buses with greater seat spacing, the small manufacturers in the school bus industry will benefit from the increased business resulting from the sale of these buses.

The amendment will not have a significant effect on a substantial number of small government jurisdictions or small organizations While small jurisdictions or groups may purchase buses, it will be their choice as to whether to continue to purchase buses identical to those manufactured today or to select ones with greater seat spacing. Since any impact on small entities from this amendment will be minimal and will only result from the exercise of choice on the part of the purchaser, no initial regulatory flexibility analysis has been prepared.

Finally, the agency has analyzed this amendment for purposes of the National Environmental Policy Act. The agency has determined that the implementation of this amendment will have no significant effect on the human environment.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products Tires.

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VOL 48 ISS 58 MR 24 1983

§ 571.222 [Amended]

To accomplish the increased seat spacing option, Title 49 of the Code of Federal Regulations, § 571.222, Standard No. 222, *School Bus Passenger Seating and Crash Protection*, is amended by removing the number "21" in paragraphs S5.2 and S5.2.1 and replacing it with the number "24".

(Secs. 103 and 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392 and 1407); sec. 202, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1392); delegation of authority at 49 CFR 1.50)

Issued on March 17, 1983.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 83–7403 Filed 3–23–83; 8:45 am]

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DEPART

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7 CFR P

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AGENCY:
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Proposed Rules

Federal Register
Vol. 48, No. 58
Thursday, March 24, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1033 and 1036

Milk in the Ohio Valley and Eastern Ohio-Western Pennsylvania Marketing Areas; Proposed Suspension of Certain Provisions of the Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend for April through December 1983 the seasonal producer payment plans (Louisville plans) under the Ohio Valley and Eastern Ohio-Western Pennsylvania milk orders that were designed to encourage dairy farmers to maintain more stable milk production levels throughout the year. The action was requested by Milk Marketing, Inc., a cooperative association representing producers supplying milk to both markets. The association contends that the proposed suspension of the seasonal payment plans in the Indiana and Louisville-Lexington-Evansville orders will cause serious price misalignment due to intermingling of producers shipping to handlers regulated under those adjoining Federal orders.

DATE: Comments are due on or before March 31, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6273.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It also has been determined that any need for suspending certain provisions of the orders on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the required suspension procedures and the inclusion of April 1983 in the suspension period if this is found necessary. The initial request for the action was received on March 14, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the orders on dairy farmers and would not affect milk handlers.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the orders regulating the handling of milk in the Ohio Valley and Eastern Ohio-Western Pennsylvania marketing areas is being considered for April through December 1983:

1. In § 1033.61, paragraph (g), the words ", except for the months specified below,"; and all of paragraphs (h) through (l).

2. In § 1033.70, all of paragraph (b); and in paragraph (c), the words "or (l)".

3. In § 1036.61, paragraph (f), the words "For the months of January through March and August,"; and all of paragraphs (g) through (l).

4. In § 1036.70, all of paragraph (b).

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include April 1983 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would make inoperative for 1983 the provisions of the Ohio Valley and Eastern Ohio-Western Pennsylvania milk orders that contain the seasonal producer payment plans, or "Louisville" plans, for those orders. Under those provisions, 25 cents per hundredweight of producer milk is deducted from the pooled value of milk in computing the uniform prices to producers during the months of April through July. The monies so accumulated are added to the pool funds in computing the uniform prices to producers for each month of September through December. This payment plan is intended to encourage a more stable level of milk production throughout the year.

Suspension of the Louisville plans on or before April 1, 1983, was requested by Milk Marketing, Inc. (MMI), a cooperative association representing a large proportion of the producers supplying both markets. In supporting its request, the cooperative claims that proposed suspensions of the Louisville plans in the Indiana and Louisville-Lexington-Evansville orders would cause serious price misalignment between Federal orders and could result in disorderly marketing unless the seasonal payment plans for Ohio Valley and Eastern Ohio-Western Pennsylvania are also suspended. The cooperative stated that producers shipping to handlers regulated by the Ohio Valley, Louisville-Lexington-Evansville, and Indiana orders are intermingled geographically, as are producers shipping to handlers regulated by the Ohio Valley and Eastern Ohio-Western Pennsylvania orders. According to the cooperative, misalignment between pay prices to producers in these orders would occur for eight of the twelve months of 1983 and could result in disorderly marketing as producers change markets for temporary gains.

The cooperative also claims that the seasonal payment plans have become less effective in leveling out producer deliveries as the seasonal adjustment has become a smaller percentage of the total price received by producers. In 1970, for instance, the 25-cent "take-out" represented approximately 4.3 percent of the blend price paid to producers in

Eastern Ohio-Western Pennsylvania while in 1981, the same deduction was less than 2 percent of the blend price.

A further consideration cited by MMI in support of its suspension request is the impact on dairy farmers' cash flow of the April through July 25-cent reduction of the producer pay prices when combined with the $1 per hundredweight assessment under the Dairy Price Support Program, which was proposed to begin with April milk deliveries. The cooperative asserts that suspension of the seasonal payment plans will absorb some of the impact of that assessment, if implemented, and allow dairy farmers time to adjust their operations.

For the foregoing reasons, the petitioning cooperative proposes that the provisions of the Louisville plans be suspended from the Ohio Valley and Eastern Ohio-Western Pennsylvania milk orders.

List of Subjects in 7 CFR Parts 1033 and 1036

Milk marketing orders, Milk, Dairy Products.

Signed at Washington, D.C., on March 18 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-7849 Filed 3-23-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1139

Milk in the Lake Mead Marketing Area; Proposed Suspension of Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to continue through July 1983 a suspension of certain provisions of the Lake Mead Federal milk order. The proposed suspension would remove the limit on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced and pooled under the order. The continuation of the earlier suspension for December 1982 through March 1983 was requested by a cooperative association to assure the efficiency disposition of milk not needed for fluid use and still maintain producer status under the order for its dairy farmer members regularly associated with the market.

DATE: Comments are due not later than March 31, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the required suspension procedures and the inclusion of April 1983 in the suspension period if this is found necessary. The initial request for this action was received March 9, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Lake Mead marketing area is being considered for the months of April 1983 through July 1983:

1. In § 1139.13(d)(2), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the months".

2. In § 1139.13(d)(3), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plants from producers and for which the operator of such plant is the handler during the month".

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include April 1983 in the suspension period.

The comments that are received will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27 (b)).

Statement of Consideration

This proposed action would make inoperative for April through July 1983 the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert up to 30 percent of its total member milk received at all pool plants or diverted therefrom during the months of March through July and 20 percent during all other months. Similarly, the operator of a pool plant may divert up to 30 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of March through July and 20 percent during all other months. A similar suspension has been in effect since April 1982 (47 FR 17036, 47 FR 38496, 47 FR 55201).

The proposed suspension was requested by the Lake Mead Cooperative Association, a cooperative association that supplies a substantial part of the market's fluid milk needs and handles most of the market's reserve supplies. The basis of the cooperative's request for a continuation of the suspension is because of a continuing imbalance between the market's fluid milk requirements and the milk supplies available from producers. The same marketing conditions that prompted the previous suspension request is expected to prevail for many months. The cooperative indicates that milk production continues to be heavy without a corresponding increase in sales to fluid milk outlets. Consequently, the cooperative expects its reserve milk supplies to continue indefinitely to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. Unless the

suspension is continued, the cooperative asserts that some of the milk of its member producers who have regularly supplied the fluid market would have to be moved, uneconomically, first to pool plants and then to nonpool manufacturing plants, in order to continue producer status for such milk.

The cooperative association requested continuation of the current suspension until a more permanent regulatory solution to the supply-demand imbalance in the market could be formulated based on the record of a public hearing. The cooperative association has filed appropriate proposed amendments to the order that would accommodate present marketing conditions. It is expected that a hearing will be held in the near future on these as well as other proposals to amend the order.

List of Subjects in 7 CFR Part 1139

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C. on March 18, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-7648 Filed 3-23-83; 8:45 am]

BILLING CODE 3410-01-3

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-83-2]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before May 23, 1983.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. 23498, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB-10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on March 18, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No	Petitioner	Description of the petition
23498	Paul F Kelley, Air Crewmember	*Description of Petition:* To move crewmember identification from §121.721 to Part 61 to broaden its use and ultimately reduce the proliferation of unreliable and unauthorized identification cards and make all airports more accessible and less of a bottleneck while increasing security with the use of a positive standard aircrew identification *Regulations Affected:* 14 CFR 121.721 and Part 61 *Petitioner's Reason for Rule:* The need for airport security, both at the large international airports and the smaller metropolitan airports, has given rise to many different schemes of airport security. This has produced an ever-increasing number of identifications used at the same airport at which each company flies. Add to this all the service companies each originating their own identifications. Since these same people may transit many different airports in the same day, the need for a standard identification becomes more apparent. These same problems become more evident from state to state and country to country. The general aviation pilot (whether he be corporate, charter, or private) is even in more of a position to be inconvenienced by the fact that he is forced to use many different identifications, some having practically no actual value.

[FR Doc. 83-7569 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 21 and 23

[Docket No. 23557; Notice No. SC-83-1-CE]

Special Conditions; Cessna Model 208 Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions as a part of the type certification basis for the new turbopropeller powered Cessna Model 208 airplane. The airplane will have novel and unusual design features with regard to the propulsion system in a single engine airplane for which the applicable airworthiness standards of Part 23 of the Federal Aviation Regulations (FAR) do not contain adequate or appropriate safety standards. This notice contains the safety standards which the Administrator finds necessary to establish a level of safety equivalent to that provided in the regulations for reciprocating engine powered single engine airplanes.

DATE: Comments must be received on or before April 25, 1983.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, Attn: Rules Docket Clerk, Docket No. 23557, Room 1558, Federal Office Building, 601 East 12th Street, Kansas City, MO 64106; or delivered in duplicate to the Rules Docket Clerk, Room 1558, 601 East 12th Street, Kansas City, MO 64106. All comments must be marked: Docket No. 23557. Comments received in response to this notice may be inspected in the Rules Docket file weekdays, between 7:30 a.m. and 4:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:
J. Robert Ball, Aerospace Engineer, Regulations and Policy Office, ACE-110, Aircraft Certification Division, Federal Aviation Administration, Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, MO 64106; Telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All comments received in response to this notice will be considered by the Administrator before taking action on this proposal. Persons wishing the FAA to acknowledge receipt of their comments in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 23557". The postcard will be date/time stamped and returned to the person submitting the comment. All comments received will be available both before and after the closing date for comments for examination by interested persons.

Type Certification Basis

The type certification basis for the Cessna Model 208 airplane is Part 23 of the Federal Aviation Regulation (FAR), effective February 1, 1965, as amended by Amendments 23-1 through 23-28; Part 36 of the FAR, effective December 1, 1969, as amended by Amendments 36-1 through 36-12; Special Federal Aviation Regulation (SFAR) No. 27, effective February 1, 1974, as amended by Amendment 27-1 through 27-4 and any special conditions adopted as a result of this notice.

Background

On June 2, 1982, Cessna Aircraft Company, Pawnee Division, 5800 East Pawnee, Wichita, Kansas 67201, submitted an application for a Type Certificate for a new model airplane identified as the Cessna Model 208. The Model 208 is a single engine, turbopropeller powered, unpressurized, 9 passenger seating configuration excluding pilot seats, high wing monoplane which can be configured as a landplane, a floatplane, a skiplane, or an amphibian.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) of the FAR do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane. Special conditions, as appropriate, are issued after public notice in accordance with §§ 11.28, and 11.29(b) of the FAR, and will become a part of the type certification basis, when adopted, in accordance with § 21.17(a) of the FAR.

In 1969, the flutter requirements of § 23.629 of the FAR were amended to set forth requirements for turbopropeller engine installations on small multiengine airplanes. Turbopropeller engine installations being greater in length than those of reciprocating engines are more critical with regard to engine mount flexibility. This forward displacement of the propeller in conjunction with the high rotational speed of the turbine engine causes significant elastic, inertial, and aerodynamic forces plus dymamic instabilities which can adversely affect airplane flutter stability. Turbine engine installations on a single engine airplane were not envisioned when § 23.629 of the FAR was amended to include a dynamic evaluation of engine/propeller stiffness and damping variations in multiengine turbine powered airplanes. The mount flexibility in this new Cessna Model 208 airplane appears to be of the same order of magnitude as that on multiengine airplanes with wing mounted engines. The FAA is of the opinion that this characteristic should be evaluated with regard to the Cessna Model 208 airplane.

List of Subjects

14 CFR Part 21

Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 23

Air transportation, Aircraft, Aviation safety, Safety, Tires.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions as a part of the type certification basis for the Cessna Model 208 airplane.

Dynamic Evaluation, Engine Installation

In addition to the applicable requirements of § 23.629, *Flutter*, of the FAR, the dynamic evaluation of the airplane must include:

1. Whirl mode degree of freedom which takes into account the stability of the plane of rotation of the propeller and significant elastic, inertial, and aerodyamic forces; and

2. Engine-propeller-engine mount stiffness and damping variations appropriate to the particular configuration.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.28 and 11.29(b) of the Federal Aviation Regulations (14 CFR 11.28 and 11.29(b)))

Issued in Kansas City, Missouri, on March 4, 1983.

Murray E. Smith,
Director, Central Region

[FR Doc. 83-7548 Filed 3-23-83; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Docket No. 82-AAL-6]

Proposed Establishment of Control Zone; Palmer, Alaska

AGENCY: Federal Aviation Administration (FFA), DOT.

ACTION: Withdrawal of notice of propsoed rulemaking.

SUMMARY: On June 3, 1982, the Federal Aviation Administration (FFA), DOT, published in the **Federal Register** (47 FR 24140) a notice of proposed rulemaking to designate controlled airspace to protect the prescribed instrument approach procedure to the Palmer, Alaska, Airport. Because no correspondence was received supporting the proposal, the notice of proposed rulemaking (82-AAL-6) to establish the Palmer control zone is being withdrawn.

FOR FURTHER INFORMATION CONTACT:
Jerry M. Wylie (907) 271-5903.

SUPPLEMENTARY INFORMATION:

Background

Because of a proposed prescribed instrument approach procedure to the Palmer, Alaska, Airport, the FFA published a notice of proposed rulemaking (82-AAL-6) to establish controlled airspace for the procedure. After publishing the notice of proposed rulemaking, the FFA received two conditional concurrences and three objections to the proposal. One of the concurrences was conditioned on a confliction with a VFR route being first resolved and the other upon excluding three landing areas (Butte Airport, B and B Boy's Ranch Airport, and Finger Lake Seaplane Base) from the control zone.

The objections received stated that many of the aircraft based at Palmer

Airport were not equipped to fly IFR; that most of the pilots operating out of Palmer were not IFR rated; that several aircraft operating from the Palmer Airport had no radio communications capability; and that the establishment of a control zone would create a hardship for a majority of operators at the airport. Therefore, and because no correspondence was received supporting the proposal, the notice of proposed rulemaking (82–AAL–6) to establish the Palmer control zone is being withdrawn.

Withdrawal of the Proposal

Accordingly, pursuant to the authority delegated to me by the Administrator, the notice of proposed rulemaking, docket number 82–AAL–6, published in the **Federal Register** on June 3, 1982 (47 FR 24140) is hereby withdrawn.

(Secs. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and Sec. 1354(a); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69))

Issued in Anchorage, Alaska, on March 9, 1983.

Franklin L. Cunningham,

Acting Director, Alaskan Region.

[FR Doc. 83–7628 Filed 3–23–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 83–AWA–6]

Alteration of VOR Federal Airways, Albuquerque, NM, Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke certain alternate VOR Federal Airways and renumber other alternate airway segments in the Albuquerque, NM, area. This action would eliminate the assignment of alternate airway segments for the affected airways and support our commitment to the International Civil Aviation Organization (ICAO) to phase out alternate airway descriptions from the National Airspace System.

DATES: Comments must be received on or before May 5, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Southwest Region, Attention: Manager, Air Traffic Division, Docket No. 83–AWA–6, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Bill Hill, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83–AWA–6." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this relemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to: (1) revoke V–12S between Zuni, NM, and Albuquerque, NM; (2) revoke V–421W between Gallup, NM, and Farmington, NM; (3) redesignate V–190S between St. Johns, AZ, and Albuquerque, NM, as V–234; (4) redesignate V–12S between Albuquerque, NM, and Anton Chico, NM, as V–234; (5) revoke V–83E between Otto, NM, and Santa, Fe NM; (6) revoke V–19W between Socorro, NM, and Albuquerque, NM; and (7) redesignate V–19E between Socorro, NM, and Albuquerque, NM, as V–187. This action will reduce chart clutter by eliminating airway segments that are no longer needed for flight planning or for air traffic control and also support our commitment to ICAO to phase out alternate airway descriptions in the North American Airway System. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

VOR Federal airways.

Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

V–12 [Amended]

By deleting the words ", including a south alternate via INT Zuni 104° and Albuquerque 253° radials" and ", including a S alternate from Albuquerque to Anton Chico via INT Albuquerque 103° and Anton Chico 249° radials"

V–190 [Amended]

By deleting the words ", including a south alternate via INT St. Johns 085° and Albuquerque 229° radials"

V–421 [Amended]

By deleting the words ", including a west alternate via INT Gallup 008° and Farmington 233° radials

V–83 [Amended]

By deleting the words ", including an east alternate via INT Otto 019° and Santa Fe 117° radials"

V–234 [Amended]

By deleting the words "From Anton Chico, NM;" and substituting for them the words "From St. Johns, AZ, via INT St. Johns 085°T(073°M) and Albuquerque, NM, 229°T(216°M) radials; Albuquerque; INT Albuquerque 103°T(090°M) and Anton Chico, NM, 249°T(237°M) radials; Anton Chico;"

V–19 [Amended]

By deleting the words ", including a W alternate via INT Socorro 343° and Albuquerque 199° radials and also an E alternate via INT Socorro 015° and Albuquerque 160° radials"

V–187 [Amended]

By deleting the words ", From Albuquerque, NM, via" and substituting for them the words "From Socorro, NM, via INT Socorro 015°T(002°M) and Albuquerque, NM, 160°T(147°M) radials; Albuquerque;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 14, 1983.

B. Keith Potts,

Manager, Airspace Rules and Aeronautical Information Division.

[FR Doc. 83–7302 Filed 3–23–83; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76–129 (Missouri—1)]

High-Cost Gas Produced From Tight Formations, Missouri; Withdrawal of Proposed Rule

AGENCY: Federal Energy Regulatory Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. The Commission received a request from the Missouri Department of Natural Resources to withdraw a recommendation previously submitted to the Commission and published as a proposed rule (47 FR 36436, August 20, 1982) that the Pennsylvanian System located in Cass and Bates Counties, Missouri, be designated as a tight formation. The Commission grants the request for withdrawal of the recommendation, withdraws its proposed rulemaking and terminates this docket.

EFFECTIVE DATE: This rulemaking is terminated effective March 16, 1983.

FOR FURTHER INFORMATION CONTACT: Webster Gray, (202) 357–8731 or Randall Rich, (202) 357–8511.

SUPPLEMENTARY INFORMATION:

Issued: March 16, 1983.

On July 14, 1982, the Federal Energy Regulatory Commission (Commission) received from the Missouri Department of Natural Resources (Missouri) a recommendation in accordance with § 271.703 of the Commission's regulations that the Pennsylvanian System located in portions of Cass and Bates Counties, Missouri, be designated as a tight formation. Pursuant to § 271.703(c)(4), a Notice of Proposed Rulemaking was issued by the Director of the Commission's Office of Pipeline and Producer Regulation on August 17, 1982 (47 FR 36436, August 20, 1982), to determine whether the recommendation should be adopted. No comments were received in response to the Notice of Proposed Rulemaking, nor did any party request that a public hearing be held.

On January 3, 1983, the Commission received a request from Missouri to withdraw the recommendation that the Pennsylvanian System be designated as a tight formation.

The Commission hereby grants Missouri's request that the recommendation be withdrawn and, accordingly, the Commission hereby withdraws its Proposed Rulemaking in this docket and terminates this docket. Such termination is without prejudice to any subsequent recommendation that Missouri may submit that the Pennsylvanian System be designated as a tight formation under § 271.703.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–7587 Filed 3–23–83; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 114

Special Deposits

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is publishing a proposed rule document which will provide procedures required to determine final ownership of funds which are on deposit in account 14X6703 "Indian Moneys, Proceeds of Labor Escrow Account—Pending Determination of Ownership." These funds are balances as of September 30, 1982, and interest accrued prior to that date, which have been transferred from account 14X8500 "Indian Moneys, Proceeds of Labor" pursuant to the Interior Department's FY 1982 Supplemental Appropriation Act. These rules will set forth procedures for the final determination of ownership of the funds and their eventual distribution to the rightful individual Indians and/or tribes.

DATES: Comments must be received on or before May 23, 1983.

ADDRESSES: Submit written comments to the Bureau of Indian Affairs, Financial Management, Division of Program Development and Implementation (Code 720), Room 4612, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Marilyn Youngbird, Division of Program Development & Implementation, Bureau of Indian Affairs, Room 4622, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone number (202) 343–3630.

SUPPLEMENTARY INFORMATION: This proposed rule is published in exercise of authority delegated by the Secretary of

the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. "Indian Moneys, Proceeds of Labor," (IMPL, account 14X8500) are miscellaneous receipts collected by the Bureau of Indian Affairs (BIA) at BIA agencies and schools. Under authority found in 25 U.S.C. 162a, IMPL funds were included as a part of the BIA investment program. Prior to publication of 25 CFR Part 114 (formerly numbered 25 CFR Part 103b), interest earned from the investment of "special deposits" was deposited into the IMPL accounts.

Subsequent to publication of 25 CFR Part 114, interest earned on "special deposits" for the period beginning April 1, 1981, has been credited to the particular "special deposit" account on which the interest was earned. These proposed regulations are being developed to prescribe the procedures to be followed to determine ownership of the funds in account 14X8500 "Indian Moneys, Proceeds of Labor" as of September 30, 1982 which represents interest earned on "special deposits" and deposited into the IMPL accounts prior to the period ending March 31, 1981.

The following Acts have been passed leading to these regulations: (1) Pub. L. 97–100, dated December 23, 1981, 95 Stat. 1391 (the Fiscal Year 1982 Interior Department Appropriations Act); and (2) Pub. L. 97–257, dated September 10, 1982, 96 Stat. 83 (the Fiscal Year 1982 Interior Department Supplemental Appropriations Act).

Public Law 97–257 amended Pub. L. 97–100 and directs that: "No funds shall be deposited in such 'Indian money, proceeds of labor' (IMPL) accounts after September 30, 1982. The unobligated balance in IMPL accounts as of the close of business on September 30, 1982, including the income resulting from the investment of funds from such accounts prior to such date, shall be transferred to and held in escrow accounts at the locations of the IMPL accounts from which they are transferred. Funds in such escrow accounts may be invested * * * and the investment income added to such accounts. The Secretary shall determine no later than September 30, 1985 (after consultation with appropriate tribes and individual Indians) the extent to which the funds held in such escrow accounts represent income from the investment of special deposits relating to specific tribes or individual Indians. Upon such determination by the Secretary and express acceptance of the determination by the beneficiary, the Secretary shall transfer such funds to trust accounts for such tribes or individual Indians * * *". The Act authorizes the utilization of up to 10% of the funds transferred for costs of legal or other representation relating to claims for such funds; and up to 2% to reimburse the BIA for administrative expenses incurred in determining ownership of the funds. The Act further authorizes the expenditure during the period of October 1, 1985 through September 30, 1987, of the funds remaining in such escrow accounts, "* * * subject to the approval of the Secretary for any purpose authorized under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) and requested by the respective governing bodies of the tribes at the locations where such accounts are maintained." (The funds may be expended before October 1, 1985 if a Secretarial determination on ownership and appropriate fund transfers have been completed.) The Act finally provides that any unobligated balances in the escrow accounts as of the close of business on September 30, 1987 shall be deposited into miscellaneous receipts of the U.S. Treasury.

These regulations are being published to set forth the procedures governing the determination of ownership and final distribution of funds which were on deposit in account 14X8500 "Indian Moneys, Proceeds of Labor" as of September 30, 1982 (including interest accrued prior to that date) and which have been transferred to account 14X6703 "Indian Moneys, Proceeds of Labor Escrow Account—Pending Determination of Ownership" at the same locations where they are on deposit. Publication of these procedures as proposed regulations constitutes part of the consultation with interested tribes and individual Indians required by Pub. L. 97–257.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed rule. The primary author of this rule is Peggy Daniels, Division of Program Development and Implementation (Code 720), Room 4070, 19th and C Streets, NW., Washington, D.C. 20245.

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act. It is estimated that it involves the disposition of less than $20 million which will be distributed among some 200,000 individual Indians, as well as a number of Indian tribes.

This proposed rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

The Department of Interior has determined that this document does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969.

List of Subjects in 25 CFR Part 114

Accounting, Indian—Business and finance.

Part 114 of Chapter I of Title 25 of the Code of Federal Regulations is proposed to be revised to read as follows:

PART 114—SPECIAL DEPOSITS

Sec.

114.1 Purpose and scope.
114.2 Definitions.
114.3 Investment of special deposit funds.
114.4 Payment and distribution of interest on special deposit funds.
114.5 Distribution of IMPL Escrow Account.

Authority: 25 U.S.C. 2; 25 U.S.C. 9; Pub. L. 97–100; and Pub. L. 97–257.

§ 114.1 Purpose and scope.

The purpose of these regulations is to set forth the conditions governing the deposit, investment, and distribution of interest on funds held by the Bureau in special deposits; and to provide procedures required for determination of ownership and distribution of funds which are on deposit in account 14X6703. "Indian Moneys Proceeds of Labor Escrow Account—Pending Determination of Ownership".

§ 114.2 Definitions.

(a) "Agency" means any field office of the Bureau officially designated as an Indian agency and which provides direct services at the local level to Indians and Indian tribes, who are recognized by the Bureau as eligible for federal services to Indians because of their status as Indians.

(b) "Agency IMPL Escrow Account" means that portion of the funds in 14X6703 identifiable to that agency.

(c) "Beneficiary" means a potential beneficiary who has signed an acceptance.

(d) "Bureau" or "BIA" means the Bureau of Indian Affairs, Department of the Interior.

(e) "Claimant" means an individual (or a tribe) who asserts an entitlement to a share of the IMPL Escrow Account but has not been determined as a potential beneficiary.

(f) "IMPL Escrow Account" means account 14X6703, Indian Moneys, Proceeds of Labor Escrow Account—Pending Determination of Beneficiaries, U.S. Treasury.

(g) "Potential Beneficiary" means an individual or tribe determined eligible to share in the IMPL Escrow Account provided a proper acceptance is received on behalf of the individual or tribe involved.

(h) "Principal account" means each separate payment or deposit of money to the Bureau which is held as a special deposit.

(i) "Special deposit" means any suspense account used for the temporary deposit of funds which cannot be credited to specific accounts or readily distributed, including, but not limited to:

(1) Advance deposits;

(2) Advance deposits on other leases and permits for such Indian lands;

(3) Advance payments and advance deposits required on sales of timber and other natural resources from such Indian lands;

(4) Deposits for rights of way over such Indian lands and anticipated right-of-way damages held until such damages are determined; and

(5) Deposits for grazing fees on such Indian lands.

(j) "Special deposit funds" means those funds held in special deposits.

(k) "Superintendent" means the Bureau official in charge of a Bureau agency.

§ 114.3 Investment of special deposit funds.

It is the policy of the Bureau to invest all special deposit funds which have been paid to the Bureau on behalf of Indians or Indian tribes pending the eventual payment for the sale, lease, or other transfer of tribal or individual Indian property and funds which are deposited solely for the purpose of guaranteeing performance.

§ 114.4 Payment and distribution of interest on special deposit funds.

(a) It is the general policy of the Bureau that interest and earnings from the investment of special deposit funds be credited to the principal accounts upon which the interest was earned.

(b) At the time that a withdrawal is made from a special deposit account, the interest earned by the principal account being withdrawn will be computed and withdrawn from the account as a part of the same transaction. The interest earned by the subject principal amount will be computed into two parts:

(1) The portion of interest credited during the prior interest period which was attributable to this principal, and

(2) The portion of interest which has been earned by this principal amount but has not yet been credited to the account because the interest period is not complete. This will be computed by using the month-end balances since the last interest period times the last period's factor.

(c) No interest will be distributed to accounts which have less than the minimum average month-end balances as determined by the Division of Accounting Management. Any such interest not distributed would remain in the undistributed interest account at the Bureau level to be included in determining the next six month interest factor.

§ 114.5 Distribution of IMPL Escrow Account.

(a) *Determination of potential beneficiaries.* Each agency will determine the potential beneficiaries and their respective shares of the IMPL Escrow Account at that agency by the following method:

(1) Identify the unobligated balance in the agency IMPL account as of September 30, 1982, and interest accrued for the period ending September 30, 1982, which has subsequently been transferred into account 14X6703 IMPL Escrow Account Pending Determination of Ownership. This amount will be called the agency IMPL Escrow Account balance.

(2)(i) Identify the length of time which has been required to accumulate actual income into the former IMPL account to equal the current agency IMPL escrow account balance.

(ii) To determine the beginning date for ownership computations, subtract the length of time identified in paragraph (a)(2)(i) of this section from April 1, 1981. (Subsequent to April 1, 1981, interest earned on special deposits has been credited directly to each special deposit account rather than to an IMPL account.)

(3) Examine the Individual Indian Money (IIM) accounts to determine the total dollars transferred to each account from the principal in special deposit accounts during the period identified in paragraph (a)(2) of this section.

(4) Examine tribal treasury account records to determine the total dollars transferred to each tribal trust account from the principal in special deposit accounts during the period identified in paragraph (a)(2) of this section.

(5) Determine the percentage of the principal transferred from special deposit accounts into each IIM and tribal trust account. This is done by dividing the total amount of principal transferred from special deposit accounts into all accounts at the agency into the total computed for each IIM and tribal trust account pursuant to paragraphs (a)(3) and (4) of this section. The formula is as follows:

$$\frac{\text{Dollars transferred into an account}}{\text{Total dollars transferred by agency into all accounts}} = \text{Percent share for that account}$$

(6) Multiply this percentage by the agency IMPL Escrow Account balance to determine each potential beneficiary's share of that balance. Should this determined share be less than ten dollars ($10.00) no transfer of funds will be made.

(b) *Notification of Determination of Potential Beneficiaries.* Upon completion of the determination of all potential beneficiaries of an agency IMPL Escrow Account, the Superintendent shall publish a general notice which shall contain the following:

(1) Brief history of agency IMPL Escrow account;

(2) Explanation of method of determination of potential beneficiaries;

(3) Information on availability of specific data;

(4) Instruction to potential beneficiaries on completion of acceptance forms, explaining that only those who complete the acceptance forms can receive any funds; and

(5) Establishment of deadline date by which potential beneficiaries must complete the acceptance forms to receive the funds. This deadline will be 180 days from the date of the general notice. This general notice shall be published in the usual and customary manner for making public such documents. If such usual and customary publication does not include posting on the agency bulletin board and publication in at least one local newspaper of general distribution, the posting on the bulletin board and local newspaper publication shall be done in addition to the usual and customary manner of publication.

(c) *Acceptance by potential beneficiary.* Before the funds identified in paragraph (a) of this section as transferable to an individual or tribal beneficiary can be deposited into that beneficiary's account the following must be completed:

(1) The beneficiary must sign an acceptance of the determination by the Secretary which shall constitute a complete release and waiver of any and all claims by the beneficiary against the United States relating to the unobligated balance of IMPL accounts as of the close of business on September 30, 1982.

(2) The acceptance must be signed during the 180 days between the date of the general notice provided for in paragraph (b) of this section and the deadline date established therein.

(3) In the case of a tribal beneficiary, the acceptance must be accompanied by a resolution of the appropriate tribal entity approving the acceptance and authorizing designated tribal representative(s) to sign the acceptance. An acceptance on behalf of an estate account may be signed by the Superintendent if the determination of heirs has not become final and may be signed on behalf of individual inherited shares by each heir if the probate determination has become final. An acceptance on behalf of a minor may be signed by a parent, guardian or a person acting *in loco parentis*. An acceptance on behalf of an adult who has been determined legally incompetent or in need of assistance in managing his/her affairs pursuant to 25 CFR 115.9 may be signed by his/her authorized representative.

(d) *Distribution.* (1) After the expiration of the deadline established in paragraph (b) of this section, funds of individual beneficiaries who have completed the acceptance forms will be transferred from the IMPL Escrow Account into each beneficiary's IIM account. Funds derived from beneficiary estate accounts for which the heirs have been determined will be transferred into the heirs' accounts. Funds derived from beneficiary estate accounts for which the heirs have not been determined will be transferred into the estate account.

(2) Interest accrued for any period after October 1, 1982 will be credited to the beneficiary accounts on the same percentage basis as the original share.

(3) After the expiration of the deadline established in paragraph (b) of this section, funds of a tribal beneficiary and interest earned thereon since October 1, 1982 will be transferred into the appropriate tribal treasury account.

(4) Not more than ten percent (10%) of the funds which may be transferred to a trust account for any tribe, or to an IIM account for an individual, may be utilized to pay for legal or other representation relating to claims for such funds.

(5) Not more than two percent (2%) of the funds which may be transferred to a trust account for any tribe, or to an IIM account for an individual, may be utilized by the BIA to reimburse the BIA for administrative expenses incurred in determining ownership of the funds.

(e) *Appeals.* (1) Any potential beneficiary or claimant may appeal any decision made or action taken by a Superintendent under this section. Such appeal shall be made in writing and submitted as provided in 25 CFR Part 2.

(2) As provided in Part 2, the appeal must be received within 30 days after receipt of the written notice advising the potential beneficiary of his/her share of the IMPL Escrow account or advising the claimant that no share has been determined for him/her. No appeals will be accepted under this section after September 30, 1985.

(f) *Distribution of residual funds.* (1) After final administrative determination of ownership, including final determination of all appeals, and the completion of all appropriate fund transfers, but not later than October 1, 1985, any funds remaining in an agency IMPL escrow account may be expended subject to the approval of the Secretary for any purpose authorized under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) and requested by the governing body(s) of the tribe(s) at the location(s) where such agency IMPL escrow account is maintained. This authority to expend the escrow account funds ends September 30, 1987.

(2) The unobligated balances of all IMPL escrow accounts as of the close of business on September 30, 1987, shall be deposited into miscellaneous receipts of the U.S. Treasury.

Dated: February 25, 1983.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 83-7850 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Ch. I

[CGD 78-035]

Waste Reception Facilities

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to solicit public comment on all aspects of a suggested regulatory scheme for implementing the waste reception facility requirements of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto (MARPOL 73/78), and to solicit information for use in analysis of the various alternatives presented. Any resulting regulations will address criteria of adequacy for reception facilities and administrative procedures for a Certificate of Adequacy, as mandated by The Act to Prevent Pollution from Ships, 1980 (the Act). This notice is the first step in a rulemaking procedure that implements the requirements of MARPOL 73/78 that would reduce open ocean discharge of pollutants, by ensuring the provision of reception facilities to receive pollutants retained onboard seagoing ships.

DATE: Comments must be received on or before June 22, 1983.

ADDRESS: Comments may be submitted to Commandant (G-CMC/44), U.S. Coast Guard, 2100 Second Street SW, Washington, D.C. 20593. Comments will be available for examination and copying at the Marine Safety Council, Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, D.C. 20593, between 8:00 a.m. and 4:00 p.m. Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Ellis H. Davison, II, Project Manager, Office of Marine Environment and Systems, (G-WPE-3), telephone 202-426-9578. Normal working hours are between 7:30 a.m. and 4:00 p.m. Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 78-035) and the specific issues of this Advance Notice to which their comments apply, and give reasons for each comment. If acknowledgment is desired, a self-addressed, stamped post card should be enclosed. All comments received will be considered before further rulemaking action is taken on this proposal. No public meeting is planned, but one may be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by a sufficient number of interested persons raising genuine issues and the Coast Guard determines that the opportunity to make oral presentation will aid the rulemaking process.

Need

This rulemaking will implement those parts of MARPOL 73/78 which require contracting states to ensure that reception facilities are available to

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receive wastes from ships. These wastes contain oil deriving from bulk oil shipment and the accumulation of oil in machinery space bilges and noxious liquid substances deriving from their bulk shipment. The Act (Sec. 6, 94 Stat. 2299; 33 USC 1905), which is the implementing legislation for MARPOL 73/78, specifically directed the establishment of regulations setting criteria for determining adequacy of reception facilities and procedures for certifying a port or terminal as having adequate reception facilities.

Background

The purpose of MARPOL 73/78 is the reduction of accidental and operational pollution from ships. In order to reduce operational pollution, the Convention requires that some ship wastes be discharged to reception facilities. It contains two annexes, concerning Oil (Annex I) and Noxious Liquid Substances (Annex II), that must be implemented by countries ratifying the Convention when it enters into force. MARPOL 73/78, including Annex I, will enter into force on October 2, 1983. The requirements for reception facilities in Annex I must be in effect no later than October 2, 1984. Annex II will enter into force on October 2, 1986, unless the parties to the Convention postpone that date, and the requirements for reception facilities in Annex II will be effective when it enters into force.

Waste which may be anticipated as a consequence of Annex I will be derived from the bulk shipment of oil and from the use of oil as a fuel and lubricant in ships' propulsion systems. Oil tankers may have a need to dispose of oily ballast water, and tank cleaning water. Annex I limits the amount of oily wastes that can be discharged into the sea. Reception facilities must be available to receive oily ballast water, oil-contaminated wash water and concentrated oil slops which cannot be discharged in accordance with the Annex. All self-propelled vessels accumulate bilge water in their enginerooms, and this bilge water often contains high concentrations of oil resulting from lubricant drippings and other routine losses. Under Annex I, vessels may either process this contaiminated bilge water to remove the oil, which is then retained onboard as a residue for discharge to a reception facility, or they may discharge the contaminated water itself to a reception facility. Fuel oils for diesel propulsion systems and lubricants for both steam and diesel propulsion systems when processed onborad ship usually produce an oily residue. Such residues which cannot be discharged into the sea in compliance with Annex I must be retained onboard or discharged to reception facilities.

Regulation 12 of Annex I requires that adequate oily waste reception facilities be provided in:

(a) All ports and terminals in which crude oil is loaded into oil tankers where such tankers have immediately prior to arrival completed a ballast voyage of not more than 72 hours or of not more than 1,200 nautical miles;

(b) All ports and terminals in which oil other than crude oil in bulk (product) is loaded at an average quantity of more than 1,000 metric tons (7,000 barrels) per day;

(c) All ports having ship repair yards or tank cleaning facilities;

(d) All ports and terminals which handle ships provided with a sludge tank;

(e) All ports which handle ships retaining oily bilge water and other residues; and

(f) All loading ports handling combination carriers retaining oily residue onboard.

Wastes anticipated as a consequence of Annex II of MARPOL 73/78 will be derived from the bulk shipment of "noxious liquid substances". Under Annex II, chemicals shipped in bulk presenting sufficient threat to the marine environment are assigned to one of four noxious liquid substance categories, A, B, C and D, with Category A substances presenting the greatest threat. On chemical tankers, tanks are normally prepared for carriage of the next cargo by performing a water wash. The resultant waste wash water is typically discharged at sea. Annex II will prohibit the discharge of wash water containing Category A substances and limit the discharge of Category B and C substances. Reception facilities are required by Annex II to be available to receive wastes stemming from the washing of tanks having contained Category A substances and tanks having retained excessive quantities of Cateory B and C substances.

Regulation 7 of Annex II of MARPOL 73/78 requires that adequate chemical waste reception facilities be provided in:

(a) Ports and terminals in which noxious liquid substances are loaded and unloaded; and

(b) Ports where ship repairs are undertaken on chemical tankers.

Regulatory Scheme

The Coast Guard intends to issue any reception facility regulations resulting from this ANPRM in a new Part 158 in Title 33 of the Code of Federal Regulations under Subpart O, Pollution. The Coast Guard also intends to make the regulations implementing Annex I effective after October 2, 1983, but not later than October 2, 1984, and regulations implementing Annex II effective not later than when that Annex enters into force.

The Act requires the Coast Guard to ensure that reception facilities are adequate to service seagoing ships, as described in Regulation 12 of Annex I and Regulation 7 of Annex II of MARPOL 73/78. According to the Act, the Coast Guard must deny seagoing ships entry to ports and terminals required by MARPOL 73/78 to have adequate reception facilities and not holding a valid certificate issued under the Act. The Coast Guard will deny any seagoing ship of over 400 gross tons entry to any port or terminal under Regulation 12, Annex I, or Regulation 7, Annex II, that does not hold a valid Certificate of Adequacy. The Coast Guard will use its authority to deny entry as the means of ensuring that adequate reception facilities are available. In addition, the law provides civil and criminal penalties for violations of the convention, law, or regulations for the purpose of this ANPRM, the Coast Guard intends to define "ship" the same as it is defined in MARPOL 73/78 (Article 2(4)). It is contemplated that denial of entry would be limited to seagoing ships of 400 tons gross tonnage and above. The Coast Guard is interested in learning about commenters' need for any exceptions to this approach.

MARPOL 73/78 and the Act both call for the provision of adequate reception facilities at ports and terminals. Terminal is defined in the Act as "* * * an onshore facility or an offshore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance" (33 U.S.C. 1901(9)). The Coast Guard intends to consider the adequacy of reception facilities available to ships at each terminal. However, the Coast Guard also intends to allow groups of terminals that, in the normal course of business, are used as a port to apply as a group and be considered as a port. For the purpose of this ANPRM, the Coast Guard uses the word "terminal" as an abbreviation of the term "ports and terminals", as used in the Convention and the Act.

As part of the regulatory scheme, the Coast Guard intends to:

1. Specify criteria for adequacy;

2. Establish procedures to apply for certification;

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3. Establish procedures for issuing the Certificate of Adequacy;

4. Authorize the Captain of the Port to issue the Certificate of Adequacy; and

5. Deny seagoing ships of 400 tons gross tonnage or greater entry into terminals not having a Certificate of Adequacy.

There are a number of issues that need to be resolved for the Coast Guard to develop regulations. The following is a discussion of these issues, which the public is encouraged to comment on.

(1) *Reception Facilities.* The Coast Guard could define "reception facility" as any system capable of receiving shipboard oil or chemical wastes. This might include a fixed facility with piping conveying wastes from a vessel directly to a treatment system, and the facility could be located at the specific terminal applying for a Certificate of Adequacy or located a reasonable distance from the terminal. This reception facility definition could also include a mobile facility such as a tank barge, railroad tank car, or tank truck, which in turn transports wastes to a regional storage or processing facility. It is anticipated that in many cases reception facilities made available at a terminal will be owned by someone other than the terminal owner or operator. In these cases proving adequacy would entail demonstrating that in the event a vessel visiting the terminal has a need for disposing of wastes, there is a means of receiving wastes in a reasonable time.

(2) *Adequacy.* Both the Act and MARPOL 73/78 require that "adequate" reception facilities be provided. The Coast Guard considers the following to be essential for "adequacy":

(a) A terminal should have reception facilities capable of receiving the kinds of wastes which would normally be expected to be received from seagoing ships visiting the terminal. The International Maritime Organization (IMO), has published *Guidelines on the Provision of Adequate Reception Facilities in Ports* for both Annex I and Annex II. (Copies of these guidelines can be obtained from the Coast Guard at the address specified in **ADDRESSES.**) The Coast Guard could use these guidelines to develop criteria for the types and volumes of wastes various terminals should be capable of receiving from ships. The criteria stemming from the guidelines may have to be updated to reflect recent amendments to tank vessel rules such as segregated ballast requirements, and to reflect that some seagoing ships, such as tank barges, do not normally discharge cargo residues at sea. It is also recognized that in applying these criteria to terminals the regulations would have to allow for suitable substitutions. To provide the necessary flexibility in the certification program, the Coast Guard intends to authorize the Captain of the Port to issue Certificates of Adequacy because local problems could be resolved with a minimum of delay.

(b) The reception facilities must be capable of receiving the waste without causing undue delay to ships. With regard to avoiding undue delay, two criteria are presently being considered: The response time and the transfer time.

(i) *Response Time.* A reception facility should be available for receiving vessel waste after receiving advance notification of a need for the services of the facility. Information is solicited as to what should be considered a reasonable response time from the point of view of terminal operators, fixed and mobile reception facility operators, and from the point of view of ship operators.

(ii) *Transfer Time.* Transfer of wastes should be conducted in a timely fashion. Information is solicited as to the minimum receiving rate or time limit for receiving waste for the various reception facilities under Regulation 12 of Annex I, and Regulation 7 of Annex II of MARPOL 73/78.

(c) The reception facilities must be capable of disposing of the waste in an environmentally acceptable manner. To determine the environmental acceptability of the waste disposal process employed to handle vessel generated wastes, the Coast Guard intends to rely on the existing Environmental Protection Agency permitting system. Presentation of appropriate permits issued under the Clean Water Act (33 U.S.C. 1342) or the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6925) by an applicant for certification would be sufficient evidence of environmentally acceptable waste disposal.

(3) *Reception Facility Needs for Terminals.* The following discussion presents some of the issues that have been identified regarding reception facilities for terminals, and suggests possible approaches for resolving these issues.

(a) *Crude Oil Loading Terminals.* Regulation 12(2)(a) of Annex I requires reception facilities at crude oil loading terminals serving tankers returning from a ballast voyage of not more than 1,200 nautical miles or of not more than 72 hours. The intent of this regulation is to provide reception facilities to receive oil contaminated ballast water from crude oil tankers which, due to the length of their voyage, do not have the opportunity to clean cargo tanks sufficiently to reach a "clean ballast" condition prior to arrival at the loading terminal. In the United States, crude oil loading terminals serve a trade that is almost entirely domestic, and most loading terminals serve at least some vessels completing a short ballast voyage. Therefore, the Coast Guard intends to restrict vessel access to any crude oil loading terminal that does not have a Certificate of Adequacy. The owners or operators of crude oil loading terminals who believe they do not need reception facilities stemming from crude oil loading are requested to identify themselves and give the reasons why they do not need reception facilities.

(b) *Product Oil Loading Terminals.* Regulation 12(2)(b) of Annex I requires reception facilities at product oil loading terminals which handle an average quantity in excess of 1,000 metric tons per day (about 7,000 barrels per day). Reception facilities at such terminals are expected to receive concentrated oily waste, tank cleaning wash water, and like crude oil loading terminals, ballast water from ships on short ballast voyages. Only oil loaded onto seagoing ships should be considered in calculating the quantity loaded. MARPOL 73/78 does not indicate how the average quantity loaded per day is to be determined. The Coast Guard is considering using an average daily rate determined from annual data. What data the Coast Guard should use to substantiate the quantity loaded annually is another problem that needs to be addressed. The public is encouraged to advise the Coast Guard if there are reports to other government agencies that can be used to substantiate the quantity of product oil loaded at a terminal, or if the Coast Guard should establish new reporting requirements.

The Coast Guard intends to restrict vessel access to any terminal loading product oil that does not have a Certificate of Adequacy. The Coast Guard recognizes that not all of these terminals would need reception facilities because their loading rate would be less than 1,000 metric tons per day using annual data. The owners or operators of terminals loading refined products are requested to identify themselves and give their annual loading rates.

(c) *Ship Repair Yards and Tank Cleaning Facilities.* Regulation 12(2)(c) of Annex I requires reception facilities to be available at ports containing ship repair yards or tank cleaning facilities. These reception facilities could be expected to receive the same types of wastes as would be received by product oil loading terminals and crude loading terminals. The Coast Guard intends to restrict vessel access to any ship repair

yard and tank cleaning facility that does not have a Certificate of Adequacy.

(d) *Terminals Handling Combination Carriers.* Regulation 12(2)(f) of Annex I requires reception facilities to be available at ports that handle combination carriers that are changing over from liquid to dry bulk cargoes, and consequently must discharge oily residues stemming from tank cleaning. To determine what terminals in this category should be given consideration for having adequate reception facilities, a number of points must be considered. First, it is necessary to define what is meant by a combination carrier. MARPOL 73/78 defines combination carrier as ". . . a ship designed to carry either oil or solid cargoes in bulk" (Annex I, Regulation 1(5)). Second, it is necessary to determine what dry bulk terminals combination carriers normally visit. Third, it is necessary to determine whether these combination carriers normally have a need to discharge oily residues at such dry bulk terminals.

Tank cleaning wastes in combination carriers can be discharged at sea in accordance with MARPOL 73/78, and only concentrated oil residues are expected to remain. Reception facilities capable of receiving bilge water from ships are expected to be capable of receiving oil residues from combination carriers. Reception facilities for bilge water should be available at terminals loading dry bulk cargoes. Therefore, the Coast Guard intends to consider a Certificate of Adequacy issued under paragraph (e) as evidence that terminals handling combination carriers are provided with adequate reception facilities. Comments on this approach are solicited.

(e) *Terminals Handling Ships with Sludge Tanks and Bilge Water Residues.* Regulation 12(2)(d) of Annex I requires reception facilities to be available at ports and terminals which handle ships provided with a sludge tank. Regulation 12(2)(e) requires reception facilities to be available at ports which handle ships retaining oily bilge water and other residues. Both of these categories involve wastes which can most easily be serviced by mobile reception facilities. In any port area, the Coast Guard expects that existing industry capacity will be able to service the waste volumes anticipated. The Coast Guard intends to restrict vessel access to any of these terminals that do not have a Certificate of Adequacy. It is terminals that require reception facilities only for bilge water and sludge that would probably apply as a group and be considered as a port. Comments are solicited on the aspects of this approach.

(f) *Chemical Terminals.* Regulation 7(1)(a) of Annex II requires that reception facilities be available at terminals where "noxious liquid substances" are loaded or unloaded. Reception facilities at such terminals will be expected to receive Category A, B and C noxious substance residues when ships carrying such substances are prohibited from discharging these residues at sea. The Coast Guard intends to restrict vessel access to any of these terminals that do not have a Certificate of Adequacy. Comments on this approach are solicited.

(g) *Shipyards Repairing Chemical Tankers.* Regulation 7(1)(b) of Annex II requires that ports with shipyards undertaking repairs made to chemical tankers be provided with adequate reception facilities. Shipyards will be expected to receive the same types of wastes handling chemical tankers as described for chemical ports and terminals. It is anticipated that these wastes would be received by a waste disposal contractor who is permitted to dispose of a range of hazardous wastes encompassing all the category A, B and C substances that may be anticipated to be generated by chemical tankers undergoing repairs. It is recognized that it would be a problem to predict the specific noxious substances which will be received; however, the Coast Guard intends to restrict vessel access to any of these shipyards that do not have a Certificate of Adequacy. By showing evidence of having an acceptable contractor available prior to undertaking repairs to a chemical tanker, a shipyard could be issued a Certificate of Adequacy. Comments are solicited on the problems identified in this paragraph.

Economic Assessment

In addition to providing comments on the regulatory scheme, the public is also invited to submit the information necessary for an economic assessment of the impact of these regulations. Specific topics include, but are not limited to:

(a) *Costs.* The costs associated with delays for ships and terminals.

(b) *Capital Expenditures.* Capital expenditures anticipated where there are no existing reception facilities, or facilities that can be converted to use as reception facilities.

(c) *Small Entities.* The Coast Guard intends to consider, for purposes of this regulation, a "small entity" as a terminal at which less than $50,000 in commercial transactions occur annually.

List of Subjects in 33 CFR Part 158

Ports, Reception facilities, Terminals, Vessels.

B. F. Hollingsworth,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

March 18, 1983.

[FR Doc. 83-7645 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD 5-83-02]

Regatta; Norfolk Harborfest

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal that would establish special local regulations for the City of Norfolk Harborfest regatta. These special local regulations are considered necessary to control vessel traffic within the immediate vicinity of the regatta due to the confined nature of the waterway and the expected congestion at the time of the regatta. The intended effect will be to restrict general navigation in the area for the safety of spectators and participants in the event.

DATE: Comments must be received on or before May 9, 1983.

ADDRESSES: Comments should be mailed to Commander (bb), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705. The comments will be available for inspection and copying at 431 Crawford Street, Room 209, Portsmouth, Virginia. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Duane I. Preston, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705 (804-398-6204).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 5-83-02) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rule making process.

Drafting Information

The drafters of this notice are LCDR Duane I. Preston, project officer, Chief, Boating Affairs Branch, Fifth Coast Guard District, and CDR David J. Kantor, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Proposed Regulation

These regulations are necessary due to the confined nature of the waterway and the expected congestion at the time of the regatta. The area subject to the special local regulations is identical to that area which has been subject to the regulations for the past five Norfolk Harborfests. The special local regulations are substantially the same as those established in the past. Norfolk Harborfest is an annual event designed to promote and enhance the city of Norfolk's nautical heritage. Harborfest regulations will be in effect from 10–12 June 1983. The events held during the period are a combination of land and water events centered about the downtown portion of Norfolk and typically include speedboat races, air-sea rescue demonstrations by the Coast Guard, demonstrations of military vessels and riverine warfare craft, and fireworks displays. The celebrations have also included a parade of tall ships into the Harborfest area and subsequent open house periods for public viewing of the ships. The events have drawn large numbers of boats to the Town Point Reach area creating a congestion in the area. Additionally, the movement of the tall ships into the harbor under sail presents a potential hazzard if the spectator fleet which is attracted is not regulated in some manner.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT ORDER 2100.5) Its economic impact is expected to be minimal since, as in the past, closure of the waterway for any extended period is not anticipated and thus commercial traffic should not be severely disrupted at any given time. Comments received concerning past Harbor fests indicate that commercial interests normally using the waterways can adapt to the minor restrictions they may encounter. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulation

PART 33—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, code of Federal Regulations, by adding § 100.35–501 to read as follows:

§ 100–35.501 Elizabeth River, Norfolk, Virginia.

(a) Except for participants in the Norfolk Harborfest or persons or vessels authorized by the Coast Guard Patrol Officer, no person or vessel may enter or remain in the area of the waters of the Elizabeth River and its branches from shore to shore and bounded by the Midtown tunnel on the north, the Downtown tunnel on the south, and the Berkley Bridge on the east.

(b) The operator of any vessel in the immediate vicinity of this area shall:

(1) Stop his vessel immediately upon being directed to do so by any Coast Guard officer or petty officer on board a vessel displaying a Coast Guard ensign, and

(2) Proceed as directed by any Coast Guard officer or petty officer.

(c) Any spectator vessel may anchor outside of the area specified in paragraph (a) of these regulations;

(d) The Coast Guard Patrol Officer is a commissioned officer of the Coast Guard who has been designated by the Commander, Fifth Coast Guard District. The Partol Commander will be stationed at the reviewing platform at Town Point; and

(e) These regulations and other applicable laws and regulations shall be enforced by Coast Guard officers and petty officers on board Coast Guard and private vessels displaying the Coast Guard ensign.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35)

Dated: March 11, 1983.

J. D. Costello,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 83–7638 Filed 3–23–83; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD13 83–05]

Drawbridge Operation Regulations; North Fork Willapa River, Washington

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Washington State Department of Transportation, the Coast Guard is considering a change to the regulations governing the highway drawbridge across the North Fork Willapa River, at Raymond, Washington, to provide that the draw need not open. This proposal is being made because no requests have been made to open the draw since December 1980. This action should relieve the bridge owner of the burden of maintaining the machinery and of having a person available to open the draw and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before May 9, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays, at the office of the Commander (oan), Thirteenth Coast Guard District, Room 3564, 915 Second Avenue, Seattle, Washington 98174. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch, (Telephone: (206) 442–5864).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are John E. Mikesell, project officer, and Lieutenant Commander D. Gary Beck, project attorney.

Discussion of the Proposed Regulations

The Washington State highway drawbridge across the North Fork Willapa River at Raymond, Washington, was completed in 1934. The bridge replaced an older swing span bridge which was located slightly downstream. The present bridge also was constructed with a swing span to accomodate the passage of vessels to and from upstream locations. At the time the bridge was constructed, the waterway was used extensively for log storage and towing. This activity has steadily declined to the point that it has ceased altogether. Although anticipated at the time of its construction, navigation by ocean going vessels to points upstream of the bridge has never materialized. The only waterway user which has required bridge openings over the past several years has been the Weyerhaeuser Company, which ceased using the waterway as of December 31, 1980.

Existing regulations require the draw of the bridge to open for the passage of vessels when advance notice of not less than 2 hours is given for openings between 8:00 a.m. and 5:00 p.m. on all days except Saturdays, Sundays, and federal holidays, and advance notice of not less than 8 hours for openings at any other time.

The proposed change would allow the Washington State Department of Transportation, to maintain the bridge in the closed position without a drawtender in attendance; however, the bridge must be returned to an operable condition within six months after notification from the Commandant, U.S. Coast Guard. This would result in significant savings in operating costs to the bridge owner and would not unreasonably affect the limited navigation on the waterway.

Other than the Washington State Department of Transportation and the City of Raymond, there are no known businesses, including small entities, that would be affected by the proposed change. There are only minimal economic impacts on navigation or other interests. Therefore, an economic evaluation has not been prepared for this action. The Washington State Department of Transportation, would benefit because it would be relieved of the burden of providing a salaried operator and maintaining machinery for a bridge for which no openings are required.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subject in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by reserving § 117.770(b)(1)(i) and revising § 117.770(b)(2) and adding a new § 117.770(b)(3) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.770 Willapa Harbor and navigable tributaries, Wash.; bridges.

* * * * *

(b) * * *

(1) * * *

(i) [Reserved]

(ii) * * *

(iii) * * *

(iv) * * *

(2) Vessels requiring openings of the Washington State highway bridge across the Naselle River about 6 miles downstream from Naselle shall give at least 2 hours advance notice for openings between 8 a.m. and 5 p.m. on all days except Saturdays, Sundays, and Federal holidays, and at least 8 hours advance notice for openings at any other time. Vessels requiring openings of the Burlington Northern railroad bridge across the South Fork Willapa River at Raymond shall give at least 24 hours advance notice. The owners of these bridges shall keep conspicuously posted on both the upstream and downstream sides, in such a manner that they can be easily read at any time, summaries of the regulations of this section, together with notices stating exactly how the bridge operators may be reached to obtain openings of the bridges, including names, addresses, and telephone numbers.

(3) The draw of the Washington State highway bridge across the North Fork Willapa River at Raymond need not open. However, the draw shall be returned to an operable condition within six months after notification by the Commandant, U.S. Coast Guard, to take such action.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3)).

Dated: March 11, 1983.

R. J. Copin

Captain, U.S. Coast Guard, Commander, 13th Coast Guard District, Acting.

[FR Doc. 83–7840 Filed 3–23–83; 8:45 am]

BILLING CODE 4910–14–M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 304

1982 Adjustment of Royalty Schedule for Use of Certain Copyrighted Works in Connection With Noncommercial Broadcasting; Terms and Rates of Royalty Payments

AGENCY: Copyright Tribunal (Tribunal).

ACTION: Proposed rule.

SUMMARY: The Tribunal proposes to amend its noncommercial broadcasting rule to provide for the payment of the required copyright royalty to the performing rights societies by certain public broadcasting entities not later than January 31 of each calendar year rather than by December 31 of each year as is required under the Tribunal's current rule.

DATES: Comments should be submitted no later than April 19, 1983, and reply comments by April 26, 1983.

ADDRESS: Comments should be addressed to Chairman, Copyright Royalty Tribunal, 1111 20th Street NW., Room 450, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Edward W. Ray, Chairman, Copyright Royalty Tribunal, 202–653–5175.

SUPPLEMENTARY INFORMATION: 17 U.S.C. 118 establishes a noncommercial broadcasting copyright compulsory license for the use of certain copyrighted works by noncommercial broadcasting, and authorizes the Tribunal to establish the rates and terms for such uses. The Tribunal published in the **Federal Register** (47 FR 57923–29, December 29, 1982) its Final Rule establishing such rates and terms through December 31, 1987. Part 304.6(d) of this rule provides that the royalty fee for the performance of certain musical compositions by certain public broadcasting entities shall

be paid to the performing rights societies not later than December 31 for performances during that calendar year. The Tribunal has determined to reconsider *sua sponte* that portion of its regulation fixing the date of the required copyright payment.

List of Subjects in 37 CFR Part 304

Copyright, Radio, Television.

The Tribunal proposes to amend § 304.6 by revising paragraph (d) to read as follows:

§ 304.6 Performance of musical compositions by other public broadcasting entities.

* * * * *

(d) *Payment of royalty rate.* The public broadcasting entity shall pay the required royalty rate to ASCAP, BMI, and SESAC not later than July 31, 1983, for the calendar year 1983, and not later than January 31 for each calendar year thereafter.

* * * * * *

(17 U.S.C. 118)

Dated: March 15, 1983.

Edward W. Ray,

Commissioner, Chairman, Copyright Royalty Tribunal.

[FR Doc. 83-7630 Filed 3-23-83; 8:45 am]

BILLING CODE 1410-01-M

POSTAL SERVICE

39 CFR Part 111

Bundling and Palletizing Second-, Third- and Fourth-Class Bulk Mailings

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations governing bundling and palletizing instead of sacking for second-, third-, and fourth-class bulk mailings.

New regulations for mailers who both bundle and palletize second- or third-class bulk mailings would be added that will: (1) Prescribe lower minimum and maximum bundle sizes that will better enable mailers to take advantage of presort level rates discounts, (2) prohibit the preparation of state distribution center, state and mixed states bundles (packages for these destinations must be sacked), and (3) modify the destinations to which mailers must prepare pallets.

The existing regulations governing bundling instead of sacking of second- and third-class bulk mail would be modified to correct references, amend the labeling requirements, prohibit use of wire and metal strapping to secure bundles, and change the machinability testing requirements to reflect operational considerations.

The existing regulations governing palletization instead of sacking of second- and third-class bulk mail would be revised so that they pertain to palletization of sacks and of third-class machinable parcels. Labeling requirements for pallets would be revised for second- and third-class bulk mailings and added to the regulations for preparation of bulk fourth-class bound printed matter mailings. The application procedures for authorizations to bundle, palletize, or both would be revised or added so that the mailer need submit only one application to the Regional Postmaster General of the region in which the mailer is located rather than submit separate applications to the postmasters at each office where mailings are entered.

DATE: Comments must be received on or before April 23, 1983.

ADDRESS: Written comments should be addressed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260-5360. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8430, U.S. Postal Service Headquarters, 475 L'Enfant Plaza West, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lynn M. Martin, Office of Mail Classification, 202/245-4353.

SUPPLEMENTARY INFORMATION: The minimum quantity requirements for which second- and third-class bulk mailers must prepare sacks were changed from 20 pounds or 1,000 cubic inches to four packages for second-class and 12 packages for third-class mailings effective February 3, 1980. These changes enabled mailers to take greater advantage of presort level rate discounts and provided incentives to prepare sacks as close to the final destination of the enclosed mail as possible. Although the minimum quantities for preparing sacks were modified, the minimum quantity requirements for preparing bundles in lieu of sacks has remained at 20 pounds or 1,000 cubic inches. This minimum quantity requirement has made bundling instead of sacking unattractive to many mailers, since they must forego presort level rate discounts that they could take advantage of if they prepared sacked mailings. The tendency of many mailers to cease bundling and return to sacking to avail themselves of reduced rates has further aggravated the Bulk Mail Center sack sorting work load.

The Postal Service has recently completed a study to determine if changes to the bundling requirements could be made that would benefit both the mailer and the Postal Service. The amount of work required to handle sacked mailings vs. those that are bundled and bedloaded and those that are bundled and palletized was examined. It should be noted that lowering the minimum bundle size requirement generally will result in the number of bundles in a mailing exeeding the number of sacks that otherwise would be prepared since the maximum weight of a bundle necessarily must be lower than that of a sack.

The study showed that bedloaded bundles usually are not cost effective if the number of bundles exceeds the number of sacks that would otherwise be prepared for a mailing. Therefore, no changes to the basic make-up requirements for bedloaded bundles are being proposed at this time, since the 20 pound or 1,000 cubic inch minimum quantity requirement serves to assure that the number of bundles in such a mailing does not exceed the number of sacks that would otherwise be prepared. Further studies are planned in this area, however, and it is possible we will propose changes to these requirements in the future.

Bundles placed on pallets were determined to be cost effective under certain conditions. In general, the ratio of the number of bundles in a mailing to the number of sacks that otherwise would have been prepared can be higher than one to one when the bundles are placed on pallets since an entire pallet of bundles can be loaded, transported to a destination, and unloaded as a unit. This eliminates the costs of sorting, loading, and unloading the individual bundles.

The handling advantage for palletized bundles is dependent upon both the bundle and pallet make-up requirements. Analyses were performed to determine the ratio of bundles to the number of sacks that otherwise would be prepared for second- and third-class mailings that is cost effective for the Postal Service at different levels of pallet preparation.

The preparation of State Distribution Center (SDC), state and mixed states pallets were only marginally advantageous when compared to sacked mailings. To be cost effective, an SDC pallet could contain no more than twice the number of bundles as the number of sacks that otherwise would be prepared. State and mixed states pallets also were

found not to be advantageous. However, preparation of BMC pallets were found to be very cost effective. Accordingly, the proposed regulations require pallets for second- and third-class mailings to be prepared to 5-digit, optional, city, 3-digit, Sectional Center Facility (SCF), and bulk mail center (BMC) destinations. It should be noted that SCF pallets will be a required level of pallet preparation. In addition, an SCF pallet will be the largest authorized level of pallet preparation for newspaper treatment publications because BMC pallets are not compatible with the distribution network for second-class publications authorized newspaper treatment. Preparation of BMC pallets could therefore cause delays in delivery of this type of publication.

The current regulation requiring a minimum of 650 pounds of mail per pallet and a maximum total pallet weight (including the weight of the pallet) of 2,000 pounds was determined to be adequate and will remain in the proposed regulation. Also remaining is the requirement that whenever there are 650 pounds of mail for a pallet destination, a pallet for that destination must be prepared. Pallets for the finest level of preparation (5-digit) must be prepared before pallets are prepared for the next higher level of sort.

It would not be efficient from a mail processing standpoint to place SDC, state and mixed states bundles on BMC pallets. Mixed states mail is generally processed at the SCF of the post office of entry. Therefore, bundling mixed states packages and placing them on BMC pallets would simply add an additional step in processing. It is also more efficient from a service standpoint to process SDC or state packages in sacks that can be routed directly to the appropriate SDC, rather than in bundles on a BMC pallet that must be sorted to an SDC at the BMC. Accordingly, these proposed regulations will require that packages for SDC, state or mixed state destinations be sacked. Sacks for these destinations may be presented simultaneously with the pallets and reported on the same mailing statement as the bundled and palletized portion of the mailing.

The minimum bundle size was determined to be limited only by the parameters of the machinability requirements and the ratios of the number of bundles to sacks that otherwise would be prepared for the different levels of pallet preparation that were determined to be cost effective. Therefore, the minimum bundle size for bundles presented on pallets was made equal to the minimum quantity requirement for which packages must be prepared, i.e., 6 pieces for second-class mailings and 10 pieces for third-class bulk mailings. This will make it possible for mailers to prepare 'skin' bundles (bundles consisting of only one package). For rate purposes, a bundle will equate to a sack regardless of the type of pallet the bundle is placed on. This will enable mailers who bundle and palletize to take the same advantage of presort level rates as those who sack. Of course, all other requirements for the presort level rates, including minimum quantity requirements must be met.

However, in order to reduce the overall number of bundles, mailers will be required to combine packages into bundles whenever there are two or more packages for a required level of sort up to the maximum size for a bundle. The optimum maximum bundle size was determined to be 25 pounds since heavier bundles have the potential to cause damage to other parcels on runouts and slides at BMCs.

Use of shrink wrap over banding is recommended to secure all bundles. Bundles placed on BMC pallets must be prepared using shrink wrap. It is recommended that BMC bundles be banded around the length and girth before shrink wrap is applied. For bundles placed on 5-digit, optional city, 3-digit and SCF pallets, use of only banding material at least once around the length and girth, or use of only shrink wrap is acceptable. The use of metal strapping and wire to secure bundles will be prohibited for safety reasons.

All bundles, regardless of the type of pallet they are placed on, must be labeled with a facing slip showing a destination, contents, and office of origin line as required for sacks. The bundle labels must completely cover the address and package label on the top piece in the bundle to prevent confusion concerning the contents of the bundle. Two zeros must be added to the end of all 3-digit ZIP Code prefixes that may appear on the top line of labels on bundles placed on BMC pallets to assist processing on BMC parcel sorters. Pallets must be labeled on two adjacent sides. The pallet labels must be at least 8 inches by 11 inches with letters at least ½ of an inch high.

Minor changes to the existing bundling regulations in sections 467.3 and 667.5, Domestic Mail Manual, also are proposed. The changes will: (1) specify that these regulations pertain only to the preparation of bedloaded bundles; (2) add a requirement that an office of origin line appear on bundle labels for bedloaded bundles; and (3) make the machinability testing requirements consistent with those prescribed for bundles placed on BMC pallets.

Revisions are also proposed to sections 467.5 and 667.7, Domestic Mail Manual, that presently pertain to palletizing instead of sacking. These sections will be rewritten so that they provide only for palletizing sacks and third-class machinable parcels. The pallet labeling requirements also will be made consistent with those proposed for bundles placed on pallets. This will mean that any palletized second- and third-class mailings, other than third-class machinable parcels, that are prepared outside of mail sacks must be prepared in accordance with the proposed provisions for bundling and palletizing.

The application procedures for bundling, palletizing, or bundling and palletizing second- and third-class bulk mailings and fourth-class bulk bound printed matter mailings are also revised to require that the mailer need submit only one application to the Regional Postmaster General of the region in which the publisher is located rather than submitting separate applications to each post office of entry. This will simplify application procedures for the mailer. The Regional Postmaster General of the region where the application is submitted will be required to coordinate the application with other postal regions where such mailings will be submitted. This will ensure uniform application of the criteria for authorizing bundling or palletization, or both, in all regions. In addition, regulations concerning labeling of pallets have been added to section 767.5, Domestic Mail Manual. Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comment on the following proposed revision of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

Part 467—Presort Requirements

Amend 467.3 through 467.5 to read as follows:

467.3 Bundling Instead of Sacking (Bedloaded Bundles).

.31 Regional Authorization.

.311 The Regional Postmaster General for the post office of mailing may authorize preparation of second-

class mail in bundles outside of mail sacks if such preparation is beneficial to the Postal Service. The publisher must submit an application to the Regional Postmaster General of the region where the publisher is located. The following information must be furnished with the application:

a. Name of publication and frequency of mailing;

b. Identity of post offices to which shipments will be made; and

c. Approximate quantity of copies and number of bundles to each office.

.312 The Regional Postmaster General to whom the application is submitted will coordinate the request with any other region in which mailings will be entered. Each Regional Postmaster General involved will forward copies of the application to all affected entry post offices within that region requesting a detailed explanation of the projected transportation and processing arrangements. The application and supporting material from the entry post offices will be reviewed by the General Manager, Logistics Division, the General Manager, Accounting and Revenue Protection Division, and by others concerned in all regions in which mailings will be entered. The review will determine whether intermediate or destination offices are capable of receiving and processing the bundles without increasing the overall processing costs. The Regional Postmaster General to whom the application was originally submitted will issue to the publisher the authorization or denial of the request to bundle instead of sack for all post offices of entry. Copies of the authorization will be forwarded to all affected entry post offices and Regional Postmasters by the authorizing Regional Postmaster General.

.32 *Bundling Requirements.* Mailers bundling instead of sacking publications who do not palletize the bundles, must observe the following procedures:

a. Packages. Mailers must presort copies and prepare packages as required in 467.1.

b. Prepared Like Sacks. Packages must be consolidated into bundles on the same basis as sacks (see 467.2) and individual package separations within a bundle must be appropriately wrapped or tied to maintain the identity of the separation. The number of bundles should not exceed the number of sacks which would otherwise be used in a mailing. This may require bundling up to the 40 pound maximum when volume warrants.

c. Weight and Numbers. The weight of a bundle must not exceed 40 pounds. A bundle must weigh at least 20 pounds or be of at least 1,000 cubic inches of volume. Lesser quantities must be included in bundles for the next lower level of sortation.

d. Labeling. All bundles must be appropriately labeled on top with a non-standard facing slip to show destination, contents and origin as required with sacks (see 467.22). Similarly, each package separation within a bundle must be identified by labels in accordance with 467.22 or 468.

e. Machinable Mailings. Mailings must be machinable by Postal Service sack-sorting equipment unless they consist of publications intended only for local area delivery (same 3-digit ZIP Code prefix). The mailer must satisfy the Postal Service that mailings are machinable. This can be verified by having the mailing post office test process ten or more bundles of each representative bundle size expected in the mailings on two or more passes through a bulk mail center (BMC). The potential of the bundles to cause damage to other mail must also be tested. Ordinarily, bundles require cross strapping and heavy-gauge shrink or stretch wrap to insure their integrity in the mailstream.

f. Local Processing and Delivery. When second-class publications are entered for local processing and delivery (i.e., same 3-digit ZIP Code prefix), they need not meet the requirements of 467.32e. However, bundles must be securely bound to withstand handling without breakage or damage and to prevent injury to postal personnel or damage to mechanized sorting systems. Binding material must be applied at least once around the length and girth. The use of metal strapping and wire to secure bundles is prohibited.

467.4 Bundled Mailings Presented on Pallets.

.41 Regional Authorization.

.411 The Regional Postmaster General for the post office of mailing may authorize the preparation of second-class mail in bundles outside of mail sacks presented on pallets if such preparation is beneficial to the Postal Service. Generally, authorization for this type of mail preparation will be granted only when: 1) the number of bundles to be prepared is not more than four times the number of sacks which would otherwise be prepared for 3-digit and SCF destinations, and not more than five times the number of sacks that would otherwise be prepared for 5-digit, optional city and BMC destinations, and 2) when the amount of mail on each pallet is equivalent to or greater than 30 sacks which would otherwise be prepared. Applications for bundling in conjunction with palletization must be submitted to the Regional Postmaster General of the region where the publisher is located and must include the following information:

a. The name of the publication, frequency of mailing and approximate mailing dates;

b. A list of the post offices of entry;

c. The approximate weight of a single copy;

d. A breakdown of mail preparation for each entry post office that shows the destination of each pallet to be prepared for the mailings submitted at that postal facility;

e. The approximate number of bundles and pieces for each pallet make-up;

f. The average weight of a pallet load;

g. The approximate number of pallets in the mailing that will weigh less than 650 pounds;

h. The number of sacks that would otherwise be needed in the mailing; and

i. The number of pallets required.

.412 The Regional Postmaster General to whom the application is submitted will coordinate and authorize or deny the request in accordance with 467.312.

.42 Package Preparation. The mailer must prepare and label packages in accordance with 467.1. A package must not exceed 25 pounds. Packages of fewer than six pieces may be prepared only if the package will be consolidated with at least one other package into a bundle that contains at least six pieces in accordance with 467.43. If pressure sensitive labels are used to label packages they must be affixed immediately adjacent to the address on the top piece in a manner which will assure they are completely covered by bundle labels.

.43 Bundle Preparation.

.431 Weight and Volume. Bundles must contain a minimum of six pieces. The maximum weight of an individual bundle is 25 pounds.

.432 Sortation. When there are two or more packages for a destination in 467.221 through 467.225, mailers must wrap or tie them securely together in a single bundle. Bundles must be prepared to allow for the finest levels of sort possible. That is, all possible bundles of two or more packages for the finest level of sort in the mailing must be prepared before preparing bundles for the next higher level of sort. If the combined weight of packages for a destination is more than 25 pounds, the mailer must make two or more bundles to that destination. Example: If there are 30 pounds of packages for a five-digit ZIP Code area, the mailer should prepare

two 5-digit bundles. SDC, state and mixed states bundles must not be prepared. Packages for SDC, state and mixed states sortations must be sacked in accordance with 467.226 through 467.228.

.433 Exceptions to Bundling. Packages are not required to be bundled if they are placed on a 5-digit pallet in accordance with 467.442a.

.434 Labeling. Bundles must be labeled with a facing slip containing the information required for sack labels in 467.221 through 467.225. Two zeros must be added to the end of all 3-digit ZIP Code prefixes that may appear on the top line of bundle labels for bundles placed on BMC pallets to assist processing on BMC parcel sorters. The bundle labels must completely cover the address and package label on the top piece in the bundle to prevent confusion concerning the contents of the bundle.

.435 Physical Characteristics.

a. Bundles on Other Than BMC Pallets. Bundles must be securely bound to withstand handling without breakage or damage and to prevent injury to postal personnel. The use of heavy gauge shrink wrap over banding is the recommended method of securing bundles. However, use of only banding material, or only shrink wrap is acceptable. Banding material, if used, must be applied at least once around the length and once around the girth of each bundle. The use of metal strapping and wire to secure bundles is prohibited.

b. Bundles on BMC Pallets. Bundles which are placed on BMC pallets must be machinable on BMC parcel sorters and must be prepared using shrink wrap. Since shrink wrap alone may not result in a machinable bundle, it is recommended that each bundle be both banded around the length and girth and shrink wrapped. The mailer must satisfy the Postal Service that the bundles are machinable. This will be verified by having the mailing post office test process 10 or more bundles of each representative bundle size expected in the mailings on two or more passes through the BMC. The potential of the bundles to cause damage to other mail must also be tested while being processed on BMC primary and secondary parcel sorters.

.441 Pallet Preparation.

.44 Weight and Volume. The minimum mail load of a pallet is 650 pounds. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds. Exception: Up to 10 percent of the pallets in a mailing may contain less than 650 pounds of mail, if the mailer provides the pallets for those pallets containing less than 650 pounds.

.442 Sortation. Bundles must be placed on pallets as described below, beginning with pallets for the finest sortation level (5-digit) through the largest authorized level (SCF for publications authorized newspaper treatment and Destination BMC for ordinary papers).

a. 5-Digit Pallets. Whenever there are 650 or more pounds of bundles (or packages as provided in 467.433) for the same 5-digit ZIP Code area they must be placed on a pallet labeled to that 5-digit destination. A physical barrier sheet must be used to separate 5-digit bundles from carrier route and carrier routes bundles (or to separate 5-digit packages from carrier route packages as provided in 467.433). Pallet labels must be prepared and affixed to the pallet in accordance with 467.443. The labels must contain the information required for 5-digit sack labels in 467.222 in the format required by that section if the pallet contains only firm and 5-digit packages or bundles. If a 5-digit pallet contains only carrier route packages or carrier route or carrier routes bundles, the pallet label contain the information required for carrier routes sacks in 467.221b. If a 5-digit pallet contains both 5-digit and carrier route rated packages or bundles, the pallet label must contain the information required for 5-digit sack labels in 467.222 except that the second line must contain the words "Mixed 5-Digit/Carrier Routes" after the contents description.

b. Optional Multi-Coded City Pallets. After making up all required 5-digit pallets mailers may, at their option, place any bundles remaining that are destined for the same optional multi-coded city included in 467.114, on a pallet labeled to that city, provided the minimum and maximum weight requirements in 467.441 are met. The pallet labels must be prepared and affixed to the pallet in accordance with 467.443. The labels must contain the information required for optional multi-coded city sack labels in 467.223, in the format required by that section.

c. 3-Digit Pallets. If, after preparing all required 5-digit pallets (and optional multi-coded city pallets if the mailer chooses to prepare them) there are 650 pounds or more of bundles remaining that are destined for the same 3-digit ZIP Code prefix area, they must be placed on a pallet labeled to that 3-digit destination. The pallet labels must be prepared and affixed to the pallet in accordance with 467.443. The labels must contain the information required for 3-digit sacks in 467.224, in the format required by that section.

d. SCF Pallets. If, after preparing all required 5-digit pallets, optional multi-coded city pallets, and required 3-digit pallets, there are 650 pounds or more of bundles remaining that are destined for ZIP Codes served by the same Sectional Center Facility, they must be placed on a pallet labeled to that Sectional Center Facility. The pallet labels must be prepared and affixed to the pallet in accordance with 467.443. The labels must contain the information required for SCF sacks in 467.225, in the format required by that section. Note: This is the largest level of sort allowed for publications authorized newspaper treatment. Mail for newspaper treatment second-class publications that cannot be placed on SCF pallets must be sacked in accordance with 467.2.

e. BMC Pallets (Ordinary Papers only). If, after preparing all required 5-digit pallets, optional multi-coded city pallets (optional), required 3-digit pallets and required SCF pallets, there are 650 pounds or more of bundles remaining that are destined for ZIP Codes served by the same BMC, they must be placed on a pallet labeled to that destination BMC. Bundles placed on BMC pallets must be machinable (see 467.435b). The pallet labels must be prepared and affixed to the pallet in accordance with 467.443. The labels must contain the information required for destination BMC pallets in 667.222, in the format required by that section, except that the contents line must show ORD P.

.443 Labeling. All pallets must be provided with two clearly visible labels. Labels must be at least 8 inches by 11 inches in size, with letters at least ½ of an inch in height. Labels must be placed on two adjacent sides of the pallet. See 467.442a–e, concerning the information which must appear on the labels.

.444 Physical Characteristics. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Pallet mailings must be flush wrapped with shrinkable or stretchable plastic and prepared to retain integrity throughout transportation and handling. Top caps are required on pallets with gross weights of less than 1000 pounds.

.45 Presentation of Mailings. Sacks may be presented along with palletized bundles as part of the same mailing (i.e., on the same mailing statement), if the sacks are physically segregated from the bundled and palletized portion of the mailing.

467.5 Palletizing Sacks.

.51 Regional Authorization. The Regional Postmaster General for the post office of mailing may authorize the preparation of sacked second-class mail on pallets, if such preparation is beneficial to the Postal Service. Applications for palletizing sacks must be made and processed as prescribed for bundling in 467.31, except that mailers must indicate the approximate quantity of copies and sacks to be entered at each post office rather than the quantity of copies and bundles.

.52 Palletizing Requirements. Mailers palletizing sacked publications must observe the following procedures:

a. Mailers must presort publications and prepare packages and sacks as prescribed in 467.1 and 467.2. The Regional Postmaster General may waive sacking requirements for 5-digit ZIP Code pallets when mailers effectively demonstrate that they will prepare pallets to remain intact to the destination and if carrier route packages are separated from firm and 5-digit packages by a physical barrier sheet.

b. Pallets must be made up to the destination required in 467.2 when the mail load to a destination is either 650 pounds or three feet high. Pallets may also be prepared for the optional destinations described in 467.2. Pallets must not be addressed to more than one zone. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds.

c. Pallets must be labeled in the format described in 467.2. These labels must be at least eight inches by eleven inches in size with characters at least one-half of an inch high. All pallets must be provided with two clearly visible labels placed on two adjacent sides of the pallet.

d. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Sacks must be evenly loaded on pallets. The pallets must be prepared with top caps and flush wrapped with shrinkable or stretchable plastic to retain integrity throughout transportation and handling.

Amend the title of section 467.7 and section 467.72c to read as follows:

467.7 Preparing Presort Rated Pieces.

(Levels B, C, E, F, H, I and K.)

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467.72 Qualification Requirements.

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c. Bundling Instead of Sacking. Pieces presented in bundles instead of sacks (see 467.3 and 467.4) are eligible for presort rates providing they meet all other requirements for the presort rates. For purpose of eligibility for presort level rates in 467.72 a and b, a bundle is equivalent to a sack. A bundle meeting the requirements in 467.72 a or b will qualify for the appropriate presort level rate regardless of the type of pallet it is placed upon if prepared in accordance with 467.4.

Part 667—Preparation of Bulk Rate Mailings

(See Exhibit 667)

Amend sections 667.5 through 667.7 to read as follows:

667.5 Bundling Instead of Sacking (Bedloaded Bundles).

.51 Regional Authorization.

.511 The Regional Postmaster General for the post office of mailing may authorize preparation of third-class mail in bundles outside of mail sacks if such preparation is beneficial to the Postal Service. The mailer must submit an application to the Regional Postmaster General of the region where the mailer is located. The following information must be furnished with the application:

a. Name of publication and frequency of mailing;

b. Identity of post offices to which shipments will be made; and

c. Approximate quantity of copies and number of bundles to each office.

.512 The Regional Postmaster General to whom the application is submitted will coordinate the request with any other region in which mailings will be entered. Each regional Postmaster General involved will forward copies of the application to all affected entry post offices within that region requesting a detailed explanation of the projected transportation and processing arrangements. The application and supporting material from the entry post offices will be reviewed by the General Manager, Logistics Division, the General Manager, Accounting and Revenue Protection Division, and by others concerned in all regions in which mailings will be entered. The review will determine whether intermediate or destination offices are capable of receiving and processing the bundles without increasing the overall processing costs. The Regional Postmaster General to whom the application was originally submitted will issue to the mailer the authorization or denial of the request to bundle instead of sack for all post offices of entry. Copies of the authorization will be forwarded to all affected entry post offices and Regional Postmasters General by the authorizing Regional Postmaster General.

.52 *Bundling Requirements.* Mailers bundling instead of sacking mailings, who do not palletize the bundles, must observe the following procedures.

a. Packages. Mailers must presort pieces and prepare packages as prescribed in 667.12, 667.311, or 667.41.

b. Prepared Like Sacks. Packages must be consolidated into bundles on the same basis as sacks (see 667.13, 667.32, or 667.42) and individual package separations within a bundle must be appropriately wrapped or tied to maintain the identity of the separation. The number of bundles should not exceed the number of sacks which would otherwise be used in a mailing, except when those bundles are used in an approved palletized mailing. This may require bundling up to the 40 pound maximum when volume warrants and the mailing is not palletized.

c. Weight and Numbers. The weight of a bundle must not exceed 40 pounds. A bundle must weigh at least 20 pounds or be of at least 1,000 cubic inches in volume. Lesser quantities must be included in bundles for the next lower level of sortation.

d. Labeling. All bundles must be appropriately labeled on top to show destination, contents and origin as required with sacks. Similarly, each separation within a bundle must be identified by labels in accordance with 667.12, 667.311, 667.41, or 468.

e. Machinable Mailings. Mailings must be machinable by Postal Service sack-sorting equipment unless they consist of matter intended only for local area delivery (same 3-digit ZIP Code prefix). It is the responsibility of the mailer to satisfy the Postal Service that mailings are machinable. This can be verified by having the mailing post office test process ten or more bundles of each representative bundle size expected in the mailings on two or more passes through a bulk mail center (BMC). The potential of the bundles to cause damage to other mail must also be tested. Ordinarily, bundles require cross strapping and heavy-gauge shrink or stretch wrap to insure their integrity in the mailstream.

f. Local Processing and Delivery. Third-class pieces entered for local processing and delivery (i.e., same 3-digit ZIP Code prefix) need not meet the requirements of 667.52e.

However, bundles must be securely bound to withstand handling without breakage or damage and to prevent

injury to postal personnel or damage to mechanized sorting systems. Binding material must be applied at least once around the length and girth. The use of metal strapping and wire to secure bundles is prohibited.

667.6 Bundled Mailings Presented on Pallets.

.61 Regional Authorization.

.611 The Regional Postmaster General for the post office of mailing may authorize the preparation of third-class mail in bundles outside of mail sacks presented on pallets if such preparation is beneficial to the Postal Service. Generally, authorization for this type of mail preparation will be granted only when: (1) The number of bundles to be prepared is not more than four times the number of sacks which would otherwise be prepared for 3-digit and SCF destinations, and not more than five times the number of sacks that would otherwise be prepared for 5-digit, optional city and BMC destinations, and (2) when the amount of mail on each pallet is equivalent to or greater than 30 sacks which would otherwise be prepared. Applications for bundling in conjunction with palletization must be submitted to the Regional Postmaster General of the region where the mailer is located and must include the following information:

a. The name of the mailer, frequency of mailing and approximate mailing dates;

b. A list of the post offices of entry;

c. The approximate weight of a single piece;

d. A breakdown of mail preparation for each entry post office that shows the destination of each pallet to be prepared for the mailing submitted at that postal facility;

e. The approximate number of bundles and pieces for each pallet make-up;

f. The average weight of a pallet load;

g. The approximate number of pallets in the mailing that will weigh less than 650 pounds;

h. The number of sacks that would otherwise be needed in the mailing; and

i. The number of pallets required.

.612 The Regional Postmaster General to whom the application is submitted will coordinate and authorize or deny the request in accordance with 667.512.

.62 *Package Preparation.* The mailer must prepare and label packages in accordance with 667.12, 667.31 or 667.41. A package must not exceed 25 pounds. Packages of fewer than 10 pieces may be prepared only if the package will be consolidated with at least one other package into a bundle that contains at least 10 pieces in accordance with 667.63. If pressure sensitive labels are used to label packages, they must be affixed immediately adjacent to the address on the top piece in a manner which will assure they are completely covered by bundle labels.

.63 Bundle Preparation.

.631 Weight and Volume. Bundles must contain a minimum of 10 pieces. The maximum weight of an individual bundle is 25 pounds.

.632 Sortation.

a. Basic Level Rate. When there are two or more packages for a destination in 667.132 a through d, mailers must wrap or tie them securely together in a single bundle. Bundles must be prepared to allow for the finest levels of sort possible. That is, all possible bundles of two or more packages for the finest level of sort in the mailing must be prepared before preparing bundles for the next higher level of sort. If the combined weight of packages for a destination is more than 25 pounds, the mailer must make two or more bundles to that destination. *Example:* If there are 30 pounds of packages for a 5-digit ZIP Code area, the mailer should prepare two 5-digit bundles. SDC, state and mixed states bundles must not be prepared. Packages for SDC, state and mixed states sortations must be sacked in accordance with 677.132e–g.

b. 5-Digit Level Rate. (1) 5-Digit Bundles. A package or packages containing 50 pieces or 10 pounds of mail or more for the same 5-digit ZIP Code destination must be prepared in a single bundle labeled to the 5-digit ZIP Code destination (see 667.634). If a qualifying package or group of packages for the same 5-digit ZIP Code destination (50 or more pieces or 10 or more pounds) will exceed the 25 pound maximum weight limit for bundles, the mailer must prepare two or more bundles to that 5-digit destination. Bundles for the same 5-digit ZIP Code destination must be placed next to each other on the same pallet.

(2) Bundles for Unique 3-Digit Cities Containing 5-Digit Packages. If, after preparing all qualifying 5-digit bundles required in 667.632b(1), there are at least 50 pieces or 10 pounds of 5-digit packages remaining for the same unique 3-digit ZIP Code area, they must be placed in a bundle labeled in accordance with 667.42(2) and 667.634, to qualify for the 5-digit level rate. Each 5-digit package within such a bundle must contain a minimum of 10 pieces, but the total number of pieces to each 5-digit area must be less than 50 pieces or 10 pounds. If preparation of such groups of 5-digit packages for the same unique three-digit ZIP Code area in a single bundle would require a bundle in excess of the 25 pound maximum weight limit, two or more bundles labeled in accordance with 667.42(2) and 667.634 must be prepared, and placed next to each other on the same pallet, to qualify for the 5-digit level rate.

c. Carrier Route Level Rate. When there are two or more qualifying packages for the same carrier route, the packages must be placed in a bundle labeled to that route in accordance with 667.321 and 667.634. Bundles containing lesser quantities of qualifying packages for the same carrier route may be prepared. If the combined weight of packages for a single carrier route is more than 25 pounds, the mailer must make two or more bundles to that destination. All qualifying carrier route packages that are not placed in carrier route bundles must be placed in carrier routes bundles labeled to a 5-digit ZIP Code destination in accordance with 667.322 and 667.634. Five-digit packages of residual pieces (see 667.312) must be prepared in separate 5-digit bundles labeled in accordance with 667.132a and 667.634.

.633 Exceptions to Bundling. Packages are not required to be bundled if they are placed on a 5-digit pallet in accordance with 667.642a.

.634 Labeling. Bundles must be labeled with a facing slip which contains the information required for sack labels in 667.132a–d if mailed at the basic level rates, 667.32 if mailed at the carrier route level rates, or 667.42 if mailed at 5-digit level rates. Two zeroes must be added to the end of all 3-digit ZIP Code prefixes that may appear on the top line of bundle labels for bundles placed on BMC pallets to assist processing on BMC parcel sorters. The bundle labels must completely cover the address and package label on the top piece in the bundle to prevent confusion concerning the contents of the bundle.

.635 Physical Characteristics.

a. Bundles on other than BMC pallets. Bundles must be securely bound to withstand handling without breakage or damage and to prevent injury to postal personnel. The use of heavy gauge shrink wrap over banding is the recommended method of securing bundles. However, use of only banding material, or only shrink wrap is acceptable. Banding material, if used, must be applied at least once around the length and once around the girth of each bundle. The use of metal strapping and wire to secure bundles is prohibited.

b. Bundles on BMC pallets. Bundles which are placed on BMC pallets must be machinable on BMC parcel sorters and must be prepared using shrink wrap. Since shrink wrap alone may not result in a machinable bundle, it is recommended that each bundle be both banded around the length and girth and shrink wrapped. The mailer must satisfy the Postal Service that the bundles are machinable. This will be verified by having the mailing post office test process 10 or more bundles of each representative bundle size expected in the mailings on two or more passes through the BMC. The potential of the bundles to cause damage to other mail must also be tested while being processed on the BMC primary and secondary parcel sorters.

.64 Pallet Preparation.

.641 Weight and Volume. The minimum mail load of a pallet is 650 pounds. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds. Exception: Up to 10 percent of the pallets in a mailing may contain less than 650 pounds of mail, if the mailer provides the pallets for those pallets containing less than 650 pounds.

.642 Sortation. Bundles must be placed on pallets as described below, beginning with pallets for the finest sortation level (5-digit) through the largest authorized level (Destination BMC).

a. 5-Digit Pallets. (1) 5-Digit Level and Basic Level Rate Mailings.

Whenever there are 650 pounds or more of firm or 5-digit bundles (or packages as provided in 667.633) for the same 5-digit ZIP Code area they must be placed on a pallet labeled to that 5-digit destination. Pallet labels must be prepared and affixed to the pallet in accordance with 667.643. The labels must contain the information required for 5-digit sack labels in 667.132a in the format required by that section.

(2) Carrier Route Presort Level Rate Mailings. Whenever there are 650 pounds or more of carrier route, carrier routes, or 5-digit (residual) bundles for the same 5-digit ZIP Code area (or carrier route and residual 5-digit packages as provided in 667.633) they must be placed on a pallet labeled to that 5-digit destination. A physical barrier sheet must be used to separate 5-digit bundles of residual pieces from carrier route and carrier routes bundles (or to separate 5-digit residual packages from carrier route packages as provided in 667.633). Pallet labels must be prepared and affixed to the pallet in accordance with 667.643. The labels must contain the information required for carrier routes sacks in DMM 667.322, in the format required by that section.

b. Optional Multi-Coded City Pallets. After making up all required 5-digit pallets mailers may, at their option, place any bundles remaining that are destined for the same optional multi-coded city included in 467.114 on a pallet labeled to that city, provided the minimum and maximum weight requirements in 667.641 are met. The pallet labels must be prepared and affixed to the pallet in accordance with 667.643. The labels must contain the information required for optional multi-coded city sack labels in 667.132b, in the format required by that section.

c. 3-Digit Pallets. If, after preparing all required 5-digit pallets (and optional multi-coded city pallets if the mailer chooses to prepare them) there are 650 pounds or more of bundles remaining that are destined for the same 3-digit ZIP Code prefix area, they must be placed on a pallet labeled to that 3-digit destination. The pallet labels must be prepared and affixed to the pallet in accordance with 667.643. The labels must contain the information required for 3-digit sacks in 667.132c, in the format required by that section.

d. SCF Pallets. If, after preparing all required 5-digit pallets, optional multi-coded city pallets, and required 3-digit pallets, there are 650 pounds or more of bundles remaining that are destined for ZIP Codes served by the same Sectional Center Facility, they must be placed on a pallet labeled to that Sectional Center Facility. The pallet labels must be prepared and affixed to the pallet in accordance with 667.643. The labels must contain the information required for SCF sacks in 667.132d, in the format required by that section.

e. BMC Pallets. If, after preparing all required 5-digit pallets, optional multi-coded city pallets, required 3-digit pallets and required SCF pallets, there are 650 pounds or more of bundles remaining that are destined for ZIP Codes served by the same BMC, they must be placed on a pallet labeled to that destination BMC. Bundles placed on BMC pallets must be machinable (see 667.635b). The pallet labels must be prepared and affixed to the pallet in accordance with 667.643. The labels must contain the information required for destination BMC sacks in 667.222, in the format required by that section.

.643 Labeling. All pallets must be provided with two clearly visible labels. Labels must be at least 8 inches by 11 inches in size, with letters at least ½ of an inch in height. Labels must be placed on two adjacent sides of the pallet. See 667.642a–e, concerning the information which must appear on the labels.

.644 Physical Characteristics. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Pallet mailings must be flush wrapped with shrinkable or stretchable plastic and prepared to retain integrity throughout transportation and handling. Top caps are required on pallets with gross weights of less than 1000 pounds.

.65 Presentation of Mailings.

a. Pieces to be mailed at the carrier route presort level rate must not be included in a mailing with pieces at the 5-digit level rate (see 672.3). The requirements in 622.11b concerning the number of residual pieces allowed in a carrier route mailing and the rate at which they are paid must also be met.

b. Sacks may be presented along with palletized bundles as part of the same mailing (i.e., on the same mailing statement), if the sacks are physically segregated from the bundled and palletized portion of the mailing.

667.7 Palletizing Sacks and Machinable Parcels.

.71 Regional Authorization. The Regional Postmaster General for the post office of mailing may authorize the preparation of third-class sacks or machinable parcels on pallets, if such preparation is beneficial to the Postal Service. Applications for palletizing sacks or machinable parcels must be made and processed as prescribed in 667.51, except that mailers must indicate the approximate quantity of pieces and quantity of sacks or machinable parcels to be entered at each post office, rather than the number of copies and bundles.

.72 Palletizing Requirements.

.721 Standard Preparation Requirements. All palletized bulk third-class mailings other than machinable parcels, as defined in 128, and mailings prepared in accordance with 667.6, must be prepared in accordance with the following standard preparation requirements.

a. Packages and Sacks. Mailers must presort pieces and prepare packages and sacks as required in 667.1, 667.3, or 667.4. The Regional Postmaster General may waive sacking requirements for 5-digit pallets when mailers effectively demonstrate they will prepare pallets to remain intact to their destinations.

b. Pallets. Pallets must be made up to the required destinations in 667.13,

667.322, or 667.42 when the mail load to a destination is either 650 pounds or three feet high. Pallets may also be prepared for the optional destinations described in 667.1. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds.

c. Labels. Pallets must be labeled in the format required by 667.13, 667.322 or 667.42. The labels must be at least eight inches by eleven inches in size with characters at least one-half of an inch high. All pallets must be provided with two clearly visible labels placed on two adjacent sides of the pallet.

d. Physical Characteristics of Pallets. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Sacks must be evenly loaded on pallets. The pallets must be prepared with top caps and be flush wrapped with shrinkable or stretchable plastic to retain integrity throughout transportation and handling.

.722 Machinable Parcel Preparation Requirements.

Pallets must be made up to the required destinations described in 667.2 when the mail load to a destination is either 650 pounds or three feet high. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds. Pallets must be labeled in the format required by 667.2. These labels must be at least eight inches by eleven inches in size with characters at least one-half of an inch high. All pallets must be provided with two clearly visible labels placed on two adjacent sides of the pallet. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Pallet mailings must be flush wrapped with shrinkable or stretchable plastic and prepared to retain integrity throughout transportation and handling. Top caps are required on pallets with gross weights of less than 1000 pounds.

Part 767—Preparation of Bound Printed Matter

Amend section 767.41 to read as follows:

767.4 Bundling Instead of Sacking.

.41 Regional Authorization.

.411 The Regional Postmaster General for the post office of mailing may authorize the preparation of bound printed matter in bundles outside of mail sacks if such preparation is beneficial to the Postal Service. The mailer must submit an application to prepare mail in bundles instead of sacks to the Regional Postmaster General of the region where the mailer is located. The following information must be furnished with the application:

a. Name and frequency of mailing;

b. Identity of post offices to which shipments will be made; and

c. Approximate quantity of pieces and number of bundles to each office.

.412 The Regional Postmaster General to whom the application is submitted will coordinate the request with any other region in which mailings will be entered. Each Regional Postmaster General involved will forward copies of the application to all affected entry post offices within that region, requesting a detailed explanation of the projected transportation and processing arrangements. The application and supporting material from the entry post offices will be reviewed by the General Manager, Logistics Division, the General Manager, Accounting and Revenue Protection Division, and by others concerned in all regions in which mailings will be entered. The review will determine whether intermediate or destination offices are capable of receiving and processing the bundles without increasing the overall processing costs. The Regional Postmaster General to whom the application was originally submitted will issue to the mailer the authorization or denial of the request to bundle instead of sack for all post offices of entry. Copies of the authorization will be forwarded to all affected entry post offices and Regional Postmasters General by the authorizing Regional Postmaster General.

* * * * *

Revise 767.521c and add 767.521 d and e to read as follows:

767.521 Standard Preparation Requirements.

* * * * *

c. Pallets. Pallets must be made up to the mandatory destinations in 767.2 when the mail load to a destination is either 650 pounds or three feet high. Pallets may also be prepared for the optional destinations in 767.2. Pallets must not contain mail addressed to more than one zone. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds.

d. Labels. Pallets must be labeled in the format required by 767.2. These labels must be at least eight inches by eleven inches in size with characters at least one-half of an inch high. All pallets must be provided with two clearly visible labels placed on two adjacent sides of the pallet.

e. Physical Characteristics. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2,000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Pallet mailings must be flush wrapped with shrinkable or stretchable plastic and prepared to retain integrity throughout transportation and handling. Top caps are required on pallets with gross weights of less than 1,000 pounds.

Revise 767.522 to read as follows:

.522 Machinable Parcel Preparation Requirements. Pallets must be made up to the required destinations in 767.3 when the mail load to a destination is either 650 pounds or three feet high. Pallets must not contain mail addressed to more than one zone. The maximum gross weight of a pallet (the pallet and the mail) is 2,000 pounds. Pallets must be labeled in the format required by 767.3. These labels must be at least eight inches by eleven inches in size with characters at least one-half of an inch high. All pallets must be provided with two clearly visible labels placed on two adjacent sides of the pallet. Pallets must be constructed of high quality material, designed to handle loads equal to a gross weight of 2,000 pounds with volumes up to 65 cubic feet. The dimensions must be 48 inches by 40 inches. The pallets must be designed for four way entry by fork trucks and two way entry for pallet jacks. Pallet mailings must be flush wrapped with shrinkable or stretchable plastic and prepared to retain integrity throughout transportation and handling. Top caps are required on pallets with gross weights of less than 1,000 pounds.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 402(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-7568 Filed 3-23-83; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

42 CFR Parts 85 and 85a

Use of Personal Sampling Devices During NIOSH Investigations

Correction

In FR Doc. 83–6354 beginning on page 10377 in the issue of Friday, March 11, 1983, make the following correction.

On page 10378, first column, the first line reading "Approved: February 18, 1983." should have appeared below the line reading "*Assistant Secretary for Health.*".

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 9

Intergovernmental Review of Department of the Interior Programs and Activities

AGENCY: Office of the Secretary, Interior.

ACTION: Extension of comment period on NPRM for Executive Order 12372.

SUMMARY: In the Notice of Proposed Rulemaking published January 24, 1983, (48 FR 3125) the Department proposed to continue its existing consultation processes and indicated that a list of programs with existing consultation processes would be available. It was, and is, the Department's intent to consider comments about those programs and the existing consultation processes. A number of parties have requested the list of such programs, indicating their intent to comment on them. For several reasons, the final list was not ready for distribution until the end of February. The Department has now distributed the list of all states and territories on the Office of Management and Budget's list of governors' contacts for implementation of Executive Order 12372. See Attachments A and B. Therefore, in order to permit meaningful comment on the list, the Department is extending the comment period for program coverage effective with this notice and closing April 1, 1983.

DATE: Comments on the proposed program coverage and the existing consultation processes must be received in writing on or before April 1, 1983.

ADDRESS: Department of the Interior, Office of Acquisition and Property Management, Division of Acquisition and Grants, 18th and C Streets, NW., Room 5526, Washington, D.C. 20240; (202) 343–6431.

FOR FURTHER INFORMATION CONTACT: Colonel C. Armstrong (202) 343–6431.

Dated: March 18, 1983.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

Attachment A.—Interior Programs (State Process)

Programs Under Which States May Opt To Use E.O. 12372 Process

Bureau: *National Park Service*

Program and Authority

1. Historic Preservation—Grants-in-Aid—16 U.S.C. 470
2. Outdoor Recreation Acquisition, Development and Planning (Land and Water Conservation Fund)—16 U.S.C. 4601–4–11
3. Urban Park and Recreation Recovery Program—16 U.S.C. 2501–2514

Bureau: *Office of Surface Mining*

Program and Authority

1. Regulation of Surface Coal Mining and Surface Effects of Underground Coal Mining—Pub. L. 95–87
2. Abandoned Mine Land Reclamation Program—Pub. L. 95–87

Bureau: *Fish and Wildlife Service*

Program and Authority

1. Anadromous Fish Conservation—16 U.S.C. 757a–757g
2. Fish Restoration—16 U.S.C. 777–777k
3. Wildlife Restoration—16 U.S.C. 669–669i
4. Endangered Species Conservation—16 U.S.C. 1531 *et seq.*
5. Marine Mammal Grants—16 U.S.C. 1361 *et seq.*
6. Fish and Wildlife Conservation Act—16 U.S.C. 2901 *et seq.*

Bureau: *Bureau of Reclamation*

Program and Authority

1. Atmospheric Water Resources Management Program Research
2. Irrigation Distribution System Loans—43 U.S.C. 421b,c
3. Irrigation Systems Rehabilitation and Betterment—43 U.S.C. 504
4. Small Reclamation Projects—43 U.S.C. 422a–k

Attachment B.—Interior Programs With Existing Consultation Processes

Bureau: *National Park Service*

Program and Authority

1. Wilderness System—16 U.S.C. 1132
2. Local Zoning By-Laws—16 U.S.C. 459b–4, 16 U.S.C. 460s–11
3. Land Resources Division Acquisition of Lands for Airports—16 U.S.C. 7b
4. Alaska Land Use Council—16 U.S.C. 3181
5. Air Quality Plans—42 U.S.C. 7421, 40 CFR 51.240–.252
6. Historic Preservation Certification Process—16 U.S.C. 470a1(a), 36 CFR Part 67
7. Dispoal of Surplus Wildlife—40 U.S.C. 471, 36 CFR Part 10
8. Disposal of Federal Surplus Property—40 U.S.C. 484(k)(2)(C)
9. National Wild & Scenic & Recreational Rivers System—16 U.S.C. 1271
10. Comprehensive Conservation Plan—16 U.S.C. 1301
11. National Trails System—16 U.S.C. 1241
12. Construction Projects—*no cite*
13. Cooperative Management Program—16 U.S.C. 670c

Bureau: *Fish and Wildlife Service*

Program and Authority

1. Conveyance of Bird Refuge Lands—16 U.S.C. 715f
2. Preservation, Use, Management of Fish & Wildlife Resources—43 CFR 24.3
3. Taking & Using Eagles for Scientific, Exhibition & Religious Purposes—16 U.S.C. 668a
4. Subsistence Resources (Alaska Only)—16 U.S.C. 3115
5. Hunting and Fishing—Natl. Wildlife Refuges & Seashores—16 U.S.C. 459, *et seq.*
6. Migratory Bird Conservation Fund—16 U.S.C. 715k–5
7. Conservation Law Enforcement—16 U.S.C. 661–666c
8. Farm Fish Pond Management—16 U.S.C. 661 *et seq.* 742a–742j
9. Environmental Contaminant Evaluation—16 U.S.C. 661 *et seq.* 742a *et seq.*
10. Sport Fish Technical Assistance—16 U.S.C. 661 *et seq.* 742a–747j
11. Wildlife Technical Assistance—16 U.S.C. 661 *et seq.*
12. Federal Wildlife and Plant Permits—16 U.S.C. 1531 *et seq.*, 703 *et seq.*, 668 *et seq.*, 371 *et seq.*; 50 CFR Parts 10, 13–18, 21–23
13. Fish and Wildlife Resources—16 U.S.C. 661 *et seq.*, 668 dd, and 50 CFR Parts 25–36, 70
14. Established Research—16 U.S.C. 661–661c, 742a–742j, 757a–757f, 778–778c, 931–939c
15. Research at Cooperative Units—16 U.S.C. 753a–b
16. Research and Development Program requiring State Permits—16 U.S.C. 778–778c, 742a–742e, 661–666c, 931–939c, 757a–757f

Bureau: *Bureau of Mines*

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Program and Authority

1. State Mining & Mineral Resources & Research Institutes—Pub. L. 95–87

Bureau: *Bureau of Reclamation*

Program and Authority

1. Research and Development Planning Reports—43 U.S.C. 1593
2. Modification of Contracts Water Projects—43 U.S.C. 1598
3. Planning Programs—Water & Related Land—33 U.S.C. 701–1

Bureau: *Office of Water Policy*

Program and Authority

1. Water Resources Research & Development—42 U.S.C. 7811–19
2. Water Resources Scientific Information Center—42 U.S.C. 7851

Bureau: *Minerals Management Service*

Program and Authority

1. Outer Continental Shelf Oil & Gas Leasing—30 CFR Part 250, 43 CFR Part 3300

Bureau: *United States Geological Survey*

Program and Authority

1. Geologic & Mineral Resource Surveys & Mapping—43 U.S.C. 31, 48, 49
2. National Mapping, Geography & Surveys—43 U.S.C. 31, 48, 49 & 50
3. Water Resources Investigations—43 U.S.C. 31, 48, 49 & 50

Bureau: *Bureau of Land Management*

Program and Authority

1. Sale of Forest Products—43 CFR Part 5400
2. Alaska Resource Management Decisions—Pub. L. 96–487
3. Land Withdrawals—Pub. L. 94–579, 43 CFR Part 2300
4. Land Exchanges—Pub. L. 94–579, 43 CFR Part 2200
5. Petition—Application Decisions—Pub. L. 94–579, 43 CFR Part 2200
6. Sales of Public Lands—Pub. L. 94–579, 43 CFR Part 2710
7. Conveyance of Omitted/Unsurveyed Lands—Pub. L. 94–579, 43 CFR Part 2547, 43 CFR Part 2742
8. Rights-of-Way and Temporary Use Permits—43 CFR Part 2800
9. Oil and Gas Pipeline Rights-of-Way—43 CFR Part 2800
10. Resource Management Plans—Pub. L. 94–579, 43 CFR Part 1601
11. Wilderness Studies—Pub. L. 88–577, FR 2–3–82, p. 5119
12. Forest Fire Protection (Oregon)—50 Stat. 875
13. Wild Horse & Burro Management—Pub. L. 92–195, 43 CFR Part 4720
14. Conservation of Wildlife in Grazing Districts—62 Stat. 533
15. Establishment of Forest Master Units—O & C Lands (Oregon)—43 CFR Part 5042
16. Public Easements (Alaska)—Pub. L. 96–487, 43 CFR Part 2650
17. Federal Coal Leasing & Management—43 CFR Part 3420
18. Onshore Oil & Gas Lease Facilities—30 CFR Part 250
19. Grazing Privileges—43 U.S.C. 315a, 43 CFR Part 4000
20. Mineral Leasing—30 U.S.C. 81, 351 *et seq;* 1001, 43 CFR Parts 1840; 3000–3500; 23
21. Non-Sale Disposals of Mineral Material—30 U.S.C. 601–604; 611, 43 CFR Part 21; Part 4
22. Sale of Mineral Material—30 U.S.C. 601–4; 611, 43 CFR Parts 23; 1840; 3600
23. Wildlife Habitat Management (Sikes Act)—16 U.S.C. 79 *et seq.*, 43 U.S.C. 1737; 1738
24. Law Enforcement—Pub. L. 94–579
25. Alaska State and Native Land Conveyances—Alaska Statehood Act, Alaska Native Claims Settlement Act.
26. Timber Sales—30 U.S.C. 601–604, 43 U.S.C. 118
27. Wilderness—16 U.S.C. 1132(d)(1)(c)
28. Grazing Leases and Permits—43 U.S.C. 315; 1181
29. Onshore Oil and Gas Leasing

[FR Doc. 83–7496 Filed 3–23–83; 8:45 am]

BILLING CODE 4310–10–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83–117; RM–4086; FCC 83–80]

Amendment of Part 73 of the Commission's Rules and Regulations To Permit Stations in the Television Broadcast Service To Operate With an Aural Power of Less Than 10 Percent of the Visual Power

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has proposed to delete the minimum aural power limit for stations in the TV broadcast service. This rule change is necessary so that station licensees can select the sound transmitter operating power best suited to their needs. The rule, if amended, would permit licensees greater flexibility in selecting transmitting equipment and reduce operating costs.

DATES: Comments must be filed on or before May 9, 1983, and reply comments on or before June 8, 1983.

ADDRESS: Address comments to Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John W. Reiser, Mass Media Bureau (202) 632–9660

List of Subjects in 47 CFR Part 73

Television broadcast stations.

Proposed Rule Making

In the Matter of an amendment of Part 73 of the Commission's Rules and Regulations to permit stations in the television broadcast service to operate with an aural power of less than 10% of the visual power; MM Docket No. 83–117, RM–4086.

Adopted: February 17, 1983.

Released: March 9, 1983.

By the Commission.

Introduction

1. The Commission has before it a petition for rule making (RM–4086) filed by Durhan Life Broadcasting, Inc. ("Durham"), licensee of UHF–TV Station WPTF–TV, Durham, North Carolina. The petition requests the amendment of § 73.682(a)(15) of the Rules to permit television stations to operate at less than ten percent aural power relative to a station's peak visual power. The present rules require that the effective radiated power of the aural transmitter be not less than 10% nor more than 20% of the peak radiated power of the visual transmitter.[1]

2. According to petitioner, the primary reason in requesting the lower power is the "skyrocketing" costs of electrical energy. Taking into account its recent utility rate increase, petitioner states that operating with an aural power of 5% of visual instead of 10% would save the station $13,500 per year, or almost $300,000 over the twenty year expected life of a transmitter. It contends that this is a sizeable savings for a UHF station competing in a VHF market. In addition to the savings on utility bills, operating at a lower aural power would increase the life expectancy of equipment and thereby save additional money.[2] Finally, petitioner states that reducing the aural transmitter power will make it possible to use tetrodes in the aural amplifier. Currently, a Klyston tube with an efficiency of approximately twelve percent usually is used. However, petitioner asserts that tetrodes provide an efficiency of over twenty percent.

3. In further support of the proposal, petitioner states that it has been

[1] When transmitted at the same power, the usable service range of the aural signal (FM) extends well beyond the usable service range of the visual signal (AM), hence the limits on the aural power.

[2] Operating at 5% of visual power, petitioner projects a savings of six years in tube life and $24,000 in tube replacement costs. These estimates are based on the use of a Klyston tube over the twenty year life of a transmitter.

conducting tests using an aural power of 5% of visual under an experimental authorization granted by the Commission. According to petitioner, there has been no negative viewer reaction when operating at the reduced power level nor has there been any incompatibility problem detected with receivers, old or new. Further, it notes that a check of the local cable companies and television service shops in the area revealed no negative responses with regard to operating at the lower aural power.

Discussion

4. The current rule requiring the minimum aural power for UHF–TV stations to be 10% of visual was adopted in 1963 in docket proceeding 14229, *Second Report and Order* (28 FR 3394).[3] Information concerning a further reduction of the minimum aural power limit was sought in 1978 in the *Notice of Inquiry* in docket proceeding 78–392 (44 FR 3663). The main thrust of that proceeding, however, concerned TV receiver characteristics and, in particular, a High Performance Television Receiver constructed under contract for the Commission by Texas Instruments, Incorporated. Consequently, comments did not focus on the issue of reduced aural power. In fact, the only comments received were filed by the Electronic Industries Association ("EIA"). It expressed the same concerns it had in the docket 14229 proceeding, essentially that reduced power would not be compatible with current receiver design.

5. The UHF–TV Comparability Task Force ("task force") also addressed this issue. In its final report, the task force suggested reducing aural transmitter power as a possibility for improving the energy efficiency of UHF–TV stations.[4] In doing so, it noted EIA's concerns expressed in docket proceeding 78–392. However, it dismissed them as not being accepted universally. The task force believed that the use of a lower aural power was an open question and that experimentation would provide the evidence needed to determine its feasibility.

6. In evaluating the Durham petition, we find that the Commission is in a similar position to the one existing in 1963 when we considered lowering the UHF–TV aural power ratio from 50% to 10%. Those opposing the reduction (receiver manufacturers) again contend that a lower aural power will affect adversely the performance of their product, while those supporting it (TV broadcasters) similarly see it as a means of saving money. The limited testing conducted by petitioner appears to indicate that stations can operate at a lower aural power ratio with no adverse effects. In addition, the independent study of the UHF task force supports an aural power reduction to a certain extent.

7. After considering the needs of their viewers, we believe that licensees of both commercial and non-commercial educational TV stations should be responsible for deciding on the appropriate aural power level rather than having the rules specify a lower limit based strictly on receiver performance. In the past, licensees have had the discretion to make such a determination within the limits set by the rules. Now, we believe they should have wider latitude in choosing their aural power. Thus, we are proposing to eliminate the minimum limit. Under this proposal licensees would be able to operate at any aural power up to 20% of the peak radiated power of the visual transmitter.[5] We believe licensees will choose an aural power so as to match their visual coverage. To do otherwise and broadcast at a lower level would not be in their best interests.

8. Under our proposal, we would not license a specific aural power because licensees may need to experiment with different power levels to determine the optimum one for their individual situations. Other circumstances also could exist during regular operation that might dictate the need to change aural power. In any case, we propose to eliminate any requirement to specify the aural power figure on applications for construction permits and station licenses. This requirement appears to be unnecessary whether the minimum aural power limit rule is deleted or retained.

9. We also are proposing at this time to modify the language in §§ 73.663 and 73.1560 of the rules. The new language corresponds with our proposal to delete the minimum aural power limit.

10. As noted previously, the issue of reducing the minimum aural power limit was brought up in docket proceeding 78–392. However, that proceeding is primarily concerned with technical improvements to television receivers, a controversial matter that is not likely to be finalized in the very near future. In addition, we would anticipate that any further comments in that proceeding would again concentrate on the main issue, receiver characteristics. Consequently, we believe the minimum aural power question should be deleted from docket proceeding 78–392 and addressed individually in a separate proceeding because it appears that lowering the limit could provide some immediate benefit.

11. Comments are requested on all aspects of the proposal to delete the minimum aural transmitter power relative to the visual power of TV stations, particularly with respect to the potential increased susceptibility of TV receivers and cable television receiving equipment to interference problems. Although we recognize that many cable systems actually further attenuate the aural signal by several decibels to avoid system interchannel interference, adequate signal levels are required at the off air receiving site for quality service. We seek information on the actual potential interference susceptibility and service deterioration in both home TV and cable receiving equipment should TV stations operate at lower relative power of sound carriers, the on procedures the Commission could or should take when faced with viewer complaints of unsatisfactory service.

12. Regulatory Flexibility Act Initial Analysis.

I. Reasons for actions

Reducing the minimum aural transmitter power limit would allow UHF–TV station to improve their energy efficiency and thereby lower operating costs.

II. The objective

The objective is to lessen the regulatory burden on television stations and allow, to a greater extent, the broadcast marketplace to regulate licensee conduct.

III. Legal basis

Action is proposed in accordance with Section 303 of the Communications Act of 1934, as amended.

IV. Description, potential impact and number of small entities affected

The proposed rule change would have its direct effect on approximately 1100 television broadcast stations licensed by the Commission, with UHF–TV stations benefitting the most.

V. Recording, record keeping and other compliance requirements

The proposal would eliminate the requirement that applicants for TV

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[3] The 10% minimum was adopted for VHF stations one year later, Docket 15208, *Report and Order* (29 FR 484 (1964)).

[4] *Comparability for UHF Television: Final Report.* FCC Office of Plans and Policy, September, 1980.

[5] We have not proposed changing the maximum aural transmitter power limit since that is one of the issues raised in the *Further Notice of Proposed Rule Making* in Docket No. 21323 ( ). This proceeding involves consideration of the means of providing stereophonic and other services on the aural carrier of a TV broadcast station.

construction permits and licenses specify an aural power figure.

VI. Federal rules which overlap, duplicate or conflict with this rule

None.

VII. Any significant alternative minimizing impact on small entities and consistent with stated objectives

The Commission's alternative is to maintain the status quo. This alternative would not accomplish the beneficial objective sought in this rule making.

13. The Secretary shall cause a copy of this *Notice of Proposed Rule Making* including the initial Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. *et seq.).*

14. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; and on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation decribed above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

15. This action is taken pursuant to authority found in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended.

16. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested parties may file comments on or before May 9, 1983, and reply comments on or before June 8, 1983. All relevant and timely comments will be considered by the Commission before further action is taken in this proceeding.

17. In accordance with provisions of § 1.419 of the Commission's Rules and Regulations, an original and five copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comment may file an additional six copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that the docket number is specified. Such informal participants who wish members of the staff to have a personal copy and to have an extra copy available for the Commissioners may file an additional five copies. In reaching its decision, the Commission may take into consideration information and ideas not contained in comments, provided that such information or a statement indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M Street, NW.).

18. For further information concerning this proceeding contact John Reiser, Mass Media Bureau, (202) 632-9660.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

William J. Tricarico,

Secretary.

Appendix

PART 73—[AMENDED]

It is proposed to amend Part 73 of the Commission's Rules and Regulations as follows:

1. In § 73.682 paragraph (a)(15) would be revised to read as follows:

§ 73.682 Transmission standards.

* * * * *

(a) * * *

(15) The effective radiated power of the aural transmission shall not exceed 20 percent of the peak radiated power of the visual transmitter.

* * * * *

2. In § 73.663, paragraph (c)(3) would be revised to read as follows:

§ 73.663 Determining operating power.

* * * * *

(c) * * *

(3) The meter must be calibrated at intervals not exceeding six months so that an indication of 100% aural operating power on the power meter scale represents 20% of the authorized peak visual transmitter output power. If the aural transmitter is not capable of operating at this power level, the calibration must be made at the highest aural transmitter output power attainable with the meter indication adjusted to show the relative percentage of output power referenced to 100% as the maximum permissible aural power (20% of peak visual power). However, where this is done, the output meter must be marked at the point of calibration of maximum power output, and the station will be deemed to be in violation of the maximum permissible operating power if this power level is exceeded. This marking must be checked and changed, if necesssary, each time the meter is calibrated.

* * * * *

3. In § 73.1560, paragraph (c) would be revised to read as follows:

§ 73.1560 Operating power tolerance.

* * * * *

(c) *TV stations.* Except as provided in paragraph (d), the visual output power of a TV transmitter, as determined by the procedures specified in §73.663, must be maintained as near as is practicable to the authorized transmitter output power and may not be less than 80% nor more than 110% of the authorized power. The output power of the aural transmitter, as determined by the procedures specified in § 73.663 may not exceed 20% of the authorized visual transmitter peak output power at any time. The FCC may specify deviation from the power of tolerance requirements for subscription television operations to the extent it deems necessary to permit proper operation.

[FR Doc. 83-7127 Filed 3-23-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 23

[OST Docket 64c; Notice No. 83-8]

Participation by Minority Business Enterprises in Department of Transportation Programs

Note.—This document originally appeared in the Federal Register of Tuesday, March 22, 1983. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Department of Transportation.

AGENCY: Department of Transportation.

ACTION: Notice of extension of comment period.

SUMMARY: On February 28, 1983, (48 FR 8416) the Department published a notice of proposed rulemaking (NPRM) to implement section 105(f) of the Surface Transportation Assistance Act of 1982, which requires that ten percent of the funds authorized to be appropriated by that Act be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. The comment period for the NPRM was scheduled to expire on March 21, 1983. This notice extends the comment period by 15 days. With this extension, comments on the NPRM should be received by April 5, 1983.

DATES: Comments on the referenced notice of proposed rulemaking should be received in the Department by April 5, 1983.

ADDRESS: Interested persons should submit comments to the Docket Clerk, OST Docket No. 64c, Department of Transportation, 400 7th Street, SW., Room 10421, Washington, D.C., 20590. Commenters wishing to have their submissions acknowledged should include a stamped, self-addressed postcard with their comments. The Docket Clerk will time and date stamp the postcard and return it to the commenter. Comments will be available for inspection at the above address from 9:00 a.m. through 5:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., Room 10421, Washington D.C., 20590. (202) 426-4723.

SUPPLEMENTARY INFORMATION: The Department of Transportation published a notice of proposed rulemaking on February 28, 1983, to implement section 105(f) of the Surface Transportation Assistance Act of 1982 (48 FR 8416). Section 105(f) requires ten percent of the funds authorized to be appropriated under the Act to be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. The Department established a shorter-than-usual 21-day comment period for this NPRM. The reason for this decision was that fiscal year 1983 funds to which section 105(f) applies had already been apportioned or allocated to states and transit authorities, and these recipients needed to have final rules in place as soon as possible in order to comply with the statutory requirement.

However, a number of parties, including the National Association of Minority Contractors and the leadership of the House Committee on Public Works and Transportation, have requested that the comment period be extended. The reason for these requests is to give interested parties additional time to comment on a proposal that has important effects on them. In response to these requests, the Department has decided to extend the comment period for the NPRM for another 15 days. The new closing date for comments on the rulemaking is Tuesday, April 5, 1983.

Issued in Washington, D.C., this 18th day of March, 1983.

Rosalind A. Knapp,

Acting General Counsel, Department of Transportation.

[FR Doc. 83-7521 Filed 3-18-83; 4:28 pm]

BILLING CODE 4910-25-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposal To List Senecio Franciscanus as a Threatened Species and Determine Its Critical Habitat

Correction

In FR Doc. 83-6609 beginning on page 10896 in the issue of Tuesday, March 15, 1983, make the following correction:

On page 10896 in the third column in the **DATES** caption, fourth line, the comment due date is corrected to read "May 16, 1983."

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 48, No. 58
Thursday, March 24, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Malheur National Forest Grazing Advisory Board; Meeting

The Malheur National Forest Grazing Advisory Board will meet at 7:00 p.m. on April 27, at Alec Gay Hall, 172 SE Dayton Street, John Day, Oregon 97845.

The purpose of this meeting is to discuss allotment management plans and expenditure of Range Betterment funds.

The meeting will be open to the general public. Persons interested in presenting a subject at the meeting may file a request and brief before the meeting with: Forest Supervisor, Malheur National Forest, 139 NE Dayton Street, John Day, OR 97845.

Written statements may be filed with the board before or after the meeting.

Dated: March 16, 1983.

Kenneth L. Evans,

Forest Supervisor.

[FR Doc. 83-7635 Filed 3-23-83; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committeee of the American Statistical Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee of the American Statistical Association will convene on April 13 and 14, 1983. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919. It advises the Director, Bureau of the Census, on the Bureau's programs as a whole and on their various parts, considers priority issues in the planning of censuses and surveys, examines guiding principles, advises on questions of policy and procedures, and responds to Bureau requests for opinions concerning its operations.

The Committee is composed of 15 members appointed by the President of the American Statistical Association. The agenda for the April 13 meeting, which will begin at 1 p.m. and adjourn at 5:15 p.m., is: (1) Introductory remarks by the Director of the Bureau of the Census, including (a) staff changes and Bureau organization, (b) major budget and program developments, and (c) other topics of current interests; (2) update on planning for the 1990 census; (3) improvement in the methodology of the Commodity Transportation Survey; and (4) research plans for the Survey of Income and Program Participation.

The agenda for the April 14 meeting, which will begin at 9 a.m. and adjourn at 4:45 p.m., is: (1) 1980 census research and evaluation program; (2) Committee meeting to develop recommendations; (3) report on the Census Bureau's international statistical programs; (4) Committee discussion of recommendations; (5) Committee and Census Bureau Staff discussion of (a) Bureau responses to previous Committee recommendations, (b) status of specific Bureau activities, and (c) Bureau activities described at earlier Committee meetings; and (6) recommendations, plans, and suggested agenda items for the next meeting.

The meeting will be open to the public, and an brief period will be set aside on April 14 for pubic comment and questions. Extensive questions or statements must be submitted in writing at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting or who wish to submit written statements may contact Dr. David W. Chapman, Bureau of the Census, Room 3540, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-1292.

Dated: March 18, 1983.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 83-7609 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-07-M

Census Advisory Committee on Agriculture Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee on Agriculture Statistics will convene on April 19, 1983, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents associated with agricultural production; to prepare recommendations regarding the contents of agricultural reports; and to present the views and needs for data of major agricultural organizations and their members, and other suppliers of agricultural statistics.

The Committee is composed of 20 members appointed by the presidents of the nonprofit organizations having representatives on the Committee, and a representative from the U.S. Department of Agriculture.

The agenda for the meeting, which is scheduled to adjourn at 3:45 p.m. is: (1) Introductory remarks by the Director, Bureau of the Census; (2) current Census Bureau activities and legislative situation; (3) update on the 1982 Census of Agriculture; (4) 1982 Economic Censuses Program; (5) use of computer-assisted telephone interviewing (CATI) in the agriculture census; (6) 1978-1982 agriculture census comparability; (7) 1982 Agriculture Census Data User Program; (8) video of data processing in Jeffersonville, Indiana; and (9) Committee recommendations.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. George Pierce, Agriculture Division, Bureau of the Census, Room 3009, Federal Building 4, Suitland, Maryland. (Mail address: Washington, D.C. 20233.) Telephone (301) 763-7731.

Dated: March 21, 1983.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 83-7673 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-07-M

Number of Employees, Payrolls, Geographic Location, Current Status, and Kind of Business for the Establishments of Multiestablishment Companies; Consideration for Surveys

Notice is hereby given that the Bureau of the Census proposes to conduct a Company Organization Survey for 1983 under the provisions of Title 13, United States Code, Sections 182, 224, and 225. This survey, which has been conducted for many years, is designed to collect information on the number of employees, payrolls, geographic location, current status, and kind of business for the establishments of multiestablishment companies. The information will be used to make company and establishment changes to the data for multiestablishment companies in the Standard Statistical Establishment List. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than December 1, 1983.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject of the proposed survey submitted to the Director in writing within 60 days after the date of this publication will receive consideration.

Dated: March 21, 1983.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 83-7674 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 19-82]

Proposed Foreign-Trade Zone Great Falls, Montana; Amendment to Application

Notice is hereby given that the application submitted to the Foreign-Trade Zones Board (the Board) in August 1982 by the Economic Growth Council of Great Falls for a general-purpose foreign-trade zone at the Great Falls International Airport (47 FR 35544, August 16, 1982), has been amended to include an additional 164 acres of open space at the airport. The change is designed to expand the project from its original public warehouse orientation to include space that can accommodate assembly and processing operations. The need for more space became evident at the September 16 public hearing.

Because of this amendment, the record is reopened for comments until April 25, 1983. The application, hearing transcript, and amendment material are available for public inspection at the following locations:

U.S. Customs Service District Office, 600 Central Avenue, P.O. Box 791, Great Falls, Montana 59403

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania NW., Room 1872, Washington, D.C. 20230.

Dated: March 18, 1983.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 83-7470 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

[A-433-064]

Railway Track Maintenance Equipment From Austria; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on railway track maintenance equipment from Austria. The review covers the one known exporter of this merchandise to the United States, Plasser and Theurer, GmbH, and the period February 1, 1981 through January 31, 1982. There were no known shipments to the United States during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require no cash deposit of estimated antidumping duties on future entries, based on the margin calculated on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On February 17, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 6912-13) the final results of its last administrative review of the antidumping finding on railway track maintenance equipment from Austria (43 FR 6937, February 17, 1978) and announced its intent to conduct the next administrative review by the end of February 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review

Scope of the Review

Imports covered by the review are shipments of ballast regulators and tamping machines, two specific types of railway track maintenance equipment. Any other types of machinery used in the maintenance of railway track are excluded from this finding. All railway track maintenance equipment is currently classifiable under item 690.2000 of the Tariff Schedules of the United States Annotated.

The Department knows of only one exporter of Austrian railway track maintenance equipment to the United States, Plasser and Theurer, GmbH. The review covers the period February 1, 1981 through January 31, 1982. There were no known shipments to the United States during the period and there are no known unliquidated entries.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that, as provided for in §353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties, of zero percent based on the margin calculated on the last known shipments of this merchandise, shall be required on all shipments of Austrian railway track maintenance equipment entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request

disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and §353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 15, 1983.

[FR Doc. 83-7544 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atomspheric Administration

Emergency Meetings of the Pacific Fishery Management Council and its Salmon Plan Development Team; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The Pacific Fishery Management Council was established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), and the Council has also established a Salmon Plan Development Team to assist the Council in carrying out its responsibilities.

After its March 15-17, 1983, public meeting, the Council proposed separate, emergency meetings to be held as soon as possible by the Council and its Salmon Plan Development Team. The Council's public meeting on Wednesday, March 23, 1983, was convened to review the Salmon Plan Development Team's analysis of impacts of proposed 1983 management measures for coho, pink, and sockeye salmon coastwide and for chinook salmon north of Cape Blanco, Oregon, to the U.S./Canada border; decide on the 1983 ocean salmon spawning and ocean escapement goals to the Secretary of Commerce; consider other matters that may have come before the Council before that date; and provide a public comment period that day beginning at 11 a.m. The Council's public meeting took place at the Cosmopolitan Hotel, 1030 N.E. Union Avenue, Capri-Del-Rio-Bombay Room, Portland, Oregon.

The Council's Salmon Plan Development Team public meeting was convened on Monday, March 21, and Tuesday, March 22, to review the draft impact analysis of proposed 1983 management measures for coho, pink, and sockeye salmon coastwide, and for chinook salmon north of Cape Blanco, Oregon to the U.S./Canada border; and to provide a public comment period on March 21. The Salmon Plan Development Team's public meeting took place at the Oregon Department of Fish and Wildlife Building, Beaver Room, 506 S.W. Mill Street, Portland, Oregon.

In an effort to allow the public the opportunity to become aware of the topics discussed at the meetings, the Council will make detailed minutes of the public meetings available free of charge. Any item on the meeting agendas may be rescheduled at subsequent meetings upon written request to the Council.

The National Marine Fisheries Service regrets that timely publication of the meetings was not possible.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201; telephone: (503) 221-6352.

Dated: March 21, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 83-7686 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit

On January 28, 1983, Notice was published in the **Federal Register** (48 FR 4022), that an application had been filed with the National Marine Fisheries Service by Knowsley Safari Park, Prescot, Nr. Liverpool, Merseyside L34 4AN, United Kingdom, for a Permit to take three (3) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display. The application was later amended to request only two (2) dolphins.

Notice is hereby given that on March 17, 1983, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking to Knowsleyh Safari Park subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

Dated: March 17, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species & Habitat Conservation National Marine Fisheries Service.

[FR Doc. 83-7688 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: Ocean Park Ltd. (P43B), Wong Chuk Hang Road, Aberdeen, Hong Kong.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Bottlenose dolphins (*Tursiops truncatus*)—5.

4. Type of Take: Capture and maintain in captivity.

5. Location of Activity: West Coast of Florida.

6. Period of Activity: 2 years.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. A statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Agriculture and Fisheries Department, Hong Kong have been found appropriate and sufficient to

allow consideration of this permit application.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

. Dated: March 21, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, National Marine Fisheries Service.

[FR Doc. 83-7687 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Modification Request to Permit No. 335 (P274)

Notice is hereby given that Dr. James R. Gilbert, Associate Professor of Wildlife, University of Main at Orono, 240 Nutting Hall, Orono, Maine 04469, has requested a modification of Permit No. 335 issued on May 13, 1981 (46 FR 27514) as modified on February 5, 1982 (47 FR 6317) under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Permit No. 335 authorizes 30 adult harbor seals *(Phoca vitulina concolor)* to be instrumented with epoxy-attached radio tags. The Permit Holder is requesting to instrument 30 seals of any age.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statement and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: March 17, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-7689 Filed 3-23-83; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Use of a Criminal Conviction for Which Appeal Is Pending in Making Fitness Determinations for Registration

AGENCY: Commodity Futures Trading Commission.

ACTION: Statement of interpretative position.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is publishing its position as to the effect which may be accorded a criminal conviction which is being appealed in determining fitness for registration with the Commission. The purpose of this release is to provide notice to applicants for registration with the Commission as well as to current registrants that, notwithstanding the pendency of an appeal of a criminal conviction, such conviction may be considered by the staff in connection with fitness determinations for registration, and further, that registration may be denied, conditioned, suspended, restricted or revoked in appropriate circumstances based on a judgment of conviction for which the appellate process is not completed. In addition, the Commission believes that the recent enactment of a statutory disqualification scheme which establishes a bar from registration based on certain misdemeanor and felony convictions makes it advisable for the Commission to publish this interpretative position which makes express the policy the Commission has consistently followed as to the effect to be accorded a criminal conviction on appeal and which clarifies its position with respect to a conviction which has been reversed.

FOR FURTHER INFORMATION CONTACT: Suzanne W. Ryder, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW. Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Present Commission Policy

The Commission has consistently given effect to convictions for which appeals are pending in making fitness determinations with respect to registration. In view of the recent amendments to the Commodity Exchange Act ("Act") establishing a system of statutory disqualifications, the Commission wishes to make clear that, despite the authority granted the Commission in Sections 8a (2) and (3) of the Act [1] to bar a person from registration for a prescribed period of time based on a conviction for certain crimes enumerated therein, [2] upon reversal of a criminal conviction which is the basis for such a bar, reapplication to the Commission for registration, reinstatement, or removal of conditions or restrictions will be permitted.

[1] 7 U.S.C. 12a (2) and (3) (1976), *as amended.* Section 224 of the Futures Trading Act of 1982, Pub L. No. 97-444, 96 Stat. 2294 (1983), extensively amended Section 8a(2) of the Act and expanded it to two provisions—Sections 8a (2) and (3), and also renumbered former Section 8a(3) as Section 8a(4).

[2] *See* note 19 *infra.*

II. Policy Reasons for Using, in Registration Determinations, a Conviction for Which an Appeal Is Pending

The public interest requires that, in appropriate cases, persons convicted of crimes which would ordinarily constitute grounds for denying, conditioning, suspending, restricting or revoking their licenses to engage in the commodity business not be permitted to continue in business simply because they have sought to appeal their convictions. This is because the highest standard of conduct is required of all commodity professionals. A futures commission merchant ("FCM"), for example, stands in a position of particular responsibility and trust with respect to his customers in that an FCM may actively solicit customer business, advise customers as to trades and investments, and is entrusted with customer funds for the purpose of executing futures transactions on their behalf. This special relationship has been repeatedly recognized by the Commission and the courts.[3] Similar standards of behavior are imposed on other Commission registrants due to similar duties owed to their customers.[4] Congress had acknowledged the nature of the relationship between commodity professionals and their customers by, among other things, entrusting the Commission with the responsibility, under the Act, to deny or condition a license (or revoke, suspend, or place restrictions upon a license previously granted) to persons whose behavior demonstrates an inability to conform to high moral standards.[5] Thus, the Commission's use of a final judgment of conviction rendered by a lower court as a bar to engaging in the commodity business prior to a successful appeal is consistent with the strict standard of conduct required of commodity professionals. Indeed, to do otherwise could result in a dilution of these rigorous standards.

Although the criminal justice system provides several opportunities for the review of a criminal conviction, other principles of law would permit a regulatory agency such as the Commission to make fitness judgments based on such convictions pending consideration by an appellate tribunal. As a matter of law, a judgment of conviction is entitled to be regarded as a final judgment on the merits unless and until reversed on appeal, and a strong presumption of regularity regulatory attaches to such a judgment. A person who has been convicted of a crime has had an opportunity to present arguments and defenses in his behalf in a forum in which the full protections of the legal system are accorded him.

The Commission believes that if persons with criminal records are allowed to continue to function as commodity professionals notwithstanding an existing conviction, public confidence in the commodity industry may be undermined. In addition, the possibility of future wrongdoing by such persons exists. Most important, however, a significant amount of time may elapse until the appeals which are undertaken are concluded, which strongly suggests that withholding action until that time may be against the public interest. As the Commission's licensing procedures are intended to ensure the highest standards on the part of persons engaged in the commodity business, the Commission believes that it may duly condition the right of persons to assume a position of public trust upon their having a virtually unblemished record. This means that the Commission may properly elect to protect the public by giving effect to criminal convictions pending exhaustion of the appellate process.

III. Authority Under the Act to Refuse, Condition, Suspend, Place Restrictions Upon, or Revoke a Registration for Conviction of Certain Crimes.

The Act establishes the Commission's authority to deny, condition, suspend, place restrictions upon, or revoke a person's registration pursuant to appropriate procedures based upon certain criminal "convictions" without qualifying such authority and, as such, supports the Commission's determination that, as a matter of policy, a conviction should be used in making fitness decisions, notwithstanding a pending appeal. Specifically Section 8a(2) of the Act [6] authorizes the Commission:

> Upon notice, but without a hearing * * * to refuse to register, to register conditionally, or to suspend or place restrictions upon the registration of, any person and with such a hearing as may be appropriate to revoke the registration of any person—
>
> (D) if such person has been *convicted* within ten years preceding the filing of the application for registration or at any time thereafter of any felony that: (i) Involves any transactions or advice concerning any contract of sale of a commodity for future delivery, or any activity subject to Commission regulation under section 4c or 19 of this Act, or concerning a security, (ii) arises out of the conduct of the business of a futures commission merchant, introducing broker, floor broker, commodity trading advisor, commodity pool operator, associated person of any registrant under this Act, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company, or an affiliated person or employee of any of the foregoing, (iii) involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling, or (iv) involves the violation of section 152, 1341, 1342, or 1343, or chapter 25, 47, 95, or 96 of title 18, United States Code. (*Italics added*).

In addition, Section 8a(3) of the Act [7] permits the Commission:

> To refuse to register or to register or to register conditionally any person, if it is found, after opportunity for hearing, that—
>
> (D) such person was *convicted* of a felony other than a felony of the type specified in paragraph (2)(D) of this section within ten years preceding the filing of the application or at any time thereafter, or was convicted of a felony, including a felony of the type specified in paragraph (2)(D) of this section, more than ten years preceding the filing of the application;
>
> (E) such person was *convicted* within ten years preceding the filing of the application for registration or at any time thereafter of any misdemeanor which: (i) Involves any transaction or advice concerning any contract of sale of a commodity for future delivery or any activity subject to Commission regulation under section 4c or 19 of this Act or concerning a security, (ii) arises out of the conduct of the business of a futures commission merchant, introducing broker, floor broker, commodity trading advisor, commodity pool operator, associated person of any registrant under this Act, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company, or an affiliated person or employee of any of the foregoing, (iii) involves embezzlement, theft, extortion, fraud fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or

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[3] *See, e.g.*, Section 2(a)(1) of the Act (definition of futures commission merchant), Section 4b (prohibition against fraud), Section 4d(2) (segregation of customer funds), 7 U.S.C. 2, 6b, 6d(2) (1976 and Supp. V 1981 *as amended by* Pub. L. No 97–444 (1983)); and *Gordon v. Shearson Hayden Stone Inc.*, 2 Comm. Fut. L. Rep. ¶ 21,016 (CFTC 1980), *aff'd sub nom. Shearson Loeb Rhoades, Inc et al., v. CFTC*, No. 80–7212 (9th Cir., February 12, 1982).

[4] *See, e.g., Commodity Futures Trading Commission v. J. S. Love & Associates Options, Ltd., et al.*, 422 F. Supp. 852 (S.D.N.Y. 1976) (options salesmen); *Larry R. Williams and Michelle L. Noseworthy*, Nos. 76–4 and 76–13 (CFTC, November 8, 1978) [1975–1977 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 20,231 (commodity trading advisor).

[5] Sections 8a (2), (3), and (4) of the Act, *supra* note 1.

[6] *Supra* note 1.

[7] *Id.*

gambling, (iv) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25, 47, 95, or 96 of title 18, United States Code;

(H) such person * * * has been *convicted* in a State court or in a foreign court of conduct which would constitute a felony under Federal law if the offense had been committed under Federal jurisdiction. (*Italics added*).

Moreover, Section 8a(4) of the Act permits the Commission to suspend, revoke, or place restriction upon the registration of any person registered under the Act, in accordance with appropriate procedure, if cause exists under paragraph (3) of Section 8a.[8] Thus, the Act makes the fact of certain convictions the basis for disqualification from registration, without excluding or otherwise limiting the use of a conviction for which an appeal is pending. The Commission therefore believes that Congress intended that all such convictions, whether or not the subject of an appeal, be considered in applying the licensing procedures under the Act.

IV. Court Decisions Construing Requirements That Licenses of Professionals Be Revoked or Suspended Upon Conviction for Certain Crimes

The position that a conviction on appeal should be given effect in evaluating a person's fitness to be licensed as a professional is consistent with judicial precedent. While there are no cases which specifically address the question of whether a Commission determination of unfitness for registration may be based on a conviction for which an appeal is pending, or which otherwise interpret the meaning of the work "conviction" in Sections 8a(2) or 8a(3) of the Act prior to the recent amendments thereto,[9] or the Good Cause Standards which had been issued thereunder, [10] there are cases which consider the permissibility of using such a conviction in connection with the licensing of other professionals.

A. There is No Constitutional Bar to Use of Convictions on Appeal

Under existing case law concerning the refusal or removal of professional licenses the weight of authority is, in general, that there is no constitutional barrier to the use of a conviction for which an appeal has been taken provided a subsequent reversal will be recognized.[11] For example, a unanimous New York Court of Appeals held in a case involving John N. Mitchell, a former Attorney General of the United States, that "an attorney convicted of a felony has no constitutional right to practice law pending an appeal of his conviction" under a New York statute which that court had earlier construed as "accomplishing the *automatic* removal from the professional of a lawyer convicted of a felony." (Italics added).[12] The Maryland Court of Appeals similarly concluded that "the interest of the public, the legal profession, and the judicial system itself far outweigh the convicted attorney's interest in continuing to practice law. We think that the interim suspension provisions of [the governing] rule * * * are an appropriate response to society's interest in protecting and safeguarding its legal and judicial systems, and that the rule does not violate any of [the attorney's] * * * constitutionally protected property or other due process rights." [13]

B. Other Arguments Against Use of an Appealed Conviction in Fitness Determinations Have Been Generally Rejected

Without specifically considering the constitutional implications, several other courts also have concluded that a pending appeal of a conviction does not preclude the use of that conviction in disbarment proceedings.[14]

For example, with respect to a rule providing for suspension of a lawyer upon conviction of a felony in a case in which the conviction was on appeal, the Florida Supreme Court explained that "[t]he immediate suspension procedure set forth in our rules is designed to remove from public counseling and from the court system as promptly as possible, but not irrevocably, individuals who stand convicted of a felony offense. All events in an attorney's life prior to his conviction are, in effect, overwhelmed by a felony conviction. The purpose of the rule is to cleanse the profession of those who cannot themseles abide by the law." [15] Basing its conclusion upon an analysis of the language of the applicable court rule, the rule's intended purposes, and other case law, the Alabama Supreme Court likewise held in a decision rendered in 1970 that the Alabama rule required an attorney to be disbarred upon conviction of a felony.[16]

C. Effect of Reversal of a Conviction on its Use in Disciplinary Proceedings of Professionals

Although there does not appear to be a constitutional impediment to the use of a conviction for which an appeal is pending in license revocation or suspension proceedings, the courts have expressed concern as to the availability of reinstatement of a license if the appeal is ultimately successful. Thus, in several cases where the controlling rule or statute was silent concerning the consequences of a reversal of a conviction, the courts permitted convictions on appeal to serve as grounds for disciplinary action, but specifically read into the rule or statute a requirement that if the conviction which provided the predicate for the sanction were subsequently reversed, reinstatement of the license should result.[17] In these cases, the courts found that the power to reinstate was either implicit in the particular statute, itself, or where a court rule was involved, found such power to be vested in the courts by virtue of their inherent

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[8] *Id.*

[9] *See* 7 U.S. 12a (2) and (3) (1976) (amended 1983).

[10] *See* "Interpretative Statement Regarding Good Cause Standards for Denial of Registration" ("Good Cause Standards"), 17 CFR Appendix A to Part 3 of the Commission's regulations (1982). Most of these standards have now been incorporated in the Act, itself, by the recent amendments although Section 8a(3)(M) of the Act, as amended, preserves the "good cause" criterion in registration fitness deteminations.

[11] *See In re Stoner*, 507 F. Supp. 490 (N.D.Ga. 1981); *U.S. v. Friedland*, 502 F. Supp. 611 (D.N.J. 1980); *In re Stoner*, 246 Ga. 581, 272 S.E.2d 313 (1980); *Attorney Grievance Commission v. Reamer*, 281 Md. 323, 379 A.2d 171 (1977); *Mitchell v. Association of Bar of City of New York*, 40 N.Y. 2d 153, 386 NY.S.2d 95, 351 N.E.2d 743 (1976).

[12] *Mitchell v. Association of Bar of City of New York*, 351 N.E.2d at 746, *id.*

[13] *Attorney Grievance Commission v Reamer*, *supra* note 11.

[14] *See The Florida Bar v. Prior*, 330 So.2d 697 (Fla. 1976); *In re Sauer*, 390 Mich. 449, 213 N.W.2d 102 (1973); *Ex Parte Alabama State Bar*, 285 Ala. 191, 230 So.2d 519 (1970); *In re Minner*, 133 Kan. 789, 3 P.2d 473 (1931); *Ex Parte Cohen*, 72 Or. 570, 144 P. 79 (1914).

[15] *The Florida Bar v. Prior*, *id.*

[16] *Ex Parte Alabama State Bar*, 230 So.2d at 523, 525, *supra* note 14. In a 1972 decision by the United Stated Court of Appeals for the Seventh Circuit disallowing the use of a conviction to suspend an attorney's license to practice law until the exhaustion of direct appeals for mismemeanor convictions, the court appears to have been significantly influenced by concerns as to the fairness of the district court's procedure in addition to the mere fact of a pending appeal. *In re Ming*, 469 F.2d 1352 (7th Cir. 1972). However, the court also noted that it was interpreting procedural rules which authorized a hearing under the circumstances of the particular case. The court additionally held the hearing procedure to be constitutionally deficient because the attorney was only provided with a "paper hearing" on the facts surrounding his conviction which was a misdemeanor and not a felony. It seems unlikely, however, that the Seventh Circuit would today arrive at the same result as case law since the decision in *Goldberg v. Kelly* in 1970 (397 U.S. 254), on which the court strongly relied, has significantly circumscribed the extent to which due process requirements mandate an oral, evidentiary-type hearing prior to a deprivation of a property interest. *See, e.g., Board of Curators of the University of Missouri v. Horowitz*, 435 U.S. 78 (1978); *Ingraham v. Wright*, 430 U.S. 651 (1977); *Mathews v. Eldridge*, 424 U.S. 319 (1976).

[17] *U.S. v. Friedland, Mitchell v. Association of Bar of City of New York*, *supra* note 11; *Ex Parte Alabama State Bar*, *supra* note 14.

jurisdiction over their member attorneys. In several other cases in which disbarment or suspension of a law license was upheld notwithstanding an appeal of the disqualifying conviction, the pertinent rule or law merely authorized suspension of the license pending exhaustion of the appellate process, thereby implicitly acknowledging that a reversal of the conviction would necessitate a reappraisal of the sanction.[18] Due to its appreciation of this generally-recognized constraint on the use of convictions on appeal in making determinations of fitness to engage in a profession, the Commission has determined to make public the limitations it intends to observe in using such convictions in its licensing procedures. Specifically, the Commission has determined that it will not exercise its authority under Section 8a (2) and (3) of the Act to bar persons unconditionally from registration with the Commission for the time periods prescribed in these sections [19] if their disqualification from registration is based on a conviction which is overturned on appeal. In such a case, a new application for registration may be submitted to the Commission for its consideration.[20]

V. Reasons Against Permitting State Law to Control Effect to be Given a Conviction on Appeal in Registration Determinations

Rather than adopting, in its licensing determinations, a uniform approach to the treatment of a conviction for which an appeal is pending, the Commission could instead look to state law in each case which this issue may be presented. However, the Commission has decided against such an approach for several reasons.

First, as previously noted, the Act itself does not require the Commission to disregard a criminal conviction which is on appeal in evaluating fitness for registeration as a commodity professional.[21] Thus, even though a particular state procedure might so require, Congress has not mandated such a result under the Act. Second, the legislative history of the Act makes clear that one of the principal reasons for the extensive amendments to the Act effected in 1974 was Congress' concern over the then-growing trend to apply state laws to commodity matters and its desire to establish a single federal authority to regulate this area.[22] In this connection, Congress specifically gave the Commission exclusive jurisdiction with respect to commodity-related matters such as determining the fitness of commodity professionals to be registered with the Commission.[23] To permit state law to control in matters concerning the licensing of commodity professionals might undercut the exclusivity of the Commission's jurisdiction in this area and, more importantly, might frustrate Congress' purpose which was to ensure that one body of law would develop and govern. Additionally, to apply state law in each case which arises would result in the application of different standards to persons otherwise in the same posture, a result at odds with the regulatory scheme adopted by Congress.[24]

Finally, as a federal regulatory agency charged by Congress with the administration and enforcement of a federal statute, the Supremacy Clause of the Constitution and the priciples of federalism embodied therein authorize the Commission to override state law in federal registration matters.

VI. Conclusion

The Commission, therefore, has determined as a matter of policy to give effect in fitness determinations to criminal convictions notwithstanding pending appeals. The Commission is nonetheless mindful of the need for a meaningful opportunity for reinstatement if an appeal proves successful. Consequently, the Commission has also determined not to exercise its authority under the Act to bar a person from registration with the Commission for the prescribed 10-year period based upon a conviction as set forth in Section 8a(2)(D),[25] for the 5-year period prescribed by Section 8a(2)(B) subsequent to a denial based upon certain felony or misdemeanor convictions as set forth in Sections 8a(3)(D), (E), and (H),[26] or for the various periods prescribed in Sections 9 (a), (b), and (c) based upon certain criminal convictions set forth therein,[27] if the conviction upon which the disqualification from registration depends is reversed on appeal. Upon such a reversal, the Commission will accept from such person a new application for registration, reinstatement, or removal of conditions or restrictions. Accordingly, all applicants for registration with the Commission and current registrants are hereby advised that the Commission has directed its staff to administer the registration provisions of the Act in accordance with this Statement.

Issued in Washington, D.C. on March 18, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-7629 Filed 3-23-83; 8:45 am]

BILLING CODE 6351-01-M

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[18] *In re Stoner*, 507 F. Supp. 490, *In re Stoner*, 246 Ca. 561, *supra* note 11; *The Florida Bar v. Prior*, *supra* note 14.

[19] *See, e.g.*, Section 8a(2)(D) of the Act, *as enacted by* the Futures Trading Act of 1982, *supra* note 1, which generally establishes a 10-year bar from registration for certain commodities or securities-related felony convictions; and Section 8a(2)(B) of the Act, *as enacted by* the Futures Trading Act of 1982, *supra* note 1, which generally establishes a 5-year bar from registration subsequent to a Commission denial of registration after opportunity for a hearing based on certain convictions which constitute grounds for findings of unfitness under the Act. *See also* Sections 9 (a), (b), and (c) of the Act, *as amended by* the Futures Trading Act of 1982, *supra*, section 227 (1), (2), and (3), which provide for registration bars upon the conviction of specified commodity-related crimes unless the Commission determines that their imposition is not required to protect the public interest.

[20] The Commission notes, however, that reversal of a conviction would not automatically require registration as the reversal may be the result of technicalities unrelated to the merits of the case. *See, e.g., In re Ming*, 469F.2d at 1354, *supra* n. 16.

[21] *See* Section III *supra*.

[22] *See* H.R. Rep. No. 93-975, 93d Cong., 2d Sess. 48 (1974); H.R. Rep. No. 93-1383 (Conference Report), 93d Cong., 2d Sess. 35-36 (1974).

[23] 7 U.S.C. 2, 12a (2) and (3) (1976 & Supp. V 1981 *as amended by* Pub. L. 97-444).

[24] Moreover, as a practical matters, it may be difficult and time-consuming to ascertain the correct interpretation to be accorded to the laws of each of the fifty states on this issue.

[25] *See* n. 19 *supra*.

[26] *See* n. 19 *supra*.

[27] *See* n. 19 *supra*.

DEPARTMENT OF DEFENSE

Defense Nuclear Agency

Scientific Advisory Group on Effects (SAGE); Meeting

The Scientific Advisory Group on Effects (SAGE) will meet in closed session May 3 to May 6, 1983 in the Washington, DC area.

Agenda: May 3 to 6 (0830-1700): Presentations, Discussions and Executive Sessions on Issues Related to Pulse Power and Radiation Simulator Source Development.

The presentations and discussions in the above cited agenda will focus on current and planned RDT&E programs sponsored by the Defense Nuclear Agency (DNA). Executive sessions will be held for the primary purpose of advising the Director, DNA as to the adequacy of ongoing and planned programs. All planned presentations, discussions, and executive sessions will include classified defense information; therefore, under the provisions of Sections 552b(c) (1) and (3), Title 5, U.S.C., this meeting is closed to the public.

Any additional information concerning the meeting may be obtained from: Lt Col Robert A. Rissell, USAF, Scientific Secretary, SAGE, Headquarters, Defense Nuclear Agency, ATTN: DDST, Washington, DC 20305.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 21, 1983.

[FR Doc. 83-7690 Filed 3-23-83; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 11, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on the Potential Military Utility of a Manned National Space Station will meet at the Pentagon, Washington, DC on April 13–14, 1983. The purpose of the meeting will be to review NASA contractors' studies. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-7636 Filed 3-23-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

March 11, 1983.

The USAF Scientific Advisory Board will meet in general session at Headquarters SAC, Offutt AFB, NE on April 27–28, 1983. The purpose of the meeting will be to review Strategic Command, Control, and Communications (C^3). The meeting will convene at 8:00 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Winnibel F. Holmes,

Air Force Federal Register Liaision Officer.

[FR Doc. 83-7637 Filed 3-23-83; 8:45 am]

BILLING CODE 3910-01-M

Air Force Academy Board of Visitors; Meeting

Pursuant to section 9355, Title 10, United States Code, the Air Force Academy Board of Visitors will meet at the Air Force Academy, Colorado Springs, Colorado, April 14–16, 1983. The purpose of the meeting is to consider morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy.

A portion of the meeting will be open to the public on April 15, 1982 from 1:00 p.m. to 3:50 p.m. Other portions of this meeting will be closed to the public to discuss matters analogous to those listed in subsections (2), (4) and (6) of section 552b(c), Title 5, United States Code. These closed sessionss will include: attendance at cadet classes and panel discussions with groups of cadets and military staff and faculty officers involving personal information and opinions the disclosure of which would result in a clearly unwarranted invasion of personal privacy. Closed sessions will also include executive sessions involving discussions of personal information, including financial information, and information relating solely to internal personnel rules and practices of the Board of Visitors and the Academy. Meeting sessions will be held in the Superintendent's Conference Room, Harmon Hall, USAF Academy.

In addition to open meeting sessions, the public is welcome to attend a press conference scheduled for 12:00 p.m. on April 16 in the Falcom Room, USAF Academy Officers' Open Mess.

For further information, contact Captain David W. Keith, Headquarters, U.S. Air Force (MPPA), Washington, D.C. 20330, at (202) 697–7116.

Winnibel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc. 83-7608 Filed 3-23-83; 8:45 am]

BILLING CODE 3910-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondents; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

RENEWAL NO CHANGE.

Turbine Wheel Historical Record, AFTO Form 44.

This form is used to document operating time accumulated cycles and maintenance history of jet engine turbine wheels. The documented data is then used to establish replacement time intervals in an effort to promote safety.

Depot maintenance contractors: 1200 responses, 396 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD, DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from T. G. Stewart, HQ AFLC/LOLMG, Wright Patterson AFB OH 45433, telephone (513) 257–4896.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 18, 1983.

[FR Doc. 83-7603 Filed 3-23-83; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers; Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Flood Damage Reduction, Kahawainui Stream, Laie, Oahu, Hawaii

February 28, 1983.

AGENCY: Army Corps of Engineers, DOD, Honolulu District.

ACTION: Notice of intent to prepare a DEIS.

SUMMARY:

1. The proposed action involves reduction of flood damages in the community of Laie, Oahu, Hawaii.

2. Reasonable alternatives to be investigated in detail during the survey study for this project include the following structural and non-structural measures:

a. *Bridge and Channel Modifications.* This structural alternative would increase flood flow capacity by enlarging the channel and removing constrictive points in the stream.

b. *Levee System Development.* This structural alternative would reduce flood damage by confining flood waters to a designated floodway.

c. *Levee Construction and Channel Modifications.* This structural alternative would reduce flood damage by both confining flood waters and enlarging the channel.

d. *Floodproofing and Floodplain Management.* This nonstructural alternative would reduce flood damage by removing, floodproofing or prohibiting certain damageable property within the flooding zone.

3. The study involves coordination with sponsoring agencies, other government agencies, community organizations and the general public. Activities include informal meetings, workshops, formal public meetings, issuance of public notices and letter responses. All pertinent agencies have been notified of study initiation. A public workshop was held with interested agencies and the public on 4 February 1981. A formal public meeting was held on 27 May 1981. Another public meeting will be held after the public has an opportunity to review the draft survey report and DEIS for this project.

a. *Significant Issues To Be Analyzed:*

(1) Comparative environmental impacts of the proposed alternatives.

(2) Project impacts on cultural resources.

(3) Project impacts on stream water quality aquatic resources, including wetlands.

(4) Assessment of community responses to alternative plans.

b. *Possible Assignments for Input Into the EIS Among the Lead and Cooperating Agencies:*

(1) *US Fish and Wildlife Service.* Provision of a Fish and Wildlife Coordination Act section 2b report to assist in assessment of ecological impacts.

(2) *State Historic Preservation Officer.* Identification and evaluation of previous cultural resource surveys.

(3) *County of Hawaii.* Socio-economic data.

(4) *State Department of Health.* Water Quality data.

c. *Identification of Other Environmental Review and Consultation Requirements.*

(1) Section 106 of the National Historic Preservation Act of 1966 requires survey and coordination regarding potential impact on significant cultural resources.

(2) Section 404 of the Clean Water Act of 1977 requires evaluation of projects to assess impacts resulting from deposition of dredged or fill materials into waters of the U.S.

(3) Coastal Zone Management Act of 1972 requires that a project must comply with the federal law as well as be consistent with the Coastal Zone Management program for the State of Hawaii.

4. A scoping meeting will not be held on the project. Pertinent Federal, State and local agencies responsible for planning assessment have already been informed of the proposed action.

5. Under the present schedule, the DEIS will be made available to the public in July 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. James Maragos, EIS Coordinator, US Army Engineer District, Honolulu, Building 230, Fort Shafter, Hawaii 96858, Telephone: (808) 438–2263.

Dated: March 16, 1983.

John O. Roach II,

DA Liaison Officer with the Federal Register.

[FR Doc. 83–7602 Filed 3–23–83; 8:45 am]

BILLING CODE 3710–HN–M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Possible Deepening of the Existing Navigation Channel From Tongue Point Near River Mile 18 to the Mouth of the Columbia River, Oregon and Washington

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a DEIS.

The Portland District, Corps of Engineers is currently studying the feasibility of deepening the existing navigation channel from Tongue Point to the mouth of the Columbia River (River Mile 18.2 to River Mile –2).

Channel deepening might become necessary if local planning to construct large-scale coal or bulk-cargo export facilities is successful. Pacific-rim nations are expected to import larger volumes of coal in the future to meet their energy needs. Large reserves of coal in several western states are linked directly be rail to the Columbia River navigation channel. The State of Oregon is seeking development of a large coal-export facility on state-owned land at Tongue Point, which is located about 18 miles from the river's mouth. Such a facility would require a turning basin and deepening of the existing navigation channel downstream from Tongue Point including the entrance channel over the ocean bar, to accommodate coal-carrying vessels. These vessels could draw as much as 55 feet of water. The Port of Astoria is also planning to develop a similar coal-export facility at Astoria, about 13 miles from the river's entrance, with a possible over-flow site at Skipanon, approximately two miles west of Astoria.

Inititation of the scoping process started in March 1982 with meetings between appropriate resource agencies. In March 1983 a formal scoping letter will be issued containing a draft outline of significant issues which will be discussed in the DEIS, and studies being conducted by the Corps to address the identified issues. Federal, State and local agencies, Indian tribes, interested organizations and individuals will be requested to comment on the scoping letter and to identify significant issues relating to the proposed dredging. Scoping meetings will be held if necessary for public participation in the preparation of the EIS. The DEIS is scheduled for agency and public review and comment in December 1984. The final EIS is tentatively scheduled for publication in the fall of 1985.

ADDRESS: If you have any further questions, please contact Byron Blankenship or Nandraine Tuck, (503) 221–6437 (FTS 423–6437), U.S. Army Corps of Engineers, Natural Resources Branch, P.O. Box 2946, Portland, Oregon 97208.

John O. Roach II,

DA Liaison Officer with the Federal Register.

[FR Doc. 83–7601 Filed 3–23–83; 8:45 am]

BILLING CODE 3710–GB–M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Aloha-Rigolette Area, Louisiana, Project

AGENCY: U.S. Army Corps of Engineers, DOD, New Orleans District.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: *Proposed Action.* The proposed acton is to determine what drainage improvements will be necessary to address flooding problems presently being experienced in the Aloha-Rigolette Area, located in central Louisiana on the left descending bank of the Red River between the towns of Winnfield and Pineville, Louisiana.

2. *Reasonable Alternatives.* Alternatives under consideration include:

a. Enlargement of major bayous in the floodplain (i.e., Bayous Rigolette, Darow, Marteau, DuGrappe, Surgarhouse, Caney, Saline and Walden) and the diversion channels constructed as part of the existing 1955 Aloha-Rigolette Area Project;

b. Construction of additional floodgates adjacent to the existing Bayou Rigolette floodgate site;

c. Clearing and snagging major bayous and the diversion channels and construction of additional floodgates adjacent to the existing floodgate;

d. Construction of a pumping station adjacent to the existing floodgate;

e. Construction of additional floodgates adjacent to the existing floodgate and acquiring in fee or easement lands subject to flooding when the floodgates must be closed.

3. *Scoping Process.*

a. The initial public meeting for this study was held in Colfax, Louisiana, on May 16, 1979. The purpose of this meeting was to allow the public an opportunity to express their views about the problems and needs of the basin and any possible solutions considered appropriate for investigation. On February 10, 1981, during review of the draft reconnaissance report, a meeting was held with Grant Soil and Water Conservation District personnel and area residents in Colfax, Louisiana, to discuss results of the draft report. There are additional public involvement activities tentatively planned for the latter pat of 1983, but no dates have been established.

b. Significant issues to be analyzed in the DEIS include: passage of floodwaters through the drainage basin and into the Red River, easements versus fee purchased to achieve project purposes, impacts of the proposed plan on biological, cultural, historical, social, economic, and water quality resources and project costs.

c. The Environmental Protection Agency will provide water quality imput for the DEIS. The U.S. Fish and Wildlife Service will provide Planning Aid data for the DEIS and a Coordination Act Report for the Final EIS. The Service will also conduct a Habitat Evaluation Procedure (HEP) in conjunction with representatives from the Corps and the Louisiana Department of Wildlife and Fisheries. This study will assess the quality and value of the habitats which would be affected by the proposed project.

d. The DEIS will be coordinated with all required Federal, State, and local agencies, environmental groups, landowners, and interested individuals.

4. *Scoping Meetings.* No future scoping meeting have been scheduled.

5. *Estimated Availability Date of DEIS.* The DEIS is expected to be available to the public in March 1984.

ADDRESS: Questions concerning the proposed action and DEIS can be directed to Dr. Peter S. Mathies, U.S. Army Corps of Engineers, Environmental Quality Section (LMNPD-RE), Post Office Box 60267, New Orleans, Louisiana 70160, (504) 838–2525.

Dated February 28, 1983.

Robert C. Lee,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83–7605 Filed 3–23–83– 8 45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of DOE proposals sent to OMB for approval since Thursday, March 17, 1983. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATES: Last notice published Thursday, March 17, 1983.

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H–023, Forrestal Building, 1000 Independence Ave., NW., Washington, DC 20585; (202) 252–2308;

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503; (202) 395–7340; or

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503; (202) 395–3087.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., March 18, 1983

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE Forms Under Review by OMB

Former No (1)	Form title (2)	Type of request (3)	Response frequency (4)	Response obligation (5)	Respondent description (6)	Estimated number of respondents (7)	Annual respond- [illegible] (8)	Abstract (9)
FERC: FERC-519	Application for Approval of Disposition of Facilities, Merger, etc.	Extension	On occasion	Mandatory	Public utilities	15	1275	The information provided in these filings is used to determine whether an applicant should be permitted to dispose of jurisdictional facilities merge such facilities owned by another person, or acquire the securities of another public utility pursuant to the Federal Power Act, Section 203.

DOE FORMS UNDER REVIEW BY OMB—Continued

Former No. (1)	Form title (2)	Type of request (3)	Response frequency (4)	Response obligation (5)	Respondent description (6)	Estimated number of respondents (7)	Annual respondent burden (8)	[illegible] (9)
FERC-533	Gas Producer Rates: Special Relief Petition.	Extension	On occasion	Mandatory	Natural gas producers	70	5600	Information is collected to allow commission review of producer claims for relief from provisions of the Natural Gas Policy Act in order to continue the production of flowing gas.

[FR Doc.83-7579 Filed 3-23-83; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP83-138-001]

Columbia Gas Transmission Corp.; Amendment to Application

March 18, 1983.

Take notice that on February 23, 1982, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83-138-001 an amendment to its pending application filed in Docket No. CP83-138-000 pursuant to Section 7(b) of the Natural Gas Act so as to include the proposed abandonment of a delivery point to Delta Natural Gas Company, Inc. (Delta), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its application, Applicant proposes to revise its service agreement with Delta which would effectuate a consolidation of its contract demand under Rate Schedule CDS to Delta (Cumberland) of 3,800 dt equivalent of gas per day and Delta (Wiser) of 1,600 dt equivalent of gas per day for a total of 5,400 dt equivalent of gas per day to Delta (Cumberland). Applicant also proposes in the application to revise a service agreement with the Suburban Fuel Gas, Inc. that would provide an additional delivery point in Middleton Township, Wood County, Ohio.

Applicant states in its application it omitted to request authorization for the abandonment of the delivery point at Delta (Wiser) and accordingly now requests such abandonment authorization.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 8 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc 83-7561 Filed 3-23-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-198-000]

Michigan Wisconsin Pipe Line Co.; Application

March 18, 1983.

Take notice that on February 15, 1983, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP83-198-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon by transfer to its affiliate, ANR Production Company (ANR), production properties and related facilities which are used by Applicant in the sale of natural gas to its customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to abandon by transfer, effective January 1, 1983, those properties owned by it in the state of Oklahoma that, it states, produce natural gas subject to the pricing provisions of sections 104 and 108 of the Natural Gas Policy Act of 1978 (NGPA) and over which the Commission retains jurisdiction under the Natural Gas Act. Applicant states that the transfer is being made as part of a corporate reorganization and that it would continue to receive the natural gas here involved from ANR pursuant to contracts entered into between Applicant and ANR. Applicant further states that there would be no change in the service provided to Applicant's customers since the same service which Applicant provides would be provided by ANR, there would be no change in the price of the natural gas Applicant includes in its cost-of-service since Applicant has been authorized by the Commission to value its production at NGPA prices and the gas would be sold to Applicant by ANR at such prices. Further, Applicant states that by consolidating all exploration and production activities in one corporate unit that unit would be able to continue to serve Applicant and its customers now and in the future in an adequate, economic, and reliable manner.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if

the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7552 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP83-219-000 and CP60-44-002]

Michigan Wisconsin Pipe Line Co. and Texas Gas Transmission Corp.; Application and Petition To Amend

March 18, 1983.

Take notice that on March 7, 1983, Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detrioit, Michigan 48226 and Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky, filed in Docket No. CP83-219-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Texas Gas to transport up to 500,000 Mcf of natural gas per day for Mich Wisc from an existing interconnection in Acadia Parish, Louisiana, to a processing plant owned and operated by Texas Gas Exploration Corporation (Exploration), also in Acadia Parish, and incident therewith, the construction and operation of pipeline and associated facilities by Mich Wisc necessary to effectuate delivery of gas to Texas Gas and to permit redelivery of equivalent volumes less shrinkage and fuel use to Mich Wisc near Mich Wisc's Eunice compressor station, Acadia Parish, Louisiana. Further, applicants request in Docket No. CP60-44-002 further amendment of the order issued August 11, 1960,[1] in Docket No. CP60-44 pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional exchange point between Applicants at the tailgate of Exploration's processing plant. The subject proposals are more fully set forth in the application and petition which are on file with the Commission and open to public inspection.

Applicants indicate that Mich Wisc has entered into a gas processing agreement with Exploration dated February 16, 1983, which provides that Exploration would have the exclusive right to process Mich Wisc's gas stream proximate its Eunice, Louisiana, compressor station for the extraction of liquefiable hydrocarbons including the right to purchase and thereafter market the extracted products. Applicants request certificate authorization to implement the processing agreement. Mich Wisc states that pursuant to the agreement, it is responsible to Exploration for its *pro rata* share of plant fuel and shrinkage incident to the processing of its gas stream, including reimbursement to Exploration for all production, severance, use, and/or similar taxes (if any) attributable to Mich Wisc's gas. Mich Wisc states that the purchase price which Exploration has agreed to pay it is predicated on Mich Wisc's allocated share of the plant products f.o.b. the plant. Mich Wisc further states that it has reserved the option to take all, or a portion of its extracted products in kind provided it gives Exploration at least a six-month prior written notice. Moreover, Mich Wisc states that it has reserved the right to suspend deliveries of its gas stream to the plant in the event the value of the natural gas to be processed if greater than the value of the thermal equivalent of the shrinkage. Applicants also indicate that the primary term of the agreement is for ten years commencing from the date of initial deliveries and may be extended thereafter from year to year unless cancelled by either Mich Wisc or Exploration by at least a one-year advance notification. Mich Wisc indicated that with respect to the revenues received by it from Exploration incident to the processing of its gas, it proposes to credit such revenues to the cost of service borne by its resale customers.

Mich Wisc indicates that the capacity of the existing custody transfer meters at Mich Wisc's Eunice compressor station is presently inadequate to measure the quantities of gas proposed to be delivered under various existing arrangements plus the quantities of gas destined for processing. Accordingly, Mich Wisc states that it proposes to increase the capacity of the custody transfer meters to Texas Gas by adding two new 16-inch orifice meter runs and associated appurtenances. Moreover, to enable Mich Wisc to effectuate receipt of the residue of its gas stream from the processing plant, Mich Wisc states that it further proposes to construct and operate approximately 4,700 feet of 30-inch O.D. pipeline and associated facilities which would connect the tailgate of the processing plant with Mich Wisc's transmission system.

Mich Wisc indicates that the estimated cost of the line and related facilities in addition to the measurement facilities is $3,156,690 which Mich Wisc indicates would be financed by a contribution in aid of construction by Exploration in an amount covering the entire actual cost of the proposed facilities.

It is indicated that Texas Gas would charge Mich Wisc a transportation rate of 0.2 cent per Mcf of gas redelivered to Exploration for the account of Mich Wisc.

Additionally, Applicants request that the order issued August 11, 1960, in Docket No. CP60-44 be further amended so as to authorize the addition of an exchange point at the tailgate of the processing plant which would enable Mich Wisc to effectuate new deliveries by exchange of the residue gas during the period before the construction of the interconnection of pipeline facilities proposed in Docket No. CP83-219-000.

Any person desiring to be heard or to make any protest with reference to said application and petition should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7553 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-209-000]

Natural Gas Pipeline Company of America; Application

March 18, 1983.

Take notice that on February 28, 1983, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP83-209-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the tranportation of natural gas for Michigan Wisconsin Pipe Line Company (Mich Wis), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that it has entered into a gas transportation agreement with Mich Wis dated December 15, 1982, under which it would transport daily volumes of natural gas equal to 1.5 billion Btu per day of contract demand quantity on a firm basis and up to 375 million Btu of overrun gas on a best-efforts basis for Mich Wis. It is further asserted that Mich Wis would deliver said volumes to Applicant at existing points of receipt in the Southwest Burns Flat area of Washita County, Oklahoma. It is stated that Applicant would redeliver equivalent volumes less reduction for fuel and unaccounted-for gas, to Mich Wis at the existing point of interconnection between the facilities of Mich Wis and Applicant in Hansford County, Texas.

Applicant further states that it initially proposes to charge Mich Wis a monthly demand charge of $3.04 times the demand quantity and a monthly charge of 10.0 cents per million Btu for overrun gas delivered to Applicant's receipt point. Applicant states further that it proposes to charge Mich Wis for the transportation and handling of liquefiables at a monthly fee equal to the sum of the products of the pipeline miles for each of the wells in the Southwest Burns Flat Area times 35.0 cents per Mcf of liquefiables from each well connected before January 1, 1982, and 45.0 cents per million Btu of liquefiables from each well connected after January 1, 1982. Applicant also states it proposes to credit 10.0 cents per million Btu of gas equal to the volumes of Mich Wis' liquefiables transported. Applicant further proposes that such fee be adjusted retroactively, if necessary, as a result of any relevant final order of the Commission and other governmental body, to the extent that such fee does not fully compensate Applicant for all cost incurred.

Applicant further requests blanket authorization to add receipt points from Mich Wis in the Southwest Burns Flat Area.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7554 Filed 3-23-83; 8:45 a.m]

BILLING CODE 6717-01-M

[Docket No. CP83-205-000]

Northwest Central Pipeline Corp.; Application

March 18, 1983.

Take notice that on February 24, 1983, Northwest Central Pipeline Corporation (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP83-205-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon by reclaim the McLouth Booster Station and appurtenant facilities in Jefferson County, Kansas, and to abandon the transportation of gas through these facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon by reclaim the McLouth Booster Station consisting of one 360 horsepower rental compressor unit, approximately 0.16 mile of 6-inch gas pipeline and appurtenant facilities which were installed in 1981 to recover natural gas which escaped from its McLouth Storage Field storage formation into a deeper formation due to drilling being done in deeper formations. Such facilities, it is asserted, are no longer necessary. Applicant asserts that the pressure and quantity of the gas which escaped from the storage formation has now declined to the point that it cannot be economically compressed.

No service to any customers would be terminated as a result of this proposed abandonment, it is explained.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held

without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7555 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-363-000]

Southern California Edison Co., Filing

March 18, 1983.

Take notice that on March 10, 1983, Southern California Edison Company (Edison) tendered for filing, as a Supplement to its Rate Schedule FPC No. 38, the "Agreement Between Southern California Edison Company and the State of California Department of Water Resources" ("Agreement"), executed as of December 31, 1982.

Edison states the Agreement modifies its Rate Schedule FPC No. 38, in pertinent part, by establishing and modifying terms, conditions, and charges for certain interstate and intrastate transmission services.

Edison requests an effective date of April 1, 1983, and therefore request waiver of the Commission's notice requirements.

Copies of this filing were served upon the Public Utilities Commission of the State of California, State of California Department of Water Resources, Pacific Gas and Electric Company, and San Diego Gas and Electric Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7556 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-379-000]

Tampa Electric Co.; Filing

March 18, 1983.

Take notice that on March 10, 1983, Tampa Electric Company ("Tampa Electric") tendered for filing an Agreement for Interchange Service between Tampa Electric and Seminole Electric Cooperative ("Seminole"), together with Service Schedules A, B, and C thereunder.

Tampa Electric states that Service Schedules A, B, and C provide for emergency, scheduled, and economy energy interchange service, respectively, between Tampa Electric and Seminole.

Tampa Electric proposes an effective date of March 15, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on Seminole and the Florida Public Service Commission.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7557 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-64-001]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Amendment To Application

March 18, 1983.

Take notice that on February 25, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-64-001 an amendment to its pending application filed in Docket No. CP83-64-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect a change in its proposed transportation of natural gas for the account of Columbia Gas Transmission Corporation (Columbia), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Pursuant to a gas transportation agreement with Columbia dated January 19, 1981, as amended July 17, 1981, and October 21, 1981, Applicant proposes in its application to transport up to a total of 10,000 Mcf of natural gas per day for Columbia which is produced from the New Ulm Field, Austin County, Texas Applicant states that the volumes to be purchased by Columbia and transported by Applicant would be made available to Applicant at points of receipt on Applicant's system in the New Ulm Field and at the tailgate of the Amerada-Hess gas processing plant, Austin County, Texas. Applicant asserts that it would deliver equivalent volumes, less transportation and fuel use volumes, to Columbia at "Egan B," an existing point of interconnection with Columbia located in Acadia Parish, Louisiana.

Applicant now amends its application to reflect a reduction in the maximum transportation volume of 10,000 Mcf of gas per day to 5,000 Mcf of gas per day Applicant states that in all other respects, its application remains unchanged.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons

who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7558 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-225-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Request Under Blanket Authorization

March 18, 1983.

Take notice that on March 9, 1983, Tennessee, Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-225-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Tennessee proposes to reduce natural gas service to East Tennessee Natural Gas Company (East Tennessee) under the authorization issued in Docket No. CP82-413-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee proposes to reduce East Tennessee's annual volumetric limitation (AVL), as established by Opinion Nos. 712 and 712-A in Docket Nos. CP73-115 and CP74-27, by 6,090,000 Mcf. By letter dated March 8, 1983, East Tennessee has consented to the partial reduction in service to enable Tennessee to lower its total system AVL by an amount equal to the total increase of AVL to certain of Tennessee's customers as authorized in Docket No. CP82-107, it is stated. It is further stated that Tennessee would reduce deliveries to East Tennessee as follows:

Month	Priority 4 (Mcf)	Priority 5 (Mcf)	Priority 6 (Mcf)	Priority 7 (Mcf)	Priority 8 (Mcf)	Total
April				295,161		295,161
May	533,938	176,440	131,533	732,056		1,573,967
June				674,470	240,032	938,502
July			131,533	784,201	197,459	1,113,193
August			131,533	656,673		788,206
September			73,477	759,940	104,809	938,226
October				366,405	84,238	450,643
Total	533,938	176,440	468,076	4,268,906	650,538	6,097,898

Tennessee avers that a number of Tennessee's customers expressed concern with the impact of granting the application in Docket No. CP82-107 on Tennessee' long-term gas supply and capacity requirements. It is further avered that although the Commission granted the application in Docket No. CP82-107, Tennessee is sensitive to the concern of its customers and, thus, is willing to reduce East Tennessee's AVL because the reduction would offset the impact of the increase in the small customers' AVL and, further, would permit Tennessee to realign its total system AVL to a level no lower than the level established in Opinion Nos. 712 and 712-A.

Finally, Tennessee states that the Commissions of the states of Tennessee and Virginia, having regulatory authority over retail sales to East Tennessee's indirect customers, are being notified in writing of the action proposed herein.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7559 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-206-000]

Texas Eastern Transmission Corp.; Request Under Blanket Authorization

March 18, 1983.

Take notice that on February 24, 1983, Texas Eastern Transmission Corporation (Applicant), P.O. Box 7521, Houston, Texas 77252, filed in Docket No. CP83-206-000, a request, as supplemented on March 4, 1983, pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to construct and operate a sales meter station necessary to provide a new delivery point to National Gas and Oil Corporation (National) in Fairfield County, Ohio, under the authorization issued in Docket No. CP82-535-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant states that up to 7,000 dt equivalent of natural gas per day would be delivered to Anchor Hocking Corporation (Anchor) for the account of National at the proposed delivery point under Applicant's Rate Schedules DCQ-C and I-C. It is further stated that Anchor, a customer of National, would use the gas as a source of heat in the manufacture of glass products. National would reimburse Applicant for the cost of constructing the proposed sales meter station, it is asserted.

It is further avered that the proposed sales meter station would have no effect on Applicant's peak day or annual deliveries to National. However, it is asserted that deliveries to Applicant's Meter Station #062 would be decreased from 22,655 dt equivalent per day to 15,655 dt equivalent per day. The gas delivered to Meter Station #062 is used by National for general system supply, it is alleged. Furthermore, it is stated that the proposed construction would be accomplished without detriment or disadvantage to Applicant's other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7560 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-210-000]

Transcontinental Gas Pipe Line Corp.;

Application

March 18, 1983.

Take notice that on February 28, 1983, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-210-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities in the offshore Texas area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 32.64 miles of 20-inch pipeline in the Matagorda Island area, offshore Texas, extending from the existing Cities Service Company (Cities) production platform located in Matagorda Island Block 669 to a connection with Applicant's Central Texas Gathering System at Cities' "A" production platform in Block A-76, Brazos area, South Addition, offshore Texas. Applicant further proposes to construct and operate metering, regulating, and other appurtenant facilities on the Matagorda 669 platform.

Applicant states that the proposed facilities would be designed to provide a maximum capacity of 80,000 Mcf per day. It is anticipated that such facilities would enable Applicant to transport reserves which Applicant has purchased or is negotiating to purchase in Matagorda Blocks 653, 654, and 669. Applicant states that it has executed a contract with Getty Oil Company to purchase 50 percent of the reserves in the subject blocks and is negotiating with Cities to purchase the remaining 50 percent. Applicant proposes to commence construction of the facilities in the summer of 1984 and completion would be scheduled coincident with the beginning of production in October 1984.

Applicant estimates that the proposed facilities would cost $27,536,000. Such costs, it is asserted, would be financed initially through revolving credit arrangements, short-term loans, or funds on hand with permanent financing to be undertaken at a later date as part of Applicant's overall long-term financing program.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7561 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-87-002]

United Gas Pipe Line Co.; Petition To Amend

March 18, 1983.

Take notice that on February 25, 1983, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP82-87-002 a petition to amend the order issued May 5, 1982, in Docket No. CP82-87-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas at an additional delivery point whereby Amoco Production Company (Amoco) would make deliveries to the utilities Board of Foley, Alabama, commonly known as Riveria Utilities (Board) on behalf of United, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued May 5, 1982, United was authorized to transport natural gas for the account of Amoco from Foley Field, Baldwin County, Alabama, and redeliver equivalent quantities by displacement to Florida Gas Transmission Company at an existing interconnection in St. Landry Parish, Louisiana, pursuant to the terms of a September 21, 1981, gas transportation agreement.

United now requests amendment of the May 5, 1982, order so as to authorize an additional delivery point near Summerdale, Baldwin County, Alabama, which, it is stated, would only be used in the event of an emergency which prevents United from delivering to Board or, due to a break in Board's line, which prevents Board from receiving its full requirement under a June 5, 1979, gas service agreement. If such an emergency occurs, then Amoco would make deliveries to Board on behalf of United, it is explained. Facilities necessary to establish the emergency delivery point would be provided by and at the sole expense of Board, it is stated.

United asserts that the establishment of the proposed emergency delivery point would not cause an increase in Board's maximum daily quantity, nor its assigned allocation under United's existing curtailment program, and it would not cause Amoco to sell gas to Board, nor Board to become a customer of Amoco. Further, it is indicated that any deliveries for the account of United by Amoco would not result in any loss of gas on a daily or annual basis for delivery by Amoco to Florida Power and Light Company under Amoco's warranty obligation.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the processing. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to

intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7562 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-207-000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

March 18, 1983.

Take notice that on February 24, 1983, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP83-207-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that United proposes to install a 2-inch sales tap for the delivery of gas to Louisiana Gas Service Company (LGS) for resale to the Watts Corporation (Watts) under the authorization issued in Docket No. CP82-430-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United proposes the installation of a 2-inch sales tap on its 12-inch Barataria Line in Crown Point, Jefferson Parish, Louisiana. This tap would be utilized to deliver an estimated 10,000 Mcf of natural gas per year, through the distributor, LGS, it is stated. It is further stated that LGS would resell such gas to Watts, an industrial customer, which would use natural gas approximately 4 to 6 times per year to facilitate offshore compressor package testing.

United also claims that there would be no increase in the customers' contractual maximum daily quantity nor its entitlement under its effective curtailment plan. Gas flowing through this tap would be sold under United's Rate Schedule G-S, it is stated.

United estimates the cost of the tap to be $10,300 and states that LGS would reimburse United for the cost of construction.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7563 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-330-002]

United Gas Pipe Line Co., Columbia Gulf Transmission Co. and Southern Natural Gas Co.; Petition To Amend

March 18, 1983

Take notice that on February 23, 1983, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Southern Natural Gas Company (Southern) P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-330-002 a joint petition to amend the order issued March 12, 1982, in Docket No. CP81-330-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the participation of United as an original owner in the South Pass 57 Project, offshore Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that the South Pass Block 57 facilities were constructed as authorized in Docket No. CP81-330-000 and placed in service on July 22, 1982. Petitioners further state that the ownership of such facilities was allocated according to Columbia Gulf's and Southern's respective interests in the gas reserves underlying South Pass Blocks 57 and 58 and that, in addition, Columbia Gulf's 80 percent ownership reflected uncommitted reserves in those blocks. It is stated that the final ownership interests for gas reserves underlying South Pass Blocks 57 and 58 are Columbia Gulf—25.75 percent, Southern—20.60 percent, United—20 percent, and Louisiana Intrastate Gas Company—33.65 percent.

Petitioners state that in order for United to attach its reserves to its system, United would participate as an orignial owner in the South Pass Block 57 facilities with a 20 percent undivided interest therein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7564 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-19-000]

U.S. Department of The Interior, Bureau of Land Mangement (Formerly Minerals Management Service), Section 108 NGPA Determination, El Paso Natural Gas Company, San Juan 27-4 Unit #79, FERC J.D. No. 83-00553, Petition To Reopen Final Well Category Determination and Request To Withdraw

Issued: March 18, 1983.

On March 4, 1983, El Paso Natural Gas Company (El Paso) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its application for a final well category determination, that gas from the San Juan 27-4 Unit #79 qualifies as stripper well natural gas pursuant to section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1982). This determination made by the Minerals Management Service (MMS) became final on November 18, 1982, pursuant to NGPA section 503(d) and 18 CFR 275.202(a).

El Paso requests reopening of this final determination so that it can withdraw its application for said determination based upon a review of the production data originally submitted to qualify the well. After checking its field records, it was discovered that only six shut-in days should have been included as production days rather than the thirteen shut-in days which were recorded.

The Commission hereby gives notice that the question of whether refunds, plus interest as computed under § 154.102(d), will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Rules of Practice and Procedure. All protests filed will be considered in determining the appropriate action to be taken, but will not make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7565 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-378-000]

Virginia Electric and Power Co.; Filing

March 18, 1983.

Take notice that on March 10, 1983, the Virginia Electric and Power Company (VEPCO) tendered for filing a new contract supplement for Appomattox Delivery Point dated October 27, 1982. VEPCO states that this supplement supersedes FERC Rate Schedule 94-1 dated March 20, 1967.

VEPCO requests an effective date of October 6, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7566 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-M

Office of the Secretary

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), the following meeting notice is provided:

. A meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) will be held in Washington, D.C. on March 31, 1983, at the Department of Energy, Room GJ-015, 1000 Independence Avenue, SW., Washington, D.C. This meeting is being held in order to permit participation of representatives of members of Subcommittee A at a briefing meeting being held by the IEA in Washington, D.C., on that date for Government members of the United States, Canadian and other National Emergency Sharing Organizations who will participate in the Fourth Test of the IEA Allocation Systems.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C. March 21, 1983.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 83-7633 Filed 3-23-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangements; European Atomic Energy Community (EURATOM)

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

These subsequent arrangements would give approval, which must be obtained under the above mentioned agreements, for the following transfers of special nuclear materials of United States origin, or of special nuclear materials produced through the use of materials of United States origin, as follows: from Switzerland to France (Compagnie Generale des Matieres Nuclearies), for the purpose of reprocessing, 68 irradiated fuel assemblies, containing 11,995 kilograms of uranium, enriched to 0.9% in U-235; and 101 kilograms of plutonium from the Muehleberg Power Station (this subsequent arrangement is designated as RTD/EU(SD)-45); and 120 irradiated fuel assemblies, containing 46,950 kilograms of uranium enriched to 0.8% in U-235, and 440 kilograms of plutonium from the Gosgen Power Station (this subsequent arrangement is designated as RTD/EU(SD)-46).

The Department of Energy has received letters of assurance from the Government of Switzerland that the recovered uranium and plutonium will be stored in France, and will not be transferred from France, nor put to any use, without the prior consent of the United States Government.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner that fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: March 21, 1983.

For the Department of Energy.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-7634 Filed 3-23-83; 8:45 am]

BILLING CODE 6450-01-M

Southeastern Power Administration

Proposed Rate Adjustment, Public Forum, and Opportunities for Public Review and Comment

AGENCY: Southeastern Power Administration (Southeastern), DOE.

ACTION: Notice of proposed rate adjustment for Cumberland Basin Projects, notice of public forum and opportunity for review and comment.

SUMMARY: Southeastern proposes to replace Rate Schedules CR-1-D and CR-2-D currently applicable to Cumberland Basin Projects power, and seeks approval of Replacement

Schedules CR–1–E and CR–2–E for a one-year period, July 1, 1983, through June 30, 1984.

Opportunities will be available for interested persons to review the present rates, the proposed rates and supporting studies, to participate in a forum and to submit written comments. Southeastern will evalute all comments received in this process.

DATES: Written comments are due on or before May 13, 1983. A public information and comment forum will be held in Nashville, Tennessee, on April 26, 1983.

ADDRESSES: Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635. The public information and comment forum for the Cumberland Basin Projects will begin at 10 a.m. on April 26, 1983, in Room 115, U.S. Courthouse, 801 Broadway, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Leon Jourolmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635; (404) 283–3261.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission by order issued February 27, 1981, in Docket No. EF79–3021, confirmed and approved Wholesale Power Rate Schedules CR–1–D and CR–2–D applicable to Cumberland Basin Projects' power for a period ending June 30, 1983.

Additional time is needed to negotiate contracts to implement the recently issued new written power marketing policy for the Cumberland System of Projects. Therefore, Southeastern is proposing to establish short-term rates to allow time to negotiate contracts and permit development of appropriate rates applicable to the new policy.

Discussion: Existing rate schedules are predicated upon an April 1979 repayment study and other supporting data all of which are contained in FERC Docket No. EF79–3021. The current repayment study prepared in March of 1983 shows that existing rates are not adequate to recover all costs required by present repayment criteria.

A revised repayment study with a $2,415,000 revenue increase in each future year over the current repayment study demonstrates that all costs are paid within their repayment life. Therefore, Southeastern is proposing to revise existing rates so as to recover that additional $2,415,000. The increase is primarily due to escalated costs at the generating projects.

The overall increase amounts to a 13 percent increase in revenues. SEPA is proposing to increase all rates in CR–1–D and CR–2–D by an identical percentage of 13 percent. It is proposed that revised rate schedules applicable to TVA and Other Customers contain the following unit rates:

TVA Rate Schedule

Basic annual charge	$20,840,000
Retention credits:	
Peaking capacity/yr	$20.20
Peaking energy/kwh (mills)	3.68
Standby capacity:	
Annual charge/year (3 customers)	$12.81
Use charge/day (during November, April, May, June, September and October)	$0.072
Use charge/day (during other months)	$0.112
Standby energy:	
Maintenance energy/kwh (mills)	3.68
Emergency energy/kwh (mills)	6.01
Excess power:	
Per kw	$28.80
Per kwh (mills)	6.01

Other Customers Rate Schedule

Peaking capacity/kw/yr	$18.98
Peaking energy/kwh (mills)	4.75
Standby capacity/kw/yr	$4.80
Use charge/day (during November, April, May, June, September and October)	$0.072
Use charge/day (during other months)	$0.112
Standby energy:	
Maintenance energy/kwh (mills)	3.68
Emergency energy/kwh (mills)	6.01
Excess power:	
Per kw	$28.80
Per kwh (mills)	6.01

The referenced March 1983 current repayment study along with a revised repayment study dated March 1983 and previous system repayment studies are available for examination at the Samuel Elbert Building, Elberton, Gerogia 30635. Proposed Rate Schedules CR–1–E and CR–2–E are also available.

Issued at Elberton, Georgia, March 15, 1983.

Harry C. Geisinger,

Administrator.

[FR Doc. 83–7577 Filed 3–23–83; 8:45 am]

BILLING CODE 6450–01–M

Proposed Rate Adjustment, Public Forum, and Opportunities for Public Review and Comment

AGENCY: Southeastern Power Administration (Southeastern), DOE.

ACTION: Notice of proposed rate adjustment for Laurel Project, notice of public forum and opportunity for review and comment.

SUMMARY: Southeastern proposes to replace Rate Schedule LP–1 currently applicable to Laurel Project power, and seeks approval of Replacement Schedule LP–1–A for a one-year period July 1, 1983, through June 30, 1984.

Opportunities will be available for interested persons to review the present rates, the proposed rates and supporting studies, to participate in a forum and to submit written comments. Southeastern will evaluate all comments received in this process.

DATES: Written comments are due on or before May 13, 1983. A public information and public comment forum will be held in Nashville, Tennessee, on April 26, 1983.

ADDRESSES: Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635. The public information and comment forum for the Laurel Project will begin at 1 p.m. on April 26, 1983, in Room 115, U.S. Courthouse, 801 Broadway, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Leon Jourolmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635; (404) 283–3261.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission by order issued October 25, 1979, in Docket No. EF79–3052 confirmed and approved Wholesale Power Rate Schedule LP–1 applicable to the Laurel Project power for a period ending June 30, 1983.

Additional time is needed to negotiate contracts to implement the recently issued new written power marketing policy for the Cumberland System of Projects. Therefore, Southeastern is proposing to establish short-term rates to allow time to negotiate contracts and permit development of appropriate rates applicable to the new policy. The Laurel Project is included in the Cumberland System Power Marketing Policy.

DISCUSSION: The existing rate schedule is predicated upon a January 1979 repayment study and other supporting data all of which are contained in FERC Docket No. EF79–3052. The current repayment study prepared in March 1983 shows that existing rates are not adequate to recover all costs required by present repayment criteria. A revised repayment study with a $223,000 revenue increase in each future year over the current repayment study demonstrates that are paid within their repayment life. Therefore, Southeastern is proposing to revise existing rates so as to recover that additional $223,000. The increase is primarily due to escalated costs at the Laurel Project. The overall increase amounts to a 16 percent increase in revenues. Southeastern is proposing to increase the capacity rate to $1.58 per month, an increase of approximately 16

percent and increase the energy rate to 4.89 mills per kwh, an increase of approximately 16 percent.

The referenced March 1983 current repayment study along with a revised repayment study dated March 1983 and previous system repayment studies are available for examination at the Samuel Elbert Building, Elberton, Georgia 30635. Proposed Rate Schedule LP–1–A is also available.

Issued at Elberton, Georgia, March 15, 1983.

Harry C. Geisinger,

Administrator.

[FR Doc. 83–7578 Filed 3–23–83; 8:45 am]

BILLING CODE 6450–01–M

[SA–FRL 2328–6]

ENVIRONMENTAL PROTECTION AGENCY

Science Advisory Board; Environmental Engineering Committee; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a one-day meeting of the Pesticides Effluent Guidelines Subcommittee of the Environmental Engineering Committee (EEC) of the Science Advisory Board will be held in Conference Room S247, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., on April 12, 1983. The meeting will begin at 9:00 a.m. and last until approximately 5:30 p.m.

The purpose of the meeting will be to continue the review of technical data supporting the development of proposed effluent guidelines for the pesticides industry.

The proposed guidelines cover 137 active ingredient pesticides. For many of those, either treatability data do not exist, or where data does exist the treatment systems were not adequately designed or operated. In these cases, EPA transferred technology to establish treatment limits. This technology transfer involved the transfer of treatment technology "types" which were appropriate for pesticide removal, and the transfer of treatment "levels" from data available for pesticides with similar physical, chemical, and structural characteristics. The main issue for review by the Subcommittee will be the validity of the assumptions and methods used in the transfer of "types" and "levels" of technology.

The meeting is open to the public. Any member of the public wishing to attend or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382–2552, or Terry F. Yosie, Staff Director, Science Advisory Board, at (202) 382–4126. Public comment will be accepted at the meeting. Written comment will be accepted in any form, and there will be opportunity for brief oral statements. Anyone wishing to make such comment must contact Mr. Torno prior to April 6, 1983, in order to be placed on the agenda.

Terry F. Yosie,

Staff Director, Science Advisory Board.

March 16, 1983.

[FR Doc. 83–7621 Filed 3–23–83; 8:45 am]

BILLING CODE 6560–50–M

[WH–FRL 2316–6]

Reallotment of Funds Under Wastewater Treatment Works Construction Grants Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of reallotment of funds under Wastewater Treatment Works Construction Grants Program (40 CFR Part 35, Subpart I).

SUMMARY: This notice announces the distribution of unobligated fiscal year (FY) 1981 construction grant funds subject to reallotment after September 30, 1982, under section 205 of the Clean Water Act, 33 U.S.C. 1285; and explains the procedure by which the reallotment distribution was determined.

Section 205(d) of the Clean Water Act (the Act) requires that funds allotted for FY 1978 and beyond which are not obligated by the end of the initial allotment availability period "* * * shall be immediately reallotted by the Administrator * * *." This notice advises the public of the amounts available to the eligible States to be added to their allotments for grants for the construction of municipal wastewater treatment facilities. Under section 205(d), these funds are available for obligation until September 30, 1984.

DATE: Available for obligation upon issuance by the EPA Comptroller.

FOR FURTHER INFORMATION CONTACT: Mr. Albert L. Pelmoter, Chief, Program Policy Branch, Municipal Construction Division (WH–547), Office of Water Program Operations; (202) 382–7359.

SUPPLEMENTARY INFORMATION: Sums allotted to a State under section 205 of the Act remain available for obligation during the fiscal year in which appropriated and the next succeeding 12 months (40 CFR 35.2010(b)). Funds not obligated at the end of the period of availability are reallotted to the States which fully obligated their allotments. $3,400,000,000 were appropriated by Pub. L. 96–526 for fiscal year (FY) 1981, of which $3,304,837,000 were apportioned for allotment and $756,000,000 were rescinded by Pub. L. 97–12 on June 5, 1981. At the close of the availability period for the FY 1981 allotment (September 30, 1982), 20 States and territories had not obligated $36,246,380 of the $2,548,837,000 available in FY 1981 allotments.

Deobligated funds from appropriations made prior to FY 1981, which were issued or reissued between the dates of the FY 1981 and FY 1982 allotments ("recoveries") and which remained unobligated on September 30, 1982 are, in accordance with § 35.2010(d), also subject to reallotments with the unobligated FY 1981 allotments. As of October 1, 1982, a total of $3,307,103 in recoveries remained unobligated.

As explained below, not all of the unobligated funds remaining after the period of availability are subject to reallotment at this time. Due to several exceptions, the total amount reallotted is $8,046,999. These exceptions are as follows:

1. *Puerto Rico:* Of Puerto Rico's allotments, $27,676,944 in FY 1981 funds and $3,301,256 of its recovered FY 1978 supplemental allotment remained unobligated after the September 30, 1982 deadline. Section 501 of Pub. L. 97–357 (1982) extends the availability of Puerto Rico's FY 1981 unobligated balance to September 30, 1983. In keeping with the intent of Section 501 of Pub. L. 97–357, EPA granted Puerto Rico a deviation from 40 CFR 35.2010(d) in order to also preserve the recovered funds from reallotment until October 1, 1983. However, because Puerto Rico would have lost these funds to reallotment under section 205(d) without these exceptions, section 205(d) prohibits Puerto Rico from receiving any funds of other States being reallotted.

2. *Northern Mariana Islands:* Section 3(b)(2) of Pub. L. 95–348 (1978) provides that any funds made available to the Northern Mariana Islands (NMI) by the Congress after March 24, 1976 "* * * are hereby authorized to remain available until expended." Accordingly, construction grant funds allotted to the NMI which remain unobligated at the close of the period of availability prescribed by section 205(d) of the Act are not subject to reallotment. The amounts remaining are $5,847 in recovered FY 1980 funds and $10,411 in FY 1981 funds. Because the NMI would have lost these funds to reallotment without this statutory provision, section 205(d) prevents the NMI from receiving

any funds of other States being reallotted.

3. *New York State:* In September of 1982, $512,026 in FY 1981 funds were reissued for the State of New York. Because these funds were reissued during their original period of availability, they became subject to reallotment as of October 1, 1982. EPA mistakenly believed these funds to be recoveries which would not be subject to reallotment until FY 1984. So as not to penalize the State for an EPA administrative error, these funds are not being reallotted.

4. *Court Ordered Set-Asides:* In several States, State or Federal courts have ordered that certain amounts be set-aside for specific projects to be funded at a later date. Since these set-asides could only be used for the projects designated by the courts, the court ordered set-asides are treated as obligated funds. Included in this category are $3,064,722 in FY 1979 funds for the District of Columbia; $46,065,050 in FY 1979 funds for the State of Maryland; $18,277,367 in contract authority funds for New York and $32,068,117 in FY 1981 funds for projects in Detroit, Michigan.

Reallotment Procedure

To distribute the $8.046,999 balance subject to reallotment in accordance with the requirements of section 205(d) of the Act, the following procedure was used:

1. The percentages listed in section 205(c)(2) of the Act (as amended by Pub. L. 97–117) were adjusted to reflect the absence of States which had not fully obligated their funds (§ 35.2010(b)).

2. The resulting percentages were applied to the $8,046,999 to arrive at the individual State allotments.

3. The resulting figures (rounded to the nearest $100) are listed in the table which follows. The table also identifies the States which did not fully obligate their funds and the amounts subject to reallotment.

State	Subject to reallotment	Not subject to reallotment	Reallotment
Alabama			111,700
Alaska	879,720		
Arizona			67,500
Arkansas			65,400
California			714,600
Colorado	115,498		
Connecticut			122,400
Delaware	93,439		
District of Columbia	348,107		
Florida			377,300
Georgia			168,900
Hawaii	99,637		@
Idaho	11,278		
Illinois			451,900
Indiana			240,800
Iowa	585,574		
Kansas			90,200
Kentucky			127,200
Louisiana	736,911		
Maine			76,300
Maryland			241,700
Massachusetts			339,300
Michigan			429,600
Minnesota			180,100
Mississippi			90,000
Missouri			277,000
Montana			48,700
Nebraska			51,100
Nevada			48,700
New Hampshire	825,010		
New Jersey			408,300
New Mexico			48,700
New York		512,026	1,108,799
North Carolina			180,300
North Dakota	255,478		
Ohio			562,500
Oklahoma			80,700
Oregon			112,900
Pennsylvania	2,148,832		
Rhode Island			66,200
South Carolina	351,539		
South Dakota			48,700
Tennessee			145,200
Texas			379,600
Utah			52,700
Vermont			48,700
Virginia			204,500
Washington	329,792		
West Virginia	1,079,609		
Wisconsin			270,100
Wyoming			48,700
Guam	56,108		
Puerto Rico		30,978,200	
Virgin Islands	66,512		
American Samoa	46,459		
Trust Territory of Pacific Islands	17,496		
Northern Mariana Islands		16,258	
Total	8,046,999	[1]31,506,484	[2]8,046,999

[1] Includes fiscal year 1981 and prior year funds.
[2] Individual reallotments rounded to $100 except for New York which received the $99 difference between the true total ($8,046,999) and the rounded total ($8,046,900).

These allotments are available for obligation until September 30, 1984. After that date, unobligated balances will be reallotted under section 205(d) of the Act (35.2010). Grants from the allotments may be awarded as of the date of issuance of advices of allowance to the EPA Regional Administrators by the Comptroller of EPA.

Dated: March 16, 1983.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 83–7824 Filed 3–23–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Penn Square Bank, N.A., Oklahoma City, Oklahoma; Issuance of Powers of Attorney

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Public notice.

SUMMARY: On October 27, 1982, the Federal Deposit Insurance Corporation (hereinafter "FDIC") published notice of its appointment as Receiver of the Penn Square Bank, N.A., Oklahoma City, Oklahoma, and of the issuance by the FDIC of general powers of attorney in favor of Thomas R. Procopio, Liquidator, and six Assistant Liquidators (see 47 FR 47677, October 27, 1982). The notice was published in order to facilitate FDIC's discharge of its responsibilities as Receiver and specifically to comply with the provisions of Title 16, Section 20 of the Oklahoma Statutes (16 O.S. Section 20), which creates an exception, based upon such publication, to the otherwise applicable requirement that powers of attorney be recorded locally in order to effect conveyances of interests in property. A supplemental notice updating that notice was published on January 21, 1983 (see 48 FR 2829). This notice supplements the prior two notices.

SUPPLEMENTARY INFORMATION: On February 22, 1983, the Director of the FDIC's Division of Liquidation appointed Paul C. Heafy Assistant Liquidator and provided him with power of attorney to act on behalf of the FDIC. On the same date, a power of attorney that had previously been issued to Gregory P. Murphy was revoked. Accordingly, with respect to Mr. Heafy, he has been authorized and empowered to:

Sign, seal, and deliver as the act and deed of the FDIC any instrument in writing, and to do every other thing necessary and proper for the collection and recovery by the FDIC of any and all sums, moneys and properties of every kind and nature whatsoever for and on behalf of the FDIC and to give receipts and acquittances therefor in the name and on behalf of the FDIC, for any and all such sums, moneys and properties received or taken into his possession; further, without limitation on the generality of the foregoing, he is authorized and empowered for and in the name of the FDIC, to release, discharge or assign any and all judgments, mortgages on real estate or personal property, including the release and discharge of the same of record in the office of any prothonotary or register of deeds wherever located where payments on account of the same in redemption or otherwise may have been made by the parties debtor, to endorse receipt of such payment upon the records in any such office or in any other appropriate public office; also to receipt, collect and give all proper acquittances for any other sums of money owing the FDIC or payable to the FDIC for any asset which he may sell or dispose of; also to execute any and all

transfers and assignments as may be necessary to assign any shares, bonds, securities or other choses in action; also to sign, seal, acknowledge and deliver any and all leases and agreements as he shall deem necessary or proper in the care and management of the foregoing assets; to sign effectual receipts for the payment of all rents and profits due or to become due thereon; also to extend, postpone, release and satisfy or do any other thing advisable in his discretion affecting the lien of any mortgage or mortgages now or hereafter held, standing or appearing upon the records in any public office wherever located; also to execute, acknowledge, and deliver, in the name of the FDIC, a power of attorney wherever necessary or required by law to any attorney employed by the FDIC, and in its name and stead, to foreclose any mortgages, or other securities on either real or personal property, wherever located, which it may now own or hereafter acquire, and generally to do and perform every act necessary, convenient or desirable in the use, liquidation and collection of the foregoing assets held by the FDIC wherever located.

Dated: March 15, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-7598 Filed 3-23-83; 8:45 am]

BILLING CODE 6714-01-M

Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of Information Collection: Summary of Deposits (Commerical and Mutual Savings Banks).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a Form SF-83, "Request for OMB Review," for the information collection system identified above.

Address: Written comments may be sent to Mr. Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 and to Mr. Richard Sheppard, Reports Management Branch, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

For Futher Information Contact: For a complete copy of the "Request for OMB Review" or related information, contact the Office of the Executive Secretary, FDIC, telephone (202) 389-4351.

Summary: The information collection obtains account balances on a "bank office" basis by type of deposit account at commercial and mutual savings banks. All banks that have branches in the U.S. are surveyed. Four types of accounts are specified: demand, savings, and time deposits for individuals, partnerships and corporations; and accounts for public funds. The data, which provide a basis for measuring the competitive impact of bank mergers, will be reported as of June 30, 1983. All of this information will be made available to the public after it has been processed and edited for errors, which should occur toward the end of 1983.

The information asked for in this year's collection is identical to that requested in last year's survey, which represented a substantial reduction from the 1981 levels of this survey. We estimate that the required reporting time expended by the respondent institutions this year will be about 49,000 hours.

Dated: March 18, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-7580 Filed 3-23-83; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Level of Military Rates; Filing of Petition for Rulemaking

March 18, 1983.

Notice is given that a petition has been filed by Trans Freight Lines, Inc., for reinstitution of Federal Maritime Commission General Order No. 29, Regulations Governing Level of Military Rates. General Order No. 29 is, at present, suspended. Trans Freight alleges that recent decreases in military rates necessitate reinstatement of that Order.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 11101.

Interested persons may submit replies to the petition to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 22, 1983. The Commission would also accept comments and suggestions for changes in General Order 29. An *original and fifteen copies* of such replies and/or comments shall be submitted.

Francis C. Hurney,

Secretary.

[FR Doc. 83-7536 Filed 3-23-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Company; Proposed de Novo Nonbank Activities; Northwest Bancorporation

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage de novo (or continue to engage in an activity earlier commenced de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentrations of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation*, Minneapolis, Minnesota (financing and insurance activities; Georgia): To engage through its subsidiary, Dial Finance Company of Georgia, in the activities of consumer and commercial finance, and

the sale of credit life and credit accident and health insurance, related to extensions of credit by Dial Fiance Company of Georgia. These activities will be conducted from an office in Atlanta, Georgia. This notification is for the relocation of an existing office in Decatur, Georgia, which office, upon relocation, will serve Atlanta, Georgia. Comments on this application must be received not later than April 18, 1983.

Board of Governors of the Federal Reserve System, March 18, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7575 Filed 3-23-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Bancshares of Gleason, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Bancshares of Gleason, Inc.*, Gleason, Tennessee; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of Gleason, Gleason, Tennessee. Comments on this application must be received not later than April 18, 1983.

2. *Oakland City Bancshares Corp.*, Oakland City, Indiana; to become a bank holding company by acquiring 80 percent of the voting shares of The First Bank and Trust Company of Oakland City, Oakland City, Indiana. Comments on this application must be received not later than April 18, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Cottage Grove BanCorporation, Inc.*, St. Paul, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Minnesota National Bank of Cottage Grove, Cottage Grove, Minnesota. Comments on this application must be received not later than April 18, 1983.

C. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *The Manila Banking Corporation*, Manila, Philippines; to become a bank holding company by acquiring 100 percent of the voting shares of Manilabank California, Los Angeles, California. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of San Francisco. Comments on this application must be received not later than April 18, 1983.

Board of Governors of the Federal Reserve System, March 18, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7574 Filed 3-23-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-83-1221]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proosal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Compliance Inspection Report.
Office: Housing.
Form No.: HUD-92051.
Frequency of Submission: On Occasion.
Affected Public: Businesses or Other Institutions (except farms).
Estimated Burden Hours: 125,000.
Status: Extension.
Contact: John C. Coonts, HUD, (202) 755-6720, or Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 18, 1983.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Application for Insurance of Advance of Mortgage Proceeds
Office: Housing.
Form No.: FHA-2043.
Frequency of Submission: On Occasion.
Affected Public: Businesses or Other Institutions (except farms).
Estimated Burden Hours: 1,080.

Status: Extension.
Contact: Linda D. Cheatham, HUD, (202) 426–7113, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 18, 1983.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Public Housing Authority Development Program.
Office: Housing.
Form No.: HUD–52483.
Frequency of Submission: On Occasion.
Affected Public: State and Local Governments.
Estimated Burden Hours: 250.
Status: Extension.
Contact: Raymond W. Hamilton, HUD, (202) 755–8199, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 18, 1983.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Section 202 Application Package.
Office: Housing.
Form No.: None.
Frequency of Submission: Annually.
Affected Public: Businesses or Other Institutions (except Farms).
Estimated Burden Hours: 106,730.
Status: New
Contact: Robert W. Wilden, HUD, (202) 426–8730, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 18, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83–7682 Filed 3–23–83; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–83–1220]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments of the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extention or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Energy Conservation Requirement Handbook 4350.1, Chapter 12.
Office: Housing.
Form No.: None.
Frequency of Submission: On Occasion.
Affected Public: Businesses or Other Institutions (except farms).
Estimated Burden Hours: 17,000.
Status: New.
Contact: James J. Tahash, HUD, (202) 755–5654, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 8, 1983.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Request for Approval of Advances Under Preliminary Loan Contract.
Office: Housing.
Form No.: HUD–51991.
Frequency of Submission: On Occasion.
Affected Public: State or Local Governments.
Estimated Burden Hours: 519.
Status: Reinstatement.
Contact: Edmund Carrera, HUD, (202) 755–6522, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 8, 1983.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Title I Financial Statement.
Office: Housing.
Form No.: HUD–56142.
Frequency of Submission: On Occasion.
Affected Public: Individuals or Households.
Estimated Burden Hours: 450.
Status: Extension.
Contact: Jane Scott, HUD, (202) 755–6857, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 8, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83–7683 Filed 3–23–83; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–83–1222]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) and estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Mortgagee Questionnaire and Case File Review.
Office: Housing.
Form No.: HUD–9080.
Frequency of Submission: Annually.
Affected Public: Businesses or Other Institutions (except farms).
Estimated Burden Hours: 4,800.
Status: New.
Contact: Gwendolyn Chandler, HUD, (202) 426–0070, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: January 31, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83–7684 Filed 3–23–83; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–83–1223]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Public Housing Agency Recovery of Section 8 Funds Obtained through Fraud and Abuse.
Office: Housing.
Form: None.
Frequency of Submission: On Occasion.
Affected Public: State or Local Governments.
Estimated Burden Hours: 90.
Status: New.
Contact: Howard Schmeltzer, HUD, (202) 755–1300, or Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 16, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83–7685 Filed 3–23–83; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Realty Action I–18928]

Competitive Sale of Public Lands; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I–18928, Modified Competitive Sale of Public Lands in Owyhee County, Idaho.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of the tract is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The land will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

Legal Description

Boise Meridian, Idaho

T. 6 S., R. 6 W.,
Sec. 13, N½NW¼NW¼SW¼, N½SE¼NW¼NW¼SW¼.
6.25 Acres.
Value $1,550.

Upon publication of this Notice in the **Federal Register** (March 24, 1983), the

lands described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the land is sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the Federal Register prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. Ditches or canals.
2. All minerals.
3. Subject to all existing rights and reservations of record.

DATE: The public auction will be held on Tuesday, May 24, 1983, beginning at 10:00 a.m.

ADDRESS: The public auction will be held at the Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. Additional information concerning these lands, terms and conditions of the sale, and bidding instructions may be obtained from Sally Carpenter, Legal Clerk, at the above address or by calling 208–334–1582.

SUPPLEMENTARY INFORMATION: The land will be sold at public auction by modified competitive bidding. Terry Warn, Jordan Valley, Oregon 97910, the adjoining landowner, will be the designated bidder to have a preference right to purchase the parcel at the highest bid price. Such preference right is offered because Mr. Warn is the historical user and has irrigated hay ground and irrigation ditches on the land that are an integral part of his farm operation. For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Oscar Anderson, Owyhee Area Manager.

Dated: March 4, 1983.

J. David Brunner,

Associate District Manager.

[FR Doc. 83–6807 Filed 3–23–83; 8:45 am]

BILLING CODE 4310–84–M

[Realty Action I–18929]

Competitive Sale of Public Lands; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I–18929, Competitive Sale of Public Lands in Owyhee County, Idaho.

SUMMARY: The following described lands have been examined, and through the development of land use decisions based on public input, it has been determined that the sale of these tracts is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

Legal Descriptions:

Parcel No. 1

Boise Meridian, Idaho

T. 6 S., R. 6 W.
Sec. 13. NW¼NE¼NW¼SW¼.
2.5 Acres.
Value $750.00.

Parcel No. 2

Boise Meridian, Idaho

T. 6 S., R. 6 W.
Sec. 13, SW¼NW¼NW¼SW¼, W½SW¼NW¼SW¼.
7.5 Acres.
Value $1,900.00.
The above aggregates 10 acres.

Upon publication of this Notice in the Federal Register (March 24, 1983), the lands described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the Federal Register prior to the expiration of the two-year period.

The land of each parcel will be subject to the following reservations when patented:

1. Ditches or canals.
2. All minerals.
3. Subject to all existing rights and reservations of record.

DATE: The public auction will be held on Tuesday, May 24, 1983, beginning at 10:00 a.m.

ADDRESSESS: The public auction will be held at the Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. Additional information concerning these lands, terms and conditions of the sale, and bidding instructions may be obtained from Sally Carpenter, Legal Clerk, at the above address or by calling 208–334–1582.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Oscar Anderson, Owyhee Area Manager.

Dated: March 4, 1983.

J. David Brunner,

Associate District Manager.

[FR Doc. 83–6808 Filed 3–23–83; 8:45 am]

BILLING CODE 4310–84–M

[Realty Action I–20049]

Competitive Sale of Public Land; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I–20049, Modified Competitive Sale of Public Lands in Owyhee County, Idaho.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of the tract is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The land will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

Legal Description

Boise Meridian, Idaho

T. 6 S., R. 5 W.,
Sec. 20, SW¼SW¼SE¼SW¼,
Sec. 28, SE¼SW¼NW¼NW¼, SW¼SW¼NE¼, S½SE¼NE¼NW¼, NW¼NW¼SE¼;
Sec. 29, NE¼SW¼NE¼, E½NW¼SW¼NE¼, SE¼NE¼NE¼SE¼.
47.5 Acres.
Value $9,500.00.

Upon publication of this Notice in the Federal Register (March 24, 1983), the lands described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the land is sold. The segregative effect may

otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. Ditches or canals.
2. All minerals.
3. Subject to all existing rights and reservations of record.

DATE: The public auction will be held on Tuesday, May 24, 1983, beginning at 10:00 a.m.

ADDRESS: The public auction will be held at the Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. Additional information concerning these lands, terms and conditions of the sale, and bidding instructions may be obtained from Sally Carpenter, Legal Clerk, at the above address or by calling 208–334–1582.

SUPPLEMENTARY INFORMATION: The land will be sold at public auction by modified competitive bidding. Walter E. Morgan, Jordan Valley, Oregon 97910, the adjoining landowner, will be the designated bidder to have a preference right to purchase the parcels at the highest bid price. Such preference right is offered because Mr. Morgan is the historical user and has irrigated hay ground, irrigation ditches, a barn and corrals that are an integral part of his farm operation. For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Oscar Anderson, Owyhee Area Manager.

Dated: March 4, 1983.

J. David Brunner,

Associate District Manager.

[FR Doc. 83-6800 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[Realty Action I–20050]

Competitive Sale of Public Lands; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I–20050, Competitive Sale of Public Lands in Owyhee County, Idaho.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of the tract is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The land will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

Legal Description

Boise Meridian, Idaho

T. 7 S., R. 4 W.,

Sec. 30, Lot 4.
39.41 Acres.
Value $4,700.00.

Upon publication of this Notice in the **Federal Register** (March 24, 1983), the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the land is sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. Ditches or canals.
2. All minerals.
3. Subject to all existing rights and reservations of record.

DATE: The public auction will be held on Tuesday, May 24, 1983, beginning at 10:00 a.m.

ADDRESS: The public auction will be held at the Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. Additional information concerning these lands, terms and conditions of the sale, and bidding instructions may be obtained from Sally Carpenter, Legal Clerk, at the above address or by calling 208–334–1582.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Oscar Anderson, Owyhee Area Manager.

Dated: March 4, 1983.

J. David Brunner,

Associate District Manger.

[FR Doc. 83-6810 Filed 3-23-83 8:45 am]

Billing Code 4310-84-M

[Realty Action I–20051]

Competitive Sale of Public Lands; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I–20051, Modified Competitive Sale of Public Lands in Owyhee County, Idaho.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of the tract is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The land will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

Legal Description

Boise Meridian, Idaho T. 7 S., R. 4 W.,

Sec. 30, W½W½NW¼SE¼.
10.0 Acres.
Value $1,200.00.

Upon publication of this Notice in the **Federal Register** (March 24, 1983), the lands described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the land is sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. Ditches or canals.
2. All minerals.
3. Subject to all existing rights and reservations of record.

DATE: The public auction will be held on Tuesday, May 24, 1983, beginning at 10:00 a.m.

ADDRESS: The public auction will be held at the Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. Additional information concerning these lands, terms and conditions of the sale, and bidding instructions may be obtained from Sally Carpenter, Legal Clerk, at the above address or by calling 208–334–1582.

SUPPLEMENTARY INFORMATION: The land will be sold at public auction by modified competitive bidding. George Johnstone, Homedale, Idaho 83628, the adjoining landowner, will be the designated bidder to have a preference right to purchase the parcel at the highest bid price. Such preference right is offered because Mr. Johnstone is the historical user and has irrigated hay ground and irrigation ditches on the land that are an integral part of his farm operation. For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Oscar Anderson, Owyhee Area Manager.

Dated: March 4, 1983.

J. David Brunner,

Associate District Manager.

[FR Doc. 83-6811 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-012996]

Idaho; Notice of Termination of Proposed Withdrawal and Reservation of Lands

March 15, 1983.

Notice of an application, serial number I-012996, for withdrawal and reservation of lands was published as **Federal Register** Document No. 62-1193 on page 1076 of the issue for February 6, 1962. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 9:00 a.m. on April 20, 1983, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

Boise Meridian

T. 2 S., R. 35 E.,
Sec. 12, lots 7, 9, 10, 11;
Sec. 13, lot 6;
Sec. 14, lot 5;
Sec. 23, lots 8, 9, 11, 14, 15, 18;
Sec. 26, lot 2;
Sec. 27, lots 10, 15;
Sec. 32, lot 3;
Sec. 33, lots 10, 11, 14, 17.

T. 3 S., R. 35 E.,
Sec. 5, lots 11, 14, 15, 16 (except 0.837 acres in City of Blackfoot lease Idaho 012742);
Sec. 7, lot 10;
Sec. 8, lots 17, 18.

The area described aggregates 424.89 acres of public land in Bingham County.

William Ireland,

Chief, Lands Section.

[FR Doc. 83-7583 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[New Mexico 87401]

New Mexico; Realty Action Non-Competitive Sale of Public Lands in San Juan County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at not less than the appraised fair market value.

New Mexico Principal Meridian

T. 29 N., R. 14 W.,
Sec. 11, lots 8, 9.

The land described aggregates 8.75 acres in San Juan County.

The above described land is being offered as a direct non-competitive sale at fair market value to Paul and Carlotte Gordy. The Gordy's are current owners of a salvage yard that has occupied this public land for many years. In 1981 the Gordy's purchased the salvage business and ten acres of land, believing the salvage business was on the land that they had purchased. Further checking revealed that the land the Gordy's purchased is located in two separate tracts; one immediately east of the 8.75 acre public land tract, and one approximately 1000 feet ENE of the public land. Disposal by direct sale will legalize the occupancy of this land, protect the Gordy's investment in the improvements, eliminate an undue hardship if the Gordy's were required to remove the improvements and rid the United States of a completely isolated tract of public land. The Bureau's San Juan Management Framework Plan (Decision L-4.2) identified the public land values and natural resources involved. This document was approved by the New Mexico State Director on August 17, 1979. No public comments pertaining to this MFP Decision were received.

The subject public land tract is not required for any other Federal purpose and meets the disposal criteria of the regulations contained in 43 CFR 2710.0-3(a)(3).

A Notice of Realty Action, describing the tract and conditions of the disposal shall be published once in the **Federal Register** and once a week for three consecutive weeks in a newspaper of general circulation.

The BLM has not effectively managed this land in the past and will not be capable of such management in the future. The location as well as the physical characteristics and the private ownership of adjoining lands, make it difficult and uneconomical to manage as public land.

The land will not be offered for sale for at least 60 days after the date of this notice.

The terms and conditions applicable to the sale are:

1. The patent will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. The sale of these lands will be subject to all existing rights.

3. Mineral rights will be reserved to the United States.

4. Geothermal resources will be reserved to the United States.

Detailed information concerning the sale, including the combined Environmental Assessment and Land Report, is available for review at the Farmington Resource Area Office, 900 La Plata Hwy, Farmington, New Mexico and the Albuquerque District Office, 3550 Pan American Freeway, Albuquerque, New Mexico.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager at 3550 Pan American Freeway, Albuquerque, New Mexico 87107. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

L. Paul Applegate,

District Manager.

[FR Doc. 83-7582 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[New Mexico 87401]

New Mexico; Realty Action Non-Competitive Sale of Public Lands in San Juan County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value.

New Mexico Principal Meridian

T. 29 N., R. 14 W.,
Sec. 11, lot 7.

The land described aggregates 4.35 acres in San Juan County.

The above described land is being offered to Mrs. Loretta Cornelison at a direct non-competitive sale at fair market value. Mrs. Cornelison owner of the meat processing business that occupies the public land, has owned the business for over ten years. The business was inadvertently constructed on public land due to an inaccurate survey. Mrs. Cornelison owns the land tract immediately east of the subject land parcel. Disposal by direct sale will legalize the occupancy of the land, protect the owner's investment, and rid the United States of a small, completely isloated parcel of public land. The Bureau's San Juan Management Framework Plan (Decision L–4.2) identified the public land values and natural resources involved. This document was approved by the New Mexico State Director on August 17, 1979. No public comments pertaining to this MFP Decision were received.

The subject public land tract is not required for any other Federal purpose and meets the disposal criteria of the regulations contained in 43 CFR 2710.0–3(a)(3).

A Notice of Realty Action, describing the tract and conditions of the disposal shall be published once in the **Federal Register** and once a week for three consecutive weeks in a newspaper of general circulation.

The BLM has not effectively managed this land in the past and will not be capable of such management in the future. The location as well as the physical characteristics and the private ownership of adjoining lands, make it difficult and uneconomical to manage as public land.

The land will not be offered for sale for at least 60 days after the date of this notice.

The terms and conditions applicable to the sale are:

1. The patent will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. The sale of these lands will be subject to all existing rights.

3. Mineral rights will be reserved to the United States.

4. Geothermal resources will be reserved to the United States.

Detailed information concerning the sale, including the combined Environmental Assessment and Land Report, is available for review at the Farmington Resource Area Office, 900 La Plata Hwy, Farmington, New Mexico and the Albuquerque District Office, 3550 Pan American Freeway, Albuquerque, New Mexico.

For a period of 45 days from the date of this notice interested parties may submit comments to the District Manager at 3550 Pan American Freeway, Albuquerque, New Mexico 87107. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

L. Paul Applegate,

District Manager.

[FR Doc. 83–7591 Filed 3–23–83; 8:45 am]

BILLING CODE 4310–84–M

Asset Management Program; Meeting

Notice is hereby given in accordance with section 203 of the Federal Land Policy and Management Act of 1976 that the Roswell District will hold Open House meetings concerning the Asset Management Program.

The meetings will discuss sales procedures. Maps and materials will be available at the Open Houses to be held at the following locations:

Carlsbad: April 21, 1983, 6 to 8 p.m., Rodeway Inn, 3804 National Parks Highway, Carlsbad, New Mexico.
Roswell: April 25, 1983, 6 to 8 p.m., Roswell Inn, 1815 North Main, Roswell, New Mexico.

For Further Information Contact: Phil Kirk, Area Manager, or Mike Taylor, Realty Specialist, Roswell District Office, 1717 West Second Street, Roswell, New Mexico 88201 or call (505) 622–7670 or (FTS) 476–9251. In Carlsbad, contact Ben Koski, Area Manager or Jack Ragsdale, Realty Specialist, Carlsbad Resource Area Headquarters, 101 East Mermod, Carlsbad, New Mexico 88220 or call (505) 887–6544.

Richard Bastin,

District Manager.

[FR Doc. 83–7594 Filed 3–25–83; 8:45 am]

BILLING CODE 4310–84–M

Washington; Emergency Closure of Public Lands

Notice is hereby given that effective on April 2, 1983, all public lands in Sections 2, 10, 12, 14, 22, 24, 25, 26, 27, and 35, of T. 15N., R. 24E., and all public lands in T. 15N., R. 25E., T. 15N., R. 26E., and T. 15N., R. 27E., Willamette Meridian, Washington, are closed to all off-road vehicles.

The purpose of this closure is to protect the soil and vegetation from damage by motor vehicles.

The authority for this closure is 43 CFR 8341.2. The closure will remain in effect until April 10, 1983, both dates inclusive.

Dated: March 15, 1983.

Albert L. Martin,

Acting District Manager.

[FR Doc. 83–7590 Filed 3–23–83; 8:45 am]

BILLING CODE 4310–84–M

Meeting and Field Tour; District Grazing Advisory Board Meeting; Roswell District Office; Roswell, New Mexico

SUMMARY: In accordance with Pub. L. 94–579, this notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Roswell District Grazing Advisory Board.

DATE: April 21, 1983, beginning at 9:30 a.m. A public comment period will begin at 3:00 p.m.

ADDRESS: U.S. Bureau of Land Management, Roswell District Office, 1717 West Second Street, Roswell, New Mexico 88201. Roswell District Office Conference Room.

FOR FURTHER INFORMATION CONTACT: Richard Bastin, District Manager or Tim Kreager, Chief, Planning and Environmental Assistance Staff, U.S. Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201 (505–622–7670 or FTS 476–9251).

SUPPLEMENTAL INFORMATION: The proposed agenda will include: (1) Brush Control tour east of Roswell. Tour will start from BLM District Office at 9:30 a.m. Formal meeting will begin at 1:30 p.m., Roswell District Office Conference Room (2) Election of officers (3) Discussion on allotment management plans (4) Categorization and prioritization of allotments for range improvements (5) Benefit/cost analysis using computer model for range improvements.—This meeting is open to the public. Interested persons may make oral statements to the board during the public comment period or may file written statements. Anyone wishing to make an oral statement must notify the District Manager by April 18, 1983. Summary minutes will be maintained in the District Office and will be available for public inspection during regular

business hours within 30 days following the meeting.

Richard Bastin,

District Manager, Roswell, New Mexico.

[FR Doc. 83-7587 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

Vale District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that an organizational meeting of the Vale District Advisory Council will be held April 14, 1983.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office at 100 Oregon Street West, Vale, Oregon, 97918.

Agenda items scheduled for advisory council briefing are (1) Southern Malheur EIS Area preferred alternative, (2) FY 1984 Asset Management Program and (3) Owyhee River Final Management Plan.

The meeting is open to the public. Interested persons may make oral statements to the Board or may file written statements for the Board's consideration. Anyone wishing to make oral statements may do so at 3:00 p.m. the day of the meeting.

Summary minutes of the Board meeting will be maintained in the district office and be available during regular business hours for public inspection, for the cost of duplication, within 30 days following the meeting.

Fearl M. Parker,

District Manager.

[FR Doc. 83-7589 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 7278]

Oregon; Order Providing for Opening of Public Lands

1. In exchanges of lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716 (1976), the following lands have been reconveyed to the United States:

Willamette Meridian

T. 33 S., R. 22 E.,
Sec. 36.
T. 34 S., R. 22 E.,
Sec. 16.
T. 36 S., R. 22 E.,
Sec. 16, S½N½ and S½.
T. 35 S., R. 23 E.,
Sec. 16.
T. 36 S., R. 23 E.,
Sec. 36.
T. 37 S., R. 23 E.,
Sec. 16.
Sec. 36, N½ and N½S½.
T. 32 S., R. 24 E.,
Sec. 16, W½.
T. 35 S., R. 24 E.,
Sec. 23, W½SW¼;
Sec. 26, W½W½;
Sec. 27 E½NE¼ and SE¼;
Sec. 34, SE¼SW¼.
T. 30 S., R. 25 E.,
Sec. 36.
T. 31 S., R. 25 E.,
Secs. 16 and 36.
T. 32 S., R. 25 E.,
Sec. 16.
T. 34 S., R. 25 E.,
Sec. 36, S½SW¼ and SE¼.
T. 30 S., R. 26 E.,
Secs. 16 and 36.
T. 31 S., R. 26 E.,
Secs. 16 and 36.
T. 29 S., R. 27 E.,
Secs. 16 and 36.
T. 30 S., R. 27 E.,
Secs. 16 and 36.
T. 31 S., R. 27 E.,
Sec. 16;
Sec. 36, E½ and E½W½.
T. 32 S., R. 27 E.,
Sec. 36.
T. 30 S., R. 28 E.,
Sec. 16;
Sec. 36, lots 1, 2, 3, and 4, N½, and N½S½.
T. 31 S., R. 28 E.,
Secs. 16 and 36.
T. 32 S., R. 28 E.,
Secs. 16 and 36.
T. 34 S., R. 28 E.,
Secs. 16 and 36.
T. 35 S., R. 28 E.,
Sec. 16.

The areas described aggregate approximately 19,315.96 acres in Harney and Lake Counties, Oregon.

2. At 9:30 a.m., on April 20, 1983, the land will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:30 a.m., on April 20, 1983, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. At 9:30 a.m. on April 20, 1983, the public lands will be open to location under the United States mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

4. At 9:30 a.m., on April 20, 1983, the lands will be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 15, 1983.

Robert E. Mollohan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-7586 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32058, Survey Group 124]

Minnesota; Filing of Plat of Survey

1. On October 5, 1982, the plat representing the survey of an island in Lake Belle Taine, T. 140 N., R. 33 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 9, 1983.

The island listed below describes the land omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 140 N., R. 33 W.,
Tract No. 37.

2. The island Tract No. 37 rises to an elevation of up to 3 feet above the ordinary high water mark of Lake Belle Taine. The island is composed of boulders and other material of glacial origin, covered with a shallow layer of soil. Forest vegetation consists of pole size aspen, pine, birch, and elm. Old tree stumps were also found on the island.

The similarity between the edaphic and vegetative characteristics of Tract No. 37 and adjoining surveyed uplands located at equal elevation attest to the fact that it existed as upland in 1870 when the township was originally surveyed and on May 11, 1858, when Minnesota was admitted into the Union. The succession of tree growth as evidenced by stumps and present tree cover attest to the fact that Tract No. 37 existed as upland at all subsequent dates.

3. The Tract No. 37 was found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850. It is therefore held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street.

Alexandria, Virginia 22304 on or before May 9, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-7581 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32059, Survey Group 124]

Minnesota; Filing of Plats of Survey

1. On October 5, 1982, the plats representing the survey of four islands in T. 140 N., R. 34 W., Fifth Principal Meridian, Minnesota, were accepted. They will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 9–1983.

The islands listed below describe the lands omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 140 N., R. 34 W.,
Tract Nos. 37, 38, 39, and 40.

2. The tract No. 37 rises to an elevation of 5 feet above the ordinary high water mark of Boulder Lake. The island is composed of boulders ranging up to 3 feet in diameter and other material of glacial origin covered with a shallow layer of soil. Forest vegetation consists of Norway pine, aspen, birch, spruce, and red oak with an understory of Norway pine, aspen, and birch.

Tract No. 38 rises to an elevation of 2 feet above the ordinary high water mark of Boulder Lake and is composed of boulders ranging up to 4 feet in diameter and other material of glacial origin covered with a shallow layer of soil. Forest vegetation consists of willow, aspen and birch.

Tract No. 39 rises 5 feet in elevation above the ordinary high water mark of Peysenske Lake. It is composed of glacial material covered with a shallow layer of soil. Forest vegetation consists of basswood, birch, oak, aspen, and ash with an understory consisting of alder, sumac, dogwood, and fir.

Tract No. 40 rises to an elevation of 6 feet above the ordinary high water mark of Peysenske Lake and is composed of material of glacial origin covered with a medium layer of soil. Forest vegetation consists of pine, birch, basswood, oak, and willow. The understory consists of sumac, alder, hazel, pine, and aspen.

3. The elevation of the islands and the forest vegetation attest to the fact that they existed as islands on May 11, 1858, when Minnesota was admitted into the Union and all subsequent dates.

4. The islands described as Tract Nos. 37, 38, 39, and 40 were found to be more than 50% upland in character within the purview of the Swamp Lands Act of September 28, 1850.

5. All inquiries relating to these islands should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before May 9, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-7582 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32060, Survey Group 124]

Minnesota; Filing of Plats of Survey

1. On October 5, 1982, the plats representing the survey of 12 islands in T. 141 N., R. 33 W., Fifth Principal Meridian, Minnesota, were accepted. They will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 9, 1983.

The islands listed below describe the lands omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 141 N., R. 33 W.,
Tract Nos. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48.

2. Tract No. 37 rises to an elevation of 9 feet above the ordinary high water mark of West Crooked Lake. It is composed of glacial till parent material covered with a shallow layer of soil. Forest vegetation is similar to the surrounding mainland which consists of Norway pine, white spruce and birch. Tree borings indicated that some trees ranged up to 120 years old. Stumps were found on the island ranging up to 18 inches in diameter with stump depressions that measured 3 feet in diameter.

Tract No. 38 rises up to 20 feet above the ordinary high water mark of Middle Crooked Lake. The island is composed of glacial till parent material covered with a shallow layer of soil. Granite boulders measuring up to 3 feet in diameter were found on this tract. Forest vegetation found on the island is similar to that of the surrounding mainland consisting of Norway pine, white pine, aspen, and birch. The understory consists of white pine, alder, and hazel. Borings indicate that the oldest pine trees were 135 years old.

Tract No. 39 rises to an elevation of up to 35 feet above the ordinary high water mark of Middle Crooked Lake. It is composed of glacial till parent material covered with a shallow layer of soil. Forest vegetation consists of Norway and white pine, aspen, birch, spruce, and basswood, with an understory of oak, hazel, aspen, and alder. A pine tree measuring 30 inches in diameter was aged between 120 and 135 years old.

Tract No. 40 rises an elevation of 2 feet above the ordinary high water mark of West Crooked Lake. The island is composed of granite glacial till with a very shallow soil coverage. Granite boulders ranging up to 3 feet in diameter are scattered about the island. Vegetation consists primarily of lowland brush.

Tract No 41. rises to an elevation of up to 10 feet above the ordinary high water mark of Dead (Ojibway) Lake. It is composed of glacial till parent material covered with a shallow layer of soil. Forest vegetation similar to the surrounding mainland consisting of pole size Norway pine, white spruce, fir, and birch, while the understory consists of hazel, alder, and choke cherry. Tree stumps of 15 inches in diameter have been logged in the past 30 to 40 years and are also present on the nearby surveyed uplands.

The island Tract No. 42 rises to an elevation of 4 feet above the ordinary high water mark of Spider Lake. It is composed of boulders up to 3 feet in diameter and other material of glacial origin covered with a shallow layer of soil. Forest vegetation consists of pole size Norway, white and jack pine, and birch, while the understory is composed of willow, alder and birch.

Track No. 43 rises to an elevation of up to 3 feet above the ordinary high water mark of Spider Lake. The island is composed of boulders and other material of glacial origin, covered with a shallow layer of soil. Forest vegetation consists of Norway, white and jack pine, aspen and birch, while the understory is mainly white pine, hazel, and alder.

Tract No. 44 rises to an elevation of 8 feet above the ordinary high water mark of Spider Lake. The island is composed of boulders up to 5 feet in diameter and other material of glacial origin and is covered with a shallow layer of soil. Forest vegetation consists of saw class elm, white pine, spruce, birch, aspen, basswood, and ash, while the understory is mainly composed of spruce, aspen, ironwood, birch, alder, and hazel.

The island Tract No. 45 rises to an elevation of 3 feet above the ordinary high water mark of Spider Lake. It is composed of glacial till covered with a shallow layer of soil. Forest vegetation is similar to that on the surrounding mainland consisting of pole size jack pine, tamarack, and birch. The understory consists of alder and hazel.

The island Tract No. 46 rises to an elevation of up to 3 feet above the ordinary high water mark of Spider

Lake. The island is composed of boulders and other material of glacial origin covered with a shallow layer of soil. Forest vegetation is similar to that of the adjacent surveyed upland which consists of pole size Norway, white and jack pine, and birch. The understory consists of alder, hazel, and white pine.

Tract No. 47 rises to an elevation of 15 feet above the ordinary high water mark of Spider Lake. The island is composed of glacial till covered with a shallow to medium layer of soil. Forest vegetation is similar to that of the adjoining surveyed upland which consists of Norway and white pine, birch, and aspen. The understory is composed of pine, alder, hazel, and oak. Borings indicate that the larger pine trees range up to 150 years of age.

Tract No. 48 rises 2 feet above the ordinary high water mark of Spider Lake. The island is composed of granite glacial till rubble. The vegetation on this tract consists of underbrush.

3. The elevation of the islands, similarity of timber succession on the islands and the opposing mainland, age of timber present, composition of soil, and the character of the channel show conclusively that those tracts of land existed as an islands on May 11, 1858, when Minnesota was admitted into the Union, and at all subsequent dates.

4. The tracts 37–48 were found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). Therefore, they are held to be public land.

5. All inquiries relating to these tracts should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before May 9, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83–7583 Filed 3–23–83; 8:45 am]

BILLING CODE 4310–84–M

[ES 32061, Survey Group 124]

Minnesota; Filing of Plats of Survey

1. On October 5, 1982, the plats representing the survey of two islands in T. 142 N., R. 34 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. on May 9, 1983.

The islands listed below describe the lands omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 142 N., R. 34 W.,

Tract Nos. 37 and 38.

2. The island Tract No. 37 rises in elevation from 2 to 20 feet above the ordinary high water mark of Mantrap Lake. Its character is similar in all respects to that of the adjacent surveyed lands. The island is composed of boulders and other material of glacial origin, covered with a medium layer of soil. Timber on this Tract consists of basswood, ash, tamarack, spruce, aspen, and birch, with a ground cover consisting primarily of willow, hazel, dogwood, and alder. Many large tree stumps were found on the island Tract No. 37.

The elevation of Tract No. 38 rises 2 feet above the ordinary high water mark of Skunk Lake. The island is composed of glacial till covered with a shallow layer of soil, with granite boulders scattered over the Tract. Forest vegetation consists of birch, aspen, and jack pine, while the understory consists of alder and hazel.

3. The elevation of the islands, similarity of timber and vegetation on the tracts and the mainland, composition of the soil, and the character of the channels, show conclusively that the island Tract Nos. 37 and 38 existed as islands on May 11, 1858, when Minnesota was admitted into the Union, and at all subsequent dates.

4. Tract Nos. 37 and 38 were found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

5. All inquiries relating to these islands should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before May 9, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83–7584 Filed 3–23–83; 8:45 am]

BILLING CODE 4310–84–M

[AR 032166]

Arizona; Proposed Modifications of Withdrawal and Opportunity for Public Hearing

March 18, 1983.

As a result of the review made pursuant to Section 204(l) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to modify Public Land Order 3238 of September 27, 1963, withdrawing the following described public land from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws:

Gila and Salt River Meridian, Arizona

T. 14 S., R. 13 E.,
Sec. 27, SW¼SW¼SE¼SW¼, S½S½NW¼SW¼SE¼,SW¼, E½E½SE¼SE¼SW¼ SW¼, SE¼SE¼NE¼SE¼SW¼SW¼.

The area described aggregates 3.91 acres in Pima County.

The purpose of the withdrawal is for use by the Immigration and Naturalization Service as a border patrol sector headquarters site. The Bureau of Land Management proposes to modify the period of withdrawal from an indefinite period to a period of 20 years. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal modification. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before June 30, 1983. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objection to the proposed modification may be filed with the undersigned officer on or before June 30, 1983.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The authorized Officer will review the withdrawal rejustification to ensure that the modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized Officer will also prepare a report for consideration by the Secretrary of the Interior who will determine whether or not the withdrawal will be modified and if so, for how long. The final determination of the modification of the withdrawal will be published in the **Federal Register.** The existing

withdrawal will continue until such final determination is made.

All communications in connection with this proposed modification should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-7585 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Amoco Production Company (USA) has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 0987, Block 273, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 18, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-7606 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that The Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0253, Block 149,West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 18, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-7607 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-MR-M

Office of the Secretary

Central Arizona Project, Arizona; Water Allocations and Water Service Contracting; Record of Decision

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of final water allocations to Indian and non-Indian water users and related decisions.

SUMMARY: The purpose of this action is to provide notice of final decisions made by the Secretary of the Interior concerning the allocation of water developed by the Central Arizona Project (CAP) to Indian and non-Indian water users, the conditions upon which those allocations were made, and water service contracting.

FOR FURTHER INFORMATION CONTACT: David G. Houston, Deputy Assistant Secretary, Land and Water Resources, U.S. Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343–5676.

SUPPLEMENTARY INFORMATION: Previous Department of the Interior notices concerning CAP water allocations were published in the **Federal Register** on December 20, 1972, April 18, 1975, October 18, 1976, August 8, 1980 and December 10, 1980. Previous notices concerning compliance with the National Environmental Policy Act of 1969 in connection with CAP water allocations were published on June 2, 1981, December 4, 1981, December 11, 1981, and March 24, 1982.

These decisions were made pursuant to the authority vested in the Secretary of the Interior by the Reclamation Act of 1902, as amended and supplemented (32 Stat. 388, 43 U.S.C. 391) and the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885, 43 U.S.C. 1501), the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Part 1505) and the Implementing Procedures of the U.S. Department of the Interior (516 DM 5.4), and in recognition of the Secretary's trust responsibilities to the Indian tribes of central Arizona. They were made after full consideration by the Secretary and his staff of the decisionmaking records and activities of previous Secretaries of the Interior on the subject of CAP water allocations, the draft and final environmental impact statements prepared on Water Allocations and Water Service Contracting, Central Arizona Project (INT–DES 81–50 and INT–FES 82–7 respectively), and the views of members of the public, officials of other Federal agencies and the State of Arizona, Members of the Congress, Indian tribes and environmental organizations presented in the form of written comments and correspondence or orally at meetings and public hearings held in connection with the allocations and environmental impact statements.

Decision

The Secretary of the Interior has elected to allocate waters developed by the Central Arizona Project (CAP) and to proceed with water service contracting with Indian and non-Indian users for the delivery of Arizona's remaining entitlement to Colorado River water. This decision allocates 309,828 acre-feet annually of water for Indian use (see Table 1) and 640,000 acre-feet annually for municipal and industrial (M&I) use (see Table 2), with the remaining supply for non-Indian agricultural use (see Table 3).

These allocations will, however, be subject to the following conditions:

1. The Gila River Indian Community will be offered a water service contract for 173,100 acre-feet per year for irrigation purposes on the reservation subject to acceptance of feasible non-potable water exchanges and subject to a 25 percent reduction in water short years with the remaining 75 percent of the irrigation allocation on a priority basis with 510,000 acre-feet of non-Indian M&I allocations.

2. Indian entities with existing contracts which provide for non-potable water exchanges will be required to accept non-potable water exchanges where feasible and consistent with contractual provisions.

3. Allocations to tribal homelands are intended to serve irrigation, domestic, municipal, and industrial uses on the Reservations and repayment of allocated project costs will be based on actual uses of the water and will be in accordance with applicable statutes.

4. The M&I allocation of 640,000 acre-feet per year can be made more firm by executing feasible non-potable effluent exchanges with Indian tribes. This allocation is subject to adoption of a pooling concept whereby all M&I allottees share in the benefits of effluent exchanges.

5. Water service contracting with M&I entities will proceed in accordance with this decision and based on quantities delineated on Table 2 herein.

6. An initial contracting period extending for 6 months will be provided and, in the absence of extenuating circumstances, the expiration of such period will lead to a request on behalf of the Secretary for the Arizona Department of Water Resources (DWR) to recommend reallocation of any remaining M&I and non-Indian agricultural water not contracted for during the initial contract period.

7. All water not contracted for, or contracted for but not expected to be utilized during interim periods, will be retained under jurisdiction of the Secretary and will be marketed on an interim basis to expedite repayment of the CAP.

CAP Water Allocation Description

The decision is to allocate 309,828 acre-feet of CAP water annually to 12 Indian entities for irrigation or for maintaining tribal homelands; and to accept the State of Arizona's 1982 allocation recommendations for non-Indian users, which provide 640,000 acre-feet annually for M&I use, with the remaining supply for non-Indian agricultural use

The quantities allocated to Indian users and the purposes they will serve are shown in Table 1.

TABLE 1.—CAP WATER ALLOCATIONS, INDIAN COMMUNITIES

Units: Acre-feet

Entity	Irrigation	Tribal homeland [1]	Total
Ak Chin	58,300		58,300
Camp Verde		1,200	1,200
Fort McDowell		4,300	4,300
Gila River	173,100		173,100
Papago-Chuichu	6,600		6,600
Papago-San Xavier		27,000	27,000
Papago-Schuk Toak		10,800	10,800
Pasqua Yaqui		500	500
Salt River	13,300		13,300
San Carlos	2,700	10,000	12,700
Tonto Apache		128	128
Yavapai		500	500
Total	255,400	54,428	309,828

[1] Includes irrigation, domestic, municipal, and industrial uses on the Reservation

To ensure that maximum beneficial use is made of CAP water supplies in conjunction with available Arizona water supplies, Indian entities with existing contracts which provide for non-potable water exchanges will be required to accept non-potable water in exchange for CAP Indian irrigation allocations where feasible and consistent with contractual provisions. During years of water supply shortages. Indian users and non-Indian M&I users would share a first priority on project water supplies. Depending upon severity of shortages, project water delivery for miscellaneous uses would be reduced pro rata until exhausted; next, non-Indian agricultural uses would be reduced the same way until exhausted; next, the Gila Tribe allocation would be reduced 25 percent and other Indian irrigation uses would be reduced 10 percent on a pro rata basis until exhausted. Thereafter, the remaining water contracted for by 11 Indian entities under existing contracts and 75 percent of the Gila River Tribe allocation would share a priority with 510,000 acre-feet of non-Indian M&I uses (the 510,000 acre-feet of M&I supply is exclusive of water obtained through effluent exchange agreements with Indian entities) and would be reduced on a proportional basis, and within each class on a prorated basis, based on the amount of water actually delivered to each entity in the latest non-shortage year.

It is further decided that the water allocated to tribal homelands, under provisions of these CAP water allocations, shall be defined to serve irrigation, domestic, municipal, and industrial uses and purposes on the Reservations and repayment shall be subject to applicable law based on the actual use of the water.

The Secretary of the Interior will retain the right to contract for water sales on an interim basis where Indian water allottees are not utilizing the full CAP allotment as provided herein.

The quantities allocated to the M&I entities recommended for CAP water by the DWR in 1982 are shown in Table 2 below. The allocations include 71 municipal users, 2 power companies, 8 mining companies, 2 recreational entities, and 2 other applicants that do not fall under any of these categories.

TABLE 2.—CAP WATER ALLOCATIONS MUNICIPAL AND INDUSTRIAL [1]

[Units: Acre-feet]

Entity	Schedule of demand			
	County	1985	2005	2034
M&I (municipal): [1]				
Aqua Fria (Citizens Util. Co.)	Mar			1,439
Apache Jct. (Az. Water Co.)	Pinal			6,000
Avondale	Mar			4,099
Berneil Water Co	Mar			432
Buckeye	Mar			725
Camp Verde Water Co	Other			1,443
Casa Grande (Az. Water Co.)	Mar			8,884

TABLE 2.—CAP WATER ALLOCATIONS MUNICIPAL AND INDUSTRIAL[1]—Continued

[Units. Acre-feet]

Entity	Schedule of demand			
	County	1985	2005	2034
Carefree Ranch Water Co.	Mar			954
Carefree Water Co	Mar			400
Cave Creek Water Co	Mar			1,600
Chandler	Mar			3,668
Chandler Heights I.D.	Mar			315
Chaparral City Water Co	Mar			6,978
Clearwater Co	Mar			2,849
Coolidge (Az. Water Co.)	Pinal			2,000
Community Water Co. (Grn. Vly.)	Pima			1,100
Consolidated Water Co	Mar			3,932
Cortaro-Marana I.D	Pima			47
Cottonwood Water Co	Other			1,789
Crescent Valley Water Co	Mar			2,697
Del Lago	Pima			786
Desert Ranch Water Co	Mar			139
Desert Sage Water Co	Mar			5,933
Desert Sands Water Co	Mar			768
Eloy	Pinal			2,171
E&R Water Co	Other			161
Florence	Pinal			1,641
Florence Gardens	Pinal			407
Flowing Wells I.D	Pima			4,354
Foothills Water Co	Pima			1,652
Gilbert	Mar			7,235
Glendale	Mar			14,083
Globe	Other			3,480
Goodyear	Mar			2,374
Green Valley Water Co	Pima			1,900
Ironwood Water Co	Mar			393
Litchfield Park Serv. Co	Mar			5,580
Maricopa Mtn. Water Co	Pinal			108
Mayer-Humboldt Water Co	Other			332
McMicken I.D	Mar			9,513
Mesa	Mar			20,129
Miami-Claypool (Az. Water Co)	Other			1,829
Midvale Farms Water Co	Pima			1,560
New Pueblo	Pima			237
New River Utility Co	Mar			2,359
Nogales	Other			3,949
North Valley Water Co	Mar			393
Palm Springs Water Co	Pinal			2,919
Paradise Valley Water Co	Mar			3,091
Payson	Other			4,995
Peoria	Mar			15,000
Phoenix	Mar			113,882
Prescott	Other			7,127
Queen Creek I.D.	Mar			944
Ranch Lands Water Co	Pima			393
Rio Rico (Citizens Util. Co.)	Pima			2,683
Rio Verde Util. Inc	Mar			842
San Tan I.D	Mar			236
Scottsdale	Mar			19,702
Sun City (Citizens Util Co.)	Mar			15,835
Sunrise Water Co	Mar			944
Sunshine Water Co	Mar			16
Tempe	Mar			4,315
Trails End Water Service	Other			226
Tucson	Pima			151,064
Turner Ranches	Mar			3,932
West End Water Co	Mar			157
West Phoenix Water Co	Mar			91
White Tank (Az. Water Co.)	Mar			968
William A. F. Base	Mar			833
Youngtown	Mar			380
Subtotal				494,742
M&I (Power):				
Az. Publ. Serv./Salt Rv. Proj.		55,400	[2]	[4]43,218
M&I (Mines)				
Anamax, Twin Buttes	Pima	6,105	[3]	4,444
Asarco—Hayden	Other	893	[3]	582
—Mission	Pima	4,161	[3]	[5]0
Cities Serv. Co	Other	3,285	[3]	2,271
Cyprus-Pima	Pima	7,263	[3]	5,339
Duval	Pima	11,628	[3]	8,549
Inspiration Copper	Other	4,647	[3]	2,906
Kennecott	Other	28,611	[3]	22,028
Phelps-Dodge	Other	20,866	[3]	14,665
Subtotal Mines				60,784
M&I (Recreation):				
Az. Game & Fish Dept.	Mar	755	[3]	324
Maricopa County	Mar	852	[3]	665
Subtotal—Rec				989
M&I (Other):				
Phx. Memorial Park	Mar			[6]
State Land Department				39,006

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TABLE 2.—CAP WATER ALLOCATIONS MUNICIPAL AND INDUSTRIAL [1]—Continued

[Units: Acre-feet]

Entity	Schedule of demand			
	County	1985	2005	2034
Subtotal—Other				39,090
Total				[6]638,823

[1] Municipal subcontractors will be allowed to use up to the amount of water identified for the year 2034 at any time during the contract repayment period.
[2] The maximum allocation shall be 434 acre-feet until 2005, then reducing to 25 acre-feet per year for the year 2034.
[3] Subcontractors will be allowed to utilize the indicated amount until such time that all M&I use totals 640,000 acre-feet.
[4] Distribution between the two entities to be determined during contract negotiations.
[5] No request for water in the year 2034.
[6] Rounded to 640,000.

To ensure that maximum use is made of available CAP water supplies, the Secretary of the Interior will retain the right to contract for water sales on an interim basis where water allottees are not utilizing the full CAP allotment as provided herein.

The allocations to M&I users can be made more firm by, and are premised on expectations that, municipal effluent in quantities of least 100,000 acre-feet per year will be exchanged with Indian users. These expectations are consistent with the Indian allocations where this decision provides that exchanges will be required where feasible and consistent with contractual provisions. Exchanges will be treated under a pooling concept whereby benefits of exchange will accrue to all M&I users.

The CAP water allocations to the non-Indian agricultural users shall include the remaining supplies and are expressed as percentages of water available to non-Indian agriculture. These agricultural entities range in size from 90 acres to over 150,000 acres and include 23 irrigation districts or farming operations. Table 3 below provides the percent of supply available for each entity.

As previously noted for Indian allottees and non-Indian municipal and industrial allottees, the Secretary of the Interior will retain the right to contract for water sales on an interim basis where water allottees are not utilizing the full CAP allotment as provided herein.

TABLE 3.—CAP WATER ALLOCATION NON-INDIAN IRRIGATION [1]

	Percent of supply available for non-Indian agriculture		
	1985	2005 [2]	2034 [2]
Arcadia Water Company	0.13		
Arva Valley Association	3.69		
Central Arizona Irrigation District	18.01		
Chandler Heights Irrigation District	.28		
Cortaro-Marana Irrigation District	2.14		
FICO	1.39		
Harquahala Valley Irrigation District	7.67		
Hohokam Irrigation District	6.36		
La Croix	.04		
Maricopa-Stanfield Irrigation District	20.48		
Marley, Jemper Jr.	.04		
McMicken Irrigation District	7.28		
MCMWCD #1	4.66		
New Magma Irrigation District	4.34		
Queen Creek Irrigation District	4.83		
Rood, W. E.	.04		
Roosevelt Irrigation District	2.61		
RWCD	5.98		
Salt River Project	2.97		
San Carlos Irrigation District [3]	4.09		
San Tan Irrigation District	.77		
Tonopah Irrigation District	1.98		
U.S. Forest Service	.22		
Total	100.00		

[1] During shortages, all M&I and Indian uses would have priority over non-Indian irrigation. When available, non-Indian irrigation shares the project supply available for this purpose according to the listed percentages. These allocations are based in part on recommendations from the State of Arizona and percentages shown are reflective of those provided in correspondence to the Secretary of the Interior dated January 18, 1982 and November 10, 1982, from the Arizona Department of Water Resources.
[2] The allocation for years subsequent to 1985 will be based on the 1985 allocation minus the supply that would have been delivered to eligible lands that have been converted to M&I or otherwise removed from irrigation. Contract language similar to that contained in the letter to the Secretary of the Interior from the Arizona Department of Water Resources dated November 10, 1982, will be included in all non-Indian irrigation subcontracts.
[3] The water service subcontract among the United States, the Central Arizona Water Conservation District (CAWCD) and the San Carlos Irrigation District (District) will not require the District to reduce the amount of groundwater pumped by the amount of CAP water received. However, the subcontract will require that the District continue to employ measures adequate in the judgment of the Secretary and the CAWCD to control expansion of irrigation in the contract service area and to reduce pumping of groundwater consistent with, and to comply in all other respects with, Arizona's statutory requirements.

During years of water supply shortages, Indian users and non-Indian M&I users would share a first priority on project water supplies. Depending upon severity of shortages, miscellaneous uses would be reduced pro rata until exhausted; next, non-Indian agricultural uses would be reduced the same way until exhausted; next, 25 percent of the Gila Tribe allocation and 10 percent of the irrigation amount allocated to Indian contractors other than the Gila Tribe would be reduced pro rata until exhausted. Finally, the remaining water contracted for by 11 Indian entities under existing contracts and 75 percent of the Gila River Tribe allocation would share a priority with 510,000 acre-feet of non-Indian M&I uses (510,000 acre-feet for M&I is exclusive of water obtained through effluent exchange agreements with Indian entities) and would be reduced on a proportional basis, and within each class on a prorated basis, based on the amount of water actually delivered to each entity in the latest non-shortage year.

Description of Alternative Allocations

The following alternatives were considered by the Department in reaching its decision:

A. *Options*—Water Allocation

A.1. *No Action.* The "No Action" alternative would allocate CAP water based upon the demands anticipated during the planning stages of the project: M&I deliveries at 82,000 acre-feet, 232,000 acre-feet, and 312,000 acre-feet, in years 1975, 1990, and 2000 and after, respectively, in the metropolitan Phoenix and Tucson areas. The remainder would go to agricultural users (both Indian and non-Indian) shared pro rata on acreage developed for irrigation.

A.2. *Kleppe Allocation With 1981 State Recommendations.* Five central Arizona Indian tribes would be allocated 257,000 acre-feet annually for irrigation use until 2005, thereafter 10 percent of total project supplies or 20 percent of project agricultural supplies, whichever was to their advantage. M&I users would be allocated from 190,242 acre-feet (1985) to 719,992 acre-feet (2034) annually. The remainder of the CAP supplies would be shared by 23 irrigation districts or farming operations pro rata based on eligible acres.

A.3. *Andrus Allocation With 1981 State Recommendations.* This provides 12 Indian tribes or communities with a total of 309,828 acre-feet annually for irrigation or for maintaining tribal homelands. The 1981 State recommendations provide from 190,242 (1985) to 514,000 (2034) acre-feet annually to 81 M&I entities, with the remaining supply to 23 irrigation districts or farming operations. During shortages, CAP deliveries are reduced

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until exhausted first to all miscellaneous uses and then to non-Indian irrigation uses, then 10 percent of the Indian irrigation amount is reduced until exhausted. Finally, the remaining Indian irrigation and tribal homeland amounts are reduced pro rata with no more than 510,000 acre-feet per year of M&I uses, based on amount of water actually delivered to each entity in the most recent past year of full deliveries to these entities.

A.4. *Andrus Allocation Modified To Favor M&I Use.* The Indian allocations are the same as Alternative 3, the differences being in the distribution in times of shortage. The alternative allocates from 190,242 acre-feet (1985) to 697,020 acre-feet (2034) annually to 81 M&I entities, with the remaining supply to 23 irrigation districts or farming operations. During shortages, CAP deliveries are reduced until exhausted first to all miscellaneous uses and then to non-Indian irrigation uses, then 25 percent of the Indian irrigation amount is reduced until exhausted. Finally the remaining Indian irrigation and tribal homeland amounts are reduced pro rata with all M&I uses, based on the scheduled amounts of water (demand) for each entity in the current year. In addition, effluent exchanges (full time) of not less than 100,000 acre-feet per year are assumed for the Salt River and Gila River reservations in amounts not to exceed 20 percent of the individual tribe's allocation prior to 2005, nor more than 50 percent after 2005.

A.5. *Andrus Allocation Modified To Favor Indian Use.* The Indian allocations are the same as Alternative 3, the differences being in the distribution in times of shortages. This alternative allocated from 190,242 acre-feet (1985) to 578,010 acre-feet (2034) annually to 81 M&I entities with the remaining supply to 23 irrigation districts or farming operations. During shortages, CAP deliveries are reduced until exhausted first to all miscellaneous uses and then to non-Indian irrigation and non-municipal M&I use. Finally, the Indian allocated amounts are reduced pro rata with the M&I (municipal only) amounts based on the quantity of water actually delivered to each entity in the most recent past year of full deliveries. There is no prior 10 percent reduction in Indian agricultural use.

A.6. *Agency Proposed Action With 1982 State Recommendations.* The Agency Proposed Action is to allocate 309,828 acre-feet annually to 12 Indian tribes for irrigation or for maintaining tribal homelands. The 1982 State Recommendations provide 640,000 acre-feet annually (2034) to 85 M&I entities, with the remaining supply to 23 irrigation districts or farming operations. During shortages, CAP deliveries would be reduced until exhausted first to all miscellaneous uses and then to non-Indian agricultural use, next, 25 percent of the Gila Tribe allocation and 10 percent of the irrigation amount allocated to Indian contractors other than the Gila Tribe would be reduced pro rata until exhausted. Finally, the remaining water contracted for by 11 Indian entities under existing contracts and 75 percent of the Gila River Tribe allocation would share a priority with 510,000 acre-feet of non-Indian M&I uses (510,000 acre-feet for M&I is exclusive of water obtained through effluent exchange agreements with Indian entities) and would be reduced on a proportional basis, and within each class on a prorated basis, based on the amount of water actually delivered to each entity in the latest non-shortage year. In addition, effluent exchanges would be required for tribal entities where feasible and consistent with contractual provisions.

B. *Options*—Effluent Exchange

B.1. Effluent exchanges optional for tribal contractors, but not required.

B.2. Effluent exchanges with Indian tribes required where feasible and consistent with contractual provisions (i.e., where conditions specified in individual Indian contracts are met).

B.3. Allocations made consistent with option B.2., with the proviso that CAWCD will implement the "pooling concept."

B.4. Allocations made consistent with Option B.3., with added contractual provision that M&I allocations will be adjusted if effluent exchanges are not implemented.

B.5. Allocations made consistent with Option B.2., but cities would be allowed to individually exchange effluent with Indian users.

C. *Options*—Tribal Homeland

C.1. Do not define purpose of water allocated to tribal homeland at this time.

C.2. Define purpose of water allocated to tribal homeland as domestic, municipal, and industrial.

C.3. Define purpose of water allocated to tribal homeland as agricultural irrigation and therefore capital costs would be deferred under the Leavitt Act.

C.4. Define purposes of water allocated to tribal homeland as any use necessary to ensure intended purpose of the reservation including irrigation, domestic, municipal, and industrial. Contracts would be interpreted pursuant to the *Rules, Regulations, and Determinations* provisions of the contracts to provide for appropriate repayment consistent with the actual use of the water.

C.5. Define and interpret purposes of water allocated to tribal homelands consistent with option C.4 with added clarification that agricultural irrigation uses would be subject to priority reduction of 10 percent in water short years before sharing a priority basis with non-Indian M&I.

Background for Decision

Authorized as part of the Colorado River Basin Project Act (Pub. L. 90–537) in 1968, the CAP is a multi-purpose water project which will deliver water for irrigation, municipal and industrial uses in central and southern Arizona, and by exchange, to users in western New Mexico and on Gila River tributaries upstream for CAP facilities in Arizona.

The water users can be divided into four categories: Indian agricultural irrigation, tribal homeland, non-Indian agriculture, and non-Indian M&I.

The Secretary of the Interior has the responsibility for allocating CAP waters. A final allocation of CAP water and a contract with the Secretary for delivery of the water is required so that facilities can be designed and constructed to treat (where necessary) and deliver the CAP water to the point of use. In many cases, the delivery facilities will be extensive, or will require negotiation for joint use of existing facilities, and adequate lead time is required if the users will be able to take water when the CAP comes on-line.

The main CAP aqueduct system is currently scheduled to make water deliveries to the Phoenix and Pinal county areas in 1985, and to the Tucson area in 1989 or 1990. Even if the allocations are made without delay, it is likely that some of the eventual recipients of CAP water will be unable to take delivery when the water is first made available.

On November 12, 1981, Secretary Watt provided guidance to the Bureau of Reclamation with regard to his proposed action on CAP allocations to the Indian sector. Based on the Secretary's proposal, the DWR prepared final recommendations for the allocation of CAP water to the non-Indian sector. The recommendations were forwarded to the Secretary in letters dated January 18, 1982, April 6, 1982, and November 10, 1982. These proposed Indian allocations, along with the State's recommendations for non-Indian allocations, comprised the Agency Proposed Action in the final EIS on Water Allocations and Water Service Contracting, Central Arizona

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Project, which was prepared by the Bureau of Reclamation and filed with the Environmental Protection Agency on March 19, 1982.

Non-Indian agricultural water users are expected to contract for and receive water available from the CAP facilities which is not being utilized in the early years by the M&I and Indian contractors. The amount of this water will be relatively substantial in the early years of the project and during years of high runoff in the Colorado River Basin. Amounts are expected to decrease during the project life as the M&I use increases.

The Department's allocation (Alternative 6) contains elements of Alternatives 3 (Andrus) and 4 (Andrus Modified for M&I). The magnitude of the alternative allocations is identical, but the distribution of the project water during times of shortage combines elements of both. Under the Andrus allocation (Alternative 3) during shortages, 10 percent of Indian allocations for irrigation use would be reduced until exhausted prior to a pro rata reduction of the remaining Indian irrigation and tribal homelands amounts on a shared priority basis with 510,000 acre-feet per year of non-Indian M&I uses. The Andrus Modified for M&I Alternative (Alternative 4), provides that during shortages, 25 percent of the Indian irrigation amount would be reduced until exhausted prior to a pro rata reduction of the remaining Indian irrigation and tribal homeland amounts with all non-Indian M&I uses. The Department's Indian allocation is a combination of these two shortage distribution formulas. Like the Andrus allocation, the shortage distribution maintains the 510,000 acre-feet per year formula value for non-Indian M&I use, as well as the 10 percent reduction in Indian irrigation use for the 11 tribes or communities affected by water service contracts executed in December 1980 (all except the Gila River Indian Reservation). However, like Aternative 4 (Andrus Modified for M&I Use), the Gila River Indian Reservation's allocation would be reduced by 25 percent prior to the pro rata reduction.

Like Alternative 4, the Department's allocation will require effluent exchanges where feasible and consistent with contract provisions. However, in addition to the exchanges with the Salt River and Gila River Reservations described for Alternative 4, the analysis also assumes exchanges between the city of Tucson and the San Xavier Indian Reservation.

Discussion of the Environmental Consequences of the Alternatives

The requirements of the National Environmental Policy Act have been integrated into all phases of planning and development of the Central Arizona Project. A programmatic Environmental Impact Statement (EIS) was completed in 1972 and several site-specific statements have been or are in the process of being done on individual features of the project. The Bureau of Reclamation prepared a final EIS on Water Allocations and Water Service Contracting, Central Arizona Project in March 1982. Copies of the final EIS are available to the public upon request.

The Bureau addressed two general categories of impacts: The first category was impacts due to demographic and land use changes resulting from the availability or unavailability of CAP water; or due to the varying amount of CAP water made available. The second category was due to distribution system construction and development of lands for irrigation. Such actions impact wildlife and wildlife habitat, cultural resources, social/economic conditions, groundwater quantity, population, and land use.

The agency-proposed action was derived from an institutional process that involved soliciting expressions of interest to contract for CAP water from the Arizona Indian tribes; and from requesting the State of Arizona to make recommedations on allocating CAP water for M&I use and non-Indian agriculture.

On November 12, 1981, the Secretary selected a proposed Indian allocation (Proposed Action) in order to facilitate the timely completion of the EIS. In light of the Secretary's proposed action to allocate CAP water to Indians, the State of Arizona was asked to make recommendations on allocating CAP water to non-Indians. By letters to the Secretary dated January 18, 1982, April 6, 1982, and November 10, 1982, the DWR made such recommendations after extensive public involvement procedures.

The relative differences in environmental impacts among the allocation alternatives generally are not significant. The Proposed Action provides a significant benefit to the tribes by assuring a relatively stable and predictable water supply for domestic and economic development. However, by making a reasonable reduction in the Gila Indian Reservation's allocation during times of water supply shortage, additional water is made available for non-Indian municipal and industrial use. Compared to alternatives 3 and 5 over the 50-year repayment period of the CAP, the Proposed Action is projected to deliver about 2,500,000 acre-feet more to the M&I sector, and over 1,000,000 acre-feet more to the non-Indian agricultural sector, while maintaining the essential benefits of CAP water deliveries to the tribes. The increased delivery to the M&I sector avoids locally severe impacts of water supply shortfalls in Apache Junction under alternatives 3 and 5, and to the Kennecott and Phelps Dodge mining operations under alternatives 1 and 5. Under the Proposed Action significantly less farmland would be retired for acquisition of ground-water rights by municipalities than under alternatives 1 and 2. Hence, the Proposed Action, which falls within the range of alternatives 3 and 4 and the resulting environmental impacts is considered to be the environmentally preferred alternative.

There will also be some differing levels of environmental impacts, associated with constructing canals and laterals to deliver CAP water to Indian and non-Indian users. Future environmental analysis of individual delivery systems will include, where appropriate, the evaluation of all reasonable alternatives. All practical means to avoid or minimize adverse environmental impacts will be achieved through specific mitigation measures and monitoring provisions imposed upon the water user in the subcontract and construction specifications.

1. *Impacts from Demographic and Land Use Changes.* The Bureau's analysis indicates that there would be no significant difference in the acreage of undeveloped desert that would be converted to urban use over the 50-year project period under any of the alternative CAP water allocations (about 165,000 acres under each of the alternatives). A loss of that wildlife now associated with that desert habitat would also be expected. The amount of habitat is part of almost 20 million acres of Sonoran Desert scrub vegetation estimated to exist in Arizona.

The amount of farmland to be converted to urban use within the project service area over the 50-year project period would be about 34,500 acres for each of the alternatives. This would mean a loss of crops grown on converted farmland, predominantly cotton. The significance of impact is revealed by comparing about 34,500 acres of irrigated farmland to be lost as a result of urbanization of the estimated 792,500 harvested acres now being irrigated in the project area. The amount

of irrigated farmland to be lost amounts to about 5 percent of the total farmland now being irrigated.

Some agricultural lands may be retired to make water available (grandfathered water rights) to nearby municipalities if required to sustain projected population growth. Since the alternative CAP allocations would provide water in varying quantities for municipal use, in some cases, the combination of CAP and other dependable water supplies would not meet the demands of the projected population of a given municipality. In those cases, retirement of farmland was assumed as the most likely means for increasing the water supplies. It is estimated that a maximum of 6,900 acres would be retired from cultivation under any of the CAP allocation alternatives to meet the water demands of the municipal sector. It will take a period of time before any kind of natural vegetation is reestablished on this land. In addition, it will mean the loss of farm revenues for those now cultivating the land.

Another impact of retiring farmland is the added particulate matter in the area of abandoned fields. Retiring farmland would exacerbate the already existing problem of dust storms and fugitive dust until vegetation has recovered sufficiently to alleviate the problem.

Anticipated changes in land use on the 10 Indian reservations are not expected to be significant. While in excess of 90,000 acres have been developed for irrigation on the ten reservations, it is estimated that 50,100 acres of land are under irrigation at the present time. An additional 28,149 acres of land could be developed for irrigation under the CAP action alternatives.

Much of the irrigation use of CAP water on Indian reservations would take place on lands previously developed for irrigation. However, some of these lands were subsequently abandoned and have reverted to native vegetation, and the redevelopment of this acreage would cause wildlife habitat losses. It is also possible that the redevelopment of these lands could have adverse impacts on cultural resources that may remain partially intact.

In all cases there will be a beneficial economic impact to tribes with any of the CAP action alternatives. Alternatives 3, 4, 5, and 6 provide an added significant benefit to the tribes by assuring a relatively stable and predictable water supply for domestic and economic development on Indian reservations. Additional jobs would be generated, per capita income would be increased, and the life style of the reservation residents would be upgraded.

Since CAP water would be used primarily as a substitute for groundwater, no changes in land use or other impacts are expected as a direct result of the non-Indian agricultural allocations. However, differences in allocations to M&I users could lead to farmland retirement within agricultural districts. There will also be some impacts on fish and wildlife, as well as land use, as irrigation delivery facilities such as canals and laterals are constructed to deliver CAP water to these entities.

2. *Impacts of Constructing Distribution Systems.* There will be some environmental impacts associated with constructing canals and laterals to deliver CAP water to Indian and non-Indian users. At least 40 to 50 miles of canals will be required to deliver the Indian allocation of CAP water. Most of this land will be Sonoran Desert, but some will be retired agricultural land, existing irrigated agricultural land, or undeveloped urban lands. In addition, perhaps as much as 500 miles of canals and pipelines will be required to deliver irrigation and M&I water to non-Indian entities. Under a "worst case" scenario, assuming a 66-foot construction right-of-way, 4,400 acres would be disturbed, including both developed and undeveloped land.

No adverse impacts on special status species are anticipated as a result of CAP water allocations. Changes in land use, such as development of undisturbed wildlife habitat, were projected for each of the action alternatives. The difference among the alternatives is minimal, certainly not significant in the context of endangered species habitat.

The abundance of cultural resources in the CAP area is disappearing at an increasing rate as population grows and development continues. Exact inventories of the cultural resources and an analysis of impacts can be made only when the precise areal extent of projected land use modifications are defined. At that time, intensive archaeological/historical surveys of the above defined areas would be conducted. Generally, however, of the possible scenarios, only the conversion of lands to agriculture could have significant impact.

In some cases, where planning for delivery facilities is incomplete and it appears that such facilities would be extensive, or would be constructed in environmentally sensitive areas, further environmental analysis may be required prior to execution of a water service subcontract.

Summary

Since CAP water would be used primarily as a substitute for ground water, no major changes in population, land use, or other social indicators are expected as a result of the water allocations. Without the delivery of M&I water, the CAP service area population is projected to be just under 2.5 million by 2034. The area is projected to increase by an additional 100,000 persons by 2034 as a result of M&I water availability, representing an increase of approximately 4 percent over projected growth without CAP. The land use effects identified are of relatively minor magnitude and will not likely impose major economic effects on neighboring communities or lands.

In conclusion, the effect of CAP water would be twofold. First, the water would enable certain existing activities to be maintained at near-current levels. For example, agriculture would be able to sustain production while reducing the serious overdrafting of the ground water supplies. Second, CAP water would help to accommodate the population and economic growth that is projected for central Arizona.

Effect on Previous Decision

The decisions contained herein supersede those made by Secretary Andrus on December 5, 1980, and to the extent those decisions are inconsistent with these decisions, they are rescinded.

Dated: February 10, 1983.

James G. Watt,

Secretary of the Interior.

[FR Doc. 83-7543 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[No. 39076 et al.] [1]

Motor Carriers; Atlantic Coast Express, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Three motor contract carriers have each request exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

[1] This proceeding embraces three petitions for exemption filed by motor contract carriers: No. 39076, Atlantic Coast Express, Inc.; No. 39077, Trans-United, Inc.; and No. 39081, Valdez Transfer, Inc.

DATES: Comments are due on April 8, 1983. The sought relief will become final 15 days after the close of the comment period unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Robin K. Williams (202) 275–7697; or Howell I. Sporn (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minumum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The three motor contract carriers identified in footnote one of this text filed individual petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented and the relief sought by these petitioners are substantially similar, we are consolidating them for notice purposes.

The petitioners hold a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. They argue, generally, that the tariff filing requirements represent an undue burden on their ability to compete effectively and to offer their shippers the immediate service often required. Citing lost business opportunities because of the tariff publishing and filing requirements, petitioners request that they be allowed the flexibility to quickly negotiate rates. Petitioners assert that they are interested in avoiding unnecessary expenses which handicap their efforts to provide economical and efficient service. They also argue that the Motor Carrier Act of 1980 encourages the Commission to remove obstacles which keep contract carriers from realizing their full potential. A number of petitioners offer to provide interested parties with copies of their rates if requested but wish to be free of this expense if allowed.

Petitioners' requests are well grounded. We see no reason to deny these carriers the savings to be realized from a tariff filing exemption for existing contracts.[2] It appears that the exemption of these carriers from the requirement that they file tariffs covering their existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101. We will not order these carriers to provide copies of their rates upon request by interested parties since we have not imposed that requirement for other recent filings. See No. 38328, *Three Way Corporation, Petition for Exemption from Tariff Filing Requirements* (not printed), decided June 25, 1982.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of these carriers from the requirement that they file tariffs governing their future contract operations, is warranted.[3] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for these carriers and their shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing these contract carriers to participate more freely in the marketplace is in public interest and is consistent with the national transportation policy.

We provisionally grant each petitioner exemption from the tariff filing requirements for future as well as existing contracts. This provisional relief will become final unless the Commission issues a further decision modifying or withdrawing the relief in response to adverse comments that may be filed.

This decision does not appear to have a significant effect on either the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b) and 10762(f).

Decided: March 17, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7610 Filed 3–23–83; 8:45 am]

BILLING CODE 7035–01–M

[2] A proceeding to investigate exemption of contract carriers on an industry-wide basis has been instituted in Ex Parte No. MC–165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1982).

[3] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided Febuary 24, 1983.

[No. 39018]

Motor Carriers; Case Heavy Hauling, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Case Heavy Hauling, Inc., a motor contract carrier, has requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due by April 8, 1983. The sought relief will become final 15 days after the close of the comment period unless, in response to timely filed adverse comments, the Commission issues a decision withdrawing this relief.

ADDRESS: Send an original and, if possible 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Robin K. Williams (202) 275–7697; or Howell I. Sporn (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b) and 10762(f).

Case Heavy Hauling, Inc. was recently granted motor contract carrier authority in No. MC–145242 (Sub-No. 21) to transport general commodities (with

exceptions) between points in the United States (except Alaska and Hawaii) under contract with a single shipper. It is requesting an exemption from the tariff filing requirements inasmuch as it seeks to provide a service to meet the distinct transportation requirements of its shipper. In order to do so, it contends that it must be able to reduce or modify its rates on short notice so it can respond to its shipper's request for changes in price and service. Petitioner argues that the delays caused by the tariff filing requirements are not only costly, but also jeopardize its ability to remain a viable, competitive entity and prohibits it from meeting its shipper's needs.

Petitioner's requests are well grounded. We see no reason to deny this motor contract carrier the savings to be realized from a tariff filing exemption. [1] It appears that the exemption of this carrier from the requirement that it file a tariff covering its existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that it file tariffs governing its future contract operations, is warranted. [2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for this carrier and its shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be made final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: March 17, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7616 Filed 3-23-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15168]

Motor Carriers; Transport America, Inc.; Purchase Exemption; Chicago-St. Louis Transport Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers*, 367 ICC 113 (1982), Transport America, Inc. (Transport) (No. MC-163660), and, in turn, Sam Kovacevich, Jr. who controls Transport, seek an exemption from the requirements under section 11343 of prior regulatory approval for the purchase of a portion of the operating rights of Chicago-St. Louis Transport Co. (No. MC-134493), authorizing (over regular routes), the transportation of: (1) General commodities (with exceptions), between Chicago, IL and St. Louis, MO, and (2) food and related products, and machinery, between St. Louis, MO and Waukegan, IL.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; or

(2) Petitioner's representative, James C. Hardman, Suite 2108, 33 N. LaSalle Street, Chicago, IL 60602.

Comments should refer to No. MC-F-15168.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 15, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7613 Filed 3-23-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(F). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon

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[1] A proceeding to investigate the exemption of motor carriers on an industry-wide basis has been instituted in Ex Parte No. MC-165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57308 (December 23, 1982).

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly.

Please direct status inquiries to Team One at (202) 275–7992.

Volume No. OP1–93

Decided: March 15, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2890 (Sub-62(A)), filed March 2, 1983. Applicant: AMERICAN BUSLINES, INC., 1500 Jackson St., Dallas, TX 75201. Representative: G. W. Hanthorn (same address as applicant), (214)–655–7937. Transporting over regular routes, *passengers;* (1) Between Dallas, TX and Fort Worth, TX, over Interstate Hwy 30, serving all intermediate points, (2) between Davenport, IA and Hastings, NE, from Davenport over Interstate Hwy 80 to junction U.S. Hwy 34/281, then over U.S. Hwy 34/281 to Hastings, and return over the same route, serving all intermediate points, and (3) between the junction of Interstate Hwy 80 and U.S. Hwy 34/281 and Grand Island, NE, from the junction of Interstate Hwy 80 and U.S. Hwy 34/281, over U.S. Hwy 34/281 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Grand Island, NE, and return over the same route.

Note.—Applicant has also requested authority in MC–2890 Sub 62(B) published in this same **Federal Register** issue.

MC 2900 (Sub-466), filed March 1, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant), (904) 353–3111. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Rohm & Haas Company, of Philadelphia, PA.

MC 34631 (Sub-13), filed February 24, 1983. Applicant: A. ARNOLD & SON TRANSFER & STORAGE CO., INC., 12201 Westport Road, Louisville, KY 40223. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with U.S. Traffic Coordinators, Inc., of Louisville, KY, and Collins Moving Systems, Inc., of Kokomo, IN.

MC 47171 (Sub-229), filed March 9, 1983. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant), (803) 879–2101. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Smith Container Corporation, of Atlanta, GA.

MC 82101 (Sub-22), filed February 23, 1983. Applicant: WESTWOOD CARTAGE, INC., 62 Everett St., Westwood, MA 02090. Representative: David M. Marshall, Sixth Floor, 95 State St., Springfield, MA 01103, (413) 732–1136. Transporting *such commodities* as are dealt in by manufacturers and distributors of food products and hotel and restaurant items, between points in the U.S. (except AK and HI), under continuing contract(s) with Howard Johnson Company, of Braintree, MA

MC 93840 (Sub-69), filed March 7, 1983. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309: (515) 244–2329. Transporting *commodities in bulk,* between points in IA, IL, WI, MN, MO, NE, and KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 114781 (Sub-8), filed March 8, 1983. Applicant: WARFEL TRUCKING, INC., R.D. #2, Peach Bottom, PA 17563. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101; (717) 236–9318. Transporting *petroleum products,* between points in Allegheny, Butler and McKean Counties, PA, on the one hand, and, on the other, points in DE, MD, NJ, NY, and VA.

MC 117940 (Sub-378), filed March 8, 1983. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359; (612)–479–1984. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing

contract(s) with Kraft, Inc., of Glenview, IL.

MC 123790 (Sub-9), filed March 9, 1983. Applicant: WHITEHURST TRANSPORT, INC., 2800 Deepwater Terminal Rd., P.O. Box 3H, Richmond, VA 23206. Representative: Francis W. McInerny, Suite 502, Solar Bldg., 1000 16th St., NW., Washington, DC 20036; (202)–783–8131. Transporting *bituminous materials,* between points in OH and VA.

MC 133811 (Sub-9), filed March 10, 1983. Applicant: H. E. McCONNELL and H.E. McCONNELL, II, a partnership, d.b.a. McCONNELL & SON TRUCKING COMPANY, 5117½ East Broadway, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd Street, Suite 411, Little, Rock AR 72201; (501) 375–3022. Transporting *roofing granules and stone dust,* between points in Pulaski County, AR, on the one hand, and, on the other, points in TN, LA, OK, MS and TX.

MC 134721 (Sub-10), filed March 2, 1983. Applicant: GEORGE M. DZIAK d.b.a. SUPER SERVICE TRANSPORT, P.O. Box 3494 TA, Spokane, WA 99220. Representative: Richard H. Streeter, 1729 H St., N.W., Washington, DC 20006; (202)–337–6500. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, MT, NM, OR, NV, TX, UT, WA and WY.

MC 142040 (Sub-9), filed February 28, 1983. Applicant: AMBER DELIVERY SERVICE, INC., P.O. Box 361, Malden, MA 02148. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518; (215)–385–6086. Transporting *general commodities* (except classes A and B explosives and household goods), between points in CT, ME, MA, NH, RI and VT.

MC 142040 (Sub-10), filed March 8, 1983. Applicant: AMBER DELIVERY SERVICE, INC., P.O. Box 361, Malden, MA 02148. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518; (215) 385–6086. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with New England Package Delivery, Inc., of Medford, MA.

MC 142181 (Sub-28), filed March 2, 1983. Applicant: COBLE EXPRESS, INC., P.O. Box 1104, 214 Hermitage Ave., Nashville, TN 37202. Representative: Robert L. Baker, Sixth Floor, U.S. Bank Bldg., Nashville, TN 37219; (615)–244–8100. Transporting *general commodities* (except classes A and B explosives, and household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Peyton's Distribution, Inc., of Bluffton, IN.

MC 146121 (Sub-5), filed March 8, 1983. Applicant: BAY CARTAGE COMPANY, 1122 E. Barney Ave., Muskegon, MI 49444. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503; (616)–459–6121. Transporting *general commodities* (except classes A and B explosives, and household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Viking Foods Company, of Muskegon, MI.

MC 146651 (Sub-6), filed March 1, 1983. Applicant: ARTHUR W. COULTER d.b.a. A. W. COULTER TRUCKING, P.O. Box 504, Terra Bella, CA 93270. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306; (805) 872–1106. Transporting (1) *lumber and wood products,* and (2) *pulp, paper and related products and printed matter,* between points in the U.S. (except AK and HI), under continuing contract(s) in (1) above with Sierra Forest Products, of Terra Bella, CA, and in (2) above with Weyerhaeuser Company, of Santa Paula, CA.

MC 148791 (Sub-41), filed February 25, 1983. Applicant: TRANSPORT-WEST, INC., 1850 South 1100 West, Woods Cross, UT 84087. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110; (801) 531–1777. Transporting *rubber products,* between points in the U.S. (except AK and HI), under continuing contract(s) with The Gates Corporation, of Denver, CO.

MC 150981 (Sub-3), filed February 28, 1983. Applicant: EDWARD L. PARKER d.b.a. ED PARKER TRUCKING, Box 388, Monona, IA 52159. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001; (319) 557–1320. Transporting *food and related products,* between points in IA, MN, WI, Bannock County, ID and Stephenson County, IL, on the one hand, and, on the other, points in CA, Denver County, CO, Bernalillo County, NM, Multnomah County, OR and Bexar County, TX.

MC 152840 (Sub-3), filed February 25, 1983. Applicant: PATRICIA & JAMES KEELER d.b.a. P & J TRANSPORTATION CO., Route #295, Berkey, OH 43504. Representative: John P. Diel (same address as applicant) (419) 829–5011. Transporting *such commodities* as are dealt in or used by a distributor of automobile and truck parts and accessories, between points in IL, OH, MI, MO, OK, PA, KY and GA.

MC 155231 (Sub-3), filed March 7, 1983. Applicant: MAXAM TRUCKING, INC., R.D. #2, Bassette Road, Interlaken, NY 4847. Representative: Donald C. Carmien, Suite 501, Midtown Mall, 15 Chenango Street, Binghamton, NY 13902–1922; (607) 772–6993. Transporting *commodities in bulk,* between those points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the United States-Canada Boundary line.

MC 159581 (Sub-1), filed March 7, 1983. Applicant: TRANS CARGO, INC., P.O. Box 1019, Turnersville, NJ 08012. Representative: Edward L. Ciemniecki, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106; (215) 925–8300. Transporting *furniture and fixtures,* between points in Camden County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161690 (Republication), filed April 26, 1982, previously published in the **Federal Register** on May 7, 1982. Applicant: TIMBER PRODUCTS SALES CO., OREGON LTD., P.O. Box 269, Springfield, OR 97501. Representative: Kerry D. Montgomery, 400 Pacific Bldg., 520 S.W. Yamhill St., Portland , OR 97204; (503)–228–5275. Transporting *general commodities* (except classes A and B explosives and household goods), between points in CA, CO, ID, MT, NV, OR, TX, WA, WY and UT.

Note.—Issuance of a certificate in this proceeding is conditioned upon cancellation of Certificate No. MC–161690, issued July 1, 1982. The purpose of this republication is to delete the exception of commodities in bulk.

MC 162610 (Sub-3), filed March 7, 1983. Applicant: JETM DISTRIBUTION SYSTEMS, INC., 8424 W. 47th St., Lyons, IL 60534. Representative: Thomas M. O'Brien, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601; (312)–263–1600. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with: (1) Express Forwarding and Storage, Inc. and Otto Wolff America Chicago, Incorporated each of Des Plaines, IL, (2) W. Braun Co. and Grand Exhaust Systems, Inc., each of Chicago, IL, (3) Lever Brothers Company, of New York, NY, (4) James Moyles & Associates, Inc., of Elk Grove Village, IL, (5) Crown Controls, of LaGrange, IL, and (6) Forest City Enterprises, Inc., of Cleveland, OH.

MC 163620, filed February 28, 1983. Applicant: HARRY T. BROOKS, SR., Route 1, Box 166–J, Cascade, VA 24069. Representative: David W. Erdman, P.O. Box 37378, Charlotte, NC 28237; (704) 372–7664. Transporting *furniture and furniture parts,* between points in the U.S. (except AK and HI), under continuing contract(s) with La-Z-Boy Chair Company, of Monroe, MI.

MC 164030 (Sub-1), filed March 7, 1983. Applicant: ALBERTI VAN & STORAGE CO., INC., 18930 Gaithersburg-Laytonsville Rd., Gaithersburg, MD 20879–4197. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902; (301)–649–5074. Transporting (1) *household goods,* and (2) *furniture and fixtures,* (a) between points in CT, DE, FL, GA, MD, MA, NJ, NY, NC, PA, RI, SC, VA, WV and DC, and (b) between points in CT, DE, FL, GA, MD, MA, NJ, NY, NC, PA, RI, SC, VA, WV and DC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164100 (Sub-1), filed March 4 1983. Applicant: HANNAFORD TRUCKING COMPANY, 54 Hannaford Street, South Portland, ME 04106. Representative: Beth Dodson, P.O. Box 586, Portland, ME 04112; (207) 774–4000. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 165620, filed March 1, 1983. Applicant: A & J TRUCKING, INC., 7110 Zenobia Street, Westminster, CO 80030. Representative Richard P. Kissinger, 50 South Steele Street, Suite 330, Denver, CO 80209; (303) 320–6100. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with (1) All American Bottling Corporation, of Coral Gables, FL and its subsidiaries, (2) Beatrice Foods Company, of Chicago, IL and its subsidiaries and divisions, and (3) Mastercraft Industries Corporation, of Denver, CO.

MC 165931, filed March 1, 1983. Applicant: JAMES L. CARTER d.b.a. CARTERS, 1046 N. County Rd. 17 (POB 765), Berthoud, CO 80513. Representative: Robert W. Wright, Jr., 5711 Ammons St., Arvada, CO 80002; (303)–424–1761. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Snavely Forest Products Company, of Denver, CO, (2) Mountain States Standards, Inc., of Berthoud, CO, and (3) Sekich Equipment Co., of Longmont, CO.

MC 166430, filed February 23, 1983. Applicant: HAHN TRANSPORT SERVICE, 45 NE Middlefield Rd., Portland, OR 97217. Representative: Jim Hahn (same address as applicant), (503) 285–7214. Transporting (1) *lumber and wood products,* between points in Whatcom, Skagit, Snomish, Cowlitz, Clark, Gray's Harbor, Jefferson and Clallam Counties, WA, and Lane, Clatsop, Tillamook, Polk, Lincoln, Benton, Marion and Douglas Counties, OR, on the one hand, and, on the other, points in CA, NV, AZ, NM, TX, LA, AR, MO, IA, IL, WI, ND, MN, SD, MT, WY, ID, UT, CO, KS, NE and OK, and (2) *bananas,* between points in Ventura and Los Angeles Counties, CA, on the one hand, and, on the other, points in CA, OR, WA, NV, AZ, NM, TX, LA, AR, MO, IA, IL, WI, ND, MN, SD, MT, WY, ID, UT, CO, KS, NE and OK.

MC 166470, filed February 24, 1983. Applicant: PENN-JERSEY INDUSTRIES, INC., P.O. Box 207, Mt. Bethel, PA 18343. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517; (717) 344–8030. Transporting *construction materials,* between points in CT, NY, PA, NJ, DE, MD, OH, MA, RI, VT and NH.

MC 166491, filed February 28, 1983. Applicant: ERWIN KIRBACH d.b.a. PONY EXPRESS, P.O. Box 159, Elkhart, IN 46515. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg, 421 South Second St., Elkhart, IN 46516; (219) 293–3597. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Superior Steel Door & Trim Co., Inc., Of College Point, NY, and its subsidiary, Superior Marine Products, Inc., of Hopewell Junction, NY.

MC 166510, filed March 2, 1983. Applicant: D & S SUPPLY, INC., 4308 SE 143rd, Oklahoma City, OK 73160. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. Transporting (1) *lumber and wood products,* between points in OK, on the one hand, and, on the other, points in AR, AZ, CA, CO, ID, LA, MT, NM, OR, TX, UT, WA and WY, and (2) *drywall and drywall materials,* between points in AR, AL, FL, NE, LA, OK, TN and TX.

MC 166541, filed March 2, 1983. Applicant: D & L LEASING AND DIESEL, INC., 610 West "D" St. Extension, N., Wilkesboro, NC 28659. Representative: Terrell Price, 800 Briar Creek Rd., Ste. DD504, Charlotte, NC 28205; (704) 372–8212. Transporting (1) *textile mill products,* and (2) *apparel, or other finished textile products, or knit apparel,* between points in NC, SC, GA, and AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166581, filed March 1, 1983. Applicant: WABER TRANSPORT, INC., 20 Enterprise Ave., Secaucus, NJ 07094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934; (201) 234–0301. Transporting *such commodities* as are dealt in or used by retail department stores and discount houses, between points in Mecklenburg County, NC, and Hudson County, NJ, on the one hand, and, on the other, points in TX, AZ, CA UT, OR, WA and CO.

MC 166600, filed March 4, 1983. Applicant: M &R TRUCKING, INC., 17351 Halsted Drive, So. Holland, IL 60473. Representative: Philip A. Lee, 120 West Madison St, Suite 618, Chicago, IL 60602; (312) 236–8225. Transporting *iron and steel products,* between Chicago, IL on the one hand, and, on the other, points in IL, IN, MI, WI, OH, PA, KY, TN and AL.

MC 166641, filed March 8, 1983. Applicant: M.G.L. TRANSPORT, INC., 1 Hoffman St., Poughkeepsie, NY 12603. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103; (413) 781–8205. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Phil-Mar Lumber Company, of Poughkeepsie, NY

MC 166671, filed March 7, 1983. Applicant: WIESER TRANSPORTATION, INC., Route 2, Maiden Rock, WI 54750. Representative Lester Heise, Route 2, Maiden Rock, WI 54750; (715) 647–231. Transporting *commodities in bulk,* between points in WI, MN, IA, IL, ND, SD, and NE.

MC 166710, filed March 9, 1983. Applicant: MASON TRUCKING, P.O. Box 2561, Omaha, NE 68103. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506; (402) 488–4841. Transporting (1) *salt and salt products, chemicals and chemical products,* and *fertilizers,* between points in Weber County UT and Douglas County, NE, on the one hand, and, on the other, points in ID, NE, SD, ND, IA, MN, and KS, (2) *lumber and lumber products,* between points in ID, MT, OR, WA, and CA, on the one hand, and, on the other, points in ID, MT, OR, WA, CA, NV, AZ, UT, CO, NM, WY, ND, SD, NE, OK, TX and KS, (3) *such*

commodities as are dealt in by manufacturers of automotive exhaust systems, between points in Jasper County, IA, on the one hand, and, on the other, points in CO, WY and TX, and (4) *cast iron pipe, fittings and accessories,* between points in Pottawattamie County, IA, on the one hand, and, on the other, points in ID and UT.

MC 166711, filed March 9, 1983. Applicant: CIRCLE C TRUCK BROKERAGE, INC., P.O. Box 53, Malin, OR 97632. Representative: James H. Gulseth, 100 Bush Street, 21st Floor, San Francisco, CA 94104; (415) 986–5778. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AR, AZ, CA, CO, ID, KS, MO, MT, NV, NM, OK, OR, TX, UT, WA, and WY.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–163

Decided: March 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 128256 (Sub-36), filed March 7, 1983. Applicant: E & J FREIGHT LINES, INC., P.O. Box 532, Middlebury, IN 46540. Representative: Richard K. Muntz, 109 S. Detroit Street, LaGrange, IN 46761; (219) 463–2151. Transporting *metal, metal products, well-drilling equipment, and materials, equipment and supplies used in the installation of well drilling equipment,* between points in the U.S., under continuing contract(s) with Midway Supply Company of Jackson, MI.

MC 139837 (Sub-4), filed March 8, 1983. Applicant: K & I DISTRIBUTORS, INC., P.O. Box 29, New Haven, IN 46774 Representative: Robert W. Loser, II, 512 Chamber of Commerce Bldg., Indianapolis, IN 46204; (317) 635–2339. Transporting *such commodities as are dealt in or used by retail appliance stores,* between points in the U.S. (except AK and HI), under continuing contract(s) with Highland Appliance Company, Inc. of Taylor, MI.

MC 143956 (Sub-37), filed March 7, 1983. Applicant: GARDNER TRUCKING CO., INC., P. O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, P.O. Box 393, Berne, IN 46711; (219) 589–8883. Transporting *textile mill and rubber products, electrical products, and glass and concrete products,* between points in DeKalb and Fulton Counties, GA, Davidson County, TN, and Allen County, IN, on the one hand, and on the other, points in the U.S. (except AK and HI).

MC 145516 (Sub-31), filed March 7, 1983. Applicant: T. G. STEGALL TRUCKING COMPANY, INC., 8100 E Independence Blvd., P.O. Box 1286, Matthews, NC 28105–1286. Representative: T. Gene Stegall, Jr. (same address as applicant) (704) 536–1122. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145827 (Sub-8), filed March 8, 1983. Applicant: LONG ROCK CO., Box 188, Princeville, IL 61559. Representative: W. Gale Pheiffer (same address as applicant) (309) 385–4516. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 151056 (Sub-6), filed March 11, 1983. Applicant: SUPER SERVICE, INC., P.O. Box 538, Burnside, KY 42519. Representative: Herbert D. Liebman, 403 West Main St., P.O. Box 478, Frankfort, KY 40602; (502) 875–3493. Transporting *general commodities* (except classed A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A), or 49 U.S.C. 11343(e), or submit an affidavit indicating why such approval is unnecessary to the Secretarys office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 2410.

MC 159026 (Sub-3), filed March 8, 1983. Applicant: U.S. CONTRACT TRUCKING, INC., P.O. Box 2120, Irving, TX 75062. Representative: B. W. Huie, 2730 Carl Rd., Irving, TX 75062; (214) 438–0550. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with T. P. S. Freight Distributors, Inc., of Irving, TX.

MC 164037 (Sub-1), filed March 11, 1983. Applicant: GBL TRANSPORT, INC., 300 Interstate N. Parkway, Atlanta, GA 30339. Representative: Mark C. Ellison (same address as applicant), (404) 955–4020. Transporting *household goods,* between points in AL, FL, GA, MI, NC, SC, and TN.

MC 166747, filed March 11, 1983. Applicant: DIAMOND RENTAL, INC., P.O. Box 5275, Hobbs, NM 88241. Representative: Paul D. Angenend, P.O. Box 2207, 1806 Rio Grande, Austin, TX 78768; (512) 476–6391. Transporting *Mercer commodities,* between points in NM, on the one hand, and, on the other, points in CO, OK and TX.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–124

Decided: March 15, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 15859 (Sub-16), filed March 3, 1983. Applicant: THE HINE LINE, 247 Emmet St., Newark, NJ 07114. Representative: Michael D. McCormick, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491; (317) 638–1301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in IA, IN, GA, KY, MI, NE, NC, OH, SC, TN, and WI.

MC 35628 (Sub-450), filed March 7, 1983. Applicant: IMFS, INC. d.b.a. INTERSTATE SYSTEM, 110 Ionia Avenue, N.W., Grand Rapids, MI 49503. Representative: Michael P. Zell (same address as applicant), (616) 774–0400. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., (except AK and HI), under continuing contract(s) with The Quaker Oats Company, of Chicago, IL; Anaconda-Ericsson, Inc., of Greenwich, CT; Wagner Division, McGraw-Edison Company, of Berkeley, MO; The General Tire & Rubber Company, of Akron, OH; Garden Way Manufacturing Company, of Troy, NY; K mart Corporation, of Troy, MI; The Sherwin-Williams Co., of Cleveland, OH; and Schenectady Chemicals, Inc., of Schenectady, NY.

MC 75369 (Sub-2(b)), filed March 4, 1983. Applicant: ST. PAUL & SUBURBAN BUS CO., 2866 White Bear Ave., St. Paul, MN 55109. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424; (612) 927–8855. Over regular routes, in interstate, intrastate and foreign commerce, transporting *passengers,* between Superior, WI, and Minneapolis, MN, and points in its commercial zone: From Superior over U.S. Hwy 2 to junction Interstate Hwy 535, then over Interstate Hwy 535 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Minneapolis, serving all intermediate points.

Note (1).—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

Note (2).—Applicant also seeks authority in MC–75369 Sub 2(a), published in this same issue.

MC 96448 (Sub-10), filed March 4, 1983. Applicant: BROOK LEDGE, INC., P.O. Box 56, Oley, PA 19547. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048; (212) 466–0220. Transporting *farm products, leather and leather products, metal products, rubber and plastic products, food and related products, clay, concrete, glass or stone products, and transportation equipment,* between points in the U.S. (except AK and HI).

MC 111729 (Sub-774), filed March 4, 1983. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd., New Hyde Park, NY 11042. Representative: Peter A. Greene, 1920 N St., NW., Washington, DC 20036; (202) 331–8800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Wal-Mart Stores, Inc., of Bentonville, AR.

MC 127799 (Sub-13), filed March 4, 1983. Applicant: LUPPES TRANSPORT COMPANY, INC., Box 101, Webster City, IA 50595. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309; 515–282–3525. Transporting (1) *metal products,* (2) *waste or scrap materials not identified by industry producing,* between points in IL, IA, KS, MN, MO, NE and SD.

MC 141758 (Sub-22), filed March 7, 1983. Applicant: LYDALL EXPRESS, INC., 615 Parker Street, Manchester, CT 06040. Representative: Robert J. Dunbar (same address as applicant) (203) 646–1233. Transporting *pulpboard,* between points in the U.S. (except AK and HI), under continuing contract(s) with Owens-Illinois Corporation of Big Island, VA.

MC 145468 (Sub-55), filed March 7, 1983. Applicant: KSS TRANSPORTATION CORP., Route 1 and Adams Station Rd., North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114; 402–397–7033. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk, between points in the U.S. (except AK and HI).

MC 149588 (Sub-2), filed March 7, 1983. Applicant: HIEL TRUCKING, INC., R.R. #2, Prairie City, IL 61470. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701; (217) 544–5468. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between St. Louis, MO, and points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150249 (Sub-3), filed March 4, 1983. Applicant: RICHLAND TRUCKING, INC., Route 1, Tillar, AR 71670. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *general commodities* (except classes A & B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 153229 (Sub-1), filed March 2, 1983. Applicant: FOUNDREN ENTERPRISES, INC., 4713 King Rd., Sylvania, OH 43560. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43604; 419–255–8220. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, MI, NY and OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 160609 (Sub-1), filed March 2, 1983. Applicant: TOMAR, INC., Rt. 2, Box 274, Ridgeley, WV 26753. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740; (301) 797–6060. Transporting *malt beverages,* between points in the U.S. (except AK and HI), under continuing contract(s) with Ridgeley Distributors, Inc., of Ridgeley, WV.

MC 164539, filed March 8, 1983. Applicant: BRUMATH HORSE TRANSPORT, INC., 7022 N. Highway 83, Hartland, WI 53029. Representative: Bernie Traurig (same as address applicant) (414) 966–2286. Transporting *horses,* other than ordinary, and in the same vehicle with such horses, stable supplies and equipment used in their care and exhibition, mascots and the personal effects of their attendants, trainers, and exhibtors between points in U.S. (except AK and HI.)

MC 165039 (Sub-2), filed March 8, 1983. Applicant: CFI TRANSPORT, INC., P.O. Box 40, Valdese, NC 28690. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204; (704) 372–6730. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between point in the U.S., under continuing contract(s) with Corson Furniture Industries, Inc., and Hickory Hill Furniture Company, Inc., both of Valdese, NC.

MC 166079, filed March 7, 1983. Applicant: ALFRED B. JACKSON d.b.a. AL'S SAUSAGE COMPANY 7510 Northwest Blvd., Davenport, IA 52806. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309–3596; 515–244–2329. Transporting *food and related products,* between point in Scott and Polk Counties, IA, on the one hand, and on the other, Chicago, Ill.

MC 166459, filed February 28, 1983. Applicant: GULF CENTRAL TRANSPORTATION, INC., 5605 SW Shore Blvd., Tampa, FL 33616. Representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Avenue, Orlando, FL 32801; (305) 425–2213. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between point in FL, GA, AL, MS, NC, SC, TN, KY, and LA.

MC 166559, filed March 2, 1983. Applicant: GEORGE R. HEMSTREET, 13th and Bushkill Drive, Easton, PA 18042. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113; (215) 365–5141. Transporting *coal,* between points in U.S. under continuing contract(s) with Centralia Coal Sales Co., Inc., of Wilkes Barre, PA.

MC 166618, filed March 7, 1983. Applicant: DONALD A. WOOD d.b.a. SOUTHEASTERN TRANSPORTATION SYSTEM, 205 North First St., Manistique, MI 49852. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910; 517–394–4220. Transporting *lumber and wood products,* between points in the U.S. under continuing contract(s) with Jim White Lumber Sales, of Bay City, MI; Otsego Manufacturing, Inc., of Yadkinville, NC; Manistique Dimensions and Dry Kiln Company and O'Connor Industries Limited both of Manistique, MI; E. H. Mauk and Sons, Inc., of Pontiac, MI; Aga, Inc., of Amasa, MI; Schultz-Synder & Steele Lumber Company, of Lansing, MI; Continental Forest Industries of Columbus, OH; and Forestply Industries, Inc., of Kincheloe, MI.

MC 166619, filed February 25, 1983. Applicant: SERVICE CARTAGE CO., INC., 429 Talcott Ave., Lemont, IL 60439. Representative: Patrick H. Smyth, 105 West Madison St., Suite 1008, Chicago, IL 60602; 312–263–2397. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Jeffersonville, IN, Davenport, IA and points in IL, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, TN and WI and (2) *paper and plastic articles,* between points in the U.S. (except AK and HI).

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Volume No. OP5–126

Decided: March 17, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 79658 (Sub-63), filed March 7, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same address as applicant) (812) 424–2222. Transporting *household goods* between points in the U.S. (except AK and HI), under continuing contract(s) with Allergan Pharmaceuticals, of Irvine, CA.

MC 117589 (Sub-79), filed March 1, 1983. Applicant: PROVISIONERS BROKERAGE, INC., 3801 7th Ave. S., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104; (206) 622–3220. Transporting *such commodities* as are dealt in or used by grocery stores, drug stores, hardware stores and food business houses, between points in the U.S. (except AK and HI).

MC 141758 (Sub-23), filed March 4, 1983. Applicant: LYDALL EXPRESS, INC., 615 Parker St., Manchester, CT 06040. Representative: Robert J. Dunbar (same address as applicant) 203–646–1233. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Barnes Group, Inc., Associated Spring Division of Bristol, CT.

MC 144369 (Sub-4), filed March 4, 1983. Applicant: GERARDO & SON MOTOR SERVICE, INC., 9850 Balmoral Avenue, Rosemont, IL 60018. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016; (312) 298–1094. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Chicago, IL, Milwaukee, WI, and McHenry County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145608 (Sub-8), filed March 4, 1983. Applicant: HENRY JOHNSON, 7701 Greenleaf Dr., Omaha, NE 68128. Representative: Jack H. Blanshan, 1009 Parkway Dr., Apt 10, Boone, IA 50036; 515–432–9651. Transporting (1) *pulp, paper and related products*, between points in Branch County, MI, on the one hand, and, on the other, points in CA, and (2) *food and related products*, between Chicago, IL, points in Freeborn County, MN, Cass County, IN, Saline County, MO, Warren County, IL, Douglas County, NE and points in IA, on the one hand, and, on the other, points in AZ, CA and NE.

MC 150078 (Sub-3), filed March 8, 1983. Applicant: FALL MOUNTAIN TRANSPORT, INC., P.O. Box 170, Charlestown, NH 03603. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103; (413) 781–8205. Transporting *petroleum and related products*, between points in ME, MA, NH, and NY, on the one hand, and, on the other, ME, NH, and VT.

MC 162898, filed March 7, 1983. Applicant: COJAN CORPORATION, P.O. Box 253, Westmont, IL 60559. Representative: Martin J. Kennedy, 120 W. Madison St., Suite 1306, Chicago, IL 60602; 312–726–0375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN and WI.

MC 164398 (Sub-1), filed March 7, 1983. Applicant: CAMION'S INC., 744 Forestdale Blvd., Birmingham, AL 35214. Representative: Gerald D. Colvin, Jr., 601–09 Frank Nelson Bldg., Birmingham, AL 35203–3668; 205–251–2881. Transporting *building materials*, between points in the U.S. (except AK and HI).

MC 166538, filed March 8, 1983. Applicant: ACE EXPRESS TRANSPORTATION, P.O. Box 9380, Salt Lake City, UT 84109. Representative: Tim W. Anderson (same address as applicant) 801–374–0331. Transporting *building materials*, between points in the U.S. (except AK, CT, DE, HI, MA, ME, NH, NJ, NY, PA, RI, VT and DC).

MC 166638, filed March 7, 1983. Applicant: REAM TRANSPORT, INC., 329 Mt. Joy Rd, Box 57, Clearfield, PA 16830. Representative: Dwight L. Koerber, Jr., 110 North Second St., P.O. Box 1320, Clearfield, PA 16830; 814–765–9611. Transporting (1) *coal and coal products*, (2) *sand and gravel*, between points in Elk and Clearfield Counties, PA, on the one hand, and, on the other, points in OH, MD, DE, NJ and NY.

MC 166678, filed March 7, 1983. Applicant: MOTOR CARRIER CORPORATION OF AMERICA, 750 Virginia Ave., El Segundo, CA 90245. Representative: David Robinson, 2228 W. Northern Ave., Suite B–201, Phoenix, AZ 85021; 602–864–0999. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, MT, MN, NV, OK, OR, TX, UT, WA and WY.

[FR Doc. 83–7811 Filed 3–23–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This

presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Engery Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or if the application later becomes unopposed) appropriate authorizing document will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–94

Decided: March 14, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2890 (Sub-62(B)), filed March 2, 1983. Applicant: AMERICAN BUSLINES, INC., 1500 Jackson St., Dallas, TX 75201. Representative: G. W. Hanthron (same address as applicant) (214) 655–7937. Transporting (1) *passengers,* in charter and special operations, between points in the U.S. (except HI), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant has also requested authority in MC–2890 Sub 62(A) published in this same **Federal Register** issue.

Note.—Applicant seeks in (1) above to provide privately funded charter and special transportation.

MC 106120 (Sub-5), filed March 1, 1983. Applicant: BADGER COACHES, INC., 200 W. Beltline Hwy., P.O. Box 72, Madison, WI 53701. Representative: John L. Bruemmer, P.O. Box 927, Madison, WI 53701; (608) 257–9521. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 133171 (Sub-2), filed March 10, 1983. Applicant: INDUSTRIAL BUS LINES, INC., 106 S. Main, Carlsbad, NM 88220. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877; (301) 840–8565. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 138880 (Sub-4), filed March 2, 1983. Applicant: RED RIVER TRANSPORT & DEVELOPMENT CO., INC. d.b.a. AIR FREIGHT EXPRESS, 7600 24th Ave. So., Minneapolis, MN 55450. Representative: Richard P. Anderson, Federal Square, 112 Roberts St., P.O. Box 2581, Fargo, ND 58108; (701) 235–3300. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 161171 (Sub-2), filed February 28, 1983. Applicant: V. K. PUTNAM, 509 North Grand, Bozeman, MT 50715. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956; (414) 722–2848. Transporting for or on behalf of the U.S. Government *general commodities* (except household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 161210 (Sub-3), filed February 25, 1983. Applicant: J–R TRANSPORTATION SERVICES, INC., R.D. No. 6, Box 385, Hammonton, NJ 08037. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113; (215)–365–5141. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 161301 (Sub-1), filed March 1, 1983. Applicant: TOTEM COACHES, INC., P.O. Box 1283, Puyallup, WA 98371. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055; (206)–228–3807. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166291, filed February 15, 1983. Applicant: GEM CHIP AND TRADING CO., LTD., P.O. Box 146, Clarkston, WA 99403. Representative: Michael G. Campbell (same address as applicant) (208) 746–1783. As a *broker,* of *general commodities* (except household goods) between points in the U.S. (except HI).

MC 166460, filed February 28, 1983. Applicant: JERRY C. ALVEREZ d.b.a. J. ALVEREZ TRUCKING, 6415 N.E. Pettibone Dr., Corvallis, OR 97330. Representative: Jerry C. Alverez (same address as applicant) (503)–745–7504. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166480, filed February 28, 1983. Applicant: MICHAEL C. AND BARBARA LAMB d.b.a. JER-DAN TRUCKING, 402 24th St. North, Moorhead, MN 56560. Representative: Michael C. Lamb (same address as applicant) (218)–236–6622. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166551, filed March 3, 1983. Applicant: WILLIAM R. JEFFERSON, 5380 Jerome Prairie, Grants Pass, OR 97526. Representative: William R. Jefferson (same address as applicant). Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166571, filed March 3, 1983. Applicant: H & M ENTERPRISES, P.O. Box 673, Selmer, TN 38375. Representative: C. Jack Pearce, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036; (202) 785–0048. As a *broker* of *general commodities*

(except household goods), between points in the U.S. (except AK and HI).

MC 166631, filed March 8, 1983. Applicant: WALTON LEASING CO., INC., 1620 44th Street, Pennsauken, NJ 08110. Representative: James H. Sweeney, 468 Kentucky Avenue, Williamstown, NJ 08094; (609) 629–2354. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166680, filed March 4, 1983. Applicant: CROSS COUNTRY CHARTER BUS COMPANY, P.O. Box 3153, Ontario, CA 91761. Representative: Jerry B. Cross, 853 Madera Ave., Ontario, CA 91761; (714) 983–7070. Transporting *passengers*, in charter and special operations, beginning and ending at points in CA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–164

Decided: March 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166746, filed March 11, 1983. Applicant: TERRY GRAY, INC., Rt. 2, Box 41–A, Utica, MS 39175. Representative: Martin Terry Gray, (same address as applicant), (601) 885–8174. Transporting *passengers*, in charter and special operations, beginning and ending at points in MS, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166756, filed March 11, 1983. Applicant: EMMA BUS LINES, INC., 1780 Old Haywood Rd., Asheville, NC 28806. Representative: Lawrence E. Ballard (same address as applicant) (704) 274–5719. Transporting *passengers*, in charter and special operations beginning and ending at points in NC, SC, and GA, and extending to points in the U.S. (except HI).

Note—Applicant seeks to provide privately-funded charter and special transportation.

MC 166776, filed March 14, 1983. Applicant: RONALD W. ALT, Route #1, Box 5, Flintstone, MD 21530. Representative: William L. Wilson, 100 So. Liberty St., Cumberland, MD 21502; (301) 722–2515. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166777, filed March 14, 1983. Applicant: MICHAEL J. DOLLY, Route #1, Box 6, Flintstone, MD 21530. Representative: William L. Wilson, 100 So. Liberty St., Cumberland, MD 21502; (301) 722–2515. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–125

Decided: March 15, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 75369 (Sub-2(a)), filed March 4, 1983. Applicant: ST. PAUL & SUBURBAN BUS CO., 2866 White Bear Ave., St. Paul, MN 55109. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424; (612) 927–8855. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note (1).— Applicant seeks to provide privately-funded charter and special transportation.

Note (2).— Applicant also seeks authority in MC–75369 Sub 2(b), published in the same issue.

MC 138348 (Sub-2), filed March 3, 1983. Applicant: ATLAS TRAVEL TOURS LTD., Whitehorse Travelodge, P.O. Box 4340, Whitehorse, Yukon, Canada YIA 3T5. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005; 202–783–3525. Transporting in foreign commerce, *passengers*, in charter and special operations, beginning and ending at ports of entry on the international boundary line between the U.S. and Canada, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 138348 (Sub-3), filed March 4, 1983. Applicant: ATLAS TRAVEL TOURS LTD., P.O. Box 4340, Whitehorse, Yukon, Canada YIA 3T5. Representative: John R. Simms, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004; 202–737–1030. Transporting in foreign commerce, over regular routes, *passengers* between ports of entry on the international boundary line between the U.S. and Canada and Skagway, AK, over Klondike Hwy 2, serving all intermediate points.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

MC 161538 (Sub-1), filed March 7, 1983. Applicant: FIVE MILE BEACH ELECTRIC RAILWAY COMPANY, 5 Mile Beach, Hornet and Ranger Rds., Rio Grande, NJ 08242. Representative: Martin R. Martino, 333 So. Glebe Rd., Arlington, VA 22204; 703–979–1627. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166488, filed February 25, 1983. Applicant: ED THOMPSON d.b.a. ED THOMPSON TRUCKING, P.O. Box 159, 820 S.W. Clay, Dallas, OR 97338. Representative: Ed Thompson (same address as applicant), (503) 623–4758. Transporting *food and other edible products and byproducts intended for human comsumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except HI).

MC 166558, filed March 2, 1983. Applicant: WILLIS H. EARLY, Route 2, Box 83–A, Bealeton, VA 22712. Representative: Willis H. Early (same address as applicant), (703) 439–8251. Transporting *food and other edible products and byproducts intended for human comsumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S. (except AK and HI).

MC 166599, filed March 4, 1983. Applicant: COUNTRY & WESTERN ROUND-UP TOURS, INC., 2416 Music Valley Drive, Nashville, TN 37214. Representative: Robert L. Baker, U.S. Bank Bldg., Sixth Floor, Nashville, TN 37219; (616) 244–8100. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP5–127

Decided: March 17, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 144519 (Sub-2), filed March 7, 1983. Applicant: BOND WAREHOUSING, INC., 235 Cook Ave., Oconto, WI 54153. Representative:

James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719; (608) 273–1003. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 147028 (Sub-6), filed March 2, 1983. Applicant: MICHAEL L. GINEVRA TRUCKING, 1500 South Zarzamora St., Room 228, San Antonio, TX 78207. Representative: Greg P. Steffire, 3620 Long Beach Blvd., Long Beach, CA 90807; 213–595–0766. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166518, filed February 24, 1983. Applicant: ROTOR, INC., P.O. Box 1073, Old Higgins Rd., Des Plaines, IL 60018. Representative: James O'Grady, 8550 W Golf Rd., Niles, IL 60648; (312) 827–6191. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166539, filed March 2, 1983. Applicant: STEVE DRABISH AND NICHOLAS COMANICI d.b.a. THE E AND M TRANSIT COMPANY, 7740 Dunham Road, Walton Hills, OH 44146. Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215; (614) 228–1541. Transporting *passsengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166668, filed March 8, 1983. Applicant: JOHN HENRY JACKSON, Route 2, Box 331–C, Wilmington, NC 28403. Representative: Thomas J. Morgan, 206 Princess St., P.O. Box 1388, Wilmington, NC 28401; 919–762–5271. Transporting *passengers*, in charter and special operations, beginning and ending at points in New Hanover County, NC and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–7612 Filed 3–23–83; 8:45 am]
BILLING CODE 7035–01–M

[Docket No. AB–6 (Sub-136F)]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment in Grant County, WA; Findings

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 19.8-mile rail line between Adrian (milepost 125.70) and Wheeler (milepost 145.50) in Grant County, WA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–7615 Filed 3–23–83; 8:45 am]
BILLING CODE 7035–01–M

[Finance Docket No. 30145]

Rail Carriers; Providence and Worcester Railroad Co.; Passenger Service Exemption From 49 U.S.C. Subtitle IV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the Providence and Worcester Railroad Company from 49 U.S.C. Subtitle IV for its proposed scenic excursion passenger service.

DATES: This exemption is effective on April 25, 1983. Petitions to stay must be filed by April 4, 1983, and petitions for reconsideration must be filed by April 13, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30145 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423; or
(2) Petitioner's representative: Heidi J. Seebauer, 37 Lewis Street, Suite 107, Hartford CT 06103.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan Area) or toll free (800) 424–5403.

Decided: March 17, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–7617 Filed 3–23–83; 8:45 am]
BILLING CODE 7035–01–M

[Finance Docket No. 30139]

Rail Carriers; Southeastern Pennsylvania Transportation Authority; Exemption From 49 U.S.C. Subtitle IV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts the Southeastern Pennsylvania Transportation Authority from the requirements of 49 U.S.C. Subtitle IV in respect to the commuter rail operations it commenced on January 1, 1983.

DATES: This exemption is effective on March 24, 1983, and shall extend retroactively to January 1, 1983. Petitions to reopen this proceeding must be filed by April 13, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423; or
(2) Petitioner's Representative: Robert C. Wert, 130 South 9th Street, Philadelphia, PA 19107.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan Area) or toll free (800) 424–5403.

Decided: March 17, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–7619 Filed 3–23–83; 8:45 am]
BILLING CODE 7035–01–M

[Finance Docket No. 30122]

Rail Carriers; Southern Pacific Transportation Co.; Abandonment Exemption—Cochise County, AZ

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment by the Southern Pacific Transportation Company over 3.82 miles of its Don Luis Branch from milepost 1091.057 at the end of the Branch, in Cochise County, AZ, subject to conditions for protection of employees.

DATES: This exemption is effective on April 22, 1983. Petitions to stay must be filed by April 4, 1983; and petitions for reconsideration must be filed by April 13, 1983.

ADDRESS: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Gary A. Laakso, Southern Pacific Transportation Company, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105

Pleadings should refer to Finance Docket No. 30122.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact:

T.S. InfoSystems, Inc., Room 2227, c/o Interstate Commerce Commission, 12th & Constitution Ave., NW., Washington, DC 20423

or telephone:

(202) 289–4357 (D.C. Metropolitan area)
(800) 424–5403 (toll free—outside the D.C. area)

Decided: March 17, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7614 Filed 3–23–83; 8:45 am]

BILLING CODE 7035–01–M

NORTHERN MARIANA ISLANDS COMMISSION ON FEDERAL LAWS

Meeting

The Northern Mariana Islands Commission on Federal Laws, established pursuant to Section 504 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Pub. L. 94–241, 48 U.S.C. 1681 note), will meet on Tuesday, March 29, 1983, at 9:00 a.m., in room C270 of the Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii. The meeting may extend into the following day, at the same location.

The purpose of the Commission is "to survey the laws of the United States and to make recommendations to the United States Congress as to which laws of the United States not applicable to the Northern Mariana Islands should be made applicable and to what extent and in what manner, and which applicable laws should be made inapplicable and to what extent and in what manner."

The intended agenda for this meeting is a review of the Commission's work to date on its final report to Congress, and consideration of pending staff recommendations on the application of particular federal laws in the Northern Mariana Islands.

The meeting will be open to the public. Attendance by the public will be limited to space available.

For Further information about this meeting contact Daniel H. MacMeekin, Executive Director, Northern Mariana Islands Commission on Federal Laws, Washington, D.C. 20240; (202) 343–5617, or Jose S. Dela Cruz, Liaison Attorney, Northern Mariana Islands Commission on Federal Laws, P.O. Box 326 (3rd Floor, Nauru Building) Saipan, CM 96950 (telephone number 6892).

Interested persons may make oral presentations to the Commission or file written statements with respect to particular federal laws. Persons desiring to make oral presentations should make arrangements with Mr. Dela Cruz or Mr. MacMeekin at least seven days prior to the meeting.

Dated; March 17, 1983.

James A. Joseph,

Chair.

[FR Doc. 83–7597 Filed 3–23–83; 8:45 am]

BILLING CODE 4310–93–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Seabrook Nuclear Power Station Units 1 and 2; Date Change

The ACRS Subcommittee on Seabrook Nuclear Power Station Units 1 and 2 scheduled for March 31 and April 1, 1983 has been changed to April 1 and 2, 1983, at the Ashworth By The Sea, 295 Ocean Blvd., Hampton Beach, NH.

The agenda for subject meeting shall be as follows: *Friday, April 1, 1983—1:00 p.m. until the conclusion of business. Saturday, April 2, 1983—8:30 a.m. until the conclusion of business.*

All other items regarding this meeting remain the same as announced in the **Federal Register** published Tuesday, March 15, 1983 (48 FR 10962).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 18, 1983.

John C. Hoyle,

Advisory Committee Management Officer

[FR Doc. 83–7651 Filed 3–23–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–368]

Arkansas Power & Light Co. (Arkansas Nuclear One, Unit 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Arkansas Power and Light Company (the licensee) is the holder of Facility Operating License No. NPF–6 which authorizes the operation of Arkansas Nuclear One, Unit 2 (the facility) at steady-state power levels not in excess of 2815 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Pope County, Arkansas.

II

Following the accident at Three Mile Island No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure

implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. On June 15, 1982, a letter (Generic Letter 82–12) was sent to all licensees of operating power reactors to revise requirements relating to NUREG–0737 Item I.A.1.3.1, Overtime Limitations. These letters are hereby incorporated by reference. In the first two letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion. (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Arkansas Power & Light Company (AP&L) responded to Generic Letter 82–05 by letters dated May 17, and November 23, 1982. In these submittals AP&L confirmed that all of the items identified in the March 17 letter have been completed for Arkansas Nuclear One, Unit 2. AP&L responded to Generic Letter 82–10 by letter dated September 10, 1982. In these submittals, AP&L confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 addressed thirteen and sixteen items, respectively. Of the ten items listed in Generic Letter 82–10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82–111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

All of the items addressed in this Order are considered by the licensee to be completed or to require no modifications.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

IV

Accordingly, pursuant to sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described as complete in the attachments to this Order. Incomplete items shall be completed by no later than the dates shown in the attachments (as described in the licensee's submittals noted in Section III herein) and maintained thereafter.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

Dated at Bethesda, Maryland, this 14th day of March, 1983.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions	[redacted]
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Do
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Do
II.E.1.2	Aux FW Indication & Flow Indicator	July 1, 1981	Modify instrumentation to level of safety grade	Do
II.E.4.2	Containment Isolation Dependability	do	Part 5—Lower containment pressure setpoint to level compatible with normal operatio.	Do
II.E.4.2	Containment Isolation Dependability	do	Part 7—Isolate purge and vent values on radiation signal	[redacted]
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Do
		do	(2) Provide capability for effluent monitoring of iodine	[redacted]
		do	(3) Install in-containment radiation-level monitor	Do
		do	(4) Provide continuous indication of containment prassure	Do
		do	(5) Provide continuous indication of containment water level	[redacted]
		do	(6) Provide continuous indication of hydrogen concentration in containment.	[redacted]

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1 3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd 6/15/82.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82-12, dtd. June 15, 1982	Complete.
I.A.1 3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111.	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined.
II.D 1.2	RV and SV Test Programs	July 1, 1982	Submit plant-specific reports on relief and safety valve program.	Complete.
II.D 1.3	Block Valve Test Program	do	Submit report of results of test program	Do.
II.K.3 30 & 31	SBLOCA Analysis [2]	1 yr. after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined
III A.1.2	Upgrade Emergency Support Facilities [2]	do	do	Do.
III.A.2.2	Meteorological Data [2]	do	do	Do.
III D 3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order

[FR Doc. 83-7652 Filed 3-23-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-313 and 50-368]

Arkansas Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 72 and 40 to Facility Operating License Nos. DPR-51 and NPF-6 issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit Nos. 1 and 2 respectively, located in Pope County, Arkansas. The amendments are effective as of the date of issuance.

The amendments delete the Appendix B Environmental Technical Specifications which pertain to non-radiological water quality requirements, as required by the Federal Water Pollution Control Act Amendments of 1972. Also, for Unit 1, those water quality related special surveillance, research or study activities contained in ETS 6.0 are deleted.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated February 15, 1983, (2) Amendment Nos. 72 and 40 to Facility Operating License Nos. DPR-51 and NPF-6, and (3) the Commission's letter dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-7653 Filed 3-23-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co. (Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2); Exemption

I

The Baltimore Gas and Electric Company (the licensee) is the holder of Facility Operating License Nos. DPR-53 and DPR-69 which authorize operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2. These licenses provide, among other things that they are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility comprises two pressurized water reactors at the licensee's site located in Calvert County, Maryland.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section 50.48(c) established the schedules for satisfying the provisions of Appendix R. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant.

Subsection III.J specifies that emergency lighting units with at least an 8-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment in access and egress routes thereto.

Section 50.48(c) requires completion of all modifications to meet the provisions of Appendix R within a specified time from the effective date of this fire protection rule, February 17, 1981, except for modifications to provide alternative safe shutdown capability. On September 27, 1982, the NRC issued Supplement 3 to the Calvert Cliffs Fire Protection Safety Evaluation Report (FPSER), dated September 14, 1979, which provided NRC approval of the licensee's Interactive Cable Analysis (ICA). This approval was required by

the licensee in order to identify areas within Units 1 and 2 which require emergency lighting in accordance with 10 CFR Part 50, Appendix R, Subsection III.J. In accordance with 10 CFR 50.48(c)(4), these modifications are required to be completed within six (6) months of NRC approval if plant shutdown is not required. Since Supplement 3 to the FPSER was issued on September 27, 1982, the associated modifications not requiring plant shutdown are required to be completed by March 27, 1983.

By application dated February 23, 1983, the licensee requested an exemption from the schedular requirements of 10 CFR 50.48(c)(4) in that the installation of emergency lighting, not requiring plant shutdown, could not be completed prior to September 1, 1983. By way of explanation, the licensee indicated in its application of February 23, 1983 that at the time of the September 27, 1982 FPSER supplement, engineering and planning resources were heavily committed to the imminent Unit No. 2 refueling outage, which commenced on October 16, 1982 and was completed on January 16, 1983. The licensee was not able to include any emergency lighting modification work in that outage interval, but did begin making the modifications after the completion of the outrage.

III

Based on our consideration of these circumstances, we conclude that the licensee made proper application of available resources in a best effort to provide the required emergency lighting. However, the time allowed proved to be insufficient to permit full implementation. In addition, we have determined that as an interim compensatory measure the existing emergency lighting in conjunction with the portable lighting units that are available for use by the operators and members of the fire brigade can provide emergency lighting as needed until the installation of the required units is achieved. On this basis, the staff has judged that the request for exemption to allow additional time to complete the installation of the emergency lighting for both units until September 1, 1983 should be granted.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants the following exemption with respect to the schedular requirements of 10 CFR Part 50, § 50.48(c):

Extend the implementation date in paragraph (c)(4) for installation of modifications required by Appendix R, Subsection III.J for both units, that require prior NRC approval but not plant shutdown, from March 27, 1983 to September 1, 1983.

The NRC staff had determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 15th day of March, 1983.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 83-7654 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-325]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-71 issued to Carolina Power & Light Company (The licensee) which revised the Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit 1 (the facility), located in Brunswick County, North Carolina. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications to permit postponement of a flow test of the core spray system until within 48 hours after restoration of the suppression chamber to operable status, but, in any case no later than June 15, 1983.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated November 8, 1982 with supplements dated January 6th and February 8, 1983. (2) Amendment No. 55 to License No. DPR-71 and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of March 1983.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-7655 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Connecticut Light and Power Co., et al., Order Confirming Licensee Commitments on Post-TMI Related Issues

I

In the matter of The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (Millstone Nuclear Power Station, Unit 2).

Northeast Nuclear Energy Company, et al. (the licensee) is the holder of Facility Operating License No. DPR-65 which authorizes the operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility) at steady-state power levels not in excess of 2700 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Waterford, Connecticut.

II

Following the accident at Three Mile Island No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and

on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Northeast Nuclear Energy Company responded to Generic Letter 82–05 by letters dated April 16, June 10 and 24, September 28, December 30, 1982 and February 11, 1983, and the references stated therein. They also responded to Generic Letter 82–10 by letters dated June 4, July 9, and October 1, 1982 and the references stated therein. In these submittals, Northeast Nuclear Energy Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 addressed thirteen and sixteen items, respectively. Of the ten items listed in Generic Letter 82–10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82–111, as amended. For Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

Eleven of the 17 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining six items is provided herein:

I.A.1.3.1—Limit Overtime

The licensee's adminsitrative procedure ADM 1.1–65 ("Operations Department Shift Staffing Requirements", March 27, 1981) follows the guidance of IE Circular No. 80–02 ("Nuclear Power Plant Staff Work Hours"), dated February 1, 1980. This procedure was found acceptable by the staff as stated in its letter to the licensee dated February 8, 1982. Subsequently, the staff's Generic Letter No. 82–12, dated June 15, 1982, states guidelines limiting overtime and specifies that deviations "shall be authorized by the plant manager or his deputy, or higher levels of management." However, the licensee's position (as stated in its letter dated October 1, 1982) is that infrequent or short-term deviations from these guidelines do not require approval by the plant superintendent (manager) or his deputy. this item is being reviewed by the staff and is therefore not included in this Order.

II.B.2—Plant Shielding

The licensee has completed all modifications required in those areas of the plant where personnel access would be required following an accident except for remote operation of four valves (Ref. April 16, 1982 Response). Operation of these four valves would be required only for long term boron precipitation control following a large break loss-of-coolant accident in which the break is located in the cold leg. The licensee has committed to have remote operation installed on these valves prior to startup from the Cycle 6 refueling outage scheduled to commence in April 1983. In the interim, required operation of the four valves in accordance with Plant Operating Procedure 2214 could be performed manually by operators. The licensee estimates the exposure required for such manual operation during accident conditions to be approximately 28 person rem (Ref. September 28, 1982 Response).

II.B.3.—Post Accident Sampling

The inservice date for the post accident sampling system, with the exception of accident chloride analysis, was June 1, 1982 (Ref. April 16, 1982 Response). The licensee identified suitable chloride monitoring equipment and completed installation before January 1, 1983. However, because of late arrival of equipment, the training on the Polographic Analyzer will not be completed until March 31, 1983 (Ref. December 30, 1982 Response).

II.F.1.1.—Post Accident Noble Gas Effluent Monitors and II.F.1.2—Sampling and Analysis of Plant Effluents

The licensee completed the installation of all equipment required to fulfill Items II.F.1.1 and II.F.1.2 by March 11, 1982 (Ref. April 16, 1982 Response). However, there has been a serious problem with the preliminary isotopic calibration in that the Unit 1 stack (normal discharge point for both units) and the Unit 2 auxiliary building stack monitors would grossly over-estimate any accidental radioactive release. The licensee is modifying the equipment in accordance with the supplier's recommendations. They expect to have the high range noble gas monitors and the iodine and particulate monitors operational by September 1, 1983 (Ref. February 11, 1983 Response).

III.D.3.4—Control Room Habitability

The licensee has provided their control room habitability analysis and proposes to complete all modifications required before startup from the 1984 Cycle 7 refueling outage presently scheduled for October 1984 (Ref. June 4, 1982 Response).

We find, based on the above evaluation, that (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be conformed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is Hereby Ordered Effective Immediately That the Licensee Shall:

Implement and maintain the specific items described in the attachments to this Order in the manner described in the licenseee's submittals noted in Section III herein no later than the dates in the attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A Copy shall also be sent to the Executive Legal Director at the same address. A Request for Hearing Shall Not Stay the Immediate Effectiveness of This Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)*
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions	Cycle 6 Refueling Outage April 1983
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Installation Complete. Training on Polographic Analyzer—Mar 31, 1983
II.E.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete
II.E.1.2	Aux FW Indication & Flow Indicator	July 1, 1981	Modify instrumentation to level of safey grade	Do
II.E.4.2	Containment Isolation Dependability.	do	Part 5—lower containment pressure setpoint to level compatible with normal operation	Do
II.E.4.2	Containment Isolation Dependability.	do	Part 7—isolate purge and vent valves on radiation signal.	Do
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitor	September 1983
		do	(2) Provide capability for effluent monitoring of iodine	Do
		do	(3) Instal in-containment radiation-level monitor	Complete
		do	(4) Provide continuous indication of containment pressure	Do
		do	(5) Provide continuous indication of containment water level.	Do
		do	(6) Provide continuous indication of hydrogen concentration in containment	Do

*Where completion date refers to a refueling outage (the estimated date when the outage begin is shown), the item will be completed prior to the restart of the facility.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)*
I.A.1.3.1	**Limit Overtime	Oct. 1, 1982 per Gen Ltr. 82-12 dtd June 15, 1982	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen Ltr. No 82-12, dtd June 15, 1982.	Deviations from working hours are delineated by NU letter of Oct. 1, 1982 Item is currently under review
I.A.1.3.2	**Minimum Shift Crew	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued
I.C.1	**Revise Emergency Procedures	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program.	Complete
II.D.1.3	Block Valve Test Program	do	Submit report of results of test program	Do
II.K.3.30 & 31	**SBLOCA Analysis	One year after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	**Staffing Levels for Emergency Situations	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined
III.A.1.2	**Upgrade Emergency Support Facilities.	do	do	Do
III.A.2.2	**Meteorological Data	do	do	Do
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Cycle 8 Refueling Outage (October 1984)

*Where completion date refers to a refueling outage (the estimated date when the outage begins is shown), the item will be completed prior to the restart of the facility.
**Not Part of Confirmatory Order

[FR Doc. 83-7660 Filed 3-23-83; 8:45 am]
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[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc. (Indian Point Nuclear Generating Station, Unit No. 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Consolidated Edison Company of New York, Inc. (the licensee) is the holder of Facility Operating License No. DPR-26 which authorizes the operation of the Indian Point Nuclear Generating Station, Unit No. 2 (the facility) at steady-state power level not in excess of 2758 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Westchester County, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) for items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Consolidated Edison responded to Generic Letter 82-05 by letter dated April 16, 1982; Consolidated Edison responded to Generic Letter 82-10 by letter dated June 17, 1982. Subsequently, by letters dated October 19, 1982 and December 23, 1982, Consolidated Edison modified their previous commitments. In these submittals, Consolidated Edison confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are no items from Generic Letter 82-05 for which schedules have not been determined. However, there are six items from Generic Letter 82-10 that, as noted in Attachment 2, have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

II.B.3 Post-Accident Sampling

To date the sampling system installed is capable of inline sampling and analysis of dissolved hydrogen and oxygen concentration, conductivity, pH, and chloride concentration. The remaining item, a boron analyzer, will be installed by March 31, 1983. This analyzer had been previously installed, but a failed detector necessitated repairs. Therefore, Item II.B.3 will be completed upon receipt of and installation of a functional detector.

II.F.1(6) Accident Monitoring—Containment Hydrogen Concentration

A containment hydrogen concentration monitor has been installed with a direct indicator read-out in the Motor Control Center E1.98' with redundant recorders in the Control Room. The hydrogen concentration monitor is a qualified unit up to the indicator. The two (2) installed control room redundant recorders are of high commerical grade construction. New Class 1E type recorders have been ordered and will be installed by April 15, 1983.

III.D.3.4 Control Room Habitability

The radiation monitors, toxic gas monitors, smoke detectors, redundant circulation fan and isolation dampers have been installed in the control room filtration system, and operational testing and calibration remaining will be completed by March 31, 1983.

We find, based on upon the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG-0737 requirements noted; (2) there is good cause for the several delays as noted above; and the (3) interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, It Is Hereby Ordered Effective Immediately That the Licensee Shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A Request For Hearing Shall not Stay the Immediate Effectiveness of This Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 18th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Apr. 15, 1983
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Complete.
II.E.1.2	Aux FW Indication & Flow Indicator	July 1, 1981	Modify instrumentation to level of safety grade	[illegible]
II.E.4.2	Containment Isolation-Dependability.	do	Part 5—lower containment pressure setpoint to level compatible with normal operation	Do
II.E.4.2	do	do	Part 7—isolate purge and vent valves on radiation signal	Do
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Do
		do	(2) Provide capability for effluent monitoring of iodine	Do
		do	(3) Install in-containment radiation-level monitor	Do
		do	(4) Provide continuous indication of containment pressure.	[illegible]
		do	(5) Provide continuous indication of containment water level	Do
		do	(6) Provide continuous indication of hydrogen concentration in containment	Apr. 15, 1983

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. June 15, 1982	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82-12, dtd. June 15, 1982	Complete
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program.	Complete
II.D.1.3	Block Valve Test Program	do	Submit report of results of tests program	Do
II.K.3.30 & 31	SBLOCA Analysis [2]	1 yr after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined
III.A.1.2	Upgrade Emergency Support Facilities [2]	do	do	Do
III.A.2.2	Meteorological Data [2]	do	do	Do
III.D.3.4	Control Room Habitability	To be determined by licensee	(1) Review	(1) Complete
			(2) Modify facility as identified by licensee study	(2) Mar. 31, 1983

[1] Where completion data refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not part of Confirmatory Order

[FR Doc. 83-7656 Filed 3-23-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power & Light Co. (St. Lucie Plant, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Florida Power & Light Company (the licensee) is the holder of Facility Operating License No. DPR-67 which authorizes the operation of the St. Lucie Plant, Unit No. 1 (the facility) at steady-state power levels not in excess of 2700 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site on Hutchinson Island in St. Lucie County, Florida.

II

Following the accident at Three Mile Island No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were

scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Florida Power & Light Company responded to Generic Letter 82–05 by letter dated April 19, 1982, and the references stated therein. They also responded to Generic Letter 82–10 by letters dated July 2 and 9, August 13, 1982 and the references stated therein. In these submittals, Florida Power & Light Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provide information.

Generic Letters 82–05 and 82–10 addressed thirteen and sixteen items, respectively. Of the ten items listed in Generic Letter 82–10 requiring a response, six items are not included in this Order. Item I.A.1.3.2. is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82–111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff aproval of the generic models.

All of the items addressed in this Order are considered by the licensee to be completed or to require no modifications.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is Hereby Ordered Effective Immediately That The Licensee Shall:

Implement and maintain the specific items described as complete in the attachments to this Order. Incomplete items shall be completed by no later than the dates shown in the attachments (as described in the licensee's submittals noted in Section III herein) and maintained thereafter.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A Request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A Request for Hearing Shall Not Stay the Immediate Effectiveness of This Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions	Do.
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Do.
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Do.
II.E.1.2	Aux FW Indication & Flow Indicator	July 1, 1981	Modify instrumentation to level of safety grade	Do
II.E.4.2	Containment Isolation Dependibility.	do	Part 5—lower containment pressure setpoint to level compatible with normal operation.	Do.
II.E.4.2	do	do	Part 7—isolate purge and vent valves on radiation signal	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Do.
		do	(2) Provide capability for effluent monitoring of iodine	Do
		do	(3) Install in-containment radiation-level monitor	Do.
		do	(4) Provide continuous indication of containment pressure.	Do
		do	(5) Provide continuous indication of containment water level	Do.
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Do

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirements	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82–12 dtd June 15, 1982	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82–12, dtd. June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10—Continued

Item	Title	NUREG-0737 schedule	Requirements	Licensee's completion schedule (or status) [1]
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program	Complete
II.D.1.3	Block Valve Test Program	do	Submit report of results of test program	Do.
II.K.3.30 & 31	SBLOCA Analysis [2]	1 yr. after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by SECY 82-111	Reference SECY 82-111 Requirements for Emergency Response Capability	To be determined
III.A.1.2	Upgrade Emergency Support Facilities [2]	do	do	Do.
III.A.2.2	Meteorological Data [2]	do	do	Do
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility
[2] Not Part of Confirmatory Order

[FR Doc. 83-7657 Filed 3-23-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Maine Yankee Atomic Power Company (the licensee) is the holder of Facility Operating License No. DPR-36 which authorizes the operation of Maine Yankee Atomic Power Station (the facility) at a steady-state power level not in excess of 2630 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Lincoln County, Maine.

II

Following the accident at Three Mile Island No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff develolped a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedeness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnished within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measure being taken.

III

Maine Yankee Atomic Power Company responded to Generic Letter 82-05 by letters dated April 16, May 10, June 3, and November 30, 1982. Maine Yankee Atomic Power Company responded to Generic Letter 82-10 by letters dated June 25, and November 30, 1982. In these submittals, Maine Yankee Atomic Power Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided informaton.

Generic Letters 82-05 and 82-10 addressed thirteen and sixteen items, respectively. Of the ten items listed in Generic Letter 82-10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82-111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

Fifteen of the 17 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining item is provided herein:

II.F.1.1 Noble Gas Monitor

Installation was complete as of March 1, 1982. The licensee states numerous problems have been encountered during calibration caused by defective components in the monitors. The licensee states he is continuing his efforts to trouble shoot and repair these monitors so they can be calibrated and declared operable by June 30, 1983

II.D.1.2 RV and SV Test Program

RVs—The licensee states that information on PORV operability was contained in CEN-213—"Summary Report on the Operability of Power Operated Relief Valves in C-E Designed Plants." This report was previously forwarded to the NRC by the C-E Owner's Group. The licensee considers Report CEN-213 to provide the required information on PORV operability for Maine Yankee.

SVs—The licensee states that a report is being developed by the C-E Owner's Group which will address safety valve operability for Maine Yankee. His intent

is to provide the NRC with a partial report by January 1, 1983. A final report which will serve as his final submittal will be provided by April 1, 1983.

Additional information on plant specific piping evaluation will be provided by January 1, 1983. This will be followed by a final report by April 1, 1983.

We find, based on the above evaluation, that (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is Hereby Ordered Effective Immediately That the Licensee Shall:

Implement and maintain the specific items described as complete in the attachments to this Order. Incomplete items shall be completed by no later than the dates shown in the attachments (as described in the licensee's submittals noted in Section III herein) and maintained thereafter.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A Request for Hearing Shall not Stay the Immediate Effectiveness of This Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Do.
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Do.
II.E.1.2	Aux. FW Indication & Flow Indicator.	July 1, 1981	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependability.	do	Part 5—Lower containment pressure setpoint to level compatible with normal operation.	Do.
II.E.4.2	Containment Isolation Dependability	do	Part 7—Isolate purge and vent valves on radiation signal.	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	June 30, 1983.
		do	(2) Provide capability for effluent monitoring iodine	Complete.
		do	(3) Install in-containment radiation-level monitor	Do.
		do	(4) Provide continuous indication of containment pressure	Do.
		do	(5) Provide continuous indication of containment water level.	Do.
		do	(6) Provide continuous indication of hydrogen concentration, in containment.	Do.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	Act. 1, 1982 per Gen. Ltr. 82–12 dtd. 6/15/82	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82–12, dtd. June 15, 1982	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 32–111	Reference SECY 32–111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	PV and SV Test Progams	July 1,1982	Submit plant specific reports on relief and safety valve program.	Apr. 1, 1983.
II.D.1.3	Block Valve Test Program	do	Submit report of results of test program.	Complete.
II.K.3.30 & 31	SBLOCA Analysis [2]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations [2].	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [2].	do	do	Do
III.A.2.2	Meteorological Data	do	do	Do
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order

[FR Doc. 83 7658 Filed 3–23–83: 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-245]

Northeast Nuclear Energy Co., Systematic Evaluation Program; Availability of Final Integrated Plant Safety Assessment Report for the Millstone Nuclear Power Station, Unit 1

The Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation (NRR) has published its Final Integrated Plant Safety Assessment Report (IPSAR) (NUREG–0824) related to the Northeast Nuclear Energy Company's (licensee) Millstone Nuclear Power Station, Unit 1, located in Waterford, Connecticut.

The Systematic Evaluation Program (SEP) was initiated by the NRC to review the design of older operating nuclear reactor plants to reconfirm and document their safety. This report documents the review completed under the Systematic Evaluation Program for the Millstone 1 Plant. Areas in the report identified as requiring further analysis or evaluation and required modifications for which design descriptions have not yet been provided by the licensee to the NRC will be reviewed as part of the operating license conversion review. Supplements to the Final IPSAR will be issued addressing items requiring further analysis and review. The review has provided for (1) an assessment of the significance of differences between current technical positions on selected safety issues and those that existed when the Millstone 1 Plant was licensed, (2) a basis for deciding how these differences should be resolved in an integrated plant review, and (3) a documented evaluation of plant safety when all supplements to the IPSAR and the Safety Valuation Report for converting the license from a provisional to a full-term licensee have been issued. Equipment and procedural changes have been identified as a result of the review. The report also addresses the comments and recommendations made by the Advisory Committee on Reactor Safeguards (ACRS) in connection with its review of the Draft Report, issued in November 1982. These comments and recommendations, as contained in reports by the ACRS dated December 13, 1982 and January 11, 1983, and the NRC staff's related response are included in Appendix H of this report.

The Final IPSAR and its supplements will form part of the bases for considering the conversion of the existing provisional operating license to a full-term operating license.

Pursuant to 10 CFR 50.71(e)(3)(ii), the licensee is required within 24 months after receipt of the letter dated March 1983, from the Director of the Office of Nuclear Reactor Regulation to the licensee transmitting the Final IPSAR, to file a complete Final Safety Analysis Report (FSAR), which is up to date as of a maximum of six months prior to the date of filing the revision. The Final IPSAR is being made available at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385 for inspection and copying. Copies of this Final Report (Document No. NUREG–0824) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the Sales Office, U.S. Nuclear Regulatory Commission, Director, Division of Technical Information and Document Control, Washington, D.C. 20555, Attention: Publications Unit.

Dated at Bethesda, Maryland, this 16th day of March, 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-7659 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-245 and 50-336]

Northeast Nuclear Energy Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 89 to Provisional Operating License No. DPR–21 and Amendment No. 81 to Facility Operating License No. DPR–65, issued to Connecticut Yankee Atomic Power Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees), which revised the Environmental Technical Specifications (TS) for operation of the Millstone Nuclear Power Station, Unit Nos. 1 and 2 (the facilities) located in the Town of Waterford, Connecticut. The amendments are effective as of the date of issuance.

The amendments delete the Appendix B Environmental Technical Specifications which pertain to non-radiological water quality requirements as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments is a ministerial action required as a matter of law and therefore an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 16, 1983, (2) Amendment Nos. 89 and 81 to License Nos. DPR–21 and DPR–65, and (3) the Commission's letter dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-7661 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Company, et al., Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 82 to Facility Operating License No. DPR–65, issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees), which temporarily revised the Technical Specifications (TS) for operation of the Millstone Nuclear Power Station Unit No. 2 (the Facility) located in the Town of Waterford, Connecticut.

The amendment was authorized by telephone on March 1, 1983 and was confirmed by letter dated March 2, 1983. The amendment added a footnote to the TS 3.4.6.2.b Action statement to allow an additional 24 hours before the unit must be in COLD SHUTDOWN after the plant personnel determined that the 1 gpm Reactor Coolant System unidentified leakage limit was exceeded on March 1, 1983. The amendment was issued on an expedited basis to permit plant operation in HOT STANDBY for a sufficient period to identify the source(s) of the leakage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated March 1, 1983, (2) the Commission's letter to licensee dated March 2, 1983, (3) Amendment No. 82 to License no. DPR–65 and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 2055, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83–7682 Filed 3–23–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–282 and 50–306]

Northern States Power Co. (Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Northern States Power Company (the licensee) is the holder of Facility Operating License Nos. DPR–42 and DPR–60 which authorize the operation of the Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2 at steady-state power levels not in excess of 1650 megawatts thermal for each unit. The facilities consist of two pressurized water reactors (PWR) located at the licensee's site in Goodhue County, Minnesota.

II

Following the accident at Three Mile Island No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Northern States Power Company responded to Generic Letter 82–05 by letter dated April 16, 1982. They also responded to Generic Letter 82–10 by letters dated June 4, and October 22, 1982. In these submittals, Northern States Power Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 addressed thirteen and sixteen items, respectively. Of the ten items listed in Generic Letter 82–10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82–111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

Fifteen of the 17 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

I.A.1.3.1 Limit Overtime

By letter dated November 16, 1982, the licensee requested NRC approval on a proposed alternative related to the limitation of the maximum hours worked per week. This proposed alternative is presently under staff review and is therefore not included in this Order.

III.D.3.4 Control Room habitability

The licensee is not required by NUREG–0737 to adhere to an implementation date for this item. However, the licensee is required to furnish a schedule showing the completion date for this activity. By the licensee's letter dated June 4, 1982, in responding to Generic Letter 82–10, the

licensee committed to a completion date of January 1, 1983. By letter dated October 22, 1982, the licensee revised this completion date to March 15, 1983. The two and one-half months delay in completing the installation was caused by (a) engineering delays in the design of the sampling equipment requiring extensive redesign, (b) material and equipment delivery delays, and (c) limited manpower availability due to the Prairie Island Unit 1 refueling outage scheduled to begin on November 15, 1982 and end on December 20, 1982. An implementation date for this item is not required; however the revised schedule submitted by the licensee is reasonable and indicates that the licensee made proper application of available resources on a best effort basis. we find that the revised schedule submitted for this item is acceptable.

IV

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

Accordingly, pursuant to sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is Hereby Ordered Effective Immediately That the Licensee Shall:

Implement and maintain the specific items described as complete in the attachments to this Order. Incomplete items shall be completed by no later than the dates shown in the attachments (as described in the licensee's submittals noted in Section III herein) and maintained thereafter.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory commission, Washington, D.C. 20555. A copy shall also be sent to the executive Legal Director at the same address. A Request for Hearing Shall not stay the Immediate Effectiveness of This Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete Oct. 1, 1981
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions	Unit 2 complete, July 1982. Unit 1 complete, Nov. 15, 1982 (Refueling outage)
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Unit 1 complete, November 1981. Unit 2 complete, July 1982
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete Mar. 1, 1982
II.E.1.2	Aux FW Indication & Flow Indicator	July 1, 1981	Modify instrumentation to level of safety grade	Complete part of original plant design
II.E.4.2	Containment Isolation Dependability.	do.	Part 5—lower containment pressure setpoint to level compatible with normal operation	Do
II.E.4.2	Containment Isolation Dependability.	do.	Part 7—isolate purge and vent valves on radiation signal.	Do
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Complete Apr. 30, 1982
		do.	(2) Provide capability for effluent monitoring of iodine	Complete Sept. 30, 1982
		do.	(3) Install in-containment radiation-level monitor	Complete Feb. 28, 1982.
		do.	(4) Provide continuous indication of containment pressure.	Complete Jan. 15, 1982
		do	(5) Provide continuous indication of containment water level.	Complete Dec. 30, 1981
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Do

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.1.3.1	**Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd June 15, 1982	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr No. 82-12, dtd June 15, 1982	Licensee requested deviation from staff position (letter dated No. 16, 1982) Licensee submittal under review.
I.A.1.3.2	**Minimum Shift Crew	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued.
I.C.1	**Revise Emergency Procedures	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program	Complete
II.D.1.3	Block Valve Test Program	do	Submit report of results of test program	Do
II.K.3.30 & 31	**SBLOCA Analysis	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.

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LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
III.A.1.2	**Staffing Levels for Emergency Situations.	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined.
III.A.1.2	**Upgrade Emergency Support Facilities	...do...	...do...	Do.
III.A.2.2	**Meteorological Data	...do...	...do...	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee.	Modify facility as identified by licensee study.	Mar. 15, 1983.

**Not Part of Confirmatory Order

[FR Doc. 83-7663 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-40, issued to the Omaha Public Power District (the licensee), which revised Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1. The amendment is effective as of the date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications which pertain to non-radiological water quality requirements, as permitted by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see: (1) The application for amendment dated May 4, 1979, (2) Amendment No. 69 to License No. DPR-40, and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the W. Dale Clark Public Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-7664 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-260]

Tennessee Valley Authority; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 85 to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit 2 (the facility), located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to: (1) Incorporate the limiting conditions for operation during fuel Cycle 5, and (2) reflect changes resulting from design, equipment and procedural modifications made during the current refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in conection with issuance of the amendment.

For further details with respect to this action, see: (1) The application for amendment dated October 15, 1982, as supplemented by letters dated November 17, 1982, December 10, 1982 and January 7, 1983, (2) Amendment No. to License No. DPR-52, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief Operating Reactors Branch No. 2 Division of Licensing.

[FR Doc. 7668- Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-259]

Tennessee Valley Authority; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 88 to Facility Operating License No. DPR-33 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the

Browns Ferry Nuclear Plant, Unit No. 1 (the facility) located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

This amendment changes the Technical Specifications to permit operation of Browns Ferry, Unit 1 with increased core flow during the remainder of Cycle 5.

The application for this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 1, 1983. (2) Amendment No. 88 to license No. DPR-33, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-7669 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-24, and Amendment No. 74 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments revise the Appendix B Environmental Technical Specifications to delete non-radiological water quality requirements as permitted by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated September 21, 1978 as modified October 1, 1981, (2) Amendment Nos. 69 and 74 to License Nos. DPR-24 and DPR-27, and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-7670 Filed 3-23-83; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22883; (70-6666)]

American Electric Power Co., Inc., et al.; Proposed Capital Contributions to Subsidiary

March 18, 1983.

In the matter of American Electric Power Company, Inc., 180 East Broad Street, Columbus, Ohio 43215; Kingsport Power Company, Appalachian Power Company, 40 Franklin Road, S.W., Roanoke, Virginia 24011; Columbus and Southern Ohio Electric Company, 215 Front Street, Columbus, Ohio 43215; Indiana and Michigan Electric Company, One Summit Square, P.O. Box 60, Fort Wayne, Indiana 46801; Kentucky Power Company, 1701 Central Avenue, Ashland, Kentucky 41101; Ohio Power Company, 301 Cleveland Avenue, S.W., Canton, Ohio 26003 and Wheeling Electric Company, 51 Sixteenth Street, Wheeling, West Virginia 26003.

American Electric Power Company, Inc. ("American"), a registered holding company, and Appalachian Power Company ("Appalachian"), Columbus and Southern Ohio Electric Company ("CSOE"), Indiana and Michigan Electric Company ("I&M"), Kentucky Power Company ("Kentucky"), Ohio Power Company ("Ohio"), Kingsport Power Company ("Kingsport"), and Wheeling Electric Company ("Wheeling"), electric utility subsidiaries of American, have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended pursuant to Sections 6 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45, 50(a)(2), and 50(a)(5) promulgated thereunder.

By order dated December 22, 1982 (HCAR No. 22798), American was authorized to issue and sell up to $165 million of short-term notes to banks and commercial paper to a dealer prior to January 1, 1984. American was also authorized to make capital contributions in the designated period in the following amounts: $30 million to CSOE, $30 million to I&M, $45 million to Kentucky and $10 million to Ohio. By order dated January 21, 1983 (HCAR No. 22830), the Commission authorized, and released jurisdiction over, capital contributions of up to $30 million by American to Appalachian.

By post-effective amendment, American proposes to make cash capital contributions from time to time prior to January 1, 1984 to Kingsport, in an aggregate amount of up to $1.5 million.

The investment by American will be added to the general funds of Kingsport and used to pay maturing and general obligations, to provide needed working capital, and for other corporate purposes.

The application-declaration as amended by the post-effective amendment and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing April 11, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended by the post-effective amendment or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7680 Filed 3-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13102; (811-2938)]

IPI—Income & Price Index Fund; Filing of an Application

March 16, 1983.

Notice is hereby given that IPI—Income & Price Index Fund ("Applicant"), one Boston Place, Boston, Massachusetts 02106, an open-end, non-diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on January 3, 1983, for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Organized as a limited partnership under California law, Applicant made its initial public offering on January 22, 1980. Applicant states that, at a meeting held on August 19, 1982, its managing directors adopted resolutions to the effect that, among other things, liquidation and dissolution would be in the best interests of Applicant and its shareholders. Applicant submitted its plan of dissolution, by proxy materials, to its partners, who approved the plan at a special meeting held on November 15, 1982. Applicant states that, as of December 22, 1982, it had redeemed all its outstanding shares, but has not yet been able to complete its distribution of the liquidation proceeds because share certificates representing 58,050 shares ($654,833) have not yet been returned to it. Applicant attempted to contact former shareholders twice before filing the application, and represents that it is continually making efforts to contact such shareholders.

Applicant declares that when it filed its application it was not engaged nor did it propose to engage in any business activities other than those necessary for the winding-up of its affairs, that its investment adviser has undertaken to satisfy any expenses associated with liquidation and dissolution that exceed the Applicant's liquidation reserve, that it is not a party to any litigation or administrative proceeding, that it has no securityholders other than those who have not returned their share certificates in exchange for the proceeds of liquidation, and that it has filed a certificate of cancellation (dissolution) under California law. Following such cancellation, any assets remaining will be held by The Boston Company Income Securities Advisors, Inc., Applicant's investment adviser and non-managing general partner, for distribution to former shareholders. Such assets will be invested in cash or cash equivalents, not in securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registation of such company under the Act shall terminate.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 11, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20509. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7681 Filed 3-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22884; (70-6592)]

Middle South Energy, Inc., et al.; Proposed Increase in Authorized Amount of Notes To Be Issued and Sold Pursuant to Bank Loan Agreement; Assignment of Rights as Security for Such Loan

March 18, 1983.

In the matter of Middle South Energy, Inc., P.O. Box 61000, New Orleans, Louisiana 70161; Arkansas Power & Light Company, P.O. Box 551, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Middle South Utilities, Inc., 225 Barone Street, New Orleans, Louisiana 70112; Mississippi Power & Light Company, P.O. Box 1640, Jackson, Mississippi 39205 and New Orleans Public Service Inc., 317 Baronne Street, P.O. Box 60340, New Orleans, Louisiana 70160.

Middle South Utilities, Inc. ("MSU"), a registered holding company, and five of its wholly-owned subsidiary companies, Middle South Energy, Inc. ("MSE"), Arkansas Power & Light Company ("AP&L"), Louisiana Power & Light Company ("LP&L"), Mississippi Power & Light Company ("MP&L"), and New Orleans Public Service, Inc. ("NOPSI") have filed with this Commission post-effective amendments to their application-declaration previously filed and amended pursuant to Sections 6(a), 7, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

MSE is a special purpose subsidiary of MSU whose sole activity is construction of Grand Gulf Units No. 1 and No. 2, a nuclear-fired generating facility near Natchez, Mississippi. By order dated June 22, 1981 (HCAR No. 22098), MSE was authorized to borrow up to $1.4 billion through December 31, 1986 from a group of domestic banks ("Banks"), with Manufacturers Hanover Trust Company, as agent, pursuant to a bank loan agreement ("Bank Loan

Agreement)", dated June 15, 1981. Pursuant to the Bank Loan Agreement, the Banks committed to lend MSE, on a revolving credit and term loan basis, the aggregate principal amount of up to $1.311 billion, such borrowings to mature on December 31, 1986. As of January 20, 1983, approximately $1.095 billion had been borrowed by MSE and was outstanding under the Bank Loan Agreement.

Proceeds of such borrowings have been applied in connection with the financing of MSE's 90% share of the costs of constructing two 1,250 megawatt nuclear generating units located at Grand Gulf, Mississippi. The first of these units was scheduled to go into commercial operation by February 1983 with MSE's estimated share of completed costs (based on an assumed 87.52% share of costs) to be approximately $2,070 million. Due to minor delays incurred while nuclear fuel was being loaded in Grand Gulf No. 1 and to the rescheduling of certain work previously planned to be accomplished during Grand Gulf No. 1's first scheduled refuelling, Grand Gulf No. 1 is presently scheduled to be placed in commercial operation in the fourth quarter of 1983. Due to these factors and to a decision to base MSE's projected costs on a 90% assumed ownership share of Grand Gulf No. 1 rather than the 87.52% share previously assumed, the estimated cost of MSE for its 90% share in the Unit has been increased to $2,551.5 million. For planning purposes, MSE is not presently assuming the 2.48% participation of Municipal Energy Agency of Mississippi ("MEAM") in the Grand Gulf Project. MEAM's participation is still a possibility and is under further consideration. Substantial work on the second of the two Grand Gulf Units has been suspended for several years pending completion and commercial operation of Grand Gulf No. 1:

The following table identifies by category the approximate costs associated with the increased estimated completed cost of Grand Gulf No. 1:

	Dollars in millions	
Previous disclosure		2,070
Increase from 87.52 to 90% ownership	61(13%)	
Increase in basic cost	182(38%)	
Increase in taxes and other items	21(4%)	
Increase in allowance for funds used during construction	217(45%)	
	481(100%)	
Current disclosure		2,551

MSE estimates that it will need to borrow an aggregate additional amount of $400 million from foreign and domestic lenders. MSE has fully utilized its $315 million loan agreement, dated February 5, 1982, ("Foreign Loan Agreement") with a group of foreign banks and Credit Suisse First Boston Limited, as agent. The Commission issued an order on February 17, 1983, (HCAR No. 22858) authorizing a $63 million increase in MSE's borrowings under this Foreign Loan Agreement.

Accordingly, MSE hereby requests authority to enter into an amended and restated bank loan agreement ("Restated Loan Agreement") so that the aggregate amount it may borrow under the agreement will increase by up to $340 million from $1.311 billion to approximately $1.651 billion.

MSE also proposes to change the interest rate applicable to borrowings under the Bank Loan Agreement. The Bank Loan Agreement currently provides that all borrowings thereunder will bear a rate equal to 110% of the sum of the prime rate at Manufacturers Hanover Trust Company ("MHTCo") plus 1.3%. Based on a prime rate of 11% as of January 21, 1983, MSE's borrowings under the Bank Loan Agreement bear an effective interest cost of 13.53%. Under the revisions proposed herein, this rate would decrease upon the occurrence of designated events, as follows:

Rate	Period	Effective rate (11 percent prime rate assumed)
110% × (MHTCo Prime Rate + 1.3%).	Until receipt of full power NRC operating license for Grand Gulf No. 1.	13.53
105% × (MHTCo Prime Rate + 1.3%).	Upon receipt of full power NRC operating license for Grand Gulf No. 1 until commercial operation of Grand Gulf No. 1.	12.92
MHTCo. Prime Rate + 1.3%	From commercial operation until maturity	12.30

MSE currently expects a full power operating license for Grand Gulf No. 1 to be issued during the second quarter of 1983, and to place Grand Gulf No. 1 in commercial operation during the fourth quarter of 1983.

The Bank Loan Agreement is proposed to be amended in certain other respects, including extending the revolving period by approximately six months and modifying the prepayment schedule.

As security for its obligations under the Restated Bank Loan Agreement, MSE proposes to assign, for the benefit of the Banks, its rights under the Availability Agreement, dated as of June 21, 1974, as amended ("Availability Agreement"), pursuant to the terms of an assignment agreement ("Assignment Agreement"). AP&L, LP&L, MP&L and NOPSI, parties and the Availability Agreement, will consent to and join in the Assignment Agreement.

As additional security for its obligations under the Restated Loan Agreement, MSE proposes to assign, for the benefit of the Banks, its rights under the Capital Funds Agreement, dated as of June 21, 1974 ("Capital Funds Agreement"), pursuant to the terms of a supplement to that agreement ("Supplementary Agreement"). MSU, a party to the Capital Funds Agreement, will consent to and join in the Supplementary Agreement.

By Commission order dated June 22, 1981 (HCAR No. 22098) MSE and the system operating companies were authorized to enter into a Power Purchase Advance Payment Agreement ("Power Purchase Agreement") pursuant to which the system operating companies agreed to make certain monthly advance payments to MSE for power from the Grand Gulf Plant in the event that Grand Gulf No. 1 was not in commercial operation on December 31, 1983. These payments were to commence on January 3, 1984 and continue until the earlier of (i) December 31, 1984 or (ii) the date of commercial operation of Grand Gulf No. 1. As a result of the proposed extension of the revolving borrowing period in the Bank Loan Agreement, the date for commencement of such payments will be similarly extended. Accordingly, it is proposed that MSE and the system operation companies enter into an amendment to the Power Purchase Agreement to provide that advance payments for power will be deferred for approximately six months. The scheduled termination date for such payments will remain unchanged. All other terms of the Power Purchase Agreement would remain the same. The Banks will consent to this amendment.

The application-declaration as amended by the post-effective amendments and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request

a hearing should submit their views in writing by April 11, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended by the post-effective amendments or as it may be further amended, may be granted and permifted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7677 Filed 3-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19611; (SR-NYSE-82-4)]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 17, 1983.

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, NY 10005, submitted on March 22, 1982, copies of a proposed rule changes pursuant to Section 19 (b)(1) of the Securities exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend NYSE Rule 402(b) by deleting from that rule the provision that requires member firms to obtain from a customer a separate written authorization (*i.e.*, a consent to lend agreement) before hypothecating or lending any of the customer's securities held in a margin account. The rule change would permit member firms to incorporate consent to lend agreements within the margin agreements that must be signed by all margin customers.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18608, March 30, 1982) and by publication in the **Federal Register** (47 FR 14992, April 7, 1982). All written statements filed with the Commission and all written communications between the Commission and any person relating to the proposed rule change were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and the regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7678 Filed 3-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13103; (812-5422)]

Sierra Pacific Group, Inc.; Filing of an Application

March 16, 1983.

Notice is hereby given that Sierra Pacific Group, Inc. ("Applicant"), No. 6 The Commons, 3512 Silverside Road, Wilmington, Delaware 19810, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified investment company, filed an application on January 6, 1983, and an amendment thereto on February 24, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio securities using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemption applies.

Applicant currently intends to offer classes of shares, each class representing interests in one of four separate investment portfolios: the Government Portfolio, Money-Market Portfolio, Fixed Income Portfolio, and The Growth Portfolio. the former two portfolios (the "Portfolios"), the subject of this application, seek current income and stability of principal. The Government Portfolio will invest exclusively in obligations issued or guaranteed by the U.S. Government, its agencies or instrumentalities. The Money-Market Portfolio will invest in high quality money-market instruments such as certificates of deposit, bankers' acceptances, commerical paper, and variable rate demand notes, in addition to obligations issued or guaranteed by the U.S. Government, its agencies and instrumentalities. Securities held by the Portfolios may be subject to repurchase agreements, and any such agreement entered into with a broker/dealer will be fully collateralized in accordance with Investment Company Act Release No. 10666.

All of the portfolios will be sold exclusively to customers of Security Pacific National Bank, Los Angeles, California ("Security Pacific") and its correspondent banks, including clients of Security Pacific's Financial Management Group and other individuals and businesses which maintain accounts at Security Pacific or its correspondent banks. Applicant states that it does not intend to purchase or otherwise acquire certificates of deposit or other securities of Security Pacific or any of its affiliates.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant submits that the amortized cost method of valuation will enable it to maintain the stable net asset value and steady income which vitally concern investors. By valuing its securities at amortized cost and declaring dividends daily, Applicant

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[1] In response to the Commission's concern that elimination of the separate signature requirement under Rule 402(b) would eliminate or reduce informed customer consent to the hypothecation of his securities, the NYSE has agreed to issue an Information Memo and, in addition, an interpretation to the NYSE's Interpretation Handbook, to be filed with the Commission pursuant to Rule 19b-4. Such interpretation would require NYSE members and member organizations to include, directly above the signature line, a bold type face legend acknowledging such consent, where a customer's consent to loan margin eligible securities is included in a document in which the customer's signature provides agreement as to any other aspect of his securities account relationship with such member or member organization. Alternatively, member firms could comply with amended Rule 402(b) by using a loan consent form speparate from any other forms signed by or given to customers. *See* letter from Donald van Weezel, Managing Director, Regulatory Standards, NYSE, to Michael Cavalier, Division of Market Regulation, SEC, dated February 22, 1983.

asserts that it can expect its net asset value to remain constant in the absence of unusual market conditions. Applicant contends that potential shareholders are not concerned with the theoretical differences which might occur between the yield achieved through market pricing and the yield computed on the basis of amortized cost for instruments which Applicant expects to hold until maturity. Prior to adopting the amortized cost method of valuation, Applicant's board of directors will determine in good faith that, absent unusual or extraordinary circumstances, the amortized cost method of valuing securities will reflect the fair value of such securities. Applicant believes that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly agrees that the following conditions may be imposed in any order of the Commission granting the exemption requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the investment objectives of Applicant's Portfolios, to stabilize the net asset value per share of each of the Portfolios, as computed for the purpose of distribution, redemption, and repurchase, at $1.00 per share.

2. Included among the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from each Portfolio's amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from either Portfolio's $1.00 amortized cost price per share exceeds ½ of 1 Percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes that the extent of any deviation from either Portfolio's amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the greatest extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the average portfolio maturity of such Portfolio; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to the Portfolios' objective of maintaining a stable price per share; provided, however, that the Portfolios will neither (a) purchase any instrument with a remaining maturity greater than one year (although instruments subject to repurchase agreements may bear longer maturities),[2] nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[3]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments in the Portfolios to those U.S. dollar-denominated instruments which, as determined by its board of directors, present minimal credit risks, and which are of "high quality" as determined by any major rating service, or, in the case of any instruments that are not rated, of comparable quality, as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement indicating whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any such action was taken, Applicant will describe the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 11, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of instruments published by reputable sources.

[2] As disclosed in its prospectus, Applicant's Portfolios may purchase variable rate demand notes which have maturities of more than one year, provided the Portfolios are entitled to the payment of principal and accrued interest upon not more than seven days' notice. The rate of interest on such notes is to be adjusted automatically at intervals which normally do not exceed thirty-one days but may extend up to one year. Each variable rate demand note purchased by Applicant would be determined under procedures prescribed by Applicant's board of trustees to present minimal credit risks and will be rated "high quality" at the time of purchase (i.e., within the two highest ratings assigned by any major rating service) or, if unrated, will be determined by Applicant's investment adviser to be of comparable quality, and thereafter the quality of such notes will be monitored by Applicant. In computing its dollar-weighted average portfolio maturity, Applicant states that it will consider the maturity of such notes as the longer of the notice period required before Applicant is entitled to prepayment under the note, or the period remaining until the note's next interest rate adjustment. In connection with such variable rate demand notes purchased by the Portfolios, Applicant's board of directors (or Applicant's investment adviser to the extent permitted by Rule 2a–7 under the Act as proposed or as ultimately adopted) will: (i) determine that whenever a new interest rate on a variable rate demand note is established it will then cause the note to have a current market value which approximates its par value; (ii) determine no less frequently than quarterly that variable rate demand notes held by the Portfolios are of "high quality;" and (iii) cause the Portfolios, absent extenuating circumstances, to dispose of any variable rate note as soon as practicable should the quality of the note fall below "high quality." In addition, the issuer's obligation to pay the principal of a variable rate demand note purchased by the Applicant will be supported by an irrevocable, unconditional bank letter of credit where necessary to ensure that the note is of "high quality" (*i.e.*, in all cases where the Applicant's board of director and investment adviser cannot determine that a note of "high quality" without a letter of credit).

[3] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary

[FR Doc. 83-8376 Filed 3-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19609; File No. 7-6393]

Xonics, Inc., Common Stock, $.10 Par Value; Order Denying Application for Unlisted Trading Privileges

March 17, 1983.

I. Introduction

On November 29, 1982, the Commission approved an application by Xonics, Inc. ("Xonics") under Section 12(d) of the Act to withdraw its securities from listing and registration on the Pacific Stock Exchange ("PSE"), the only exchange on which Xonics was traded.[1] Over-the-counter ("OTC") trading in Xonics through the NASDAQ System commenced the following day. On December 1, 1982, the PSE applied for unlisted trading privileges ("UTP") in Xonics common stock pursuant to Section 12(f)(1)(C) of the Act.[2]

Because Xonics does not substantially meet either the New York Stock Exchange ("NYSE") or American Stock Exchange ("Amex") listing standards, it was not, prior to the delisting, a reported security and did not, after delisting, qualify as a national market system security. As a result, it is not subject to the current last sale reporting requirements of Rule 11Aa3-1. The PSE's application for UTP in Xonics, therefore, represents the first instance in which the Commission has been confronted with the issue of granting UTP pursuant to Section 12(f)(1)(C) in a non-reported security traded solely in the OTC market.

II. Background

Congress, in amending Section 12(f) to permit the grant of UTP for non-listed stocks, recognized that concurrent OTC and exchange trading raised difficult competitive issues. For that reason, Congress directly tied the Commission's authority in that area to consideration of existing competitive impediments and the development and implementation of needed national market system facilities. Because of these statutory standards, the Commission's general policy has been to defer resolution of the market structure issues associated with granting UTP in OTC securities pending further development of the national market system.

In a February 27, 1981 order, however, the Commission created a limited exception to this general policy in the case of the common stock of Pacific Resources, Inc. ("PRI"), a reported security solely listed on the PSE that was subject to an issuer delisting application.[3] In the PRI approval order, the Commission reiterated its general policy of deferring decisions on UTP in OTC securities pending further developments in the national market system, but concluded that it was appropriate to create a limited exception in the narrow situation involving a solely listed reported security subject to an issuer delisting application. The Commission stated in the order that granting UTP in such circumstances would preserve existing competition among exchange and third market makers and result in a trading environment which would permit exchange specialists to continue to compete with OTC market makers in previously listed securities in much the same way that OTC market makers are permitted to compete with exchange specialists in Rule 19c-3 securities.[4]

In reaching its determination in the PRI case, the Commission attached particular importance to the fact that PRI was a reported security.[5] Because both the exchanges on which reported securities are traded and OTC market makers in reported securities are required to make last sale and quotation information available on a current basis, the Commission determined that the increased competition resulting from trading in PRI on both the PSE and OTC markets should result in increased liquidity and continuity. Moreover, the Commission determined that transaction and quotation reporting would militate against any possible adverse consequences of market fragmentation or the development of hidden markets in PRI common stock. Finally, the PRI approval order stated that, because transaction reporting would enable the Commission to review the effects of trading on the markets for the subject securities and would facilitate Commission surveillance of those markets, restricting the PRI exception to reported securities was consistent with the Congress' directive in Section 12(f)(2) that, in granting UTP in OTC securities, the Commission consider the probable impact of such trading on existing markets.

III. Discussion

The Commission received three public letters commenting on the PSE application for UTP in Xonics common stock. Two letters, from Xonics and a PSE member who is making an OTC

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[1] Securities Exchange Act Release No. 19279 (November 29, 1982).

[2] Securities Exchange Act Release No. 19320 (December 1, 1982). Section 12(f)(1)(C) of the act, added as part of the Securities Act Amendments of 1975 permits an exchange to seek UTP in securities traded solely OTC. Section 12(f)(2) specifically directs the Commission, in determining whether an application for UTP in a stock traded solely OTC is consistent with the maintenance of fair and orderly markets, to take account of the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system * * *.

That section further provides that the Commission shall not grant such applications * * * if any rule of the national securities exchange making application would unreasonably impair the ability of any dealer to solicit or effect transactions in such security for his own account, or would unreasonably restrict competition among dealers in such security or between such dealers acting in the capacity of market makers who are specialist and such dealers who are not specialists.

[3] Securities Exchange Act Release No. 17584 (February 27, 1981). The issuer filed an application with the Commission on March 23, 1977, to delist its common stock from the PSE based on the belief that investors would be served better by trading in the OTC market rather than on the exchange. Although the PSE did not oppose the delisting application, it did request UTP in PRI if the delisting application were granted. In response, the Commission approved PRI's delisting application on June 22, 1977, but stayed its effectiveness pending a determination on the PSE's application for UTP. Securities Exchange Act Release No. 13657 (June 22, 1977). Due in part to the difficult market structure issues relating to UTP in OTC securities, the Commission deferred final resolution of the matter until February 27, 1981, when it issued an order removing the stay and granting the PSE's application for UTP.

[4] In this regard, the PSE waived all off-board trading restrictions with respect to the subject security.

Rule 19c-3 under the Act amended the rules of national securities exchanges which limit or condition the ability of members of the exchanges to effect transactions otherwise than on an exchange in securities which are listed or admitted to UTP on those exchanges ("off-board trading restrictions"). Rule 19c-3 precludes off-board trading restrictions from applying to any reported security in which trading on an exchange was begun after April 26, 1979, the date of the proposal of the rule, or which was traded on an exchange on April 26, 1979, but ceased to be traded on an exchange for any period of time thereafter. Securities Exchange Act Release No. 16888 (June 11, 1980), 45 FR 41125 (June 18, 1980).

[5] A reported security includes one in which transactions are reported by the Consolidated Tape Association ("CTA"). To have transactions reported by the CTA, the security must be listed on the New York Stock Exchange ("NYSE") or the American Stock Exchange, ("Amex") or listed or admitted to UTP on one of the regional exchanges and substantially meet the Amex listing standards.

market in Xonics,[6] requested that the PSE application be denied. These commentators stated that granting UTP would be inconsistent with fair and orderly markets and the protection of investors. In particular, the letters stated that approving the application would create a more fragmented market, and, as a result, obtaining information necessary for effectuating trades and order routing within and between firms might become inefficient, causing delays in trades and hindering investors' chances to achieve best execution.

In addition, the PSE submitted a comment letter [7] requesting that its application be approved. The PSE reiterated the view expressed in its application that the possible negative effects of market fragmentation would be overridden by the benefits of competition between market centers. Moreover, PSE argued that the absence of transaction reports in the OTC market would not substantially reduce trading efficiency in Xonics because of the availability of transactional quotation information from the PSE floor, and quotation information from the OTC market. In this connection, PSE asserted that it would not be an onerous burden for market participants to consult two different ticker symbols on their vendor retrieval systems to determine the best market in Xonics.[8] The letter further cited Rule 19c–3 as evidence of Commission support for competition between the OTC and exchange markets.

UTP in Xonics, Inc.

The PSE application for UTP in Xonics does not fit within the narrow PRI exception discussed above because the Security involved is not a "reported" security. The Commission concluded in the PRI order, and continues to believe, that continous last sale reporting from both the exchange and OTC markets would result in certain benefits, *i.e.*, increased pricing efficiency and continuity, that should militate against market fragmentation or hidden markets. The PSE application for UTP in Xonics contends that "the concern for market fragmentation is unwarranted as Quote and Last Sale information [would be] disseminated [by the exchange] to all major vendors and available on the exchange floor." However, because Xonics is not a reported security, If UTP were granted in Xonics, OTC market makers would not be required to report last sale information on a real time basis under Rule 11Aa3–1. Thus, the potential benefits of last sale reporting from both exchange and OTC markets would not be present to counteract the potential negative effects of increased market fragmentation. Moreover, while quotation information would be available from both markets, PSE quotations would not be available on the same service as OTC quotation information, thus raising an additional potential for confusion among market participants and making more difficult the task of obtaining the type of complete and accurate information necessary for efficient execution of orders. Consequently, the Commission is unable to find at this time that the grant of UTP in Xonics would be consistent with the standards set forth in Section 12(f)(2) of the Act.

In addition, the Commission believes that denying the PSE's application would be consistent with the Congress' directive that, in granting UTP in OTC securities, the Commission consider the evolution of a national market system and evaluate the effects that UTP in OTC securities would have on that system. Transaction reporting, including both quote and last sale information, has always been considered a fundamental element of the national market system and critical to the effort to provide for efficient concurrent trading of securities in both exchange and OTC markets.[9] Since complete real time quotation and transaction reporting enables market professionals and investors to better evalute execution opportunities, thereby alleviating concerns regarding market fragmentation, the Commission is unable to make the necessary findings under Section 12(f)(2) to approve UTP in a non-reported stock such as Xonics. In this connection, the Commission notes that Rule 19c–3 is applicable only to reported securities and therefore the rough competitive balance which the Commission struck in PRI is not applicable here. Finally, pending further developments in the national market system,[10] the Commission believes that consideration of OTC UTP generally is premature and should not be expanded beyond the narrow scope of the PRI exception discussed above.

Conclusion and Findings

The Commission has determined to deny the PSE application for UTP in Xonics, Inc. common stock because it does not find that a grant of UTP in non-reported securities not listed on another exchange would be consistent with the requirement of Section 12(f)(2) that such UTP be consistent with the maintenance of fair and orderly markets and the protection of investors. The Commission has taken into account the public trading activity of the security, the character of such trading, the impact that an extension of UTP would have on existing markets for such security, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system. Because transactions in Xonics, as a non-reported security, would not be required to be reported on a real time basis pursuant to Rule 11Aa3–1 under the Act, increased potential exists for market fragmentation and for the creation of hidden markets, with the further potential for decreased pricing efficiency and continuity. The Commission is therefore concerned that granting UTP in Xonics could have a significant adverse impact on existing trading markets. Insofar as complete transaction reporting, including quote and last sale information, is a fundamental element of the national market system and critical to efficient concurrent trading of securities in both exchange and OTC markets, the Commission is unable to determine that the national market system has evolved to such an extent as to make the grant of UTP appropriate in the context of non-reported securities not listed on an exchange.

Accordingly, it is ordered that, pursuant to Section 12(f)(2) of the Act, the PSE application for unlisted trading privileges in common stock of Xonics, Inc. be denied.

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[6] *See* letters from Jeffrey D. Izeman, Esq. of Katten, Muchin, Zavis, Pearl & Galler on behalf of Xonics, and Robert D. Payne III, First Vice President of Shearson/American Express, dated December 20 and 22, 1982, respectively.

[7] *See* letter from Robert Case Jennings, Manager of Listings, PSE, dated January 5, 1983.

[8] If UTP were granted, complete OTC quotation information would only be available on the NASD's NASDAQ System while PSE quotation and transaction information would continue to be available on the NASDAQ CQS (Listed Stock Service) as well as the listed stock services of other vendors. Thus, market participants would have to separately recall PSE and OTC quotation information for Xonics in NASDAQ and the CQS, and in some cases, two retrieval devices would have to be consulted in order to obtain quotation information from both markets.

[9] *See* e.g., Securities Exchange Act Rules 11Aa2–1 (designation of national market system securities), 11Aa3–1 (relating to dissemination of transaction reports and last sale data with respect to transactions in reported securities), and 19c–3.

[10] *See*, Securities Exchange Act Release No. 17549 (February 17, 1981); 46 FR 13992 (February 25, 1981) for a discussion of the national market system developments necessary before implementation of OTC UTP.

By the Commission.
George A. Fitzsimmons,
Secretary.
[FR Doc. 83-7875 Filed 3-23-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-19610; File No. SR-AMEX-82-22, Amdt. No. 1]

Self-Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 15, 1983, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex" or the "Exchange") is amending File No. SR-AMEX-82-22 to propose, by Amendment No. 1, to list options on a stock index with has been designed to represent a borad cross-section of American business (hereinafter referred to as the "Major Market Index" or "MMI"). The Major Market Index initially would be based on the following stocks: American Express Company; American Telephone & Telegraph; Coca Cola Company; Dow Chemical Company; DuPont E. I. DeNemours; Eastman Kodak Company; Exxon Corporation; General Electric; General Motors; International Business Machines Corp.; International Paper Company; Johnson and Johnson; Merck and Company; Minnesota Mining & Manufacturing Company; Mobil Corporation; Philip Morris Incorporated; Procter and Gamble Company; Sears, Roebuck Company; Standard Oil of California; and United States Steel Corp.

Transactions in MMI options would be governed by the rules of the Exchange which apply to stock index options generally (Part V, Section 11 of the Exchange's rules, captioned "Stock Index Options").

Three of those rules are the subjects of proposed rule changes now pending before the Commission (File No. SR-AMEX-82-22, original submission). In that submission, the Exchange proposed to trade options on certain narrow-based stock indices (hereinafter referred to as "industry group indices"), and, in connection therewith, proposed to amend Rule 901C (Designation of Stock Index Options), Rule 904C (Position Limits) and Rule 905C (Exercise Limits).

The Exchange intends for the proposed amendments to Rule 901C to apply to MMI options as well as to options on industry group indices.

The Exchange is proposing to amend its position and exercise limit rules applicable to stock index options to permit the Exchange to establish appropriate position and exercise limits for the various classes of stock index options which may be traded on the Exchange. The limits established by the Exchange with respect to options on any particular stock index would be expressed in terms of a maximum number of contracts on the same side of the market. The limits selected by the Exchange would not be permitted to exceed the equivalent of a $300 million underlying position.

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The Exchange is proposing to establish the following contract specifications for MMI options:

The numerical index value (defined in Exchange Rule 900C) would be the actual index value. For example, if the MMI were at 120, the numerical index value would be 120 and the exercise price of an at-the-money option would also be 120.

Exerices prices would be established at five point intervals. Exercise prices world bracket the current numerical index value, and new exercise prices would be introduced as the numerical index value changed. The procedure for introducing new exercise prices would be the same as the procedure now used with respect to individual stock options.

The index multiplier for each MMI option contract would be 100.

MMI options would be traded on a March-June-September-December expiration cycle, with three expiration dates available for trading at any given time (*i.e.*, the options would be introduced with three, six and nine months to expiration).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C), below, of the most significant aspects of such statements.

A. *Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change.* The Exchange has developed the Major Market Index in order to make available, for options trading, a stock index which would be broad-based in terms of representing the overall stock market, yet based on the stock prices of a relatively small number of issuers.

The MMI has been designed to reflect changes in the prices of stocks of a wide spectrum of large United States business corporations. The MMI is based on the prices of the 20 stocks set forth above, which represent major American companies involved in such diverse fields as merchandising, electronics, computers, oil and gas, communications, chemicals, pharmaceuticals, and consumer products. Since each of these companies is a leader in its field and has a broad public following, the Exchange believes that an index based on price changes in their shares will reflect price trends in the market for industrial stocks as a whole.

The MMI would be an equally weighted price index, meaning that the index would be based on equal numbers of shares of the component stocks and that changes in the index number would represent changes in the average price per share of those stocks. Such an index is often referred to (and will be referred to herein) as a "price-weighted" index.

The concept of a price-weighted index may easily be understood by comparing it with a market-value index, another frequently used type of stock index. A market-value index also represents the average of the prices of the component stocks, but it differs from a price-weighted index in that the price of each component stock is weighted by its number of shares outstanding. A price-weighted index corresponds, in concept, with a portfolio comprised of equal numbers of shares of all of the stocks represented, while a market-value index corresponds, in concept, with a portfolio in which stocks are represented in proportion to their respective shares outstanding.

The price-weighted index system utilized by the Exchange involves summing the respective prices per share of each of the stocks included in the index and dividing by a constant. The constant divisor ordinarily will be revised in the event of a stock dividend, stock distribution, stock split or reverse split, rights offering, distribution, reorganization, recapitalization or reclassification or similar event in

respect of any component stock, or in the event a stock is added to or deleted from the index, or one stock is substituted for another. The purpose of adjusting the index divisor in the context of such events is to maintain continuity of index values; the index divisor will not be revised for any other purpose.

The Exchange has selected the number 10 as the initial divisor for the MMI, and has selected March 8, 1983 as the "base" date for the index. At the close of trading on that date, the prices of the 20 component stocks totalled $1,133.13, so that the index value at the time was 113.31. All of the MMI values, either before of after that time, would be calculated with reference to the base value, on March 8, 1983, of 113.31.

The Exchange has determined that changes in the MMI correlate well with changes in other well-known stock indices which are thought to reflect broad economic trends, including the Standard and Poor's 500 Composite Index, the Dow Jones Industrial Average, the New York Stock Exchange Composite Index, and the Value Line Composite Index. These correlations indicate that options on the MMI should be highly useful as tools for capitalizing on, or hedging against, broad market price changes.

The fact that the MMI is based on only 20 stocks and is price-weighted would facilitate the use of MMI options for various types of hedging transactions. For example, it would be possible to establish the functional equivalent of a covered stock option by owning equal amounts of all of the stocks on which the MMI is based and writing MMI call options such that the short option position and long stock positions were of equivalent size. In addition, since the relationship between the value of the MMI and the prices of the individual component stocks is relatively straightforward (a one-point rise or fall in the price of any component stock would cause a $\frac{1}{10}$-point rise or fall in the level of the MMI [1]), market participants would be able to engage in limited risk option/stock hedges more easily than would be possible with options on a market-value index. Such a hedging transaction might result from an investor's belief that a particular MMI option was overpriced or underpriced in relation to the prices of one or more stocks on which the MMI is based.

As in the case of the indices underlying the other stock index options which it has proposed to trade, the Exchange intends to disseminate updated values of the MMI at least once per minute. The updated values would be available on broker-dealer interrogation devices.

As stated above, transactions in MMI options would be governed by all of the rules which apply to stock index options generally, as well as certain additional provisions proposed under SR–AMEX–82–22, as amended by Amendment No. 1, concerning the composition of underlying indices (Section (b) of Rule 901C) and position and exercise limits (Rules 904C and 905C, respectively).

Proposed Section (b) under Rule 901C would authorize the Exchange to alter the composition of the group of stocks on which an index is based if "necessary or appropriate to maintain the quality and/or character of the index * * *" The Exchange would use this authority with respect to the MMI in order to assure that that index continued optimally to fulfull its intended role of representing a broad spectrum of major American businesses. The Exchange does not expect that the composition of the MMI would be changed frequently.

The proposed amendments to Rules 904C and 905C are intended to simplify the language of those rules and to establish an outer parameter for position and exercise limits for stock index options.

Originally, the Exchange had intended to follow the approach of specifying position and exercise limits for stock index options in terms of a number of contracts which would be set forth in Rules 904C and 905C. The current language of those rules, already approved by the Commission, which establishes position and exercise limits of 40,000 contracts for options on stock indices based on 50 stocks or more reflects that approach. The Exchange understands that, in evaluating any proposal by the Exchange to express position and exercise limits for stock index options in terms of a number of contracts, the Commission will refer to the underlying dollar value to which the proposed position and exercise limits would correspond. The Exchange further understands that, with respect to options or broad-based indices, the Commission may not be inclined to approve any position or exercise limit which would cover an underlying dollar value in excess of $300 million. Accordingly, the Exchange proposes to incorporate this guideline in its rules in lieu of setting forth therein the more specific limits applicable to the various classes of stock index options which may be traded on the Exchange. The Exchange intends, however, to continue to establish such specific position and exercise limits, expressed in terms of numbers of contracts, with respect to options on the various underlying stock indices which may be traded on the Exchange.

The Exchange intends to establish position and exercise limits of 20,000 contracts for MMI options. The total market value of the stocks on which the MMI is based was $306 billion at the close of the market on March 8, 1983. The individual market values of the component stocks on that date ranged from $2.3 billion for U.S. Steel to $60.2 billion for IBM. On the basis of an index value of 113.31 on that date, a 20,000 contract position would have covered $226.6 million. This figure is well below the outer parameter of $300 million set forth in the Exchange's proposed rule change.

It should also be noted that $226.6 million (the dollar value underlying the proposed 20,000 contract position limit) is approximately .07% of $300 billion (the total market value of the stocks on which the MMI is based). This ratio compares favorably with similar ratios which may be calculated with respect to individual stock options traded on the several options exchanges.

The option contract specifications which the Exchange has developed for MMI options correspond closely with those proposed for options on industry group indices. The specifications selected by the Exchange—particularly those which establish contract size—are intended to make MMI options maximally useful to retail and institutional customers, as well as Exchange members.

The implementation of trading in options on the Major Market Index under the Exchange's stock index option rules, as proposed to be amended by SR–AMEX–82–22, including Amendment No. 1 thereto, would be consistent with the requirements of the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange, and, in particular, Section 6(b)(5) of the Act. Such options would provide members of the public with useful new hedging and trading opportunities under a scheme of regulation designed to facilitate the maintenance of a fair and orderly market, prevent fraudulent and manipulative acts and practices, and promote just and equitable principles of trade.

B. *Self-Regulatory Organization's Statement on Burden on Competition.* The Exchange believes that the

[1] This particular numerical correspondence assumes a divisor of 10 for the MMI. A different ratio of stock price changes would result from the use of any other divisor.

introduction of options on the Major Market Index under the Exchange's existing and proposed rules will not impose any burden on competition, but, rather, will foster competition among exchanges trading derivative contracts involving stock indices.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others.* The Exchange neither solicited nor received written comments on the proposed rule changes set forth herein.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, Judiciary Plaza, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 17, 1983.

George A. Fitzsimmons,

Secretary.

Exhibit A—American Stock Exchange, Inc.

The Exchange is amending the rule changes proposed in SR–AMEX–82–22 as set forth below. Italics and single brackets [ ] indicate, respectively, the additions to, and deletions from, the current texts of Rule 904C and Rule 905C proposed in the original submission of SR–AMEX–82–22. Arrows►◄and double brackets [[ ]] indicate, respectively, the additions to, and deletions from, the rule changes proposed in the original submission, which additions and deletions are made by this Amendment No. 1.

Rule 904C *Position Limits—*

(a) Position limits relating to stock index options shall be governed by the provisions of Rule 904 except that the position limit applicable to each account with respect to each stock index group [[*comprised of 50 or more stocks*]] shall be [[40,000 contracts [.], *and the postion limit applicable to each account with respect to each stock index group comprised of less than 50 stocks shall be 30,000 contracts.*]] ►established by the Exchange pursuant to this Rule 904C. The Exchange shall establish a position limit for options on each stock index group, which position limit shall be expressed in terms of a number of option contracts; provided, however, that the position limit applicable to options on a stock index group may not exceed the equivalent of a $300 million position. For this purpose, the dollar value of a position shall be deemed to be the product of the current index group value and the index multiplier, times the number of contracts on the same side of the market.◄

(b) No change.

Rule 905C *Exercise Limits—*

Exercise limits relating to stock index options shall be governed by the provisions of Rule 905 except that the exercise limit applicable to each account with respect to ►options on◄ each stock index group [[*comprised of 50 or more stocks*]] shall be [[40,000 contracts [.], *and the exercise limit applicable to each account with respect to each stock index group comprised of less than 50 stocks shall be 30,000 contracts.*]] ►the same number of contracts as that established pursuant to Rule 904C as the position limit for such options.◄

[FR Doc. 83–7879 Filed 3–23–83; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1–2 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: A review of additional services provided to IFR/VFR by the ATC system.

DATE: Beginning April 11, 1983, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed two weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 7 A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, Room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; (202) 426–3560.

Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT–1, 800 Independence Avenue, SW., Washington, D.C. 20591, by April 7, 1983. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on March 11, 1983.

Karl D. Trautmann,

Manager, Special Projects Staff.

[FR Doc. 83–7011 Filed 3–23–83; 8:45 am]

BILLING CODE 4910–13–M

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be

held from April 25, at 1 p.m., through April 29, 1983, at 1 p.m., in conference room 1014, at FAA Headquarters, Federal Office Building 10A, 800 Independence Avenue, SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify, not later than the day before the meeting, Mr. Wayne C. Newcomb, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT–301, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426–3725. Information may be obtained from the same source.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on March 16, 1983.

Wayne C. Newcomb,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 83–7539 Filed 3–23–83; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–83–7]

Petitions for Exemption; Summary of Petitions Received, Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before April 13, 1983.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No.———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on March 18, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No	Petitioner	Regulations affected	Description of relief sought
23541	Frontier Airlines, Inc	14 CFR 121.579(a)	To permit petitioner to engage the autopilot on its DC–9–80 aircraft at 400 feet above ground level during climb
23542	Empire Airlines, Inc	14 CFR 121.589 (a) and (b)	To permit petitioner to stow briefcases, small overnight bags, and light valet bags in other than prescribed manner during takeoff and landing.
23451	Congoleum Corp	14 CFR Portions of Parts 21 and 91	To permit petitioner, a Part 91 operator, to operate certain aircraft using a minimum equipment list
23514	Farrington Aircraft Corp	14 CFR 61.121(b)(3)	To permit pilots of petitioner to obtain a gyroplane rating without meeting the flight and instruction time requirements for a gyroplane rating
22820	Kodiak Western Alaska Airlines, Inc (KWA)	14 CFR 91.39 and 121.157	Reconsideration of Denial of Exemption 3324 to permit petitioner to operate two restricted category C–119L aircraft for compensation or hire in a unique outsize cargo-carrying operation in the State of Alaska
23545	Robert J. Rechs	14 CFR 61.39, 61.45, 61.105, and 61.107	To permit petitioner to take a flight test for an airship pilot rating in an experimental aircraft that uses hot air for buoyancy rather than helium
23543	Arnautical, Inc	14 CFR 61.63(d)(2) and (3), and 61.157(d)(1)	To permit petitioner's trainees to complete a practical test in an airplane simulator, as set forth in Appendix A to Part 61, for the issuance of a type rating to be added to any grade of pilot certificate
20410	Midwest Truxton Int'l	14 CFR 135.261(b)	To amend and extend Exemption 3034A to permit petitioner to operate a helicopter in hospital emergency service from Borgess Medical Center without complying with the duty-time limitations of that section. The amendment would permit MTI to perform hospital emergency service for other hospitals.
23547	Piper Aircraft Corp	14 CFR 45.21(c)(3) and 45.29(b)(1)	To permit petitioner to operate, during testing, two Enforcer PA–48 aircraft marked and painted in accordance with the standard USAF gray/green camouflage scheme with 3-inch numbers
23576	Florida Marine Patrol	14 CFR 91.79(c) and 91.85(b)	To permit operation of law enforcement aircraft below minimum safe altitudes and through airport traffic areas without landing or taking-off.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22567	Republic Airlines	14 CFR 25.785	To extend the expiration date of Exemption 3481 to permit petitioner to operate nine DC-9 airplanes after March 6 and until September 6 without each flight attendant having a seat for takeoff and landing in the passenger compartment that meets the seat requirements of this section. On March 1, petitioner reported, by telecon, that REP had received the additional kits to complete the modification of the flight attendant seats on the remainder of its DC-9 airplanes and that it could complete the modification program well within the six-month period requested. Granted Mar. 9, 1983
22795	The Go Group	14 CFR 91.200(b)	To relieve the petitioner from the shoulder harness requirements for jump seats on its Viscount aircraft. Granted Mar. 9, 1983
23227	Ports-Of-Call	14 CFR 91.170	To permit petitioner to use an alternate inspection program rather than remove, test, inspect and calibrate each altimeter instrument every 24 calendar months. Denied Mar. 10, 1983
23221	Neal E. Potts	14 CFR 121.383(c)	To permit petitioner to serve as a pilot in operations under Part 121 beyond the date of his 60th birthday. Denied Mar. 15, 1983
23529	Aggie Aircraft Corp.; Anson Aircraft Corp., Bellomy-Lawson Aviation, Hemisphere Aviation Service Co.; and Wylie Aircraft Corp	14 CFR 91.200(a)	To permit petitioners to operate certain of their transport category aircraft without being equipped with the required combined safety belt and shoulder harness. Granted Mar. 11, 1983
23418	Empire Airlines, Inc	14 CFR 121.371 and 121.378	To permit petitioner to utilize Braathens S.A.F.E. of Sola, Norway, to repair and overhaul equipment on its F-28 aircraft. Granted Mar. 4, 1983
22466	Western Airlines	14 CFR 61.57	To permit petitioner's non-Western pilot candidates for 727 rating to use Western's Phase II Boeing B-727 simulator in lieu of an aircraft for certain pilot flight checks. Partial Grant Mar. 7, 1983
23409	Riley Aircraft Mfg	14 CFR 23.1505(c)	To permit the Supplemental Type Certification of a turbopropeller Cessna Model P-210 without establishing a maximum operating limit speed. Denied Mar. 4, 1983

[FR Doc. 83-7540 Filed 3-23-83; 8:45 am]
BILLING CODE 4910-13-M

Proposed Television Broadcast Antenna, Davenport, IA; Informal Airspace Meeting No. 1

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Informal Airspace Meeting.

SUMMARY: The purpose of this meeting is to hear comments concerning the proposed construction of a television broadcast antenna 7.5 miles ENE of the Davenport, Iowa Airport.

Four proponents have forwarded FAA Form 7460-1 (Notice of Proposed Construction or Alteration) proposing to construct broadcast antennas in the same general area. All are for Channel 18.

Two proposals have been circularized and two others may be relocated. Before issuing a determination, the FAA wishes to afford all interested parties the opportunity to comment on the proposals at the meeting. Attendance is open to the interested public.

Written statements in addition to or in lieu of oral presentations will be accepted. These should be submitted to the chairman or as directed at the meeting.

DATE AND LOCATION: April 28, 1983, 6:30 PM at the Iowa Army National Guard Aviation Support Facility, National Guard Hangar Conference Room, Davenport Municipal Airport, Davenport, Iowa.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations Procedures, and Airspace Branch, Air Traffic Division, ACE-532, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408. Issued in Kansas City, Missouri on March 16, 1983.

John E. Shaw,
Acting Director, Central Region.

[FR Doc. 83-7625 Filed 3-23-83; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Blair County, Pennsylvania

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in the southern part of Blair County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: John R. Krause, Division Environmental Engineer, Federal Highway Administration, 228 Walnut Street, P.O. Box 1086, Harrisburg, Pennsylvania 17108-1086; telephone: (717) 782-2276, or John E. Matthews, P.E., District Engineer, Pennsylvania Department of Transportation, North Juniata Street, Hollidaysburg, Pennsylvania 16648, telephone: (814) 695-9801.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation, will be preparing an Enviornmental Impact Statement (EIS) on a proposal to construct a portion of U.S. Traffic Route 220 on new location as part of the U.S. primary system and the Appalachian regional highway network.

The proposal would involve construction of approximately eight miles of U.S. Traffic Route 220 as a four-lane limited access divided highway. The proposed facility would extend from a portion of U.S. 220 which presently terminates at the Blair-Bedford County line, northward to a point just north of Traffic Route 164 near the village of Leamersville, where it will connect with a section of U.S. 220 to be constructed.

Completion of this highway section will link the Altoona area with the Pennsylvania Turnpike via a modern highway facility. The proposed facility will be constructed as a demonstration project using 100% Federal funds as authorized in Section 131(b) of the Surface Transportation Assistance Act of 1982. The proposed project shall demonstrate the latest high-type geometric design features and new advances in highway traffic control and safety hardware.

The project has been under consideration for many years, with three (3) alignments regarded as viable. Upgrading the existing roadway to four-lane limited access, has been eliminated from further consideration because of severe right-of-way costs, environmental and economic impacts and community opposition. Four alternates will now be

considered. They are an alignment east of existing U.S. 220, two alignments west of existing U.S. 220, and taking no action. Each alternate will be studied in detail in the areas of air quality, noise pollution, preliminary engineering, historical and archeological resources, traffic/transportation/energy, water resources, social-economics and land use, soils and geology, wildlife, cost analysis of the alternatives and consultation and coordination.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have expressed interest in the proposal. Scoping meetings are planned with the agencies between March and May 1983. Public meeting(s) will be held in the town of Claysburg in the spring and/or summer, if necessary, of 1983. In addition, the opportunity to request a public hearing will be advertised. Public notice will be given of the time and place of these meetings and the hearing. The draft EIS will be available for public and agency review and comments.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided.

Louis M. Papet,

Division Administrator, Harrisburg, Pennsylvania.

[FR Doc. 83-7599 Filed 3-23-83; 8:45 am]

BILLING CODE 4910-22-M

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Sunshine Act Meetings

Federal Register

Vol. 48, No. 58

Thursday, March 24, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:02 p.m. on Monday, March 21, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a resolution making funds available for the payment of insured deposits in Columbia Pacific Bank & Trust Company, Portland, Oregon, which was closed by the Superintendent of Banks for the State of Oregon on Friday, March 18, 1983.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(8) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(B)).

Dated: March 22, 1983

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-406-83 Filed 3-22-83; 3:46 pm]

BILLING CODE 6714-01-M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, March 29, 1983, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public

MATTERS TO BE CONSIDERED:

Compliance. Personnel. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, March 31, 1983, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Proposed notice of rulemaking for general election regulations, (continued from meeting of March 24, 1983, if necessary)
Legislative recommendations (continued from meeting of March 24, 1983, if necessary)
Budget execution report for February 1983
Finance Committee report
EEO complaint processing procedures (tentative)
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer; telephone: 202-523-4065.

Lena L. Stafford,

Acting Secretary of the Commission.

[S-405-83 Filed 3-22-83; 3:24 pm]

BILLING CODE 6715-01-M

3

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., March 30, 1983.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Agreement No. 10391-1: Modification of the United States Florida/Ecuador Freight Association to provide for right of independent action and revise telephone poll procedures.

2. Agreements Nos. 10286-4, 10286-5, 10374-2, 10374-3 and 10374-4: Amendments to joint venture and space charter agreements.

3. Petition of Trans Freight Lines for investgation of military cargo rates of Sea-land Service and United States Lines and responses to Section 21 orders.

4. Discussion of 50-Mile Rules.

5. Docket No. 80-61: Chumet Shipping Co., Inc.—Compliance with Commission Order

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-407-83 Filed 3-22-83; 3:59 pm]

BILLING CODE 6730-01-M

4

FOREIGN CLAIMS SETTLEMENT COMMISSION

[Meeting Notice No. 4-83]

Commission Meetings and hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Tuesday, April 5, 1983, at 10:30 a.m.
Consideration of decisions involving claims against the Government of the Czechoslovak Socialist Republic.
Tuesday, April 5, 1983, at 10:30 a.m.
Oral Hearing on denial of request for redetermination under Section 6b of the Czechoslovakian Claims Settlement Act of 1981: CZ-2699—Gene Jirina Krasa Attorney: Catherine E. Bocskor

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111 20th

Street, NW., Room 409, Washington, D.C. 20579. Telephone: (202) 653–6155.

Dated at Washington, D.C. on March 21, 1983.

Judith H. Lock,

Administrative Officer.

[S–404–83 Filed 3–22–83; 12:02 pm]

BILLING CODE 4410–01–M

5

INTERNATIONAL TRADE COMMISSION

USITC SE–83–14]

TIME AND DATE: 10 a.m., Thursday, March 31, 1983.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:

a. Certain electronic chromatogram analyzers and components thereof (Docket No. 918).

5. Investigations 731–TA–125 and –126 (Preliminary) (Potassium Permanganate from China and Spain)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S–408–83 Filed 3–22–83; 4:00 pm]

BILLING CODE 7020–02–M

6

NATIONAL TRANSPORTATION SAFETY BOARD

[NM–83–8]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 10517, March 11, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Monday, March 21, 1983.

CHANGE IN MEETING: A majority of the Board determined by recorded vote that the business of the Board required revising the agenda of this meeting and that no earlier announcement was possible. The following item was discussed in open session:

2. *Recommendations* to Federal Aviation Administration re Pan American World Airways, Inc., Boeing 727–235, N4737, New Orleans International Airport, Kenner, Louisiana, July 9, 1982.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382–6525.

March 22, 1983.

[S–402–83 Filed 3–22–83; 10:36 am]

BILLING CODE 4910–58–M

7

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

(Northwest Power Planning Council)

ACTION: Meeting notice.

STATUS: Open.

TIME AND DATE: 9 a.m., March 30–31, 1983.

PLACE: Northwest Power Planning Council, 700 S.W. Taylor, Suite 200, Portland, Oregon.

MATTERS TO BE CONSIDERED:

- Discussion of comments received in response to the Council's draft energy plan.
- Adoption of Fish Propagation Panel Charter.
- Approval of Council minutes.
- Council administrative matters.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong (503) 222–5161.

Edward Sheets,

Executive Director.

[S–403–83 Filed 3–22–83; 11:39 am]

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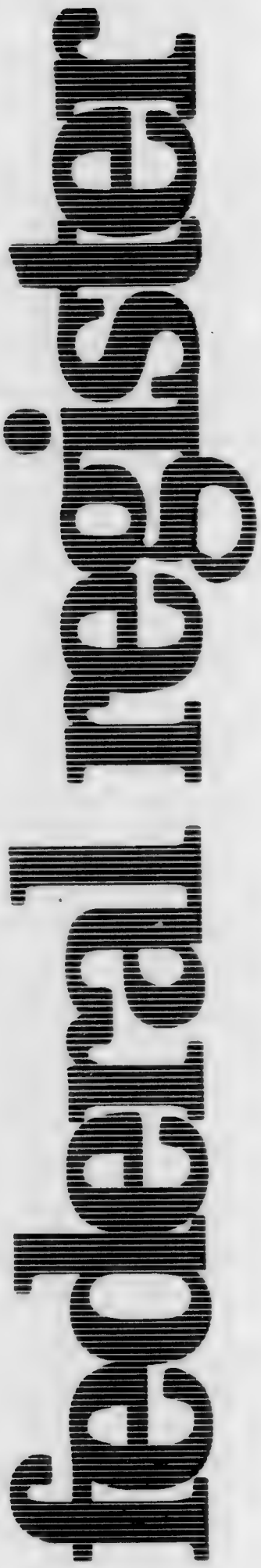

Thursday
March 24, 1983

Part II

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 854]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 18, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS — VOLUME 854

ISSUED MARCH 18, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-AMERICAN CONTINENTAL ENERGY INC				RECEIVED:	02/22/83	JA: KS			
8324292	K 82-1121	1509320759		102-2		ELLA #1	PANOMA COUNCIL GROVE	15.0	INTER NORTH INC
8324291	K 82-1120	1509320753		102-2		PEARL #2	PANOMA COUNCIL GROVE	15.■	INTER NORTH INC
8324293	K-82-1117	1520320061		102-2		SPRADLING #1	PANOMA COUNCIL GROVE	64.0	INTER NORTH INC
-BARTLING OIL CO				RECEIVED:	02/22/83	JA: KS			
8324305	K 82-1254	1507120178		108		NATION #1	BYERLY	10.■	SUNFLOWER ELECTRI
-GRAHAM-MICHAELIS CORP				RECEIVED:	02/22/83	JA: KS			
8324295	K-82-0634	1502500000		108-SA		THEIS "C" #1		0.■	INTER NORTH INC
-GULF OIL CORPORATION				RECEIVED:	02/22/83	JA: KS			
8324296	K 80-0191	1500700000		108-PB		INSLEE #1	NORTH RHODES	■.0	CITIES SERVICE GA
8324300	K 80-0191	1500700000		108-PB		ISLEE #1	NORTH RHODES	■.0	CITIES SERVICE GA
8324299	K 80-0191	1500700000		108-PB		ISLEE #1	NORTH RHODES	■.■	CITIES SERVICE GA
8324298	K 80-0191	1500700000		108-PB		ISLEE #1	NORTH RHODES	■.0	CITIES SERVICE GA
8324297	K 80-0334	1500700000		108-PB		VERNON G COLEMAN #1	RHODES N E	0.0	CITIES SERVICE GA
8324296	K-80-00334	1500700000		108-PB		VERNON G COLEMAN #1	RHODES NE	0.0	CITIES SERVICE GA
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED:	02/22/83	JA: KS			
8324304	K 82-1248	1509320759		103		J GRABER 1-A	HUGOTON	50.■	KANSAS-NEBRASKA N
-RINE DRILLING CO				RECEIVED:	02/22/83	JA: KS			
8324303	K 82-1423	1502520465		102-4		SHUPE 1-21A	SNAKE CREEK	26.■	INTER NORTH INC
-ROBERT E CAMPBELL				RECEIVED:	02/22/83	JA: KS			
8324306	K 82-1256	1509520285		108		BIRKENBAUGH #1	SPIVEY-GRABBS BASIL	5.■	PEOPLES NATURAL G
-TXO PRODUCTION CORP				RECEIVED:	02/22/83	JA: KS			
8324301	K 82-1425	1509521302		102-2		ALBERS "B" #1	WILDCAT	180.0	DELHI CORP
8324302	K 82-1424	1509521301		102-2		ALDELHARDT "A" #1	WILDCAT	180.0	DELHI CORP
NEBRASKA OIL & GAS CONSERVATION COMMISSION									
-MARATHON OIL COMPANY				RECEIVED:	02/18/83	JA: NB			
8324201		2603322158		103		CRUISE "A" #12	HUNTSMAN	4.0	KANSAS NEBRASKA N
8324202		2603322152		103		CRUISE "A" #13	HUNTSMAN	■.0	KANSAS NEBRASKA N
OKLAHOMA CORPORATION COMMISSION									
-AMERICAN BISON PETROLEUM CORP				RECEIVED:	02/16/83	JA: OK			
8324191	17364	3510121080		103		KARLER #1	SOUTH OKEMAH	72.0	TRANSOK PIPELINE
-AM-SOM CORPORATION				RECEIVED:	02/16/83	JA: OK			
8324194	19218	3501121715		102-4		LUBINUS #1-15	M E HYDRO	1223.■	DELHI GAS PIPELIN
-ANADARKO PRODUCTION COMPANY				RECEIVED:	02/16/83	JA: OK			
8324189	15607	3500702205		102-4		BENNETT "C" #1	FLORIS	91.0	PANHANDLE EASTERN
8324190	15608	3500722100		102-4		BUNYARD "A" #1	DOMBEY NORTH	146.■	PANHANDLE EASTERN
-ANADARKO PRODUCTION COMPANY				RECEIVED:	02/18/83	JA: OK			
8324214	18585	3500722230		102-4		BLAKEMORE "H" #1	FLORIS	55.■	PANHANDLE EASTERN
-AMR PRODUCTION CO				RECEIVED:	02/18/83	JA: OK			
8324211	23143	3500920486		107-DP		DOVELL #1-8	NORTH SAYRE	587.3	
-APACHE CORPORATION				RECEIVED:	02/18/83	JA: OK			
8324242	19976	3501722144		103		GRELLMER #2		73.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/18/83	JA: OK			
8324241	19957	3508520485		103		A L TUCKER UNIT #2	WEST ENVILLE	182.0	CIMARRON TRANSMIS
-ASPEN OIL COMPANY				RECEIVED:	02/16/83	JA: OK			
8324177	19827	3504723053		103		MARTHA J #1	SOONER TREND	65.0	PHILLIPS PETROLEU
-B & C DRILLING CO INC				RECEIVED:	02/18/83	JA: OK			
8324226	19923	3512321506		103		B & C #2	ALLEN DISTRICT	38.0	ARKANSAS LOUISIAN
8324228	19925	3512321505		103		B & C #5	ALLEN DISTRICT	50.0	ARKANSAS LOUISIAN
-BECK BILL G				RECEIVED:	02/18/83	JA: OK			
8324227	19924	3512321925		103		DAVIS B & C #8	ALLEN DISTRICT	1.0	ARKANSAS LOUISIAN
-BRACKEN EXPLORATION CO				RECEIVED:	02/16/83	JA: OK			
8324187	18845	3512920612		102-4		MATHERS #1-21	N W HAMBURG	88.0	
-CANADIAN EXPLORATION CORP				RECEIVED:	02/16/83	JA: OK			
8324159	19909	3501722369		103		BERKLEY #30-1	NORTHWEST MUSTANG	30.0	DELHI GAS PIPELIN
-COBRA OIL AND GAS CORPORATION				RECEIVED:	02/16/83	JA: OK			
8324200	19760	3504921907		103		TETER "18" #1	N W ELMORE	25.0	WARREN PETROLEUM
-COMMERCIAL ENERGY CORP				RECEIVED:	02/18/83	JA: OK			
8324231	19933	3504722976		103		BETTY LOU 1-29	SOONER TREND	0.0	PANHANDLE EASTERN
-CONTINENTAL RESOURCES CORP				RECEIVED:	02/16/83	JA: OK			
8324152	19908	3504321491		103		WEEMS #2-1		0.0	PHILLIPS PETROLEU
-COVINGTON OIL CO INC				RECEIVED:	02/16/83	JA: OK			
8324193	19193	3508322033		102-4		TELLARO #1	WEST LAWRIE	108.0	EASON OIL CO
-DAVIS OIL COMPANY				RECEIVED:	02/16/83	JA: OK			
8324176	19811	3501722350		103		EPISCOPAL CHURCH #1	FORT RENO II	0.0	PHILLIPS PETROLEU
8324175	19810	3501121662		103		HAFFNER #1	COOPER	0.0	PHILLIPS PETROLEU
8324155	19838	3501121711		103		SARAH #1	COOPER	0.0	PHILLIPS PETROLEU
8324174	19761	3501722070		103		WIEDEMANN #1	FORT RENO	0.0	PHILLIPS PETROLEU
-DEM OPERATIONS				RECEIVED:	02/18/83	JA: OK			
8324235	18494	3505300000		103		BOOHER #2		25.0	CRA INC
-DEMCO OIL & GAS COMPANY				RECEIVED:	02/16/83	JA: OK			
8324198	19667	3507122290		108		KAHLE 2-35		13.0	CITIES SERVICE GA
8324196	19665	3507121983		108		PATTEN #2		12.0	CITIES SERVICE GA
8324197	19666	3507122289		108		PATTEN #3-26		3.4	CITIES SERVICE GA
-DOGWATCH PETROLEUM INC				RECEIVED:	02/16/83	JA: OK			
8324163	19825	3510721091		103		SIMMONS #2	S W OKEMAH	26.5	TRANSOK PIPE LINE
8324164	19826	3510720566		103		STEVENS #1	S W OKEMAH	26.5	TRANSOK PIPE LINE
-EARTH ENERGY RESOURCES INC				RECEIVED:	02/18/83	JA: OK			
8324238	18725	3508100000		103		O'HERN #2	EAST SPORN	96.0	SUN GAS CO
-EL PASO NATURAL GAS COMPANY				RECEIVED:	02/16/83	JA: OK			
8324157	23052	3512920773		107-DP		MCLEAN #2	NEW LIBERTY MORROW UP	104.0	EL PASO NATURAL G
-ENERGY LOCATION & DEVELOPMENT				RECEIVED:	02/16/83	JA: OK			
8324161	19899	3514722101		103		CRANOR #1		0.0	PHILLIPS PETROLEU
8324151	19900	3514700000		103		PHILLIPS #1		0.0	PHILLIPS PETROLEU
-FOREST OIL CORPORATION				RECEIVED:	02/18/83	JA: OK			
8324212	23151	3501521438		107-DP		BELCHER UNIT #2	EAST APACHE	900.0	OKLAHOMA NATURAL
-FUNK EXPLORATION INC				RECEIVED:	02/18/83	JA: OK			
8324205	19239	3513921613		102-4		ADENA #1	DOMBEY	300.0	PANHANDLE EASTERN
-GENIE OIL & GAS CORP				RECEIVED:	02/16/83	JA: OK			
8324166	19891	3508320737		103		KETCH #3	EAST HULL	5.5	EASON OIL CO
-GILL JOHN K				RECEIVED:	02/16/83	JA: OK			
8324183	19918	3511121865		108		JOHNS #1	SOUTH MORRIS	7.0	PHILLIPS PETROLEU
8324185	19919	3511121040		108		MORONEY #20	COALTON	15.5	PHILLIPS PETROLEU
8324186	19920	3511121232		108		REED #3-A	COALTON	3.0	PHILLIPS PETROLEU
-GILL JOHN K				RECEIVED:	02/18/83	JA: OK			
8324224	19921	3511121939		108		BEIDLEMAN #1-A	BALD HILL	7.8	PHILLIPS PETROLEU
8324225	19922	3511121674		108		DANKER #1	S MORRIS	9.7	PHILLIPS PETROLEU
-H G & G INC				RECEIVED:	02/16/83	JA: OK			
8324147	22278	3513722862		107-DP		LANG #1-20		0.0	
-HADSON PETROLEUM CORP				RECEIVED:	02/16/83	JA: OK			
8324167	19888	3504921873		103		KENNEDY #1-5	GOLDEN TREND	185.0	WARREN PETROLEUM
8324168	19887	3501721992		103		PETREE #1-8	S FORT RENO	365.0	MICHIGAN WISCONSI
-HARPER OIL COMPANY				RECEIVED:	02/16/83	JA: OK			
8324146	19832	3507323659		103		EVA #2	SOONER TREND	54.0	PHILLIPS PETROLEU
-HPC INC				RECEIVED:	02/18/83	JA: OK			
8324203	18788	3503920331		102-2		DECK #1	SOUTH THOMAS	650.0	WESTERN FARMERS E
-JET OIL COMPANY				RECEIVED:	02/16/83	JA: OK			
8324154	19836	3504722878		103		BOSTICK #1	WILSON	75.0	EASON OIL CO
-JET OIL COMPANY				RECEIVED:	02/18/83	JA: OK			
8324230	19930	3504723050		103		MURPHY #3	WILSON	145.0	EASON OIL CO
-JONES & PELLOW OIL CO				RECEIVED:	02/16/83	JA: OK			
8324165	19830	3501922480		103		DON MITCHELL 2-1	N W TATUMS	475.0	MOBIL OIL CORP
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	02/18/83	JA: OK			
8324215	18620	3513921561		103		WHITE #2	HOOKER SOUTHWEST	270.0	NATURAL GAS PIPEL
-KELLOIL INC				RECEIVED:	02/16/83	JA: OK			
8324149	19804	3500722262		103		DANIEL STRICKLAND #1		350.0	KANSAS NEBRASKA N
-KERR-MCGEE CORPORATION				RECEIVED:	02/18/83	JA: OK			
8324210	23129	3505121289		107-DP		PENDLEY #1-20	FLETCHER	40.0	TRANSWESTERN PIPE
8324220	23128	3503121023		107-DP		SEYMOUR #1-9	FLETCHER	131.0	TRANSWESTERN PIPE
-L P ENERGY				RECEIVED:	02/16/83	JA: OK			
8324169	19886	3509333215		103		KUSCH #2	SOONER TREND	68.0	DELHI GAS PIPELIN
-LADD PETROLEUM CORPORATION				RECEIVED:	02/16/83	JA: OK			
8324160	19914	3509322493		103		DIETZ #2 (MANNING)	RINGWOOD	54.8	PIONEER GAS PRODU
8324181	19915	3509322493		103		DIETZ #2 (MISSISSIPPI)	RINGWOOD	164.3	PIONEER GAS PRODU
8324184	19917	3514723173		103		UNION OIL #3		0.0	CITIES SERVICE GA
8324182	19916	3514723274		103		UNION OIL #4	WAYSIDE N E	1.4	CITIES SERVICE GA
-LOUIS KAHAN				RECEIVED:	02/16/83	JA: OK			
8324178	18853	3504722800		103		WAYNE CINNAMON	ENID NORTHEAST	100.0	CRA INC
-MAPCO PRODUCTION COMPANY				RECEIVED:	02/18/83	JA: OK			
8324204	18951	3503920426		102-2		G KLEMME #1-7		132.0	
-MESA PETROLEUM CO				RECEIVED:	02/18/83	JA: OK			
8324213	23185	3500920312		107-DP		CROOK #1-32	NE MAYFIELD	1095.0	EL PASO NATURAL G
8324219	22164	3500920437		107-DP		TIPTON #2-29	WILDCAT HUNTON	4680.0	
-MOBIL OIL CORP				RECEIVED:	02/18/83	JA: OK			
8324240	19950	3513700000		108		ASHSHALINTUBBI UNIT #1	SHO VEL TUM	14.9	AMINOIL USA INC
-MONSANTO COMPANY				RECEIVED:	02/16/83	JA: OK			
8324179	19854	3504321517		103		HICKS #1	S E TALOGA	20.0	MOBIL OIL CORP
-MURCHISON OIL & GAS INC				RECEIVED:	02/18/83	JA: OK			
8324221	19905	3500320959		103		JOHNSON #1	SOONER TREND	100.0	PANHANDLE EASTERN
-NONDORF OIL & GAS INC				RECEIVED:	02/16/83	JA: OK			
8324170	19885	3508322081		103		PATTERSON #1-20	N W GUTHRIE	638.0	EASON OIL CO
8324171	19884	3508321996		103		PROSSER #2-18	N W GUTHRIE	63.0	EASON OIL CO
-NONDORF OIL & GAS INC				RECEIVED:	02/18/83	JA: OK			
8324237	18768	3508321942		103		BROYLES 16-1	CRESENT	183.0	EASON OIL CO
-PETRO-LEWIS CORPORATION				RECEIVED:	02/16/83	JA: OK			
8324192	18550	3509300000		108		FULLER 5-1	SOONER TREND	3.5	PARTNERSHIP PROPE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/16/83	JA: OK			
8324173	19877	3504500000		108		ARCHIE B #1	SOUTH BISHOP	9.8	CITIES SERVICE CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/18/83	JA: OK			
8324209	19787	3500700000		108		STEVENS CH #1	LAVERNE MORROW	▮.0	INTER NORTH INC
-REO RESOURCES				RECEIVED:	02/16/83	JA: OK			
8324172	19883	3504723093		103		EARNEST #1	SOONER TREND	76.7	EXXON CO USA
-RESERVE ENERGY CORP				RECEIVED:	02/18/83	JA: OK			
8324229	19929	3504521078		103		MESSNER #1	EAST SLAPOUT	150.▮	TRANSWESTERN PIPE
-RICKS EXPLORATION CO				RECEIVED:	02/16/83	JA: OK			
8324199	19673	3507323541		103		HENNESSEY REALTY 2A	S ALTONA	810.▮	PHILLIPS PETROLEU
-SAMEDAN OIL CORPORATION				RECEIVED:	02/16/83	JA: OK			
8324156	23028	3501521306		107-DP		CRISSMAN #1-34	NO NAME	0.▮	
-SOUTHWEST EXPLORATION INC				RECEIVED:	02/16/83	JA: OK			
8324148	19803	3501700000		103		LITTLE #1	YUKON	11.0	MOBIL OIL CORP
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/18/83	JA: OK			
8324223	19988	3504722798		103		ANDERSON-BROOKS #2	SOONER TREND	35.0	EXXON CO USA
8324216	19989	3511921887		103		G H HOLDERREAD #1	BROYLES	▮.0	SUN GAS TRANSMISS
8324217	19999	3511921888		103		G H HOLDERREAD #2	BROYLES	▮.0	SUN GAS TRANSMISS
8324222	19987	3501922387		103		J E KENDRICK #2	SHO-VEL-TUM	44.0	MOBIL OIL CORP
8324233	16723	3505121177		102-2		METHVIN #1		▮.▮	ARKANSAS LOUISIAN
8324234	16724	3505121136		102-2		MOORE #1	CHICKASHA	▮.▮	ARKANSAS LOUISIAN
8324218	19991	3505320871		103		SCHMITZ #3	OREAD	▮.0	CITIES SERVICE GA
-TOWNER PETROLEUM CO				RECEIVED:	02/18/83	JA: OK			
8324287	19242	3501722282		102-2		RUTH #19-1		▮.0	
8324206	19240	3501722287		102-2		THOMPSON #5-1		0.▮	
-TRANS-WESTERN EXPLORATION INC				RECEIVED:	02/16/83	JA: OK			
8324162	19892	3500772217		103		LESTER PYLE #1-2		0.4	
-TXO PRODUCTION CORP				RECEIVED:	02/16/83	JA: OK			
8324150	19824	3512920563		103		THURMOND RANCH #1	W CHEYENNE	107.▮	DELHI GAS PIPELIN
8324195	19213	3500722295		102-4		TRETBAR "A" #1	E LORENA	525.▮	PHILLIPS PETROLEU
-UNION OIL COMPANY OF CALIF				RECEIVED:	02/18/83	JA: OK			
8324208	19687	3509520170		108		METZ 105 #12	CUMBERLAND	12.0	LONE STAR GAS CO
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	02/16/83	JA: OK			
8324188	19186	3505121239		102-2	103	AST #1	NORTH WASHITA CREEK	300.0	ARKANSAS LOUISIAN
-UNITED DRILLING FUND INC				RECEIVED:	02/16/83	JA: OK			
8324145	19835	3511100000		103		BELL #2		36.5	PHILLIPS PETROLEU
-VAUGHN GOOD OIL CO				RECEIVED:	02/16/83	JA: OK			
8324153	19903	3508100000		103		JON #1	WEST AGRA	40.0	SUN GAS CO
8324180	19859	3508100000		103		MARTIN #2	W AGRA	22.0	SUN GAS CO
8324158	19904	3500300000		103		SINGREE #2	SOONER TREND	27.0	AMINOIL USA INC
-VAUGHN GOOD OIL CO				RECEIVED:	02/18/83	JA: OK			
8324239	19948	3508100000		103		HOPKINS #1	WEST AGRA	76.0	SUN GAS CO
-VIERSEN & COCHRAN				RECEIVED:	02/18/83	JA: OK			
8324232	19939	3501121747		103		PADEN HEIRS #2-31	WATONGA TREND	75.0	DELHI GAS PIPELIN
-WOODS PETROLEUM CORPORATION				RECEIVED:	02/18/83	JA: OK			
8324236	18616	3505121257		103		MITCHUM #20-1	S W MINCO	1314.0	TRANSOK PIPE LINE
UTAH DIVISION OF OIL,GAS, & MINING									
-BOWERS OIL & GAS EXPLORATION INC				RECEIVED:	02/22/83	JA: UT			
8324290	K-115-4	4301930491		108		BOWERS STATE #1-36	GREATER CISCO	25.0	NORTHWEST PIPELIN
-THE ANSCHUTZ CORPORATION				RECEIVED:	02/22/83	JA: UT			
8324288	K-126-8	4304330185		102-2		ANSCHUTZ RANCH E 14-30U AKA W-30-14	ANSCHUTZ RANCH EAST	1825.0	NATURAL GAS PIPEL
8324289	K-126-8	4304330183		102-2		ANSCHUTZ RANCH E 8-30UA AKA W-30-8A	ANSCHUTZ RANCH EAST	1825.0	NATURAL GAS PIPEL
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLSTATE ENERGY CORP				RECEIVED:	02/22/83	JA: WV			
8324317		4708506734		108		COX #1	UNION DISTRICT	0.7	CARNEGIE NATURAL
8324316		4701303201		108		GOODNIGHT #1	SHERIDAN DISTRICT	3.8	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED:	02/22/83	JA: WV			
8324309		4700121779		102-4		L TENNEY #1	VALLEY DISTRICT	19.7	CONSOLIDATED GAS
8324308		4700121645		102-4		WARE #1	VALLEY	24.0	CONSOLIDATED GAS
-BOW VALLEY PETROLEUM INC				RECEIVED:	02/22/83	JA: WV			
8324311		4785050540		107-DV		CANARY #913	GRANT DISTRICT	0.0	COLUMBIA GAS TRAN
-BURNS & ELIKAN DRILLING CO				RECEIVED:	02/22/83	JA: WV			
8324335		4703300903		108		ODELL #1		7.5	CARNEGIE NATURAL
-CARSON PETROLEUM CORP				RECEIVED:	02/22/83	JA: WV			
8324332		4702103426		108		FIDDLER #1	ELLIS RUN	17.5	CONSOLIDATED GAS
-CHASE PETROLEUM				RECEIVED:	02/22/83	JA: WV			
8324353		4708505417		107-DV		DANIEL HAYMOND #1	CLAY DISTRICT	18.▮	
-CONTINENTAL PETROLEUM CO				RECEIVED:	02/22/83	JA: WV			
8324339		4702103662		107-DV		JONES #4-A	GLENVILLE NORTH	100.▮	CONSOLIDATED GAS
8324340		4702103663		107-DV		JONES #5-A	GLENVILLE NORTH	45.0	CONSOLIDATED GAS
8324341		4702103669		107-DV		JONES #6-A	GLENVILLE NORTH	55.0	CONSOLIDATED GAS
8324342		4702103695		107-DV		MCHENRY #1	GLENVILLE NORTH	13.▮	CONSOLIDATED GAS
8324343		4702103754		107-DV		STELLA LOWTHER #1-A	GLENVILLE NORTH	32.0	CONSOLIDATED GAS
8324344		4702103835		107-DV		STELLA LOWTHER #2-A	GLENVILLE NORTH	110.0	CONSOLIDATED GAS
-DEVON ENERGY CORP				RECEIVED:	02/22/83	JA: WV			
8324331		4703501604		103		JANET WINTER #995	RIPLEY	31.0	DEVON PIPELINE CO
-FAIRFAX OIL & GAS CO				RECEIVED:	02/22/83	JA: WV			
8324310		4701100094		108		FAIRFAX OIL & GAS CO 2D-3320	FAIRFAX OIL & GAS CO	22.9	COLUMBIA GAS TRAN
-FERRELL L PRIOR				RECEIVED:	02/22/83	JA: WV			
8324334		4702103448		108		BARKER ONE (1)	GLENVILLE DISTRICT	0.0	CONSOLIDATED GAS
-FIVE STAR GAS CO INC				RECEIVED:	02/22/83	JA: WV			
8324357		4708703544		103		J W FERRELL #4	UNION	0.0	COLUMBIA GAS TRAN
-FRANCIS E CAIN				RECEIVED	02/22/83	JA: WV			
8324346		4701302579		108		HARDMAN MATHEWS #1	CENTER	0.0	CONSOLIDATED GAS
8324337		4701303074		108		W S FERRELL #2	SHERIDAN	0.0	CABOT CORP
8324336		4701303110		108		W S FERRELL #3	SHERIDAN	0.0	CABOT CORP
-GULF OIL CORPORATION				RECEIVED:	02/22/83	JA: WV			
8324318		4702103194		108		MAXWELL /B/ #6	VADIS	1.0	EQUITABLE GAS CO
-HYDROCARBON ENERGIES INC				RECEIVED:	02/22/83	JA: WV			
8324330		4709300055		103		ALLEGHENY PROPERTIES/TIMBERLINE #1	DRY FORK	0.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED	02/22/83	JA: WV			
8324312		4701722448		108		B-276	WEST UNION	▮.▮	COLUMBIA GAS TRAN
8324313		4709702081		108		J-18	BANKS	0.0	COLUMBIA GAS TRAN
8324355		4701702804		108		J-220	SOUTHWEST	▮.▮	EQUITABLE NATURAL
8324314		4701702702		108		J-276	WEST UNION	0.▮	CONSOLIDATED GAS
8324352		4709702083		107-DV		J-281	BANKS	0.▮	COLUMBIA GAS TRAN
8324324		4701702772		103		J-47	NEW MILTON	▮.▮	CONSOLIDATED GAS
8324351		4701703047		107-DV		J-484	GRANT	▮.0	COLUMBIA GAS TRAN
8324349		4701703078		107-DV		J-604	SOUTHWEST	0.▮	COLUMBIA GAS TRAN
8324359		4701703078		103		J-604	SOUTHWEST	▮.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8324350		4701703079		107-DV		J-609	SOUTHWEST	0.0	COLUMBIA GAS TRAN
8324319		4701703079		103		J-609	SOUTHWEST	0.0	COLUMBIA GAS TRAN
8324322		4707720220		103		J-623	PORTLAND	0.0	COLUMBIA GAS TRAN
8324323		4703327690		103		J-629	SIMPSON	0.0	PETRO-LEWIS CORP
8324321		4707720213		103		J-631	PORTLAND	0.0	COLUMBIA GAS TRAN
8324358		4707720224		103		J-649	RENO	0.0	CONSOLIDATED GAS
8324347		4701703104		107-DV		J-694	WEST UNION	0.0	COLUMBIA GAS TRAN
8324320		4701703104		103		J-694	WEST UNION	0.0	COLUMBIA GAS TRAN
-JAMES F SCOTT				RECEIVED:	02/22/83	JA: WV			
8324307		4706700588		102-4		JOHN RADER SW-411	HAMILTON	19.0	CONSOLIDATED GAS
8324315		4700101557		108		OLEN NUTTER S-373	ELK	53.0	CONSOLIDATED GAS
-MAX BRITTON OIL & GAS CO				RECEIVED:	02/22/83	JA: WV			
8324356		4710700557		108		AFFOLTER #1	WILLIAMS DISTRICT	1.0	GAS TRANSPORT INC
-MONITOR PETROLEUM CORP				RECEIVED:	02/22/83	JA: WV			
8324325		4700121546		103		WESTVACO #3	VALLEY	54.0	COLUMBIA GAS TRAN
-PACE PIPE LINE COMPANY				RECEIVED:	02/22/83	JA: WV			
8324345		4708703559		107-DV		SHOULDIS #1	HARPER DISTRICT	18.0	ROARING FORK GAS
-PATRICK H CUNNINGHAM				RECEIVED:	02/22/83	JA: WV			
8324333		4703302278		108		NAY #1	EAGLE DISTRICT	17.0	CONSOLIDATED GAS
-PRENCO				RECEIVED:	02/22/83	JA: WV			
8324329		4707301406		103		POWELL HRS #1 - SER #2	BRUSHY FORK	18.0	CONSOLIDATED GAS
-R & B PETROLEUM INC				RECEIVED:	02/22/83	JA: WV			
8324338		4708300254		108		SKIDMORE #1	ROARING CREEK	16.4	PARTNERSHIP PROPE
-SMITH PRODUCTION CO				RECEIVED:	02/22/83	JA: WV			
8324354		4707301426		107-DV		HOWARD S STORTS #1	UNION	36.0	HAUGHT INC
-STAN LEE OIL & GAS				RECEIVED:	02/22/83	JA: WV			
8324328		4708505604		103		H H GOFF HEIRS	MURPHY DISTRICT	20.0	CONSOLIDATED GAS
-STONEWALL GAS CO INC				RECEIVED:	02/22/83	JA: WV			
8324327		4708505202		103		GENE CRISS #1	GRANT DISTRICT	603.0	CONSOLIDATED GAS
-UNION OIL COMPANY OF CALIF				RECEIVED:	02/22/83	JA: WV			
8324326		4703903787		103		WILLIAMS COAL CO #380	CHARLESTON	7.0	CONSOLIDATED GAS
-ZION GAS CO				RECEIVED:	02/22/83	JA: WV			
8324348		4704322539		107-DV		S W OXLEY HRS #1	UNION DISTRICT	0.0	COLUMBIA GAS TRAN
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER,WY									
**********									
-FALCON-COLORADO EXPLORATION INC				RECEIVED:	02/22/83	JA: MT 5			
8324257	M 252-2	2510521183		108		FEDERAL 1-3	SWANSON CREEK	7.0	MONTANA-DAKOTA UT
8324250	M 211-2	2510521171		108		STUFF 1-33	SWANSON CREEK	10.0	MONTANA-DAKOTA UT
-MIDLANDS GAS CORPORATION				RECEIVED:	02/22/83	JA: MT 5			
8324282	M 284-2	2507121661		108		FEDERAL #1 0170	UNNAMED	22.0	KANSAS-NEBRASKA N
8324284	M 287-2	2507121437		108		FEDERAL #1 0351	BOWDOIN	20.0	KANSAS-NEBRASKA N
8324247	M 190-2	2507121702		108		FEDERAL #1 0462	BOWDOIN	0.0	KANSAS-NEBRASKA N
8324283	M-285-2	2507121397		108		FEDERAL #1 1113	BOWDOIN	22.0	KANSAS-NEBRASKA N
8324246	M 189-2	2507121341		108		FEDERAL #1 1332	WILDCAT	6.0	KANSAS-NEBRASKA N
8324245	M 180-2	2507121278		108		FEDERAL #1 2513	WILDCAT	9.0	KANSAS-NEBRASKA N
8324244	M 167-2	2507121167		108		MIAMI-FEDERAL 570-31 3114	WILDCAT	10.0	KANSAS-NEBRASKA N
-SOUTHLAND ROYALTY CO				RECEIVED:	02/22/83	JA: MT 5			
8324255	M 250-2	2507121701		108		FEDERAL 1-17-25NE	BOWDOIN-SWANSON CREEK	11.0	KANSAS NEBRASKA N
8324256	M 251-2	2507121709		108		FEDERAL 2-6-25NE	BOWDOIN-SWANSON CREEK	9.0	MONTANA DAKOTA UT
-AMOCO PRODUCTION CO				RECEIVED:	02/22/83	JA: ND 5			
8324274	ND 275-2	3302500270		102-2		LONE BUTTE FEDERAL "B" #1	LONE BUTTE	323.3	KOCH HYDROCARBON
8324273	ND 274-2	3300700737		103		NORTHRUP FEDERAL "D" #1	ANDERSON - COULEE	89.0	KOCH-HYDROCARBON
-CITIES SERVICE COMPANY				RECEIVED:	02/22/83	JA: ND 5			
8324253	ND 248-2	3300700714		102-2		FEDERAL "DF" #1	UNNAMED	45.8	
-JERRY CHAMBERS EXPLORATION CO				RECEIVED:	02/22/83	JA: ND 5			
8324277	ND 279-2	3300700368		102-2		BLACKTAIL FEDERAL #1-28	ELKHORN RANCH	1.0	NORTHERN GAS PROD
8324281	ND 283-2	3300700727		102-2		BLACKTAIL FEDERAL 1-30	ELKHORN RANCH	1.0	NORTHERN GAS PROD
8324279	ND 281-2	3300700552		102-2		BLACKTAIL FEDERAL 3-19	ELKHORN RANCH	0.0	NORTHERN GAS PROD
8324278	ND 280-2	3300700393		102-2		BLACKTAIL-FEDERAL 1-20	ELKHORN RANCH	0.0	NORTHERN GAS PROD
8324280	ND 282-2	3300700645		102-2		CITGO 1-24	ELKHORN RANCH	1.0	NORTHERN GAS PROD
-AMOCO PRODUCTION CO				RECEIVED:	02/22/83	JA: WY 5			
8324286	W 289-2	4903721452		103		LOST SOLDIER UNIT #126 (TENSLEEP)	LOST SOLDIER - TENSLE	2.4	NORTHERN GAS CO
8324285	W 288-2	4902320424		103		SHUTE CREEK UNIT #8 (FRONTIER)	SHUTE CREEK (FRONTIER	181.0	
-BELCO PETROLEUM CORPORATION				RECEIVED:	02/22/83	JA: WY 5			
8324267	W 268-2	4902320451		103		ELBU 37-4		0.0	NORTHWEST PIPELIN
-CIG EXPLORATION INC				RECEIVED:	02/22/83	JA: WY 5			
8324252	W 247-2	4903720947		102-2		HAYSTACK UNIT 1-28 (LANCE)	HAYSTACK (LANCE)	219.0	COLORADO INTERSTA
-CITIES SERVICE COMPANY				RECEIVED:	02/22/83	JA: WY 5			
8324266	W 267-2	4902720564		102-2		FEDERAL "D" #1	UNNAMED	22.0	
-DAVIS OIL COMPANY				RECEIVED:	02/22/83	JA: WY 5			
8324264	W 264-2	4900526201		103		AMINI FEDERAL #1	WILDCAT	9.5	BIG HORN FRACTION
8324248	W 196-2	4900525848		102-4		MARATHON FED #1	WILDCAT	88.4	MGPC INC
8324263	W 263-2	4904521701		102-2		PLOVER FEDERAL #1	TODD	13.8	PHILLIPS PETROLEU
8324249	W 197-2	4900526240		103		WM F TANNER #3	WILDCAT	25.4	PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	02/22/83	JA: WY 5			
8324287	W 290-2	4903721808		102-2		SIBERIA RIDGE UNIT #12	WILDCAT	45.0	COLORADO INTERSTA
-ENERGETICS INC				RECEIVED:	02/22/83	JA: WY 5			
8324265	W 266-2	4903520513		103		FEDERAL 30-15	BIRD CANYON	25.0	NORTHWEST PIPELIN
-HPC INC				RECEIVED:	02/22/83	JA: WY 5			
8324260	W 256-2	4903721767		107-TF		J HAYS FEDERAL #1	WILDCAT	27.8	PANHANDLE EASTERN
-LADD & LUKOWICZ INC				RECEIVED:	02/22/83	JA: WY 5			
8324276	W 278-2	4900526471		103		EXXON-FEDERAL 1-27	PORCUPINE	75.0	
-MICHIGAN WISCONSIN PIPE LINE CO				RECEIVED:	02/22/83	JA: WY 5			
8324251	W-226-2	4900700000		102-4		CRESTON #1-28	CRESTON NOSE	145.0	MICHIGAN WISCONSI
-MONSANTO COMPANY				RECEIVED:	02/22/83	JA: WY 5			
8324271	W 272-2	4901321144		107-DP		LONG BUTTE UNIT #7	LONG BUTTE UNIT	2150.0	MICHIGAN-WISCONSI
-PETRO-LEWIS CORPORATION				RECEIVED:	02/22/83	JA: WY 5			
8324243	W 134-2	4900720684		103		FEDERAL 2-12	BROWNING	0.0	WESTERN TRANSMISS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/22/83	JA: WY 5			
8324259	W 255-2	4900526060		102-2		THUNDER CREEK FED G #1	SCHOOL CREEK	6.9	PANHANDLE EASTERN
8324272	W 273-2	4900526493		102-2		THUNDER CREEK FED S #1	SCHOOL CREEK	50.4	PANHANDLE EASTERN
-ROBERT KLABZUBA				RECEIVED:	02/22/83	JA: WY 5			
8324275	W 277-2	4902720316		102-4		FEDERAL 1-31	BOGGY CREEK	36.5	MGPC INC
-SNYDER OIL CO				RECEIVED:	02/22/83	JA: WY 5			
8324270	W 271-2	4900720738		107-TF		CIGE FEDERAL 1A-20-14-92	ROBBERS GULCH FIELD	300.0	COLORADO INTERSTA
8324269	W 270-2	4900720738		103		CIGE FEDERAL 1A-20-14-92	ROBBERS GULCH	300.0	COLORADO INTERSTA
8324268	W 269-2	4900720785		107-TF		CIGE FEDERAL 1A-33-15-92	ROBBERS GULCH	500.0	COLORADO INTERSTA
8324254	W 249-2	4900720811		107-TF		CIGE FEDERAL 1C-7-15-92	ROBBERS GULCH FIELD	340.0	COLORADO INTERSTA
8324258	W 254-2	4900720817		107-TF		CIGE FEDERAL 1C-8-15-92	ROBBERS GULCH	345.0	COLORADO INTERSTA
-WOODS PETROLEUM CORPORATION				RECEIVED:	02/22/83	JA: WY 5			
8324261	W 257-2	4900526374		103		PINE TREE UNIT 29-35	PINE TREE	1.0	WESTERN GAS PROCE
8324262	W 259-2	4900526405		103		PINE TREE UNIT 4-40	PINE TREE	1.0	WESTERN GAS PROCE

[FR Doc. 83-7549 Filed 3-23-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 853]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 18, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft. rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS VOLUME 853

JD NO	JA DKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS								
-KENTUCKY WEST VIRGINIA GAS CO			RECEIVED: 02/15/83		JA: KY			
8324058	504105	1619500000	107-DV		PINSON - #6433	KENTUCKY EAST	4.3	
8323896	503946	1619500000	107-DV		TACKITT - #6074	KENTUCKY EAST	1.1	
8324135	504155	1619500000	107-DV		ABSHIRE - #6537	KENTUCKY EAST	6.1	
8324110	[illegible]	1619500000	107-DV		ABSHIRE - #6548	KENTUCKY EAST	4.8	
8324115	504165	1619500000	107-DV		ABSHIRE - #6568	KENTUCKY EAST	7.8	
8324083	[illegible]	1619500000	107-DV		ABSHIRE #6490	KENTUCKY EAST	4.9	
8324090	[illegible]	1619500000	107-DV		BEVINS #6481	KENTUCKY EAST	2.1	
8323841	[illegible]	1619500000	107-DV		MILLS - #5999	KENTUCKY EAST	4.9	
8323983	504033	1611900000	107-DV		RICHIE #6278	KENTUCKY EAST	11.2	
8324089	504139	1611900000	107-DV		SMITH #6504	KENTUCKY EAST	1.8	
8324092	504142	1611900000	107-DV		SMITH #6503	KENTUCKY EAST	8.7	
8324095	504145	1611900000	107-DV		SMITH #6511	KENTUCKY EAST	1.5	
8323921	503971	1619500000	107-DV		AARON JUSTICE - #4125D	KENTUCKY EAST	7.2	
8323924	503974	1619500000	107-DV		ABEL TACKITT - #6129	KENTUCKY EAST	9.1	
8323932	[illegible]	1619500000	107-DV		ABEL TACKITT #5145	KENTUCKY EAST	3.2	
8324053	[illegible]	1611900000	107-DV		ALEX COMBS - #6422	KENTUCKY EAST	5.4	
8323937	[illegible]	1611900000	107-DV		ALEX MULLINS #6092	KENTUCKY EAST	9.7	
8323953	504003	1611900000	107-DV		ALEX RICHIE #6199	KENTUCKY EAST	4.3	
8324065	504115	1611900000	107-DV		ALEX YOUNG #6448	KENTUCKY EAST	12.7	
8324067	504117	1611900000	107-DV		ALEX YOUNG #6450	KENTUCKY EAST	6.1	
8323976	504026	1611900000	107-DV		ALEXANDER GEAR-EART #6248	KENTUCKY EAST	9.4	
8323820	503870	1611900000	107-DV		ALEXANDER HALL - #5915	KENTUCKY EAST	8.3	
8323997	504047	1611900000	107-DV		ALEXANDER RITCHIE #6001	KENTUCKY EAST	4.0	
8324007	504057	1619500000	107-DV		ALLEN MAYNARD - #6321	KENTUCKY EAST	4.3	
8324128	504178	1619300000	107-DV		ALVIN EVANS - #6532	KENTUCKY EAST	3.6	
8324130	504180	1619300000	107-DV		ALVIN EVANS - #6600	KENTUCKY EAST	12.7	
8324131	504181	1619300000	107-DV		ALVIN EVANS - #6601	KENTUCKY EAST	5.3	
8324134	504184	1619300000	107-DV		ALVIN EVANS - #6617	KENTUCKY EAST	5.8	
8324140	504190	1619300000	107-DV		ALVIN EVANS - #6627	KENTUCKY EAST	10.1	
8324118	504163	1611900000	107-DV		ANDERSON COMBS - #5575	KENTUCKY EAST	7.6	
8324047	504037	1611900000	107-DV		ANDREW COMBS - #6410	KENTUCKY EAST	6.9	
8324054	[illegible]	1611900000	107-DV		ANDREW COMBS - #6426	KENTUCKY EAST	12.7	
8323859	503919	1619500000	107-DV		ANDREW JOHNSON - #6019	KENTUCKY EAST	9.4	
8323836	503886	1619500000	107-DV		B F JOHNSON - #5936	KENTUCKY EAST	6.1	
8323850	503900	1619500000	107-DV		B F JOHNSON - #5975	KENTUCKY EAST	11.7	
8324026	504076	1619500000	107-DV		B F JOHNSON - #6368	KENTUCKY EAST	8.3	
8323969	504019	1619500000	107-DV		B F JOHNSON #6236	KENTUCKY EAST	7.2	
8323971	504021	1619500000	107-DV		B F JOHNSON #6239	KENTUCKY EAST	3.2	
8323973	504023	1619500000	107-DV		B F JOHNSON #6242	KENTUCKY EAST	2.1	
8323906	503956	1619500000	107-DV		BAILEY JOHNSON #6088	KENTUCKY EAST	5.4	
8323965	504015	1611900000	107-DV		BALIS RITCHIE #6229	KENTUCKY EAST	9.0	
8324107	504157	1611900000	107-DV		BATES & COMBS - #6539	KENTUCKY EAST	13.0	
8324114	504164	1611900000	107-DV		BATES & COMBS - #6563	KENTUCKY EAST	1.1	
8324120	504170	1611900000	107-DV		BATES & COMBS - #6581	KENTUCKY EAST	9.4	
8324129	504179	1611900000	107-DV		BATES & COMBS - #6599	KENTUCKY EAST	2.1	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8324098	504148	1611900000		107-DV		BATES & COMBS #6523	KENTUCKY EAST	6.1	
8324100	504150	1611900000		107-DV		BATES & COMBS #6527	KENTUCKY EAST	7.2	
8324010	504060	1611900000		107-DV		BAYLIS GAYHEART - #6328	KENTUCKY EAST	7.9	
8324106	504156	1619300000		107-DV		BEN ENGLE - #6538	KENTUCKY EAST	1.0	
8324032	504082	1611900000		107-DV		BEN STACY - #6382	KENTUCKY EAST	3.2	
8324004	504054	1611900000		107-DV		BENJ RICHIE - #6317	KENTUCKY EAST	1.4	
8324121	504171	1607100000		107-DV		BENJAMIN A CONLEY - #6584	KENTUCKY EAST	4.7	
8324084	504134	1613300000		107-DV		BENJAMIN MCCRAY #6494	KENTUCKY EAST	3.6	
8323920	503970	1619500000		107-DV		BOWLES & RATIFF - #6120	KENTUCKY EAST	4.7	
8323879	503929	1619500000		107-DV		BOWLES & RATLIFF - #6040	KENTUCKY EAST	8.7	
8323962	504012	1619500000		107-DV		BOWLES & RATLIFF #6216D	KENTUCKY EAST	1.8	
8323982	504032	1619500000		107-DV		BOWLES & RATLIFF #6263	KENTUCKY EAST	6.9	
8323891	503941	1611900000		107-DV		C L NAPIER #6059	KENTUCKY EAST	5.4	
8323829	503879	1619500000		107-DV		C T LEE - #5925	KENTUCKY EAST	4.0	
8323949	503999	1611900000		107-DV		CATHARINE FRENCH #6189	KENTUCKY EAST	4.0	
8323964	504014	1611900000		107-DV		CATHARINE FRENCH #6220	KENTUCKY EAST	9.8	
8323825	503875	1611900000		107-DV		CHARLES SHORT - #5921	KENTUCKY EAST	3.6	
8323821	503871	1619500000		107-DV		D C COLEMAN - #5916	KENTUCKY EAST	4.7	
8323994	504044	1611900000		107-DV		D L FULLER #6289	KENTUCKY EAST	2.5	
8324113	504163	1611900000		107-DV		DANIEL ADAMS - #6555	KENTUCKY EAST	1.9	
8324049	504099	1619500000		107-DV		DANIEL COLEMAN - #6415	KENTUCKY EAST	6.5	
8323805	503855	1607100000		107-DV		DANIEL JOHNSON - #5890	KENTUCKY EAST	0.3	
8324039	504089	1619500000		107-DV		DAVID C JUSTICE - #6401	KENTUCKY EAST	5.5	
8324006	504056	1619500000		107-DV		DAVID COLEMAN - #6319	KENTUCKY EAST	0.7	
8324036	504086	1619500000		107-DV		DAVID COLEMAN - #6392	KENTUCKY EAST	3.5	
8324035	504085	1619500000		107-DV		DAVID HYLTON - #6390	KENTUCKY EAST	7.6	
8323815	503865	1607100000		107-DV		DAVID JOHNSON - #5909	KENTUCKY EAST	7.2	
8324031	504081	1619500000		107-DV		DAVID SMITH - #6381D	KENTUCKY EAST	5.1	
8324003	504053	1611900000		107-DV		DELPHIA COMBS - #6316	KENTUCKY EAST	7.9	
8323946	503996	1611900000		107-DV		DELPHIA COMBS #6181	KENTUCKY EAST	6.5	
8324043	504093	1619500000		107-DV		DILLS & PATTERSON - #6407	KENTUCKY EAST	11.2	
8323925	503975	1611900000		107-DV		E W RITCHIE #6133	KENTUCKY EAST	5.1	
8323947	503997	1619500000		107-DV		ELENDER & THURSEY HALL #6184	KENTUCKY EAST	5.8	
8324013	504063	1619500000		107-DV		ELIJAH FRANCIS - #6334	KENTUCKY EAST	2.5	
8324021	504071	1619500000		107-DV		ELIJAH FRANCIS - #6351	KENTUCKY EAST	8.7	
8324116	504165	1611900000		107-DV		ELIJAH HOLLIDAY - #6570	KENTUCKY EAST	2.9	
8324127	504177	1611900000		107-DV		ELIJAH HOLLIDAY - #6597	KENTUCKY EAST	8.8	
8324133	504183	1611900000		107-DV		ELIJAH HOLLIDAY - #6616	KENTUCKY EAST	4.7	
8324141	504191	1611900000		107-DV		ELIJAH HOLLIDAY - #6631	KENTUCKY EAST	1.0	
8323904	503954	1613300000		107-DV		ELIJAH ISON #6086	KENTUCKY EAST	1.0	
8323941	503991	1613300000		107-DV		ELIJAH ISON #6165	KENTUCKY EAST	4.3	
8323827	503877	1619500000		107-DV		ELISHA THACKER - #5923	KENTUCKY EAST	8.3	
8324094	504144	1611900000		107-DV		ELIZA SMITH #6510	KENTUCKY EAST	4.3	
8323852	503902	1619500000		107-DV		ELIZABETH ELSWICK - #5979	KENTUCKY EAST	6.1	
8323877	503927	1607100000		107-DV		EMMET HAMILTON - #6034	KENTUCKY EAST	2.5	
8323938	503988	1619500000		107-DV		ENOCH TACKETT #6154	KENTUCKY EAST	2.9	
8323944	503994	1619500000		107-DV		ENON TACKITT #6173D	KENTUCKY EAST	19.5	
8324108	504158	1613300000		107-DV		EZEKIEL HALL - #6540	KENTUCKY EAST	5.1	
8323876	503926	1611900000		107-DV		F C ROARK - #6033	KENTUCKYEAST	11.6	
8323979	504029	1611900000		107-DV		FELIX COMBS #6254	KENTUCKY EAST	4.7	
8323832	503882	1619500000		107-DV		FERRELL & HATCHER - #5929	KENTUCKY EAST	2.5	
8323863	503913	1619500000		107-DV		FERRELL & HATCHER - #6003	KENTUCKY EAST	5.4	
8324051	504101	1619500000		107-DV		FLOYD MAY - #6419	KENTUCKY EAST	7.6	
8323975	504025	1611900000		107-DV		G LEE BEGLEY #6246	KENTUCKY EAST	4.3	
8323816	503866	1607100000		107-DV		G W HALL - #5910	KENTUCKY EAST	7.6	
8324024	504074	1611900000		107-DV		G W MARTIN - #6356	KENTUCKY EAST	12.3	
8323842	503892	1619500000		107-DV		GEO MCPEAK - #5955	KENTUCKY EAST	14.8	
8323966	504016	1619500000		107-DV		GEO W JOHNSON #6231	KENTUCKY EAST	6 8	
8323872	503922	1619500000		107-DV		GEO W OSBORN - #6028	KENTUCKY EAST	14.8	
8323887	503937	1619500000		107-DV		GEO W OSBORN - #6051	KENTUCKY EAST	5.9	
8324030	504080	1619500000		107-DV		GEO W POWELL - #6379	KENTUCKY EAST	7.2	
8323813	503863	1619500000		107-DV		GEO W PRIEST - #5907D	KENTUCKY EAST	3.6	
8323986	504036	1613300000		107-DV		GEO WRIGHT # 6274	KENTUCKY EAST	1.8	
8323826	503876	1611900000		107-DV		GRANT HONEYCUTT - #5922	KENTUCKY EAST	2.9	
8323910	503960	1611900000		107-DV		GRANT HONEYCUTT - #6102	KENTUCKY EAST	6.1	
8324071	504121	1619500000		107-DV		GRIGSBY HEIRS #6458	KENTUCKY EAST	4.0	
8324079	504129	1619300000		107-DV		GRIGSBY HEIRS #6480	KENTUCKY EAST	9.0	
8324091	504141	1619300000		107-DV		GRIGSBY HEIRS #6506	KENTUCKY EAST	3.3	
8324038	504088	1613300000		107-DV		GUS PIGMAN - #6397	KENTUCKY EAST	1.6	
8323929	503979	1619500000		107-DV		H G CHARLES #6138	KENTUCKY EAST	0.7	
8324046	504096	1619500000		107-DV		HARVEY COLEMAN - #6411	KENTUCKY EAST	4.7	
8323809	503859	1607100000		107-DV		HARVEY G JOHNSON - #5896	KENTUCKY EAST	10.1	
8324020	504070	1619300000		107-DV		HARVEY-OWENS - #6347	KENTUCKY EAST	1.0	
8323889	503939	1611900000		107-DV		HAWK HALL - #6057	KENTUCKY EAST	6.1	
8324086	504136	1613300000		107-DV		HAWK HALL #6496	KENTUCKY EAST	3.6	
8323865	503915	1611900000		107-DV		HAZEL COLLINS - #6005	KENTUCKY EAST	16.3	
8323871	503921	1611900000		107-DV		HAZEL COLLINS - #6022	KENTUCKY EAST	6.9	
8323874	503924	1619500000		107-DV		HENDERSON FRANCIS - #6030	KENTUCKY EAST	0.7	
8323893	503943	1611900000		107-DV		HENDERSON HALL - #6063	KENTUCKY EAST	2.1	
8323972	504022	1607100000		107-DV		HENRY ADAMS #6240	KENTUCKY EAST	4.7	
8323866	503916	1619500000		107-DV		HENRY AKERS - #6007	KENTUCKY EAST	5.1	
8323995	504045	1619300000		107-DV		HENRY FUGATE #6291	KENTUCKY EAST	1.6	
8324093	504143	1613300000		107-DV		HENRY HALL #6509	KENTUCKY EAST	7.9	
8323989	504039	1619500000		107-DV		HENRY T ADDINGTON #6279	KENTUCKY EAST	5.8	
8324087	504137	1619500000		107-DV		HEZEKIAH SCALF #6498	KENTUCKY EAST	4.7	
8323935	503985	1611900000		107-DV		HILLARD SMITH #6148	KENTUCKY EAST	5.1	
8323844	503894	1619500000		107-DV		HIRAM CASEBOLT - #5966	KENTUCKY EAST	3 2	
8323855	503905	1619500000		107-DV		HIRAM OSBORN - #5986	KENTUCKY EAST	2.5	
8324090	504140	1611900000		107-DV		HIRAM P BRASHEAR #6505	KENTUCKY EAST	10 8	
8323854	503904	1619500000		107-DV		HIRAM ROBINETT - #5985	KENTUCKY EAST	9 4	
8323901	503951	1611900000		107-DV		HIRAM YOUNG - #6082	KENTUCKY EAST	6.9	
8323954	504004	1611900000		107-DV		ISAAC RITCHIE #6200	KENTUCKY EAST	6.9	
8324061	504111	1619500000		107-DV		J A BARTLEY - #6438	KENTUCKY EAST	2.1	
8323807	503857	1619500000		107-DV		J C GILLIAM - #5892 D	KENTUCKY EAST	2.9	
8324005	504055	1619500000		107-DV		J H RATLIFF - #6318	KENTUCKY EAST	12.6	
8323892	503942	1619500000		107-DV		J I ROBERTS - #6060 D	KENTUCKY EAST	17.3	
8323883	503933	1611900000		107-DV		J L KEMMERER - #6046	KENTUCKY EAST	6 9	
8323899	503949	1611900000		107-DV		J L KEMMERER - #6078 D	KENTUCKY EAST	4.7	
8323834	503884	1619500000		107-DV		J LEE FERGUSON - #5933	KENTUCKY EAST	13.0	
8324017	504067	1619500000		107-DV		J M VENTERS - #6344	KENTUCKY EAST	5.1	
8323945	503995	1619500000		107-DV		J MONROE JOHNSON #6174	KENTUCKY EAST	7.6	
8324009	504059	1611900000		107-DV		J R RICHIE - #6326D	KENTUCKY EAST	6 8	
8324014	504064	1611900000		107-DV		J R SHEPHERD - #6335	KENTUCKY EAST	5.1	
8323818	503868	1611900000		107-DV		J S FRANKLIN - #5912	KENTUCKY EAST	10.0	

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8324137	504187	1619500000		107-DV		J W VICARS - #6623	KENTUCKY EAST	6.1	
8323841	503891	1611900000		107-DV		JACKSON COMBS - #5953	KENTUCKY EAST	1.8	
8323974	504024	1619500000		107-DV		JACOB SANDERS #6245	KENTUCKY EAST	7.1	
8323984	504034	1619500000		107-DV		JAMES A MULLINS #6266	KENTUCKY EAST	0.3	
8324044	504094	1619300000		107-DV		JAMES E MAY - #6409	KENTUCKY EAST	4.3	
8323913	503963	1613300000		107-DV		JAMES H COLLINS #6108	KENTUCKY EAST	13.0	
8324074	504124	1611900000		107-DV		JAMES HURT #6463	KENTUCKY EAST	4.3	
8324081	504131	1613300000		107-DV		JAMES ISON #6487	KENTUCKY EAST	6.9	
8323803	503853	1619500000		107-DV		JAMES JOHNSON - #5886	KENTUCKY EAST	2.5	
8323835	503885	1619500000		107-DV		JAMES JOHNSON - #5935 D	KENTUCKY EAST	5.9	
8323851	503901	1619500000		107-DV		JAMES JOHNSON - #5977 D	KENTUCKY EAST	1.1	
8323823	503873	1611900000		107-DV		JAMES MULLINS - #5919	KENTUCKY EAST	5.1	
8323847	503897	1611900000		107-DV		JAMES SEALS - #5969	KENTUCKY EAST	11.5	
8323928	503978	1613300000		107-DV		JAMES W HAMPTON #6137	KENTUCKY EAST	1.8	
8323890	503940	1611900000		107-DV		JAS BREEDING - #6058	KENTUCKY EAST	4.7	
8323902	503952	1611900000		107-DV		JAS BREEDING - #6084	KENTUCKY EAST	7.2	
8323873	503923	1611900000		107-DV		JAS F PIGMAN - #6029	KENTUCKY EAST	13.4	
8323830	503930	1611900000		107-DV		JAS MULLINS - #6042	KENTUCKY EAST	9.0	
8323870	503920	1611900000		107-DV		JAS W COLLINS - #6020	KENTUCKY EAST	9.7	
8324025	504075	1607100000		107-DV		JASPER JOHNSON - #6364	KENTUCKY EAST	2.5	
8323958	504008	1611900000		107-DV		JASPER STEWART #6208	KENTUCKY EAST	11.6	
8323955	504005	1619500000		107-DV		JASPER TACKITT #6202	KENTUCKY EAST	3.2	
8323990	504040	1619300000		107-DV		JEFF ENGLE #6280	KENTUCKY EAST	5.1	
8323998	504048	1619300000		107-DV		JEFF ENGLE #6302	KENTUCKY EAST	2.5	
8323957	504007	1619500000		107-DV		JEFF F RIDDLE #6207	KENTUCKY EAST	3.2	
8323970	504020	1619500000		107-DV		JEFF F RIDDLE #6233	KENTUCKY EAST	10.4	
8324076	504126	1611900000		107-DV		JEREMIAH SMITH #6476	KENTUCKY EAST	18.8	
8324077	504127	1611900000		107-DV		JEREMIAH SMITH #6477	KENTUCKY EAST	6.1	
8323912	503962	1611900000		107-DV		JERRY COMBS - #6105	KENTUCKY EAST	9.4	
8324101	504151	1619300000		107-DV		JES FELTNER #6528	KENTUCKY EAST	1.1	
8323903	503953	1619500000		107-DV		JESSE B OSBORN #6025	KENTUCKY EAST	7.2	
8324045	504095	1619500000		107-DV		JESSE BARTLEY - #6410	KENTUCKY EAST	2.9	
8324056	504106	1619500000		107-DV		JESSE BARTLEY - #6431	KENTUCKY EAST	4.3	
8323900	503950	1611900000		107-DV		JNO DAVIDSON - #6079	KENTUCKY EAST	6.9	
8324142	504192	1611900000		107-DV		JNO DAVIDSON - #6635	KENTUCKY EAST	8.3	
8323991	504041	1619500000		107-DV		JNO G COMBS #6281	KENTUCKY EAST	4.7	
8324068	504118	1611900000		107-DV		JNO M SMITH #6451	KENTUCKY EAST	6.1	
8324070	504120	1611900000		107-DV		JNO M SMITH #6456	KENTUCKY EAST	7.2	
8324072	504122	1611900000		107-DP		JNO M SMITH #6461	KENTUCKY EAST	11.6	
8323931	503981	1611900000		107-DV		JNO YOUNG #6143	KENTUCKY EAST	4.0	
8324033	504083	1619300000		107-DV		JOHN & ADAM FELTNER - #6354	KENTUCKY EAST	5.5	
8324041	504091	1619300000		107-DV		JOHN & ADAM FELTNER - #6404	KENTUCKY EAST	7.8	
8324050	504100	1619500000		107-DV		JOHN B MORRIS - #6418D	KENTUCKY EAST	5.1	
8324062	504112	1619500000		107-DV		JOHN B MORRIS - #6443	KENTUCKY EAST	4.0	
8323992	504042	1619500000				JOHN COLEMAN #6284	KENTUCKY EAST	4.7	
8324064	504114	1613300000				JOHN COLLINS #6447	KENTUCKY EAST	5.8	
8324039	504149	1611900000				JOHN D SMITH #6524	KENTUCKY EAST	5.1	
8323858	503908	1619500000		107-DV		JOHN H ADKINS - #5993D	KENTUCKY EAST	4.0	
8323881	503931	1611900000		107-DV		JOHN HALE - #6043	KENTUCKY EAST	2.2	
8323894	503944	1611900000				JOHN HALE - #6064	KENTUCKY EAST	3.8	
8323853	503903	1607100000				JOHN HAMILTON - #5981	KENTUCKY EAST	1.8	
8323804	503854	1619500000				JOHN HOPKINS - #5883	KENTUCKY EAST	1.4	
8323812	503862	1619500000		107-DV		JOHN MAYNARD - #5905	KENTUCKY EAST	14.1	
8323859	503909	1619500000		107-DV		JOHN MAYNARD - #5997	KENTUCKY EAST	2.9	
8323933	503983	1619500000				JOHN TACKITT #6146	KENTUCKY EAST	2.9	
8323860	503910	1607100000				JOHN W MITCHELL - #5998	KENTUCKY EAST	3.6	
8323978	504028	1607100000				JOHN W SPRADLIN #6251	KENTUCKY EAST	7.2	
8324069	504119	1613300000				JOHN W WRIGHT #6453	KENTUCKY EAST	5.1	
8324037	504087	1611900000		107-DV		JOS SINGLETON - #6095	KENTUCKY EAST	5.4	
8324088	504138	1607100000		107-DV		JOSEPH R LANGLEY #6499D	KENTUCKY EAST	8.7	
8323951	504001	1611900000		107-DV		JOSEPH RICHIE #6196	KENTUCKY EAST	4.0	
8323948	503998	1611900000		107-DV		JOSHUA RITCHIE #6186	KENTUCKY EAST	11.9	
8323963	504013	1611900000		107-DV		JOSHUA RITCHIE #6217	KENTUCKY EAST	9.0	
8323908	503958	1612300000		107-DV		L D COLLINS #6093	KENTUCKY EAST	3.2	
8323838	503888	1611900000		107-DV		LIZZIE KING - #5941	KENTUCKY EAST	12.9	
8324003	504053	16195		107-DV		LOUISA MAGGARD - #6325	KENTUCKY EAST	7.8	
8323862	503912	1607100000		-DV		LUCIAN F BURPEE - #6001	KENTUCKY EAST	6.5	
8323856	503936	1619500000		107-DV		M D L GREER - #605	KENTUCKY EAST	6.1	
8323909	503959	1619500000		107-DV		M D L GREER - #6036	KENTUCKY EAST	5.1	
8323943	503993	1619500000		107-DV		M D L GREER #6170	KENTUCKY EAST	5.8	
8323968	504018	1619500000		107-DV		M D L GREER #6234D	KENTUCKY EAST	4.6	
8323977	504027	1619500000		107-DV		M D L GREER #6250 D	KENTUCKY EAST	3.7	
8323934	503984	1611900000		107-DV		MADISON COMBS #6147	KENTUCKY EAST	4.1	
8323942	503992	1611900000		107-DV		MAHLON S KENNICKER #6168	KENTUCKY EAST	4.7	
8324057	504107	1611900000		107-DV		MANFRED YOUNG - #6432	KENTUCKY EAST	5.1	
8324046	504116	1611900000		107-DV		MANFRED YOUNG #6449	KENTUCKY EAST	2.5	
8323936	503986	1611900000		107-DV		MANION CORNETT #6149	KENTUCKY EAST	2.9	
8323905	503955	1619500000		107-DV		MARGARET WRIGHT - #6087 D	KENTUCKY EAST	5.8	
8323927	503977	1611900000		107-DV		MARION CORNETT #6135	KENTUCKY EAST	3.6	
8324126	504176	1613300000		107-DV		MARION MEADE - #6095	KENTUCKY EAST	6.9	
8323837	503887	1619500000		107-DV		MARION TACKITT - #5937	KENTUCKY EAST	4.6	
8323845	503895	1619500000		107-DV		MARION TACKITT - #5967	KENTUCKY EAST	4.3	
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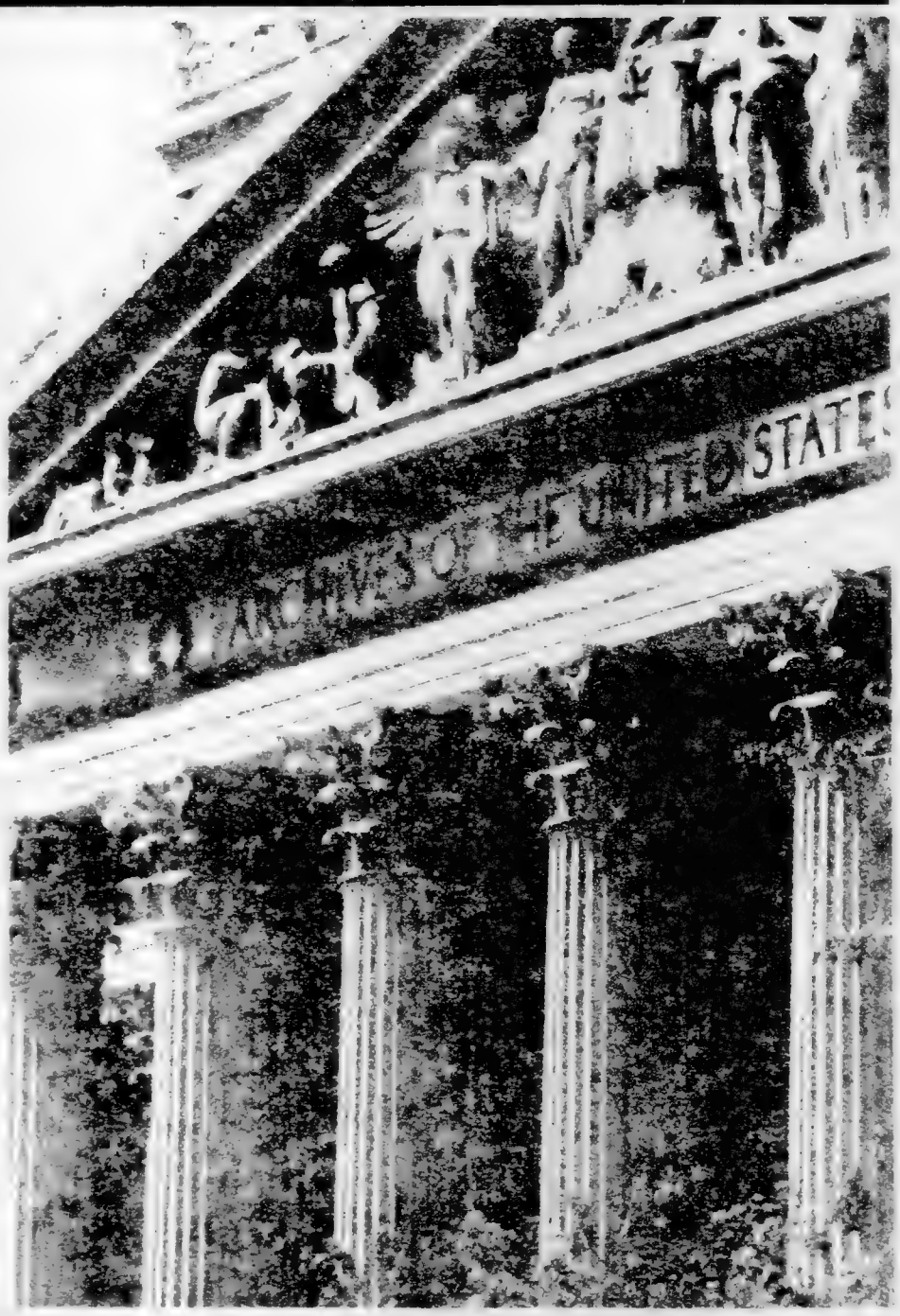

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Rules and Regulations

Federal Register
Vol. 48, No. 59
Friday, March 25, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 245

Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools; Verification of Eligibility

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: On May 25, 1982, the Department published a proposed rule concerning verification of eligibility for free or reduced price meals or free milk in the National School Lunch, School Breakfast, Special Milk and Commodity School Programs. Under the proposal, minimum standards would have been established for the verification of the information provided by parents on the application for free or reduced price benefits. Two hundred and eleven comments were received during the 60-day comment period. This rule responds to both the commentor concerns and the verification related provisions of Section 803 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). In an effort to reduce program abuse in the delivery of free and reduced price benefits, this interim rule *recommends* minimum verification standards for School Year 1982–83 and *requires* minimum verification standards for School Year 1983–84 and subsequent years.

DATES: This rule is effective April 25, 1983, except for the recordkeeping requirements that are included in § 245.6a which are being submitted for approval to the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507) and are not effective until approved by that office. To be assured of consideration, comments on this rule must be postmarked on or before May 24, 1983.

ADDRESS: Comments should be sent to Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, USDA–FNS, Room 509, 3101 Park Center Drive, Alexandria, Virginia 22302. All written submissions will be available for public review at the address listed above, during regular business hours (8:30 a.m. to 5:00 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Garnett at the address listed above or call (703) 756–3620.

SUPPLEMENTARY INFORMATION:

Classification—This interim rule has been reviewed under Executive Order 12291 and has been classified as not major. We do not anticipate that this rule will have an impact on the economy of more than $100 million. This interim rule is intended to ensure that free and reduced price benefits are directed to only those children from families whose income falls within the Income Eligibility Guidelines set forth by the Department. No major increase in cost or prices for program participants; individual industries; Federal, State, or local government agencies; or geographic regions is anticipated. This interim rule is not expected to have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets.

This interim rule has been reviewed with regard to the requirements of Pub. L. 96–354. The Administrator of the Food and Nutrition Service has cerified that this interim rule does not have a significant economic impact on a substantial number of State agencies and School Food Authorities.

Background—On May 25, 1982, the Department published a rule in the **Federal Register** (47 FR 22707) which proposed minimum standards for: The verification of the information on free or reduced price meal or free milk applications, the notification to households when benefits are reduced or terminated, and State agency recordkeeping requirements. A 60-day comment period was provided during which time the Department received 211 comments. Commentors represented State educational agency personnel, School Food Authority personnel, private citizens, advocacy groups, professional organizations and other State agency staff.

The Department would like to thank all commentors who responded to the proposal. Especially appreciated were the many detailed suggestions which were very helpful in the development of the interim rule. The remainder of this preamble will discuss the major concerns expressed by the commentors and the specific changes being made.

General Comments

Seventy-three commentors expressed concerns regarding the timing of the proposal and the effective date of the interim rule. Of these commentors, 58 recommended that the interim rule be delayed until the completion of the Department's pilot study on income verification. Fifteen commentors suggested delaying the interim rule until after the start of the 1983–84 School Year. Several commentors recommended making verification requirements optional for School Year 1982–83. The Department agrees with the concerns regarding the timing of this interim rule. Therefore, the Department is recommending that State agencies and School Food Authorities implement the minimum verification standards for School Year 1982–83 and is requiring minimum verification standards for School Year 1983–84.

The Department concurs with commentors who stated that the timing of this rule does not provide some States and schools adequate time to train staff and complete the verification requirement this school year. By postponing the verification requirement, the Department will have the benefit of comments by school administrators who have gained operational expertise this school year. It is important that administrators submit such comments as soon as possible for analysis by the Department. In addition, the results of the pilot study on verification will provide explicit information as to the effectiveness and administrative burden of varying verification methods.

Twenty-three commentors argued that little fraudulent activity exists, thus negating the need for verification. The Department's Office of Inspector General (OIG) has documented that misreporting of income and household size resulted in a loss of Federal dollars

in School Year 1980–81. Given the OIG's evidence of Federal loss, the Department believes that sufficient cause exists to establish parameters for the verification of income eligibility information.

Thirty-three commentors objected to the potential for the educator to be treated as investigator. The Department has intentionally provided flexibility for the State agency and local School Food Authority to fulfill verification responsibilities. Over 100 commentors indicated that this approach would create an administrative burden, yet few alternatives were suggested.

Twenty-six commentors expressed serious concerns regarding the invasion of privacy. A number questioned the legal implications of verification activities. For this reason, the Department has expanded its definition of verification and has provided parameters for verification efforts.

Section 245.2 Definitions.

A number of commentors requested clarification of the proposed intention to define verification as the "substantiation of the information provided on the free and reduced price application. Verification may include but is not limited to the use of wage stubs, award letters, letters from employers, third party contacts, and computerized wage/income matching." Commentors requested clarification of "third party contact," computer income matching and the difference between documentation, as defined in the interim rule "Revised Application Procedures" (47 FR 22704), and verification. Several commentors pointed out that the legality of each approach is dependent upon the manner in which it is implemented.

The interim rule "Revised Application Procedures" defines documentation as "at a minimum, the completion of the following information on the free and reduced price application: (1) Total household income; (2) names of all household members; (3) social security numbers of all adult household members or an indication that a household member does not possess one; and (4) signature of an adult member of the family." The Department inserted the phrase "at a minimum" to enable School Food Authorities to require additional information, such as age of household members and names of employers, to facilitate verification.

The Department intended such additional information to be used in the verification process for those households selected for verification. Such additional information may be requested on the application but is not to be used to establish additional eligibility criteria in order to determine eligibility. When applications are received, they must be approved if the four basic documentation factors listed above indicate eligibility. Consequently, this interim rule deletes the phrase "at a minimum" from the definition of "documentation" to clarify that schools may not seek additional documentation for the purpose of establishing eligibility.

This rule defines verification as the confirmation of eligibility for free and reduced price benefits under the Program, through sources such as written evidence, pay stubs, and collateral contacts.

The month chosen for confirmation of income information would depend primarily on when in the school year verification efforts take place and/or on the source used for obtaining income information. When requesting written evidence from the household, income information should be for the most current full month.

In response to commentor concerns, § 245.6a of the regulations clarifies each source of verification. Written evidence is viewed as a primary source of verification. Written evidence includes written confirmation of a household's circumstances. Whenever written evidence is insufficient to confirm eligibility, the School Food Authority may require collateral contacts.

For households with employed members, written confirmation of income information includes but is not limited to: paycheck stubs, pay envelopes stating earnings or a letter from the employer stating wages paid. For self-employed persons income information may include: FICA (social security) payment statements or the last quarterly estimate of taxes. Households with unemployed members may provide written confirmation of income through benefit letters from public assistance programs, unemployment benefit notices or the most recent unemployment check, court decrees or most recent check for alimony or child support, disability or workman's compensation notices, or Veteran Administration benefit letters. Households must be allowed to submit evidence of participation in the Food Stamp Program in lieu of other income information.

A collateral (third party) contact is an oral confirmation of a household's circumstances by a person outside of the household. The collateral contact may be either in person or over the telephone. The verifying official may select a collateral contact if the household fails to designate one or designates one which is unacceptable to the verifying official. Examples of acceptable collateral contacts may include employers, landlords, social service agencies, or migrant service agencies, who can be expected to provide accurate third party verification. If the verifying official designates a collateral contact, the contact may not be made without providing prior written or oral notice to the household. At the time of this notice the household must be informed that it may consent to the contact or provide acceptable verification in another form. If the household refuses to choose one of these options, its eligibility must be terminated in accordance with the normal procedures for failure to cooperate with verification efforts. Systems of records to which the State agency or School Food Authority has access are not considered collateral contacts and, therefore, need not be designated by the household.

As commentors pointed out, the manner in which each type of verification is implemented is subject to scrutiny in light of individual rights of privacy. As in the proposal, the Department urges State agencies and School Food Authorities to obtain approval of verification methods by State or local legal counsel to ensure conformity with applicable Federal, State and local laws.

Several commentors urged clarification of what information is to be verified. This interim rule clarifies that verification is to be limited to income and, at State or local discretion, household size.

Section 245.6a Verification Requirements.

3% or 3,000: Thirty-two commentors found the proposed requirement to verify three percent or 3,000 (whichever is less) of all applications on file as of October 15 in each School Food Authority to be burdensome. Two commentors believed the Department had not provided sufficient rationale for the number of applications to be verified while another commentor recommended that the minimum number to be verified should be a local decision.

Initially, the Department considered requiring 10 percent of all applications to be verified. However, it was determined that a 10-percent requirement would indeed create a burden on some State and local administrators. For this reason, the Department initiated informal discussions with the Office of Management and Budget, the Department's Office of Inspector General, State agencies and Regional Offices as to what percentage of applications we could, at a minimum,

reasonably require to be verified. The proposed three percent or 3,000 (whichever is less) level represented the resultant compromise. Since only 32 commentors stated that such a sample size would be administratively burdensome, the sample size has been retained for use next school year.

While no minimum verification standards are required for School Year 1982–83, the Department strongly encourages School Food Authorities to verify a minimum of three percent or 3,000 of the approved applications on file as October 31. The operational experience gained by those School Food Authorities will provide the Department with invaluable information concerning the feasibility of future regulatory actions. Of particular interest to the Department is information to assist in our analysis of the techniques used to verify information; the cost to the School Food Authority, including staff and printing costs; the number of ineligible households by category; and an estimate of the number of ineligible meals served by category.

Several commentors suggested that the 3,000 cap provided large School Food Authorities with an advantage over small School Food Authorities. School Food Authorities with over 100,000 applications on file would be able to verify less than three percent of its applications unlike small School Food Authorities. The Department recognizes that a certain degree of inequity existed in this approach; yet, given the workload of verifying 3,000 applications, some limits were deemed necessary. School Food Authorities exercising the three percent or 3,000 option are encouraged to address this issue in their comments on this interim rule.

October 15: Two commentors expressed some concern regarding the proposed requirement to verify applications on file by October 15. The October 15 date was initially selected because the application process has been completed in most School Food Authorities by that date. One commentor indicated that it is difficult to audit this date and recommended the "end of the second month of operation." The second commentor believed October 15 penalized schools beginning in August and recommended changing the date to "six weeks after the start of school."

As a general rule, School Food Authorities regularly determine the number of free and reduced price applications on file at the end of each month in order to compile their claims for reimbursement. In response to the commentor concerns and in order to avoid a mid-month count of applications, the Department has changed the October 15 date to October 31. This will enable School Food Authorities to use existing resources thus avoiding any duplication of effort.

Although this provision is not required for this school year, the Department urges those School Food Authorities verifying a minimum of three percent or 3,000 of the applications to determine the number of applications subject to verification based on the number approved as of October 31.

Delegating Authority: The proposed rule would have required the State agency to verify the information on the application or delegate the responsibility to all or selected School Food Authorities. Should the School Food Authority satisfy the minimum requirements, the verification deadline was January 1.

Commentors had mixed recommendations about who should conduct verification. Nine commentors believed the verification responsibility should be a local level function. Several of these commentors believed it would be too expensive to meet the requirements at the State agency level. One commentor suggested that Pub. L. 97–35 limits the verification responsibility to School Food Authorities.

Fifteen commentors suggested that School Food Authorities do not have the resources to meet the verification requirements. These commentors believed that the State agency is in the best position to verify since more resources are available at the State level and the State is in a better position to develop procedures with other agencies.

Public Law 97–35 states that "Local School Food Authorities shall undertake such verification of the information contained in these applications as the Secretary may by regulation, prescribe. * * *" The responsibility to verify clearly rests at the local School Food Authority level, although the Department and the State are also given discretionary authority by Pub. L. 97–35 to verify information on the application. Consequently, the primary responsibility to verify rests at the local level, but a State may assume the responsibility for its School Food Authorities.

This rule clarifies the proposed regulatory wording to focus the primary responsibility for verification on the local School Food Authority. The Department concurs with the School Food Authority which suggested that the State agency's primary role includes: (1) Defining acceptable methods; (2) obtaining documented approval of those methods; (3) publicizing the intent to verify; (4) arranging for the cooperation of other agencies; and (5) providing guidance on appeals and hearings. The Department does not, however, believe the State agency's role needs to be limited to these activities. Should the State agency determine that it has the resources to verify applications, it may do so.

One commenter concurred with and 23 commentors opposed the requirement that School Food Authorities complete the verification requirement by January 1. Commentors opposing this timeframe suggested that the time between the opening of school and January 1 is too short a period of time and that School Food Authorities do not have sufficient staff to meet this deadline. A number of commentors suggested timeframes other than January 1. Six commentors suggested providing a full school year, two commentors recommended March 1, and one commentor recommended April 15.

Because the opening of school varies in different States, the Department decided that a five month timeframe from the first day of school for completion of the verification requirement is the most equitable. This deadline is not in effect this school year; however, the Department urges administrators to calculate the time used for verification efforts this year and evaluate the five month timeframe for use in School Year 1983–84. Comments on this provision are welcome.

Alternate Verification Plans: Three commentors suggested that the provision to allow State agencies to formulate an alternate verification plan appears to be extraneous. These commentors recommended timeframes for review and approval. A fourth commentor recommended the establishment of criteria for the approval of alternate plans. The Department has eliminated the alternate plan provision for this school year, but has included this provision for subsequent school years. Comments are solicited on this provision.

Sample Criteria and Timing of Verification: The proposal allowed School Food Authorities to verify prior to approval of applications provided that the pursuit of verification would not unduly delay the issuance of benefits to children. One commentor concurred with the provision as proposed.

Three commentors believed insufficient time was available for verification prior to the start of the school year. Two commentors believed the "unduly delay" concept would deny benefits to children while seven other commentors requested clarification of

the timeframes covered by the term. The Department concurs with commentors' concerns regarding the potential for a delay in benefits due to verification efforts. Therefore, an application must be approved by the school if it contains the social security numbers for all adult household members, names of all household members, signature of an adult member of the family, and if the total reported household income indicates eligibility. Reference to verification prior to approval has been deleted from this rule. Schools may select the sample to be verified at the time applications are issued to parents and may request submission of income documents, such as wage stubs. However, applications must be processed based on the information on the application. Schools may later use the information submitted by parents to confirm eligibility.

Seven commentors recommended clarification of the proposed requirement to select the sample from all applications since there is no need to verify denied applications. These commentors urged inserting the word "approved" after the word "all." This has been done to clarify that verification must take place after the application approval process.

Several commentors questioned whether the Department intended the sample size to be based on the number of applications or the number of children on the applications. Since verification focuses on household income, the Department believes verification must focus on the application. In cases where one household submits a separate application for each child, the School Food Authority should make every effort to ensure that the household undergoes verification only once.

Eight commentors requested clarification of the criteria to be used for the selection of the sample. The Department intends to leave sample selection to the discretion of the verifying official.

Food Stamp Recipients: Four commentors concurred with the provision that verification of recipients of food stamp benefits *may* be limited to a review to establish that the period of eligibility is current. One commentor argued that the word "may" needs to be changed to "must" in order to reflect the legislative intent. Another commentor urged expanding the provision to encompass beneficiaries of other welfare programs. One commentor urged the Department to require food stamp offices to provide a list of food stamp recipients to schools.

Pub. L. 97-35 specified that food stamp recipients may verify their eligibility for food stamp benefits rather than provide the school with verification of income. Therefore, this interim rule requires that households selected for verification must be informed that if they are currently participating in the Food Stamp Program, they may submit proof of current eligibility for food stamp benefits in lieu of any other income information. The Department, however, does not have the legislative authority to extend this provision to other public assistance programs.

Of the eight commentors opposing this provision, four suggested that verification of food stamp eligibility is as time consuming as verification of income. The Department disagrees because the verification of food stamp eligibility would consist of a simple request for one piece of written evidence of eligibility in the case of food stamp recipients. Multiple pieces of written evidence may be required for non-food stamp households with several sources of income. Verification of eligibility for food stamps not only limits the amount of data collection, it also standardizes the request for information and is expected to lighten the administrative burden.

Section 245.6a(b) Recordkeeping

One commentor concurred with the proposed requirement for State agencies to maintain on file for review a description of the verification to be accomplished during the school year. Nineteen commentors recommended deletion of this requirement, 11 of whom suggested monitoring through the Assessment, Improvement and Monitoring System (AIMS).

Ten commentors requested clarification of the required description of verification efforts. In light of the changes in the verification requirements, this interim rule requires a description of the verification efforts to be maintained at the School Food Authority level. The description need only include: (1) A summary of the verification efforts; (2) the total number of applications on file by October 31; and (3) the percentage or number of applications verified. The verification efforts will be monitored by the State agency as part of its supervisory assistance and monitoring efforts in accordance with § 245.11(f) and § 210.14(a)(1) to develop a data base from which to make informed decisions on the verification issue.

Section 245.5a(c) Nondiscrimination

Five commentors concurred with the provision that verification efforts shall be applied without regard to race, color, sex, national origin, age, or handicap. Four commentors expressed concern that the proposal appears to encourage verification of a proportionately larger percentage of food stamp households than would a random sample.

In fact, the Department recommends a proportionately larger sample of non-food stamp households since this population has not undergone certification and the routine verification procedures that occur under the Food Stamp Program. As in the proposal, the Department provides for verification on a nondiscriminatory basis.

Section 245.6a(d) Notification

Three commentors concurred with and one opposed the requirement to notify households of a denial of benefits. The proposal required that advance notification be provided to households who receive a termination or reduction of benefits 10 calendar days prior to the actual reduction or termination. Several commentors requested clarification of the notification requirements; specifically the terms "advance notification" and "notification." Two commentors recommended clarifying "10 days" to "10 days from receipt of notification." One commentor urged use of the same notification wording as in the food stamp program (§273.13(a)(2)).

The term "notification" is defined as a notice to parents informing them of a denial of benefits. Since this interim rule clarifies that verification efforts are to take place after the application approval process, any denial of meal benefits will occur at the time of application. Therefore, reference to the notification of denial has been removed from this interim rule, since it is contained in § 245.6(b) of the interim rule, "Revised Application Procedures." However, once a household has been determined eligible for benefits, they must be given advance notice of a forthcoming loss or reduction of benefits. The term "advance notification" refers to the notice to parents sent 10 calendar days prior to a *reduction or termination* of benefits. In order to clarify the 10-day notice requirements, the rule has been reworded to clarify that the 10 day period begins on the date the notice is sent and that families must be clearly informed of the timeframe for appeal. The Department cannot accept the suggestion to start the 10 days notice from the point of receipt of notification due to the inherent monitoring problems and resultant costs.

The Department does not intend to adopt the food stamp wording regarding notice of adverse action. Given the flexibility provided in this interim rule regarding verification efforts, the Department strongly believes local

areas must have the flexibility of adapting the notice to the verification activities that occur. This section has been retitled "adverse action" in this interim rule.

Section 245.7 Hearing Official.

Two commentors concurred with and five opposed the provision to make the decision of the hearing official binding. The Department agrees that the State agency or School Food Authority has the authority to establish an appeal procedure beyond the hearing official. However, the decision of the hearing official shall be binding pending any higher level review.

Section 245.7 Continuation of Benefits.

When a household disagrees with a decision to deny, reduce or terminate its benefits, the household may appeal the adverse action. The proposal would have allowed households which have previously been approved for benefits to receive continued benefits if they appeal the adverse action within the 10 days advance notice period. Households denied benefits upon application would not receive benefits during the appeal process. One commentor concurred with and one commentor opposed this provision. The commentor opposing the provision believed benefits during the appeal process encouraged falsification of information. This interim rule implements the provision as proposed. The Department believes households should be given the opportunity to refute evidence of ineligibility before program benefits are terminated.

Miscellaneous

Two commentors recommended that USDA develop a prototype verification letter to parents. One commentor acknowledged that changes to the existing letter to parents would be required. The Department has considered these concerns and has made changes which expand the notification to parent requirements (§ 245.6a) to reflect any verification activities. The School Food Authority must notify the household that it has been selected for verification and that it must submit the requested information to confirm eligibility for free or reduced price benefits. The notice must clearly describe the types of information acceptable to the School Food Authority and must provide the name and telephone number of the school official who can assist in the verification effort should assistance be needed. The School Food Authority must also advise the household that failure to cooperate with verification efforts will result in a termination of benefits.

The Department has exempted certain schools and School Food Authorities from the verification requirements. This exemption includes: residential child care institutions; School Food Authorities in which FNS has approved claims for special cash assistance based on economic statistics regarding per capita income; and schools in which all children are served meals with no separate food service charge and no special cash assistance is claimed, such as some boarding schools. In the vast majority of these schools, the schools are not required to secure and maintain applications for children. Therefore, verification in such schools is unnecesary. School Food Authorities in which all schools participate in the Special Assistance Certification and Reimbursement Alternatives specified in § 245.9 shall meet the verification requirement only in those years in which applications are taken for all children in attendance.

As specified in the interim rule, "Revised Application Procedures," two nondiscrimination provisions became unnecessary with the issuance of this interim rule because they are stated elsewhere. Section 245.6a(d) prohibits nondiscrimination in verification activities, therefore, this rule deletes § 245.10(f) and 245.11(g).

Suggested Implementation

Procedures for the verification of the information on a free or reduced price application are currently being established by many School Food Authorities. In order to assist those School Food Authorities, the Department is making the following procedural suggestions for verification.

School Food Authorities are *not limited* to these procedures. Other approaches may be more effective depending on the resources available to the School Food Authority. These suggested approaches are offered to provide a conceptual framework for the verification process.

The Department encourages School Food Authorities to verify early in the school year after the applications have been approved. This approach will strike a balance between the administrative burdens facing schools during the first month of operation and the effort to curb abuses in the free and reduced price system.

In order to verify, the Department suggests that the School Food Authority (as applicable) adopt the following procedures:

1. Select the applications to be verified. If possible concentrate on the non-food stamp population which has not yet been subject to any verification of eligibility. Every effort should be made to ensure that each household is verified only once even if they have more than one child within the School Food Authority and have submitted multiple applications.

2. Provide notice to each household informing them that they have been selected for verification and that they must submit the requested income information in order to maintain eligibility for free and reduced price benefits. The notice should describe the information and/or documents requested, such as wage stubs or social security award letters, and should provide the name and telephone number of the school official who can assist in the verification efforts. Households must also be informed that if they are currently receiving food stamp benefits, they may submit proof of *current* eligibility for food stamp benefits in lieu of the requested information.

3. Review the information and/or documents submitted by the household:

a. If the verification process confirms eligibility for free or reduced price benefits, the household will continue to receive benefits.

b. If the requested information and/or documents cannot be obtained by the household or does not confirm income eligibility for free or reduce priced benefits, the School Food Authority may request the household to designate a collateral contact for confirmation of income eligibility. At the school official's discretion, a conference may be requested. Should the efforts to verify income information fail to confirm eligibility for the meal benefits for which the family has been approved, the School Food Authority must reduce or terminate the household's free or reduced price benefits, as applicable, in accordance with the procedures set forth in § 245.6a(e).

c. If a household fails to cooperate with efforts to verify information to confirm eligibility, the School Food Authority should terminate the household's eligibility for free or reduced price benefits in accordance with the procedures set forth in § 245.6a(e).

4. Send advance notification of a reduction or termination of benefits. The advance notice must be sent 10 days prior to the reduction or termination of benefits and must advise the household of the change, reasons for the change, notification of the right to appeal and instructions on how to appeal, and of the right to reapply any time during the school year.

5. Reduce or terminate benefits at the end of the 10 day advance notice period

unless the household appeals the action. Should the household appeal the action, benefits will continue through the appeal process.

School Food Authorities should be aware that only those applications for which confirmation of eligibility or ineligibility has occurred are considered to be verified. A household which fails to provide complete information and/or documentation for the purpose of verification is considered to have established itself as ineligible and is counted toward the School Food Authority's verification sample. Schools may always serve children free or reduced price meals if they are ineligible under Federal regulations, as long as such meals are not claimed as free or reduced price for Federal reimbursement purposes.

Solicitation of Comments

Commentors are reminded that the verification of three percent of 3,000 (whichever is less) of the approved applications on file as of October 31 is recommended rather than mandatory this school year. The practical experience gained by commentors who have implemented verification procedures will be invaluable in addressing specific provisions of this interim rule, and comments on this interim rule are encouraged as commentors gain operational experience. Of particular interest to the Department are comments regarding the five month timeframe for completion of verification activities; the techniques used to verify information; and the sample size for mandatory verification.

List of Subjects in 7 CFR Part 245

Food assistance programs, Grant programs—social programs, National School Lunch Program, School Breakfast Program, Special Milk Program, Reporting and recordkeeping requirements.

Accordingly, Part 245 is amended as follows:

PART 245—DETERMINATION OF ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

§ 245.2 [Amended]

1. In § 245.2(a–3) the phrase, "at a minimum," is removed.

2. In § 245.2 new paragraph (k) is added as follows:

§ 245.2 Definitions.

* * * * *

(k) "Verification" means confirmation of eligibility for free or reduced price benefits under the Program. At a minimum, verification shall include confirmation of income eligibility and, at State or local discretion, verification may also include confirmation of household size.

* * * * *

3. New § 245.6a is added as follows:

§ 245.6a Verification requirements.

(a) *Verification requirements.* For School Year 1982–83, School Food Authorities are encouraged to verify a minimum of three percent or 3,000 (whichever is less) of the approved free and reduced price applications on file as of October 31. For School Year 1983–84 and subsequent school years, School Food Authorities are required to verify a minimum of three percent or 3,000 (whichever is less) of the approved free and reduced price applications on file as of October 31 and to complete such verification within five months of the start of the school year in each School Food Authority. Any State may assume responsibility for verification within any of its School Food Authorities, provided that the minimum verification requirements are met within its jurisdiction. When assuming such responsibility, the State agency may request a waiver from FNS in regard to the verification requirements; Provided, that an alternate approach to achieve the same results is submitted in writing and approved by FNS.

(1) *Confirmation of income information.* Verification efforts shall not delay the approval of applications. A household must be approved if the application contains the four basic documentation factors as specified in § 245.2(a–3) and the household meets the income eligibility criteria for free or reduced price benefits. When written evidence or collateral contacts are the primary sources of information, the School Food Authority shall require the submission of income information for the most recent full month that is available. However, when using a system of records, the School Food Authority may choose a recent month to verify and the entire sample may be verified for the same month. Households which dispute the validity of income information acquired through systems of records shall be given the opportunity to produce more recent income information.

(2) *Notification of selection.* Households selected to provide verification shall be informed that they have been selected for verification and that they are required to submit the requested verification information to confirm eligibility for free or reduced price benefits. Those households shall be informed of the type or types of information and/or documents acceptable to the school and the name and phone number of a school official who can assist in the verification effort. Selected households shall also be informed that if they are currently participating in the Food Stamp Program, they may submit proof of current eligibility for food stamp benefits in lieu of income information. All households selected for verification shall be advised that failure to cooperate with verification efforts will result in a termination of benefits.

(3) *Food stamp recipients.* Verification for recipients of food stamp benefits that choose to provide evidence of food stamp participation in lieu of income information shall be limited to a review to detemine that the period of eligibility for food stamp benefits is current. If the household chooses to provide income information or the food stamp certification period is found to have expired, the household shall be subject to routine verification of eligibility.

(4) *Household cooperation.* If a household refuses to cooperate with efforts to verify, eligibility for free or reduced price benefts shall be terminated in accordance with § 245.6a(e). Households which refuse to complete the verification process and which are consequently determined ineligible for such benefits shall be counted toward meeting the School Food Authority's required sample of verified households.

(5) *Exceptions from verification.* Verification efforts are not required in residential child care institutions; schools in which FNS has approved special cash assistance claims based on economic statistics regarding per capita income; or schools in which all children are served with no separate charge for food service and no special cash assistance is claimed. School Food Authorities in which all schools participate in the Special Assistance Certification and Reimbursement Alternatives specified in § 245.9 shall meet the verification requirement only in those years in which applications are taken for all children in attendance.

(b) *Sources of information.* Sources of information for verification may include written evidence, collateral contacts, school conferences, and systems of records.

(1) *Written evidence.* Written evidence shall be used as the primary

source of information for verification. Written evidence includes written confirmation of a household's circumstances, such as wage stubs, award letters, and letters from employers. Whenever written evidence is insufficient to confirm income information on the application or current eligibility, the school may require collateral contacts.

(2) *Collateral contact.* Collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made by person or by phone. The verifying official may select a collateral contact if the household fails to designate one or designates one which is unacceptable to the verifying official. If the verifying official designates a collateral contact, the contact shall not be made without providing written or oral notice to the household. At the time of this notice, the household shall be informed that it may consent to the contact or provide acceptable verification in another form. If the household refuses to choose one of these options, its eligibility shall be terminated in accordance with the normal procedures for failure to cooperate with verification efforts. Collateral contacts could include employers, social service agencies, and migrant agencies.

(3) *Agency records.* Agency records to which the State agency or School Food Authority may have access are not considered collateral contacts. Information concerning income or family size maintained by other government agencies to which the State agency, School Food Authority, or school can legally gain access may be used to confirm a household's income and family size. One possible source could be wage and benefit information maintained by the State employment agency, if that information is available. The use of any information derived from other agencies must be used with the applicable safeguards concerning disclosure.

(4) *School conference.* The adult member(s) of the household may be asked to visit the school for a discussion of the information on the application.

(c) *Verification recordkeeping.* School Food Authorities verifying applications shall maintain on file for review a description of the verification to be accomplished beginning School Year 1983–84. The description shall include: (1) A summary of the verification efforts including the techniques to be used; (2) the total number of applications on file by October 31; and (3) the percentage or number of applications verified.

(d) *Nondiscrimination.* The verification efforts shall be applied without regard to race, sex, color, national origin, age, or handicap.

(e) *Adverse Action.* If verification activities fail to confirm eligibility for free or reduced price benefits or should the household fail to cooperate with verification efforts, the school or School Food Authority shall reduce or terminate benefits, as applicable, as follows: Ten days advance notification shall be provided to households that are to receive a reduction or termination of benefits, prior to the actual reduction or termination. The first day of the 10 day advance notice period shall be the day the notice is sent. The notice shall advise the household of: (1) The change; (2) the reasons for the change; (3) notification of the right to appeal and when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision; (4) instructions on how to appeal; and (5) the right to reapply at any time during the school year. The reasons for ineligibility shall be properly documented and retained on file at the School Food Authority.

4. In § 245.7, new paragraph (b) is added as follows:

§ 245.7 Hearing procedures for families and School Food Authorities.

* * * * *

(b) *Continuation of benefits.* When a household disagrees with an adverse action which affects its benefits and requests a fair hearing, benefits shall be continued as follows while the household awaits the hearing and decision:

(1) Households that have been approved for benefits and that are subject to a reduction or termination of benefits later in the same school year shall receive continued benefits if they appeal the adverse action within the 10 day advance notice period; and

(2) Households that are denied benefits upon application shall not receive benefits.

§§ 245.10 and 245.11 [Amended]

5. In § 245.10, paragraph (f) is removed and in § 245.11 paragraph (g) is removed. These paragraphs are superceded by § 245.6a(d).

(Sec. 803, Pub. L. 97–35, 95 Stat. 521–535 (42 U.S.C.1758))

Signed on March 15, 1983.

Mary C. Jarratt,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 83–7642 Filed 3–24–83: 8:45 am]

BILLING CODE 3410–30–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 404]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period March 27–April 2, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: March 27, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on March 22, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee

reports the demand for lemons is somewhat easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.704 is added as follows:

§ 910.704 Lemon regulation 404.

The quantity of lemons grown in California and Arizona which may be handled during the period March 27, 1983, through April 2, 1983, is established at 250,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 24, 1983.

Charles R. Brader,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–7951 Filed 3–24–83; 11:50 am]

BILLING CODE 3410–02–M

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7 CFR Part 1040

Milk in the Southern Michigan Marketing Area; Order Suspending Certain Provisions of the Order

Correction

In FR Doc. 83–6971 beginning on page 11252 in the issue of Thursday, March 17, 1983, make the following correction on that page: In the third column, the fifth complete paragraph, the fifth line, the word "elevation" should read "evaluation".

BILLING CODE 1505–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 373 and 399

[Docket No. 30222–27]

New Processing Codes for the Commodity Control List

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: The Commodity Control List (CCL), Supplement No. 1 to § 399.1 of the Export Administration Regulations, includes all commodities controlled for export by the U.S. Department of Commerce. Exporters must show the processing code for items they wish to export on their applications for export licenses and reexport requests, and the codes are then used internally by the Office of Export Administration (OEA) to facilitate the routing and processing of export license applications. OEA's Computer Division and the Electronic Equipment Division have been merged into one Scientific and Electronic Equipment Division, and new processing codes have been assigned. This rule, which neither expands nor limits the provisions of the Export Administration Regulations, revises the processing codes for many items listed on the CCL, and amends references to the processing codes in other Parts of the Regulations.

DATES: This rule is effective March 25, 1983. Comments must be received by the Department May 24, 1983.

ADDRESS: Written comments (six copies) should be sent to: Richard J. Isadore, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–4811).

Rulemaking Requirements and Invitation To Comment

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations. These regulations may be revised before the end of the comment period. Accordingly, interested persons who desire to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

The period for submission of comments will close May 24, 1983. All comments received before the close of the comment period will be considered by the Department in the development of final regulations. While comments received after the end of the comment period will be considered if possible, their consideration cannot be assured. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4001–B, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of

Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

List of Subjects in Parts 373 and 399

Exports.

Accordingly, the Export Administration Regulations (15 CFR Parts 373 and 399) are amended as follows:

PART 373—[AMENDED]

1. Paragraph (b)(4) of § 373.4 is revised to read as follows:

§ 373.4 Qualified general license.

* * * * *

(b) * * *

(4) Each application for a QGL shall be limited as follows—

(i) Processing Codes CM, CS, MT and TE: not more than 20 types of commodities or configurations;

(ii) Processing Code EE: not more than 50 types of electronic devices, sub-assemblies, assemblies, subsystems or systems.

* * * * *

PART 399—[AMENDED]

2. Paragraph (h) of § 399.1 is revised to read as follows:

§ 399.1 The Commodity Control List and how to use it.

* * * * *

(h) Processing Code.

For each ECCN on the Commodity Control List, a processing code, *i.e.*, CM, CS, EE, MT, SS, or TE, appears after the heading "PROCESSING CODE." You must show a processing code on your application for export license or reexport request, since the Office of Export Administration uses the codes to facilitate the internal routing and processing of export license applications. These processing codes stand for Chemicals and Materials (CM), Computer Systems (CS), Electronic Components and Instrumentation (EE), Microcomputers and Telecommunications (MT), Short Supply (SS), and Transportation and Capital Equipment (TE). You may enter only those ECCNS that have the same processing code on a single application for export license. (See § 372.4(d) for complete information on the inclusion of related commodities on a single application.)

* * * * *

3. The Commodity Control List, Supplement No. 1 to § 399.1, is amended by revising the two-letter "processing code" of each CCL entry to read as listed beside the applicable CCL entry below:

Group 0—Metal-Working Machinery

2018A	TE
1075A	TE
1080A	TE
1081A	TE
1086A	TE
1088A	TE
1091A	TE
1093A	TE
4094B	TE
6098F	TE
6099G	TE

Group 1—Chemical and Petroleum Equipment

1110A	TE
1118A	TE
2120A	TE
4127B	TE
4128B	TE
1129A	TE
1131A	TE
3131A	TE
1133A	TE
1142A	CM
1145A	CM
6191F	TE
6199G	TE

Group 2—Electrical and Power-Generating Equipment

1203A	TE
4203B	TE
1205A	EE
1206A	TE
3261A	TE
4261B	TE
6299G	TE

Group 3—General Industrial Equipment

1305A	TE
1312A	TE
2317A	TE
2319A	TE
3336A	TE
4337B	TE
1352A	TE
1353A	TE
1355A	EE
1356A	TE
1357A	TE
1358A	TE
4360B	TE
1361A	TE
1362A	TE
3362A	TE
3363A	TE
4363B	TE
1370A	TE
1371A	TE
6390F	TE
6391F	TE
6392F	TE
6398G	TE
5399D	TE
6399G	TE

Group 4—Transportation Equipment

2404A	TE for items in paragraphs (a), (d), and (e); CM for all other items.
2406A	CM for items in paragraph (b); TE for all other items.
5406D	TE
2409A	TE
4409B	TE
2410A	TE
1416A	TE
1418A	TE
1431A	TE
4431B	TE
5431D	TE
1460A	TE
4460H	TE
5460F	TE
6460F	TE
5480B	CM
1485A	TE
6490F	TE
6499G	TE
9499M	MT

Group 5—Electronics and Precision Instruments

1501A	EE
1502A	EE
1505A	EE
1510A	TE
5510D	TE
1514A	EE
1516A	MT
4516B	MT
1517A	MT
4517B	MT
1518A	MT
1519A	MT
1520A	MT
1521A	EE
1522A	TE for paragraphs (c) and (d); EE for all other items.
1526A	MT
1527A	MT
1529A	MT for items in paragraph (b)(6); EE for all other items.
4529B	EE
4530B	TE
1531A	EE
1532A	TE
1533A	EE
1534A	TE
1537A	EE
1541A	EE
1542A	EE
1544A	EE
1545A	EE
1547A	EE
1548A	EE
1549A	EE
1553A	EE
1555A	EE
1556A	EE
1558A	EE
1559A	EE
1560A	EE
1561A	EE
1564A	EE
1565A	MT for telephone switching systems; CS for all other items.
5565D	CS
1568A	EE
5568D	TE
4569B	EE
1570A	EE
1571A	TE
1572A	EE
1584A	EE
1585A	CM
4585B	CM
5585D	CM
1586A	EE
1587A	EE
1588A	EE
4590B	CS
4592B	TE
1595A	TE
5595D	TE
5596D	TE

4597B	MT
5597B	CM for fingerprint equipment/ analyzers/ cameras; EE for all other items.
6598F	TE
6599G	CM for photographic equipment/film, n.e.s.; EE for all other items.
7599I	CM

Group 6—Metals, Minerals and their Manufactures

4601B	CM
2603A	TE
3604A	CM
3605A	CM
3607A	CM
3608A	CM
3609A	CM
2616A	TE
1631A	CM
1635A	CM
4635B	CM
4638B	CM
1648A	CM
1649A	CM
4654B	CM
1658A	CM
1661A	CM
1670A	CM
1671A	CM
1673A	CM
4674B	CM
4675B	CM
4676B	CM
4677B	CM
4678B	CM
5680B	CM
4698B	CM
4699G	CM
6699G	CM

Group 7—Chemicals, Metalloids, Petroleum Products and Related Materials

1701A	CM
1702A	CM
4707B	CM
2708A	CM
3709A	CM
3711A	CM
1715A	CM
4720B	CM
4721B	CM
1746A	CM
4746B	CM
1754A	CM
4754B	CM
1755A	CM
4755B	CM
1757A	CM
4757B	CM
1759A	CM
1760A	CM
1763A	CM
1767A	CM
4778B	SS
6779F	CM
1781A	CM
4781B	SS
4782B	SS
4783B	SS
4784B	SS
4799B	CM
5799D	CM
6799G	CM

Group 8—Rubber and Rubber Products

1801A	CM
6899G	CM

Group 9—Miscellaneous

5994G	CM
4996B	SS
4997B	CM
4998B	CM
5998B	CM
6998F	CM
4999B	SS
5999B	CM
6999G	CM
7999I	CM
9999M	TE

(Secs. 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.;* Executive Order No. 12214 (45 FR 29783, May 6, 1980))

Dated: March 18, 1983.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 83–7512 filed 3–24–83; 8:45 am]

BILLING CODE 3510–25–M

FEDERAL TRADE COMMISSION

16 CFR Parts 300, 301, and 303

Wool, Fur, and Textile Regulations

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission has made minor modifications to the Rules and Regulations under the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, and the Textile Fiber Products Identification Act. The amendments simplify forms used for seeking registered identification numbers and for filing continuing guaranties.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Charles McGourty, Federal Trade Commission, Los Angeles Regional Office, Suite 13209, 11000 Wilshire Boulevard, Los Angeles, California 90024, (213) 209–7575.

SUPPLEMENTARY INFORMATION: The rule amendments simplify forms used under the textile, wool and fur labeling programs for seeking registered identification numbers and filing continuing guaranty forms. These changes eliminate unnecessary provisions and clarify the information required on each form.

Pursuant to provisions in the Wool Products Labeling Act of 1939 (15 U.S.C. 68 *et seq.*), the Fur Products Labeling Act (15 U.S.C. 69 *et seq.*) and the Textile Fiber Products Identification Act (15 U.S.C. 70 *et seq.*) manufacturers and others handling textile, wool and fur products who reside in the United States may, in lieu of listing their firm name on the product, list a registered identification number (RN). This number is issued by the Commission upon submission of a completed application form detailed in the regulations under each of the Acts.

Under these same Acts any person residing in the United States who markets or handles textile, wool or fur products may file a continuing guaranty with the Commission as a means of assuring their customers that their products are accurately labeled. Additionally, under the Textile Act a continuing guaranty may be given by a seller to an individual buyer. The continuing guaranty forms are detailed in the regulations under each of the Acts.

The current RN and continuing guaranty forms require the information to be notarized. In 1976 the Judicial Code (28 U.S.C. 1746) was amended to provide that where matters under federal law were formerly to be verified by notarization, it is now sufficient that these matters merely be sworn to without notarization. In the new forms provided by this amendment, notarization has been eliminated and forms for certification have been substituted.

The current regulations detail three different forms for the RN and three different forms for filing a continuing guaranty with the Commission. With the exception of designating which Act the continuing guaranty is filed under, all other information is the same. The Commission perceives no advantage in continuing to require use of individual forms for each Act. Consequently, the amendment provides for the use of a common form for RN applications and a common form for filing a continuing guaranty with the Commission.

Each of the new consolidated forms has been reviewed to ensure that they clearly define the information required.

The normal notice and comment procedures of the Administrative Procedure Act (5 U.S.C. 553) are unnecessary for these amendments. See 5 U.S.C. 553(b)(B). The amendments are only routine or technical in nature. They simply make the rules comply with the Judicial Code and clarify the instructions necessary for filing an RN application or a continuing guarantee. Because of the routine and technical nature of the changes, the Commission does not believe a public proceeding would be beneficial.

List of Subjects

16 CFR Part 300

Labeling, Textile, Trade practices, Warranties, Wool.

16 CFR Part 301

Furs, Labeling, Sheep, Trade practices, Warranties.

16 CFR Part 303

Labeling, Textile, Trade practices.

PART 300—[AMENDED]

PART 301—[AMENDED]

PART 303—[AMENDED]

Accordingly, Parts 300, 301, and 303 of 16 CFR Chapter I are amended as set forth below.

Authority: For Part 300—15 U.S.C. 68 *et seq.*
For Part 301—15 U.S.C. 69 *et seq.*
For Part 303—15 U.S.C. 70 *et seq.*

BILLING CODE 6750-01-M

1. Sections 300.4(e), 301.26(d) and 303.20(d) are amended by substituting the following form for the current version (all other text in the affected sections is not changed):

APPLICATION FOR A REGISTERED IDENTIFICATION NUMBER

Approved by OMB
3084–0038
Expires: 11/1/84

1. LEGAL NAME OF APPLICANT FIRM

2. NAME UNDER WHICH APPLICANT DOES BUSINESS, IF DIFFERENT FROM LEGAL NAME

3. TYPE OF COMPANY

☐ PROPRIETORSHIP ☐ PARTNERSHIP ☐ CORPORATION

4. ADDRESS OF PRINCIPAL OFFICE OR PLACE OF BUSINESS (*Include Zip Code*)

5. TYPE OF BUSINESS (*Put an 'X' in all the boxes that apply*)

☐ MANUFACTURING ☐ IMPORTING ☐ WHOLESALING

☐ OTHER (*Please specify*) _____

6. LIST PRODUCTS

7 CERTIFICATION

The products listed in item six (6) above are subject to one or more of the following Acts: The Textile Fiber Products Identification Act (15 U.S.C. §§ 70-70k), The Wool Products Labeling Act (15 U.S.C. §§ 68-68j), or the Fur Products Labeling Act (15 U.S.C. §§ 69-69k). By filing this form with the Federal Trade Commisssion the company named above applies for a registered identification number to use on labels required by these Acts.

Under penalty of perjury, I certify that the information supplied on this form is true and correct.

SIGNATURE OF PROPRIETOR, PARTNER, OR CORPORATE OFFICIAL

8. NAME (*Please print or type*) | 9 TITLE | 10. DATE

INSTRUCTIONS

The Textile Fiber Products Identification Act, The Wool Products Labeling Act, or the Fur Products Labeling Act provide that any marketer or manufacturer of fibrous or fur products covered by those Acts may apply for a registered identification number. Companies can then use the registered identification number, instead of the name under which the Company does business, on the labels, tags, tickets, or stamps that those Acts require to be attached to covered products.

In completing this application, please observe the following:

(a) All blanks must be filled in. Include your Zip Code in item 4.

(b) In item 7 if the applicant firm is a partnership, a principal partner should sign. If a corporation, one of its principal officers should sign, giving his/her title in item 9.

(c) Send one completed copy to:

Federal Trade Commission
Los Angeles Regional Office
11000 Wilshire Blvd., Suite 13209
Los Angeles, CA 90024

* A registered identification number (RN) issued by the Commission continues in effect until revoked. The holder of the assigned number must immediately notify the Los Angeles Regional Office in writing of any change in business status. Any change in the address of the holder's principal office and place of business must also be promptly reported.

BILLING CODE 6750-01-C

2. Sections 300.33(b), 301.48(a)(3) and 303.38(b) are amended by substituting the following form for the current version (all other text in the affected sections is not changed):

CONTINUING GUARANTY

Approved by OMB
3084-0036
Expires: 11/1/84

1 LEGAL NAME OF GUARANTOR FIRM

2. NAME UNDER WHICH GUARANTOR FIRM DOES BUSINESS, IF DIFFERENT FROM LEGAL NAME

3. TYPE OF COMPANY

☐ PROPRIETORSHIP ☐ PARTNERSHIP ☐ CORPORATION

4 ADDRESS OF PRINCIPAL OFFICE OR PLACE OF BUSINESS (*Include Zip Code*)

5. LAW UNDER WHICH THE CONTINUING GUARANTY IS TO BE FILED (*Put an 'X' in the appropriate boxes*)

☐ Under the **Textile Fiber Products Identification Act** (15 U.S.C. §§ 70-70k): The company named above, which manufactures, markets, or handles textile fiber products, guaranties that when it ships or delivers any textile fiber product, the product will not be misbranded, falsely or deceptively invoiced, or falsely or deceptively advertised, within the meaning of the Textile Fiber Products Identification Act and the rules and regulations under that Act

☐ Under the **Wool Products Labeling Act** (15 U.S.C. §§ 68-68j): The company named above, which manufactures, markets, or handles wool products, guaranties that when it ships or delivers any wool product, the product will not be misbranded within the meaning of the Wool Products Labeling Act and the rules and regulations under that Act

☐ Under the **Fur Products Labeling Act** (15 U.S.C. §§ 69-69k): The company named above, which manufactures, markets, or handles fur products, guaranties that when it ships or delivers any fur product, the product will not be misbranded, falsely or deceptively invoiced, or falsely or deceptively advertised, within the meaning of the Fur Products Labeling Act and the rules and regulations under that Act.

6 CERTIFICATION

Under penalty of perjury, I certify that the information supplied on this form is true and correct

SIGNATURE OF PROPRIETOR, PRINCIPAL PARTNER, OR CORPORATE OFFICIAL

7 NAME (*Please print or type*)

8 TITLE

9 CITY AND STATE WHERE SIGNED

10 DATE

INSTRUCTIONS

The Textile Fiber Products Identification Act, the Wool Products Labeling Act, and the Fur Products Labeling Act provide that any marketer or manufacturer of fibrous or fur products or furs covered by those Acts may file a continuing guaranty with the Federal Trade Commission. A continuing guaranty on file assures customer firms that the guarantor's products are in conformance with the Act(s) under which the guarantor has filed. Customer firms rely on the continuing guaranties for protection from liability if violations occur.

In completing this form, please observe the following.

(a) All appropriate blanks on the form should be filled in. Include your Zip Code in Item 4.

(b) In Item 6, if the guarantor firm is a partnership, a principal partner should sign. If a corporation, one of its principal officers should sign, giving his/her title in Item 8.

(c) Send two completed copies to

Federal Trade Commission
Los Angeles Regional Office
11000 Wilshire Blvd., Suite 13209
Los Angeles, CA 90024

Continuing guaranties filed with the Commission continue in effect until revoked. The guarantor must immediately notify the Los Angeles Regional Office in writing of any change in business status. Any change in the address of the guarantor's principal office or place of business must also be promptly reported

DO NOT USE THIS SPACE

Filed _____ 19 ____

FEDERAL TRADE COMMISSION

FTC Form 31-A (rev. 12-82)

BILLING CODE 6750-01-C

3. Section 300.33(a)(2) is revised to read as follows:

§ 300.33 Continuing guaranty filed with Federal Trade Commission.

(a) * * *

(2) When filed with the Commission a continuing guaranty shall be fully executed in duplicate. Forms for use in preparing continuing guaranties will be supplied by the Commission upon request.

* * * * *

4. In § 301.48 paragraph (a)(4) is removed as repetitious of material in (a)(2) and paragraph (a)(1) is revised to read as follows:

§ 301.48 Continuing guaranties.

(a)(1) Under section 10 of the Act any person residing in the United States and handling fur or fur products may file a continuing guaranty with the Federal Trade Commission. When filed with the Commission a continuing guaranty shall be fully executed in duplicate. Forms for use in preparing continuing guaranties shall be supplied by the Commission upon request.

* * * * *

5. Section 303.37 is revised to read as follows:

§ 303.37 Form of continuing guaranty from seller to buyer.

Under section 10 of the Act, a seller residing in the United States may give a buyer a continuing guaranty to be applicable to all textile fiber products sold or to be sold. The following is the prescribed form of continuing guaranty from seller to buyer.

We, the undersigned, guaranty that all textile fiber products now being sold or which may hereafter be sold or delivered to —— are not, and will not be misbranded nor falsely nor deceptively advertised or invoiced under the provisions of the Textile Fiber Products Identification Act and rules and regulations thereunder. This guaranty effective until ——.

Dated, signed, and certified this —— day of ——, 19—, at —— (City), —— (State or Territory) —— (name under which business is conducted.)

Under penalty of perjury, I certify that the information supplied in this form is true and correct.

Signature of Proprietor, Principal Partner, or Corporate Official

Name (Print or Type) Title

6. In § 303.38 paragraph (a)(1) is revised to read as follows:

§ 303.38 Continuing guaranty filed with Federal Trade Commission.

(a)(1) Under section 10 of the act any person residing in the United States and marketing or handling textile fiber products may file a continuing guaranty with the Federal Trade Commission. When filed with the Commission a continuing guaranty shall be fully executed in duplicate. Forms for use in preparing continuing guaranties will be supplied by the Commission upon request.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-7732 Filed 3-24-83; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Contract Market Rule Review Procedures; Delegation of Authority

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has determined that contract market rule proposals to modify the composition, computation or method of stock selection of particular indexes in which contract markets are designated to trade futures may be appropriate for automatic approval upon Commission receipt of notice of the proposals. The Commission recognizes, however, that there could be circumstances when such a modification to the terms and conditions of the contract should be reviewed by the Commission before implementation and not be deemed automatically approved. In order to permit the Commission to react as quickly as possible in such a circumstance, the Commission is adopting a rule delegating to the Division of Trading and Markets and the Division of Economics and Education the authority to determine that the proposed index change appears to require Commission review.

DATE: This rule is effective March 25, 1983.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Assistant Director, Division of Trading and Markets, 2033 K Street, NW., Washington, D.C. 20581; (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Introduction: Commission Rulemaking

Several commodity exchanges have been designated by the Commission as contract markets for futures contracts on various stock indexes. The Commission notes that the composition, computation and method of stock selection of those underlying indexes are often modified by the index originators. Because of the recent changes effected by the Futures Trading Act of 1982, such modifications technically are changes in the terms and conditions of the corresponding contracts requiring submission to and approval by the Commission under section 5a(12) of the Commodity Exchange Act before implementation by the contract markets.[1]

The Commission has found that the modifications made by the index originators generally are routine and minor in nature. Moreover, the contract markets in many instances are given notice of the changes shortly before they are made effective by the entities from which the indexes originate. Consequently, the Commission has determined that, unless it notifies the contract market by the fastest means of communication available that a proposed change is not appropriate for automatic approval, changes in these contracts[2] resulting from routine changes in the underlying index will be deemed approved upon receipt. If the Commission determines that such a proposed rule change is not appropriate for automatic approval and so notifies the contract market, the rule proposal would become subject to review under section 5a(12) and Commission regulation 1.41(b).[3] In order to react as

[1] 7 U.S.C. 7a(12) (Supp. V 1981) as amended by Futures Trading Act of 1982, Pub. L. No. 97-444, section 216(2), which requires every contract market to submit to the Commission for prior approval all rules "that relate to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market." The phrase "terms and conditions" is defined at 17 CFR 1.41(a)(2) (48 FR 4256 (January 28, 1983)).

[2] The Commission first determined to implement this policy concurrent with its designation of the Chicago Mercantile Exchange's Standard & Poor's Consumer Staple Index Futures Contract, designated by the Commission on February 22, 1983. As noted below, however, the Commission is notifying three other contract markets presently designated in stock index futures of the new policy concerning modification of the underlying indexes.

[3] Before the recent amendment of section 5a(12) on January 11, 1983, by the Futures Trading Act of 1982, contract market rule proposals relating to contract terms and conditions were required to be submitted to the Commission as they are now, but the Commission had the authority to exempt proposals that were operational and administrative in nature from the requirement that approval be obtained before implementation. Accordingly, the Commission addressed the issue of index modification by treating the rule changes in the stock index contracts it designated at that time as

expeditiously as possible to contract market submissions implementing index modifications wherever the Commission has provided for that automatic approval, the Commission is delegating to the Division of Trading and Markets and the Division of Economics and Education the authority to determine whether such a contract market proposal requires Commission review prior to implementation.[4] New regulation 1.41b has been adopted for this purpose.

II. Basis for Immediate Adoption of Regulation

Section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b), normally requires that a notice of proposed rulemaking be published in the **Federal Register** and that opportunity for public comment be provided when an agency promulgates new regulations. Section 553(b) provides an exception to this requirement, however, when the regulations being adopted are rules of agency organization, procedure and practice. Adoption of a rule delegating authority as described in this notice falls within that exemption. Moreover, since the rule merely continues a previously existing practice pursuant to a Commission regulation, the Commission believes there is good cause for its actions consonant with the public interest. Accordingly, the Commission is promulgating regulation 1.41b as a final rule to be effective upon publication in the **Federal Register**.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA") [5] requires that agencies, in proposing rules, consider their impact on small businesses. Section 3(a) of the RFA defines the term "rule" to mean "any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of this title . . . for which the agency provides an opportunity for notice and public comment." [6] As the adoption of § 1.41b announced in this Notice has not been effected pursuant to 5 U.S.C. 553(b), then § 1.41b is not a "rule" as defined in the RFA and the analysis or certification specified in that Act does not apply.

List of Subjects in 17 CFR Part 1

Commodity exchanges, Contract market rules.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 5a(12) and 8a(5) thereof, 7 U.S.C. 7a(12) and 12a(5), as amended by Pub. L. 97–444, the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations by adding § 1.41b as follows:

PART 1—[AMENDED]

§ 1.41b Delegation of Authority to the Directors of the Division of Trading and Markets and the Division of Economics and Education.

The Commission hereby delegates, until it orders otherwise, the following authority to the Directors of the Division of Trading and Markets and the Division of Economics and Education, to be exercised by either such Director or by such other employee or employees of the Commission under the supervision of such Director as may be designated from time to time by the Director: Pursuant to § 1.41(b), to determine whether a contract market rule proposal which modifies the composition, computation or method of stock selection of a stock index in which the contract market is designated to trade futures, or options upon such futures, appears to require review by the Commission under section 5a(12) of the Act as a term or condition in a contract of sale to be executed on or subject to the rules of the contract market prior to implementation. A determination that such a rule proposal requires review as a term or condition may be made where the Commission previously has determined, upon designation or at such other time, that rule changes relating to the composition, computation or method of stock selection of a stock index may be appropriate for automatic approval upon Commission receipt of the proposal. Notice of any such determination will be provided to the applicant contract market by fastest available means of communication.

Issued in Washington, D.C., on March 18, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83–7847 Filed 3–24–83; 8:45 am]

BILLING CODE 6351–01–M

"operational and administrative" under former regulation 1.41(c), 17 CFR 1.41(c) (1982), until notifying the respective contract markets otherwise. The Futures Trading Act of 1982 eliminated the "operational and administrative" exemption, and the correlative regulation has since been deleted. 48 FR 4256 (January 28, 1983).

[4] Because of the short notice which the contract markets typically receive of such changes in the stock indexes, the Commission expects the contract markets to notify it of such changes by the fastest available means of communication and, in any event, before trading in futures on the index as modified commences.

[5] Pub. L. 96–354, 94 Stat. 1164 (1980), 5 U.S.C. *et seq*

[6] 5 U.S.C. 601(2). In addition, the Commission notes that this rule does not constitute a new paper collection requirement within the meaning of the Paperwork Reduction Act, 44 U.S.C. 3501 *et. seq*

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17 CFR Parts 1 and 33

Domestic Exchange Traded Commodity Options; Expansion of Pilot Program To Include Options on Physicals

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of effective date of certain final rules.

SUMMARY: On December 22, 1982, the Commodity Futures Trading Commission ("Commission") published in the **Federal Register** final rules authorizing the trading of options on physical commodities on domestic boards of trade designated by the Commission to conduct trading in such options. 47 FR 56996. The Commission further indicated, however, that some of those rules would not become effective until the expiration of 30 calendar days of continuous session of Congress after the transmittal of those rules and related materials to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry and the publication in the **Federal Register** of a notice of the effective date of those rules.

The Congressional review period specified in Section 4c(c) of the Commodity Exchange Act (7 U.S.C. 6c(c)) has now expired. Accordingly, the Commission hereby provides notice that the amendments to §§ 1.3(ll), 33.4, 33.6, and 33.7 (except §§ 33.7 (b)(2)(viii), (c), and (d)) of its regulations, as published at 47 FR 56996, December 22, 1982, are effective immediately.

EFFECTIVE DATE: March 25, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Rosenzweig, Assistant Chief Counsel, or Lawrence B. Patent, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW.,

Washington, D.C. 20581. Telephone: (202) 254–8955.

Issued in Washington, D.C. on March 18, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83–7706 Filed 3–24–83; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 4, 5, 16 and 131

[Docket No. RM80–39–000]

Regulations Governing Application for License for Major Unconstructed Projects and Major Modified Projects; Application for License for Transmission Lines Only; and Application for Amendment To License; Correction

Issued March 21, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; Correction.

SUMMARY: This document corrects an omission in the amendatory language of a final rule issued on November 6, 1981, by the Federal Energy Regulatory Commission (Commission), Docket No. 80–39–000, 46 FR 55926 (Nov. 13, 1981). The rule concerns regulations governing certain hydroelectric license applications. The preamble of the final rule declared that the rule was removing 18 CFR 131.30 from the Commission's regulations. The amendatory language necessary to remove § 131.30 was mistakenly omitted from the final rule. This document corrects that omission by removing § 131.30 from the Commission's regulations.

FOR FURTHER INFORMATION CONTACT: Joseph H. Long, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8033.

PART 131—[AMENDED]

Accordingly, the Commission amends 18 CFR Part 131, as follows:

§ 131.30 [Removed]

Part 131 is amended by removing § 131.30.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–7731 Filed 3–24–83; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 83–78]

Vessels in Foreign and Domestic Trades

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to add Spain to the list of nations which permit vessels of the United States to transport certain articles specified in section 27, Merchant Marine Act of 1920, as amended, between their ports.

The Department of State has furnished satisfactory evidence that Spain places no restrictions on the transportation of certain specified articles by vessels of the United States between ports in that country. This amendment provides reciprocal privileges for vessels registered in Spain.

EFFECTIVE DATE: February 1, 1983.

FOR FURTHER INFORMATION CONTACT: Harold Singer, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5706).

SUPPLEMENTARY INFORMATION:

Background

Section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883) (the "Act"), provides generally that no merchandise shall be transported by water, or by land and water, between points in the United States except in vessels built in and documented under the laws of the United States and owned by U.S. citizens. However, the Act, as amended by Pub. L. 89–194 (79 Stat. 823, T.D. 66–167) and 90–474 (82 Stat. 700, T.D. 68–227), provides that upon a finding by the Secretary of the Treasury, pursuant to information obtained and furnished by the Secretary of State that a foreign nation does not restrict the transportation of certain articles between its ports by vessels of the United States, reciprocal privileges will be accorded to vessels of that nation, and the prohibition against the transportation of those articles between points in the United States will not apply to its vessels.

Section 4.93(b)(1), Customs Regulations (19 CFR 4.93(b)(1)), lists those nations found to extend reciprocal privileges to vessels of the United States for the transportation of empty cargo vans, empty lift vans, and empty shipping tanks. Section 4.93(b)(2), Customs Regulations (19 CFR 4.93(b)(2)), lists those nations found to grant reciprocal privileges to vessels of the United States for the transportation of equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and certain equipment for use with these barges; certain empty instruments of international traffic; and certain stevedoring equipment and material.

On February 7, 1983, the Department of State advised the Secretary of the Treasury that, effective February 1, 1983, Spain places no restrictions on the transportation of the articles listed in the Act by vessels of the United States between ports in Spain.

By Treasury Department Order 165–25 the Secretary of the Treasury has delegated authority to the Commissioner of Customs to prescribe regulations relating to sections 4.22, 4.81a(b), 4.93 (b)(1) and (b)(2), 4.94(b), and 10.59(f), Customs Regulations, (19 CFR 4.22, 4.81a(b), 4.93 (b)(1) and (b)(2), 4.94(b), and 10.59(f)). These sections relate to lists of nations entitled to preferential treatment in Customs matters because of reciprocal privileges accorded to vessels and aircraft of the United States. Subsequently, by Customs Delegation Order No. 66 (T.D. 82–201), dated October 13, 1982, the Commissioner delegated this authority to the Assistant Commissioner (Commercial Operations). Authority to grant this exemption and to amend these sections was delegated from the Assistant Commissioner (Commercial Operations), to the Director, Office of Regulations and Rulings, who then re-delegated this authority to the Director, Regulations Control and Disclosure Law Division.

Finding

On the basis of the information received from the Secretary of State, as described above, it is determined that the Government of Spain places no restrictions on the transportation of the articles specified in section 27 of the Merchant Marine Act of 1920, as amended, by vessels of the United States between ports in Spain. Therefore, reciprocal privileges are accorded to vessels registered in Spain as of February 1, 1983.

List of Subjects in 19 CFR Part 4

Customs duties and inspection, Cargo vessels, Maritime carriers, Vessels.

Regulations Amendments

To reflect the reciprocal privileges granted to vessels registered in Spain, Part 4, Customs Regulations (19 CFR

Part 4), is amended in the following manner:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Sections 4.93 (b)(1) and (b)(2), Customs Regulations (19 CFR 4.93 (b)(1), (b)(2)), are amended by adding "Spain" in appropriate alphabetical order to the list of nations entitled to reciprocal privileges.

(R.S. 251, as amended, sec. 27, 41 Stat. 999, as amended, sec. 624, 46 Stat. 759, sec. 14, 67 Stat. 516, Pub. L. 89–194, 79 Stat. 823, Pub. L. 90–474, 82 Stat. 700 (5 U.S.C. 301, 19 U.S.C. 1322(a), 1624, 46 U.S.C. 883))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this is a minor amendment in which the public is not particularly interested and there is a statutory basis for the described extension of reciprocal privileges, notice and public procedure pursuant to 5 U.S.C. 553(b)(B) are unnecessary. In accordance with 5 U.S.C. 553(d)(1), a delayed effective date is not required because this amendment grants an exemption.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act." That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Executive Order 12291

This amendment does not meet the criteria for a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was James S. Demb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Departments of State and the Treasury participated in its development.

Dated: March 21, 1983.

B. James Fritz,

Director, Regulations Control & Disclosure, Law Division.

[FR Doc 83–7758 Filed 3–24–83; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Delegations to Chiefs of Station Offices

Correction

In FR Doc. 83–5087 beginning on page 8439 in the issue of Tuesday, March 1, 1983, make the following correction on page 8440: In the first column the third paragraph under **SUPPLEMENTARY INFORMATION,** the fourth line, the CFR citation should read "21 CFR 601.41".

BILLING CODE 1505–01–M

21 CFR Part 177

[Docket No. 82F–0026]

Indirect Food Additives: Polymers; High-Temperature Laminates

Correction

In FR Doc. 83–50 beginning on page 236 in the issue of Tuesday, January 4, 1983, make the following corrections:

On page 236, first column, last paragraph, first line, "§ 177.1" should read "§ 171.1"; third column, in the authority citation, "202" should read "201".

BILLING CODE 1505–01–M

21 CFR Part 529

Certain Other Dosage Form New Animal Drugs Not Subject to Certification; Amikacin Sulfate Intrauterine Solution

Correction

In FR Doc. 83–5840, beginning on page 9639 in the issue of Tuesday, March 8, 1983, on page 9640, in the first column, the "Effective date" line should read "*Effective date.* March 8, 1983."

BILLING CODE 1505–01–M

21 CFR Part 558

New Animal Drugs in Animal Feeds; Hygromycin B

Correction

In FR Doc. 83–5839 appearing on page 9640 in the issue of Tuesday, March 8, 1983, in the second column in the **"SUPPLEMENTARY INFORMATION"** paragraph, in the fourth line, "NADA 132–616" should read "NADA 132–916"

BILLING CODE 1505–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7877]

Income Tax; Taxable Years Beginning After December 31, 1953; Filing of Life-Nonlife Consolidated Returns

Correction

In FR Doc 83–6975 beginning on page 11436, in the issue for Friday, March 18, 1983, make the following correction:

On page 11450, second column, the file line should have read as follows:

"[FR Doc. 83–6975 Filed 3–14–83; 4:57 pm]

BILLING CODE 4830–01–M"

BILLING CODE 1505–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 270

Rural Community Fire Protection

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: The Forest Service is removing the existing regulations at 36 CFR Part 270 which provide instructions to those who administer and receive grants through the Rural Community Fire Protection program. Part 270 is an unnecessary duplication of Department of Agriculture regulations at 7 CFR Part 3015, USDA Uniform Federal Assistance Regulations.

EFFECTIVE DATE: March 25, 1983.

FOR FURTHER INFORMATION CONTACT: Francis Russ, Cooperative Fire Protection Staff, Forest Service, USDA, P.O. Box 2417, Room 1001 RP–E, Washington, DC 20013, 703–235–8023

SUPPLEMENTARY INFORMATION: The subject regulations were issued April 21, 1975, as direction to the State Foresters for conducting the pilot Rural Community Fire Protection program. This program was authorized by Title IV of the Rural Development Act of 1972

(Pub. L. 92–419). Subsequently that title was repealed by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106), which consolidates the authority for all cooperative forestry programs. Section 7 of the Act, entitled Rural Fire Prevention and Control, contains the cooperative fire programs.

36 CFR Part 270 is no longer relevant to the current cooperative fire assistance programs. The proposed rule would remove the regulations from the Code of Federal Regulations. There is no need to issue new regulations since adequate assistance guidelines for all cooperative forestry programs are given in 7 CFR Part 3015, USDA Uniform Federal Assistance Regulations.

The Catalog of Federal Domestic Assistance number of the program to which the existing regulation is applicable is 10.664, Cooperative Forestry Assistance.

This rule has been reviewed under USDA regulatory review procedures and Executive Order 12291. It has been determined that this action is not a major rule and does not require a regulatory impact analysis since it merely eliminates unnecessary duplication and will have no effect on the economy. For the same reason, this action will not affect costs, prices, competition, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Assistant Secretary of Agriculture for Natural Resources and Environment has determined that this action will not have a significant economic impact on a substantial number of small entities and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq).

In accordance with the exceptions to rulemaking procedures in 5 U.S.C. 553 and Department of Agriculture policy (36 FR 13804), it has been found and determined that advance notice and request for comments are unnecessary.

List of Subjects in 36 CFR Part 270

Fire prevention, Grant programs, Intergovernmental relations, Rural areas, Technical assistance.

Therefore, for the reasons set out in the preamble, 36 CFR Part 270 Rural Community Fire Protection is hereby removed.

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources and Environment.

[FR Doc. 83–7717 Filed 3–24–83; 8:45 am]

BILLING CODE 3410–11–M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 68]

Special Types and Methods of Procurement: Acquisition of Leasehold Interests in Real Property

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This temporary regulation prescribes policies and procedures for the leasing of real property (space) by agencies pursuant to individual agency authority and authority delegated by the General Services Administration. The bases for the regulation are sections 201(a) and 205(c) of the Federal Property and Administrative Services Act of 1949. The intended effect is to establish a uniform regulation for the leasing of real property (space).

EFFECTIVE DATE: This regulation is effective April 18, 1983 or may be observed earlier, and will continue in effect until April 18, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Office of Federal Procurement Regulations, Office of Acquisition Policy, (202–523–4755).

SUPPLEMENTARY INFORMATION: In 41 CFR Chapter 1, the following temporary regulation is added to the appendix at the end of the chapter.

Federal Procurement Regulations Temporary Regulation 68

To: Heads of Federal agencies.

Subject: Leasing of real property (space)

March 14, 1983.

1. *Purpose.* This temporary regulation prescribes policies and procedures for the acquisition of leasehold interests in real property (space) by Federal agencies.

2. *Effective date.* This regulation is effective April 18, 1983 or may be observed earlier.

3. *Expiration date.* This regulation expires on April 18, 1985.

4. *Background.*

a. Policies and procedures on the acquisition of leasehold interests in real property (space) previously have been prescribed in the Federal Property Management Regulations (FPMR) for application to GSA. In addition to the lease contracts awarded by GSA, certain agencies have individual authority to enter into lease contracts and other agencies have received delegations of authority to enter into lease contracts. This temporary regulation provides necessary guidance.

b. The Federal Procurement Regulations (FPR) concern the procurement of personal property and non-personal services. The term procurement (see § 1–1.209) includes leasing.

c. Section 1–1.004.4 of the FPR provides that the regulation applies to leasehold interests in real property only to the extent explicitly specified throughout the FPR. This temporary regulation makes some additional provisions applicable to leases.

5. *Applicability.* a. The provisions of this temporary regulation apply to the procurement of leasehold interests in real property by civilian executive agencies that are subject to Title III of the Federal Property and Administrative Services Act of 1949 and by DOD, Coast Guard, and NASA, pursuant to Title 10, Chapter 137, U.S.C. within the United States, its possessions and the Commonwealths of Puerto Rico, Guam, and the Trust Territories of the Pacific. Agencies that lease real property pursuant to the requirements of this temporary regulation include those that have their own independent leasing authority and that receive delegations of authority to lease real property (space) from GSA. This regulation is issued pursuant to the authority in 40 U.S.C. 481(a) and 486(c).

b. The acquisition of leasehold interests in real property by eminent domain or donation are not covered by this temporary regulation since the FPR is limited to procurement transactions as defined in § 1–1.209.

6. *Definitions.* The terms used in this temporary regulation have the following meanings:

a. "Leasehold interest in real property" means a contract which involves the relationship of landlord and tenant and grants the Government the right of exclusive possession of real property for a definite period (hereinafter "lease").

b. "Lessor" or "landlord" means any individual, firm, partnership, trust, association, or other legal entity which leases property.

c. "Acquisition" for the purpose of this regulation means the acquisition by lease, of the right to use certain privately owned space and to receive services such as heat, air-conditioning, light and janitor services furnished by the lessor (landlord).

d. "Solicitation for offers (SFO)" means invitation for bids and requests for proposals.

e. "Fair market value (FMV)" means the highest monetary price that a property will bring if offered for sale in the open market by a seller who is willing but not obliged to sell. This offer allows a reasonable time to find a buyer who is willing but not obliged to buy, when both parties have full knowledge of all the uses to which rental property is adapted and for which it is capable of being used.

f. "Fair Market Value for Leasing Purposes (FMVLP)" means the value of a whole or part of a property to be leased by the Government, which is determined for purposes of the lease on the basis of the FMV.

g. "Overall net return" means the ratio of the net income to the lessor, before depreciation charges and taxes, to the cost of the property.

h. "Rent or rental" as used in the Economy Act means the consideration paid for the use of leased property, exclusive of the value of any special services such as heat, light, and

janitor services which may be furnished under the lease.

i. "Rent and related services" means the consideration paid for the use of leased property plus the costs of operational services, such as heat, light, and janitor services whether furnished by the lessor, the Government, or both.

j. "Fair annual rental (FAR)" means the annual monetary amount which reasonably can be expected for the agreed use of real property by lease, as established by competition in the rental market and by an appraisal. If market information is unavailable, it is the annual amount which will amortize the value of the remaining capital investment, plus a fair rate of interest return during the remaining useful life of the rented property.

k. "Small business" means a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of leasing commercial real estate and has 500 employees or less (13 CFR 121.3–8).

7. *Agency procedures.* a. *Competition.* Contracts involving leases of real property (space) shall be effected on a competitive basis (formal advertising or negotiation) to the maximum practical extent. This shall include the obtaining of offers from the maximum number of qualified sources of space available which meet the minimum requirements of the Government.

b. *Formal advertising.* The use of formal advertising in connection with the leasing of real property is generally not feasible, unless a building site has been preselected and a building is to be constructed on the site in accordance with Government furnished plans and specifications for lease to the Government. When procuring by formal advertising, the provisions of Part 1–2 shall be followed.

c. *Sole-source.* Sole-source acquisitions of leased space shall be held to the smallest number practicable and shall be justified in writing by the head of the agency or his designee.

d. *Authority to negotiate.* The authority to negotiate leasehold interests in real property (space) is in 41 U.S.C. 252(c)(10). This authority provides for negotiation where it is impracticable to secure competition by formal advertising. However, other negotiation exceptions are available as follows: public exigencies, 41 U.S.C. 252(c)(2); small purchases, 41, U.S.C. 252(c)(3); and as otherwise authorized by law, 41 U.S.C. (c)(15). For DOD, NASA and the Coast Guard, the parallel provisions in 10 U.S.C., Chapter 137 apply.

e. *Findings and determinations.* The negotiation exception utilized in the acquisition of leasehold interests in real property (space) shall be supported by findings and determinations (F&D) as provided in FPR Subpart 1–3.301 and the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)) and the corresponding provisions of title 10, Chapter 137 and the Defense Acquisition Regulation. The F&D that is executed to justify the use of negotiation shall be made a permanent part of the lease file. The market survey and all other relevant facts should serve as support for the F&D.

f. *Authority to lease.* (1) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(h)(1)), as amended, and section 1 of Reorganization Plan No. 18 of 1950 (40 U.S.C. 490, Note) authorizes the Administrator of General Services to:

(a) Acquire leasehold interests in real property (space) for use by Federal agencies (the authority is limited to leases for buildings and improvements that do not bind the Government for periods in excess of 20 years); and

(b) Delegate leasing authority to the heads of other agencies.

(2) Agencies which have statutory authority to acquire leasehold interests in real property shall do so pursuant to the provisions of Title III of the Federal Property and Administrative Services Act of 1949 (certain civilian executive agencies) and Title 10, Chapter 137 U.S.C. (DOD, NASA and Coast Guard). This temporary regulation applies to those acquisitions.

g. *Applicable laws and Executive orders.* The contracting officer is responsible, to the extent applicable, for ensuring compliance with the following laws and Executive orders.

(1) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) The Public Buildings Act of 1959 (40 U.S.C. 606).

(3) Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 490 et seq.).

(4) The Rehabilitation Act Amendments of 1974 (29 U.S.C. 701 et seq.).

(5) Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(6) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(7) Small Business Act (15 U.S.C. 631 et seq.).

(8) Executive Order 11988, May 25, 1977—Floodplain Management.

(9) Executive Order 11990, May 25, 1977—Protection of Wetlands.

(10) The Architectural Barriers Act of 1968 (42 U.S.C. 4151–4157).

(11) The Clean Air Act (42 U.S.C. 1857 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

h. *Market surveys.* (1) Market surveys shall be made for all lease acquisitions of space and shall include:

(a) Information on the availability of space through the use of circulars or newspaper advertisements and consultations with realtors, brokers, owners, and others, as appropriate;

(b) Inspections of all offered and other available locations which meet the minimum requirements regarding quantity, quality, availability, and probable cost; and

(c) Documentation of the survey findings for each location inspected, including the reasons for unacceptability and identity of the interested parties that receive a solicitation for offers.

i. *Advertising.* (1) All new leases for 10,000 or more square feet of space shall involve public advertising for offers, e.g., newspapers and periodicals unless the contracting officer determines that such advertising will not serve to promote competition.

(2) When the Government proposes to lease a building to be constructed on a preselected site, the proposed acquisition shall be publicized (synopsized) in the Commerce Business Daily (CBD) at least 10 days prior to issuance of the SFO in accordance with Subpart 1–1.1003.

(3) Copies of each SFO shall be maintained at the issuing office until an award has been made. They shall be made available, upon request, to all individuals and firms having an interest.

j. *Solicitations for offers (SFOs).* The SFO is the basis for the entire lease negotiation process and shall be a part of the lease. SFOs shall contain the information necessary to enable the prospective offeror to prepare a proposal. SFOs shall contain a description of the space, specifications, delivery schedule, special provisions, and contract clauses. SFOs shall specify a date for the submission of offers. Any extension of time granted to one offeror shall be granted uniformly to all offerors. The initial release of SFOs normally shall be made to all prospective offerors at the same time.

(1) For leases exceeding 10,000 square feet:

(a) SFOs shall be in writing;

(b) SFOs shall contain the minimum requirements of the Government; and

(c) SFOs shall include the provisions set forth in Subpart 1–16.6 Forms of Leases for Real Property and the following provisions:

(i) Subcontracting (with small businesses) under Federal contracts (FPR Temporary Regulation 50, Supplement 3, June 18, 1982, 47 FR 27859, June 28, 1982);

(ii) Subcontracting with women's business enterprises under Federal contracts (FPR Temporary Regulation 54, Supplement 1, June 18, 1982, 47 FR 27860, June 28, 1982);

(iii) Contract disputes (FPR Temporary Regulation 55, Supplement 1, July 21, 1982, 47 FR 33693, August 4, 1982);

(iv) Accommodations for the physically handicapped (GSA's Accessibility Standard, dated October 14, 1980, or other Standard as applicable);

(v) Energy conservation (see 41 CFR 101–20.116–2 and 101–20.116–3);

(vi) Accident and fire prevention in accordance with agency standards;

(vii) Preaward Equal Opportunity Compliance Review (see 1–12.805–5 and FPR Temporary Regulation 19, September 15, 1970, 35 FR 14747); and

(viii) Description of method used to measure space.

(d) Offers will only be considered for the initial lease term unless otherwise specified.

(e) Offerors shall be required to submit offers on an annual square foot rate basis on GSA Form 1364 Proposal to Lease Space to the United States of America, or similar form, for the amount of space offered (see paragraph 9).

(f) (i) Offers will be evaluated on the basis of the lowest annual price per square foot cost to the Government for the amount of space offered and other award factors as stated in the SFO.

(ii) When different types of space are solicited, the lowest offer as to price will be determined on the basis of the composite square foot rate per year for the total amount of space offered.

(g) When lump sum payments for initial tenant alterations are solicited, the lowest offer as to price will be determined by adding to the annual square foot rate (or the composite square foot rate) the result of the lump sum amount amortized over the term of the lease (i.e., divided by number of years in the term) divided by the square footage offered.

(h) In the evaluation of offers, the following award factors may be employed to determine which offer(s) is most advantageous to the Government.

(i) First priority to offers which meet the requirements (for the handicapped) contained in the applicable Accessibility Standard.

(A) If no offer fully meets the requirements, offers which substantially meet the requirements.

(B) If no offer substantially meets the requirements, awards consistent with the other requirements of the solicitation, with due consideration to the extent offers can meet accessibility standards for entrances, elevators, toilets, and water fountains.

(ii) Susceptibility of the design of the space offered to efficient layout and good use.

(iii) Effect of environmental factors on the efficient and economical conduct of agency operations planned for the space and the safety of the visitors and occupants.

(iv) Earliest delivery date.

(v) Consistency, if a proposed development is involved in the location offered, with State, regional, and local plans and programs.

(vi) Availability of public transportation and parking spaces.

(vii) Availability of adequate food service facilities, either in the building in which the space offered is located or within reasonable walking distance as determined by the Government (normally the Government lunch period does not exceed 30 minutes).

(i) Contracting officers, acting within the scope of their appointments, are the exclusive agents of their respective agencies to enter into and administer leases on behalf of the Government in accordance with agency procedures. Each contracting officer is responsible for performing, or having performed, all administrative actions necessary for effective contracting.

(j) (i) Negotiations will be conducted with all offerors that are within the competitive range provided awards are not made without oral discussion, i.e., that are acceptable or can be made acceptable in terms of price and technical requirements.

(ii) Offerors, as a minimum, will be given an opportunity to modify their offers.

(k) Offerors that do not meet minimum requirements after the initial negotiation will be notified and dropped from further consideration.

(l) A best and final offer shall be requested from each offeror in writing and shall include an established cutoff date.

(m) Further negotiations will not take place after the cutoff date, unless negotiations are conducted with all offerors and the procedures in paragraph (l) are repeated. Information regarding the transaction will not be furnished to offerors until after the contract is awarded.

(2) For leases involving less than 10,000 square feet:

(a) SFOs need not be prepared or issued (The market survey is the most crucial aspect of the small lease program. In these actions, a comprehensive market survey is usually sufficient to provide information on available properties that meet minimum requirements);

(b) Although no SFO is issued, the contracting office must comply with the applicable provisions regarding:

(i) Subcontracting (with small business) under Federal contracts (FPR Temporary Regulation 50, Supplement 3, June 18, 1982, 47 FR 27859, June 28, 1982);

(ii) Subcontracting with women's business enterprises under Federal contracts (FPR Temporary Regulation 54, Supplement 1, June 18, 1982, 47 FR 27860, June 28, 1982);

(iii) Contract disputes (FPR Temporary Regulation 55, Supplement 1, July 21, 1982, 47 FR 33693, August 4, 1982);

(iv) Accommodations for the physically handicapped (GSA's Accessibility Standard, dated October 14, 1980, or other standard as applicable);

(v) Energy conservation (see 41 CFR 101–20.116);

(vi) Accident and fire prevention (see 41 CFR 101–20.109);

(vii) Preaward Equal Opportunity Compliance Review (see § 1–12.805–5 and FPR Temporary Regulation 19, September 15, 1970, 35 FR 14747).

(c) Contract clauses and specifications that are negotiated for services or special requirements shall be included in the lease package; and

(d) Appraisals of the fair annual rental shall be completed on GSA Form 1241–E, In-Lease Appraisal or similar form, based upon information gathered during the market survey.

(3) (a) When changes occur in the Government's requirements (either before or after receipt of proposals), the solicitation shall be amended in writing.

(b) When timeliness is essential, oral information regarding modifications may be given if:

(i) The modifications are not complex;

(ii) A record is made of the oral information;

(iii) All firms to be notified are given notice, on the same day if possible; and

(iv) The oral information is promptly confirmed by a written amendment.

(c) When modifications in space requirements occur, the following procedures apply.

(i) If proposals are not yet due, amendments shall be sent to all firms solicited.

(ii) If the time for receipt of proposals has passed, but proposals have not yet been evaluated, the amendments shall be sent to the concerns that submit offers.

(iii) If a modification is so substantial that it requires a complete revision of the solicitation, the solicitation shall be canceled and a new solicitation issued. New solicitations shall be issued to all concerns solicited originally, any concerns added to the original mailing list, and any other qualified concerns.

(4) (a) The evaluation of offers section of the SFO shall provide for the evaluation of offers:

(i) On the basis of dollars per square foot offered, and

(ii) Other award factors.

(b) All offerors must be made aware of the basis on which the award will be made by:

(i) Stating the specific award factors related to valid agency requirements, and

(ii) Applying the factors as objectively as possible to each offer.

(5) SFOs shall include the time fixed receipt of offers (see § 1–1.304).

k. *Renewal of leases.* (1) *Notification.* When a contracting officer determines that it is in the best interest of the Government to continue to lease a property, the lessor shall be notified, however, the procedures in paragraphs 7(c)-(g), (h) and (m)(1)(2) shall be followed.

(2) *Market survey.* (a) When the right to renew a lease exists, a renewal shall be based on a market survey and other applicable considerations.

(b) Surveys should focus on the prevailing rental rates for comparable space.

(3) *Reappraisal.* (a) To ensure that the rental to be paid during the renewal period will not exceed the appraised fair annual rental value (FAR) or that the net rent will not exceed the 15 percent limitation imposed by the Economy Act, consideration shall be given to the desirability of updating the original appraisal. The 15 percent Economy Act rent limitation does not apply to leases awarded on or after October 1, 1981.

(b) the updating of an original appraisal may be accomplished by means of a memorandum, unless it is obvious that sufficient changes have occurred to warrant a new appraisal.

(3) *Cancellation.* When a determination is made that a lease which has an automatic renewal clause is no longer required, the lessor will be notified in writing that the lease has been canceled.

(4) *Succeeding lease.* (a) When the right to renew a lease does not exist, an effort to continue the occupancy may be made by negotiating a succeeding (new) lease when the contracting officer determines that:

(i) The occupant agency has a continuing need for the space and proposes no significant change in the amount of space required;

(ii) The agency is satisfied with the space and proposes no substantial alterations;

(iii) The market survey indicates that the negotiated rental for the proposed succeeding lease is fair and reasonable;

(iv) A succeeding lease is in the best interest of the Government after due consideration of the prices of other available properties, relocation costs (including estimated moving costs and the estimated cost of alterations beyond those to be required in the existing space, amortized over the firm term of the lease), and other appropriate considerations; and

(v) A succeeding lease meeting all legal requirements can be negotiated.

(b) When a succeeding lease involves a noncompetitive award, the determination to contract on that basis shall be justified in writing.

(c) For succeeding leases of 10,000 square feet or less, the requirement for a market

survey will be satisfied by three telephone contacts with firms or individuals having space available for lease, or recently leased to others.

(5) *Supplemental agreements.* Supplemental lease agreements (GSA Form 276) should be limited to the amendment of existing leases which involve the acquisition of additional space or partial release of space, revisions in the terms of a lease, rental payments, payments for overtime services, and restoration settlements.

(6) *Expansion requests.* (a) When the Government is currently housed in a building under a firm term lease with time remaining and has a valid expansion need, the following criteria shall be used to determine whether it is prudent to satisfy a total requirement through a relocation.

(b) To identify availability of suitable alternative locations, market surveys shall be conducted. If the market survey reveals alternate locations which can satisfy the total requirement, an analysis shall be performed to determine whether it is in the Government's best interest to relocate. This analysis should include:

(i) The cost of the alternate space compared to the cost of expanding at the existing location;

(ii) The cost of moving; and

(iii) The cost of the unexpired portion of the firm term lease (unless a buy out or termination is possible, in which case the actual cost of such an action should be used).

(c) If no suitable alternative location is available, a noncompetitive lease may be negotiated with the current lessor to provide contiguous expansion space by supplemental lease agreement, provided the orignal lease term is not extended.

l. *Superseding leases.* Consideration shall be given to the execution of a superseding lease which would replace the existing lease when the changes or modifications contemplated are so numerous or detailed as to cause complications, or would substantially change the present lease.

m. *Conduct of Negotiations.* (1) Negotiations shall be confidential and shall reflect complete agreement on all items of the offer and all terms and conditions of the lease contract.

(2) A written negotiation record shall be placed in the permanent lease file.

(3) (a) An abstract of final offers shall be prepared to aid the analysis of offers received.

(b) Abstracts shall indicate the lowest offer as to price and the conformance of each offer to the SFOs.

(4) Offers shall be evaluated in accordance with the award factors specified in the SFOs in determining which offer is most advantageous to the Government.

(5) Awards shall be made to offerors whose offers are the most advantageous to the Government, price and other factors considered.

n. *Late offers, modifications of offers, and withdrawals of offers.* Offers received after the date for best and final offers will be considered in accordance with the provisions of § 1–3.802–1.

o. *Appraisal requirements.* Before the award of a lease when the annual net rental exceeds $2,000, an appraisal of the fair rental shall be obtained for the property to be leased.

p. *Award requirements.* Before making a lease award, the following actions are required:

(1) Standard for Form 1036, Statement and Certificate of Award, shall be completed and executed by the contracting officer. This statement shall contain a complete justification with an analysis of the award factors used in the evaluation process.

(2) GSA Form 387, Analysis of Values Statement (Leased Space), shall be prepared by the contracting officer and included as a part of the lease file to demonstrate that the fair rental value has been properly established.

q. *Award.* Awards will be made in writing within the time frame specified in the SFOs. If an award cannot be made within that time, the contracting officer shall request in writing, from each offeror, an extension of the acceptance period, stating a specific date of extension.

(1) *Disclosure of mistakes after award.* When a mistake in a lessor's offer is not discovered until after award, the mistake shall be handled as provided in § 1–2.406–4.

(2) *Protests against award.* Protests regarding the award of lease contracts shall be handled as provided in § 1–2.407–8.

(3) *Awards to Federal employees.* Offers to lease space received from officers or employees of the Government shall be handled as provided in § 1–1.302–3.

(4) *Contingent fees.* In order to comply with the warranty requirement of 41 U.S.C. 254(a), the requirements of Subpart 1–1.5 shall be followed.

r. *Inspection and certification.* A Government representative shall:

(1) Inspect offered space prior to acceptance and occupancy.

(2) Certify that offered space is in compliance with the Government's requirements and specification.

s. *Responsible prospective offerors.* The responsibility of prospective contractors shall be determined prior to award (see Subpart 1–1.12).

t. *Use of liquidated damages provisions in procurement contracts.* Contracts shall include liquidated damages provisions (see § 1–1.315), as appropriate.

u. *Procurement responsibility and authority.* The procurement responsibility and authority of the head of the procuring activities and contracting officers shall be in accordance with Subpart 1–1.4.

v. *Offeror(s).* (1) *Debarred, suspended, and ineligible bidders.* The policies and procedures in FPR Temporary Regulation 65, September 24, 1982 (47 FR 43692, October 4, 1982) are applicable to offerors involved in leases of real property.

(2) (a) *Representation on size of business.* A representation on the size of the prospective lessor's business (i.e., is or is not a small business) shall be obtained for all leases of real property (see § 1–1.703–1).

(b) *Certification of Nonsegregated Facilities.* A Certification of Nonsegregated Facilities (see § 1–12.803–10) must be submitted prior to the award of a contract of $10,000 or more.

(c) *Covenant Against Contingent Fees.* A certification is required of the lessor that no person(s) or selling agency has been employed to solicit a lease upon an agreement for a commission except bona fide employees or established commercial selling agencies maintained by the lessor to secure business (see Subpart 1–1.5).

(d) *Clean Air and Federal Water Pollution Control Acts.* If the contract exceeds $100,000 over the entire term including all renewal options, the lessor is required to execute (1) a certification that the facility to be utilized in the performance of the proposed lease has or has not been listed on the EPA list of Violating Facilities and (2) a contract clause that a violating facility will not be utilized in the performance of the lease (see Subpart 1–1.23).

w. *Bonds and insurance.* Bid guarantees, performance bonds, and payment bonds may be required for lease contracts (see Subparts 1–10.1 and 1–10.2).

x. *Lease forms.* The use of standard forms is required for lease contracts as follows:

(1) Standard Form 2, U.S. Government Lease for Real Property, and

(2) Standard Form 2–A, General Provisions, Certification and Instructions (U.S. Government Lease For Real Property), for all leases. (See 1–16.601(b).)

y. *Economy Act.* The Economy Act (Section 322 of the Act of June 30, 1932 as amended by Section 15, Title II, of the Act of March 3, 1933 (40 U.S.C. 278a)) provides as follows:

(1) *Background.* (a) After June 30, 1932, no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the annual rate of 15 percent of the fair market value (FMV) of the rented premises at the date of the lease under which the premises are to be occupied; nor for alterations, improvements, and repairs of the rented premises in excess of 25 percent of the amount of the rent for the first year, or for the rental term if less than one year. Effective October 1, 1981, the 15 percent limitation on rent has been waived for all leases on or after that date. The 25 percent limitation on alterations remains in effect.

(2) *Certificate of necessity.* During a war or a national emergency declared by the Congress or by the President, the Economy Act limitations do not apply to leases or renewals of existing leases of privately or publicly owned property as are certified by the Secretary of the Army, Navy, or the Air Force, or by such person or persons as they may designate, as covering premises for military, naval or civilian purposes necessary for the prosecution of the war or vital in a national emergency. (40 U.S.C. 278(b); (c 353, Title II, Sec. 205(a), and Sec. 207(f), 61 Stat. 501 and 503); (Secretary of Defense Transfer Order No. 14, June 4, 1948, and No. 40, July 22, 1949).

(a) When space is vital in a national emergency and the amount to be expended for rent or for repairs, alterations, and improvements exceeds the limitations of the Economy Act, a Certificate of Necessity is required.

(b) The amount specifically stated in the Certificate of Necessity, or the request for such certification, may not be exceeded unless the certificate is amended to authorize the excess expenditure. When repairs, alterations, and improvements are involved, the request for the certificate shall not include any items which are not within the purview of the Economy Act.

(c) Reassignment of space to another agency is the same as a new lease. Consequently, the unexpended balance of the amount, authorized by a Certificate of Necessity for the alternation of the space for the initial agency may not be extended to another agency occupying the space when such alteration costs exceed the limitations of the Economy Act.

8. *Agency inspection.* Periodic inspections by GSA leasing personnel will be performed on a random basis in order to determine that agencies with delegated-leasing authority are in compliance with this FPR Temporary Regulation.

9. *Availability of forms.* Forms may be obtained as follows:

a. GSA Forms 367, Analysis of Values Statement (Leased Space); 1364, Proposal to Lease Space to the United States of America; 276, Supplemental Lease Agreement; and 1241-E, In-Lease Appraisal, by submitting a written request to the Regional GSA Administrative Services Division Director.

b. Standard Form 2, U.S. Government Lease for Real Property; 2-A, General Provisions, Certification and Instructions, U.S. Government Lease of Real Property; and 1036, Statement and Certificate of Award, by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. The appropriate national stock number should be included on the requisition, 7540-00-634-3958 for SF 2, 7540-00-900-7101 for SF 2-A, and 7540-00-634-4210 for SF 1036.

10. *GSA leasing handbook.* The GSA handbook, "Acquisition of Leasehold Interests in Real Property," PBS P 1600.1A, dated June 22, 1981, is available. It may be used as an additional source of information and guidance. It is not intended that it be considered regulatory.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Ray Kline

Acting Administrator of General Services.

[FR Doc. 83-7735 Filed 3-24-83; 8:45 am]

BILLING CODE 6820-61-M

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41 CFR Part 101-47

[FPMR Amendment H-138]

Surplus Real Property Disposal; Holding Agency Disposal Authority

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: In order to avoid confusion that has been experienced in the past, the General Services Administration is clarifying the disposal authority delegated to holding agencies.

DATE: March 25, 1983.

FOR FURTHER INFORMATION CONTACT: James H. Pitts, Office of Real Property (202-535-7067).

SUPPLEMENTARY INFORMATION: The Administrator of General Services is authorized to delegate certain authorities to heads of other agencies under the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 378; 40 U.S.C. 471 et seq.), and other applicable laws. One such authority designates the holding agency as disposal agency regarding the disposal of certain surplus real property. This proposed rule reflects the concern of Congress that it is the responsibility of the General Services Administration (GSA), not the holding agency, to dispose of federally owned machinery and equipment which are fixtures being used by a contractor-operator where the machinery and equipment will be sold to the contractor-operator. In this regard, it is also the responsibility of GSA, not the holding agency, to provide an explanatory statement of the circumstances of each disposal by negotiation of any real or related personal property having a fair market value in excess of $1,000 to the appropriate committees of Congress in advance of such disposal.

GSA received one response to the proposed revision, published in the **Federal Register** on August 5, 1982, 41 CFR Part 101-47, page 33993. The Department of Energy's (DOE) comments are abstraced as follows:

1. The revision is confusing.
2. Definitions are lacking.
3. The revision might affect disposal authorities expressly given in other statutes.

Points of clarification in response to these comments are set forth below:

1. GSA does not view the revision as confusing. In fact, the DOE comments indicate that the revision and its applicability were correctly interpreted by that agency. As expressed in the DOE comments, the revision excepts major plant equipment and machinery, (i.e. fixtures), sold to contractor-operators from the delegation of disposal authority to holding agencies.

2. The terms "fixtures", "Government-owned machinery and equipment" and "contractor-operator" are considered to be self-explanatory terms.

3. Nothing in this regulatory revision abridges or infringes authorities expressly given in other statutes. Chapter 101-47.301-3 of Title 41 CFR applies with regard to this particular concern.

GSA has determied that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significient adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-47

Surplus government property, Government property management.

PART 101-47—[AMENDED]

Accordingly, 41 CFR Part 101-47 is amended to read as follows:

Subpart 101-47.3—Surplus Real Property Disposal

1. Section 101-47.302-2(a)(2) is revised to read as follows:

§ 101-47.302-2 Holding agency.

(a) * * *

(2) Fixtures, structures, and improvements of any kind to be disposed of without the underlying land with the exception of Government-owned machinery and equipment, which are fixtures being used by a contractor-operator, where such machinery and equipment will be sold to the contractor-operator.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: March 3, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-7736 Filed 3-24-83; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 400, 405, 408, 409, 430, and 440

Medicare Program; Hospital Insurance Entitlement and Benefits

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: These regulations implement thirteen legislative amendments concerning (1) entitlement of aged or

disabled persons to Medicare, (2) requirements for receiving posthospital skilled nursing facility care and home health services, (3) determination of the deductible and coinsurance amounts for which a beneficiary is responsible, and (4) enrollment of individuals who must pay a monthly premium for Medicare. They also clarify, reorganize and renumber a major portion of our existing Medicare regulations.

EFFECTIVE DATE: These regulations are effective April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Luisa V. Iglesias (202) 245–0383.

SUPPLEMENTARY INFORMATION:

I. Background

These final regulations are based, in part, on a Notice of proposed rulemaking published on May 30, 1980 (45 FR 36443). The May 1980 proposal had a threefold purpose:

1. To implement section 332(a)(3) of the Social Security Amendments of 1977 (Pub. L. 95–216) which affects entitlement based on disability;

2. To make administrative changes in the policies that apply to entitlement based on end-stage renal disease;

3. To simplify, clarify and renumber the regulations that pertain to eligibility and entitlement for hospital insurance and the benefits available under this program (Medicare Part A).

Since the May 1980 proposal, there have been twelve self-explanatory statutory amendments that affect the hospital insurance regulations. The statutory effective dates for these amendments range from December 1, 1980 to January 1, 1982.

The changes required by these amendments, and those that were proposed on May 30, 1980 are brought together in these final regulations. All the changes from current regulations, and the comments received in response to the May 30 publication are discussed below.

II. Changes To Implement Statutory Provisions That Affect Entitlement Based on Disability

The proposed regulations published in May contained a change to implement section 226(e)(4) of the Social Security Act, added by section 332(a)(3) of the Social Security Amendments of 1977 (Pub. L. 95–216). Section 226(e)(4) provides that a disabled widow or widower may be deemed entitled to monthly disability benefits retroactively for up to 12 months before filing an application for those benefits even though payment of the monthly benefits themselves may not be retroactive. The purpose of this provision is to enable the individual to count those earlier months toward the 25 months of disability entitlement required for entitlement to hospital insurance. The final regulations (§ 408.12(c)(4)) retain this provision as it appeared in the proposed rules.

Public Law 96–265, the Social Security Disability Amendments of 1980, contains two provisions that also affect entitlement of disabled persons to Medicare benefits and that are now included in these regulations. Section 103 of that law makes it easier to fulfill the Medicare entitlement requirement of having completed the 25 months of disability entitlement. Under section 103, it is no longer necessary that the 25 months be consecutive. Months in previous periods of disability entitlement (ending within specified time limits) may count toward the required 25 months.

Section 104 of Pub. L. 96–265 provides that entitlement to Medicare benefits will continue for up to 24 months after disability entitlement ends if—

- Disability entitlement ends because the disabled individual engaged in, or demonstrated the ability to engage in, substantial gainful activity; and
- The individual continues to be otherwise eligible for disability benefit entitlement.

The purpose of the amendments is to encourage disabled persons to return to work. Section 103 makes it easier to become reentitled to Medicare benefits if the disabled person has to stop working. Section 104 permits the disabled person to retain Medicare entitlement for up to 2 years after he or she loses disability benefit entitlement because of work.

We have amended the regulations as follows:

1. In §§ 408.5 and 408.12(d), relating to Medicare entitlement, we have removed the requirement that the 25 months of entitlement to disability benefits must be consecutive.

2. In § 408.12 we have added:

- A new paragraph (b) to provide for counting months of previous periods of entitlement or deemed entitlement to disability benefits toward the 25-month requirement; and
- A new paragraph (e) to provide for continuation of Medicare entitlement for up to 24 months when disability benefit entitlement ends because of substantial gainful activity.

Since the obvious intent of section 103 of Pub. L. 96–265 is to provide Medicare to disabled individuals as of their 25th month of entitlement to disability benefits (whether or not the months are consecutive), we are also amending the regulations on supplementary medical insurance (Medicare Part B) to conform to the change in the hospital insurance (Medicare Part A) regulations. Revised § 405.210 provides for automatic enrollment in Part B as of the individual's first month of Part A entitlement based on entitlement to disability benefits, even if he or she was not entitled to monthly disability benefits in the first month of the initial enrollment period (that is, the first day of the third month preceding the month he or she became eligible for Part A).

III. Changes To Implement Statutory Provisions Relating to Entitlement Based on Eligibility for Social Security Benefits

Section 2 of Pub. L. 96–473, enacted on October 19, 1980, contains a provision that enables an individual who is age 65 or older and eligible for monthly social security benefits to establish entitlement to hospital insurance benefits without having to apply for monthly social security benefits. Pub. L. 96–473 became effective on January 1, 1981.

Previously, individuals age 65 and over who met the eligibility requirements for receiving monthly social security benefits had to apply for and become entitled to those benefits before they could become entitled to Medicare. Under that requirement, individuals who were eligible for social security benefits, but who chose not to file for and receive these benefits (for example, because they wished to continue to work) were denied entitlement to Medicare. Pub. L. 96–473 changed that situation. We have amended §§ 408.6 and 408.10 of the recodified regulations to specify that an individual may apply for, and become entitled to, Medicare based on eligibility for social security cash benefits, as contrasted with actual entitlement to those cash benefits.

This new provision is retroactive. Any individual who lost Medicare entitlement because he or she withdrew an application for monthly social security benefits before January 1, 1981, will be considered to have applied only for Medicare and will be reentitled (unless he or she objects) beginning with the month his or her previous period of Medicare entitlement began. The Social Security Administration will contact these individuals and advise them of their rights and that they may have their Medicare entitlement reinstated.

We will reimburse Medicare providers for any covered services furnished to an individual who would have been entitled to Medicare when the services were furnished. (The provider will refund any payment made by, or on behalf of, the individual in accordance with current policy stated in

42 CFR Part 489). If we collected money from an individual who withdrew his or her application after we paid benefits on his or her behalf, we will refund the amounts collected.

IV. Changes To Implement the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) and the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35)

The Omnibus Reconciliation Act of 1980, enacted December 5, 1980, and the Omnibus Budget Reconciliation Act of 1981, enacted on August 13, 1981, contained provisions that affect Medicare eligibility, benefits, reimbursement, and administration. The provisions relating to Medicare Part A eligibility and benefits that have been incorporated in these regulations are discussed below.

Home Health Benefits

Section 930 of Pub. L. 96-499 liberalized home health benefits under Medicare by—

- Removing the 100-visit limitation;
- Deleting the requirement that home health services must be needed for a condition for which inpatient hospital or skilled nursing facility (SNF) care was received, and furnished under a plan of treatment established within 14 days after discharge from the hospital or SNF (the law still requires a plan, but does not set a time limit); and
- Adding need for occupational therapy (as well as need for intermittent skilled nursing services or physical or speech therapy, already included in the law) as a condition qualifying for receipt of home health services.

Section 2122 of Pub. L. 97-35 modified the third provision by eliminating occupational therapy as a basis for initial qualification for home health services but allowing continuing need for occupational therapy to qualify a beneficiary for continuing home health services when he or she no longer required intermittent skilled nursing care or physical or speech therapy.

These provisions of section 930 and 2122 are reflected in the changes made in §§ 409.5, 409.42(b), (c), (d) and (f), and 409.61(d).

Presumed Coverage

Section 941 of Pub. L. 96-499 deleted the presumed coverage provisions. Those provisions are discussed below in connection with the comments received on the presumed coverage portion of the proposed rules published in May 1980. Section 941 is implemented by deleting § 409.48 of the proposed rule.

Enrollment Provisions

Section 945 of Pub. L. 96-499 liberalized enrollment for Medicare Part B and, indirectly, for individuals who can become entitled to Medicare Part A only by enrolling and paying a monthly premium. These are individuals who have attained age 65 but are not eligible for social security cash benefits. Under previous law, an individual could not enroll more than twice, and there was an annual general enrollment period that lasted from January 1 to March 31 of each calendar year. Section 945 amended sections 1837, 1838, and 1839 of the Act to remove the two-enrollment limitation and establish an unlimited general enrollment period that began when the individual's initial enrollment period ended. (The initial enrollment period is a 7-month period beginning 3 months before the month the individual first meets the eligibility requirements for Medicare and ending with the third month after that first month of eligibility.)

The changes made by section 945 meant that individuals could reenroll as many times as they wished and could do so in any month, not just during January, February, or March. Section 945 was effective April 1, 1981. Section 2151 of Pub. L. 97-35 eliminated open enrollment, (that is, restored the annual 3-month enrollment period) effective October 1, 1981 but retained the provision allowing an unlimited number of reenrollments. Since the law requires that the monthly premium be increased for individuals who enroll after expiration of their initial enrollment periods and for those who reenroll, the enrollment provisions of sections 945 and 2151 also affected the way the premium increase would be determined. This is shown in §§ 408.23 and 408.24 of the regulations.

Posthospital SNF Care

Section 950 of Pub. L. 96-499 liberalizes posthospital SNF care by allowing 30 days (instead of 14) after discharge from a hospital for a beneficiary to be admitted to a SNF and receive needed care that is related to the hospital stay. These changes are also discussed as part of the discussion of comments received in response to the proposed rules published in May 1980. The section 950 changes are included in §§ 409.30(b) and 409.36(a).

Retroactive Entitlement

Section 1011 of Pub. L. 96-499 limits to 6 months the retroactivity of applications for certain types of social security benefits and leaves the previous 12-month retroactivity provision in effect for others. Of the groups affected by section 1011, only those who have attained age 65 can also be eligible for Medicare Part A. Medicare entitlement based on entitlement to social security benefits is subject to the 6-month limitation. For the sake of consistency, we are extending the 6-month limitation to applications for hospital insurance based on eligibility for social security benefits available at age 65. This means that an application that is filed within 6 months after the month in which the individual attains age 65 will be deemed to have been filed in the month he or she attained that age, and Medicare entitlement will begin with that month. However, if the application is filed more than 6 months after the month of attainment of age 65, it will be deemed to have been filed in the 6th month before the month of filing, and entitlement will begin in that 6th month. This change is included in § 408.6(d)(4) of the regulations.

Deductibles and Coinsurance

Section 2131 of Pub. L. 97-35 provides that the applicable inpatient hospital deductible amount shall be the amount in effect for the calendar year in which the inpatient hospital services are furnished. It also provides that the applicable coinsurance amounts shall be based on the deductible in effect for the calendar year in which services are furnished. (Under previous law, the applicable deductible and coinsurance amounts were the amounts determined for the year in which the benefit period began.) Section 2132 of Pub. L. 97-35 increases from $40 to $45 the base figure used to determine the inpatient hospital deductible. These provisions are effective January 1, 1982. The changes required by section 2131 are reflected in the deletion of proposed § 409.80(b)(3), and the provisions of §§ 409.82(a), 409.83(a), and 409.85(a). The formula for determining the deductible is not discussed in the regulations but the effect of section 2132 is reflected in the deductible and coinsurance amounts for calendar years 1982 and 1983, set forth in §§ 409.82(b), 409.83(b), and 409.85(b).

"Swing-bed" Provision

Section 904 of Pub. L. 96-499 (commonly referred to as the "swing-bed" provision) provides that certain small rural hospitals may enter into agreements under which they may use their inpatient hospital facilities to furnish the type of care ordinarily furnished in skilled nursing facilities and receive Medicare reimbursement for this care. The swing-bed provision was

implemented by final regulations published on July 20, 1982 (47 FR 31318). Those regulations amended two sections (§§ 405.116 and 405.120) that are being redesignated by these regulations. The conforming changes required by the swing-bed provision are reflected in §§ 409.10, 409.20 through 409.31, 409.36, and 409.85.

V. Waiver of Notice and Opportunity for Public Comment

As indicated in the preceding discussion, several of the provisions implemented by these regulations were enacted after the notice of proposed rulemaking was published in May 1980. For the reasons indicated below, we believe that we are justified in publishing them as final regulations.

Sections 103 and 104 of Pub. L. 96–265 are so specific as to preclude alternative interpretations, were effective December 1, 1980, and are advantageous to disabled persons. Section 2 of Pub. L. 96–473 is equally specific, effective on January 1, 1981, and advantageous to aged persons.

The changes made by Pub. L. 96–499 and Pub. L. 97–35 are also specific. The extension of time between hospital discharge and admission to a SNF was effective December 5, 1980; the change in retroactivity, on March 1, 1981. The changes that liberalize home health services were effective July 1, 1981.

With respect to provisions of Pub. L. 96–499 that are repealed or modified by Pub. L. 97–35, clear understanding is possible only by presenting the whole picture, that is, the rules that apply while the first amendments were in effect and those that apply when the provisions of the second law go into effect. The two other provisions of Pub. L. 97–35 (sections 2131 and 2132) are effective January 1, 1982.

In light of the effective dates and specific nature of the statutes, we find that there is good cause to—

- Make the regulation changes applicable as of the statutory effective dates of the amendments that required those changes; and
- Waive notice of proposed rulemaking procedures as unnecessary and contrary to the public interest.

VI. Changes That Apply to Persons With End-Stage Renal Disease

Three changes that apply to individuals with end-stage renal disease (ESRO) included in the NPRM are adopted as they were proposed. The first responds to comments received on final regulations published on September 28, 1978 (43 FR 44803). The other two are the result of further analysis of the impact of those regulations.

1. Under current rules, entitlement normally begins 3 months after the patient initiates dialysis, but may begin as early as the first month for a patient who is being trained for self-dialysis. The change made by § 408.13(e)(4)(iii) provides entitlement for a patient who begins self-dialysis training but dies before the end of the 3-month waiting period. The purpose of this change is to enable Medicare to pay for the part of training that was completed and for treatment furnished during that period. This will protect the facility against loss and the patient's family against medical debts.

2. The second change requires that self-dialysis training be provided by a facility specifically approved by HCFA to provide such training. (See § 408.13(e)(4)(i).) The decision to approve or disapprove would be based on the recommendation of the State survey agency, that is, the State agency that is under contract with HCFA to survey entities and recommend whether they meet the requirements for participation in the Medicare program. This requirement will ensure that self-dialysis training meets quality and safety standards.

3. The third change requires that anyone who seeks entitlement on the basis of ESRD must file an application. Pub. L. 95–292 added the requirement that ESRD patients must file application for Medicare. (Under the Act, such application may not be retroactive for more than 12 months.) Implementing regulations (42 CFR 405.104) were published on September 28, 1978 (43 FR 44802), to be effective October 1, 1978. The preamble to those regulations indicated that an application was not required for those who had ESRD before October 1, 1978. On further consideration, we realized that the intent of the law was to require an application (with its attendant 12-month limitation on retroactivity) for all ESRD patients who first sought to establish entitlement to Medicare after the effective date of the amendment. Section 408.13(c) is consistent with the basic purpose of the ESRD program, i.e., to enable individuals to obtain currently needed care, rather than to pay (or to reimburse patients who paid) for medical care received many years in the past. This policy is also necessary to preclude potential inequity. For example, without the uniform 1-year limit on retroactivity, an individual who had ESRD in July 1974 but delay filing until July 1980 could become entitled retroactively for 6 years. An individual who developed ESRD in November 1978 but did not file an application until July 1980 could become entitled retroactively for only 1 year, to July 1979. To avoid hardship on persons who had ESRD before October 1, 1978, and became eligible for Medicare, without filing an application, between October 1, 1978, and the present time, we intend to make the filing requirement effective 30 days after publication of these regulations. Anyone seeking entitlement after that date must file an application, regardless of when the diagnosis of ESRD was made.

In addition, a fourth change included in the NPRM would have deleted the provision that permitted an application to be filed on behalf of an ESRD patient after his or her death. This provision was put into effect in October 1978, along with the requirement to file an application. We proposed the deletion because we believed there was no specific statutory authority for the policy. After further review of the statute and consideration of the policy's effect on ESRD beneficiaries, we have decided to withdraw the proposed deletion. The nature of end-stage renal disease is such that potential beneficiaries may, for a legitimate reason, occasionally fail to file an application for benefits prior to their death. For this reason, we believe that posthumous applications are appropriate, and therefore the policy in effect as of October 1978 that allows an application for benefits to be filed on behalf of a deceased ESRD patient is still applicable.

VII. Clarification of Current Regulations

We have reviewed the existing regulations on Medicare entitlement with a view to achieving the following objectives—

- Remove provisions that are outdated or unnecessary;
- Eliminate duplications and correct inconsistencies;
- Define frequently used terms;
- Use shorter sentences and simpler language;
- List and number separate provisions;
- Organize the material in logical order;
- Eliminate most internal cross references; and
- Provide paragraph captions to help readers find the particular subjects that interest them.

These revised regulations supersede a major portion of Subpart A of Part 405 and establish two new parts. Part 408 sets forth the policies on eligibility and entitlement. Part 409 specifies the scope of benefits, limitations on these benefits,

and the deductible and coinsurance amounts for which a beneficiary is responsible. (The sections of Part 405, Subpart A, that are not included in this revision deal with conditions for payment of hospital insurance benefits.) Each of the two new parts begins with a brief explanation of the legal basis and scope of the part and definitions of frequently used terms. There are fewer definitions than there were in the proposed Parts 408 and 409 because we are using this document to establish a new Part 400, Subpart B which presents, at the beginning of Chapter IV, definitions that are commonly used in connection with Medicare or Medicaid, or both. The purpose is to provide easier access for users of the regulations and to avoid repetition of the same basic definitions in each part or subpart in which those terms are used.

For regulations that apply to Medicare Part A benefits, clarification was particularly needed with respect to the limitations on psychiatric care and the blood deductible.

Limitations on Psychiatric Care

Sections 409.62 and 409.63 clarify that there is a 190-day lifetime limitation on inpatient psychiatric hospital care, and that benefits during the initial benefit period are reduced if the individual was receiving inpatient psychiatric hospital care on his or her first day of entitlement and had received such care during any of the immediately preceding 150 days. They delete similar provisions that formerly applied to inpatient care in tuberculosis hospitals but were repealed by the 1967 amendments to the Social Security Act (Section 146(a) of Pub. L. 90–248).

Blood Deductible

Sections 409.80–409.87 clarify policy on deductibles and coinsurance. Rules dealing with the blood deductible:

- Specify that it applies to the first three units of whole blood or units of packed red blood cells and that it does not apply to other blood components or to the costs of processing, storing, and administering blood;
- Set forth criteria for satisfying the blood deductible by a replacement offer.

A replacement offer is acceptable if the replacement blood meets the applicable criteria specified in Food and Drug Administration regulations under 21 CFR Part 640, i.e., the blood would not endanger the health of the recipient and the blood donation would not endanger the health of the prospective donor. The facility may not charge the beneficiary for any of the first three units of whole blood or units of packed red blood cells for which it receives a replacement offer, even if it or its blood supplier rejects the offer.

This change is necessary to ensure that beneficiaries actually have the option (provided by the law) of replacing the first three units of whole blood or packed red blood cells from any sources available to them. Because current regulations do not specify the criteria for an acceptable blood replacement offer, some providers have rejected offers for other reasons, such as the inconvenience of dealing with several different blood suppliers. The specific criteria set forth in the amended regulations will protect beneficiaries from arbitrary rejection of replacement offers.

The final regulations also make clear that the provider may not charge the beneficiary for the first 3 units of whole blood or packed red blood cells if it obtained that blood or red blood cells at no charge except a processing or service charge. In that situation, the blood or red blood cells is deemed to have been replaced. Since the deductible applies only to the cost of the blood or red blood cells itself, Medicare pays the processing or service charge for all whole blood or red blood cells furnished to a beneficiary.

VIII. Discussion of Comments and Changes Responsive to Comments

The proposed recodification published on May 30, 1980, provided 60 days for comment. During that 60-day period we received 11 letters, from the American Red Cross, the American Association of Blood Banks, the American Association of Homes for the Aging, the New York Chapter of the American Physical Therapy Association, the Dallas Visiting Nurse Association, a legal services project, a State Health Department, three hospitals, and one physical therapist. The respondents were primarily concerned with the provisions on replacement of the first three units of whole blood or packed red blood cells and with the "level of care" requirements for coverage of posthospital skilled nursing facility (SNF) services. There was also some confusion as to the intent of the "presumed coverage" provisions.

Replacement of Blood

The American Red Cross (ARC), the American Association of Blood Banks (AABB), and general hospital commented on this provision.

Comment: The ARC commended the proposed clarification and observed that, if all blood were obtained from voluntary donors, beneficiaries would no longer have to pay for the first three units of blood and the Medicare program would realize substantial savings in charges for all blood furnished after the first three units.

Response: We agree that the implementation of an all-voluntary blood replacement system would result in savings to beneficiaries and to the program. However, under the current system, changes in the regulations are needed to protect the rights of Medicare beneficiaries to replace, or arrange for the replacement of, the first 3 units of whole blood or packed red blood cells so that they need not pay for them.

Comment: AABB and the director of the general hospital objected to the provision that a provider may not charge the beneficiary if a valid replacement offer is made even if the provider or its blood supplier rejects the offer. The director of the general hospital recommended that the charge to the beneficiary be waived only when an offer is made *and* accepted.

The AABB also objected to the provision on the following grounds:

1. There is no basis in the law for this provision. There is a significant difference between "arrangements have been made for replacement" (specified in section 1866(a)(2)(C) of the Act as a condition for not charging the beneficiary) and the mere "replacement offer" of the regulations. AABB believes that the language of the law refers only to arrangements in which the provider acquiesces. A "replacement offer" does not require acquiescence and therefore does not cancel the beneficiary's obligation to pay the provider for the first three units.

2. An offer by a major blood supplier to replace blood on behalf of Medicare beneficiaries is actually an offer to sell blood, since that supplier charges providers an amount which is often greater than what the providers pay their regular blood suppliers. These additional costs are passed on to the Medicare program.

3. It is costly, time-consuming, and burdensome for a provider to accept a replacement offer from a blood bank other than the one with which it normally deals.

4. Blood received from a supplier with which the provider does not normally deal is generally too old to be made into components and in fact may be so close to being outdated that it cannot be used.

5. The proposed regulation conflicts with 42 CFR 405.1028(j) (which requires providers to have "facilities for procurement, safe-keeping and transfusion of blood products") because the proposed regulation would interfere with a provider's system for procuring needed blood on an orderly basis.

Response: 1. We believe that the regulation (§ 409.87(c)) properly implements section 1866(a)(2)(C) of the Act and is fully consistent with the intent of Congress in enacting the provision. This intent is spelled out in the legislative reports that preceded enactment of the original Medicare legislation (House Report No. 213 and Senate Report 404, Part I, 89th Congress, 1st Session). The reports state with regard to the blood deductible: "The committee included this deduction provision in the interest of the voluntary blood replacement programs which encourage donations of blood by waiving charges for blood *which the patient arranges to replace*" (page 28 of Senate Report and page 25 of House Report with italic added).

The language of the committee reports indicates that it was the intent of this statutory provision that the replacement of blood through voluntary blood replacement programs relieve beneficiaries of the responsibility of paying for deductible blood, and that the replacement "arrangements" contemplated were not limited to those in which there is an agreement between the provider and a blood assurance plan. Thus, section 1866(a)(2)(C) of the law gives the beneficiary an unqualified option of either paying for the blood or arranging for replacement by whatever source he or she can, e.g., a relative, a friend or a blood replacement plan. To permit the hospital to reject a beneficiary's replacement offer would give it veto power over this option, thus effectively depriving the beneficiary of the right to obtain relief from the obligation to pay the nonreplacement fee. Such a rule would also tend to discourage membership by Medicare beneficiaries in blood replacement plans which have the same aim as the Medicare blood deductible provision—the encouragement of voluntary blood donations.

2. and 3. We recognize that some blood assurance plans charge providers for blood furnished on behalf of a Medicare beneficiary. However, we do not agree that charging a reasonable blood processing fee is equivalent to selling blood or that such a plan cannot be viewed as making a bona fide replacement offer of deductible blood on behalf of a Medicare beneficiary.

4. We do not believe that the age of blood replaced by blood suppliers will be a serious problem. The country's two major blood banking organizations require that blood shipped by member blood bank must be no more than 5 days old when shipped unless otherwise agreed to by the receiving facility.

5. We see no conflict between the regulation and 42 CFR 405.1028(j). This standard of the Medicare conditions of participation for hospitals does not proscribe hospitals from accepting blood from blood banks with which they do not have an agreement. It merely requires that facilities for procurement, safekeeping and transfusion of blood and blood products be "provided or readily available" and that a hospital which depends on outside blood banks have "an agreement governing procurement, transfer and availability of blood * * *."

A provider that has such an agreement with respect to the bulk of its blood supply is not precluded from accepting blood on occasion from other sources as circumstances may require, e.g., if it cannot obtain sufficient blood from its regular supplier or if a beneficiary wishes to replace deductible blood through arrangements with his or her own sources.

Coverage of Posthospital Extended Care Services in a SNF

Legal Assistance to Medicare Patients (LAMP), the American Physical Therapy Association (APTA), and the American Association of Homes for the Aged (AAHA) commented on this portion of the regulations, which sets forth the four essential requirements for coverage of posthospital SNF care:

- There must have been a previous hospital stay of at least 3 days.
- Discharge from the hospital must have occurred while the patient was entitled to Medicare Part A benefits.
- The need for posthospital SNF care, admission to the SNF, and receipt of SNF care must occur within a specified period of time after discharge from the hospital, except when the patient's condition does not permit initiation of this care until later.
- The care needed must be of a specified level and must be needed on a daily basis.

While final regulations were under development, section 950 of Pub. L. 96–499 modified these provisions to:

- Allow 30 days instead of 14 days (after discharge from a hospital) to be admitted to a SNF and receive needed SNF care; and
- Delete the extension (from 14 to 28 days) previously allowed when a SNF bed was not available.

Comment: LAMP objected to the requirement (§ 409.30(b)) that the individual be in need of extended care services on the date of admission. It pointed out that the law requires only that he or she need the services within 14 days after discharge from the hospital.

Response: We agree the proposed language was confusing and have revised it to clarify the policy and to implement the change made by Section 950 as follows:

- Posthospital SNF care is covered only for days when the beneficiary needs and receives care of the level described in § 409.31.
- The beneficiary must—

a. Receive the SNF care within 30 days after the date of discharge from the hospital; or

b. Receive the SNF care at a later time when his or her medical condition permits initiation of an active course of treatment. Under this provision, the need must be predictable at the time of discharge. An example would be a patient with a broken hip, who would need physical therapy but might not be able to initiate that therapy until more than 30 days after discharge from the hospital.

The amendments became effective on December 5, 1980. The new requirements have been incorporated into §§ 409.30(b) and 409.36(a).

Comment: LAMP also objected to the language in § 409.31(b)(2) which indicates that, as a condition for meeting the level of care requirement, skilled nursing or skilled rehabilitation services must be needed for treatment of a condition for which the beneficiary received inpatient hospital services or "which arose while the beneficiary was receiving *SNF* care [which implies a skilled level of cafe] for a condition treated in the hospital" (italics and brackets added). LAMP pointed out that the provision appears to require that the individual be receiving skilled care before he or she needs it.

Response: We concur that the proposed language could be misconstrued. We have changed the phrase "was receiving SNF care" to "was receiving care in a SNF", to make clear that the condition requiring covered posthospital SNF care could arise while the individual was receiving care that did not meet the level of care requirements. For instance, the individual could have been receiving rehabilitative services that were not covered under Medicare because they were needed 3 or 4 times a week instead of daily.

Comment: In addition, LAMP considered that the level of care requirement specified in § 409.31(b)((3) encourages evaluation of the individual's skilled care needs through isolation of particular medical services rather than consideration of the individual's total condition and overall needs.

Response: This section states the general rule, that the skilled services must be services that, as a practical matter, can be provided only in a SNF and on an inpatient basis. Criteria for applying this requirement in individual cases are set forth in § 409.35 and specifically require consideration of the patient's general condition.

Comment: The APTA objected to the requirement that the individual must need the skilled services "on a daily basis" (§ 409.31(b)(1)) and to the statement that "a break of one or two days does not preclude coverage" (§ 409.34(b)) because, in a one-person physical therapy department—

- The services may not be available 7 days a week; and
- Vacation time, sick time, or time for continuing education would preclude coverage in accordance with the cited statement.

Response: These regulations implement the requirement of section 1814(a)(2)(C) of the Act, that services must be needed on a daily basis. Accordingly, Medicare does not pay for an SNF stay unless the individual receives the care he or she needs. If the patient needs physical therapy services and these are temporarily unavailable from the facility's regular staff, the facility is expected to ensure that the patient's need is met from some other qualified source.

Comment: The APTA also objected to the $100-a-year limitation on services furnished by a physical therapist in independent practice.

Response: That limitation is imposed by section 1833(g) of the Act (which was amended by section 935 of Pub. L. 96–499 to raise the limit to $500 a year) and implemented by other regulations, at § 405.232(c)(2). Section 409.35 merely cites this limitation in an example. Under the level of care requirements, Medicare pays for inpatient SNF care only if it finds that, as a practical matter, the services can be provided only on an inpatient basis. The example makes clear that, if a physical therapist in independent practice can provide the needed services to the beneficiary, the fact that Medicare cannot pay for them (because of the statutory limitation) is not a basis for finding that the services can be provided only on an inpatient basis.

Comment: The AAHA expressed the hope that the recodification was not our answer to those who have urged a complete review of the level of care concept, for Medicaid as well as Medicare.

Response: The current level of care policies, including SNF level of care, are under review by our Long Term Care Policy Group. Because of the significance and complexity of these policies, the review is expected to require considerable time. In the interm, we believe it is necessary to carry out our recodification project to simplify and clarify existing regulations and to make the other changes described in this preamble.

Presumed Coverage Policy

The presumed coverage policy set forth in § 405.33 of current regulations was required by law (sections 1814 (h) and (i) of the Act) as one way of lessening the problems created for beneficiaries by retroactive denials of coverage. It constituted a liberalization which permitted the physician (at his or her option) to certify that the SNF care or home health services qualified for presumed coverage and thus ensure that Medicare would not question the need for at least the *minimum* number of SNF days or home health visits that experience had shown were usually required for certain medical conditions. (However, an adverse decision of a utilization review committee or a Professional Standards Review Organization would supersede the certification of presumed coverage.) Days and visits beyond that minimum, up to the maximum allowed by law, were also covered if the physician certified the need for them, a Professional Standards Review Organization or a utilization review committee had not determined that the care was not medically necessary or appropriate, and all other requirements were met.

Comment: The APTA, the Visiting Nurse Association (VNA) of Dallas, and a physical therapist made comments indicating a misinterpretation of the intent of this policy, which had been in effect since 1976 and was not changed at all by the recodification. In general, they equated "presumed coverage" with "maximum coverage" and accordingly found the number of days of SNF care or of home health visits totally inadequate and well below what the law allows. They also raised questions about the meaning of certain terms and why certain kinds of services were excluded from presumptive coverage.

Response: These comments and questions became moot when Section 941 of Pub. L. 96–499 repealed the presumed coverage provision effective January 1, 1981. As indicated above, § 409.48, which would have recodified § 405.133, has been deleted from the final regulations.

Miscellaneous Comments

The three general hospitals, the State health department, and the APTA also commented on other aspects of the regulations as follows:

1. *Limitations on amounts and kinds of benefits.*

Comment: One hospital director stated that the lifetime limit of 190 days of psychiatric care (§ 409.62) discriminates against individuals with mental illness and prevents facilities from giving the best possible care to Medicare patients.

Response: The limitation is imposed by the law (section 1812(b) of the Act) and reflects Congressional views on the most cost-effective use of the limited funds available to pay for medical care.

Comment: Another hospital suggested that we allow for more than 100 days of posthospital SNF care (per spell of illness), perhaps through a lifetime reserve similar to that provided for inpatient hospital days. It noted that, if the individual remains in the SNF, the "spell of illness" (called "benefit period" in the revised regulations) is never broken and he or she cannot become entitled to another 100 days.

Response: The 100-day limitation (§ 409.61) is imposed by section 1812(a) of the Act and cannot be changed unless the law is changed. With regard to the comment on breaking a spell of illness, we are currently reviewing whether the statute permits a different approach than the one set forth in our current regulations.

Comment: The APTA recommended that we provide for food and transportation which, in some situations, are essential to prevent having to hospitalize a patient.

Response: The law does not provide for Medicare coverage of meals in the home or of transportation, except for ambulance services when required by the patient's condition. The Congressional Committee reports which accompanied the original Medicare legislation specifically state that food service arrangements, such as meals-on-wheels programs, and transportation would not be paid for under the program. Subsequently, proposals to extend coverage to these services were considered and rejected.

2. *Other diagnostic or therapeutic services.*

Section 409.16 of the regulations permits a hospital to "arrange" for other entities to provide certain diagnostic or therapeutic services and to bill Medicare for those services if they are services of the kind that a hospital

ordinarily furnishes directly or "under arrangements".

Comment: The APTA asked who decides what services are services "ordinarily furnished" by a hospital.

Response: The general rule is that each hospital decides what diagnostic and therapeutic services it will furnish directly and what services it will furnish under arrangements with an outside source. The intermediary then determines, on the basis of the hospital's practice and in accordance with applicable HCFA guidelines, which services that particular hospital ordinarily furnishes.

3. *Definition of "skilled" services.*

Comment: A State health department expressed concern because the definition of "skilled nursing and skilled rehabilitation services" (§ 409.31) states that skilled services may be provided under the supervision of a licensed practical nurse (LPN), whereas requirements appearing elsewhere appear to mandate supervision by a registered nurse (RN).

Response: The writer may be thinking about the conditions of participation for SNFs, which require that the director of nursing services be an RN (42 CFR 405.1124). The definition is correct. Medicare pays for a skilled nursing or skilled rehabilitation service furnished to a patient if it is supervised either by an RN or by an LPN.

IX. Technical Changes and Redesignation Tables

Throughout this regulation, we have made a number of corrections, conforming changes, and minor editorial revisions in the May 30 proposed rule. We are also including, as an aid to readers, a redesignation table showing where each section of the old regulations is now located.

X. Impact Analysis

Executive Order 12291

Executive Order 12291 requires that a regulatory analysis be prepared for a rule that is likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or significant adverse effects on business or employment.

We have determined that only one of these regulations will affect the economy by more than $100 million. That provision implements section 2132 of Pub. L. 97–35, concerning the amount of the inpatient hospital deductible. Although this provision is expected to result in savings of more than $100 million for fiscal years 1982 and 1983, a regulatory analysis is not required because the change is mandated by Congressional action. This notice merely announces the change required by law in the base figure used for computing the inpatient hospital deductible.

The redesignation itself has no impact. The anticipated effect of changes made to implement statutory amendments is as follows:

Pub. L. 96–265—Changes to encourage disabled individuals to return to work (by providing for retention of Medicare entitlement for up to 2 years after they start working and making it easier to become reentitled if they again become disabled).

This is the most costly of the statutory amendments, expected to increase Medicare costs by $47 million in FY 1982.

Pub. L. 96–473—Allows entitlement to Medicare without having to apply for social security cash benefits.

No significant cost implications.

Pub. L. 96–499—Omnibus Reconciliation Act of 1980.

Section 930, which would liberalize home health benefits, is the only Pub. L. 96–499 provision implemented by these regulations that is expected to increase program costs more than a negligible amount. Sections 941 (deletion of the presumed coverage provision), 945 (open enrollment), 950 (allowing 30 instead of 14 days after hospital discharge for the individual to be admitted to a SNF and receive needed posthospital SNF care), and 1011 (limiting retroactivity of applications to 6 months instead of 12 months), are expected to have little, if any, impact.

The anticipated overall impact of the home health benefits liberalization required by section 930 was a $52 million increase in program costs for 1982: $12 million as a result of removing the 3-day prior hospital or SNF stay requirement; $5 million as a result of removing the 100-visit limitation, and $35 million as a result of including need for occupational therapy as qualifying the beneficiary to receive home health services. The estimates of costs for the unlimited visits and occupational therapy changes included the cost impact under Part B of Medicare, which also pays for home health services. (Savings of $2 million to $4 million a year were anticipated in Medicaid costs for 1982, because of increased Medicare benefits to individuals who are entitled under both programs.) Under the modification of the occupational therapy provision by section 2122 of Pub. L. 97–35 the program cost increase is estimated to be only $8 million for FY 1982, and $9 million for FY 1983.

Pub. L. 97–35, the Omnibus Budget Reconciliation Act of 1981: Other changes.

Section 2131 applies the deductible and coinsurance amounts that are in effect when the services are furnished rather than when the benefit period began. This is expected to save $5 million for fiscal year 1982 and $10 million for fiscal year 1983.

Section 2132—Increases from $40 to $45 the base figure used to determine the amount of the inpatient hospital deductible for the ensuing year.

This is the only statutory amendment that is expected to have a major impact. Estimated savings are $185 million in 1982 and $305 million in 1983.

Regulatory Flexibility Act of 1980 (Pub. L. 96–354)

This act requires a regulatory flexibility analysis for any regulations that will have a significant economic impact on a substantial number of small entities. The requirement does not apply to regulations that were published as proposed before January 1, 1981. Therefore, no analysis is required for the regulations based on the May 1980 proposal. For policies not included in that proposal, as indicated above, the only three provisions with measurable impact are those that affect individuals directly: entitlement based on disability, liberalization of certain home health benefit requirements, and the increase in the base figure used to determine the inpatient hospital deductible. Liberalization of home health benefits will have a positive impact on home health agencies since it makes benefits more readily available to Medicare beneficiaries. The increase in the amount of the inpatient hospital deductible and the hospital and SNF coinsurance will be borne by the beneficiaries and will not affect the providers. Accordingly, we find that a regulatory flexibility analysis is not required.

List of Subjects

42 CFR Part 400

Medicare, Medicaid.

42 CFR Part 405

Administrative practice and procedure, Certification of compliance, Clinics, Contracts (Agreements), End-Stage Renal Disease (ERSD), Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Health suppliers, Home health agencies, Hospitals, Inpatients, Kidney diseases, Laboratories, Medicare, Nursing home, Onsite surveys, Outpatient providers,

Reporting requirements, Rural areas, X'rays.

42 CFR Part 408

Aged, Disabled, Eligibility, End-Stage renal disease (ESRD), Health Insurance, Medicare.

42 CFR Part 409

Blood, Health insurance, Home health, Hospitals, Inpatients, Medicare, Nursing homes.

42 CFR Part 430

Aid to Families with Dependent Children, Contracts (Agreement), Grant-in-Aid program—health, Health facilities, Medicaid, Medicare, Supplemental Security Income (SSI).

42 CFR Part 440

Clinics, Dental health, Drugs, Grant-in-Aid program—health, Health care, Health facilities, Health professions, Hearing disorders, Home health services, Inpatients, Laboratories, Language disorders, Lung diseases, Medicaid, Mental health centers, Occupational therapy, Personal care services, Physical therapy, Prosthetic devices, Outpatients, Opthalmic goals and services, Rural areas, Speech disorders, X-rays.

REDESIGNATION TABLE.—PART 405, SUBPART A

Old Sec.	New Sec.
405.101(a)	409.3.
405.101(b)	deleted.
405.102	408.10.
405.103	408.11.
405.104	408.13.
405.105	408.12
405.106 (a) & (b)	408.20.
405.106 (c) & (c)(1)	408.21.
405.106(c)(2)	[illegible].
405.106(c)(3)	Deleted as unnecessary §405.210 clearly applies only to individuals already entitled to Hospital Insurance. Reference to §405.106 must be deleted from §405.205
405.106(d)	408.22.
405.110(a)	Deleted as inaccurate and unnecessary
405.110(a) (1) & (2)	409.61(a)(1).
405.110(b)	409.3.
405.110(c)(1)	Deleted as outdated
405.110(c)(2)	Deleted as redundant.
405.110(d)	409.62(a).
405.111 Uncoded introduction.	Deleted as unnecessary
405.111(a)	409.63(a)
405.111(b)	Deleted as outdated
405.111 (c) & (d)	409.63(a).
405.112	409.64.
405.113	[illegible]
405.114	409.87.
405.115	409.82.
405.116	409.10.
405.116(a)	409.10.
405.116(b)	409.11.
405.116(c)	409.12.
405.116(d)(1)	409.13.
405.116(d)(2)	409.14.
405.116(e)	409.16.
405.116(f)	409.15.
405.116(g) and (h)	409.18.
405.117	[illegible]

REDESIGNATION TABLE.—PART 405, SUBPART A—Continued

Old Sec.	New Sec.
405.118(a) language through "paragraph (c) of this section"	409.65(b).
405.118(a) remaining language	409.65(a)
405.118(b)	409.65(c).
405.118(c)	409.65(d).
405.118(d)	409.65(e).
405.119	409.66
405.120(a)(1) words "he was an inpatient for not less than 3 consecutive days".	409.30(a).
405.120(a)(1) all other words	Deleted because mostly cross-references or duplicative of content of §409.30
405.120(a)(2) First 2 sentences	Deleted as outdated
405.120(a)(2) Last sentence	Deleted as unnecessary. The cited §405.152 takes care of the matter.
405.120(b)(1)	Deleted because 100-day limitation is explained in §409.61(b).
405.120(b)(2)	409.32
405.120(b)(3)	Deleted because the specifics of the cited sections are incorporated in §409.31.
405.120(c)	409.30(a).
405.120(d)(2) Words through the 3rd and final October 30, 1972"	Deleted as unnecessary. Since (d)(1), which dealt with admissions *before* 10/30/72, was deleted, there is only one set of requirements.
405.120(d)(2) remaining words through (d)(2)	409.30(b).
405.120(d)(3) Words through the parenthetical statement.	Deleted as unnecessary (a calendar day is a calendar day).
405.120(d)(3) Remaining words.	409.32.
405.120(e) Deductible and coinsurance amount.	§§409.80 and 409.82
405.122	409.64.
405.123	409.87.
405.124	409.85
405.125	409.20.
405.126 Uncoded introduction	Deleted as unnecessary
405.126 (a) & (b)	409.31.
405.127(a)	409.31.
405.127(b)	409.32.
405.127 (c) & (d)	409.33.
405.128	409.34.
405.128a	409.35.
405.130	409.44
405.131 Uncoded introduction (and specifics taken from 405.236).	409.40(a)
405.131(a)–(f)	409.40(b).
405.133	Deleted because Section 941 of Pub. L. 96–499 revoked the presumed coverage provisions of the Act.
405.151	409.69.
405.161	409.68
405.180	408.30.
405.181	408.31
430.1	400.200 and 400.203.

42 CFR Chapter IV is amended as set forth below:

A. The table of contents of Subchapter A is revised to read as follows:

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES

SUBCHAPTER A—GENERAL PROVISIONS

Part
400 Introduction; Definitions
401 General Administrative Requirements
402 [Reserved]
403 Special Programs and Projects
404 [Reserved]

* * * * *

B. A new Part 400, consisting of Subpart B, is added to read as follows:

PART 400—INTRODUCTION; DEFINITIONS

Subpart A—[Reserved]

Subpart B—Definitions

Sec.
400.200 General definitions.
400.202 Definitions specific to medicare.
400.203 Definitions specific to medicaid.

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

Subpart A—[Reserved]

Subpart B—Definitions

§ 400.200 General definitions.

In this chapter, unless the context indicates otherwise—

"Act" means the Social Security Act, and titles referred to are titles of that Act.

"Administrator" means the Administrator, Health Care Financing Administration.

"CFR" stands for Code of Federal Regulations.

"Department" means the Department of Health and Human Services (HHS), formerly the Department of Health, Education, and Welfare.

"ESRD" stands for end-stage renal disease.

"FR" stands for *Federal Register*.

"HCFA" stands for Health Care Financing Administration.

"HHS" stands for the Department of Health and Human Services.

"HHA" stands for home health agency.

"HMO" stands for health maintenance organization.

"ICF" stands for intermediate care facility.

"Medicaid" means medical assistance provided under a State plan approved under title XIX of the Act.

"Medicare" means the health insurance program for the aged and disabled under title XVIII of the Act.

"OASDI" stands for the Old Age, Survivors, and Disability Insurance program under title II of the Act.

"PSRO" stands for Professional Standards Review Organization.

"Regional Administrator" means a Regional Administrator of HCFA.

"Regional Office" means one of the regional offices of HCFA.

"RHC" stands for rural health clinic.

"Secretary" means the Secretary of Health and Human Services.

"SNF" stands for skilled nursing facility.

"Social security benefits" means monthly cash benefits payable under section 202 or 223 of the Act.

"SSA" stands for Social Security Administration.

"United States" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"U.S.C." stands for United States Code.

§ 400.202 Definitions specific to Medicare.

As used in connection with the Medicare program, unless the context indicates otherwise—

"Beneficiary" means a person who is entitled to Medicare benefits.

"Carrier" means an entity that has a contract with HCFA to determine and make Medicare payments for Part B benefits payable on a charge basis and to perform other related functions. The term includes HCFA's Office of Direct Reimbursement, which performs carrier functions for certain facilities.

"Entitled" means that an individual meets all the requirements for Medicare benefits.

"Hospital insurance benefits" means payments on behalf of, and in rare circumstances directly to, an entitled individual for services that are covered under Part A of title XVIII of the Act.

"Intermediary" means an entity that has a contract with HCFA to determine and make Medicare payments for Part A of Part B benefits payable on a cost basis and to perform other related functions. The term includes HCFA's Office of Direct Reimbursement, which performs intermediary functions for certain providers.

"Medicare Part A" means the hospital insurance program authorized under Part A of title XVIII of the Act.

"Medicare Part B" means the supplementary medical insurance program authorized under Part B of title XVIII of the Act.

"Provider" means a hospital, a skilled nursing facility, a comprehensive outpatient rehabilitation facility, or a home health agency that has in effect an agreement to participate in Medicare, or a clinic, a rehabilitation agency, or a public health agency that has a similar agreement but only to furnish outpatient physical therapy or speech pathology services.

"Railroad retirement benefits" means monthly benefits payable to individuals under the Railroad Retirement Act of 1974 (45 U.S.C. beginning at section 231).

"Services" means medical care or services and items, such as medical diagnosis and treatment, drugs and biologicals, supplies, appliances, and equipment, medical social services, and use of hospital or SNF facilities.

"Supplementary medical insurance benefits" means payment to or on behalf of an entitled individual for services covered under Part B of title XVIII of the Act.

"Supplier" means a physician or other practitioner, or an entity other than a provider, that furnishes health care services under Medicare.

§ 400.203 Definitions specific to Medicaid.

As used in connection with the Medicaid program, unless the context indicates otherwise—

"Applicant" means an individual whose written application for Medicaid has been submitted to the agency determining Medicaid eligibility, but has not received final action. This includes an individual (who need not be alive at the time of application) whose application is submitted through a representative or a person acting responsibly for the individual.

"Federal financial participation" (FFP) means the Federal Government's share of a State's expenditures under the Medicaid program.

"FMAP" stands for the Federal medical assistance percentage, which is used to calculate the amount of Federal share of State expenditures for services.

"Medicaid agency" or *"agency"* means the single State agency administering or supervising the administration of a State Medicaid plan.

"Provider" means any individual or entity furnishing Medicaid services under a provider agreement with the Medicaid agency.

"Recipient" means an individual who has been determined eligible for Medicaid.

"Services" means the types of medical assistance specified in sections 1905(a)(1) through (18) of the Act.

"State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands.

"State plan" or *"the plan"* means a comprehensive written commitment by a Medicaid agency, submitted under section 1902(a) of the Act, to administer or supervise the administration of a Medicaid program in accordance with Federal requirements.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

C. Part 405 is amended as set forth below:

Subpart A—Hospital Insurance Benefits

1. Subpart A is amended as follows:

a. The subpart title and the authority statement are revised, a new § 405.100 is added, and §§ 405.101 through 405.133, 405.151, 405.161, 405.180, and 405.181 are removed.

Subpart A—Hospital Insurance Benefits

Sec.
405.100 Scope.
* * * * *

Authority: Secs. 1102, 1814, 1815, 1861 and 1871 of the Social Security Act (42 U.S.C. 1302, 1395f, 1395g, 1395x, and 1395hh).

b. A new § 405.100 is added to read as follows:

§ 405.100 Scope.

This subpart deals only with conditions and procedures for payment of hospital insurance benefits (Parts A of Medicare). Provisions dealing with eligibility and entitlements are set forth in Part 408 of this chapter. Provisions dealing with the scope of the benefits are set forth in Part 409 of this chapter.

c. The content of §§ 405.101–405.133, 405.151, 405.161, 405.180, and 405.181 is revised and redesignated under new Parts 408 and 409.

Subpart B—Supplementary Medical Insurance Benefits; Enrollment, Coverage, Exclusion, and Payment

2. Subpart B is amended as set forth below:

a. The authority statement is revised to read as follows:

Authority: Secs. 1102, 1831–1843, 1861, 1862, 1866, and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395j-1395v, 1395x, 1395y, 1395cc, and 1395hh.

b. Section 405.210 is amended by revising paragraph (b) to read as follows:

§ 405.210 Individual enrollment: enrollment procedures.

* * * * *

(b) *Automatic enrollment.* Any individual who is eligible to enroll in the supplementary medical insurance plan by reason of entitlement to hospital insurance and who is residing in the United States, exclusive of Puerto Rico, shall, unless he timely declines such insurance in accordance with paragraph (c) of this section, be deemed to have

enrolled in the supplementary medical insurance plan as follows:

(1) He will be deemed to have enrolled for supplementary medical insurance in the third month of his initial enrollment period if:

(i) He was entitled to monthly cash benefits under section 202 of the Act on the first day of his initial enrollment period;

(ii) He becomes entitled to monthly benefits under section 202, by filing application and meeting all other requirements during the first 33 months of that period;

(iii) He is eligible for monthly social security cash benefits under section 202 of the Act and has filed an application for hospital insurance during the first 3 months of that period (effective as specified in § 408.10 of this chapter); or

(iv) He is entitled to hospital insurance based on entitlement to social security disability benefits (see § 408.12 of this chapter), end-stage renal disease (see § 408.13 of this chapter).

* * * * *

Subpart T—Health Maintenance Organizations

3. Subpart T is amended as set forth below:

a. The authority statement is revised to read as follows:

Authority: Secs. 1102, 1871, and 1876 of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395mm).

§ 405.2020 [Amended]

b. Section 405.2020 is amended by removing the word "consecutive" in paragraphs (d)(1)(i)(*c*), and (d)(2)(i).

c. A new Part 408 is added to read as follows:

PART 408—MEDICARE ELIGIBILITY AND ENTITLEMENT

Subpart A—Hospital Insurance

General Provisions

Sec.

408.1 Statutory basis.
408.2 Scope.
408.3 Definitions.
408.5 Base of eligibility and entitlement.
408.6 Application or enrollment.

Hospital Insurance Without Premiums

408.10 Individual age 65 or over who is entitled to social security or railroad retirement benefits.
408.11 Individual age 65 or over who is not entitled to social security or railroad retirement benefits.
408.12 Individual under age 65 who is entitled to social security or railroad retirement disability benefits.
408.13 Individual who has end-stage renal disease.

Premium Hospital Insurance

408.20 Basic requirements.
408.21 Enrollment and entitlement.
408.22 Monthly premiums.
408.23 Determination of months to be counted for premium increase: Enrollment.
408.24 Determination of months to be counted for premium increase: Reenrollment.
408.25 Termination of entitlement.
408.26 Prejudice to enrollment rights because of Federal Government error.

Special Circumstances That Affect Entitlement

408.30 Nonpayment of benefits on behalf of certain aliens.
408.31 Conviction of subversive activities.

Authority: Secs. 202 (t) and (u), 226, 226A, 1102, 1811 and 1818 of the Social Security Act (42 U.S.C. 402 (t) and (u), 426, 426–1, 1302, 1395c, 1395i–2; Section 103 of Pub. L. 89–97 (42 U.S.C. 426a)).

Subpart A—Hospital Insurance

General Provisions

§ 408.1 Statutory basis.

Sections 226, 226A, and 1818 of the Social Security Act and section 103 of Pub. L. 89–97 establish the conditions for entitlement to hospital insurance benefits. Sections 202 (t) and (u) of the Act specify limitations that apply to certain aliens and to persons convicted of certain offenses.

§ 408.2 Scope.

This subpart specifies the conditions of eligibility for hospital insurance and sets forth certain specific conditions that affect entitlement to benefits. Hospital insurance is authorized under Part A of Title XVIII and is also referred to as Medicare Part A. It includes inpatient hospital care, posthospital skilled nursing facility care, and posthospital home health services.

§ 408.3 Definitions.

"First month of eligibility" means the first month in which an individual meets all the requirements for entitlement to hospital insurance except application or enrollment if that is required.

"First month of entitlement" means the first month for which the individual meets all the requirements for entitlement to Part A benefits.

"Insured individual" means an individual who has the number of quarters of coverage required for monthly social security benefits.

"Quarter of coverage" means a calendar quarter that is counted toward the number of covered quarters required to make the individual eligible for monthly social security benefits. A quarter is counted if during that quarter (or that calendar year) the individual earned a required minimum amount of money. (For details, see 20 CFR Part 404, Subpart B.)

§ 408.5 Bases of eligibility and entitlement.

(a) *Hospital insurance without premiums.* Hospital insurance is available to most individuals without payment of a premium if they:

(1) Are age 65 or over, or

(2) Have received social security or railroad retirement disability benefits for 25 months; or

(3) Have end-stage renal disease. Sections 408.10 through 408.13 explain the requirements such individuals must meet to obtain hospital insurance without premiums.

(b) *Premium hospital insurance—* Many individuals who are age 65 or over, but do not meet the requirements set forth in §§ 408.10 through 408.13, may obtain the benefits by paying a premium. Section 408.20 of this part explains the requirements individuals must meet to obtain premium hospital insurance.

§ 408.6 Application or enrollment for hospital insurance.

(a) *Basic provision.* In most cases, eligibility for Medicare Part A is a result of entitlement to monthly social security or railroad retirement cash benefits or eligibility for monthly social security cash benefits. This section specifies the individuals who need not file an application to become entitled to hospital insurance, those who must file an application, and those who must enroll.

(b) *Individuals who need not file an application for hospital insurance.* An individual who is already entitled to monthly social security or railroad retirement benefits when he or she attains age 65 or who establishes entitlement to those benefits after age 65 need not file a separate application to become entitled to hospital insurance. (See 20 CFR Part 404, Subpart D for eligibility requirements for social security cash benefits, and Subpart G for requirements for filing applications for cash benefits.)

(c) *Individuals who must file an application for hospital insurance.* An individual must file an application for hospital insurance if he or she seeks entitlement to hospital insurance on the basis of—

(1) The transitional provisions set forth in § 408.11;

(2) Deemed entitlement to disabled widow's or widower's benefit under certain circumstances as provided in § 408.12;

(3) A diagnosis of end-stage renal disease, as specified in § 408.13; or

(4) Effective January 1, 1981, eligibility for social security cash benefits, as specified in § 408.10(a)(3), if the individual has attained age 65 without applying for those benefits.

(d) *When application is deemed to be filed.* (1) An application based on the transitional provisions or on ESRD is deemed to be filed in the first month of eligibility if it is filed not more than 3 months before the first month, and is retroactive to that month if filed within 12 months after the first month. An application filed more than 12 months after the first month of eligibility is retroactive to the 12th month before the month it is filed.

(2) An application for deemed entitlement to disabled widow's or widower's benefits, that if filed before the first month in which the individual meets all conditions of entitlement for this benefit, will be deemed a valid application if those conditions are met before an initial determination, reconsideration, or hearing decision is made on the application. If the conditions are met after the date of any hearing decision, a new application will have to be filed. An application validly filed within 12 months after the first month of eligibility is retroactive to that first month. If filed more than 12 months after that first month, it is retroactive to the 12th month before the month of filing.

(3) Effective June 8, 1980, an application based on eligibility for social security benefits at or after age 65, that is filed before the first month in which the individual meets all eligibility conditions for this benefit, will be deemed a valid application if those conditions are met before an initial determination, reconsideration, or hearing decision is made on the application. If the conditions are met after the date of any hearing decision, a new application will have to be filed.

(4) Effective March 1, 1981, an application validly filed within 6 months after the first month of eligibility is retroactive to that first month. If filed more than 6 months after that first month, it is retroactive to the 6th month before the month of filing.

(e) *Individuals who must enroll for hospital insurance.* An individual who must pay a monthly premium for hospital insurance must enroll in accordance with the procedures set forth in § 408.21.

Hospital Insurance Without Premiums

§ 408.10 Individual age 65 or over who is entitled to social security or railroad retirement benefits, or who is eligible for social security benefits.

(a) *Requirements.* An individual is entitled to hospital insurance benefits under Section 226 of the Act if he or she has attained aged 65 and is:

(1) Entitled to monthly social security benefits under section 202 of the Social Security Act;

(2) A qualified railroad retirement beneficiary who has been certified as such to the Social Security Administration by the Railroad Retirement Board in accordance with section 7(d) of the Railroad Retirement Act of 1974; or

(3) Effective January 1, 1981, eligible for monthly social security benefits under section 202 of the Act and has filed an application for hospital insurance.

(b) Beginning and end of entitlement.

(1) Entitlement begins with the first day of the first month in which the individual meets the requirements of paragraph (a) of this section.

(2) Entitlement continues until the individual dies or no longer meets the requirements of paragraph (a) of this section. An individual is not entitled to railroad retirement benefits and is neither entitled to, nor eligible for, monthly social security benefits in the month in which he or she dies. However, an individual who meets all other requirements for hospital insurance entitlement is entitled to hospital insurance in the month in which he or she dies if he or she—

(i) Would have been entitled to monthly railroad retirement benefits or social security benefits in that month if he or she had not died; or

(ii) Has filed an application for hospital insurance and would have been eligible for monthly social security benefits in that month if he or she had not died.

§ 408.11 Individual age 65 or over who is not eligible for social security or railroad retirement benefits.

(a) *Basis.* Section 103 of the law that established the Medicare program in 1985 (Pub. L. 89–97) provided for eligibility for certain individuals who were age 65 or would soon attain age 65 but would not be able to qualify for social security or railroad retirement benefits.

(b) *Requirements.* Unless he or she is excluded under paragraph (c) of this section, an individual age 65 or over who does not meet the requirements of § 408.10 (and who would not meet those requirements if he or she filed an application), is entitled to Medicare Part A benefits if he or she meets the following requirements:

(1) *Age and quarters of coverage.*

(i) He or she attained age 65 before 1968; or

(ii) If he or she attained age 65 in 1968 or later, he or she must have at least 3 quarters of coverage for each year that elapsed after 1968 and before the year in which he or she attained age 65. (The quarters of coverage may have been acquired at any time, not necessarily during the elapsed years.)

(2) *Residence and citizenship.* He or she is a resident of the United States and—

(i) A citizen of the United States; or

(ii) An alien lawfully admitted for permanent residence who has continuously resided in the United States for 5 years immediately preceding the first month in which he or she meets all other requirements for entitlement to hospital insurance.

(3) *Application.* He or she has filed an application for Medicare Part A no earlier than the 3 months before the first month of eligibility.

(c) *Bases for exclusion.* An individual who meets the requirements of paragraph (b) of this section is excluded from Medicare Part A if he or she—

(1) Has been convicted of spying, sabotage, or treason, sedition, and subversive action under chapter 37, 105, or 115 of title 18 of the United States Code;

(2) Has been convicted of conspiracy to establish a dictatorship under section 4 of the Internal Security Act of 1950;

(3) On February 16, 1965, was or could have been covered under the Federal Employees Health Benefits Act (FEHBA) of 1959; or

(4) In his or her first month of eligibility;

(i) Is covered by an enrollment under the FEHBA; or

(ii) Could have been covered by an enrollment under that Act if he or she (or any other person who could provide him or her with coverage) was a Federal employee at any time after February 15, 1965, and had enrolled and retained coverage under that Act.

(d) *End of exclusion.* An individual excluded under paragraph (c)(3) or (4) of this section can become entitled beginning with the first month in which he or she loses the right to FEHBA coverage solely because he or she or the other person leaves Federal employment.

(e) *Beginning and end of entitlement.*

(1) Entitlement begins—

(i) In the first month of eligibility if the application is filed no later than 12 months after the first month of eligibility;

(ii) In the 12th month before the month of application if the application is filed more than 12 months after the first month of eligibility.

(2) Entitlement continues until death or until the month before the month in which the individual becomes entitled under § 408.10.

§ 408.12 Individual under age 65, who is entitled to social security or railroad retirement disability benefits

(a) *Basic requirements.*

An individual under age 65 is entitled to hospital insurance benefits if, for 25 months, he or she has been—

(1) Entitled or deemed entitled to social security disability benefits as an insured individual, child, widow, or widower who is "under a disability" or

(2) A disabled qualified beneficiary certified under Section 7(d) of the Railroad Retirement Act.

(b) *Previous periods of disability benefit entitlement.*[1] Months of a previous period of entitlement or deemed entitlement to disability benefits will count toward the 25-month requirement if—

(1) Entitlement was an insured individual or a disabled qualified railroad retirement beneficiary, and the previous period ended within the 60 months preceding the month in which the current disability began; or

(2) Entitlement was as a disabled child, widow, or widower, and the previous period ended within the 84 months preceding the month in which the current disability began.

(c) *Deemed entitlement to disabled widow's or widower's monthly benefits.*

(1) *Purpose.* The provisions of paragraphs(c)(2), (3), and (4) of this section are intended to enable individuals—

(i) To meet the 25-month requirement of paragraph (a) of this section; or

(ii) To retain hospital insurance entitlement when they are no longer entitled to monthly disability benefits.

(2) *Deemed entitlement for certain individuals entitled to old-age insurance benefits.*

An individual who becomes entitled to monthly old-age insurance benefits before age 65, is, by law, precluded from establishing or retaining entitlement to disabled widow's or widower's monthly benefits. However, for purposes of meeting the 25-month requirement, a widow or widower who meets all other requirements for disability benefits and is excluded solely because of entitlement to old-age insurance benefits, shall be deemed to be (or to continue to be) entitled to disability benefits. A widow or widower who is not entitled to disability benefits for the month before attaining age 60 must file two applications, one for old-age insurance benefits and one for hospital insurance.

(3) *Deemed entitlement for certain individuals entitled to mother's benefits.* An individual entitled to mother's insurance benefits under section 202(g) of the Social Security Act cannot at the same time be entitled to disabled widow's benefits. However, if she applies for hospital insurance, she will be deemed to be entitled to disabled widow's monthly benefits in the first month (of the 12 months before application) in which she would have been entitled to those benefits if she had filed an application for them.

(4) *Deemed retroactive entitlement for certain disabled widows and widowers.* In some cases, disabled widows or widowers cannot become entitled to monthly cash benefits before the month in which they file application. However, for purposes of meeting the 25-month requirement, disability benefit entitlement will be deemed to have begun with the earliest month (of the 12 months before the application for cash benefits) in which the individual met all the requirements except the filing of an application. (This provision is effective for applications filed on or after January 1, 1978.)

(d) *When entitlement begins and ends.*

(1) Entitlement to hospital insurance begins with the 25th month of an individual's entitlement or deemed entitlement to disability benefits. Although an individual is not entitled to disability benefits for the month in which he or she dies, for purposes of this paragraph the individual will be deemed to be entitled for the month of death.

(2) Except as provided in paragraph (e) of this section, entitlement to hospital insurance ends with the earliest of the following:

(i) The last day of the last month in which he or she was entitled or deemed entitled to disability benefits or was qualified as a disabled railroad retirement beneficiary, if he or she was notified of the termination of entitlement before that month.

(ii) The last day of the month following the month in which he or she is mailed a notice that his or her entitlement or deemed entitlement to disability benefits, or his or her status as a qualified disabled railroad retirement beneficiary, has ended.

(iii) The last day of the month before the month he or she attains age 65. (An individual who is entitled to social security or railroad retirement cash benefits for the month of attainment of age 65 is automatically entitled to hospital insurance under § 408.10.)

(iv) The day of death.

(e) *Continuation of Medicare entitlement when disability benefit entitlement ends because of substantial gainful activity.* (1) *Definition.* As used in this paragraph (e), *"trial work period"* means the 9-month period provided under title II of the Act, during which the individual may test his or her ability to work and still receive disability cash benefits.

(2) *Duration of continued Medicare entitlement.* Effective December 1, 1980, if an individual's entitlement to disability benefits or status as a qualified disabled railroad retirement beneficiary ends because he or she engaged in, or demonstrated the ability to engage in, substantial gainful activity after the 15 months following the end of the trial work period, Medicare entitlement continues until the earlier of the following:

(i) The last day of the 24th month after the month in which the individual's entitlement to disability benefits or status as a qualified railroad retirement beneficiary ends if—

(A) The physical or mental impairment, on which that entitlement or status was based, continues through the 24-month period; and

(B) The individual remains otherwise eligible for disability benefits throughout this period.

(ii) The last day of the month following the month in which notice is mailed to the individual indicating that he or she is no longer entitled to hospital insurance because of an event or circumstance (e.g., the impairment has ceased, or the disabled widow has remarried) that would terminate disability benefit entitlement if it had not already been terminated because of substantial gainful activity.

§ 408.13 Individual who has end-stage renal disease.

(a) *Statutory basis and applicability.* This section explains the conditions of entitlement to hospital insurance benefits on the basis of end-stage renal disease, and specifies the beginning and end of the period of entitlement. It implements section 226A of the Social Security Act.

[1] Before December 1, 1980, the law required that the 25 months of disability entitlement be consecutive. The Social Security Disability Amendments of 1980 deleted that requirement.

(b) *Definitions.* As used in this section:

"End-stage renal disease" (ESRD) means that stage of kidney impairment that appears irreversible and permanent and requires a regular course of dialysis or kidney transplantation to maintain life.

"Child" or "spouse" means a child or spouse whose relationship to the parent or spouse meets the relationship requirements for entitlement to child's monthly social security benefits or to wife's, husband's, widow's, widower's, mother's or father's monthly benefits, as set forth in 20 CFR Part 404. However, the duration of relationship requirements apply only to divorced spouses. (See 20 CFR 404.331.)

"Dependent child" means a person who, on the first day he or she has end-stage renal disease, is unmarried and meets the dependency requirements for entitlement to child's social security benefits on the basis of a parent's earnings (see 20 CFR 404.350–404.365) and who—

(1) Is under age 22;

(2) Is under a disability that began before age 22; or

(3) Is under age 26, is receiving at least one-half support from that parent, and has continuously received at least one-half support from that parent since the day before attaining age 22.

"One-half support" means regular contributions, in cash or in kind, that equals or exceeds one-half of the child's total support.

(c) *Requirements.* An individual is entitled to hospital insurance benefits if—

(1) He or she is medically determined to have, ESRD;

(2) He or she is:

(i) Fully or currently insured under the social security program (title II of the Act) or would be fully or currently insured if his or her employment (after 1936) as defined under the Railroad Retirement Act were considered "employment" under the Social Security Act;

(ii) Entitled to monthly social security or railroad retirement benefits; or

(iii) The spouse or dependent child of a person who meets the requirements of paragraph (c)(2)(i) of (c)(2)(ii) of this section;

(3) He or she has filed an application for Medicare Part A; and

(4) He or she has satisfied the waiting period explained in paragraph (e) of this section.

(d) *Filing an application.*

(1) An individual may obtain an application form, and help in completing it, from any social security office.

(2) An application is not valid if it is filed earlier than the third month before the month in which the individual meets the conditions of paragraphs (c)(1), (c)(2), and (c)(4) of this section.

(3) If an individual who has ESRD dies before he or she has filed an application, or is unable to file because of physical or mental condition, a relative or other person responsible for his or her affairs may file in his or her behalf. If a responsible person is not available, the hospital or dialysis facility that furnished treatment may file the application.

(e) *Beginning of entitlement.*

(1) *Basic limitations.* Entitlement can begin no earlier than the first month in which the individual meets the conditions specified in paragraph (c) of this section, or the 12th month before the month of application, whichever is later.

(2) *Waiting period.* Entitlement begins on the first day of the third month after the month in which the individual initiates a regular course of renal dialysis, if the course is maintained throughout the waiting period, unless entitlement would begin earlier under paragraph (e) (3) or (4) of this section. This means that if dialysis began in January, entitlement would begin April 1.

(3) *Exceptions: Early kidney transplant.* If the individual receives a transplant, entitlement begins with the first day of the month in which the transplant was performed. However, if the individual is admitted as an inpatient to a hospital that is an approved renal transplantation center or renal dialysis center (see § 405.2102) for procedures preliminary to transplant surgery, entitlement begins—

(i) On the first day of the month in which he or she initially enters the hospital, if the transplant is performed in that month or in either of the next 2 months; or

(ii) On the first day of the second month before the month of kidney transplantation, if the transplant is delayed more than 2 months after the month of initial hospital stay.

For example, if an individual enters the hospital in January, and the transplant is performed in January, February, or March, entitlement would begin January 1. However, if the transplant is performed in April, entitlement would begin February 1.

(4) *Exceptions: Self-dialysis training.* Entitlement begins on the first day of the month in which a regular course of renal dialysis began if:

(i) Before the end of the waiting period, the individual participates in a self-dialysis training program offered by a participating Medicare facility that is approved to provide such training;

(ii) The patient's physician has certified that it is reasonable to expect the individual will complete the training program and will self-dialyze on a regular basis; and

(iii) The regular course of dialysis is maintained throughout the time that would otherwise be the waiting period (unless it is terminated earlier because the individual dies).

(f) *End of entitlement.* Entitlement ends with:

(1) The end of the 12th month after the month in which a course of dialysis ends, unless the individual receives a kidney transplant during that period or begins another regular course of dialysis; or

(2) The end of the 36th month after the month in which the individual has received a kidney transplant, unless the individual receives another kidney transplant or begins a regular course of dialysis during that period.

(g) *Resumption of entitlement.* An individual who initiates dialysis more than 36 months after the month of a kidney transplant or resumes dialysis more than 12 months after the month a previous course of dialysis ended must submit a new application but need not serve a waiting period. If he or she is otherwise entitled under the conditions specified in paragraph (c) of this section, and files an application, entitlement begins with the month in which dialysis is initiated or resumed, subject to the limitations of paragraph (e)(1) of this section.

Premium Hospital Insurance

§ 408.20 Basic requirements.

(a) *General provisions.* Hospital insurance benefits are available to most individuals age 65 or over who do not qualify for those benefits under §§ 408.10 through 408.13 of this subpart and are willing to pay a monthly premium. This is called premium hospital insurance.

(b) *Eligibility to enroll for premium hospital insurance.*

An individual is eligible to enroll for Medicare Part A if he or she.

(1) Has attained age 65;

(2) Is a resident of the United States and is either—

(i) A citizen of the United States; or

(ii) An alien lawfully admitted for permanent residence who has resided in the United States continuously for the 5-year period immediately preceding the month in which he or she meets all other requirements;

(3) Is not eligible for Part A benefits under §§ 408.10—408.13; and

(4) Is entitled to supplementary medical insurance (Part B of Medicare) or is eligible and has enrolled for it during an enrollment period.

§ 408.21 Enrollment and entitlement.

(a) *Basic provision.* An individual who meets the requirements of § 408.20(b) may enroll for premium hospital insurance only during his or her "initial enrollment period" or a "general enrollment period," as set forth in paragraphs (b) through (d) of this section.

(b) *Initial enrollment period.* (1) *Duration.* The initial enrollment period extends for 7 months, from the third month before the month the individual first meets the requirements of § 408.20 (b)(1) through (b)(3) through the third month after that first month of eligibility.

(2) *Effect of month of enrollment on entitlement.* (i) If the individual enrolls during the 3 months before the first month of eligibility, entitlement begins with the first month of eligibility.

(ii) If the individual enrolls in the first month of eligibility, entitlement begins with the following month.

(iii) If the individual enrolls during the month after the first month of eligibility, entitlement begins with the second month after the month of enrollment.

(iv) If the individual enrolls in either of the last 2 months of the enrollment period, entitlement begins with the third month after the month of enrollment.

(c) *General enrollment period.* (1) Except as specified in paragraph (c)(4) of this section, the general enrollment period extends from January 1 to March 31 of each calendar year.

(2) General enrollment periods are for individuals who fail to enroll during their initial enrollment periods or whose previous period of entitlements has terminated.

(3) If the individual enrolls or reenrolls during a general enrollment period, his or her entitlement begins on July 1 of the calendar year.

(4) During the period April 1 through September 30, 1981, the general enrollment period was any time after the end of the individual's initial enrollment period. Any eligible individual whose initial enrollment period has ended, or whose previous period of entitlement had terminated, could enroll or reenroll during that 6-month period.

(d) *"Deemed" initial enrollment period.* (1) If an individual fails to enroll during the initial enrollment period because of reliance on incorrect documentary information which led him or her to believe that he or she was not yet age 65, an initial enrollment period may be established for him or her as though he or she had attained age 65 on the date indicated by the incorrect documentary information.

(2) The deemed initial enrollment period will be used to determine the individual's premium and right to enroll in a general enrollment period if such use is advantageous to the individual.

§ 408.22 Monthly premiums.

(a) *General provisions.* (1) For months before July 1974, the monthly premium was $33.

(2) For months after June 1974, premiums have been determined for each 12-month period beginning July 1, and published in the **Federal Register** during the last quarter of the preceding calendar year.

(b) *Monthly premiums: Determination of dollar amount.* (1) The dollar amount is determined by multiplying $33 by the ratio of next year's inpatient deductible to $76, which was the inpatient deductible determined for 1973. (Because of cost controls, the deductible actually charged for that year was $72.)

(2) The amount determined by the mathematical formula is rounded to the nearest multiple of $1. (Fifty cents is rounded to the next higher dollar.)

(c) *Monthly premiums. Increase for late enrollment and for reenrollment.* For an individual who enrolls after the close of the initial enrollment period or reenrolls, the amount of the monthly premium, as determined under paragraph (b) of this section, is increased by 10% for each full 12 months in the periods described in §§ 408.23 and 408.24.

(d) *Collection of monthly premiums.* (1) HCFA will bill the enrollee on a monthly basis and include an addressed return envelope with the bill.

(2) The enrollee must pay by check or money order that is payable to "HCFA Medicare Insurance," and shows his or her name and the claim number that appears on his or her Medicare card. He or she must return the bill with the check or money order.

§ 408.23 Determination of months to be counted for premium increase: Enrollment.

(a) *Enrollment before April 1, 1981 or after September 30, 1981.* The months to be counted for premium increase are the months from the end of the initial enrollment period through the end of the general enrollment period in which the individual enrolls, excluding any months before September 1973.

(b) *Enrollment during the period April 1 through September 30, 1981.* The months to be counted for premium increase are the months from the end of the initial enrollment period through the month in which the individual enrolled, excluding any months before September 1973.

(c) *Examples.* (1) John F's initial enrollment period ended July 1979 but he did not enroll until January 1980. The months to be counted are August 1979 through March 1980. Since only 8 months elapsed, there is no premium increase.

(2) Mary T's initial enrollment period ended in April 1980 but she did not enroll until May 1981. The months to be counted are May 1980 through May 1981. Since 13 months has elapsed, the premium would be increased by 10 percent.

§ 408.24 Determination of months to be counted for premium increase: Reenrollment.

(a) *First reenrollment before April 1, 1981 or after September 30, 1981.* The months to be counted for premium increase are:

(1) The months specified in § 408.23(a) or (b); plus

(2) The months from the end of the first period of entitlement through the end of the general enrollement period in which the individual reenrolled.

(b) *First reenrollment during the period April 1, 1981* through September 30, 1981. The months to be counted for premium increase are—

(1) The months specified in § 408.23(a); plus

(2) The months from the end of the first period of entitlement through the month in which the individual reenrolled.

(c) *Subsequent reenrollment during the period April 1, 1981 through September 30, 1981.* The months to be counted for premium increase are—

(1) The months specified in paragraph (a) of this section; plus

(2) The months from April 1981 through the month in which the individual reenrolled for the second time. (Since only one reenrollment was permitted before April 1981, any months from the end of the individual's first enrollment period of entitlement through March 1981 are not counted.)

(d) *Subsequent reenrollment after September 30, 1981.* The months to be counted for premium increase are—

(1) The months specified in paragraph (a) or (b) of this section, for the first and second periods of coverage; plus

(2) The months from the end of each subsequent period of entitlement through the end of the general enrollment period in which the individual reenrolled, excluding any months before April 1981.

(e) *Example.* Peter M enrolled during his initial enrollment period, terminated his first coverage period in August 1979 and reenrolled for the first time in January 1980. The 7 months to be counted (September 1979 through March, 1980) were not enough to require any increase in the premium. Peter terminated his second period of coverage in February 1981 and reenrolled for the second time in July 1981. Since the 4 months (April through July 1981), when added to the previous 7 months, bring the total to only 11 months, no premium increase is required.

§ 408.25 Termination of entitlement.

Any of the following actions or events will terminate entitlement:

(a) *Filing of request for termination.* The beneficiary may at any time give HCFA or the Social Security Administration written notice that he or she no longer wishes to participate in the premium hospital insurance program.

(1) If he or she files the notice before entitlement begins, he or she will be deemed not to have enrolled.

(2) If he or she files the notice after entitlement begins, that entitlement will end at the close of the month following the month in which he or she filed the notice.

(b) *Eligibility for hospital insurance without premiums.* (1) If an individual meets the eligibility requirements for hospital insurance specified in § 408.10 or § 408.11, entitlement to premium hospital insurance ends with the month before the month in which he or she meets those requirements.

(2) If an individual meets the requirements of § 408.10 or § 408.11, he or she will be deemed to have filed the required application for hospital insurance benefits in his or her first month of eligibility under that section.

(c) *Termination of supplementary medical insurance.* If an individual's entitlement to supplementary medical insurance ends for any reason, entitlement to premium hospital insurance will end on the same date.

(d) *Nonpayment of premium.* (1) If an individual fails to pay the premium bill, entitlement will end on the last day of the third month after the billing month.

(2) HCFA may reinstate entitlement if the individual shows good cause for failure to pay on time, and pays all overdue premiums within 3 calendar months after the date specified in paragraph (d)(1) of this section.

(e) *Death.* Entitlement ends with the day of death. (A premium is due for the month of death.)

§ 408.26 Prejudice to enrollment rights because of Federal Government error.

(a) If an individual's enrollment or nonenrollment for premium hospital insurance is unintentional, inadvertent, or erroneous because of the error, misrepresentation, or inaction of a Federal employee, or any person authorized by the Federal Government to act on its behalf, the Social Security Administration or HCFA may take whatever action it determines is necessary to provide appropriate relief.

(b) The action may include—

(1) Designation of a special initial or general enrollment period;

(2) Designation of an entitlement period;

(3) Adjustment of premiums;

(4) Any combination of the actions specified in paragraph (b) (1) through (3) of this section; or

(5) Any other remedial action which may be necessary to correct or eliminate the effects of such error, misrepresentation, or inaction.

Special Circumstances That Affect Entitlement

§ 408.30 Nonpayment of benefits on behalf of certain aliens.

(a) Hospital insurance benefit payments may not be made for services furnished to an alien in any month in which his or her monthly social security benefits are suspended (or would be suspended if he or she were entitled to those benefits) because the alien remains outside the United States for more than 6 months.

(b) Benefits will be payable beginning with services furnished in the first full calendar month the alien is back in the United States.

§ 408.31 Conviction of certain offenses.

(a) *Penalty that affects entitlement.*

(1) If an individual is convicted of any of the crimes listed in § 408.11(c) (1) and (2), the court may impose, in addition to all other penalties, a penalty that affects entitlement to hospital insurance, beginning with the month of conviction.

(2) The additional penalty is that the individual's income (or the income of the insured individual on whose earnings record he or she became or seeks to become entitled) for the year of conviction and any previous year may not be counted in determining the insured status necessary for entitlement to hospital insurance.

(b) *Effect of pardon.* If the President of the United States pardons the convicted individual, that individual regains (or may again seek) entitlement effective with the month following the month in which the pardon is granted.

E. A new Part 409 is added, to read as follows:

PART 409—MEDICARE BENEFITS, LIMITATIONS, AND EXCLUSIONS

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Deductibles and Coinsurance

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409.82 Inpatient hospital deductible.
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Authority: Secs. 1102, 1812, 1813, 1814, 1861, 1866, 1871, 1881, and 1883 of the Social Security Act (42 U.S.C. 1302, 1395d, 1395e, 1395f, 1395x 1395cc, 1395hh, 1395rr, and 1395tt).

Subpart A—Hospital Insurance

General Provisions

§ 409.1 Statutory basis.

Sections 1812 and 1813 of the Social Security Act establish the scope of benefits of the hospital insurance program under Medicare Part A and set forth the deductible and coinsurance requirements.

§ 409.2 Scope.

This subpart describes the benefits available under Medicare Part A and sets forth the limitations on those benefits, including certain amounts of payment for which beneficiaries are responsible.

§ 409.3 Definitions.

As used in this subpart, unless the context indicates otherwise—

"Arrangements" means arrangements which provide that Medicare payment made to the provider that arranged for the services discharges the liability of the beneficiary or any other person to pay for those services.

"Covered" refers to services for which the law and the regulations authorize Medicare payment.

"Participating" refers to a hospital or other facility that meets the conditions of participation and has in effect a Medicare provider agreement.

"Qualified hospital" means a facility that—

(a) Is primarily engaged in providing, by or under the supervision of doctors of medicine or osteopathy, inpatient services for the diagnosis, treatment, and care or rehabilitation of persons who are sick, injured, or disabled;

(b) Is not primarily engaged in providing skilled nursing care and related services for inpatients who require medical or nursing care;

(c) Provides 24-hour nursing service in accordance with Sec. 1861(e)(5) of the Act;

(d) If it is a U.S. hospital, is licensed, or approved as meeting the standards for licensing, by the State or local licensing agency; and

(e) If it is a foreign hospital, is licensed, or approved as meeting the standard for licensing, by the appropriate Canadian or Mexican licensing agency, and for purposes of furnishing non-emergency services to U.S. residents, is accredited by the Joint Commission on Accreditation of Hospitals (JCAH), or by a Canadian or Mexican program under standards that HCFA finds to be equivalent to those of the JCAH.

§ 409.5 General description of benefits.

Hospital insurance (Part A of Medicare) helps pay for inpatient hospital services and posthospital SNF care. It also pays for home health services. There are limitations on the number of days of care that Medicare can pay for and there are deductible and coinsurance amounts for which the beneficiary is responsible. For each type of service, certain conditions must be met, as specified in the pertinent sections of this subpart.
The special conditions for inpatient hospital services furnished by a qualified U.S., Canadian, or Mexican hospital are set forth in Part 405, Subpart A of this chapter.

Inpatient Hospital Services

§ 409.10 Included services.

(a) Subject to the conditions, limitations, and exceptions in paragraph (b) of this section and in §§ 409.11 through 409.18, the term "inpatient hospital services" means the following services furnished to an inpatient of a participating hospital or, in the case of emergency services or services in foreign hospitals, to an inpatient of a qualified hospital:

(1) Bed and board;

(2) Nursing services and other related services;

(3) Use of hospital facilities;

(4) Medical social services;

(5) Drugs, biologicals, supplies, appliances, and equipment;

(6) Certain other diagnostic or therapeutic services; and

(7) Medical or surgical services provided by certain interns or residents-in-training.

(b) "Inpatient hospital services" does not include SNF-type care or intermediate care facility (ICF)-type care furnished by a hospital that has a swing-bed approval.

§ 409.11 Bed and board.

(a) *Semiprivate and ward accommodations.* Except for applicable deductible and coinsurance amounts, Medicare Part A pays in full for bed and board and semiprivate (2 to 4 beds), or ward (5 or more beds) accommodations.

(b) *Private accommodations.* (1) *Conditions for payment in full.* Except for applicable deductible and coinsurance amounts, Medicare Part A pays in full for a private room if—

(i) The patient's condition requires him or her to be isolated;

(ii) The hospital has no semiprivate or ward accommodations; or

(iii) The hospital's semiprivate and ward accommodations are fully occupied by other patients, were so occupied at the time the patient was admitted to the hospital for treatment of a condition that required immediate inpatient hospital care, and have been so occupied during the interval.

(2) *Period of payment.* In the situations specified in paragraph (b)(1) (i) and (iii) of this section, Medicare pays for a private room until the patient's condition no longer requires isolation or until semiprivate or ward accommodations are available.

(3) *Conditions for patient's liability.* The hospital may charge the patient the difference between its customary charge for the private room and its most prevalent charge for a semiprivate room if—

(i) None of the conditions of paragraph (b)(1) of this section is met; and

(ii) The private room was requested by the patient or a member of the family, who, at the time of the request, was informed what the hospital's charge would be.

§ 409.12 Nursing and related services, medical social services; use of hospital facilities.

(a) Medicare pays for nursing and related services, use of hospital facilities, and medical social services as inpatient hospital services only if those services are ordinarily furnished by the hospital for the care and treatment of inpatients.

(b) Except as specified in paragraph (c) of this section, Medicare does not pay for the services of a private duty nurse or attendant.

(c) Medicare pays for services furnished by a nurse or attendant who is a bona fide employee of the hospital during the time he or she provides the services. Medicare pays for the services

of a private duty nurse or attendant employed by the hospital only if the beneficiary's condition requires such services.

§ 409.13 Drugs and biologicals.

(a) Except as specified in paragraph (b) of this section, Medicare pays for drugs and biologicals as inpatient hospital services only if—

(1) They represent a cost to the hospital;

(2) They are ordinarily furnished by the hospital for the care and treatment of inpatients; and

(3) They are furnished to an inpatient for use in the hospital.

(b) *Exception.* Medicare pays for a limited supply of drugs for use outside the hospital if it is medically necessary to facilitate the beneficiary's departure from the hospital and required until he or she can obtain a continuing supply.

§ 409.14 Supplies, appliances, and equipment.

(a) Except as specified in paragraph (b) of this section, Medicare pays for supplies, appliances, and equipment as inpatient hospital services only if—

(1) They are ordinarily furnished by the hospital to inpatients; and

(2) They are furnished to inpatients for use in the hospital.

(b) *Exceptions.* Medicare pays for items to be used beyond the hospital stay if—

(1) The item is one that the beneficiary must continue to use after he or she leaves the hospital, for example, heart valves or a heart pacemaker, or

(2) The item is medically necessary to permit or facilitate the beneficiary's departure from the hospital and is required until the beneficiary can obtain a continuing supply. Tracheostomy or draining tubes are examples.

§ 409.15 Services furnished by an intern or a resident-in-training.

Medical or surgical services provided by an intern or a resident-in-training are included as "inpatient hospital services" if they are provided—

(a) By an intern or a resident-in-training under a teaching program approved by the Council on Medical Education of the American Medical Association, or the Bureau of Professional Education of the American Osteopathic Association;

(b) By an intern or a resident-in-training in the field of dentistry under a teaching program approved by the Council on Dental Education of the American Dental Association; or

(c) By an intern or a resident-in-training in the field of podiatry under a teaching program approved by the Council on Podiatry Education of the American Podiatry Association.

§ 409.16 Other diagnostic or therapeutic services.

Diagnostic or therapeutic services other than those provided for in §§ 409.12, 409.13, and 409.14 are considered as inpatient hospital services if—

(a) They are furnished by the hospital, or by others under arrangements made by the hospital;

(b) Billing for those services is through the hospital; and

(c) The services are of a kind ordinarily furnished to inpatients either by the hospital or under arrangements made by the hospital.

§ 409.18 Services related to kidney transplantations.

(a) *Kidney transplants.* Medicare pays for kidney transplantation surgery only if performed in a renal transplantation center approved under Subpart U of Part 405 of this chapter.

(b) *Services in connection with kidney donations.* Medicare pays for services related to the evaluation or preparation of a potential or actual donor, to the donation of the kidney, or to postoperative recovery services directly related to the kidney donation—

(1) If the kidney is intended for an individual who has ESRD and is entitled to Medicare benefits or can be expected to become so entitled within a reasonable time; and

(2) Regardless of whether the donor is entitled to Medicare.

Posthospital SNF Care

§ 409.20 Coverage of services

(a) *Included services.* Subject to the conditions and limitations set forth in paragraph (b) of this section and in §§ 409.22–409.35, "posthospital SNF care" means the following services furnished to an inpatient of a participating SNF or a hospital that has a swing-bed approval.

(1) Nursing care provided by or under the supervision of a registered professional nurse;

(2) Bed and board in connection with the furnishing of that nursing care;

(3) Physical, occupational, or speech therapy;

(4) Medical social services;

(5) Drugs, biologicals, supplies, appliances, and equipment;

(6) Certain medical services provided by an intern or resident-in-training;

(7) Certain other diagnostic or therapeutic services; and

(8) Other services that are necessary to the health of the patient and are generally provided by SNFs.

(b) *Excluded services.* (1) *Services that are not considered inpatient hospital services.* No service is included as posthospital SNF care if it would not be included as an inpatient hospital service under §§ 409.11 through 409.18.

(2) *Services not generally provided by SNFs.* Except as specifically listed in §§ 409.22 through 409.27, only those services generally provided by SNFs are considered as posthospital SNF care. For example, if an individual is furnished the use of an operating room by a SNF, that service is not included as "posthospital SNF care" because SNFs generally do not maintain operating rooms.

(c) *Terminology.* In §§ 409.22 through 409.36—

(1) The terms "SNF" and "swing-bed hospital" are used when the context applies to the particular facility.

(2) The term "facility" is used to mean both SNFs and swing-bed hospitals.

§ 409.22 Bed and board.

(a) *Semiprivate and ward accommodations.* Except for applicable deductible and coinsurance amounts Medicare Part A pays in full for semiprivate (2 to 4 beds), or ward (5 or more beds) accommodations.

(b) *Private accommodations.* (1) *Conditions for payment in full.* Except for applicable coinsurance amounts, Medicare pays in full for a private room if—

(i) The patient's condition requires him to be isolated;

(ii) The SNF has no semiprivate or ward accommodations; or

(iii) The SNF semiprivate and ward accommodations are fully occupied by other patients, were so occupied at the time the patient was admitted to the SNF for treatment of a condition that required immediate inpatient SNF care, and have been so occupied during the interval.

(2) *Period of payment.* In the situations specified in paragraph (b)(1) (i) and (iii) of this section. Medicare pays for a private room unitl the patient's condition no longer requires isolation or until semiprivate or ward accommodations are available.

(3) *Conditions for patient's liability.* The facility may charge the patient the difference between its customary charge for the private room furnished and its most prevalent charge for a semiprivate room if:

(i) None of the conditions of paragraph (b)(1) of this section is met and

(ii) The private room was requested by the patient or a member of the family

who, at the time of request was informed what the charge would be.

§ 409.23 Physical, occupational, and speech therapy.

Medicare pays for physical, occupational, or speech therapy is posthospital SNF care if—

(a) It is furnished by the facility or under arrangements made by the facility, and

(b) Billing for the therapy is by or through the facility.

§ 409.24 Drugs and biologicals.

(a) Except as specified in paragraph (b) of this section. Medicare pays for drugs and biologicals as posthospital SNF care only if—

(1) They represent a cost to the facility;

(2) They are ordinarily furnished by the facility for the care and treatment of inpatients; and

(3) They are furnished to an inpatient for use in the facility.

(b) *Exception.* Medicare pays for a limited supply of drugs for use outside the facility if it is medically necessary to facilitate the beneficiary's departure from the facility and required until he or she can obtain a continuing supply.

§ 409.25 Supplies, appliances, and equipment.

(a) Except as specified in paragraph (b) of this section. Medicare pays for supplies, appliances, and equipment as posthospital SNF only if—

(1) They are ordinarily furnished by the facility to inpatients; and

(2) They are furnished to inpatients for use in the facility.

(b) *Exception.* Medicare pays for items to be used after the individual leaves the facility if—

(1) The item is one that the beneficiary must continue to use after leaving, such as a leg brace; or

(2) The item is necessary to permit or facilitate the beneficiary's departure from the facility and is required until he or she can obtain a continuing supply. Sterile dressings would be an example.

§ 409.26 Services furnished by an intern or a resident-in-training.

Medicare pays for medical services furnished by an intern or a resident-in-training as posthospital SNF care if—

(a) The intern or resident is in a participating hospital with which the SNF has in effect an agreement for the transfer of patients and exchange of medical records or in a hospital that has a swing-bed approval; and

(b) The intern or resident furnishes the services under a hospital teaching program approved in accordance with the provisions of §409.15.

§ 409.27 Other diagnostic of therapeutic services.

Medicare pays for other diagnostic or therapeutic services as posthospital SNF care if provided by a participating hospital with which the SNF has in effect an agreement for the transfer of patients and exchange of clinical records, or by a hospital that has a swing-bed approval.

Requirements for Coverage of Posthospital SNF Care

§ 409.30 Basic requirements.

Posthospital SNF care, including SNF-type care furnished in a hospital that has a swing-bed approval, is covered only if the beneficiary meets the requirements of this section and only for days when he or she needs and receives care of the level described in § 409.31.

(a) *Pre-admission requirements.* The beneficiary must—

(1) Have been hospitalized in a participating or qualified hospital, for medically necessary inpatient hospital care, for at least 3 consecutive calendar days, not counting the day of discharge; and

(2) Have been discharged from the hospital in a month for which he or she was entitled to hospital insurance benefits, in accordance with Part 408 of this chapter.

(b) *Date of admission requirements.*[1]

(1) Except as specified in paragraph (b)(2) of this section, the beneficiary must be in need of posthospital SNF care, be admitted to the facility, and receive the needed care within 30 calendar days after the date of discharge from a hospital.

(2) *Exception.* A beneficiary for whom posthospital SNF care would not be medically appropriate within 30 days after discharge from the hospital may be admitted at the time it would be medically appropriate to begin an active course of treatment.

§ 409.31 Level of care requirement.

(a) *Definition.* As used in this section, "skilled nursing and skilled rehabilitation services" means services that:

(1) Are ordered by a physician;

(2) Require the skills of technical or professional personnel such as registered nurses, licensed practical (vocational) nurses, physical therapists, occupational therapists, and speech pathologists or audiologists; and

(3) Are furnished directly by, or under the supervision of, such personnel.

(b) *Specific conditions for meeting level of care requirements.*

(1) The beneficiary must require skilled nursing or skilled rehabilitation services, or both, on a daily basis.

(2) Those services must be furnished for a condition—

(i) For which the beneficiary received inpatient hospital services; or

(ii) Which arose while the beneficiary was receiving care in a SNF or swing-bed hospital for a condition for which he or she received inpatient hospital services.

(3) The daily skilled services must be ones that, as a practical matter, can only be provided in a SNF, on an inpatient basis.

§ 409.32 Criteria for skilled services and the need for skilled services.

(a) The service must be so inherently complex that it can be safely and effectively performed only by, or under the supervision of, professional or technical personnel.

(b) A condition that does not ordinarily require skilled services may require them because of special medical complications. Under those circumstances, a service that is usually nonskilled (such as those listed in § 409.33(d)) may be considered skilled because it must be performed or supervised by skilled nursing or rehabilitation personnel. For example, a plaster cast on a leg does not usually require skilled care. However, if the patient has a preexisting acute skin condition or needs traction, skilled personnel may be needed to adjust traction or watch for complications. In situations of this type, the complications, and the skilled services they require, must be documented by physicians' orders and nursing or therapy notes.

(c) The restoration potential of a patient is not the deciding factor in determining whether skilled services are needed. Even if full recovery or medical improvement is not possible, a patient may need skilled services to prevent further deterioration or preserve current capabilities. For example, a terminal cancer patient may need some of the skilled services described in § 409.33.

§ 409.33 Examples of skilled nursing and rehabilitation services.

(a) *Services that could qualify as either skilled nursing or skilled rehabilitation services (1) Overall management and evaluation of care*

[1] Before December 5, 1980, the law required that admission and receipt of care be within 14 days after discharge from the hospital and permitted admission up to 28 days after discharge if a SNF bed was not available in the geographic area in which the patient lived, or at the time it would be medically appropriate to begin an active course of treatment, if SNF care would not be medically appropriate within 14 days after discharge.

plan. The development, management, and evaluation of a patient care plan based on the physician's orders constitute skilled services when, because of the patient's physical or mental condition, those activities require the involvement of technical or professional personnel in order to meet the patient's needs, promote recovery, and ensure medical safety. This would include the management of a plan involving only a variety of personal care services when, in light of the patient's condition, the aggregate of those services requires the involvement of technical or professional personnel. For example, an aged patient with a history of diabetes mellitus and angina pectoris who is recovering from an open reduction of a fracture of the neck of the femur requires, among other services, careful skin care, appropriate oral medications, a diabetic diet, an exercise program to preserve muscle tone and body condition, and observation to detect signs of deterioration in his or her condition or complications resulting from restricted, but increasing, mobility. Although any of the required services could be performed by a properly instructed person, such a person would not have the ability to understand the relationship between the services and evaluate the ultimate effect of one service on the other. Since the nature of the patient's condition, age, and immobility create a high potential for serious complications, such an understanding is essential to ensure the patient's recovery and safety. Under these circumstances, the management of the plan of care would require the skills of a nurse even though the individual services are not skilled. Skilled planning and management activities are not always specifically identified in the patient's clinical record. Therefore, if the patient's overall condition would support a finding that recovery and safety can be assured only if the total care is planned, managed, and evaluated by technical or professional personnel, it would be appropriate to infer that skilled services are being provided.

(2) *Observation and assessment of the patient's changing condition.* Observation and assessment constitute skilled services when the skills of a technical or professional person are required to identify and evaluate the patient's need for modification of treatment for additional medical procedures until his or her condition is stabilized. For example, a patient with congestive heart failure may require continuous close observation to detect signs of decompensation, abnormal fluid balance, or adverse effects resulting from prescribed medication(s) which serve as indicators for adjusting therapeutic measures. Likewise, surgical patients transferred from a hospital to a skilled nursing facility while in the complicated, unstabilized postoperative period, e.g., after hip prosthesis or cataract surgery, may need continued close skilled monitoring for postoperative complications, and adverse reaction. Patients who, in addition to their physical problems, exhibit acute psychological symptoms such as depression, anxiety, or agitation, etc., may also require skilled observation and assessment by technical or professional personnel to assure their safety and/or the safety of others, i.e., to observe for indications of suicidal or hostile behavior. The need for services of this type must be documented by physicians' orders and/or nursing or therapy notes.

(3) *Patient education services.* Patient education services are skilled services if the use of technical or professional personnel is necessary to teach a patient self-maintenance. For example, a patient who has had a recent leg amputation needs skilled rehabilitation services provided by technical or professional personnel to provide gait training and to teach prosthesis care. Likewise, a patient newly diagnosed with diabetes requires instruction from technical or professional personnel to learn the self-administration of insulin or foot-care precautions, etc.

(b) *Services that qualify as skilled nursing services.* (1) Intravenous, intramuscular, or subcutaneous injections and hypodermoclysis or intravenous feeding;

(2) Levin tube and gastrostomy feedings;

(3) Nasopharyngeal and tracheostomy aspiration;

(4) Insertion and sterile irrigation and replacement of catheters;

(5) Application of dressings involving prescription medications and aseptic techniques;

(6) Treatment of extensive decubitus ulcers or other widespread skin disorder;

(7) Heat treatments which have been specifically ordered by a physician as part of active treatment and which require observation by nurses to adequately evaluate the patient's progress;

(8) Initial phases of a regimen involving administration of medical gases;

(9) Rehabilitation nursing procedures, including the related teaching and adaptive aspects of nursing, that are part of active treatment, e.g., the institution and supervision of bowel and bladder training programs.

(c) *Services which would qualify as skilled rehabilitation services.* (1) Ongoing assessment of rehabilitation needs and potential: Services concurrent with the management of a patient care plan, including tests and measurements of range of motion, strength, balance, coordination, endurance, functional ability, activities of daily living, perceptual deficits, speech and language or hearing disorders;

(2) Therapeutic exercises or activities: Therapeutic exercises or activities which, because of the type of exercises employed or the condition of the patient, must be performed by or under the supervision of a qualified physical therapist or occupational therapist to ensure the safety of the patient and the effectiveness of the treatment;

(3) Gait evaluation and training: Gait evaluation and training furnished to restore function in a patient whose ability to walk has been impaired by neurological, muscular, or skeletal abnormality;

(4) Range of motion exercises: Range of motion exercises which are part of the active treatment of a specific disease state which has resulted in a loss of, or restriction of, mobility (as evidenced by a therapist's notes showing the degree of motion lost and the degree to be restored);

(5) Maintenance therapy; Maintenance therapy, when the specialized knowledge and judgment of a qualified therapist is required to design and establish a maintenance program based on an initial evaluation and periodic reassessment of the patient's needs, and consistent with the patient's capacity and tolerance. For example, a patient with Parkinson's disease who has not been under a rehabilitation regimen may require the services of a qualified therapist to determine what type of exercises will contribute the most to the maintenance of his present level of functioning.

(6) Ultrasound, short-wave, and microwave therapy treatment by a qualified physical therapist;

(7) Hot pack, hydrocollator, infrared treatments, paraffin baths, and whirlpool; Hot pack hydrocollator, infrared treatments, paraffin baths, and whirlpool in particular cases where the patient's condition is complicated by circulatory deficiency, areas of desensitization, open wounds, fractures, or other complications, and the skills, knowledge, and judgment of a qualified physical therapist are required; and

(8) Services of a speech pathologist or audiologist when necessary for the restoration of function in speech or hearing.

(d) *Personal care services.* Personal care services which do not require the skills of qualified technical or professional personnel are not skilled services except under the circumstances specified in § 409.32(b). Personal care services include, but are not limited to, the following:

(1) Administration of routine oral medications, eye drops, and ointments;

(2) General maintenance care of colostomy and ileostomy;

(3) Routine services to maintain satisfactory functioning of indwelling bladder catheters;

(4) Changes of dressings for noninfected postoperative or chronic conditions;

(5) Prophylatic and palliative skin care, including bathing and application of creams, or treatment of minor skin problems;

(6) Routine care of the incontinent patient, including use of diapers and protective sheets;

(7) General maintenance care in connection with a plaster cast;

(8) Routine care in connection with braces and similar devices;

(9) Use of heat as a palliative and comfort measure, such as whirlpool and hydrocollator;

(10) Routine administration of medical gases after a regimen of therapy has been established;

(11) Assistance in dressing, eating, and going to the toilet;

(12) Periodic turning and positioning in bed; and

(13) General supervision of exercises which have been taught to the patient; including the actual carrying out of maintenance programs, i.e., the performance of the repetitive exercises required to maintain function do not require the skills of a therapist and would not constitute skilled rehabilitation services (see paragraph (c) of this section). Similarly, repetitious exercises to improve gait, maintain strength, or endurance; passive exercises to maintain range of motion in paralyzed extremities, which are not related to a specific loss of function; and assistive walking do not constitute skilled rehabilitation services.

§ 409.34 Criteria for "daily basis".

(a) To meet the daily basis requirement specified in § 409.31(b)(1) the following frequency is required:

(1) Skilled nursing services or skilled rehabilitation services must be needed and provided 7 days a week; or

(2) As an exception, if skilled rehabilitation services are not available 7 days a week those services must be needed and provided at least 5 days a week.

(b) A break of one or two days in the furnishing of rehabilitation services will not preclude coverage if discharge would not be practical for the one or two days during which, for instance, the physician has suspended the therapy sessions because the patient exhibited extreme fatigue.

§ 409.35 Criteria for "practical matter".

(a) *General considerations.* In making a "practical matter" determination, as required by § 409.31(b)(3), consideration must be given to the patient's condition and to the availability and feasibility of using more economical alternative facilities and services. However, in making that determination, the availability of Medicare payment for those services may not be a factor. Example: The beneficiary can obtain daily physical therapy from a physical therapist in independent practice. However, Medicare pays only the appropriate portion (after deduction of applicable deductible and coinsurance amounts) of the first $100 of services furnished by such a practitioner in a year. This limitation on payment may not be a basis for finding that the needed care can only be provided in a SNF.

(b) *Examples of circumstances that meet practical matter criteria.* (1) *Beneficiary's condition.* Inpatient care would be required "as a practical matter" if transporting the beneficiary to and from the nearest facility that furnishes the required daily skilled services would be an excessive physical hardship.

(2) *Economy and efficiency.* Even if the beneficiary's condition does not preclude transportation, inpatient care might be more efficient and less costly if, for instance, the only alternative is daily transportation by ambulance.

§ 409.36 Effect of discharge from posthospital SNF care.

If a beneficiary is discharged from a facility after receiving posthospital SNF care, he or she is not entitled to additional services of this kind in the same benefit period unless—

(a) He or she is readmitted to the same or another facility within 30 calendar days following the day of discharge (or, before December 5, 1980, within 14 calendar days after discharge); or

(b) He or she is again hospitalized for at least 3 consecutive calendar days.

Home Health Services

§ 409.40 Included services.

Subject to the requirements and conditions set forth in § 409.42, "home health services" means the following items and services:

(a) Part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse;

(b) Physical, occupational, or speech therapy;

(c) Medical social services provided under the direction of a physician;

(d) Part-time or intermittent services of a home health aide;

(e) Medical supplies (other than drugs and biologicals) and the use of medical appliances; and

(f) In the case of a home health agency (HHA) that is affiliated or under common control with a hospital, medical services provided by an intern or a resident-in-training of that hospital under a teaching program approved as provided in § 409.15.

§ 409.41 Excluded services.

(a) *Services that are not considered inpatient hospital services.* No service is included as a home health service if it would not be included as an inpatient hospital service under §§ 409.11—409.18.

(b) *Transportation.* Transportation required to take a homebound individual to a hospital, SNF, rehabilitation center or other place, to receive services that cannot be provided in the home, is not included as a home health service.

(c) *Housekeeping services.* The services of housekeepers or food service arrangements such as "meals-on-wheels" programs are not included as home health services.

§ 409.42 Requirements and conditions for home health services.

(a) *Basic rule.* The services specified in § 409.40 are covered by Medicare Part A only if the requirements of paragraphs (b) through (g) of this section are met.

(b) *Conditions the beneficiary must meet.* The beneficiary must be—

(1) Confined to the home or in an institution that is neither a hospital nor primarily engaged in providing skilled nursing or rehabilitation services;

(2) Under the care of a physican who is a doctor of medicine or osteopathy; and

(3) In need of intermittent skilled nursing care or physical or speech therapy or, effective July 1 through November 30, 1981, occupational therapy. After November 30, 1981, continued need for occupational therapy is not a basis for initial qualification for

home health services but does qualify a beneficiary for continued home health services even after he or she no longer needs intermittent skilled nursing care or physical or speech therapy.

(c) *Prior inpatient care requirement.* (1) For home health services furnished before July 1, 1981, the beneficiary must—

(i) Have received inpatient care in a participating or qualified hospital or SNF; and

(ii) Need intermittent skilled nursing care or physical or speech therapy for a condition for which he or she received inpatient hospital or posthospital SNF care.

(2) For home health services furnished after June 30, 1981, the requirements of paragraph (c)(1) of this section do not apply.

(d) *Plan of treatment requirements.* (1) The home health services must be furnished under a plan of treatment that is established and periodically reviewed by a doctor of medicine or osteopathy or, after December 31, 1980, by a doctor of podiatric medicine. A doctor of podiatric medicine may establish a plan of treatment only if that is consistent with the home health agency's policy and with the functions he or she is authorized to perform under State law.

(2) A plan of treatment established before July 1, 1981 must be established within 14 days after the individual's discharge from a hospital or SNF.

(3) For a plan of treatment established after June 30, 1981, the requirement of paragraph (d)(2) of this section does not apply.

(e) *Where the services must be furnished.* (1) The home health services must be furnished—

(i) On a visiting basis in the individual's home; or

(ii) If it is necessary to use equipment that cannot readily be made available in the home, on an outpatient basis in a hospital, a SNF, or a rehabilitation center that meets State and local health and safety standards.

(2) If an individual is brought to a facility in accordance with paragraph (e)(1)(ii) of this section, other services that could be furnished in the home may be furnished in the facility at the same time.

(f) *When the services must be furnished.* Before July 1, 1981, the home health services must be furnished within the time frames specified in § 409.61(d).

(g) *By whom the services must be furnished.* The home health services must be furnished by, or under arrangements made by a participating HHA.

§ 409.43 Home health service visit.

(a) *What constitutes a "visit".* A visit is charged each time a health worker furnishes home health services to the beneficiary.

(b) *Specific examples.* (1) If both a physical therapist and a visiting nurse furnish services in the home on the same day, two visits are charged.

(2) If a beneficiary has dressings changed twice in the same day, two visits are charged.

(3) If a beneficiary is brought to the hospital for hydrotherapy, and while there also receives speech therapy, two visits are charged.

(4) If a nurse furnishes several services during the same visit (e.g., skilled nursing care and home health aide services), only one visit is charged.

§ 409.44 Home health services under Medicare Part B.

Home health services are also provided under the supplementary medical insurance program, as set forth in Subpart B of Part 405 of this chapter.

§ 409.45 Option for beneficiaries who need physical or speech therapy.

A beneficiary who needs physical therapy or speech pathology services could, if he is also enrolled in Medicare Part B, receive them on an outpatient basis as a medical and other health service under Part B, and use the Part A and Part B home health visits for other purposes.

Scope of Benefits

§ 409.60 Benefit periods.

(a) *When benefit periods begin.* The initial benefit period begins on the day the beneficiary receives inpatient hospital or SNF services for the first time after becoming entitled to hospital insurance. Thereafter, a new benefit period begins whenever the beneficiary receives inpatient services upon admission to a participating hospital or SNF (or one that meets the requirements for participation), after he or she has, for a least 60 consecutive days, not been an inpatient in any hospital, or SNF, or other institution that primarily provides skilled nursing or rehabilitation services.

(b) *Relation of benefit period to benefit limitations.* The limitations specified in §§ 409.61 and 409.64, and the deductible and coinsurance requirements set forth in §§ 409.82 through 409.87 apply for each benefit period. The limitations of § 409.63 apply only to the initial benefit period.

§ 409.61 General limitations on amount of benefits.

(a) *Inpatient hospital services.* (1) *Regular benefit days.* Up to 90 days are available in each benefit period, subject to the limitations on days for psychiatic hospital services set forth in §§ 409.62 and 409.63.

(i) For the first 60 days (referred to in this subpart as *full benefit days*), Medicare pays the hospital for all covered services furnished the beneficiary, except for a deductible which is the beneficiary's responsibility. (Section 409.82 specifies the requirements for the inpatient hospital deductible.)

(ii) For the next 30 days (referred to in this subpart as *coinsurance days*), Medicare pays for all covered services except for a daily coinsurance amount, which is the beneficiary's responsibility. (Section 409.83 specifies the inpatient hospital coinsurance amounts.)

(2) *Lifetime reserve days.* Each beneficiary has a non-renewable lifetime reserve of 60 days of inpatient hospital services that he may draw upon whenever he is hospitalized for more than 90 days in a benefit period. Upon exhaustion of the regular benefit days, the reserve days will be used unless the beneficiary elects not to use them, as provided in § 409.65. For lifetime reserve days, Medicare pays for all covered services except for a daily coinsurance amount that is the beneficiary's responsibility. (See § 409.83.)

(3) *Order of payment for inpatient hospital services.* Medicare pays for inpatient hospital services in the following order.

(i) The 60 full benefit days;

(ii) The 30 coinsurance days;

(iii) The remaining lifetime reserve days.

(b) *Posthospital SNF care.* Up to 100 days are available in each benefit period after discharge from a hospital. For the first 20 days, Medicare pays for all covered services. For the 21st through 100th day, Medicare pays for all covered services except for a daily coinsurance amount that is the beneficiary's responsibility. (Section 409.85 specifies the SNF coinsurance amounts.)

(c) *Renewal of inpatient benefits.* The beneficiary's full entitlement to the 90 inpatient hospital regular benefit days, and the 100 SNF benefit days, is renewed each time he or she begins a benefit period. However, once lifetime reserve days are used, they can never be renewed.

(d) *Home health visits.* (1) Medicare pays for all covered home health services. There are no deductible or coinsurance requirements. (2) Before July 1, 1981, Medicare pays for up to 100 visits furnished—

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(i) After the beginning of one benefit period and before the beginning of the next and

(ii) Within one year after the later of the following:

(A) The individual's most recent discharge from a hospital, following a stay of at least 3 consecutive days.

(B) The individual's most recent discharge from a SNF, following receipt of service for which he or she was entitled to have payment made.

(3) After June 30, 1981, the limitations of paragraph (d)(2) of this section do not apply.

§ 409.62 Lifetime maximum on inpatient psychiatric care.

There is a lifetime maximum of 120 days on inpatient psychiatric hospital service available to any beneficiary. Therefore, once an individual receives benefits for 190 days of care in a psychiatric hospital, no further benefits of that type are available to that individual.

§ 409.63 Reduction of inpatient psychiatric benefit days available in the initial benefit period.

(a) *Reduction rule.* (1) If the individual was an inpatient in a psychiatric hospital on the first day of Medicare entitlement and for any of the 150 days immediately before that first day of entitlement, those days are subtracted from the 150 days (90 regular days plus 60 lifetime reserve days) which would otherwise be available in the initial benefit period for inpatient psychiatric services in a psychiatric or general hospital.

(2) Reduction is required only if the hospital was participating in Medicare as a psychiatric hospital on the individual's first day of entitlement.

(3) The reduction applies only to the beneficiary's first benefit period. For subsequent benefit periods, the 90 benefit days, plus any remaining lifetime reserve days, subject to the 190 day lifetime limit on psychiatric hospital care, are available.

(b) *Application to general hospital days.* (1) Days spent in a general hospital before entitlement are not subtracted under paragraph (a) of this section even if the stay was for diagnosis or treatment of mental illness.

(2) After entitlement, all psychiatric care days, whether in a general or a psychiatric hospital, are counted toward the number of days available in the initial benefit period.

(c) *Examples:* (1) The individual was an inpatient of a participating psychiatric hospital for 20 days before the first day of entitlement and remained there for another 6 months. Therefore, 130 days of benefits (150 minus 20) are payable. Payment could be made for: 60 full benefit days, 30 coinsurance days, and 40 lifetime reserve days.

(2) During the 150-day period preceding Medicare entitlement, an individual had been a patient of a general hospital for 60 days of inpatient psychiatric care and had spent 90 days in a psychiatric hospital, ending with the first day of entitlement. During the initial benefit period, the beneficiary spent 90 days in a general hospital and received psychiatric care there. The 60 days spent in the general hospital for psychiatric treatment before entitlement do not reduce the benefits available in the first benefit period. Only the 90 days spent in the psychiatric hospital before entitlement reduce such benefits, leaving a total of 60 available psychiatric days. However, after entitlement, the reduction applies not only to days spent in a psychiatric hospital, but also to days of psychiatric treatment in a general hospital. Thus, Medicare payment could be made only for 60 of the 90 days spent in the general hospital.

(3) An individual was admitted to a general hospital for a mental condition and, after 10 days, transferred to a participating psychiatric hospital. The individual remained in the psychiatric hospital for 78 days before becoming entitled to hospital insurance benefits and for 130 days after entitlement. The beneficiary was then transferred to a general hospital and received treatment of a medical condition for 20 days. The 10 days spent in the general hospital during the 150-day pre-entitlement period have no effect on the inpatient hospital benefit days available to the individual for psychiatric care in the first benefit period, even though the general hospital stay was for a mental condition. Only the 78 days spent in the psychiatric hospital during the pre-entitlement period are subtracted from the 150 benefit days. Accordingly, the individual has 72 days of psychiatric care (150 days less 78 days) available in the first benefit period. Benefits could be paid for the individual's hospitalization during the first benefit period in the following manner. For the 130-day psychiatric hospital stay, 72 days (60 full benefit days and 12 coinsurance days), and for the general hospital stay, 20 days (18 coinsurance and 2 lifetime reserve days).

§ 409.64 Services that are counted toward allowable amounts.

(a) Except as provided in paragraph (b) of this section for lifetime reserve days, all covered inpatient days and home health visits are counted toward the allowable amounts specified in §§ 409.61–409.63 if—

(1) They are paid for by Medicare; or

(2) They would be paid for by Medicare if the following requirements had been met:

(i) A proper and timely request for payment had been filed; and

(ii) The hospital, SNF, or home health agency had submitted all necessary evidence, including physician certification of need for services when such certification was required; or

(3) They could not be paid for because the total payment due was equal to, or less than, the applicable deductible and coinsurance amounts.

(b) *Exception.* Even though the requirements of paragraph (a)(2) of this section are met, lifetime reserve days are not counted toward the allowable amounts if the beneficiary elected or is deemed to have elected not to use them as set forth in § 409.65.

§ 409.65 Lifetime reserve days.

(a) *Election not to use lifetime reserve days.* (1) Whenever a beneficiary has exhausted the 90 regular benefit days, the hospital may bill Medicare for lifetime reserve days unless the beneficiary elects not to use them or, in accordance with paragraph (b) of this section, is deemed to have elected not to use them.

(2) It may be advantageous to elect not to use lifetime reserve days if the beneficiary has private insurance coverage that begins after the first 90 inpatient days in a benefit period, or if the daily charge is only slightly higher than the lifetime reserve days coinsurance amount. In such cases, the beneficiary may want to save the lifetime reserve days for future care that may be more expensive.

(3) If the beneficiary elects not to use lifetime reserve days for a particular hospital stay, they are still available for a later stay. However, once the beneficiary uses lifetime reserve days, they can never be renewed.

(4) If the beneficiary elects not to use lifetime reserve days, the hospital may require him or her to pay for any services furnished after the regular days are exhausted.

(b) *Deemed election.* A beneficiary will be deemed to have elected not to use lifetime reserve days if the average daily charges for such days is equal to or less than the applicable coinsurance amount specified in § 409.83. A beneficiary would get no benefit from using the days under those circumstances.

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(c) *Who may file an election.* An election not to use reserve days may be filed by—

(1) The beneficiary; or

(2) If the beneficiary is physically or mentally unable to act, by the beneficiary's legal representative. In addition, if some other payment source is available, such as private insurance, any person authorized under § 405.1664 of this chapter to execute a request for payment for the beneficiary may file the election.

(d) *Filing the election.* (1) The beneficiary's election not to use lifetime reserve days must be filed in writing with the hospital.

(2) The election may be filed at the time of admission to the hospital or at any time thereafter up to 90 days after the beneficiary's discharge.

(3) A retroactive election (i.e., one made after lifetime reserve days have been used because the regular days were exhausted), is not acceptable unless it is approved by the hospital.

(e) *Period covered by election.* An election not to use lifetime reserve days may apply to an entire hospital stay or to a single period of consecutive days in a stay, but cannot apply to selected days in a stay. For example, a beneficiary may restrict the election to the period covered by private insurance but cannot use individual lifetime reserve days within that period. If an election not to use reserve days is effective after the first day on which reserve days are available, it must remain in effect until the end of the stay, unless it is revoked in accordance with § 409.66.

§ 409.66 Revocation of election not to use lifetime reserve days.

(a) Except as provided in paragraph (c) of this section, a beneficiary (or anyone authorized to execute a request for payment, if the beneficiary is incapacitated) may revoke an election not to use lifetime reserve days during hospitalization or within 90 days after discharge.

(b) The revocation must be submitted to the hospital in writing and identify the stay or stays to which it applies.

(c) *Exceptions.* A revocation of an election not to use lifetime reserve days may not be filed—

(1) After the beneficiary dies; or

(2) After the hospital has filed a claim under the supplementary medical insurance program (Medicare Part B), for medical and other health services furnished to the beneficiary on the days in question.

§ 409.68 Guarantee of payment for inpatient hospital services furnished before notification of exhaustion of benefits.

(a) *Conditions for payment.* Payment may be for inpatient hospital services furnished a beneficiary after he or she has exhausted the coverage days if the following conditions are met:

(1) The services were furnished before HCFA or the intermediary notified the hospital that the beneficiary had exhausted the available days of coverage and was not entitled to have payment made for those services.

(2) At the time the hospital furnished the services, it was unaware that the beneficiary had exhausted the available days of coverage and could reasonably have assumed that he or she was entitled to have payment made for these services.

(3) Payment would be precluded solely because the beneficiary has no benefit days available for the particular hospital stay.

(4) The hospital claims reimbursement for the services and refunds any payments made for those services by the beneficiary or by another person on his or her behalf.

(b) *Limitations on payment.* (1) If all of the conditions in paragraph (a) of this section are met, Medicare payment may be made for plus the day of admission, and up to 6 weekdays thereafter, plus any intervening Saturdays, Sundays, and Federal holidays.

(2) Payment may not be made under this section for any day after the hospital is notified that the beneficiary has exhausted the available benefit days.

(c) *Recovery from the beneficiary.* Any payment made to a hospital under this section is considered an overpayment to the beneficiary and may be recovered from him or her under the provisions set forth elsewhere in this chapter.

§ 409.69 Amounts payable.

The amounts payable for Medicare Part A services are subject to the deductible and coinsurance requirements set forth in this subpart, and are generally based on "reasonable cost" determined in accordance with Part 405, Subpart D of this chapter. (See §§ 405.153(c)(2) and 405.158(a) for payment on a charge basis for certain services furnished by hospitals outside the United States or by hospitals not participating in Medicare.)

Deductibles and Coinsurance

§ 409.80 Inpatient deductible and coinsurance: General provisions.

(a) *What they are.* (1) The inpatient deductible and coinsurance amounts are portions of the cost of covered hospital or SNF services that Medicare does not pay.

(2) The hospital or SNF may charge these amounts to the beneficiary or someone on his or her behalf.

(b) *Changes in the inpatient deductible and coinsurance amounts.* (1) The law requires the Secretary to adjust the inpatient hospital deductible each year to reflect changes in the average cost of hospital care. In adjusting the deductible, the Secretary must use a formula specified in section 1813(b)(2) of the Act. Under that formula, the inpatient hospital deductible is increased each year by about the same percentage as the increase in the average Medicare daily hospital costs. The result of the deductible increase is that the beneficiary continues to pay about the same proportion of the hospital bill.

(2) Since the coinsurance amounts are, by statute, specific fractions of the deductible, they change when the deductible changes.

§ 409.82 Inpatient hospital deductible.

(a) *General provisions.* (1) The inpatient hospital deductible is a fixed amount chargeable to the beneficiary when he or she receives covered services in a hospital for the first time in a benefit period.

(2) Although the beneficiary may be hospitalized several times during a benefit period, the deductible is charged only once during that period. If the beneficiary begins more than one benefit period in the same year, a deductible is charged for each of those periods.

(3) For services furnished before January 1, 1982, the applicable deductible is the one in effect when the benefit period began.

(4) For services furnished after December 31, 1981, the applicable deductible is the one in effect during the calendar year in which the services were furnished.

(b) *Specific deductible amounts.* (1) The following chart specifies the deductible amounts for services furnished before January 1, 1982.

Benefit period began—	Amount of deductible
Before 1960	$40
in	
1969	44
1970	52
1971	60
1972	68
1973	72
1974	84
1975	92
1976	104
1977	124
1978	144

Benefit period began—	Amount of deductible
1979	160
1980	180
1981	204

(2) The following chart specifies the deductible amounts for services furnished after December 31, 1981:

Services furnished in	Amount of deductible
1982	$260
1983	304

(c) *Exemption.* If the total hospital charge is less than the amount shown under paragraph (b)(1) or (b)(2) of this section, the deductible is the amount of the charge.

§ 409.83 Inpatient hospital coinsurance.

(a) *General provisions.* (1) Inpatient hospital coinsurance is the amount charegable to a beneficiary for each day after the first 60 days of inpatient hospital care in a benefit period.

(2) For each day from the 61st to the 90th day, the coinsurance amount is ¼ of the applicable deductible.

(3) For each day from the 91st to the 150th day (lifetime reserve days), the coinsurance amount is ½ of the applicable deductible.

(4) For coinsurance days before January 1, 1982, the coinsurance amount is based on the deductible applicable for the calendar year in which the benefit period began. The coinsurance amounts do not change during a beneficiary's benefit period even though the coinsurance days may fall in a subsequent year for which a higher deductible amount has been determined.

(5) For coinsurance days after December 31, 1981, the coinsurance amount is based on the deductible applicable for the calendar year in which the services were furnished. For example, if an individual starts a benefit period by being admitted to a hospital in 1981 and remains in the hospital long enough to use coinsurance days in 1982, the coinsurance amount charged for those days is based on the 1982 inpatient hospital deductible.

(b) *Specific coinsurance amounts.* (1) The following chart specifies the daily hospital coinsurance amounts for services furnished before January 1, 1982:

Benefit period began—	61st to 90th day—	91st to 150th day—
Before 1969	$10	$20
In:		
1968	11	22
1970	13	26
1971	15	30
1972	17	34
1973	18	36
1974	21	42
1975	23	46
1976	26	52
1977	31	62
1978	36	72
1979	40	80
1980	45	90
1981	51	102

(2) The following chart specifies the daily hospital coinsurance amounts for services furnished after December 31, 1981:

Services furnished in	61st to 90th day	91st to 150th day
1982	$65	$130
1983	76	152

(c) Exemptions. (1) If the actual charge to the patient for the 61st through the 90th day of inpatient hospital services is less than the applicable coinsurance amount shown in paragraph (b)(1) or (b)(2) of this section, the coinsurance amount is the actual charge per day. (2) If the actual charge to the patient for the 91st through the 150th day (lifetime reserve days) is less than the applicable coinsurance amount shown in paragraph (b)(1) or (b)(2) of this section for those days, the beneficiary is deemed to have elected not to use the days because he or she would not benefit from using them.

§ 409.85 Skilled nursing facility (SNF) care coinsurance.

(a) *General provisions.* (1) SNF care coinsurance is the amount chargeable to a beneficiary after the first 20 days of SNF care in a benefit period.

(2) For each day from the 21st through the 100th day, the coinsurance is ½ of the applicable inpatient hospital deductible.

(3) For coinsurance days before January 1, 1982, the coinsurance amount is based on the deductible applicable for the year in which the benefit period began. The coinsurance amounts do not change during a beneficiary's benefit period even though the coinsurance days may fall in a subsequent year for which a higher deductible amount has been determined.

(4) For coinsurance days after December 31, 1981, the coinsurance amount is based on the deductible applicable for the calendar year in which the services were furnished.

(b) Specific amounts of daily SNF coinsurance. (1) The following chart specifies the daily coinsurance amounts for posthospital SNF care furnished before January 1, 1982:

Benefit period began—	Daily amount
Before 1969	$5.00
In:	
1969	5.50
1970	6.50
1971	7.50
1972	8.50
1973	9.00
1974	10.50
1975	11.50
1976	13.00
1977	15.50
1978	18.00
1979	20.00
1980	22.50
1981	25.50

(2) The following chart specifies the daily SNF coinsurance amounts for services furnished after December 31, 1981:

Services furnished in	Daily amount
1982	$32.50
1983	38.00

(c) *Exemption.* If the actual charge to the patient is less than the applicable coinsurance amount shown under paragraph (b)(1) or (b)(2) of this section, the coinsurance is the actual charge per day.

§ 409.87 Blood deductible.

(a) *General provisions.* (1) As used in this section, packed red cells means the red blood cells that remain after plasma is separated from whole blood.

(2) A unit of packed red cells is treated as the equivalent of a unit of whole blood.

(3) Medicare does not pay for the first 3 units of whole blood or units of packed red cells that a beneficiary receives as an inpatient of a hospital or SNF during a benefit period. For example, if an individual receives 2 units of blood in a hospital and 3 units in a SNF during a single benefit period, the 2 units furnished in the hospital and the first unit furnished in the SNF would be the responsibility of the individual. Medicare would pay for the other 2 units furnished in the SNF.

(4) The deductible does not apply to other blood components such as platelets, fibrinogen, plasma, gamma globulin, and serum albumin, or to the cost of processing, storing, and administering blood.

(5) The blood deductible is in addition to the inpatient hospital deductible and daily coinsurance.

(6) There is also a separate Part B (supplementary medical insurance) blood deductible. Blood funished under Part B of Medicare cannot be applied to satisfy the Part A (hospital insurance) blood deductible and blood furnished under Part A of Medicare cannot be applied to satisfy the Part B blood deductible.

(b) *Beneficiary's responsibility for the first 3 units of whole blood or packed red cells.* (1) *Basic rule.* Except as specified in paragraph (b)(2) of this section, the beneficiary is responsible for the first 3 units of whole blood or packed red cells. He or she has the option of paying the hospital's charges for the blood or packed red cells or arranging for it to be replaced.

(2) *Exception.* The beneficiary is not responsible for the first 3 units of whole blood or packed red cells if the provider obtained that blood or red cells at no charge other than a processing or service charge. In that case, the blood or red cells is deemed to have been replaced.

(c) *Provider's right to charge for the first 3 units of whole blood or packed red cells.* (1) *Basic rule.* Except as specified in paragraph (c)(2) of this section, a provider may charge a beneficiary its customary charge for any of the first 3 units of whole blood or packed red cells.

(2) *Exception.* A provider may not charge the beneficiary for the first 3 units of whole blood or packed red cells in any of the following circumstances:

(i) The blood or packed red cells has been replaced.

(ii) The provider (or its blood supplier) receives, from an individual or a blood bank, a replacement offer that meets the criteria specified in paragraph (d) of this section. The provider is precluded from charging even if it or its blood supplier rejects the replacement offer.

(iii) The provider obtained the blood or packed red cells at no charge other than a processing or service charge and it is therefore deemed to have been replaced.

(d) *Criteria for replacement of blood.* A blood replacement offer made by a beneficiary, or an individual or a blood bank on behalf of a beneficiary, discharges the beneficiary's obligation to pay for deductible blood or packed red cells if the replacement blood meets the applicable criteria specified in Food and Drug Administration regulations under 21 CFR Part 640, i.e.—

(1) The replacement blood would not endanger the health of a recipient; and

(2) The prospective donor's health would not be endangered by making a blood donation.

§ 409.89 Exemption of kidney donors from deductible and coinsurance requirements.

The deductible and coinsurance requirements set forth in this subpart do not apply to any services furnished to an individual in connection with the donation of a kidney for transplant surgery.

PART 430—GRANTS TO STATES FOR MEDICAL ASSISTANCE PROGRAMS

F. Part 430 is amended as set forth below:

1. The authority statement is revised to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1320).

§ 430.1 [Removed. See §§ 400.200 and 400.203 of this chapter.]

2. The text of § 430.1 is revised and transferred to new §§ 400.200 and 400.203 and the table of contents is amended to reflect this change.

PART 440—SERVICES: GENERAL PROVISIONS

G. Part 440 is amended as set forth below:

1. The authority statement is revised to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. Section 440.40(a)(1)(i) is revised by revising the cross references, to read as follows:

§ 440.40 Skilled nursing facility services for individuals age 21 or older (other than services in an institution for tuberculosis or mental diseases). EPSDT, and family planning services and supplies.

(a) *Skilled nursing facility services.* (1) "Skilled nursing facility for individuals age 21 or older, other than services in an institution for tuberculosis or mental diseases, " means services that are—

(i) Needed on a daily basis and required to be provided on an inpatient basis under §§ 409.31–409.35 of this chapter.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Programs; No. 13.773, Medicare—Hospital Insurance; and No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: November 24, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: January 27 ,1983.

Richard S. Schweiker,

Secretary.

[FR Doc. 83-7227 Filed 3-24-83; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 30310-36]

Tanner Crab Off Alaska

Correction

In FR Doc. 83-6677 beginning on page 10846 in the issue of Tuesday, March 15, 1983, make the following correction on page 10847: In the second column, the fifth line, the first word should read "Fishing".

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 48, No. 59
Friday, March 25, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1033 and 1036

[Dockets Nos. AO–166–A51, AO–179–A46]

Milk in the Ohio Valley and Eastern Ohio-Western Pennsylvania Marketing Areas; Reopening of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Reopening of public hearing on proposed rulemaking.

SUMMARY: A public hearing was held at Middleburg Heights, Ohio, on March 3 and 4, 1983, to consider proposals to amend the Ohio Valley and Eastern Ohio-Western Pennsylvania milk orders. The transcript of the March 4 session of the hearing and the exhibits presented on both days have been received from the reporting contractor, but the contractor has not been able to locate the recording tapes of the testimony presented at the March 3 session of the hearing. Thus, the hearing is being reopened to retake the testimony presented on March 3.

DATE: The reopened hearing will convene March 29, 1983.

ADDRESS: The reopened hearing will be held at the same place as the previous hearing session: Holiday Inn, 7230 Engle Road (Jct. I–71 & Bagley Road), Middleburg Heights, Ohio.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202/447–6273.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Hearing: Issued February 16, 1983; published February 22, 1983 (48 FR 7462).

A hearing was held March 3 and 4, 1983, at Middleburg Heights, Ohio, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Ohio Valley and Eastern Ohio-Western Pennsylvania marketing areas. The reporting contractor has delivered only the transcript of the testimony presented on March 4 and the exhibits that were presented on both days. The contractor has not been able to locate the recording tapes of the testimony presented at the March 3 session of the hearing. Thus, the testimony must be retaken for that hearing session.

Notice is hereby given, pursuant to the rules of practice applicable to these proceedings (7 CFR Part 900), that the said hearing will be reopened at the Holiday Inn, 7230 Engle Road (Jct. I–71 and Bagley Road), Middleburg Heights, Ohio, beginning at 9:00 a.m., local time, on March 29, 1983, for the purpose of retaking of evidence presented on March 3 with respect to the economic and marketing conditions which relate to the proposals set forth in the notice of hearing issued February 16, 1983 (48 FR 7462).

List of Subjects in 7 CFR Parts 1033 and 1036

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on March 23, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83–7884 Filed 3–24–83; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 211

[Docket No. 79P–0199]

Current Good Manufacturing Practice in Manufacture, Processing, Packing or Holding; Proposed Exemption From Recording Lot or Control Numbers on Distribution Records for Compressed Medical Gas Products

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the current good manufacturing practice (CGMP) regulations for human and veterinary durg products to exempt compressed medical gas products from the requirement that lot or control numbers of the drug product be recorded on distribution records. This action is based upon information submitted in a citizen petition. The petition stated that compliance with the subject CGMP requirement is unnecessary and potentially counterproductive for compressed medical gas (CMG) products because their packaging and distribution differ substantially from other classes of drug products.

DATE: Comments by May 24, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
Clifford G. Broker (HFN–323), 301–443–5307,
or
Robert J. Meyer (HFN–7), 301–443–5220,
National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 29, 1978 (43 FR 54014), FDA published final CGMP regulations for human and veterinary drug products. Most of the requirements under those final regulations became effective on March 28, 1979.

On June 8, 1979, the Compressed Gas Association, 500 Fifth Ave., New York, NY 10036, submitted to FDA a citizen petition under 21 CFR 10.30 to amend the CGMP regulations by exempting CMG products from compliance with § 211.196 (21 CFR 211.196). That section requires that the distribution records for a drug product contain the name and strength of the product and a description of the dosage form, name and address of the consignee, date and quantity shipped, and lot or control number of the drug product. A copy of the petition is on file under Docket No. 79P–0199 CP in the Dockets Management Branch (address above), and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

The requirements of § 211.196 are intended to assure that a manufacturer has adequate information to determine the distribution of each lot of a drug

product in the event of a drug product recall. The petitioner requested that CMG products be exempted from § 211.196 to the extent that it requires the recording of the lot or control number of the products on distribution records. The request was based upon the unique packaging and distribution system for CMG products which, according to the petitioner, allows effective recalls of these products, if necessary, without the need for distribution records containing lot or control numbers.

The petitioner stated that CMG products are supplied in pressurized steel cylinders of various size and delivered to each consignee by truck. These cylinders are of such configuration (i.e., slender and top-heavy) that they are arranged for delivery by securely binding them together by size, rather than by consignee, gas type or lot number, to prevent cylinder damage caused by load shifting. According to the petitioner, this loading pattern is not conducive to delivering cylinders with preassigned lot numbers, because CMG truck drivers cannot be expected reliably to sort out and deliver the proper lot number to each consignee due to the extensive unloading and reloading that this procedure would require. The petitioner stated that without reasonable alternatives to the customary delivery procedure, CMG truck drivers would need to transcribe the appropriate lot or control numbers on the distribution records at the time of delivery. The petitioner pointed out that requiring CMG truck drivers to perform such clerical duties at the time of delivery would create a significant margin for error and would be counterproductive in the event of a recall.

The petitioner stressed that recalls of CMG products have been conducted effectively without distribution records containing lot or control numbers. According to the petitioner, it is standard industry practice for suppliers of CMG products to maintain distribution records both alphabetically and chronologically. In the event of a recall, the chronological record of distribution is reviewed (starting on the fill date of the lot of CMG cylinders in question) in order to identify all consignee to whom the subject lot of CMG products could have been delivered. The petitioner claimed that this system has resulted in fast and effective recalls of CMG products. Furthermore, the petitioner claimed that this system has proven to be the most reliable and practical, and that it presents the least risk of a recalled cylinder being retained by a consignee. Therefore, according to the petitioner, it is unnecessary to require that distribution records for CMG products contain lot or control numbers, because this recording requirement does not improve the timeliness or effectiveness of the present recall system for CMG products.

FDA has carefully considered the petitioner's contentions and tentatively concludes that the arguments are sound and that the petition should be granted. The intent of requiring the lot or control number on the distribution record of a drug product is to ensure distribution accountability, and thus to enable firms to conduct timely and effective recalls if necessary. The agency is persuaded that, in the case of CMG products, the objective can be met without distribution records that contain lot or control numbers.

The agency has not identified any practical alternatives to the need for CMG truck drivers to record lot or control numbers of CMG products on distribution records at the time of delivery, because of the loading patterns necessary to prevent damage to CMG cylinders. The agency agrees with the petitioner's contention that requiring CMG truck drivers to record lot or control numbers at the time of delivery might lead to error. Therefore, the agency believes that reliance on lot or control numbers as entered on distribution records by CMG truck drivers to determine the distribution of a recalled CMG produce may be counterproductive because of the risk of an incomplete recall.

During the last several years, the agency has monitored two CMG product recalls, both of which are conducted promptly and effectively without the use of distribution records that contained lot or control numbers. The agency notes that several unique factors, such as a limited number of consignees over a small geographic area for which CMG supplier and a strong economic incentive for each CMG supplier to monitor the consignee's receipt of the expensive and reusable CMG cylinders, have contributed to the success of CMG product recalls. As a result of this review of the CMG industry's distribution mechanisms and recall system, the agency tentatively concludes that distribution records containing lot or control numbers are unnecessary for the prompt and effective recall of CMG products.

The agency emphasizes that the proposed exemption for lot or control numbers on distribution records for CMG products does not relieve suppliers of CMG products from keeping adequate distribution records to enable a complete recall of any lot of a CMG product. In addition, suppliers of CMG products are required by the CGMP regulations under § 211.150 (21 CFR 211.150) to establish and follow written distribution procedures to facilitate a CMG product recall if necessary. The agency believes that these requirements are adequate to ensure the continued success of CMG product recalls without the availability of lot or control numbers on distribution records. Accordingly, FDA is proposing to amend § 211.196 by exempting CMG products from the requirement that distribution records contain the lot or control number of the drug product.

The agency has determined that, because of the nature of the proposed change, it is in the public interest to allow suppliers of CMG products to follow, on an interim basis, the provisions of this proposal. Thus, suppliers of CMG products, on the publication date of this proposal, will no longer be required to include lot or control numbers on distribution records of CMG products. Pending the receipt of comments on this proposal, and the agency's final decision on this matter, this interim enforcement policy will remain in effect. If the agency determines not to adopt this proposal as a final rule, a notice announcing that decision will be published in the **Federal Register**.

The agency has determined pursuant to 21 CFR 25.24(d)(12) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

The agency has considered the economic consequences of this proposed rulemaking and has determined that it does not require either a regulatory impact analysis, as specified in Executive Order 12291, or a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-

354). Specifically, the proposal amends the CGMP regulations for human and veterinary drug products to exempt compressed medical gas products from the requirement that lot or control numbers of the drug product be recorded on distribution records. Thus, the exemption would relieve a regulatory burden on the industry and eliminate the cost associated with the requirement for the manufacturers of these drugs. Therefore, the agency concludes that the proposed rule is not a "major" rule as defined in Executive Order 12291. Further, the agency certifies that the proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 21 CFR Part 211

Drugs, Manufacturing, Labeling, Laboratories, Packaging and containers, Warehouses.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 512, 701, 52 Stat. 1049–1051 as amended, 1055–1056 as amended 82 Stat. 343–351 (21 U.S.C. 351, 352, 360b, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Part 211 be amended by revising § 211.196 to read as follows:

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

§ 211.196 Distribution records.

Distribution records shall contain the name and strength of the product and description of the dosage form, name and address of the consignee, date and quantity shipped, and lot or control number of the drug product. For compressed medical gas products, distribution records are not required to contain lot or control numbers.

Interested persons may, on or before May 24, 1983 submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 23, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-7703 Filed 3-24-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 880, 881, 883, 884, and 886

[Docket No. R-83-1031]

Section 8 Housing Assistance Payments Programs for New Construction and Substantial Rehabilitation

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: The Department is proposing to amend its regulations governing the Section 8 Housing Assistance Payments Programs for New Construction and Substantial Rehabilitation. These amendments would require that each Housing Assistance Payments Contract provide that the owner will notify tenants at least 90 days before the expiration of the Contract of any rent increase which may occur as a result of its expiration. These amendments would bring the Department's regulations into conformity with Section 8(c)(8) of the U.S. Housing Act of 1937, as added by Section 326(a) of the Housing and Community Development Amendments of 1981. The proposed rule would also apply to existing housing assisted under the Section 8 Assistance Program for the Disposition of HUD-Owned Projects (Part 886, Subpart C) and the Additional Assistance Program for Projects with HUD-Insured and HUD-Held Mortgages (Part 886, Subpart A).

DATE: Comments must be received on or before May 24, 1983.

ADDRESS: Interested persons are invited to submit written comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Program Planning Division, Room 6178, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–5654; or Cherie D. Charles, Director, State Agency Finance Division, Office of State Agency and Bond Financed Programs, Room 6124, Department of HUD, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6887. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The purpose of the Section 8 Program is to assist lower income families in obtaining decent, safe and sanitary rental housing through the use of housing assistance payments. The housing assistance payments reduce the tenant contribution to rent for eligible lower income families leasing assisted units. Monthly housing assistance payments are made directly to the project owner pursuant to a Housing Assistance Payments Contract (HAP Contract).

Section 326(a) of the Housing and Community Development Amendments of 1981 (the "1981 Act") added paragraph (8) to Section 8(c) of the U.S. Housing Act of 1937. Section 8(c)(8) requires that each contract shall provide that the owner will notify tenants, at least 90 days before the expiration of the contract, of any rent increase which may occur as a result of the contract's expiration. The Department is proposing to amend its regulations to incorporate this statutory change.

Except as noted below, these changes would apply only to the New Construction and Substantial Rehabilitation Programs, in accordance with the Conference Report on the 1981 Act (H.R. Report No. 97–208 at 693). These Programs are: New Construction (Part 880); Substantial Rehabilitation (Part 881); State Housing Agencies (Part 883) (insofar as the State Agency program involves new construction and substantial rehabilitation); the New Construction Set-Aside for Section 515 Rural Rental Housing Projects (Part 884); and the Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects (Part 886, Subpart C) (insofar as it involves substantial rehabilitation). In addition to this proposed rule, the Department is also preparing a regulation amending Part 885 which, among other matters, would incorporate this amendment and other statutory changes effected by the 1981 Act to the Loans for Housing for the Elderly or Handicapped Program.

The Department also proposes to extend the requirements of section 326(a) to existing housing under the Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects (24 CFR Part 886, Subpart C) and the Additional Assistance Program for Projects with HUD-Insured and HUD-Held Mortgages (24 CFR Part 886, Subpart A). This coverage is proposed because, like the new construction and substantial rehabilitation programs, the subsidy is "project-based," with assisted

tenants losing their subsidy if the owner terminates the contract. Thus, the notice required by section 326(a) would be as important to recipients under these Programs as under the New and Substantial Rehabilitation Programs. The rule would not extend to the Section 8 "Finders-Keepers" Existing Program under Part 882, since an owner's decision to discontinue participation in that Program does not necessarily result in loss of the subsidy to the tenant.

Consistent with section 371(b) of the 1981 Act, all Section 8 owners of new or subtantially rehabilitated projects who executed HAP Contracts pursuant to Agreements to Enter into such Contracts executed on or after October 1, 1981, would be subject to this statutory requirement, notwithstanding the fact that their Contract may not contain such an express provision, since Section 326(a) constituted law in effect at the time the Agreements were executed. This rule would not affect the obligations of a Section 8 project owner who entered into a HAP Contract pursuant to an Agreement executed before October 1, 1981, unless the Contract is renewed or amended on or after the effective date of this rule. The proposed rule would apply only to those Section 8 project owners of existing housing who execute Contracts on or after the effective date of the rule, since application of the rule to such owners is not mandated by section 326(a) of the 1981 Act.

The proposed rule would require project owners to notify each assisted tenant, at least 90 days before the end of the HAP Contract term, of any increase in the amount the tenant would be required to pay as rent which may occur as a result of expiration of Contract. If the Contract is to be renewed with a reduction of the number of units covered, the notice would be given to each tenant who will no longer receive assistance. The manner of providing notice is specified in the rule.

With the loss of Section 8 assistance, tenants choosing to remain may be required to make higher payments, even without an actual increase in the rent charged for a unit by an ower. In order to assure that the tenants receive adequate notice of this effect, the proposed rule would require that the notice advise them that, after the expiration date of the assistance, formerly assisted tenants choosing to remain will be required to bear the entire cost of the rent and that the owner will be free (unless the project is otherwise subject to rent regulation by HUD) to alter the rents without HUD approval, but subject to any applicable requirements or restrictions under the lease or State or local law. The notice would also be required to set forth the actual (if known) or the estimated rent to be charged following the expiration of the HAP Contract, the difference between such rent and total family contribution to rent under the Contract, and the date on which the Contract will expire.

A Finding of No Signficiant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969. The finding is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule imposes a purely ministerial duty and does not affect existing regulations governing the development and regular operation of newly constructed or substantially rehabilitated units assisted under Section 8.

This rule was listed as item H–135–82 in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.156 (Lower Income Housing Assistance Program (C)).

List of Subjects

24 CFR Parts 880 and 881

Grant programs—Housing and community development, Housing assistance payments, Lower income housing.

24 CFR Part 883

Grant programs—Housing and community development, Housing assistance payments, New construction and substantial rehabilitation.

24 CFR Part 884

Grant programs—Housing and community development, Housing assistance payments, Rural areas, Lower income housing.

24 CFR Part 886

Grant programs—Housing and Community Development, Housing assistance payments, Lower income housing.

Accordingly, the Department proposes to amend 24 CFR Parts 880, 881, 883, 884 and 886 as follows:

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

1. In Subpart E of Part 880, a new § 880.508 would be added, to read as follows:

§ 880.508 Notice upon contract expiration.

(a) The Contract, if entered into pursuant to an Agreement executed on or after October 1, 1981, or if entered into pursuant to an Agreement executed before October 1, 1981, but renewed or amended on or after May 24, 1983, will provide that the owner will notify each assisted tenant, at least 90 days before the end of the Contract term, of any increase in the amount the tenant will be required to pay as rent which may occur as a result of its expiration. If the Contract is to be renewed but with a reduction in the number of units covered by it, this notice shall be given to each tenant who will no longer be assisted under the Contract.

(b) The notice provided for in paragraph (a) of this section shall be accomplished by serving a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by affixing the notice to the door. The date on which the notice shall be deemed to be received by the tenant shall be the date on which the notice provided for in this paragraph is properly served.

(c) The notice shall advise each affected tenant that, after the expiration date of the Contract, the tenant will be required to bear the entire cost of the rent and that the owner will be free (to the extent the project is not otherwise

regulated by HUD) to alter the rent without HUD approval, but subject to any applicable requirements or restrictions under the lease or under State or local law. The notice shall also state:

(1) The actual (if known) or the estimated rent which will be charged following the expiration of the Contract;

(2) The difference between such rent and the total family contribution to rent under the Contract; and

(3) The date the Contract will expire.

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR SUBSTANTIAL REHABILITATION

2. In Supbart E of Part 881, a new § 881.508 would be added, to read as follows:

§ 881.508 Notice upon contract expiration.

(a) The Contract, if entered into pursuant to an Agreement executed on or after October 1, 1981, or if entered into pursuant to an Agreement executed before October 1, 1981, but renewed or amended on or after (insert effective date), will provide that the owner will notify each assisted tenant, at least 90 days before the end of the Contract term, of any increase in the amount the tenant will be required to pay as rent which may occur as a result of its expiration. If the Contract is to be renewed but with a reduction in the number of units covered by it, this notice shall be given to each tenant who will no longer be assisted under the Contract.

(b) The notice provided for in paragraph (a) of this section shall be accomplished by serving a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by affixing the notice to the door. The date on which the notice shall be deemed to be received by the tenant shall be the date on which the notice provided for in this paragraph is properly served.

(c) The notice shall advise each affected tenant that, after the expiration date of the Contract, the tenant will be required to bear the entire cost of the rent and that the owner will be free (to the extent the project is not otherwise regulated by HUD) to alter the rent without HUD approval, but subject to any applicable requirements or restrictions under the lease or under State or local law. The notice shall also state:

(1) The actual (if known) or the estimated rent which will be charged following the expiration of the Contract;

(2) The difference between such rent and the total family contribution to rent under the Contract; and

(3) The date the Contract will expire.

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES

3. In Subpart F of Part 883, a new § 883.608 would be added, to read as follows:

§ 883.608 Notice upon contract expiration.

(a) The Contract, if entered into pursuant to an Agreement executed on or after October 1, 1981, or if entered into pursuant to an Agreement executed before October 1, 1981, but renewed or amended on or after (insert effective date), will provide that the owner will notify each assisted tenant, at least 90 days before the end of the Contract term, of any increase in the amount the tenant will be required to pay as rent which may occur as a result of its expiration. If the Contract is to be renewed but with a reduction in the number of units covered by it, this notice shall be given to each tenant who will no longer be assisted under the Contract.

(b) The notice provided for in paragraph (a) of this section shall be accomplished by serving a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by affixing the notice to the door. The date on which the notice shall be deemed to be received by the tenant shall be the date on which the notice provided for in this paragraph is properly served.

(c) The notice shall advise each affected tenant that, after the expiration date of the Contract, the tenant will be required to bear the entire cost of the rent and that the owner will be free (to the extent the project is not otherwise regulated by HUD) to alter the rent without the approval of HUD, but subject to any applicable requirements or restrictions under the lease or under State or local law. The notice shall also state:

(1) The actual (if known) or the estimated rent which will be charged following the expiration of the Contract;

(2) The difference between such rent and the total family contribution to rent under the Contract; and

(3) The date the Contract will expire.

PART 884—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

4. In Subpart A of Part 884, a new § 884.108a would be added, to read as follows:

§ 884.108a Notice upon contract expiration.

(a) The Contract, if entered into pursuant to an Agreement executed on or after October 1, 1981, or if entered into pursuant to an Agreement executed before October 1, 1981, but renewed or amended on or after May 24, 1983, will provide that the owner will notify each assisted tenant, at least 90 days before the end of the Contract term, of any increase in the amount the tenant will be required to pay as rent which may occur as a result of its expiration. If the Contract is to be renewed but with a reduction in the number of units covered by it, this notice shall be given to each tenant who will no longer be assisted under the Contract.

(b) The notice provided for in paragraph (a) of this section shall be accomplished by serving a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by affixing the notice to the door. The date on which the notice shall be deemed to be received by the tenant shall be the date on which the notice provided for in this paragraph is properly served.

(c) The notice shall advise each affected tenant that, after the expiration date of the Contract, the tenant will be required to bear the entire cost of the rent and that the owner will be free (to the extent the project is not otherwise regulated by HUD or by the FmHA) to alter the rent without HUD approval, but subject to any applicable requirements or restrictions under the lease or State or local law. The notice shall also state:

(1) The actual (if known) or the estimated rent which will be charged following the expiration of the Contract;

(2) The difference between such rent and the total family contribution to rent under the Contract; and

(3) The date the Contract will expire.

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

5. In Subpart A of Part 886, a new § 886.111a would be added, to read as follows:

§ 886.111a Notice upon contract expiration.

(a) The Contract will provide that the owner will notify each assisted tenant, at least 90 days before the end of the Contract term, of any increase in the amount the tenant will be required to pay as rent which may occur as a result of its expiration. If the Contract is to be renewed but with a reduction in the number of units covered by it, this notice shall be given to each tenant who will no longer be assisted under the Contract.

(b) The notice provided for in paragraph (a) of this section shall be accomplished by serving a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by affixing the notice to the door. The date on which the notice shall be deemed to be received by the tenant shall be the date on which the notice provided for in this paragraph is properly served.

(c) The notice shall advise each affected tenant that, after the expiration date of the Contract, the tenant will be required to bear the entire cost of the rent and that the owner will be free (to the extent the project is not otherwise regulated by HUD) to alter the rent without HUD approval, but subject to any applicable requirements or restrictions under the lease or State or local law. The notice shall also state:

(1) The actual (if known) or the estimated rent which will be charged following the expiration of the Contract;

(2) The difference between such rent and the total family contribution to rent under the Contract; and

(3) The date the Contract will expire.

(d) This section applies to all Contracts executed, renewed or amended after May 24, 1983.

6. In Subpart C of Part 886, a new § 886.311a would be added, to read as follows:

§ 886.311a Notice upon contract expiration.

(a) The Contract will provide that the owner will notify each assisted tenant, at least 90 days before the end of the Contract term, of any increase in the amount the tenant will be required to pay as rent which may occur as a result of its expiration. If the Contract is to be renewed but with a reduction in the number of units covered by it, this notice shall be given to each tenant who will no longer be assisted under the Contract.

(b) The notice provided for in paragraph (a) of this section shall be accomplished by serving a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by affixing the notice to the door. The date on which the notice shall be deemed to be received by the tenant shall be the date on which the notice provided for in this paragraph is properly served.

(c) The notice shall advise each affected tenant that, after the expiration date of the Contract, the tenant will be required to bear the entire cost of the rent and that the owner will be free (to the extent the project is not otherwise regulated by HUD) to alter the rent without HUD approval, but subject to any applicable requirements or restrictions under the lease or State or local law. The notice shall also state:

(1) The actual (if known) or the estimated rent which will be charged following the expiration of the Contract;

(2) The difference between such rent and the total family contribution to rent under the Contract; and

(3) The date the Contract will expire.

(d) This section shall apply to (1) Contracts involving Substantial Rehabilitation entered into pursuant to Agreements executed on or after October 1, 1981, or Contracts involving Substantial Rehabilitation entered into pursuant to Agreements executed before October 1, 1981, but renewed or amended on or after May 24, 1983, and (2) all other Contracts executed, renewed or amended after May 24, 1983.

(Sec. 8(c), United States Housing Act of 1937, (42 U.S.C. 1437f); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Dated: March 3, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-7705 Filed 3-24-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-218-78]

Product Liability Losses and Accumulations for Product Liability Losses; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to product liability losses and accumulations for the payment of reasonably anticipated product liability losses. Changes to the applicable tax law were made by the Revenue Act of 1978 and the Economic Recovery Tax Act of 1981. The regulations would provide the public with the guidance needed to comply with the applicable parts of those acts.

DATE: Written comments and requests for a public hearing must be delivered or mailed by May 24, 1983. The amendments made by section 371 of the Revenue Act of 1978 are proposed to be effective for taxable years beginning after September 30, 1979. The amendments made by section 207(a)(1) of the Economic Recovery Tax Act of 1981 are proposed to be effective for taxable years ending after December 31, 1975.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-218-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: George T. Magnatta of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3288).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 172 and 537 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 371 of the Revenue Act of 1978 (92 Stat. 2859) and section 207(a)(1) of the Economic Recovery Tax Act of 1981 (95 Stat. 225). The proposed amendments are to be issued under the authority contained in sections 172 and 537 of the Code (92 Stat. 2859; 26 U.S.C. 172 and 537) and by section 7805 of the Code (68A Stat. 917, 26 U.S.C. 7805).

In General

Generally, a net operating loss may be carried back to each of the 3 taxable years preceding the taxable year of such loss and may be carried over to each of the 15 succeeding taxable years (5 succeeding taxable years for a loss sustained in a taxable year ending before January 1, 1976) following the taxable year of such loss.

New section 172(b)(1)(H) provides a 10-year carryback for product liability losses, unless the taxpayer elects to waive the application of section 172(b)(1)(H). For purposes of section 172, a product liability loss is the lesser of

the following: (1) The net operating loss for the year (excluding the portion of the loss attributable to foreign expropriation losses), or (2) the sum of the amounts deductible, either as trade or business expenses or as losses, that are attributable to: (i) Product liability, and (ii) expenses (including settlement payments) in connection with the investigation or settlement of or opposition to claims against the taxpayer on account of alleged product liability. Product liability is defined as the liability of the taxpayer which arises on account of physical injury or emotional harm to individuals, as well as damage to, or loss of the use of, property on account of any defect in any product which is manufactured, leased, or sold by the taxpayer. Under the proposed regulations, liability which satisfies the statutory definition of product liability would be considered product liability under section 172 even if such liability were not product liability under the laws of particular State.

Any taxpayer entitled to the special carryback rules of section 172(b)(1)(H) may elect not to have the special rules apply. Such an election is a yearly election. If the taxpayer so elects, product liability losses shall not be carried back 10 years; rather, product liability losses shall be carried back or carried over in accordance with the general carryback and carryover rules of section 172(b)(1).

The new rules under section 172(b)(1)(H) would provide that accumulations permitted under section 537(b)(4) which are designed to provide amounts for the payment of reasonably anticipated product liability losses and are accumulations for the reasonably anticipated needs of a business are not considered product liability losses until a loss is considered to be sustained under the applicable tax rules. (*e.g.*, section 165). Likewise, payments for any type of insurance against product liability risks are not considered product liability losses.

Accumulations Under Section 537

Amounts accumulated for the payment of reasonably anticipated product liability losses shall be considered accumulations for the reasonable needs of a business. The new rules would provide that the reasonableness of the accumulation is to be determined in light of all facts and circumstances of the taxpayer making such accumulation. Some of the factors to be taken into account in determining such reasonableness include the taxpayer's past product liability experience, the extent of the taxpayer's coverage by commercial product liability insurance, the tax consequences of the taxpayer's ability to deduct product liability losses for income tax purposes, and the taxpayer's future potential liability due to defective products in light of the taxpayer's plans to expand the production of products currently being manufactured, provided such plans are specific, definite, and feasible. Only those accumulations made with respect to products that have been manufactured, leased, or sold shall be considered as accumulations for the reasonable needs of the business.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Non-Application of Executive Order 12291

The Treasury Department has determined that this proposed regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is George T. Magnatta of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects

26 CFR 1.61–1 through 1.281–4

Income taxes, Taxable income, Deductions, Exemptions.

26 CFR 1.531–1 through 1.565–6

Income taxes, Corporations, Tax avoidance, Holding companies.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Paragraph 1. Section 1.172–4 is amended by removing "(a)(1)(viii), and (a)(1)(ix)" in paragraph (a)(1)(ii) and adding in its place "(a)(1) (viii), (ix), and (x)", and by adding a new paragraph (a)(1)(x). The added provision reads as follows:

§ 1.172–4 Net operating loss carrybacks and net operating loss carryovers.

(a) *General provisions*—(1) *Years to which loss may be carried.* * * *

(x) *Product liability losses.* A product liability loss (as defined in section 172(i) and § 1.172–13(b)(1)) sustained in a taxable year beginning after September 30, 1979, by any taxpayer shall be carried back to the 10 preceding taxable years, unless the taxpayer elects (in accordance with the rules set forth in section 172(i)(3) and § 1.172–13(c)) not to have this provision apply. Any unused portion of the net operating loss remaining after this 10-year carryback period shall be carried forward under the general provisions of section 172(b)(1)(B) and its status as a product liability loss shall be disregarded.

* * * * *

Par. 2. A new § 1.172–13 is added after § 1.172–12, to read as follows:

§ 1.172–13 Product liability losses.

(a) *Entitlement to 10-year carryback*—(1) *In general.* Unless an election is made pursuant to paragraph (c) of this section, in the case of a taxpayer which has a product liability loss (as defined in section 172(i) and paragraph (b)(1) of this section) for a taxable year beginning after September 30, 1979 (hereinafter "loss year"), the product liability loss shall be a net operating loss carryback to each of the 10 taxable years preceding the loss year.

(2) *Years to which loss may be carried.* A product liability loss shall first be carried to the earliest of the taxable years to which such loss is allowable as a carryback and shall then be carried to the next earliest of such taxable years, etc.

(3) *Example.* The application of this paragraph may be illustrated as follows:

Example. Taxpayer A incurs a net operating loss for taxable year 1980 of $80,000, of which $60,000 is a product liability loss. A's taxable income for each of the 10 years immediately preceding taxable year 1980 was $5,000. The product liability loss of $60,000 it first carried back to the 10th through the 4th preceding taxable years ($5,000 per year), thus offsetting $35,000 of the loss. The remaining $25,000 of product liability loss is added to the remaining portion of the total net operating loss for taxable year 1980 which was not a product liability loss ($20,000), and the total is then carried back to the 3rd through 1st years preceding taxably year 1980, which offsets $15,000 of this loss. The remaining loss ($30,000) is carried forward pursuant to section 172(b)(1) and the regulations thereunder without regard to whether all or any portion thereof originated as a product liability loss.

(b) *Definitions*—(1) *Product liability loss.* The term "product liability loss" means, for any taxable year, the lesser of—

• (i) The net operating loss for the current taxable year (not including the portion of such net operating loss attributable to foreign expropriation losses, as defined in § 1.172–11), or

(ii) The total of the amounts allowable as deductions under sections 162 and 165 directly attributable to—

(A) Product liability (as defined in paragraph (b)(2) of this section), and

(B) Expenses (including settlement payments) incurred in connection with the investigation or settlement of or opposition to claims against the taxpayer on account of alleged product liability.

Indirect corporate expense, or overhead, is not to be allocated to product liability claims so as to become a product liability loss.

(2) *Product liability.* (i) The term "product liability" means the liability of a taxpayer for damages resulting from physical injury or emotional harm to individuals, or damage to or loss of the use of property, on account of any defect in any product which is manufactured, leased, or sold by the taxpayer. The preceding sentence applies only to the extent that the injury, harm, or damage occurs after the taxpayer has completed or terminated operations with respect to the product, including, but not limited to the manufacture, installation, delivery, or testing of the product, and has relinquished possession of such product.

(ii) The term "product liability" does not include liabilities arising under warranty theories relating to repair or replacement of the property that are essentially contract liabilities. For example, the costs incurred by a taxpayer in repairing or replacing defective products under the terms of a warranty, express or implied, are not product liability losses. On the other hand, the taxpayer's liability for damage done to other property or for harm done to persons that is attributable to a defective product may be product liability losses regardless of whether the claim sounds in tort or contract. Further, liability incurred as a result of services performed by a taxpayer is not product liability. For purposes of the preceding sentence, where both a product and services are integral parts of a transaction, product liability does not arise until all operations with respect to the product are completed and the taxpayer has relinquished possession of it. On the other hand any liability that arises after completion of the initial delivery, installation, servicing, testing, etc., is considered "product liability" even if such liability arises during the subsequent servicing of the product pursuant to a service agreement or otherwise.

(iii) Liability for injury, harm, or damage due to a defective product as described in this subparagraph shall be "product liability" notwithstanding that the liability is not considered product liability under the law of the State in which such liability arose.

(iv) Amounts paid for insurance against product liability risks are not paid on account of product liability.

(3) *Examples.* Paragraph (b)(2) of this section is illustrated by the following examples:

Example (1). X, a manufacturer of heating equipment, sells a boiler to A, a homeowner. Subsequent to the sale and installation of the boiler, the boiler explodes due to a defect causing physical injury to A. A sues X for damages for the injuries sustained in the explosion and is awarded $250,000 which X pays. The payment was made on account of product liability.

Example (2). Assume the same facts as in example (1) and that A also sues under the contract with X to recover for the cost of the boiler and recovers $1,000, the boiler's replacement cost. The $1,000 payment is not a payment on account of product liability. Similarly, if X agrees to repair the destroyed boiler, any amount expended by X for such repair is not payment made on account of product liability.

Example (3). Y, a professional medical association, is sued by B, a patient, in an action based on the malpractice of one of its doctors. B recovers $25,000. As the suit was based on the services of B, the payment is not made on account of product liability.

Example (4). R, a retailer of communications equipment, sells a telecommunication device to C. R also contracts with C to service the equipment for 3 years. While R is installing the equipment, the unit catches on fire due to faulty wiring within the unit and destroys C's office. As R had not relinquished possession of the equipment when the fire started, any amount paid to C by R for the damage to C's property on account of the defective product is not payment on account of product liability.

Example (5). Assume the same facts as in example (4) except that the fire and resulting property damages occurred after R had installed the equipment and relinquished possession of it. Any amount paid for the property damages sustained on account of the defective product is payment on account of product liability.

Example (6). Assume the same facts as in example (4) except that the equipment catches on fire during the subsequent servicing of the unit. As C is in possession of the unit during the servicing, any amount paid for the property damage sustained on account of the defective product would be payment on account of product liability.

Example (7). X, a manufacturer of computers, sells a computer to A. X also has its employees periodically service the computer for A from time to time after it is placed in service. After the initial delivery, installation, servicing, and testing of the computer is completed, the computer catches on fire while X's employee is servicing the equipment. This fire causes property damage to A's office and physical injury to A. Any amount paid for the property or physical damage sustained on account of the defective product is payment on account of product liability.

(c) *Election*—(1) *In general.* The 10-year carryback provision of this section applies, except as provided in this paragraph, to any taxpayer who, for a taxable year beginning after September 30, 1979, incurs a product liability loss. Any taxpayer entitled to a 10-year carryback under paragraph (a) of this section in any loss year may elect (at the time and in the manner provided in paragraph (c)(2) of this section) to have the carryback period with respect to the product liability loss determined without regard to the carryback rules provided by paragraph (a) of this section. If the taxpayer so elects, the product liability loss shall not be carried back to the 10th through the 4th taxable years preceding the loss year. In such case, the product liability loss shall be carried back or carried over as provided by section 172(b) (except subparagraph (1)(H) thereof) and the regulations thereunder.

(2) *Time and manner of making election.* An election by any taxpayer entitled to the 10-year carryback for the product liability loss to have the carryback with respect to such loss determined without regard to the 10-year carryback provision of paragraph (a) of this section must be made by attaching to the taxpayer's tax return (filed within the time prescribed by law, including extensions of time) for the taxable year in which such product

liability loss is sustained a statement containing the information required by paragraph (c)(3) of this section. Such election, once made for any taxable year, shall be irrevocable after the due date (including extensions of time) of the taxpayer's tax return for that taxable year.

(3) *Information required.* The statement referred to in paragraph (c)(2) of this section shall contain the following information:

(i) The name, address, and taxpayer identifying number of the taxpayer; and

(ii) A statement that the taxpayer elects under section 172(i)(3) not to have section 172(b)(1)(H) apply.

Par. 3. Section 1.537–1 is amended by revising the first two sentences of paragraph (a) and by adding a new paragraph (f) after paragraph (e). These amended and added provisions read as follows:

§ 1.537–1 Reasonable needs of the business.

(a) *In general.* The term "reasonable needs of the business" includes (1) the reasonably anticipated needs of the business (including product liability loss reserves, as defined in paragraph (f) of this section), (2) the section 303 redemption needs of the business, as defined in paragraph (c) of this section, and (3) the excess business holdings redemption needs of the business as described in paragraph (d) of this section. See paragraph (e) of this section for additional rules relating to the section 303 redemption needs and the excess business holdings redemption needs of the business. * * *

* * * * *

(f) *Product liability loss reserves.* (1) The term "product liability loss reserve" means, with respect to taxable years beginning after September 30, 1979, reasonable amounts accumulated for the payment of reasonably anticipated product liability losses, as defined in section 172(i) and § 1.172–13(b)(1).

(2) For purposes of this paragraph, whether an accumulation for anticipated product liability losses is reasonable in amount and whether such anticipated product liability losses are likely to occur shall be determined in light of all facts and circumstances of the taxpayer making such accumulation. Some of the factors to be considered in determining the reasonableness of the accumulation include the taxpayer's previous product liability experience, the extent of the taxpayer's coverage by commercial product liability insurance, the income tax consequences of the taxpayer's ability to deduct product liability losses and related expenses, and the taxpayer's future potential liability due to defective products in light of the taxpayer's plans to expand the production of products currently being manufactured, provided such plans are specific, definite and feasible.

(3) Only those accumulations made with respect to products that have been manufactured, leased, or sold shall be considered as accumulations made under this paragraph. Thus, for example, accumulations with respect to a product which has not progressed beyond the development stage are not reasonable accumulations under this paragraph.

Par. 4. Section 1.537–2 is amended by removing "or" at the end of paragraph (b)(4); by removing the period at the end of paragraph (b)(5) and adding "; or" in its place, and by adding a new paragraph (b)(6) after paragraph (b)(5). The amended provision reads as follows:

§ 1.537–2 Grounds for accumulation of earnings and profits.

* * * * *

(b) *Reasonable accumulation of earnings and profits.* * * *

(6) To provide for the payment of reasonably anticipated product liability losses, as defined in section 172(i), § 1.172–13(b)(1), and § 1.537–1(f).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83–7733 Filed 3–24–83; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Part 301

[Docket No. LR–11–83]

Exhaustion of Administrative Remedies for Purposes of the Recovery of Court Costs and Certain Fees in a Civil Tax Proceeding

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the circumstances in which a party normally will be considered to have exhausted the administrative remedies available within the Internal Revenue Service for purposes of the recovery of court costs and certain fees in a civil tax proceeding brought in a court of the United States (including the Tax Court). Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982. The proposed regulations apply to parties to civil tax proceedings and provide them with guidance concerning circumstances in which the Internal Revenue Service normally will consider a party's administrative remedies exhausted.

DATES: Written comments and requests for a public hearing must be delivered by May 24, 1983. The proposed regulations apply to civil tax proceedings commenced after February 28, 1983, and before January 1, 1986.

ADDRESS: Send comments and request for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–11–83) Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Paul H. Weisman of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T 202–566–3238, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Procedure and Administration Regulations (26 CFR Part 301) under section 7430 of the Internal Revenue Code of 1954. The proposed amendments reflect the changes made by section 292(a) of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 572).

The proposed regulations describe the circumstances in which a party normally will be considered to have exhausted administrative remedies within the Internal Revenue Service for purposes of the recovery of court costs and certain fees in civil tax proceedings brought in a court of the United States (including the Tax Court). Prior to the adoption of section 7430, the Equal Access to Justice Act (28 U.S.C. 2412) permitted the recovery of such costs in a United States District Court or the Court of Claims, but that Act did not apply to Tax Court cases. Section 7430 now provides uniform rules for the recovery of reasonable litigation costs in any civil tax proceeding brought in a court of the United States (including the Tax Court).

In general, a prevailing party may now recover the reasonable litigation costs incurred in a civil proceeding if the proceeding relates to the determination, collection or refund of any tax, interest or penalty under the Internal Revenue Code and the party has exhausted all the administrative remedies related to that party's tax matter. However, in no event may the party recover in excess of $25,000 in any single civil proceeding.

The proposed regulations provide information concerning the circumstances in which the Internal Revenue Service normally will consider a party's administrative remedies exhausted. In general, administrative remedies are considered exhausted if the party has requested (and if granted,

participated in) an Appeals office conference on the party's tax matter prior to filing an action in a court of the United States (including a petition in the Tax Court). A party has participated in an Appeals office conference if the party has disclosed all relevant information regarding the matter to the Appeals office. In the case of the revocation of a determination that an organization is described in section 501(c)(3), a party must complete the procedures set forth in section 7428 and in regulations, rules and revenue procedures thereunder (including, until superseded, those procedures set forth in Rev. Proc. 80–25, 1980–1 C.B. 667) to exhaust its administrative remedies. Where no administrative procedure covering a party's tax matter allows the party to request an Appeals office conference, the party's administrative remedies will not be considered exhausted unless the party has filed a written claim for relief with the district director having jurisdiction over the tax matter and allowed the district director a reasonable period of time to act on the claim. A party is not required to pursue its administrative remedies if the Internal Revenue Service has notified the party in writing that such pursuit is unnecessary, has not given the party an opportunity to request an Appeals office conference before sending a statutory notice of deficiency, or has failed to grant the party an Appeals office conference with respect to a claim for refund within six month of the filing of such claim for refund. A party must participate in an Appeals office conference during either the deficiency procedures of the refund procedures with respect to tax matter, but is not required to participate during both procedures. Thus, if a party participated in an Appeals office conference with respect to a tax matter prior to the issuance of a statutory notice of deficiency, the party does not need to request an Appeals office conference after filing a claim for refund with respect to the same tax matter.

The proposed regulations apply to civil tax proceedings commenced after February 28, 1983, and before January 1, 1986.

The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Comments and Request for a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Special Analyses

The Commissioner has determined that this proposed rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. Although this document is a notice of proposed rulemaking that solicits public comment the Internal Revenue Service has concluded that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C., Chapter 6).

Drafting Information

The principal author of these proposed regulations is Paul H. Weisman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigation, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Proposed amendments to the regulations

The proposed amendments to 26 CFR Part 301 are as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph. The following section is added at the appropriate place:

§ 301.7430–1 Exhaustion of administrative remedies.

(a) *In general.* Section 7430(b)(2) provides that a court shall not award reasonable litigation costs in any civil tax proceeding under section 7430 (a) unless the court determines that the prevailing party has exhausted the administrative remedies available to the party within the Internal Revenue Service. This section sets forth the circumstances in which the Internal Revenue Service normally will consider such administrative remedies exhausted.

(b) *Tax, penalty and addition to tax—*(1) *In general.* A party has not exhausted its administrative remedies available within the Internal Revenue Service with respect to any tax matter for which an Appeals office conference is available under §§ 601.105 and 601.106 of the Statement of Procedural Rules (26 CFR Part 601) (other than a tax matter dscribed in paragraph (c)) unless the party prior to filing a civil action for refund in a court of the United States or a petition in the Tax Court—

(i) Requests an Appeals office conference in accordance with §§ 601.105 and 601.106 of the Statement of Procedural Rules;

(ii) Files a written protest if a written protest is required to obtain an Appeals office conference;

(iii) Agrees under section 6501(c)(4) to extend the time for an assessment of tax if necessary to provide the Appeals office with a reasonable time period to consider the tax matter; and

(iv) Participates, either in person or through a qualified representative described in § 601.502 of the Statement of Procedural Rules, in any Appeals office conference granted.

(2) *Participates.* For purposes of this paragraph a party or qualified representative of the party described in § 601.502 of the Statement of Procedural Rules participates in an Appeals office conference if the party or qualified representative discloses all relevant information regarding the party's tax matter to the Appeals office.

(c) *Revocation of a determination that an organization is described in section 501(c)(3).* A party has not exhausted its administrative remedies available within the Internal Revenue Service with respect to a revocation of a determination that it is an organization described in section 501(c)(3) unless, prior to filing a declaratory judgment action under section 7428, the party has exhausted its administrative remedies in accordance with section 7428, and any regulations, rules, and revenue procedures thereunder.

(d) *Actions involving summonses, levies, liens, jeopardy and termination assessments, etc.* (1) A party has not exhausted its administrative remedies available within the Internal Revenue Service with respect to a matter other than one to which paragraph (b) or (c) applies (including summonses, levies, liens and jeopardy and termination assessments) unless, prior to filing an action in a court of the United States—

(i) The party submits to the district director of the district having jurisdiction over the dispute a written claim for relief reciting facts and circumstances sufficient to show the nature of the relief requested and that the party is entitled to such relief; and

(ii) The district director has denied the claim for relief in writing or failed to act on the claim within a reasonable period after such claim is received by the district director.

(2) For purposes of this paragraph, a reasonable period is—

(i) The 5-day period preceding the filing of a petition to quash an administrative summons issued under section 7609;

(ii) The 5-day period preceding the filing of a wrongful levy action in which a demand for the return of property is made;

(iii) the period expressly provided for administrative review of the party's claim by an applicable provision of the Internal Revenue Code that expressly provides for the pursuit of administrative remedies (such as the 16-day period provided under section 7429(b)(1)(B) relating to review of jeopardy assessment procedures).

(iv) The 60-day period following receipt of the claim for relief in all other cases.

(e) *Tax matter.* For purposes of this section "tax matter" means a matter in connection with the determination, collection or refund of any tax, interest or penalty under the Internal Revenue Code.

(f) *Exception to requirement that party pursue administrative remedies.* A party's administrative remedies within the Internal Revenue Service are considered exhausted for purposes of section 7430 if—

(1) The Internal Revenue Service notifies the party in writing that the pursuit of administrative remedies in accordance with paragraphs (b), (c) and (d) is unnecessary.

(2) In the case of a petition in the Tax Court, the party did not receive a preliminary notice of proposed deficiency (30-day letter) prior to the receipt of the statutory notice of deficiency and the failure to receive such notice was not due to actions of the party (such as a refusal to sign an extension of time for assessment or to supply the district director or service center with requested information).

(3) In the case of a civil action for refund involving a tax matter other than a tax matter described in paragraph (4), the party—

(i) Exhausted the administrative remedies available within the Internal Revenue Service with respect to the tax matter prior to receipt of a statutory notice of deficiency with respect to such tax matter; or

(ii) Did not receive a preliminary notice of proposed disallowance prior to receipt of a statutory notice of disallowance; or

(iii) Did not receive either written or oral notification that an Appeals office conference had been granted within six months from the date of the filing of the claim for refund.

(4) In the case of a civil action for refund involving a tax matter under sections 6703 and 6694—

(i) The party did not receive a preliminary notice of proposed disallowance prior to receipt of a statutory notice of disallowance; or

(ii) During the six-month period following the day on which the party's claim for refund is filed, the party's claim for refund is not denied and there is no Appeals office conference with respect to the claim in which the party could participate (within the meaning of paragraph (b)).

(g) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Taxpayer A exchanges property held for investment for similar property and claims that the gain on the exchange is not recognized under section 1031. The Internal Revenue Service conducts a field examination and determines that there has not been a like-kind exchange. No agreement is reached on the matter and a preliminary notice of proposed deficiency (30-day letter) is sent to A. A does not file a request for an Appeals office conference. A pays the amount of the proposed deficiency and files a claim for refund. A preliminary notice of proposed disallowance is issued by the Internal Revenue Service. A does not request an Appeals office conference and, instead, files a civil action for refund in a United States District Court. A has not exhausted the administrative remedies available within the Internal Revenue Service.

Example (2). Assume the same facts as in example (1) except that, after receiving the preliminary notice of proposed deficiency (30-day letter) A files a request for an Appeals office conference. No agreement is reached at the conference. A pays the amount of the proposed deficiency and files a claim for refund. A preliminary notice of proposed disallowance is issued by the Internal Revenue Service. A does not request an Appeals office conference and files a civil action for refund in a United States District Court. A has exhausted the administrative remedies available within the Internal Revenue Service.

Example (3). Assume the same facts as in example (1) except A first requests an Appeals office conference after A's receipt of the preliminary notice of proposed disallowance. A is granted an Appeals office conference and A participates in such conference. A has exhausted the administrative remedies available within the Internal Revenue Service.

Example (4). Taxpayer B receives a preliminary notice of proposed deficiency (30-day letter) after completion of a field examination. B requests and is granted an Appeals office conference. The Appeals office, to obtain a reasonable period of time to consider the tax matter, requests that B sign Form 872 to extend the time for an assessment of tax. B's administrative remedies are exhausted only if B signs Form 872.

Example (5). Taxpayer M receives a preliminary notice of proposed deficiency (30-day letter). M submits a written protest and files a request for an Appeals office conference. The Appeals office sends M a written statement that M will not be granted an Appeals office conference. M is considered to have exhausted the administrative remedies available within the Internal Revenue Service.

Example (6). Taxpayer J receives a preliminary notice of proposed deficiency (30-day letter) and a written statement that J need not file a written protest or request an Appeals office conference since a conference will not be granted. J files a petition in the Tax Court after receiving the statutory notice of deficiency. J's administrative remedies available within the Internal Revenue Service are considered exhausted.

Example (7). On January 2, the Internal Revenue Service serves a summons issued under section 7609 on third-party recordkeeper B to produce records of taxpayer R. On January 5 notice of the summons is given to R. The last day on which R may file a petition in a court of the United States to quash the summons is January 25. Thereafter, R files a written claim for relief with the district director having jurisdiction over the matter together with a copy of the summons. The claim and copy are received by the district director on January 20. On January 25, R files a petition to quash the summons. R's administrative remedies available within the Internal Revenue Service are considered exhausted.

Example (8). A notice of Federal tax lien is filed in County M on March 3, in the name of R. On April 2, R pays the entire liability thereby satisfying the lien. On May 2, R files a written claim with the district director having jurisdiction over the tax matter demanding a certificate of release of lien. Thereafter, R provides the district director with a copy of the notice of Federal tax lien and a copy of the cancelled check in satisfaction of the lien, which are received by the district director on May 15. R's claim is deemed to have been filed on May 15. Accordingly, R is considered to have exhausted R's administrative remedies with respect to an action commenced after July 14 (60 days following the filing of the claim for relief on May 15).

Example (9). A revenue officer seizes an automobile to effect collection of P's liability on January 10. On January 22 R submits a written claim to the district director having jurisdiction over the tax matter claiming that R purchased the automobile from P for an

adequate consideration before the tax lien against P arose, and demands immediate return of the automobile. A copy of the title certificate and R's cancelled check are submitted with the claim. The claim is received by the district director on Janaury 25. On January 30, R brings a wrongful levy action. R is considered to have exhausted the administrative remedies available within the Internal Revenue Service.

Example (10). The Internal Revenue Service issues a revenue ruling which holds that ear piercing does not affect a function or structure of the body within the meaning of section 213 and therefore is not deductible. Taxpayer E deducts the costs of ear piercing and following an examination, receives a preliminary notice of proposed deficiency (30-day letter) disallowing the treatment of such costs. Because of the revenue ruling, E believes a conference would not aid in the resolution of the tax dispute. Accordingly, E does not request an Appeals office conference. After receiving a statutory notice of deficiency, E files a petition in the Tax Court. E has not exhausted the administrative remedies available within the Internal Revenue Service. The issuance of a revenue ruling covering the same fact situation but taking a contrary position does not constitute notification by the Internal Revenue Service to E that the pursuit of administrative remedies is unnecessary. Similarly, the issuance to E of a private letter ruling or technical advice does not constitute notification by the Internal Revenue Service that the pursuit of administrative remedies is unnecessary.

Example (11). Taxpayer G is assessed a penalty under section 6701 for aiding in the understatement of the tax liability of a third party. G pays 15% of the penalty in accordance with section 6703 and files a claim for refund on June 15. G is not served a preliminary notice of proposed disallowance and thus cannot participate in an Appeals office conference within six months of the filing of the claim for refund. G brings an action on December 23. G has exhausted G's administrative remedies.

(h) *Effective date.* Section 7430 and the regulations thereunder apply to civil proceedings described in section 7430 filed in a court of the United States (including the Tax Court) after February 28, 1983, and before January 1, 1986.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-7761 Filed 3-24-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers; Department of the Army

33 CFR Part 204

Danger Zone, New River, N.C.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Corps of Engineers proposes to amend the regulations which establish Danger Zones in the New River, North Carolina and vicinity to expand the boundaries of the Browns Island target and bombing range area. The expansion is necessary to meet the training needs of the Marine Corps.

DATES: Written comments must be received on or before May 9, 1983.

ADDRESS: HQDA, DAEN–CWO–N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest Jahnke at (919) 343–4467 or Mr. Ralph T. Eppard at (202) 272–0200.

SUPPLEMENTARY INFORMATION: The Commanding General, U.S. Marine Corps Base, Camp Lejeune, North Carolina, has requested the Corps amend the regulations in 33 CFR 204.56 to expand the danger zone. The expansion is necessary to accommodate the existing training needs and insure the continued safety to persons and vessels in the area. The regulations which allows vessels to transit through the area except during periods of military training uses, remain unchanged.

Note.—The Corps of Engineers has determined that this proposed rule is not a major rule and is exempt from the general requirements of Executive Order 12291 in accordance with the exception provided military functions. The Corps has also determined that these regulations would not have a significant economic impact on a substantial number of small entities as required by Pub. L. 96–354.

List of Subjects in 33 CFR Part 204

Waterways, Transportation.

Dated: March 14, 1983.

Approved: **Paul F. Kavanaugh,**

Colonel, Corps of Engineers, Executive Director of Civil Works.

PART 204—[AMENDED]

Accordingly, the Corps of Engineers proposes to amend 33 CFR 204.56(d) as set forth below.

§ 204.56 New River, N.C., and vicinity; Marine Corps Firing Ranges.

* * * * *

(d) *Target and bombing area in Atlantic Ocean in vicinity of Bear Inlet*—(1)

The water within an area described as follows: Beginning at latitude 34°37′32″, longitude 77°12′03″; thence to latitude 34°36′58″, longitude 77°11′25″; thence to latitude 34°37′44″, longitude 77°10′35″; thence to 34°32′27″, longitude 77°06′30″; thence to latitude 34°28′55″, longitude 77°15′05″; thence to latitude 34°34′50″, longitude 77°15′10″; thence to the point of beginning.

* * * * *

Authority: (33 U.S.C. 1 and 3)

[FR Doc. 83-7714 Filed 3-24-83; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Glacier National Park; Fishing Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The proposed regulations set forth below modify fishing season opening and closing dates, fish catch limits, and fish entrail disposal methods. It is the objective of this proposed regulation to provide for the preservation and enjoyment of the park by allowing sport fishing, and to encourage native fish species in Glacier National Park.

DATES: Written comments, suggestions, or objections, will be accepted until April 27, 1983.

ADDRESS: Comments should be directed to: Superintendent, Glacier National Park, P.O. Box 128, West Glacier, Montana 59936.

FOR FURTHER INFORMATION CONTACT: Charles B. Sigler, Chief Park Ranger, Glacier National Park, Telephone: (406) 888–5441.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the Act of August 25, 1916, establishing the National Park Service, the fishery of Glacier National Park is to be managed to conserve native fish populations, as well as provide for the enjoyment of the public. Current fishing regulations for Glacier were adopted more than a decade ago. During the past four years, considerable data concerning the park fishery have been gathered by the U.S. Fish and Wildlife Service, and the park aquatic biologist. Conclusions based on these data indicated the present fishing regulations are in need of change. Intent is to better encourage native fish species, discourage exotic species, and to improve fish entrail disposal. It is also felt the park fishing season can closely match the State's general season.

Current regulations provide for a catch limit of an aggregate of five game fish, not to exceed three cutthroat trout, lake trout, bull trout, or grayling. Some waters are closed to fishing to protect native cutthroat and bull trout spawning stock. Special regulations involving

catch and release fishing and fly fishing only apply to a few waters. Sanitation regulations prohibit disposal of fish entrails in fresh waters. The current park fishing season extends from June 5 until October 15.

Daily catch limits will be changed in the proposed rule to the following: cutthroat trout 2; bull trout 1; burbot (ling) 5; northern pike 5; whitefish 5; kokanee salmon 5; brook trout 5; grayling 5; lake trout 5, except on Lake McDonald, where the limit is 10; rainbow trout 5. The possession limit will not exceed 10 fish.

In backcountry waters, fish entrails may be disposed of by puncturing the air bladder and depositing in deep water in the lake or stream from which they were taken, at a distance at least 200 feet from the nearest campsite. This will allow a sanitary and safe method of entrail disposal in bear habitat, instead of burying, depositing on the ground, or packing out. This regulation is part of the bear management program, and when implemented would reduce the possibility of bears being drawn into confrontations with humans, while scavenging the inedible fish parts deposited on lake shores or stream banks.

The proposed regulation changes will lengthen the general park season to extend from 12:01 a.m., on the third Saturday of May, until midnight of November 30, with some exceptions. This will coincide with the general State fishing season outside the park. A special season for lake trout will allow fishing on Lake McDonald from April 1 until the third Saturday in May, and December 1 through December 31. There will be no change in the closure of tributary streams of the North Fork and Middle Fork of the Flathead River, for protection of native bull trout spawning areas. Moreover, there will be no change in waters previously restricted to fly fishing only or catch and release fishing only.

Public Participation

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulation to the address noted at the beginning of the rulemaking.

Drafting Information

The following persons participated in the writing of this regulation: Charles B. Sigler, Chief Park Ranger; William F. Conrod, Resource Management Ranger; David Lange, Resource Management Ranger; Dr. Leo Marnell, Aquatic Biologist; all of Glacier National Park.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance with Other Laws

The Department of the Interior has determined that this document is not a "major rule" under Executive Order 12291 and certifies that this document will not have a "significant economic effect on a substantial number of small entities" under the Regulatory Flexibility Act. (5 U.S.C. 601 *et seq.*) By extending fishing opportunities, this regulation should have a positive, albeit limited, effect on local sporting goods stores and other establishments provisioning anglers.

Pursuant to the National Environmental Policy Act, 42 U.S.C. 4332, the Service has prepared an environmental assessment on this proposed regulation, which is available at the address noted above.

Authority

Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3).

List of Subjects in 36 CFR Part 7

National parks.

PART 7—[AMENDED]

In consideration of the following, it is proposed to amend 36 CFR 7.3 by revising the introductory text of paragraph (a) and adding paragraph (a)(5) and revising the introductary text of paragraph (b)(2) and adding paragraph (b)(3) as follows:

§ 7.3 Glacier National Park.

(a) *Fishing, open season.* All waters in the parks shall be open to fishing from 12:01 a.m. on the third Saturday of May and end at 12 midnight on November 30, except as otherwise provided by the following restrictions:

* * * * *

(5) Lake McDonald will be extended to fishing for lake trout only from 12:01 a.m., April 1 to 12 midnight on the third Friday in May, and from 12:01 a.m. on December 1 to 12 midnight, December 31.

(b) *Fishing, daily limit of catch, possession limit and entrail disposal.*

* * * * *

(2) The daily limit for sport fish in waters of Glacier National Park are: cutthroat trout 2; bull trout 1; burbot (ling) 5; northern pike 5; whitefish 5; kokanee salmon 5; brook trout 5; grayling 5; rainbow trout 5; lake trout 5, except in Lake McDonald, where the limit is 10. The possession limit will not exceed 10 fish. However:

(i)* * *

(3) In backcountry waters, fish entrails will be disposed of by puncturing the air bladder and depositing the entrails in deep water in the lake or stream from which they were taken, at a distance of 200 feet or more from any campsite.

* * * * *

Dated: February 25, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-7738 Filed 3-24-83; 8:45 am]
BILLING CODE 4310-70-M

DEPARTMENT OF ENERGY

Office of the Secretary

41 CFR Parts 9-1, 9-3, and 9-4

Procurement Regulations

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule is to amend the DOE Procurement Regulations. The revisions are intended to update the Regulations as a result of changes in Government-wide Federal Procurement Regulations and to (i) provide new procedures relating to debarment, suspension and ineligibility of contractors, (ii) revise and appropriately restructure profit and fee determination policies and techniques for use in connection with Research and Development, Manufacture, Architect-Engineer, and Support Service contracts and subcontracts, (iii) provide guidance for establishing values for in-kind contributions provided by a performing contractor or non-federal third-party as a part of a contract, or agreement, cost participation requirements, and (iv) establish policies and procedures to be followed under cost type contracts which require contractors to acquire, use or dispose of real property or interest therein on behalf of the Department. A detailed listing of the proposed changes is given below under the section entitled "Supplementary Information."

DATE: Written comments should be submitted not later than April 25, 1983 to be considered.

ADDRESS: Comments should be addressed to the Department of Energy, Procurement Policy Branch, MA-421.1,

Forrestal Building, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Robert Benson, Contract Pricing Policy Branch, MA–421.1, Procurement and Assistance Management, Department of Energy, (202) 252–8178

Scott Sheffield (CHANGE 10.2 only), Procurement Management Review Division, MA–442, Procurement and Assistance Management, (202) 252–8267

Mary Ann Masterson or Robert Broxton (CHANGE 10.2 only), Office of General Counsel, AGC for Procurement and Financial Incentives, GC44, Department of Energy, (202) 252–1526.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Procedural Requirements.
III. Public Comments.

I. Background

Under Section 644 of the Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (41 U.S.C. 7254), the Secretary of the Department is authorized to prescribe such procedural rules and regulations as may be deemed necessary or appropriate to accomplish the functions vested in that position. Accordingly, the Department of Energy Procurement Regulations (DOE–PR) were promulgated with an effective date of June 30, 1979 (44 FR 34434, June 14, 1979), 41 CFR Chapter 9.

The specific changes being proposed are as follows:

Change 10.1 is a listing of additions or alterations to the Table of Contents.

Change 10.2 would replace the existing text of Subpart 9–1.6, "Debarred, Suspended, and Ineligible Bidders," in order to implement Temporary Regulation 65 of the Federal Procurement Regulations. The FPR amendment prescribes revised policies and procedures for debarment and suspension by agencies including a requirement that GSA issue a consolidated list of all contractors debarred, suspended, or declared ineligible. The amendment necessitates a revision of current DOE debarment and suspension policy which predates the Government-wide consolidated approach. Prior to Temporary Regulation 65, debarment, suspension and ineligibility determinations were handled by the individual agencies and there was no mechanism by which such actions had Goverment-wide applicability. The Temporary Regulation changed that by providing that such actions by individual agencies will be reported to GSA which will place the firm on a Government-wide consolidated list of debarred, suspended, or ineligible contractors. The agencies must recognize such debarments unless they can individually justify not doing so. This change also limits the review of debarment or suspension determinations by the DOE Board of Contract Appeals. Previously, the Board had final agency authority to decide debarment cases provided a hearing had been requested. After this change, the decision of the debarring/suspending official will be final unless the Board sets it aside based on a determination that the decision was arbitrary, capricious or clearly erroneous.

Change 10.3 replaces the existing text of § 9–3.808 of Subpart 9–3.8, Profit or Fee," in order to implement Amendment 225 of the Federal Procurement Regulations. The FPR amendment deals with cost of money cost principles covering facilities capital and capital assets under construction, and policies for establishing profit or fee prenegotiation objectives. The revision results in a restructuring and clarification of profit and fee determination policies in order to provide an approach that will: (i) Ensure appropriate consideration by contracting officers of the relative value of prescribed profit influencing factors when setting profit objectives and (ii) serve as a basis for documenting the objective and explaining any significant departures from it in reaching final agreement. This results in a structured system, which includes use of a Weighted Guidelines Technique. This system is designed to properly reflect differences among contracts, and the circumstances relating thereto, and to properly describe appropriate relative profit/fee weights in consideration for these differences and circumstances, through the use of relative weights developed for application by the contracting officer to prescribed measurement bases. Each profit factor or subfactor, or component thereof, has been assigned weights relative to its value to the contract's overall effort. The effect of the FPR cost of money cost principles has been recognized in the assigned weights, and ranges within the weights. In general, the system applies to all DOE negotiated procurement actions, except for construction and construction management contracts; contracts for the management, operation and/or maintenance of Government facilities; contracts with educational organizations; and commercialization and demonstration type contracts. Profit and fee prenegotiation development techniques for these excepted contracts are covered by existing DOE–PR provisions unaffected by this revision.

Change 10.4 adds new coverage to the existing text of Subpart 9–3.9, "Subcontracting Policies and Procedures," in order to provide policy regarding determination of profit or fee objectives under negotiated subcontracts. The policy coincides with the provisions set forth in Change 10.3. In brief, the policy provides that DOE prime contractors may use a weighted guidelines or a structured approach that discriminates among different levels of investment if the acquisition would be subject to the weighted guidelines under a prime DOE contract.

Change 10.5 adds new policy guidance to Subpart 9–4.59, "Cost Participation." The policy guidance covers the evaluation and valuation of in-kind contributions provided by a performing contractor or non-federal third party as part of cost-participation requirements. In-kind contributions represent noncash contributions provided by the performing contractor or a non-Federal third party who is participating with DOE in a co-sponsored project or contract. The provisions require that in-kind contributions must be verifiable, exclusive to the DOE project or contract, necessary for effective project accomplishment, representative of charges allowable under applicable Federal cost principles, and that they have not been previously paid for by the Government. In-kind contributions are generally valued on a cost basis, not to exceed fair market value.

Change 10.6 adds a new Subpart 9–4.60, "Acquisition, Use and Disposal of Real Estate," to establish policies and procedures to be followed under cost-type contracts which require contractors to acquire, use or dispose of real property or interest therein on behalf of the Department. These policies and procedures require, by a prescribed contract clause, contractors to obtain the approval of the DOE contracting officer prior to the acquisition of such real property by purchase, lease, or acquisition by temporary interest through easement or by license or permit. The contractor is also required to follow acquisition procedures provided by the contracting officer.

Change 10.7 makes the requirement proposed by Change 10.6 applicable to the Department's Operating and On-site contractors.

II. Procedural Requirements

A. *Review Under Executive Order 12291.* Inasmuch as this proposed rule relates to agency management of the procurement function, the OMB

clearance procedures set forth in Executive Order 12291 (February 17, 1981) are not applicable.

B. *Review Under the Regulatory Flexibility Act.* This proposed rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96–354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. *Public Hearing.* The Department has concluded that this proposed rule does not involve a substantial issue of fact or law and that the proposed rule should not have a substantial impact on the nation's economy or large numbers of individuals or businesses. Therefore, pursuant to Pub. L. 95–91, the DOE Organization Act, the Departmnt does not plan to hold a public hearing on this proposed rule.

III. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to the proposed DOE–PR amendments set forth in this notice. All written comments received will be carefully assessed and fully considered prior to publication of the proposed amendment as a final regulation.

List of Subjects in 41 CFR Parts 9–1, 9–3 and 9–4

Government procurement.

For the reasons set out in the preamble, Chapter 9 of Title 41 of the Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington, D.C. March 17, 1983.

Berton J. Roth,

Deputy Director, Procurement and Assistance, Management Directorate.

The regulations in 41 CFR Chapter 9 are proposed to be amended as set forth below.

Authority: Section 644 of the Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 599, (42 U.S.C. 7254).

Note.—As an aid in identifying specific proposed changes to the DOE Procurement Regulations, a two-digit identification number is assigned to each specific change. The first digit represents the numerical sequence of proposed changes; thus, this is Change 10 to indicate that this is the tenth time that DOE has issued a notice of proposed rulemaking for the purpose of amending 41 CFR Chapter 9. The second digit is the numerical sequence of specific changes proposed within a particular notice; thus, the first change within the tenth notice is identified as Change 10.1.

Change 10.1

The Table of Contents for Part 9–1, 9–3, Part 9–4 and Part 9–50 is amended by the following additions or alterations:

* * * * *

PART 9–1—GENERAL

* * * * *

Subpart 9–1.6—Debarment, Suspension, and Ineligibility

9–1.600 Scope of subpart.
9–1.603 Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.
9–1.603–1 Basis for entry on DOE Consolidated List of Debarred, Suspended, and Ineligible Contractors.
9–1.604 Treatment to be accorded firms and individuals in debarred, suspended, or ineligible status.
9–1.650 Agency procedure.
9–1.650–1 DOE procedural requirements.
9–1.650–2 Reporting procedures.
9–1.650–3 Collection of information and investigation.
9–1.650–4 Initiation of action.
9–1.650–5 Appeal of debarring/suspending official's decision.
9–1.650–6 Notice of suspension or final debarment determination.

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PART 9–3—PROCUREMENT BY NEGOTIATION

* * * * *

Subpart 9–3.8—Price Negotiation Policies and Techniques

* * * * *

9–3.808 Profit or fee.
9–3.808–1 [Reserved]
9–3.808–2 General.
9–3.808–4 Contracting Officer's Responsibilities.
9–3.808–6 Profit analysis factors.
9–3.808–50 Weighted guidelines.
9–3.808–51 Exceptions.
9–3.808–52 Special consideration—contracts with nonprofit organizations (other than educational institutions.
9–3.808–53 Contracts with educational institutions.
9–3.808–54 Alternative techniques.
9–3.808–55 Weighted guidelines application considerations.

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Subpart 9–3.9—Subcontracting Policies and Procedures

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9–3.903–2 Review and approval of subcontracts.

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Subpart 9–4.59—Cost Participation

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9–4.5907 In-kind contributions.

Subpart 9–4.60—Acquisition, Use and Disposal of Real Estate

9–4.6000 Scope of subpart.
9–4.6001 General.
9–4.6002 Policy.
9–4.6003 Application.
9–4.6004 Competition.

* * * * *

PART 9–50—OPERATING AND ON-SITE SERVICE CONTRACTS

9–50.508 Real estate management.
9–50.508–1 Scope.

Change 10.2

Change 10.2 replaces the existing text of Subpart 9–1.6 "Debarred, Suspended, and Ineligible Bidders" in order to implement Federal Procurement Regulations Temporary Regulation No. 65. The FPR amendment prescribes revised policies and procedures for debarment and suspension by agencies, including a requirement that GSA issue a consolidated list of all contractors debarred, suspended, or declared ineligible. The amendment necessiates a revision of current DOE debarment and suspension policy. Subpart 9–1.6 is revised to read as follows:

Subpart 9–1.6—Debarment, Suspension, and Ineligibility

§ 9–1.600 Scope of subpart.

This subpart implements and supplements the policies and procedures set forth in FPR Subpart 1–1.6 relating to the debarment, suspension, or ineligibility of contractors for any cause.

§ 9–1.603 Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.

The Senior Procuerment Official, Headquarters, shall establish and maintain a list of firms or individuals debarred, suspended, or declared ineligible for contracts with DOE and DOE contractors. This list shall be in addition to the GSA Consolidated List of Debarred, Suspended, and Ineligible Contractors. The Senior Procuerment Official, Headquarters, shall periodically publish this list and distribute it to DOE Contracting Officiers. DOE procuring activities shall refer to the GSA and the DOE lists before soliciting offers from, awarding contracts to, renewing or otherwise extending the duration of an existing contract with, or conseting to subcontracts with a contractor.

§ 9–1.603–1 Basis for entry on DOE Consolidated List of Debarred, Suspended, and Ineligible Contractors.

The Senior Procurement Official, Headquarters, shall place all organizations and individuals debarred, suspended, or declared ineligible by DOE in accordance with FPR Subpart 1–1.6 on the DOE Consolidated List of Debarred, Suspended, and Ineligible Contractora as soon as determination is made of debarment, suspension, or ineligibility. DOE debarments and suspensions in accordance with FPR Subpart 1–1.6 are subject to the procedural requirements in § 9–1.650.

§ 9–1.604 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.

DOE shall treat contractors who have been debarred, suspended, or declared ineligible as provided in FPR 1–1.604.

§ 9–1.650 Agency procedure.

§ 9–1.650–1 DOE procedural requirements.

This section establishes DOE internal procedures pursuant to FPR Subpart 1–1.605–3(b)(1) and 1–1.606–3(b)(1).

§ 9–1.650–2 Reporting procedures.

Heads of Procuring Activities, or designees, are responsible for reporting any evidence of offenses or irregularities which may be grounds for debarment, suspension, or ineligibility. The report shall be made to the Senior Procurement Official, Headquarters. The report shall contain a full statement of facts, and shall be supported by appropriate exhibits. If all necessary information is not readily available, a preliminary report shall be forwarded to be followed as soon as practicable by a completely documented report.

§ 9–1.650–3. Collection of information and investigation.

The Senior Procurement Official, Headquarters, shall collect and evaluate information to determine whether an alleged offense or irregularity warrants the initiation of a debarment or suspension proceeding.

§ 9–1.650–4 Initiation of action.

The Senior Procurement Official, Headquarters, with the concurrence of Counsel and after consultation with appropriate offices, shall determine whether causes and conditions exist to initiate a debarment and/or suspension action. The Senior Procurement Official, Headquarters, is both the debarring and the suspending official.

§ 9–1.650–5 Appeal of debarring/suspending official's decision.

All decisions of the debarring/suspending official are subject to appeal before the DOE Board of Contract Appeals upon the request of the debarred or suspended contractor. Notification of intent to appeal must be filed with the Board within 30 days after the date of the contractor's notification of debarment or suspension. The appeal of the decision of the debarring/suspending official will be based on the record before the debarring/suspending official. The decision of the debarring/suspending official shall be final and not be set aside by the Board unless the decision is arbitrary and capricious or clearly erroneous.

§ 9–1.650–6 Notice of suspension or final debarment determination.

The Senior Procurement Official, Headquarters, shall promptly notify all Senior Program Officials and Heads of Procuring Activities of all suspension and debarment actions taken pursuant to this subpart.

Change 10.3

Change 10.3 replaces the existing text of section 9–3.808 of Subpart 9–3.8, "Profit or Fee," in order to implement Amendment 225 of the Federal Procurement Regulations. The FPR amendment deals with a cost of money cost principle covering facilities capital cost of money and cost of money as an element of the capital assets under construction. The revision results in a restructuring and clarification of profit and fee determination policies. Sections 9–3.808, 9–3.808–2, 9–3.808–50, 9–3.808–51, and 9–3.808–52 are revised, § 9–3.808–1 is removed and reserved, and §§ 9–3.808–4, 9–3.808–6, 9–3.808–53, 9–3.808–54, and 9–3.808–55 are added to read as follows:

Subpart 9–3.8—Price Negotiation Policies and Techniques

* * * * *

§ 9–3.808 Profit or fee.

§ 9–3.808–1 [Reserved]

§ 9–3.808–2 General.

(a) *Objective.* It is the intent of DOE to remunerate contractors for financial and other risks which they may assume, resources they use, and organization, performance and management capabilities they employ. Profits or fees shall be negotiated for this purpose; however, when profit is negotiated as a separate element of the contract price, the aim of negotiation should be to fit a profit provision to the acquisition, giving due weight to effort, risk, facilities investment, and special factors as set forth in this subpart.

(b) *Commercial (for profit) organizations.* Profit or fee prenegotiation objectives for contracts with commercial (for profit) organizations shall be determined as provided in this subpart.

(c) *Nonprofit organizations.* It is DOE's general policy to pay fees in contracts with nonprofit organizations other than educational institutions and governmental bodies; however, it is a matter of negotiation whether a fee will be paid in a given case. In making this decision, consider whether the contractor is ordinarily paid fees for the type of work involved. The profit objective should be reasonable in relation to the task to be performed and the requirements placed on the contractor.

(d) *Educational institutions.* It is DOE policy not to pay fees under contracts with educational institutions.

(e) *State, local and Indian tribal governments.* Profits or fees shall not be paid under contracts with State, local, and Indian tribal Governments.

(f) *Management and operating contracts.* Refer to Part 9–50 for profit and fee techniques applicable to management and operating contracts.

(g) *Cost-plus-award-fee-contracts.* When a contract is to be awarded on a cost-plus-award-fee basis in accordance with DOE PR 9–3.405–50, several special considerations are appropriate.

(1) The base fee portion of the fee objective of an award fee contract should not normally exceed 50% of the otherwise applicable fixed fee, arrived at using the weighted guidelines techniques. However, the base amount may range from 0 up to the 50% level of the CPFF fee amount. In the event 50% is exceeded, appropriate documentation shall be entered into the contract file. In no event shall the base fee exceed 70% of the fixed fee amount.

(2) The base fee plus the amount included in award fee pool should normally not exceed the fixed fee using the weighted guidelines techniques by more than 50%. However in the event the base fee is to be less than 50% of the fixed fee, the maximum potential award fee may be increased commensurate with the decreases in base fee amounts

(3) The following maximum potential award fees shall apply in award fee contracts: (percent are stated as percent of the fixed fee amount determined by the use of the weighted guidelines technique).

Base fee percent	Award fee percent	Maximum total percentage
50	100	150
40	120	160
30	140	170
20	160	180
10	180	190
0	200	200

(4) Prior approval of the Senior Procurement Official, Headquarters, is required for total fees (base plus award fee pool) exceeding the guidelines in § 9–3.808–2(g)(3).

(h) *Cost sharing contracts.* No fee or profit shall be paid when the contract involves a cost sharing arrangement.

§ 9–3.808–4 Contracting Officer's Responsibilities.

(h) The statutory limitations on profit and fees as set forth in Federal Procurement Regulation § 1–3.308–4(e) shall be followed, except as exempted for DOE architect-engineer contracts covering AEC and BPA functions per § 9–3.405–5(b). Waivers to apply the maximum cost-plus-award-fee percentage in § 9–3.808–2(g)(3) in those situations that shall result in potential fees exceeding the limitations cited herein shall be forwarded to the Senior Procurement Official, Headquarters.

§ 9–3.808–6 Profit analysis factors.

A structured system consistently applied, provides contracting officers with (a) a technique that will insure consideration of the relative value of the appropriate profit factors described in § 9–3.808–50 in the establishment of a profit objective and the conduct of negotiations; and (b) a basis for documentation of this objective, including an explanation of any significant departure from it in reaching a final agreement. The contracting officer's analysis of these profit factors can be based on information available prior to negotiations. Such information is furnished in proposals, audit data, performance reports, preaward surveys and the like.

§ 9–3.808–50 Weighted Guidelines.

(a) To properly reflect differences among contracts and the circumstances relating thereto, and to properly describe appropriate relative profit/fee weights in consideration for these differences and circumstances, relative weights have been developed for application by the contracting officer to prescribed measurement bases. This is a structured system, referred to herein as weighted guidelines. Each profit factor or subfactor, or component thereof, has been assigned weights relative to their value to the contract's overall effort. The range of weights to be applied to each profit factor are set forth in (f) below. Weighted guidelines application considerations are set forth in § 9–3.808–55.

(b) Except as set forth in § 9–3.808–51 below, the weighted guidelines method shall be used in establishing the profit objective for negotiation of contracts where cost analysis is performed.

(c) Contractors shall not be required to submit the details of their profit objectives, for purposes of the weighted guidelines evaluations and development, but they shall not be prohibited from doing so if they desire.

(d) The negotiation process does not contemplate or require agreement on either estimated cost elements or profit elements. Accordingly, although the details of analysis and evaluation may be discussed in the fact-finding phases of the negotiation to develop a mutual understanding of the logic of the respective positions, specific agreement on the exact weights or values of the individual profit factors is not required and shall not be attempted.

(e) If a change or modification is of a relatively small dollar amount and is basically the same type of work as required in the basic contract, the application of the weighted guidelines method will generally result in a profit objective similar to the project objective in the basic contract and, therefore, the basic rate may be applied to the contract change or modification. In cases where the change or modification calls for substantially different work, then the basic contract profit and the contractor's effort may be radically changed and a detailed analysis would be a necessity. Also, if the dollar amount of the change or contract specification is very significant in comparison to the contract dollar amount, a detailed analysis should be made.

(f) The factors set forth below are to be used in determining DOE profit objectives. The factors and weight ranges for each factor shall be used in all instances where the weighted guidelines are applied.

Profit factors	Weight ranges (percent)
I. Contractor Effort (Applied to Cost)	
A. Material acquisitions:	
1. Purchased parts	1 to 3
2. Subcontracted items	1 to 4
3. Other materials	1 to 3
B. Labor skills:	
1. Technical and managerial	
a. Scientific	10 to 20
b. Project management/administration	8 to 20
c. Engineering	8 to 14
2. Manufacturing	4 to 8
3. Support services	4 to 14
C. Overhead:	
1. Technical and managerial	5 to 8
2. Manufacturing	3 to 6
3. Support services	3 to 7
D. Other direct costs	3 to 8
E. G&A (General Management) expenses	5 to 7
II. Contract Risk (type of contract—applied to total cost of items IA thru E and IVA)	0 to 8
III. Capital investment (Applied to NBV of Allocable Facilities)	5 to 20
IV. Independent Reseach and Development	
A. Investment in IR&D program (Applied to Allocable IR&D Costs)	5 to 7
B. Developed items employed (Applied to total of Profit $ for items IA thru E)	0 to 20
V. Special Program Participation (Applied to total of Profit $ for items IA thru E)	−5 to +5
VI. Other Considerations (Applied to total of Profit $ for items IA thru E)	−5 to +5
VII. Productivity/Performance (Special Computation)	(as computed).

§ 9–3.808–51 Exceptions.

(a) For contracts not expected to exceed $500,000, the weighted guidelines need not necessarily be used; however, the contracting officer may use the weighted guidelines for contracts below this amount if he elects to do so.

(b) For the following classes of contracts, the weighted guidelines shall not be used:

(1) Commercialization and demonstration type contracts;

(2) Management and operating contracts for management, operation and/or maintenance of Government facilities;

(3) Construction contracts;

(4) Construction management contracts;

(5) Contracts primarily requiring delivery of material supplied by subcontractors;

(6) Termination settlements; and

(7) Contracts with educational institutions.

(c) In addition to paragraphs (a) and (b) of this section, the contracting officer need not use the weighted guidelines in unusual pricing situations where the weighted guidelines method has been determined to be unsuitable. Such exceptions shall be justified in writing and shall be authorized by the Head of the Procuring Activity. The contract file shall include this documentation and any other information that may support the exception.

(d) If the contracting officer makes a written determination that the pricing situation meets any of the circumstances set forth above, other methods for establishing the profit objective may be used. For contracts other than those subject to Part 9–50, these methods shall be supported in a manner similar to that

used in the weighted guidelines (profit factor breakdown and documentation of profit objectives); however, investment or other factors that would not be applicable to the contract shall be excluded from the profit objective determination. It is intended that the methods will result in profit objectives for noncapital intensive contracts that are below those generally developed for capital intensive contracts.

9-3.808-52 Special considerations—contracts with nonprofit organizations (other than educational institutions).

(a) For purposes of determination, nonprofit organizations are defined as those business entities organized and operated exclusively for charitable, scientific, or educational purposes, of which no part of the net earnings inure to the benefit of any private shareholder or individual, of which no substantial part of the activities is carrying on propaganda or otherwise attempting to influence legislation or participating in any political campaign on behalf of any candidate for public office, and which are exempt from Federal income taxation under Section 501 of the Internal Revenue Code.

(b) Where a contract with a nonprofit organization is for the operation of Government-owned facilities, fee should be calculated using the procedures and schedules applicable to operating contracts as set forth in Part 9-50.

(c) In computing the amount of fee to be paid, take into account the tax posture of the nonprofit organization. While it is difficult to establish the degree to which a fee under any given contract contributes to an organization's overall net profit, assume that there is an element of profit in the fee paid.

(d) In order to assure consideration of the tax posture of nonprofit organizations during fee negotiation, calculate the fee as for a contract with a commercial concern and then reduce it at least 25%. However, depending on the circumstances, the contracting officer may pay fees somewhere between this amount and the appropriate fee of a commercial concern. When this is the case, document the contract files to spcifically state the reason or reasons.

§ 9-3.808-53 Contracts with educational institutions.

In certain situations DOE may contract with a university to manage or operate Government-owned laboratories. These efforts are essentially apart from, and not in conjunction with, their other activities, and the complexity and magnitude of the work are not normally found in standard university research or study contracts. These operating contracts are subject to the provisions set forth in § 9-50.306-2.

§ 9-3.808-54 Alternative techniques.

(a) Fees to be paid on construction contracts and construction management contracts shall be determined in accordance with the Profit/Fee Technique for construction contracts set forth in § 9-18.307-50.

(b) Fees to be paid on contracts under $500,000, when not using the weighted guidelines, shall be developed by the contracting officer by giving judgmental consideration to the factors appropriate to DOE profit considerations discussed in § 9-3.808.

(c) Contracts which require only delivery or furnishing of goods or services supplied by subcontracts shall include a fee or profit which, in the best judgment of the contracting officer, is appropriate. It would be expected there would be a declining relationship of profit/fee dollars in relationship to total costs. The higher the cost of subcontracts, for example, the lower the profit/fee ratio to these costs would be.

(d) Profit/Fee considerations in termination settlements are often a question of equity. They are a matter of mutual negotiation. They should not, however, exceed what would have otherwise been payable under weighted guidelines had the termination not occurred.

§ 9-3.808-55 Weighted guidelines application considerations.

(a) *General.* (1) Section 9-3.808-50(f) lists those DOE factors which are given consideration for profit/fee determination in all cases in which profit is to be specifically negotiated. This list should be used in developing the profit/fee objective amounts.

(2) The profit/fee elements (factors or subfactors) relating to Contractor Effort, as shown § 9-3.808-50(f), item I, are similar to those cost elements contained in most constractor Contract Pricing Proposals. Often, individual proposals will be in a different format, but, since these factors and subfactors are broad and basic, they provide sufficient guidance to evaluate all items of cost generally found in proposals.

(3) In making a judgment of the value of each factor, the contracting officer should be governed by the definition, description, and purpose of the factors, together with consideration for evaluating them as set forth herein.

(b) *Contract Effort.* (1) This factor is a measure of how much the contractor is expected to contribute to the overall effort necessary to meet the contract performance requirements in an efficient manner. This factor, which is apart from the contractor's basis responsibility for contract performance, takes into account what resources are necessary, and what the contractor must do, to accomplish a conversion of ideas and materials into the final product or service called for in the contract. This is a recognition that, within a given performance output or within a given sales dollar figure, necessary efforts on the part of individual contractors can vary widely in both value and quantity; and, that the profit objective should reflect the extent and nature of the contractor's contribution to total performance. The evaluation of this factor requires an analysis of the cost content of the proposed contract, as discussed in paragraphs (b)(2) through (4) of this section. In summary:

(i) Under the weighted guidelines method, the contracting officer shall first measure Contractor Effort by assigning a profit percentage, within the designated weight ranges, to each element of contract cost recognized by the contracting officer. *Not to be included as part of the cost base (for purposes of computing profit) is any amount calculated for the cost of money for facilities capital computed in accordance with Cost Accounting Standard 414.*

(ii) After computing a total dollar profit for Contractor Effort, the contracting officer then shall provide for any specific profit dollar assigned for cost risk, facilities investment risk, and the other designated factors.

(2) The following comprise the base elements for measuring Contractor effort:

(i) *Material Acquisition.* Analysis of material acquisition cost items shall include an evaluation of the managerial and technical effort necessary to obtain the required purchased parts, subcontracted items or services, and other materials, including consideration of the number of orders and supplies and whether established sources are available or new sources must be developed. In reviewing this element:

(A) The contracting officer shall also determine whether the contractor will obtain the material and tooling by routine orders from readily available suppliers (particularly orders of substantial value in relation to the total contract cost) or by subcontracts, considering the extent to which the prime contractor will be required to develop complex specifications involving creative design or close tolerance manufacturing requirements.

(B) Consideration shall be given to the managerial and technical efforts

necessary for the prime contractor to administer subcontracts and select subcontracts, including efforts to break out subcontractors as sole sources through the introduction of competition. These determinations shall be made for purchases of raw materials or basic commodities, purchases of processed materials, including all types of components of standard or near standard characteristics, and purchases of pieces, assemblies, subassemblies, special tooling, and other products special to the end item. In the application of this criterion, it should be recognized that the contribution of the prime contractor to this purchasing program may be substantial. This may apply in the management of subcontracting programs involving many sources, new complex components and instrumentation, incomplete specifications, and close surveillance by the prime contractor's representative.

(C) Recognized costs proposed as direct material costs, or proposed as material overhead costs, like scrap charges, shall be treated and evaluated as material costs for profit evaluation.

(D) If intracompany transfers are accepted at price, in accordance with FPR 1–15.205–22(e), they shall be evaluated as material. Other intracompany transfers shall be evaluated by individual components of cost, i.e., material, labor, and overhead.

(ii) *Labor (technical and managerial, manufacturing, and support services).* Analyses of the labor cost content of the contract shall include evaluation of the comparative quality and level of the talents, skills, and experience of those personnel to be employed for contract performance. In reviewing this element:

(A) Technical and managerial labor shall be evaluated, for the purpose of assigning profit dollars, by giving consideration to the amount of notable scientific, unusual or scarce engineering, and top management talent needed in contrast to journeyman engineering effort, professional staff or closely related supporting personnel. The diversity, or lack thereof, of scientific, engineering and managerial specialities, required for contract performance and the corresponding need for related supervision and coordination shall be evaluated. By way of definition, project and administration labor falling within this category includes senior project management personnel who oversee and direct the work, and usually consist of the project managers, project engineers, and comparable management personnel who form the project management team that plans, directs, and takes responsibility for the execution of the program or project assignment. The cost element for project and administration labor usually applies to A–E contracts. The weight assigned will take into consideration the dollar amount of the project supervised.

(B) Manufacturing labor shall be evaluated by giving consideration to the variety and range of required manufacturing labor skills (i.e., department heads, supervisors, skilled and unskilled labor) and the contractor's manpower resources for meeting these requirements.

(C) Support services labor shall be evaluated in a manner similar to the above by assigning higher weights to professional-type skills and lower weights to semi-professional or other type skills required for contract performance. Support services labor represents those classifications of direct labor whose efforts are not identifiable with the descriptions of technical and managerial labor described in paragraph (b)(2)(ii)(A) of this section and may include labor classifications assigned exclusively for contract performance, such as on-site A–E firm employees performing project activities related to accounting, contract administration (including reporting), cost engineering, secretarial, clerical and the like. Care should be taken that direct charges of this nature are appropriately classified as direct rather than indirect, and that like activities are not allocated indirectly either to this contract or to the contractor's other work assignments. A weighting in excess of 9 percent for support service contract labor normally will be justified only when the quality, skill, and experience of the support labor warrants a weighting corresponding to (b)(2)(ii)(A) of this section.

(iii) *General Management (overhead and G&A but exclusive of IR&D costs).* in reviewing this element:

(A) Analysis of overhead and G&A expenses includes evaluation of the makeup of these expenses and how much they contribute to contract performance. This analysis shall include a determination of the amount of labor within these overhead pools and how this labor would be treated if it were considered as direct labor under the contract. The allocable labor elements shall be given the same profit consideration that they would receive if they were treated as direct labor. The other elements of these overhead pools shall be evaluated to determine whether they are routine expenses (such as utilities, supplies, and maintenance) and hence given lesser profit consideration, or whether they are significant contributing elements. Depreciation expenses on facilities capital will be excluded from consideration since the profit reward for facilities capital investment is separately weighted as discussed in § 9–3.808–55(d) of this section. The composite of the individual determinations in relation to the elements of the overhead pools will be the profit consideration given the pools as a whole. The procedure for assigning relative values to these overhead expenses differs from the method used in assigning values of the direct labor. The upper and lower limits assignable to the direct labor are absolute. In the case of overhead expenses, individual expenses may be assigned values outside the range as long as the composite ratio is within the range.

(B) It is not necessary that the contractor's accounting system break down the overhead expenses within the classification of technical and managerial (or engineering) overhead, manufacturing overhead, and general and administrative expenses, unless dictated otherwise by Cost Accounting Standards (CAS). The contractor whose accounting system only reflects one overhead rate on all direct labor need not make changes to reflect more detail data (if CAS exempt) to correspond with the above classifications. In evaluating such a contractor's overhead rate, the contracting officer can break out the applicable sections of the composite rate which can be classified as technical, managerial, or engineering overhead, manufacturing overhead, and general and administrative expenses and follow the appropriate evaluation technique.

(C) There is a critical factor to consider in the determination of profit in this area. Management problems surface in various degrees and the management expertise exercised to solve them shall be considered as an element of profit. For example, a new program for an item that is on the cutting edge of the state of the art will cause more problems and require more managerial time and abilities of a higher order than a follow-on contract. If new contracts create more problems and require a higher profit weight, follow-ons shall be adjusted downward as many of the problems may have been solved. In any event, an evaluation shall be made of the underlying managerial effort involved on a case-by-case basis.

(D) It may not be necessary for the contracting officer to make a separate profit evaluation of overhead expenses with each acquisition of substantially the same project or service with the same contractor. Where an analysis of the profit weight to be assigned to the overhead pool has been made, the

weight to be assigned may be used for future contracts with the same contractor until there is a change in the cost composition of the overhead pool or the contract circumstances, or until the factors discussed in paragraph (b)(2)(ii)(*c*) of this section are relevant.

(iv) *Other direct costs (exclusive of CAS 414, facilities capital cost of money).* In evaluating this element, it should be remembered:

(A) Proposals, particularly for research and development, often list as direct costs the kinds of expenses usually treated as indirect for other contracts. Examples are travel and subsistence, consultants, telephone, computer costs and reports reproduction. The accounting treatment of a cost category does not change the weight appropriate to the cost being evaluated.

(B) The weight ranges in the format cover the broad categories of direct material, labor and overhead and general and administrative (G&A) expenses. It also recognizes that cost submissions may vary and stipulates that all cost categories will fall under one of the broad groupings. Because other direct costs are not direct material or direct labor, it follows that they will be considered as indirect costs for weighting purposes.

(*c*) *Contract risk.* (1) This factor reflects the policy of the Department of Energy that contractors bear an equitable share of contract cost risk, and to compensate them for the assumption of that risk. A contractor's risk associated with costs to perform under a Government contract is usually minimal under cost-reimbursement-type contracts. In developing the prenegotiation project objective, the contracting officer will need to consider the type of contract anticipated to be negotiated and the associated contractor risk when selecting the position in the weight range for profit that is appropriate for the risk to be borne by the contractor. This is one of the most important factors in arriving at prenegotiation profit objectives.

(2) Profit/Fee Allowances for Contractor's assumption of contract cost risk shall require a determination of the degree of cost responsibility the contractor assumes, and the reliability of the cost estimates in relation to the task assumed. This factor is specifically limited to the risk of contract costs. Thus, such risks on the part of the contractor as reputation, losing a commercial market, losing potential profits in other fields, or any risk on the part of the contracting activity, such as the risk of not acquiring an effective product or service, are not within the scope of this factor.

(3) The first and basic determination of the degree of cost responsibility assumed by the contractor is related to the sharing of total risk of contract cost by the Government and the contractor through the selection of contract type. The extremes are a cost-plus-fixed-fee contract, requiring only that the contractor use his best efforts to perform a task, and a firm fixed-price contract for a complex item. A cost-plus-fixed-fee contract reflects a minimum assumption of cost responsibility, whereas a firm fixed-price contract reflects a complete assumption of cost responsibility.

(4) The second determination is that of the reliability of the cost estimates. Sound price negotiation requires well-defined contract objectives and reliable cost estimates which, among other things, take the difficulty of the task into consideration. Prior production experience assists the contractor in preparing reliable cost estimates on new contracts for similar equipment.

(5) Contractors are likely to assume greater cost risk when confident that contracting officers analyze the risk incident to proposed contracts and show they are willing to compensate contractors for it. Generally, a cost-plus-fixed-fee contract will not justify a reward for risk in excess of 0.5 percent, nor will a firm-fixed price contract justify a reward of less than the minimum on the weighted guidelines. Where proper contract-type selection has been made, the reward for risk, by contract type, will usually fall into the following percentage ranges which are applied to total recognized contract costs, exclusive for facilities capital cost of money:

(i) type of contract and percentage ranges for profit objectives developed for equipment and supply contracts:

Cost-Plus-Fixed Fee, 0 to 0.5%
Cost-Plus-Incentive Fee
  With Cost Incentives Only, 1 to 2%
  With Multiple Incentives, 1.5 to 3%
Fixed-Price-Incentive .
  With Cost Incentives Only, 3 to 5%
  With Multiple Incentives, 4 to 6%
Prospective Price Redeterminable, 4 to 6%
Firm Fixed-Price, 6 to 8%

(ii) type of contract and percentage ranges for profit objectives developed for research and development contracts:

Cost-Plus-Fixed Fee, 0 to 0.5%
Cost-Plus-Incentive Fee
  With Cost Incentives Only, 1 to 2%
  With Multiple Incentives, 1.5 to 3%
Fixed-Price-Incentive
  With Cost Incentives Only, 2 to 4%
  With Multiple Incentives, 3 to 5%
Prospective Price Redeterminable, 3 to 5%
Firm Fixed-Price, 5 to 7%

(iii) type of contract and percentage ranges for profit objectives developed for contracts for services.

Cost-Plus-Fixed Fee, 0 to 0.5%
Cost-Plus-Incentive Fee, 1 to 2%
Fixed-Price-Incentive 2 to 3%
Firm Fixed-Price, 3 to 4%

(6) In assessing the selection and application of a profit objective percentage remember:

(i) These ranges may not be appropriate for all acquisitions. For instance, a fixed price incentive contract that is closely priced with a low ceiling price and high incentive share may be tantamount to a firm fixed price contract. In this situation, the contracting officer may determine that a basis exists for high confidence in the reasonableness of the estimate and that little opportunity exists for cost reduction without extraordinary efforts. On the other hand, a contract with a high ceiling and low incentive formula can be considered to contain cost-plus-incentive-fee contract features. In this situation, the contracting officer may determine that the Government is retaining much of the contract responsibility and that the risk assumed by the contractor is minimal. Similarly, if a cost-plus-incentive-fee contract includes an unlimited downward (negative) fee adjustment on cost control, it could be comparable to a fixed-price incentive contract. In such a pricing environment, the contracting officer may determine that the Government has transferred a greater amount of cost responsibility to the contractor than is typical under a normal cost-plus-incentive fee contract.

(ii) The acquisition may not obviously fit a specific category shown. For example, effort under a particular A-E contract may better fall into the category of R&D, rather than services. Judgement is required, therefore, in establishing the category and weights to be applied in a given case.

(iii) The contractor's subcontracting program may have a significant impact on the contractor's acceptance of risk under a contract form. It can cause risk to increase or decrease in terms of both cost and performance. This consideration shall be a part of the contracting officer's overall evaluation in selecting a factor to apply for cost risk. It may be determined, for instance, that the prime contractor has effectively transferred real cost risk to a subcontractor and the contract cost risk evaluation, as a result, may be below the range that would otherwise apply for the contract type being proposed. This situation will be found to exist only in a

few extraordinary situations under circumstances of (A) a follow-on production contract, in which a substantial portion of the total contract costs represents a single subcontract or a few subcontracts, and (B) the fullest incentive reward and penalty feature on cost performance having been passed by the prime contractor to the subcontractor. In an acquisition in which all of these circumstances are found to exist, a lower than usual profit weight may be applied to the aggregate of all recognized costs, including the subcontract portion. The contract risk evaluation should not be lowered, however, merely on the basis that a substantial portion of the contract costs represents subcontract costs (when there is no substantial transfer of the contractor's risk) since such action eventually can result in an undue or undesirable lessening of the amount of work let on subcontracts.

(iv) In making a contract cost risk evaluation in an acquisition that involves definitization of a letter contract, unpriced change orders, and unpriced orders under BOAs, consider the effect on total contract cost risk as a result of having partial performance before definitization. Under some circumstances it may be reasoned that the amount of cost risk has been effectively reduced. Under other circumstances it may be apparent that the contractor's cost risk remained substantially unchanged. To be equitable, the determination of a profit weight for application to the total of all recognized costs, both those incurred and those yet to be expended, must be made with consideration to all attendant circumstances and not be just the portion of costs incurred, or percentage of work completed, prior to definitization.

(v) Time and material, labor hour, and overhaul contracts priced on a time and material basis shall be considered to be cost-plus-fixed-fee contracts for the purpose of establishing a profit weight in the evaluation of the contractor's assumption of contract cost risk.

(d) *Capital investment (facilities).* (1) This element relates to the consideration to be given in the profit objective in recognition of the investment risk associated with the facilities employed by the contractor. How the amount of facilities capital employed is measured is discussed in FPR 1–3.1301–4 and 1–3.1301–8. Five to twenty percent of the net book value of facilities capital allocated to the contract is the normal range of weight for this profit factor. The key factors that the contracting officer shall consider in evaluating this risk are:

(i) The overall cost effectiveness of the facilities employed;

(ii) Whether the facilities are general purpose or special purpose items;

(iii) The age of the facilities;

(iv) The relationship of the remaining writeoff life of the investment and the length of the program(s) or contract(s) on which the facilities are employed; and

(v) Special contract provisions that reduce the contractor's risk of recovery of facilities capital investment (termination-protection clauses, multiyear cancellation ceilings, etc.).

(2) To assist in evaluating new investment, the contracting officer should request the contractor to submit reasonable evidence that the new facilities are part of an approved investment plan and that achievable benefits to the Government will result from the investment. New industrial facilities and equipment shall receive maximum weight when they—

(i) Are to be acquired by the contractor primarily for Government and energy related business and effort;

(ii) Have a long service life;

(iii) Have a limited economic life due to limited alternative uses; and

(iv) Reduce the total life cycle cost of the products produced for, or services to, the Department of Energy.

To the extent that the new investment represents routine replacement of existing assets, a lesser weight shall be assigned.

(e) Independent research and development.

This factor rewards contractors in the following two ways:

(1) As a reward for the contractor's investment in a viable independent research and development program; considering, among other things, the program's quality, scope, and resources employed. The normal weight range for this factor is from 5 to 7 percent of allowable IR&D costs allocable to the prospective contract.

(2) As a reward for contractors who assume the extra risk of developing items with energy program applications on their own initiative with no direct Government assistance and little or no indirect Government assistance. Profit weights in the range of 0 to 20 percent of the *basic profit dollars* (total of profit dollars for Items IA thru E, § 9–3.808–50(f)) are normal for this factor. The weight selection is to be based on the amount of assistance provided by the Government through independent research and/or development expense allowance under previous Government contracts and the extent the contractor already has been compensated for risk assumption through prior sales of the identical item to the Government.

(f) *Participation in special programs.* (1) A composite percentage weight within the range of −5 percent to +5 percent of the *basic profit objective* (total of profit dollars for items IA thru E) may be assigned for this profit objective. This profit factor, which may apply to special circumstances or a particular acquisition, relates to rewards of outstanding achievement in contractor participation in the Government's small business, small disadvantaged business, labor surplus, energy conservation and other special programs. Participation that is rated as merely satisfactory shall be assigned a weight of zero, generally. Evidence of energetic support may justify a plus weight and poor support a negative weight.

(2) In assessing this factor, the contracting officer:

(i) Shall give favorable consideration to the contractor's policies and procedures that energetically support Government small business and small disadvantaged business subcontracting programs, pursuant to 9–1.710 & FPR 1–710. Any unusual effort that the contractor displays in subcontracting with small business or small disadvantaged business concerns, particularly for development-type work likely to result in later production opportunities, and the overall effectiveness of the contractor in subcontracting with and furnishing assistance to such concerns shall be considered. Conversely, failure or unwillingness on the part of the contractor to support Government small or small disadvantaged business policies shall be viewed as evidence of poor performance for the purpose of establishing a profit objective.

(ii) Shall make a similar review and evaluation of the contractor's policies and procedures supporting the Government's labor surplus area program, pursuant to § 9–1.805. In particular, favorable consideration shall be given to a contractor who (A) makes a significant effort to help find jobs and provide training for the hardcore unemployed, or (B) promotes maximum subcontractor utilization of certified eligible concerns, as defined in FPR 1–1.801.

(iii) Shall give favorable consideration to the contractor's initiatives and accomplishments in the conservation of energy and in carrying out any other special Government programs.

(g) *Other considerations.* (1) Particular situations may justify consideration of a profit allowance in addition to those

specifically identified elsewhere in these guidelines. These situations shall be identified and the reason(s) for their use documented in the records of price negotiation. An assigned weight of −5 to +5 percent of the *basic profit objective* is the normal range for this profit factor depending on the circumstances of the particular acquisition. A zero weight designates a satisfactory or average effort.

(2) Examples of "other considerations" are described in the following subparagraphs.

(i) *Cost-control and other past accomplishments.* This factor allows additional profit opportunities to a prospective contractor that has previously demonstrated its ability to perform similar tasks effectively and economically. In addition, consideration should be given to (A) measures taken by the prospective contractor that result in productivity improvements and (B) other cost-reduction accomplishments that will benefit the Government contracts. Among other things consideration should be given to the contractor's efforts to explore additional production opportunities or to improve or develop new product, manufacturing or performance technologies to reduce production cost.

(ii) *Complexity of R&D or services assignment.* A weighting for the complexity of the R&D or services assignment will be considered when a contract, such as A–E contract, relates to a DOE project facility. The following complexity categories are to be used for the purpose of establishing the appropriate fee weight:

Class A—Manufacturing plants involving continuous closed processes or other complicated operations requiring a high degree of design control; nuclear reactors, power generation systems and facilities and atomic particle accelerators; complex laboratories or industrial units especially designed for processing, testing or handling highly radioactive materials; facilities to be used for research, development, experimental or demonstration purposes which involve advance or unique design considerations that are peculiar to the purposes for which the facility is built.

Class B—Normal manufacturing processes and assembly operations such as ore dressing, metal working plants and simple processing plants; power plants and accessory switching and transformer stations; water treatment plants; sewage disposal plants; hospitals and ordinary laboratories.

Class C—Permanent administrative and general service buildings, permanent housing, roads, railroads, grading, sewers, storm drains and water and power distribution systems.

Class D—Construction camps and facilities and other construction of a temporary nature.

(iii) *Operating capital.* This factor includes consideration of the level of the contractor's operating or working capital investment required for effective contract performance. This level will vary, depending on such circumstances as (A) the nature of the work and duration of the contract, (B) contract type and dollar magnitude, (C) the reimbursement or progress payment rate, (D) the contractor's financial management practices, and (E) the frequency of and time lag between billings and Government payments. Such circumstances should be taken into account in determining what profit adjustment, if any, is appropriate under this subfactor. When the contractor will invest relatively few dollars for operating capital purposes (because of cost reimbursement and progress payment rates, or when an advance payment method (such as a letter of credit) is used to finance the contractor, a negative adjustment may be in order.

(h) *Adjustment to follow-on contract for productivity/performance.* (1) One of the objectives for the DOE profit policy is to reduce costs needed to achieve national energy goals by incentivizing contractor investment in modern cost-reducing facilities and the other improvements in efficiency and performance. To the extent that costs serve as the basis for pricing (both cost and profit), success in reducing costs can serve in turn to reduce the magnitude of prespective profit dollars on follow-on contracts. For example, a cost-plus-award-fee contract may be awarded as the first of two or more contracts required for a major energy program. The incentive to increase productivity or performance and reduce cost under the first contract works against the contractor on any follow-on contracts because the reduced level of costs becomes a part of the basis for pricing subsequent contracts. In order to mitigate the relative loss of prospective profit dollars on a follow-on contract that occurs when costs are reduced under the predecessor contract or contracts due to productivity or performance gains, a special "Productivity/Performance Reward" may be included in the prenegotiation profit objective of a pending follow-on acquisition under certain circumstances.

(2) The "Productivity/Performance Award" may be applied when the following criteria are met:

(i) The pending acquisition is for a follow-on contract.

(ii) Reliable actual cost data relating to the predecessor contract or contracts is available to establish a fair and reasonable cost baseline.

(iii) Changes made in the configuration of the item being acquired or in the technical aspects of the services being performed are not likely to invalidate price comparability.

(3) The amount of productivity or performance reward for a given follow-on contract is based on the estimated cost reduction on the predecessor contract or contracts that can be attributed to productivity or performance gains. Set forth below are principles and procedures that apply to estimating cost reductions and calculating the productivity or performance reward:

(i) The contractor shall prepare and support the cost reduction estimate.

(ii) The overall contract cost decrease shall be based on estimated decreases measured at the unit cost level, or equivalent.

(iii) The lowest average unit cost or its equivalent (exclusive of profit) for a preceding performance period or production run shall serve as the unit cost baseline.

(iv) A technique shall be employed to determine that portion of the cost decrease attributable to productivity or performance gains as opposed to other factors such as the effects of quality differences between the base contract and the pending acquisition.

(v) When the parties agree that the estimated overall contract cost decrease is materially affected by price level differences between the base period and the current point in time, an economic price adjustment may be applied to the estimate.

(vi) The reward shall be calculated by multiplying the contract cost decrease due to productivity/performance gains by the base profit objective rate.

(vii) The degree of review and validation of the data supporting the reward calculation shall be commensurate with the materiality of this profit element in relation to the overall price objective.

(4) There may be several methods advanced, by both contracting officers and contactors, to quantify productivity/performance gains. Any technique may be acceptable, provided it takes into account equitably the principles and procedures listed above.

(i) Documentation and record of negotiation. Determination of the profit or fee objective, in accordance with 9–3.808–55, shall be fully documented. Since the profit objective is the contracting officer's pre-negotiation evaluation of the total estimated profit under the proposed contract, the amounts set forth for each category of cost will probably change in the course

of negotiation. Furthermore, the negotiated profit will probably vary from the profit objective, and from a detailed application of the weighted guidelines method to each element of the contractor's input to total performance as anticipated prior to negotiation. Since the profit objective is viewed as a whole rather than as its component parts, insignificant variations from the pre-negotiation profit objective, as a result of changes to the contractor's input to total performance need not be documented in detail. Conversely, significant deviations from the profit objective necessary to reach a final agreement on profit or fee shall be explained.

Change 10.4

Change 10.4 adds new coverage to the existing text of Subpart 9–3.9, "Subcontracting Policies and Procedures," in order to provide policy regarding determination of profit or fee objectives under negotiated subcontracts. The policy coincides with the provisions set forth in Change 10.3. Section 9–3.903–2 added to Subpart 9–3.9 to read as follows:

§ 9–3.903–2 Review and approval of subcontracts.

(d) For determining profit/fee objectives under negotiated subcontracts, the prime contractor may use a weighted guidelines or a structured approach that discriminates among different levels of investment if the acquisition would be subject to the weighted guidelines under a prime DOE contract. If the acquisition falls into one of the exceptions to the DOE weighted guidelines applications as cited in 9–3.808–51, the prime contractor may use other techniques to establish profit objectives.

Change 10.5

Change 10.5 adds new policy guidance to Subpart 9–4.59, "Cost Participation." The policy guidance covers the evaluation and valuation of in-kind contributions provided by a performing contractor or non-Federal third party as part of cost-participation requirements. Section 9–4.5907 is added to Subpart 9–4.59 to read as follows:

§ 9–4.5907 In-kind contributions.

(a) In-kind contributions represent noncash contributions provided by the performing contractor or a non-Federal third party who is participating with DOE in a co-sponsored project or contract. In-kind contributions may be in the form of personal property (equipment and supplies), real property (land and buildings) or services which are directly beneficial, specifically identifiable and necessary to performance of the project or program.

(b) In-kind contributions proposed to the DOE as part of a performer's cost participation must meet all of the following criteria before acceptance.

(1) Are verifiable from the performer's books and records, if performer donated;

(2) Are not included as contribution for any other Federal progam;

(3) Are necessary to effective and efficient accomplishment of project objectives;

(4) Are provided for types of charges that would otherwise be allowable under applicable Federal cost principles appropriate to the contractor's organization; and

(5) Are not paid for by the Federal Government under any contract, agreement or grant, unless specifically authorized by legislation.

(c) In-kind contributions accepted from a performer will be valued as set forth below provided the established values do not otherwise exceed fair market values.

(1) Where the Government receives title to donated land, buildings, equipment or supplies and the property is not fully consumed during performance of the co-sponsored project, the property's in-kind value should be established based on the performer's booked cost (i.e., acquisition cost less depreciation, if any) at the time of donation. In the event the booked costs reflect totally unrealistic values when compared to current market conditions, another appropriate value may be established if supported by an independent appraisal of the fair market value of the donated property or property in similar condition and circumstance.

(2) The value of any services or the use of personal or real property donated by a performer should be established, when necessary to do so, in accordance with generally accepted accounting policies and the appropriate Federal cost principles applicable to the performer's organization.

(d) Values established for in-kind contributions accepted from a non-Federal third party should be reasonable and shall not exceed the fair market value of the item at the time of donation. Specific requirements for selected in-kind items involving third party donors are as follows:

(1) *Donated Employee Services:* Employee services donated by a non-Federal third party shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and indirect costs) provided the donated services require use of the same skills for which the employee is normally paid. Otherwise, the rate of pay, for valuation purposes, shall be consistent with the rates paid for similar work in the labor market in which the performer competes for such skills.

(2) *Volunteer services:* Rates used to value volunteered personal services of professional, clerical, or other individuals should be consistent with those regular rates paid by the performer for similar work and be established in accordance with the procedures specified in paragraph (d)(1) of this section.

(3) *Property:* Values for personal or real property, or the use thereof, donated by a non-Federal third party shall be established, dependent upon the donor's intended disposition of the property upon project completion, as follows:

(i) When title is donated at no cost to the Government or the property will be fully consumed during project performance, a reasonable value not in excess of the fair market value of the donated property, or comparable property in similar condition, shall be established provided the fair market value of land or buildings is established by an independent appraisal.

(ii) When title is retained by the donor or acquired by the performer, reasonable usage values not in excess of the fair rental value of the donated property or comparable property shall be established provided the fair rental value of donated space is established by an independent appraisal.

Change 10.6

A new Subpart 9–4.60, "Acquisition, Use and Disposal of real estate," is being added to establish policies and procedures to be followed under cost-type contracts which requires contractors to acquire, use or dispose of real property or interest therein on behalf of the Department. Subpart 9–4.60 is added to Part 9–4 to read as follows:

Subpart 9–4.60—Acquisition, Use of Disposal of Real Estate

§ 9–4.6000 Scope of subpart.

This subpart addresses DOE policies and procedures to be applied in DOE cost-type contracts which include authorization to acquire, use, and dispose of real estate or interests therein for the performance of a contract or contracts; and, DOE assumes liability for, or otherwise will pay, or may be expected to pay, for the acquired real estate as a reimburseable contract cost.

§ 9–4.6001 General.

Ordinarily Government agencies are not directly concerned with the real estate management procedures for fixed price or cost-type contractors. However, special circumstances and situations arise under cost-type contracts when, in the performance of their contract or subcontract, the performer shall be required, or otherwise find it necessary, to acquire real estate or interests therein by:

(a) Purchase, on DOE's behalf or in their own name, with title eventually vesting in the Government.

(b) Lease, and DOE assumes liability for, or otherwise will pay for the obligation under the lease.

(c) Acquisition of temporary interest through easement, license or permit, and DOE funds the cost of the temporary interest.

§ 9–4.6002 Policy.

It is the policy of the Department of Energy that when the real estate acquisitions described in 9–4.6001 are made, or are expected to be made, the following policies and procedures shall be applied to such acquisitions:

(a) Real estate acquisitions shall be mission essential; effectively, economically, and efficiently managed and utilized; and disposed of promptly, when not needed;

(b) Acquisitions shall be justified, with documentation which describes the need for the acquisition, general requirements, cost, acquisition method to be used, site investigation reports, site recommended for selection, and property appraisal reports; and

(c) Acquisition by lease, in addition to the requirements in paragraphs (a) and (b) of this section:

(1) Shall not exceed a one-year term if funded by one-year appropriations.

(2) May exceed a one-year term, when the lease is for special purpose space funded by no-year appropriations and approved by the Department.

(3) Shall contain an appropriate cancellation clause which limits the Government's obligation to no more than the amount of rent to the earliest cancellation date plus a reasonable cancellation payment.

(4) Shall be consistent with Government laws and regulations applicable to real estate management.

§ 9–4.6003 Application.

(a) The Office of Project and Facilities Management is the Headquarters contact point for Departmental policies and procedures governing the acquisition, use, and disposal of the Department's real estate or interests therein. Real estate interests include purchases, leases, easements, permits and licenses.

(b) It is the Contracting Officer's responsibility to coordinate with the Office of Project and Facilities Management when contractor real estate acquisitions meet the criteria set forth in 9–4.6001 of this subpart in order to assure that appropriate procedures are followed by the contractor.

(c) The following clause will be included in contracts or modifications where contractors acquisitions are expected to meet the criteria specified in § 9–4.6001 of this subpart:

Acquisition of Real Property

(a) Notwithstanding any other provision of the contract, the prior approval of the contracting officer shall be obtained when, in performance of this contract, the contractor acquires or proposes to acquire use of real property by:

(1) Purchase, on the Government's behalf or in the contractor's own name, with title eventually vesting in the Government.

(2) Lease, and the Government assumes liability for, or will otherwise pay for the obligation under the lease as a reimbursable contract cost.

(3) Acquisition of temporary interest through easement, license or permit, and the Government funds the entire cost of the temporary interest.

(b) Justification of and execution of any real property acquisitions shall be in accordance and compliance with directions provided by the Contracting Officer.

(c) The substance of this clause, including this paragraph (c), shall be included in any subcontract occasioned by this contract under which property described in paragraph (a) of this clause shall be acquired.

§ 9–4.6004 Competition.

(a) *General.* It is incumbent upon the Contracting Officer to insure that genuine competition prevails and that adequate consideration flows to the Government whenever and however Government property is to be provided a contractor for contract performance. Willingness and ability to provide all resources necessary for contract performance shall be an important factor in evaluating competitive contractors.

(b) *Solicitation documents.* Contracting Officers shall make certain that solicitation documents:

(1) Require prospective contractors to specify additional facilities and equipment which must be acquired for contract performance, the estimated cost of individual items, and whether acquisition of such property will be financed by the prospective contractor or whether the Government will be requested to provide the required items.

(2) Explain whether it is the Government's intention to provide property, when it is known prior to solicitation that contract performance will require additional facilities or equipment.

(3) Require prospective contractors to:

(i) List items (including dollar value) of Government-owned property in their possession which they propose to use in performance of the prospective contract;

(ii) Identify the contract or other instrument under which the property is accountable; and

(iii) Present written permission to use such property in the performance of the prospective DOE contract from the Government Contracting Officer having cognizance of the property.

(4) Include a statement that the user will assume all costs related to making the property available for use (e.g., transportation, installation, rehabilitation, modification, etc.), unless, the Government is to assume such costs.

(5) Include a statement which explains the consideration to be given Government property during evaluation of bids and proposals. This is to insure that all prospective bidders and offerors understand that Government property will be an important consideration in evaluating their bids and proposals.

Change 10.7

A new Section 9–50.508, "Real Estate Management," is added to make the provisions of 9–4.60, being added by Change 10.6, applicable to operating and on-site service contracts. Sections 9–50.508 and 9–50.508–1 are added to Subpart 9–50.5 to read as follows:

§ 9–50.508 Real Estate Management.

§ 9–50.508–1 Scope.

The provisions of Subpart 9–4.60 for acquisition, use and disposal of real estate, or interests therein, shall be followed for operating and on-site service contracts.

[FR Doc. 83–7518 Filed 3–24–83; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3900, 3920 and 3930

Extension of the Public Comment Period and Rescheduling of the Regional Oil Shale Team Meeting for the Proposed Federal Oil Shale Regulations and the Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of comment period on proposed rule and rescheduling of meeting.

SUMMARY: By Federal Register publication on February 11, 1983, (48 FR 6510) the Bureau of Land Management (BLM) proposed regulations for the management of federally-owned oil shale resources; announced the availability of a draft programmatic EIS of these proposed regulations (48 FR 6410), set a date of April 12 1983, for the close of the public comment period on these two documents; and announced a ROST meeting and public hearing (48 FR 6411) to receive comments on these two documents. Since then, the BLM has been requested by the public, local government, and State government to extend the public comment period. In view of the importance of the Federal oil shale management program and the BLM's committment to maximize public involvement in the oil shale program, the Bureau is extending the close of the public comment period on both documents until May 12, 1983. To this end, the Bureau is also rescheduling the ROST meeting and public hearing from March 29, 1983, to April 26, 1983. The location for the ROST meeting and public hearing will remain at the Howard Johnson's, I–90 and Horizon Drive, Grand Junction, Colorado. The ROST meeting will commence at 8:30 a.m. and will serve as a public discussion of the major issues of the proposed regulations and draft EIS. A public hearing to receive specific comments on the regulations and draft statement will commence at 2:00 p.m. at the same location.

DATES: The close of the public comment period for the proposed Federal oil shale regulations and the associated draft environmental impact statement (EIS) is extended to May 12, 1983. The Regional Oil Shale Team (ROST) meeting and associated hearing on these proposed regulations and draft EIS is rescheduled from March 29, 1983, to April 26, 1983.

ADDRESSES: Written comments on the proposed regulations must be received at the following address by May 12, 1983, in order to be considered during promulgation of the final regulations: Director (140), Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240.

Written comments on the draft EIS must be received at the following address by May 12, 1983, in order to be considered during preparation of the final EIS: ATTN: Mr. Jack Edwards, Environmental Impact Statement Office, 555 Zang Street—First Floor, Denver, Colorado 80228.

FOR FURTHER INFORMATION CONTACT:

Donald Brabson (202) 343–3258

or

Robert Leopold (303) 837–5435.

Dated: March 23, 1983.

Robert F. Burford,

Director.

[FR Doc. 83–7942 Filed 3–24–83; 11:30 am]

BILLING CODE 4310–84–M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[Docket No. 83–18]

Filing of Tariffs by Common Carriers in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This amends FMC tariff filing rules to permit conferences and rate agreements to file, on behalf of member line controlled carriers, lower rates on less than 30 days' notice to meet the independent action rates of member line non-controlled carriers and to meet the actions taken by member line non-controlled carriers on open rated commodities. The rule would not apply to conference-controlled carrier rates which are lower than rates of non-controlled conference members.

DATES: Comments due, on or before April 25, 1983.

ADDRESSES: Comments (original and 15 copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: James A. Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523–5796.

SUPPLEMENTARY INFORMATION: Pursuant to section 18(c) of the shipping Act, 1916 (46 U.S.C. 817(c)), the Commission has established tariff filing requirements applicable to "controlled carriers" operating in the foreign commerce of the United States.[1] These are contained in 46 CFR Part 536, the Commission's regulations governing the publishing and filing of tariffs by common carriers by water in the foreign commerce of the United States.

It appears that certain regulatory requirements imposed on controlled carrier members of a conference or rate agreement could adversely affect such carriers in a manner not intended by Congress when it enacted the Ocean Shipping Act of 1978, which added section 18(c) to the Shipping Act, 1916. The Commission therefore proposes to amend its tariff filing rules to permit controlled carriers to be more competitive within a conference or rate agreement which permits open and independent rate actions.

First, the Commission proposes to amend 46 CFR 536.6(n) to permit conferences or rate agreements to file reduced rates for controlled carrier members on open-rated commodities at or above the level set by any non-controlled carrier member of the conference or rate agreement without being subject to the 30 days' notice requirement for reductions contained in § 536.10(a)(3).

It is also proposed that 46 CFR 536.10(a)(3) be amended to permit a conference or rate agreement, where the basic agreement provides for independent action, to file on behalf of its controlled carrier members, reduced independent action rates on less than 30 days' notice, subject to the requirements of the basic agreement, when the purpose of the filing is to meet independent action rates of non-controlled carrier members. Whenever such independent action rates are filed on less than 30 days' notice they may be filed at a level no lower than the independently filed rates of non-controlled members.

The Commission finds that the proposed amendments to its rules are exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 601). Section 601(2) of the Act excepts from its coverage any "rule of particular applicability relating to rates * * * or practices relating to such rates * * * ." As the proposed amendments clearly relate to rates and rate practices, the Regulatory Flexibility Act requirements are inapplicable.

List of Subjects in 46 CFR Part 536

Rates, Maritime carriers.

PART 536—[AMENDED]

Therefore, pursuant to 5 U.S.C. 553 and sections 18(c) and 43 of the Shipping Act, 1916 (46 U.S.C. 817(c) and 841a), the Federal Maritime Commission proposes to amend 46 CFR Part 536 by:

§536.6 [Amended]

1. The addition of a new sentence at the end of § 536.6(n), reads as follows:

* * * * *

* * * *Provided, however,* That conferences or rate agreements may file reduced rates of controlled carrier members for open-rated commodities at or above the level set by any non-controlled carrier member of the

[1] A "controlled carrier" is one " * * * which is, or whose operating assets are, directly or indirectly owned or controlled by the government under whose registry the vessels of the controlled carrier operate." (46 CFR 536.2(f)).

conference or rate agreement without being subject to the 30 days' notice requirement of § 536.10(a)(3).

§ 536.10 [Amended]

2. The addition of a new sentence at the end of § 536.10(a)(3) reads as follows:

* * * * *

* * * *Provided further,* that conferences or rate agreements whose basic agreement provide for independent action, may file on behalf of their controlled carrier members, lower independent action rates on less than 30 days' notice, subject to the requirements of the basic agreement, when the purpose of these filings is to meet the independent action rates of a non-controlled member carriers. Whenever such independent action rates are filed on less than 30 days' notice they may be filed at no lower level than the independently filed rates of non-controlled member carriers.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-7734 Filed 3-24-83; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF COMMERCE

National Ocean and Atmospheric Administration

50 CFR Part 630

Swordfish Fishery Management Plan; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Change of public hearing.

SUMMARY: This document changes an announcement of public hearings published March 17, 1983 (48 FR 11304), the Caribbean Fishery Management Council had changed the location and time of its April 8 swordfish public hearing.

FOR FURTHER INFORMATION CONTACT: David H. G. Gould, Executive Director, South Atlantic Fishery Management Council, (803) 571-4366.

The new location for the April 8th hearing is: Department of Marine Science, University of Puerto Rico, La Parguera, La Jas, PR, 2:00 p.m.

Dated: March 21, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-7794 Filed 3-24-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 59
Friday, March 25, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on April 7, 1983, at 7:30 p.m., a public information meeting will be held at the Your Home Library, Main Street, Johnson City, New York.

This meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed demolition of the Charles F. Johnson Pool, an undertaking assisted by the National Park Service, Department of the Interior that will adversely affect this property eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on the eligible National Register property, and alternative courses of action that could avoid, mitigate, or minimize adverse effects on this property.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the property by the National Park Service, Department of the Interior.

III. A statement by the New York State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking and possible alternatives.

V. A general question period.

Speakers should limit their statement to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting.

FOR FURTHER INFORMATION CONTACT: Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, DC 20005, telephone No. 202–254–3495, Attention: Kate M. Perry.

Dated: March 22, 1983.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 83–7729 Filed 3–24–83; 8:45 am]
BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Technical Advisory Committee for Science and Education Research Grants Program, Subcommittee for Biological Nitrogen Fixation; Meeting

In accordance with the Federal Advisory Committee Act Pub. L. 92–463, the U.S. Department of Agriculture announces the following meeting:

Name: Subcommittee for Biological Nitrogen Fixation of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and time: May 23, 24, and 25, 1983, Monday—9:00 a.m. to 5:30 p.m., Tuesday—9:00 a.m. to 5:30 p.m., Wednesday—9:00 a.m to 5:30 p.m.

Place: U.S. Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia.

Type of meeting: Closed.

Contact person: Iris F. Martin, Associate Program Manager, Biological Nitrogen Fixation Program, U.S. Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia 22209 Telephone: (703) 235–2648.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Biological Nitrogen Fixation Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

E. L. Kendrick,
Acting Deputy Assistant Secretary, Science and Education.

[FR Doc. 83–7751 Filed 3–24–83; 8:45 am]
BILLING CODE 3410–03–M

Technical Advisory Committee for Science and Education Research Grants Program; Subcommittee on Photosynthesis; Meeting

In accordance with the Federal Advisory Committee Act Pub. L. 92–463; the U.S. Department of Agriculture announces the following meeting:

Name: Subcommittee for Photosynthesis of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and time: May 17, 18, and 19, 1983, Tuesday—9:00 a.m. to 5:30 p.m.; Wednesday—9:00 a.m. to 5:30 p.m.; Thursday—9:00 a.m. to 5:30 p.m.

Place: U.S. Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia.

Type of Meeting: Closed.

Contact Person: Olga v.H. Owens, Associate Program Manager, Photosynthesis Program, U.S. Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia 22209, Telephone: (703) 235–2640.

Purpose of Subcommittee: To provide advice and recommendation concerning support for research in the Photosynthesis Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C.

552b(c), the Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

Orville G. Bentley,

Assistant Secretary, Science and Education

[FR Doc. 83–7752 Filed 3–24–83; 8:45 am]

BILLING CODE 3410–03–M

Soil Conservation Service

Beaver Meadows Farm Irrigation RC&D Measure, Wyoming; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Beaver Meadows Farm Irrigation RC&D Measure, Sweetwater County, Wyoming.

FOR FURTHER INFORMATION CONTACT: Frank S. Dickson State Conservationist Soil Conservation Service, 100 East "B" Street, Casper, Wyoming, 82601, telephone 307–261–5201.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Frank S. Dickson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns plans for the enlargement of an irrigation storage reservoir. The planned works of improvement include installation of a principal spillway and irrigation drawdown unit, relocation of the emergency spillway, enlargement of the existing dam, and constructing a water control structure in the outlet canal below the dam.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Frank S. Dickson.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Robert W. Cobb,

Deputy State Conservationist.

March 14, 1983.

[FR Doc. 83–7804 Filed 3–23–83; 8:45 am]

BILLING CODE 3410–16–M

Lonnie Houser Subdivision Land Drainage RC&D Measure, Indiana

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Robert L. Eddleman, State Conservationist, 5610 Crawfordsville Road, Indianapolis, Indiana, 46224, telephone (317) 248–4350.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lonnie Houser Subdivision Land Drainage RC&D Measure, Harrison County, Indiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Robert L. Eddleman, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for land drainage. The planned works of improvement include constructing a waterway approximately 1.4 acres in size and one grade stabilization structure. Approximately 1.4 acres will be seeded and fertilized following construction.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Robert L. Eddleman. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Robert L. Eddleman,

State Conservationist.

[FR Doc. 83–7800 Filed 3–23–83; 8:45 am]

BILLING CODE 3410–16–M

Intent to Deauthorize Federal Funding; Winters Creek Watershed, Nebraska

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to deauthorize Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Winters Creek Watershed project, Scotts Bluff and Sioux Counties, Nebraska.

FOR FURTHER INFORMATION CONTACT: Sherman L. Lewis, State Conservationist, Soil Conservation Service, Federal Building, Room 345, 100 Centennial Mall N., Box 82502, Lincoln, NE 68501, telephone 402/471–5300.

SUPPLEMENTARY INFORMATION: A determination has been made by Sherman L. Lewis that the proposed works of improvement for the Winters Creek Watershed project will not be installed. There is no opposition to deauthorization of Federal funding for the project. Information regarding this determination may be obtained from Sherman L. Lewis, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 16, 1983.

Sherman L. Lewis,

State Conservationist.

[FR Doc. 83–7596 Filed 3–23–83; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

Sodium Nitrate From Chile; Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Antidumping duty order.

SUMMARY: In separate investigations, the U.S. Department of Commerce ("the Department") and the U.S. International Trade Commission ("ITC") have determined that sodium nitrate from Chile is being sold at less than fair value and that sales of industrial grade sodium nitrate from Chile are materially injuring, or threatening to materially injure, a U.S. industry, while sales of agricultural grade sodium nitrate from Chile are not materially injuring, or threatening to materially injure, a U.S. industry. Therefore, all unappraised entries, or warehouse withdrawals, for consumption of industrial grade sodium nitrate made on or after November 15, 1982, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**. The suspension of liquidation for all unappraised entries, or warehouse withdrawals, for consumption of agriculatural grade sodium nitrate will be terminated. Any bond or other security will be released and any cash deposit applicable to agricultrual grade sodium nitrate will be refunded.

EFFECTIVE DATE: March 25, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Morrison, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Telephone: (202) 377–3965.

SUPPLEMENTARY INFORMATION: For purposes of this investigation, agricultural grade sodium nitrate is less than 98 percent pure by weight and industrial grade is 98 percent pure by weight. The moisture content, when measuring purity, is no more than 15 parts in 10 thousand. Both the agricultural and the industrial grade are currently classified under item 480.25 of the Tariff Schedules of the United States (TSUSA). Under item 480.25 of the TSUSA, sodium nitrate is normally free of import duty.

In accordance with section 733 of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1673b), on November 15, 1982, the Department published its preliminary determination that there was reason to believe or suspect that sodium nitrate from Chile was being sold at less than fair value (47 FR 51460). On January 28, 1983, the Department published its final determination that these imports were being sold at less than fair value (48 FR 4013). This determination covered both grades of sodium nitrate from Chile, although different margins were applicable to each of the grades.

On March 10, 1983, in accordance with section 735(b) of the Act (19 U.S.C. 1673(b)), the ITC determined and notified the Department that such importations are materially injuring, or threatening to materially injure, a U.S. industry with respect to industrial grade sodium nitrate, but not with respect to the agricultural grade sodium nitrate.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs U.S. Customs officers to assess antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the U.S. price for all entries of industrial grade sodium nitrate from Chile. This antidumping duty will be assessed on all industrial grade sodium nitrate entered, or withdrawn from warehouse, for consumption on or after November 15, 1982, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register**, and on all future entries of said merchandise. The suspension of liquidation for all unappraised entries, or warehouse withdrawals, for consumption of agricultural grade sodium nitrate made on or after November 15, 1982, will be terminated. Any bond or other security will be released and any cash deposit applicable to agricultural grade sodium nitrate will be refunded.

On and after the date of publication of this notice, U.S. Customs officers must require, at the same time as importers would normally deposit estimated Customs duties on this merchandise, a cash deposit of estimated antidumping duties equal to $39.08 per short ton for industrial grade sodium nitrate.

This determination constitutes an antidumping duty order with respect to industrial grade sodium nitrate from Chile, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). The Department intends to conduct an administrative review within twelve months of publication of this order, as provided in section 751 of the Act (19 U.S.C. 1675).

We have deleted from the Commerce Regulations, Annex 1 to 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Important Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Department of Commerce Regulations (19 CFR 353.48).

Dated: March 22, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–7748 Filed 3–24–83; 8:45 am]

BILLING CODE 3510–25–M

National Bureau of Standards

Workshop for Local Area Network Implementors of the ISO/NBS Transport Class 4 Protocol

The Institute for Computer Sciences and Technology at the National Bureau of Standards (NBS) announces the second two-day workshop to continue discussing implementations for local area networks of the Transport Class 4 Protocol of the International Organization for Standardization according to the NBS design specification. The workship will be held on May 5 and 6, 1983, at the Marriott Hotel, 620 Lakeforest Blvd., Gaithersburg, Maryland, (301) 977–8900.

The workshop, geared specifically to the needs of local area networking vendors, will focus on Class 4 Transport techniques and implementation

strategies leading to a multi-vendor protocol demonstration in 1984.

Attendance at the workshop is limited due to space requirements and the size of the conference facility; therefore, registration is on a first come, first served basis with a strict limitation of two participants per company. A nominal registration fee will be charged for attending the workshop. Participants are expected to make their own travel arrangements and accommodations. NBS reserves the right to cancel any part of the workshop.

To register, companies should send a request on company letterhead to: LAN/TRANSPORT WORKSHOP, Atten: Robert Rosenthal, National Bureau of Standards, Building 225, Room B–226, Washington, D.C. 20234.

The registration request must name the company representative(s) and specify the business address and telephone number for each participant. Registration requests must be post marked by April 20, 1983. An NBS representative will confirm workshop registration reservations by telephone. For additional information, contact Robert Rosenthal (301) 921–3516.

Dated: March 21, 1983.

Ernest Ambler,

Director.

[FR Doc. 83–7707 Filed 3–24–83; 8:45 am]

BILLING CODE 3510–CN–M

COMMODITY FUTURES TRADING COMMISSION

Registered Futures Associations; Exchange-Traded Commodity Options; Commission Approval of Rules

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Approval of Registered Futures Association Rules.

SUMMARY: The Commission is publishing this Notice in order to inform the public that the Commission has approved rules of the National Futures Association ("NFA") a registered futures association, by which NFA will regulate the purchase and sale of exchange-traded commodity option contracts by its members. Under Commission regulations governing the purchase and sale of exchange-traded commodity options, only a Futures Commission Merchant ("FCM") which is a member of the particular exchange on which the option it is purchasing or selling is traded may solicit or accept option orders, unless the FCM is a member of a futures association registered by the Commission which has adopted rules approved by the Commission and which has determined to provide for regulation of the commodity option related activity of its members in a manner equivalent to that required of contract markets under Commission regulations. Commission approval of NFA's compliance rules governing options transactions of NFA members will thus allow NFA members which are not members of a contract market to solicit and accept orders for the purchase and sale of exchange-traded commodity options, or to supervise persons so engaged.

EFFECTIVE DATE: March 25, 1983.

FOR FURTHER INFORMATION CONTACT: Karen Matteson, Attorney Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: Commission regulation 33.3(b)(1) prohibits any person from soliciting or accepting orders for the purchase or sale of any commodity option, or supervising any person so engaged, unless the person is registered as an FCM under the Commodity Exchange Act ("Act") and is either a member of the contract market upon which the option is traded or a member of a futures association registered by the Commission prusuant to section 17 of the Act which has adopted rules which the Commission has approved pursuant to section 17(j) of the Act, and which has determined to provide for the regulation of commodity option related activity of its members in a manner equivalent to that required of contract markets under Commission regulations.

NFA has submitted, and the Commission has approved, pursuant to section 17(j) of the Act, NFA Compliance Rules 2–15 through 2–21, which provide for NFA's regulation of its FCM members engaged in the transactions involving exchange-traded commodity options. Rules 2–15 through 2–20 set forth requirements governing sales practices of FCMs transacting options business, and conform to the requirements imposed upon contract markets pursuant to Part 33 of the Commission's regulations,[1] as set forth in the table below:

Commission regulation	Requirement	NFA rule
33.4(a)(2)	Full payment of premiums	2-17
33.4(b)(2)	Deep-out-of-the-money options	2-15(c)
33.4(b)(3)	Exercise notification to grantor	2-15(b)
33.4(b)(4)	Customer complaints; records	2-18
33.4(b)(5)	FCM supervisory procedures	2-15(a)
33.4(b)(6)	Notice of disciplinary actions	2-19(a)
33.4(b)(7)	Enforcement of disclosure requirements.	2-19(b)
33.4(b)(8)	Submission of promotional material	2-19(c)
33.4(b)(9)	Discretionary accounts	2-20
33.4(b)(10)	Sales communications	2-16

In addition, NFA submitted, and the Commission approved, amendments to NFA Compliance Rule 2–2 which the Commission had stated were necessary prior to its granting authority to NFA to exercise any of the Commission's registration functions or to regulate participants in any exchange-traded commodity options program.[2] These amendments will eliminate the words "willful" and "material" from Rule 2–2, which governs fraudulent transactions, where including these terms in the rule results in creation of a standard which renders it more difficult to establish violations of the NFA rule than the corresponding section of the Act. As the Commission noted in its Order, a "willful" standard has been interpreted to include cases in which the person charged with a violation intentionally committed the act constituting the violation, whether or not the person knew he or she was violating the Act, a Commission regulation, or an NFA rule. The Commission understands that NFA will interpret the "willful" standard of 2–2(c) in this manner.[3]

Finally, NFA has submitted two Delegation Plans under 17 CFR 1.52(c) pursuant to which NFA will perform financial and sales practice audits of NFA members dealing in exchange-traded commodity options which are not members of any contract market.[4] The Commission has therefore concluded that NFA has determined to provide for the regulation of the commodity option related activities of its members in a manner equivalent to that required of contract markets by Commission regulations. Thus, those FCMs which are

[1] NFA Compliance Rule 2–21, which has also been approved by the Commission, requires NFA members desiring to trade options to submit certain materials to NFA ten days prior to beginning to transact options-related business.

[2] Order Granting Registration and Approving Rules of NFA at 64 (September 22, 1981). These rule changes were necessary in order for NFA to be in compliance with 17 CFR 170.1, which requires that a registered futures association ensure that its members adhere to regulatory requirements at least as stringent as those imposed by the Commission.

[3] *Id.* at 63 n. 183.

[4] These Plans have been published for comment by the Commission. 48 FR 9682 (March 8, 1983). The Plans will ensure that all FCMs will be audited for compliance with Commission, contract market, and NFA requirements governing exchange-traded options by either a contract market or NFA.

members of NFA are now authorized under the Commission's options pilot program to solicit or accept options orders, or supervise persons so engaged, pursuant to 17 CFR 33.3(b)(1)(i)(B).

Issued in Washington, D.C., on March 21, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-7750 Filed 3-24-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 15, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on Engineering and Services' Role in the Employment of Air Power will meet at Greenham Common AB and Upper Heyford AB, England and Ramstien AB, Germany on April 18–22, 1983. The purpose of the meetings will be to become acquainted with the operational roles and associated problems of engineering and services support of tactical weapons systems in the European environment. The meetings will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meetings concern matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-7790 Filed 3-24-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

New

ROTC Technical Skill Enrollment Survey.

The survey purpose is to identify factors that affect ROTC participattion (enrollment and retention), which particular emphasis placed on students who plan to enroll or are currently enrolled in Engineering and Nursing curricula.

High School, College and ROTC Students: 1200 responses, 804 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG-OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695–5111.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 22, 1983.

[FR Doc. 83-7787 Filed 3-24-83; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Defense Science Board Task Force on Electronic Warfare (Future Systems Subgroup); Advisory Committee Meeting

The Future Systems Subgroup of the Defense Science Board Task Force on Electronic Warfare will meet in closed session on 17–18 May 1983 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 17–18 May 1983, the Task Force will discuss the application of technology to future systems designed to improve US Electronic Warfare capabilities.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

Dated: March 22, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 83-7753 Filed 3-24-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Transition of Weapon Systems From Development to Production; Postponement of Advisory Committee Meeting

The meeting of the Defense Science Board Task Force on Transition of Weapon Systems from Development to Production scheduled for 23 March 1983 as published in the **Federal Register** (Vol. 48, No. 39, Friday, February 25, 1983, FR Doc. 83–4860) has been postponed to 26 April 1983. In all other respects the original notice remains the same.

Dated: March 22, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 83-7754 Filed 3-24-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Fire Support for Amphibious Warfare; Advisory Committee Meeting

The Defense Science Board Task Force on Fire Support for Amphibious Warfare will meet in closed session on April 10–11, 1983 in San Diego and Twenty-Nine Palms, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on April 10–11, 1983 the Task Force will consider the basic requirements for fire support during amphibious warfare operations.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C.

these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

March 22, 1983.

[FR Doc. 83-7786 Filed 3-24-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TA83-1-20-006]

Algonquin Gas Transmission Co.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

March 21, 1983.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on March 4, 1983, tendered for filing Second Substitute 60th Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that Second Substitute 60th Revised Sheet No. 10 is being filed to track substitute rates filed by its pipeline supplier, Texas Eastern Transmission Corporation.

Algonquin Gas proposes the effective date of Second Substitute 60th Revised Sheet No. 10 to be March 1, 1983.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7775 Filed 3-24-83; 8:45 am]

BILLING CODE 36717-01-M

[Docket Nos. RP83-59-000 and TA83-2-13-000 (PGA83-2)]

Gas Gathering Corp.; Proposed Change in Rates Under New Gas Adjustment Clause Provision

March 21, 1983.

Take notice that on March 4, 1983, Gas Gathering Corporation (GGC) tendered for filing proposed changes in its FERC Gas Tariff providing for increased charges to Transcontinental Gas Pipe Line Corporation (Transco), its sole jurisdictional customer, under GGC's New Gas Adjustment Clause provision which was also filed on March 1, 1983, to become effective on April 1, 1983. The proposed changes would increase the rate charged Transco by 9.996152 cents per MMBtu from those rates presently in effect. The proposed changes are proposed to be made effective April 1, 1983, through June 30, 1983. GGC states that the filing is made to allow it to recover increased current costs of purchased gas, and to reduce the balance of its Unrecovered Purchased Gas Cost through June 30, 1983.

A copy of the filing has been served upon Transco.

Any person desiring to be heard or to protest said complaint should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretaty.

[FR Doc. 83-7777 Filed 3-24-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT83-12-000]

Natural Gas Pipeline Company of America; Proposed Changes in FERC Gas Tariff

March 21, 1983.

Take notice that on March 4, 1983, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. Natural states that the proposed changes will make effective:

Seventeenth Revised Sheet Nos. 301 and 302
Eighteenth Revised Sheet No. 303
Seventeenth Revised Sheet Nos. 304 and 305
Fifth Revised Sheet Nos. 306 through 308
Fourth Revised Sheet No. 309.

Natural states the purpose of this filing is to set out Buyer's quantity entitlements under Section 22 of the General Terms and Conditions of its FERC Gas Tariff for the service year April 1, 1983 through March 31, 1984.

Copies of this filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7779 Filed 3-24-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER83-163-000 and ER83-195-000]

Northern States Power Company (Minnesota); Filing

March 22, 1983.

The filing Company submits the following:

Take notice that on March 8, 1983, Northern States Power (Minnesota) ("Company") filed its response to the Commission's deficiency letter dated January 6, 1983 for the above referenced dockets. A subsequent Commission letter, dated February 4, 1983, extended the time in which to comply to March 7, 1983.

Pursuant to the above, Company's notices of filing should now read as follows:

In Docket No. ER83-163-000, the filing Company submits the following:

Take notice that Northern States Power Company (NSP) on November 29, 1982, as amended on March 8, 1983, tendered for filing Supplement No. 8

dated November 15, 1982 to the Twin Cities-Iowa St. Louis 345 kV Interconnection Coordinating Agreement dated January 7, 1965 between Interstate Power Company, Iowa Electric Light and Power Company, Iowa-Illinois Gas and Electric Company, Iowa Public Service Company, Iowa Southern Utilities Company, Northern States Power Company, and Union Electric Company.

NSP states that Supplement No. 8 provides for an increase in the capacity charge for Short-Term Power and System Participation Power.

Copies of this filing have been mailed to the appropriate state public utility commissions.

In Docket No. ER83-195-000, the filing Company submits the following:

Take notice that on December 16, 1982, as amended on March 8, 1983, Northern States Power Company (NSP) tendered for filing Supplement No. 4 dated December 1, 1982 to the Twin Cities-Iowa-Omaha-Kansas City 345 kV Interconnection Coordinating Agreement executed with Interstate Power Company, Iowa Public Service Company, Omaha Public Power District, St. Joseph Light & Power Company, and Kansas City Power & Light Company.

NSP states that Supplement No. 4 increases the charges for Short-Term Power and System Participation Power.

NSP requests an effective date of January 15, 1982.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 4, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7780 Filed 3-24-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 1962]

Pacific Gas & Electric Co.; Issuance of Annual License

March 22, 1983.

On September 28, 1979, Pacific Gas and Electric Co. ("PG&E"), Licensee for the Rock Creek-Cresta Project No. 1962 filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder. Project No. 1962 is located on the North Fork Feather River in Plumas, Butte, Yuba and Sutter Counties, California.

The license for Project No. 1962 was issued effective June 17, 1947, for a period ending September 30, 1982. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to PG&E.

Take notice that an annual license is issued to PG&E for the period effective October 1, 1982 to September 30, 1983, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Rock Creek-Cresta Project No. 1962, subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before September 30, 1983, a new annual license will be issued each year thereafter, effective October 1 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7781 Filed 3-24-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-76-001]

Pacific Power & Light Co.; Amended Application

March 22, 1983.

Take notice that on March 10, 1983, Pacific Power & Light Company (Pacific) filed an amendment to its application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order (1) authorizing it to issue and sell not more than 6,175,000 shares of its common stock by September 1, 1983[1], and (2) exempting the issuance from competitive bidding requirements to 18 CFR 34.2(b)(2).

Any person desiring to be heard or to make any protest with reference to this revised application should, on or before April 4, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with 18 CFR 385.211 or 385.214, respectively. The amended application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7782 Filed 3-24-83; 8:45 am]

BILLING CODE 6717-01-M

[1] Pacific's original application requested authority to issue not more than 5,000,000 shares of common stock in one or more offerings until March 9, 1983 Of the 5,000,000 shares, 3,175,000 were issued and sold on December 8, 1982 in the initial offering in this matter. Any second offering in the matter could not exceed 3,000,000 additional shares of common stock under the revised authority requested.

[Docket No. TA83-2-40-000]

Raton Natural Gas Co.; Change in Rates

March 21, 1983.

Take notice that on March 4, 1983, Raton Natural Gas Company (Raton) tendered for filing, proposed changes in its FERC Gas Tariff, Volume No. 1, consisting of Twenty-ninth Revised Sheet No. 3a. The change in rates is for jurisdictional gas service. The proposed effective date is April 1, 1983.

Raton states that the instant notice of change in rates is occasioned solely for decrease in the cost of gas purchased from Colorado Interstate Gas Company (CIG). The tracking of CIG Gas Cost decrease results in decrease in Demand Rate from $3.73 to $2.68 and decrease in Commodity Rate from 443.10 cents to 418.92 cents per Mcf. The annual revenue decrease, by reason of the tracking, amounts to $235,689.

Any person desiring to be heard or to protest said complaint should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 28, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7783 Filed 3-24-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2039-000]

Louis H. Roddis, Jr.; Application

March 22, 1983.

The filing individual submits the following:

Take notice that on March 17, 1983, Louis H. Roddis, Jr. filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, The Detroit Edison Company
Director, Gould, Inc
Director, Research-Cottrell

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR Sections 385.211, 385.214). All such motions or protests should be filed on or before April 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for pulic inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-7778 Filed 3-24-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP74-41-021]

Texas Eastern Transmission Corporation; Proposed Changes in FERC Gas Tariff

March 21, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on March 4, 1983 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1 and Original Volume No. 2, the following sheets:

Fourth Revised Volume No. 1

Revised Sixty-fourth Revised Sheet No. 14
Revised Sixty-fourth Revised Sheet No. 14A
Revised Sixty-fourth Revised Sheet No. 14B
Revised Sixty-fourth Revised Sheet No. 14C
Revised Sixty-fourth Revised Sheet No. 14D

Original Volume No. 2

Revised Thirteenth Revised Sheet No. 235
Revised Ninth Revised Sheet No. 241
Second Revised Thirteenth Revised Sheet No. 322
Second Revised Sheet No. 688
Second Revised Second Revised Sheet No. 895
Second Revised Second Revised Sheet No. 896
Revised First Revised Sheet No. 949
Revised First Revised Sheet No. 957
Second Revised First Revised Sheet No. 970
Second Revised First Revised Sheet No. 971

The above sheets are being issued effective February 15, 1983 to implement the Commission's ORDER AFFIRMING INITIAL DECISION issued on said date in Docket No. RP74-41-000 (Remand). Such order affirmed the Administrative Law Judge's finding that the *Seaboard* formula, which classifies the fixed cost associated with transmission and storage facilities on Texas Eastern's system equally between the demand component and the commodity component of rates, should be used on Texas Eatern's system for the purpose of setting just and reasonable rates.

The above tariff sheets in Fourth Revised Volume No. 1 reflect the application of the *Seaboard* formula to the rates contained on Second Substitute Sixty-fourth Revised Sheet No. 14 which were accepted for filing and suspended to become effective February 1, 1983, subject to refund and certain other conditions by Commission order issued January 31, 1983 in Docket No. TA83-1-17-003. Pursuant to the January 31, 1983 order Texas Eastern has filed modifications to such accepted tariff sheets on February 15, 1983 and March 1, 1983. These modifications filings are currently before the Commission for approval in substitution for the tariff sheets accepted effective February 1, 1983 by the Commission's Januaray 31, 1983 order.

Therefore to reflect the February 15, 1983 and the March 1, 1983 modifications, Texas Eastern therewith submits for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, six copies of each of the following sheets requested to become effective February 15, 1983 in substitution for the above tariff sheets in Fourth Revised Volume No. 1:

Substitute Revised Sixty-fourth Revised Sheet No. 14
Substitute Revised Sixty-fourth Revised Sheet No. 14A
Substitute Revised Sixty-fourth Revised Sheet No. 14B
Substitute Revised Sixty-fourth Revised Sheet No. 14C
Substitute Revised Sixty-fourth Revised Sheet No. 14D

The proposed effective date of the above substitute tariff sheets is February 15, 1983, the date of the Commission's order affirming the initial decision in Docket No. RP74-41-000 (Remand).

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-7784 Filed 3-24-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA83-2-42-000]

Transwestern Pipeline Company; Proposed Changes in FERC Gas Tariff

March 21, 1983.

Take notice that Transwestern Pipeline Company (Transwestern) on March 1, 1983 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Revised Twenty-first Revised Sheet No. 5
Revised Twenty-first Revised Sheet No. 6
Seventh Revised Sheet No. 6A

The above tariff sheets are issued pursuant to Transwestern's Purchased Gas Cost Adjustment provision set forth in Article 19 of the General Terms and Conditions of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1. The Purchased Gas Cost Adjustment reflected in these sheets is a decrease of 36.01¢/dth measured against the revised October 1, 1982 PGA filing made by Transwestern on December 9, 1982, which is still pending final Commission approval.

The rate change therein consists of:

(1) An increase in the Cost of Gas Adjustment of 9.05¢/dth based upon increases in the projected cost of the majority of Transwestern's gas

purchases offset by reductions due to Transwestern's exercise of its "market out" provisions in certain of its gas purchase contracts.

(2) A decrease in the Surcharge Adjustment of 38.60¢/dth due to a reduction in the balance in the Gas Cost Adjustment Account as of December 31, 1982 and a special adjustment designed to reduce rates in order to effect Transwestern's exercise of its "market out" provisions in certain of its gas purchase contracts for the period January 1, 1983—March 31, 1983.

(3) The Commission-approved termination of Transwestern's Order No. 93 Special Surcharge Adjustment of 6.46¢/dth.

(4) The Incremental Pricing Surcharges for the months of April, 1983 through September, 1983 are projected to be zero.

As stated above this filing reflects the impact of Transwestern's exercise of its "market out" provisions in certain of its gas contracts. Transwestern's projected cost of gas has been reduced to reflect such impact beginning April 1, 1983. In addition Transwestern proposes therein to reduce its rates to be effective April 1, 1983 by the impact of Transwestern's exercise of such "market out" provisions for the period January 1, 1983 through March 31, 1983. This is to be done by means of an adjustment to the Gas Cost Adjustment Account Balance upon which Transwestern's proposed Surcharge Adjustment is based. The amount of the Adjustment applied to the Gas Cost Adjustment Account balance is the estimated reduction in purchased gas cost for the period January 1, 1983 through March 31, 1983 for those gas contracts under which the "market out" provisions were exercised.

The proposed effective date of these tariff sheets is April 1, 1983.

Copies of the filing were served on Transwestern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7785 Filed 3-24-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-6073-000, et al.]

Energy Reserves Group, Inc. et al.; Application for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

March 21, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 7, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure
G-6073-000, D, Feb. 25, 1983	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201	Michigan Wisconsin Pipe Line Company, South Elton Field, Jefferson Davis Parish, Louisiana.	([1])	
CI61-482-001, D, Mar 7, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Natural Gas Pipeline Company of America, N.E. Thompsonville and Taquache Creek Fields, Webb and Jim Hogg Counties, Texas	([2])	
CI71-216-000, D, Feb. 28, 1983	Cumberland Gas Company, 1319 Quarrier Street, Charleston, West Virginia 25301	Columbia Gas Transmission Corporation (Formerly: United Fuel Gas Company) Belle V. Hunter Lease, 150 acres, Shendan District, Lincoln County, West Virginia, (Well Q-15) and Roland McComas Lease, 81 acres, Cabell County, West Virginia (Well P-70).	([3])	
CI75-183-002, D, Mar 9, 1983	CIG Exploration Inc., Nine Greenway Plaza Houston, Texas 77046.	Colorado Interstate Gas Company, West Panhandle Field (Red Cave), Potter, Moore, and Oldham Counties, Texas.	([4])	
CI82-121-001, C, Feb. 17, 1983	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001	Tennessee Gas Pipeline Company, West Delta Block 76 Well No. 2, Offshore Louisiana.	([5])	15 025
CI83-163-000, A, Feb. 25, 1983	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160	Bridgeline Gas Distribution Company, South Marsh Island Block 236 Field, OCS-G-4437 and OCS 0310, Offshore Louisiana.	([6])	15 025
CI83-164-000, B, Feb. 28, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Warren Petroleum Company, Blinebry Field, Lea County, New Mexico.	([7])	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI83-165-000, A, Feb. 28, 1983	Cabot Petroleum Corporation, 921 Main Street, Suite 900 Houston, Texas 77002.	Transcontinental Gas Pipeline Corporation OCS-G-3169, Ship Shoal Area Block 238, Offshore Louisiana.	(*)	15.025
CI83-167-000, F, Mar. 1, 1983	Cities Service Oil and Gas Corporation, (Partial Successor to Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Tennessee Gas Pipeline Company, West Delta & Grand Isle Areas, Offshore Louisiana.	(*)	14.73
CI83-168-000, F, Mar. 1, 1983	....do....	Tennessee Gas Pipeline Company, West Delta Area, Offshore Louisiana.	(*)	14.73
CI83-169-000 (G-11041), B, Feb. 28, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221	Florida Gas Transmission Company, East Aransas Pass, Aransas County, Texas.	(10)	
CI83-170-000, B, Feb. 28, 1983	Geodynamics Oil & Gas Inc., P.O. Box 51284, Lafayette, Louisiana 70505.	Transcontinental Gas Pipe Line Corporation, Judice Field, Lafayette Parish, Louisiana.	(11)	
CI83-171-000 (CS71-579), B, Feb. 24, 1983	Grace Petroleum Corporation, Broadway Executive Park, 6501 North Broadway, Oklahoma City, Oklahoma 73116	Arkansas Louisiana Gas Company, Beckville, West Field, Panola County, Texas	(12)	
CI83-172-000, A, Mar. 4, 1983	Phillips Petroleum Company, 336 HS&L Bldg., Bartlesville, Oklahoma 74004	El Paso Natural Gas Company, 2180' FNL & 1930' FWL, Sec. 20, Block A-1 H&GN, Hemphill County, Texas, limited to the Morrow Formation.	(13)	14.73
CI80-12-001, Feb. 28, 1983	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Texas Gas Transmission Corporation, High Island Block A-573 "B" Platform Offshore Texas	(14)	

[1] Michigan Wisconsin indicates that the W.E. Walker No. 1 Well was completed in the Hamseeker's "E" Sand, Jefferson Davis Parish, Louisiana by Buckeye Petroleum Company, Inc., and have determined that it is not economically feasible for Michigan Wisconsin to connect said well to their system or to consummate a satisfactory transportation agreement. Said well was drilled by Buckeye per agreement with Energy Reserves Group, Inc.

[2] Deletion of acreage. Applicant no longer holds an interest in the lease involved in this application. Lease had expired and there was no production at time of surrender in September of 1953.

[3] The subject wells have depleted to the point that neither is able to product gas for delivery into the pipeline of Columbia Gas Transmission Corporation (the Buyer). However, if these two wells are released from the contract with Columbia it may be feasible to rework the wells or drill other wells and construct a pipeline to the facilities of Pennzoil, Inc., which are nearer than the Columbia line, under a new contract with Pennzoil, Inc.

[4] Applicant's leasehold rights expired by the terms of the lease on approximately 27,351.75 undeveloped acres. Applicant will continue service from its developed acreage which totals approximately 3,000 acres.

[5] Applicant is filing under Gas Purchase and Sales Agreement dated November 11, 1981, amended by Amendatory Agreement dated February 11, 1983

[6] Applicant is filing under gas Purchase Contract dated February 24, 1983.

[7] Reclassification of State "367" No. 1 Well from an oil well to a gas well by the Oil Conservation Division of the Energy and Minerals Department of the State of New Mexico

[8] Applicant is filing under Gas Purchase Contract dated February 7, 1983.

[9] By assignment effective February 1, 1983, Cities Service Company assigned to its wholly-owned subsidiary Cities Service Oil and Gas Corporation, certain oil and gas leases, including leases in West Delta and Grand Isle Areas, Offshore Louisiana.

[10] Contract was cancelled June 26, 1979, as stated in Notice to Purchaser dated May 24, 1979. ARCO has no remaining reserves or production

[11] Depletion of all commercially producible oil and gas zones

[12] No longer producing in commercial quantities: uneconomic

[13] Applicant is filing under Gas Purchase Agreement dated June 8, 1979.

[14] Applicant is filing under Gas Purchase Contract dated September 21, 1979, amended by amendment dated December 15, 1982

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession

[FR Doc. 83-7771 Filed 3-24-83: 8:45 am]

BILLING CODE 6717-01-M

Federal Energy Regulatory Commission

[Docket Nos. G-10083-003, et al.]

Texaco Inc. (Operator), et al.;

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

March 7, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-10083-003, D, Feb. 22, 1983	Texaco Inc. (Operator), *et al.*, Tulsa, Oklahoma 74102	Northern Natural Gas Co., Hugoton Friend Field, Finney County, Kans	(*)	
CI63-538-002, Feb.16, 1983	Arco Oil and Gas Co., Division of Atlantic Richfield Co. P. O. Box 2819, Dallas, Tex. 75221.	Northwest Central Pipeline Corporation [3] Northwest Lovedale Field, Harper County, Okla.	(*)	
CI68-1306-000, D, Feb. 7, 1983	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001	Michigan Wisconsin Pipeline Co., Eugene Island Block 266 Field, OCS Lease No. 790, Offshore Louisiana.	(*)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI78-1194-002, D, Feb. 18, 1983	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Southern Natural Gas Co., (perdecessor in interest to Sea Robin Pipeline Co.), N/2 of Block 261 and the NE/4 of Block 262, Eugene Island Area, Offshore Louisiana.	(4)	
CI78-1254-001, D, Feb. 18, 1983	....do	United Gas Pipe Line Co., (predecessor in interest to Sea Robin Pipeline Co.), N/2 of Block 261 and the NE/4 of Block 262, Eugene Island Area, Offshore Louisiana.	(4)	
CI75-438-001, D, Feb. 7, 1983	COLEVE. A Joint Venture composed of Gas Development Corp. and Energy Ventures Inc., P.O. Box 1350, Houston, Tex. 77001.	Columbia Gas Transmission Corp., South Marsh Island Block 267, Offshore Louisiana.	(5)	
CI77-584-003, C, May 6, 1982	Marathon Oil Co., 539 South Main Street, Findlay, Ohio 45840.	United Gas Pipe Line Co. and Southern Natural Gas Co., Block 47, Eugene Island Area, Offshore Louisiana.	(6)	15.025
			(7)	
CI79-104-001, D, Feb. 7, 1983	Columbia Gas Development Corp., P.O. Box 1350, Houston, Tex. 77001.	Columbia Gas Transmission Corp., South Marsh Island Block 267, Offshore Louisiana.	(8)	
G-10706-000, D, Feb. 17, 1983	Sun Exploration and Production Co. (formerly Sun Oil Co.), P.O. Box 20, Dallas, Tex. 75221.	Northwest Central Pipeline Corp.,[25] Eureka Field, Grant and Alfala Counties, Okla.	(9)	
CI68-656-000, D, Feb. 11, 1983	....do	Panhandle Eastern Pipe Line Co., N.W. Dombey Field, Texas County, Okla.	(10)	
CI83-145-000, (CI74-213), B, Feb. 7, 1983.	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Northern Natual Gas Co., Gomez (Ellenburger Field), Pecos County, Tex.	(11)	
CI83-146-000, A, Feb. 7, 1983	Eugene Shoal Oil Co., Union Oil Center, Room 932, P.O. Box 7600, Los Angeles, Calif. 90051.	Transcontinental Gas Pipe Line Corp., Block 194 Field, Mississippi Canyon Area, Offshore Louisiana.	(12)	15.025
CI83-147-000 (G-17560), B, Feb. 10, 1983.	Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.	Texas Gas Transmission Corp., Bayou Pigeon Field, Iberia Parish, La.	(13)	
CI83-148-000, A, Feb. 10, 1983	Oxy Petroleum Inc., 5000 Stockdale Highway, Bakersfield, Calif. 93309.	United Gas Pipe Line Co., Blocks 155 and 156, South Marsh Island Area, South Addition, Offshore Louisiana.	(14)	15.025
CI83-149-000, A, Feb. 14, 1983	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160	Natural Gas Pipeline Co. of America, South Marsh Island Block 236 Field, OCS-G-4437 and OCS 0310, Offshore Louisiana.	(15)	15.025
CI83-151-000, E, Feb. 15, 1983	ANR Production Co. (successor to Michigan Wisconsin Pipe Line Co.), 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Tex. 77056.	Michigan Wisconsin Pipe Line Co., various acreage located in Beaver County, Okla.	(16)	14.65
CI83-152-000, B, Feb. 16, 1983	John Murphy (ada Murphy Oil Co.), formerly Quaker State Oil, 200 Jefferson, El Dorado, Ark. 71730.	Columbia Gas Transmission Corp., Meiga County, Ohio	(17)	
CI83-153-000, B, Feb. 16, 1983	Ladd Petroleum Corp., 830 Denver Club Building, Denver, Colo. 80202.	Northwest Pipeline Corp., Farmington #1-3 Well, T-30-N, R-13-W, San Juan County, N. Mex.	(18)	
CI83-154-000, A, Feb. 22, 1983	Mesa Petroleum Co., One Mesa Square, P.O. Box 2009, Amarillo, Tex. 79189.	Columbia Gas Transmission Corp., South Pelto Block 8, Offshore Louisiana.	(19)	15.025
CI83-155-000, F, Feb. 22, 1983 [20]	Transco Exploration Co., (Partial Successor in Interest to Tenneco Oil Co.), P.O. Box 1396, Houston, Tex. 77251.	Tennessee Gas Pipeline Co., Vermilion Block 218 Field, Blocks 217, 218, 225, and 226, Offshore Louisiana.	(21)	14.73
CI83-156-000 (CI72-833), B, Feb. 22, 1983.	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kans. 67201.	El Paso Natural Gas Co., Bisti and Gallegos Gallup Field, San Juan County, N. Mex.	(22)	
CI83-157-000 (CI76-345), B, Feb. 22, 1983.	....do	El Paso Natural Gas Co., East Bisti Field, San Juan County, N. Mex.	(22)	
CI83-158-000, B, Feb. 22, 1983	Coquina Oil Corp., P.O. Drawer 2960, Midland, Tex. 79702.	El Paso Natural Gas Co., Burton Flat Field, Eddy County, N. Mex.	(22)	
CI83-159-000, B, Feb. 22, 1983	Bengal 72-A Fund, P.O. Drawer 2960, Midland, Tex. 79702.	....do	(23)	
CI83-160-000, B, Feb. 22, 1983	Bengal 72-B Fund, P.O. Drawer 2960, Midland, Tex. 79702.	....do	(23)	
CI83-161-000, B, Feb. 22, 1983	TR, Ltd., P.O. Drawer 2960, Midland, Tex. 79702	....do	(23)	
CI83-162-000, B, Feb. 22, 1983	Nautilus Venture, P.O. Drawer 2960, Midland, Tex 79702.	....do	(23)	
CI66-651-001, E, Feb. 23, 1983	Petro-Lewis Corp. (Operator) (Successor In Interest To Conoco Inc.), P.O. Box 2250, Denver, Colo. 80201.	Pacific Lighting Service & Supply Co., Carpinteria Blocks 51 and 52 Field, Offhore California.	(24)	14.75
C60-3-001, E, Feb. 23, 1983	....do	Transcontinental Gas Pipe Line Corp., Mississippi Canyon Blocks 151, 194 and 195, Offshore Louisiana.	(24)	15.025

[1] Fuel to Lessor for agricultural irrigation.
[2] Applicant is filing to change delivery point.
[3] Farmout to Texoma Production Co.
[4] Non-producing acreage.
[5] Production from the 6300' Sand has ceased. COS-G-2309 Well No. 1 has been plugged and abandoned. Seller's OCS-G-2309 lease has expired.
[6] Applicant is filing under Gas Purchase Contract dated December 29, 1976.
[7] Not used.
[8] Not used.
[9] All leases dedicated under original contract with the exception of Lease No. S-32648, Miller No. 1, have been assigned or depleted, or have expired by their own terms.
[10] Sun released rights to leases because all economically recoverable reserves had been depleted.
[11] Last well in the Ellenburger formation was plugged and abandoned in early 1980.
[12] Applicant is filing under Gas Purchase Agreement dated Jaunary 28, 1983.
[13] Effective October 1, 1982 Shell assigned its interest in all wells, equipment production facilities and other property located on leased premises to Taylor Energy Company and American National Petroleum Company.
[14] Applicant is filing under Gas Purchase Contract dated January 7, 1983.
[15] Applicant is filing under Gas Purchase Contract dated November 3, 1982.
[16] As of January 1, 1983, Michigan Wisconsin has transferred title to the leases and related assets associated with the production of the natural gas here involved to ANR effective December 31, 1982.
[17] No longer producing commercial quantities from the formation under contract. Formation has been pluged in accordance with state law and abandoned.
[18] Well was shut-in in 1978—well has been plugged and abandoned on July 31, 1980.
[19] Applicant is filing under Gas Purchase Agreement dated January 4, 1979.
[20] By assignment dated effective retroactive to April 9, 1981, TXC acquired an 11.11055% interest in Vermilion Blocks 225 and 226. Tenneco Oil Company's interest in the Vermilion Block 218 Field is covered by Rate Schedule No. 281.
[21] Applicant is filing under Gas Purchase Contract dated March 1, 1972, ratified and amended by a Ratification and Amendment dated August 30, 1982.
[22] On December 11, 1981 the well was plugged and abandoned.
[23] Wells can no longer produce against El Paso's line pressure, and it is not economical to install compression.
[24] Effective as of January 1, 1983, Petro-Lewis and its affiliate Petro-Lewis Funds, Inc. acquired through purchase from Conoco all of Conoco's working interest and requests redesignation of Conoco's Gas Rate Schedule Nos. 335 and 464 as Petro-Lewis Corporation (Operator) FERC Gas Rate Schedules Nos. 1 and 2, respectively.
[25] Cities Service Gas Company name has been changed to Northwest Central Pipeline Corporation.
Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession.

[FR Doc. 83-7632 Filed 3-24-83; 8:45 am]

BILLING CODE 6717-01-M

Office of the Secretary

Procurement and Assistance Management Directorate

AGENCY: Department of Energy.

ACTION: Notice of suspension and proposed debarment.

SUMMARY: This notice announces that the Department of Energy (DOE) has suspended John D. Bartlett and all organizations with which he is or may become affiliated, from participating in any new DOE contract or subcontract. In addition, Mr. Bartlett has been advised that DOE proposes to debar him and all such affiliated organizations for the period beginning on May 6, 1983, or such later date as a final DOE decision to debar is entered and ending on September 13, 1984.

DATE: The suspension became effective on March 21, 1983, and shall last until the proposed debarment becomes effective or for 12 months, whichever occurs earlier.

FOR FURTHER INFORMATION CONTACT: James Nelson, Procurement and Assistance Management Directorate, Room 1I–018, Forrestal Building, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone 202/252–1150.

SUPPLEMENTARY INFORMATION: The suspension and proposed debarment actions are being taken in accordance with the procedures set forth in Federal Procurement Regulations (FPR) Temporary Regulation No. 65, 41 CFR Subpart 1–1.6, 47 FR 43692 (October 4, 1982), and the DOE Procurement Regulations (DOE–PR), 41 CFR Subpart 9–1.6. In addition to John D. Bartlett, the known affiliated organization affected by the suspension and proposed debarment action is Alternate Fuel Source Development Corporation. Mr. Bartlett's address is 4137 Middlebrook Road, Fort Worth, Texas 76116. The address of all the known affiliates is 3610 McGart, Fort Worth, Texas 76110.

During the period of suspension and subsequent debarment, DOE will neither accept nor consider a bid or proposal submitted by Mr. Bartlett or by any organization with which he is affiliated. In addition, DOE will not approve any new contract between him or any such affiliated organization and a DOE contractor.

The suspension and proposed debarment are based on Mr. Bartlett's handling of DOE Grant No. DE–FG 4681AF92508, Alcohol Fuels Technology Grant Program, and possible violation of 18 U.S.C., Section 641, Embezzlement and Theft, and 18 U.S.C. 1001, False Statement, by having misapplied DOE grant funds. Commission of such offenses is cause for suspension under FPR 1–1.606–2 (a) and (c) and for proposed debarment under FPR 1–1.605–2. Mr. Bartlett has been advised that he has the right to submit, by no later than April 21, 1983, a written request for a hearing and a reply to the notice of proposed debarment.

As required under DOE–PR 9–1.602, Mr. Bartlett and the above named affiliated organization has been placed on the DOE Consolidated List of Debarred, Suspended, and Ineligible Contractors which is distributed periodically to DOE Contracting Officers. DOE has also notified the General Services Administration (GSA) of this suspension action. When the proposed debarment becomes effective, GSA shall be notified in accordance with FPR Temporary Regulation No. 65, 41 CFR Subpart 1–1.6, 47 FR 43692 (October 4, 1982).

Issued in Washington, D.C., on March 21, 1983.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

[FR Doc. 83–7749 Filed 3–24–83; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–2316–5]

Availability of Environmental Impact Statements Filed Feb. 22 Through Feb. 25, 1983 Pursuant to 40 CFR Part 1506.9

Correction

In FR Doc. 83–5591 appearing on page 9365 in the issue for Friday, March 4, 1983, second column, under Federal Energy Regulatory Commission, second line, "C/D" should read "C/O".

BILLING CODE 1505–01–M

[ER–FRL–2325–3]

Availability of Environmental Impact Statements Filed March 7 Through March 11, 1983 Pursuant to 40 CFR Part 1506.9

Correction

In FR Doc. 83–7085 appearing on page 11503 in the issue of Friday, March, 18, 1983, in the third column, under Corps of Engineers, the date for the three entries now reading "April 11, 1983", should read "April 18, 1983".

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–2329–7]

Availability of Environmental Impact Statements Filed March 14 Through March 18, 1983 Pursuant To 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382–5075 or 382–5076.

Corps of Engineers:
- EIS No. 830145, Report, COE, OH, Fairport Harbor Operation and Maintenance, Lake County
- ESI No. 830148, Final, COE, TN, Obion-Forked Deer Rivers Basin Stream Renovation, Permits, due: Apr. 25, 1983
- ESI No. 830150, Final, COE, IN, Indiana Dunes Nat'l Lakeshore Erosion Reduction, Porter and LaPorte Counties, due: Apr. 25, 1983
- ESI No. 830154, Final, COE, KS, Upper Little Arkansas River Basin Flood Control, due: Apr. 25, 1983

Department of Energy:
- ESI No. 830147, Final, BPA, SEV, ID, MT, WA, Garrison-Spokane 500 kV Transmission Line, Construction, due: Apr. 25, 1983

Department of the Interior:
- EIS No. 830146, Draft, OSM, MT, PRO, Rosebud Coal Mining Operations, Comprehensive Plan, Rosebud County, due: May 9, 1983
- EIS No. 830152, Draft, BLM, UT, Grand Resource Area Resource Management Plan, Grand and San Juan Counties, due: June 13, 1983
- EIS No. 830153, Final, BLM, AK, Alaska National Petroleum Reserve Oil and Gas Leasing, due: Apr. 25, 1983

Department of Transportation:
- EIS No. 830155, Final, UMT, FL, Jacksonville Metropolitan Area Transit Improvements, Duval County, due: Apr. 25, 1983

Department of Housing and Urban Development:
- EIS No. 830151, Draft, HUD, WY, Elkhorn Valley Housing Development, Mortgage Insurance, Natrona County, due: May 9, 1983

Environmental Protection Agency:
- EIS No. 830149, Final, EPA, TX, Twin Oak Steam Electric Station, Robertson County, NPDES Permit, due: Apr. 25, 1983

Department of Justice:
- EIS No. 830156, Draft, BOP, VT, Windham Federal Prison Camp Activation, Windham County, due: May 9, 1983

Amended Notice:
- EIS No. 721506, Draft, FHW, OH, OH–241 Relocation, OH–241/US 30 Interchange to Oberlin Road Viaduct Officially withdrawn

Dated: March 22, 1983.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 83-7710 Filed 3-24-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59120; ISH-FRL 2330-2]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of three applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by April 11, 1983.

ADDRESS: Written comments, identified by the document control number "(OPTS-59120)" and the specific time number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances. Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances. Environmental Protection Agency, Rm. E-216, 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

TME 83-31

Manufacturer. Confidential.
Chemical. (G) Substituted Acetamide.
Use/Production. (G) Incorporated as a minor constituent in an article for use in commercial establishments. Prod. range: 3 month up to 0.2 kg
Toxicity Data. No data submitted.
Exposure. Dermal and inhalation, a total of 10 workers, up to 1 hr/da, up 5 da/yr.
Environmental Release/Disposal. No release.

TME 83-32

Manufacturer. Confidential.
Chemical. (G) Ployester polyurethane.
Use/Production. (G) Open use. Prod. range: 11,200 (max) kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: a total of 27 workers, up to 6 hrs/da, up 6 da/yr; processing: dermal and ocular, a total of 15 workers, up to 6 hrs/da, up to 6 da/yr; Use: dermal and ocular, 6 workers 8 hrs/da, 45 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10-100 to land. Disposal by incineration and landfill.

TME 83-33

Manufacturer. Confidential.
Chemical. (G) Disubstituted heteromonocycle.
Use/Production. (G) Open use. Prod. range: 4,480 (max) kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: a total of 27 workers, up to 6 hrs/da, up 6 da/yr; processing: dermal and ocular, 48 workers, up to 6 hrs/da, up to 6 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10-100 to land. Disposal by incineration.

Dated: March 18, 1983

Linda A. Travers,

Acting Director, Management Support Division

[FR Doc. 83-7623 Filed 3-24-83; 8:45 am]

BILLING CODE [illegible]

[OPTS-51459; TSH-FRL 2330-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of twenty PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83-550, 83-551 and 83-552: June 8, 1983.
PMN 83-553, 83-554 and 83-555: June 11, 1983.
PMN 83-556, 83-557, 83-558, 83-559, 83-560, 83-561, 83-562, 83-563 and 83-564: June 12, 1983.
PMN 83-565: June 13, 1983.
PMN 83-566, 83-567, 83-568 and 83-569: June 14, 1983.

Written comments by:

PMN 83-550, 83-551, and 83-552: May 9, 1983.
PMN 83-553, 83-554 and 83-555: May 12, 1983.
PMN 83-556, 83-557, 83-558, 83-559, 83-560, 83-561, 83-562, 83-563 and 83-564: May 13, 1983.
PMN 83-565: May 14, 1983.
PMN 83-566, 83-567, 83-568 and 83-569: May 15, 1983.

ADDRESS: Written comments, identified by the document control number "(OPTS-51459)" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-550

Manufacturer. Confidential.
Chemical. (G) Polymer of formaldelhyde and substituted phenols.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-551

Manufacturer. Confidential.
Chemical. (G) Modified polymer of formaldehyde and substituted phenols.

Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-552

Manufacturer. Monsanto Company.
Chemical. (G) Phenol formaldehyde butanol resin.
Use/Production. (S) Crosslinking agent for industrial epoxy and polyacetal coating systems. Prod. range: Confidential.
Toxicity Data. Acute oral: >5,010 mg/kg; Acute dermal: >5,010 mg/kg; Irritation: Skin—Non-irritant, Eye—Moderate.
Exposure. Manufacture: dermal, inhalation and ingestion, a total of 6, workers accidental.
Environmental Release/Disposal. Released to air and land. Disposal by approved hazardous waste facility.

PMN 83-553

Importer. Ilford, Incorporated.
Chemical. (S) Ethanesulfonic acid, 2-[bis (2-cyanoethyl) phosphino]—potassium salt.
Use/Import. (S) Catalyst in photographic processing solution. Import range: 1,800–2,600 kg/yr.
Toxicity Data. Acute oral: 8,340 mg/kg; Irritation: Skin—Marked, Eye—Minimal; EC_{50}, 24 hr (Daphnia magna): 413.7 mg/L; Biodegradation: Not readily biodegradable; Salmonella and Eschericha/Liver Microsome Test: Negative; LC_{50} (Zebra fish) 96 hr: >1,000 mg/L.
Exposure. Manufacture: a total of 5–7 workers, up to 300 manhours/yr.
Environmental Release/Disposal. Disposal by public and private sanitary waste water treatment facilities.

PMN 83-554

Manufacturer. Confidential.
Chemical. (G) 1,3-benzenedicarboxylic acid, 5-substituted, polymer with 1,2-ethanediol and oxo-heteropolycycle.
Use/Production. (G) Industrial resin. Prod. range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Slight, Eye—Minimal; Ames Test: Negative.
Exposure. Manufacture, processing and use: dermal and inhalation, a total of 10 workers, in 8 hr/shifts, 20 times/yr.
Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83-555

Manufacturer. Confidential.
Chemical. (G) 1,3-benzenedicarboxylic acid, 5-substituted, polymer with 1,2-ethanediol and oxo-heteropolycycle.
Use/Production. (G) Industrial resin. Prod. range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Minimal; Ames Test: Positive.
Exposure. Manufacture, processing and use: dermal and inhalation, a total of 6 workers, in 8 hr/shifts, 20 times/yr.
Environmental Release/Disposal. No release. Disposal by incineration, landfill and publicly owned waste treatment facility.

PMN 83-556

Manufacturer. Confidenial.
Chemical. (G) Polyester polyurethane.
Use/Production. (G) Open use. Prod. range: 1,000–200,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and use: dermal and ocular, a total of 102 workers, up to 8 hrs/da, up 240 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–1,000 kg/yr to land. Disposal by incineration and approved landfill.

PMN 83-557

Manufacturer. Confidential.
Chemical. (G) Disubstituted heteromonocycle.
Use/Production. (G) Open use. Prod. range: 400–90,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal and ocular, a total of 156 workers, up to 6 hrs/da, up 18 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–1,000 kg/yr to land. Disposal by incineration, approved landfill or sold as fuel.

PMN 83-558

Manufacturer. Confidential.
Chemical. (G) Modified epoxy resin.
Use/Production. (G) Open use. Prod. range: 40–9,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and use: dermal and ocular, a total of 54 workers, up to 6 hrs/da, up 250 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–100 kg/yr to land. Disposal by incineration.

PMN 83-559

Manufacturer. Celanese Corporation.
Chemical. (G) Organo phosphate.
Use/Production. (G) Open use. Prod. range: 1,000–10,000 kg/yr.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture and processing: dermal, a total of 12 workers, up to 8 hrs/da, up 240 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by incineration, landfill and recycling.

PMN 83-560

Manufacturer. Celanese Corporation.
Chemical. (G) Organo phosphate polymer.
Use/Production. (G) Open use. Prod. range: 1,000–10,000 kg/yr.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: dermal, a total of 12 workers, up to 8 hrs/da, up 240 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by incineration, landfill and recycling.

PMN 83-561

Manufacturer. E. I. du Pont de Nemours & Co., Inc.
Chemical. (G) Acrylic alkyd polymer.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, 2 persons/shift, 8 hrs/shift, 3 shifts/da, 1.4 da/yr.
Environmental Release/Disposal. Disposal by incineration.

PMN 83-562

Manufacturer. E. I. du Pont de Nemours & Co., Inc.
Chemical. (G) Acrylic alkyd polymer.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, 2 persons/shift, 8 hrs/shift, 3 shifts/da, 2.5 da/yr.
Environmental Release/Disposal. Disposal by incineration.

PMN 83-563

Importer. Confidential.
Chemical. (G) Substituted indolium, salt.
Use/Production. (S) Colorant for textiles and papers. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Use: Negligible.
Environmental Release/Disposal. No release.

PMN 83-564

Manufacturer. Confidential.
Chemical. (G) Dialkyl cycloaliphatic diester.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: > 3,000 mg/kg; Acute dermal: > 1,000 mg/kg; Irritation: Skin—Slight, Eye—Slight; Skin sensitization: Low potential.

Exposure. Manufacture: dermal and inhalation, a total of 32 workers, up to 3 hrs/da, up 50 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by biological treatment system and incineration.

PMN 83–565

Manufacturer. Confidential.

Chemical. (G) Sodium salt of a polymer of acrylic acid, acrylamide, and substituted acrylamide.

Use/Production. (S) Industrial flocculent in waste treatment and processing mineral streams. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, less than 5 workers, up to 24 hrs/da, up 365 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to water with more than 10,000 kg/yr to land.

PMN 83–566

Manufacturer. E. I. du Pont de Nemours & Co., Inc.

Chemical. (G) Substituted chlorobenzene.

Use/Production. (G) Captive intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 2,250 mg/kg; Irritation: Skin—Moderate, Eye—Non-irritant; Ames Test: Non-mutagenic; Skin sensitization: Non-sensitizer.

Exposure. Manufacture: minimal.

Environmental Release/Disposal. No release.

PMN 83–567

Manufacturer. Confidential.

Chemical. (G) Modified acrylic copolymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–568

Manufacturer. Confidential.

Chemical. (G) Substituted styrene.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: > 2 g/kg; Irritation: Skin—Moderate, Eye—Very slight.

Exposure. Manufacture: dermal and inhalation, a total of 16 workers.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83–569

Manufacturer. Confidential.

Chemical. (G) Phenyl substituted butane.

Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 5 g/kg; Irritation: Skin—Moderate, Eye—Slight.

Exposure. Manufacture: dermal, a total of 16 workers.

Environmental Release/Disposal. No release. Disposal by incineration.

Dated: March 18, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83–7622 Filed 3–24–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

[Docket No. 83–17]

Rates Applicable to Ocean Shipments Via OOCL-Seapac Service; Filing of Petition for Declaratory Order

Notice is given that a petition for declaratory order has been filed by the Pacific Westbound Conference and OOCL-Seapac Service to allow OOCL-Seapac to act without peril upon its view that certain rate increases ought not to be paid by offerted shippers. The circumstance giving rise to the petition was the cancellation of certain per-containers rates which led to rate increases being inadvertently implemented on less than statutory notice.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L St., N.W., Room 11101. Participation in this proceeding by persons not named in the petition will be permitted only upon grant of intervention pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72).

Petitions to intervene shall be accompanied by intervenor's complete reply in the matter. Such petitions and any replies to the petition for declaratory order shall be filed with the Secretary on or before April 21, 1983. An original and fifteen copies shall be submitted and a copy served on all parties. Replies shall contain the complete factual and legal presentation of the replying party as to the desired resolution of the petition for declaratory order.

Francis C. Hurney,

Secretary.

[FR Doc. 83–7789 Filed 3–24–83; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Fertility and Maternal Health Drugs Advisory Committee, FDA, and the Center for Population Research, NICHD/NIH—Workshop on the Animal Testing Requirements for Evaluating the Long-Term Safety of Steroid Contraceptives

Date, time, and place. April 27 and 28, 9 a.m.; April 29, 7:30 a.m., Conference Rm. 10, 6th Floor, Bldg. 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, April 27 and 28, 9 a.m. to 5 p.m.; closed committee deliberations, April 29, 7:30 a.m. to 9:30 a.m.; open public hearing, April 29, 10 a.m. to 5 p.m.; A. T. Gregoire, National Center for Drugs and Biologics (HFN–130), 5600 Fishers Lane, Rockville, MD 20857, 301–443–1869; Richard Blye, Center for Population Research, 7010 Woodmont Ave., Bethesda, MD 20205, 301–496–1661.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in obstetrics, gynecology, and contraception.

Agenda—open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

The committee in conjunction with the Center for Population Research (NICHHD/NIH) and with the cooperation of the World Health Organization, the Population Council,

and Agency for International Development will review and discuss animal testing requirements for evaluating long-term safety of steroid contraceptives.

Topics to be discussed will include a clinical overview of oral contraceptive use and the current long-term safety requirements for contraceptive steroids, discussions of the comparative pharmacology, pharmaco-kinetics, metabolism and mechanism of steroid action, hepatotoxicity of steroids, and the role of this knowledge as predictors of clinical effects.

Steroid use and carcinogenicity and the utilization of increased and multiple doses in the current testing requirements will be reviewed.

The effect of steroid use on lipids, blood coagulation, and other metabolic changes will be discussed as well as current ongoing primate long-term investigations.

After open discussion of the above, the committee will consider the following specific issues concerning steroid contraceptives:

1. How can the knowledge of steroid pharmacokinetics, metabolism, and steroid hormone action be utilized in the design of meaningful animal safety studies?

2. Should guidelines for preclinical animal safety studies be amended to allow earlier Phase I clinical pharmacology studies?

3. How can the current long-term animal safety requirements be modified to consider the steroid drug's chemical structure, pharmacology, and mode of administration for extrapolation to humans?

14. Should dose levels in animal safety studies consider an end organ's responsiveness? How can the results of these studies be extrapolated and predictive of potential human adverse reactions, e.g., thromboembolic and other vascular disorders?

5. What research should be undertaken to make data interpretation and evaluation predictive of potential clinical problems?

6. Are there alternatives to long-term animal studies that FDA can rely on for the assessment of safety of steroid contraceptives?

Closed committee deliberations. The committee will discuss trade secret or confidential commercial information regrading NDA 18–592. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to frustrate significantly the implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: March 17, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83–7699 Filed 3–24–83; 8:45 am]

BILLING CODE 4160–01–M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings: Atlanta District Office, chaired by John H. Turner, District Director. The topics to be discussed are: Patient and drug education program, FDA's mission, drug tampering, and the Cambridge diet.

DATE: Thursday, April 14, 1983, 9:30 a.m.

ADDRESS: Vocational—Adult Education Building, Tuskegee Institute, Tuskegee, Alabama.

FOR FURTHER INFORMATION CONTACT: Janice Moton, Consumer Affairs Officer, Food and Drug Administration, 1182 West Peachtree St., NW., Atlanta, GA 30309; 404–881–7355.

Seattle District Office, chaired by Kenneth A. Hansen, District Director. The topic to be discussed is: patient information.

DATE: Wednesday, April 20, 1983, 1:30 p.m. to 3:30 p.m.

ADDRESS: Lloyd Center Auditorium, 1002 NE. Holladay St., Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Ellen M. Miller, Consumer Affairs Officer, Food and Drug Administration, 5009 Federal Office Building, Seattle, WA 98174; 206–442–1311.

Seattle District Office, chaired by Kenneth A. Hansen, District Director. The topic to be discussed are: nutrition and medical quackery.

DATE: Thursday, April 28, 1983, 1:30 p.m. to 3:30 p.m.

ADDRESS: Federal Office Building, Rm. 1057, 909 1st Ave., Seattle, WA 98174.

FOR FURTHER INFORMATION CONTACT: Susan J. Hutchcroft, Consumer Affairs Officer, Food and Drug Administration, 5009 Federal Office Building, Seattle, WA 98174; 206–442–5265.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 21, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7701 Filed 3-24-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-0072]

Hydracon Corporation; Premarket Approval of Hydracon (Hydrofilcon-55A) Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Hydracon (Hydrofilcon–55A) Contact Lens, sponsored by Hydracon Corp., Huntington Beach, CA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by April 25, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, National Center for Devices and Radiological Health (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301–427–7445.

SUPPLEMENTARY INFORMATION: On June 3, 1982, Hydracon Corp., Huntington Beach, CA, submitted to FDA an application for premarket approval of the Hydracon (Hydrofilcon–55A) Contact Lens. The lens ranges in power from −20.00 to +10.00 diopters and is indicated for daily wear for the correction of visual acuity in not-aphakic persons with nondiseased eyes who have myopia or hyperopia and who may have refractive astigmatism of 1.25 diopters or less. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, and FDA advisory committee, which recommended approval of the application. On March 2, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and report provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Hydracon® (Hydrofilcon-55A) Contact Lens states that the lens is to be used only with a chemical (not heat) disinfection regimen. The restrictive labeling informs wearers that they must avoid using certain products, such as solutions intended for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer to new lens-care solutions that FDA approves for use with approved contact lenses. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to

refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 25, 1983, file with the Dockets Management Branch (address above), two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 18, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7698 Filed 3-24-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83N-0086]

Public Meeting; Hematin Workshop

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public meeting to discuss Hematin and the pathophysiology and therapy of the porphyrias.

DATE: The meeting will be held on March 30, 1983, from 8:30 a.m./ to 5 p.m.

ADDRESS: The meeting will be held at Bldg. 29, Rm. 121, 8800 Rockville Pike, Bethesda, MD 20205.

FOR FURTHER INFORMATION CONTACT: Genesio Murano, Office of Biologics (HFN-830), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205; 301-496-2694.

SUPPLEMENTARY INFORMATION: The porphyrias are primarily inherited and more rarely acquired diseases that involve the abnormal production and excretion of heme precursors, porphyrins, which results in a variety of serious pathologic responses. Hematin, a derivative of Hemin, is believed to function by a negative feedback process resulting in a reduction of the concentration of porphyrin.

The Office of Biologics of the National Center for Drugs and Biologics, FDA, and the National Heart, Lung, and Blood Institute, National Institutes of Health, are sponsoring a public workshop to discuss Hematin and the pathophysiology and therapy of the porphyrias. The meeting will provide a forum to: (1) Update experiences with the management of this rare and complicated disease and (2) evaluate and establish criteria of safety and efficacy regarding the use of purified "Hematin" as a potentially useful therapeutic modality for the porphyrias.

The meeting will be held from 8:30 a.m. to 5 p.m., March 30, 1983, in Bldg. 29, Rm. 121, 8800 Rockville Pike, Bethesda, Md 20205. Interested persons wishing to attend are requested to contract Genesio Murano (address above).

Dated: March 18, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7541 Filed 3-21-83; 12:29 pm]

BILLING CODE 4160-01-M

Small Business Exchange Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming small business exchange meeting to be chaired by Maurice D. Kinslow, Regional Food and Drug Director, Region IV, Atlanta Field Office.

DATE: The meeting will be held at 1:30 p.m., Thursday, May 12, 1983.

ADDRESS: The meeting will be held at Urban Life Center, Rm. 201, Georgia State University, Atlanta, GA 30303.

FOR FURTHER INFORMATION CONTACT: Timothy R. Wells, Small Business Representative, Food and Drug Administration, 1182 W. Peachtree St. NW., Atlanta, GA 30309; 404-881-3576.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between small business and FDA officials. The meeting will provide a forum for the owners and managers of small business to express their concerns about FDA, encourage discussion about the effects of regulation and regulatory alternatives, convey knowledge about the agency's operations and procedures, and increase participation by small businesspersons in FDA's decisionmaking process.

Dated: March 16, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7708 Filed 3-24-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82 P-0108]

Availability of Approved Variance for a Computed Tomography X-Ray Product Patient Alignment System

Correction

In FR Doc. 83-5069 appearing on page 8588 in the issue of Tuesday, March 1, 1983, make the following correction in the third column, the third line: The section reference should read "§ 1010.4(a)".

BILLING CODE 1505-01-M

Request for Nominations for Voting Members on Public Advisory Committees or Panels

Correction

In FR Doc. 83-4914 beginning on page 8593 in the issue of Tuesday, March 1, 1983, make the following corrections on page 8594:

1. In the middle column, beginning with the third line from the bottom, the phrase "application for these devices classified in the premarket approval" should be removed.

2. In the third column, the fifth line, inset the following phrase after the word "approval": "applications for those devices classified in the premarket approval".

BILLING CODE 1505-01-M

Public Health Service

Delegation of Authority; Preparation for Practice

Notice is hereby given that the following delegation has been made regarding Preparation for Practice under Section 336(a) of the Public Health Service Act (42 U.S.C. 245h–1), as amended.

Delegation from the Assistant Secretary for Health to the Administrator, Health Resources and Services Administration, with the authority to redelegate, of all the authorities under Section 336(a) of the Public Health Service Act, as amended.

Previous delegations and redelegations made to officials within the Public Health Service of authorities under Title III of the Public Health Service Act may continue in effect provided they are consistent with this delegation.

The above delegation was effective on March 18, 1983.

Dated: March 18, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83–7760 Filed 3–24–83; 8:45 am]

BILLING CODE 4160–16–M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on March 18.

Public Health Service

Office of the Assistant Secretary for Health

Subject: First Pretest of the "Supplement on Aging" for the 1984 National Health Interview Survey—new
Respondents: Sample households representing civilian noninstitutionalized population
OMB Desk Officer: Fay S. Iudicello

National Institutes of Health

Subject: Study of the Natural History of Senile Dementia—new
Respondents: Individuals 65 and over
OMB Desk Officer: Fay S. Iudicello

Food and Drug Administration

Subject: Cosmetic Product Ingredient Statement (0910–0030)—extension/no change
Respondents: Cosmetic product manufacturters, repackers and distributors
Subject: Cosmetic Raw Material Composition Statement (0910–0031)—extension/no change
Respondents: Cosmetic raw material manufacturers and suppliers
Subject: Cosmetic Product Experience Reports (0910–0047)—extension/no change
Respondents: Cosmetic product manufacturers and distributors
Subject: Notice of Discontinuance of Commercial Distribution of Cosmetic Product or Cosmetic Raw Material (0910–0029)—extension/no change
Respondents: Cosmetic product manufactaurers and distributors
Subject: Recordkeeping Requirements for Exemption from FDA Approval for New Drugs Used in Nonhuman Research (0910–0135)—extension/no change
Respondents: Drug manufacturers and repackers
OMB Desk Officer: Richard Eisinger

Social Security Administration

Subject: State Mental Institution Policy Review (SSA–9584–BK (2–83))—revision
Respondents: State mental institutions
Subject: Monthly Statistical Report on Recipients and Payments Under State Administered Assistance Programs for Aged, Blind, and Disabled (SSA–9741)—extension/no change
Respondents: States administering state supplementation under the Supplemental Security Income program
OMB Desk Officer: Milo Sunderhauf

Health Care Financing Administration

Subject: Inpatient Hospital and Skilled Nursing Facility Admission and Billing Form (FCFA 1453)—revision
Respondents: Hospitals and skilled nursing facilities participating in the Medicare program
OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

Joseph F. Costa, Acting HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524–F, Washington, D.C. 20201;
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503; ATTN: (name of OBM Desk Officer).

Dated: Maarch 18, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83–7897 Filed 3–24–83; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environment and Energy

[Docket No. NI–108]

Intended Supplement to Final Environmental Impact Statement; Charleston, S.C.

The Department of Housing and Urban Development gives notice that a Supplement to a Final Environmental Impact Statement (EIS) is intended to be prepared for the City of Charleston, South Carolina, for the following project under HUD programs as described in the appendices of the Notice: The Charleston Center. The purpose of this Notice is to evaluate further environmental impacts of the project since the issuance of the first supplement to the Environmental Impact Statement in September 1979

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the Supplement should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the Supplement EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Supplement EIS is expected more than one year after the publication of the Notice in the **Federal**

Register, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., March 17, 1973.

Francis G. Hass,

Deputy Director, Office of Environment and Energy.

Appendix

Supplemental EIS on The Charleston Center, Charleston, South Carolina

Description: The City of Charleston, South Carolina intends to issue a Supplement to the Final Environmental Impact Statement for the Charleston Center which is located in the downtown peninsula area of Charleston, South Carolina.

The Supplement will evaluate any further environmental impacts of the Project since the first Supplement to the Final Environmental Impact Statement including the effect, if any, of increased federal funding and the substitution of a different developer for the Project.

The Charleston Center was originally planned to be a mixed-use Project, consisting of a parking facility, a hotel and convention center and a retail area. Current development consists of these same components, with the possibility of some change in the configuration and layout of the Project.

Copies of the Supplement will be available in the near future. The comment period for the Supplement will be thirty (30) calendar days after the date of publication of Notice in the **Federal Register** that the Supplement has been filed.

The final Environmental Impact Statement for the Charleston Center was issued in June, 1979, and a First Supplement thereto was issued in September, 1979. Copies are available for review at City Hall, 80 Broad Street, Charleston, South Carolina.

Comments: Comments concerning this Notice are invited from all affected and interested parties and should be received in writing as soon as possible, but not later than ten (10) calendar days after publication of the Notice in the **Federal Register**.

Telephone or written inquiries about this Notice may be directed to Joseph P. Riley, Jr., Mayor, City of Charleston, Post Office Box 652, Charleston, South Carolina 29402, telephone number (803) 577–6970.

[FR Doc. 83–7702 Filed 3–24–83; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Dickinson District Advisory Council Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Land Management (BLM) Dickinson District Advisory Council will meet April 25, 1983. The primary objective of the meeting will be to discuss land use recommendations for the McKenzie-Williams and Southwest North Dakota management framework plans. The members will also be briefed on possible BLM land sales in 1983, the asset management program, and the new role of the Dickinson District (following the BLM merger with components of the Minerals Management Service).

Location, Date, and Time: The meeting will be held April 25, 1983, in the Community Room (basement) of the Gate City Building, 204 Sims Street, Dickinson, North Dakota, beginning at 9:00 a.m. Mountain Time. There will be a one-hour break for lunch, and the meeting will probably be concluded by 3:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mel Ingeroi, Public Information Specialist, Bureau of Land Management, Dickinson District Office, P.O. Box 1229, Dickinson, ND 58601; telephone 701–225–9148.

SUPPLEMENTARY INFORMATION: The council is chartered by the Secretary of the Interior to provide citizen advice to the Dickinson District Manager in matters concerning BLM-administered lands and resources.

The meeting is open to the public. Anybody may attend and/or file a written statement. During the meeting, the public will be given the opportunity to ask questions or make statements. Written statements for the council can be mailed to the Dickinson District at the above address.

The counties included in the two land use plans to be discussed are McKenzie, Williams, Billings, Slope, Bowman, Hettinger, Adams, and Grant. The major resource considered in the plans is federally reserved coal lying under privately owned lands. BLM administered surface lands in the planning areas (37,202 acres) consist of small parcels scattered widely, except in western Bowman County, where there is a solid block of over 22,000 acres. Both plans are scheduled for completion in September 1983.

Minutes of the meeting will be prepared and made available for the public.

Alan Kesterke,

District Manager.

[FR Doc. 83–7686 Filed 3–24–83; 8:45 am]
BILLING CODE 4310–84–M

[OR 18773]

Oregon; Order Providing for Opening of Public Lands

1. In exchanges of lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716 (1976), the following lands have been reconveyed to the United States:

Willamette Meridian

T. 35 S., R. 37 E.,
- Sec. 1, lots 1, 2, 3, and 4, S½N½, and SE¼;
- Sec. 2, lots 3 and 4, S½NW¼, and SW¼;
- Sec. 3, lots 1 and 2, S½NE¼, and S½;
- Sec. 4, lots 1 and 2, S½NE¼, N½SW¼, SE¼SW¼, and S½SW¼SW¼;
- Sec. 5, lots 1 and 2, S½NE¼, and SE¼;
- Sec. 9;
- Sec. 10, E½;
- Sec. 11, W½;
- Sec. 12, NE¼.

T. 36 S., R. 37 E.,
- Sec. 1, lots 1, 2, 3, and 4, S½N½, and S½;
- Secs. 11, 13, 15, and 23;
- Sec. 25, N½NE¼, SE¼SE¼NE¼, W½SW¼NE¼, and W½;
- Sec. 35, NE¼NE¼.

T. 33 S., R. 38 E.,
- Sec. 23, SW¼SW¼ and SE¼SE¼.

T. 35 S., R. 38 E.,
- Sec. 7, SE¼;
- Sec. 9, E½NW¼;
- Sec. 19, lots 1, 2, 3, and 4, and E½NW¼.

T. 33 S., R. 39 E.,
- Sec. 3, SE¼NE¼;
- Sec. 19, E½NE¼;
- Sec. 21, SW¼SW¼;
- Sec. 33, NW¼NW¼, NW¼SE¼, and NE¼NE¼.

T. 32 S., R. 40 E.,
- Sec. 3, N½ of lot 3.

T. 36 S., R. 40 E.,
- Sec. 5, lots 1, 2, 3, and 4, S½N½, and S½.
- Sec. 7, lots 3 to 10, inclusive, and lots 15 to 22, inclusive;
- Sec. 9, W½NW¼;
- Sec. 19, lots 2 to 11, inclusive, and lots 14 to 23, inclusive.

T. 37 S., R. 40 E.,
- Sec. 16, SW¼SE¼;
- Sec. 17, E½SW¼;
- Sec. 20, E½NW¼.

T. 31 S., R. 41 E.,
- Sec. 31, NW¼NE¼.

The areas described aggregate 10,057.88 acres in Malheur County, Oregon.

2. At 9:30 a.m. on April 25, 1983, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All

valid applications received at or prior to 9:30 a.m., on April 25, 1983, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. All minerals in the following described lands were and continue to be in United States ownership. The lands have been and continue to be open to operation of the United States mining laws and mineral leasing laws:

Willamette Meridian

T. 35 S., R. 37 E.,
Sec. 1, lots 3 and 4 and SW¼NW¼;
Sec. 2, lots 3 and 4 S½NW¼, and SW¼;
Sec. 3, lots 1 and 2, S½NE¼, and S½;
Sec. 4, lots 1 and 2, S½NE¼, N½SW¼, S½SW¼SW¼, and SE¼SW¼;
Sec. 5, lots 1 and 2, S½NE¼, and SE¼;
Sec. 9;
Sec. 10, E½;
Sec. 11, W½;
Sec. 12, NE¼.

The area described contains 2,974.62 acres.

4. All minerals in the following described lands are not in United States ownership and are not subject to operation of the United States mining laws and the mineral leasing laws:

Willamette Meridian

T. 35 S., R. 37 E.,
Sec. 1, SE¼.
T. 36 S., R. 37 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 11;
Sec. 13, NE¼ and S½;
Sec. 15;
Sec. 23;
Sec. 25, N½NE¼, W½SW¼NE¼, SE¼SE¼NE¼, and W½;
Sec. 35, NE¼NE¼.
T. 33 S., R. 38 E.,
Sec. 23, SW¼SW¼ and SE¼SE¼.
T. 35 S., R. 38 E.,
Sec. 7, SE¼;
Sec. 19, lots 1, 2, 3, and 4, and E½NW¼
T. 33 S., R. 39 E.,
Sec. 3, SE¼NE¼;
Sec. 19, E½NE¼;
Sec. 21, SW¼SW¼;
Sec. 33, NE¼NE¼, NW¼NW¼, and NW¼SE¼.
T. 32 S., R. 40 E.,
Sec. 3, N½ of lot 3.
T. 36 S., R. 40 E.,
Sec. 5, lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 7, lots 3 to 10, inclusive, and lots 15 to 22, inclusive;
Sec. 9, W½NW¼;
Sec. 19, lots 2 to 11, inclusive, and lots 14 to 23, inclusive.
T. 31 S., R. 41 E.,
Sec. 31, NW¼NE¼.

The areas described aggregate 6,444.05 acres.

5. At 9:30 a.m. on April 25, 1983, the lands described in paragraph 1, except as provided in paragraphs 3 and 4, will be open to location under the United States mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possesssion are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

6. At 9:30 a.m., on April 25, 1983, the lands described in paragraph 1, except as provided in paragraphs 3 and 4, will be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 18, 1983.

Robert E. Mollohan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-7718 Filed 3-24-83; 8:45 am]

BILLING CODE 4310-84-M

[W-81670]

Wyoming; Realty Action Competitive Sale of Public Lands in Big Horn County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value ($7,500):

Legal description	Acreage
T 51 N., R. 96 W	
Section 24	
Lot 23	5.56
Lot 36	27.74
Total acreage	33.30

The land which will be offered for sale at public auction by competitive bidding, has not been used and is not required for any federal purpose. It does not complement BLM programs and is in accord with district land use planning. The lands identified for disposal lie along the edge of existing agricultural lands, and have potential for agricultural development, grazing land for domestic livestock, or a potential rural homesite with legal access to a paved county road. The subject lands because of location to adjoining private lands in crop production and existing irrigation ditches crossing the lands, are subject to unauthorized agriculture use. Disposal would not have any significant effect on resource values and would best serve the public interest.

The terms and conditions applicable to the sale are as follows:

1. All minerals in the lands will be reserved to the United States in accordance with Section 209(a) of the Federal Land Policy and Management Act of 1976.

2. Right-of-way for ditches and canals will be reserved to the United States.

3. Valid existing rights including issued oil and gas leases and access road right-of-way W-81609 to Big Horn County.

4. Development of the parcel will be subject to compliance with the Big Horn County Comprehensive Plan and Adopted Development Regulations.

5. Federal law requires that all bidders be U.S. citizens at least 18 years of age. Corporations must be authorized to own real estate in the state in which the sale land is offered, and proof of this requirement shall accompany the bid.

The land will be sold by a combination of sealed and oral bids. Sealed bids may be submitted by mail or in person and/or oral bids may be made at the sale. Sealed bids will be considered only if received at the Bureau of Land Management, Worland District Office, Worland, Wyoming 82401, prior to 1:00 p.m. on June 1, 1983. Sealed bids must contain a certified check, post office money order, bank draft, or cashier's check, made payable to the Bureau of Land Management, for at least twenty percent (20%) of the amount of the total bid for the parcel. Sealed bid envelopes must be marked in lower left hand corner as follows:

Worland, Wyoming Public Land Sale, Sale Date—June 1, 1983. The high sealed bid will be announced prior to the invitation for oral bids. Oral bidding will begin at 2:00 p.m. in the Worland District Office. All oral bids will be received in minimum $100 increments. The highest bid, either sealed or oral will establish the sale price. Upon disqualification of an apparent high bidder, the next high bid will be honored. If the highest bid is an oral bid, the successful bidder will be required to pay immediately at least 20 percent (20%) of the purchase price by cash, personal check, money order, bank draft, or any combination of the above methods of payment.

The successful high bidder, whether it is by sealed or oral bid, will be required to submit full payment for the balance of the bid within 30 days from the date of the sale. Failure to submit such payment within the 30 day period shall result in

the disqualification of the apparent high bidder and the bid deposit shall be forfeited. All deposits accompanying unsuccessful sealed bids will be returned within 30 days from the sale date. If no bids for the land, either sealed or oral, are received on the sale date, the sale will be adjourned until the next Wednesday at the same hour and place and continue on each succeeding Wednesday, until the lands are sold as specified in this notice or the sale is otherwise terminated. Detailed information concerning this sale, including the planning documents and Environmental Assessment, is available for review in the Grass Creek Resource Area Office, 1700 Robertson, Worland, Wyoming 82401 (307/347–6151).

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401. Any advese comments will be evaluated by the District Manager who may vacate or modify this realty action. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of Interior.

Dated: March 16, 1983.

Chet Conard,

District Manager.

[FR Doc. 83–7719 Filed 3–24–83; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This notice announces that Conoco Inc., Unit Operator of the Eugene Island Block 266 Federal Unit Agreement No. 14–08–0001–864, submitted on March 10, 1983, a proposed supplemental plan of development describing the activities it proposes to conduct on the Eugene Island Block 266 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 18, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83–7720 Filed 3–21–83; 8:45 am]

BILLING CODE 4310–MR–M

South Atlantic Outer Continental Shelf; Availability of Final Environmental Impact Statement Regarding the Proposed South Atlantic Oil and Gas Lease Sale No. 78

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service has prepared a final environmental impact statement (EIS) relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 5,718 blocks consisting of 33 million acres of submerged Federal lands off the coasts of North Carolina, South Carolina, Georgia, and Florida (OCS Sale No. 78).

Single copies of the final EIS can be obtained from the Regional Manager, Atlantic OCS Region, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180.

Copies of the final EIS will also be available for inspection in the following libraries: Richmond Public Library, 101 E. Franklin Street, Richmond, VA 23219; Olivia Rainey Public Library, 104 Fayetteville Street, Raleigh, NC 27601; Dare County Library, Box 966, Manteo, NC 27954; Chaplin Memorial Library, 14 Avenue North, Myrtle Beach, SC 29577; Norfolk Public Library System, 301 South City Hall Avenue, Norfolk, VA 23501; New Hanover County Library, 409 Market Street, Wilmington, NC 28401; Charleston County Library, 404 King Street, Charleston, SC 28401; Richland County Library, 1400 Sumter Street, Columbia, SC 29201; Atlanta Public Library, 126 Carnegie Way N.W., Atlanta, GA 30302; Savannah Public Library, 2002 Bull Street, Savannah, GA 31401; Jacksonville Public Library System, 122 North Ocean Street, Jacksonville, FL 32202; Brunswick-Glynn County Regional Library, 208 Gloucester Street, Brunswick, GA 31520; Leon County Public Library, 127 North Monroe Street, Tallahassee, FL 31401; Volusia County Public Library, City Island, Daytona Beach, FL 32014.

Harold Doley,

Director, Minerals Management Service.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 83–7747 Filed 3–24–83; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Delaware Water Gap, National Recreation Area; Restriction of Commercial Traffic

On November 8, 1982, the decision was made by the Mid-Atlantic Regional Office to adopt Alternative B of the final environmental impact statement, which calls for the restriction of commercial through traffic on U.S. Route 209 in the Delaware Water Gap National Recreation Area.

The National Park Service has accepted ownership of the road and pursuant to the Record of Decision a date of April 25, 1983, at 6 a.m. has been set for implementing the closure of the road to through commercial traffic.

For any additional information, contact the Regional Director, National Park Service, Mid-Atlantic Regional Office, 143 S. Third Street, Philadelphia, Pennsylvania 19106.

Dated: March 21, 1983.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 83–7740 Filed 3–24–83; 8:45 am]

BILLING CODE 4310–70–M

Mining Plan of Operations at Denali National Park and Preserve; Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, U.S.C. 1901 et seq., and in accordance with the provisions of Section 9.17 of 36 CFR Part 9A, K.L.K. Inc. and Kantishna Mining Company have filed a plan of operations on lands embracing the Howtay Nos. 5, 6, and 7 mining claims within Denali National Park and Preserve. These plans are available for inspection during normal business hours at the Alaska Regional Office, National Park Service,

540 West Fifth Avenue, Anchorage, Alaska.

John E. Cook,

Regional Director, Alaska Region.

[FR Doc. 83-7743 Filed 3-24-83; 8:45 am]

BILLING CODE 4310-70-M

Mining Plan of Operations at Denali National Park and Preserve; Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, U.S.C. 1901 et seq., and in accordance with the provisions of Section 9.17 of 36 CFR Part 9A, Red Tape Mining Company has filed a plan of operations in support of proposed mining operations on lands embracing the Little Audrey No. 1, 2, 3, and 4 mining claims within Denali National Park and Preserve. This plan is available for inspection during normal business hours at the Alaska Regional Office, National Park Service, 540 West Fifth Avenue, Anchorage, Alaska.

John E. Cook,

Regional Director, Alaska Region.

[FR Doc. 83-7744 Filed 3-24-83; 8:45 am]

BILLING CODE 4310-70-M

Mining Plan of Operations at Denali National Park and Preserve; Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, U.S.C. 1901 et seq., and in accordance with the provisions of Section 9.17 of 36 CFR Part 9A. Red Tape Mining Company has filed a plan of operations in support of proposed mining operations on lands embracing the Yellow Pup No. 1, 2, 3, and 4 mining claims within Denali National Park and Preserve. This plan is available for inspection during normal business hours at the Alaska Regional Office, National Park Service, 540 West Fifth Avenue, Anchorage, Alaska.

John E. Cook,

Regional Director, Alaska Region.

[FR Doc. 83-7746 Filed 3-24-83; 8:45 am]

BILLING CODE 4310-70-M

Mining Plan of Operations at Lake Clark National Park and Preserve; Availability

Notice is hereby given that pursuant to the provisions of Pub. L. 94-204, Section 12(b)(4) and in accordance with the terms and conditions for land consolidation and management in the Cook Inlet Area (Report No. 94-729, Section I.B.2), Anaconda Minerals Company has filed a plan of operations. This plan of operations is in support of proposed mineral exploration operations on lands within a township (T. 1 N., R. 21 W., S.M.) within the Lake Clark National Park and Preserve. This plan is available for inspection during normal business hours at the Alaska Regional Office, National Park Service, 540 West Fifth Avenue, Anchorage, Alaska.

John E. Cook,

Regional Director, Alaska Region.

[FR Doc. 83-7745 Filed 3-24-83; 8:45 am]

BILLING CODE 4310-70-M

Western Region; Kaloko-Honokohau National Historical Park

Section 5 of Pub. L. 95-42 authorizes minor boundary revisions to units of the national park system.

Notice is hereby given that the boundary of Kaloko-Honokohau National Historical Park is revised as depicted upon a revised boundary map dated July 1982 and numbered 466/80,001. Copies of the maps are on file and available for inspection at the following addresses:

Director, National Park Service, Department of the Interior, 18th and 19th Streets, at Virginia Ave., NW., Washington, D.C. 20240

Regional Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, California 94102

Director, Pacific Area, Pacific Area Office, National Park Service, 300 Ala Moana Blvd., Suite 6305, Box 50165, Honolulu, Hawaii 96850.

Dated: March 14, 1983.

W. Lowell White,

Acting Regional Director, Western Region, National Park Service.

[FR Doc. 83-7741 Filed 3-24-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Decision-Notice—OP3-MC-F-117]

Motor Carriers; Finance Application

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision in neither a major Federal action significantly affecting the quality of a human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall

not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: March 21, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3 (202) 275-5223.

MC-F-15172, filed March 7, 1983. LYONS GROUP, INC., (Lyons) (138 East 26th St., P.O. Box 10488, Erie, PA 16514)—control—P-Y TRANSPORT, INC. (P-Y) (2393 West Market St., York, PA 17404). Representative: Maxwell A. Howell, 2554 Massachusetts Avenue, NW., Washington, DC 20008. Lyons, a non carrier, seeks authority to require control of P-Y through the purchase of all of the issued and outstanding capital stock of P-Y. The operating rights of P-Y sought to be controlled by Lyons are contained in common carrier Certificate No. MC-141424 and subs thereunder, authorizing the transportation of numerous specified items, including gypsum and gypsum products, building materials, paper and paper products, chemicals and related products, clay, concrete, glass or stone products, transportation equipment, and malt beverages, throughout specified points in the U.S. Lyons owns all of the outstanding stock of Lyons Transportation Lines, Inc., a motor common carrier, under No. MC-109564 and subs thereunder.

Note.—A temporary authority application has been filed.

[FR Doc. 83-7725 Filed 3-24-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office. Heck's, Inc., HUB Industrial Park, McJunkin Road, P.O. Box 158, Nitro, WV 25143.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) M & W Distributors, Inc., a West Virginia corporation,

(ii) Federal Wholesale Company, an Ohio corporation,

(iii) Harris & Frank, Inc., a Pennsylvania corporation, dba Steel City Products,

(iv) Heck's Properties, Inc., a West Virginia corporation,

(v) Woodrums, Inc., a West Virginia corporation,

(vi) Woodrum's Home Outfitting Co., a West Virginia corporation,

(vii) Singleton's Stores, Inc., a Virginia corporation,

(viii) Loewenstein & Sons, a West Virginia corporation,

(ix) Galperin Music Co., Inc. a West Virginia corporation,

(x) Tauberg Company, a Pennsylvania corporation,

(xi) Heck's Credit Corp., a West Virginia corporation,

(xii) Heck's of North Carolina, Inc., a North Carolina corporation,

(xiii) Heck's of Ohio, Inc., an Ohio corporation,

(xiv) Heck's-Del., Inc., a Delaware corporation,

(xv) Heck's of Virginia, Inc., a Virginia corporation,

(xvi) Heck's of Tennessee, Inc., a Tennessee corporation, and

(xvii) Heck's of Indiana, Inc., an Indiana corporation.

1. Parent corporation and address of principal office: Ivex Corporation, 2200 Post Oak Blvd., Suite 402, Houston, Texas 77056.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

Bestpak Inc., One Prime Parkway, Natick, MA 01760

Camcor Packaging Inc. (Delaware Corp.), 1225 Seamist Drive, Houston, Texas 77008

Prairie State Paper Mill, 190 Logan Avenue, Joliet, IL 60433

Continental Packaging Corp., 555 Michigan Avenue, Kenilworth, NJ 07033

Chippewa Paper Products, 50 South Mannheim Road, Hillside, IL 60162

Bestpak, Inc., Route 15, Fork Union, VA 23055

Continental Packaging Corp., 105 Mahoning Avenue, New Castle, PA 16102

Bestpak Inc., Strawberry Road, Rockville, IN 47872.

1. Parent corporation and address of principal office: Jack Koch Meats, Inc., 317 Philadelphia Street, Covington, KY 41011.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporation:

(i) C. Rice Packing Co.

(ii) Riverfront Meats.

(iii) Southside Packing Co.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7724 Filed 3-24-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160. Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160. Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160. Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted

problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team Three at (202) 275–5223.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Volume No. OP3–115

Decided: March 4, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 1515 (Sub-330), filed January 24, 1983, and previously noticed in the FR issue on February 14, 1983. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (Same address as applicant), (602) 248–5016. Over *regular routes*, transporting *passengers*, (1) between Bozeman, MT and the MT–ID State line, via West Yellowstone, MT: from Bozeman, MT over U.S. Hwy 191 to West Yellowstone, MT, then over U.S. Hwy 20 to the MT–ID State line and (2) between Tillamook, OR and Portland, OR: from Tillamook, OR over OR Hwy 6 to its junction with OR Hwy 8, near Glenwood, OR, then over OR Hwy 8 to its junction with U.S. Hwy 26, then over U.S. Hwy 26 to Portland, OR.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and intrastate commerce under 49 U.S.C. 10922(c)(2)(B).

Note.—Applicant seeks to tack this authority to its existing authority in MC–1515.

Note.—The purpose of this republication is to correctly reflect the note seeking interstate or foreign commerce and intrastate commerce.

Volume No. OP3–105

Decided: March 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166485, filed March 3, 1983. Applicant: JOAN W. THOMPSON, d.b.a. UNITED TOURS, 1956 Twelfth St., La Verne, CA 91750. Representative: (same as above) (714) 593–9548. Transporting *passengers*, in charter and special operations, beginning and ending at points in San Bernardino and Los Angeles Counties, CA, and extending to points in NV and AZ.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166554, filed March 1, 1983. Applicant: WISCONSIN FREIGHT ASSOCIATION, INC., d.b.a. WFA, 770 North Springdale Rd., Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O Box 5086, Madison, WI 53705, (608) 238–3119. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166614, filed March 4, 1983. Applicant: ED HOPSON BROKERAGE CO., A DIVISION OF HOPSON PRODUCE CO., INC., P.O. Box 3287, Oxford, AL 36203. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401, (205) As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166615, filed March 4, 1983. Applicant: MMT TRANSPORTATION SERVICES COMPANY, a corporation, 1283 Murfreesboro Rd., Nashville, TN 37217. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603, (312) 236–9375. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166634, filed March 7, 1983. Applicant: IT DISTRIBUTION SERVICES, INC., 2450 Marion Rd., S.E., Rochester, MN 55903. Representative: Peter Martin Witham (same address as applicant), (507) 288–3331. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166645, filed March 7, 1983. Applicant: K. R. LOCK, d.b.a. CAM-LIN INDUSTRIES, P.O. Box 1081, Lavern, TN 37086. Representative: Terry E. Morgan, 2131 Almanor St., Oxnard, CA 93030, (805) 485–2040. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *food and other edible products and by products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, (3) *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI), and (4) As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

[FR Doc. 83–7727 Filed 3–24–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on

or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve as a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 3 at (202)275-5223.

Volume No. OP3-106

Decided: March 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF-434 (Sub-10), filed March 1, 1983. Applicant: TRANSCONEX, INC., 3000 N.W. 74th Ave., Miami, FL 33152. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006. (202) 833-8884. As a freight forwarder, in connection with the transportation of *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, MD, and DC, on the one hand, and, on the other, New York, NY, Philadelphia, PA, and Baltimore, MD.

MC 65325 (Sub-2), filed March 3, 1983. Applicant: MASTER MOVERS, INC., 6521 Storer Ave., Cleveland, OH 44102. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224-3161. Transporting *household goods,* between points in the U.S. (except AK and IH).

MC 67015 (Sub-3), filed March 1, 1983. Applicant: TIGARD-SHERWOOD TRUCK SERVICE, INC., 3641 N.W. Front St., Portland, OR 97210. Representative: George LaBissoniere, 15 S. Grady Way, Suite 329, Renton, WA 98055, (206) 228-3807. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, and (2) between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, on the one hand, and on the other, points in PA, TX, IL, IN, NM, NJ, SC, NE, OH, and WV.

MC 67234 (Sub-82), filed March 1, 1983. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with State Farm Mutual Automobile Insurance Company, of Bloomington, IL.

MC 72495 (Sub-27), filed March 1, 1983. Applicant: DON SWART TRUCKING, INC., Box 49, Route #2, Wellsburg, WV 26070. Representative: Stephen J. Habash, 100 East Broad St., Columbus, OH 43215, (614) 228-1541. Transporting (1) *metal products,* (2) *building materials,* (3) *paper and related products,* (4) *rubber and plastic products,* (5) *commodities in bulk,* and (6) *clay, concrete, and glass or stone products,* between points in the U.S. (except AK and HI), and (7) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 113855 (Sub-543), filed March 1, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, MN 55901. Representative: Michael E. Miller, 15 Broadway, Suite 502, Fargo, ND 58102 (701) 235-4487. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Mazak Corporation, of Florence, KY.

MC 119704 (Sub-11), filed March 4, 1983. Applicant: R. A. HARRIS & SONS, INC., 3501 22nd St., P.O. Box 237, Menominee, MI 49858. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705 (608) 238-3119. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in

WI and the Upper Peninsula of MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 128075 (Sub-49), filed March 4, 1983. Applicant: JOHNSRUD TRANSPORT, INC., 5301 Northeast 17th St., Des Moines, IA 50313. Representative: William J. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515) 282–3525. Transporting (1) calcium chloride, between points in the U.S., under continuing contract(s) with Sicalco, Ltd., of Oak Brook, IL, (2) *chemicals and related products,* between points in the U.S., under continuing contract(s) with Iowa Solvents & Chemicals Corporation, of Des Moines, IA and (3) *general commodities* except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with National Commercial Services Co., Inc., of Des Moines, IA.

MC 141005 (Sub-3), filed March 1, 1983. Applicant: GEMINI EXPRESS LINES, INC., 140 Malloy St., Maple, Ontario, Canada L4K 1C5. Representative: William J. Hirsch, 64 Niagara St., Buffalo, NY 14202 (716) 853–0200. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between ports of entry on the International boundary line between the United States and Canada, on the one hand, and, on the other, points in the U.S.s (except AK and HI).

MC 147465 (Sub-5), filed March 1, 1983. Applicant: MOORE & SON CO., 1101 Cable Ave., Columbus, OH 43222. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *food and related products,* between Columbus, OH, on the one hand, and, on the other, points in MI.

MC 150115, filed March 1, 1983. Applicant: DONALD R. PRICE, d.b.a. PRICE MOVING & STORAGE CO., P.O. Box 369, Winfield, KS 67156. Representative: Donald R. Price, 1105 Main St., Winfield, KS 67156 (316) 221–1240. Transporting *general commodities* (except classes A and B explosives, household goods), between points in the Summer, Cowley, and Sedgwick Counties, KS.

MC 152685 (Sub-3), filed March 3, 1983. Applicant: RON NOBACH TRUCKING, INC., 7404 44th Ave., N.E., P.O. Box 284, Marysville, WA 98270. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101 (206) 624–2832. Transporting *pulp, paper and related products,* between points in Whatcom and Snohomish Counties, WA, on the one hand, and, on the other, those points in WA, OR, CA, UT, NV, AZ, MT, and CO.

MC 153025 (Sub-3), filed March 4, 1983. Applicant: FLANCO TRANSPORTATION, INC., 104 Thompson, Corsicana, TX 75110. Representative: James W. Hightower, Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237 (214) 339–4108. Transporting *clay, concrete, glass or stone products,* between points in AR and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159224 (Sub-1), filed March 1, 1983. Applicant: HENRY'S VAN SERVICE, INC., Route 206, Tabernacle, NJ 08088. Representative: Martin S. Eittin, 905 N. Kings Highway, Cherry Hill, NJ 08034 (609) 667–6440. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166514, filed March 1, 1983. Applicant: 3 L's Inc., 1044 Terminal Rd., Donaldson Center Industrial Airpark, Greenville, SC 29605. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606 (803) 288–6000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Killark Electric Mfg. Co., of St. Louis, MO, (2) The Grigoleit Company, of Decatur, IL, (3) General Cable Company, Div. of GK Technologies, of Greenwich, CT, and (4) Q-Systems, Inc., of Fountain Inn, SC.

MC 166515, filed March 1, 1983. Applicant: JAMES ERWIN WATSON, d.b.a. WATSON TRUCKING COMPANY, P.O. Box 238, Hull, TX 77564. Representative: Joe G. Fender, 9801 Katy Freeway, Suite 320, Houston, TX 77024, (713) 827–1407. Transporting *Mercer commodities,* between points in AR, LA, MS, OK, and TX.

MC 166535, filed March 7, 1983. Applicant: KENNETH L. POOLE, INC., 3123 Ponder Way, Cottonwood, CA 96022. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *chemicals and related products,* between points in OR, WA, ID, MT, CA, NM, NV, AZ, UT, CO, and WY.

MC 166564, filed March 3, 1983. Applicant: MARKER INDUSTRIES, 29695 Meadowview Rd., Junction City, OR 97448. Representative: Robert Marker (same address as applicant), (503) 688–9541. Transporting *lumber and wood products, building materials, waste or scrap materials not identified by industry producing,* between points in WA, OR, CA, NE, UT, ID and AZ.

MC 166574, filed March 1, 1983. Applicant: RED ROCK TRUCKING, INC., 92 Brookdale St., Cumberland, RI 02864. Representative: Robert A. Mega, 25 Esten Ave., Pawtucket, RI 02860, (401) 724–1200. Transporting *building and construction materials,* between points in the U.S. (except AK and HI), under continuing contract(s) with Engineered Wall Systems, and Construction Systems, Inc., both of Smithfield, RI, and Building Components, Inc., of Warwick, RI.

Volume No. OP3–116

Decided: March 4, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 138635 (Sub-135), filed February 22, 1983. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28053. Representative: Terrell Price, 800 Briar Creek Rd., Ste. DD504, Charlotte, NC 28205, (704) 372–8212. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI).

Note.—Applicant now holds Certificates No. MC–138635 (Sub-No. 125 and C131)X which collectively authorize the nationwide service of the commodities described above The purpose of this application is to consolidate these two certificates into a single certificate. Upon the issuance of a certificate in this proceeding Certificates Nos. (Sub-No. 125 and C131)X and the underlying Certificates Nos. MC–138635 (Sub-Nos. 46, 68 and 96) are revoked.

MC 156255 (Sub-1), filed February 23, 1983. Applicant: JOHN S. FURDEK 7869 Goya St., St. Louis, MO 63139. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102, (314) 636–2321. Transporting *building materials,* between St. Louis, MO, on the one hand, and, on the other, points in McCracken and Graves, Counties, KY and IL.

MC 164925, filed February 18, 1983. Applicant: ARVIN SWASEY, d.b.a. C & R TRUCKING, 1600 Manzanita Dr., Salt Lake City, UT 84107. Representative: Arvin Swasey, P.O. Box 639, Bountiful, UT 84010, (801) 255–4591. Transporting *general commodities* (except classes A and B explosives, and household goods), (1) between points in WA, OR, CA, AZ, NV, ID, MT, ND, WY, UT, CO and NM (2) between points in UT, on the one hand, and, on the other, points in MN, IA, AR, OK, TX, IL, IN, OH, WV, MD, NC, NY and CT.

MC 166325 filed February 18, 1983. Applicant: CYPRESS TRUCKING,

INCORPORATED, 1325 Sixth St., San Francisco, CA 94107. Representative: Eugene Q. Carmody, 15523 Sedgeman St. San Leandro, CA 94579, (415) 357–6236. Transporting (1) *furniture* and (2) *such commodities* as are dealt in by department stores, between points in San Francisco, San Mateo, Santa Clara, Marin, Sonoma, Yolo, San Joaquin, Solano, Santa Cruz, Monterey, Alameda, Conta Costa, Fresno, and Merced Counties, CA, under continuing contract(s) with Liberty House, of Dublin CA, John Bruener Company, of San Ramon, CA and Judd Weil, Inc., Merchant-Stor Dor Freight System, R. H. Macy Co. Daystrom Furniture, Division of Ladd, Inc. and Stoller & Associates, Inc., all of San Francisco, CA.

[FR Doc. 83–7726 Filed 3–24–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs; Norfolk and Western Railway Co., Inc., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No	Name of railroad, contract No., and specifics	Review Board [1]	Decided date
870	Norfolk and Western Railway Co., ICC–NW–C–7019 (Bituminous coal)	1	3–18–83
871	Norfolk and Western Railway Co., ICC–NW–C–5024 (Bituminous coal), via the Port of Lamberts Point, VA	1	3–18–83
874	Pittsburgh and Lake Erie Railroad Co., ICC–PLE–C–11, Supplement 4 (Coke)	1	3–18–83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier

This action will not significant affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7620 Filed 3–24–83; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Agency Forms Under Review

March 23, 1983.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96–511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer Larry E. Miesse—202–633–4312

New (not previously approved or expired more than 6 months ago)

- Antitrust Division

Department of Justice
Department of Justice Federal Coal Lease Review Information
On occasion
Businesses or other institutions (except farms)
Prospective Federal coal leasees: 50 responses; 50 hours; not applicable under 3504(h).
David Reed—395–7231

Revision

- Immigration and Naturalization Service

Department of Justice
I–20 series, Certificate of Eligibility for Nonimmigrant Student Status (F–1) and (M–1) and ID Copy
Nonrecurring
Individuals or households (Businesses or other institutions [except farms]
Nonimmigrants seeking admission as students: 115,000 responses; 115,000 hours; not applicable under 3504(h).
David Reed—395–7231

- Immigration and Naturalization Service

Department of Justice
I–17 series, Petition for Approval for Attendance by Nonimmigrant Students. (I–17A) Designated School Officials. (I–17B) School System Attachment
On occasion
Businesses or other institutions (except farms)
Educational institutions: 1,100 responses; 1,100 hours; not applicable under 3504(h).
David Reed—395–7231.

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 83–7709 Filed 3–24–83; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in the State of Kentucky

This notice announces the ending of the Extending Benefit Period in the State of Kentucky, effective on March 19, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high employment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Kentucky on December 5, 1982 and has now triggered off.

Determination of "Off" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State for the period consisting of the week ending on February 26, 1983, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending on March 19, 1983.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Peiod and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State named above should contact the nearest State employment service or unemployment compenstion claims office in their locality.

Signed at Washington, D.C. on March 16, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-7755 Filed 3-24-83; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Wisconsin

This notice announces the beginning of a new Extended Benefit Period in the State of Wisconsin, effective on March 13, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on February 26, 1983, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period Commenced in the State with the week beginning on March 13, 1983.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their right under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on March 16, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-7756 Filed 3-24-83; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under

review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in. Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Reinstatement

Mine Safety and Health Administration
Program to Prevent Smoking in Hazardous Areas
MSHA 201
Nonrecurring
Businesses or other institutions; small business or organization
SIC: 111 and 121
540 responses; 270 hours

Requires operators of underground coal mines to institute a program, approved by the Secretary, to ensure that any person entering the underground area of a mine does not carry smoking materials, matches or lighters. The program is necessary to ensure that a fire or explosion does not occur.

Signed at Washington, D.C. this 18th day of March, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83–7757 Filed 3–24–83; 8:45 am]

BILLING CODE 4510–43–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Joint Subcommittees on Reliability and Probabilistic Assessment and Extreme External Phenomena; Meeting

The ACRS Joint Subcommittees on Reliability and Probabilistic Assessment and Extreme External Phenomena will hold a meeting on April 13, 1983, Room 1046, at 1717 H Street, NW., Washington, DC. The Subcommittees will discuss NREP (National Reliability Evaluation Program) and the use of probabilistic assessment in the licensing process, systems interactions, the Safety Goal Policy Evaluation Plan, seismic design margins, and the reevaluation of design basis earthquakes for plants in the Eastern United States.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, their consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

Wednesday, April 13, 1983—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 22, 1983

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–7774 Filed 3–24–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–352–OL and 50–353–OL]

Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2); Notice and Order of Second Special Prehearing Conference

March 21, 1983.

Please take notice that the Atomic Safety and Licensing Board will conduct a second special prehearing conference consistent with the purposes of 10 CFR 2.751a of the Commission's regulations. This proceeding has been convened to consider the application of Philadelphia Electric Company (Applicant) for licenses to operate the Limerick Generating Station, Units 1 and 2. This facility consists of two boiling water nuclear power plants, located on the Applicant's site adjacent to the Schuylkill River, near Pottstown, in Limerick Township, Montgomery County, Pennsylvania.

The conference will begin on May 9, 1983, at 1:30 p.m. at the: United States District Courthouse, Ceremonial Courtroom, Sixth and Market Streets, Philadelphia, Pennsylvania 19106.

The conference is expected to continue on May 10, and, if necessary, will continue on May 11.[1]

Matters to be discussed at the conference include:

1. The admissibility of conditionally admitted contentions and previously proposed Probabilistic Risk Assessment (PRA) contentions, as now particularized by intervenors, with the exception of emergency planning contentions.

[1] As discussed during the conference call of March 17, 1983, among the Board, the NRC Staff, the Applicant and intervenor Limerick Ecology Action (LEA). LEA's March 14, 1983 motion for an extension of time has been denied.

2. The admissibility of any new PRA contentions, which cannot be accommodated within the category of particularized previously proposed contentions, based on information available since the prior filing of contentions.

3. Any previously admitted contentions which have been deleted, specified or rephrased by intervenors.

4. The status of emergency planning reviews and the schedule for the filing and litigation of onsite and offsite emergency planning contentions.

5. The status of discovery, and procedures and schedule for further discovery.

6. The nature and extent of participation contemplated by governmental agencies which have been admitted pursuant to 10 CFR 2.715(c). *See* the Special Prehearing Conference Order (SPCO), LBP–82–43A, 14 NRC 1423, 1456 (June 1, 1982).

7. The schedule for further actions in this proceeding, including the final wording of admitted contentions, the completion of the NRC Staff review, and the estimated commencement of the hearing. The discussion will include the possibility of litigating some issues earlier than the currently estimated completion of the entire NRC Staff review. The parties shall discuss this prior to the conference.

The NRC Staff shall file a written report which authoritatively and definitively explains the scope and purpose of the use it will make of the Applicant's Probabilistic Risk Assessment, and the NRC Staff review of it, in the context of the Staff's licensing review of the Limerick plant. In formulating its report, the NRC Staff should address the questions and uncertainties expressed by the Board at the first special prehearing conference, in the SPCO, *supra*, 15 NRC at 1489–94, and during the conference call of March 17, 1983. The expected substance of the Staff's report shall be thoroughly discussed with the Applicant and LEA, in advance of its being filed, as part of the required thorough discussions among these parties on PRA and other contentions. The Staff's written report shall be *received* by the Board, the Applicant, and LEA by April 13, 1983. The report will be discussed at the prehearing conference in the context of the PRA contentions.

The parties are invited to suggest other items which they believe should be discussed at the conference provided they do so in a joint filing received by the Board by April 29, 1983.

Counsel or authorized representatives for all parties and governmental participants are directed to attend the prehearing conference. Intervenor, Del-Aware Unlimited, is not required to attend.

The public is invited to attend but there will be no opportunity for public participation during this conference. The Board will provide the opportunity for limited appearance statements at public appearance sessions to be scheduled in the future.

Bethesda, Maryland, March 21, 1983.

It is so ordered.

For the Atomic Safety and Licensing Board.

Lawrence Brenner,

Chairman, Administrative Judge.

[FR Doc. 83–7767 Filed 3–24–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. STN 50–546 and STN 50–547]

Public Service Company of Indiana, Inc. and Wabash Valley Power Association, Inc. (Marble Hill Nuclear Generating Station, Units 1 and 2); Receipt of Application for Facility Operating Licenses; Availability of Applicants' Environmental Report; Consideration of Issuance of Facility Operating Licenses; and Opportunity for Hearing

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has received an application from the Public Service Company of Indiana, Inc. and the Wabash Valley Power Association, Inc. (applicants) for facility operating licenses to possess, use, and operate the Marble Hill Nuclear Generating Station, Units 1 and 2, two pressurized water reactors at a site owned by the applicants in Saluda Township, Jefferson County, Indiana, approximately six miles northeast of the unincorporated area of New Washington, Indiana located adjacent to the Indiana bank of the Ohio River. The application was filed by Public Service Company of Indiana acting for itself and as agent for Wabash Valley Power Association. Public Service Company of Indiana has sole responsibility for licensing, design, procurement, construction, operation and all related functions with respect to the facilities. The reactors are designed to operate at a core power level of 3411 megawatts thermal, with a net electrical output of approximately 1130 megawatts. The facilities replicate the Byron facilities for which Commonwealth Edison Company has applied for licenses to the Commission (Docket Nos. 50–454 and 50–455). This replication is in accordance with the Commission Staff's Policy and Procedures for the Replication of Custom Plant Designs, WASH–1340, dated July 1974, and the Nuclear Regulatory Commission's August 22, 1978 Statement on Standardization of Nuclear Power Plants.

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, the applicants filed an environmental report as part of the application. The report, which discusses environmental considerations related to the proposed operation of the facility, is being made available in the Indiana State Clearinghouse, State Planning Services Agency, 143 Wesr Market Street, Indianapolis, Indiana 46204 and at the Region XII Development Commission, P.O. Box 904, 231 Washington Street, Columbus, Indiana 47201.

After the environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, The Commission will, among other things, cause to be published in the **Federal Register**, a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permit. Upon consideration of comments submitted with respect to the darft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register**.

The Commission will consider the issuance of facility operating licenses to the applicants which would authorize the applicants to possess, use, and operate the Marble Hill Nuclear Generating Station, Units 1 and 2 in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicants' application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as

amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. Construction of the facilities was authorized by Construction Permit Nos. CPPR–170 and CPPR–171 issued by The Commission on April 4, 1978. The applicants have advised that construction may be completed as early as June 1986 for Unit 1 and December 1987 for Unit 2.

With regard to Excutive Order 11988, Floodplain Management, the Marble Hill facilities will have structures and construction activities located on the floodplain. the subject of floodplain management will be discussed in the Commission's environmental statement referenced above.

Prior to issuance of operating licenses, the Commission will inspect the facilities to determine whether they have been constructed in accordance with the application, as amended, and the provisions of the construction permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicants will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

By April 14, 1983, the applicants may file a request for a hearing with respect to issuance of the facility operating license. By April 25, 1983 any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board, will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who as been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by April 25, 1983. A copy of the petition must also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harry H. Voigt, Esq., LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue, NW., Suite 1100, Washington, D.C. 20036, attorney for the applicants. Any requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses, including the Final Safety Analysis Report and the Environmental Report, forwarded on February 25, 1983, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Madison-Jefferson Public Library, 420 West Main street, Madison, Indiana 47250. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report prepared by the Commission's staff; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the advisory committee on Reactor Safeguards (ACRS) on the application for the facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 15th day of March, 1983.

For the Nuclear Regulatory Commission

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 83–7766 Filed 3–24–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–327 and 50–328]

Tennessee Valley Authority; Issuance of Amendments; Facility Operating License Nos. DPR–77 and DPR–79

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR–77 and Amendment No. 15 to Facility Operating

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License No. DPR–79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee. These amendments change the Technical Specifications related to the Rod Position Indication System. The amendments are effective as of their dates of issuance.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) environmental impact statements, or negative declarations and environmental impact appraisals need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated August 16, 1982, (2) Amendment No. 26 to Facility Operating License No. DPR–77 with Appendix A Technical Specification page change; (3) Amendment No. 15 to Facility Operating License No. DPR–79 with Appendix A Technical Specification page change; and (4) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 26 and Amendment No. 15 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83–7770 Filed 3–24–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–327 and 50–328]

Tennessee Valley Authority; Issuance of Amendments; Facility Operating License Nos. DPR–77 and DPR–79

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR–77 and Amendment No. 16 to Facility Operating License No. DPR–79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee. These amendments extend the time interval required to conduct analog channel operational tests of the Engineered Safety Features Actuaction System and Reactor Trip System from one month to three months. The amendments are effective as of their dates of issuance.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) environmental impact statements, or negative declarations and environmental impact appraisals need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) Tennessee Valley Authority letters dated September 17 and December 29, 1982, (2) Amendment No. 27 to Facility Operating License No. DPR–77 with Appendix A Technical Specification page changes; (3) Amendment No. 16 to Facility Operating License No. DPR–79 with Appendix A Technical Specification page changes; and (4) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 27 and Amendment No. 16 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of March 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83–7771 Filed 3–24–83; 8:45 am]

BILLING CODE 7590–01

[Docket No. STN 50–486]

Union Electric Company (Callaway Plant, Unit No. 2); Order Revoking Construction Permit

I

The Union Electric Company holds Construction Permit No. CPPR–140 which authorizes the construction of a nuclear power reactor at a site located in Callaway County, Missouri, on the Missouri River about 16 km (10 mi) southeast of Fulton and 130 km (80 mi) west of St. Louis. Construction Permit No. CPPR–140 was issued on April 16, 1976 and is due to expire on February 28, 1984.

II

On October 9, 1981, Union Electric Company announced by news release that it was cancelling Callaway Plant, Unit 2. By letter, dated April 23, 1982, Union Electric Company formally advised the U.S. Nuclear Regulatory Commission of the cancellation of the second unit of its Callaway Plant and requested that Construction Permit No. CPPR–140 be rescinded.

III

On November 21, 1980, the U.S. Nuclear Regulatory Commission published in the **Federal Register** (45 FR 77208) a Clarification of Notice of Receipt of Application for Facility Operating Licenses; this included a Consideration of Issuance of Facility Operating License and Notice of Opportunity for Hearing. This notice revised the original notice which indicated Union Electric Company was seeking licenses for the Callaway Plant, Units 1 and 2. The clarified notice indicated that Union Electric Company advised the NRC by letter, dated October 1, 1980 that it was seeking the issuance of an operating license for only Unit 1. It further indicated that the applicant did not anticipate the construction completion of Unit 2 until late 1987, and a separate notice of receipt of an application for Unit 2 would be published in the event Union Electric Company applied for an

application for an operating license for that Unit.

IV

In a letter dated August 17, 1982, Union Electric Company described the status and appropriate installation and construction costs for installed facilities for Unit 2. These facilities consist of the excavated power block area, some underground pipes and ductbanks, and the Essential Service Water (ESW) foundation. The Unit 2 expenditures for such facilities appear to be much less than 1% of the total projected cost for a completed unit. The letter also describes plans to maintain the Unit 2 excavated power block area and drainage system as well as to seed the slopes to prevent erosion. Underground piping and ductbanks will be abandoned in place, and a relatively small number of steel reinforcing bars projecting from the ESW cooling tower foundation will be cut off or bent over so as not to protude. No further redress beyond that described is necessary.

For the reasons set forth above, it is hereby ordered that Construction Permit No. CPPR–140 is revoked.

This Order is effective upon issuance.

Effective Date: March 16, 1983, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-7773 Filed 3-24-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District (Fort Calhoun Station Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Omaha Public Power District (the licensee) is the holder of Facility Operating License No. DPR–40 which authorizes the operation of the Fort Calhoun Station, Unit 1 (the facility) at a steady-state power level not in excess of 1500 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Washington County, Nebraska.

II

Following the accident at Three Mile Island No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Omaha Public Power District responded to Generic Letter 82–05 by letters dated April 30, June 1, June 8, June 30, July 1, September 30, October 1, November 1, November 17, December 1 and December 17, 1982. Omaha Public Power District responded to Generic Letter 82–10 by letters dated June 4, July 1, October 27, and December 30, 1982. In these submittals, Omaha Public Power District confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 addressed thirteen the sixteen items, respectively. Of the ten items listed in Generic Letter 82–10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82–111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

Fourteen of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining three items is provided herein:

II.B.3 Post Accident Sampling System

Installation of the post accident sampling system is complete. However, during final system check out, a number of problems arose. A minor software problem was identified in the system microprocessors. Calibration of the on-line pH meter is proving to be difficult. Operational problems have been found with the ionchromatograph. Lastly, the complete testing of the system cannot be completed until the reactor is at power; it is currently shut down for refueling. The licensee is working diligently in correcting these problems and plans to have the system completely operational by the end of June 1983. Interim post-accident sampling procedures are in place.

II.F.1.6 Containment Hydrogen Monitors

This item will be delayed until restart from the present refueling outage. In late 1981, the hydrogen monitors were damaged during calibration; they were subsequently repaired. However, during testing being performed during final system checkout, two valves associated with one of the two monitors failed. Because of the valve failures, the suction and discharge line associated with one of the two monitors were capped. The valves, which are inside containment, will be repaired during the present refueling outage. The licensee presently has the capability to monitor the containment for hydrogen.

III.D.3.4 Control Room Habitability

NUREG–0737 permitted the completion date to be determined by the licensee. The licensee states that all modifications will be completed by January 1984. Three items remain to be completed. Two of the items will be completed by June 30, 1983. These are "Instrumentation for Detection of Airborne Iodine Radiation in the Control Room" and "Electrical and Mechanical Modifications to the HVAC System." The third item will be completed by January 1, 1984. This is "Instrumentation for Monitoring of Toxic Chemical Gases." These items require long lead times because of the engineering work involved, equipment purchases and delivery cycles, and installation and testing for operability.

We find, based on the above evaluation, that (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is Hereby Ordered Effective Immediately That the Licensee Shall:

Implement and maintain the specific items described as complete in the attachments to this Order. Incomplete items shall be completed by no later than the dates shown in the attachments (as described in the licensee's submittals noted in Section III herein) and maintained thereafter.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for Hearing Shall Not Stay the Immediate Effectiveness of This Order

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion, schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981.	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-accident sampling	....do....	Install upgrade post-accident sampling capability	June 6, 1983.
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Complete.
II.E.1.2	Aux FW Indication & Flow Indicator	July 1, 1981	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependability.	....do....	Part 5—lower containment pressure setpoint to level compatible with normal operation.	Do.
II.E.4.2	Containment Isolation Dependability.	....do....	Part 7—isolate purge and vent valves on radiation signal	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982.	(1) Install noble gas effluent monitors	Do.
		....do....	(2) Provide capability for effluent monitoring of iodine	Do.
		....do....	(3) Install in-containment radiation-level monitor	Do.
		....do....	(4) Provide continuous indication of containment pressure	Do.
		....do....	(5) Provide continuous indication of containment water level.	Do.
		....do....	(6) Provide continuous indication of hydrogen concentration in containment.	1982/1983 Refueling Outage (December 1982)

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1 3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82–12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82–12, dtd. June 15, 1982.	Complete.
I.A.1 3.2	[2] Minimum Shift Crew	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued.
I.C.1	[2] Revise Emergency Procedures	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program.	Complete
II.D.1 3	Block Valve Test Program	..do..	Submit report of results of test program	Do.
II.K.3.30 & 31	[2] SBLOCA Analysis	1 yr. after staff approval of [illegible]	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	[2] Staffing Levels for Emergency Situations.	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	[2] Upgrade Emergency Support Facilities.	....do....	....do....	Do.
III.A.2.2	[2] Meteorological Data	....do....	....do....	Do.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10—Continued

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	January 1984

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility
[2] Not Part of Confirmatory Order.

[FR Doc. 83–7865 Filed 3–24–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–344]

Portland General Electric Co.; Order Confirming Licensee Commitments on Post-TMI Related Issues

I

In the Matter of Portland General Electric Co., the City of Eugene, Oregon, Pacific Power & Light Co., (Trojan Nuclear Plant).

Portland General Electric Company, *et al.* (the licensee or PGE) is the holder of Facility Operating License No. NPF–1 which authorizes the operation of the Trojan Nuclear Plant (the facility) at steady-state power levels not in excess of 3411 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Columbia County, Oregon.

II

Following the accident at Three Mile Island No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The licensee responded to the Generic Letters cited above by letters dated April 28, June 11, August 3 and 16, September 10 and 28, October 27, and December 17, 1982. In these submittals, the licensee confirmed that most of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 applied to thirteen and ten items, respectively. Of the ten items listed in Generic Letter 82–10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1 and III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82–111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

Eleven of the seventeen items addressed in this Order are considered by the licensee to be complete or to require no modifications. The NRC staff's evaluation of the licensee's delays for the remaining six items is provided below.

II.B.2 Plant Shielding

As reported by the licensee in its letter of April 28, 1982, all hardware modifications necessary to complete this item were completed before January 1, 1982. However, the emergency procedures are being rewritten in reponse to Item I.C.1 of NUREG–0737. The licensee is in the process of reviewing the changes made to the emergency procedures to determine their impact, if any, on the assumptions of the shielding analyses. This review will determine if any procedure revisions are necessary to be consistent with the shielding analyses. Any modifications to procedures will be completed by April 16, 1983, at which time Item II.B.2 will be complete in all respects.

II.B.3 Post-Accident Sampling

This item will be delayed by the licensee and will be completed by July 1, 1983. The delay is due to late delivery of equipment from the vendor.

In order to expedite design and manufacturing of the sampling system, the licensee has provided engineering assistance at the vendor's facility to help resolve detailed design. The licensee also states that it took over design and fabrication responsibilities for certain portions of equipment in order to expedite completion of the major components by the vendor. In addition, PGE has requested assistance from Bechtel Power Corporation to expedite completion of the engineering by the vendor.

In the interim, PGE will maintain implementation of the post-accident sampling procedure outlined in Item 2.1.8.a of PGE letter of April 15, 1980. This interim action was approved in the NRC Safety Evaluation of the licensee's TMI Short-term Lessons Learned actions on April 23, 1980.

II.F.1(1) Install Noble Gas Effluent Monitors and II.F.1(2) Provide Effluent Monitoring of Iodine

The licensee has been experiencing startup problems with the main steamline radiation monitors. Two monitors with failed power supplies have been repaired by the equipment vendors and have been successfully calibrated onsite. However, the power supplies for the remaining two monitors have recently failed and will also be sent back to the vendor for repair. In light of these problems, PGE believes it prudent to allow a period of time for observation and testing of these monitors to ascertain their reliability before decaring them operational. As a result, the scheduled operational date for these monitors has been changed to July 1, 1983.

The remaining noble gas monitors under II.F.1.(1) and the iodine and particulate monitors under II.F.1(2) are being manufactured by a different equipment vendor. The delivery date for this equipment has been subject to numerous delays. The August 1982 delivery date was not met by the equipment vendor. The latest forecast for delivery is the first part of 1983. The licensee has little confidence that this date will be met, based on the number of missed commitments in the past by this vendor and based on the fact that part of the equipment is still in the design phase.

The licensee states that it will continue efforts to expedite delivery, but unless dramatic improvements are evident soon, it will be forced to cancel the contract.

The licensee points out that a significant portion of the system is uniquely designed for Trojan, with portions of the noble gas monitoring system required by II.F.1(1) being combined with part of the iodine and particulate monitoring system required by II.F.1(2). These unique design considerations have precluded the use of generic systems such as those used at many other plants. This has had an impact on the schedule for Trojan and could have a future impact on the completion date if the contract is cancelled or if problems are discovered during startup testing. As a result, the licensee advises that the schedule is being changed to six months after successful receipt inspection of the equipment at Trojan, but not later than December 31, 1983.

In the interim, the licensee states it will maintain implementation of the grab sample procedures described in PGE's letter of January 2, 1980, and accepted in NRC's Safety Evaluation of April 23, 1980, as meeting the TMI Lessons Learned Category "A" requirements.

II.D.1.2 Relief and Safety Valve Test Program

The licensee now plants to address the analysis of relief and safety valve qualification and qualification of downstream piping in one report. The licensee states that due to the interaction of the valves and piping, their qualification cannot be addressed separately. PGE is currently working with its consultants to complete the analysis, but has revised the date for submittal of the valve and piping qualification reports to the startup of Cycle 6 (approximately July 1983).

III.D.3.4 Control Room Habitability

The NRC Safety Evaluation of February 17, 1982 found this item acceptable for Trojan, subject to installation of sulfur dioxide and ammonia detectors in the Control Room Ventilation System on or before January 1, 1983. The licensee states, in its December 17, 1982 letter that some additional time is needed for system startup testing and to develop emergency procedures for dealing with sulfur dioxide and ammonia releases.

We find, based on the above evaluation, that 1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; 2) there is good cause for the several delays; and 3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described as complete in the attachments to this Order. Incomplete items shall be completed by no later than the dates shown in the attachments (as described in the licensee's submittals noted in Section III herein) and maintained thereafter.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

TROJAN NUCLEAR PLANT—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 Schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Apr. 16, 1983
II.B.3	Post-Accident Sampling	do	Install upgrade post-accident sampling capability	July 1, 1983.
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete.
II.E.1.2	Aux. Feedwater Initiation & Flow Indication.	July 1, 1981	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependability.	do	Part 5—lower containment pressure setpoint to level compatible w/normal operation.	Do.
		do	Part 7—isolate purge & vent valves on radiation signal	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Main steamline monitors: July 1, 1983. Balance: Dec. 31, 1983.

TROJAN NUCLEAR PLANT—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05—Continued

Item	Title	NUREG-0737 Schedule	Requirement	Licensee's completion schedule (or status)
		...do	(2) Provide capability for effluent monitoring of iodine	Dec. 31, 1983.
		...do	(3) Install incontainment radiation-level monitors	Complete.
		...do	(4) Provide continuous indication of containment pressure.	Do.
		...do	(5) Provide continuous indication of containment water level.	Do.
		...do	(6) Provide continuous indication of hydrogen concentration in containment.	Do.

TROJAN NUCLEAR PLANT—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dtd. June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew [1]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revised Emergency Procedures [1].	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant-specific report on relief and safety valve program.	Cycle 6 Startup (approx July 1983).
II.D.1.3	Block Valve Test Program	...do	Submit report of results of test program	Complete.
II.K.3.30 & 31	SBLOCA Analysis [1]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations [1].	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [1].	...do	...do	Do.
III.A.2.2	Meteorological Data [1]	...do	...do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Mar. 31, 1983.

[1] Not Part of Confirmatory Order.

[FR Doc. 83-7666 Filed 3-24-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York (Indian Point Nuclear Generating Station, Unit No. 3); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-64 which authorizes the operation of the Indian Point Nuclear Generating Station, Unit No. 3 (the facility) at steady-state power level not in excess of 3025 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Westchester County, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness, and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) for items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The Power Authority of the State of New York (PASNY) responded to Generic Letter 82-05 by letter dated April 20, 1982; PASNY responded to Generic Letter 82-10 by letter dated June 4, 1982. Subsequently, by letter dated February 15, 1983 PASNY modified their previous commitments. In these submittals, PASNY confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables, summarizing the licensee's schedular commitments or status, were developed by the staff from the Generic Letters and the licensee-provided information.

There are no items from Generic Letter 82-05 for which schedules have not been determined. However, there are six items from Generic Letter 82-10 that, as noted in Attachment 2, have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this

Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

II.B.2 Plant Shielding

This item will be delayed by the licensee and will be completed by during the next refueling outage, i.e., the cycle 4/5 refueling outage. The cycle 4/5 refueling outage will start approximately December 1984. The delay was caused by a lack of manpower to complete the shielding modifications and motorize approximately 37 additional valves. A substantial amount of work will be completed this refueling outage but about 15 of the valves will not be completed prior to start up. The plant will be required to be shutdown to complete the modifications. The licensee will attempt to motorize the valves which would result in the highest personnel exposure during the present outage. However, if an accident were to occur, the remaining valves could be manually operated if required until final installation is complete.

II.F.1 (1–6) Post Accident Monitoring (6 items)

The licensee will delay four items, II.F.1 (1), (3), (5) and (6) until completion of the cycle 4/5 refueling outage which will begin approximately in December 1984. The other two items are complete. However, some of the completed equipment requires verification of its environmental qualification. The environmental qualification issue will be covered by separate rulemaking and is not part of this Order. The four items are being delayed due to a combination of vendor delivery problems and a lack of sufficient manpower to install the equipment during the current refueling outage. The plant must be shutdown to complete the installations. For the four items which are being delayed, there is presently installed instrumentation which could serve to provide appropriate measurements as a compensatory arrangement. Also, the licensee has installed internal hydrogen recombiners which also serve as a compensatory measure for the lack of a containment hydrogen monitor (II.F.1(6)).

III.D.3.4 Control Room Habitability

The licensee has completed the study of its control room habitability requirements. This item is being delayed until the cycle 4/5 refueling outage (which begins approximately in December 1984) due to the earliest anticipated delivery of qualified equipment. A majority of the items listed in the study are completed. There is adequate portable equipment for personnel protection located adjacent to the control room to serve as a compensatory measure until the final monitors are installed.

We find, based on the above evaluation, that: 1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; 2) there is good cause for the several delays as noted above; and 3) interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is Hereby Ordered Effective Immediately That the Licensee Shall:

Implement and maintain the specific items descibed in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A Request for Hearing Shall Not Stay the Immediate Effectiveness of this Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 18th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. [illegible], 1982	Modify facility to provide access to vital areas under accident conditions.	Cycle 4/5 refueling outage
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Complete
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Do.
II.E.1.2	Aux FW Indication & Flow Indicator	July 1, 1981	Modify instrumentation to level of safety grade	Do
II.E.4.2	Containment Isolation Dependability.	do	Part 5—lower containment pressure setpoint to level compatible with normal operation.	Do.
II.E.4.2	do	do	Part 7—isolate purge and vent valves on radiation signal	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Cycle 4/5 refueling outage
		do	(2) Provide capability for effluent monitoring of iodine	Complete
		do	(3)Install in-containment radiation-level monitor	Cycle 4/5 refueling outage
		do	(4) Provide continuous indication of containment pressure	Complete
		do	(5) Provide continuous indication of containment water level	Cycle 4/5 refueling outage
		do	(6) Provide continuous indication of hydrogen concentration in containment	Do

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	10/1/82 per Gen. Ltr, 82-12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No 82-12, dtd. June 15,1982	Complete.
I.A.1.3.2	[2] Minimum Shift Crew	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	[2] Revise Emergency Procedures	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982.	Submit plant specific reports on relief and safety valve program.	Complete.
II.D.1.3	Block Valve Test Program	do	Submit report of results of test program	Do.
II.K.3.30 & 31	[2] SBLOCA Analysis	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	[2] Staffing Levels for Emergency Situations.	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	[2] Upgrade Emergency Support Facilities	do	do	Do.
III.A.2.2	[2] Meteorological Data	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	(1) Review (2) Modify facility as identified by licensee study	(1) Complete. (2) Cycle 4/5 refueling outage.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

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[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Units 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Wisconsin Electric Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-24 and DPR-27 which authorize the operation of the Point Beach Nuclear Plant, Units 1 and 2 (the facilities) at a steady-state power level not in excess of 1518 megawatts thermal. The facilities are pressurized water reactors (PWR) located at the licensee's site in Manitowoc County, Wisconsin.

II

Following the accident at Three Mile Island No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled from implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The licensee responded to Generic Letter 82-05 by letters dated April 26, July 20, and September 24, 1982. The licensee also responded to Generic Letter 82-10 by letter dated May 26, 1982. In these submittals, Wisconsin Electric Power Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82-05 and 82-10 addressed thirteen and sixteen items, respectively. Of the ten items listed in Generic Letter 82-10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82-111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

Eleven of the 17 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining item is provided herein:

II.B.2 Plant Shielding

The licensee has identified several areas which will require the use of permanent and portable shielding. These include shielding of the C-59 control panel and 1B32 and 2B32 motor control centers, wall penetrations in the Auxiliary Building and additional shielding for the control room doors and windows.

The licensee has cited several reasons for delays to date in implementing the plant shielding requirements. They include rejection of inadequate vendor proposals as late as March 1981 regarding C-59 control panel shielding, the incorrectly performed control room shielding analysis by the licensee's consultant (identified during the NRC staff's control room habitability review)

and rejection of vendor proposals and design evaluations for moving the Unit 1 and shielding the Unit 2 safety injection lines. Further delays were encountered when, although preliminary studies indicated that the motor control centers were environmentally qualified, the original vendor's response in early 1982 indicated that shielding modifications were preferred to performance of a qualification analysis.

The licensee has installed the shielding for the wall penetration in the Auxiliary Building. Radiological design for the C–59 control panel and the two motor control centers has been completed and portable and permanent shielding recommendations are under review by the licensee's plant staff. The work request for the structural design of the seismic, permanent shielding has been forwarded to the licensee's consultant. Portable shiedling for the C–59 control panel and the control room windows and doors has been ordered.

While the licensee is working to complete all shielding modifications for Point Beach Nuclear Plant Units 1 and 2 by June 30, 1983, the licensee has committed to implementation by January 1, 1984. This is based on potential delays due to several areas of uncertainty. These include possible minor refinements to the portable shielding in order to be plant compatible, uncertainty in the response time for the structural consultant design of permanent shielding and unanticipated special construction delays related to the installation of permanent shielding.

The licensee reports that several interim compensatory measures have been implemented until shielding modifications can be completed. These include revision of plant emergency response procedures to specify necessary precautions prior to entry to the potential radiation problem areas. These procedures include strict radiation entry authorization, radiation surveying and monitoring, use of portable or temporary shielding and prior flushing of safety injection and residual heat removal lines to reduce background radiation.

The licensee states that none of the areas requiring the addition of permanent shielding require frequent or continuous personnel access. The motor control centers require access only for breaker maintenance. The C–59 control panel requires access only for operation of non-safety related auxiliary systems.

The licensee's analysis of portable shielding for the control room doors and windows indicate that shielding would not be required during a design basis loss of coolant accident (LOCA) or an accident involving partial melting of a few fuel assemblies. In the event of a major accident resulting in gross core damage and significant fission product release, control room operators will be instructed to avoid door and window openings.

II.F.1.3 High-Range Containment Radiation Monitoring System

The licensee has experienced delays in the implementation of this system due to cabling and qualification problems identified in October of 1981, equipment delivery delays (auxiliary and Foxboro racks, replacement cabling) power supply bus upgrade design and construction delays and Auxiliary Safety Instrumentation Panel design and procurement delays. Recently identified isolation circuit modifications require installation during a unit's outage. The licensee plans to complete installation of this system by the end of June 1983.

II.F.1.4 High-Range Containment Pressure

Pressure transmitters have been installed on Units 1 and 2 since the Unit 1 Fall 1981 refueling outage and the Unit 2 Spring 1982 refueling outage, respectively. The licensee reports that the delays in implementation are related to integrated cable pulling, delays in the delivery of Foxboro racks, delays in electrical power supply bus upgrade and Auxiliary Safety Instrumentation Panel design and procurement delays. The related protection system changes and control board modifications are outage dependent. The licensee plans to complete installation of this system by the end of June 1983.

II.F.1.5 Containment Sump Water Level

Transmitters are installed in both units and cable pulling is complete in the Unit 2 containment. Unit 1 cable will be installed in the Fall 1982 refueling outage. Installation of transmitter signal receivers will follow the installation of adjacent vital bus distribution panels.

The licensee reports the major delays in installation to be due to problems with the architect-engineer design of the transmitter suport and protection structure, delays in delivery of Foxboro racks, delays in the electrical bus upgrades and delays in Auxiliary Safety Instrumentation Panel design and procurement. The licensee expects installation of this system to be complete by the end of June 1983.

II.F.1.6 Containment Hydrogen Monitoring System

The licensee reports delays in the implementation of this system due to delays in obtaining an acceptable architect-engineer design for Unit 1's detector support platform, delays in Exosensor equipment qualification and delivery, delivery delays of auxiliary and Foxboro racks, delays in electrical power supply bus upgrades and delays of Auxiliary Safety Instrumentation Panel design and procurement.

Detectors were not received until the middle of the Unit 2 Spring 1982 refueling outage. Installation could not take place because of fire detection work in progress in the Unit 2 containment. The detectors are scheduled for installation during the Unit 1 Fall 1982 and Unit 2 Spring 1983 refueling outages. The microprocessors are scheduled to be received during the Fall of 1982. The licensee plans to complete system installation by the end of June 1983.

III.D.3.4 Control Room Habitability

By letter dated August 10, 1982, the NRC staff transmitted its evaluation of the licensee's proposals to provide acceptable control room habitability in accordance with the criteria in Section III.D.3.4 of NUREG–0737. The NRC staff approved the licensee's proposed modifications including installation of control room door and window portable shielding, installation of control room air supply line radioactive gas detection equipment, and obtaining additional self-contained breathing apparatus.

The licensee plans to complete modifications by January 1, 1983 with the exception of portable shielding which will be installed as scheduled in Item II.B.2 above.

We find, based on the above evaluation, that (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, It is Hereby Ordered Effective Immediately That the Licensee Shall:

Implement and maintain the specific items described as complete in the attachments to this Order. Incomplete items shall be completed by no later than the dates shown in the attachments (as described in the

licensee's submittals noted in Section III herein) and maintained thereafter.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A Request for Hearing Shall Not Stay the Immediate Effectiveness of This Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 14th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions	Jan. 1, 1984
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	[illegible]
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Do.
II.E.1.2	Aux FW Indication & Flow Indicator	July 1, 1981	Modify instrumentation to level of safety grade	Do
II.E.4.2	Containment Isolation Dependability.	do	Part 5—Lower containment pressure setpoint to level compatible with normal operation	Do.
II.E.4.2	Containment Isolation Dependability.	do	Part 7—Isolate purge and vent valves on radiation signal.	Do
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Do
		do	(2) Provide capability for effluent monitoring of iodine	Do
		do	(3) Install in-containment radiation-level monitor	June 30, 1983
		do	(4) Provide continuous indication of containment pressure	Do
		do	(5) Provide continuous indication of containment water level	Do
		do	(6) Provide continuous indication of hydrogen concentration in containment	Do

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No 82-12, dtd, June 15, 1982	Complete
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant-specific report on relief and safety valve program.	Complete
II.D.1.3	Block Valve Test Program	do	Submit report on results of test program	[illegible]
II.K.3.30 & 31	SBLOCA Analysis [2]	1 yr after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined
III.A.1.2	Upgrade Emergency Support Facilities [2]	do	do	Do
III.A.2.2	Meteorological Data [2]	do	do	Do
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Jan. 1, 1984

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility
[2] Not Part of Confirmatory Order.

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Policy Statement on Regionalization

Introduction and Background. The U.S. Nuclear Regulatory Commission is seeking public comment on initiatives that would enlarge the role of its regional offices in implementing national programs in the areas of selected licensing and support functions that historically have remained centralized in NRC's headquarters organizations. The Commission's intent, which is embodied in the goals, plans and implementation strategy provided in the following discussion, has been to improve the quality of nuclear regulation by making regulation more effective in terms of service necessary to protect the health and safety of the public. The Commission expects regionalization to be evolutionary in nature and plans to maintain a keen interest in its execution.

For several years, NRC has conducted pilot programs to decentralize regulatory activities on a limited basis. Examples of such programs include resident inspection, selected materials licensing, reactor operator licensing, emergency planning, state liaison, and some operating reactor licensing actions. These pilot programs appear to have been successful and will continue to be evaluated.

For example, one of the most successful pilot programs is the resident inspector program. This pilot program showed that the benefits to be gained from using resident inspectors, instead of using only region-based inspectors, would be the increased knowledge and effectiveness of resident inspectors, the improved quality of interaction between NRC and licensees at the inspector level, and the improved contact between the local public and the resident inspector. Since the pilot program was completed, the resident inspection program has been fully implemented. Although the resident program is an example of decentralizing inspection from the regions to reactor sites, it is believed that similar benefits could be achieved by decentralizing some regulatory activities from headquarters to the regions.

A 2-year pilot program to decentralize selected materials licensing activities was conducted in Region III in March 1978 to March 1980. The overall experience of this pilot program has been good in that it has provided better coordination between the materials licensing staff and the regional inspectors and has provided better services to applicants and licensees. Based on this favorable experience NRC expects that similar benefits can be achieved through further decentralization.

Goals. As a result of these pilot programs and the recognition that NRC could improve the quality of regulation, the Commission developed in October 1981, basic policy goals for enlarging the role of NRC regional offices in regulatory activities beyond the scope of the pilot programs. The Commission's decision was intended to:

- Improve its coordination of licensing, inspection and enforcement activities at each facility
- Bring NRC nearer to state and local governments and the public by formalizing the role of regional offices to represent NRC in their regions
- Strengthen incident response capability by delegating certain responsibilities and authorities to the regions
- Upgrade the position of the NRC Regional Director

The initiatives associated with decentralizing certain headquarters regulatory activities to achieve the Commission goals have become identified as regionalization. These initiatives do not imply radical changes in nuclear regulation, but rather a new approach in internal management of NRC activities.

Plans and Implementation. To enlarge the role of regional offices, NRC first reorganized the Office of Inspection and Enforcement, transferred its five regional offices to direct control of the Executive Director for Operations (EDO), and upgraded the position of Regional Director to that of Regional Administrator. The position of Deputy Executive Director for Regional Operations and Generic Requirements (DEDROGR) was created simultaneously. In addition to his function as Chairman of the Committee to Review Generic Requirements (CRGR) the DEDROGR provides support to the EDO's managerial and supervisory responsibility for the regions.

Early in 1982, headquarters and regional offices developed planning assumptions and began to identify regulatory activities that could be decentralized. The planning assumptions centered on whether national regulatory programs could be more effective in serving the public and the regulated industry if some activities were implemented at the regional level. For example, the following are benefits that are expected to be derived from transferring specific Office of Nuclear Reactor Regulation activities to the regions:

- Regionalization of the activity would enable closer coordination between inspection and licensing activities and better communication with the licensees which, in turn, should produce more effective licensing and inspection programs
- Regional staff is sufficient in number and expertise, or can be made sufficient within budget constraints, for effective program implementation
- Sufficient written guidance exists, or can be developed, to assure uniform program implementation
- The activities require frequent interaction with licensees or local government representatives
- Transfer of the activity can be accomplished under existing legislation, or enabling legislation could be enacted

After the candidate activities were identified, deliberations within NRC resulted in a list of activities and estimates of dates by which they could be transferred to the regions. At a meeting open to the public in May 1982, the Commission was briefed on these plans and progress to date.

Pilot programs for both materials licensing and reactor operator licensing have been implemented in some regions in recent years. In 1982 the licensing activities for several categories of nuclear materials licenses were transferred from headquarters to Regions I and III. In 1982 Regions II and III were delegated the authority to license reactor operators, and about 350 operating reactor licensing actions were transferred to the regions for technical review and safety evaluation. In October 1982, NRC opened a Denver Field Office in Region IV that is responsible for uranium recovery licensing. In December 1982, limited authority for certain licensing actions for the Fort St. Vrain reactor was delegated to Region IV.

The progress of transfers to the regions that have been made to date reflects a carefully weighted decision to proceed with the decentralization policy in a deliberate phased manner. The more recent activities represent an expansion of NRC pilot programs and additional planning is underway to accommodate transfers of some regulatory activities in the future.

In the gradual expansion of agency programs in the regions, NRC plans tentatively to call for the future transfer of additional activities to the regions. These activities and the regions to which they could be transferred are described in the following paragraph. More detailed schedules for potential transfers of these activities are included in Enclosure 1.

During fiscal year (FY83), NRC plans to transfer license amendments for nonpower reactors to Regions I, IV, and V, and additional administrative and emergency preparedness duties to all regions. The technical review of additional operating power reactor licensing actions are planned for transfer to the regions, depending on the type of actions and the regional capabilities. In FY84, authority for certain licensing actions for eighteen operating power reactors is planned for transfer to Regions I, II, and III (six per region), licensing authority for new and renewal applications for nonpower reactors is planned for Regions I, IV, and V, and materials and reactor operator licensing are planned for the remaining regions. In FY85, licensing authority for all nonpower reactors and authority for certain licensing actions for six additional operating power reactors per region are planned to be transferred. Use of this phased approach will enhance smooth transition of activities and resources to the regions as they build up their licensing capabilities and will provide the opportunity for feedback on the effectiveness of the realignments.

Gradual expansion of regional operations will enable NRC to learn

from continuing experience in administering regionalized programs and to receive feedback from the public, state authorities, and the regulated industry on whether the intended benefits are being achieved. With the additional regulatory activity transfer, the headquarters organization will retain oversight of the decentralized decisionmaking to ensure regional consistency. Furthermore, the transfer will not involve generic safety programs such as unresolved safety issue resolution. In its efforts to bring about more effective regulation, the Commission welcomes comment so that its regional programs may be designed to provide optimum benefits. Gradual expansion will also enable NRC to be sensitive to the humanitarian needs of its employees whose functions will be transferred. For example, NRC is working to match preferences of headquarters volunteers with the skills needed in each region, to provide retraining of employees to meet regional skill needs and to allow enough lead time prior to transfer of personnel to enable them to plan relocation during a preferred time of the year.

Management Controls. NRC management controls will change as the preceding functions are decentralized. In accordance with the Energy Reorganization Act of 1974, the responsibility for the licensing programs is assigned to the directors of NRC program offices. This responsibility will not be transferred, but the authority to implement certain licensing activities will be delegated to Regional Administrators. The headquarters program offices will remain responsible for their overall programs, will continue to establish broad, uniform policies and guidance based on Commission and EDO direction, and will audit regional activities to assure consistent implementation of policy guidance and consistency in interpreting NRC requirements. If decisions at the regional level appear to be inconsistent in the application of regulatory requirements, licensees may appeal them either through the program offices, the Office of the EDO, or the Commission.

It is essential that the Commission maintain effective program oversight of decentralized decisionmaking to ensure consistency among regions. As such, the regions will become agents of the headquarters offices and will implement a variety of agency programs. For example, IE historically has established policy, defined the inspection and enforcement programs, and monitored their implementation in the regions. This management approach would continue and program offices with selected activities now being transferred to the regions would maintain responsibility for policy formulation, program development, and control of implementation. The Commission, through the EDO, intends to ensure consistency in regional operations. The management oversight actions are complemented by other mechanisms to maintain effective coordination, feedback, and information exchange among regions and headquarters. These include:

- Quarterly management meetings with the Commission, the EDO, Office Directors, and Regional Administrators
- Frequent meetings of Regional Division Directors and appropriate headquarters staff on a variety of issues
- Weekly conference calls with the DEDROGR, Office Directors, and Regional Administrators
- Development of Commission policy guidance
- Development of procedures and implementation of instructions to the regions
- Development of operating plans for each region
- Continuing oversight of the regions in implementing national programs

In addition to establishing programs and policies and performing program oversight for the activities delegated to the Regions, the NRC program offices will continue to perform regulatory functions which require a qualified technical staff in the headquarters. The headquarters offices will continue to perform high level waste repository systems licensing and for reactors all the safety, environmental and antitrust reviews of applications for Construction Permits (CP), Operating Licenses (OL), Standard Plants design approval and topical report approval. The NRC headquarters offices will also perform the activities associated with safety improvements. These include the resolution of Unresolved Safety Issues (USIs) and other generic issues, generic studies, the performance of risk and reliability assessments, and the systematic assessments of reactor operating experience. The development and approval of new regulatory requirements and modification of existing requirements resulting from the safety improvement efforts or other efforts will continue to be the responsibility of the headquarters offices. Relative to licensing actions associated with operating reactors, NRC headquarters will review and implement all actions during the first year after a reactor receives a full power operating license. In addition, headquarters offices will be responsible for implementing the Systematic Evaluation Program (SEP) for operating reactors and will be responsible for implementing certain generic licensing actions (e.g., requirements associated with pressurized thermal shock and steam generator tube integrity) on all reactors to which they apply.

As reactor license review activities gradually decrease over the next several years, the activities of technical review organizations in headquarters will shift toward technical review in support of the regions. Thus, headquarters will maintain the technical expertise necessary to accommodate the changing character of its workload.

Guidance to Those Commenting. The Commission solicits public comment on both the scope and approach outlined in this Draft Policy Statement on Regionalization as well as the specific items included for possible implementation in the future. Comments received will be reviewed and carefully considered by the Commission in connection with the development of the final policy statement on regionalization. NRC staff has scheduled public meetings in the regions in order to explain the expanding role of the regions to licensees and interested persons and to solicit comments.

The meetings are scheduled as follows:

Tuesday, March 29, 1983—1–4:30 p.m.:
Atlanta Airport Marriott Hotel, 4711 Best Road, College Park, GA 30337
Tuesday, April 5, 1983—1–4:30 p.m.:
Amfac Hotel, East Tower, Dallas/Ft. Worth Regional Airport, Dallas, TX 75261
Wednesday, April 6, 1983—9 a.m.–12:30 p.m.:
Sheraton O'Hare, 6810 North Mannheim Road, Rosemont, IL 60018
Monday, April 11, 1983—8:30 a.m–12 noon:
San Francisco Airport, Hilton Hotel, San Francisco, CA 94128
Thursday, April 14, 1983—1–4:30 p.m.:
Holiday Inn, 4th and Arch Streets, Philadelphia, PA 19106

Written comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments should be submitted by May 16, 1983.

For Further Information Contact: Edward B. Blackwood, Executive Coordinator for Regional Operations, Office of the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301/492–4359).

The additional views of Commissioners Ahearne and Asselstine and of Chairman Palladino follow:

Samuel J. Chilk,

Secretary of the Commission.

Additional Views of Commissioner Ahearne

I have strongly supported moving some NRC activities from Headquarters into the field and strengthening the regional offices of the NRC. Whether these actions are described as decentralization, regionalization, or by some other name, the basic steps and purposes are the same.

The NRC located in Washington is increasingly isolated from the major activities which form the reason for this agency. Since the NRC was formed there has been a steady increase in NRC activity at operating reactors, at other licensee sites, and in the interaction with state and local governments. The resident inspector program, described in the policy statement, has shown the great value of having someone more closely connected with the local situation. Regional headquarters are obviously not directly local—since in come cases they may be many hundreds of miles away—but they are local in perspective, rather than the oft felt Olympian height of Washington, D.C.

Regionalization should produce a better two-way interaction with state and local government and with the licensees. Regional people are more approachable, more reachable. This better interaction will occur even with reactor licensees—not necessarily with the policy makers, e.g., the chief executive officers, but certainly with the lower and middle management, the ones who actually run the plants.

In a section deleted by the Commission, the EDO had pointed out that in addition to the criteria listed which were used to identify activities proposed for transfer[1] "[T]he changing nature of the nuclear reactor regulation workload was also considered. The major effort associated with nuclear power plant regulation is projected to shift from licensing new plants to maintaining the licenses of operating reactors." As the NRC evolves into an agency whose basic business is monitoring operating reactors, there will be more activity in the field. This will require strengthening the technical competence in the field independent of how one believes the Headquarters should be staffed.

Given this perspective, I believe the NRC appropriately has taken three actions: (1) We have upgraded the Directors of the field offices, both in civil service rank and in title, so they are now equivalent to the major office directors in Washington and report, as do office directors, to the Executive Director for Operations. (We are also attempting to upgrade the staff positions in the field.) (2) We have been expanding functions done in the field—in the past it has included the pilot programs for materials licensing and operator licensing. And (3) we are strengthening the technical competence in the field offices.

There are hazards, as has been pointed out by some Commissioners and by the ACRS. One hazard is the potential loss of technical capability in Washington. This should not be serious. Even under the proposal to shift licensing actions for operating reactors to the field, we would still retain in Washington licensing reviews for new reactors, unresolved safety issues, and generic issues—the really tough and broad questions. The proposed regionalization program has been criticized as stripping bare the core of technical competence of NRR. However, in 1982 there were 7 staff years devoted in the field to reactor regulation and 731 in Washington. Under the regionalization proposal, in 1985 there would be 134 in the field and 575 in Washington. While this is a very large increase in the field, it still retains approximately 80 percent of the staff years of nuclear regulation in Washington. This hardly should cripple the core of technical competence. A second problem could be inconsistency among the regions. The appropriate way to handle this potential is, first, by keeping major actions in Washington, as we already are doing in the enforcement area. Second, we must make the Headquarters offices establish policy. Under regionalization Headquarters offices would establish policy, which field offices would implement. A major weakness of the NRC, from the Commission on down, has always been (as both the GAO and the NRC Special Inquiry Group noted) its reluctance to establish policy. The NRC has always been weak on policy and strong on *ad hoc* case-by-case solutions. We must change, and the offices must establish policy rather than treat every issue as a unique issue.

Consequently, I believe that the organization, which was appropriate at the birth of nuclear power and for the regulation of reactors when most of the business of the agency was reviewing applications during the licensing process, is no longer an appropriate organization for an agency whose predominant role will be the reviewing of licensees that are scattered all over the country. Because of the technical complexity of some of the problems the NRC will always face, it is appropriate to maintain a central core of high competence in Washington. However, I believe that it is past time for the NRC to begin to build up its regional operations and I think that the proposed steps are sound.

Additional Views of Commissioner Asselstine [2]

I support the issuance of this Policy Statement on Regionalization as a means for describing the regionalization program adopted by the Commission and for obtaining comments from the public, the states and the industry on the need for, advantages and disadvantages of the various elements of this program. The Commission's stated intent in the policy statement is to make nuclear regulation more effective. I certainly agree with that objective, and I support most of the initiatives that enlarge the role of the regional offices to accomplish that purpose. Among the initiatives that I support as being appropriate functions of the regional offices are: regulation of uranium mills, emergency planning reviews, selected materials licensing, and state liaison.

However, I have serious reservations about another element of the Commission's regionalization plan—the transfer of certain licensing authority for operating power reactors for the headquarters Office of Nuclear Reactor Regulation to the regional offices. It appears to me that the transfer of this responsibility to the regional offices has three potential disadvantages that may well have a negative impact on the effectiveness of our regulatory program for operating reactors.

First, this element of the Commission's regionalization program is likely to create new barriers to reaching sound licensing decisions for operating reactors. The transfer of operating reactor licensing authority to the regional offices will place the licensing authority with individuals who are geographically far removed from this Agency's core of technical expertise on reactor safety matters. At the same time, the regional licensing personnel will be expected to continue to rely on the headquarters core technical staff for the bulk of the technical analysis needed to support the regional licensing activities. This geographical separation of those responsible for licensing and those responsible for the necessary technical support work can be expected to create new obstacles to assuring that the technical analysis needed to support operating reactor licensing decisions is carried out in an accurate, effective and timely manner.

Indeed, the Commission has long recognized that similar problems exist in other areas of our regulatory programs as a result of the dispersed location of our headquarters staff in several different buildings in the Washington, D.C. metropolitan area. Given the far greater geographical separation, I would expect these problems to be much more acute in the case of the regionalization of operating reactor licensing authority.

In addition, the transfer of operating reactor licensing authority to the regional offices will break up and disperse the pool of experience that presently exists within the collective group of operating reactor project managers now located at headquarters. This reduced ability of project managers to draw readily upon the collective experience of other project managers will be compounded by the potential loss to the agency of a number of experienced and knowledgeable project managers who may be unwilling or unable to relocate from Washington, D.C. to one of our regional offices. Taken together, these effects of regionalization could well hinder the Agency's ability to reach sound licensing decisions for operating reactors.

Second, the transfer of operating reactor licensing authority to the regional offices is likely to introduce new inefficiencies in nuclear reactor regulation that may be unjustified in light of present budget limitations and that may adversely affect other NRC safety responsibilities. Under the present NRC licensing approach, operating reactor licensing activities are carried out by

[1] The policy statement now describes these criteria as benefits. However, the EDO described them as criteria used to identify activities to be proposed for transfer.

[2] Commissioner Gilinsky agrees entirely with Commissioner Asselstine's additional views.

one headquarters office—the Office of Nuclear Reactor Regulation. Under the Commission's regionalization program, the regional offices would assume licensing responsibility for operating reactors, but the headquarters Office of Nuclear Reactor Regulation would be required to audit the performance of the regional offices. In effect, the headquarters office would be required to inspect the licensing work done by the regional office and verify its adequacy. This approach inevitably will require more staff resources than the present approach. If additional staff positions cannot be provided to the regional offices, this will reduce the level of regional staff effort in other areas, such as inspection and enforcement activities for operating reactors. Indeed, our regional administrators have stated that the development and conduct of regional program audits thus far are already tending to shift resources away from inspection activities.

Third, the transfer of operating reactor licensing authority to the regional offices is likely to create new difficulties in assuring uniformity and consistency in all licensing decisions for operating reactors. Licensing decisions previously made by one centralized headquarters office will now be made by five separate regional offices. The Commission's policy statement describes in only general terms the management controls, such as program audits by the headquarters office, that would be used to assure uniformity and consistency among the regions. Absent a more detailed specification of how these controls will operate, it is difficult to determine whether regionalization of these functions can ensure a uniform application of safety principles at the operating nuclear power plants spread throughout the five regions. Nor does our experience with regionalization thus far in other areas provide great confidence in our ability to ensure uniformity in the operating reactor licensing area. Our experience with regionalization in other areas of nuclear regulation is still quite limited, and operating reactor licensing issues are both more complex and less settled than is the case with other responsibilities that are being transferred to the regional offices.

Taken together, I believe that these disadvantages associated with the transfer of operating reactor licensing authority raise serious concerns about this element of the Commission's regionalization program. At the same time, I fail to see any clear and overriding safety benefit to be obtained by transferring these functions to the regional offices. I hope that the public meetings to be held on this policy statement, as well as the public comment period, will focus attention on these concerns as well as on the following broader questions related to regionalization:

1. What is the problem or issue that regionalization is attempting to solve, and are there other remedies?

2. Does regionalization improve or detract from the protection of the public health and safety, and what are the considerations that lead to that conclusion?

3. How does regionalization affect the effectiveness and efficiency of nuclear reactor regulation?

4. What controls are needed to ensure a uniform application of safety principles?

5. To what extent will safety reviews and reactor inspections be vulnerable to adverse trade-offs if both responsibilities are assigned to the same office?

In that regard, I note that our Advisory Committee on Reactor Safeguards has recently asked the staff to address a series of similar concerns regarding regionalization. I believe that the ACRS concerns can also serve as a useful basis for public comment on regionalization, and I have attached a copy of the ACRS letter to my views for this purpose. I also agree with the advisory Committee on Reactor Safeguards that regionalization represents a major shift in the manner in which NRC will address safety related issues, particularly for operating reactors.

The Commission's regionalization program calls for the transfer to the regional offices of licensing authority for eighteen operating power reactors in fiscal year 1984 and for an additional thirty operating power reactors in fiscal year 1985. Given the above concerns, I believe that this rapid a transfer of operating reactor licensing authority is unwise. I therefore would limit the transfer of operating reactor licensing authority during fiscal years 1984 and 1985 to a pilot program involving a limited number of power reactors. This would provide an opportunity to gain some experience with the approach of regionalizing safety responsibilities for power reactors, and would provide the opportunity for an informed judgment on the advantages and disadvantages of this approach, before committing to a major transfer of authority in this area.

Nuclear Regulatory Commission,
Advisory Committee on Reactor Safeguards.

February 15, 1983.

Subject: Regionalization of NRC Staff Activities

Mr. William J. Dircks, Executive Director for Operations, Washington, DC 20555.

Dear Mr. Dircks:

During the Committee's 274th meeting, February 10–12, 1983, the ACRS Policy and Procedures Subcommittee reported to the CRS regarding its February 8, 1983 meeting with representatives of the NRC staff to discuss proposed Commission plans for the expanded regionalization of NRC staff licensing activities. These discussions have left the committee with several concerns regarding the impact that this decentralization may have on the safety of nuclear facilities.

The members of the committee have asked that I invite you and Mr. Victor Stello to our March meeting to discuss regionalization and, in particular, specific areas of concern/interest regarding this matter. This discussion will better inform the Committee in the preparation of related comments that the committee anticipates forwarding to the Commission regarding this matter.

I have listed below many, although not necessarily all, of the matters that the Committee would like to discuss:

1. Basis for regionalization.—The Members were unable to elicit a convincing safety-related rationale regarding the basis for the proposed expansion of regional activities and would like an opportunity to discuss this matter further to develop a better understanding of the basis for this proposed change.

2. How are these changes expected to impact on reactor safety? The decentralization of a competent body of technical talent may have a negative effect.

Several more specific questions are presented below:

—How will technical competence of the NRC headquarters staff be maintained once technical decision making is dispersed to regional offices?

—When new, unanticipated technical issues arise, will the headquarters staff or regional offices handle them initially? How will direction be provided to prevent overlapping and possible conflicting activities?

—How will existing channels of communication be altered with respect to flow of information to and from the regional offices? For example, how will the interpretation of safety research results and other technological developments be promulgated to the regional offices in support of their technical decision making?

—How will an appropriate degree of consistency be maintained among the different field offices to avoid differences in interpretation of NRC regulations and differences in policy/judgment/attitude among regional directors? What are the standards of consistency to be used in judging how well regional offices function? What mechanisms will exist for licensees to appeal substantive inconsistencies, if they do occur, without concern regarding punitive action?

—What quality assurance mechanism will be in place to monitor and control the performance of the regional offices? How will overly rigid or overly permissive performance by individual offices be recognized and addressed?

—What will be the dividing line for those technical decisions to be made by the regional offices and those to be made by the headquarters staff? Will these be based on safety significance, generic versus plant specific considerations, scheduling, or other factors?

—What distribution of technical talent will be needed in NRC headquarters and the regional offices to deal with the wide variety of technical issues which are already known to exist and those which may develop in the future? What is the basis for this allocation of resources? Recognizing that this shift is partly to accommodate an increased emphasis on support of plant operations versus licensing actions, what action will be taken to reorient and/or redirect the activities of headquarters and regional personnel in this direction?

—In view of the observations of the NAS/NRC Committee on FAA Airworthiness Certification Procedures (Reference 1) that the regional structure of the FAA has contributed to a lesser technical competence in the FAA, and their recommendation regarding the need for a strong centralized technical staff to accomplish various FAA's regulatory functions, what are the differences between FAA and NRC regulatory responsibilities, functions or procedures that

make decentralization of technical functions appropriate for NRC?

—What plans have or will be made for a satisfactory interface of the ACRS with the regional offices to be sure that the Committee can fulfill its statutory responsibilities?

Members of the Committee consider this matter a major shift in the manner by which NRC will address safety related issues, particularly for operating reactors, and the impact it will have on ACRS activities. We would like an opportunity to discuss the topics noted above with you during our 275th meeting (March 10–12, 1983). If you will inform R. F. Fraley, ACRS Office regarding your availability, he will make arrangements for this exchange of information/views at a mutually convenient time.

Sincerely,

J. J. Ray,

Chairman.

Reference

1. Improving Aircraft Safety, FAA Certification of Commercial Passenger Aircraft, promulgated June 24, 1980.

Additional Views of Chairman Palladino

I submit the following observations concerning Commissioner Asselstine's views. Commissioner Asselstine, while supporting the issuance of this Policy Statement, has expressed reservations about the plan to transfer certain licensing authority for operating power reactors. This licensing authority relates to issuance of license amendments for operating plants by the Regional Offices, a function now exercised by the Office of Nuclear Reactor Regulation.

One concern that has been expressed is that regionalization will result in a geographical separation of the individuals to whom licensing authority will be transferred and the headquarters technical staff who will continue to provide technical analysis. It is my belief that this potential disadvantage will be outweighed by the advantage of moving the licensing authority geographically closer to the licensees. I believe that any new obstacles that might be created will certainly be smaller than obstacles that currently exist that inhibit efficient and timely resolution of our backlog of licensing actions.

With respect to the concern about the potential loss to the agency of project managers, while I am not insensitive to the impact that regionalization can have on our employees, my primary objective is to implement a better management approach in dealing with out responsibilities.

In response to the concern that transfers of functions could reduce staff effort by the regions in their current activities, it is planned to increase regional staff resource levels commensurate with the additional functions they must perform. I do not expect or advocate any decreased levels of resources to be devoted to activities such as inspection and enforcement. I do not see this as a potential problem with respect to regionalization. It is my expectation that many of the backlog items that have been ignored for many years will finally be completed.

Difficulties in achieving uniformity and consistency in licensing decisions are cited as a concern. I believe that strong oversight by headquarters offices will alleviate this potential problem. In addition, one historical problem caused by the attempt to achieve absolute uniformity is the reluctance to account for plant specific characteristics in applying generic resolutions to problems. I believe that the regional offices will be better equipped to look at these plant-by-plant differences and that a better balance will be achieved in applying the results of generic recommendations.

Commissioner Asselstine states that he fails to see any clear and overriding safety benefit to be obtained by the transfer of licensing authority to the regions. The goal was not to achieve a safety benefit per se. Rather, regionalization is an attempt to achieve better management efficiency, and I believe it should be carried out so long as there is no *reduction* in safety associated with the transfers of functions.

My last comment regards the inclusion of the ACRS letter to the staff in Commissioner Asselstine's additional views. Since the ACRS serves as an advisory body to the Commission, I question the desirability of publishing a letter that does not present an ACRS position and does not represent the final views of the ACRS to the Commission. Publishing the letter with this Policy Statement can result in misrepresentations of the Committee's views.

Function (Headquarters' Office)	Fiscal year 1982	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985
Headquarters' Functions To Be Decentralized				
1. Operating Reactor licensing actions—technical review (NRR)	All regions (532)	All regions (400)	All regions (500)	All regions (615)
2. Licensing authority for operating power reactors (NRR)		Region IV: 1 reactor	Regions I, II, III: 6 reactors per regions; Region IV: 1 reactor	Regions I, II, III: 12 reactors per region; Region IV: 7 reactors; Region V: 6 reactors.
3. Licensing authority for TMI–2 cleanup [2] (NRR)			Region I	Region I.
4. Licensing authority for operating non-power reactors (NRR)		All non-power reactors in Regions I, IV, V	All non-power reactors in all regions.	All non-power reactors in all regions
5. Licensing authority for new and renewal applications for non-power reactors (NRR).			All non-power reactors in Regions I, IV, V.	[illegible]
Headquarters' Functions To Be Regionalized				
6. Administer reactor operator license examinations (NRR)	Region III [3]	Region II, III [3]	All regions	All regions
7. Uranium mill tailings (NMSS) [4]		Region IV	Region IV	Region IV
8. Authority to issues materials licenses (NMSS)	5 types of high volume licenses, Regions I, III.	5 types of high volume licenses, All regions	10 types of high volume licenses, All regions.	10 types of high volume licenses, All regions
9. Issue safeguards license amendments which do not decrease effectiveness for reactors and SNM facilities (NMSS)		Regions I, II	All regions	All regions
10. Conduct transportation route surveys and review contingency plans for spent fuel and Category 1 SNM shipments (NMSS).			Region III	[illegible]
11. Perform closeout surveys and termination of uranium fuel fabrication licenses (NMSS).		All regions	All regions	Do
12. Maintain oversight of 10 CFR 70 licenses for advanced fuel (Pu) plants that have initiated decontamination and decommissioning activities. (NMSS)		do	do	[illegible]
13. Issue proposed civil penalties [5] (IE)	All regions	do	do	[illegible]
14. Issue orders and make 10 CFR 2.206 decisions consistent with the transfer of licensing and enforcement authority from IE, NRR, and NMSS. (IE, NRR, and NMSS)		Regions I, IV, V	do	Do
15. Conduct special licensing activities for operating reactors after emergency preparedness appraisal and reports. (IE)		All regions	do	Do
16. Observe and appraise the annual emergency preparedness exercises for operating reactors. (IE)	All regions [6]	do	do	Do.
17. Provide legal assistance consistent with the transfer of functions to review severity level III violations, proposed civil penalties and orders, 2.206 decisions, material licenses mill tailings licenses, and reactor licensing. (ELD)	All regions	All regions	do	[illegible]
18. Provide state agreement officer (SP)	Regions II, IV	Regions I, II, IV, V	Regions I, II, IV, V	Regions I, II, IV, V.
19. Continue state liaison function	All regions	All regions	All regions	All regions
20. Perform license fee billings for materials licensing and inspection activities. (ADM).		Regions I, III	do	Do.

Function (Headquarters' Office)	Fiscal year 1982	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985
21. Perform budget formulation/execution and management information reporting activities.	All regions	All regions	do.	Do.
22. Perform various administrative support services		All regions	do.	Do.

[1] NRR will retain licensing authority for certain types of operating power reactor licensing actions (e.g., pressurized thermal shock, steam generator inspection and repair, etc.). NRR will identify and maintain a current list of these items.
[2] The transfer of this function remains uncertain until the licensee funding sources are confirmed and major core removal activities begin.
[3] NRR will provide for contract examiner assistance.
[4] To be implemented in accordance with W. Dircks' August 2, 1982 memorandum on establishing the Denver Field office.
[5] With IE concurrence.
[6] With IE assistance.

Agenda for Public Meeting on Decentralization (one-half day)

Call to Order and Introduction of Speakers:
Regional Administrator
Opening Remarks:
Executive Director for Operations
Inspection and Enforcement Programs:
R. C. DeYoung
Fuel Cycle and Materials Programs:
J. G. Davis
Reactor Programs:
H. R. Denton
State Programs:
G. W. Kerr
Administrator's Remarks:
Regional Administrator
Break (20 minutes):
Discussion Panel for Questions and Comments from the Floor:
EDO, Office Directors, and Administrators

[FR Doc. 83-7879 Filed 3-24-83; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service; Positions Placed or Reduced Under Schedules A, B, and C

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-6000.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on February 25, 1983 (48 FR 8165). Individual authorities established or revoked under Schedules A, B, or C between February 1, 1983 and February 28, 1983 appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exceptions are established:

Department of Justice

Staff positions, GS-15 and below, to assist in the resettlement of Cuban and Haitian entrants. Employment under this authority may not exceed September 30, 1984. On March 6, 1983, this function was transferred from Department of Health and Human Services. Approved February 22, 1983, to be effective March 6.

Department of Agriculture

Positions of Meat Acceptance Specialists, GS-11 and below and Raisin Inspectors, GS-9 and below. Effective February 8, 1983.

Department of Transportation

Not to exceed 25 positions of Marine Traffic Controller (Pilot), at grade GS-11 and below for temporary, intermittent or seasonal employment in the State of Louisiana. Temporary appointments may not exceed 1 year, and temporary appointees may be reappointed under this authority only after a break in service of at least 6 months. Intermittent or seasonal employment may not exceed 180 working days in a service year, except that this limitation for an individual employee may be extended to 220 days when necessitated by emergencies caused by unusual flooding conditions or high river stages. Effective February 8, 1983.

The following exceptions are revoked:

Department of Agriculture

Positions of Agricultural Commodity Graders (Tobacco) and Clerks, in the Agricultural Marketing Service. Positions are now covered by 213.3113(f)(1). Effective February 9, 1983.

In the Food Safety and Inspection Service, positions of Agricultural Commodity Graders (processed fruits and vegetables). Positions are now covered by 213.3113(f)(1). Effective February 9, 1983.

In the Food Safety and Inspection Service, temporary and intermittent positions of Agricultural Commodity Graders (dairy and poultry). Positions are now covered by § 213.3113(f)(1). Effective February 9, 1983.

Coverage of field enumerators and supervisors and collectors of the Farmers Home Administration eliminated from § 213.3113(a)(5). Effective February 23, 1983.

International Trade Commission

One position of Secretary to the Commission. Effective February 8, 1983.

Department of Health and Human Services

Staff positions, GS-15 and below, for an emergency staff to assist in the resettlement of Cuban and Haitian entrants. On March 6, 1983, this function was transferred to the Department of Justice. Approved February 22, 1983, to be effective March 6, 1983.

Schedule C

The following exceptions are established:

Department of Agriculture

One Special Assistant to the Assistant Secretary for Administration, Office of the Secretary. Effective February 4, 1983.

One Special Assistant to the Assistant Secretary for Administration, Office of the Secretary. Effective February 4, 1983.

One Special Assistant to the Assistant Secretary for Administration, Office of the Secretary. Effective February 4, 1983.

One Confidential Assistant to the Assistant Secretary for Science and Education, Office of the Secretary. Effective February 7, 1983.

One Confidential Assistant to the Administrator, Agricultural Marketing Service. Effective February 8, 1983.

One Confidential Assistant to the Administrator, Congressional Affairs, Animal and Plant Health Inspection Service. Effective February 9, 1983.

One Secretary (Typing) to the Secretary of Agriculture, Office of the Secretary. Effective February 10, 1983.

One Private Secretary to the Administrator, Office of the Administrator. Effective February 17, 1983.

One Confidential Assistant to the Manager, Federal Crop Insurance Corporation. Effective February 17, 1983.

Department of the Army

One Staff Assistant to the Special Assistant to the President, Office of Public Liaison. Effective February 4, 1983.

Department of Defense

One Executive Assistant to the Director, Small and Disadvantaged Business Utilization. Effective February 2, 1983.

One Special Assistant to the Deputy Assistant Secretary of Defense (Reserve Affairs), Office of the Deputy Assistant Secretary of Defense (Reserve Affairs). Effective February 15, 1983.

One Special Assistant for Emergency Planning to the Director, Mobilization Planning and Requirements. Effective February 15, 1983.

One Private Secretary to the Deputy Under Secretary of Defense for Research and Engineering (Strategic and Theater Nuclear Forces). Effective February 28, 1983.

Department of Education

One Confidential Assistant to the Deputy Assistant Secretary, Office of Elementary and Secondary Education. Effective February 17, 1983.

One Special Assistant to the Assistant Secretary for Legislation and Public Affairs. Effective February 17, 1983.

One Personal Assistant to the Assistant Secretary for Legislation and Public Affairs. Effective February 18, 1983.

One Special Assistant to the Assistant Secretary, Office of Vocational and Adult Education. Effective February 18, 1983.

Department of Energy

One Staff Assistant to the Secretary of Energy, Office of the Secretary. Effective February 28, 1983.

Department of Health and Human Services

One Special Assistant to the Assistant Secretary for Planning and Evaluation. Effective February 2, 1983.

One Special Assistant to the Assistant Secretary for Legislation, Office of the Assistant Secretary for Legislation. Effective February 4, 1983.

One Special Assistant to the Deputy Assistant Secretary for Population Affairs. Effective February 18, 1983.

One Director, Congressional Affairs Staff, Office of the Associate Administrator for Policy. Effective February 28, 1983.

Department of Housing and Urban Development

One Special Assistant to the Regional Administrator in Newark, New Jersey. Effective February 14, 1983.

Department of Interior

One Special Assistant to the Executive Assistant, Office of the Secretary. Effective February 4, 1983.

One Special Assistant to the Assistant Director for State Liaison, Office of Water Policy. Effective February 8, 1983.

One Supervisory Attorney-Advisor (Legislation), Office of the Secretary. Effective February 14, 1983.

One Special Assistant to the Director, Office of Surface Mining. Effective February 28, 1983.

One Special Assistant to the Director, Office of Congressional and Legislative Affairs. Effective February 28, 1983.

Department of Justice

One Special Assistant to the Director, Bureau of Justice Statistics. Effective February 4, 1983.

One Confidential Assistant to the Administrator, Office of Juvenile Justice and Delinquency Prevention. Effective February 8, 1983.

One Attorney (Advisor), Civil Division. Effective February 14, 1983.

One Special Assistant to the Assistant Attorney General, Tax Division. Effective February 17, 1983.

One Special Assistant to the Assistant Attorney General, Tax Division. Effective February 28, 1983.

One Personal Assistant to the Director, Bureau of Justice Statistics. Effective February 28, 1983.

Department of Labor

One Special Assistant to the Assistant Secretary, Employment and Training Administration. Effective February 4, 1983.

One Special Assistant to the Assistant Secretary for Policy. Effective February 4, 1983.

One Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration. Effective February 10, 1983.

One Private Secretary to the Chief of Staff, Office of the Secretary. Effective February 28, 1983.

One Special Assistant to the Secretary of Labor, Office of the Secretary. Effective February 28, 1983.

Department of State

One Staff Assistant to the Ambassador-at-Large, Office of the Ambassador-at-Large/Special Middle East Negotiator. Effective February 1, 1983.

One Special Assistant to the Ambassador-at-Large, Office of the Ambassador-at-Large for Cultural Affairs. Effective February 10, 1983.

One Special Assistant to the Ambassador-at-Large, Office of the Ambassador-at-Large/Special Adviser to the Secretary of State for Non-Proliferation and Nuclear Affairs. Effective February 23, 1983.

One Secretary (Typing) to the Chief of Protocol, Office of the Chief of Protocol. Effective February 28, 1983.

Department of Transportation

One Special Assistant to the Regional Administrator in New York, New York, Urban Mass Transportation Administration. Effective February 4, 1983.

One Director, Office of Public Affairs. Effective February 8, 1983.

One Minority Business Resource Officer, Office of Small and Disadvantaged Business Utilization. Effective February 15, 1983.

Department of Treasury

One Confidential Assistant to the Director, Office of Revenue Sharing. Effective February 8, 1983.

One Executive Assistant to the Director, Office of Congressional and Public Affairs. Effective February 28, 1983.

Action

One Special Assistant to the Director. Effective February 14, 1983.

One Special Assistant to the Director. Effective February 23, 1983.

Agency for International Development

One Confidential Assistant to the Associate Deputy Administrator, Office of External Relations. Effective February 7, 1983.

Executive Office of the President

One Legislative Assistant to the Assistant Director for Legislative Affairs, Office of Management and Budget. Effective February 4, 1983.

One Staff Assistant to the Director, Office of Management and Budget. Effective February 10, 1983.

One Secretary (Steno) to the Assistant Director for Legislative Affairs. Effective February 24, 1983.

Export-Import Bank of the U.S.

One Secretary (Stenography) to the Director. Effective February 10, 1983.

General Services Administration

One Special Assistant to the Director of Organization and Personnel. Effective February 17, 1983.

Interstate Commerce Commission

One Confidential Assistant to the Commissioner, Office of Commissioner Gradison. Effective February 28, 1983.

National Credit Union Administration

One Secretary (Typing) to the General Counsel. Effective February 17, 1983.

Office of Personnel Management

One Special Assistant to the Associate Director for Administration Group. Effective February 4, 1983.

Pension Benefit Guaranty Corporation

One Secretary (Stenography) to the Executive Director. Effective February 23, 1983.

One Secretary (Stenography) to the Executive Director. Effective February 25, 1983.

U.S. Arms Control and Disarmament Agency

One Private Secretary to the Deputy Director, Office of Administration. Effective February 14, 1983.

U.S. Information Agency

One Staff Assistant to the Director, Office of Public Liaison. Effective February 4, 1983.

One Special Assistant to the Associate Director for Educational and Cultural Affairs. Effective February 23, 1983.

Veterans Administration

One Confidential Assistant to the Special Assistant, Office of the Administrator. Effective February 4, 1983.

[5. U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218]

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83–7722 Filed 3–24–83, 8:45 am]

BILLING CODE 6325–01–M

Privacy Act of 1974; Proposed Routine Use for an Existing System of Records

AGENCY: Office of Personnel Management.

ACTION: Proposal for new routine use to be added to an existing system of records.

SUMMARY: The purpose of this document is to propose a new routine use for the Office's Civil Service Retirement and Insurance Records System (OPM/CENTRAL–1). This routine use, once in effect, will permit the discretionary disclosure of data from the Office's Civil Service Retirement and Insurance File to state agencies that provide assistance or other services to individuals to the extent that the disclosure is necessary in order that the appropriate state component take legal, administrative, or corrective action to improve program integrity. This disclosure of information will be used in a state's attempt to eliminate waste, fraud, and abuse in its benefit recipient programs.

DATE: Any interested party may submit written comments regarding this proposal. To be considered, comments must be received by April 25, 1983. Unless a notice to the contrary is published, this routine use will become effective 30 days after the end of the comment period.

ADDRESS: Address comments to: Assistant Director for Pay and Benefits Policy, Office of Personnel Management (Room 4351), 1900 E Street, N.W., Washington, D.C. 20415. Comments received will be available for public inspection at the above address from 9 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Glass, Technical Analysis Division; (202) 632–9677.

SUPPLEMENTARY INFORMATION: Based on recent correspondence and communication among the Office of Personnel Management, the Inspector General's Office at the Department of Labor, and the states of New York and Florida, the President's Council on Integrity and Efficiency (PCIE) Long Range Computer Matching Group has determined that it is prudent to identify Federal retirees on a government-wide basis who are improperly receiving state government benefits or have delinquent debts.

These computer matches will be done in similar fashion to the matches described in the proposed routine use published in the **Federal Register** on February 26, 1982 (47 FR 8438). That routine use permitted OPM to disclose data from the Retirement Annuity Master File to Federal agencies for use in duly authorized matching programs. Based in part on the Federal government experience concerning matching projects, various states perceive similar advantages in terms of program efficiency and elimination of fraud and abuse. One approach is to compare their benefit and delinquency files with information maintained by the Federal government.

The most efficient way of comparing individuals who are recipients of various assistance programs with those who are retired Federal civilian employees is for OPM to provide to the states conducting these various assistance programs, an extract of its Retirement Annuity Master File limited to the relevant data elements.

The disclosure of individual data from the Civil Service Retirement and Insurance File to the states will be for the purpose of conducting computer matching programs. The matches will be conducted in accordance with the Office of Management and Budget's revised "Guidelines for Conducting Matching Programs" (47 FR 21656; May 19, 1982).

During OPM's participation in the formulation of this computer matching project, it was the Office's position that information could be disclosed from the Retirement and Insurance File only if the various recipient states agreed to strictly adhere to OMB's Matching Guidelines. The participating states will be required to submit written requests for the Office's information, including written assurance to the Office that the privacy protections expressed in the Matching Guidelines and other specific protection provisions will be followed. Any subsequent releases for computer matching purposes to local jurisdictions within the states will be subject to the same written assurances to the Office.

Information on individuals that may be disclosed to the various matching states through this routine use includes: The name, social security number, date of birth, sex, OPM claim number, health benefit enrollment code, retirement date, retirement code (type of retirement), annuity rate, pay status of case, correspondence address, and zip code of all Federal retirees and survivors. The Office retains the authority under the proposed routine use to withhold specific data elements from a requesting state if it is believed that the particular elements are not germane to the particular benefit program.

Upon receipt of this information or a portion thereof, and after compliance with the OMB's Guidelines on Matching Programs and written assurances to the Office, the state will conduct a computer match against its various files involving benefit recipients. For each matching record, the state (or local jurisdiction) will conduct a more thorough review of the recipient's status as to the eligibility for assistance and any debt that is owed to that state (or local jurisdiction). This subsequent thorough review by the matching agency is an essential element of this project. The mere existence of an individual's match between a program file and the OPM file will not be itself, or without the individual's prior opportunity to respond, be the cause of any benefit reduction or legal collection action. The matching agency will be required to certify in writing its agreement to these safeguards.

Due to the fact that the information cited is not normally disclosed without the data subject's approval, the routine use is necessary to permit such disclosures. Though these data elements are not considered to be public information, anticipated benefits to the public justify disclosure of this information for computer matching purposes with participating states under safeguards established by those states jointly with the Office to protect against unauthorized disclosure. Disclosure under the proposed routine use will permit the states (and local jurisdictions) to assure greater integrity of their various programs.

The Office fully recognizes that in the proposal authorized by this particular routine use, only the records of former Federal employees and their survivors are being examined and has taken certain steps to protect the privacy of those individuals while furthering the goals of eliminating waste, fraud, and abuse in the recipient programs administered by the states. Care has been taken to determine the best approach to permit the Office's participation and also to comply with the letter and intent of the Privacy Act. Analysis of these concerns was accomplished by the Office staff as well as by various agencies involved with the PCIE Long Range Computer Matching Project. The result of this study was a clear determination that a computer matching program of this nature could be conducted within the framework of the Privacy Act if the conditions described in OMB's Matching Guidelines were followed. It should be noted that the states in their attempts to reduce waste, fraud, and abuse in benefit programs will not be confining their review to Federal employees or Federal retirees. Other programs encompass non-Federal employees who are receiving benefit assistance in the various states (or local jurisdictions) as private citizens.

Disclosure will permit the states (or local jurisdictions) to assure greater integrity of their benefit recipient programs and help assure that Federal employees conduct themselves in a proper manner and not obtain financial benefits in a fraudulent manner. Disclosure under the proposed routine use is compatible with the Federal personnel management responsibility for oversight of Federal employees' and retirees' conduct particularly with regard to the requirement that these individuals comport themselves in a proper manner and not obtain financial benefits in a fraudulent manner.

Important limitations to the Office's supplying of the data are that the states must: (1) Agree to follow the requirements of the OMB's "Guidelines for Conducting Computerized Matching Programs;" (2) not retain the data the Office furnished beyond six months with the tapes either being destroyed by the states or returned to the Office; (3) not utilize the information for matching purposes other than those specifically agreed upon; (4) not use the file to extract information concerning "non-matching" individuals for *any* purpose; and (5) not derivatively use the file or information without the Office's specific permission.

A match between the Civil Service Retirement and Insurance File and the states' programs is not an indication that any illegality has occurred; the match will alert the states, however, that further study is warranted to see if there is any impropriety.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

The following routine use will be added to the OPM's system of records (OPM/CENTRAL-1). The current notice of this system is published at 47 FR 16466 et seq., (April 16, 1982).

OPM/CENTRAL-1

SYSTEM NAME:

Civil Service Retirement and Insurance Records.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

* * * * *

gg. To disclose information contained in the Retirement Annuity Master File including the name, social security number, date of birth, sex, Office of Personnel Management claim number, health benefit enrollment code, retirement date, retirement code (type of retirement), annuity rate, pay status of case, correspondence address, and zip code, of all Federal retirees and their survivors to requesting states to help eliminate fraud and abuse in the benefit programs administered by the states (and by those states to local governments) and to collect debts and overpayments owed to those governments and their components.

* * * * *

[FR Doc. 83-7711 Filed 3-24-83; 8:45 am]

BILLING CODE 6325-1-M

Privacy Act of 1974; Proposed Routine Use for an Exiting System of Records

AGENCY: Office of Personnel Management.

ACTION: Proposal for a new routine use to be added to an existing system of records.

SUMMARY: The purpose of this document is to propose a new routine use for the Office's General Personnel Records System (OPM/GOVT-1). This routine use, once in effect, will permit the discretionary disclosure of data from the Office's Central Personnel Data File (CPDF) to state agencies that provide assistance and other services to individuals to the extent that the disclosure is necessary in order that the appropriate state component take legal, administrative, or corrective action to improve program integrity. This disclosure of information will be used in a state's attempt to eliminate waste, fraud, and abuse in its benefit recipient programs.

DATES: Any interested party may submit written comments regarding this proposal. To be considered, comments must be received on or before April 25, 1983. Unless a notice to the contrary is published, this routine use will become effective 30 days after the comment period.

ADDRESS: Address comments to: Assistant Director for Workforce Information, Office of Personnel Management (Room 5468), 1900 E Street, N.W., Washington, D.C., 20415. Comments received will be available for public inspection at the above address from 9 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: John Sanet, Workforce Records Management Division, (202) 254-9790.

SUPPLEMENTARY INFORMATION: Based on recent correspondence and communication among the Office of Personnel Management, the Inspector General's Office at the Department of Labor, and the states of New York and Florida, the President's Council on Integrity and Efficiency (PCIE) Long Range Computer Matching Project has found that identification of Federal employees who are improperly receiving state government benefits or have delinquent debts can be effectively and efficiently detected through the use of computer matching techniques on a government-wide basis.

These computer matches will be done in similar fashion to the matches described in the propsoed routine use published in the **Federal Register** on February 26, 1982 (47 FR 8438). That

routine use permitted OPM to disclose data from the Central Personnel Data File (CPDF) to Federal agencies for use in duly authorized matching programs. Based in part on the Federal government experience concerning computer matching projects, various states perceive similar advantages in terms of program efficiency and elimination of fraud and abuse. One approach is to compare their benefit and delinquency files with information maintained by the Federal government.

The most efficient way of comparing individuals who are recipients of various assistance programs with those who are active Federal civilian employees is for OPM to provide an extract of its Central Personnel Data File (CPDF) limited to the relevant data elements to the states conducting these various assistance programs.

The disclosure of individual data from the CPDF to the states will be for the purpose of conducting computer matching programs. The CPDF is part of the OPM/GOVT–1 system of records. The matches will be conducted in accordance with the Office of Management and Budget's revised "Guidelines for Conducting Computerized Matching Programs" (47 FR 21656; May 19, 1982).

During OPM's participation in the formulation of this computer matching project, it was the Office's position that information could be disclosed from the CPDF only if the various recipient states agreed to strictly adhere to OMB's Matching Guidelines. The individual particpating states will be required to submit written requests for the Office's information, including written assurance to the Office that the privacy protections expressed in the Matching Guidelines and other specific protection provisions will be followed. Any subsequent releases for computer matching purposes to local jurisdictions within the states will be subject to the same written assurances to the Office.

Information on individuals that may be disclosed to the various matching jurisdictions through this routine use includes: Name, social security number, date of birth, sex, annualized salary rate, separation date, occupational series, position occupied, work schedule, agency identifier, agency subelement identifier, geographic duty location, special program identifier, and submitting office number. The Office retains the authority under the proposed routine use to withhold specific data elements from a requesting state if it is believed that the particular elements are not germane to the particular benefit program.

Upon receipt of this information or a portion thereof, and after compliance with the OMB Guidelines on Matching Programs and written assurances to the Office, the state will computer match it against its various files involving benefit recipients. For each matching record, the state (or local jurisdiciton) will conduct a more thorough review of the recipeint's status as to eligibility for assistance and any debt that is owed to that state (or local jurisdiction). This subsequent thorough review by the matching agency is an essential element of this project. The mere existence of an individual's match between a program file and the OPM file will not by itself, or without the individual's prior opportunity to respond, be the cause of any benefit reduction or legal collection action. The matching agency will be required to certify in writing its agreement to these safeguards.

Under Office regulations (5 CFR 294.702), the disclosure of the name, agency, salary, and duty station location (including agency identifier, agency subelement identifier, and submitting officer number) is permitted without the data subject's prior approval. Thus, the routine use is necessary to permit the disclosure of the other data cited in the proposed routine use. Though these other data are not considered to be public information, anticipated benefits to the public justify disclosure of this information for computer matching purposes with participating states under safeguards established by those states jointly with the Office to protect against unauthorized disclosure. Disclosure under the proposed routine use will permit the states (and local jurisdictions) to assure greater integrity of their various programs.

The Office fully recognizes that in the proposal authorized by this particular routine use, only the records of Federal employees are being examined and has taken certain steps to protect the privacy of those individuals while furthering the goals of eliminating waste, fraud, and abuse in the recipient programs administered by the states. Care has been taken to determine the best approach to permit the Office's participation and also to comply with the letter and intent of the Privacy Act. Analysis of these concerns was accomplished by the Office staff as well as by various agencies involved with the PCIE Long Range Computer Matching Project. The result of this study was a clear determination that a computer matching program of this nature could be conducted within the framework of the Privacy Act if the conditions described in OMB's Matching Guidelines were followed. It should be noted that the states in their attempts to reduce waste, fraud, and abuse in benefit programs will not be confining their review to Federal employees or Federal retirees. Other programs encompass non-Federal employees who are receiving benefit assistance in the various states (or local jurisdictions) as private citizens.

Disclosure will permit the states (or local jurisdictions) to assure greater integrity of their benefit recipient programs and help assure that Federal employees conduct themselves in a proper manner and not obtain financial benefits in a fraudulent manner. Disclosure under the proposed routine use is compatible with the Federal personnel management responsibility for oversight of Federal employees' and retirees' conduct, particularly with regard to the requirement that these employees comport themselves in a proper manner and not obtain financial benefits in a fraudulent manner.

Important limitations to the Office's supplying of the data are that the states must: (1) Agree to follow the requirements of the OMB's "Guidelines for Conducting Computerized Matching Programs;" (2) not retain the data the Office furnished beyond six months with the tapes either being destroyed by the states or returned to the Office; (3) not utilize the information for matching purposes other than those specifically agreed upon; (4) not use the file to extract information concerning "non-matching" individuals for *any* purpose; and (5) not derivatively use the file or information without the Office's specific permission.

A match between the CPDF and the states' programs is not an indication that any illegality has occurred; the match will alert the states, however, that further study is warranted to see if there is any impropriety.

U.S. Office of Personnel Management

Donald J. Devine,

Director.

The following routine use will be added to the Office of Personnel Management's government-wide system of records (OPM/GOVT–1). The current notice of this system is published at 47 FR 16466 et seq., April 16, 1982.

OPM/GOVT–1

SYSTEM NAME:

General Personnel Records.

. . . . .

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

* * * * *

hh. To disclose information contained in the Central Personnel Data File including the name, social security number, date of birth, sex, annualized salary rate, separation or retirement date, retirement status, occupational series, position occupied, work schedule (full-time, part-time, or intermittent), agency identifier, geographic location (duty station location), standard metropolitan statistical area, special program identifier, and submitting office number, of Federal employees to requesting states (and by those states to local governments) for use in computer matching to help eliminate fraud and abuse in the benefit programs administered by the states and to collect debt and overpayments owed to those governments and their components.

* * * * *

[FR Doc. 83-7712 Filed 3-23-83; 8:45 am]
BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22876; (70-6838)]

Western Massachusetts Electric Co.; Proposed Authorization, Issuance, and Sale of Preferred Stock and Depositary Preferred Shares

March 9, 1983.

Western Massachusetts Electric Company ("WMECO"), 174 Brush Hill Avenue, West Springfield, Massachusetts, an electric utility subsidiary of Northeast Utilities, a registered holding company, has filed an application, and amendments thereto, pursuant to Section 6(a) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

WMECO proposes to issue and sell not later than December 31, 1983, up to $50 million (500,000 shares) of its —% Preferred Stock, Series D, with a par value of $100 per share (the "Preferred Stock, Series D" or, collectively with Series E below "Preferred Stock") to underwriters for deposit with The Connecticut Bank and Trust Company as Depositary. The underwriters will receive depositary receipts ("Depositary Receipts") from the Depositary and deliver them to repurchasers in a subsequent public offering. The Depositary Receipts received will evidence up to 2,000,000 Depositary Preferred Shares, each representing ¼th share of Preferred Stock, Series D. The owner of a Depositary Preferred Share will be entitled, proportionally, to all of the rights and preferences (including dividends, redemption, liquidation and voting rights) of the underlying Preferred Stock, Series D. The dividend rate of the Preferred Stock, Series D (which shall be a multiple of 0.08%), the price, exclusive of accrued dividends, to be paid to WMECO (which shall not be less than $100 nor more than $102.75 per share), and the underwriters' compensation will be determined by competitive bidding. Under certain circumstances, upon notice to the holders of Depositary Preferred Shares, the deposit arrangements may be terminated. The terms shall restrict for approximately five years redemption of the Preferred Stock with funds borrowed or stock, of prior or equal ranking, issued with an effective cost less than the effective cost of the Preferred Stock.

If market conditions at the proposed time of issue do not permit all 500,000 shares to be issued in a single offering, WMECO proposes to effect a smaller issue. If, having effected one issue, market conditions permit an additional offering at a later time, WMECO proposes to offer additional shares, at any time before December 31, 1983, in an amount equal to or less than the difference between 500,000 shares and the number of shares offered and sold in the first offering. The second issue would be designated the Preferred Stock, Series E, but in all other respects would be offered and sold in the manner described herein with respect to the Preferred Stock, Series D.

WMECO has been advised by its financial advisors that an issue of preferred stock with an adjustable rate may offer the potential for savings compared with the effective cost of a conventional fixed rate issue of preferred stock. Therefore, WMECO may issue Preferred Stock with an adjustable dividend rate. If such an option is chosen for either series, the initial dividend rate would be a fixed percentage rate to be set as part of the terms of the sale. However, for all subsequent dividend payment periods the annual dividend per share would, subject to maximum (not higher than 15 percent per annum) and minimum (not lower than 6 percent per annum) rates that would be fixed by WMECO, be computed at a fixed percentage rate (which would be set as part of the terms of sale) above or below the Applicable Rate (as described below), from time to time in effect, for each subsequent quarterly dividend period.

The Applicable Rate for any dividend period would be the highest of: (i) The Three-month Treasury Bill Rate, (ii) the Ten Year Constant Maturity Rate and (iii) the Twenty Year Constant Maturity Rate for such dividend period. If WMECO determines that for any reason one or more of such rates cannot be determined for any dividend period, then the Applicable Rate for such dividend period would be the higher of whichever of such rates can be so determined. If WMECO determines that none of such rates can be determined for any dividend period, then the Applicable Rate in effect for the preceding dividend period would be continued for such dividend period.

WMECO believes that the sale of the Preferred Stock may require the assistance of underwriters, dealers or agents if market conditions at the time of the offering of the securities are unfavorable. Accordingly, WMECO may amend this application to seek an exception from Rule 50 for either the fixed rate or adjustable rate Preferred Stock so that it may offer Preferred Stock through a negotiated offering.

WMECO may also use alternative competitive bidding procedures in accordance with the Commission's delayed or continuous offering and sale procedures contained in Rule 415, 17 CFR 230.45, for the sale of the Preferred Stock. Pursuant to Rule 50(a)(5) of the Act, the Commission has issued a statement of policy (HCAR No. 22623, September 2, 1982), authorizing until definitive Commission action on Rule 415, the use of alternative competitive bidding procedures in lieu of the procedures prescribed by Rule 50(b).

The net proceeds from the issuance and sale of the Preferred Stock will be used to repay in part short-term borrowings (consisting of bank loans and commercial paper) and construction trust borrowings, which were incurred to finance WMECO's construction program and, in the case of short-term borrowings, for general working capital purposes. WMECO's 1983–1984 construction program (including allowance for funds used during construction but excluding nuclear fuel) is expected to total about $207 million, of which $100 million is expected to be expended in 1983 and $107 million is expected to be expended in 1984.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 31, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an

attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7721 Filed 3-24-83; 8:45 am]

BILLING CODE 8010-01-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document consists of a new survey. The entry contains the following information: (1) The department or staff office issuing the form; (2) the title of the form; (3) the agency form number, if applicable; (4) how often the form must be filled out; (5) who will be required or asked to report; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form; and (8) an indication of whether section 3504(H) of Pub. L. 96-511 applies.

ADDRESS: Copies of the proposed form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC, 20420 (202) 389-2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503 (202) 395-7316.

DATES: Comments on the form should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: March 18, 1983.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

New Survey

(1) Veterans Administration, Office of Reports and Statistics.

(2) Survey of Aging Veterans.

(3) N/A.

(4) This collection of data is a one-time process.

(5) The survey will be conducted among a national probability sample of 3,000 veterans who are aged 55 or older, living in the 48 coterminous United States and the District of Columbia.

(6) 3,000 responses.

(7) 3,200 hours.

(8) Not applicable under 3504(H).

[FR Doc. 83-7708 Filed 3-24-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 59
Friday, March 25, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, April 1, 1983.

PLACE: 2033 K Street, NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-413-83 Filed 3-23-83; 11:28 am]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 am., Tuesday, March 29, 1983.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:
CBT 90-Day U.S. T-Bill Contract
CBT Crude Oil Contract
NYME Crude Oil Contract
Arbitration/Final Rules
Introducing Broker Proposed Rules

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-414-83 Filed 3-23-83; 11:28 am]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, March 25, 1983.

PLACE: 2033 K Street, NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-415-83 Filed 3-23-83; 11:28 am]

BILLING CODE 6351-01-M

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, March 29, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room 200, second floor, of Columbia Plaza Office Building, 2401 E Street NW., Washington, DC. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. Report on Commission Operations (Optional).
3. Proposed **Federal Register** Notice: Voluntary Assistance Program.
4. Proposed EEO Management Directive 712: Comprehensive Affirmative Action Programs for Hiring, Placement, and Advancement of Handicapped Individuals.

Closed:

1. Litigation Authorization; General Counsel Recommendations.
2. Consideration for Withdrawal of Certain Charges.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

This Notice Issued March 22, 1983.

[S-409-83 Filed 3-23-83; 10:29 am]

BILLING CODE 6570-06-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 4:30 p.m. on Tuesday, March 22, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Request of Imperial Bank, Los Angeles, California, for an extension of time within which to establish its branch to be located at 1925 Century Park East, Los Angeles, California.

Application for assistance under section 13(c) of the Federal Deposit Insurance Act: Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: March 23, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-416-83 Filed 3-23-83; 3:41 pm]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (15 U.S.C. 552b(e)(2)), notice is hereby given that at its open

meeting held at 4:00 p.m., on Tuesday, March 22, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Volunteer State Bank, Portland, Tennessee, an insured State nonmember bank, for consent to merge, under its charter and title, with Bank of Hendersonville, Hendersonville, Tennessee, and to establish the two offices of Bank of Hendersonville as branches of the resultant bank.

Recommendations regarding the Corporation's assistance agreement involving an insured bank pursuant to section 13(c) of the Federal Deposit Insurance Act.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,635–NR (Amended)—Penn Square Bank, National Association, Oklahoma City, Oklahoma.

Resolution re: Amended Delegations of Authority relating to the FDIC Capital Assistance Plan.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: March 23, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–417–83 Filed 3–23–83; 3:41 pm]

BILLING CODE 6714–01–M

7

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 11808, Monday, March 21, 1983.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

CHANGES IN THE MEETING: The Bank Board meeting previously scheduled for Thursday, March 24, 1983, at 1:30 p.m. has been cancelled.

[No. 28, March 23, 1983]

[S–410–83 Filed 3–23–83; 11:25 am]

BILLING CODE 6720–01–M

8

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

(Northwest Power Planning Council)

ACTION: Meeting notice.

STATUS: Open.

TIME AND DATE: 9:00 a.m., April 27–28, 1983.

PLACE: Federal Building, South Auditorium, 915 Second Avenue, Seattle, Washington.

MATTERS TO BE CONSIDERED:

- Adoption of Regional Conservation and Electric Power Plan.
- Approval of Council minutes.
- Council administrative matters.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong, (503) 222–5161.

Edward Sheets,

Executive Director.

[S–411–83 Filed 3–23–83; 11:25 am]

BILLING CODE 3000–00–M

9

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

(Northwest Power Planning Council)

ACTION: Meeting notice.

STATUS: Open.

TIME AND DATE: 9:00 a.m., April 6–7, 1983.

PLACE: Northwest Power Planning Council, 700 S.W. Taylor, Suite 200, Portland, Oregon.

MATTERS TO BE CONSIDERED:

- Discussion of Staff Analysis of Comments on the Draft Energy Plan.
- Approval of Council minutes.
- Council Administrative matters.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong, (503) 222–5161.

Edward Sheets,

Executive Director.

[S–412–83 Filed 3–23–83; 11:25 am]

BILLING CODE 0000–00–M

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federal register

Friday
March 25, 1983

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arkansas:	
AR82–4006	Feb. 12, 1982
AR82–4036	July 9, 1982.
AR82–4037	July 9, 1982
AR82–4038	July 23, 1982.
AR82–4039	July 23, 1982
Colorado: CO81–5149	Sept. 4, 1981.
New York: NY81–3039	June 12, 1981.
Georgia:	
GA82–1058	Oct. 8, 1982.
GA82–1059	Oct. 8, 1982.
GA83–1002	Jan. 21, 1983
GA83–1003	Jan. 21, 1983.
Illinois: IL83–2011	Feb. 18, 1983
New York: NY82–3035	Sept. 3, 1982.
Oregon: OR83–5106	Mar. 18, 1983.
Massachusetts: MA81–3050	Aug. 28, 1981.
Missouri:	
MO82–4066	Dec. 27, 1982.
MO82–4047	Oct. 1, 1982.
MO82–4069	Dec. 17, 1982.
Pennsylvania:	
PA81–3043	July 17, 1981.
PA81–3027	July 17, 1981.
PA81–3029	July 10, 1981.
PA81–3091	Dec. 28, 1981.
PA81–3068	Sept. 25, 1981.
PA82–3010	Mar. 5, 1982
PA82–3028	Sept. 10, 1982.
PA82–3027	Oct. 8, 1982.
Texas:	
TX83–4002	Jan. 7, 1983
TX83–4007	Jan. 7, 1983
Virginia: VA82–3033	Dec. 3, 1982
Wisconsin:	
WI82–2015	Mar. 12, 1982
WI82–2020	Mar. 26, 1982
WI82–2016	Mar. 12, 1982
WI82–2017	Mar. 19, 1982
WI82–2018	Mar. 19, 1982

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Indiana: IN80–2019 (IN83–2026)	Apr. 11, 1980
Mississippi: MS81–1285 (MS83–1014)	Sept. 4, 1981
New York: NY81–3022 (NY83–3003)	Apr. 3, 1981.
Ohio: OH81–2014 (OH83–2027)	Apr. 10, 1981.
Utah: UT82–5121 (UT83–5108)	Sept. 3, 1982

Signed at Washington, D.C., this 18th day of March 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION #AR82-4006-Mod.#6
47FR6547-February 12, 1982
Sebastian, Crawford and Washington Counties, Arkansas

CHANGE:
SEBASTIAN & CRAWFORD COS.

	Basic Hourly Rates	Fringe Benefits
Sheet metal workers	$14.08	3%+1.93

DECISION #AR82-4036-Mod.#4
47FR29974-July 9, 1982
Pulaski County, Arkansas

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Sheet metal workers	$14.08	3%+1.93

DECISION #AR82-4037-Mod.#3
47FR29975-July 9, 1982
Jefferson County, Arkansas

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Sheet metal workers	$14.08	3%+1.93

DECISION #AR82-4038-Mod.#3
47FR32032-July 23, 1982
Union and Ouachita Counties, Arkansas

CHANGE:
ELECTRICIANS & LINE CONSTRUCTIONS

	Basic Hourly Rates	Fringe Benefits
Electrical contracts $20,000.00 or less:		
Electricians-Linemen	$15.09	3%%
Cable splicers	15.39	3%%
Electrical contracts over $20,000.00:		
Electricians-Linemen	$15.88	3%%
Cable splicers	16.18	3%%
PLUMBERS-PIPEFITTERS	14.75	1.65

DECISION #AR82-4039-Mod. #3
47FR32033-July 23, 1982
Garland, Clark and Hot Springs Counties, Arkansas

CHANGE:

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS-STONEMASONS:		
Garland & Clark Cos.	$12.75	.60
SHEET METAL WORKERS	14.08	3%+1.93
PAINTERS:		
Brush and roller	9.25	
Paperhanging	9.75	
Sheet rock (tape and float only)	9.75	
Stage and steel	11.25	
Spray and Sandblasting	12.50	
Painters operating any kind of taping or floating machine	13.00	

DECISION NO. CO81-5149 - Mod. #4
(46 FR 41620 - September 4, 1981)
Statewide, Colorado

Omit: Montezuma Co.
Omit:
The following classifications and wage rates:
Carpenters:
Underground Carpenters
Laborers:
Tunnels
Power Equipment Operators:
(For work in Tunnels, Shafts, and raises)

DECISION NO. NY81-3039 - MOD. #5
(46 FR 31189 - June 12, 1981)
MONROE COUNTY, NEW YORK

CHANGE:

	Basic Hourly Rates	Fringe Benefits
ROOFERS	1[illegible].[illegible]	1.9[illegible]

Modification Page 2

DECISION #GA82-1058 - Mod. #2
(47 FR 44665 - October 8, 1982)
Chatham County, Georgia

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Asbestos workers	$14.29	2.41
Boilermakers	16.20	3.315
Ironworkers	13.60	1.93

DECISION #GA82-1059 - Mod. #3
(47 FR 44664 - October [illegible], 1982)
Richmond County, Georgia

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Boilermakers	$16.20	3.315
Ironworkers	13.60	1.93
Plumbers & Pipefitters	14.33	1.88

DECISION #GA83-1002 - Mod. #1
(48 FR 2930 - January 21, 1983)
Clayton, DeKalb, & Fulton Counties, Georgia

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Asbestos workers	$15.35	2.20
Boilermakers	16.20	3.315
Bricklayers & Stone masons	13.52	2.55
Carpenters, Drywall hangers, & Resilient floor layers:		
Projects 10 stories or less, and hospital contracts $10,000,000,00 or less	12.75	1.77
All other projects	14.00	1.77
Marble masons, Tile setters, & Terrazzo workers	13.52	2.48
Plumbers & Pipefitters	14.90	2.24
Sheet metal workers	14.54	2.29

DECISION #GA83-1003 - Mod. #1
(48 FR 2931 - January 21, 1983)
DeKalb & Fulton Counties, Georgia

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Bricklayers	$13.52	2.55
Carpenters:		
Subway Construction Projects	14.00	1.77
All Other Construction Projects	12.75	1.77
Plumbers & Pipefitters	14.90	2.24
Sheet metal workers	14.54	2.29

DECISION NO. IL83-2011 - MOD. #2
(48 FR 7368 - February 18, 1983)
Cook County, Illinois

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians	$17.55	$3.68

DECISION NO. NY82-3035 - MOD. #5
(47 FR 39079 - Sept. 3, 1982)
ORANGE COUNTY, NEW YORK

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
PAINTERS	16.75	5.35
IRONWORKERS	13.15	9.17

[illegible], OR83-9106 - Mod. #1
March 18, 1983
Lane, Linn, and Marion Counties, Oregon

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Sheet Metal Workers:		
Linn & Marion Counties	$12.1[illegible]	$1.[illegible]

Modification Page 3

DECISION NO. MA81-3050 - MOD. #5 (46 FR 43625 - August 28, 1981) WORCESTER COUNTY, MASS.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS		
Warren, W. Warren	16.13	1.38+3%
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Luneburg, Phillipston, Westminster and Winchendon	15.80	2.12+3%
Remainder of County	16.00	1.81+ 11%
PAINTERS		
Reminder of County		
Brush	15.08	2.80
Steel	17.20	2.80
Sandblasting & Spray	16.08	2.80
Repaint	12.82	2.80
Residential	11.31	2.80

DECISION #MO82-4066-Mod.#1 (47 FR 57615-December 27, 1982) Boone, Cooper and Howard Cos., Missouri	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers	$17.29	$3.30
Bricklayers; Stonemasons & Tile Layers	13.75	.50
Carpenters:		
Carpenters & Lathers	13.45	.83
Millwrights	14.10	.83
Piledrivers	13.85	.83
Plumbers; Pipefitters	16.38	2.27
Laborers:		
Group 1	11.75	1.15
Group 2	12.00	1.15
Group 3	12.10	1.15
Power Equipment Operators:		
Boone County:		
Group 5:		
(f)	16.17	3.00
(g)	16.67	3.00
(h)	17.17	3.00

DECISION #MO82-4047-Mod.#1 (47 FR 43524-October 1, 1982) Greene County, Missouri	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers	$17.44	$1.75
Electricians:		
Electricians	14.55	9%+ 1.74
Cable Splicers	14.95	9%+ 1.74
Ironworkers	15.025	3.75
Plumbers & Pipefitters	15.17	1.33

DECISION #MO82-4069-Mod.#1 (47 FR 56603-December 17, 1982) Pettis and Saline Counties, Missouri	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers	17.29	3.30
Bricklayers, Stonemansons, Tile Layers	13.75	.50
Carpenters (Pettis Co.):		
Carpenters & Lathers	12.75	1.03
Millwrights	13.25	1.03
Piledrivers	12.875	1.03
Electricians (Pettis Co.):		
Contracts not exceeding 2000 man hours	15.18	2.51+ 10%
Contract exceeding 2000 man hours	16.18	2.51+ 10%
Electricians (Saline Co.):		
Contracts not exceeding 2000 man hours	14.58	2.51+ 10%
Contracts exceeding 2000 man hours	16.18	2.51+ 10%
Elevator Constructors:		
Elevator Constructors	16.53	2.465+ a
Laborers (Pettis Co.):		
Group 1	9.575	2.60
Group 2	9.675	2.60
Group 3	9.90	2.60
Laborers (Saline Co.):		
Group 1	12.00	1.76
Group 2	12.15	1.76
Group 3	12.30	1.76

Modification Page 4

DECISION NO. PA81-3043 MOD. NO. 10 (46 FR 37212 - July 17, 1981) Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers	$15.78	3.99
Electricians:		
Zone 2	16.72	5.63+ 3%
Zone 3	17.50	1.50+
Glaziers	14.23	4.45
Millwrights	13.91	3%?
Plasterers		
Zone 1	13.54	3.02
Plumbers:		
Zone 3	15.80	3.59
Terrazzo Workers		
Zone 1	14.30	3.51
Line Construction:		
Zone 1		
Lineman	18.24	.60+ 3-3/8%
Winch truck operator	12.77	.60+ 3-3/8%
Groundman	10.94	.60+ 3-3/

DECISION NO. PA81-3027 - MOD. #10 (46 FR 37212 - July 17, 1981) FRANKLIN COUNTY, PA.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS	15.76	2.04
LABORERS	10.82	20%

DECISION NO. PA81-3029 - MOD. #8 (46 FR 35891 - July 10, 1981) BLAIR COUNTY, PA.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS	15.78	3.99
ELECTRICIANS	17.70	2.85+ 3%
GLAZIERS	14.23	4.45
IRONWORKERS	14.165	3.43+
LABORERS	11.08	20%

DECISION NO. PA81-3091 - MOD. #6 (46 FR 62761 - Dec. 28, 1981) GREENE, SOMERSET & POTTER COUNTIES, PENNSYLVANIA	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS		
Greene & Somerset Cos.	15.78	3.99
BOILERMAKERS	17.88	2.415
GLAZIERS		
Greene & Somerset Cos.	14.23	4.45
LABORERS:		
Somerset County		
Class 1	11.08	20%
Class 2	11.43	20%
Class 3	11.68	20%
Class 4	11.58	20%
Class 5	11.15	20%
Potter County		
Class 1	12.50	20%
Class 2	12.75	20%
Class 3	13.30	20%
LINE CONSTRUCTION:		
Greene & Somerset Cos.:		
Linemen	18.24	.60+3 3/8%
Groundman	10.94	.60+3 3/8%
Winch Truck Op.	12.77	.60+3 3/8%
PLUMBERS:		
Remainder of County	15.80	3.59
PLASTERERS		
Greene County	13.54	3.02

DECISION NO. PA81-3068 - MOD. #10 (46 FR 47403 - Sept. 25, 1981) LEBANON COUNTY, PA.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ROOFERS:		
Composition, damp & waterproofing	16.92	2.36+a

Modification Page 5

Modification Page 6

DECISION NO. PA82-301■ - MOD. #6 (■7 FR 9684 - March ■, 1982) CLINTON, CENTRE, HUNTINGDON, FULTON & MIFFLIN COUNTIES, PENNSYLVANIA	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BOILERMAKERS	17.88	2.41■
LABORERS:		
Clinton County		
Unskilled Laborers	11.08	20%
Plasterers Tenders	11.15	20%
Centre, Huntingdon, Fulton and Mifflin Cms.:		
Unskilled Laborers	10.■2	20%
Plasterers Tenders	10.■7	20%
■INE CONSTRUCTION:		
Centre, Fulton & Huntingdon Counties		
Lineman	18.24	.60+3 3/8%
Groundman	10.94	.60+3 3/8%
Winch truck op.	12.77	.60+3 3/8%
ELECTRICIANS:		
Fulton, Huntingdton and Remainder of Centre County	17.70	2.85+3%
ADD:		
GLAZIERS	14.23	4.45

DECISION NO. PA82-3028 - MOD. #4 (47 FR 39972 - Sept. 10, 1982) ELK, FOREST, MCKEAN & WARREN COUNTY, PA.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS		
Elk County	15.78	3.99
BRICKLAYERS, CEMENT MASONS & STONEMASONS:		
Elk, McKean and Warren Counties	14.90	2.40
ELECTRICIANS		
Elk & McKean Counties	17.70	2.85+3%
GLAZIERS		
Elk County	14.23	4.45
LABORERS:		
Common laborers, carpenter tender, scaffold builder for masons, window cleaner, from stripper and mover, scaffold and mover, scaffold and runways, building materials handlers (Loading and Unloading), concrete pitman, puddler, mason tender	12.50	20%
Mechanical tampers (power) powered wheelbarrows and work worklifts, sweepers and similar, mortar mixer, bell bottom man on furnaces and stacks, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's helper (Includes drill mounted truck, track or similar) sheeters and shores, vibrator operators, power tamper operators, y-gun, burner-cutting torch, carryayable pumps, chain saw op., pipe layers all material conveyors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance man, west brick buggies or similar, scaffold builder for		

DECI■ION NO. PA82-3028 - (CONT'■)	Basic Hourly Rates	Fringe Benefits
LABORERS: (CONT'D)		
plasterers' regardless of height, hod carrier, plasterer tender, form cleaning machine operator, plasterer applicating and/or pump machine operator, paving breaker, asphalt raker, lancer, berfix cutting tool, gunnite potman, blacksmith, tool dresser (cable tool)	12.75	20%
Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and tamper, welder, driller (cable tools)	13.30	20%
Wrecking Laborers	12.50	20%
Low Burner	12.75	20%
Jackhammer Operator	12.75	20%
High Burner	13.55	20%
High Burner Helper	13.25	20%
■ILLWRIGHTS		
Elk, FOrest & McKean Counties	13.91	39½%

DECISION NO. PA82-3027 - MOD. #4 (47 FR 44670 - October 8, 1982) BEDFORD, CAMBRIA, CAMERON, CLARION, CLEARFIELD, JEFFERSON, CRAWFORD & VENANGO COUNTIES, PENNSYLVANIA	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS		
Zone 1	15.78	3.99
BRICKLAY■RS & STONEMASONS		
Zone 4	14.90	2.40
ELECTRICIANS		
Zone 1	17.70	2.85+3%
GLAZIERS		
Zone 1	14.23	4.45
LABORERS		
Zone 3		
Class I	12.50	20%
Class II	12.75	20%
Class III	13.30	20%
Zone 5		
Class I	10.82	20%
Class II	11.17	20%
Class III	11.42	20%
Class IV	11.32	20%
Class V	10.87	20%
Zone 6		
Class I	11.08	20%
Class II	11.43	20%
Class III	11.68	20%
Class IV	11.58	20%
Class V	11.15	20%
LANDSCAPING		
Zone 2		
Class 1	11.50	20%
LINE CONSTRUCTION		
Zone 1		
Class I	18.24	.60+3 3/8%
Class II	10.94	.60+3 3/8%
Class III	12.77	.60+3 3/8%
MILLWRIGHTS	13.91	.39½%
ELECTRICIANS:		
Zone 2	16.72	5.63+3%
Zone 3	17.70	1.50+3%

Modification Page 7

DECISION NO. TX83-4002-MOD. #3
(48 FR 931 - 1/7/83)
Armstrong,Carson,Castro, Childress,Collingsworth, Dallam,Deaf Smith,Donley,Gray,Hansford,Hartley,Hemphill,Hutchinson,Lipscomb,Moore, Ochiltree,Oldham, Potter,Randall,Roberts, Sherman,Swisher & Wheeler Cos., Texas

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Ironworkers - Zone 2	$12.625	2.95

DECISION NO. TX83-4007 - MOD. #3
(48 FR 932 - 1/7/83)
Wichita County,Texas

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Ironworkers:		
Structural;Ornamental & Reinforcing	12.50	2.95
Ironworkers on jobs 30 miles or more from the City of Wichita Falls	12.625	2.95

DECISION NO. VA82-3033-Mod #2
(47 FR 54744-December 3, 1982)
Henrico County & the Independent City of Richmond

CHANGE:
MOD. # 1 to DECISION NO. VA82-3022 published on February 18,1983 on page 7364 to read: DECISION NO. VA82-3033-MOD. # 1 (47 FR 54744-DECEMBER 2,1982)
Henrico County & the Independent City of Richmond
CHANGE:
CARPENTERS

	Basic Hourly Rates	Fringe Benefits
	$12.08	1.78

DECISION NO. WI82-2015 - MOD. #1
(47 FR 10965 - March 12, 1982)
Chippewa, Eau Claire, and Pepin Counties, Wisconsin

Change:

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers	$17.08	3.00
Boilermakers	16.12	2.325
Bricklayers	14.15	1.80
Carpenters, Lathers, & Soft Floor Layers	13.76	1.91
Cement Masons	14.15	1.80
Electricians	15.66	13½%
Elevator Constructors	16.43	2.465 +a&b
Helpers	11.50	2.465 +a&b
Probationary Helpers	8.215	
Ironworkers	16.05	2.59
Glaziers	13.08	.70
Laborers:		
General	11.72	1.43
Mason Tenders	11.97	1.43
Jackhammer Operator	12.02	1.43
Line Construction:		
Lineman	15.47	.65+ 10½%
Heavy Equipment Operators	13.92	.65+ 10½%
Light Equipment Operators	12.38	.65+ 10½%
Heavy Groundman - Truck Drivers	10.83	.65+ 10½%
Light Groundman - Truck Drivers	10.06	.65+ 10½%
Groundmen	8.51	.65+ 10½%
Millwrights & Piledrivermen	14.16	1.91
Painters:		
Brush	13.00	.15+ 5%
Spray and Sandblasting	13.50	.15+ 5%
Structural Steel	14.00	.15+ 5%

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DECISION NO.WI82-2015 (Cont'd):

	Basic Hourly Rates	Fringe Benefits
Plumbers & Steamfitters	14.42	3.55
Roofers	14.12	3%
Sheet Metal Workers	15.64	1.56
Truck Drivers:		
2 Axle	12.30	1.457
3 or more Axles	12.30	1.457
Power Equipment Operators:		
Group I	15.22	2.85
Group II	14.92	2.85
Group III	14.56	2.85
Group IV	14.44	2.85
Group V	13.88	2.85
Group VI	13.41	2.85

DECISION NO. WI82-2020 - MOD. #1
(47 FR 13111 - March 26, 1982)
Kenosha County, Wisconsin

Change:

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers	$16.50	2.70
Boilermakers	16.12	2.825
Bricklayers & Stonemasons	14.77	1.97
Carpenters, Soft Floor Layers & Lathers	14.16	2.10
Millwrights	14.48	2.10
Piledrivermen	14.25	2.10
Cement Masons	12.42	2.81
Electricians	17.50	.71+ 4 3/4%
Elevator Constructors	15.975	2.465
Helpers	11.18	2.465
Helpers (Probationary)	7.99	
Ironworkers:		
Structural, Ornamental and Reinforcing	14.81	4.49
Painters:		
Brush	11.975	2.25
Structural Steel	12.125	2.25
Swing Stage	12.175	2.25
Spray & Sandblaster	12.725	2.25
Plasterers & Steamfitters	15.48	2.59
Roofers	13.32	1.66
Sheet Metal Workers	15.16	3.79
Terrazzo Workers	14.60	3.88
Tile Setters	11.96	2.97
Laborers:		
General	10.62	3.29
Plaster Tender	10.77	3.29
Air and Electric Tool Operator	10.92	3.29
Jackhammer Operator	11.32	3.29
Power Equipment Operators:		
Group I	15.22	2.90
Group II	14.92	2.90
Group III	14.56	2.90
Group IV	14.44	2.90
Group V	13.88	2.90
Group VI	13.41	2.90
Plumbers & Steamfitters	15.48	2.59

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Modification Page 10

DECISION NO. WI82-2017(Cont'd)

	Basic Hourly Rates	Fringe Benefits
Power Equipment Operators:		
Group I	15.22	2.90
Group II	14.92	2.90
Group III	14.56	2.90
Group IV	14.44	2.90
Group V	13.88	2.90
Group VI	13.41	2.90

DECISION NO. WI82-2016 - MOD. #1 (47 FR 10968 - March 18, 1982) Green & Rock Counties, Wisconsin	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers	$15.88	2.67
Boilermakers	16.12	2.285
Bricklayers & Stonemasons	13.83	2.47
Carpenters & Soft Floor Layers	15.59	2.21
Millwrights	16.19	2.21
Piledrivermen	15.74	2.21
Cement Masons	13.80	2.30
Electricians	15.58	.72+ 13%
Elevator Constructors:		
Southern Portion	17.02	2.435
Northern Portion	15.22	2.435
Elevator Constructors' Helpers:		
Southern Portion	11.92	2.435
Northern Portion	10.65	2.435
Elevator Constructors' Helpers (Prob.):		
Southern Portion	8.51	
Northern Portion	7.61	
Glaziers:		
Northern 2/3 of Cos.	15.08	1.58
Southern 1/3 of Cos.	13.43	2.79
Ironworkers:		
Vic. of Edgerton, Milton, Poolville & Evansville	14.08	2.85
Vic. of Jonesville, Shapier	17.00	2.375
Laborers:		
General	11.37	1.43
Mortar Mixers	11.62	1.43
Line Construction:		
Linemen	15.47	.65+ 10½%
Heavy Equipment Op.	13.92	.65+ 10½%
Light Equipment Op.	12.38	.65+ 10½%
Heavy Groundman Truck Driver	10.83	.65+ 10½%
Light Groundman Truck Driver	10.06	.65+ 10½%
Groundmen	8.51	.65+ 10½%

	Basic Hourly Rates	Fringe Benefits
Painters:		
Brush & Structural Steel	13.10	1.81
Swing State	13.35	1.81
Spray	14.10	1.81
Plasterers	13.45	2.30
Plumbers & Steamfitters	17.25	2.30
Roofers	16.97	1.68
Sheet Metal Workers	16.80	2.11
Tile Setters	13.83	2.47
Power Equipment Operators:		
Group I	15.22	2.90
Group II	14.92	2.90
Group III	14.56	2.90
Group IV	14.44	2.90
Group V	13.88	2.90
Group VI	13.41	2.90

DECISION NO. WI82-2017 - MOD. #1 (47 FR 12031 - March 19, 1982) Green Lake, Marquette, Waupaca, Waushara and Winnebago Counties, Wisconsin	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers (except Marquette Co.)	$16.71	3.05
Marquette County	16.50	2.70
Boilermakers	16.12	2.825
Bricklayers & Stonemasons	18.75	2.18
Carpenters & Soft Floor Layers	13.76	1.91
Cement Masons	12.25	2.09
Electricians (all but lower part of Marquette and Green Lake Counties	18.58	1.10+ 7%
Southern Parts of Green Lake & Marquette Counties	15.84	1.19+ 12 3/4%
Elevator Constructors:		
Constructors	15.03	2.69
Helpers	10.52	2.69
Helpers (Prob.)	50%JR	

DECISION NO. WI82-2017(Cont'd)	Basic Hourly Rates	Fringe Benefits
Ironworkers:		
Extreme East Part of Co. Including Lake, Winnebago, Menasha, & Neenah Cos.	14.81	4.39
Remainder of Counties	14.08	2.85
Lathers	13.01	1.91
Millwrights & Piledrivermen	14.16	1.91
Painters:		
Brush & Structural Steel	13.35	1.60
Spray & Sandblasting	13.85	1.60
Plasterers	12.75	2.15
Plumbers:		
Waupaca & Townships of Menasha & Neenah	16.60	2.90
Marquette County	16.54	2.95+ 1%
Remainder of Counties	13.72	4.36
Roofers	11.75	2.35
Sheet Metal Workers	13.66	3.06
Tile Setters & Terrazzo Mechanic	12.75	2.15
Laborers:		
General	11.03	1.43
Plaster Tenders	11.13	1.43
Jackhammer	11.28	1.43
Power Equipment Operators:		
Group I	15.22	2.90
Group II	14.92	2.90
Group III	14.56	2.90
Group IV	14.44	2.90
Group V	13.88	2.90
Group VI	13.41	2.90

DECISION NO. WI82-2018 - MOD. #1 (47 FR 12033 March 19, 1982) Juneau County, Wisconsin	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers	$16.50	2.70
Boilermakers	16.12	2.825
Bricklayers	13.22	2.20
Carpenters:		
South of Hwy #21 & East of Country Trunk #80:		
Carpenters & Soft Floor Layers	13.76	1.91
Millwrights & Piledrivermen	14.16	1.91

CARPENTERS (Cont'd):	Basic Hourly Rates	Fringe Benefits
Camp Douglas, Huster, Elroy & Vic		
Carpenters & Soft Floor Layers	13.78	1.91
Millwrights & Piledrivermen	14.18	1.91
N. E. Section of County above Camp Douglas:		
Carpenters & Soft Floor Layers	13.76	1.91
Millwrights & Piledrivermen	14.16	1.91
Cement Masons	13.18	1.50
Electricians	15.13	.75+ 10½%
Elevator Constructors	15.03	2.69
Helpers	10.52	2.69
Helpers Probationary	50%JR	
Glaziers	15.08	1.58
Ironworkers	4.08	2.85
Laborers:		
General	11.68	1.43
Mortar Mixers	11.77	1.43
Jackhammer Operator	11.77	1.43
Lathers	13.76	1.91
Painters:		
Brush	12.53	1.00
Structural Steel	12.80	1.00
Swing Stage	12.85	1.00
Plasterers	13.08	.90
Plumbers & Steamfittmrs	17.00	2.30
Roofers	12.60	
Sheet Metal Workers	14.41	1.86
Tile Setters	12.25	1.90
Power Equipment Operators:		
Group I	15.22	1.90
Group II	14.92	1.90
Group III	14.56	1.90
Group IV	14.44	1.90
Group V	13.88	1.90
Group VI	13.41	1.90

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SUPERSEDEAS DECISION

STATE: INDIANA
DECISION NO.: IN83-2026
Supersedes Decision No. IN80-2019 dated April 11, 1980 in 45 FR 24981
DESCRIPTION OF WORK: Building Construction Projects (Does not include single family homes & apartments up to & including 4 stories)
COUNTIES: *See Below
DATE: Date of Publication
*CLAY, DAVIESS, GIBSON, GREENE, KNOX, MARTIN, PARKE, PIKE, POSEY, PUTNAM, SULLIVAN, VANDERBURGH, VERMILLION & VIGO

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Area 1	17.65	2.45
Area 2	17.20	2.00
BOILERMAKERS	18.83	3.405
BRICKLAYERS; Caulkers; Pointers; Cleaners and Stonemasons:		
Area 1	15.83	2.48
Area 2	15.43	2.35
CARPENTERS:		
Area 1:		
Carpenters & Soft Floor Layers	15.35	1.75
Piledrivermen	15.85	1.75
Area 2:		
Carpenters & Soft Floor Layers	15.02	1.99
Piledrivermen	15.40	1.99
Area 3:		
Carpenters & Soft Floor Layers	15.15	2.04
Piledrivermen	15.40	2.04
Area 4:		
Carpenters	15.75	3.25
Area 5:		
Carpenters	13.17	1.80
Piledrivermen	13.42	1.80
CEMENT MASONS:		
Area 1	13.05	1.05
Area 2	13.25	1.60
Area 3	14.82	2.35
Area 4	13.75	2.10
ELECTRICIANS:		
Area 1	17.35	1.86 + 3%
Area 2	17.15	.85+ 9½%
Area 3	16.95	16.5%
Area 4	17.57	1.15 +3½%
ELEVATOR CONSTRUCTORS:		
Area 1	16.37	2.465 +a&b
Area 2	15.39	2.35 +a&b
ELEVATOR CONSTRUCTORS' HELPERS:		
Area 1	70%JR	2.465 +a&b
Area 2	70%JR	2.35 +a&b
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	
GLAZIERS:		
Area 1	18.00	
Area 2	13.085	3.06
IRONWORKERS:		
Area 1	16.60	2.21
Area 2	15.25	4.05
LATHERS:		
Area 1	15.70	3.25
Area 2	15.79	1.70
MARBLE SETTERS; TILE SETTERS & TERRAZZO WORKERS:		
Area 1	14.50	2.20
Area 2	15.03	2.35
MARBLE, TILE & TERRAZZO FINISHERS:		
Area 1	12.50	
Area 2	14.56	
MILLWRIGHTS:		
Area 1	13.95	1.78
Area 2	15.62	1.99
Area 3	16.79	1.90
PAINTERS:		
Area 1:		
Brush, Roller, Drywall, & Paperhangers	14.30	1.40
Spray & Sandblasting	16.30	1.40
Area 2:		
Brush	15.00	
Spray	16.50	
Area 3:		
Brush, Paperhangers and Taper	10.65	.50
Spray	12.15	.50
Sandblasting	12.65	.50
Area 4:		
Brush & Roller	13.75	1.45
Spray	14.75	1.45
Drywall Tapers	14.00	1.45
PLASTERERS:		
Area 1	13.25	1.60
Area 2	15.43	2.35
Area 3	14.38	
Area 4	13.95	1.20

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	Basic Hourly Rates	Fringe Benefits
PLUMBERS & STEAMFITTERS:		
Area 1	18.60	2.00
Area 2	18.92	2.20
ROOFERS:		
Area 1	12.10	.70
Area 2:		
Composition & waterproofers	12.50	1.10
Slate, Tile, Asbestos & Tile Asbestos & Precast Slab	12.70	1.10
Area 3:		
Composition & Waterproofers	12.28	1.40
Slate, Tile, Concrete Slab & Gypsum	12.53	1.45
SHEET METAL WORKERS:		
Area 1	17.68	2.75
Area 2	17.78	2.83
SPRINKLER FITTERS	16.67	2.83
LABORERS:		
Area 1:		
Group 1	10.73	1.04
Group 2	10.93	1.04
Group 3	11.03	1.04
Group 4	11.73	1.04
Area 2:		
Group 1	11.70	1.09
Group 2	11.90	1.09
Group 3	12.00	1.09
Group 4	12.70	1.09
POWER EQUIPMENT OPERATORS:		
Area 1:		
Group 1	14.73	2.15
Group 2	13.44	2.15
Group 3	12.60	2.15
Area 2:		
Group 1	13.70	1.58
Group 2	13.60	1.58
Group 3	13.40	1.58
Group 4	8.65	1.58

Basic Hourly Rates	Fringe Benefits

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

a. 7 paid holidays: A through F & Day after Thanksgiving

b. Employer Contributes 8% of Regular Hourly Rate to Vacation Pay Credit for Employee who has worked in Business more than 5 years. 6% for Employee who has worked in business less than 5 years.

AREA DESCRIPTIONS

ASBESTOS WORKERS:

Area 1: Clay, Greene, Park, Putnam, Vermillion & Vigo Counties
Area 2: Remainder of Countries

BRICKLAYERS:

Area 1: Posey and Vanderburgh Countries
Area 2: Remainder of Counties

CARPENTERS:

Area 1: Clay (North of Hwy 246 including Brazil), Park except East of Twps. of Jessup, Rosedale, Carbondale, & Portland) Vermillion (South of Summit Grove) and Vigo Counties
Area 2: Remainder of Clay, Daviess, Gibson (Princeton), Green (excluding Twps. of Beech, Center & Jackson), Knox, Martin, Pike (Jefferson and Washington twps.), Posey, Sullivan and Vanderburgh Counties
Area 3: Remainder of Green County
Area 4: Remainder of Park, and Vermillion Counties
Area 5: Remainder of Pike county

CEMENT MASONS:

Area 1: Clay, Park, Putnam, Vermillion and Vigo Counties
Area 2: Daviess, Gibson, Knox, Martin and Pike Counties
Area 3: Green and Sullivan Counties
Area 4: Posey and Vanderburgh Counties

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AREA DEFINITIONS (Cont'd)

ELECTRICIANS:

Area 1: Clay, Green, Knox, Sullivan & Vigo Counties
Area 2: Daviess, Gibson, Martin, Pike, Posey and Vanderburgh Counties
Area 3: Putnam County
Area 4: Vermillion County

ELEVATOR CONSTRUCTORS:

Area 1: Clay, Green, Park, Putnam & Vermillion Counties
Area 2: Remainder of Counties

GLAZIERS:

Area 1: Clay, Green, Parke, Putnam, Sullivan, Vermillion and Vigo Counties
Area 2: Remainder of Counties

IRONWORKERS:

Area 1: Gibson, Pike, Posey & Vanderburgh Counties
Area 2: Remainder of Counties

LATHERS:

Area 1: Clay, Daviess (N½) Green Martin Parke, Vermillion and Vigo Counties
Area 2: Daviess (S½), Gibson, Knox, Pike, Posey and Vanderburgh Counties

MARBLE SETTERS; Tile Setters & Terrazzo Workers:

Area 1: Posey and Vanderburgh Counties
Area 2: Remainder of Counties

MARBLE, TILE & TERRAZZO FINISHERS:

Area 1: Gibson, Pike, Posey & Vanderburgh Counties
Area 2: Remainder of Counties

MILLWRIGHTS:

Area 1: Clay, Parke, Putnam, Vermillion and Vigo Counties
Area 2: Daviess, Gibson, Green, Knox, Martin and Sullivan Counties
Area 3: Pike, Posey and Vanderburgh counties

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AREA DESCRIPTIONS (cont'd)

PAINTERS:

Area 1: Clay, Martin, Putnam Counties
Area 2: Green, Sullivan & Vigo counties
Area 3: Parke and Vermillion Counties
Area 4: Remainder of Counties

BLASTERERS:

Area 1: Daviess, Gibson, Knox and Martin Counties
Area 2: Green and Sullivan Counties
Area 3: Pike, Posey & Vanderburgh counties
Area 4: Remainder of Counties

PLUMBERS:

Area 1: Clay, Green, Parke, Putnam, Sullivan, Vermillion and Vigo Counties
Area 2: Remainder of Counties

ROOFERS:

Area 1: Clay, Green, Knox, Parke, Sullivan, Vermillion and Vigo Counties
Area 2: Putnam Counties
Area 3: Remainder of Counties

SHEET METAL WORKERS:

Area 1: Clay, Parke, Putnam, Sullivan, vermillion and Vigo Counties
area 2: Remainder of counties

LABORERS:

Area 1: Clay, Parke, Putnam, Sullivan, Vermillion and Vigo Counties
Area 2: Remainder of Counties

POWER EQUIPMENT OPERATORS:

Area 1: Gibson, Pike, Posey & Vanderburgh Counties
Area 2: Remainder of Counties

DECISION NO. IN83-2026

AREA DESCRIPTIONS (Cont'd)

LABORERS:

AREA 1

Group I: Building and Construction Laborers; Scaffold Builders (other thanf or Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Window Washers and Cleaners; Water Boys and Tool Housemen; Roofers Tenders; Railroad Workers; Masonry Wall Washers; Cement Finishers Tenders; Carpenter Tenders; Mason Tenders in Area I and IA; Portable Water Pumps with Discharge up to 3 inches

Group II: Waterproofing; hauling of Creosote Lumber or like treated material (ex railroad material); Asphalt Rakers and Lutemen; Kettlemen; Air Tool Op.; Pneumatic Tool Op.; Air & Electric Vibrators and Chipping Hammer Op.; Earth Compactors; Jackman & Sheetmen in Ditches more than 6 feet Deep; Laborers in idtches 6' deep or deeper; Assembly of Unicrete Pump; Tile Layers (sewer or field); Sewer Pipe Layers; Motor Driven Wheelbarrows and Concrete Buggies; Hyster Op.; Pump Crete Assemblers; Core Drill Op.; Cement; Lime or Silica Clay Handlers; Handling of Toxic Materials Damaging to Clothing Pneumatic Spikers; Deck Engine & Winch Op.; Water Maine & Cable Ducking; Screed Man or Screw Op; on Asphalt Paver; Chain Saw & Demolition Saw Op.; Concrete Conveyor Assembler

GROUP III: Plaster Tenders; Mason Tenders ex in area I & IA; Motar Mixers; Welders; cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders for Plasterers; Scaffold Builders for Mason ex Area I & IA; Water Blast Mach. Op.

GROUP VI: Dynamite Men; Drillers - Air Tack or Wagon Drilling for Explosives

AREA 2

Group 1: Building & Construction Laborers; Scaffold Builders (other than for Plasterers); Ironworker Tenders; Mechanic Tenders; window Washers & Cleaners; Waterboys & Toolhousemen; Roofer's Tenders; Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Tenders Carpenter Tenders; All Portable Water Pumps with discharge up to three (3) inches; Plaster Tenders

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AREA DESCRIPTIONS (Cont'd)

LABORERS - AREA 2 (Cont'd)

Group II: Waterproofing; Handling of Creosote Lumber of like treated material; (excluding railroad material); Asphalt Rakers & Lutemen; Kettlemen; air Tool Operators and all Pneumatic Tool Operators Air and Electric Vibrators and Chipping Hammer Operators; Earth Compactors; Jackmen & Sheetmen working Ditches deeper than six (6) feet in depth; Laborers working in ditches (6) feet in depth or deeper; Assembly of Unicrete Pump; Tile Layers (sewer or field) & Sewer Pipe Layers (metallic or non-metallic); Motordriven Wheelbarrows and Concrete Buggies Hyster Operators; Pump Crete Assemblers; Core Drill Operators; Cement, Lime or Silica Clay Handlers (bulk or bag) Handling of Toxic Materials; Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winches Operators; Water Main & Cable Ducking (metallic and non-metallic) Screed Man or Screw Operator on Asphalt Paver; Chain and Demolition Saw Operators; Concrete Conveyor Assemblers

GROUP III: Water Blast Machine Operator; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when working for Plasterers

GROUP IV: Dynamite Men; Drillers-Air Track or Wagon Drilling for explosives

POWER EQUIPMENT OPERATORS

AREA 1

Group I: A-Frame Winch Truck, Air Compressors over 600 cu. ft., Air Tugger, Autograde (CMI), Auto Patrol, Backhoe, Ballast Regulator (RR), Batcher Plant (electrical control concrete), Bending Machine (pipe), Bituminous Plant (Engineer), Bituminous Mixer Travel Plant, Bituminous Paver, Bituminous Roller, Buck Hoist, Bull Dozer, Cable Way, Chicago Boom, Clamshell, Concrete Mixer (21 cu. ft. or over), Concrete Paver, Concrete Pump (Crete), Crane, Craneman, Crusher Plant, Derrick, Derrick Boat, Dinkey, Dop Pots (pipeline), Dragline, Dredge Operator, Dredge Engineer, Drill Operator, Elevating Grader, Elevator, Ford Hoe (or similar type equipment), Forklift, Formless Paver, Gantry Crane, Gradeall, Grademan, Grout Pump, Helicopter Crew, Hetherington Paver, High-lift, Hoist, Hopto, Hough Loader (or similar type), Hydro crane, Hydro Hammer, Locomotive Crane, Locomotive, Mechanic, Mobile, Mixer, Motor crane, Mucking Machine, Multiple Tamping Machine (RR), Overhead Crane, Pile Driver, Pulls, Push Dozer, Push Boats, Roller (sheep foot), ross Carrier, Scoope, Shovel, Sidm Boom, Swing Crane, Tail Boom, Tar Machine (pipeline), Throttle Valve, Tower Crane, Trench Machine, welder (heavy duty), Truck mountmd Concrete Pump, Truck-mounted Drill, Well Point, Whirleys.

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AREA DESCRIPTIONS (Cont'd)

POWER EQUIPMENT OPERATORS AREA 1 (Cont'd)

Group 2: Compressor (up to 600 cu. ft.), Brakeman, Bull Float, Concrete Mixer (over 10S and under 21S), Concrete Spreader, or Puddler, Deck Engine, Drill Helper, Electric Vibrator Kompactor (earth or rock), Finishing Machine, Fireman, Greaser (on grease facilities servicing heavy equipment), Material Pump, Motor Boats, Motor Crane Oiler, Portable Loader, Post Hole Digger, Power Broom, Rock Roller, Roller-Wobble Wheel (earth and rock), Spike Machien (RR), Seaman Tiller, Spreader Rock, Sub Grader, Tamping Machine, truck Mounted Drill Oiler, Welding Machine, Widener (Apsco or simialr type)

Group 3: Air Compressor (under 200 cu. ft. per min.), Bituminous distributor, Cement Gun, Cocnrete Saw, Conveyor, Deck Hand Oiler, Earth Roller, Form Grader, Guardrail driver, Heater, Oiler, Paving Joint Machine, Power Traffic Signals, Steam Jenny, Vibrator, Water Pump "JLG" lifts and "scissor" lift or similar machine

AREA 2

Group 1: Master Mechanics

Group 2: Utility Operator

Group 3: Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork Lifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor Finishing Machine on Asphalt Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Ross Carrier or similar Machine, Gravel Precessing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressor, Hetherington Paver Operator, Farm Tractor with half Yard Bucket and or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machines, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractors without Winch, Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Resco Concrete Saw, Marine, Scoops, Brush, Mulcher, Brush Burner, Mesh Placer Tree Mover

DECISION NO. IN83-2026

AREA DESCTIPTIONS (Cont'd)

POWER EQUIPMENT OPERATORS AREA 2 (Cont'd)

Helicopter Crew (3), Pile Driver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, All one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Engineer, Dredge Operator, Rock Spreaker, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loader, Hydra Crane, Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled Winch Hydraulic Boom Truck

Group 4: Mixers 14S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine, Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tugger, Truck Crane Drivers, House Elevator when used for hoisting Material, Two to Four Generators or welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on earth, Engine Tenders, Fireman, Wagon Drill, Flexplane, Conveyor, two ot Four Water PUmps, Siphon and Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Diggers, Self-propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mude Jack, Operators to do Winter Repair work in Shop between November 1st and March 1st Concrete Buggies Motor Driven Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine Concrete & Blacktop Curb Machine, Deck Hands

SUPERSEDEAS DECISION

STATE: MISSISSIPPI
DECISION NUMBER: MS83-1014
Supersedes Decision No.: MS81-1285 dated September 4, 1981 in 46 FR 44643.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION Projects (excluding single family homes and apartments up to and including 4 stories).

COUNTY: WARREN
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$14.29	$ 1.61
BOILERMAKERS	1[illegible].20	3.015
BRICKLAYERS:		
Bricklayers	12.75	.80
Stone,Block,Marble Masons		
Caulkers,Pointers, & Cleaners	12.75	.80
Tile & Terrazzo Workers	12.60	.80
CARPENTERS:		
Carpenters	12.20	.85
Millwrights	12.80	.85
Piledrivermen	12.80	.85
CEMENT MASONS	10.90	.80
ELECTRICIANS:	14.05	1.3
Electricians	14.05	1.39 + 3%
Cable Splicers	1[illegible].3[illegible]	1.39 + 3%
ELEVATOR CONSTRUCTORS:		
Mechanics	12.0[illegible]	2.69 +a+b
Helper	[illegible].46	2.[illegible]9 +a+b
GLAZIERS	11.37	
IRONWORKERS	13.2[illegible]	1.89
LABORERS:		
Mortar Mixers	6.90	.50
Unskilled	6.65	.50
LATHERS	9.40	.80
PAINTERS:		
Brush	[illegible].50	.60
Drywall Tapers	[illegible].50	.60
Rollers	8.5[illegible]	.60
Spray	[illegible].10	.6[illegible]
PLASTERERS	11.5[illegible]	.80
PLUMBERS & PIPEFITTERS	12.74	1.27
POWER EQUIPMENT OPERATORS		
Group 1	10.53	.85
Group 2	9.73	.85
Group 3	9.48	.85
Group 4	8.88	.85
Group 5	7.23	.85
ROOFERS	11.70	.50
SHEET METAL WORKERS	14.05	1.05
SPRINKLER FITTERS	14.5[illegible]	[illegible].[illegible]3
TRUCK DRIVERS:		
Group 1	7.25	.90
Group 2	7.84	.90
Group 3	9.15	.90

[illegible]inimum classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards clauses (29 CFR, 5.5 (a)(1)(ii)).

DECISION NO.: MS83-1014 Page 2.

POWER EQUIPMENT OPERATORS: Classification Definitions.

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO.: NY83-3003

COUNTY: ONONDAGAGA
DATE: DATE OF PUBLICATION

▮OWER EQUIPMENT OPERATO▮S: Classification Definitions.

Gr▮u▮ 1: E▮gineer (▮perating under pressure).
Group 2: Mechanic
Group 3: Asphalt plant,backhoe,blacksmith,boom tractor,bulldozer,central mixing plant,cherry picker,clamshell,crane,derrick,derrick car,derrick boat, dragline,dredge,elevating grader,excavator (power belt),forklift (5 tons & over),hoists (2 drums in active use),locomotive engineer,marine engineer (chief),master pilot,mixer-mobile,motor patrol, and similar equipment,paver (21 C.F. or larger),piledriver,recharger,scoop(skimmer),scraper,shovel,trenching machine(over 18" bucket line width),turnapull (DW-10 & similar pull type scrapers),trascavator & similar endloaders,welder,welding machines & pumps (operating 2 to 6 machines),well driller,well point pumps.
Group 4: Asphalt spreader (bituminous distributor & mixer),backfilling machine, conveyor,drill (earth),finishing machine,fireman,forklift(over 2 tons & less than 5 tons),heating plant,hoist (1 drum),marine engineer's assistant,mixer payloader and similar endloader,pilot,power generating plant, pump(concrete), roller,scoopmobile,tractor(with power take-off),trenching machines (18" or smallerbucket line width),tugboat,winch truck and tractor,small rubber tire with backhoe attachment.
Group 5: Air compressor,batch scale,deckhand,forklift (2 tons & under),form grader,locomotive hostler,motor boat (in or outboards),oiler,pump,roughneck, scowman,tractor(with attachments),welding machine

Booms, including jib:
100 to 200 ft - 50¢ per hour above regular pay
201 to 300 ft - 75¢ per hour above regular pay
301 ft and over - $1.00 per hour above regular pay

TRUCK DRIVERS: Classifications Definitions

▮roup 1: Truck drivers on equipment up to but not including 1 1/2 tons, station wagons,jeeps, and automobiles,truck spotters.
▮roup 2: Truck drivers on equipment 1 1/2 tons & up but not including 5 tons.
Group 3: Truck drivers on equipment rated 5 tons or 6 yards & over, including heavy equipment such as pole trucks,miss or corning wagons,dumpsters, semi-drivers,agitators,ross carriers,dempsey dumps,euclid trucks, forklift trucks in warehouse and similar equipment, such as tractors, 10 wheelers,jeeps or dump trucks or pickup trucks pulling 2 or 4 wheel trailers hauling equipment.

FOOTNOTES:
a. Employer contributes 6% of basic hourly rate for ▮ months to 5 years service & 8% for over 5 years service as vacation ▮ay credit; also 7 paid holidays.
b. Two paid holidays.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ONONDAGAGA
DECISION NO.: NY83-3003 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY81-3022 dated April 3, 1981 in 46 FR 20437
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories), Heavy and Highway Construction Projects.

	Basic Hourly Rates	Fringe Benefits
ASBEST▮S WORKERS	16.98	2.44
BOILERMAKERS	18.25	1.565+ 10%
BRICKLAYERS & STONE MASONS (Except Cicero & Dewitt townships)	1▮.99	2.07
CARPENTERS		
Building	13.53	2.92
Heavy & Highway	12.02	2.875
CEMENT MASONS (Cicero and Dewitt Townships):		
Building	12.45	2.40
Heavy & Highway	12.25	2.75+ a
ELECTRICIANS		
Elbridge and Skaneateles	15.85	2.12+ 3%
Remainder of County Electricians	15.70	▮.25+ 3%
Cable splicers	1▮.▮0	3.▮5+ 3%
▮LEVATO▮ CONSTRUCT▮RS	16.33	▮.69+ b+c
ELEVATOR CONSTRUCTORS' HELPERS	1▮.4▮	▮.69+ b+c
ELEVATOR CON▮TRUCTORS' HELPERS (PROBATIONARY)	▮.165	
GLAZIERS	1▮.20	.▮6
IRONWORKERS		
Structural, ornamental, machinery mover, reinforcing, rigger	14.85	4.10
Sheeter	15.10	4.10
Sheeter, bucker-up	14.97	4.10
LABORERS (BUILDING)		
Laborers	1▮.7▮	▮.45
LABORERS (HEAVY & HIGHWAY)		
Class A	10.59	2.45+a
Class B	10.79	2.45+a
Class C	10.99	2.45+a
Class D	11.19	2.45+a
LATHERS	13.53	2.92
MARBLE, TILE & TERRAZZO WORKERS	1▮.▮7	2.▯5
MARBLE, TILE & TERRAZZO FINISHERS	11.41	▮.▮5
MILLWRIGHTS & PILE-DRIVERS	12.695	4.57
PAINTERS:		
Brush & Roller	12.05	2.45
Taping	12.30	2.45
Spray; epoxy and special coatings brush and roll application	12.55	2.4▮
Epoxy and special coatings spray application	12.75	2.45
Sandblasting	12.90	2.45
Boatswain chair	12.80	2.45
Swing	12.70	2.45
Structural steel	12.65	2.45
Bridge	13.25	2.45
Sign	9.50	2.45
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION)		
Class 1	15.29	3.25+d
Class 2	14.52	3.25+d
Class 3	12.95	3.25+d
Class 4	15.79	3.25+d
Class 5	17.29	3.25+d
Class 6	16.29	3.25+d
Class 7	16.20	3.25+d
Class 8	15.76	3.25+d
POWER EQUIPMENT OPERATORS (HEAVY AND HIGHWAY)		
Group I	14.31	3.25+a
Group II	13.84	3.25+a
Group III	12.51	3.25+a
Group IV	11.33	3.25+a
ROOFERS	14.15	3.25
SOFT FLOOR LAYERS	13.53	2.92
SPRINKLER FITTERS	16.92	2.63
STEAMFITTERS	15.895	3.07
TRUCK DRIVERS (BUILDING)		
Truck Drivers	12.85	2.05
Mechanics	13.05	2.05
Euclids	13.25	2.05

DECISION NO. NY83-3003

Welders - Receive rate prescribed for craft performing operation to which welding is incidental

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

FOOTNOTES:

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

a. 6 paid holidays: A through F, provided employee works day before and day after the holiday
b. 7 paid holidays: A through F, plus day after Thanksgiving.
c. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
d. 6 paid holidays: A through F providing employee has worked 5 consecutive days before and the working day after the holiday

DECISION NO. NY83-3003

CLASSIFICATIONS

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setter, stone or granite curb setters.

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION

Class 1: Asphalt and blacktop roller; Automated concrete spreader (CMI or equivalent); Automated fine grade machine (CMI); Backhoe; Belt placer; Blacktop spreader (such as Barber Greene and BlawKnox); Blacktop Plant (automated); Blast or rotary drill (truck or cat mounted); Boom truck; Cableway; Caisson auger; Carry-all-scraper-self loading; Central Mix plant (automated); Cherry picker over five (5) ton capacity; Compressors; Pump; Generator or welding machine (when used in a battery of not more than four (4); Crane, Crusher-rock; Derrick; Diesel power unit; Dragline; Dredge; Dual drum paver; Elevating grader (self-propelled ot towed); Elevator hoist - two cage; Excavator - all purpose - hydraulically operated; Fork lift (factory rating 15 ft. or more); Front end loader (4 c.y. and over); Gradall; Grader (power); Head tower (Baur man or equal); Hoist (2 or 3 drums); Locomotive; Maintenance engineer; Maintenance welder; Mine hoist; Mucking machine or mole; Overhead crane fixed permanent; Pile driver; Quarry Master or equivalent; Refrigeration equipment - for soil stabilization; Shovel; Side boom; Slip form paver; Straddle buggy (Ross carrier, Lumber carrier) Tractor drawn belt type loader (Euclid loader); Trenching machine (digging capacity of over 4 ft. depth); Truck crane operator; Tunnel shovel; Vibro or sonic hammer controls (when not mounted in proximity to the rig operator)

DECISION NO. NY83-3003

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION (CONT'D):

Class 2: "A" Frame truck; Blacktop plant (non-automatic); Boring machine; Bulldozer; Cage hoist; Carry-all scraper; Central mix plant (non-automated); Cherry picker five (5) tons and under; Compressor (500 c.f. and over); Concrete paver (single drum over 16S); Concrete pump; Core boring machine; Drill rigs-tractor mounted; Elevator - as a material hoist; Fork lift (factory rating less than 15 ft.); Front end loader (under 4 cu. yds.); Gunnite machine; High pressure boiler (15 lbs. and over); Hoist (one drum); Hydraulic breaking hammer (Drop hammer); Kolman plant loader (screening gravel); Maintenance grease man; Mixer for stabilized base - self-propelled (seaman mixer); Monorail machine; Parapet concrete or pavement grinder; post hole digger (truck or tractor mounted); Power sweeper (Wayne or similar); Pump 4" and over; Pump-crete or squeeze-crete; Road widener (front end of grader or self-propelled); Shell winder (motorized); Snorkel (overhead arms); Roller; Trenching machine (digging capacity of 4 ft. or less); Tugger hoist; Vibro tamp; Well drill; Well point system (submersible pumps when used in lieu of well-point system); Winch (motor driver); Winch cat; Winch truck

Class 3: Compressor (under 500 cu. ft.); Concrete paver or mixer (under 16S); Concrete pavement spreaders and finishers (not automated); Conveyor (over 12 ft.); Electric submersible pump (4" and over); Farm tractor with or without accessories; Fine grade machine (not automated); Fireman; Form tamper; Generator (2,500 watts and over); Hydraulic pump; Grout pump; Mechanical heaters - more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating); Mulching machine; Oiler; Power driven welding machine - 300 amp. and over (other than all electric); Power heaterman (hay drier), Pump (under 4"); Revinius widner (road widener); Steam cleaner or Jenny; Tractor with or without towed accessories, post driver (truck or tractor mounted)

Class 4: Quad 9 bulldozer or multibowl scraper

Class 5: Crane or Derrick with a boom length over 300 ft. including jib

Class 6: Crane or Derrick with a boom length over 150 ft. including jib, and on a piledriver with leads or boom length over 100 ft.

Class 7: Master mechanic

Class 8: Assistant master mechanic

DECISION NO. NY83-3003

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker, (over 5 tons capacity) concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purposes-hydraulically operated) (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader (4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power garder, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver, tractor drawn tractor drawn belt-type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill (truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders, locomotive, maintenance engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity; or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system). Light plants, mulching machine, oiler, parapet-concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NUMBER: OH83-2027
Supersedes Decision No. OH81-2014, dated April 10, 1981 in 46 FR 21589
DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

COUNTIES: ATHENS, MEIGS, & MORGAN
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$7.00	
BRICKLAYERS	8.04	
CARPENTERS	6.50	
CEMENT MASONS	6.50	
DRYWALL FINISHERS & TAPERS	6.58	
DRYWALL HANGERS	6.50	
ELECTRICIANS	6.50	
LABORERS, Common & Landscape	5.00	
PAINTERS	6.50	
PLUMBERS	6.50	
ROOFERS	6.00	
SHEET METAL WORKERS	6.50	
SOFT FLOOR LAYERS; Carpet Layers	6.50	
TILE SETTERS	6.50	
POWER EQUIPMENT OPERATORS:		
Backhoes	7.48	
Bulldozers	7.31	
Cranes	7.31	
Front End Loaders	6.32	
TRUCK DRIVERS	6.10	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

DECISION NO. NY83-3003

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION Electrical Overhead & Underground Distribution Work & Signal Work For RR And For R.E.A. Where No Other Trade Is Or Has Been Involved		
Journeyman Lineman & Technician	13.22	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	11.90	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	11.58	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer)	11.24	5%+3.60 +a
Driver Mechanic Groundman - Experienced	9.92	5%+3.60 +a
All Overhead Transmission Line Work and Athletic Fields		
Journeyman Lineman & Technician	15.18	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	13.66	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class Groundman Truck Driver	12.34	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	12.90	5%+3.60 +a
Driver Mechanic Groundman - Experienced	11.39	5%+3.60 +a

	Basic Hourly Rates	Fringe Benefits
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems Where Other Trades Involved		
Journeyman Lineman & Technician	15.99	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	14.39	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	12.79	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.99	5%+3.60 +a
Driver Mechanic, Groundman-Experienced	11.99	5%+3.60 +a
All Pipe Type Cable Installations Maintenance Jobs or Projects		
Journeyman Lineman	15.99	5%+3.60 +a
Certified Lineman Welder	16.79	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Eq. Mech. Operator	15.99	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Groundman Truck Drivers	12.79	5%+3.60 +a
Groundman	11.99	5%+3.60 +a

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

SUPERSEDEAS DECISION

STATE: Utah
DECISION NUMBER: UT83-5108
Supersedes Decision No. UT82-5121 dated September 3, 1982, in 47 FR 39085

COUNTIES: Statewide
DATE: Date of Publication

SUMMARY DECISION

STATE: Utah
DECISION NUMBER: UT83-5108
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. UT82-5121 dated September 3, 1982, in 47 FR 39085
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$16.80	$3.35
BOILERMAKERS	15.91	3.86
BRICKLAYERS:		
Industrial	13.25	1.57
All Other work	10.00	1.57
CARPENTERS:		
Building Construction:		
Carpenters	12.65	1.95
Saw Operators; Carpenters handling creosote materials	12.80	1.95
Millwrights	13.40	1.95
Piledrivermen	14.33	1.95
Heavy and Highway Construction:		
Zone 1:		
Carpenters	13.83	1.95
Saw Operators; Carpenters handling creosote materials	14.08	1.95
Millwrights	13.50	1.83
Piledrivermen	18.79	1.95
Zone 2:		
Carpenters	16.33	1.95
Saw Operators; Carpenters handling creosote materials	15.58	1.95
Millwrights	13.50	1.83
Piledrivermen	18.79	1.95
CEMENT MASONS:		
Building Construction:		
Cement Masons	12.14	2.02
Machine Operator; Mastic Floor Materials	12.54	2.02
Heavy and Highway Construction:		
Zone 1:		
Cement Masons	12.14	1.80
Machine Operator; Mastic Floor Materials	12.39	1.80
CEMENT MASONS: (Cont'd)		
Heavy and Highway Construction: (Cont'd)		
Zone 2:		
Cement Masons	$14.14	$1.80
Machine Operator; Mastic Floor Materials	14.39	1.80
Zone 3:		
Cement Masons	14.54	1.80
Machine Operator; Mastic Floor Materials	14.79	1.80
DRYWALL INSTALLERS:		
Taping, finishing and texturing (hand or machine)	13.04	1.44
ELECTRICIANS:		
Area 1:		
Zone 1:		
Electricians; Technicians	16.05	2.00+ 3-8/10%
Cable Splicers	16.30	2.00+ 3-8/10%
Zone 2:		
Electricians; Technicians	16.80	2.00+ 3-8/10%
Cable Splicers	17.25	2.00+ 3-8/10%
Zone 3:		
Electricians; Technicians	17.55	2.00+ 3-8/10%
Cable Splicers	17.80	2.00+ 3-8/10%
Zone 3A:		
Electricians; Technicians	16.00	1.75+ 3-3/10%
Cable Splicers	16.25	1.75+ 3-8/10%

	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS: (Cont'd)		
Area 1: (Cont'd)		
Zone 1:		
Electricians; Technicians	$20.05	$2.00+ 3-8/10%
Cable Splicers	20.30	2.00+ 3-8/10%
In Zones 2, 3, and 3A, on any job or project not exceeding $250,000.00 electrical, labor and material included, Zone 1 rate shall apply.		
Area 2:		
Zone 1A:		
Electricians; Technicians	17.50	2.25+ 3-8/10%
Cable Splicers	18.00	2.25+ 3-8/10%
Zone 1B:		
Electricians; Technicians	18.25	2.25+ 3-8/10%
Cable Splicers	18.75	2.25+ 3-8/10%
Zone 1C:		
Electricians; Technicians	19.00	2.25+ 3-8/10%
Cable Splicers	19.50	2.25+ 3-8/10%
Zone 2:		
Electricians; Technicians	21.50	2.25+ 3-8/10%
Cable Splicers	22.00	2.25+ 3-8/10%
ELEVATOR CONSTRUCTORS:		
Mechanics	15.06	2.695+a
Helpers	10.54	2.695+a
Probationary Helpers	7.53	
GLAZIERS:		
Area 1	19.23	1.23
Area 2	13.20	1.31
IRONWORKERS:		
Fence Erectors; Ornamental; Reinforcing; Structural	$14.85	$3.15
LINE CONSTRUCTION WORKERS:		
Groundman	11.55	3%+.95
Line Equipment Serviceman	14.32	3%+.95
Line Equipment Mechanic:		
Base Shop	14.32	3%+.95
Right-of-Way	15.30	3%+.95
Line Equipment Operators	14.56	3%+.95
Linemen	16.17	3%+.95
Cable Splicers	17.81	3%+.95
MARBLE SETTERS	12.02	1.62
MASON TENDERS	11.02	.85
PAINTERS:		
Area 1:		
Brush; Roller	11.92	1.36
Spray; Sandblast; Steeplejack; Brush, steel and bridge; Brush (swing stage)	12.17	1.36
Spray (swing stage); Sandblaster (swing stage); Spray, steel and bridge	12.37	1.36
Area 2:		
Brush; Roller	12.90	1.83
Brush (swing Stage); Brush (steel and bridge); Spray, Sandblaster, Steeplejack	13.20	1.83
Spray (swing stage); Spray (steel and bridge); Sandblaster (swing stage)	13.45	1.23
Wallcovering Hanger	13.15	1.23
PLASTERERS' TENDERS	12.10	.85
PLASTERERS	13.44	1.30
PLUMBERS:		
Pipefitters	16.28	2.46
ROOFERS	14.03	1.02
SHEET METAL WORKERS	15.60	2.67
SPRINKLER FITTERS	15.92	2.83
TERRAZZO WORKERS and TILE LAYERS	12.02	1.61

	Basic Hourly Rates	Basic Hourly Rates
LABORERS:		
Building Construction:		
Group 1	$8.92	
Group 2	9.92	
FRINGE BENEFITS: $1.44		
Heavy and Highway Construction:	AREA 1	AREA 2
Group 1	$10.77	$13.27
Group 2	10.90	13.40
Group 3	11.02	13.52
Group 4	11.27	13.77
Group 5	11.77	14.27
Tunnel and Shaft Work:		
Group 1	10.92	13.42
Group 2	11.02	13.52
Group 3	11.22	13.72
Group 4	11.67	14.17
FRINGE BENEFITS: $3.585		
POWER EQUIPMENT OPERATORS:		
Building Construction:		
Group 1	10.78	12.78
Group 2	11.17	13.17
Group 3	11.37	13.37
Group 4	11.48	13.48
Group 5	11.99	13.99
Group 6	12.16	14.16
Group 7	12.28	14.28
Group 8	12.61	14.61
Group 9	12.68	14.68
Group 10	12.84	14.84
Group 11	13.02	15.02
Group 12	13.51	15.51
Group 13	14.47	16.47
Group 14	14.96	16.96
Group 15	15.24	17.24
FRINGE BENEFITS: $4.585		
Heavy and Highway Construction:		
Group 1	14.01	16.51
Group 2	14.36	16.86
Group 3	14.54	17.04
Group 4	14.65	17.15
Group 5	15.11	17.61

	Basic Hourly Rates	Basic Hourly Rates
POWER EQUIPMENT OPERATORS: (Cont'd):	AREA 1	AREA 2
Heavy and Highway Construction: (Cont'd):		
Group 6	$15.26	$17.76
Group 6-A	15.37	17.87
Group 7	15.67	18.17
Group 7-A	15.73	18.23
Group 8	15.79	18.29
Group 9	15.95	18.45
Group 10	16.39	18.89
Group 10-A	17.35	19.85
Group 10-B	17.80	20.30
Group 11	17.96	20.46
FRINGE BENEFITS: $5.87		
Steel Erection:		
Group 1	14.79	
Group 2	15.33	
Group 3	16.81	
Group 4	17.00	
Group 4-A	17.46	
Group 5	18.18	
Group 6	18.79	
Group 7	19.23	
Group 8	19.65	
Group 9	21.15	
Piledriving:		
Group 1	14.12	
Group 1-A	14.61	
Group 1-B	14.90	
Group 2-A	14.90	
Group 2-B	15.68	
Group 2-C	15.98	
Group 2-D	16.20	
Group 3	16.41	
Group 3-A	17.04	
Group 4	17.82	
Group 5	18.08	
Group 6	19.71	
FRINGE BENEFITS: $5.87		

	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:	AREA 1	AREA 2
Dump Trucks - water level capacity (bottom, end, and side)(including Dumpster Truck, Turnawagons, Turnarockers and Dumpcrete):		
Less than 8 cu. yds.	$13.55	$16.05
8 cu. yds. and less than 14 cu. yds.	13.70	16.20
14 cu. yds. and less than 35 cu. yds.	13.80	16.35
35 cu. yds. and less than 55 cu. yds.	14.05	16.55
55 cu. yds. and less than 75 cu. yds.	14.35	16.75
75 cu. yds. and less than 95 cu. yds.	14.45	16.95
95 cu. yds. and less than 105 cu. yds.	14.65	17.15
105 cu. yds. and less than 130 cu. yds.	14.77	17.27
11 130 cu. yds. and over to be paid ($0.005) per cu. yd. capacity per hour in addition to rate for 105 yds. and less than 130 yds.		
Flat Rack Trucks, Bulk Cement Trucks, Transport Trucks, Semi-trailer (carrying capacity):		
Pickup	13.375	15.875
Less than 10 tons	13.45	15.95
10 tons and less than 15 tons	13.60	16.10
15 tons and less than 20 tons	13.70	16.20
20 tons and over	13.85	15.35
Transit Mix Trucks:		
Less than 8 cu. yds.	13.775	16.275
Over 8 to 14 cu. yds.	13.875	16.375

	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS: (Cont'd)	AREA 1	AREA 2
Concrete Pumping Trucks	$13.775	$16.275
Water, Fuel and Oil Trucks:		
less than 1200 gallons	13.425	15.925
1200 gallons to less than 2500 gallons	13.55	16.05
2500 gallons to less than 4000 gallons	13.70	16.20
4000 gallons to less than 6000 gallons	14.05	16.50
6000 gallons to less than 10,000 gallons	14.25	16.75
10,000 gallons to less than 15,000 gallons	14.50	17.00
15,000 gallons to less than 20,000 gallons	14.75	17.25
20,000 gallons to less than 25,000 gallons	15.00	17.50
25,000 gallons and over	15.25	17.50
Oiler Spreader Operator where Boot Man is not required)	14.25	16.75
Fork Lift, Straddle Truck	13.75	16.25
FRINGE BENEFITS: $4.17		

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WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

AREA and ZONE DESCRIPTIONS (Cont'd)

ELECTRICIANS: (Cont'd)

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WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. 7 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day

AREA and ZONE DESCRIPTIONS

CARPENTERS:
Heavy and Highway Construction:
Zone 1: Area 0 to 40 road miles from the following Cities: Brigham City, Cedar City, Kanab, Logan, Moab, Monticello, Ogden, Price, Provo, Richfield, St. George, Salt Lake City, and Vernal
Zone 2: Area 40 to 60 road miles from the Cities listed in Zone 1
Zone 3: Area over 60 road miles from the Cities listed in Zone 1

CEMENT MASONS:
Heavy and Highway Construction:
Zone 1: Area 0 to 40 road miles from the following Cities: Brigham City, Cedar City, Kanab, Logan, Moab, Monticello, Ogden, Price, Provo, Richfield, St. George, Salt Lake City, and Vernal
Zone 2: Area 40 to 60 road miles from the Cities listed in Zone 1
Zone 3: Area over 60 road miles from the Cities listed in Zone 1

ELECTRICIANS:
Area 1: North section of Utah - Box Elder and Cache Counties; Davis County (north of 41st Parallel); Morgan, Rich, and Weber Counties:
Zone 1: That area 10 miles on either side of Interstate Highway #15, commencing on the south at the 41st Parallel in Davis County, continuing north to Highway #91 - Interstate #15 junction south of Brigham City; at this point go east and north through Logan and continue north to the 42nd Parallel in Cache County on Highway #91
Zone 2: That area not included in Zone 1 that lies east of 112°20' longitude in Box Elder County and that area lying west of 111°35', north of the 41st Parallel in Cache, Morgan, Weber Counties

AREA and ZONE DESCRIPTIONS (Cont'd)

ELECTRICIANS: (Cont'd)
Area 1: (Cont'd)
Zone 3: That area lying east of 111°35' longitude and north of the 41st Parallel in Cache, Morgan, Rich, Weber Counties; also the area in Box Elder County lying west of 112°20' longitude and north and east of Utah Highway #83
Zone 3A: That area from a point 2 miles north of Center Street in Smithfield to the Utah-Idaho State Line and 10 miles east and west from Highway #91
Zone 4: All other area west of Zones 3 and 3A in Box Elder County

Area 2: South section of Utah (Remaining Counties):
Zone 1: Davis County (south of 41st Parallel); Salt Lake County; Tooele County (northeast corner beginning at a point where the township line between Township 3 south and Township 4 south, Salt Lake Base Meridian, intersects the east boundary line of Tooele County and thence west along said township line to the southwest corner of Section 32, Township 3 south, Range 4 west, Salt Lake Base Meridian, thence north to the northwest corner of Section 17 of Township 3 south, Range 4 west, thence west to longitude 112.5°, thence north along the line of longitude 112.5° to the north line of Tooele County); Utah County (north of 40th Parallel):
Zone 1A: Ten miles either direction (east or west) from Interstate Highway #15, bounded on the north by the 41st Parallel and on the south by the 40th Parallel
Zone 1B: The balance of Zone 1 that lies in Davis, Salt Lake, and Utah Counties
Zone 1C: That portion of the remainder of Zone 1 that lies in Tooele County
Zone 2: Remainder of Counties and all portions of Counties not included in Zone 1 of the south section of Utah

GLAZIERS:
Area 1: Iron and Washington Counties
Area 2: Remaining Counties

PAINTERS:
Area 1: Box Elder, Cache, and Rich Counties; and the following Counties north of an east-west line from the north boundary of Farmington: Davis, Morgan, Summit, Tooele, and Weber Counties
Area 2: Remainder of State

LABORERS
Building Construction

Group 1: Laborers

Group 2: Powdermen and Drillers

Heavy and Highway Construction

Group 1: General Laborers

Group 2: Asphalt Raker; Sandblast Pot Tender; Gunite Nozzleman; Concrete Pump Head Hoseman; Signalman and Dumpman on concrete construction

Group 3: Work of all types using cutting torch; Operators of gasoline, electric or pneumatic tools (e.g., Compressor, Compactor, Jackhammer, Vibrator, Concrete Saw, Chain Saw and Concrete Cutting Torch); Pipelayer; Laser Instrument Operator; Refinery Tank and Vessel Cleaner; Sandblaster

Group 4: Air Track and similar Drills

Group 5: Powderman

Tunnel and Shaft Work

Group 1: Underground Laborers

Group 2: Brakeman; Chucktender; Dumpman; Powderman Tender; Puddler; Nipper; Topman; Vibrator; Screedman

Group 3: Cutting Machine Operator; Drill Doctor; Finisher; Gunite Gunman; Miner; Powder Makeup Man; Spader and Tugger; Steelman; Gunite Groundman; Gunite Nozzleman; Gunite Rodman; Concrete Head Hoseman

Group 4: Shifter

POWER EQUIPMENT OPERATORS
BUILDING Construction

Group 1: Assistant to Engineer; Elevator Operators; Hydraulic Monitor; Material Loader or Conveyor Operators

Group 2: Air Compressor Operator; Concrete Mixer Operator (skip-type); Concrete Pump or Pumpcrete Gun Operator; Generator Operator (100 KW or over); Mixer Box Operator or similar (concrete or asphalt plant continuous mix); Pump Operator; Truck Crane Oiler

Group 3: Front End Loader (up to and including 1 cu. yd., struck M.R.C.); Hoist Operator - 1 drum; Slip Form Pumps

Group 4: Air Compressor Operator (2 or more compressors); Signalman; Small Rubber-tired Tractor; Small self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more); Concrete Conveyor, building site

Group 5: A-Frame Truck and Tugger Hoist; Fork Lift (construction job site); Kolman Loader and similar; Loader Operator (over 1 cu. yd. to and including 2 cu. yds. struck M.R.C.); McGinnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Ross Carrier or similar type; Small rubber-tired Tractor (with attachments, including Backhoe); Small rubber-tired Trenching Machine; Small Tractor with boom; Gradesetter

Group 6: Bridge Crane; Concrete Mixer Operator (paving or batch plant); Drilling Machine Operator (Well or Diamond); Dual Drum Mixers; Hoist Operator - 2 drums; Lull High-lift (40 ft. or similar); Roller Operator or self-propelled Compactors; Tractor Operator (Sheep's Foot and compacting equipment); Trenching Machine; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Self-propelled Compactor with or without Dozer

Group 7: Tractor Operator (Bulldozer or tractor-drawn Scraper or drag-type Shovel or boom attachment, up to and including D-7 or similar)

Group 8: Chicago Boom (including Stiff Leg and Sheer Pole); Concrete Batch Plant (multiple units); Loader Operator (over 2 cu. yds. up to and including 5 cu. yds. struck M.R.C.); Self-propelled boom type Lifting Device (center mount) (10 ton capacity or less M.R.C.)

Group 9: Heavy Duty Repairman or Welder; Tractor Operator (Bulldozer or tractor-drawn Scraper or drag-type Shovel or Boom Attachment, larger than D-7 or similar)

Group 10: Motor Patrol

POWER EQUIPMENT OPERATORS (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction (Cont'd)

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POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction (Cont'd)

Group 11: Loader Operator (over 5 cu. yds. up to and including 12 cu. yds. struck M.R.C.); Universal Equipment Operator (Shovel, Backhoe, Dragline, Derrick, Derrick Barge, Clamshell, Crane, Grade-all, etc.)(up to and including 5 cu. yds. struck M.R.C.); Self-propelled boom type Lifting Device (center mount); Tower Crane (Linden type or similar designs and capacity)

Group 12: Remote Controlled (over 12 cu. yds. struck M.R.C. up to 18 cu. yds. M.R.C.)

Group 13: Loader Operator (over 12 cu. yds. struck M.R.C. up to 18 cu. yds. M.R.C.)

Group 14: Operator of Helicopter (when used in erection work)

Group 15: Cranes over 125 tons

Heavy and Highway Construction

Group 1: Assistant to Engineer; Brakeman - Locomotive; Elevator Operator; Fireman; Asphalt Plant Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - field; Repairman Tender - field

Group 2: Boxman, asphalt plant; Air Compressor Operator; Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinky Operator; Generator Operator (100 KW or over); Mixer Box Operator or similar (concrete or asphalt plant continuous mix); Pump Operator; Screedman; Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Truck Crane Oiler (Assistant to Engineer)

Group 3: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper, multiple purpose; Front End Loader (up to and including 1 cu. yd. struck M.R.C.); Hoist Operator, 1 drum Line Master; Slip Form Pumps

Group 4: Batch Operator (asphalt plant); Air Compressor Operator (2 or more compressors); Concrete Conveyor, building site; Lube and Service engineer (mobile and grease rack); Motorman; Pavement Breaker Operator (Emsco and similar type); Shuttlecar; Signalman; Slurry Seal Machine or similar; Small rubber-tired Tractor; Small self-propelled pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction (Cont'd)

Group 5: A-Frame Truck and Tugger Hoist; Concrete Saws (self-propelled unit on streets, highways, airports and canals); Engineer - Locomotive; Forklift (construction jobsite); Gradesetter; Kolman Loader (and similar); McGinnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Power Jumbo Operator (setting slip forms, etc., in tunnels); Road Mixing Machine Operator; Ross Carrier or similar type; Small rubber-tired Trenching Machine; Small rubber-tired tractor (with attachments, including Backhoe; Small Tractor with boom; Surface Heater (self-propelled); Loader Operator (over 1 cu. yd. up to and including 2 cu. yds. struck M.R.C.)

Group 6: Bridge Crane; Chip Box Spreader (Flaherty type and similar); Concrete Conveyor or Concrete Pump, truck or equipment mounted, boom length to apply; Concrete Mixer Operator (paving or batch plant); Concrete Pipe Floater Operator; Deck Engineer (Marine); Drilling Machine Operator (Well or Diamond); Drilling and Boring Machinery, horizontal and vertical (not to apply to waterliners, wagon drills, or jack hammers); Dual Drum Mixers; Elevating Grader Operator; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as Quarry Master, Joy Drills or equal); Hoist Operator - 2 drums; Lull High-lift (40 ft. or similar); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Mechanical Finisher Operator (asphalt or concrete); Mine or Shaft Hoist; No-joint Pipe Laying Machine; Pavement Breaker; Pavement Breaker with Compressor combination; Pavement Breaker, truck mounted, Compressor combination; Refrigeration Plant; Roller Operator or self-propelled Compactor; Self-propelled Compactor (with multiple-propulsion power units); Self-propelled Pipeline Wrapping Machine Perault, CRC, or similar types); Self-propelled Compactor with or without Dozer; Slusher Operator; Tractor Operator (Sheep's Foot and Compacting Equipment); Tractor Compressor Drill Combination; Trenching Machine

Group 6-A: Side Boom Operator; Tractor Operator (Bulldozer or Tractor-drawn Scraper or Drag-type Shovel or Boom attachment, up to and including D-7 or similar)

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction (Cont'd)

Group 7: Asphalt Plant Engineer; Chicago Boom (including Stiff Leg and Sheer Pole); Combination Backhoe and Loader (3/4 cu. yds. or over M.R.C.); Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Do-more Loader and Adams Elegrader; Engineer, Crushing Plant; Euclid Loader and similar types; Loader Operator (over 2 cu. yds. up to and including 6 cu. yds. "struck" M.R.C.); Koehring Skooper (or similar)(up to 5 cu. yds. "struck" M.R.C.); Mechanical Trench Shield; Mucking Machine Operator Rubber-tired Scrapers (under 35 cu. yds. "Struck" M.R.C.); Saurman type Dragline (under 5 cu. yds. "struck" M.R.C.); Self-propelled Boom-type lifting device (center mount)(10-ton capacity or less M.R.C.); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Tri Batch Paver; Tunnel Mole (or similar)

Group 7-A: Heavy Duty Repairman or Welder; Tractor Operator (Bulldozer or Tractor-drawn Scraper or Drag-type Shovel or boom attachment, larger than D-7 or similar); Rubber-tired Dozer

Group 8: Combination Mixer and Compressor (gunite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity); D-10, Komatsu 455 and over

Group 9: DW-10, 20, etc. (Tandem Scrapers); Loader Operator (over 6 cu. yds. up to and including 12 cu. yds. "struck" M.R.C.); Highline Cableway Operator; Lift Slab Machine (Vagtborg and similar types); Locomotive (over 100 tons) (single or multiple units); Prestress Wire Wrapping Machine; Saurman-type dragline (5 cu. yds. and over "struck" M.R.C.); Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tractor (Tandem Scrapers); Universal Equipment Operator (Shovel, Backhoe, Draglinm, Derrick, Derrick Barge, Clamshell, Crane, Grade-all, etc.) (up to and including 5 cu. yds. "struck" M.R.C.); Hydraulic Backhoe, tractor mounted, rubber tired, ext., 3/4 yd. and over

Group 10: Automatic Concrete Slip Form Paver; Koehring Skooper (or similar)(5 cu. yds. and over "struck M.R.C.); Multiple-propulsion Power Unit Earthmovers (up to and including 75 cu. yds. "struck" M.R.C.); Power Equipment with shovel-type controls (over 5 cu.yds. up to and including 7 cu. yds. "struck" M.R.C.); Remote-controlled Cranes and Derricks; Rubber-tired Scrapers (35 cu. yds. and over "struck" M.R.C.); Self-propelled Boom-type lifting device (center mount)(over 25 tons M.R.C.); Slip Form Paver (concrete or asphalt); Sub-grader (automatic Sub-grader - Fine Grader, CMI or similar); Tandem Tractors; Tower Cranes Mobile

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction (Cont'd)

Group 10-A: Loader Operator (over 12 cu. yds. "struck" M.R.C. up to 18 cu. yds. M.R.C.); Multi-purpose Earthmoving Machines (2 or more scrapers)(over 75 cu .yds. "struck" M.R.C.); Power Shovels and Draglines (over 7 cu. yds. "struck" M.R.C.); Holland Loader (60" belt)

Group 10-B: Operator of Helicopter (when used in erection work); Loader (18 cu. yds. and over)

Group 11: Cranes over 125 tons

STEEL ERECTION

Group 1: Assistant to Engineer (Oiler)

Group 2: Compressor Operator; Generator, gasoline or diesel driven (100 KW or over)(structural steel or tank erection only); Assistant to Engineer (truck crane oiler)

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6) (structural steel or tank erection only); Deck Engineer; Forklift; Signalman (using mechanical equipment)

Group 4: Heavy Duty Repairman; Tractor Operator

Group 4-A: Combination Heavy Duty Repairman - Welder

Group 5: Dual Purpose A-frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes and Trucks Cranes (15 tons M.R.C. or less); Single drum Hoist; Self-propelled Boom-type lifting device (center mount)(10 ton capacity or less M.R.C.); Tugger Hoist; Overhead Cranes (15 tons M.R.C. or less)

Group 6: Crawler Cranes and Trucks Cranes (over 15 tons M.R.C.); Cary Lift, Campbell or similar; Derricks; Gantry Rider (or similar equipment); Highline Cableway; Two or more drum Hoist; Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tower Cranes Mobile (including rail mounted); Universal Liebher and Tower Cranes (and similar types); Overhead Cranes (over 15 tons M.R.C.)

Group 7: Self-propelled Boom-type lifting device (center mount) (over 25 tons)

Group 8: Cranes (over 125 tons)

Group 9: Operator of Helicopter

POWER EQUIPMENT OPERATORS (Cont'd)
PILEDRIVING

AREA DESCRIPITONS
LABORERS
(Heavy and Highway Construction)

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POWER EQUIPMENT OPERATORS (Cont'd)
PILEDRIVING

Group 1: Deckhand; Fireman; Oiler

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler (Assistant to Engineer)

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Forklift Operator

Group 2-C: Compressor Operator (over 2); Generator; Pumps; Welding Machine (powered other than by electricity)

Group 2-D: A-Frames

Group 3: Deck Engineer; Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operator or Piledriving Rigs, skid or floating and Derrick Barges; Operator of diesel or gasoline powered Crane Pilderiver (without boiler) (up to and including 1 cu. yd. rating); Truck Crane Operator (up to and including 25 tons) (hoisting material only); Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to Crane Piledriver; Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons)

Group 5: Operator of diesel or gasoline powered Crane Pile-driver (without boiler)(over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work); Self-propelled boom-type lifting device (center mount) (over 25 tons)

Group 6: Cranes (over 125 tons)

UNDERGROUND and SHAFT WORK:
Underground Work: Employees working underground shall receive $0.30 per hour in addition to their straight-time hourly rate.

Shaft Work: Employees working within Shafts, Stopes and Raises shall receive $0.50 per hour in addition to their straight-time hourly rate

AREA DESCRIPITONS
LABORERS
(Heavy and Highway Construction)

POWER EQUIPMENT OPERATORS

TRUCK DRIVERS

AREA 1: All area included in the description defined below which is based upon township and range lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah/Nevada border and the Southerly line of township 35 south;
Thence easterly to the S.E. corner of township 35 south, range 17 west;
Thence northerly to the S.E. corner of township 34 south, range 17 west;
Thence easterly to the S.E. corner of township 34 south, range 16 west;
Thence northerly to the S.E. corner of township 30 south, range 16 west;
Thence easterly to the S.E. corner of township 30 south, range 15 west;
Thence northerly to the S.E. corner of township 25 south, range 15 west;
Thence easterly to the S.E. corner of township 25 south, range 14 west;
Thence northerly to the S.E. corner of township 24 south, range 14 west;
Thence easterly to the S.E. corner of township 24 south, range 13 west;
Thence northerly to the S.E. corner of township 23 south, range 13 west;
Thence easterly to the S.E. corner of township 23 south, range 12 west;
Thence northerly to the S.E. corner of township 18 south, range 12 west;
Thence easterly to the S.E. corner of township 18 south, range 11 west;
Thence northerly to the S.E. corner of township 16 south, range 11 west;
Thence easterly to the S.E. corner of township 16 south, range 10 west;
Thence northerly to the S.E. corner of township 15 south, range 10 west;
Thence easterly to the S.E. corner of township 15 south, range 9 west;
Thence northerly to the S.E. corner of township 14 south, range 9 west;

AREA DEFINITIONS (Cont'd)

AREA 1: (Cont'd)

Thence easterly to the S.E. corner of township 14 south, range 8 west;
Thence northerly along the easterly line of range 8 west, crossing the Salt Lake Base Line to the intersection of the easterly line of range 8 west and the northerly border of Utah;
Thenme easterly along the northerly border of Utah crossing the Salt Lake Meridian to the Utah/Idaho/Wyoming border;
Thence southerly along the Utah/Wyoming border;
Thence easterly along the Utah/Wyoming border to the intersectimn of the Utah/Wyoming border and Longitude 111 degrees west;
Thence southerly along Longitude 111 degrees west crossing the Salt Lake Base Line to the intersection of Longitude 111 degrees west and the southerly line of township 4 south;
Thence easterly along the southerly line of township 4 south to the S.E. corner of township 4 south, range 17 east;
Thence northerly to the S.E. corner of township 1 south, range 17 east;
Thence easterly along the southerly line of township 1 south to the intersection of the Utah/Colorado border;
Thence southerly along the Utah/Colorado border to the intersection of the Utah/Colorado border and the southerly line of township 7 south;
Thence westerly along the southerly line of township 7 south to the S.W. corner of township 7 south, range 20 east;
Thence southerly to the S.E. corner of township 8 south, range 19 east
Thence westerly along the southerly line of township 8 south to the S.E. corner of township 8 south, range 12 east;
Thence southerly along the easterly line of range 12 east to the S.E. corner of township 20 south, range 12 east;
Thence westerly along the southerly line of township 20 south to the S.E. corner of township 20 south, range 3 east;
Thence southerly along the easterly line of range 3 east to the S.E. corner of township 27 south, range 3 east;
Thence westerly to the intersection of the southerly line of township 27 south and the Salt Lake Meridian, thence southerly along the Salt Lake Meridian to the intersection of the Salt Lake Meridian and the southerly line of township 39 south;
Thence westerly crossing the Salt Lake Meridian to the S.E. corner of township 39 south, range 2 west;

[FR Doc. 83-7520 Filed 3-24-83; 8:45 am]
BILLING CODE 4510-27-C

AREA DEFINITIONS (Cont'd)

AREA 1: (Cont'd)

Thence southerly to the S.E. corner of township 41 south, range 2 west;
Thence westerly to the S.E. corner of township 41 south, range 3 west;
Thence southerly along the easterly line of range 3 west to the Utah/Arizona border;
Thence westerly along the Utah/Arizona border to the Utah/Arizona/Nevada border;
Thence northerly along the Utah/Nevada border to the point of beginning. Commencing at the intersection of the Utah/Colorado border to the southerly line of township 34 south;
Thence westerly to the S.W. corner of township 34 south, range 21 east;
Thence northerly to the S.E. corner of township 25 south, range 21 east;
Thence westerly to the S.W. corner of township 25 south, range 19 east;
Thence northerly to the N.W. corner of township 23 south, range 19 east;
Thence easterly to the S.W. corner of township 23 south, range 22 east;
Thence northerly to the N.W. corner of township 21 south, range 22 east;
Thence easterly to the N.E. corner of township 21 south, range 24 east;
Thence southerly to the N.E. corner of township 31 south, range 24 east;
Thence easterly along the northerly line of township 31 south, to the Utah/Colorado border;
Thence southerly along the Utah/Colorado border to the point of beginning.

AREA 2: All areas not included in Area 1 as defined.

Unlisted classifications needed for work not included within the scope of the classifications limted may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))

federal register

Friday
March 25, 1983

Part III

Department of the Interior

Minerals Management Service

Outer Continental Shelf, Mid-Atlantic Oil and Gas Leases Offering; and Notice of Leasing Systems; April 1983

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Billing Code 4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
Minerals Management Service
Outer Continental Shelf, Mid-Atlantic
Oil and Gas Lease Offering
April, 1983

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (30 CFR 256, formerly 43 CFR Part 3300; see the Federal Register at 47 FR 47006, October 22, 1982). A revision of these regulations appeared in the Federal Register of June 16, 1982, at 47 FR 26031 and 25967.

2. Filing of Bids. Sealed bids will be received by the Regional Manager, Atlantic Outer Continental Shelf (OCS) Region, Minerals Management Service, Jacob K. Javits Federal Building, 26 Federal Plaza, Suite 32-120, New York, New York 10278. Bids may be delivered, either by mail or in person, to the above address until the Bid Submission Deadline at 4:30 p.m., e.s.t., April 25, 1983. Bids will not be accepted on April 26, 1983, the day of Bid Opening. Bids received by the Regional Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the Regional Manager prior to 4:30 p.m., e.s.t., April 25, 1983. Bids may not be withdrawn unless written withdrawal is received by the Regional Manager prior to 9:00 a.m., e.s.t., April 26, 1983. Bid Opening Time will be 10:00 a.m., e.s.t., April 26, 1983 at the Vista International Hotel, New Amsterdam Ballroom, 3 World Trade Center, New York, N.Y. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this offering was published in 47 FR 44166, October 6, 1982.

3. Method of Bidding. Tract numbers will not be used. A separate bid in a sealed envelope, labeled, "Sealed Bid for Oil and Gas Lease (insert offering name, map number(s) and name(s) (if applicable), and block number(s)), not to be opened until 10 a.m., e.s.t., April 26, 1983," must be submitted for each block (or prescribed bidding unit) bid upon. For example, a bid on the first block appearing on the block list for this offering would identify the block as follows: "Mid-Atlantic (April 1983) NK 18-12 (New York) Block 701". Paragraph 12, "Block Descriptions", lists which blocks must be bid on together as a single "bidding unit." For a bid on a "bidding unit," the sealed envelope containing the bid must be labeled with all blocks included in the "bidding unit." A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the Minerals Management Service. No bid for less than a full block or bidding unit as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Partnerships also need to submit a list of signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this offering will provide for a yearly rental payment of $8 per hectare or fraction thereof. Leases awarded under 4(b), (c), and (d) will provide for a minimum royalty of $8 per hectare or fraction thereof. The following systems will be utilized:

(a) Bonus Bidding with a Fixed Net Profit Share. Bids on the following blocks must be submitted on a cash bonus basis with a fixed net profit share rate of 30 percent and a capital recovery factor of 1.50:

Official Protraction Diagram No. NJ 18-6.

412	499
456	629

The net profit share payment shall be calculated according to the regulations previously codified in 10 CFR 390 (originally promulgated by the Department of Energy, 45 FR 36784, May 30, 1980). The Department of the Interior has redesignated those regulations as 30 CFR Part 261; see the Federal Register at 48 FR 1181, January 11, 1983.

(b) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on the following blocks must be submitted on a cash bonus basis with the percent royalty due in amount or value of production fixed according to the sliding scale formula described following the list of blocks:

Official Protraction Diagram No. NJ 18-3.

17-35	61-79	105-123	149-162	165-167
193-205	209-211	246-255	293-299	337-342
378	381-385	422	428	466

Official Protraction Diagram No. NJ 18-5.

603-613	647-657	691-701	735-745	779-789
823-833	867-877	911-921	955-965	999-1009

Official Protraction Diagram No. NJ 19-1.

10-16	54-58	98-101	142-144	186-187
230				

Official Protraction Diagram No. NJ 18-6.

490	534	573-578	617-622	661-666
705-709	749	752	793	837

b = 9.0

Ln = natural logarithm

Vi = the value of production in quarter i, adjusted for inflation, in millions

Official Protraction Diagram No. NJ 18-6.

490	534	573-578	617-622	661-666
705-709	749	752	793	837
881	884	925-927	969	

Official Protraction Diagram No. NJ 18-8.

764-778	808-822	852-866	894-906	938-950
982-996				

Official Protraction Diagram No. NJ 18-11.

14-28	58-72	101-116	145-160	189-204
233-248	277-292	321-335	365-379	409-423
453-467	497-511			

Official Protraction Diagram No. NK 18-12.

701-702	744-746	787-790	829-834	872-878
915-922	95■-966	1001-1010		

Official Protraction Diagram No. NK 19-10.

242-247	285-291	327-335	370-379	413-423
456-467	499-511	541-555	584-599	627-643
669-687	713-731	757-775	801-819	845-863
889-902	933-944	977-986		

The following formula fixes the percent royalty at a level determined by the value of lease production during each calend r quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way: When the quarterly value of production, adjusted for inflation, is less than or equal to $15.929025 million, a royalty of 16.66667 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $15.929026 million, but less than or equal to $3423.822696 million, the royalty percent due on the unadjusted value or amount of production is given by:

$$Rj = b\,[Ln\,(Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 9.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 2.50

When the adjusted quarterly value of production is equal to or greater than $3423.822697 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 22.11425 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., the nearest dollar (for example, $29.178436 million). The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

(c) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the following blocks must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent:

Figure 1
Form of the Sliding Royalty Schedule

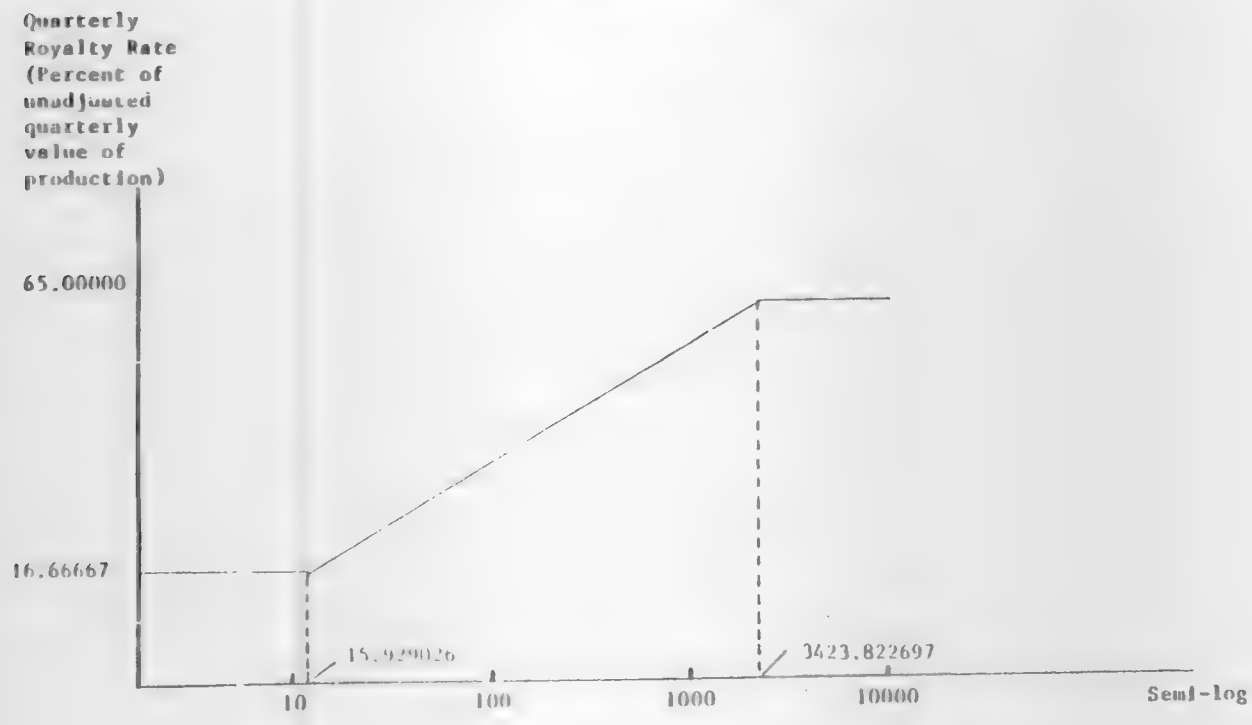

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflaction Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.66667
30.000000	200.0	4/3	22.500000	19.77502	5.93251
90.000000	200.0	4/3	67.500000	29.66253	26.69628
270.000000	200.0	4/3	202.500000	39.55004	106.78511
810.000000	200.0	4/3	607.500000	49.43755	400.44416
10.000000	250.0	5/3	6.000000	16.66667	1.66667
30.000000	250.0	5/3	18.000000	17.76673	5.33002
90.000000	250.0	5/3	54.000000	27.65424	24.88882
270.000000	250.0	5/3	162.000000	37.54175	101.36272
810.000000	250.0	5/3	486.000000	47.42926	384.17701

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100. All values are rounded for display purposes only.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the

Official Protraction Diagram No. NJ 18-3.

Official Protraction Diagram No. NJ 18-3.

237-245	281-289	325-333	369-377	412-421
454-465	497-512	541-557	585-597	600-602
630-641	644-645	673-688	716-725	727-731
760-769	771-775	804-814	816	847-857
891-9□2	934-946	97□-989		

Official Protraction Diagram No. NJ 18-5.

349	39□-393	436-437	479-481	515-525
559-569				

Official Protraction Diagram No. NJ 18-6.

1□-19	21	53-62	65	96-102
1□4-106	138-14□	181-191	224-233	235
266-280	309-321	324	353-365	397-406
441-450	485-4□9	529-533		

Official Protraction Diagram No. NJ 18-□.

36-41	80-□4	124-126	168-170	212-213
256	300	344		

Official Protraction Diagram No. NJ 18-9.

1	45			

(d) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the remaining blocks to be offered must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2, above, the certification required by 41 CFR 60-1.7 (b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982) and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See paragraph 14, "Information to Lessees."

6. Bid Opening. Bids will be opened at the Bid Opening Time, stated in paragraph 2, above. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, on the day specified in Bid Opening Time, stated in paragraph 2, above, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this offering prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted and no lease for any block or bidding unit will be awarded to any bidder unless:

(a) the bidder has complied with all requirements of this notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $371 or more per hectare or fraction thereof. Any bid submitted which does not conform to the requirements of this notice, the OCS Lands Act, as amended, or applicable regulations, may be returned to the person submitting that bid by the Regional Manager and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's rental, and satisfy the bonding requirements of 30 CFR Part 256 Subpart I within the time provided in 30 CFR 256.47. A modification of the payments procedure for successful bidders appears in the revision of regulations discussed in paragraph 1, above. These changes do not apply to the submission of the one-fifth bonus with bids, described in paragraph 3, above.

11. Official Protraction Diagrams. Blocks offered for lease may be located on the following official protraction diagrams which may be purchased for $2.00 each from the Regional Manager, Atlantic OCS Region, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180 or from the Regional Manager, Atlantic OCS Region, Minerals Management Service, Jacob K. Javits Federal Building, Suite 32-120, 26 Federal Plaza, New York, New York 10278.

(a) Outer Continental Shelf Official Protraction Diagram No. NK 18-12, New York (Approved October 31, 1974).

(b) Outer Continental Shelf Official Protraction Diagram

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No. NK 19-10, Block Island Shelf (Approved June 22, 1977).

(c) Outer Continental Shelf Official Protraction Diagram No. NJ 18-3 (Approved October 31, 1974).

(d) *Outer Continental Shelf Official Protraction Diagram No. NJ 19-1, Block Canyon (Approved June 22, 1977).

(e) Outer Continental Shelf Official Protraction Diagram No. NJ 19-2, Veatch Canyon (Approved January 25, 1979).

(f) Outer Continental Shelf Official Protraction Diagram No. NJ 18-5, Salisbury (Approved October 31, 1974).

(g) Outer Continental Shelf Official Protraction Diagram No. NJ 18-6 (Approved October 31, 1974).

(h) Outer Continental Shelf Official Protraction Diagram No. NJ 19-4 (Approved October 31, 1974).

(i) Outer Continental Shelf Official Protraction Diagram No. NJ 19-5 (Approved June 2, 1980).

(j) Outer Continental Shelf Official Protraction Diagram No. NJ 18-8, Chincoteague (Approved December 2, 1976).

(k) Outer Continental Shelf Official Protraction Diagram No. NJ 18-9, Baltimore Rise (Approved December 6, 1976).

(l) Outer Continental Shelf Official Protraction Diagram No. NJ 18-11, Currituck Sound (Approved April 25, 1978).

(m) Outer Continental Shelf Official Protraction Diagram No. NJ 18-12 (Approved April 18, 1979).

12. Block Descriptions. Note: All blocks contain 2304 hectares unless otherwise indicated on the lists which appear as items (b) and (c) of this section. A listing of currently leased blocks appears at item (d) of this section.

(a) All unleased blocks within the following list are offered for bid:

Official Protraction Diagram No. NK 18-12, New York.

701-702	744-746	787-790	829-[illegible]34
872-878	915-922	958-966	1001-1010

Official Protraction Diagram No. NJ 18-6 (Approved October 31, 1974).

10-36	266-300	493-520	705-740	884-916
53-62	309-321	529-534	749	925-960
64-80	324-344	537-564	752-784	969-1004
96-124	353-365	573-578	793	
138-168	368-388	581-608	795-828	
181-192	397-432	617-623	837	
195-212	441-476	626-652	839-872	
224-256	485-490	661-696	881	

Official Protraction Diagram No. NJ 19-4 (Approved October 31, 1974).

9-44	229-259	449-470	669-682	
53-88	273-301	493-513	716-734	
97-132	317-343	537-555	761-766	
141-174	361-386	581-597		
185-217	405-428	625-639		

Official Protraction Diagram No. NJ 19-5 (Approved June 2, 1980).

1-2	
45-46	

Official Protraction Diagram No. NJ 18-8, Chincoteague (Approved December 2, 1976).

36-41	300-305	564-569	[illegible]-833	9[illegible]2-996
80-85	344-349	608-613	8[illegible]2-877	[illegible]9[illegible]-1009
124-129	388-393	652-657	894-906	
168-173	432-437	696-701	910-921	
212-217	476-481	740-745	938-950	
256-261	520-525	764-789	[illegible]54-965	

Official Protraction Diagram No. NJ 18-9, Baltimore Rise (Approved December 6, 1976).

1-36	265-301	529-565	793-829
45-80	309-345	573-609	837-873
89-125	353-389	617-653	881-917
133-169	397-433	661-697	925-961
177-213	441-477	705-741	969-1005
221-257	485-521	749-785	

Official Protraction Diagram No. NJ 18-11, Currituck Sound (Approved June 25, 1979).

(b) All partial blocks within the following list are offered for bid:

Official Protraction Diagram No. NJ 18-11, Currituck Sound (Approved June 25, 1979).

14-41	145-173	277-305	409-437
58-85	189-217	321-349	453-481
101-129	233-261	365-393	497-525

Official Protraction Diagram No. NJ 18-12 (Approved April 18, 1979).

1-14	133-144	265-274	397-404
45-57	177-187	309-317	441-447
89-100	221-230	353-361	485-491

(b) All partial blocks within the following list are offered for bid:

Partial Block List

Official Protraction Diagram No. NJ 18-3 (Approved December 31, 1974).

Block	Hectares	Block	Hectares	Block	Hectares
167	1191.12	387	1576.64	563	1883.79
211	1268.36	431	1653.53	607	1960.41
255	1345.54	475	1730.36	651	2036.95
299	1422.64	519	1807.11	695	2113.42
343	1499.67			739	2189.82

Official Protraction Diagram No. NJ 19-1, Block Canyon (Approved June 22, 1977)

Block	Hectares	Block	Hectares	Block	Hectares
142	1191.12	362	1576.64	538	1883.79
186	1268.36	406	1653.53	582	1960.41
230	1345.54	450	1730.36	626	2036.95
274	1422.64	494	1807.11	670	2113.42
318	1499.67			714	2189.82

Official Protraction Diagram No. NJ 18-6 (Approved October 31, 1974).

Block	Hectares	Block	Hectares	Block	Hectares
476	1173.80	652	1473.87	828	1772.79
520	1248.93	696	1548.71	872	1847.34
564	1323.98	740	1623.47	916	1921.82
608	1398.96	784	1698.17	960	1996.23
				1004	2070.57

Official Protraction Diagram No. NJ 19-4 (Approved October 31, 1974).

Block	Hectares	Block	Hectares	Block	Hectares
449	1173.80	537	1323.98	625	1473.87
493	1248.93	581	1398.96	669	1548.71

Official Protraction Diagram No. NJ 18-9, Baltimore Rise (Approved December 8, 1978).

Block	Hectares	Block	Hectares	Block	Hectares
36	2144.83	829	1165.26	917	1310.97
80	2219.02	873	1238.15	961	1383.71
				1005	1456.39

(c) The following blocks must be bid on together, as bidding units:

OFFICIAL PROTRACTION DIAGRAM	BLOCK	BLOCK HECTARES	BIDDING UNIT HECTARES
NK 18-12	702	336.81	
	746	414.83	
NK 19-10	669	336.81	
	713	414.83	1503.28
NK 18-12	790	492.77	
	834	570.64	
NK 19-10	757	492.77	
	801	570.64	2126.82
NK 18-12	878	648.45	
NK 19-10	845	648.45	1296.90
NK 18-12	922	726.18	
NK 19-10	889	726.18	1452.36
NK 18-12	966	803.84	
NK 19-10	933	803.84	1607.68
NK 18-12	1010	881.44	
NK 19-10	977	881.44	1762.88
NJ 18-3	35	958.96	
NJ 19-1	10	958.96	1917.92
NJ 18-3	79	1036.42	
NJ 19-1	54	1036.42	2072.84
NJ 18-3	123	1113.80	
NJ 19-1	98	1113.80	2227.60
NJ 18-3	783	2266.15	
	784	0.0005	2266.1505
NJ 18-3	828	38.41	
	872	114.60	
	916	190.72	
	960	266.76	
NJ 18-3	1004	342.74	
NJ 19-1	801	38.41	
	845	114.60	
	889	190.72	
	933	266.76	
	977	342.74	1906.46
NJ 19-1	757	0.0005	
	758	2266.15	2266.1505
NJ 18-6	36	418.65	
	80	494.48	
NJ 19-4	9	418.65	
	53	494.48	1826.26
NJ 18-6	124	570.25	
NJ 19-4	97	570.25	1140.50
NJ 18-6	168	645.94	
NJ 19-4	141	645.94	1291.88
NJ 18-6	[illegible]	[illegible]	
NJ 19-4	185	721.56	1443.12
NJ 18-6	256	797.11	
NJ 19-4	[illegible]	797.11	1594.22
NJ 18-6	300	872.59	
NJ 19-4	273	872.59	1745.18
NJ 18-6	344	948.00	
NJ 19-4	317	948.00	1896.00
NJ 18-6	388	1023.34	
NJ 19-4	361	1023.34	2046.68
NJ 18-6	432	1098.61	
NJ 19-4	405	1098.61	2197.22

(d) No bid will be considered for the following blocks. Any bid submitted on the following blocks will be returned unopened to the bidder.

Leased Block List

OFFICIAL PROTRACTION DIAGRAM	BLOCK	BLOCK HECTARES	BIDDING UNIT HECTARES
[illegible]	[illegible]	[illegible]	[illegible]

OFFICIAL PROTRACTION DIAGRAM	BLOCK	BLOCK ACREAGE	PARTIAL BLOCK ACREAGE
NJ 18-9	125	2498.52	
	125	4.63	1243.13
NJ 18-9	169	63.19	
	213	137.17	
	257	11.07	
	301	84.91	
	345	358.67	
	389	432.36	
NJ 18-9	433	505.97	
	477	579.52	
	521	652.00	1738.48
NJ 18-9	565	725.59	
	609	799.71	1525.30
NJ 18-9	653	872.13	
	697	945.65	1817.78
NJ 18-	741	1019.24	
	785	1092.76	2112.00

d' No Bid will be considered for the following blocks. Any bid submitted on the following blocks will be returned unopened to the bidder.

Lease Block List

Official Protraction Diagram No. NJ 18-3 (Approved October 21, 1974).

163	598	693	737
164	599	694	770
206	642	726	780
207	643	736	952
208			

Official Protraction Diagram No. NJ 18-6 Approved October 3, 1974).

20	371	581	801
64	372	582	802
103	413	585	839
107	414	586	840
112	415	587	843
149	451	623	844
150	457	628	845
151	458	630	885
192	493	671	886
199	494	672	887
234	495	673	888
243	500	715	889
284	501	716	928
285	537	753	929
326	538	754	931
327	539	757	932
328	541	758	972
329	542	795	973
369	543	796	974
370	544	797	

Official Protraction Diagram No. NJ 18-8, Chincoteague, Approved December 1, 1976).

85			
347			

Official Protraction Diagram No. NJ 18-9, Baltimore Rise, (Approved December 6, 1976).

4	48	91	134
5	49	92	135
6			

13. Lease Terms and Stipulations.

(a) Leases resulting from this offering for the following blocks will be for an initial term of 5 years:

Official Protraction Diagram No. NK 18-12, New York.

All Blocks

Official Protraction Diagram No. NK 19-10, Block Island Shelf.

All Blocks

Official Protraction Diagram No. NJ 18-3.

17-35	61-79	105-123	149-167	193-211
237-255	281-289	293-299	325-333	337-343
369-378	381-387	412-422	428-431	454-466
473-475	497-512	517-519	541-557	562-563
585-604	630-649	673-693	716-736	760-779
804-814	816-821	847-857	860-863	891-904
934-947	978-991			

Official Protraction Diagram No. NJ 19-1, Block Canyon.

10-27	54-71	98-115	142-153	186-193
230-235	274-279	318-321	362-364	406-408

Official Protraction Diagram No. NJ 18-5, Salisbury.

All Blocks

Official Protraction Diagram No. NJ 18-6.

10-21	53-62	64-65	96-108	138-151
181-192	224-238	266-281	309-321	324
353-365	397-410	441-454	485-490	493-497
529-534	537-540	573-578	581-583	617-623
626	661-668	705-711	749	752-754
793	795-798	837	839-841	881
884	925-927	969-970		

Official Protraction Diagram No. NJ 18-8, Chincoteague.

36-41	80-85	124-129	168-173	212-215
217	256-259	300-302	344-346	388-389
432	476	520	764-780	808-824
852-867	894-906	910-911	938-950	954-955
982-996	998-999			

Official Protraction Diagram No. NJ 18-9, Baltimore Rise.

1-2	45	89

Official Protraction Diagram No. NJ 18-11, Currituck Sound.

14-30	58-74	101-118	145-161	189-205
233-249	277-293	321-337	365-381	409-424
453-468	497-512			

All other leases issued as a result of this offering will be for an initial term of 10 years. Leases issued as a result of this offering will be on Form MMS-2005 (August, 1982), available from the Regional Manager, at the address stated in paragraph 2.

(b) For leases resulting from this offering for blocks offered on a cash bonus basis with a fixed sliding scale royalty, listed in paragraph 4(b), Form MMS-2005 will be amended as follows:

Section 6. Royalty on Production. The lessee agrees to pay the lessor a royalty of that percent in amount or value of production from the leased area as determined by the sliding scale royalty formula as follows: When the quarterly value of production, adjusted for inflation, is less than or equal to $15.929025 million, a royalty of 16.66667 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $15.929026 million, but less than or equal to $3423.822696 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b\,[\ln (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 9.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 2.50

When the adjusted quarterly value of production is equal to or greater than $3423.822697 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 22.11425 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., the nearest dollar (for example, 29.178436 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(c) For leases resulting from this offering for blocks offered on a cash bonus basis with a fixed net profit share, as listed in paragraph 4(a), Form MMS-2005 will be amended as follows:

Section 4. Royalty. The phrase, "which commences prior to a discovery in

(3) A report of the latter investigation prepared by the archeologist and geophysicist shall be submitted to the Regional Manager for review. Should the Regional Manager determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no

(c) For leases resulting from this offering for blocks offered on a cash bonus basis with a fixed net profit share, as listed in paragraph 4(a), Form MMS-2005 will be amended as follows:

Section 4. Rentals. The phrase, "which commences prior to a discovery in paying quantities of oil or gas on the leased area," is hereby deleted and replaced by, "which commences prior to the date the first net profit share payment becomes due."

Section 5. Minimum Royalty. Hereby deleted.

Section 6. Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of 30 percent with a 1.50 capital recovery factor, calculated pursuant to 30 CFR 261.

(d) Except as otherwise noted, the following stipulations will be included in each lease resulting from this offering. In the following stipulations, the term RS refers to the Regional Supervisor, Offshore Field Operations, Atlantic OCS Region, Minerals Management Service.

Stipulation No. 1

If the Regional Manager has reason to believe that a site, structure, or object of historical or archeological significance, hereinafter referred to as "cultural resource," may exist in the leased area and gives the lessee written notice that the lessor is enforcing the provisions of this stipulation, the lessee shall, upon receipt of such notice, comply with the following requirements:

(1) Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys and/or prepare a report, as specified by the Regional Manager, to determine the potential existence of any cultural resource that may be affected by such operation. All data produced as well as other pertinent natural and cultural environmental data shall be examined by an archeologist and geophysicist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of such surveys and assessments prepared by an archaeologist and geophysicist shall be submitted by the lessee to the Regional Manager.

(2) If such cultural resource indicators are present, the lessee shall: (a) locate the site of the lease operation so as not to affect adversely the identified location or (b) establish to the satisfaction of the Regional Manager, on the basis of further archeological investigation conducted by an archeologist and geophysicist using such survey equipment and techniques as deemed necessary by the Regional Manager, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

(3) A report of the latter investigation prepared by the archeologist and geophysicist shall be submitted to the Regional Manager for review. Should the Regional Manager determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Regional Manager has given directions as to its protection.

In addition, the lessee agrees that if any cultural resource should be discovered during the conduct of any operation on the leased area, he shall report immediately such findings to the Regional Manager and make every reasonable effort to protect the cultural resource until the Regional Manager gives directions as to its protection.

Stipulation No. 2

(a) To be included only in leases resulting from this offering for the following blocks:

Official Protraction Diagram No. NK 19-10.

900-902	944	988

Official Protraction Diagram No. NJ 19-1.

14-16	22-24	58-60	66-68	102-104
111-112	146-149	155-156	190-193	199
231-232	235-237	275-281	319-324	364-366
409-410	453			

Official Protraction Diagram No. NJ 18-3.

473	516-517	560	604	771
775-776	814	816-820	860	901-909
944-951	988-995			

Official Protraction Diagram No. NJ 18-6.

19	21-24	65-67	106	108-109
195	238-239	278	321	324
365	368	410-411	448-449	626
667-670	706-707	841	884	927

Official Protraction Diagram No. NJ 18-8.

608	652	698	781-782	863-864
906	910-912	950	954-956	998-1000

Available environmental information indicates that biological populations or habitats which require special protection may exist on these blocks. The lessee is required to conduct environmental surveys or studies, which may include field sampling or monitoring, as approved by the RS, to determine existing environmental conditions, the extent and composition of the populations or habitats, and the effects of proposed or existing operations

on those populations or habitats which require additional protective measures. Special biological resources include, but are not limited to: (1) very unusual, rare, or uncommon ecosystems; (2) a species of limited regional distribution that may be adversely affected by any lease operation. The nature and extent of surveys or studies will be determined by the RS on a case-by-case basis.

If the RS determines, based on available environmental information, including surveys or studies required of the lessee, that biological populations or habitats requiring special protection do exist in proximity to a proposed drill site, the lessee will be required to undertake protective measures that may include, but are not limited to: (1) relocating the site of operations so as not to adversely affect the biological populations or habitats identified; or (2) modifying operations, such as the disposal of drilling muds and cuttings in such a way so as not to adversely affect the biological populations or habitats; or (3) establishing to the satisfaction of the RS that such operations will not adversely affect the biological populations or habitats identified. The lessee shall submit all data obtained in the course of surveys or monitoring programs to the RS, with the locational information for drilling or other activity.

Operations, including siting, must be conducted to insure the protection and continued viability of the populations or habitats deserving protection in a manner consistent with the other purposes of the Outer Continental Shelf Lands Act, as amended. The lessee may take no action that might result in any adverse effect on the biological populations or habitats identified until the RS provides written directions to the lessee with regard to permissible actions.

In the event that populations or habitats deserving protection are identified subsequent to commencement of or during operations, the lessee shall make every reasonable effort to preserve and protect all such biological populations and habitats within the leased area from damage until the RS provides written instructions to the lessee with regard to the biological populations or habitats identified.

(b) To be included only in leases resulting from this offering for the following blocks:

Official Protraction Diagram No.NK 19-10:

686-687	727	731	771	775
814-819	857-863	903-907	943	947
979-987				

Official Protraction Diagram No. NJ 19-1:

11-13	17-21	54-57	61-65	98-101
105-110	142-145	154	186-189	198
230	233	234	318	

Official Protraction Diagram No. NJ 18-3:

79	122-123	149-150	155-167	193-194
206	209-211	244-245	248-255	293-299
337-343	378	381-386	422	428-429
466	509-512	552-557	595-597	600-602
639-641	644-646	682-689	727-732	772-774
813	857	900		

Official Protraction Diagram No. NJ 18-6:

62	148	191	235-237	279-281
364	407-409	450	452-453	496
577-578	621-622	664	666	708-711
752	754	793	798	837
881	925-926	969-970		

Official Protraction Diagram No. NJ 18-5:

877	920-921	963-965	1007-1009

Official Protraction Diagram No. NJ 18-8:

38-41	81-84	125-129	168-171	212-215
256-258	300-302	344-345	388-389	432
778-780	822-824	866-868		

Official Protraction Diagram No. NJ 18-9:

1

Official Protraction Diagram No. NJ 18-11:

29-30	73	117	161	204-205
248-249	292-293	336-337	380	409
419-421	423-424	453	463-465	467-468
497	507-509	511-512		

If available environmental information indicates that biological populations or habitats which require special protection may exist in proximity to a proposed drill site, the RS may require the lessee to conduct environmental surveys or studies, which may include field sampling or monitoring, as approved by the RS, to determine existing environmental conditions, the extent and composition of the populations or habitats, and the effects of proposed or existing operations on those populations or habitats which might require additional protective measures. Special biological resources include, but are not limited to: (1) very unusual, rare, or uncommon ecosystems; (2) a species of limited regional distribution that may be adversely affected by any lease operation. The RS shall provide written notice to the lessee of his decision to require such surveys. The nature and extent of any surveys or studies will be determined by the RS on a case-by-case basis.

If the RS determines, based on available environmental information, including any surveys or studies which the RS may require of the lessee,

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except

If the RS determines, based on available environmental information, including any surveys or studies which the RS may require of the lessee, that biological populations or habitats requiring special protection do exist in proximity to a proposed drill site, the lessee will be required to undertake protective measures that may include, but are not limited to: (1) relocating the site of operations so as not to adversely affect the biological populations or habitats identified; or (2) modifying operations, such as the disposal of drilling muds and cuttings, in such a way so as not to adversely affect the biological populations or habitats; or (3) establishing to the satisfaction of the RS that such operations will not adversely affect the biological populations or habitats identified. The lessee shall submit all data obtained in the course of surveys or monitoring programs to the RS, with the locational information for drilling or other activity.

Operations, including siting, must be conducted to insure the protection and continued viability of the populations or habitats deserving protection in a manner consistent with the other purposes of the Outer Continental Shelf Lands Act, as amended. The lessee may take no action that might result in any adverse effect on the biological populations or habitats identified until the RS provides written directions to the lessee with regard to permissible actions.

In the event that populations or habitats deserving protection are identified subsequent to commencement of or during operations, the lessee shall make every reasonable effort to preserve and protect all such biological populations and habitats within the leased area from damage until the RS provides written instructions to the lessee with regard to the biological populations or habitats identified.

Stipulation No. 1.

Pipelines will be required, (1) if pipeline rights-of-way can be determined and obtained, (2) if laying such pipelines is technologically feasible and environmentally preferable, and (3) if, in the opinion of the lessor, laying of pipelines is economically feasible, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced mutliple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the Regional Technical Working Group (RTWG) or other similar advisory group, with the participation of Federal and State governments, industry, and private interests. Where feasible and environmentally preferable, all pipelines, including both flow lines and gathering lines for oil and gas, shall be shrouded or buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other factors as determined on a case-by-case basis.

All valves, taps or other irregular surfaces that might be vulnerable or might damage fishing gear will be covered with an approved protective dome which will allow commercial trawling gear to pass over the structure without snagging or damaging the structure or fishing gear, as determined on a case-by-case basis.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the RS. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all applicable sections of Titles 33 and 46 of the U.S. Code and the regulations issued thereunder by the U.S. Coast Guard.

Subsea wellheads and temporary abandonments, or suspended operations that leave protrusions above the seafloor, shall be protected, if feasible and as appropriate, in such a manner as to allow commercial fisheries trawling gear to pass over the structure without snagging or otherwise damaging the structures or the fishing gear. Latitude and longitude coordinates of these structures, along with water depths, shall be submitted to the RS. The coordinates of such structures will be determined by the lessee utilizing state of the art navigation systems with accuracy of at least ±50 feet (15.25 m) at 200 miles (322 km).

Stipulation No. 4

The RS may require the lessee to dispose of drill cuttings and drilling muds by shunting the material to a depth and location below the ocean surface as specified by the RS, or by transporting the material to disposal sites approved by the Environmental Protection Agency. After consultation with the Environmental Protection Agency, the RS shall determine the method of disposal based upon review of relevant sources of information.

Based upon the composition of produced formation waters, the site-specific environmental conditions in a leasing area, and the data from relevant sources, the RS may require the lessee to reinject formation waters. The RS shall provide written notice to the lessee of a decision to require reinjection of such formation waters.

Stipulation No. 5

To be included only in leases resulting from this offering for the following blocks:

Official Protraction Diagram No. NK 18-12, New York.

701-702	744-746	787-790	829-834	872-878
915-922	958-966	1001-1010		

Official Protraction Diagram No. NK 19-10, Block Island Shelf.

242-247	285-291	327-335	370-379	413-423
456-467	499-511	541-555	584-599	627-643
669-687	713-731	757-775	801-819	845-863
889-907	933-944	947-951	977-988	991-995

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Official Protraction Diagram No. NJ 18-3.

19-35	64-79	109-123	154-162	165-167
199-205	209-211	245-255	293-299	337-343
381-387	412-413	428-431	454-458	473-475
497-503	516-519	541-548	561-563	585-592
605-607	630-637	649-651	673-682	695
716-725	727	738-739	760-769	771-772
781-784	804-814	816-817	825-828	847-857
860-862	869-872	891-907	913-916	934-952
957-960	978-997	1001-1004		

Official Protraction Diagram No. NJ 19-1, Block Canyon.

10-27	54-71	98-118	142-159	186-203
230-247	274-291	318-335	362-379	406-423
450-467	494-511	538-555	582-599	626-643
670-687	718-731	757-775	801-819	845-863
889-907	933-951	977-1012		

Official Protraction Diagram No. NJ 19-2, Veatch Canyon.

969-974

Official Protraction Diagram No. NJ 18-5, Salisbury.

392-393	436-437	479-481	515-525	559-569
603-613	647-657	691-701	735-745	779-789
823-833	867-877	911-921	955-965	999-1009

Official Protraction Diagram No. NJ 18-6.

10-19	21-30	33-36	53-62	65-75
77-80	96-102	104-106	108-111	113-119
121-124	138-148	152-162	165-168	181-191
195-198	200-205	209-212	226-233	235-242
244-249	253-256	272-283	286-292	297-300
319-321	324-325	330-335	341-344	365
368	373-379	385-388	397	411-412
416-422	429-432	441-443	459-465	485-488
504-509	529-533	550-552	573-578	617-622
661-668	705-713	749	752	755-756
759	793	798-800	803-804	837
841-842	846-849	881	884	890-894
925-927	930	933-940	969-971	975-985

Official Protraction Diagram No. NJ 19-4.

9-44	53-88	97-132	141-174	185-217
229-259	273-301	317-343	361-386	405-428

Official Protraction Diagram No. NJ 19-5.

1-2	45-46

Official Protraction Diagram No. NJ 18-8, Chincoteague.

36-41	80-84	124-129	168-173	212-217
256-261	300-305	344-346	348-349	388-393
432-437	476-481	520-525	564-569	608-613
652-657	696-701	740-745	764-789	808-833
852-877	894-906	910-921	938-950	954-965
982-996	998-1009			

Official Protraction Diagram No. NJ 18-9, Baltimore Rise.

1-3	7-18	45-47	50-63	89-91
94-108	133	135-153	178-188	221-244
265-289	309-333	353-377	397-421	441-465
485-509	529-543	573-597	617-641	661-685
705-729	749-773	793-817	837-861	881-905
925-949	969-993			

Official Protraction Diagram No. NJ 18-11, Currituck Sound.

14-41	58-85	101-129	145-173	189-217
233-261	277-305	321-349	363-393	409-437
453-481	497-525			

Official Protraction Diagram No. NJ 18-12.

1-14	45-57	89-100	133-144	177-187
221-230	265-274	309-317	353-361	397-404
441-447	485-491			

(a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any person or persons, or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors, or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes OPAREA, Naval Air Station Oceana, Virginia Beach, Virginia. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees.

Notwithstanding any limitations of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military

installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors,

risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or

installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under therories of strict or absolute liability or otherwise.

(b) The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic into the individual designated warning areas, shall enter into an agreement with the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes OPAREA, Naval Air Station Oceana, Virginia Beach, Virginia, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating into the warning areas at all times.

(c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual, designated defense warning areas in accordance with requirements specified by the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes OPAREA, Naval Air Station Oceana, Virginia Beach, Virginia, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities conducted within individual, designated warning areas. Necessary monitoring, control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the Commander of the appropriate onshore military installation conducting operations in the particular warning area: provided, however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Stipulation No. 6

To be included only in leases resulting from this offering for all blocks offered within Official Protraction Diagram Nos. NJ 18-5, NJ 18-6, NJ 18-8, NJ 18-9, NJ 18-11, NJ 18-12, NJ 19-4, and NJ 19-5.

(a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by or on behalf of the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the National Aeronautics and Space Administration (NASA), Wallops Flight Center. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees.

Notwithstanding any limitations of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the NASA Wallops Flight Center, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

(b) The lessee, when operating or causing to be operated on its behalf, boat, ship, or aircraft traffic into the leased area or surrounding area of the lease, including any part of the Outer Continental Shelf between the 35th and 39th parallels, shall enter into an agreement with the Director, Wallops Flight Center, prior to commencing such traffic. Such agreement shall provide for positive control of boats, ships, and aircraft operating in the above designated areas and will provide for the avoidance of interference with the programs and activities of the NASA Wallops Flight Center.

(c) Upon recommendation by the Director, Wallops Flight Center, when the activities of the NASA Wallops Flight Center may endanger personnel or property, the lessee agrees, upon receipt of notice from the RS, to evacuate all personnel from all structures on the lease and to shut-in and secure all wells and other equipment, including pipelines on the lease, within forty eight (48) hours or within such longer period as may be specified by the RS. The RS shall not require evacuation of personnel and shutting-in and securing of equipment for a period of time greater than seventy-two (72) hours; however, such period of time may be extended by subsequent notice from the RS. Equipment and structures may remain in place on the lease during such time as the evacuation remains in effect.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from the leased area or surrounding area of the lease, including any part of the Outer Continental Shelf between the 35th and 39th parallels, in accordance with the requirements specified by the Director, Wallops Flight Center, to the degree necessary to prevent damage to, or unacceptable interference with, the programs and activities of the NASA Wallops Flight Center.

Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the Director, Wallops Flight Center, provided, however, that control of such electromagnetic communication shall in no instance prohibit all manner of electromagnetic communications during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Stipulation No. 7

This stipulation will apply to the following blocks which have been identified as having potential for containing undetonated explosives:

Official Protraction Diagram No. NJ 19-1.

291	334	335	378	379
423				

Official Protraction Diagram No. NJ 18-6.

27-30	71-77	115-121	159-165	206-209
845-849	889-893	933-937	977-981	

Official Protraction Diagram No. NJ 19-9.

9-13

Official Protraction Diagram No. NJ 18-8.

607-610	651-654	695-698	739-742	779-784
823-828	867-872	911-915		

Official Protraction Diagram No. NJ 18-11.

431-433	474-478	518-522

This stipulation will apply to the following blocks which have been identified as having potential for containing radioactive materials:

Official Protraction Diagram No. NJ 18-[illegible].

996-1009

Official Protraction Diagram No. NJ 18-9.

969-970

Official Protraction Diagram No. NJ 18-11.

28-41	72-85	120-129	164-173

Official Protraction Diagram No. NJ 18-12.

1-2	45-46	89-90	133-134

This stipulation will apply to the following blocks which have been identified as having potential for containing both undetonated explosives and radioactive materials:

Official Protraction Diagram No. NJ 18-6.

385-388	428-432	472-476	516-520	561-563

If the RS believes any undetonated explosives or radioactive materials may exist in the lease area, the lessee shall conduct surveys as specified by the RS to determine the location of any such materials. Upon completion of such surveys, the lessee shall forward a report and all pertinent data to the RS for review. Should the RS determine that the existence of undetonated explosives or radioactive materials may adversely affect any activity or operation, such as the construction or placement of any structure for exploration or development on the lease, or pose an environmental hazard such as the release of radioactive materials from drums or canisters, the lessee shall take no action until the RS has given directions as to the conduct of that operation.

Stipulation No. 8.

No structures or drilling rigs will be allowed west of 74° 15' west longitude within the following blocks: Official Protraction Diagram No. NJ 18-8; 36, 80, 124, 168, 212, 256, 300, 344, 388, 432, 476, 520, 564, 608, 652, 696, and 740.

Stipulation No. 9.

(To be included only in the leases resulting from this offering for the fixed sliding scale royalty blocks identified in paragraph 4(b) of this notice.)

(a) The royalty rate on production from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, Minerals Management Service, may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been underway for one year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production from the lease area may be taken as royalty in amount, except as provided in section 15(d) of this lease; the royalty on any portion of the production from the lease in excess of 16-2/3 percent may only be taken in value of the production from the lease area.

Stipulation No. 10.

(To be included only in the leases resulting from this offering under the net profit share bidding system identified in paragraph 4(a) of this

(d) For blocks within the 106-mile industrial wastes dumpsite plus a two-block buffer zone, at least thirty (30) days prior to moving a rig on-site the lessee must notify the Chief, Marine and Wetlands Protection Branch, U.S. Environmental Protection Agency, Region II, Jacob K. Javits

Stipulation No. 10.

(To be included only in the leases resulting from this offering under the net profit share bidding system identified in paragraph 4(a) of this notice).

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more that 16-2/3 percent of the production from the lease area may be taken as a net profit share payment in amount, except as provided in section 15(d) of this lease; additional net profit share payments shall be calculated to include the value of such production in excess of 16-2/3 percent.

14. Information to Lessees.

(a) In the enforcement of the Biological Resources Stipulation (Stipulation No. 2), the RS will receive recommendations from a Biological Task Force (BTF) composed of designated representatives of the Minerals Management Service, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Environmental Protection Agency. The BTF will consult with the affected States. The RS will consult with the BTF on the conduct of biological surveys by lessees, the appropriate course of action after surveys have been conducted, and on the administration of the biological/environmental aspects of the above-mentioned stipulation.

(b) Revisions of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this offering, section 18 of the lease form, MMS-2005 (August 1982), would be deleted from leases resulting from this offering. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5 (a) (1) and 60-1.7 (a) (1). Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(c) Operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4 (e) of the Outer Continental Shelf Lands Act of 1953, as amended.

(d) For blocks within the 106-mile industrial wastes dumpsite plus a two-block buffer zone, at least thirty (30) days prior to moving a rig on-site the lessee must notify the Chief, Marine and Wetlands Protection Branch, U.S. Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, N.Y. 10278, in writing, stating on what date a rig is to be moved on-site. This would apply for the following blocks:

Official Protraction Diagram No. NJ 18-2.

949-960 993-1004

Official Protraction Diagram No. NJ 18-6.

25-36	69-80	113-124	157-168	201-212
245-256	289-300	333-344	377-388	

Official Protraction Diagram No. NJ 19-1

934-935 977-979

Official Protraction Diagram No. NJ 19-4.

9-11	53-55	97-99	141-143	185-187
229-231	273-275	317-319	361-363	

(e) For blocks within the proposed North Atlantic Incineration site, at least thirty (30) days prior to moving a rig on-site the lessee must notify the Chief, Marine and Wetlands Protection Branch, U.S. Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, N.Y. 10278, in writing, stating on what date a rig is to be moved on-site. This would apply for the following blocks:

Official Protraction Diagram No. NJ 18-6.

291-300	335-344	379-388	423-432	467-476
511-520	555-564	599-608	643-652	687-696
731-740	775-784	819-828	863-872	907-916
951-960	995-1000			

Official Protraction Diagram No. NJ 19-4.

273-276	317-320	361-364	405-408	449-452
493-496	537-540	581-584	625-628	669-672
716				

In the event that an alternate location within the area proposed for offering is selected as the final North Atlantic Incineration Site, lessees of those blocks will be subject to the same provision specified above.

(f) Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(g) Bidders are advised that in accordance with Section 16 of each lease offered at this offering, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate, a royalty rate based on a sliding scale, or a net profit share payment.

(h) The following list of blocks were previously offered but were not leased:

Mass Movement

Official Protraction Diagram No. NJ 18-3.

733	NW¼SW¼, S½SE¼, NE¼SE¼	734	W½SW¼
735	SW¼	777	N½NE¼
778	NW¼, W½NE¼, SE¼NE¼	779	SW¼NW¼, N½SW¼, SE¼NE¼, N½SE¼, SE¼SE¼
781	SE¼, E½SW¼, SW¼SW¼, S½NE¼, SE¼NW¼	821	SE¼NW¼, NE¼SW¼, SE¼NE¼, N½SE¼
822	NE¼SW¼, SE¼NW¼, NE¼, N½SE¼	823	S½NW¼, NE¼NW¼, N½SW¼, NE¼, SW¼SE¼
824	SE¼, SW¼, S½NE¼, S½NW¼	865	NW¼NE¼, SE¼NE¼, NE¼SE¼
866	W½NW¼, SE¼NW¼, SW¼, W½SE¼	867	SE¼NW¼, NE¼SW¼, S½NE¼, NE¼SE¼
908	NW¼	909	E½NE¼
910	W½NW¼, NE¼NW¼, NE¼, SE¼, SE¼SW¼	911	S½, S½NW¼, NW¼NW¼, S½NE¼, NE¼NE¼
954	NW¼SW¼, NE¼NW¼, N½NE¼, SE¼NE¼	990	SW¼NW¼, N½SW¼
993	NE¼SE¼	994	SW¼, W½SE¼

Official Protraction Diagram No. NJ 18-6.

22	E½NE¼	23	S½NW¼, NE¼NW¼, N½SW¼, W½SE¼
26	N½NE¼, SE¼NE¼	28	SE¼SE¼
108	SW¼NE¼, NW¼SE¼	113	SE¼SE¼
114	SW¼SW¼	157	NE¼NE¼
453	SE¼	454	S½NW¼
496	NE¼SE¼	497	NW¼, NW¼NE¼, NW¼SW¼
546	S½SW¼, NE¼SW¼	627	N½NW¼
800	SW¼SE¼	975	SW¼SW¼

Official Protraction Diagram No. NJ 18-8.

304	SE¼SE¼	305	SW¼SW¼
348	E½NE¼, E½SE¼		

Official Protraction Diagram No. NJ 18-9.

50	N½NE¼	90	SE¼SW¼
133	E½NE¼, NE¼SE¼		

Shallow Faults

Official Protraction Diagram No. NJ 18-3.

864	SE¼NE¼	865	NW¼NW¼
909	S½SE¼	910	S½NE¼, W½NW¼, NW¼SE¼
911	NE¼NE¼, S½NE¼, SW¼SW¼, E½SW¼, NW¼SE¼	952	NE¼SE¼
954	NE¼NE¼	995	SE¼SE¼

Official Protraction Diagram No. NJ 18-6.

197	N½SE¼, SW¼SE¼	330	N½SW¼, SW¼SW¼
373	NE¼NE¼	846	N½NW¼, SW¼NW¼, NE¼SW¼, NW¼SE¼

When previously offered, these blocks were assigned a geologic hazards stipulation due to possible mass movement of sediments or shallow faulting.

In this offering, lessees are informed that these blocks will not be assigned a geologic hazards stipulation, but the lessees are alerted to the possibility that mass movement of sediments could occur and shallow faults are present on the blocks listed. The lessees are also informed that this list may not be all-inclusive as other blocks in the offering may contain these same geohazards.

(i) Lessees are also informed that seismic reflection data indicate that clathrates (solid gas hydrates) may exist in upper sedimentary layers of the continental slope and rise in the offering area in water depths exceeding 1,000 meters. Special drilling procedures may be required in these areas.

(j) For those blocks noted in paragraph 13 providing for leases with an initial period of more than five years, bidders are advised that pursuant to 30 CFR 250.34-1(a) (3), the lessee shall submit to the Minerals Management Service either an exploration plan or a general statement of exploration intentions prior to the end of the ninth lease year.

(k) Subject to Interior Department consultation with the U.S. Coast Guard, it may be required that in the immediate vicinity of drilling operations equipment adequate and appropriate for open sea oilspill containment and cleanup be maintained. In addition, a suitable deployment vessel and personnel trained in deployment and use of this equipment should be immediately available. As part of the approval of development and production plans, suitable pollution prevention equipment may be required in the immediate vicinity of development and production operations.

(l) Lessees are informed that additional National Pollutant Discharge Elimination System effluent limitations or operating conditions may be imposed in areas of biological concern

(m) For the following blocks, the authorized officer will consult with the Department of Defense before any decision is made on placement of rigs or platforms.

- Those where opportunities for strategic underbidding, information asymmetry, collusion, and other noncompetitive practices might most likely occur and where the Government has the most detailed and reliable data; and

(m) For the following blocks, the authorized officer will consult with the Department of Defense before any decision is made on placement of rigs or platforms.

Official Protraction Diagram No. NJ 18-11.

101-129	145-173	189-217	233-261	277-305
321-349	365-393	409-437	453-481	497-525

Official Protraction Diagram No. NJ 18-12.

89-100	133-144	177-187	221-230	265-274
309-317	353-361	397-404	441-447	485-491

(n) Because there is a substantial body of information about the location of biological resources in most of the areas identified by the BTF, enforcement of Stipulation No. 2(a) probably will not require preliminary surveys in most blocks, but rather, that the operator demonstrate to the satisfaction of the RS that no harm will occur to the habitat or biota in question. Such a demonstration could be accomplished by, but not necessarily be limited to, a literature review, the presentation of information gained from past or on-going relevant studies or monitoring programs, the application of a modelling effort, the performance of a field monitoring program for areas or situations where sufficient information to demonstrate "no harm" is unavailable, or an objective evaluation of impacts from exploratory drilling with the application of protective measures where and when appropriate.

15. OCS Orders. Operations on all leases resulting from this offering will be conducted in accordance with the provisions of all Mid-Atlantic OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

16. New OCS Bid Adequacy Procedures.

The following system of OCS bid adequacy procedures will be used for the first time for this offering. The system is composed of two phases. Phase 1 includes market-oriented evaluation criteria for accepting some bids on blocks or bidding units and determining what other bids will receive further evaluation in Phase 2 according to the traditional bid adequacy procedures. Phase 2 utilizes an independent Government evaluation and the traditional bid adequacy rules based upon the Mean Range of Values (MROV), Discounted Mean Range of Values (DMROV), and Geometric Average Evaluation of the Tract, i.e., blocks or bidding units (GAEOT).

Phase 1

Phase 1 is composed of criteria designed to partition blocks or bidding units receiving bids into three general categories:

- Those receiving bids which MMS has identified as being non-prospective blocks;
- Those where opportunities for strategic underbidding, information asymmetry, collusion, and other noncompetitive practices might most likely occur and where the Government has the most detailed and reliable data; and
- Those where the competitive market forces can be relied upon to assure fair market value.

It has been determined that the following four Phase 1 criteria will be applied:

1. High bids on all blocks or bidding units classified by MMS as being either development or drainage will be referred directly for further evaluation using the traditional criteria.
2. All legal high bids for blocks or bidding units judged by MMS to be not located on a viable prospect will be accepted.
3. After screening for anomalously low bids through application of the "one-eighth rule," [1/] legal high bids will be accepted for prospective wildcat and proven blocks or bidding units receiving three or more bids and more than the average number of bids for prospective blocks or bidding units bid upon in the offering, i.e., whichever is more.
4. After adjusting for anomalously low bids through application of the "one-eighth rule," all legal high bids will be accepted for prospective wildcat and proven blocks or bidding units where the geometric average bonus bid for the block or bidding unit is in the upper 50th percentile for prospective wildcat and proven blocks or bidding units receiving bids.

Phase 1 will be conducted block-by-block or bidding unit-by-bidding unit, and it is expected that Phase 1 should be completed within three days of the Bid Opening.

Phase 2

All prospective wildcat and proven blocks or bidding units which are not accepted as a result of the application of the Phase 1 criteria and all drainage and development blocks or bidding units will receive further evaluation via the traditional bid adequacy procedures currently in effect, i.e., high bids will be compared to the MROV, DMROV, and GAEOT. While it is expected that most analyses would be undertaken based upon data available at the time of the offering, additional geological and geophysical analyses, including additional mapping, can be undertaken post-offering at the discretion of the Regional Manager.

The bid adequacy recommendations developed in Phase 2 should be completed within three weeks of the offering.

[1/] Anomalously low bids will not be included in the bid number; e.g., if the lowest bid on a block or bidding unit is less than 1/8th of the next lowest bid, the lowest bid will not be included in the number of bids. This rule can exclude no more than one bid for a given block or bidding unit.

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Since the inception of the OCS leasing program, the Department has continually sought to improve upon techniques which determine bid adequacy. Much of the best information regarding the fair market value of a block or bidding unit is that which is available through observing the market for leases. The above procedures are designed to make better use of that information.

Director, Minerals Management Service
Harold Doley

Approved:

Under Secretary of the Interior
J.J. Simmons III

MAR 22 1983
Date

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4310-MR

compared to a fixed one-sixth royalty system. This may improve competition for leases, and also tends to reduce the likelihood of production losses that could result if higher royalty rates are set by other means, such as

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
Minerals Management Service
Outer Continental Shelf
Mid-Atlantic

Notice of Leasing Systems, Lease Offering (April 1983)

Section 8(a)(8) (43 U.S.C. 1337 (a)(8)) of the Outer Continental Shelf Lands Act (OCLSA), as amended, requires that, at least 30 days before any lease offering, a notice be submitted to the Congress and published in the Federal Register:

(A) identifying the bidding systems to be used and the reasons for such use; and
(B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

(A) Bidding systems to be used. In Outer Continental Shelf (OCS) Mid-Atlantic Leasing Offering (April 1983), blocks will be offered under the following four bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337 (a) (1)): (1) bonus bidding with a fixed 16 2/3 percent royalty on 418 blocks, (2) bonus bidding with a fixed net profit share on four blocks, (3) bonus bidding with a fixed sliding scale royalty on 856 blocks, and (4) bonus bidding with a fixed 12 1/2 percent royalty on 2,774 blocks.

(1) Bonus Bidding with a 16 2/3 Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA, as amended. This system has been used extensively since the passage of the OCSLA in 1953 and imposes greater risks on the lessee than systems with higher contingency payments, but may yield more rewards if a commercial field is discovered. The relatively high front-end payments required may encourage rapid exploration.

(2) Bonus Bidding with a Fixed Net Profit Share. This system is authorized by section (8)(a)(1)(D) of the OCSLA, as amended. The fixed net profit share system has been used in 11 previous OCS sales. The system used in this lease offering has a profit share rate of 30 percent and firms will be permitted a capital recovery factor of 1.50 over their actual allowable costs before any profit share payments are due. These net profit share parameters are the same as those specified for previously leased blocks using this system in the lease offering area. The blocks offered under this system in this lease offering are adjacent to and may share common structures with previously leased net profit share blocks. Use of this system will assist in the administration and possible unitization of this lease offering's net profit share blocks with adjacent blocks previously leased under this system. The profit share system may promote the more complete development of fields when compared to a royalty system as the Government shares more of the risk and the lessee's incremental costs are lower in the presence of capital recovery.

(3) Bonus Bidding with a Sliding Scale Royalty. This system is authorized by section (8)(a)(1)(C) of the OCSLA, as amended. The sliding scale is designed to establish higher royalty rates for larger reservoirs with higher production rates. As such, the expected bonus is reduced compared to a fixed one-sixth royalty system. This may improve competition for leases, and also tends to reduce the likelihood of production losses that could result if higher royalty rates are set by other means, such as royalty bidding, prior to reservoir delineation and production. The fixed sliding scale formula provided for the Mid-Atlantic Lease Offering (April 1983) is based on the current assumed range of costs and wellhead prices for this area.

The fixed sliding scale formula operates in the following way:

When the quarterly value of production, adjusted for inflation, is less than or equal to $15.929025 million, a royalty of 16.66667 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $15.929026 million, but less than or equal to $3423.822696 million, the royalty percent due on the unadjusted value or amount of production is given by:

$$Rj = b\,[\ln (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 9.0

ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 2.50

When the adjusted quarterly value of production is equal to or greater than $3423.822697 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding February 1980. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64.

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(4) Bonus Bidding with a 12 1/2 Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA, as amended. This system has been chosen for certain deeper water blocks proposed for the Mid-Atlantic Lease Offering (April 1983) because these blocks are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water tracts. Department of the Interior analyses indicate that the minimum economically developable discovery on a block in such high cost areas under a 12 1/2 percent royalty system would be less than for the same blocks under a 16 2/3 percent royalty system. As a result, more tracts may be explored and developed. In addition, the lower royalty rate system is expected to yield more rapid production rates and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary restraints to competition.

(B) Designation of Blocks. The selection of blocks to be offered under the four systems was based on the following factors:

(1) Lease terms on adjacent previously leased blocks were considered in order to reduce administrative costs and barriers to unitization, and to enhance orderly development of each field.

(2) Generally, blocks in deep water were selected for 1/8 royalty based on the favorable performance of this system in these high cost areas.

The specific blocks to be offered under each system are as follows:

(a) Bonus Bidding with a 16 2/3 Percent Royalty--

Official Protraction Diagram No. NJ 18-3

237-245	497-512	760-769, 771-775
281-289	541-557	804-814, 816
325-333	585-597, 600-602	847-857
369-377	630-641, 644-645	891-902
412-421	673-688	934-946
454-465	716-725, 727-731	978-989

Official Protraction Diagram No. NJ 18-5

349	436-437	515-525
392-393	479-481	559-569

Official Protraction Diagram No. NJ 18-6

10-19, 21	224-233, 235	397-406
53-62, 65	266-280	441-450
96-102, 104-106	309-321, 324	485-489
138-148	353-365	529-533
181-191		

Official Protraction Diagram No. NJ 18-8

36-41	168-170	300
80-84	212-213	344
124-126	256	

Official Protraction Diagram No. NJ 18-9

1, 45

(b) Bonus Bidding with a Fixed Net Profit Share--

Official Protraction Diagram No. NJ 18-6

412, 456, 499, 629

(c) Bonus Bidding with a Sliding Scale Royalty--

Official Protraction Diagram No. NJ 18-3

17-35	193-205, 209-211	378, 381-385
61-79	246-255	422
105-123	293-299	428
149-162, 165-167	337-342	466

Official Protraction Diagram No. NJ 18-5

603-613	779-789	911-921
647-657	823-833	955-965
691-701	867-877	999-1009
735-745		

Official Protraction Diagram No. NJ 19-1

10-16	98-101	186-187
54-58	142-144	230

Official Protraction Diagram No. NJ 18-6

490	661-666	837
534	705-709	881, 884
573-578	749, 752	925-927
617-622	793	969

Official Protraction Diagram No. NJ 18-8

764-778	851-866	938-950
808-822	894-906	982-996

Official Protraction Diagram No. NJ 18-11

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(d) Bonus Bidding with a 12 1/2 Percent Royalty--

All remaining blocks.

Director, Minerals Management Service
Harold Doley

Approved: MAR 2 2 1983

Under Secretary of the Interior
J.J. Simmons III

[FR Doc. 83-7792 Filed 3-24-83; 8:45 am]
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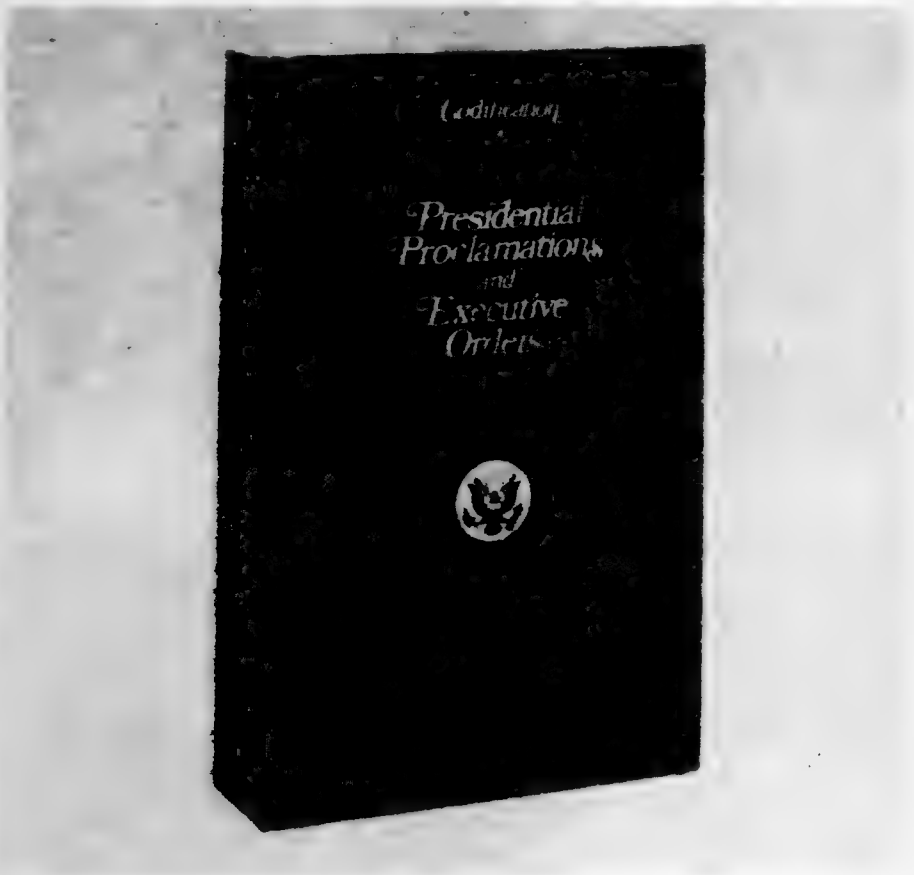

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Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1961–1981 period, along with any amendments, an indication of its current status, and, where applicable, its location in this volume

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Presidential Documents

Title 3—

The President

Proclamation 5034 of March 21, 1983

Afghanistan Day, 1983

By the President of the United States of America

A Proclamation

The tragedy of Afghanistan continues as the valiant and courageous Afghan freedom fighters persevere in standing up against the brutal power of the Soviet invasion and occupation. The Afghan people are struggling to reclaim their freedom, which was taken from them when the Soviet Union invaded Afghanistan in December of 1979.

In this three-year period the Soviet Union has been unable to subjugate Afghanistan. The Soviet forces are pitted against an extraordinary people who, in their determination to preserve the character of their ancient land, have organized an effective and still spreading country-wide resistance. The resistance of the Afghan freedom fighters is an example to all the world of the invincibility of the ideals we in this country hold most dear, the ideals of freedom and independence.

We must also recognize that the sacrifices required to maintain this resistance are very high. Millions have gone into exile as refugees. We will probably never know the numbers of people killed and maimed, poisoned and gassed, of the homes that have been destroyed, and of the lives that have been shattered and stricken with grief.

It is, therefore, incumbent upon us as Americans to reflect on the events in Afghanistan, to think about the agony which these brave people bear, and to maintain our condemnation of the continuing Soviet occupation. Our observance again this year of Afghanistan Day on March 21, the Afghan New Year, will recall for all the world America's unflagging sympathy for a determined people, its support for their refugees and commitment to achieving a political settlement for Afghanistan which will free that country from tyranny's yoke.

The Congress, by Senate Joint Resolution 65, has designated March 21, 1983 as "Afghanistan Day" and has requested the President to issue a proclamation in observance of that day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate March 21, 1983 as Afghanistan Day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-8010
Filed 3-24-83; 3:10 pm]
Billing code 3195-01-M

Editorial Note: For a statement by the President, dated Mar. 21, 1983, on signing Proclamation 5034, see the *Weekly Compilation of Presidential Documents* (vol. 19, no. 12).

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Rules and Regulations

Federal Register
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Monday, March 28, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority; Assistant Secretary for Science and Education

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and General Officers of the Department to reflect the establishment of the position of Assistant Secretary for Science and Education. It also reflects the establishment of the Office of Grants and Programs Systems and the abolishment of the Science and Education Management Staff.

EFFECTIVE DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Siegler, Deputy Assistant General Counsel, United States Department of Agriculture, Washington, D.C. (202) 447–6035.

SUPPLEMENTARY INFORMATION: Section 1414 of the Agriculture and Food Act of 1981, Pub. L. 97–98, amended section 1413 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to provide for an additional Assistant Secretary of Agriculture who shall perform such duties as necessary to carry out the National Agricultural Research, Extension, and Teaching Policy Act of 1977. The Secretary of Agriculture has determined that the position should be designated as the Assistant Secretary for Science and Education. Accordingly, this document makes delegations of authority to the Assistant Secretary for Science and Education and from the Assistant Secretary to the heads of agencies that report to the Assistant Secretary.

In addition, to improve management efficiency, the Science and Education Management Staff has been abolished.

Further, the competitive grants administration function formerly performed by the Competitive Research Grants Office, Cooperative State Research Service, as well as management support services for discretionary grants administered by agencies reporting to the Assistant Secretary for Science and Education, formerly performed by the Science and Education Management Staff, are transferred to a new Office of Grants and Programs Systems.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**.

Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 2 reads as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, except as otherwise stated.

Subpart A—General

2. Section 2.4 is revised to read as follows:

§ 2.4 General officers.

The work of the Department is under the supervision and control of the Secretary who is assisted by the following general officers: the Deputy Secretary; the Under Secretary for International Affairs and Commodity Programs; the Under Secretary for Small Community and Rural Development; the Assistant Secretary for Natural Resources and Environment; the Assistant Secretary for Food and Consumer Services; the Assistant Secretary for Marketing and Inspection Services; the Assistant Secretary for Governmental and Public Affairs; the Assistant Secretary for Economics; the Assistant Secretary for Science and Education; the General Counsel; the Assistant Secretary for Administration; the Inspector General; the Judicial Officer; the Director, Office of Budget and Program Analysis; and the Executive Assistant to the Secretary.

3. Section 2.5 is amended by revising paragraph (b) to read as follows:

§ 2.5 Order in which Officers of the Department shall act as Secretary.

* * * * *

(b) In the case of the absence, sickness, resignation, or death of the Secretary, the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, and the Under Secretary for Small Community and Rural Development, the Assistant Secretary for Natural Resources and Environment, the Assistant Secretary for Food and Consumer Services, the Assistant Secretary for Marketing and Inspection Services, the Assistant Secretary for Governmental and Public Affairs, the Assistant Secretary for Economics, and the Assistant Secretary for Science and Education shall act as Secretary in the order in which they have taken office as an Assistant Secretary. In the event that any two or more Assistant Secretaries shall have taken office on the same date, they shall act as Secretary in the order in which they are listed herein.

* * * * *

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

4. New §§ 2.30 and 2.30a are added to read as follows:

§ 2.30 Delegations of authority to the Assistant Secretary for Science and Education.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Science and Education:

(a) *Related to science and education.* (1) Provide national leadership and support for research, extension and teaching programs in the food and agricultural sciences to meet major needs and challenges in (i) food and agricultural system productivity, (ii) development of new food, fiber, and energy sources, (iii) agricultural energy use and production, (iv) natural resources, (v) promotion of the health and welfare of people, (vi) human nutrition, and (vii) international food and agriculture pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3121, 3124a).

(2) Coordinate USDA policy relative to Federal Insecticide, Fungicide, and Rodenticide Act and coordinate the Department's integrated pest management program and the pesticide assessment program (7 U.S.C. 136–136y).

(3) Carry out research, technology development, technology transfer, and demonstration projects related to the economic feasibility of the manufacture and commercialization of natural rubber from hydrocarbon-containing plants (7 U.S.C. 178–178n).

(4) Conduct research on the control of undesirable species of honey bees in cooperation with specific foreign governments (7 U.S.C. 284).

(5) Administer the appropriation for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts (7 U.S.C. 321–326a).

(6) Administer teaching funds authorized under section 22 of the Bankhead Jones Act, as amended (7 U.S.C. 329).

(7) Administer a cooperative agricultural extension program related to agriculture, uses of solar energy with respect to agriculture, and home economics under the Smith-Lever Act, as amended (7 U.S.C. 341–349).

(8) Cooperate with the States for the purpose of encouraging and assisting them in carrying out research related to the problems of agriculture in its broadest aspects under the Hatch Act, as amended (7 U.S.C. 361–361i).

(9) Support agricultural research at eligible institutions in any State through Federal-grant funds to help finance physical facilities (7 U.S.C. 390–390k).

(10) Conduct research concerning domestic animals and poultry, their protection and use, causes of contagious, infectious, and communicable diseases and means for the prevention and cure of the same (7 U.S.C. 391).

(11) Conduct research related to the dairy industry and dissemination of information for the promotion of the dairy industry (7 U.S.C. 402).

(12) Conduct research and demonstrations at Mandan, North Dakota, and Lewisburg, Tennessee, concerning dairy livestock breeding, growing, and feeding, and other problems pertaining to the establishment of dairy and livestock industries (7 U.S.C. 421–422).

(13) Conduct research on new uses for cotton and on cotton ginning and processing (7 U.S.C. 423–424).

(14) Conduct research into the basic problems of agriculture in its broadest aspects, including, but not limited to, production, marketing (other than statistical and economic research but including research related to family use of resources), distribution, processing, utilization of plant and animal commodities, problems of human nutrition, development of markets for agricultural commodities, discovery, introduction, and breeding of new crops, plants, and animals both foreign and native, conservation development, and development of efficient use of farm buildings, homes, and farm machinery, including the application of electricity and other forms of power and research and development related to uses of solar energy with respect to farm buildings, farm homes, and farm machinery (7 U.S.C. 427, 2201, 2204).

(15) Conduct research on varietal improvement of wheat and feed grain to enhance their conservation and environmental qualities (7 U.S.C. 428b).

(16) Advance the livestock and agricultural interests of the United States including the breeding of horses suited to the needs of the United States (7 U.S.C. 437).

(17) Enter into agreements with and receive funds from any State or political subdivision, organization, or person for the purpose of conducting cooperative research projects (7 U.S.C. 450a).

(18) Administer a program of competitive, special and facilities grants to State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations and individuals to promote research in food, agricultural and related areas (7 U.S.C. 450i).

(19) Conduct research related to soil and water conservation, engineering operations and methods of cultivation to provide for the control and prevention of soil erosion (7 U.S.C. 1010, 16 U.S.C. 590a).

(20) Maintain four regional research laboratories and conduct research at such laboratories to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and byproducts (7 U.S.C. 1292).

(21) Conduct a special cotton research program designed to reduce the cost of producing upland cotton in the United States (7 U.S.C. 1441-note).

(22) Conduct research, education, and demonstration work related to the distribution and marketing of agricultural products under the Agricultural Marketing Act of 1946, as amended, except as otherwise delegated in § 2.17(a)(2) and § 2.50(a)(2) (7 U.S.C. 1621–1627).

(23) Conduct research in tropical and subtropical agriculture for the improvement and development of tropical and subtropical food products for dissemination and cultivation in friendly countries as provided by the Food for Peace Act of 1966 (7 U.S.C. 1736(a)(4)).

(24) Conduct research to develop and determine methods of humane slaughter of livestock (7 U.S.C. 1904).

(25) Develop and maintain library and information systems and networks and facilitate cooperation and coordination for the agricultural libraries or colleges, universities, Department of Agriculture, and their closely allied information gathering and dissemination units in close conjunction with private industry and other research libraries (7 U.S.C. 2201, 2204, 3126).

(26) Accept gifts and order disbursements from the Treasury for the benefit of the National Agricultural Library or for carrying out any of its functions (7 U.S.C. 2264–2265).

(27) Administer in cooperation with the States a cooperative rural development and small farm research and extension program under the Rural Development Act of 1972, as amended (7 U.S.C. 2261–2667).

(28) Administer a cooperative extension program under the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3004).

(29) Conduct a program of grants to States to establish or expand schools of veterinary medicine (7 U.S.C. 3151).

(30) Administer higher education programs in the food and agricultural sciences as well as grants to colleges and universities (7 U.S.C. 3152).

(31) Administer the National Agricultural Science Award for research or advanced studies in the food and agricultural sciences (7 U.S.C. 3153).

(32) Make grants to colleges and universities for research on the production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products and agricultural chemicals and other products from coal derivatives (7 U.S.C. 3154).

(33) Administer a national food and human nutrition research and extension program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3171–3175, 3177).

(34) Administer an animal health and disease research program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3191–3193, 3195–3201).

(35) Support continuing agricultural and forestry extension and research at 1890 land-grant colleges including Tuskegee Institute (7 U.S.C. 3221, 3222).

(36) Support agricultural research at the 1890 land-grant colleges including Tuskegee Institute through Federal-grant funds to help finance physical facilities (7 U.S.C. 3223).

(37) Administer in relation to uses of solar energy (i) a competitive research grants program, (ii) a solar energy research information system, (iii) a cooperative program with the States on model farms and demonstration projects, and (iv) a program of research, extension and demonstration at regional and development centers (7 U.S.C. 3241, 3251, 3261–3263, 3271, 3281–3282).

(38) Cooperate and work with national and international institutions and other persons throughout the world in the performance of agricultural research and extension activities (7 U.S.C. 3291).

(39) Conduct program evaluations to improve the administration and effectiveness of agricultural research, extension, and teaching programs (7 U.S.C. 3317).

(40) Enter into contracts, grants, or cooperative agreements to further research, extension, or teaching programs in the food and agricultural sciences (7 U.S.C. 3318).

(41) Administer an aquaculture assistance program by (i) making grants to eligible institutions for research and extension to facilitate or expand production and marketing of aquaculture food species and products, (ii) making grants to States to formulate aquaculture development plans for the production and marketing of aquacultural species and products, and (iii) conducting a program of research, extension and demonstration at aquacultural demonstration centers (7 U.S.C. 3321–3324).

(42) Administer a cooperative rangeland research program (7 U.S.C. 3331–3336).

(43) Conduct a program of basic research on cancer in animals and birds (7 U.S.C. 3902).

(44) Coordinate Departmental policies under the Toxic Substances Control Act (15 U.S.C. 2601–2629).

(45) Conduct educational and demonstration work in cooperative farm forestry programs (16 U.S.C. 568).

(46) Cooperate with the States for the purpose of encouraging and assisting them in carrying out programs of forestry research (16 U.S.C. 582a–582a–7).

(47) Provide for an expanded and comprehensive extension program for forest and rangeland renewable resources (16 U.S.C. 1671–1676).

(48) Perform research, development and extension education in aquaculture (16 U.S.C. 2804, 2806).

(49) Copy and deliver on demand selected articles and other materials from its collections by photographic reproduction or other means within the permissions, constraints and limitations of Sections 106, 107, and 108 of the Copyright Act of October 19, 1976 (Title 17, U.S. Code).

(50) Authorize the use of the 4–H Club name and emblem (18 U.S.C. 707).

(51) Maintain a National Arboretum for the purpose of research and education concerning tree and plant life; accept and administer gifts or devices or real and personal property for the benefit of the National Arboretum; and order disbursements from the Treasury (20 U.S.C. 191–195).

(52) Conduct research on foot-and-mouth disease and other animal diseases (21 U.S.C. 113a).

(53) Conduct research on control and eradication of cattle grubs (screwworms) (21 U.S.C. 114e).

(54) Conduct research demonstration, and promotion activities related to farm dwellings and other buildings for the purpose of reducing costs and adapting and developing fixtures and appurtenances for more efficient and economical farm use (42 U.S.C. 1476(b)).

(55) Conduct research on losses of livestock in interstate commerce due to injury or disease (45 U.S.C. 71-note).

(56) Administer the Virgin Islands agricultural research program (48 U.S.C. 1409m–o).

(57) Conduct research related to the use of domestic agricultural commodities for the manufacture of any material determined to be strategic and critical or substitute therefore, under section 7(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f).

(58) Administer a cooperative agricultural extension program related to agriculture, uses of solar energy with respect to agriculture, and home economics in the District of Columbia (D.C. Code Section 31–1719).

(59) Provide leadership and direct assistance to the Cooperative Extension Service in planning, conducting and evaluating extension programs under a memorandum of agreement with the Bureau of Indian Affairs dated May 1956.

(60) Exercise responsibilities of the Secretary under regulations dealing with Equal Employment Opportunity in the Cooperative Extension Service (Part 18 of this subtitle).

(61) Represent the Department on the Federal Interagency Council on Education.

(62) Assure the acquisition, preservation and accessibility of all information concerning food and agriculture by providing leadership to and coordination of the acquisition programs and related activities of the library and information systems, and the agencies of USDA, other Federal departments and agencies, State agricultural experiment stations, colleges and universities, and other research institutions and organizations.

(63) Formulate, write and/or prescribe bibliographic and technically related standards for the library and information service of USDA.

(64) Determine by survey and other appropriate means the information needs of the Department's scientific, professional, technical and administrative staffs, its constituencies and the general public in the areas of the food, agriculture, the environment, and solar energy.

(65) Represent the Department on all library and information science matters before Congressional Committees and appropriate commissions, and provide representation to the coordinating committees of the Federal and State governments concerned with library and information science activities.

(66) Represent the Department in international organization activities and on international technical committees concerned with library and information science activities.

(67) Prepare and disseminate computer bibliographic files, indexes and abstracts, bibliographies, reviews, and other analytical information tools.

(68) Arrange for the consolidated purchasing and dissemination of indexes, abstracts, journals and other widely used information publications and services.

(69) Provide assistance and support to professional organizations concerned with library and information science matters and issues.

(70) Pursuant to authority delegated by the Administrator of the General Services Administration to the Secretary of Agriculture in 34 FR 8406, 36 FR 1293, 36 FR 18440, and 38 FR 23838, appoint uniformed armed guards as special policemen, make all needful rules and regulations, and annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in (40 U.S.C. 318c)), as will ensure their enforcement, for the protection of persons, property, buildings, and grounds of the Arboretum, Washington, D.C.; the U.S. Meat Animal Research Center, Clay Center, Nebraska; the Agricultural Research Center, Beltsville, Maryland, and the Animal Disease Center, Plum Island, New York, over which the United States has exclusive or concurrent criminal jurisdiction, in accordance with the limitations and requirements of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, the Act of June 1, 1948 (62 Stat. 281), as amended, and policies, procedures and controls prescribed by the General Services Administration. Any rules or regulations promulgated under this authority shall be approved by the Director of the Office of Operations and the General Counsel prior to issuance.

(71) Control within the Department of Agriculture the acquisition, use and disposal of material and equipment which may be a source of ionizing radiation hazard.

(72) Responsible for representing the Department on the Federal Coordinating Council for Science, Engineering, and Technology.

(73) Administer the Department's Patent Program except as delegated to the General Counsel in § 2.31(g).

(74) Coordinate aquaculture responsibilities in the Department.

(b) *Related to committee management.* Establish and reestablish regional, state and local advisory committees for activities authorized. This authority may not be redelegated.

(c) *Related to defense.* Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*) concerning scientific and educational programs.

(d) *Related to rural development activities.* Provide guidance and direction for the accomplishment of activities authorized under the Rural Development Act of 1972, as amended, for programs under the control of the Assistant Secretary for Science and Education, coordinating the policy aspects thereof with the Under Secretary for Small Community and Rural Development.

§ 2.30a Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture:

(a) *Related to science and education.* (1) Withholding funds from States and sending notification thereof to the President in accordance with sections 5 and 6 of the Smith-Lever Act, as amended (7 U.S.C. 345–346), section 5 and 7 of the Hatch Act, as amended (7 U.S.C. 361 e.g, section 506 of the Rural Development Act of 1972, as amended (7 U.S.C. 2666), and section 1436, 1444, 1445, and 1468 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3198, 3221, 3222, and 3314).

(2) Reapportioning funds under section 4 and apportioning funds under section 5 of the act of October 10, 1962 (16 U.S.C. 582a–3, a–4).

(3) Appointing an advisory committee under section 6 of the act of October 10, 1962 (16 U.S.C. 582a–5).

(4) Final concurrence of Equal Employment Opportunity programs within the cooperative extension programs submitted under part 18 of this subtitle.

(5) Approving selection of State directors of extension.

(6) Approving the memoranda of understanding between land-grant universities and the Department of Agriculture related to cooperative extension programs.

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

§ 2.39 [Removed]

§ 2.40 [Removed]

5. Sections 2.39 and 2.40 are removed.

6. The heading for Subpart N is revised to read as follows:

Subpart N—Delegations of Authority From the Assistant Secretary for Science and Education

7. Section 2.105 is revised to read as follows:

§ 2.105 Deputy Assistant Secretary for Science and Education.

(a) *Delegations.* Pursuant to § 2.30 subject to reservations in § 2.30a, and subject to policy guidance and direction by the Assistant Secretary for Science and Education, the following delegation of authority is made by the Assistant Secretary for Science and Education to the Deputy Assistant Secretary for Science and Education, to be exercised only during the absence or unavailability of the Assistant Secretary: Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Assistant Secretary for Science and Education.

8. Section 2.106 is amended by revising the introductory text of paragraph (a), by revising paragraphs (a)(15) and (a)(17) and by adding paragraphs (a)(31) through (a)(44) to read as follows:

§ 2.106 Administrator, Agricultural Research Service.

(a) *Delegations.* Pursuant to § 2.30(a) and (c), subject to reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Administrator, Agricultural Research Service:

* * * * *

(15) Administer a national food and human nutrition research program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C., 3171–3175, 3177).

* * * * *

(17) Maintain a National Arboretum for the purpose of research and education concerning tree and plant life; accept and administer gifts or devices of real and personal property for the benefit of the National Arboretum; and order disbursements for the Treasury (20 U.S.C. 191–195).

* * * * *

(31) Coordinate USDA policy relative to Federal Insecticide, Fungicide, and Rodenticide Act and coordinate the Department's integrated pest management programs and the pesticide assessment program (7 U.S.C. 136–136y).

(32) Conduct research related to the economic feasibility of the manufacture and commercialization of natural rubber from hydrocarbon-containing plants (7 U.S.C. 178–178n).

(33) Administer the appropriation for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts (7 U.S.C. 321–326a).

(34) Administer teaching funds authorized under section 22 of the Bankhead Jones Act, as amended (7 U.S.C. 329).

(35) Provide national leadership and support for research and education programs in the foods and agricultural sciences to meet major needs and challenges in (i) food and agricultural

system productivity, (ii) development of new food, fiber, and energy sources, (iii) agriculutural energy use and production, (iv) natural resources, (v) promotion of the health and welfare of people, (vi) human nutrition, and (vii) international food and agriculture pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3121, 3124a).

(36) Conduct a program of grants to States to establish or expand schools of veterinary medicine (7 U.S.C. 3151).

(37) Administer higher education programs in the food and agricultural sciences as well as grants to colleges and universities (7 U.S.C. 3152).

(38) Administer the National Agricultural Science Award for research or advance studies in the food and agricultural sciences (7 U.S.C. 3153).

(39) Conduct program evaluations to improve the administration and effectiveness of agricultural research and education programs (7 U.S.C. 3317).

(40) Enter into contracts, grants, or cooperative agreements to further research programs in the food and agricultural sciences (7 U.S.C. 3318).

(41) Perform research and development at aquacultural research and development centers (7 U.S.C. 3322, 3324).

(42) Coordinate Departmental policies under the Toxic Substances Control Act (15 U.S.C. 2601–2629).

(43) Represent the Department on the Federal Interagency Council on Education.

(44) Administer the Department's Patent Program except as delegated to the General Counsel in § 2.31(g).

§ 2.106 [Amended]

9. Section 2.106 is further amended by removing the term "Director of the Office of Operations and Finance" in paragraph (a)(26) and substituting in lieu thereof the term "Director, Office of Operations".

10. Section 2.107 is amended by revising the introductory text of paragraph (a), by revising paragraphs (a)(4) and (a)(6) and by adding paragraphs (a)(14) through (a)(22) to read as follows:

§ 2.107 Administrator, Cooperative State Research Service.

(a) *Delegations.* Pursuant to § 2.30 (a) and (c), subject to reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Administrator, Cooperative State Research Service:

* * * * *

(4) Administer in cooperation with the States a cooperative rural development and small farm research program under the Rural Development Act of 1972, as amended (7 U.S.C. 2661–2667).

* * * * *

(6) Conduct a program of grants to states to support continuing animal health and disease research programs under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3191–3193, 3195–3201).

* * * * *

(14) Administer research and technology development grants related to the economic feasibility of the manufacture and commercialization of natural rubber from hydrocarbon-containing plants (7 U.S.C. 178–178n).

(15) Administer research grants related to tropical and subtropical agriculture (7 US.C. 1736(a)(4)).

(16) Provide national leadership and support for cooperative research programs in the food and agricultural sciences to meet major needs and challenges in (i) food and agricultural system productivity, (ii) development of new food, fiber, and energy sources, (iii) agricultural energy use and production, (iv) natural resources, (v) promotion of the health and welfare of people, (vi) human nutrition, and (vii) international food and agriculture pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3121, 3124a).

(17) Support agricultural research at the 1890 land-grant colleges including Tuskegee Institute through Federal grant funds to help finance physical facilities (7 U.S.C. 3223).

(18) Conduct program evaluations to improve the administration and effectiveness of the cooperative research grants program involving colleges, universities, and other organizations and institutions (7 U.S.C. 3317).

(19) Enter into contracts, grants, or cooperative agreements to further research programs in the food and agricultural sciences (7 U.S.C. 3318).

(20) Administer an aquacultural assistance program by (i) making grants to eligible institutions for research to facilitate or expand production and marketing of aquaculture food species and products, and (ii) making grants to States to formulate aquaculture development plans for the production and marketing of aquaculture species and products (7 U.S.C. 3322, 3324).

(21) Administer a cooperative rangeland research program (7 U.S.C. 3331–3336).

(22) Coordinate aquaculture responsibilities in the Department.

11. Section 2.108 is amended by revising the introductory text of paragraph (a), by revising paragraphs (a)(4), (a)(6) and (a)(11) and by adding paragraphs (a)(18) through (a)(21) to read as follows:

§ 2.108 Administrator, Extension Service.

(a) *Delegations.* Pursuant to § 2.30 (a) and (c), subject to reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Administrator, Extension Service:

* * * * *

(4) Administer in cooperation with the States a cooperative rural development and small farm extension program under the Rural Development Act of 1972, as amended (7 U.S.C. 2661–2667).

* * * * *

(6) Administer a national food and human nutrition extension program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3171–3177).

* * * * *

(11) Provide for an expanded and comprehensive extension program for forest and rangeland renewable resources (16 U.S.C. 1671–1676).

* * * * *

(18) Provide national leadership and support for cooperative extension programs in the food and agricultural sciences to meet the needs and challenges in (i) food and agricultural system productivity, (ii) development of new food, fiber, and energy sources, (iii) agricultural energy use and production, (iv) natural resources, (v) promotion of the health and welfare of people, (vi) human nutrition, and (vii) international food and agriculture pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3121, 3124a).

(19) Conduct program evaluations to improve the administration and effectiveness of the cooperative extension programs involving colleges, universities, and other organizations and institutions (7 U.S.C. 3317).

(20) Enter into contracts, grants, or cooperative agreements to further extension programs in the food and agricultural sciences (7 U.S.C. 3318).

(21) Administer an aquaculture assistance program by (i) supporting eligible institutions for extension to facilitate or expand production and marketing of aquaculture food species and products, and (ii) conducting a program of extension and demonstration at aquacultural demonstration centers (7 U.S.C. 3322, 3324).

12. Section 2.109 is amended by revising the introductory text of paragraph (a) and by adding paragraphs (a)(12) through (a)(14) to read as follows:

§ 2.109 Director, National Agricultural Library.

(a) *Delegations.* Pursuant to § 2.30(a), subject to reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Director, National Agricultural Library:

* * * * *

(12) Provide national leadership in the development and maintenance of library and related information systems to support the research, extension, and teaching programs in the food and agricultural sciences pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3121, 3124a).

(13) Conduct program evaluations to improve the administration and effectiveness of the library and related information systems in the food and agricultural sciences (7 U.S.C. 3317).

(14) Enter into contracts, grants, or cooperative agreements to further library and related information programs supporting research, extension, and teaching programs in the food and agricultural sciences (7 U.S.C. 3318).

13. Section 2.110 is revised to read as follows:

§ 2.110 Director, Office of Grants and Programs Systems.

(a) *Delegations.* Pursuant to § 2.30(a), subject to reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Director, Office of Grants and Programs Systems:

(1) Participate with agencies reporting to the Assistant Secretary for Science and Education in the administration of competitive grants to State agricultural experiment stations, colleges and universities, other research institutes and organizations, Federal agencies, private organizations or corporations and individuals to promote research in food, agricultural and related areas (7 U.S.C. 450i).

(2) Participate with agencies reporting to the Assistant Secretary for Science and Education in the administration of competitive grants (i) to develop or administer programs to meet unique food and agricultural educational problems, and (ii) to administer and conduct specialized programs to attract individuals for undergraduate and graduate programs and to administer and conduct graduate fellowship programs in the food and agricultural sciences (7 U.S.C. 3152).

(3) Participate with agencies reporting to the Assistant Secretary for Science and Education in the administration of competitive research grants related to uses of solar energy (7 U.S.C. 3241).

(4) Provide management support services to agencies reporting to the Assistant Secretary for Science and Education in the administration of discretionary grants.

Dated: March 23, 1983.

For Subparts A, C, and D:

John R. Block,

Secretary of Agriculture.

For Subpart N.

Orville G. Bentley,

Assistant Secretary for Science and Education.

[FR Doc. 83-7916 Filed 3-25-83; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 58

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products

Correction

In FR Doc. 83-6514 beginning on page 10607 in the issue of Monday, March 14, 1983, make the following correction:

In § 58.2707(c), second line from the top of the center column of page 10609, "0-15 percent" should have read "0.15 percent".

BILLING CODE 1505-01-M

Animal and Plant Health Inspection Service

9 CFR Part 112

[Docket No. 83-007]

Viruses, Serums, Toxins, and Analogous Products; Revision of Packaging Requirements for Biological Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This change revises the packaging requirements for poultry biologics. The revision deletes the existing 10 final containers per carton limit for poultry products and deletes any requirement that diluent for poultry products be packaged with the final container(s). The current regulation is further amended to include both mass administration and automatic vaccinating systems as methods of delivery for poultry biologics.

Average poultry flock size has increased 5 to 10 times since the 10 final containers per carton limit was established. The deletion of the number of containers per carton for these products will make them more convenient and economical to use in larger flocks than presently permitted by the 10 container per carton limit. Deleting the requirement that diluent be packaged with the vaccine will permit manufacturers and users to make more efficient use of refrigeration space since diluent may be stored at room temperature. Automatic vaccinating systems permit the vaccination of large numbers of individual birds in a relatively short period of time so that reconstituted vaccine does not lose potency before being used.

EFFECTIVE DATE: This amendment becomes effective March 22, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Peter L. Joseph, Chief Staff Veterinarian, Veterinary Biologics Staff, USDA, APHIS, VS, Room 829, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7760.

SUPPLEMENTARY INFORMATION: .

Paperwork Reduction Act

This final rule contains no new or amended recordkeeping, reporting, or application requirement or any type of information collection requirement subject to the Paperwork Reduction Act of 1980.

Executive Order 12291

This final rule has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 to implement Executive Order 12291 and has been classified as a "Non-major Rule."

The final rule will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets. These revisions will reduce regulatory requirements.

Certification Under the Regulatory Flexibility Act

Mr. James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has

determined that this action will not result in an adverse economic impact on a substantial number of small entities. Small entities are defined as independently owned firms not dominant in the field of veterinary biologics manufacturing. This action will be beneficial to manufacturers of poultry biologics by relaxing certain current restrictions on dose size, number of containers per carton, packaging diluent with the vaccine and by distinguishing between mass administration by aerosol, spray, or drinking water, and vaccinating large numbers of birds with the use of automatic vaccinating systems.

Background

On September 14, 1981, a notice of proposed rulemaking was published in the **Federal Register** at 46 FR 45616, discussing revisions to 9 CFR 112.6 and soliciting comments. During the comment period some of the manufacturers and manufacturers' trade associations recommended, in addition to the Veterinary Services' proposals, that the regulations be further amended to delete the existing limit of 10 final containers per carton for poultry products and to delete any requirement that diluent for poultry products be packaged with the final container(s) of the product. They also recommended that the proposed rulemaking be changed to include the use of automatic vaccinating equipment in the definition of mass administration of biological products for poultry. Since these recommendations would involve major changes, it was decided to go forward with a final rulemaking as originally proposed and to publish an additional proposed rulemaking which would incorporate these recommendations. Concerned parties are invited to review the final rulemaking published in the **Federal Register** at 47 FR 8759 for details.

Comments Received

The recommendations for additional changes were favorably considered by the Agency and, accordingly, on August 11, 1982, a notice of proposed rulemaking incorporating them was published in the **Federal Register** at 47 FR 34794 discussing this revision and soliciting comments. Only one response was received which questioned the definition of the terms mass administration, automatic vaccinating equipment, and manual administration as used in the proposed rulemaking. Section 112.6(c) of the proposed rulemaking included automatic vaccinating equipment as a method of mass administration. It was intended that mass administation would include the delivery of the vaccine to large numbers of birds simultaneously as occurs with aerosol, spray, and drinking water routes of administration. The term automatic vaccinating equipment was intended to include the use of systems which would deliver the vaccine to a large number of individual birds in a relatively short period of time so that reconstituted vaccine would not lose potency before being used. In order to further clarify this intent, 9 CFR 112.6(c) is changed to read "Poultry products for mass administration (including but not limited to administration through drinking water and spray) and products used in automatic vaccinating systems (including but not limited to pneumatic beak injectors and automated needle injectors) may be packaged in multiple-dose final containers as specified in the filed Outline of Production." In this change the Agency recognizes the economic advantage and convenience of large dose vials to the users and to the producers of poultry vaccines.

After due consideration of all relevant matters, including the proposal set forth with changes in the above notice and under authority in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendment of Part 112, Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as published in the above notice, is hereby adopted as follows:

List of Subjects in 9 CFR Part 112

Animal biologics, Exports, Imports, Labeling, Packaging and Containers, Transporation.

PART 112—PACKAGING AND LABELING

Section 112.6 is amended by revising paragraph (c) to read as follows:

§ 112.6 **Packaging biological products.**

* * * * *

(c) Poultry products for mass administration (including but not limited to administration through drinking water and spray) and products used in automatic vaccinating systems (including but not limited to pneumatic beak injectors and automated needle injectors) may be packaged in multiple-dose final containers as specified in the filed Outline of Production. Poultry products for manual administration to individual birds shall not exceed 1,000 doses in each final container. Diluent need not be packaged with the final container(s) of the product, but the licensee shall provide the required number of containers of diluent as specified in the filed Outline of Production. The following requirements apply to cartons containing more then one final container of poultry product:

(1) They shall be sealed prior to leaving the licensed establishment.

(2) The contents may not be repackaged.

(3) The contents of such cartons may not be sold in fractional units.

(4) The following statement must appear in a prominent place on the carton label: "Federal regulations prohibit the repackaging or sale of the contents of this carton in fractional units. Do not accept if seal is broken."

(37 Stat. 832–833 (21 U.S.C. 151–158))

* * * * *

Done at Washington, D.C., this 22nd day of March 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-7856 Filed 3-25-83; 8:45 am]

BILING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-18-AD; Amdt. 39-4593]

Airworthiness Directives; British Aerospace, Aircraft Group, Scottish Division, Model B.121, Series 1, 2, and 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to British Aerospace, Aircraft Group, Scottish Division, Model B.121, Series 1, 2, and 3 airplanes which requires initial and repetitive visual inspections of the rudder control lever assembly. Reports of cracks and three failures of this assembly, located at Fuselage Station 217.75, have been received. These inspections will preclude any such cracks progressing to failure without being detected.

DATES: Effective date April 4, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Scottish Aviation Ltd., Service Bulletin No. B.121/71, dated December 29, 1978, applicable to this AD may be obtained from British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room

1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Paul Cormaci, Federal Aviation Administration, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: British Aerospace, Aircraft Group, Scottish Division, has received reports of cracking and failures of the Part No. BE.45.10193 Control Lever Assembly at Fuselage Station 217.75 on their Model B.121, Series 1, 2, and 3 airplanes. As a result, British Aerospace, Aircraft Group, Scottish Division has issued mandatory Service Bulletin No. B.121/71 dated December 29, 1976, which recommends visual inspection of the rudder control lever assembly at Fuselage Station 217.75, within 50 hours time-in-service, to determine its part number. If the Part No. BE.45.50107 Rudder Control Lever Assembly is determined to be installed, no further action is recommended. If such determination cannot be made or if the Part No. BE.45.10193 Rudder Control Level Assembly is installed, it must be inspected for possible cracking within 50 hours time-in-service and at intervals thereafter not exceeding 50 hours time-in-service. The United Kingdom Civil Aviation Authority, who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom, has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under the United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the United Kingdom Civil Aviation Authority combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Service Bulletin No. B.121/71 dated December 29, 1976, and the mandatory classification of this Service Bulletin by the United Kingdom Civil Aviation Authority.

Based on the foregoing, the FAA has determined that the condition addressed by Service Bulletin B.121/71 is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring initial and repetitive visual inspections of the Part No. BE.45.10193 Rudder Control Level Assembly on British Aerospace, Aircraft Group, Scottish Division, Model B.121, Series 1, 2, and 3 airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

British Aerospace, Aircraft Group, Scottish Division: Applies to Model B.121, Series 1, 2, and 3 (all serial numbers) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To preclude failure of the Part Number BE.45.10193 Rudder Control Lever Assembly (or Assembly not indentified by visual examination as Part Number BE.45.50107) located at Fuselage Station 217.75, within 50 hours time-in-service after the effective date of this AD and thereafter at intervals not to exceed 50 hours time-in-service from the last inspection, accomplish the following:

(a) Visually inspect the Rudder Control Lever Assembly at Fuselage Station 217.75, to determine its part number.

(b) If Part Number BE.45.50107 is determined to be installed, no further action is required.

(c) If the part number cannot be determined, or is found to be number BE.45.10193, remove the Rudder Control Lever Assembly and inspect it using visual and dye penetrant procedures in accordance with Scottish Aviation Ltd., Service Bulletin No. B.121/71 dated December 29, 1976. Particular attention should be paid to areas near welds at the bases of all three levers.

(d) If a crack is found in the Rudder Control Lever Assembly, replace it with a Part Number BE.45.50107 Rudder Control Lever Assembly before further flight.

(e) The installation of a Part Number BE.45.50107 Rudder Control Lever Assembly constitutes termination action for this AD.

(f) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(g) Operators who have not kept records of hours time-in-service of the rudder control lever must substitute airplane hours time-in-service in lieu thereof.

(h) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(i) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 4, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "**ADDRESSES**" at the location identified.

Issued in Kansas City, Missouri, on March 15, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–7850 Filed 3–25–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–CE–27–AD; Amdt. 39–4597]

Airworthiness Directives, SIAI-Marchetti, Models F260, F260B, and F260C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to SIAI-Marchetti Models F260, F260B and F260C airplanes. It

requires visual inspection of the relief valve springs in certain type governors and possible replacement of same and eventual mandatory replacement of the valve body. Instances of spring breakage have been reported to the manufacturer. The inspection procedures will detect spring breakage so that replacement parts can be installed to prevent a temporary lowering of the oil pressure in the system which may cause propeller overspeed and possible loss of the propeller.

DATES: Effective date: April 7, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: SIAI-Marchetti Service Bulletin (SB) No. 260B35, dated March 5, 1982, applicable to this AD may be obtained from SIAI-Marchetti S.p.A., V-12070 via Indipendenza, 2, 21018 Sesto Calende, Italy, whose telephone number is 0331 924842/923598. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. P. Cormaci, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106 Telephone 816/374-6932.

SUPPLEMENTARY INFORMATION: SIAI-Marchetti has received reports of spring breakage in the relief valve on certain type governors in its Models F260, F260B and F260C airplanes. This may cause a temporary lowering of oil pressure in the system which may result in harmful overspeed of the propeller. Undetected spring breakage in the governor relief valve could result in failure of the propeller and/or engine. As a consequence, SIAI-Marchetti has issued SB No. 260B35, dated March 5, 1982, which provides for inspection of the relief valve springs of certain type governors, replacement of springs which are cracked or broken and mandatory replacement of the valve body either within 500 hours from the effective date of this AD or when the propeller overhaul is accomplished. Also periodic inspections are required every 100 hours time-in-service for valve bodies with rectangular ports and every 500 hours time-in-service for valve bodies with round ports. The Registro Aeronautico Italiano (RAI) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States. The FAA has examined the available information related to the issuance of SB No. 260B35, dated March 5, 1982, and the mandatory classification of this SB by the RAI.

Based on the foregoing, the FAA has determined that the condition addressed by SB No. 260B35, dated March 5, 1982, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring initial and periodic visual inspections of the relief valve springs in certain type governors and possible replacement of same and eventual mandatory replacement of the valve body on SIAI-Marchetti Models F260, F260B and F260C airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 3913 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

SIAI-Marchetti: applies to Models F260, F260B and F260C airplanes certificated in any category that are equipped with one of the following propeller governor Part Numbers (PN):

Hartzell PN	Equivalent SIAI PN
F4-4A	260-13-272-01
F4-4A(F4-11)	260-13-272-05
F4-112	260-13-272-03
F6-15A	260-13-272-07
F4-4A	260-13-272-09

Compliance: Required as indicated, unless already accomplished. To preclude failure of the propeller governor relief valve spring and possible propeller overspeed, accomplish the following:

(a) Within the next 100 hours time-in-service after the effective date of this Airworthiness Directive (AD), and thereafter at each 100 hour time-in-service interval on propeller governors with a relief valve body which has a rectangular port and within the next 500 hours time-in-service from the effective date of this AD and thereafter at each 500 hour time-in-service interval, on propeller governors with a relief valve body which has a round port, accomplish the following:

(1) Visually inspect the governor's relief valve spring PN-A-3107 for cracks or breakage in accordance with the "INSTRUCTIONS" section of the manufacturer's Service Bulletin (SB) No. 260B35, dated March 5, 1982, hereinafter referred to as the SB.

(*i*) If the relief valve spring is cracked or broken, prior to futher flight, repair and bench test the propeller governor assembly at SIAI-Marchetti or at an FAA approved Hartzell propeller governor overhaul repair station. (This requirement is necessary because the relief valve spring will require an adjustment to regulate the oil pressure to a range within factory tolerances.)

(*ii*) If the spring is not cracked or broken, reinstall the relief valve spring and return the airplane to service and continue the repetitive inspections as prescribed in paragraph (a) of this AD.

(b) Within the next 500 hours time-in-service after the effective date of this AD or at the time of the next propeller overhaul, whichever occurs first, replace those propeller governor relief valve bodies (Part Number (PN) A-3173) having rectangular ports with relief valve bodies (PN A-3173) having round ports as shown in Fig. No. 2 of the SB and continue the repetitive inspections of paragraph (a) of this AD.

Note.—It is not necessary to send the propeller governor to the test bench to change the valve body unless the relief valve spring is changed. SIAI-Marchetti or the FAA approved Hartzell propeller governor certified overhaul repair station provides the inspection and modification indentification of all governor assemblies installed on airplanes or supplied as spare parts. Modified governors with the new relief valve body with round ports will be identified by a printed "X" with indelible ink on the data plate.

(c) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(d) Operators who have not kept records of hours time-in-service of the propeller governor relief valve body type must substitute airplane hours time-in-service in lieu thereof.

(e) Aircraft may be flown in accordance with FAR 21.197 to a location where this (AD) can be accomplished.

(f) An equivalent method of compliance with this AD is used must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 7, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 17, 1983.

John E. Shaw,

Acting Director, Central Region

[FR Doc. 83–7854 Filed 3–25–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–CE–20–AD; Amdt. 39–4595]

Airworthiness Directives; Short Brothers & Harland Ltd., Model SC 7, Series 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Short Brothers & Harland Ltd., Model SC 7, Series 3 airplanes which requires periodic dye penetrant inspection and replacement of the main landing gear brake flanges. A brake flange failed on an aircraft during landing due to fatigue cracks allowing the brake unit to rotate with subsequent loss of both main and emergency brake systems. The inspections and replacement required by this AD will prevent loss of both main and emergency brake systems.

DATES: Effective date: April 4, 1983. Compliance: as prescribed in the body of the AD.

ADDRESSES: Dowty Rotol Service Bulletin No. 32–10M, Revision 1, dated February 17, 1982, applicable to this AD may be obtained from Dowty Rotol, Inc., Dowty Group Ltd., Box 5000, Sully Road, Sterling, Virginia 22170. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Paul Cormaci, Federal Aviation Administration, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: The manufacturer has determined that the main landing gear brake flanges (Part No. EH183134 or Part No. EH183712) develop fatigue cracks on its Model SC 7, Series 3 airplanes. In one instance, the brake lines were damaged with loss of both the main and emergency brake systems. As a result, Dowty Rotol has issued Service Bulletin No. 32–10M, Rev. 1, which provides for periodic dye penetrant inspection and replacement of the main landing gear brake flanges. The Civil Aviation Authority (CAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom (U.K.) has classified this Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under U.K. registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the CAA combined with the FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States

The FAA has examined the available information related to the issuance of Service Bulletin No. 32–10M, Rev. 1, dated February 17, 1982, and the mandatory classification of this Bulletin by the CAA.

Based on the foregoing, the FAA has determined that the condition addressed by Service Bulletin No. 32–10M, Rev. 1, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring periodic dye penetrant inspection and replacement of the main landing gear brake flanges on Short Brothers & Harland Ltd., Model SC 7, Series 3 airplanes in accordance with procedures set forth in the above-mentioned SB.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Short Brothers and Harland Ltd.: Applies to Model SC 7, Series 3 airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of a main landing gear brake flange and subsequent loss of both main and emergency brake systems, accomplish the following:

(a) Within the next 200 landings after the effective date of this AD for airplanes equipped with brake flange Part No. EH183134 and having 5,000 or more landings in service or for airplanes equipped with brake flange Part No. EH183712 and having 1,000 or more landings in service, perform a dye penetrant inspection of the main landing gear brake flanges as instructed in paragraph 2 of Dowty Rotol Service Bulletin No. 32–10M, Rev. 1, dated February 17, 1982.

(1) If no cracks are found, return the airplane to service.

(2) If cracks are found, prior to further flight, replace the brake flange with a serviceable unit of the same part number.

(b) Repeat the inspection of paragraph (a) above at 1,000 landing intervals. When the brake flange is replaced, these repeated inspections may be discontinued until the newly installed brake flange has accumulated the total number of landings as prescribed in paragraph (a) above.

(c) Operators who have not kept records of total landings in service may convert airplane hours time-in-service to total landings in service at the rate of two landings per hour.

(d) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these

inspections concurrent with other scheduled maintenance of the airplane.

(e) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(f) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 4, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "**ADDRESSES**" at the location identified.

Issued in Kansas City, Missouri, on March 15, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–7852 Filed 3–25–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–CE–17–AD; Amt. 39–4594]

Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego, PZL–MIELEC Model PZL M18 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Wytwornia Sprzetu Komunikacyjnego, PZL–MIELEC, Model PZL M18 airplanes. It requires visual inspection and as necessary, repair or replacement of the rudder. The manufacturer has received several reports of skin cracks in the forward and trailing edges of the rudder. Continued propagation of these cracks could damage the spar or rudder attachment hinge with resultant loss of primary flight control about the airplane's yaw axis. The inspections and repairs required by this AD will prevent loss of primary flight control about the yaw axis.

DATES: Effective date: April 4, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Wytwornia Sprzetu Komunikacyjnego Mandatory Bulletin Nos. S/025/81 and R/028/81 applicable to this AD may be obtained from Wytwornia Sprzetu Komunikacyjnego, PZL-MIELEC, 39–301 Mielec, Poland. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. P. Cormaci, FAA, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: The manufacturer has received several reports of skin cracks on the forward and trailing edges of the rudder on its Model PZL M18 airplanes. These cracks may propagate to the structural and attaching members of the rudder resulting in partial or complete failure of the rudder. Failure of the rudder causes loss of primary flight control about the yaw axis and could affect flight control about the other two axes depending upon the extent and configuration of the damaged rudder. As a result, Wytwornia Sprzetu Komunikacyjnego, PZL-MIELEC has issued Mandatory Bulletin Nos. S/025/81 and R/028/81 which provide for inspection and repair or replacement of the rudder. The Civil Aircraft Inspection Board (CACA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Poland has classified this Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Polish registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the CACA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Mandatory Bulletin Nos. S/025/81 and R/028/81 and the mandatory classification of these Bulletins by CACA.

Based on the foregoing, the FAA has determined that the condition addressed by Mandatory Bulletin Nos. S/025/81 and R/028/81 is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring visual inspection and if necessary, repair or replacement of the rudder on PZL M18 airplanes in accordance with procedures set forth in the above mentioned Mandatory Bulletins.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation regulations (14 CFR 39.13) is amended by adding the following new AD.

Wytwornia Sprzetu Komunikacyjnego, PZL–MIELEC:

Applies to Model PZL M18, (all Serial Numbers through 1Z007–25) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent loss of primary flight control about the yaw axis, accomplish the following:

(a) Before the first flight of each day, visually check the rudder skin for cracks along the trailing edge. This check may be performed by the pilot.

(1) If no cracks are found the airplane may be placed in service.

(2) If cracks are found prior to further flight conduct the inspections of paragraph (b).

(b) Within 25 hours time-in-service after the effective date of this Airworthiness Directive (AD) and at 50 hours time-in-service intervals thereafter, using a 5-power magnifying glass inspect the rudder on both sides in the upper hinge area and along the trailing edge.

(1) If no cracks are detected, return the aircraft to service.

(2) If cracks are detected, remove the rudder and accomplish repairs as prescribed in paragraph III of Bulletin R/028/81.

(c) The intervals between the repetitive inspections required by this AD may be

adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(d) Aircraft may be flown in accordance with FAR 21.197 to a location where this Airworthiness Directive (AD) can be accomplished.

(e) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 4, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89)

Note: The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City Missouri, on March 15, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-7851 Filed 3-25-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-13-AD; Amt. 39-4596]

Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego, PZL-MIELEC, Model PZL M18, Dromader Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Wytwornia Sprzetu Komunikacyjnego, PZL-MIELEC M18, Dromader airplanes. It requires installation of non-return (check) valves in the fuel lines and individual fuel gauges for each tank group, inspection and if necessary modification of engine controls to assure clearance, and replacement of butterfly nut, Part No. (P/N) 1414s49-8-ka on the sunlight filter. There have been two incidents of inflight engine failures due to fuel transfer between tanks while maneuvering and one report of interference between the propeller governor push rod and engine power controls. The inspection and modifications required by this AD will prevent inflight engine failure due to unmonitored fuel transfer between tanks, limitation of power controls due to linkage interference and eliminate a possible source of head injury to the pilot during a crash or hard landing.

DATES: Effective date April 4, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Wytwornia Sprzetu Komunikacyjnego, PZL-MIELEC Mandatory Bulletin No. I/009/81 with ERRATA sheet applicable to this AD may be obtained from Wytwornia Sprzetu Komunikacyjnego, "PZL-MIELEC", 39-301 Mielec, Poland. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, telephone 513.38.20, or Mr. P. Cormaci, Manager, Foreign FAR 23 Section, ACE-109, Central Region, FAA, 601 East 12th Street, Kansas City, MO 64106. Telephone 816/374-6932.

SUPPLEMENTARY INFORMATION: Two Dromader, Model PZL M18 airplanes have made emergency landings when their engines failed in flight due to lack of fuel supply. These accidents were caused by fuel transfer from one wing to the other during flight with one wing low. To eliminate unmonitored transfer of fuel between wing tank groups the manufacturer has provided a modification which entails installation of non-return (check) valves between the header tank and each wing tank group. This modification also adds a fuel gauge so that fuel quantity available in each tank group may be monitored separately. As a result of an operator report that the push rod in the propeller pitch governor control system rubs against carburetor control linkages causing their displacement, the manufacturer has provided for inspection and modification of the engine controls to eliminate displacement and possible limitation of engine power control. Separate from the above problems, the butterfly nut used to adjust the overhead sunlight filter protrudes into the cockpit and could cause head injury during a hard landing or crash. The manufacturer has provided a modification to replace this nut with a ball knob which would reduce the possibility of pilot head injury under these conditions. Wytwornia Sprzetu Komunikacyjnego, published these inspections and modifications as part of Mandatory Bulletin No. I/009/81 with ERRATA sheet. The Civil Aircraft Inspection Board (CACA) who has reponsibility and authority to maintain the continuing airworthiness of these airplanes in Poland has classified this Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Polish registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of CACA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Mandatory Bulletin No. I/009/81 with ERRATA sheet and the mandatory classification of this Bulletin by CACA.

Based on the foregoing, the FAA has determined that certain of the conditions addressed by Mandatory Bulletion No. I/009/81 with ERRATA sheet are unsafe conditions that may exist or develop on other products of the same type design certificated for operation in the United States. Therefore, an AD is being issued requiring inspections and modifications on Wytwornia Sprzetu Komunikacyjnego, PZL-MIELEC, Model PZL M18 airplanes in accordance with procedures set forth in the above mentioned Bulletin.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

Lisat of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation

Regulations (14 CFR 39.13) is amended by adding the following new AD.

Wytwornia Sprzetu Komunikacyjengo, PZL–MIELEC: Applies to Model PZL M18 (Serial Nos. 1Z001–01 through 1Z001–05, 1Z001–08 through 1Z001–10, 1Z002–01 through 1Z002–05, 1Z003–01, through 1Z003–10, 1Z004–01 through 1Z004–10, and 1Z005–01 through 1Z005–14) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished. Within the next 50 hours time-in-service after the effective date of this AD accomplish the following:

(a) To prevent inflight engine shutdown due to unmonitored fuel transfer between tanks, install non-return (check) valves Part Number (P/N) D61.170.00.G, install a second fuel quantity gauge, P/N 64126 or 6246–8, and install fuel filler placards in accordance with procedures III. A., III. B. and III. H. of Mandatory Bulletin I/009/81 and ERRATA sheet.

NOTE: The modifications required by paragraph (a) have been accomplished by the manufacturer on aircraft Serial Numbers 1Z001–02, 1Z004–02, 1Z004–05, 1Z004–06 and 1Z004–10.

(b) To eliminate mechanical linkage interference in the power controls, inspect the support tube (P/N D65.250.00.2) installation to assure that the propeller governor push rod to carburetor orifice and carburetor (R.P.M.) adjustment levers clearance is as prescribed in procedures III. D. Mandatory Bulletin I/009/81. If clearance is insufficient, readjust support tube and modify the carburetor orifice as prescribed to meet the clearances specified in procedures III. D.

(c) To eliminate a possible source of head injury to the pilot during a hard landing, replace the sunlight filter position adjustment butterfly nut, P/N 1414s49–8-ka, with ball knob, P/N D74.280.00.0 as prescribed in procedures III. F. of Mandatory Bulletin I/009/81.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) An equivalent means of compliance with this AD may be used if approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 4, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR § 11.89).

Note: The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation inder DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as approporiate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 15, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–7853 Filed 3–25–83; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release Nos. 33–6441A, 34–19290A, 40–12865A, File No. S7–939]

Disclosure of Certain Relationships and Transactions Involving Management; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Final rules; correction.

SUMMARY: This document corrects a final rule amendment, concerning disclosure of directors and nominees for director, that was made in connection with the adoption of new Item 404 of Regulation S–K regarding management relationships and transactions. The amendment appeared at page 55668 of the **Federal Register** on Monday, December 13, 1982, FR Doc. 82–33628. This action is necessary to correct the amendatory language to conform with changes in the text of the Regulation.

DATES: Item 404 and the coordinating amendments are effective for all documents filed on or after July 1, 1983. Registrants, however, may comply with the provisions prior to that date if they comply with all applicable provisions upon the election to do so and in any subsequent filings.

FOR FURTHER INFORMATION CONTACT: Prior to the effective date, contact Susan P. Davis, (202) 272–2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. After the effective date, contact John J. Gorman, (202) 272–2573, Office of Chief Counsel, Divison of Corporation Finance, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On page 55668, column one, the amendatory language for number 7 is corrected to read as follows:

"7. By removing paragraphs (b)(3) through (b)(7) and the note to paragraph (b)(7) and by revising the introductory text and paragraphs (b)(1) and (b)(2) of Item 6 of § 240.14a–101 to read as follows:".

Dated: March 22, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–7878 Filed 3–25–83; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79–14]

Incremental Pricing Regulations Implementing the Incremental Pricing Provision of the Natural Gas Policy Act of 1978; OPPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Prescribing Incremental Pricing Thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20428, (202) 357–8500.

SUPPLEMENTARY INFORMATION: Issued: March 22, 1983.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mai date and pursuant to § 375.307(1) of the

Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of April 1983 is issued by the publication of a price table for the applicable month.

List of Subjects in 18 CFR Part 282

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	Jan.	Feb.	Mar	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Calendar Year 1980												
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA Section 102 Threshold	2.358	2.381	2.404	2.426	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580
Calendar Year 1981												
Incremental Pricing Threshold	$1.891	$1.908	$1.925	$1.942	$1.954	$1.967	$1.980	$1.990	$2.000	$2.010	$2.025	$2.041
NGPA Section 102 Threshold	2.667	[illegible]	[illegible]	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA Section 109 Threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130% of No. 2 Fuel Oil in New York City Threshold	7.610	7.760	[illegible]	9.010	9.510	9.430	9.360	9.260	8.860	8.700	8.930	8.990
Calendar Year 1982												
Incremental Pricing Threshold	$2.057	$2.071	[illegible]	[illegible]	$2.106	$2.113	$2.120	$2.129	$2.139	$2.149	$2.159	$2.169
NGPA Section 102 Threshold	3.003	[illegible]	3.063	3.093	3.112	3.132	3.152	3.176	3.200	3.224	[illegible]	3.274
NGPA Section 109 Threshold	2.128	2.143	2.158	2.173	2.180	2.187	2.194	2.204	2.214	2.224	2.234	2.244
130% of No. 2 Fuel Oil in New York City Threshold	9.180	9.340	9.470	9.340	9.280	8.000	8.170	8.670	[illegible]	8.950	8.640	[illegible]
Calendar Year 1983												
Incremental Pricing Threshold	$2.179	$2.187	$2.195	$2.203								
NGPA Section 102 Threshold	3.299	3.321	3.344	3.367								
NGPA Section 109 Threshold	2.254	2.262	2.270	2.278								
130% of No. 2 Fuel Oil in New York City Threshold	9.420	9.320	8.820	[illegible]								

[FR Doc. 83-7786 Filed 3-25-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 880, 881, 883, 884 and 886

[Docket No. R-83-1040]

Section 8 Housing Assistance Payments Programs for New Construction and Substantial Rehabilitation

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule and request for comments.

SUMMARY: This interim rule implements certain provisions in the Housing and Community Development Amendments of 1981 which change the Section 8 Housing Assistance Payments Programs for New Construction and Substantial Rehabilitation. This rule (1) extends assistance to substantially rehabilitated single-room occupancy (SRO) housing, (2) provides assistance for a family residing in a manufactured home (space rental or rental of space and manufactured home), (3) provides for limitations on cost and rent increases after selection of a Section 8 new construction or substantial rehabilitation proposal, (4) states new requirements to the effect that Section 8 new construction must be modestly designed, and (5) establishes a preference for locating Section 8 new construction projects on land provided by States or units of local government. The rule also provides for a minimum contract term of 20 years for Section 8, new or substantially rehabilitated housing assistance payments contracts.

DATES: Effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver, but not before further notice of the effective date is published in the **Federal Register**.

Comment due date: May 27, 1983.

ADDRESS: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Each comment should include the commenter's name and address and must refer to the docket number indicated in the heading of this rule. A copy of each comment will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James Hamernick, Director, Office of Multifamily Housing Development, Telephone: (202) 755-5720 or (with respect to Part 883) Steven Silvert, Acting Director, Office of State Agency and Bond Financed Programs, Telephone: (202) 755-8135. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The major amendments implemented in this rule were included in the Housing and Community Development (HCD) Amendments of 1981 (Title III, Subtitle A, Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35)).

Single-Room Occupancy (SRO) Housing

Section 324(3) of the HCD Amendments of 1981 added a new section 8(n) to the U.S. Housing Act of 1937 expressly authorizing the Secretary of HUD to provide Section 8 assistance for substantially or moderately rehabilitated single-room occupancy (SRO) housing (i.e., residential properties in which some or all of the dwelling units do not contain bathroom or kitchen facilities). This authority can only be used if (a) the housing is located in an area in which there is a significant

demand for these units, as determined by the Secretary, and (b) the unit of general local government and the local PHA for the area in which the housing is located approve of the units being used for that purpose.

An interim rule implementing this authority with respect to moderate rehabilitation was published in the Federal Register on August 9, 1982 (47 FR 34376), and became effective September 28, 1982. The present rule would provide comparable authority for substantial rehabilitation under 24 CFR Parts 881 and 883.

The rule amends §§ 881.201 and 883.302 to define SRO housing as a unit for occupancy by a single eligible individual capable of independent living, which does not contain food preparation and/or sanitary facilities and which is located within a multifamily structure consisting of more than 12 units. This definition is designed to distinguish SRO housing from congregate housing and from independent group residences, which have supportive services standards. The rule revises §§ 881.202(c)(3) and 883.303(c)(3) to replace the current limitation on the use of SRO housing only for relocation purposes with the statutory limitations noted above. Also, the rule revises §§ 881.203(c)(3) and 883.304(c)(3) to specify that the Fair Market Rents for SRO units will be 75% of the FMR for 0-bedroom units of the same type, rather than 100% of the FMR as provided in the existing regulation. This change represents the amount the Department believes is needed for SRO housing (in light of the fact that SRO housing units do not contain private bathroom and/or kitchen facilities) and is consistent with the FMR ceiling set for moderately rehabilitated SROs.

The rule also amends §§ 880.202(c) and 884.110(a) to delete the eligibility of SRO housing under the Section 8 new construction programs carried out by the Department and by the Farmers Home Administration (FmHA), respectively. Currently, newly constructed SRO housing is eligible for Section 8 assistance if it is planned specifically as a relocation resource. The Department has found a demonstrated interest in some localities in providing SRO housing through the rehabilitation of existing residential hotels, rooming houses, etc., and there appears to be a sufficient number of such structures to rehabilitate for this purpose. Conversely, there appears to be no similar interest in the construction of new SRO housing units. Therefore, the Department has decided that SRO housing will be eligible for Section 8 assistance only in substantially or moderately rehabilitated housing under the conditions established by the Congress in section 8(n).

With respect to SRO units assisted under the new statutory provisions, section 324(3) of the HCD Amendments of 1981 authorizes the Secretary to waive, in appropriate cases, both a statutory preference for single persons who are elderly, handicapped or displaced in determining priority for admission to Section 8 housing, and a 15 percent statutory limit on units under the jurisdiction of a public housing agency which are occupied by single persons who are not entitled to the statutory preference. This explicit waiver authority, coupled with the Department's general waiver authority contained in 24 CFR 899.101, will permit HUD to assure that current occupancy restrictions on single individuals not entitled to the statutory preference do not impede the purposes of the SRO authority. Accordingly, the Department has determined, consistent with the moderate rehabilitation interim rule, that this waiver authority need not be made explicit in the regulations. Field Office Managers may direct requests for waivers of 24 CFR Part 812 to the Assistant Secretary for Housing.

Cost and Rent Increases After Selection of Proposal

Section 324(3) of the HCD Amendments of 1981 added a new section 8(1) to the U.S. Housing Act of 1937. This new section establishes restrictions on approval of cost and rent increases in connection with newly constructed or substantially rehabilitated Section 8 projects. After selection of a proposal for such a project, the Secretary must limit cost or rent increases (except for adjustments in contract rent pursuant to section 8(c)(2)) to increases due to unforeseen factors beyond the owner's control, design changes required by the Secretary or the local government, or changes in financing approved by the Secretary.

These changes are implemented by amending 24 CFR Part 880 (for new construction), 24 CFR Part 881 (for substantial rehabilitation), 24 CFR Part 883 (for State agency new construction and substantial rehabilitation), and 24 CFR Part 884 (for the Section 8/FmHA new construction program).

Under existing regulations (§§ 880.204, 881.204, 883.305, and 884.107), contract rents for a project through cost certification must be within the applicable Fair Market Rent in effect at the time of the processing of the proposal, and must meet a "rent reasonableness" test. The rule retains these requirements, but limits increases in contract rents between proposal selection and cost certification to the statutory criteria. The present criteria for granting these increases are deleted §§ 880.403, 881.403, 883.408(d), and 884.211(c)).

The rule provides an illustrative listing of the circumstances which may qualify as an "unforeseen factor" for purposes of the regulation. These are strikes, weather delays, delays caused by local government, circumstances under which substantial errors by HUD (or the State agency or FmHA, as appropriate) in the original processing would otherwise result in serious inequities, and acts of God. Given the fact that what may constitute an "unforeseen factor" will vary with the factual setting, the determination to permit a cost or rent increase on this ground will be made on a case-by-case basis.

Consistent with the statute, the rule limits increases in the estimated project replacement cost between proposal selection and cost certification to those meeting the statutory criteria (§§ 880.204(c)(6), 881.204(c)(6), 883.305(c)(5), and 884.107(c)). The rule also makes a conforming change to limit increases in project replacement cost stemming from relocation costs borne by the project owner to those within the statutory criteria (§§ 880.209(b)(8)(iv), 881.209(b)(8)(iv), and 883.311(b)(8)(iv)).

With respect to Subpart C of Part 886 (Section 8 Assistance for the Disposition of HUD-Owned Projects), the existing regulatory provisions, which are more restrictive than the statutory contract rent increase limitations, are retained. The only change is a clarifying amendment specifying that any increases in contract rents must be due to *unforeseen* factors which caused cost increases.

In accordance with section 371(b) of the HCD Amendments of 1981, the new limitations on cost and rent increases between selection of the project proposal and cost certification will not apply to any project for which the Agreement to Enter into a Housing Assistance Payments Contract was originally entered into before October 1, 1981. Thus, the limitation will not apply even if the Agreement was amended on or after October 1, 1981. These projects will be subject to the applicable requirements before the effective date of this rule. However, the limitation will apply to any project where the Agreement was entered into on or after October 1, 1981, whether or not the Housing Assistance Payments Contract

itself has been executed before the effective date of this rule.

Numerous technical amendments are made throughout this rule correcting obsolete cross references to the now-deleted §§ 880.403, 881.403, and 883.408(d), and making more exact references to the amended §§ 880.204(b), 881.204(b), 883.305 and 884.107.

Modest Design

Section 324(1) of the HCD Amendments of 1981 requires the Secretary to assure that newly constructed housing to be assisted under Section 8 is modest in design, in order to increase housing opportunities for very low-income families.

This provision is consistent with Departmental policy with respect to both newly constructed and substantially rehabilitated Section 8 housing. See, e.g., §§ 880.101(d) and 880.204(a) and (e) for new construction; §§ 881.101(d) and 881.204 (a) and (e) for substantial rehabilitation; §§ 883.101(d) and 883.305 (a) and (e) for State agencies. This rule amends §§ 880.204(e), 883.305(e) and 884.110 for the Section 8 new construction programs administered by HUD, the State agencies, and the Section 8 FmHA program. Consistent with the above-described departmental policy, the amended modest design requirements are also extended to Section 8 substantial rehabilitation (§ 881.204(e)).

The rule is intended to clarify and streamline the existing policy with respect to design and amenities in connection with new and substantially rehabilitated Section 8 housing. The rule reiterates that assisted housing must be modest in design. The existing regulations limit amenities to those which are "generally provided in unassisted housing of modest design." The rule would limit amenities to those which are "generally provided in unassisted, decent, safe and sanitary housing for lower income families." Since there is no necessary correlation between the design of a project and the types of amenities provided, the change is intended to make clear that the amenities which may be provided are limited to those generally available to the income population the Section 8 Program is designed to serve.

The rule also eliminates the maintenance of lists of acceptable amenities by field offices and guidance in the regulation as to what an acceptable amenity may be. Such guidance will be made available in HUD handbooks.

Finally, the rule retains the current exemption from the limitation on amenities for partially assisted projects, and continues the current provision specifying that the use of more durable, high quality materials to control or reduce maintenance, repair and replacement costs will not be considered "excess amenities."

Preference for New Construction Sites Provided by State or Local Governments

Section 324(3) of the HCD Amendments of 1981 added a new subsection (m) to Section 8 of the U.S. Housing Act of 1937, which provides that, for the purpose of achieving the lowest cost in providing units in newly constructed projects, the Secretary shall give a preference in entering into Section 8 contracts to projects which are to be located on specific tracts of land provided by States or units of local government, if the Secretary determines that the tract of land is suitable for such housing, and that affording such preference will be cost effective. The Joint Explanatory Statement of the Committee of Conference on the HCD Amendments of 1981 states, with respect to this provision: "The Conferees wish to clarify that the intent of this provision is that, where projects are considered substantially equal in other respects, the Secretary should give a preference to projects on land provided by state or local government."

The rule amends § 880.306(b) (new construction), § 883.204(d) (State agency), and § 884.204 (Section 8/FmHA) to incorporate this statutory change into applicable procedures for ranking and selecting new construction proposals for processing and funding.

Manufactured Homes

Section 329H of the HCD Amendments of 1981 revised and expanded section 8(j) of the U.S. Housing Act of 1937, which deals with Section 8 assistance with respect to manufactured homes. Before enactment of the HCD Amendments of 1981, section 8(j) dealt only with the rental of a manufactured home space by the *owner* of the manufactured home, and provided a special statutory assistance formula for this case (differing from the standard Section 8 assistance formula). As a result of the HCD Amendments of 1981, section 8(j) provides for Section 8 assistance to (1) a manufactured home owner who rents the space (under section 8(j)(2)) and (2) for a family which rents *both* the manufactured home *and* the space on which the home is located (section 8(j)(3)). For rental of a space only by the owner of a manufactured home, the 1981 amendments do not make any substantive change in the assistance formula governing the amount of subsidy for the space. With respect to assistance to a family renting the manufactured home and the space, section 8(j)(3) now provides for an assistance formula substantively identical to the standard Section 8 assistance computation independent of section 8(j).

The 1981 changes also clarify that assistance may be provided in existing, newly constructed or substantially rehabilitated manufactured home parks. In the case of a newly constructed or substantially rehabilitated park, the 1981 law provided that Section 8 assistance contracts entered into shall be for a term of not less than 240 months and not more than the maximum term for a manufactured home loan under section 2(b) of the National Housing Act. Finally, the 1981 law provided that the mortgage amount attributable to the rental spaces within the park may not exceed the limitation for manufactured home spaces contained in section 207(c)(3) of the National Housing Act, with such increases as are permitted by the Secretary under that section for high-cost areas.

A program-by-program description of the regulatory changes to implement the 1981 revisions follows.

Section 8 New Construction Program (Part 880). Under present Section 8 new construction regulations, HUD permits Section 8 assistance with respect to the rental of a "mobile home," consisting of the manufactured home and the space on which it is located (§ 880.202(c)). Assistance may not be provided, however, where a unit is occupied by an owner (§ 880.202(b)). Consequently, assistance only with respect to the space on which the home is located is not permitted. This rule adds a new § 880.202(j) and makes other appropriate amendments to also permit Section 8 assistance with respect to owners of manufactured homes who rent spaces in newly constructed manufactured home parks.

Section 8(j)(2)(B) of the United States Housing Act of 1937 specifies that the maximum monthly assistance payment for an owner of a manufactured home who rents the space upon which the home is located is the difference between the amount the family must contribute under section 3(a) of the 1937 Act and the sum of:

(1) The monthly payment made by the family to amoritize the cost of purchasing the home;

(2) The monthly utility payments made by the family subject to reasonable limitations prescribed by the Secretary; and

(3) The maximum monthly rent permitted for the space

In no case, however, may the assistance payment exceed the total amount of the rent for the space.

The rule implements these provisions by modifying the definitions of "Contract Rent", "Housing Assistance Payment", and "Total Housing Expense" contained in § 880.201 as follows:

—"Contract Rent" is defined, in the case of the rental of only a manufactured home space, as the total rent specified in the contract as payable by HUD and the tenant to the owner for rental of the space, including fees or charges for management and maintenance services with respect to the space, but excluding utility charges for the home.

—"Housing Assistance Payment" is the difference between total housing expense and the family contribution. This definition is modified to specify that the assistance payment for rental of only a manufactured home space may not exceed the contract rent for the space.

—"Total Housing Expense" is defined, in the case of rental of only a manufactured home space, to include the family's monthly payment to amortize the purchase price for the manufactured home, in addition to the space rental and allowance for utilities.

The rule also amends the definition of "Fair Market Rent" to provide that, in the case of a manufactured home space, the FMR is HUD's determination of the rents that would be required to obtain, in a particular market area, privately developed and owned spaces of modest design in newly constructed manufactured home parks, including maintenance and mangement services with respect to the space, but excluding utility charges for the manufactured home.

A conforming change is also made to the definition of "Tenant Rent".

As noted above, the rule limits assistance to units in newly constructed manufactured home parks, and does not extend to assistance for units outside of parks. This is consonant with the project focus of the Section 8 new construction program.

Section 880.203 is amended to establish the Fair Market Rents for manufactured home spaces at 125 precent of the FMR for Section 8 Existing manufactured home spaces. HUD already has experience establishing Fair Market Rents with respect to manufactured home spaces under the Section 8 Existing Program. Therefore, the Department has decided to use these rents as a basis for determining FMRs under the new construction program. This provision also deletes as unnecessary § 880.203(d), which provided for the establishment of FMRs for manufactured homes only upon application.

Section 880.204(b), which relates to limitations on contract rents (amended as discussed above) is further amended by adding a new provision limiting approval of exception rents in excess of FMR to 110 percent of the applicable Fair Market Rent in the case of the rental of only a manufactured home space. This complies with section 8(j)(2)(A) of the U.S. Housing Act of 1937. A parallel amendment is made to the "rent reasonableness" provision of § 880.204(b) permitting contract rents to exceed those determined by market comparison by only 10 percent in the case of space rentals only.

In § 880.208, relating to the financing of Section 8 projects, a new provision is added to limit the principal amount of any mortgage attributable to the rental spaces in a manufactured home park to an amount per space determined in accordance with 24 CFR 207.33(b)—i.e., the FHA mortgage limits for manufactured home park spaces. This change implements section 8(j)(7) of the 1937 Act.

Finally, § 880.502, relating to the term of Section 8 contracts, is amended to specify that, for assisted units or spaces in newly constructed manufactured home parks, the term of the contract will be 20 years. This complies with section 8(j)(5) of the 1937 Act, which provides that the contract term, in the case of a newly constructed manufactured home park, shall be at least 20 years and not more than the maximum term of a manufactured home loan under section 2(b) of the National Housing Act. Although the section 2(b) statutory term is 23 years for multi-module manufactured homes, the Department has decided to set the term at 20 years, consistent with the existing Title I regulations for all manufactured homes.

Section 8 Substantial Rehabilitation Program (Part 881). As a matter of HUD policy, the current Section 8 substantial rehabilitation regulations do not permit assistance for manufactured homes or spaces under the substantial rehabilitation program. In response to enactment of the revised section 8(j), this rule amends the substantial rehabilitation regulations to permit Section 8 assistance with respect to the rental of spaces in substantially rehabilitated manufactured home parks where the family either (1) owns the manufactured home or (2) rents a *new* manufactured home and the space on which it is located (§ 881.202(i)). Consistent with past policy, the Department has decided not to extend the program to manufactured homes requiring substantial rehabilitation.

The definitions of "Contract Rent", "Fair Market Rent", "Housing Assistance Payment", "Tenant Rent", and "Total Housing Expense" contained in § 881.201 of the regulations are modified in the same manner as was done in the new construction program. Sections 881.202 (relating to project eligibility), § 881.203 (relating to Fair Market Rents for manufactured home spaces), § 881.204 (relating to limitations on contract rents, replacement costs and amenities), § 881.208 (relating to project financing), and § 881.502 (relating to the term of the Housing Assistance Payments Contract) are also amended in the same manner as in comparable sections of the Section 8 new construction regulations.

Section 8 Assistance to State Housing Agencies (Part 883). Current regulations authorize assistance under the State agency new construction program for manufactured homes just as under Part 880. As with Part 881, there is currently no State Agency substantial rehabilitation program for manufactured homes. This rule brings authority under the State Agency regulation in line with that being provided with respect to manufactured homes and spaces under the Part 880 Section 8 new construction program, and under the Part 881 substantial rehabilitation program.

The definitions of "Contract Rent", "Fair Market Rent", "Housing Assistance Payment", "Tenant Rent", and "Total Housing Expense" contained in § 883.302 of the regulations are modified in the same manner as was done in the new construction and substantial rehabilitation programs. Sections 883.303 (relating to project eligibility), § 883.304 (relating to Fair Market Rents for manufactured home spaces), § 883.305 (relating to limitations on contract rents, replacement costs and amenities), § 883.307 (relating to project financing), and § 883.603 (relating to the term of the Housing Assistance Payments Contract) are also amended in the same manner as in comparable sections of the Section 8 new construction and substantial rehabilitation regulations.

Minimum Term of HAP Contracts

Also included in this rule are provisions implementing section 211(b) of the Housing and Community Development Amendments of 1979. That section amended section 8(e)(1) of the U.S. Housing Act of 1937 to prohibit the Secretary from contracting to make housing assistance payments with respect to a newly constructed or

substantially rehabilitated dwelling unit for a term of less than 20 years. The rule revises §§ 881.502 and 884.106 to implement this statutory provision.

Part 885 Regulations

There currently are no provisions in Part 885 of the CFR (Section 202 Loans for Housing for the Elderly or Handicapped Program) which directly implement the statutory provisions covered in this interim rule. The Department is preparing a regulation amending Part 885 which, among other matters, would incorporate these amendments and other statutory changes to Section 8 programs affected by the HCD Amendments of 1981.

Findings and Miscellaneous

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the above address.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domesic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. The changes made by this rule can be considered technical adjustments to the existing structure of the Section 8 program. They do not change the goals toward which program activities are directed and any effect on small entities should be minor and positive.

The Secretary has determined that notice and prior public procedure are impracticable and contrary to the public interest and that good cause exists for making this rule effective as soon after publication as possible. Publication of this rule carries out requirements originally enacted by the Congress in 1979 and in 1981. Implementation of the rule will allow the Department to use more efficiently those Section 8 funds made available to HUD through the appropriation process. Savings can be effected through greater limitations on allowable contract rent increases, through provision of a preference for projects located on land provided by States and units of local government, and through a more effective limitation on amenities in approved projects. Issuance of an interim rule provides the most expedient route for implementation of these amendments, while allowing adequate opportunity for public comments. Comments are invited for a period of 60 days following this publication in the Federal Register and will be considered in the adoption of a final rule.

The Secretary also has determined that, for the reasons stated above, good cause exists for exempting this interim rule from the 30-day delay in effectiveness provided by the Administrative Procedure Act (5 U.S.C. 553(d)). However, Section (7)(o)(3) of the Department of HUD Act (42 U.S.C. 3535(o)(3)) provides for a delay in effectiveness for a period of 30 calendar days of continuous session of Congress after publication, unless waived by the Chairmen and Ranking Minority Members of the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance, and Urban Affairs. At the time of publication of this interim rule, it is not known whether or when such waivers will be ganted. When this is known, a notice stating the effective date of this rule will be published in the Federal Register.

Information collection requirements contained in this rule have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned the following OMB control numbers: 2502-0029 (Application for Project Mortgage Insurance NH/ICF, FHA 2013); 2502-0118 (Previous Participation Certificate, HUD-2530); 2502-0124 (Application for Assignment of Portion of Set-Aside to Specific Project, HUD-52516); 2502-0182 (Housing Owner's Certification and Application for Housing Assistance, HUD-52670 and 52670(A)); 2502-0204 (Certification and Recertification of Tenant Eligibility, HUD 50059 and 50059(A)); 2502-0232 (Supplemental Application and Processing Forms, Housing for the Elderly or Handicapped, HUD-92013(E)); 2535-0027 (Affirmative Fair Housing Marketing Plan, HUD-935.2).

The Catalog of Federal Domestic Assistance program number is 14.156.

This rule is listed at 47 FR 48425 as items H-130-82, H-131-82 and H-133-82 in the Department's Semiannual Agenda of Regulations published on October 28, 1982 pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects

24 CFR Parts 880 and 881

Grant programs—Housing and community development, Rent subsidies, Low and moderate income housing.

24 CFR Part 883

Grant programs—Housing and community development, Rent subsidies, New construction and substantial rehabilitation.

24 CFR Part 884

Grant programs—Housing and community development, Rent subsidies, Rural areas, Low and moderate income housing.

24 CFR Part 886

Grant programs—Housing and community development, Housing assistance payments, Lower income housing.

Accordingly, 24 CFR Parts 880, 881, 883, 884 and 886 are amended as follows:

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

1. Section 880.103 is amended by revising paragraph (a) to read as follows:

§ 880.103 Construction and management.

(a) *Construction.* Construction of the project is carried out in conformance with the Agreement. Increases in contract rents are permitted with HUD approval during construction only for the reasons specified in § 880.204(b)(2) The project will be accepted by HUD and a Contract executed upon completion in accordance with the Agreement. These provisions are contained in Subpart D, §§ 880.401 through 880.404.

* * * * *

2. Section 880.201 is amended by revising the definitions of Contract Rent, Fair Market Rent, Housing Assistance Payment, Tenant Rent and Total Housing Expense to read as follows:

§ 880.201 Definitions.

* * * * *

Contract Rent. The total amount of rent specified in the Contract as payable by HUD and the tenant to the owner for an assisted unit. In the case of the rental of only a manufactured home space, "contract rent" is the total rent specified in the Contract as payable by HUD and the tenant to the owner for rental of the space, including fees or charges for management and maintenance services with respect to the space, but excluding utility charges for the manufactured home.

* * * * *

Fair Market Rent. HUD's determination of the rents, including utilities (except telephone), ranges and refrigerators, parking, and all maintenance, management and other essential housing services, which would be required to obtain, in a particular market area, privately developed and owned, newly constructed rental housing of modest design with suitable amenities. In the case of manufactured home spaces, Fair Market Rent is HUD's determination of the rents that would be required to obtain, in a particular market area, privately developed and owned spaces of modest design in newly constructed manufactured home parks, including maintenance and management services with respect to the space, but excluding utility charges for the manufactured home.

* * * * *

Housing Assistance Payment. The payment made by the contract administrator to the owner of an assisted unit as provided in the Contract. The payment is the difference between the total housing expense and the total family contribution. However, for rental of only a manufactured home space as provided in § 880.202(j), the payment may not exceed the contract rent for the space. A housing assistance payment, known as a "vacancy payment", is made to the owner when an assisted unit is vacant. Except in the case of a family renting only a manufactured home space, a payment may be made to the family when the utility allowance is greater than the total family contribution.

* * * * *

Tenant Rent. The portion of the contract rent payable directly to the owner by an eligible family occupying an assisted unit. Except in the case of a family renting only a manufactured home space, tenant rent equals the total family contribution less any utility allowance.

* * * * *

Total Housing Expense. The total monthly cost of housing an eligible family, which is the sum of the contract rent and any utility allowance for the assisted unit occupied by the family. In the case of rental of only a manufactured home space, total housing expense also includes the family's monthly payment to amortize the purchase price of the manufactured home.

* * * * *

3. Section 880.202 is amended by revising paragraphs (b) and (c), and by adding a new paragraph (j) at the end thereof, to read as follows:

§ 880.202 Project eligibility.

* * * * *

(b) The Section 8 new construction program is for rental housing only. Cooperatives are considered rental housing rather than owner-occupied housing for purposes of this part. No assistance will be provided for any unit occupied by an owner, except as provided in paragraph (j).

(c) The types of new construction rental housing which can be assisted under this part include: (1) Single-family houses, manufactured homes (as provided in paragraph (j) of this section) and multifamily structures; and (2) housing designed for the elderly, disabled or handicapped.

* * * * *

(j) Units in newly constructed manufactured home parks are eligible for assistance under this part. Such assistance may be provided with respect to the rental of a new manufactured home and the space on which it is located, or, where a manufactured home is owned by an eligible family, with respect to the rental of the space alone (including a space in a cooperative).

4. Section 880.203 is amended by removing paragraph (d), redesignating paragraph (e) as paragraph (d), and by revising paragraphs (a) and (c) to read as follows:

§ 880.203 Fair market rents.

(a) Fair Market Rents are HUD's determination of the rents, including utilities (except telephone), ranges and refrigerators, parking, and all maintenance, management and other essential housing services, which would be required to obtain, in a particular market area, privately developed and owned, newly constructed rental housing of modest design with suitable amenities. In the case of manufactured home spaces, Fair Market Rent is HUD's determination of the rents that would be required to obtain, in a particular market area, privately developed and owned spaces of modest design in newly constructed manufactured home parks, including maintenance and management services with respect to the space, but excluding utility charges for the manufactured home.

* * * * *

(c) The Fair Market Rents for (1) dwelling units designed for the elderly, disabled or handicapped are those for the appropriate size units, not to exceed 2-bedrooms for the elderly, multiplied by 1.05, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) manufactured home spaces are 125 percent of the Fair Market Rents for Section 8 Existing manufactured home spaces.

* * * * *

5. Section 880.204 is amended by revising paragraphs (b) and (e), and by adding a new paragraph (c)(6) to read as follows:

§ 880.204 Limitations on contract rents, replacement costs and amenities.

* * * * *

(b)(1) *Limitation on contract rents.* The contract rents for a project through cost certification at completion must be within both of the following limitations:

(i) *Fair market rent.* The contract rent plus any utility allowance for the unit must not exceed the Fair Market Rent in effect at the time of processing. The published Fair Market Rents will reflect a trended rent in order to allow for the period of construction as stated in the publication. If the scheduled construction time for a project is less, an appropriate reduction will be made in determining the approvable contract rent. The contract rent plus utility allowance may exceed the applicable Fair Market Rent under special circumstances or if needed to implement a local Housing Assistance Plan:

(A) By up to 10 percent with the approval of the HUD field office manager, or

(B) Except in the case of the rental of a manufactured home space only, by up to 20 percent with the approval of the HUD Assistant Secretary for Housing.

(ii) *Rent reasonableness.* The contract rent must be reasonable. Contract rents will be considered reasonable only under the following conditions:

(A) When HUD determines that the rents compare reasonably to or are below the rents of unassisted units of similar age, design and location which provide comparable amenities and services; or

(B) Rents may exceed those determined by market comparison by no more than 20 percent (10 percent for the rental of manufactured home spaces only) only in cases where warranted by cost and expense estimates provided by the owner at final proposal and cost

certification at completion, as specified in §§ 880.308 and 880.405; or

(C) For small projects and partially assisted projects, the rents may exceed the comparable rents by up to 10 percent without the cost justification set forth in paragraph (b)(1)(ii)(B) of this section.

(2) *Limitation on contract rent increases.* Between selection of the Preliminary Proposal and cost certification at completion, increases in contract rents may be made only with HUD approval within the Fair Market Rent and rent reasonableness limitations established pursuant to paragraph (b)(1), and only to reflect the amount necessary to cover:

(i) Design changes required by HUD or the State or local government;

(ii) Changes in financing approved by HUD; or

(iii) Unforeseen factors (e.g., strikes, weather delays, delays caused by local government, substantial errors by HUD in the original processing which would otherwise result in serious inequities, and acts of God) determined by HUD to be beyond the owner's control.

All requests for increases in contract rents under this paragraph (b)(2) shall be submitted to the field office for review as soon as the need for the increase becomes apparent. After cost certification at completion, contract rents may be increased only by adjustments in accordance with § 880.609. This paragraph does not apply to any project where the Agreement was entered into before October 1, 1981.

(c) * * *

(6) With respect to Agreements entered into on or after October 1, 1981, between selection of the Preliminary Proposal and cost certification at completion, increases in the HUD-approved estimate of project replacement cost are permitted only for one or more of the reasons specified in paragraph (b)(2) of this section.

* * * * *

(e) *Limitation on housing design and amenities.* Housing assisted under this part shall be modest in design. Amenities in projects assisted under this part (except partially assisted projects) will be limited to those amenities, as determined by HUD, which are generally provided in unassisted, decent, safe and sanitary housing for lower income families in the market area. The use of more durable, high-quality materials to control or reduce maintenance, repair and replacement costs will not be considered an excess amenity.

6. Section 880.208 is amended by adding a new paragraph (e) at the end thereof, to read as follows:

§ 880.208 Financing.

* * * * *

(e) *Financing of manufactured home parks.* In the case of a newly constructed manufactured home park, the principal amount of any mortgage attributable to the rental spaces in the park may not exceed an amount per space determined in accordance with § 207.33(b) of this Title.

7. Section 880.209 is amended by revising paragraph (b)(8)(iv) to read as follows:

§ 880.209 Relocation and land acquisition requirements.

* * * * *

(b) * * *

(8) * * *

(iv) Owners are responsible for assuring that payments and services required by this section are provided. Costs incurred by the owner in providing these services and payments may be included in project replacement cost, subject to § 880.204(c)(6), except that payments to tenants permanently relocated in accordance with paragraph (b)(8)(ii) of this section may not be so included.

* * * * *

8. Section 880.306 is amended by revising paragraph (b)(2) and the first sentence of paragraph (c)(3), to read as follows:

§ 880.306 Preliminary evaluation and technical processing.

* * * * *

(b) * * *

(2)(i) Preference points in selection of proposals for technical processing will be given to small projects and partially assisted projects (except partially assisted projects relying on financing available through the Government National Mortgage Association under the authority of Section 305 of the National Housing Act).

(ii) After the ranking of proposals in accordance with the preference points, if two or more projects are substantially equal in other respects, preference shall be given to a project involving land provided by a State or local government, if HUD determines that the land is suitable for the proposed housing and that affording such a preference will be cost effective.

* * * * *

(c) * * *

(3) The field office will evaluate proposed rents in accordance with § 880.204(b)(1)(ii). * * *

* * * * *

7. Section 880.308 is amended by revising paragraph (a)(8) to read as follows:

§ 880.308 Contents of final proposal.

(a) * * *

(8) Cost estimates in the HUD prescribed form of the replacement cost, operating expenses, income, and debt service, sufficient to enable the field office to determine the cost justified rent, where required under § 880.204(b)(1)(ii). The replacement cost may include the cost to the owner of relocation (except for payments to tenants permanently relocated pursuant to § 880.209(b)(8)(ii)). The cost estimate must indicate and reflect any anticipated benefits from land write-down, tax abatement, favorable financing terms and similar savings.

* * * * *

10. Section 880.309 is amended by revising paragraph (a)(2) to read as follows:

§ 880.309 Review of final proposals.

(a) * * *

(2) The field office will review the projected replacement cost to assure compliance with the limitations of § 880.204(c) in effect at the time. The field office will also review the proposed rents to assure that the rents are within the limitations of § 880.204(b) and are cost justified, where required under § 880.204(b)(1)(ii) concerning reasonable rents. Cost justification at this stage will consist of review by the field office of the cost and expense estimates to determine whether the estimates justify a need for rents above comparable rents based on debt service calculation.

* * * * *

11. Section 880.401 is amended by revising paragraph (b) to read as follows:

§ 880.401 Timely performance of work.

* * * * *

(b) Extensions of the time may be granted for the reasons stated in the Agreement. However, contract rents will be increased only for the reasons stated in § 880.204(b)(2).

12. Section 880.405 is amended by revising paragraph (a)(3) to read as follows:

§ 880.405 Cost certification and adjustment of contract rents.

(a) * * *

(3) There will be no cost certification submission required for projects with rents that are equal to or less than comparable rents or for partially assisted projects or small projects except as required by § 880.204(b)(1)(ii); and

* * * * *

13. Section 880.502 is amended by revising the introductory language in paragraph (a), and all of paragraph (b), to read as follows:

§ 880.502 Term of contract.

(a) *Term (Except for Manufactured Home Parks).* The term of the contract will be as follows:

* * * * *

(b) *Term for Manufactured Home Parks.* For manufactured home units or spaces in newly constructed manufactured home parks, the term of the Contract will be 20 years.

* * * * *

14. Section 880.604 is revised to read as follows:

§ 880.604 Tenant rent.

The tenant rent is paid directly to the owner by the eligible family to whom an assisted unit is leased in partial payment of the contract rent. Except in the case of a family renting only a manufactured home space, it is equal to the family's total family contribution minus any utility allowance for the unit. If the family's total family contribution is less than the utility allowance for the unit which it occupies, the tenant rent payable by the family to the owner is zero.

§ 880.403—[Removed]

15. Section 880.403 is removed.

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR SUBSTANTIAL REHABILITATION

16. Section 881.103 is amended by revising paragraph (a) to read as follows:

§ 881.103 Development and management.

(a) *Development.* Development of the project is carried out in conformance with the Agreement. Increases in contract rents are permitted with HUD approval during the rehabilitation period only for the reasons specified in § 881.204(b)(2). The project will be accepted by HUD and a Contract executed upon completion in accordance with the Agreement. These provisions are contained in Subpart D, §§ 881.401 through 882.404.

* * * * *

17. Section 881.201 is amended by (1) revising the definitions of Contract Rent, Fair Market Rent, Housing Assistance Payment, Tenant Rent and Total Housing Expense, and (2) adding a definition of Single Room Occupancy (SRO) Housing immediately following the definition of Secretary, to read as follows:

§ 881.201 Definitions

* * * * *

Contract Rent. The total amount of rent specified in the Contract as payable by HUD and the tenant to the owner for an assisted unit. In the case of the rental of only a manufactured home space, "contract rent" is the total rent specified in the Contract as payable by HUD and the tenant to the owner for rental of the space, including fees or charges for management and maintenance services with respect to the space, but excluding utility charges for the manufactured home.

* * * * *

Fair Market Rent. HUD's determination of the rents, including utilities (except telephone), ranges and refrigerators, parking, and all maintenance, management and other essential housing services, which would be required to obtain, in a particular market area, privately developed and owned, substantially rehabilitated rental housing of modest design with suitable amenities. In the case of manufactured home spaces, Fair Market Rent is HUD's determination of the rents that would be required to obtain, in a particular market area, privately developed and owned spaces of modest design in substantially rehabilitated manufactured home parks, including maintenance and management services with respect to the space, but excluding utility charges for the manufactured home.

* * * * *

Housing Assistance Payment. The payment made by the contract administrator to the owner of an assisted unit as provided in the Contract. The payment is the difference between the total housing expense and the total family contribution. However, for rental of only a manufactured home space as provided in §§ 881.202(i), the payment may not exceed the contract rent for the space. A housing assistance payment, known as a "vacancy payment", is made to the owner when an assisted unit is vacant. Except in the case of a family renting only a manufactured home space, a payment may be made to the family when the utility allowance is greater than the total family contribution.

* * * * *

Single Room Occupancy (SRO) Housing. A unit for occupancy by a single eligible individual capable of independent living, which does not contain food preparation and/or sanitary facilities and is located within a multifamily structure consisting of more than 12 units.

* * * * *

Tenant Rent. The portion of the contract rent payable directly to the owner by an eligible family occupying an assisted unit. Except in the case of a family renting only a manufactured home space, tenant rent equals the total family contribution less any utility allowance.

* * * * *

Total Housing Expense. The total monthly cost of housing an eligible family, which is the sum of the contract rent and any utility allowance for the assisted unit occupied by the family. In the case of rental of only a manufactured home space, total housing expense also includes the family's monthly payment to amortize the purchase price of the manufactured home.

* * * * *

18. Section 881.202 is amended by revising paragraphs (b) and (c), and by adding at the end thereof a new paragraph (i), to read as follows:

§ 881.202 Project eligibility.

* * * * *

(b) The Section 8 substantial rehabilitation program is for rental housing only. Cooperatives are considered rental housing rather than owner-occupied housing for purposes of this part. No assistance will be provided for any unit occupied by an owner, except as provided in paragraph (i).

(c) Various types of rental housing can be assisted under this part including: (1) Single-family houses, manufactured homes in accordance with paragraph (i) of this section, and multifamily structures; (2) housing designed for the elderly, disabled or handicapped; and (3) single room occupancy (SRO) housing if (i) the housing is located in an area in which there is a significant demand for such units, as determined by the HUD field office, and (ii) the PHA and the unit of general local government in which the housing is located approve of such units being utilized for such purpose.

* * * * *

(i) Units in substantially rehabilitated manufactured home parks are eligible for assistance under this part. Such assistance may be provided with respect to the rental of a new manufactured home and the space on which it is located, or, where a manufactured home is owned by an eligible family, with respect to the rental of the space alone (including a space in a cooperative).

19. Section 881.203 is amended by revising paragraphs (a) and (c) to read as follows:

§ 881.203 Fair market rents.

(a) Fair Market Rents are HUD's determinations of the rents, including utilities (except telephone), ranges and refrigerators, parking, and all maintenance, management and other essential housing services, which would be required to obtain, in a particular market area, privately developed and owned substantially rehabilitated rental housing of modest design with suitable amenities. In the case of manufactured home spaces, Fair Market Rent is HUD's determination of the rents that would be required to obtain, in a particular market area, privately developed and owned spaces of modest design in substantially rehabilitated manufactured home parks, including maintenance and management services with respect to the space, but excluding utility charges for the manufactured home.

* * * * *

(c) The Fair Market Rents for (1) dwelling units designed for the elderly, disabled or handicapped are those for the appropriate size units, not to exceed 2-bedrooms for the elderly, multiplied by 1.05, (2) congregate housing dwelling units are the same as for non-congregate units, (3) single room occupancy dwelling units are 75 percent of those for 0-bedroom units of the same type, and (4) manufactured home spaces are 125 percent of the Fair Market Rents for Section 8 Existing manufactured home spaces.

* * * * *

20. Section 881.204 is amended by revising paragraphs (b) and (e), and by adding a new *paragraph (6)* to paragraph (c)(6), to read as follows:

§ 881.204 Limitation on contract rents, replacement costs and amenities.

* * * * *

(b)(1) *Limitation on contract rents.* The contract rents for a project through cost certification at completion must be within both of the following limitations:

(i) *Fair market rent.* The contract rent plus any utility allowance for the unit must not exceed the Fair Market Rent in effect at the time of processing, except that for projects where the estimated cost of rehabilitation is less than 25 percent of the estimated value of the property after rehabilitation, the contract rent plus any utility allowance may not exceed 75 percent of the Fair Market Rent. The published Fair Market Rents will reflect a trended rent in order to allow for the period of rehabilitation work as stated in the publication. If the scheduled rehabilitation period for a project is less, an appropriate reduction will be made in determining the approvable contract rent. The contract rent plus utility allowance may exceed the applicable Fair Market Rent or 75 percent thereof, under special circumstances or if needed to implement a local Housing Assistance Plan:

(A) By up to 10 percent with the approval of the HUD field office manager, or

(B) Except in the case of the rental of a manufactured home space only, by up to 20 percent with the approval of the HUD Assistant Secretary for Housing.

(ii) *Rent reasonableness.* The contract rent must be reasonable. Contract rents will be considered reasonable only under the following conditions:

(A) When HUD determines that the rents compare reasonably to or are below the rents of unassisted units of similar age, design and location which provide comparable amenities and services; or

(B) Rents may exceed those determined by market comparison by no more than 20 percent (10 percent for the rental of manufactured home spaces only) only in cases where warranted by cost and expense estimates provided by the owner at final proposal and cost certification at completion, as specified in §§ 881.306 and 881.405; or

(C) For small projects and partially assisted projects, the rents may exceed the comparable rents by up to 10 percent without the cost justification set forth in paragraph (b)(1)(ii)(B) of this section.

(2) *Limitation on contract rent increases.* Between selection of the Preliminary Proposal and cost certification at completion, increases in contract rents may be made only with HUD approval within the Fair Market Rent and rent reasonableness limitations established pursuant to paragraph (b)(1), and only to reflect the amount necessary to cover:

(i) Design changes required by HUD or the State or local government;

(ii) Changes in financing approved by HUD; or

(iii) Unforeseen factors (e.g., strikes, weather delays, delays caused by local government, substantial errors by HUD in the original processing which would otherwise result in serious inequities, and acts of God) determined by HUD to be beyond the owner's control.

All requests for increases in contract rents under this subparagraph (b)(2) shall be submitted to the field office for review as soon as the need for the increase becomes apparent. After cost certification at completion, contract rents may be increased only by adjustments in accordance with § 881.609. This paragraph does not apply to any project where the Agreement was entered into before October 1, 1981.

(c) * * *

(6) With respect to Agreements entered into on or after October 1, 1981, between the selection of the Preliminary Proposal and cost certification at completion, increases in the HUD-approved estimate of project replacement cost are permitted only for one or more of the reasons specified in paragraph (b)(2) of this section.

* * * * *

(e) *Limitation on housing design and amenities.* Housing assisted under this part shall be modest in design. Amenities in projects assisted under this part (except partially assisted projects) will be limited to those amenities, as determined by HUD, which are generally provided in unassisted, decent, safe and sanitary housing for lower income families in the market area. The use of more durable, high-quality materials to control or reduce maintenance, repair and replacement costs will not be considered an excess amenity.

21. Section 881.208 is amended by adding a new paragraph (e), to read as follows:

§ 881.208 Financing.

* * * * *

(e) *Financing of manufactured home parks.* In the case of a substantially rehabilitated manufactured home park, the principal amount of any mortgage attributable to the rental spaces in the park may not exceed an amount per space determined in accordance with § 207.33(b) of this Title.

22. Section 881.209 is amended by revising paragraph (b)(8)(iv) to read as follows:

§ 881.209 Relocation and land acquisition requirements.

* * * * *

(b) * * *

(8) * * *

(iv) Owners are responsible for assuring that payments and services required by this section are provided. Costs incurred by the owner in providing these services and payments may be included in project replacement cost, subject to § 881.204 (c)(6), except that payments to tenants permanently relocated in accordance with paragraph (b)(8)(ii) of this section may not be so included.

* * * * *

23. Section 881.306 is amended by revising the first sentence of paragraph (c)(3) to read as follows:

§ 881.306 Preliminary evaluation and technical processing.

* * * * *

(c) * * *

(3) The field office will evaluate proposed rents in accordance with § 881.204 (b)(1)(ii). * * *

* * * * *

24. Section 881.308 is amended by revising paragraph (a)(8) to read as follows:

§881.308 Contents of final proposal.

(a) * * *

(8) Cost estimates in the HUD prescribed form of the replacement cost, operating expenses, income, and debt service, sufficient to enable the field office to determine the cost justified rent, where required under § 881.204(b)(1)(ii). The replacement cost may include the cost to the owner of relocation (except for payments to tenants permanently relocated pursuant to § 881.209(b)(8)(ii)). The cost estimate must indicate and reflect any anticipated benefits from land write-down, tax abatement, favorable financing terms and similar savings.

* * * * *

25. Section 881.309 is amended by revising paragraph (a)(2) to read as follows:

§ 881.309 Review of final proposal.

(a) * * *

(2) The field office will review the projected replacement cost to assure compliance with the limitations of § 881.204(c) in effect at the time. The field office will also review the proposed rents to assure that the rents are within the limitations of § 881.204(b) and are cost justified, where required under § 881.204(b)(1)(ii) concerning reasonable rents. Cost justification at this stage will consist of review by the field office of the cost and expense estimates to determine whether the estimates justify a need for rents above comparable rents based on a debt service calculation.

* * * * *

26. Section 881.401 is amended by revising paragraph (b) to read as follows:

§ 881.401 Timely performance of work.

* * * * *

(b) Extensions of the time may be granted for the reasons stated in the Agreement. However, contract rents will be increased only for the reasons stated in § 881.204(b)(2).

27. Section 881.405 is amended by revising paragraph (a)(3) to read as follows:

§ 881.405 Cost certification and adjustment of contract rents.

(a) * * *

(3) There will be no cost certification submission required for projects with rents that are equal to or less than comparable rents or for partially assisted projects or for small projects except as required by § 881.204(b)(1)(ii); and

* * * * *

28. Section 881.502 is revised to read as follows:

§ 881.502 Term of contract.

(a) *Term (Except for Manufactured Home Parks).* The term of the Contract will be as follows:

(1) Where the estimated cost of the rehabilitation is less than 25 percent of the estimated value of the project after completion of the rehabilitation, the contract will be for a term of 20 years for any dwelling unit.

2. Where the estimated cost of rehabilitation is 25 percent or more of the estimated value of the project after completion of rehabilitation, the contract may be for a term which

(i) Will cover the longest term, but not less than 20 years, of a single credit instrument covering:

(A) The cost of rehabilitation, or

(B) The existing indebtedness, or

(C) The cost of rehabilitation and the refinancing of the existing indebtedness, or

(D) The cost of rehabilitation and the acquisition of the property; and

(ii) For assisted units in a project financed with the aid of a loan insured or co-insured by the Federal government or a loan made, guaranteed or intended for purchase by the Federal government, will be 20 years for any dwelling unit; or

(iii) For units in a project financed other than as described in paragraph (a)(2)(ii) of this section will not exceed 30 years for any dwelling unit except that this limit will be 40 years if (A) the project is owned or financed by a loan or loan guarantee from a state or local agency, (B) the project is intended for occupancy by non-elderly families and (C) the project is located in an area designated by HUD as one requiring special financing assistance.

(b) *Term for manufactured home parks.* For manufactured home units or spaces in substantially rehabilitated manufactured home parks, the term of the Contract will be 20 years.

(c) *Staged projects.* If the project is completed in stages, the term of the Contract must relate separately to the units in each stage. The total Contract term for the units in all stages, beginning with the effective date of the Contract for the first stage, may not exceed the overall maximum term allowable for any one unit under this section, plus two years.

29. Section 881.604 is revised to read as follows:

§ 881.604 Tenant rent.

The tenant rent is paid directly to the owner by the eligible family to whom an assisted unit is leased in partial payment of the contract rent. Except in the case of a family renting only a manufactured home space, it is equal to the family's total family contribution minus any utility allowance for the unit. If the family's total family contribution is less than the utility allowance for the unit which it occupies, the tenant rent payable by the family to the owner is zero.

30. Section 881.707 is amended by revising paragraphs (c)(2) and (c)(3) to read as follows:

§ 881.707 Submission, review and approval requirements for NSA proposals which are not HUD-insured and not State agency-financed.

* * * * *

(c) * * *

(2) The proposed Contract Rents plus any allowance for utilities and other services and the estimated replacement costs do not exceed the limitations of § 881.204 (b) and (c).

(3) The proposed Contract Rents are reasonable pursuant to § 881.204(b)(1)(ii).

* * * * *

§ 881.403 [Removed]

31. Section 881.403 is removed.

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM STATE HOUSING AGENCIES

32. Section 883.103 is amended by revising paragraph (a) to read as follows:

§ 883.103 Construction and management of new construction and substantial rehabilitation projects.

(a) *Construction.* Construction of the project is carried out in conformance with the Agreement approved by HUD. Increases in contract rents are permitted during construction for the reasons specified in § 883.305(b)(2). Upon completion in accordance with the Agreement, the project will be accepted by the Agency, which certifies to HUD that the project has been acceptably completed and a Contract executed. These provisions are contained in subpart D, §§ 883.407 through 883.410.

* * * * *

33. Section 883.204 is amended by revising paragraph (d) to read as follows:

§ 883.204 Set-asides.

* * * * *

(d) *Agency notification and selection requirements.* Promptly after the Agency receives notification of its set-aside from HUD, the Agency must make a public announcement that it has been allocated a set-aside, specify the amount of the set-aside by housing and household type, indicate where and when applications to the Agency for fund commitments may be submitted by owners, and indicate that the Agency's selection procedure is available upon request. The Agency must have a written procedure for open and competitive owner selection. Where new construction proposals are considered substantially equal in other respects, the Agency must give a preference in owner selection for projects involving land provided by a State or local government, if the Agency determines that the land is suitable for the proposed housing and that affording such a preference will be cost effective. The Agency must certify that these requirements have been met.

34. Section 883.302 is amended by (1) revising the definitions of Contract Rent, Fair Market Rent, Housing Assistance Payment, Tenant Rent and Total Housing Expense, and (2) adding a definition of Single Room Occupancy (SRO) Housing immediately following the definition of Secretary, to read as follows:

§ 883.302 Definitions.

* * * * *

Contract Rent. The total amount of rent specified in the Contract as payable by the Agency and the tenant to the owner for an assisted unit. In the case of the rental of only a manufactured home space, "contract rent" is the total rent specified in the Contract as payable by the Agency and the tenant to the owner for rental of the space, including fees or charges for management and maintenance services with respect to the space, but excluding utility charges for the manufactured home.

* * * * *

Fair Market Rent (FMR). HUD's determination of the rents, including utilities (except telephones), ranges and refrigerators, parking, and all maintenance, management and other essential housing services, which would be required to obtain, in a particular market area, privately developed and owned, newly constructed or substantially rehabilitated rental housing of modest design with suitable amenities. In the case of manufactured home spaces, Fair Market Rent is HUD's determination of the rents that would be required to obtain, in a particular market area, privately developed and owned spaces of modest design in newly constructed or substantially rehabilitated manufactured home parks, including maintenance and management services with respect to the space, but excluding utility charges for the manufactured home.

* * * * *

Housing Assistance Payment. The payment made to the owner of an assisted unit by the State Agency as provided in the Contract. The payment is the difference between the total housing expense and the total family contribution. However, for rental of only a manufactured home space as provided in § 883.303(i), the payment may not exceed the contract rent for the space. A housing assistance payment, known as a "vacancy payment", is made to the owner when an assisted unit is vacant. Except in the case of a family renting only a manufactured home space, a payment may be made to the family when the utility allowance is greater than the total family contribution.

* * * * *

Single Room Occupancy (SRO) Housing. A unit for occupancy by a single eligible individual capable of independent living, which does not contain food preparation and/or sanitary facilities and is located within a multifamily structure consisting of more than 12 units.

* * * * *

Tenant Rent. The portion of the contract rent payable directly to the owner by an eligible family occupying an assisted unit. Except in the case of a family renting only a manufactured home space, tenant rent equals the total family contribution less any utility allowance.

* * * * *

Total Housing Expense. The total monthly cost of housing an eligible family, which is the sum of the contract rent and any utility allowance for the assisted unit occupied by the family. In the case of rental of only a manufactured home space, total housing expense also includes the family's monthly payment to amortize the purchase price of the manufactured home.

* * * * *

35. Section 883.303 is amended by revising paragraphs (b) and (c) and by adding a new paragraph (i), to read as follows:

§ 883.303 Project eligibility.

* * * * *

(b) The Section 8 program under this part is for rental housing only. Cooperatives are considered rental housing rather than owner-occupied housing for purposes of this part. No assistance will be provided for any unit occupied by an owner, except as provided in paragraph (i).

(c) The types of rental housing which can be assisted under this part include: (1) Single-family houses, manufactured homes in accordance with paragraph (i) of this section, and multifamily structures; (2) housing designed for the elderly, disabled or handicapped; and (3) substantially rehabilitated single room occupancy housing, if (i) the housing is located in an area in which there is a significant demand for such units, as determined by the HUD field office, and (ii) the PHA and the unit of general local government in which the housing is located approve of such units being utilized for such purpose.

* * * * *

(i) Units in newly constructed or substantially rehabilitated manufactured home parks are eligible for assistance under this part. Such assistance may be provided with respect to the rental of a new manufactured home and the space on which it is located or, where a manufactured home is owned by an eligible family, with respect to the rental of the space alone (including a space in a cooperative).

36. Section 883.304 is amended by removing paragraph (d) and redesignating paragraph (e) as paragraph (d), and by revising paragraph (a) and (c), to read as follows:

§ 883.304 Fair market rents.

(a) Fair Market Rents are HUD's determination of the rents, including utilities (except telephone), ranges and refrigerators, parking and all maintenance, management and other essential housing services, which would be required to obtain, in a particular market area, privately developed and owned rental housing of modest design with suitable amenities. In the case of manufactured home spaces, Fair Market Rent is HUD's determination of the rents that would be required to obtain, in a particular market area, privately developed and owned spaces of modest design in newly constructed or substantially rehabilitated manufactured home parks, including maintenance and management services with respect to the space, but excluding

utility charges for the manufacture home.

* * * * *

(c) The Fair Market Rents for (1) dwelling units designed for the elderly, disabled or handicapped are those for the appropriate size unit, not to exceed 2-bedrooms for the elderly, multiplied by 1.05, (2) congregate housing dwelling units are the same as for non-congregate units, (3) single room occupancy dwelling units are 75 percent of those for 0-bedroom units of the same type, and (4) manufactured home spaces are 125 percent of the Fair Market Rents for Section 8 Existing manufactured home spaces.

* * * * *

37. Section 883.305 is amended by revising paragraphs (b) and (e), and by adding a new (c)(5), to read as follows:

§ 883.305 Limitations on contract rents, replacement costs and amenities.

* * * * *

(b)(1) *Limitation on contract rents.* The contract rents for a project through cost certification at completion must be within both of the following limitations:

(i) *Fair market rent.* The contract rent (including a possible adjustment using the FCC) plus any utility allowance for the unit must not exceed the Fair Market Rent in effect at the time of processing. The published Fair Market Rents will reflect a trended rent in order to allow for the period of construction as stated in the publication. If the scheduled construction time for a project is less, an appropriate reduction will be made in determining the approvable contract rent. The contract rent plus utility allowance may exceed the applicable Fair Market Rent under special circumstances or if needed to implement a local Housing Assistance Plan:

(A) By up to 10 percent with the approval of the HUD field office manager, or

(B) Except in the case of the rental of a manufactured home space only, by up to 20 percent with the approval of the HUD Assistant Secretary for Housing.

(ii) *Rent reasonableness.* The contract rent must be reasonable. The HFA must certify to HUD that:

(A) The rents compare reasonably to or are below the rents of unassisted units of similar age, design and location which provide comparable amenities and services; or

(B) Any rents exceed those determined to compare reasonably do so by no more than 20 percent (10 percent for the rental of manufactured home spaces only), and are warranted by cost and expense estimates acceptable to the HFA and cost certification at completion, as specified in § 883.441; or

(C) For small projects and partially assisted projects, the rents exceed the rents for similar units by no more than 10 percent. Where rents exceed those determined to compare reasonably by more than 10 percent but no more than 20 percent, the cost justification set forth in paragraph (b)(1)(ii)(B) applies.

(2) *Limitation on contract rent increases.* HFA must certify that, between approval of the Proposal and cost certification at completion, increases in contract rents have been made only with HFA approval within the Fair Market Rent and rent reasonableness limitations established pursuant to paragraph (b)(1), and only to reflect the amount necessary to cover:

(i) Design changes required by HFA, HUD, or the State or local government;

(ii) Changes in financing approved by HFA; or

(iii) Unforeseen factors (e.g., strikes, weather delays, delays caused by local governments, substantial errors by HUD or the HFA in the original processing which would otherwise result in serious inequities, and acts of God) determined by the HFA to be beyond the owner's control.

After cost certifications at completion, contract rents may be increased only by adjustments in accordance with § 883.710. This paragraph (b)(2) does not apply to any project where the Agreement was entered into before October 1, 1981.

(c) * * *

(5) With respect to Agreements entered into on or after October 1, 1981, the HFA must certify to HUD that, between the approval of the Proposal and cost certification at completion, increases in the HFA-approved estimate of project replacement cost have been permitted only for one or more of the reasons specified in paragraph (b)(2) of this section.

* * * * *

(e) *Limitation on housing design and amenities.* Housing shall be modest in design. The HFA must certify that amenities in all new construction and substantial rehabilitation projects assisted under this part (except partially assisted projects) will be limited to those amenities, as determined by HUD and the HFA, which are generally provided in unassisted, decent, safe and sanitary housing for lower income families in the market area. The use of more durable, high-quality materials to control or reduce maintenance, repair and replacement costs will not be considered an excess amenity.

38. Section 883.307 is amended by adding a new paragraph (e), to read as follows:

§ 883.307 Financing.

* * * * *

(e) In the case of a newly constructed or substantially rehabilitated manufactured home park, the principal amount of any mortgage attributable to the rental spaces in the park may not exceed an amount per space determined in accordance with § 207.33(b) of this Title.

39. Section 883.311 is amended by revising paragraph (b)(8)(iv) to read as follows:

§ 883.311 Relocation and land acquisition requirements.

* * * * *

(b) * * *

(8) * * *

(iv) Owners are responsible for assuring that payments and services required by this section are provided. Costs incurred by the owner in providing these services and payments may be included in project replacement cost subject to § 883.305(c)(5), except that payments to tenants permanently relocated in accordance with paragraph (b)(8)(ii) of this section may not be included.

* * * * *

40. Section 883.403 is amended by revising paragraph (d)(3) to read as follows:

§ 883.403 HFA submission of proposals.

* * * * *

(d) * * *

(3) That the proposal complies with §§ 883.305(b)(1)(ii) regarding the reasonableness of contract rents, 883.305(e) regarding amenities, 883.306 regarding distributions to owners, and 883.305(c)(2) regarding replacement costs.

* * * * *

§ 883.408 [Amended]

41. Section 883.408 is amended by removing paragraph (d).

42. Section 883.411 is amended by revising paragraph (a) to read as follows:

§ 883.411 Cost certification.

(a) As soon as possible after execution of the Contract, the HFA must certify to HUD that it has reviewed and approved the certified costs submitted by the owner. The HFA must submit to HUD with its certification a summary of the owner's cost certifications. The certifiable cost may include relocation costs incurred by the owner under § 883.311, except for payments to tenants permanently relocated under § 883.311(b)(8)(ii). The owner's cost certifications must be consistent with

any HUD requirements and be supported by the unqualified opinion of an Independent Public Accountant. A cost certification submission is not required by HUD for projects with rents that are equal to or less than comparable rents, or except as required by § 883.305(b)(1)(ii), for partially assisted projects or small projects. HFAs may impose their own cost certification requirements in addition to any required by HUD.

* * * * *

43. Section 883.603 is amended by revising paragraph (a) and paragraphs (b)(2), (3) and (4) to read as follows:

§ 883.603 Term of contract.

(a) *New Construction.* The term of the Contract will be governed by the following provisions:

(1) For assisted units in a project financed with the aid of a loan insured by the Federal government (including coinsurance under Section 244 of the National Housing Act) or a loan made, guaranteed or intended for purchase by the Federal government and for assisted units in newly constructed manufactured home parks, the term of the Contract will be 20 years.

(2) For assisted units in a project owned by or financed by a loan or loan guarantee from a State or local agency, where the assisted units are intended for occupancy by non-elderly families and where it is located in an area designated by the Assistant Secretary for Housing as one requiring special financial assistance, the Contract will be for an initial term of 20 years for any dwelling unit, with provision for renewal for additional terms of not more than 5 years each. The total term of initial and renewal terms will not exceed the lesser of (i) 40 years for any dwelling unit, or (ii) the term of the permanent financing (but not less than 20 years).

(3) For assisted units in all other projects, the Contract will be for an initial term of 20 years for any dwelling unit, with provision for renewal for additional terms of not more than 5 years each. The total term of initial and renewal terms will not exceed the lesser of (i) 30 years for any dwelling unit, or (ii) the term of the permanent financing (but not less than 20 years).

(b) * * *

(2) For assisted units in a project financed with the aid of a loan (including coinsurance under Section 244 of the National Housing Act), or a loan made, guaranteed or intended for purchase by the Federal Government, and for assisted units in a substantially rehabilitated manufactured home park, the term of the Contract will not exceed 20 years; or

(3) For assisted units in a project owned or financed by a loan or loan guarantee from a State or local agency where the assisted units are intended for occupancy by non-elderly families and where it is located in an area designated by the Assistant Secretary for Housing as one requiring special financial assistance, the Contract will be for an initial term of 20 years for any dwelling unit. There will be a provision for renewal for additional terms of not more than 5 years each. The total of initial and renewal terms will not exceed the lesser of (i) 40 years for any dwelling unit, or (ii) the term of the permanent financing (but not less than 20 years); or

(4) For assisted units in projects financed other than as described in paragraphs (b)(2) or (3) of this section, the Contract will be for an initial term of 20 years for any dwelling unit. There will be a provision for renewal for additional terms of not more than 5 years each. The total of initial and renewal terms will not exceed the lesser of (i) 30 years for any dwelling unit, or (ii) the term of the permanent financing (but not less than 20 years).

PART 884—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

§ 884.102 [Amended]

44. Paragraph (d) of the definition of Fair Market Rent in § 884.102 is removed.

45. Section 884.107 is amended by adding a new paragraph (c), to read as follows:

§ 884.107 Initial contract rents.

* * * * *

(c) *Limitation on contract rent increases.* FmHA must certify that, between approval of the Proposal and execution of the Contract, increases in contract rents may be made only with FmHA approval within the Fair Market Rent and rent reasonableness limitations referred to in paragraphs (a) and (b) of this section, and only to reflect the amount necessary to cover:

(1) Design changes required by HUD, FmHA, or the State or local government;

(2) Changes in financing approved by FmHA; or

(3) Unforeseen factors (e.g., strikes, weather delays, delays caused by local government, substantial errors by FmHA or HUD in the original processing which would otherwise result in serious inequities, and acts of God) determined by HUD to be beyond the owner's control.

After Contract execution, contract rents may be increased only by adjustments in accordance with § 884.109. This paragraph (c) does not apply to any project where the Agreement was entered into before October 1, 1981.

46. Section 884.108 is amended by revising paragraph (a) to read as follows:

§ 884.108 Term of housing assistance payments contract.

(a) Except in the case of a Contract described in paragraph (b), the Contract shall be for an initial term of 20 years: *Provided,* That at the end of such Contract term and at the request of FmHA, HUD may, subject to the availability of contract and budget authority, authorize the execution of a new Contract providing for a total Contract term of an additional 20 years.

* * * * *

47. Section 884.110 is revised to read as follows:

§ 884.110 Types of housing and property standards.

(a) Newly constructed single-family houses and multifamily structures may be utilized in this program. Congregate housing may be developed for elderly, disabled, or handicapped Families and individuals. Except in the case of housing predominantly for the elderly, high-rise elevator projects for Families with children may not be utilized unless HUD determines there is no practical alternative.

(b) Participation in this program requires compliance with (1) Minimum Property Standards, (2) in the case of congregate housing, the appropriate HUD guidelines and standards, (3) HUD requirements pursuant to section 209 of the HCD Act for projects for the elderly, disabled or handicapped, (4) HUD requirements pertaining to noise abatement and control, and (5) applicable State and local laws, codes, ordinances, and regulations.

(c) Housing assisted under this part shall be modest in design. Amenities in projects assisted under this part (except partially assisted projects) will be limited to those amenities, as determined by HUD, which are generally provided in unassisted, decent, safe and sanitary housing for lower income families, in the market area. The use of more durable, high-quality materials to control or reduce maintenance, repair and replacement costs will not be considered an excess amenity.

48. Section 884.204 is revised to read as follows:

§ 884.204 Obtaining proposals.

FmHA shall establish its own procedures for obtaining and selecting proposals for submission to HUD under this part. Where new construction proposals are considered substantially equal in other respects, FmHA shall give preference in selection to proposals involving land provided by a State or local government, if FmHA determines that the land is suitable for the proposed housing and that affording such a preference will be cost effective.

49. Section 884.207, paragraph (b)(5), is amended by striking out the period at the end, inserting a semicolon in its place, and adding a new paragraph (b)(6), to read as follows:

§ 884.207 Submission of acceptance of notification and certification of compliance.

* * * * *

(b) * * *

(6) Increases in contract rents to which § 884.107(c) applies have been made in accordance with the requirements of that section.

* * * * *

50. Section 884.211 is amended by revising paragraphs (b) and (c) to read as follows:

§ 884.211 Construction period.

* * * * *

(b) *Delays.* Although extensions of time may be granted for the reasons specified in the Agreement, no increases in Contract Rents may be granted on that account, except as provided in § 884.107(c).

(c) *Changes.* The Owner shall submit for HUD approval any changes from the approved Proposal which would materially reduce or alter the Owner's obligations or any changes which would alter the design or materially reduce the quality or amenities of the project. HUD may, after consultation with FmHA, condition its approval of such changes on a reduction of Contract Rents. If such changes are made without prior HUD approval, HUD may determine that Contract Rents shall be reduced or that the Owner shall remedy the deficiency as a condition for acceptance of the project. Contract rents may be increased between approval of the Proposal and execution of the Contract, except as provided in § 884.107(c).

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

51. Section 886.334 is amended by revising paragraph (b)(1)(i) and (b)(1)(iii) to read as follows:

§ 886.334 Execution of housing assistance payments contract.

* * * * *

(b) * * *

(1) * * *

(i) When, during rehabilitation, work items are discovered which could not reasonably have been anticipated by HUD or are necessitated by an unforeseen change in local codes or ordinances; were not listed in the work write-up prepared by HUD but are deemed by HUD, in writing, to be necessary work; and will require additional expenditures which would make the rehabilitations infeasible at the Contract Rents established in the Agreement. Under these circumstances, HUD will:

(A) Approve a change order to the rehabilitation contract, or amend the work write-up if there is no rehabilitation contract, specifying the additional work to be accomplished and the additional cost for this work,

(B) Recompute the Contract Rents, within the limits specified in paragraph (b)(4) of this section, based upon the revised cost estimate, and

(C) Prepare and execute an amendment to the Agreement stating the additional work required and the revised Contract Rents.

* * * * *

(iii) When, due to unforeseen factors, the actual certified relocation payments made by the Owner to temporarily relocated Families varies from the cost estimated by HUD.

* * * * *

(Sec. 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: February 3, 1983.

W. Calvert Brand,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-7713 Filed 3-25-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

Approval of the Abandoned Mine Land Reclamation Plan for the State of Iowa Under the Surface Mining Control and Reclamation Act of 1977.

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule

SUMMARY: On December 17, 1982, the State of Iowa submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of this submission was to demonstrate the State's intent and capability to assume responsibility for administering and conducting the Abandoned Mine Land Reclamation Program established by Title IV of SMCRA and regulations adopted by OSM (30 CFR Chapter VII, Subchapter R, 43 FR 49932–49952, October 25, 1978). After opportunity for public comment and review of the plan submission, the Assistant Secretary for Energy and Minerals of the Department of the Interior has determined that the Iowa Abandoned Mine Land Reclamation Plan meets the requirements of SMCRA and the Secretary's regulations. Accordingly, the Assistant Secretary has approved the Iowa Plan.

EFFECTIVE DATE: The rule is effective March 28, 1983.

ADDRESSES: Copies of the full text of the Iowa Plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Missouri Field Office, 818 Grand Avenue, Kansas City, Missouri 64106.

Iowa Department of Soil Conservation, Wallace State Office Building, Des Moines, Iowa 50319.

Office of Surface Mining Reclamation and Enforcement, Administrative Record—Room 5315, 1100 L. Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Charles V. Smith, Program Manager, Division of Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240 Telephone (202) 343–7921

SUPPLEMENTARY INFORMATION:

General Background of the Abandoned Mine Land Reclamation Program

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate

reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal law.

Each State, having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA, may submit to the Department a State reclamation plan demonstrating its capability for administering an abandoned mine reclamation program. Title IV provides that the Department may approve the plan once the State has an approved Regulatory program under Title V of SMCRA. If the Secretary determines that a State has developed and submitted a program for reclamation and has the necessary State legislation to implement the provisions of Title IV, the Secretary shall grant the State exclusive responsibility and authority to implement the provisions of the approved plan. Section 405 of SMCRA (30 U.S.C. 1235) contains the requirements for State reclamation plans.

The Secretary has adopted regulations that specify the content requirements of a State reclamation plan and the criteria for plan approval (30 CFR Part 884, 47 FR 28600–28601, June 30, 1982). Under those regulations, the Director of the Office of Surface Mining is required to review the plan and solicit and consider comments of other Federal agencies and the public. If the State plan is disapproved, the State may resubmit a revised reclamation plan at any time.

Upon approval of the State reclamation plan, the State may submit to the Director on an annual basis an application for funds to be expended in that State on specific reclamation projects which are necessary to implement the State reclamation plan as approved. Such annual requests are reviewed and approved by OSM in compliance with the requirements of 30 CFR Part 886.

To codify information applicable to individual States under SMCRA, including decisions on State reclamation plans, OSM has a new Subchapter T of 30 CFR Chapter VII. Subchapter T consists of parts 900 through 950. Provisions relating to Iowa are found in 30 CFR Part 915.

Background on the Iowa Abandoned Mine Land Reclamation Plan Submission

On June 12, 1979, a cooperative agreement between the State of Iowa, Department of Natural Resources, Mined Land Reclamation Division, and the Office of Surface Mining was approved. The purpose of this agreement was to assure that information required for the preparation of the Iowa Abandoned Mine Land Reclamation Plan would be assembled.

The public was provided adequate notice and opportunity to be heard on the Plan. The record did not reflect any major unresolved controversies. Therefore, a public hearing on the Plan was deemed unnecessary.

On December 17, 1982, the State of Iowa submitted its proposed Abandoned Mine Land Reclamation Plan to the Office of Surface Mining.

Notice of receipt of the submission initiating the Plan review was published January 20, 1983 (48 FR 2555–2557). The announcement requested public comments. On February 25, 1983, OSM's Missouri Field Office Director and on March 3, 1983, the Assistant Director for Program Operations and Inspection recommended to the Director that the Assistant Secretary approve the Iowa Reclamation Plan.

The administrative record on the Iowa Plan is available for review during regular business hours at the Office of Surface Mining Reclamation and Enforcement at the address listed above in "Addresses."

Assistant Secretary's Findings

1. In accordance with Section 405 of SMCRA the Assistant Secretary finds that Iowa has submitted a Plan for reclamation of abandoned mine lands and has the ability and necessary legislation to implement the provisions of Title IV of SMCRA.

2. The Assistant Secretary has determined, pursuant to 30 CFR 884.13, that:

(a) The Iowa Department of Soil Conservation has the legal authority, policies and administrative structure necessary to carry out the Plan;

(b) The plan meets all the requirements of 30 CFR Chapter VII, Subchapter R;

(c) The State has an approved regulatory program; and

(d) The Plan is in compliance with all applicable State and Federal laws and regulations.

3. The Assistant Secretary solicited and considered the views of other Federal agencies having an interest in the plan as required by 30 CFR 884.14(a)(2). Agencies that reviewed the Plan include: The Department of the Army; U.S. Environmental Protection Agency (EPA); U.S. Department of the Interior, Bureau of Land Management (BLM); U.S. Department of the Interior, Geological Survey (USGS); and U.S. Department of the Interior, Fish and Wildlife Service (FWS). USGS, BOM, and FWS recommended changes or revisions to the Iowa Plan.

Disposition of Comments

1. USGS commented that in figure 5.5 on page 5–31 of the Plan that in the phase "Upper Mississippi Aquifer and Lower Mississippi Aquifer," Mississippi should be changed to Mississippi and Cambro-Ordovician Aquifer should be Cambrian-Ordovician Aquifer. OSM agrees with these recommended changes. The State has revised the plan accordingly.

2. BOM suggested that the format proposed for the Site Priority Checklist (Figure 1, page 16) be amended to include a list of mineral resources known to occur in the site being evaluated. OSM's response is that the purpose of the Site Priority Checklist is to identify potential threats to public health, safety, general welfare, property and the environment as stipulated in Subsections 403(1), (2) and (3) of SMCRA. The suggested mineral resources list could be of benefit to future mining consideration but could be addressed in the environmental assessment on a site by site basis. OSM's response is that the format of figure 1 is sufficient as present.

3. BOM suggested that the Project Evaluation Matrix (Figure 2, page 20) should include an intermediate response between "high" and "low" for selecting projects. OSM's response is that Figure 2 includes weighting factors that compensate for intermediate responses. No modification to Figure 2 is necessary.

4. FWS commented that the discussion of the "rarest state animals and plants" (page 5–58) be expanded to address federal aspects of endangered species and included a comprehensive list of major responsibilities required of Federal agencies under the Endangered Species Act of 1973. OSM's response is that endangered species considerations will be covered in the environmental assessment on a site by site basis. No modification to the Plan is required; however, the steps that FWS suggested when conducting a biological assessment have been forwarded to the State for future reference.

Additional Findings

The Office of Surface Mining has examined this rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981), and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local

government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

The Assistant Secreary has determined that the Iowa Abandoned Mine Land Reclamation Plan will not have a significant effect on the quality of the human environment because the decision relates only to policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of Interior Manual (DM) 516.2.2(A)(1), the Assistant Secretary's decision on the Iowa Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment or environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Also, an environmental analysis or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

List of Subjects in 30 CFR Part 915

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: March 14, 1983.

James R. Harris,

Director, Office of Surface Mining.

Dated: March 21, 1983.

Daniel N. Miller Jr.,

Assistant Secretary for Energy and Minerals.

PART 915—IOWA

Therefore, Part 915 is amended by adding § 915.20 to read as follows:

§ 915.20 Approval of Iowa Abandoned Mine Plan

The Iowa Abandoned Mine Plan, as submitted and revised is approved.

Copies of the approved program are available at:

Office of Surface Mining Reclamation and Enforcement, Missouri Field Office, 818 Grand Avenue, Kansas City, Missouri 64106.

Iowa Department of Soil Conservation, Wallace State Office Building, Des Moines, Iowa 50319.

[FR Doc. 83-7913 Filed 3-25-83; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 917

Approval of Amendment to Kentucky Permanent Program Under the Surface Mining Control and Reclamation Act of 1977 to Partially Satisfy a Condition of Program Approval

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 917 by partially satisfying condition (i) of approval of the Kentucky permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This condition relates to the discretion to exclude emergency spillways from the design requirements for sedimentation ponds. Kentucky submitted material which partially satisfies this condition of the Secretary's approval of May 18, 1982 (47 FR 21404–21435).

EFFECTIVE DATE: The partial satisfaction of this condition is effective on March 28, 1983.

FOR FURTHER INFORMATION CONTACT: W. H. Tipton, Director, Kentucky Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504; Telephone (606) 233–7327.

SUPPLEMENTARY INFORMATION:

Background on the Kentucky Program Submission

On December 30, 1981, Kentucky resubmitted its proposed regulatory program to OSM. On April 13, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of twelve minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the May 18, 1982 **Federal Register.**

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Kentucky program can be found in the May 18, 1982 **Federal Register.**

Background on the Secretary's Conditional Approval

Deficiency (i) of the Kentucky program for which the Secretary required correction as a condition of approval was as follows:

(i) The approval found in § 917.10 will terminate on October 31, 1983, unless Kentucky submits to the Secretary by that date copies of promulgated regulations, or otherwise amends its program to provide standards acceptable to the Secretary for the design of sedimentation ponds without emergency spillways. Furthermore, pending completion of the above, Kentucky may not use its authority to approve sedimentation ponds designed without emergency spillways.

Submission of Program Amendment

On January 7, 1983, OSM received from the Commonwealth of Kentucky Technical Reclamation Memorandum (TRM) #7 of the Kentucky Department for Surface Mining Reclamation and Enforcement, regarding the design of single spillway ponds with open spillways and no embankment. This document sets forth the design and construction criteria for such spillway ponds, and is intended to partially satisfy condition (i).

OSM published a notice in the **Federal Register** on January 27, 1983, announcing receipt of this document and inviting public comment on whether the proposed program amendment partially corrected this deficiency (48 FR 3779–3780). The public comment period ended February 28, 1983. A public hearing scheduled on February 9, 1983, was not held because no one expressed a desire to present testimony.

The January 27, 1983 **Federal Register** notice also announced receipt of: (1) Additional provisions intended to satisfy condition (d), and (2) certain other amendments to the Kentucky program. The Secretary has not completed his review of this material. The Secretary will announce his decision on these State program amendments at a later date.

Secretary's Finding

The Secretary finds that TRM #7, submitted by Kentucky on January 7, 1983, partially satisfies condition (i). 30

CFR 816.46(i) and 817.46(i) require that an appropriate combination of principal and emergency spillways be provided to safely discharge the runoff from a 25-year, 24-hour precipitation event. TRM #7 describes the design and construction criteria for a single spillway pond. Such a structure shall be permitted only on those ponds which: (1) Are either entirely excavated, or (2) have a small levee or spur dike to control outflow. These ponds would have no permanent impoundment above ground level, and will pose no danger to human life or property in the event of an overflow. Likewise, the damage to the environment could be expected to be insignificant from an overflow during a storm event. For these reasons, the Secretary finds that for these structures TRM #7 is no less effective than 30 CFR 816.46(i) and 817.46(i).

Public Comment

1. The Appalachian Research and Defense Fund of Kentucky, Inc. (ARDFK) objects to TRM #7 on the following grounds:

a. ARDFK is concerned about the stability of the level or embankment and prevention of pond failure from cresting or overtopping. The commenter is also concerned about the ability of the pond to properly provide detention time to trap sediment and to function properly.

The Secretary believes that these concerns are addressed by the proper design of the spillway capacity to handle the 25-year, 24-hour storm, and that the number of spillways is not an issue as long as the spillway capacity is adequate. TRM #7 specifically requires such single spillway ponds to safely pass the 25-year, 24-hour storm by applying the Kentucky rules at 405 KAR 16:090 and 18:090.

b. ARDFK charges that TRM #7 fails to provide adequate standards for the design of single spillway ponds since it allows an outflow level of as much as five (5) feet in height without consideration of the pond's volume.

The Secretary disagrees because TRM #7 does provide adequate standards for the design of single spillway ponds as explained in the Secretary's Finding and in the response to comment 1(a), above. Further, the design does consider the volume because the in-flow rate and the detention time are known design parameters. (Detention time)×(in-flow rate)=volume.

c. ARDFK alleges that the use of single spillways on a levee pond will invite overtopping since the spillway will not pass a 100-year storm event.

30 CFR 816.46(i), however, does not require the spillway capacity for a 100-year storm event, but a 25-year, 24-hour storm event which TRM #7 does require. The Secretary does not agree with the commenter because TRM #7 requires adequate design criteria.

d. ARDFK states that the limitation in TRM #7 to "Class A" structures is insufficient protection because engineers routinely classify all structures as Class A unless the regulatory authority determines during review that the classification is insufficient.

Since the commenter has provided no evidence of such an engineering practice, the Secretary is unable to conclude that such a practice exists. Further, by means of the oversight of the Kentucky program, the Secretary will be reviewing these single spillway ponds for adequate classification.

e. ARDFK asserts that TRM #7 is legally and scientifically insufficient because the pond will lack the permanent pool necessary to adequately settle out sediment. The use of such a pond is in violation of SMCRA Section 515(b)(10)(B)(i) since it uses a technology that will not prevent additional contributions of suspended solids, but invites such contributions.

The Secretary disagrees because TRM #7 specifically requires that such ponds not result in additional contributions of suspended solids, and that channel linings or other appropriate erosion control measures be used pursuant to 405 KAR 16:090(5) and 18:090(5). Therefore, such ponds will be designed in accordance with SMCRA Section 515(b)(10)(B)(i).

2. The Kentucky Coal Association (KCA) asserts that OSM has not correctly incorporated the October 13, 1982 **Federal Register** (47 FR 45382–45399), in which the U.S. EPA deleted its pond design requirements. KCA argues that SMCRA Section 702(a)(3) means that OSM is not empowered to require Kentucky to mandate any pond design requirements.

The Secretary believes that KCA has misread SMCRA Section 702(a). That Section of SMCRA states only that nothing in SMCRA supersedes, amends or modifies certain laws, including the Federal Water Pollution Control Act (FWPCA). The District Court in *In re: Surface Mining Regulation Litigation*, 456 F. Supp. 1301 (D.C. 1978), held that pursuant to Section 702(a)(3) the Secretary may fill in regulatory gaps where EPA under the FWPCA has no authority to act. 456 F. Supp. at 1314. In the October 13, 1982 **Federal Register** notice, EPA revised certain of its regulations under the FWPCA regarding coal mining. While deleting pond design criteria, it adopted certain numerical effluent limitations. 47 FR at 45388. EPA deleted the design criteria in part because OSM has proposed to delete its design criteria. *Id.* at 45389 citing 46 FR 34684 (July 2, 1981). EPA states in the rulemaking that they worked closely with OSM to avoid any duplication and conflict. *Id.* at 45391. Therefore, the Secretary is able to require pond design criteria despite EPA's action.

Approval of Amendment To Partially Satisfy Condition

Accordingly, condition (i) is partially satisfied. 30 CFR 917.11 is amended to indicate approval of this program amendment. 30 CFR 917.10 incorporates approval of the corresponding amendment. The partial satisfaction of condition (i) is effective March 28, 1983.

Additional Findings

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for action directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 917 of Title 30 is amended as set forth herein.

Dated: March 21, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 917—KENTUCKY

Accordingly, 30 CFR 917.11(i) is amended to read as follows:

§ 917.11 [Amended]

* * * * *

(i) The approval found in § 917.10 will terminate on October 31, 1983, unless Kentucky submits to the Secretary by that date copies of promulgated regulations, or otherwise amends its program to provide standards acceptable to the Secretary for the design of sedimentation ponds without emergency spillways, other than for open spillways with no embankment. Furthermore, pending completion of the above, Kentucky may not use its authority to approve sedimentation ponds designed without emergency spillways, except for open spillways with no embankment.

[FR Doc. 83-7911 Filed 3-25-83; 8:45 am]

BILLING CODE 4310-05-M

National Park Service

36 CFR Part 50

National Capital Parks Regulations, Demonstrations, and Special Events; Correction

AGENCY: National Park Service, Interior.

ACTION: Final rule; correction.

SUMMARY: This document makes minor numbering corrections on pages 55962 and 55963 of a final rule amending § 50.19 of Title 36 of the Code of Federal Regulations concerning demonstrations and special events, as published on November 13, 1981 (46 FR 55959). The document also corrects conflicting citations contained on pages 24302 and 24306 in two final regulations amending §§ 50.19 and 50.27 of Title 36 of the Code of Federal Regulations concerning camping, as published on June 4, 1982 (47 FR 24299 and 24302).

FOR FURTHER INFORMATION CONTACT: Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4338.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

Date approved: March 15, 1983.

PART 50—NATIONAL CAPITAL PARKS REGULATIONS

Accordingly, § 50.19 of Title 36 of the Code of Federal Regulations is corrected:

§ 50.19 [Corrected]

1. By correcting § 50.19(b) to redesignate paragraphs (b)(2)(1) through (b)(2)(5) as (b)(2)(i) through (b)(2)(v), to read as follows:

(b) * * *

(2) * * *

(i) Franklin Park. * * *

(ii) McPherson Square. * * *

(iii) U.S. Reservation No. 31. * * *

(iv) Rock Creek Park. * * *

(v) U.S. Reservation No. 46. * * *

* * * * *

2. By correcting § 50.19(d) to remove the last two sentences in paragraph (d)(1) (introductory text) and add them to the paragraph as (d)(1)(viii), to read as follows:

* * * * *

(d) * * *

(1) A fully executed prior application for the same time and place has been received, and a permit has been or will be granted authorizing activities which do not reasonably permit multiple occupancy of the particular area; in that event, an alternate site, if available for the activity, shall be proposed by the Director to the applicant; Provided, however, that the following national celebration events shall have priority use of the particular park area during the indicated period, as follows:

* * * * *

(viii) Other demonstrations or special events shall be permitted in these particular park areas to the extent that they do not significantly interfere with the National Celebration Events listed in this paragraph. No activity containing structures shall be permitted closer than 50 feet to another activity containing structures without the mutual consent of the sponsors of those activities.

* * * * *

3. By correcting § 50.19(e)(4) by changing the language "(e) (1) and (2)" to read "(e) (1) through (3)"

4. By correcting § 50.19(h) to read as follows:

* * * * *

(h) Further information on administering these regulations can be found at 47 FR 24299 (June 4, 1982) and at 47 FR 24302 (June 4, 1982).

[FR Doc. 83-7914 Filed 3-25-83; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Action NE 129; A-7-FRL 2302-8]

Approval and Promulgation of State Implementation Plans; Nebraska

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA takes final action in this notice to unconditionally approve State Implementation Plan (SIP) revisions in Nebraska to satisfy Part D of the Clean Air Act Amendments of 1977 (hereafter referred to as "the Act"). The SIPs were submitted by Governor Charles Thone of Nebraska to attain the primary total suspended particulate (TSP) standard in Douglas, Cass and Sarpy Counties; and the carbon monoxide (CO) standard in Lincoln and Omaha. No action is being taken at this time on the state's new source review regulations and the CO plans.

EFFECTIVE DATE: April 27, 1983.

ADDRESSES: Copies of the state submission are available during normal business hours at the following locations:

Environmental Protection Agency, Public Information and Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460

Nebraska Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska 68509

Lincoln-Lancaster County Air Pollution Control Agency, 2200 St. Mary's Avenue, Lincoln, Nebraska 68502

Permits and Inspection Division, Housing and Community Development Department, 1819 Farnam, Room 402, Omaha, Nebraska 68102

Lincoln-Lancaster County Planning Commission, 55 South Tenth Street, Lincoln, Nebraska 68508

Omaha-Council Bluffs Metropolitan Area Planning Agency, 7000 West Center Road, Omaha, Nebraska 68106

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Eloise Reed, (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: Part D of the Clean Air Act Amendments of 1977 requires states to revise their SIPs for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). The requirements for approvable SIP are described in a general preamble published in the April

4, 1979, **Federal Register** (44 FR 20372) and supplemented on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). The "General Preamble" and its supplements relating to approval of implementation plans for nonattainment areas, are incorportated herein by reference.

The proposed rulemaking for the TSP nonattainment areas in Douglas, Cass and Sarpy Counties appeared in the February 6, 1981, **Federal Register** (46 FR 11312), specifying corrections which were needed to the September 25, 1980, submittal by the governor. The reader is referred to this notice for the evaluation of and rationale for the proposed actions. The notice also specified that no final action would be taken until a new source review regulation substantially the same as the draft regulation discussed in the proposed rulemaking was submitted. Receipt of the September 25, 1980, submittal and the advance notice of rulemaking were announced in the November 4, 1980, **Federal Register** (45 FR 73105).

An August 9, 1982, submittal by Governor Thone contained the new source review regulations as proposed for approval by EPA in draft form. However, the state has indicated that its new source review regulations will be revised shortly to more closely parallel federal requirements. EPA is taking no action at this time on the new source review provisions of the SIPs, and will, instead, propose action on the newest revisions concurrently with the state's public hearing process early in 1983. Final action on Part D SIP revisions for Douglas and Cass County TSP, with the exeception of the new source regulations, is being taken in this notice. Final action on the CO plans for Lincoln and Omaha, and on the new source review regulations will be taken at a later date.

Final action was taken in the March 10, 1982, **Federal Register** (47 FR 10208) to revise Part 81 of the Code of Federal Regulations to reflect the new primary nonattainment areas on which today's SIP revisions are based. Sarpy County was redesignated attainment at 47 FR 10208, so a Part D SIP revision is no longer required for it.

The reader is referred to the proposed rulemaking and notices referenced above for specific background information, descriptions of the SIP submittals, the criteria for approval, details of SIP deficiencies, and the submitted corrections.

The revised regulations referred to in this notice and included in the Nebraska Rules and Regulations are:

Rule 1, "Definitions"
Rule 3, "Reporting and Operating Permits for Existing Sources; When Required"
Rule 4, "New and Complex Sources; Standards of Performance, Application for Permit When Required"
Rule 5A, "Controls for Transferring, Conveying, Railcar and Truck Loading at Rock Processing Operations in Cass County"
Rule 6, "Fuel Burning Equipment; Particulate Emission Limitations for Existing Sources"

EPA actions by plan criteria, pollutant and nonattainment area are listed below:

Demonstration of Attainment—Section 172(a)(1)

Douglas and Cass County TSP—EPA proposed approval of the Douglas and Cass County TSP plans as meeting the requirements of Section 172(a)(1). No comments were received.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(a)(1).

Public Notice—Section 172(b)(1)

EPA proposed approval of the Nebraska SIP revisions as meeting the requirements of Section 172(b)(1). Adequate notice and proof of publication were provided.

Action—EPA approves the Nebraska SIP revision as meeting the requirements of Section 172(b)(1).

Reasonably Available Control Measures—Section 172(b)(2)

Cass County TSP—EPA proposed approval of these SIP revisions as meeting the requirements of Section 172(b)(2). Rule 5A was determined to be RACT for TSP. No comments were received on this portion of the plans.

Douglas County TSP—EPA proposed approval of the Douglas County TSP plan as meeting the requirements of Section 172(b)(2), provided draft Rule 6 was adopted and submitted to EPA as discussed in the February 6, 1981, proposed rulemaking. No comments were received on this proposed action. Rule 6 was submitted with no changes on August 9, 1982.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(2) and incorporates revised Rules 5A and 6 into the Nebraska State Implementation Plan.

Reasonable Further Progress (RFP)—Section 172(b)(3)

Douglas and Cass Counties TSP—EPA proposed approval of the Douglas and Cass County TSP plans as meeting the requirements of Section 172(b)(3) on February 6, 1981. No comments were received.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(3).

Emissions Inventory—Section 172(b)(4)

Douglas and Cass County TSP—EPA proposed approval of these Sip revisions as meeting the requirements of Section 172(b)(4). No comments were received.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(4).

Emissions Growth—Section 172(b)(5)

Douglas and Cass County TSP—EPA proposed approval of these SIP revisons as meeting the requirements of Sections 172(b)(5).

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(5).

Resources—Section 172(b)(7)

Cass County TSP–EPA proposed approval of these plans as meeting the requirements of Section 172(b)(7). No public comments were received.

Douglas County TSP—EPA proposed approval of the Douglas County—Omaha TSP plan as meeting the requirements of commitment of resources, provided the state submitted evidence that the necessary funding has been committed and is available for implementation of the plan. The state submitted appropriate documentation in the August 9, 1982 submittal to EPA.

The state committed one-half manyear ($13,500) to Omaha for implementation and enforcement of nontraditional source control strategies for 1981 in a state/EPA agreement, and the City of Omaha budgeted $174,560 in 1981 for particulate control measures in the 11th and Nicholas and 24th and "O" Street nonattainment areas. The city spent $111,008.92 in 1980 on dust control in the vicinity of 11th and Locust, and street sweeping in the nonattainment areas. EPA finds good cause to approve the Douglas County TSP plan as meeting the requirements of Section 172(b)(7). No comments were received on EPA's proposed approval for this criterion.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(7).

Schedules—Section 172(b)(8)

Douglas and Cass County TSP—EPA proposed approval of these SIP revisions as meeting the requirements of Section 172(b)(8). No comments were received on that proposed action.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(8) of the Act.

Public, Local Government and State Legislature Involvement—Section 172(b)(9)

Douglas and Cass County TSP—EPA proposed approval of the Nebraska SIP revisions as meeting the requirements of Section 172(b)(9). No comments were received on this proposed action.

Action—EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(9) of the Act.

Commitments—Section 172(b)(10)

Douglas and Cass County TSP—EPA proposed approval of these SIP revisions as meeting the requirements of Section 172(b)(10) of the Act. No comments were received on this proposed action.

Action —EPA approves the Nebraska SIP revisions as meeting the requirements of Section 172(b)(10) of the Act.

Summary and Conclusions

EPA approves the Nebraska SIP revisions for Douglas and Cass County TSP as meeting the requirements of Part D of the Act. Sarpy County was redesignated from nonattainment to attainment for primary TSP at 47 FR 10208, and a Part D nonattainment plan is no longer required.

EPA denies the requests for eighteen-month extensions to submit SIPs to attain the secondary TSP standard. The state remains obligated to submit secondary plans for Bellevue, Louisville, Weeping Water and the applicable portions of Omaha.

Until Nebraska submits and EPA approves revised new source review regulations, the growth restrictions imposed by Section 110(a)(2)(I) of the Act remain in effect for the Douglas and Cass County primary TSP nonattainment areas. The Emissions Offset Interpretative Ruling (44 FR 3274) remains in effect in areas which are nonattainment for the secondary standard only. Emissions offsets are required for all major sources and modifications permitted prior to any approval of the secondary SIPs.

The 1978 edition of 40 CFR Part 52 lists in the subpart for each state the applicable deadlines for attaining ambient standards (attainment dates) required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines will be substituted on the attainment charts. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the charts. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements as well as with the new Section 172 plan requirements. Further discussion of this requirement is found in the April 9, 1980, **Federal Register** (45 FR 24152).

List of Subjects in 40 CFR Part 52

Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA, and any EPA response, are available for public inspection during normal business hours at the Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

This notice of final rulemaking is issued under the authority of Sections 110 and 301 of the Clean Air Act, as amended.

Note.—Incorporation by reference of the State Implementation Plan for the State of Nebraska was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: March 21, 1983.

John W. Hernandez, Jr.

Acting Administrator.

PART 52—[AMENDED]

1. 40 CFR Part 52 is amended by adding § 52.1420(c)(25) to read as follows:

Subpart CC—Nebraska

§ 52.1420 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

(25) State plan revisions and corrections thereto to attain the National Ambient Air Quality Standards for total suspended particulate in Douglas and Cass Counties, designated as nonattainment under Section 107 of the Clean Air Act Amendments of 1977, were submitted by the Governor on September 25, 1980, and on August 9, 1982. Included in the plan are revised Rule 6, and new Rule 5A.

2. The following language is added at the end of § 52.1422 to read as follows:

§ 52.1422 Approval status.

* * * No action is taken on the new source review regulations to comply with Section 172(b)(6) and Section 173 of the Clean Air Act as amended in 1977, and 40 CFR 51.18(j).

3. Section 52.1426 is added to read as follows:

§ 52.1426 Extensions.

(a) Nebraska's request for extensions until July 1, 1980, to submit plans to attain the secondary TSP standard in Douglas, Sarpy, and Cass Counties is denied.

4. Section 52.1431 is amended by revising the Table and the Note to read as follows:

§ 52.1431 Attainment dates for national standards.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Omaha-Council Bluffs Interstate	d	d	b	a	c	c	c
Lincoln-Beatrice-Fairbury Interstate	b	a	c	c	c	c	c
Metropolitan Sioux City Interstate	c	c	c	c	c	c	c
Nebraska Intrastate	d	d	c	c	c	c	c

Note.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan does not provide a specific date.

a. July 1975.
b. Air quality levels presently below primary standards.
c. Air quality levels presently below secondary standards.
d. December 31, 1982.

[37 FR 10877, May 31, 1972, as amended at 38 FR 12702, May 14, 1973; 39 FR 16347, May 8, 1974; 40 FR 41779, Sept. 2, 1975]

Note.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) of the Act prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1431.

Only portions of those AQCRs with attainment dates after July 1975 have new attainment dates under the 1977 Clean Air Act Amendments. The reader is referred to 40 CFR Part 81 for identification of the designated areas under Section 107(d) of the Act.

[FR Doc. 83-7859 Filed 3-25-83; 8:45 pm]
BILLING CODE 6560-50-M

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40 CFR Part 52

[A-7-FRL 2315-1]

Approval and Promulgation of Implementation Plans; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve revisions to the Nebraska State Implementation Plan (SIP) covering procedures to be followed by a source when excess emissions result from a startup, shutdown or malfunction. The new procedures require a source to submit information to be used by the state to determine if the excess emissions were due to an unavoidable malfunction, or if additional enforcement action is required in addition to a notice of excess emission. The new rule gives the state greater enforcement capability than malfunction provisions currently provided in the approved SIP. No comments were received on the proposed rulemaking.

EFFECTIVE DATE: This action is effective April 27, 1983.

ADDRESSES: Copies of the submittal and the EPA prepared evaluation report are available for review at the following locations:

Air Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, MO 64106;
Nebraska Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska 68509;
Lincoln-Lancaster County Air Pollution Control Agency, 2200 St. Mary's Avenue, Lincoln Nebraska 68502;
Permits and Inspection Division, Housing and Community Development Department, 1819 Farnam, Route 402, Omaha, Nebraska 68102;
Lincoln-Lancaster County Planning Commission, 55 South Tenth Street, Lincoln, Nebraska 68508;
Omaha-Council Bluffs Metropolitan Area Planning Agency, 7000 West Center Road, Omaha, Nebraska 68106; or
Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

A copy of the state submission is also available at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Mary Carter at (816) 374-3791 or FTS 758-3791.

SUPPLEMENTARY INFORMATION: On September 23, 1982, at 47 FR 42000, EPA proposed approval of new Nebraska Rule 18, "Compliance; Exceptions Due to Startup, Shutdown, or Malfunction." The new rule recognizes all instances of excess emissions as violations and requires that to mitigate the violation the source must provide information to demonstrate that the excess emissions were due to an unavoidable malfunction. The state may initiate additional enforcement action, at its discretion, after review of the submitted information, based on criteria specified in the regulation. Former Rule 18 allowed excessive emissions under certain conditions.

Nothing in the new regulation relieves the source of its obligations to attain and maintain the National Ambient Air Quality Standards during the excess emission period, nor precludes the state from initiating appropriate enforcement actions.

No comments were received on the proposed rulemaking.

EPA has determined that the new rule is consistent with EPA policy that state enforcement discretion should be used in determining whether excess emissions due to malfunction, startup or shutdown require additional enforcement action.

Action

EPA approves Rule 18 as submitted on August 9, 1982, and incorporates it into the Nebraska SIP. Previous Rule 18 is deleted.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 27, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

List of Subjects in 40 CFR Part 52

Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Note.—Incorporation by reference of the State Implementation Plan for the State of Nebraska was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 21, 1983.

John W. Hernandez, Jr.,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

40 CFR Part 52 is amended by adding § 52.1420(c)(26) to read as follows:

Subpart CC—Nebraska

§ 52.1420 Identification of Plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(26) New Rule 18, "Compliance; Exceptions Due to Startup, Shutdown, or Malfunction," was submitted by the Governor on August 9, 1982.

[FR Doc. 83-7863 Filed 3-25-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[FCC 83-90]

Applications for Review of Hearing Designation Orders Issued Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has revised its Rules and Regulations to provide that appeals of hearing designation orders issued under delegated authority be deferred in most instances until the time when appeals of the final Review Board Decision in the case are filed. This rule change is designed to expedite the conduct of adjudicatory proceedings.

EFFECTIVE DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman (202) 632-7297.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Order

In the Matter of Revision of Section 1.115(e)(3) of the Commission's Rules and Regulations, Applications for Review of Hearing Designation Orders Issued Under Delegated Authority.

Adopted: March 3, 1983.
Released: March 14, 1983.

By the Commission.

1. The Commission has determined that the prompt and orderly conduct of its adjudicatory proceedings necessitates a change in § 1.115(e)(3) of our Rules and Regulations to provide that applications for review of hearing designation orders issued under delegated authority shall be deferred until applications for review of the final Review Board Decision in the case are filed, unless the presiding Administrative Law Judge certifies such an application for review to the Commission. The revised rule permits the presiding Administrative Law Judge to certify an application for review of a designation order to the Commission if the Judge determines that the application for review involves a controlling question of law as to which there is substantial ground for difference of opinion and that immediate consideration of the question would materially expedite the ultimate resolution of the litigation. In addition, the revised rule provides that the Commission may refuse to entertain an application for review so certified and direct that objections to the hearing designation order should be deferred and raised when applications for review of the final Review Board Decision are filed.[1]

2. Authority for this revision of our Rules and Regulations is contained in Sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended.[2] Because the revision relates to a matter of procedure, the procedural and effective date provisions of Section 4 of the Administrative Procedure Act[3] are not applicable.

3. Accordingly, it is Ordered, That on the date that this Order is published in the **Federal Register** § 1.115(e)(3) of the Commission's Rules and Regulations is revised as set forth in the Appendix hereto.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 1—[AMENDED]

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.115(e)(3) is revised to read as follows:

§ 1.115 Application for review of action taken pursuant to delegated authority.

* * * * *

(e)(3) Applications for review of a hearing designation order issued under delegated authority shall be deferred until applications for review of the final Review Board Decision in the case are filed, unless the presiding Administrative Law Judge certifies such an application for review to the Commission. A matter shall be certified to the Commission only if the presiding Administrative Law Judge determines that the matter involves a controlling question of law as to which there is substantial ground for difference of opinion and that immediate consideration of the question would materially expedite the ultimate resolution of the litigation. A ruling refusing to certify a matter to the Commission is not appealable. In addition, the Commission may dismiss, without stating reasons, an application for review that has been certified, and direct that the objections to the hearing designation order be deferred and raised when applications for review of the final Review Board Decision are filed. A request to certify a matter to the Commission shall be filed with the presiding Administrative Law Judge within 5 days after the designation order is released. Any application for review authorized by the Administrative Law Judge shall be filed within 5 days after the order certifying the matter to the Commission is released or such a ruling is made. Oppositions shall be filed within 5 days after the application for review is filed. Replies to oppositions shall be filed only if they are requested by the Commission. Replies (if allowed) shall be filed within 5 days after they are requested.

[FR Doc. 83-7910 Filed 3-25-83; 8:45 am]

BILLING CODE 6712-01-M

[1] *Cf.* 28 U.S.C. 1292(b), which provides United States Courts of Appeals with authority to entertain appeals of certain interlocutory orders when the district judge states that an order, not otherwise appealable, involves a controlling question of law as to which there is substantial ground for difference of opinion and an immediate appeal from the order may materially advance the ultimate termination of the litigation.

[2] 47 U.S.C. 154 (i) and (j) and 303(r).

[3] 5 U.S.C. 553.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1169

[Ex Parte No. MC-161]

Preemption of State Regulation of Regular-Route Exit—Motor Passenger Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Correction to final rule.

SUMMARY: At 47 FR 53291, November 24, 1982, the Commission published final rules which provided the procedures under which the Commission will process petitions filed under section 16 of the Bus Regulatory Reform Act of 1982 (49 U.S.C. 10935). That section provides statutory authority for the Commission to preempt State regulation of exit from regular-route passenger services in certain circumstances. That notice contained an inadvertent emission, which this notice corrects.

FOR FURTHER INFORMATION CONTACT: Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION:

PART 1169—[AMENDED]

§ 1169.6 [Amended]

On page 53295 of the issue of November 24, 1982, paragraph (a) of § 1169.6 contained an error. That error is corrected as follows:

In § 1169.6 (a) (4), change the period that follows the word "service" to a comma, and add the words "and (5) the" to follow that comma.

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By the commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7800 Filed 3-25-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 30223-29]

Pacific Coast Groundfish Fishery

Correction

In FR Doc. 83-5013 beginning on page 8283 in the issue of Monday, February 28, 1983, make the following correction:

On page 8284, first column, first line of "DATE" the date now reading "March 1, 1983" should read "February 28, 1983".

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 48, No. 60
Monday, March 28, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1040

[Docket No. AO-225-A35]

Milk in the Southern Michigan Marketing Area; Hearing on Proposed Amendments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This hearing is being held to consider proposals by a cooperative association to amend the Southern Michigan milk marketing order. The proposals would provide handlers during May through August 1983 with a hauling credit from the marketwide pool on certain Class II and Class III milk transferred to unusually distant outlets for surplus disposition. The proponent cooperative has requested that these proposals be adopted on an expedited basis.

DATE: The hearing will convene April 7, 1983.

ADDRESS: The hearing will be held at the Ramada Inn, 8270 Wickham Road, Romulus, Michigan 48174 beginning at 9:30 a.m., local time.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202/447-7311.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Ramada Inn, 8270 Wickham Road, Romulus, Michigan 48174 beginning at 9:30 a.m., local time, on April 7, 1983, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Southern Michigan marketing area. In view of the request for expedited action, the Department has concluded that less than 15 days' notice of the hearing is warranted in this proceeding.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to the proposals.

Actions under the Federal milk order program are subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

List of Subjects in 7 CFR Part 1040

Milk marketing orders, Milk, Dairy products.

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Michigan Milk Producers Association

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

Proposal No. 1. In § 1040.60, add paragraph (h) to read as follows:

§ 1040.60 Handler's value of milk for computing uniform price.

* * * * *

(h) During the months of May, June, July and August 1983, deduct the amount obtained by multiplying the pounds of bulk fluid milk and the pounds of condensed milk (whole and skim) which were classified either Class II or Class III and were transferred to an other order plant pursuant to § 1040.42(b)(3) or to a nonpool plant pursuant to § 1040.42(d)(2), both of which are located outside the State of Michigan, by a per hundredweight rate equal to 3.6 cents for each 10 miles or fraction thereof that such nonpool plant is located more than 150 miles, as determined by the market administrator, from the pool plant from which it is transferred. No credit should apply to the total quantity of milk so moved to a nonpool plant by a handler if any portion of the milk is assigned to Class I.

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the market administrator, Marvin A. Baumer, 2684 W. Eleven Mile Road, Berkley, Michigan 48072 or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

From the time that a hearing notice is issued and until issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture

Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington Office only)
Office of the Market Administrator, Southern Michigan Marketing Area

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on March 22, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-7917 Filed 3-25-83; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 125, 225, and 356

[Docket No. RM83-40-000]

Revisions to Regulations on Retention of Records by Natural Gas Companies, Public Utilities, Licensees, and Oil Pipeline Companies

March 22, 1983.

AGENCY: Federal Energy Regulatory Commission DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to amend its regulations on retention of records by public utilities, licensees, natural gas companies, and oil pipeline companies ("regulated companies"). Most importantly, these proposed amendments would eliminate many categories of records from the schedules of records to be retained. The Commission also proposes other more minor changes to its regulations that clarify, update, and eliminate unnecessary burden on regulated companies. This proposed rule is part of the Commission's ongoing program to reduce and eliminate burdensome and unnecessary requirements and, if adopted, would reduce by about 35 percent the burden on regulated companies of maintaining records under the Commission's regulations.

DATES: Comments must be submitted on or before May 23, 1983. Requests for public hearing must be submitted on or before April 11, 1983.

ADDRESSES: File comments with: Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Kenneth J. Malloy, rulemaking and Legislative Analysis Section, Office of the General Counsel, 825 North Capital Street, N.E., Room 8602-A, Washington, D.C. 20426, (202) 357-8033

Elaine Dawson, Office of Chief Accountant, 825 North Capitol Street, N.E., Room 610 RB, Washington, D.C. 20426, (202) 376-9782

Notice of Proposed Rulemaking

March 22, 1983.

In the matter of revisions to regulations on retention of records by natural gas companies, public utilities, licensees, and oil pipeline companies; Docket No. RM83-40-000.

I. Introduction

The Federal Energy Regulatory Commission (Commission) proposes to amend its regulations on retention of records by public utilities, licensees, natural gas companies, and oil pipeline companies ("regulated companies"). Most importantly, these proposed amendments would eliminate many categories of records from the schedules of records to be retained. The Commission also proposes other more minor changes to its regulations that clarify, update, and eliminate unnecessary burden on regulated companies.

This proposed rule is part of the commission's ongoing program to reduce and eliminate burdensome and unnecessary requirements and, if adopted, would reduce by about 35 percent the burden on regulated companies of maintaining records under the Commission's regulations.

II. Background

A. Gas and Electric

Both the Federal Power Act (Section 301, 16 U.S.C. 825(a) (1976)) and the Natural Gas Act (Section 8, 15 U.S.C. 717g(a) (1976)) require regulated companies to keep such records as the Commission may prescribe "as necessary or appropriate for purposes of administration" of these acts.[1] In 1972, the Commission established a comprehensive scheme of record retention regulations applicable to natural gas companies (Part 225), and electric utilities and hydropower licensees (Part 125).[2] In promulgating this scheme, the Commission's goal was to develop a comprehensive regulatory system to assist regulated companies in meeting their management needs and to allow companies to satisfy the requirements of numerous regulatory agencies.[3] Accordingly, this scheme coordinated the record retention requirements of this Commission, the Nuclear Regulatory Commission (NRC), the Internal Revenue Service and state commissions.

B. Oil Pipelines

In 1977, the Commission assumed jurisdiction over the establishment of rates or charges for the transportation of oil by pipelines.[4] Section 20 of the Interstate Commerce Act, 49 U.S.C. § 20 (1976), requires oil pipeline companies to keep records that the Commission determines are necessary to effectively regulate those companies. The record retention regulations applicable to oil pipelines were transferred to the Commission from the Interstate Commerce Commission by section 705(a) of the Department of Energy Organization Act, 42 U.S.C. 7295 (Supp. IV 1980).

The Commission's policies for exercising its jurisdiction over oil pipelines are dependent on the ultimate disposition of the issues in *Williams Pipeline Company*, Docket No. OR79-1 *(Williams)*, by both the Commission and the federal courts. Hence, the Commission proposes to eliminate only those ICC-created record retention requirements that are not applicable to the regulation of oil pipelines, and to otherwise maintain the status quo. As the Commission gains more experience in oil pipeline matters it will re-examine the need for the remaining requirements as part of the ongoing program to eliminate reporting and recordkeeping requirements that are not necessary to the Commission's regulatory responsibilities.

[1] Section 402(a)(2) of the Department of Energy Organization Act transfers these Federal Power Act and Natural Gas Act responsibilities from the Federal Power Commission to the Federal Energy Regulatory Commission. 42 U.S.C. 7172(a)(2) (Supp. IV 1980).

[2] FPC Order No. 450, Docket No. R429, issued March 14, 1972.

[3] These schedules were recommended by a task force whose members were drawn from the regulated entities. The American Gas Association and Edison Electric Institute (AGA/EEI) *Record Retention Task Force Report* (issued March 14, 1972). These recommendations were promulgated without substantive changes. Industry considers these regulations the ideal guide to the retention of all records created in a jurisdictional company's overall operations.

[4] Jurisdiction under the Interstate Commerce Act over the establishment of rates or charges for the transportation of oil by pipelines and the establishment of valuations for pipelines was transferred from the Interstate Commerce Commission to the Federal Energy Regulatory Commission pursuant to sections 306 and 402 of the Department of Energy Organization Act, 42 U.S.C. 7155 and 7172 (Supp. IV 1980), and Executive Order No. 12,009, 3 CFR 142 (1982).

C. Regulatory Considerations

Since the promulgation of the comprehensive record retention regulations in 1972, Congress enacted the Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520 (Supp. IV 1980). That Act expresses the intent of Congress to minimize the public's reporting burden. The General Accounting Office (GAO) reviewed the progress of five federal independent regulatory agencies, including this Commission, in minimizing the public's reporting burden under the Paperwork Reduction Act. GAO published its Report on July 7, 1981,[5] and concluded that the independent agencies could further reduce the paperwork burden on industry. GAO recommended that the independent agencies increase the effort and attention given to record retention programs, especially to revising both existing record schedules and retention periods to reflect the agencies' current needs in a clear and unambiguous manner.

In light of the Paperwork Reduction Act and the recommendations of GAO, the Commission is reconsidering its original comprehensive approach. The Commission has examined its record retention requirements to identify those record descriptions and retention periods that are vague and ambiguous, and to identify those records which the Commission does not currently need to carry out its regulatory responsibilities. These proposed changes are the result of that examination.

III. Discussion

The Commission proposes to make four types of changes to its current regulations. First, and of major importance, the Commission proposes to eliminate many categories from the schedules of records to be retained. Second, the Commission proposes to shorten the retention periods of several categories of records. Third, the proposal specifies requirements for ensuring the integrity of paper records generated by a computer. Fourth, several descriptions of records would be modified to define more precisely the records that must be retained.[6]

[5] Report to Director, Office of Management and Budget, July 7, 1981.

[6] The Commission has developed three charts which show how these proposals will affect the record retention regulation in Part 125, Part 225, and Part 356. These charts take each of the record retention schedules in the Code of Federal Regulations and shows whether each item would be retained, deleted, or modified under the proposed rule. This chart can be obtained through the Commission's Division of Public Information, 825 North Capitol Street, NE., Room 1000, Washington, D.C. 20426; telephone (202) 357–8118. Refer to "Record Retention Chart" and the relevant Part (Part 125—Electric, Part 225—Gas, and Part 356—Oil) when making inquiries.

A. Categories of Records Eliminated

The Commission proposes to eliminate all or part of over 100 categories of records from its retention schedules. When the Commission established these schedules in 1972, it sought to coordinate the record retention requirements of federal and state regulatory agencies. Consequently, these schedules now include records which *this* Commission does not need to fulfill its regulatory responsibilities. Contrary to its philosophy in 1972, the Commission now believes that its schedules of records should include only records for which it can demonstrate a regulatory need.

The list below shows the categories of records which the Commission proposes to eliminate entirely from both Parts 125 and 225:

Item No. and Category of Record

1. Capital stock records
2. Proxies and voting lists
3. (b) of Reports to stock holders
4. Debt security records
5. Filing with and authorizations by regulatory agencies
6. (b)(1)–(4), (c), and (d) of Organizational documents
7. (c)–(f) of Contracts and agreements
9. (a) of Automatic data processing records
12. (c) and (d) of Journal vouchers and Journal entries
16. Accounts receivable
17. Records of securities owned
18. Payroll records
19. Assignments, attachments and garnishments
20. (b) and (d)–(f) of Insurance records
21. Injuries and damages
24. Customers' service
25. Records of auxiliary and other operations
27. Personnel records
28. Employees' benefit and pension records
29. Instructions to employees and others
35. Production maps and reproductions thereof
36. (a)(2) of The original or reproductions of engineering records, drawings and other supporting data for proposed as-constructed utility facilities
40. (c) of Procurement
41. (b) of Material ledgers
42. (a), (b), (d) and (e) of Materials and supplies received and issued
43. (c) of Records of sale of scrap and materials and supplies
44. Inventories of materials and supplies
45. (a)–(g) of Customers' service applications and contracts
46. (b) of Rate schedules
47. Customers' guarantee deposits
48. Meter reading sheets and records
50. (b)–(d) of Miscellaneous billing data
52. Customers' ledgers and other records used in lieu thereof
53. Merchandise sales—Accounting and collecting
54. Collection reports and records
55. Customers' account adjustments
56. Uncollectible accounts and customers credit records
58. (c)–(f) of Statements of funds and deposits
59. (a), (b), (d), (e) and (g) of Records of deposits with banks and others
61. (c) of Statistics
63. Correspondence
66. (b) of Other miscellaneous records

This list below shows the categories of records which the Commission proposes to eliminate entirely from Part 125:

Item No. and Category of Record

22.1 (a), (b), (g), and (k) or Production-Electric (less nuclear).
23. (c)-(m), and (p) of Transmission and distribution-Electric
60. Records of receipts and disbursements
65. (b), (c)(3), and (c)(9), of Reports to Federal and State regulatory commissions

The Commission also proposes to eliminate from Part 125 nuclear production records (Item 22.2). The Nuclear Regulatory Commission (NRC) requires most of these records to be kept for NRC purposes. In light of the safety importance of these records, the Commission proposes to include under item 22.2 a reference to the NRC's record retention regulations even though the Commission would no longer itself require retention of nuclear production records.

The list below shows the categories of records which the Commission proposes to eliminate entirely from Part 225:

Item No. and Category of Record

22. (a), (c)-(e), (j), (l), (m), and (o)-(r) of Production-Gas
23. (c)-(i), and (m) of Transmission and distribution-Gas
23.1 (c) of Underground storage of natural gas
37. (b) of Contracts and other agreements relating to natural gas company records
65. (b), (c)(3), (c)(6), and (c)(9) of Reports to Federal and State regulatory commissions

The list below shows the categories of records which the Commission proposes to eliminate entirely from Part 356:

A. Corporate and General

3. Corporate election
4. (e) of Titles, franchises and authorities
5. Annual reports or statements to stockholders, file copies of
6. (d)-(f) of Contracts and agreements

B. Treasury

1. Capital stock records
2. (b)-(g) of Long-term debt records
3. Filings with an authorization by regulatory agencies
4. Records of securities owned, in treasury, or held by custodians, detailed ledgers and journals, or their equivalent
5. Retired securities

6. Records of funds and deposits
7. Records of foreign exchange or commercial paper purchased

C. Financial and Accounting

3. Cash books
4. (c) and (d) of Vouchers
5. (b)-(d) of Accounts receivable

D. Property and Equipment

NOTE

1. (g) and (j) of Property records
2. (b) of Engineering records

E. Personnel and payroll

1. Personnel records
2. (c)-(j) of Payroll records

F. Insurance and Claims investigation

G. Taxes

2. Summary of taxes paid
3. Filing with taxing authorities to qualify employee benefit plans

H. Purchases and Stores

1. (b) of Material ledger
2. (b) and (c) of Inventories
3. Purchases and sales
4. Materials and supplies received and issued

I. Shipping and Agency Documents

J. Transportation

1.–11. Transportation other than oil

Item J.12 covers records relating to marine equipment, railroads and oil pipelines. The Commission proposes to eliminate references to marine equipment and railroads but to retain the part of item J. 12 that covers oil pipelines, except for sub-items (c) and (h)

K. Tariffs and Rates

2. All other copies of tariffs, classifications, division sheets and circular referred to in item 1 above.
6. Contracts and minimum rate schedules of contract motor carriers.

L. Reports and Statistics

1. (b) and (c) of Reports to Federal Energy Regulatory Commission and other regulatory bodies.
2.–5. of other reports.

M. Miscellaneous

B. Retention Periods Shortened

1. *"Life of the Corporation" Retention Period.* The Commission now uses the term "life of the corporation" as the period of retention for many records. This term is indefinite and probably results in records being kept after they cease to be of use to the Commission. Consequently, the Commission proposes to eliminate all references to "life of the corporation." In its place, the Commission proposes to substitute specific retention periods that are more closely tailored to the actual needs of the Commission. These are as follows:

(a) Some records are continously useful to the Commission for both periodic audits and documentation of a company's rate base. For these documents, the Commission proposes a "50 year" retention period. Fifty years ensures the availability of these records for auditing and documentation purposes, and removes ambiguity and vagueness on when these documents may eventually be retired. The 50 year retention period will be applied to Item 6.(a) (minute books) of §§ 125.3 and 225.3.

(b) Some records are required in individual rate cases. For these records, the Commission proposes to substitute a retention period of "six years after a final non-appealable order." Six years is sufficient time to complete the one audit necessary to ensure compliance with a specific final order. The "six years after a final non-appealable order" period will be applied to Item 6.(b)(5) (orders of regulatory commissions) of §§ 125.3 and 225.3.

(c) Some records facilitate a Commission audit conducted to ensure that the Commission's regulatory decisions are properly implemented. After an on-site audit is completed, the Commission's staff meets with company officials to discuss the results of the audit. This meeting is called an exit conference. After the exit conference, an audit report is sent to the company when issues raised by the audit are resolved. The Commission proposes that records needed for audits be "retained until receipt of FERC audit report or two years after auditor's exit conference, whichever occurs first." Two years is sufficient time to permit the Commission to take any further action necessary in light of the audit results. An audit report, on the other hand, signifies that no further action by the Commission is necessary and, therefore, there is no need for the record. This retention period will be applied to Item 3.(a) (stockholder reports) of §§ 125.3 and 225.3.

(d) Some records relate to the purchase and sale of utility property and plant. For these records, the Commission proposes a retention period of "10 years after the plant is retired." This information is needed while a plant is active and during two five-year audit cycles after plant retirement. This retention period will be applied to Item 65.(c)(7)–(8) (utility property and plant reports) of §§ 125.3 and 225.3.

(e) Some records contain financial, operating, and statistical reports required by governmental agencies. The Commission proposes to differentiate between reports required by federal agencies and those required by state agencies. For those records required by state agencies, the Commisison proposes a retention period of "retain as long as the active tariffs or rates are in effect" (Item 65.(a)(2) in §§ 125.3 and 225.3). This period is definite and ensures the records are available for Commission audits. For those records required by federal agencies, the Commission proposes that these records be "retained until receipt of FERC audit report or two years after auditor's exit conference, whichever occurs first" (Item 65.(a)(1) of §§ 125.3 and 225.3). Again, two years is sufficient time to permit the Commission to pursue issues raised by the audit, but if the audit reprt is issued during this two year period, the Commission's need for these records ends.

2. *Retention Periods Keyed to the Audit Cycle.* Natural gas companies, public utilities, and Commission licensees currently retain certain engineering records until either the records are superseded or six years after the pertinent facility is retired. In addition, these companies retain rate sheets, schedules of service, and certain contracts for the extension of service for 50 years. Since these records are only used to facilitate compliance-related audits, the Commission proposes that these records be "retained until receipt of FERC audit report or two years after auditor's exit conference, whichever occurs first." This retention period permits the Commission to take action on issues raised by the audit, and allows for the destruction of records when the Commission's need for them ends. This retention period applies to Items 36.(a)(1) (engineering records), 41.(a) (supplies on hand), 45.(h) (contracts for extension), and 46.(a) (rate schedules) of §§ 125.3 and 225.3.[7]

3. *Retention Period for Electric Production Records.* Currently, both public utilities and licensees must maintain station and system generation reports concerning electric production for 25 years (Item 22.1(e) of § 125.3). To monitor hydroelectric power production adequately, the Commission believes that station and system generation reports are needed for 25 years. However, six years is sufficient for other thermal electric power production since that period would permit at least one audit cycle to ensure compliance with the Commission's regulations and decisions. Therefore, the Commission proposes that the retention period for these reports on hydroelectric power production remain at 25 years while the retention period for generation reports concerning steam and other thermal

[7] The Commission notes, however, that certain records which will affect the determination of amortization reserves of licensed hydropower projects must still be retained until a final Commission adjudication is made. *See* § 125.2(j).

electric power production be changed to six years.

C. Amendments to Records Retention Instructions

The first proposed amendment to the instructions for records retention relates to records generated by computers (§§ 125.2(e)(1)(ii) and 225.2(e)(1)(ii)). In lieu of the certification processes normally required for microfilm records, the Commission recently permitted [8] public utilities, licensees, and natural gas companies to establish procedures for ensuring the integrity of computer output microfilm.[9] The Commission believes such procedures are necessary for all computer generated records since the Commission must have assurance that computer generated records are true representations of the information stored in a computer. This can be done through the establishment of procedures designed to ensure such integrity.

Under the proposed rule, a company must develop written, standard procedures to ensure the veracity of computer records and must include the name or title of the official responsible for validating the computer output information. In response to inquiries by industry officials, the Commission is proposing to allow either the name *or title* of the appropriate company official, rather than requiring only the name of the official. The Commission believes that the burden imposed by this requirement is minor since this procedure is already employed by most, if not all, companies that use computers.

The second proposed change corrects an error in the Commission's regulations. The current instructions applicable to regulated companies state that all film stock must meet the "current specifications of the National Bureau of Standards." Specification for film stock is not established by the National Bureau of Standards, but by the American National Standards Institute. Therefore, the Commission proposes to correct this error by substituting "American National Standards Institute" for "National Bureau of Standards" in §§ 125.2(g) and 225.2(g).

D. Miscellaneous Proposals

The Commission proposes to amend various descriptions of records or retention periods for either of two reasons. In some cases, only part of a record is needed by the Commission to meet its regulatory responsibilities. In these instances, the description is amended to include only that portion of the record needed by the Commission. In other cases, the current description or retention period is ambiguous and a more precise description is added.

(a) In §§ 125.3 and 225.3, items 41.(a) now requires the retention of "ledger sheets and card records of materials and supplies received, issued, and on hand." Since "ledger sheets" adequately meet the Commission's regulatory needs, the proposed rule would remove references to "card records."

(b) In §§ 125.3 and 225.3, item 45.(h) now requires the retention of "applications and contracts for extensions for which donations or contributions are made by customers or others." The Commission believes that it is not necessary that regulated companies retain applications or contracts for extensions for which *donations* are made. Accordingly, the proposed rule removes the reference to donations.

(c) In §356.11, item A.6 requires oil pipeline companies to retain certain contracts and agreements. In the list noted above, various types of contracts and agreements are being removed from this retention schedule. Since item A.6(g) will continue to cover the retention of contracts "not specifically provided for in this section," it must be amended so that other categories that are being eliminated are not kept under item A.6(g). Accordingly, this item will make it clear that an oil pipeline company need not retain contracts with "employees and employee bargaining groups."

(d) In § 356.11, item C.5(a) requires oil pipeline companies to retain a "record or register of accounts receivable, indexes thereto, and summaries of distribution." The Commission proposes that oil pipeline companies no longer be required to retain the indexes or summaries. The record or register of accounts receivable itself is adequate.

(e) In § 356.11, item H.1(a) requires that oil pipeline companies retain "records of material and supplies on hand." In order to clear up an ambiguity, the proposed rule adds the words "at all locations" to this item.

(f) In § 356,11, item K covers records on "tariffs and rates." The proposed rule adds a footnote to this item to make clear that the retention periods in this item begin to run from the date of a "final Commission order determining the outcome of any tariff subject to refund and/or investigation."

IV. Certification Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires agencies to prepare certain statements, descriptions and analyses of proposed rules that, if promulgated, will have "a significant economic impact on a substantial number of small entities." The Commission is not required to make such analyses if a proposed rule will not have such an impact.

Most electric utilities, natural gas companies, and oil pipeline companies may not fall within the RFA's definition of small entity.[10] Most hydroelectric licensees, on the other hand, may fall within the small entity definition. Since the record retention burden on all of these types of regulated entities would be reduced by this rule, this proposed rule would have some positive economic impact on all regulated entities, both large and small. This is an intended and important impact. The Commission does not, however, believe that this impact will necessarily be "significant," at least within the meaning of the RFA. Pursuant to section 605(b) of the RFA, therefore, the Commission certifies that this rule, if promulgated, will not have a "significant economic impact on a substantial number of small entities."

V. Comment Procedures

The Commission invites interested persons to submit written data, views, and other information concerning matters set out in this notice. All comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should refer to Docket No. RM83–40–000. An original and 14 copies should be filed. Comments must be received by the Commission no later than May 23, 1983.

All written comments will be placed in the Commission's public file and will be available for public inspection during regular business hours at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

In addition, the Commission may consider affording interested persons an opportunity for a public hearing to receive oral comments. Any interested person wishing an opportunity to appear

[8] Revisions to the Uniform Systems of Accounts and Regulations Governing the Preservation of Records, Order No. 258, Docket No. RM81–4–000, III FERC Stat. & Reg. (CCH) ¶ 30,398 at 30,285 (September 13, 1982).

[9] Computer output microfilm is a process in which information stored in a computer can be printed directly on microfilm instead of on paper.

[10] 5 U.S.C. 601(3) *citing to* section 3 of the Small Business Act, 15 U.S.C. § 632 (Supp. IV 1980) Section 3 of the Small Business Act defines "small-business concern" as a business which is independently owned and operated and which is not dominant in its field of operation. *See also* SBA's, Small Business Size Standards, 13 CFR Part 121 (1982)

to give oral comments must file with the Secretary a request for a public hearing by April 11, 1983. A notice will be published in the Federal Register if a public hearing will be held.

(Natural Gas Act, 15 U.S.C. 717–717w (Supp. IV 1980); Federal Power Act, 16 U.S.C. 791a–828c (Supp. IV 1980); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (Supp. IV 1980); Interstate Commerce Act, 49 U.S.C. 1–27 (1976); Executive Order 12.009, 3 CFR 142 (1982); 5 U.S.C. 553 (Supp IV 1980)

List of Subjects

18 CFR Part 125

Electric power, Electric utilities, Reporting and recordkeeping requirements.

18 CFR Part 225

Natural gas Reporting and recordkeeping requirements.

18 CFR Part 356

Oil pipeline companies, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission proposes to amend Parts 125, 225, and 356, Title 18, Chapter I, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 125—[AMENDED]

PART 225—[AMENDED]

§§ 125.2 and 225.2 [Amended]

1. Sections 125.2 and 225.2 are amended, respectively, by revising paragraph (e)(1)(ii) to read as follows:

* * * * *

(e) Microform, tape and computer output certification.

(1) * * *

(ii) If a record series is a product of computer output paper or microfilm, any certification that may otherwise be required under paragraph (e)(1)(i) of this section is not required if:

(A) The series is prepared in accordance with written standard procedures developed by the company that ensure the integrity of record series that are the product of computer output; and

(B) Such procedures include the name or title of the official responsible for validating or confirming the data contained in the record series and confirming that a particular computer output record series was produced in accordance with the standard procedures.

* * * * *

2. Sections 125.2 and 225.2 are further amended in paragraph (g)(3) by removing the words "National Bureau of Standards" and inserting, in their place, the words "American National Standard Institute."

§ §125.3 and 225.3 [Amended]

3. Sections 125.3 and 225.3 are amended by removing the words "life of the corporation" or "50 years" in the retention periods column of the following items, and, in the respective places, by inserting in the retention periods column the following:

(a) In item number 3.(a), the words:

"Retain until receipt of FERC audit report or two years after auditor's exist conference, whichever occurs first."

(b) In item 6.(a), the words "50 years."

(c) In item 6.(b)(5), the words "6 years after final non-appealable order."

(d) In item 46.(a), the words:

"Retain until receipt of FERC audit report or two years after auditor's exit conference, whichever occurs first."

(e) In items 65.(c)(7) and 65.(c)(8), the words "Ten years after the plant is retired. See §§ 125.2(j) and 225.2(j)."

§ 125.3 [Amended]

4. Section 125.3 is amended by removing the retention period in item 36.(a)(1) and inserting, in its place, the following:

Retain until receipt of FERC audit report or two years after auditor's exit conference, whichever occurs first.[5] See § 125.2(j).

§ 225.3 [Amended]

5. Section 225.3 is amended by removing the retention period in item 36.(a)(1) and inserting, in its place, the following:

Retain until receipt of FERC audit report or two years after auditor's exit conference, whichever occurs first.

6. Section 125.3 is further amended by revising the description and retention period of item 22.1(e) and by revising item 22.2, to read as follows:

§ 125.3 Schedule of records and periods of retention.

* * * * *

22.1 Production—Electric (less nuclear):	
(e) Station and system generation reports and clearance logs:	
(1) Hydro-electric	25 years. *See* § 125.2(j).
(2) Steam and others	6 years. *See* § 125.2(j).
22.2 Production—nuclear: For informational purposes, refer to the document retention requirements of the Nuclear Regulatory Commission.	

§§ 125.3 and 225.3 [Amended]

7. Sections 125.3 and 225.3 are further amended by revising the description in item 41.(a) and the description and retention period in items 45.(h) and 65.(a) to read as follows:

* * * * *

41. Material ledgers:	
(a) Ledger sheets of materials and supplies received, issued, and on hand.	Retain until receipt of FERC audit report or two years after auditor's exit conference, whichever occurs first.
Revenue Accounting and Collecting	
45 Customers' service applications and contracts:	
(h) Contracts for extensions of service for which contributions are made by customers or others.	Retain until receipt of FERC audit report or two years after auditor's exit conference, whichever occurs first.
65. Reports to Federal and State regulatory commissions:	
(a) Annual financial, operating and statistical reports:	
(1) Federal agencies	Retain until receipt of FERC audit report or two years after auditor's exit conference, whichever occurs first.
(2) State Commissions	Retain as long as the active tariffs or rates are in effect.

8. Sections 125.3 and 225.3 are amended by removing entirely the following items (including both descriptions and retention periods): 1, 2, 3(b), 4, 5, 6(b)(1)–6(b)(4), 6(c), 6(d), 7(c)–7(f), 9(a), 12(c), 12(d), 16, 17, 18, 19, 20(b), 20(d)–20(f), 21, 24, 25, 27, 28, 29, 35, 36(a)(2), 40(c), 41(b), 42(a), 42(b), 42(d), 42(e), 43(c), 44, 45(a)–45(g), 46(b), 47, 48, 50(b)–50(d), 52, 53, 54, 55, 56, 58(c)–58(f), 59(a), 59(b), 59(d), 59(e), 59(g), 61(c), 63, and 66(b).

§ 125.3 [Amended]

9. Section 125.3 is further amended by removing entirely the following items (including both descriptions and retention periods): 22.1(a), 22.1(b), 22.1(g), 22.1(k), 23(c)–23(m), 23(p), 60, 65(b), 65(c)(3), and 65(c)(9).

§ 225.3 [Amended]

10. Section 225.3 is further amended by removing entirely the following items (including both descriptions and retention periods): 22(a), 22(c)–22(e), 22(j), 22(l), 22(m), 22(o)–22(r), 23(c)–23(i), 23(m), 23.1(c), 37(b), 65(b), 65(c) (3), 65(c)(8), and 65(c)(9).

§§ 125.3 and 225.3 [Amended]

11. [The schedule of records in § 125.3 and 225.3 would be renumbered to reflect changes made in the final rule].

PART 356—[AMENDED]

12. The "Schedule of Records and Periods of Retention" in § 356.11 is amended by revising the record descriptions in items A.6(g), C.5(a), H.(1)(a), J.12, and adding a footnote to item K, respectively, to read as follows:

§ 356.11 Schedule of Records and Periods of Retention.

* * * * *

SCHEDULE OF RECORDS AND PERIODS OF RETENTION

Item No. and category of record	Retention period
A. Corporate and general	
* * * * *	
6 Contracts and agreements:	
* * * * *	
(g) Contracts, leases and agreements, not specifically provided for in this section but excluding contracts with employees and employee bargaining groups.	3 years after expiration or termination.
* * * * *	
C. Financial and Accounting	
* * * * *	
5 Accounts receivable:	
(a) Record or register of accounts receivable.	3 years after settlement.
* * * * *	
H. Purchases and Stores	
1 Material ledgers	
(a) Records of material and supplies on hand at all locations	2 years.
* * * * *	
J. Transportation	
* * * * *	
12 Oil and other products stocks and movement pipelines only:	
(a) Records of receipts, deliveries, pumpings, stocks, and over and short.	3 years.
(b) Run tickets showing quantities by tank measurement of meter readings of oil and other products received into and delivered from company's lines	Do.
(c) Statements of oil and oil products consumed as fuel including quantity value, and where consumed.	Do.
(d) Statement of oil and other products lost by line breaks and leaks including quantity, value, and location of breaks and leaks	Do.
(e) Reports of power furnished by producers: monthly reports of the quantity of oil run in connection with which power was furnished by producers, and records of payment for such power	Do.
(f) Records of producers' property identifying ownership and location of producers' tanks or wells to which carrier's lines are connected.	3 years after disconnection.
(g) Division or other periodical inventory reports of oil and other products on hand.	3 years.
(h) Division orders: Directions received by carrier as to the division of interest and to whose account transported oil should be credited.	3 years after discontinuance.
(i) Directions received by the carrier for the transfer of division order interests from one interest owner to another	Do.
(j) Transfer orders for the transfer of ownership of oil or other products in carrier's custody..	3 years.
K. Tariffs and Rates*	
* * * * *	

* The retention periods for records in this item begin on the date of the final Commission order determining the outcome of any tariff subject to refund and/or investigation

13. Section 356.11 is further amended by removing entirely the following categories of records and their retention periods: A.3, A.4(e), A.5, A.6(d)–A.6(f), B.1, B.2(b)–B.2(g), B3–B.7, C.3, C.4(c), C.4(d), C.5(b)–C.5(d), D note, D.1(g), D.1(j), D.2(b), E.1, E.2(c)–E.2(j), F., G.2, G.3, H.1(b), H.2(b), H.2(c), H.3, H.4, I., J.1–J.11, K.2, K.6, L.1(b), L.1(c), L.2–L.5, and M.

14. [The schedule of records in § 356.11 would be renumbered to reflect changes made in the final rule.]

[FR Doc. 83-7866 Filed 3-25-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 141 and 142

Withdrawal of Proposed Customs Regulations Amendments Relating To Importations of Certain Large Machines

AGENCY: Customs Service, Treasury.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws the proposed amendments to the Customs Regulations relating to the importation of large machines. That proposal would have allowed an importer to request in writing that a large machine, which because of its immense size and other factors is imported in separate shipments, be classified and dutiable as a complete machine under its particular item number in the Tariff Schedules of the United States (TSUS). After consideration of the comments received in response to the proposal and further review, Customs has determined to continue its present practice whereby parts of components of a complete machine which are imported in separate shipments are classifiable and dutiable as parts or components, rather than as a complete machine. The action is necessary because of legal and operational objectional objections to the proposal.

DATE: Withdrawal effective March 28, 1983.

FOR FURTHER INFORMATION CONTACT: James A. Seal, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8181).

SUPPLEMENTARY INFORMATION:

Background

In response to a petiton from a member of the public regarding the tariff classification of Fourdrinier papermaking machines, Customs published a notice in the **Federal Register** on April 30, 1982 (47 FR 18621), proposing to amend the Customs Regulations relating to the importation of certain large machines, using the Fourdrinier papermaking machine as exemplar. As proposed, Parts 141 and 142, Customs Regulations (19 CFR Parts 141, 142), would have been amended to allow an importer of very large machine components arriving in separate shipments to request in writing before the initial shipment that the entire (assembled) mechine be classified under the specific TSUS item for the particular machine. If an importer of a large machine imported in separate shipments chose to request Customs to classify the machine as an entirety, the importer would have had to deposit estimated duties covering the entered value of the entirety at the time of filing the entry summary for the initial shipment.

It was acknowledged that the proposal would have constituted a broad extension of the judicial "doctrine of entireties" due to the unusual circumstances presented by certain large machines, as described in the notice. The purpose of the proposal was to obtain comments on whether the amendment was needed to afford the full meaning and effect to the specific provision in the TSUS for the named large machine.

The present Customs Service practice is to treat large machines imported in several shipments as a series of separate articles for the purpose of tariff classification. The practice is in accord with Customs interpretation of the longstanding judicial "doctrine of entireties," that merchandise imported in more than one shipment cannot be classified as an entirety, but rather that each shipment is classified separately. Tariff classification and duty rate are determined shipment by shipment. As a result, a very large machine imported in several shipments will not be classified under a named provision in the TSUS for the machine. Rather, each part or component will be classified under the TSUS item that most specifically describes the particular part or component.

Discussion of Comments

A total of 51 comments were received in response to the notice, 45 of which favored the proposal. However, almost all of the commenters who favored the proposal in principle, also noted specific objections—especially relating to the criteria for application of the proposal to a large machine and the deposit of estimated duties on the entire machine when the initial shipment is entered. In addition, other problems identified by commenters included Customs approval of an importer's request to use the procedure, the application of the rule to unliquidated entries, the scope to the proposal in regard to whether large articles or entities other than machines should be covered, the requirement of a single entry summary document for the entire machine, and creation of a procedure to capture necessary import statistics.

Six commenters were opposed to the proposal. One commenter simply made a general objection, while five others gave specific reasons for their opposition. The negative comments focused on two broad areas: Assertions that the proposal was legally impermissible due to the doctrine of entireties, and the economic consequences of the proposed action.

Customs and the Treasury Department have carefully reviewed each of the comments. Although the majority of the commenters did favor the proposal in principle, the commenters in opposition point out persuasive administrative and legal impediments to adoption of the proposal. Customs believes those negative comments have considerable merit. First, there would be great difficulty in verifying the total weight (*i.e.*, a minimum of 1,000 tons) of a complete machine at the time the first importation was made. Moreover, inasmuch as it is difficult in many instances to determine what components actually comprise a "complete" machine, it would be administratively impossible to determine when replacement and/or accessory parts are sought to be imported. Second, and more important, the overwhelming weight of legal and administrative precedent concerning the doctrine of entireties and the obligation to classify and assess duty on merchandise in its condition as imported, leads Customs to conclude that the proposal, if adopted, would have been of doubtful legality.

Accordingly, after consideration of the comments received, and further review of the matter, it has been determined to withdraw the proposal.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices and the Treasury Department participated in its development.

Approved:

John M. Walker, Jr.,
Assistant Secretary of the Treasury
March 3, 1983.

William von Raab,
Commissioner of Customs.

[FR Doc. 83-7915 Filed 3-25-83; 8:45 am]
BILLING CODE 4820-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Ch. I

[CGD 83-008]

Guide Clearance for Bridges Across Navigable Waters of the United States

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed adoption of Guide Clearances.

SUMMARY: The Coast Guard is issuing this notice to advise the public of the proposed adoption of Guide Clearances for bridges across certain navigable waters of the United States, as listed herein, and to give opportunity for public comment thereon. Guide Clearances are considered by the Coast Guard in the permitting of bridges. This list will benefit permit applicants by informing them of the clearances for each waterway listed which will ordinarily receive favorable consideration under the bridge permitting process as providing for the reasonable needs of navigation.

DATE: Comments must be received on or before April 27, 1983.

ADDRESS: Comments should be submitted to, and are available for examination at, the Marine Safety Council (G-CMC), Room 4402, Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593. Between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, comments may be delivered to, and are available for inspection and copying at, the Marine Safety Council (G-CMC).

FOR FURTHER INFORMATION CONTACT: Mr. A. T. Meschter, Project Manager, G-NBR/14, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593, (202) 426-0942.

SUPPLEMENTARY INFORMATION: Guide Clearances are defined as the navigational clearances established by the Coast Guard for a particular navigable water of the United States which will ordinarily receive favorable consideration under the bridge permitting process (33 CFR Chapter 1, Subchapter J) as providing for the reasonable needs of navigation. The program of establishing Guide Clearances was instigated by the Corps of Engineers and later transferred to the Coast Guard. Under the Corps, Guide Clearances were called "Standard Clearances"; but the Coast Guard has since adopted the name "Guide Clearances" as more descriptive of the fact that these clearances are advisory, rather than mandatory. They are not intended to be regulatory in nature or to form a legal basis for approving or denying a bridge permit application. Under the circumstances of a particular case, greater or lesser clearances for a proposed bridge may be required or approved as meeting the reasonable needs of navigation for that particular location. For example, the particular character of the waterway and topography at the proposed location may justify a departure from the clearances specified for the waterway in the list of Guide Clearances.

Over the years, some of the Guide Clearances have become obsolete or inadequate and need to be deleted or revised. Therefore, the following list is divided into three parts to indicate which clearances are proposed for continuance, which are proposed for revision or deletion, and which are proposed for addition. The listings are generally arranged geographically from Maine to Texas to Washington.

Comments on the proposed list are particularly invited. Comments recommending additional listings will be retained for future consideration.

A. *Existing Guide Clearances proposed to be continued:*

Waterway	Bridge type	Horizontal clearance (feet)	Vertical clearance (feet)	Reference plane
1. Fore River, ME				
—Mouth to head of Navigation	Fixed	400	150	MHW.
	Draw RR	100	10	MHW.

Waterway	Bridge type	Horizontal clearance (feet)	Vertical clearance (feet)	Reference plane
	Draw Hwy	100	20	MHW
	Vert. Lift	100	150 (open)	MHW
2. Penobscot River, ME				
—Mouth to Bangor	Fixed	400	135	MHW
	Draw RR	150	10	MHW
	Draw Hwy	150	20	MHW
	Vert. Lift	150	135 (open)	MHW
—Mouth to Gardiner	Fixed	400	135	MHW
	Draw RR	70	10	MHW
	Draw Hwy	70	20	MHW
	Vert. Lift	70	135 (open)	MHW
—Gardiner to Augusta	Fixed	400	135	
	Draw RR	100	10	
	Draw Hwy	100	20	
	Vert. Lift	100	135 (open)	
4. Connecticut River, CT, MA above Hartford			20	Above River Level 16 feet.
5. Hudson River, NY				
—George Washington Bridge to northern limits of Irvington.	Fixed	1,500	180	MHW 8 feet Stage Albany Gage
—Irvington to northern limits of Newburg	do	1,500	155	Do
—Newburg to Castleton	do	700	138	Do
—Castleton to Albany	do	700	135	Do
—Albany to US Dam Troy	Fixed	500	135	Do
	Vertical Lift	300	135 (open)	Do
			40 (closed)	Do
	Bascule	300	40 (closed)	Do
	Swing Span	180	40 (closed)	Do
—U.S. Dam Troy to Waterford		180	15 feet, 5 inches	Do
6. Severn River, MD				
—Mouth to Spa Creek	Drawbridge	250	10 (closed)	MHW
—Spa Creek to Round Bay	do	70	10 (closed)	MHW
—Round Bay to head of tidewater	do	40	10 (closed)	MHW
7. South River, MD				
—Mouth to mile 5	Fixed	70	55	MHW
—Mile 5 to head of tidewater	Drawbridge	50	10 (closed)	MHW
8. Bohemia River, MD				
—Mouth to head of tidewater	do	40	10 (closed)	MHW
9. Chester River, MD				
—Mouth to mile 26	do	150	10 (closed)	MHW
—Mile 26 to mile 33	do	60	10 (closed)	MHW
—Mile 33 to mile 42	do	40	10 (closed)	MHW
10. Elk River, MD				
—Mouth to Back Creek	do	100	10 (closed)	MHW
—Back Creek to Elkton	do	60	10 (closed)	MHW
11. Sassafrass River, MD				
—Mouth to Georgetown	do	70	10 (closed)	MHW
—Georgetown to head of tidewater	do	40	10 (closed)	MHW
12. Choptank River, MD				
—Mouth to Cambridge	do	150	10 (closed)	MHW
—Cambridge to Dover	do	100	10 (closed)	MHW
—Dover to Denton	do	80	10 (closed)	MHW
—Denton to Greensboro	do	40	10 (closed)	MHW
13. Nanticoke River, DE, MD				
—Mouth to Quantico Creek	do	150	10 (closed)	MHW
—Quantico Creek to Broad Creek River	do	80	10 (closed)	MHW
—Broad Creek River to Seaford	do	60	10 (closed)	MHW
—Seaford to Concord	do	40	10 (closed)	MHW
14. Wicomico River, MD				
—Mouth to White Haven	do	150	10 (closed)	MHW
—White Haven to Salisbury Prong	do	100	10 (closed)	MHW
—Salisbury Prong to head of tide water	do	50	10 (closed)	MHW
15. Pocomoke River, MD				
—Mouth to Pocomoke City	do	100	10 (closed)	MHW
—Pocomoke City to Snow Hill	do	70	10 (closed)	MHW
—Snow Hill to head of tide water	do	40	10 (closed)	MHW
16. Potomac River, MD, DC				
—Mouth to Haines Point	Fixed	250	135	MHW
	Drawbridge	250	75	MHW
			135 (open)	MHW
17. Patuxent River, MD				
—Mouth to Shendan Point	Fixed	130	135	MHW
	Drawbridge	130	10	MHW
			135 (open)	
—Shendan Point to Nottingham	Fixed	100	10	MHW
			100 (open)	
18. James River, VA				
—Mouth to City Point	Fixed or V L	350	145	MHW
	Swing or Bascule	350	50 (closed)	MHW
—City Point to Richmond	Fixed	400	145	MHW
—Richmond to head of navigation	do	400	120	MHW
19. Appomattox River, VA				
—Mouth to Petersburg	Drawbridge	80	15 (closed)	MHW
20. Rappahannock River, VA				
—Mouth to Bowlers Rock light	Fixed	250	100	MHW
	Drawbridge	250	75	MHW
			100 (open)	
—Bowlers Rock light to Jones Point	Fixed	150	100	MHW
	Drawbridge	150	10	MHW
			100 (open)	
—Jones Point to Port Royal	Fixed	100	100	MHW
	Drawbridge	100	10	MHW
			100 (open)	

Waterway	Bridge type	Horizontal clearance (feet)	Vertical clearance (feet)	Reference plane
21. Black Water River, VA				
—Mouth to SAL RR bridge	Drawbridge	60	5 (closed)	MHW.
—SAL bridge to Southern	Fixed	34	15.5	MHW.
22. Nottoway River, VA				
—Mouth to Smith Ferry Bridge	Drawbridge	60	5 (closed)	MHW.
—Smith Ferry Bridge to Peters Bridge	Fixed	40	8 (closed)	MHW.
23. Atlantic Intracoastal Waterway, VA, NC				
—Norfolk to Little River, SC	Swing ro Bascule	90	5 (closed) RR	MHW.
			15 (closed) Hwy	
		120 in exposed locations		
24. Cape Fear River, NC				
—Wilmington mile 30 to mile 39	Fixed or V.L	120	135	Maximum HW.
	Swing or Bascule	120	5 (closed)	Do.
—Mile 39 to Fayetteville	Fixed or V.L	100	70	Do.
	Swing or Bascule	100	5 (closed)	Do.
25. Northeast River, NC				
—Mouth to mile 2.75	Fixed or V.L	150	135	Do.
	Swing or Bascule	150	5 (closed) RR	Do.
			30 (closed) Hwy	Do.
—Mile 2.75 to Lanes Ferry	Fixed or V.L	60	50	Do.
	Swing or Bascule	60	5 (closed)	Do.
26. Neuse River, NC				
—New Bern to 2 miles above	Fixed or V.L	80	100	
	Swing or Bascule	80	5 (closed) RR	
			15 (closed)	
27. Chowan River, NC				
—Mouth to Winton	Drawbridge	80	5 (closed)	MHW.
—Winton to Source	do	60	5 (closed)	MHW.
28. Meherrin River, NC				
—Mouth to Murfreesboro	do	60	5 (closed)	MHW.
29. Tar River, NC				
—Mouth to 2 miles above Washington	Fixed or V.L	80	100	Maximum HW.
	Swing or Bascule	80	5 (closed) RR	
			10 (closed) Hwy	
—2 miles above Washington to Greenville	Fixed or V.L	60	50	
	Swing or Bascule	60	5 (closed)	
30. Roanoke River, NC				
—Mouth to Hamilton	Drawbridge	80	5 (closed)	MHW.
—Hamilton to Waldon	Fixed	40	8	MHW.
31. Atlantic Intracoastal WW				
—Little River, SC to Miami, FL	Fixed or V.L	90	65.0	MHW.
	Swing or Bascule	90	21 (closed)	MHW.
32. Cross Florida Barge Canal, FL	Fixed or V.L	150	65.0	MHW.
33. Okeechobee Waterway, FL	do	90	55.0	MHW.
34. Escambia River, FL	do	90	40.0	OHW.
35. Apalachicola River, FL, GA	do	150	35.6	OHW.
36. Chattahoochee River, AL, GA, FL	do	150	35.6	OHW.
37. Coosa River, AL, GA	do	150	42.5	OHW.
38. Flint River GA	do	150	35.6	OHW.
39. Alabama River, AL	do	250	42.5	OHW.
40. Black Warrior River, AL	do	200	52.0	OHW.
41. Mobile River, AL	do	300	125	OHW.
42. Locust Fork of the Black Warrior River, AL	do	200	49.0	OHW.
43. Mulberry Fork of the Black Warrior River, AL	do	200	49.0	OHW.
44. Tennessee-Tombigbee River including the entire Tombigbee River, AL	do	300	52.0	Normal Pool
			40.0	above 1 percent flowline whichever greater.
45. West Pearl River, MS	do	125	35.0	OHW.
46. East Pearl River, MS	do	125	35.0	OHW.
47. Jefferson-Shreveport TX, LA	do	240	52.0	2 percent Flowline.
48. Calcasieu River Ship Channel, LA	do	300	135	MHW.
49. Atchafalaya River, LA				
—Berwick Bay	do	525	73.0	MHW.
—Above Berwick Bay	do	180	50.0	MHW
50. Houston Ship Channel, TX				
—Up to mile 47.2	do	500	175	2 percent Flowline.
—Above mile 47.2	do	400	135	Do.
51. Trinity River, TX	do	300 feet between pier faces 250 feet between fenders.	52	2 percent flowline or top of conservation pools in reservoirs.
51.a. Sabine Neches Waterway, Sabine River and Neches River, TX.	Fixed	500	155	MHW.
52. Gulf Intracoastal WW, FL to TX				
—Apalachee Bay to Pensacola Bay	Fixed or V.L	150	65.0	MHW
—Pensacola Bay to Brownsville, TX, except Port of New Orleans, LA.	do	125	73.0	MHW.
—Port of New Orleans	do	125	100	MHW.
53. Allegheny River, PA				
—Elmsworth Pool	Fixed		40	Pool at dam crest.
—Dam to EAst Brady	do		47	
54. Monongahela River, PA				
—Elmsworth Pool	do		40	Pool at dam crest.
—Dam to Fairmont, WV	do		47	
55. Ohio River, PA to IL	do		69	Normal Pool
			55	2 percent Flowline.
56. Tennessee River, KY to TN	do	300	57	Normal Pool.

Waterway	Bridge type	Horizontal clearance (feet)	Vertical clearance (feet)	Reference plane
			47	Regulated HW
57. Clinch River, TN				
—Mouth to mile 48	do	200	42	Normal Pool
			32	Regulated HW
—Mile 48 to mile 67	do	200	35	Normal Pool
58. Emery River, TN				
—Mouth to mile 12.1	do	200	42	Normal Pool
			32	Regulated HW
—Mile 12.1 to mile 13	do	200	35	Normal Pool
59. Hiwasee River, TN	do	200	42	Normal Pool
			32	Regulated HW
60. Little Tennessee River, TN				
—Mouth to mile 18.5	do	200	42	Normal Pool
			32	Regulated HW.
—Mile 18.5 to mile 29	do	200	35	Normal Pool
61. Telleco River, TN				
—Mouth to mile 9	do	200	35	Normal Pool
62. Cumberland River, TN, KY				
—*Barkley Reservoir*				
Main Stream	do	300	57	Normal Summer Pool
			40	Max. Flood Regulated.
Major Tributaries	do		42	Normal Summer Pool
			25	Max. Flood Regulated.
Secondary Reservoir Channels	do		15	Normal Summer Pool
Shallow Draft Channels	do		6	Normal Summer Pool.
—*Cheatham Reservoir*				
Main Stream	do	300	57	Normal Summer Pool.
			40	Max. Flood Regulated.
Major Tributaries	do		42	Normal Summer Pool
			25	Max. Flood Regulated.
Secondary Reservoir Channels	do		15	Normal Summer Pool.
Shallow Draft Channels	do		6	Normal Summer Pool.
—*Old Hickory Reservoir*				
Main Stream	do	300	57	Normal Summer Pool.
			40	Max. Flood Regulated.
Major Tributaries	do		42	Normal Summer Pool
			40	Max. Flood Regulated.
Secondary Reservoir Channels	do		15	Normal Summer Pool.
Shallow Draft Channels	do		6	Normal Summer Pool.
—*Cordell Hull Project*				
Main Stream	do	300	57	Normal Summer Power Discharge
			40	Max. Flood Regulated.
Major Tributaries	do	200	42	Normal Summer Power Discharge
			25	Max. Flood Regulated.
Secondary Reservoir Channels	do	50	30	Normal Summer Power Discharge
			15	Max. Flood Regulated.
Secondary Tributaries	do	50	30	Normal Summer Power Discharge
Minor Channels and Tributaries	do		5	Normal Summer Power Discharge.
—*J. Percy Priest Reservoir*				
Main Stream	do	100	40	Minimum Power Pool
			30	Top of Power Pool
			15	Max. Flood Regulated
Secondary Embayments and Channels	Fixed	50	40	Minimum Power Pool
			30	Top of Power Pool.
			15.5	Max. Flood Regulated
Minor Secondary	Fixed		25	Minimum Power Pool

Waterway	Bridge type	Horizontal clearance (feet)	Vertical clearance (feet)	Reference plane
Embayments and Channels			15	Top of Power Pool
63. Chicago River, IL				
—Main Branch	Bascule	170	17.9 (closed)	LWD 576.8.
—North Branch	Fixed	40.4		LWD 576.8.
	Bascule	40.4	6.6 (closed)	LWD 576.8.
—North Branch Canal	do	56.9	8.4 (closed	LWD 576.8.
—South Branch	do	125		LWD 576.8.
	Vertical Lift	125	120	LWD 576.8.
			10.5 (closed)	LWD 576.8.
—West Fork South Branch	Bascule	140.3	22.4 (closed)	LWD 576.8.
South Fork South Branch	Fixed	90.0	12.1	LWD 576.8.
64. Chicago Sanitary and Ship Canal, IL	Swing	45	4.4 (closed)	LWD 576.8.
65. Indiana Harbor Canal, IN				
—Main Channel	Bascule	61.7	5.4 (closed)	LWD 576.8.
—Calumet River Branch	Fixed	34.2	3.2	LWD 576.8
—Lake George Branch	do	64.4	5.6	LWD 576.8.
66. Calumet River, IL				
—Main River	Fixed or V.L	135.7	125, 7.3 (closed)	LWD 576.8.
67. Little Calumet River West, IL	Fixed	52	13.4	LWD 576.8.
68. Little Calumet River East, IL, IN	do	200	29.4	LWD 576.8.
69. Grand Calumet River, IL	do	12	5.5	LWD 576.8.
70. Calumet Sag Channel, IL	do	188.5	24.38	LWD 576.8
71. Buffalo River, NY	do	91.0		LWD 568.6
	Bascule	91.0	12.4	LWD 568.6
72. Cuyahoga River, Oh	Vertical Lift	100		LWD 568.6.
			8.4 (closed)	LWD 568.6.
73. Maumee River, OH	Fixed	110		LWD 568.6.
	Swing	110	17.3 (closed)	LWD 568.6.
74. Rouge River, MI	Bascule	123	6.4 (closed)	LWD 568.6.
75. Saginaw River, MI	Fixed	66		LWD 576.8.
	Swing	66	7.8 (closed)	LWD 576.8.
76. Grand River, MI	Swing	54	9.8 (closed)	LWD 576.8.
77. Milwaukee River, WI	Vertical Lift	50		LWD 576.8
	Swing	50	7.3	LWD 576.8
78. Menomonee River and Canals, WI, MI	Swing	45	7.9 (closed)	LWD 576.8
79. Kennickinnic River, WI	Fixed	50		LWD 576.8.
	Swing		8.1 (closed)	LWD 576.8.
80. Manitawoc River, WI	Fixed	60.8		LWD 576.8
	Swing		6.0 (closed)	LWD 576.8
81. Fox River, WI				
—Mouth to Depere	Swing	75	7.5 (closed)	LWD 576.8
—Above DePere	Swing	59.8	3.5 (closed)	LWD 576.8
82. East River, WI	Fixed	40		LWD 576.8.
	Swing		6.0 (closed)	LWD 576.8.
83. Illinois River, IL				LWD 576.8
—Mouth to upper limits of Peoria	Fixed or V.L	Width of Channel	45	Extreme HW Navigation Season.
			50	Except 1 Day Nav. Season
			55	98% Nav. Season.
			63	Pool Stage 8,000 cfs.
Peoria to Starved Rock	Fixed or V.L	Width of Channel	44	Extreme HW Navigation Season.
			45	Except 1 day Nav. Season
			50	95% of Nav Season.
			56	Pool Stage 8,000 cfs.
—Starved Rock to Joliet	Fixed or V.L	Width of channel	35	Extreme HW Nav Season.
			47	Pool Stage 8,000 cfs.
—Joliet to east end	do	Width of	35	Computed Hw.
84 Mississippi River				
—Upper limits New Orleans to Baton Rouge, Harbor, LA.	Fixed	750 feet Main Span, 500 feet Auxiliary Span, 2 Auxiliary Spans required.	133	Max. River level 1 ft. below controlling level grade at Red River and corresponding elevations below.
—Baton Rouge Harbor to Vicksburg, MS	do	750 feet Main Span, 500 feet Auxiliary Span, 1 Auxiliary Span required.	84	Max. River level 1 ft. below controlling level grade at Red River and corresponding elevations below.
—Vicksburg to Cairo, IL	do	750 feet Main Span, 500 feet Auxiliary Span, 1 Auxiliary Span required.	56	Max. River level 1 ft. below controlling level grade at Red River and corresponding elevations below.

Waterway	Bridge type	Horizontal clearance (feet)	Vertical clearance (feet)	Reference plane
—Cairo to Illinois River, IL	do		64	Normal Pool above 2% flowline
			55	
—Illinois River to Lafayette Rd., St. Paul, MN	do		60	Normal Pool above 2% flowline
			52	
85 St. Crois River, MN				
—Mouth to Stillwater, MN	do		60	Normal Pool above 2% flowline
			52	
86 Minnesota River, MN				
—Mouth to Chaska	do		55	Normal Pool above 1,881 HW elevation
			30.8	
87 Kaskaskia River, IL	do		25	Along line joining the 2% flowline at Athens or [illegible] at mouth equal to 38 on St. Louis gage
88 Missouri River				
—Mouth to Gavins	do		52	Above 2% Flowline above bridge reference plane
—Gavins Point Dam to Montana	do		30	
89. Santa Bois Creek, OK	do		50	Above 2% Flowline
90 Bayou Macon, LA				
—Mouth to mile 35.4	do		50	Above Maximum HW prior to 30 June 1931
91 Boeuf River, LA				
—Mouth to mile 45.8	do		50	Above Maximum HW prior to 30 June 1931
92 Yazoo River, MS				
—Mouth to Greenwood	do	180	43	Above Project Flowline
	Movable	125		
93 Tallahatchee River, MS				
—Mouth to Panda	Fixed	120	12	Maximum HW prior to 30 June 1931
	Movable	70		
a Coldwater River, MS				
—Panda Quitman to Yazoo Pass	Fixed	40	5	Maximum HW prior to 30 June 1931
	Movable	40		
b Steel and Washington Bayou, MS				
—Mouth to Lake Washington	Fixed	80	15	Maximum HW prior to 30 June 1931.
	Movable	125		
c Big Sunflower River, MS	Fixed	180	50	Maximum HW prior to 30 June 1931
94 Black River, LA	Fixed	180	50	Maximum HW prior to 30 June 1931
	Movable	130		
95 Colorado River, CA, AZ, NV	Fixed Removable Span	50	25	Normal HW
		50	27	Do
96 Chehalis River, WA				
—Mouth to East City Units of Cosmopolis	Fixed or V L	150	135	MHHW
	Swing or Bascule	150	12 (closed) Hwy	MHHW
			8 (closed) RR	MHHW
—Cosmopolis to Montesano	Movable	125	8 (closed)	MHHW
—Above Montesano	Fixed	100	8	MHHW
97 Tacoma Harbor, WA				
Hylebos and City Waterway above	Fixed or V.L	150	135	MHHW
—11th St Tacoma	Swing or Bascule	150	30 (closed) Hwy	MHHW
			7 (closed) RR	MHHW
—Puyallup Waterway above 11th St. Tacoma	Fixed or V.L Swing	125	20 (closed) Hwy	MHHW
		125	5 (closed) RR	MHHW
98 Duwamish Waterway, WA				
—Mouth to 14th Avenue	Fixed or V.L	150	135	MHHW
	Swing or Bascule	150	30 (closed) Hwy	MHHW
			7 (closed) RR	MHHW
- Above 14th Avenue	Fixed or V.L	125	135	MHHW
	Swing or Bascule	125	30 (closed) Hwy	MHHW
			7 (closed) RR	MHHW
99. Coos Bay, OR				
—Mouth to Smiths Mill	Fixed	500	135	6 feet Stage on marsh field gage
	V.L or Bascule	225	125	
100 Columbia and Snake River System, OR, WA, ID				
—Mouth to NP&S RR Bridge at Vancouver	Fixed	1,000	180	25 feet on Portland Gage
—Bonneville to Dallas	do	450	135	600 kf PS Stage
—Dallas to Kennewick, Mile 328	do	400	60	2% flowline
Mile 328 to mile 469	do	400	50	Do
—469 to mile 474.5	do	250	50	Do
—Snake River mouth to mile 146.8	do	400	60	Do
—Clearwater River mouth to head of pool	do	400	60	Do

Waterway	Bridge type	Horizontal clearance (feet)	Vertical clearance (feet)	Reference plane
101 Willamette River				
—Mouth to Broadway Bridge	....do	1,000	180	25 foot stage Portland gage.
—Broadway Bridge to Rose Island Bridge	....do	500	140	25 foot stage Portland gage
	Movable	250	40 (closed)	25 foot stage Portland gage.
B. *Existing Guide Clearances proposed to be revised:*				
1.a. *Existing:*				
Gulf Intracoastal Waterway, FL				
—Apalachee Bay to Tampa Bay	Fixed or V.L.	150	65	MHW
	Swing or Bascule			
b. *Amended:*				
Gulf Intracoastal Waterway, FL				
—Apalchee Bay to Tampa Bay	Fixed or V.L.	90	65	MHW.
	Swing or Bascule	90	21 (closed)	MHW
—Tampa Bay to Caloosahatchee River	Fixed or V.L.	90	65	MHW.
	Swing or Bascule	90	21 (closed)	MHW
2.a. *Existing:*				
Wacamaw River, NC, SC				
—Intracoastal Waterway to Red Bluff	Fixed or V.L.	60	50	MLW
	Swing or Bascule	60	5 (closed)	Maximum HW
b. *Amended:*				
Wacamaw River, NC, SC				
—Intracoastal Waterway to mile 41.5	Fixed or V.L.	90	35	MLW.
	Swing or Bascule	90	10 (closed)	Maximum HW.
—Mile 41.5 to mile 67	Fixed or V.L.	60	35	MLW.
	Swing or Bascule	60	10 (closed)	Maximum HW
3.a. *Existing:*				
Santee River, SC	Fixed or V.L.	100	70	MLW.
	Swing or Bascule	100	5 (closed)	Maximum HW
Cooper River, SC	Fixed or V.L.	500	135	Do.
—Mouth to Goose Cr	Swing or Bascule	500	25 (closed)	Do.
Santee-Cooper Project, SC				
—Cooper River above Charleston Harbor	Fixed or V.L.	100	50	MHW.
	Swing or Bascule			MHW.
West Branch Cooper	Fixed or V.L.	100	50	HW (+8.5 MSL).
River and Tailrace Canal, SC	Swing or Bascule			
Penopolis Reservoir, SC				
—Diversion Canal and Santee Reservoir to a point near the head of the Santee River where the bank full stage is higher than the maximum pool level.	Fixed or V.L.	100	50	Maximum Pool elevation +75 MSL.
	Swing or Bascule			
—Thence to head of Santee River and Congaree River.	Fixed or V.L.	100	50	HW
	Swing or Bascule			
Congaree River, SC				
—Mouth to Columbia	Fixed or V.L.	100	70	MLW.
b. *Amended:*				
Santee-Cooper Project, SC				
—Cooper River above Charleston Harbor	Fixed or V.L.	100	50	MHW.
	Swing or Bascule	100	10 (closed)	MHW
—West Branch Cooper River, SC and Tailrace Canal	Fixed or V.L.	100	50	HW (+8.5 MSL).
	Swing or Bascule	100	10 (closed)	
Penopolis Reservoir, SC				
—Diversion Canal and Santee Reservoir to a point near the head of the Santee River where the bank full stage is higher than the maximum pool elevation.	Fixed or V.L.	100	50	Maximum Pool elevation +75 MSL.
	Swing or Bascule	100	10 (closed)	
—Thence to confluence of Santee and Congaree River.	Fixed or V.L.	100	50	HW
	Swing or Bascule	100	10 (closed)	HW
Congaree River, SC				
—Mouth to mile 46	Fixed or V.L.	100	50	MLW.
	Swing or Bascule	100	10 (closed)	Maximum HW.
—Mile 46 to mile 48	Fixed or V.L.	100	35	MLW.
	Swing or Bascule	100	10 (closed)	Maximum HW
4.a. *Existing:*				
Shipyard River, SC	Fixed or V.L.	100	125	MHW.
	Swing or Bascule	100	25 (closed)	MHW.
b. *Amended:*				
Shipyard River, SC	Delete			
5.a. *Existing:*				
Ashley River, SC	Fixed or V.L.	120	135	Maximum HW.
	Swing or Bascule	120	25 (closed)	Do.
b. *Amended:*				
Ashley River, SC	Delete			
6.a. *Existing:*				
Savannah River, GA				
—Savannah Sugar to Savannah Lumber Co	Fixed or V.L.	100	100	Maximum HW.
—Savannah Lumber to Augusta, GA (13th Street Bridge).	....do	100	70	MLW.
b. *Amended:*				
Savannah River, GA				
—From upper limit Savannah Harbor Project to New Savannah Bluff Lock and Dam.	....do	150	55	MLW.
7.a. *Existing:* Altamaha River, Oconee River and Ocmulgee River, GA		60	50	MLW.
b. *Amended:*	Swing or Bascule	60	5 (closed)	Maximum HW.
Altamaha River, GA	Fixed or V.L.	80	30	MLW.
	Swing or Bascule	80	10 (closed)	Maximum HW.
Oconee River, GA	Fixed or V.L.	75	30	MLW.
	Swing or Bascule	75	10 (closed)	Maximum. HW.
Ocmulgee River, GA	Fixed or V.L.	60	30	MLW.

Waterway	Bridge type	Horizontal clearance (feet)	Vertical clearance (feet)	Reference plane
	Swing or Bascule	80	10 (closed)	Maximum HW
8.a. *Existing:*				
Flint River, GA	Fixed or V.L.	150	35	OHW
b. *Amended:*				
Flint River, GA	Delete			
9.a. *Existing:*				
Chattahoochee River, GA	Fixed or V.L.	150	35	OHW
b. *Amended*				
Chattahoochee River, GA	Delete			
10.a. *Existing:*				
Coosa River, GA	Fixed or V.L.	150	35	OHW
b.*Amended:*				
Coosa River, GA	Delete			
11.a. *Existing:*				
St. Johns River, FL	Fixed or V.L.			
Confluence with Barge Canal to Sanford, FL	Swing or Bascule	90	5(closed)	MHW
b. *Amended:*				
St. Johns River, FL	Fixed or V.L.	90	45	MHW
Confluence with Barge Canal to Sanford, FL	Swing or Bascule	90	10 (closed)	NHW
12.a. *Existing:*				
Hillsborough River, FL				
—Mouth to Garcia Ave.	Swing or Bascule	80	15 (closed)	MHW.
—Garcia to Nebraska Ave.		60	10 (closed)	MHW
—Nebraska Ave. to First Dam		50		MHW
b. *Amended:*				
Hillsborough River, FL	Delete			
B *New Guide Clearances proposed to be added*				
1. Atlantic Intracoastal Waterway				
—Miami to Key West	Fixed or V.L.	90	65	MHW
	Swing or Bascule	90	21 (closed)	MHW
2 Gulf Intracoastal Waterway				
—Tampa Bay to Caloosahatchee River	Fixed or V.L.	90	65	MHW
	Swing or Bascule	90	21 (closed)	MHW
3. Miami River, FL				
—Mouth to mile 5.5	Fixed or V.L.	90	75	MHW.
	Swing or Bascule	90	25 (closed)	MHW
4. Columbia Slough, OR	Fixed or V.L.	80	39	MHW
	Swing or Bascule	80	30 (closed)	MHW

Dated: March 8, 1983.

R.A. Bauman, Rear Admiral, U.S. Coast Guard

Chief, Office of Navigation.

[FR Doc. 83-7846 Filed 3-25-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

41 CFR Parts 3-7, 3-16, and 3-57

Miscellaneous Amendments to the HHS Procurement Regulations

AGENCY: Department of Health and Human Services.

ACTION: Proposed rule.

SUMMARY: The Office of the Secretary, Department of Health and Human Services is proposing to amend its procurement regulations by revising and updating the general provisions for use in fixed price and cost-reimbursement type contracts (HHS–314, –315, –315A, and –316) and related miscellaneous amendments. The revisions will result in the consolidation of all additions, removals and revisions to the general provisions. The effect of the amendment will be the updating of the Department's general provisions.

DATE: Comments must be received by April 27, 1983.

ADDRESS: Any person or organization wishing to submit data, views or comments pertaining to the proposed regulations may do so by filing them with Norman Audi, Division of Procurement Policy, OPAP-OPAL-OASMB-OS, Room 539H, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201; (202–245–6154).

FOR FURTHER INFORMATION CONTACT: Norman Audi (202–245–6154).

SUPPLEMENTARY INFORMATION: The proposed revisions are changes to the existing general provisions for contracts in Forms HHS–314, –315, –315A and –316. The changes include: (1) Updating the general provisions to include clauses which are required by either OMB Circular or FPR Temporary Regulations. These clauses are: Disputes, Patent Rights (Small Business Firms and Nonprofit Organizations), Utilization of Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals, Disabled Veterans and Veterans of the Vietnam Era; and Employment of the Handicapped; (2) Revising the Definition of Project Officer to indicate that the project officer is not authorized to receive or act upon the contractor's notification of a revised cost estimate pursuant to the Limitation of Cost or Limitation of Funds clause; (3) Revising the Accounts, Audit and Records clause to conform to the times for retention of records to the times set forth in the Examination of Records by Comptroller General clause. This is changed to assure consistency; (4) Deleting all references to the Office of Education; (5) Proposing an HHS modification to the Patent Rights (Small Business Firms and Nonprofit Organizations) (March 1982) which requires that the title to inventions by other than small business or domestic nonprofit subcontractors flow to the prime contractor. This is consistent with the longstanding Department policy in its Institutional Patent Agreements; (6) Revising the Allowable Cost and Payment clause in form HHS–315A to prohibit Independent Research and Development (IR&D) costs. This is consistent with the Department's longstanding contract policy. The Allowable Cost, Fixed Fee and Payment clause in form HHS–316 is revised to prohibit IR&D costs otherwise expressly provided for in the contract. Since virtually all research and development funded by the Department is sponsored research, the basic prohibition applies. However, there may be rare instances when this would not be the case. In those instances advance agreements would be required before any IR&D would be allowed; (7) Revising the daily rate of $100 to $150 when approval must be obtained by the contracting officer in the Services of Consultants clause. The

lower rate has been in effect for a number of years and is raised to reflect inflation; (8) Adding a new clause entitled Advertising of Awards; and (9) Correcting Typographical errors.

The Provisions of these proposed amendments are issued under 5 U.S.C. 301, 40 U.S.C. 486(c).

List of Subjects in Parts 3–7, 3–16 and 3–57

Government procurement.

It is proposed to amend 41 CFR Chapter 3 in the manner set forth below:

Dated: March 17, 1983.

Henry G. Kirschenmann, Jr.,

Deputy Assistant Secretary for Procurement, Assistance and Logistics.

PART 3–7—[AMENDED]

§§ 3–7.5022 and 3–7.5023 [Reserved]

§§ 3–7.5029 and 3–7.5030 [Reserved]

1. Subpart 3–7.50 of Part 3–7, Contract Clauses is amended by removing and resereving § 3–7.5022, *Withholding of contract payments* and § 3–7.5023, *Excusable delays* and by removing § 3–7.5029, *Final decisions on audit findings*, and § 3–7.5030, *Utilization of small and disadvantaged business.*

PART 3–16—[AMENDED]

2. Part 3–16, Procurement Forms is amended to add § 3–16.000, *Scope of part*, and to remove Subparts 3–16.2, Forms for Negotiated Supply Contracts, and 3–16.8, Miscellaneous Forms.

§ 3–16.000 Scope of part.

This part prescribes the forms and formats for use by HHS in connection with the procurement of supplies, nonpersonal services and construction.

* * * * *

Subpart 3–16.9—Illustration of Forms

3. section 3–16.950–314 of Subpart 3–16.9 of Part 3–16 is amended as follows:

A. The title and center heading is revised to read:

§ 3–16.950–314 Form HHS–314 (Rev.——), General Provisions for Negotiated Fixed Price Research and Development Contract.

General Provisions for Negotiated Fixed-Price Research and Development Contract

B. Clause 1. Definitions is revised to read:

Definitions

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "Secretary" means the Secretary, Under Secretary, or any Assistant Secretary of the Department of Health and Human Services; and the term "his/her duly authorized representative" means any person, persons, or board authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his/her authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of technical monitoring of contract performance. the Project officer is not authorized to issue any instructions or directions which afect any increases or decreases in the scope of work or which would result in the increase or decrease of the price of this contract or a change in the delivery dates or performance period of this contract.

(d) The term "Department" means the Department of Health and Human Services.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

C. Clause 2. Disputes is revised to read:

2. Disputes

(a) This contract is subject to the Contract Disputes Act of 1978 (Pub. L. 95–563).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved in accordance with this clause.

(c)(i) As used herein, "claim" means a written demand or assertion by one of the parties seeking, as a legal right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or relating to this contract.

(ii) A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently not acted upon in a reasonable time, or disputed either as to liability or amount, it may be converted to a claim pursuant to the Act.

(iii) A claim by th Contractor shall be made in writing and submitted to the Contracting Officer for decision. A claim by the Government against the Contractor shall be subject to a decision by the Contracting Officer.

(d) For Contractor claims of more than $50,000, the Contractor shall submit with the claim a certification that the claim is made in good faith; the supporting data are accurate and complete to the best of the Contractor's knowledge and belief; and the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable. The certification shall be executed by the Contractor if an individual. When the Contractor is not an individual, the certification shall be executed by a senior company official in charge at the Contractor's plant or location involved, or by an officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For Contractor claims of $50,000 or less, the Contracting Officer must render a decision within 60 days. For Contractor claims in excess of $50,000, the Contracting Officer must decide the claim within 60 days or notify the Contractor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies are expressly authorized to decide.

(h) Interest on the amount found due on a Contractor claim shall be paid from the date the claim is received by the Contracting Officer until the date of payment.

(i) Except as the parties may otherwise agree, pending final resolution of a claim by the Contractor arising under the contract, the Contractor shall proceed diligently with the performance of the contract in accordance with the Contracting Officer's decision.

D. Clause 3. Payment is revised to read:

3. Payments

[Text of this clause is set forth in FPR 1–7.302–2.]

E. Clause 4. Examination of Records by Comptroller General and the note following the clause are removed and the following substituted:

4. Examination of Records by Comptroller General

[Text of this clause is set forth in FPR 1–7.103–3.]

* * * * *

F. Clause 6. Pricing of Adjustments is revised to read:

6. Pricing of Adjustments

When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any provision of this contract, such costs shall be in accordance with the applicable cost principles and procedures set forth below:

Principles	Types of organizations
(a) Subpart 1–15.2 of the Federal Procurement Regulations (41 CFR 1–15.2).	Commercial
(b) Subpart 1–15.3 of the Federal Procurement Regulations (41 CFR 1–15.3)	Educational
(c) Subpart 1–15.6 of the Federal Procurement Regulations (41 CFR 1–15.6).	Nonprofit
(d) Subpart 1–15.7 of the Federal Procurement Regulations (41 CFR 1–15.7).	State, local or federally recognized Indian tribal government.
(e) Appendix E to 45 CFR Part 74.....	Hospitals.

G. Clause 7. Accounts, Audit, and Records is amended as follows:

(1) Subparagraph (c)(1) is revised to read:

(1) until the expiration of 3 years after final payment under this contract or such lesser time specified in the Federal Procurement Regulations Part 1–20, and

(2) Paragraph (d) is amended by removing $2,500" and adding "$10,000".

(3) The note following paragraph (d) is removed in its entirety.

H. Clause 8. Changes is revised to read:

8. Changes

(Text of this clause is set forth in FPR 1–7.304–1.)

* * * * *

I. Clause 10. Default is revised to read:

10. Default

(This clause is not applicable if the contract is awarded on the basis of no-profit to an educational or nonprofit institution):

(Text of this clause is set forth in FPR 1–8.710.)

J. Clause 11. Termination for Convenience of the Government is revised to read:

11. Termination for the Convenience of the Government

(The following clause is applicable if the contract is with an educational or nonprofit institution on a no-fee or no-profit basis):

11. Termination for the Convenience of the Government

(Text of this clause is set forth in FPR 1–8.704–1.)

OR

(The following clause is applicable if a profit has been contemplated by the Contractor):

11. Termination for the Convenience of the Government

(Text of this clause is set forth in FPR 1–8.701.)

K. Clause 12. Government Property is revised to read:

12. Government Property

(If this contract is with a profitmaking organization, the following clause is applicable):

12. Government Property

(Text of this clause is set forth in FPR 1–7.303–7(a).)

OR

(In contracts for which the price is not based on: (1) Adequate price competition, (2) established catalog or market prices of commerical items sold in substantial quantities to the general public, or (3) prices set by law or regulations and (4) the price does not include any charges or reserve for insurance (including self insurance) covering damage to Government property, substitute paragraph (g) in FPR 1–7.303–7(b) for paragraph (g) in FPR 1–7.303–7(a).)

OR

(The following clause is applicable when the contract is without fee or profit and is with an educational or nonprofit institution):

12. Government Property (Fixed-Price, Nonprofit)

(Text of this clause is set forth in FPR 1–7.303–7(d).)

L. Clause 15. Notice and Assistance Regarding Patent and Copyright Infringement is revised to read:

15. Notice and Assistance Regarding Patent and Copyright Infringement

(Text of this clause is set forth in FPR 1–7.103–4.)

M. Clause 16. Rights in Data is amended to remove the note at the end of the clause and to remove the clause "16 A. Copyright and Publication" in its entirety.

N. Clause 17. Patent Rights is revised to read:

17. Patent Rights

(If this contract is with a small business firm, university, or nonprofit organization where a purpose is to perform experimental, developmental, or research work, the following clause is applicable):

17. Patent Rights (Small Business Firms and Nonprofit Organizations) (March 1982)

(a) *Definitions.* (1) "Invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code.

(2) "Subject Invention" means any invention of the Contractor conceived or first actually reduced to practice in the performance of work under this contract.

(3) "Practical Application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(4) "Made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(5) "Small Business Firms" means a small business concern as defined at Section 2 of Pub. L. 85–536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standards for small business concerns involved in Government procurement and subcontracting at 15 CFR 121.3–8 and 13 CFR 121.3–12, respectively, will be used.

(6) "Nonprofit Organization" means a university or other institution of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

(b) *Allocation of Principal Rights.* The Contractor may retain the entire right, title, and interest throughout the world to each subject invention subject to the provisions of this clause and 35 U.S.C. 203. With respect to any subject invention in which the Contractor retains title, the Federal Government shall have a non-exclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world.

(c) *Invention Disclosure, Election of Title and Filing of Patent Applications by Contractor.*

(1) The Contractor will disclose each subject invention to the Contracting Officer within two months after the inventor discloses it in writing to Contractor personnel responsible for patent matters. The disclosure to the Contracting Officer shall be in the form of a written report and shall identify the contract under which the invention was made and the inventor(s). It shall be sufficiently complete in technical details to convey a clear understanding, to the extent known at the time of the disclosure, of the nature, purpose, operation, and the physical, chemical, biological or electrical characteristics of the invention. The disclosure shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication land, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to the Contracting Officer the Contractor will promptly notify the Contracting Officer of the acceptance of any manuscript describing the invention for publication or of any on sale or public use planned by the Contractor.

(2) The Contractor will elect in writing whether or not to retain title to any such invention by notifying the Contracting Officer within twelve months of disclosure to the Contractor: *Provided,* That in any case where publication, on sale of public use has initiated the one year statutory period wherein valid patent protection can still be obtained in the United States, the period for election of title may be shortened by the Department to a date that is no more than 60 days prior to the end of the statutory period.

(3) The Contractor will file its initial patent application on an elected invention within two years after election or, if earlier, prior to the end of any statutory period wherein valid patent protection can be obtained in the United States after a publication, on sale, or public use. The Contractor will file patent applications in additional countries within either ten months of the corresponding initial patent application or six months from the date permission is granted by the Commissioner of Patents and Trademarks to file foreign patent applications where such filing has been prohibited by a Secrecy Order.

(4) Requests for extension of the time for disclosure to the Contracting Officer, election, and filing may, at the discretion of the Office of General Counsel, Chief, of the Patent Branch, be granted.

(d) *Conditions When the Government May Obtain Title.* (1) The Contractor will convey to the Government of the United States as represented by the Secretary of the

Department of Health and Human Services, upon written request, title to any subject invention: (i) If the Contractor fails to disclose or elect the subject invention within the times specified in (c) above, or elects not to retain title.

(ii) In those countries in which the Contractor fails to file patent applications within the times specified in (c) above: *Provided, however,* That if the Contractor has filed a patent application in a country after the times specified in (c) above, but prior to its receipt of the written request of the Office of General Counsel, Chief of the Patent Branch, the Contractor shall continue to retain title in that country.

(iii) In any country in which the Contractor decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in reexamination or opposition proceedings on, a patent on a subject invention.

(e) *Minimum Rights to Contractor.* (1) The Contractor will retain a nonexclusive, royalty-free license throughout the world in each subject invention to which the Government obtains title except if the Contractor fails to disclose the subject invention within the times specified in (c) above. The Contractor's license extends to its domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a party and includes the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license is transferable only with the approval of the Department except when transferred to the successor of that party of the Contractor's business to which the invention pertains.

(2) The Contractor's domestic license may be revoked or modified by the Department to the extent necessary to achieve expeditious practical application of the subject invention pursuant to an application for an exclusive license submitted in accordance with applicable provisions in the Federal Property Management Regulations. This license will not be revoked in that field of use or the geographical areas in which the Contractor has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign counry may be revoked or modified at the discretion of the Department to the extent the Contractor, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, the Department will furnish the Contractor a written notice of its intention to revoke or modify the license, and the Contractor will be allowed thirty days (or such other time as may be authorized by the Department for good cause shown by the Contractor) after the notice to show cause why the license should not be revoked or modified. The Contractor has the right to appeal, in accordance with applicable regulations in the Federal Property Management Regulations concerning the licensing of Government-owned inventions, any decision concerning the revocation or modification of its license.

(f) *Contractor Action to Protect the Government's Interest.* (1) The Contractor agrees to execute or to have executed and promptly deliver to the Department all instruments necessary to (i) establish or confirm the rights the Government has throughout the world in those subject inventions to which the Contractor elects to retain title, and (ii) convey title to the Government of the United States as represented by the Secretary of the Department of Health and Human Services when requested under paragraph (d) above, and to enable the Government to obtain patent protection throughout the world in that subject invention.

(2) The Contractor agrees to require, by written agreement, its employees, other than clerical and non-technical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the Contractor each subject invention made under contract in order that the Contractor can comply with the disclosure provisions of paragraph (c) above, and to execute all papers necessary to file patent applications on subject inventions and to establish the Government's rights in the subject inventions. This disclosure format should require, as a minimum, the information required by (c)(1) above. The Contractor shall instruct such employees through employee agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) The Contractor will notify the Office of General Counsel, Chief on the Patent Branch, of any decision not to continue the prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than thirty days before the expiration of the response period required by the relevant patent office.

(4) The Contractor agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a subject invention, the following statement, "This invention was made with Government support under (identify the contract) awarded by the Department of Health and Human Services. The Government has certain rights in this invention."

(5) The Contractor agrees to provide the Contracting Officer annual listings of all subject inventions required to be disclosed during the period covered by the report.

(6) The Contractor agrees to provide the Contracting Officer a report prior to the close-out of a contract listing all subject inventions or stating that there were none.

(7) The Contractor agrees to provided the Contracting Officer a notification of all subcontracts for experimental, developmental or research work.

(8) The Contractor agrees to provide the Contracting Officer the filing date, serial number, and title; a copy of the patent application; and patent number and issue date for any subject invention in any country in which the Contractor has applied for patents.

(g) *Subcontracts.* (1) The Contractor will include this clause, suitably modified to identify the parties, in all subcontracts, regardless of their, for experimental, developmental or research work to be performed by a small business firm or domestic nonprofit organization. The subcontractor will retain all rights provided for the Contractor in this clause, and the Contractor will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(2) The Contractor will include in all other subcontracts, regardless of tier, for experimental, developmental or research work the following patent rights clause:

The Contractor hereby agrees to report fully and promptly to (Prime Contractor)————————any invention conceived or first actually reduced to practice in performance of this contract (hereinafter referred to as "such invention(s)", and to assign all right, title and interest in and to such invention to (Prime Contractor)————————or its designee.

In addition, the Contractor agrees to furnish the following materials, disclosures and reports: (i) Upon request, such duly executed instruments (Prepared by the (Prime Contractor)———— or its designee) and such other papers as are deemed necessary to vest in the (Prime Contractor)———— or its designee the rights granted under this clause and enable the (Prime Contractor)———— or its designee to apply for and prosecute any patent application, in any country, covering such invention.

(ii) Interim reports on the first anniversary of this contract where extended or renewed and every year thereafter listing all such inventions made during the period whether or not previously reported or certifying that no inventions were conceived or first actually reduced to practice during the applicable period.

(iii) Prior to final settlement of this contract, a final report listing all such inventions, including all those previously listed in interim reports, or certifying that no inventions were conceived or first actually reduced to practice under the contract.

(3) In the case of subcontracts, at any tier, when the prime award with the Department was a contract (but not a grant or cooperative agreement), the agency, subcontrator, and the Contractor agree that the mutual obligations of the parties created by this clause constitute a contract between the subcontractor and the Department with respect to those matters covered by this clause.

(h) *Reporting on Utilization of Subject Inventions.* The Contractor agrees to submit on request periodic reports no more frequently than annually on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the Contractor or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the Contractor, and such other data and information as the Department may

reasonably specify. The Contractor also agrees to provide additional reports as may be requested by the Department in connection with any march-in proceeding undertaken by the Department in accordance with paragraph (j) of this clause. To the extent data or information supplied under this section is considered by the Contractor, its licensee or assignee to be privileged and confidential and is so marked, the Department agrees that to the extent permitted by 35 U.S.C. 202(c)(5), it will not disclose such information to persons outside the Government.

(i) *Preference for United States Industry.* Notwithstanding any other provision of this clause, the Contractor agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the Department upon a showing by the Contractor or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercialy feasible.

(j) *March-in-Rights.* The Contractor agrees that with respect to any subject invention in which it has acquired title, the Department has the right in accordance with the procedures in OMB Circular A–124 to require the Contractor, an assignee or exclusive licensee of a subject invention to grant a non-exclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the Contractor, assignee, or exclusive licensee refuses such a request, the Department has the right to grant such a license itself if the Department determines that: (1) Such action is necessary because the Contractor or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use.

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the Contractor, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the Contractor, assignee, or licensees; or

(4) Such action is necessary because the agreement required by paragraph (i) of this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of such agreement.

(k) *Special Provisions for Contracts with Nonprofit Organizations.* If the Contractor is a nonprofit organization, it agrees that: (1) Rights to a subject invention in the United States may not be assigned without the approval of the Department, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention provided that such assignee will be subject to the same provisions as the Contractor;

(2) The Contractor may not grant exclusive licenses under United States patents or patent applications in subject inventions to persons other than small business firms for a period in excess of the earlier of: (i) Five years from first commercial sale or use of the invention; or

(ii) Eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, unless on a case-by-case basis, the Federal agency approves a longer exclusive license. If exclusive field of use license are granted, commercial sale or use in one field of use will not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention will not be deemed to end the exclusive period to different subsequent products covered by the invention;

(3) The Contractor will share royalties collected on a subject invention with the inventor; and

(4) The balance of any royalties or income earned by the Contractor with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions, will be utilized for the support of scientific research or education.

(l) *Communications.* The Office of General Counsel, Chief of the Patent Branch is designated a central point of contact for communications on matters related to this clause.

OR

(If this contract is with a commercial organization and the above clause entitled "Patent Rights (Small Business Firms and Non profit Organizations (March 1982)" is not applicable, the following clause is applicable):

17. Patent Rights—Deferred (Long Form)

(Text of this clause is set forth in FPR 1–9.107–5(a) except that paragraph (b) of that clause shall be replaced with paragraph (b) in FPR 1–9.107–5(c).)

* * * * *

O. Clause 19. Inspection is revised to read:

19. Inspection

(When the primary objective of the contract is the delivery of drawings, designs, or reports, the following clause is applicable):

19. Inspection

(Text of this clause is set forth in FPR 1–7.302–4(b).)

OR

(When the primary objective of the contract is the delivery of end items other than drawings, designs, or reports, the following clause is applicable):

19. Inspection

(Text of this clause is set forth in FPR 1–7.302–4(a).)

P. Clause 20. Federal Reports Act is amended in the first sentence by removing "question" and adding "questions" and by adding "or clause 42—Excusable Delays, as applicable." to the end of the last sentence.

Q. Clause 21. Printing is amended in the last sentence by removing "8 by 10½" and adding "8½ by 11."

* * * * *

R. Clause 25. Equal Opportunity is revised to read:

25. Equal Opportunity

(Text of this clause is set forth in FPR 1–12.803–2.)

* * * * *

S. Clause 30. Utilization of Small Business Concerns is revised to read:

30. Utilization of Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals

(a) It is the policy of the United States that small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency.

(b) The Contractor hereby agrees to carry out this policy in the awarding of subcontracts to the fullest extent consistent with the efficient performance of this contract. The Contractor further agrees to cooperate in any studies or surveys as may be conducted by the Small Business Administration or the contracting agency which may be necessary to determine the extent of the Contractor's compliance with this clause.

(c)(1) As used in this contract, the term "small business concern" shall mean a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

(2) The term "small business concerns owned and controlled by socially and economically disadvantaged individuals" shall mean a small business concern: (i) Which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(ii) Whose management and daily business operations are controlled by one or more of such individuals.

The Contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, (American Indians, Eskimos, Aleuts, and native Hawaiians), Asian-Pacific Americans (U.S.

Citizens whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, and Taiwan), and other minorities, or any other individual found to be disadvantaged by the Small Business Administration pursuant to section 8(a) of the Small Business Act.

(d) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as a small business concern or a small business concern owned and controlled by socially and economically disadvantaged individuals.

* * * * *

T. Clause 32. Utilization of Minority Business Enterprises is revised to read:

32. Utilization of Women-Owned Business Concerns (Over $10,000)

(a) It is the policy of the United States Government that women-owned businesses shall have the maximum practicable opportunity to participate in the performance of contracts awarded by any Federal agency.

(b) The Contractor agrees to use its best efforts to carry out this policy in the award of subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, a "woman-owned business" concern means a business that is at least 51% owned by a woman or women who also control and operate it. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context means being actively involved in the day-to-day management. "Women" mean all women business owners.

U. Clause 33. Payment of Interest on Contractor's Claims is revised to read:

33. Withholding of Contract Payments

Notwithstanding any other payment provisions of this contract, failure of the Contractor to submit required reports when due or failure to perform or deliver required work, supplies, or services, will result in the withholding of payments under this contract unless such failure arises out of causes beyond the control, and without the fault or negligence of the Contractor as defined by the clause entitled "Excusable Delays," "Default," "Termination," or "Termination for Default," as applicable. The Government shall promptly notify the Contractor of its intention to withhold payment of any invoice or voucher submitted.

(v) Clause 34. Listing of Employment Openings is revised to read:

34. Disabled Veterans and Veterans of the Vietnam ERA

(a) The Contractor will not discriminate against any employee or applicant for employment because he or she is a disabled veteran or veteran of the Vietnam era in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled veterans and veterans of the Vietnam era without discrimination based upon their disability or veterans status in all employment practices such as the following: Employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The Contractor agrees that all suitable employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the Contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be listed at an appropriate local office of the State employment service system wherein the opening occurs. The Contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required. State and local government agencies holding Federal contracts of $10,000 or more shall also list all their suitable openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (d) and (e).

(c) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the Contractor from any requirement in Executive orders or regulations regarding nondiscrimination in employment.

(d) The reports required by paragraph (b) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the Contractor has more than one hiring location in a State, with the central office of that State employment service. Such reports shall indicate for each hiring location: (1) The number of individuals hired during the reporting period, (2) the number of nondisabled veterans of the Vietnam era hired, (3) the number of disabled veterans of the Vietnam era hired, and (4) the total number of disabled veterans hired. The reports should include covered veterans hired. The reports should include covered veterans hired for on-the-job training under 38 U.SC. 1787. The Contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract identifying data for each hiring location. The Contractor shall maintain at each hiring location copies of the reports submitted until the expiration of one year after final payment under the contract, during which time these reports and related documentation shall be made available, upon request, for examination by any authorized representatives of the Contracting Officer or of the Secretary of Labor. Documentation would include personnel records respecting job openings, recruitment, and placement.

(e) Whenever the Contractor becomes contractually bound to the listing provisions of this clause, it shall advise the employment service system in each State where it has establishments of the name and location of each hiring location in the State. As long as the Contractor is contractually bound to these provisions and has so advised the State system, there is no need to advise the State system of subsequent contracts. The Contractor may advise the State system when it is no longer bound by this contract clause.

(f) This clause does not apply to the listing of employment openings which occur and are filled outside the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(g) The provisions of paragraphs (b), (c), (d), and (e) of this clause do not apply to openings which the Contractor proposes to fill from within its own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of its own organization or employer-union arrangement for that opening.

(h) As used in this clause: (1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: production and non-production; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings that are compensated on a salary basis of less than $25,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and parttime employment. It does not include openings which the Contractor proposes to fill from within its own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement nor openings in an educational institution which are restricted to students of that institution. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the Government cannot reasonably be otherwise supplied, where listing would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the Government.

(2) "Appropriate office of the State employment service system" means the local office of the Federal/State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(3) "Openings which the Contractor proposes to fill from within its own organization" means employment openings for which no consideration will be given to persons outside the Contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings which the Contractor proposes to fill from regularly established "recall" lists.

(4) "Openings which the Contractor propose to fill pursuant to a customary and

traditional employer-union hiring arrangement" means employment openings which the Contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the Contractor and representatives of its employees.

(i) The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(j) In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(k) The Contractor agrees to post in conspicuous places available to employees and applicants for employment notices in a form to be prescribed by the Director, provided by or through the Contracting Officer. Such notice shall state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era for employment, and the rights of applicants and employees.

(l) The Contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding that the Contractor is bound by terms of the Vietnam Era Veteran's Readjustment Assistance Act and is committed to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era.

(m) The Contractor will include the provisions of this clause in every subcontract or purchase order of $10,000 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to the Act, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

* * * * *

W. Clause 37. Employment of the Handicapped is revised to read:

37. Employment of the Handicapped

(a) The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship.

(b) The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Rehabilitation Act of 1973, as amended.

(c) In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

(c) The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, Office of Federal Contract Compliance Programs, Department of Labor, provided by or through the Contracting Officer. Such notices shall state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The Contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of section 503 of the Act and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The Contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the Director, Office of Federal Contract Compliance Programs, may direct to enforce such provisions, including action for noncompliance.

X. Clause 38. Standards of Work is revised to read:

38. Standards of Work

(Text of this clause is set forth in FPR 1-7.302-3.)

Y. Clause 39. Competition in Subcontracting is revised to read:

39. Competition in Subcontracting

(Text of this clause is set forth in FPR 1-7.202-30.)

* * * * *

Z. Clause 41 is added as follows:

41. Excusable Delays

(This clause is applicable if the contract is awarded on the basis of no-profit to an educational or nonprofit institution): (a) Except with respect to failure of subcontractors, the Contractor shall not be considered to have failed in performance of this contract if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor.

(b) Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the failure of a subcontractor to perform, and if such failure arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be deemed to have failed in performance of the contract, unless: (1) The supplies or services to be furnished by the subcontractor were obtainable from other sources, (2) the Contracting Officer shall have ordered the Contractor in writing to procure such supplies or services from such other sources, and (3) the Contractor shall have failed to comply reasonably with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and, if he/she shall determine that any failure to perform was occasioned by any one or more of the said causes, the delivery schedule shall be revised accordingly, subject to the rights of the Government under the termination clause hereof. (As used in this clause, the terms "subcontractor" and "subcontractors" means subcontractor(s) at any tier.)

AA. Clause 42 added as follows:

42. Advertising of Awards

The Contractor agrees not to refer to awards issued by the Department of Health and Human Services in commercial advertising in such a manner as to state or imply that the product or service provided is endorsed by the Federal Government or is necessarily considered by the Government to be superior to other products or services.

4. Part 3-16 is further amended by amending § 3-16.950-315 as follows:

A. The title and center heading are revised to read:

§ 3-16.950-315 For HHS-315 (Rev. ——), General Provisions for Negotiated Cost-Reimbursement Contract with Educational Institutions.

General Provisions for Negotiated Cost-Reimbursement Contract with Educational Institutions

B. Clause 1. Definitions is revised to read:

1. Definitions

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health and Human Services; and the term "his/her duly authorized representative" means any person, persons, or board authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the

Contracting Officer acting within the limits of his/her authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of technical monitoring of contract performance. The Project Officer is not authorized to issue any instructions or directions which affect any increases or decreases in the scope of work or which would result in the increase or decrease of the cost of this contract or a change in performance period of this contract. In addition, the Project Officer is not authorized to receive or act upon the Contractor's notification of a revised cost estimate pursuant to the Limitation of Cost or Limitation of Funds clause of this contract.

(d) The term "Department" means the Department of Health and Human Services.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

C. Clause 2. Disputes is revised to read:

2. Disputes

(a) This contract is subject to the Contract Disputes Act of 1978 (Pub. L. 95–563).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved in accordance with this clause.

(c)(i) As used herein, "claim" means a written demand or assertion by one of the parties seeking, as a legal right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or relating to this contract.

(ii) A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently not acted upon in a reasonable time, or disputed either as to liability or amount, it may be converted to a claim pursuant to the Act.

(iii) A claim by the Contractor shall be made in writing and submitted to the Contracting Officer for decision. A claim by the Government against the Contractor shall be subject to a decision by the Contracting Officer.

(d) For Contractor claims of more than $50,000, the Contractor shall submit with the claim a certification that the claim is made in good faith; the supporting data are accurate and complete to the best of the Contractor's knowledge and belief; and the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable. The certification shall be executed by the Contractor if an individual. When the Contractor is not an individual, the certification shall be executed by a senior company official in charge at the Contractor's plant or location involved, or by an officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For Contractor claims of $50,000 or less, the Contracting Officer must render a decision within 60 days. For Contractor claims in excess of $50,000, the Contracting Officer must decide the claim within 60 days or notify the Contractor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies are expressly authorized to decide.

(h) Interest on the amount found due on a Contractor claim shall be paid from the date the claim is received by the Contracting Officer until the date of payment.

(i) Except as the parties may otherwise agree, pending final resolution of a claim by the Contractor arising under the contract, the Contractor shall proceed diligently with the performance of the contract in accordance with the Contracting Officer's decision.

D. Clause 3. Limitation of Cost is revised to read:

3. Limitation of Cost

(Text of this clause is set forth in FPR 1–7.202–3(a).)

E. Clause 4. Allowable Cost and Payment is revised to read:

4. Allowable Cost and Payment

(Text of this clause is set forth in FPR 1–7.402–3(b) (1) through (5).)

F. Clause 5. Negotiated Overhead Rates is amended by removing "Allowable Cost," in paragraph (a) of each of the three clauses and adding "Allowable Cost and Payment", and by removing the introductory paragraph and designation for clauses (i), (ii) and (iii) and adding instructions and title for each of the three clauses as follows:

(The following provisions shall be applicable when postdetermined rates are used):

5. Negotiated Overhead Rates—Postdetermined

* * * * *

(The following provisions shall be applicable when predetermined rates are used):

5. Negotiated Overhead Rates—Predetermined

* * * * *

(The following provisions shall be applicable when fixed rates subject to carryforward adjustments are used):

5. Negotiated Overhead Rates—Fixed

* * * * *

G. Clause 6. Standards of Work is revised to read:

6. Standards of Work

(Text of this clause is set forth in FPR 1–7.302–3.)

H. Clause 7. Examination of Records by Comptroller General and the note following the clause are removed and the following substituted:

7. Examination of Records by Comptroller General

(Text of this clause is set forth in FPR 1–7.103–3.)

* * * * *

I. Clause 10. Accounts, Audits, and Records is amended as follows:

(1) The title is revised to read "Accounts, Audit, and Records".

(2) Subparagraph (c)(1) is revised to read:

(1) until the expiration of 3 years after final payment under this contract or such lesser time specified in the Federal Procurement Regulations Part 1–20, and

(3) Paragraph (d) is amended by removing "$2,500" and adding "$10,000".

(4) The note following paragraph (d) is removed in its entirety.

* * * * *

J. Clause 15. Rights in Data is amended to remove the note at the end of the clause and to remove the clause "15. Copyright and Publication" in its entirety.

K. Clause 18. Notice and Assistance Regarding Patent and Copyright Infringement is revised to read:

18. Notice and Assistance Regarding Patent and Copyright Infringement

(Text of this clause is set forth in FPR 1–7.103–4.)

* * * * *

L. Clause 20. Patent Rights—Deferred (Short Form) is revised to read:

20. Patent Rights (Small Business Firms and Nonprofit Organizations) (March, 1962)

(Where a purpose of the contract is to perform experimental, developmental, or research work, the following clause is applicable):

(a) *Definitions.* (1) "Invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code.

(2) "Subject Invention" means any invention of the Contractor conceived or first actually reduced to practice in the performance of work under this contract.

(3) "Practical Application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(4) "Made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(5) "Small Business Firm" means a small business concern as defined at Section 2 of Pub. L. 85–536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standards for small business

concerns involved in Government procurement and subcontracting at 13 CFR 121.3–8 and 13 CFR 121.3–12, respectively, will be used.

(8) "Nonprofit Organization" means a university or other institution of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

(b) *Allocation of Principal Rights.* The Contractor may retain the entire right, title, and interest throughout the world to each subject invention subject to the provisions of this clause and 35 U.S.C. 203. With respect to any subject invention in which the Contractor retains title, the Federal Government shall have a non-exclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world.

(c) *Invention Disclosure, Election of Title and Filing of Patent Applications by Contractor.* (1) The Contractor will disclose each subject invention to the Contracting Officer within two months after the inventor discloses it in writing to Contractor personnel responsible for patent matters. The disclosure to the Contracting Officer shall be in the form of a written report and shall identify the contract under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding, to the extent known at the time of the disclosure, of the nature, purpose, operation, and the physical, chemical, biological or electrical characteristics of the invention. The disclosure shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to the Contracting Officer the Contractor will promptly notify the Contracting Officer of the acceptance of any manuscript describing the invention for publication or of any on sale or public use planned by the Contractor.

(2) The Contractor will elect in writing whether or not to retain title to any such invention by notifying the Contracting Officer within twelve months of disclosure to the Contractor: *Provided,* That in any case where publication, on sale or public use has initiated the one year statutory period wherein valid patent protection can still be obtained in the United States, the period for election of title may be shortened by the Department to a date that is no more than 60 days prior to the end of the statutory period.

(3) The Contractor will file its initial patent application on an elected invention within two years after election or, if earlier, prior to the end of any statutory period wherein valid patent protection can be obtained in the United States after a publication, on sale, or public use. The Contractor will file patent applications in additional countries within either ten months of the corresponding initial patent application or six months from the date permission is granted by the Commissioner of Patents and Trademarks to file foreign patent applications where such filing has been prohibited by a Secrecy Order.

(4) Requests for extension of the time for disclosure to the Contracting Officer, election, and filing may, at the discretion of the Office of General Counsel, Chief of the Patent Branch, be granted.

(d) *Conditions When the Government May Obtain Title.* (1) The Contractor will convey to the Government of the United States as represented by the Secretary of the Department of Health and Human Services, upon written request, title to any subject invention:

(i) If the Contractor fails to disclose or elect the subject invention within the times specified in (c), above, or elects not to retain title.

(ii) In those countries in which the Contractor fails to file patent applications within the times specified in (c), above: *Provided, however,* That if the Contractor has filed a patent application in a country after the times specified in (c), above, but prior to its receipt of the written request of the Office of General Counsel, Chief of the Patent Branch, the Contractor shall continue to retain title in that country.

(iii) In any country in which the Contractor decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in reexamination or opposition proceedings on, a patent on a subject invention.

(e) *Minimum Rights to Contractor.* (1) The Contractor will retain a nonexclusive, royalty-free license throughout the world in each subject invention to which the Government obtains title except if the Contractor fails to disclose the subject invention within the times specified in (c), above. The Contractor's license extends to its domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a party and includes the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license is transferable only with the approval of the Department except when transferred to the successor of that party of the Contractor's business to which the invention pertains.

(2) The Contractor's domestic license may be revoked or modified by the Department to the extent necessary to achieve expeditious practical application of the subject invention pursuant to an application for an exclusive license submitted in accordance with applicable provisions in the Federal Property Management Regulations. This license will not be revoked in that field of use or the geographical areas in which the Contractor has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of the Department to the extent the Contractor, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, the Department will furnish the Contractor a written notice of its intention to revoke or modify the license, and the Contractor will be allowed thirty days (or such other time as may be authorized by the Department for good cause shown by the Contractor) after the notice to show cause why the license should not be revoked or modified. The Contractor has the right to appeal, in accordance with applicable regulations in the Federal Property Management Regulations concerning the licensing of Government-owned inventions and decision concerning the revocation or modification of its license.

(f) *Contractor Action to Protect the Government's Interest.* (1) The Contractor agrees to execute or to have executed and promptly deliver to the Department all instruments necessary to: (i) Establish or confirm the rights the Government has throughout the world in those subject inventions to which the Contractor elects to retain title, and (ii) convey title to the Government of the United States as represented by the Secretary of the Department of Health and Human Services when requested under paragraph (d), above, and to enable the Government to obtain patent protection throughout the world in that subject invention.

(2) The Contractor agrees to require, by written agreement, its employees, other than clerical and non-technical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the Contractor each subject invention made under contract in order that the Contractor can comply with the disclosure provisions of paragraph (c), above, and to execute all papers necessary to file patent applications on subject inventions and to establish the Government's rights in the subject inventions. This disclosure format should require, as a minimum, the information required by (c)(1) above. The Contractor shall instruct such employees through employee agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) The Contractor will notify the Office of General Counsel, Chief of the Patent Branch, of any decision not to continue the prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than thirty days before the expiration of the response period required by the relevant patent office.

(4) The Contractor agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a subject invention, the following statement, "This invention was made with Government support under (identify the contract) awarded by the Department of Health and Human Services. The Government has certain rights in this invention."

(5) The Contractor agrees to provide the Contracting Officer annual listings of all

subject inventions required to be disclosed during the period covered by the report.

(6) The Contractor agrees to provide the Contracting Officer a report prior to the close-out of a contract listing all subject inventions or stating that there were none.

(7) The Contractor agrees to provide the Contracting Officer a notification of all subcontracts for experimental, developmental or research work.

(8) The Contractor agrees to provide the Contracting Officer the filing date, serial number, and title; a copy of the patent application; and patent number and issue date for any subject invention in any country in which the Contractor has applied for patents.

(g) *Subcontracts.* (1) The Contractor will include this clause, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental or research work to be performed by a small business firm or domestic nonprofit organization. The subcontractor will retain all rights provided for the Contractor in this clause, and the Contractor will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(2) The Contractor will include in all other subcontracts, regardless of tier, for experimental, developmental or research work the following patent rights clause:

The Contractor hereby agrees to report fully and promptly to (Prime Contractor) ———— any invention conceived or first actually reduced to practice in performance of this contract (hereinafter referred to as "such invention(s)", and to assign all right, title and interest in and to such invention to (Prime Contractor) ———— or its designee.

In addition, the Contractor agrees to furnish the following materials, disclosures and reports:

(i) Upon request, such duly executed instruments (Prepared by the (Prime Contractor) ———— or its designee) and such other papers as are deemed necessary to vest in the (Prime Contractor) ———— or its designee the rights granted under this clause and to enable the (Prime Contractor) ———— or its designee to apply for and prosecute any patent application, in any country, covering such invention.

(ii) Interim reports on the first anniversary of this contract where extended or renewed and every year thereafter listing all such inventions made during the period whether or not previously reported or certifying that no inventions were conceived or first actually reduced to practice during the applicable period.

(iii) Prior to final settlement of this contract, a final report listing all such inventions, including all those previously listed in interim reports, or certifying that no inventions were conceived or first actually reduced to practice under the contract.

(3) In the case of subcontracts, at any tier, when the prime award with the Department was a contract (but not a grant or cooperative agreement), the agency, subcontractor, and the Contractor agree that the mutual obligations of the parties created by this clause constitute a contract between the subcontractor and the Department with respect to those matters covered by this clause.

(h) *Reporting on Utilization of Subject Inventions.* The Contractor agrees to submit on request periodic reports no more frequently than annually on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the Contractor or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the Contractor, and such other data and information as the Department may reasonably specify. The Contractor also agrees to provide additional reports as may be requested by the Department in connection with any march-in proceeding undertaken by the Department in accordance with paragraph (j) of this clause. To the extent data or information supplied under this section is considered by the Contractor, its licensee or assignee to be privileged and confidential and is so marked, the Department agrees that, to the extent permitted by 35 U.S.C. 202(c)(5), it will not disclose such information to persons outside the Government.

(i) *Preference for United States Industry.* Notwithstanding any other provision of this clause, the Contractor agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the Department upon a showing by the Contractor or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

(j) *March-in-Rights.* The Contractor agrees that with respect to any subject invention in which it has acquired title, the Department has the right in accordance with the procedures in OMB Circular A–124 to require the Contractor, an assignee or exclusive licensee of a subject invention to grant a non-exclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the Contractor, assignee, or exclusive licensee refuses such a request, the Department has the right to grant such a license itself if the Department determines that:

(1) Such action is necessary because the Contractor or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use.

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the Contractor, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the Contractor, assignee, or licensees; or

(4) Such action is necessary because the agreement required by paragraph (i) of this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of such agreement.

(k) *Special Provisions for Contracts with Nonprofit Organizations.* If the Contractor is a nonprofit organization, it agrees that: (1) Rights to a subject invention in the United States may not be assigned without the approval of the Department, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention provided that such assignee will be subject to the same provisions as the Contractor;

(2) The Contractor may not grant exclusive licenses under United States patents or patent applications in subject inventions to persons other than small business firms for a period in excess of the earlier of:

(i) Five years from first commercial sale or use of the invention; or

(ii) Eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, unless on a case-by-case basis, the Federal agency approves a longer exclusive license. If exclusive field or use licenses are granted, commercial sale or use in one field of use will not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention will not be deemed to end the exclusive period to different subsequent products covered by the invention;

(3) The Contractor will share royalties collected on a subject invention with the inventor; and

(4) The balance of any royalties or income earned by the Contractor with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions will be utilized for the support of scientific research or education.

(l) *Communications.* The Office of General Counsel, Chief of the Patent Branch is designated a central point of contact for communications on matters related to this clause.

M. Clause 21. Key Personnel is revised to read:

21. Key Personnel

(Text of this caluse is set forth in FPR 1–7.304–6.)

N. Clause 22. Litigation and Claims is amended as follows:

(1) The first sentence is amended by removing "Allowable Cost." and adding "Allowable Cost and Payment".

(2) The third sentence is amended by removing "or" after policy and adding "of".

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O. Clause 24. Payment of Overtime Premium is revised to read:

24. Payment for Overtime Premium

(Text of this clause is set forth in FPR 1–7. 202–29.)

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P. Clause 26. Federal Reports Act is amended to add the following sentence to the end of the clause:

26. Federal Reports Act

* * * Excessive delay caused by the Government which arises out of causes beyond the control and without the fault or negligence of the Contractor will be considered in accordance with Clause No. 47. Excusable Delays.

Q. Clause 27. Printing is amended in the last sentence by removing "8 by 10½" and adding "8½ by 11".

R. Clause 28. Services of Consultants is amended in paragraph (b) by removing "$100" and adding "$150".

* * * * *

S. Clause 32. Equal Opportunity is revised to read:

32. Equal Opportunity

(Text of this clause is set forth in FPR 1–12.803–2.)

T. Clause 33. Convict Labor is revised to read:

33. Convict Labor

(Text of this clause is set forth in FPR 1–12.204.)

U. Clause 34. Officials not to benefit is revised to read:

34. Officials Not To Benefit

(Text of this clause is set forth in FPR 1–7.102–17.)

* * * * *

V. Clause 37. Utilization of Small Business Concerns is revised to read:

37. Utilization of Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals

(a) It is the policy of the United States that small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency.

(b) The Contractor hereby agrees to carry out this policy in the awarding of subcontracts to the fullest extent consistent with the efficient performance of this contract. The Contractor further agrees to cooperate in any studies or surveys as may be conducted by the Small Business Administration or the contracting agency which may be necessary to determine the extent of the Contractor's compliance with this clause.

(c)(1) As used in this contract, the term "small business concern" shall mean a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

(2) The term "small business concern owned and controlled by socially and economically disadvantaged individuals" shall mean a small business concern:

(i) Which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(ii) Whose management and daily business operations are controlled by one or more of such individuals.

The Contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans (American Indians, Eskimos, Aleuts, and native Hawaiians), Asian-Pacific Americans (U.S. Citizens whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, and Taiwan), and other minorities, or any other individual found to be disadvantaged by the Small Business Administration pursuant to section 8(a) of the Small Business Act.

(d) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as a small business concern or a small business concern owned and controlled by socially and economically disadvantaged individuals.

* * * * *

W. Clause 39. Utilization of Minority Business Enterprises revised to read:

39. Utilization of Women-Owned Business Concerns (Over $10,000)

(a) It is the policy of the United States Government that women-owned businesses shall have the maximum practicable opportunity to participate in the performance of contracts awarded by any Federal agency.

(b) The Contractor agrees to use its best efforts to carry out this policy in the award of subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, a "woman-owned business" concerns means a business that is at least 51% owned by a woman or women who also control and operate it. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context means being actively involved in the day-to-day management. "Women" mean all women business owners.

X. Clause 40, Payment of Interest on Contractor's Claims revised to read:

40. Withholding of Contract Payments

Notwithstanding any other payment provisions of this contract, failure of the Contractor to submit required reports when due or failure to perform or deliver required work, supplies, or services, will result in the withholding of payments under this contract unless such failure arises out of causes beyond the control, and without the fault or negligence of the Contractor as defined by the clause entitled "Excusable Delays," "Default," "Termination," or "Termination for Default," as applicable. The Government shall promptly notify the Contractor of its intention to withhold payment of any invoice or voucher submitted.

Y. Clause 41. Listing of Employment Openings is revised to read:

41. Disabled Veterans and Veterans of the Vietnam Era

(a) The Contractor will not the discriminate against any employee or applicant for employment because he or she is a disabled veteran or veteran of the Vietnam era in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled veterans and veterans of the Vietnam era without discrimination based upon their disability or veterans status in all employment practices such as the following: Employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The Contractor agrees that all suitable employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the Contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be listed at an appropriate local office of the State employment service system wherein the opening occurs. The Contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required. State and local government agencies holding Federal contracts of $10,000 or more shall also list all their suitable openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (d) and (e).

(c) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the Contractor from any requirements in Executive orders or regulations regrading nondiscrimination in employment.

(d) The reports required by paragraph (b) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the Contractor has more than one hiring location in a State, with the central office of that State employment service. Such reports shall indicate for each hiring location: (1) The number of individuals hired during the reporting period, (2) the number of nondisabled veterans of the Vietnam era hired, (3) the number of disabled veterans of the Vietnam era hired, and (4) the total number of disabled veterans hired. The reports should include covered veterans hired for on-the-job training under 38 U.S.C. 1787. The Contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract identifying data for each hiring location. The Contractor shall maintain at each hiring location copies of the reports submitted until the expiration of one year after final payment under the contract, during which time these reports and related documentation shall be made available, upon request, for examination by any authorized representatives of the Contracting Officer or of the Secretary of Labor. Documentation would include personnel records respecting job openings, recruitment, and placement.

(e) Whenever the Contractor becomes contractually bound to the listing provisions of this clause, it shall advise the employment service system in each State where it has establishments of the name and location of each hiring location in the State. As long as the Contractor is contractually bound to these provisions and has so advised the State system, there is no need to advise the State system of subsequent contracts. The Contractor may advise the State system when it is no longer bound by this contract clause.

(f) This clause does not apply to the listing of employment openings which occur and are filled outside the 50 states, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(g) The provisions of paragraphs (b), (c), (d), and (e) of this clause do not apply to openinigs which the Contractor proposes to fill from within its own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of its own organization or employer-union arrangement for that opening.

(h) As used in this clause: (1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: production and non-production; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings that are compensated on a salary basis of less than $25,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the Contractor proposes to fill from within its own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement nor openings in an educational institution which are restricted to students of that institution. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the Government cannot reasonably be otherwise supplied, where listings would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the Government.

(2) "Appropriate office of the State employment service system" means the local office of the Federal/State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(3) "Openings which the Contractor proposes to fill from within its own organization" means employment openings for which no consideration will be given to persons outside the Contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings which the Contractor proposes to fill from regularly established "recall" lists.

(4) "Openings which the Contractor proposes to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings which the Contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the Contractor and representatives of its employees.

(i) The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(j) In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders to the Secretary of Labor issued pursuant to the Act.

(k) The Contractor agrees to post in conspicuous places available to employees and applicants for employment notices in a form to be prescribed by the Director, provided by or through the Contracting Officer. Such notice shall state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era for employment, and the rights of applicants and employees.

(l) The Contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding that the Contractor is bound by terms of the Vietnam Era Veteran's Readjustment Assistance Act and is committed to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era.

(m) The Contractor will include the provisions of this clause in every subcontract or purchase order of $10,000 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to the Act, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

* * * * *

Z. Clause 43. Competition in Subcontracting is revised to read:

43. Competition in Subcontracting

(Text of this clause is set forth in FPR 1-7.202-30.)

* * * * *

AA. Clause 45. Employment of the Handicapped is revised to read:

45. Employment of the Handicapped

(a) The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: Employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Rehabilitation Act of 1973, as amended.

(c) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations and relevant order of the Secretary of Labor issued pursuant to the Act.

(d) The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, Office of Federal Contract Compliance Programs, Department of Labor, provided by or through the Contracting Officer. Such notices shall state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The Contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of section 503 of the Act and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The Contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulation, or orders of the Secretary of Labor issued pursuant to section 503 of the Act, so that such provisions

will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the Director, Office of Federal Contract Compliance Programs, may direct to enforce such provisions, including action for noncompliance.

BB. Clause 46 is added as follows:

46. Excusable Delays

(a) Except with respect to failures of subcontractors, the Contractor shall not be considered to have failed in performance of this contract if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor.

(b) Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the failure of a subcontractor to perform, and if such failure arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be deemed to have failed in performance of the contract, unless: (1) The supplies or services to be furnished by the subcontractor were obtainable from other sources, (2) the Contracting Officer shall have ordered the Contractor in writing to procure such supplies or services from such other sources, and (3) the Contractor shall have failed to comply reasonably with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and, if he/she shall determine that any failure to perform was occasioned by any one or more of the said causes, the delivery schedule shall be revised accordingly, subject to the rights of the Government under the termination clause hereof. (As used in this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.)

CC. Clause 47 is added as follows:

47. Final Decisions on Audit Findings

For the purpose of issuing final decisions under the Disputes Article of this contract concerning monetary audit findings, the Contracting Officer shall be that person with ultimate responsibility for making that decision in accordance with chapter 1–105, Resolution of Audit Findings, of the Department's Grants Administration Manual.

DD. Clause 48 is added as follows:

48. Advertising of Awards

The Contractor agrees not to refer to awards issued by the Department of Health and Human Services in commercial advertising in such a manner as to state or imply that the product or service provided is endorsed by the Federal Government or is necessarily considered by the Government to be superior to other products or services.

5. Part 3–16 is further amended by amending § 3–16.950–315A as follows:

A. The title and center heading are revised to read:

§ 3–16.950–315A Form HHS–315A (Rev.——), General Provisions for Negotiated Cost-Reimbursement Contract With Nonprofit Institutions Other Than Educational Institutions.

General Provisions for Negotiated Cost-Reimbursement Contract With Nonprofit Institutions Other Than Educational Institutions

B. Clause 1. Definitions is revised to read:

1. Definitions

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health and Human Services; and the term "his/her duly authorized representative" means any person, persons, or board authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer, and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his/her authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of technical monitoring of contract performance. The Project Officer is not authorized to issue any instructions or directions which affect any increases or decreases in the scope of work or which would result in the increase or decrease of the cost of this contract or a change in performance period of this contract. In addition, the Project Officer is not authorized to receive or act upon the Contractor's notification of a revised cost estimate pursuant to the Limitation of Cost or Limitation of Funds clause of this contract.

(d) The term "Department" means the Department of Health and Human Services.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

(c) Clause 2. Disputes is revised to read:

2. Disputes

(a) This contract is subject to the Contract Disputes Act of 1978 (Pub. L. 95–563).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved in accordance with this clause.

(c)(i) As used herein, "claim" means a written demand or assertion by one of the parties seeking as a legal right, the payment of money, adjustment or interpretation of contract terms, or other relief arising under or relating to this contract.

(ii) A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently not acted upon in a reasonable time, or disputed either as to liability or amount, it may be converted to a claim pursuant to the Act.

(iii) A claim by the Contractor shall be made in writing and submitted to the Contracting Officer for decision. A claim by the Government against the Contractor shall be subject to a decision by the Contracting Officer.

(d) For Contractor claims of more than $50,000, the Contractor shall submit with the claim a certificate that the claim is made in good faith; the supporting data are accurate and complete to the best of the Contractor's knowledge and belief, and the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable. The certification shall be executed by the Contractor if an individual. When the Contractor is not an individual, the certification shall be executed by a senior company official in charge at the Contractor's plant or location involved, or by an officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For Contractor claims of $50,000 or less, the Contracting Officer must render a decision within 60 days. For Contractor claims in excess of $50,000, the Contracting Officer must decide the claim within 60 days or notify the Contractor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies are expressly authorized to decide.

(h) Interest on the amount found due on a Contractor claim shall be paid from the date the claim is received by the Contracting Officer until the date of payment.

(i) Except as the parties may otherwise agree, pending final resolution of a claim by the Contractor arising under the contract, the Contractor shall proceed diligently with the performance of the contract in accordance with the Contracting Office's decision.

D. Clause 3. Limitation of Costs is revised to read.

3. Limitation of Costs

(Text of this clause is set forth in FPR 1–7.202–3(a).)

E. Clause 4. Allowable Cost and Payment is amended by removing paragraph (a) and adding the following:

(a) For the performance of this contract, the Government shall pay to the Contractor:

(1) The fixed fee, if any, as may be provided for in the Schedule; and

(2) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with the terms of this contract and with the applicable cost principles in effect on the date of this contract:

(i) 45 CFR Appendix E for hospitals; or

(ii) Subpart 1–15.7 of the Federal Procurement Regulations (41 CFR 1–15.7 for

State, local and federally recognized Indian tribal governments; or

(iii) Subpart 1–15.2 of the Federal Procurement Regulations (41 CFR 1–15.2) for nonprofit organizations identified in § 1–15.603–3, except that costs of Independent Research and Development and its proportionate share of indirect costs shall not be allowed; or

(iv) Subpart 1–15.6 of the Federal Procurement Regulations (41 CFR 1–15.6) for nonprofit organizations other than those identified in § 1–15.603–3. In addition, the following shall apply:

(A) *Bid and proposal costs.* Bid and proposal costs are the immediate costs of preparing bids, proposals, and applications for potential Federal and non-Federal grants, contracts, and agreements, including the development of scientific, cost, and other data needed to support the bids, proposals and applications. Bid and proposal costs of the current accounting period are allowable as indirect costs. Bid and proposal costs of past accounting periods are unallowable in the current period. However, if the organization's established practice is to treat these costs by some other method, they may be accepted if they are found to be reasonable and equitable. Bid and proposal costs do not include independent research and development costs covered by the following paragraph, or preaward costs covered by Paragraph 33 of Attachment B to OMB Circular A–122 (see § 1–15.603–2).

(B) *Independent research and development costs.* Independent research and development is research and development conducted by an organization which is not sponsored by Federal or non-Federal grants, contracts, or other agreements. Independent research and development shall be allocated its proportionate share of indirect costs on the same basis as the allocation of indirect costs to sponsored research and development. The costs of independent research and development, including its proportionate share of indirect costs, are unallowable.

* * * * *

F. Clause 5. Negotiated Overhead Rates is revised to read:

5. Negotiated Overhead Rates

(The following clause shall be applicable when postdetermined rates are used):

5. Negotiated Overhead Rates—Postdetermined

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment", the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than six (6) months after the close of its fiscal year, or such other period as may be specified in the contract, shall submit to the Contracting Officer, with a copy to the cognizant audit activity, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with the applicable cost principles set forth in Clause No. 4—"Allowable Cost and Payment", as in effect on the date of the contract.

(d) The results of each negotiation shall be set forth in a modification to this contract, which shall specify: (1) The agreed final rate, (2) the bases to which the rates apply, and (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the contract, or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, and to apply either retroactively or prospectively: (1) Provisional rates may, at the request of either party, be revised by mutual agreement, and (2) billing rates may be adjusted at any time by the Contracting Officer. Any such revision of negotiated provisional rates specified in the contract shall be set forth in a modification to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

(g) Submission of proposed provisional and/or final overhead rates, together with appropriate data in support thereof, to the Secretary or his/her duly authorized representative, and agreements on provisional and/or final overhead rates entered into between the Contractor and the Secretary or his/her duly authorized representative, as evidenced by Negotiated Overhead Rate Agreements signed by both parties, shall be deemed to satisfy the requirements of (b), (d), and (e) above.

OR

(The following clause shall be applicable when fixed rates subject to carryforward adjustments are used):

5. Negotiated Overhead Rates—Fixed

(a) Notwithstanding the provisions of the clause of this contract entitled, "Allowable Cost and Payment" the allowable indirect costs under this contract shall be obtained by applying negotiated fixed overhead rates for the applicable period(s) to bases agreed upon by the parties, as specified below. A negotiated fixed rate(s) is based on an estimate of the costs which will be incurred during the period for which the rate(s) applies. When the application of the negotiated fixed rates against the actual base(s) during a given fiscal period produces an amount greater or less than the indirect costs determined for such period, such greater or lesser amount(s) will be carried forward to a subsequent period.

(b) The Contractor, as soon as possible but no later than six (6) months after the close of its fiscal year, or such other period as may be specified in the contract, shall submit to the Secretary, or his/her duly authorized representatives, with a copy to the cognizant audit activity, a proposed fixed overhead rate or rates based on the Contractor's actual cost experience during the fiscal year, including adjustment, if any, for amounts carried forward together with supporting cost data. Negotiation of fixed overhead rates, including carry-forward adjustments, if any, by the Contractor and the Secretary , or his/her duly authorized representatives, shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Subpart 1–15.6 of the Federal Procurement Regulations (41 CFR 1–15.6), as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in an amendment to this contract, which shall specify: (1) The agreed fixed overhead rates, (2) the bases to which the rates apply, (3) the fiscal year, unless the parties agreed to a different period, for which the rates apply, and (4) the specified items treated as direct costs or any changes in the items previously agreed to be direct costs.

(e) Pending establishment of fixed overhead rates for any fiscal year or different period agreed to by the parties, the contractor shall be reimbursed either at the rates fixed for the previous fiscal year or other period or at biling rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rate for that fiscal year or other period are established.

(f) Any failure of the parties to agree on any fixed overhead rate or rates or to the amount of any carry forward adjustment under this clause shall not be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract. If for any fiscal year or other period specified in the contract, the parties fail to agree to a fixed overhead rate or rates, it is agreed that the allowable indirect costs under this contract shall be obtained by applying negotiated final overhead rates in accordance with the terms of the "Negotiated Overhead Rates Postdetermined" clause set forth in Section 1–3.704–2(a) of the Federal Procurement Regulations, as in effect on the date of this contract.

(g) Submission of proposed fixed, provisional, and/or final overhead rates, together with appropriate date in support thereof, to the Secretary or his/her duly authorized representative; and agreements on fixed, provisional, and/or final overhead rates entered into between the Contractor and the Secretary or his/her duly authorized representatives, as evidenced by Negotiated Overhead Rate Agreements signed by both parties, shall be deemed to satisfy the requirements of (b), (d), and (e), above.

G. Clause 6. Standards of Work is revised to read:

6. Standards of Work

(Text of this clause is set forth in FPR 1–7.302–3.

H. Clause 7. Examination of Records by Comptroller General and the note following the clause are removed and the following substituted:

7. Examination of Records by Comptroller General

(Text of this clause is set forth in FPR 1–7.103–3)

* * * * *

I. Clause 10. Accounts, Audit, and Records is amended as follows:

(1) Subparagraph (c)(1) is revised to read:

(1) until the expiration of 3 years after final payment under this contract or such lesser time specified in the Federal Procurement Regulations Part 1–20, and

(2) Paragraph (d) is amended by removing "$2,500" and adding "$10,000".

(3) The note following paragraph (d) is removed in its entirety.

* * * * *

J. Clause 15. Rights in Data is amended to remove the note at the end of the clause and to remove the clause "15. Copyright and Publication" in its entirety.

* * * * *

K. Clause 18. Notice and Assistance Regarding Patent and Copyright Infringement is revised to read:

18. Notice and Assistance Regarding Patent and Copyright Infringement

(Text of this clause is set forth in FPR 1–7.103–4.)

* * * * *

L. Clause 20. Patent Right—Deferred (Short Form) is revised to read:

20. Patent Rights (Small Business Firms and Nonprofit Organizations (March, 1982)

(Where a purpose of the contract is to perform experimental, developmental, or research work, the following clause is applicable):

(a) *Definitions.* (1) "Invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code.

(2) "Subject Invention" means any invention of the Contractor conceived or first actually reduced to practice in the performance of work under this contract.

(3) "Practical Application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(4) "Made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(5) "Small Business Firm" means a small business concern as defined at Section 2 of Pub. L. 85–536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standards for small business concerns involved in Government procurement and subcontracting at 13 CFR 121.3–8 and 13 CFR 121.3–12, respectively, will be used.

(6) "Nonprofit Organization" means a university or other institution of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) on the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

(b) *Allocation of Principal Rights.* The Contractor may retain the entire right, title, and interest throughout the world to each subject invention subject to the provisions of this clause and 35 U.S.C. 203. With respect to any subject invention in which the Contractor contains title, the Federal Government shall have non-exclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world.

(c) *Invention Disclosure, Election of Title and Filing of Patent Applications by Contractor.* (1) The Contractor will disclose each subject invention to the Contracting Officer within two months after the inventor discloses it is writing to Contractor personnel responsible for patent matters. The disclosure to the Contracting Officer shall be in the form of a written report and shall identify the contract under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding, to the extent know at the time of the disclosure, of the nature, purpose, operation, and the physical, chemical, biological or electrical characteristics of the invention. The disclosure shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and, if so, whether it has been accepted for publication at the the time of disclosure. In addition, after disclosure to the Contracting Officer the Contractor will promptly notify the Contracting Officer of the acceptance of any manuscript describing the invention for publication or of any on sale or public use planned by the Contractor.

(2) The Contractor will elect in writing whether or not to retain title to any such invention by notifying the Contracting Officer within twelve months of disclosure to the Contractor: *Provided,* That in any case where publication, on sale or public use has initiated the one year statutory period wherein valid patent protection can still be obtained in the United States, the period for election of title may be shortened by the Department to a date that is no more than 60 days prior to the end of the statutory period.

(3) The Contractor will file its initial patent application on an elected invention within two years after election or, if earlier, prior to the end of any stautory period wherein valid patent protection can be obtained in the United States after a publication, on sale, or public use. The Contractor will file patent applications in additional countries within either ten months of the corresponding initial patent application or six months from the date permission is granted by the Commissioner of Patents and Trademarks to file foreign patent applications where such filing has been prohibited by a Secrecy Order.

(4) Requests for extension of the time for disclosure to the Contracting Officer, election, and filing may, at the discretion of the Office of General Counsel, Chief of the Patent Branch, be granted.

(d) *Conditions When the Government May Obtain Title.* (1) The Contractor will convey to the Government of the United States as represented by the Secretary of the Department of Health and Human Services, upon written request, title to any subject invention:

(i) If the Contractor fails to disclose or elect the subject invention within the times specified in (c), above, or elects not to retain title.

(ii) In those countries in which the Contractor fails to file patent applications within the times specified in (c), above: *Provided, however,* That if the Contractor has filed a patent application in a country after the times specified in (c), above, but prior to its receipt of the written request of the Office of General Counsel, Chief of the Patent Branch, the Contractor shall continue to retain title in that country.

(iii) In any country in which the Contractor decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in reexamination or opposition proceeding on, a patent on a subject invention.

(e) *Minimum Rights to Contractor.* (1) The Contractor will retain a nonexclusive, royalty-free license throughout the world in each subject invention to which the Government obtains title except if the Contractor fails to disclose the subject invention within the times specified in (c), above. The Contractor's license extends to its domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a party and includes the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contact was awarded. The license is transferable only with the approval of the Department except when transferred to the successor of that party of the Contractor's business to which the invention pertains.

(2) The Contractor's domestic license may be revoked or modified by the Department to the extent necessary to achieve expeditious practical application of the subject invention pursuant to an application for an exclusive license submitted in accordance with applicable provisions in the Federal Property Management Regulations. This license will not be revoked in that field of use or the geographical areas in which the Contractor has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of the Department to the extent the Contractor, its

licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, the Department will furnish the Contractor a written notice of its intention to revoke or modify the license, and the Contractor will be allowed thirty days (or such other time as may be authorized by the Department for good cause shown by the Contractor) after the notice to show cause why the license should not be revoked or modified. The Contractor has the right to appeal, in accordance with applicable regulations in the Federal Property Management Regulations concerning the licensing of Government-owned inventions, any decision concerning the revocation or modification of its license.

(f) *Contractor Action to Protect the Government's Interest.* (1) The Contractor agrees to execute or to have executed and promptly deliver to the Department all instruments necessary to (i) establish or confirm the rights the Government has throughout the world in those subject inventions to which the Contractor elects to retain title, and (ii) convey title to the Government of the United States as represented by the Secretary of the Department of Health and Human Services when requested under paragraph (d), above, and to enable the Government to obtain patent protection throughout the world in that subject invention.

(2) The Contractor agrees to require, by written agreement, its employees, other than clerical and nontechnical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the Contractor each subject invention made under contract in order that the Contractor can comply with the disclosure provisions of paragraph (c), above, and to execute all papers necessary to file patent applications on subject inventions and to establish the Government's rights in the subject inventions. This disclosure format should require, as a minimum, the information required by (c)(1) above. The Contractor shall instruct such employees through agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) The Contractor will notify the Office of General Counsel, Chief of the Patent Branch, of any decision not to continue the prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than thirty days before the expiration of the response period required by the relevant patent office.

(4) The Contractor agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a subject invention, the following statement, "This invention was made with Government support under (identify the contract) awarded by the Department of Health and Human Services. The Government has certain rights in this invention."

(5) The Contractor agrees to provide the Contracting Officer annual listings of all subject inventions required to be disclosed during the period covered by the report.

(6) The Contractor agrees to provide the Contracting Officer a report prior to the close-out of a contract listing all subject inventions or stating that there were none.

(7) The Contractor agrees to provide the Contracting Officer a notification of all subcontracts for experimental, developmental or research work.

(8) The Contractor agrees to provide the Contracting Officer the filing date, serial number, and title; a copy of the patent application; and patent number and issue date for any subject invention in any country in which the Contractor has applied for patents.

(g) *Subcontracts.* (1) The Contractor will include this clause, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental or research work to be performed by a small business firm or domestic nonprofit organization. The subcontractor will retain all rights provided for the Contractor in this clause, and the Contractor will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(2) The Contractor will include in all other subcontracts, regardless of tier, for experimental, developmental or research work the following patent rights clause:

The Contractor hereby agrees to report fully and promptly to (Prime Contractor) any invention conceived or first actually reduced to practice in performance of this contract (hereinafter referred to as "such invention(s)", and to assign all right, title and interest in and to such invention to (Prime Contractor) or its designee.

In addition, the Contractor agrees to furnish the following materials, disclosures and reports:

(i) Upon request, such duly executed instruments (Prepared by the (Prime Contractor)———— or its designee) and such other papers as are deemed necessary to vest in the (Prime Contractor)———— or its designee the rights granted under this clause and to enable the (Prime Contractor)———— or its designee to apply for and prosecute any patent application, in any country, covering such invention.

(ii) Interim reports on the first anniversary of this contract where extended or renewed and every year thereafter listing all such inventions made during the period whether or not previously reported or certifying that no inventions were conceived or first actually reduced to practice during the applicable period.

(iii) Prior to final settlement of this contract, a final report listing all such inventions, including all those previously listed in interim reports, or certifying that no inventions were conceived or first actually reduced to practice under the contract.

(3) In the case of subcontracts, at any tier, when the prime award with the Department was a contract (but not a grant or cooperative agreement), the agency, subcontractor, and the Contractor agree that the mutual obligations of the parties created by this clause constitute a contract between the subcontractor and the Department with respect to those matters covered by this clause.

(h) *Reporting on Utilization of Subject Inventions.* The Contractor agrees to submit on request periodic reports no more frequently than annually on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the Contractor or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the Contractor, and such other data and information as the Department may reasonably specify. The Contractor also agrees to provide additional reports as may be requested by the Department in connection with any march-in proceeding undertaken by the Department in accordance with paragraph (j) of this clause. To the extent data or information supplied under this section is considered by the Contractor, its licensee or assignee to be privileged and confidential and is so marked, the Department agrees that, to the extent permitted by 35 U.S.C. 202(c)(5), it will not disclose such information to persons outside the Government.

(i) *Preference for United States Industry.* Notwithstanding any other provision of this clause, the Contractor agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the Department upon a showing by the Contractor or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

(j) *March-in-Rights.* The Contractor agrees that with respect to any subject invention in which it has acquired title, the Department has the right in accordance with the procedures in OMB Circular A–124 to require the Contractor, an assignee or exclusive licensee of a subject invention to grant a non-exclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the Contractor, assignee, or exclusive licensee refuses such a request, the Department has the right to grant such a license itself if the Department determines that:

(1) Such action is necessary because the Contractor or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use.

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the Contractor, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the Contractor, assignee, or licensees; or

(4) Such action is necessary because the agreement required by paragraph (i) if this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of such agreement.

(k) *Special Provisions for Contracts with Nonprofit Organizations.* If the Contractor is a nonprofit organization, it agrees that: (1) Rights to a subject invention in the United States may not be assigned without the approval of the Department, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention provided that such assignee will be subject to the same provisions as the Contractor;

(2) The Contractor may not grant exclusive licenses under United States patents or patent applications in subject inventions to persons other than small business firms for a period in excess of the earlier of:

(i) Five years from first commercial sale or use of the invention; or

(ii) Eight years from the datae of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, unless on a case-by-case basis, the Federal agency approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use will not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention will not be deemed to end the exclusive period to different subsequent products covered by the invention;

(3) The Contractor will share royalties collected on a subject invention with the inventor; and

(4) The balance of any royalties or income earned by the Contractor with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions, will be utilized for the support of scientific research or education.

(l) *Communications.* The Office of General Counsel, Chief of the Patent Branch is designated a central point of contact for communications on matters related to this clause.

M. Clause 21. Key Personnel is revised to read:

21. Key Personnel

(Text of this clause is set forth in FPR 1–7.304–6.)

N. Clause 22. Litigation and Claims is amended in the first sentence by removing "Allowable Cost." and adding "Allowable Cost and Payment".

* * * * *

O. Clause 24. Payment of Overtime Premium is revised to read:

24. Payment for Overtime Premium

(Text of this clause is set forth in FPR 1–7.202–29.)

* * * * *

P. Clause 26. Federal Reports Act is amended to add the following sentence to the end of the clause:

26. Federal Reports Act

* * * Excessive delay caused by the Government which arises out of causes beyond the control and without the fault or negligence of the Contractor will be considered in accordance with Clause No. 47—Excusable Delays.

Q. Clause 27. Printing is amended in the last sentence by removing "8 by 10½" and adding "8½ by 11".

R. Clause 28. Services of Consultants in amended in paragraph (b) by removing "$100" and adding "$150."

* * * * *

S. Clause 33. Convict Labor is revised to read:

33. Convict Labor

(Text of this clause is set forth in FPR 1–12.204.)

T. Clause 34. Officials Not To Benefit is revised to read:

34. Officials Not To Benefit

(Text of this clause is set forth in FPR 1–7.102–17.)

* * * * *

V. Clause 37. Utilization of Small Business Concerns is revised to read:

37. Utilization of Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals

(a) It is the policy of the United States that small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency.

(b) The Contractor hereby agrees to carry out this policy in the awarding of subcontracts to the fullest extent consistent with the efficient performance of this contract. The Contractor further agrees to cooperate in any studies or surveys as may be conducted by the Small Business Administration or the contracting agency which may be necessary to determine the extent of the Contractor's compliance with this clause.

(c)(1) As used in this contract, the term "small business concern" shall mean a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

(2) The term "small business concern owned and controlled by socially and economically disadvantaged individuals" shall mean a small business concern:

(i) Which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(ii) Whose management and daily business operations are controlled by one or more of such individuals.

The Contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans (American Indians, Eskimos, Aleuts, and native Hawaiians), Asian-Pacific Americans (U.S. Citizens whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, and Taiwan), and other minorities, or any other individual found to be disadvantaged by the Small Business Administration pursuant to section 8(a) of the Small Business Act.

(d) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as a small business concern or a small business concern owned and controlled by socially and economically disadvantaged individuals.

* * * * *

V. Clause 39. Utilization of Minority Business Enterprises is revised to read:

39. Utilization of Women-Owned Business Concerns (Over $10,000.)

(a) It is the policy of the United States Government that women-owned businesses shall have the maximum practicable opportunity to participate in the performance of contracts awarded by any Federal agency.

(b) The Contractor agrees to use its best efforts to carry out this policy in the award of subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, a "woman-owned business" concern means a business that is at least 51% owned by a woman or women who also control and operate it. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context means being actively involved in the day-to-day management. "Women mean all women business owners.

W. Clause 40. Payment of Interest on Contractor's Claim is revised to read:

40. Withholding of Contract Payments

Notwithstanding any other payment provisions of this contract, failure of the Contractor to submit required reports when due or failure to perform or deliver required work, supplies, or services, will result in the withholding of payments under this contract unless such failure arises out of causes beyond the control, and without the fault or negligence of the Contractor as defined by the clause entitled "Excusable Delays," "Default," "Termination," or "Termination for Default," as applicable. The Government

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shall promptly notify the Contractor of its intention to withhold payment of any invoice or voucher submitted.

X. Clause 41. Listing of Employment Openings is revised to read:

41. Disabled Veterans and Veterans of the Vietnam Era

(a) The Contractor will not discriminate against any employee or applicant for employment because he or she is a disabled veteran or veteran of the Vietnam era in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled veterans and veterans of the Vietnam era without discrimination based upon their disability or veterans status in all employment practices such as the following: employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The Contractor agrees that all suitable employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the Contractor other than the one wherein the contract is being performed by excluding those of independently operated corporate affiliates, shall be listed at an appropriate local office of the State employment service system wherein the opening occurs. The Contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required.

State and local government agencies holding Federal contracts of $10,000 or more shall also list all their suitable openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (d) and (e).

(c) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the Contractor from any requirements in Executive orders or regulations regarding nondiscrimination in employment.

(d) The reports required by paragraph (b) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the Contractor has more than one hiring location in a State, with the central office of that State employment service. Such reports shall indicate for each hiring location: (1) The number of individuals hired during the reporting period, (2) the number of nondisabled veterans of the Vietnam era hired, (3) the number of disabled veterans of the Vietnam era hired, and (4) the total number of disabled veterans hired. The reports should incude covered veterans hired for on-the-job training under 38 U.S.C. 1787. The Contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract identifying data for each hiring location. The Contractor shall maintain at each hiring location copies of the reports submitted until the expiration of one year after final payment under the contract, during which time these reports and related documentation shall be made available, upon request, for examination by any authorized representatives of the Contracting Officer or of the Secretary of Labor. Documentation would include personnel records respecting job openings, recruitment, and placement.

(e) Whenever the Contractor becomes contractually bound to the listing provisions of this clause, it shall advise the employment service system in each State where it has establishments of the name and location of each hiring location in the State. As long as the Contractor is contractually bound to these provisions and has so advised the State system, there is no need to advise the State system of subsequent contracts. The Contractor may advise the State system when it is no longer bound by this contract clause.

(f) This clause does not apply to the listing of employment openings which occur and are filled outside the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(g) The provisions of paragraphs (b), (c), (d), and (e) of this clause do not apply to openings which the Contractor proposes to fill from within its own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of its own organization or employer-union arrangement for that opening.

(h) As used in this clause: (1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: production and non-production; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings that are compensated on a salary basis of less than $25,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the Contractor proposes to fill from within its own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement nor openings in an educational institution which are restricted to students of that institution. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the Government cannot reasonably be otherwise supplied, where listing would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the Government.

(2) "Appropriate office of the State employment service system" means the local office of the Federal/State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(3) "Openings which the Contractor proposes to fill from within its own organization" means employment openings for which no consideration will be given to persons outside the Contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings which the Contractor proposes to fill from regularly established "recall" lists.

(4) "Openings which the Contractor proposes to fill pursuant to a customary and traditional employer union hiring arrangement" means employment openings which the Contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the Contractor and representatives of its employees.

(i) The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor, issued pursuant to the Act.

(j) In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(k) The Contractor agrees to post in conspicuous places available to employees and applicants for employment notices in a form to be prescribed by the Director, provided by or through the Contracting Officer. Such notice shall state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietman era for employment, and rights of applicants and employees.

(l) The Contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding that the Contractor is bound by terms of the Vietnam Era Veteran's Readjustment Assistance Act and is committed to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era.

(M) The Contractor will include the provisions of this clause in every subcontract or purchase order of $10,1000 or more less exempted by rules, regulations, or orders of the Secretary issued pursuant to the Act, so that such provisions will be binding upon each sucontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for non-compliance.

* * * * *

Y. Clause 45. Employment of the Handicapped is revised to read:

45. Employment of the Handicapped

(a) The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Rehabilitation Act of 1973, as amended.

(c) In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, Office of Federal Contract Compliance Programs, Department of Labor, provided by or through the Contracting Officer. Such notices shall state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The Contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of section 503 of the Act and is committed to take affirmative action to employee and advance in employment physically and mentally handicapped individuals.

(f) The Contractor will include the provision of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 503 of the Act, so that such provisions will be binding upon subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the Director, Office of Federal Contract Compliance Programs, may direct to enforce such provisions, including action for noncompliance.

Z. Clause 46 is added as follows:

46. Excusable delays

(a) Except with respect to failure of subcontractors, the Contractor shall not be considered to have failed in performance of this contract if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor.

(b) Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the failure of a subcontractor to perform, and if such failure arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be deemed to have failed in performance of the contract, unless: (1) The supplies or services to be furnished by the subcontractor were obtainable from other sources, (2) the Contracting Officer shall have ordered the Contractor in writing to procure such supplies or services from such other sources and (3) the Contractor shall have failed to comply reasonably with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and, if he/she shall determine that any failure to perform was occasioned by any one or more of the said causes, the delivery schedule shall be revised accordingly, subject to the rights of the Government under the termination clause hereof. (As used in this clause, the terms "subcontractor" and "subcontractors" means subcontractor(s) at any tier.)

AA. Clause 47 is added as follows:

47. Final Decision on Audit Findings

For the purpose of issuing final decisions under the Disputes Article of this contract concerning monetary audit findings, the Contracting Officer shall be that person with ultimate responsibility for making that decision in accordance with Chapter 1–105, Resolution of Audit Findings, of the Department's Grants Administration Manual.

BB. Clause 48 is added as follows:

48. Advertising of Awards

The Contractor agrees not to refer to awards issued by the Department of Health and Human Services in commercial advertising in such a manner as to state or imply that the product or service provided is endorsed by the Federal Government or is necessarily considered by the Federal Government or is necessarily considered by the Government to be superior to other products or services.

6. Part 3–16 is further amended by amending § 3–16.950–316 as follows:

A. The title and center heading are revised to read:

§ 3–16.950–316 Form HHS–316 (Rev. ——), General Provisions for Negotiated Cost-Plus-A-Fixed-Fee Contract.

General Provisions for Negotiated Cost-Plus-A-Fixed-Fee Contract

B. Clause 1. Definitions is revised to read:

1. Definitions

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health and Human Services; and the term "his/her duly authorized representative" means any person, persons, or board authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer, and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his/her authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of technical monitoring of contract performance. The Project Officer is not authorized to issue any instructions or directions which affect any increases or decreases in the scope of work or which would result in the increase or decrease of the cost of this contract or a change in performance period of this contract. In addition, the Project Officer is not authorized to receive or act upon the Contractor's notification of a revised cost estimate pursuant to the Limitation of Cost or Limitation of Funds clause of this contract.

(d) The term "Department" means the Department of Health and Human Services.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

C. Clause 2. Disputes is revised to read:

2. Disputes

(a) This contract is subject to the Contract Disputes Act of 1978 (Pub. L. 95–563).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved in accordance with this clause.

(c)(i) As used herein, "claim" means a written demand or assertion by one of the parties seeking, as a legal right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or relating to this contract.

(ii) A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently not acted upon in a reasonable time, or disputed either as to liability or amount, it may be converted to a claim pursuant to the Act.

(iii) A claim by the Contractor shall be made in writing and submitted to the Contracting Officer for decision. A claim by the Government against the Contractor shall be subject to a decision by the Contracting Officer.

(d) For Contractor claims of more than $50,000, the Contractor shall submit with the claim a certification that the claim is made in good faith, the supporting data are accurate and complete to the best of the Contractor's knowledge and belief; and the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable. The certification

shall be executed by the Contractor if an individual. When the Contractor is not an individual, the certification shall be executed by a senior company official in charge at the Contractor's plant or location involved, or by an officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For Contractor claims of $50,000, or less, the Contracting Officer must render a decision within 60 days. For Contractor claims in excess of $50,000 the Contracting Officer must decide the claim within 60 days or notify the Contractor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies are expressly authorized to decide.

(h) Interest on the amount found due on a Contractor claim shall be paid from the date the claim is received by the Contracting Officer until the date of payment.

(i) Except as the parties may otherwise agree, pending final resolution of a claim by the Contractor arising under the contract, the Contractor shall proceed diligently with the performance of the contract in accordance with the Contracting Officer's decision.

D. Clause 3. Limitation of Costs is revised to read:

3. Limitation of Costs

(Text of this clause is set forth in FPR 1–7.202–3(a).)

E. Clause 4. Allowable Cost, Fixed Fee and Payment is amended to add the following paragraph (h) to read:

(h) Independent research and development cost, including its proportionate share of indirect cost, shall be unallowable unless otherwise expressly provided for in the contract.

F. Clause 5. Negotiated Overhead Rates is amended as follows:

(1) The first sentence under (a) is amended to remove "Allowable Cost and Fixed Fee," and add "Allowable Cost, Fixed Fee and Payment",

(2) Paragraph (c) is revised to read:

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with the applicable cost principles set forth in Clause No. 4—"Allowable Cost, Fixed Fee and Payment", as in effect on the date of this contract.

(3) The last sentence in paragraph (e) is amended to remove "or" and add "of".

G. Clause 6. Standards of Work is revised to read:

6. Standards of Work

(Text of this clause is set forth in FPR 1–7.302–3.)

H. Clause 7. Accounts, Audit, and Records is amended as follows:

(1) Subparagraph (c)(1) is revised to read:

(1) until the expiration of 3 years after final payment under this contract or such lesser time specified in the Federal Procurement Regulations Part 1–20, and

(2) Paragraph (d) is amended by removing "$2,500" and adding "$10,000".

(3) The note following paragraph (d) is removed in its entirety.

I. Clause 8. Examination of Records by Comptroller General and the note following the clause are removed and the following substituted:

8. Examination of Records by Comptroller General

(Text of this clause is set forth in FPR 1–7.103–3.)

* * * * *

J. Clause 16. Rights in Data is amended to remove the note at the end of the clause and to remove the clause "16. Copyright and Publication" in its entirety.

* * * * *

K. Clause 18. Notice and Assistance Regarding Patent and Copyright Infringement is revised to read:

18. Notice and Assistance Regarding Patent and Copyright Infringement

(Text of this clause is set forth in FPR 1–7.103–4.)

* * * * *

L. Clause 20. Patent Rights—Deferred (Long-Form) is revised to read:

20. Patent Rights

(If this contract is with a small business firm, university or nonprofit organization where a purpose is to perform experimental, developmental, or research work, the following clause is applicable):

20. Patent Rights (Small Business Firms and Nonprofit Organizations) (March 1982)

(a) *Definitions.* (1) "Invention" means any invention or discovery which is, or may be patentable or otherwise protectable under Title 35 of the United States Code.

(2) "Subject Invention" means any invention of the Contractor conceived or first actually reduced to practice in the performance of work under this contract.

(3) "Practical Application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(4) "Made" when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(5) "Small Business Firms" means a small business concern as defined at Section 2 of Pub. L. 85–536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standards for small business concerns involved in Government procurement and subcontracting involved in Government procurement and subcontracting at 13 CFR 121.3–8 and 13 CFR 121.3–12, respectively, will be used.

(6) "Nonprofit Organization" means a university or other institution of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

(b) *Allocation of Principal rights.* The Contractor may retain the entire right, title, and interest throughout the world to each subject invention subject to the provisions of this clause and 35 U.S.C. 203. With respect to any subject invention in which the Contractor retains title, the Federal Government shall have a non-exclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention throughout the world.

(c) *Invention Disclosure, Election of Title and Filing of Patent Applications by Contractor.* (1) The Contractor will disclose each subject invention to the Contracting Officer within two months after the inventor discloses it in writing to Contractor personnel responsible for patent matters. The disclosure to the Contracting Office shall be in the form of a written report and shall identify the contract under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding, to the extent known at the time of the disclosure, of the nature, purpose, operation, and the physical, chemical, biological or electrical characteristics of the invention. The disclosure shall also identify any publication, or sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to the Contracting Officer the Contractor will promptly notify the Contracting Officer of the acceptance of any manuscript describing the invention for publication or of any on sale or public use planned by the Contractor.

(2) The Contractor will elect in writing whether or not to retain title to any such invention by notifying the Contracting Officer within twelve months of disclosure to the Contractor: *Provided,* That in any case where publication, or sale or public use has initiated the one year statutory period wherein valid patent protection can still be obtained in the United States, the period for election of title may be shortened by the Department to a date that is no more than 60 days prior to the end of the statutory period.

(3) The Contractor will file its initial patent application on an elected invention within two years after election or, if earlier, prior to the end of any statutory period wherein valid patent protection can be obtained in the United States after a publication, on sale, or public use. The Contractor will file patent applications in additional countries within

either ten months of the corresponding initial patent application or six months from the date permission is granted by the Commissioner of Patents and Trademarks to file foreign patent applications whether such filing has been prohibited by a Secrecy Order.

(4) Requests for extension of the time for disclosure to the Contracting Officer, election, and filing may, at the discretion of the Office of General Counsel, Chief of the Patent Branch, be granted.

(d) *Conditions When the Government May Obtain Title.* (1) The Contractor will convey to the Government of the United States as represented by the Secretary of the Department of Health and Human Services, upon written request, title to any subject invention:

(i) If the Contractor fails to disclose or elect the subject invention within the times specified in (c), above, or elects not to retain title.

(ii) In those countries in which the Contractor fails to file patent applications within the times specified in (c), above: *Provided, however,* That is the Contractor has filed a patent application in a country after the times specified in (c), above, but prior to its receipt of the written request of the Office of General Counsel, Chief of the Patent Branch, the Contractor shall continue to retain title in that country.

(iii) In any country in which the Contractor decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defend in reexamination or opposition proceeding on, a patent on a subject invention.

(e) *Minimum Rights to Contractor.* (1) The Contractor will retain a nonexclusive, royalty-free license throughout the world in each subject invention to which the Government obtains title except if the Contractor fails to disclose the subject invention within the times specified in (c), above. The Contractor's license extends to its domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a party and includes the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license is transferable only with the approval of the Department except when tranferred to the successor of that party of the Contractor's business to which the invention pertains.

(2) The Contractor's domestic license may be revoked or modified by the Department to the extent necessary to achieve expeditious practical application of the subject invention pursuant to an application for an exclusive license submitted in accordance with applicable provisions in the Federal Property Management Regulations. This license will not be revoked in that field of use or the geographical areas in which the Contractor has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of the Department to the extent the Contractor, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, the Department will furnish the Contractor a written notice of its intention to revoke or modify the license, and Contractor will be allowed thirty days (or such other time as may be authorized by the Department for good cause shown by the Contractor) after the notice to show cause why the license should not be revoked or modified. The Contractor has the right to appeal, in accordance with applicable regulations in the Federal Property Management Regulations concerning the licensing of Government-owned inventions, any decision concerning the revocation or modification of its license.

(f) *Contractor Action to Protect the Government's Interest.* (1) The Contractor agrees to execute or to have executed and promptly deliver to the Department all instruments necessary to (i) establish or confirm the rights the Government has throughout the world in those subject inventions to which the Contractor elects to retain title, and (ii) convey title to the Government of the United States as represented by the Secretary of the Department of Health and Human Services when requested under paragraph (d), above, and to enable the Government to obtain patent protection throughout the world in that subject invention.

(2) The Contractor agrees to require, by written agreement, its employees, other than clerical and nontechnical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the Contractor each subject invention made under contract in order that the Contractor can comply with the disclosure provisions of paragraph (c), above, and to execute all papers necessary to file patent applications on subject inventions and to establish the Government's rights in the subject inventions. This disclosure format should require, as a minimum, the information required by (c)(1), above. The Contractor shall instruct such employees through employee agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) The Contractor will notify the Office of General Counsel, Chief of the Patent Branch, of any decision not to continue the prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceedings on a patent, in any country, not less than thirty days before the expiration of the response period required by the relevant patent office.

(4) The Contractor agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a subject invention, the following statement, "This invention was made with Government support under (identify the contract) awarded by the Department of Health and Human Services. The Government has certain rights in this invention."

(5) The Contractor agrees to provide the Contracting Officer annual listings of all subject inventions required to be disclosed during the period covered by the report.

(6) The Contractor agrees to provide the Contracting Officer a report prior to the close-out of a contract listing all subject inventions or stating that there were none.

(7) The Contractor agrees to provide the Contracting Officer a notification of all subcontracts for experimental, developmental or research work.

(8) The Contractor agrees to provide the Contracting Officer the filing date, serial number, and title; a copy of the patent application; and patent number and issue date for any subject invention in any country in which the Contractor has applied for patents.

(g) *Subcontracts.* (1) The Contractor will include this clause, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental or research work to be performed by a small business firm or domestic nonprofit organization. The subcontractor will retain all rights provide for the Contractor in this clause, and the Contractor will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(2) The Contractor will include in all other subcontracts, regardless of tier, for experimental, developmental or research work, the following patent rights clause:

The Contractor hereby agrees to report fully and promptly to (Prime Contractor)————————any invention conceived or first actually reduced to practice in performance of this contract (hereinafter referred to as "such invention(s)," and to assign all right, title and interest in and to such invention to (Prime Contractor)————————or its designee.

In addition, the Contractor agrees to furnish the following materials, disclosures and reports:

(i) Upon request, such duly executed instruments (Prepared by the (Prime Contractor)————————or its designee) and such other papers as are deemed necessary to vest in the (Prime Contractor)————————or its designee the rights granted under this clause and to enable the (Prime Contractor)————————or its designee to apply for and prosecute any patent application, in any country, covering such invention.

(ii) Interim reports on the first anniversary of this contract where extended or renewed and every year thereafter listing all such inventions made during the period whether or not previously reported or certifying that no inventions were conceived or first actually reduced to practice during the applicable period.

(iii) Prior to final settlement of this contract, a final report listing all such inventions, including all those previously listed in interim reports, or certifying that no inventions were conceived or first actually reduced to practice under the contract.

(3) In the case of subcontracts, at any tier, when the prime award the Department was a contract (but not a grant or cooperative agreement), the agency, subcontractor, and the Contractor agree that the mutual obligations of the parties created by this clause constitute a contract between the

subcontractor and the Department with respect to those matters covered by this clause.

(h) *Reporting on Utilization of Subject Inventions.* The Contractor agrees to submit on request periodic reports no more frequently than annually on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the Contractor or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the Contractor, and such other data and information as the Department may reasonably specify. The Contractor also agrees to provide additional reports as may be requested by the Department in connection with any march-in proceedings undertaken by the Department in accordance with paragraph (j) of this clause. To the extent data or information supplied under this section is considered by the Contractor, its licensee or assignee to be privileged and confidential and is so marked, the Department agrees that, to the extent permitted by 35 U.S.C. 202(c)(5), it will not disclose such information to persons outside the Government.

(i) *Preference for United States Industry.* Notwithstanding any other provision of this clause, the Contractor agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the Department upon a showing by the Contractor or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

(j) *March-in-Rights.* The Contractor agrees that with respect to any subject invention in which it has acquired title, the Department has the right in accordance with the procedures in OMB Circular A–124 to require the Contractor, an assignee or exclusive licensee of a subject invention to grant a non-exclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the Contractor, assignee, or exclusive licensee refuses such a request, the Department has the right to grant such a license itself if the Department determines that:

(1) Such action is necessary because the Contractor or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use.

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the Contractor, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the Contractor, assignee, or licensees; or

(4) Such action is necessary because the agreement required by paragraph (i) of this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of such agreement.

(k) *Special Provisions for Contracts with Nonprofit Organizations.* If the Contractor is a nonprofit organization, it agrees that:

(1) Rights to a subject invention in the United States may not be assigned without the approval of the Department, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention provided that such assignee will be subject to the same provisions as the Contractor;

(2) The Contractor may not grant exclusive licenses under United States patents or patent applications in subject inventions to persons other than small business firms for a period in excess of the earlier of:

(i) Five years from first commercial sale or use of the invention; or

(ii) Eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, unless on a case-by-case basis, the Federal agency approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use will not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention will not be deemed to end the exclusive period to different subsequent products covered by the invention;

(3) The Contractor will share royalties collected on a subject invention with the inventor; and

(4) The balance of any royalties or income earned by the Contractor with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions, will be utilized for the support of scientific research or education.

(l) *Communication.* The Office of General Counsel, Chief of the Patent Branch is designated a central point of contact for communications on matters related to this clause.

OR

(If this contract is with a commercial organization and the above clause is not applicable, the following clause is applicable:)

20. Patent Rights—Deferred (Long Form)

(Text of this clause is set forth in FPR 1–9.107–5(a) except that paragraph (b) of that clause shall be replaced with paragraph (b) in FPR 1–9.107–5(c).)

* * * * *

M. Clause 22. Key Personnel is revised to read:

22. Key Personnel

(Text of this clause is set forth in FPR 1–7.304–6.)

N. Clause 23. Litigation and Claims is amended in the first sentence by removing "Allowable Cost and Fixed Fee." and adding "Allowable Cost, Fixed Fee, and Payment."

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O. Clause 25. Payment for Overtime is revised to read:

25. Payment for Overtime Premium

(Text of this clause is set forth in FPR 1–7.202–29.)

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P. Clause 28. Printing is amended in the last sentence by removing "8 by 10½" and adding "8½ by 11".

Q. Clause 29. Services of Consultants is amended in paragraph (b) by removing "$100.00" and adding "$150."

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R. Clause 35. Convict Labor is revised to read:

35. Convict Labor

(Text of this clause is set forth in FPR 1–12.204.)

S. Clause 36. Officials Not To Benefit is revised to read:

36. Officials Not To Benefit

(Text of this clause is set forth in FPR 1–7.102–17.)

* * * * *

T. Clause 39. Utilization of Small Business Concerns is revised to read:

39. Utilization of Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals

(a) It is the policy of the United States that small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency.

(b) The Contractor hereby agrees to carry out this policy in the awarding of subcontracts to the fullest extent consistent with the efficient performance of this contract. The Contractor further agrees to cooperate in any studies or surveys as may be conducted by the Small Business Administration or the contracting agency which may be necessary to determine the extent of the Contractor's compliance with this clause.

(c)(1) As used in this contract, the term "small business concern" shall mean a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

(2) The term "small business concern owned and controlled by socially and economically disadvantaged individuals" shall mean a small business concern:

(i) Which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or in the case of any publicly owned buisness, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(ii) Whose management and daily business operations are controlled by one or more of such individuals. The Contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans (American Indians, Eskimos, Aleuts, and native Hawaiians), Asian-Pacific Americans (U.S. Citizens whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, and Taiwan), and other minorities, or any other individual found to be disadvantaged by the Small Business Administration pursuant to section 8(a) of the Small Business Act.

(d) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as a small business concern or small business concern owned and controlled by socially and economically disadvantaged individuals.

* * * * *

U. Clause 42. Utilization of Minority Business Enterprises is revised to read:

42. Utilization of Women-Owned Business Concerns (Over $100,000.)

(a) It is the policy of the United States Government that women-owned businesses shall have the maximum practicable opportunity to participate in the performance of contracts awarded by any Federal agency.

(b) The Contractor agrees to use its best efforts to carry out this policy in the award of subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, a "woman owned business" concern means a business that is at least 51% owned by a woman or women who also control and operate it. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context means being actively involved in the day-to-day management. "Women" means all women business owners.

V. Clause 43. Payment of Interest on contractor's Claims is revised to read:

43. Withholding of Contract Payments

Notwithstanding any other payment provisions of this contract, failure of the Contractor to submit required reports when due or failure to perform or deliver required work, supplies, or services, will result in the withholding of payments under this contract unless such failure arises out of causes beyond the control, and without the fault or negligence of the Contractor as defined by the clause entitled "Excusable Delays," "Default," "Termination," or "Termination for Default," as applicable. The Government shall promptly notify the Contractor of its intention to withhold payment of any invoice or voucher submitted.

W. Clause 44. Listing of Employment Opening is revised to read:

44. Disabled Veterans and Veterans of the Vietnam Era

(a) The Contractor will not discriminate against any employee or applicant for employment because he or she is a disabled veteran of the Vietnam era in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled veterans and veterans of the Vietnam era without discrimination based upon their disability or veterans status in all employment practices such as the following: employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The Contractor agrees that all suitable employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occuring at an establishment of the Contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be listed at an appropriate local office of the State employment service system wherein the opening occurs. The Contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required. State and local government agencies holding Federal contracts of $10,000 or more shall also list all their suitable openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (d) and (e).

(c) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the Contractor from any requirements in Executive orders or regulations regarding nondiscrimination in employment.

(d) The reports required by paragraph (b) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the Contractor has more than one hiring location in the State, with the central office of that State employment service. Such reports shall indicate for each hiring location: (1) The number of individuals hired during the reporting period, (2) the number of nondisabled veterans of the Vietnam era hired, (3) the number of disabled veterans of the Vietnam era hired, and (4) the total number of disabled veterans hired. The reports should include covered veterans hired for on-the-job training under 38 U.S.C. 1787. The Contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract identifying data for each hiring location. The Contractor shall maintain at each hiring location copies of the reports submitted until the expiration of one year after final payment under the contract, during which time these reports and related documentation shall be made available, upon request, for examination by any authorized representatives of the Contracting Officer or of the Secretary of Labor. Documentation would include personnel records respecting job openings, recruitment, and placement.

(e) Whenever the Contractor becomes contractually bound to the listing provisions of this clause, it shall advise the employment service system in each State where it has establishments of the name and location of each hiring location in the State. As long as the Contractor is contractually bound to these provisions and has so advised the State system, there is no need to advise the State system of subsequent contracts. The Contractor may advise the State system when it is no longer bound by this contract clause.

(f) This clause does not apply to the listing of employment openings which occur and are filled outside the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(g) The provisions of paragraphs (b), (c), (d), and (e) of this clause do not apply to openings which the Contractor proposes to fill from within its own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of its own organization or employer-union arrangement for that opening.

(h) As used in this clause: (1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: production and non-production; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings that are compensated on a salary basis of less than $25,000 per year. This term includes full-time employment, temporary employment of more than 3 day's duration, and part-time employment. It does not include openings which the Contractor proposes to fill from within its own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement nor openings in an educational institution which are restricted to students of that institution. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the Government cannot reasonably be otherwise supplied, where listing would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the Government.

(2) "Appropriate office of the State employment service system" means the local office of the Federal/State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(3) "Openings which the Contractor proposes to fill from within its own organization" means employment openings for which no consideration will be given to persons outside the Contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings which the Contractor proposes to fill from regularly established "recall" lists.

(4) "Openings which the Contractor proposes to fill pursuant to a customary and traditional employer/union hiring arrangement" means employment openings which the Contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the Contractor and representatives of its employees.

(i) The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(j) In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(k) The Contractor agrees to post in conspicuous places available to employees and applicants for employment notices in a form to be prescribed by the Director, provided by or through the Contracting Officer. Such notice shall state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled verterans and veterans of the Vietnam era for employment, and the rights of applicants and employees.

(l) The Contractor will notify each labor union or representative or workers with which it has a collective bargaining agreement or other contract understanding that the Contractor is bound by terms of the Vietnam Era Veteran's Readjustment Assistance Act and is committed to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era.

(m) The Contractor will include the provisions of this clause in every subcontract or purchase order of $10,000 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to the Act, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

* * * * *

X. Clause 47. Employment of the Handicapped is revised to read:

47. Employment of the Handicapped

(a) The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Rehabilitation Act of 1973, as amended.

(c) In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, Department of Labor, provided by or through the Contracting Officer. Such notices shall state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The Contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of section 503 of the Act and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The Contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the Director, Office of Federal Contract Compliance Programs, may direct to enforce such provisions, including action for noncompliance.

Y. Clause 48 is added as follows:

48. Final Decisions on Audit Findings

For the purpose of issuing final decisions under the Disputes Article of this contract concerning monetary audit findings, the Contracting Officer shall be that person with ultimate responsibility for making that decision in accordance with Chapter 1-105, Resolution of Audit Findings, of the Department's Grants Administration manual.

Z. Clause 49 is added as follows:

49. Advertising of Awards

The Contractor agrees not to refer to awards issued by the Department of Health and Human Services in commercial advertising in such a manner as to state or imply that the product or service provided is endorsed by the Federal Government or is necessarily considered by the Government to be superior to other products or services.

* * * * *

7. Subpart 3-16.50, Forms for negotiated procurement, is amended as follows:

§ 3-16.5002-4 [Amended]

A. Section 3-16.5002-4(b) is revised to read:

* * * * *

(b) The following are the applicable General Provisions to be used in contracts covered by this Subpart 3-16.50.

(1) Form HHS-314 (Rev. ——) General Provisions for Negotiated Fixed-Price Research and Development Contract. It is noted that, with the removal of Clause 17, "Patent Rights", the form should be used with other types of nonpersonal services contracts, e.g., studies, surveys, and demonstrations in socio-economic areas.

(2) Form HHS-315 (Rev. ——), General Provisions for Negotiated Cost-Reimbursement Contract with Educational Institutions.

(3) Form HHS-315A (Rev. ——), General Provisions for Negotiated Cost-Reimbursement Contract with Nonprofit Institutions Other than Educational Institutions.

(4) Form HHS-316 (Rev. ——), General Provisions for Negotiated Cost-Plus-A-Fixed-Fee Contract.

* * * * *

§ 3-16.5002-7 [Amended]

B. Section 3-16.5002-7(c) is revised to read:

c. Remove 4, Allowable Cost, and Payment and substitute the clause entitled "Allowable Cost, Fixted Fee and Payment" (See FPR 1-7.202-4 for text of this clause). However, the following paragraph (a) shall be used instead of paragraph (a) in the clause:

(a) For the performance of this contract, the Government shall pay to the Contractor:

(1) The fixed fee, if any, as may be provided for in the Schedule; and

(2) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with the terms of this contract and with the applicable cost principles in effect on the date of this contract:

(i) 45 CFR 74 Appendix E for hospitals; or

(ii) Subpart 1-15.7 of the Federal Procurement Regulations (41 CFR 1-15.7) for State, local and federally recognized Indian tribal governments; or

(iii) Subpart 1-15.2 of the Federal Procurement Regulations (41 CFR 1-15.2) for nonprofit organizations identified in § 1-15.603-3, except that costs of Independent

Research and Development and its proportionate share of indirect costs shall not be allowed; or

(iv) Subpart 1–15.6 of the Federal Procurement Regulations (41 CFR 1–15.6) for nonprofit organizations other than those identified in § 1–15.603–3. In addition, the following shall apply:

(A) *Bid and proposal costs.* Bid and proposal costs are the immediate costs of preparing bids, proposals, and applications for potential Federal and non-Federal grants, contracts, and agreements, including the development of scientific, cost, and other data needed to support the bids, proposals and applications. Bid and proposal costs of the current accounting period are allowable as indirect costs. Bid and proposal costs of past accounting periods are allowable in the current period. However, if the organization's established practice is to treat these costs by some other method, they may be accepted if they are found to be reasonable and equitable. Bid and proposal costs do not include independent research and development costs covered by the following paragraph, or preaward costs covered by Paragraph 33 of Attachment B to OMB Circular A–122 (see § 1–15.603–2).

(B) *Independent research and development costs.* Independent research and development is research and development conducted by an organization which is not sponsored by Federal or non-Federal grants, contracts, or other agreements. Independent research and development shall be allocated its proportionate share of indirect costs on the same basis as the allocation of indirect costs to sponsored research and development. The costs of independent research and development, including its proportionate share of indirect costs, are allowable.

C. Section 3–16.5003 Additions, modifications, and substitutions to general provisions is revised to read:

§ 3–16.5003 Additions, modifications, and substitutions to general provisions.

Contracting officers shall include additional clauses or substitute alternate clauses for those included in the form General Provisions (Forms HHS–314–316) in accordance with applicable instructions in § 3–7.50 and the FPR. Written deviation requests shall be submitted through procurement channels, to the Director, Division of Procurement Policy (DPP); Office of Procurement and Assistance Policy (OPAP); Office of Procurement, Assistance and Logistics (OPAL); Office of the Assistant Secretary for Management and Budget, (OASMB–OS). The Director, (DPP), will inform the Contracting Officer through procurement channels, of the disposition of the request. In the event expeditious action is required, contracting officers are authorized to request oral or written approval directlly from the Director, (DPP), who will notify the contracting officer of the disposition of the request.

§ 3–57.104–3 [Amended]

8. Subsection 3–57.104–3, Contract clauses of § 3–57.104, *Withholding of contract payment,* Contract payment, of Subpart 3–57.1, Contract Monitoring, of Part 3–57, Contract Administration, is removed.

[FR Doc. 83–7739 Filed 3–25–83; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

46 CFR Part 276

[OST Docket 78; Notice No. 83–9]

Construction-Differential Subsidy Repayment; Total Repayment Policy; Extension of Comment Period

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Notice of extension of comment period.

SUMMARY: On January 31, 1983, the Department published a notice of proposed rulemaking (NPRM) to implement its authority under the Merchant Marine Act, 1936 (46 U.S.C. 1101 *et seq.*), to allow owners and operators of tankers built with construction-differential subsidies (CDS) under Title V of the Act to repay their subsidies and, consequently, obtain the permanent removal of domestic trading restrictions on their vessels. The comment period for the NPRM was scheduled to expire on April 1, 1983. A petition for the extension of the comment period has been received. This notice extends the comment period until May 2, 1983.

DATE: Comments on the referenced notice of proposed rulemaking should be received by May 2, 1983.

ADDRESS: Interested persons should submit comments to the Docket Clerk, OST Docket No. 78, Department of Transportation, 400 7th Street, SW., Room 10421, Washington, D.C. 20590. Commenters wishing to have their submissions acknowledged should include a stamped, self-addressed postcard with their comments. The Docket Clerk will time and date stamp the postcard and return it to the commenter. Comments will be available for inspection at the above address from 9:00 a.m. through 5:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Warren Dean, Deputy Assistant General Counsel for International Law, Department of Transportation, 400 7th Street, SW., Room 10104, Washington, D.C. 20590. (202) 426–2972.

SUPPLEMENTARY INFORMATION: The Department of Transportation published a notice of proposed rulemaking on January 31, 1983 (48 FR 4408) to allow any operator or owner of a CDS built tanker to pay back the unamortized amount of the subsidy, with interest, and, consequently, obtain the permanent removal of domestic trading restrictions with regard to such vessel. The Department established a 60-day comment period for this NPRM. On March 21, 1983, however, the Department received a petition of the Independent Tanker Owners Committee (ITOC) for a 60-day extension of the time to file comments on the Department's proposed rulemaking. ITOC argued that additional time was needed to prepare comments on a number of issues.

On March 24, 1983, American Petrofina, Inc. (Fina), filed a statement in opposition to ITOC's petition. Fina asserts that such an extension would be prejudicial and inappropriate.

In response to ITOC's request and after considering Fina's opposition, the Department has decided to extend the comment period for this rulemaking.

The new closing date for comments will be Monday, May 2, 1983. This will allow interested persons additional time to complete their analysis of the possible impact of the proposed regulation, without unduly delaying the Department's consideration of this matter.

(Secs. 204(6), 207, 506, and 714, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b), 1117, 1156 and 1204, Pub. L. 86–518 (74 Stat. 216))).

Issued in Washington, D.C., this 24th day of March 1983.

Darrell M. Trent,

Deputy Secretary, Department of Transportation.

[FR Doc. 83–8085 Filed 3–25–83; 9:54 am]

BILLING CODE 4910–62–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83–24; RM–4240]

FM Broadcast Station in Jackson, Wyoming; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing comments in the proceeding involving the proposed assignment of FM Channel 238 to

Jackson, Wyoming. Petitioner, Phil Keller, requests the additional time in order to consider filing an alternative proposal.

DATE: Comments must be filed on or before April 11, 1983 and reply comments are due on or before April 26, 1983.

ADDRESS: Federal Communications Commission, washigton, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634–6530.

Order Extending Time For Filing Comments

In the Matter of Amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (Jackson, Wyoming), MM Docket No. 83–24, RM–4240.

Adopted: March 14, 1983.
Released: March 18, 1983.

By the Chief, Policy and Rules Division.

1. On January 13, 1983, the Commission adopted a *Notice of Proposed Rule Making*, 48 FR 4698, published February 2, 1983, in response to a petition filed by Phil Keller. The proposal requested the assignment of Class C Channel 238 to Jackson, Wyoming. The comment deadline is currently March 11, 1983.

2. On March 10, 1983, counsel for Phil Keller filed a request seeking an additional 30 day period in which to file comments. Counsel states that the Department of Interior filed an opposition to the proposal on the ground that the proposed site restriction would encroach upon Grand Teton National Park and the immediately surrounding area. The requested extension would allow petitioner an opportunity to determine if another Class C channel can be assigned to Jackson without a site restriction.

3. We feel that the petitioner should be given an opportunity to consider other alternatives. This extension would permit other interested parties an opportunity to respond to the new aiternatives. Therefore, we are granting the additional time as requested.

4. Accordingly, it is ordered, That the above request for an extension of time, filed by Phil Keller, is granted and the dates for filing comments and reply comments are extended to and including April 11, 1983, and April 26, 1983, respectively.

5. This action is taken pursuant to authority found in sections 4(i) 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

[FR Doc. 83–7909 Filed 3–25–83; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 97

[PR Docket No. 83–28]

Establishment of a Class of Amateur Operator License Not Requiring a Demonstration of Proficiency in the International Morse Code; Order Extending Time For Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; extension of comment and reply comment period.

SUMMARY: This document extends the period for filing comments and reply comments in the no-code amateur radio operator license proceeding. The extension is necessary in order to get thoughtful and objective comments from interested persons. By this action, the Commission expects to receive comments which reflect dispassionate consideration of the no-code issue by the amateur community.

DATES: Comments are due by June 28, 1983 and replies by July 28, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554, (202) 632–4964.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, FCC Washington, D.C. 20554, (202) 632–4964.

Order

In the matter of establishment of a class of amateur operator lecense not requiring a demonstration of proficiency in the international Morse code, PR Docket No. 83–28, (2–3–83; 48 FR 4855).

Adopted: March 16, 1983.
Released: March 18, 1983.

By the Chief, Private Radio Bureau:

1. On February 1, 1983, the Commission released a Notice of Proposed Rule Making looking toward the establishment of an amateur radio operator license class for individuals who would not be required to first demonstrate a proficiency in the international Morse code. Comments on the proposal are due on April 29, 1983, with reply comments due on May 31, 1983.

2. A request, dated March 11, 1983, has been submitted by The American Radio Relay League, Inc. (ARRL) for a 60-day extension in which to file comments in this proceeding. In support of its request, ARRL notes that it has printed the Commission's proposal in the March, 1983, issue of QST, its monthly journal, and that its members are now engaged in discussions and debates concerning a no-code license. ARRL feels that it would be unfair to cut this process short. In addition, ARRL's Directors, at meetings to be held on April 21 and 22, will address the proposal and also consider the members' responses.

3. We concur with ARRL that a no-code amateur radio lecense is a core issue for the amateur community. Since we want the input from amateur radio operators to reflect thorough and dispassionate consideration, we will grant the requested extension of time.

4. In view of the foregoing, the Chief, Private Radio Bureau, acting under the authority delegated by Section 0.331 of the Commission's Rules, ORDERS that comments in PR Docket No. 83–28 must be filed on or before June 28, 1983, and that reply comments must be filed on or before July 28, 1983.

Federal Communications Commission.

James C. McKinney,

Chief, Private Radio Bureau.

[FR Doc. 83–7908 Filed 3–25–83; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 48, No. 60
Monday, March 28, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Governmental Processes; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Governmental Processes of the Administrative Conference of the United States, to be held at 9:30 A.M. on Wednesday, April 6, 1982, at the Department of the Treasury, Cash Room (second floor), 15th Street & Pennsylvania Avenue, NW., Washington, D.C.

The committee will meet to discuss Professor Edward A. Tomlinson's study of the use of the Freedom of Information Act as a discovery device. The committee will also consider procedures to be used by the Department of Transportation for carrier selection on international air routes, a function now performed by the Civil Aeronautics Board.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should, if possible, notify the Office of the Chairman of the Administrative Conference prior to the meeting. The committee chairman, if she deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting.

For further information concerning this meetng contact David M. Pritzker, Office of the Chairman, Administrative Converence of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037. (Telephone: 202–254–7065.) Minutes of the meeting will be available on request.

Dated: March 21, 1983.

Richard K. Berg,

General Counsel.

[FR Doc. 83–7816 Filed 3–25–83; 8:45 am]

BILLING CODE 6110–01–M

CIVIL RIGHTS COMMISSION

Indiana Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission of Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 7:00pm and will end at 10:00pm, on April 26, 1983, in the Huron Room, at the Sheraton Hotel Gary, 465 Broadway Street, Gary, Indiana, 46401. The purpose of this meeting is to discuss the status of the Block Grants New Approach project; review the housing discrimination draft statement; and plans for future activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Joseph J. Russell, 4165 Gran Haven Drive, Bloomington, Indiana 47401, (812) 337–9632 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 23, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–7871 Filed 3–25–83; 8:45 am]

BILLING CODE 6335–01–M

Minnesota Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Minnesota Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 9:30 p.m., on April 18, 1983, at the Merrick Community Center, 715 Edgerton Street, St. Paul, Minnesota, 55103. The purpose of this meeting is to discuss the follow-up activities to the report, *Police Practices in the Twin Cities* and plans for future projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ruth A. Myers, 1006 East Second Street, Apartment Number One, Duluth, Minnesota 95805; (218) 726–8878 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated: at Washington, D.C., March 23, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–7869 Filed 3–25–83; 8:45 am]

BILLING CODE 6335–01–M

Mississippi Advisory Committee; Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Mississippi Advisory Committee to the Commission originally scheduled for March 25, 1983, at Jackson, Mississippi, (FR Doc. 83–5804, on page 9677) has been canceled and will be rescheduled to be held at a later date.

Dated at Washington, D.C., March 22, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–7868 Filed 3–25–83; 8:45 am]

BILLING CODE 6335–01–M

Ohio Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on civil rights, that a meeting of the Subcommittee on Hispanic Education. Ohio Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 10:00 p.m., on April 19, 1983, 3161 North Republic Boulevard, Toledo, Ohio, 43615. At this meeting the Subcommittee will discuss plans for collecting data and identify information sources for the Hispanic project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Marian A. Spencer, 940 Lexington Avenue, Cincinnati, Ohio, 45229, (513) 221–5656 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. March 23, 1983.

John L. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-7870 Filed 3-25-83; 8:45 am]

BILLING CODE 3335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Case No. 626]

Piher Semiconductores, S.A., Avda San Julian, s/n Apartado Correos 177, Granollers (Barcelona), Spain; Order Amending Temporary Denial of Export Privileges

By orders of April 9, 1983, 47 FR 16819 (April 20, 1982), June 2, 1982, 47 FR 24765 (June 8, 1982), August 3, 1982, 47 FR 35808 (August 17, 1982), October 12, 1982, 47 FR 46558 (October 19, 1982) and December 7, 1982, 47 FR 55989 (December 14, 1982), the Order of February 25, 1982, 47 FR 9044 (March 3, 1982) Temporarily Denying Export Privileges was amended so as to authorize certain exports by Piher International Corp. The Order of December 7, 1982 further provided that Piher International Corp. could apply for an extension of such authorization to export if serious economic hardship would be caused by a failure of such extension coupled with a continuing consideration of a motion filed by Piher International Corp. that requested exception from the provisions of Paragraph III of the Order of February 25, 1982.

Consideration of this motion to except Piher International Corp. is still continuing, and it has now applied for an extension of its authorization to make certain exports, asserting that failure to obtain the extension will entail serious economic hardship.

Based on the representations made by Piher International Corp., I find that its application for an extension of its authorization to make certain exports is justified, and that granting this extension will not jeopardize the purpose of the Order of February 25, 1982.

Accordingly, it is hereby ordered that the Order of February 25, 1982 is further amended by excepting, from its denial of export privileges, Piher International Corp., with addresses at 565 W. Golf Road, Arlington Heights, Illinois 60005 and at Post Office Box 91969, Chicago, Illinois 60680, insofar as Piher International Corp. exports variable resistors and potentiometers to its customers in Canada and Singapore in fulfillment of shipments scheduled through May 1983 in the shipment release documents filed by Piher International Corp. in support of its application for this extension, provided all such exports are G–DEST under the Export Administration Regulations (15 CFR Part 368, *et seq.* (1982)). Piher International Corp. may apply for an extension of this Amendment to shipments scheduled after May 1983 should a continuing consideration of its aforesaid motion entail serious economic hardship if such an extension is not issued.

This Amendment of the Order is effective as of March 1, 1983.

Dated: March 22, 1983.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 83-7897 Filed 3-25-83; 8:45 am]

BILLING CODE 3510-25-M

Ferrochrome From South Africa; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on ferrochrome from South Africa. The review covers the period April 11, 1981 through December 31, 1981. As a result of the review, the Department has preliminarily determined the amount of the total bounty or grant to be 0.40 percent of the f.o.b. invoice price of the merchandise. The Department considers this rate to be *de minimis*. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black or Josephine Russo, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377–2788.

SUPPLEMENTARY INFORMATION:

Background

On June 4, 1981 the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 29979) the final results of its last administrative review of the countervailing duty order on ferrochrome from South Africa (46 FR 21155, April 9, 1981) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

The merchandise covered by the review is ferrochrome, imported directly or indirectly from South Africa. Such imports were classifiable during the period of review under items 606.2200, 606.2400 and 923.16 of the Tariff Schedules of the United States Annotated. The review covers the period April 11, 1981 through December 31, 1981, and the following programs: (1) Preferential railroad rates provided by the South African Transport Services ("SAT") for export shipments, cited in the countervailing duty order; (2) the Central Government Rebate of railage charges, discussed in the original final determination; (3) Categories A, B, C and D of the Export Incentive Program, also discussed in part in the original final determination; (4) Industrial Development Corporation ("IDC") loans given at preferential rates for the purpose of developing export capacity; and (5) tax benefits received under a program which provides for "beneficiation" allowances for base mineral processing. The latter programs came to our attention through subsequent investigations involving exports from South Africa.

Analysis of Programs

(1) *Preferential Railroad Rates.* As indicated in our last review, SATS terminated the railroad rate differential between export and domestic shipments of ferrochrome effective January 1, 1981. SATS did not reinstate the differential during the period of review.

(2) *Central Government Rebate of Railage Charges.* The Central Government Rebate of 25 percent of railage charges was discussed in the final determination in the original investigation regarding ferrochrome (41 FR 1248, January 7, 1976). At that time the South African government terminated the rebate on shipments of ferrochrome destined for the United States. The government did not resume payment of the rebate during the period of review.

(3) *Export Incentive Program—Categories A, B, C and D.* Categories A and B are two tax related export incentives; shippers of ferrochrome are not eligible for those benefits. Category C (Finance Charges Aid Scheme) and Category D (Export Marketing

Assistance Program) were also discussed in the original final determination on ferrochrome. As indicated in that notice, South African exporters of ferrochrome agreed not to apply for or receive benefits under those programs for shipments to the United States. During the period of review the exporters did not use those two categories.

(4) *IDC Loans.* The IDC administers a loan program which provides funds for the purpose of establishing new export capacity. These loans are long-term and are given at interest rates below the market rate of interest. In caluculating the benefit from these loans we compared what a company would pay for comparable commercial loans in any given year with what a recipient company actually paid for preferential loans in that year. To construct a comparable commercial loan at the appropriate market rate and standard commercial terms, we used the year-end average long-term interest rate established in the secondary market on company loan securities, as reported in the *Quarterly Bulletin* of the South African Reserve Bank. We then calculated the present value of the payment differentials in each year of the loans using the "risk-free" rate for long-term government debt as the discount rate. This amount was then allocated evently over the life of the loan using the same discount rate to yield the annual subsidy amounts. We preliminarily determine that the benefit from this program during the period of review was 0.40 percent *ad valorem.*

(5) *Beneficiation Allowances for Base Mineral Processing.* The beneficiation allowance is a tax investment allowance which is given by the South African government in addition to the normal investment allowance. It is given at the discretion of the Minister of Finance. Ferrochrome producers made no claims during the period of review. While several claims were made by ferrochorme producers prior to that period, we found that the Minister denied such claims.

Preliminary Result of Review

As a result of our review, we preliminarily determine that the total bounty or grant conferred by the programs cited above is 0.40 percent *ad valorem.* We consider this rate, since it is less than 0.50 percent *ad valorem,* to be *de minimis.*

Accordingly, the Department intends to instruct the Customs Service to liquidate shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after April 11, 1981 and exported on or before December 31, 1981 without regard to countervailing duties.

Further, the Department intends to instruct the Customs Service to continue to waive the collection of a cash deposit of estimated countervailing duties, as provided for by section 751(a)(1) of the Tariff Act, on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or, a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: March 21, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-7888 Filed 3-25-83; 8:45 am]

BILLING CODE 3510-25-M

Postponement of Final Determination and Postponement of Hearing: Greige Polyester/Cotton Printcloth From The People's Republic of China

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of postponement of final antidumping determination and postponement of hearing: Greige polyester/cotton printcloth from the People's Republic of China.

SUMMARY: This notice informs the public that the Department of Commerce has received a request from China National Textile Import and Export Corporation (Chinatex) and Huafang Trading Company (Huafang) that the final determination be postponed until not later than 135 days after the date of the preliminary determination, as provided for in section 353.44(b) of the Department of Commerce Regulations (19 CFR 353.44(b)), and that the Department will postpone its final determination as to whether greige polyester/cotton printcloth from the People's Republic of China has occurred at less than fair value until not later than July 22, 1983.

The hearing originally scheduled for March 30, 1983, at 10:00 a.m., in Conference Room 4830, has been postponed. The new hearing date is May 23, 1983, at 10:00 a.m., in Conference Room 6802. The prehearing briefs will be due on May 16, 1983.

Chinatex and Huafang are qualified to make this request since they are exporters who account for one hundred percent of the merchandise which is the subject of the investigation. The additional time is necessary to enable Chinatex and Huafang to prepare adequately for the hearing and to prepare the relevant briefs, which must address several novel issues raised by this investigation.

EFFECTIVE DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Michael Ready or Rick Herring, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-2613 or 377-3963.

SUPPLEMENTARY INFORMATION: On September 1, 1982, the Department of Commerce published notice in the **Federal Register** (47 FR 38569) that it was initiating under section 732(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether greige polyester/cotton printcloth from the People's Republic of China is being, or is likely to be, sold at less than fair value. The Department published an affirmative preliminary determination on March 9, 1983 (48 FR 9897). The notice stated that if this investigation proceeded normally we would make a final determination by May 27, 1983. Section 735(a)(2) of the Act provides that the Department of Commerce may postpone its final determination concerning sales at less than fair value if an exporter who accounts for a significant proportion of the merchandise which is the subject of the investigation requests an extension after an affirmative preliminary determination.

Accordingly, the Department will issue a final determination in this case not later than July 22, 1983.

This notice is published pursuant to section 735(d) of the Act.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 22, 1983.

[FR Doc. 83-7887 Filed 3-25-83; 8:45 am]
BILLING CODE 3510-25-M

Preliminary Determination of Sales at Less Than Fair Value: Shop Towels of Cotton From The People's Republic of China

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary determination of sales at less than fair value: Shop towels of cotton from The People's Republic of China.

SUMMARY: We have preliminarily determined that shop towels of cotton from the People's Republic of China are being sold, or are likely to be sold, in the United States at less than fair value. Therefore, we have notified the United States International Trade Commission (ITC) of our determination, and we have directed the United States Customs Service to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or the posting of a bond for each such entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by June 6, 1983.

EFFECTIVE DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Michael Ready or Rick Herring, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-2613 or 377-3963.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that there is a reasonable basis to believe or suspect that shop towels of cotton (shop towels) from the People's Republic of China (PRC) are being sold, or are likely to be sold, in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act).

For shop towels sold by China National Textiles Import and Export Corporation (Chinatex) and China National Arts and Crafts Import and Export Corporation (CNART), the only exporters of the subject merchandise, we have found that the foreign market value exceeded the United States price on 100 percent of sales compared. These margins ranged from 19.7 percent to 46.6 percent. The weighted-average margin on all sales compared is 31.4 percent.

If this investigation proceeds normally, we will make a final determination by June 6, 1983.

Case History

On August 24, 1982, we received a petition from counsel for Milliken & Company, filed on behalf of the United States industry producing shop towels. The petition alleged that shop towels from the People's Republic of China are being sold in the United States at less than fair value, and that such sales are materially injuring, or are threatening to materially injure, a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated this investigation on September 13, 1982 (47 FR 41149). The ITC informed the Department on October 8, 1982, that there is a reasonable indication that imports of shop towels from the People's Republic of China are materially injuring, or are threatening to materially injure, a United States industry (47 FR 46777). Therefore, we proceeded with this investigation. On December 9, 1982, we determined this case to be "extraordinarily complicated," as defined in section 733(c) of the Act. Therefore, we extended the period for making a preliminary determination from January 31, 1983, until March 22, 1983 (47 FR 56377).

Questionnaires were presented to counsel for Chinatex and CNART on November 17, 1982. Responses of both companies were received January 17, 1983. As discussed under the "Foreign Market Value" section of this notice, we determined that the PRC is a state-controlled-economy country for the purpose of this investigation.

Scope of Investigation

The product covered by this investigation is shop towels of cotton from the People's Republic of China, which are currently classified under item number 366.2740 of the *Tariff Schedules of the United States Annotated.*

Since Chinatex and CNART are the only exporters of shop towels from the People's Republic of China, we limited our investigation to them.

This investigation covers the period from March 1, 1982 through August 31, 1982.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent United States price because sales by both Chinatex and CNART were made to unrelated purchasers prior to the importation of the merchandise into the United States. We calculated purchase price based on the C&F or CIF price to the unrelated purchasers. Where appropriate, we made deductions for ocean freight and marine insurance.

Foreign Market Value

In accordance with section 773 of the Act, we used surrogate prices of shop towels imported to the United States to determine foreign market value. Petitioners alleged that the economy of the People's Republic of China is state-controlled to the extent that sales of the subject merchandise from that country do not permit a determination of foreign market value under 19 U.S.C. 1677b(a). After an analysis of the PRC's economy, and consideration of the briefs submitted by the parties, the Commerce Department concluded that the PRC is a state-controlled-economy country for purposes of this investigation. Among the factors that were involved in determining the state-controlled issue are the fact that the major raw material, cotton, has production targets and prices set or heavily influenced by the state, and that the textile industry has a dual pricing structure that is heavily influenced by the state. As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar merchandise in a "non-state-controlled-economy" country. Our regulations establish a preference for foreign market value based upon sales prices. They further stipulate that, to the extent possible, we should determine sales prices on the basis of prices in a "non-state-controlled-economy" country at a stage of economic development comparable to the country with the state-controlled economy.

It was determined, after an analysis of countries which produce shop towels,

information on Pakistani home market sales of the product. Other countries which we considered as possible surrogates were India, Indonesia, Thailand, Singapore, the Dominican Republic, Colombia, and Hong Kong. We were unable to obtain information on prices or costs of manufacturers of shop towels in India, Indonesia, Thailand, Singapore, the Dominican Republic, or Colombia. In many of those countries no shop towels were produced during the period of investigation.

When it was determined that finding a country which manufactures shop towels and which is at a comparable economic level as the PRC was not possible, we decided to look for a product which is such or similar (as defined in section 771(16) of the Act) to the PRC shop towel. After consulting with textile experts in the Department, we examined the fabric osnaburg as a product possibly similar to the shop towel. Osnaburg is the fabric from which a shop towel is made. We were unable to find any manufacturers of osnaburg with home market sales in Indonesia, Thailand, the Dominican Republic, or Colombia. We located a Colombian textile manufacturer which had made osnaburg, but we were unable to obtain cost of production information adequate for purposes of making the adjustments according to the Commerce Regulations for use in a fair value comparison.

Therefore, pursuant to § 353.8(a)(1) of our Regulations, we based foreign market value on the average fob price of all imports of shop towels into the United States from May 1982 through October 1982, except those imported from the PRC. This information was gathered from Department of Commerce import statistics, which was the best information available.

Verification

In accordance with section 776(a) of the Act, we will verify all data used in reaching a final determination in this investigation.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of shop towels of cotton from the People's Republic of China subject to this investigation which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. This suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Exporter	Weighted-average margin (percent)
China National Textiles Import & Export Corporation	24.2
China National Arts and Crafts Import & Export Corporation	40.7
All Others	31.4

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on May 2, 1983, at the United States Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by April 25, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 22, 1983.

[FR Doc. 83-7886 Filed 3-25-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Public Hearings Scheduled for Proposed La Parguera National Marine Sanctuary

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Commerce.

Notice is hereby given that the Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold public hearings for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) prepared on the proposed La Parguera National Marine Sanctuary.

Hearings will be held on April 12, 1983, 7:00 p.m. at the Community Center in La Parguera, Lajas, Puerto Rico and on April 13, 1983, 7:00 p.m. at the Department of Natural Resources Auditorium in San Juan, Puerto Rico.

The views of interested persons and organizations of the adequacy of the impact statement on the proposed La Parguera National Marine Sanctuary are solicited, and may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of 5 minutes. This time allotment may be extended before the hearing when the number of speakers can be determined. No verbatim transcript of the hearing will be prepared; but, staff present will record the general thrust of the remarks. The comment period for this draft environmental impact statement will end on May 2, 1983. As part of the procedures leading toward designation of this sanctuary, a Final Environmental Impact Statement, reflecting consideration of these comments, will be prepared pursuant to the National Environmental Policy Act of 1969 and its implementing guidelines. All written comments received by OCRM prior to the deadline will be included in the FEIS.

FOR FURTHER INFORMATION CONTACT: Gloria Thompson, Sanctuary Programs Division, Office of Ocean and Coastal

Resource Management, National Ocean Service, NOAA, 3300 Whitehaven Street, NW., Washington D.C. 20235, telephone: 202/634–4236.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: March 22, 1983.

K. E. Taggart,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 83–7889 Filed 3–25–83; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF ENERGY

International Atomic Energy Agreements; Proposed Subsequent Arangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2106) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract Number S–EU–767, to British Nuclear Fuels, Ltd., one gram of uranium containing 0.48% U–235 for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: March 22, 1983.

For the Department of Engery.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83–7790 Filed 3–25–83; 8:45 am]

BILLING CODE 6450–01–M

Bonneville Power Administration

Transmission Rate Adjustment, Public Hearings, and Opportunities for Public Review and Comment

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Proposed Transmission Rate Adjustment, Notice of Public Hearings, and Opportunities for Review and Comment.

BPA File Number: TR–83.

BPA requests that all comments and documents which become part of the Record compiled in the process of adjusting transmission rates contain the file number designation TR–83.

SUMMARY: On January 28, 1983, BPA published in the **Federal Register** (48 FR 4027) a "Notice of Intent to Revise Transmission Rates" because revenue from the current rates is insufficient to recover increased costs of the Federal Columbia River Transmission System (FCRTS). BPA's proposed transmission rates are expected to produce an overall revenue increase of 58 percent, while rates for the wheeling of firm power will increase 31 percent. BPA anticipates filing the final transmission rate proposal with FERC on or about October 1, 1983. It is anticipated the BPA's new transmission rates will become effective on an interim basis on or about November 1, 1983.

The current transmission rates were approved on an interim basis by the Assistant Secretary for Resource Applications of the Department of Energy on June 24, 1981, to become effective subject to refund on July 1, 1981. Their effectiveness was extended by the Federal Energy Regulatory Commission (FERC) by Order dated February 18, 1983 in Docket Numbers EF–81–202–002 and E–9563–004. Transmission rate adjustments to be made in 1983, however, are subject to the interim and final approval authority of the FERC pursuant to Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act).

The process of developing transmission rates provides opportunities for interested persons to make recommendations and to participate in public hearings. Any written comments or recommendations received until the end of the hearings will become part of the Official Record. The final rate proposal will be developed after consideration of the Official Record, and it therefore may differ substantially from the rates proposed in this Notice.

DATES: Persons wishing to become a formal "party" to the proceedings must notify BPA in writing of their intention to do so. The notification must be received by April 8, 1983, and should be addressed as follows: Hon. Seymour Wenner, Hearing Officer, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. Customers of BPA who provide notice are parties of right. Others may become parties by demonstrating in their notice and at the prehearing conference that they would represent a significant and otherwise unrepresented interest. The notice should contain: (1) The name of the person or entity claiming status as a party; (2) the person who will be representing the party; (3) whether the person or entity claiming status as a party has a contractual relationship with BPA that could be affected by the proposed rates; and (4) if no contractual interest exists, the interest the person believes would be served by their being a party. All timely applications will be ruled on by the Hearing Officer.

A prehearing conference will be held before the Hearing Officer at 9 a.m. on April 11, 1983, in the cafeteria, Washington Monroe High School, 531 SE. 14th Avenue, Portland, Oregon. Registration for the prehearing conference will begin at 8:30 a.m.

It is expected that during the prehearing conference, hearing dates will be set for clarifying sessions, the presentation of direct cases, rebuttal cases, cross-examination, oral argument, and briefs. A notice of the dates and times of the hearings will be served on all parties of record. All formal hearing sessions will be held in the cafeteria, Washington Monroe High School, 531 SE. 14th Avenue, Portland, Oregon.

Two sets of field hearings will be held at various regional locations regarding BPA's proposal. During the first set, BPA will present to the public a synopsis of the rate proposal and receive comments from the general public. The public's comments will be subject to cross-examination by the parties and BPA. Presentation of testimony and evidence from formal parties will not be allowed at the field hearings. Registration for the hearings will be at 7 p.m., and the hearings will begin at 7:30 p.m. The dates and locations are:

April 11, BPA Auditorium, 1002 NE. Holladay Street, Portland, Oregon.

April 12, Eugene Hilton, Hellman Room, 66 East Sixth Avenue, Eugene, Oregon.

April 13, Bicentennial Pavilion Rotunda, 1313 Market Street, Tacoma, Washington.

April 14, Landmark Best Western Motel, 4200 200th, SW., Lynnwood, Washington.

1April 18, Burley Inn, 800 North Overland Avenue, Burley, Idaho.

April 19, Village Red Lion, Blackfoot Room, 100 Madison, Missoula, Montana.

April 20, Ramada Inn, International Airport, Spokane, Washington.

April 21, Federal Building Auditorium, 825 Jadwin Avenue, Richland, Washington.

A second series of field hearings will be scheduled near the end of the formal hearings. These field hearings will provide the public with an additional opportunity to comment based on their review of the evidence presented in the formal hearings. BPA will consider the public's comments in the evaluation of the record. The hearing schedule and locations will be announced in newspapers in the region.

Written comments may be submitted until the close of the hearings. the last day for receipt of written comments will be specified in a later **Federal Register** Notice.

ADDRESSES: Written comments not submitted at the hearings should be submitted to the Public Involvement Office, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. Written comments submitted by the close of the hearing will be made part of the record.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen S. Johnson, Public Involvement Office, P.O. Box 12999, Portland, Oregon 97212; (503) 230–3478. BPA maintains toll-free lines for the use of persons within the region. Oregon callers may use 1–800–452–8429; callers in Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California may use 1–800–547–6048. Additional information is available from:

Mr. Geoge Gwinnutt, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97232, 503–230–4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503–687–6952.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. George E. Eskridge, District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3860.

Mr. Ronald K. Rodewald, District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662–4377.

Mr. Richard Casad, Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130.

Mr. Thomas Wagenhoffer, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, extension 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION:

A. *Applicable Legislation.* BPA operates and maintains the Federal Columbia River Transmission System (FCRTS) in order to (a) integrate and transmit electric power from existing or additional Federal or non-Federal generating units; (b) provide service to BPA customers; (c) provide interregional transmission facilities, and (d) maintain the electrical stability and electrical reliability of the Federal system. BPA is required by law to recover the costs associated with the production, purchase, conservation, and transmission of electric power and to repay with interest the Federal investment in the transmission and generation facilities of the Federal system. The basic requirement to recover costs is found in Section 7 of the Bonnerville Project Act.

In 1974, the Federal Columbia River Transmission System Act (Transmission Act) was passed. This legislation placed BPA on a "self-financing" basis by authorizing the use of sales receipts and the proceeds of revenue bonds to finance the construction of transmission facilities. Section 6 of the Transmission Act requires the Administrator to make available any capacity of the Federal transmission system in excess of Federal power requirements to all utilities on a fair and nondiscriminatory basis. Section 9 of this Act requires that schedules of rates and charges for the transmission of non-Federal power shall be subject to confirmation and approval by the Federal Power Commission. Pursuant to Section 7(a)2 of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act), authority to confirm and approve BPA's transmission rates is now vested in the Federal Energy Regulatory Commission (FERC). Furthermore, those rate schedules shall: (a) encourage the widest possible diversified use of electric power at the lowest possible rates to consumers consistent with sound business principles; and (b) recover the cost (based upon the application of rate schedules to the capacity of the electric facilities of the projects) of producing and transmitting electric power, including the amortization of the capital investment allocated to power over a reasonable period of years. Section 10 of the Transmission Act allows for uniform rates but requires that "the recovery of the cost of the Federal transmission system shall be equitably allocated between Federal and non-Federal power utilizing such system."

Section 7 of the Regional Act requires the Administrator to establish rates for the transmission of non-Federal power, and it also requires that the costs of the transmission system shall be equitably allocated between Federal and non-Federal power utilizing the FCRTS.

B. *Contracts.* BPA has negotiated numerous wheeling agreements. Many of the agreements were originally negotiated prior to the 1974 Transmission Act and reflect the conditions and policies prevalent at the time of negotiation. Provisions that change from agreement to agreement include the type of facilities available, the type of service, frequency of rate adjustments, the determination of losses, the calculation of billing determinants, and methods to be used in determining the cost of service.

Certain contracts, for example, specify that transmission rates can be changed annually while other contracts limit rate adjustments once every three years. One firm transmission contract limits rate changes to once every five years. Ideally, rates for these contracts should be based on cost estimates for the weighted average cost over the rate period for which the rates are anticipated to be in effect. The three year contracts are changeable on July 1, 1984, and the five year contract is changeable on November 1, 1983 and terminates in August 1988. However, the preparation of the studies necessary for the development of additional test year costs beyond OY 1985 has not been undertaken in this rate filing because the amount of work estimated to complete those studies would be voluminous, and the changes in rate levels is expected to be small.

In addition, numerous transmission contracts prescribe the method and factors to be used in determining both the cost of providing the service and in the design of rates. May of these contracts are "formula power" contracts and the factors specified in them are the forerunners of the FPT rate schedule. Applicable legislation requires transmission costs to be equitably allocated between Federal and non-Federal power. The method used in BPA's Cost of Service Analysis (COSA) to determine the equitable allocation of costs is different than the contractual provisions stipulating the methods to be used to determine the cost of service in formula power contracts. In cases where BPA is required by contractual provisions to use a specific rate setting method, such methods are used in this rate proposal both to determine the revenue requirement and to design the rate (contract level rates). This is different from the approach used by BPA in the 1981 transmission rate filing wherein formula power transmission tariffs were scaled back so as to match the COSA revenue requirement (COSA level rates). The approach used in this initial filing for FPT contracts reflects BPA's concern for the need to adhere to

contractual provisions and maintain fiscal integrity.

Other BPA contracts also do not permit changes in rate methodology. In some cases, the rates proposed in this Notice will not be applicable to such contracts. BPA intends to apply its historical rate schedules to these contracts, as required.

C. *Transmission Policy.* Concurrent with the last transmission rate filing in 1981, BPA announced its intent to revise its transmission policy. That effort included a series of customer meetings intended to review a draft BPA policy. The proposed transmission policy is planned for publication in the **Federal Register** shortly after the submittal of this initial transmission rate proposal. This rate proposal has been developed in general accordance with the proposed transmission policy which recognizes extensive custmer comment. The proposed BPA transmission policy supports several key principles that are relevant to transmission rate development, such as the following:

1. BPA's goal is that the Region's transmission system be planned and constructed to achieve as nearly as possible the maximum efficiency, reliability, economy and other benefits as if the Region's system were owned by a single utility. The lower demand charge available with the IR–83 rate schedule for certain connection points which only use FCRTS facilities for a short distance is intended to serve the one-utility standard. Because a postage stamp rate places a relatively high revenue burden on transmission which uses less of the available facilities than the average wheeling transaction, and because this could be an undesirable incentive to construction of short distance parallel lines, BPA is proposing a formula exception to the postage stamp demand charge for services which can be proven do not make use of the full range of facilities on whose costs the IR rates are based.

2. BPA will encourage conservation of losses and economic operation of resources by facilitating, to the extent practicable, the efficient use of the Region's generating resources and transmission and distribution facilities. This is reflected in the IR–83 rate schedule and billing determinants which treat firm and nonfirm power scheduled from all resources of the utility on an equal basis.

3. The transmission policy considers equity among customers within a customer class by recognizing that revenue responsibility should correspond to the relative degree of use made of the FCRTS. This is reflected in the choice of demand and energy as IR–83 billing factors. Use of these biling factors tends to shift revenue responsibility somewhat toward those wheeling customers which make the heaviest sustained use of FCRTS facilities.

4. The transmission policy considers the desirability of flexibility and administrative efficiency by suporting a new form of firm network service for which the IR–83 rate schedule will be available. Though different in some respects from the IR–1 rate offered on an interim basis in the 1981 rate filing, the basic feature of combining a utility's network wheeling needs into a single account for billing purposes has been preserved.

5. VPA intends to develop specific policies and practices on the services to be available over the PNW–PSW Intertie. This will be conducted in the context of an interregional resource strategy and will involve a separate public involvement process concurrent with the rate case. Transmission policy and intertie policy will determine the availability of service to which filed rates will be applied.

Procedures Governing Rate Adjustments and Public Participation

Section 7(i) of the Regional Act provides procedures for encouraging the participation of the public in the development of BPA's rates. The procedures outlined in the Act differ from BPA's published "Procedure for Public participation in Major Regional Power Policy Formulation" (45 FR 26368, May 12, 1981), of which earlier versions governed BPA rate adjustments prior to the Regional Act. BPA prepared "Rules of Procedure Governing Rate Adjustments" (46 FR 11697, February 10, 1981) which were used in the 1981 BPA Wholesale Power and Transmission rate Hearings from February through May 1981. After providing notice, accepting comments and holding a hearing, BPA amended and published its "Rules of Procedure Governing Bonneville Power Administration (BPA) Rate Adjustments" by Federal Register Notice of February 10, 1982 (47 FR 6240), which were used in the 1982 BPA wholesale power rate filings. These procedures will be used for the 1983 BPA wholesale power and transmission rate filings. The proceedings for BPA's proposal to adjust wholesale power rates will be combined with the proceedings for BPA's proposal to adjust transmission rates.

The Regional Act prescribes a **Federal Register** Notice announcing the proposed rates, one or more hearings, the opportunity to submit written views, data, questions, and arguments outside the hearings, and a decision by the Administrator based on the record developed during the rate process. BPA procedures expand these requirements. They provide for publication of a Notice of Intent to revise rates, followed by a Notice of the proposed rates, a prehearing conference, hearing, receipt of written comments, preparation of decision documents, a decision, and the transmittal of the decision with supporting documentation to the Federal Energy Regulatory Commission (FERC).

The process begins with publication of a Notice of Intent to revise rates. This is followed by publication of a Notice of the proposed rates, which includes a discussion of the research, studies, analyses, and other available information in support of the proposed rates, the deadline for claiming status as a "party," and the beginning date for the hearing.

The procedures provide further for a prehearing conference if scheduled by the Hearing Officer. Pursuant to the rate procedures, a Prehearing Conference will be held before the Hearing Officer at 9 a.m. on April 11, 1983, in the cafeteria at Washington Monroe High School, 531 S.E. 14th Avenue, Portland, Oregon. Registration for the prehearing conference will begin at 8:30 a.m., and the conference will commence at 9 a.m. on Monday, April 11, 1983, with the Honorable Seymour Wenner presiding.

Issues for discussion at the prehearing conference may include disputes concerning status as a party, discovery, the scope of cross-examination, hearing schedules, and other pertinent matters. BPA will prefile the prepared testimony of its witnesses at the prehearing conference.

BPA also will convene a series of hearings at certain Regional locations. The purpose of these hearings is to present to interested members of the public a synopsis of the BPA rate proposal and to receive the comments, views, and opinions of the general public. The public's comments will be subject to cross-examination by the parties and BPA. Presentation of testimony and evidence from formal parties will not be allowed at these sessions. The hearings will be held at the times and locations previously listed. The conduct of these hearings will be substantially the same as that of public field hearings held for BPA's 1981 and 1982 rate proceedings. BPA staff will present a synopsis of the proposed rates followed by comments from the public. The public will have an opportunity to ask questions about the proposed rates.

BPA finds it necessary to distinguish between "participants in" and "parties to" the hearings. During the field hearings, BPA will receive comments, views, opinions, and information from "participants," who are defined in the procedures as interested persons who may express their views at a hearing, but who may not cross-examine other witnesses, participate in prehearing conferences, or serve or be served with documents. Participants, however, will be provided regular letters during the rate hearings summarizing the proceedings and are provided the opportunity to request materials presented during the hearings. Participants' written rebuttal will be made part of the Record. The participants category of interest has been established to give the public the maximum opportunity to participate, and to have its views considered without assuming the obligations incumbent upon the "parties."

The second category of interest is that of a "party." A party may be either a party of right because of its legal and/or contractual relationship with BPA, and hence, its direct interest, or it may be a person seeking to represent a significant and otherwise unrepresented interest in the hearings. Parties may participate in prehearing conferences, may call and cross-examine witnesses, and are entitled to service of documents from all other parties. Parties may also be cross-examined and required to serve documents on the other parties. To avoid unnecessary delay, cross-examination by parties may be limited by the Hearing Officer. Where two or more parties have substantially like interests and positions, the Hearing Officer may order appropriate limitations on the number of attorneys or parties appearing *pro se*, who will be permitted to cross-examine witnesses as well as file motions and objections on behalf of such parties. If a party demonstrates that it would not be represented adequately in the joint presentation of an issue or issues, the Hearing Officer may permit separate examination or argument regarding such issue or issues.

In order to facilitate discovery and promote the efficient use of cross-examination, the Hearing Officer may order BPA, the parties, or both to make witnesses available for clarifying sessions.

BPA expects that the series of field hearings will be followed by clarifying sessions, the presentation of direct cases, the presentation of rebuttal cases, cross-examination, oral argument, and briefing. The times for these proceedings will be established by the Hearing Officer at the prehearing conference and will be announced in a subsequent order that will be served on all parties of record.

After the close of the hearings, BPA will file a brief and an Evaluation of the Record. The Hearing Officer will extend an opportunity to other parties to evaluate the record and analyze the law through briefs. The Evaluation of the Record will provide a written evaluation of the record addressing significant technical issues. The Hearing Officer will also extend an opportunity to all parties and BPA to file reply briefs.

Persons need not attend the hearings in order to have their views included in the record. Written comments may be included in the record if they are submitted before the close of the hearings. Written views, data, questions, and arguments should be submitted to BPA's Public Involvement Manager.

The record will include, among other things, the transcripts of the hearings, written material submitted by the parties and participants, documents developed by the BPA staff, and other material accepted into the record by the Hearing Officer. The Hearing Officer will then review the record, will supplement it if necessary, and will certify the record to the Administrator for decision.

The Administrator will develop the final proposed rates based on the entire record, including the record certified by the Hearing Officer, comments received from participants in the field hearings, other material and information submitted to, or develolped by, the Administrator, and any other comments received during the rate development process. The basis for the final proposed rates will be supported by the Administrator's Record of Decision. The Administrator will serve copies of the Administrator's Record of Decision on all the parties and participants, and will file the final proposed rates together with the Record with the FERC for confirmation and approval.

Transmission Rate Schedules

Schedule FPT–83.1—Formula Power Transmission

Section 1. Availability

This schedule supersedes FPT–2 for all firm transmission agreements which provide that rates may be adjusted not more frequently than once a year. It is available for firm transmission of electric power and energy using the FCRTS. This schedule is for full-year and partial-year service and for either continuous service or intermittent service so long as firm availability of service is required.

Section 2. Rate

A. *Full-Year Service.* The monthly charge per kilowatt of billing demand shall be one-twelfth of the sum of the Main Grid Charge, the Secondary System Charge, and Intertie Charge, as applicable and as specified in the Agreement.

1. *Main Grid Charge.* The Main Grid Charge shall be the sum of one or more of the following factors as specified in the Agreement:

a. Main Grid Distance Factor—The amount computed by multiplying the Main Grid Distance by $.0406 per mile;

b. Main Grid Integration Terminal Factor—$.38;

c. Main Grid Miscellaneous Facilities Factor—$1.88;

d. Main Grid Terminal Factor—$.38; and

e. Main Grid Delivery Terminal Factor—$.51.

2. *Secondary System Charge.* The Secondary System Charge shall be the sum of one or more of the following factors associated with deliveries at 115 kV as specified in the Agreement:

a. Secondary System Distance Factor—The amount determined by multiplying the Secondary System Distance by $.2252 per mile;

b. Secondary Transformation Factor—$2.85;

c. Secondary System Integration Terminal Factor—$.93;

d. Secondary System Intermediate Terminal Factor—$.93;

e. Secondary System Delivery Terminal Factor—$1.13;

3. *Intertie Charge*—for use of PNW–PSW Intertie facilities—$6.48.

B. *Partial-Year Service.* The monthly charge per kilowatt of billing demand shall be as specified in Section 2.A. for all months of the year except:

1. For unplanned firm service, such as emergency station service when a generating unit is down, the yearly charge shall be equal to one monthly charge as defined in Section 2.A. so long as the use during each year does not exceed 730 hours. If the use during each year exceeds 730 hours, the yearly charge shall be as specified in Section 2.A.

2. For agreements whose term is 5 years or less and which specify service for fewer than 12 months per year, the charge shall be:

a. during months for which service is specified, the monthly charge defined in Section 2.A., and

b. during other months, the monthly charge defined in Section 2.A. multiplied by 0.2.

Section 3. Determination of Billing Demand

Unless otherwise stated in the Agreement, the billing demand shall be the largest of:

A. The Transmission Demand in kW's specified in the Agreement;

B. The highest hourly Measured or Scheduled Demand for the month; or

C. The Ratchet Demand.

Schedule FPT 83-3—Formula Power Transmission

Section 1. Availability

This schedule supersedes FPT-2 for all those firm transmission Agreements which provide that rates may be adjusted not more frequently than once every 3 years.

Section 2. Rates

A. *Full-Year Service.* The monthly charge per kilowatt of billing demand shall be one-twelfth of the sum of the Main Grid Charge, the Secondary System Charge, and Intertie Charge, as applicable and as specified in the Agreement.

1. *Main Grid Charge.* The Main Grid Charge shall be the sum of one or more of the following factors as specified in the Agreement:

a. Main Grid Distance Factor—The amount computed by multiplying the Main Grid Distance by $.0412 per mile;

b. Main Grid Integration Terminal Factor—$.39;

c. Main Grid Miscellaneous Facilities Factor—$1.91;

d. Main Grid Terminal Factor—$.39; and

e. Main Grid Delivery Terminal Factor—$.52.

2. *Secondary System Charge.* The Secondary System Charge shall be the sum of one or more of the following factors associated with deliveries at 115 kV [and 69 kv] as specified in the Agreement:

a. Secondary Transformation Factor—$2.89;

b. Secondary System Intergration Terminal Factor—$.94;

c. Secondary System Distance Factor—The amount determined by multiplying the Secondary System Distance by $.2284 per mile;

d. Secondary System Intermediate Terminal Factor—$.94;

e. Secondary System Delivery Terminal Factor—$1.15.

3. *Intertie Charge.* For use of PNW-PSW Intertie facilities—$6.57.

B. *Partial-Year Service.* The monthly charge per kilowatt of billing demand shall be as specified in Section 2.A. for all months of the year except:

1. For unplanned firm service, such as emergency station service when a generating unit is down, the yearly charge shall be equal to one monthly charge as defined in Section 2.A. so long as the use during each year does not exceed 730 hours. If the use during each year exceeds 730 hours, the yearly charge shall be as specified in Section 2.A.

2. For agreements whose term is 5 years or less and which specify service for fewer than 12 months per year, the charge shall be:

a. During months for which service is specified, the monthly charge defined in Section 2.A., and

b. During other months, the monthly charge defined in Section 2.A. multiplied by 0.2.

Section 3. Determination of Billing Demand

Unless otherwise stated in the agreement, the billing demand shall be the largest of:

A. The Transmission Demand in kW's specified in the Agreement;

B. The highest hourly Measured or Scheduled Demand for the month; or

C. The Ratchet Demand.

Schedule FPT 83-5—Formula Power Transmission

Section 1. Availability

This schedule supersedes FPT-1 for all those firm transmission Agreements which provide that rates may be adjusted no more frequently than once every five years.

Section 2. Rates

A. *Full-Year Service.* The monthly charge per kilowatt of billing demand shall be one-twelfth of the sum of the Main Grid Charge, the Secondary System Charge and Intertie Charge, as applicable and as specified in the Agreement.

1. *Main Grid Charge.* The Main Grid Charge shall be the sum of one or more of the following factors as specified in the Agreement:

a. Main Grid Distance Factor—The amount computed by multiplying the Main Grid Distance by $.0412 per mile;

b. Main Grid Integration Terminal Factor—$.39;

c. Main Grid Miscellaneous Factor—$1.91;

d. Main Grid Terminal Factor—$.39; and

e. Main Grid Delivery Terminal Factor—$.52.

2. *Secondary System Charge.* The Secondary System Charge shall be the sum of one or more of the following factors associated with deliveries at 115 kV [and 69 kv] as specified in the Agreement:

a. Secondary Transformation Factor—$2.89;

b. Secondary System Intergration Terminal Factor—$.94;

c. Secondary System Distance Factor—The amount determined by multiplying the Secondary System Distance by $.2284 per mile;

d. Secondary System Intermediate Terminal Factor—$.94;

e. Secondary System Delivery Terminal Factor—$1.15.

3. *Intertie Charge.* For use of PNW-PSW Intertie facilities—$6.57.

B. *Partial-Year Service.* The monthly charge per kilowatt of billing demand shall be as specified in Section 2.A. for all months of the year except:

1. For unplanned firm service, such as emergency station service when a generating unit is down, the yearly charge shall be equal to one monthly charge as defined in Section 2.A. so long as the use during each year does not exceed 730 hours. If the use during each year exceeds 730 hours, the yearly charge shall be as specified in Section 2.A.

2. For agreements whose term is 5 years or less and which specify service for fewer than 12 months per year, the charge shall be:

a. During months for which service is specified, the monthly charge defined in Section 2.A., and

b. during other months, the monthly charge defined in Section 2.A. multiplied by 0.2.

Section 3. Determination of Billing Demand

Unless otherwise stated in the agreement, the billing demand shall be the largest of:

A. The Transmission Demand in kW's specified in the Agreement:

B. The highest hourly Measured or Scheduled Demand for the month; or

C. The Ratchet Demand.

Schedule IR-83—Integration of Resources

Section 1. Availability

This schedule supersedes IR-1 and is available for interregional firm transmission service and other appropriate services provided for electric power and energy using the FCRTS, exclusive of the Intertie Segments.

Section 2. Rate

The monthly charge shall be the sum of:

(1) $0.2628 per kilowatt of billing demand, except as otherwise provided in subsection (3) below, and

(2) $.00076 per kilowatt-hour of billing energy.

(3) For Points of Integration (POI) specified in Agreements as being short distance POI's, for which FCRTS facilities are used for a distance of less than 75 circuit miles, the demand charge shall be computed in accordance with the following formula:

$$\left[.2+\frac{.8}{75}\ \text{(transmission distance)}\right]\ \$0.2628\ \text{per kW of billing demand}$$

where:
The billing demand is the demand level specified in the Agreement for such POI, and the transmission distance is the circuit miles between such POI and the designated Point of Delivery (POD).

Section 3. Determination of Billing Demand and Billing Energy

The billing demand shall be as specified in the Agreement. The billing energy shall be the sum of all hourly amounts of power in kWh's wheeled for the billing month under the Agreement.

Schedule IS–83—Southern Intertie Transmission

Section 1. Availability

The schedule supersedes ET–2 with respect to deliveries using the Pacific Northwest—Pacific Southwest, or Southern, Intertie, and is available for all transmission on the Southern Intertie.

Section 2. Rate

The charge for transmission of non-Federal power on the PNW–PSW Intertie shall be 1.61 miles/kWh.

Schedule IN–83—Northern Intertie Transmission.

Section 1. Availability

This schedule supersedes ET–2 with respect to interregional delivery using the Northern Intertie and is available for all transmission on the Northern Intertie.

Section 2. Rate

The charge for transmission of non-Federal power on the Northern Intertie shall be 1.51 miles/kWh.

Schedule IE–83—Eastern Intertie Transmission

Section 1. Availability

This schedule supersedes ET–2 with respect to interregional delivery using the Eastern Intertie and is available for all non-firm transmission on the Eastern Intertie.

Section 2. Rates

The charge for transmission of non-Federal power on the Eastern Intertie shall be 2.17 mills/kWh.

Schedule ET–83—Energy Transmission

Section 1. Availability

This schedule supersedes ET–1 and ET–2, unless otherwise specified in the Agreement, with respect to delivery using FCRTS facilities other than the Southern Intertie, Eastern Intertie, or the Northern Intertie, and is available for nonfirm transmission between points in the Pacific Northwest upon BPA's determination of available capacity. This rate is not available for the transmission of energy which cannot be interrupted.

Section 2. Rates

The charge for such nonfirm transmission of non-Federal electric energy shall be 1.68 mills/kWh.

Schedule UFT–83—Use-of-Facilities Transmission

Section 1. Availability

This schedule supersedes UFT–1 and UFT–2, unless otherwise provided in the Agreement, and is available for firm transmission over specified FCRTS facilities.

Section 2. Rates

The monthly charge per kilowatt of Transmission Demand specified in the Agreement shall be one-twelfth of the annual cost of capacity of the specified facilities divided by the sum of Transmission Demands (in kilowatts) using such facilities. Such annual cost shall be determined in accordance with Section 3.

Section 3. Determination of Transmission Rate

A. From time to time, but not more often than once in each Contract Year, BPA shall determine the following data for the facilities which have been constructed or otherwise acquired by BPA, and which are used to transmit electric power and energy:

1. The annual cost of the specified FCRTS facilities, as determined from capital cost and annual cost ratios developed from the FCRTS financial statement, including interest and amortization, operation and maintenance, administrative and general, and general plant costs.

2. The yearly noncoincident peak demands of all users of such facilities.

B. The monthly charge per kilowatt of billing demand shall be one-twelfth of the sum of the annual cost of the FCRTS facilities used divided by the sum of Transmission Demands. The annual cost per kilowatt of Transmission Demand for a facility constructed or otherwise acquired by BPA shall be determined in accordance with the following formula:

$$\frac{A}{D}$$

where:
A = The annual cost of such facility as determined in accordance with A.1 above.
D = The sum of the yearly noncoincident demands on the facility as determined in accordance with A.2 above.

The annual cost per kilowatt of facilities listed in the Agreement which are owned by another entity, and used by BPA for making deliveries to the transferee, shall be determined from the costs specified in the Agreement between BPA and such other entity.

Section 4. Determination of Billing Demand

Unless otherwise stated in the Agreement, the factor to be used in determining the kilowatts of billing demand shall be the largest of:

A. The Transmission Demand in kilowatts specified in the Agreement;

B. The highest hourly Measured or Scheduled Demand for the month, the Measured Demand being adjusted for power factor; or

C. The Ratchet Demand.

Schedule TGT–1—Townsend-Garrison Transmission

Section 1. Availability

This schedule shall apply to all agreements which provide for the firm transmission of electric power and energy over transmission facilities of BPA's section of the Montana [Eastern] Intertie.

Section 2. Rate

The monthly charge shall be one-twelfth of the sum of the annual charges listed below, as applicable and as specified in the agreements for firm transmission. The Townsend-Garrison 500 kV lines and associated terminal, line compensation and communication facilities are a separately identified portion of the Federal Transmission System. Annual revenues plus credits for Government use should equal annual costs of the facilities, but in any given year there may be either a surplus or a deficit. Such surpluses or deficits for any year shall be accounted for in the computation of annual costs for succeeding years. Revenue requirements from firm transmission use will be

decreased by any revenues received from non-firm use and credits for all Government use. The general methodology for determining the firm rate is to divide the revenue requirement by the total firm capacity requirements. Therefore, the higher the total capacity requirements, the lower will be the unit rate.

If the Government provides firm transmission service in its section of the Montana [Eastern] Intertie in exchange for firm transmission service in a customer's section of the Montana [Eastern] Intertie, the payment by the Government for such transmission services provided by such customer will be made in the form of a credit in the calculation of the Intertie Charge for such customer.

During an estimated one to three-year period following the commercial operation date of the third generating unit at the Colstrip Thermal Generating Plant at Colstrip, Montana, the capability of the Federal Transmission System west of Garrison Substation may be different from the long-term situation. It may not be possible to complete the extension of the 500 kV portion of the Federal Transimission System to Garrison by such commercial operation date. In such event, the 500/230 kV transformer will be an essential extension of the Townsend-Garrison intertie facilities, and the annual costs of such transformer will be included in the calculation of the Intertie Charge. However, starting one month after extension to Garrison of the 500 kV portion of the Federal Transmission System, the annual costs of such transformer will no longer be included in the calculation of the Intertie Charge.

a. *Nonfirm Transmission Charge.* This charge will be filed as a separate Rate Schedule and revenues received thereunder will reduce the amount of revenue to be collected under the Intertie Charge below.

b. *Intertie Charge for Firm Transmission Service.*

$$\text{Intertie charge} = \left[\frac{(TAC/12 - NFR) \times (CR - EC)}{TCR}\right]$$

Section 3. Definitions

TAC=Total Annual Costs of facilities associated with the Townsend-Garrison 500 kV transmission line including terminals, and prior to extension of the 500 kV portion of the Federal Transmission System to Garrison, the 500/230 kV transformer at Garrison. Such annual costs are the total of (1) interest and amortization of associated Federal investment and the appropriate allocation of general plant costs, (2) operation and maintenance costs, (3) an allowance for Bonneville's general administrative costs which are appropriately allocable to such facilities, and (4) payments made pursuant to section 7(m) of Public Law 96-501 with respect to these facilities. Total Annual Costs shall be adjusted to reflect reductions to unpaid total costs as a result of any amounts received, under agreements for firm transmission service over the Montana Intertie, by the Government on account of any reduction in Transmission Demand, termination or partial termination of any such agreement or otherwise to compensate BPA for the unamortized investment, annual cost, removal, salvage, or other cost related to such facilities.

NFR=Nonfirm Revenues, which are equal to (1) the product of the Nonfirm Transmission Charge described in 2(a) above, and the total nonfirm energy transmitted over the Townsend-Garrison line segment under such charge for such month; plus (2) the product of the Non-Firm Transmission Charge and the total non-firm energy transmitted in either direction by the Government over the Townsend-Garrison line segment for such month.

CR=Capacity Requirement of a customer on the Townsend-Garrison 500 kV transmission facilities as specified in its firm transmission agreement.

TCR=Total Capacity Requirement on the Townsend-Garrison 500 kV transmission facilities as calculated by adding (1) the sum of all Capacity Requirements (CR) specified in firm transmission agreements described in section 1 and (2) the Government's firm capacity requirement. The Government's firm capacity requirement shall be no less than the total of the amounts, if any, specified in firm transmission agreements for use of the Montana Intertie.

EC=Exchange credit for each customer which is the product of (1) the ratio of investment in the Townsend-Broadview 500 kV transmission line to the investment in the Townsend-Garrison 500 kV transmission line, and (2) the capacity which the Government obtains in the Townsend-Broadview 500 kV transmission line through exchange with such customer. If no exhange is in effect with a customer, the value of EC for such customer shall be zero.

General Transmission Rate Schedule Provisions:

1. *Interpretation.* The provisions in the Agreement to which these General Transmission Rate Schedule Provisions (GTRSP) are attached as an exhibit shall be part of these GTRSP for the purpose of determining the meaning of any provision contained herein. If a provision in such Agreement is in conflict with a provision contained herein, the provision in the Agreement shall prevail.

2. *General Provisions:* Services provided under all rate schedules shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; and these provisions. The meaning of terms used in these rate schedules shall be as defined in the Agreements or any of the above acts or provisions which are attached to the Agreements.

3. *Bonneville Service Area.* The Bonneville Power Administration (BPA) shall operate and maintain the Federal Columbia River Transmission System (FCRTS) within the Pacific Northwest and shall construct such improvements, betterments, system additions and replacements within the Pacific Northwest as it determines are appropriate and required to:

a. Integrate and transmit "electric power" from existing or additional Federal or non-Federal generating units;

b. Provide service to the BPA wholesale power and wheeling customers;

c. provide interregional transmission facilities; or

d. maintain the electrical stability and electric reliability of the Federal System.

4. *Availability of Transmission Service.* Any capacity in the FCRTS which BPA determines to be in excess of the capacity required to transmit Federal power will be made available to all utilities on a fair and nondiscriminatory basis by the application of schedules identified in the Schedule of Transmission Rates, dated 1983, or as subsequently revised.

5. *Billing Details:*

a. The Transmission Billing Determinant is the electric power quantified by the method specified in the Transmission Agreement or Transmission Rate Schedule. Scheduled power or metered power will be use.

b. Bills for transmission service will normally be computed and rendered monthly, generally on a calendar-month basis.

c. Bills not paid in full on or before the close of business of the twentieth day after the date of the bill shall bear an additional charge which is the greater of one-fourth percent (0.25%) of the amount unpaid or $50. Thereafter, a charge of one-twentieth percent (0.05%) of the sum of the initial amount remaining unpaid

and the additional charge herein described shall be added on each succeeding day until the amount due is paid in full.

Remittances received by mail shall be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicate the payment was mailed on or before the twentieth day after the date of the bill. If the twentieth day after the date of the bill is a Sunday or other nonbusiness day of the customer, the following day is the last day on which payment may be made to avoid such further charges. Payment made by metered mail and received subsequent to the twentieth day shall bear postal department cancellation in order to avoid assessment of such further charges.

BPA may, whenever a transmission bill or a portion thereof remains unpaid subsequent to the twentieth day after the date of the bill, and after giving 30 days' advance notice in writing, cancel the Agreement, but such cancellation shall not affect the customer's liability for any charges accured prior thereto.

If BPA is unable to render the customer a timely monthly bill which includes a full disclosure of all billing factors, it may elect to render an estimated bill for that month to be followed at a subsequent billing date by a final bill. Such estimated bill, if so issued, shall have the validity of, and shall be subject to, the same payment provisions as a final bill. Failure to receive a bill shall not release the customer from liability for payment. Billings under each rate schedule application are rounded to whole dollar amounts, by elimination of any amount of less than 50 cents and increasing any amount from 50 cents through 99 cents to the next higher dollar.

d. For an initial operating period, not to exceed 3 months, beginning with the commencement of operation of a new generating plant, a major addition to an existing plant, or reactivation of an existing plant or important part thereof, BPA may agree to modify the measured or scheduled demand established for that period, or make other adjustments which are determined to be appropriate.

e. The transmission customer shall furnish BPA necessary information for making any computation required for the purposes of determining the proper charges for the use of the FCRTS and shall cooperate with BPA in exchanging such additional information as may be reasonably useful for respective operations.

6. *Adjustment for Power Factor.* The adjustment for power factor, when specified in this rate schedule or in the Agreement, may be made by increasing the amount delivered for each month by 1 percent for each 1 percent or major faction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95 percent, such average power factor to be computed to the nearest whole percent from the formula given in the Wholesale Power General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by BPA. Unless specifically otherwise agreed, BPA may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to the customer at a POD or for a system at any time that the average power factor for all classes of power delivered to the customer at such POD or for such system is below 75 percent lagging or 75 percent leading.

7. *Definitions.* Capitalized terms that are used in the Transmission Rate Schedules shall be as defined below, or, if not so defined, as defined in the Agreement.

a. *Agreement.* A transmission agreement between BPA and a transmission customer to which these rate schedules and provisions may be attached.

b. *Eastern Intertie.* Those transmission facilities consisting of the Townsend-Garrison 500 kV transmission line, including terminals and, prior to extension of the 500 kV portion of the Federal Transmission System to Garrison, the 500/230 kV transformer at Garrison.

c. *Electric Power* (or simply Power if no confusion would result without a modifier of mechanical, chemical, or electrical). Electric peaking capacity (kW), or electric energy (kWh), or both.

d. *Firm Transmission Service.* Transmission service which BPA provides for any non-BPA power scheduled or otherwise made available, limited only by the amount and time period specified in the Agreement. Firm transmission service is supplied for all types of power, such as firm, nonfirm, exchange, interruptible, or other.

e. *Integrated Network.* Those FCRTS facilities which primarily perform the function of bulk transmission of electric power in the Pacific Northwest, excluding facilities not segmented to the Network in the Cost of Service Analysis used in BPA's rate development.

f. *Main Grid.* As used in the FPT rate schedule, that portion of the FCRTS with facilities rated 230 kV and higher, exclusive of those designated as Interties.

g. *Main Grid Delivery Terminal.* As used in the FPT rate schedule, 230 kV or higher terminal facilities associated with a POD.

h. *Main Grid Distance.* As used in the FPT rate schedule, the distance in airline miles on the Main Grid between the POI and the POD, multiplied by 1.15.

i. *Main Grid Integration Terminal.* As used in the FPT rate schedule, the Main Grid Terminal facilities located at the POI.

j. *Main Grid Miscellaneous Facilities.* As used in the FPT rate schedule, switching, transformation and other backup facilities of the Main Grid required to integrate the Main Grid.

k. *Main Grid Terminal.* As used in the FPT rate schedule, terminal facilities on the Main Grid adjacent to the Secondary System or Main Grid Delivery Terminal.

l. *Measured Demand.* Except where deliveries are scheduled as hereinafter provided, the Measured Demand in kilowatts shall be the largest of the 60-minute clock-hour integrated demands delivered to a customer at each POD during each time period specified in the applicable rate schedule during any billing period. Such largest 60-minute integrated demand shall be determined from measurements made as specified in the contract. BPA, in determining the Measured Demand, will exclude any abnormal 60-minute integrated demands due to or resulting from (a) emergencies or breakdowns on, or maintenance of, the Federal System facilities, and (b) emergencies on the customer's facilities, provided that such facilities have been adequately maintained and prudently operated as determined by BPA. For those contracts to which BPA is a party and which provide for delivery of more than one class of electric power to the customer at any POD, the portion of each 60-minute integrated demand assigned to any class of power shall be determined as specified in the contract. The portion of the total Measured Demand so assigned shall constitute the Measured Demand for each such class of power.

If the flow of electric energy to a customer's system through two or more POD's cannot be adequately controlled because such points are interconnected within the customer's system, or the customer's system is interconnected directly or indirectly with the Federal System, the Measured Demand for each class of power for such system for any billing period shall be the largest of the hourly amounts of such class of power which are scheduled for delivery to the customer during each time period specified in the applicable rate schedule.

m. *Nonfirm Transmission Service.* Transmission service which BPA will provide for non-BPA power, only if and when it determines that capacity is available.

n. *Northern Intertie.* Those transmission facilities consisting of 2–500 kV lines between Custer substation and the United States-Canadian border, 1–500 kV line between Custer and Monroe substations, and 2–230 kV lines from Boundary Substation to the United States-Canadian border, and the associated substation facilities.

o. *Point of Integration (POI).* Connection points between the FCRTS and non-BPA facilities where power to be wheeled is made available to BPA.

p. *Point of Delivery (POD).* Connection points between the FCRTS and non-Federal facilities where non-Federal power wheeled is delivered to a customer by BPA.

q. *PNW–PSW Intertie.* Those transmission facilities consisting of 2–500 kV AC lines and 1–800 kV DC line between the John Day and Celilo substations and the Oregon-California border, and associated substation facilities.

r. *Ratchet Demand.* The maximum past or present demand established during the previous 11 billing months based on the highest scheduled demand during that time.

s. *Scheduled Demand.* The largest of hourly amounts of power wheeled which are scheduled by the customer during the time period specified in the rate schedules.

t. *Secondary System.* As used in the FPT rate schedule, that portion of the FCRTS facilities with operating voltage of 115 kV or 69 kV, exclusive of Main Grid facilities, Intertie facilities, and lower voltage (less than 69 kV) FCRTS facilities which may be used on a use-of-facility basis.

u. *Secondary System Delivery Terminal.* As used in the FPT rate schedule, a POD from a Main Grid substation at 115 kV or 69 kV, or a terminal located at a POI from the Secondary System.

v. *Secondary System Distance.* As used in the FPT rate schedule, the number of circuit miles of Secondary System transmission lines between the secondary POI or the Main Grid and the POD or the lower voltage FCRTS facilities which may be used on a use-of-facility basis, as specified in the Agreement.

w. *Secondary System Integration Terminal.* As used in the FPT rate schedule, the secondary Terminal Facility at the POI or the interconnection with the Secondary System.

x. *Secondary System Intermediate Terminal.* As used in the FPT rate schedule, the final terminal facilities before the delivery terminal in the Secondary System.

y. *Secondary Transformation.* As used in the FPT rate schedule, transformation from Main Grid to Secondary System facilities.

Major Concepts and Issues

BPA has prepared several studies in the process of developing the transmission rates presented in this Notice. They are the Load and Resource Forecast Study, the Revenue Forecast Study, the Revenue Requirements Study, the Cost of Service Analysis, the Time-Differentiated Long Run Incremental Cost Analysis and the Transmission Rate Design Study. The three latter studies have the most direct bearing on the rates filed in this Notice and are described in some detail below.

Prior to a discussion of the Transmission Rate Design Study, two major issues are described: the scaling of OY 1985 test year data, and unrecovered transmission system costs.

A. *Revenue Requirement Study.* The Bonneville Project Act, the Transmission System Act and the Regional Act set out criteria that require BPA to obtain revenue sufficient to recover the cost of producing, acquiring, conserving, and transmitting the electric power that BPA markets, to recover the cost of transmitting power for other parties, and to repay with interest the Federal investment in transmission and generation facilities in the FCRPS. The Revenue Requirement Study determines the minimum amount of revenue that is necessary to recover all costs of the cost evaluation period over the repayment period for the entire power system. It determines whether current rates will produce enough revenue to satisfy BPA's repayment obligation.

The Revenue Requirement Study for the initial rate proposal is based on revenue and cost estimates for fiscal years (FY) 1984 and 1985 adjusted to represent the 12-month test period commencing on July 1, 1984. If actual loads and costs differ from projected loads and costs, BPA may experience a revenue surplus or shortage. Small revenue shortages can be dealt with by deferring interest and amortization payments on appropriated funds, but sound business principles dictate that this be only a temporary means of satisfying cash shortages.

It is a common utility practice for capital projects to be partially financed from internally generated funds or current revenue. As a nonprofit agency, BPA is able to generate funds only from issuing debt or from rates. To continue its efforts to be fiscally sound, BPA has decided to raise the revenue requirement to accommodate the goal of financing through rates 5 percent of the BPA capital projects scheduled for completion during the rate period.

In order to meet its fiscal responsibility (which includes eliminating deficits and making planned amortization payments), BPA's Revenue Requirement Study reflects actual historic cash amortization, and assumes repayment of deferrals plus all normal scheduled amortization due by September 30, 1985. In addition, it reflects all of BPA's obligations under the Regional Act, including exchange costs. To assure that BPA will meet its repayment obligations, a cash lag has been added to the revenue requirement.

BPA's total revenue requirement, including transmission, as determined by the Revenue Requirement Study demonstrates the need for a 21.7 percent overall revenue increase for test year 1985.

B. *Cost of Service Analysis (COSA).* The COSA, along with certain adjustments detailed in the Transmission Rate Design Study, is designed to determine the cost of providing service to the various classes of customers and is used as a basis for evaluating the adequacy of the various classes of customers and is used as a basis for evaluating the adequacy of the various power sales and transmission rates currently in effect. Thus, the COSA is one standard which can be used in demonstrating that the costs of the FCRTS are equitably allocated between Federal and non-Federal power utilizing FCRTS.

1. *Test Period.* The COSA procedure begins with the selection of a test period and the determination of the investment, operating expenses, and loads involved in providing service during that year. For the initial transmission rate proposal, an operating year (OY) 1985 test period is used.

While the COSA employs an OY 1985 test period, the rate period actually begins eight months prior to the beginning of OY 1985. This has resulted in the need to develop cost data for OY 1984 as well, so that rates developed from the test period revenue requirement may be scaled to the necessary level during those months preceding OY 1985. This matter is discussed in more detail in Section IV. D.

2. *Functionalization.* In utility cost analyses, investment and operating costs are typically grouped by the functions the utility performs. For BPA

these functions have been identified as generation, transmission, and metering and billing. For this rate filing, metering and billing costs are assigned to the generation and transmission functions as specified in COSA Appendix G. In addition, a direction-of-effort study was performed to determine how administrative and general expenses should be functionalized.

3. *Classification.* Classification refers to the process by which costs are associated with either usage at the time of system peak (capacity), or total usage during a time period (energy). The approach that is commonly used to classify transmission costs is known as the fixed-variable method. Using this method, transmission costs are classified 100 percent to capacity based on the view that peak usage, not variable energy usage, determines the necessary transmission plant investment. In the COSA supporting this proposal, all transmission costs classified to capacity.

BPA has considered other means of classifying costs, acknowledging that some portion of transmission system costs are related to energy. BPA's TDLRIC Study proposes the use of a load factor method which would classify approximately 31 percent of transmission costs to capacity and 69 percent to energy. BPA may incorporate the use of this method into COSA and the IR–83 transmission rate for the final proposal, depending on the validity of arguments appearing in the record during the rate hearing process. In the intial proposal the IR–83 rate contains both a demand and energy billing determinant.

4. *Segmention.* Although BPA operates a regionwide transmission system, some segments of the FCRTS are not needed to provide service to certain classes of power. The FCRTS has been separated into nine segments, so that the costs of each segment can be separately identified and allocated in relation to the service being provided. The costs of only four of the nine segments, the integrated network and the three Interties, affect non-Federal transmisson rates. Costs of the other transmission segments (generation-integration, fringe area, preference and Federal agency customer delivery facilities, direct-service industrial customer delivery facilities, and investor-owned utility delivery facilities) are generally assigned to and recovered from power sales rates.

5. *Allocation.* After transmission costs are functionalized, segmented, and classified, BPA uses ther Monthly Peak Responsibility Method (12 CP method) to allocate transmission system costs to each class of service. BPA has chosen the 12 CP method to allocate transmission costs for various reasons including: (1) The 12 CP method recognizes diversity and the integrated nature of the transmission system, (2) the 12 CP method reflect the use of BPA's system to transmit energy throughout the year, and (3) BPA's transmission loading is fairly uniform throughout the year. The 12 CP allocation factors used in the COSA for non-Federal power are calculated from the power expected to use the system according to contractual arrangements.

C. *Scaling Factor.* This rate filing develops rates for a twenty month period ending on June 23, 1985. The OY 1985 test year develops costs for the final twelve months of this period, but rates developed from these cost estimates may not accurately reflect the revenue requirement for the eight month period from November 1, 1983 through to June 30, 1984. To adjust these rates downward so that they will recover no more than their required costs during the final eight months of OY 1984, a scaling factor has been devised. This scaling factor is based on costs and revenue from all of BPA's rates, both wholesale power and transmission. The factor is applied to each of the OY 1985 rates to yield rates applicable to the last eight months of OY 1984.

The application of this scaling factor to BPA's firm wheeling customers is complicated because BPA's formula power transmission contracts are limited to rate adjustment periods of one, three or five years. For the one year contracts, rates adjusted by the scaling factor may be applied on November 1, 1983, but these contracts could not be readjusted to recover OY 1985 costs until 12 months later, which is well into the new operating year. The 5-year contract also may be changed at the beginning of the rate period, but would not be adjustable again until it expires in 1988. The three year contracts, however, cannot be adjusted until July 1, 1984. Thus the scaling factor, as described, will not be applicable to three year firm wheeling contracts.

Accordingly, the scaling factor is applied to wheeling rates in the following manner. For all transmission rates which are changeable on November 1, 1983 (except the five year FPT contract) the rate will be set to a single level derived from weighted average rates during the entire 20-month period. For transmission rates that are not changeable until July 1, 1984, and for the five year FPT contract, the rate level will be based on OY 1985 costs.

D. *Federal Energy Regulatory Commission (FERC).* The FERC confirmed and approved BPA's 1976 transmission rate filing in Docket No. E–9563–000. The transmission rates developed in this proposal are consistent with the FERC's order in that docket.

E. *Transmission Rate Design Study.* 1. *Transmission System Revenue Requirement Adjustment.* Prior to the design of transmission rates, the COSA-derived network wheeling revenue requirement must be adjusted to account for revenue in excess of allocated costs. Revenue received from the ET–83 and IS–83 rates, and the Wholesale Nonfirm Energy Rate (NF–83) are credited against the allocated costs of service derived in the COSA. The credit from the NF–83 rate is functionalized between generation and transmission by considering the transmission portion of the rate as the average cost per kilowatthour of transmitting energy for wholesale power services (3.3 mills/kilowatthour). The transmission credit is obtained by multiplying this average cost by the estimated nonfirm energy sales. It is then divided among those segments of the transmission system which carry non-firm energy sales, except the PSW Intertie, in proportion to their allocated costs. The revenue associated with the ET–83 and IS–83 rates are credited entirely to those segments that are used in providing the service.

2. *Fixed Contract Revenue Deficiencies.* BPA provides transmission service to certain classes of power at rates which, by contract, cannot be changed unilaterally. Because the transmission rates are all set to collect revenue sufficient to recover all costs, including those related to contracts for which rates cannot be increased, any revenue deficiency must be assigned to other classes. One fixed rate contract is the transmission agreement for Columbia Storage Power Exchange (CSPE) power. As CSPE arrangements benefit power sales customers, the revenue deficiency is assigned to Federal power. Other fixed rate contracts include transmission for Tacoma City Light's Mayfield-Mossyrock projects and all those FPT contracts that are not changeable until July 1, 1984. Any revenue deficiency arising from these contracts is recovered from all power utilizing the FCRTS.

3. *Proposed Wheeling Rate Schedules.* a. *Formula Power Transmission (FPT).* The FPT–83 rate schedules are available for the firm wheeling of power. The form of this rate includes a distance or mileage component for transmission lines and various transformation and terminal charges. The FPT rate form is

designed to reflect a wheeling formula which has been prescribed historically by contract provisions.

In the design of the FPT–83 rate, the first step is to quantify costs for the specific types of transmission facilities treated in the rate components. Estimates of the use of these facilities are determined from a power flow simulation of the projected peak load period for the test year. Such power flow simulation assumes certain resource and load conditions that BPA believes are reasonable for normal hydro conditions. Unit costs for the FPT rate components are derived by dividing facility cost by power flow facility use.

b. *Integration of Resources (IR).* The IR–83 rate involves a change toward a more flexible and comprehensive transmission service designed to reflect BPA's transmission policy. The IR service does not recognize specific contract paths, but rather provides network-wide access to the FCRTS. The COSA-derived revenue requirement and the concepts used in the COSA are reflected in the design of the IR–83 rate schedule.

The IR–83 rate is calculated by dividing the adjusted revenue requirement for the class into two equal parts to reflect a fifty-fifty classification of costs to capacity and energy. The quotient of these costs and the appropriate billing determinant (contract demand for capacity-related costs and total energy usage for energy) yields the rates.

While the IR rate schedule is meant to effectuate BPA's policy for future firm wheeling service, FPT contracts are still abundant and may remain in effect for some time. Utilities, therefore, may choose to remain on the FPT service or enter into long-term contracts which incorporate the concepts included in the IR–83 schedule. It is anticipated that this process could result in a revenue deficiency, since utilities may choose the rate schedule which yields the lower total charge for transmission service. BPA has estimated the amount of this revenue deficiency and adjusted the firm wheeling revenue requirement to recover those costs.

Another potential contributor to a revenue deficiency is the short distance discount, which is described as a part of the IR–83 rate schedule. Utilization of this discount would cause an underrecovery of costs which must be adjusted for in the firm wheeling revenue requirement. No adjustment for short distance is made in this initial proposal because utilization of the short distance discount is expected to be minimal.

c. *Use of Facilities Transmission (UFT).* An additional rate schedule based on existing firm contracts is the Use of Facilities (UFT–83) Rate Schedule. The UFT–83, which contains a cost formula rather than a specific rate, does not differ greatly from its predecessor. Its applicability has been broadened to include all FCRTS facilities and flexibility has been added to the annual cost formulation. The intent of these charges is to supersede as many UFT–1 arrangements as contracts permit.

d. *Incidental Energy (ET) and Intertie (IN, IE, IS) Transmission.* For this rate filing, new rate schedules are being offered on the Canadian (Northern), Montana (Eastern), and Pacific Northwest-Pacific Southwest (Southern) Interties which apply to all wheeled power on these segments, whatever the characteristics of the power. The ET rate, which in the past had an intertie component, will be limited to intraregional FCRTS facilities which excludes the Interties.

Since the schedule for Energy Transmission (ET–83) class of service is not allocated costs in the COSA, it is necessary to determine the level of the rate by other means. For this rate filing, the ET–3 rate is designed to approximate the rate level of firm wheeling charges on the network by dividing the COSA revenue requirement for the firm wheeling class by the expected energy usage of firm wheeling on the system. This rate level is approximately equal to twice the energy rate under IR–83.

This method contrasts with the method used to develop ET rates in the 1981 rate filing by its simplicity, but it is designed to achieve a similar result. Since firm wheeling service on the interties is not recognized except by a few existing contracts, this method for nonfirm service is not appropriate for developing the intertie rate schedules, specifically the Intertie South (IS–83) and Intertie North (IN–83). Instead, the methodology used in 1981 to develop ET–2 rates is applied. This methodology is intended to recover the unit cost per monthly coincident peak kilowatt of all firm transactions on the intertie segments of the transmission system by dividing the COSA-derived costs for those segments by the estimated monthly coincident peak kilowatts. The rates are calculated by applying this unit cost per kilowatt to the estimated load factor of the intertie customer class. The Eastern Intertie (IE–83) develops a rate by dividing total costs by estimated generation of Colstrip energy, since this segment has no historical loads upon which to draw.

e. *Townsend-Garrison Transmission (TGT–1) Rate Schedule.* BPA and six utilities who own Colstrip Projects 1–4 have agreed to build an interregional transmission intertie (Eastern or Montana Intertie), between the Broadview substation and the new Garrison substation, for the primary purpose of transmitting the power from Colstrip Projects 1–4 to points of delivery specified in the Colstrip Transmission Agreements. BPA is responsible for constructing the section of the Eastern Intertie between Garrison and Townsend, and plans to recover the costs of that section as a separately identified portion of the Federal Transmission System. This section of the Eastern Interitie is expected to be operational by October 1983.

The TGT–1 rate will apply to all agreements which provide for the firm transmission of electric power and energy over transmission facilities of BPA's section of the Eastern Intertie. The TGT–1 rate is a use of facilities rate which is designed to recover the total annual costs of facilities associated with the Townsend-Garrison 500kV transmission line including terminals, and, prior to extension of the 500kV portion of the Federal Transmission system to Garrison, the 500kV transformer at Garison.

Other Issues. BPA is examining the environmental impacts of the proposed transmission rate increase. An appropriate environmental review under DOE's NEPA guidelines will be prepared and intergrated into the development of transmission rates, and will be made available at least 30 days before the effective date of this year's final rate proposal.

BPA is also exploring the possibility of developing one or more special rates based on the cost to BPA of revenue not received. By allowing competitors access to particular markets (notably California markets), BPA tends to increase both the volume of spilled water and the frequency of applying the spill rate. BPA estimates that such cost is approximately six mills for each kilowatthour of energy wheeled to particular markets. Although such a rate is not specifically identified in this Initial Proposal, BPA intends to present testimony relating to revenue impacts and potential rate levels in order to develop a full and complete record. If the record affirms the desirability of such a rate, BPA would plan to include it in the Final Proposal for Transmission Rates.

Issued in Portland, Oregon, March 18, 1983.

Peter T. Johnson,

Administrator.

[FR Doc. 83-7795 Filed 3-25-83; 8:45 am]

BILLING CODE 6450-01-M

Proposed Wholesale Power Rate Adjustment, Public Hearings, and Opportunities for Public Review and Comment

AGENCY: Bonneville Power Administration, DOE.

ACTION: Notice of Proposed Wholesale Power Rate Adjustment, Public Hearings, and Opportunities for Review and Comment. BPA File Number: WP-83 Bonneville Power Administration (BPA) requests that all comments and documents which become part of the Official Record compiled in the process of adjusting wholesale power rates contain the file number designation WP-83.

SUMMARY: The Pacific Northwest Electric Power Planning and Conservation Act (Regional Act or Act) enacted on December 5, 1980, confirms BPA's obligation to establish and periodically revise BPA's rates so that they are adequate to recover, in accord with sound business principles, the costs associated with the production, acquisition, and transmission of electric power, and to recover the Federal investment in the Federal Columbia River Power System (FCRPS).

BPA is proposing to revise its wholesale power rate schedules in order to produce sufficient revenue to fulfill its statutory requirements. Section 7 of the Regional Act directs the establishment of rates applicable to all power sales provided for in the Act.

Opportunities will be available for interested persons to review the proposed rates and the supporting studies, to participate in hearings, and to submit written comments. While BPA welcomes public comment on its entire proposal, it particularly requests comments on Section IV of the Notice that deals with revenue levels and rate design issues. During the development of the final rate proposal, BPA will evaluate all written and oral comments received in this process. Consideration of comments and more current data may result in the final rate proposal differing from the rates proposed in this Notice.

DATES: Persons wishing to become a formal "party" to the proceedings must notify BPA in writing of their intention to do so. The notification must be received by April 9, 1983, and should be addressed as follows: Hon. Seymour Wenner, Hearing Officer, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. Customers of BPA who provide notice are parties of right. Others may become parties by demonstrating in their notice and at the Prehearing Conference that they would represent a significant and otherwise unrepresented interest. The notice should contain: (1) the name of the person or entity claiming status as a party; (2) the person who will be representing the party; (3) whether the person or entity claiming status as a party has a contractual relationship with BPA that could be affected by the proposed rates; and (4) if no contractual interest exists, the interest the person believes would be served by their being a party. All timely applications will be ruled on by the Hearing Officer.

A Prehearing Conference, required by the rate procedures, will be held before the Hearing Officer at 9 a.m. on April 11, 1983, in the Cafeteria, Washington-Monroe High School, 531 SE. 14th Avenue, Portland, Oregon. Registration for the prehearing conference will begin at 8:30 a.m.

It is expected during the Prehearing Conference that hearing dates will be set for the presentation of direct cases, rebuttal cases, cross-examination, oral argument, and briefs. A notice of the dates and times of the hearings will be mailed to all parties of record. All formal hearing sessions will be held in the Cafeteria, Washington-Monroe High School, 531 SE. 14th Avenue, Portland, Oregon.

Two sets of field hearings regarding BPA's proposal will be held at various regional locations. During the first set, BPA will present to the public a synopsis of the rate proposal and receive comments from the general public. The public's comments will be subject to cross-examination by the parties and BPA. Presentation of testimony and evidence from formal parties will not be allowed at the field hearings. Registration for the hearings will be at 7 p.m., and the hearings will begin at 7:30 p.m. The dates and locations are:

April 11, BPA Auditorium, 1002 NE. Holladay Street, Portland, Oregon.

April 12, Eugene Hilton, Hellman Room, 66 East Sixth Avenue, Eugene, Oregon.

April 13, Bicentennial Pavilion Rotunda, 1313 Market Street, Tacoma, Washington.

April 14, Landmark Best Western Motel, 4200 200th SW, Lynnwood, Washington.

April 18, Burley Inn, 800 North Overland Avenue, Burley, Idaho.

April 19, Village Red Lion, Blackfoot Room 100 Madison, Missoula, Montana.

April 20, Ramada Inn, International Airport, Spokane, Washington.

April 21, Federal Building Auditorium, 825 Jadwin Avenue, Richland, Washington.

A second series of field hearings will be scheduled near the end of the formal hearings. These field hearings will provide the public an additional opportunity to comment based on their review of the evidence presented in the formal hearings. BPA will consider the public's comments in the evaluation of the Record. The hearing schedule and locations will be announced in newspapers in the region.

Written comments may be submitted until the close of the hearings. The last day for receipt of written comments will be specified in a later **Federal Register** Notice.

ADDRESS: Written comments not submitted at the hearings should be submitted to the Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. Written comments submitted by the close of the hearing will be made part of the record.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen S. Johnson, Public Involvement Office, P.O. Box 12999, Portland, Oregon 97212; 503-230-3478. BPA maintains toll-free lines for the use of persons within the region. Oregon callers may use 1-800-452-8429; callers in Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California may use 1-800-547-6048. Additional information is available from:

Mr. George Gwinnutt, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503-687-6952.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. George E. Eskridge, District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3860

Mr. Ronald K. Rodewald, District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377.

Mr. Richard Casad, Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206-442-4130.

Mr. Thomas Wagenhoffer, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, extension 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

SUPPLEMENTARY INFORMATION: BPA published in the **Federal Register** a notice of "Intent to Revise Wholesale Power Rates to Become Effective November 1, 1983, Request for Recommendations and Suggestions" (48 FR 4028) on January 28, 1983, and a notice of "Intent to Revise Hanford Extension Energy Rate to Become Effective November 1, 1983, Request for Recommendations and Suggestions" (48 FR 7001) on February 17, 1983. The Notices of Intent indicated that, based on contract provisions presently in force and proposed with BPA's customers, the revised rates are expected to become effective on November 1, 1983.

BPA developed a study of its financial situation to determine the amount of revenue required to meet these obligations. The total necessary revenue increase is 20.9 percent. This necessary revenue increase, when applied to the rate classes, translates into an increase of 29 percent in the Priority Firm rate and a decrease of 7 percent for the Surplus Firm Power rate. The New Resource Firm rate and Industrial Firm rate stayed approximately the same. The determination for the Industrial Firm rate does not reflect the effect of the Exchange Adjustment included in the current rate, which lowers the unit cost of power in the DSI's.

The proposed wholesale power rates have been prepared in accord with BPA's statutory authority to develop rates, including the Bonneville Project Act of 1937, as amended, 16 U.S.C., 832e and f (1976); the Flood Control Act of 1944, 16 U.S.C., 825 *et seq.* (1976); the Regional Preference Act, 16 U.S.C., 837 *et seq.* (1976); the Federal Columbia River Transmission System Act, 16 U.S.C., 838g and h (1976); and the Pacific Northwest Electric Power Planning and Conservation Act of 1980, 16 U.S.C., 839 *et seq.* (Supp. V., 1981).

In developing the proposed wholesale power rates, BPA considered revenue requirements, cost of service, incremental costs, conservation, environmental impacts, ease of administration, revenue stability, rate continuity, ease of comprehension, economic efficiency, and statutory obligations. The major studies that have been prepared to support the proposed wholesale rates will be available for examination on March 28, 1983, at BPA's Public Involvement Office, BPA Headquarters Building, 1002 NE. Holladay Street, Portland, Oregon. The studies also may be requested by phone or in writing from BPA's Public Involvement Office and will be available at the Prehearing Conference. The studies are:

1. Revenue Requirement Study.
2. Load and Resources Study.
3. Revenue Forecast Study
4. Cost of Service Analysis
5. Time-Differentiated Long Run Incremental Cost Analysis
6. Wholesale Power Rate Design Study

In developing these studies, consideration was given to the comments and recommendations received from BPA's customers and the public in response to BPA's Notice of Intent.

The environmental impacts of the proposed rates also have been considered. A draft Environmental Impact Statement documenting the impacts of the proposed rates and alternatives will be available for examination shortly. Its availability will be announced by a separate notice published in the **Federal Register**.

I. Procedures Governing Rate Adjustments and Public Participation

Section 7(i) of the Regional Act provides procedures for encouraging the participation of the public in the development of BPA's rates. The procedures outlined in the Act differ from BPA's published "Procedure for Public Participation in Major Regional Power Policy Formulation" (46 FR 26368, May 12, 1981), of which earlier versions governed BPA rate adjustments prior to the Regional Act. BPA prepared Rules of Procedure Governing Rate Adjustments (46 FR 11697, February 10, 1981) that were used in the 1981 BPA Wholesale Power and Transmission Rate Hearings conducted from February through May 1981. After providing notice, accepting comments and holding a hearing, BPA amended and published its "Procedures Governing Bonneville Power Administration (BPA) Rate Adjustments" by **Federal Register** Notice of February 10, 1982, (47 FR 6240) which were used in the 1982 wholesale power rate filing. Those latter procedures will be followed for the 1983 wholesale power and transmission rate filings. The proceedings for BPA's proposal to adjust transmission rates will be combined with the proceedings for BPA's proposal to adjust wholesale power rates.

The Regional Act prescribes a **Federal Register** Notice announcing the proposed rates; one or more hearings; the opportunity to submit written views, data, questions, and arguments outside the hearings; and a decision by the Administrator based on the record developed during the rate process. BPA procedures expand these requirements. They provide for publication of a Notice of Intent to revise rates followed by a Notice of the proposed rates, a prehearing conference, hearing, receipt of written comments, preparation of decision documents, a decision, and the transmittal of the decision with supporting documentation to the Federal Energy Regulatory Commission (FERC).

The process begins with publication of the Notice of Intent to revise rates. This is followed by publication of this Notice of the Proposed Rates, which includes the proposed rates; a discussion of the research, studies, analyses, and other available information in support of the proposed rates; the deadline for claiming status as a "party;" and the beginning date for the hearing.

The procedures further provide for a Prehearing Conference if scheduled by the Hearing Officer. A Prehearing Conference has been scheduled before the Hearing Officer at 9 a.m. on April 11, 1983, in the cafeteria at Washington-Monroe High School, 531 S.E. 14th Avenue, Portland, Oregon. Registration for the prehearing conference will begin at 8:30 a.m., and the conference will commence at 9 a.m. on Monday, April 11, 1982, with the Honorable Seymour Wenner presiding.

Issues for discussion at the Prehearing Conference may include disputes concerning status as a party, discovery, the scope of cross-examination, hearing schedules, and other pertinent matters. BPA will prefile the testimony of its witnesses at the Prehearing Conference.

BPA will also convene a series of public hearings at certain locations throughout the region. The purpose of these hearings is to present to interested members of the public a synopsis of BPA's rate proposal and to receive comments, views, and opinions from the general public. The public's comments will be subject to cross-examination by the parties and BPA. Presentation of testimony and evidence from formal parties will not be allowed at these sessions. The hearings will be held at the times and locations previously listed. The conduct of these hearings will be substantially the same as that of the public field hearings held for BPA's 1981 and 1982 rate proceedings. BPA staff will present a synopsis of the proposed rates followed by comments from the public. The public will have an opportunity to ask questions about the proposed rates.

BPA finds it necessary to distinguish between "participants in" and "parties to" the hearings. During the field hearings, BPA will receive comments, views, opinions, and information from "participants," who are defined in the procedures as interested persons who may express their views at a hearing, but who may not cross-examine other

witnesses, participate in the Prehearing Conference, or serve or be served with documents. Participants, however, will be provided regular letters during the rate hearings summarizing the proceedings and are provided the opportunity to request materials presented during the hearings. Participants' written rebuttal will be made part of the Official Record. The "participants" category of interest has been established to give the public the maximum opportunity to participate and have its views considered without assuming the obligations incumbent upon the "parties."

The second category of interest is that of a "party." A party may be either a party of right because of its legal and/or contractual relationship with BPA, and hence, its direct interest, or it may be a person seeking to represent a significant and otherwise unrepresented interest in the hearings. Parties may participate in prehearing conferences, may call and cross-examine witnesses, and are entitled to service of documents from all other parties. Parties may also be cross-examined and required to serve documents on the other parties. To avoid unnecessary delay, cross-examination by parties may be limited by the Hearing Officer. Where two or more parties have substantially like interests and positions, the Hearing Officer may, to expedite the hearing, order appropriate limitations on the number of attorneys or parties appearing *pro se* who will be permitted to cross-examine witnesses as well as file motions and objections on behalf of such parties. If a party demonstrates that it would not be represented adequately in the joint presentation of an issue or issues, the Hearing Officer may permit separate examination or argument regarding such issue or issues.

In order to facilitate discovery and promote the efficient use of cross-examination, the Hearing Officer may order BPA, the parties, or both, to make witnesses available for clarifying sessions. BPA expects that the series of field hearings will be followed by clarification sessions, the presentation of direct cases, the presentation of rebuttal cases, cross-examination, oral argument, and briefing. The times for these proceedings will be established by the Hearing Officer at the prehearing conference and will be announced in a subsequent order that will be served upon all parties of record.

After the close of the hearings, BPA will file a brief and an Evaluation of the Record. The Hearing Officer will extend an opportunity to other parties to evaluate the record and analyze the law through briefs. The Evaluation of the Record will provide a written evaluation of the Record addressing significant technical issues. The Hearing Officer also will extend an opportunity to all parties and BPA to file reply briefs.

Persons need not attend the hearings in order to have their views included in the Record. Written comments may be included in the Record if they are submitted before the close of the hearings. Written views, data, questions, and arguments should be submitted to BPA's Public Involvement Manager.

The Record will include, among other things, the transcripts of the hearings, written material submitted by the parties and participants, documents developed by the BPA staff, and other material accepted into the Record by the Hearing Officer. The Hearing Officer then will review the Record, will supplement it if necessary, and will certify the Record to the Administrator for decision.

The Administrator will develop the final proposed rates based on the entire Record, including the Record certified by the Hearing Officer, comments received from participants in the field hearings, other material and information submitted to or developed by the Administrator, and any other comments received during the rate development process. The basis for the final proposed rates will be supported by the Administrator's Record of Decision. The Administrator will serve copies of the Administrator's Record of Decision on all parties and will file the final proposed rates together with the Record with FERC for confirmation and approval.

II. Elements of the Regional Act

The rate schedules contained in this publication are proposed in accord with the Regional Act, which was signed into law on December 5, 1980. BPA's 1981 and 1982 rate schedules also were proposed in accord with the Regional Act. Prior to the Act, BPA allocated costs of resources from a single block, the FCRPS, and designed rates to recover those costs from limited classes of customers. Now there are two additional distinct blocks of resource costs, and BPA's services extend to all classes of customers within the Pacific Northwest. Accordingly, the new rate schedules reflect many features contained principally in the Act's rate directives (section 7), as well as the conditions related to classes of customers and services contained in the Act's power sales directives (section 5).

Most importantly, the Act places on BPA a responsibility to all the electric power consumers in the region. While protecting the historic preference and priorities of public bodies and cooperatives, the Act authorizes BPA to extend the benefits of low cost Federal power to residential and small farm consumers; to share the burdens, risks, and benefits of meeting the load growth requirements of all requesting utilities; to provide a positive inducement to individual utilities to accept the considerable burdens of achieving conservation and developing renewable resources; to accept the risks and costs of meeting the entire region's power supply deficits; and to provide access for all of BPA's regional firm loads to the reserves provided by BPA rights to restrict deliveries to industrial customers served directly by BPA.

A. *Services.* BPA's public body, cooperative and Federal agency customers will be able to have their current and future requirements met by BPA. In addition, the residential and small farm consumers of investor-owned utilities (IOU's) will share in the benefits of what are now BPA's lowest cost resources.

The IOU's net firm power requirements in the region (in excess of their own firm resources in the year prior to the Act) also can be served by BPA if the utility seeks such service. These loads would be served at a different rate as described below, but would retain the benefits of system integration, reserves, risk sharing, and nonfirm energy supplies.

BPA's existing direct-service industrial (DSI) customers have received new 20-year contracts for industrial power. These contracts include significant BPA rights to restrict service to the DSI's. These rights provide the region with a major portion of the planning and operating reserves that help to keep costs lower to all of the region's consumers.

B. *Costs.* The Act identifies three distinct resource pools, commonly referred to as the Federal base system resources (FBS), the exchange resources under section 5(c) of the Act (Exchange), and new resources (NR).

The first pool, the FBS, is defined by section 3(10) of the Act as (1) the FCRPS hydroelectric projects; (2) the resources acquired by the Administrator under long-term contracts in force on the effective date of the Act; and (3) the resources acquired as necessary to replace any reductions in capability of the components of (1) and (2). For the test year 1985, the FBS used in developing rates includes the existing hydroelectric system 30 percent of the output of the Trojan nuclear plant, power from the Hanford Generating

Project (HGP), and the net-billed portions of the Washington Public Power Supply System plants 1, 2, and 3.

The second resource pool, Exchange, consists of the power that BPA purchases from utilities, primarily IOU's, for the direct benefit of their residential and small farm consumers. Commencing on October 1, 1981, the amount of power purchased was equal to 60 percent of the residential and small farm loads of the individual utility and increases by 10 percentage points each July 1 through 1985. For the 1985 test year, the power eligible for exchange purchase is equal to 90 percent of the residential and small farm loads of the individual utility in the region. BPA is directed to acquire the power at the offering utility's average system cost. The average system cost is determined using a methodology developed by BPA, pursuant to section 5 of the Act, in consultation with its customers, State regulatory bodies in the region, and the Pacific Northwest Electric Power and Conservation Planning Council (Regional Council). (FERC approved BPA's methodology on an interim basis on October 1, 1981 (46 FR 50517, October 14, 1981).) BPA must then sell an equivalent amount of power to the utility at the same rate that is in effect for sales of wholesale firm power to BPA's public body, cooperative, and Federal agency customers. The benefits of this "exchange" are to be passed through to the participating utility's residential loads within that State.

While the exchange provisions of the Act were presumed to benefit primarily investor-owned utility residential ratepayers, the average system cost methodology now in effect on an interim basis permits publicly owned utilities to exchange. Thus, a portion of the projected exchange resource, exchange cost, and exchange load in this proposal is attributable to this public agency exchange.

The third resource pool, NR, is the "new resource" pool. It will include all new resources developed, purchased, or otherwise acquired by BPA to meet the load growth of investor-owned utilities plus any of their firm power deficit in the year prior to December 5, 1980, which they ask BPA to meet. This pool also includes resources acquired to meet the new large single load (section 3(13) of the Act) requirements of BPA's public body, cooperative, or Federal agency customers.

C. *Rates.* The costs of the various resource pools described above, plus the other costs incurred by the Administrator, must be recovered in a manner described in section 7 of the Act, including provisions of other applicable law.

Section 7(b) directs the Administrator to establish a rate or rates for power sold to meet the general requirements of the public body, cooperative, and Federal agency customers within the region as well as power sold to utilities participating in the residential power exchange to serve their residential and small farm consumers. For test year 1985, 7(b) loads exceed the capability of the FBS. Consequently, a portion of BPA's exchange resources is allocated to the 7(b) rate class. For test years 1985, the DSI's are basically served by exchange resouces remaining after serving 7(b) load. In the test year 1985, the exchange is limited to 90 percent of the exchanging utilities' residential and small farm loads. For test year 1985, the DSI rate will recover the majority of costs that BPA pays for power from the utilities participating in the section 5(c) exchange. BPA does not plan for or acquire resources to serve the top quartile (approximately 25 percent) of the DSI load. Instead, the availability of nonfirm energy and the flexibility of the hydro system to move water forward in time are used to meet this load. The opportunity cost assigned to top quartile service is based on the nonfirm energy rate. The overall DSI rate is adjusted pursuant to section 7(c)(3) of the Act in recognition of the value of the forced outage, stability, and plant delay reserves provided through restriction rights on delivery of power to meet the DSI's loads.

Section 7(f) of the Act directs the establishment of rates that will be charged for all other firm power sales made within the region by the Administrator. Loads served under these rates may be the load growth or firm deficits of the IOU's which BPA is obligated to serve under the Act, if requested to do so by the individual IOU's. Section 7(f) rates also appy to service to preference customers' new large single loads as defined in the Act and which are excluded from service under the section 7(b) rate. Exchange resources will be used to serve the load growth and new large single loads provided for in section 7(f).

Another significant service addressed in section 7 of the Act is BPA's sale of nonfirm energy. Section 7(k) of the Act applies the standards of specified statutes to BPA's nonfirm energy sales, but provides no new rate directives for such sales. BPA plans its long-term recovery of revenue on the basis of average water conditions. The nonfirm energy revenues under average water greatly exceed the small amount of cost allocated to the provisions of nonfirm service. Consequently, the manner in which nonfirm energy is used, the nonfirm rate, and the distribution of this revenue in excess of costs can have significant impacts on the various classes of service. The revenue earned from sales of nonfirm energy are used, in general, to reduce the cost of firm power from the resources that produced, or contributed to the nonfirm revenues. The BPA proposal essentially provides that the preference customers and the residential and small farm consumers of participating utilities continue to receive those revenue benefits from nonfirm sales that are attributable to the FBS resources (including the revenue benefits from the direct use and displacement of these resources).

This extensive introduction to the rate proposal is provided because BPA is well aware that its formulations of rate structures required to reflect the complex requirements of the Regional Act will benefit from careful review and constructive comments. BPA requests that customers, State agencies, and the general public consider the proposed rates in terms of their broad purposes and provide recommendations that would improve our region's ability to cooperatively achieve those purposes.

III. Wholesale Power Rate Schedules and General Rate Schedule Provisions

Schedule PF–83—Priority Firm Rate

Section I. Availability

This schedule is available for the contract purchase of firm power to be used within the Pacific Northwest.

Priority Firm Power may be purchased for resale, for direct consumption, for construction, for test and start-up, and for station service by public bodies, cooperatives, and Federal agencies.

Utilities participating in the exchange under section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) may also purchase Priority Firm Power pursuant to the Residential Purchase and Sale Agreements.

In addition, BPA may make Priority Firm Power available to those parties participating in exchange agreements specifying use of the Priority Firm rate for determining the amount of power to be exchanged. This schedule supersedes Schedule PF–2 which went into effect on an interim basis on October 1, 1982.

Section II. Rate

This rate schedule includes charges for two rate periods. Period A begins November 1, 1983, and continues through June 30, 1984. Period B begins July 1, 1984, and continues until this rate schedule is superseded. The charge for Period B is shown in parentheses

immediately following the charge for Period A. If only one rate appears, the given rate is effective for both rate periods.

A. Demand Charge

1. For the billing months December through April, Monday through Saturday, 7 a.m. through 10 p.m.: $5.50 ($5.70) per kilowatt of billing demand,

2. For the billing months May through November, Monday through Saturday, 7 a.m. through 10 p.m.: $2.39 (2.48) per kilowatt of billing demand,

3. All other hours: No demand charge.

B. Energy Charge

1. For the billing months September through March: 16.1 (16.7) mills per kilowatthour of billing energy,

2. For the billing months April through August: 12.9 (13.4) mills per kilowatthour of billing energy.

C. Unauthorized Increase Charge

1. 83.0 mills per kilowatthour.

2. Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an unauthorized increase pursuant to the Billing Demand subsections of section III of this rate schedule. That amount which BPA actually treats as unauthorized increase pursuant to the Billing Demand subsections of section III shall be excluded from the total of the integrated or scheduled demands used to determine the amount which may be considered an unauthorized increase under the Billing Energy subsections of section III.

Section III. Billing Factors

In this section billing factors are listed for each of the following types of purchasers: computed requirements purchasers (section III.A), purchasers of residential exchange power pursuant to the Residential Purchase and Sale Agreements (section III.B), metered requirements purchasers and those priority firm purchasers not covered by sections III.A and III.B (section III.C), and all purchasers of priority firm power during a period of insufficiency (section III.D). If BPA has provided the purchaser with notice of insufficiency, the billing provisions of section III.D shall take precedence over the billing provisions of sections III.A, III.B, and III.C.

A. Computed Requirements Purchasers

Purchasers designated by the BPA as computed requirements purchasers either pursuant to section IV.B.3 of the General Rate Schedule Provisions or pursuant to power sales contracts executed after December 5, 1980, shall be billed in accordance with the provisions of this subsection.

1. *Billing Demand.* a. The billing demand for actual and planned computed requirements purchasers shall be the higher of the following billing factors:

(1) The lower of:

(a) The Measured Demand, before adjustment for power factor, or

(b) The Computed Maximum Requirement, which is the larger of the Computed Peak Requirement or the Computed Average Energy Requirement, or

(2) The lower of:

(a) The Computed Peak Requirement, or

(b) Sixty percent of the highest Computed Peak Requirement during the previous 11 billing months (Ratchet Demand).

The billing demand for contracted computed requirements purchasers shall be the Contract Demand.

b. That portion of any Measured Demand, as adjusted for power factor, which exceeds the Computed Maximum Requirement during any billing month and which cannot be assigned:

(1) To a class of power which BPA delivers on such hour pursuant to contracts between BPA and the purchaser, or

(2) To a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such hour, shall be billed:

(a) In accordance with the provisions of the "Relief from Overrun" exhibit to the power sales contract, or

(b) As unauthorized increase if no such exhibit exists.

2. *Billing Energy.* a. The billing energy for actual and planned computed requirements purchasers shall be the lesser of:

(1) The Computed Energy Maximum, or

(2) The sum of 50 percent of the Measured Energy and 50 percent of the Computed Energy Maximum.

The billing energy for contracted computed requirements purchasers shall be the Contract Demand multiplied by the number of hours in the billing month.

b. The amount of Measured Energy during a billing month which exceeds the Computed Energy Maximum for that month and which cannot be assigned:

(1) To a class of power which BPA delivers during such month pursuant to contracts between BPA and the purchaser, or

(2) To a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such month, shall be billed:

(a) In accordance with the provisions of the "Relief from Overrun" exhibit to the power sales contract, or

(b) As unauthorized increase if no such exhibit exists.

B. Purchasers of Residential Exchange Power

Purchasers buying Priority Firm Power under the terms of a Residential Purchase and Sale Agreement shall be billed as follows:

1. *Billing Demand.* The billing demand shall be the demand calculated by applying the load factor, determined as specified in the Residential Purchase and Sale Agreement, to the billing energy for each billing period.

2. *Billing Energy.* The billing energy shall be 80 percent of the energy associated with the utility's residential load for each billing period through June 30, 1984. The percentage shall be increased to 90 percent on July 1, 1984, and to 100 percent on July 1, 1985.

C. Metered Requirements Purchasers and Other Purchasers not Covered by Sections III.A and III.B, Above

Purchasers designated as metered requirements customers and purchasers taking power under this rate schedule who are not otherwise covered by sections III.A and III.B shall be billed as follows:

1. *Billing Demand.* a. For metered requirements purchasers the billing demand shall be the Measured Demand as adjusted for power factor.

Other purchasers shall be billed on the Contract Demand, if specified in the power sales contract. Otherwise the billing demand for such purchasers shall be the Measured Demand as adjusted for power factor.

b. That portion of any Measured Demand, before adjustment for power factor, which exceeds the amount of firm power the purchaser is entitled to take pursuant to the power sales contract and which cannot be assigned:

(1) To a class of power which BPA delivers on such hour pursuant to contracts between BPA and the purchaser, or

(2) To a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such hour, shall be billed as unauthorized increase.

2. *Billing Energy.* a. For metered requirements purchasers the billing energy shall be the Measured Energy.

Other purchasers shall be billed on the Contract Demand multiplied by the number of hours in the billing month, provided a Contract Demand is specified in the power sales contract.

Otherwise the billing energy for such purchasers shall be the Measured Energy.

b. The amount of Measured Energy during a billing month which exceeds the amount which the purchaser is entitled to take pursuant to the power sales contract during that month and which cannot be assigned:

(1) To a class of power which BPA delivers during such month pursuant to contracts between BPA and the purchaser, or

(2) To a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such month, shall be billed as unauthorized increase.

D. Purchasers of Priority Firm Power During a Period of Insufficiency

In the event of an insufficiency of electric power, all purchasers of priority firm power who are contractually limited to an allocation of capacity and/or energy, as determined by BPA pursuant to the terms of the purchaser's power sales contract, shall be billed as follows:

1. *Billing Demand, Given an Allocation of Firm Capacity.* a. If there has been an allocation of Firm Capacity, the billing demand shall be the lower of:

(1) The Measured Demand, adjusted for power factor, or

(2) The allocation of Firm Capacity, determined pursuant to the purchaser's power sales contract.

b. That portion of any Measured Demand, before adjustment for power factor, which exceeds the allocation of Firm Capacity and which cannot be assigned:

(1) To a class of power which BPA delivers on such hour pursuant to contracts between BPA and the purchaser, or

(2) To a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such hour shall be billed:

(a) In accordance with the provisions of the "Relief from Overrun" exhibit to the power sales contract, or

(b) As unauthorized increase if no such exhibit exists.

2. *Billing Energy, Given an Allocation of Firm Energy.* a. If there has been an allocation of Firm Energy, the billing energy shall be the lower of:

(1) The Measured Energy, or

(2) The allocation of Firm Energy, determined pursuant to the purchasers's power sales contract.

b. The amount of Measured Energy during a billing month which exceeds the allocation of Firm Energy for that month and which cannot be assigned:

(1) To a class of power which BPA delivers during such month pursuant to contracts between BPA and the purchaser, or

2) To a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such month. shall be billed:

(1) In accordance with the provisions of the "Relief from Overrun" exhibit to the power sales contract, or

(2) As unauthorized increase if no such exhibit exists.

3. *Billing Factors, Given No Allocation of Firm Capacity and/or No Allocation of Firm Energy.* The billing demand or billing energy, if not specifically limited to an allocation pursuant to the purchaser's power sales contract, shall be determined according to the appropriate section, III.A, III.B, or III.C, above.

Section IV. Adjustments

A. Power Factor Adjustment

The adjustment for power factor, when specified in this rate schedule or in the power sales contract, shall be made in accordance with the provisions of both this section and section III.C.1 of the General Rate Schedule Provisions. The adjustment shall be made if the average leading power factor or average lagging power factor at which energy is supplied during the billing month is less than 95 percent. To make the power factor adjustment, BPA shall increase the billing demand by one percentage point for each percentage point or major fraction thereof (.5 or greater) by which the average leading power factor or average lagging power factor is below 95 percent. BPA may elect to waive the adjustment for power factor in whole or in part.

B. Low Density Discount (LDD)

1. A predetermined discount will be applied each month of a calendar year to the charges for power purchased under this rate schedule. The discount will be based on the following ratios:

a. The purchaser's total electric energy requirements during the previous calendar year (including the purchaser's nonfirm sales and sales for resale) divided by the purchaser's depreciated electric plant (excluding generation plant) at the end of such year, and

b. The average number of residential consumers during the previous calendar year divided by the number of pole miles of distribution line at the end of such year.

In calculating these ratios BPA shall use data pertaining to the purchaser's entire electric utility system within the region. Results of the calculations shall not be rounded.

2. Any purchaser meeting all five of the eligibility criteria listed below shall receive the greatest discount for which that purchaser qualifies.

a. *Eligibility Criteria.* (1) The purchaser must be an electric utility offering power for resale;

(2) The purchaser must agree to pass the benefits of the discount through to the purchaser's consumers within the BPA region;

(3) The purchaser's kilowatthour to investment ratio (Ratio IV.B.1.a) must be less than 60;

(4) The purchaser's consumers per mile ratio (Ratio IV.B.1.b) must be less than 10; and

(5) The purchaser must qualify for a discount based on the criteria in section IV.B.2.b, below.

b. *Discounts.* (1) 3% for any purchaser for whom:

(a) The kilowatthour to investment ratio is equal to or greater than 25 but less than 35, or

(b) The consumers per mile ratio is equal to or greater than 4 but less than 6.

(2) 5% for any purchaser for whom:

(a) The kilowatthour to investment ratio is equal to or greater than 15 but less than 25, or

(b) The consumers per mile ratio is equal to or greater than 2 but less than 4.

(3) 7% for any purchaser for whom:

(a) The kilowatthour to investment ratio is less than 15, or

(b) The consumers per mile ratio is less than 2.

C. Exchange Adjustment

The Exchange Adjustment shall be calculated pursuant to section III.C.2 of the General Rate Schedule Provisions and shall be applied to all power purchases under this rate schedule from November 1, 1983, through June 30, 1985.

For this rate schedule, the variable EC in the Exchange Adjustment calculation shall have a value of 0.213.

D. Supply System Adjustment

The Supply System Adjustment shall be calculated pursuant to section III.C.3 of the General Rate Schedule Provisions and shall be applied to energy purchases made under this rate schedule from July 1, 1984, through June 30, 1985.

For this rate schedule, the variables SS and BD in the Supply System calculation shall have the following values:

1. SS=0.968;
2. BD=75,919.

Section V. Resource Cost Contribution

The approximate cost contribution of different resource categories to the PF–

83B rate is 78 percent FBS and 22 percent Exchange.

The forecasted average cost of resources available to the Administrator under average water conditions is 20.2 mills per kilowatthour.

The forecasted cost of resources to meet load growth is 29.3 mills per kilowatthour.

Section VI. General Provisions

Sales of power under this schedule shall be subject to the General Rate Schedule Provisions and the following Acts, as amended: the Bonneville Project Act, the Regional Preference Act (Pub. L. 88–552), the Federal Columbia River Transmission System Act, and the Pacific Northwest Electric Power Planning and Conservation Act.

Schedule IP–83—Industrial Power Rate

Section I. Availability

This schedule is available to existing direct-service industrial customers for the contract purchase of industrial firm power on an Operating Demand basis and for auxiliary power requested by the purchaser and made available as an Auxiliary Demand by BPA on an intermittent basis. This rate schedule supersedes Schedule IP–2 which went into effect on an interim basis on October 1, 1982.

Section II. Rate

This rate schedule includes charges for two rate periods. Period A begins November 1, 1983, and continues through June 30, 1984. Period B begins July 1, 1984, and continues until this rate schedule is superseded. The charge for Period B is shown in parentheses immediately following the charge for Period A. If only one rate appears, the given rate is effective for both rate periods. Within each rate period there are two sets of charges: one for purchasers during periods when they have *not* requested service to the top quartile with surplus firm energy load carrying capability (FELCC) and another for purchasers during periods when they *have* requested such service.

A. When the purchaser has *not* requested service to the first quartile with surplus FELCC the following rate shall apply:

1. *Customer Charge.* a. For all billing months: $5.72 ($5.93) per kilowatt of operating demand.

2. *Demand Charge.* a. For the billing months December through April, Monday through Saturday, 7 a.m. through 10 p.m.: $4.68 ($4.85) per kilowatt of billing demand,

b. For the billing months May through November, Monday through Saturday, 7 a.m. through 10 p.m.: $2.20 ($2.28) per kilowatt of billing demand,

c. All other hours: No demand charge.

3. *Energy Charge.* a. For the billing months September through March: 15.0 (15.6) mills per kilowatthour of billing energy,

b. For the billing months April through August: 12.3 (12.8) mills per kilowatthour of billing energy.

4. *Unauthorized Increase Charge.* a. 83.0 mills per kilowatthour.

B. When the purchaser *has* requested service to the first quartile with surplus FELCC the following rate shall apply:

1. *Customer Charge.* a. For all billing months: $7.21 ($7.48) per kilowatt of operating demand.

2. *Demand Charge.* a. For the billing months December through April, Monday through Saturday, 7 a.m. through 10 p.m.: $5.50 ($5.70) per kilowatt of billing demand,

b. For the billing months May through November, Monday through Saturday, 7 a.m. through 10 p.m.: $2.39 ($2.48) per kilowatt of billing demand,

c. All other hours: No demand charge.

3. *Eneregy Charge.* a. For the billing months September through March: 16.1 (16.7) mills per kilowatthour of billing energy,

b. For the billing months April through August: 12.9 (13.4) mills per kilowatthour of billing energy.

4. *Unauthorized Increase Charge.* a. 83.0 mills per kilowatthour.

Section III. Billing Factors

A. Billing Demand

1. In computing the billing demand for industrial firm power, BPA shall use the lowest of the following billing factors:

a. Operating Demand,

b. Curtailed Demand, or

c. Restricted Demand.

In the computation of the power bill, each of the billing factors for demand shall be adjusted for power factor. Only that portion of the demand which is purchased from BPA shall be considered the billing demand.

Any purchaser which has not complied with the provisions of the power sales contract in providing notice to BPA regarding requested changes in Operating Demand or Curtailed Demand shall be billed as if no notice has been provided, unless BPA agrees to waive the notice requirement.

During any billing month in which there is more than one type of demand for industrial firm power, the billing demand shall be the weighted average of the billing demands for such month.

If the purchaser requests billing on a Measured Demand basis pursuant to section 4 of the power sales contract and if BPA agrees to such billing, the billing demand for the billing month shall be the weighted average of the daily Measured Demands, as adjusted for power factor. However, at no time during the period of restoration, as defined in section 4(e) of the power sales contract, shall the daily billing demand be lower than any previous such demand during such period. Should the Measured Demand for any day during such period be lower than the billing demand for the previous day, the previous day's billing demand shall be used as the biling demand for such day.

2. *Auxiliary Power.* For auxiliary power requested by the purchaser and made available by BPA, the billing demand shall be the Auxiliary Demand, as adjusted for power factor.

If the purchaser requests auxiliary power during the billing month, the billing demand for auxiliary power shall be the weighted average of the billing demands for auxiliary power for the number of days during the billing month in which the purchaser received auxiliary power. However, should the Measured Demand for any day during which BPA supplies Auxiliary Power be lower than the billing demand for the previous day the previous day's billing demand shall be used as the billing demand for such day.

3. *Curtailments.* BPA shall charge the purchaser for curtailments in accordance with the provisions of section 9(c) of the power sales contract.

4. *Unauthorized Increase.* If the Measured Demand during the hours 7 a.m.–10 p.m. on any day Monday through Saturday exceeds the sum of:

a. The billing demand (as specified in section III.A.1) during that hour before adjustment for power factor,

b. The auxiliary demand during that hour before adjustment for power factor, and

c. Any applicable demands which the purchaser acquires through other contracts for such hour, the difference may be billed:

a. As unauthorized increase, or

b. As additional billing demand under this rate schedule.

BPA shall make the determination as to how the unauthorized increase shall be billed.

B. Billing Energy

The billing energy shall be that portion of the Measured Energy purchased from BPA during the billing month.

The power bill shall reflect the distribution of the kilowatthours of billing energy among the respective billing demands for the month.

Section IV. Adjustments

A. Value of Reserves

A monthly billing credit for the value of the reserves provided by purchasers of Industrial Firm Power shall be:

1. $0.25 ($0.26) per kilowatt of billing demand.

2. 1.7 (1.8) mills per kilowatthour of billing energy.

The adjustment shall be applied to the same billing factors which are used to determine the billing for power purchased under sections III.A.1 and III.A.2 of this rate schedule. However, no value of reserves credit shall be applied to that portion of the purchaser's demand subject to curtailment charges under section III.A.3 of this rate schedule. In addition, no value of reserves credit shall be applied to those purchases subject to unauthorized increase charges under section III.A.4, above.

B. Power Factor Adjustment

The adjustment for power factor, when specified in this rate schedule or in the power sales contract, shall be made in accordance with the provisions of both this section and section III.C.1 of the General Rate Schedule Provisions. The adjustment shall be made if the average leading power factor or average lagging power factor at which energy is suppled during the billing month is less than 95 percent. To make the power factor adjustment, BPA shall increase the billing demand by one percentage point for each percentage point or major fraction thereof (.5 or greater) by which the average leading power factor or average lagging power factor is below 95 percent. BPA may elect to waive the adjustment for power factor in whole or in part.

C. Exchange Adjustment

The Exchange Adjustment shall be calculated pursuant to section III.C.2 of the General Rate Scheule Provisions and shall be applied to all power purchases under this rate schedule from November 1, 1983, through June 30, 1985.

For this rate schedule, the variable EC in the Exchange Adjustment calculation shall have a value of 0.822.

Section V. Resource Cost Contribution

The approximate cost contribution of different resource categories to the IP-83B rate is 100 percent Exchange.

The forecasted average cost of resources available to the Administrator under average water conditions is 20.2 mills per kilowatthour.

The forecasted cost of resources to meet load growth is 29.3 mills per kilowatthour.

Section VI. General Provisions

Sales of power under this schedule shall be subject to the General Rate Schedule Provisions and the following Acts, as amended: the Bonneville Project Act, the Regional Preference Act (Pub. L. 88-552), the Federal Columbia River Transmission System Act, and the Pacific Northwest Electric Power Planning and Conservation Act.

Schedule IH-83—Special Industrial Rate

Section I. Availability

This schedule is available for the Hanna Nickel Smelting Company's contract purchase of a special class of industrial power on an Operating Demand basis and for auxiliary power requested by the purchaser and made available as an Auxiliary Demand by BPA on an intermittent basis. This rate schedule is made available pursuant to section 7(d)(2) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). This schedule supersedes Schedule SI-2 which went into effect on an interim basis on October 1, 1982.

Section II. Rate

This rate schedule includes charges for two rate periods. Period A begins November 1, 1983, and continues through June 30, 1984. Period B begins July 1, 1984, and continues until this rate schedule is superseded. The charge for Period B is shown in parentheses immediately following the charge for Period A. If only one rate appears, the given rate is effective for both rate periods.

A. Demand Charge

1. For the billing months December through April, Monday through Saturday, 7 a.m. through 10 p.m.: $5.50 ($5.70) per kilowatt of billing demand,

2. For the billing months May through November, Monday through Saturday, 7 a.m. through 10 p.m.: $2.39 ($2.48) per kilowatt of billing demand,

3. All other hours: No demand charge.

B. Energy Charge

1. For the billing months September through March: 16.1 (16.7) mills per kilowatthour of billing energy,

2. For the billing months April through August: 12.9 (13.4) mills per kilowatthour of billing energy.

C. Unauthorized Increase Charge

1. 83.0 mills per kilowatthour.

Section III. Billing Factors.

A. Billing Demand

1. In computing the billing demand for this special class of industrial power, BPA shall use the lowest of the following billing factors:

a. Operating Demand,

b. Curtailed Demand, or

c. Restricted Demand.

In the computation of the power bill, each of the billing factors for demand shall be adjusted for power factor. Only that portion of the demand which is purchased from BPA shall be considered the billing demand.

Any purchaser which has not complied with the provisions of the power sales contract in providing notice to BPA regarding changes in requested Operating Demand or curtailed Demand shall be billed as if no notice has been provided, unless BPA agrees to waive the notice requirement.

During any billing month in which there is more than one type of demand for industrial firm power, the billing demand shall be the weighted average of the billing demands for such month.

If the purchaser requests billing on a Measured Demand basis pursuant to section 4 of the power sales contract and if BPA agrees to such billing, the billing demand for the billing month shall be the weighted average of the daily Measured Demands, as adjusted for power factor. However, at no time during the period of restoration, as defined in section 4(e) of the power sales contract, shall the daily billing demand be lower than any previous such demand during such period. Should the Measured Demand for any day during such period be lower than the billing demand for the previous day, the previous day's billing demand shall be used as the billing demand for such day.

2. *Auxiliary Power.* For auxiliary power requested by the purchaser and made available by BPA, the billing demand shall be the Auxiliary Demand as adjusted for power factor.

If the purchaser requests auxiliary power during the billing month, the billing demand for auxiliary power shall be the weighted average of the billing demands for auxiliary power for the number of days during the billing month in which the purchaser received auxiliary power. Should the Measured Demand on any day during which BPA supplies Auxiliary Power be lower than the billing demand for the previous day, the previous day's billing demand shall be used as the billing demand for such day.

3. *Curtailments.* BPA shall charge the purchaser for curtailments in accordance with the provisions of section 9(c) of the power sales contract.

4. *Unauthorized Increase.* If the Measured Demand during the hours 7

a.m.—10 p.m. on any day Monday through Saturday exceeds the sum of:

a. The billing demand (as specified in section III.A.1) during that hour before adjustment for power factor,

b. The auxiliary demand during that hour before adjustment for power factor, and

c. Any applicable scheduled demands which the purchaser acquires through other contracts for such hour, the difference may be billed:

a. As unauthorized increase, or

b. As additional billing demand under this rate schedule.

BPA shall make the determination as to how the unauthorized increase shall be billed.

B. Billing Energy

The billing energy shall be the Measured Energy during the billing month.

The power bill shall reflect the distribution of the kilowatthours of billing energy among the respective billing demands for the month.

Section IV. Adjustments

A. Value of Reserves

An adjustment for the value of the reserves provided by purchasers of this special class of industrial power shall be:

1. $0.25 ($0.26) per kilowatt of billing demand and

2. 1.7 (1.8) mills per kilowatthour of billing energy.

The adjustment shall be applied to the same billing factors which are used to determine the billing for power purchased under sections III.A.1 and III.A.2 of this rate schedule. However, no value of reserves credit shall be applied to that portion of the purchaser's demand subject to curtailment charges under section III.A.3 of this rate schedule. In addition, no value of reserves credit shall be applied to those purchases subject to unauthorized increase charges under section III.A.4, above.

B. Power Factor Adjustment

The adjustment for power factor, when specified in this rate schedule or in the power sales contract, shall be made in accordance with the provisions of both this section and section III.C.1 of the General Rate Schedule Provisions. The adjustment shall be made if the average leading power factor or average lagging power factor at which energy is supplied during the billing month is less than 95 percent. To make the power factor adjustment, BPA shall increase the billing demand by one percentage point for each percentage point or major fraction thereof (.5 or greater) by which the average leading power factor or average lagging power factor is below 95 percent. BPA may elect to waive the adjustment for power factor in whole or in part.

Section V. Resource Cost Contribution

The IH–83B rate is not based on the cost of resources.

The forecasted average cost of resources available to the Administrator under average water conditions is 20.2 mills per kilowatthour.

The forecasted cost of resources to meet load groath is 29.3 mills per kilowatthour.

Section VI. General Provisions

Sales of power under this schedule shall be subject to the General Rate Schedule Provisions and the following Acts, as amended: the Bonneville Project Act, the Regional Preference Act (Pub. L. 88–552), the Federal Columbia River Transmisstion System Act, and the Pacific Northwest Electric Power Planning and Conservation Act.

Schedule CF–83—Firm Capacity Rate

Section I. Availability

This schedule is available for the contract purchase of firm capacity without energy on a contract demand basis for supply during a contract year of 12 months or during a contract season of 5 months, June 1 through October 31. This schedule supersedes Schedule CF–2 which went into effect on an interim basis on October 1, 1982.

Section II. Rate

This rate schedule includes charges for two rate periods. Period A begins November 1, 1983, and continues through June 30, 1984. Period B begins July 1, 1984, and continues until this rate schedule is superseded. The charge for Period B is shown in parentheses immediately following the charge for Period A. If only one rate appears, the given rate is effective for both rate periods.

A. Contract Year Service

$44.16 ($45.84) per kilowatt per year of Contract Demand, billed monthly at the rate of $3.68 ($3.82) per kilowatt of Contract Demand.

B. Contract Season Service

$11.95 ($12.40) per kilowatt per season of Contract Demand, billed monthly during the contract season at the rate of $2.39 ($2.48) per kilowatt of Contract Demand.

C. Intertie Service

The monthly capacity rate specified in subsections A.1 and A.2, above, shall be increased by $0.51 ($0.53) per kilowatt for capacity made available at the Oregon-California or the Oregon-Nevada border for delivery over the Pacific Northwest-Pacific Southwest (Southern) Intertie.

D. Extended Peaking Surcharge

The monthly capacity rate specified in subsections A, B, and, if applicable, C, above, shall be increased by 0.043 per kilowatt of billing demand for each hour that the purchaser's monthly demand duration exceeds nine (9) hours. The charge shall be prorated for each portion of an hour of extended peaking supplied to the purchaser. The purchaser's demand duration for the month shall be determined by dividing:

1. The kilowatthours supplied under this rate schedule to the purchaser on the day of the purchaser's maximum kilowatthour use between the hours of 7 a.m. and 10 p.m., excluding Sundays, by

2. The purchaser's Contract Demand for such month.

During periods when BPA does not require the purchaser to replace the energy associated with the firm capacity sale, the additional charge described above shall not be applied.

E. Other Charges

During periods when BPA does not require the purchaser to replace the energy associated with the firm capacity sale, BPA shall charge the purchaser in accordance with the provisions of the power sales contract for the peaking replacement energy which otherwise would have been returned pursuant to the power sales contract.

Section III. Billing Factors

The billing demand shall be the Contract Demand.

Section IV. Special Provision

Contracts for the purchase of firm capacity under this schedule shall include provisions for the purchaser to replace the energy accompanying the delivery of such capacity.

Section V. Adjustments

A. Exchange Adjustment

The Exchange Adjustment shall be calculated pursuant to section III.C.2 of the General Rate Schedule Provisions and shall be applied to all power purchases under this rate schedule from November 1, 1983, through June 30, 1985.

For Contract Year Service, the variable EC in the Exchange Adjustment calculation shall have a value of 0.338. For Contract Season Service, the variable EC in the Exchange Adjustment calculation shall have a value of 0.240.

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B. Supply System Adjustment

The Supply System Adjustment shall be calculated pursuant to section III.C.3 of the General Rate Schedule Provisions and shall be applied to energy purchases made under this rate schedule from July 1, 1984, through June 30, 1985.

For Contract Year Service, the variables SS and BD in the Supply System calculation shall have the following values:

1. SS=0.011;
2. BD=14,124.

For Contract Season Service, the variables SS and BD in the Supply System calculation shall have the following values:

1. SS=0.001;
2. BD=3,000.

Section VI. Resource Cost Contribution

The approximate cost contribution of different resource categories to the CF–83B rate is 70 percent FBS and 30 percent Exchange for annual service, and 75 percent FBS and 25 percent Exchange for seasonal service.

The forecasted average cost of resources available to the Administrator under average water conditions is 20.2 mills per kilowatthour.

The forecasted cost of resources to meet load growth is 29.3 mills per kilowatthour.

Section VII. General Provisions

Sales of power under this schedule shall be subject to the General Rate Schedule Provisions and the following Acts, as amended: the Bonneville Project Act, the Regional Preference Act (Pub. L. 88–552), the Federal Columbia River Transmission System Act, and the Pacific Northwest Electric Power Planning and Conservation Act.

Schedule CE–83—Emergency Capacity Rate

Section I. Availability

This schedule is available for the purchase of capacity:

A. When an emergency exists on the purchaser's system, or

B. When the purchaser wishes to displace higher cost firm capacity resources which are otherwise available to meet the purchaser's load, provided the purchaser requests such capacity and BPA has capacity available for such purpose.

This schedule supersedes Schedule CE–2 which went into effect on an interim basis on October 1, 1982.

Section II. Rate

This rate schedule includes charges for two rate periods. Period A begins November 1, 1983, and continues through June 30, 1984. Period B begins July 1, 1984, and continues until this rate schedule is superseded. The charge for Period B is shown in parentheses immediately following the charge for Period A. If only one rate appears, the given rate is effective for both rate periods.

A. Demand Charge

$1.11 ($1.15) per kilowatt of demand per calendar week or portion thereof.

B. Intertie Charge

The charge shall be increased by $0.13 per kilowatt per week for capacity made available at the Oregon-California or Oregon-Nevada border for delivery over the Pacific Northwest-Pacific Southwest Intertie.

Section III. Billing Factors

The billing demand shall be the maximum amount requested by the purchaser and made available by BPA during a calendar week. If BPA is unable to meet subsequent requests by a purchaser for delivery at the demand previously established during such week, the billing demand for that week shall be the lower demand which BPA is able to supply.

Section IV. Billing Period

Bills shall be rendered monthly.

Section V. Special Provision

Energy delivered with such capacity shall be returned to BPA within 7 days of the date of delivery and shall be returned at times and rates of delivery agreed to by both the purchaser and BPA prior to delivery. BPA may agree to accept the return energy after the normal 7-day return period provided that such delay is to BPA's benefit and has been mutually agreed upon prior to delivery.

Section VI. Resource Cost Contribution

The approximate cost contribution of different resource categories to the CE–83 rate is 70 percent FBS and 30 percent Exchange.

The forecasted average cost of resources available to the Administrator under average water conditions is 20.2 mills per kilowatthour.

The forecasted cost of resources to meet load growth is 29.3 mills per kilowatthour.

Section VII. General Provisions

Sales of power under this schedule shall be subject to the General Rate Schedule Provisions and the following Acts, as amended: the Bonneville Project Act, the Regional Preference Act (Pub. L. 88–552), the Federal Columbia River Transmission System Act, and the Pacific Northwest Electric Power Planning and Conservation Act.

Schedule NR–83—New Resource Firm Power Rate

Section I. Availability

This schedule is available for the contract purchase of firm power to be used within the Pacific Northwest.

New Resource Firm Power is available to those investor-owned utilities under net requirement contracts purchasing firm power for resale, direct consumption, or use in construction, test and start up, and station service.

New Resource Firm Power is also available to any public body, cooperative, or Federal agency to the extent such power is needed to serve any increase in energy consumption of a load as defined in section 3(13) of the Pacific Northwest Electric Power Planning and Conservation Act as interpreted in Notice of Final Action (46 FR 44353) (September 3, 1981).

This schedule supersedes Schedule NR–2 which went into effect on an interim basis on October 1, 1982.

Section II. Rate

This rate schedule includes charges for two rate periods. Period A begins November 1, 1983, and continues through June 30, 1984. Period B begins July 1, 1984, and continues until this rate schedule is superseded. The charge for Period B is shown in parentheses immediately following the charge for Period A. If only one rate appears, the given rate is effective for both rate periods.

A. Demand Charge

1. For the billing months December through April, Monday through Saturday, 7 a.m. through 10 p.m.: $5.50 ($5.70) per kilowatt of billing demand,

2. For the billing months May through November, Monday through Saturday, 7 a.m. through 10 p.m.: $2.39 ($2.48) per kilowatt of billing demand,

3. All other hours: No demand charge.

B. Energy Charge

1. For the billing months September through March: 25.5 (26.4) mills per kilowatthour of billing energy,

2. For the billing months April through August: 21.5 (22.3) mills per kilowatthour of billing energy.

C. Unauthorized Increase Charge

1. 83.0 mills per kilowatthour.

2. Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an

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unauthorized increase pursuant to the Billing Demand subsections of section III of this rate schedule. That amount which BPA actually treats as unauthorized increase pursuant to the Billing Demand subsections of section III shall be excluded from the total of the integrated or scheduled demands used to determine the amount which may be considered an unauthorized increase under the Billing Energy subsections of section III.

Section III. Billing Factors

In this section billing factors are listed for each of the following types of purchasers: computed requirements purchasers (section III.A), metered requirements purchasers and those New Resource Firm Power purchasers not covered by section III.A (section III.B), and purchasers of New Resource Firm Power during a period of insufficiency (section III.C). If BPA has provided the purchaser with notice of insufficiency, the billing provisions of section III.C shall take precedence over the billing provisions of sections III.A and III.B.

A. Computed Requirements Purchasers

Purchasers designated by the Bonneville Power Administration (BPA) as computed requirements purchasers pursuant to power sales contracts executed after December 5, 1980, shall be billed in accordance with the provisions of this section.

1. *Billing Demand.* a. The billing demand shall be the higher of the following billing factors:

(1) The lower of:

(a) The Measured Demand, before adjustment for power factor,

(b) The Computed Maximum Requirement, which is the larger of the Computed Peak Requirement or the Computed Average Energy Requirement, or

(2) The lower of:

(a) The Computed Peak Requirement, or

(b) Sixty percent of the highest Computed Peak Requirement during the previous 11 billing months (Ratchet Demand).

b. That portion of any Measured Demand, as adjusted for power factor, which exceeds the Computed Maximum Requirement during any billing month and which cannot be assigned:

(1) To a class of power which BPA delivers on such hour pursuant to contracts between BPA and the purchaser, or

(2) To a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such hour, shall be billed:

(1) In accordance with the provisions of the "Relief from Overrun" exhibit to the power sales contract, or

(2) As unauthorized increase if no such exhibit exists.

2. Billing Energy. a. The billing energy for actual and planned computed requirements purchasers shall be the lesser of:

(1) The Computed Energy Maximum, or

(2) The sum of 50 percent of the Measured Energy and 50 percent of the Computed Energy Maximum.

b. The amount of Measured Energy during a billing month which exceeds the Computed Energy Maximum for that month and which cannot be assigned:

(1) To a class of power which BPA delivers during such month pursuant to contracts between BPA and the purchaser, or

(2) To a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such month, shall be billed:

(1) In accordance with the provisions of the "Relief from Overrun" exhibit to the power sales contract, or

(2) As unauthorized increase if no such exhibit exists.

B. Metered Requirements Purchasers and Other Purchasers Not Covered by Section III.A, Above

Purchasers designated as metered requirements customers and purchasers taking power under this rate schedule who are not otherwise normally covered by section III.A shall be billed as follows:

1. *Billing Demand.* a. For metered requirements purchasers the billing demand shall be the Measured Demand as adusted for power factor.

Other purchasers shall be billed on the Contract Demand, if specified in the power sales contract. Otherwise the billing demand for such purchasers shall be the Measured Demand as adjusted for power factor.

b. That portion of any Measured Demand, before adjustment for power factor, which exceeds the amount of firm power the purchaser is entitled to take pursuant to the power sales contract and which cannot be assigned:

(1) To a class of power which PBA delivers on such hour pursuant to contracts between BPA and the purchaser, or

(2) To a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such hour, shall be billed as unauthorized increase.

2. *Billing Energy.* a. For metered requirements purchasers the billing energy shall be the Measured Energy.

Other purchasers shall be billed on the Contract Demand multiplied by the number of hours in the billing month, provided a Contract Demand is specified in the power sales contract. Otherwise the billing energy for such purchasers shall be the Measured Energy.

b. The amount of Measured Energy during a billing month which exceeds the amount which the purchaser is entitled to take pursuant to the power sales contract during that month and which cannot be assigned:

(1) To a class of power which BPA delivers during such month pursuant to contracts between BPA and the purchaser, or

(2) To a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such month, shall be billed as unauthorized increase.

C. Purchasers of New Resource Firm Power During a Period of Insufficiency

In the event of an insufficiency of electric power, all purchasers of New Resource Firm Power who are contractually limited to an allocation of capacity and/or energy, as determined by BPA pursuant to the terms of the purchaser's power sales contract, shall be billed as follows:

1. *Billing Demand, Given an Allocation of Firm Capacity.* a. If there has been an allocation of firm capacity, the billing demand shall be the lower of:

(1) The Measured Demand, adjusted for power factor, or

(2) The allocation of firm capacity, determined pursuant to the purchaser's power sales contract.

b. That portion of any Measured Demand, before adjustment for power factor, which exceeds the allocation of firm capacity and which cannot be assigned:

(1) To a class of power which BPA delivers on such hour pursuant to contracts between BPA and the purchaser, or

(2) To a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such hour, shall be billed:

(a) In accordance with the provisions of the "Relief from Overrun" exhibit to the power sales contract, or

(b) As unauthorized increase if no such exhibit exists.

2. *Billing Energy, Given an Allocation of Firm Energy.* a. If there has been an allocation of firm energy, the billing energy shall be the lower of:

(1) The Measured Energy, or

(2) The allocation of firm energy, determined pursuant to the purchasers' power sales contract.

b. The amount of Measured Energy during a billing month which exceeds the allocation of firm energy for that month and which cannot be assigned:

(1) To a class of power which BPA delivers during such month pursuant to contracts between BPA and the purchaser, or

(2) To a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such month, shall be billed:

(a) In accordance with the provisions of the "Relief from Overrun" exhibit to the power sales contract, or

(b) As unauthorized increase if no such exhibit exists.

3. *Billing Factors, Given No Allocation of Firm Capacity and/or No Allocation of Firm Energy.* The billing demand or billing energy, if not specifically limited to an allocation pursuant to the purchaser's power sales contract, shall be determined according to the appropriate section, III.A or III.B, above.

Section V. Adjustments

A. Power Factor Adjustment

The adjustment for power factor, when specified in this rate schedule or in the power sales contract, shall be made in accordance with the provisions of both this section and section III.C.1 of the General Rate Schedule Provisions. The adjustment shall be made if the average leading power factor or average lagging power factor at which energy is supplied during the billing month is less than 95 percent. To make the power factor adjustment, BPA shall increase the billing demand by one percentage point for each percentage point or major fraction thereof (.5 or greater) by which the average leading power factor or average lagging power factor is below 95 percent. BPA may elect to waive the adjustment for power factor in whole or in part.

B. Exchange Adjustment

The Exchange Adjustment shall be calculated pursuant to section III.C.2 of the General Rate Schedule Provisions and shall be applied to all power purchases under this rate schedule from November 1, 1983, through June 30, 1985.

For this rate schedule, the variable EC in the Exchange Adjustment calculation shall have a value of 0.898.

Section VII. Resource Cost Contribution

The approximate cost contribution of different resource categories to the NR-83B rate is 100 percent Exchange.

The forecasted average cost of resources available to the Administrator under average water conditions is 20.2 mills per kilowatthour.

The forecasted cost of resources to meet load growth is 29.3 mills per kilowatthour.

Section VIII. General Provisions

Sales of power under this schedule shall be subject to the General Rate Schedule Provisions and the following Acts, as amended: The Bonneville Project Act, the Regional Preference Act (Pub. L. 88-552), the Federal Columbia River Transmission System Act, and the Pacific Northwest Electric Power Planning and Conservation Act.

Schedule SP-83—Surplus Firm Power Rate

Section I. Availability

This schedule is available for the contract purchase of surplus firm power to be used either for resale or direct consumption. Surplus firm power may be sold to entities inside and outside the Pacific Northwest as well as outside the United States. However, this rate schedule shall not apply to contracts for which rates have been negotiated pursuant to section 7(1) of the Regional Act. In addition, this schedule is not available to any direct-service industrial purchaser who buys power under rate schedule IP-3. This rate schedule supersedes Schedule SP-1 which went into effect on an interim basis on October 1, 1982.

Section II. Rate

The rate for Surplus Firm Power shall be mutually agreed upon and contractually specified by the parties prior to delivery of the power. A contract having an effective term of less than one year or terminating on or before June 30, 1985, may reference any of the four rates described below (Thermal Resource Rate, Exchange Resource Rate, Purchased Power Rate, or Contract Rate). A contract having an effective term of more than one year or terminating after June 30, 1985, shall reference the Contract Rate.

A. Thermal Resource Rate

A Surplus Power rate based on the cost of thermal resources shall be set at a level which will recover BPA's cost of generating and transmitting power from one or more Federal systems thermal resources to the contractually specified point of delivery. A thermal resource rate shall include all the variable costs and up to 100 percent of the fixed costs associated with generating and transmitting such thermal power.

The following variable costs, if applicable, shall be included in the determination of a thermal resource rate: (a) Total fuel costs, (b) incremental costs of labor and supplies required for operation and maintenance of the thermal plant(s) providing such power, (c) incremental administrative and general expenses, (d) taxes, (e) transmission network losses (to be priced at the incremental cost of the fuel required to generate the lost power), and (f) any other related costs associated with production and transmission of such thermal power.

The fixed costs associated with the generation and transmission of such thermal power shall include, if applicable: (a) Debt service, (b) capital additions, (c) taxes, (d) fixed administrative and general expenses, (e) fixed operation and maintenance expenses, (f) insurance for the facilities used in the production and transmission of this thermal power, and (g) any other fixed cost associated with the generation and transmission of such thermal power.

Prior to delivery of this thermal power, BPA shall determine what portion of the fixed costs listed above shall be included in the rate.

B. Exchange Resource Rate

A Surplus Power rate based on the cost of exchange resources shall contractually specify use of one of the following costs as the basis of the charge:

1. The average cost of exchange resources of a particular utility participating in the residential exchange, or

2. The average cost of all exchange resources.

The forecast exchange resource cost included in the determination of the 1983 Wholesale Power Rates shall be used in the calculation of this rate.

The rate shall also include identifiable delivery costs (such as losses and transmission):

C. Purchased Power Rate

A Surplus Power rate based on the cost of purchased power shall be the sum of:

1. The total costs to BPA of the specified purchase, and

2. Any identifiable costs (such as losses and transmission costs) directly associated with such energy purchase and redelivery.

D. Contract Rate

The Contract Rate include charges for two rate periods. Period A begins November 1, 1983, and continues

through June 30, 1984. Period B begin July 1, 1984, and continues until this rate schedule is superseded. The charge for Period B is shown in parentheses immediately following the charge for Period A. If only one rate appears, the given rate is effective for both rate periods.

For contracts which refer to the Contract Rate in this rate schedule in determining the rate for surplus firm power or surplus firm energy, the following rate shall apply:

1. *Demand Charge.* a. For the billing months December through April, Monday through Saturday, 7 a.m. through 10 p.m.: $5.50 ($5.70) per kilowatt of billing demand, b. For the billing months May through November, 7 a.m. through 10 p.m.: $2.39 ($2.48) per kilowatt of billing demand, c. All other hours: No demand charge.

2. *Energy Charge.* a. For the billing months September through March: 25.2 (26.1) mills per kilowatthour of billing energy, b. For the billing months April through August: 21.1 (21.9) mills per killowatthour of billing energy.

3. *Escalation Factor.* The SP–83 Contract Rate shall be subject to change each July 1, beginning July 1, 1985. The change in the SP–2 Contract Rate shall be determined in the manner described below for all contracts which extend beyond June 30, 1985. The effective rate for each rate component of the Contract Rate shall be equal to:

$$\text{Rate}_{n} = \text{Rate}_{n-1} * (1 + \text{ARG}_{n-1})$$

where:

$_{n}$ = the operating year (July 1–June 30) for which the SP–2 Contract Rate is being calculated:

Rate–1 = each component (winter demand, summer demand, winter energy, summer energy) of the SP–83 Contract Rate in the previous year (year $_{n}$–1);

ARG = the weighted average annual rate of growth in the average cost of exchange resources in year n–1 as calculated on July 1 in year n. The average cost of exchange resources shall be based on the average system costs of C.P. National, Portland General Electric, Pacific Power and Light, Utah Power and Light, and Idaho Power Company. If any of the four utilities elect to equalize rates in year n–1 pursuant to section 10 of the Residential Purchase and Sale Agreement, the calculation of ARG shall not reflect the average system cost of such electing utility.

The billing demand and billing energy shall be determined as specified in the power sales contract.

Section III. Exchange Adjustment

The Exchange Adjustment shall be calculated pursuant to section III.C.2 of the General Rate Schedule Provisions and shall be applied to all power purchases under this rate schedule from November 1, 1983, through June 30, 1985.

For this rate schedule, the variable EC in the Exchange Adjustment calculation shall have a value of 0.855.

Section IV. Resource Cost Contribution

The approximate cost contribution of different resource categories to the SP–83 rate is 97 percent Exchange and 3 percent New Resources.

The forecasted average cost of resources available to the Administrator under average water conditions is 20.2 mills per kilowatthour.

The forecasted cost of resources to meet load growth is 29.3 mills per kilowatthour.

Section V. General Provisions

Sales of power under this schedule shall be subject to the General Rate Schedule Provisions and the following Acts, as amended: the Bonneville Project Act, the Regional Preference Act (Pub. L. 88–552), the Federal Columbia River Transmission System Act, and the Pacific Northwest Electric Power Planning and Conservation Act.

Schedule SE–83—Surplus Firm Energy Rate

Section I. Availability

This schedule is available for the contract purchase of surplus firm energy to be used either for resale or direct consumption. Surplus firm energy may be sold to entities inside and outside the Pacific Northwest as well as outside the United States. However, this rate schedule shall not apply to contracts for which rates have been negotiated pursuant to section 7(1) of the Regional Act. In addition, this schedule is not available to any direct-service industrial purchaser who buys power under rate schedule IP–3. This rate schedule supersedes Schedule SE–1 which went into effect on an interim basis on October 1, 1982.

Section II. Rate

This rate schedule includes charges for two rate periods. Period A begins November 1, 1983, and continues through June 30, 1984. Period B begins July 1, 1984, and continues until this rate schedule is superseded. The charge for Period B is shown in parentheses immediately following the charge for Period A.

28.5 (29.6) mills per kilowatthour of billing energy.

Section III. Billing Factors

The factors to be used in determining the billing for power purchased under this rate are as follows:

A. The contract amount of energy for the month;

B. The Measured Energy for the month.

Section IV. Determination of Billing Energy

The billing energy shall be determined as provided in the purchaser's power sales contract. If BPA does not have a power sales contract in force with a purchaser, the billing energy shall be the Measured Energy.

Section V. Delivery

Delivery of energy under this rate schedule is assured during the contract period. However, BPA may interrupt the delivery of firm energy hereunder, in whole or in part, at any time that BPA determines that BPA is unable to effect such delivery because of system operating conditions, including lack of generation or transmission capacity.

Section VI. Adjustments

A. Power Factor

The adjustment for power factor, when specified in this rate schedule or in the power sales contract, shall be made in accordance with the provisions of both this section and section III.C.1 of the General Rate Schedule Provisions. The adjustment shall be made if the average leading power factor or average lagging power factor at which energy is supplied during the billing month is less than 95 percent. To make the power factor adjustment, BPA shall increase the billing demand by one percentage point for each percentage point or major fraction thereof (.5 or greater) by which the average leading power factor or average lagging power factor is below 95 percent. BPA may elect to waive the adjustment for power factor in whole or in part.

B. Exchange Adjustment

The Exchange Adjustment shall be calculated pursuant to section III.C.2 of the General Rate Schedule Provisions and shall be applied to all power purchases under this rate schedule from November 1, 1983, through June 30, 1985.

For this rate schedule, the variable EC in the Exchange Adjustment calculation shall have a value of 0.885.

Section VII. Resource Cost Contribution

The approximate cost contribution of different resource categories to the SE–83B rate is 97 percent Exchange and 3 percent New Resources.

The forecasted average cost of resources available to the Administrator under average water conditions is 20.2 mills per kilowatthour.

The forecasted cost of resources to meet load growth is 29.3 mills per kilowatthour.

Section VIII. General Provisions

Sales of power under this schedule shall be subject to the General Rate Schedule Provisions and the following Acts, as amended: the Bonneville Project Act, the Regional Preference Act (Pub. L. 88–552), the Federal Columbia River Transmission System Act, and the Pacific Northwest Electric Power Planning and Conservation Act.

Schedule NF–83—Nonfirm Energy Rate

Section I. Availability

This schedule is available for the contract purchase of nonfirm energy to be used both inside and outside the Pacific Northwest as well as outside the United States. This schedule also applies to energy delivered for emergency use under the conditions set forth in Section V.B of the General Rate Schedule Provisions. This rate schedule is not available for the purchase of energy which BPA has a firm obligation to supply, nor is this schedule applicable to contracts for which rates have been negotiated pursuant to section 7(1) of the Regional Act. This schedule supersedes Schedule NF–2 which went into effect on an interim basis on October 1, 1982.

Section II. Rate

This rate schedule includes charges for two rate periods. Period A begins November 1, 1983, and continues through June 30, 1984. Period B begins July 1, 1984, and continues until this rate schedule is superseded. The charge for Period B is shown in parentheses immediately following the charge for Period A. If only one rate appears, the given rate is effective for both rate periods.

A. Market Rates

The price per kilowatthour of billing energy shall be set according to the following four conditions. More than one condition may apply at any given time.

1. *Standard Rate.* The rate shall be 20.1 (20.8) mills per kilowatthour.

This rate shall apply when the Federal Columbia River Power System (FCRPS) hydroelectric plants are not spilling or are not forecast to spill due to more energy being available for sale than can be sold at the Standard Rate due to market conditions.

At the time that BPA offers Nonfirm Energy under this rate, BPA shall indicate the maximum amount of energy available for the next day or days over which nonfirm is normally prescheduled in the Pacific Northwest, and the maximum hourly available amounts of such energy.

BPA shall offer 50 percent of the maximum daily amount of energy and 50 percent of each maximum hourly amount of energy on a guaranteed delivery basis. At the time that the purchaser arranges schedules of such energy, it shall indicate the amount it wishes to schedule on a nonguaranteed delivery basis. The energy which BPA makes available for delivery on the same day that scheduling arrangements are made is not subject to the guaranteed delivery provision.

Scheduling of sales under the Standard Rate shall be consistent with the scheduling provisions of the purchaser's power sales agreement with BPA. Scheduled amounts of guaranteed Nonfirm Energy may not be changed except:

a. When BPA and the Purchaser mutually agree to increase or decrease the scheduled amounts, or

b. When BPA must reduce nonfirm energy deliveries in order to serve firm loads because of unexpected generation loss in the Pacific Northwest.

2. *Spill Rate.* This rate shall apply when one or more FCRPS hydroelectric plants are spilling or are forecast to spill due to more FCRPS energy being available than can be sold at the Standard Rate. The rate shall be 12.5 (13.0) mills per kilowatthour.

3. *Displacement Rate.* When more energy is available on the FCRPS than can be sold at the Spill Rate, additional energy may be made available under the Displacement Rate. For participants in the Western Systems Coordinating Council (WSCC) Energy Broker System, such sales shall be made through the WSCC Broker Identified Energy Agreement under the EB–83 Energy Broker Rate.

The rate shall be the Spill Rate whenever the Buy Price is greater than or equal to the Spill Rate plus 2.0 mills per kilowatthour.

$$\text{Otherwise the rate shall be} \quad \frac{\text{Buy Price} + \text{BPA Sell Price}}{2}$$

where:

a. The Buy Price is the estimated decremental expense per kilowatthour which would otherwise have been incurred by the purchaser in generating or acquiring power from alternative resources, and

b. The BPA Sell Price is the higher of:

(1) 1.0 mill per kilowatthour, or

(2) The estimated incremental or equivalent expense per kilowatthour which BPA will incur in supplying energy to the buyer during that hour. BPA shall make the determination as to which resources are available to supply power to the purchaser during that hour.

4. *Incremental Rate.* The Incremental Rate shall be applied to sales of power:

a. Which is produced or purchased concurrently with the nonfirm sale,

b. Which BPA may at its option not produce or purchase, and

c. Which has an Incremental Cost greater than 18.1 (18.8) mills per kilowatthour.

The rate shall be equal to the Incremental Cost of that power plus 2.0 mill per kilowatthour where Incremental Cost is defined as all identifiable costs (expressed in mills per kilowatthour) which BPA would not have incurred if it had chosen not to produce or purchase the power being sold under this rate.

B. Contract Rate

For contracts that refer to this schedule to determine the value of energy, the rate is 14.6 (15.1) mills per kilowatthour.

Section III. Delivery

BPA shall determine the availability of energy to be provided under this rate schedule and the associated rate of delivery.

Section IV. Resource Cost Contribution

The approximate cost contribution of different resource categories to the NF–83B Standard Rate is 99.6 percent FBS and 0.4 percent New Resources.

The forecasted average cost of resources available to the Administrator under average water conditions is 20.2 mills per kilowatthour.

The forecasted cost of resources to meet load growth is 29.3 mills per kilowatthour.

Section V. General Provisions

Sales of power under this schedule shall be subject to the General Rate Schedule Provisions and the following Acts, as amended: the Bonneville Project Act, the Regional Preference Act (Pub. L. 88–552), the Federal Columbia River Transmission System Act, and the Pacific Northwest Electric Power Planning and Conservation Act.

Schedule EB–83—Energy Broker Rate

Section I. Availability

This rate schedule may be applied to both sales and purchases of nonfirm power among those participants in the Western Systems Coordinating Council (WSCC) Energy Broker System between whom agreements for energy transmission have been transacted. This schedule supersedes Schedule EB–1, which went into effect on an interim basis on October 1, 1982.

Section II. Rate

When a transaction takes place on the Energy Broker System, the Buy Price and Sell Price, respectively, will be defined as follows:

A. The BPA Buy Price is the estimated decremental or equivalent expense per kilowatthour which would otherwise have been incurred by BPA in generating or purchasing power from alternative sources in lieu of broker energy scheduled for delivery to BPA during that hour.

B. The BPA Sell Price is the estimated incremental or equivalent expense per kilowatthour which would be incurred by BPA in supplying broker energy scheduled for delivery during such hour to the buyer from resources which are available to supply power during that hour as determined by BPA.

The forecasted average cost of resources available to the Administrator under average water conditions is 20.2 mills per kilowatthour.

The forecasted cost of resources to meet load growth is 29.3 mills per kilowatthour after displacement by BPA's available secondary energy.

Section VI. General Provisions

Sales of power under this schedule shall be subject to the General Rate Schedule Provisions and the following Acts, as amended: the Bonneville Project Act, the Regional Preference Act (Pub. L. 88–552), the Federal Columbia River Transmission System Act, and the Pacific Northwest Electric Power Planning and Conservation Act.

Outline of General Rate Schedule Provisions

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General Rate Schedule Provisions

Section I. Adoption of Revised Rate Schedules and General Rate Schedule Provisions

A. Approval of Rates

Schedules of rates and charges for electric power sold by BPA or modifications to those schedules shall become effective on an interim or final basis after confirmation and approval by the Federal Energy Regulatory Commission in accordance with procedures established by the Commission.

B. General Provisions

BPA's Wholesale Power Rate Schedules and associated General Rate Schedule Provisions which are effective November 1, 1983, supersede in their entirety BPA's Wholesale Power Rate Schedules and General Rate Schedule Provisions effective October 1, 1982. The revised schedules and provisions shall be applicable to every BPA contract, including contracts executed prior to and subsequent to enactment of the Pacific Northwest Electric Power Planning and Conservation Act.

C. Reorganization of the General Rate Schedule Provisions

All references to sections in those General Rate Schedule Provisions which were in effect prior to November 1, 1983, are deemed to refer to the section in these revised General Rate Schedule Provisions indicated in the listing which follows.

[illegible]	General rate schedule provisions	
	Old section No.	New section No.
Priority and New Resource Firm Power.	1.1	II.A.
(Now divided into two sections)	II.B	
Modified Firm Power	1.2	N/A.
Firm Capacity	1.3	II.E.
Industrial Firm Power	1.4	II.C.
Authorized Increase	1.5	II.D.
Firm Energy	1.6	N/A.

[illegible]	[illegible] provisions	
	[illegible] No.	[illegible]
Section No.:		
Contract Demand	[illegible]	III.A.2.
Auxiliary Demand	[illegible]	[illegible]
Measured Demand	2.3	[illegible]
Peak Computed Demand and Energy Computed Demand.	2.4	[illegible]
(Now divided into 3 sections: Computed Peak.		[illegible]
Requirement, Computed Average Energy Requirement, and Computed Maximum Requirement).		III.A.6.
Restricted Demand	2.5	[illegible]
Curtailed Demand	[illegible]	[illegible]

Section title	General rate schedule	
	Old section No.	New section No.
Temporary Curtailment of Contract Demand.	3.1	V.A.
Energy Supplies for Emergency Use.	4.1	V.B.
Application of Rates During Initial Operation Period.	5.1	V.C.
[illegible]	6.1	VI.A.
Determination of Estimated Billing Data.	[illegible]	VI.B.
Billing Month	7.1	VI.C.
Payment of Bills	8.1	VI.D.
Average Power Factor	9.1	III.C.1.
Approval of Rates	10.1	I.A.
General Provisions	11.1	I.B.

Section II. Types of BPA Service

A. Priority Firm Power

Priority Firm Power is electric power which BPA will make continuously available for resale, direct consumption, construction, test and start-up, and station service by public bodies, cooperatives, and Federal agencies.

Construction, test and start-up, and station service are defined in section V.D of these General Rate Schedule Provisions.

Utilities participating in the exchange under section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) may purchase Priority Firm Power pursuant to the Residential Purchase and Sale Agreements.

In addition, BPA may make Priority Firm Power available to those parties participating in exchange agreements specifying use of the Priority Firm rate for determining the amount of power to be exchanged.

Power purchased under the Priority Firm rate schedule is to be used to meet the purchaser's actual firm load within the Pacific Northwest. Such power may be restricted in accordance with the Restriction of Deliveries section of these General Rate Schedule Provisions (section IV.A). However, BPA shall not restrict Priority Firm Power until Industrial Firm Power has been restricted in accordance with section II.C of these Genreal Rate Schedule Provisions.

Any increase in energy consumption by a load as defined in:

1. Section 3.(13) of the Regional Act, or,

2. Section 8 of any BPA power sales contract executed after December 5, 1980, shall be served under the New Resource Firm Power rate.

B. New Resource Firm Power

New Resource Firm Power is electric power which BPA will make continuously available:

1. For any new large single load as defined in section 3.(13) of the Regional Act, and as described in section 8 of any BPA power sales contract executed after December 5, 1980,

2. For firm power purchased by investor-owned utilities pursuant to power sales contracts with BPA, and

3. For construction, test and start-up, and station service for facilities owned and/or operated by investor-owned utilities.

New Resource Firm Power is to be used to meet the purchaser's actual firm load within the Pacific Northwest. Such power may be restricted in accordance with the Restriction of Deliveries section of these General Rate Schedule Provisions (section IV.A). However, BPA shall not restrict New Resource Firm Power until Industrial Firm Power has been restricted in accordance with section II.C of these General Rate Schedule Provisions.

C. Industrial Firm Power

Industrial Firm Power is electric power which BPA will make continuously available to a direct-service industrial purchaser on a Contract Demand basis subject to:

1. The restriction applicable to deliveries of all firm power pursuant to the Uncontrollable Forces and Continuity of Service provisions of the General Contract Provisions of the contract, and

2. The restrictions given in the Restriction of Deliveries section of the contract.

When such a restriction is made necessary, BPA shall restrict such purchaser's Operating Demand for Industrial Firm Power to the extent necessary to prevent, if possible, and otherwise to minimize restriction of Priority Firm and New Resource Firm Power.

D. Authorized Increase

An Authorized Increase is an amount of electric power specified in the power sales contract in excess of the Operating Demand or Contract Demand for:

1. Priority Firm Power,
2. New Resource Firm Power,
3. Industrial Firm Power, or
4. Power that BPA may be able to make available to the purchaser upon its request.

The purchaser shall make the request for Authorized Increase in writing stating the amount of increase requested, the purpose for which it will be used, and the period for which it is needed. BPA will then determine:

1. Whether such increase can be made available, and

2. The period for which such increase, if available, can be provided.

Notwithstanding that determination, BPA shall retain the right to restrict the delivery of such increase if BPA determines at any subsequent time that such increase will no longer be available.

The purchaser may curtail an Authorized Increase, in whole or in part, at the end of any billing month within the period that BPA has agreed to make such increase available.

E. Firm Capacity

Firm Capacity means capacity which BPA assures a purchaser will be available in amounts and during the periods specified in the contract. The energy associated with this capacity must be returned to BPA. Firm Capacity may be restricted pursuant to the Restriction of Deliveries section of these General Rate Schedule Provisions (section IV.A).

F. Surplus Firm Power

Surplus Firm Energy is energy which BPA assures a purchaser will be available during the period or periods specified in the contract. Such power may be purchased for resale or for direct consumption by entities both inside and outside the United States. Surplus Firm Power may, however, be restricted pursuant to the Restriction of Deliveries section of these General Rate Schedule Provisions (section IV.A).

G. Surplus Firm Energy

Surplus Firm Power is power which BPA assures a purchaser will be available during the period or periods specified in the contract. Such energy may be purchased for resale or direct consumption by entities both inside and outside the United States. Surplus Firm Energy may, however, be restricted pursuant to the Restriction of Deliveries section of these General Rate Schedule Provisions (section IV.A).

H. Nonfirm Energy

Nonfirm Energy is energy which BPA makes available to a purchaser on the condition that such energy may be restricted by BPA at any time for any reason. Nonfirm Energy may not be used to serve any load which BPA has a firm obligation to supply.

I. Energy Broker Power

Energy Broker Power, as used in BPA's rate schedules, is nonfirm power that:

1. BPA purchases from the Western Systems Coordinating Council (WSCC) Energy Broker System under the Energy Broker Rate Schedule, or

2. BPA makes available to the WSCC for sale to WSCC participants. Power that BPA sells to WSCC participants is subject to the Restriction of Deliveries section of these General Rate Schedule Provisions (section IV.A).

J. Reserve Power

Reserve Power is firm power sold to a purchaser:

1. to meet the purchaser's unanticipated load growth,

2. to provide service when no other type of power is deemed applicable, or

3. to serve the purchaser's firm power loads in circumstances where BPA does not have a power sales contract in force.

Sales of Reserve Power are subject to the Restriction of Deliveries section of these General Rate Schedule Provisions (section IV.A).

Section III. Billing Factors and Billing Adjustments

A. Billing Factors for Demand

1. *Measured Demand.* The purchaser's Measured Demand will be determined according to this section unless the terms of a contract executed after December 5, 1980, provide otherwise. Except where deliveries are scheduled as hereinafter provided, the Measured Demand in kilowatts shall be the largest of the 60-minute clock-hour integrated demands at which electric energy is delivered to a purchaser at each point of delivery during each time period specified in the applicable rate schedule during any billing period. Such largest 60-minute integrated demand shall be determined from measurements made as specified in the contract or as determined in section III.A.8 herein. In determining the Measured Demand, BPA will exclude any abnormal 60-minute integrated demands due to or resulting from:

a. Emergencies or breakdowns on, or maintenance of, the Federal system facilities, and

b. Emergencies on the purchaser's facilities, provided that such facilities have been adequately maintained and prudently operated, as determined by BPA.

For those contracts to which BPA is a party and which provide for delivery of more than one class of electric power to the purchaser at any point of delivery, the portion of each 60-minute integrated demand assigned to any class of power shall be determined as specified in the contract. The portion of the total Measured Demand so assigned shall constitute the Measured Demand for each such class of power.

If the flow of electric energy to a purchaser's system through two or more points of delivery cannot be adequately controlled because:

a. Such points are interconnected within the purchaser's system, or

b. The purchaser's system is interconnected directly or indirectly with the Federal System, the purchaser's Measured Demand for each class of power for such system for any billing period shall be based on the largest of the hourly amounts of such class of power which have been scheduled for delivery to the purchaser under the applicable rate schedule.

2. *Contract Demand.* The Contract Demand shall be the number of kilowatts or kilowatthours that the purchaser (utility, direct service industrial customer, or other entity) agrees to purchase and BPA agrees to make available. BPA may agree to make deliveries at a rate in excess of the Contract Demand at the request of the purchaser (authorized increase), but shall not be obligated to continue such excess deliveries. The Contract Demand for a contracted computed requirements purchaser shall be the purchaser's Computed Peak Requirement. The billing energy for such a purchaser shall be the Computed Average Energy Requirement multiplied by the number of hours in the billing month. Such billing amounts shall be determined pursuant to section 17(b)(8) of the purchaser's power sales contract.

3. *Auxiliary Demand.* Auxiliary Demand is the number of kilowatts of Authorized Increase (auxiliary power) that a direct service industrial purchaser requests and that BPA is able to make available to serve that purchaser's load.

4. *Computed Peak Requirement.* The purchaser's Computed Peak Requirement for each billing month shall be the largest amount during such month by which the purchaser's actual 60-minute system demand, excluding any loads otherwise provided for in the contract, exceeds its assured peaking capability for such month.

5. *Computed Average Energy Requirement.* The purchaser's Computed Average Energy Requirement for each billing month shall be the amount during such month by which the purchaser's actual system average load exceeds its assured average energy capability.

6. *Computed Maximum Requirement.* The Computed Maximum Requirement is the larger of the Computed Peak Requirement and the Computed Average Energy Requirement.

7. *Operating Demand.* The Operating Demand shall be that demand which is mutually agreed upon by BPA and the purchaser and which is thereinafter termed the Operating Demand. The Operating Demand shall be contained in the operating agreement and/or the annual operating plan.

8. *Curtailed Demand.* A Curtailed Demand shall be the number of kilowatts of:

1. Industrial Firm Power, or
2. Authorized Increase of:
a. Priority Firm Power,
b. New Resource Firm Power, or
c. Industrial Firm Power

which results from the purchaser's request for such power in amounts less than the Operating Demand or Contract Demand therefor. Each purchaser of Industrial Firm Power may curtail its demand in accordance with the contract. Each purchaser of an Authorized Increase may curtail its demand in accordance with section II.C of the General Rate Schedule Provisions.

9. *Restricted Demand.* A Restricted Demand shall be the number of kilowatts of:

a. Industrial Firm Power, or
b. Authorized Increase of:
(1) Priority Firm Power,
(2) New Resource Power, or
(3) Industrial Firm Power

which results when BPA has restricted delivery of such power for one (1) clock-hour or more.

Such restrictions by BPA are made pursuant to the power sales contract for:

a. Industrial Firm Power, and

b. Authorized Increase of Industrial Firm Power and pursuant to section II.A of the General Rate Schedule Provisions for:

a. Priority Firm Power,
b. New Resource Firm Power, and
c. Authorized Increase of:
(1) Priority Firm Power, or
(2) New Resource Firm Power

Such Restricted Demand shall be determined by BPA after the purchaser has made its determination to accept such restriction or to curtail its demand for the month in accordance with section III.A.8 of the General Rate Schedule Provisions.

B. Billing Factors for Energy.

1. *Measured Energy.* The purchaser's Measured Energy shall be determined according to this section unless the terms of a contract executed after December 5, 1980, provide otherwise. Except where deliveries are scheduled as hereinafter provided, the Measured Energy in kilowatthours shall be the total of the 60-minute clock-hour integrated demands at which electric energy is delivered to a purchaser during each time period in the applicable rate schedule during any billing period. Such 60-minute integrated demands shall be determined from measurements as specified in the contract or as determined in section III.A.8 herein. For those contracts to which BPA is a party and which provide for delivery of more than one class of power to the purchaser at any point of delivery, the portion of each 60-minute integrated demand assigned to any class of power shall be determined as specified in the contract. The sum of the portions of the integrated demands so assigned shall constitute the Measured Energy for such class of power.

If the flow of electric energy to a purchaser's system through two or more points of delivery cannot be controlled adequately because such points are interconnected within the purchaser's

system, or the purchaser's system is interconnected directly or indirectly with the Federal system, the purchaser's Measured Energy for each class of power shall be based on the sum of the hourly amounts of such class of power which are scheduled for delivery to the purchaser during each billing month.

2. *Computed Energy Maximum.* The Computed Energy Maximum equals the product of the number of hours in the billing month and the Computed Average Energy Requirement.

C. Billing Adjustments

1. *Power Factor Adjustment.* The formula for determining average power factor is as follows:

$$\text{Average power factor} = \frac{\text{Kilowatthours}}{\sqrt{(\text{Kilowatthours})^2 + (\text{Reactive kilovoltamperehours})^2}}$$

The data used in the above formula shall be obtained from meters which are ratcheted to prevent reverse registration.

When deliveries to a purchaser at any point of delivery either:

a. Include more than one class of power, or

b. Are under more than one rate schedule

and it is impracticable to meter the kilowatthours and reactive kilovoltamperehours for each class or rate schedule separately, the average power factor of the total deliveries for the month will be used, where applicable, as the power factor for each of the separate classes of power and rate schedules.

To maintain acceptable operating conditions on the Federal system, BPA may, unless specifically otherwise agreed, restrict deliveries of power to a purchaser. Such restriction may be made to a point of delivery or to a purchaser's system at any time that the average leading power factor or average lagging power factor for all classes of power delivered to such point or to such system is below 75 percent.

2. *Exchange Adjustment Clause.* The Exchange Adjustment shall be based on the average cost of exchange resources acquired by BPA from:

a. Pacific Power and Light (PP&L);
b. Portland General Electric (PGE);
c. Idaho Power Company (IPC);
d. Utah Power and Light (UP&L);
e. C. P. National (CPN).

To the extent that the average cost of these exchange resources differs from that forecast for development of rates, a rebate shall be given or a surcharge assessed to all those purchasing under rate schedules which include this adjustment.

There will be an Exchange Adjustment for each of the two rate periods in the rate schedules. Period A begins November 1, 1983, and continues through June 30, 1984. Period B begins July 1, 1984, and continues through June 30, 1985. (Although the rate schedules themselves may stay in effect beyond June 30, 1985, the Exchange Adjustment shall not apply to any sales made after June 30, 1985.) References for Period B are shown in parentheses immediately following references for Period A.

Purchasers may elect one of the following two Exchange Adjustment options:

Option 1: Monthly adjustments using BPA's estimated billing process. At the end of each rate period, the sum of the monthly adjustments shall be reconciled with a single adjustment for the period using actual bills and costs, or

Option 2: One adjustment for each rate period based on actual bills and costs.

A purchaser which does not provide BPA with a written indication of its choice by December 1, 1983, shall be deemed to have selected the same option as the one applied to sales under the 1982 wholesale power rates. If the purchaser selects a different option, BPA shall, if necessary, issue a revised power bill to account for the change. The purchaser may not change options while these rate schedules are in effect.

Option 1

For customers electing Option 1, the adjusted monthly bill shall be calculated as follows:

$$AMB = UMB + \left(EC * .652 * \frac{AMC - 31.1}{31.1} * UMB\right)$$

(For adjustment in Period B, substitute .632 for .652 and 32.9 for 31.1 in the formula above.)

where:

AMB = adjusted monthly bill due to BPA;

UMB = unadjusted monthly bill, which is the total estimated or actual dollar amount due to BPA for service during that month before the Exchange Adjustment is applied;

EC = the percentage calculated by dividing total exchange costs allocated to the class of service by the total revenue requirement for the class of service; the value for "EC" is provided in the rate schedule for the class of service in question;

AMC = the average monthly cost (estimated or actual) in mills per kilowatthour (rounded to the nearest tenth of a mill) of all exchange resources acquired from PP&L, PGE, IPC, UP&L, and CPN during that month. Interest payments made pursuant to Section IV(E) of the Average System Cost Methodology (Exhibit C to the Residential Purchase and Sale Agreements) shall not be included in the AMC.

At the end of the rate period either a rebate shall be given or a surcharge assessed to reflect the difference between the effect of a single adjustment for the rate period based on actual exchange costs and loads and the sum of the monthly exchange adjustments based either on actual or estimated costs. First, BPA shall determine the total adjusted bill for Period A (Period B) based on the actual average cost of exchange resources acquired from PP&L, PGE, IPC, and UP&L during Period A (Period B). The total adjusted bill for Period A (Period B) shall be calculated as follows:

$$TAB = TUB + \left(EC * .652 * \frac{AAC - 31.1}{31.1} * TUB\right)$$

(For adjustment in Period B, substitute .632 for .652 and 32.9 for 31.1 in the formula above.)

where:

TAB = total adjusted bill for Period A (Period B);

TUB = total unadjusted bill which would have been charged to the purchaser for service during Period A (Period B) if no Exchange Adjustment had been applied;

AAC = actual average cost in mills per kilowatthour (rounded to the nearest tenth of a mill) of exchange resources acquired during Period A (Period B) from PP&L, PGE, IPC, UP&L, and CPN. Interest payments made pursuant to Section IV(E) of the Average System Cost Methodology (Exhibit C to the Residential Purchase and Sale Agreements) shall not be included in the AAC. If:

$$\left(EC * .652 * \frac{AAC - 31.1}{31.1}\right)$$

is less than .001, TAB is deemed to equal TUB and no final adjustment shall be made. (For adjustment in Period B, substitute .632 for .652 and 32.9 for 31.1 in the formula above.)

The sum of the adjusted monthly bills shall then be compared to the total adjusted bill. Either a rebate shall be given or a surcharge assessed to the purchaser to reflect the difference between the two. The rebate or surcharge under Option 1 includes an interest payment and shall be calculated as follows:

$$\text{Rebate (Surcharge)} = (\text{EAMB} - \text{TAB}) * (1 + \frac{\text{INT}}{2})$$

$$\text{Rebate (Surcharge)} = \text{EC} * .652 * \frac{\text{AAC}-31.1}{31.1} * \text{BILL} * (1 + \frac{\text{INT}}{2})$$

(For adjustment in Period B, substitute .632 for .652 and 32.9 for 31.1.)

where:

EC = the percentage calculated by dividing exchange costs allocated to the class of service by the total revenue requirement for the class of service; the value for "EC" is provided in the rate schedule for the class of service in question;

AAC = actual average cost in mills per kilowatthour (rounded to the nearest tenth of a mill) of exchange resources acquired during Period A (Period B) from PP&L, PGE, IPC, UP&L, and CPN. Interest payments made pursuant to Section IV(E) of the Average System Cost Methodology (Exhibit C to the Residential Purchase and Sale Agreements) shall not be included in the AAC;

BILL = total dollar amount charged the customer for service under this rate schedule;

INT = the average short-term interst rate BPA earns from the U.S. Treasury in Period A (Period B).

Provisions for Final Adjustment (Option 1 and Option 2)

The rebate or surcharge based on the actual average exchange costs shall be calculated as soon after July 1, 1984 (July 1, 1985), as possible. Payment of the final adjustment (either the rebate or the surcharge) shall be made within 30 days of the date on the adjustment notice provided to the purchaser.

The final rebate or surcharge shall be subject to adjustment upward or downward after July 1, 1985 (July 1, 1986), if the Joint State Board, the Federal Energy Regulator Commission, a reviewing court, or BPA makes any adjustment prior to July 1, 1985 (July 1, 1986), which changes the actual average cost (AAC, as defined in this section), from the AAC used to calculate the final rebate or surcharge. No adjustment in the rebate or surcharge amount shall be made for any such adjustments made after July 1, 1985 (July 1, 1986).

Option 2

For customers electing Option 2, the rebate or surcharge for each customer for each period shall be calculated as follows:

where:

EAMB = the sum of the adjusted monthly bills rendered during Period A (Period B);

INT = the average short-term interest rate BPA earns from the U.S. Treasury in Period A (Period B).

3. *Supply System Adjustment Clause (SSAC).* An adjustment shall be made to the charges for Period B (OY 1985) in those rate schedules which include the Supply System Adjustment. The SSAC adjusts for changes in the total cost of Supply System Plants 1, 2, and 3.

The adjustment for each rate schedule shall be calculated as follows:

$$\frac{\text{SS} * ((\text{ACT} - \$724{,}300) * 67) + \text{BUD} - \$835{,}075)}{\text{BD}}$$

where:

SS = The percentage of total Supply System costs allocated to the class of service in the Cost of Service Analysis for Period B; the value for "SS" is provided in the rate schedule for the class of service in question;

ACT = the Net Funding Requirements (in thousand of dollars) in the Supply System Annual Budget for operating year (OY) 1984 as of May 1, 1984;

BUD = the Net Funding Requirements in thousands of dollars in the Supply System Annual Budget or amendment thereto for OY 1985, as of June 15, 1984;

BD = for the PF–83 Priority Firm rate schedule, the sum of the winter and summer energy billing determinants (in gigawatthours) for the class of service as forecasted in the Wholesale Power Rate Design Study; for the CF–83 Firm Capacity rate schedule, BD shall equal the sum of the winter and summer generation capacity billing determinants in megawattmonths; the value for "BD" is provided in the rate schedule for the class of service in question.

This adjustment shall be made if:

$$\left[\frac{((\text{ACT}-\$724{,}300) * 67)+(\text{BUD}-\$835{,}075)}{\$1{,}320{,}356}\right] \geq .01$$

Prior to July 1, 1984, BPA shall notify the purchaser of

a. The differences between the actual OY 1984 Supply System costs and those in the Revenue Requirement Study for OY 1984, and/or

b. Any revisions in the OY 1985 Supply System Annual Budget not reflected in the Revenue Requirement Study for OY 1985.

BPA shall mail affected parties a summary of the changes and a statement of the unit adjustment caused by those changes. In addition, BPA will hold an informational customer meeting to explain the changes.

Section IV. Other Definitions

A. Restriction of Deliveries

Deliveries of capacity and/or energy to any purchaser may be restricted when operation of the facilities used by BPA to service such purchaser is:

1. Suspended;
2. Interrupted;
3. Interfered with;
4. Curtailed, or
5. Restricted.

by the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service sections of the General Contract Provisions of the power sales contract.

B. Computed Requirements Purchasers

1. *Designation as a Computed Requirements Purchaser.* A purchaser will be designated as a computed requirements purchaser if it is so designated in its power sales contract executed after December 5, 1980, or it if has one or more potential abilities as described in paragraphs a. and b. below:

a. Such purchaser has generation of its own which can be sold in such a way as to increase BPA's obligation to deliver firm power to that purchaser because of such sale or,

b. Such purchaser has the ability to redistribute generation from its resources over time in such a manner as to cause losses of power or revenue on the Federal system.

When a purchaser operates two or more separate system, only those systems designated by BPA will be covered by this section.

2. *Purpose of the Computed Requirements Designation.* Use of the computed requirements designation is intended to assure that each purchaser who purchases power from BPA to supplement its own firm resources will purchase amounts of capacity and energy substantially equal to that which the purchaser would otherwise have to provide on the basis of normal and

prudent operations. Such amount of capacity and energy is that which would be sufficient to meet the load and provide adequate reserves through the most critical water or other conditions that might reasonably be expected to occur.

Purchase on a computed requirements basis depends on the relationship of capability of resources to system requirements. Thus, the billing factors to be applied to a computed requirements purchaser for any month cannot be determined until after the end of the month. As each purchaser must estimate its own load and is in the best position to follow that load from day to day, it is the purchaser's responsibility to request scheduling of power from BPA.

3. *Definition and Terms Relating to Computed Requirements Purchasers With Power Sales Contracts Executed Prior to December 5, 1980. Those purchasers whose power sales contracts were executed prior to December 5, 1980, and who are designated as computed requirements purchasers based on the abilities listed in section IV.B.1.a, above, shall be governed by the terms of this section (IV.B.3).*

a. *General Principles.* (1) The assured peaking capability and assured average energy capability of each of the purchaser's systems shall be determined and applied separately.

(2) As used in this section, "year" or "operating year" shall mean the 12-month period commencing july 1.

(3) The critical period is that period, described below, during which the purchaser would have the maximum requirement for peaking or energy from BPA. That period would be determined for the purchaser's system under adverse streamflow conditions and adjusted for:

(a) Current water uses;

(b) Assured storage operation; and

(c) Appropriate operating agreements.

In determining the maximum requirement for peaking or energy from BPA, the firm capability of all resources available to the purchaser shall be utilized in such a manner as to place the least requirement on BPA.

(4) Critical water conditions are those conditions of streamflow in the operating year or years which would result in the minimum capability of the purchaser's firm resources during the critical period. Those conditions of streamflow are based on historical records as adjusted for:

(a) Current water uses;

(b) Assured storage operation; and

(c) Appropriate operating agreements.

(5) Prior to the beginning of each operating year, the purchaser shall determine the assured capability of each of the purchaser's systems in terms of peaking and average energy for each month of each year or years within the critical period. The firm capability of all resources available to the purchaser's system shall be utilized in such a manner as to place the least requirement for capacity and energy on BPA. Such assured capability shall be effective after review and approval by BPA.

(6) The purchaser's assured average energy capability shall be determined by shaping its firm resources to its firm load in a manner which places a uniform requirement on BPA within each year of the critical period. The requirement placed on BPA may increase each year, but by no more than the sum of:

(a) The purchaser's annual load growth; and

(b) Any reductions in assured average energy capability caused by retirement or loss of one of the purchaser's firm resources.

(7) As used herein, the capability of a firm resource shall include only that portion of the total capability of such resource which the purchaser can deliver to its load on a firm basis. The capabilities of all generating facilities which are claimed as part of the purchaser's assured capability shall be determined by test or other substantiating data acceptable to BPA. BPA may require verification of the capabilities of any or all of the purchaser's generating facilities. Such verification will not be required more often than once each year for operating plants, or more often than once each third year for thermal plants in cold standby status, if BPA determines that adequate annual preventive maintenance is performed and the plant is capable of operating at its claimed capability.

(8) In determining assured capability, the aggregate capability of the purchaser's firm resources shall be appropriately reduced to provide adequate reserves.

b. *Determination of Assured Capability.* The purchaser's assured peaking and assured energy capabilities shall be the respective sums of:

(1) The capabilities of its hydroelectric generating plants based on the most critical water conditions experienced to date on the purchaser's system,

(2) The capabilities of its thermal generating plants based on such adverse fuel or other conditions which might reasonably be expected to occur, and

(3) The firm capabilities of other resources made available to the purchaser under contracts executed prior to the beginning of the operating year. The firm capabilities of these acquired resources will be based on the capabilities after adjustment for reserves.

Assured capabilities shall be determined for each month if the purchaser has seasonal storage. The capabilities of the purchaser's firm resources shall be determined as follows:

(1) *Hydroelectric Generating Facilities.* The capability of each of the purchaser's hydroelectric generating plants shall be determined in terms of both peaking and average energy using critical water conditions. The average energy capability shall be that capability which would be available under the conditions necessary to produce the claimed peaking capability.

Seasonal storage shall mean storage sufficient to regulate all the purchaser's hydroelectric resources in such a manner that, when combined with the purchaser's thermal generating facilities, if any, and with firm capacity and energy available to the purchaser under contracts, a uniform energy requirement on BPA for a period of one (1) month or more would result.

A purchaser having seasonal storage shall, within 10 days after the end of each month in the critical period, notify BPA in writing of the assured average energy capability to be applied tentatively to the preceding month. Such notice shall also specify the purchaser's best estimate of its average system energy load for such month. If such notice is not submitted, or is submitted later than 10 days after the end of the month to which it applies, subject to the limitations stated herein, the assured average energy capability determined for such month prior to the beginning of the year shall be applied to such month and may not be changed thereafter.

If notice has been submitted pursuant to the preceding paragraph, the purchaser shall, within 30 days after the end of the month, submit final specification of the assured average energy capability to be applied to the preceding month, provided that the assured energy capability so specified shall not differ from the amount shown in the original notice by more than the amount by which the purchaser's actual average system energy load for such month differs from the estimate of that load shown in the original notice. If the assured average energy capability for such month differs from that determined prior to the beginning of the year for such month, the purchaser, if required by BPA, shall demonstrate by a suitable regulation study based on critical water conditions:

(a) That such change could actually be accomplished; and

(b) That the remaining balance of its total critical period assured average energy capability could be developed without adversely affecting the firm capability of other purchasers' resources.

The algebraic sum of all such changes in the purchaser's assured average energy capability shall be zero at the end of the critical period or year, whichever is earlier. Appropriate adjustments in the assured peaking capability shall be made if required by any change in reservoir operation as indicated be revisions in the monthly distribution of critical period energy capability.

(2) *Thermal Generating Facilities.* The capability of each of the purchaser's thermal generating plants shall be determined in terms of both peaking and average energy. Such peaking and average energy capabilities shall be based on those adverse fuel or other conditions that might reasonably be expected to occur. The effect of limitations on fuel supply due to war or other extraordinary situations will be evaluated at the time, should any such situation arise.

(3) *Other Sources of Power.* The peaking and average energy assured capability of other firm resources available under contracts to the purchaser shall be determined prior to each operating year.

Section V. Application of Rates Under Special Circumstances

A. Temporary Curtailment of Contract Demand

The reduction of charges for power curtailed pursuant to the purchaser's contract and section II.C and III.A.8 hereof shall be applied in a uniform manner.

B. Energy Supplied for Emergency Use

A purchaser taking Priority and/or New Resource Firm Power shall pay in accordance with the Nonfirm Energy Rate Schedule, NF–83, and Emergency Capacity Rate Schedule, CE–83, for any electric energy or capacity which has been supplied:

1. For use during an emergency on the purchaser's system; or

2. Following an emergency to replace energy secured from sources other than BPA during such emergency.

Mutual emergency assistance may, however, be provided and settled under exchange agreements.

C. Application of Rates During Initial Operation Period

For an initial operating period, not in excess of 3 months, beginning with the commencement of operation of a new industrial plant, a major addition to an existing plant, or reactivation of an existing plant or important part thereof, BPA may agree to bill the purchaser in accordance with the provisions of this section. This section shall apply to both:

1. Direct-service industrial purchasers having new, additional, or reactivated plant facilities; and

2. Utility purchasers serving such an industrial purchaser with power purchased from BPA.

If the purchaser requests billing on a Measured Demand basis pursuant to section 4 of the power sales contract and if BPA agrees to such billing, the billing demand for the billing month shall be the average of the daily Measured Demands, as adjusted for power factor. However, at no time during the period of restoration, as defined in section 4(e) of the power sales contract, shall the daily billing demand be lower than any previous such demand during such period. Should the Measured Demand for any day during such period be lower than the billing demand for the previous day, the previous day's billing demand shall be used as the billing demand for such day.

Any rate schedule provisions regarding Contract Demand, billing demand, and minimum monthly charges which are inconsistent with this section shall be inoperative during such initial operating period.

The initial operating period and the special billing provisions may, on approval by BPA, be extended beyond the initial 3-month period for such additional time as is justified by the developmental character of the operations.

D. Construction, Test and Start-up, and Station Service

Power for the purpose of construction, test and start-up, and station service shall be made available to eligible purchasers under the Priority Firm and New Resource Rate Schedules. Such power must be used in the manner specified below:

1. Power sold for construction is to be used in the construction of the project.

2. Power sold for test and start-up may be used prior to commercial operation both to bring the project on line and to ensure that the project is working properly.

3. Power sold for station service may be purchased at any time following commercial operation of the project. Station service power may be used for project start-up, project shut-down, normal plant operations, and operations during a plant shut-down period.

Section VI. Billing Information

A. Billing for Purchasers with More than One Point of Delivery

Unless otherwise provided in the contract, power made available to a purchaser at more than one point of delivery shall be billed separately under the applicable rate schedule or schedules. The contract may provide for combined billing under specified conditions and terms when:

1. Delivery at more than one point is beneficial to BPA; or

2. The flow of power at the several points of delivery is reasonably beyond the control of the purchaser.

If deliveries at more than one point of delivery are billed on a combined basis for the convenience of the customer, a charge will be made for the diversity between the Measured Demands at the several points of delivery. The charge for the diversity shall be determined in a uniform manner among purchasers and shall be specified in the contract.

B. Determination of Estimated Billing Data

If the purchased amounts of capacity, energy, or the 60-minute integrated demands for energy must be estimated from data other than metered or scheduled quantities, BPA and the purchaser will agree on billing data to be used in preparing the bill. If the parties cannot agree on estimated billing quantities, a determination binding on both parties shall be made in accordance with the arbitration provisions of the contract.

C. Billing Month

Meters normally will be read and bills computed at intervals of 1 month. A month is defined as the interval between meter-reading dates which normally will be approximately 30 days. If service is for less or more than the normal billing month, the monthly charges stated in the applicable rate schedule shall be adjusted appropriately. Winter and summer periods identified in the rate schedules will begin and end with the beginning and ending of the purchaser's billing month having meter-reading dates closest to the periods so identified.

D. Payment of Bills

Bills for power shall be rendered monthly and shall be payable at the Division of Fiscal Accounting and Disbursement located in BPA's Headquarters at 1002 N.E. Holladay Street, Portland, Oregon. Payments by mail should be sent to the Bonneville Power Administration, P.O. Box 6040.

Portland, Oregon 97228. Failure to receive a bill shall not release the purchaser from liability for payment. Demand and energy billings under each rate schedule application shall be rounded to whole dollar amounts, by eliminating any amount which is less than 50 cents and increasing any amount from 50 cents through 99 cents to the next higher dollar.

If BP is unable to render the purchaser a monthly bill which includes a full disclosure of all billing factors, it may elect to render an estimated bill for that month to be followed at a subsequent billing date by a final bill. Such estimated bill shall have the validity of and be subject to the same repayment provisions as shall a final bill.

Bills not paid in full on or before the close of business of the 20th day after the date of the bill shall bear an additional charge which shall be the greater of one-fourth percent (0.25%) of the unpaid amout or $50. In addition, a charge of one-twentieth percent (0.05%) of the sum of the initial amount remaining upaid and the additional charge herein described shall be added on each succeeding day until the amount due is paid in full.

Remittances received by mail will be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicates the payment was mailed on or before the 20th day after the date of the bill. If the 20th day after the date of the bill is a Sunday or other nonbusiness day of the purchaser, the next following business day shall be the last day on which payment may be made to avoid such further charges. Payment made by metered mail and received subsequent to the 20th day must bear a postal department cancellation in order to avoid assessment of such further charges.

BPA may, whenever a power bill or a portion thereof remains unpaid subsequent to the 20th day after the date of the bill and after giving 30 days' advance notice in writing, cancel the contract for service to the purchaser. However, such cancellation shall not effect the purchaser's liability for any charges accrued prior thereto.

In the event of a disputed billing, full payment shall be rendered to BPA and the disputed amount noted. Payments of disputed amounts are subjects to late payment provisions. BPA shall separately account for the disputed amount. If it is determined that the purchaser is entitled to the disputed amount, BPA shall refund the disputed amount with interest.

IV. Major Issues

A. Major Studies

1. *Revenue Requirement Study.* The Bonneville Project Act, the Flood Control Act, the Transmission System Act, and the Regional Act set out criteria that require BPA to produce revenue sufficient to recover the cost of producing, acquiring, conserving, and transmitting the electric power that BPA markets; to recover the cost of transmitting power for other parties; and to repay with interest the Federal investment in transmission and generation facilities in the FCRPS. The Revenue Requirement Study determines the minimum amount of revenues that is necessary to recover all costs of the cost evaluation period over the repayment period for the entire power system. It determines whether current rates will produce enough revenue to satisfy BPA's repayment obligation.

The Revenue Requirement Study for the initial rate proposal is based on revenue and cost estimates for fiscal years (FY) 1984 and 1985 adjusted to represent the 12-month test period commencing July 1, 1984. If actual loads and costs differ from projected loads and costs, BPA may experience a revenue surplus or shortage. Small revenue shortages can be dealt with by deferring interest and amortization payments on appropriated funds, but sound busines principles dictate that this be only a temporary means of satisfying cash shortages.

It is a common utility practice for capital projects to be partially financed from internally generated funds or current revenue. As a self-supporting agency of the Federal government, BPA is only able to generate funds from debt or rates. To continue its efforts to be fiscally sound, BPA has decided to raise the revenue requirement to accommodate the goal of financing from revenue 5 percent of the BPA capital projects scheduled for completion during the rate period.

Lower estimates of revenue and cost than those projected in the 1982 Wholesale Power Rate Filing for fiscal years 1982 and 1983 will cause BPA transfers to the Treasury in fiscal year 1983 for amortization and deferral to be lower than planned. BPA experienced an additional deferral of $43.7 million in fiscal year 1982, increasing the cumulative deferral to $152.2 million by September 30, 1982.

COMPARISON OF ESTIMATED AND ACTUAL FISCAL YEAR 1982 REVENUE AND COST

[Dollars in thousands]

	Actual	1982 rate estimate
Revenue	1,354,436	1,302,200
Less costs		
Annual expense	206,993	[illegible]
Purchase power	939,371	937,500
Interest	251,799	269,141
1982 Deferral	43,727	109,450

The following table shows that BPA will have $159.7 million for transfer to the Treasury in FY 1983, rather than the $224.1 million projected in the 1982 Wholesale Power Rate Filing.

COMPARISON OF FISCAL YEAR 1983 PROJECTIONS

[Dollars in thousands]

	1982 rate [illegible]	Current [illegible]
Revenue	2,226,566	2,066,125
Less costs		
Annual expense	289,180	293,983
Purchase power	1,390,500	1,308,800
Interest	322,783	308,612
Amortization (including effects of deferral)	224,103	159,730

In order to meet its fiscal responsibilities (which include eliminating deficits and making planned amortization payments), BPA's Revenue Requirement Study reflects actual historic cash amortization, and assumes repayment of deferrals plus all normal scheduled amortization by September 30, 1985. In addition, it reflects all of BPA's obligations under the Regional Act, including exchange costs. To assist BPA in meeting its repayment obligations, a cash lag adjustment has been added to the revenue requirement.

BPA's total revenue requirement is determined directly from the Revenue Requirement Study. The study used for this proposal demonstrates the need for a 21.7 percent overall revenue increase for test year 1985 to meet BPA's revenue requirement of $2.8 billion. This amount is $.5 billion greater than the $2.3 billion of revenue projected for test year 1985 under current rates. The following table shows a breakdown of the revenue requirement.

Test Year 1985 Projections

[Dollars in thousands]

Less costs	
Annual expense	351,070
Purchase power	1,927,025
Interest	365,561
Amortization (including effects of Deferral)	196,210
Total	2,839,867

2. *Load and Resources Study.* The preparation of the load forecast and the resource forecast is one of the first steps in developing rates. For this rate filing, BPA develops an econometric forecast of nongenerating and small generating public utility loads. The forecast was based on projections of economic and demographic data from Washington, Oregon, and Idaho. BPA also develops an economic forecast of DSI loads which relies to a large extent on forecasts of aluminum prices and future electric power rates. The forecasted DSI load includes the assumption that a permanent reduction in the DSI load equivalent to the load of two aluminum plants would occur at the projected rates. Forecasted IOU residential exchange loads and scheduling public utility loads are used as submitted by the respective utilities.

Energy savings from programmatic conservation expenditures are estimated based on review of budget levels and expected accomplishments through FY 1985. Projected savings beyond FY 1985 are developed from penetration "ramps," i.e., the rate at which conservation is projected to occur, developed for BPA by an independent contractor. The monthly capacity savings in average megawatts from conservation efforts are assumed to be 1.3 times the monthly energy savings in average megawatts. This ratio is based on a review of BPA system capacity and energy loads over a 6-year period. Conservation savings are then reduced by 20 percent to reflect the impact of increased electricity prices on consumption. The price adjusted conservation program savings are then divided between IOU's, generating public utilities, and nongenerating public utilities. After the capacity and energy savings are identified with these three customer classes, the loads of the public utilities were reduced. These loads are then used to accomplish the resource forecast.

The resource forecast is developed to determine the Administrator's obligation during the test year and the critical period, and to determine the magnitude of surplus firm power in the region and on the Federal system in the critical period. This entails performing a hydro regulation study which incorporates a Water Budget for fish operations and the operation and maintenance cycles for various thermal plants in the region, and projected resource acquisitions. For this rate filing, two 42-month critical period hydro studies are made. The first study starts in September 1983, and the second starts in September 1984. The studies are then used to determine the critical period surplus for the region.

The regional resources are classified as either dedicated or nondedicated to firm loads of their respective owners. Nondedicated resources increase the non-Federal firm surplus. Using information on dedicated resources, the uniform Federal firm surplus for the two critical periods is computed. The amount of firm surplus is used for cost allocation, rate design, and revenue forecasting.

3. *Revenue Forecast Study.* The revenue forecast uses information developed from the Load and Resource Study and other sources to project BPA revenue under current and proposed rates for the period from October 1982 through June 1985. The projected sales used in the Revenue Forecast Study are used in the Cost of Service Analysis and in the Wholesale Power Rate Design Study. The Revenue Forecast Study also includes historical sales and revenue information from FY 1978 through FY 1982.

Fiscal year 1983 revenue is forecasted to be about $115 million lower than projected in the final 1982 Wholesale Power Rate Proposal. This is due to three major factors: (1) Failure to make expected sales under the Surplus Power rate schedule (SP–1), (2) lower than expected industrial sales due to the economic recession lasting longer than anticipated, and (3) the average system costs of utilities taking part in the 5(c) residential exchange being lower than anticipated. The revenue reduction from the lower exchange costs does not adversely affect BPA's repayment schedule because the revenue reduction is matched by equivalent or greater cost reductions.

For the forecast for the test period, BPA is significantly reducing its estimate of industrial sales and the rate at which the aluminum industry will recover from the current recession. BPA also is reducing its estimate of the amount of surplus firm power which will be sold at the surplus power rate. In the final 1982 Wholesale Power Rate Proposal, BPA assumed that all of the surplus firm power (560 average megawatts) would be sold at the SP rate. For the initial 1983 rate proposal, BPA is assuming that during OY 1985 less than 50 percent of the surplus firm power will be sold at its fully allocated cost. The revised assumptions contained in the Revenue Requirement Study increase the likelihood that BPA will meet its repayment objectives.

4. *Cost of Service Analysis (COSA).* The form and magnitude of the proposed rate schedules are strongly influenced by the results of the COSA. The COSA is based on generally accepted electric utility industry practices and procedures for this type of analysis, although modifications are made to reflect the repayment method used by Federal power marketing agencies to determine revenue requirements. Together with certain adjustments detailed in the Wholesale Power Rate Design Study (WPRDS), the COSA is designed to determine the cost of providing service to various classes of service.

The COSA procedure begins by selecting a test year and determining the investment and operating expense involved in providing service in that year. Operating year (OY) 1985 is used as the test year for the proposed rates.

a. *Functionalization.* The first step of the COSA is to identify investment and annual costs according to the functions performed by the power system. These functions are defined as generation and transmission. All costs are assigned to one of these functions.

A direction of effort study is prepared to determine how certain facilities and operating expenses should be functionalized. Managers in each BPA subdivision identify both the percentage of staff effort expended on each of the functions and the functional use of facilities. The application of the results of the direction of effort study to the test year cost estimates yields functionalized cost data.

BPA has also functionalized its net repayment requirement (NRR). The NRR is the difference between the total revenue requirement as determined in the Revenue Requirement Study and total annual costs, and represents the portion of the total revenue requirement related to the cost of invested capital. The method adopted for functionalizing the NRR develops separate carrying charges for generation, transmission, and conservation using the average interest rate and amortization lives of each type of investment. These carrying charges are used to develop the percentages of the net repayment requirement functionalized to generation, transmission, and conservation.

b. *Classification.* The costs functionalized to generation are classified between capacity and energy. The classification of generation costs is based on the principle of cost causation. This method apportions generation costs between capacity and energy in relation to the causes underlying the construction and operation of various generating plants; i.e., the cost of facilities constructed to meet peaking capacity is classified entirely to

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capacity and the cost of facilities that provide both capacity and energy is apportioned between the two functions.

The costs of the hydroelectric peaking units, including previously constructed substructures, are classified to capacity because providing capacity has been the primary purpose for installing these units. These peaking units would not have been needed if capacity requirements had not increased, since they produce no incremental energy under critical water conditions.

Classification of the baseload hydroelectric plants is a function of the energy produced by the base system under critical streamflow conditions and the peaking capacity of these units based on a sustained 10-hour peak period. Hydroelectric baseload system plant costs for the test year as well as associated operation and maintenance costs are classified 27 percent to energy and 73 percent to capacity.

BPA's classification method for all other generation resources recognizes that they are being acquired primarily to provide baseload energy. The classification percentages applied to generation resources other than hydroelectric are derived in the Time-Differentiated Long Run Incremental Cost (TDLRIC) Analysis. This results in classification of 17 percent of total plant costs to capacity and 83 percent to energy. The results of the TDLRIC Analysis are also used to classify the cost of resource acquisitions and of energy conservation. Investor-owned utility exchange resources are functionalized and classified based on data supplied by those exchanging utilities. Public agency exchange costs are classified on the basis of the classification of Federal resources used to serve Priority Firm Loads. Transmission costs are classified to capacity.

c. *Segmentation.* Although BPA operates a regionwide transmission system, some segments of the system are not needed to provide some services. To equitably allocate the costs of the system among all classes of service, the system is divided into nine segments so that the costs of each segment can be separately identified and allocated in relationship to the service being provided. The nine transmission segments are: integrated network, Pacific Northwest-Southwest intertie, Canadian intertie, Montana intertie, generation integration, fringe area facilities, preference customer delivery facilities, DSI customer delivery facilities, and IOU delivery facilities.

d. *Seasonal Differentiation.* When the cost of providing electric service varies substantially, whether by time-of-day or season-of-the-year, it is appropriate to reflect this variation when allocating the costs among rate classes and in the resulting rate design. The COSA includes a seasonal differentiation of costs.

Generation capacity costs are seasonally differentiated based on an analysis of probabilities of negative margin contained in the TLRIC Analysis. Energy costs are seasonally differentiated based on the costs of hydroelectric storage and the operating characteristics of the FCRPS. Transmission costs are not seasonally differentiated.

e. *Allocation.* The final major step in the COSA is to allocate the functionalized, classified, and time-differentiated costs to service classes. The service classes included are wholesale power rates, transmission rates, other services, and miscellaneous services and revenues. The wholesale power rate category is further divided into the subcategories of Priority Firm, Industrial Firm, Firm Capacity, New Resource Firm, Surplus Firm, and Nonfirm Energy.

The method adopted for allocating generation capacity costs between the seasons is the average of the monthly coincidental peak (CP) demands for the winter (5 CP) and summer (7 CP) seasons corresponding to December through April and May through November, respectively. Because the power system is constructed to meet coincidental peak demand, this method reflects the contribution of each customer class, on a seasonal basis, to the need for total system capacity.

Costs associated with the nine segments of the FCRTS and exchange costs functionalized to transmission are allocated to the customer classes on the basis of the 12 monthly coincidental peak demands placed on the transmission system. Because the tranmission system is designed to provide capacity to meet coincidental peak demands over the full course of the operating year, this method reflects the contribution of each customer class to the need for total transmission capacity.

Costs classified to energy are allocated among the classes of service based on the portion of kilowatthour use of each class and portion of load supplied by each resource pool.

BPA proposes to recover the costs associated with funding of regional conservation programs through both BPA rates and provisions of long term conservation contracts. Total conservation costs are first divided into two portions according to a formula which identifies the rate benefits accruing to all BPA ratepayers and benefits accruing only to ratepayers of utilities participating in BPA funded conservation programs throughout the region. The portion representing benefits accruing to all BPA ratepayers is allocated to customer classes on the basis of their loads which are deemed to be served by FBS and new resources.

The remaining costs that are associated with regional loads are divided into two portions on the basis of the ratios of the loads served by BPA and non-BPA resources to total system loads. Costs associated with the BPA-served portion of regional loads are recovered in rates and allocated to the Prioritiy Firm and New Resources rate classes. Proposed recovery of all remaining costs (those not allocated to BPA rate classes) will be through a provision in the long term conservation contracts applicable to participants. Such costs will be recovered from those participants by a contract charge.

Costs associated with deferral of prior years' interest are functionalized and classified according to the functionalization and classification of all revenue requirements other than conservation. They are then allocated to each rate class based on the total use allocation factors regardless of the resource pool serving each class.

4. *Time-Differentiated Long Run Incremental Cost (TDLRIC) Analysis.* A TDLRIC Analysis is conducted by BPA to identify the incremental costs BPA incurs for new generation and transmission loads on a seasonal, daily, and hourly basis. The TDLRIC Analysis provides a basis for developing rates from an economic efficiency criterion. Considerable disagreement exists about how the concept of incremental cost pricing should be used in establishing rates. At issue are questions relating to the measurement or marginal costs, application of marginal costs to rates, and the adjustment of such rates to the revenue requirement. All of these issues are considered in developing the TDLRIC Analysis.

The long run incremental cost of generation is divided between capacity and energy costs. Derivation of incremental capacity costs is based on the resources added to the system to meet additional peaking requirements. A generic combustion turbine serves as the added peaking resource. Annualized investment cost, annual operation and maintenance expense, and annual fuel cost adjusted by a fuel energy credit (all expressed in beginning of year 1985 dollars) comprise the cost of the combustion turbine. These costs, adjusted for a reserve factor, produce a long run incremental capacity cost of

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$45.19 per kilowatt. This cost plus BPA's incremental operation and maintenance costs associated with generation capacity result in a long run incremental cost of capacity for BPA of $46.39 per kilowatt.

The long run incremental cost of producing energy is based on the cost of baseload thermal power with an adjustment for a capacity credit. For the analysis, BPA assumes that the technology associated with a generic coal unit is typical of baseload power plant costs. Based on this technology, the long run incremental cost of energy is 33.39 mills per kilowatthour. This cost, plus BPA's incremental generation operation and maintenance expensed associated with energy, results in a long run incremental cost of energy for BPA of 34.29 mills per kilowatthour.

The long run incremental cost of transmission is based on additional transmission investment for the years 1984–1993. Only the transmission investment and operation and maintenance expense associated with the network segment is used in this analysis. The long run incremental cost of transmission network investment and the associated operation and maintenance expense are classified to capacity and energy. The classification percentages of 61 percent energy and 39 percent capacity are based on an analysis of projected load and load factor over the 1984–1993 period. Those costs classified to energy are not considered in the analysis because the energy portion of transmission network investment is considered to be a substitute to the generation energy investment. Thus, these costs are already considered in the estimate of the long run incremental cost of generation energy. The long run incremental capacity cost of network plus associated operation and maintenance expense is $8.32 per kilowatt.

The incremental cost of generation energy is seasonally, but not diurnally, differentiated. As a result of the Water Budget provided for in the Columbia Basin Fish and Wildlife Program, there is a substantial increase in the availability of energy during the month of May. From a planning perspective, incremental energy taken during the month of May will be less likely to entail the construction of large baseload energy producing plants than during other months of the year. In response to these considerations, the TDLRIC Analysis incorporates an energy differential which assigns zero costs to May and spreads the total incremental energy costs over the remaining 11 months.

Incremental capacity cost variations occur seasonally and diurnally. The seasonal periods are determined by a statistical analysis of BPA's loads and resources based on a 1957–1958 water year, which statistically approximates an average capacity related water year. This analysis assigns the relative probability that capacity will be exceeded, or the probability of a negative margin (PONM), to each month of the year. Hourly PONM data are not available for BPA. A similar process was used to establish hourly periods and days of the week. However, the selection was based on an analysis of historic loads and system operating characteristics.

Based on the seasonal, hourly, and day-of-the-week analysis, the winter peak period for generation capacity is defined as December through April, Monday through Friday, 7 a.m. to 10 p.m. The winter shoulder periods are Monday through Friday, 6 a.m. to 7 a.m. and 10 p.m. to 11 p.m. and Saturday and Sunday, 7 a.m. to 11 p.m. The summer peak and shoulder periods comprise the same hours and days of the week during the months of May through November. The offpeak capacity hours are all other hours of the year.

In examining transmission network capacity, the nature and design of the system must be considered. The network is designed and built to satisfy system peak loads with consideration given to ambient temperature change. Ambient temperature directly affects transmission resistance such that system load carrying capabilities are above average in the winter and less than average in the summer. These changes roughly offset seasonal variations in loads but amplify diurnal load variations. Consequently, transmission capacity costs are diurnally, but not seasonally, time-differentiated. The analysis indicates that the peak period for network costs should be Monday through Friday, 7 a.m. to 10 p.m., and the offpeak period should be all other hours for all months of the year.

After selecting the seasonal periods, cost allocation factors are developed. For long run incremental capacity costs, the pertinent relative PONM in each period is used to allocate capacity costs among periods. The PONM data indicate that 79 percent of capacity costs should be assigned to December through April and 21 percent of capacity costs should be assigned to May through November. In the TDLRIC analysis, transmission costs are assigned to the peak period for all months of the year.

The results of the TDLRIC Analysis are combined to form an illustrative rate schedule, briefly summarized as follows:

Energy Charge (mills/kWh):	
Generation Energy (January–April; June–December)	37.18
Generation Energy (May)	[illegible]
Demand Charges ($/kW):	
Winter Peak (December–April, Monday–Friday, 7 a.m.–10 p.m.):	
Transmission Network	.82
Generation Capacity	[illegible]
Winter Shoulder (December–April; Monday–Friday, 6 a.m.–7 a.m. and 10 p.m. to 11 p.m.; Saturday and Sunday, 7 a.m. to 11 p.m.): Generation Capacity	1.91
Summer Peak (May–November; Monday–Friday, 7 a.m. to 10 p.m.):	
Transmission Network	.62
Generation Capacity	1.43
Summer Shoulder (May–November; Monday–Friday, 6 a.m. to 7 a.m. and 10 p.m. to 11 p.m.; Saturday and Sunday, 7 a.m. to 11 p.m.): Generation Capacity	.37
All other hours of the year	[illegible]

B. Wholesale Power Rates

Issues directly related to individual rate schedules are discussed in section 1, below. Issues related to more than one schedule are presented in section 2.

1. *Issues Related to Individual Rate Schedules.*—a. *Priority Firm Power Rate, PF–83.* BPA sells Priority Firm power to public bodies, cooperatives, Federal agencies, and utilities participating in the exchange under Section 5(c) of the Regional Act. This power must be used to meet firm loads within the Pacific Northwest.

The Priority Firm load is served with FBS and exchange resources. The PF–83 rate consists of a demand charge which is time-differentiated on both a seasonal and diurnal basis and an energy charge which is seasonably differentiated. Additional charges may be imposed for either a leading or lagging power factor or for the taking of an unauthorized increase. A low density discount is available to qualifying utilities. The rate also includes the Exchange and Supply System Adjustment Clauses. The billing factors for computed requirements customers taking Priority Firm power have been modified to enhance BPA's revenue stability.

b. *Industrial Firm Power Rate, IP–83.* The IP–83 rate schedule applies to sales of Federal power to BPA's direct service industrial (DSI) customers. Exchange resource costs are allocated to the lower three quartiles of the DSI load. The top quartile is assigned the price associated with BPA's opportunity cost of providing top quartile service. The IP–83 rate is based on the melding of these costs. Customers requesting service to the top quartile with surplus firm energy load carrying capability (FELCC) will pay a higher rate which is based on the higher

costs associated with providing such service.

Power sales contracts with the DSI's grant BPA the right to restrict the DSI loads under certain conditions. As a result, the Federal system can use these restriction rights as part of its reserve requirement. A value of reserves analysis was performed to measure the benefit resulting from the ability to restrict the DSI load and to comply with section (7)(c)(3) of the Regional Act. The Federal system reserves provided by the DSI restriction rights are separated into forced outage reserves, stability reserves, and plant delay reserves. In determining the value of reserves provided by BPA's restriction rights, BPA looked at the most feasible, least cost alternative to providing these reserves.

To calculate the value of forced outage reserves, BPA assumed that, absent the DSI restriction rights, the least cost alternative consists of combined cycle combustion turbines. The annual cost of the turbines associated with the value of the DSI restriction rights, is estimated to be $82,918,000.

Stability reserves provided by the DSI restriction rights are valued at the cost of installing an alternative load tripping scheme which would isolate various portions of the system in lieu of restricting. The annual cost associated with the scheme is $764,000.

The Pacific Northwest Simulation Analysis Model (SAM) is used to calculate the probability of restricting the DSI's second quartile due to plant delay and the corresponding expected amount of the restriction. In lieu of restricting, BPA assumes the combined cycle combustion turbines would be run. The annual levelized cost associated with plant delay reserves provided by restricting the DSI's second quartile is $72,000.

The IP–83 rate includes a credit for the value of reserves. This credit is based on a share-the-savings concept. First, the cost of the outages to the DSI's was determined to be $126,000. Then the value to BPA of the reserves provided by the DSI's was calculated. These two figures were added and divided in half to arrive at the revenue, $41,940,000, that is credited to the DSI's for the reserves they provide. To determine the actual credit, the revenue was divided by the appropriate billing determinants. The credit is in the form of a reduction in the monthly demand and energy charges, in the same manner as in the IP–2 rate.

The industrial class has contributed significantly to BPA's revenue instability due to IP load underruns. In order to promote revenue stability, the proposed IP–83 rate includes three components: a customer charge based on operating demand, a demand charge, and an energy charge. The customer charge is set at a level sufficient to recover the difference between the total costs allocated to the lower three quartiles and the revenue which would be recovered by applying the Priority Firm rate to the billing determinants for the lower three quartiles. The remaining costs are recovered through the demand and energy charges.

As in the existing rates, the demand charges for the IP–83 rate are time differentiated on both a daily and a seasonal basis. There is no demand charge for deliveries during offpeak hours. The energy charge is seasonably differentiated. The IP–83 rate also includes an Exchange Adjustment Clause, a power factor penalty, and a charge for unauthorized increase.

c. *Special Industrial Power Rate, IH–83.* This rate schedule is available to purchasers qualifying for a special class of industrial power as provided for in section 7(d)(2) of the Regional Act. Section 7(d)(2) authorizes BPA to establish a special rate for any DSI using, as its primary resource, raw materials indigenous to the region.

The only customer that qualifies for this special industrial rate is the Hanna Nickel Smelting Company. The IH–83 rate is set equal to the PF–83 rate less the value of reserves so as to approximate the rate Hanna would have paid without the Regional Act. Like the IP–83 rate, the IH–83 rate has seasonally and diurnally time-differentiated demand charges and seasonally differentiated energy charges. The rate includes an adjustment for power factor, value of reserves, and unauthorized increase.

d. *Firm Capacity Rate, CF–83.* The CF–83 rate applies to utilities purchasing firm capacity from BPA on either an annual or seasonal basis. Annual capacity is delivered throughout the year as requested by the customer and seasonal capacity is delivered over the five month period of June 1 through October 31. Energy associated with this capacity is to be returned to BPA. CF–83 loads are served with FBS and exchange resources. The rate includes an Exchange Adjustment Clause, a Supply System Adjustment Clause, and an extended peaking surcharge for capacity taken in excess of 9 hours per day.

The extended peaking surcharge is calculated on an hourly basis and reflects the two types of FCRPS costs which BPA incurs in providing extended peaking service. The first is the cost of maintaining a sustained peak on the Federal system and the second is the value of the "return" energy which would have to be spilled in a critical water year in order to maintain minimum streamflows on the FCRPS.

e. *Emergency Capacity Rate, CE–83.* The CE–83 rate schedule is applied to capacity used either to meet emergencies on the purchaser's system or to displace non-BPA resources. BPA provides such capacity to utilities on a weekly basis provided it is requested and excess capacity is available. The energy associated with the delivery of this capacity must be returned to BPA.

To determine the CE–83 rate, the firm capacity rate for a contract year was divided by the number of weeks in a year and then increased by 30 percent to cover additional administrative and general costs. Because costs associated with deliveries over the Pacific Northwest-Pacific Southest (or Southern) Intertie have not been allocated to this service category in the COSA, such deliveries are subject to an additional charge.

f. *New Resource Rate, NR–83.* The NR–83 rate is available for the purchase of firm power for investor-owned utilities under net requirements contracts for resale, direct consumption, or for use in construction, test and start-up, and station service. It is also available for new large single loads of public bodies, cooperatives, or Federal agencies.

Exchange energy costs are allocated to this class of service to serve the small amount of energy load forecasted during the test year. However, the NR–83 rate is set to approximate a rate based on both allocated exchange capacity and energy costs so that it can be applied to any load that qualifies for NR–83 service. Thus, the energy charges for the NR–83 rate are set at a level slightly above the energy charges of the SP–83 rate to reflect the differential between allocated unit exchange energy costs for New Resource Firm and Surplus Firm service classes. The demand charges are set equal to the equalized Priority Firm demand charges and are, therefore, seasonally and diurnally time-differentiated. The NR–83 energy charges are seasonally differentiated. The NR–83 rate includes a power factor adjustment and an Exchange Adjustment Clause.

g. *Surplus Firm Power Rate, SP–83.* The SP–83 rate is available for the purchase of surplus firm power for resale or for direct consumption by purchasers other than direct-service industrial customers. SP–83 power is available for purchase inside and outside the Pacific Northwest and outside the United States. The rate

schedule includes the Exchange Adjustment Clause.

The SP–83 rate consists of four components: A Thermal Resource Rate, an Exchange Resource Rate, a Purchased Power Rate, and a Contract Rate. The four rates may be applied to contract purchases of Surplus Firm power provided the contracts are of a duration of less than one year or terminate on or before June 30, 1985. The Contract Rate may also be applied to purchases pursuant to contracts having an effective term of more than one year or terminating after June 30, 1985. The Contract Rate consists of energy and demand charges.

The Thermal Resources Rate is based on the cost of power from Federal thermal resources. It is designed to recover all BPA variable costs and up to 100 percent of the fixed costs associated with generating and transmitting power from Federal thermal resources.

The Exchange Resource Rate is based on the cost of exchange resources. The charge for SP–83 power under the Exchange Resource Rate is based on the average cost of exchange resources of one or more utilities participating in the residential exchange program, including transmission costs and losses.

The Purchased Power Rate is designed to recover the total costs of power purchased by BPA, including transmission costs and losses associated with transmitting that power.

The Contract Rate is based on the fully allocated cost of surplus resources which includes exchange resources and new resources. The SP–83 Contract Rate demand charges are set equal to the Priority Firm demand charges which causes allocated capacity costs to be included in the determination of the SP–83 energy rate. Demand charges are seasonally and diurnally differentiated while energy charges are seasonally differentiated. As escalation factor is include under the Contract Rate in order to adjust for cost increase in contracts that are in effect for more than 1 year and/or extend past June 30, 1985. The Contract Rate shall be adjusted each July 1 beginning July 1, 1985. The adjusted rate for operating year n will equal the product of: (1) The Contract Rate in year n-1, and (2) the weighted average annual rate of growth of the average cost of selected exchange resources in year n-1.

h. *Surplus Firm Energy Rate, SE–83.* The SE–83 rate is available for the purchase of Surplus Firm energy for resale or direct consumption by purchasers other than direct-service industrial purchasers. Like the Surplus Firm Power rate, the SP–83 rate is available for the purchase of Surplus Firm Energy by parties inside and outside the Pacific Northwest as well as outside the United States.

The SE–83 rate is set at the same level as the SP–83 rate assuming a 100 percent load factor. Thus, the Surplus Firm Energy rate is based on the costs of surplus exchange resources and new resources that have been allocated to the Surplus Firm Power rate. The rate include both a power factor adjustment and an Exchange Adjustment Clause.

i. *Nonfirm Energy Rate Schedule, NF–83.* NF–83 rate is available for the purchase of nonfirm energy both inside and outside the Pacific Northwest and outside the United States. The proposed NF–83 rate structure, similar to the NF–2 rate, contains rates which rates which are applicable under varying operating and marketing conditions. However, the proposed schedule contains one new rate (Displacement Rate) which is to be applied when market condition preclude BPA from selling all available energy at the spill Rate. Thus NF–83 is comprised of a Contract Rate and four rates that can be applied depending on operational conditions.

First, the Standard Rate applies when the FCRPS hydroelectric plants are not spilling or forecasted to spill due to an excess of energy on the FCRPS above available markets. This rate is based on the average cost of service with FBS and new resource power. Fifty percent of the energy sold under the Standard Rate will be made available on a guaranteed delivery basis for one day. Any energy scheduled under the guaranteed delivery provision shall be delivered except when BPA and the purchaser mutually agree to change the scheduled amounts or when BPA must reduce NF–83 deliveries to serve firm loads because of unexpected generation loss in the Pacific Northwest.

Second, the Spill Rate will be in effect when one or more FCRPS hydroelectric plants are spilling or are forecasted to spill due to an excess of energy on the FCRPS above available markets. The Spill Rate represents a reduction from the Standard Rate to reflect changes in marketing conditions.

Third, the Displacement Rate will be effective when BPA is unable to sell all available FCRPS energy as the Spill Rate. The Displacement Rate will help to ensure that BPA displaces the greatest possible amount of thermal generation and allow BPA to increase NF–83 revenues. The rate is flexible and equal to one-half of: (1) The Buy Price which is the purchaser's decremental cost of generating or acquiring power from alternative resources, plus (2) the BPA Sell Price whch is BPA's incremental cost of supplying energy during that hour. The BPA Sell Price may be no lower than 1.0 mill per kilowatt hour. Customers who are participants in the Western Systems Coordinating Council (WSCC) Energy Broker System will not purchase energy under the Displacement Rate will instead use the Broker System and the EB–83 rate.

Fourth, the NF–83 Incremental Rate shall be applied to sales of power produced or purchased concurrently with the nonfirm sale which BPA may, at its option, not produce or purchase, and when the incremental cost is greater than the Standard Rate less 2.0 mills. The rate shall be equal to the incremental cost of the power plus 2.0 mills per kilowatthour.

j. *Energy Broker Rate, EB–83.* In October 1981, BPA entered into an agreement with the Western Systems Coordinating Council (WSCC) to participate in WSCC's Energy Broker Program. The broker program offered by WSCC is a communication and scheduling procedure for matching potential sellers of electric energy with potential buyers. The proposed EB–83 rate offered by BPA is available for both the sale and purchase of nonfirm power among participants in the WSCC Energy Broker System, between whom agreements for energy transmission have been transacted. The rate is similar to the NF–83 Displacement Rate.

k. *Reserve Power Rate, RP–83.* The proposed RP–83 rate schedule is available for the purchase of:

(1) Firm power to meet a purchaser's unanticipated load growth as provided in a purchaser's power sales contract; (2) power for which BPA determines no other rate schedule is applicable; or (3) power to serve a purchaser's firm power loads in circumstances where BPA does not have a power sales contract in force with such a purchaser, and BPA determines that the rate should be applicable.

This rate schedule applies to purchasers inside and outside the United States. BPA expects that the RP–83 rate schedule will be used primarily to meet emergency power shortages on a purchaser's system and to charge, pursuant to the power sales contract, for unauthorized increases in the case of minimal power overruns.

The Reserve Power rate is based directly on the results of the TDLRIC Analysis. The proposed RP–83 rate will provide BPA's customers with price signals that reflect the cost of producing additional kilowatts and kilowatthours, regardless of BPA's revenue requirement. An adjustment for power factor and a charge for unauthorized

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increase are also included in the RP–83 rate schedule.

2. *Other Rate Issues.*—a. *Scaling Factor.* A 1985 test year is used in the development of the rates. The resulting rates will provide revenues sufficient to meet BPA's test year repayment obligation. However, if these rates were applied to forecasted sales for the 8-month period extending from November 1, 1983, until the beginning of the test year, BPA would recover more revenue than required to meet the operating year (OY) 1984 repayment requirement. Consequently, BPA is applying a scaling factor to the test year rates to adjust the rates downward for the 8-month period. This scaling factor is based on costs and revenues from all of BPA's rates, both wholesale power and transmission. The factor is applied to each test year 1985 rate to yield a rate applicable to the last 8 months of OY 1984.

b. *Adjustments.* BPA has studied different forms of automatic adjustment clauses as a means of alleviating its cash flow problems and recovering sufficient revenue to cover uncontrollable expenses. In the rate proposal, BPA is including an Exchange Adjustment Clause and a Supply System Adjustment Clause in the applicable rates.

An Exchange Adjustment Clause (EAC) is included in the Priority Firm, Industrial Firm, Firm Capacity, New Resource Firm, Surplus Firm Power, and Surplus Firm Energy rate schedules. Exchange resources are assigned to loads served under these rates. The adjustment is in the form of a rebate or surcharge if the actual average cost of selected exchange resources during the period November 1, 1983, through June 30, 1985, differs from that forecast. The EAC is based on the average cost of exchange resources acquired by BPA from the five IOU's whose individual average system costs are greater than the Priority Firm rate, i.e., Pacific Power and Light, Portland General Electric, Idaho Power Company, Utah Power and Light, and C. P. National Two options are offered under the EAC: (1) Option 1 includes monthly adjustments using BPA's estimated billing process, the sum of which will be reconciled with a final adjustment using actual bills and costs, or (2) Option 2 includes one adjustment for each of two periods: November 1, 1983, through June 30, 1984, and July 1, 1984 through June 30, 1985.

A Supply System Adjustment Clause has been included in the Priority Firm and Firm Capacity rate schedules which are served by Federal base system resources. The adjustment will be made to the Priority Firm energy charges and the Firm Capacity demand charges effective July 1, 1984, if either of the following conditions occur:

(1) The actual OY 1984 Supply System net funding requirement for plants 1, 2, and 3 differ from the costs in the revenue requirement of OY 1984 and/or

(2) The OY 1985 Supply System Annual Budget for plants 1, 2, and 3 differs from the costs in the revenue requirement of OY 1985.

For each customer, the adjustment will be the product of the percentage of Supply System costs allocated to that customer class and the changes in Supply System costs of OY 1984 and 1985, divided by the class' energy or capacity billing determinants for OY 1985. No adjustment will be calculated if the change in Supply System costs for OY 1984 and OY 1985 is less than or equal to 1 percent.

c. Revenue Deficiencies From Surplus Sales. It was assumed for purposes of the rate filing that 335 average megawatts of Surplus Firm Power will be sold at the SP–83 rate out of a total surplus of 730 average megawatts. The remaining 395 average megawatts will be sold under the NF–83 rate which is less than the fully allocated cost of the surplus power. BPA is differentiating between revenue from nonfirm energy sales resulting from the presence of surplus firm resources that cannot be sold at their fully allocated cost and revenue from nonfirm energy sales resulting from average water conditions.

To calculate the revenue deficiency, BPA assumed that the power which cannot be sold at the fully allocated cost or surplus resources is sold at the average nonfirm rate. This sale results in a revenue deficiency which is allocated in the following manner:

1. The revenue deficiency is divided among new resources, exchange resources and adder (e.g., transmission, BPA overhead, rate design adjustments) pro rata based on the composition of surplus firm power costs.

2. The new resources and adder components are allocated to all firm sales.

3. The exchange resource component is allocated to the DSI's.

d. *Revenue Stability.* BPA has recently experienced a significant underrecovery of revenue from two types of customers: DSI's and computed requirements purchasers. In order to enhance revenue stability, BPA has modified both the IP–83 rate and the billing determinants for computed requirements purchasers (in both the PF–83 and NR–83 rate schedules) to reflect the costs which BPA incurs in being constantly ready to serve a specific load (the Operating Demand in the case of the DSI's and the Computed Energy Maximums in the case of computed requirements customers). Under the 1982 wholesale power rates, there is no reciprocal obligation on the part of the customer to take even a portion of the block of power which BPA must reserve for them, although DSI's must pay curtailment charges (based on BPA's demand charges and the difference between their operating level and operating demand) and computed requirements customers must pay on the greater of measured demand and a demand ratchet.

BPA has modified the rates so as to share the risks associated with the readiness to serve more equitably with the customers. In the IP–83 rate, BPA has instituted a customer charge which will enhance revenue stability. The Priority Firm rate schedule, PF–83, and New Resource rate schedule, NR–83, contain a new billing factor for computed requirements customers to reflect BPA's readiness to serve. The effect of the new billing factor will be to compensate BPA for costs incurred in being ready to meet all scheduled loads that have been forecasted under critical water planning. The implementation of the new billing factor will ameliorate the problem of revenue underrecovery due to displacement and resolve the inequity between computed requirements customers and those customers with fewer options under the power sales contract.

For customers designated by BPA to purchase energy on an actual or planned computed requirements basis, the energy billion factor will be a weighted average of the customer's monthly Computed Energy Maximum and its measured energy. The weighted factor is calculated on a seasonal basis and is based on changes in nonform revenues with and without displaced purchases compared to the actual amount of displaced BPA energy. The monthly Computed Energy Maximum is the amount of energy equal to the product of the number of hours in the month and the purchaser's Computed Average Energy Requirement, i.e., the amount by which the purchaser's actual firm energy load for the month exceeds its assured energy capability for the month. Because the seasonal weighting factor percentages are 51–49 summer and 50–50 winter, a 50–50 percentage split for the entire test period was chosen.

For customers designated by BPA to purchase energy on a contracted requirements basis, the energy billing factor will be the contract demand.

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Peter T. Johnson

Administrator.

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Final Interpretation of Exchange Transmission Pursuant to Amendments to Utility Power Sales Contacts

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Interpretation.

SUMMARY: The Exchange Transmission Credit Agreement (ETCA), formerly called Transmission Services Agreement, has been developed in accordance with Amendatory Agreement No. 2 to the utility power sales contracts offered by BPA on August 28, 1981. The ETCA gives BPA utility customers an opportunity to receive benefits for their transmission systems which they would have received under a Residential Purchase and Sale Agreement (Exchange Agreement) without actually entering into a purchase and sale of resources with BPA under the Exchange Agreement.

BPA offered the ETCA to its utility customers on February 22, 1983. The utilities have 60 days from that date in which to complete and return the contract in order to receive benefits of the ETCA retroactive to August 28, 1982. Utilities which do not wish to receive retroactive benefits may reply within 120 days from the date of offer. Utilities which do not reply within 120 days from the date of the current offer may request a new offer of an ETCA at a later date.

This notice of final interpretation is intended to provide public notice of Bonneville's interpretation of the intent of Amendatory Agreement No. 2 on this subject.

Responsible Official: Mr. Thomas M. Noguchi, Director, Division of Customer Service, is the official responsible for promulgation of the ETCA.

EFFECTIVE DATE: BPA offered the ETCA to its utility customers on February 22, 1983. The offer closes 120 days from that date.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Office, P.O. Box 12999, Portland, Oregon 97212, 503-230-3478. Oregon callers may use the toll-free number 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800-547-6048. Information may also be obtained from:

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, 503-230-4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-687-6952.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington, 99201, 509-456-2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3880.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206-442-4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99352, 509-525-5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

SUPPLEMENTARY INFORMATION: The Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501 (Regional Act) was enacted on December 5, 1980. It required BPA to simultaneously offer, within 9 months of the date of enactment, long-term power sales contracts to: (1) Existing public body and cooperative customers and investor-owned utility customers; (2) Federal agency customers; (3) electric utility customers participating in the residential exchange; and (4) direct-service industrial customers.

Amendatory Agreements to Power Sales Contracts

BPA offered utility power sales contracts to its customers on August 28, 1981. The customers had 1 year, until August 28, 1982, to accept the offered contacts. During this year, BPA and its customers discussed a number of issues which the customers felt remained unresolved with the offered contracts. Just prior to expiration of the deadline for filing, each of BPA's customer classes filed a lawsuit challenging BPA's contract offers. After several meetings in April 1982, agreement was reached by BPA and all customer classes on a package of proposed solutions to the outstanding contract issues, and amendatory agreements to the power sales contracts were written.

Following completion of the public involvement process and compliance with review requirements of the National Environmental Policy Act of 1969 (NEPA), final amendments were offered to the customers on August 19, 1982.

Transmission Services Agreement Stipulation in Amendatory Agreement No. 2

The ETCA has been devised in partial fulfillment of the second amendatory agreement to the power sales contracts. Amendatory Agreement No. 2 calls for BPA to establish a Tansmission Services Agreement. In the process of negotiationg this agreement with its customers, BPA has renamed the agreement, "Exchange Transmission Credit Agreement."

Exhibit C of Amendatory Agreement Number 2 stipulates that BPA will:

> At the request of Purchaser, which has not specified an amount of residential load or has specified an amount of zero under Exhibit D of the Residential Purchase and Sale Agreement (Exchange Agreement), Bonneville shall enter into a Transmission Services Agreement which shall provide benefits to such Purchaser for its transmission system which the Purchaser would have received under a Residential Purchase and Sale Agreement and the Average System Cost methodology.

The transmission services agreement was requested by BPA's preference customers and agreed upon by BPA's other customer classes. It was designed to eliminate a double counting of the preference customer residential exchange load which occurred in BPA's 1982 initial rate proposal. In that rate proposal, a preference customer residential exchange load of 510 average megawatts was counted twice, once in preference customer load requirements, and once in the exchange load. Eliminating this double counting would reduce exchange costs by $84 million, and reduce the revenue BPA must recover through its rates by $82 million. The difference was the estimated cost of transmission services agreement benefits.

Transmission Services Agreement Negotiation

In a letter from Administrator Peter T. Johnson to William Hulbert, Jr. of Snohomish County Public Utility District on June 30, 1982, BPA expressed its intention to offer the transmission services agreement referenced in Amendatory Agreement No. 2 to its utility customers by October 31, 1982.

Negotiations began in September 1982. Two meetings were held in September to negotiate the terms of the transmission services agreement, based on a draft prepared by BPA. As a result of comments received at those meetings,

BPA produced a second draft agreement, retitled Exchange Transmission Credit Agreement. This draft was dated October 15.

The October 15 draft significantly enlarged the scope of benefits a utility could receive under the agreement, to include certain nonfunded conservation costs, administrative and general costs, and research and planning costs for new generation. These changes had been recommended by representatives of publicly owned utilities.

A number of parties objected to the terms of the October 15 draft, stating that the draft granted benefits in excess of those agreed to in Amendatory Agreement negotiations. With the concurrence of all parties, BPA extended the negotiation period for the ETCA and requested comments. Twenty-one written comments were submitted.

The interested parties were unable to agree on the appropriate scope of ETCA benefits, and asked BPA to resolve the issue. In December 1982, BPA decided to restrict ETCA benefits to those a utility would receive for its transmission system costs under an Exchange Agreement, citing the commitments BPA made in the settlement agreements for PPC v. Johnson, PP&L v. Johnson, and Alcoa v. BPA, and the relative rate impacts of the two ETCA options.

In January 1983, all parties agreed to the language of the final draft based on BPA's decision. A prototype ETCA was distributed to all BPA customers and negotiation participants on January 17.

ETCA Offered

The final ETCA was offered by BPA on February 22, 1983, to those utilities which had expressed interest in it, including all utilities which had executed an Exchange Agreement but had not begun to receive benefits under the exchange. All Northwest BPA utility customers are eligible to execute an ETCA.

Under the terms of the ETCA, interested utilities may receive benefits retroactive to August 28, 1982, if they execute the ETCA within 60 days from February 22, 1983. Utilities are required to provide requested information on their average system cost within 30 days after execution of the agreement in order to receive retroactive benefits.

BPA intends to allow customers a reasonable period of time to consider BPA's offer of the ETCA. The offer will terminate 120 days from the date of the offer. Utilities which do not accept BPA's current offer may request an ETCA from BPA at a later date.

Signators to the ETCA will be required to compute their Average System Costs, according to the methodology outlined in Exhibit B to the agreement. This methodology is patterned after the Average System Cost for the Exchange Agreement. If, in the future, BPA should modify the Average System Cost Methodology for the Exchange Agreement, it would also concurrently revise the methodology for the ETCA, in consultation with the signators, as specified in Exhibit B, page 5 to the ETCA.

The general contract terms of the ETCA are contained in Appendix I of this notice.

Issued in Portland, Oreg., March 14, 1983.

James J. Jura,

Acting Administrator.

Appendix I

Contract No. DE–MS79–83BP9 , January 19, 1983

Exchange Transmission Credit Agreement Executed by the United States of America, Department of Energy, Acting By and Through the Bonneville Power Administration and

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Index to Sections

Section

1. Term of Agreement
2. Definitions
3. Reimbursement of Costs
4. Election to Equalize Rates
5. Accounting Invoice
6. Payment
7. Records, Review, and Budgeting
8. Cost Benefits
9. Termination of Agreement
10. Exhibits
11. Approval of Contract
Exhibit A (Bonneville Wholesale Power Rate Schedule and General Rate Schedule Provisions Exhibit)
Exhibit B (Average System Cost Methodology)
Exhibit C (Residential Load Definition)
Exhibit D (Load Factor Calculation)
Exhibit E (Calculation of Exchange Transmission Credit Agreement Benefits)
Exhibit F (New Large Single Loads)
Exhibit G (Provisions Required by Statute or Executive Order)

This Agreement, executed ————, by the United States of America (Government), Department of Energy, acting by and through the Bonneville Power Administration (Bonneville), and ———— (Utility), a ———— of the State of ————,

Witnesseth:

Whereas the 96th Congress of the United States of America at the Second Session enacted the Pacific Northwest Electric Power Planning and Conservation Act, P.L. 96–501, as amended (Regional Act); and

Whereas the Regional Act, among other matters, provides that a Pacific Northwest electric utility may sell electric power to Bonneville at the average system cost of the utility's resources and that Bonneville shall sell in return an equivalent amount of electric power for resale to that utility's residential and farm users within the Pacific Northwest (Region): and

Whereas the parties hereto have executed, pursuant to the Regional Act, a Residential Purchase and Sale Agreement (Residential Exchange Contract) which specifies a residential load of zero as the designation of residential load in Exhibit D attached thereto; and

Whereas the parties hereto desire to enter into a agreement which shall provide benefits to the Utility for its transmission system which the Utility would have received under a Residential Exchange Contract which specified the actual amount of the Utility's residential load; and

Whereas the Exchange Transmission Credit Agreement is the transmission services agreement that Bonneville is required to offer, at the Utility's request, under the Utility's power sales contract (Contract No. DE–MS79–81BP ; and

Whereas Bonneville is authorized pursuant to law to dispose of electric power and energy generated at various hydroelectric projects in the Pacific Northwest or acquired from other resources, to construct and operate transmission facilities, to provide transmission and other services, and to enter into related agreements to carry out such authority;

Now, therefore, the parties hereto mutually agree as follows:

1. *Term of Agreement.* This agreement shall be effective the earlier of 2400 hours on the date of execution, or for utilities which execute this agreement within 60 days of the initial offer of this agreement to any Bonneville customer, on August 28, 1982, and shall expire at 2400 hours on June 30, 1001, unless terminated pursuant to section 9 below. Notwithstanding termination or expiration of this agreement, all liabilities incurred hereunder shall continue until satisfied.

2. *Definitions.* The following definitions shall apply to this contract and Exhibits B through F.

(a) "Appendix 1" means Appendix 1 of Exhibit B of this agreement.

(b) "Average System Cost" or "ASC" means for each Jurisdiction and each Reimbursement Period the quotient obtained by dividing Contract System Costs by Contract System Load.

(c) "Bonneville Rate" means the rate determined pursuant to the Bonneville Priority Firm Power Rate Schedule contained in Exhibit A attached hereto or its successor.

(d) "Commission" means a State regulatory body, preference utility governing body, or other entity authorized to establish retail electric rates in a jurisdiction.

(e) "Contract System Costs" means the Utility's costs for production and transmission resources, including power purchases and conservation measures, which costs are includable in, jurisdictionally allocated by, and subject to the provisions of Appendix 1. Contract System Costs do not include costs required to be excluded from ASC by section 5(c)(7) of the Regional Act;

the exclusion of these costs is provided for in Footnote 15 to Appendix 1.

(f) "Contract System Load" means the firm energy load used by the Commission for the purpose of establishing retail rates, adjusted pursuant to Appendix 1.

(g) "Costs" means the aggregate dollar amount or any portion of the amount allowed or relied upon by the Commission to determine the Test Period revenue requirement for the Utility in a Jurisdiction.

(h) "Jurisdiction" means the service territory of the Utility within which a Commission has authority to approve the retail rates.

(i) "New Large Single Load" means the load defined in section 3(13) of the Regional Act, as determined by Bonneville as specified in power sales contracts with its customers.

(j) "Regional Power Sales Customer" means any entity that contracts directly with Bonneville for the purchase of power for delivery in the region as defined by section 3(14) of the Regional Act.

(k) "Reimbursement Period" means the period of time during which a Utility's Jurisdictional retail rate schedules are in effect, commencing with the effective date of these schedules and ending with the effective date of new retail rate schedules in the Jurisdiction; provided that no Reimbursement Period shall commence prior to or extend beyond the term of the Utility's Exchange Transmission Credit Agreement.

(l) "Residential Load" or "RL" means the amount of the Utility's residential and farm load as determined in Exhibit C of this agreement. Such load shall be subject to the per centum limitations specified in section 5(c)(2) of the Regional Act.

(m) "Test Period" means the time period, not to exceed 12 months, used by the Commission to determine costs for retail ratemaking.

3. *Reimbursement of Costs.*

(a) Each month during the term hereof, except as proivided in section 4, Bonneville shall reimburse the Utility for each Jurisdiction for transmission and other costs incurred by the Utility. The reimbursement of such costs shall be contingent upon the Utility's execution of the Residential Exchange Contract and shall equal the payment to which the Utility would have been entitled under the Residential Exchange Contract including any adjustments for in lieu purchases by Bonneville unless limited by Exhibit E to the benefits the Utility would have received under the Residential Exchange Contract for its transmission system costs.

(b) The amount of reimbursement to the Utility under this agreement for each Jurisdiction shall be made according to the formula specified in Exhibit E. An exception to this is that the Utility may include in both Contract System Load and Residential Load any power which it sells for the Residential Loads of another utility as agent for the other utility in accordance with an agreement with the other utility that is approved by Bonneville and terminable at will by the other utility. The amount of the Contract System Load shall be determined, and the procedures for reporting shall be the same as provided in Exhibit B of this agreement.

(c) During any Reimbursement Period when the cost benefit to the Utility as calculated pursuant to this section in accordance with the formula provided in Exhibit E results in a negative amount for any Jurisdiction, the payment from Bonneville to the Utility hereunder for such Jurisdiction shall be zero and the amount of the negative benefit shall either be accumulated in a special account pursuant to section 4 below after the Utility has elected to equalize its rates pursuant to section 4, or paid for by the Utility pursuant to section 6 below.

4. *Election to Equalize Rates.*

(a) The Utility may elect to have its ASC for any Jurisdiction deemed equal to the Bonneville Rate. Such election shall be made in writing to Bonneville within 25 working days following confirmation and approval by the Federal Energy Regulator Commission (FERC) or its successor agency, on an interim or final basis, of a change in the Bonneville Rate or following a change to Exhibit B of this contract and will take effect as of the effective date of that change. During any period that such election is in effect, Bonneville shall debit to a separate account (Account), the negative amounts calculated pursuant to Exhibit E, and shall credit to the Account any payments that Bonneville would have made. The net balance is such Account shall accumulate interest at the rate specified in Section III.E. of Exhibit B.

(b) The Utility may rescind such election and resume full participation in this agreement provided that (1) the debit balance of the Account be less than or equal to zero; or (2) the Utility makes payments to Bonneville in agreed upon installments to bring the debit balance to zero. Such rescission may be either by notice in writing effective upon delivery to Bonneville within 25 working days following confirmation and approval by FERC, on an interim or final basis, of a change in the Bonneville Rate, or by notice in writing effective on a date to be agreed upon by Bonneville and the Utility, which date shall be within 13 months following delivery to Bonneville of the notice of rescission.

(c) During the period of any such election, any portion of the costs for terminated resources associated with section 7(g) of the Regional Act included in the Bonneville Rate which would have been charged to the Utility shall be payable by the Utility by means of a surchange to the Utility's power sales contract payments pursuant to section 5(b) of the Regional Act or, if the Utility is not party to such a contract, monthly in cash as accrued. Such surcharge payments shall not exceed the total costs incurred by Bonneville during the same period and attributable to terminated resources which the Utility has sold to Bonneville and which total costs are not otherwise recovered currently through such section 7(g) allocations to any other rate or rates paid by the Utility. Such payment also shall not exceed the payments which the Utility would have made to Bonneville during each Reimbursement Period had it not made such election. Section 7(g) costs so paid shall be excluded from the separate account maintained pursuant to this section.

(d) Upon expiration of this agreement, any debit balance in the Account shall not be a cash obligation of the Utility, but shall be carried forward to apply to any subsequent reimbursement of the Utility for the Jurisdiction under any new or succeeding Exchange Transmission Credit Agreement. If the parties do not execute a new or succeeding Exchange Transmission Credit Agreement, any debit balance in the Account shall not be a cash obligation of the Utility but shall be carried forward to apply to any subsequent exchange by the Utility for the Jurisdiction under any new residential purchase and sale agreement.

5. *Accounting Invoice.* The Utility shall submit to Bonneville no more frequently than once in any 30-day period an accounting invoice with supporting documentation for the Utility's Residential Load billed during the billing period selected by the Utility. Such documentation shall include the kilowatthours of energy which the Utility billed to its Residential Load in each Jurisdiction. Invoices should be mailed to: Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208, Attn: DRK.

6. *Payment.* Within 30 days of receipt of the invoice referred to in section 5 above, Bonneville shall verify the invoice, compute the amount due pursuant to section 3 and either pay or bill the Utility for the difference.

7. *Records, Review, and Budgeting.* The Utility shall keep up-to-date records and documents showing all transactions and other arrangements made pertaining to the terms of this agreement. These records and documents shall contain information supporting the Utility's ASC as determined pursuant to exhibit B and the Utility's Residential Load. The Utility shall retain these records and documents on file for at least 5 years. At Bonneville's expense, Bonneville or its designee may, from time to time, conduct reviews or inspection of the Utility's records, accounts, and related documents pertaining to this agreement. The Utility shall fully cooperate in good faith with any such reviews or inspections.

8. *Cost Benefits.* The reimbursement to the Utility within each Jurisdiction attributable to Bonneville's assuming certain costs pursuant to section 3 shall be passed through directly to the Utility's Residential Load within such Jurisdiction.

9. *Termination of Agreement.*

(a) The Utility may terminate or suspend this agreement for a period of at least 1 year if the supplemental rate charge provided for in section 7(b)(3) of the Regional Act is applied by Bonneville and the Bonneville Rate times the Residential Load exceeds the ASC of the Utility times the Residential Load during any month.

(b) The Utility may terminate this agreement provided that (1) the Utility has executed a Residential Exchange Contract with Bonneville pursuant to section 5(c) of the Regional Act which offers to sell to Bonneville the full amount of Residential Load specified in Exhibit C hereunder; (2) the Utility has completed Appendix 1 of Exhibit C of the Residential Exchange Contract; and (3)(A) the debit balance in the Account is less than or equal to zero; or (B) the Utility makes payments to Bonneville in agreed upon installments to bring the debit balance in the

Account to zero. Such termination shall be effective on a date agreed upon by Bonneville and the Utility, which date shall be within 13 months following delivery of written notice to Bonneville of the Utility's election to terminate this agreement.

10. *Exhibits.*

Exhibits A through G are hereby made a part of this agreement. Exhibit C shall be revised to incorporate additional qualifying tariff schedules, subject to Bonneville's determination that the loads served under these schedules are qualified under section 5(c) of the Regional Act. Each time Bonneville has a new rate adjustment date, the Utility shall submit a revised Exhibit D, prepared in the same manner as Exhibit D attached hereby, to Bonneville within 20 working days of such date. The revised Exhibit D shall become effective as of such date.

11. *Approval of Contract.* If the Utility borrows from the Rural Electrification Administration or any other entity under an indenture which requires the lender's approval of contracts, this contract and any amendment thereto shall not be binding on the parties thereto if they are not approved by the Rural Electrification Administration or such other entity. The Utility shall notify Bonneville of any such entity. If approval is given, such contracts or amendment shall be effective at the time stated in such contract or amendment.

In witness whereof, the parties have executed this Agreement in several counterparts.

United States of America, Department of Energy.

By _____

Bonneville Power Administrator.

Utility:

By _____

Title _____

Date _____

Attest:

By _____

Title _____

Date _____

Exhibit A—Bonneville Wholesale Power Rate Schedule and General Rate Schedule Provisions Published in the "Federal Register" in Its Entirety at 47 FR 38174 (August 30, 1982)

Exhibit B—Average System Cost Methodology

I. *Summary.* This exhibit sets forth the method for computation of "average system cost" for the purpose of the Exchange Transmission Credit Agreement (ETCA). The method provides that for a Utility the average system cost (ASC) is: the costs allowed or established for retail ratemaking that are eligible for exchange divided by the kilowatthours of load assumed for retail ratemaking, adjusted consistent with this methodology. Under this method, a separate ASC will be calculated for each Utility for each jurisdiction in which the Utility does business. Each ASC so calculated will be changed when revised retail rates go into effect.

This exhibit sets forth specific procedures for reporting cost items and recognition of those items in determining ASC, including procedures for the exclusion of particular costs as required by statute. The exhibit also sets forth the procedures for the filing of relevant data by the Utility and for the review of that data by Bonneville.

II. *Procedures for Determining Average System Cost.* The procedures set forth in this section will enable Bonneville to determine the ASC, in accord with the methodology in Appendix 1, for each Utility for each jurisdiction within the Region where the Utility provides service. The ASC so determined will be in effect during the Reimbursement Period and will apply to the amount of Residential Load. The amount of Residential Load will be equal to the Utility's eligible load within the Jurisdiction. Bonneville will determine and pay a separate ASC for the Residential Load related to the Utility's eligible load in each Jurisdiction. The procedures are as follows:

A. Appendix 1 is a form that identifies Contract System Costs and Contract System Load and permits the calculation of ASC. Appendix 1 is an integral part of this document.

B. For each Reimbursement Period and for each regional Jurisdiction in which the Utility provides service, the Utility shall complete and file with Bonneville one copy of Appendix 1 as follows:

1. (a) Not later than 30 working days after the execution date of the Utility's ETCA, the Utility shall file an Appendix 1 reflecting its existing Costs for each Jurisdiction for which it is participating in the ETCA. Subject to the provisions of Section III, the ASC determined from each Appendix 1 shall be the rate applicable to the Residential Load for that Jurisdiction during the initial Reimbursement Period; provided that if a Utility files an initial Appendix 1 after the 30-day deadline, Bonneville may make the initial ASC payable only from the date the initial Appendix was actually received. However, Bonneville shall not delay as a result of a late filing of an Appendix 1 the effective date of any change in the ASC for power provided to it under this agreement if the late filing was the result of unavoidable delay or excusable neglect, and the Utility proceeded to correct the filing error in good faith and with diligence. The Utility also will provide to Bonneville within a reasonable period of time any other information reasonably requested by Bonneville.

(b) If the Utility has executed the Exchange Transmission Credit Agreement in a manner which makes the effective date of that Agreement August 28, 1982, and Bonneville determines that an additional filing is necessary, in addition to the Appendix 1 filing requirements set forth in (a) above, the Utility will be required to file an additional Appendix 1 within 30 working days of the date of receipt of written notice from Bonneville that such additional Appendix 1 is required. Such additional filing shall reflect its existing costs for each Jurisdiction for which it is participating in this Agreement for the period August 28, 1982, to the date of execution of this Agreement. If a Utility files this Appendix 1 after the 30-day deadline set forth herein, the Utility shall not be entitled to reimbursement under this Agreement for the period from August 28, 1982, through the date of execution of this Agreement.

2. Thereafter, not later than 10 working days after the commencement of a Jurisdictional rate change or otherwise commencing a rate change proceeding, the Utility shall file with Bonneville a preliminary Appendix 1, setting forth the Costs proposed by the Utility. The Utility also will provide to Bonneville within a reasonable period of time any other information reasonably requested by Bonneville. For purpose of this paragraph, a Jurisdiction rate proceeding will be considered to be commenced when the Utility formally submits a rate change proposal to its Commission.

3. Not later than ten working days following the commencement date of a new Reimbursement Period, the Utility shall file with Bonneville (1) a certified copy of the formal order or resolution issued by the Commission stating that the Costs approved by the Commission are in all respects identical to those reflected on the initial Appendix 1 filed with Bonneville; or (2) a revised Appendix 1 reflecting its Costs as approved by the Commission. In addition, the Utility shall within 30 working days of a Reimbursement Period provide a reconciliation of all differences between the preliminary Appendix 1 and the revised Appendix 1. Subject to the provisions of Section III, the ASC included in the revised Appendix 1 will be the ASC applicable to the Residential Load for that Jurisdiction during the Reimbursement Period; provided, that if a Utility files a revised Appendix 1 after the 10-day deadline, Bonneville may make the new ASC payable only from the date the revised Appendix 1 was actually filed. However, Bonneville shall not delay as a result of a late filing of an Appendix 1 the effective date of any change in the ASC for power provided to it under this agreement if the late filing was the result of unavoidable delay or excusable neglect, and the Utility proceeded to correct the filing error in good faith and with diligence.

C. If Bonneville or any of its Regional Power Sales Customers have been denied the right to participate in a Jurisdictional rate review proceeding with rights equivalent to any retail customer of the Utility, no change in ASC based on a change of Costs authorized in that proceeding shall be effective until Bonneville has completed its review pursuant to Section III.

III. *Bonneville Review Process.*

A. Each Appendix 1 shall be reviewed by Bonneville or its designate to determine whether the Costs are not inconsistent with generally accepted accounting principles for electric utilities, whether Contract System Costs contains only allowed Costs, and whether the Appendix 1 complies with the requirements of this Exhibit B including applicable definitions and requirements incorporated from the FERC Uniform System of Accounts. If a retail rate change is authorized without substantive Commission findings as to Costs or if Bonneville or any of its Regional Power Sales Customers which purchase power under a Bonneville wholesale rate to which costs of this Agreement have been allocated are denied the right to participate in a Jurisdictional rate review proceeding or otherwise with rights

equivalent to any retail customer of the Utility, the review by Bonneville or its designate also may consider whether Contract System Costs have changed by the amount of the retail rate change, and Bonneville shall not be obligated to pay an ASC different than the ASC based on Contract System Costs as determined by Bonneville.

B. The Appendix described in Section II(B)(1) shall be subject to review for a period of 190 days following the date the initial Appendix 1 is submitted to Bonneville. A revised Appendix 1 described in Section II(B)(2) and (3) shall be subject to review for a period of 130 days from the start of the relevant Reimbursement Period.

C. Bonneville or its designate will conduct its review as promptly as reasonably possible, shall make a written report of its determinations, and shall make any resulting increase or decrease in the ASC for the relevant Reimbursement Period; provided, that if Bonneville has not issued a report as of the last date of the review period, then the ASC rate shown on the revised Appendix 1 described in Section II(B)(3) filed by the Utility shall be the ASC for the Reimbursement Period.

D. Bonneville will afford its Regional Power Sales Customers and other interested persons an opportunity to comment in writing on each Appendix 1 filed by a Utility. To facilitate this process, a Utility filing an Appendix 1 shall mail written notice thereof to each of Bonneville's Regional Power Sales Customers or their designates, in accordance with a list provided by Bonneville. This notice shall summarize the adjustment to costs proposed, make reference to the customers' right to comment thereon, and specify where materials relevant to the Cost adjustment process may be examined. The Utility and Bonneville shall permit Regional Power Sales Customers and interested parties to examine each Appendix 1 submitted to Bonneville. The utilities shall respond the reasonable information requests relevant to ASC from Bonneville and its Regional Power Sales Customers, provided that the furnishing of proprietary or confidential information to Bonneville or to a Regional Power Sales Customer may be made contingent on the granting of proper safeguards to prevent unauthorized use or disclosure. All comments from Bonneville's Regional Power Sales Customers and interested parties must be received in writing by Bonneville no later than 30 days prior to the end of Bonneville's review period. All such comments will be included as part of the record supporting the ASC determined by Bonneville.

E. If Bonneville determines that the ASC computed by the Utility in Appendix 1 was excessive or inadequate, the injured party shall recover the excess or deficiency with interest which shall be computed from time to time on the outstanding balance at the rate or rates of interest charged to Bonneville by the U.S. Treasury during the period unless another form of refund is ordered by a reviewing court. If a final reviewing court revises Bonneville's ASC determination, the difference between this revised ASC and the ASC determinated by Bonneville, together with the interest at the above rate, shall be paid to the party entitled thereto by the other party, unless another interest rate is so ordered.

F. If costs associated with a generating facility are included in ASC and that generating facility is later terminated prior to the date of initial commercial operation, Bonneville shall be entitled to recover revenues as follows.

For any Reimbursement Period in which Construction Work in Progress (CWIP) was included in the rate base:

1. If the CWIP included in the rate base was identified with a particular generating facility terminated prior to the date of initial commercial operation, Bonneville shall recover revenue based on the amount of CWIP identified with that terminated facility that was included in the ASC rate base.

2. If the terminated facility was among a group of facilities for which CWIP was allowed in the ASC rate base, Bonneville shall recover revenues based on the amount that the CWIP included in the ASC rate base exceeded the utility's total available jurisdictional CWIP for the same group of facilities, after exclusion of any CWIP for generating facilities subsequently terminated prior to the date of initial commercial operation.

When a generating plant is terminated prior to the date of initial commercial operation, the Utility will submit to Bonneville a calculation of the recoverable revenue attributable to the inclusion of the amount of CWIP specified above, if any, for each Reimbursement Period, including a reconciliation with the fianl Appendix 1 for that period. This caluclation shall include the effect of any inclusion of Allowance For Funds During Construction (AFUDC) as an offset to test year revenue requirement and the impact on related taxes. The interest rate on revenue to be recovered shall be calculated as in Section III. Bonneville shall bill the Utility in equal monthly installments over a period of the same length as the period during which costs of the terminated facility were included in ASC unless another arrangement is mutually agreed upon.

IV. *Change in Residental Purchase and Sale Agreement Average System Cost Methodology.* This Average System Cost (ASC) Methodology is patterned after the Average System Cost Methodology contained in Exhibit C of the Residential Purchase, and Sale Agreement. Should the process for changing the ASC Methodology for the Residential Purchase and Sale Agreement be initiated and in conformance with the provisions of that agreement result in modifications being adopted, or should the ASC Methodology be modified by FERC or a reviewing court, the parties to this agreement shall initiate a consultation process and shall incorporate necessary modifications to the ASC contained in this exhibit to ensure that payments calculated under the ASC contained in this exhibit equal the payments that would be calculated under the ASC Methodology for the Residential Purchase and Sale Agreement except in the instances where the payments under this exhibit are limited in Exhibit E to the benefits the Utility would have received under the Residential Purchase and Sale Agreement for its transmission system costs. The consultation process under this agreement shall run concurrently with the process for modifying the ASC Methodology under the Residential Purchase and Sale Agreement. Any necessary modification to the ASC contained in the exhibit shall be effective on the same date as the modification of the ASC Methodology for the Residential Purchase and Sale Agreement. Should any modification to the ASC Methodology under the Residential Purchase and Sale Agreement result in a refund or payment obligation under this agreement, by either party, such refund or payment obligation shall be implemented in the same manner as it is implemented under the Residential Purchase and Sale Agreement. The consultation process under this agreement shall be the same process as the consultant process under the Residential Purchase and Sale Agreement.

Exhibit B, Appendix 1, Instruction

Average System Cost Methodology

December 22, 1982.

Exhibit B—Appendix 1 is the form on which a Utility participating in a Exchange Transmission Credit Agreement shall report its Contract System Costs and other necessary data for the calculation of ASC.

The form consists of six schedules that shall be completed by the Utility in accord with these instructions and the provisions of the footnotes following the schedule. Any items not applicable to the Utility shall be so identified.

The schedules are as follows:

Schedule 1—Plant Investment/Rate Base/ Rate-of-Return
Schedule 2—Capital Structure and Cost of Capital
Schedule 3—Expenses
Schedule 4—Income Taxes
Schedule 5—Average System Cost
Schedule 6—Total Utility and Jurisdictional Results of Operations

The filing Utility shall reference and attach workpapers that support Costs, including details of allocation and functionalization.

All references to the FERC accounts are to the FERC Uniform System of Accounts as of October 1, 1981. The Costs includable in the attached schedule are those includable by reason of the definitions in the FERC accounts. If the FERC accounts are later revised or renumbered, any changes shall be incorporated into this form by reference, except to the extent that Bonneville, upon a showing of good cause, demonstrates that a particular change results in a substantial change in the type of costs allowable for exchange purposes. If the Utility does not follow the FERC accounts, its filing must include a reconciliation between its accounts and the items allowed as Contract System Costs.

Bonneville may require the Utility to account for purchase power transaction with affiliated entities as though the affiliated entities were owned in whole or in part by the Utility, if necessary to properly determine and/or functionalize the Utility's costs.

A Utility operating in more than one Jurisdiction shall allocate its total system costs among Jurisdictions in accord with the same allocation methods and procedures used by the Commission to establish Jurisdictional Costs and resulting revenue requirements. Appendix 1 shall include details of the allocation. The allocation also accomplishes the exclusion of the Costs of additional resources to meet loads outside the region, as required by section 5(c)(7) of the Regional Act.

All schedule entries and supporting data shall be in accord with generally accepted accounting principles and practices as these principles and practices apply to the electric utility industry.

Exhibit B, Appendix 1, Schedule 1.

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items/FERC accounts/footnotes	Jurisdiction total	Excluded amount [1b] [c]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Plant Investment/Rate Base/Rate-of-Return, Jurisdiction							
1	Plant-in-Service/310–373 [1] [a]							
2	General Plant/389–399 [2]							
3	Intangible Plant/301–303 [2]							
4	CWIP/107,120.1 [3]							
5	Acquisition Adjustment/114 [1]							
6	Total Gross Plant							
7	Less:							
8	PIS Depreciation Reserve/108 [1] [4]							
9	General Plant Depreciation Reserve/108 [4]							
10	Accumulated Amortization/111, 115 [4]							
11	Total Plant Deductions							
12	Total Net Plant							
13	Plant Held for Future Use/105 [2]							
14	Nuclear Fuel/120.2–120.4 Less 120.5 [1]							
15	Accumulated Deferred Debits/184 [3]							
16	Less:							
17	Customer Advances/252 [5]							
18	Accumulated Deferred Investment Tax Credits/255 [3]							
19	Accumulated Deferred Income Taxes/281–283 [3]							
20	Other Accumulated Deferred Credits/253, 256–257 [3]							
21	Total Net Accumulated Deferred Debits/Credits							
22	Cash Working Capital/Various [6]							
23	Materials and Supplies/151–157, 163 [3]							
24	Other/108, 124, 184, Various [3] [5]							
25	Total Rate Base							
26	Times Rate-of-Return [8] ——% [5] [6]							

Exhibit B, Appendix 1, Schedule 1A

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items	Jurisdiction Total	Excluded amount [1b] [c]	Total to be function-alized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Rate Base Summary, Jurisdiction							
1	Utility Plant-in-Service							
2	Less: Accumulated Provision for Depreciation and Amortization							
3	Net Utility Plant-in-Service							
4	Construction Work in Progress							
5	Plant Held for Future Use							
6	Utility Plant Acquisition Adjustments							
7	Nuclear Fuel							
8	Customer Advances for Construction							
9	Materials and Supplies							
10	Cash Working Capital							
11	Unamortized Leasehold Improvements and Other Miscellaneous Deferred Items							
12	Weatherization-Interest Free Loans							
13	Extraordinary Property Losses							
14	Total Rate Base							
	Electric Plant-in-Service, Jurisdiction							
1	Intangible Plant							
	Production Plant:							
2	Steam Production Plant							
3	Nuclear Production Plant							
4	Hydraulic Production Plant							
5	Other Production Plant							
6	Total Production Plant							
7	Transmission Plant							
8	Distribution Plant							
9	General Plant							
10	Total Electric Plant-in-Service							

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT—Continued

[Average system cost methodology]

Line No.	Items	Jurisdiction Total	Excluded amount [9b c]	Total to be function-	Production	Transmis- sion	Total for exchange	Other
	(1)		(3)	(4)	(5)	(6)	(7)	(8)
	Reserve for Depreciation and Amortization of Electric Plant-in-Service, Jurisdiction							
	Depreciation Reserve							
	Production Plant:							
1	Steam Production							
2	Nuclear Production							
3	Hydraulic Production							
4	Other Production							
5	Transmission							
6	Distribution							
7	General							
8	Total Depreciation Reserve							
9	Amortization Reserve							
10	Total Depreciation and Amortization Reserve							

Note:
1. Supporting workpapers are to be attached
2. Footnotes referenced on Schedule 1 will be relied upon in determining ASC.

Exhibit 8, Appendix 1, Schedule 2

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Item/footnotes	Amount		Component cost	Weighted cost
	(1)	(2)	(3)	(4)	(5)
	Capital Structure and Cost of Capital, Jurisdiction				
1	Debt				
2	Preferred Stock				
3	Common Equity				
4	Deferred Income Taxes [10]				
5	Deferred Investment Tax Credit [10]				
6	Total Weighted Cost				

Exhibit B, Appendix 1, Schedule 2A

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items	Date of [illegible]	Date of maturity	Interest [illegible]	Face amount	Premium	Discount	Issue expense	Net proceeds	Interest expense
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Debt Summary,[illegible] Jurisdiction									

Exhibit B, Appendix 1, Schedule 2B

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items	[illegible] issued	Dividend [illegible]	Outstanding [illegible]	Premium	[illegible] expense	Net proceeds	Dividends
		(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Preferred Stock Summary, Jurisdiction							

Exhibit B, Appendix 1, Schedule 3

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items/FERC accounts footnotes	Jurisdiction [illegible]	Excluded amount [illegible]	Total to be functional-ized	Functionalization			
					Production	Transmis-sion	Total for exchange	Other
	(1)	[illegible]	(3)	(4)	(5)	(6)	(7)	[illegible]
	Expenses Jurisdiction							
1	Production:							
2	Fuel/501, 518, 547 [1]							
3	Purchased Power/555 [1]							
4	Other/500, 502-517, 519-546, 548-577 [1]							
5	Transmission/560-573 [1 6]							
6	Distribution/580-598 [1 6]							
7	Customer Accounting/901-905 [20]							
8	Customer Assistance/907-910 [21]							
9	Admin. & General/920-932 [22]							
10	Total Operations & Main.							
11	Depreciation & Amortization/403-407 [1 6]							
12	Taxes Other than Federal Income/408, 409.1 [2 6 13 14]							
13	Federal Income Tax/409.1, 410.1, 411.1, 411.4 [9]							
14	Other/411.6, 411.7 [3]							
15	Less:							
16	Nonfirm Sales for Resale Rev./44 [23]							
17	Other Operating Rev./450-456 [3 26]							
18	Billing Credits [5]							
19	Total Operating Expenses							
20	Return from Schedule 1							
21	Less Subsidiary Income							
22	Total Cost [16]							

Exhibit B, Appendix 1, Schedule 3A

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items	Jurisdiction total	[illegible] amount [15 b c]	Total to be functional-ized	Functionalization			
					Production	Transmis-sion	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	[illegible]
	Electric Operating Expenses, Jurisdiction							
	POWER PRODUCTION EXPENSES							
	Steam Power Generation:							
1	Operation							
2	Fuel							
3	Other							
4	Maintenance							
5	Total Steam Power Generation							
	Nuclear Power Generation:							
6	Operation							
7	Fuel							
8	Other							
9	Maintenance							
10	Miscellaneous Nuclear Research							

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT—Continued

[Average system cost methodology]

Line No.	Items	Jurisdiction total	Excluded amount [1b, c]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	[illegible]	(7)	[illegible]
11	Total Nuclear Power Generation							
	Hydraulic Power Generation:							
12	Operation							
13	Maintenance							
14	Total Hydraulic Power Generation							
	Other Power Generation:							
15	Operation							
16	Maintenance							
17	Total Other Power Generation							
	Other Power Supply Expenses:							
18	Purchased Power							
19	Other							
20	Total Other Supply Expenses							
21	Total Power Production Expenses							
	TRANSMISSION EXPENSES							
[illegible]	Operation							
23	Wheeling							
[illegible]	Other							
25	Maintenance							
26	Total Distribution Expenses							
	DISTRIBUTION EXPENSES							
27	Operation							
[illegible]	Maintenance							
[illegible]	Total Distribution Expenses							
[illegible]	CUSTOMER ACCOUNTS EXPENSES							
31	CUSTOMER SERVICE AND INFORMATION EXPENSES							
	ADMINISTRATIVE AND GENERAL EXPENSES							
[illegible]	Operation							
33	Maintenance							
[illegible]	Total Administrative and General Expenses							
35	TOTAL ELECTRIC OPERATING EXPENSES							

Note:
1. Supporting workpapers are to be attached.
2. Footnotes referenced on Schedule 3 will be relied upon in determining ASC.

Exhibit B, Appendix 1, Schedule 3B

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No	Items	Jurisdiction total	Excluded amount [1b, c]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	[illegible]	(7)	(8)
	Depreciation and Amortization Accrual, Jurisdiction							
	Depreciation:							
1	Steam Production Plant							
2	Nuclear Production Plant							
3	Hydraulic Production Plant							
4	Other Production Plant							
5	Transmission Plant							
6	Distribution Plant							
7	General Plant							
8	Total Depreciation							
9	Amortization of Limited-Term Plant							
10	Amortization of Utility Plant Acquisition Adjustments							
11	Amortization of Property Losses							
12	Total Depreciation and Amortization Accruel							

Note:
1. Supporting workpapers are to be attached.
2. Footnotes referenced on Schedule 3 will be relied upon in determining ASC.

Exhibit B, Appendix 1, Schedule 3C

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items	Jurisdiction total	Excluded amount [1] [2] [3]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	[4]
	Taxes Other Than Federal Income Taxes, Jurisdiction							
1	FEDERAL—Insurance Contributions							
2	FEDERAL—Unemployment							
	STATE							
3	California—Property							
4	California—Unemployment							
5	Oregon—Property							
6	Oregon—Tri-Met							
7	Oregon—Lane County							
8	Oregon—Unemployment							
9	Oregon—Regulatory Commission							
10	Washington—Property							
11	Washington—Unemployment							
12	Washington—Generating Tax							
13	Washington—Pollution Control Credit							
14	Idaho—Property							
15	Montana—Property							
16	Montana—Unemployment							
17	Wyoming—Property							
18	Wyoming—Unemployment							
19	Utah—Property							
20	LOCAL—Occupation and Franchise							
21	STATE INCOME TAXES							
22	IN-LIEU TAXES							
23	OTHER							
24	Total							

Note: 1. Supporting workspaces are to be attached.
2. Footnotes referenced on Schedule 3 will be relied upon in determining ASC.

Exhibit B, Appendix 1, Schedule 4

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items	Jurisdiction total	Excluded amount	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	[illegible]	(3)	(4)	(5)	(6)	(7)	[illegible]
	Income Taxes, Jurisdiction							
1	Federal Income Taxes							
2	Deferred Income Taxes							
3	Income Taxes Deferred in Prior Year							
4	Investment Tax Credit Adjustment							
5	Total Federal Taxes							

Exhibit B, Appendix 1, Schedule 4A

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items	Jurisdiction total	Excluded amount [1] [2] [3]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	[5]
	Federal Taxes on Income, Jurisdiction							
	INCOME							
1	Operating Revenues							
	Deductions							
2	Operating and Maintenance Expense							
3	Depreciation Expense							
4	Amortization Expense							
5	Taxes Other Than Federal Income Taxes							
6	Interest Expense							
7	Total Deductions							
8	Net Income Before Federal Income Tax							
	TAX ADJUSTMENTS							
9	Book Depreciation							
10	Tax Depreciation							
11	Charges to Construction							
12	Coal Depletion							

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT—Continued

[Average system cost methodology]

Line No.	Items	Jurisdiction total	Excluded amount [15 b c]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
13	Other Adjustments							
	1.							
	2.							
14	Total Tax Adjustments							
15	Taxable Income							
16	Preferred Dividends Paid—Credit							
17	Total Taxable Income							
18	Federal Income Tax							
19	Less Investment Credit							
20	Net Federal Income Tax							

Note:
1. Supporting work papers are to be attached.
2. Footnotes referenced on Schedule 4 will be relied upon in determining ASC.

Exhibit B, Appendix 1, Schedule 4B

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No	Items/FERC account	Jurisdiction total	Excluded amount [15 b c]	Total to be functionalized	Functionalization			
					Production	Transmission	Total for exchange	Other
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Other Included Items, Jurisdiction							
	Operating Revenues:							
1	Nonfirm Sale for Resale/447							
2	1.							
3	2.							
4	3.							
	Other Operating Revenues/450–456							
5	Acct. 450							
6	Acct. 451							
7	Acct. 452							
8	Acct. 453							
9	Acct. 454							
10	Acct. 455							
11	Acct. 456							
12	Total Revenues							
	Other Items:							
13	Investment Tax Credit Adjustment/411.5							
14	Deferred Current Year							
15	Restored Current Year							
16	Restored from Prior Years							
17	Total ITC Adjustment							
18	Deferred Income Tax—Current/410.1							
19	Deferred Income Tax from prior years/411.1							
20	Other Accounts							

Note:
1. Supporting workpapers are to be attached.
2. Footnotes referenced on Schedule 4 will be relied upon in determining ASC.

Exhibit B, Appendix 1, Schedule 5

BONNEVILLE POWER ADMINSTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items	Amount
	Average System Cost, Jurisdiction	
1	Contract System Costs:	
2	Production Cost (from Schedule 3)	
3	Transmission Cost (from Schedule 3)	
4	Total Contract System Costs	
5	Contract System load:	
6	Total Load (MWh)	
7	Less:	
8	Nonfirm Adjustment (MWh)	
9	Other Adjustments (MWh)	
10	Net Load (MWh)	
11	Plus:	
12	Distribution Losses (MWh) [17]	
13	Total Net Load (MWh)	
14	Least	
15	Excluded Load (MWh)	

BONNEVILLE POWER ADMINSTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT—Continued

[Average system cost methodology]

Line No.	Items	Amount
16	Excluded Load Distribution Losses (MWh)	
17	Total Contract System Load (MWh)	
18	Average System Cost (mills/kwh) (Line 4÷Line 17)	

Exhibit B, Appendix 1, Schedule 6A

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items	Total utility	Allocation basis [1a]	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Electric Plant-In-Service, Jurisdiction			
1	Intangible Plant			
	Production Plant:			
2	Steam Production Plant			
3	Nuclear Production Plant			
4	Hydraulic Production Plant			
5	Other Production Plant			
6	Total Production Plant			
7	Transmission Plant			
8	Distribution Plant			
9	General Plant			
10	Total Electric Plant-in-Service			

Exhibit B, Appendix 1, Schedule 6B

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items	Total utility	Allocation basis [1a]	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Reserve for Depreciation and Amortization of Electric Plant-In-Service, Jurisdiction			
	Depreciation Reserve			
	Production Plant:			
1	Steam Production			
2	Nuclear Production			
3	Hydraulic Production			
4	Other Production			
5	Transmission			
6	Distribution			
7	General			
8	Total Depreciation Reserve			
9	Amortization Reserve			
10	Total Depreciation and Amortization Reserve			

Exhibit B, Appendix 1, Schedule 6C

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No	Items	Total utility	Allocation basis [1a]	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Rate Base Summary, Jurisdiction			
1	Utility Plant-in-Service			
2	Less: Accumulated Provision for Depreciation and Amortization			
3	Net Utility Plant-in-Service			
4	Construction work in Progress			
5	Plant Held for Future Use			
6	Utility Plant Acquisition Adjustments			
7	Nuclear Fuel			
8	Customer Advances for Construction			
9	Materials and Supplies			
10	Cash Working Capital			
11	Unamortized Leasehold Improvements and Other Miscellaneous Deferred Items			
12	Weatherization-Interest Free Loans			
13	Extraordinary Property Losses			
14	Total Rate Base			

Exhibit B, appendix 1, Schedule 6D

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Item	Total utility	Allocation basis [1]	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Electric Operating Expenses, Jurisdiction			
	POWER PRODUCTION EXPENSES			
	Steam Power Generation:			
1	Operation			
2	Fuel			
3	Other			
4	Maintenance			
5	Total Steam Power Generation			
	Nuclear Power Generation:			
6	Operation			
7	Fuel			
8	Other			
9	Maintenance			
10	Miscellaneous Nuclear Research			
11	Total Nuclear Power Generation			
	Hydraulic Power Generation:			
12	Operation			
13	Maintenance			
14	Total Hydraulic Power Generation			
	Other Power Generation:			
15	Operation			
6	Maintenance			
17	Total Other Power Generation			
	Other Power Supply Expanses:			
18	Purchased Power			
19	Other			
20	Total Other Power Supply Expenses			
21	Total Power Production Expenses			
	TRANSMISSION EXPENSES			
22	Operation			
23	Wheeling			
24	Other			
25	Maintenance			
26	Total Distribution Expenses			
	DISTRIBUTION EXPENSES			
27	Operation			
28	Maintenance			
29	Total Distribution Expenses			
30	CUSTOMER ACCOUNTS EXPENSES			
31	CUSTOMER SERVICE AND INFORMATION EXPENSES			
	ADMINISTRATIVE AND GENERAL EXPENSES			
32	Operation			
33	Maintenance			
34	Total Administrative and General Expenses			
35	TOTAL ELECTRIC OPERATING EXPENSES			

Exhibit B, Appendix 1, Schedule 6E

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No	Items	Total utility	Allocation basis [1]	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Depreciation and Amortization Accrual, Jurisdiction			
1	Depreciation:			
2	Steam Production Plant			
3	Nuclear Production Plant			
4	Hydraulic Production Plant			
5	Other Production Plant			
6	Transmission Plant			
7	Distribution Plant			
8	General Plant			
9	Total Depreciation			
10	Amortization of Limited-Term Plant			
11	Amortization of Utility Plant Acquistion Adjustments			
12	Amortization of Property Losses			
13	Total Depreciation and Amortization Accrual			

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Exhibit B, Appendix 1, Schedule 6F

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items	Total utility	Allocation basis [1a]	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Taxes Other Than Federal Income Taxes, Jurisdiction			
1	FEDERAL—Insurance Contributions			
2	FEDERAL—Unemployment			
	STATE			
3	California—Property			
4	California—Unemployment			
5	Oregon—Property			
6	Oregon—Tri-Met			
7	Oregon—Lane Country			
8	Oregon—Unemployment			
9	Oregon—Regulatory Commission			
10	Oregon—Excise			
11	Washington—Property			
12	Washington—Unemployment			
13	Washington—Generating Tax			
14	Washington—Pollution Control Credit			
15	Idaho—Property			
16	Montana—Property			
17	Montana—Unemployment			
18	Wyoming—Property			
19	Wyoming—Unemployment			
20	Utah—Property			
21	LOCAL—Occupation and Franchise			
22	IN-LIEU TAXES			
23	TOTAL			

Exhibit B, Appendix 1, Schedule 6G

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items	Total utility	Allocation basis [1a]	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Federal Taxes on Income, Jurisdiction			
	INCOME			
1	Operating Revenues			
	DEDUCTIONS			
2	Operating and Maintenance Expense			
3	Depreciation Expense			
4	Amortization Expense			
5	Taxes Other Than Federal Income Taxes			
6	Interest Expense			
7	Total Deductions			
8	Net Income Before Federal Income Tax			
	TAX ADJUSTMENTS			
9	Book Depreciation			
10	Tax Depreciation			
11	Charges to Construction			
12	Coal Depletion			
13	Other Adjustments			
	1.			
	2.			
14	Total Tax Adjustments			
15	Taxable Income			
16	Preferred Dividends Paid—Credit			
17	Total Taxable Income			
18	Gross Federal Income Tax			
19	Less Investment Credit			
20	Net Federal Income Tax			

Exhibit B, Appendix 1, Schedule 6H

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT

[Average system cost methodology]

Line No.	Items/FERC accounts	Total utility	Allocation basis [1a]	Jurisdictional amount
	(1)	(2)	(3)	(4)
	Other Included Items, Jurisdiction			
1	Operating Revenues:			
2	Nonfirm Sale for Resale/447			
3	1.			

BONNEVILLE POWER ADMINISTRATION EXCHANGE TRANSMISSION CREDIT AGREEMENT—Continued

[Average system cost methodology]

Line No.	Items/FERC accounts	Total utility	Allocation basis [1]	Jurisdictional amount
	(1)	[illegible]	[illegible]	(4)
4	2.			
5	3.			
6	Other Operating Revenues/450–456			
7	Acct. 450			
8	Acct. 451			
9	Acct. 452			
10	Acct. 453			
11	Acct. 454			
12	Acct. 455			
13	Acct. 456			
14	Total Revenues			
15	Other Items:			
16	Investment Tax Credit Adjustment/411.5			
17	Deferred Current Year			
18	Restored Current Year			
19	Restored from Prior Years			
20	Total ITC Adjustment			
21	Deferred Income Tax—Current/410.1			
22	Deferred Income Tax from prior years/411.1			
23	Other Accounts			

Exhibit B Appendix 1, Footnotes

Average System Cost Methodology Footnotes

[1] Functionalized directly from the FERC Uniform System of Accounts.

[2] Unless it can be determined that a plant item or plant-related item is associated directly with Regional generation, transmission, distribution, customer or other directly functionalized category, the item shall be functionalized on the following basis in the following order:

(a) If the location codes of the plant item can be used to identify a principal generation, transmission, distribution, or customer-related facility at that location, the plant item shall be functionalized based on the functionalization of such principal facility.

(b) For plant items not otherwise functionalized, the functionalization formula in footnote 24 shall apply.

[3] (a) The Utility shall functionalize these items according to an analysis it performs that demonstrates the actual and/or intended functional use of the items, or the plant item related thereto, and include a detailed showing of the factors used to determine the functionalization as a supplement to Exhibit B, Appendix 1. Costs incurred only because the Utility is engaged in the retail distribution of electricity shall be functionalized to "Other." These items include, for example, retail revenue taxes and uncollectible amounts for retail sales.

(b) In cases where items included are not directly assigned to a particular function, these items shall be separately identified, and a statement shall be provided as to why the items are not directly functionalized by the above 3(a) procedure. The functionalization formula described in footnote 24 herein shall apply to these items.

[4] Calculation of functionalized amount is to be consistent with property items included in functionalized Total Gross Plant.

[5] The offset against Contract System Costs for billing credit revenue arising from implementation of conservation measures and retail rate structures that induce conservation shall be limited to the costs included in Contract System Cost of the related conservation measures and retail rate structures. These billing credit revenues shall be functionalized on the same basis as the cost of the related conservation measure.

[6] Functionalization is to be directly related to the functional nature of the items included in the Working Capital calculation approved by the Commission. Should items included in the approved Working Capital calculation not be directly assignable to a function and should there be no footnote in this methodology directing the functionalization of the item, these items shall be separately identified and the functionalization formula in footnote 24 shall apply.

[7] Transmission plant means all land, conversion structures, and equipment employed at a primary source of supply (i.e., generating station or point of receipt in the case of purchased power) to change the voltage or frequency of electricity for the purpose of its more efficient or convenient transmission; all land, structures, lines, switching and conversion stations, high tension apparatus and their control in protection of equipment between a generating or receiving point and the entrance to a distribuation center or wholesale point; and all lines and equipment whose primary purpose is to augment, integrate, or tie together the sources of power supply. The entrance to a distribution center means all land, structures, conversion equipment, lines, line transformers, and other facilities utilized to deliver power to specific customers or distribution substations.

[8] Distribution plant means all land, structures, conversion equipment, lines, line transformers, and other facilities employed between the primary source of supply (i.e., generating station, or point of receipt in the case of purchased power) and of delivery to customers, which are not includable in transmission system, as defined in footnote 7, whether or not such land, structures, and facilities are operated as a part of a transmission system or as a part of a distribution system.

Note.—Stations that change electricity from transmission to distribution voltage shall be classified as distribution stations.

Where poles or towers support both transmission and distribution conductors, the poles, towers, anchors, guys, and rights-of-way shall be classified as transmission system. The conductors, crossarms, braces, grounds, tiewire, insulators, etc., shall be classified as transmission or distribution facilities according to the purpose for which they are used.

Where underground conduit contains both transmission and distribution conductors, the underground conduit and right-of-way shall be classified as distribution facilities. The conductors shall be classified as transmission or distribution facilities according to the purpose for which they are used.

Land (other than rights-of-way) and structures used jointly for transmission and distribution purposes shall be classified as transmission or distribution according to their major use.

[9] Functionalized as specified in Schedule 4.

[10] If These items are treated in schedule 1 as deductions from gross plant investment in determining rate base, these items shall not be included in the capital structure.

[11] Should a Commission approve a method for determining debt costs by a means other than that shown here, Sechedule 2A shall be modified in a manner that shows the approved method, including accompanying explanatory material.

[12] Expenses related to the FERC Accounts 920–932 shall be functionalized in accord with the following:

FERC Account and Functionalization Method

920—Footnote 3
921—Footnote 3
922—Footnote 3
924—Footnote 3(a) or 24(a)
925—Footnote 3
926—Footnote 13
927—Footnote 19
928—Footnote 19
929—Footnote 3
930.1—Footnote 19
930.2—Footnote 3
931—Footnote 3
932—Footnote 4

[13] Functionalization is to be determined on a pro rata percentage basis using the salary and wage data for production, transmission, and distribution/other functions included in the Test Period costs on which Appendix 1 is based. If, however, this information is unavailable, comparable data shall be used for the most recent calendar year as reported on the FERC Form 1 (at page 355), or similar document. Furthermore, a portion of this expense shall be included in Schedule 3, column 3, Excluded Amount, based on the amont of labor-related costs included therein.

[14] A tax-exempt Utility may include in-lieu taxes up to an amount that is comparable, for each unit of government paid in-lieu taxes, with taxes that would have been paid by a nontax exempt Utility to that unit of government, but in no event shall the jurisdictional total in column 2 be greater than the actual amount paid.

[15] Excluded resources:

(a) The cost of additional resources in an amount sufficient to meet any additional load outside the region occurring after December 5, 1980, will be determined by utilizing allocation notes of multi-State utilities as assigned and utilized in State retail rate filings.

(b) The cost of additional resources sufficient to serve any New Large Single Load that was not contracted for, or committed to prior to September 1, 1979, is to be determined as follows:

(1) To the extent that any New Large Single Loads are served by dedicated resources, at the cost of those resources, including applicable transmission.

(2) In the amount that New Large Single Loads are not served by dedicated resources, at Bonneville's New Resource rate as established from time-to-time pursuant to section 7(f) of the Regional Act and as applicable to the Utility, and applicable Bonneville transmission charges if transmission costs are excluded in the determination Bonneville's New Resource rates, to the extent such costs are recovered by the Utility's retail rates in the applicable Jurisidiction; and

(3) To the extent that New Large Single Loads are not served by dedicated resources plus the Utility's purchases at the New Resource rate, the costs of such excess load shall be determined by mutiplying the kilowatthours not served under subsections (1) and (2) above by the cost (annual fixed plus variable cost, including an appropriate portion general plant, administrative and general expense and other items not directly assignable) per kilowatthour of all baseload resources and long-term power purcases (5 years or more in duration), as allowed in the regulatory Jurisdiction to establish retail rates during the Reimbursement Period, exclusive of the following resources and purchases: (a) purchases at the New Resources rate pursuant to section 7(f) of the Act: (b) purchases at the Federal Base System rate, pursuant to section 5(c) of the Act; (c) resources sold to Bonneville, pursuant to section 6(c)(1) of the Act; (d) dedicated resources specified in footnote 15(b)(1) of this agreement; (e) resources and purchases committed to the Utility's load as of September 1, 1979, under a power requirements contract or that would have been so committed had the Utility entered into such a contract; and (f) experimental or demonstration units or purchases therefrom. Transmission needed to carry power from such generation resources or power purchases shall be priced at the average cost of transmission for the Jurisdiction during the Reimbursement Period.

(4) Any kilowatthours of New Large Single Loads not met under subsection (1), (2), or (3) above will be assumed to be supplied from the most recently completed or acquired baseload resource(s) or long-term power purchase(s), exclusive of dedicated resources and experimental or demonstration resources or purchases therefrom, that are committed to the Utility's load as of September 1, 1979, under a power requirements contract with Bonneville or would have been so committed had the Utility entered into such a power requirements contract. The cost of these generation resources and long-term power purchases and the transmission cost associated with these resources or purchases will be calculated as specified in subsection (3) above.

(5) If the New Large Single Load is served on an energy or capacity interruptible basis, the Utility shall prepare a calculation subject to review by Bonneville of the fixed (if any) and variable costs of providing such service, except that the amount excluded from ASC for the New Large Single Load shall not be less than the transmission and generation costs included in the retail rate charged the New Large Single Load.

(c) Any costs associated with a generation facility that is terminated prior to initial commercial operation shall be excluded if termination occurred after December 5, 1980.

[16] Authorized Jurisdictional rate of return as specified in Schedule 2.

[17] The losses shall be the distribution energy losses occurring between the transmission portion of the Utility's system and the meters measuring firm energy load used by the Commission for the purpose of establishing retail rates. Losses shall be established according to a study (engineering, statistical, or other) that is submitted to Bonneville by the exchanging Utility subject to review by Bonneville. This study shall be in sufficient detail so as to accurately identify average distribution losses associated with the Utility's total load, excluded loads, and the Residential Load. Distribution losses shall include losses associated with distribution substations, primary distribution facilities, distribution transformers, secondary distribution facilities, and service drops.

[18] This amount is to be reduced by revenues from firm sales for resale (to the extent that these sales are included in the Jurisdictional allocation factors) to be determined by the firm resale revenue for the Test Period as used for retail ratemaking purposes.

[19] Functionalize entirely to distribution/other unless Utility demonstrates that other functionalization treatment is appropriate.

[20] "Other" rate base items may include Unclassified Plant-In-Servie (106), Extraordinary Property Losses (182), Other Investments (124), or other investments approved for rate base treatment by a Commission consistent with the provisions of this Exhibit.

[21] Only the conservation-related portion is to be functionalized to production.

[22] These revenues shall be divided proportionally between "Excluded Amount" and "Total To Be Functionalized" based on the total expenses in those two categories shown on Schedule 3 (sum of lines 1 to 13, 19, and 20), less all terminated plant expenses excluded pursuant to footnote 15(c). The portion to be functionalized shall be functionalized to production.

[23] Public Agencies shall be allowed a total return (operating income) on Schedule 1, line 26, column 2, equal to their demonstrated need for revenues exceeding "Total Operating Expenses" shown on Schedule 3 to cover the cost of capital. These demonstrated capital costs generally will be in the form of coverage requirements or the need to maintain an equity ratio consistent with favorable bond ratings for that Utility. In order to receive an operating income in addition to interest expense, the Utility must submit evidence of the specific coverage or equity ratio needed by that Utility and a calculation of the corresponding minimum operating income. Assignment to excluded resources and functionalization of the operating income shall be based on the assignment and functionalization of the rate base.

[24] Functionalization of these items shall be based on a formula that averages on an equal weighting basis the percentages for generation, transmission, distribution, and customer-related functions for (a) the gross plant in each function, including general plant and other plant items functionalized in step 1 of footnote 2; and (b) the functionalized operations and maintenance (O&M) expenses shown in Schedule 3, except that the expenses of power purchased from Bonneville under sections 5(b)(1) and 5(c)(1) of the Regional Act shall not be included and the fuel cost included in O&M shall not include the cost of fuel acquired from non-Utility sources. Material detailing the application of this functionalization formula shall be included as a supplement to Appendix 1.

[25] Revenues from the transmission of electricity for others shall be functionalized to transmission.

Exhibit C, Residential Load Definition

I. The Utility's residential Load means the sum of the Regional loads the Utility elects to use as a basis for the exchange under the tariff schedules described below adjusted for distribution losses as determined pursuant to exhibit B, as the same may be amended, supplemented, or superseded. If Bonneville determines that any such action changes the Utility's general tariffs or service schedules in a manner which would allow loads other than residential loads, as defined in the Regional Act, to be included under these tariff schedules, such nonresidential loads shall, from the date the Utility is notified of Bonneville's determination, be excluded from the reimbursement of costs transaction hereunder.

Such tariff schedules, as presently effective include:

A. All schedules listed below, the following designated percentages, or ——kilowatthours of the load supplied by the Utility under:

B. A portion of the load as determined pursuant to section II below supplied by the Utility under:

II. Any farm's monthly irrigation and pumping load qualifying hereunder for each billing period shall not exceed the amount of the energy determined by the following formula:

400 × 0.746 × days in billing period × 24.

provided, however, that this amount shall not exceed that farm's measured energy for the same billing period.

where:

400 is equal to the horsepower limit defined in the Regional Act, 0.746 is the factor for converting horsepower to kW, days in billing period is determined in accordance with prudent and normal utility business practices, and 24 is the number of hours in a day.

III. When more than one farm is supplied from a common pumping installation, the irrigation and pumping load of the installation shall be allocated among the farms using the installation, based on the method (e.g., water shares, acreage) that the farms use to allocate the power costs among themselves. These allocated loads shall then be combined with any other irrigation and pumping loads attributed to the farms under section II above. In no instance shall any farm's total qualifying irrigation loads for any billing month exceed 222,000 kWh.

IV. For purposes of this contract, a farm is defined as a parcel or parcels of land owned or leased by one or more persons (person includes partnerships, corporations, or any legal entity capable of owning farm land) that is used primarily for agriculture. Agriculture is defined to include the raising and incidental primary processing of corps, pasturage, or livestock. Incidental primary processing means those activities necessarily undertaken to prepare agricultural products for safe and efficient storage or shipment. All electrical loads ordinarily associated with agriculture as defined above shall be considered as usual farm use.

Contiguous parcels of land under single-ownership or leasehold shall be considered to be one farm and noncontiguous parcels of land under single-ownership or leasehold shall be considered as one farm unit when operated as a single farm, unless demonstrated otherwise by the owner or lessee of the parcels.

A number of factors shall determine whether contiguous or noncontiguous parcels constitute one or more farms. These factors shall include but are not limited to:

—Size
—Use
—Ownership
—Control
—Operating practices
—Distance between parcels
—Custom in the trade
—Billing treatment by the utility

V. Unused irrigation allocations may not be reallocated to other farms or to another billing period.

VI. The operator of a farm may be required to certify to the Utility all irrigation accounts, including horsepower rating, with the Utility for that farm, including all irrigation accounts commonly shared.

Exhibit D—Load Factor Calculation

Using data from the 60 months prior to the last Bonneville rate filing, the monthly Load Factor of the Utility shall be averaged over each period in Bonneville's demand charge according to the formula below. The seasonal period is all months of the year that have the same demand charge in Exhibit A.

$$\text{Load factor} = \frac{E}{D} \times \frac{N}{H} \text{ for each month}$$

where:

E = the sum of monthly energy loads in the seasonal periods the Utility filed with the FERC or other appropriate body for the previous five years.

D = the sum of monthly peak demands in the seasonal periods the Utility filed with the FERC or other appropriate body for the previous five years.

N = the number of months in the seasonal period.

H = the sum of hours in the month for all months in the seasonal period.

If the Utility acts as an agent for another utility (Principal Utility) the Load Factor for the portion of the purchase equal to the Residential Load of the Principal Utility shall be determined based on the Principal Utility's own load data.

If Bonneville commences billing the majority of its public agency customers on a basis of other than monthly noncoincidental demand, the Utility's Load Factor shall be computed from the 60 month historic data using a basis comparable to the billing criteria applied to the majority of public agencies.

The historic data used for Load Factor computation shall not be adjusted for normal temperature or streamflow. The historic data used for Load Factor computations shall not include surplus or special sales. The Utility shall provide, at Bonneville's request, the necessary information regarding the incidence and timing of such sales.

Exhibit E—Calculation of Exchange Transmission Credit Agreement Benefits

The amount of reimbursement for each Jurisdiction shall equal the lesser of 1 or 2 below.

1. ASC = $\frac{\text{Contract System Costs}}{\text{Contract System Load}}$

$= \frac{\text{Production Cost [from Sch 5]} + \text{Transmission Cost [from Sch 5]}}{\text{Total load—Non-Firm and Other Adjustments + Distribution Losses—Excluded Load and Excluded Load Distribution Losses}}$

Reimbursement = ASC × RL (kWh) – Bonneville Rate × RL (kWh + kW).[1]

[illegible] using the Load Factor computed pursuant to Exhibit D.

2. TB = $\frac{\text{Contract System Costs for Transmission}}{\text{Contract System Load}}$

$= \frac{\text{Transmission Cost [from Sch 5]}}{\text{Total load—Non-firm and Other Adjustments + Distribution Losses Excluded Load and Excluded Load Distribution Losses}}$

Reimbursement = TB × RL (kWh)

Where:

TB means benefits the Utility would have received under the Residential Exchange Contract for its transmission system costs.

Exhibit F—New Large Single Loads: Published in the "Federal Register" in its entirety at 46 FR 44340 (September 3, 1981)

Exhibit G—Provisions Required by Statute or Executive Order (General Contract Provisions): Published in the "Federal Register" in its entirety at 46 FR 44240 (September 3, 1981)

[FR Doc. 83-7517 Filed 3-25-83; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-384-000]

Central Hudson Gas & Electric Corp.; Filing

March 23, 1983.

Take notice that Central Hudson Gas & Electric Corporation (Central Hudson), on March 15, 1983, tendered for filing as a supplement to its Rate Schedule F.P.C. No. 22 a letter of agreement and notification dated January 25, 1983 between Central Hudson and New York State Electric & Gas Corporation. Central Hudson states that this letter provides for a decrease in the monthly facilities from $7,482.00 to $7,282.25 in accordance with Article IV.1 of its Rate Schedule F.P.C. No. 22, an increase in the monthly transmission charge from $4,227.61 to $4,431.73 in accordance with Articles V. and VI. of its Rate Schedule FPC No. 22 and an increase in the annual operation and maintenance charge from $2,568.47 to $2,825.32 in accordance with Article IV.2 of its Rate Schedule F.P.C. No. 22.

Central Hudson requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the New York State Electric & Gas Corporation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7898 Filed 3-25-83; 8:45 am]

BILLING CODE 6710-01-M

[Project No. 4634-001]

The City of Billings, Montana; Dismissing Request To Surrender Preliminary Permit

March 23, 1983.

Take notice that the City of Billings, Montana, Permittee for the proposed Hydroelectric Project No. 4634, has requested that its preliminary permit be terminated. The permit was issued on July 13, 1981. The project would have been located on the Musselshell River in Billings, Montana.

The Permittee filed its request on February 10, 1983. On February 22, 1983, the Commission granted the State of Montana's appeal regarding the issuance of the preliminary permit. In so doing, the Commission rescinded the preliminary permit and dismissed the City's application. 25 FERC ¶ 61,191. Inasmuch as no permit has been issued to the City, the need to act on the surrender of the preliminary permit for Project No. 4634 is deemed moot. Thus, the request to surrender the permit is dismissed.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7899 Filed 3-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER81-504-004 and ER81-504-005]

Delmarva Power & Light Co.; Refund Report

March 23, 1983.

Take notice that on March 16, 1983, Delmarva Power & Light Company submitted for filing a refund report pursuant to the Commission's letter order dated February 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 11, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7900 Filed 3-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA83-2-33-000]

El Paso Natural Gas Co.; Proposed Change in Rates Pursuant To Purchased Gas Cost Adjustments

March 23, 1983.

Take notice that on March 1, 1983, El Paso Natural Gas Company ("El Paso") tendered for filing a notice of change in rate for jurisdictional gas service rendered to customers served by its interstate gas transmission system under rate schedules affected by and subject to Section 19, Purchased Gas Cost Adjustment Provision ("PGA"), contained in the General Terms and Conditions of El Paso's FERC Gas Tariff, Original Volume No. 1, which Section 19 also applies to certain special rate schedules contained in El Paso's FERC Gas Tariff, Third Revised Volume No. 2 and Original Volume No. 2A.

El Paso states that the net change in its currently effective rates attributable to the PGA is an increase of 2.93¢ per Mcf. To implement the instant notice of change in rates, El Paso tendered for filing the following revised tariff sheets, designated "TA83-2-33 Tariff Sheets," to its FERC Gas Tariff:

Tariff volume	Tariff sheet
Original Volume No. 1	First Substitute Thirty-third Revised Sheet No. 3-B, Seventh Revised Sheet No. 159
Third Revised Volume No. 2.	First Substitute Twenty-fourth Revised Sheet No. 1-D.
Original Volume No. 2A	First Substitute Twenty-fifth Revised Sheet No. 1-C.

In recognition of an agreement in principle achieved by the participants in settlement conferences held February 22 and 23, 1983 in El Paso's general rate proceedings at Docket No RP83-6, *et al.*, El Paso states that it has decided to forego, at least for the time being, implementing the December 23, 1981 decision of the United States Court of Appeals for the Fifth Circuit in *Mid-Louisiana Gas Company v. FERC*, 664 F. 2d 530, hereinafter referred to as "*Mid-Louisiana.*" Therefore, in adddition to the above designated tariff sheets, El Paso also tendered, for filing and acceptance pursuant to Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations, certain substitute revised tariff sheets, delineated below, which restate the purchase gas cost portion of El Paso's sales rates effective September

1, 1982 and October 1, 1982 at Docket Nos. TA82–2–33 and TA83–1–33, respectively, to reflect reversal of El Paso's implementation therein of *Mid-Louisiana*.

To implement *Mid-Louisiana* in its previous semiannual notices of rate change at Docket Nos. TA82–2–33 and TA83–1–33, El Paso removed from its base tariff rates that portion of the costs attributable to certain of its pipeline production previously treated for ratemaking purposes on a cost-of-service basis. To reverse implementation of *Mid-Louisiana*, El Paso has reinstated the amount previously removed from its base rates for gas well royalties and production taxes and other produced gas costs, and made a corresponding reduction in the purchased gas cost adjustments. El Paso states that effectuation of its decision to reverse its prior implementation of *Mid-Louisiana* will not result in a change in El Paso's effective September 1, 1982 and October 1, 1982 sales rates but will only restate the portion thereof attributable to purchased gas costs.

To reverse implementation of *Mid-Louisiana* in Docket No. TA82–2–33, El Paso tendered the following substitute revised tariff sheets, designated "TA82–2–33 Tariff Sheets," to its FERC Gas Tariff:

Tariff volume	Tariff sheet
Original Volume No. 1	Second Substitute Thirty-second Revised Sheet No. 3–B.
Third Revised Volume No. 2.	Second Substitute Twenty-third Revised Sheet No. 1–D.
Original Volume No. 2A	Second Substitute Twenty-fourth Revised Sheet No. 1–C.

To reverse implementation of *Mid-Louisiana* in Docket No. TA83–1–33, El Paso tendered the following substitute revised tariff sheets, designated "TA83–1–33 Tariff Sheets," to its FERC Gas Tariff:

Tariff volume	Tariff sheet
Orginal Volume No. 1	Substitute Thirty-third Revised Sheet No. 3–B.
Third Revised Volume No. 2.	Substitute Twenty-fourth Revised Sheet No. 1–D.
Orginal Volume No. 2A	Substitute Twenty-fifth Revised Sheet No. 1–C.

El Paso requests that the Commission grant such waiver of its applicable rules, regulations and orders as may be necessary to permit the tendered "TA82–2–33 Tariff Sheets" to be substituted for their respective counterparts filed December 8, 1982 at Docket No. TA82–2–33, effective September 1, 1982; the tendered "TA83–1–33 Tariff Sheets" to be substituted for their respective counterparts filed October 29, 1982 at Docket No. TA83–1–33, effective October 1, 1982; and the tendered "TA83–2–33 Tariff Sheets" to become effective on April 1, 1983.

El Paso states that copies of the instant filing, together with all enclosures, have been served upon all parties of record in Docket Nos. TA82–2–33–000 and TA83–1–33–000 and, otherwise, upon all interstate pipeline system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make a protest with reference to said tariff filing should, on or before March 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a motion to intervene or a protest in accordance with the requirements of Rule 214 or Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83–7901 Filed 3–25–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER83–383–000]

GPU Service Corp.; Filing

March 23, 1983.

Take notice that on March 14, 1983, the GPU Service Corporation (GPU) tendered for filing a letter agreement, dated March 10, 1983, betweeen GPU as agent for Pennsylvania Electric Company (Pennsylvania) and Philadelphia Electric Company (Philadelphia). GPU states that under the agreement Pennsylvania will provide scheduled transmission service for Philadelphia on a weekly basis utilizing its transmission facilities.

GPU requests an effective date of March 14, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–7902 Filed 3–25–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GP83–16–000]

Texas Railroad Commission, Section 108 NGPA Determination, Phillips Petroleum Company, West B #1 Well, FERC J. D. No. 82–09635; Petition To Reopen and Vacate Final Well Category Determination and Request To Withdraw

Issued: March 23, 1983.

On February 2, 1983, Phillips Petroleum Company (Phillips) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its application for a determination that gas from the West B #1 Well, located in the W. Watson Survey, Wise County, Texas, qualifies as stripper natural gas pursuant to section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (Supp. V 1982). This determination made by the Texas Railroad Commission (TRRC) became final on January 17, 1982, pursuant to NGPA section 503(d) and 18 CFR 275.202(a).

Phillips requests reopening of this final determination so that it can withdraw its application for said determination as a result of the TRRC's erroneous decision to process Phillips' application as a normal application pursuant to § 274.206 for a stripper well determination rather than under the deferred determination procedure allowed under §271.807(b)(1)(ii) of the Commission's regulations,[1] as intended by Phillips.

[1] The deferred determination procedures provide alternative methods to determine a well's maximum efficient rate of flow during the qualifying 90-day production period. One of the methods enables an applicant for a stripper well determination to file an application with a jurisdictional agency when a well has produced an average of 60 Mcf per production day or less for the 90-day period but has produced between 60 to 70 Mcf per production day for the 12-month period. The jurisdictional agency will establish a 12-month period during which the applicant may secure the data to establish that the well produced gas at an average rate not in excess of 60 Mcf per production day. The applicant has 90 days after the close of such 12-month period to give proof of the requisite qualifying data, at which time the jurisdictional agency will make an affirmative determination. *See* § 271.807(c).

Phillips states that the application for a deferred determination for the subject well was based on the ninety day production period from May 1, 1981 through July 31, 1981, during which time the well's average production was 56.77 Mcf per day. The twelve month production period which ended concurrently with the ninety day period established that the subject well produced natural gas at an average rate of more than 60 Mcf but less than 70 Mcf per production day. The TRRC processed Phillips application as though it was a usual stripper well application, and forwarded its affirmative section 108 determination for the West B #1 Well to the Commission. The Commission relied on the TRRC's findings, and did not reverse or remand the determination. Thereafter the jurisdictional agency's decision became final. Phillips further states that the production figures reveal that this well did not qualify as a stripper well at the time of the application, and that had the deferred determination procedure been properly applied, this well would not have qualified, and the TRRC would not have prematurely forwarded to the Commission an affirmative section 108 determination for the West B #1 Well.

Phillips states that it sells gas from the subject well to Cities Service Company (Cities) under a percentage-of-proceeds type contract. Phillips avers it will prepare a refund report for all collections made at the NGPA section 108 rate from Cities for sales from the subject well, and such report will be forwarded to Cities and the Commission. Notwithstanding these assertions, the Commission hereby gives notice that the question of whether refunds, plus interest as computed under § 154.102(c) of the Commission's regulations, will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7903 Filed 3-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER 83-372-000]

Vermont Yankee Nuclear Power Corp; Filing

March 23, 1983.

Take notice that on March 8, 1983, Vermont Yankee Nuclear Power Corporation (Vermont Yankee) tendered for filing a supplement to Vermont Yankee's Rate Schedule FPC No. 1. Vermont Yankee proposes to reduce the aggregate billings to its owners for the billings periods of February and March, 1983 by $6,894 and $13,173, respectively.

Vermont Yankee requests that the Commission waive its notice requirement and establish an effective date of March 18, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intevene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7904 Filed 3-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC 83-12-000]

Virginia Electric and Power Co.; Application

March 23, 1983.

Take notice that on March 11, 1983, Virginia Electric and Power Company (VEPCO) (Applicant) filed an application pursuant to section 203 of the Federal Power Act with the Federal Energy Regulatory Commission for authorization to sell certain transmission facilities associated with the North Anna Nuclear Power Station. The consideration that will be paid for these transmission facilities is $1,149,446 (based upon book cost depreciated). These facilities are being sold as part of an arrangement by which Old Dominion Electric Cooperative (ODEC) will purchase an undivided interest in the facilities at the North Anna Nuclear Power Station. No new transmission facilities will be constructed pursuant to the proposed arrangement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7905 Filed 3-25-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-2331-5]

Motor Vehicle Emission Factors

AGENCY: Environmental Protection Agency.

ACTION: Notice of public workshop.

SUMMARY: This notice announces a public workshop which the Environmental Protection Agency will hold regarding possible revisions to the Agency's motor vehicle emission factors and the computer program MOBILE2 used a calculate composite emission factors for vehicle fleets. These emission factors are used by States in preparing State Implementation Plan revisions and by others engaged in determining the air quality impact of motor vehicles. The Agency's purpose in holding this workshop is to meet with those parties potentially possessing information which would be of use in revising the emission factors and to allow all interested parties to participate informally in the revision process.

DATE: The workshop is being held on Thursday, April 7, 1983 at 8:30 a.m.

ADDRESS: The workshop will be held at EPA's Motor Vehicle Emissions

Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan 48105.

FOR FURTHER INFORMATION CONTACT: Lois Platte (313) 668–4306, Phil Lorang (313) 668–4374, or Tom Darlington (313) 668–4313, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105.

SUPPLEMENTARY INFORMATION: EPA's current estimates of emission factors for motor vehicles are contained in the report "Compilation of Air Pollutant Emission Factors: Highway Mobile Sources," March 1981 (EPA–460/3–81–005). The emission factors and the arithmetical procedures for combining them into an estimate of the composite emission factors for a motor vehicle fleet have been automated in the computer program MOBILE2. The report and computer program were developed in 1980, and EPA perceives that in the intervening period enough additional information has become available to warrant consideration of revisions to both.

Although EPA is not required to invite public participation during the revision of the motor emission factors, EPA believes a series of public workshops will facilitate EPA's revision process by enabling EPA to receive valuable technical information in a timely fashion and to receive suggestions from those parties who may otherwise be interested in the revision process and its outcome.

The workshop announced here is the third of a series. At this third workshop, EPA and other participants plan to discuss several issues related to the previous workshop. The previous workshop attempted to identify all of the issues which could be addressed in a revision to MOBILE2. Some of the issues were more important than others, and some could not be addressed by either current or planned testing because of resource problems. In the third workshop, EPA will identify the specific revisions which are feasible for EPA to accomplish given the priorities and resource needs of those revisions. Also, presentations and discussions will be held on the topics of 1981 and later emission factors, high altitude emission factors, lead emission factors, cold temperature correction factors, heavy-duty vehicle fuel economy, and the status of planned heavy-duty engine testing. Suggestions for additional topics should be made in advance of the workshop. Because of the technical nature of the agenda, participants should be familiar with the existing emissions factors and MOBILE2 to most fully contribute to the discussions.

This workshop will not discuss the programming aspects of the MOBILE2 computer program, such as its interface with other programs used in preparing emission inventories and air quality plans, and the language and equipment requirements of the program. A workshop may be scheduled at a later date to meet with parties interested in these areas in particular.

No rulemaking action is anticipated in connection with the revisions that will be the subject of this workshop. Consequently, the workshop will be very informal. There will be no opportunity for prepared statements in general, although prepared remarks will be welcome on specific issues as those are brought up for discussion. Although no public docket will be kept, written submissions are welcome at any time and may be brought to the workshop or mailed to Lois Platte, Phil Lorang, or Tom Darlington at the address set out about.

The Agency in addition requests that all persons planning to attend the workshop contact Lois Platte, Phil Lorang or Tom Darlington.

Dated: March 21,1983.

Charles L. Elkins,

Acting Assistant Administrator, Office of Air, Noise and Radiation.

[FR Doc. 83–7839 Filed 3–25–83; 8:45 am]

BILLING CODE 6560–50–M

[AD–FRL 2331–4]

National Air Pollution Control Techniques Advisory Committee; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held on April 26, 27, and 28, 1983, at the Royal Villa Hotel, Royal King Hall I, 6339 Glenwood Avenue, Raleigh, North Carolina 27612. The commercial telephone number is (919) 782–4433.

The tentative agenda for the meeting is as follows:

April 26 (Tuesday)—8:30 a.m.

Polymers and Resins, New Source Performance Standard (Section 111 of the Clean Air Act).

Wool Fiberglass Insulation Manufacturing, New Source Performance Standard (Section 111 of the Clean Air Act).

Grain Elevator Industry, Review of Standards of Performance for New Stationary Sources (Section 111 of the Clean Air Act).

Primary Copper Smelters, Review of Standards of Performance for New Stationary Sources (Section 111 of the Clean Air Act).

April 27 (Wednesday)—8:30 a.m.

Continuation of April 26—As Required.

Kraft Pulp Mills, Revision of Standards of Performance for New Stationary Sources (Section 111 of the Clean Air Act).

Refinery Sulfur Plants, Review of Standards of Performance for New Stationary Sources (Section 111 of the Clean Air Act).

Inorganic Arsenic, Status Report on Development of National Emission Standards for Hazardous Air Pollutants (Section 112 of the Clean Air Act).

April 28 (Thursday)—8:30 a.m.

Continuation of April 27—As Required.

All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by April 7, 1983. The commercial telephone number is (919) 541–5571, and the FTS number is 629–5571.

The dockets containing material relevant to polymers and resins (A–82–19), wool fiberglass insulation manufacturing (A–80–27), grain elevator industry (A–83–14), primary copper smelters (A–81–42), kraft pulp mills (A–82–36), and refinery sulfur plants (A–83–16) are located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby-Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. The dockets may be inspected between 8:00 a.m. and 4:00 p.m. on wekdays, and a reasonable fee may be charged for copying.

Dated: March 18, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 83–7841 Filed 3–25–83; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–51436D; TSH–FRL 2332–3]

Sulfophenylazonaphthyl Dyes; Premanufacture Notice Extension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending the review period for an additional 90 days for premanufacture notices (PMN) for the two substances, PMN's–83–35 and 83–38.

under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review period will now expire on June 22, 1983. The PMN substances will be imported for use as dyes for leathers and paper.

FOR FURTHER INFORMATION CONTACT: June Thompson, Chemical Control Division (TS–794), Environmental Protection Agency, Rm. E–206, 401 M St., SW., Washington, D.C. 20460; (202–382–3737).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a PMN to EPA 90 days before manufacture or import begins. Under section 5(c) EPA may, for good cause, extend the notice period for additional periods, not to exceed a total of 180 days from the date of receipt.

On October 13, 1982, EPA received a consolidated PMN for two sulfophenylazonaphthyl dyes, PMN's–83–35 and 83–38 which are to be imported into the United States. The submitter claimed its identity, the specific chemical identity and the import volume to be confidential business information. Notice of receipt of the PMN's was published in the **Federal Register** of October 22, 1982 (47 FR 47066). Including voluntary suspensions of the period, the original 90-day review period, including voluntary suspensions by the submitter, was scheduled to expire on March 24, 1983.

EPA's detailed analysis of the substances described in PMN's–83–35 and 83–38 addressed the following: effects on human health, metabolism, human exposure, degree of risk relative to available commercial substitutes, potential marketability, and the identification of other information which may be required to resolve outstanding issues.

As a result of this analysis, EPA has reason to believe the following:

1. Human exposure to the PMN substances and their reduction products may result in carcinogenicity.

2. Workers in paper mills and tanneries may be exposed to the PMN substances.

Based on this analysis, EPA finds that there is a possibility that the substances submitted for review in PMN's–83–35 and 83–38 may be regulated under section 5(e) of TSCA. The Agency requires an extension of the review period to further investigate potential health effects and use conditions, to examine its regulatory options, and to prepare the necessary documents, should regulatory action be required. An administrative order under section 5(e) must be issued no later than 45 days prior to expiration of the review period. Therefore, EPA has determined that good cause exists to extend the review periods for an additional 90 days, to June 22, 1983.

PMN's–83–35 and 83–38 are available for public inspection in Rm. E–107 at the EPA Headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: March 18, 1983.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83–7842 Filed 3–25–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Digital Paging Systems, Inc., et al.; Hearing

Memorandum Opinion and Order

Adopted: March 11, 1983.

Released: March 21, 1982.

In re applications of: Digital Paging Systems, Inc.; CC Docket No. 83–219, File No. 50086–CM–P–74 and Microband Corporation of America; CC Docket No. 83–220, File No. 50005–CM–P–75; for construction permits in the Multipoint Distribution Service for a new station at San Antonio, Texas; designating applications for consolidated hearing on stated issues.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at San Antonio, Texas. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.[3]

3. Accordingly, IT IS HEREBY ORDERED, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications *are designated for hearing,* in a *consolidated proceeding,* at a time and place to be specified in a subsequent Order, to determined, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered.[4]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. *It is further ordered,* That Digital Paging Systems, Inc., Microband Corporation of America and the Chief, Common Carrier Bureau, *are made parties* to this proceeding.

5. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules 47 CFR 1.221.

6. *It is further ordered,* That any authorization granted to Digital Paging Systems, Inc., a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in hearing designated in *A.S.D. Answering Service, Inc., et al.,* FCC 82–391, released

[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband Corporation of America to Tymshare. *Transfer of Control/MDS,* 85 FCC 2d 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 28, 1981, and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

[3] This finding is subject to paragraph 6, *infra.*

[4] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain,* 77 FCC 2d 20 (1980).

August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. The Order is effective on its release date. Petitions for reconsideration under Section 1.106 or applications for review under § 1.115 of the Rules may be filed within the time limits specified in those sections. *See also* Rule 1.4(b)(2).

8. The Secretary shall cause a copy of this Order to be published in the Federal Register.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-7824 Filed 3-25-83; 8:45 am]

BILLING CODE 6712-01-M

Digital Paging Systems, Inc. et al.; Hearing

Memorandum Opinion and Order

Adopted: March 11, 1983.

Released: March 21, 1983.

In re applications of: Digital Paging Systems, Inc., CC Docket No. 83-221, File No. 50061-CM-P-74; and Microband Corporation of America, CC Docket No. 83-222, File No. 50191-CM-P-74; for construction permits in the Multipoint Distribution Service for a new station at Oklahoma City, Oklahoma; designating applications for consolidated hearing on state issues.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Oklahoma City, Oklahoma. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.[3]

3. Accordingly, *It is hereby ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications *are designated for hearing,* in a *consolidated proceeding,* at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[4]

(a) The relatives merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. *It is further ordered,* That Digital Paging Systems, Inc., Microband Corporation of America and the Chief, Common Carrier Bureau, *are made parties* to this proceeding.

5. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. *It is further ordered,* That any authorization granted to Digital Paging Systems, Inc., a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in hearing designated in *A.S.D. Answering Service, Inc., et al.,* FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. This Order is effective on its release date. Petitions for reconsideration under Section 1.106 or applications for review under § 1.115 of the Rules may be filed within the time limits specified in those sections. *See also* Rule 1.4(b)(2).

8. The Secretary shall cause a copy of this Order to be published in the Federal Register.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-7825 Filed 3-25-83; 8:45 am]

BILLING CODE 6712-01-M

Digital Paging Systems, Inc., et al.; Hearings

Memorandum Opinion and Order

Adopted: March 11, 1983.

Released: March 21, 1983.

In re applications of; Digital Paging Systems, Inc., CC Docket No. 83-223, File No. 50080-CM-P-74; and M.C.C.A. Service Corporation, CC Docket No. 83-224, File No. 50228-CM-P-74; and Microband Corporation of America, CC Docket No. 83-225, File No. 50008-CM-P-75; and H. L. Woodbury, CC Docket No. 83-226, File No. 50026-CM-P-75; for construction permits in the Multipoint Distribution Service for a new station at Fort Worth, Texas; designating applications for consolidated hearing on stated issues.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Fort Worth, Texas. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.[3]

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[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband Corporation of America to Tymshare. *Transfer of Control/MDS,* 85 FCC 2d 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to Section 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

[3] This finding is subject to paragraph 6, *infra.*

[4] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain,* 77 FCC 2d 20 (1980).

[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband Corporation of America to Tymshare. *Transfer of Controls/MDS, 85 FCC 2d 1023 (1981).*

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

[3] This finding is subject to paragraph 6, *infra.*

3. Accordingly, *it is hereby ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications *are designated for hearing,* in a *consolidated proceeding,* at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[4]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. *It is further ordered,* That Digital Paging Systems, Inc., M.C.C.A. Service Corporation, Microband Corporation of America, H. L. Woodbury and the Chief, Common Carrier Bureau, *are made parties* to this proceeding.

5. *It is Further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. *It is further ordered,* That any authorization granted to Digital Paging Systems, Inc., a wholly-owned Subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.,* FCC 82–391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. This Order is effective on its release date. Petitions for reconsideration under § 1.106 or applications for review under § 1.115 of the Rules may be filed within the time limits specified in those sections. *See also* Rule 1.4(b)(2).

[4] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain,* 77 FCC 2d 20 (1980).

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83–7828 Filed 3–25–83; 8:45 am]

BILLING CODE 6712–01–M

Faye & Richard Tuck, Inc., et al.; Hearing

In re applications of Faye & Richard Tuck, Inc., KBEC, Waxahachie, Texas, MM Docket No. 83–212, File No. BP–810127AJ, Has: 1390 kHz, 0.5 kW, DA–D Req: 770 kHz, 1kW, DA–N, U; Athens Broadcasting Company, Inc., WJMW, Athens, Alabama, MM Docket No. 83–213, File No. BP–810625AG, Has: 730 kHz, 1 kW, D Req: 770 kHz, 0.5 kW, 10 kW–LS, DA–N, U; Marcos A. Rodriguez, Carrollton, Texas, MM Docket No. 83–214, File No. BP–810511AJ, Req: 770 kHz, 2.5 kW, 5 kW–LS, DA–2, U; Bluebonnet Radio Broadcasters, Inc., Plano, Texas, MM Docket No. 83–215, File No. BP–810511AL, Req: 770 kHz, 1 kW, 10 kW–LS, DA–2, U; Century Broadcasting Corporation, Garland, Texas, MM Docket No. 83–216, File No. BP–810511AM, Req: 770 kHz, 1 kW, 10 kW–LS, DA–2, U; Plano Broadcasting Corporation, Plano, Texas, MM Docket No. 83–217, File No. BP–810511AO, Req: 770 kHz, 1 kW, 5 kW–LS, DA–2, U; Dontron, Inc., KPBC, Garland, Texas, MM Docket No. 83–218, File No. BP–810511AP, Has: 1040 kHz, 1 kW, D (Dallas, Texas) Req: 770 kHz, 1kW, 5 kW–LS, DA–2, U; for construction permit; designating applications for consolidated hearing on stated issues.

Hearing Designation Order

Adopted: March 10, 1983.
Released: March 21, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration: (a) The above-captioned mutually exclusive applications for new AM broadcast stations and for changes in the facilities of three (3) AM broadcast stations; (b) informal objections to all of the applications filed by Hubbard Broadcasting, Inc. (Hubbard), licensee of station KOB, Albuquerque, New Mexico; (c) a petition to deny the Athens Broadcasting Co., Inc. (Athens), application and comments concerning the other six (6) applications filed by American Broadcasting Companies, Inc. (ABC); (d) a petition to dismiss the Marcos A. Rodriguez (Rodriguez), Bluebonnet Radio Broadcasters, Inc. (Bluebonnet), Century Broadcasting Corporation (Century), Plano Broadcasting Corporation (Plano) and Dontron, Inc. (Dontron), applications filed by Faye & Richard Tuck, Inc. (Tuck); and (e) relevent pleadings.

2. Hubbard Broadcasting, Inc. has filed objections to each of the above-captioned applications. Hubbard states that it has filed a request for a waiver of § 73.22 of the Rules together with an application for modification to operate KOB as a Class 1–A facility and a petition for rule making to assign frequency 770 kHz to Albuquerque, New Mexico. Hubbard asserts that its proposed operation of KOB as a Class 1–A station on 770 kHz would preclude the above proposals.

3. The Chief, Broadcast Bureau, by separate letters, both dated June 9, 1981, dismissed the petition for rule making and denied the request for waiver of Section 73.22 of the Rules. Hubbard's two applications for review were considered together by the Commission and were denied. *Hubbard Broadcasting Inc.,* 87 F.C.C. 2d 988 (1981). Hubbard filed an appeal in the United States Court of Appeals for the Eighth Circuit, and on August 6, 1982 the appeal was dismissed for lack of jurisdiciton (Case No. 81–2295). On November 4, 1982, Hubbard filed an appeal in the United States Supreme Court, Case No. 82–772. The case is currently pending. To assure that future Commission action (in light of the pending Hubbard appeal) will not be prejudiced, we will place an appropriate condition on the construction permit should any of the above applications be granted. To that extent the Hubbard objection is granted and in all other respects denied.

4. ABC filed a petition to deny the Athens application.[1] The petition alleges that the proposed nighttime antenna array cannot be adjusted and proven so that it will not cause objectionable interference to ABC's station WABC, New York, New York. In addition, according to ABC, the construction costs shown in the application are unrealistically low and demonstrate a failure of the applicant to appreciate the complexities of constructing a directional antenna system in accordance with proper engineering practice. More specifically, ABC asserts that computer calculations of the necessary "critical-angle protections (EMAX)" from the Athens site to the

[1] A showing of possible electrical interference to ABC's Class 1–A station, WABC, gives it standing as a party in interest within the meaning of Section 309(d) of the Communications Act of 1943, as amended. *FCC v. National Broadcasting Co., Inc.,* 319 U.S. 239 (1943).

relevant WABC contour show clearance to be "extremely tight" and computer stability analysis indicates that theoretical radiation could exceed the standard pattern during operation and cause interference to the WABC 0.5 mV/m 50% nighttime skywave contour. ABC further asserts that the potential interference problem cannot be resolved by designating the proposal a critical array and requiring the maintenance of parameters within ±1% and ±1 degree of those proposed because, according to ABC, its study shows the proposed array would "just barely" remain within the standard pattern at these tolerances if it were in perfect adjustment at the outset. If the array were initially adjusted out near the standard pattern field, ABC asserts, the operating tolerance could be used up and operation within critical array tolerances could still cause objectionable interference to WABC. In addition, ABC asserts that the "extremely" low fields specified for this array will make it impossible to prove it in perfect adjustment and Athens has not specifically stated that it intends to restrict power to reduce the RMS to a minimum. Concerning the cost figures shown on the application for the proposed antenna system, ABC asserts that Athens lists only $2000 for engineering costs, but ABC's experience indicates that the costs for a full proof of a directional antenna system are nearer to ten times that amount. Further, ABC asserts that a cost estimate from the manufacturer of the equipment proposed by Athens shows an antenna system for the Athens proposal would cost in excess of $170,000, and the transmitter would cost almost $50,000, but Athens has listed only $35,000 and $20,000 respectively. ABC concedes that used equipment and package discounts could lower the price somewhat, however, it assert that the entire tower and ground system costs have been left out of Athens' figures. ABC asserts that the funding proposal indicates the applicant has not devoted sufficient attention to the construction of the facility.

5. Athens, in its opposition pleading, asserts the proposed array can be adjusted so that no objectionable interference will be caused to WABC. In addition, it has amended its proposal to reflect that the RMS will be limited by adjustment of the transmitter output, if necessary. Athens has also modified its cost figures somewhat to show slightly higher costs for the antenna system, transmitter and engineering which it states are based on "current quotes." Athens asserts the cost figures obtained from the manufacturer by ABC are too high but in any event, according to Athens, it will have the necessary funds to construct and operate the facility because it will have a positive cash flow in excess of the construction costs. ABC, in its reply pleading, continues to assert that the proposed antenna array cannot be adjusted to provide sufficient operating tolerance to prevent objectionable interference to WABC even with critical array restrictions.

6. With regard to the stability of the proposed nighttime antenna proposal we agree generally with petitioner. Our computer study using the data supplied by ABC and Athens shows that when the parameters are varied by 1 percent and 1 degree current ratio and phase deviation, respectively, the standard pattern could be exceeded; the proposal is, therefore, a critical array and if granted will be appropriately conditioned. We do not agree, however, with ABC's contention that the proposed array cannot be adjusted to protect the WABC service area. ABC concedes the proposal does not specify a horizontal standard pattern field less that 6 mV/m in any direction and is thus not in violation of the rules. It argues however, that it is "extremely improbable" that the low fields specified for the array can be generated and reliably measured. We do not agree. Athens has amended its proposal to specify that it will adjust its transmitter output to reduce the RMS if necessary to assure operation within the standard pattern limits. We will place appropriate operating conditions on the construction permit should the Athens proposal be granted. ABC's contention that the low proposed construction costs are an indication of Athens lack of knowledge concerning directional antenna systems raises no issue. The proposed costs are not unduly low when compared to the other applicants and could just as well be an indication of the applicant's knowledge and experience. We will grant the ABC petition to the extent noted above and deny it in all other respects.

7. ABC filed comments to all the remaining applications; it does not object to the grant of any of these applications, but asserts that its computer stability analysis shows that these proposals could cause interference to the WABC 0.5 mV/m 50% nighttime skywave contour. ABC requests the proposals be designated critical arrays. A determination of stability involves many factor both internal and external to the array and as we noted in *Home Service Broadcasting Corporation (WGTR)*, 68 F.C.C. 2d 1135 (1978), we do not rely exclusively on computerized stability studies in making a determination of array stability. In utilizing computerized stability studies it has been our policy to consider directional antenna arrays which do not exceed their radiation limits (standard patterns) with 1.0 percent and 1.0 degree current ratio and phase deviation, respectively, as being generally stable. Those arrays which exceed their radiation limits with parameter variations of 0.1 percent and 0.1 degree are considered highly unstable. Those arrays which exceed their radiation limits with parameter variations between those extremes are considered on a case-by-case basis taking into consideration other factors which bear upon the stability of the array. See *Radio Nevada Corp. (KDWN)*, BC Docket No. 79–313 (Br. Bur., released November 28, 1979). Our computer analysis studies of the applications, using information supplied by ABC and the applicants, shows that when subjected to minor variations in operating parameters the nighttime proposals of Tuck, Bluebonnet and Plano could exceed their standard patterns. We find that these proposals are sensitive to changes in their operating parameters in that less than one percent amplitude (current ratio) variations and one degree phase deviation could result in radiation greater than the specified standard values. In order to ensure operation within the standard pattern limits we will place appropriate conditions on the construction permits should any of these applications be granted. With respect to the Rodriguez, Century and Dontron proposals, our computer studies show these nighttime proposals exhibit a condition of inherent instability in that parameter variations as small as one tenth of one percent (0.1%) amplitude (current ratio) variation and one tenth of one degree (0.1 degree) phase deviation could result in radiation greater than the specified standard radiation values. We are unable to determine from the information before us if these nighttime directional proposals can be adjusted and maintained within their standard pattern limits. We will, therefore, specify appropriate issues. To the extent set out above the comments of ABC are accepted and its requests are granted.

8. Tuck filed a petition to dismiss the Rodriguez, Bluebonnet, Century, Plano and Dontron applications (the applicants). Tuck asserts that the designated communities of the five applicants are all within the Dallas urbanized area, and there are eighteen commercial broadcast stations licensed in Dallas County, most of which are authorized to operate unlimited time.

Therefore, according to Tuck, it is not possible for the five competing applicants to be in compliance with § 73.37(e)(2)(ii) of the Rules. Moreover, Tuck asserts the directional patterns, transmitter sites and power levels proposed "were all part of a plan to serve the Dallas, Texas Area" in violation of the rule. Tuck further asserts that all five of the applicants propose daytime power in excess of their nighttime power in violation of § 73.37, Note 5 of the Rules. The applicants, in their opposition pleadings,[2] deny the allegations and assert the petition is untimely and unsupported. Century asserts its designated community of Garland is incorporated and is the tenth largest city in Texas. Tuck, in its reply pleading, asserts that the Commission is required to make a fair and equitable distribution of frequencies between cities, counties and states, but there is no full time facility licensed to Ellis County where its designated city (Waxahachie) is located. Tuck states there are many full time stations licensed to Dallas County, therefore, according to Tuck, there has been a breakdown in the "fundamental allocations process." Tuck further asserts that the applicants' argument that its petition is untimely is based on an "archaic procedural rule" that fails to meet the "public's need in these matters."

9. The Census Bureau map submitted by Tuck in support of its petition shows Plano is located in Collin County; Carrollton, and Garland are located in Dallas County; all are located within the Dallas Urbanized area and have separate and distinct boundaries. Tuck has not demonstrated why these designated communities are not cities, towns or other political subdivisions as required for licensing of stations by Section 73.1120 of the Rules. See *Teche Broadcasting Corp., et al.*, 52 F.C.C. 2d 970 (Rev. Bd. 1975), *Riverside Amusement Park Co., Inc. KPHX*, 69 F.C.C. 2d 944 (Rev. Bd. 1981). None of the three communities has a nighttime aural transmission service authorized to it and no FM channel is available to any of them. Contrary to Tuck's assertions, all five applications propose a first nighttime aural transmission service to their communities and are therefore in conformance with Section 73.37(e)(2)(ii) of the Rules. Moreover, an applicant's intention to serve additional areas as well as its designated community does not constitute a violation of any rule. Tuck's assertion that the five proposals violate the provisions of Note 5 to § 73.37 is in error. Note 5, which limits daytime power to that proposed for nighttime operation if the proposal will result in more than two aural transmission services during daytime for the specified community, is inapplicable here since none of the proposed communities have any broadcast facilities authorized to them. Tuck will have an opportunity during the comparative hearing process to argue that grant of its proposal will best serve the public interest; its petition to dismiss raises no issues. We will deny Tuck's petition to dismiss.

10. *Public Notice.* We have no evidence that Athens, Plano and Dontron have published the local notice of the filing of their applications as required by § 73.3580 of the Rules. These applicants must demonstrate that they have complied with the rule as required.

11. *Faye & Richard Tuck, Inc.* Tuck filed a petition for leave to amend on January 7, 1983, and an amendment which certified its legal and financial qualifications as required by the revised application form (FCC Form 301). The amendment removes potentially disqualifying defects in the Tuck application and will prejudice no other party. We will accept the amendment.

12. *Athens Broadcasting Company, Inc.* The environmental narrative statement filed by Athens did not contain information concerning a description of the proposed antenna site, the surrounding area and its uses, the zoning classification and whether the proposal has been a source of controversy in the community as required by § 1.1311(a) (2), (3) and (4) of the Rules; it must do so.

13. Athens filed a petition for leave to amend its application and an amendment on November 22, 1982. The last day on which Athens could have filed an amendment as a matter of right pursuant to § 73.3522(a)(2) was October 16, 1981 (the "B" cut off date). The amendment is thus untimely. Late filed amendments will be considered only upon a showing of good cause. The amendment proposes to reduce the nighttime power to 250 watts which, according to Athens, will eliminate any interference problems and remove electrical conflict with the other applicants; it is not, therefore, required to be filed by § 1.65 or 73.3514 of the Rules. The applicant does not explain why the amendment could not have been timely filed and we do not agree with its assertion that acceptance of the amendment would be in the public interest. This proceeding involves six other applicants and processing of all applications was substantially completed by the time Athens filed its amendment. Consideration of the applicant's new engineering proposal will require technical analysis of all seven applications and will significantly delay these proceedings. We think the public interest requires that Athens' November 22, 1982 amendment be returned to it without staff consideration as authorized by § 73.3522(a)(2) of the Rules; we will so order.

14. *Marcos A. Rodriguez.* This applicant proposes to operate with nighttime power of 2.5 kilowatts. Section 73.21(a)(2)(ii)(C) of the Rules establishes a one-kilowatt nighttime power ceiling for Class II-B stations on 1-A clear channels in already well served areas such as Carrollton, Texas. The applicant has a heavy burden to show that the power it proposes is necessary to provide principal city service and will not impede the Commission's allocation objectives; it may meet the latter by showing either that the higher power would not preclude other possible co-channel unlimited time Class II assignments or that the improved principal-city service achieved by higher power clearly outweighs any potential service that might be precluded. Since it cannot be determined from the record whether waiver of § 73.21 is warranted, an issue will be specified.

Rodriguez filed petitions for leave to amend and amendments on February 12, 1982, April 23, 1982 and January 14, 1983. The amendments report minor changes in ownership and broadcast interests and information concerning an EEO complaint and are required under § 1.65 of the Rules. The information reported does not affect the comparative position of the applicant and no other applicant will be prejudiced. We will therefore grant the petitions and accept the amendments.

16. *Bluebonnet Radio Broadcasters, Inc.* Bluebonnet has indicated the intention of its principals to divest themselves of their interest in station KSKS, Conroe, Texas if their application is granted. In order that no comparative disadvantage be assessed because of these broadcast interests the applicant requests that grant of its application be conditioned to require disposal of the interests. We will grant Bluebonnet's request. *Lee Broadcasting, Inc.*, 45 FR 3509 (Br. Bur., released May 14, 1980), *Town & Country, Inc.*, 41 R.R. 2d 151 (Rev. Bd. 1977).

17. Bluebonnet filed petitions for leave to amend on November 13, 1981, December 24, 1981, and September 28, 1982. The applicant also filed amendments on September 23, 1981 and January 19, 1982. All of these

[2] The record does not contain opposition pleadings for Bluebonnet and Plano.

amendments report minor changes in the broadcast interests of the applicant's principals and sales of the applicant's stock. The amendments are required by § 1.65 of the Rules and will prejudice no other applicant nor confer a comparative advantage to Bluebonnet. We will grant the petitions and accept the amendments.

18. *Century Broadcasting Corporation.* The environmental narrative statement filed by Century did not contain information concerning the zoning classification of the proposed antenna site as required by § 1.1311(a)(3) of the Rules. Century must file the required information.

19. Century filed petitions for leave to amend and amendments to its application on October 20, 1981 and August 25, 1982. Both amendments report changes in the broadcast interests of the applicant's principals and are required by Section 1.65 of the Rules. No other applicant will be prejudiced by the amendments and no comparative advantage will accrue to Century because of them. We will grant the petitions and accept the amendments.

20. *Plano Broadcasting Corporation.* The environmental narrative statement filed by the applicant did not contain information concerning the zoning classification of the site as required by § 1.1311(a)(3) of the Rules. Plano must file the required information.

21. The material submitted in the application does not demonstrate the applicant's financial qualifications.[3] Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, the applicant will be given 30 days from the date the release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If the applicant cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.,* BC Docket No. 82–378 (Br. Bur., Released July 15, 1982.)

[3] The application shows that $149,977 will be required to construct and operate the station for three months. The applicant proposes to finance the proposal with $60,255 existing capital and a $175,000 loan from National Career Consultants, Inc. The financial statements submitted for National Career Consultants, Inc., do not show the $175,000 is available.

22. Except as indicated by the issues specified below, all seven applicants are qualified to construct and operate as proposed.[4] However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. Although most of the applications are for different communities, they would serve substantial areas in common. Therefore, in addition to an issue to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

23. Accordingly, *it is ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding,* to be held before and Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the antenna systems proposed by Rodriguez, Century and Dontron can be adjusted and maintained within the proposed limits of radiation.

2. To determine, with respect to the Rodriguez proposal, whether circumstances exist which warrant a waiver of § 73.21(a)(2)(ii)(C) of the Commission's Rules.

4. To determine the areas and populations, which would receive primary service for each proposal, and the availability of other primary aural services to such areas and populations.

5. To determine in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

6. To determine, in the event it is concluded that a choice among the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

[4] Operation with the facilities specified herein is subject to modification, suspension or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements between the United States and other countries.

24. *It is further ordered,* That the objections filed by Hubbard Broadcasting, Inc., to the Tuck, Athens, Rodriquez, Bluebonnet, Century, Plano and Dontron proposals *are granted,* to the extent set out in paragraph 3 above, and in all other respects, DENIED.

25. *It is further ordered,* That the construction permits for the applicants listed in paragraph 24 above, should any be granted, shall contain the following condition:

This grant is subject to and conditioned upon any action the Commission may deem necessary or appropriate in light of the final outcome of the currently pending appeal entitled *Hubbard Broadcasting, Inc.* v. *FCC,* filed November 4, 1982 at the Supreme Court of the United States (Case No. 82–772).

26. *It is further ordered,* That the ABC petition to deny the Athens application *is granted,* to the extent set out in paragraph 6 above, and in all other respects, *is denied.*

27. *It is further ordered,* That the comments filed by ABC concerning the applications of Tuck, Rodriguez, Bluebonnet, Century, Plano and Dontron are accepted and its requests that the applicants' antenna proposals be designated critical arrays, *are granted* to the extent set out in paragraph 7 above and the construction permits of the Tuck, Bluebonnet, Plano and Athens, if any of them should be granted, shall contain the following conditions:

To insure maintenance of the radiated fields within the authorized values of radiation an antenna monitor of sufficient accuracy and repeatability, having a minimum resolution of 0.1 degree phase deviation and 0.1 percent sample-current deviation, shall be installed and continuously available to indicate the relative phase and magnitude of the sample currents of each element in the array.

Upon receipt of operating specifications and before issuance of a license, permittee shall submit the results of observations made daily of the base currents and their ratios, relative phases, sample currents and their ratios, and sample-current deviations for each element of the array, along with the final amplifier plate voltage and current, the common point current, and field strengths of each monitoring point for both nondirectional and directional operations for a period of at least 30 days, to demonstrate that the array will be maintained within the specified tolerances.

28. *It is further ordered,* That the petition to dismiss filed by Tuck *is denied.*

29. *It is further ordered,* That Athens, Plano and Dontron comply with the local notice requirements of § 73.3580 of the Commission's Rules, if they have not done so, and certify as to compliance with the Administrative Law Judge within thirty (30) days of the release of this Order.

30. *It is further ordered,* That Athens, Century and Plano comply with the environmental narrative statement requirements of § 1.1311 of the Commission's Rules as set out in the relevant paragraphs above, and submit the required information to the Administrative Law Judge within thirty (30) days of the release of this Order.

31. *It is further ordered,* That Plano shall file the financial certification of qualification discussed in paragraph 21 above or advise the Administrative Law Judge, within thirty (30) days of the release of this Order that the certification cannot be made.

32. *It is further ordered,* That the petitions for leave to amend filed by Tuck, Rodriquez, Bluebonnet and Century discussed in paragraphs 11, 15, 17 and 19, respectively, *are granted* and the relevant amendments are accepted.

33. *It is further ordered,* That the petition for leave to amend filed by Athens on November 22, 1982, *is denied* and the relevant amendment will be returned to the applicant without consideration.

34. *It is further ordered,* That the construction permit for the Bluebonnet application, if it should be granted, shall contain the following condition:

Before program test authority (PTA) is granted, the applicant and its principals shall divest themselves of any interest in station KSKS, Conroe, Texas.

35. *It is further ordered,* That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules the applicants shall, within 20 days of the mailing of this Order, in person or by attorney, file with the Commission, in triplicate, written appearances stating an intention to appear on the dates fixed for the hearing and to present evidence on the issues specified in this Order.

36. *It is further ordered,* That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and §73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed by the rule, and shall advise the Commission of the publication of the notices as required by § 73.3594(g) of the rules.

37. The Commission has not yet received Federal Aviation Administration clearance for the antenna tower(s) proposed by the below listed applicant(s). Accordingly, *it is further ordered,* That the following issue is specified:

3. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height(s) and location(s) proposed by Athens Broadcasting Co., Inc., and Plano Brodcasting Corporation.

It is further ordered, That the Federal Aviation Administration *is made a party* to the proceeding.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-7818 Filed 3-25-83; 8:45 am]

BILLING CODE 6712-01-M

French Camp Radio, Inc., et al.; Hearing

Hearing Designation Order

Adopted: March 4, 1983.
Released: March 16, 1983.

In re applications of; French Camp Radio, Inc., Ackerman, Mississippi, MM Docket No. 83-210, File No. BPH-811016AG, Req: 107.9 MHz, Channel 300, 100 kW (H&V), 615 feet; Radio Ackerman, Inc., Ackerman, Mississippi, MM Docket No. 83-211, File No. BPH-820219AF, Req: 107.9 MHz, Channel 300, 100 kW (H&V), 500 feet; for construction permit for a new FM station; designating applications for consolidated hearing on stated issues.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by French Camp Radio, Inc. (French Camp) and Radio Ackerman, Inc. (Radio Ackerman).

2. *French Camp.* The material submitted in the application does not demonstrate the applicant's financial qualifications.[1] Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, the applicant will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If the applicant cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.,* BC Docket No. 82-378.

3. *Radio Ackerman.* Section II, question 10, Form 301, asks:

> Do documents, instruments, agreements or understandings for the pledge of stock of a corporate applicant, as security for loans or contractual performance, provide that: (a) Voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of stockholder rights by the purchaser at such sale, the prior consent of the Commission (pursuant to 47 U.S.C. 310(d)) will be obtained?

Radio Ackerman answered no to this question. However, the applicant failed to supply the required full explanation. Accordingly, the applicant will be given 30 days from the date of the release of this Order to submit the explanation to the Administrative Law Judge in the manner called for by Section II, question 10, as to its legal qualifications.

4. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, *it is ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are *designated for hearing in a consolidated proceeding,* at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, which of the proposals would, on a comparative basis, better serve the public interest.

[1] French Camp plans to finance construction and operation with a $100,000 line of credit. The Merchants and Farmers Bank letter dated March 19, 1981 requires the radio station as collateral for the line of credit. However, the broadcast equipment is being purchased on credit from Amvest Leasing and Capital Corp. Therefore, a question arises as to whether the line of credit is available.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

7. *It is further ordered*, That French Camp Radio, Inc. shall submit a financial certification in the form required by Section III, F.C.C. Form 301, within 30 days of the release of this Order, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

8. *It is further ordered*, That Radio Ackerman, Inc. shall submit a full explanation as required by Section II, question 10, F.C.C. Form 301, within 30 days of the release of this Order.

9. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. *It is further ordered*, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-7823 Filed 3-25-83; 8:45 am]

BILLING CODE 6712-01-M

Mark Anthony Communications Co. et al.; Hearing

Hearing Designation Order

Adopted: March 14, 1983.
Released: March 21, 1983.

In re applications of; Terry Lee Manafo d.b.a. Mark Anthony Communications Co., Warren, Pennsylvania, MM Docket No. 83-246, File No. BHP-810713AO, Req: 103.1 MHz, Channel 276A, 3 kW (H&V), 300 feet; God's Station, Inc., Russell, Pennsylvania, MM Docket No. 83-247, File No. BPH-820128AS, Req: 103.1 MHz, Channel 276A, 1.7 kW (H&V), 380 feet; for construction permit for a new FM station; designating applications for consolidated hearing on stated issues.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Terry Lee Manafo d.b.a. Mark Anthony Communications Co. (MACC) and God's Station, Inc. (GSI).

2. *MACC.* MACC's proposed transmitter site will not provide a clear line of site path to part of Warren, Pennsylvania. Topographic maps and associated terrain profiles submitted with MACC's application revealed peaks on the 194 degree true bearing that could cause a degradation of coverage due to shadow loss.[1] Therefore, an appropriate issue will be specified.

3. MACC's local notice is deficient in that it fails to give the power, antenna height, transmitter location (not the coordinates) and the main studio location of the proposed station as required by § 73.3580 of the Commission's Rules. Moreover, this notice is required to be published, in a daily newspaper, two times a week for two weeks. Therefore, MACC will be required to republish the local notice and to file a statement of publication with the presiding Administrative Law Judge.

4. No determination has been reached that the tower heights and locations proposed by MACC and GSI would not constitute a hazard to air navigation. Accordingly, an issue will be specified.

5. *GSI.* GSI has not submitted an adequate description in narrative form of the programming service relating to the issues of public concern facing GSI's proposed service area. See *Deregulation of Radio*, 84 FCC 2d 968, 999 (1981). Accordingly, it will be necessary for the applicant to file an amendment with the presiding Administrative Law Judge.

6. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive they must be designated for hearing in a consolidated proceeding on the issues specified below.

[1] GSI filed an amendment on July 28, 1982 which did not correct this problem

8. Accordingly, *it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding*, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the proposal of MACC would provide coverage of the city sought to be served, as required by § 73.315 of the Commission's Rules, and, if not, whether circumstances exist which warrant a waiver of that Section.

2. To determine the areas and populations which would receive primary aural service (1 mV/m or greater in the case of FM) from each proposal and the availability of other primary service to such areas and populations.

3. To determine, with respect to MACC and GSI, whether there is a reasonable possibility that the tower heights and locations proposed would constitute a hazard to air navigation.

4. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

9. *It is further ordered*, That MACC shall publish a corrected local notice of its application in accordance with § 73.3580 of the Commission's Rules and so inform the Administrative Law Judge within 30 days of the release of this Order.

10. *It is further ordered*, That GSI shall file an amendment with the presiding Administrative Law Judge describing its proposed programming service relating to the issues of public concern facing its proposed service area within 30 days of the release of this Order.

11. *It is further ordered*, That the Federal Aviation Administration *is made a party respondent* to this proceeding with respect to issue 3.

12. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant § 1.1221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file

with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. *It is further ordered,* That the applicants herein shall, pursuant to Section 311(A)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Laurence E. Harris,

Chief, Mass Media Bureau.

[FR Doc. 83-7827 Filed 3-25-83; 8:45 am]

BILLING CODE 6712-01-M

Meeting of the Telecommunications Industry Advisory Group Steering Committee

Pursuant to Section 10(a)(2) of The Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group Steering Committee scheduled to meet on Monday, April 11, 1983. The meeting will be held at 9:30 a.m. in Conference Room A (10th Floor) at AT&T located at 1120 20th Street, NW., Washington, D.C. and will be open to the public.

The agenda is as follows:

I. Review of Minutes of Previous Meeting;

II. General Administrative Matters;

III. Plant Account Model;

IV. Consideration of Account Proposals;

V. Other Business;

VI. Presentation of Oral Statements; and

VII. Adjournment.

With prior approval of the Chairman, Gerald P. Vaughan, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Steering Committee objectives. Anyone not a member of the Steering Committee and wishing to make an oral presentation should contact Stephen T. Duffy, Group Vice-Chairman (202/634-1509), at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-7820 Filed 3-25-83; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review.

On March 18, 1983 the Federal Communications Commission submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of this submission are available for Richard D. Goodfriend, Agency Clearance Officer, (202) 632-7513. Comments should be sent to Edward H. Clarke, Office of Management and Budget, OIRA, Room 3201 NEOB, 726 Jackson Place, NW., Washington, D.C. 20503.

Title: Radiocommunication Traffic Statistics of the Maritime Mobile Service.

Action: New (Nonrecurring).

Respondents: Licensees of coast (Public and Limited) stations in the Maritime Mobile Service.

Estimated Annual Burden: 2,000 Responses; 2,000 Hours.

This one-time report for traffic statistics is part of an international planning effort in which the U.S. is participating. The data will be used is studies related to the implementation of an international digital selective calling system. Response is voluntary.

Dated: March 21, 1980.

William J. Tricarico,

Secretary, Federal Communication Commission.

[FR Doc. 83-7821 Filed 3-25-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group; Definitions and Rules Subcommittee Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group's Definitions and Rules Subcommittee scheduled to meet on Tuesday, April 19, 1983. The meeting will be held at 9:30 a.m. in the offices of the Federal Communications Commission, Room 311, at 1919 M Street, NW., Washington, D.C. and will be open to the public. The agenda is as follows:

I. General Administrative Matters;

II. Review of Minutes of Previous Meeting;

III. Discussion of Individual Assignments;

IV. Other Business;

V. Presentation of Oral Statements; and

VI. Adjournment.

With prior approval of Subcommittee Chairman John Utzinger, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Utzinger (203/965-2830) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-7819 Filed 3-25-83; 8:45 am]

BILLING CODE 6712-01-M

Wolfeboro Broadcasting Corp. et al.; Hearing

Hearing Designation Order

Adopted: March 10, 1983.
Released: March 16, 1983.

In re applications of; Wolfeboro Broadcasting Corp., Wolfeboro, New Hampshire, MM Docket No. 83-207, File No. BPH-810622AO, Req: 104.9 MHz, Channel 285A, .12 kW (H&V), 1214 feet; Radio Wolfeboro, Inc., Wolfeboro, New Hampshire, MM Docket No. 83-208, File No. BPH-811027AK, Req: 104.9 MHz, Channel 285A, .13 kW (H&V), 1177 feet; Fifth Estate, Inc., Wolfeboro, New Hampshire, MM Docket No. 83-209, BPH-811028AG, Req: 104.9 MHz, Channel 285A, 3.0kW (H&V), 300 feet; designating applications for consolidated hearing on stated issues.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Wolfeboro Broadcasting Corp. (Wolfeboro), Radio Wolfeboro, Inc. (Radio) and The Fifth Estate, Inc. (Fifth Estate).

2. Data submitted by the applicants indicate that there would be significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service of 1mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants.

3. *Radio.* Radio seeks to amend its application to report the transfer of 241

shares of stock from Alan Severy to Sharon Severy. Because the transfer occurred after the "B" cut-off date, both Wolfeboro and Fifth Estate oppose the acceptance of the amendment for any purpose other than to show compliance with § 1.65 of the Rules. In this regard, the parties recognize that acceptance of the proffered amendment will improve the comparative position of Radio because of its impact on the integration of ownership criteria. As a general rule, a late-filed amendment will not be accepted if it improves the comparative position of the petitioner. *Flower City Television Corp.*, 4 FCC 2d 384 (1966). However, post cut-off amendments which report the culmination of events previously begun and previously reported have been accepted notwithstanding the general policy against such amendments which improve the comparative standing of an applicant. *Bie Broadcasting Co.*, 44 RR 2d 1346 (ALJ 1978) citing *Dover Broadcasting Co., Inc.*, 4 RR 2d 248 (Rev. Bd. 1965). In *Bie Broadcasting Co., supra.*, and applicant's amendment was accepted where the applicant had reported in prior amendments (1) that a contract for sale of the station in question had been signed, and (2) that an application for transfer of control had been filed, and the amendment reported a culmination of the events which had began and which were reported prior to designation. We now have before us a similar set of facts. On June 1, 1982, the last day of the "B" cut-off, Radio filed an amendment which, *Inter alia*, indicated that it contemplated effectuating a change in ownership in which 241 shares of stock would be transferred from Alan Severy to Sharon Severy, his wife. On June 1, 1982, the last day of the "B" cut-off, Radio filed a transfer application with the Commission to effectuate its proposal. The transfer application was granted on June 18, 1982, and on July 19, 1982 Radio filed a "motion for leave to amend" its application to reflect the ownership change which was effectuated on July 12, 1982. We find that the instant amendment, which is required by 1.65 of the Commission's Rules for purposes of keeping the information in the application current, merely reported the culmination of affirmative steps taken prior to the "B" cut-off date to effect the proposed change in ownership. According, Radio's petition for leave to amend will be granted and the amendment accepted even for comparative purposes.

4. *Other Matters.* On June 1, 1982, Radio filed an engineering amendment specifying an increase in its effective radiated power to .20 kilowatts, extending its 60 dBu contour to 14.5 miles. Because the amendment is not in compliance with the Candian-United States Working Agreement (concerning power versus height curves for class A, B, and C FM stations), or the policy established thereunder, and the Agreement does not provide for Commission requests for Canadian consent, Radio's request will be denied and the engineering amendment dismissed.

5. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, *it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding*, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. *It is further ordered*, That the engineering amendment filed by Radio Wolfeboro, Inc. is dismissed.

8. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Laurence E. Harris,

Chief, Mass Media Bureau.

[FR Doc. 83-7822 Filed 3-25-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T-4098.

Title: Oakland/Atlas Terminal Use Agreement.

Parties: Port of Oakland (Port)/Atlas Shipping Ltd. (Atlas).

Synopsis: Agreement No. T-4098 provides that Atlas will have the nonexclusive right to certain assigned premises at Port's Outer Harbor Terminal for the berthing, loading, discharging and related operations of Atlas' vessels and others. The term of the agreement is for three years.

Filing Party: John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London, Square, P.O. Box 2064, Oakland, California 94604.

Agreement No.: T-4099.

Title: Los Angeles/B-C Terminals Agreement.

Parties: City of Los Angeles (City)/B-C Terminals (B-C).

Synopsis: Agreement No. T-4099 provides for the use by B-C of certain premises at the Port of Los Angeles for the operation of a marine terminal, with compensation to be based on a sharing of revenue. The term of the agreement is for two years.

Filing Party: Gerald F. Swan, Deputy City Attorney, Office of City Attorney, Harbor Division, P.O. Box 151, San Pedro, California 90731.

Agreement No.: 8054–20.

Title: South and East Africa/U.S.A. Conference.

Parties: Hellenic Lines Ltd.; Lykes Bros. Steamship Co., Inc.; Moore-McCormack Lines, Inc.; South African Marine Corp. Ltd.

Synopsis: The basic agreement would be amended to reduce the non-reimbursable admittance fee from $25,000.00 to $10,000.00.

Filing Party: Charles F. Fischer, Chairman, South and East Africa/U.S.A. Conference, 19 Rector Street, New York, N.Y. 10006.

Agreement No.: 9615–37.

Title: Iberian/U.S. North Atlantic Freight Conference.

Parties: Costa Line, Dart Containerline, Egyptian National Line, Farrell Lines, Inc., Hapag Lloyd, Italian Line, Sea-Land Service, Inc., and Zim Israel Navigation Co., Ltd.

Synopsis: The basic agreement would be amended to: (1) Clarify that alternate port service by water may be performed between any ports within the scope of the Agreement; and (2) permit the member lines, by unanimous vote, to authorize alternate port service by land between ports in Spain and Portugal in addition to those ports between which alternate port service is now authorized.

Filing Party: Karen S. Ostrow, Attorney, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, NW., Washington, D.C. 20006.

By Order of the Federal Maritime Commission.

Dated: March 23, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83–7909 Filed 3–25–83; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Acquistion of Bank Shares by Bank Holding Companies; BancTexas Group, Inc., et al.

This companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of facts that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *BancTexas Group, Inc.*, Dallas, Texas; to acquire 100 percent or the voting shares or assets of The Standard Bank, Houston, Texas. Comments on this application must be received not later than April 20, 1983.

2. *United Bankers, Inc.*, Waco, Texas; to acquire 54.85 percent of the voting shares of Farmers State Bank of Madisonville, Texas, Madisonville, Texas. Comments on this application must be received not later than April 21, 1983.

B. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary), Washington, D.C. 20551:

1. *IntraWest Financial Corporation*, Denver, Colorado; to acquire 100 percent of the voting shares or assets of IntraWest Bank of Highlands Ranch, N.A. (in organization). This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than April 21, 1983.

2. *Mercantile Bancshares Corporation*, Baltimore, Maryland; to acquire 100 percent of the voting shares or assets of County Banking and Trust Company, Elkton, Maryland. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Richmond. Comments on this application must be received not later than April 21, 1983.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83–7920 Filed 3–25–83; 8:45 am]

BILLING CODE 6210–01–M

Bank Holding Companies; Proposed de Novo Nonbank Activities; CBT Corp. et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

a. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts, 02106:

1. *CBT Corporation*, Hartford, Connecticut (fiduciary and trust activities; Florida): To engage, through its subsidiary, CBT Trust Company of Florida, N.A., in the functions and activities that may be performed by a trust company including acting in any fiduciary capacity and in other incidental activities necessary to conduct a general trust company business. These activities will be conducted from an office in West Palm Beach, Florida, serving the State of Florida. Comments on this application must be received not later than April 20, 1983.

B. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Chase Manhattan Corporation*, New York, New York (mortgage banking and related lending and insurance activities; Texas): To engage through its subsidiary, Chase Home Mortgage Corporation, in the making or acquiring for its own account or for the account or others, loans and other extensions of credit for any person, selling mortgage life insurance, accident and health insurance and disability insurance

directly related to such lending and servicing activities. These activities will be conducted from an office located in Clear Lake City, Texas, serving Texas, including the counties of Harris, Galveston, Brazoria and Fort Bend. Comments on this application must be received not later than April 18, 1983.

2. *The Chase Manhattan Corporation,* New York, New York (mortgage banking and related lending and insurance activities; Texas): To engage through its subsidiary Chase Home Mortgage Corporation, in the making or acquiring for its own account or for the account of others, loans and other extensions of credit for any person, selling mortgage life insurance, accident and health insurance and disability insurance directly related to such lending and servicing activities. These activities will be conducted form an office in Dallas, Texas, serving the State of Texas, including the counties of Dallas, Tarrant, Collin, Ellis, and Rockwell. Comments on this application must be received not later than April 18, 1983.

3. *The Chase Manhattan Corporation,* New York, New York, (mortgage banking and related lending and insurance activities; Florida): To engage through its subsidiary, Chase Home Mortgage Corporation, in the making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by real estate, including but not limited to, first and second mortgage loans secured by mortgages on one-to-four family residential properties, servicing loans and other extensions of credit for any persons, selling mortgage loans in the secondary market, and offering mortgage term life insurance, accident and health insurance and disability insurance directly related to such lending and servicing activities. These activities will be conducted from an office in Orange Park, Florida, serving northeast Florida including Clay, St. Johns, Putnam, Bradford, Alachua, and western Duval Counties. comments on this application must be received not later than April 18, 1983.

4. *Key Banks Inc.,* Albany, New York (servicing loans and other extensions of credit, data processing and data transmission services; New York, Maine): To engage, through it subsidiary, Key Services Corporation, in the servicing of loans and other extensions of credit, in providing bookkeeping services, and in storing and processing banking, financial or related data for nonaffiliated banking organizations and others. Key Services Corporation would also engage in providing data processing and data transmission services for the internal operations of the holding company or its subsidiaries and for nonaffiliated banking organizations and others. The activities would include performing accounts receivable or payable or billing services in connection with the debit and/or credit card operations of banks, providing a point-of-sale and automated teller machine network and communication switching and settlement services for subsidiaries of Applicant, and other banks and thrift institutions; creating and maintaining appropriate computer records of bank merchant and cardholder customers, posting transactions, preparing and reconciling statements, mailing statements, producing and mailing debit and/or credit cards, providing authorization service to merchants, and handling normal customer and merchant inquiries and problems. These activities would be conducted from an office in Albany, New York, serving the State of New York and Maine. Comments on this application must be received not later than April 21, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Hawkeye Bancorporation,* Des Moines, Iowa (mortgage lending and servicing activities; serving Iowa and contiguous areas in Nebraska and South Dakota): To establish *de novo* offices at the following locations: Cedar Rapids, Iowa, serving Linn County, Iowa and contiguous counties; Sioux City, Iowa, serving Woodbury County, Iowa and contiguous counties; Des Moines, Iowa, serving Polk County, Iowa and contiguous counties; Burlington, Iowa, serving Des Moines County, Iowa and contiguous counties; Ankeny, Iowa, serving Polk County, Iowa and contiguous counties; Council Bluffs, Iowa, serving Pottawatamie County, Iowa and contiguous counties, at which Hawkeye Bancorporation will engage indirectly through its existing subsidiary Hawkeye Mortgage Company in mortgage lending, servicing and related activities currently authorized by the Federal Reserve Board to be conducted from its prinicpal office in West Des Moines, Iowa. Comments on this application must be received not later than April 11, 1983.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation* ("Northwest"), Minneapolis, Minnesota (financing and insurance activities; California): To continue to engage, through its subsidiary, Dial Finance Company of California ("Dial Finance/California"), in the activity of consumer finance, and in the sale of credit life, credit accident and health, and property and casualty insurance, directly related to extensions of credit by said subsidiary; and to engage *de novo,* through its Dial Finance/California subsidiary, in the activity of commercial finance. Dial Finance/California engaged in consumer finance and the above credit-related insurance activities in California at the time of its acquisition by Northwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn- St Germain Depository Institutions Act of 1982. This application is for the relocation of an existing office in Monterey, California, to Salinas, California and requests permission to engage *de novo* in the activity of commercial finance from said office, as relocated. Upon relocation, this office will serve Salinas, California. Comments on this application must be received not later than April 11, 1983.

2. *Northwest Bancorporation* ("Northwest"), Minneapolis, Minnesota (financing and insurance activities, New Jersey and Pennsylvania): To continue to engage, through its subsidiary, Dial Finance Company of New Jersey, Inc. ("Dial Finance/New Jersey"), in the activity of consumer finance and in the sale of credit life, and credit accident and health insurance, directly related to extensions of credit by said subsidiary, and to engage *de novo,* through its Dial Finance/New Jersey subsidiary, in the activity of commercial finance. Dial Finance/New Jersey engaged in consumer finance and the above credit-related insurance activities in New Jersey at the time of its acquisition by Northwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn- St Germain Depository Institutions Act of 1982. This application is for the relocation of an existing office in Pennsauken, New Jersey, to Marlton, New Jersey; and requests permission to engage *de novo* in the activity of commercial finance from said office, as relocated. Upon relocation, this office will serve Marlton, the nearby suburbs of Camden, New Jersey, and Philadelphia, Pennsylvania. Comments on this application must be received not later than April 11, 1983.

3. *Northwest Bancorporation* ("Northwest"), Minneapolis, Minnesot

(financing and insurance activities; California): To continue to engage, through its subsidiary, Dial Finance Company of California ("Dial Finance/California"), in the activity of consumer finance, and in the sale of credit life, credit accident and health, and property and casualty insurance, directly related to extensions of credit by said subsidiary; and to engage *de novo*, through its Dial Finance/California subsidiary, in the activity of commercial finance. Dial Finance/California engaged in consumer finance and the above credit-related insurance activities in California at the time of its acquisition by Northwest, which acquisition occurred pursuant to a binding written contract entered into on or before May 1, 1982, thereby rendering said activities permissible under the terms of Section 601(D) of the Garn- St Germain Depository Institutiions Act of 1982. This application is for the relocation within the same city of an office in Oxnard, California; and requests permission to engage *de novo* in the activity of commercial finance, as relocated. Upon relocation, this office will serve Oxnard, California. Comments on this application must be received not later than April 11, 1983.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *United Banks of Colorado, Inc.*, Denver, Colorado (finance, insurance; Colorado): To establish a *de novo* office of its subsidiary, United Financial Centers, Inc., to be engaged in making or acquiring for its own account, loans or other extensions of credit, such as would be made or acquired by a finance company; servicing loans and other extensions of credit and offering credit related life and credit related health and accident insurance; such activities will include, but not be limited to making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses and making loans and other extensions of credit secured by real property; in Golden, Colorado, serving central Jefferson County, Colorado including contiguous portions of the cities of Wheatridge, Lakewood and Golden, Colorado. Comments on this application must be received not later than April 20, 1983.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7925 Filed 3-25-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed Acquisition of Datatel of Florida, Inc.; City National Bank Corp.

City National Bank Corporation, Miami, Florida, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Datatel of Florida, Inc., Alexandria, Virginia.

Applicant states that the proposed subsidiary would engage in the activity of data processing. These activities would be performed from an office of Applicant's subsidiary in Miami Lakes, Florida, and the geographic areas to be served are south and central Florida. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 20, 1983.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7922 Filed 3-25-83; 8:45 am]

BILLING CODE 6210-01-M

Merger of Bank Holding Companies; Community Bancorp, Inc.

Community Bancorp, Inc., Manchester, Missouri, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with B.O.B. Financial Corporation, Bismark, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors of the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 20, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7923 Filed 3-25-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed Acquisition of Lenders Life Insurance Company; Continental Bancorp, Inc.

Continental Bancorp, Inc., Philadelphia, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to transfer voting shares of Lenders Life Insurance Company, Phoenix, Arizona from its banking subsidiary to Applicant.

Applicant states that the proposed subsidiary would engage in the activities of reinsurer of credit-related life and disability insurance. These activities would be performed from offices of Applicant's subsidiary in Phoenix, Arizona, and the geographic area to be served is southeastern Pennsylvania. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question

must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 21, 1983.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7924 Filed 3-25-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; County Bancorp, Inc. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *County Bancorp, Inc.*, Montrose, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of County National Bank of Montrose, Montrose, Pennsylvania. Comments on this application must be received not later than April 20, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Tuskaloosa Corporation*, Tuscaloosa, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Tuskaloosa, Tuscaloosa, Alabama. Comments on this application must be received not later than April 19, 1983.

2. *The Flagler Bank Corporation*, West Palm Beach, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Flagler National Bank of The Palm Beaches, West Palm Beach, Florida. Comments on this application must be received not later than April 20, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Farmers Investment Corporation*, Little Rock, Arkansas; to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers Bank and Trust Company, Clarksville, Arkansas. Comments on this application must be received not later than April 21, 1983.

2. *The Peoples Holding Company*, Tupelo, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of The Peoples Bank & Trust Company, Tupelo, Mississippi. Comments on this application must be received not later than April 21, 1983.

3. *Security Financial Corp.*, Starkville, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of Security State Bank, Starkville, Mississippi. Comments on this application must be received not later than April 21, 1983.

D. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *American National Bancshares, Inc.*, Baxter Springs, Kansas; to become a bank holding company by acquiring 80 percent of the voting shares of American National Bank, Baxter Springs, Kansas. This application may be inspected at the offices of the Board of Governors of the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than April 21, 1983.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7921 Filed 3-25-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Administrator

Advisory Board; Subcommittee on Contracting; Meeting

Notice is hereby given that the meeting of the GSA Advisory Board's Subcommittee on Contracting, scheduled for March 29, 1983, in Boston, Massachusetts, has been postponed. This meeting was previously announced in the **Federal Register** and will be rescheduled (48 FR 12136, March 23, 1983).

For further information, contact Roger C. Dierman, Deputy Associate Administrator, on (202) 523-1141.

Charles S. Davis III,

Associate Administrator.

[FR Doc. 83-7927 Filed 3-25-83; 8:45 am]

BILLING CODE 6820-26-M

Advisory Board; Subcommittee on Supply and Distribution; Meeting

Notice is hereby given that the GSA Advisory Board's Subcommittee on Supply and Distribution will meet on April 8, 1983, from 10:00 a.m. to 4:30 p.m. in Room 328 of the John W. McCormack Post Office/Courthouse, located on Post Office Square, Boston, Massachusetts 02109. This session will be devoted to discussions of matters relating to the agency's efforts to improve service to the Federal Government, particularly in the provision of common use supplies and non-personal services.

Less than fifteen (15) days notice is being given due to scheduling difficulties.

For further information, contact Roger C. Dierman, Deputy Associate Administrator, on (202) 523-1141.

Charles S. Davis III,

Associate Administrator.

[FR Doc. 83-7928 Filed 3-25-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Immunization Practices Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: April 19-20, 1983.

Place: Conference Room 207, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

Time: 8:30 a.m.,

Type of Meeting: Open.

Contact Person: Jeffrey P. Koplan, M.D., Executive Secretary of Committee, Centers for Disease Control (1–2035), 1600 Clifton Road, N.E., Atlanta, Georgia 30333; telephones: FTS: 236–3703, Commercial: 404/329–3703.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.

Agenda: The Committee will review and discuss its recommendations on vaccine usage for adult immunizations, "(*Haemophilus influenzae*, hepatitis B, Japanese B encephalitis, smallpox, and pertussis; for varicella-zoster immune globulin in the prevention of chickenpox; and will consider other matters of relevance among the Committee's objectives.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: March 21, 1983.

Walter R. Dowdle,

Acting Director, Centers for Disease Control.

[FR Doc. 83–7891 Filed 3–25–83; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Intent To Prepare an Environmental Impact Statement on the Proposed Construction of a Sports Stadium Near Firebird Lake on Gila River Indian Community Lands, Maricopa County, Arizona

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: This notice advises the public that the Bureau intends to gather information necessary for the preparation of an Environmental Impact Statement (EIS) for the proposed construction of a sports stadium near Firebird Lake on Gila River Indian Community Lands, Maricopa County, Arizona. Public meetings regarding this proposal and preparation of this EIS will also be held. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

The public meetings will be held on March 28 and April 12, 1983 at the Pima-Chandler Industrial Park, 7125 Allison (exit I–10 to Maricopa Road north; north to industrial park at 7125 Allison).

FOR FURTHER INFORMATION CONTACT: Robert Berger, Environmental Protection Specialist, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona 85011, telephone (602) 241–2275.

SUPPLEMENTARY INFORMATION: The EIS will evaluate the impacts associated with the development and construction of an 80,000 seat sports stadium in central Arizona. The site is located on the Gila River Indian Community, approximately 12 miles south of the Phoenix Sky Harbor Airport. The proposed action includes design and construction of a sports stadium and design and construction of ancillary facilities including roadways and parking lots. Alternatives to be considered include the "no action" alternative, alternative access, and alternative sites. Scoping meetings to identify issues to be evaluated in the EIS will be held at the Pima-Chandler Industrial Park, 7125 Allison, at 7:30 p.m. on March 28 and April 12, 1983. Significant issues to be covered during the scoping process include cultural resource investigations, future land uses and potential socioeconomic changes to the area.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. et seq.), Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and Department of the Interior procedures (516 DM 1–6) for compliance with those regulations.

We estimate the Draft EIS will be available for public review in approximately three months. This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: March 23, 1983.

John W. Fritz,

Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 83–7867 Filed 3–25–83; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[ES 14330]

Florida: Termination of Proposed Withdrawal and Reservation of Land

Notice of the Department of the Interior, Fish and Wildlife Service application ES 14330 for withdrawal and reservation of the following described land from all forms of appropriation under the public land laws except the mineral leasing laws, was published as FR Doc. 76–20093 on page 28808 of the **Federal Register**, on July 12, 1976, and republished as FR Doc. 77–24218, on page 42255 of the **Federal Register** of August 19, 1977. The applicant has canceled the application in its entirety.

Tallahassee Meridian, Florida

T. 44 S., R. 21 E.,
Sec. 6: Lot 4;
Sec. 7: Lot 10.

Containing 57.87 acres, located on Punta Blanca Island, approximately one mile north of Bird Island, the northermost island of the Pine Island National Wildlife Refuge.

Pursuant to the regulations contained in 43 CFR 2310.2–1(c), these lands shall at 7:30 a.m. on April 27, 1983 be relieved of the segregative effect resulting from the above referenced publications.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83–7890 Filed 3–25–83; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Outer Continental Shelf; Proposed Lease Sale of Polymetallic Sulfide Minerals in the Gorda Ridge; Intent To Prepare an Environmental Impact Statement

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of intent to prepare an environment impact statement.

SUMMARY: Notice is hereby given that an environmental impact statement (EIS) will be prepared for a proposed lease sale of metalliferous sulfides (hereinafter referred to as polymetallic sulfide minerals) associated with the Gorda Ridge on the Outer Continental Shelf (OCS) in the Pacific Ocean offshore of California and Oregon. The lease sale is planned to be held in the second quarter of calendar year 1984.

Federal, State, or local Government Agencies, public interest groups, and members of the public having questions or comments on the EIS and the leasing proposal, and others wishing to assist the Minerals Management Service (MMS) in determing the scope of the EIS should contact the individuals named below.

ADDRESSES: Written comments on the scope of the EIS should be submitted to: Jeffrey Zippin, Minerals Management Service, Department of the Interior, Mail Stop 644, 12203 Sunrise Valley Drive,

Reston, Virginia 22091, telephone (703) 860–6461.

FOR FURTHER INFORMATION CONTACT: Michael Cruickshank, Minerals Management Service, Department of the Interior, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (703) 860–7571.

SUPPLEMENTARY INFORMATION: Pursuant to 40 CFR 1501.7 of the Regulations for Implementation of the Procedural Provision of the National Environmental Policy Act (NEPA) of 1969, the MMS is announcing its intent to prepare an EIS for leasing polymetallic sulfide minerals on the OCS in the area of the Gorda Ridge offshore of California and Oregon. The EIS analysis will focus on leasing alternatives and their potential environmental effects and will discuss exploration and development activities considering alternative scenarios for extraction, transportation, and processing of polymetallic sulfide ores.

Section 8(k) of the OCS Lands Act, 43 U.S.C. 1337, authorizes the Secretary to grant leases for minerals other than oil, gas, and sulphur on the OCS. The National Minerals Policy Research and Development Act of 1980 (Pub: L. 96–479) requires, among other things, that responsible agencies assist in the pursuit of measures to assure the availability of critical materials and promote and encourage private enterprise in the development of economically sound and stable domestic materials industries. Polymetallic sulfides represent potential sources of eight critical minerals. The proposed leasing action is consistent with the aforementioned laws and with the Secretary's announced program of January 19, 1982 for hardrock mineral leasing activities in U.S. offshore areas.

The proposed lease sale of polymetallic sulfide minerals is scheduled for the second quarter of calendar year 1984.

The proposed lease sale area is bounded by the coordinates: 45° N latitude, 125° W longitude; 45° N latitude, 129° W longitude; 40° N latitude, 125° W longitude; 40° N latitude, 120° W longitude, exclusive of the areas beyond 200 nautical miles from the baselines from which the width of the territorial sea of the United States is measured. Maps showing this location are available for inspection at the Pacific OCS Region, 1340 West Sixth Street, Room 160, Los Angeles, California, and at the MMS Reston addresses listed above.

The Gorda Ridge is an active seafloor spreading center located between 160 and 330 kilometers off the coasts of northern California and Oregon. The Gorda Ridge trends in a NE–SW direction for approximately 334 kilometers. The ridge is terminated in the south by the Mendocino Fracture Zone (approximately 40° 30′ N latitude, 127° 30′ W longitude) and in the north by the Blanco Fracture Zone (approximately 43° N latitude, 126° 30′ W longitude). A prominent axial rift valley extends along the crest of the Gorda Ridge. At the northern end of the ridge, the rift valley is located in a maximum water depth of approximately 3,500 meters or 1,000 meters below the crest height of the ridge. A 250-meter high ridge is located within the rift valley and is interpreted to be the site of active volcanism. The rift valley is flanked by steep valley walls and is located along normal faults. Available information indicates that the width of the rift valley varies from 7 kilometers at the northern-most extension to less than 2 kilometers at a distance of 24 kilometers south of the Blanco Fracture Zone.

Polymetallic sulfides are potential sources of copper, silver, cadmium, iron, molybdenum, lead, vanadium, zinc, chromium, barium, strontium, gold, and platinum. The minerals may exist in ore-forming fluids rising from hydrothermal vents in the seabed, sulfide-bearing sands and muds, crusts of metalliferous oxides and sulfides, or stacks and other massive formations on or beneath the surface of the seabed. The form of the minerals will probably dictate the selection of the technology which would be employed to recover a particular polymetallic sulfide ore. Recovery technologies exist for each of these forms of ore deposit on land and may admit of their exploitation at these water depths. The extent of mineralization in the proposed lease area is unknown.

The Department of the Interior (DOI) is contemplating offering interested parties the opportunity to acquire, through competitive bidding, leases on tracts in the area of the Gorda Ridge for the recovery of polymetallic sulfide minerals. Tracts will be designed to be of an appropriate size to conduct exploration activities. If, during the exploration phase, exploration activities result in discoveries of commercially producible quantities of sulfide minerals, it is anticipated that, as a condition of pursuing the development and mining phases, lessees may be required to submit development and mining plans for those portions of the lease that they wish to develop. The remainder of the leased area may be required to be returned by the lessee and retained by DOI for subsequent reoffering. Proposals to extract minerals from the OCS as described in a mining plan would be subject to review under NEPA and other applicable laws prior to approval by MMS.

Alternatives and Leasing Options Under Consideration

The MMS is presently considering alternatives for analysis in the EIS. These include:

Alternative 1: No Action—Do not lease polymetallic sulfide minerals at this time.

Alternative 2: Delay Sale—Await the results of further studies of the Gorda Ridge area.

Alternative 3: Hold a lease sale for polymetallic sulfide minerals in the Gorda Ridge area.

The MMS is examining several issues with regard to leases for polymetallic sulfide mineral exploration, development, and mining including:

Lease Patterns:

- Lease all of the Gorda Ridge leasing area to a single high bidder.
- Subdivide the leasing area into multiple tracts for bidding.
- Offer leases in a checkerboard pattern with DOI retaining alternate tracts.
- Other lease patterns.

Lease Terms:

- Fixed term or variable term.
- Maximum exploration phase of 5 years, longer, or less.
- Maximum development phase of 5 years, longer, or less.
- Maximum production phase for the life of production or less.
- Criteria for return of leased lands not included in development or mining plans.
- Other terms.

Lease Conditions:

- Fixed rental.
- Variable rental according to operating phase.
- Lease sale bonus only.
- Lease sale bonus and deferred bonus contingent upon development.
- Fixed or sliding scale royalty.
- Fixed or variable net profit share.
- Other lease conditions.

The MMS invites written comments and suggestions on the scope of the EIS to be prepared for this lease sale and on the options for leasing polymetallic sulfide minerals. Comments will be used in defining the scope of the EIS. Comments, submitted to the address listed above, must be postmarked or received by May 27, 1983, in order to be considered in the EIS.

Dated: March 18, 1983.

Harold Daley,

Director, Minerals Management Service.

[FR Doc. 83-7880 Filed 3-25-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Offshore Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS 0406 and 0407, Block 82, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 21, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-7817 Filed 3-25-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Designation of Wilderness; Isle Royale National Park

The Act of October 20, 1976, 90 Stat. 2692, designated 131,880 acres of Isle Royale National Park, plus 20 potential wilderness additions comprising 231 acres, to be known as the Isle Royale Wilderness. These wilderness designations are depicted on a map entitled "Wilderness Plan, Isle Royale National Park, Michigan," numbered 139-20004 and dated December 1974 (revised and known as "Isle Royale Wilderness, Isle Royale National Park, Michigan," numbered 139-20004, sheet 2 of 4 through 4 of 4 dated June 1978). Section 3 of the Public Law directed the Secretary of the Interior to designate the potential wilderness additions as wilderness by publication of a Notice in the **Federal Register** when all uses thereon that are prohibited by the Wilderness Act had ceased.

Two of the 20 areas in Isle Royale National Park that have been identified for potential wilderness designations consist of two corridors in Segment 2. Both corridors, one of 72 and the other of 66 acres, contained an overhead powerline. The powerline was abandoned in the spring of 1980. During the summer of 1982, the powerline was dismantled and removed.

In that these activities fully comply with the instructions contained in the Act of October 20, 1976, this Notice hereby designates 138 of 231 acres of potential wilderness additions in Isle Royale National Park as components of the National Wilderness Preservation System. This action increases the total of designated Isle Royale wilderness to 132,018 acres.

Dated: March 18, 1983.

James G. Watts,

Secretary.

[FR Doc. 83-7833 Filed 3-25-83; 8:45 am]

BILLING CODE 4310-70-M

Women's Rights National Historical Park; Meeting

AGENCY: National Park Service, Women's Rights National Historical Park; Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of Women's Rights National Historical Park Advisory Commission. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES:

April 18, 1983, 9:00 a.m.—4:00 p.m.
April 19, 1983, 8:30 a.m.—3:00 p.m.
Community Forum: April 18, 4:00 p.m.—6:00 p.m.

ADDRESS: Women's Rights National Historical Park, 116 Fall Street, P.O. Box 70, Seneca Falls, New York 13148.

FOR FURTHER INFORMATION CONTACT: Judy Hart, Superintendent, Women's Rights National Historical Park, 116 Fall Street, P.O. Box 70, Seneca Falls, New York 13148, (315) 568-2991.

SUPPLEMENTARY INFORMATION: The Advisory Commission was established by Pub. L. 96-607 to meet, consult and advise the Secretary with respect to matters relating to the administration of the Park. The agenda for this meeting will include: (1) Park progress to date, (2) Park issues discussion, (3) Park outreach discussion.

Community residents are encouraged to join our Open Forum on April 18 from 4:00 p.m.—6:00 p.m. to discuss local and national issues. The Open Forum will be held in the Park Office at 116 Fall Street, Seneca Falls.

The meeting will be open to the public. Facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file with the Commission a written statement concerning agenda items to be discussed. The statement should be addressed to the Commission, c/o Women's Rights National Historical Park, P.O. Box 70, Seneca Falls, New York 13148.

Minutes of the meeting will be available for inspection six weeks after the meeting at the same address above. The facility at which the meeting will be held is physically accessible. If interpretive services are requested by deaf or hearing impaired individuals, they will be provided if notification is received within five working days before the meeting, at the Park office.

Dated: March 17, 1983.

Steven H. Lewis,

Acting Regional Director.

[FR Doc. 83-7832 Filed 3-25-83; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Oregon; Amendment of Wilderness Inventory Decisions

AGENCY: Office of the Secretary, Interior.

ACTION: Amendment of Wilderness Inventory Decisions.

SUMMARY: This notice designates 3 areas totaling 7,379 acres for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA) or for consideration for other forms of protective management. This notice also amends previous wilderness inventory decisions by the Bureau of Land

Management for lands in Oregon, eliminating all or part of 29 wilderness study areas (WSA). The total area eliminated from WSA status under Section 603 of FLPMA is 147,930 acres. The total area returned to the full range of multiple uses other than wilderness is 152,493 acres.

EFFECTIVE DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Oregon State Director, Bureau of Land Management, Post Office Box 2965, 825 N.E. Multnomah Street, Portland, Oregon 97208, telephone (503) 231–6823.

Amendment of Wilderness Inventory Decisions

This notice completes the action necessary with respect to Bureau of Land Management (BLM) wilderness study areas in Oregon to bring the BLM wilderness review into compliance with recent decisions of the Interior Board of Land Appeals. Previous action on this subject was published in the **Federal Register** on December 30, 1982 (47 FR 58372).

Section 1 Consideration for Protective Management

The three areas listed in Table 1, totaling 7,379 acres, have been designated for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA) or for consideration for other forms of protective management. These areas were formerly identified as wilderness study areas under Section 603 of FLPMA. They were eliminated from that category on December 30, 1982.

Section 2 Split-Estate Lands

A. "Split-estate" lands are lands where the Federal Government owns the surface but where the subsurface mineral estate is nonfederally owned. Split-estate lands were improperly identified for wilderness study under Section 603 of FLPMA; that error is corrected by this decision.

B. The boundaries and acreages of the wilderness study areas listed in Table 2 are modified, effective upon publication of this decision in the **Federal Register**, to delete split-estate lands and certain other public lands. The deleted lands consist of: (1) Scattered tracts of split estate located within WSA's, (2) tracts of split estate located on the periphery of WSA's, and (3) tracts that are ot split estate but are isolated from the main body of the WSA by deletion of the split estate and no longer qualify for wilderness study under section 603 because they are smaller than 5,000 acres. Only the indicated acreage is eliminated from wilderness study. The remainder of the WSA remains under wilderness study, and the boundary change does not affect the BLM's previously adopted conclusions as to the presence of wilderness characteristics in the remaining WSA.

C. In one wilderness study area, deletion of the split estate affects the BLM's previously adopted conclusions as to the presence of wilderness characteristics in the remaining lands. The decision on this WSA follows.

WSA Name: Alvord Desert
Number: OR–2–74
Old WSA Acreage: 212,500
Acres Split Estate Deleted: 30,700
Acres Non-Split Estate Deleted: 77,200
Revised WSA Acreage: 104,600
Counties: Harney and Malheur

Within the Alvord Desert WSA are 30,700 acres of split estate. Some of the split estate is located in a swath where split-estate parcels alternate in a checkerboard pattern with non-split estate. This checkerboard swath divides the WSA into two tracts containing more than 5,000 acres—one of 109,100 acres on the west and another of 44,100 acres on the east. In addition, deletion of split estate creates a number of small, isolated parcels of non-split estate, each containing less than 5,000 acres and therefore not qualifying for wilderness study under section 603; the total acreage of these isolated parcels is 28,600. Deletion of split estate also creates narrow fingers of public land, containing a total of 4,500 acres, projecting from the western tract; because of their narrow configuration, these fingers do not offer outstanding opportunities for solitude or for primitive and unconfined recreation. The remaining 104,600 acres in the western tract are in an essentially natural condition and offer outstanding opportunities for solitude and for primitive and unconfined recreation. The 44,100-acre tract east of the checkerboard swath does not offer outstanding opportunities for solitude or for primitive and unconfined recreation.

Accordingly, effective upon publication of this decision in the **Federal Register**, the following lands are deleted from wilderness study area status:

	Acres
Split estate	30,700
Isolated parcels smaller than 5,000 acres	[illegible]
Narrow fingers projecting from western tract	4,500
Eastern tract	44,100
Total	107,900

An area of 104,600 acres in the western tract is retained as a wilderness study area because it is in an essentially natural condition and offers outstanding opportunities for solitude and for primitive and unconfined recreation.

Section 3 Contiguous Areas

The area listed in Table 3 is deleted from the status of wilderness study area, effective upon publication of this decision in the **Federal Register**. These are lands that were improperly identified for wilderness study under Section 603 of FLPMA. This area was found not to have wilderness characteristics by itself, but was found to have those characteristics in association with a contiguous wilderness candidate area administered by the U.S. Fish and Wildlife Service.

Section 4 Management of Deleted Lands

All lands in Oregon deleted from wilderness study status by this decision in Tables 2 and 3, in section 2(C) above, and by the decision issued on December 30, 1982, (47 FR 58372) and not designated for further wilderness consideration in Table 1 of this notice are hereby released from management restrictions to protect their wilderness suitability. Of these lands, 2,800 acres (Upper Leslie Gulch) are being considered for Area of Critical Environmental Concern designation and will be managed to protect the identified geological and biological values. The remaining 152,493 acres will be managed for the full range of multiple uses other than wilderness and in conformance with existing land use plans and regulations for those areas.

This is a final decision of the Department of the Interior and is not subject to appeal under 43 CFR Part 4.

Dated: March 22, 1983.

Garrey E. Carruthers,

Assistant Secretary.

TABLE 1.—AREAS BEING CONSIDERED FOR PROTECTIVE MANAGEMENT

Area name	Number	Acreage	County	Category
Upper Leslie Gulch	OR–3–74	2,800	Malheur	ACEC[1]
Steelhead Falls	OR–5–14	3,114	Jefferson/	wilderness [2]
McGraw Creek	OR–6–1	1,465	Deschutes Wallowa	[illegible]
Total	(3 areas)	7,379		

[1] "ACEC" denotes consideration for areas of critical environmental concern.
[2] In this table "wilderness" denotes wilderness consideration under Section 202 of FLPMA.

TABLE 2.—MODIFIED WILDERNESS STUDY AREAS—BOUNDARY CHANGED TO DELETE SPLIT ESTATE

WSA name	Number	Old WSA acreage	Acres split estate	Acres non-split estate deleted	Revised WSA acreage	County
Devils Garden	OR-1-2	29,640	920	0	28,720	Lake.
Squaw Ridge	OR-1-3	28,320	620	0	27,700	Lake.
Four Craters	OR-1-22	12,120	640	0	11,480	Lake.
Sand Dunes	OR-1-24	14,520	360	40	14,120	Lake.
Mount Diablo	OR-1-58	113,120	5,200	0	107,920	Lake.
Abert Rim	OR-1-101	22,240	480	0	21,760	Lake.
Mohogany Ridge	OR-2-77	27,370	160	0	27,210	Harney.
High Steens	OR-2-85F	65,940	640	0	64,140	Harney.
Blitzen River	OR-2-86E	52,060	170	0	51,890	Harney.
Little Blitzen Gorge	OR-2-86F	9,380	140	0	9,240	Harney.
Beaver Dam Creek	OR-3-27	19,500	80	0	19,420	Malheur
Camp Creek	OR-3-31	19,200	660	180	18,360	Malheur.
Cottonwood Creek	OR-3-32	8,700	160	40	8,500	Malheur.
Gold Creek	OR-3-33	13,600	680	0	12,920	Malheur.
Cedar Mountain	OR-3-47	33,600	2,160	0	31,440	Malheur.
Dry Creek	OR-3-53	23,500	960	0	22,540	Malheur.
Dry Creek Buttes	OR-3-36	51,800	1,920	0	49,880	Malheur.
Lower Owyhee Canyon	OR-3-110	75,300	1,400	0	73,900	Malheur.
Clarks Butte	OR-3-120	31,500	40	10	31,450	Malheur.
Jordan Craters	OR-3-128	27,900	340	0	27,560	Malheur.
Disaster Peak	OR-3-153/OR-2-78D	[1]18,300	90	0	18,210	Malheur/Harney.
Oregon Canyon	OR-3-157	42,900	20	0	42,880	Malheur.
Owyhee Canyon	OR-3-195	[2]190,700	10,020	0	180,680	Malheur.
South Fork	OR-5-33	19,631	240	0	19,391	Crook.
Sand Hollow	OR-5-34	8,791	700	0	8,091	Crook.
Gerry Mountain	OR-5-35	20,700	720	0	19,980	Crook.
Homestead	OR-6-2	8,075	560	0	7,515	Baker.
Total (27 areas)			30,440	1,070		

[1] Does not include acreage in contiguous WSA in Nevada.
[2] Does not include acreage in contiguous WSA in Idaho.

TABLE 3.—ELIMINATED WILDERNESS STUDY AREAS—CONTIGUOUS AREAS WITHOUT WILDERNESS CHARACTERISTICS

WSA name	Number	WSA acreage	County
Hawksie Walkee (Sage Hen Hills).	OR-1-146B	8,520	Harney.

[FR Doc. 83-7759 Filed 3-25-83; 8:45 am]
BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,
Secretary.

For Status, Please Call Team 2 at 202-275-7030

Volume No. OP2-FC-133

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

No. MC-FC-81314. By decision of March 18, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 1, approved the transfer to Eastern Mass. Movers, Inc., Brewster, MA, of Cerficates Nos. MC-64402 and Sub-1, issued October 4, 1956, and November 13, 1981, respectively, to Rainbow Piano & Furniture Movers, Inc., North Attleboro, MA, authorizing the transportation of household goods between Attleboro, North Attleboro, Franklin, and Plainville, MA, on the one hand, and, on the other, New York, NY, and points in ME, CT, NH, RI, and VT; and between those points in MA East of the Connecticut River and RI, on the one hand, and, on the other points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, OH, WV, VA, KY, TN, NC, SC, MS, AL, GA, FL, and DC. Representative: Noreen B. Davis, 78 South Street, P.O. Box 777, Wrentham, MA 02093.

No. MC-FC-81306. By decision of March 18, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 1, approved the transfer to Lee Line, Corp., Red Wing

MN, of Certificates Nos. MC–102623 and subs. 2, 3, 4, and 5, issued August 16, 1965, June 17, 1976, July 21, 1976, November 20, 1981, and March 3, 1983, respectively, to Lee Line, Inc., Red Wing, MN, authorizing the transportation of pasengers, in charter and special operations, beginning and ending at points in ND, SD, MN, WI, IA, IL, IN, and OH, and extending to points in the U.S. (including AK but excluding HI). Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402.

For Status, Please Call Team 4 at 202–275–7669.

Volume No. OP4–FC–165

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

No. MC–FC–81272, filed March 2, 1982. By decision of March 21, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to CIRCLE AUTO CRAFT, INC., d.b.a. AUTO TRANSPORT & LEASING CO., INC., of Revere, MA, of Certificate No. MC–150196, issued November 4, 1981 to AUTO CITY, INC., whose name was changed February 25, 1982, to AUTO TRANSPORT & LEASING CO., INC., of Revere, MA, authorizing the transportation of *Transportation equipment,* between Boston, MA, on the one hand, and, on the other, points in the U.S. on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, and then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada. Representative: John A. Maiona, 294 Washington St., Boston, MA 02108, (617) 426–0089.

[FR Doc. 83–7801 Filed 3–25–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP2–134]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided March 18, 1983.

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restriction or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h)

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,

Secretary.

Please Direct Status Inquiries to Team 2, at (202) 275–7030.

MC 68123 (Sub-10X), filed February 22, 1983. Applicant: MARIE R. CAVALLERI, d.b.a. M & J TRUCKING COMPANY, P.O. Box 3183, 20 Atlantic St., Bridgeport, CT 06605. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, 413–781–8205. Lead and Sub-Nos. 2, 5F, and 7F: (1) Broaden the commodity description from sugar to food and related products (Lead); from scrap metal to waste or scrap material not identified by industry producing (Sub 2); from zinc and zinc alloys to metal products (Sub 5F); from iron and steel, electrical conduit, pipe and accessories to building materials, metal products and electrical equipment (Sub 7F); (2) broaden the territorial scope from Newark, NJ to Essex County, NJ; and points within 25 miles of Newark, NJ to points in Hudson, Essex, Bergen Passaic, Morris, Middlesex, Somerset, Union, and Monmouth Counties, NJ (Lead); from Watervliet, NY to Albany County, NY (Sub 2); from Josephstown, PA to Beaver County, PA (Sub 5F); from Brookfield, OH to Trumbull County, OH (Sub 7F); (3) eliminate the facilities limitation (Subs 2 and 5F); eliminate the territorial restriction (Sub 2); and (4) change one-way to radial authority (Subs 2, 5F, and 7F). By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 115523 (Sub-208X), filed February 28, 1983. Applicant: CLARK TANK LINES COMPANY, 1450 N. Beck St., Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same address as applicant), 801–355–6040. Sub 206 certificate: broaden commodity description from chemicals to "chemicals and related products", and petroleum to "petroleum, natural gas and their products". By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

[FR Doc. 83–7802 Filed 3–25–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–248

The following applications were filed in Region I. Send protests to Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 37049 (Sub-1–2TA), filed March 11, 1983. Applicant: ARROW BUS COMPANY, INC., 88 Main Street, Garfield, NJ 07026. Representative: Edward F. Bowes, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068. *Contract Carrier:* irregular routes: *Passengers* between Carlstadt, NJ and New York, NY, under continuing contract(s) with B. Blumenthal & Co., Inc., Carlstadt, NJ. Supporting shipper: B. Blumenthal & Co., Inc., 140 Kero Road, Carlstadt, NJ 07072.

MC 166838 (Sub-1–1TA), filed March 16, 1983. Applicant: CFT SYSTEMS, INC., 175 Oakhurst Street, Lockport, NY 14094. Representative: John C. Brimo (same as applicant). *Contract Carrier:* irregular routes: *Those products dealt in by drug stores, and those products used in hospitals,* between points in NY and PA under continuing contract(s) with Ellicott Drug Company, Cheektowaga, NY. Supporting shipper: Ellicott Drug Company, 1650 Walden Avenue, Cheektowaga, NY 14225.

MC 141603 (Sub-1–2 TA), filed March 9, 1983. Applicant: CANADIAN PACIFIC EXPRESS & TRANSPORT, LTD., Suite E–330, Atria North, 2255 Sheppard Avenue, East, Willowdale, Ontario, CD M2J 4Y1. Representative: Harry J. Jordan, Esq., Macdonald, McInerny, Guandolo & Jordan, Suite 502, Solar Building, 1000 16th Street NW., Washington, DC 20036. *General commodities, except Class A and B explosives, household goods, and commodities in bulk,* between points of entry on the U.S./CD border in Kittson County, MN, and Thief River Falls, MN. Supporting shipper: Soo Line Railroad Co., P.O. Box 530, Minneapolis, MN 55440.

MC 150121 (Sub-1–4 TA), filed March 14, 1983. Applicant: DVJ TRUCK LINES, INC., One Ridge Road, Monmouth Junction, NJ 08852. Representative: Capro & Hilliard, Esqs., 1585 Morris Avenue, Union, NJ 07083. *Contract carrier:* irregular routes: *Switches or circuit breakers, plates, electric or outlet, steel switch boxes* between NJ, NY, PA, CT, MA, VA, MD, DE, RI, DC, NC, SC, GA, FL, TN, MS, AL and LA, under continuing contract(s) with Crouse-Hinds Company, East Hartford, CT. Supporting shipper: Crouse-Hinds Company, 16 Eastern Park Road, East Hartford, CT 06108.

MC 166737 (Sub-1–4 TA), filed March 11, 1983. Applicant: MARSHALL'S EXPRESS, INC., 80 Southfield Avenue, Stamford, CT 06902. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Chemicals or allied products STCC 28 and appliances* between Stamford, CT, on the one hand, and, on the other, points in the U.S. except AK and HI, under continuing contract(s) with Clairol, Inc., Stamford, CT. Supporting shipper: Clairol Incorporated, 1 Blachley Road, P.O. Box 10213, Stamford CT 06922.

MC 91725 (Sub-1–1 TA), filed March 11, 1983. Applicant: MANY'S EXPRESS INC., Route 9 and Croton River Bridge, P.O. Box 328, Ossining, NY 10562. Representative: Jack K Many (same as applicant). *Paper, paper products, and computer tapes,* between points in Westchester County, NY, on the one hand, and on the other, Mechanicsburg, PA. Supporting shipper: Vista Business Products Inc., 505 White Plains Road, Tarrytown, NY 10591.

MC 164562 (Sub-1–1 TA), filed March 11, 1983. Applicant: PRINTERS TRANSPORT LTD., 2420 Speers Road, Oakville, Ontario, CD L6L 5M2. Representative: Robert D. Gunderman, Esq., Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Printed matter* between ports of entry on the International Boundary line between the U.S. and CD in NY and MI, on the one hand, and, on the other, points in Erie, Niagara and Monroe Counties, NY, and Detroit, MI and points within its Commercial Zone, under continuing contract(s) with ASL Traffic Management Limited of Oakville, Ontario, CD. Supporting shipper: ASL Traffic Management Limited, 2420 Speers Road, Oakville, Ontario, CD L6L 5M2.

MC 159581 (Sub-1–2TA), filed March 15, 1983. Applicant: TRANS CARGO, INC., P.O. Box 1019, Turnersville, NJ 08012. Representative: Edward L. Ciemniecki, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106. *Furniture and store fixtures,* between the facilities of Hussmann Refrigerator Co. in Cherry Hill, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting Shipper: Hussmann Refrigerator Co., P.O. Box 507, Cherry Hill, NJ 08003.

The following applications were filed in region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street NE., Atlanta, GA 30309.

MC 166548 (Sub-3–1TA), filed March 15, 1983. Applicant: SPRINGFIELD TRUCKING, INC., P.O. Box 818, Livingston, AL 35470. Representative: Archie B. Culbreth, Suite 570, 2200 Century Parkway, Atlanta, GA 30345. *Paperboard,* from Livingston, AL, to all points in GA, LA, MS, and TX. Supporting Shipper: Custom Sheeting Corporation, P.O. Box EG, Livingston, AL 35470.

MC 2934 (Sub-3–70TA), filed March 16, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, Indiana 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *Household goods and trade show materials,* between points in the U.S. (except AK and HI), under continuing contracts with National Medical Enterprises, Inc., 11620 Wilshire Boulevard, Los Angeles, CA 90025. Supporting Shipper: National Medical Enterprises, Inc., 11620 Wilshire Boulevard, Los Angeles, CA 90025.

MC 166820 (Sub-3–1TA), filed March 16, 1983. Applicant: GREENVILLE TRUCK LEASING CO., INC., Route 5, Box 452, Simpsonville, SC 29681. Representative: Mitchell King, Jr., Esq., P.O. Box 5711, Greenville, SC 29606. *Contract* carrier: irregular: *general commodities (except classes A and B explosives, household goods and commodities in bulk)* between points in IL, IN and OH, on the one hand, and, on the other, points in GA, NC, SC and TN under continuing contract(s) with Globe Industries, Inc. Supporting shipper: Globe Industries, Inc., 2638 E. 126th Street, Chicago, IL 60633.

MC 166661 (Sub-3–1TA), filed March 16, 1983. Applicant: RACE XPRESS, INC., 320 White Oak Drive, Buford, GA 30518. Representative: Roger Crabb (same address as applicant). *Food and Related Products* from Atlanta, GA to points in FL. Supporting Shipper: Nabisco Brands USA, Parsippany, NJ 07054.

MC 2900 (Sub-3–40TA), filed March 16, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as above). *Contract carrier:* irregular; *General Commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with Newman's, Inc. Supporting Shipper: Newman's, Inc., 7500 E. Reading Place, Tulsa, OK 74104.

MC 2934 (Sub-3–71TA), filed March 16, 1983. Applicant: AERO

MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, Indiana 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *Household goods,* between all points in the U.S. (including AK and HI), under continuing contracts with State Farm Mutual Automobile Insurance Company, One State Farm Plaza, Bloomington, IL 61701. Supporting Shipper: State Farm Mutual Automobile Insurance Company, One State Farm Plaza, Bloomington, IL 61701.

MC 166783 (Sub-3–1TA), filed March 15, 1983. Applicant: PEAVY FARM SERVICE, INC., Box 545, Camilla, Georgia 31730. Representative: Dennis Dozier (same address as above). *Contracting carrier:* Irregular: *Liquid fertilizer solutions* from Columbia, AL to GA. Supporting shipper: Chemical Enterprises, Inc., 8582 Katy Freeway, Suite 202, Houston, TX 77024–1874.

MC 31389 (Sub-3–20TA), filed March 15, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same as Applicant). *Contract carrier; Irregular: General commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between Chicago, IL, on the one hand, and, on the other, points in the U.S. under continuing contract or contracts with Magid Glove and Safety Co., of Chicago, IL. Supporting shipper: Magid Glove and Safety Co., 2060 No. Kolmar, Chicago, IL 60639.

MC 166187 (Sub-3–1TA), filed March 15, 1983. Applicant: W. L. STRENGTH, JR., d.b.a. PRATTVILLE TRANSPORTATION CO., 122 Oak Creek Circle, Prattville, AL 36067. Representative: Terry P. Wilson, 428 South Lawrence Street, Montgomery, AL 36104. *Contract carrier:* irregular: (1) *Paper machine clothing, and (2) materials, supplies, and equipment used in the production, sale and distribution of paper machine clothing,* between the facilities of Albany International Corp., Appleton Wire Division, in Montgomery, AL, on the one hand, and, on the other, points in the U.S., except AK and HI, under continuing contract(s) with Albany International Corp., Appleton Wire Division, of Montgomery, AL. Supporting Shipper: Albany International Corp., Appleton Wire Division, P.O. Box 1066, Montgomery, AL 36098.

MC 166785 (Sub-3–1TA), filed March 15, 1983. Applicant: CARL A KECK, P.O. Box 45, Arthur, TN 37707. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Coal,* between points in KY, TN and VA, on the one hand, and, on the other, points in AL, GA, IN, KY, NC, OH, SC, TN and VA. Supporting shipper: John Farmer Coal Sales, Inc., P.O. Box P, Norris, TN 37829.

MC 147877 (Sub-3–1TA), filed March 11, 1983. Applicant: SANFORD M. HEDRICK, JR., d.b.a. HEDRICK TRUCKING CO., P.O. Box 769, Darlington, SC 29532. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Contract carrier;* Irregular. *Metal containers, and materials, equipment and supplies used in the manufacture and distribution thereof,* between points in Darlington County, SC, on the one hand, and, on the other, points in IN and WI, under continuing contract(s) with Palmetto Can Corp., of Hartsville, SC. Supporting shipper: Palmetto Can Corp., P.O. Box 1321, Hartsville, SC 29550.

MC 114107 (Sub-3–3TA), filed March 11, 1983. Applicant: RONALD ELLIOTT CLARK, d.b.a. CLARK'S TRUCKING AND EXCAVATING, 14201 Bohannon Lane, Louisville, KY 40272. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *Contract Carrier:* Irregular: *General commodities (except classes A and B explosives, household goods and commodities in bulk)* between points in the U.S. (except AK and HI), under continuing contract(s) with Louisville Ladder Division of Emerson Electric Co., Louisville, KY. Supporting shipper: Louisville Ladder Division of Emerson Electric Co., 1163 Algonquin Parkway, Louisville, KY 40208.

MC 160461 (Sub-3–2TA), filed March 11, 1983. Applicant: LLOYD HOOD, d.b.a. HOOD ENTERPRISES, Rt. 1, Jasper, TN 37347. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Contract carrier;* irregular routes; *Metal products, materials handling equipment, and agricultural feeding equipment* between Chattanooga, TN and points on and east of the Mississippi River under continuing contract(s) with Cumberland Corporation, Chattanooga, TN. Supporting Shipper: Cumberland Corporation, P.O. Box 1446, Chattanooga, TN 47401.

MC 2934 (Sub-3–68 TA), filed March 11, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC. 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *X-Ray equipment and accessories,* between points in the United States (including AK and HI), under continuing contracts with Technicare Corporation, 29100 Aurora Road, Solon, OH 44139. Supporting Shipper: Technicare Corporation, 29100 Aurora Road, Solon, OH 44139.

MC 166732 (Sub-3–1 TA), filed March 11, 1983. Applicant: MURPHY'S TRUCKING, P.O. Box 12, Coker Creek, TN 37314. Representative: Kenneth Murphy (same address as applicant). *Such commodities as are used, dealt in, or distributed by a manufacturer and distributor of paper and paper products* between the facilities of Bowater Southern Paper Company at Calhoun, TN and points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Bowater Southern Paper Company, U.S. Hwy 11, Calhoun, TN 37309.

MC 147169 (Sub-3–4 TA), filed March 11, 1983. Applicant: SERVICEWAY MOTOR FREIGHT, INC., P.O. Box 243, Alcoa, TN 37701. Representative: J. Greg Hardeman, 618 United Southern Bank Building, Nashville, TN 37219. *Metal containers and materials and supplies used in the manufacture and distribution of containers* between Lee Co., SC and Baltimore Co., MD. Supporting shipper: National Can Corporation, 8101 Higgins Road, Chicago, IL 60631.

MC 31389 (Sub-3–19 TA), filed March 11, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: Daniel R. Simmons, P.O. Box 213, Winston-Salem, NC 27154. *Contract Carrier: Irregular: General Commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between points in the U.S., under continuing contract or contracts with Montgomery Ward & Co., of Chicago, IL. Supporting Shipper: Montgomery Ward & Co., Montgomery Ward Plaza, Chicago, IL 60671.

MC 157204 (Sub-3–4 TA), filed March 11, 1983. Applicant: SUR-WAY TRANSPORT, INC., 1506 Radium Springs Road, Albany, GA 31705. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Maintenance Supplies,* from Irving, TX to Birmingham, AL and Tampa, FL. Supporting Shipper: Mullco Brokerage Company, Route 2, Box 110, Terrell, TX 75160.

MC 149283 (Sub-3–2TA), filed March 11, 1983. Applicant: HAYWARD TRUCKING, INC., 6549 Robinson Road, Jacksonville, FL 32217. Representative: Norman J. Bolinger, Esq., 3100 University Blvd., S., Ste 225, Jacksonville, FL 32216. *Food and related products,* between Jacksonville and Gainesville, FL, on the one hand, and, on the other, points in

AL, AR, GA, MD, MO, NC, SC, and TX; and *particleboard, fiberboard, plywood, hardboard,* and *gypsum board,* between Jasper, Fl, and Eufala, AL; Eatonton, GA; Long Island, NY; and Aberdeen, NC. Supporting shippers: Beaver Street Fisheries & Wholesale Food, Inc., P.O. Box 41430, Jacksonville, FL 32203 and General Laminates Corp., N.E. 1st Avenue, Jasper, FL 32052.

MC 2934 (Sub-3–69TA), filed March 11, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *Household goods,* between points in the U.S. (excluding AK and HI), under continuing contracts with Burlington Northern Railroad, 176 E. 5th Street, St. Paul, MN 55101. Supporting shipper: Burlington Northern Railroad, 176 E. 5th Street, St. Paul, MN 55101.

MC 31389 (Sub-3–18TA), filed March 11, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27154. Representative: Daniel R. Simmons, P.O. Box 213, Winston-Salem, NC 27154. *Contract Carrer: Irregular: General commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between Chicago and Lincolnwood, IL and Hartford, WI on the one hand, and, on the other, points in the U.S. under continuing contract or contracts with Bell and Howell Company, of Chicago, IL. Supporting shipper: Bell and Howell Company, 7100 North McCormick Rd., Chicago, IL 60645.

MC 046797 (Sub-3–2TA), filed March 11, 1983. Applicant: PHILLIPS TRUCK LINE, INC., 773 East Street, Memphis, TN 38174–0965. Representative: Lee A. Hyde III (same address as applicant). *Cartons of Finished Woven Piece Goods In The Original Piece* from Plant Site Crompton-Osceola Co., Osceola, AR to Kellwood Plant, Calhoun City, MS. Supporting consignee: Kellwood Company, Calhoun City, MS.

The following applications were filed in Region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 118776 (Sub-4–9TA), filed February 4, 1983. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Resin compound in bulk, from Janesville, WI to Canton, MO. Supporting shippers: Freedom Plastic Company, P.O. Box 1488, Janesville, WI 53547.

MC 145481 (Sub-4–11), filed March 9, 1983. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202–3357. *Contract carrier,* irregular routes: *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), between the facilities of Clairol, Inc. at Stamford, CT, Camarillo, CA, and Gadsen, AL on the one hand, and on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Clairol, Inc. of Stamford Ct, for 270 days. Supporting shipper: Clairol Inc., P.O. Box 10213, Stamford, CT 06922.

MC 151404 (Sub-4–6TA), filed March 10, 1983. Applicant: NORTHLAND PRODUCE, INC., 4350 Lincoln Rd., Holland, MI 49423. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Foodstuffs and commodities used by restaurants, fast food outlets and food commissaries,* between Grand Rapids, MI, on the one hand, and, on the other, points in IL, MI, OH, WI, IN, KY, MO, PA and IA, for 270 days. Supporting shipper(s): Gordon Food Service Inc., 333–50th St., S.W., P.O. 1787, Grand Rapids, MI 49501.

MC 166227 (Sub-4–1TA), filed February 14, 1983. Applicant: ATLAS DISTRIBUTION SERVICES, INC., Route 2, Box 210G, Bethalto, IL 62010. Representative: Michael R. Solomon (same address as applicant). *General Commodities (except Classes A and B explosives, household goods, commodities in bulk), between St. Louis, Missouri and its Commercial zone on the one hand, and on the other, points in AR, IL, IN, IA, KA, KY, MI, MO, OH, TN, WI.* Supporting shippers: Central Hardware Co., 111 Boulder Ind. Dr., Bridgeton, MO 63044; Falcon Products, Inc., 9387 Dielman Ind. Drive, St. Louis, MO 63132; Estech, Inc., P.O. Box 338, E. St. Louis, IL 62202; McCann's Piggyback Consolidation, Inc., 1481 Manchester Road, Ellisville, MO 63011; Purex Corporation, 6506 North Broadway, St. Louis, MO 63147. (5 supporting shippers.)

MC 166725 (Sub-4–1TA), filed March 10, 1983. Applicant: F. D. LUCAS ENTERPRISES, INC., P.O. Box 367, Marengo, IN 47140. Representative: Doyle G. Owens, P.O. Box 7735. Golf Cars, motorized, and Golf Car Parts, between the Commercial Zones of Fountainville, PA and Deerfield, WI, on the one hand, and on the other, the Commercial Zones of Madison, WI, Augusta, GA, Portland, OR, Lansing, MI, Kassimmie, FL, Los Angeles, CA, Swansea, MS, Spokane, WA, Seattle, WA, Mt. Pocono, PA, Gaithersburg, MD, Orlando, FL, Ft. Worth, TX, Houston, TX, San Antonio, TX, Clifton, NJ, Fountainville, PA, Southington, OH, Sherman, NY, Worschester, MA, Liverpool, NY, and Grand Rapids, MI. Supporting shippers: Columbia Car Corporation, P.O. Box 3069, Madison, WI 53704; and Golf Cars, Inc., Box 247, Buckingham, PA 18912.

MC 166676 (Sub-4–1TA), filed March 9, 1983. Applicant: "EXPO-TRANSPORTATION" & SERVICES, INC., 417 Pleasant Drive, Schaumburg, IL 60172. Representative: Anthony E. Young, Ltd., 29 South LaSalle Street, Suite 350, Chicago, III 60603, 312/782–8880. Such commodities as are used or dealt in by exhibitors of machinery, equipment, tools and trade shows. Between Chicago, IL and its commercial zone, on the one hand, and, on the other, points in CA, MN, WI, IN, MI, OH, PA, NY, NJ, MA, CT, RI, NV, IA, MO, KY, TN, TX, KS, and OK. Restricted to traffic originating at or destined to trade shows and facilities used by United Expositions. Supporting shipper: United Exposition, 1555 West 44th Street, Chicago, IL 60609.

MC 166726 (Sub-4–1TA), filed March 10, 1983. Applicant: CHRIS A. THOMASON, d.b.a. REX "N" DON VAN LINES, P.O. Box 217, Charleston, IL 61920. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., P.O. Box 5039, Springfield, IL 62705. *Contract* irregular: *New freight trailers* between Charleston, IL, on the one hand, and St. Louis, MO and Indianapolis, IN, on the other hand. An underlying ETA seeks 120 days' authority. Supporting shipper: Trailmobile, Inc., 200 East Randolph Drive, Chicago, IL 60601.

MC 166727 (Sub-4–1TA), filed March 10, 1983. Applicant: EDWARDS DISTRIBUTORS, INC., 215 Waukechon Street; P.O. Box 126, Shawano, WI 54166. Representative: Nancy J. Johnson, Attorney, 103 East Washington Street, Box 218, Crandon, WI 54520. *Dairy products* between the Town of Ashwaubenon, Brown County, WI and points in the Upper Peninsula of MI. Supporting shipper: Morning Glory Division, Consolidated Badger Cooperative.

MC 15735 (Sub-4–62TA), filed March 14, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Cardio-Pulmonary Systems and Blood Analyzers and components and such commodities as are dealt in and utilized*

by manufacturers and distributors thereof between points in Salt Lake City, Utah, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) under a continuing contract with Becton Dickinson and Company. Supporting shipper: Becton Dickinson and Company, 175 W. 2950 South, Salt Lake City, Utah 84115.

MC 133922 (Sub-4–1TA), filed March 14, 1983. Applicant: TAURUS TRANSPORT, INC., P.O. Box 5673, Lafayette, IN 47903. Representative: Janice Alford (same as applicant). *General Commodities*—(except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI). Supporting shipper: Solem Industries, Inc., 5824 D Peachtree Corners East, Norcross, GA 30092.

MC 135208 (Sub-4–3TA), filed March 14, 1983. Applicant: GEORGE L. BIGELOW TRUCKING, INC., 135 Wright Street, P.O. Box 421, Delavan, WI 53115. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. *Plastic pipe and plastic pipe fittings* from the facilities of Freedom Plastics, Inc. at or near Janesville, WI to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, NY, ND, OH, PA, SD, TN, and WV. An underlying ETA seeks 120 days authority. Supporting shipper: Freedom Plastics, Inc., 210 South Arch, Janesville, WI 53545.

MC 139667 (Sub-4–8TA), filed March 14, 1983. Applicant: C. SCHMIDT TRUCKING CO., INC., 101 West Sanger, Salem, IL 62881. Representative: Brenda Schmidt, 906 Meadow Lane, Salem, IL 62881, (618) 548–5823. *Printed matter, pulp, paper and related products* from points in IL to points in KY, TN, AR, TX, LA, AL, MS, GA, FL, NC, and SC. An underlying ETA seeks 90 days authority. Supporting shippers: Star Paper Co., 5392 S. State St., Chicago, IL 60609, Alton Packaging Corporation, 401 Alton St., Alton, IL 62002, S & H Paper Co., Inc., P.O. Box 7280, Chicago, IL 60680.

MC 143576 (Sub-4–2TA), filed March 14, 1983. Applicant: DONALD ORR & SONS, Route 37, West Frankfort, IL 62896. Representative: Robert Orr, Route 37, West Frankfort, IL 62896, (618) 932–2561. Transporting *Coal and coal products* between points in IL, MO, IN, and KY. Supporting shipper: Goldenrod Coal Sales, 427 S. Granger, Harrisburg, IL 62946.

MC 157265 (Sub-4–2TA), filed March 15, 1983. Applicant: D & B TRUCKING, INC., 3333 South Cicero Avenue, Cicero, IL 60605. Representative: Philip A. Lee, 120 West Madison, Suite 618, Chicago, IL 60602. *Metal* and *Metal Alloys*, and *Copper Sheet; Vinyl Floor Tile; Lamps, Chandeliers*, and *Lighting Fixtures; Pneumatic Tires, Batteries, Tubes* and *Industrial Hose; Railroad Maintenance Materials; Diffusers; Gravity Feed Shelving* and *Automatic Case Openers; Hooks, Nails*, and *Adhesives; Office Furniture* and *Office Furnishings; Plastic* and *Rubber Articles; Resistors* (Electronic parts); *Portable Lamps; Industrial Art Supplies; Fire Hydrants* and *Protective Valves; Paint, Cleaning Compounds* and *Chemicals; Athletic Equipment; Foodstuffs; Paper Sealing* and *Masking Tape; Ballasts; Tapes* and *Cassettes;* and *Computer Media.* Between points in IL, IN, IA, KY, MI, MN, MO, OH, ND, SD, WI, AZ, CA, NM, OK, and TX. Supporting shippers: There are 21.

MC 163794 (Sub-4–3TA), filed March 14, 1983. Applicant: G. G. BARNETT TRANSPORT, INC., 507 York Street, Beaver Dam, WI 53916. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Foundry products and materials, equipment and supplies used in the manufacture, sale and distribution of such commodities* between Dodge County, WI on the one hand and on the other hand points within WY. Supporting shipper: Kirsh Foundry, Inc., 125 Rowell Street, Beaver Dam, WI 53916.

MC 166606 (Sub-4–1TA), filed March 14, 1983. Applicant: SAMUEL A. J. COLEMAN d.b.a. COLEMAN'S WRECKER SERVICE, 979 Badder, Troy, MI 48084. Representative: Robert D. Schuler, 100 West Long Lake Road—Suite 102, Bloomfield Hills, MI 48013. *Wrecked, disabled, repossessed, abandoned, impounded and replacement motor vehicles and wheeled vehicles,* between Wayne, Oakland, Macomb Counties, MI, on the one hand, and, on the other, various points in the U.S. except AK, and HI. There are three supporting shippers.

MC 166789 (Sub-4–1TA), filed March 14, 1983. Applicant: HOWIE TRUCKING, Box 71, White Owl, SD 57792. Representative: Ron Howie (Same address as applicant), 605–985–5440. *Transporting Lumber and Building Materials* between points in SD on the one hand and on the other hand to points in MT, CO, WY, ND, and NE. Supporting shipper: Diamond International Corp., 3rd Omaha, P.O. Box 1200, Rapid City SD 57709.

MC 166790 (Sub-4–1TA), filed March 14, 1983. Applicant: BOOTS TRANSPORT, INC., 10 South Bridge Street, Markesan, WI 53946. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Meat and meat products* between Minong, WI, on the one hand, and, on the other, Chicago, IL, St. Cloud and Minneapolis, MN and points in their respective commercial zones. Supporting shipper: Link Industries, Inc., P.O. Box 397, Minong, WI 54859.

MC 166791 (Sub-4–1TA), filed March 14, 1983. Applicant: SIKORA & WILSON, INC. d.b.a. EAST WEST EXPRESS, 231 Frontage Road #15, Burr Ridge, IL 60521. Representative: Don A. Larson, 231 Frontage Road #15, Burr Ridge, IL 60521. *General commodities,* between points in the states of CA, GA, IL, NV, NJ, TN and all points in the United States. Supporting shippers: There are 6 in support.

MC 166792 (Sub-4–1TA), filed March 14, 1983. Applicant: WENDELIN BACHMEIER d.b.a. BACHMEIER TRANSFER, Box 527, 507 6th, Devils Lake, ND 58301. Representative: Wendelin Bachmeier (same as above). *General commodities* from Fargo, ND, to Ramsey County, Benson County, and Nelson County, all in the State of ND. Supporting shiper: Firestone Store, 420 3rd St., Devils Lake, ND 58301.

MC 15735 (Sub-4–64TA), filed March 16, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. Contract irregular: *Household goods,* between points in the United States, (except AK and HI) under a continuing contract with The Mountain States Telephone & Telegraph Co. Supporting shipper: The Mountain States Telephone & Telegraph Co. 3033 N. Third St. Phoenix, AZ 85012.

MC 15735 (Sub-4–65TA), filed March 16, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. Contract irregular: *Household goods,* between points in the United States, (except AK and HI) under a continuing contract with Texas Instruments, Inc., of Dallas, Texas. Supporting shipper: Texas Instruments, Inc., P.O. Box 226015, Mail Station 403, Dallas, TX 75266.

MC 113855 (Sub-4–10TA), filed March 16, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, MN 55903. Representative: Leonard L. Bennett, 2450 Marion Road S.E., Rochester, MN 55903. *General commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI), under a continuing contract(s) with Oerlikon Motch

Corporation and its affiliates and subsidiaries. Supporting shipper: Oerlikon Motch Corporation, 1250 East 222nd Street, Cleveland, OH 44117.

MC 155942 (Sub-4–2TA), filed March 16, 1983. Applicant: WILLIAM M. LAWSON, d.b.a. OVERLAND CONSTRUCTION SERVICES, 28634 Hampton, Madison Heights, MI 48071. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Contract* irregular: *charcoal and charcoal products,* from the facilities of Floyd Charcoal Company, located at or near Salem, MO, to Detroit, Flint, and Bridgeport, MI, and the commercial zones thereof, under a continuing contract(s) with Floyd Charcoal Company. Supporting shipper: Floyd Charcoal Company, 1149 S. Main St., Plymouth, MI 48170.

MC 166842 (Sub-4–1TA), filed March 16, 1983. Applicant: CHARLES P. O'DELL d.b.a. EAST WEST MOTOR EXPRESS, 1705 Morningside Dr., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, Phone: 605–343–4036. *Building Materials; Contractors' materials, equipment and supplies; metal products; and prefabricated buildings* between points in CO, MT, NE, ND, SD, and WY on the one hand, and on the other hand, points in CA, CO, ID, IL, IN, IA, KS, MN, MT, NE, ND, OH, OK, OR, SD, TX, WA, WI and WY. Supporting shippers: Robbins & Stearns Lumber Co. of Rapid City, SD and North Central Supply, Inc. of Rapid City, SD.

MC 15735 (Sub-4–63TA), filed March 16, 1983. Applicant: ALLIED VAN LINES, INC., 1220 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Computer Systems, Equipment and materials, parts and supplies used in the manufacture, repair and installation of computer equipment* between points in Sunnyvale and Woodland Hills, CA, on the one hand, and, on the other, points in the United States, under a continuing contract with Vector General, Inc., of Woodland Hills, CA. Supporting shipper: Vector General, Inc., 21300 Oxnard St., Woodland Hills, CA 91367.

MC 113751 (Sub-4–17TA), filed March 16, 1983. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Food and related products and such commodities as are dealt in by retailers of general merchandise* between points in the U.S. (except AK and HI). Supporting shippers: Super Valu Stores, Inc., P.O. Box 990, Minneapolis, MN 55440, and U.S. Cold Storage Division, American Consumer Industries, Inc., 8424 West 47th Street, Lyons, IL 60534.

MC 141753 (Sub-4–1TA), filed March 16, 1983. Applicant: G. P. SULLIVAN COMPANY, 1808 South Laramie Avenue, Cicero, IL 60650. Representative: Karl L. Gotting, 12 Bank of Lansing Building, Lansing, MI 48933, (517) 482–2400. *General commodities* (except classes A and B explosives, household goods and commodities in bulk) between Chicago, IL and its commercial zone, on the one hand, and, on the other, points in IA, MO, MN, OH, MI, KY, NE and IN. An underlying ETA seeks 120-day authority. Supporting shippers: Coach & Car Equipment Company, 1951 Arthur Ave., Elk Grove Village, IL 60007; Universal Furniture Industries, Inc., DV, 7330 Santa Fe Drive, Hodgkins, IL 60525.

MC 151927 (Sub-4–3TA), filed March 16, 1983. Applicant: COLORADO & EASTERN, INC., 4839 W. 128th Place, Alsip, IL 60658. Representative: J. H. McGuire (same as above). *Transporting food and related products* (except in bulk), between points in WI and points in the U.S. (except AK and HI). Supporting shipper: Friday Canning Corporation, P.O. Box 129, New Richmond, WI 54017.

MC 154643 (Sub-4–2TA), filed March 16, 1983. Applicant: KLINLK TRUCKING, INC., Route 1, Box 345, Pleasant Lake, IN 46779. Representative: Robert B. Hebert, Miller, Faires, Herber & Woddell, P.C., Attorneys at Law, One Indiana Square, Suite 1600, Indianapolis, IN 46204, (317) 632–6262. *Fertilizer:* From Morral, Elgin and Harrod, OH to points in MI and IN. Supporting shipper: Sohio Chemical Company, 1540 Rockefeller Bldg., 614 Superior Ave., Cleveland, OH 44113.

MC 163395 (Sub-4–3TA), filed March 16, 1983. Applicant: DAVID A. McFARLAND, d.b.a. BLACK HAWK TRANSPORT, Hereford Route, Box 46, Sturgis, SD 57785. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, Phone: 605–343–4036. *Feldspar, Quartz, Mica, Micaceous Schist, Tantalum and Tin, Drilling Mud and Products of these minerals* from points in Custer and Pennington Counties, SD to points in the U.S. (except AK and HI). An underlying ETA application seeks 120 days authority. Supporting shipper: Pacer Corporation, P.O. Box 912, Custer, SD 57730.

MC 166043 (Sub-4–1TA), filed March 16, 1983. Applicant: DONALD R. SPENCE and TERRI L. SPENCE, d.b.a. KELDORN TRUCKING, 15135 Grant, Dolton, IL 60419. Representative: Daniel O. Hands, 104 S. Michigan Ave., Suite 410, Chicago, IL 60604. *Aluminum and aluminum dross* between Aurora, IL and Beloit, WI, on the one hand, and, on the other, points in IN and OH. Supporting shipper: Metal Exchange Corporation, 111 West Port Plaza, Suite 704, St. Louis, MO 63141.

MC 166316 (Sub-4–1TA), filed March 16, 1983. Applicant: LARRY D. BRODKORB, P.O. Box 264, Box Elder, SD 57719. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, Phone: 605–343–4036. *Contractor's Machinery, Equipment, Materials and Supplies* between points in AZ, MT, NM, OK, SD, WA and WY. Supporting shipper: American Line Builders, P.O. Box 104, Deaver, WY 82421. An underlying ETA seeks 120 days authority.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 005428 (Sub-5–2TA), filed March 14, 1983. Applicant: LYON VAN LINES, INC., P.O. Box 5011, Carrollton, TX 75006. Representative: J. B. Stuart. Contract irregular: *Household goods* between points in the United States, including AK and HI, under continuing contract(s) with EADS Moving Brokers of Santa Ana, CA. Supporting shipper: EADS Moving Brokers, Santa Ana, CA.

MC 61440 (Sub-5–19TA), filed March 15, 1983. Applicant: LEE WAY MOTOR FREIGHT, INC., P.O. Box 12750, Oklahoma City, OK 73157. Representative: T. M. Brown (same as above). Contract, Irregular: *General commodities* (except Classes A and B explosives, household goods, and commodities in bulk) between points in the U.S. (except AK and HI) under continuing contracts with Kendavis Industries International, Inc. and its subsidiaries of Ft. Worth, TX.

MC 129134 (Sub-5–2TA), filed March 15, 1983. Applicant: CARLYLE VAN LINES, INC. d.b.a. SAFEWAY VAN LINES, P.O. Box 25, Warrensburg, Missouri 64093. Representative: Gerald Moore (same as applicant). *(1) Motorcycles, mopeds, all terrain vehicles & other powered recreational equipment, (2) Portable powered products, (3) accessories, components, supplies, and materials used in the sales, repair, manufacture or distribution of 1 & 2 above,* between points in Lincoln and Omaha, NE on the one hand, and, on the other, points in KS

and MO. Supporting shippers: Al's Incorporated, S. Hutchinson, KS Shernaman Enterprises, Inc., Warrensburg, Mo.

MC 142132 (Sub-5–4TA), filed March 14, 1983. Applicant: T. J. KERVIN LEASING, INC., P.O. Box 48, Winnfield, Louisiana 71483. Representative: Harry E. Dixon, Jr., P.O. Box 4319, Monroe, Louisiana 71203. *Lumber and related articles, building materials, and materials and supplies used in the manufacturing thereof.* From facilities of Manville Forest Products Corporation located in Union County, AR, Union and Winn Parish, LA, Johns Manville Corporation (Roofing Division), Tarrant County, TX, Manville Building Materials, Corporation, Adams County, MS to points in the states of: AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MS, MO, NE, NM, OK, TN, and TX. Supporting shipper: Manville Forest Products Corporation, West Monroe, Louisiana.

MC 144449 (Sub-5–7TA), filed March 14, 1983. Applicant: A & A CONTRACT CARRIERS, A & A MOVING & STORAGE CO., P.O. Box 1592, Fort Worth, TX 76101. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract, Irregular: *Uninterruptible power systems, backup systems, batteries, electrical switch gears, and related materials, equipment and supplies,* between points in the U.S., except AK & HI, under continuing contract(s) with International Power Machines Corp., Mesquite, TX. Supporting shipper: International Power Machines, Corp., Mesquite, TX.

MC 146504 (Sub-5–4TA), filed March 14, 1983. Applicant: LEO TRUCKING COMPANY, INC., P.O. Drawer F, Poteau, Oklahoma 74953. Representative: Greg E. Summy, 208 Century Center Plaza, 100 West Main St., Oklahoma City, Oklahoma 73102. *Dry fertilizer, in bulk,* between points in AR, CO, KS, LA, MS, MO, NE, NM, OK, TN and TX. Supporting shippers: Chem-Quip, Inc., Tulsa, Oklahoma and Neidecker Farm Service, Van Buren, Arkansas.

MC 148152 (Sub-5–18TA), filed March 15, 1983. Applicant: K & H TRUCKING, INC., 3301 S. Lamar St., Dallas, TX 75215. Representative: Edmond E. Payne (same as Above). *Scrap material, Metal Products and/or Materials, Equipment and Supplies* used in the processing of Scrap Material & Metal Products between points in the U.S. (except AK and HI). Restricted to shipments for the account of Aaron Ferer & Sons. Supporting shipper: Aaron Ferer & Sons, Omaha, NB.

MC 158419 (Sub-5–4TA), filed March 15, 1983. Applicant: ON TIME FREIGHT SYSTEMS, INC., P.O. Box 37722, Omaha, NE 68137. Representative: Steven K. Kuhlmann, 717–17th St., Suite 2600, Denver, CO 80202–3357. *Meat and meat products,* between Chicago, IL; Windom, MN; Hospers, Sioux City and Spencer, IA; Dodge City and Wichita, KS; St. Joseph, MO; Plainview and Amarillo, TX; and Sioux Falls, SD on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Nationwide Beef, Inc., Chicago, IL.

MC 166765 (Sub-5–1TA), filed March 15, 1983. Applicant: TWIN CITY PICK UP AND DELIVERY SERVICE, 2301 Bolton Street, Little Rock, Arkansas 72202. Representative: Ron Glass (same as applicant). Common; Irregular. Hospital supplies, repair parts for electric motors and assembled electric motors, valves, iron or steel, not plated; 3M electrical tapes, industrial tape, magnet wire, silicone, cable ties, press board, between points in AR and all points in the U.S. Supporting shippers: 4.

MC 166708 (Sub-5–1TA), filed March 14, 1983. Applicant: DEWELL WILLIAM HOSKINS d.b.a. HOSKINS TRUCK SERVICE, 5th and Vine Streets, Malvern, Arkansas 72104. Representative: Kay L. Matthews, 401 Pyramid Place, Little Rock, Arkansas 72201. *Transporting Lumber, Plywood, Wood Products, Poles and Piling* between points in AR, LA, MS, MO, OK, TN, and TX. Supporting shippers: Broadview Lumber Co., Inc., Carthage, MO, Walter M. Fields Lumber Co., Memphis, TN.

MC 61396 (Sub-5–26TA), filed March 18, 1983. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Contract, irregular. *Cement* between the facilities of The Whitehall Cement Manufacturing Co., Inc. in Whitehall Township, Lehigh County, PA, on the one hand, and, on the other, points in CT, NY, VA, DE, NJ, MD and DC, under a continuing contract(s) with The Whitehall Cement Manufacturing Co., Inc. of Whitehall, PA. Supporting shipper: The Whitehall Cement Manufacturing Co., Inc. Whitehall, PA.

MC 79658 (Sub-5–12TA), filed March 18, 1983. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, IN 47711. Representative: Robert C. Mills, Michael L. Harvey, 1212 St. George Road, Evansville, IN 47711. Contract, irregular. *Household goods* between points in the U.S. (excluding AK and HI) under continuing contract(s) with Consolidated Foods Corporation, Chicago, IL.

MC 155796 (Sub-5–7TA), filed March 17, 1983. Applicant: TRANSPORTATION SPECIALISTS, LTD., 440 Commercial Federal Tower, 2120 North 72nd Street, Omaha, NE 68124. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Contract;* Irregular. *Articles dealt in, sold and used by photography supply houses,* between the Commercial Zones of Windsor, CO; Chicago, IL; Los Angeles and San Ramon, CA; Chamblee, GA; Dayton, NJ; Dallas, TX; and Rochester, NY. Supporting shipper: Eastman Kodak Company, Rochester, NY.

MC 163215 (Sub-5–1TA), filed March 17, 1983. Applicant: TOWNE VAN LINES OF TEXAS, INC., P.O. Box 15306, Austin, TX 78761. Representative: Clayte Binion, 623 South Henderson, 2nd Floor Fort Worth, TX 76104. Contract; Irregular. *Copying and duplicating machines and supplies, parts and materials incidental thereto* between all points in TX, restricted to interstate or foreign commerce. Supporting shipper: Xerox Corporation, Arlington, TX.

MC 163220 (Sub-5–3TA), filed March 16, 1983. Applicant: UTILITY COMPANY, INC., P.O. Box 25216 Oklahoma City, OK 73125. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Petroleum products, in bulk, in tank vehicles* from Orange County, TX to points in OK. Supporting shipper: Dolese Bros. Company, Oklahoma City, OK.

MC 166670 (Sub-5–1TA), filed March 17, 1983. Applicant: DENNIS CENTLIVRE, d.b.a. C & M TRANSFER, 2338 High, Topeka, KS 66611. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601. *General Commodities (except commodities in bulk, Classes A and B Explosives and Household Goods),* Between Topeka, KS, and Kansas City MO and points in their respective commercial zones. Supporting shipper: Nabisco Brands, Inc. Topeka, KS.

MC 166851 (Sub-5–1TA), filed March 17, 1983. Applicant: NICHOLS CONSTRUCTION CORPORATION, P.O. Box 2750, Baton Rouge, LA 70821. Representative: John Schwab, P.O. Box 3036, Baton Rouge, LA 70821. *Construction equipment and accessories thereto; plant process equipment including but not limited to vessels, exchangers, compressors, pumps, except pipe; electrical transformers; and, other commodities which because of their size or weight, require special handling or equipment,* from, to and between points in AL, FL, GA, LA, MS, and TX. Supporting shippers: 13.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St. Suite 501, San Francisco, CA 94105.

MC 138348 (Sub-6–1TA), filed March 14, 1983. Applicant: ATLAS TRAVEL TOURS, LTD., P.O. Box 4340, Whitehorse, Yukon Territory, CD Y1A 3T5. Representative: John R. Simms, Jr., 915 Pennsylvania Building, 425–13th Street, NW., Washngton, D.C. 20004. *Passengers,* between ports of entry on the international boundary line between the U.S. and CD, and Skagway, AK, over Klondike Highway 2, between the U.S.-Canadian boundary, and Skagway, AK, serving all intermediate points, for 270 days. An underlying ETA seeks 120 days authority. Suporting shippers: Yukon Visitors Association, 102–302 Steele St., Whitehorse, Yukon; Yukon Department of Tourism, Box 2703, Whitehorse, Yukon; TravAlaska Tours, 555 Fourth and Battery Bldg, Seattle, WA 98121; and Esploration Holidays and Cruises, 1500 Metropolitan Park Bldg, Seattle, WA 98101.

MC 52793 (Sub-6–29TA), filed March 16, 1983. Applicant: BEKINS VAN LINES CO., 333 South Center Street, Hillside, IL 60162. Representative: David A. Gallagher (Same address as applicant). *Contract* irregular: *Household goods* between points in the U.S., except AK and HI. Restricted to traffic moving under continuing contract with Union Pacific Railroad Company for 270 days. Supporting shipper: Union Pacific Railroad Company, 1416 Dodge St., Omaha, NE 68179.

MC 166808 (Sub-6–1TA), filed March 14, 1983. Applicant: DUANE WENTZ d.b.a. D & D MOBILE HOME TRANSPORTING, E. 7215 Rutter, Spokane, WA 99206. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. *Mobile Homes* between Spokane County, WA and points in OR, WA, and ID for 270 days. Supporting shippers: North Country Capital Corporation, 4911 E Sprague Ave., Spokane, WA 99206; General Equities, Inc., d.b.a. Dye Hawley Mobile Homes, 4605 E. Sprague Avenue, Spokane, WA 99206; Strong Equities, Inc., d.b.a. Spokane Home Center, 4505 E. Sprague Avenue, Spokane, WA 99206; Mobile Corral, 5106 E. Sprague Avenue, Spokane, WA 99206.

MC 162971 (Sub-6–5TA), filed March 15, 1983. Applicant: DONALD R. LIND and NULLET L. SCHNEIDER, a Partnership, d.b.a. D&N TRUCKING, 19472 Yuma Pl., Castro Valley, CA 94546. Representative: Ronald C. Chauvel, Handler, Baker, Greene & Taylor, 100 Pine St., #2550, San Francisco, CA 94111. *Contract carrier,* irregular routes, *Food and kindred products,* between points in Bellingham, Seattle, Spokane, Woodinville and Tacoma, WA and Portland, Medford and Salem, OR, on the one hand, and, on the other, Richmond, CA and Phoenix, AZ under continuing contract with Mission Foods, for 270 days. Supporting shipper: Mission Foods, 380 Carlson Blvd., Richmond, CA 94804.

MC 160209 (Sub-6–1TA), filed March 16, 1983. Applicant: LAWLOR MOTOR EXPRESS, INC., d.b.a., PACKAGE DELIVERY EXPRESS, 23759 Eichler Road, Unit J, Hayward, CA 94545. Representative: Michael J. Stecher, 100 Bush Street, Suite 410, San Francisco, CA 94104. *Contract;* irregular, *Such commodities as are dealt in or used by department of food stores and materials and supplies* used in conducting such business between CA and Clark County, NV, for 270 days. Supporting shipper: Best Products Co., Inc., P.O. Box 26303, Richmond, VA 23260.

MC 162024 (Sub-6–2TA), filed March 15, 1983. Applicant: ROD TRANSPORT, INC., 2848 American Ave., Sacramento, CA 95833. Representative: Steven Rodriquez (same as applicant). *Pulp, Paper and Related Products* between points in Sacramento County, CA and Oakland, CA and San Francisco, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Keyes Fibre Company, 8450 Gerber Rd., Sacramento, CA 95828.

MC 164104 (Sub-6–6TA), filed March 14, 1983. Applicant: SITTER'S TRANSPORT LIMITED, 406 1st Ave., Kindersley, Saskatchewan, CD SOL 1SO. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. *Carbonated and flavored water* from ports of entry on U.S.-Canadian border at points in MT to points in AZ, CA, OR and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Renoir Water Multinational Ltd., Suite No. 3, 3640 26th St., NE, Calgary, Alberta, CD T1Y 4T7.

MC 166809 (Sub-6–1TA), filed March 15, 1983. Applicant: WILLIAM A. VAN WERVEN, 1909 Temon Road, Everson, WA 98247. Representative: William E. Seliski, 2 Commerce Street, POB 8255, Missoula, MT 59807. *Bituminous coal* from points on the U.S./Canada boundary in WA to Whatcom County, WA (foreign commerce only) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Columbia Cement Corporation, Manager of Purchases, P.O. Box 37, Bellingham, WA 98227.

MC 165427 (Sub-6–1TA), filed March 15, 1983. Applicant: R. WORRALL & SONS TRUCKING, INC., 8799 Jay Court, Arvada, CO 80003. Representative: Roy Warrall (same address as applicant). *Meat and Packinghouse Products,* from Denver, Ft. Morgan, and Sterling, Co, to points in IL, IN, and MO, restricted to facilities of Sterling Colorado Beef Company for 270 days. Supporting shipper: Sterling Colorado Beef Company, PO Box 487, Ft. Morgan, CO 80701.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7807 Filed 3–25–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please Direct Status Inquires to Team 1, (202) 275–7992

Volume No. OP1–96

Decided: March 16, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 109780 (Sub-82A), filed March 2, 1983. Applicant: TRAILWAYS, INC., 1500 Jackson St., Dallas TX 75201. Representative: G. W. Hanthorn, (same address as applicant), (214) 655–7937). Transporting (1) *passengers,* in charter and special operations, between points in the U.S. (except HI), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation in (1) above. Applicant has also filed for authority under the non-fitness procedures docketed MC–109780 Sub 82B, published in the same **Federal Register** issue.

MC 136521 (Sub-4), filed March 8, 1983. Applicant: EXECUTIVE COURIER SERVICE, INC., 33 North East 27th St., P.O. Box 25123, Oklahoma City, OK 73125. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 143881 (Sub-2), filed February 24, 1983. Applicant: HOTARD COACHES, INC., 716 Deckbar Ave., New Orleans, LA 70121. Representative: Leo C. Franey, 918–16th St., N.W., Washington, DC 20006, (202) 785–3700. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166461, filed February 28, 1983. Applicant: WILLIAM O. ROSE d.b.a., BILL ROSE TRUCKING, Box 1127, Cut Bank, MT 59427. Representative: William O. Rose (same address as applicant), (406) 873–4730. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166490, filed February 28, 1983. Applicant: MARIE C. SMITH d.b.a. T. R. I. ENTERPRISES, P.O. Box M 543, Landing NJ 07850. Representative: Marie C. Smith, (same address as applicant), (201) 398–7019. As a *broker,* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166530, filed March 1, 1983. Applicant: BERT PETERSON, d.b.a. MIDWEST MARKETING, 10460 S. 13th St., Oak Creek, WI 53154. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (414) 764–1062. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166690, filed March 3, 1983. Applicant: KAL LEASING, INC., 425 Sugar Ave., Billings, MT 59107. Representative: John A. Elliott, 301 N. Schuyler, Kankakee, IL 60901, (815) 933–3375. Transporting *passengers,* in charter operations, beginning and ending at points in Yellowstone County, MT, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter transportation.

Volume No. OP1–98

Decided: March 18, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 140 (Sub-7), filed March 14, 1983. Applicant: AUCH-INTER-BOROUGH TRANSIT COMPANY, 3210–20 Spring Garden St., Philadelphia, PA 19104. Representative: David E. Thomas, 1012 Three Penn Center Plaza, Philadelphia, PA 19102, (215) 563–9600. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 133500 (Sub-2), filed March 9, 1983. Applicant: CROWN MOVING & STORAGE INC. OF ILLINOIS, 8040 Castleton Rd., Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, (202) 833–8884. Transporting *used household goods* for the account of the U.S. Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (including AK and HI).

MC 166620, filed March 7, 1983. Applicant: ROBINSON COACH COMPANY, 1528 Emerson, Evanston, IL 60201. Representative: Allan C. Zuckerman, 221 North LaSalle St., Suite 826, Chicago, IL 60601, (312) 641–5900. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166621, filed March 7, 1983. Applicant: VEM SERVICES, INC., 501 Oakland Ave., Villa Park, IL 60181. Representative: John L. Rogers, 7 South Dearborn St., Suite 1412, Chicago, IL 60603, (312) 726–5321). As a *broker* of *general commodities* (excpet household goods), between points in the U.S.

MC 166650, filed March 8, 1983. Applicant: V. T. TRANSPORTATION, INC., 2280 82nd St., Brooklyn, NY 11214. Representative: Sidney J. Leshin, 3 East 54th St., New York, NY 10022, (212) 759–3700. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166681, filed March 3, 1983. Applicant: SCR COACHES, INC., 1808 Park Blvd., Fargo, ND 58103. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840–8565. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166720, filed March 10, 1983. Applicant: JACKSON BROKERS, 14003 S.E. 134th, Renton, WA 98056. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Reton, WA 98055, (206) 228–3807. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166751, filed March 11, 1983. Applicant: TRI-COUNTY TRANSPORTATION CENTER, INC., R.D. #2, Box 213, East Stroudsburg, PA 18301. Representative: Raymond Talipski, 121 South Main Street, Taylor, PA 18517, (717) 344–8030. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI)

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166761, filed March 14, 1983. Applicant: JOHN WARREN, d.b.a. WARREN TOURS, 146–16th Ave., Paterson, NJ 07509. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166770, filed March 14, 1983. Applicant: CLAUDE W. DOLLY, Fords Crossing, Corringanville, MD 21524. Representative: William L. Wilson, 100 South Liberty Street, Cumberland, MD 21502, (301) 722–2515. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166801, filed March 15, 1983. Applicant: PAUL R. LAWRENCE, d.b.a. LAWRENCE EXPRESS, 8520 Great Plains Blvd., Chanhassen, MN 55317. Representative: Paul R. Lawrence (same address as applicant), (612) 934–8586. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to team 2 at 202–275–7038.

Volume No. OP2–132

Decided: March 17, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 29623 (Sub-3), filed February 24, 1983. Applicant: SOUTHEASTERN STAGES, INC., 226 Alexander St., NW., Altanta, GA 30313. Representative: William C. Hughes (same address as applicant), 404–874–2741. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded, charter and special transportation.

MC 43603 (Sub-8), filed February 23, 1983. Applicant: MT. LASSEN MOTOR TRANSIT, INC., Rte. 2, Box 2931, Red Bluff, CA 96080. Representative: Daniel W. Baker, 100 Pine St., No. 2550, San Francisco, CA 94111, 415–986–1414. Transporting *passengers*, in charter and special operations, between points in the U.S. (Except AK and HI).

Note.—Applicant seeks to provide privately-funded, charter and special transportation.

MC 55312 (Sub-21), filed February 18, 1983. Applicant: TRAILWAYS TENNESSEE LINES, INC., 327 Gayoso St., Memphis, TN 38103. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, 214–655–7937. Transporting (1) *passengers*, in charter and special operations, between points in the U.S. (except HI), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—In part (1) applicant seeks to provide privately-funded charter and special transportation.

MC 73742 (Sub-5), filed February 24, 1983. Applicant: WINN BUS LINES, INC., 909 N. 17th St., Richmond, VA 23219. Representative: Robert R. Pounders, 1915 Fordson Rd., Richmond, VA 23219, (804) 282–5369. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 107583 (Sub-62), filed March 1, 1983. Applicant: SALEM TRANSPORTATION CO., INC., 133–03 35 Ave., Flushing, NY 11354. Representative: Jack Mirow (same address as applicant), (212) 762–6700. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 111422 (Sub-14), filed February 17, 1983. Applicant: O.D. ANDERSON, INC., 153 Conneaut Lake Rd., Greenville, PA 16125. Representative: Maxwell A. Howell, 2554 Massachusetts Ave., N.W., Washington, DC 20008, 202–483–8633. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 146783 (Sub-17), filed February 18, 1983. Applicant: S & L TRANSPORTATION, INC., 59–21 156th St., Flushing, NY 11355. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–234–0301. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 155733 (Sub-2), filed February 15, 1983. Applicant: TRAIL BLAZERS, INC., 7990 Overland Rd., Boise, ID 83709. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transporting (1) *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and west of WI, IL, MO, AR and LA (except AK and HI), and (2) for or on behalf of the United States Government, general commodities (except used household goods,

hazardous or secret materials and sensitive weapons and munitions), between points in the U.S.

Note.—Part (1) is published in the **Federal Register**, this issue, with "regular applications".

MC 166093, filed February 4, 1983. Applicant: DOUGLAS H. PETERSON d.b.a. D & B TRUCKING, Box 158, Russell, MN 56169. Representative: Douglas H. Peterson (same address as applicant), (507) 823–5745. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 166262, filed February 15, 1983. Applicant: OVERLAND TRADING CO., INC., 3 West Main, Vernal, UT 84078. Representative: James Waymire (same address as applicant), 801–789–4891. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166283, filed February 15, 1983. Applicant: KENNETH R. SEKULA, d.b.a. EXPEDITORS INTERNATIONAL INC., 18935 Highway 75 North, P.O. Box 1744. Representative: Andrew E. Box (same address as applicant), 713–350–1010. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166392, filed February 23, 1983. Applicant: MIDWEST INTERMODAL CO., INC., 4549 Delaware Ave., Des Moines, IA 50313. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166393, filed February 23, 1983. Applicant: TIMOTHY PATRICK PRATER, 1111 East 3rd., Ellensburg, WA 98926. Representative: Timothy Patrick Prater (same address as applicant), 509–925–3831. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soild conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166452, filed February 28, 1983. Applicant: E & E BUS SERVICE, INC., 8340 South 85th Court, Hickory Hills, IL 60457. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, 703–751–2441. Transporting *passengers* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

For the following, please direct status calls to team 4 at 202–275–7669.

Volume No. OP4–171

Decided: March 21, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 163956 (Sub-1), filed March 15, 1983. Applicant: ROYAL LIMO & AIR PARCEL SERVICE, INC., P.O. Box 151, Clan Rd., Coatesville, PA 19320. Representative: Burton Neil, 26 S. Church St., West Chester, PA 19380, (215) 696–3030. Transporting *passengers,* in charter and special operations, between points in Chester and Delaware Counties, PA, and points in VA.

Note—Applicant seeks to provide privately-funded charter and special transportation.

MC 166796, filed March 15, 1983. Applicant: ROCHESTER CITY LINES CO., INC., 1825 No. Broadway, Rochester, MN 55901. Representative: James R. Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *passengers* in charter and special operations, between points in the U.S. (except HI).

Note—Applicant seeks to provide privately-funded charter and special transportation.

MC 166826, filed March 15, 1983. Applicant: TRANSITAIDE WORLDWIDE INC., 875 Meadow St., Chicopee, MA 01013. Representative: Laurence L. Griffin (same address as applicant), (413) 592–9505. (A) Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI); and (B) As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166827, filed March 15, 1983. Applicant: PIONEER FREIGHT SYSTEMS, INC., P.O. Box 892, Carthage, MO 64836. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209–4786, (205) 942–9116. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP4–167

Decided: March 21, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 50026 (Sub-10), filed March 9, 1983. Applicant: TRAILWAYS ARKANSAS, INC., 1515 Jackson St., Dallas, TX 75201. Representative: G. W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655–7937. Transporting (A) *passengers,* in charter and special operations, between points in the U.S. (except HI), and (B) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation in (A) above.

MC 70947 (Sub-28), filed March 11, 1983. Applicant: MT. HOOD STAGES, INC., d.b.a. PACIFIC TRAILWAYS, 710 SW Second Ave., Suite 500, Portland, OR 97204. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, (503) 226–6491. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166767, filed March 14, 1983. Applicant: F.T.C., INC., 39 Luke Rd., Everett, MA 02149. Representative: Rachel Endelman (same address as applicant), (617) 389–5126. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166766, filed March 14, 1983. Applicant: DONALD M. HARVEY, 20892 Spindrift Lane, Huntington Beach, CA 92646. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4–169

Decided: March 21, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 61616 (Sub-70), filed March 9, 1983. Applicant: MIDWEST BUSLINES, INC., 1500 Jackson St., Dallas, TX 75201. Representative: G. W. Hanthorn, 1500 Jackson St., Suite 415, Dallas, TX, (214) 655–7937. Transporting (A) *passengers,* in charter and special operations, between points in the U.S. (except HI), (B) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

(except AK and HI), and (C) over regular routes, transporting *passengers*, between Kansas City, KS and St. Louis, MO, over Interstate Hwy 70, serving all intermediate points.

Note.—Applicant seeks in (A) above to provide privately-funded charter and special transportation, and in (C) above applicant seeks to provide regular-route service in interstate or foreign commerce and intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

Because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this **Federal Register** issue. Part A and B will be published in Vol. #168, Part C will be published in Vol. #169.

[FR Doc. 83-7806 Filed 3-25-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authroity.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of appications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-131.

Decided: March 18, 1983.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 21313 (Sub-2), filed February 23, 1983. Applicant: ALFRED SANTINI & CO., INC., 1571 Southern Blvd., Bronx, NY 10460. Representative: Arthur J. Piken, 95-25 Queens Blvd., Rego Park, NY 11374, 212-275-1000. Transporting (1) *household goods* and (2) *furniture and fixtures,* between New York, NY, on the one hand, and, on the other, points in ME, NH, and VT.

MC 146473 (Sub-8), filed February 18, 1983. Applicant: C.L.D. TRANSPORTATION CO., INC., 751 Broadway, Bayonne, NJ 07002. Representative: Charles J. Williams, 1815 Front St., P.O. Box 186, Scotch Plains, NJ 07076, 201-322-5030. Over *regular routes,* transporting *passengers,* between New York, NY and Atlantic City, NJ: (1) from New York over the George Washington Bridge to junction NJ Hwy 67, then over NJ Hwy 67 to junction U.S. Hwy 9W, then over U.S. Hwy 9W to East Clinton Ave, in Tenafly, NJ, then over East Clinton Ave, to junction Hillside Ave, then over Hillside Ave, to junction Washington St., then over Washington St., to junction Tenafly Rd, then over Tenafly Rd, to junction West Clinton Ave, then over West Clinton Ave, to junction Dean Drive South, then over Dean Drive South to junction Palisade Ave, in Englewood, NJ, then over Palisade Ave, to junction West St., then over West St., to junction Demarest Ave, then over Demarest Ave, to junction Dean Drive, then over Dean Drive to junction Palisade Ave, then over Palisade Ave, to junction Tryon Ave, in or near West Englewood, NJ, then over Tryon Ave, to junction Teaneck Rd, then over Teaneck Rd, to junction Cedar Lane, in Teaneck, NJ, then over Cedar Lane to junction Elm

Ave, then over Elm Ave, to junction Beverly Rd, then over Beverly Rd, to junction Lincoln Place, then over Lincoln Place to junction Cedar Lane, then over Cedar Lane to junction Teaneck Rd, then over Teaneck Rd, to junction DeGraw Ave, then over DeGraw Ave, to junction NJ Turnpike, then over Nj Turnpike to junction NJ Turnpike Interchange 18, then over NJ Turnpike to junction NJ Turnpike Interchange 11, then over NJ Turnpike to junction Garden State Parkway, in Woodbridge, NJ, then (a) over Garden State Parkway to junction Atlantic City Expressway, in Pleasantville, NJ, then over Atlantic City Expressway to Atlantic City, and (b) over Garden State Parkway to junction , Garden State Parkway Exit 123, then over Garden State Parkway to junction U.S. Hwy 9, in Sayreville, NJ, then over U.S. Hwy 9 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Atlantic City, and return over the same route; (2) from junction NJ Hwy 67 in Fort Lee, NJ to junction NJ Hwy 5, then over NJ Hwy 5 to junction Anderson Ave, then over Anderson Ave, to junction Bergenline Ave, in North Bergen, NJ, then over Bergenline Ave, to junction 48th St, in Union City, NJ, then over 48th St, to junction Broadway, then over Broadway to junction Park Ave, then over Park Ave, to junction Pleasant Ave, then over Pleasant Ave, to junction Center Roadway, then over Center Roadway to junction 32nd St, then over 32nd St, to junction Kennedy Blvd, then over Kennedy Blvd, to junction 31st St, then over 31st St, to junction NJ Turnpike, then over NJ Turnpike to NJ Turnpike Interchange 16, then over NJ Turnpike to junction NJ Turnpike Interchange 11, and return over the same route; (3) from New York through the Holland Tunnel to junction NJ Turnpike Interchange 14C, then over NJ Turnpike to junction NJ Turnpike Interchange 14, then over NJ Turnpike to junction U.S. Hwy 22, in Newark, NJ then over U.S. Hwy 22 to junction Hillside Ave, in Hillside, NJ, then over Hillside Ave, to junction North Broad St., then over North Broad St., to junction North Ave, then over North Ave, to junction Morris Ave, then over Morris Ave, to junction Stuyvesant Ave, in Union, NJ, then over Stuyvesant Ave, to junction Emerson Ave, then over Emerson Ave, to junction Stowe Ave, then over Stowe Ave, to junction Pine St., then over Pine St., to junction Morris Ave, then over Morris Ave, to junction North Ave, then over North Ave, to junction Elmora Ave, in Elizabeth, NJ, then over Elmora Ave, to junction Westfield Ave, then over Westfield Ave, to junction Stiles Ave, then over Stiles Ave, to junction Muriel Ave, then over Muriel Ave, to junction Elmora Ave, then over Elmora Ave, to junction Rahway Ave, then over Rahway Ave, to junction St. George Ave, in Roselle, NJ, then over St. George Ave, to junction North Wood Ave, in Linden, NJ, then over North Wood Ave, to junction Knopf St., then over Knopf St., to junction Helen St., then over Helen St., to junction West Elm St., then over West Elm St., to junction North Wood Ave, then over North Wood Ave, to junction Raritan Rd, then over Raritan Rd, to junction Garden State Parkway, and return over the same route; (4) from New York through the Lincoln Tunnel to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction Park Ave, and North Marginal St., in or near Weehawken, NJ, then over North Marginal St., to junction 32nd St., in Union , NJ, then over over 32nd St., to junction Kennedy Blvd, then over Kennedy Blvd, to junction Manhattan Ave, in Jersey City, NJ, then over Manhattan Ave, to junction Central Ave, then over Central Ave, to junction Hoboken Ave, then over Hoboken Ave, to junction Kennedy Blvd, then over Kennedy Blvd, to junction Bergen Ave, then over Bergen Ave, to junction Montgomery St., then over Montgomery St., to junction Merseles St., then over Merseles St., to junction NJ Turnpike, then over NJ Turnpike to junction NJ Turnpike Interchange 14C, in Jersey City, NJ, then over NJ Turnpike to junction NJ Turnpike Interchange 14B, then over NJ Turnpike to junction Bayview Ave, then over Bayview Ave, to junction Caven Point Rd, then over Caven Point Rd, to junction Bayview Ave, then over Bayview Ave, to junction NJ Turnpike, then over NJ Turnpike to junction NJ Turnpike Interchange 14B, then over NJ Turnpike to junction NJ Turnpike Interchange 14A, then over NJ Turnpike to junction East 53rd St., in Bayonne, NJ, then over East 53rd St., to junction Broadway, then over Broadway to junction West 4th St., then over West 4th St., to junction Ave A, then over Ave A to junction Bayonne Bridge, then over Bayonne Bridge to junction NY Hwy 440 in Staten Island, NY, then over NY Hwy 440 to junction Interstate Hwy 278, then over Interstate Hwy 278 to junction NY Hwy 440, then over NY Hwy 440 to junction Outerbridge Crossing, then over Outerbridge Crossing to junction NJ Hwy 440, in Perth Amboy, NJ, then over NJ Hwy 440 to junction Garden State Parkway, and return over the same route; (5) from New York over the Goethals Bridge to junction Interstate Hwy 278, in Elizabeth, NJ, then over Interstate Hwy 278 to junction U.S. Hwys 1 and 9, then over U.S. Hwys, 1 and 9 to junction South Wood Ave, in Linden, NJ, then over South Wood Ave, to junction St. George Ave, then over St. George Ave, to junction NJ Hwy 35, in Rahway, NJ, then over NJ Hwy 35 to junction New Brunswick Ave, in Perth Amoby, NJ, then over new Brunswick Ave, to junction State St., then over State St., to junction Smith St., then over Smith St., to junction Garden State Parkway, and return over the same route; and (6) serving all intermediate points on routes (1) through (5) above.

Notes.—(1) Applicant seeks to provide regular-route service in intrastate or foreign commerce. (2) Applicant seeks to provide regular-route service in interstate commerce under 49 U.S.C. 10922(c)(2)(B).

MC 148143 (Sub-18), filed February 28, 1983. Applicant: MID–AMERICA FARM LINES, INC., M.P.O. Box 71 Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant), 417–862–7486. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S (except AK and HI), under continuing contracts(s) with Ramco Transportation, Inc., of Seattle, WA.

MC 164803, filed February 28, 1983. Applicant: M.H. COGBURN GAILLARD, JR., Route 1, P.O. Box 116, Monetta, SC 29105. Representative: M. H. Cogburn Gaillard, Jr. (same address as applicant), 803–685–7913. Transporting *aminimal feed and feed supplements*, between points in the U.S. (except AK and HI), under continuing contract(s) with Horse Health Products, Inc., of Aiken, SC.

MC 166102, filed February 7, 1983. Applicant: N.S.T.S. CORPORATION, 166 Schoosett St., Pembroke, MA 02359. Representative: John M Kane, Jr., P.O. Box 46, Larchmond Land, Honover, MA 02339, (617) 826–5378. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with N.S.T.S. Corporation, of Hanover, MA.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–166

Decided: March 21, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 30787 (Sub-8), filed March 10, 1983. Applicant: NIAGARA SCENIC BUS LINES, INC., 5700 S. Maelou Drive, Hamburg, NY 14075. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., NW, Washington, DC 20005, (202) 783–3525. Over regular

routes, transporting *passengers*, (1) between Niagara Falls, NY and the Buffalo International Airport at Cheektowaga, NY: from Niagara Falls, NY over the Robert Moses Parkway to junction Interstate Hwy 190, then over Interstate Hwy 190 to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction Interstate Hwy 290, then over Interstate Hwy 290 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Kensington Expressway (NY Hwy 33), then over Kensington Expressway to junction Genesee St., then over Genesee St., to Buffalo International Airport at Cheektowaga, NY, and return over the same route, serving all intermediate points, and (2) between Niagara Falls, NY and the Buffalo International Airport at Cheektowaga, NY: from Niagara Falls over Robert Moses Parkway to junction Interstate Hwy 190, then over Interstate Hwy 190 to junction Interstate 290, then over Interstate Hwy 290 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Kensingston Expressway (NY Hwy 33), then over Kensington Expressway to junction Genesee St., then over Genesee St. to Buffalo International Airport at Cheektowaga, NY, and return over the same route, serving all intermediate points.

MC 34087 (Sub-15), filed March 8, 1983. Applicant: NORMAN HILLS, Route 60, Fredonia, NY 14063. Representative: Norman Hills, (same address as applicant), (716) 672–4312. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Fox Grocery Company, of Belle Vernon, PA, (2) Dawn Food Products, of Jackson, MI, (3) S. M. Flickenger Co., Inc., of Jamestown, NY, (4) Peter J. Schmitt Food Distribution, of Sharon, PA, and (5) Niagara Therapy Manufacturing Corporation, of Brocton, NY.

MC 42487 (Sub-1068), filed March 7, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 228–4692. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Wal-Mart Stores, Inc., of Bentonville, AR.

MC 109426 (Sub-5), filed March 11, 1983. Applicant: McCOLLISTER'S MOVING & STORAGE, INC., 1800 Route 130 North, P.O. Box 9, Burlington, NJ 08016. Representative: James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106, (215) 925–8300. Transporting *electronic equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with GTE Telenet, of Mt. Laurel, NJ.

MC 109586 (Sub-2), filed March 7, 1983. Applicant: MERCURY VAN SERVICE, INC., 18930 Gaithersburg-Laytonsville Rd., Gaithersburg, MD 20879–4197. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902, (301) 649–5074. Transporting *household goods* and *furniture and fixtures*, (1) between points in CT, DE, IL, IN, KY, MD, MA, NJ, NY, OH, PA, RI, VA, WV, and DC, and (2) between those points in (1) above, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 114107 (Sub-11), filed March 7, 1983. Applicant: RONALD ELLIOTT CLARK, d.b.a. CLARK'S TRUCKING AND EXCAVATING, 14201 Bohannon Lane, Louisville, KY 40272. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Louisville Ladder Division of Emerson Electric Co., of Louisville, KY.

MC 150177 (Sub-3), filed March 14, 1983. Applicant: CONATSER TRUCKING INC., 6350 Upper Rd., Cincinnati, OH 45238. Representative: James R. Jones (same address as applicant), (513) 941–3155. Transporting *food and related products*, between Cincinnati, OH, Phoenix, AR and points in Norfolk County, MA, and Northampton County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159736 (Sub-2), filed March 14, 1983. Applicant: DTX, INC., 500 Hogsback Rd., Mason, MI 48854. Representative: Daniel J. Sweeney, 1750 Pennsylvania Avenue NW., Washington, DC 20006, (202) 393–5710. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 164546, filed March 10, 1983. Applicant: C.U. TRANSIT COOPERATIVE, 218 S. Main St., Cottage Grove, WI 53527. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting (1) *petroleum*, (2) *chemicals and related products*, and (3) *fertilizers and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Mauston Farmers Cooperative Association, of Mauston, WI, and Dane County Farmers Union Coop, of Cottage Grove, WI.

Volumn No. OP4–168

Decided: March 21, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 61616 (Sub-70), filed March 9, 1983. Applicant: MIDWEST BUSLINES, INC., 1500 Jackson St., Dallas, TX 75201. Representative: G. W. Hanthorn, 1500 Jackson St., Suite 415, Dallas, TX, (214) 655–7937. Transporting (A) *passengers*, in charter and special operations, between points in the U.S. (except HI), (B) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI), and (C) over regular routes, transporting *passengers*, between Kansas City, KS and St. Louis, MO, over Interstate Hwy 70, serving all intermediate points.

Note.—Applicant seeks in (A) above to provide privately funded charter and special transportation, and in (C) above applicant seeks to provide regular-route service in interstate or foreign commerce and intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

Because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this **Federal Register** issue. Part A and B will be published in VOL #168. Part C will be published in VOL #169.

Volume No. OP4–170

Decided: March 21, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF–677, filed March 11, 1983. Applicant: GOLDEN NORTH INTERNATIONAL, INC., P.O. Box 4–176, Anchorage, AK 99509. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. As a freight fowarder in connection with the transportation of *used household goods, unaccompanied baggage*, and *used automobiles*, between points in the U.S.

MC 42146 (Sub-35), filed March 15, 1983. Applicant: A. G. BOONE COMPANY, 1812 W Morehead St., P.O. Box 668126, Charlotte, NC 28266. Representative: Floyd C. Hartsell, (same address as applicant), (704) 376–7533. Transporting *general commodities* (except classes A and B explosives,

household goods and commodities in bulk), between points in the U.S. under continuing contract(s) with International Freight Brokers, Inc. of Charlotte, NC.

MC 139207 (Sub-22), filed March 15, 1983. Applicant: McNABB-WADSWORTH TRUCKING CO., INC., 305 S Wilcox Dr., Kingsport, TN 37665. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004, (202) 347–8862. Transporting *food and related products,* between points in Greene County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142407 (Sub-6), filed March 15, 1983. Applicant: ROLL-ON, INC., Rt. 3, Box 36C, Brevard, NC 28712. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting *food and related products,* between points in IA, IL, IN, KY, MN, MO, NE, and NM, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142987 (Sub-4), filed March 14, 1983. Applicant: BOADY INTERSTATE EXPRESS, INC., Rt. 1, Box 256C, Merrillan, WI 54754. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting (1) *general commodities* (except classes A and B explosives and household goods), between points in IL, IN, OH, MI, MN and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *animal food,* between points in the U.S. (except AK and HI).

MC 154716 (Sub-6), filed March 14, 1983. Applicant: WALGREEN OSHKOSH, INC., 200 Wilmot Rd., Deerfield, IL 60015. Representative: John T. O'Connell, 521 S. LaGrange Rd., LaGrange, IL 60525, (312) 352–7220. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Ralston Purina Company, Checkerboard Square, of St. Louis, MO.

MC 160046 (Sub-2), filed March 15, 1983. Applicant: MICHAEL R. IRVING, d.b.a. IRVIN TRANSFER, P.O. Box 506, Shelby, MT 59474. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, (406) 543–8369. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MT.

MC 165967 (Sub-1), filed March 14, 1983. Applicant: FOSTER BROS. TRUCKING, INC., P.O. Box 8, Lamar, IN 47550. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 635–5853. Transporting *coal,* between points in Martin, Daviess, Dubois, Greene and Spencer Counties, IN.

MC 166486, filed March 15, 1983. Applicant: GERIG'S TRUCKING & LEASING, INC., 3909 Limestone Dr., Fort Wayne, IN 46809. Representative: James P. Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885, (219) 422–8884. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with General Electric Co., of Fort Wayne, IN.

MC 166807, filed March 15, 1983. Applicant: ORZAK CARTAGE CO., INC., 1337 West 37th Place, Chicago, IL 60609. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Fond Du Lac and Sheyboygan Counties, WI, and Chicago, Il, on the one hand, and, on the other, points in AL, AZ, CO, CT, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NJ, NM, NY, NC, ND, OH, OK, PA, SC, TN, TX, UT, VA, WV, WI and WY.

MC 166816, filed March 15, 1983. Applicant: HOWES LEATHER COMPANY, INC., One Batterymarch Park, Quincy, MA 02169. Representative: Samuel L. Watts, 54 Middlesex Turnpike, Burlington, MA 01803, (617) 273–3530. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AR, CO, CT, DE, FL, IA, IL, IN, KS, KY, MA, MD, ME, MI, MN, MO, NE, NH, NJ, NY, OH, OK, PA, RI, TN, TX, VA, VT, WI, WV, and DC.

MC 166817, filed March 15, 1983. Applicant: DIXIE CARRIERS, INC., 235 8th St., Pontotoc, MS 38863. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *pet and fish food,* between points in the U.S., under continuing contract(s) with Sunshine Mills, Inc., of Tupelo, MS.

MC 166836, filed March 15, 1983. Applicant: NATIONAL TRANSPORTATION AND DISTRIBUTION SERVICES, INC., P.O. Box 745, Stone Mountain, GA 30086. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with J. C. Penney Co., Inc., of New York, NY.

MC 166837, filed March 14, 1983. Applicant: ROY MEIER, P.O. Box 152, Mitchell, NE 69357. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, (402) 488–4841. Transporting *fertilizer and soil conditioners,* between points in Laramie and Goshen Counties, WY, Hamilton, Perkins, and Gage Counties, NE, Finney County, KS, and Woodward County, OK, on the one hand, and, on the other, points in CO, NE, and WY.

[FR Doc. 83–7805 Filed 3–25–83; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–F–15053]

Motor Carriers; JEM Trucking, Inc.—Purchase Exemption—Tom Miller Trucking Company, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by JEM Trucking, Inc., (MC–144999) of the interstate operating rights held by Tom Miller Trucking Company, Inc., in Certificate No. MC–160275, which authorizes the irregular-route transportation of general commodities (with exceptions) between points in North Carolina, on the one hand, and, on the other, points in Minnesota and points in other States east of the Mississippi River.

DATES: This exemption is effective on April 27, 1983. Petitions for reconsideration must be filed by April 18, 1983. Petitions for stay must be filed by April 7, 1983.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative D. R. Beeler, P.O. Box 482, Franklin, TN 37064. Pleadings should refer to No. MC–F–15053.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in No. MC–F–15053. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave. NW., Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: March 22, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc 83-7815 Filed 3-25-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15167]

Motor Carriers; Robert P. Johnson, John W. Higgins, Paul Hinds and Chester M. Lind, Individuals—Continuance in Control—Rocar Equipment Company, and Rogers Cartage Company

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1). Procedures For Handling Exemptions filed by Motor Carriers of Property under 49 U.S.C. 11343, 47 FR 53303 (November 24, 1982), Robert P. Johnson, John W. Higgins, Paul Hinds and Chester M. Lind, Individuals, seeks an exemption from the requirement under section 11343 of prior regulatory approval for its continuance in control of Rocar Equipment Company (MC-166143), and Rogers Cartage Company (MC-64932).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to: (1) Motor Section, Team 2, Room 2379 Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603. Comments should refer to No. MC-F-15167.

FOR FURTHER INFORMATION CONTACT: C. Landis Plummer, 202-275-7030.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 22, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7808 Filed 3-25-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15021]

Motor Carriers; Koch Industries, Inc.—Continuance in Control Exemption—Koch Oil Co., Ltd. and Matador Service, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the continuance in control by Koch Industries, Inc., of its two wholly owned motor carrier subsidiaries: Koch Oil Co., Ltd. (MC-164143) and Matador Service, Inc. (MC-145149).

DATES: This exemption is effective on April 27, 1983. Petitions for reconsideration must be filed by April 18, 1983. Petitions for stay must be filed by April 7, 1983.

ADDRESSES: Send pleadings to: (1) Motor Section, Team 2, Room 2379 Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative, E. Allen Munro, P.O. Box 6088 Station "D" Calgary, Alberta, Canada T2P 2C7. Pleadings should refer to No. MC-F-15021.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in No. MC-F-15021. To purchase a copy of the full decision, contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423; or call (202) 289-4357 in the DC metropolitan area, or (800) 424-5403 Toll-free outside the DC area.

Decided: March 21, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Andre was absent and did not participate.

Agatha L Mergenovich,

Secretary.

[FR Doc. 83-7812 Filed 3-25-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15024]

Motor Carriers; Victor Marano—Continuance in Control Exemption—Falcon Express, Inc. and Marty's Express, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(b), the continuance in control by Victor Marano (Marano) of Falcon Express, Inc. (Falcon) (No. MC-164199), and Marty's Express, Inc. (Marty's Express) (No. MC-39249). Falcon, a recipient of new motor common carrier authority, is partially owned by Marano, who is also a minority shareholder and officer of Marty's Express.

DATES: This exemption is effective on April 28, 1983. Petitions for reconsideration must be filed by April 18, 1983. Petitions for stay must be filed by April 7, 1983.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioners' representatives Leonard A. Jaskiewicz, and Robert R. Harris, 1730 M Street, N.W., Washington, D.C. 20036. Pleadings should refer to No. MC-F-15024.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in No. MC-F-15024. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; or call (202) 289-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

Decided: March 21, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7814 Filed 3-25-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15063]

Motor Carriers; Gary McLean, Terry McLean, Doug McLean, and Rod McLean—Continuance in Control Exemption—Northwest Contract Carriers, Inc., Interstate Distributor Co., and Interstate Draying Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the continuance in control by Gary McLean, Terry McLean, Doug

McLean, and Rod McLean of Northwest Contract Carriers, Inc. (No. MC–162817), Interstate Distributor Co. (MC–117201) and Interstate Draying Co. (MC–151929).

DATES: This exemption is effective on April 27, 1983. Petitions for reconsideration must be filed by April 18, 1983. Petitions for stay must be filed by April 7, 1983.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative Lawrence V. Smart, Jr., 419 N.W., 23rd Avenue, Portland, OR 97210. Pleadings should refer to No. MC–F–15063.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in No. MC–F–15063. To purchase a copy of the full decision contact: TS Infosytems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: March 21, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7810 Filed 3–25–83; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–F–15155]

Motor Carriers; Scott Transfer, Inc.—Merger Exemption—Bacon Motor Express, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e). and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Scott Transfer, Inc. (Scott) (No. MC–117956) and Bacon Motor Express, Inc. (Bacon) (No. MC–106863), currently under common control as authorized in No. MC–F–14570, seek an exemption from the requirement of prior regulatory approval for the merger of Bacon into Scott for management, control, and operation.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to: (1) Motor Section, Team 2, Room 2379, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative, Warren A. Goff, Goff & Stroud, 109 Madison Avenue, Memphis, TN 38103. Comments should refer to MC–F–15155.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 21, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7803 Filed 3–25–83; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–F–15045]

Motor Carriers; Lloyd W. Sharp—Control Exemption—Carson Truck Lines, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the acquisition by Lloyd W. Sharp, who controls B & G Trucking, Inc. (MC–146820) through the ownership of 50 percent of its outstanding capital stock, of control of Carson Truck Lines, Inc. (MC–142835).

DATES: This exemption is effective on April 27, 1983. Petitions for reconsideration must be filed by April 18, 1983. Petitions for stay must be filed by April 7, 1983.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative, Robert C. Bamford, Suite 1301, 1601 Wilson boulevard, Arlington, VA 22209. Pleadings should refer to No. MC–F–15045.

FOR FURTHER INFORMATION CONTCT: Warren C. Wood, (202) 275–7977.Q02

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in No. MC–F–15045. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: March 21, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7813 Filed 3–25–83; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–F–15011]

Motor Carriers, L. M., Wenham, et al.—Continuance in Control Exemption—Dependable Transportation, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the continuance in control by L. M. Wenham, F. L. Wenham III, J. E. Wenham and T. G. Wenham of Dependable Transportation, Inc. (No. MC–154613). The Wenhams also have a beneficial interest in Transco Systems, Inc., a non-carrier holding company, which controls Total Transportation Trucking, Inc. (MC–160291), Wenham Transportation, Inc. (MC–77424), and Bestway Systems, Inc. (MC–161173).

DATES: This exemption is effective on April 27, 1983. Petitions for reconsideration must be filed by April 18, 1983. Petitions for stay must be filed by April 7, 1983.

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative, F. L. Wenham III, 3200 East 79th St., Cleveland, OH 44104. Pleadings should refer to No. MC–F–15011.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in No. MC–F–15011. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: March 1, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7811 Filed 3-25-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15165]

Motor Carriers; Western Lines, Inc.—Purchase Exemption—L & L Motor Freight, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Western Lines, Inc. (Western) (No. MC-119908), Ace Doran Hauling & Rigging Co. (Ace) (No. MC-112304) which controls Western and Daniel Hamm Drayage Co. (No. MC-42963), Richard Doran (Doran) (a non-carrier) who controls Ace, and L & L Motor Freight, Inc. (L & L) (No. MC-149152), seek an exemption from the requirement of prior regulatory approval of the purchase of a portion of L & L's operating rights, namely, that portion of (Sub-No. 6) authorizing the transportation of *general commodities* (with exceptions), over regular routes, between Monahans, TX, and Oklahoma City, OK.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioner's representative, A. Charles Tell, 100 E. Broad Street, Columbus, OH 43215. Comments should refer to No. MC-F-15165.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 21, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7804 Filed 3-25-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree In an Action To Enjoin Discharge of Water Pollutants; Louisiana Pacific Corp.

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that on March 4, 1983, a proposed Consent Decree in *United States* v. *Louisiana Pacific Corporation,* Civil Action No. C-78-0567 MPH, was lodged with the United States District Court for the Northern District of California. The proposed decree requires the Louisiana Pacific Corporation to pay a civil penalty for violations of the Clean Water Act, 33 U.S.C. 1251 *et seq., and modifies a compliance order entered on December 10, 1982.*

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments related to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Louisiana Pacific Corporation,* DJ Ref. 62-11-90.

The proposed consent decree may be examined at the Region IX Office of the Environmental Protection, Enforcement Division, 215 Fremont Street, San Francisco, California 94105, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice (Room 1515), Tenth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-7807 Filed 3-25-83; 8:45 am]

BILLING CODE 4410-01-M

LIBRARY OF CONGRESS

Copyright Office

Policy Statement on Deposit Retention Schedule

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of policy decision.

SUMMARY: Pursuant to section 704(d) of the Copyright Act, the Register of Copyrights and The Librarian of Congress have determined that it is no longer practicable to retain published materials deposited in connection with registration of claims to copyright for more than five years from the date of deposit (except for works of the visual arts (Class VA), which will be retained for ten or more years, if possible). This notice informs the public of that policy determination.

FOR FURTHER INFORMATION CONTACT: Michael Pew, Library of Congress, Department D.S., Washington, D.C. 20540; telephone: (202) 287-8370.

SUPPLEMENTARY INFORMATION: Section 704 of the 1976 Copyright Act (title 17 of the U.S. Code) requires the Copyright Office to retain the material deposited in connection with the registration of a claim to copyright in an unpublished work during its term of copyright, unless a facsimile reproduction of the entire deposit has been made a part of Office records. 17 U.S.C. 704(d). Published works are to be "retained under the control of the Copyright Office, including retention in Government storage facilities, for the longest period considered practicable and desirable by the Register of Copyrights and the Librarian of Congress." 17 U.S.C. 704(d). The Copyright Office realizes the importance and significance of retaining all deposit material submitted in connection with the registration of claims to copyright. However, storage space limitations have necessitated decisions here announced.

In order to ensure that the Copyright Office continues to fulfill its statutory obligation to keep unpublished deposits for the term of copyright, it has become necessary to modify the policy respecting the retention of copies of published works. After careful study of the space available, the projected growth in registrations, and the use made of the deposits, the Register of Copyrights and The Librarian of Congress have made a determination under section 704(d) of the Copyright Act that it is no longer practicable to retain published deposits more than five years from the date of deposit (excluding works of the visual arts (VA deposits), which will be kept for ten or more years, if possible, because they are the subject of litigation to a greater degree than deposits in other classes). The Copyright Office has therefore revised its retention schedule for published deposits in such a manner

that will ensure not only continued compliance with the law and continued service to the public, but also the most efficient use of the limited space available for storage. Unpublished deposits will continue to be kept for the term of copyright, as provided by law, unless a facsimile reproduction has been made. All deposits removed from storage under the revised schedule will first be offered to the Library of Congress for its collections; any materials not selected may be transferred by the Library under its exchange and gift programs to other libraries.

Section 704(e) of title 17 provides that, "[t]he depositor of copies, phonorecords, or identifying material under section 408, or the copyright owner of record, may requestm retention, under the control of the Copyright Office, of one or more of such articles for the full term of copyright in the work." The statute also provides that Copyright Office Regulations shall prescribe, "* * * the conditions under which such requests are to be made and granted * * *." Only a few requests for full-term retention have been received since 1978. Based on these requests, certain deposits are being held for full-term storage, pending issuance of a regulation. A regulation is in preparation and publication is anticipated no later than March 31, 1983.

Dated: February 28, 1983.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 83-7838 Filed 3-25-83; 8:45 am]

BILLING CODE 1410-03-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Advisory Panel (Performing Arts Organizations); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Performing Arts Organizations) to the National Council on the Arts will be held on April 12-15, 1983, from 9:00 a.m.-5:30 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on April 12, from 9:00 a.m-11:00 a.m. to discuss policy and guidelines.

The remaining sessions of this meeting on April 12, from 11:00 a.m.-5:30 p.m. and on April 13-15, from 9:00 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Gary O. Larson,

Acting Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-7893 Filed 3-25-83; 8:45 am]

BILLING CODE 7537-01-M

Literature Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel to the National Council on the Arts will be held on April 14-25, 1983, from 9:00 a.m.-5:30 p.m. in room 1340 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on April 15, from 11:00 a.m.-5:30 p.m. to discuss policy and guidelines.

The remaining sessions of this meeting on April 14, from 9:00 a.m.-5:30 p.m. and on April 15, from 9:00 a.m.-10:30 a.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on application for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Gary O. Larson,

Acting Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-7895 Filed 3-25-83; 8:45 am]

BILLING CODE 7537-01-M

Media Arts Advisory Panel (Programming in the Arts);

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Programming in the Arts) to the National Council on the Arts will be held on April 19-20, 1983, from 9:00 a.m.-5:30 p.m. in the 12th Floor Screening Room of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Gary O. Larson,

Acting Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-7894 Filed 3-25-83; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel (Conceptual Performance Fellowships); Meeting

Pursuant to Secion 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Conceptual Performance Fellowships) to the National Council on the Arts will be held on April 13-15, 1983, from 9:00 a.m.-6:00 p.m. in the 12th floor screening room of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In acordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202–634–6070.

Gary O. Larson,

Acting Director, Office of Council and Panel Operations National Endowment for the Arts.

[FR Doc. 83–7890 Filed 3–25–83; 8:45 am]

BILLING CODE 7537–01–M

Visual Arts Advisory Panel (Video Fellowships); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Video Fellowships) to the National Council on the Arts will be held on April 26–29, 1983, from 9:00 a.m.—5:30 p.m. in room 716–718 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

This meeting is for the the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In acordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202–634–6070.

Gary O. Larson,

Acting Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83–7892 Filed 3–25–83; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Subpanel for Psychobiology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L., 92–462, the National Science Foundation announces the following meeting:

Name: Subpanel for Psychobiology, Advisory Panel for Behavioral and Neural Sciences.

Date and Time: April 13–15, 1983, 8:30 a.m.–5:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, NW., Room 523, Washington, D.C.

Type of Meeting: Open—April 15, 12:00 p.m.–2:00 p.m.; closed—April 13–14, 8:30–5:00 p.m., April 15–8:30 a.m.–12:00 p.m. and 2:00 p.m.–5:00 p.m.

Contact Person: Dr. Fred Stollnitz, Program Director, Psychobiology Program, Room 320, National Science Foundation, Washington, D.C. 20550, Telephone (202) 257–7949.

Summary Minutes: May be obtained from the Contact Person, Dr. Fred Stollnitz, at the above stated address.

Purpose of Panel: To provide advice and recommendations concerning support for research in psychobiology.

Agenda: Open—Research trends and opportunities in Psychobiology; closed—Review of proposals.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 23, 1983.

[FR Doc. 83–7883 Filed 3–25–83; 8:45 am]

BILLING CODE 7555–01–M

Subpanel for History and Philosophy of Science; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel for History and Philosophy of Science Advisory Panel for Social and Economic Science.

Date and Time: April 14th, 15th and 16th, 1983: 9:00 a.m. to 5:00 p.m. each day.

Place: Room 643, National Science Foundation, 1800 G Street, NW, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Margaret W. Rossiter, Program Director, History and Philosophy of Science Program, Room 312, National Science Foundation, Washington, DC 20550, telephone (202) 357–9677.

Purpose of Subpanel: To provide advice and recommendation concerning support for research in History and Philosophy of Science.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary of confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 23, 1983.

[FR Doc. 83–7881 Filed 3–25–83; 8:45 am]

BILLING CODE 7555–01–M

Subpanel on Linguistics; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Linguistics of the Advisory Panel for Behavioral and Neural Sciences.

Date and Time: April 13–15, 1983, 9:00 a.m. to 5:00 p.m., each day.

Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of Meeting: Part open, closed 4/13 and 4/15, 9:00 a.m. to 5:00 p.m., and 4/14 from 11:00 a.m. to 5:00 p.m.; open—4/14, 9:00 a.m. to 11:00 a.m.

Contact Person: Dr. Paul G. Chapin, Program Director, Linguistics Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–7696.

Summary Minutes: May be obtained from the contact person, Dr. Paul G. Chapin, at the above stated address.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Linguistics.

Agenda: Closed 4/13 and 4/15, 9:00 a.m. to 5:00 p.m., and 4/14, from 11:00 a.m. to 5:00 p.m., to review and evaluate research proposals as part of the selection process for awards.

Open—4/14, 9:00 a.m. to 11:00 a.m., general discussion of the current status and future plans of the Linguistics Program.

Reason for Closing: The Proposals being reviewed include information of a proprietary or confidential nature, including technical information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 23, 1983.

[FR Doc. 83–7884 Filed 3–25–83; 8:45 a...]

BILLING CODE 7555–01–M

Subpanel for Memory and Cognitive Processes; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Behavorial and Neural Sciences, Subpanel on Memory and Cognitive Processes.

Date and Time: April 12–14, 1983, 9:00 a.m.–5:00 p.m. each day.

Place: National Science Foundation, 1800 G St. NW., Washington, D.C. 20550, Room 421.

Type of Meeting: Part Open—Closed—4/12 and 4/14 9:00 a.m. to 5:00 p.m. and 4/13 1:00 p.m. to 5:00 p.m.; open—4/13 9:00 a.m. to 12:00 noon.

Contact Person: Dr. Joseph L Young, Program Director, Memory and Cognitive Processes Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–9898.

Summary Minutes: May be obtained from the Contact Person, Dr. Joseph L. Young, at the above stated address.

Purpose of Panel: To provide advice and recommendations concerning support for research in memory and cognitive processes.

Agenda: Closed—4/12 and 14 9:00 a.m. to 5:00 p.m., 4/13 1:00 p.m. to 5:00 p.m., to review and evaluate research proposals as part of the selection process for awards.

Open—4/13 9:00 a.m. to 12:00 noon, general discussion of the current status and future plans of the Memory and Cognitive Processes Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 23, 1983.

[FR Doc. 83–7885 Filed 3–25–83; 8:45 am]

BILLING CODE 7555–01–M

Subpanel on Systematic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Systematic Biology of the Advisory Panel for Environmental Biology.

Date and Time: April 13, 14 and 15, 1983–8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Wallace E. LaBerge, Program Director, Systematic Biology (202) 357–9588, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of Subpanel: To provide advice and recommendations concerning support for research in systematic biology.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 23, 1983.

[FR Doc. 83–7882 Filed 3–25–83; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 18th day of March, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Marvin R. Peterson,

Acting Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (EXPORTS)

Name of applicant, date of application, date received, and application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Mitsubishi Int'l, Mar. 4, 1983, Mar. 11, 1983, XSNM02030	3.45 pct enriched uranium	10,554	[illegible]	Routine reload of fuel for Genkai I	Japan.
Mitsui & Co., Mar. 9, 1983, Mar. 15, 1983, XSNM02031	3.95 pct enriched uranium	11,439	341	Routine reload of fuel for Fukushima I, Unit 5.	Japan.
Combustion Engineering, Mar. 8, 1983, Mar. 15, 1983, XSNM02032.	4.1 pct enriched uranium	160,000	6,560	Five (5) reloads of fuel each for Korea Units 7 and 8.	[illegible]

[FR Doc. 83–7762 Filed 3–25–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-313]

Arkansas Power and Light Co. (Arkansas Nuclear One, Unit 1) Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Arkansas Power & Light Company (the licensee) is the holder of Facility Operating License No. DPR-51 which authorizes the operation of the Arkansas Nuclear One, Unit 1 (the facility) at steady-state power levels not in excess of 2568 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Pope County, Arkansas.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements". Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981: (1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Arkansas Power and Light Company responded to the Generic Letter 82-05 by letter dated May 17, 1982, supplemented by letters dated May 28, 1982, and June 7, 1982; Arkansas Power and Light responded to the Generic Letter 82-10 by letter dated September 10, 1982. In these submittals, Arkansas Power and Light Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82-10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining item is provided herein:

II.E.1.2 Auxiliary Feedwater (AFW) Initiation and Flow Indication

The licensee has committed to complete the installation and testing of the Emergency Feedwater System upgrade, which includes the safety grade Emergency Feedwater Initiation System, during the first cold shutdown of sufficient duration, but no later than the sixth refueling outage currently scheduled for Fall 1984. The NRC staff has reviewed the licensee's submittals and determined that the licensee's modified schedule for implementation of the safety grade Emergency Feedwater Initiation System is acceptable based on the following:

The licensee's emergency feedwater modification upgrades the control system as well as the automatic initiation as required in Item II.E.1.2. The upgrade involves extensive plant modifications and safety grade equipment which will not be available until March 1983. The licensee's current schedule for the fifth refueling is November 1982. During this time as much of the modifications will be implemented as will be possible. The remainder of the modifications will be dependent upon equipment which will not be available until March 1983 and a cold shutdown of sufficient duration for completion of the work. The licensee estimates that it will take an outage of at least 10 weeks to complete the remaining modifications and testing of the system. The licensee proposes to complete the final installation and testing of the upgrade during the first cold shutdown of sufficient duration after March 1983, but no later than the sixth refueling outage which is currently scheduled for Fall 1984.

The licensee states that during the interim period, pending completion of the Emergency Feedwater System upgrade modifications, the present Automatic Emergency Feedwater Initiation System, installed as a short term lessons learned requirement, will provide a reliable means of initiating emergency feedwater. The current system is such that no single failure can prevent initiation and control to at least one steam generator. The overall reliability of this system has been improved by modifications made since 1980 as a result of the Crystal River 3 event. The safety grade flow indication was completed during the 1981 refueling outage.

We find, based on the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG-0737 requirements noted; (2) there is good cause for the several delays (unexpected design complexity, interface problems, and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitments should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered effective immediately that* the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. *A request for hearing shall not stay the immediate effectiveness of this Order.*

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Attachments:

1. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–05.
2. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–10.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-Accident Sampling	do	Install upgrade post-accident sampling capability	Do.
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Do.
II.E.1.2	Aux. Feedwater Initiation & Flow Indication.	July 1, 1981	Modify instrumentation to level of safety grade	Flow Indication Complete; EFW Initiation Scheduled for 6th Refueling Outrage (11/84)
II.E.4.2	Containment Isolation Dependability.	do	Part 5-lower containment pressure setpoint to level compatible w/normal operation.	Complete.
		do	Part 7-isolate purge & vent valves on radiation signal	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Do
		do	(2) Provide capability for effluent monitoring of iodine	[redacted]
		do	(3) Install in-containment radiation-level monitors	Do.
		do	(4) Provide continuous indication of containment pressure.	Do.
		do	(5) Provide continuous indication of containment water level.	Do.
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Do.
II.K.2.10	Safety Grade Trips	July 1, 1981	Install anticipatory reactor trips	Do

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	Oct. 1,1982 per Gen. Ltr. 82–12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dtd. June 15, 1982.	Complete.
I.A.1.3.2	[2] Minimum Shift Crew	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	[2] Revise Emergency Procedures	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined.
II.D.1.2	RV and SV Test PROGRAMS	July 1, 1982	Submit plant specific reports on relief & safety valve program.	Complete.
II.D.1.3	Block Valve Test Program	do	Submit report of results of test program	Do.
II.K.3.30 & 31	[2] SBLOCA Analysis	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.a.1.2	[2] Staffing Levels for Emergency Situations.	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be Determined.
III.A.1.2	[2] Upgrade Emergency Support Facilities.	do	do	Do.
III.A.2.2	[2] Meteorological Data	do	do	Do
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc. 83–7763 Filed 3–25–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-302]

Florida Power Corp., et al.; (Crystal River Unit No. 3 Nuclear Generating Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Florida Power Corporation (the licensee) and eleven other co-owners are the holders of Facility Operating License No. DPR-72 which authorizes the operation of the Crystal River Unit No. 3 Nuclear Generating Station (the facility) at steady-state power levels not in excess of 2544 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Citrus County, Florida.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Florida Power Corporation responded to the Generic Letter 82-05 by letters dated April 14, June 18 (2 letters), June 30, September 8 and 14, 1982; Florida Power Corporation responded to the Generic Letter 82-10 by letters dated June 4, and September 17, 1982. In these submittals, Florida Power Corporation confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82-05 and 82-10 applied to fourteen and ten items, respectively. Of the ten items listed in Generic Letter 82-10, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82-111, as amended; Item II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Eight of the 18 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining ten items is provided herein:

II.B.2 *Plant Shielding*

This item will be delayed by the licensee and will be completed during the next refueling outage, R.O.IV. R.O.IV is scheduled to start in March 1983 and to continue for about 16 weeks. The delay was caused by late delivery of valve operator starters and manual valve extenders. The manual valve extenders have been received and are scheduled to be installed prior to November 1982. In addition, a six day outage will be required to complete final hookup of the valve operators. The licensee has stated that temporary shielding methods and procedures for manual action will be used as a compensatory measure until final installation has been completed.

II.B.3 *Post Accident Sampling*

This item will be delayed by the licensee and will be completed by December 1983. Delay in installation was caused by late delivery of a number of items of equipment and subsequent interface design problems in the plant. Also contributing to the delay was seismic justificatin deficiencies for the Target Rock valves. As compensatory measures, plant procedures for handling and analyzing post-accident samples were developed and implemented. These will be utilized until the post-accident sampling equipment becomes operational.

II.E.1.2 *Auxiliary Feedwater (AFW) Initiation and Flow Indication*

Safety grade AFW initiation and flow indication is part of an expanded AFW system upgrade called Emergency Feedwater Indication and Control (EFIC). The upgrade will include modifications (Safety Grade Control) that are beyond those suggested in NUREG-0737 and accordingly the expanded upgrade will not be completed until R.O.V, scheduled to begin in November 1984. Contributing to the delay has been the scheduled delivery dates for equipment such as the qualified Target Rock valves, qualified steam generator level transmitters and the EFIC cabinets. As an interim measure pending completion of the EFIC system, the licensee has installed and has operational a control grade system that is single-failure proof.

II.F.1 (1-6) *Post-Accident Monitoring (6 items)*

The licensee will delay three items, II.F.1(1), (2) and (6) for completion by December 1983; and three items, II.F.1(3), (4) and (5) for completion during R.O.IV, scheduled for March 1983. For Items II.F.1(1), Noble Gas Effluent Radiological Monitor, and II.F.1(2), Continuous Sampling of Plant Effluent, development problems in background shielding requirements and related instrument sensitivities resulted in the design of additional shielding and changes in placement of the modules. Also late delivery schedules for vendor and other auxiliary equipment caused the schedule delay. For Item II.F.1(6), Containment Hydrogen Monitor, the design required modification when the original specified hydrogen monitor was replaced with a monitor upgraded for reliability and meeting the regulatory requirements. The redesign requirements along with late delivery schedules of vendor and other auxiliary equipment caused the delay in completion of this item. For II.F.1(3), Containment High Range Monitor, all equipment is onsite but a plant shutdown is required to complete the installation. For Items II.F.1(4),

Containment Pressure Monitor, and II.F.1(5), Containment Water Level Monitor, design modifications and late delivery of equipment contributed to the delay in installation. In addition, a plant outage is required to complete the installation. For Items II.F.1(1) through II.F.1(5), as a compensatory measure, the licensee has currently in operation monitors with shorter ranges than those being installed. However, there is only a small likelihood that the extended range will be necessary in the interim period. For II.F.1(6), as a compensatory measure, the licensee has made provisions for taking grab samples of the reactor containment atmosphere for analysis at on-site facilities.

We find, based on the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays (unexpected design complexity, interface problems, and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitments should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered effective immediately that* the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein as soon as practicable but no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. *A request for hearing shall not stay the immediate effectiveness of this order.*

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Attachments:

1. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–05.
2. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–10.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions	Refueling outage IV (3/83)
II.B.3	Post-Accident Sampling	do	Install upgrade post-accident sampling capability	December 1983.
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Complete.
II.E.1.2	Auxiliary Feedwater Initiation and Flow Indication.	July 1, 1981	Modify instrumentation to level of safety grade	Refueling outage V (11/84)
II.E.4.2	Containment Isolation Dependability.	do	Part 5-lower containment pressure setpoint to level compatible w/normal operation	Complete.
		do	Part 7-isolate purge & vent valves on radiation signal	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	December 1983.
		do	(2) Provide capability for effluent monitoring of iodine	Do.
		do	(3) Install incontainment radiation-level monitors	Refueling outage IV (3/83)
		do	(4) Provide continuous indication of containment pressure	Do.
		do	(5) Provide continuous indication of containment water level	Do.
		do	(6) Provide continuous indication of hydrogen concentration in containment	[illegible]
II.K.2.10	Safety Grade Trips	July 1, 1981	Install anticipatory reactor trips	Complete.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82–12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr No. 82–12, dtd June 15, 1982.	Complete
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific rpts. on relief & safety valve program.	[illegible]
II.D.1.3	Block Valve Test Program	do	Submit rept. of results of test program	[illegible]
II.K.3.30 & 31	SBLOCA Analysis [2]	1 Yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations.[2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined
III.A.1.2	Upgrade Emergency Support Facilities.[2]	do	do	Do
III.A.2.2	Meteorological Data [2]	do	do	[illegible]

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
II.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc. 83-7764 Filed 3-25-83 8:45 am]
BILLING CODE 7590-01-M

[Dockets Nos. 50-321 and 50-366]

Georgia Power Co., et al. (Edwin I. Hatch Nuclear Plant, Units 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Georgia Power Company (GPC or the licensee) and three other co-owners are the holders of Facility Operating Licenses Nos. DPR-57 and NPF-5 which authorize operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Hatch or the facilities) at steady state reactor power levels not in excess of 2436 megawatts thermal for each unit. The facilities are boiling water reactors located at the licensee's site in Appling County, Georgia.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Georgia Power Company responded to Generic Letter 82-05 by letters dated April 20, June 7 and 11, 1982, December 20, 1982 and February 11, 1983. The licensee responded to Generic Letter 82-10 by letter dated June 4, 1982. The licensee had previously informed the staff, in a letter dated October 1, 1981 that it had completed the requirement of Item II.D.1.2 concerning submittal of safety relief valve test reports. In the submittals responding to Generic Letters 82-05 and 82-10, the licensee confirmed which of the other items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82-10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the remaining items is provided herein: Common to Units 1 and 2 is Item II.E.4.2(7) Containment Isolation Dependability, Position 7.

This item is still under review by NRC. As a consequence, this item, scheduled for completion by July 1, 1981, will be the subject of a future NRC action and is therefore not included in this Order.

For Hatch 1, regarding Generic Letter 82-05, there are seven incomplete items: II.B.3, Post Accident Sampling, II.F.1 (1), (2), (3) and (4), Post Accident Monitors, and II.K.3.22, RCIC Suction Modification and II.E.4.2, Part 7. The licensee's implementation schedule for Items II.B.3 and II.F (3) and (4) is given as the end of the outage following Cycle 5b (also referred to as Cycle 6). This outage is scheduled for completion in mid-February 1983. Items II.F.1 (1) and (2) can be completed with the reactor in operation and are scheduled for completion by March 15, 1983. Item II.K.3.22, for which equipment delivery is expected in June 1983, can also be completed with the reactor in operation and the proposed schedule is September 1983. The reason given for delaying II.B.3 is that the NRC issuance of Regulatory Guide 1.97 imposed additional requirements which resulted in a significant delay in the system design. In addition, a supplier experienced a work stoppage and was unable to meet a scheduled delivery date. The remaining five items for Hatch 1 are being impacted by procurement and documentation delays that have resulted in the completion schedule being delayed as described above. In our judgment, these delays were beyond the control of GPC. For Hatch 2, there are four incomplete items: II.B.3, II.F.1 (1) and (2) and II.K.3.22; these items are included in the seven, discussed above for Hatch 1. The Hatch 2 Cycle 4 reload is scheduled for Spring 1983. The reasons given for the Hatch 2 items and the resultant schedules are the same as for the congruent Hatch 1 items. Therefore, we conclude the delays are justified.

The licensee has provided for interim compensatory measures for all of the items that require a plant hardware modification. In regard to each such hardware item the compensatory measures are as follows:

II.B.3—Two existing systems in place which can provide for adequate post-accident sampling of both reactor coolant and drywell atmosphere.

II.F.1(1)—Interim systems to quantify high level releases and in-plant iodine are in place.

II.F.1(2)—Same as for II.F.1(1).

II.F.1(3)—Post accident gamma radiation monitors installed in the original plant design are available as interm monitoring devices.

II.F.1(4)—Drywell pressure is currently indicated on a recorder which serves as an interim monitoring device.

II.K.3.22—Manual transfer procedures in place, as interim measure, until automatic switchover hardware in operation.

We find, based on the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays (unexpected design complexity, interface problems, and (equipment delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

VI

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered effective immediately that the licensee shall:*

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. *A request for a hearing shall not stay the immediate effectiveness of this order.*

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Attachments:

1. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–05.
2. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–10.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's Completion Schedule (or status) [1]	
				Unit [2]	Unit 2
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	....do	Do.
II.B.3	Post-Accident Sampling	....do	Install upgrade post-accident sampling capability	Apr. 1, 1983	Apr. 1, 1983
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete	Complete.
II.E.4.2	Containment Isolation Dependability.	July 1, 1981	Part 5—lower containment pressure setpoint to level compatible w/normal operation.	....do	Do
		....do	Part 7—isolate purge & vent valves on radiation signal [3].	Technical exception	Technical exception
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Mar. 5, 1983	([2])
		....do	(2) Provide capability for effluent monitoring of iodine	....do	([2]).
		....do	(3) Install in-containment radiation-level monitors	([2])	Complete
		....do	(4) Provide continuous indication of containment pressure	([2])	Do
		....do	(5) Provide continuous indication of containment water level	Complete	Do
		....do	(6) Provide continuous indication of hydrogen concentration in containment.	....do	Do
II.K.3.15	Isolation of HPCI & RCIC Modification.	July 1, 1982	Modify pipe break detection logic to prevent inadvertent isolation.	....do	Do
II.K.3.22	RCIC Suction	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	Sept. 30, 1983	Sept. 30, 1983
II.K.3.24	Space Cooling for HPCI/RCIC	....do	Confirm adequacy of space cooling for HPCI/RCIC	Complete	Complete.
II.K.3.27	Common Reference Level	July 1, 1981	Provide common Reference Level for Vessel Level Instrumentation.	....do	Do

[1] End of outage followed by Cycle 5b, currently scheduled for completion in mid-February 1983.
[2] End of outage following Cycle 3, currently scheduled for Spring 1983.
[3] Not part of Confirmatory Order.

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) for Units 1 & 2
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82–12 dtd. June 15,1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dtd. June 15, 1982	Complete
I.A.1.3.2	Minimum Shift Crew [1]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Unit..	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures [1]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief & safety valve program.	Complete
II.K.3.18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	Do
II.K.3.30 & 31	SBLOCA Analysis [1]	1 year after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model

LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10—Continued

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) for Units 1 & 2
III.A.1.2	Staffing Levels for Emergency Situations. [1]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be Determined.
III.A.1.2	Upgrade Emergency Support Facilities. [1]	do	do	Do.
III.A.2.2	Meteorological Data [1]	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study.	Complete.

[1] Not Part of Confirmatory Order.

[FR Doc. 83–7768 Filed 3–25–83; 8:45 am]
BILLING CODE 7590–01–M

[Dockets Nos. 50–277 and 50–278]

Philadelphia Electric Co. (Peach Bottom Atomic Power Station, Units 2 and 3); Order Confirming licensee Commitments on Post-TMI Related Issues

I

The Philadelphia Electric Company (the licensee) and three other co-owners are the holders of Facility Operating Licenses Nos. DPR–44 and DPR–56 which authorize the operation of the Peach Bottom Atomic Power Station, Units 2 and 3 (Peach Bottom or the facilities) at steady-state power levels not in excess of 3293 megawatts thermal for each unit. The facilities are boiling water reactors located at the licensee's site in York County, Pennsylvania.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Philadelphia Electric Company responded to Generic Letter 82–05 by letters dated April 15, June 23 and July 8, 1982. The licensee responded to Generic Letter 82–10 by letter dated June 3 and December 15, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82–10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the remaining items is provided herein:

II.E.4.2(7) Containment Isolation Dependability, Position 7

This item is still under review by NRC and is therefore not included in this Order. As a consequence, this item, scheduled for completion by July 1, 1981, will be the subject of a future NRC action.

III.D.3.4 Control Room Habitability

Control Room Habitability is a problem at the Peach Bottom site due to the use of liquid-chlorine as a water treatment chemical. The licensee is replacing the chlorine system with a sodium hypochlorite biocide system. The licensee's original January 1, 1983 installation date has been delayed, due to equipment delivery problems, to February 28, 1983. The licensee has compensated for this delay by providing self contained breathing apparatus in the control room for all personnel. Control room personnel have been trained in the use of this equipment in the event of a chlorine release.

We find, based on the above evaluation, that: (1) the licensee has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the delay (equipment delays), and (3) as noted under III.D.3.4, an interim compensatory measure has been implemented.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered* effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal

Director at the same address. *A request for a hearing shall not stay the immediate effectiveness of this order.*

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Attachments

1. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–05.
2. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–10.

ATTACHMENT 1.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]	
				Unit 2	Unit 3
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions	...do	[illegible]
II.B3	Post-Accident Sampling	...do	Install upgrade post-accident sampling capability	...do	Do.
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1982	Complete training program	...do	[illegible]
II.E.4.2	Containment Isolation Dependability	July 1, 1981	Part 5—lower containment pressure setpoint to level compatible w/ normal operation.	...do	[illegible]
		...do	Part 7—isolate purge and vent valves on radiation signal [2]	Technical exception.	[illegible] exception.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Complete	Complete.
		...do	(2) Provide capability for effient monitorng of iodine	...do	Do.
		...do	(3) Install incontainment radiation-level monitors	...do	Do.
		...do	(4) Provide continuous indication of containment pressure	...do	Do.
		...do	(5) Provide continuous indication of containment water level	...do	Do.
		...do	(6) Provide continuous indication of hydrogen concentration in containment.	...do	Do.
II.K.3.15	Isolation of HPCI and RICI Modification	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation	...do	[illegible]
II.K/3.22	RCIC Suction	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus	...do	Do.
II.K.3.24	Space Cooling for HPCI/RCIC	...do	Confirm adequacy of space cooling for HPCI/RCIC	...do	[illegible]
II.K.3.27	Common Reference Level	July 1, 1981	Provide common Reference Level for Vessel Level Instrumentation	...do	[illegible]

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not part of Confirmatory Order.

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	Oct. 1, 1982, per Gen. Ltr. 82–12 dated June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dated June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedurss [2].	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific repts. on relief and safety valve program	Complete.
II.K.3.18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	Do.
II.K.3.30 and 31	SBLOCA Analysis [2]	1 year after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [2].	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilites [2].	...do	...do	Do.
III.A.2.2	Meteorological Data [2]	...do	...do	[illegible]
III.D.3.4	Control Room Habitability	To be determined by licnesee	Modify facilty as identified by licensee study	Feb. 28, 1983.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc 83–7768 Filed 3–25–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–312]

Sacramento Municipal Utility District (Rancho Seco Nuclear Generating Station); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Sacramento Municipal Utility District (the licensee) is the holder of Facility Operating License No. DPR–54 which authorizes the operation of the Rancho Seco Nuclear Generating Station (the facility) at steady-state power levels not in excess of 2772 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Sacramento County, California.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the

experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modification, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Sacramento Municipal Utility District responded to the Generic Letter 82–05 by letters dated April 15, May 5, September 20, and December 14, 1982; Sacramento Municipal Utility District responded to the Generic Letter 82–10 by letters dated June 4, September 20 and December 13, 1982. In these submittals, Sacramento Municipal Utility District confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82–10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

II.B.2 Plant Shielding

This item will be delayed by the licensee and will be completed during the next refueling outage (RO). The RO is scheduled to start in February 1983 and to continue for about six months. The delay was caused by late delivery of hardware necessary to convert two manual valves into remote operated valves. A plant shutdown is required to make the modifications. In addition, difficulties in manpower availability from consultants and the licensee organizations contributed to the delay. The licensee stated that there is an extremely low probability of an occurrence that would yield the source terms that established the requirements that the valves be remotely operated. The licensee also stated that for design basis events (more likely events), the dose rate would allow limited but ample time to operate the two valves manually when required.

II.B.3 Post Accident Sampling

The pacing equipment for the primary coolant sampling is the sample and control panels which are scheduled to arrive by the end of 1982. This equipment will be installed during the February 1983 RO. As a compensatory measure, interim arrangements have been made for offsite analysis of high level activity samples.

II.E.1.2 Auxiliary Feedwater (AFW) Initiation and Flow Indication

Safety grade AFW initiation and flow indication is part of an expanded AFW system upgrade at Rancho Seco. The upgrade will include modifications (safety grade control) that are beyond those suggested in NUREG–0737, and accordingly the expanded upgrade will not be completed until the 1984 RO. However, the safey grade initiation and flow indication portion will be installed during the February 1983 RO. Late delivery of equipment contributed to the delay. Existing control grade AFW initiation and flow indication provide adequate interim protection.

II.E.4.2.7 Purge Valve Radiation Signal

Difficulties in the selection of a vendor for the monitor and subsequent delays by the selected vendor contributed to the delay in completion of the installation. The monitor is expected to be delivered and installed during the February 1983 RO. As a compensatory action, the plant currently operates with the purge valves closed.

II.F.1(1–6) Accident Monitoring (6 Items)

For all six items the licensee has experienced delays in delivery of equipment. Delivery of all the equipment is expected in the Fall of 1982 in time for installation during the February 1983 RO. The licensee has stated that existing instrumentation is adequate as a compensatory measure until the new instrumentation installations are completed.

II.K.2.10 Safety Grade Anticipatory Trip

The initial safety grade design utilized safety grade pressure switches which the licensee had concluded at that time could not be obtained. The design was then revised to incorporate pressure transmitters and electronic comparators. In its April 15, 1982 submittal, the licensee committed to install the safety grade trip during the February 1983 RO and identified the delivery of the electronic comparators as the problem which was delaying the completion of the installation until the February RO. However, recently the licensee's design review discovered the new design was not testable during operation. Therefore, the licensee decided to revise the design to incorporate the previous use of the safety grade pressure switches which are testable. The licensee stated that approximately 60 weeks is required to obtain qualified pressure switches.

The licensee proposes to complete the loss of feedwater and turbine trip modifications to the extent possible without the qualified pressure switches and to utilize nonqualified switches in their place during the February 1983 RO. The installation of the qualified pressure switches will then be completed during the November 1984 RO.

Existing trips from turbine trip and loss of main feedwater through control grade pressure sensors provide interim protection until the February 1983 RO.

The licensee stated that the interim design to be completed during the February 1983 RO is fail safe and that a single failure will not prevent the system from performance of its protective action when required.

II.D.1.2 Relief Valve and Safety Valve Test Programs

The analysis relating relief and safety valve pressure and blowdown to EPRI test data will be provided March 1983. Final ring settings for the valves will be made during the next RO (starting February 1983). The licensee has done a preliminary evaluation of valve performance for the current ring settings of the safety valves. The licensee stated

hat they feel that the preliminary evaluation, pending completion of the more rigorous analysis, confirms their position that the valves will perform their intended function in a satisfactory manner as required by the Rancho Seco Technical Specifications.

We find, based on the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for th several delays (unexpected design complexity, interface problems, and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitments should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered effective immediately that* the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director at the same address. *A request for hearing shall not stay the immediate effectiveness of this* Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Attachments

1. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–05.
2. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–10.

ATTACHMENT 1.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.3.1	Simulator exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions	February 1983 [1]
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Do
II.B.4	Training for mitigating core damage	Oct. 1, 1981	Complete training program	Complete
II.E.1.2	Aux. feedwater initiation & flow indication.	July 1, 1981	Modify instrumentation to level of safety grade	February 1983 [1]
II.E.4.2	Containment isolation dependability	do	Part 5—lower containment pressure setpoint to level compatible w/ normal operation.	Complete
		do	Part 7—isolate purge & vent valves on radiation signal	February 1983 [1]
II.F.1	Accident monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Do [1]
		do	(2) Provide capability for effluent monitoring of iodine	Do [1]
		do	(3) Install in-containment radiation-level monitors	Do [1]
		do	(4) Provide continuous indication of containment pressure	Do [1]
		do	(5) Provide continuous indication of containment water level	Do [1]
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Do [1]
II.K.2.10	Safety grade trips	July 1, 1981	Install anticipatory reactor trips	November 1984. [1]

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [1]
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen Ltr 82–12 dtd June 15, 1982	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dtd. June 15, 1982.	Complete
I.A.1.3.2	Minimum Shift Crew [2]	Superseded by Proposed Rule dtd. Aug. 30, 1982.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be Determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief & safety valve program	March 1983
II.D.1.3	Block Valve Test Program	do	Submit report on results of test program	Complete.
II.K.3.30 & 31	SBLOCA Analysis [2]	Jan. 1, 1983 or 1 yr. after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be Determined
III.A.1.2	Upgrade Emergency Support Facilities [2]	do	do	Do
III.A.2.2	Meteorological Data [2]	do	do	Do
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility
[2] Not Part of Confirmatory Order

[FR Doc. 83–7769 Filed 3–25–83, 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-346]

Toledo Edison Company and the Cleveland Electric Illuminating Company; (Davis-Besse Nuclear Power Station, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I.

Toledo Edison Company and Cleveland Electric Illuminating Company (the licensees) are holders of Facility Operating License No. NPF–3 which authorizes the operation of the Davis-Besse Nuclear Power Station, Unit 1 (the facility) at steady-state power levels not in excess of 2772 megawatts thermal. The facility is a Babcock and Wilcox (B&W) designed pressurized water reactor (PWR) located at the licensee's site in Ottawa County, Ohio.

II.

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements". Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitteed by the licensees, scheduled to be completed after June 30, 1981. Generic Letters 82–05 and 82–10 dated March 17, 1982 and May 5, 1982 are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion after June 30, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

Toledo Edison Company responded to Generic Letter 82–05 by letters dated May 8, 1982, June 10, 1982, September 17, 1982, November 30, 1982, January 6, 1983, and February 3, 1983 and to Generic Letter 82–10 by letter dated June 30, 1982. In these submittals, Toledo Edison Company confirmed that some of the items identified in the Generic Letters have been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensees' schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information. We have reviewed the incompleted items and provide below a discussion on each item. We encourage the licensees to make every attempt to complete these items before the revised scheduled dates.

There are six items from Generic Letter 82–10 that, as noted in Attachment 2, have licensee schedules which are yet to be determined. These items are, therefore, not included in this Order. The licensees consider some of the items addressed in this Order to be completed or to require no modifications. These items are so noted in Attachments 1 and 2. The staff's evaluation of the licensees' delays for implementation of the remaining items is provided herein.

Item II.B.3 Post-Accident Sampling

The licensees have completed all work requiring an outage for the Reactor Coolant Sampling System. However, the licensees have experienced extensive delays for the operator's panel. This panel has undergone substantial redesign because of human factors considerations and the current estimated supplier delivery date for the panel is late May 1983. No firm delivery date will be available until January 1983. Using the estimated delivery date and the estimated construction time and startup testing and system checkout time required, the licensees commit to completing this item by December 31, 1983.

The Containment Air Sampling System will also be completed by December 1983. Equipment for this system was delivered in March 1982 but the grab sample station must be relocated to permit this function to proceed during the recirculation phase after a LOCA and to obtain a representative sample. The licensees, however, have experienced delays in delivery of valves required for this modification. Current estimated delivery date for the valves is the end of May 1983. Based on the estimated delivery date, construction time and system testing and checkout the licensees commit to completing this item by December 31, 1983. All equipment required within containment has been installed. The on-line feature of the Containment Air Sampling System is now operational.

The licensees will maintain interim systems operational until the new systems are totally completed and are operational. The NRC has found these interim measures acceptable.

Items II.F.1.1 and II.F.1.2 Post-Accident Monitoring

The licensees will complete these items by December 1983. All system components have been delivered and accepted and all outage related work is completed. However, substantial system preoperational testing must be completed before the system can be declared operational. It is also necessary to redesign a portion of the system to resolve a system design deficiency. These efforts are presently in progress. The licensees were unable to complete this item during the last refueling outage because of the priority workload needed for other items. Until these new systems are operational, the licensees will maintain existing effluent monitors operational. Although these existing monitors do not have the range required of the new system, there is only a small likelihood that the extended range will be necessary in the short period before the new system is operational.

Item II.F.1.5 Post-Accident Monitoring

Both narrow and wide range level indications have been installed and are operating. The licensee has been informed that the environmental and seismic equipment qualification testing has been completed but that documentation will not be available until late April 1983. The licensee will complete this item by June 15, 1983.

We find, based on the above evaluation, that: (1) The licensees have taken corrective actions regarding the delays and have made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays (unexpected design complexity, interface problems, and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore,

the licensees' commitments should be confirmed by Order.

IV.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered effective immediately that* the licensees shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensees' submittals noted in Section III herein no later than the dates in the Attachments.

V.

The licensees may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director at the same address. *A request for hearing shall not stay the immediate effectiveness of this order.*

If a hearing is requested by the licensees, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensees should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 14th day of March 1983.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Attachments

1. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–05.
2. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–10.

ATTACHMENT 1.—LICENSEES' COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensees' completion schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Completed.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Complete; licensee has determined that plant is in compliance without any modifications.
II.B.3	Post-Accident Sampling	...do	Install upgrade post-accident sampling capability	Reactor Coolant Sampling System—Dec 31, 1983. Containment Air Monitoring System. On line sampling/analysis—completed. Grab sampling—Dec. 31, 1983.
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Completed.
II.E.1.2	Aux. Feedwater Initiation & Flow Indication.	July 1, 1981	Modify instrumentation to level of safety grade	[illegible]
II.E.4.2	Containment Isolation Dependability	...do	Part 5-lower containment pressure setpoint to level compatible w/normal operation.	[illegible]
		...do	Part 7-isolate purge & vent valves on radiation signal	Do
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Dec. 31, 1983
		...do	(2) Provide capability for effluent monitoring of iodine	[illegible]
		...do	(3) Install incontainment radiation-level monitors	Completed.
		...do	(4) Provide continuous indication of containment pressure	[illegible]
		...do	(5) Provide continuous indication of containment water level	June 15, 1983.
		...do	(6) Provide continuous indication of hydrogen concentration in containment.	Completed.
II.K.2.10	Safety Grade Trips	July 1, 1981	Install anticipatory reactor trips	Do.

ATTACHMENT 2.—LICENSEES' COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensees' completion schedule (or status)
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82–12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dtd June 15, 1982.	Completed.
I.A.1.3.2	Minimum Shift Crew.[1]	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures.[1]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	Apr. 1, 1982	Submit plant specific reports on relief and safety value program	Completed
II.D.1.3	Block Valve Test Program	July 1, 1982	Submit report of results of tese programs	[illegible]
II.K.3.30 & 31	SBLOCA Analysis.[1]	1 yr. after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations.[1]	Superseded By SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined
II.A.1.2	Upgrade Emergency Support Facilities.[1d]	...do	...do	Do
III.A.2.2	Meteorological Data [1]	...do	...do	Do
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Completed.

[1] Not Part of Confirmatory Order.

[FR Doc. 83–7772 Filed 3–25–83; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19619; SR-Amex-83-2]

American Stock Exchange, Inc.; Proposed Rule Change

March 21, 1983.

In the matter of; American Stock Exchange, Inc., 86 Trinity Place, New York, NY 10006; Order Approving Proposed Rule Change.

The American Stock Exchange, Inc. ("Amex") submitted on February 2, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to modify the existing Amex securities distribution standards as set forth in Sections 102 and 105 of the Amex Company Guide. Under the proposal the required public float for common stock issues would be increased from 400,000 shares to 500,000 shares.[1] The existing requirement that at least 150,000 shares must be held in lots of 100 to 500 shares would be changed to lots of 100 to 1,000 shares. The required minimum number of stock holders would be reduced from 1,200 to 1,000. Similar changes would be made with respect to the requirements for warrants listed on the Exchange.

In addition, alternative volume-based listing criteria would be available under the proposal, where a company is unable to provide specific data evidencing that shareholder distribution criteria as described above have been met. Under the alternative standards, the Amex would be able to consider listing a company's securities if the company had: (i) A minimum of 500,000 common shares publicly held, (ii) a minimum of 800 stockholders, and (iii) a daily trading volume in the issue to be listed of 2,000 shares or more for the six months preceding the date of application. The Amex states that, under the alternative provisions, it would not consider as issue for listing unless the issue is suitable for auction market trading. A security that trades infrequently and lacks a reasonably wide distribution would not be considered for listing even through average daily trading volume amounted to 2,000 shares or more.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19501, February 10, 1983) and by publication in the **Federal Register** (48 FR 7342, February 18, 1983).[2] No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–7837 Filed 3–25–83; 8:45 am]

BILLING CODE 8010–01–M

[1] The Amex, for the purposes of this rule, defines public float to mean shares outstanding exclusive of holdings of officers, directors, controlling shareholders, and other concentrated or family holdings.

[2] The Amex originally filed a proposed rule change relating to Amex listing standards, a predecessor to the instant rule proposal, on June 17, 1982 (SR–Amex–82–9) (Securities Exchange Act Release No. 18559; June 30, 1982; 47 FR 29917, July 9, 1982). The Amex withdrew that filing by letter to the Commission from Benjamin R. Krause, Senior Vice President, Amex, dated February 1, 1983.

Philadelphia Stock Exchange, Inc.; Unlisted Trading Privileges

March 21, 1983.

In the matter of application of the Philadelphia Stock Exchange, Inc., for unlisted trading privileges in certain securities, Securities Exchange Act of 1934; and of opportunity for hearing.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of:

Baker International Corp (Delaware)
Common Stock, $1 Par Value (File No. 7–6546)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 11, 1983 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–7836 Filed 3–25–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–19623; File No. SR–NASD–81–5]

Self-Regulatory Organizations; Amended Proposed Rule Change By National Association of Securities Dealers, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 4, 1983, the National Association of Securities Dealers, Inc. ("Association") filed with the Securities and Exchange Commission ("Commission") the amended proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change and amendments thereto from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association is proposing an amendment to the proposed rule change ("proposal") to the Policy of the Board of Governors on Venture Capital and Other Investments by Broker/Dealers Prior to Public Offerings ("Venture Capital Policy" or "Policy") under Article III, Section 1 of the Rules of Fair Practice of the Association which was filed with the Commission on April 10, 1981. The amendment to the proposal will appear in the Interpretation of the Board of Governors—Review of Corporate Financing ("Interpretation") under Article III, Section 1 of the NASD Rules of Fair Practice.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included

amended statements concerning the purpose of and the basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The Association is charged under both Sections 15A(b)(2) and 15(A)(b)(6) of the Securities Exchange Act of 1934 with the responsibility of promulgating rules which prevent fraudulent and manipulative practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and generally protect investors. The Venture Capital Policy was designed to further these purposes by, among other restrictions, prohibiting a member or person associated with a member which acquired securities as a venture capital investment from participating in a subsequent public offering of those securities.

The proposal deleted the Policy under the rationale that the restrictions contained in Rule 144 under the Securities Act of 1933, Schedule E under Article IV, Section 2 of the By-Laws of the Association, and the Interpretation obviate the necessity for the Venture Capital Policy. However, upon reconsideration, it was determined that restrictions are necessary where a member or officer, director or general partner of a member which has acquired securities in a privately-held company seeks to act both as a selling shareholder and participant in the initial public distribution of the company's securities.

The rationale underlying the amendment is that a conflict may be present when a member recommends that its customers purchase securities in the initial public offering of an issuer at the same time the member is attempting to divest itself of its privately-acquired personal holdings in that issuer. Furthermore, there is the potential for a member to profit on unfair terms when it sells securities it acquired in a private offering at an arbitrarily determined public offering price.

The proposed amendment would eliminate the potential for unfair practices by prohibiting the member from selling its holdings in the issuer in the initial public offering or for a period of twelve months following the effective date of the offering. It is believed that during the twelve month lock-up, the price of the securities will move to a level which reflects the fundamental position of the company and its future prospects. In addition, at the end of the twelve month lock-up period, information will be available regarding the performance of the issuer (i.e. Form 10–Q and Form 10–K) on which potential buyers may base their investment decisions. Because the amendment will eliminate the potential for unfair business practices, it represents a fulfillment of the Association's statutory obligation under the 1934 Act to prevent fraudulent and manipulative practices.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* Since the amendment proposes venture capital restrictions not present in the proposal, it may be perceived as having a greater impact on competition than the proposal. However, the amendment merely restricts the sale of members' privately-acquired securities when the member seeks to participate in the initial public distribution of those securities. This is less restrictive than Section (3) of the existing Venture Capital Policy which imposes similar restrictions on a member's participation in any public offering, regardless of whether it is the initial public offering. Furthermore, because the amendment will reduce the potential for abuse in a conflict of interest situation, the Association believes that any burden on competition is in furtherance of the Association's obligations under the Act.

(C) *Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others.* The Association filed the proposal with the Commission on April 10, 1981. The proposal was published for comment by publication in Securities Exchange Act Release No. 17734 (April 20, 1981), and by publication in the **Federal Register** 46 FR 23180 (April 23, 1981). No comments were received on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 22, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–7877 Filed 3–25–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–19615; File No. SR–MSTC–82–19]

Self-Regulatory Organizations; Proposed Rule Change; Midwest Securities Trust Co.; Changes in MSTC's Audit Rule

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 10, 1982, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Rule 17. Sections 1 and 2 of the Rules of the Midwest Securities Trust Company are hereby amended as follows:

Additions italicized—[Deletions Bracketed]

Rule 17—Audits

Annual Audit

Sec. 1. Delete in its entirety. *The annual financial statements of the Corporation shall be audited by a firm of independent public accountants selected by the Board of Directors of the Corporation. Such audit shall be conducted in accordance with generally accepted auditing standards.*

[Operational Audit] *Review of Internal Accounting Controls*

Sec. 2. Delete in its entirety. *A study and evaluation of the system of internal accounting controls pertaining to participants' security positions and related money balances shall be conducted annually by independent public accountants. Such study and evaluation shall be conducted in accordance with standards established by the American Institute of Certified Public Accountants.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the amendment to MSTC Rule 17, Section 1 pertaining to the Annual Audit by Arthur Young & Company is to adopt the language of the American Institute of Certified Public Accountants with respect to the audit of financial statements of a corporation.

The amendment to MSTC Rule 17, Section 2 is consistent with the SEC guidelines stated in Release No. 16900 dated June 17, 1980 regarding clearing corporations' responsibilities of adopting procedures to ensure the safeguarding of assets and the reliability of MSTC participants' reports.

The amendment to Section 2 will allow MSTC the flexibility to physically counting or confirming securities held by MSTC for the accounts of participants and the confirming of all open transactions of participants with MSTC over a period of time versus a count at a specific point in time. The proposed change is believed to be more practical in that the emphasis of the Arthur Young Audit will be on the review of MSTC's internal accounting controls rather than the verification of positions and balances as of a specific date.

The rule change is consistent with Section 17A of the Act in that the amendment is designed to further promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds which are in the custody or control of MSTC.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authoritiy.

Dated: March 18, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7834 Filed 3-25-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19614; File No. SR-MCC-82-15]

Self-Regulatory Organizations; Proposed Rule Change; Midwest Clearing Corp.; Changes in MCC's Audit Rule

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 4, 1982 the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Rule 23, Sections 1 and 2 of the Rules of the Midwest Clearing Corporation are hereby amended as follows:

Additions italicized—[Deletions Bracketed]

Rule 23—Audits

Annual Audit

Sec. 1. Delete in its entirety. *The annual financial statements of the Corporation shall be audited by a firm of independent public accountants selected by the Board of Directors of the Corporation. Such audits shall be*

conducted in accordance with generally accepted auditing standards.

[Operational Audit] *Review of Internal Accounting Controls*

Sec. 2. Delete in its entirety. *A study and evaluation of the system of internal accounting controls pertaining to participants' security positions and related money balances shall be conducted annually by independent public accountants. Such study and evaluation shall be conducted in accordance with standards established by the American Institute of Certified Public Accountants.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the amendment to MCC Rule 23, Section 1 pertaining to the Annual Audit by Arthur Young & Company is to adopt the language of the American Institute of Certified Public Accountants with respect to the audit of financial statements of a corporation.

The amendment to MCC Rule 23, Section 2 is consistent with the SEC guidelines states in Release No. 16900 dated June 17, 1980 regarding clearing corporations' responsibilities of adopting procedures to ensure the safeguarding of assets and the reliability of MCC's participants' reports.

The amendment to Section 2 will allow MCC the flexibility of physically counting or confirming securities held by MCC for the accounts of participants and the confirming of all open transactions of participants with MCC over a period of time versus account at a specific point in time. The porposed change is believed to be more practical in that the emphasis of the Arthur Young & Company audit will be on the review of MCC's internal accounting controls rather than the verification of positions and balances as of a specific date.

The rule change is consistent with Section 17A of the Act in that the amendment is designed to further promote the prompt and accurate clearance and settlement of securities transactions and assure the safeguarding of securities and funds which are in the custody or control of MCC.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Clearing Corporation does not believe that any burdens will be on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rules change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority..

Dated: March 18, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7835 Filed 3-25-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Interest Rates

The interest rate on section 7(a) Small Business Administration direct business loans (as amended by Pub. L. 97-35) and the SBA share of immediate participation loans is eleven and three-fourths (11¾) percent for the fiscal quarter beginning April 1, 1983.

On a quarterly basis, the Small Business Administration also publishes an interest rate called the optional "peg" rate (13 CFR 120.3(b)(2)(iii)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. For the April-June quarter of 1983, this rate will be ten and five-eights (10⅝) percent.

Dated: March 21, 1983.

Edwin T. Holloway,

Associate Administrator for Finance & Investment.

[FR Doc. 83-7849 Filed 3-25-83; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2078; Amdt. No. 2]

California; Declaration of Disaster Loan Area

The above numbered Declaration (FR 8167) and Amendment #1 (see 48 FR 9610) are amended to include the Counties of Butte, Glenn, Kern, Kings, San Bernardino, Sutter and Tehama in the State of California as a result of damage caused by result of severe storms, high tides, wave action, mudslides and flooding beginning on January 21, 1983. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business on April 11, 1983, and for economic injury until the close of business on November 9, 1983.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: March 8, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-7845 Filed 3-25-83; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2079, Amdt. No. 1]

Mississippi; Declaration of Disaster Loan Area

The above numbered Declaration (48 FR 8168) is hereby amended to show the closing date for filing applications for physical damage as of the close of business April 18, 1983, and for economic injury, as of the close of business November 16, 1983.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: March 16, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-7846 Filed 3-25-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0449]

First Princeton Capital Corp.; Issuance of a Small Business Investment Company License

On July 8, 1982, a notice was published in the **Federal Register** (47 FR 29753) stating that an application has been filed by First Princeton Capital Corporation, 227 Hamburg Turnpike, Pompton Lakes, New Jersey 07442, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1983)) for a license as a small business investment company.

Interested parties were given until close of business on July 23, 1982, to submit their comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-0449 on March 8, 1983, to First Princeton Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 18, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-7843 Filed 3-25-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5190]

Ideal Financial Corp.; Issuance of a Small Business Investment Company License

On March 25, 1981, a notice was published in the **Federal Register** (46 FR 18636) stating that an application has been filed by Ideal Capital Corporation, 85 Grand Canal Drive, Miami, Florida 33144, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)) for a license as a small business investment company. The name in the notice should have stated Ideal Financial Corporation.

Interested parties were given until close of business on April 9, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 04/04-5190 to Ideal Financial Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 18, 1983.

Edwin T. Holloway,

Associate Administrator for Investment.

[FR Doc. 83-7844 Filed 3-25-83; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 07/07-0088]

Landmark Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1983)), under the name of Landmark Capital Corporation, 7733 Forsyth Boulevard, Suite 1800, St. Louis, Missouri 63105, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*) and the Rules and Regulations promulgated thereunder.

The officers, directors and shareholders of the Applicant are as follows:

Name and address	Title	110,000 shares issued and fully paid (percent)	250,000 shares issued and fully paid (percent)
S. Lee Kling, 802 Bluespring Lane, St. Louis, MO 63131.	Chairman of the Board, Vice President, and Director.	6.81	3.00
Alan G. Johnson, 12801 Coulange Court, St. Louis, MO 63141.	President, Secretary and Director.	1.15	50
Michael E. Thaman, 10 South Brentwood, St. Louis, MO 63105.	Treasurer	0	0
John C. Craft, 1262 Stratford Road, Kansas City, MO 64113.	Director	2.27	1.00
Harvey A. Friedman, 2 Prado, Ladue, MO 63124	do	4.54	2.00
Joseph C. Green, 718 Pearson Drive, Springfield, MO 65804	do	2.27	1.00
Franklin A. Jacobs, 1950 Log Cabin Lane, St. Louis, MO 63124.	do	4.54	2.00
Sidney E. Rich, 10167 Winding Ridge Road, St. Louis, MO 63124.	do	2.27	1.00
Edward R. Spence, 12315 Boothbay Court, Creve Coeur, MO 63141.	do	2.27	1.00
Kenneth G. Vonderahe, 10600 Hackamore, St Louis County, MO 63128	do	2.27	1.00

The Applicant proposes to begin operations with private capital, after reorganization expenses, of between approximately $1,035,000 and $2,435,000 depending upon the success of a public offering of its shares. The Applicant will conduct its operations in the State of Missouri.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accord with the Act and Regulations.

Notice is hereby given that any person may on or before April 12, 1983 submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in St. Louis, Missouri.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 18, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-7847 Filed 3-25-83; 8:45 am]

BILLING CODE 8025-01-M

Las Vegas District Advisory Council; Public Meeting

The Small Business Administration, Las Vegas District Advisory Council will hold a public meeting on May 18, 1983, at the Small Business Administration, located at 301 E. Stewart, Downtown Station, Post Office, 3rd Floor, Las Vegas, Nevada, from 10:00 a.m. to 12:00 noon to discuss such matters an may be presented by Council members, staff of the Small Business Administration, or others present.

For further information, write or call David W. Huston, Acting District Director, U.S. Small Business Administration, 301 E. Stewart, Las Vegas, Nevada 89125 (702) 385-6611.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 21, 1983

[FR Doc. 83-7848 Filed 3-25-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 851]

Gifts to Federal Employees From Foreign Governments Reported to Employing Agencies in Calendar Year 1982

Correction

In FR Doc. 83-6731 beginning on page 11576 in the issue of Friday, March 18, 1983, make the following corrections:

On page 11583 insert the heading "Agency: Department of Energy" before the entry in the table for W. Kenneth Davis; and insert the heading "Agency: Export-Import Bank of the U.S." before the entry for William H. Draper III.

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

Computer Matching Program; State Wage Match/Annual Income Questionnaire Control

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: Notice is hereby given that the VA OIG (Veterans Administration Office of Inspector General), is conducting a computer matching program using VA records containing limited identification data concerning VA pension and compensation recipients with wage records maintained by departments or bureaus of employment security in States where employers report wages paid to employees. The goals of this match are: (1) To detect unwarranted benefit payment under title 38, United States Code which results when income from earnings exceeds allowable limits for the benefit received; and (2) To assess the effectiveness of Annual Income Questionnaires as an accurate self-reporting-of-income mechanism by beneficiaries. For the information of all concerned, the text of the VA matching program report, describing the computer match, follows. In accordance with the OMB matching guidelines, dated May 11, 1982, copies of this report are being sent to OMB and both houses of Congress.

FOR FURTHER INFORMATION CONTACT: Jim Durnil, Office of Inspector General (52), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-3110 or 3164.

Dated: March 21, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.

Deputy Administrator.

Office of Inspector General—Computer Matching Program

State Wage Match/Annual Income Questionnaire Control

Authority For And Purpose of the Program: The VA Office of Inspector General (OIG), pursuant to the authority granted by the Inspector General Act of 1978 (Pub. L. 95-452), has initiated a computer matching program. This program is designed to identify the unwarranted payment of VA pension and certain compensation benefits which results when beneficiaries underreport or fail to report earned income.

Description of the Matching Program: This matching program involves computer matches of state unemployment compensation wage records (quarterly wages reported by employers of individuals covered by unemployment compensation insurance) and VA compensation and pension program records. The social security numbers of VA pension and certain compensation recipients will be released to State departments and bureaus of employment security for matching with state-maintained wage records. The wage information obtained through these matches and returned to the VA by the States will be verified by VA with beneficiaries, employers, and by reviewing VA claim records. In those cases where the evidence indicates that income was inaccurately reported, the beneficiary will be notified and when appropriate, adjustments will be made in benefit payments. Cases involving potential criminal acts will be referred to the Department of Justice for prosecutive consideration. These matches may be conducted on a recurring basis.

Files to be Used in this Matching Program are: a. Veterans Administration: Compensation, Pension, Education and Rehabilitation Records—VA (58 VA 21/22/28), 47 FR 372.

b. State Departments/bureaus/divisions of employment security wage records of the States of Illinois and Georgia. Future matches authorized by the VA Inspector General will entail use of wage records from other States.

Objectives to be Met by the Matching Program: The objectives of this matching program are to identify beneficiaries who have received, but do not qualify for, certain VA pension payments or benefits based on individual unemployability. Ineligibility for income dependent benefits occurs when income exceeds allowable limits or levels for the benefits received. Ineligibility for benefits based on unemployability arises when the evidence indicates the beneficiary is, or could be, substantially and gainfully employed.

The initial matching program involves the States of Georgia and Illinois employment security wage records; however, results may support further matches involving other States.

Procedures of Matching Program: Step 1. Development of Data Files. Selected data are to be extracted from the VA Compensation and Pension master records to allow identification of the payee, current award information and estimated and actual income reported by the payee in support of the pension or compensation claims.

Step 2. Computer Processing. Social security numbers have been released and matched with the identification data in Georgia and Illinois State employment security wage records. No names and addresses have been released. Future matching with other states may include release of other identifying data such as date of birth and sex, but in no case will name and address be released. Initial match results have identified the employer(s) of and wages paid to matched individuals. A printout and magnetic tape record file of the matches and related employer/wage data have been returned to the OIG. Further computer processing of the matches have or will

associate the income reported to the VA by the payee with the wages reported by employers to the State.

Step 3. Verification of Wages Reported Paid by Employers. Employers may be contacted to verify the identity of the employee, the period of employment and the wages paid. Employers will be contacted only if wages reported by the employer to the State indicate that the beneficiary's income exceeds the maximum allowable for the benefit received (e.g. improved law pension, protected pension) or would affect the amount of entitlement (improved law pension). In service-connected unemployability cases, earnings will be verified when substantial and/or continuous employment is indicated. Substantial employment would be considered if reported earnings exceed $1,000 in any one quarter.

If the employer is contacted he/she will be informed that the information is to be used in connection with the administration of benefits under Title 38, U.S.C. If the employer fails or refuses to respond to the request, the case will be referred to the VA Regional Office having jurisdiction for followup with the beneficiary, including field examination if necessary, and disposition.

Step 4. Analysis of Data and Adjudication of Claims. Discrepancies between earned income reported by the payee in support of a VA claim and earned income reported by employers will be analyzed. Pension cases showing discrepancies in earned income which would affect the beneficiaries entitlement or award will be referred to the Department of Veterans Benefits (DVB) for review. Where income exceeds allowable limits or levels for the benefit received appropriate adjustments will be made in benefit payments. In service-connected unemployability cases, earnings and employment will be analyzed to determine if continued unemployability benefits are warranted.

Step 5. Litigation. The merits of each claim remaining unresolved will be reviewed and, if appropriate, the claim will be referred for followup action by a U.S. Attorney or VA District Counsel. Where there are reasonable grounds to believe there has been a violation of criminal law, the matter will be referred to the appropriate authorities for investigation and consideration of criminal prosecution.

Step 6. Records Maintained by DVB and DM&S. Any manual records resulting from the match will be maintained by DVB and DM&S. As claims are settled or repaid, the various files will be updated to reflect these changes.

Date of Matching Program: In accordance with OMB Matching Guidelines, the computer match was initiated after the publication of the routine use notice for the system of records involved in the matching program. A pilot matching project began in late 1982 in Georgia and Illinois. VA verification and adjudication actions related to the match should be completed in Fiscal Year 1983. Subsequent matches may be conducted with additional States in 1983 as determined by the VA OIG.

Disclosure of Records: a. VA System of Records Extracts to OIG. The transfer of extracts from the VA Compensation, Pension, Education and Rehabilitation Records to the OIG for performing the matches is an intra-agency "need-to-know" disclosure permitted under 5 U.S.C. 552a(b)(1) and is consistent with the statutory language creating the OIG which is found in Section 6(a)(1) of Pub. L. 95–452.

b. Disclosure of Identification Data to States. Disclosure of identification data from VA system of records 58 VA 21/22/28 will be made pursuant to Routine Use Number 43. This routine use was published in the **Federal Register** of September 15, 1982. Under this routine use, except for name and address of a beneficiary, the Inspector General may disclose social security number, date of birth, and such other identifying information for which disclosure is deemed necessary by the Inspector General of the VA. The matching departments or bureaus will agree, prior to disclosure, to certain conditions governing the use of the matching file records including: that the matching records disclosed by the VA will remain the property of the VA and be returned at the end of the matching program (or destroyed as appropriate); that the records will be used and accessed only to match the file(s) previously agreed to; that the States will not use VA records to extract information concerning individuals for any purpose other than that for which the match is being conducted; and that the VA records will not be duplicated or disseminated within or outside the State departments or bureaus unless authorized in writing by the VA.

c. Disclosure of Identification Data to Employers. Disclosure of limited identifying data to employers may be necessary to verify the accuracy of the matches and wages paid. Disclosure of this information will be made pursuant to Routine Use Number 9 in VA system of records 58 VA 21/22/28.

d. Transfer of Match Products From OIG to DVB. The transfer of the products of the match (i.e., name, SSN, wages reported paid by employers, etc.) from the VA OIG to DVB is an intra-agency "need-to-know" disclosure permitted under 5 U.S.C. 552a(b)(1). Valid match information will become a part of the appropriate VA system of records. Invalid match information will be erased or destroyed.

Efforts Taken To Protect Against Unauthorized Access to or Disclosure of Personal Records

All records will be safeguarded in accordance with the National Bureau of Standards' *Federal Information Processing Standards 41 and 31.* All information collected by the VA in this matching program will be acquired, controlled, and used in compliance with the Privacy Act of 1974 (5 U.S.C. 552a), 38 U.S.C. 3301 and 4132, implementing VA regulations, and the OMB Matching Guidelines dated May 11, 1982. Printed listings will be maintained in locked file cabinets with access limited to those VA staff with a need to know. If fraud is suspected among cases identified by the match, information obtained through the match and followup verifications will be disclosed to VA District Counsels or the Department of Justice. Computerized records generated by this match will be destroyed after all adjudicative and/or legal proceedings are completed.

[FR Doc. 83–7831 Filed 3–25–83; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 60
Monday, March 28, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Thursday, 10 a.m., March 31, 1983.

LOCATION: Third floor hearing room, 1111 13th Street, NW., Washington D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Alternative Test Method/General Wearing Apparel Standard*
   The Staff will brief the Commission on comments received in response to proposed enforcement rules which would allow persons and firms required to perform testing under flammability stardards for clothing textiles and children's sleepwear to use apparatus and procedures other than those set forth in the applicable standard under specified conditions.
2. *Upholstered Furniture Status*
   The Staff will brief the Commission on the status of the upholstered furniture project.

(For a recorded message containing the latest agenda information, call 301 492–5709.)

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207; 301–492–6800.

[S–427–83 Filed 3–24–83; 3:34 pm]

BILLING CODE 6355–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, March 30, 1983.

LOCATION: Third floor hearing room, 1111–18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Space Heaters—Revocation or Exemption Applications:

The Commission will consider 23 applications from state and local jurisdictions for exemption from the preemptive effects of the Commision's unvented gas-fired space heater safety standard.

(For a recorded message containing the latest agenda information, call 301–492–5709.)

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207; 301–492–6800.

[S–428–83 Filed 3–24–83; 3:34 pm]

BILLING CODE 6355–01–M

3

FEDERAL ENERGY REGULATORY COMMISSION

March 23, 1983.

TIME AND DATE: 10 a.m., March 30, 1983.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 357–8400.

This is a list of matters to be considered by the commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the division of public information.

Consent Power Agenda—767th Meeting, March 30, 1983, Regular Meeting (10 a.m.)

CAP–1. Project No. 6795–000, Pownal Hydropower Commission
CAP–2. Project No. 6830–000, Woodks Creek, Inc., et al.
CAP–3. Project No. 5786–001, Lawrence J. McMurtrey
CAP–4. Project No. 289–005, Louisville Gas & Electric Co.
CAP–5. Project No. 1984–010, Wisconsin River Power Co.
CAP–6. Project No. 2930–003, Idaho Power Co.
CAP–7. Project No. 5363–001, Warrensburg Board and Paper Corp.
CAP–8. Project No. 3738–002, Mitchell Energy Co., Inc.; Project No. 3813–000, Energenics Systems, Inc.; Project No. 4145–000, City of Valentine, Nebraska; Project No. 4225–000, Ainsworth Irrigation District
CAP–9. Omitted
CAP–10. Project No. 1388–003, Southern California Edison Co.
CAP–11. Project No. 6277–001, William L. Alcorn
CAP–12. Project No. 5897–000, Long Lake Energy Corp.; Project No., 6452–000, Connellsville Area School District
CAP–13. Project Nos. 2934–002 and 003, New York State Electric & Gas Corp.
CAP–14. Docket No. HB26–83–3–003, Public Service Co. of Colorado
CAP–15. Omitted
CAP–16. Docket No. ER83–297–000, Arkansas Power & Light Co.
CAP–17. Docket No. ER83–298–000, Centel Corp., Western Power Division
CAP–18. Docket No. ER83–299–000, Public Service Co. of New Mexico
CAP–19. Docket Nos. ER83–301–000 and ER82–427–000, Southern California Edison Co.
CAP–20. Omitted
CAP–21. Docket No. ER83–63–001, Appalachian Power Co.
CAP–22. Docket Nos. ER77–347–004, 005 and 006, Wisconsin Power & Light Co.
CAP–23. Docket No. ER82–404–000, Upper Peninsula Power Co.,
CAP–24. Docket No. ER81–779–003 (phase 1), Pennsylvania Power Co.; Docket No. ER82–79–004 (phase 1), Ohio Edison Co.
CAP–25. Docket Nos. ER81–577–006, 008, ER82–180–000 and 001, Arkansas Power & Light Co.
CAP–26. Docket No. ER83–170–000, New England Power Co.
CAP–27. Docket Nos. ER81–188–000 and ER82–155–000, Central Maine Power Co.
CAP–28. Docket Nos. ER82–493–000 and ER82–494–000, Pennsylvania Power & Light Co.
CAP–29. Docket No. EL80–25–003, Commonwealth Edison Co.
CAP–30. Docket No. EL82–21–000, Sacramento Municipal Utility District v. Pacific Gas & Electric Co., Southern California Edison Co., and San Diego Gas & Electric Co.
CAP–31. Docket No. ER79–126–007, Arizona Public Service Co.

Consent Miscellaneous

CAM–1. Docket No. RM79–52–000, Interim procedures for shortages of electric energy and capacity under Section 206 of the Public Uitlity Regulations Policies Act of 1978
CAM–2. Docket No. RM81–10–000, Application for license for minor water power projects and major water power projects 5 megawatts or less
CAM–3. Docket No. RM83–58–000, Rules of practice and procedure: citation form

CAM–4. Docket No. RM79–76–098, (Montana—1), high-cost gas produced from tight formations
CAM–5. Docket No. RM79–76–141, (Texas—24), high-cost gas produced from tight formations
CAM–6. Docket No. RM79–76–147, (Texas—3 addition II amendment), high-cost gas produced from tight formations
CAM–7. Docket No. RM79–76–149, (Texas—3 addition IV), high-cost gas produced from tight formations
CAM–8. Docket No. GP80–9–001, Equitable Gas Co.
CAM–9. Docket Nos. GP82–57–00 and SA8236–000, Intrastate Energy Corp. of Tennessee
CAM–10. Docket No. SA82–10–001, Western Continental Operating Co.
CAM–11. Docket No. RM81–64–000, USA Petroleum Corp.
CAM–12. Docket No. RM81–50–000, Navajo Refining Co.
CAM–13. Docket No. RM81–17–000, Definition of agricultural use in § 282.202(a) of the Commission's Incremental Pricing Regulations

Consent Gas Agenda

CAG–1. Docket Nos. TA82–2–22–003 (PGA82–2, IPR82–2 and RD&D82–2) and RP82–64–001 and 002, Consolidated Gas Supply Corp.
CAG–2. Docket No. RP83–40–001, Inter-City Minnesota Pipelines Ltd., Inc.
CAG–3. Docket No. RP81–81–009, United Gas Pipe Line Co.
CAG–4. Docket Nos. RP80–107–013 and 014, Natural Gas Pipeline Co. of America
CAG–5. Docket Nos. RP80–91–002 and RP80–93–002,, Arkansas Louisiana Gas Co. (a Division of Arkla, Inc.)
CAG–6. Docket Nos. RP78–68–011, 012, 013 and 014, United Gas Pipe Line Co.
CAG–7. Docket No. RP78–94–000, Texas Gas Transmission Corp.
CAG–8. Docket No. RP82–74–005. Texas Gas Transmission Corp.
CAG–9. Docket No. TA81–1–21–000 and TA81–2–21–001, Columbia Gas Transmission Corp.
CAG–10. Docket Nos. RP83–52–000 and RP83–53–000, United Gas Pipe Line Co.
CAG–11. Docket No. RP83–11–001, Transcontinental Gas Pipe Line Corp.
CAG–12. Docket No. RP83–54–000, South Georgia Natural Gas Co.
CAG–13. Docket No. RP83–58–000, Southern Natural Gas Co.
CAG–14. Docket No. TA 83–2–7–000 (PGA83–2), Southern Natural Gas Co.
CAG–15. Docket No. TA83–2–31–000 (PGA83–2), Arkansas Louisiana Gas Co.
CAG–16. Docket No. TA83–2–33–000 (PGA83–2), El Paso Natural Gas Co.
CAG–17. Docket No. TA83–2–37–000 (PGA83–2), Northwest Pipeline Corp.
CAG–18. Docket No. TA83–2–42–000 (PGA83–2), Transwestern Pipeline Co.
CAG–19. Docket No. TA83–2–36–000 (PGA83–2), Mountain Fuel Supply Co.
CAG–20. Docket Nos. TA83–2–13–000 (PGA83–2) and RP83–59–000, Gas Gathering Corp.
CAG–21. Docket No. TA83–2–41–000 (PGA83–2), Southwest Gas Corp.
CAG–22. Docket No. TA83–1–59–000 (PGA83–1), Northern Natural Gas Co.
CAG–23. Docket No. TA83–2–34–000 (PGA83–2), Florida Gas Transmission Co.
CAG–24. Docket No. TA82–1–29–000, Transcontinental Gas Pipe Line Corp.
CAG–25. Docket No. RP83–27–000, Michigan Wisconsin Pipe Line Co.
CAG–26. Docket Nos. TA81–1–33–007, TA82–2–33–001, et al., and RP82–33–004, RP83–6–000 and RP83–13–000, El Paso Natural Gas Co.
CAG–27. Docket No. RP83–24–001, Alabama-Tennessee Natural Gas Co.
CAG–28. Docket Nos. RP83–11–002 and RP83–30–000, Transcontinental Gas Pipe Line Corp.
CAG–29. Docket Nos. IS80–14–000 and IS81–115–000, et al., American Petrofina Pipe Line Co., et al.
CAG–30. Docket Nos. IS81–49–000, et al., Hydrocarbon Transportation, Inc.
CAG–31. Docket Nos. ST79–16–000, et al., Delhi Gas Corp.
CAG–32. Docket No. ST83–76–000, Producer's Gas Co.
CAG–33. Docket No. CI83–97–001, Mesa Petroleum Co.; Docket No. CI83–101–000, Gulf Oil Corp.
CAG–34. Docket No. CS74–149–002, Partners Oil Co. (Daniel Oil Co.); Docket No. CS83–21–001, L. Texas Petroleum, Inc.; Docket No. CI81–199–002, Shell Offshore, Inc.
CAG–35. Docket No. CI75–633–000, et al., MRT Exploration Co., et al.
CAG–36. Docket Nos. CI78–385–001 and CI78–386–001, Texas Gas Exploration Corp.
CAG–37. Docket No. RI83–4–000, Exxon Corp.
CAG–38. Docket No. RI78–11–000, J. G. Stone, et al.
CAG–39. Docket No. CP83–86–001, Panhandle Eastern Pipe Line Co.
CAG–40. Docket No. CP83–174–000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG–41. Docket No. CP83–130–000, Arkansas Louisiana Gas Co., a Division of Arkla, Inc.
CAG–42. Docket No. CP83–132–000, Texas Eastern Transmission Corp.
CAG–43. Docket No. CP83–56–000, National Fuel Gas Supply Corp.
CAG–44. Docket No. CP82–505–000, Natural Gas Pipe Line Co. of America.
CAG–45. Docket No. CP82–521–000, El Paso Natural Gas Co.
CAG–46. Docket No. CP78–124–007, Northern Border Pipeline Co.; Docket No. CP80–22–004, Northern Natural Gas Co.; Docket No. CP80–43–002, Great Lakes Gas Transmission Co.
CAG–47. Docket No. CP82–368–000, United Gas Pipe Line Co.
CAG–48. Docket Nos. CP83–139–000 and 001, The Inland Gas Co., Inc.
CAG–49. Docket Nos. RP83–6–000, RP82–33–000, RP82–94–000, RP82–108–000, RP82–86–000, RP81–141–000, RP72–116–000 and RP83–13–000, El Paso Natural Gas Co.
CAG–50. Docket Nos. RP81–49–009 and RP82–62–001, Natural Gas Pipeline Co. of America

I. Licensed Project Matters

P–1. (a) Docket No. EL78–24–013 and 014 (phase I), Municipal Electric Utilities Association of the State of New York v. Power Authority of the State of New York; Docket No. EL78–37–000 (phase I), Village of Ilion, New York v. Power Authority of the State New York; (b) Docket No. EL80–19–000, Massachusetts Municipal Wholesale Electric Co. v. Power Authority of the State of New York; Docket No. EL80–24–000, Connecticut Municipal Electric Energy Cooperative v. Power Authority of State of New York
P–2. Project No. 344–001, Southern California Edison Co.
P–3. Project No. 2774–000, Modesto and Turlock Irrigation Districts and City and County of San Francisco; Project No. 5842–000, Tuolumne County, California
P–4. Project Nos. 5248–000 and 5250–000, West Slope Power Co
P–5. Project No. 3590–002, Northern Resources, Inc.
P–6. Project No. 4435–002, Damnation Peak Power Co.
P–7. Project No. 5756–002, Resource Investments
P–8. Project No. 4297–002, the Metropolitan District of Hartford, Connecticut
P–9. Project No. 2943–000, City of Columbus, Ohio
P–10. Docket No. HB08–74–2–000, Virginia Electric & Power Co —Dan River, Inc.

II. Electric Rate Matters

ER–1. Docket No. ER78–417–000, Kentucky Utilities Co.
ER–2. Omitted
ER–3. Docket No. ER83–114–000, Western Massachusetts Electric Co.
ER–4. Docket No. ER83–[illegible]001, Northern State Power co. (Minnesota)
ER–5. Docket No. QF82–231–000, Kenvil Energy Corp.
ER–6. Docket No. EF80–2011–001, United States Department of Energy—Bonneville Power Administration (System Rates)
ER–7. Docket No. ER81–400–000, Pennsylvania Power & Light Co.

Miscellaneous Agenda

M–1. Docket No. RM83–13–000, Annual charges for use of Government dams and other structures under part I of the Federal Power Act
M–2. Docket No. RM83–10–000, Annual Charges policy group
M–3. Docket No. RM80–39–000, Regulations governing applications for license for major unconstructed projects and major modified projects; applications for license for transmission line only; and applications for amendment to license
M–4. Docket No. RM81–15–000, Revisions to certain regulations governing applications for preliminary permit and license for water power projects

Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket No. RP79–23–003, Distrigas of Massachusetts Corp., Docket No. RP79–24–002, Distrigas Corp.
RP–2. Docket No. RP78–78–001, (Abandoned projects), Natural Gas Pipeline Co. of America
RP–3. Docket Nos. ST82–381–000 and CP82–444–000, J. W. Gathering Co.

RP–4. (a) Docket No. CP78–124–000, Northern Border Pipeline Co.; (b) Docket No. CP78–123–000, et al., Alaskan Northwest Natural Gas Transportation Co.

II. Producer Rates

CI–1. Reserved.

III. Pipeline Certificate Matters

CP–1. Omitted.
CP–2. Docket No. CP76–500–991, Cities Service Gas Co.
CP–3. Docket Nos. CP83–134–000 and 001, Houston Pipe Line Co.; Docket Nos. CP83–135–000 and 001, Oasis Pipe Line Co.
CP–4. Docket No. CP83–124–000, United Gas Pipe Line Co.
CP–5. Docket No. CP82–531–000, Consolidated Gas Supply Corp., Docket No. CP82–550–000, Transcontinental Gas Pipe Line Corp.
CP–6. Docket No. CP83–179–000, Northwest Central Pipeline Corp.
CP–7. Docket No. CP83–113–000, Colorado Interstate Gas Co. and Michigan Wisconsin Pipeline Co.
CP–8. Docket No. CP82–12–000, New England States Pipeline Co.

Lois D. Cashell,

Acting Secretary.

[S–426–83 Filed 3–24–83; 2:53 pm]

BILLING CODE 6717–01–M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 23, 1983.

TIME AND DATE: 10:30 a.m., Thursday, March 24, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Closed (Pursuant to 5 U.S.C. 552(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following case continued from March 23, 1983:

1. MSHA v. Roy Glenn, Docket No. WEST 80–158–M. (Issues include whether the judge properly concluded that a corporate agent had "knowingly authorized", within the meaning of section 110(c) of the Mine Act, a violation of a mandatory safety standard.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–424–83 Filed 3–24–83; 11:29 am]

BILLING CODE 6735–01–M

5

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Thursday, March 31, 1983.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

Status: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda:

1. Proposed amendments to (1) Regulation Z (Truth in Lending) that would delete "arrangers of credit" from the definition of creditors, exempt certain student loans, and reinstate provisions regarding liability for use of faulty calculation tools; and (2) Regulation E (Electronic Fund Transfers) to conform with Regulation Z, (Proposed earlier for public comment; Docket Nos. R–0450 and R–0449.)

2. Any items carried forward from a previously announced meeting.

Pease Note.—There is no discussion agenda scheduled for this open meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[S–418–83 Filed 3–23–83; 4:43 pm]

BILLING CODE 6210–01–M

6

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: Approximately 10:15 a.m., Thursday, March 31, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Request by the General Accounting Office for Board comment on a draft report regarding consumer complaints management.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[S–419–83 Filed 3–23–83; 4:47 pm]

BILLING CODE 6210–01–M

7

FEDERAL RESERVE SYSTEM

(Board of Governors)

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR, 11808, Monday, March 21, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Friday, March 25, 1983.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Proposed follow-up report to Congress on the International Banking Act of 1978. (This item was originally announced for a meeting on February 28, 1983.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 24, 1983.

James McAfee,

Associate Secretary of the Board.

[S–423–83 Filed 3–24–83; 11:28 am]

BILLING CODE 6210–01–M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 38 7849, February 24, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., March 24, 1983.

CHANGES IN THE MEETING: This meeting has been canceled.

Dated: March 24, 1983.

[S–430–83 Filed 3–24–83; 10:29 am]

BILLING CODE 7600–01–M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., April 21, 1983.

PLACE: Suite 316, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: March 24, 1983.

[S–421–83 Filed 3–24–83; 10:29 am]

BILLING CODE 7500–01–M

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., April 6, 1983.

PLACE: Suite 316, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: March 24, 1983.

[S. 422–83 Filed 3–24–83; 10:29 am]

BILLING CODE 7500–01–M

11

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Fish and Wildlife Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council)

ACTION: Meeting notice.

STATUS: Open.

TIME AND DATE: 1 p.m. (tentative), March 31, 1983.

PLACE: Northwest Power Planning Council, 700 S.W. Taylor, Suite 200, Portland, Oregon.

MATTERS TO BE CONSIDERED:

- Briefing on water budget implementation
- Staff briefing on Condit Dam
- Briefing on results of recent Pacific Fishery Management Council meetings:

(a) 1983 Salmon Fishery Management Plan
(b) Proposed U.S./Canada Pacific Fishery Management Agreement

- Other

FOR FURTHER INFORMATION CONTACT: Mr. Curt Marshall (503) 222–5161.

Edward Sheets,

Executive Director.

[S–425–83 Filed 3–24–83; 11:29 am]

BILLING CODE 0000–00–M

federal register

Monday
March 28, 1983

Part II

Environmental Protection Agency

Procurement Under Assistance Agreements

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 33

[OA-FRL 2210-3]

Procurement Under Assistance Agreements

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document makes the Environmental Protection Agency's Part 33, "Procurement Under Assistance Agreements," a final rule. Part 33 establishes the rules for all procurement undertaken by recipients of EPA assistance agreements. In accordance with OMB Circular A-102, Attachment O, and OMB Circular A-110, Attachment O this rule is designed to rely heavily on recipients' procurement systems. Part 33 applies to all Catalog of Federal Domestic Assistance Programs in the 66.000 series.

DATE: This rule is effective for assistance agreements which EPA awards on and after March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Richard A. Johnson, Grants Administration Division (PM-216), Environmental Protection Agency, Washington, D.C. 20460, (202) 382-5296.

SUPPLEMENTARY INFORMATION: On September 16, 1981, EPA published in the **Federal Register** (46 FR 45963) a Notice of Availability which made a draft of Part 33 available for public comment.

On March 2, 1982, EPA published a proposed Part 33 in the **Federal Register** (47 FR 8960) and on May 12, 1982, EPA published in the **Federal Register** (47 FR 20474) an interim-final Part 33. The May 12, 1982, interim-final rule became effective only for EPA's construction grants program.

On July 8, 1982, EPA reopened the comment period on Section 33.240 "Small, minority, women's and labor surplus area businesses" (47 FR 29668). The comment period on this section was extended 30 days because it significantly changes EPA's existing minority business and women's business policies.

We made numerous editorial changes throughout the interim-final rule in order to make this final rule easier to read and understand.

Implementation

Because we published an interim-final and final Part 33 rule, we have added this section to explain when the interim-final is effective and when the final rule is effective.

1. If EPA awarded a wastewater treatment construction grant under Title II of the Clean Water Act before May 12, 1982, the recipient has the following options:

(a) The recipient may follow the procurement requirements in effect when EPA awarded its construction grant, or

(b) The recipient may follow the procurement requirements in the May 12 interim-final rule, provided the recipient completed and submitted EPA Form 5700-48 to the award official before the effective date of this final rule, or

(c) The recipient may follow the procurement requirements in the final rule.

2. If EPA awarded a construction grant between May 12, 1982, and the effective date of this rule, the recipient has the following options.

(a) The recipient may follow the procurement requirements in the May 12 interim-final rule, provided the recipient completed and submitted EPA Form 5700-48 to the award offical before the effective date of this final rule.

(b) If the recipient did not submit EPA Form 5700-48 before the effective date of this rule, the recipient must follow the procurement requirements in this final rule. The recipient must complete the appropriate part of EPA Form 5700-48 and submit the form to the award official as required in § 33.110.

3. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, "Superfund" awards made after March 2, 1982, included the proposed Part 33 rule (47 FR 8960) as a special condition in each cooperative agreement.

Superfund awards made after May 12, 1982, included the interim-final Part 33 (47 FR 20474) as a special condition in each cooperative agreement.

Superfund awards made after the effective date of this final rule are subject to the final rule.

4. If EPA awarded any other assistance agreement (other than construction grants and Superfund awards) before the effective date of this rule, the recipient has the following options:

(a) The recipient may follow the procurement requirements in effect when EPA awarded the assistance agreement, or

(b) The recipient may follow the procurement requirements in the final rule. The recipient must complete the appropriate part of EPA Form 5700-48 and submit the form to the award official as required in § 33.110.

EPA Form 5700-48 "Procurement System Certification"

This form implements the self-certification process. Subpart A "Procurement System Evaluation" explains how EPA and the recipient will use the form. For the reader's convenience, we have included a copy of the form after Appendix A.

Description of Major Issues

Quality Assurance

On June 14, 1979, EPA established quality assurance requirements for all EPA extramural projects involving environmental measurements. The objective of the quality assurance (QA) program is to ensure that all environmentally related measurements which are required or funded by EPA are scientifically valid, defensible, and of known precision and accuracy. Under the program, contractors must submit QA plans to the recipient if contract activities will include environmentally related measurements. The reference to EPA's QA program is being added to § 33.1030, clause 13, "Responsibility of the Contractor," paragraph (a), in order to make contractors aware of the policy.

The QA requirements are specified in guideline documents available from: Sid Verner, Environmental Protection Agency, Office of Research and Development (RD-680), 401 M Street, S.W., Washington, D.C. 20460, (202) 382-5787.

Major Comments Received

We received over 125 comments on the March 2, 1982, proposed rule. The preamble to the May 12, 1982, interim-final rule addressed some of these comments in detail. Since EPA's position on the issues discussed in that preamble is unchanged, we have not repeated those discussions here. The following discussion addresses the other areas of the regulation which received the greatest number of comments:

Section 33.005 Definitions.

We reserved the definitions of minority business enterprise (MBE) and women's business enterprise (WBE) in the May 12, 1982, interim-final regulation. We are adding those definitions now.

We received several comments on the definition of MBE in the September 9, 1981, draft regulation which was made available to the public for comment by notice in the **Federal Register** on September 16, 1981 (46 FR 45963). That definition used the Small Business Administration's (SBA) definition of minority group members, which

excluded persons from the Indian subcontinent from the definition of "Asian American." Because a number of people from the Indian subcontinent have participated in EPA's MBE program for construction grants, we are now revising the September 9, 1981, definition to include businesses owned and controlled by individuals from the Indian subcontinent. We understand that the SBA is now considering a petition to include persons from the Indian subcontinent in its definition of "Asian Americans."

We also received comments on the need for a definition of the terms "Intergovernmental Agreement" and "Supplies;" therefore, we added definitions for these terms.

Section 33.110 Applicant and recipient certification.

We received questions on the regulatory authority retained by the EPA award official when the recipient certifies its procurement system. To clarify the authority the award official retains, we have added paragraph (e) to § 33.110 "Applicant and recipient certification."

Section 33.211 Recipient reporting requirements.

This is a new section which gives the reporting requirements recipients must follow even if the recipient certifies its procurement system. Paragraph (a) through (d) of this section lists the information the Department of Labor (DoL) requires for each construction subagreement award which exceeds or is expected to exceed $10,000. The DoL requires this information to implement the Davis-Bacon Act, Copeland Regulations, Work Hours and Safety Standards Act, and the equal employment opportunity requirements in Executive Order 11246, Executive Order 11375 and DOL regulations in 41 CFR Part 60. Paragraph (e) of this section requires that recipients submit to the award official a copy of the tabulation of bids or offerors and the name of the bidder or offeror for each subagreement the recipient awards. EPA needs this information to efficiently implement EPA's debarment and suspension regulation (40 CFR Part 32 "Debarment and Suspension Under EPA Assistance Programs").

Section 33.230 Competition.

We received several comments on the requirements in § 33.230(c) for the use of a prequalified list. We allow recipients to use prequalified lists of persons, firms or products because they play an important part in many State and local procurement systems. However, because a prequalified list could unduly restrict competition, we require that recipients provide adequate public notice that they are maintaining a prequalified list, that the recipient update the list at least every six months and that the recipient review and act on each request for prequalification made more than 30 days before the closing date for receipt of proposals or bid opening. We believe that these requirements will allow potential contractors sufficient access to the list and will minimize the noncompetitive nature of such lists.

We also received several comments on the prohibition in § 33.230(b)(4) against the use of local or in-State bidders' or proposers' preference. We included this prohibition because a preference for local or in-State bidders unduly restricts competition. If the local or in-State bidder is more familiar with the local conditions, or can more readily mobilize its resources and can, therefore, provide the work more economically or efficiently, a preference is not necessary because its bid or proposal should reflect this familiarity or mobility.

Section 33.240 Small, minority, women's and labor surplus area businesses.

We are continuing to review EPA's minority and women's business enterprise (MBE/WBE) provisions in § 33.240. We reserved § 33.240(b) for any additional MBE/WBE requirements which the Agency may impose.

On December 17, 1982, President Reagan issued a Statement on Minority Business Enterprise Development which encourages Federal assistance agencies to achieve reasonable minority business participation in contracts under assistance agreements. The President noted that minority business procurement by recipients could amount to $6 to $7 billion through FY 1985. The President also indicated that an Executive Order on Minority Business Enterprise will be forthcoming, and that the Interagency Council for Minority Business Enterprise will establish uniform guidelines to implement the Order. EPA will then review and revise, if necessary, its MBE/WBE provisions in § 33.240 to assure that they are consistent with the requirements of Executive Order.

In this rule, § 33.240 contains only those provisions allowed by Attachment O, Paragraph 9. Therefore, the MBE policy (43 FR 60220, December 26, 1978) and the WBE policy (45 FR 51490, August 1, 1980) are no longer mandatory for recipients of construction grants who are subject to the interim-final or final Part 33 rule. However, any EPA recipient may adopt these policies, in whole or in part, by including provisions in their solicitations and subagreements. In any event, recipients and contractors must comply with the affirmative step requirements in § 33.240 and any other requirements of the State or the recipient.

We also received a substantial number of comments on the absence of percentage goals in § 33.240 for MBE and WBE participation in EPA-funded work. We no longer require recipients to include goals in their specifications, nor will the EPA regions set goals for MBE or WBE participation. In the past, goals served as a tool to determine whether the affirmative steps required by OMB Circular A–102, Attachment O were adequately carried out by the assistance recipient and its contractors. In keeping with EPA's policy to transfer procurement responsibilities to recipients, the Agency believes that recipients and States should decide how to implement the required affirmative steps. Therefore, recipients may use their own goals, State goals, or other standards.

Several commenters noted that the regulation was not clear on whether the affirmative steps must be undertaken for each group of businesses—small, minority-owned and women-owned. Recipients must take the affirmative steps in § 33.240 for each group. For example, solicitation of MBE's alone will not satisfy the requirements of § 33.240; the recipient must also attempt to contract with small and women's businesses.

We also received several comments that § 33.240(a)(6) differs from OMB Circular A–102, Attachment O, section 9.a.(6). The commenters pointed out that Attachment O requires that the first tier contractor take the affirmative steps (1) through (5) only if the contractor plans to award subagreements. Therefore, we have revised § 33.240(a)(6) to make it consistent with OMB Circular A–102, Attachment O.

Several commenters suggested that we add a definition of "labor surplus area." The Secretary of Labor is responsible for defining labor surplus area. This definition is contained in 20 CFR Part 654, "Special Responsibilities of the Employment Service System."

With respect to EPA's construction grants program, we received comments concerning the use of MBE/WBE's in facilities planning and design work. As a result of the 1981 Amendments to the Clean Water Act, EPA cannot directly involve itself in the facilities planning and design activities preceding the

award of a construction grant. However, it is EPA's policy to encourage potential grant recipients to adopt procurement procedures that, at a minimum, include the affirmative steps in § 33.240 for all activities of their construction program.

Section 33.255 Specifications.

One commenter asked if the justification for the use of a restrictive specification had to be included in the specification itself. That is not the case. The justification for the use of a restrictive specification must be documented and included in the recipient's files.

We also receive a recommendation that we limit use of "brand name or equal" specifications to procurements for the acquisition of equipment and services, and prohibit the use of a brand name or equal specification for the procurement of pipe and similar materials.

We believe it is inappropriate to adopt this recommendation for two reasons. First, neither Attachment O nor the Clean Water Act, as amended, provide for any restriction of this nature. Second, there may be instances in the procurement of materials when the recipient's procuring official must resort to use of a "brand name or equal" specification.

Although we prefer the use of design or performance based specifications, we agree that use of a "brand name or equal" specification is generally not advisable in procurements for the acquisition of materials. Instead, the recipient should determine whether a national or industry standard has been developed. If developed, such a standard may provide both the recipient and prospective contractors a more accurate description of the material to be purchased than would a "brand name or equal" specification.

A "brand name or equal" specification can be used only when the recipient determines that it is impractical or uneconomical for it to make a clear and accurate description of its technical requirements in the specifications.

Section 33.280 Payments to consultants.

We received several comments that this section does not make it clear that consultants may receive compensation in excess of the GS–18 rate, but that the Federal government will limit its participation in a payment to a consultant to the maximum daily rate for a GS–18. We have, therefore, revised the wording in this section to make this clear.

We also revised paragraph (b) to clarify that the GS–18 rate limitation does not apply to firms.

Section 33.295 Subagreements awarded by a contractor.

We received questions about the applicability of Part 33 to subagreements awarded by a contractor. We revised § 33.295 to clarify and explain which procurement requirements apply and that they apply only to the tier immediately below the contractor (i.e. subagreements awarded by the contractor.) However, this section does not apply to a first tier subagreement awarded by the recipient to a supplier. That is, the section does not apply to a supplier's procurement of materials to produce equipment, materials, and catalog, off-the-shelf, or manufactured items.

We also added three requirements we inadvertently omitted from the proposed and interim-final rules. These three requirements existed in EPA's previous procurement regulations, in 40 CFR 30.340–2 (a) through (d), and (g) and are proposed in 40 CFR 30.301(a) (1) through (4) and (7)), the profit requirements in § 33.235, and the specification requirements in § 33.255.

Section 33.520 Negotiation and award of subagreement.

We reworded paragraph (a) to clarify that the recipient must state in the Request For Proposal (RFP) that he can make the award based on initial offers alone. If the recipient does not make such a statement in the RFP, the recipient must conduct meaningful negotiations with all of the best qualified offerors with acceptable proposals and permit revisions to obtain best and final offers.

Section 33.525 Optional procedure for negotiation and award of subagreements for architectural and engineering services.

Several commenters suggested that we revise this section to delete the word "optional" in the title. We included the word optional to make it clear that the procedures in this section are not mandatory. This is in keeping with OMB Circular A–102, Attachment O, paragraph 11.c.(5), which clearly states that these procedures are optional.

We also revised this section to explain the optional procedure in more detail.

Section 33.715 Use of the same architect or engineer during construction.

We received comments concerning § 33.715(a), which lists the circumstances under which a recipient can use the same architect or engineer that performed any or all of the facilities planning or design services for the architectural or engineering services during Step 3 construction of the project. The concern was whether § 33.715(a)(4) applies to § 33.715(a) (1), (2) and (3) or to § 33.715(a)(3) only. Section 33.715(a)(4) applies to § 33.715(a)(3) only. Therefore, we restructured § 33.715(a) (3) and (4) to combine their requirements into a new § 33.715(a)(3).

Also, we changed this section to allow recipient's of either a Step 1 or a Step 2 grant to use the same architect or engineer (A/E) during construction of the project without further advertising or negotiations, if the recipient selected the A/E in accordance with the EPA procurement regulation in effect when EPA awarded the Step 1 or Step 2 grant.

Subpart D—Requirements for Institutions of Higher Education and Other Nonprofit Organizations

Several commenters stated that the requirements for nonprofit organizations exceed the requirements in OMB Circular A–110, Attachment O. While not all of the requirements in Part 33 are required by OMB Circular A–110, Attachment O, we believe that they are necessary to ensure efficient and effective program management. OMB reviewed and approved all of these requirements during the regulatory review process.

Sections 33.1015 through 33.1021 Subagreement clauses.

In the proposed and interim-final rules we included separate sections in Subpart F explaining the four labor standards provisions required by the Department of Labor (DoL). In these versions of the rule, we briefly explained each of these requirements and referred the recipient to the appropriate DoL regulation. The recipient then had to read the DoL regulation and develop a clause which met the requirement. However, since several of the DoL regulations require the use of a standard clause and because EPA has a form (EPA Form 5720–4 "Labor Standards Provisions For Federally Assisted Construction Contracts") which contains the appropriate DoL clauses and which has been approved by DoL, we added § 33.1016 "Labor standards provisions" which requires recipients to use EPA Form 5720–4. We believe this will reduce the burden on recipients and help implement the DoL requirements.

Section 33.1030 Clause 3 Changes.

Comments we received during an EPA internal review of this Part suggested that we change this clause to eliminate the reference to oral change orders in paragraph (a)(2). The change was suggested to improve the management of change orders and to reduce program costs. We agree that oral change orders may lead to mismanagement and add to program costs, and have, therefore, changed this clause. The subject of change order management was addressed in EPA's Office of Inspector General's September 21, 1982, report on change orders "Report on Audit and Administration of Change Orders Under EPA's Construction Grant Program." This report was undertaken as part of the President's Council on Integrity and Efficiency's study on change orders under contruction programs.

Section 33.1030 Clause 8 Price Reduction for Defective Cost or Pricing Data.

We received comments that paragraph 10(b) of 40 CFR Part 35, Subpart E, Appendix C–1 should be added to the end of this clause in order to allow a disagreement over a reduction in price to fall under the remedies clause of the subagreement. We agree and have added a paragraph (b) to this clause.

Another commenter pointed out that by raising the effective level of this clause from $100,000 to $500,000, we were excluding most of the subagreements for services on Step 3 construction grant projects. We have, therefore, changed the effective level of this clause back to the $100,000 level.

Section 33.1030 Clause 9 Audit; Access to Records.

We added a new paragraph (f) and revised paragraph (g) to clarify when the right of access clause applies.

Meeting With Interest Groups

On May 6, 1982, at the request of the Water and Wastewater Equipment Manufacturers Association (WWEMA), EPA held a public meeting to discuss several issues. Present at the meeting were representatives from groups with special interest in procurement under EPA assistance agreements, including the National Institute of Governmental Purchasing (NIGP), the Association of General Contractors (AGC), the American Consulting Engineers Council (ACEC), and the American Public Works Association (APWA). A tape of this meeting is on file with EPA's Docket Section in Docket No. G–81–4. In addition, the positions of the various groups are contained in written comments also in the Docket. The sections discussed at this meeting were:

Section 33.255 Specifications.

The issue was whether to delete the requirement of § 33.255 that if a "brand name or equal" description is used, the salient characteristics of the named brand must also be stated. The requirement to include the named brand's salient characteristics in the specification is a requirement in Attachment O to OMB Circular A–102, and is specifically called for in House of Representatives Report No. 97–270, 97th Congress, 1st Session, October 12, 1982, (page 12), which accompanied the bill that became Public Law 97–117. Therefore, EPA cannot change the requirement to include the named brand's salient characteristics.

Section 33.1015 Subagreement provisions clause.

The issue was whether to mandate progress payments for undelivered, specifically manufactured items of equipment having long production times. One commenter believed that requiring recipients to make progress payments for such items would reduce equipment costs because manufacturers include in their equipment price the interest on money they borrow to produce the equipment. While progress payments could reduce the cost of some equipment, Treasury Circular 1075 does not require progress payments; therefore, EPA will not require them. This does not preclude recipients from making progress payments for such items and we encourage those who find it in their interest to allow progress payments.

Section 33.1030(b) Clause 4 Differing Site Conditions.

The issue was whether EPA should require a clause to cover situations where the actual characteristics of the influent to a wastewater treatment works differs significantly from those on which the original design was based. Participants in the meeting decided that a joint WWEMA/ACEC/AGC task group would provide EPA a suggested draft clause covering this issue. EPA considered the task group's suggestion and decided that, although the clause addresses an important issue, it is not an appropriate procurement under assistance agreement requirement.

Section 33.005(b) Definition of architectural or engineering services.

The issues were whether the definition of "architectural or engineering (A/E) services" should include manufacturers and contractors and be revised to state that providers of A/E services need not be licensed by the State. The definition in § 33.005(b) is based on the definition for A/E services in the American Bar Association's "Model Procurement Code for State and Local Governments" and section 2 of the American Society of Civil Engineers' *Manual 45*. Because EPA's definition is based on the definitions in these widely accepted reference documents, we do not believe the definition should be changed.

Section 33.525 Optional procedure for negotiation and award of a subagreement for architectural and engineering services.

The issue was whether to eliminate the words "architectural and engineering." This section implements an option to the competitive negotiation process under OMB Circular A–102, Attachment O, which expressly limited the option to the procurement of A/E services. Therefore, EPA believes that a change to this section is not warranted.

Regulation Development Process

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the regulatory impact analysis requirements of the Order or whether it may follow other development procedures. We determined that this regulation is not "major" because it will not have a substantial impact on the economy. Consequently, the regulation is not subject to the impact analysis requirements of Executive Order 12291.

Information collection requirements contained in § 33.110 have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 2000–0453.

The information provisions in § 33.211 "Recipient reporting requirements" and the requirement in § 33.420(f), § 33.510(b) and § 33.1016 to use EPA Form 5720–4 have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 2030–0004.

This regulation was submitted to OMB for review as required by Executive Order 12291.

List of Subjects in 40 CFR Part 33

Advertising, Conflict of interest, Environmental protection, Grants programs—Environmental protection.

Dated: March 11, 1983.

John W. Hernandez, Jr.,

Acting Administrator.

Accordingly, Title 40 Chapter I is amended by revising Part 33 to read as follows:

PART 33—PROCUREMENT UNDER ASSISTANCE AGREEMENTS

33.001 Applicability and scope of this part.
33.005 Definitions.

Subpart A—Procurement System Evaluation

33.105 Applicability and scope of this subpart.
33.110 Applicant and recipient certification.
33.115 Procurement system review.

Subpart B—Procurement Requirements

33.205 Applicability and scope of this subpart.
33.210 Recipient responsibility.
33.211 Recipient reporting requirements.
33.220 Limitation on subagreement award.
33.225 Violations.
33.230 Competition.
33.235 Profit.
33.240 Small, minority, women's, and labor surplus area businesses.
33.245 Privity of subagreement.
33.250 Documentation.
33.255 Specifications.
33.260 Intergovernmental agreements.
33.265 Bonding and insurance.
33.270 Code of conduct.
33.275 Federal cost principles.
33.280 Payment to consultants.
33.285 Prohibited types of subagreements.
33.290 Cost and price considerations.
33.295 Subagreements awarded by a contractor.

Small Purchases

33.305 Small purchase procurement.
33.310 Small purchase procedures.
33.315 Requirements for competition.

Formal Advertising

33.405 Formal advertising procurement method.
33.410 Public notice and solicitation of bids.
33.415 Time for preparing bids.
33.420 Adequate bidding documents.
33.425 Public opening of bids.
33.430 Award to lowest, responsive, responsible bidder.

Competitive Negotiation

33.505 Competitive negotiation procurement method.
33.510 Public notice.
33.515 Evaluation of proposals.
33.520 Negotiation and award of subagreement.
33.525 Optional selection procedure for negotiation and award of subagreements for architectural and engineering services.

Noncompetitive Negotiation

33.605 Noncompetitive negotiation procurement method.

Subpart C—Requirements for Recipients of Assistance Agreements for Construction of Treatment Works

Sec.
33.705 Applicability and scope of this subpart.
33.710 Buy American.
33.715 Use of the same architect or engineer during construction.

Subpart D—Requirements for Institutions of Higher Education and Other Nonprofit Organizations

33.805 Applicability and scope of this subpart.
33.810 Nonapplicable subagreement clauses.
33.815 Nonapplicable procurement provisions.
33.820 Additional procurement requirements.

Subpart E—Requirements for Recipients of Remedial Action Cooperative Agreements Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

33.905 Applicability and scope of this subpart.
33.910 Preference for formal advertising.
33.915 Award official approval.

Subpart F—Subagreement Provisions

33.1005 Applicability and scope of this subpart.
33.1010 Requirements for subagreement clauses.
33.1015 Subagreement provisions clause.
33.1016 Labor standards provisions.
33.1019 Patents, data and copyrights clause.
33.1020 Violating facilities clause.
33.1021 Energy efficiency clause.
33.1030 Model subagreement clauses.

Subpart G—Protests

33.1105 Applicability and scope of this subpart.
33.1110 Recipient protest procedures.
33.1115 Protest appeal.
33.1120 Limitations on protest appeals.
33.1125 Filing requirements.
33.1130 Review of protest appeals.
33.1140 Deferral of procurement action.
33.1145 Award official's review.

Appendix A—Procedural Requirements for Recipients Who Do Not Certify Their Procurement Systems, or for Recipients Who Have Their Procurement Certifications Revoked by EPA.

Authority: 7 U.S.C. 135 et seq.; 15 U.S.C. 2601 et seq.; 33 U.S.C. 1251 et seq.; 42 U.S.C. 241, 242b, 243, 246, 300j–1, 300j–2, 300j–3, 1857 et seq., 6901 et seq.; and 42 U.S.C. 9601 et seq.

§ 33.001 Applicability and scope of this Part.

(a) This part applies to all assistance agreements awarded on or after the effective date of this part. For assistance agreements awarded before the effective date, this part will apply only to those procurement actions initiated by the recipient on or after the date the recipient complies with the self-certification requirements in § 33.110 of this part.

(b) This part:

(1) Describes EPA's procurement system evaluation process.

(2) Identifies the minimum requirements for the procurement of supplies, services, and construction under EPA assistance agreements.

(3) Identifies an additional specification requirement for procurement under assistance agreements for the construction of treatment works awarded under 40 CFR Part 35, Subparts E and I.

(4) Identifies the procurements standards that institutions of higher education and other nonprofit organizations must follow.

(5) Identifies the provisions that recipients of EPA assistance agreements must include in their subagreements.

(6) Describes the procedures that EPA will use to handle protest appeals concerning the award of a subagreement by the recipient of an EPA assistance agreement.

(c) This Part does not apply to work beyond the scope of the project for which an assistance agreement is awarded (i.e., ineligible work).

(d) This part does not apply to expenses for services for which the recipient will receive an allowance or a potential recipient will receive an advance of an allowance under 40 CFR Part 35, Subpart I.

(e) This part supplements the requirements in:

(1) 40 CFR Part 30 "General Regulation for Assistance Programs," and

(2) 40 CFR Part 32, "Debarments and Suspensions under EPA Assistance Programs."

(f) The following types of recipients must comply with the specified subparts in this part:

(1) Recipients of assistance agreements for the construction of treatment works awarded under 40 CFR Part 35, Subparts E and I, must follow the requirements in Subparts A, B, C, F and G.

(2) Recipients of remedial action cooperative agreements under the Comprehensive Environmental Response, Compensation, Liability Act of 1980 (Superfund 42 U.S.C. 6901 et seq.) must follow the requirements in Subparts A, B, E, F and G.

(3) State and local government recipients for other than construction grants and CERCLA remedial action cooperative agreements must follow the requirements in Subparts A, B, F and G.

(4) Institutions of higher education, hospitals, and other nonprofit organizations must follow the requirements in Subparts A, B, D and G.

(g) In the construction of treatment works program under the Clean Water Act (33 U.S.C. 1251 et. seq.), it is EPA's policy to delegate determinations on individual projects to State agencies to the maximum extent possible (see 40 CFR Part 35, Subpart F). This Part uses the term "award official." To the extend that the award official for a treatment works assistance agreement delegates responsibility for determining compliance with the requirements of this Part (except for § 33.115 "Procurement system review," §33.211 "Recipient reporting requirements" and Subpart G "Protests") to a State agency under a delegation agreement (40 CFR 35.1130), the term "award official" may be read "State agency."

(h) This Part applies to a grant awarded under 40 CFR Part 35 Subpart E only if the recipient elects to follow the requirements in this Part. If the recipient of a Subpart E grant does not elect to follow the requirements in this Part, it is subject to the procurement requirements in 40 CFR Subpart E.

§ 33.005 Definitions.

(a) Words and terms not defined below shall have the meaning given to them in 40 CFR Part 30 and 40 CFR Part 35.

(b) As used in this part, the following words and terms mean:

Architectural or engineering (A/E) services. Consultation, investigations; reports, or services for design-type projects within the scope of the practice of architecture or professional engineering as defined by the laws of the State or territory in which the recipient is located.

Construction. Erection, building, alteration, remodeling, improvement, or extension of buildings, structures or other property. Construction also includes remedial actions in response to a release, or a threat of a release, of a hazardous substance into the environment as determined by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Contractor. Any party to whom a recipient awards a subagreement.

Cost analysis. The review and evaluation of each element of subagreement cost to determine reasonableness, allocability and allowability.

Intergovernmental Agreement. Any written agreement between units of government under which one public agency performs duties for or in concert with another public agency using EPA assistance. This includes substate and interagency agreements.

Minority Business Enterprise. A minority business enterprise is a business which is: (1) Certified as socially and economically disadvantaged by the Small Business Administration, (2) certified as a minority business enterprise by a State or Federal agency, or (3) an independent business concern which is at least 51 percent owned and controlled by minority group member(s). A minority group member is an individual who is a citizen of the United States and one of the following:

(i) Black American;

(ii) Hispanic American (with origins from Puerto Rico, Mexico, Cuba, South or Central America);

(iii) Native American (American Indian, Eskimo, Aleut, native Hawaiian), or

(iv) Asian-Pacific American (with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, Taiwan or the Indian subcontinent).

Price analysis. The process of evaluating a prospective price without regard to the contractor's separate cost elements and proposed profit. Price analysis determines the reasonableness of the proposed subagreement price based on adequate price competition, previous experience with similar work, established catalog or market price, law, or regulation.

Profit. The net proceeds obtained by deducting all allowable costs (direct and indirect) from the price. (Because this definition of profit is based on applicable Federal cost principles, it may vary from many firms' definition of profit, and may correspond to those firms' definition of "fee.")

Services. A contractor's labor, time, or efforts which do not involve the delivery of a specific end item, other than documents, (e.g., reports, design drawing, specifications). This term does not include employment agreements or collective bargaining agreements.

Small business. A business as defined in Section 3 of the Small Business Act, as amended (15 U.S.C. 632).

Subagreement. A written agreement between an EPA recipient and another party (other than another public agency) and any lower tier agreement for services, supplies, or construction necessary to complete the project. Subagreements include contracts and subcontracts for personal and professional services, agreements with consultants, and purchase orders.

Supplies. All property, including equipment, materials, printing, insurances, and leases of real property, but excluding land or a permanent interest in land.

Women's Business Enterprise. A women's business enterprise is a business which is certified as such by a State or Federal agency, or which meets the following definition: A women's business enterprise is an independent business concern which is at least 51 percent owned by a woman or women who also control and operate it. Determination of whether a business is at least 51 percent owned by a woman or women shall be made without regard to community property laws. For example, an otherwise qualified WBE which is 51 percent owned by a married woman in a community property state will not be disqualified because her husband has a 50 percent interest in her share. Similarly, a business which is 51 percent owned by a married man and 49 percent owned by an unmarried woman will not become a qualified WBE by virtue of his wife's 50 percent interest in his share of the business.

Subpart A—Procurement System Evaluation

§ 33.105 Applicability and scope of this subpart.

(a) This subpart applies to all recipients of EPA assistance agreements.

(b) For procurements involving EPA funds, recipients shall use their own procurement policies and procedures if those policies and procedures reflect applicable Federal, State, and local laws and regulations, and at least meet the requirements set forth in this part.

(c) This subpart describes when EPA will review the recipient's procurement practices.

§ 33.110 Applicant and recipient certification.

(a) It is the applicant's and recipient's responsibility to evaluate its own procurement system and to determine whether its system meets the applicable requirements in this part (see § 33.001).

(b) After evaluating its procurement system, the applicant or recipient will complete the "Procurement System Certification" (EPA Form 5700–48). The applicant or recipient will either certify that:

(1) Its system will meet the intent of all the requirements in this part before any procurement action with EPA assistance is undertaken, or

(2) Its current system does not meet the intent of the requirements of this part and, therefore, the applicant will follow the requirements of 40 CFR Part 33 and allow EPA preaward review of proposed procurement actions that will

use EPA funds. The additional requirements for EPA review and approval are contained in Appendix A to this part.

(c) The applicant must submit the signed certification form with the assistance application to the award official.

(d) The certification will be valid for two years or for the length of the project period specified in the assistance agreement, whichever is greater, unless the recipient substantially revises its procurement system or the award official determines that the recipient is not following the intent of the requirements in this part (see § 33.115(b)). If the recipient substantially revises its procurement system, the recipient must re-evaluate its system and submit a revised EPA Form 5700–48.

(e) Even when a recipient certifies its procurement system, the EPA award official retains the authority stated in:

(1) Section 33.210(h) "Recipient's procurement responsibilities," which requires the recipient to receive the award official's prior written approval if the recipient wants to use an innovative procurement method,

(2) Section 33.211 "Recipient reporting requirements," which requires the award official to notify the Department of Labor of certain construction subagreement awards, and obtain all bid or offer tabulations,

(3) Section 33.605(d) "Noncompetitive negotiation," to authorize a noncompetitive award,

(4) Section 33.820(b) "Additional procurement requirements," which requires the award official's prior approval for a sole source award over $10,000 by an institute of higher education or other nonprofit organization,

(5) Section 33.915 "Award official approval," which requires the award official to approve the recipient's use of a procurement method other than formal advertising for a Superfund remedial action award, and

(6) Subpart G "Protests."

§ 33.115 Procurement system review.

(a) EPA will not substitute its judgment for that of the recipient unless the matter is primarily a Federal concern.

(b) Even if a recipient has a certified procurement system, EPA reserves the right to review a recipient's procurement system or procurement action under an assistance agreement:

(1) To determine if the recipient is following the procurement requirements in this part; or

(2) When there is sufficient reason to believe that the recipient's system may be unacceptable based on:

(i) Information concerning the review or certification of the recipient's procurement system or actions by other Federal agencies or Congress;

(ii) Information from the recipient's cognizant audit agency;

(iii) Information from State agencies and organizations independent of the recipient's procurement activity;

(iv) Recipient responses to the procurement system certification form;

(v) Previous EPA experience with the recipient; or

(vi) Information from contractors or prospective contractors.

(c) If the award official determines that the recipient is not following the procurement requirements it certified it would follow, the award official shall revoke the recipient's certification and:

(1) Require that the recipient follow the procurement requirements in this part, including Appendix A, for future procurement actions and, if appropriate,

(2) Apply the sanctions in 40 CFR Part 30.

(d) The recipient may recertify its procurement system if it shows the award official that it has corrected the procurement deficiencies noted by the award official, and the award official accepts the recertification.

Subpart B—Procurement Requirements

§ 33.205 Applicability and scope of this subpart.

This subpart contains:

(a) The recipient's and EPA's responsibilities, and

(b) The minimum procurement standards for each recipient's procurement system.

§ 33.210 Recipient responsibility.

(a) The recipient is responsible for the settlement and satisfactory completion in accordance with sound business judgment and good administrative practice of all contractual and administrative issues arising out of subagreements entered into under the assistance agreement. This includes issuance of invitations for bids or requests for proposals, selection of contractors, award of subagreements, settlement of protests, claims, disputes and other related procurement matters.

(b) The recipient shall maintain a subagreement administration system to assure that contractors perform in accordance with the terms, conditions and specifications of their subagreements.

(c) The recipient shall review its proposed procurement actions to avoid purchasing unnecessary or duplicative items.

(d) The recipient shall consider consolidating its procurement or dividing it into parts to obtain a more economical purchase.

(e) Where appropriate, the recipient shall make an analysis of lease versus purchase alternatives in its procurement actions.

(f) A recipient of a remedial action cooperative agreement awarded under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 must obtain the EPA award official's approval to use a procurement method other than the formal advertising method (see Subpart E).

(g) A recipient may request technical and legal assistance from the award official for the administration and enforcement of any subagreement awarded under this Part. However, such assistance does not relieve the recipient of its responsibilities under this Part.

(h) A recipient may use innovative procurement methods or procedures only if it receives the award officials' prior written approval.

§ 33.211 Recipient reporting requirements.

Recipients shall notify the award official, in writing, of each construction subagreement which has or is expected to have an aggregate value over $10,000 within a 12-month period. The recipient shall notify the award official within ten (10) calendar days after the award of each construction subagreement. The notice shall include:

(a) Name, address, telephone number and employee identification number of the construction contractor,

(b) Amount of the award,

(c) Estimated starting and completion dates,

(d) Project number, name and site location of the project, and

(e) Copy of the tabulations of bids or offerors and the name of each bidder or offeror.

§ 33.220 Limitation of subagreement award.

(a) The recipient shall award subagreements only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. A responsible contractor is one that has:

(1) Financial resources, technical qualifications, experience, organization and facilities adequate to carry out the project, or a demonstrated ability to obtain these;

(2) Resources to meet the completion schedule contained in the subagreement;

(3) A satisfactory performance record for completion of subagreements;

(4) Accounting and auditing procedures adequate to control property, funds and assets, as required in this Part and 40 CFR Part 30; and

(5) Demonstrated compliance or willingness to comply with the civil rights, equal employment opportunity, labor law and other statutory requirements under 40 CFR Part 30.

(b) The recipient shall not make awards to contractors who have been suspended, debarred, or voluntarily excluded under 40 CFR Part 32 nor shall it permit any portion of the work required by the subagreement to be performed at any facility listed on the EPA List of Violating Facilities (see 40 CFR Part 15).

§ 33.225 Violations.

The recipient shall refer violations of law to the local, State or Federal authority with jurisdiction over the matter (see § 30.610).

§ 33.230 Competition.

(a) The recipient shall conduct all procurement transactions in a manner that provides maximum open and free competition.

(b) Procurement practices shall not unduly restrict or eliminate competition. Examples of practices considered to be unduly restrictive include:

(1) Noncompetitive practices between firms;

(2) Organizational conflicts of interest;

(3) Unnecessary experience and bonding requirements;

(4) State or local laws, ordinances, regulations or procedures which give local or in-State bidders or proposers preference over other bidders or proposers in evaluating bids or proposals; or

(5) Placing unreasonable requirements on firms in order for them to qualify to do business.

(c) The recipient may use a prequalification list(s) of persons, firms or products if it:

(1) Updates its prequalified list(s) at least every six months;

(2) Reviews and acts on each request for prequalification made more than 30 days before the closing date for receipt of proposals or bid opening; and

(3) Gives adequate public notice of its prequalification procedure in accordance with the public notice procedures in § 33.410 or § 33.510.

(d) A recipient may not use a prequalified list(s) of persons or firms if the procedure unnecessarily restricts competition. However, this restriction does not apply to § 33.525 "Optional selection procedure for negotiation and award of subagreements for architectural and engineering services."

§ 33.235 Profit.

(a) Recipients must assure that only fair and reasonable profits are paid to contractors awarded subagreements under EPA assistance agreements.

(b) The recipient shall negotiate profit as a separate element of price for each subagreement in which there is no price competition, or where price is based on cost analysis.

(c) Where the recipient receives two or more bids, profit included in a formally advertised, competitively bid, fixed price subagreement shall be considered reasonable.

(d) Off-the-shelf or catalog supplies are exempt from this section.

§ 33.240 Small, minority, women's, and labor surplus area businesses.

(a) It is EPA policy to award a fair share of subagreements to small, minority, and women's businesses. The recipient must take affirmative steps to assure that small, minority, and women's businesses are used when possible as sources of supplies, construction and services. Affirmative steps shall include the following:

(1) Including qualified small, minority, and women's businesses on solicitation lists;

(2) Assuring that small, minority, and women's businesses are solicited whenever they are potential sources;

(3) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small, minority, and women's businesses;

(4) Establishing delivery schedules, where the requirements of the work permit, which will encourage participation by small, minority, and women's businesses;

(5) Using the services and assistance of the Small Business Administration and the Office of Minority Business Enterprise of the U.S. Department of Commerce, as appropriate; and

(6) If the contractor awards subagreements, requiring the contractor to take the affirmative steps in paragraphs (a)(1) through (a)(5) of this section.

(b) [Reserved].

(c) EPA encourages recipients to procure supplies and services from labor surplus area firms.

§ 33.245 Privity of subagreement.

Neither EPA nor the United States shall be a party to any subagreement nor to any solicitation or request for proposals.

§ 33.250 Documentation.

(a) Procurement records and files for procurements in excess of $10,000 shall include the following:

(1) Basis for contractor selection;

(2) Written justification for selection of the procurement method;

(3) Written justification for use of any specification which does not provide for maximum free and open competition;

(4) Written justification for the type of subagreement;

(5) Basis for award cost or price, including a copy of the cost or price analysis made in accordance with § 33.290 and documentation of negotiations; and

(6) Written justification for rejecting bids.

(b) Recipients must state the reasons for rejecting any or all bids and the justification for procurements on a noncompetitively negotiated basis and make them available for public inspection.

§ 33.255 Specifications.

(a) Recipients must incorporate in their specifications a clear and accurate description of the technical requirements for the material, product or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition, unless the features are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of parts and equipment or to promote innovative technologies. The description shall include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use.

(b) The recipient shall avoid the use of detailed product specifications if at all possible.

(c) When in the judgment of the recipient it is impractical or uneconomical to make a clear and accurate description of the technical requirements, recipients may use a "brand name or equal" description as a means to define the performance or other salient requirements of a procurement. The recipient need not establish the existence of any source other than the named brand. Recipients must clearly state in the specification the salient requirements of the named brand which must be met by offerors. (An additional specification requirement for recipients of assistance for the construction of treatment works under

40 CFR Part 35, Subparts E and I is contained in § 33.710.)

§ 33.260 Intergovernmental agreements.

(a) To foster greater economy and efficiency, EPA encourages recipients to enter into State and local intergovernmental agreements for common procurement or use of goods and services.

(b) Although intergovernmental agreements are not subject to the requirements in this part, all procurements under intergovernmental agreements are subject to the requirements in this part except for procurements that are:

(1) Incidental to the purpose of the assistance agreement, and

(2) Made through a central public procurement unit.

§ 33.265 Bonding and insurance.

(a) These requirements apply only to recipients and contractors with subagreements for construction.

(1) For construction subagreements of $100,000 or less, the recipient shall follow its own requirements relating to bid guarantees, performance bonds and payment bonds.

(2) For those subagreements more than $100,000, the award official may accept the recipient's bonding policy and requirements provided the award official makes a determination that the Federal Government's interest is adequately protected. If the award official does not make that determination, the minimum bonding requirements for subagreements more than $100,000 are:

(i) A "bid guarantee" from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as the EPA recipient may require within the time specified.

(ii) A "performance bond" for 100 percent of the subagreement price. A "performance bond" is one that the contractor executes in connection with a subagreement to secure fulfillment of all its obligations under such subagreement.

(iii) A "payment bond" for 100 percent of the subagreement price. A "payment bond" is one that the contractor executes in connection with a subagreement to assure payment as required by law, to all persons supplying labor and material in the execution of the work provided for in the subagreement.

(3) Where bonds are required in the situations described above, bidders and contractors shall obtain them from companies holding certificates of authority as acceptable sureties (31 CFR Part 223).

(b) Recipients and contractors must follow the flood hazard area requirements of the Flood Disaster Protection Act of 1973 contained in 40 CFR Part 30.

§ 33.270 Code of conduct.

(a) Recipients shall maintain a written code or standards of conduct which shall govern the performance of its officers, employees, or agents engaged in the award and administration of subagreements supported by EPA funds. No employee, officer or agent of the recipient shall participate in the selection, award or administration of a subagreement supported by EPA funds if a conflict of interest, real or apparent, would be involved.

(b) Such a conflict would arise when:

(1) Any employee, officer or agent of the recipient, any member of their immediate families, or their partners have a financial or other interest in the firm selected for award, or

(2) An organization which may receive or has been awarded a subagreement employs, or is about to employ, any person under paragraph (b)(1) of this section.

(c) The recipient's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or other parties to subagreements.

(d) Recipients may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

(e) To the extent permitted by State or local law or regulations, the recipient's code of conduct shall provide for penalties, sanctions or other disciplinary actions for violations of the code by the recipient's officers, employees or agents or by contractors or their agents.

§ 33.275 Federal cost principles.

The following cost principles apply to assistance agreements and subagreements:

(a) State and local governments must comply with OMB Circular A–87 to determine allowable costs.

(b) Educational institutions must comply with OMB Circular A–21 to determine allowable costs and with OMB Circular A–88 for indirect cost rates.

(c) Nonprofit institutions must comply with OMB Circular A–122 to determine allowable costs.

(d) All other recipients, contractors and subcontractors must comply with the cost principles contained in the Federal Procurement Regulations (41 CFR 1–15.2 and, if appropriate, 1–15.4) to determine allowable costs.

§ 33.280 Payment to consultants.

(a) For all EPA assistance agreements, EPA will limit its participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors to the maximum daily rate for a GS–18. (Recipients may, however, pay contractors and subcontractors more than this amount.) This limitation applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. This rate does not include transportation and subsistence costs for travel performed; recipients will pay these in accordance with their normal travel reimbursement practices.

(b) Subagreements with firms for services which are awarded using the procurement requirements in this part are not affected by this limitation.

§ 33.285 Prohibited types of subagreements.

The cost-plus-percentage-of-cost (e.g., a multiplier which includes profit) and the percentage-of-construction-cost types of subagreements shall not be used.

§33.290 Cost and price considerations.

(a) The recipient shall conduct a cost analysis of all negotiated change orders and all negotiated subagreements estimated to exceed $10,000.

(b) The recipient shall conduct a price analysis of all formally advertised procurements estimated to exceed $10,000 if there are fewer than three bidders.

(c) For negotiated procurement, contractors and subcontractors shall submit cost or pricing data in support of their proposals to the recipient.

§33.295 Subagreements awarded by a contractor.

A contractor must comply with the following provisions in its award of subagreements. (This section does not apply to a supplier's procurement of materials to produce equipment, materials and catalog, off-the-shelf, or manufactured items.)

(a) 40 CFR Part 32 (Debarment and Suspension Under EPA Assistance Programs);

(b) The limitations on subagreement award in § 33.220 (a)(1) through (a)(5);

(c) The profit requirements in § 33.235;

(d) The requirements for small, minority, women's and labor surplus area businesses in § 33.240;

(e) The specification requirements of § 33.255;

(f) The requirements of Subpart C of this Part, if appropriate;

(g) The Federal cost principles in § 33.275;

(h) The prohibited types of subagreements in § 33.285;

(i) The cost and price considerations in § 33.290, and

(j) The applicable subagreement provisions in Subpart F of this part.

Small Purchases

§ 33.305 Small purchase procurement.

If the aggregate amount involved in any one procurement transaction does not exceed $10,000, including estimated handling and freight charges, overhead and profit, the recipient may use small purchase procedures.

§ 33.310 Small purchase procedures.

Small purchase procedures are relatively simple procurement methods that are sound and appropriate for a procurement of services, supplies or other property costing in the aggregate not more than $10,000.

§ 33.315 Requirements for competition.

(a) Recipients shall not divide a procurement into smaller parts to avoid the dollar limitation for competitive procurement.

(b) Recipients shall obtain price or rate quotations from an adequate number of qualified sources.

Formal Advertising

§ 33.405 Formal advertising procurement method.

(a) The requirements in §§ 33.405 through 33.430 apply to all formally advertised subagreements in excess of $10,000. Formal advertising means the public solicitation of sealed bids and the award of a subagreement based on a fixed price (lump sum, unit price, or a combination of the two) to the lowest, responsive, responsible bidder.

(b) Formal advertising requires at a minimum:

(1) A complete, adequate and realistic specification or purchase description of what is required;

(2) Two or more responsible bidders which are willing and able to compete effectively for the recipient's business;

(3) A procurement that lends itself to the award of a fixed-price subagreement; and

(4) That the selection of the successful bidder be made principally on the basis of price.

§ 33.410 Public notice and solicitation of bids.

The recipient shall give adequate public notice of the solicitation, inviting bids and stating when and how the bidding documents may be obtained or examined.

§ 33.415 Time for preparing bids.

The recipient must allow adequate time between the date the public notice is first published and the date by which bids must be submitted.

§ 33.420 Adequate bidding documents.

Recipient's bidding documents shall include:

(a) A complete statement of work to be performed including, where appropriate, design drawings and specifications and the required performance schedule;

(b) The terms and conditions of the subagreement to be awarded, including payment, delivery schedules, point of delivery and acceptance criteria;

(c) A clear explanation of the recipient's method of bidding and the method of evaluating bid prices, and its basis and method for awarding the subagreement;

(d) Any other responsibility requirements or evaluation criteria which the recipient will use in evaluating bidders;

(e) The prevailing wage determination, made under the Davis-Bacon Act, if applicable; and

(f) The deadline and place to submit bids and a copy of § 33.295, Subparts F and G and, if appropriate, EPA Form 5720–4 "Labor Standard Provisions for Federally Assisted Contracts."

§ 33.425 Public opening of bids.

The recipient shall publicly open bids at the place, date and time announced in the bidding documents.

§ 33.430 Award to the lowest, responsive, responsible bidder.

(a) The recipient shall evaluate all bids in accordance with the methods and criteria in the bidding documents.

(b) The recipient shall award a fixed-price subagreement to the lowest, responsive, responsible bidder. Where specified in the bidding documents, recipients shall consider factors such as discounts, transportation costs and life cycle costs to determine the low bid. Payments discounts may be used to determine the low bid only when prior experience of the recipient indicates that it generally accepts such discounts.

(c) The recipient may reject all bids only when it has sound, documented business reasons which are in the best interest of the program for which EPA assistance is awarded (see § 33.250 "Documentation").

Competitive Negotiation

§ 33.505 Competitive negotiation procurement method.

(a) The requirements in §§ 33.505 through 33.525 apply to all competitively negotiated subagreements in excess of $10,000.

(b) Recipients may use competitive negotiation only if conditions are not appropriate for the use of the formal advertising method of procurement (see § 33.405).

§ 33.510 Public notice.

(a) The recipient must give adequate public notice for competitively negotiated procurements.

(b) The notice of a request for proposals must state how to obtain associated documents, including a copy of § 33.295, Subparts F and G, the basis for subagreement award, and, if appropriate, EPA Form 5720–4 "Labor Standard Provisions for Federally Assisted Contracts."

(c) Requests for proposals must be written, contain enough information to enable a prospective offeror to prepare a proposal, contain all evaluation criteria and the relative importance attached to each, and clearly state the deadline and place to submit proposals.

§ 33.515 Evaluation of proposals.

(a) Recipients must uniformly and objectively evaluate all proposals submitted in response to the request for proposals.

(b) Recipients must base their determinations of qualified offerors and acceptable proposals solely on the evaluation criteria stated in the request for proposals.

§ 33.520 Negotiation and award of subagreement.

(a) Unless the request for proposals states that award may be based on initial offers alone, the recipient must conduct meaningful negotiations with the best qualified offerors with acceptable proposals within the competitive range, and permit revisions to obtain best and final offers. The best qualified offerors must have equal opportunities to negotiate or revise their proposals. During negotiations, the recipient must not disclose the indentity of competing offerors or any information from competing proposals.

(b) The recipient must award the subagreement to the responsible offeror whose proposal is determined in writing to be the most advantageous to the recipient, taking into consideration price

and other evaluation criteria set forth in the request for proposal.

(c) The recipient must promptly notify unsuccessful offerors that their proposals were rejected.

(d) The recipient must document its procurement file to indicate how proposals were evaluated, what factors were used to determine the best qualified offerors within the competitive range, and what factors were used to determine the subagreement award.

§ 33.525 Optional selection procedure for negotiation and award of subagreements for architectural and engineering services.

(a) The recipient may evaluate and select an architect or engineer using the procedures in this section in place of the procedures in § 33.520, "Negotiation and award of subagreements."

(b) The recipient may use either a prequalified list developed in accordance with § 33.230(c) or responses to requests for statement of qualifications to determine the most technically qualified architects or engineers.

(c) After selecting and ranking the most qualified architects or engineers, the recipient will request technical proposals from those architects or engineers and inform them of the evaluation criteria the recipient will use to rank the proposals.

(d) The recipient shall then select and determine, in writing, the best technical proposal.

(e) After selecting the best proposal, the recipient shall attempt to negotiate fair and reasonable compensation with that offeror.

(f) If the recipient and the offeror of the best proposal cannot agree on the amount of compensation, the recipient shall formally terminate negotiations with that offeror. The recipient shall then negotiate with the offeror with the next best proposal. This process will continue until the recipient reaches agreement on compensation with an offeror with an acceptable proposal. Once the recipient terminates negotiations with an offeror, the recipient cannot go back and renegotiate with that offeror.

Noncompetitive Negotiation

§ 33.605 Noncompetitive negotiation procurement method.

Recipients may use noncompetitive negotiation to award a subagreement if the other three procurement methods are inappropriate because:

(a) The item is available only from a single source;

(b) A public exigency or emergency exists and the urgency for the requirement will not permit a delay incident to competitive procurement;

(c) After solicitation from a number of sources, competition is inadequate; or

(d) The EPA award official authorizes noncompetitive negotiation, subject to the limitation in § 33.715(a)(2).

Subpart C—Requirements for Recipients of Assistance Agreements for the Construction of Treatment Works

§ 33.705 Applicability and scope of this subpart.

Recipients of assistance agreements awarded under 40 CFR Part 35, Subparts E and I must comply with the following requirements.

§ 33.710 Buy American.

Section 215 of the Clean Water Act requires that contractors give preference for the use of domestic material in the construction of EPA funded treatment works.

(a) Contractors must use domestic construction material in preference to nondomestic material if it is priced no more than 6 percent higher than the bid or offered price of the nondomestic material, including all costs of delivery to the construction site and any applicable duty, whether or not assessed. The recipient will normally base the computations on prices and costs in effect on the date of opening of bids or proposals.

(b) The award official may waive the Buy American provision based upon factors he considers relevant, including:

(1) Such use is not in the public interest;

(2) The cost is unreasonable;

(3) The Agency's available resources are not sufficient to implement the provision, subject to the Deputy Administrator's concurrence;

(4) The articles, materials or supplies of the class or kind to be used or the articles, materials or supplies from which they are manufactured are not mined, produced or manufactured in the United States in sufficient and reasonably available commercial quantities or satisfactory quality for the particular project; or

(5) Application of this provision is contrary to multilateral government procurement agreements, subject to the Deputy Administrator's concurrence.

(c) All bidding documents, subagreements, and, if appropriate, requests for proposals must contain the "Buy American" provision in § 33.1030.

§ 33.715 Use of the same architect or engineer during construction.

(a) If the recipient is satisified with the qualifications and performance of the architect or engineer who provided any or all of the facilities planning or design services for the project and wishes to retain that firm or individual during construction of the project, it may do so without further public notice and evalution of qualifications, provided:

(1) The recipient received a facilities planning (Step 1) or design grant (Step 2), and selected the architect or engineer in accordance with EPA's procurement regulations in effect when EPA awarded the grant; or

(2) The award official approves noncompetitive procurement under § 33.605(d) for reasons other than simply using the same individual or firm that provided facilities planning or design services for the project; or

(3) The recipient attests that:

(i) The initial request for proposals clearly stated the possibility that the firm or individual selected could be awarded a subagreement for services during construction; and

(ii) The firm or individual was selected for facilities planning or design services in accordance with procedures in:

(A) Section 33.230 "Competition,"and

(B) Section 33.250(a)(1), (a)(2) & (a)(3), and (b) "Documentation," and one of the following:

(C) Section 33.305 through 33.315 "Small Purchases," or

(D) Section 33.405 through 33.430 "Formal Advertising;"or

(E) Section 33.505 through 33.525 "Competitive Negotiation."

(iii) No employee, officer or agent of the recipient, any member of their immediate families, or their partners have financial or other interest in the firm selected for award; and

(iv) None of the recipient's officers, employees or agents solicited or accepted gratuities, favors or anything of monetary value from contractors or other parties to subagreements.

(b) However, if the recipient uses the procedures in paragraph (a) to retain an architect or engineer, any Step 3 subagreements between the architect or engineer and the recipient must meet all of the other procurement provisions in this part.

Subpart D—Requirements for Institutions of Higher Education and Other Nonprofit Organizations

§ 33.805 Applicability and scope of this subpart.

Recipients who are subject to the provisions of OMB Circular A–110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit

Organizations" are not subject to all of the requirements in this part.

§ 33.810 Nonapplicable subagreement clauses.

The following clauses in Subpart F of this part do not apply to institutions of higher education and other nonprofit organizations:

(a) Energy efficiency (§ 33.1024);

(b) Changes (§ 33.1030,3);

(c) Differing site conditions (§ 33.1030,4); and

(d) Price reduction for defective cost or pricing data (§ 33.1030,8).

§ 33.815 Nonapplicable procurement provisions.

The following procurement provisions do not apply to institutions of higher education and other nonprofit organizations:

(a) Subparts C and E;

(b) Sections 33.405 through 33.430 "Formal advertising;"

(c) Sections 33.505 through 33.525 "Competitive negotiation;"

(d) Section 33.605 "Noncompetitive negotiation" (see § 33.820(b));

(e) The requirement in § 33.270(a) "Code of conduct" to have a written code of conduct;

(f) The provisions of § 33.240 "Small, minority, women's, and labor surplus area businesses" which:

(1) Encourage the award of a fair share of contracts to women's and labor surplus area businesses;

(2) Require the specific affirmative action steps in § 33.240(a)(1) through (a)(6); however, nonprofit organizations are required to make positive efforts to use small businesses and minority owned businesses as sources of supplies and services;

(g) Subpart G "Protests."

§ 33.820 Additional procurement requirements.

(a) Recipients must exclude contractors that develop or draft specifications, requirements, statements of work, invitation for bids, or requests for proposals from competing for awards resulting from the prior effort.

(b) For all proposed sole source subagreements and where only one bid or proposal is received, the recipient must request the award official's prior approval to award the subagreement if the aggregate expenditure is expected to exceed $10,000.

Subpart E—Requirements for Recipients of Remedial Action Cooperative Agreements Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

§ 33.905 Applicability and scope of this subpart.

(a) The requirements in §§ 33.910 through 33.915 apply only to remedial actions which EPA funds as part of a cooperative agreement under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund).

(b) Studies, investigations, or engineering activities which precede a remedial action activity are not subject to the requirements in §§ 33.910 through 33.915, but are subject to the requirements in Subparts A, B, F and G of this part.

§ 33.910 Preference for formal advertising.

If a recipient wants to use a procurement method other than formal advertising, it must receive the EPA award official's concurrence with the determination.

§ 33.915 Award official approval.

The award official shall approve the recipient's use of a procurement method other than formal advertising only after the recipient has completed planning remedial activities and selected a cost-effective alternative.

Subpart F—Subagreement Provisions

§ 33.1005 Applicability and scope of this subpart.

(a) This subpart applies to all EPA recipients and describes the minimum content of each subagreement (contract and subcontract).

(b) Nothing in this subpart prohibits a recipient from requiring more assurances, guarantees, or indemnity or other contractural requirements from any party to a subagreement.

§ 33.1010 Requirements for subagreement clauses.

Recipients shall include clauses that meet the requirements of §§ 33.1015 through 33.1021, and the appropriate clauses in § 33.1030, in each procurement subagreement.

§ 33.1015 Subagreement provisions clause.

Each subagreement must include provisions defining a sound and complete agreement, including the:

(a) Nature, scope, and extent of work to be performed;

(b) Timeframe for performance;

(c) Total cost of the subagreement; and

(d) Payment provisions.

§ 33.1016 Labor standards provisions.

Recipients shall include a copy of EPA Form 5720–4 "Labor Standards Provisions for Federally Assisted Construction Contracts" in each subagreement for construction (as defined by the Secretary of Labor). The form contains the Davis-Bacon Act requirements (40 U.S.C. 276a—276a–7); the Copeland Regulations (29 CFR Part 3); the Contract Work Hours and Safety Standards Act—Overtime Compensation (940 U.S.C. 327–333) and the nondiscrimination provisions in Executive Order 11246, as amended.

§ 33.1019 Patents data and copyrights clause.

Except for construction grant subagreements, all subagreements shall include notice of EPA requirements and regulations pertaining to reporting and patent rights under any subagreement involving research, developmental, experimental or demonstration work with respect to any discovery or invention which arises or is developed in the conduct of work under a subagreement. This notice shall also include EPA requirements and regulations pertaining to copyrights and rights in data contained in 40 CFR Part 30.

§ 33.1020 Violating facilities clause.

Subagreements in excess of $100,000 shall contain a provision which requires contractor compliance with all applicable standards, orders or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and EPA regulations (40 CFR Part 15) which prohibit the use under nonexempt Federal contracts, grants or loans of facilities included on the EPA List of Violating Facilities.

§ 33.1021 Energy efficiency clause.

Subagreements shall comply with mandatory standards and policies on energy efficiency contained in the State's energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94–163).

§ 33.1030 Model subagreement clauses.

Recipients must include, when appropriate, the following clauses or their equivalent in each subagreement. Recipients may substitute other terms for "recipient and" "contractor" in their subagreements.

1. Supersession

The recipient and the contractor agree that this and other appropriate clauses in 40 CFR 33.1030 apply to that work eligible for EPA assistance to be performed under this subagreement and that these clause supersede any conflicting provisions of this subagreement.

2. Privity of Subagreement

This subagreement is expected to be funded in part with funds from the U.S. Environmental Protection Agency. Neither the United States nor any of its departments, agencies or employees is, or will be, a party to this subagreement or any lower tier subagreement. This subagreement is subject to regulations contained in 40 CFR Part 33 in effect on the date of the assistance award for this project.

3. Changes

(a) The following clause applies only to subagreements for construction. (1) The recipient may at any time, without notice to any surety, by written order designated or indicated to be a change order, make any change in the work within the general scope of the subagreement, including but not limited to changes:

(i) In the specifications (including drawings and designs);

(ii) In the time, method or manner of performance of the work;

(iii) In the recipient-furnished facilities, equipment, materials, services or site, or

(iv) Directing acceleration in the performance of the work.

(2) A change order shall also be any other written order (including direction, instruction, interpretation or determination) from the recipient which causes any change, provided the contractor gives the recipient written notice stating the date, circumstances and source of the order and that the contractor regards the order as a change order.

(3) Except as provided in this clause, no order, statement or conduct of the recipient shall be treated as a change under this clause or entitle the contractor to an equitable adjustment.

(4) If any change under this clause causes an increase or decrease in the contractor's cost or the time required to perform any part of the work under this contract, whether or not changed by any order, the recipient shall make an equitable adjustment and modify the subagreement in writing. Except for claims based on defective specifications, no claim for any change under paragraph (a)(2) above shall be allowed for any costs incurred more than 20 days before the contractor gives written notice as required in paragraph (a)(2). In the case of defective specifications for which the recipient is responsible, the equitable adjustment shall include any increased cost the contractor reasonably incurred in attempting to comply with those defective specifications.

(5) If the contractor intends to assert a claim for an equitable adjustment under this clause, he must, within 30 days after receipt of a written change order under paragraph (a)(1) or the furnishing of a written notice under paragraph (a) (2), submit a written statement to the recipient setting forth the general nature and monetary extent of such claim. The recipient may extend the 30-day period. The contractor may include the statement of claim in the notice under paragraph (2) of this change clause.

(6) No claim by the contractor for an equitable adjustment shall be allowed if made after final payment under this subagreement.

(b) The following clause applies only to subagreements for services. (1) The recipient may at any time, by written order make changes within the general scope of this subagreement in the services or work to be performed. If such changes cause an increase or decrease in the contractor's cost or time required to perform any services under this subagreement, whether or not changed by any order, the recipient shall make an equitable adjustment and modify this subagreement in writing. The contractor must assert any claim for adjustment under this clause in writing within 30 days from the date it receives the recipient's notification of change, unless the recipient grants additional time before the date of final payment.

(2) No services for which the contractor will charge an additional compensation shall be furnished without the written authorization of the recipient.

(c) The following clause applies only to subagreements for supplies. (1) The recipient may at any time, by written order and without notice to the sureties, change the general scope of this subagreement in any one or more of the following:

(i) Drawings, designs or specifications where the supplies to be furnished are specifically manufactured for the recipient;

(ii) Method of shipment or packing; and

(iii) Place of delivery.

(2) If any change causes an increase or decrease in the cost or the time required to perform any part of the work under this subagreement, whether or not changed by any such order, the recipient shall make an equitable adjustment in the subagreement agreement price or delivery schedule, or both, and modify the subagreement in writing. The contractor must assert any claim for adjustment under this clause within 30 days from the date the contractor receives the recipient's notification of change. If the recipient decides that the facts justify such action, the recipient may receive and act upon any such claim asserted at any time before final payment under this subagreement. Where the cost of property made obsolete or excess as a result of a change is included in the contractor's claim for adjustment, the recipient has the right to prescribe the manner of disposition of such property. Nothing in this clause shall excuse the contractor from proceeding with the subagreement as changed.

4. Differing Site Conditions

The following clause applies only to construction subagreements. (a) The contractor shall promptly, and before such conditions are disturbed, notify the recipient in writing of:

(1) Subsurface or latent physical conditions at the site differing materially from those indicated in this subagreement, or

(2) Unknown physical conditions at the site, of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in this subagreement.

(b) The recipient shall promptly investigate the conditions. If it finds that conditions materially differ and will cause an increase or decrease in the contractor's cost or the time required to perform any part of the work under this subagreement, whether or not changed as a result of such conditions, the recipient shall make an equitable adjustment and modify the subagreement in writing.

(c) No claim of the contractor under this clause shall be allowed unless the contractor has given the notice required in paragraph (a) of this clause. However, the recipient may extend the time prescribed in paragraph (a).

(d) No claim by the contractor for an equitable adjustment shall be allowed if asserted after final payment under this subagreement.

5. Suspension of Work

The following clause applies only to construction subagreements. (a) The recipient may order the contractor in writing to suspend, delay or interrupt all or any part of the work for such period of time as the recipient may determine to be appropriate for the convenience of the recipient.

(b) If the performance of all or any part of the work is suspended, delayed or interrupted for an unreasonable period of time by an act of the recipient in administration of this subagreement, or by the recipient's failure to act within the time specified in this subagreement (or if no time is specified, within a reasonable time), the recipient shall make an adjustment for any increase in the cost of performance of this subagreement (excluding profit) necessarily caused by such unreasonable suspension, delay or interruption and modify the contract writing. However, no adjustment shall be made under this clause for any suspension, delay or interruption to the extent (1) that performance would have been so suspended, delayed or interrupted by any other cause, including the fault or negligence of the contractor, or (2) for which an equitable adjustment is provided for or excluded under any other provision of this subagreement.

(c) No claim under this clause shall be allowed (1) for any costs incurred more than 20 days before the contractor notified the recipient in writing of the act, or failure to act, involved (this requirement does not apply to a claim resulting from a suspension order), and (2) unless the amount claimed is asserted in writing as soon as practicable after the termination of such suspension, delay or interruption, but not later than the date of final payment under the subagreement.

6. Termination

(a) This subagreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this subagreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

(b) This subagreement may be terminated in whole or in part in writing by the recipient for its convenience, provided that the contractor is given (1) not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.

(c) If termination for default is effected by the recipient, an equitable adjustment in the price provided for in this subagreement shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the contractor at the time of termination may be adjusted to cover any additional costs to the recipient because of the contractor's default. If termination for default is effected by the contractor, or if termination for convenience is effected by the recipient, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to the contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the contractor relating to commitments which had become firm prior to the termination.

(d) Upon receipt of a termination action under paragraphs (a) or (b) above, the contractor shall (1) promptly discontinue all affected work (unless the notice directs otherwise), and (2) deliver or otherwise make available to the recipient all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by the contractor in performing this subagreement, whether completed or in process.

(e) Upon termination under paragraphs (a) or (b) above, the recipient may take over the work and may award another party a subagreement to complete the work under this subagreement.

(f) If, after termination for failure of the contractor to fulfill contractual obligations, it is determined that the contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the recipient. In such event, adjustment of the subagreement price shall be made as provided in paragraph (c) of this clause.

7. Remedies

Unless otherwise provided in this subagreement, all claims, counter-claims, disputes and other matters in question between the recipient and the contractor arising out of, or relating to, this subagreement or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which the recipient is located.

8. Price Reduction for Defective Cost or Pricing Data

[Note.—The following clause applies to (1) any subagreement negotiated between the recipient and its contractor in excess of $100,000; (2) negotiated subagreement amendments or change orders in excess of $100,000 affecting the price of formally advertised, competitively awarded, fixed price subagreement, or (3) any lower tier subagreement or purchase order in excess of $100,000 under a subagreement other than a formally advertised, competitively awarded, fixed price subagreement. This clause does not apply to subagreements awarded on the basis of effective price competition.]

(a) The contractor and subcontractor, where appropriate, assure that the cost and pricing data submitted for evaluation with respect to negotiation of prices for negotiated subagreements, lower tier subagreements and change orders is based on current, accurate and complete data supported by their books and records. If the recipient or EPA determines that any price (including profit) negotiated in connection with this subagreement, lower tier subagreement or amendment thereunder was increased by any sigificant sums because the data provided was incomplete, inaccurate or not current at the time of submission, then such price or cost or profit shall be reduced accordingly and the recipient shall modify the subagreement in writing to reflect such action.

(b) Failure to agree on a reduction shall be subject to the remedies clause of this subagreement.

[*Note.—Since the subagreement is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with lower tier subagreements, the contractor may wish to include a clause in each lower tier subagreement requiring the lower tier subcontractor to appropriately indemnify the contractor. It is also expected that any lower tier subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data submitted by lower tier contractors.*]

9. Audit; Access to Records

(a) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on EPA funded work under this subagreement in accordance with generally accepted accounting principles and practices consistently applied, and 40 CFR Part 30 in effect on the date of execution of this subagreement. The contractor shall also maintain the financial information and data used in the preparation or support of the cost submission required under 40 CFR 33.290 for any negotiated subagreement or change order and a copy of the cost summary submitted to the recipient. The United States Environmental Protection Agency, the Comptroller General of the United States, the United States Department of Labor, the recipient, and (the State) or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. The contractor will provide proper facilities for such access and inspection.

(b) If this is a formally advertised, competitively awarded, fixed price subagreement, the contractor agrees to make paragraphs (a) through (g) of this clause applicable to all negotiated change orders and subagreement amendments affecting the subagreement price. In the case of all other types of prime subagreements, the contractor agrees to make paragraphs (a) through (g) applicable to all subagreements he awards in excess of $10,000, at any tier, and to make paragraphs (a) through (g) of this clause applicable to all change orders directly related to project performance.

(c) Audits conducted under this provision shall be in accordance with generally accepted auditing standards and with established procedures and guidelines of the reviewing or audit agency(ies).

(d) The contractor agrees to disclose all information and reports resulting from access to records under paragraphs (a) and (b) of this clause to any of the agencies referred to in paragraph (a).

(e) Records under paragraphs (a) and (b) above shall be maintained by the contractor during performance on EPA assisted work under this subagreement and for the time periods specified in 40 CFR Part 30. In addition, those records which relate to any controversy arising under an EPA assistance agreement, litigation, the settlement of claims arising out of such performance or to costs or items to which an audit exception has been taken shall be maintained by the contractor for the time periods specified in 40 CFR Part 30.

(f) Access to records is not limited to the required retention periods. The authorized representatives designated in paragraph (a) of this clause shall have access to records at any reasonable time for as long as the records are maintained.

(g) This right of access clause applies to financial records pertaining to all subagreements (except formally advertised, competitively awarded, fixed price subagreements) and all subagreement change orders regardless of the type of subagreement, and all subagreement amendments regardless of the type of subagreement. In addition this right of access applies to all records pertaining to all subagreements, subagreement change orders and subagreement amendments:

(1) To the extent the records pertain directly to subagreement performance;

(2) If there is any indication that fraud, gross abuse or corrupt practices may be involved; or

(3) If the subagreement is terminated for default or for convenience.

10. Covenant Against Contingent Fees

The contractor assures that no person or selling agency has been employed or retained

to solicit or secure this subagreement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this assurance, the recipient shall have the right to annul this agreement without liability or, at its discretion, to deduct from the contract price or consideration, or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.

11. Gratuities

(a) If the recipient finds after a notice and hearing that the contractor or any of the contractor's agents or representatives offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of the recipient, the State or EPA in an attempt to secure a subagreement or favorable treatment in awarding, amending or making any determinations related to the performance of this subagreement, the recipient may, by written notice to the contractor, terminate this subagreement. The recipient may also pursue other rights and remedies that the law or this subagreement provides. However, the existence of the facts on which the recipient bases such findings shall be in issue and may be reviewed in proceedings under the Remedies clause of this subagreement.

(b) In the event this subagreement is terminated as provided in paragraph (a), the recipient may pursue the same remedies against the contractor as it could pursue in the event of a breach of the subagreement by the contractor, and as a penalty, in addition to any other damages to which it may be entitled by law, be entitled to exemplary damages in an amount (as determined by the recipient) which shall be not less than three nor more than ten times the costs the contractor incurs in providing any such gratuities to any such officer or employee.

12. Buy American

This clause applies only to construction subagreements award under 40 CFR Part 35 Subparts E and I. In accordance with section 215 of the Clean Water Act (33 U.S.C. 1251 et seq.) and implementing EPA regulations, the contractor agrees that preference will be given to domestic construction material by the contractor, subcontractors, materialmen and suppliers in the performance of this subagreement.

13. Responsibility of the Contractor

(a) The following clause applies only to subagreements for services. (1) The contractor is responsible for the professional quality, technical accuracy, timely completion and coordination of all designs, drawings, specifications, reports and other services furnished by the contractor under this subagreement. If the subagreement involves environmental measurements or data generation, the contractor shall comply with EPA quality assurance requirements in 40 CFR 30.503. The contractor shall, without additional compensation, correct or revise any errors, omissions or other deficiencies in his designs, drawings, specifications, reports and other services.

(2) The contractor shall perform the professional services necessary to accomplish the work specified in this subagreement in accordance with this subagreement and applicable EPA requirements in effect on the date of execution of the assistance agreement for this project.

(3) The owner's or EPA's approval of drawings, designs, specifications, reports and incidental work or materials furnished hereunder shall not in any way relieve the contractor of responsibility for the technical adequacy of his work. Neither the owner's nor EPA's review, approval, acceptance or payment for any of the services shall be construed as a waiver of any rights under this agreement or of any cause for action arising out of the performance of this subagreement.

(4) The contractor shall be, and shall remain, liable in accordance with applicable law for all damages to the owner or EPA caused by the contractor's negligent performance of any of the services furnished under this subagreement, except for errors, omissions or other deficiencies to the extent attributable to the owner, owner-furnished data or any third party. The contractor shall not be responsible for any time delays in the project caused by circumstances beyond the contractor's control.

(5) The contractor's obligations under this clause are in addition to the contractor's other express or implied assurances under this subagreement or State law and in no way diminish any other rights that the owner may have against the contractor for faulty materials, equipment or work.

(b) The following clause applies only to subagreements for construction. (1) The contractor agrees to perform all work under this subagreement in accordance with this agreement's designs, drawings and specifications.

(2) The contractor guarantees for a period of at least one (1) year from the date of substantial completion of the work that the completed work is free from all defects due to faulty materials, equipment or workmanship and that he shall promptly make whatever adjustments or corrections which may be necessary to cure any defects, including repairs of any damage to other parts of the system resulting from such defects. The owner shall promptly give notice to the contractor of observed defects. In the event that the contractor fails to make adjustments, repairs, corrections or other work made necessary by such defects, the owner may do so and charge the contractor the cost incurred. The performance bond shall remain in full force and effect through the guarantee period.

(3) The contractor's obligations under this clause are in addition to the contractor's other express or implied assurances under this subagreement or State law and in no way diminish any other rights that the owner may have against the contractor for faulty materials, equipment or work.

14. Final Payment

Upon satisfactory completion of the work performed under this subagreement, as a condition before final payment under this subagreement or as a termination settlement under this subagreement the contractor shall execute and deliver to the owner a release of all claims against the owner arising under, or by virtue of, this subagreement, except claims which are specifically exempted by the contractor to be set forth therein. Unless otherwise provided in this subagreement, by State law or otherwise expresly agreed to by the parties to this subagreement, final payment under this subagreement or settlement upon termination of this subagreement shall not constitute a waiver of the owner's claims against the contractor or his sureties under this subagreement or applicable performance and payment bonds.

Subpart G—Protests

§ 33.1105 Applicability and scope of this subpart.

This subpart sets forth EPA's administrative process for the rapid resolution of protest appeals filed with the award official.

§ 33.1110 Recipient protest procedures.

(a) Recipients must establish their own procedures for prompt consideration of initial protests concerning their solicitations or contract awards. A "protest" is a written complaint concerning the recipient's solicitation or award of a subagreement. It must be filed with the recipient by a party with a direct financial interest adversely affected by a recipient's procurement action (see § 33.1130 "Review of protest appeal").

(b) The recipient should review each protest received to determine whether it is appropriate to defer the protested procurement action.

(c) If the recipient does not defer the procurement action, it assumes the risk that the award official may disallow the cost of the protested procurement action if the protest appeal is upheld.

§ 33.1115 Protest appeal.

(a) A party with a financial interest which is adversely affected by the recipient's decision on the initial protest may file a "protest appeal" with the award official.

(b) A "protest appeal" is a written complaint filed with the award official regarding the recipient's determination of a protest.

§ 33.1120 Limitations on protest appeals.

(a) The award official shall not accept a protest appeal until the protester has exhausted all administrative remedies at the recipient level.

(b) A protest appeal is limited to the following:

(1) Issues arising under the procurement provisions of this Part, or

(2) Alleged violations of State or local law or ordinances where the award official determines that there is an overriding Federal requirement.

(c) A recipient of a lower tier subagreement (subcontract) may only file a protest appeal for issues which relate to the award of a subagreement by a contractor (see § 33.295 "Subagreements awarded by a contractor").

§ 33.1125 Filing requirements.

(a) Protest appeals must be filed with the Assistant General Counsel for Grants for Headquarters'-awarded assistance agreements and with the Office of Regional Counsel for regionally awarded assistance agreements.

(b) A protest appeal must:

(1) Be written;

(2) Include a copy of the recipient's determination of the protest;

(3) State the basis for the appeal; and

(4) Request a determination under this subpart.

(c) Upon filing a protest appeal with the Regional Counsel or Assistant General Counsel for Grants, as appropriate, the party filing the protest appeal must concurrently transmit a copy of all protest documents and any attachments to all other parties with a direct financial interest which may be adversely affected by the determination of the protest appeal.

(d) The award official will only consider written protest appeals received by the appropriate Counsel's office within seven calendar days after the adversely affected party receives the recipient's determination of protest. However, the adversely affected party can meet the seven-day notice requirement by telegraphing the Counsel within the seven-calendar-day period of its intent to file a protest appeal, provided the adversely affected party submits a complete protest appeal within seven calendar days of the date it sends the telegram. If the seventh day falls on a Saturday, Sunday or holiday, the next working day shall be the last day to submit a protest appeal.

(e) Any party which submits a document to the award official during the course of a protest appeal must simultaneously furnish all other affected parties with a copy of the document.

§ 33.1130 Review of protest appeal.

(a) If the recipient does not receive the initial protest before bid opening or the closing date for receipt of proposals, the award official may dismiss as untimely any protest appeal based upon alleged improprieties in the solicitation which were clearly apparent before bid opening or before the deadline for receipt of initial proposals. In negotiated procurements, protests of alleged improprieties which were incorporated in a new solicitation must have been received by the recipient by the closing date for receipt of proposals for the new solicitation.

(b) In cases not involving improprieties in the solicitation, the award official may dismiss as untimely a protest appeal if the adversely affected party did not file the initial protest with the recipient within seven calendar days of the date the basis for the protest was known or should have been known, whichever is earlier.

§ 33.1140 Deferral of procurement action.

When the award official receives a protest appeal and the recipient has not deferred the procurement action under § 33.1110(b), the award official must promptly request that the recipient defer the protested procurement action until the award official notifies the recipient of the formal or informal resolution of the appeal. The request shall be limited to the award of the subagreement or subitem which is the basis of the protest appeal.

§ 33.1145 Award official's review.

(a) The award official may establish rules of procedures or deadlines for the submission of materials or the arrangement of protest appeal conferences.

(b) The award official may summarily dismiss an appeal without proceedings under this subpart if:

(1) The protest appeal is not reviewable, see § 33.1130, or addresses issues other than those allowed under § 33.1120(b);

(2) The protester substantially fails to comply with the procedural requirements of this subpart; or

(3) The protester does not agree to the recipient's request for a reasonable extension of the bid and bond period.

(c) The award official may summarily deny a protest appeal without proceedings under this subpart if, after considering the facts in a light most favorable to the protester, the award official believes that the protest lacks merit.

(d) The award official will give both the recipient and the protester, as well as any other party with a financial interest which may be adversely affected by the determination of protest, an opportunity to present arguments in support of their views in writing or at a conference.

(e) After the announced date for receipt of written arguments, the record shall be closed.

(f) The award official shall review the record considered by the recipient and any other documents or arguments presented by the parties to determine whether the recipient has complied with the procurement requirements of this part and has a rational basis for its determination of protest.

(g) The award official's determination shall constitute final EPA action from which there shall be no further administrative appeal. No party may appeal an award official's determination of appeal to the EPA Board of Assistance Appeals.

(h) Nothing in this subpart precludes the award official from reviewing the recipient's procurement action. (See § 33.115.)

(i) Noncompliance with the award official's determination of protest shall be cause for an action against the recipient under 40 CFR Part 30 or 32.

(j) If an appeal involves legal issues not explicitly addressed by this part, the award official shall resolve the issue by referring to other protest determinations under this section and decisions of the Comptroller General of the United States or of the Federal courts addressing Federal requirements comparable to procurement requirements of this part.

Appendix A.—Procedural Requirements for Recipients Who Do Not Certify Their Procurement Systems, or for Recipients Who Have Their Procurement Certifications Revoked By EPA

(a) The following procedural requirements apply to recipients who:

(1) Do not certify to EPA that their procurement system meets the minimum procurement requirements in this part, or

(2) Have their procurement certification revoked by the award official, as stated in § 33.115(b).

(b) Those recipients must comply with the requirements in this part plus the following procedural requirements. These procedural requirements supplement the requirements in the sections cited.

(1) To comply with § 33.250, "Documentation," the recipient must submit to the award official the records required by this section.

(2) To comply with § 33.290, "Cost and price considerations," the recipient's contractors and subcontractors must submit their cost or price data on EPA Form 5700–41, "Cost or Price Summary Format for Subagreements Under U.S. EPA Grants," or in another format which provides information similar to that required by EPA Form 5700–41.

(3) To comply with § 33.415, "Time for preparing bids," the recipient must allow at least 30 days between the date when it first publishes the public notice and the date by which bids must be submitted.

(4) To comply with § 33.415, "Public notice and solicitation of bids," the recipient must publish the notice in professional journals,

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newspapers, or publications of general circulation over a reasonable area for at least 30 days before bid opening.

(5) To comply with § 33.510, "Adequate public notice," the recipient must publish the notice in professional journals, newspapers, or publications of general circulation over a reasonable area for at least 30 days before the deadline for receipt of proposals. The recipient may use posted public notices or written notification directed to interested persons, firms or professional organizations.

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Monday
March 28, 1983

Part III

Department of the Treasury

Internal Revenue Service

Income Tax; Information Reporting Requirements With Respect to Interest and Original Issue Discount, and Withholding From Interest, Dividends, and Patronage Dividends; Final Regulations

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 31, and 35

[T.D. 7880]

Income Tax; Withholding From Interest, Dividends, and Patronage Dividends

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to withholding from interest, dividends, and patronage dividends and to depositing such amounts. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248). These regulations affect payors and payees of interest, dividends, and patronage dividends and provide them with guidance necessary to comply with the law.

DATES: Effective on March 22, 1983, except for § 31.3452(f)–1 which is effective February 1, 1983. The regulations apply to payments of interest, dividends, and patronage dividends paid or credited after June 30, 1983, except that the regulations relating to exemption certificates (§ 31.3452 (f)–1) are effective on February 1, 1983.

FOR FURTHER INFORMATION CONTACT: Patricia K. Keesler (with respect to patronage dividends (202–566–3430)), John A. Tolleris (with respect to deposits of amounts withheld (202–566–3294)), or Pamela F. Olson (with respect to all other provisions (202–566–3828 or 566–3829)), of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T).

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1982, the **Federal Register** published proposed amendments to the Employment Tax and Collection of Income Tax at Source Regulations (26 CFR Part 31) under sections 3451 through 3456, 6011, 6071, 6302, and 7512 of the Internal Revenue Code of 1954 (47 FR 51421). These amendments were proposed to conform the regulations to the statutory changes enacted by sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248, 96 Stat. 324, 576). The Service received over 200 written comments responding to this notice and a public hearing was held on February 1, 1983. After consideration of all comments regarding the proposed amendments, those amendments are adopted by this Treasury decision with several revisions in response to those comments. The comments and revisions are discussed below.

Public Comments

A number of the public comments concerned the provisions for obtaining an extension of the date to begin withholding because of undue hardship. Several commenters suggested that a blanket waiver applicable to all payors should be adopted. Since this suggestion is contrary to Congress' intent as expressed in the legislative history of the Act, this change was not adopted.

Recognition has been given, however, to the difficulty of payors' complying with the requirement of withholding on original issue discount because of the lack of readily available sources providing original issue price which is necessary for computation of the tax. Accordingly, the requirement of withholding with respect to original issue discount has been delayed to January 1, 1984. The service is compiling a list of publicly-traded obligations issued at a discount that will show the issue price of the obligations, the amount of original issue discount includible in income of the holder for the calendar year, and other pertinent information. The Service will commence publication of this information in June 1983. The regulations permit payors to rely on the compilation provided by the Service in determining the amount of original issue discount includible in income and subject to withholding. This deferred effective date is not applicable to United States savings bonds (which are not subject to section 1232A) or to stated interest paid with respect to original issue discount obligations.

Several commenters requested that specific guidance be provided as to the definition of the term "undue hardship". Accordingly, the Service will issue a revenue ruling (Rev. Rul. 83–55) and a revenue procedure (Rev. Proc. 83–20) shortly which will explain the circumstances under which an extension of the time to begin withholding will be granted and the means for applying for an extension. Both Rev. Rul. 83–55 and Rev. Proc. 83–20 will be published in the Internal Revenue Bulletin for March 28, 1983, 1983–13 I.R.B.

Several commenters inquired as to the payment of tax where computation of the tax yields a fractional cent. Accordingly, a cross-reference to section 6313 and § 301.6313–1 (payment of tax where computation of the tax yields a fractional cent) has been provided.

Several commenters requested further clarification of the definition of the term "paid or credited". Accordingly, clarifying language and an additional example have been provided. The clarifying language provides that, in the case of a corporate reorganization, where the holder of stock in one corporation must exchange the stock for stock in another corporation before such other corporation will pay dividends to the holder, the dividends are treated as paid and subject to withholding when the corporation makes payment of the dividend generally, without regard to whether the holder of the stock has exchanged it and actually has received the dividend. The example makes it clear that if a payment is made or credited on a date other than the payor's customary payment or crediting date, the payor is required to withhold on such other date.

The regulations have been revised to make it clear that a payment of property or merchandise as interest (or in lieu of a cash payment of interest) is subject to withholding, that the amount which is subject to withholding is 10 percent of the fair market value of the property or merchandise, and that the tax required to be withheld may be withheld from an alternative source.

Many of the comments received indicated that the unknown payee rule was difficult to apply and suggested that the payor be allowed a reasonable period of time in which to identify the payee. Accordingly, the regulations have been amended to allow payors 60 days to identify the payee. If the payor identifies the payee prior to the expiration of the 60 day period, the payor must withhold at that time. If the payor has not identified the payee within 60 days, it must, nevertheless, withhold the tax on the 60th day. A payor may, in its discretion, withhold on an earlier date.

A special provision was added to the unknown payee section to except from its application payors who make payments exclusively to exempt recipients.

Several commenters requested additional language in the alternative source provisions to make it clear that the election to withhold from an alternative source is at the election of the payor unless the payor chooses to allow the payee to elect it. In addition, the provision has been amended to allow use of an alternative source which is owned by at least one of the person(s) to whom the payment is made provided that the payor obtains a written statement from the non-common owner allowing the payor to do so.

A number of commenters requested that the exempt recipient section of the regulations be amended to make it

easier for payors to use the "eyeball test" in determining whether a person is an exempt recipient. For example, a number of commenters stated that it was common for corporations not to carry an expression of corporate limited liability in the names by which they were known in the investment community. These persons stated that the payee would generally have a corporate resolution or similar document on file with the payor. Accordingly, the regulations have been amended to allow a payor to treat a person as an exempt recipient which is known to the payor to be a corporation through such a document. The list of unambiguous expressions of corporate status on which the payor may rely in the corporate area in determining whether the payee is an exempt recipient has been expanded to include "insurance company", "indemnity company", "reinsurance company", and "assurance company". A payor may not rely on "Company" or "Co." in determining whether a payee is an exempt recipient, because such term may apply to partnerships (which are not exempt recipients).

Several groups commented that it was common business practice in the insurance and other industries for corporations to form a pool, syndicate, partnership, or unincorporated association to carry on business and that requiring withholding merely because the corporations had joined together to do business did not seem the intent of the statute. Accordingly, the definition of "corporation" has been amended to include a pool, syndicate, partnership, or unincorporated association composed exclusively of corporations or insurance companies. A parallel change has been added to the definition of "State" because States or their political subdivisions frequently pool their assets to invest them. Thus, the defintion of "State" has been amended to include a pool or partnership composed exclusively of State governments or their political subdivisions, agencies, or instrumentalities.

Payors may treat States and their political subdivisions known in the community to be such as exempt recipients even though they have not filed an exemption certificate with the payor. A payor may treat a foreign government or its political subdivision which is known to the payor to be such as an exempt recipient even though it has not filed an exemption cerificate with the payor.

The proposed regulations require a regulated investment company to be registered as such the entire taxable year in order to qualify as an exempt recipient. One commenter noted that this definition would exclude a regulated investment company formed during the taxable year for the first year. The commenter suggested that the definition be amended to include a regulated investment company formed during the taxable year so long as it was registered as such during the entire portion of the year for which it was in existence. This suggestion has been adopted.

With respect to middlemen as exempt recipients, the regulations have been amended to allow payors to treat nominees known in the community as such, or listed in the most recent publication of the American Society of Corporate Secretaries, Inc. Nominee List, as an exempt recipient without an exemption certificate.

Several persons commented that it was frequently the case that a middleman is an exempt recipient not only because it is a middleman but also because it is a corporation or a broker-dealer, etc. The commenters stated that the regulations could be interpreted to require, for example, a corporation to file an exemption certificate when it was acting as a nominee. The regulations have been amended to make it clear that an exempt recipient which is not required to file an exemption certificate in order to be treated as such is not required to file one when it acts as a middleman.

With respect to minimal interest payments several persons, inquired whether a separate annualization computation had to be made for every account opened between the payor's customary paying or crediting dates. Since this creates administrative and programing problems for the payors, they requested that, with respect to accounts opened during the payment cycle, they be allowed to assume that the payment was made for the entire payment cycle. This suggestion has been adopted.

One commenter inquired whether obligations of different types presented for payment in one transaction had to be aggregated to determine whether the payor is making a minimal interest payment. Examples have been provided which make it clear that obligations of different types must be aggregated. In addition, the examples make it clear that payors must annualize original issue discount at maturity of an obligation if the period with respect to which the original issue discount relates is less than 1 year.

With respect to exemption certificates, a number of persons expressed concern regarding the requirement that substitute forms prepared by the payor be "identical to" the form prepared by the Service. Accordingly, the regulations have been amended to require that the provisions of the substitute form be "substantially similar to" the Service's form.

Several comments were received concerning the treatment of joint accounts where one or more owners of the account are exempt individuals or exempt recipients. The rule in the regulations allows a payor to treat a payment as one made to an exempt individual or exempt recipient if the person with respect to whom the payor is required to file an information return files an exemption certificate with the payor. Some commenters suggested that this rule should be liberalized to allow payors to treat a payment as one made to an exempt person if any of the owners filed an exemption certificate with the payor. Since such a rule would allow persons to circumvent the purpose of the withholding provisions, and would be difficult for the Service to administer, this suggestion has not been adopted.

Payors are given 45 days from the dividend record date (as opposed to the payment date) to make an exemption certificate effective for a dividend. A similar provision was requested for a payment of interest on a registered bond which has a payment record date similar to the dividend record date. This change has been adopted.

Several groups commented that it would be administratively difficult for payors to revoke an exemption certificate within 45 days of the termination of a payor-payee relationship. They suggested that a payor should be allowed to keep the certificate until the payor has purged its records of the relationship with the payee. Accordingly, a payor has been given discretion in continuing to maintain an exemption certificate in that instance. However, if the payee reestablishes its relationship with the payor before the payor purges the exemption certificate, the payor must inform the payee that the payor is still treating the payee as exempt.

The Service received numerous comments on the rules governing middlemen treated as payors. Many of these comments concerned whether certain persons were included in the definition of middlemen. Several examples and clarifying language have been added in this area. The examples illustrate that trusts, partnerships, and

individuals are not middlemen (unless otherwise acting in a capacity as middlemen such as a nominee), and that distributions from a trust (including distributions of certain charitable trusts which are exempt recipients) or a partnership are not subject to withholding. Language has been added to specifically provide that an individual is not a middleman when acting as custodian of a minor's account.

Several commenters suggested that a common trust fund should be allowed to withhold at the time that it makes or credits a payment to a payee's account. This proposed change has been adopted.

The Service received several inquiries as to the rules to be applied where a payor was, for example, both a middleman and a paying agent. Thus, this section has been amended to illustrate that a payor in that situation treats the payment as though it were made between separate institutions. For example, if the payor is a bank acting as a paying agent with respect to shares of stock which it holds for a customer as a nominee, the bank, in its capacity as a paying agent, should treat the payment as though it were making the payment to a separate institution. When the bank receives the dividend payment in its capacity as a nominee, it should treat the payment as though received from another institution.

A number of persons commented that the rules proposed with respect to avoiding double withholding were not adequate to deal with certain situations middlemen-payors might expect to encounter. For example, tax may be withheld from a payment because an exemption certificate that has been filed is not yet effective. The regulations have been amended to provide that, in such a case, a middleman-payor may adjust deposits of the tax which the middleman-payor is required to make, claiming a credit for the amount of tax withheld by the upstream payor. The middleman-payor would then withhold the tax from the payment if its payee is not exempt or pay the full amount to the payee if the payee is exempt.

A number of comments requested clarification of the definition of interest. Thus, specific language has been added to this section to include within the definition of interest repurchase agreements, banker's acceptances, and merchandise or property provided as interest (or in lieu of a cash payment of interest). In addition, specific language has been added to exclude from the definition of interest subject to withholding interest paid with respect to mortgage escrow accounts; interest paid by an insurance company because a payment has been delayed where the interest is not paid by reason of agreement with the insurance company; interest paid on tax refunds; interest paid on amounts held in escrow to provide security or to guarantee performance on a contract; and interest paid with respect to security deposits (unless the amount is deposited in a bank or savings institution).

With respect to the exception from withholding for interest on an obligation of a natural person, a number of commenters questioned whether collection of interest for the holder of the obligation by a middleman made the interest subject to withholding. The regulations have been amended to make it clear that middlemen are not required to withhold on interest paid on an obligation of a natural person.

Several commenters stated that it is difficult in some cases to identify coupons from obligations that are tax exempt and, therefore, exempt from withholding. They requested that they be allowed to obtain and rely on a written statement from the payee that the obligation is tax exempt. This suggestion has been adopted. The regulations require payees to provide a signed statement on the envelope (shell) used for processing interest coupons, that the interest payment is tax exempt, and to properly complete the envelope (with the payee's name, address, and social security number). The payor may rely on such certification in treating the interest as tax exempt and will not be liable for the tax under section 3451(a).

With respect to adjusting the amount of interest subject to withholding for imposition of a penalty for premature withdrawal, several commenters suggested clarification that payors are not required to refund to the payee any amount of tax withheld by the payor prior to the time of withdrawal if the penalty imposed exceeds the amount of interest credited to the payee on that date. An example has been added to the regulations to illustrate the result in that situation.

With respect to the definition of dividends, commenters raised questions about the treatment of both taxable dividend reinvestment plans and qualified public utility dividend reinvestment plans. With respect to taxable plans which are subject to withholding, the regulations proposed the rule that payors were not required to withhold on any amount other than the amount of the actual cash dividend declared. The payor could choose to ignore fees, commissions, and any discount in purchase price of the shares in computing the tax. Some payors stated that they would prefer to withhold 10 percent of the dollar amount posed to the plan participant's account, which would include market discount, etc. The regulations have been revised to make it clear that the payor may elect to do so.

With respect to qualified public utility dividend reinvestment plans which are not subject to withholding, several commenters inquired whether they were required to withhold with respect to a dividend paid to a person not qualified for a dividend exclusion or for a dividend which exceeded the amount which statutorily could be excluded from income. They stated that administration of a qualified plan would be difficult if withholding were required in those cases. Accordingly, the regulations have been amended to provide that the amount of the dividend as well as the identity of the person to whom the dividend is paid is irrelevant and that, therefore, dividends reinvested by such plans will not be subject to withholding.

With respect to a capital gain dividend distributed by a regulated investment company or a real estate investment trust, the proposed regulations provided that withholding was not required. One commenter stated that it should be clarified that undistributed capital gain dividends of a regulated investment company or a real estate investment trust also are not subject to withholding. The comment has been adopted.

Under the proposed regulations, the election to withhold on an annual basis must be made by the 5th business day of the calendar year. One commenter noted that that rule could have the effect of making the annual withholding election unavailable for accounts offered for the first time during the calendar year. Thus, the regulations have been amended to allow a payor to make the election by the 5th business day after it offers an account for the first time.

Several comments sought clarification regarding the relationship between the annual withholding election and the minimal interest payment election and between annual withholding and withholding from an alternative source. The regulations have been amended to illustrate the relationship between the elections. With respect to minimal interest payments and annual withholding, the amendments illustrate that a payor makes a determination on each interest paying or crediting date of the amount of interest (if any) that must be withheld and holds that amount in the payee's account. At year end, the payor must withhold the amount of tax as previously determined. The payor

does not adjust the amount of tax which must be withheld at year end based on the payor's actual knowledge on that date of whether the payee has been paid more or less than $150 for the calendar year.

With respect to alternative source and annual withholding, the types of payments for which the payor can withhold annually are clearly limited. A payor cannot make additional types of payments subject to the annual withholding election by electing to withhold the tax on those payments from an alternative source for which the payor has made the annual withholding election. If the payor elects to withhold tax on a payment that is ineligible for annual withholding, it must withhold the tax from that source at the time it makes the payment.

Several commenters requested further guidance as to the types of accounts for which the annual withholding election was available. Pursuant to section 3456(d) and consistent with Congressional policy expressed in section 327(c)(1) of the Depository Institutions Act of 1982 (Pub. L. 97–320), the regulations have been amended to allow annual withholding for the accounts now offered by money market mutual funds that are similar to the new "Money Market Deposit Accounts" and "Super NOW" accounts offered by banks and savings institutions.

With respect to refunds of tax where there has been overwithholding, several persons have commented that the requirement of a receipt set forth in the regulations creates administrative difficulties. Several commenters suggested that payors be allowed to retain a cancelled check as the receipt or that an indication on the payee's statement suffice as a receipt. These suggestions have been adopted and any further comments or suggestions will be given careful consideration.

The proposed regulations provide that amounts paid to certain persons who are not United States persons will not be considered to be interest subject to withholding under section 3451. Under the proposed regulations, a payor may treat a payee as a foreign person for this purpose if the payor receives a statement, signed by the payee under penalties of perjury, that the payee is not a United States person. In addition, if the payee is an individual, he must establish that he holds a passport from a country other than the United States. Various comments have indicated that the passport requirement is unduly burdensome, as many foreign individuals do not have passports and as, with respect to transactions effected other than in person, it is difficult administratively to confirm the possession of a non-United States passport. In response to these comments, the passport procedure has been eliminated.

The regulations have been amended to expand upon the types of information that should be provided on the statement certifying the status of a payee as a non-United States person. Specifically, the statement must contain the name, address, and taxpayer identification number (if any) of the payee. In response to a request by various commenters that a special Internal Revenue Service form be provided for this statement, the regulations have been modified to indicate that an optional form (W–8) will be provided by the Internal Revenue Service for this purpose.

Commenters also have requested clarification of the situations in which the statement described above must be provided to a payor. The regulations have been clarified to indicate that, in order to avoid withholding, the statement generally must be provided to the payor in each instance in which an exception to the definition of interest is dependent on a payee's status as a person who is not a United States person. However, the regulations have been amended to provide that the statement will not be required with respect to a particular payment made in a calendar year if, with respect to that or any other payment that is or may be made by the payor to the payee in that year, the payor has received a Form 1001, a Form 4224 or other appropriate documentation indicating either that the payment is subject to reduced rates of tax under a treaty or is effectively connected to a United States trade or business of the payee. Similarly, the statement certifying the status of the payee as a foreign person is not required with respect to a particular payment made to a payee in a calendar year if the payor has actually withheld tax under subchapter A of chapter 3 of the Code on that or on any other payment made to the payee during that year.

Certain exceptions to the definition of interest are provided in the proposed regulations for amounts paid by various enumerated foreign entities (*e.g.*, a foreign corporation not engaged in trade or business in the United States during the calendar year). The regulations have been amended to provide more clearly that the exceptions apply only if one of the enumerated foreign entities is the obligor on an obligation with respect to which the amount in question is paid. Thus, the status of a paying agent or middleman as one of the enumerated foreign entities is not material to the issue of whether the amount paid by such paying agent or middleman is to be considered interest for purposes of withholding. Similarly, the fact that a paying agent or middleman is not one of such enumerated foreign entities will not cause an amount paid on an obligation issued by one of such entities to be recharacterized as interest subject to withholding.

As is the case of interest, certain amounts paid to persons who are not United States persons are excepted from the definition of dividend in the proposed regulations. The regulations are expanded to indicate that the procedures prescribed for determining whether interest is paid to a person who is not a United States person are to be followed for purposes of determining whether dividends are paid to such a person.

Under the proposed regulations a payor is responsible for determining whether foreign currency, not readily convertible into United States dollars, is nevertheless indirectly convertible into United States dollars. The regulations have been amended to give the responsibility for making this determination to the Secretary.

Several commenters questioned whether the transitional float provided under the rules concerning the time for depositing taxes withheld would compensate payors adequately for the costs of implementing withholding. The Service and Treasury Department are continuing to review data as to payors' costs of complying with the withholding system. In many cases, more accurate information as to start-up costs will not be available until the withholding provisions become effective because payors' full expenditures will not be known until that time.

Non-Applicability of Executive Order 12291

The Commissioner has determined that this Treasury decision is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this regulation because it will not have a significant economic impact on a substantial number of small entities.

Most of the impact that withholding from interest, dividends, and patronage dividends will have on both small entities and the economy in general is due to requirements imposed directly by the statute. In the areas in which the Service has been given significant discretion under the statute, the Service has exercised its discretion so as to minimize the potential impact of withholding while at the same time ensuring compliance with the statute.

For example, the statute permits regulations to be issued that require aggregation of interest payments in different accounts of a payee before determining whether the $150 minimal interest payment exception from withholding can be applied. The Service has determined that most entities do not currently have the capability to aggregate these payments, and so has not required that aggregation be done at the present time. If, however, the Commissioner determines that there is abuse or avoidance of withholding contrary to the legislative intent in enacting these provisions due to the absence of aggregation, regulations will be issued requiring aggregation of interest payments made by the payor to a payee.

The Service has written the regulations so that the time within which entities are required to deposit the taxes they withhold takes into account the cost of instituting withholding. All entities will be able to hold the amounts withheld for up to approximately 30 calendar days from the day the amounts are withheld during the first calendar year of withholding. Further, medium-sized financial institutions will be able to do so for one additional year, and small financial institutions will be able to do so for two additional years.

The Service has also written the deposit regulations to provide that only an annual (rather than a quarterly) return need be filed by payors to reconcile deposits actually made with total liability. This will lessen the paperwork and administrative burden on payors.

Many entities requested that they be able to prepare and provide exemption certificates containing preprinted customer information to individuals and recipients who are exempt from withholding. The entities stated that doing this could substantially reduce their processing costs. The Service has given entities the authority to do this (see Rev. Proc. 82–64, for the requirements relating to substitute forms) as well as permission to refuse to accept forms the entity itself has not prepared, so long as the entity promptly furnishes to the customer an acceptable form. This gives entities maximum flexibility while at the same time ensuring that customers eligible for exemption will easily be able to claim it.

Payors are not required to verify the correctness of an exemption certificate. An individual payee is subject to a civil penalty of $500 if the individual supplies false information with respect to withholding (by, for example, claiming to be an exempt individual when not eligible for that status). In addition, all payees are subject to a criminal fine of as much as $500 or up to 1 year of imprisonment or both if the payee supplies false information or fails to revoke an exemption certificate.

Many payors stated that they will need at least a month in order to make exemption certificates effective. The regulations provide them with needed flexibility by requiring that exemption certificates be made effective within 45 days of filing, but permitting payors to make them effective sooner if they choose.

Some payors stated that, due to the volume of exemption certificates they will be receiving, they must have permission to retain only a microfilm or microfiche copy of the exemption certificate and to destroy the paper certificate. The Service issued Rev. Proc. 83–6, which clarifies that Rev. Proc. 81–46 (1981–2 C.B. 621) (relating to the standards for microfilm or microfiche retention of books and records) applies to exemption certificates.

Drafting Information

The principal authors of these regulations are Patricia K. Keesler, Pamela F. Olson, and John A. Tolleris of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. Personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects

26 CFR 1.6001–1 through 1.6109–2

Income taxes, Administration and procedure, Filing requirements.

26 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad retirement, Social security, Unemployment tax, Withholding, Interest, Dividends, Patronage dividends.

Adoption of Amendments to the Regulations

PART 35—[AMENDED]

§§ 35.3451(a)–1 Through 35.9999–1 [Removed]

Accordingly, §§ 35.3451(a)–1 through 35.9999–1 of Part 35 are removed from the Code of Federal Regulations, the title of 26 CFR Part 31 is revised to read "Employment Taxes and Collection of Income Tax at Source", in Part 31, the title of Subpart E is revised to read "Collection of Income Tax at Source", and the following amendments are made to 26 CFR Part 1 and 26 CFR Part 31:

PART 1—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1983

§ 1.6045–1 [Amended]

Paragraph 1. Paragraph (c)(3)(i) and (ii) of § 1.6045–1 is amended by removing references to § 35.3452(c)–1 and inserting in lieu thereof references to § 31.3452(c)–1.

Par. 2. Paragraph (c)(3)(v)(*c*) of § 1.6045–1 is amended by removing the reference to § 35.3455(b)–1 (b)(1) and inserting in lieu thereof a reference to § 31.3455(b)–1 (b)(1).

Par. 3. Examples (1) and (2) of paragraph (c)(4) of § 1.6045–1 are amended by removing references to § 35.3452(c)–1 (j) and inserting in lieu thereof references to § 31.3452(c)–1 (j).

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

Par. 4. The following sections are added to Subpart F after § 31.3404–1:

§ 31.3451(a)–1 Requirement of withholding on payments of interest, dividends, and patronage dividends.

(a) *In general.* Except as provided in section 3452(a) and § 31.3452(a)–1, every payor (as defined in section 3453 and § 31.3453(a)–1) making a payment of interest (as defined in section 3454(a) and § 31.3454(a)–1), dividends (as defined in section 3454(b) and § 31.3454(b)–1), or patronage dividends (as defined in section 3454(c) and § 31.3454(c)–1)) is required to withhold a tax equal to 10 percent of such payment. For the payment of tax where computation of the tax yields a fractional cent, see section 6313 and § 301.6313–1.

(b) *Conversion of amounts paid in foreign currency into United States dollars.*—(1) *Convertible foreign currency.* In the event that an amount is paid or credited in convertible foreign currency, the amount shall be converted

into United States dollars, and the amount subject to withholding under section 3451 shall be computed on such United States dollar amount, on the date of the payment or crediting. The tax withheld shall be paid in United States dollars. For purposes of this subparagraph, the term convertible foreign currency means currency of a foreign country that either is readily convertible into United States dollars or is of a type the Secretary determines is to be treated as a convertible foreign currency from the date specified in a notice of such determination published in the **Federal Register.**

(2) *Nonconvertible foreign currency.* [Reserved]

(c) *Effective date.*—(1) *In general.* This section is effective for interest, dividends, and patronage dividends paid or credited after June 30, 1983, except as provided in paragraph (c)(2) and paragraph (d) of this section.

(2) *Exemption certificates.* Section 31.3452(f)–1 (relating to exemption certificates) is effective on February 1, 1983.

(d) *Extension of time to begin withholding.* If a payor has attempted in good faith to comply with the requirements of this section and cannot do so without undue hardship, such payor may seek a waiver of part or all of the withholding requirements. An application for a waiver must be made in writing and must fully set forth—

(1) The specific portion of the payor's operations for which a waiver is sought,

(2) The reasons such payor is unable to comply with the requirements of this section without undue hardship, and

(3) The steps taken which demonstrate such payor's good faith attempt to comply with such requirements.

In general, an application for a waiver should be made no earlier than April 1, 1983, in order to allow the Service to evaluate the payor's attempt to comply with the withholding requirements, and no later than May 15, 1983 (except in the case of an unforeseen event occurring after such date). Such application shall be in the form required by the applicable revenue procedure. Any such waiver shall be granted for only so long as is necessary to allow the payor to avoid undue hardship, but in no event shall a waiver extend beyond December 31, 1983. Such waiver shall apply only to the portion of the operations of the payor as is necessary to permit the avoidance of undue hardship.

§ 31.3451(b)(1)–1 Time and manner of withholding on interest, dividends, and patronage dividends.

(a) *In general.* A payment shall be treated as made and the tax imposed by section 3451 shall be deducted and withheld by the payor at the time interest, dividends, or patronage dividends are paid or credited to the payee. Amounts are paid or credited when they are credited to the account of or set apart for the payee. Amounts are not considered paid or credited solely because they may be withdrawn by the payee, so long as they are not credited to the payee's account until either actual withdrawal or a specified crediting date. They are, however, paid or credited upon withdrawal or crediting. When bonds are sold between interest dates, the part of the sales price representing interest accrued to the date of sale is not considered to be paid or credited for purposes of section 3451. In the case of stock for which the record date is earlier than the payment date, the dividends is paid or credited on the payment date. In the case of a corporate reorganization, if a payee is required to exchange stock held in the former corporation for stock in the new corporation before the dividends which have been paid with respect to the stock in the new corporation will be provided to the payee, the dividend is paid or credited on the payment date without regard to when the payee actually exchanges the stock and receives the dividend.

(b) *Savings bonds.* A person who makes payment on a United States savings bond when the bond is presented for payment shall withhold the tax under section 3451(a) based on the difference between the amount to be paid and the amount paid for the bond. The amount subject to withholding shall not be reduced to take into account—

(1) Amounts previously included in the income of a holder as a result of an election under section 454 to include annually the increase in the redemption price of the bond; or

(2) Amounts accrued prior to transfer of the bond where the bond has been reissued in the name of the person presenting the bond for payment.

With respect to a savings bond that is reissued in another person's name, the amount subject to withholding when the bond is reissued is the amount of interest that has accrued. With respect to a savings bond that is exchanged in a tax-deferred transaction (as described in section 1037), the amount subject to withholding is the amount of cash paid to the holder at the time of the transaction.

(c) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). Bank P computes interest on savings account deposits by compounding the interest on a daily basis but credits the amount of interest to the savings account that has accrued during a calendar quarter on the last day of the quarter. P has not made an election under section 3456(b) (relating to annual withholding by financial institutions). P must deduct and withhold the tax imposed by section 3451 at the same time it credits interest to the accounts at the end of each quarter, irrespective of whether interest has actually been posted in depositors' passbooks.

Example (2). Credit Union Q computes dividends on regular share accounts by compounding the dividends on a daily basis. It credits the amount of dividends accrued during a calendar quarter on the last day of the quarter unless the account is closed, in which case it credits accrued dividends on the date the account is closed. Q has not made an election under section 3456(b) (relating to annual withholding by financial institutions). A, an individual who is not exempt from withholding, opens a regular share account at Q on July 1, 1983. Q must deduct and withhold the tax imposed by section 3451 when it credits accrued dividends to the account on September 30, 1983. If A closes the account October 21, 1983, Q must deduct and withhold the tax imposed by section 3451 when it credits accrued dividends to the account on October 21, before A is permited to withdraw the dividends.

Example (3). Corporation R declares a dividend on its stock payable on October 1, 1983. Trust Company S holds stock of R in trust for B, an individual who is not exempt from withholding. S credits the dividend to the account of the trust for B on October 1, even though in the normal course of business S may not receive the money until several days thereafter. S may deduct and withhold the tax imposed by section 3451 when the dividend is credited on October 1, regardless of the fact that the money may not actually be received by S until several days thereafter. S may not delay withholding until later than when S receives the payment. See § 31.3453(b)–1(b).

Example (4). Money Market Fund T declares dividends on its shares daily and credits the dividends to the investor's account on the last day of the month, regardless of whether any shares have been redeemed during the month. T must deduct and withhold the tax imposed by section 3451 on the last day of the month when it credits the investor's account.

Example (5). The facts are the same as in Example (4), except that T credits the dividends to the investor's account daily. T must deduct and withhold the tax imposed by section 3451 daily when it credits the investor's account.

Example (6). On January 1, 1984, C, an individual not exempt from withholding, buys a 10-year bond with attached semiannual interest coupons of $500 that may be cashed on January 1 and July 1 of each year. C sells

the bond on April 1, 1984, to U Bank. Because the $250 of the purchase price attributable to accrued interest is not considered to be paid or credited for purposes of section 3451, U may not withhold any tax under section 3451 from any portion of the purchase price

Example (7). On April 1, 1984, U Bank sells the bond it purchased in Example (6) to D, an individual not exempt from withholding. D holds the bond and on July 1, 1984, cashes the interest coupon for that date at U. U must withhold $50 of $500 coupon payment as the tax imposed by section 3451.

Example (8). Bank V credits interest to its checking accounts on a quarterly basis. On August 3, 1983, Bank V accepts for payment a check which has been drawn on the account of E. E does not have sufficient funds posted in the account to pay the amount of the check. However, E's account has accrued interest since V's last crediting date which, net of withholding, is sufficient to pay the amount of the check. V pays the check after posting the interest that has accrued since V's last crediting date to E's account. V is required to withhold the tax imposed by section 3451 on August 3, 1983, when it posts the accrued interest to E's account.

Example (9). On June 10, 1943, F purchases a $50 Series E savings bond. The amount paid for the bond is $37.50. F elects under section 454 to include annually the increase in the redemption price of the bond in income. F presents the bond to Bank W to be cashed on July 1, 1983. The amount to be paid on the bond on that date is $204.96. Bank W is required to withhold 16.75 (*i.e.*, 10 percent of the difference between $204.96 and $37.50) on that date without regard to F's election to include annually the increase in the redemption price of the bond in income.

Example (10). On December 1, 1970, G purchases a $500 Series E savings bond. The amount paid for the bond is $375. On August 1, 1985, the bond is reissued by the Bureau of Public Debt by deleting G's name and inserting the name of G's child. At the time of reissue, the redemption value of the bond is $1,015.80. The accrued interest is $640.80 (*i.e.*, $1,015.80—$375). The reissue is a taxable transaction and G must include in income the accrued interest at the time of reissue. On August 1, 1984, the Bureau of Public Debt must withhold $64.08 (*i.e.*, 10 percent of $640.80).

Example (11). Assume the same facts as in Example (10) except that G exchanges the bond for a Series HH savings bond in the amount of $1,000 issued in G's name. The exchange is tax-deferred under section 1037. A check in the amount of $15.80 is delivered to G. The Bureau of the Public Debt must withhold $1.58 (*i.e.*, 10 percent of $15.80) of the interest paid to G on August 1, 1984.

Example (12). Assume the same facts as in example (11) except that the exchange is not a tax-deferred exchange. The Bureau of the Public Debt must withhold $64.08 at the time that it reissues the bond.

(d) *Payment of merchandise in lieu of cash payment of interest.* If a payor provides property to a payee as interest (or in lieu of a cash payment of interest), the amount which is required to be withheld under section 3451 (a) is 10 percent of the fair market value of the property. Such amount may be withheld from an alternative source or account, including the amount of the principal deposited with the payor by the payee, as provided in section 3451(b)(4) and § 31.3451(b)(4)–1.

§ 31.345(b)(2)–1 Withholding where payee is unknown.

(a) *In general.* If a payor is unable to determine the identity of the person to whom a payment of interest, dividends, or patronage dividends is payable or creditable within 60 days after such amounts otherwise would be paid or credited if the payee were known, the payor is required to withhold the tax imposed by section 3451(a) not later than the 60th day after such amounts originally would have been paid or credited as though the payee were known and were an individual who is not an exempt individual. This section shall not apply to persons treated as payors under section 3453(b) or 3453(c) and § 31.3453(b)–1 or § 31.3453(c)–1 who pay interest or dividends exclusively to exempt recipients.

(b) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). Corporation M declares a dividend on its stock payable on September 1, 1983, to shareholders of record as of August 1, 1983. M does not know who holds 50 shares of its stock that are outstanding. M must withhold the tax imposed by section 3451(a) from the dividend declared with respect to those 50 shares on October 31, 1983, if M does not determine the owner of the shares prior to that time.

Example (2) Corporation N has declared a dividend every January 1 and July 1 since 1975. N has not known since January 1, 1977, who holds 75 shares of its stock. On September 15, 1983, A, an individual who is not exempt from withholding, demonstrates that A is the owner of those 75 shares. In paying the accumulated dividends, N may not withhold from the amounts representing dividends from January 1, 1977, through January 1, 1983, because those amounts were paid or credited on each respective date the dividend was payable, which was prior to July 1, 1983 (*i.e.*, the first date on which section 3451(a) requires withholding on dividends). With respect to the amount representing the July 1, 1983, dividend, N is required to withhold the tax imposed by section 3451(a) from the amount not later than August 31, 1983.

Example (3). Bank O holds an interest-bearing account the owner of which O has been unable to locate since January 1, 1983. On September 30, 1983, O makes a payment of interest to the account and elects to withhold the tax under section 3451 from the payment on that date. On November 1, 1983, B, an exempt individual informs O that he is the owner of the account and files an exemption certificate with O. O is not liable to B for the tax withheld under section 3451 from the payment of September 30, 1983.

§ 31.3451(b)(3)–1 Withholding where amount of dividends is unknown.

(a) *Requirement.* If a payor is unable to determine the portion of a distribution which is a dividend, then, except as provided in paragraph (b) of this section, the payor must compute the tax imposed by section 3451(a) on the entire amount of the distribution.

(b) *Estimation of amount of dividend*—(1) *In general.* If a payor is able reasonably to estimate the portion of the distribution which is not a dividend, the tax imposed by section 3451(a) shall not apply to such portion.

(2) *Reasonable estimate.* A payor making a payment all or a portion of which may not be a dividend may use previous experience to estimate the portion of such payment which is not a dividend. An estimate of the portion of a distribution which is not a dividend shall be considered reasonable if the estimate does not exceed the proportion of the distributions made by the payor during the most recent calendar year for which Forms 1099 and 1087 were required to be filed which was not reported by the payor as a dividend.

§ 31.3451(b)(4)–1 Withholding from alternative source.

(a) *In general.* At the election of the payor, the tax which is required to be withheld under section 3451 may be withheld from an account or source maintained by the payor other than the payment giving rise to the liability for such tax. The account or source from which such tax is withheld must be payable to at least one of the persons entitled to receive the payment giving rise to such tax. If the account or source is not payable to, and only to, the same person or persons entitled to receive the payment, then the payor must obtain a written statement from all other persons to whom the account or source is payable authorizing the payor to withhold the tax from such account or source. The payor electing to withhold from an alternative source may determine the account or source from which the tax is to be withheld or, in its discretion, the payor may allow the payee to designate the alternative source. A payee may not require a payor to elect to withhold from an alternative source.

(b) *Example.* The application of the provisions of paragraph (a) of this section may be illustrated by the following example:

Example. A and B, who are not exempt individuals, have a joint checking account at

Bank M. A also has a savings account at Bank M. On December 31, 1984. M credits A's savings account with a $50 interest payment. M may elect to withhold the tax imposed by section 3451(a) on the amount credited to A's savings account from A and B's joint checking account provided that M obtains a written statement from B permitting M to withhold the tax from A and B's joint checking account. Similarly, if the $50 interest payment is made to A and B's joint checking account, M may not withhold the tax imposed by section 3451(a) from A's savings account unless M obtains a written statement from A permitting M to withhold the tax from A's savings account.

(c) *Relationship to annual withholding election.* If a payor elects annual withholding under section 3456(b) and § 31.3456(b)–1 (relating to annual withholding by financial institutions), the payor may also elect, pursuant to paragraph (a) of this section, to provide that the balance required to be maintained pursuant to § 31.3456(b)–1 (c)(1) may be maintained in an account other than the account giving rise to the tax.

§ 31.3451(c)–1 Liability for tax.

(a) *In general.* Every payor making a payment of interest, dividends, or patronage dividends which is subject to the tax imposed by section 3451(a) is liable for the payment of such tax whether or not it is collected from the payee by the payor. If, for example, the payor deducts and withholds less than the correct amount of the tax, he is nevertheless liable for the correct amount of the tax. See, however, section 3456(c) and § 31.3456(c)–1, under which the payor is relieved of liability for such tax in certain circumstances. In no instance shall the payor be liable to any person other than the United States for the amount of any tax which was properly withheld. Until regulations under section 6413 are amended, principles consistent with the rules of that section shall apply, except that a cancelled check or an entry in a statement, a copy of which is provided to the payee by the payor, will suffice for a signed receipt showing the repayment of overcollected tax, if the check or statement contains a specific notation indicating that it is a repayment of overcollected tax.

(b) *Reliance on exemption certificate.* Notwithstanding the provisions of paragraph (a) of this section, a payor is not liable for the tax imposed by section 3451(a) if he fails to withhold the tax because he has reasonably relied on an exemption certificate which is in effect at the time the tax is required to be withheld or on an indication that the payee is an exempt recipient as provided in paragraphs (b) through (p) of § 31.3452(c)–1. See § 31.3452(f)–1(c).

§ 31.3452(a)–1 Exemptions from withholding.

The tax imposed by this subchapter shall not apply to—

(a) Any payment to an exempt individual, as defined in § 31.3452(b)–1,

(b) Any payment to an exempt recipient, as defined in § 31.3452(c)–1,

(c) Any minimal interest payment, as defined in § 31.3452(d)–1, or

(d) Any qualified consumer cooperative payment, as defined in § 31.3452(e)–1.

§ 31.3452(b)–1 Exemption from withholding for exempt individuals.

(a) *In general.* The requirement of withholding under section 3451(a) shall not apply to any payment to an exempt individual. For purposes of this section, the term "exempt individual" means an individual who has a valid exemption certificate in effect at the time the tax under section 3451 would be required to be withheld and who—

(1) Incurred a liability for income tax imposed under subtitle A which did not exceed $600 in the preceding year ($1,000 if a joint return was filed), or

(2) Is age 65 or older at any time prior to the close of the taxable year in which the certificate is filed and incurred a liability for income tax imposed under subtitle A which did not exceed $1,500 in the preceding year ($2,500 if a joint return was filed).

(b) *Income tax liability.* For purposes of determining whether an individual's liability for income tax imposed under subtitle A is less than the applicable amount (*e.g.*, $1,500 in the case of a single individual of age 65), the amount of the tax imposed by subtitle A shall be reduced by the total amount of credits against the tax which are allowable under part IV of subchapter A of chapter 1 of the Code (other than the credits allowable under sections 31, 39, and 43). For purposes of this section, an individual who files a joint return under section 6013 is considered to have incurred a liability for the tax shown on such return. Absent fraud in the preparation or filing of an individual's income tax return, income tax liability shall be deemed to be that shown on the return (or amended return, so called) filed prior to the filing of the exemption certificate.

(c) *Age requirement.* For individuals filing a joint return for thepreceding year, the requirement of subparagraph (2) of paragraph (a) of this section that an individual be age 65 or older shall be treated as met if either spouse is age 65 or older at any time prior to the close of the taxable year in which the certificiate is filed.

(d) *Certain trusts treated as exempt individuals.* If all the beneficiaries of a trust which is required by its terms to distribute all of its income currently are individuals described in paragraph (a) of this section or recipients described in § 31.3452(c)–1 (c) or (d) (relating to organizations exempt from tax under section 501(a) and individual retirement plans), such trust shall be treated as an exempt individual (provided that an exemption certificate is in effect with respect to such trust). The trustee of such a trust may file an exemption certificate on behalf of the trust. In order to allow the trustee of such trust to determine if it meets the requirements of this paragraph, exempt individuals described in paragraph (a) of this section and exempt recipients described in § 31.3452–1 (c) or (d) may deliver exemption certificates to the trustee of such trust. If the trustee elects, the trustee may treat as an exempt recipient any recipient that meets the requirements of § 31.3452(c)–1 (c) or (d) even though such recipient has not filed an exemption certificate with the trustee. The rules relating to delivery and revocation of exemption certificates of § 31.3452f–1 and any applicable penalties for filing a false exemption certificate shall apply to any person delivering an exemption certificate to the trustee of such a trust.

§ 31.3452(c)–1 Exemption from withholding for exempt recipients.

(a) *In ageneral.* The requirement of withholding under section 3451(a) shall not apply to any payment made to an exempt recipient. For purposes of this section, the term "exempt recipient" means any person described in paragraphs (b) through (p) of this section provided that such person has a valid exemption certificate in effect at the time the tax under section 3451 would be required to be withheld unless it is excepted from the requirement of filing an exemption certificate by this section. A payor may, however, in any case require an exempt recipient not otherwise required to file an exemption certificate pursuant to paragraphs (b) through (p) of this section to file an exemption certificate and may treat an exempt recipient who falls to file an exemption certificate as a person who is not exempt.

(b) *Corporation.* A corporation, as defined in section 7701(a)(3) (including an insurance company) whether domestic or foreign, is an exempt recipient for purposes of this section. In addition, the term "corporation"

includes a pool, syndicate, partnership, or unincorporated association composed exclusively of corporations, provided that such person has a valid exemption certificate in effect with the payor at the time the payment is made. Except for the preceding sentence, a payor may treat a payee as a corporation (and, therefore, as an exempt recipient) even though such payee has not filed an exemption certificate with the payor provide that—

(1) The name of the payee contains the term "insurance company", "indemnity company", "reinsurance company", or "assurance company".

(2) The name of the payee contains one of the following unambiguous expressions of corporate status Incorporated, Inc, Corporation, Corp. or P.C., but not Company or Co., or

(3) The payee is known to the payor to be a corporation through a corporate resolution or similar document on file with the payor clearly indicating corporate status.

(c) *Tax exempt organization*—(1) *In general.* Any organization which is exempt from taxation under section 501(a) is an exempt recipient for purposes of this section. A custodial account under section 403(b)(7) shall be considered an exempt recipient under this paragraph. A payor may treat an organization as an exempt recipient under this paragraph even though the organization has not filed an exemption certificate with the payor if the organization's name is listed in the compilation by the Commissioner of organizations for which a deduction for charitable contributions is allowed, if the name of the organization contains an unambiguous indication that it is a tax exempt organization, or if the organization is known to the payor to be a tax exempt organization.

(2) *Examples.* The application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). The following persons maintain accounts at M Bank: N College, O University, P Church. M May treat N, O, and P as exempt recipients even though such persons have not filed an exemption certificate with M.

Example (2). Q is listed in the current edition of Internal Revenue Service Publication 78 as an organization for which deductions are permitted for charitable contributions under section 170(c). Such listing has not been revoked by an announcement published in the Internal Revenue Bulletin. A payor may treat Q as an exempt recipient even though Q has not filed an exemption certificate with the payor.

Example (3). Employer R maintains a section 403(b)(7) custodial account with Regulated Investment Company S on behalf of R's employees. S may treat the account as an exempt recipient without receiving an exemption certificate.

(d) *Individual retirement plan.* An individual retirement plan as defined in section 7701(a)(37) is an exempt recipient for purposes of this section. A payor may treat any such plan of which it is the trustee or custodian as an exempt recipient under this paragraph even though the plan has not filed an exemption certificate with the payor.

(e) *United States.* The United States Government and any wholly-owned agency or instrumentality thereof are exempt recipients for purposes of this section. A payor may treat a person as an exempt recipient under this paragraph even though such person has not filed an exemption certificate with the payor if the name of such person reasonably indicates it is described in this paragraph.

(f) *State*—(1) *In general.* A State, the District of Columbia, a possession of the United States, a political subdivision of any of the foregoing, a wholly-owned agency or instrumentality of any one or more of the foregoing, and a pool or partnership composed exclusively of any of the foregoing are exempt recipients for purposes of this section. A payor may treat a person as an exempt recipient under this paragraph even though such person has not filed an exemption certificate with the payor if the name of such person reasonably indicates it is described in this paragraph or if such person is known generally in the community to be a State, the District of Columbia, a possession of the United States, or a political subdivision or a wholly-owned agency or instrumentality of any one or more of the foregoing.

(2) *Example.* The application of the provisions of this paragraph may be illustrated by the following example:

Example. The following persons maintain an account at R bank: Town of S and County T. R may treat S and T as exempt recipients even though such persons have not filed an exemption certificate with R.

(g) *Foreign government*—(1) *In general.* A foreign government, a political subdivision of a foreign government, and any wholly-owned agency or instrumentality of either of the foregoing are exempt recipients for purposes of this section. A payor may treat a foreign government or a political subdivision thereof as an exempt recipient under this paragraph even though such government or political subdivision has not filed an exemption certificate with the payor provided that its name reasonably indicates that it is a foreign government or political subdivision of a foreign government or provided that it is known to the payor to be a foreign government or a political subdivision thereof.

(2) *Example.* The application of the provisions of this paragraph may be illustrated by the following example:

Example. The Government of V maintains an account at U bank. U may treat V as an exempt recipient even though V has not filed an exemption certificate with U.

(h) *International organization.* An international organization and any wholly-owned agency or instrumentality thereof are exempt recipients for purposes of this section. The term "international organization" shall have the meaning ascribed to it in section 7701(a)(18) and includes the following organizations:

(1) African Development Fund,

(2) Asian Development Bank,

(3) Caribbean Organization,

(4) Coffee Study Group,

(5) Customs Cooperation Council,

(6) European Space Research Organization,

(7) Food and Agriculture Organization,

(8) Great Lakes Fishery Commission,

(9) Inter-American Defense Board,

(10) Inter-American Development Bank,

(11) Inter-American Institute of Agricultural Sciences,

(12) Inter-American Statistical Institute,

(13) Inter-American Tropical Tuna Commission,

(14) Intergovernmental Committee for European Migration,

(15) Intergovernmental Maritime Consultative Organization,

(16) International Atomic Energy Agency,

(17) International Bank for Reconstruction and Development (World Bank),

(18) International Centre for Settlement of Investment Disputes,

(19) International Civil Aviation Organization,

(20) International Coffee Organization,

(21) International Cotton Advisory Committee,

(22) International Cotton Institute,

(23) International Development Association,

(24) International Fertilizer Development Center,

(25) International Finance Corporation,

(26) International Food Policy Research Institute,

(27) International Hydrographic Bureau,

(28) International Joint Commission—United States and Canada,
(29) International Labor Organization,
(30) International Maritime Satellite Organization,
(31) International Monetary Fund,
(32) International Pacific Halibut Commission,
(33) International Refugee Organization,
(34) International Secretariat for Volunteer Service,
(35) International Telecommunication Union,
(36) International Telecommunications Satellite Organization,
(37) International Wheat Advisory Committee (International Wheat Council),
(38) Lake Ontario Claims Tribunal,
(39) Multinational Force and Observers,
(40) North Atlantic Treaty Organization,
(41) Organization for Economic Cooperation and Development,
(42) Organization of African Unity,
(43) Organization of American States (including Pan American Union),
(44) Pan American Health Organization,
(45) South Pacific Commission,
(46) Southeast Asia Treaty Organization,
(47) United International Bureaux for the Protection on Intellectual Property,
(48) United Nations,
(49) United Nations Educational, Scientific, and Cultural Organization,
(50) Universal Postal Union,
(51) World Health Organization,
(52) World Intellectual Property Organization, and
(53) World Meteorological Organization.

A payor may treat any of the foregoing and any other organization designated as an international organization by executive order (pursuant to 22 U.S.C. 288 to 288f) as an exempt recipient even though such person has not filed an exemption certificate with the payor.

(i) *Foreign central bank issue.* A foreign central bank of issue is an exempt recipient for purposes of this section. A foreign central bank of issue is a bank which is by law or government sanction the principal authority, other than the government itself, issuing instruments intended to circulate as currency. See § 1.895–1(b)(1). A payor may treat a person as a foreign central bank of issue (and, therefore, as an exempt recipient) even though such person has not filed an exemption certificate with the payor provided that such person is known generally in the financial community as a foreign central bank of issue.

(j) *Securities or commodities dealer*—(1) *In general.* A dealer in securities or commodities who is required to register as such under the laws of the United States or a State is an exempt recipient for purposes of this section. A payor may treat a dealer described in this subparagraph as an exempt recipient under this paragraph even though such person has not filed an exemption certificate with the payor if the person is known generally in the investment community to be a dealer meeting the requirements set forth in this paragraph.

(2) *Futures commission merchant.* A futures commission merchant registered as such with the Commodity Futures Trading Commission is an exempt recipient. A payor may treat a person as an exempt recipient under this paragraph even though such person has not filed an exemption certificate with the payor if the person is known generally in the investment community to be a futures commission merchant.

(3) *Examples.* The application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). X advertises that purchases of securities may be made through it and is known generally in the investment community as a registered broker-dealer. A payor may treat X as an exempt recipient even though X has not filed an exemption certificate with such payor.

Example (2). Z is listed as a member firm in the most recent publication of members of the National Association of Securities Dealers, Inc. A payor may rely on such listing in treating Z as an exempt recipient even though Z has not filed an exemption certificate with such payor.

(k) *Real estate investment trust.* A real estate investment trust, as defined in section 856 and § 1.856–1, is an exempt recipient for purposes of this section. A payor may treat a person as a real estate investment trust (and, therefore, as an exempt recipient) even though such person has not filed an exemption certificate with the payor provided that such person is known generally in the investment community as a real estate investment trust.

(l) *Entity registered under the Investment Company Act of 1940.* An entity registered at all times during the taxable year under the Investment Company Act of 1940, as amended (15 U.S.C. 80a–1 to 80a–52), is an exempt recipient for purposes of this section. An entity which is created during the taxable year will be treated as meeting the registration requirement of the preceding sentence provided that such entity is so registered at all times during the taxable year for which such entity is in existence. A payor may treat as an exempt recipient an entity which is known generally in the investment community to meet the requirements of the preceding sentence even though such entity has not filed an exemption certificate with the payor.

(m) *Common trust fund.* A common trust fund, as defined in section 584(a), is an exempt recipient for purposes of this section. A bank that maintains a common trust fund under section 584(a) may treat the fund as an exempt recipient even though such fund has not filed an exemption certificate with the bank.

(n) *Middleman.* Any person acting as a middleman, including a nominee or custodian, which is treated as a payor under § 31.3453(b)–1 is an exempt recipient for purposes of this section, provided that such person has a valid exemption certificate in effect with the payor at the time the tax under section 3451 is required to be withheld, is known generally in the investment community as a nominee, or is listed in the most recent publication of the American Society of Corporate Secretaries, Inc. Nominee List. If a person acting as a middleman is an exempt recipient under another paragraph of this section and not required to file an exemption certificate with the payor under that paragraph, a payor may treat such person as an exempt recipient even though such person has not filed an exemption certificate with the payor.

(o) *Financial institution.* A financial institution such as a bank, a mutual savings bank, savings and loan association, building and loan association, cooperative bank, homestead association, credit union, industrial loan association or bank, or other similar organization is an exempt recipient for purposes of this section. A payor may treat any person the name of which reasonably indicates it is described in the preceding sentence as an exempt recipient even though such person has not filed an exemption certificate with the payor.

(p) *Trust.* A trust which is exempt from tax under section 664(c) (*i.e.*, a charitable remainder annuity trust or a charitable remainder unitrust) or is described in section 4947(a)(1) (relating to certain charitable trusts) is an exempt recipient for purposes of this section. A payor which is a trustee of the trust may treat the trust as an exempt recipient even though the trust has not filed an exemption certificate with the payor.

§ 31.3452(d)–1 Exemption from withholding for minimal interest payments.

(a) *In general.* The requirement of withholding under section 3451 shall not

apply to a minimal interest payment. A minimal interest payment is any payment (as determined under § 31.3451(b)(1)–1) of interest (as defined in § 31.3454(a)–1) with respect to which the payor has made an election under section 3452(d)(3) and this section, which does not exceed $150, and which is an annualized amount that does not exceed $150 as computed under paragraph (c)(1) of this section. A payment of interest of over $150 is always subject to withholding regardless of the period for which the interest is paid. Therefore, the annualization computation of paragraph (c) need not be performed for any interest payment that exceeds $150 or for any interest that is paid as part of 1 transaction in which the total interest paid exceeds $150; withholding is required on such payments unless they are made to an exempt individual or exempt recipient. In addition, the annualization computation should not be performed for any interest payment paid with respect to a period of 1 year or more, regardless of the amount of the payment.

(b) *Rules for making the election.* Any payor may elect the application of this section with respect to any minimal interest payment made by such payor. Such election is made with respect to a particular interest payment by complying with all of the requirements of this section. The election need not be made consistently, but may be made on a payment-by-payment basis.

(c) *Minimal interest payment*–(1) *Annualization.* A payment of interest with respect to a period of less than 1 year shall be annualized under the method described in paragraph (c)(1)(i) of this section unless the rule under paragraph (c)(1)(ii) of this section is used. A payor is not required to annualize an amount paid which is original issue discount on an obligation unless such amount is paid for a period which is less than 1 year.

(i) Calculate what the amount of the payment would be if it were determined for a 1-year period (instead of the period for which it actually is determined). This is done by dividing the payment by the number of days in the period for which it is determined and then multiplying that result by the number of days in the year. For purposes of this computation, the payor may assume that February always consists of 28 days and that the year consists of 365 days or that each month always consists of 30 days and that the year consists of 360 days. For amounts which are deposited with a payor in a new account or certificate between the dates on which the payor customarily pays or credits interest, the payor may assume that the period for which the interest is paid or credited is the payor's customary period for paying or crediting interest.

(ii) A payor paying interest on the presentment or demand of an instrument may, in lieu of the calculation under paragraph (c)(1)(i) of this section, assume that interest paid with respect to a period of less than 1 year is paid with respect to a 6-month period.

(2) *Sum of annualized short-term interest payments and long-term interest payments.* To determine whether a payment of interest is a minimal interest payment, add together for all aggregable payments (i) the result of paragraph (c)(1) of this section with respect to payments of interest for periods of less than 1 year and (ii) all payments of interest that are paid for periods of 1 year or more. If this total does not exceed $150, it is a minimal interest payment and withholding is not required. If this total is more than $150, withholding is required, even if the amount of interest actually paid does not exceed $150. Until the Commissioner determines that additional aggregation will be required, "aggregable payments" means all interest paid in 1 transaction by the payor to the payee subject to tax under section 3451 that is paid on presentment or demand of an instrument such as Series E and EE Savings Bonds, interest coupons detached from debt obligations, and short-term discount obligations issued without coupons). A payor may deem any payments to be aggregable that are not aggregable under the preceding sentence.

(3) *Examples.* The application of the provisions of this paragraph (c) may be illustrated by the following examples:

Example (1). A, an individual who is not exempt from withholding, has maintained a savings account since July 1, 1983, at M Bank, which credits interest on the account at the end of each calendar quarter. M credits $45 of interest to A's account on September 30 and $35 of interest to A's account on December 31. The amount credited on September 30 exceeds $150 determined for a 1-year period, because $45 divided by 90 multiplied by 360 is $180, which exceeds $150. Therefore, M must withhold $4.50 ($45 multiplied by 10 percent) from the amount credited September 30. The amount credited on December 31 does not exceed $150 determined for a 1-year period (because $35 divided by 90 multiplied by 360 is $140), even though, if added to the amount credited on September 30, the aggregate ($80) would exceed $150 determined for a 1-year period.

Example (2). B, an individual who is not exempt from withholding, has maintained a savings account since January 1, 1964, at N Bank, which credits interest on the account at the end of each calendar quarter. N credits $40 of interest to B's account on March 31, $40 on June 30, $40 on September 30, and $35 on December 31. The amounts credited on March 31, June 30, and September 30 each exceed $150 determined for a 1-year period. The amount credited on December 31 does not exceed $150 determined for a 1-year period, even though, if added to the amounts credited on March 31, June 30, and September 30, the aggregate ($155) would exceed $150.

Example (3). C, an individual who is not exempt from withholding, presents ten Series EE Savings Bonds at P Bank on December 31, 1984, and requests that they be cashed. All ten bonds were purchased on January 2, 1984, and C will be paid $20 of interest on each bond. P must aggregate the ten interest payments of $20 each. Since the total amount of interest is $200, it is not a minimal interest payment. Therefore, P must withhold $20 of tax as required by section 3451.

Example (4). D, an individual who is not exempt from withholding, presents a Series EE Savings Bond at Q Bank on August 17, 1985, and requests that it be cashed. The bond was purchased on January 31, 1985, and D will be paid $87 of interest on the bond. Utilizing the rule of paragraph (c)(1)(i) of this section, the interest payment on the bond would be considered to be $158.18 (obtained by dividing $87 by 198 (the number of days in the period for which the interest is paid) and multiplying that amount by 360). Since this amount exceeds $150, it is not a minimal interest payment and Q must withhold $8.70 (10 percent of the actual interest payment of $87). Alternatively, under the rule of paragraph (c)(1)(ii) of this section, since the interest payment exceeds $75, the total amount of interest would be considered to exceed $150 and Q must withhold of $8.70.

Example (5). E, an individual who is not exempt from withholding, presents two Series EE Savings Bonds at R Bank on June 30, 1986, and requests that they be cashed. Both bonds were purchased by E on January 2, 1985, and E will be paid $85 of interest on each bond. R must aggregate the two interest payments of $85 each. Since the total amount of interest is $170, R must withhold $17 (10 percent of the actual interest payment of $170).

Example (6). The facts are the same as in Example (5) except that E presents one of the Series EE Savings Bonds and one semiannual interest coupon for cashing. E will be paid $50 of interest with respect to the coupon, which, utilizing the rule of paragraph (c)(1)(ii) of this section, equals $100 on an annualized basis. R must aggregate the $100 annualized interest payment on the coupon and the $85 interest payment on the savings bond to determine whether it is making a minimal interest payment. Since this amount exceeds $150, R must withhold $13.50 (10 percent of the actual interest payment of $135).

Example (7). F, an individual who is not exempt from withholding, opens a new savings account at S Bank on November 2, 1985. It is S's practice to credit interest on accounts of this type at the end of each calendar quarter. On December 31, 1985, S credits $23 of interest to F's account. S may annualize the payment by dividing $23 by 59 (the number of days in the period for which the interest actually is paid) and multiplying that amount by 360. Alternatively, S may

treat the payment as being paid for the entire quarter utilizing the rule provided in the last sentence of paragraph (c)(1)(i) of this section. Under that rule, the payment is $92 on an annualized basis (obtained by dividing $23 by 90 (30 x 3) and multiplying that amount by 360). Thus it is a minimal interest payment.

Example (8). G, an individual who is not exempt from withholding, presents a long-term original issue discount obigation in bearer form which has matured and one semiannual interest coupon to T Bank on July 3, 1984, and requests that they be cashed. The original issue discount obligation was issued with no stated interest payable. Under section 1232A, $35 of original issue discount with respect to the bond is includible in a holder's income for calendar year 1984 and subject to withholding under § 31.3455(b)–1 (c)(2)(i). G will be paid $50 in interest with respect to the coupon which T annualizes (utilizing the rule of paragraph (c)(1)(ii) of this section) to $100. Since the original issue discount is paid for a period which is less than 1 year, T annualizes the $35 (utilizing the rule of paragraph (c)(1)(ii)) of this section to $70. T must aggregate the $100 interest payment with the $70 original issue discount to determine if it is making a minimal interest payment. Since this amount exceeds $150, T must withhold $8.50 (*i.e.*, 10 percent of the sum of the original issue discount and the actual interest payment made).

§ 31.3452(e)–1 Qualified consumer cooperative payment

The requirement of withholding under section 3451 shall not apply to any qualified consumer cooperative payment. The term "qualified consumer cooperative payment" means a payment by a cooperative with respect to which an exemption from the reporting requirements of section 6044(a) is in effect pursuant to section 6044(c) and § 1.6044–4. If a cooperative ceases to be exempt from such reporting requirements as provided in § 1.6044–4(a)(3) effective for payments made after the close of a particular taxable year, such payments shall not be treated as qualified consumer cooperative payments.

§ 31.3452(f)–1 Exemption certificates.

(a) *In general.* An exempt individual or an exempt recipient may deliver an exemption certificate to a payor at any time. If a payment is made or credited to more than one person (*e.g.*, to a joint account at a bank), the payor may treat the payment as one made to an exempt individual or exempt recipient provided that the payor receives an exemption certificate from the person whose identifying number is required to be included by the payor on an information return with respect to the payment.

(b) *Form of exemption certificates.*— (1) *In general.* Form W–6 is the form prescribed under section 3452(f) for the exemption certificate described in section 3452(b)(1)(B) for exempt individuals, except that Form W–7 is the form prescribed for trusts described in section 3452(b)(4) (relating to special rule for certain trusts distributing currently). Form W–7 is also the form prescribed under section 3452(f) for the exemption certificate described in section 3452(c)(1)(A) for exempt recipients. An exemption certificate shall be prepared in accordance with the instructions applicable thereto, and shall set forth fully and clearly the data therein called for. Payees must include on all exemption certificates their taxpayer identification numbers (which, in the case of an individual, is the individual's social security account number). See section 6109 (relating to identifying numbers) and the regulations thereunder for the procedures for obtaining and the rules pertaining to taxpayer identification numbers. Blank copies of Forms W–6 and W–7 will be supplied payors and payees upon request to the district director. A payor may require a separate exemption certificate for each account maintained by an exempt individual or exempt recipient. See § 31.6001–1 (relating to records in general) for the requirements relating to retention of exemption certificates and revocations of exemption certificates.

(2) *Forms prepared by payors.* Payors may prepare and use a form which contains provisions which are substantially similar to those of the prescribed form if the payor complies with all revenue procedures relating to substitute Forms W–6 and W–7 in effect at that time. A payor may refuse to accept forms (including the offical forms) that the payor itself did not prepare in accordance with the preceding sentence only if the payor promptly provides to the payee an acceptable form. A payor shall be considered to have promptly provided an acceptable form only if either—

(i) Within 5 business days (but in any event not earlier than March 1, 1983, unless the payor chooses to do so earlier) of receipt of an unacceptable form which, under paragraph (e) of this section, would take effect the 45th day after the day on which the payor receives the certificate, the payor provides to the payee an acceptable form, or

(ii) Immediately upon receipt of an unacceptable form which, under paragraph (e) of this section, would take effect upon its receipt by the payor, the payor provides to the payee an acceptable form. For purposes of this paragraph (b)(2), an acceptable form must contain a notice that the payor has refused to accept the unacceptable form submitted by the payee and that the payee must submit the acceptable form provided by the payor in order for the payee to be exempt from withholding. A payor may not refuse to accept a written determination by the Commissioner furnished under paragraph (f)(2) of this section. If the payor requires the payee to furnish a form for each account of the payee, the payor is not required to furnish an acceptable form until the payee furnishes the payor with the payee's account numbers.

(3) *Special rule.* A middleman may act (if requested to do so by the payee) as the payee's agent for purposes of furnishing an exemption certificate. Thus, the middleman may either furnish a copy of an exemption certificate to a payor (such as the transfer agent in the case of dividends paid on stock) or may certify that the payee is being treated by the middleman as either an exempt individual or exempt recipient. If the middleman certifies, the middleman is liable for the payment of the tax under section 3451 as if it were the payor required to withhold the tax if the payee is not an exempt individual or an exempt recipient. The payor may refuse to accept any copy furnished or certification presented to it in accordance with this subparagraph. Therefore, the payor may request an exemption certificate directly from the payee. A copy furnished or certification presented shall be treated as an exemption certificate for purposes of this section. Thus, the payee is required to revoke the exemption with the payor as provided in § 31.3452(f)–1(g).

(c) *Reasonable reliance on certificate.* A payor shall not be liable for the tax imposed under section 3451 if the payor's failure to deduct and withhold the tax is due to reasonable reliance on an exemption certificate which is in effect with respect to the payee at the time such tax is required to be deducted and withheld under section 3451. A certificate may not be reasonably relied upon if it is an invalid exemption certificate described in paragraph (d) of this section. A payor is not required to ascertain that the statements made on an exemption certificate are true. The rules of section 6413 (relating to special rules applicable to certain taxes under subtitle C) and the regulations thereunder relating to adjustments for and overpayments of withholding from wages in excess of the correct amount due to an error by the payor shall be applicable to withholding under section 3451. A payor is not required to make an adjustment due to an error by a payee.

(d) *Invalid exemption certificates.* Any alteration of an exemption

certificate shall cause such certificate to be invalid. An alteration of an exemption certificate is any material defacing such certificate or any deletion of the language of the certificate (including the jurat or other similar provisions of such certificate by which the exempt individual or exempt recipient certifies or affirms the correctness of the completed certificate). An exemption certificate will also be invalid if the exempt individual or exempt recipient expressly indicates that the certificate is false by an oral or written statement to the payor. An exemption certificate will also be invalid if the exempt individual's or exempt recipient's taxpayer identification number is not shown on the certificate. See section 6109 (relating to identifying numbers) and the regulations thereunder for the procedures for obtaining and the rules pertaining to taxpayer identification numbers. For purposes of this paragraph, the term "payor" includes an individual authorized by the payor to receive exemption certificates. If the payor receives an invalid exemption certificate, he shall consider it a nullity for purposes of withholding.

(e) *When exemption certificate takes effect.* Except as otherwise provided in this paragraph (e), an exemption certificate furnished the payor shall take effect on the 45th day after the day on which the payor receives the certificate. The payor may treat a certificate as effective with respect to any payment of interest, dividends, or patronage dividends made on or after the date such certificate is furnished and before the date prescribed in the preceding sentence. In the case of payments subject to tax under section 3451 that are paid on presentment or demand (such as interest on Series E and EE Savings Bonds, interest coupons detached from debt obligations, and short-term discount obligations issued without coupons), an exemption certificate shall take effect upon its receipt by the payor. In the case of dividends on stock or interest paid on debt obligations in registered form, the payor may, for purposes of this section only, consider the record date (instead of the payment date) to be the date by which an exemption certificate must be effective in order that there be no withholding. Thus, for example a payor whose record date is 20 days before the payment date may require that an exemption certificate be provided by a payee 65 days before the payment date in order for the exemption certificate to be effective with respect to payments made on the payment date.

(f) *Period during which exemption certificate remains in effect.* An exemption certificate shall be effective and a payor may relay upon such certificate until the 45th day after the date on which either—

(1) It is revoked by the exempt individual or exempt recipient, or

(2) The payor receives a written determination by the Commissioner that the person described in the certificate is not an exempt individual or exempt recipient.

The payor may cease to treat a certificate as effective with respect to any payment of interest, dividends, or patronage dividends made on or after the date of the event described in paragraphs (f) (1) or (2) of this section and before the 45th day following such event. If the exempt individual or exempt recipient terminates its relationship with the payor so that, unless the exempt individual or exempt recipient takes action to reinstate the relationship, the payor will not make future payments of interest, dividends, or patronage dividends to the individual or recipient, the payor may, in its discretion, continue to treat such certificate as effective. If the exempt individual or exempt recipient takes action to reinstate the relationship and the payor is still treating the certificate as effective, the payor must so advise the individual or recipient within 45 days after the date of such reinstatement.

(g) *Revocation of exemption certificate.* Any person who ceases to be an exempt individual or an exempt recipient shall, no later than 10 days after such cessation (which, in the case of individuals, shall be considered to be the due date (without taking extensions into account) of the income tax return on which the individual reports income tax liability in excess of the applicable limits of section 3452(b) and § 31.3452 (b)–1), revoke all exemption certificates previously filed by such person (including any certificate under § 31.3452 (f)–1(b)(3) unless it reasonably appears that such person will not thereafter receive a payment of interest, dividends, or patronage dividends from the payor with whom such certificate was filed. If a payor treats a person as an exempt recipient without requiring the exempt recipient to file an exemption certificate, the person formerly qualifying as an exempt recipient is, nevertheless, required to notify the payor when it ceases to be an exempt recipient unless it reasonably appears that the person will not thereafter receive a payment of interest, dividends, or patronage dividends from the payor. A person who receives a notice under the last sentence of paragraph (f) upon reinstating a relationship with the payor must revoke the exemption certificate within 10 days of receipt of the notice if the person is no longer an exempt individual or recipient. An exemption certificate is revoked by delivering to the payor an exemption certificate that states that the previous certificate is revoked. A person notifies a payor that it no longer qualifies as an exempt recipient by delivering to the payor a written statement to that effect. See section 7205 (relating to fraudulent withholding exemption certificate of failure to supply information) for the penalty for failure to revoke an exemption certificate if required to do so.

§ 31.3453(a)–1 Definition of payor.

The term "payor" means any person making or crediting a payment of interest, dividends, or patronage dividends, including any person treated as a payor under § 31.3453(b)–1 or § 31.3455(c)–1.

§ 31.3453(b)–1 Middlemen treated as payors.

(a) *In general.* Any person who receives or collects a payment of interest, dividends, or patronage dividends on behalf of or for the account of another person shall be treated as the payor with respect to such payment. Such persons include—

(1) A custodian of a payee's account, such as a bank acting as custodian of a trust,

(2) A nominee (including an individual or a partnership when acting as a nominee),

(3) A broker holding stock for a customer in "street name" or otherwise.

(4) A bank or broker that collects or makes payment on an interest coupon for a customer (regardless of whether the bank purchases the coupon outright, accepts the coupon for collection (acting as agent for the payee), or otherwise deals with such coupon),

(5) A bank or broker that makes payment on a U.S. Savings Bond or a short-term discount obligation (such as a Treasury bill or commercial paper),

(6) A corporate trustee of a non-exempt trust where the trust is the payee,

(7) A common trust fund, and

(8) Any S corporation that receives any payment of interest, dividends, or patronage dividends.

An individual acting as a custodian of a minor's account is not a middleman. See § 31.3453 (d)–1 for the duties of persons treated as payors under this section.

(b) *Time of withholding.*—(1) *General rule.* Any person treated as a payor under paragraph (a) of this section (a "middleman") shall deduct and withhold the tax imposed by section 3451 at the time such interest, dividends, or patronage dividends are received by or credited to the middleman. However, if the middleman makes or credits the payment to the payee prior to the middleman's receipt of a corresponding payment, the middleman may deduct and withhold the tax at the time such payment is made or credited to the payee.

(2) *Special rule for common trust funds.* A common trust fund may deduct and withhold the tax at the time provided in paragraph (b)(1) of this section, on the date on which the assets of the common trust fund are valued, or at the time the common trust fund pays or credits interest, dividends, or patronage dividends to the beneficiary of the common trust fund.

(c) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). A, an individual, is the trustee of Trust M, which is not an exempt individual or exempt recipient. A is not a middleman. The corpus of the trust is stock of Corporation N. On August 31, 1983, N pays a dividend to M and withholds 10 percent of the payment. On September 30, 1983, A makes a distribution of M's income to the beneficiaries of M. A is not required to withhold the tax under section 3451(a) on August 31, 1983, in connection with the dividend paid by N. In addition, M is not required to withhold the tax under section 3451 (a) on September 30, 1983, when A distributes M's income because the payment does not constitute a payment of interest, dividends, or patronage dividends for purposes of subchapter B of chapter 24 of the Code.

Example (2). O, a partnership which is not a middleman, holds bonds of Corporation P. On July 1, 1984, P makes a payment of stated interest on the bonds held by O and withholds 10 percent of the payment. O makes a distribution of income to its partners on December 31, 1984. O is not required to withhold the tax under section 3451(a) on July 1, 1984, when it receives the payment of interest from P. In addition, O is not required to withhold the tax under section 3451(a) on December 31, 1984, when O distributes income to its partners because the payment does not constitute a payment of interest, dividends, or patronage dividends for purposes of subchapter B of chapter 24 of the Code.

Example (3). On February 28, 1985, Corporation R declares a dividend on its stock payable on April 1, 1985, to holders of record as of March 3, 1985. On March 1, 1985, Broker Q sells stock in Corporation R which it held in "street name" on behalf of B to Broker S. S purchases the stock on behalf of C, an individual who is not exempt. R's stock transfer agent does not record the transfer until March 4, 1985. Accordingly, on April 1, 1985, R's paying agent pays the dividend declared by R to Q. R does not withhold the tax under section 3451(a) since Q is an exempt recipient. Since Q is not able to identify immediately the owner of the dividend, it places it in a suspense account. On the same date, S credits C's account with the amount of the dividend payable by R on that date. On April 30, 1985, S makes a claim on Q for the amount of the dividend Q received on R's stock and Q pays the dividend to S. Q does not withhold the tax under section 3451(a) since S is an exempt recipient. S is required to deduct and withhold the tax under section 3451(a) when it receives the dividend from Q on April 30, 1984, or, in its discretion, at the time it credits the dividend to C's account on April 1, 1984.

Example (4). U is the trustee of Trust V, a charitable remainder annuity trust which is an exempt recipient under section 3452 (c)(2)(L) and § 31.3452 (c)–1 (p). U is not a middleman. On June 1, 1984, Corporation W pays V a dividend on the stock of W held by V. On June 15, 1984, Corporation X makes a payment of stated interest on a bond held by V to U, as trustee of V. Since V is an exempt recipient, neither W nor X withholds the tax under section 3451(a) when it makes payments to V or to U as trustee of V. On July 1, 1984, U makes a semiannual distribution of V's income to D, V's income beneficiary who is not an exempt individual. U is not required to withhold the tax under section 3451(a) on June 1, 1984, or on June 15, 1984, when V receives the payments of dividends and interest, or on July 1, 1984, when U distributes income of V since the payment does not constitute a payment of interest, dividends, or patronage dividends for purposes of subchapter B of chapter 24 of the Code.

Example (5). Corporation Y is the trustee of Trust Z, which is not an exempt individual or exempt recipient. On September 30, 1983, Corporation MM pays a dividend on stock held by Z to Corporation Y, as trustee of Z. On the same date, Corporation NN makes a payment of stated interest on bonds held by Z to Z. Since Y is the corporate trustee of a trust, Y is a middleman with respect to the payments to the trust and MM and NN do not withhold the tax under section 3451(a). Y must withhold the tax under section 3451(a) on September 30, 1983, from the payments received on that date since Y is a middleman required to withhold.

§ 31.3453(c)–1 Agents, fiduciaries, and other persons treated as payors.

(a) *In general.* Any person acting on behalf of a payor in making or crediting a payment of interest, dividends, or patronage dividends shall be treated as the payor of such payment. This includes a fiduciary (as defined in section 7701(a)(6)) or agent of the payor which is acting on behalf of the payor in making the payment, such as a bank that acts as a paying agent in making a payment of dividends on behalf of a corporation. See § 31.3453(d)–1 for the duties of persons treated as payors under this section. A payment by a payor to a person acting on behalf of the payor with respect to the payment shall not be considered a payment of interest, dividends, or patronage dividends to the person so acting.

(b) *Relationship to middleman rules.* A person acting in multiple capacities with respect to a payment may be treated as a payor under this section and under § 31.3453(b)–1 with respect to the payment. In such a case, such person shall treat such payment, when made, as though it were paid to another person, and when received, as though received from another person.

§ 31.3453(d)–1 Duties of persons treated as payors.

Any person treated as a payor under § 31.3453(b)–1 or § 31.3453(c)–1 shall deduct and withhold the tax imposed by section 3451 (except with respect to amounts paid or credited to exempt recipients or exempt individuals), deposit such tax in the manner required by section 6302(c) and § 31.6302(c)–5, and comply with the requirements of sections 6042, 6044, and 6049 (relating, respectively, to information reporting on dividends, patronage dividends, and interest) and the regulations thereunder. Such person shall be liable for the tax whether or not it is withheld, as provided in § 31.3451(c)–1, and shall be liable for any penalties which may be imposed on a payor for failure to withhold, report, or deposit the tax, and for interest on the amount of the tax. Such person may receive an exemption certificate under section 3452(f) and may rely on it as provided in § 31.3452(f)–1. Similarly, such persons may treat certain persons as exempt recipients without receiving an exemption certificate from such other persons in the manner provided in § 31.3452(c)–1. Filing an exemption certificate with a person who is treated as a payor under § 31.3453(b)–1 or § 31.3453(c)–1 will be treated as a filing with a payor for purposes of the civil and criminal penalty provisions of sections 6682 and 7205. See § 31.3453(e)–1 for relief from double withholding.

§ 31.3453(e)–1 Relief from double withholding.

(a) *In general.* Any person treated as a payor under § 31.3453(b)–1 or § 31.3453(c)–1 may file an exemption certificate with a payor from whom such person may receive payment of interest, dividends, or patronage dividends. Any person who is an exempt recipient other than as a middleman shall not be required to file an exemption certificate by reason of this section.

(b) *Receipt of payment from which tax has been withheld by person treated*

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as a payor. If a person treated as a payor under § 31.3453(b)–1 (a receiving payor) receives a payment of interest, dividends, or patronage dividends from which the payor (including a middleman or other person treated as a payor) making such payment (the upstream payor) has withheld the tax imposed by section 3451 (a), then the receiving payor may claim a credit for the amount of tax withheld by the upstream payor against the deposit of any tax imposed by section 3151 (a) which the receiving payor is required to withhold and deposit. The receiving payor shall make or credit the payment to its payee as though it had received the full amount of the payment from the upstream payor, shall withhold the tax under section 3451 (a) if its payee is not an exempt individual or exempt recipient, or make or credit the full amount of the payment to the payee if the payee is exempt.

(c) *Example.* The application of the provisions of this section may be illustrated by the following example:

Example. Broker M holds stock in N Corporation in M's name for A, an exempt individual. M has not filed an exemption certificate with N and N does not treat M as an exempt recipient. Therefore, N withholds 10 percent of its dividend payment to M on the stock held by M for A. As authorized by § 31.3453(e)–1 (b), M credits the amount of tax withheld by N against the tax which M is required to withhold and deposit under section 3451 (a). Since A is an exempt individual, M credits the full amount of the payment to A.

§ 31.3454(a)–1 Definition of interest.

(a) *In general.* Except as provided in paragraph (b) of this section, the term "interest" means—

(1) Interest on an obligation issued "in registered form" (as defined in § 5f.103–1(c)

(2) Interest on an obligation of a type offered to the public. Principles consistent with § 5f.163–1 shall apply in determining whether an obligation is "of a type offered to the public".

(3) Interest on deposits (including deposits evidenced by negotiable time certificates of deposit issued in any amount) with persons carrying on the banking business. The term "interest" includes amounts paid with respect to repurchase agreements, banker's acceptances, as well as property which the payee receives from the payor as interest (or in lieu of a cash payment of interest). The term "interest" does not include amounts paid or credited to a mortgate escrow account (but see § 1.6049–5 (a)(2) with respect to reporting requirements for such amounts).

(4) Amounts, whether or not designated as interest, paid or credited by mutual savings banks, savings and loan associations, building and loan associations, cooperative banks, homestead associations, credit unions, industrial loan associations or banks, or similar organizations, in respect of deposits, face amount certificates, investment certificates, or withdrawable or repurchasable shares. Even though amounts paid or credited by such organizations with respect to deposits may be designated as "dividends", such amounts are included in the definition of interest for purposes of this section. The term "interest" includes amounts paid with respect to repurchase agreements and property which the payee receives from the payor as interest (or in lieu of a cash payment of interest). The term "interest" does not include payments to a mortgage escrow account (but see § 1.6049–5 (a) (3) with respect to reporting requirements for such amounts).

(5) Interest on amounts held by insurance companies under an agreement to pay interest thereon. Any increment in value of "advance premiums", "prepaid premiums", or "premium deposit funds" which is applied to the payment of premiums due on insurance policies, or made available for withdrawal by the policyholder, is not interest for purposes of this section. (But see § 1.6049–5 (a) (4) relating to information reporting requirements with respect to such interest.) Interest that an insurance company pays pursuant to an agreement with the policy holder to a beneficiary because the payment due has been delayed is interest for purposes of this section. The term "interest" also includes interest paid by insurance companies with respect to policy "dividend" accumulations (see sections 61 and 451 and the regulations thereunder for rules as to when such interest is considered paid) and interest paid with respect to the proceeds of insurance policies left on deposit with the insurer. The so-called "interest element" in the case of annuity or installment payments under life insurance or endowment contracts does not constitute interest for purposes of this section.

(6) Interest on deposits with brokers as defined in section 6045(c) and the regulations thereunder, including any payment made in lieu of interest to a person whose debt obligation has been borrowed in connection with a short sale or other similar transaction.

(7) Interest paid or credited on amounts held by investment companies as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. section 80a–3) and on amounts invested in other pooled funds or trusts. For purposes of subchapter B of chapter 24 of the Code, interest paid or credited on amounts invested in pooled funds or trusts, such as mortgage pass-through certificates or mortgage participation certificates, shall be considered to be the interest paid or credited as stated on the certificate, and shall not be the interest on any notes or obligations underlying such certificates.

(b) *Interest excluded from withholding requirement.* For purposes of this section the term "interest" does not include—

(1) Interest on any obligation issued by a natural person, irrespective of whether such amounts are collected on behalf of the holder of the obligation by a middleman. The term "natural person" means any individual, but shall not include a partnership (whether or not composed entirely of individuals), a trust, or an estate.

(2) Interest on any obligation if such interest is exempt from taxation under section 103(a) (relating to certain governmental obligations), or interest which is exempt from taxation under any other provision of law without regard to the identity of the holder. The holder of a tax exempt obligation must provide written certification to the payor (other than the issuer of the obligation) that such obligation is exempt from taxation. For this purpose, a statement that interest is tax exempt on the envelope commonly used by financial institutions to process such payments, signed by the payee, will be sufficient, provided that the envelope is properly completed (*i.e.*, shows the name, address, and taxpayer identification number of the payee). A payor may rely on such written certification in treating such interest as tax exempt and will not be liable for the tax under section 3451(a).

(3) Any amount paid on a depository institution tax-exempt savings certificate, as defined in section 128(c)(1) (as in effect for taxable years beginning prior to January 1, 1985).

(4) Any amount paid which is subject to withholding of tax under subchapter A of chapter 3 of the Code by the person paying such amount (*i.e.*, an amount which is subject to withholding of tax at the source because paid to a nonresident alien individual, trust, or estate, a foreign partnership, or a foreign corporation is not interest for purposes of this section).

(5) Any amount which would be subject to withholding under subchapter A of Chapter 3 of the Code by the person paying such amount but for the fact that—

(i) Such amount is income from sources outside the United States under section 862(a)(1),

(ii) The payor thereof is excepted from the application of section 1441(a) or 1442(a) by reason of a tax treaty to which the United States is a party,

(iii) The payor thereof is excepted from the application of section 1441(a) or 1442(a) by reason of section 1441(c) and § 1.1441–4 (a) or (f), or

(iv) Such amount is original issue discount as described by section 1232(b)(1).

(6) Any amount paid or credited to—

(i) A foreign government, a political subdivision thereof, an international organization, or any wholly-owned agency or instrumentality of the foregoing, which amount is exempt from tax under section 892, or

(ii) A foreign central bank of issue, which amount is exempt from tax under section 895.

(7) Any amount paid with respect to an obligation of, or a deposit with, an issuer or other obligor which is—

(i) A foreign government, a political subdivision thereof, an international organization, or any wholly-owned agency or instrumentality of the foregoing,

(ii) A foreign central bank of issue,

(iii) A foreign corporation, if such corporation is not engaged in trade or business within the United States during the calendar year of the payment,

(iv) A foreign corporation, the interest payments of which would be exempt from withholding under subchapter A of chapter 3 of the Code if such payments were made to a person who is not a United States person, or

(v) A partnership composed in whole of nonresident alien individuals and persons described in paragraph (b) (7) (i), (ii), or (iii) of this section, if such partnership is not engaged in trade or business within the United States during the calendar year of the payment.

(8) Any amount on which the person making the payment is required to deduct and withhold a tax under section 1451 (relating to tax-free covenant bonds), or would be so required but for section 1451(d) (relating to benefit of personal exemptions).

(9) Any amount not otherwise described in this paragraph which is paid outside the United States and which is income from sources outside the United States within the meaning of section 862(a)(1).

(10) Interest earned on amounts held by employee stock purchase plans for purchase of stock for employees.

(11) Interest on amounts held in escrow to guarantee performance on a contract or to provide security (but see § 1.6049–5(b)(1)(iii) with respect to the requirement for reporting on such amounts if deposited with a person described in paragraph (a) (3) or (4) of this section).

(12) Interest that a governmental unit pays with respect to tax refunds.

(13) Interest on deposits posted for security, such as deposits posted with a public utility company. However, interest on deposits posted for security with a person described in paragraph (a) (3) or (4) of this section is interest for purposes of this section.

(c) *Amounts paid to persons who are not United States persons.* (1) A payor may treat an amount as an amount described in paragraph (b)(4) of this section if such payor in fact withholds tax on such amount under subchapter A of chapter 3 of the Code in accordance with the provisions of chapter 3.

(2) Unless it has actual knowledge that the payee is a United States person, a payor may treat such amount as an amount described in paragraph (b)(5)(ii) of this section if with respect to such amount the payee provides the payor with a Form 1001 in accordance with § 1.1441–6 (b) or (c) or with a certificate or corresponding letter in accordance with § 1.1441–6(c)(3).

(3) Unless it has actual knowledge that the payee is a United States person, a payor may treat such amount as an amount described in paragraph (b)(5)(iii) of this section if with respect to such amount it has received a Form 4224 from the payee in accordance with § 1.1441–4(a) or has on file with respect to such amount a notice described in § 1.1441–4(f)(2)(ii).

(4) Unless it has actual knowledge that the payee is a United States person, a payor may treat such amount as an amount described in paragraph (b)(5) (i) or (iv) of this section if it receives a statement, signed by the payee under penalties of perjury, certifying that the payee is not a United States person, or, in the case that the payee is an individual, that the individual is neither a citizen nor a resident of the United States. In addition to such certification, the statement also shall contain the name of the payee, the address of the payee, and the taxpayer identification number (if any) of the payee. The address provided for an individual shall be that of his permanent residence; that provided for a partnership or corporation shall be the address of its principal office; and that provided for a trust or an estate shall be the address of the permanent residence or principal office of any fiduciary of the trust or estate. The statement may be made, at the option of the payor, on a Form W–8 or on a form prepared by the payor which is substantially similar to Form W–8. Blank copies of Form W–8 will be supplied to payors upon request to the district director. The statement must be received by the payor in the calendar year in which the payment is made or collected or in either of the preceding 2 calendar years. The payor, however, may require the statement from the payee each time it makes a payment to, or collects an amount on behalf of, the payee. The payor shall retain the statement for at least 4 years following the end of the last calendar year during which amounts to which the statement relates are paid or collected. If the person providing the statement becomes a United States citizen or resident during the period to which the statement relates, such person shall notify the payor in writing within 30 days of such change in status. In the case of a trust or an estate, the statement referred to in this paragraph shall be provided by a fiduciary, as defined in section 7701(a)(6), on behalf of the trust or estate; and in the case of a partnership, the statement shall be provided by any general partner on behalf of the partnership. The payor need not receive the statement described in this paragraph (c)(4) with respect to an amount paid to a payee during a calendar year, if, with respect to any other amount paid to the payee in that year, the payor has withheld tax under subchapter A of chapter 3 of the Code in accordance with the provisions of chapter 3 or, if, with respect to any amounts that are or may be paid to the payee during that year, the payor has received the documentation described in paragraph (c) (2) or (3) of this section in accordance with the provisions of § 1.1441–4 or § 1.1441–6.

(d) *Amounts paid by certain foreign obligors and amounts from sources outside the United States*—(1) The provisions of this paragraph (d)(1) apply with respect to determinations made by paying agents and middlemen as to whether an amount is paid with respect to an obligation or deposit of an entity described in paragraph (b)(7) of this section and as to whether an amount is income from sources outside the United States for purposes of paragraph (b)(9) of this section.

(i) Absent actual knowledge to the contrary, a paying agent or middleman may treat an entity as a foreign government or a political subdivision thereof, an international organization, or a foreign central bank of issue if the paying agent or middleman could treat such entity as an exempt recipient without the receipt of an exemption

certificate as provided in § 31.3452(c)–1(g), (h), or (i).

(ii) Absent actual knowledge to the contrary, a middleman generally may treat a corporation as a foreign corporation if its name reasonably so indicates and may treat such corporation as a corporation either which is not engaged in trade or business within the United States or the interest payments of which would be exempt from withholding under subchapter A of chapter 3 of the Code if such payments were made to a person who is not a United States person. However, a paying agent of, or a middleman having a contractual relationship with, the foreign corporation with respect to the payment or collection of an amount must receive a statement, signed under penalties of perjury, from the secretary of other authorized representative of the foreign corporation either that the corporation is not, or does not expect during the calendar year of payment to be, engaged in trade or business in the United States or that the interest paid by the foreign corporation would be exempt from withholding under subchapter A of chapter 3 of the Code if such interest were paid to a person who is not a United States person.

(iii) Absent actual knowledge to the contrary, a middleman generally may treat a domestic corporation as a corporation the interest payments of which would not be subject to withholding under subchapter A of chapter 3 of the Code if such payments were made to a person who is not a United States person if an annual report, offering circular or other standard source of financial information published by the corporation reasonably so indicates. However, a paying agent of, or middleman having a contractual relationship with, a domestic corporation with respect to the payment or collection of an amount may, absent actual knowledge to the contrary, treat a domestic corporation as such a corporation only if the secretary or other authorized representative of the corporation provides the paying agent or middleman with a statement, signed under penalties of perjury, that interest paid by such corporation would not be subject to withholding under subchapter A of chapter 3 of the Code if such interest were paid to a person who is not a United States person.

(iv) A paying agent or middleman may, absent actual knowledge to the contrary, treat a partnership as a partnership which is not engaged in trade or business in the United States during the calendar year of payment and which is composed in whole of nonresident alien individuals or persons described in paragraph (b)(7) (i), (ii), or (iii) of this section if it receives a statement, signed under penalties of perjury, from any general partner of the partnership that the partnership is not, and is not expected during the calendar year of the payment to be, engaged in trade or business in the United States and that all of its partners are, and are expected during the calendar year of payment to be, nonresident alien individuals or persons described in paragraph (b)(7) (i), (ii), or (iii) of this section.

(v) A statement received by a paying agent or middleman in accordance with the provisions of this paragraph (d)(1) must be provided to such paying agent or middleman in the calendar year in which a payment is made or collected or in either of the 2 preceding calendar years. The paying agent or middleman may, however, require such a statement from the corporation or partnership each time it makes a payment for the corporation or partnership. The paying agent or middleman shall retain the statement for at least 4 years following the end of the last calendar year during which an amount to which the statement relates is paid or collected. If after providing the statement described above the status of the corporation or partnership changes from that reflected in the statement, the corporation or partnership shall notify the paying agent or middleman within 30 days of such change in status.

(2) Notwithstanding the provisions of paragraph (b)(7) of this section, amounts described in such paragraph are considered to be interest for purposes of this section when paid within the United States to a United States person. In such case, the person required to withhold tax under section 3451 is the payor which makes the payment within the United States. For purposes of this paragraph, the term "United States person" is defined in section 7701(a)(30).

(3) Paragraph (d)(2) of this section shall not apply with respect to an international organization (as described in paragraph (b)(7)(i) of this section) or to a person acting in its capacity as a paying agent for such organization, which is paying interest within the United States if the international organization is an organization of which the United States is a member and which enjoys immunity or exemption from any liability or obligation to pay, withhold, or collect tax pursuant to an international agreement having full force and effect in the United States.

(4) For purposes of paragraph (d)(2) of this section, a payor may, unless it has actual knowledge to the contrary, treat a person to whom it makes a payment within the United States as a person who is not a United States person if, during the calendar year of payment, it withholds tax on any amount paid to such person under subchapter A of chapter 3 of the Code in accordance with the provisions of chapter 3 or if, with respect to any amount that is or may be paid to such person during that calendar year, it has received documentation described in paragraphs (c) (2), (3), or (4) of this section in accordance with the provisions of such paragraphs and of § 1.1441–4 or § 1.1441–6.

(e) *Examples.* The application of the provisions of paragraphs (b), (c), and (d) of this section may be illustrated by the following examples:

Example (1). Corporation X is a foreign corporation which is not engaged in trade or business in the United States during the calendar year. A, a United States citizen who is not an exempt individual, holds bonds of Corporation X that were issued by the latter in a public offering. A collects the interest on such bonds by presenting the coupons therefrom to M, a paying agent of Corporation X whose office is in the United States. Amounts paid with respect to obligations of Corporation X are generally not considered to be interest for purposes of section 3451 since Corporation X is an entity described in paragraph (b)(7)(iii) of this section. However, as M makes a payment of such amounts within the United States to a United States person, the payment by M is considered to be a payment of interest for purposes of section 3451, and M is required to withhold. See § 31.3453(c)–1(a) with respect to the payment made by M on behalf of Corporation X.

Example (2). The facts are the same as in Example (1) except that A presents his coupons directly to Corporation X at its office in the United States. In accordance with paragraph (d)(2) of this section, the payment by Corporation X with respect to the coupons is considered to be a payment of interest for purposes of section 3451, and Corporation X is required to withhold.

Example (3). The facts are the same as in Example (1) except that A is a nonresident alien individual. A provides M with the statement described in paragraph (c)(4) of this section, which certifies that A is not a United States citizen or resident. Unless M has actual knowledge that the statement provided by A is false, M may rely on such statement and is not required to withhold under section 3451.

Example (4). The facts are the same as in Example (1) except that Corporation X is engaged in trade or business in the United States and 50 percent or more of its gross income for the preceding 3-year period described in section 861 (a)(1)(C) has been income which is effectively connected to its

United States trade or business. Corporation X is not a beneficiary of an income tax treaty to which the United States is a party. A presents its coupons for payment directly to Corporation X at its office outside the United States. The amount paid by Corporation X is not excluded from the definition of interest for purposes of section 3451 under either paragraph (b)(7)(iii) or (b)(7)(iv) of this section since Corporation X is engaged in trade or business in the United States and since all or a portion of the interest paid by it would be subject to withholding under subchapter A of chapter 3 of the Code if such interest were paid to a person who is not a United States person. Therefore, Corporation X is required to withhold tax on the amount paid to A.

Example (5). The facts are the same as in Example (4) except that Corporation X is a resident of a country which has an income tax treaty with the United States that precludes the United States from imposing tax on interest paid by residents of that country to persons who are not United States persons. Under paragraph (b)(7)(iv) of this section the amount paid by Corporation X on its bonds is not considered to be interest for purposes of section 3451 since, by reason of the application of a treaty, interest paid by Corporation X would be exempt from withholding under subchapter A of chapter 3 of the Code if such interest were paid to a person other than a United States person. Corporation X is not required to withhold on amounts paid to A.

Example (6). The facts are the same as in Example (5) except that A presents its coupons from the Corporation X bonds for payment to N, a paying agent of Corporation X in the United States. The payment by N to A is considered to be a payment of interest under paragraph (d)(2) of this section, and N is required to withhold tax on such payment. See § 31.3453(c)–1(a) with respect to the payment made by N on behalf of Corporation X.

Example (7). Corporation Y is a domestic corporation, all of the gross income of which for the 3-year period described in section 861(a)(1)(B) has been from sources outside the United States. B, a United States citizen who is not an exempt individual, holds bonds issued by Corporation Y in a public offering. B presents the coupons from such bonds for payment to Corporation Y at an office maintained by Corporation Y outside the United States. Under paragraph (b)(9) of this section, the amounts paid by Corporation Y are not considered to be interest for purposes of section 3451 since such amounts are considered to be from sources outside the United States under sections 861(a)(1)(B) and 862(a)(1) and are paid outside the United States. Corporation Y is not required by section 3451 to withhold tax on its payment to B.

Example (8). D has a deposit in an account maintained with a foreign branch of R, a domestic corporation which carries on a commercial banking business. R makes a payment with respect to such deposit outside the United States. The amount paid is considered to be income from sources outside the United States under sections 861(a)(1)(F)(i) and 862(a)(1) and, in accordance with paragraph (b)(9) of this section, is not considered to be interest for purposes of section 3451. Therefore, R is not required to withhold tax under section 3451 regardless of whether D is or is not a United States person.

Example (9). The facts are the same as in Example (8) except that D's deposit is in a Puerto Rican branch of a United States bank. The amount paid with respect to such deposit is income from sources outside the United States within the meaning of sections 861(a)(1)(F)(i) and 862(a)(1). In accordance with the provisions of paragraph (b)(9) of this section, such amount is not considered to be interest for purposes of section 3451, and R is not required by such section to withhold tax on the amount paid to D regardless of whether D is or is not a United States person.

Example (10). E, a nonresident alien individual, maintains an account in the United States with Corporation S, a domestic corporation which carries on a commercial banking business. S receives the statement described in paragraph (c)(4) of this section from E with respect to the amount paid on the deposit in E's account with S. Such amount is considered to be income from sources outside the United States under sections 861(a)(1)(A) and 862(a)(1) and is not subject to withholding under subchapter A of chapter 3 of the Code. In accordance with the provisions of paragraph (b)(5)(i) of this section, such amount is not considered to be interest for purposes of section 3451, and S is not required to withhold under section 3451.

Example (11). U is a domestic corporation which is engaged in a commercial banking business in the United States and outside the United States through a foreign branch. F, an alien individual resident of the United States who is not an exempt individual, holds a nondeposit obligation of U which is part of a public debt issuance of U. F makes a demand for payment of the interest due on such obligation at the foreign branch of U. The amount paid by U is considered to be income from sources within the United States under section 861(a)(1) and is considered to be interest for purposes of section 3451. U, therefore, is required to withhold tax with respect to the payment to F.

Example (12). The facts are the same as in Example (11) except by the obligation held by F was issued by W, a wholly-owned foreign subsidiary of U. W is not engaged in trade or business in the United States during the calendar year. F makes a demand for payment of the interest at the office of W outside the United States. Under paragraph (b)(7)(iii) of this section, the amount paid by W to F is not considered to be interest for purposes of section 3451. Therefore, W is not required to withhold tax with respect to the payment to F, regardless of whether F is or is not a United States person.

Example (13). Q, a domestic corporation, acts within the United States as custodian for G, a nonresident alien individual, with respect to obligations of Z that are owned by G. G, a nonresident alien individual, resides in a country with which the United States has an income tax treaty. Z is a foreign corporation, the interest payments of which would not be subject to withholding under subchapter A of chapter 3 of the Code if such payments were made to a person who is not a United States person. During the preceding calendar year, Q received a Form 1001 from G in accordance with the provisions of § 1.1441–6(c) with respect to interest paid on other corporate obligations held by Q on G's behalf. During the present calendar year Q collects amounts paid on the Z obligations on behalf of G. G does not give Q the statement described in paragraph (c)(4) or (d)(4) of this section with respect to such amounts. However, as the Form 1001 submitted by G in the preceding calendar year is effective during the present calendar year with respect to certain amounts that are or may be paid to G, Q is not required to withhold on the amounts collected on G's behalf with respect to the Z obligations.

(f) *Interest adjustment for penalty for premature withdrawal*—(1) *In general.* For purposes of this section, the term "interest" does not include the portion of any interest payment which is not received by the payee because of the imposition of a penalty for premature withdrawal of funds deposited in a time savings account, certificate of deposit, or similar class of deposit.

(2) *Examples.* The application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). A deposits $10,000 in a 4-year savings account with Bank M on January 2, 1985, which earns 10.75 percent interest per annum payable quarterly. A must pay a penalty equal to the previous 3 months' interest if the funds are withdrawn prior to January 2, 1989. Assuming that A leaves the funds on deposit until March 31, 1985, A's funds will have earned $268.75 in interest. On March 31, 1985, M will be required to withhold $26.88 (*i.e.*, .10×$268.75) from A's account.

Example (2). Assume the same facts as in Example (1) except that A withdraws the funds on September 30, 1985. A penalty, in the amount of $281.91 (*i.e.*, an amount equal to the previous 3 months' interest earned by A) is imposed on A. M is not required to withhold any amount on that date since the penalty imposed on A is equal to the interest earned by A that quarter.

Example (3). Assume the same facts as in Example (2) except that the penalty imposed on A by M is equal to 6 months' interest (*i.e.*, $557.16). On June 30, 1985, M credited A's account with $275.25 in interest and withheld $27.53 (*i.e.*, 10 percent of $275.25). On September 30, 1985, M is not required to withhold any amount since the penalty imposed on A on that date exceeds the interest creditable to A on that date. M does not adjust the amount of tax which was withheld from A on June 30, 1985. Thus A will receive $10,214.34 (*i.e.*, the sum of the amount of the principal deposited by A and the interest paid to A on March 31, 1985, June 30, 1985, and September 30, 1985, less the amount of the tax withheld by M on March 31, 1985, and June 30, 1985, and less the penalty imposed on A on September 30, 1985, when the account is closed).

§ 31.3454(b)–1 Definition of dividend.

(a) *In general.* Except as provided in paragraph (d) of this section, the term "dividend" means—

(1) Any distribution made by a corporation to its shareholders which is a dividend as defined in section 316, and

(2) Any payment made by a stockbroker to any person as a substitute for a dividend (as so defined). A "dividend" paid by an insurance company to a policy holder (but not a dividend upon its capital stock) is not a dividend for purposes of this section. Similarly, payments (however denominated) by a mutual savings bank, savings and loan association, credit union, or similar organization, in respect of deposits, investment certificates, or withdrawable or repurchasable shares are not dividends for purposes of this section (but see section 3453(a) and § 31.3453(a)–1(a)(4) defining interest as including such payments). The payments by a stockbroker which are defined as dividends in paragraph (a)(2) of this section include any payment made in lieu of a dividend to a person whose stock has been borrowed in connection with a short sale or other similar transaction. A distribution by an S corporation is a dividend for purposes of this section to the extent it is described in section 1368(c)(2).

(b) *Dividend reinvestment plan*—(1) *In general.* The term "dividend" includes any dividend which is reinvested pursuant to a plan under which a shareholder may elect to receive stock as a dividend instead of property (except as provided in section 3454(b)(2)(A) and paragraph (c)(1) of this section, relating to investment of dividends in stock of public utilities).

(2) *Amount subject to withholding.* In the case of a dividend paid pursuant to a dividend reinvestment plan (other than a dividend described in section 3454(b)(2)(A) and paragraph (c)(1) of this section), the tax under section 3451(a) shall apply to the amount of any gross cash payment made to the shareholder, or credited to his account. At the discretion of the payor, the tax under section 3451 need not be applied to any excess of the fair market value of the shares of stock received by the shareholder or credited to his account over the purchase price of such shares (including shares acquired by the shareholder at a discount in connection with the dividend distribution) or to any fee which is paid by the payor in the nature of a broker's fee for purchase of the stock or service charge for maintenance of the shareholder's account, provided that the payor must treat such excess amounts and fees on a consistent basis for each calendar year.

(c) *Exceptions.* For purposes of this section, the term "dividend" does not include—

(1) Any dividend which is reinvested pursuant to a qualified plan in stock of a public utility. For this purpose, the amount of the reinvested dividend paid to any person, the identity of the recipient, and whether the recipient makes the election required by section 305(e)(2)(B) are irrelevant. See section 305(e)(2)(A) and the regulations thereunder.

(2) Any amount treated as a taxable dividend by reason of section 302 (relating to redemptions of a stock).

(3) Any amount which is treated as a taxable dividend by reason of section 306 (relating to disposition of certain stock).

(4) Any amount which is treated as a taxable dividend by reason of section 356 (relating to receipt of additional consideration in connection with certain reorganizations).

(5) Any amount which is treated as a taxable dividend by reason of section 1081(e)(2) (relating to certain distributions pursuant to an order of the Securities and Exchange Commission).

(6) Any amount described in paragraphs (b) (4), (5), or (6) of § 31.3454(a)–1. (See § 31.3454(a)–1(c) for rules to be followed concerning the application of paragraph (b) (4) and (5) of such section).

(7) Any amount paid with respect to the stock of a foreign corporation that is not engaged in trade or business in the United States during the calendar year of the payment except to the extent that, within the United States, the foreign corporation or any person acting as a paying agent or a middleman pays such amount to a United States person. In such case the foreign corporation, paying agent, or middleman shall be the person required to withhold tax under subchapter B of chapter 24 of the Code. A foreign corporation, paying agent, or middleman may, absent actual knowledge to the contrary, treat a person to whom a dividend is paid within the United States as not being a United States person if, during the calendar year of payment, it withholds tax under subchapter A of chapter 3 of the Code on any amount paid to such person or if, with respect to any amount that is or may be paid to such person during that calendar year, it has received the documentation described in § 31.3454(a)–1(c) (2), (3), or (4) in accordance with the provisions of such sections and of § 1.1441–4 or § 1.1441–6. See § 31.3454(a)–1(d)(1) for rules to be followed concerning a determination by a paying agent or middleman of whether the foreign corporation, with respect to whose stock a payment is made, is engaged in trade or business in the United States during the calendar year of payment.

(8) Any amount which is a capital gain dividend, as defined in section 852(b)(3)(C), of a regulated investment company, including undistributed capital gains described in section 852(b)(3)(D).

(9) Any amount which is a capital gain dividend, as defined in section 857(b)(3)(C), of a real estate investment trust.

(10) Any amount which is an exempt-interest dividend, as defined in section 852(b)(5)(A), of a regulated investment company.

(11) Any amount paid or treated as paid during a year by a regulated investment company provided that it is reasonably estimated that 95 percent or more of all dividends paid or treated as paid during the year are exempt-interest dividends. If, at the time the payment is made, the payor does not know but is able reasonably to estimate, as provided in § 31.3451(b)(3)–1(b)(2), that the payment is excepted from the requirement of withholding by this subparagraph, the payor may so treat such payment.

If the portion of a dividend which would be excepted from the requirement of withholding by paragraph (c) (8), (9), or (10) of this section is unknown to the payor at the time the payment is made, the payor may reasonably estimate such amount as provided in § 31.3451(b)(3)–1(b)(2).

(d) *Example.* The application of the provisions of paragraph (c)(7) of this section may be illustrated by the following example:

Example. Corporation X, a foreign country Z corporation which is not engaged in trade or business in the United States, issues its stock in a public offering outside the United States. M, a United States person whose office is in the United States, acquires a portion of the issue on behalf of certain United States citizens who are not exempt individuals. M causes the stock so acquired to be held outside the United States by Y, a foreign corporation engaged in the commercial banking business. Dividends paid by Corporation X with respect to the shares held by Y are paid in foreign country Z currency to Y. Y exchanges the amount received into United States dollars and transfers such amount to M at M's office in the United States. M, acting as collection agent for the United States investors, then transfers the dividends to such investors net of an amount that M charges as an administrative fee for its services. As Corporation X is not engaged in trade or business in the United States, the dividends it

pays are not considered to be dividends for purposes of withholding under section 3451. Therefore, neither Corporation X nor Y is required to withhold tax under section 3451. However, as M has made payment of the dividends within the United States to United States citizens who are not exempt individuals, M is required to withhold tax under section 3451. The amount subject to withholding is the entire amount of the dividends without reduction for the administrative fee charged by M.

§ 31.3454(c)–1 Patronage dividends.

(a) *In general.* The term "patronage dividend" means—

(1) The amount of any patronage dividend (as defined in section 1388(a)) which is paid in money, qualified written notice of allocation, or other property (except nonqualified written notice of allocation),

(2) Any amount described in section 1382(c)(2)(A) (relating to certain nonpatronage distributions), which is paid in money, qualified written notice of allocation, or other property (except nonqualified written notice of allocation) by an organization described in section 521 (relating to certain exempt farmers' cooperatives),

(3) Any amount paid in money or other property (except written notice of allocation) in redemption of nonqualified written notice of allocation previously paid as a patronage dividend as described in paragraph (a)(1) of this section or as a distribution with respect to earnings derived from nonpatronage sources as described in paragraph (a)(2) of this section.

(b) *Qualified written notices of allocation.* (1) In determining the amount of a patronage dividend to be taken into account—

(i) A qualified written notice of allocation as described in section 1388(c)(1)(A) (relating to a written notice of allocation that may be redeemed at its stated dollar amount within 90 days of issuance, if the distributee receives written notice of such right of redemption as required in § 1.1388–1(c)(2) and 20 percent of such patronage dividend or payment is paid in money or qualified check) shall be taken into account at its stated dollar amount.

(ii) A patronage dividend part of which is a qualified written notice of allocation as described in section 1388(c)(1)(B) (relating to a written notice of allocation which the distributee has consented to take into account at its stated dollar amount) shall be taken into account only if 50 percent or more of the patronage dividend (as defined in paragraph (a) of this section) of which such qualified written notice of allocation is a part is paid in money or by qualified check. In such a case, such qualified written notice of allocation shall be taken into account at its stated dollar amount. For purposes of this section, if an organization pays less than 50 percent of such patronage dividend of which such qualified written notice of allocation is a part, in money or qualified check, and within the same payment period of such taxable year (within the meaning of section 1382(d)) for such patronage dividend redeems some or all of the written notice of allocation so that 50 percent or more is actually paid, then, for purposes of this section, such payments will satisify the 50 percent payment requirement, and withholding of 10 percent on the stated amount of such patronage dividend will be required.

(iii) Money shall have the meaning given to it in § 1.1388–1(c)(1)(ii).

(iv) Qualified check shall have the meaning given to it in section 1388(c)(4) and the regulations thereunder.

(2) The requirements of section 3451 shall have no effect in the determination of whether a patronage dividend meets the requirements of section 1388(c)(1) that 20 percent or more of the amount of the patronage dividend or payment be paid in money or by a qualified check. Thus, for example, in a case where an organization distributes a written notice of allocation described in section 1388(c)(1)(A) (relating to a written notice of allocation redeemable 90 days from issuance), the fact that an organization must withhold 10 percent of the sum of the stated amount of the qualified written notice of allocation and the money or qualified check that is a part of the patronage dividend, thereby reducing the amount of cash or qualified check the distributee will actually receive, does not reduce the percentage received by the patron for purposes of the 20 percent requirement of that section.

(3) If an organization makes a distribution consisting in whole or in part of a written notice of allocation and qualified check and at the time of such distribution is unable to determine whether such written notice of allocation and such check consitute a qualified written notice of allocation under section 1388(c)(1)(B) subject to withholding, such organization shall, for purposes of this section, treat such written notice of allocation as a qualified written notice of allocation subject to withholding under section 3451.

(4) If an organization makes a distribution consisting in whole or in part of a written notice of allocation and qualified check, and at the time of such distribution is unable to determine whether such written notice of allocation and such check constitute a qualified written notice of allocation under section 1388(c)(1)(A), such organization shall treat such written notice of allocation as a qualified written notice of allocation as defined in section 1388(c)(1)(A) and subject to withholding under section 3451. Therefore, the organization will withhold tax at the time of the distribution. If the qualified check is actually endorsed and cashed after the end of the 90 days following the end of the payment period and is considered the redemption of a nonqualified written notice of allocation in accordance with § 1.1388–1(c)(3)(iii)(*c*)(*2*), the withholding requirement of § 31.3454(c)–1(a)(3) will not apply as long as tax was withheld at the time of the distribution.

§ 31.3455(b)–1 Special rule regarding original issue discount.

(a) *General rule.* Except as otherwise provided in this section, the tax under section 3451 shall apply to such interest as consists of the amount of original issue discount on an obligation, as defined in section 1232(b)(1), which is includible in gross income of the holder during the calendar year. Any such amount (including any original issue discount on a short-term Government obligation, as defined in section 1232(a)(3)), shall be treated as a payment of interest from which tax must be deducted and withheld to the extent required under section 3451. Thus, for example, the tax under section 3451 does not apply to original issue discount with respect to an obligation held by an exempt individual or to original issue discount with respect to an obligation (including an obligation having a maturity not exceeding 6 months from the date of issue) held by a nonresident alien individual since such original issue discount is an amount described in § 31.3454(a)–1(b) (4) or (5). In determining whether an obligation is one which was issued at a discount and the amount of discount which is includible in income of the holder, a payor (other than the issuer of an obligation) may rely on the Internal Revenue Service's publication of publicly-traded original issue discount obligations.

(b) *Short-term obligations*—(1) *Definition.* For purposes of this section, a short-term obligation is an obligation with a fixed maturity date not exceeding 1 year from the date of issue.

(2) *Time of withholding.* (i) In the case of a short-term obligation with respect to which there is no interest payable prior to maturity, the tax under section 3451 shall be computed on the

amount of original issue discount which is includible in gross income of the holder. The amount of such tax shall be deducted and withheld at the maturity of such obligation.

(ii) In the case of a short-term obligation with respect to which there is interest payable prior to maturity, at all times prior to the maturity of such obligation, the tax under section 3451 shall apply only to the interest payment and not to any amount of original issue discount. The tax under section 3451 on the stated interest payment shall be deducted and withheld at the time such interest is paid or credited. At maturity, the tax imposed by section 3451 shall be computed on the sum of any interest payment made and the amount of original issue discount which is includible in gross income of the holder and shall be deducted and withheld at that time.

(3) *Transferred obligations.* (i) Except as provided in paragraph (b)(3)(ii) of this section, in the case of a short-term obligation which is transferred from the original holder, the tax under section 3451 shall apply to the original issue discount of such obligation without regard to the amount paid by any subsequent holder for such obligation.

(ii) At the time of redemption of a short-term obligation, a subsequent holder may establish the price at which such holder purchased the obligation and the date of such purchase. Such purchase price shall then be treated as the original issue price for purposes of computing the amount of original issue discount which is subject to the tax under section 3451. The purchase price and the date of purchase of an obligation may be established by confirmation receipt or other record of a similar type or, if the obligation is redeemed by or through the person from which the obligation was purchased, by the records of the person from which or through which purchased.

(iii) If the holder of a transferred obligation fails to supply information as provided in paragraph (b)(3)(ii) of this section concerning the purchase price and the date of purchase of such obligation, the person redeeming the obligation shall determine the tax under section 3451 as though the obligation were purchased by the holder on the date of issue and at the issue price as indicated in Internal Revenue Service publications of publicly-traded original issue discount obligations. In the case of a Treasury bill, the purchase price shall be assumed to be the noncompetitive price of a Treasury bill having the earliest issue date of all Treasury bills with the same CUSIP number and the same maturity date as the bill being redeemed.

(iv) If a short-term obligation is transferred by a holder, the tax under section 3451 shall not apply to any amount paid for such obligation. Thus, the purchaser of such obligation is not required to deduct and withhold any tax under section 3451 from the purchase price.

(c) *Long-term obligation*—(1) *Definition.* For purposes of this section, a long-term obligation is one with a fixed maturity date that is more than 1 year from the date of issue.

(2) *Time of withholding.* (i) In the case of a long-term obligation with respect to which there are no cash payments prior to maturity, the tax under section 3451 shall be deducted and withheld only at maturity and only with respect to the original issue discount includible in the income of the holder during the calendar year in which the bond matures. For purposes of this section, the term "cash payments" includes checks and other monetary media of exchange.

(ii) In the case of a long-term obligation which is in registered form and which provides for cash payments (whether consisting of interest or principal) prior to maturity, the tax under section 3451 shall be computed on the sum of the amount of stated interest paid and the original issue discount which is includible in the gross income of the holder for that calendar year. The tax shall be deducted and withheld at the time such cash payments are made. The tax which is required to be deducted and withheld shall not exceed the amount of cash payments. If more than one cash payment is made during a calendar year, the tax which is required to be withheld with respect to original issue discount shall be allocated among all the cash payments in the ratio that each cash payment bears to the total of the cash payments. Thus if during the calendar year, two equal cash payments of stated interest are made, one-half of the original issue discount includible in gross income of the holder for that calendar year shall be taken into account in computing the tax which must be withheld from each cash payment.

(iii) In the case of a long-term obligation which is in bearer form and with respect to which there is stated interest payable prior to maturity, at all times prior to the maturity of the obligation the tax under section 3451 shall apply only to the stated interest payment and not to any amount of original issue discount. The tax under section 3451 on the stated interest payment shall be deducted and withheld at the time stated interest is paid or credited. At maturity, the tax imposed by section 3451 shall apply to the sum of any stated interest payment made and the amount of original issue discount which is includible in gross income of the holder during the year of maturity.

(3) *Transferred obligations.* (i) In the case of a long-term obligation which is transferred from the original holder, the tax under section 3451 shall apply to the original issue discount of such obligation without regard to any amount paid by a subsequent holder at the time of transfer which exceeds the obligation's original issue price, increased by the portion of original issue discount previously includible in the gross income of any holder.

(ii) If a long-term obligation is transferred, the tax under section 3451 shall not apply to any amount paid for such obligation. Thus, the purchaser is not required to deduct and withhold any tax under section 3451 with respect to the purchase price of the obligation.

(d) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). On January 1, 1980, A purchases at original issue, for $7,000 cash, X Corporation's 5-year bond which has a stated redemption price at maturity of $10,000. The bond provides for no interest payments prior to maturity. The ratable monthly portion of original issue discount determined under section 1232(a)(3) is $50. If A holds the bond for 12 months of his taxable year, A must include $600 (*i.e.*, $50x12 months) in his gross income for that year and in each subsequent year that he holds the bond for the entire 12 months. No amount of the $600 of original issue discount includible in A's gross income is subject to withholding under section 3451 since no amount of cash has been paid. Assume that A holds the bond until maturity on December 31, 1984, and the bond is redeemed for $10,000 on that date. The amount subject to withholding is $600, the amount of original issue discount includible in A's gross income during the calendar year.

Example (2). Assume the same facts as in Example (1) except that A does not hold the bond until maturity but rather sells it to B on January 1, 1984, for $9,540. No amount of the sale price is subject to withholding. When B redeems the bond at maturity, the amount subject to withholding is the $600 of original issue discount accrued during 1984 even though B paid more for the bond than the original issue price increased by the amount of the original issue discount includible in the income of A. B, as a subsequent holder, is treated the same as the original holder for purposes of determining the amount subject to withholding on redemption.

Example (3). On January 1, 1984, D purchases a Treasury bill with a maturity of 52 weeks at the original issue price of $8,736. At maturity on December 31, 1984, D may redeem the bill for $10,000. The amount subject to withholding on the date of maturity

is $1,264 (the difference between the stated redemption price at maturity, $10,000, and D's purchase price for the obligation, $8,736).

Example (4). Assume the same facts as in Example (3) except that D sells the Treasury bill on March 1, 1984, to E through broker Y. E pays $8,940 for the bill. No amount of the sales price is subject to withholding. E redeems the Treasury bill through broker Y at maturity. E establishes through Y's records that E paid $8,940 to D for the Treasury bill on March 1, 1984. The amount subject to withholding at maturity is $1,060 (the difference between the stated redemption price at maturity, $10,000, and E's purchase price of $8,940).

Example (5). On January 1, 1985, F purchases at original issue, for $7,500 cash, Z Corporation's 30-year bond which has a stated redemption price at maturity of $10,000. The bond provides for annual interest payments of $1,000. Assuming F holds the bond for all of calendar year 1985, the amount of original issue discount which is includible in F's gross income during 1985 is $7.83. On December 31, 1985, Z makes its $1,000 interest payment to F. Z must withhold $100.78 (*i.e.*, .10 × $1,007.83) on that date.

Example (6). Broker G acquires a bond issued in 1960 by the United States Treasury through the Bureau of Public Debt. Broker G sells interests in the bond to the public after December 31, 1982. A purchaser may acquire an interest in any interest payment falling due under the bond or an interest in the principal of the bond. Under section 1232B, each bond component is treated as an obligation issued with original issue discount equal to the excess of the stated redemption price at maturity over the purchase price of the bond component. The interests sold by B are obligations of a type offered to the public. The bond is held by Custodian H for the benefit of the persons acquiring these interests. On receipt of interest and principal payments under the bond, Custodian H transfers the amount received to the person whose ownership interest corresponds to the bond component given rise to the payment. On January 1, 1983, J, a calendar year taxpayer, purchases from G, for $826.45 cash, a $1,000 interest coupon payable on December 31, 1984. During 1983, J must include $82.65 in income (*i.e.*, the amount of original issue discount accruing during 1983). No amount, however, is subject to withholding since no cash payment is made. During 1984, J must include $90.90 in income (*i.e.*, the amount of original issue discount accruing during 1984). On December 31, 1984, H pays J $990.91 (*i.e.*, $1,000—(.10×$90.90)) and withholds $9.09.

§ 31.3456(b)–1 Annual withholding by financial institutions.

(a) *In general.* A financial institution described in paragraph (e) of this section may elect to defer, until a date that is not later than the last day of any calendar year, deduction and withholding of the tax imposed by section 3451 during such entire year on interest paid or credited on any type of account described in paragraph (b) of this section.

(b) *Interest paid on amounts subject to election.* Only interest paid or credited on the following types of accounts is subject to the election described in paragraph (a) of this section:

(1) Ordinary savings accounts not subject to a required maturity or notice period that are evidenced by a passbook, a statement savings notice, or similar instrument,

(2) Regular share accounts,

(3) Savings deposits in accounts with respect to which the depositor is not required by the deposit contract but may at any time be required by the financial institution to give notice in writing of an intended withdrawal not less than 7 days before such withdrawal is made (whether or not such notice is in fact required), and which is not payable on a specified date or at the expiration of a specified time after the date of deposit and for which the Depository Institutions Deregulatory Committee has established no minimum balance, or

(4) Transaction accounts as defined in 12 U.S.C. section 461(b)(1)(C) (including deposits and accounts subject to negotiable order of withdrawal (NOW accounts) issued by depository institutions under 12 U.S.C section 1832(a), automatic transfer accounts issued by banks under 12 U.S.C. section 371a and 12 U.S.C. section 1828(g), share draft accounts issued by credit unions under 12 U.S.C. section 1752(5)) for which the Depository Institutions Deregulatory Committee has established no minimum balance.

Interest on types of accounts not described in this paragraph or on obligations redeemed by the payor is not subject to this election notwithstanding that the payor elects to withhold the tax which is required to be withheld under section 3451 from an alternative source which is subject to the election.

(c) *Additional requirements.* A financial institution electing under paragraph (a) of this section must assure that—

(1) The balance of any account subject to the election (except as otherwise provided in § 31.3451(b)(4)–1 (relating to withholding from alternative source)) shall not at any time be less than an amount equal to the tax under section 3451 that would have been deducted and withheld as of such time if the election were not in effect, and

(2) If an account subject to the election is closed prior to the date on which the tax under section 3451 would be deducted and withheld as a result of the election, the tax shall be deducted and withheld, before the time of closing such account, unless the payor elects to withhold such tax from an alternative source as provided in § 31.3451(b)(4)–1. If the payor elects to withhold the tax from an alternative source, the payor must withhold such amount from the alternative source at the time that the account giving rise to the payment is closed.

(d) *Rules for making the election.* If this election is made with respect to a type of account, it must be made with respect to all interest paid on accounts of a similar type described in paragraph (b) of this section. Accounts are of a similar type if the requirements relating to the amount of deposit necessary to establish and maintain the account, the terms for the withdrawal of amounts from the account, the interest rate paid on the account, and the method of computation of interest are substantially similar. The election must be made for an entire calendar year, except that, for 1983, the election must be made for the period from July 1 through December 31. The election must be made before the close of the 5th business day of the calendar year (July 8 for 1983) or, with respect to an account which the payor offers for the first time during a calendar year, before the close of the 4th business day following the 1st business day that the account is offered. This election is made by so indicating on the taxpayer's books and records by the date described in the preceding sentence and on the return required by § 31.6011(a)–1(a) used for reporting the deposit and payment of taxes withheld under section 3451. This election may not be revoked for the year for which it is made.

(e) *Financial institutions eligible to make election.* The following financial institutions are eligible to make this election:

(1) Persons carrying on the banking business,

(2) Mutual savings banks,

(3) Savings and loan associations,

(4) Building and loan associations,

(5) Cooperative banks,

(6) Homestead associations,

(7) Credit unions,

(8) Industrial loans associations or banks, and,

(9) Any savings or thrift institution that is chartered and supervised under Federal or State law.

(f) *Relationship to minimal interest payment election.* If a payor elects both to withhold on an annual basis and not to withhold from a minimal interest payment (as provided in section 3452 (d) and § 31.3452 (d)–1), the payor shall not redetermine the amount of tax which must be withheld (*i.e.*, based on the total interest paid during the calendar year).

(g) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). Credit Union M, which credits interest on a quarterly basis, elects annual withholding for its regular share accounts. M also elects not to withhold from minimal interest payments. On September 30, 1983, M credits the share account of A, an individual who is not exempt, with $55 in interest. Because $55 is not a minimal interest payment, M places a "hold" on A's account in the amount of $5.50 (*i. e.*, 10 percent of $55). On December 31, 1983, M credits A's account with $10 in interest. M is not required to withhold any amount from the $10 interest payment since such amount is a minimal interest payment. However, M must withhold the $5.50 on December 31, 1983, which it has been holding in A's account since September 30, 1983. Despite the fact that the two payments together total $65, which could be viewed as a minimal interest payment, M does not adjust its determination of September 30, 1983, of the amount which is required to be withheld

Example (2). The facts are the same as in Example (1) except that the amount credited to A's account on September 30, 1983, is $25, and the amount credited on December 31, 1983, is $130. Since $25 is a minimal interest payment, M is not required to take any action with respect to A's account on September 30, 1983. On December 31, 1983, M withholds $13 (*i. e.*, 10 percent of $130) since $130 is not a minimal interest payment. M does not adjust the amount subject to withholding even though the $25 interest payment when added to the $130 interest payment exceeds $150, and, therefore, could be viewed as exceeding the minimal interest payment limitation.

Example (3). Bank N elects to withhold on an annual basis for its savings accounts. On September 1, 1984, B presents three Series EE Savings Bonds to N and requests that they be cashed. N elects to withhold the tax which is due with respect to the interest paid on the savings bonds from B's savings account. N must deduct and withhold such amount on September 1, 1984.

§ 31.3456(c)–1 Tax paid by recipient.

If the payor in violation of the provisions of section 3451 fails to deduct and withhold the tax, and thereafter the income tax against which the tax under section 3451 may be credited is paid, the tax under section 3451 shall not be collected from the payor. Such payment does not, however, operate to relieve the payor from liability for penalties or additions to the tax applicable in respect of such failure to deduct and withhold. The payor will not be relieved of his liability for payment of the tax required to be withheld unless he can show that the tax against which the tax under section 3451 may be credited has been paid. See § 31.3451(c)–1, relating to liability for the tax.

§ 31.3456(d)–1 Annual withholding for money market-type accounts.

(a) *In general.* A financial institution, as defined in § 31.3456(b)–1, and an investment company registered under the Investment Company Act of 1940 as a diversified, open-end management company may elect to defer, until a date that is not later than the last day of any calendar year, deduction and withholding of the tax imposed by section 3451 during such entire year on interest and dividends paid or credited on any type of account described in paragraph (b) of this section. The financial institution or investment company must comply with the additional requirements imposed on a financial institution making a similar election under § 31.3456(b)–1(c) and must make the election at the time and in the manner required for financial institutions making a similar election under § 31.3456(b)–1(d).

(b) *Types of accounts subject to election.* The following types of accounts are subject to the election described in paragraph (a) of this section:

(1) Savings deposits in accounts with respect to which the depositor is not required by the deposit contract but may at any time be required by the financial institution to give notice in writing of an intended withdrawal not less than 7 days before such withdrawal is made (whether or not such notice is in fact required), which are not payable on a specified date or at the expiration of a specified time after the date of deposit, which are subject to a minimum balance established by the Depository Institutions Deregulatory Committee, and for which the depository institution must restrict all preauthorized (including automatic) transfers of funds to a maximum of six per month (three of which may be by check, draft, or similar device drawn by the depositor to third parties),

(2) Transaction accounts as defined in 12 U.S.C. section 461(b)(1)(C) (including deposits and accounts subject to negotiable orders of withdrawal (NOW accounts) issued by depository institutions under 12 U.S.C. section 1832(a), and automatic transfer accounts issued by banks under 12 U.S.C. section 371a and 12 U.S.C. section 1828(g)) which are subject to a minimum balance established by the Depository Institutions Deregulatory Committee, and

(3) Accounts offered by investment companies described in paragraph (a) of this section which have at all times during the taxable year at least 80 percent of their assets invested in cash or cash items (including receivables), or debt obligations maturing in 13 months or less.

Par. 5. The following section is added after § 31.6011 (a)–9:

§ 31.6011 (a)–10 Returns of income tax withheld from interest, dividends, and patronage dividends.

(a) *In general.*—(1) *Annual returns.* Except as otherwise provided in paragraph (b) of this section every payor required to withhold taxes from interest, dividends, and patronage dividends pursuant to section 3451 shall make a return upon the prescribed form regarding such taxes for the first calendar year in which it is required to deduct and withhold such tax and for each subsequent calendar year (whether or not the payor is required to deduct and withhold the tax imposed by section 3451 therein) until it has filed a final return.

(2) *Final returns.* A payor who is required to make a return pursuant to paragraph (a)(1) of this section and who in any return period is no longer required to withhold the tax under section 3451 in respect of which he is required to make such return shall make a final return for such period. Each return made as a final return shall be marked "Final return" by the person filing the return. Every person filing a final return shall furnish information showing the last date on which the tax under section 3451 was required to be withheld. A payor who has only temporarily ceased to pay interest, dividends, and patronage dividends shall not make a final return but shall continue to file returns. There shall be executed as a part of each final return a statement showing the address at which the records required by the regulations in this part will be kept, the name of the person keeping such records, and, if the business of a payor had been sold or otherwise transferred to another person, the name and address of such person and the date on which such sale or transfer took place. If no such sale or transfer occurred or the payor does not know the name of the person to whom the business was sold or transferred, that fact should be included in the statement. Such statement shall include any information required by this section as to the date of the last payment of interest, dividends, or patronage dividends.

(b) *Monthly returns.*—(1) *Requirement.* The provisions of this paragraph are applicable in respect of the taxes reportable on the form prescribed pursuant to this section. Any payor who is required by paragraph (a) of this section to make annual returns

upon such form shall, in lieu of making annual returns, make returns of such taxes in accordance with this paragraph if he is so notified in writing by the district director. The district director may so notify any payor (i) who, by reason of notification as provided in § 31.7512–1, is required to comply with the provisions of such § 31.7512–1, or (ii) who has failed to (A) make any such return upon the prescribed form, (B) pay tax reportable on such form, or (C) deposit any such tax as required under the provisions of § 31.6302 (c)–5. Every payor so notified by the district director shall make a return for the calendar month in which the notice is received and for each calendar month thereafter (whether or not the tax imposed by section 3451 is required to be deducted and withheld in any such month) until it has filed a final return or is required to make annual returns pursuant to notification as provided in paragraph (b)(2) of this section. However, if the notice provided for in this subparagraph is received after the close of the first month of a calendar year, the first return under this section shall be made for the period beginning with the first day of the year and ending with the last day of the month in which the notice is received. Each return required under this section shall be made upon the prescribed form, except that, if some other form is furnished by the district director for use in lieu of such prescribed form, the return shall be made on such other form.

(2) *Termination of requirement.* The district director, in his discretion, may notify the payor in writing that it shall discontinue the filing of monthly returns under this section. If the payor is so notified, the last month for which a return shall be made under this section is the month in which such notice of discontinuance is received. Thereafter, the payor shall make annual returns in accordance with the provisions of paragraph (a) of this section. The annual return for the year in which the payor's monthly return requirement was terminated must include all taxes required to be withheld from interest, dividends, and patronage dividends during the year including those required to be withheld during the months for which monthly returns were required to be filed under paragraph (b)(1) of this section.

(c) *Information returns on Form 1099.* See §§ 1.6042–2, 1.6044–2, and 1.6049–4 for requirements regarding information returns on Form 1099 with respect to dividends, patronage dividends, and interest, respectively.

(d) *Time and place for filing returns.* For provisions relating to the time and place for filing returns required under this section see §§ 31.6071 (a)–2 and 31.6091–1, respectively.

Par. 6. The following section is added after § 31.6071 (a)–1:

§ 31.6071(a)–2 Time for filing returns and other documents.

(a) *Income tax withheld from interest, dividends, and patronage dividends.*—(1) *Annual returns.* Each return required to be made under § 31.6061 (a)–10 (a) regarding returns of tax withheld from interest, dividends, and patronage dividends under section 3451 shall be filed on or before the last day of the first calendar month following the year for which it is made. However, a return may be filed on or before the 10th day of the second calendar month following such period if timely deposits under § 31.6302 (c)–5 have been made in full payment such taxes due for the period. For the purpose of the preceding sentence, a deposit which is not required by such regulations in respect of the return period may be made on or before the last day of the first calendar month following the close of such period, and the timeliness of any deposit will be determined by the date stamped on the applicable deposit form by an authorized financial institution or by a Federal Reserve bank.

(2) *Monthly tax returns.* Each monthly return required to be made under §31.6011 (a)–10(b) (regarding returns of tax withheld from interest, dividends, and patronage dividends under section 3451) shall be filed on or before the fifteenth day of the first calendar month following the period for which it is made.

(3) *Information returns on Form 1099.* See §§ 1.6042–2, 16044–2, and 1.6049–4 for requirements regarding the time for filing information returns on Form 1099 with respect to dividends, patronage dividends, and interest, respectively.

(b) *Last day for filing.* For provisions relating to the time for filing a return when the due date falls on Saturday, Sunday, or a legal holiday, see the provisions of § 301.7503–1 of this chapter (Regulations on Procedure and Administration).

(c) *Late filing.* For additions to the tax in case of failure to file a return within the prescribed time, see the provisions of § 301.6651–1 of this chapter (Regulations on Procedure and Administration).

Par. 7. The following section is added after § 31.6302 (c)–4:

§ 31.6302(c)–5 Use of Government depositaries in connection with taxes withheld from interest, dividends, and patronage dividends.

(a) *Requirement.*—(1) *In general.* (i) Except as provided in paragraph (b) of this section and hereinafter in this paragraph (a)(1), if at the close of any calendar month the aggregate amount of undeposited taxes (as defined in paragraph (a)(1)(vi) of this section) is $500 or more, the payor shall deposit the undeposited taxes in an authorized financial institution or a Federal Reserve bank within 15 calendar days after the close of such calendar month. However, paragraph (a)(1)(i) of this section shall not apply if the payor was required to make a deposit of taxes pursuant to paragraph (a)(1)(ii) of this section with respect to an eighth-monthly period which occurred during the calendar month.

(ii) Except as provided in paragraph (b) of this section and except in the case of first-time 3-banking-day depositors as defined in paragraph (a)(1)(iv) of this section, if at the close of any eighth-monthly period the aggregate amount of undeposited taxes is $3,000 or more, the payor shall deposit the undeposited taxes in an authorized financial institution or a Federal Reserve bank within 3 banking days after the close of such eighth-monthly period. For purposes of determining the amount of undeposited taxes at the close of an eighth-monthly period, undeposited taxes consisting of taxes required to be withheld during a prior eighth-monthly period shall not be taken into account if the payor was required to make a deposit with respect to such prior eighth-monthly period. The excess (if any) of a deposit over the actual taxes for a deposit period shall be applied in order of time to each of the payor's succeeding deposits with respect to the same period for which a return is required to be filed, until exhausted, to the extent that the amount by which the taxes for a subsequent deposit period exceed the deposit for such subsequent deposit period. For purposes of paragraph (a)(1)(ii) of this section, "eighth-monthly period" means the first 3 days of a calendar month, the 4th day through the 7th day of a calendar month, the 8th day through the 11th day of a calendar month, the 12th day through the 15th day of a calendar month, the 16th day through the 19th day of a calendar month, the 20th day through the 22nd day of a calendar month, the 23rd day through the 25th day of a calendar month, and the portion of a calendar month following the 25th day of such month.

(iii) A payor will be considered to have complied with the requirements of paragraph (a)(1)(ii) of this section for a deposit with respect to the close of an eighth-monthly period if—

(A) His deposit is not less than 95 percent of the aggregate amount of the taxes required to be withheld under section 3451 during the period or periods for which the deposit is made, and

(B) If such eighth-monthly period occurs in a month other than the last month of a period for which a return is required to be filed (hereinafter in this section referred to as a "return period"), he deposits any underpayment with his first deposit which is otherwise required to be made after the 15th day of the following month.

(iv) For purposes of paragraph (a)(1)(ii) of this section, a "first-time 3-banking-day depositor" is a payor who establishes to the satisfaction of the Commissioner that he was not required (without taking this exception into account) to make a deposit pursuant to paragraph (a)(1)(ii) of this section with respect to each eighth-monthly period in any preceding month of the current calendar year and with respect to each eighth-monthly period in the calendar year preceding the current calendar year. A payor may in no event qualify as a "first-time 3-banking-day depositor" with respect to any eighth-monthly period if the undeposited taxes at the close of that period are $10,000 or more.

(v) If the aggregate amount of taxes (as defined in paragraph (a)(1)(iv) of this section) reportable on a return for a return period exceeds the total amount deposited by the payor pursuant to paragraph (a)(1)(i) or (ii) of this section for such return period by $1 or more, the payor shall, on or before the last day of the first calendar month following the close of the return period, deposit with an authorized financial institution or a Federal Reserve bank an amount equal to the amount by which the taxes reportable on the return exceed the total deposits (if any) made pursuant to paragraph (a)(1)(i) or (ii) of this section for such return period.

(vi) As used in this paragraph (a)(1), the term "taxes" means the tax required to be withheld on interest, dividends, and patronage dividends under section 3451.

(2) *Transitional rules.* (i) In the case of a calendar month which begins—

(A) Before July 1, 1984, for all payors required to make deposits of taxes under paragraph (b)(1) of this section,

(B) Before July 1, 1985, for medium-sized financial institutions (as defined in paragraph (a)(2)(ii) of this section), and

(C) Before July 1, 1986, for small financial institutions (as defined in paragraph (a)(2)(ii) of this section), paragraph (a)(1) of this section shall be applied by substituting within 19 banking days" for "within 15 calendar days" in paragraph (a)(1)(i) thereof and for "within 3 banking days" in paragraph (a)(2)(ii) thereof. The exception in the case of first-time 3-banking-day depositors as defined in paragraph (a)(1)(iv) of this section shall not apply to payors making deposits in accordance with this subparagraph (2). The provisions of paragraph (a)(1)(iii)(B) of this section shall not be applied to require the deposit of any amount on a date earlier than the date on which such amount would be required to be deposited under paragraph (a)(1)(ii) of this section without regard to paragraph (a)(1)(iii) of this section.

(ii) For purposes of paragraph (a)(2)(i) of this section, the term "financial institution" means any bank as defined in section 581, any foreign bank described in section 585(a)(2), and any mutual saving bank, savings and loan association, building and loan association, cooperative bank, homestead association, credit union, industrial loan association or bank, or similar savings organization. For purposes of paragraph (a)(2)(i)(B) of this section, a "medium-sized" financial institution is one having an amount on deposit on March 31, 1983, that equals or exceeds $100 million but does not exceed $1 billion, and a "small" financial institution is one having an amount on deposit on March 31, 1983, that is less than $100 million. For purposes of paragraph (a)(2)(i)(B) and (C) of this section, only the amount on deposit with a foreign bank maintained within the United States shall be taken into account in determining whether such bank constitutes a small- or medium-sized financial institution. All financial institutions which are members of the same affiliated group on March 31, 1983, as defined in section 1504 shall be treated as a single financial institution, only for purposes of determining whether such affiliated group constitutes a small or medium-sized financial institution. For purposes of this subdivision (ii), the term "amount on deposit" means any deposits, investment certificates, withdrawable or repurchasable shares, or other amounts with respect to which the financial institution pays interest or provides services (such as services with respect to a demand deposit account that does not bear interest) in the ordinary course of the institution's business as a financial institution. The term "amount on deposit" shall not include amounts with respect to which the financial institution pays interest or provides services as an agent for another payor.

(b) *Exception for monthly returns.* The provisions of this section are not applicable with respect to taxes for the month in which the payor receives notice from the district director that returns are required under § 31.6011(a)–10(b) (or for any subsequent month for which such a return is required), if those taxes are also required to be deposited under the separate accounting procedures provided in § 31.7512–1 (which procedures are applicable if notification is given by the district director of failure to comply with certain collected taxes). In cases in which a monthly return is required under § 31.6011(a)–10(b) but the taxes are not required to be deposited under the separate accounting procedures provided in § 31.7512–1, the provisions of this section shall apply except that paragraph (a)(1)(iii) of this section shall not authorize the deferral of any deposit to a date after the date on which the return is required to be filed.

(c) *Additional rules.*—(1) *Penalties for failure to make deposits.* For provisions relating to the penalty for failure to make a deposit within the time prescribed by this section, see § 301.6656–1 of this chapter (Regulations on Procedure and Administration).

(2) *Saturday, Sunday, or legal holidays.* For provisions relating to the time for performance of acts where the last day falls on Saturday, Sunday, or a legal holiday, see § 301.7503–1 of this chapter (Regulations on Procedure and Administration).

(3) *Employer identification number.* For the definition of the term "employer identification number", see § 301.7701–12 of this chapter [Regulations on Procedure and Administration]. For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see section 6676(a).

(4) *Deposits and depositary forms.* A deposit required to be made by a payor under paragraph (a) of this section shall be made separately from any other deposit required to be made under any other section. A deposit for a period in 1 calendar year shall be made separately from any deposit for a period in another calendar year. An amount of tax which is not otherwise required to be deposited may nevertheless be deposited if the payor so desires. Each remittance of amounts required to be deposited under paragraph (a) of this section shall be accompanied by a Federal Tax Deposit Form 513

applicable to taxes withheld from interest, of a Federal Tax Deposit Form 514, applicable to taxes withheld from dividends and patronage dividends, or by both such forms if amounts are required to be deposited with respect to taxes withheld both from interest and from dividends or patronage dividends. Such forms shall be prepared in accordance with the instructions applicable thereto. The remittance, together with the required form or forms, shall be forwarded to a Federal Reserve bank, or at the election of the payor, to a financial institution authorized in accordance with Treasury Department Circular No. 1079, 31 CFR Part 214, to accept remittances of the taxes for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date the deposit is received (or is deemed received under section 7502(e)) by the authorized financial institution or by the Federal Reserve bank. Each payor making deposits pursuant to this section shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return and deposit by the due date of such return the balance, if any, of the taxes due for such period.

(5) *Time deemed paid.* In general, amounts deposited under paragraph (a) of this section shall be considered as paid on the last day prescribed for filing the return in respect of such tax (determined without regard to any extension of time for filing such return), or at the time deposited, whichever is later. For purposes of section 6511 and the regulations thereunder, relating to period of limitation on credit or refund, if an amount is so deposited prior to April 15th of a calendar year immediately succeeding the calendar year which contains the peirod for which such amount was so deposited, such amount shall be considered as paid on such April 15th.

(6) *Procurement of prescribed form.* Copies of Form 513 and Form 514 will so far as possible be furnished payors. However, a payor will not be excused from making a deposit by the fact that no form hs been furnished to it. A payor not supplied with the proper form should make application therefor in ample time to make the required deposits within the time prescribed. The payor may secure additional copies of Form 513 or Form 514 by applying therefor to the district director or director of a service center, and supplying with its application its name, identification number, address, and the taxable period to which the deposits will relate.

Par. 8. The following section is added after § 31.6682–1:

§ 31.7512–1 Separate accounting for certain collected taxes.

(a) *Scope.* The provisions of section 7512 and this section apply to the tax required to be withheld on interest, dividends, and patronage dividends by section 3451.

(b) *Requirement.* If the district director determines that any person required to collect, account for, and pay over any tax described in paragraph (a) of this section has, at the time and in the manner prescribed by law or regulations, failed to collect, truthfully account for, or pay over any such tax, or make deposits, payments, or returns of any such tax, such person, if notified to do so by the district director in accordance with section 7512 and paragraph (d) of this section, shall—

(1) Collect, at the times and in the manner provided by the law and the regulations in respect of the tax described in paragraph (a) of this section, all of the taxes described in such paragraph which become collectible by him after receipt of such notice;

(2) Deposit the taxes so collected, not later than the end of the second banking day after collection, with a bank, as defined in section 581, in a separate account established in accordance with paragraph (c) of this section; and

(3) Keep in such account the taxes so deposited until payment thereof is made to the United States as required by the law and the regulations in respect of such taxes.

The separate accounting requirements contained in paragraphs (b) (1), (2) and (3) of this section are applicable, in the case of the tax described in paragraph (a) of this section, to taxes under section 3451 required to be deducted and withheld after receipt of the notice from the district director, irrespective of whether the interest, dividends, or patronage dividends giving rise to such tax accrued prior to or after receipt of the notice.

(c) *Trust fund account.* The separate bank account referred to in paragraph (b) of this section shall be established under the designation, "(Name of person required to establish account), Trustee, Special Fund in Trust for United States under section 7512, I.R.C.". The taxes deposited in such account shall constitute a fund in trust for the United States payable only to the Internal Revenue Service on demand by the trustee.

(d) *Notice.* Notice to any person requiring his compliance with the provisions of section 7512(b) and this section shall be in writing and shall be delivered in hand to such person by an internal revenue officer or employee. In the case of a corporation, partnership, or trust, notice delivered in hand to an officer, partner, or trustee shall be deemed to be notice delivered in hand to such corporation, partnership, or trust and to all officers, partners, trustees, and employees thereof.

(e) *Cancellation of notice.* The district director may relieve a person to whom notice requiring separate accounting has been given pursuant to section 7512 and this section from further compliance with such separate accounting requirements whenever he is satisfied that such person will comply with all requirements of the Code and the regulations applicable, in respect of the taxes to which the notice relates, in the case of persons not required to comply with the provisions of section 7512(b). Notice of cancellation of the requirement for separate accounting shall be made in writing and shall take effect at such time as is specified in the notice of cancellation.

(f) *Penalties.* For criminal penalty for failure to comply with any provision of section 7512, see section 7215. For criminal penalties for failure to file return, supply information, or pay tax, for failure to collect or pay over tax, and for attempt to evade or defeat tax, see sections 7203, 7202, and 7201, respectively.

This Treasury decision is issued under the authority contained in sections 3451(b), 3452 (b), (c), (d), and (f), 3453 (b), (c), and (e), 3454 (a) and (b), 3455(b), 3456 (b) and (d), 6302, and 7805 of the Internal Revenue Code of 1954 (96 Stat. 576, 26 U.S.C. 3451(b); 96 Stat. 577, 578, and 579, 26 U.S.C. 3452 (b), (c), (d), and (f); 96 Stat. 580, 26 U.S.C. 3453 (b), (c), and (e); 96 Stat. 580 and 582, 26 U.S.C. 3454 (a) and (b); 96 Stat. 584, 26 U.S.C. 3455(b); 96 Stat. 585, 26 U.S.C. 3456 (b) and (d); 68A Stat. 775, 26 U.S.C. 6302; 68A Stat. 917, 26 U.S.C. 7805) and in section 308 of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 591).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 16, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83–7723 Filed 3–22–83; 2:01 pm]

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26 CFR Parts 1 and 5f

[T.D. 7881]

Income Tax; Information Reporting Requirements With Respect to Interest and Original Issue Discount

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to information reporting requirements with respect to interest and original issue discount. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982. These regulations affect issuers of obligations, payors of interest, and certain recipients, and provide them with the guidance needed to comply with the law.

DATES: The regulations apply to payments of interest and original issue discount made after December 31, 1982.

FOR FURTHER INFORMATION CONTACT: Diane L. Kroupa of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC: LR: T) (202–566–3828 or 3829).

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1982, the **Federal Register** published temporary regulations (47 FR 51364) and proposed amendments (47 FR 51412) to the Income Tax Regulations (26 CFR Part 1) under section 6049 of the Internal Revenue Code of 1954. These amendments were proposed to conform the regulations to section 309 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248, 96 Stat. 591). Several written comments responding to this notice were received. A public hearing was held on January 25, 1983. After consideration of all comments regarding the proposed amendments, those amendments are adopted by this Treasury decision with several revisions in response to the comments. The revisions and the comments are discussed below.

Public Comments

The regulations provide generally that payors who pay interest and certain middlemen who receive interest on behalf of other persons must make an information return if the amount of interest paid to, or received on behalf of, such person aggregates $10 or more during the calendar year. If an amount of tax is withheld under section 3451 with respect to a payment of interest, however, an information return is required to be made irrespective of the amount of interest paid. The regulations define the term interest for purposes of information reporting. Commentators requested clarification that amounts paid with respect to commercial paper, repurchase agreements, and banker's acceptances constitute interest subject to reporting under section 6049. The regulations are amended to state specifically that such amounts constitute interest subject to reporting.

The definition of interest is also amended, due to commentators' requests for clarification, to provide that amounts that a governmental entity pays with respect to a refund of tax are not interest subject to reporting under section 6049. Interest paid on amounts held as a security deposit or interest on amounts held in escrow to guarantee performance on a contract or to provide security is also not subject to information reporting under section 6049 unless the amount is deposited in a bank or savings institution.

Merchandise or property provided to a payee as interest (or in lieu of a cash payment of interest) is interest subject to reporting under section 6049. The amount subject to reporting is the fair market value of such property.

The proposed regulations require insurance companies to report under section 6049 any interest paid when proceeds of a policy are delayed, whether or not the policy provides for an interest payment under those circumstances. Based on the comments received, the regulations are amended to require reporting of such interest only if the policy specifically provides that such interest be paid. Rev. Rul. 74–369, 1974–2 C.B. 393, holds that if interest is not paid pursuant to the terms of the policy, such interest is subject to reporting under section 6041 if it equals or exceeds $600.

Commentators also requested clarification as to whether an information return is required to be made with respect to payments made to individuals who are exempt from withholding under section 3451. The regulations are amended to clarify that information returns are required to be made with respect to interest paid to individuals who are exempt individuals for purposes of the withholding requirements. An individual who is exempt from withholding as a result to filing an exemption certificate under the withholding provisions is not thereby exempt from reporting. Thus, payors are required to make information returns reporting the amount of interest paid to such individuals.

The regulations provide that payments made to persons that are exempt recipients for purposes of the withholding requirements are not subject to reporting. Persons qualifying as exempt recipients are described in the regulations. If a recipient is exempt from withholding without filing an exemption certificate, payments made to the recipient are also exempt from reporting. Thus, in general, payments of interest made to a corporation are not subject to information reporting under section 6049.

The proposed regulations require an information return to be made to an exempt recipient, however, with respect to original issue discount. Commentators pointed out certain problems in connection with reporting original issue discount. The Treasury Department announced in a news release that the lack of information as to discount obligations would be considered reasonable cause for failure to comply until December 31, 1983, with the reporting requirements of original issue discount that were added by the Tax Equity and Fiscal Responsibility Act of 1982. The Service will publish a list of publicly traded original issue discount obligations that may be relied on in determining the amount of original issue discount subject to reporting. Beginning January 1, 1984, persons (other than the issuer of an obligation) will be able to rely on the Internal Revenue Service's publication to determine whether an obligation is issued with original issue discount and the amount of original issue discount subject to reporting. No information return is required to be made with respect to exempt recipients.

Comments received after the new release was published requested clarification of whether reporting on savings bonds and certain other discount obligations has been delayed. For long term discount obligations in registered form, information reporting was required prior to enactment of the Tax Equity and Fiscal Responsibility Act of 1982. Thus, these obligations are not within the scope of the deferred effective date for reporting on discount obligations. Savings bonds are not considered original issue discount obligations under section 1232A. Thus, reporting has not been delayed on savings bonds. For obligations issued at a discount and bearing stated interest, reporting is required on the stated interest at all times after December 31, 1982.

The proposed regulations provide that middlemen who pay interest on United States savings bonds, interest coupons, and short term discount obligations and

Federal agencies that pay interest on United States savings bonds may report on a transactional basis rather than on an annual aggregate basis. The proposed regulations require that the issuer's name, in addition to the middleman's name, be placed on the information return when an information return is made on a transactional basis. Certain commentators stated that this requirement complicated the processing of such transactions. The final regulations provide that only the middleman's name, and not the issuer's name, is required to be placed on the information return.

The proposed regulations provide that no information return is required with respect to tax exempt obligations. Commentators requested that payors be permitted to rely on their customer's written statement that an interest coupon is exempt and, therefore, not subject to information reporting. The regulations are amended to provide that a holder of a tax exempt obligation must provide written certification to the payor (other than the issuer of the obligation) that interest represented by the coupon is exempt from taxation. Payors may rely on such certifications in not making an information return with respect to such coupons. A statement that interest coupons are exempt from taxation on the envelope or "shell" commonly used by financial institutions to process such coupons, signed by the payee, will be sufficient for this purpose if the envelope is properly completed (*i.e.*, shows the payee's name, address, and taxpayer identification number). An issuer who receives the envelope or "shell" on which the payee has certified that the coupon is exempt from taxation when the obligation is not in fact tax exempt is required to make an information return.

Commentators also solicited guidance concerning the form to be used when reporting on short term discount obligations. The regulations are clarified to state that discount on short term discount obligations is treated as a payment of interest that should be reported on Form 1099–INT. This form should be used to report discount on short term government obligations as well as short term corporate obligations.

The proposed regulations provide that amounts paid to certain persons who are not United States persons will not be considered to be interest subject to reporting under section 6049. Under the proposed regulations, a payor may treat a payee as a foreign person for this purpose if the payor receives a statement, signed by the payee under penalties of perjury. In addition, if the payee is an individual, he must establish that he holds a passport from a country other than the United States. Various comments have indicated that the passport requirement is unduly burdensome, as many foreign individuals do not have passports and as, with respect to transactions effected other than in person, it is difficult administratively to confirm the possession of a non-United States passport. In response to these comments, the passport procedure has been eliminated.

The regulations have been amended to expand upon the types of information that should be provided on the statement certifying the status of a payee as a non-United States person. Specifically, the statement must contain the name, address, and taxpayer identification number (if any) of the payee. In response to a request by various commentators that a special Internal Revenue Service form be provided for this statement, the regulations have been modified to indicate that an optional form (W–8) will be provided by the Internal Revenue Service for this purpose.

Commentators also have requested clarification of the situations in which the statement described above must be provided to a payor. The regulations have been clarified to indicate that, in order to avoid reporting, the statement generally must be provided to the payor in each instance in which an exception to the definition of interest is dependent on a payee's status as a person who is not a United States person. However, the regulations have been amended to provide that the statement will not be required with respect to a particular payment made in a calendar year if, with respect to that or any other payment made by the payor to the payee in that year, the payor has received a Form 1001, a Form 4224 or other appropriate documentation indicating either that the payment is subject to reduced rates of tax under a treaty or is effectively connected with a United States trade or business of the payee. Similarly, the statement certifying the status of the payee as a foreign person is not required with respect to a particular payment made to a payee in a calendar year if the payor has actually withheld tax under subchapter A of chapter 3 of the Code on that or on any other payment made to the payee during that year.

Certain exceptions to the definition of interest are provided in the proposed regulations for amounts paid by various enumerated foreign entities (*e.g.*, a foreign corporation not engaged in trade or business in the United States during the calendar year). The regulations have been amended to provide more clearly that the exceptions apply only if one of the enumerated foreign entities is the obligor on an obligation with respect to which the amount in question is paid. Thus, the status of a paying agent or middleman as one of the enumerated foreign entities is not material to the issue of whether the amount paid by such paying agent or middleman is to be considered interest for purposes of reporting. Similarly, the fact that a paying agent or middleman is not one of such enumerated foreign entities will not cause an amount paid on an obligation issued by one of such entities to be recharacterized as interest subject to reporting.

Under the proposed regulations the person required to report is responsible for determining whether foreign currency, not readily convertible into United States dollars, is nevertheless indirectly convertible into United States dollars. The regulations have been amended to give the responsibility for making this determination to the Secretary.

Non-applicability of Executive Order 12291

The Commissioner has determined that this Treasury decison is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this regulation as it will not have a significant economic impact on a substantial number of small entities.

The impact of the requirement that information returns be made with respect to payments of interest and original issue discount is due to requirements imposed directly by the statute. In the areas in which the Service has been given significant discretion under the statute, the Service has exercised its discretion so as to minimize the potential impact of reporting while at the same time ensuring compliance with the statute.

For example, the statute permits regulations to be issued to require payors to furnish duplicate written statements to the payees of the amount of interest paid and the amount of tax withheld under section 3451, if any. The statute also permits regulations to be issued to require such payees to file this

duplicate copy of the information return with the payee's tax return. No regulations have been issued under this authority. Thus, peyors are not required to furnish duplicate copies of the information return to the payee, and payees are not required to attach the information return to their tax return.

Drafting Information

The principal author of these regulations is Diane L. Kroupa of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. Personnel from other offices of the Internal Revenue Service and Treasury Department, however, participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.6001–1—1.6109–2

Income taxes, Administration and procedure, Filing requirements, Reporting and recordkeeping.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 5f is amended by removing §§ 5f.6049–1, 5f.6049–2, and 5f.6049–3, and 26 CFR Part 1 is amended as follows:

PART 1—[AMENDED]

Paragraph 1. The headings of §§ 1.6049–1, 1.6049–2, and 1.6049–3 are revised to read as follows:

§ 1.6049–1 Returns of information as to interest paid in calendar years before 1983 and original issue discount includible in gross income for calendar years before 1983

* * * * *

§ 1.6049–2 Interest and original issue discount subject to reporting in calendar years before 1983.

* * * * *

§ 1.6049–3 Statements to recipients of interest payments and holders of obligations to which there is attributed original issue discount in calendar years before 1983.

* * * * *

§ 1.6049–1 [Amended]

Par. 2. Section 1.6049–1 is amended—

1. By removing the phrase "calendar years after 1982" each place it appears in paragraph (a)(1) (i) and (iii) and inserting in lieu thereof the phrase "calendar year before 1983",

2. By removing the phrase "calendar year after 1970" each place it appears in paragraph (a)(1)(ii)(*a*), (iv), and in paragraph (a)(5), and inserting in lieu thereof the phrase "calendar year before 1983", and

3. By adding the phrase "and on or before December 31, 1982" immediately after the phrase "issued after May 27, 1969 (other than an obligation issued by a corporation pursuant to a written commitment which was binding on May 27, 1969, and at all times thereafter)" the place it appears in paragraph (a)(1)(ii)(*a*).

§ 1.6049–2 [Amended]

Par. 3. Section 1.6049–2 is amended by adding the phrase "and on or before December 31, 1982" immediately after the phrase "issued after May 27, 1969 (other than an obligation issued pursuant to a written commitment which was binding on May 27, 1969, and at all times thereafter)" the place it appears in paragraph (c)(2).

§ 1.6049–3 [Amended]

Par. 4. Section 1.6049–3 is amended—

1. By removing the phrase "calendar year after 1982" the place it appears in paragraph (b)(1)(i) and inserting in lieu thereof the phrase "calendar year before 1983", and

2. By adding the phrase "and prior to calendar year 1983" immediately after the phrase "calendar year after 1970" the place it appears in paragraph (b)(1)(ii).

Par. 5. New §§ 1.6049–4, 1.6049–5, and 1.6049–6 are added immediately after § 1.6049–3 to read as follows:

§ 1.6049–4 Return of information as to interest paid and original issue discount includible in gross income after December 31, 1982.

(a) *Requirement of reporting*—(1) *In general.* Except as provided in paragraph (c) of this section, an information return shall be made by the persons described in paragraph (a)(2) of this section with respect to any payment of interest (as defined in § 1.6049–5) after December 31, 1982. Such return shall contain the information required in paragraph (b) of this section.

(2) *Persons required to make reports.* The persons required to make an information return under section 6049(a) and this section are—

(i) Every person who is required to deduct and withhold the tax imposed by section 3451;

(ii) Every person who makes a payment of interest aggregating $10 or more to any other person during a calendar year; and

(iii) Every person who collects (or otherwise acts as a middleman (as defined in paragraph (f)(4) of this section) with respect to) payments of interest on behalf of another person aggregating $10 or more during a calendar year.

(b) *Information to be reported*—(1) *Interest payments.* Except as provided in paragraph (b)(3) of this section, in the case of a payment of interest other than original issue discount treated as interest under § 1.6049–5(c), an information return on Forms 1096 and 1099 shall be made for the calendar year showing the aggregate amount of the payments, the name, address, and taxpayer identification number of the person to whom paid, the amount of tax deducted and withheld under section 3451 from the payments, and such other information as is required by the forms. An information return is required if the aggregate amount of interest is $10 or more unless the tax imposed by section 3451 is required to be withheld. In such event, the amount required to be shown is the amount subject to withholding even if such amount is less than $10.

(2) *Original issue discount.* Except as provided in paragraph (b)(3) of this section, in the case of original issue discount, an information return on Forms 1096 and 1099 shall be made for each calendar year of any holder of an obligation as to which there is original issue discount includible in gross income aggregating $10 or more (determined, if semiannual record date reporting is being used, under § 1.6049–1(a)(1)(ii)(*b*)(*1*), by treating each holder as holding the obligation on every day it was outstanding during the calendar year). An information return shall be made, however, in any case in which an amount of tax is required to be deducted and withheld under section 3451. In such case, the amount required to be reported is the amount subject to withholding even if the amount of original issue discount includible in gross income is less than $10. With respect to an obligation described in § 1.1232–3A (e) or (f) (relating respectively to deposits in banks and similar financial institutions and to face-amount certificates), § 1.6049–1(a)(1)(ii)(*d*) and the last sentence of § 1.6049–1(a)(1)(ii)(*a*)(*2*) shall apply. The information return shall show—

(i) The name, address, and taxpayer identification number of each record holder for whom an amount of original issue discount is includible in gross income;

(ii) The account, serial, or other identifying number of each obligation with respect to which a return is being made;

(iii) The aggregate amount of original issue discount includible in the gross income of each holder for the period during the calendar year for which the

return is made (or, if the aggregation rules of § 1.6049–1(a)(1)(ii)(*b*)(*2*) are being used, the aggregate amount or original issue discount for the period such holder held the obligations). If, however, the semiannual record date reporting rules are being used under § 1.6049–1(a)(1)(ii)(*b*)(*1*), the aggregate amount shall be determined by treating each record date holder as if he held each obligation on every day it was outstanding during the calendar year. For purposes of this section, an obligation shall be considered to be outstanding from the date of original issue (as defined in § 1.1232–3(b)(3));

(iv) The amount of tax withheld under section 3451, if any;

(v) The name and address of the person filing the return: and

(vi) Such other information as is required by the forms. Section § 1.6049–1(a)(1)(ii) (*b*) and (*c*) shall apply for purposes of this paragraph.

(3) *Returns made by middleman.* Every person acting as a middleman (as defined in paragraph (f)(4) of this section) shall make an information return on Forms 1096 and 1099 for the calendar year. In the case of interest payments (other than original issue discount), the return shall show the aggregate amount of such interest, the name, address, and taxpayer identification number of the person on whose behalf received, the amount of tax withheld under section 3451, if any, and such other information as is required by the forms. In the case of original issue discount, the return shall show the information required to be shown for the actual owner, as described in paragraph (b)(2) of this section. A middleman shall make an information return regardless of whether the middleman receives a Form 1099. A middleman shall not be required to make an information return if the payments of interest aggregate less than $10 unless such amount is subject to withholding under section 3451. If an amount of tax is required to be deducted and withheld under section 3451, a return shall be made irrespective of the amount of the payment and irrespective of whether the payment is made to an exempt recipient described in paragraph (c)(1)(ii) of this section.

(4) *Returns made with respect to payments on certificates of deposit issued in bearer form.* Every person carrying on the banking business who makes payments of interest to another person (whether or not aggregating $10 or more) during a calendar year with respect to a certificate of deposit issued in bearer form shall make an information return on Forms 1096 and 1099. The information return shall show the information required in § 1.6049–1(a)(1)(vi) (*a*) through (*e*) inclusive and a statement as to the amount of tax withheld under section 3451, if any.

(c) *Information returns not required*— (1) *Payment to exempt recipient.* (i) In the case of a payment to a person described in paragraph (c)(1)(ii) of this section, no return shall be required to be made unless such payment is made by a person required to make a return by paragraph (a)(2)(i) of this section (relating to persons required to withhold tax). Thus, a person who withholds tax under section 3451 is required to make an information return regardless of whether the payee is an exempt recipient described in paragraph (c)(1)(ii) of this section.

(ii) An information return shall not be required with respect to payments made to—

(A) A corporation as defined in section 7701(a)(3), whether domestic or foreign,

(B) An organization exempt from taxation under section 501(a) or an individual retirement plan,

(C) The United States or a State, the District of Columbia, a possession of the United States, or a political subdivision or a wholly-owned agency or instrumentality of any one or more of the foregoing,

(D) A foreign government, a political subdivision thereof, or an international organization,

(E) A foreign central bank of issue (as defined in § 1.895–1(b)(i) to be a bank which is by law or government sanction the principal authority, other than the government itself, issuing instruments intended to circulate as currency),

(F) A dealer in securities or commodities required to register as such under the laws of the United States or a State,

(G) A real estate investment trust (as defined in section 856),

(H) An entity registered at all times during the taxable year under the Investment Company Act of 1940.

(I) A common trust fund (as defined in section 584(a)).

(J) A nominee or custodian.

(K) A financial institution such as a mutual savings bank, savings and loan association, building and loan association, cooperative bank, homestead association, credit union, industrial loan association or bank, or other similar organization.

(L) A broker as defined in section 6045(c), or

(M) Any trust which—

(*1*) Is exempt from tax under section 664(c) (*i.e.*, a charitable remainder annuity trust or a charitable remainder unitrust), or

(*2*) Is described in section 4947(a)(1) (relating to a certain charitable trust).

A payor who may treat any person as an exempt recipient for withholding purposes as described in § 31.3452(c)–1 (b) through (p) without requiring such person to file an exemption certificate may treat the persons listed in this subdivision (ii)(A) through (M) as an exempt recipient for information reporting purposes. A payor shall make an information return with respect to an individual who files an exemption certificate to be exempt from withholding under section 3451. The individual is not exempt for reporting purposes. A payor shall make an information return with respect to a trust which is an exempt individual under section 3452(b)(4) and § 31.3452(b)–1(d). See § 1.6049–4(c)(2) providing that the trust satisfies the reporting requirements under section 6049 if the trust files a Form 1041 and furnishes a beneficiary a Form K–1 containing the information required to be shown on the form, including amounts withheld under section 3451.

(iii) The application of this paragraph (c) may be illustrated by the following examples:

Example (1). In 1960, Corporation Y issued 10-year debentures with 9 percent interest coupons payable semiannually on June 30 and December 31. Individual F, who is exempt from withholding under section 3451, presents a coupon for payment at Bank M on the interest payment date. Bank M transmits the coupon to Bank N, which in turn presents the coupon to Corporation Y for payment. Bank M is required to make an information return with respect to the payment to individual F under § 1.6049–4(a)(2)(iii). Bank N is not required to make an information return with respect to the payment to Bank M, and Corporation Y is not required to make an information return with respect to the payment to Bank N because Banks M and N are exempt recipients described in § 1.6049–4(c)(1)(ii)(K).

Example (2). Broker E acquires a bond issued in 1980 by the United States Treasury through the Bureau of Public Debt. Broker E sells interests in the bond to the public after December 31, 1982. A purchaser may acquire an interest in any interest payment falling due under the bond or an interest in the principal of the bond. The bond is held by Custodian H for the benefit of the persons acquiring these interests. Custodian H files an exemption certificate claiming exemption from withholding under § 31.3452(c)–1(n). On receipt of interest and principal payments under the bond, Custodian H transfers the amount received to the person whose ownership interest corresponds to the component giving rise to the payment. Under section 1232B, each bond component is treated as a bond issued with original issue discount equal to the excess of the stated redemption price at maturity over the

purchase price of the bond component. Accordingly, H is required to make an information return setting forth the information required in § 1.6049–4(b)(2) with respect to each holder of an interest in the bond. The Bureau of Public Debt is not required to make an information return since it made payment to Custodian H who is an exempt recipient described in § 1.6049–4(c)(1)(ii)(J).

Example (3). On January 1, 1984, the United States Treasury through the Bureau of Public Debt issues $1 million of obligations with a maturity of 1 year or less. The obligations are represented by entries on records maintained through Federal Reserve banks and branches for the account of member banks of the Federal Reserve system. Bank O, which is a member bank of the Federal Reserve system, tenders an offer for $100,000 of the obligations. The Federal Reserve opens an account for Bank O showing that it owns $100,000 of the obligations. When Bank O sells any of these obligations to an investor, it maintains a book entry account showing such investor's ownership. Upon maturity, the United States Treasury credits the amount due the Federal Reserve bank holding an interest in the obligation. The Federal Reserve bank in turn credits the account of Bank O, which then credits the accounts of the persons owning the obligations. Bank O must make the information return required under section 6049 and this section with respect to the payments made by it to persons not described in § 1.6049–4(c)(1). Thus, if, at maturity of the obligation, Bank O held an obligation on its books for D, an individual, Bank O is required to make an information return with respect to the payment made to individual D. Neither the Bureau of Public Debt nor the Federal Reserve bank is required to make an information return since such payments were made to persons described in § 1.6049–4(c)(1)(ii).

Example (4). Assume the same facts as example (3) except a brokerage house buys the $100,000 of obligations through the Federal Reserve bank. The Federal Reserve maintains a book entry account showing that a member bank holds $100,000 of obligations for a brokerage house. The brokerage house sells these obligations to its customers. The brokerage house holds $50,000 of the obligations for a pension trust, $30,000 of the obligations for Corporation Z, and $10,000 of the obligations each for Individuals I and J. The brokerage house is required to make an information return with respect to the payments of interest at maturity on the obligations it holds for its customers who are not described in § 1.6049–4(c)(1). Thus, the brokerage house is required to make an information return with respect to the payments made to Individuals I and J. No information return is required with respect to the payments made to the pension trust or Corporation Z because such persons are exempt recipients described in § 1.6049–4(c)(1)(ii). The Bureau of Public Debt and the Federal Reserve bank are not required to make an information return because they made payment to a person described in § 1.6049–4(c)(1)(ii).

(2) *Payments by certain middlemen.* An information return shall not be required if—

(i) The record owner is required to file a fiduciary return on Form 1041 disclosing the name, address, and taxpayer identification number of the actual owner, and furnishes Form K–1 to each actual owner containing the information required to be shown on the form, including amounts withheld under section 3451;

(ii) The record owner is a nominee of a banking institution or trust company exercising trust powers, and such banking institution or trust company is required to file a fiduciary return on Form 1041 disclosing the name, address, and identifying number of the actual owner, and furnishes Form K–1 to each actual owner containing the information required to be shown on the form, including amounts withheld under section 3451;

(iii) The record owner is a banking institution or trust company exercising trust powers, or a nominee thereof, and the actual owner is an organization exempt from taxation under section 501(a) for which such banking institution or trust company files an annual return, but only if the name, address, and taxpayer identification number of the record owner is included on or with the Form 1041 fiduciary return filed for the estate or trust or the annual return filed for the tax exempt organization.

(d) *Special rules*—(1) *Aggregation of payments.* For purposes of paragraph (b) of this section, until such time as the Commissioner determines that it is feasible to require aggregation of payments on two or more accounts, insurance contracts, or investment certificates, and, until this section is amended accordingly to provide for reporting on an aggregate basis, the requirement for filing Form 1099 under this section will be met if a person making payments of interest subject to reporting files a separate Form 1099 with respect to each account, insurance contract, or investment certificate. In the case of obligations described in section 6049(b)(1)(A), separate Forms 1099 may be filed as provided in the preceding sentence with respect to holdings in different issues.

(2) *Treatment of original issue discount.* The amount of original issue discount subject to reporting under section 6049 shall be the amount of original issue discount includible in the gross income of any holder that is treated as paid under § 1.6049–5(c).

(3) *Conversion of amounts paid in foreign currency into United States dollars*—(i) *Convertible foreign currency.* In the event that an amount of interest or an amount of original issue discount on an obligation with a maturity at issue of not more than 1 year is paid or credited in convertible foreign currency, the amount shall be converted into United States dollars, and the amount subject to reporting under section 6049 shall be computed on such United States dollar amount, on the date of the payment or crediting. For this purpose, the term "convertible foreign currency" means currency of a foreign country that either is readily convertible into United States dollars or is of a type the Secretary determines is to be treated as a convertible foreign currency from the date specified in a notice of such determination published in the **Federal Register.**

(ii) *Nonconvertible foreign currency.* [Reserved]

(iii) *Original issue discount on foreign currency obligations with a maturity at issue of more than 1 year.* [Reserved]

(4) *Determination of person to whom interest or original issue discount is paid or for whom it is received.* Section 1.6049–1(a)(3) and (4) shall apply with respect to payments of interest and original issue discount after December 31, 1982.

(5) *Payments by governmental units.* In the case of payments made by any governmental unit or any agency or instrumentality thereof, the officer or employee having control of the payment of interest or original issue discount (or the person appropriately designated for purposes of this section) shall make the returns and statements required under section 6049.

(6) *When payment deemed made*—(i) *In general.* Except as provided in paragraph (d)(6)(ii) of this section, for purposes of section 6049, interest is deemed to have been paid when it is credited or set apart to a person without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and is made available to him so that it may be drawn at any time, and its receipt brought within his own control and disposition.

(ii) *Instruments paid on presentment or demand.* In the case of a payment made on an obligation described in paragraph (e)(2) of this section (relating to transactional reporting), interest is deemed to have been paid at the time the obligation is presented for payment. For example, interest represented by a coupon detached from a bond is considered paid for purposes of section 6049 when the coupon is presented for payment.

(7) *Permission to submit information required by Form 1099 on magnetic tape.*

For rules relating to permission to submit the information required by Form 1099 on magnetic tape or other media, see § 1.9101–1.

(8) *Obligations that are not exempt from taxation.* When an issuer of an obligation that is not exempt from taxation receives an envelope or "shell", signed by the payee, stating that interest on the obligation is exempt from taxation under section 103(a) (as described in § 1.6049–5(b)(1)(ii)), the issuer shall make an information return under section 6049. The information return shall show the name, address, and taxpayer identification number of the person who signed the statement claiming that interest on the obligation is exempt from taxation, the amount of interest paid, and such other information as is required by the form. An information return is required regardless of the amount of interest. The issuer shall also furnish a written statement to such person showing the information required by § 1.6049–6(b).

(9) *Savings bonds*—(i) *In general.* A person who makes payment on a United States savings bond when the bond is presented for payment shall report the difference between the amount to be paid and the amount paid for the bond. The amount subject to reporting shall not be reduced to take into account—

(A) Amounts previously included in the income of a holder as a result of an election under section 454 to include annually the increase in the redemption price of the bond; or

(B) Amounts accrued prior to transfer of the bond where the bond has been reissued in the name of the person presenting the bond for payment.

With respect to a savings bond that is reissued in another person's name, the amount subject to reporting when the bond is reissued is the amount of interest that has accrued. With respect to a savings bond that is exchanged in a tax-deferred transaction (as described in section 1037), the amount subject to reporting is the amount of cash paid to the holder at the time of the transaction.

(ii) *Examples.* The application of the provisions of paragraph (d)(10)(i) of this section may be illustrated by the following examples:

Example (1). On June 10, 1943, A purchases a $50 Series E savings bond. The amount paid for the savings bond is $37.50. A elects under section 454 to include the increase in the redemption price of the bond annually in income. A presents the bond to Bank M to be cashed on July 1, 1983. The amount to be paid on the bond on that date is $204.96. Bank M is required to make an information return under section 6049 showing that it paid $167.46 (the difference between $204.96 and $37.50) of interest, without regard to A's election to include annually the increase in the redemption price of the bond.

Example (2). On December 1, 1970, B purchases a $500 Series E savings bond. The amount paid for the bond is $375. On August 1, 1984, the bond is reissued by the Bureau of Public Debt by deleting B's name and inserting the name of B's child. At the time of reissue, the redemption value of the bond is $1,015.80. The accrued interest is $640.80 (the difference between $1,015.80 and $375). The reissue is a taxable transaction, and B must include in income the accrued interest at the time of reissue. The Bureau of Public Debt is required to make an information return under section 6049 showing that it paid $640.80 of interest to B.

Example (3). Assume the same facts as in example (2) except that B exchanges the bond for a Series HH savings bond in the amount of $1,000 issued in B's name. The exchange is tax-deferred under section 1037. The Bureau of Public Debt stamps a legend on the bond stating that interest of $625 has been deferred. The amount of $15.80 is paid to B. The Bureau of the Public Debt must make an informatiion return showing that it paid $15.80 of interest to B.

Example (4). Assume the same facts as in example (3) except that the exchange is not a tax-deferred exchange. The Bureau of the Public Debt must make an information return showing that it paid $640.80 of interest to B.

(e) *Transactional reporting*—(1) *In general.* An information return required to be made under paragraph (b) of this section may be made on a transaction-by-transaction basis, rather than on an annual aggregation basis, if payment described in paragraph (e)(2) of this section is made by a person described in paragraph (e)(3) of this section.

(2) *Payments subject to transactional reporting.* An information return may be made on a transactional basis if payment is made on—

(i) A United States savings bond,

(ii) An interest coupon (but see § 1.6049–5(b) which provides that no information return is required to be made with respect to an interest coupon that is exempt from taxation),

(iii) A discount obligation having a maturity at issue of 1 year or less, including commercial paper and short-term government obligations defined in section 1232(a)(3), and

(iv) Any obligation similar to those described in subdivisions (i) through (iii), The information return with respect to payments on the types of obligations described in this paragraph shall be made on Form 1099–INT. A payor may include all interest paid in one transaction on one information return, irrespective of whether obligations of different issuers are paid as part of the transaction.

(3) *Persons subject to transactional reporting.* A person may make a return on a transactional basis if the person is—

(i) A middleman (as defined in paragraph (f)(4) of this section) who is required to make an information return under paragraph (b)(3) of this section with respect to any payment described in paragraph (e)(2) of this section, or

(ii) A federal agency making payments on a United States savings bond.

(4) *Transaction defined.* For purposes of this paragraph (e), a transaction means a payment at one time on one or more obligations. For example, if an individual who is exempt from withholding under section 3451 presents at one time five Series EE bonds on each of which $3 of interest has accrued, $15 of interest will be paid as part of the transaction. Accordingly, an information return is required under § 1.6049–4 (a)(2)(iii) because the interest paid in the transaction exceeds $10. If only three of the savings bonds were presented, however, no return would be required even if the remaining two bonds were redeemed the following day. See paragraph (a)(2)(i) of this section for the requirement that an information return be made if any amount of tax is withheld under section 3451.

(5) *Information required.* The information return for any transaction under paragraph (e) of this section shall show the following:

(i) The name, address, and taxpayer identification number of the person to whom the interest is paid;

(ii) The name and address of the person filing the form;

(iii) The amount of interest paid;

(iv) The amount of tax withheld under section 3451 if any; and

(v) Such other information as is required by the form.

(f) *Definitions.* For purposes of section 6049, this section, and §§ 1.6049–5 and 1.6049–6—

(1) *Person.* The term "person" includes any governmental unit, international organization, and any agency or instrumentality thereof. Therefore, interest paid by one of these entities must be reported unless one of the exceptions under section 6049 applies.

(2) *Natural person.* The term "natural person" means any individual, but shall not include a partnership (whether of not composed entirely of individuals), a trust, or an estate.

(3) *Obligation.* The term "obligation" includes bonds, debentures, notes, certificates, and other evidences of indebtedness regardless of how denominated.

(4) *Middleman*—(i) *In general.* The term "middleman" means any person, including a financial institution as described in paragraph (c)(1)(K) of this

section, a broker as defined in section 6045(c), or a nominee, who makes payment of interest for, or collects interest on behalf of, another person, or otherwise acts in a capacity as intermdiary between a payor and a payee. For example, a person (other than an issuer of an obligation) who makes payment on an interest coupon of the obligation to another person is a middleman, irrespective of whether such person purchases the coupon for his own account, accepts the coupon as agent for the payee, or otherwise deals with the coupon. The term "middleman" also includes a trustee, including a corporate trustee of a trust where the trust is the payee. See § 1.6049–4(c)(2) providing that the trustee does not have to make an information return on Form 1099 to a beneficiary if the trustee is required to file Form 1041 and furnishes Form-K–1 to the beneficiary showing the information required to be shown on the form, including amounts withheld under section 3451. A person shall not be considered to be a middleman as to any portion of an interest payment which is actually owned by another person whose name is also shown on the information return filed with respect to such interest payment. Thus, in the case of a savings account jointly owned by a husband and wife, the husband will not be considered as acting in the capacity of a middleman with respect to his wife if his wife's name is included on the information return filed by the payor with respect to the interest.

(ii) *Example.* The application of the provisions of paragraph (f)(4) of this section may be illustrated by the following example:

Example. In January, 1984, Broker B purchases on behalf of its customer, Individual A, and obligation issued by partnership RR in a public offering on that date. Broker B holds the obligation for A throughout 1984. The obligation bears no stated interest and matures in January 1986. Broker B is a middleman with respect to the obligation of RR that it holds for A. Broker B is required to make an information return showing the amount of original issue treated as paid to A during 1984 under § 1.6049–5(c).

(g) *Time and place for filling a return for the payment of interest*—(1) *Annual return.* Except as provided in paragraph (g)(2) of this section, the returns required under this section for any calendar year for the payment of interest shall be filed after September 30 of such year, but not before the payor's final payment to the payee for the year, and on or before February 28 of the following year. Such returns shall be filed with the appropriate Internal Revenue Service Center, the address of which is listed in the instructions for Form 1096. For extensions of time for filing returns under this section, see § 1.6081–1.

(2) *Transactional return.* In the case of a return under paragraph (e) of this section, relating to returns on a transactional basis, such return shall be filed at any time but in no event later than February 28 of the year following the calendar year in which the interest was paid. The return shall be filed with the appropriate Internal Revenue Service Center, the address of which is listed in the instructions for Form 1096. For extensions of time for filing returns under this section, see § 1.6081–1

§ 1.6049–5 Interest and original issue discount subject to reporting after December 31, 1982

(a) *interest subject to reporting requirement.* For purposes of §§ 1.6049–4, 1.6049–6 and this section, except as provided in paragraph (b) of this section, the term "interest" means—

(1) Interest on an obligation—

(i) In registered form (as defined in § 5f.103–1(c)), or

(ii) Of a type offered to the public. Principles consistent with § 5f.163–1 shall be applied to determine whether an obligation is of a type offered to the public.

(2) Interest on deposits with persons carrying on the banking business. Such term shall include deposits evidenced by time certificates of deposit issued in any amount whether negotiable or non-negotiable. The term "interest" includes payments to a mortgage escrow account and amounts paid with respect to repurchase agreements and banker's acceptances. Property which the payee receives from the payor as interest (or in lieu of a cash payment of interest) shall be interest for purposes of section 6049. The amount subject to reporting is the fair market value of such property.

(3) Amounts, whether or not designated as interest, paid or credited by mutual savings banks, savings and loan associations, building and loan associations, cooperative banks, homestead associations, credit unions industrial loan associations or banks, or similar organizations, in respect of deposits, face amount certificates, investment certificates, or withdrawable or repurchasable shares. Thus, even though amounts paid or credited by such organizations with respect to deposits are designated as "dividends", such amounts are included in the definition of interest for purposes of section 6049. The term "interest" includes payments to a mortgage escrow account and amounts paid with respect to repurchase agreements. Property which the payee receives from the payor as interest (or in lieu of a cash payment of interest) is "interest" for purposes of section 6049. The fair market value of such property is the amount subject ot reporting.

(4) Interest on amounts held by insurance companies under an agreement to pay interest thereon. Any increment in value of "advance premiums" "prepaid premiums", or "premium deposit funds" which is applied to the payment of premiums due on insurance policies, or made available for withdrawal by the policyholder, shall be considered interest subject to reporting. Interest that an insurance company pays pursuant to an agreement with the policyholder to a beneficiary because the payment due has been delayed is interest subject to reporting. Interest subject to reporting also includes interest paid by insurance companies with respect to policy "dividend" accumulations (see sections 61 and 451 and the regulations thereunder for rules as to when such interest is considered paid), and interest paid with respect to the proceeds of insurance policies left with the insurer. The so-called "interest element" in the case of annuity or installment payments under life insurance or endowment contracts does not constitute interest for purposes of section 6049.

(5) Interest on deposits with brokers as defined in section 6045(c) and the regulations thereunder. Any payment made in lieu of interest to a person whose obligation has been borrowed in connection with a short sale or other similar transaction is subject to reporting under section 6049.

(6) Interest paid on amounts held by investment companies as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. section 80 a-3) and on amounts invested in other pooled funds or trusts. For purposes of section 6049, interest paid on amounts invested in pooled funds or trusts, such as mortgage pass-through certificates or mortgage participation certificates, shall be considered to be the interest paid as stated on the certificate, and shall not be the interest on any notes or obligations underlying such certificates. See§ 1.6049–4(c)(2) providing that in the case of interest paid on amounts invested in such pooled funds or trusts, the reporting, requirements of section 6049 shall be considered satisfied if the issuer files Form 1041 as the fiduciary of a grantor trust and furnishes Form K–1 to each beneficiary, containing the information required by the form, including amounts withheld under section 3451. See§ 31.3454(a)–1(a)(7) for the provisions relating to withholding.

(b) *Interest excluded from reporting requirement*—(1) *In general.* The term "interest" does not include—

(i) Interest on any obligation issued by a natural person as defined in § 1.6049–4(f)(2) irrespective of whether such interest is collected on behalf of the holder of the obligation by a middleman.

(ii) Interest on any obligation if such interest is exempt from taxation under section 103(a), relating to certain governmental obligations, or interest which is exempt from taxation under any other provision of law without regard to the identity of the holder. The holder of a tax exempt obligation must provide written certification to the payor (other than the issuer of the obligation) that the obligation is exempt from taxation. A statement that interest coupons are tax exempt on the envelope or "shell" commonly used by financial institutions to process such coupons, signed by the payee, will be sufficient for this purpose if the envelope is properly completed (*i.e.*, shows the name, address, and taxpayer identification number of the payee). A payor may rely on such written certification in treating such interest as tax exempt for purposes of section 6049. See § 1.6049–4(d)(8) with respect to the requirement that the issuer of a taxable obligation shall make an information return if such issuer receives and envelope which improperly claims that the interest coupons contained therein are tax exempt.

(iii) Interest on amounts held in escrow to guarantee performance on a contract or to provide security. However, interest on amounts held in escrow with a person described in paragraph (a) (2) or (3) of this section is interest subject to reporting under section 6049.

(iv) Interest that a governmental unit pays with respect to tax refunds.

(v) Interest on deposits posted for security, such as deposits posted with a public utility company. However, interest on deposits posted for security with a person described in paragraph (a) (2) or (3) of this section is interest subject to reporting under section 6049.

(vi) Any amount paid to—

(A) Any nonresident alien or foreign corporation, if the amount paid is subject to withholding of tax under subchapter A of chapter 3 of the Code by the person paying such amount, or

(B) Any nonresident alien or foreign corporation, if the amount paid would be subject to withholding of tax under subchapter A of chapter 3 of the Code by the person paying such amount but for the fact that—

(*1*) Under section 862(a)(1) such amount is considered to be from sources outside the United States,

(*2*) The amount is exempted from withholding of tax by reason of the provisions of a tax treaty,

(*3*) The amount of tax is exempt from withholding of tax under section 1441(a) or 1442(a) by reason of the application of section 1441(c) and paragraph (a) or (f) of § 1.1441–4, or

(*4*) The amount is original issue discount (within the meaning of section 1232 (b)(1)),

(vii) Any amount paid with respect to an obligation of, or a deposit with, an issuer or other obligor which is—

(A) A foreign government or international organization or any agency or instrumentality thereof,

(B) A foreign central bank of issue,

(C) A foreign corporation not engaged in trade or business in the United States within the calendar year of the payment,

(D) A foreign corporation, the interest payments of which would be exempt from withholding under subchapter A of chapter 3 of the Code if such an amount were paid to a person who is not a United States person, or

(E) A partnership which is not engaged in a trade or business in the United States within the calendar year of the payment and which is composed in whole of nonresident alien individuals or persons described in paragraph (b)(1)(vii) (A) through (C) of this section.

(viii) Any amount on which the person making the payment is required to deduct and withhold a tax under section 1451 (relating to tax-free convenant bonds), or would be so required but for section 1451(d) (relating to benefit of personal exemptions).

(ix) Any amount not otherwise described in paragraph (b)(1) of this section which is paid outside the United States and which is income from sources outside the United States within the meaning of section 862(a)(1).

(2) *Amount paid to persons who are not United States persons.* (i) A payor may treat an amount as an amount described in paragraph (b)(1)(vi)(A) of this section if such payor in fact withholds tax on such amount under subchapter A of chapter 3 of the Code in accordance with the provisions of chapter 3.

(ii) Unless it has actual knowledge that the payee of an amount is a United States person, a payor may treat such amount as an amount described in paragraph (b)(1)(vi)(B)(2) of this section if with respect to such amount the payor is provided by the payee with a Form 1001 in accordance with § 1.1441–6 (b) or (c), or with a certificate or corresponding letter in accordance with § 1.1441–6(c)(3).

(iii) Unless it has actual knowledge that the payee of an amount is a United States person, a payor may treat such amount as an amount described in paragraph (b)(1)(vi)(B)(3) of this section if with respect to such amount it has received a Form 4224 from the payee in accordance with § 1.1441–4(a) or has on file with respect to such amount a notice described in § 1.1441–4(f)(2)(ii).

(iv) Unless it has actual knowledge that the payee of an amount is a United States person, a payor may treat such amount as an amount described in paragraph (b)(1)(vi)(B) (*1*) or (*4*) of this section if it receives a statement, signed by the payee under penalties of perjury, certifying that the payee is not a United States person, or, in the case that the payee is an indivudual, that he is neither a citizen nor a resident of the United States. In addition to such certification, the statement shall contain the name of the payee, the address of the payee, and the taxpayer identification number (if any) of the payee. The address provided for an individual shall be that of his permanent residence; the address provided for a partnership or corporation shall be the address of its principal office; and the address provided for a trust or an estate shall be the address of the permanent residence or principal office of any fiduciary of the trust or estate. The statement may be made, at the option of the payor on a Form W–8 or on a form prepared by the payor which is substantially similar to Form W–8. Blank copies of Form W–8 will be supplied to payors upon request to the district director. The statement must be received by the payor in the calendar year in which the payment is made or collected or in either of the preceding 2 calendar years. The payor, however, may require the statement from the payee each time it makes a payment to, or collects an amount on behalf of, the payee. The payor shall retain the statement for at least 4 years following the end of the last calendar year during which the amount to which the statement relates, is paid or collected. If the person providing the statement becomes a United States citizen or resident during the period to which the statement relates such person shall notify the payor in writing within 30 days of such change in status. In the case of a trust or an estate, the statement shall be provided by a fiduciary, as defined in section 7701(a)(6), on behalf of the trust or estate; and in the case of a partnership, the statement shall be provided by any general partner on behalf of the

partnership. The payor need not receive the statement described in this paragraph (b)(2)(iv) with respect to an amount paid to a payee druing a calendar year if, with respect to any other payment to such payee in that year, the payor has withheld tax under subchapter A of chapter 3 of the Code in accordance with the provisions of chapter 3 or if, with respect to any amount that is or may be paid to the payee during that year, the payor has received the documentation described in paragraph (b)(2) (ii) or (iii) of this section in accordance with the provisions of § 1.1441–4 or § 1.1441–6.

(3) *Amounts paid by certain foreign obligors and amounts from sources outside the United States.* (i) The provisions of this paragraph (b)(3)(i) apply with respect to determinations made by paying agents and middlemen as to whether an amount is paid with respect to an obligation or deposit of an entity described in paragraph (b)(1)(vii) of this section and as to whether an amount is income from sources outside the United States for purposes of paragraph (b)(1)(ix) of this section. Absent actual knowledge to the contrary, a paying agent or middleman may treat an entity as a foreign government, an international organization, or a foreign central bank of issue if the paying agent or middleman could treat such entity as an exempt recipient without requiring an exemption certificate as provided in § 31.3452(c)–1 (g), (h), or (i). Absent actual knowledge to the contrary, a middleman generally may treat a corporation as a foreign corporation if its name reasonably so indicates and may treat such corporation as a corporation either which is not engaged in trade or business within the United States or the interest payments of which would be exempt from withholding under subchapter A of chapter 3 of the Code if such payments were made to a person who is not a United States person. However, a paying agent of, or a middleman having a contractual relationship with, the foreign corporation with respect to the payment or collection of an amount must receive a statement, signed under penalties of perjury, from the secretary or other authorized representative of the foreign corporation either that the corporation is not, or does not expect during the calendar year of payment to be, engaged in trade or business in the United States or that the interest paid by the foreign corporation would be exempt from withholding under subchapter A of chapter 3 of the Code if such interest were paid to a person who is not a United States person. Absent actual knowledge to the contrary, a middleman generally may treat a domestic corporation as as corporation the interest payments of which would not be subject to withholding under subchapter A of chapter 3 of the Code if such payments were made to a person who is not a United States person if an annual report, offering circular, or other standard source of financial information published by the corporation reasonably so indicates. However, a paying agent of, or middleman having a contractual relationship with, a domestic corporation with respect to the payment or collection of an amount may, absent actual knowledge to the contrary, treat a domestic corporation as such a corporation only if the secretary or other authorized representative of the corporation provides the paying agent or middleman with a statement, signed under penalties of perjury, that interest paid by such corporation would not be subject to withholding under subchapter A of chapter 3 of the Code if such interest were paid to a person who is not a United States person. A paying agent or middleman may, absent actual knowledge to the contrary, treat a partnership as a partnership which is not engaged in trade or business in the United States during the calendar year of payment and which is composed in whole of nonresident alien individuals or persons described in paragraph (b)(1)(vii) (A), (B), or (C) of this section if it receives a statement, signed under penalties of perjury, from any general partner of the partnership that the partnership is not, and is not expected during the calendar year of the payment to be, engaged in trade or business in the United States and that all of its partners are, and are expected during the calendar year of payment to be, nonresident alien individuals or persons described in paragraph (b)(1)(vii) (A), (B), or (C) of this section. A statement received by a paying agent or middleman in accordance with the provisions of this paragraph (b)(3) must be provided to such paying agent or middleman in the calendar year in which a payment is made or collected or in either of the 2 preceding calendar years. The paying agent or middleman may, however, require such a statement from the corporation or partnership each time it makes a payment for the corporation or partnership. The paying agent or middleman shall retain the statement for at least 4 years following the end of the last calendar year during which an amount to which the statement relates is paid or collected. If after providing such statement the status of the corporation or partnership changes from that reflected in the statement, the corporation or partnership shall notify the paying agent or middleman within 30 days of such change in status.

(ii) Notwithstanding the provisions of paragraph (b)(1)(vii) of this section, amounts described in such paragraph are considered to be interest for purposes of this section when paid within the United States to a United States person. In such case, the person required to report under section 6049 is the payor which makes the payment within the United States. For purposes of this paragraph, the term "United States person" is defined in section 7701(a)(30).

(iii) Paragraph (b)(3)(ii) of this section shall not apply with respect to an international organization (as described in paragraph (b)(1)(vii)(A) of this section) which is paying interest within the United States if the international organization is an organization of which the United States is a member and which enjoys immunity with respect to the inviolatability of its archives pursuant to an international agreement having full force and effect in the United States.

(iv) For purposes of paragraph (b)(3)(ii) of this section, a payor may, unless it has actual knowledge to the contrary, treat a person to whom it makes a payment within the United States as a person who is not a United States person if, during the calendar year of payment, it withholds tax on any amount paid to such person under subchapter A of chapter 3 of the Code in accordance with the provisions of chapter 3 or, if, with respect to any amount which is or may be paid to such person during that calendar year, it has received documentation described in paragraph (b)(2) (ii), (iii), or (iv) of this section in accordance with the provisions of such paragraphs and of § 1.1441–4 or § 1.1441–6.

(4) *Examples.* The application of paragraph (b) of this section may be illustrated by the following examples:

Example (1). Corporation X is a foreign corporation which is not engaged in trade or business in the United States during the calendar year. A, a United States citizen, holds bonds of Corporation X that were issued in a public offering. A collects the interest on such bonds by presenting the coupons to M, a paying agent of Corporation X whose office is in the United States. Amounts paid with respect to obligations of Corporation X are generally not considered to be interest for purposes of section 6049 since Corporation X is an entity described in paragraph (b)(1)(vii)(C) of this section. However, because M makes a payment of such amounts within the United States to a

United States person, the payment by M is considered to be a payment of interest for purposes of section 6049, and M is required to report under section 6049.

Example (2). The facts are the same as in example (1) except that A presents his coupons directly to Corporation X at its office in the United States. In accordance with paragraph (b)(3)(ii) of this section, the payment by Corporation X with respect to the coupons is considered to be a payment of interest for purposes of section 6049, and Corporation X is required to report.

Example (3). The facts are the same as in example (1) except that A is a non-resident alien individual. A provides M with the statement described in paragraph (b)(2)(iv) of this section, which certifies that A is not a United States citizen or resident. Unless M has actual knowledge that the statement provided by A is false, M may rely on such statement and is not required to report under section 6049.

Example (4). The facts are the same as in example (1) except that Corporation X is engaged in trade or business in the United States and 50 percent or more of its gross income for the preceding 3-year period described in section 861(a)(1)(C) has been income which is effectively connected to its United States trade or business. Corporation X is not a beneficiary of an income tax treaty to which the United States is a party. A presents its coupons for payment directly to Corporation X at its office outside the United States. The amount paid by Corporation X is not excluded from the definition of interest for purposes of section 6049 under either paragraph (b)(1)(vii) (C) or (D) of this section since Corporation X is engaged in trade or business in the United States and since all or a portion of the interest paid by it would be subject to withholding under subchapter A of chapter 3 of the Code if such interest were paid to a person who is not a United States person. Therefore, Corporation X is required to report the amount paid to A under section 6049.

Example (5). The facts are the same as in example (4) except that Corporation X is a resident of a country which has an income tax treaty with the United States that precludes the United States from imposing tax on interest paid by residents of that country to persons who are not United States persons. Under paragraph (b)(1)(vii)(D) of this section, the amount paid by Corporation X on its bonds is not considered to be interest for purposes of section 6049 since, by reason of the application of a treaty, interest paid by Corporation X would be exempt from withholding under subchapter A of chapter 3 of the Code if such interest were paid to a person other than a United States person. Corporation X is not required to report on the amounts paid to A under section 6049.

Example (6). The facts are the same as in example (5) except that A presents its coupons from the Corporation X bonds for payment to N, a paying agent of Corporation X in the United States. The payment by N to A is considered to be a payment of interest under paragraph (b)(3)(ii) of this section, and N is required to report the payment to A under section 6049.

Example (7). Corporation Y is a domestic corporation, all of the gross income of which for the 3-year period described in section 861 (a)(1)(B) has been from sources outside the United States. B, a United States citizen, holds bonds issued by Corporation Y in a public offering. B presents the coupons from such bonds for payment to Corporation Y at an office maintained by Corporation Y outside the United States. Under paragraph (b)(1)(ix) of this section, the amounts paid by Corporation Y are not considered to be interest for purposes of section 6049 since such amounts are considered to be from sources outside the United States under sections 861(a)(1)(B) and 862(a)(1) and are paid outside the United States. Corporation Y is not required under section 6049 to report its payment to B.

Example (8). D has a deposit in an account maintained with a foreign branch of R, a domestic corporation which carries on a commercial banking business. R makes payment of amounts with respect to such deposit outside the United States. Such amounts are considered to be income from sources outside the United States under sections 861(a)(1)(F)(i) and 862(a)(1) and, in accordance with paragraph (b)(1)(ix) of this section, are not considered to be interest for purposes of section 6049. Therefore, R is not required to report under section 6049 regardless of whether D is or is not a United States person.

Example (9). The facts are the same as in example (8) except that D's deposit is in a Puerto Rican branch of a United States bank. The amounts paid with respect to such deposit are income from sources outside the United States within the meaning of sections 861(a)(1)(F)(i) and 862(a)(1). In accordance with the provisions of paragraph (b)(1)(ix) of this section, such amounts are not considered to be interest for purposes of section 6049, and R is not required by section 6049 to report the amounts paid to D regardless of whether D is or is not a United States person.

Example (10). E, a nonresident alien individual, maintains an account in the United States with Corporation S, a domestic corporation which carries on a commerical banking business. S receives the statement described in paragraph (b)(2)(iv) of this section from E with respect to the amount paid on the deposit in E's account with S. The amount paid by S to E with respect E's deposit is considered to be from sources outside the United States under sections 861(a)(1)(A) and 862(a)(1) and is not subject to withholding under subchapter A of chapter 3 of the Code. In accordance with provisions of paragraph (b)(1)(vi)(B)(1) of this section, such amount is not considered to be interest for purposes of section 6049. Thus, S is not required to report.

Example (11). U is a domestic corporation which is engaged in a commerical banking business in the United States and outside the United States through a foreign branch. F, an alien individual resident of the United States, holds a non-deposit obligation of U which is a part of a public debt issuance. F makes a demand for payment of the interest due on such obligation at the foreign branch of U. The amount paid by U is considered to be income from sources within the United States under section 861(a)(1) and is considered to be interest under section 6049. U, therefore, is required to report the payment to F under section 6049.

Example (12). The facts are the same as in example (11) except that the obligation held by F was issued by W, a wholly-owned foreign subsidiary of U. W is not engaged in trade or business in the United States during the calendar year. F makes a demand for payment at the office of W outside the United States. Under paragraph (b)(1)(vii)(C) of this section, the amounts paid by W to F are not considered to be interest for purposes of section 6049. Therefore, W is not required under section 6049 to report the payment to F, regardless of whether F is or is not a United States person.

Example (13). Q, a domestic corporation, acts within the United States as custodian for G with respect to obligations of Z that are owned by G. G is a nonresident alien individual who is a resident of a country with which the United States has an income tax treaty. Z is a foreign corporation the interest payments of which would not be subject to withholding under subchapter A of chapter 3 of the Code if such payments were made to a person who is not a United States person. During the preceding calendar year, Q received a Form 1001 from G in accordance with the provisions of § 1.1441–6(c) with respect to interest paid on other corporate obligations held by Q on G's behalf. During the present calendar year Q collects amounts paid on the Z obligations on behalf of G. G does not give Q the statement described in paragraphs (b)(2)(iv) and (b)(3)(iv) of this section with respect to such amounts. However, as the Form 1001 submitted by G in the preceding calendar year is effective during the present calendar year with respect to certain amounts that are or may be paid to G, Q is not required to report on the amounts collected on G's behalf with respect to the Z obligations.

(c) *Original issue discount treated as payment of interest.* In determining whether an obligation is one which was issued at a discount and the amount of discount which is includible in income of the holder, a payor (other than the issuer of the obligation) may rely on the Internal Revenue Service's publication of publicly traded original issue discount obligations. In the case of an obligation as to which there is during any calendar year an amount of original issue discount includible in the gross income of any holder (as determined under sections 1232 and 1232A and the regulations thereunder), the issuer of the obligation or a middleman (as defined in § 1.6049–4(f)(4)) shall be treated as having paid to such holder during such calendar year an amount of interest equal to the amount of original issue discount so includible without regard to any reduction by reason of a purchase allowance under section 1232(a)(2)(C)(ii), 1232A (a)(6) or (b)(4) or a purchase at a premium under 1232A(c)(4)(A) or paragraph (d)(2) of § 1.1232–3. Thus, the determination of

the amount of original issue discount includible in the gross income of any holder with respect to any obligation shall be determined as if any holder of the obligation were the original holder. In the case of (1) an obligation to which section 1232A does not apply (for example, a short-term government obligation as defined in section 1232(a)(3)) and (2) an obligation issued on or before December 31, 1982, in bearer form, the amount of original issue discount includible in gross income shall be treated as if paid in the calendar year in which the date of maturity occurs or in which the date of redemption occurs if redemption occurs before maturity. The amount subject to reporting on an obligation issued in bearer form with a maturity at the date of issue of more than 1 year (a long term obligation) is the amount of original issue discount includible in the gross income of the holder during the calendar year of maturity or redemption if redemption occurs before maturity. The amount of original issue discount subject to reporting on a long term obligation shall not be reduced to reflect any purchase allowance. Discount on short term government obligations as defined in section 1232(a)(3), such as Treasury bills, and discount on other obligations with a maturity at the date of issue of not more than 1 year (a short term obligation), including commercial paper, when paid at maturity or redemption if redemption occurs before maturity, shall constitute a payment of interest for purposes of section 6049. In general, the amount subject to reporting on short term obligations is the difference between the stated redemption price at maturity and the original issue price. The procedure set forth in section 3455(b)(2)(B) and § 31.3455(b)–1(b)(3) for establishing the price at which a holder purchased an obligation subsequent to the date of original issue shall apply for purposes of section 6049. Any original issue discount on an obligation (including an obligation with a maturity of not more than 6 months from the date of original issue) held by a nonresident alien individual or foreign corporation is interest described in § 1.6049–5(b)(1)(vi)(A) or (B) and, therefore, is not interest subject to reporting under section 5f.6049.

§ 1.6049–6 Statements to recipients of interest payments and holders of obligations as to which there is attributed original issue discount after December 31, 1982.

(a) *Requirement of furnishing statement to recipient.* Every person filing a Form 1099 under section 6049(a) and § 1.6049–4(e) shall furnish to the person whose identifying number is required to be shown on the form a written statement showing the information required by paragraph (b) of this section. With respect to interest other than interest reported on a transactional basis under § 1.6049–4(e), no statement is required to be furnished under section 6049(c) and this section if the aggregate of the payments for the calendar year is less than $10, unless such payment is subject to the tax imposed under section 3451. In the case of any payment that is subject to withholding under section 3451, a statement shall be furnished irrespective of the amount of the payment. With respect to payments which are reported on a transactional basis, no statement is required to be furnished under section 6049(c) and this section to a person if the payment of interest to (or received on behalf of) such person for the transaction is less than $10 unless the payment is subject to withholding under section 3451. Again, in the case of any payment that is subject to withholding under section 3451, a statement shall be furnished irrespective of the amount of the payment.

(b) *Form of statement.* The written statement required to be furnished to a person under paragraph (a) of this section shall show the following information:

(1) With respect to payments of interest (other than original issue discount) to any person during a calendar year, the statement shall show—

(i) The aggregate amount of payments shown on Form 1099 as having been made to (or received on behalf of) such person;

(ii) The amount of tax withheld under section 3451, if any;

(iii) The name and address of the person filing the form; and

(iv) A legend stating that such amount is being reported to the Internal Revenue Service.

(2) With respect to original issue discount includible in the gross income of a holder of an obligation during a calendar year, the statement shall show—

(i) The aggregate amount of original issue discount includible in the gross income by (or on behalf of) such person for the calendar year with respect to the obligation (determined by applying the rules of paragraph (b)(2) of § 1.6049–4);

(ii) The amount of tax withheld under section 3451, if any;

(iii) The account, serial, or other identifying number of each obligation with respect to which a return is being made;

(iv) All other items shown on Form 1099 for such calendar year, and

(v) A legend stating that such amount and such items are being reported to the Internal Revenue Service.

(c) *Time for furnishing statements.* Each statement required by this section to be furnished to any person for a calendar year with respect to a payment of interest (other than interest where a middleman or a Federal agency makes a return on a transactional basis (as described in paragraph (e) of § 1.6049–4)) shall be furnished to such person after April 30 of the year of payment and on or before January 31 of the following year, but no statement may be furnished before the final interest payment for the calendar year. If a middleman or a Federal agency makes a return on a transactional basis, the statement shall be furnished at, or any time subsequent to, the time of payment, but in no event later than January 31 of the year following the calendar year of payment.

(d) *Special rule.* The requirements of this section for the furnishing of a statement to any person, including the legend requirement of paragraph (b)(1)(iv) and (2)(v) of this section, may be met by the furnishing to such person a copy of the Form 1099 filed pursuant to § 1.6049–4, or a reasonable facsimile thereof, in respect of such person. However, in the case of Form 1099 with respect to original issue discount on obligations subject to section 1232A, a copy of the instructions must also be sent to such person. A statement shall be considered to be furnished to a person within the meaning of this section if it is mailed to such person at his last known address.

PART 5f—[AMENDED]

§§ 5f.6049–1, 5f.6049–2 and 5f.6049–3 [Removed]

Par. 6. Sections 5f.6049–1, 5f.6049–2, and 5f.6049–3 of the Temporary Income Tax Regulations under the Tax Equity and Fiscal Responsibility Act of 1982 (26 CFR Part 5f) are hereby removed.

This Treasury decision is issued under authority contained in sections 6049 (a), (b), and (d) and 7805 of the Internal Revenue Code of 1954 (96 Stat. 592, 594; 26 U.S.C. 6049 (a), (b), and (d); 68A Stat. 917, 26 U.S.C. 7805), and in section 309 of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 591).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 16, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83–7716 Filed 3–22–83; 1:23 pm]

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Monday
March 28, 1983

Part IV

Department of the Interior

Minerals Management Service

Outer Continental Shelf; South Atlantic; Proposed Oil and Gas Lease Offering (July 1983)

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UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
South Atlantic
Proposed Oil and Gas Lease Offering (July 1983)

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Sec. 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed notice for this offering. The following is a proposed notice for the July 1983 lease offering in the waters offshore the South Atlantic States. This notice is hereby published as a matter of information to the public.

Director, Minerals Management Service
[illegible] Dolev

Approved:

Acting Asst. Secretary of the Interior
William P. Pendley

Date: 22 March 1983

Outer Continental Shelf, South Atlantic

Oil and Gas Lease Offering (July 1983)

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (30 CFR Part 256, formerly 43 CFR Part 3300; see the Federal Register at 47 FR 47006, October 22, 1982). A revision of these regulations appeared in the Federal Register at 47 FR 25967 and 26031, June 16, 1982.

2. Filing of Bids. Sealed bids will be received by the Regional Manager, Atlantic Outer Continental Shelf (OCS) Region, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180. Bids may be delivered, either by mail or in person, to the above address until the Bid Submission Deadline at 4:30 p.m., e.s.t., July 25, 1983. Because of new streamlining procedures, bids will not be accepted on July 26, 1983, the day of Bid Opening. Bids received by the Regional Manager later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the Regional Manager prior to 4:30 p.m., e.s.t., July 25, 1983. Bids may not be withdrawn unless written withdrawal is received by the Regional Manager prior to 9:00 a.m., e.s.t., July 26, 1983. Bid Opening Time will be 10:00 a.m., July 26, 1983, at (offering site in the Vienna, Virginia area, to be announced). All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this offering will be published in the Federal Register in April 1983.

3. Method of Bidding. Tract numbers will not be used. A separate bid in a sealed envelope, labeled, "Sealed Bid for Oil and Gas Lease (insert offering name, map number(s) and name(s) (if applicable), and block number(s)), not to be opened until 10 a.m., e.s.t., July 26, 1983," must be submitted for each block or prescribed bidding unit bid upon. For example, a bid on the first block appearing on the block list for this offering would identify the block as follows: "(South Atlantic July 1983) NJ 18-11 (Currituck Sound) Block 551." Paragraph 12, "Block Descriptions," lists which blocks must be bid on together as a single "bidding unit." For a bid on a "bidding unit," the sealed envelope containing the bid must be labeled with all blocks included in the "bidding unit." A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the Minerals Management Service. No bid for less than all the unleased area of a block or bidding unit as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Partnerships also need to submit a list of signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

NH 17-9
7-40, 51-84, 95-128, 139-172, 183-216, 227-260, 271-304, 315-348, 359-392, 403-436, 447-480, 491-524, 529-568, 573-612, 617-656, 661-700, 705-744, 749-788, 793-832, [illegible]37-[illegible]76, [illegible]81-92[illegible], 925-964, 9[illegible]-1008

signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this offering must provide for a cash bonus of $371 or more per hectare or fraction thereof. All leases awarded for this sale will provide for a yearly rental payment of $8 per hectare or fraction thereof. Leases awarded under 4(b), (c), and (d) will provide for a minimum royalty of $8 per hectare or fraction thereof. The following systems will be utilized:

(a) Bonus Bidding with a Fixed Net Profit Share. Bids on the following blocks must be submitted on a cash bonus basis with a fixed net profit share rate of 30 percent and a capital recovery factor of 1.50:

NI 18-7 Cape Fear
571, 614, 743, 744

Bids on the following block must be submitted on a cash bonus basis with fixed net profit share rate of 45 percent and a capital recovery factor of 0.50:

NI 18-7 Cape Fear
874

The net profit share payment shall be calculated according to the regulations previously codified in 10 CFR Part 390 (originally promulgated by the Department of Energy in the Federal Register at 45 FR 36784, May 30, 1980). The Department of the Interior has redesignated those regulations as 30 CFR Part 261; see the Federal Register at 48 FR 1181, January 11, 1983.

(b) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on the following blocks must be submitted on a cash bonus basis with the percent royalty due in amount or value of production fixed according to the sliding scale formula described following the list of blocks:

NH 17-8
570-571, 613-615, 656-659, 700-703, 745-747, 789-791, 833-835, 878-879, 9[illegible]-923, 966-967, 1010-1011

NH 17-11
42-43, 87, 131, 175, 219

NH 17-9
7-40, 51-84, 95-128, 139-172, 183-216, 227-260, 271-304, 315-348, 359-392, 403-436, 447-480, 491-524, 529-568, 573-612, 617-656, 661-700, 705-744, 749-788, 793-832, 837-876, 881-920, 925-964, 969-1008

NH 17-12
1-21, 45-65, 89-109, 133-153, 177-197, 221-241, 265-285, 318-329, 362-373, 406-417, 450-461, 494-505, 538-549, 582-593, 626-637

The following formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way: When the quarterly value of production, adjusted for inflation, is less than or equal to $48.187169 million, a royalty of 12.5000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $48.187170 million, but less than or equal to $304094.200000 million, the royalty percent due on the unadjusted value or amount of production is given by:

$$Rj = b\,[Ln\,(Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 6.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 6.0

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	12.50000	1.25000
30.000000	200.0	4/3	22.500000	12.50000	3.75000
90.000000	200.0	4/3	67.500000	14.52221	13.06999
270.000000	200.0	4/3	202.500000	21.11388	57.00748
810.000000	200.0	4/3	607.500000	27.70556	224.41504
10.000000	250.0	5/3	6.000000	12.50000	1.25000
30.000000	250.0	5/3	18.000000	12.50000	3.75000
90.000000	250.0	5/3	54.000000	13.18335	11.86502
270.000000	250.0	5/3	162.000000	19.77502	53.39255
810.000000	250.0	5/3	486.000000	26.36669	213.57019

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100. All values are rounded for display purposes only.

Figure 1
Form of the Sliding Royalty Schedule

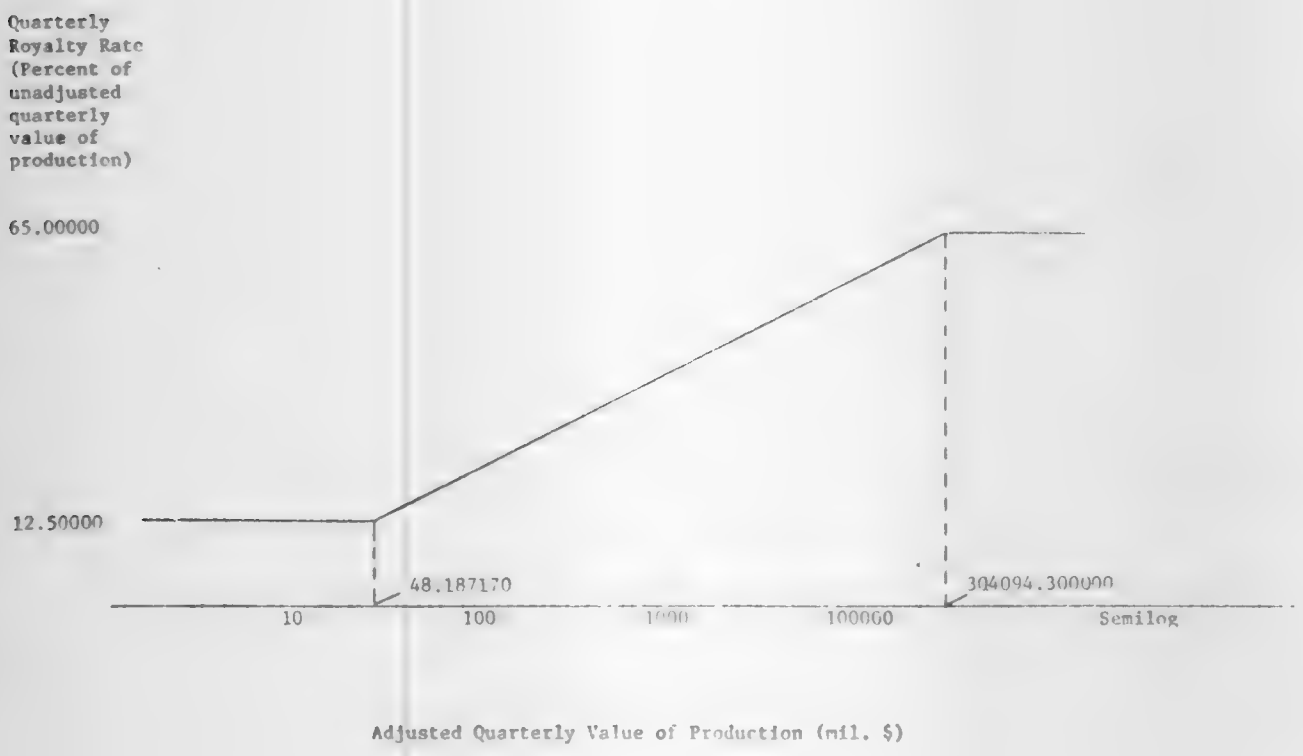

When the adjusted quarterly value of production is equal to or greater than $304094.300000 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed

When the adjusted quarterly value of production is equal to or greater than $304094.300000 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 22.11425 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars rounded to the sixth digit, i.e., the nearest dollar (for example, $239.240136 million).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during this quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

(c) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the following blocks must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent:

NJ 18-11

551-554, 595-598, 639-641, 683-685, 727-729, 771-773, 815-817, 859-861, 903-905, 947-949, 991-993, 1035-1036

NI 18-2
23-24, 67-68, 111-112, 155-156, 199-200, 243-245, 287-289, 331-333, 375-377, 419-421, 463-464, 507-508, 551-552, 595, 638-639, 661-662, 724-725, 768, 811-812, 854-855, 897-898, 940-941, 983-984

NI 18-5
13, 56

NI 18-4
963, 1007

NI 18-7
207-210, 251-253, 295-296, 339

NI 18-10
6-8, 50-51, 94

NH 17-8
744, 788, 832, 874-877, 918-921, 962-965, 1006-1009,

NH 17-11
38-41, 80-86, 123-130, 166-174, 210-218, 254-263, 299-307

(d) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the remaining blocks to be offered at this offering must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2, above, the certification required by 41 CFR 60-1.7 (b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Equal Opportunity Compliance Report Certification Form, Form 1140-8 (June 1982) and the Equal Opportunity Affirmative Action Program Representation Form, Form 1140-7 (June 1982). See paragraph 14, "Information to Bidders."

6. Bid Opening. Bids will be opened at the Bid Opening time, stated in paragraph 2, above. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, on the day specified in Bid Opening Time, stated in paragraph 2, above that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this offering prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, or Rejection of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted and no lease for any block or bidding unit will be awarded to any bidder unless:

(a) the bidder has complied with all requirements of this notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $371 or more per hectare or fraction thereof. Any bid submitted which does not conform to the requirements of this notice, the OCS Lands Act, as amended, or applicable regulations, may be returned to the person submitting that bid by the Regional Manager and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental, and satisfy the bonding requirements of 30 CFR Part 256 Subpart I within the time provided in 30 CFR 256.47. A modification of the payments procedure for successful bidders appeared in the latest revision of regulations discussed in paragraph 1, above. These changes do not apply to the submission of the one-fifth bonus with bids, described in paragraph 3, above.

11. Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Official Protraction Diagrams which may be purchased for $2.00 each from the Regional Manager, Atlantic OCS Region, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180 or from the Regional Manager, Atlantic OCS Region, Jacob K. Javits Federal Building, 26 Federal Plaza, Suite 32-120, New York, New York 10278.

Outer Continental Shelf Official Protraction Diagram Nos.:

NJ 18-11 Currituck Sound (Approved April 18, 1979)
NI 18-2 Manteo (Approved October 31, 1974)
NI 18-4 Beaufort (Approved August 1, 1975)
NI 18-5 (Approved August 1, 1975)
NI 18-7 Cape Fear (Approved June 11, 1975; Revised June 5, 1976)
NI 18-8 (Approved August 1, 1975)
NI 18-10 (Approved June 11, 1975; Revised July 5, 1977)
NH 17-3 (Approved June 11, 1975)
NH 18-1 (Approved July 21, 1975)
NH 17-6 (Approved June 11, 1975)
NH 17-8 Daytona Beach (Approved April 29, 1976)
NH 17-9 (Approved July 21, 1975)
NH 17-11 Orlando (Approved June 11, 1975)
NH 17-12 (Approved July 21, 1975)

12. Description of the Areas Offered for Bids. Note: All blocks contain 2304 hectares, unless otherwise indicated on the lists which appear as items (b) and (c) of this section.

(a) All blocks within the following list are offered for bid:

NJ 18-11 Currituck Sound

551-561	727-737	822-825	903-908	954-957
595-605	771-776	859-864	910-913	991-1001
639-649	778-781	866-869	947-952	1035-1045
683-693	815-820			

NI 18-2 Manteo

23-33	287-289	424-429	595-596	768-781
67-77	292-297	463-465	599-605	811-825
111-121	331-333	468-473	638-639	854-869
155-165	336-341	507-509	641	897-913
199-209	375-377	512-517	643-649	940-957
243-245	380-385	551-552	681-693	983-1001
248-253	419-421	555-561	724-737	

NI 18-4 Beaufort

836	878-880	921-924	963-968	1007-1012

NI 18-5

13-31	232-251	449-471	663-691	793-823
56-75	275-295	492-515	706-708	837-867
100-119	319-339	536-559	711-735	881-911
144-163	362-383	579-603	749-751	925-955
188-207	406-427	622-647	754-779	969-999

NI 18-7 Cape Fear

39-44	339-352	559-568	744-745	911-916
82-88	383-396	571-572	748	919-924
125-132	427-440	603-614	779-786	955-960
169-176	471-480	616	788-789	963-968
207-220	483-484	647-660	792	999-1004
251-263	515-524	691-704	823-836	1007-1012
295-308	527-528	735-742	867-880	

NI 18-8

1-31	221-251	441-471	661-691	837-867
45-75	265-295	485-515	705-735	881-911
89-119	309-339	529-559	749-779	925-955
133-163	353-383	573-603	793-823	969-999
177-207	397-427	617-647		

NI 18-10

1-44	226-264	446-484	666-704	841-880
50-88	270-308	490-528	710-748	885-924
94-132	314-352	534-572	754-792	929-968
138-176	358-396	578-616	798-836	973-1012
182-220	402-440	622-660		

NH 17-3

328-347	504-523	636-655	768-787	900-919
372-391	548-567	680-699	812-831	944-963
416-435	592-611	724-743	856-875	988-1007
460-479				

NH 18-1

1-28	221-248	441-468	661-688	837-864
45-72	265-292	485-512	705-732	881-908

NH 17-3

Block	Hectares	Block	Hectares	Block	Hectares

NH 18-1

1-28	221-248	441-468	661-688	837-864
45-72	265-292	485-512	705-732	881-908
89-116	309-336	529-556	749-776	925-952
133-160	353-380	573-600	793-820	969-996
177-204	397-424	617-644		

NH 17-6

20-39	240-259	447-479	667-700	843-876
64-83	284-303	491-524	711-744	887-920
108-127	328-347	535-568	755-788	931-964
152-171	359-391	579-612	799-832	975-1008
196-215	403-435	623-656		

NH 17-8 Daytona Beach

570-571	700-703	788-791	874-879	962-967
613-615	744-747	832-835	918-923	1006-1011
656-659				

NH 17-9

7-40	227-260	447-480	661-700	837-876
51-84	271-304	491-524	705-744	881-920
95-128	315-348	529-568	749-788	925-964
139-172	359-392	573-612	793-832	969-1008
183-216	403-436	617-656		

NH 17-11 Orlando

38-43	123-131	210-219	254-263	299-307
80-87	166-175			

NH 17-12

1-21	133-153	265-285	406-417	538-549
45-65	177-197	309-329	450-461	582-593
89-109	221-241	362-373	494-505	626-637

(b) The following partial blocks must be bid on individually:

NI 18-10

Block	Hectares	Block	Hectares	Block	Hectares
94	1175.95	358	1567.33	622	1955.94
138	1241.38	402	1632.29	666	2020.44
182	1306.72	446	1697.18	710	2084.86
226	1371.99	490	1761.98	754	2149.21
270	1437.18	534	1826.71	798	2213.48
314	1501.30	578	1891.37	842	2277.41

NH 17-3

Block	Hectares	Block	Hectares	Block	Hectares
699	1178.56	831	1366.24	963	1553.22
743	1241.20	875	1428.64	1007	1615.39
787	1303.76	919	1490.97		

NH 18-1

Block	Hectares	Block	Hectares	Block	Hectares
661	1178.56	793	1366.24	925	1553.22
705	1241.20	837	1428.64	969	1615.39
749	1303.76	881	1490.97		

NH 17-6

Block	Hectares	Block	Hectares	Block	Hectares
39	1677.48	215	1925.06	391	2171.38
83	1739.49	259	1986.75	435	2232.77
127	1801.42	303	2048.37	479	2290.58
171	1863.28	347	2109.92		

NH 17-9

Block	Hectares	Block	Hectares	Block	Hectares
304	1139.93	568	1497.11	832	1851.43
348	1199.66	612	1556.36	876	1910.20
392	1259.31	656	1615.54	920	1968.90
436	1318.88	700	1674.63	964	2027.51
480	1378.37	744	1733.64	1008	2086.04
524	1437.78	788	1792.57		

(c) The following blocks, as grouped into bidding units, must be bid on together:

Official Protraction Diagram	Block	Block Hectares	Bidding Unit Hectares
NI 18-10	6	1044.88	
	50	1110.46	2155.34
NI 18-10	841	0.26	
	885	37.78	
	929	101.82	
	973	165.77	305.63

Official Protraction Diagram	Block	Block Hectares	Bidding Unit Hectares
NH 17-3	39	229.66	
	83	293.46	
	127	357.19	
NH 18-1	1	229.66	
	45	293.46	
	89	357.19	1760.62
NH 17-3	171	420.83	
	215	484.40	
NH 18-1	133	420.83	
	177	484.40	1810.46
NH 17-3	259	547.90	
	303	611.31	
	347	674.65	1833.86
NH 18-1	221	547.90	
	265	611.31	
	309	674.65	1833.86
NH 17-3	391	737.91	
NH 18-1	353	737.91	1475.82
NH 17-3	435	801.09	
NH 18-1	397	801.09	1602.18
NH 17-3	479	864.26	
NH 18-1	441	864.26	1728.52
NH 17-3	523	927.23	
NH 18-1	485	927.23	1854.46
NH 17-3	567	990.18	
NH 18-1	529	990.18	1980.36
NH 17-3	611	1053.05	
NH 18-1	573	1053.05	2106.10
NH 17-3	655	1115.84	
NH 18-1	617	1115.84	2231.68

Official Protraction Diagram	Block	Block Hectares	Bidding Unit Hectares
NH 17-6	80	3.50	
	524	51.31	
	568	112.46	
	612	173.53	
	656	234.52	
	700	295.43	
	744	356.27	1227.02
NH 17-6	788	417.02	
	832	477.70	
	876	538.30	1433.12
NH 17-6	920	598.82	
	964	659.26	
	1008	719.62	1977.70
NH 17-9	40	779.90	
	84	840.10	1[illegible]2[illegible].0[illegible]
NH 17-9	128	900.23	
	172	960.27	1860.50
NH 17-9	216	1020.24	
	260	1080.13	2100.37

13. Lease Terms and Stipulations. (a) Leases resulting from this offering for the following blocks will be for an initial term of 10 years:

NI 18-11 Currituck Sound

556-561	732-737	822-825	910-913	1040-1045
600-605	776	864	952	
644-649	778-781	866-869	954-957	
688-693	820	908	996-1001	

NI 18-2 Manteo

27-33	248-253	468-473	643-649	858-869
70-77	292-297	512-517	684-693	901-913
114-121	336-341	555-561	727-737	944-957
158-165	380-3[illegible]5	599-605	771-781	988-1001
202-209	424-4[illegible]9	641	814-825	

NI 18-5

17-31	232-251	449-471	666-691	841-867
59-75	275-295	492-515	711-735	885-911
101-119	319-339	536-559	754-779	928-955
145-163	362-383	579-603	797-823	972-999
189-207	406-427	623-647		

NI 18-7 Cape Fear

308	483-484	616	748	847-880
352	527-528	657-660	788-789	919-924

Rj = b [Ln (Vj/S)]
where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

NI 18-7 Cape Fear

308	483-484	616	748	847-880
352	527-528	657-660	788-789	919-924
395-396	571-572	700-704	792	963-968
439-440	614	744-745	831-836	1007-1012

NI 18-8

4-31	221-251	441-471	661-691	837-867
48-75	265-295	485-515	705-735	881-911
91-119	309-339	529-559	749-779	925-955
134-163	353-383	573-603	793-823	969-999
178-207	397-427	617-647		

NI 18-10

36-44	254-264	469-484	686-704	858-880
80-88	297-308	512-528	726-748	901-924
123-132	340-352	556-572	770-792	945-968
166-176	383-396	599-616	814-836	989-1012
210-220	426-440	643-660		

NH 18-1

17-28	234-248	452-468	670-688	846-864
60-72	277-292	496-512	714-732	890-908
103-116	321-336	539-556	758-776	933-952
147-160	364-380	583-600	802-820	977-996
191-204	408-424	627-644		

NH 17-9

874-876	915-920	958-964	1002-1008

All other leases issued as a result of this offering will be for an initial term of 5 years. Leases issued as a result of this offering will be on Form MMS-2005 (August 1982), available from the Regional Manager, at the address stated in paragraph 2.

(b) For leases resulting from this offering for blocks offered on a cash bonus basis with a fixed sliding scale royalty, listed in paragraph 4(b), Form MMS-2005 will be amended as follows:

Sec. 6. Royalty on Production. The lessee agrees to pay the lessor a royalty of that percent in amount or value of production from the leased area as determined by the sliding scale royalty formula as follows: when the quarterly value of production, adjusted for inflation, is less than or equal to $48.187169 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $48.187170 million, but less than or equal to $304094.200000 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b\ [Ln\ (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 6.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 6.0

When the adjusted quarterly value of production is equal to or greater than $304094.300000 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 22.11425 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., the nearest dollar (for example, $239.240136 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(c) For leases resulting from this offering for blocks offered on a cash bonus basis with a fixed net profit share, as listed in paragraph 4(a), Form MMS-2005 will be amended as follows:

Sec. 4. Rentals. The phrase, "which commences prior to a discovery in paying quantities of oil or gas on the leased area," is hereby deleted and replaced by, "which commences prior to the date the first net profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of percent with a capital recovery factor, calculated pursuant to 30 CFR Part 261.

(d) Except as otherwise noted, the following stipulations will be included in each lease resulting from this offering. In the following stipulations, the term RM refers to the Regional Manager, Atlantic OCS Region, Minerals Management Service, and the term RSOFO refers to the Regional Supervisor Offshore Field Operations, Atlantic OCS Region, Minerals Management Service.

Stipulation No. 1

If the RM has reason to believe that a site, structure, or object of historical or archeological significance, hereinafter referred to as "cultural resource," may exist in the leased area and gives the lessee written notice that the lessor is enforcing the provisions of this stipulation, the lessee shall, upon receipt of such notice, comply with the following requirements:

(1) Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys and/or prepare a report, as specified by the RM, to determine the potential existence of any cultural resource that may be affected by such operation. All data produced as well as other pertinent natural and cultural environmental data shall be examined by an archeologist and geophysicist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of such surveys and assessments prepared by an archeologist and geophysicist shall be submitted by the lessee to the RM.

(2) If such cultural resource indicators are present, the lessee shall: (a) locate the site of the lease operation so as not to affect adversely the identified location; or (b) establish to the satisfaction of the RM, on the basis of further archeological investigation conducted by an archeologist and geophysicist using such survey equipment and techniques as deemed necessary by the RM, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

(3) A report of the latter investigation prepared by the archeologist and geophysicist shall be submitted to the RM for review. Should the RM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the RM has given direction as to its protection.

In addition, the lessee agrees that if any cultural resource should be discovered during the conduct of any operation on the leased area, he shall report immediately such findings to the RM and make every reasonable effort to protect the cultural resource until the RM gives directions as to its protection.

Stipulation No. 2

(To be included only in the leases resulting from this offering for the following blocks)

NJ 18-11	NI 18-4	NH 17-8(cont'd)
551-555	836	918-921
595-598	878-879	962-965
639-642	921-922	1006-1010
683-686	963-965	
727-730	1007-1008	NH 17-11
771-775		
815-818	NI 18-5	38-42
859-862		80-86
903-906	13-14	123-130
947-950	56-58	166-174
991-993	100-101	210-218
1035-1037	144	254-263
		299-307
NI 18-2	NI 18-7	
23-25	39	
67-69	82	
111-113	207-210	
155-157	251-253	
199-201	295-296	
243-245	339-340	
287-289	383	
331-333		
375-377	NI 18-10	
419-421		
463-465	6-9	
507-509	50-52	
551-552	94-95	
595-596		
638-639	NH 17-8	
681-683		
724-726	656	
768-769	700	
811-813	744	
854-856	788	
897-899	832-833	
940-942	874-877	
983-985		

Prior to any drilling activity or the construction or placement of any structure for exploration or development on a lease, including, but not limited to, well drilling and pipeline and platform placement, the lessee will submit to the Regional Supervisor, Offshore Field Operations (RSOFO); as part of his exploration and/or development plan, a bathymetry map, prepared utilizing remote sensing and/or other survey techniques including but not limited to side scan sonar and subbottom profilers. This map will include interpretations for the presence of hard bottom areas in proximity to a proposed well site. The location and size of this area will be determined on a case by case basis depending upon site conditions such as current speed, direction and profile; water depth; results of completed and ongoing studies; and any information that becomes available through review and comments.

If it is determined that remote sensing data indicate the presence of hard bottom areas, the RSOFO must determine whether there could be an adverse impact by the proposed operations assuming the area is a live hard bottom.

If it is determined that these areas would be adversely affected by the

Operations, including sitings, must be conducted to insure the protection and continued viability of biological populations or habitats deserving protection in a manner consistent with the other purposes of the Outer Continental Shelf Lands Act, as amended. The lessee may take no action that might result in any adverse effect on the biological population or

If it is determined that remote sensing data indicate the presence of hard bottom areas, the RSOFO must determine whether there could be an adverse impact by the proposed operations assuming the area is a live hard bottom.

If it is determined that these areas would be adversely affected by the proposed operations, the lessee will either modify operations to avoid affecting these areas or submit to the RSOFO photographic or other documentation of the sea bottom near the proposed drill site in order to confirm the presence or absence of live hard bottom areas. Live hard bottoms that merit protection under this stipulation are offshore hard bottom assemblages typically inhabited by sessile invertebrates such as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans or corals and associated fishes.

If the area is a live hard bottom that would be adversely affected, the RSOFO will require the lessee to protect these areas where it is environmentally, technically, and economically feasible. These protective modifications may include, but are not limited to:

1. The relocation of operations to avoid live bottom areas;
2. The shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;
3. The transportation of drilling fluids and cuttings to approved disposal sites; and
4. The monitoring of live bottom areas to assess the adequacy of any mitigation measures taken and the impact of lessee initiated activities.

Stipulation No. 3

If available environmental information indicates that other biological populations or habitats not associated with hard bottoms which require special protection may exist in proximity to a proposed drill site, the RSOFO will require the lessee to undertake protective measures that may include but are not limited to: (1) relocating the site of operations so as not to adversely affect these special biological resources or (2) modifying operations, such as the disposal of drilling muds and cuttings, in such a way as not to adversely affect the biological populations or habitats, or (3) establishing to the satisfaction of the RSOFO that such operations will not adversely affect the biological populations or habitats identified. The lessee shall submit all data obtained in the course of surveys to the RSOFO.

Special biological resources include, but are not limited to: (1) very unusual, rare, or uncommon ecosystems, (2) a species of limited regional distribution that may be adversely affected by any lease operations; and (3) critical habitat for endangered and threatened species.

Operations, including sitings, must be conducted to insure the protection and continued viability of biological populations or habitats deserving protection in a manner consistent with the other purposes of the Outer Continental Shelf Lands Act, as amended. The lessee may take no action that might result in any adverse effect on the biological population or habitats identified until the RSOFO provides written directions to the lessee, with regard to permissible actions.

In the event that biological populations or habitats deserving special protection are identified subsequent to commencement or during operations, the lessee shall make every reasonable effort to preserve and protect all such populations and habitats within the lease area from damage until the RSOFO provides written instructions to the lessee with regard to the biological populations or habitats identified.

Stipulation No. 4

(To be included only in leases resulting from this offering for blocks subject to joint usage with military operations. The jurisdiction of the military installations indicated will be specified in the final notice for this offering.)

(a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise; the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Fleet Area Control and Surveillance Facility, Virginia Beach, VA; the Marine Corps Air Station, Cherry Point, NC; the Charleston Operating Area, Charleston, SC; the Fleet Area Control and Surveillance Facility, Jacksonville, FL; the Naval Ordnance Test Unit, Cape Canaveral, FL; or Eastern Space and Missile Center, Patrick Air Force Base, FL. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation

whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) The lessee when operating or causing to be operated on its behalf, boat or aircraft traffic into the individual designated warning areas, shall enter into an agreement with the Commander, Fleet Area Control and Surveillance Facility, Virginia Beach, VA; the Commanding General, Marine Corps Air Station, Cherry Point, NC; the Charleston Operating Area Coordinator, Charleston, SC; the Commander, Fleet Area Control and Surveillance Facility, Jacksonville, FL; the Commanding Officer, Naval Ordnance Test Unit, Cape Canaveral, FL; or the Commander, Eastern Space and Missile Center, Patrick Air Force Base, FL, on utilizing an individual designated warning area, prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

(c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the Commander, Fleet Area Control and Surveillance Facility, Virginia Beach VA; the Commanding General, Marine Corps Air Station, Cherry Point, NC; the Charleston Operating Area Coordinator, Charleston, SC; the Commander, Fleet Area Control and Surveillance Facility, Jacksonville, FL; or the Commanding Officer, Naval Ordnance Test Unit, Cape Canaveral, FL; or the Commander, Eastern Space and Missile Center, Patrick Air Force Base, FL, to the degree necessary to prevent damage to or unacceptable interference with Department of Defense flight, testing, or operational activities conducted within designated warning areas.

Necessary monitoring, control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors will be effected by the Commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

Stipulation No. 5

(To be included only in leases resulting from this offering for the following blocks on Protraction Diagram NJ 18-11: 551-561, 595-605, 639-649, 683-693, 727-737, 771-776, 778-781, 815-820, 822-825, 859-864, 866-869, 903-908, 910-913, 947-952, 954-957, 991-1001, 1035-1045; and the following blocks on NI 18-2: 23-33, 67-77, 111-121, 155-165, 199-209, 243-245, 247-253, 287-289, 291-297, 331-333, 335-341, 375-377, 379-385, 419-421, 423-429, 463-465, 467-473, 507-509, 512-517, 551-552, 555-561, 595-596, 599-605, 638-639, 641, 643-649, 681-693, 724-737, 768-781, 811-825, 854-869, 897-913, and 940-957).

(a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risk of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by or on behalf of the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities or any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents, or employees being conducted as a part of, or in connection with, the programs and activities of the National Aeronautics and Space Administration (NASA), Wallops Flight Center. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, the agents, employees, or invitees of the lessee, its agents, or any independent contractors, or subcontractors doing business with the lessee in connection with the programs and activities of the NASA, Wallops Flight Center, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors or any of their officers, agents, or employees, and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) The lessee, when operating or causing to be operated on its behalf, boat, ship, or aircraft traffic into the leased area or surrounding area of the lease, including any part of the Outer Continental Shelf between the 35th and 39th parallels, shall enter into an agreement with the Director, Wallops Flight Center, prior to commencing such traffic. Such agreement shall provide for positive control of boats, ships, and aircraft operating in the above designated areas and will provide for the avoidance of interference with the programs and activities of the NASA Wallops Flight Center.

(c) Upon recommendation by the Director, Wallops Flight Center, when the activities of the NASA Wallops Flight Center may endanger personnel or property, the lessee agrees, upon receipt of notice from the Regional Supervisor, Offshore Field Operations (RSOFO) to evacuate all personnel from all structures on the lease and to shut-in and secure all wells and other equipment, including pipelines on the lease, within forty-eight (48) hours or within such longer period as may be specified by the RSOFO.

The RSOFO shall not require evacuation of personnel and shutting-in and securing of equipment for a period of time greater than seventy-two (72) hours; however, such period of time may be extended by subsequent notice from the RSOFO. Equipment and structures may remain in place on the lease during such time as the evacuation remains in effect.

(d) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from the leased area or surrounding area of the lease, including any part of the Outer Continental Shelf between the 35th and 39th parallels, in accordance with the requirements specified by the Director, Wallops Flight Center, to the degree necessary to prevent damage

(b) The lessee, when operating or causing to be operated on its behalf, boat, ship, or aircraft traffic into the leased area or surrounding area of the lease, shall enter into an agreement with the Director, Kennedy Space Center and the Commander, Eastern Space and Missile Center, prior to commencing such traffic. Such agreement shall provide for positive control of boats, ships, and aircraft operating in the above designated

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(d) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from the leased area or surrounding area of the lease, including any part of the Outer Continental Shelf between the 35th and 39th parallels, in accordance with the requirements specified by the Director, Wallops Flight Center, to the degree necessary to prevent damage to, or unacceptable interference with, the programs and activities of the NASA, Wallops Flight Center.

Necessary monitoring, control and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the Director, Wallops Flight Center, provided, however, that control of such electromagnetic communication shall in no instance prohibit all manner of electromagnetic communications during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Stipulation No. 6.

(To be included only in leases resulting from this offering for all the blocks offered that are located on Protraction Diagrams NI 18-4, NI 18-7, NI 18-10, NH 17-3, NH 18-1, NH 17-6, NH 17-8, NH 17-9, NH 17-11, and NH 17-12).

(a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risk of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by or on behalf of the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents, or employees being conducted as a part of, or in connection with, the programs and activities of the National Aeronautics and Space Administration (NASA), Kennedy Space Center and the Eastern Space and Missile Center. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, the agents, employees, or invitees of the lessee, its agents, or any independent contractors, or subcontractors doing business with the lessee in connection with the programs and activities of the NASA, Kennedy Space Center and the Eastern Space and Missile Center, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors or any of their officers, agents, or employees, and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) The lessee, when operating or causing to be operated on its behalf, boat, ship, or aircraft traffic into the leased area or surrounding area of the lease, shall enter into an agreement with the Director, Kennedy Space Center and the Commander, Eastern Space and Missile Center, prior to commencing such traffic. Such agreement shall provide for positive control of boats, ships, and aircraft operating in the above designated areas and will provide for the avoidance of interference with the programs and activities of the NASA Kennedy Space Center and the Eastern Space and Missile Center.

(c) Upon recommendation by the Director, Kennedy Space Center and the Commander, Eastern Space and Missile Center, when the activities of the NASA Kennedy Space Center and Air Force Eastern Space and Missile Center may endanger personnel or property, the lessee agrees, upon receipt of notice from the Regional Supervisor, Offshore Field Operations (RSOFO), to evacuate all personnel from all structures on the lease and to shut-in and secure all wells and other equipment, including pipelines on the lease, within forty-eight (48) hours or within such longer period as may be specified by the RSOFO. The RSOFO shall not require evacuation of personnel and shutting-in and securing of equipment for a period of time greater than seventy-two (72) hours; however, such period of time may be extended by subsequent notice from the RSOFO. Equipment and structures may remain in place on the lease during such time as the evacuation remains in effect.

(d) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from the leased area or surrounding area of the lease, in accordance with the requirements specified by the Director, Kennedy Space Center and the Commander, Eastern Space and Missile Center, to the degree necessary to prevent damage to, or unacceptable interference with, the programs and activities of the NASA Kennedy Space Center and the Eastern Space and Missile Center.

Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the Director, Kennedy Space Center and the Commander, Eastern Space and Missile Center, provided, however, that control of such electromagnetic communication shall in no instance prohibit all manner of electromagnetic communications during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Stipulation No. 7

(Stipulation No. 7 covers the detection of undetonated explosives. The Minerals Management Service (MMS) has authority to require a lessee to do additional pre-drilling surveys to detect explosives, and would identify which blocks might need these additional surveys. Therefore, based on further consultation with the U.S. Environmental Protection Agency, MMS will determine which blocks will be subject to the stipulation, which will minimize the probability that any undetonated explosives would adversely affect drilling activities.)

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If the Regional Supervisor, Offshore Field Operations (RSOFO) believes any unexploded ordnance (munitions, mines, bombs, etc.) may exist in a lease area, the lessee shall conduct remote sensing and/or other surveys as specified by the RSOFO to determine the existence of any unexploded ordnance. The lessee's report to the RSOFO should document all indications of magnetic or side-scan sonar anomalies on the sea floor.

Upon completing such surveys, the lessee shall forward a report and all pertinent data to the RSOFO for review. Such devices may adversely affect any activity or operation, such as the construction or placement of any structure for exploration or development on the lease, the lessee shall take no action until the RSOFO has given directions as to the conduct of that operation.

Stipulation No. 8

(To be included only in the leases resulting from this sale for the net profit share blocks listed in paragraph 4(a) of this notice.)

The net profit share payment specified in Sec. 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production saved, removed, or sold from the lease area may be taken in amount, except as provided in Sec. 15(d). The net profit share obligations of the lessee shall be calculated to include as a credit, the value of production taken in amount by the lessor.

Stipulation No. 9

(To be included only in the leases resulting from this sale for the fixed sliding scale royalty blocks listed in paragraph 4(b) of this notice.)

(a) The royalty rate on production from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, Minerals Management Service, may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been underway for one year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production from the lease area may be taken as royalty in amount, except as provided in sec. 15(d); the royalty on any portion of the production from the lease in excess of 16-2/3 percent may only be taken in value of the production from the lease area.

14. Information to Bidders. (a) Revisions of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968.) Should those changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form, MMS-2005 (August 1982) would be deleted from leases resulting from this offering. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5 (a) (1) and 60-1.7 (a) (1). Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(b) Corps of Engineers permits are required for construction of any artifical islands, installations and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

(c) Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) Bidders are advised that the West Indian Manatee is a marine mammal which is officially listed as an endangered species by the Department of the Interior. It is protected by the Endangered Species Act of 1973, as amended (87 Stat. 884, 16 U.S.C. 1531 et seq.), and the Marine Mammal Protection Act of 1972, as amended (86 Stat. 1027, 16 U.S.C. 1361-1407), and various other State and Federal laws and regulations. On October 27, 1979, (44 FR 60963) the Department of the Interior promulgated regulations (50 CFR 17.100-17.108) providing a means for establishing manatee protection areas. Also, the Florida Manatee Sanctuary Act of 1978 declares the entire State of Florida a "refuge and sanctuary for the manatees." A cooperative agreement between Interior and Florida on endangered species became effective on June 23, 1976. A similar cooperative agreement with the State of Georgia became effective on October 6, 1977. This marine mammal inhabits coastal and several inland waterways of the South Atlantic states. Because it is known to be particularly vulnerable to collisions with vessel traffic, care must be taken to avoid collisons between support vessels and manatees in vicinity of support bases.

Bidders are also advised that the right and humpback whales, in particular, and all other large whales occurring in the region are protected by the Endangered Species Act and/or the Marine Mammal Protection Act and various other Federal and State laws and regulations. Every reasonable effort must be made to avoid taking (the term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct) whales, especially whales with calves, during the course of operations. By being made aware of this legal responsibility, lease holders can reduce or avoid the risk of their operations having an adverse effect on marine mammals and assure compliance with Federal laws.

(e) Bidders are advised that a portion of Block 983 (NI 18-2) is within the U.S.S. Monitor Marine Sanctuary. During the conduct of any activities related to a lease issued for this block, the lessee and its agents, contractors, and subcontractors will be subject to sanctuary regulations

(15 CFR 924) which generally prohibit activities such as anchoring, salvage and recovery, diving, dredging, detonation of explosives, drilling or coring, cable laying, trawling, and discharging waste materials within the confines of the Sanctuary. The U.S.S. Monitor Marine Sanctuary consists of a vertical column of water in the Atlantic Ocean 1 nautical mile in diameter

Phase 1

Phase 1 is composed of criteria designed to partition blocks or bidding units receiving bids into three general categories:

(15 CFR 924) which generally prohibit activities such as anchoring, salvage and recovery, diving, dredging, detonation of explosives, drilling or coring, cable laying, trawling, and discharging waste materials within the confines of the Sanctuary. The U.S.S. Monitor Marine Sanctuary consists of a vertical column of water in the Atlantic Ocean 1 nautical mile in diameter extending from the surface of the seabed. The center of this water column is 35° 00' 23" north latitude and 75° 24' 32" west longitude.

(f) Bidders are advised that in accordance with section 16 of each lease issued as a result of this lease offering, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate, a royalty rate based on a sliding scale, or a net profit share payment.

(g) The following blocks were offered in Sale No. 56 and reoffered in Sale No. RS-2, but were not leased: (NI 18-7) Blocks 874, 875, 876, and 919. In Sales No. 56 and RS-2, these blocks were assigned a geologic hazards stipulation due to possible mass movement of sediments and shallow faulting. In this offering, lessees are informed that these blocks will not be assigned a geologic hazards stipulation, but the lessees are alerted to the possibility that mass movement of sediments could occur and shallow faults are present on the blocks listed. The lessees are also informed that this list may not be all inclusive as other blocks in this offering may contain these same geohazards.

(h) For those blocks listed in paragraph 13 as being offered for lease with an initial period of more than five years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to the Minerals Management Service either an exploration plan or a general statement of exploration intentions prior to the end of the ninth lease year.

15. OCS Orders. Operations on all leases resulting from this offering will be conducted in accordance with the provisions of all Atlantic OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

16. New OCS Bid Adequacy Procedures.

The following system of OCS bid adequacy procedures will be used for this offering. The system is composed of two phases. Phase 1 includes market-oriented evaluation criteria for accepting some bids on blocks or bidding units and determining what other bids will receive further evaluation in Phase 2 according to the traditional bid adequacy procedures. Phase 2 utilizes an independent Government evaluation and the traditional bid adequacy rules based upon the Mean Range of Values (MROV), Discounted Mean Range of Values (DMROV), and Geometric Average Evaluation of the Tract (GAEOT) (a tract being a block or bidding unit).

Phase 1

Phase 1 is composed of criteria designed to partition blocks or bidding units receiving bids into three general categories:

- Those receiving bids which MMS has identified as being non-prospective blocks;
- Those where opportunities for strategic underbidding, information asymmetry, collusion, and other noncompetitive practices might most likely occur and where the Government has the most detailed and reliable data; and
- Those where the competitive market forces can be relied upon to assure fair market value.

It has been determined that the following four Phase 1 criteria will be applied:

1. High bids on all blocks or bidding units classified by MMS as being either development or drainage will be referred directly for further evaluation using the traditional criteria.
2. All legal high bids for blocks or bidding units judged by MMS to be not located on a viable prospect will be accepted.
3. After screening for anomalously low bids through application of the "one-eighth rule," [1/] legal high bids will be accepted for prospective wildcat and proven blocks or bidding units receiving three or more bids and more than the average number of bids for prospective blocks or bidding units bid upon in the offering, i.e., whichever is more.
4. After adjusting for anomalously low bids through application of the "one-eighth rule," all legal high bids will be accepted for prospective wildcat and proven blocks or bidding units where the geometric average bonus bid for the block or bidding unit is in the upper 50th percentile for prospective wildcat and proven blocks or bidding units receiving bids.

Phase 1 will be conducted block-by-block or bidding unit-by-bidding unit, and it is expected that Phase 1 should be completed within three days of the Bid Opening.

1/ Anomalously low bids will not be included in the bid number; e.g., if the lowest bid on a block or bidding unit is less than 1/8th of the next lowest bid, the lowest bid will not be included in the number of bids. This rule can exclude no more than one bid for a given block or bidding unit.

Phase 2

All prospective wildcat and proven blocks or bidding units which are not accepted as a result of the application of the Phase 1 criteria and all drainage and development blocks or bidding units will receive further evaluation via the traditional bid adequacy procedures currently in effect, i.e., high bids will be compared to the MROV, DMROV, and GAEOT. While it is expected that most analyses would be undertaken based upon data available at the time of the offering, additional geological and geophysical analyses, including additional mapping, can be undertaken post-offering at the discretion of the Regional Manager.

The bid adequacy recommendations developed in Phase 2 should be completed within three weeks of the offering.

Since the inception of the OCS leasing program, the Department has continually sought to improve upon techniques which determine bid adequacy. Much of the best information regarding the fair market value of a block or bidding unit is that which is available through observing the market for leases. The above procedures are designed to make better use of that information.

[FR Doc. 83-7793 Filed 3-25-83; 8:45 am]
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federal register

Monday
March 28, 1983

Part V

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

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1983

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 855]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 23, 1983

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–3: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS

ISSUED MARCH 23, 1983

VOLUME 855

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
TEXAS RAILROAD COMMISSION						
-A F V ENERGY INC				RECEIVED:	02/22/83	JA: TX
8324459	F-09-061557	4223700000		102-4		SHANAFELT #1
-A L SAUDER JR				RECEIVED:	02/22/83	JA: TX
8324361	F-09-041965	4249731395		108-ER		PERKINS-MITCHELL UNIT #1
-ALPAR RESOURCES INC				RECEIVED:	02/22/83	JA: TX
8324469	F-10-062753	4235731310		102-4		MILDRED #23-141
-AMOCO PRODUCTION CO				RECEIVED:	02/22/83	JA: TX
8324483	F-8A-063069	4221932965		103		MAY MONTGOMERY UNIT #53
8324484	F-8A-063070	4221932987		103		MAY MONTGOMERY UNIT #56
8324482	F-8A-063068	4221933652		103		MAY MONTGOMERY UNIT #60
8324504	F-10-063261	4242130063		103		WALTER LASLEY #2
-ARCO OIL AND GAS COMPANY				RECEIVED	02/22/83	JA: TX
8324550	F-8A-63778	4218730726		103		GUY PRICE TR "A" #9
-ARKANSAS LOUISIANA GAS CO				RECEIVED:	02/22/83	JA: TX
8324426	F-06-058986	4231530588		102-4	103	BRADEN #5
8324430	F-06-058998	4220330951		103	107-TF	TAYLOR #6
-ARROWHEAD ENERGY CO				RECEIVED:	02/22/83	JA: TX
8324529	F-7B-63700	4236731943		103		BODIFORD #1
-ATAPCO				RECEIVED:	02/22/83	JA: TX
8324475	F-08-062997	4230130316		107-DP		LINEBERY #1
-AUSTEX ENERGY CO INC				RECEIVED:	02/22/83	JA: TX
8324523	F-7B-63677	4244733321		102-4		ROSS MCKNIGHT #1 (19182)
-BILL FORNEY INC				RECEIVED:	02/22/83	JA: TX
8324514	F-02-63513	4229733240		102-4		APPELL #1 RRC #N/A
-BRANHAM-BOGGESS & ASSOCIATES				RECEIVED:	02/22/83	JA: TX
8324477	F-01-063006	4216332884		103		BONNYE H HALM #1A
-BRIGHT & COMPANY				RECEIVED:	02/22/83	JA: TX
8324503	F-04-063209	4221521386		102-4	107-TF	HAMMAN "B" -1
-CARLA PETROLEUM INC				RECEIVED:	02/22/83	JA: TX
8324501	F-7B-063187	4213334313		102-4		JACKSON #1
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/22/83	JA: TX
8324373	F-06-052398	4236500000		103	107-TF	CARTHAGE GAS UNIT 18 #4
8324386	F-04-056014	4235532036		102-4	103	MOSLEY & DRYDEN "A" #1
-CHARLES H BENTLEY				RECEIVED:	02/22/83	JA: TX
8324548	F-09-63775	4250335396		102-4		VAUGHAN #2
-CHESTER R UPHAM JR				RECEIVED:	02/22/83	JA: TX
8324431	F-7B-059010	4236300000		102-4		AIRPORT #1-T
-CITIES SERVICE COMPANY				RECEIVED:	02/22/83	JA: TX
8324533	F-05-63719	4222330353		103		BRANTLEY JACKSON SMACKOVER UT #4-3
-CLAYTON W WILLIAMS JR				RECEIVED:	02/22/83	JA: TX
8324383	F-03-055878	4214900000		102-2		LENWOOD L SCHOLTZ UNIT #1
8324384	F-03-055879	4214900000		102-2		ORVILLE HAYNIE UNIT #1
8324374	F-03-052800	4214900000		102-2		WILBURN HACKEBEIL UNIT 1-A
-CLEAR FORK GAS CO				RECEIVED:	02/22/83	JA: TX
8324476	F-7B-063004	4244733031		102-2		J H HARRIS "D" #4
-CMC ENERGY INC				RECEIVED:	02/22/83	JA: TX

FIELD NAME	PROD	PURCHASER
STRAHAN (STRAWN OIL)	16.4	SOUTHWESTERN GAS
BOONSVILLE (BEND CONG	11.8	LONE STAR GAS CO
LONE BUTTE (CLEVELAND	24.0	
LEVELLAND	0.8	AMOCO PRODUCTION
LEVELLAND	8.3	AMOCO PRODUCTION
LEVELLAND	0.3	AMOCO PRODUCTION
TEXAS HUGOTON	18.0	PHILLIPS PETROLEU
FORBES (GLORIETA)	2.5	
RODESSA (COTTON VALLE	100.0	ARKANSAS LOUISIAN
WASKOM (COTTON VALLEY	200.0	ARKANSAS LOUISIAN
LAZY BEND GAS (STRAWN	88.8	SOUTHWESTERN GAS
TAFFHY (ATOKA)	1825.0	
BUSH KNOBB (CADDO LOW	11.0	GREAT WESTERN GAS
OAKVILLE (WILCOX 9700	10.8	HOUSTON PIPE LINE
PEARSALL (AUSTIN CHAL	10.8	TIPPERARY CORP
MONTE CHRISTO (VICKSB	1000.8	TECO PIPELINE CO
CARLA (DUFFER)	0.8	
CARTHAGE (COTTON VALL	0.0	TENNESSEE GAS PIP
STRATTON (G-9-10) PRO	592.0	TENNESSEE GAS PIP
VAUGHAN MARBLE FALLS	164.0	SUN GAS TRANSMISS
ITTLESON (4300)	8.0	SOUTHWESTERN GAS
BRANTLEY JACKSON (SMA	254.4	AMINOIL USA INC
GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
GIDDINGS (AUSTIN CHAL	8.0	VALERO TRANSMISSI
GIDDINGS (AUSTIN CHAL	8.0	VALERO TRANSMISSI
THROCKMORTON COUNTY R	0.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8324511	F-04-63427	4213100000		108		GARCIA #1 (086733)
8324510	F-04-63425	4213100000		108		V M BLUNK #2077040
-CONOCO INC				RECEIVED:	02/22/83	JA: TX
8324472	F-08-062859	4238900000		108		FORD-GERALDINE UNIT #109 ID #21021
8324401	F-7B-057735	4243331472		103		RUTHERFORD "E" #4
8324518	F-08-63663	4238931301		103		W E BELL "44" #9 ID #27756
8324544	F-7B-63767	4243331487		103		WEST FLOWERS UNIT #64 ID #11787
-COOK PRODUCTION CO				RECEIVED:	02/22/83	JA: TX
8324378	F-09-053868	4223700000		102-4		DICKENSON #1
-CORDOVA RESOURCES INC				RECEIVED:	02/22/83	JA: TX
8324493	F-7B-063127	4213334283		103		PIONEER TOWNSITE #1
-COSTA RESOURCES INC				RECEIVED:	02/22/83	JA: TX
8324513	F-08-63660	4210332880		102-4		ADAMS #1 ID NO 26016
-DALLAS PRODUCTION INC				RECEIVED:	02/22/83	JA: TX
8324519	F-09-63665	4250335638		103		LITTLEPAGE #3 LEASE #19838
-DELTA DRILLING CO				RECEIVED:	02/22/83	JA: TX
8324527	F-7C-63684	4210500000		108		HENDERSON "A" #2 095698
8324526	F-7C-63683	4243500000		108		SHURLEY #3 062009
-DIAMOND DRILLING CO				RECEIVED:	02/22/83	JA: TX
8324380	F-05-054736	4228930485		102-4		R L KEY #1 (101741)
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	02/22/83	JA: TX
8324535	F-10-63727	4229500000		108		MAE WRIGHT "D" 1-102 U&L
-DIRKS PETROLEUM CORP				RECEIVED:	02/22/83	JA: TX
8324461	F-02-061925	4202531701		103		SARA BATOT #5
-DIVIDEND PRODUCTION CO				RECEIVED:	02/22/83	JA: TX
8324554	F-7B-63785	4241734553		102-4		DAWSON-CONWAY 1-174
-EDWIN L COX				RECEIVED:	02/22/83	JA: TX
8324509	F-08-063419	4210931637		102-4		COX #1
-EL PASO NATURAL GAS COMPANY				RECEIVED:	02/22/83	JA: TX
8324375	F-10-052824	4221131217		108		MEEK #1
-EXXON CORPORATION				RECEIVED:	02/22/83	JA: TX
8324494	F-06-063173	4218330522		102-4	107-TF	BERNICE SMITH MARTING #1
8324512	F-08-63456	4237134046		103		FORT STOCKTON UNIT #619
8324448	F-03-061188	4207131322		102-4		GALVESTON BAY STATE 'A' #188
8324467	F-04-062717	4226130549		102-4		MRS S K EAST 110 (ID PENDING)
-FLYNN ENERGY CORP				RECEIVED:	02/22/83	JA: TX
8324478	F-02-063016	4229700000		102-4		HERRING RANCH 67 #2
-GALAXY ENERGIES INC				RECEIVED:	02/22/83	JA: TX
8324534	F-04-63722	4240900000		102-4		HERNANDEZ #1 ID NO 101705
-GENESIS PETROLEUM CORP				RECEIVED:	02/22/83	JA: TX
8324454	F-04-061785	4213136099		102-4		G C HINOJOSA #2-C
-GETTY OIL COMPANY				RECEIVED:	02/22/83	JA: TX
8324364	F-06-046426	4236500000		103	107-TF	BEALL-BARKSDALE #3
8324412	F-03-058454	4204100000		102-2		BILL BERGER #1
8324389	F-04-056397	4247900000		102-4	107-TF	EL GATO #9
8324382	F-06-055267	4236500000		103	107-TF	HICKS GAS UNIT #3
8324381	F-08-055236	4230130347		107-DP		LUDEMAN "7-26" #2
8324429	F-08-058997	4237133853		102-4		P T HUDGINS "34" #1
8324421	F-08-058614	4237133853		103		P T HUDGINS "34" #1
8324452	F-06-061613	4236500000		103	107-TF	R S MANGHAM #3
8324465	F-08-062393	4249531517		103		S M HALLEY #263
8324398	F-04-057614	4200700000		102-4		TEXAS STATE TRACT 212 #1
8324363	F-06-046423	4236500000		103	107-TF	TOMPKINS-SPENCER #3
8324366	F-06-047909	4236500000		103	107-TF	VERA HARRISON #2
8324367	F-06-047910	4236500000		103	107-TF	W F BEALL #4
8324387	F-03-056149	4205100000		102-2		W H GIESENSCHLAG "I" #1
-GRAHAM PRODUCTION CO				RECEIVED:	02/22/83	JA: TX
8324474	F-03-062951	4248132392		102-4		PIERCE ESTATE #1
-GRAND BANKS ENERGY CO				RECEIVED:	02/22/83	JA: TX
8324468	F-08-062730	4217331331		103	107-TF	EDMONDSON #4
8324441	F-08-060819	4217331329		103	107-TF	EDMONDSON "A" #4
-GROTHE BROTHERS				RECEIVED:	02/22/83	JA: TX
8324505	F-7B-063283	4241734846		102-4		W C ALLEN #5 (19063)
8324522	F-7B-63674	4241723880		102-4		W C ALLEN #6 (19063)
-GULF OIL CORPORATION				RECEIVED:	02/22/83	JA: TX
8324481	F-08-063060	4237134052		103		USM OIL CO #5
-HAILEY ENERGY				RECEIVED:	02/22/83	JA: TX
8324502	F-7B-063197	4213334348		102-4		MASSENGILL #4A
HILL JOHN H				RECEIVED:	02/22/83	JA: TX
8324488	F-7C-063116	4243532816		103	107-TF	HILL - EDWIN S MAYER "N-1"
8324491	F-7C-063720	4243532780		103	107-TF	HILL - EDWIN S MAYER "X-1"
8324434	F-7C-059965	4243532748		103	107-TF	HILL - EDWIN S MAYER JR B #1
8324490	F-7C-063118	4243500000		103	107-TF	HILL - EDWIN S MAYER JR J-1
8324487	F-7C-063114	4243532725		103	107-TF	HILL - MAY M RAY "F-1"
8324500	F-7C-063185	4243532826		103	107-TF	HILL-EDWIN L MAYER, JR "DD-1"
8324489	F-7C-063117	4243532778		103	107-TF	HILL-EDWIN S MAYER JR "L-1"
8324498	F-7C-063183	4243532828		103	107-TF	HILL-EDWIN S MAYER JR "M-1"
8324486	F-7C-063113	4243532777		103	107-TF	HILL-MAY M RAY "I-1"
8324499	F-7C-063684	4243532700		103	107-TF	HILL-WINNIE R ALDWELL TRUCT "C-1"
HNG OIL COMPANY				RECEIVED:	02/22/83	JA: TX
8324457	F-04-061853	4247932210		102-2	103	HIRSCH ESTATE "517" #1
8324453	F-7C-061768	4243500000		103	107-TF	VANDERSTUCKEN "52" #6
-HUGHES & HUGHES				RECEIVED:	02/22/83	JA: TX
8324446	F-04-061155	4247933188		103	107-TF	H S MEADOR #4
8324447	F-04-061156	4247933187		103	107-TF	H S MEADOR #5
-IMPERIAL RESOURCES INC				RECEIVED:	02/22/83	JA: TX
8324507	F-03-063364	4216700000		102-2		IMPERIAL RESOURCES #1
-JOHN G MIDDLETON				RECEIVED:	02/22/83	JA: TX
8324439	F-04-060729	4247932888		103		MIDDLETON #20-2 97021
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	02/22/83	JA: TX
8324362	F-10-042376	4235700000		108-ER		SCHNEIDER C #1
-LAYTON ENTERPRISES INC				RECEIVED:	02/22/83	JA: TX
8324540	F-8A-63754	4207931608		103		REED WRIGHT #C-8
-LIVEOAK PRODUCTION CO				RECEIVED:	02/22/83	JA: TX
8324520	F-7B-63666	4208333066		102-4		A E RICHMOND #2-A
-MARATHON OIL COMPANY				RECEIVED:	02/22/83	JA: TX
8324390	F-08-056624	4230100000		108		KYLE MINNIE -E- #1
8324392	F-7C-056640	4210500000		108		UNIVERSITY L #5
8324391	F-7C-056631	4210500000		108		UNIVERSITY M #6
-MARSHALL EXPLORATION INC				RECEIVED:	02/22/83	JA: TX
8324388	F-06-056296	4236531336		108		MAIZIE LYNCH #3
8324425	F-06-058959	4220330865		103		SANDERS #1
8324395	F-06-057087	4240131483		103		STONE #2
-MASON ENERGIES INC				RECEIVED:	02/22/83	JA: TX

FIELD NAME	PROD	PURCHASER
ANACAUS (V-2)	3.9	TRANSCONENTAL GAS
BENAVIDES	2.0	ESPERANZA TRANSMI
GERALDINE FORD	8.7	EL PASO NATURAL G
FRANKIRK E (CANYON SA	6.2	CITIES SERVICE CO
JESS BURNER (DELAWARE	48.2	EL PASO NATURAL G
WEST FLOWERS (CANYON	2.2	CITIES SERVICE CO
DICKENSON (5950 STRAW	73.0	LONE STAR GAS CO
EASTLAND COUNTY REGUL	28.1	SOUTHWESTERN GAS
COSTA (TUBB)	182.5	INTER NORTH INC
JEAN N (MISS)	9.0	GAS ASSOCIATED SY
OZONA CANYON	8.0	INTER NORTH INC
SAWYER (CANYON)	8.0	INTER NORTH INC
OAKWOOD (DEXTER)	108.0	DELMI GAS PIPELIN
HIGGINS WEST	8.0	SOUTHWESTERN PUBL
RAGSDALE 8100'	250.0	TRANSCONTINENTAL
DAWSON-CONWAY (STRAWN	220.0	RAMPART NATURAL G
GERALDINE	360 0	
BUFFALO WALLOW GRANIT	51.1	EL PASO NATURAL G
GLADEWATER S (HAYNESV	730.0	TEJAS GAS CORP
FORT STOCKTON (YATES	10.0	NUECES CO
RED FISH REEF (AB-4)	400.0	ENTEX INC
RITA (6-F II A)	1140.0	NATURAL GAS PIPEL
MAXINE EAST (MATULA)	730.0	UNITED TEXAS TRAN
SINTON WEST (3385)	62.0	UNITED GAS PIPELI
STARR BRITE W (5680')	255.0	HOUSTON PIPE LINE
CARTHAGE (COTTON VALL	0.0	TEJAS GAS CORP
M BRYAN (GEORGETOWN)	250.0	FERGUSON CROSSING
EL GATO (HIRSCH 8480)	0.0	TRANSCONTINENTAL
CARTHAGE (COTTON VALL	0.0	DELMI GAS PIPELIN
BRUMSON RANCH (PENN L	365.0	INTRATEX GAS CO
OATES SW (DEVONIAN)	1642.0	INTRATEX GAS CO
OATES SW (DEVONIAN)	1642.0	
CARTHAGE (COTTON VALL	0.0	UNITED GAS PIPELI
WEINER (COLBY SAND)	14.6	CABOT CORP
E TALLEY ISLAND (FRIO	300.0	VALERO TRANSMISSI
CARTHAGE (COTTON VALL	0.0	UNITED GAS PIPELI
CARTHAGE (COTTON VALL	0.0	UNITED GAS PIPELI
CARTHAGE (COTTON VALL	0.0	UNITED GAS PIPELI
GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
WHARTON WEST (FRIO 45	187.0	NATURAL GAS PIPEL
CONGER SW (PENN)	0.0	INTER NORTH INC
CONGER SW (PENN)	0.0	INTER NORTH INC
BIRTHDAY (MORAN)	18.0	LONE STAR GAS CO
BIRTHDAY (MORAN)	26.0	LONE STAR GAS CO
USM (QUEEN)	1.5	INTER NORTH INC
LOYCE (STRAWN)	407.0	LONE STAR GAS CO
SAWYER (CANYON)	511.0	LONE STAR GAS CO
SAWYER (CANYON)	292.0	LONE STAR GAS [illegible]
SAWYER (CANYON)	317.8	LONE STAR GAS [illegible]
SAWYER (CANYON)	408.8	LONE STAR GAS CO
ALDWELL RANCH	416.1	LONE STAR GAS CO
LAWYER (CANYON)	277.4	LONE STAR GAS CO
SAWYER	189.8	LONE STAR GAS [illegible]
SAYER (CANYON)	226.6	LONE STAR GAS CO
ALDWELL RANCH (CANYON	178.6	LONE STAR GAS CO
ALDWELL RANCH (CANYON	681.8	LONE STAR GAS CO
BIG COWBOY (WILCOX 54	520.0	HOUSTON PIPE LINE
SAWYER (CANYON)	75.0	INTRATEX GAS CO
LAS TIENDAS (OLMOS)	140.0	HOUSTON PIPE LINE
LAS TIENDAS (OLMOS)	140.0	HOUSTON PIPE LINE
HIGH ISLAND	600.0	UNITED TEXAS TRAN
LAS TIENDAS (OLMOS)	109.0	LONE STAR GAS CO
PERRYTON WEST	19.0	INTER NORTH INC
LEVELLAND	8.9	CITIES SERVICE CO
TRICKHAM (CROSSCUT LO	12.0	LONE STAR GAS CO
MASON (DELAWARE SAND)	10.8	PHILLIPS PETROLEU
AMIGO-SAN ANDRES	5.1	BIG LAKE GAS CORP
AMIGO-SAN ANDRES	2.7	BIG LAKE GAS CORP
BELLE BOWER (TRAVIS P	12.0	TENNESSEE GAS PIP
WASKOM (TRAVIS PEAK-1	128.0	UNITED GAS PIPELI
PENN-GRIFFITH W (PETT	180.0	HENDERSON CLAY PR

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8324444	F-7B-061058	4214330480		102-2		SKILES 11 - API #42-143-30480
-MCCORMICK OPERATING CO				RECEIVED:	02/22/83	JA: TX
8324420	F-08-058606	4231732390		103		DOROTHY#1
-MEADCO PROPERTIES				RECEIVED:	02/22/83	JA: TX
8324462	F-7C-061969	4223531988		102-2		UT-40 A #1 RRC # - NOT ASSIGNED
-MELTON THOMAS C				RECEIVED:	02/22/83	JA: TX
8324521	F-7B-63671	4213333669		102-4		JAMIE BARTON #1-A (103056)
-MITCHELL ENERGY CORPORATION				RECEIVED:	02/22/83	JA: TX
8324564	F-09-63817	4249700000		108		B E BAKER #1 028560
8324396	F-09-057234	4249700000		108		BOWMAN UNIT #1 #029114
8324424	F-7C-058915	4245131022		102-4	103	FREYSCHLAG UNIT A #1
8324562	F-09-63798	4249700000		108-PB		G C BUSEY #3 028587
8324433	F-09-059645	4249700000		108		J H BRIDGES #1 #028576
8324528	F-09-63688	4249700000		103		L W HOWARD #1 072486
8324432	F-7B-059639	4236700000		108		M L EARP -B- #2 #095231
8324466	F-09-062637	4249700000		108		W L MACKEY #3 #037031
-MOLE OPERATING COMPANY INC				RECEIVED:	02/22/83	JA: TX
8324479	F-7B-063021	4222100000		108		MORRISON 1-U
-MONSANTO OIL CO				RECEIVED:	02/22/83	JA: TX
8324530	F-08-63708	4247532714		103		HALL #3
8324516	F-8A-63653	4250132116		103		SAM 449 #1
8324517	F-8A-63655	4250131974		103		SAM 449 #5
-MORAN EXPLORATION INC				RECEIVED:	02/22/83	JA: TX
8324394	F-7C-056872	4238332028		103		UNIVERSITY "2" #1
-NEV-TEX OIL & GAS INC				RECEIVED:	02/22/83	JA: TX
8324536	F-7B-63739	4208332005		108		ANNABELLE #2 (089187)
8324537	F-7B-63740	4208331561		108		DOROTHY FAYE #1 (080605)
8324538	F-7B-63741	4208331648		108		DOROTHY FAYE #2 (081594)
8324539	F-7B-63742	4208331761		108		DOROTHY FAYE #3 (083568)
-OLSEN ENERGY INC				RECEIVED:	02/22/83	JA: TX
8324565	F-08-63818	4247532709		103		DORR #6
-PANHANDLE ENERGY CORP				RECEIVED:	02/22/83	JA: TX
8324549	F-10-063776	4206531288		103		SHANNON #1 (ID #005245)
-PENNZOIL PRODUCING COMPANY				RECEIVED:	02/22/83	JA: TX
8324455	F-06-061788	4236531476		103	107-TF	HULL A-26
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/22/83	JA: TX
8324423	F-10-058643	4217931223		103		JOHNSON T #3
-QUINTANA PETROLEUM CORP				RECEIVED:	02/22/83	JA: TX
8324370	F-02-052030	4239131513		103		MAUDE WILLIAMS "A" D-117
8324371	F-02-052031	4239131518		103		MAUDE WILLIAMS "A" D-118
-RALPH L WAY INC				RECEIVED:	02/22/83	JA: TX
8324542	F-7C-63759	4238300000		103		UNIVERSITY-UNION '17' #5
8324541	F-7C-63758	4238332375		103		UNIVERSITY-UNION '17' #6
-ROBERT P LAMMERTS				RECEIVED:	02/22/83	JA: TX
8324443	F-03-060972	4204100000		102-2		DOOLEY #1
8324442	F-03-060970	4204100000		102-2		LIPSCOMB #1
-ROCKY MOUNTAIM RESOURCES INC				RECEIVED:	02/22/83	JA: TX
8324492	F-7B-063125	4205900000		102-4		J H BALKUM #1
-SAGE ENERGY CO				RECEIVED:	02/22/83	JA: TX
8324458	F-03-061894	4214900000		102-2		FLECK #1 RRC #
8324470	F-03-062771	4228700000		103		MATT #1 RRC #
8324524	F-7C-63678	4238332344		103		UNIVERSITY 7-G #4 RRC #08830
8324525	F-7C-63680	4238332330		103		UNIVERSITY 7-GA #7 RRC #08876
-SAMEDAN OIL CORPORATION				RECEIVED:	02/22/83	JA: TX
8324563	F-8A-63814	4216532417		103		SOUTH CENTRAL ROBERTSON UNIT #57
-SANDSTONE PETROLEUM CO				RECEIVED:	02/22/83	JA: TX
8324515	F-10-63608	4223331432		103		JOHNSON #1
-SEELY OIL CO				RECEIVED:	02/22/83	JA: TX
8324532	F-09-63713	4212130368		102-4		WATSON GAS UNIT #1 101064
-SHANE OIL CORP				RECEIVED:	02/22/83	JA: TX
8324464	F-7B-061985	4242933433		102-2		COOK HEIRS #3
-SHAR-ALAN OIL CO				RECEIVED:	02/22/83	JA: TX
8324506	F-03-063289	4231330408		102-4		JEFF FARRIS #2
-SHELL OIL CO				RECEIVED:	02/22/83	JA: TX
8324372	F-10-052269	4229500000		108-ER		SHELL WHEAT #2-764
-SKLAR & PHILLIPS OIL CO				RECEIVED:	02/22/83	JA: TX
8324379	F-06-054399	4242330550		103		JAMES WARREN ESTATE #1-A
-SMW INC				RECEIVED:	02/22/83	JA: TX
8324546	F-10-63770	4217931290		103		ALBERT #1 (ID #05267)
8324545	F-10-63769	4217931289		103		ALBERT #2 (ID #05267)
-SUGARBERRY OIL & GAS CORP				RECEIVED:	02/22/83	JA: TX
8324558	F-7C-63791	4241331137		103		CASE #4
8324559	F-7C-63792	4241331123		103		HARPER #2
-SUM EXPLORATION & PRODUCTION CO				RECEIVED:	02/22/83	JA: TX
8324463	F-04-061977	4242731655		103		A GUERRA -A- #4
8324471	F-04-062794	4242731564		103		B G DE GARCIA #36
8324508	F-01-063395	4212732399		103		BIG WELLS (SAN MIGUEL) #4541
8324556	F-01-63787	4212732405		103		BIG WELLS (SAN MIGUEL) UNIT #2032
8324555	F-01-63786	4212732406		103		BIG WELLS (SAN MIGUEL) UNIT #2034
8324557	F-01-63788	4212732394		103		BIG WELLS (SAN MIGUEL) UNIT #3328
8324393	F-04-056805	4204730989		102-4		D J SULLIVAN #12U
8324496	F-08-063179	4213500000		108		EAST GOLDSMITH HOLT UNIT #31-3
8324497	F-08-063180	4213500000		108		EAST GOLDSMITH HOLT UNIT #7-2L
8324410	F-08-058233	4237133331		107-DP		GOMEZ DALCO UNIT #2
8324365	F-10-047523	4221100000		108-ER		L P HUMPHREYS #1
8324445	F-7C-061074	4210500000		108		SHANNON ESTATE -C- #1
8324495	F-08-063178	4210300000		108		UNIVERSITY -L- #3
8324440	F-02-060783	4246900000		108		W H BENNETT #7
8324547	F-8A-63771	4207931586		103		WRIGHT UNIT #10-31
-SUN OIL CO				RECEIVED:	02/22/83	JA: TX
8324360	F-04-012181	4224900000		108		SEELIGSON UNIT #42-78
-TARTAN OIL & GAS				RECEIVED:	02/22/83	JA: TX
8324456	F-03-061797	4248100000		102-4		WITTIG #2
-TEXACO INC				RECEIVED:	02/22/83	JA: TX
8324403	F-08-057786	4243130937		102-4		COPE-ANDREWS UNIT #1
8324408	F-08-057712	4243130945		102-4		COPE-SEALE UNIT #1
8324418	F-08-058537	4243130949		102-4		E B COPE #1
8324402	F-08-057780	4243130935		102-4		E B COPE #1
8324411	F-08-058381	4243130948		102-4		E B COPE #3
8324428	F-08-057788	4243130947		102-4		E B COPE #4
8324399	F-08-057711	4243130934		102-4		E B COPE "B" #1
8324406	F-08-057816	4243130946		102-4		E B COPE "B" #2
8324405	F-10-057791	4248331017		103		P M KELLER #17
8324427	F-10-058988	4248331016		103		P M KELLER #18

FIELD NAME	PROD	PURCHASER
MORGAN MILLS	72.0	SOUTHWEST GAS PIP
SPRABERRY (TREND AREA	19.0	INTER NORTH INC
ANDREW A (CANYON)	0.0	FARMLAND INDUSTRI
BARTON (CADDO LOWER)	61.0	SOUTHWESTERN GAS
BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONG	13.8	LONE STAR GAS CO
K W B (STRAWN)	274.0	ESPERANZA PIPELIN
BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONG	13.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONG	8.0	NATURAL GAS PIPEL
RENO (CONGL)	9.2	NATURAL GAS PIPEL
BOONSVILLE (BEND CONG	10.2	NATURAL GAS PIPEL
MCINTOSH (MARBLE FALL	2.2	WARREN PETROLEUM
RHODA WALKER (CANYON	51.0	
BRAHANEY	5.0	SHELL OIL CO
BRAHANEY	0.4	SHELL OIL CO
SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
BERRYMAN (KICHI CREEK	9.0	EL PASO HYDROCARB
BERRYMAN (KICHI CREEK	0.0	EL PASO HYDROCARB
BERRYMAN (KICHI CREEK	5.0	EL PASO HYDROCARB
BERRYMAN (KICHI CREEK	4.0	EL PASO HYDROCARB
DORR (QUEEN SAND)	5.8	PGP GAS PRODUCTS
PANHANDLE CARSON	50.0	GETTY OIL CO
CARTHAGE/COTTON VALLE	585.0	UNITED GAS PIPE L
PANHANDLE GRAY	0.0	
LAKE PASTURE	84.0	UNITED TEXAS TRAN
LAKE PASTURE (H-440 S	27.4	UNITED TEXAS TRAN
FARMER (SAN ANDRES)	9.4	INTER NORTH INC
FARMER (SAN ANDRES)	208.8	INTER NORTH INC
BRYAN (WOODBINE)	0.0	FERGUSON CROSSING
KURTEN (WOODBINE)	0.0	FERGUSON CROSSING
ROCKY MOUNTAIM COMYM	1.8	EL PASO HYDROCARB
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	8.0	PHILLIPS PETROLEU
FARMER (SAN ANDRES)	0.7	INTER NORTH INC
FARMER (SAN ANDRES)	8.9	INTER NORTH INC
ROBERTSON NORTH/CLEAR	18.6	PHILLIPS PETROLEU
PANHANDLE	0.0	PHILLIPS PETROLEU
LESLY S (CADDO)	380.0	NATURAL GAS PIPEL
FRANKEL S (STRAWN)	105.0	WARREN PETROLEUM
MADISONVILLE N E (GEO	0.0	LONE STAR GAS CO
KIOWA CREEK	0.0	PHILLIPS PETROLEU
CHAPEL HILL (PALUXY)	1.0	ETEXAS PRODUCERS
PANHANDLE GRAY	50.0	GETTY OIL CO
PANHANDLE GRAY	60.0	GETTY OIL CO
VELREX (HENDERSON UPP	76.7	FARMLAND INDUSTRI
VELREX (HENDERSON UPP	164.3	FARMLAND INDUSTRI
SUN NORTH /7020 SAND/	116.0	
GARCIA (MILLER -A-)	25.0	TRANSCONTINENTAL
BIG WELLS (SAN MIGUEL	0.0	HOUSTON PIPELINE
BIG WELLS (SAN MIGUEL	43.0	HOUSTON PIPE LINE
BIG WELLS (SAN MIGUEL	36.0	HOUSTON PIPE LINE
BIG WELLS (SAN MIGUEL	8.0	HOUSTON PIPE LINE
FLOWELLA	0.0	
GOLDSMITH EAST (HOLT)	3.0	PHILLIPS PETROLEU
GOLDSMITH EAST (HOLT)	1.0	PHILLIPS PETROLEU
GOMEZ	556.0	VALERO INTERSTATE
CANADIAN SE DOUGLAS	17.0	PANHANDLE EASTERN
NOELKE N E (QUEEN)	0.4	EL PASO NATURAL G
DUNE	8.4	PHILLIPS PETROLEU
HEYSER (5400 #3)	8.0	TENNESSEE GAS PIP
LEVELLAND	8.0	CITIES SERVICE CO
SEELIGSON (ZONE 19B-0	22.0	TENNESSEE GAS PIP
CRESCENT (5090)	180.0	ESPERANZA TRANSMI
CONGER SW	235.8	VALERO TRANSMISSI
CONGER S W	216.5	VALERO TRANSMISSI
CONGER SW	331.0	VALERO TRANSMISSI
CONGER S W	277.0	VALERO TRANSMISSI
CONGER S W	181.3	VALERO TRANSMISSI
CONGER SW	305.8	VALERO TRANSMISSI
CONGER S W	330.4	VALERO TRANSMISSI
CONGER SW	133.2	VALERO TRANSMISSI
PANHANDLE WHEELER COU	8.8	PHILLIPS PETROLEU
PANHANDLE WHEELER COU	1.5	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8324414	F-08-058533	4243130979		102-4		P T MAHAFFEY #1
8324416	F-08-058535	4243130983		102-4		STERLING "S" FEE #1
8324404	F-08-057789	4243131048		102-4		STERLING "T" FEE #1
8324419	F-08-058539	4243131055		102-4		STERLING "T" FEE #2
8324413	F-08-058532	4243131100		102-4		STERLING "T" FEE #3
8324417	F-08-058536	4243131099		102-4		STERLING "T" FEE #4
8324415	F-08-058534	4243131098		102-4		STERLING "U" FEE #1
-TEXAS CITY REFINING INC				RECEIVED:	02/22/83	JA: TX
8324451	F-02-061570	4202531561		102-4		G T ROBERTS #1
-THE DOW CHEMICAL COMPANY				RECEIVED:	02/22/83	JA: TX
8324407	F-03-057983	4248131703		103		FOLEY BROUSSARD #2
8324408	F-03-057984	4248131694		103		H R BAKER #2
8324409	F-03-058030	4248131702		103		W E COFFEY #3
-THREE WAY ENERGY INC				RECEIVED:	02/22/83	JA: TX
8324377	F-7B-053062	4213333675		102-4		HARBIN #1 ID#099645
-THROCKMORTON GAS SYSTEMS				RECEIVED:	02/22/83	JA: TX
8324473	F-7B-062935	4246700000		102-2		TIMMS #1
-TONDU ENERGY CORP				RECEIVED:	02/22/83	JA: TX
8324376	F-02-053011	4212300000		103		B M MCDOUGAL #1
-TRINITY EXPLORATION CO				RECEIVED:	02/22/83	JA: TX
8324368	7B-050636	4213300000		103		CHILDERS #2
8324385	F-7B-055931	4213300000		102-2		J B HUNT #2
-TRIPLE J INVESTMENTS INC				RECEIVED:	02/22/83	JA: TX
8324543	F-06-63765	4240100000		103		R W FAIR #2
-TROJAN OIL PRODUCTION & SERVICES			IN	RECEIVED:	02/22/83	JA: TX
8324553	F-7C-63783	4239932299		103		NORTHINGTON -B- #1 (09332)
8324551	F-7C-63781	4239932338		103		NORTHINGTON -B- #2 (09332)
8324552	F-7C-63782	4239931893		103		RUTH KING #1 (09004)
-TXO PRODUCTION CORP				RECEIVED:	02/22/83	JA: TX
8324397	F-02-057557	4223931617		103		STAFFORD G U A-2
8324422	F-02-058621	4223931804		102-4		WATSON B-3
-W L LINDEMANN DRILLING CO				RECEIVED:	02/22/83	JA: TX
8324485	F-09-063104	4207732761		102-4	103	BURNS-STARNES #1
-WAINOCO OIL & GAS CO				RECEIVED:	02/22/83	JA: TX
8324449	F-03-061549	4248131806		102-4		MERIWETHER #1
-WAY OIL CO				RECEIVED:	02/22/83	JA: TX
8324480	F-7B-063053	4236732324		102-4		WOODY #1
-WESTERN HILLS OIL & GAS CO INC				RECEIVED:	02/22/83	JA: TX
8324438	F-7B-060296	4236732303		102-2		FAIN #1 (ID NO APPLIED FOR)
-WESTHEIMER-NEUSTADT CORP				RECEIVED:	02/22/83	JA: TX
8324369	F-10-051659	4219530778		102-4	103	BIRDWELL #1
-WINN EXPLORATION/DULCE CO				RECEIVED:	02/22/83	JA: TX
8324436	F-01-060247	4250731726		102-4		PRYOR RANCH #85-C
8324435	F-01-060246	4250731726		102-4		PRYOR RANCH #85-T
8324460	F-01-061921	4250731738		102-4		PRYOR RANCH #93-T
8324459	F-01-061920	4250731738		102-4		PRYOR RANCH NO 93-C
-WISENBAKER PRODUCTION CO				RECEIVED:	02/22/83	JA: TX
8324437	F-05-060277	4216130578		103	107-TF	A W GEORGE B-2 PERMIT #126080
-ZUHONE WILLIAM H				RECEIVED:	02/22/83	JA: TX
8324531	F-09-63711	4223700000		108		CHARLES H MORRISON #1
-3 W OIL INC				RECEIVED:	02/22/83	JA: TX
8324560	F-10-63794	4217931260		103		WEBSTER "A" (05270) #3
8324561	F-10-63795	4217931259		103		WEBSTER "A" (05270) #4

FIELD NAME	FKOD	PURCHASER
CONGER SW	84.3	VALERO TRANSMISSI
CONGER SW	8.0	VALERO TRANSMISSI
CONGER SW	196.5	VALERO TRANSMISSI
CONGER SW	195.6	VALERO TRANSMISSI
CONGER SW	0.0	VALERO TRANSMISSI
CONGER SW	8.0	VALERO TRANSMISSI
CONGER S W	297.8	VALERO TRANSMISSI
TULETA SOUTH (1210) F	75.8	
MAGNET WITHERS	12.0	
MAGNET WITHERS	16.0	
MAGNET WITHERS	14.0	
THREE WAY (DUFFER)	48.0	LONE STAR GAS CO
THROCKMORTON COUNTY R	0.0	WARREN PETROLEUM
KOENIG NORTH (WILCOX	182.0	VALERO TRANSMISSI
EASTLAND COUNTY REGUL	8.0	ODESSA NATURAL GA
GREEN SHOW (UPPER CAD	0.0	ODESSA NATURAL GA
TALIAFERRO (PETTIT UP	48.0	ARCO OIL & GAS CO
BIG ED (GARDNER LIME)	1.0	LONE STAR GAS CO
BIG ED (GARDNER LIME)	23.0	LONE STAR GAS CO
BIG ED (GARDNER LIME)	17.0	LONE STAR GAS CO
MORALES (3955')	0.0	DELHI GAS PIPELIN
MORALES (4430')	0.0	DELHI GAS PIPELIN
TALLY (CONGLOMERATE)	438.0	TEXAS UTILITIES F
SPANISH CAMP SOUTH (3	88.0	UNITED TEXAS TRAN
SHARPE (ATOKA)	53.0	SOUTHWESTERN GAS
H & R (BEND CONGL)	175.0	TEXAS UTILITIES F
WOODSTOCK (BROWN DOLO	100.0	PANHANDLE EASTERN
WINN-DULCE	0.0	INTER NORTH INC
WINN-DULCE	0.0	INTER NORTH INC
WINN-DULCE	0.0	INTER NORTH INC
WINN-DULCE	0.0	INTER NORTH INC
BURLESON MILLS (BOSSI	288.0	LONE STAR GAS CO
WILMAR (BEND)	8.4	CITIES SERVICE GA
PANHANDLE GRAY COUNTY	3.0	GETTY OIL CO
PANHANDLE GRAY COUNTY	4.0	GETTY OIL CO

[FR Doc. 83-7872 Filed 3-25-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 856]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 23, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS — VOLUME 856

ISSUED MARCH 23, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALTHEIRS OIL INC				RECEIVED:	02/22/83	JA: OH			
8324566		3412724613		107-TF		ALTHEIRS OIL INC #1	SALT LICK TOWNSHIP	4.5	NICO-FIBERS INC
8324567		3412724614		107-TF		ALTHEIRS OIL INC #2	SALT LICK TOWNSHIP	4.5	NICO-FIBERS INC
8324568		3412724843		107-TF		KIENER #1	SALT LICK TOWNSHIP	5.0	NICO-FIBERS INC
8324569		3412725243		107-TF		PEABODY #1	SALT LICK TOWNSHIP	3.5	NICO-FIBERS INC
-ARAPAHO VENTURES OF NEW YORK INC				RECEIVED:	02/22/83	JA: OH			
8324570		3416725252		108		GOLDIE HAAS #1		3.0	COLUMBIA GAS TRAN
8324571		3416725606		108		GOLDIE HAAS #3	WILDCAT	1.2	COLUMBIA GAS TRAN
8324572		3416725607		108		GOLDIE HAAS #7	WILDCAT	4.0	COLUMBIA GAS TRAN
-ATWOOD ENTERPRISES INC				RECEIVED:	02/22/83	JA: OH			
8324573		3421222870		107-DV		LAWLEY-ROETTEIS #1	ELK	10.0	
-B & B OIL CO				RECEIVED:	02/22/83	JA: OH			
8324576		3416923429		107-TF		PAUL BRADLEY #1	MILTON	25.0	COLUMBIA GAS TRAN
-BARTLO OIL AND GAS COMPANY				RECEIVED:	02/22/83	JA: OH			
8324575		3410323128		103	107-TF	P LONG #1	WADSWORTH	8.0	YANKEE RESOURCES
-BKK PROSPECTING LTD				RECEIVED:	02/22/83	JA: OH			
8324574		3412122779		103		GRACE MANTEL #4	JEFFERSON	10.0	COLUMBIA GAS TRAN
-BPC DRILLING PROGRAM 82-A				RECEIVED:	02/22/83	JA: OH			
8324578		3412122850		107-DV		HILL #2	ENOCH	0.0	
8324577		3412122824		107-TF		MOHMAN #1		0.0	
-CANECO RESOURCES CORP				RECEIVED:	02/22/83	JA: OH			
8324579		3416923478		107-TF		AMSTUTZ #2	WILDCAT	0.0	COLUMBIA GAS TRAN
8324581		3416923497		107-DV		AMSTUTZ 1S	WILDCAT	0.0	COLUMBIA GAS TRAN
8324580		3416923496		107-TF		ANDREW J HERSHBERGER #1	WILDCAT	0.0	COLUMBIA GAS TRAN
-CLARENCE K TUSSEL JR				RECEIVED:	02/22/83	JA: OH			
8324582		3400722013		103	107-TF	H SINCLAIR #1	KINGSVILLE	30.0	
-CLINTON OIL CO				RECEIVED:	02/22/83	JA: OH			
8324754		3408924042		103		CONRAD #1	HOPEWELL	10.0	
8324755		3408924043		103		CONRAD #2	HOPEWELL	10.0	
8324758		3411926551		103	107-TF	GRACE VICKERS #2-760	HIGHLAND	10.0	
8324756		3411926490		103	107-TF	HAROLD NELDON #1-758	LICKING	10.0	
8324757		3411926539		103	107-TF	M PROUTY #1-782	ADAMS	10.0	
-DAVID SHAFER OIL PRODUCERS INC				RECEIVED:	02/22/83	JA: OH			
8324583		3415321312		103		SCHWAGER #2	RICHFIELD	7.5	EAST OHIO GAS CO
-DERBY OIL & GAS CORP				RECEIVED:	02/22/83	JA: OH			
8324584		3405922962		107-TF		LYMAN KASTELIC #1	SPENCER	12.0	COLUMBIA GAS TRAN
8324586		3407523950		107-TF		RABER ETAL #2	CLARK	12.0	COLUMBIA GAS TRAN
8324585		3405922964		107-TF		THOMAS MOORE #1	SPENCER	12.0	COLUMBIA GAS TRAN
-DEVON PETROLEUM CORP				RECEIVED:	02/22/83	JA: OH			
8324587		3416770400		107-DV		FERNWOOD CORPORATION #1	DECATUR	9.0	COLUMBIA GAS TRAN
-DISCOVERY OIL LTD				RECEIVED:	02/22/83	JA: OH			
8324591		3416922738		107-TF		ELWOOD STOUT #2	CHIPPEWA	0.0	
8324588		3410322892		107-TF		IRWIN #1	SEVILLE	20.0	
8324589		3410322907		107-TF		JIRKA #1	LODI	20.0	
8324590		3410323202		107-TF		RICHARD LUDWIG #1	LODI	20.0	
-DOME EMERGY 82				RECEIVED:	02/22/83	JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8324595		3409321185		107-TF		BARTTER #4	COLUMBIA	15.0	COLUMBIA GAS TRAN
8324594		3409321184		107-TF		BARTTER #5	COLUMBIA	10.0	COLUMBIA GAS TRAN
8324593		3409321183		107-TF		BARTTER #6	COLUMBIA	15.0	COLUMBIA GAS TRAN
8324592		3403521165		107-TF		STONE #1	OLMSTED	10.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED: 02/22/83		JA: OH			
8324602		3407523703		107-TF		DAN M YODER #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
8324606		3411522771		107-TF		DANIEL ABER #1	MALTA	12.0	COLUMBIA GAS TRAN
8324601		3407523702		107-TF		DELBERT H SHETLER #1	WALNUT CREEK	12.0	COLUMBIA GAS TRAN
8324603		3408720277	D	107-DV		FLORENCE MILLER #1	FAYETTE	12.0	COLUMBIA GAS TRAN
8324596		3407522966		107-TF		JACOB MAST #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
8324598		3407523695		107-TF		JONUS R YODER #1	CLARK	12.0	COLUMBIA GAS TRAN
8324597		3407523296		107-TF		MELVIN MEYERS #2	PRAIRIE	12.0	COLUMBIA GAS TRAN
8324604		3408720278	D	107-DV		MICHAEL KELLY #1	FAYETTE	12.0	COLUMBIA GAS TRAN
8324605		3408924398	D	107-TF		RICHARD SHELLY #1	BOWLING GREEN	12.0	COLUMBIA GAS TRAN
8324599		3407523697	D	107-TF		SMITH #1	PRAIRIE	12.0	COLUMBIA GAS TRAN
8324600		3407523699		107-TF		STANLEY R KINESE #1	PRAIRIE	12.0	COLUMBIA GAS TRAN
-DUSTY DRILLING COMPANY INC				RECEIVED: 02/22/83		JA: OH			
8324618		3411522523		107-TF		EDWARDS #1	DEERFIELD	1.0	COLUMBIA GAS TRAN
8324620		3411522556		107-TF		EDWARDS #2	DEERFIELD	0.9	COLUMBIA GAS TRAN
8324612		3411522180		107-TF		FISHER #1	DEERFIELD	1.0	COLUMBIA GAS TRAN
8324613		3411522182		107-TF		FISHER #3	DEERFIELD	1.0	COLUMBIA GAS TRAN
8324621		3411522559		107-TF		FLEMING #1	DEERFIELD	0.9	COLUMBIA GAS TRAN
8324619		3411522555		107-TF		FLEMING #2	DEERFIELD	0.9	COLUMBIA GAS TRAN
8324614		3411522186		107-TF		HINKLE #3	DEERFIELD	1.0	COLUMBIA GAS TRAN
8324615		3411522187		107-TF		HINKLE #4	DEERFIELD	1.0	COLUMBIA GAS TRAN
8324607		3411521910		107-TF		J SIDWELL #1	DEERFIELD	1.0	COLUMBIA GAS TRAN
8324610		3411522140		107-TF		J SIDWELL #2	DEERFIELD	1.0	COLUMBIA GAS TRAN
8324611		3411522141		107-DP		J SIDWELL #3	DEERFIELD	1.0	COLUMBIA GAS TRAN
8324617		3411522394		107-TF		MANLEY #1	DEERFIELD	1.0	COLUMBIA GAS TRAN
8324616		3411522241		107-TF		MANLEY #4	DEERFIELD	1.0	COLUMBIA GAS TRAN
8324609		3411522108		107-TF		MELRAGON #1	DEERFIELD	1.0	COLUMBIA GAS TRAN
8324608		3411522097		107-TF		MELRAGON #2	DEERFIELD	1.0	COLUMBIA GAS TRAN
8324622		3411522594		107-TF		THOMPSON #1	DEERFIELD	1.0	COLUMBIA GAS TRAN
8324623		3411522595		107-TF		THOMPSON #2	DEERFIELD	1.0	COLUMBIA GAS TRAN
-DWIGHT MARTIN				RECEIVED: 02/22/83		JA: OH			
8324624		3416923368		103	107-TF	MURPHY & HERMAN 1#	CHESTER	0.0	
-EAGLE MOUNTAIN ENERGY CORP				RECEIVED: 02/22/83		JA: OH			
8324625		3410522569		107-DV		GLADYS HEINEY #1	OLIVE	20.0	COLUMBIA GAS TRAN
8324630		3411523049		103	107-TF	LACEY-JENKINS #1	BRISTOL	20.0	COLUMBIA GAS TRAN
8324629		3411522962		103	107-TF	LEEPER (BRISTOL) UNIT #1	BRISTOL	20.0	COLUMBIA GAS TRAN
8324627		3410522571		107-DV		NORTHERN LIGHT L S CHURCH #1	OLIVE	20.0	COLUMBIA GAS TRAN
8324626		3410522570		107-DV		WAYNE UPTON #1-A	OLIVE	20.0	COLUMBIA GAS TRAN
8324628		3410522616		107-DV		WYERS-LANDON #1	OLIVE	20.0	COLUMBIA GAS TRAN
-EARTH RESOURCES EXPL DEV CORP				RECEIVED: 02/22/83		JA: OH			
8324631		3415522100		103	107-TF	BERKHOUSE UNIT #1	BRISTOL	0.0	
8324632		3415522109		103	107-TF	WILSON #3	BRISTOL	0.0	
-EDCO DRILLING & PRODUCING INC				RECEIVED: 02/22/83		JA: OH			
8324633		3416922509		108		HOFSTETER BL-2A		18.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP				RECEIVED: 02/22/83		JA: OH			
8324634		3405520216		103	107-RT	BYLER WELL #8	HUNTSBURG	19.0	COLUMBIA GAS TRAN
-ENNEY OILFIELD RENTAL CO				RECEIVED: 02/22/83		JA: OH			
8324635		3403124928		107-TF		B FOSTER #2	JACKSON	5.0	COLUMBIA GAS TRAN
-ENTERPRISE ENERGY CORP				RECEIVED: 02/22/83		JA: OH			
8324639		3416320655		103	107-TF	BENEDICT #3	SWAN	36.5	COLUMBIA GAS TRAN
8324641		3416320769		103	107-TF	CROSON #1	SWAN	18.2	COLUMBIA GAS TRAN
8324640		3416320690		103	107-TF	D DAVIS #7	SWAN	36.5	COLUMBIA GAS TRAN
8324636		3400922615		103	107-TF	DRYDOCK COAL #16 TR	TRIMBLE	36.5	COLUMBIA GAS TRAN
8324637		3407322682		103	107-TF	SHEETS #1	WASHINGTON	18.2	COLUMBIA GAS TRAN
8324638		3407322693		103	107-TF	SHEETS #2	WASHINGTON	27.3	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED: 02/22/83		JA: OH			
8324643		3400922662		103	107-TF	DRYDOCK COAL #21 D	[illegible]VER	18.2	
8324642		3400922657		103	107-TF	DRYDOCK COAL #22 TR	TRIMBLE	18.2	
8324644		3400922671		103	107-TF	DRYDOCK COAL #24 TR	TRIMBLE	18.2	
8324645		3400922701		103	107-TF	DRYDOCK COAL #30D	DOVER	18.2	
-FRANK A CSAPO JR				RECEIVED: 02/22/83		JA: OH			
8324675		3416923440		103	107-TF	GLEN & RICHARD MILLER #2	MILTON	18.0	COLUMBIA GAS TRAN
-FUTURE ENERGY CORPORATION				RECEIVED: 02/22/83		JA: OH			
8324677		3411528930		103	107-TF	GOINS #2	MALTA	30.0	
8324676		3411522892		103	107-TF	LOWE-MELLOR UNIT #3	MALTA	30.0	
-GASEARCH INC				RECEIVED: 02/22/83		JA: OH			
8324679		3415522277		103	107-TF	GROSSMAN #1	MESOPOTAMIA	8.0	YANKEE RESOURCES
8324678		3409921484		103	107-TF	NATIONAL NORTHERN INC (JACKSON) #3	JACKSON	20.0	YANKEE RESOURCES
-GREEN GAS COMPANY				RECEIVED: 02/22/83		JA: OH			
8324680		3416922323		107-TF		EUGENE FETZER #1	CANAAN	2.0	COLUMBIA GAS TRAN
8324682		3416923362		107-TF		MCILVAINE #1	CANAAN	25.0	COLUMBIA GAS TRAN
8324681		3416923361		107-TF		WARD #1	CHESTER	3.0	COLUMBIA GAS TRAN
-HATFIELD JOHN J				RECEIVED: 02/22/83		JA: OH			
8324692		3410323172		103	107-TF	RAMEY-TAYLOR #1	MONTVILLE	18.0	
-HAUGHT INC				RECEIVED: 02/22/83		JA: OH			
8324683		3416726846		103		SAMMY FRANCIS #1	GRANDVIEW DISTRICT	15.0	COLUMBIA GAS TRAN
-J D DRILLING CO				RECEIVED: 02/22/83		JA: OH			
8324685		3410521831		107-DV		F J STOBART ETAL #1	LEBANON	5.0	COLUMBIA GAS TRAN
8324686		3410522112		107-DV		ROY & LILLIAN PROFFITT #2	SUTTON	5.0	COLUMBIA GAS TRAN
8324684		3410521609		107-DV		THERON JOHNSON #1	LETART	7.0	COLUMBIA GAS TRAN
-JERRY MOORE INC				RECEIVED: 02/22/83		JA: OH			
8324689		3403124892		107-TF		ERVIN D TROYER #6210	NEW BEDFORD	2.0	COLUMBIA GAS TRAN
8324687		3403124895		107-TF		GLENN FLEMING #6183	COSHOCTON	4.0	COLUMBIA GAS TRAN
8324691		3403124918		107-TF		HARLAN MCCLEARY #6182	WEST LAFAYETTE	4.0	COLUMBIA GAS TRAN
8324688		3403124891		107-TF		HAROLD J MILLAR #6180	KEENE	2.0	COLUMBIA GAS TRAN
8324690		3403124898		107-TF		HELEN E MAST #1-22	CHILI	3.0	COLUMBIA GAS TRAN
-KENOIL				RECEIVED: 02/22/83		JA: OH			
8324693		3416923257		107-TF		DELBERT MOINE #1	CANAAN	6.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED: 02/22/83		JA: OH			
8324706		3412725719	D	107-TF		INES BELL #1	MONDAY CREEK	10.0	COLUMBIA GAS TRAN
8324707		3412725670		107-TF		JAMES MAY #1	HARRISON	10.0	COLUMBIA GAS TRAN
-LAFFERRE & MARTIN OIL CO				RECEIVED: 02/22/83		JA: OH			
8324694		3411121648		108		W R COSS FARM #10		2.4	RIVER GAS CO
-LAKE REGION OIL INC				RECEIVED: 02/22/83		JA: OH			
8324699		3416923477		103	107-TF	IRVIN & IDELLA GEISER #1	SUGAR CREEK	15.0	COLUMBIA GAS TRAN
8324695		3403124978		103	107-TF	JAMES & DAVID WARING #2	BETHLEM	15.0	COLUMBIA GAS TRAN
8324698		3407523944		103	107-TF	JONAS 557 MILLER #1	CLARK	15.0	COLUMBIA GAS TRAN
8324697		3407523943		103	107-TF	PAUL MILLER #1	CLARK	15.0	COLUMBIA GAS TRAN
8324696		3407523928		103	107-TF	WILLIS CHANAY #2	KILLBUCK	15.0	COLUMBIA GAS TRAN
-LARRY H WRIGHT INC				RECEIVED: 02/22/83		JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8324700		3410522595		107-DV		EDISON HOLLON #1	SUTTON	10.0	COLUMBIA GAS TRAN
-LEADER EQUITIES INC				RECEIVED:	02/22/83	JA: OH			
8324704		3411926527		103	107-TF	DOVE #1	MADISON	12.0	
-LESLIE OIL AND GAS CO	INC			RECEIVED:	02/22/83	JA: OH			
8324705		3415522103		107-TF		H KAUFMAN #1	MESOFOTAMIA	20.0	YANKEE RESOURCES
-LOMAK PETROLEUM INC				RECEIVED:	02/22/83	JA: OH			
8324709		3413322904		107-TF		G LEJSEK #1	FREEDOM	20.0	COLUMBIA GAS TRAN
8324708		3411926102		107-TF		THOMAS-NORMAN UNIT #1	HARRISON	24.0	COLUMBIA GAS TRAN
-MORMACK INDUSTRY INC				RECEIVED:	02/22/83	JA: OH			
8324710		3416923321		107-TF		JOHN MILLER #1	SUGAR CREEK	30.0	COLUMBIA GAS TRAN
-MURPHY OIL CO				RECEIVED:	02/22/83	JA: OH			
8324711		3410522604		107-TF		MURPHY #1	RUTLAND	5.5	COLUMBIA GAS TRAN
-NEW FRONTIER EXPLORATION INC				RECEIVED:	02/22/83	JA: OH			
8324716		3412122926		103	107-TF	ASHTON WILLIAMS #1	NOBLE	22.0	YANKEE RESOURCES
8324718		3415123802		103	107-TF	CLARENCE JOHNSON #2	WASHINGTON	22.0	YANKEE RESOURCES
8324715		3412122920		103	107-TF	CLELA DELANCEY #2	SHARON	22.0	YANKEE RESOURCES
8324717		3415123795		103	107-TF	DONALD ROHR #4	WASHINGTON	22.0	YANKEE RESOURCES
8324721		3415723808		103	107-TF	ELEANOR WATSON #1	GOSHEN	0.0	YANKEE RESOURCES
8324713		3411926515		103	107-TF	HARRY MASON #1	UNION	0.0	YANKEE RESOURCES
8324714		3411926523		103	107-TF	HARRY MASON #3	UNION	18.0	YANKEE RESOURCES
8324712		3405923412		103	107-TF	ROBERT CORNELL #2	LIBERTY	0.0	YANKEE RESOURCES
8324720		3415723793		103	107-TF	ROBERT WILCOXON #1	FAIRFIELD	0.0	YANKEE RESOURCES
8324719		3415123806		103	107-TF	RUSSELL SMITH #2	WASHINGTON	0.0	YANKEE RESOURCES
-OHIO NATURAL FUEL CO				RECEIVED:	02/22/83	JA: OH			
8324722		3403124251		107-TF		OLINGER #2	JACKSON	30.0	COLUMBIA GAS TRAN
-OHIO PURE OIL CORP				RECEIVED:	02/22/83	JA: OH			
8324724		3407523976		103		STITZLEIN A-1	WASHINGTON	3.0	
8324723		3400523547		103		YOUNG A-3	LAKE	9.0	
-OXFORD OIL CO				RECEIVED:	02/22/83	JA: OH			
8324760		3407523819		103		GORDON BETTIS #2	KILLBUCK	11.0	COLUMBIA GAS TRAN
8324759		3403124893		107-TF		SAMUEL YURJEVIC #1	KEENE	11.0	
8324761		3411122935		107-DV		WALDINE BEARDMORE #2A	FRANKLIN	10.0	
-PARTNERS PETROLEUM INC				RECEIVED:	02/22/83	JA: OH			
8324726		3413322941		107-TF		JIROUSEK #1	MANTUA	16.4	YANKEE RESOURCES
8324725		3413322937		107-TF		KLINE #1	SHALERSVILLE	81.0	YANKEE RESOURCES
-PEPPER OIL CO				RECEIVED:	02/22/83	JA: OH			
8324762		3411926454		103	107-TF	DURST #2	NEWTON	10.0	COLUMBIA GAS TRAN
-PROVIDENT OIL & GAS				RECEIVED:	02/22/83	JA: OH			
8324728		3415321281		107-TF		HARTMAN #1	RICHFIELD	36.0	
8324727		3415321243		107-TF		HARTMAN #2	RICHFIELD	36.0	
-PYRAMID OIL OF AMERICA				RECEIVED:	02/22/83	JA: OH			
8324729		3410322810	D	107-TF		SHANIGAN-DANTE UNIT #1	LAFAYETTE	30.0	
-QUAKER STATE OIL REFINING CORP				RECEIVED:	02/22/83	JA: OH			
8324732		3407322734		103		SUNDAY CREEK COAL #42	WARD	11.0	COLUMBIA GAS TRAN
8324730		3407322618		103		SUNDAY CREEK COAL #45	WARD	11.0	COLUMBIA GAS TRAN
8324731		3407322726		103		SUNDAY CREEK COAL #61	WARD	5.5	COLUMBIA GAS TRAN
-RED HILL DEVELOPMENT				RECEIVED:	02/22/83	JA: OH			
8324659		3415722545		108		A GRAFE - #1		3.0	
8324674		3415723537		108		B WIDDER - #1		6.0	
8324647		3415722186		108		C BLEININGER - #1		2.0	
8324672		3415722803		108		C HENNEY - #1		8.0	
8324662		3415722606		108		C RIEL - #1		4.0	
8324666		3415722672		108		C TATE-#1		7.0	
8324650		3415722425		108		CASEBEER - #1		2.0	
8324655		3415722448		108		D BIXLER - #1		4.0	
8324665		3415722671		108		D C ENTERPRISE - #1		8.0	
8324658		3415722537		108		D KNEUSS - #1		8.0	
8324673		3415723125		108		D SCHNEBELEN - #1		8.0	
8324657		3415722536		108		E LAHMERS - WELL #1		3.0	
8324663		3415722607		108		F KARL - #1		12.0	
8324670		3415722798		108		F WIELAND - #1		9.0	
8324652		3415722435		108		FONDRIEST - #1		4.0	
8324669		3415722785		108		G KIMBLE - #1		3.0	
8324671		3415722802		108		H CASEBEER - #3		9.0	
8324654		3415722447		108		H HOWARD - #1		2.0	
8324664		3415722623		108		H OWENS - #1		5.0	
8324653		3415722446		108		HOLMES LAND CO - #1		3.0	
8324668		3415722674		108		K SWIHART - #1		6.0	
8324661		3415722605		108		L CASEBEER - #2		2.0	
8324648		3415722214		108		MELVIN MILLER - #1		13.0	
8324649		3415722219		108		P LADRACH - #1		8.0	
8324651		3415722433		108		R LAHMERS #1		2.0	
8324656		3415722465		108		RED HILL - #1		4.0	
8324660		3415722591		108		U KERN - #1		11.0	
8324646		3415722189		108		V HISRICH - #2		7.0	
8324667		3415722673		108		WM MARINO - #1		7.0	
-RICHARD W ULLMAN				RECEIVED:	02/22/83	JA: OH			
8324735		3411523039		107-TF		COOK 1	CHESTERHILL	1.8	COLUMBIA GAS TRAN
8324734		3411522981		107-TF		COOK 2A	CHESTERHILL	1.8	COLUMBIA GAS TRAN
8324733		3411522780		107-TF		G WILLIAMS #1	EAGLE PORT	1.8	COLUMBIA GAS TRAN
-ROBERT W ORR JR				RECEIVED:	02/22/83	JA: OH			
8324736		3411922529		103	107-TF	STRATTON LAND CO #1	DRESDEN - SOUTH	18.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED:	02/22/83	JA: OH			
8324743		3416727225		107-DV		LONGFELLOW #7	GRANDVIEW	14.6	
-SHELDON L TURRILL				RECEIVED:	02/22/83	JA: OH			
8324745		3416923236		103	107-TF	J D MILLER #1	PAINT	10.0	COLUMBIA GAS OF O
8324744		3416923235		103	107-TF	J J HERSHBERGER #1	PAINT	10.0	COLUMBIA GAS OF O
-SHONGUM OIL & GAS INC				RECEIVED:	02/22/83	JA: OH			
8324748		3407523846		103	107-TF	BEACH MILLER #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
8324749		3411926082		107-TF		BRYCE LAPP #3A	SALEM	12.0	COLUMBIA GAS TRAN
8324746		3407523769		107-TF		ELI B YODER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8324750		3412122905		107-DV		GEORGE TOMCHO #1	NOBLE	12.0	COLUMBIA GAS TRAN
8324747		3407523811		107-TF		SKYVIEW BAPTIST RANCH INC #1	HARDY	12.0	COLUMBIA GAS TRAN
-SMITH LAWRENCE M				RECEIVED:	02/22/83	JA: OH			
8324701		3416700811		108		GEORGIA R ANTILL #1	LIBERTY TWP	4.0	RIVER GAS CO
8324702		3416700812		108		GEORGIA R ANTILL #2	LIBERTY TWP	4.0	RIVER GAS CO
8324703		3416700813		108		GEORGIA R ANTILL #3	LIBERTY TWP	4.0	RIVER GAS CO
-SOUTHERN TRIANGLE OIL	CO INC			RECEIVED:	02/22/83	JA: OH			
8324742		3412723264		108		SIMMONS #1		0.3	FORAKER GAS CO IN
8324739		3412723581		108		UNDERWOOD #1	NEW LEXINGTON	0.1	FORAKER GAS CO IN
8324738		3412723583		108		UNDER WOOD #2	NEW LEXINGTON-SOUTHEA	0.1	FORAKER GAS CO IN
8324740		3412723582		108		UNDERWOOD #3	NEW LEXINGTON-SOUTH	0.1	FORAKER GAS CO IN
8324741		3412723580		108		UNDERWOOD #4	NEW LEXINGTON - SOUTH	0.1	FORAKER GAS CO IN
8324737		3412723579		108		UNDERWOOD #5	NEW LEXINGTON SOUTH	0.1	FORAKER GAS CO IN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-STRATA CORP				RECEIVED: 02/22/83 JA: OH					
8324751		3400922440		107-TF		LARRY RUSSELL #1	CARTHAGE	6.0	
8324752		3400922652		107-TF		RALPH SMITH #1	ROME	7.0	
8324753		3400922711		107-TF		RUFF #1	ROME	5.0	
-TIGER OIL INC				RECEIVED: 02/22/83 JA: OH					
8324764		3412725794		103		F CRANDELL #1	THORN	5.0	NATIONAL GAS & OI
8324763		3411122637		107-DV		M SHEETS #2	WASHINGTON	3.0	COLUMBIA GAS TRAN
-TOWNER PETROLEUM CO				RECEIVED: 02/22/83 JA: OH					
8324772		3405923419		103	107-TF	BONIPHANT B #3	LONDONDERRY	27.0	TENNESSEE GAS PIP
8324771		3405923409		103	107-TF	CRISLIP J #6	LONDONDERRY	27.0	TENNESSEE GAS PIP
8324774		3405923428		103	107-TF	DOMBROSKI #1	LONDONDERRY	27.0	TENNESSEE GAS PIP
8324765		3405923326		103	107-TF	LAPP M & A #1	LONDONDERRY	27.0	TENNESSEE GAS PIP
8324773		3405923423		103	107-TF	REVENS J #2	LONDONDERRY	27.0	TENNESSEE GAS PIP
8324770		3405923406		103	107-TF	TOLAND #2	LONDONDERRY	27.0	TENNESSEE GAS PIP
8324769		3405923405		103	107-TF	VANFOSSEN F #1	LONDONDERRY	27.0	TENNESSEE GAS PIP
8324767		3405923389		103	107-TF	WHITELEY C #4	OXFORD	27.0	TENNESSEE GAS PIP
8324766		3405923384		103	107-TF	WHITELEY C #5	OXFORD	27.0	TENNESSEE GAS PIP
8324768		3405923393		103	107-TF	WHITELEY C #6			
-W E SHRIDER CO				RECEIVED: 02/22/83 JA: OH					
8324775		3411926398		107-TF		BRADLEY-STOTTS #2	LICKING	3.0	NATIONAL GAS & OI
-W J LYDIC INC				RECEIVED: 02/22/83 JA: OH					
8324777		3411122301		107-DV		BUTLER #1	OHIO	40.0	COLUMBIA GAS TRAN
8324776		3411122230		107-DV		HARP-LANCASTER #3A	JACKSON	35.0	COLUMBIA GAS TRAN
8324779		3411122899		107-DV		KURTZMAN #1A	SALEM	40.0	COLUMBIA GAS TRAN
8324778		3411122814		107-DV		MARTIN #1	LEE	500.0	COLUMBIA GAS TRAN

[FR Doc. 83-7873 Filed 3-25-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 857]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 23, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices are available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, VA 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease.
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Ehanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS — VOLUME 857

ISSUED MARCH 23, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS									
-KENTUCKY WEST VIRGINIA GAS CO				RECEIVED:	02/23/83	JA: KY			
8324999	504255	1607100000		107-DV		A R MUSIC - #6651	KENTUCKY EAST	1.8	
8325006	504262	1607100000		107-DV		AMANDA BAKER - #6662	KENTUCKY EAST	4.7	
8324997	504253	1607100000		107-DV		BIG MUD COAL CO #6649	KENTUCKY EAST	15.5	
8325007	504263	1619300000		107-DV		ELIJ HOLIDAY - #6663	KENTUCKY EAST	5.4	
8325018	504274	1619300000		107-DV		ELIJ HOLIDAY - #6680	KENTUCKY EAST	5.4	
8325011	504267	1619300000		107-DV		FIELDEN COMBS - #6670	KENTUCKY EAST	11.1	
8325010	504266	1615900000		107-DV		J G CARLISLE JR #6669	KENTUCKY EAST	5.3	
8325000	504256	1607100000		107-DV		J M PORTER - #6652	KENTUCKY EAST	86.7	
8325012	504268	1607100000		107-DV		J M PORTER - #6671	KENTUCKY EAST	7.6	
8325016	504272	1619300000		107-DV		J R COMBS HRS - #6678	KENTUCKY EAST	5.1	
8325001	504257	1619500000		107-DV		J W VICARS #6653	KENTUCKY EAST	8.1	
8325002	504258	1619300000		107-DV		JAMES DOBSON - #6654	KENTUCKY EAST	2.9	
8325008	504264	1607100000		107-DV		JASPER JOHNSON - #6666	KENTUCKY EAST	2.8	
8325003	504259	1619300000		107-DV		JOHN L COMBS - #6656	KENTUCKY EAST	2.8	
8325005	504261	1611900000		107-DV		JOHN SMITH - #6661	KENTUCKY EAST	13.0	
8324996	504252	1619300000		107-DV		JOSEPH HURT - #6645	KENTUCKY EAST	6.2	
8324995	504251	1619300000		107-DV		LEWIS FELTNER - #6643	KENTUCKY EAST	4.3	
8325019	504275	1611900000		107-DV		ROBERT COMBS - #6682	KENTUCKY EAST	9.9	
8325014	504270	1619300000		107-DV		S M NAPIER - #6673	KENTUCKY EAST	1.5	
8325017	504273	1611900000		107-DV		SAM FUGATE - #6679	KENTUCKY EAST	8.4	
8325004	504260	1611900000		107-DV		SAMUEL FUGATE - #6660	KENTUCKY EAST	5.9	
8324998	504254	1607100000		107-DV		T J ROBERTSON - #6650	KENTUCKY EAST	5.4	
8325009	504265	1611900000		107-DV		W A COMBS - #6668	KENTUCKY EAST	0.8	
8325015	504271	1619300000		107-DV		WADE COMBS - #6675	KENTUCKY EAST	9.0	
8325013	504269	1619300000		107-DV		WM DOBSON - #6672	KENTUCKY EAST	13.4	
LOUISIANA OFFICE OF CONSERVATION									
-AMERADA HESS CORPORATION				RECEIVED:	02/24/83	JA: LA			
8324933	82-0609	1709981596		108		SCH L&S CO #3-D M-2 SUA	LAKE CHICOT	13.9	FLORIDA GAS TRANS
-AMERICAN PETROFINA COMPANY OF TEXAS				RECEIVED:	02/24/83	JA: LA			
8324975	82-0746	1705721545		103		LAFOURCHE REALTY #4	EAST GOLDEN MEADOW	355.0	SOUTHERN NATURAL
-AMOCO PRODUCTION CO				RECEIVED:	02/24/83	JA: LA			
8324930	82-0641	1705721729		103		HARANG R/A B #41	VALENTINE	146.0	COLUMBIA GAS TRAN
8324880	82-0351	1706320059		107-DP		P E MARTIN JR #1 16700 TUSC RA SU F	LOCKHART CROSSING	2190.0	SOUTHERN NATURAL
8324931	82-0639	1705320708		103		W E WALKER #13-D SJU SU	SOUTH JENNINGS	328.0	UNITED GAS PIPELI
-AUSTRAL OIL CO INC				RECEIVED:	02/24/83	JA: LA			
8324836	83-24836	1704520718		102-4		BROWN-ODOM #1	BLACK BAYOU SOUTH	730.0	
-BASS ENTERPRISES PRODUCTION CO				RECEIVED:	02/24/83	JA: LA			
8324929	82-0656	1711321074		103		ALVIE BROUSSARD #1 11400' A SUA	RICEVILLE	550.0	TRUNKLINE GAS CO
-BETHLAM PRODUCTION CORP				RECEIVED:	02/24/83	JA: LA			
8324853	82-0902	1707321798		103		COLE HEIRS #2	MONROE GAS FIELD	24.5	IMC PIPELINE CO I
8324943	82-0903	1707321799		103		COLE HEIRS #3	MONROE GAS FIELD	25.2	IMC PIPELINE CO I
8324942	82-0904	1707321800		103		COLE HEIRS #4	MONROE GAS FIELD	26.7	IMC PIPELINE CO I
8324941	82-0905	1707321801		103		COLE HEIRS #5	MONROE GAS ROCK	27.7	IMC PIPELINE CO I

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8324940	82-0906	1707321820		103		COLE HEIRS #6	MONROE GAS	29.0	IMC PIPELINE CO I
8324939	82-0907	1707321821		103		COLE HEIRS #7	MONROE GAS ROCK	30.3	IMC PIPELINE CO I
8324998	82-0908	1707321822		103		COLE HEIRS #8	MONROE GAS FIELD	31.0	IMC PIPELINE CO I
8324857	82-0898	1707321769		103		MOBIL #2	MONROE GAS	21.2	MID LOUISIANA GAS
8324854	82-0901	1707321776		103		MOBIL #5	MONROE GAS ROCK	21.9	MID LOUISIANA GAS
8324856	82-0899	1707321770		103		MOBILE #3	MONROE GAS	23.7	MID LOUISIANA GAS
8324855	82-0900	1707321771		103		MOBILE #4	MONROE GAS	27.4	MID LOUISIANA GAS
				RECEIVED:	02/24/83	JA: LA			
-BIEDENHARN				108		GEORGE SMELSER			
8324882	82-0349	1707321064		108		WALLACE PRATT #1	MONROE	0.0	IMC PIPELINE CO I
8324881	82-0350	1707321065		RECEIVED:	02/24/83	JA: LA	MONROE	0.0	IMC PIPELINE CO I
-CONOCO INC				103		EVANGELINE SECURITY CO #4			
8324960	82-0829	1703920236		RECEIVED:	02/24/83	JA: LA	VILLE PLATTE	10.0	LOUISIANA INTRAST
-CRYSTAL OIL CO				102-4	107-TF	BARNETT #2			
8324915	82-0082	1701521640		102-4	107-TF	HAMITER "E" #1 HAY RA SUE	ARKANA	21.9	ARKANSAS LOUISIAN
8324900	82-0065	1701521609		102-4	107-TF	MCWILLIAMS #1 HAY RA SUF	ARKANA	794.6	ARKANSAS LOUISIAN
8324911	82-0443	1701521619		103		SECTION 17 #2 ALT HOSS TP SUE	ARKANA	547.5	ARKANSAS LOUISIAN
8324959	82-0830	1701521635		102-4	107-TF	SPEARS "A" #1 HAY RA SUN	SLIGO	489.4	ARKANSAS LOUISIAN
8324912	82-0442	1701521611		RECEIVED:	02/24/83	JA: LA	ARKANA	985.5	ARKANSAS LOUISIAN
-DALLAS PRODUCTION INC				102-4		NORRIS #1			
8324919	82-0182	1706120280		RECEIVED:	02/24/83	JA: LA	CALHOUN	889.9	
-DAMSON OIL CORPORATION				102-4		DORIS E HOLT #1 PET RA SUA			
8324918	82-0230	1701722439		RECEIVED:	02/24/83	JA: LA	VIVIAN NORTH (RODESSA	158.0	ARKANSAS LOUISIAN
-DARSEY OPERATING CORP				103		G P BOAGNI #1 VUA			
8324983	82-1040	1709720629		RECEIVED:	02/24/83	JA: LA	SHUTESTON	200.0	LOUISIANA INTRAST
-DONALD J ZADECK				103		WILLAMETTE-HOLMES #1 U HOSS RA SUW			
8324843	82-0257	1703121589		RECEIVED:	02/24/83	JA: LA	BELLE BOWER 1408	200.0	ARKANSAS LOUISIAN
-DYNAMIC EXPLORATION INC				102-4		DUHON #2-D			
8324993	82-2345	1711321219		RECEIVED:	02/24/83	JA: LA	GROSSE ISLE	393.0	
-EQUITABLE PETROLEUM CORP				102-4		IBERVILLE LAND CO #1			
8324837	82-2405	1709920940		RECEIVED:	02/24/83	JA: LA	HAPPYTOWN	[illegible].0	TRANSCONTINENTAL
-ERGON INC				103	107-TF	C W EDWARDS #1			
8324848	82-0694	1711123358		103	107-TF	C W EDWARDS #2	MONROE	11.5	TEXAS [illegible] TRANSMI
8324970	82-0782	1711123461		103	107-TF	G L STRINGER #1 VUX	MONROE	9.3	TEXAS GAS TRANSMI
8324849	82-0693	1711122959		103	107-TF	GENIE MARONEY #1	MONROE	14.0	TEXAS GAS TRANSMI
8324888	82-0522	1711123445		103	107-TF	J K PARKS #1	MONROE	9.9	TEXAS GAS TRANSMI
8324948	82-0872	1711123394		103	107-TF	J L REA #1 VUY	MONROE	[illegible].9	TEXAS GAS TRANSMI
8324891	82-0519	1711123386		103	107-TF	JACK P DEAN #1	MONROE	10.2	TEXAS GAS TRANSMI
8324950	82-0870	1711123469		103	107-TF	LILLIAN EDWARDS #1	MONROE	[illegible].1	TEXAS GAS TRANSMI
8324969	82-0783	1711123535		103	107-TF	MAUREEN BARRON #2	MONROE	[illegible].9	TEXAS GAS TRANSMI
8324947	82-0873	1711123508		103	107-TF	TOBY MEDLIN #2 VUQ	MONROE	11.5	TEXAS GAS TRANSMI
8324889	82-0521	1711123425		103	107-TF	W C CROW #1	MONROE	[illegible].9	TEXAS GAS TRANSMI
8324890	82-0520	1711123424		RECEIVED:	02/24/83	JA: LA	MONROE	13.3	TEXAS GAS TRANSMI
-EXCALIBUR RESOURCES INC				103		EGAN-WEBB #1			
8324989	82-0915	1701724348		RECEIVED:	02/24/83	JA: LA	CASPIANA	82.1	ARKANSAS LOUISIAN
-EXCHANGE OIL & GAS CORPORATION				102-4		S/L 3762 #2			
8324937	82-3740	1770500006		RECEIVED:	02/24/83	JA: LA	VERMILION BLOCK 16	400.0	TRANSCONTINENTAL
-EXXON CORPORATION				103		LATERRE CO INC #39			
8324962	82-0826	1710922368		RECEIVED:	02/24/83	JA: LA	LIRETTE	1130.0	COLUMBIA GAS TRAN
-FRANKS & PETROFUNDS INC				103		CON CAN NO X-1 ALT HOSS A SUT			
8324980	82-1014	1701320526		103		ETHEL D TALTON #1 HOSS B RA SUC	WEST BRYCELAND	[illegible].0	LOUISIANA GAS PUR
8324978	82-1023	1711920345		103		HAMMER EST A #1 HOSS A SUFF	ADA	[illegible].0	LOUISIANA GAS INT
8324981	82-1013	1701320520		103		J D SMITH D #1-ALT HOSS B SUV	WEST BRYCELAND	[illegible].0	LOUISIANA GAS PUR
8324971	82-0775	1701320518		103		T C BLOXOM #1-D ALT HOSS B SUK	SAILES	360.0	LOUISIANA GAS PUR
8324979	82-1015	1711920318		RECEIVED:	02/24/83	JA: LA	SIBLEY	[illegible].0	UNITED GAS PIPELI
-FRANKS PETROLEUM INC ETAL				103		T C BLOXOM #1 HOSS A SUK			
8324984	82-1012	1711920318		RECEIVED:	02/24/83	JA: LA	SIBLEY	110.0	UNITED GAS PIPELI
-GAS RESOURCES INC				108		EXXON #1			
8324899	82-0076	1711122064		108		EXXON #23	MONROE GAS	[illegible].0	IMC EXPLORATION C
8324878	82-0551	1711123224		108		EXXON #24	MONROE GAS	7.0	IMC EXPLORATION C
8324877	82-0552	1711123225		108		EXXON #26	MONROE GAS	15.0	IMC EXPLORATION C
8324876	82-0553	1711123218		108		EXXON #28	MONROE GAS	8.0	IMC EXPLORATION C
8324934	82-0554	1711123222		RECEIVED:	02/24/83	JA: LA	MONROE GAS	16.0	IMC EXPLORATION C
-GETTY OIL COMPANY				103		E GRIFFIN 11-16 #1			
8324841	82-0261	1712720726		103		N T POWELL #2 HOSS RU FF	CALVIN	[illegible].0	LOUISIANA INTRAST
8324892	82-0489	1703100000		RECEIVED:	02/24/83	JA: LA	LOGANSPORT	0.0	TENNESSEE GAS PIP
-GODFREY & RILEY				108		CROW #A-1			
8324902	82-0340	1711101082		108		CROW #2	MONROE	1.3	IMC PIPELINE CO I
8324901	82-0341	1711121379		108		CROW #3	MONROE	5.4	IMC PIPELINE CO I
8324867	82-0342	1711121380		108		EUBANKS #2	MONROE	5.2	IMC PIPELINE CO I
8324866	82-0343	1711121307		108		EUBANKS #3	MONROE	5.7	IMC PIPELINE CO I
8324885	82-0344	1711121308		108		EUBANKS #4	MONROE	7.7	IMC PIPELINE CO I
8324884	82-0345	1711121309		108		EUBANKS #7	MONROE	7.7	IMC PIPELINE CO I
8324883	82-0346	1711122112		108		THURSTON #1	MONROE	4.5	IMC PIPELINE CO I
8324904	82-0338	1711101011		108		THURSTON #2	MONROE	0.1	IMC PIPELINE CO I
8324903	82-0339	1711121377		108		WALDROP #1	MONROE	5.0	IMC PIPELINE CO I
8324908	82-0334	1711101414		108		WALDROP #1-A	MONROE	3.2	IMC PIPELINE CO I
8324907	82-0335	1711101415		108		WALDROP #2	MONROE	4.7	IMC PIPELINE CO I
8324906	82-0336	1711122113		108		WALDROP #3	MONROE	6.1	IMC PIPELINE CO I
8324905	82-0337	1711122114		RECEIVED:	02/24/83	JA: LA	MONROE	4.2	IMC PIPELINE CO I
-GOLDKING PRODUCTION COMPANY				103		WALLACE ELLENDER #2			
8324976	82-0745	1710922549		RECEIVED:	02/24/83	JA: LA	NORTHEAST MONTEGUT	602.0	LOUISIANA INTRAST
-GOLDSBERRY OPERATING CO INC				102-2	103	BILLINGSLEY "A" #1 HOSS RA SU 31			
8324949	82-0871	1703121637		RECEIVED:	02/24/83	JA: LA	BETHANY-LONGSTREET	591.0	ARKANSAS LOUISIAN
-GULF OIL CORPORATION				103		S L PP 192 #286			
8324956	82-0837	1705721870		103		SL 195 99 #101 9200 SUQ	TIMBALIER BAY	[illegible].0	TENNESSEE GAS PIP
8324842	82-0260	1707522777		103		TB D12 SU STATE LEASE PP 192 #284	WEST BLACK BAY	321.0	SOUTHERN NATURAL
8324932	82-0627	1705721773		102-4		WALL #3 DISC 15 RD SUB	TIMBALIER BAY	1150.0	TENNESSEE GAS PIP
8324965	82-0801	1704520368		RECEIVED:	02/24/83	JA: LA	EAST BAYOU PIGEON	144.0	TEXAS GAS TRANS C
-H E SUTTON				103		WEBER #2			
8324985	82-1011	1703120799		RECEIVED:	02/24/83	JA: LA	SPIDER	419.0	LOUISIANA INTRAST
-HARVEY BROYLES				103		POOLE - #1 CV RA SUB			
8324874	82-0308	1701320337		RECEIVED:	02/24/83	JA: LA	BEAR CREEK	175.0	LOUISIANA GAS PUR
-HAWTHORNE OIL & GAS CORPORATION				102-4		J P GEOFFREY #1			
8324913	82-0136	1711321110		RECEIVED:	02/24/83	JA: LA	TIGRE LAGOON	704.0	
-JACK W GRIGSBY				108		THIGPEN-HEROLD #1 - SERIAL #852549			
8324839	82-0274	1701702788		RECEIVED:	02/24/83	JA: LA	GREENWOOD-WASKOM	17.0	UNITED GAS PIPE L
-JOHNSON OIL & GAS CORP				102-4		LABOKAY #1 SERIAL #172501 7450' VUB			
8324936	82-2119	1700320204		RECEIVED:	02/24/83	JA: LA	HARMONY CHURCH	1388.0	SOUTH TEXAS GATHE
-LUFFEY GAS CORP				103	107-TF	EXXON A #3			
8324968	82-0787	1711123529		103	107-TF	EXXON A #6	MONROE GAS FIELD	[illegible].5	WEST MONROE GAS G
8324966	82-0789	1711123533		103	107-TF	EXXON A 4	MONROE	[illegible].5	WEST MONROE GAS G
8324967	82-0788	1711123531		RECEIVED:	02/24/83	JA: LA	MONROE GAS	[illegible].3	WEST MONROE GAS G
-LYONS PETROLEUM INC				103		MOBIL UNION TEXAS FEE #1	FAUSSE POINTE	120.0	TEXACO INC
8324920	82-0178	1704520637							

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MARSHALL EXPLORATION INC				RECEIVED:	02/24/83	JA: LA			
8324973	82-0773	1703121222		108		ALSTON #1 FBG RA SU 83	LOGANSPORT	1.0	TENNESSEE GAS PIP
8324870	82-0323	1703121168		108		AVERETT #4 FBG RA SU 166	LOGANSPORT	15.0	SOUTHERN NATURAL
8324951	82-0869	1703121643		103		COLVIN CRAMOR #2 LGR RA SUHH	LOGANSPORT	45.0	SOUTHERN NATURAL
8324872	82-0321	1703120888		108		COVINGTON #5 FBG RA SU 143	LOGANSPORT	5.0	TENNESSEE GAS PIP
8324972	82-0774	1703121256		108		COVINGTON #7 U HOSS RA SUAA	BELLE BOWER	18.0	TENNESSEE GAS PIP
8324909	82-0457	1703121498		103		FISHER-JOHNSON #1 PET SU 48	BETHANY-LONGSTREET	340.0	ARKANSAS-LOUISIAN
8324871	82-0322	1703120991		108		GUY #1 FBG RA SU 93	LOGANSPORT	18.0	TENNESSEE GAS PIP
8324862	82-0529	1703121103		103		HARRISON #2	BELLE BOWER	70.0	ARKANSAS LOUISIAN
8324986	82-0998	1703121491		103		HORN #6 U HOSS RA SUM	BELLE BOWER	100.0	TENNESSEE GAS PIP
8324869	82-0324	1703120843		108		JACK GAMBLE #2 FBG RA SU 81	LOGANSPORT	[illegible].0	TENNESSEE GAS PIP
8324952	82-0865	1703121302		103		JERGINS #1	LOGANSPORT	58.4	TENNESSEE GAS PIP
8324982	82-0996	1703120993		103		RAMSEY #6 FBG RA SU 35	LOGANSPORT	139.0	TENNESSEE GAS PIP
8324987	82-0995	1703120970		103		RAMSEY #7 FBG RA SU 42	LOGANSPORT	63.0	TENNESSEE GAS PIP
-MCRAE EXPLORATION INC				RECEIVED:	02/24/83	JA: LA			
8324914	82-0884	1706120266		102-2	107-TF	TURNER #1 GRAY RA SUEE	TERRYVILLE	8.0	LOUISIANA GAS PUR
-MCRAE OIL CORP				RECEIVED:	02/24/83	JA: LA			
8324861	82-0544	1711122737		103		MONROSE #1 SMK A SU F	BULL CREEK	0.0	LOUISIANA GAS INT
8324910	82-0449	1702720686		102-2	107-TF	WOODARD #1 GRAY RA SU A	SUGAR CREEK	0.0	LOUISIANA GAS PUR
-MID LOUISIANA GAS COMPANY				RECEIVED:	02/24/83	JA: LA			
8324860	82-2486	1711123814		103		MLGC FEE GAS #1178	MONROE GAS FIELD	29.9	MID LOUISIANA GAS
8324859	82-2487	1711123826		103		MLGC FEE GAS #1185	MONROE GAS FIELD	27.7	MID LOUISIANA GAS
8324875	82-2489	1711123830		103		MLGC FEE GAS #1187	MONROE GAS FIELD	25.9	MID LOUISIANA GAS
-MULLINS & PRICHARD				RECEIVED:	02/24/83	JA: LA			
8324832	82-2407	1705100321		102-4		E P BRADY 1 #5	BAYOU PEROT	165.[illegible]	UNITED GAS PIPE L
-MUNOCO COMPANY				RECEIVED:	02/24/83	JA: LA			
8324957	82-0834	1704920175		102-3		CONTINENTAL GP INC #2 176126 HOSS S	NORTH EAST HODGE	0.[illegible]	
-NRM PETROLEUM CORPORATION				RECEIVED:	02/24/83	JA: LA			
8324833	82-2359	1710121277		102-4		STATE LEASE #7969 WELL #1	POINT CHEVREUIL	1000.0	TEXACO INC
-PATRICK PETROLEUM CORP (MI)				RECEIVED:	02/24/83	JA: LA			
8324935	82-2426	1705721888		102-4		BOWIE LUMBER CO #2 SERIAL NO 177818	LAKE BOEUF	109.[illegible]	MONTEREY PIPELINE
-PETRO-LEWIS CORPORATION				RECEIVED:	02/24/83	JA: LA			
8324922	82-0243	1707380000		108		CARTER-MCHENRY #1	MONROE	17.[illegible]	SOUTHERN NATURAL
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/24/83	JA: LA			
8324964	82-0818	1703121609		103		LUMBER #2 HOSS SULL	LOGANSPORT	0.[illegible]	SOUTHERN NATURAL
8324844	82-0256	1711920292		103		WALKER M #2 HOSS B RA SU F	ADA	550.[illegible]	SOUTHWESTERN ELEC
-PLACID OIL COMPANY				RECEIVED:	02/24/83	JA: LA			
8324916	82-0144	1705921858		102-4		BODCAW-KAUFMAN UNIT #2	MEBO HEMPHILL	100.0	
-RELIANCE TR-JV				RECEIVED:	02/24/83	JA: LA			
8324896	82-0463	1711123474		103	107-TF	HOPKINS #13	MONROE	13.[illegible]	TEXAS GAS TRANSMI
8324868	82-0460	1711123466		103	107-TF	MANVILLE #2	MONROE	13.[illegible]	TEXAS GAS TRANSMI
8324898	82-0461	1711123467		103	107-TF	MANVILLE #3	MONROE	13.0	TEXAS GAS TRANSMI
8324895	82-0464	1711123475		103	107-TF	MCKINNIE #1	MONROE	13.[illegible]	TEXAS GAS TRANSMI
8324897	82-0462	1711123471		103	107-TF	TAYLOR #6	MONROE	13.0	TEXAS GAS TRANSMI
8324896	82-0465	1711123476		103	107-TF	W WAYNE #7	MONROE	13.[illegible]	TEXAS GAS TRANSMI
-RELIANCE TRUSTS				RECEIVED:	02/24/83	JA: LA			
8324845	82-0699	1711123521		103	107-TF	E A MASHAW #1	MONROE	13.0	TEXAS GAS TRANSMI
8324847	82-0697	1711123519		103	107-TF	MANVILLE #10	MONROE	13.[illegible]	TEXAS GAS TRANSMI
8324846	82-0698	1711123520		103	107-TF	MANVILLE #11	MONROE	13.[illegible]	TEXAS GAS TRANSMI
8324926	82-0665	1711123511		103	107-TF	MANVILLE #7	MONROE	13.[illegible]	TEXAS GAS TRANSMI
8324925	82-0666	1711123513		103	107-TF	MANVILLE #9	MONROE	13.[illegible]	TEXAS GAS TRANSMI
8324850	82-0670	1711123517		103	107-TF	SHACKLEFORD #10	MONROE	13.0	TEXAS GAS TRANSMI
8324924	82-0667	1711123515		103	107-TF	SHACKLEFORD #7	MONROE	13.0	TEXAS GAS TRANSMI
8324852	82-0668	1711123505		103	107-TF	SHACKLEFORD #8	MONROE	13.0	TEXAS GAS TRANSMI
8324851	82-0669	1711123516		103	107-TF	SHACKLEFORD #9	MONROE	13.0	TEXAS GAS TRANSMI
-SEAWIDE LTD				RECEIVED:	02/24/83	JA: LA			
8324994	82-2312	1702321722		102-4		PRAVATE MILLER #1	LITTLE PECAN LAKE	2366.0	
-SEVARG COMPANY INC				RECEIVED:	02/24/83	JA: LA			
8324840	82-0271	1709720652		103		T J BROWN #3 GUILLORY SUA	SAVOY	18.0	TEXAS EASTERN TRA
-SHADRACK PRODUCTION CO				RECEIVED:	02/24/83	JA: LA			
8324887	82-0523	1711123419		103	107-TF	BETTY BAKER #1	MONROE	13.[illegible]	WEST MONROE GAS G
8324863	82-0526	1711123422		103	107-TF	G H SMITH #1	MONROE	13.0	WEST MONROE GAS G
8324865	82-0524	1711123420		103	107-TF	M & B CHURCHES #1	MONROE	13.[illegible]	WEST MONROE GAS G
8324864	82-0525	1711123421		103	107-TF	PILGREEM #1	MONROE	13.0	WEST MONROE GAS G
-SHELL OFFSHORE INC				RECEIVED:	02/24/83	JA: LA			
8324834	82-2628	1772520217		102-4		MP 69 SL 1353 #47	MAIN PASS BLOCK 69 FI	18.0	TENNESSEE GAS PIP
-SHELL OIL CO				RECEIVED:	02/24/83	JA: LA			
8324835	82-3115	1772120334		102-4		SP BLK 42 SL 8431 #3	SOUTH PASS BLOCK 42	330.[illegible]	TENNESSEE GAS PIP
8324938	82-3125	1772120336		102-4		SP 42 SL 2554 #16	SOUTH PASS BLOCK 42 F	[illegible].0	TENNESSEE GAS PIP
-SMITH PETROLEUM CO				RECEIVED:	02/24/83	JA: LA			
8324961	82-0827	1705120516		103		STATE LEASE 6361 #1	SATURDAY ISLAND	100.[illegible]	SOUTHERN NATURAL
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/24/83	JA: LA			
8324974	82-0748	1705721699		103		DIBERT STARK & BROWN #95	CHACAHOULA	[illegible].[illegible]	LOUISIANA INTRAST
-SUPERIOR OIL CO				RECEIVED:	02/24/83	JA: LA			
8324954	82-0853	1710922510		103		R W BUCKLEY UNIT 9 #7	FOUR ISLE DOME	1000.[illegible]	TENNESSEE GAS PIP
-TEE OIL INC				RECEIVED:	02/24/83	JA: LA			
8324831	82-2614	1705320763		102-4		EDWARD J SMITH #1	HATHAWAY	1548.[illegible]	TEXACO PETROLEUM
-TEMPLETON ENERGY INC				RECEIVED:	02/24/83	JA: LA			
8324886	82-0232	1710720416		102-4		MORGAN #1	AUBREY	159.0	LOCUST RIDGE GAS
-TERRA RESOURCES INC				RECEIVED:	02/24/83	JA: LA			
8324953	82-0855	1705721836		103		LAFOURCHE REALTY CO #5	BAYOU FER BLANC	913.0	SUGAR BOWL GAS CO
-TEXACO INC				RECEIVED:	02/24/83	JA: LA			
8324830	82-2633	1705721479		102-4		BDC UB #122 VUB	BAY DE CHENE	355.[illegible]	KAISER ALUMINUM &
8324955	82-0839	1710922170		103		DGL U13 #99 VU M	DOG LAKE	19.0	TEXAS GAS TRANSMI
8324963	82-0825	1705120608		103		RIGOLETS C F CO #163 LFT NVUR	LAFITTE	5.0	KAISER ALUMINUM &
8324923	82-0237	1704520627		102-4	103	SL 334 VERMILION BAY B-75	VERMILION BAY	24.0	COLUMBIA GAS TRAN
8324927	82-0669	1710121015		103		SL 340 WEST COTE BLANCHE BAY #718	WEST COTE BLANCHE BAY	24.0	MICHIGAN WISCONSI
8324928	82-0659	1710121029		103		SL 340 WEST COTE BLANCHE BAY #721	WEST COTE BLANCHE BAY	15.[illegible]	MICHIGAN WISCONSI
8324991	82-2632	1772520241		102-4		SL 8690 MAIN PASS 75 #1	MAIN PASS	139.[illegible]	CHEVRON USA INC
8324992	82-2631	1772520275		102-4	103	SL 8690 MAIN PASS 75 #4	MAIN PASS	147.[illegible]	CHEVRON USA INC
-TEXOIL COMPANY				RECEIVED:	02/24/83	JA: LA			
8324873	82-0320	1707522832		102-4		SCOTT BEESLEY #1	DIAMOND	699.0	DELTA GAS INC
-TRANS-GULF PETROLEUM CORP				RECEIVED:	02/24/83	JA: LA			
8324893	82-0487	1703121555		108		OLIN #2 174383	CHEMARD LAKE	36.0	TENNESSEE GAS PIP
-TXO PRODUCTION CORP				RECEIVED:	02/24/83	JA: LA			
8324958	82-0831	1706120294		103		BARNETT "F" #1	HICO-KNOWLES	335.8	DELHI GAS PIPELIN
8324988	82-0960	1701320472		103		CONTINENTAL CAN "D" #1 HH SUA	LIBERTY HILL	120.1	UNITED GAS PIPE L
8324977	82-1024	1703121694		103		J D WILLIAMS "W" #1 HOSS SUS	LOGANSPORT	839.5	DELHI GAS PIPELIN
-UNION OIL COMPANY OF CALIF				RECEIVED:	02/24/83	JA: LA			
8324921	82-0252	1700720326		103		S KLOTZ #2 ROB 6 RA SUB	EAST LAKE PALOURDE	1[illegible]0.0	TEXAS GAS TRANSMI
-UNION TEXAS PETROLEUM				RECEIVED:	02/24/83	JA: LA			
8324917	82-0138	1706120281		102-4		LCV RA SUL BELCHER 13 #1	TERRYVILLE	547.[illegible]	SUGAR BOWL GAS CO
-WAYNE J SPEARS				RECEIVED:	02/24/83	JA: LA			
8324946	82-0874	1706721673		103		GEORGIA PACIFIC #14	BEEKMAN	459.0	TEXAS GAS TRANS C

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WELLS-BATTELSTEIM OIL & GAS INC				RECEIVED:	02/24/83	JA: LA			
8324879	82-0546	1711123352		103	107-TF	K D REPPOND #1	MONROE GAS	30.0	I M C PIPELINE CO
8324945	82-0875	1711123439		107-TF		W W NOLAN #1	MONROE	50.0	WEST MONROE GAS C
8324944	82-0876	1711123440		107-TF		W W NOLAN #2	MONROE	30.0	WEST MONROE GAS C
8324858	82-0877	1711123441		107-TF		W W NOLAN #3	MONROE	25.0	WEST MONROE GAS C
-WHELESS INDUSTRIES INC				RECEIVED:	02/24/83	JA: LA			
8324838	82-0281	1702720524		107-TF		GUY LEWIS ETAL #3 SMK CRA SUE	EAST DYKESVILLE	200.0	UNITED GAS PIPE L
**********									
WYOMING OIL & GAS CONSERVATION COMMISSION									
**********									
-AMOCO PRODUCTION CO				RECEIVED:	02/23/83	JA: WY			
8324781	NG 192-82	4904120072		102-4		AMOCO CHEVERON GULF WI UNIT #1	WHITNEY CANYON - THAY	[illegible].0	NATURAL GAS PIPEL
8324817	NG 277-82	4902320383		107-TF		CHAMPLIN 149 AMOCO "L" #1 FRONTIER	BRUFF - (FRONTIER)	228.5	CITIES SERVICE GA
8324823	NG 285-82	4904120191		107-TF		CHAMPLIN 186 AMOCO "B" #1A FRONTIER	BRUFF - FRONTIER	[illegible].4	CITIES SERVICE GA
8324818	NG 278-82	4903721924		107-TF		CHAMPLIN 257 AMOCO "B" #1 MESAVERDE	UNNAMED - (MESAVERDE)	196.1	CITIES SERVICE GA
8324816	NG 276-82	4903721961		107-TF		CHAMPLIN 263 AMOCO "H" #1 MESAVERDE	SIBERIA RIDGE - (MESA	87.0	CITIES SERVICE GA
8324800	NG 251-82	4903721873		107-TF		CHAMPLIN 271 AMOCO "C" #1 LEWIS	UNNAMED - LEWIS	22.0	
8324812	NG 272-82	4903720811		107-RT		CHAMPLIN 313 AMOCO "A" #1 LEWIS	STEWART CREEK - LEWIS	11.0	
8324820	NG 280-82	4903721415		107-RT		CHAMPLIN 320 AMOCO "B" #1 LEWIS	LOST CREEK BASIN - LE	45.0	CITIES SERVICE GA
8324815	NG 275-82	4903721980		107-TF		CHAMPLIN 336 AMOCO "G" #1 MESAVERDE	WILD ROSE - (MESAVERD	[illegible].4	CITIES SERVICE GA
8324824	NG 286-82	4904120222		107-TF		CHAMPLIN 358 AMOCO "E" #1	BRUFF-FRONTIER	275.9	CITIES SERVICE GA
8324814	NG 274-82	4900720566		107-TF		CHAMPLIN 445 AMOCO "B" #1 MESAVERDE	WILDCAT - MESAVERDE	128.5	CITIES SERVICE GA
8324813	NG 273-82	4903721776		102-2		CHAMPLIN 534 AMOCO "B" #1 LANCE	UNNAMED - (LANCE)	57.2	CITIES SERVICE GA
8324803	NG 256-82	4903721898		107-TF		EMIGRANT TRAIL UNIT #6 (LEWIS)	UNNAMED - LEWIS	55.0	CITIES SERVICE GA
8324819	NG 279-82	4903721427		107-TF		FIVE MILE GULCH #9 - (LEWIS)	FIVE MILE GULCH - LEW	[illegible].0	CITIES SERVICE GA
8324802	NG 253-82	4903721727		107-TF		GREAT DIVIDE UNIT #24 (LEWIS)	LOST CREEK BASIN - LE	224.0	
8324821	NG 281-82	4900922011		103		MOYE - AMOCO UNIT "A" #1	WELL DRAW - TEAPOT	27.0	
8324801	NG 252-82	4902320311		107-TF		WHISKEY BUTTES UNIT #34	WHISKEY BUTTES - FRON	72.7	CITIES SERVICE GA
-BELCO PETROLEUM CORPORATION				RECEIVED:	02/23/83	JA: WY			
8324784	NG 214-82	4903520561		102-4		C 74-22		0.0	NORTHWEST PIPELIN
8324786	NG 222-82	4903520626		102-4		C75-36	CHIMNEY BUTTES UNIT	0.0	NORTHWEST PIPELIN
8324783	NG 213-82	4903520627		102-4		C 78-26	MILLS PROSPECT	0.0	NORTHWEST PIPELIN
8324795	NG 243-82	4902320473		103		GRBU 83-7	GREEN RIVER BEND UNIT	0.0	NORTHWEST PIPELIN
8324794	NG 241-82	4902320478		103		LARSON 1-17	SOUTHEAST LABARGE	0.0	NORTHWEST PIPELIN
-CIG EXPLORATION INC				RECEIVED:	02/23/83	JA: WY			
8324825	NG 287-82	4901321194		103		MADDEN DEEP - HENDRY 2-8 (8-38-90)	MADDEN DEEP	1836.0	COLORADO INTERSTA
-CITIES SERVICE COMPANY				RECEIVED:	02/23/83	JA: WY			
8324804	NG 258-82	4900524379		108		KEELINE "D" #1	HA CREEK	9.1	PANHANDLE EASTERN
-COASTAL OIL & GAS CORP				RECEIVED:	02/23/83	JA: WY			
8324826	NG 288-82	4901321228		103		LONG BUTTE #10 (4-38-91)	LONG BUTTE	556.0	COLORADO INTERSTA
-DAVIS OIL COMPANY				RECEIVED:	02/23/83	JA: WY			
8324782	NG 205-82	4900500000		102-2		TERRA #3	WILDCAT	0.0	PHILLIPS PETROLEU
8324797	NG 245-82	4902521344		103		TWIDALE #1	WILDCAT	190.0	KANSAS NEBRASKA N
-GREAT WESTERN DRILLING COMPANY				RECEIVED:	02/23/83	JA: WY			
8324805	NG 262-82	4900922047		103		STATE 1-26	SCOTT	14.6	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED:	02/23/83	JA: WY			
8324811	NG 268-82	4900320572		102-2		FRITZ STATE FEDERAL 1-16-2B	UNDESIGNATED	320.0	
8324810	NG 267-82	4903721996		103		MAY STATE 2-36	DESERT SPRINGS	87.0	COLORADO INTERSTA
-HPC INC				RECEIVED:	02/23/83	JA: WY			
8324793	NG 240-82	4900922005		103		WOODS HEDGEHOG #1-36	WILDCAT	19.0	PHILLIPS PETROLEU
8324792	NG 239-82	4900922005		102-2		WOODS HEDGEHOG #1-36	WILDCAT	0.0	PHILLIPS PETROLEU
-MONSANTO COMPANY				RECEIVED:	02/23/83	JA: WY			
8324788	NG 235-82	4901321194		107-DP		HENDRY #2-8	MADDEN DEEP UNIT	3673.0	COLORADO INTERSTA
8324789	NG 236-82	4901321228		107-DP		LONG BUTTE UNIT #10	LONG BUTTE UNIT	1110.0	
-MONSANTO OIL CO				RECEIVED:	02/23/83	JA: WY			
8324790	NG 237-82	4901320895		107-DP		BURL #1-7	MADDEN DEEP UNIT	2280.0	COLORADO INTERSTA
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	02/23/83	JA: WY			
8324799	NG 247-82	4902320337		107-TF		NGC 22-36 STATE	FONTENELLE II	[illegible].0	PACIFIC GAS TRANS
8324798	NG 246-82	4902320403		107-TF		NGC 31-5 BUCK	FONTENELLE II	[illegible].0	PACIFIC GAS TRANS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/23/83	JA: WY			
8324809	NG 266-82	4900526502		102-2		FORD A #1	SCHOOL CREEK	31.0	PANHANDLE EASTERN
-SOHIO PETROLEUM CO				RECEIVED:	02/23/83	JA: WY			
8324780	NG 178-82	4901300000		107-TF		SOUTH SAND DRAW #4	SOUTH SAND [illegible]	[illegible].0	NORTHERN GAS CO
-TENNECO OIL COMPANY				RECEIVED:	02/23/83	JA: WY			
8324808	NG 265-82	4900922077		102-2		BROWN STATE 1-26	SCOTT	14.0	
-TEXACO INC				RECEIVED:	02/23/83	JA: WY			
8324807	NG 264-82	4903722008		107-DP		TABLE ROCK UNIT #37	TABLE ROCK	8.0	COLORADO INTERSTA
-THE ANSCHUTZ CORPORATION				RECEIVED:	02/23/83	JA: WY			
8324791	NG 238-82	4902921110		102-4		DUNCAN 2537 #12-30A	WILDCAT	[illegible].0	CODY GAS CO
-WAINOCO OIL & GAS CO				RECEIVED:	02/23/83	JA: WY			
8324822	NG 284-82	4904120442		103		WAINOCO AMOCO CHAMPLIN 378 B-1	SHURTLEFF CREEK - ANK	175.0	NORTHWEST PIPELIN
8324806	NG 263-82	4904120442		102-3		WAINOCO AMOCO CHAMPLIN 378 B-1		175.0	NORTHWEST PIPELIN
-WESTERN PRODUCTION CO				RECEIVED:	02/23/83	JA: WY			
8324828	NG 303-82	4904521259		102-4		FINN #12	FINN	[illegible].6	M G P C INC
8324829	NG 304-82	4904521390		102-4		FINN #17	FINN	3.1	M G P C INC
8324827	NG 302-82	4904521236		102-4		FINN 11	FINN	[illegible].3	M G P C INC
-WEXPRO COMPANY				RECEIVED:	02/23/83	JA: WY			
8324796	NG 244-82	4903722047		103		CHURCH BUTTES UNIT #35	CHURCH BUTTES	246.4	MOUNTAIN FUEL SUP
-WOODS PETROLEUM CORPORATION				RECEIVED:	02/23/83	JA: WY			
8324787	NG 234-82	4900526047		102-2		MOORE MINERALS TRUST #17-1	WILDCAT / N POWELL AR	19.0	PHILLIPS PETROLEU
8324785	NG 219-82	4900526468		102-4		PINE TREE UNIT #20-46	PINE TREE	[illegible].0	WESTERN GAS PROCE

[FR Doc. 83-7874 Filed 3-25-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 858]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 23, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS VOLUME 858

ISSUED MARCH 23, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION **********									
-ANGELA P HOPKINS				RECEIVED:	02/28/83	JA: NY			
8325196	4883	3101317857		103		HOPKINS DAVIS WELL	LAKESHORE	0.0	NATIONAL FUEL GAS
8325232	4884	3101317857		107-TF		HOPKINS DAVIS WELL 85	LAKESHORE	0.0	NATIONAL FUEL GAS
8325197	4881	3101317909		103		HOPKINS HALL WELL	LAKESHORE	0.0	NATIONAL FUEL GAS
8325204	4796	3101315517		103		HOPKINS YERICO WELL 84091	LAKESHORE	0.0	NATIONAL FUEL GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	02/28/83	JA: NY			
8325233	4886	3101317963		107-TF		CHARRINGTON CREEK INC UNIT #5	WILDCAT	12.0	COLUMBIA GAS TRAN
-CHAUTAUQUA NATURAL GAS CO INC				RECEIVED:	02/28/83	JA: NY			
8325227	4842	3101316812		107-TF		RICHTER #8	VILLENOVA	20.0	TENNESSEE GAS PIP
8325212	4842	3101316812		103		RICHTER #8	VILLENOVA	20.0	TENNESSEE GAS PIP
-ECLIPSE MANAGEMENT ASSOCIATES INC				RECEIVED:	02/28/83	JA: NY			
8325230	1766	3101314689		108		CALHOUN I #3139	LAKE SHORE	4.0	NATIONAL FUEL GAS
-K G GAS CO				RECEIVED:	02/28/83	JA: NY			
8325201	3538	3102960300		108		MARGARET MOORE #201	BUFFALO CREEK PORTERV	6.0	NATIONAL FUEL GAS
-KEYSTONE ENERGY OIL & GAS PRODUCTIO				RECEIVED:	02/28/83	JA: NY			
8325209	4831	3100916929		103		A & F KOTA #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325215	4847	3100917764		103		ACKLEY #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325219	4860	3100916424		107-TF		BAIRD #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325203	4859	3100916424		103		BAIRD #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325221	4854	3100916861		107-TF		BAIRD #5	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325218	4853	3100916861		103		BAIRD #5	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325220	4858	3100917834		107-TF		BEZELJAK #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325202	4857	3100917834		103		BEZELJAK #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325225	4846	3100917836		107-TF		EATOM #3	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325214	4845	3100917836		103		EATOM #3	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325198	4879	3100917825		103		EVANS #6	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325188	4880	3100917825		107-TF		EVANS #6	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325224	4848	3100917764		107-TF		H D ACKLEY #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325199	4877	3100917785		103		HOWARD EATON #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325187	4878	3100917785		107-TF		HOWARD EATON #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325216	4849	3100917615		103		JOHN DEDOMIZIO #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325223	4850	3100917615		107-TF		JOHN DIDOMIZIO #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325231	4832	3100916929		107-TF		KOTA #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325222	4852	3100917672		107-TF		REED #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325217	4851	3100917672		103		REED #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325229	4834	3100917906		107-TF		RICH #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325210	4833	3100917906		103		RICH #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325226	4844	3100917905		107-TF		RICH #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325211	4843	3100917905		103		RICH #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325234	4876	3100917907		107-TF		S WILDER #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325208	4875	3100917907		103		S WILDER #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325208	4829	3100917824		103		WELLS #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8325195	4830	3100917824		107-TF		WELLS #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
-NYS NATURAL GAS COMPANY				RECEIVED:	02/28/83	JA: NY			
8325228	4840	3101317926		107-TF		NORTHROP #4	LAKESHORE	20.0	NATIONAL FUEL GAS
8325211	4839	3101317926		103		NORTHROP #4	LAKESHORE	20.0	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PARAGON RESOURCES INC				RECEIVED:	02/28/83	JA: NY			
8325190	1220	3101315505		103		GEORGE ENDRESS UNIT NO 604	LAKESHORE	30.0	COLUMBIA GAS TRAN
-RESOURCE EXPLORATION INC				RECEIVED:	02/28/83	JA: NY			
8325206	4824	3101316461		103		CARLSON-TICKNOR #1		18.0	COLUMBIA GAS TRAN
8325193	4823	3101316461		107-TF		CARLSON-TICKNOR #1		18.0	COLUMBIA GAS TRAN
8325207	4826	3101317671		103		CARR #2		18.0	COLUMBIA GAS TRAN
8325194	4825	3101317671		107-TF		CARR #2		18.0	COLUMBIA GAS TRAN
8325205	4821	3101317661		103		CORNELL-WISE #1		18.0	COLUMBIA GAS TRAN
8325192	4822	3101317661		107-TF		CORNELL-WISE #1		18.0	COLUMBIA GAS TRAN
-SHAWNEE EXPLORATION INC				RECEIVED:	02/28/83	JA: NY			
8325189	4818	3102917977		103		GIER UNIT #1	BRANT	15.0	SCG GAS QUEST INC
-TEMPLETON ENERGY INC				RECEIVED:	02/28/83	JA: NY			
8325191	4811	3101315505		107-TF		G ENDRESS UNIT #604	LAKESHORE	30.0	COLUMBIA GAS TRAN
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-A V BERRY				RECEIVED:	02/22/83	JA: OK			
8325082	20203	3505120808		108		MOON #3		0.5	OKLAHOMA NATURAL
8325083	20204	3505120846		108		MOON #4		0.5	OKLAHOMA NATURAL
8325084	20205	3505120977		108		MOON #6		0.5	OKLAHOMA NATURAL
8325085	20206	3505120978		108		MOON #7		0.5	OKLAHOMA NATURAL
-ANADARKO PRODUCTION COMPANY				RECEIVED:	02/22/83	JA: OK			
8325109	20022	3500321011		103		BUCHANON A #2-33	LAMBERT SE	142.0	PIONEER GAS PRODU
8325043	20023	3500320105		103		MORRIS A-2	LAMBERT S E	143.0	PIONEER GAS PRODU
-ANCOR PETROLEUM INC				RECEIVED:	02/22/83	JA: OK			
8325027	20089	3507323438		103		GILL #1-3	SOONER TREND	380.0	CITIES SERVICE GA
8325029	20087	3507323176		103		LAYTON #1-35	SOONER TREND	24.0	CITIES SERVICE GA
8325028	20088	3508121578		103		NOSSAMAN #1-33	WILDCAT	164.0	SUN GAS CO
-ANDOVER OIL COMPANY				RECEIVED:	02/22/83	JA: OK			
8325116	19978	3512120888		103		NOBLIN #36-1		45.0	SOUTHEAST TRANSMI
-APACHE CORPORATION				RECEIVED:	02/25/83	JA: OK			
8325143	19152	3503920678		102-2		K C CATTLE #1-30		255.0	EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/22/83	JA: OK			
8325067	20018	3508520485		103		A L TUCKER UNIT #2	WEST ENVILLE	36.5	CIMARRON TRANSMIS
8325032	20067	3504721907		103		JOEL J BROWN #1	SOUTH DOUGLAS	36.5	ARCO OIL & GAS CO
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/25/83	JA: OK			
8325144	19152	3510321666		102-4		NEIL HAM #1	N W STILLWATER AIRPOR	36.5	ARCO OIL & GAS CO
-ATKINSON J V				RECEIVED:	02/22/83	JA: OK			
8325090	18724	3510500000		102-2		C R DICKINSON #12		25.0	REH INDUSTRIES
8325089	18723	3510500000		102-2		C R DICKINSON #15		25.0	REH INDUSTRIES
-ATLAS OIL INC				RECEIVED:	02/22/83	JA: OK			
8325119	18892	3508322027		102-2		WOLFE 1-5	WEST GUTHRIE	73.0	EASON OIL CO
-BEARD OIL COMPANY				RECEIVED:	02/25/83	JA: OK			
8325155	20273	3507323642		103		HOBBS "B" #1	SOONER TREND-SOUTHWES	131.0	CITIES SERVICE GA
8325175	18900	3510920485		102-4		HOPCUS #1	WILDCAT	360.0	CONTINENTAL GAS P
8325142	19093	3510920535		102-4		L D S "A" #1	NORTH CHOCTAW	219.0	CONTINENTAL GAS P
8325176	18932	3510920558		102-4		SCHERR #1	NORTH CHOCTAW	689.0	CONTINENTAL GAS P
-BILLINGS & PARRISH PRODUCTION CO				RECEIVED:	02/22/83	JA: OK			
8325035	19045	3503370727		102-2		PETTY #1	HULEN	200.0	LONE STAR GAS CO
8325049	19044	3503320471		102-2		URICE #2	HULER	200.0	LONE STAR GAS CO
-BLAIK OIL COMPANY				RECEIVED:	02/22/83	JA: OK			
8325087	08681	3500300000		108-ER		DAISY HAGUE #1	SOONER TREND	7.0	AMINOIL U S A INC
-BLUEBELL OIL & GAS INC				RECEIVED:	02/25/83	JA: OK			
8325168	20093	3507323038		103		KOCHENOWER STATE #1-36	SOONER TREND	37.0	CITIES SERVICE GA
8325167	20090	3507323048		103		PARHAM "A" #1-36	SOONER TREND	5.8	CITIES SERVICE GA
-BOGERT OIL CO				RECEIVED:	02/22/83	JA: OK			
8325093	20108	3509322562		103		RUSCH #1-8	SOONER TREND	236.0	PHILLIPS PETROLEU
-BOGERT OIL CO				RECEIVED:	02/25/83	JA: OK			
8325138	20266	3507323630		103		LAWRENCE #1-25	SOONER TREND	37.0	EASON OIL CO
-BOSWELL ENERGY CORP				RECEIVED:	02/22/83	JA: OK			
8325123	19962	3504921820		103		TUCKER #1-35	SHO-VEL-TUM	0.0	MOBIL OIL CO
-CAYMAN EXPLORATION CORP				RECEIVED:	02/22/83	JA: OK			
8325127	18899	3507323467		103		WELLS #8-2	SOONER TREND	104.0	CITIES SERVICE GA
-CHAMPLIN EXPLORATION INC				RECEIVED:	02/22/83	JA: OK			
8325052	19806	3508121590		103		SPRON ESTATE #1-23	NEW FIELD	120.0	SUN GAS CO
-CHEYENNE EXPLORATION INC				RECEIVED:	02/22/83	JA: OK			
8325121	18789	3504722882		102-4		MARQUIS #1		0.0	CITIES SERVICE GA
8325120	18790	3504723003		102-4		SIMMERING #1-3	WILDCAT	0.0	CITIES SERVICE GA
-CIMARRON MANAGEMENT CORP				RECEIVED:	02/22/83	JA: OK			
8325070	20043	3511721642		103		BORGHARDT #2	HALLETT	5.5	EMPIRE PIPELINE C
-CITIES SERVICE COMPANY				RECEIVED:	02/25/83	JA: OK			
8325158	21424	3500700000		108		BASS C #1	MOCANE	18.3	COLORADO INTERSTA
-CLARK RESOURCES INC				RECEIVED:	02/22/83	JA: OK			
8325025	20102	3509322560		103		KARBER 14-1	SOONER TREND	85.0	PHILLIPS PETROLEU
-COMMERCIAL ENERGY CORP				RECEIVED:	02/22/83	JA: OK			
8325135	19932	3504722976		103		EDWARDS 1-25	SOONER TREND	0.0	EXXON CO U S A
-CORE PETROLEUM LTD				RECEIVED:	02/22/83	JA: OK			
8325112	23194	3514920328		107-DP		BOSE #1-9		0.0	PRODUCER'S GAS CO
-COTTON PETROLEUM CORPORATION				RECEIVED:	02/22/83	JA: OK			
8325108	23299	3501521343		107-DP		LONA #1	CHICKASHA NW	0.0	UNITED GAS PIPELI
8325086	23273	3501521456		107-DP		OSBORNE #1	LAVERTY EAST	285.0	UNITED GAS PIPELI
8325111	23211	3501521289		107-DP		WUNDERLICH #1	GRACEMONT E	243.0	UNITED GAS PIPELI
-DEMINEX US OIL COMPANY				RECEIVED:	02/22/83	JA: OK			
8325103	20077	3507300000		108		JOE FORMAN #2	N W REEDING	13.0	CONOCO INC
-EARLSBORO OIL AND GAS CO INC				RECEIVED:	02/22/83	JA: OK			
8325076	20034	3515121277		103		HODGDEN #2-1	OAKDALE	108.0	AMINOIL USA INC
8325073	20032	3515121295		103		LOOMIS #1-25	OAKDALE	300.0	MAGIC CIRCLE ENER
8325075	20035	3507323506		103		SEDLAK #1-2	SOONER TREND	75.0	EASON OIL CO
-EASTOK PETROLEUM CORP				RECEIVED:	02/25/83	JA: OK			
8325140	20270	3509120519		103		EASTOK PETROLEUM #3	COALTON-TIGER MOUNTAI	73.0	CARR GAS CO
-ECC OIL CO				RECEIVED:	02/25/83	JA: OK			
8325164	19108	3510523919		102-2		TANGIER #1 C W/2 W/2 23-28N-15E	LENAPAH	7.0	OKAN GAS CO
8325165	19109	3510523920		102-2		TANGIER #2 C W/2 SE/4 23-28N-15E	LENAPAH	0.0	OKAN GAS CO
8325159	22249	3514722287		108		THOMAS #1 SW/4 S31-T25N-R14E	OGLESBY GAS FIELD	6.7	OKAN GAS CO
-EL DORADO DRILLING INC				RECEIVED:	02/22/83	JA: OK			
8325020	20141	3508321795		103		BARNES #34-81-1		27.0	SUN GAS CO
-EL DORADO DRILLING INC				RECEIVED:	02/25/83	JA: OK			
8325179	20143	3508321844		103		MASON #80-2		35.4	SUN GAS CO
-ENERGY RESERVES GROUP INC				RECEIVED:	02/22/83	JA: OK			
8325034	19073	3509120209		102-2		TOLIVER #1-10	HICHITA	0.0	
-ENERGY SERVICES INC				RECEIVED:	02/22/83	JA: OK			
8325069	18904	3504500000		102-4		BRADLEY #27-1A	NW HARMON	98.0	PRODUCER'S GAS CO
8325118	18905	3504321408		102-4		RED MAN #36-2	WEST CANTON 81	36.0	DELMI GAS PIPELIN
-FRAN-BART INC				RECEIVED:	02/22/83	JA: OK			

JD NO	JA DET	API NO	D	SEC(1)	SEC(2)	WELL NAME
8325079	19999	3512321201		103		DAVIS #1
-FUNK EXPLORATION INC				RECEIVED:	02/22/83	JA: OK
8325130	19238	3513921660		102-4		EUNICE #1
-GARY MATTHEWS OIL & GAS				RECEIVED:	02/22/83	JA: OK
8325077	19993	3512322000		103		DAVIS D
8325078	19998	3512322020		103		HENSEN #1
-GEM INC				RECEIVED:	02/22/83	JA: OK
8325062	17456	3507300000		103		DEANN #1
-GOMACO INC				RECEIVED:	02/22/83	JA: OK
8325114	18734	3511921417		102-4		TREU #2-26
-GRAHAM OIL & GAS LTD				RECEIVED:	02/22/83	JA: OK
8325055	19316	3507321235		102-4		BARNES #1
-GULF OIL CORPORATION				RECEIVED:	02/25/83	JA: OK
8325141	18056	3507323301		103		POPE-WIAM #3-10
8325177	19308	3514920170		102-4		TERRY FARRIS #1-17
-HAGER OIL CO				RECEIVED:	02/22/83	JA: OK
8325045	19890	3513321935		103		H & B STREATER #1 13321935
-HARPER OIL COMPANY				RECEIVED:	02/22/83	JA: OK
8325051	18986	3504321078		102-4		CARPENTER #1
8325185	20154	3507323666		103		ERNEST #2
-HARPER OIL COMPANY				RECEIVED:	02/25/83	JA: OK
8325181	20153	3507300000		108		ESTHER #1
-HAWKINS OIL & GAS INC				RECEIVED:	02/22/83	JA: OK
8325133	19314	3500722328		102-2		SWAN #1-8
-HELMERICH & PAYNE INC				RECEIVED:	02/25/83	JA: OK
8325163	17626	3513722871		103		RICHEY #1-A
-HOLD OIL CORP				RECEIVED:	02/25/83	JA: OK
8325166	19807	3506321297		103		HOLD OIL CORP BILL BOYCE #1
-HPC INC				RECEIVED:	02/25/83	JA: OK
8325172	20255	3503920715		103		MAHSON #1
-JAY PETROLEUM INC				RECEIVED:	02/22/83	JA: OK
8325125	19969	3505120734		103		DACUS #1
8325124	19968	3505120622		103		STERR #3
-JORDAN OIL & GAS COMPANY				RECEIVED:	02/22/83	JA: OK
8325088	19128	3510721248		102-4	103	PALMER 2-11
8325039	21382	3504521040		103		STUBBS 1-12
-L P ENERGY				RECEIVED:	02/22/83	JA: OK
8325128	19147	3507323398		103		STOTTS #1
-L W CARY				RECEIVED:	02/25/83	JA: OK
8325147	19907	3501722040		103		CARY #3-3
-LEAR PETROLEUM CORPORATION				RECEIVED:	02/22/83	JA: OK
8325102		3513520051		108		GUNTER #1
8325101	19783	3507920241		108		LEAR LEE "A" #1
-LEAR PETROLEUM EXPLORATION INC				RECEIVED:	02/25/83	JA: OK
8325168	23135	3501521395		107-DP		HEGER #1-20
-LOCATORS OIL & GAS INC				RECEIVED:	02/22/83	JA: OK
8325023	20122	3508320663		103		BLEVINS #1
-LONG ROYALTY CO				RECEIVED:	02/22/83	JA: OK
8325048	19599	3501700000		103		JACOBS #2
-LOUISIANA LAND & EXPLORATION CO				RECEIVED:	02/22/83	JA: OK
8325063	17464	3503723820		103		CASEY #7
-LRF CORP				RECEIVED:	02/22/83	JA: OK
8325104	20152	3506331618		103		TRIMM #2
-M S KLOTZMAN EXPLORATION				RECEIVED:	02/22/83	JA: OK
8325106	20211	3511120658		108		HENRY #6
8325107	20212	3511100000		108		POE #1
-MABEE PETROLEUM CORP				RECEIVED:	02/25/83	JA: OK
8325184	20243	3504921955		103		GEHRKE #2
8325185	20244	3504722876		103		GEHRKE NO 1
-MACK OIL CO				RECEIVED:	02/22/83	JA: OK
8325068	20015	3515321353		103		VANDORN #1
8325118	20040	3500320991		103		WOODARD 0
8325042	20041	3500321001		103		WOODARD #3
-MASSEY & MASSEY				RECEIVED:	02/25/83	JA: OK
8325182	20155	3504722135		108		NELSON #1 OTC #047-60194
8325183	20157	3504722143		108		SCOVELL #1 OTC #047-60201
-MCMORAN-FREEPORT OIL CO				RECEIVED:	02/25/83	JA: OK
8325162	23328	3514900000		107-DP		GEIS #1-36
-MIDCO DRILLING INC				RECEIVED:	02/22/83	JA: OK
8325047	19716	3500722294		103		WINCHESTER #1
-MOBIL OIL CORP				RECEIVED:	02/25/83	JA: OK
8325174	17817	3504900000		108-SA		C LAMBERT #3
-NATURAL GAS ANADARKO INC				RECEIVED:	02/22/83	JA: OK
8325059	17292	3500722184		103		NAYLOR A 1-32
-O L SCOTT JR OIL PROPERTIES				RECEIVED:	02/22/83	JA: OK
8325074	20025	3504722949		103		BRAUNER #1-A
-OFS-TULSA CORP				RECEIVED:	02/22/83	JA: OK
8325134	19523	3507323421		103		DONNA #1-30
-OIL LIFT INC				RECEIVED:	02/22/83	JA: OK
8325040	21174	3510525588		108		ALEXANDER #1-23 (API #10525588)
8325041	21173	3510523273		108		OESTMANN #1 (API 10523273)
8325072	21172	3510525430		108		OESTMANN #22 (API#10524430)
8325058	21322	3510525717		102-2		SMITH #1-27
-OILTON PETROLEUM INC				RECEIVED:	02/22/83	JA: OK
8325030	20081	3511720675		103		SHENOLD #B1
-OKLAHOMA CONVEYANCE CORP				RECEIVED:	02/25/83	JA: OK
8325171	20253	3507121562		108		C G HONICK #1-3
-OSBORN HEIRS CO				RECEIVED:	02/22/83	JA: OK
8325098	19984	3501121663		103		WEBER #2
8325099	19985	3501121696		103		WEBER #3
-PARADOX PETROLEUM CO				RECEIVED:	02/22/83	JA: OK
8325188	19997	3513921313		103		ROWAN #1-30
-PAUL WALKER				RECEIVED:	02/22/83	JA: OK
8325024	20120	3503320680		103		HOOKER #1
-PETRO-LEWIS CORPORATION				RECEIVED:	02/22/83	JA: OK
8325113	18356	3507323523		103		LESLY #17-2
8325057	19577	3509320811		108		OSCAR 27 #1
-PETROLIA DRILLING CORP				RECEIVED:	02/22/83	JA: OK
8325122	19958	3509322518		103		TEFFT #2
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/22/83	JA: OK
8325081	19573	3501521404		103		EAST BINGER UNIT #19-2
8325056	19084	3500700000		108		SPEAR #1
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/25/83	JA: OK
8325180	20144	3501721681		108		BILLER A #1

FIELD NAME	PROD	PURCHASER
ALLEN DISTRICT	180.0	ARKANSAS LOUISIAN
EAST HOOKER	300.0	PANHANDLE EASTERN
ALLEN DISTRICT	50.0	ARKANSAS LOUISIAN
ALLEN DISTRICT	70.0	ARKANSAS LOUISIAN
SOONER TREND	0.0	DALCO PETROLEUM U
UNNAMED	12.0	COLORADO GAS COMP
	668.9	PANHANDLE EASTERN
LACY SW	547.0	ARKANSAS LOUISIAN
WILDCAT	850.0	
	144.0	ARCO OIL & GAS CO
WILDCAT	72.0	DELHI GAS PIPELIN
SOONER TREND	91.0	PHILLIPS PETROLEU
	7.0	PHILLIPS PETROLEU
LORENA EXTENSION	91.0	
SMOLEN-ALECHEM	47.0	MOBIL OIL CORP
SHADY GROVE	180.0	HILL TOP INVESTME
	60.0	TRANSOK PIPELINE
BRADLEY	5.5	TRANSOK PIPE LINE
BRADLEY	32.4	TRANSOK PIPE LINE
HICKORY RIDGE	584.0	TRANSOK PIPELINE
SOUTH GAGE	55.0	TRANSWESTERN PIPE
SOONER TREND	155.0	PHILLIPS PETROLEU
OKLAHOMA CITY	0.0	MOBIL OIL CORP
KINTA	0.0	ARKANSAS LOUISIAN
CEDARS	0.0	ARKANSAS LOUISIAN
SW LIBBIE	1.1	EL PASO NATURAL G
W LAURIE	2.2	EASON OIL CO
NORTH MUSTANG	0.0	MOBIL OIL CORP
CUSHING	985.0	CITIES SERVICE GA
HILLTOP	182.0	ARKANSAS LOUISIAN
SCHULTER	3.0	SCHULTER GATHERIN
SCHULTER	4.0	SCHULTER GATHERIN
WILDCAT	31.0	BUCKEYE NATURAL G
WILDCAT	31.0	BUCKEYE NATURAL G
N BOILING SPRINGS	140.0	DELHI GAS PIPELIN
S E GOLTRY	120.0	UNION TEXAS PETRO
RINGWOOD	120.0	UNION TEXAS PETRO
SOUTH DRUMMOND	10.0	PHILLIPS PETROLEU
SOUTH DRUMMOND	0.6	PHILLIPS PETROLEU
WILDCAT	365.0	
MOCANE-LAVERNE	18.0	EL PASO NATURAL G
GOLDEN TREND	18.9	WARREN PETROLEUM
	126.0	PHILLIPS PETROLEU
S W DOUGLAS FIELD	0.0	ARCO OIL & GAS CO
SOONER TREND	126.0	CITIES SERVICE GA
SOUTH COFFEYVILLE	12.5	PELICAN PIPELINE
SOUTH COFFEYVILLE	4.0	PELICAN PIPELINE
SOUTH COFFEYVILLE	12.8	PELICAN PIPELINE
SOUTH COFFEYVILLE	5.5	PELICAN PIPELINE
UNKNOWN	36.5	H J D CATTLE CO
S PECKHAM	2.0	CITIES SERVICE GA
N W OMEGA	150.0	MUSTANG FUEL CORP
NW OMEGA	150.0	MUSTANG FUEL CORP
HUGOTON COUNCIL GROVE	21.6	INTER NORTH INC
HULIN	365.0	ARKANSAS-LOUISIAN
SOONER TREND	0.0	CITIES SERVICE GA
SOONER TREND	0.0	PARTNERSHIP PROPE
S E AMES	375.0	CITIES SERVICE GA
EAST BINGER	45.0	OKLAHOMA NATURAL
LAVERNE-MORROW	0.0	PANHANDLE EASTERN
WEST OKARCHE	12.6	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PYRO ENERGY CORP				RECEIVED:	02/22/83	JA: OK			
8325050	18987	3509322471	103			F J EDWARDS '32' #2	W CHEYENNE VALLEY (MI	0.0	TENNESSEE GAS PIP
-RACK OIL INC				RECEIVED:	02/22/83	JA: OK			
8325060	17418	3503722883	103			MOFFER #1	CUSHING	15.0	ARCO OIL & GAS CO
8325061	17419	3503723059	103			MOFFER #2	CUSHING	14.3	ARCO OIL & GAS CO
-REYNOLDS EXPLORATION CO				RECEIVED:	02/22/83	JA: OK			
8325026	20098	3507323272	103			KRAMER #2	SOONER TREND	0.0	CITIES SERVICE CO
-REYNOLDS EXPLORATION CO				RECEIVED:	02/25/83	JA: OK			
8325170	20097	3507322968	103			HILL #1	SOONER TREND	0.0	CITIES SERVICE CO
8325169	20096	3507322984	103			ROTHER #1	SOONER TREND	0.0	CITIES SERVICE CO
-RICKS EXPLORATION CO				RECEIVED:	02/22/83	JA: OK			
8325095	23223	3501521014	107-DP			GERTIE HINTON #1	N CEMENT	318.0	SOUTHERN NATURAL
-ROBERT GORDON OIL CO				RECEIVED:	02/22/83	JA: OK			
8325065	20021	3508121589	103			BOND #13-1 081-76878	WILDCAT	0.0	KERR MCGEE CORP
-ROBINSON BROS DRILLING CO INC				RECEIVED:	02/22/83	JA: OK			
8325033	19121	3501521210	102-2			ROSSER #23-1	NORTH EAKLY	328.0	DELHI GAS PIPELIN
-S K TUTHILL & B J BARBEE				RECEIVED:	02/22/83	JA: OK			
8325096	18985	3515321356	102-2			HUGHES 1-32	SOUTH FREEDOM	250.0	PANHANDLE EASTERN
-SABINE CORP				RECEIVED:	02/25/83	JA: OK			
8325178	20131	3512900000	108			WOOLEY #1-13		0.0	PANHANDLE EASTERN
8325173	02895	3512900000	108-ER			WOOLEY 2-13		0.0	PANHANDLE EASTERN
-SAMSON RESOURCES COMPANY				RECEIVED:	02/25/83	JA: OK			
8325145	19179	3507920463	102-4	103		FREEMAN #1	SOUTH POCOLA	657.0	ARKANSAS LOUISIAN
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	02/22/83	JA: OK			
8325056	19466	3500920400	102-2			KNIGHT #1-19	W ELK CITY	700.0	
-SCHICK ENERGY CORP				RECEIVED:	02/22/83	JA: OK			
8325044	20019	3509300000	103			SMITH 10-1	RINGWOOD	508.0	PIONEER GAS PRODU
8325066	20020	3507323092	103			WEHRENBERG 26-1		20.0	EXXON CO USA
-SEARCH DRILLING CO				RECEIVED:	02/22/83	JA: OK			
8325115	19977	3507323400	103			KRAMER #2-18	SOONER TREND	16.0	CITIES SERVICE GA
-SENECA OIL COMPANY				RECEIVED:	02/22/83	JA: OK			
8325053	18911	3509322513	102-2			FRAZIER #1-23		309.2	PANHANDLE EASTERN
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8325064	18807	3501722232	102-4	103		ROUTH #1-16		84.0	PHILLIPS PETROLEU
-STAR RESOURCES INC				RECEIVED:	02/22/83	JA: OK			
8325071	20047	3506321610	103			RAINBOLT 2-11	E WETUMKA	90.0	PUBLIC SERVICE CO
-STARBRIGHT OIL & GAS CO INC				RECEIVED:	02/22/83	JA: OK			
8325031	20080	3510121533	103			JENKINS #1	HASKELL	266.1	PHILLIPS PETROLEU
-STONE RIVER II				RECEIVED:	02/22/83	JA: OK			
8325021	20139	3504722977	103			MARCELLA #1	SOONER TREND	182.5	ONG WESTERN INC
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/22/83	JA: OK			
8325129	19225	3505921043	103			J E BOUSE #3	MOCANE-LAVERNE GAS AR	184.0	COLORADO INTERSTA
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/25/83	JA: OK			
8325137	20264	3505921052	103			BARBY UNIT #3	MOCANE LAVERNE	55.0	COLORADO INTERSTA
8325153	20222	3500722192	103			BOYD UNIT TRACT 10 #4	GRAND VALLEY E	0.4	PHILLIPS PETROLEU
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8325150	20219	3503723659	103			STROUD PRUE SAND UT #14-4	STROUD	37.0	KERR MCGEE CORP
8325152	20221	3507122580	103			WEST GARRETT REDFORK UT TR 10 #7	GARRETT NORTHWEST	0.4	CITIES SERVICE CO
-SUNRISE EXPLORATION INC				RECEIVED:	02/25/83	JA: OK			
8325157	20254	3508720699	103			WHITEHEAD #1	FLINT CREEK	22.0	ARKANSAS LOUISIAN
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8325117	19980	3510321707	103			SOUTH LONE ELM CLEVELAND SAND UNIT#	SOUTH LONE ELM	2.0	AMINOIL U S A INC
-TEXACO INC				RECEIVED:	02/22/83	JA: OK			
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-THE GHK COMPANY				RECEIVED:	02/22/83	JA: OK		0.0	
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8325037	23288	3505121218	107-DP			HEATH #1-7	EAST FLETCHER	547.5	TRANSWESTERN GAS
8325036	23289	3503100000	107-DP			MCINTOSH #1-11		449.0	EL PASO NATURAL G
-THE GHK COMPANY				RECEIVED:	02/25/83	JA: OK			
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8325156	20249	3510321595	103			THELMA #1	WATONGA	1300.0	OKLAHOMA GAS & EL
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8325148	20057	3501121732	103			KARNS #1		0.0	
-TOWNER PETROLEUM CO				RECEIVED:	02/22/83	JA: OK			
8325131	19243	3501722289	102-2			AA & L #19-1		0.0	PHILLIPS PETROLEU
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8325132	19309	3515121289	102-2			MORRIS HULL #1	SOONER TREND	150.0	UNION TEXAS PETRO
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8325139	20268	3504721588	103			KREIE #3	SOONER TREND	23.7	CITIES SERVICE GA
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8325046	19756	3507323318	103			KLOEPPEL #1	SW MOORE	200.0	SUN GAS CO
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8325094	20117	3502720682	103			WEIDENMAIER #1	NW NORMAN	73.0	SUN GAS CO
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8325092	20103	3509322508	103			PATTERSON #1-19	WEST DOVER	73.0	CITIES SERVICE GA
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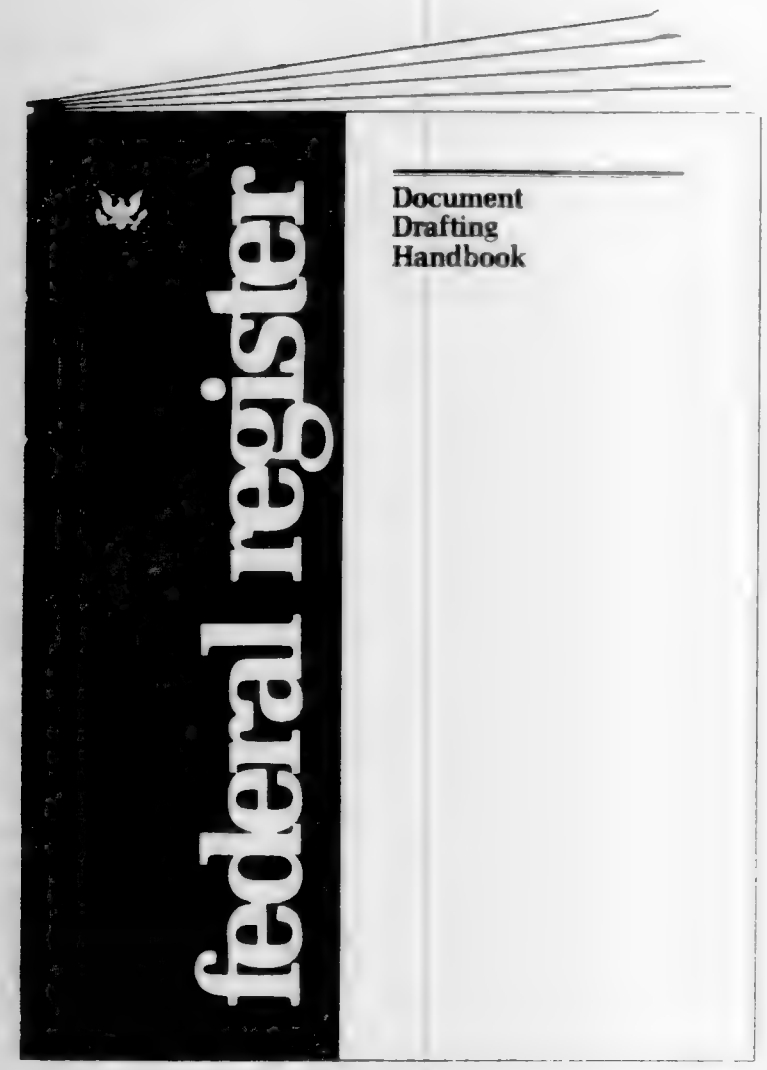

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The President

Proclamation 5035 of March 24, 1983

National Maritime Day, 1983

By the President of the United States of America

A Proclamation

The restructuring of longstanding Federal maritime policies constitutes a high priority of my Administration.

Considerable progress has been made in removing unnecessary regulatory contraints which contribute to inefficiency and increased costs of our shipping and shipbuilding. These efforts will continue and will greatly enhance our maritime posture. Over the next few years, new generations of efficient and productive merchant ships will improve the competitiveness of our fleet.

These and other announced policy initiatives are part of my firm commitment to provide the foundation upon which to build and maintain the strong merchant marine needed to serve the Nation's waterborne commerce and national defense requirements.

In recognition of the importance of the American merchant marine, the Congress, by joint resolution of May 20, 1933, designated May 22 as National Maritime Day and requested the President to issue annually a proclamation calling for its appropriate observance. This date was chosen to commemorate the day in 1819 when the SS SAVANNAH departed Savannah, Georgia, on the first transatlantic steamship voyage.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate May 22, 1983, as the fifty-first observance of National Maritime Day. I urge the people of the United States to honor our American merchant marine on that day by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

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7 CFR Part 991

Hops of Domestic Production; Filling Deficiencies and Reserve Hops; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects the section heading number of provisions regarding reserve hops which appeared on page 79006 of the November 28, 1980, issue of the **Federal Register**, and of a change made in those provisions, which appeared on page 60179 of the December 9, 1981, issue of the **Federal Register**. These should have been placed in new § 991.139a but were inadvertently placed in § 991.139 which had been suspended until July 31, 1983. Section 991.139 precribes requirements on filling deficiencies in annual allotments and the suspension appeared on page 41902 of the June 23, 1980, **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Assistant Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5697.

Part 991—[Amended]

Therefore, "§ 991.139 Reserve hops." should be corrected to "§ 991.139a Reserve hops.", and "§ 991.139 Filling deficiencies in salable quantity." should be reestablished effective August 1, 1983, to read as follows:

§ 991.139 Filling deficiencies in salable quantity.

Pursuant to § 991.38(d), the requirements therein with respect to the filling of deficiencies in annual allotments are modified as follows:

(a) Except as limited by paragraph (d) of this section, a producer otherwise eligible pursuant to § 991.38(d) to fill such a deficit in his annual allotment may do so only if: (1) Such producer experiences conditions beyond his control, as defined in paragraph (c) of this section; (2) he notifies the Committee within 48 hours, or such other time as the Committee may prescribe, of such conditions; (3) he furnishes proof, satisfactory to the Committee, of the conditions beyond his control within the time prescribed by the committee; and (4) the quantity of hops he acquires to fill the deficit does not exceed the amount specified in paragraph (b) of this section.

(b) The amount of the deficit in any producer's annual allotment that may be filled shall be the lesser of: (1) The difference between his annual allotment and his harvested quantity, or (2) the difference between his harvested quantity if any, from acreage affected by conditions beyond his control and the quantity obtained by multiplying the producer's base yield per acre, adjusted by the allotment percentage, by the number of acres so affected.

(c) Conditions beyond his control may include, but are not necessarily limited to, adverse climatic conditions such as frost, hail, excessive wind or heat which are beyond normal hazards of producing hops in the particular location and excesses or shortages of water not due to faulty irrigation practices.

(d) Where a producer's production of hops on all or a part of his hop acreage is below normal by industry standards due to an overall "less than normal yield" not caused by conditions beyond his control, as defined in paragraph (c) of this section, the producer shall not be eligible to fill any portion of his annual allotment deficit not caused by conditions beyond his control, as defined in paragraph (c) of this section.

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674)

Dated: March 24, 1983.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 83–8039 Filed 3–28–83; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CAS–RM–80–118]

Energy Conservation Program for Consumer Products; Test Procedures for Refrigerators and Refrigerator-Freezers, and Freezers, Correction

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Final rule; correction.

SUMMARY: This document corrects errors made in the final rule amending the test procedures for refrigerators and refrigerator-freezers, and freezers appearing at and following page 34517 of the August 10, 1982 **Federal Register** (Vol. 47, No. 154).

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Stop CE–113.1, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9127.

SUPPLEMENTARY INFORMATION: Upon careful review of the **Federal Register** publication of final amendments to the test procedures for refrigerators and refrigerator-freezers, and freezers, a number of typographical and other errors were found. Consequently, the final amendments to the test procedures for refrigerators and refrigerator-freezers, and freezers are corrected as set forth below.

Issued in Washington, D.C., March 21, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

Accordingly, the following corrections are made to Appendices A1 and B1 of Subpart B of 10 CFR Part 430:

Appendix A1 (Alternative) [Corrected]

1. Section 1.4 is corrected to capitalize the first letter of the first word in the section and to delete the first decimal point in the term "(.0.0°C)" to make it read "(0.0°C)".

2. The third sentence in section 4.1.2.1 which reads, in part, "* * * The second part would start when a defrost period is manually initiated * * *" is corrected to read "* * * The second part would start when a defrost period is initiated * * *".

3. In section 5.1.2, the reference in the last sentence in the section to section "* * * 4.1.3." is corrected to read "* * * 4.1.1."

Appendix B1 (Alternative) [Corrected]

1. Section 2.1 is corrected to replace the term "(32.±0.6°C)" with the term "(32.2±0.6°C)". Also, section 2.1 is to be placed in correct sequential position with regard to section 2.2.

2. Section 2.3 is corrected to delete the following sentence in its entirety: "[Note.—Change format of 2.3A to match format of 2.3B]". Also, paragraph A of section 2.3 which reads, in part, "* * * is compared to the average an equivalent time period * * *" is corrected to read "* * * is compared to the average over an equivalent time period * * *".

3. The third sentence in section 4.1.2.1 which reads, in part, "* * * The second part would start when a defrost period is manually initiated * * *" is corrected to read "* * * The second part would start when a defrost period is initiated * * *".

4. In section 5.1.2, the reference to the last sentence in the section to section "* * * 4.1.3." is corrected to read "* * * 4.1.1.".

5. The formula in section 5.2.1.1 which reads "ET=(EP × 1440 × k)/T" is corrected to read "ET=(EP × 1440 × K)/T".

6. The formula in section 5.2.1.2 which reads "ET=(1440 × EP1/T1) + ((EP2−(EP1 × T2/T1)) × K × 12/CT)" is corrected to read "ET=(1440 × K × EP1/T1) + ((EP2−(EP1 × T2/T1)) × K × 12/CT".

7. The formula in section 6.2.1.2 which reads "E=ET1 + ((ET2−ET1) × (0.0−TF1)/TF2−TF1)) is corrected to read "E=ET1 + ((ET2−ET1) × (0.0−TF1)/(TF2−TF1))".

[FR Doc. 83-7929 Filed 3-28-83; 8:45 a.m.]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 7

[Docket No. 83-14]

Interpretative Rulings

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This document contains a technical amendment which clarifies the Comptroller's interpretive ruling regarding a national bank's compliance with the five-year holding period for "salvage" real estate (12 CFR 7.3020).

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Nancy E. Chase, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

SUPPLEMENTARY INFORMATION: This amendment clarifies references to 12 U.S.C. 29 appearing in 12 CFR 7.3020(a)(1)-(2) and citing the statute's "second paragraph." Reference to the "second paragraph" is ambiguous since the statute contains both designated and undesignated paragraphs. Also, as has occurred in the past, amendment of the statute may change the number of a paragraph resulting in an incorrect paragraph reference in the regulation. In order to avoid these problems and to clarify which portion of the statute is being referenced in the regulation, this amendment refers to the substance of 12 U.S.C. 29 to which the regulation applies rather than to the applicable paragraph number of the statute.

This amendment to Interpretive Ruling 7.3020 (12 CFR 7.3020) is purely technical. It in no way affects a bank's obligation to comply or the permissible means of compliance with the provisions of 12 U.S.C. 29. For this reason, the Office finds, in accordance with 5 U.S.C. 553(b)(B), that notice and public comment are unnecessary.

Special Analyses

Since this amendment is not subject to notice and comment, preparation of a Regulatory Flexibility Analysis is not required. The Comptroller of the Currency believes, however, that the clarifications will facilitate the application of the existing regulation and will not have any particular effect on small entities.

The Office has determined that the amendment is not a "major rule" as defined by Executive Order 12291 and, therefore, a Regulatory Impact Analysis has not been prepared. The amendment will not have an annual effect on the economy of $100 million or more and will not result in a major increase in the cost of bank operations, government supervision of banks, or consumer services. The amendment also will not have adverse effects on competition, employment, investment, productivity or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 12 CFR Part 7

National banks, "Salvage" real estate.

Accordingly, 12 CFR Part 7 is amended to read as follows:

PART 7—INTERPRETIVE RULINGS

Subpart C—Bank Ownership of Property

1. The authority citation for Part 7 reads as follows:

Authority: R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq., unless otherwise noted.

2. Section 7.3020 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 7.3020 Real estate acquired as salvage on uncollectable loans.

(a) *Disposal of "salvage" real estate within 5 years.*

(1) A national bank may comply with its obligation under 12 U.S.C. 29 to dispose within five years of real estate acquired by the bank for a debt previously contracted by retaining or transferring such real estate to a subsidiary or affiliate for use in the business of the bank, subsidiary or affiliate.

(2) Compliance with the requirement of 12 U.S.C. 29 that a bank dispose within five years of real estate acquired for a debt previously contracted may also be accomplished, subject to prior approval of the Regional Administrator of National Banks, by disposal of such real estate under an arrangement by which the bank will realize additional compensation upon the ultimate disposition of the property by the transferee where: (i) The bank has been unable to dispose of the real estate except at an unreasonably low price resulting in a substantial loss to the bank; and (ii) there is no reason to believe that a substantially higher price is obtainable for such real estate within a reasonable period.

* * * * *

Dated: March 14, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-8002 Filed 3-28-83; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 543

[No. 83-150]

Amendments Relating To Grandfathering of State Authority by Institutions Converting to Federal Charters

Dated: March 17, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is adopting a new regulation applicable to the grandfathering of rights enjoyed as state mutual savings banks by institutions converting to federal charter, whether those institutions retain their Federal Deposit Insurance Corporation ("FDIC") insurance coverage, or obtain insurance of accounts from the Federal Savings and Loan Insurance Corporation. Any converting institution will be allowed to retain its state mutual savings bank authority, and any federal association subsequently acquiring that converted institution by merger or consolidation will likewise be able to enjoy those grandfathered rights. Grandfathered rights may be transmitted through merger on an indefinite basis, as long as the disappearing institution had converted to a federal savings bank, and may not be defeated by the non-occurrence of a statutory condition precedent to their use at the time of conversion. This regulation is adopted to implement statutory changes made to § 5(i) of the Home Owners' Loan Act of 1933 by the Garn-St Germain Depository Institutions Act of 1982 ("Garn-St Germain Act").

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett, Associate General Counsel, Office of the General Counsel (202/377-6445) Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Financial Institutions Regulatory and Interest Rate Control Act of 1978, Pub. L. 95-630, amended section 5(a) of the Home Owners' Loan Act of 1933 ("HOLA") (12 U.S.C. 1464(a)) to authorize the Board, on a limited basis, to grant federal mutual savings bank charters. These charters were available only to institutions converting from the state mutual savings bank ("MSB") form. Because state-chartered MSBs often had powers exceeding those allowable to federal associations under the HOLA, the amendments to section 5(a) contained authorization for limited "grandfathering" of state authority. A federal MSB was permitted to carry on any activities it was engaged in on December 31, 1977, and to retain or make any investment of a type it held on that date, except that its equity, corporate bond, and consumer loan investments could not exceed the average ratio of such investments to total assets for the five-year period immediately preceding the filing of its application for conversion. Regulations regarding section 5(a) grandfathering authority were issued August 22, 1980 (45 FR 56033), and may be found at 12 CFR 578.2 (1982).

As part of its substantial enhancement of the investment and other authority available to federal thrift institutions, the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, ("Garn-St Germain Act"), substantially broadened the grandfathering possibilities available to federal associations which formerly were state MSBs. These rights are available whether the conversion to federal charter took place under old section 5(a) of the HOLA, or under new section 5(i) or 5(o). Under new section 5(i)(5)(A) of the HOLA, any activity (including branching) or investment available under state law at the time of conversion from a state MSB may continue to be made by that institution as a federal association, to the extent authorized by the Board. In addition, under new section 5(i)(5)(B), any federal association that merges with a federal savings bank enjoying grandfathered rights acquires whose rights itself and, provided it first converts to a federal savings bank, if it does not already enjoy that status, may pass them on in turn to a federal association that absorbs it.

The 1980 regulations clearly were inadequate to address the new authorization. The Board, therefore, by Resolution No. 82-790 (47 FR 56314; published on December 16, 1982), proposed a new regulation setting forth in detail its interpretation of the appropriate extent of the authority provided by section 5(i)(5). However, in order to allow processing of charter conversions pursuant to final regulations promulgated by the Board in companion Resolution No. 82-791 (47 FR 56985; published on December 22, 1982), applicants otherwise eligible for approval have been permitted to apply for granfathered rights consistent with the Board's proposed regulation, upon the condition that newly-chartered institutions so approved will be required to conform with the Board's final rule or other Board action in further consideration of this area.

Proposed § 543.11-1 set forth in paragraph (a) the general standard applicable to grandfathering. As proposed, a federal association that at one time was a state MSB could exercise as a federal association any authority it had under state law at the time it ceased to be a state MSB. Such grandfathered authority could be exercised, however, only to the degree permitted under state law, except to the extent that such authority may be enjoyed by federal associations not enjoying grandfathered rights. Thus, in a hypothetical situation where state law allowed up to 20 percent of an institution's assets to be invested in commercial loans, subject to a more restrictive single-borrower limit than that applicable under federal law, a converted federal association could make commercial loans up to the 10-percent-of-assets limit applicable to federal associations in accordance with the more liberal federal loans-to-one-borrower statute, and comply with the state law requirement only for commercial loans made in excess of the federal percentage-of-assets ceiling. In addition, explicit authorization was provided in paragraph (a) to allow converted institutions to contiune to follow state law and regulation regarding grandfathered authority, except as otherwise provided by the Board.

Proposed paragraph (b) dealt with the passing on of grandfathered rights through merger or consolidation. Any federal association that acquires, by merger or consolidation, a federal savings bank enjoying grandfathered rights also would acquire those grandfathered rights. Those rights could be transmitted and retransmitted indefinitely to other federal associations in the same manner, assuming the disappearing association was a federal savings bank at the time of the merger or consolidation.

Proposed paragraph (c) clarified that grandfathering does extend to authority under state law that may be exercised only in accordance with the occurrence of a condition precedent, such as the occurrence of a future date, or the attainment of a specified level of net worth. Thus, if a savings bank under state law were allowed to make particular investments as long as it has 10 percent net worth, it would be permitted to make those investments as a federal association, provided it meets that net-worth requirement. The fact that the condition precedent has not yet

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occurred at the time of conversion would not defeat grandfathering.

Finally, proposed paragraph (d) clarified that grandfathering is not to be construed as a device for allowing institutions more liberal authority than is allowed under the most liberal construction of state or federal law. For instance, if a state allows 20 percent of assets to be invested in a particular category and the HOLA allows 10 percent, a converted institution may not, as a result of grandfathering, be allowed to invest 30 percent of its assets in that category. Such a construction would be an overly generous interpretation of the statute.

The Board has determined to adopt the regulation as proposed, with several modifications.

First, the phrase "To the extent authorized by the Board" has been deleted where it appeared in proposed paragraphs (a) and (b), and the phrase "as determined by the Board" has been deleted from the second sentence of proposed paragraph (a). This action was taken to avoid giving the impression that the agency, with respect to applications for conversions or mergers in which grandfathering is involved, would determine on a case-by-case basis to what extent state authority would be retained. This was not the Board's intent in proposing the regulation. The use in the proposal of the deleted language was designed merely to signal that the Board would not uncritically and irrevocably accept an institution's own assessment of state authority, but would remain the ultimate arbiter of what rights attach. The Board's authority to act in this role, however, is clear under its general regulatory power stemming from, among other sources, sections 5(a) and 5(o) of the Home Owners' Loan Act of 1933, as amended by the Garn-St Germain Act. In addition, the reservation of authority in this regard is explicitly provided in the regulation in the second and third sentences of paragraph (a). Accordingly, retention of the deleted language would be redundant and confusing. The Board also is deleting the phrase "as determined by the Board" from proposed paragraphs (c) and (d) for the similar reason that to do otherwise would be confusing and, given the Board's plenary regulatory powers, redundant.

Until experience demonstrates that there is a positive need to take a contrary approach, for reasons of safety or soundness or otherwise, the Board will allow unrestricted grandfathering of state law investment and activity authority by converting savings banks, and in connection with mergers of institutions possessing grandfathered rights. There is no indication in the legislative history of the Garn-St Germain Act that such an approach is inappropriate; indeed, the basic thrust of that legislation was to deregulate thrift institutions and make them more effective competitors. The approach adopted was basically urged by one commenter, and opposed by another. The issue is reviewed in more detail in the following discussion of comments.

The Board also has determined to amend proposed paragraph (b) to clarify the existence of grandfathering rights with regard to certain institutions that were federal savings banks but that converted to federal savings and loan associations or merged into federal savings and loan associations prior to the enactment of the Garn-St Germain Act. The regulations as amended now explicitly states that those transactions will be regarded as having the same impact on grandfathering as they would if had they occurred subsequent to enactment. Thus, a federal savings and loan association that, prior to enactment, converted to that status from a federal savings bank, or absorbed a federal savings bank by merger, would be entitled to exactly the same grandfathering rights as would be extended if the conversion or merger occured after the Act became law. The Board believes the essentially remedial thrust of the Garn-St Germain Act strongly supports this approach, which was urged by one commenter.

Comments

In all, the Board received eleven letters of comment on the proposed regulation. Five comments were from savings banks, four were from trade associations, one was from a savings and loan association and one was from a law firm. Five commenters favored the proposal without qualification, five favored it but had supplementary comments or suggestions, and one generally opposed it.

Issues Raised by Commenters

1. *Extent of Grandfathering.* One commenter raised the basic objection that the Board should not allow converted institutions to exercise all state law authority permissible under the Garn-St Germain Act without restrictions, but instead, using specific criteria, should decide on the basis of case-by-case determinations, as part of the merger or conversion application process, which state powers should be grandfathered. The Board has considered this suggestion very carefully, in light of its responsibilities, particularly with regard to maintenance of the safety and soundness of insured institutions. The Board is not persuaded, however, that the nature of the activities potentially to be grandfathered is such as to warrant the imposition of a burdensome case-by-case analysis requirement upon institutions seeking to convert or merge. The powers in question all result from statutes passed by state legislatures, which, under the dual system of financial institution regulation long sanctioned by Congress, have a keen interest in the safety and soundness of the depository institutions operating with state charters. There is certainly no basis for an assumption on the Board's part that these powers, which converting institutions must enumerate as part of their application process, are inherently suspect because they have their origins in state rather than federal law, or that their combination with other authority allowed under the Home Owners' Loan Act would automatically generate supervisory or other problems.

Although the commenter states that Congress intends grandfathering to be limited to traditional activities of banks and savings and loans rather than new categories of activities prohibited to federals, the Board finds no persuasive evidence in the statute or its legislative history to justify such a restriction. The statute, found at section 5(i) (5)(A)(ii) of the Home Owners' Loan Act of 1933, as amended (to be codified at 12 U.S.C. 1464(i)(5)(A)(ii)), speaks very broadly of permitting grandfathering of any investment or activity "not otherwise authorized under this section," and there is no suggestion in the legislative history that this language should be narrowed to impose a "traditional activities" test. *See* S. Rep. 536, 97th Cong., 2d Sess. 53 (1982).

In the Board's view, the proper approach is to permit broad grandfathering, as proposed, and to maintain a careful watch on the use of expanded powers through our examination process. The Board is provided with extensive supervisory tools for dealing with potentially unsafe or unsound practices and, of course, is free to engage in corrective rulemaking at any time should problems arise. At a time when the Board is struggling to reduce the regulatory burdens that have contributed to the serious financial problems of the thrift industry, it would be anomalous to engage in the case-by-case scrutiny urged without convincing evidence that problems are likely to result from implementation of the broad grandfathering strategy authorized by the new statute.

The Board believes that the potential benefits to be derived from blanket grandfathering, in terms of, for example, increased investment authority, improved chances (as a result of enhanced franchise value) to raise capital, and broadened ability to serve customers and the community, all strongly argue in favor of initially allowing unfettered use of the authority extended by Congress.

While the commenter appears to indicate that Congress intends the Board to use a case-by-case approach because of the statutory phrase "to the extent authorized by the Board," the Board finds nothing in the legislative history of section 5(i) (5) that supports this view. The Board, as indicated, has considered the matter and has determined not to restrict the exercise of the grandfathering authority provided under the statute. The Board believes that it is a reasonable and appropriate construction of section 5(i) (5), particularly in light of the broad regulatory grant of authority to the Board under sections 5(a) and 5(o), to determine that the appropriate extent of grandfathering for each eligible institution is the maximum specified in the statute.

2. *Securities Activities.* One commenter requested the Board to specifically prevent the grandfathering provision from authorizing federal savings banks to engage in securities activities that it claims are prohibited under federal law. In brief, the commenter indicated a strong belief that for the Board to permit thrift institutions to engage in securities-related activities would be contrary to federal policy, as embodied in the Garn-St Germain Act, as well as inherently unsafe and unsound. In addition, the commenter points to the legislative history of the Garn-St Germain Act as a source of Congressional intent that federal thrifts should not engage in securities activities. The Board is not persuaded that it should adopt the proposed restriction.

Section 5(i) (5), by its terms, quite clearly provides that if an investment or activity is allowed under state law, a converted savings bank may import it into the federal system and pass it on by merger. There is nothing in the legislative history of that provision that suggests a different interpretation. The commenter states that the legislative history of the Garn-St Germain Act evidences displeasure with a proposed Board service corporation regulation, since withdrawn, which would have allowed service corporations to engage in a wide variety of businesses on a pre-approved basis, including certain securities-related activities. We have examined this history and do not believe it should be read to indicate that the activities proposed in the regulation were prohibited from being brought into the federal system by grandfathering. The purpose of grandfathering is to carve an exception in the general scheme governing federal association investments and activities for certain classes of institutions. The Board believes that this will not just prove valuable to institutions, their customers, and their communities, but will prove as well to be a valuable means for regulators and Congress to evaluate on a limited basis, the impact of varying degrees of increased thrift authority. Using the states as laboratories had a very beneficial impact in the NOW account area, and could yield similarly positive results in other fields as well. The commenter has not provided, and the Board has been unable to find, any persuasive authority for the proposition that Congress was so hostile to the notion of thrift involvement in securities activities that a special exception should be carved out of the grandfathering regulation to prohibit such activities.

With respect to the Glass-Steagall argument, the Board has already determined in connection with applications that, consistent with that Act, federal associations may operate a subsidiary that engages in securities activities. It is also noted that the Federal Deposit Insurance Corporation has reached the conclusion that authorization of securities activities for the subsidiary of a Massachusetts-chartered mutual savings bank would not be in violation of the Glass-Steagall Act.

Concerning the assertion that securities activities are unsafe and unsound for financial institutions, the Board has examined this issue carefully in connection with the previously mentioned service corporation subsidiary application. Given effective Securities and Exchange Commission regulation and the Board's own careful supervision, there is no reason why this line of business should pose a particular threat with respect to safety or soundness. Properly regulated, it should allow for increased competition in the marketplace, and enhanced profitability for the parent association.

3. *Exercise of Powers as a Condition Precedent to Grandfathering.* One commenter urged that the Board should have a presumption against grandfathering of any powers not actually exercised under state law, if not a direct prohibition on the initiation of such new activities. This suggestion was advanced on the basis that it would not disadvantage a converting institution to refrain from doing that which it has not done in the past. Again, there is no hint in the legislative history of Congressional preference for such an approach. Indeed, under prior law governing grandfathering, 12 U.S.C. 1464(a) (1982), a restriction similar to that urged was in existence. Its repeal and replacement, by language clearly allowing converted institutions to continue to rely on state law authority relating to investments and activities, suggests a preference for the approach proposed. There is no justification for denying a converting savings bank the ability to exercise, as a federal association, state law investment or activities options not utilized for some reason as a state institution.

4. *Survival of Grandfathered Powers in Mergers.* One commenter suggested that the Board should define the circumstances under which grandfathered powers may be passed along in mergers. This was regarded as desirable in that a federal association could enlarge its authority by merging with another institution with grandfathered rights, and that grandfathered activities that would be benign in a converted institution might raise safety and soundness concerns in a larger association. The commenter was particularly disturbed that a large institution could acquire additional powers by merging with a small institution with grandfathered authority.

Again, there is no suggestion in the statutory language or its legislative history that Congress wished the Board to limit the transmission of grandfathered rights through merger. After considering the matter, the Board fails to see any reason at this time to cut back on the full complement of rights extended under the statute, either by general rulemaking or by case-by-case scrutiny. Furthermore, the Board sees no basis for imposing special restrictions based on the respective size of the merger participants. With regard to concerns that the regulation allows federals to increase their authority through mergers with institutions having grandfathered rights, this is regarded as the precise intent of the statute, which is unambiguously phrased to permit such an enhancement of authority. As indicated previously, the Board has extensive supervisory resources for use in correcting abuses, and will use them if problems develop.

5. *Explicit State Law Authorization as Pre-Condition to Grandfathering.* One commenter suggested that an activity

should not be considered to be authorized under state law unless it is explicitly permitted by a valid state statutory or regulatory provision. Without such a restriction, the commenter believed there would be no degree of certainty regarding the types of investments in activities that might be allowed through grandfathering. The Board considered the merits of such an approach and concluded that, on balance, requiring a linkage to explicit statutory or regulatory language would be unduly cumbersome. Requiring federal associations, for example, to rely on the *explicit* terms of the Home Owners' Loan Act or the regulations issued thereunder would be extremely confusing. An important degree of reliance is placed upon interpretations of the Board and the courts, particularly with regard to inherent and incidental powers, to fill in the interstices of the statutory and regulatory scheme. The states operate in a similar manner. In the Board's view, this is another area best handed through careful supervisory monitoring of grandfathered powers. If a pattern of actual or attempted overstepping of state law occurs, the Board will consider taking appropriate remedial action.

6. *Effect of Post-Conversion Passage of State Laws.* One commenter recommended that activities authorized under state law after an institution converts should not be grandfathered. Two others took the opposite view. The Board does not believe the statute permits a converted institution to take advantage of a state law enacted after the date of conversion, and the regulation reflects this belief. The regulation does allow, however, an institution to take advantage of state authority enacted prior to conversion but unavailable to the institution at the time of conversion because of a delayed effective date or a failure to meet some other condition precedent.

7. *Notice, Comment and Hearing Procedures.* One commenter indicated that the Board should make available notice, comment and hearing procedures to parties interested in the grandfathered rights of converting institutions. Conversions of savings banks formerly were subject to such procedures, unlike conversions of other institutions. The Board has gained experience with savings banks, however, and in addition, the Act made designation as a savings bank an option available to all thrifts. Accordingly, the Board determined to conform the savings bank conversion procedures to those governing other conversions to federal charters. Such conversions are treated basically as business decisions of the institution, which the Board does not think need be routinely subjected to elaborate approval procedures.

The Board believes that the benefits, in terms of enhanced competitiveness and the ability to provide more flexible service to customers, which were the primary objectives of the Garn-St Germain Act, strongly argue in favor of deregulation in this area, rather than imposition of the potentially time-consuming and expensive procedures sought. There is no more justification for a notice, comment and hearing procedure aimed at individual institutions seeking to use this new empowerment than for imposing such a procedural hurdle on federal associations seeking to use their new abilities to lease tangible personal property, make commercial loans, or accept demand deposits. This is not to indicate, however, that the chartering/grandfathering process will be inaccessible to public scrutiny. Names of applicants are available through the Board's Federal Home Loan Banks, and, of course, the provisions of state law are widely known. Any party believing an institution is operating or will operate in defiance of applicable authority is encouraged to bring such information to the attention of the Board's Office of Examination and Supervision.

Final Regulatory Flexibility Analysis

1. *Reasons, objective, and legal basis underlying the proposed rule.* These elements have been incorporated elsewhere into the supplementary information regarding the regulation.

2. *Small entities to which the proposed rule will apply.* The rule will apply only to FSLIC-insured or federally-chartered institutions. At present, institutions eligible to convert and obtain grandfathering rights exist in fewer than twenty states.

3. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the regulation.

4. *Alternatives to the rule.* The regulation will allow certain institutions converting to federal charters to retain attractive state investment and other authority, and for that authority to be passed to other federal associations through merger. Small associations will be able to enjoy this right to the same extent as large institutions, and the regulation will thus be beneficial to them, by providing more organizational, investment and other flexibility. In addition, smaller institutions could become more attractive merger partners as a result of the regulation, which would be of great importance to institutions in financial difficulty. There is no disproportionate negative effect on small institutions. Because the regulation authorizes use of what currently appears to be the most liberal grandfathering interpretation available under the statute, it would not be possible to modify the proposal to make it more lenient and thus increase the benefits available under it to small institutions. Restricting the benefits of the regulation to small institutions could conceivably result in a relative improvement for small institutions, but the Board sees no basis for such an approach under the circumstances. The language of Section 5(i) certainly does not point in that direction.

One commenter criticized the Board's Intitial Regulatory Flexibility Analysis as inadequate. The Board has carefully reviewed its approach in this matter and has determined it to be consistent with the Regulatory Flexibility Act. That Act is basically designed to make agencies consider adjusting the imposition of regulatory restrictions in a way, if possible, to reduce burdens on small entities. It certainly was not designed to require artificially restricting by regulation the statutory investment and activities options open to large financial institutions in order to favor their smaller competitors.

Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80-584 (September 11, 1980) have been incorporated into the supplementary information regarding the regulation.

Effective Date

Because there is a present need to allow thrift institutions greater flexibility in their investment, organizational and other decision-making, the Board has determined that the 30-day delay of effective date following publication of the regulations pursuant to 12 CFR 508.11 and 15 U.S.C. 533(d) is unnecessary.

List of Subjects in 12 CFR Part 543

Savings and loan associations.

Accordingly, the Board hereby amends Part 543, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 543—[AMENDED]

Add a new § 543.11–1, as follows:

§ 543.11–1 Grandfathered authority.

(a) A Federal savings bank formerly chartered or designated as a mutual savings bank under state law may exercise any authority it was authorized to exercise as a mutual savings bank under state law at the time of its conversion from a state mutual savings bank to a Federal or other state charter. Except to the extent such authority may be exercised by Federal associations not enjoying grandfathered rights hereunder, such authority may be exercised only to the degree authorized under state law at the time of such conversion. Unless otherwise determined by the Board, an association, in the exercise of grandfathered authority, may continue to follow applicable state laws and regulations in effect at the time of such conversion.

(b) A Federal association that acquires, or has acquired, a Federal savings bank by merger or consolidation may itself exercise any grandfathered rights enjoyed by the disappearing institution, whether such rights were obtained directly through conversion or through merger or consolidation. The extent of the grandfathered rights of a Federal association that disappeared prior to the effective date of this section shall be determined exclusively pursuant to this section.

(c) This section shall not be construed to prevent the exercise by a Federal association enjoying grandfathered rights hereunder of authority that is available under the applicable state law only upon the occurrence of specific preconditions, such as the attainment of a particular future date or specified level of net worth, which have not occurred at the time of conversion from a state mutual savings bank, provided they occur thereafter.

(d) This section shall not be construed to permit the exercise of any particular authority on a more liberal basis than is allowable under the most liberal construction of either state or federal law or regulation.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947; 3 CFR 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83–8055 Filed 3–28–83; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Director, Veterinary Medicine, et al.

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority on food-related matters to add new delegations to Bureau of Veterinary Medicine officials. The new delegations of authority will expedite the administrative handling of certain routine actions of that Bureau.

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: In § 5.31(e) (21 CFR 5.31(e)) the introductory paragraph is designated as paragraph (1), and paragraph (2) is added delegating to the Director and Deputy Director of the Bureau of Veterinary Medicine the authority to issue 180-day tentative responses to citizen petitions on animal food and drug matters.

In § 5.61(b) (21 CFR 5.61(b)) the introductory paragraph is designated as paragraph (1), and paragraph (2) is added delegating to the Director and Deputy Director of the Bureau of Veterinary Medicine the portion of the authority that relates to approvals of the use of food additivies. In § 5.61(c) (21 CFR 5.61(c)) the introductory paragraph is designated as paragraph (1), and paragraph (2) is added delegating to the Director and Deputy Director of the Bureau of Veterinary Medicine and the Associate Director and Deputy Associate Director for Surveillance and Compliance and the Director and Deputy Director of the Division of Animal Feeds of that Bureau the portion of the authority that relates to food additives.

Further delegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (government agencies), Organization and functions (government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. In § 5.31 by revising paragraph (e), to read as follows:

§ 5.31 Petitions under Part 10.

* * * * *

(e)(1) The Director and Deputy Director of the Bureau of Foods are authorized to issue 180-day tentative responses to citizen petitions on food matters under § 10.30(e)(2)(iii) of this chapter that relate to the assigned functions of that Bureau.

(2) The Director and Deputy Director of the Bureau of Veterinary Medicine are authorized to issue 180-day tentative responses to citizen petitions on animal food and drug matters under § 10.30(e)(2)(iii) of this chapter that relate to the assigned functions of that Bureau.

2. In § 5.61 by revising paragraphs (b) and (c), to read as follows:

§ 5.61 Food standards, food additives, generally recognized as safe (GRAS) substances, and color additives.

* * * * *

(b)(1) The Director and Deputy Director of the Bureau of Foods are authorized to perform all the functions of the Commissioner of Food and Drugs under sections 401, 409, and 706 of the act regarding the issuance of notices of temporary permits for foods varying from standards of identity under § 130.17 of this chapter; and approvals of the use of food additives under section 409(e) of the act, and color additives, other than those on the provisional list, under section 706(d) of the act, where these approvals do not involve novel or controversial issues, including any question about the applicability of the Delaney Anti-Cancer Clause.

(2) The Director and Deputy Director of the Bureau of Veterinary Medicine are authorized to perform all of the functions of the Commissioner of Food and Drugs regarding approvals of the use of food additives under section 409(e) of the act, where these approvals do not involve novel or controversial issues, including any question about the

applicability of the Delaney Anti-Cancer Clause.

(c)(1) The Director and Deputy Director of the Bureau of Foods, and the Associate Director for Compliance and the Director and Deputy Director of the Division of Food and Color Additives of that Bureau are authorized to issue 90-day letters to food additive petitioners under section 409(c)(2) of the act or to color additive petitioners under section 706(d)(1) of the act that relate to the assigned functions of that Bureau.

(2) The Director and Deputy Director of the Bureau of Veterinary Medicine, and the Associate Director and Deputy Associate Director for Surveillance and Compliance and the Director and Deputy Director of the Division of Animal Feeds of that Bureau are authorized to issue 90-day letters to food additive petitioners under section 409(c)(2) of the act that relate to the assigned functions of that Bureau.

* * * * *

Effective date. This regulation shall become effective March 29, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: March 16, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-7936 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 74

[Docket Nos. 82C-0396, 82C-0397, and 82C-0399]

D&C Green No. 6; Listing as a Color Additive For Use in Contact Lenses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of D&C Green No. 6 as a color additive in contact lenses. The agency is taking this action in response to petitions filed by Baurs-Krey Associates, Inc., Syntex Ophthalmics, Inc., and Polymer Technology Corp.

DATES: Effective April 29, 1983; objections by April 28, 1983.

ADDRESS: Written objections may be sent to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Jr., Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690

SUPPLEMENTARY INFORMATION: In two notices published in the Federal Register of January 14, 1983 (48 FR 1822 and 1823), FDA announced that color additive petitions CAP 3C0171 (Docket No. 82C-0396) and CAP 3C0172 (Docket No. 82C-0397) had been filed by Baurs-Krey Associates, Inc., 630 Fifth Ave., New York, NY 10020, and Syntex Ophthalmics, Inc., P.O. Box 39600, Phoenix, AZ 85069, proposing that the color additive regulations be amended to provide for the safe use of D&C Green No. 6 as a color additive in contact lenses. In the Federal Register of January 28, 1983 (48 FR 4051), FDA announced that Polymer Technology Corp., 33 Industrial Way, Wilmington, MA 01887, had also petitioned (CAP 3C0164; Docket No. 82C-0399) the agency to approve the use of D&C Green No. 6 in contact lenses. The petitions were filed under section 706 of the Federal Food, and Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

I. The Color Additive

In the Federal Register of December 28, 1962 (27 FR 12828), FDA issued a final rule listng D&C Green No. 6 for coloring polyethylene terephthalate surgical sutures, including sutures for ophthalmic use (21 CFR 74.1206). FDA issued this regulation in response to color additive petition CAP 2C0004. In the Federal Register of April 25, 1975 (40 FR 18167), FDA amended § 74.1206 to provide for the use of D&C Green No. 6 in coloring polyglycolic acid surgical sutures, including sutures for ophthalmic use, as a result of a second petition (CAP 2C0104).

In the Federal Register of April 2, 1982 (47 FR 14138) FDA issued a final rule listing D&C Green No. 6 for use in externally applied drugs (21 CFR 74.1206) and cosmetics (21 CFR 74.2206). The preamble to the April 2, 1982 final rule provides a detailed account of the safety and regulatory history of D&C Green No. 6.

D&C Green No. 6 is principally 1,4-bis[(4-methylphenyl)amino]-9,10-anthracenedione (CAS Reg. No. 128-80-3). This material is formed by chemically reacting 1 molecule of quinizarin with 2 molecules of *p*-toluidine. Because no chemical reaction can be controlled to react all the starting materials and produce only the desired product, the resulting reaction mixture will contain some unreacted quinizarin and *p*-toluidine. This fact is significant because Weisburger, et al., have demonstrated that *p*-toluidine is a carcinogen in mice (Ref. 1).

Residual amounts of reactants, such as *p*-toluidine and other manufacturing aids, are commonly found among the constituents of many color additives. The presence of such impurities is not unique to color additives, however. Numerous contaminants are unavoidably present in all chemical products, even in highly purified reagent grade chemicals.

II. Applicability of the Act

With the passage of the Medical Device Amendments of 1976 (Pub. L. 94-295), Congress mandated the listing of color additives for use in or on medical devices where the color additive comes in direct contact with the body for a significant period of time (21 U.S.C. 376(a)). The petitioned for use of D&C Green No. 6 is subject to this listing requirement. D&C Green No. 6 is added to these contact lenses in such a way that at least some of the color additive will come in contact with the eye and the fluids of the eye when the lenses are worn. In addition, the lenses are intended to be placed in the eye for several hours a day each day for 1 year or more. Thus, the color additive will come in direct contact with the body for a significant period of time.

III. The Use of D&C Green No. 6 in Contact Lenses

Only a small amount of a color additive is required to tint contact lenses. For the lenses in the petitions currently before the agency, the levels of D&C Green No. 6 used range from about 0.005 percent to 0.03 percent. For lenses weighing 40 milligrams each (the weight of the heaviest lens in the petitions), if a lens is tinted with 0.03 percent of D&C Green No. 6, there would be approximately 12 micrograms of D&C Green No. 6 in each lens or approximately 24 micrograms in a pair of lenses. If all the color additive migrated to the eye from the lens in 1 year, the average lifetime for a pair of contact lenses, the wearer would be exposed to 0.066 microgram of D&C Green No. 6 per day. In listing D&C Green No. 6 for external drug and cosmetic use, FDA estimated that the potential daily topical human exposure to this color was approximately 200 micrograms per day.

IV. Analysis of Data

A. *Safety of D&C Green No. 6.* Under section 706(b)(4) of the act (21 U.S.C. 376(b)(4)), the so-called "general safety clause" for color additives, a color additive cannot be listed for a particular use unless the data presented to FDA establish that the color is safe for that use. Although what is meant by "safe" is not explained in the general safety clause, the legislative history of the Color Additive Amendments of 1960 (Pub. L. 86-618) makes clear that this

word is to have the same meaning for color additives as for food additives.

"Safety" is defined in the legislative history of the Food Additives Amendment of 1958 as a "reasonable certainty that no harm will result from the proposed use of an additive. It does not—and cannot—require proof beyond any possible doubt that no harm will result under any conceivable circumstance." S. Rep. No. 2422, 85th Cong., 2d Sess. 6 (1958). This concept of safety is incorporated in FDA's color additive regulations (21 CFR 70.3(i)). In addition, the anticancer or Delaney Clause of the color additive provisions (section 706(b)(5)(B) of the act (21 U.S.C. 376(b)(5)(B))) provides that a noningested color additive shall be deemed unsafe if it is found after tests that are appropriate for evaluating the safety of the additive for such use to cause cancer in man or animals.

The petitioners have submitted the results of several studies to establish that there is a reasonable certainty of no harm from use of D&C Green No. 6 in contact lenses. These studies include cytotoxicity studies with the color additive, acute eye irritation studies in rabbits with extracts from the tinted lenses, and clinical studies in humans with the tinted contact lenses. In addition to these data, in assessing the safety of this use of the color additive, the agency has considered the safety data previously submitted to support listing of D&C Green No. 6 for use in external drugs and cosmetics and in sutures, including ophthalmic sutures. In the preamble to the final rule listing D&C Green No. 6 for external drug and cosmetic use, the agency stated that the sponsor had not submitted sufficient information to support the listing of the color additive for eye area use (47 FR 14138, 14139). Although the agency has now determined that the available data support the safety of the color additive for use in contact lenses, this fact does not alter FDA's finding that the data are not sufficient to establish the safety of use of D&C Green No. 6 in coloring drugs and cosmetics for eye area use. The latter use would subject the eye to substantially higher levels of the color additive than would use in contact lenses.

Although D&C Green No. 6 itself has not been shown to cause cancer, it does contain a carcinogenic impurity. For the reasons discussed in the preamble to the April 2, 1982 final rule listing D&C Green No. 6 for use in externally applied drugs and cosmetics, FDA has concluded that in determining whether the use of a color additive that has not been shown to cause cancer, but that does contain a carcinogenic impurity, is safe, the agency can rely in part on its calculations of the upper limit of risk from lifetime exposure to the carcinogenic impurity. (See 47 FR 14140–14145.) Evaluation of the risk from exposure to *p*-toluidine from uses of color additives in which *p*-toluidine is an impurity has two parts: (1) An assessment of probable exposure to *p*-toluidine from all uses of such color additives and (2) an extrapolation of the risk from *p*-toluidine observed in the animal bioassay (Ref. 1) to the conditions of probable exposure for humans (47 FR 14143).

B. *Prior FDA Actions on D&C Green No. 6 and Other Color Additives Containing p-Toluidine.* FDA has permanently listed six color additives in which *p*-toluidine is present or expected to be present in very small amounts as an impurity: D&C Violet No. 2 (21 CFR 74.1602, 74.2602, 82.1602); Ext. D&C Violet No. 2 (21 CFR 74.2602a); D&C Green No. 6 (21 CFR 74.1206); D&C Green No. 5 (21 CFR 74.1205); and D&C Red No. 6 (21 CFR 74.1306, 74.2306) and D&C Red No. 7 (21 CFR 74.1307, 73.2307). In the preambles to the final rules listing D&C Green No. 5 (47 FR 24278; June 4, 1982), D&C Green No. 6 (47 FR 14138; April 2, 1982), and D&C Red No. 6 and D&C Red No. 7 (47 FR 57681; December 28, 1982), FDA used two quantitative risk assessment procedures to extrapolate from the dietary dose in the animal experiment to the very low levels of human exposure. Neither of these procedures are likely to underestimate the actual risk from very low levels of exposure. Each procedure serves as a basis for the agency to determine to a reasonable certainty whether any harm will result from the possible exposure to *p*-toluidine from the use of these color additives.

In the D&C Green No. 6 rulemaking proceeding, FDA assessed the upper limit of lifetime risk from oral exposure to *p*-toluidine from use of D&C Green No. 6 to be less than 1 in 15 million to less than 1 in 150 million. Likewise, for D&C Green No. 5, FDA calculated that the upper limit lifetime risk from oral exposure to *p*-toluidine as a result of use of this color additive to be less than 1 in 30 million to less than 1 in 300 million. FDA has calculated that the upper limit lifetime risk from oral exposure to *p*-toluidine from use of D&C Red No. 6 and D&C Red No. 7 is less than 1 in 50 million to less than 1 in 500 million.

Detailed risk assessment analyses have not been performed for possible exposure to *p*-toluidine from the use of Ext. D&C Violet No. 2 or D&C Violet No. 2. However, FDA estimates the exposure to *p*-toluidine from the use of these color additives is in the same range as with D&C Green No. 6, because use limitations and specifications are similar, providing approximately the same level of risk.

As the agency stated in the final rule on D&C Red No. 6 and D&C Red No. 7, the upper limit of combined risk from the use of these six color additives is so low that the exposure to *p*-toluidine from the use of these color additives is safe.

C. *Assessment of Risk from Exposure to p-Toluidine from Proposed Use of D&C Green No. 7.* Based on the data submitted in the petitions for use of D&C Green No. 6 in contact lenses and other relevant information, FDA has made a risk analysis on the potential human exposure to *p*-toluidine. FDA based this calculation on the highest requested level of 0.03 percent by weight of D&C Green No. 6 in each of two contact lenses. Thus, as stated above, a 40 milligram contact lens, the heaviest lens included in the petitions, would contain 12 micrograms of D&C Green No. 6. Data on the amount of *p*-toluidine in D&C Green No. 6 indicate that the color additive would generally contain no more than 500 parts per million of *p*-toluidine. (See discussion of specifications for D&C Green No. 6 at 47 FR 14145.) Thus, the 24 micrograms of D&C Green No. 6 contained in two contact lenses tinted at 0.03 percent with D&C Green No. 6 would generally contain no more than 12 nanograms of *p*-toluidine. In its risk analysis, the agency assumed that a wearer would be exposed to and absorb 100 percent of the *p*-toluidine in a pair of lenses in 1 year. It was also assumed that chronic systemic exposure to D&C Green No. 6 via ocular route presents the same systemic risk as chronic dietary exposure. However, the agency chose the 1-year period because it is the average replacement rate for a pair of contact lenses.

On the basis of these premises, FDA has calculated that the upper limit of lifetime risk from exposure to *p*-toluidine from the use of D&C Green No. 6 in contact lenses is less than 1 in 10 billion. This amount of exposure to *p*-toluidine and the resulting level of risk is trivial and would not add in any appreciable way to the risk presented by other uses of D&C Green No. 6 or by use of other approved color additives that contain *p*-toluidine impurities.

V. Conclusion

Based upon the available toxicity data including the results of clinical trials, the low level of the color additive added to

the contact lens, the agency's exposure calculation, and the extremely low risk for *p*-toluidine, FDA finds that the color additive D&C Green No. 6 is safe for use in contact lenses at the levels requested in the petitions.

In accordance with § 71.15(a) (21 CFR 71.15(a)), the petitions and the documents that FDA considered and relied upon in reaching its decision to approve the petitions are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 71.15(b), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

This document adds a new Subpart D to 21 CFR Part 74 that provides for listing certified color additives for use in or on medical devices. In a future issue of the **Federal Register**, FDA will add to Subpart D medical devices currently listed in Subpart B—Drugs (e.g., sutures which are now medical devices, but which were regulated as drugs before the passage of the Medical Device Amendments).

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

Reference

The following information has been put on file at the Dockets Management Branch (address above) and is available for review in that office between 9 a.m. and 4 p.m., Monday through Friday.

1. Weisburger, E. K., et al., "Testing of Twenty-one Environmental Aromatic Amines or Derivatives for Long-Term Toxicity or Carcinogenicity," *Journal of Environmental Pathology and Toxicology*, 2:325:356, 1978.

List of Subjects in 21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371(e), 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 74 is amended by adding a new Subpart D, to read as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

Subpart D—Medical Devices

§ 74.3206 D&C Green No. 6.

(a) *Identity.* The color additive D&C Green No. 6 shall conform to the identity requirements of § 74.1206(a).

(b) *Specifications.* The color additive D&C Green No. 6 for use in contact lenses shall conform to the specifications of § 74.1206(b)(2).

(c) *Uses and restrictions.* (1) The color additive D&C Green No. 6 may be safely used to color contact lenses at levels not to exceed .03 percent by weight of the contact lens material.

(2) Authorization for this use shall not be construed as waiving any of the requirements of sections 510(k) and 515 of the Federal Food, Drug, and Cosmetic Act with respect to the contact lens in which D&C Green No. 6 is used.

(d) *Labeling.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(e) *Certification.* All batches of D&C Green No. 6 shall be certified in accordance with regulations in Part 80 of this chapter.

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 28, 1963 submit to the Dockets Management Branch (address above) written objection thereto. Objections shall show how the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issue for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 29, 1983, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the **Federal Register.**

(Secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371(e), 376))

Dated: March 21, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-7704 Filed 3-22-83; 10:47 am]

BILLING CODE 4160-01-M

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21 CFR Parts 74, 81, and 82

[Docket No. 82N-0378]

Provisional Listing of D&C Red No. 6 and D&C Red No. 7; Postponement of Closing Date and Stay of Effectiveness

AGENCY: Food and Drug Administration.

ACTION: Final rule; stay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Red No. 6 and D&C Red No. 7 for general use as a color additive in drugs and cosmetics, except for use in the area of the eye. FDA is establishing a new closing date for D&C Red No. 6 and D&C Red No. 7 to give the agency time to complete evaluation of an objection received in response to the final regulation approving the petition for the permanent listing of D&C Red No. 6 and D&C Red No. 7. The regulation that permanently lists D&C Red No. 6 and D&C Red No. 7 and that removes them from the provisional list is stayed until the agency takes final action on the objection.

DATES: Effective March 29, 1983; the new closing date for D&C Red No. 6 and D&C Red No. 7 will be May 31, 1983.

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of March 29, 1983, for the provisional listing of D&C Red No. 6 and D&C Red No. 7 in a regulation published in the **Federal Register** of December 28, 1982 (47 FR 57681). The agency established the March 29, 1983 closing date for D&C Red No. 6 and D&C Red No. 7 to provide time for receipt and evaluation of any objections to the final regulation approving the petition for permanent listing of these color additives.

After the review and evaluation of the data relevant to the color additive petition to list D&C Red No. 6 and D&C Red No. 7 for use in drugs and cosmetics, the agency concluded that D&C Red No. 6 and D&C Red No. 7 were safe for general use in drugs and

cosmetics, except for use in the area of the eye. Therefore, FDA issued a regulation in the **Federal Register** of December 28, 1982 (47 FR 57681) that would permanently list D&C Red No. 6 and D&C Red No. 7. FDA stated that the regulation would become effective on January 28, 1983, unless stayed by the filing of proper objections.

FDA has received an objection to the listing regulation. Because of the objection, under section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 371(e)(2), the regulation (47 FR 57681) that permanently lists D&C Red No. 6 and D&C Red No. 7 and that removes these color additives from the provisional list is stayed until the agency can rule upon the objection. FDA expects that the agency will need only a brief time to complete the evaluation of the objection and publish a final decision concerning it in the **Federal Register**. Therefore, FDA concludes that a brief postponement is necessary. The regulation set forth below will postpone the March 29, 1983 closing date for provisional listing of D&C Red No. 6 and D&C Red No. 7 until May 31, 1983.

Because the current closing date expires on March 29, 1983, FDA has concluded that the use of a notice and public procedure on this regulation is impracticable. Thus, good cause exists for issuing the postponement as a final rule. Moreover, this action is consistent with the protection of the public health because the agency has previously concluded that D&C Red No. 6 and D&C Red No. 7 are safe for their intended use under the Color Additive Amendments of 1960. This regulation will permit the uninterrupted use of these color additives until May 31, 1983. To prevent any interruption in the provisional listing of D&C Red No. 6 and D&C Red No. 7, and in accordance with 5 U.S.C. 553(d) (1) and (3), this regulation is being made effective on March 29, 1983.

List of Subjects

21 CFR Part 74

Color additives, Color additives subject to certification, Cosmetics, Drugs.

21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

21 CFR Part 82

Color additives, Color additive lakes, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e) 706 (b), (c), and (d), 70 Stat. 919 as amended, 74 Stat. 399–403 (21 U.S.C. 371(e), 376 (b), (c), and (d))) and the Transitional Provisions of the Color Additive Amendments (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Chapter I of Title 21 of the Code of Federal Regulations (as amended in the **Federal Register** of December 28, 1982 (47 FR 57681)) is amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. Part 74 is amended:

§ 74.1306 [Stayed]

a. By staying § 74.1306 D&C Red No. 6.

§ 74.1307 [Stayed]

b. By staying § 74.1307 D&C Red No. 7.

§ 74.2306 [Stayed]

c. By staying § 74.2306 D&C Red No. 6.

§ 74.2307 [Stayed]

d. By staying § 74.2307 D&C Red No. 7.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

2. Part 81 is amended as follows:

§ 81.1 [Amended]

a. In § 81.1 Provisional lists of color additives, the amendment in paragraph (b) to remove the entries "D&C Red No. 6" and "D&C Red No. 7" is stayed, and their closing date is revised to read "May 31, 1983."

§ 81.27 [Amended]

b. In § 81.27 Conditions of provisional listing, the amendment in paragraph (d) to remove the entries for "D&C Red No. 6" and "D&C Red No. 7" is stayed, and the closing date for the entries is revised to read "May 31, 1983."

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

3. Part 82 is amended:

§ 82.1306 [Stayed]

a. By staying § 82.1306 D&C Red No. 6.

§ 82.1307 [Stayed]

b. By staying § 82.1307 D&C Red No. 7.

Effective date. This regulation is effective March 29, 1983.

(Secs. 701(e), 706 (b), (c), and (d), 70 Stat. 919 as amended, 74 Stat. 399–403 (21 U.S.C. 371(e), 376 (b), (c), and (d))); (sec. 203, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376, note))

Dated: March 16, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–7742 Filed 3–28–83; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Parts 131, 135, and 166

Food for Human Consumption; Editorial Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Food and Drug Administration (FDA) is amending various regulations to correct editorial errors.

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1155.

SUPPLEMENTARY INFORMATION: FDA believes that two of the editorial corrections should be explained because they appear to be substantive changes when, in reality, they are not. The first error first appeared in FR Doc. 74–24082 at page 42353 in the **Federal Register** of December 5, 1974, in which carriers for vitamins A and D were permitted, under paragraph (c)(1) of § 131.115, as safe and suitable optional ingredients. FDA never intended to permit carriers for vitamin A as safe and suitable optional ingredients. The reference to carriers for vitamin A is obviously in error and is meaningless because vitamin A is not even referred to in paragraph (b), *vitamin addition (optional)*, or paragraph (e), *nomenclature* and therefore is not part of the standard. This notice corrects the error and potential confusion by deleting the reference to vitamin A in paragraph (c)(1) of § 131.115.

The second error first appeared in FR Doc. 78–2967 at page 4596 in the **Federal Register** of February 3, 1978, in which there appeared a contradiction between the text and the table in paragraph (a)(4) of § 135.120. In the text, it is stated that nonfat milk solids content cannot be less than 7 percent, while in the table immediately following the minimum is set at 4 percent, which is the correct amount. This notice corrects the text to provide for a minimum of 4 percent nonfat milk solids content.

List of Subjects

21 CFR Part 131

Cream, Food standards, Milk, Yogurt.

21 CFR Part 135

Frozen desserts, Food standards, Ice cream.

21 CFR Part 166

Food standards, Margarine.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), 21 CFR, Subchapter B, is amended as follows:

PART 131—MILK AND CREAM

1. In Part 131:

a. In § 131.115 Concentrated milk, paragraph (c)(1), by changing "Carriers for vitamins A and D" to "Carrier for vitamin D." (The error first appeared in FR Doc. 77-7048 at page 14361 in the **Federal Register** of Tuesday, March 15, 1977.)

b. In § 131.123 Lowfat dry milk, paragraph (e)(1), by changing "percent" to "%".

c. In § 131.149 Dry cream, paragraph (d)(1), by changing "percent" to "%".

PART 135—FROZEN DESSERTS

2. In Part 135, in § 135.120 Ice milk, first sentence in paragraph (a)(4), by changing "7 percent" to "4 percent". (The error first appeared in FR Doc. 78-2967 at page 4596 in the **Federal Register** of Friday, February 3, 1978.)

PART 166—MARGARINE

3. In Part 166, in § 166.110 Margarine, paragraph (a), by changing ". . . prescribed under section 16.163, 'Indirect Method,' of the 'Official Methods of Analysis of the Association of Official Analytical Chemists,' 11th Ed. (1970)" to read ". . . prescribed under section 16.206 of the 'Indirect Method,' in 'Official Methods of Analysis of the Association of Official Analytical Chemists,' 13th Ed. (1980)."

Effective date: March 29, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: March 18, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7941 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 211

[Docket No. 80N-0291]

Current Good Manufacturing Practice in Manufacture, Processing, Packing, or Holding; Reduction of Reserve Sample Requirements for Radioactive Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the current good manufacturing practice (CGMP) regulations for human and veterinary drugs by reducing the time that reserve samples of radioactive drugs containing radionuclides are required to be retained by manufacturers and by exempting reserve samples of these drug products from the annual visual examination requirement. This action is being taken because the current requirements concerning reserve samples are unnecessary to ensure the quality of certain radioactive drugs that typically have short expiration dating periods because of the rapid rate of radioactive decay.

DATE: Effective April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Clifford G. Broker (HFN-323), 301-443-5307, or Robert J. Meyer (HFN-7), 301-443-5220, National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

SUPPLEMENTARY INFORMATION: Section 211.170 of the CGMP regulations (21 CFR 211.170) requires that a reserve sample representative of each lot in each shipment of each active ingredient be retained for at least 1 year after the expiration date of the last lot of the drug product containing the active ingredient and, further, that a reserve sample representative of each lot or batch of the drug product be retained for at least 1 year after the expiration date of the drug product. In addition, reserve samples of drug products are to be at least visually examined annually for evidence of deterioration unless such examination would affect the integrity of the samples.

In the **Federal Register** of November 28, 1980 (45 FR 79089), FDA proposed to amend the CGMP regulations by specifying that the retention period be 3 months for reserve samples of radioactive drugs with an expiration dating period of 30 days or less and 6 months for radioactive drugs with an expiration dating period of more than 30 days. The agency specifically requested comments on its proposed retention period of 6 months. FDA also proposed to exempt radioactive drug products from the requirement for evidence of deterioration. Under the proposal, nonradioactive reagent kits, which do not contain radionuclides, but are defined as "radioactive drugs" under § 310.3(n) (21 CFR 310.3(n)) for other purposes of regulating radiopharmaceuticals, were not included in the proposed exemption.

The agency received comments from a drug manufacturer and an educational organization. Both commentors supported the proposal and found the proposed 6-month retention period satisfactory. In addition, the drug manufacturer recommended the retention time period be expressed as some multiple of the half-life of the specific radionuclide (e.g., 2.5 times the half-life).

The agency has not incorporated the manufacturer's suggestion into the final rule. The agency notes that the range of half-lives of radionuclides presently used in nuclear medicine extends from 6 hours to 271 days. The application of the manufacturer's suggested multiple (2.5) results in a range of sample retention time periods extending from 15 hours to 677 days. Retention periods at the low end of this range, i.e., those measured in hours, would provide little practical time for surveillance of reserve samples; those at the high end require unnecessarily long surveillance periods given the time in which they must be used. Therefore, the agency has decided that the manufacturer's recommendation does not provide a useful criterion for calculating reserve sample retention time periods for radioactive drugs.

The agency has considered the economic consequences of this rulemaking and has determined that it does not require a regulatory impact analysis, as specified in Executive Order 12291. Specifically, the final rule amends the current good manufacturing practice regulations for human and veterinary drugs by reducing the time that reserve samples of radioactive drugs containing radionuclides are required to be retained by the manufacturer, and by exempting reserve samples from the annual visual examination requirement. The agency believes that the final rule will relieve a regulatory burden on the industry and eliminate the cost associated with the requirement for manufacturers of these drugs. Therefore, the agency concludes that the final rule is not a "major" rule as defined in Executive Order 12291. The requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act does not apply to this final rule because

the proposed rule was issued prior to January 1, 1981, and is therefore exempt.

List of Subjects in 21 CFR Part 211

Drugs, Manufacturing, Labeling, Laboratories, Packaging and containers, Warehouses.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 505, 512, 701, 52 Stat. 1049–1053 as amended, 1055–1056 as amended, 82 Stat. 343–351 (21 U.S.C. 351, 352, 355, 360b, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 211 is amended by revising § 211.170 to read as follows:

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

§ 211.170 Reserve samples.

(a) An appropriately identified reserve sample that is representative of each lot in each shipment of each active ingredient shall be retained. The reserve sample consists of at least twice the quantity necessary for all tests required to determine whether the active ingredient meets its established specifications, except for sterility and pyrogen testing. The retention time is as follows:

(1) For an active ingredient in a drug product other than those described in paragraphs (a) (2) and (3) of this section, the reserve sample shall be retained for 1 year after the expiration date of the last lot of the drug product containing the active ingredient.

(2) For an active ingredient in a radioactive drug product, except for nonradioactive reagent kits, the reserve sample shall be retained for:

(i) Three months after the expiration date of the last lot of the drug product containing the active ingredient if the expiration dating period of the drug product is 30 days or less; or

(ii) Six months after the expiration date of the last lot of the drug product containing the active ingredient if the expiration dating period of the drug product is more than 30 days.

(3) For an active ingredient in an OTC drug product that is exempt from bearing an expiration date under § 211.137, the reserve sample shall be retained for 3 years after distribution of the last lot of the drug product containing the active ingredient.

(b) An appropriately identified reserve sample that is representative of each lot or batch of drug product shall be retained and stored under conditions consistent with product labeling. The reserve sample shall be stored in the same immediate container-closure system in which the drug product is marketed or in one that has essentially the same characteristics. The reserve sample consists of at least twice the quantity necessary to perform all the required tests, except those for sterility and pyrogens. Reserve samples, except those drug products described in paragraph (b)(2), shall be examined visually at least once a year for evidence of deterioration unless visual examination would affect the integrity of the reserve samples. Any evidence of reserve sample deterioration shall be investigated in accordance with § 211.192. The results of the examination shall be recorded and maintained with other stability data on the drug product. Reserve samples of compressed medical gases need not be retained. The retention time is as follows:

(1) For a drug product other than those described in paragraphs (b) (2) and (3) of this section, the reserve sample shall be retained for 1 year after the expiration date of the drug product.

(2) For a radioactive drug product, except for nonradioactive reagent kits, the reserve sample shall be retained for:

(i) Three months after the expiration date of the drug product if the expiration dating period of the drug product is 30 days or less; or

(ii) Six months after the expiration date of the drug product if the expiration dating period of the drug product is more than 30 days.

(3) For an OTC drug product that is exempt from bearing an expiration date under § 211.137, the reserve sample must be retained for 3 years after the lot or batch of drug product is distributed.

Effective date: This regulation is effective April 28, 1983.

(Secs. 501, 502, 505, 512, 701, 52 Stat. 1049–1053 as amended, 1055–1056 as amended, 82 Stat. 343–351 (21 U.S.C. 351, 352, 355, 360b, 371))

Dated: February 23, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-7935 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 610, 620, 630, 640, 660, and 680

Biological Products; Editorial Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending various biologics regulations to correct editorial errors.

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Albert Rothschild, National Center for Drugs and Biologics (HFN–813), Food and Drug Administration, 8800 Rockville Pike, Rockville, MD 20205, 301–443–1306.

SUPPLEMENTARY INFORMATION: This document corrects several editorial errors in the biologics regulations.

List of Subjects

21 CFR Part 610

Biologics, Labeling.

21 CFR Part 620 and 630

Biologics.

21 CFR Part 640

Blood.

21 CFR Part 660

Biologics, Labeling.

21 CFR Part 680

Biologics, Blood.

Therefore, under the Federal Food, Drugs, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))), and under authority delegated to the Commissioner (21 CFR 5.10), 21 CFR Subchapter F, is amended as follows:

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

§ 610.15 [Amended]

1. In § 610.15 *Constituent materials*, in the introductory text of paragraph (a), by changing the words "Polio Virus" to read "Poliovirus".

PART 620—ADDITIONAL STANDARDS FOR BACTERIAL PRODUCTS

§ 620.6 [Amended]

2. In § 620.6 *General requirements*, paragraph (h), by changing the name "Bureau of Biologics" to "Office of Biologics".

§ 620.24 [Amended]

3. In § 620.24 *General requirements*, paragraph (c), by changing the name "Bureau of Biologics" to "Office of Biologics".

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

§ 630.17 [Amended]

4. In § 630.17 *General requirements*, paragraph (e), by changing the name "Bureau of Biologics" to "Office of Biologics".

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

§ 640.30 [Amended]

5. In § 640.30 *Single Donor Plasma (Human),* paragraph (b)(1), by changing "frm" to "from".

§ 640.34 [Amended]

6. In § 640.34 *Proessing,* paragraph (d) in the third sentence, by changing "cubic milliliter" to microliter".

§ 640.50 [Amended]

7. In § 640.50 *Cryoprecipitated Antihemophilic Factor (Human),* paragraph (b), by changing "Antihemophili" to Antihemophilic."

§ 640.101 [Amended]

8. In § 640.101 *Red Blood Cells (Human),* paragraph (f), by changing the name "Bureau of Biologics" to "Office of Biologics".

PART 660—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS

§ 660.21 [Amended]

9. In § 660.21 *Processing,* paragraph (a)(4), by inserting "lot" after "Each" in the first sentence; in paragraph (f), by changing "Bureau of Biologics" to "Office of Biologics".

§ 660.22 [Amended]

10. In § 660.22 *Reference preparations,* by removing the hyphen over the "e" in "Anti-e".

§ 660.24 [Amended]

11. In § 660.24 *Potency test with reference preparations:*

a. In paragraph (a)(3)(ii) by changing "certifuge" to "centrifuge".

b. In paragraph (b)(1)(ii) by removing the hyphen over the "e" in "Anti-e".

§ 660.25 [Amended]

12. In § 660.25 *Potency test without reference preparations:*

a. In paragraph (a)(5)(i), by placing a hyphen over the "k" in "Anti-k".

b. In paragraph (a)(5)(ii), by placing a hypen over the "s" in "Anti-s", and placing a hyphen over the "c" in "Anti-c"

§ 660.26 [Amended]

13. In § 660.28 *Specificity tests:*

a. In paragraph (b)(1):

(1) by changing "Anti-A^{T2M}" to read "Anti-A", and by changing the corresponding cells to be tested to read "A_1, A_2B, B, O".

(2) By changing "Anti-C" corresponding cells "C+rh_i neg. cells" to read "C+rh_i negative cells".

(3) By changing "Anti-ē" to read "Anti-$\bar{e}$".

b. In paragraph (c)(1), by placing a hyphen over "k" and "s", and by removing the hyphen over "e".

§ 660.27 [Amended]

14. In § 660.27 *Aridity test:*

a. In the introductory text of paragraph (b), by changing *"Anti-c"* to read *"Anti-c̄".*

b. In paragraph (b)(5), by changing "Anti-ē" to read "Anti-e".

§ 660.28 [Amended]

15. In § 660.28 *Labeling:*

a. In paragraph (a)(1), by changing "Anti-ē" to read "Anti-e".

b. In paragraph (d):

(1) By changing the optional synonym for "Anti-CD" to read "(Anti-RH_o')".

(2) By changing "Anti-ē" to read "Anti-e".

(3) By changing the optional synonym" for "Anti-C^w " to read "Anti-rh^{wi} ".

§ 660.33 [Amended]

16. In § 660.33 *Testing of source material,* in the last sentence by removing the hyphen over "e", and by placing a hyphen over "k" and "s".

§ 660.36 [Amended]

17. In § 660.36 *Samples and protocols,* paragraphs (a) and (b), by changing "Bureau of Biologics" to "Office of Biologics".

PART 680—ADDITIONAL STANDARDS FOR MISCELLANEOUS PRODUCTS

§ 680.21 [Amended]

18. In § 680.21 *Reference preparations,* by changing "Bureau of Biologics" to "Office of Biologics" and by changing the zip code "20014" to "20205".

§ 680.24 [Amended]

19. In § 680.24 *General requirements,* paragraph (e), by changing "Bureau of Biologics" to "Office of Biologics".

§ 680.26 [Amended]

20. In § 680.26 *Samples; protocols; official release,* in the introductory text by changing "Bureau of Biologics" to "Office of Biologics" and by changing the zip code "20014" to "20205" and in paragraph (c) by changing "Bureau of biologics" to "Office of Biologics."

Effective date. March 29, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: March 18, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7940 Filed 3-28-83; 8:45 a.m.]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. RI-693; A-1-FRL 2305-4]

Approval and Promulgation of Implementation Plans; Rhode Island; Energy Initiative

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan revisions submitted by the State of Rhode Island. These provisions provide temporary variances from sulfur-in-fuel and particulate emission limitations for small fuel burning sources which commit to convert to a fuel other than oil, to establish permanent energy conservation measures, or to bubble allowable emissions. The intended effect of this action is to provide cost-effective energy alternatives to Rhode Island sources with only a minimal increase in emissions, while assuring no violations of the National Ambient Air Quality Standards (NAAQS).

EFFECTIVE DATE: March 29, 1983.

ADDRESSES: Copies of the submittal are available for public inspection at Room 2111, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, EPA Library, 401 M Street, SW., Washington, D.C. 20460; Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408 and the Division of Air and Hazardous Materials, Room 204, 75 Davis Street, Providence, RI 02908.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, (617) 223-5130.

SUPPLEMENTARY INFORMATION: On January 4, 1983 (48 FR 274), EPA published a Notice of Proposed Rulemaking (NPR) for revisions to Rhode Island's Regulation 8, "Sulfur Content of Fuels," and Regulation 13, "Particulate Emissions from Fossil Fuel Fired Steam or Hot Water Generating Units." These amendments allow small fuel burning sources (less than 250 million Btu per hour) temporary variances from sulfur-in-fuel and particulate emission limitations in order to effect energy conservation or conversion measures or to bubble emissions to achieve a cost-effective control strategy. The requirements and conditions of the regulations being approved today and EPA's reasons for approving these revisions were discussed in the NPR. Since no public comment was received on that action,

EPA's reasons for the approval will not be repeated here.

Action

EPA is approving revisions to Regulations 8 and 13 submitted on November 9, 1982.

EPA finds good cause for making this action effective immediately because the implementation plan revisions are already in effect under State law and the EPA approval imposes no additional regulatory burdens.

In the NPR, EPA proposed approval of all individual sources which are later determined to meet the eligibility requirements of the new regulations and set forth the procedures by which EPA will conduct its proposed rulemaking process for individual sources concurrent with the State's review process. Therefore, this notice does not give final approval to individual sources which meet the eligibility requirements of the new regulation. Before final approval, these sources must be processed in accordance with the concurrent State/EPA procedures set forth in the NPR. Individual SIP revisions for each eligible source will be submitted to EPA by Rhode Island at some future date at which time EPA will proceed to final rulemaking for these individual sources.

EPA specifically solicited comments in the NPR on this new parallel, concurrent State/EPA processing of individual sources since it is a departure from EPA's usual procedure of conducting a separate, proposed rulemaking only after the State has completed its review and determination for each source requesting a relaxation of the sulfur-in-fuel limitation. No comments were received concerning this new approach. EPA believes that this new approach is a significant regulatory reform which will substantially reduce the time required to complete the SIP revision process for these sources.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today).

This action may not be challenged later in proceedings to enforce its requirements (see sec. 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons.

(Secs. 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)))

Note.—Incorporation by reference of the State Implementation Plan for the State of Rhode Island was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 21, 1983.

John W. Hernandez,

Acting Administrator

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart 00—Rhode Island

1. Section 52.2070 is amended by adding paragraph (c)(17) as follows:

§ 52.2070 Identification of plan.

* * * * *

(c)* * *

(17) Revisions to Regulations 8, "Sulfur Content of Fuels" and 13, "Particulate Emissions from Fossil Fuel Fired Steam or Hot Water Generating Units" were submitted on November 9, 1982 by the Division of Air and Hazardous Materials.

[FR Doc. 83-8063 Filed 3-28-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 123 and 262

Hazardous Waste Management System; State Program Requirements: Standards Applicable to Generators of Hazardous Waste; International Shipments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical Amendments.

SUMMARY: In regulations promulgated on February 26, 1980 and May 19, 1980, EPA established standards for generators of hazardous waste. Included in the standards were requirements for the international shipment of hazardous waste. In this action, EPA amends the international shipment requirements to make a minor technical correction. The Agency is today correcting the address to which the export notice must be sent.

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline toll-free at (800) 424-9346 or at (202) 382-3000. Debra Wolpe 382-2222.

SUPPLEMENTARY INFORMATION:

Background

EPA has established standards for managing hazardous waste, in regulations under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. 6901 *et seq.* These standards include certain requirements for generators of hazardous waste who intend to export this waste outside the jurisdiction of the United States, 40 CFR 262.50 (45 FR 12734, February 26, 1980, republished with amendments, 45 FR 33144, May 19, 1980).

Generally these standards require that a generator notify EPA four weeks before exporting a shipment of hazardous waste. EPA then sends the information contained in the generator's notice to the State Department, which in turn forwards it to the government of the receiving country. The purpose of the notice is to ensure that hazardous waste is exported only with the knowledge of the receiving country so that the country can evaluate the significance of the export.

40 CFR 262.50 and 123.34 incorrectly state the address to which the international shipment notices must be sent. The Agency is therefore amending both these sections to reflect the correct address: Office of International Activities (A-106), U.S. Environmental Protection Agency, Washington, D.C. 20460.

The regulations provide that the notice must be sent to EPA Headquarters, not EPA Regional Offices or States authorized under 40 CFR Part 123. EPA Regional Offices are not in a position to notify the Department of State or foreign countries. Thus, all generators must notify the EPA Administrator at the address given above.

Dated: March 21, 1983.

Lee M. Thomas,

Acting Associate Administrator for Solid Waste and Emergency Response.

Parts 262 and 123 of Title 40 of the Code of Federal Regulations are amended as follows:

PART 262—[AMENDED]

1. The authority citation for Part 262 reads as follows:

Authority: Sections 1006, 2002, 3002, 3003, 3004, and 3005, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA) (42 U.S.C. 6905, 6912, 6922, 6923, 6924, 6925).

2. 40 CFR 262.50 is amended by correcting paragraph (b)(1)(iii) to read as follows:

§ 262.50 International shipments.

* * * * *

(b) * * *

(1) * * *

(iii) These notices must be sent to the Office of International Activities (A–106), United States Environmental Protection Agency, Washington, D.C. 20460.

* * * * *

PART 123—[AMENDED]

3. The authority citation for Part 123 reads as follows:

Authority: Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.; Safe Drinking Water Act, 42 U.S.C. 300(f) et seq.; Clean Water Act, 33 U.S.C. 1251 et seq.; unless otherwise noted.

4. 40 CFR 123.34 is amended by correcting the note after paragraph (e) as follows:

§ 123.34 Requirements for generators of hazardous wastes.

* * * * *

(e) * * *

Note.—Such notices shall be mailed to the Office of International Activities (A–106), United States Environmental Protection Agency, Washington, D.C. 20460.

* * * * *

[FR Doc. 83–7857 Filed 3–28–83; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. A–22, Supp. 1]

Use of Contract Airline Service Between Selected City-Pairs

AGENCY: Office of Federal Supply and Services, GSA.

ACTION: Temporary regulations.

SUMMARY: This regulation amends FPMR Temporary Regulation A–22 to provide that airline contract services and fares apply not only to Government employees but also to their dependents who are authorized to travel at Government expense. The contract provision that includes dependents was inadvertently omitted from the original regulation. In addition, this regulation cancels a requirement for Federal agencies to report to the General Services Administration (GSA) certain information pertaining to the use of scheduled airlines by employees and military personnel and their dependents on official travel between city-pairs listed in Federal Travel Directory. GSA has determined that the purposes for which these reports were required can be achieved through other sources.

DATES:

Effective date: March 29, 1983.

Expiration date: September 30, 1983

FOR FURTHER INFORMATION CONTACT: Joseph M. Napoli, Policy Development and Analysis Division (703–557–1256).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more, a major increase in costs to consumers or on others, or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following regulation is added to the appendix at the end of Subchapter A to read as follows:

Ray Kline,

Acting Administrator of General Services.

March 8, 1983.

Federal Property Management Regulations Temporary Regulation A–22, Supplement 1

March 8, 1983.

To: Heads of Federal agencies

Subject: Use of contract airline service between selected city-pairs

1. *Purpose.* This supplement amends the scope of FPMR Temporary Regulation A–22, October 30, 1982 (47 FR 53373, November 26, 1982), set forth in paragraph 5, to include dependents authorized to travel at Government expense. In addition, this supplement cancels the reporting requirement set forth in paragraph 13.

2. *Effective date.* This regulation is effective March 29, 1983.

3. *Expiration date.* This supplement expires September 30, 1983, unless sooner superseded or canceled.

4. *Explanation of changes.*

a. The introductory sentence in paragraph 5 is revised to read as follows: "The extent to which this regulation applies to Government employees and military personnel and their dependents authorized to travel at Government expense is as follows:". The balance of paragraph 5 remains unchanged.

b. Paragraph 13 of FPMR Temporary Regulation A–2 requires Federal agencies to submit three reports in the format illustrated in attachment A of the regulation. The reporting requirement has been assigned interagency report control number 0242–GSA–XX. The General Services Administration has developed alternate methods to obtain the required data in a manner that will provide sufficient information to evaluate the usage of the city-pair contracts by Federal agencies. Accordingly, the reporting requirement is canceled.

5. *Action.* Make the following changes in FPMR Temporary Regulation A–22:

a. Revise the introductory sentence in paragraph 5 to read as shown in 4a, above; and

b. Delete paragraph 13 and attachment A and label them "reserved".

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–8007 Filed 3–28–83; 8:45 am]

BILLING CODE 6820–AM–M

41 CFR Ch. 101

[FPMR Temp. Reg. E–76, Supp. 1]

Acquisition of Systems Furniture

AGENCY: Office of Federal Supply and Services, GSA.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to February 29, 1984, the expiration date of FPMR Temporary Regulation E–76.

DATES:

Effective date: March 1, 1983.

Expiration date: February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Dan Rowan, Furniture Commodity Center (703–557–8473).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter E.

Ray Kline,

Acting Administrator of General Services.

Federal Property Management Regulations Temporary Regulation E–76 Supplement 1

March 7, 1983.

To: Heads of Federal agencies

Subject: Acquisition of systems furniture

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation E–76.

2. *Effective date.* March 1, 1983.

3. *Expiration date.* This supplement expires on February 29, 1984.

4. *Explanation of changes.* The expiration date in paragraph 3 of FPMR Temporary Regulation E–76 is revised to February 29, 1984.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–8008 Filed 3–28–83; 8:45 am]

BILLING CODE 6820–AM–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket Nos. 79–244; RM–3328; RM–2876; FCC 83–57]

Radio Frequency Devices; Operation of a TV Interface Device

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: The Commission adopts final rules for devices that act as an interface between video sources (e.g., personal computers and TV games) and TV receivers. The previously authorized device, called a Class I TV device, is replaced by the TV Interface Device to allow for more flexible rules and relaxed emission limits.

EFFECTIVE DATE: April 28, 1983.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: J. Bertron Withers, Jr., RF Devices Branch, Authorization and Standards Division, Office of Science and Technology, 2025 M Street, NW.—Room 8302, Washington, D.C. 20554, (202) 653–8247.

List of Subjects in 47 CFR Part 15

Communications equipment, Radio.

Report and Order

Adopted: February 9, 1983.

Released: March 4, 1983.

In the matter of Amendment of Part 15 of the Commission Rules to provide for the operation of a TV Interface Device; Gen. Docket 79–244, RM–3328, RM–2876, FCC 83–57.

By the Commission.

I. Introduction

1. In 1972 the Commission adopted the rules in Subpart H of Part 15 to permit the attachment of TV games and similar devices to a TV receiver.[1] The old rules required the complete device (which includes both the RF modulator and video source) to be tested and approved by the Commission. It was defined as a Class I TV Device.[2] In response to petitions filed by Texas Instruments, Inc. (TI) and RCA Corporation (RCA),[3] requesting the Commission to permit a stand-alone RF modulator and to consolidate the Commission's requirements for composite devices, respectively, the Commission initiated this proceeding on September 18, 1979.[4]

2. In the *Notice of Proposed Rule Making (Notice)* in this proceeding, we proposed to replace the definition of Class I TV device in § 15.4(m) of the Commission's Rules with the term TV Interface Device, which would cover any device that attaches to and uses the TV receiver to display video images.[5] This definition would permit the use of a stand-alone RF modulator, whereas the present Class I TV device definition does not. We also proposed in the *Notice* to relax the emission limits for such devices to coincide with the technical limits recently adopted by the Commission for personal computers.[6] A number of other changes to Subpart H of Part 15 were also proposed.

3. In general, the proposed Rules, with a few exceptions, are adopted as proposed. A discussion of the comments filed in this proceeding along with our response to them is given below. The eleven parties who filed comments are listed in Appendix A, attached. The new rules adopted herein are in Appendix C, attached. The measurement procedure the Commission will use to test the equipment to determine compliance with the Commission's Rules is given in Appendix B, attached.

4. In addition to filing a petition requesting the Commission to relax the Class I TV device Rules, TI concurrently filed a petition for waiver of the present rules in Subpart H of Part 15 to allow TI to immediately market its personal computer and separate RF modulator. In response to this petition for waiver, the Commission granted a conditional waiver of the Rules.[7] The waiver permitted TI to market a TV Interface Device subject to certain conditions, including those set out in the *Notice*. It also granted the Chief Scientist delegated authority to grant similar waivers to other persons willing to meet the same conditions. Since the *Order Granting Waiver in Part* was adopted, approximately 90 such waivers have been granted.

II. Discussion

A. TV Interface Device vs. Class I TV Device

5. As noted above, the *Notice* in this proceeding proposed to replace the Class I TV device rules with a single set of rules for all devices incorporating an RF modulator, including a stand-alone RF modulator. In general, all of the commenters with the exception of Atari supported the proposal to permit stand-alone modulators. In support of the proposal, TI argued that the availability of the TV Interface Device Rules would decrease the cost of personal computer systems to the consumer, since a separate RF modulator would not be needed for each component of the system that feeds a signal to the antenna terminals of the TV receiver.

6. Atari, in its comments, opposed the adoption of the proposed rules on the grounds that since Atari was capable of manufacturing a composite device (one including both the video source plus RF modulator) that complied with the strict Class I TV device requirements, other manufacturers should be capable of doing the same. In our opinion, it is immaterial whether one manufacturer can meet the more stringent requirements for a Class I TV device. The more important issues are whether they are so stringent that the costs to the manufacturer of meeting the Class I TV device requirements are too high and whether the relaxed requirements for the TV Interface Device would be a source of interference to TV reception.

7. As will be shown below, there is nothing in the record to warrant the Commission precluding stand-alone RF modulators, especially since RF modulators already authorized as TV Interface Devices under the waivers granted to TI and others (including Atari) have not resulted in interference complaints. Accordingly, we are revising

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[1] Report and Order, FCC Docket 19281: In the Matter of Amendment of Part 15 of the Commission's Rules to regulate the operation of a Class I TV Device a new restricted radiation device which produces a RF carrier modulated by a TV signal. Adopted December 6, 1972, 38 FCC 2d 430.

[2] A Class I TV device is defined in § 15.4(m) as a restricted radiation device that produces on frequencies allocated for TV broadcasting, a radio frequency carrier modulated by a video signal and which feeds the modulated RF signal to the TV receiver by wire or cable.

[3] The RCA petition was filed on April 6, 1977 and designated RM–2876. The TI petition was filed on February 16, 1979 and designated RM–3328.

[4] Notice of Proposed Rule Making, FCC General Docket 79–244, FCC 79–556, released October 11, 1979, 44 FR 59570 (1979).

[5] The number of devices that use the TV receiver as a display device has been steadily increasing. Examples include personal computers, video disc players and video tape recorders, teletext and videotex decoders and TV games. Some of these products include a built-in RF modulator and some depend on connection to a stand-alone RF modulator.

[6] *See* 47 CFR Subpart J of Part 15.

[7] Order Granting Waiver in Part, 73 FCC 2d 720 (1979).

Subpart H of Part 15 to adopt the definition of TV Interface Device. The present rules relating to Class I TV Devices are deleted. Class I TV devices already approved by the Commission are not affected by this action.

B. Emission Limits

8. In the *Notice* we proposed to relax the radiation limits for the TV Interface Device rather than retain the more stringent limits for the Class I TV device. We adopt without change those proposed limits. The comments were generally split between equipment manufacturers like TI and producers of TV receivers such as RCA and GTE, who supported less stringent limitations, and television broadcast interest groups like the Association of Maximum Service Telecasters, Inc. (AMST) and the National Association of Broadcasters (NAB), which opposed the relaxation of emission standards. Atari also opposed the relaxation.

9. Comments submitted by RCA were most representative of the support for the relaxed radiation and conduction limits for the TV Interface Device. RCA emphasized, with support from the Consumer Electronics Group of the Electronic Industries Association (EIA), that the Commission should institute a follow-up program to assess the effectiveness of the new emanation standards in avoiding interference to TV reception. Should such interference arise, RCA pointed out, the Commission would be alerted early-on to persuasive evidence of interference caused by the TV Interface Device. A follow-up program could then be instituted and would reveal the necessary changes (to be implemented through rulemaking) to avoid such interference. AMST suggested in reply that the rulemaking process is too slow to modify the rules to prevent widespread interference, since great numbers of TV Interface Devices would already be in the hands of the public before tighter standards could be instituted.

10. Broadcast interests, represented by NAB and AMST, alleged that the radiation limits we proposed would result in harmful interference to television reception within the Grade B signal contour. AMST argued that in closely spaced dwellings like apartment buildings or townhouses at the outer reaches of the grade B signal contour, interference could be caused when the TV Interface Device is "separated by as much as 100 meters—more than 300 feet" from the victim TV receiver. Atari agreed, stating that for the low-band VHF, a TV receiver in a grade B signal area would have to be separted from the TV Interface Device by more than 200 feet to avoid harmful interference. These arguments are very much like those advanced by these same parties in recommending against the adoption of the very same emissions standards for computers. Those standards were, nevertheless, found adequate to protect television reception and were adopted in the *First Report and Order* in Docket 20780 concerning computing devices.[8]

11. We reject the arguments of Atari and the broadcasters alleging potential interference to TV reception for the same reasons given in the reconsideration of the *First Report and Order* as quoted below:

> • • • both Atari and AMST fail to acknowledge the large number of variables in developing such a [radiation] limit. The likelihood of worst case factors occurring at the same time is very small. In addition to the dimensions of time, space and frequency, paragraph 55 of the *First Report* discusses additional factors such as: greater attenuation due to walls and orientation of both the TV antenna and home computers could substantially reduce emissions of computers located closer than 10 meters . . . Moreover, the population density in areas lying outside of Grade A service contours [i.e. Grade B or beyond] (another parameter in determining the limit) of TV stations there is usually a reduction in population density and viewers are more likely to utilize outdoor antennas. Thus, there should be a low incidence] of interference because of reduced population density and the distance separating computers located in homes and outdoor television receiving antennas. (Paragraph 47 of the *Order Granting in Part Reconsideration of the First Report and Order*, 79 FCC 2d 67, 80 (1980).)

12. Further, in actual practice the TV signal in the Grade B contour has been adequate to preclude interference to TV reception. We have not received the complaints of interference predicted by the model of the environment assumed by Atari and AMST, even though we have been permitting via waivers the marketing and use of TV Interface Devices subject to the higher limits.

13. Nonetheless, some parties questioned why radiation interference limits for the TV Interface Device should be less stringent than those for the category of devices it replaces—the Class I TV device. First, as we had concluded in the *Notice*, the Class I limits were apparently unnecessarily stringent and that no measurable benefit has been revealed from having more stringent radiation limits. Lending support to our conclusion is the experience of the last few years in which the predicted complaints of interference have not been received.[9] Second, we intend to minimize and simplify the regulatory scheme the Commission imposes. We do so by setting emission limits for the TV Interface Device designed to provide adequate protection for broadcast TV. Also by making the limits identical to those for the personal computers, we avoid more than one emission classification and provide for the application of a single standard for the computer (or any other video source) and the TV Interface Device, both employed in the home.[10] Therefore, we promote clarity in the rules, minimizing confusion in determining how different pieces of equipment should be categorized. The costs of compliance are thereby reduced, presumably leading to lower cost personal computing systems and other devices. For the foregoing reasons, we adopt the proposed emission limits, which are identical to the limits we adopted for personal computers. (*See* Appendix C, Rule § 15.610)

C. Equipment Authorization

14. In the *Notice*, the Commission proposed Certification as the equipment authorization procedure for the TV Interface Device rather than Type Approval, which was required for Class I TV device.[11] The broadcasters and Atari objected to this relaxation of the equipment authorization requirement. AMST and Atari argued that Certification does not provide the necessary assurances of compliance and that the Commission should use whatever resources are necessary to test such equipment to protect TV reception. Atari also asserted that new manufacturers of a TV Interface Device, who have never made radiation measurements to determine compliance with FCC Rules, will not possess the necessary skills to accurately test a device for compliance. This, Atari

[8] Computing Devices, Subpart J of Part 15, Section 15.801 et seq., 47 CFR 15.801 et seq. *See* Computing Devices, First Report and Order in Docket 20780, 79 FCC 2d 28 (1979), *reconsideration*, 79 FCC 2d 67 (1980), *Clarification*, 85 FCC 2d 638 (1981).

[9] Since 1980, the Chief Scientist has granted over 90 waivers of the Class I TV device rules, authorizing the operation of the TV Interface Device under the rules proposed in the *Notice*. As related above, the Commission is not aware of any interference cases where the TV Interface Device was identified as the source of the interference.

[10] We treat in more detail the video source, attachments and other accessories to the TV Interface Device below in paragraph 23.

[11] Type Approval is an equipment authorization procedure in which the FCC Laboratory tests a representative sample of a device and issues an approval. Certification is a procedure in which we review test data submitted to the Commission and issue an approval, if the submittal is satifactory. (See 47 CFR Part 2, Subpart J) Both procedures are a prerequisite for marketing pursuant to 47 CFR Part 2, Subpart I.

suggested, would lead to more non-compliant devices on the market and as a result more potential for interference.

15. Our proposal to relax the equipment authorization requirement for such devices was based on our experience with manufacturers who over the past 10 years have acquired the necessary skills to produce and measure compliant Class I TV devices. At the time Subpart H of Part 15 was adopted, the Commission imposed the stricter Type Approval requirements for two reasons. First the rules permitted a new class of devices to be attached to the TV receiver and we wanted to be sure that the devices did not interfere with TV reception. Second, manufacturers who began building Class I TV devices were unfamiliar with making radiated emission measurements, particularly to meet the tight limits adopted for Class I TV Devices. Consequently, we felt that imposing the additional burden of Type Approval on these manufacturers was appropriate in 1972. We have now relaxed the limits, which reduces the complexity of the testing, and experience tells us we can relax the regulatory burden of Type Approval for the TV Interface Device. In response to Atari's argument concerning the lack of skill of new manufacturers in meeting the technical requirements including the testing for compliance, it should be noted that the Commission reserves the right to call in a sample for testing as part of the Certification process, if the situation so warrants. *(See* 47 CFR 2.943). In addition, we can engage in sampling of products already on the market. For the foregoing reasons, we adopt Certification as the equipment authorization procedure for the TV Interface Device. (*See,* Appendix C, Rule § 15.616.) [12]

D. Miscellaneous Issues

16. Most of the rules regarding design requirements are adopted as proposed in the *Notice,* with exception of some minor changes in response to the comments. As to the § 15.614(a), General design requirements, and Section 4.0, General Test Conditions, in our recommended measurement procedures we have revised the range of video input signal levels required to test the TV Interface Devise (*See* Appendix B, *Recommended FCC Measurement Procedure for the TV Interface Device,* MP–3.) All parties commenting on this question took issue with the one to ten volt range proposed in the *Notice.* EIA recommends five volts as the maximum video input signal because it asserted that most measurement facilities do not possess costly video amplifiers capable of producing ten volts into the typical 75 ohm load. We have been convinced by TI and Sony that designing the TV Interface Device to prevent excessive emissions when it is presented with a ten volt input voltage is unnecessarily expensive. Most video sources operate in the range of only one to two volts. Furthermore, overload circuitry may be easily incorporated to preclude the TV Interface Device from operating with excessive input voltage. We are persuaded by TI, Sony and EIA that five volts should be the maximum. Therefore, a TV Interface Device shall operate within the emissions limits of the new Subpart H when presented with a video input signal level of one to five volts. (*See* Appendix C, Rule § 15.614(a) and § 4.0, Appendix B.)

17. Another modification to the proposed rules involves a change recommended by TI that limits the interference potential of the TV Interface Device and promotes design flexibility. We proposed in Section 15.603 that the maximum output signal level for the video modulated signal be specified as $346.4\sqrt{R}$ microvolts (where R is the output impedance of the device) and that the power of the sound modulated signal be specified as 13 dB below the corresponding power of the video modulated signal. Both of these requirements now apply to the Class I TV device. We adopt the $346.4\sqrt{R}$ microvolt level for the video modulated signal and an absolute maximum level of $77.5\sqrt{R}$ microvolts for the sound modulated signal rather than the 13 dB for the power ratio between them. We reject the contention by EIA that since the rules for broadcasting and cable TV specify visual/aural ratios of 7–10 dB and 13–17 dB, respectively, deviation from these ranges can cause impairment of the sound or picture reception or both. We believe that setting of those ratios for TV Interface Devices should be largely a marketplace decision subject to compliance with the above-stated limit. Furthermore, the voltage level maximum that we do set leads to a more flexible design, and is consistent with the absolute levels in §§ 15.606 and 15.606. This flexibility is appropriate because of the considerably broad ranges of the output signal level of video sources. Equipment designers are permitted greater flexibility by not having to maintain that 13 dB ratio between the two signals when the voltages are lower than maximum levels. Of particular importance, the interference potential of the TV Interface Device will not be increased at all given the establishment of maximum output signal levels.

18. At paragraph 24 in the *Notice* we addressed the problem of the inadvertent connection of the output of the TV Interface Device to the receiving antenna of the TV receiver. This connection could result in the receiver antenna acting as a transmitting antenna for the TV Interface Device, thus greatly increasing the potential for interference to nearby TV receivers. To date we are not aware of any reports attributable to such a misconnection. Our discussion in the *Notice* and the comments thereto, however, focused on TV receivers as used for reception of conventional over-the-air TV signals via an associated antenna. We are, of course, aware of the increasing prevalence of the use of TV receivers for reception of signals via direct cable connection, thereby eliminating the necessity for an attached antenna. Although some cable converters are regulated under the Rules for cable television in Part 76, there are some that fall outside the jurisdiction of Part 76. A cable converter attached to a Master Antenna TV system is an example of such a converter. For such systems it is extremely unlikely for the output of the TV Interface Device to be connected to the antenna of the TV receiver. Thus, we do not believe it is necessary to incorporate a switch to minimize the possibility of such misconnection. We therefore will not require that a transfer switch be incorporated in a TV Interface Device which converts or otherwise processes all TV channels including standard terrestrial broadcast TV signals. In other words, when the TV Interface Device provides for reception of conventional over-the-air TV and the receiver's associated antenna is not required, the transfer switch will not be required either. (*See* Appendix C, Rule § 15.606(b)). It should be noted, however, that this relaxation of the switch requirement will only be permitted for non-radiating systems in which it is not possible for the signal

[12] On January 13, 1983 the Commission adopted a Notice of Proposed Rulemaking entitled "In the Matter of Amendment of the regulations to expand the notification and verification equipment authorization procedures", General Docket No. 83–10, FCC 83–4, released January 21, 1983. In that NPRM we proposed to relax the equipment authorization requirements for certain equipment. For the TV Interface Device, however, we are not further relaxing such requirements because of its potential for interference. This concern was raised in paragraph 18 of the NPRM for equipment not proposed to be included under notification. Despite no reports of interference as cited in paragraphs 12 and 13 above, the potential remains high since TV Interface Devices are high-volume consumer items used in close proximity to TV receivers. The possibility exists, however, of changing to notification should our future experience so indicate, as generally stated in paragraph 19 of the NPRM.

from the TV Interface Device to be radiated and cause interference. For example, for systems using Subscription TV decoders that feed only subscription TV signals to the TV receiver there is no relaxation, and a decoder must be used incorporating an insolation switch (when the decoder includes an RF modulator).

19. In the *Notice*, we proposed that a TV Interface Device must include a switch which provides a certain level of isolation between the antenna terminals and RF modulator. In addition to the switch, AMST suggests that we should adopt a requirement that would provide for foolproof design or construction such that under no circumstances could the device be connected directly to the receiving antenna. Unfortunately, AMST did not suggest how this could be accomplished. Furthermore, we do not believe such measures are practical or necessary, especially in light of the lack of complaints involving such devices. Therefore, the suggestion made by AMST to add additional restrictions to § 15.606 is not accepted.

20. Another aspect of interference caused at the output of the TV Interface Device is the potential for harmful interference when emissions beyond a certain strength fall outside of the desired channel. We had proposed that at any RF output terminal the voltage of any emission outside of the band 4.25 MHz below and 7.75 MHz above the video carrier frequency on which the TV interface operates shall not exceed 10.95 $\sqrt{R}$ microvolts. TI, Atari and EIA in particular took issue with this proposal because it was alleged that manufacturers would be forced to utilize either more sophisticated modulation techniques, sharper filters, or other techniques, any of which would entail greater expense in the transmission of both video and sound information.[13] The consumer in turn would incur greater expense in purchasing the TV Interface Device incorporating an RF modulator. To accommodate the double sideband generated sound carrier, without added expense, we are adopting EIA's recommendation, that emissions more than 4.6 MHz below and 7.4 MHz above the video carrier frequency be attenuated. We incorporate such modification in the Rules. (*See* Appendix C, Rule § 15.608.)

21. In the *Notice*, we proposed in § 15.610 to consolidate the requirements for a composite TV Interface Device that includes an RF modulator and a video source or some other component that might be subject to another part of the Rules. This proposal was intended to replace the present requirements of filing two or more applications for equipment approval of a composite device. For example, under the Class I TV device rules, a video tape recorder (VTR), which includes a TV tuner and an RF modulator plus other components, was subject to the technical and Certification requirements in Subparts C and H of Part 15, respectively. Under the proposal, a single application for Certification would be filed for the VTR. The technical requirements for the composite device would be determined by the applicable requirements for each part of the composite device. Most commenters supported this part of the proposal, but questioned the proposed language and asked that it be clarified. Atari, on the other hand, argued that the most restrictive technical requirement for the composite device should be applied to the complete device.

22. A closely related question concerns the proposed definition of video source, which was defined as a device that applies a video input to a TV Interface Device. RCA argued that this definition is too restrictive, since it does not encompass stand-alone or external video sources that do not connect to a TV Interface Device. The definition, RCA asserts, should be broadened to include video cameras and other devices which may or may not be connected to a TV Interface Device.

23. The above concerns about the definition and proposed Section 15.610 deal with the applicable limits for a composite TV Interface Device and for external attachments to the TV Interface Device. Upon further reflection, it now appears that the proposed language may have been confusing and that some clarification is needed. A TV Interface Device, by definition, may include a video source (and possibly other components), or it may be marketed separately as an RF modulator. In general, most attachments to a TV Interface Device (one exception being that of controllers for TV games) incorporate digital circuitry and, as such, are classified by the Commission to be computing devices. The Rules for computing devices were adopted by the Commission in late 1979 in FCC Docket 20780. In that proceeding, we made home computing devices subject to the same emission limits proposed and adopted herein for TV Interface Devices. Therefore, as to their respective interference potentials it does not matter whether the video source is internal or external to the TV Interface Device, since both devices must meet the same emission limits. Video disc players and video tape recorders, however, constitute an exception that caused some confusion. VTRs contain a TV tuner, which by itself is subject to the receiver requirements in Subpart C of Part 15. Some disc players on the other hand, contain a capacitive coupling mechanism which is subject to the requirements for a Field Disturbance Sensor in Subpart F of Part 15 of the Rules.

24. In the *Notice*, we proposed a single authorization for these devices and an adjustment in the limit for emissions from the TV tuner and the capacitative mechanism of the disc players. The present rules for a Class I TV device permit this and we do not know of any reason not to allow an adjustment of the limit for these products. By doing this we disagree with and reject the contrary recommendation by Atari to require the composite TV Interface Device to be governed by the tightest technical requirements. We believe such a requirement to be impractical and unnecessary for these two products, since there does not appear to be an interference problem with video tape and disc players. Also, since most video sources, such as personal computers, are already required to be certificated by the Commission pursuant to Subpart J of Part 15, there is no longer a reason to retain a separate definition and Certification requirement for video sources. The few attachments to TV Interface Devices that contain digital circuitry and are not classified as personal computers will be handled as Class B computing devices subject to Verification by the manufacturer. Attachments, such as paddle controllers (i.e., a connecting wire plus a few variable resistors), that do not include active components, do not have to be certificated by the Commission. Such controllers do, however, have to be exercised with the TV Interface Device when it is tested for compliance. In

[13] Typically, the commenters economically derive the sound carrier in an RF modulator by employing double sideband modulation such that one sound carrier is 4.5 MHz above the visual carrier frequency and the other (undesired) 4.5 MHz below the visual carrier. Under the rules for a Class I TV device, emissions outside of the channel 3 MHz above and 3 MHz below the respective edges of the 6 MHz TV channel had to be attenuated. To have the undesired carrier fall within 3 MHz of the edges of the TV channel, the class I TV device would be operated on a visual carrier frequency at least 250 kHz higher than that used for broadcast TV. Under the proposed rule, because the emission limits were referenced to the visual carrier rather than the channel edges, operation of the TV Interface Device on a higher visual carrier would no longer keep the undesired sound carrier within limit. Manufacturers would have been required either to employ a single sound carrier below use more expensive filters, etc. to attenuate emissions falling 250 kHz or more outside of the lower channel edge.

response to RCA's concern about a video camera that does not contain digital circuitry, we are deferring this question to the resolution of the proposal to revise Section 15.7 in FCC Docket 20780. For the above reasons, proposed § 15.610 (redesignated § 15.618) has been revised as indicated and the definition for video source has been deleted. (*See* Appendix C, Rule § 15.618.)

25. In the *Notice* we proposed to provide for the marketing of a TV Interface Device kit. The hazards of allowing such a kit are pointed out in Atari's comments. Our intention in this proceeding to provide broadcast television with sufficient protection from harmful interference would be undermined by the authorization of TV Interface Device kits, asserts Atari. There are two problems. First, since we proposed that all necessary components need not be provided with a kit, radiation limits could be exceeded, or the carrier frequency could wander or both. Second, since, according to our proposal, consumers may be required to tune their TV Interface Devices, a serious risk exists that the device might be mistuned, thereby causing interference to nearby receivers. We are aware of these potential hazards as well as the hazard of kits on the marketplace not explicity subject to any regulation. We believe that the potential for interference is less if all kit manufacturers and consumers are required to comply with our Rules than if there were a prohibition on kits, since this would be difficult to enforce, or if there were a laissez-faire environment in which there were no specific guidelines for compliance. Thus, we adopt the proposed rule authorizing TV Interface Device kits. We require that two kits be fully assembled and tested rather than the one we had proposed in the *Notice*. The manufacturer of the kit shall comply with the procedure for obtaining Certification. Additionally, these new rules incorporate a labeling requirement. (*See* Appendix C, Rule § 15.620.)

26. Finally, we adopt an expanded version of the proposed § 15.622. This version includes a labeling requirement for the TV Interface Device itself. Manufacturers must affix a label whose wording is specified in the Section to inform the consumer of the interference potential of the device.

27. We have considered the contentions by some of the commenters that by granting waiver of the Rules to permit operation of the TV Interface Device prior to the completion of this rulemaking we have prejudiced its outcome. We disagree. In each case of approval of a request for waiver, we considered foremost the particular facts presented by each petitioner. We granted each petitioner interim relief on this basis. We did so to further the public interest in realizing the benefit of the latest technologies incorporated in devices such as the stand-alone RF modulator. In deciding upon the final rules adopted herein we relied very heavily on the informed pleadings of the commenting parties made in response to the proposed rules and have modified them accordingly. As a by-product of the operation of TV Interface Devices pursuant to individual waivers, moreover, we had available a field test of sorts of the interference potential the TV Interface Device posed to home TV reception. If operation of TV Interface Devices had resulted in unacceptable interference, we certainly would have taken appropriate action in this rulemaking. For these reasons, we believe that each of the waivers specifically responding to the good cause shown by the petitioner was granted in the public interest, and did not prejudice the outcome of the rulemaking. In fact, because of the favorable experience with the TV Interface Device, the soundness of our decision is enhanced.

28. In the *Notice*, we had proposed a set of procedures for measuring whether a device met with the emanation limits we had proposed. These measurement procedures were proposed as part of the Rules for the TV Interface Device. (*See* Appendix B, proposed § 15.701 et seq. of the *Notice*.) Upon reevaluation of those proposals, in part because of the comments, we have made small changes in the measurement procedures. Among the more important is the elimination of references to broadband noise. Our experience in testing TV Interface Devices has shown that the emission voltage peaks are separated sufficiently that they can be resolved by the measuring instrument—more indicative of narrowband noise. On another point, we eliminate the options of mounting the TV Interface Device on a turntable or of moving the measuring equipment about the device to test it for the direction of maximum radiation for each predominate emission. We believe that specifying that only a turntable may be used will enhance the certainty and repeatability of the tests.

29. As noted above, we have authorized by grants of waivers of the Rules the marketing and operation of TV Interface Devices prior to the effective date of the attached Rules. Marketing of TV Interface Devices authorized under the terms of the waiver may continue without any further action on the part of the grantee. Operation of such devices may continue indefinitely, subject only to the non-interference requirements in § 15.3 of FCC Rules. (*See* Appendix C, Rule § 15.626.)

30. In addition to the revisions in the measurement procedures themselves, we have decided that they should serve only as recommended procedures for determining compliance with our Rules. The Commission's laboratory however will utilize the procedures set out in the publication, *Recommended FCC Measurement Procedure for the TV Interface Device*, MP–3, to check compliance with the Rules. It will be available through the FCC's duplicating contractor and the National Technical Information Service (NTIS) or both.[14]

III. Ordering Clauses

31. Under the authority contained in Section 1, 4(i), 302 and 303 of the Communications Act of 1934, as amended, *it is ordered that* the rules including the title, text and table of contents of Subpart H of Part 15 are rescinded and new rules including the title, text, and table of contents of Subpart H of Part 15 are adopted, as set out in Appendix C, attached, effective 30 days after publication of this *Report and Order* in the **Federal Register**, April 28, 1983.

32. *It is further ordered that* this docket proceeding, General Docket No. 79–244, is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

The following parties filed comments in response to the Notice of Proposed Rulemaking in this docket:

Association of Maximum Service Telecasters, Inc. (AMST)
Atari, Inc. (Atari)
Dash, Straus, & Goodhue, Inc. (Dash-Straus)[15]
Consumer Electronics Group of the Electronics Industries Association (EIA)
GTE Services Corporation (GTE)

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[14] Currently, the Commission's contractor is the DownTown Copy Center, 1114 21st Street, NW., Washington, D.C. 20037, (202) 452–1422. NTIS is located at 5285 Port Royal Road, Springfield, VA 22161, (703) 321–8521.

[15] We hereby grant Dash-Straus's request for acceptance of its late-filed comments, received in the Secretary's Office on May 21, 1982, because the public interest will be served by enhancing the diversity of viewpoints on the issues at hand.

Lee M. LaMunyon of Dallas, Texas
C. E. Muhleman of Marion, Indiana
National Association of Broadcasters (NAB)
RCA Corporation (RCA)
Sony Corporation of America (Sony)
Texas Instruments, Inc. (TI)

Appendix B

Recommended FCC Measurement Procedure for the TV Interface Device, MP–3

Office of Science and Technology—
Federal Communications Commission
Washington, D.C. 20554

December 1982.

FCC Methods of Measurements of Output Signal Level, Output Terminal Conducted Spurious Emissions, Transfer Switch Characteristics, and Radio Noise Emissions From TV Interface Devices

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8.0 Radiated Radio Emission Measurements
8.1 Radiated Emission Tests
8.1.1 Electromagnetic Field: 30 MHz to 1 GHz

1.0 *Scope.*—This standard sets forth uniform methods of measurement of radiated and powerline conducted radio noise emitted from a TV interface device defined in Section 15.4 of FCC Rules. Methods of measurement of output signal level, output terminal conducted spurious emissions, and transfer switch characteristics are also covered herein. These methods of measurement will be used by the FCC in testing a TV interface device whether it is stand-alone or built in combination with a video source or a TV receiver. Applicants for certification of a TV interface device are advised to employ these methods. The technical standards for the TV interface device are set forth in Subpart H of Part 15 of FCC Rules (47 CFR 15.601 et seq.).

2.0 *Reference Standard.*—The following shall form a part of this standard to the extent applicable: American National Standard Specifications for Electromagnetic-Interference and Field Strength Instrumentation. 10 kHz to 10 GHz. ANSI C63.2 (1980).

3.0 *Definitions.*—The definitions in Parts 2 and 15 of the FCC Rules and the following definitions shall apply to use of this standard.

3.1 *Equipment Under Test* (EUT).—A representative TV interface device or system, video source, accessories etc. being tested or evaluated.

3.2 *Ambient Level.*—The magnitude of radiated or conducted signals and noise existing at a specific test location and time.

3.3 *Emission.*—Electromagnetic energy produced by a device that is radiated into space or conducted along wires and is capable of being measured.

3.4 *Ground Plane.*—A conducting surface used to provide uniform reflection of an impinging electromagnetic wave. Also, the common reference point for electrical potentials.

3.5 *Line-Impedance Stabilization Network* (LISN).—A network (sometimes called mains network) inserted in the supply mains lead of the EUT that provides a specified measuring impedance for radio-noise voltage measurement and isolates the EUT and the measuring equipment from the supply mains at radio frequencies.

3.6 *Radio Noise.*—Electromagnetic emissions in the radio frequency range that may be superimposed upon a desired signal.

3.7 *Radiated Radio Noise.*—Radio noise transmitted into space. Such noise may include both the radiation and induction components of the field.

3.8 *Conducted Radio Noise.*—Radio noise propagated from the device into the public electrical power network via the supply cord.

3.9 *Random Noise.*—Electromagnetic disturbance (noise) originating in a large number of discrete disturbances with random occurrences in time and amplitude. The term is most frequently applied to the limiting case where the number of transient disturbances per unit time is large, so that the spectral characteristics are the same as those of thermal noise (thermal noise and the shot noise are specified cases of random noise).

3.10 *Narrowband Radio Noise.*—Radio noise having a spectrum exhibiting one or more sharp peaks, narrow in width compared to the nominal bandwidth of the measuring instrument, and far enough apart in frequency to be resolvable by the instrument.

3.11 *Active Picture Field.*—The time during which a frame of a television picture is produced, exclusive of the horizontal and vertical blanking and synchronizing intervals.

4.0 *General Test Conditions.*—All tests shall be performed with a video source connected and operating. If the TV interface device is constructed in combination with an associated video source (i.e. both devices located in the same cabinet), that source shall be used for the tests. If the TV interface device does not have a built-in source of video signal, or has a provision for an external video source, it shall use a Vertical Interval Test Signal (VITS) shown in Figure 5 of this test procedure, applied continuously throughout the active picture field. If the TV interface device can operate from either internal or external sources, tests shall be run with the internal video source and then the external VITS source.

All tests shall be performed with the level of the VITS at 1 volt and then at 5 volts.

All unused RF terminals shall be terminated in their proper impedance during all measurements.

If the TV interface device is capable of operating on more than one video carrier frequency, then separate measurements shall be made on each video carrier frequency.

4.1 *Test Sites.*—The test site environment must be one that assures valid, repeatable measurement results. A measurement is valid to the extent that it is a true representation of the characteristic being measured, and the same measurement procedure yields repeatable results. For radiated measurements on representative samples of an equipment type, testing is normally conducted in an open field (*See* 4.1.1) although other alternatives are permitted (*See* 4.1.1.1 and 4.1.1.2). A description of the test facility used for testing computing devices subject to certification shall be filed with the Commission, pursuant to Section 15–38 of the FCC Rules (47 CFR 15.38).

4.1.1 *Open Field Tests.*—Measurements of radiated radio noise should be made in an open, flat area characteristic of cleared, level terrain. Such test sites shall be void of buildings, electric lines, fences, trees, etc. and free from underground cables, pipelines, etc, except as required for the measuring equipment and the EUT. (Note: If it is impractical for the test site to be completely void of these items, metal fences or other reflecting objects shall be sufficiently far from the site so as not to introduce additional unknown factors). The horizontal distance between the device and the measurement antenna is 3 meters. The distance from the EUT to the measuring antenna shall be measured from the center of the turntable on which the device or system is placed (*See* 6.3). Measurements of a sample device made by the Commission will be performed on an open field test site.

4.1.1.1 *Tests at Laboratory, Factory, or Other Facilities.*—Compliance with the FCC limits for the TV interface device shall be based on tests being made in an open field test site or equivalent. Where it can be shown that the results of tests made in an anechoic room, dedicated factory site or other facility are correlatable to those made in an open field site, such test results will be considered acceptable. Sufficient tests over the entire frequency range of 30 to 1000 MHz shall be made to demonstrate that the alternative site produces results the correlate with the results of tests made in an open field. In the event that the Commission tests a sample device, measurements will be made in an open field and the result so obtained will determine compliance.

4.1.1.2 *Testing in a Shielded Enclosure.*—Radiation measurements made in a shielded enclosure are suitable only for determining the frequency profile of an EUT; they are not suitable for determining the actual levels of the emissions unless it can be shown that the results of tests made in the enclosure are correlatable to those made in an open field. Conducted radio noise measurements made in a shielded enclosure are acceptable and, in fact, are preferable.

4.2 *Measurement Instrumentation.*—Measurements of output signal level, output terminal conducted spurious emissions, and transfer switch isolation should be made with an instrument capable of measuring the level of the video modulated signal during maximum amplitude peaks. (Calibration will be in terms of the RMS value of an equivalent sinusoid.) The VSWR at the measuring instrument when connected to the device shall be less than 1.5. The bandwidth of the measuring instrument shall be a least 100 kHz. No post-detector filtering shall be employed for any measurement.

Measurement of radiated and conducted radio noise shall be made with a radio noise meter conforming to the American National Standard Specifications for Electromagnetic Interference and Field Strength Instrumentation 10 kHz to 10 GHz, C63.2 (1980). Alternatively, a spectrum analyzer may be used as the measuring instrument, provided that it is used, when necessary, with appropriate accessories to provide sufficient sensitivity and overload protection to insure accurate, repeatable measurements of all emissions over the specified frequency range.

Note.—Accessories needed would depend upon the measurement situation and could include preamplifiers for sensitivity improvement, filters and /or attenuators for overload protection, and additional quasi-peak detection circuitry. Overload is defined as harmonic distortion, intermodulation, or gain compression of spectrum analyzer input signals. Precautions may have to be taken to insure that the spectrum analyzer operates linearly before taking final measurements. Consult user's manual for instructions and guidance. Application notes on the use of spectrum analyzers and other instruments are also available from several manufacturers.

4.2.1 *Measuring Instrument Calibration.*—The calibration of the measuring instrument, including any accessories that may affect such calibration, shall be checked frequently enough to assure its accuracy. Adjustments shall be made and correction factors applied in accordance with instructions contained in the manual for the measuring instrument.

4.2.2 *Detector Function Selection and Bandwidth.*—During radiated radio noise testing, radio noise meters, or spectrum analyzers that include weighting circuits, shall have the detector function set to the CISPR quasi-peak function. The 6 dB bandwidth of the measuring instrument shall not be less than 100 kHz for radiated radio noise measurements over the frequency range of 30 to 1000 MHz. During conducted radio noise testing, radio noise measuring instruments shall have the detector function set to the CISPR quasi-peak function. The 6dB bandwidth of the necessary measuring instrument shall not be less than 9 kHz over the frequency range 450 kHz to 30 MHz. Post detector video filters, if used, shall be wide enough not to affect the quasi-peak detector reading. Alternatively, field strength meters and spectrum analyzers without CISPR weighting circuits may be employed, provided measurements are made on the peak basis, and recorded as observed (without any presumed correction for the difference between CISPR quasi-peak and peak detector function).

Note.—1. The above-specified bandwidths have tolerances as prescribed in ANSI standard C63.2–1980.

2. If bandwidths greater than those expressed in 4.2.2 are used, higher readings may result for EUTs with broadband emanations.

3. Data taken with measuring instrumentation employing logarithmic amplifiers when using the average function will represent the average of the logarithm of the voltage level. If the emanation observed is pulsed, broadband observed values will be materially lower than the true average of voltage. Instrument overload is likely to occur with linear IF systems if the emission pulse duty cycle is less than that for which the measuring instrumentation is rated. Data correction for spectrum analyzer observations should include corrections for the pulse desensitization factor. The average values of emanations can be calculated using this correction applied to peak indications, if the duty cycle is known or can be measured.

4.2.3 *Units of Measurement.*—Measurements of radiated radio noise shall be reported in terms of microvolts per meter (uV/m) or dB above 1 uV per meter (dB(uV/m)) at a specified distance. The indicated readings on the radio noise meter or spectrum analyzer shall be converted to microvolts per meter (uV/m) or dB above 1 uV per meter (dB(uV/m)) by use of appropriate conversion factors. Measurements of conducted radio noise shall be reported in terms of microvolts (uV) or dB above 1 uV (dB/uV). Measured data may be presented in tabular or graphical form. Alternatively, recorder charts from automatic measuring equipment or photographs of spectrum analyzer displays may be used, providing that the calibration levels in terms of uV/m or

dB(uV/m) are shown on such charts or photographs.

Measurements of output signal level shall be reported in microvolts (uV) or in dB above 1 uV (dB(uV)). The impedance at the output terminals at which this measurement is made shall also be specified. If a balun is used, the loss of the balun must be reported and accounted for.

Measurements of output terminal conducted spurious emission shall be reported in microvolts (uV) or in dB above 1 uV (dB(uV)). The frequency and level of each emission shall be specified. If a balun is used, the loss of the balun must be reported and accounted for.

The isolation of the transfer switch is to be reported in microvolts (uV) or in dB above 1 uV (dB(uV)). The impedance at the antenna input terminals at which this measurement is made shall be specified. (*See* Section 4.0)

4.2.4 *Antennas.*—A calibrated, tuned half-wave dipole antenna is preferred for measuring the level of radiated radio noise. Other linearly polarized antennas are acceptable provided the results obtained with such antennas are correlatable to levels obtained with a tuned dipole. The antenna shall be capable of measuring both horizontal and vertical polarizations. The height of the antenna for horizontal polarization shall be capable of being varied from 1 to 4 meters. In the case of vertical polarization of the antenna, the maximum heights stated for horizontal polarization apply (as measured to the center of the antenna); however, the minimum height should be increased so that the lowest point of the bottom end of the dipole (or other antenna), at any frequency, clears the site ground surface by approximately 25 cm. Over the frequency range of 30 to 1000 MHz the Commission will use tuned half-wave dipole antennas in testing for compliance with FCC Rules.

4.2.5 *Preliminary Testing and Monitoring.*)—Preliminary radiated measurements should be made indoors, preferably in an enclosure, at a distance closer than specified for compliance, to determine the emission characteristics of the EUT. It is suggested that where a radio noise meter is used for this spectrum search, either a headset or loudspeaker be connected as an aid in detecting ambient signals and finding frequencies of significant emission from the EUT. Precautions shall be taken to ascertain that the use of a headset or loudspeaker does not affect the radio noise meter indication during testing. The arrangement of EUT units and cabling should be varied as necessary (within the scope of arrangements likely to be encountered in actual use) to ascertain to what extent this affects the emanations, in frequency, strength, and directivity of radiation. Adequate notes should be kept, both as to EUT arrangement and the frequency and strength of significant emissions to assure that the final tests made on the test site will represent the worst-case emanation potential of the EUT.

4.3 *Frequency Range To Be Scanned.*—For radiated measurements, the frequency range from 30 MHz to 1000 MHz shall be searched. For conducted measurements, the frequency range from 450 kHz to 30 MHz shall be searched. The six highest emissions relative to the appropriate limit shall be measured and reported. To facilitate testing with a radio noise meter, the frequency range covered in the particular test should be scanned while monitoring with headset or loudspeaker. If any indicated peaks appear while scanning, readings shall be taken at the frequencies where they occur. The scan rate shall be such that noise signals above the radio noise meter sensitivity threshold are not omitted from detection.

Note.—Automatic scan techniques are acceptable, but the maximum scan speed is limited by the response time of the measuring system and (where applicable) the repetition rate of the radio noise to be measured.

4.4 *Data Reporting Format.*—The measurement results expressed in accordance with 4.2.3 and specific limits where applicable, shall be presented in tabular or graphical form or alternatively as recorder charts or photographs of spectrum analyzer display, showing the level vs. frequency. Since alternate test methods are provided, test data must identify the methods used. Statements as to the instrumentation employed, instrument attenuator and bandwidth settings, detector function, EUT arrangements, a sample calculation with all conversion factors, and all other pertinent details shall be included along with the measurement results.

Note.—A detailed description of test conditions deviating from this measurement procedure including a list of the test equipment used shall be submitted to the Commission regarding the acceptability of such test conditions. In the case of devices required to be certificated, refer also to Part 2 §§ 2.909, 2.925, 2.926, 2.1022) and Part 15 §§ 15.38, 15.44, 15.45, 15.48, and 15.79) for general provisions applicable to all applications for certification.

5.0 *Output Signal Measurement.*—The measuring instrument shall have the characteristics described in 4.2.

5.1 *Output Signal Level Measurements.*—When the RF output of the TV interface device is to be fed to the TV receiver via coaxial cable, the signal level shall be measured by direct connection to the measuring instrument with proper matching between the measuring instrument and the TV interface device.

If the RF output is fed to the TV receiver via "twin lead", the output shall be connected to a balanced RF voltmeter or to a balun, which in turn is connected to the measuring instrument. Connection cables shall be kept as short as possible.

The RF output signal level is construed to mean the highest RF level present at the output terminals during normal use of the TV interface device. Measurements shall be made of the levels of both the aural and visual carriers of each TV channel on which the TV interface device operates.

5.2 *Output Terminal Conducted Spurious Emission Measurement.*—When the RF output signal is intended to be fed to the TV receiver via coaxial cable, measurements shall be made by direct connection to the test instrument with proper matching between the measuring instrument and the TV interface device. If the output is fed via "twin lead", measurements are to be made through an appropriate balun with connecting cable kept as short as practical.

The frequency range 30 MHz to 1000 MHz shall be investigated to locate significant emissions.

5.3 *Transfer Switch Isolation Measurement.*—Measurements shall be made of the maximum voltage at the switch's antenna input terminals for all positions of the transfer switch. The maximum voltage shall correspond to the peak envelope power of the video modulated signal during maximum amplitude peaks.

If the antenna input terminal is to be connected to the antenna via coaxial cable, the signal level shall be measured by direct connection to the measuring instrument with proper matching between the measuring instrument and the TV interface device.

5.3.1 *Balanced Line Tests.*—The following shall apply to the measurement of the signal level at the antenna input of the transfer switch if the signal is fed via "twin lead".

The TV interface device shall be supported so that the non-coaxial terminals are at a height between 75 and 150 centimeters above the ground.

A section of balanced transmission line of the intended type, ¾ of wavelength long at the TV interface device output signal frequency, shall be connected to the antenna input terminals of the switch and supported in

a straight horizontal line from the TV interface device to the measuring equipment. There shall be a lateral clearance of at least 75 centimeters from any part of the line to any other object.

The transmission line shall be connected to a balanced RF voltmeter or to a balun which in turn is connected to the measuring instrument.

Measurements of the signal level shall be made with the ¾ wavelength transmission line and with transmission lines of decreasing line length, in at least ten equal decrements (total of 11 measurements), to length of ¼ wavelength.

The signal level at the non-coaxial antenna input terminal of the transfer switch is taken to be the median of the values obtained in these measurements.

5.3.2 *Alternative Balanced Line Tests.*—All eleven measurements of 5.3.1 need not be performed if it can be shown that one of the following conditions is satisfied.

(a) If and when a maximum signal level has been reached, measurements should be performed following the procedure in 5.3.1. The maximum level is reached when at least two points before and two points after the determined maximum are reached and are of a lower value.

(b) Alternatively, the previous test need not be performed if a preliminary measurement is made of any length of the balanced transmission line less than 5 meters and measured signal level does not exceed $0.173\sqrt{R}$ microvolts.

6.0 *Test Conditions for Radiated and Powerline Conducted Measurements.*—All modes of operation of the TV interface device (EUT) shall be investigated to find the maximum emanations.

6.1 *Test Conditions for EUT.*—The equipment under test (EUT) shall be configured and operated in a manner that tends to maximize its emission characteristics in a typical application. Power and signal distribution, grounding, interconnecting cabling and physical placement of equipment or equipments of a test system shall simulate the typical application and usage as nearly as practicable. The EUT shall be furnished with rated (nominal) voltage as specified in the individual equipment power requirements. The power supplied to the EUT may need to be filtered to meet the requirements of 6.2.1.

6.1.1 *Conditioning of the EUT.*—The EUT shall be operated for a sufficient period of time to approximate normal operating conditions.

6.1.2 *Accessories.*—The TV interface device should be connected to at least one of each type of accessory provided by the manufacturer.

6.1.3 *EUT Grounding.*—The EUT shall be grounded in accordance with the manufacturer's requirements and conditions of intended use. If the EUT is operated without a ground connection, it shall be tested ungrounded. When the EUT is furnished with a grounded terminal or internally-grounded lead, and when this terminal or lead is used in actual installation conditions, the ground lead or connection shall be connected to a ground plane (or facility for earth ground) simulating actual installation conditions. Any internally-grounded lead included in the plug end of the line cord of the EUT shall be connected to ground through the utility power service (*See also* 7.1 and 7.3).

6.2 *Test Environment.*—The environment at the test site should satisfy the following conditions:

6.2.1 *Ambient Radio Noise and Signals.*—It is desirable that the conducted and radiated ambient radio noise and signal levels, measured at the test site with the test sample de-energized, be at least 6 dB below the allowable limit of the applicable specification or standard. However, in the event that the measuring levels of the ambient plus EUT radio noise emissions are not above the applicable limit, the EUT shall be considered to be in accordance with the limit.

If the ambient field or the power line ambient level at some frequencies within the specified measurement ranges exceeds the applicable specification limit(s), other test methods may be used to show EUT compliance. The following would constitute some of the acceptable alternatives:

(1) Perform measurements at closer than the specified distances and extrapolate the result(s) to the specified limit distance using an inverse distance linear attenuation factor; or

(2) Perform measurements of critical frequency bands during hours when broadcast stations may be off the air and industrial ambients are lower; or

(3) Resort to measurement in an enclosure or anechoic room (*See* 4.1.1.1 and 4.1.1.2 for conditions of use). Measurements made in a shielded (metal) enclosure are normally not acceptable for the purpose of determining compliance with radiated limits. However, by making observations in such an enclosure of the relative levels of the emissions affected by ambient interference and other EUT emissions in the same general frequency range, taken together with measurements on the test site (at reduced bandwidth where necessary) you can determine with reasonable accuracy the strength of the EUT emissions affected by ambient interference; or

(4) Insert line filters between the power source and the LISN or between the power source and the EUT as appropriate for the particular measurement.

Note.—In orienting the axis of a test site, it is desirable to consider the directions of strong ambient signals so that the orientation of the receiving antenna on the site discriminates against such signals as nearly as possible.

6.2.2 *Temperature.*—The ambient temperature of the testing location should preferably be within the range of 10C to 40 C (50F to 104 F) unless the individual equipment requirements specify testing over a wider temperature range. Measurements made in temperatures outside these limits may be accepted provided the EUT, radio noise meters, all indicating devices, and other equipment are at the testing location a sufficiently long time that their temperatures become stabilized with respect to the ambient temperature of the testing location. Evidence shall be given so that the calibrations of the measuring instruments used are accurate at the temperatures at which they are used.

6.3 *Arrangements of EUT (on Test Site).*—The EUT shall be arranged to the extent practicable in a manner that simulates actual use, with the several units placed as nearly as possible in the worst-case setup found in preliminary tests per paragraph 4.2.5. An EUT that is normally operated on a table shall be placed on a non-conducting table having the approximate surface dimensions of 75 centimeters by 100 centimeters, its height above test site ground level being 1 meter. For ease of testing, the table may be placed on a rotatable platform, in which case the total height of the table plus the platform shall be approximately 1 meter above test site ground level. If the platform is elevated, it should be nonconducting.

For an EUT normally placed on the floor, the equipment should be placed on a rotatable platform. If the platform is elevated it should be nonconducting and have a height of 0.5 meter above ground level.

The EUT shall be located in the center of the platform. If the EUT consists of two or more units, these shall be arranged around the center of the platform consistent with actual use, placed as nearly as possible in the worst-case setup, as determined during preliminary testing. *See* paragraph 4.2.5.

Power and signal distribution, grounding, interconnecting cables and

physical placement of the units should simulate as nearly as possible typical application and use. Starting with the worst-case setup found pursuant to paragraph 4.2.5, the arrangement of units and interconnecting cables should be varied (within the range of positions likely to occur in actual use) to maximize the strength of the strongest emission of those present (using data from the paragraph 4.2.5 tests as guidance). A sufficient number of arrangements shall be investigated to insure that the maximum radiation is measured.

The horizontal distance between the measuring set antenna and the EUT shall be measured from the center of the turntable to the center of the furthermost element of the measuring antenna. (Excess length of cables shall be bundled at the approximate center of each cable by folding back and forth so as to form a bundle not exceeding 30 cm to 40 cm in length.) Radiation measurements may be made at any distance between 3 and 10 meters, provided the results are extrapolated to 3 meters using the inverse distance linear relationship. The external video (multiburst) source, when used shall be located as close to ground level as possible at the center of the turntable.

6.4 *Ground Plane.*—A ground screen is desirable, but not mandatory. It is pointed out, however, that open field sites are likely to need a ground screen when any of the following conditions exist at the site: the terrain is discontinuous; the terrain is subject to extreme seasonal variations in ground conductivity; there are unburied power or control cables; the site is located on pavement.

7.0 *Conducted Powerline Measurements.*—Unless otherwise specified, measurements shall be made to determine the line-to-ground radio noise voltage that is conducted from the EUT power-input terminals that are directly connected to a public power network. The measurements are to be made with the EUT connected to such network through a nominal, standardized RF line impedance stabilization network (LISN). A network must be inserted in series with each current-carrying conductor in the EUT power cord.

Note.—It is recommended that conducted powerline measurements be made before measurements of radiated radio noise emissions. This procedure is recommended because it is carried on indoors, requires little time as compared to radiation measurements, and can give some assurance that the shielding of the EUT is reasonably effective (at least at the lower frequencies).

7.1 *Conducted Powerline Test Configurations.*—The EUT shall be placed 40 centimeters from an earth grounded conducting surface at least 2 meters square unless it is floor-standing. In all cases the EUT shall be kept at least 80 centimeters from any other earth grounded conducting surface. If the measurement is made in a shielded enclosure, the walls of the enclosure may be substituted for the 2 meter square conducting surface.

If the EUT is supplied with a flexible power lead, the voltage shall be measured at the plug end of the power lead. The length of the power lead in excess of the 80 centimeters separating the EUT from the LISN shall be folded back and forth so as to form a bundle not exceeding 30 to 40 centimeters in length.

If the EUT is normally operated in the hand, measurements shall be made the same as units normally operated while placed on a table or desk. Measurements of power line conducted emanations are not required for devices capable of being operated only from internal batteries. If the EUT is fitted with a connection for operation directly or via separate transformer or power supply from public utility lines, measurements of power line conducted emanations shall be made.

In cases where accessories have their own provisions for connection to AC power, the accessories shall be connected to the LISN by connecting their AC power cords in parallel with that of the TV interface device. Where there are provisions for connection to ground, measurements shall be made with all units sharing a common ground with the LISN.

7.2 *Line-Impedance Stabilization Network.*—An LISN having an impedance characteristic within the limits shown in Figure 2 is required for conducted radio noise measurements. Figure 3 shows a network that will provide the specified impedance over the frequency range 450 kHz—MHz. A coaxial-type connector shall be provided for connection of the measuring instrumentation by means of a 50-ohm terminating resistance across the 1000-ohm resistor. Provision shall be made for electrically bonding the LISN enclosure to the ground place used (*See* 6.4). If a direct bond is not possible, for instance to a concrete floor, a metal sheet approximately 2 meters square shall be placed under the LISN and electrically bonded to the LISN by a short low impedance connection.

Note.—LISNs designed to comply with the impedance characteristic of Figure 2 are not yet readily available on the market. As an interim measure, a 5 microhenry LISN may be used, provided that the readings obtained using this network are increased by adding a correction to obtain a value equivalent to that which would have resulted had a 50 microhenry network been used in the measurement. The correction varies from +10 dB at 450 kHz to 0 dB at 2 MHz; values for frequencies between these limits may be obtained by reference to Figure 4. No correction is required above 2 MHz. The correction is based upon the relative impedance values of the 50 and 5 microhenry LISN networks in the range 450 kHz–30 MHz, and on a presumption that the source of the EUT power conductors in this range is low compared to that of the networks.

7.3 *Grounding.*—The LISN housing, measuring instrumentation case, ground plane, etc., shall be electrically bonded together in such a manner that they are at the same RF potential.

7.4 *Measurement Procedure.*—Measurements of powerline conducted radio noise shall be expressed as the voltage devloped across the 50-ohm port terminated by a 50-ohm measuring instrument. All voltage measurements shall be made at the plus end of the EUT power cord, e.g., by the use of mating plugs and receptacles on the EUT and LISN.

7.4.1 *EUT Power Leads.*—All EUT input power leads, except ground leads, shall be connected individually through the LISN to the input power source. All unused 50-ohm connectors of the LISN shall be terminated with a 50-ohm resistance when not connected to the measuring instrument.

7.4.2 *Shielded Power Leads.*—Equipment normally used with unshielded power leads shall be connected to the LISN and tested with unshielded leads. If the EUT is normally operated with shielded or armored leads, the tests shall be made using such leads. The applicant shall supply the same power lead and plug for testing with which the TV interface device will be marketed (whether these leads are permanently connected or installed by a technician or the purchaser).

8.0 *Radiated Radio Emission Measurements.*—Measurements of radiated radio emissions shall be made using the measuring instrumentation and antennas specified in 4.2 and 4.2.4, respectively. Radiation from the EUT including radiation from all signal and power cabling shall be measured. The EUT shall be set up and operated in a manner representative of actual use, but not inconsistent with the provisions of Section 4 above.

8.1 *Radiated Radio Emission Tests.*—Radiated radio emission measurements shall be made at one of the test sites described in 4.1 above. An EUT subject to a radiated limit at 3

meters, shall be measured at a distance of 3 meters, unless impractical because of the size of the equipment, location, etc., in which case measurements may be made at a further distance of 10 meters and the results extrapolated downward utilizing an inverse distance extrapolation factor (i.e., 20 dB/decade). At a test distance of 10 meters the antenna shall be varied in length between 1 meter and 4 meters above ground to determine the maximum level of emission within this range. Both horizontal and vertical orientations of the search antenna shall be employed and maximum values reported. For vertical polarization the bottom end of the dipole shall be kept at least 25 cm above site ground per paragraph 4.2.4.

At sites other than open field, it is permissible to replace continous variation of antenna height with the setting of the antenna at one or more fixed heights, provided that it can be shown that equivalent results are obtained.

A typical test configuration for open-field and alternative sites is shown in Figure 1. The LISN, installed for the powerline conducted radio-noise measurements, may be left in place for radiated radio emission tests.

Radiated emission magnitudes shall be obtained in the azimuthal direction of maximum field strength for each predominate emission.

8.1.1 *Electromagnetic Field: 30 MHz to 1 GHz.*—Any equipment or device to which it is applicable shall be measured for radiated radio emissions from all units, cables, power lines and interconnecting wiring.

Antenna position in azimuth shall be varied during the measurement in order to determine maximum field strength. Measurement shall be made at the azimuth such that the maximum radiation levels will be detected.

The antenna(s) specified in paragraph 4.2.4 above, preferably shall be positioned at the specified distance from the EUT for the duration of this test. Other test distances may be used and data extrapolated to the specified distance per paragraph 8.1. Tests shall be made in both the horizontal and vertical planes of polarization.

The area of maximum radiation from the EUT may be initially determined by scanning the power leads and the equipment using the radio noise meter in conjunction with a short electric field antenna at a closer distance.

For recordkeeping purposes only the 6 highest emanations observed during the tests need be recorded and maintained in the permanent record file.

BILLING CODE 6712-01-M

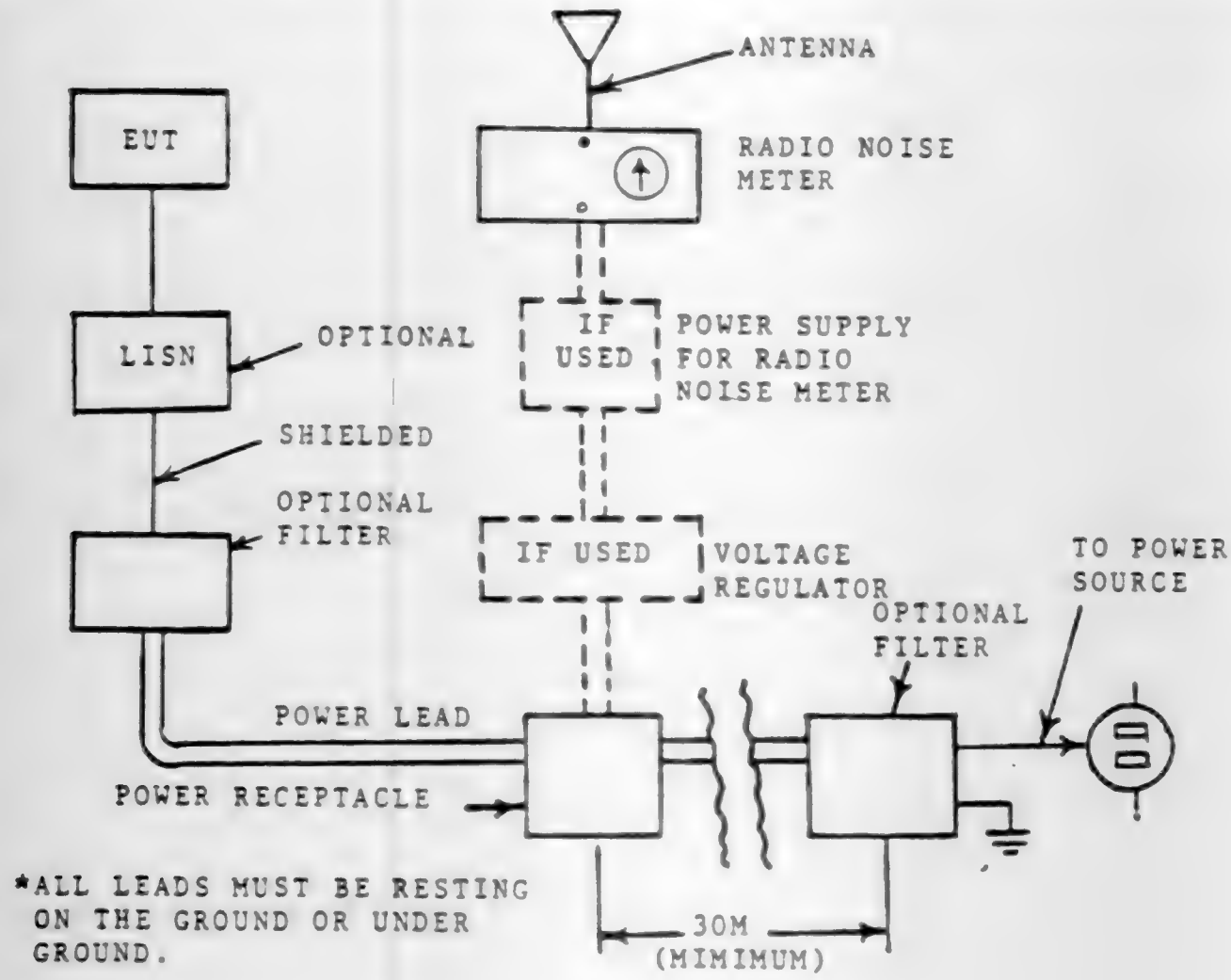

FIGURE 1-SUGGESTED LAYOUT FOR OPEN-FIELD TESTS

B-19

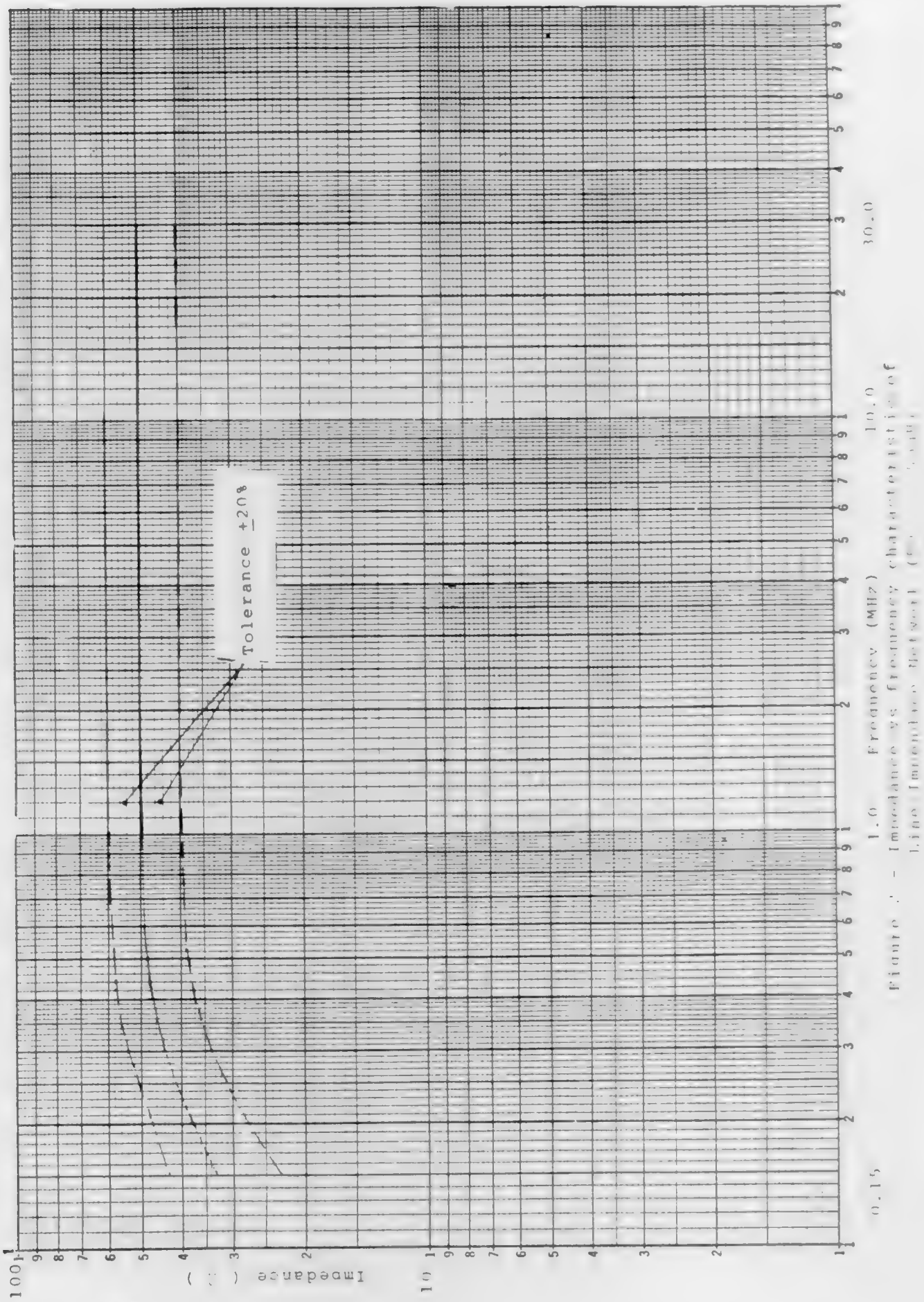

Figure 7. - Impedance vs frequency characteristics of
Lines Impedance Network

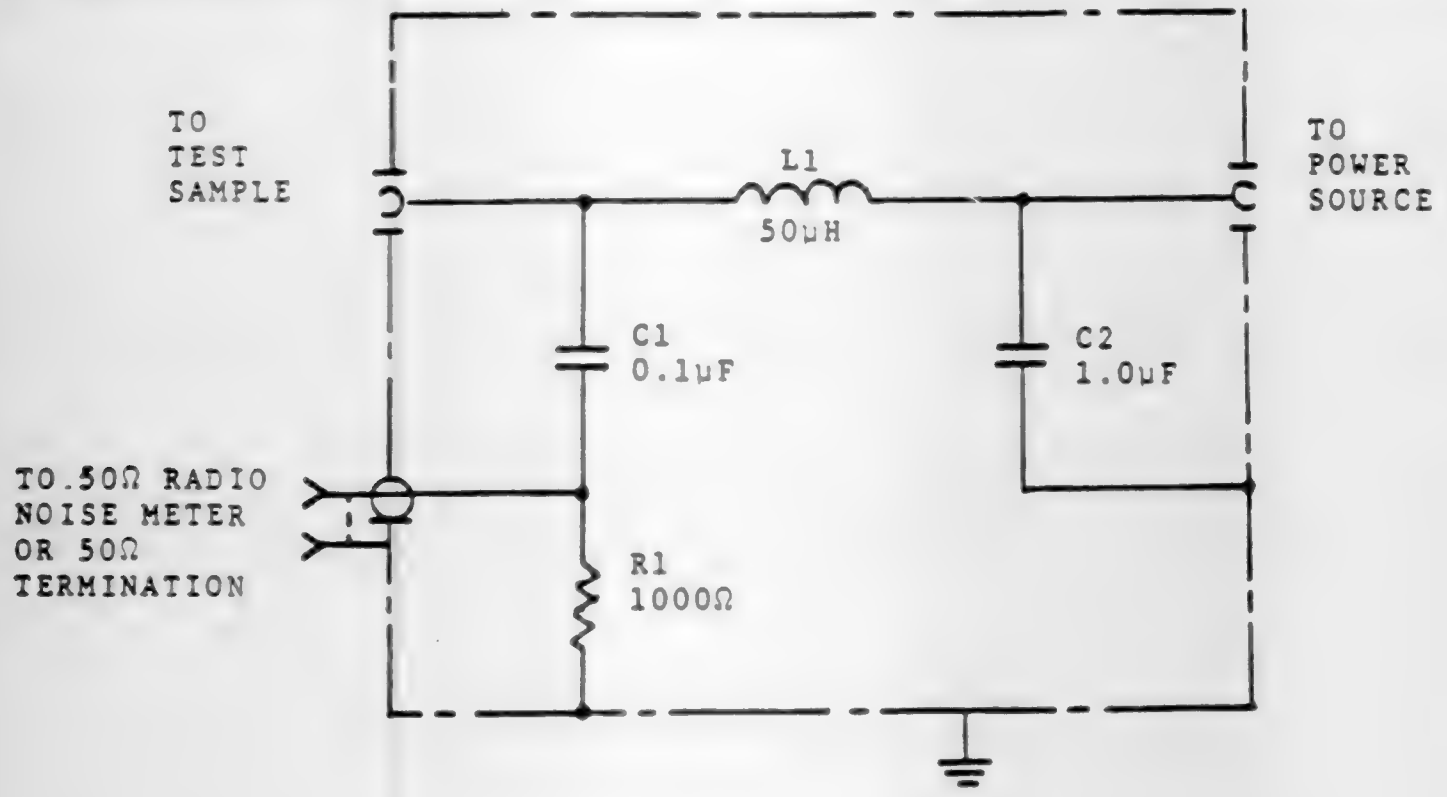

FIGURE 3-CIRCUIT DIAGRAM OF LISN TO PROVIDE IMPEDANCE OF FIGURE 3 FOR THE 0.45-30 MHz FREQUENCY RANGE

B-21

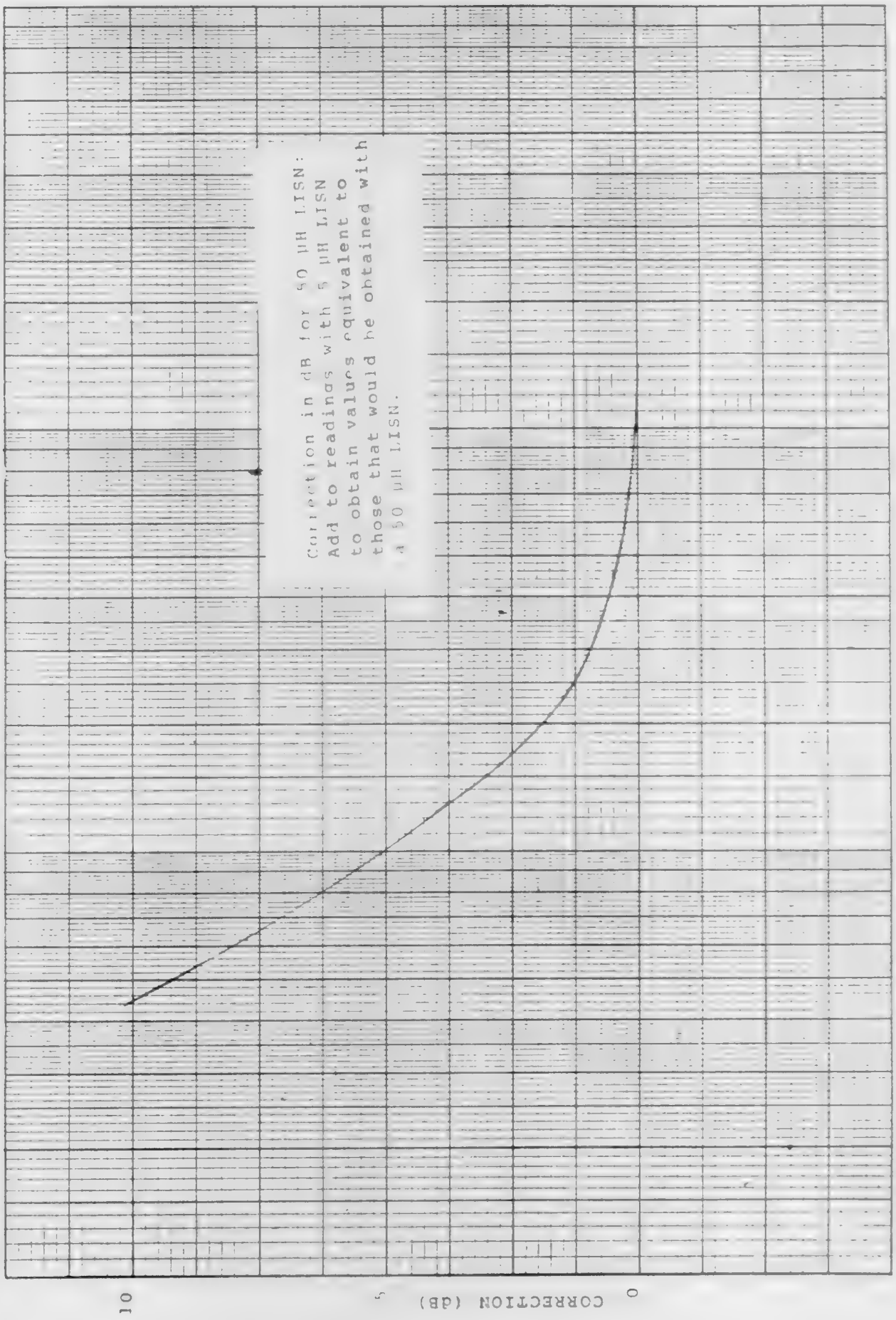
Correction in dB for 50 µH LISN:
Add to readings with 5 µH LISN
to obtain values equivalent to
those that would be obtained with
a 50 µH LISN.
10
5
0
CORRECTION (dB)
0.1
1.0
10
I.F. [kHz/V (mHz)]

FIGURE 5

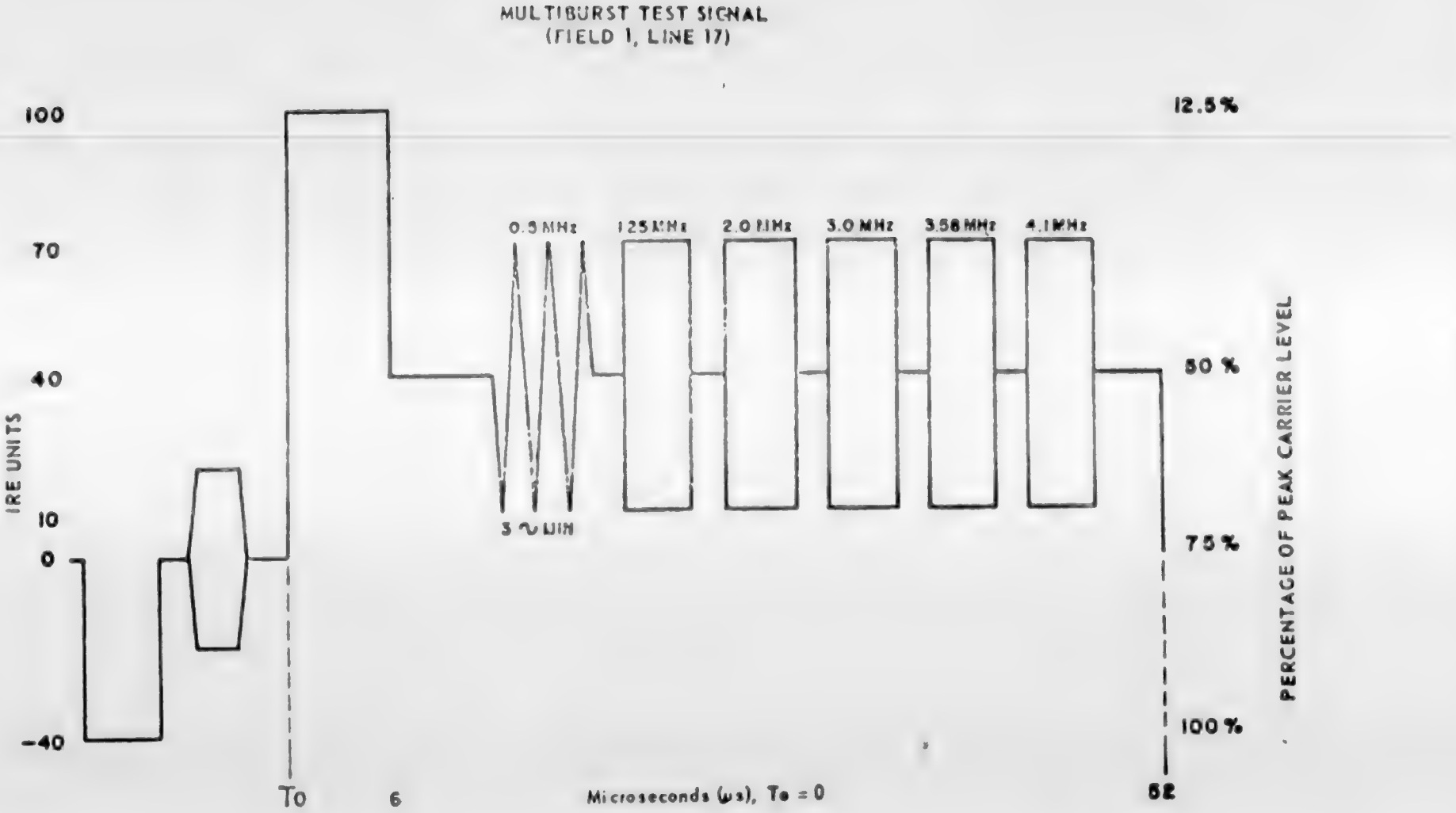

NOTES:

1. A breezeway, as shown between bursts, is recommended. Each burst = 60 IRE units peak to peak
2. T_o = Nominal start of active portion of line 17, Field 1
3. Rise and fall of white bar shall have risetime of not less than 0.2 us

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Appendix C

Part 15 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Part 15—[Amended]

1. Section 15.4 is amended by removing and reserving paragraph (m) and by adding a new paragraph (u) to read as follows:

§ 15.4 General definitions.

* * * * *

(u) *TV interface device.* A restricted radiation device that produces a radio frequency carrier modulated by a video signal derived from an external or internal signal source, and which feeds the modulated radio frequency energy by conduction to the antenna terminals of a conventional television receiver.

Note.—A TV interface device may be a stand alone RF modulator, or a composite device consisting of an RF modulator, video source and other components. Specifically excluded is a device that is primarily intended to be part of a cable television system, as defined in Part 76 of this chapter, *and* is owned by the cable system operator.

2. Section 15.7 is amended by revising the appended note to read as follows:

§15.7 General requirements for restricted radiation devices.

* * * * *

Note.—Radio receivers, cable television systems, computing devices, TV interface devices, low power communication devices, and power line carrier systems as used by electric utilities on power transmission lines are regulated elsewhere in this chapter and are not regulated by this section.

3. Subpart H is revised in its entirety to read as follows:

Subpart H—TV Interface Devices

15.601 Cross reference.
15.602 Conditions of operation.
15.604 Output signal level.
15.606 Transfer switch
15.608 Output Terminal conducted interference limits.
15.610 Radiation interference limits.
15.612 Line conducted interference limits.
15.614 General design requirement.
15.616 Equipment authorization requirements for the TV interface device and attachments thereto.
15.618 Certification of complete TV interface device.
15.620 TV interface device kit.
15.622 labelling requirements.
15.624 Interference from a TV interface device.
15.626 TV interface device approved prior to April 28, 1983.

§ 15.601 Cross reference.

The provisions of Subparts A and B of this Part and Subparts J and K of Part 2 of this chapter shall apply to a TV interface device.

§ 15.602 Conditions of operation.

(a) A TV interface device shall at all times comply with the requirements of this Subpart.

(b) The output signals of a TV interface device shall be coupled to the TV receiver by either wires or coaxial cable provided by the manufacturer of the TV interface device.

§ 15.604 Output signal level.

The voltage corresponding to the peak envelope power of the video modulated signal during maximum amplitude peaks across a resistance (R ohms) matching the rated output impedance of the device, shall not exceed 346.4 $\sqrt{R}$ microvolts. The voltage corresponding to peak envelope power of the sound modulated signal, if provided by the TV interface device, shall not exceed 77.5 $\sqrt{R}$ microvolts.

Note.—If R=300 ohms, the maximum allowable RMS output voltage of the video carrier is 6000 microvolts and that of the sound carrier, if provided, is 1342 microvolts. If R=75 ohms, the maximum allowable RMS output voltage of the video carrier is 3000 microvolts and that of the sound carrier if provided is 671 microvolts.

§ 15.606 Transfer switch.

(a) A TV Interface Device shall be equipped with a receiver transfer switch for connecting the antenna terminals of the TV receiver selectively either to the receiving antenna or to the radio frequency output of the TV Interface Device. In either position of the receiver transfer switch, the maximum voltage at the receiving antenna input terminals of the switch when terminated with a resistance (R ohms) matching the rated impedance of the antenna input of the switch, shall not exceed 0.346 $\sqrt{R}$ microvolts. The maximum voltage shall correspond to peak envelope power of the video modulated signal during maximum amplitude peaks.

(b) A transfer switch is not required for a TV Interface Device designed and marketed for use with a television receiver that receives signals by wire or cable and does not receive over-the-air standard broadcast signals, provided that the device include on the label required by § 15.622 the following statement:

This device is intended to be attached to a TV receiver, which does not receive over the air broadcast signals. Connection of this device in any other fashion may cause harmful interference to radio communications and is in violation of FCC Rules. *See* 47 CFR Part 15, Subpart H.

Note.—This statement is to be used in lieu of the statement in § 15.622, on equipment to which § 15.606(b) applies.

§ 15.608 Output terminal conducted interference limits.

At any RF output terminal, the maximum voltage of any emission appearing on frequencies removed by more than 4.6 MHz below or 7.4 MHz above the video carrier frequency on which the TV interface device is operated shall not exceed 10.95 $\sqrt{R}$ microvolts when terminated with a resistance (R ohms) matching the rated output impedance of the TV interface device.

§ 15.610 Radiation interference limits.

The field strength of any electromagnetic energy radiated from the cabinet, control circuitry and power leads of a TV interface device including that radiated from any associated accessories or attachments shall not exceed the following limits:

Frequency (MHz)	Field strength (uV/m at 3 meters)
30–88	100
88–216	150
216–1000	200

Notes.—1. The tighter limit shall apply at the edge between two frequency bands.

2. The output terminal of the device shall be terminated by a resistence equal to the rated output impedance.

§ 15.612 Line conducted interference limits.

The RF voltage measured between each power line and ground at the power terminals of the TV interface device shall not exceed 250 microvolts at any frequency between 450 kHz and 30 MHz, inclusive.

§ 15.614 General design requirements.

(a) A TV interface device shall incorporate circuity to automatically prevent emanations from the device from exceeding the technical specifications in this subpart. These circuits shall be adequate to accomplish their function when the TV interface device is presented with video input signal levels in the range of one to five volts. This requirement is not applicable to a TV interface device that incorporates a built-in signal source and has no provisions for the connection of an external signal source.

(b) The TV interface device must be so constructed that adjustments of any control accessible to the user will not cause operation in violation of the requirements of this Subpart.

(c) The TV interface device shall be designed and constructed to the extent practicable so as to preclude the

2. T_o = Nominal start of active portion of line 17, Field 1
3. Rise and fall of white bar shall have risetime of not less than 0.2 us

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possibility that the consumer may inadvertently attach the output of the device directly to the receiving antenna, if any, without first going through the transfer switch.

§ 15.616 Equipment authorization requirements for the TV interface device and attachments thereto.

(a) A TV interface device shall be certificated pursuant to Subpart J of Part 2 of this chapter to show compliance with the technical specifications in this Subpart. To determine compliance, the TV interface device must be fully exercised with all external devices or accessories that are intended to be marketed and used with it.

(b) An external device or accessory that is intended to be attached to the TV interface device shall comply with the technical and administrative requirements set out in the Rules under which it operates. For example, a personal computer must be certificated to show compliance with Subpart J of this Part.

(c) To determine compliance with the technical requirements of this Subpart, measurements shall be made in accordance with the applicable procedures set forth in the *Recommended FCC Measurement Procedure for the TV Interface Device*, MP–3 or equivalent procedures, provided the applicant can adequately demonstrate to the Commission that such procedures are in fact, equivalent.

Note.—MP–3 is available from the National Technical Information Service (NTIS) located at 5285 Port Royal Road, Springfield, Va. 22161 and from the Commission's current duplicating contractor, whose name is available from the Commission's Consumer Assistance Office.

§ 15.618 Certification of complete TV interface device.

(a) A TV interface device that is submitted to the Commission as a composite device in a single enclosure containing an RF modulator, video source and other component devices shall be submitted on a single application (FCC Form 731) and certificated as a single TV interface device.

(b) Required measurements shall be made with all components operating simultaneously under the test procedures specified in § 15.616(c).

(c) The composite TV interface device shall comply with the technical specifications in this Subpart, with two exceptions. The emanations of a tuner section of a TV interface device, so identified, shall not exceed the technical limits in Subpart C of this Part. The emanations of a TV interface device incorporating a field disturbance sensor shall not exceed the limits in Subparts F and H of this Part, whichever is higher for each frequency.

(d) A TV interface device incorporating a TV tuner shall meet the all channel requirements in §§ 15.65–15.68.

§ 15.620 TV interface device kit.

A TV interface device marketed as a kit shall comply with the following requirements:

(a) All parts necessary for the assembled TV interface device to comply with the technical requirements of this Subpart must be supplied with the kit. No mechanism for adjustment that causes operation in violation of the requirements of this Subpart shall be made accessible to the builder.

(b) Assembly of two TV interface device units of a specific type shall be made in accordance with the instructions being supplied with the product being marketed. If all components required to fully complete the kit (other than those specified in paragraph (a) of this section) are not normally furnished with the kit, assembly shall be made using the recommended components. The assembled unit shall be certificated as any other TV interface device.

(c) The measurement data required for certification shall be obtained for both of these units and submitted with an application for certification.

(d) A copy of the exact instructions that are provided for assembly of the device shall be submitted with the application in addition to other material required by § 2.1033 of this Chapter.

(e) In lieu of the statement required by § 15.622, the following label shall be included in the kit with instructions to the builder that it should be attached to the completed kit:

CERTIFICATION LABEL

(Manufacturers Name)

FCC ID ——

This assembled device can be expected to comply with Subpart H of Part 15 of FCC Rules, provided it is assembled in exact accordance with the instructions provided with this kit.

Name, Title, and Signature of Company Official

STATEMENT OF COMPLIANCE

I certify that I have constructed this kit in exact accordance with the instructions provided with this kit using only the parts provided or recommended by the manufacturer. I understand that the operation of the assembled devices is subject to the following two conditions: (1) This device may not cause harmful interference, and (2) this device must accept any interference received including interference that may cause undesired operation.

Signature of assembler

Date assembled

§ 15.622 Labeling requirements.

A TV interface device shall be identified pursuant to the requirements in Subpart J of Part 2 of this Chapter. In addition, the name plate or label shall include the following statement:

This device complies with FCC Rule Part 15. Operation is subject to the following two conditions: (1) This device may not cause harmful interference and (2) this device must accept any interference that may be received, including interference that may cause undesired operation.

§ 15.624 Interference from a TV interface device.

(a) Operation of a TV interface device is subject to the general conditions of operation set forth in § 15.3.

(b) The operator of a TV interface device shall promptly stop operating the device when that operator is advised by the Commission that the TV interface device is causing harmful interference, and shall not resume its operation until the condition causing the harmful interference has been corrected.

§ 15.626 TV interface device approved prior to April 28, 1983.

A TV interface device that has been type approved as a Class I TV device prior to April 28, 1983 and that has been labeled with an FCC type approval number may be marketed and operated indefinitely subject only to the non-interference provisions of §§ 15.3 and 15.614. A TV interface device that has been authorized as such prior to April 28, 1983 by a grant of a waiver of the Rules may continue to be marketed and operated under the provisions of this Subpart without further action on the part of the grantee.

[FR Doc. 83–7151 Filed 3–28–83; 8:45 am]
BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 55; Sub-No. 55]

Revision and Redesignation of Rules of Practice; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; correction.

SUMMARY: At 47 FR 49534, November 1, 1982, the Commission published rules revising and redesignating all of its procedural regulations governing the conduct of formal cases which come before it for decision. That document contained inadvertent errors that this document corrects, as set forth below.

FOR FURTHER INFORMATION CONTACT:
James H. Bayne, (202) 275–7429
or
Kathleen M. King, (202) 275–0976

SUPPLEMENTARY INFORMATION: Title 49 of the CFR is corrected by correcting the document published at 47 FR 49534–49597 as follows:

PART 1118—PROCEDURES IN INFORMAL PROCEEDINGS BEFORE CERTAIN EMPLOYEE BOARDS

§ 1118.1 [Corrected]

1. The newly redesignated and revised § 1118.1 on page 49569 is corrected by removing "Finance Board," from the first sentence.

§ 1118.4 [Corrected]

2. The newly redesignated and revised § 1118.4 on page 45969 is corrected by removing the first sentence following the heading, and the word "other" from the second sentence following the heading.

PART 1175—ISSUANCE OF SECURITIES AND ASSUMPTION OF OBLIGATIONS AND LIABILITIES

3. Amendatory instructions (155) and (155A) appearing on pages 49590 and 49591, and corrected at 47 FR 54082, December 1, 1982, are corrected to read as follows:

§ 1175.5 [Amended]

155. In the newly redesignated § 1175.5, the statutory references are revised to read as follows:

(a) In paragraph (a), "paragraph (5) of section 20a of the Act" is revised to read "49 U.S.C. 11301(c)."

(b) In paragraph (b), "paragraph (5) of section 20a" is revised to read "49 U.S.C. 11301(c)."

§ 1175.6 [Amended]

155A. In the newly redesignated § 1175.6, the statutory references are revised to read as follows:

(a) In paragraph (a), "paragraph (9) of section 20a of the Act" is revised to read "49 U.S.C. 11301(b)(2)."

(b) In paragraph (c), "paragraph (9) of section 20a and in the proviso of section 214" is revised to read "49 U.S.C. 11301(b)(2) and 11302(b)."

(c) In paragraph (d), "section 214" is revised to read "49 U.S.C. 11302."

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-7987 Filed 3-28-83; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1033

[13th Res. S.O. No. 1474, Amdt. No. 1]

Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul & Pacific Railroad Co., Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 To Thirteenth Revised Service Order No. 1474.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96–254, this order authorizes various railroads to provide interim service over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie), Trustee, and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE: 11:59 p.m., March 31, 1983, and continuing in effect until 11:59 p.m., June 30, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:
M. F. Clemens, Jr., (202) 275–7840 or 275–1559.

Decided: March 23, 1983.

Upon further consideration of Thirteenth Revised Service Order No. 1474 (48 FR 6989), and good cause appearing therefor:

It is ordered,

§ 1033.1474 [Service Order 1474].

Various railroads authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, debtor (Richard B. Ogilvie, Trustee).

Thirteenth Revised Service Order No. 1474 is amended by revising paragraph (n) to read as follows:

* * * * *

(n) *Expiration date.* The provisions of this order are extended for an additional ninety (90) days, and shall expire at 11:59 p.m., June 30, 1983, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1983.

This action is taken under authority of 49 U.S.C. 10304–10305 and Section 122, Public Law 96–254.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

List of Subjects in 49 CFR Part 1033

Railroads.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-7986 Filed 3-28-83; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 663

[Docket No. 2901-176]

Pacific Coast Groundfish Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; corrections.

SUMMARY: NOAA issues this document to make necessary corrections of technical and typographical errors in the final rule published on October 5, 1982 (47 FR 43964) to implement the Pacific Coast Groundfish Fishery Management Plan.

EFFECTIVE DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98115, 206–527–6150.

SUPPLEMENTARY INFORMATION: NOAA published a final rule on October 5, 1982 (47 FR 43964) to implement the Pacific Coast Groundfish Fishery Management Plan. The final rule as published contained certain minor technical and typographical errors. Most such errors were of such little substance that no action is being taken to correct them (although corrections will be made in copies of the regulations which are being printed by the Northwest Regional Office, National Marine Fisheries Service). The more necessary corrections in the preamble and regulatory text are made by this final rule.

Users are referred to the document FR 82–27291 appearing on page 43964 in the issue of October 5, 1982. The preamble is corrected as follows:

1. On page 43968, the fourth sentence in the third column is clarified to read: "A foreign vessel captain is not required to understand the biological rationale for closing a fishery, and is most concerned with whether the fishery is opened or closed."

2. Table 2 on page 43969 is corrected so that the total allowable level of foreign fishing (TALFF) designation for Pacific whiting reads "35.5" rather than "35.0".

Dated: March 22, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

PART 611—[AMENDED]

Accordingly, NOAA is correcting 50 CFR Parts 611 and 663 as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

§ 611.70 [Corrected]

a. Page 43973, under § 611.70(j)(5)(x) "or directed species" should be changed to "of directed species".

b. On page 43973, under § 611.70(j)(7)(ii), the heading of the example Telex report should be changed and the report reorganized so that the area code 72 is moved to the beginning of the last line to read as follows:

RECREP
NAVIS/LT820001A/0612//
71//704/156.3//849/.2//208/27.0//499/
.1//
499/4.9DISCARD//V4/R26//
72//704/8.0//V1/R2//
* * * * *

PART 663—[AMENDED]

2. The authority citation for Part 663 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 663.2 [Corrected]

a. On page 43974, under the fishing gear definitions, the heading of § 663.2 (j) is missing the word "*trawl*" and is changed to read: *"Pelagic (midwater or off-bottom) trawl."*

b. On page 43974, under the fishing gear definitions in § 663.2 (o) *Spear,* the word "barded" is changed to "barbed".

c. On page 43975, under the definition for *trip limit,* reference to round weight was deleted. The complete definition is changed to read as follows:

Trip limit means the total allowable amount of a groundfish species or species complex by weight, or by percentage of weight of fish on board, which may be landed from a single fishing trip. All weights are in round weight (the weight of the whole fish) unless specified otherwise.

§ 663.5 [Corrected]

d. On page 43976, under § 663.5(a)(5), *Conception.,* change "(i) Northern limit: 36°30′ N. latitude" to "(i) Northern limit: 36°00′ N. latitude".

§ 663.7 [Corrected]

e. On page 43976, under § 663.7—General prohibitions, "and EFP" in § 663.7(m) is changed to read "an EFP".

§ 663.10 [Corrected]

f. On page 43977, under §663.10(b)(5)(iii), the spelling "Cost Guard" is changed to "Coast Guard".

g. On page 43977, Under § 663.10(c)(1)(i), the word "target" is changed to "directed".

§ 663.22 [Corrected]

h. On page 43978, under § 663.22(b)(1)(i), the first word is changed from "Eploitable" to "Exploitable".

§ 663.23 [Corrected]

i. On page 43978, under § 663.23(a), the last word on the page is changed from "ae" to "are".

§ 663.24 [Corrected]

j. On page 43979, under § 663.24(b)(1)(i), the word "planning" is changed to "planned".

§ 663.26 [Corrected]

k. On page 43979, under §663.26(a), the word and comma "gillnet," are removed.

l. On page 43979, under § 663.26(b)(2), the table of "Minimum trawl mesh size" is changed by extending the heading "Subarea" across all five subarea columns, rather than just across the Columbia and Eureka columns.

§ 663.27 [Corrected]

m. On page 43980, under § 663.27(a), the spelling of the word "multipled" is changed to "multiplied".

n. On page 43980, under § 663.27(b)(3), reference to a "notice of closure" is inaccurate and the phrase "notice of closure" is changed to the word "notice".

* * * * *

[FR Doc. 83–7918 Filed 3–28–83; 8:45 am]
BILLING CODE 3510–22–M

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50 CFR Part 652

[Docket No. 30318–41]

Atlantic Surf Clam and Ocean Quahog Fisheries; Reduction in Fishing Time

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Rule-related notice.

SUMMARY: NOAA reduces allowable surf clam fishing time in the New England area to 12 hours per week. The action is necessary to reduce the possibility of a lengthy fishery closure which might otherwise be necessary to keep from exceeding the annual quota for the area. The action is intended to reduce the rate of harvest from the fishery.

EFFECTIVE DATE: April 1, 1983.

ADDRESS: Fishing periods may be selected by writing to Bruce Nicholls, Northeast Region, National Marine Fisheries Service (NMFS), State Fish Pier, Gloucester, Massachusetts 01930–3097.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls, 617–281–3600.

SUPPLEMENTARY INFORMATION: The regulations implementing Amendment 3 to the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) contain at § 652.21 a procedure for establishing annual quotas for each of the fisheries managed under the FMP. A quota of 100,000 bushels of surf clams was established for 1983 for the New England area under that procedure, and was published in final form on February 28, 1983 (48 FR 8283).

The regulations implementing Amendment 3 to the FMP also require, as provided in § 652.22(b)(2), that the Director, Northeast Region, NMFS (Regional Director), monitor harvests of surf clams in the New England area, and

when 50 percent of the quota has been taken the Regional Director, on review of available information and public comment, shall determine whether the total catch of surf clams during the remainder of the year will exceed the annual quota. If the Regional Director determines that the quota probably will be exceeded, NOAA may reduce the number of days per week, or establish authorized periods, during which fishing for surf clams is allowed.

The surf clam fishery in the New England area has traditionally produced low harvests. In the past two years, increasing interest in the fishery has been apparent on the part of New England fishermen seeking to develop the fishery, and on the part of mid-Atlantic surf clam operators who are attracted to the area because regulations similar to those imposed in the mid-Atlantic have not been imposed in the New England area. In 1982, significant fishing pressure was exerted in the New England area, and landings from the fishery, which occurred in waters under the jurisdiction of State and Federal fishery management programs, were significantly higher than historical landings.

In response to this apparent development of the fishery, the quota for surf clams taken in the New England area was increased for 1983 to the upper bound of the range defined as optimum yield for the fishery. Operators from the mid-Atlantic have again in 1983 been attracted to the New England area, and their fishing effort has resulted in landings averaging over 10,000 bushels per week. The Regional Director has closely monitored landings, and determined that on or before March 18, 1983, 50 percent of the New England area surf clam quota was taken. Without action to reduce harvest rates, the fishery can be expected to proceed at removal levels of 10,000 bushels weekly or more, resulting in exhaustion of the quota and fishery closure within the next two months. This fishery is generally conducted throughout the calendar year. The Regional Director has therefore determined to reduce the number of days per week when surf clam fishing is allowed in the New England area to reduce the likelihood of a lengthy fishery closure.

This situation has been a matter of concern to New England surf clam fishermen, who generally support the action to reduce allowable surf clam fishing time so that their fishery can be spread over the entire year. At its meeting in February, the New England Fishery Management Council expressed its concern about the rate of harvest of surf clams from the New England area, and encouraged the Regional Director to use his authority to control fishery harvests.

Fishing time restrictions have been imposed in the mid-Atlantic area since the implementation of the FMP in 1977. Such restrictions have not recently been applied to the New England area, and operators in the area in most cases have not selected authorized fishing periods. Recognizing this, but also recognizing the need for immediate control of the fishery, the Regional Director has established a fishing period for operators who have not previously selected a fishing period. Such operators may fish for surf clams on Tuesdays, between 0600 hours and 1800 hours. Any operator who wishes to select a fishing period to accommodate a different schedule may do so by identifying his selection in writing to the Regional Director, at the address given above. Operators identifying a selection should indicate their preferred schedule for fishing weeks of 12, 24, 36 and 48 hours. The fishing week for surf clams begins at 0001 hours Sunday and runs through 1800 hours Thursday. Fishing periods must end at 1800 hours, and can be 12, 18, 24, 36 or 48 hours in length. Administrative procedures for changing fishing periods and presumptions for enforcement of fishing times are identical to those contained in the surf clam fishery regulations, § 652.22(a)(2). Vessels which currently hold a letter of authorization for surf clam fishing time must fish on the period they have selected for a 12-hour fishing week if they operate in the New England area. Any such vessel that fishes in the New England area for any part of a fishing week may not during that week engage in further fishing for surf clams in the FCZ.

This action is taken under the authority of 50 CFR Part 652, and is taken in compliance with Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 652

Administrative practice and procedure, Fish, Fisheries, Reporting and recordkeeping requirements.

Dated: March 22, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-7919 Filed 3-28-83; 8:45 am]

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Proposed Rules

Federal Register
Vol. 48, No. 61
Tuesday, March 29, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1049

Milk in the Indiana Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend for April through December 1983 the seasonal producer payment plan (Louisville plan) under the Indiana Federal milk order that was designed to encourage dairy farmers to maintain relatively level production throughout the year. The action was requested by Hoosier Milk Marketing Agency, Inc., a federation of coopertive associations representing producers supplying milk to the market. The federation states that the suspension is needed to maintain an appropriate alignment of producer prices with other markets.

DATE: Comments are due on or before April 5, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7311.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the required suspension procedures and the inclusion of April 1983 in the suspension period if this is found necessary. The initial request for the action was received on March 15, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on dairy farmers and would not affect milk handlers.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Indiana marketing area is being considered for April through December 1983:

In § 1049.61, paragraph (f), the words "For the months of January through March and August," and all of paragraphs (g) through (l).

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this notice in the **Federal Register.** The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include April 1983 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would make inoperative for 1983 the provisions of the Indiana milk order that contain the seasonal producer payment plan, or "Louisville" plan, for the order. Under those provisions, 20 cents per hundredweight of producer milk is deducted from the pooled value of milk in computing the uniform prices to producers during the months of April through July. The monies then are added to the pool funds in computing the uniform prices to producers for each month of September through December. This payment plan is intended to encourage relatively level milk production throughout the year.

Suspension of the Louisville plan for 1983 was requested by Hoosier Milk Marketing Agency, Inc., a federation of cooperative associations representing most of the producers supplying the market. In supporting its request, the federation states that without the suspension, a misalignment of producer pay prices would occur as a result of proposed suspensions for similar plans in the neighboring Ohio Valley and Louisville-Lexington-Evansville milk orders. According to the federation, producers shipping to handlers regulated by the Indiana, Louisville-Lexington-Evansville, and Ohio Valley orders are intermingled. A misalignment of pay prices among them could result in disorderly marketing as producers change markets for temporary gains.

The federation also claims that the seasonal payment plan has not achieved relatively level production to the extent desired by the federation because the seasonal adjustment has become a smaller precentage of the total price received by producers. In June 1975, the 20-cent "take-out" represented 2.6 percent of the blend price paid to producers in Indiana. In June 1982, the same deduction was 1.5 percent of the blend price.

For the foregoing reasons, the federation of cooperatives proposes that the provisions of the Louisville plan be suspended from the Indiana milk order for 1983.

List of Subjects in 7 CFR Part 1049

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C. on March 24, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83–8038 Filed 3–28–83; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-82-82]

Calculation of Over-Issuance and Cumulative Cash Flow Deficit Under the Arbitrage Bond Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 103(c) of the Internal Revenue Code of 1954. The amendments are proposed to clarify and correct the arbitrage bond regulations relating to over-issuance and cumulative cash flow deficit. They affect purchasers and governmental issuers of tax-exempt obligations.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 31, 1983. The amendments are proposed to be effective for governmental obligations sold after April 28, 1983 unless the issuer demonstrates to the satisfaction of the Commissioner that as of March 29, 1983 there was a significant financial commitment to issue the obligations.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, (LR-82-82) Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Harold T. Flanagan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 103(c) of the Internal Revenue Code of 1954. The amendments are proposed to clarify and correct the arbitrage bond regulations and are issued under the authority contained in sections 103 (c)(6) and 7805 of such Code (83 Stat. 657, 26 U.S.C. 103; 68A Stat. 917, 26 U.S.C. 7805).

Section 103(a)(1) of the Internal Revenue Code provides that gross income generally does not include interest on obligations of a State or political subdivision thereof. However, under section 103(c)(1) of the Code, as added by the Tax Reform Act of 1969, interest on an arbitrage bond must be included in gross income. As generally defined, an arbitrage bond is an obligation that is part of an issue of obligations all or a major portion of the proceeds of which are reasonably expected to be used directly or indirectly (A) to acquire securities or obligations that may be expected to produce a yield over the term of the governmental issue that is materially higher than the yield on such issue; or (B) to replace funds which were used directly or indirectly to acquire securities or obligations described in (A).

Explanation of Provisions

The notice of proposed rulemaking would amend the rules relating to over-issuance set forth in § 1.103-13(b)(5)(iv). The proposed rule would clarify that in determining whether an issue is an over-issuance, the issuer shall take into consideration any investment proceeds earned on acquired obligations.

Further, the notice of proposed rulemaking would amend § 1.103-13(c)(1)(ii) (relating to computation of yield) by removing the statement that yield on acquired obligations held during a temporary period need not be computed. The amendment would clarify the rules so as to more closely conform such rules to the proposed amendment relating to the definition of "over-issuance".

The notice also would amend § 1.103-14(c) to provide that in calculating the maximum cumulative cash flow deficit to be financed with tax and other revenue anticipation notes, the amount of such obligations shall not exceed 105 percent of the cumulative cash deficit. The notice correspondingly amends the example in § 1.103-14(c)(4).

Comments and Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request made to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Pursuant to 5 U.S.C. 605(b) the Secretary of the Treasury has certified that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Analysis is not required.

Drafting Information

The principal author of this proposed regulation is Harold T. Flanagan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.61-1—1.281-4

Income taxes, Taxable income, Deductions, Exemptions, Arbitrage bonds.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Paragraph 1. Paragraph (b)(5)(iv) of § 1.103-13 is amended by revising the first sentence thereof to read as follows:

§ 1.103-13 Arbitrage bonds.

* * * * *

(b) Definitions. * * *

(5) Materially higher. * * *

(iv) If it is reasonably expected that the original proceeds and investment proceeds of an issue will exceed the amount necessary for the governmental purpose or purposes of the issue by more than 5 percent of such amount, the rules of this subdivision shall apply in lieu of the provisions of paragraph (b)(5)(i) and (iii) of this section. * * *

* * * * *

Par. 2. Paragraph (c)(1)(ii) of § 1.103-13 is amended by removing "No yield computation need be made with respect to an acquired obligation while such obligation is held during the temporary period or periods referred to in paragraph (b) or (e) of § 1.103-14, since yield allocable to such temporary period or periods is disregarded in determining whether a governmental obligation is an arbitrage bond. However, in the case of an acquired obligation which is held during and after a temporary period, if the yield applicable to the temporary period exceeds the yield of a comparable obligation that could be acquired and held only during such temporary period, then the computation

of yield on such acquired obligation must be made by taking into account the yield allocable to such temporary period of periods. No computation need be made with respect to acquired obligations which represent a reasonably required reserve or replacement fund under paragraph (d) or (e) of § 1.103–14 or represent investments of less than a major portion of the proceeds within the meaning of this section or paragraph (e) of § 1.103–14." and inserting the following in lieu thereof, "Except for purposes of § 1.103–13 (b)((5)(iv) (relating to over-issuance) yield of an acquired obligation allocable to a temporary period or periods referred to in paragraph (b) or (e) of § 1.103–14, to a reasonably required reserve or replacement fund under paragraph (d) or (e) of § 1.103–14, or to investments of less than a major portion of the proceeds within the meaning of paragraph (b)(1) of this section or paragraph (e) of § 1.103–14 is disregarded in determining whether a governmental obligation is an arbitrage bond. However, in the case of an acquired obligation which is held during and after a temporary period, if the yield applicable to the temporary period exceeds the yield of a comparable obligation that could be acquired and held only during such temporary period, then the computation of yield on such acquired obligation must be made by taking into account the yield allocable to any temporary period or periods."

Par. 3. Paragraph (c)(4)(iii) of § 1.103–13 is amended by removing "Since the yield on the acquired obligation allocable to the temporary period does not exceed the current market true yield on a comparable acquired obligation held for a 3-year period, no yield computation need be made with respect to such acquired obligation while it is held during the 3-year temporary period." and inserting in lieu thereof, "Since the yield on the acquired obligation allocable to the temporary period does not exceed the current market true yield on a comparable acquired obligation held for a 3-year period, the yield on such obligation is disregarded (other than for purposes of § 1.103–13(b)(5)(iv) (relating to overissuance)) in determining whether the yield on the acquired obligation is materially higher than the yield on the governmental obligation."

Par. 4. Paragraph (j) of § 1.103–13 is amended by revising Example (3) to read as follows:

(j) *Artifice or device.* * * *

Example (3). On January 1, 1984, city L sells $10 million of tax anticipation notes. For purposes of determining the cumulative cash flow deficit on January 1, 1985, city L assumes that 5 percent of the cumulative deficit is reasonably required as a cash balance. See § 1.103–14(c)(2). City L conducts no investigation into its actual cash balance requirements. Therefore, city L is unable to ascertain whether 5-percent of the cumulative deficit is, in fact, a reasonable balance. City L has not used an artifice or device in connection with the tax anticipation notes. The purpose of the 5-percent figure in § 1.103–14(c)(2)(ii) is to eliminate the need for city L to conduct an investigation of its cash balance requirements.

* * * * *

Par. 5. Paragraph (c) of § 1.103–14 is amended by revising paragraphs (2), (3) and (4) to read as follows:

§ 1.103–14 Temporary investments, reserve funds, and refunding issues.

* * * * *

(c) *Tax and other revenue anticipation notes*—(1) *In general.*

* * *

(2) *Cumulative cash flow deficit.* For purposes of this subparagraph, the cumulative cash flow deficit at any time during a period is an amount equal to:

(i) The amount that the issuing State or local governmental unit will expend from the beginning of such period to such computation date to pay expenditures which would ordinarily be paid out of or financed by the anticipated tax or other revenues, plus

(ii) The amount reasonably required by the issuer as a cash balance on hand at all times (an amount equal to 5 percent of the cumulative deficit computed in accordance with subdivisions (i) and (iii) of § 1.103–14 (c)(2) being deemed to be reasonably required for this purpose), minus

(iii) The sum of the amounts (other than the proceeds of the issue in question), whether in the form of cash, marketable securities, or otherwise which will be available for the payment of such expenditures from the beginning of such period to such time.

(3) *Amount available for payment.* For purposes of paragraph (c)(2)(iii) of this section, amounts in accounts will be considered to be available for the payment of such expenditures to the extent that such accounts may without legislative or judicial action, be invaded to pay such expenditures without a legislative, judicial, or contractual requirement that such accounts be reimbursed.

(4) *Example.* The following example illustrates the provisions of this paragraph:

Example. County B plans to issue 13-month tax anticipation notes on July 1, 1983, in anticipation of income tax revenues in the amount of $4 million to be received on March 1, 1984, and real property tax revenues in the amount of $8 million to be received on May 1, 1984. Assume that all receipts will be received on the first day of each month. The maximum amount of such notes which may be issued pursuant to the provisions of subparagraph (3) of this paragraph may be determined in accordance with the following table on the basis of the facts assumed:

	Estimated expenditures	Estimated receipts [1]	Cumulative surplus (or deficit) at end of month [2]
June			$2,000,000
July	$750,000	$40,000	1,190,000
August	900,000	36,450	426,450
September	1,100,000	32,132	(641,418)
October	1,250,000	26,782	(1,864,636)
November	1,000,000	20,576	(2,844,060)
December	800,000	15,779	(3,628,281)
January	1,100,000	11,858	(4,716,423)
February	1,280,994	6,417	(5,991,000)
March	1,000,000	4,020,000	(2,971,000)
April	1,535,100	15,100	(4,491,000)
May	975,000	8,475,000	3,009,000
June	1,515,000	15,000	1,509,000

[1] Tax receipts plus proceeds from investments
[2] Does not include amount of reasonably required cash balance.

The maximum cumulative deficit is $6,290,550 which occurs at the end of February (*i.e.*, $5,991,000 cumulative deficit at the end of February plus $299,550 reasonably required as a cash balance on hand (5 percent of the cumulative deficit)). Thus, an investment of the proceeds of the county B notes will be an investment for a temporary period if such notes are not issued in an amount (including investment proceeds) in excess of $6,290,550.

* * * * *

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83–7932 Filed 3–28–83; 8:45 am]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 62

[NC–005; A–4–FRL 2319–1]

Approval and Promulgation of Implementation Plans Approval and promulagtion of State Plans for Designated Facilities and Pollutants; North Carolina: Stack Height Regulation, Section 111(d) Plan for TRS From Kraft Pulp Mills

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA today proposes to approve a stack height regulation and other State Implementation Plan (SIP) revisions submitted by the State of North Carolina, as well as a plan which the State developed pursuant to § 111(d) of the Clean Air Act for the control of total reduced sulfur (TRS) from kraft pulp mills. The public is invited to

submit written comments on this proposal.

DATE: Written comments must reach us by April 28, 1983, to be considered.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina 27611

FOR FURTHER INFORMATION CONTACT: Walter Bishop, Air Management Branch, EPA Region IV, at the above address, telephone 404/881-3043 (FTS 257-3043).

SUPPLEMENTARY INFORMATION: On May 2, 1980, the North Carolina Division of Environmental Management submitted for EPA's approval a plan for the control or TRS from kraft pulp mills, as required by EPA. regulations implementing section 111(d) of the Clean Air Act. On September 24, 1982, the State submitted changes in this plan, a stack height regulation, and other changes in the North Carolina air pollution control regulations. EPA today proposes to approve this section 111(d) plan and SIP revisions. For the convenience of the reader, the materials will be described in the order they appear in the State regulations.

Regulation 15 NCAC 2D.0501, Compliance with Emission Control Standards. Test methods for TRS are added—EPA method 16 and proposed method 16A. This change was requested by EPA to remedy a deficiency in the section 111(d) plan for TRS as initially submitted.

Regulation 15 NCAC 2D.0524, New Source Performance Standards. Federal standards for six categories of new stationary sources are added to the list in this regulation. The State requested a delegation of authority to administer these standards. The request was granted by EPA on October 19, 1982.

Regulation 15 NCAC 2D.0528, Total Reduced Sulfur from Kraft Pulp Mills. This regulation sets the emission limits recommended in the EPA guideline document for various sources of TRS in kraft pulping operations. These limits call for substantial reductions by all of the State's five pulp mills. compliance schedules with increments of progress are set forth in 2D.0528(f); the compliance deadlines extend several months beyond those specified in EPA's guideline except in the case of recovery furnaces. Optional compliance schedules are provided in 2D.0528(g) for sources which may have difficulty meeting the deadlines in 2D.0528(f); for sources other than recovery furnaces, these schedules extend final compliance for several months beyond the deadlines given in 2D.0528(f); to June 1986 for recovery furnaces, September 1984 for the lime kilns, and December 1982 for other covered sources. To minimize compliance difficulties further, the State provides in 2D.0528(h) for alternate compliance schedules to be approved if resulting emissions of TRS will be no greater than under paragraphs (f) and (g) and if the same increments of progress are included.

Regulation 15 NCAC 2D.0533, Stack Height. This new regulation is intended to meet the requirements which EPA promulgated on February 8, 1982 (47 FR 5868) to implement section 123 of the Clean Air Act. EPA's review of the regulation inidicates that it meets the requirements of 40 CFR Part 51 except that it does not provide for an opportunity for a public hearing on fluid modeling demonstrations used to justify stack height credits in excess of two and one-half times the height of any nearby structure or terrain feature. EPA is proposing to approve the regulation with the understanding that the State will remedy this deficiency.

Regulation 15 NCAC 2D.0603, Sources Covered by National Standards. The list of sources required by Federal standards to monitor and report emissions is updated by adding four source categories for which EPA recently promulgated performance standards.

Action. EPA is today proposing to approve the North Carolina section 111(d) plan for TRS from kraft pulp mills. The Agency also proposes to approve the North Carolina stack height regulation provided the State corrects the deficiency noted above, and the other SIP revisions described in this notice.

Under 5. U.S.C. 605(b), the Administrator had certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Parts 52 and 62

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Fluoride, Sulfurs, Administrative practice and procedure, Reporting and record keeping requirements.

(Sec. 110(a) and 111(d) of the Clean Air Act (42 U.S.C. 7410(a) and 7411(d)))

Dated: February 17, 1983.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 83-7862 Filed 3-28-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[A-5-FRL 3219-8]

Designation of Areas for Air Quality Planning Purposes; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to change the attainment status designation for air Quality Control Region 131 (comprised of the seven counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) in Minnesota relative to the total suspended particulate (TSP) National Ambient Air Qualify Standards. The purpose of this notice is to discuss the results of EPS's review of the State' supporting data and to solicit comments on these data and EPA's proposed action.

DATE: Comments must be received by April 28, 1983.

ADDRESSES: Copies of the redesignation request and the supporting data are available at the following addresses.

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illionis 60604

Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113

Written comments on this action should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Delores Sieja at the EPA, Region V, address above or call (312) 886-6038.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air act (the Act). This section directed each state to submit to the Administrator of EPA a list of the attainment status for all areas within the state. The Administrator was required to

promulgate the state lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation. EPA may redesignate an area to attainment if it is supported by all available data including eight consecutive quarters of the most recent, quality assured, representative ambient air quality data which show no violation of the National Ambient Air Quality Standards (NAAQS).

On March 3, 1978 (43 FR 9005), EPA designated Air Quality Control Region (AQCR) 131 (comprised of the seven counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington) as nonattainment of the primary NAAQS for total suspended particulates. On August 24, 1982, the Minnesota Pollution Control Agency (MPCA) requested that the primary nonattainment area of AQCR 131 be reduced in size and the remainder of the AQCR be either designated secondary nonattainment or attainment.

To support the request, the State referenced a contractor report entitled "Technical Support Document for the Redesignation of the AQCR 131 Nonattainment Boundaries for TSP (Minneapolis/St. Paul)," dated June, 1982. This report examines monitoring data for 1980 and 1981 and includes an analysis of the most recent modeling study performed by the State as part of its Part D State Implementation Work for AQCR 131. The State relied on the results of the contractor report, with a few exceptions, as the basis for their redesignation request. (For some areas the State's interpretation of the monitoring data differs from the contractor's findings.) On November 2, 1982, the State submitted additional modeling data.

Following is the State's requested redesignation of the seven counties and EPA's evaluation of the redesignation based on the support data.

I. Anoka County

- *Requested Redesignation*

Cities of Fridley, Columbia Heights, Hill Top, and Spring Lake Park—Secondary Nonattainment.

Remainder of the County—Attainment.

- *EPA's Evaluation*

Violations of the secondary NAAQS for TSP were recorded at Monitor 907 in northern Minneapolis in 1980. The requested nonattainment area includes the area around this monitor, including the Cities of Fridley, Columbia Heights, Hill Top and Spring Lake Park. For the remainder of Anoka County, the State's modeling indicates concentrations well below the NAAQS. EPA, therefore, is proposing to approve the redesignation request.

II. Carver County

- *Requested Redesignation*

Entire County—Attainment.

- *EPA's Evaluation*

There are no major sources of TSP emissions in this county and the State's modeling indicates concentrations well below the NAAQS. EPA, therefore, is proposing to approve the redesignation request.

III. Dakota County

- *Requested Redesignation*

Cities of West St. Paul, South St. Paul, Mendota Heights, Sunfish Lake, Rosemount, Inver Grove Heights, Hastings, Mendota and Lilydale—Secondary Nonattainment.

Remainder of the County—Attainment.

- *EPA's Evaluation*

Violations of the secondary NAAQS for TSP were recorded at monitors 320, 420, 432 and 813 in 1980. The requested nonnattainment area includes the area around these monitors, including the cities noted above. For the remainder of the County the State's modeling indicates concentrations well below the NAAQS. EPA, therefore, is proposing to approve the redesignation request.

IV. Hennepin County

- *Requested Redesignation*

Cities of Minneapolis and St. Louis Park—Primary Nonattainment.

Cities of Richfield, Edina, Golden Valley, New Hope, Crystal, Robbinsdale, Brooklyn Center and Brooklyn Park—Secondary Nonattainment.

Remainder of the county—Attainment.

- *EPA's Evaluation*

Violations of the primary NAAQS for TSP were recorded at Monitor 945 in 1980 and 1981 in the City of Minneapolis and at Monitor 251 in 1980 in the city of St. Louis Park. Violations of the secondary NAAQS for TSP were recorded at Monitor 907 in 1980 in the cities of Golden Valley, New Hope, Crystal, Robbinsdale, Brooklyn Center and Brooklyn Park. The requested primary and secondary nonattainment areas include the areas around these monitors and the above mentioned cities. EPA believes the requested nonattainment designations for the above cities are appropriate based on available modeling and monitoring data and is proposing to approve these redesignations.

Violations of the primary and secondary NAAQS for TSP were recorded at Monitor 941 in Richfield in 1980. However, this monitor did not meet EPA siting criteria and, thus, the data cannot be used for redesignation purposes. Consequently, the State had to rely on its modeling as the basis for the proposed secondary nonattainment designation for the Cities of Richfield and Edina. Since the modeling supports this designation, EPA is also proposing to approve the redesignation of these two cities.

For the remainder of Hennepin County the State's modeling indicates that the concentrations are well below the NAAQS. Thus, an attainment classification is appropriate.

V. Ramsey County

- *Requested Redesignation*

City of St. Paul—Primary Nonattainment.

Cities of North Oaks, White Bear and White Bear Lake—Attainment.

Remainder of the County—Secondary Nonattainment.

- *EPA's Evaluation*

Violations of the primary NAAQS for TSP were recorded at Monitor 801 in 1980 and at Monitor 817 in 1980 and 1981 in the City of St. Paul. EPA notes that Monitors 813 and 816 are the only two monitors located in the part of St. Paul south of the Mississippi River. Violations of the Secondary NAAQS for TSP were recorded only at Monitor 813 in 1980. However, the State has proposed that all of St. Paul be designated as primary nonattainment because of their desire to use political city boundaries for air management purposes. This is acceptable to EPA and, therefore, EPA is proposing to approve the redesignation request for the entire City of St. Paul.

For the remainder of Ramsey County, with the exception of the Cities of North Oaks, White Bear and White Bear Lake, violations of the secondary NAAQS for TSP were recorded at Monitors 820 and 839 in 1980. The proposed secondary nonattainment area includes the area around these monitors and, therefore, EPA is proposing to approve the

secondary nonattainment designation for these cities.

For the Cities of North Oaks, White Bear and White Bear Lake the State's modeling indicates concentrations well below the NAAQS. Therefore, EPA is also proposing to approve the attainment designation for these cities.

VI. Scott County

- *Requested Redesignation*

Entire County—Attainment.

- *EPA's Evaluation*

Inasmuch as the monitoring data for Scott County were limited and dated the State submitted additional modeling to more completely assess the current conditions in the County. There are several major TSP sources located in northern Scott County. The modeling results indicate that the ambient standards will not be threatened and support the designation of attainment. Therefore, EPA is proposing to approve the attainment designation for Scott County.

VII. Washington County

- *Requested Redesignation*

Cities of Oakdale, Newport, St. Paul Park, Cottage Grove and Grey Cloud Island—Secondary Nonattainment.

Remainder of the County—Attainment.

- *EPA's Evaluation*

Violations of the secondary NAAQS for TSP were recorded at Monitor 820 in 1980 and at Monitor 432 in 1980. The proposed nonattainment area includes the area around these monitors including the Cities of Oakdale, Newport, St. Paul Park and Cottage Grove. Therefore, EPA is proposing to approve the secondary nonattainment designation for these cities. However, for Grey Cloud Island there are no monitors in the immediate area and thus the State's modeling must be used to assess the attainment status of this area. Since the modeling supports a designation of secondary nonattainment, EPA, therefore, is proposing to approve the secondary nonattainment designation for Grey Cloud Island.

For the remainder of Washington County the monitoring data were very limited and dated. Thus, the State submitted additional modeling data to more completely assess the current conditions in this area, especially around Oak Park Heights. The modeling results indicate that the ambient standards are not being threatened and support the designation of attainment. Therefore, EPA is proposing to approve the attainment designation for the remainder of Washington County.

Interested parties are invited to submit comments on this proposed approval. EPA will consider all comments received within 30 days of publication of this notice.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. Section 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

This notice is issued under section 107(d) of the Clean Air Act, as amended (42 U.S.C. 7407).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: March 1, 1983.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 83-8057 Filed 3-28-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 123

[SW-6-FRL 2332-1]

Hazardous Waste Management Program; Oklahoma Application for Interim Authorization, Phase II Component C

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and a public hearing.

SUMMARY: Today EPA is announcing the availability for public review of the Oklahoma application for Phase II, Component C, Interim Authorization, Hazardous Waste Management Program. This document is also inviting public comment, and giving notice that if significant public interest is expressed, EPA will hold a public hearing on the application.

DATE: If significant public interest is expressed in holding a hearing, a public hearing is scheduled for May 18, 1983, at 7:00 p.m. EPA reserves the right to cancel the public hearing if significant public interest in holding a hearing is not communicated to EPA by telephone or in writing by May 3, 1983. EPA will determine by May 6, 1983, whether there is significant interest to hold the public hearing. All written comments on the Oklahoma Interim Authorization application must be received by the close of business on May 3, 1983. Persons wishing to find out whether or not EPA will hold a public hearing should write or telephone after May 6, 1983, the contact persons listed below.

ADDRESSES: If significant public interest is expressed, EPA will hold a public hearing on Oklahoma's application for Interim Authorization on May 18, 1983, at 7:00 p.m., at the Sequoyah Underground Auditorium, 2401 Lincoln Blvd., Oklahoma City, Oklahoma.

Written comments on the application and written or telephoned communication of interest in EPA's holding a public hearing on the Oklahoma application must be sent to: U.S. Environmental Protection Agency, Region 6, Air and Waste Management Division, Attn: H. J. Parr, Hazardous Materials Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2645.

Copies of the Oklahoma Interim Authorization application for Phase II Component C, are available during normal business hours at the following addresses for inspection and copying:

Oklahoma State Department of Health, Waste Management Service, 1000 N.E. 10th Street, Room 803, Oklahoma City, Oklahoma 73105

Environmental Protection Agency, Region 6, Library, 28th Floor, 1201 Elm Street, Dallas, Texas 75270, (214) 767-7341

EPA Headquarters Library, 401 M St., SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: H. J. Parr, Hazardous Materials Branch, U.S. Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-2645.

Information regarding the public hearing, telephone H. A. Caves, Chief, Waste Management Service, Oklahoma State Department of Health, P.O. Box 53551, Oklahoma City, Oklahoma 73152, (405) 271-5338.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, **Federal Register** (45 FR 33063), the Environmental Protection Agency promulgated regulations, pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State program can be granted Interim

Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of Oklahoma received Interim Authorization for Phase I on January 14, 1981.

In the January 26, 1981 Federal Register (46 FR 7965), the Environmental Protection Agency announced the availability of portions or components of Phase II of Interim Authorization. Component A, published in the Federal Register January 12, 1981 (46 FR 2802), contains standards for permitting containers, tanks, surface impoundments and waste piles. Component B, published in the Federal Register January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators.

The State of Oklahoma received Interim Authorization for Phase II, Components A and B, on December 13, 1982.

In the July 26, 1982 Federal Register (47 FR 32378), the Environmental Protection Agency announced that states with qualified programs can be authorized for Phase II Interim Authorization, Component C. Component C published in the Federal Register includes standards for permitting of land disposal facilities.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123, Subpart F (45 FR 33479).

As noted in the May 19, 1980 Federal Register, copies of complete state submittals for Phase II Interim Authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—land, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business formation.

(Solid Waste Disposal Act, amended by Resource Conservation and Recovery Act of 1976 and Solid Waste Disposal Act Amendments of 1980, 42 U.S.C. 6901 et seq.)

Dated: March 21, 1983.

Dick Whittington,

Regional Administrator.

[FR Doc. 83-7858 Filed 3-28-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 83-115; ENF-83-5]

Bell Operating Co.; Furnishing of Customer Premises Equipment, Enhanced Services and Cellular Communications Services and North American Telecommunications Association; Requirements for Sale of Customer Premises Equipment

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has issued a Notice of Proposed Rulemaking that addresses the questions of whether, following divestiture, Bell Operating Companies' offerings of enhanced services, customer premises equipment or cellular communications services should be subject to structural separation requirements and, if so, whether the degree of separation currently prescribed by Commission Rules should be modified to accommodate the effects of the BOCs' divestiture. The purpose of this proceeding is to determine whether the divestiture's structural separation of AT&T"s monopoly activities and competitive activities renders the Commission's structural separation requirements unnecessary or unduly burdensome to the divested operating companies. If so, the Commission's structural separation requirements may be relaxed, eliminated or otherwise modified.

DATES: Comments by interested parties are due on or before April 4, 1983; reply comments are due on or before May 4, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Paul B. Froyd, Common Carrier Bureau, (202) 632-4887.

Notice of Proposed Rulemaking

Adopted: February 17, 1983.
Released: March 4, 1983.

In the matter of Policy and Rules concerning the furnishing of customer premises equipment, enhanced services and cellular communications services by the Bell Operating Companies; CC Docket No. 83-115; North American Telecommunications Association; ENF-83-5; FCC 83-71; Petition for Declaratory Ruling on the requirements for sale of customer premises equipment by the Bell Operating Companies.

By the Commission; Commissioner Fogarty issuing a separate statement.

I. Introduction and Background

1. We hereby give notice of a proposed rulemaking, pursuant to Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, to determine whether and to what extent the structural separation conditions established in the Second Computer Inquiry (Computer II) [1] and the cellular communications systems proceedings [2] should be applicable to the Bell Operating Companies (BOCs) following their divestiture from the American Telephone and Telegraph Company (AT&T) in accordance with the 1982 Consent Decree.[3] This proceeding will also treat the North American Telecommunications Association's (NATA's) Petition for Declaratory Ruling on the requirements for sale of customer premises equipment by the divested BOCs.

2. In Computer II, the Commission found that the provision of enhanced services and customer premises equipment (CPE) was not subject to regulation under Title II of the Communications Act of 1934, as amended, 47 U.S.C. 157, *et seq.* The Commission ordered communications common carriers to separate the offering of enhanced services and CPE from regulated communications offerings. The Computer II rules and policy prescribe two different sets of requirements for how carriers participate in the provision of CPE and enhanced services. AT&T is permitted to engage in these activities only through a separate subsidiary and subject to specific structural, accounting, and information flow requirements. Common carriers other than AT&T need not form separate subsidiaries but must maintain separate books of account for CPE and enhanced services. If these carriers use their own transmission capacity for their enhanced service offerings, they must obtain that capacity pursuant to the terms and conditions embodied in their tariffs.

3. AT&T has chosen to enter the unregulated CPE and enhanced services market through a single, national separate subsidiary, American Bell Inc. (AmBell). On June 10, 1982, the Commission approved AT&T's

[1] 77 FCC 2d 384 *(Final Decision), recon.*, 84 FCC 2d 50 (1980)) *Reconsideration), further recon.*, 88 FCC 2d 52 (1981), *aff'd sub nom.*, Computer and Communications Industry Association v. FCC, 693 F.2d 198 (D.C. Cir. 1982) *(CCIA).*

[2] Cellular Communications Systems, 86 FCC 2d 469 (1981), *recon.*, 89 FCC 2d 58, *recon.*, 90 FCC 2d 571 (1982), *appeal pending sub nom.* Millicom v. FCC, No. 81-1404 (D.C. Cir.).

[3] United States v. Western Electric, Civil Action No. 82-0192, slip op., released August 24, 1982 (D.D.C.).

capitalization plan for AmBell's provision of enhanced services. *Memorandum Opinion and Order,* 90 FCC 2d 404. On November 4, 1982 and December 29, 1982, the Commission approved requests by AT&T to further captitalize AmBell to provide new CPE and Picturephone Meeting Service (PMS). *Memorandum Opinion and Order,* FCC 82–496, released November 10, 1982; *Memorandum Opinion and Order,* Mimeo No. 1600, released December 30, 1982. AmBell now provides new CPE and enhanced services on an unregulated basis. The BOCs currently provide local exchange, some toll services and embedded CPE. On January 21, 1983, AT&T requested the Commission to approve the capitalization of AmBell to accept the transfer of the BOCs' embedded CPE to be offered on an unregulated basis. We are currently reviewing that request.

4. On January 8, 1982, AT&T and the Department of Justice entered into a proposed consent agreement to settle the Department's antitrust action against AT&T. In an August 8, 1982 opinion (Opinion), the presiding judge conditioned hsi acceptance of the consent agreement on AT&T and the Department of Justice agreeing to several specific modifications. On August 24, 1982, the judge entered the Consent decree incorporating the terms of the consent agreement and the court's modification.

5. The Consent Decree requires the divestiture of AT&T's local exchange services.[4] This is to be accomplished by means of: (1) The transfer from AT&T to the BOCs of sufficient facilities, personnel, systems and rights to technical information to permit the BOCs to perform, independently of AT&T, exchange telecommunications, exchange access and printed directory functions, (2) the separation within the BOCs of all facilities, personnel and books of account between those relating to local exchange exchange access, and printed directory functions and those relating to other functions and (3) the spin off to the shareholders of AT&T of the ownership of the separated portions of the BOCs providing local exchange, exchange access, and printed directory services.[5]

6. The Consent Decree permits the ownership of individual BOCs, after divestiture, to be consolidated into one or more companies. In addition, the BOCs may support and share the costs of an organization for the provision of engineering, administrative and other services on a centralized basis. The BOCs also shall provide through a centralized organization a single point of contact for BOC coordination to meet the requirements of national security and emergency preparedness. Until September 1, 1987, AT&T and its subsidiaries, Western Electric (Western) and the Bell Telephone Laboratories (BTL) shall provide on a priority basis all research, development, manufacturing and other support services to enable the BOCs to fulfill the requirements of the Consent Decree.

7. The divested BOCs are required to provide to interexchange carriers and information service providers [6] exchange and exchange access services on an unbundled, tariffed basis that is equal in type, quality and price to that provided AT&T. The BOCs shall not discriminate between AT&T and others in: (1) The procurement of products and services, (2) establishment and dissemination of technical information and procurement and interconnection standards, (3) charges for or interconnection and use of BOC telecommunications service and facilities, and (4) provision of new services or the planning of construction or modification of facilities for exchange access.

8. According to the January 8 consent agreement between the Department of Justice and AT&T, the BOCs were not to: (1) Provide interexchange telecommunications services or information services, (2) manufacture telecommunications products or customer premises equipment, or (3) provide any other product or service except exchange telecommunications and exchange access service that is not a natural monopoly service actually regulated by tariff. The presiding judge's August 11 modifications, inter alia, eliminated the agreement's prohibition on marketing of CPE by the BOCs. AT&T, however, will retain embedded CPE and all related assets. In brief, the divested BOCs will provide local exchange communications and exchange access in a regulated environment and may provide CPE in the competitive market once embedded CPE is transferred from the BOCs. The court noted its expectation that the BOCs would secure CPE from a number of suppliers. *Opinion, supra,* at 112, note 249. Nevertheless, it was silent concerning the relationship of the BOCs to Western Electric in its role of CPE manufacturer and to AmBell, AT&T's domestic retailer of CPE.

9. According to AT&T's Plan of Reorganization filed with the District Court on December 16, 1982, and subject to the court's approval, seven regional holding companies will hold all of the stock of the BOCs and each BOC will be wholly owned by a regional holding company. The regional companies will be independent of one another and of AT&T. Stock in each of the regional holding companies will be distributed to AT&T shareholders in amounts proportionate to their ownership in AT&T. Regions will be geographically contiguous. Each region will offer service to approximately the same number of customers and include approximately the same value of assets, number of employees and network access lines as each of the other regions. *See* Appendix A. Each regional company will hold one share of voting common stock in a central Staff organization and appoint one member of the Central Staff's board of directors. The Central Staff management will be under the direction of a chief executive officer selected by the board of directors.

10. The Central Staff will augment BOC capabilities with centralized resources necessary to offer exchange services. Initially, it will consist of more than 8800 employees and associated facilities, systems and rights to technical information. Among the assets to be transferred to the Central Staff are centrally developed AT&T computer systems, including network operations systems, procurement related systems, business information systems, other administrative systems and systems for solving technical or engineering management problems, including central office engineering maintenance, facility engineering, fundamental network planning and distribution of services planning.

11. In addition, AT&T will transfer to the Central Staff the personnel and assets associated with functions and services relating to the procurement of network facilities which have been performed centrally for the BOCs by

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[4] The term "local exchange service" as used in the Consent Decree has a significantly different meaning than it does in traditional common carrier parlance, encompassing a much broader area of operations. The term LATA (local access and tanspart area) is generally used in place of "exchange" for this reason.

[5] The Consent Decree does not require the divestiture of Cincinnati Bell Inc. or Southern New England Telephone, in which AT&T holds minority interests. In a separate action also taken today, we are determining the applicability of the structural separation requirements to these two companies.

[6] An "information service" is the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information which may be conveyed via telecommunications except that such service does not include any use of such capability for the management, control, or operation of a telecommunications system or the mangement of a telecommunications service. Consent Decree, Section IV. J.

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AT&T. It will also transfer to the Central Staff personnel and asets associated with other technical functions and services which the staff will perform on a centralized basis for all the regional companies. These functions and services include: (1) The planning, engineering and operation of network facilities; (2) the design of network configurations; (3) specification of performance standards and generic equipment standards; (4) research in communications technology; and (5) performance of central office engineering, records maintenance and installations.

12. In brief, it appears that the Central Staff will perform for each of the regional companies a broad range of functions pertaining to design and operation of exchange networks. Moreover, the Central Staff's board of directors will have the power to increase or reduce the Central Staff offering of services to the BOCs. The Plan of Reorganization appears to give the regional companies the latitude to allow the Central Staff to engage in CPE-related activities.

13. On November 30, 1982 NATA filed a Petition for Declaratory Ruling seeking a determination as to the structure under which the divested BOCs may offer CPE. NATA argues that after divestiture the BOCs will retain sufficient power that each independently would be able to "destroy" competition within its service region and thereby hinder competition nationally. NATA concludes that this power is so great that it can be properly limited only by conditioning the BOC's participation in the provision of CPE with a separate subsidiary structure. As in NATA's petition, the principal issue in this proceeding is whether the Computer II structural separation requirements should apply to the divested BOCs. We discuss this matter below, and we invite public comments. In addition, we also seek comment on whether the structural separation requirements adopted pursuant to the cellular proceedings should apply to the divested BOCs. Finally, we invite comment on whether, if we determine to maintain some structural separation, the Computer II or cellular separation requirements should be modified to accommodate the BOCs' changed circumstances.

II. Discussion

14. In Computer II we required that all carriers separate their provision of enhanced service and CPE from the common carrier offering of basic transmission capacity. While we imposed structural separation requirements only on AT&T, all carriers owning transmission facilities are governed by this requirement. Enhanced services and CPE may only be offered on a non-tariffed basis separate from the carrier's tariffed offering of transparent basic transmission.[7]

15. The Consent Decree permits the BOCs to offer any services that fall within the fefinition of exchange telecommunications services but not information services.[8] It is not clear that the scope of "information service" is congruent in all respects with our Computer II definition of enhanced services.[9] The BOCs may be of the opinion that there are certain enhanced services that they could provide under Computer II which would not be barred under the Consent Decree.[10] This would appear to be the case if, for example, an enhanced service constituted a telecommunications service as defined by the Decree. The BOCs are requested to state whether they intend to offer enhanced services as that term is defined in our Computer II decisions. Interested partied are invited to file comments on what structural separation requirements, if any should govern the divested BOCs' provision of enhanced services. If structural separation is not required, comments are sought on whether any other specific requirements should govern the BOCs' provision of enhanced services in addition to those general requirements currently applicable to all carriers.

[7] To date we have only mandated the detariffing of new CPE. The manner and timing for the detariffing of embedded CPE is at issue in the *Implementation Proceeding*, 89 FCC 2d 694 (1982).

[8] Under Section IV(o) of the decree "telecommunications" is defined as "the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received by means of electromagnetic transmission, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission." *Also see* note 6, *supra*, for the Consent Decree's definition of "information service."

[9] Section 64.702(a) of the Commission's Rules and Regulations states the following:

> * * * the term "enhanced service" shall refer to services, offered over common carrier transmission facilities used in interstate communications, which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide the subscriber additional, different, or restructured information; or involve subscriber interaction with stored information. Enhanced services are not regulated under Title II of the Act.

[10] *Compare* Response of the United States to Public Comments on Proposed Modification of Final Judgment, May 20, 1982 at 49–50 (Department of Justice states that the BOCs would not be able to provide Custom Calling Services II) *with* AT&T, 88 FCC 2d 1 (1981) (the Commission finds Custom Calling Services II to be an enhanced service).

16. Unlike enhanced service, it is clear that divested BOCs may compete in the provision of CPE. Accordingly, we seek comment on the structure under which the divested BOCs should be permitted to offer CPE consistent with Computer II.

17. In our Computer II decisions, we stated that the primary benefits of structural separation are protection for the regulated ratepayer against cross-subsidy and protection for the general public against such anticompetitive activities as denial of network access and predatory pricing of unregulated offerings. *Final Decision* at 463. We recognized, however, that structural separation is not without its costs. These costs may include the capital costs of separation, economic inefficiencies, increased business risks and, for smaller carriers, more limited access to capital markets. *Id.* at 466. Because we did not wish to risk depriving the consumer of the benefit of a firm's entry into the competitive market, we chose to apply the separate subsidiary requirement only where essential to assure the objectives of the Act. *Reconsideration* at 72. We relied on four decisional factors in identifying the structural mechanism's applicability. They were:

> (a) a carrier's ability to engage in anticompetitive activity through control over "bottleneck" facilities, i.e., local exchange and toll transmission facilities, on a broad national geographic basis; (b) a carrier's ability to engage in cross-subsidization to the detriment of the communications rate payer; (c) the integrated nature of the carrier and affiliated entities, with special emphasis upon research and development and manufacturing capabilities that are used in conjunction with, or are supported by, communications derived revenues; and (d) the carrier's possession of sufficient resources to enter the competitive market through a separate subsidiary.

Id. Below, we will discuss the above decisional factors with respect to the BOCs as a starting point for analysis of whether we will require a separate subsidiary structure for the BOCs.

18. *Control of Bottleneck Facilities.* We stated in the *Final Decision* at 468 that "the importance of the control of local facilities * * * cannot be overstated." With the passage of time, "the access bottleneck nature of the telephone local loop will take on greater significance." *Id.* Pursuant to the Consent Decree, each BOC will own substantial interexchange tool facilities within that company's post-divestiture service area, i.e., LATA. In addition, each BOC will be the dominant provider of exchange and exchange access service.

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19. To warrant the application of a separate subsidiary requirement, control of bottleneck facilities must be on a "broad national geographic basis." *Reconsideration* at 72. Because the enhanced services and CPE markets are likely to be national in scope, a carrier is "unlikely to gain any significant competitive advantage by restricting the access of its competitors to a very limited network of underlying facilities." *Final Decision* at 468. Thus, a predicate for structural separation is sufficiently broad geographic control to permit effective anticompetitive practices. Table 1 indicates the service territories of each of the regional companies. In addition, the regional companies will perform, through their Central Staff, numerous network and central office functions including planning, design, engineering, operations, research and specification of standards. *See* para. 10–12, *supra*.

TABLE 1.—SERVICE TERRITORIES OF THE BOC'S BY REGION [1]

Region	Population in BOC's service territories	
	Percent of population of States in which BOC's are located	Number (in millions)
Northeast	92	25
Mid-Atlantic	84	27
Southeast	70	30
Midwest	74	30
Southwest	76	21
Mountain and Great Plains	78	22
Far West	78	20

[1] Based on 1981 BOC configurations.
Source: Plan of Reorganization, pp. 456–60.
See generally Appendix A of this Notice.

20. Even if the divested BOCs were deemed to control bottleneck facilities on a broad national geographic basis, it is not clear that such control is sufficient to unfairly advantage the BOCs' untariffed, unbundled offering of CPE. First, the Commission's Part 68 registration program may provide ample assurance that independently produced CPE will obtain network interface equal to that of the carrier's products. Secondly, while carriers can manipulate the release of information concerning changes in network interface specifications, Computer II requires that information that would affect the manner in which CPE is connected to the network must be disclosed by all carriers owning basic transmission facilities to all interested persons on the same terms and conditions. *Final Decision* at 246; *Reconsideration* at 95. *See also* note 3, *supra*. These provisions apply regardless of whether the carrier is subject to separate subsidiary requirements.

21. *Ability to Cross-Subsidize.* Effective cross-subsidization of entry into the CPE market requires a large monopoly revenue base. *See Final Decision* at 468. Even if the BOCs' activities are limited to exchange and exchange access service, each of the divested BOCs would retain a monopoly revenue base. *See* Table 1, *supra*. Nevertheless, application of separate subsidiary requirements to the BOCs would be unnecessary if accounting methods could prevent cross-subsidization. This is among the purposes of conventional rate and service tariffing and of the separate books of account that Computer II requires of independent telephone companies. The control of cross-subsidy by accounting techniques is aided by the fact that there are few common equipment costs in the CPE and local exchange businesses. Equipment costs, however, do not exhaust the possible commonalities of the two lines of business. Under the Plan of Reorganization, the BOCs have the opportunity to intermingle network-related and CPE-related costs of, as examples, marketing, installation, maintenance, research and development as well as the Central Staff's general administrative, management and other overhead costs.

22. *Integration of Operations.* The third factor in determining the applicability of the structural separation requirements is the extent of integration of the carrier's activities with the activities of non-carrier affiliates. *Reconsideration* at 72. In our Computer II decisions, we were also concerned about the opportunities for cross-subsidization present in research, development and manufacturing activities that are supported by ratepayer revenues.

23. The extent of this concern is reduced by the terms of the divestiture which prohibit the BOCs' manufacture of CPE and telecommunications equipment. Under the Consent Decree, the BOCs may not control or be affiliated with a manufacturing operation. The consequent need to rely on unrelated manufacturing entities will diminish the BOCs' opportunities for cross-subsidization of CPE with network equipment requirements. In addition, AT&T states that the BOCs will make their own procurement decisions as they have in the past. *Plan of Reorganization* at 374.[11] On the other hand, the Plan of Reorganization states that the Central Staff will participate in the product selection and purchasing process to the extent that the Staff will provide the regional companies with advice and assistance in the form of technical evaluations of products or services. *Plan of Reorganization* at 376. The Central Staff will also provide to the regional companies procurement support functions including purchased products engineering, quality assurance, advice on disposition of surplus, technical information resource management and training. *Id.* at 379. The extent of this centralized, procurement-related involvement in the purchase of network CPE may have an important impact on the independence of individual BOC procurement decisions.

24. Also, the BOCs will remain integrated to the extent that they will conduct telecommunications research and development on a centralized basis. There is no explicit bar to the BOCs' conduct of CPE research and development on a similarly centralized basis. The BOCs' treatment of network R&D costs and CPE R&D costs, if any, cannot now be predicted.

25. *Resources.* In determining the extent of the separate subsidiary structure's applicability, we expressed concern that "the costs of separation are borne disproportionately by smaller companies due to indivisibilities * * *," and that these" * * * additional costs may foreclose entry into the enhanced service or CPE market for some carriers." *Reconsideration* at 74. Thus, we conclude that the disparity in size between AT&T and the independent telephone companies "leads to the result that the benefits of structural separation for AT&T are greater than the costs, while this calculus is reversed for the independent telephone companies." *Id.* As stated above, each of the regional companies is as small as the largest of the independents, all of which were exempted from structural requirements.

III. Issues for Comment

26. We have noted various factors considered by this Commission in the course of Computer II. Other factors may be relevant in considering whether the divested BOCs should be subject to structural separation requirements. Accordingly, parties are invited to comment on any other factors deemed relevant for our consideration in reaching a final determination on this subject. In addition to the foregoing, we specifically seek comments on the following:

(a) Whether a divested BOC should be subject to a separate subsidiary

[11] For a discussion of AT&T procurement practices, see *Report and Order and Notice of Inquiry, CC Docket No. 80–53*, FCC 80–699, released July 28, 1981.

requirement for the provision of enhanced services.

(b) Whether a divested BOC should be subject to a separate subsidiary requirement for the provision of CPE.

(c) Whether a divested BOC should be subject to a separate subsidiary requirement for the provision of cellular communications services.

(d) If structural separation is required for the BOCs' provision of either enhanced services, CPE, or cellular communications services or all of these, what separation requirements should govern the relationship between the subsidiary and affiliated entities in each case?

27. With the proceeding commenced today, we seek to determine whether, following divestiture, the structural separation requirements prescribed by § 64.702 of the Commission's Rules should be applied to the Bell Operating Companies. Also, in the course of this proceeding, we will consider, if any structural changes are necessary, whether changes are required to accommodate distinctive characteristics of the divested BOCs' size, operations, structure, role in the communications industry, relationships among themselves or with any other affiliate including the Central Staff, their relationships with AT&T or any of its affiliates or subsidiaries, or any other pertinent characteristics that may or may not appear in the above discussion. We invite members of the public to give the above matters their carefully considered comment.

IV. Regulatory Flexibility Act Certification

28. Pursauant to Section 605(b) of the Regulatory Flexibility Act (RFA), we hereby certify that this proceeding does not address a "proposed or final rule" that will "have a significant economic impact on a substantial number of small entities." The pertinent definition of "small entity" is "small business" which has the same meaning as "small business concern" under Section 3 of the Small Business Act. That section defines a small business concern as "one which is independently owned and operated and which is not dominant in its field of operation." 15 U.S.C. 632. At present, the BOCs are wholly owned facilities of the world's largest corporation. The divested BOCs will be wholly owned affiliates of regional companies, each one of which is in the top 30 of the Fortune 500. Each of the BOCs holds a legal monopoly for its authorized service area. Thus, a BOC is not a "small entity" within the meaning of Section 605(b) of the RFA.

29. In addition, no rules that may arise out of this proceeding will impose any regulatory requirements on, require any action by or cause any direct impacts on any entities other than the BOCs. Thus, because the rules that are the concern of this proceeding are being considered only for application to large entities, the BOCs, there is no danger of violating the RFA's purpose of assuring that "laws and regulations designed for application to large scale entities [are not] applied uniformly to small businesses. 5 U.S.C. 601 note. To the extent this proceeding is designed to determine whether BOC operations are likely to be of a scale requiring structural separation, it shares with the Regulatory Flexibility Act the purpose of fit[ing] regulatory and informational requirements to the scale of the businesses * * * subject to regulation." *Id.*

V. Ex Parte Contact Requirements

30. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a *Notice of Proposed Rule Making* until the time a Public Notice is issued stating a substantive disposition of the matter is to be considered at a forth coming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments or pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff that addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation. On the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, and a copy must be provided to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally* § 1.1231 of the Commission's Rules, 47 CFR 1.231.

31. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before April 4, 1983, and reply comments on or before May 4, 1983. All relevant and timely comments and reply comments will be considered by the Commission before further action in this proceeding. The Commission may also consider any other relevant information brought to its attention.

32. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a written summary indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the *Report and Order*. In accordance with the provision of § 1.419 of the Commission's Rules, an original and 5 copies of all comments, replies or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also desire that each Commissioner receive a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that Common Carrier Docket No. 83– is specified in the heading. Such informal participants who desire that responsible members of the staff receive a personal copy may file an additional five copies. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room, Room 239, 1919 M Street, NW., in Washington, D.C.

VII. Ordering Clauses

33. Accordingly, *it is ordered,* That pursuant to the provisions of Sections 4(i), 4(j), 201, 202, 203, 204, 205, 214, 220, 221 and 403 of the Communications Act of 1934, as amended, Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, and Sections 1.411 *et seq.* of the Commission's Rules, 47 CFR §§ 1.411 *et seq.,* there is hereby instituted a notice of proposed rulemaking concerning the matters described herein including those raised by the Petition for Declaratory Ruling filed November 30, 1982 by the North American Telecommunications Association. Members of the public are notified that any policies that may be established in this proceeding may be embodied in the Rules and Regulations of the Commission.

34. *It is further ordered,* That all interested persons MAY FILE comments on the matters discussed herein on or before April 4, 1983. Reply comments shall be filed on or before May 4, 1983.

35. *It is further ordered,* That the Secretary shall cause this Notice of Inquiry and Proposed Rulemaking to be published in the **Federal Register.**

36. *It is further ordered,* That the

Secretary shall send a copy of this *Notice* to the Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.)* (1980).

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix A

The Configuration of the Seven Regional Companies

The reconfigured BOCs will be grouped into seven regional holding companies, as depicted in the map on the following page. Each regional company will be roughly the same size in terms of assets and, in any event, large enough to possess the financial strength to generate broad interest in the investment community. Each will hold BOCs that serve in the same general region of the country; thus, the operations of each regional company (and its subsidiaries) will reflect demographic similarities. The seven regional companies are described in the next seven subsections of this part of the Plan.

CONFIGURATION OF THE SEVEN REGIONAL HOLDING COMPANIES

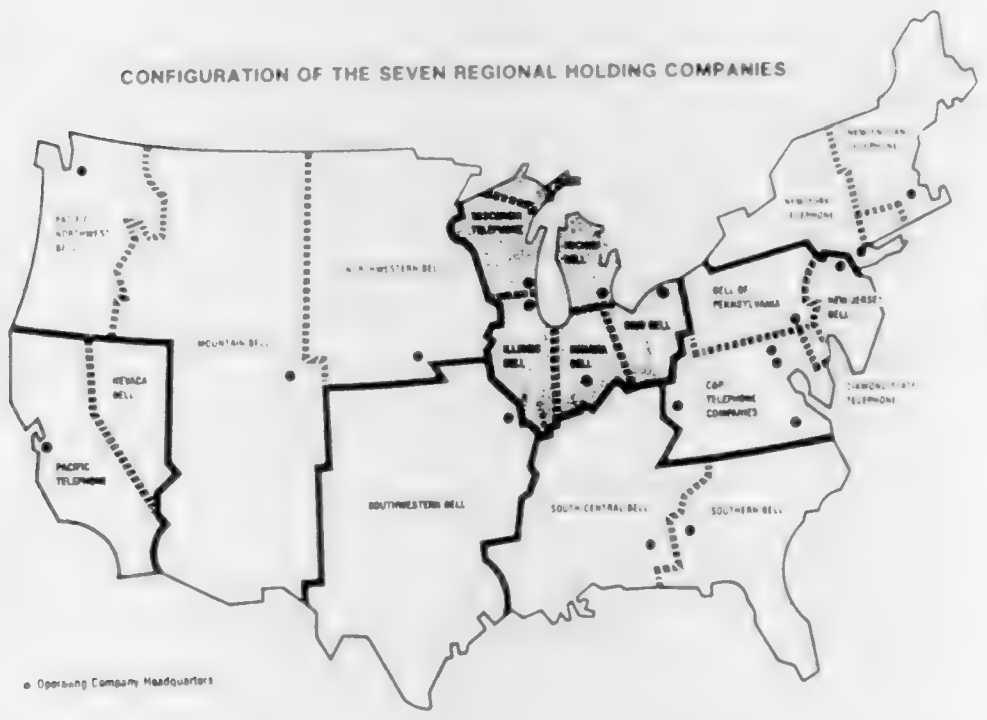

From: AT&Ts Plan of Reorganization at 454–60, filed December 16, 1982 in United States v. Western Electric, Civil Action 82–0192.

i. *The Northeast.* The regional holding company for this part of the Nation will hold the stock of New York Telephone Company and New England Telephone and Telegraph Company. These BOCs will provide service in the States of Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and a small portion of Connecticut.

The service territory of these BOCs comprises about 25 million people—or about 92 percent of the total population in the States in which the companies do business. As of January 1, 1982, these BOCs operated the following number of revenue producing network access lines:

BOC	Network [illegible] lines
New York Telephone	8,210,000
New England Tel. & Tel.	4,266,000

Prior to their reconfigruration in accordance with the Decree, the BOCs in this region had (as of December 31, 1981) 121,600 employees and total assets of $17,779 million.[1]

ii. *The Mid-Atlantic.* The regional holding company for this part of the Nation will hold the stock of The New Jersey Bell Telephone Company, The Bell Telephone Company of Pennsylvania, The Diamond State Telephone Company, The Chesapeake & Potomac Telephone Company (Washington, D.C.), The Chesapeake & Potomac Telephone Company of Maryland, The Chesapeake & Potomac Telephone Company of Virginia, and The Chesapeake & Potomac Telephone Company of West Virginia. These BOCs will provide service in the States of Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

The service territory of these BOCs comprises about 27 million people—or about 84 percent of the total population in the States in which the companies do business. As of January 1, 1982, these BOCs operated the following number of revenue-producing network access lines:

[illegible] BOC	Network access lines
New Jersey Bell	3,758,000
Bell of Penn	4,445,000
Diamond State	297,000
C & P of Md	2,070,000
C & P of Va	1,815,000
C & P W.Va	621,000
C & P (Wash. D.C.)	716,000

Prior to their reconfiguration in accordance with the Decree, the BOCs in this region had (as of December 31, 1981) 108,103 employees and total assets of $17,267 million.

iii. *The Southeast.* The regional holding company of this part of the Nation will hold the stock of Southern Bell Telephone and Telegraph Company and South Central Bell Telephone Company. These BOCs will provide service in the States of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

The service territory of these BOCs comprises about 30 million people—or about 70 percent of the total population in the States in which the companies do business. As of January 1, 1982, these BOCs operated the following number of revenue-producing network access line:

[illegible] BOC	Network access lines
Southern Bell	6,971,000
South Central Bell	6,008,000

Prior to their reconfiguration in accordance with the Decree, the BOCs in this region had (as of December 31,

[1] The separation of IXC aand CPE operations from the parent BOCs will reduce their employees and assets by something in the range of 10–20 percent, depending upon LATA boundaries and the application of the principles of this Plan for dividing the BOCs' assets and personnel (Part I) and augmenting their capabilities with existing AT&T resources (Part II).

1981) 137,500 employees and total assets of $21,800 million.

iv. *The Midwest.* The regional holding company for this part of the Nation will hold the stock of Illinois Bell Telephone Company, Indiana Bell Telephone Company, Michigan Bell Telephone Company, The Ohio Bell Telephone Company, and Wisconsin Telephone Company. These BOCs will provide service in the states of Illinois, Indiana, Michigan, Ohio, and Wisconsin.

The service territory of these BOCs comprises about 30 million people—or about 74 percent of the total population in the States in which the companies do business. As of January 1, 1982, these BOCs operated the following number of revenue-producing network access lines:

BOC	Network lines
Ohio Bell	2,883,000
Michigan Bell	3,607,000
Indiana Bell	1,378,000
Illinois Bell	4,624,000
Wisconsin Tel	1,479,000

Prior to their reconfiguration in accordance with the Decree, the BOCs in this region had (as of December 31, 1981) 112,978 employees and total assets of $17,038 million.

v. *The Southwest.* The regional holding company for this part of the Nation will hold the stock of Southwestern Bell Telephone Company. Southwestern Bell will serve the States of Arkansas, Kansas, Missouri, Oklahoma, and Texas.

The service territory of Southwestern Bell comprises about 21 million people—or about 76 percent of the total population in the States in which the company does business. As of January 1, 1982, Southwestern Bell operated 9,781,000 revenue-producing network access lines. Prior to reconfiguration in accordance with the Decree, Southwestern Bell had (as of December 31, 1981) 97,100 employees and total assets of $15,979 million.

vi. *The Mountains and Great Plains.* The regional holding company for this part of the Nation will hold the stock of The Mountain States Telephone and Telegraph Company, Northwestern Bell Telephone Company, and Pacific Northwest Bell Telephone Company. These BOCs will provide service in the States of Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

The service territory of these BOCs comprises about 22 million people—or about 78 percent of the total population in the States in which the companies do business. As of January 1, 1982, these BOCs operated the following number of revenue-producing network access lines:

BOC	Network lines
Mountain Bell	4,718,000
Northwestern Bell	3,270,000
Pacific Northwest Bell	2,450,000

Prior to their reconfiguration in according with the Decree, the BOCs in this region had (as of December 31, 1981) 104,900 employees and total assets of $16,109 million.

vii. *The Far West.* The regional compnay for this part of the Nation will hold the stock of The Pacific Telephone and Telegraph Company, which in turn holds all of the stock of Nevada Bell. These companies will provide service in the States of California and Nevada.

The service territory of Pacific Telephone and Nevada Bell comprises about 20 million people—or about 78 percent of the total population in the States in which the companies do business. As of January 1, 1982, these BOCs operated the following number of revenue-producing network access lines:

BOC	Network lines
Pacific Tel	10,275,000
Nevada Bell	154,000

Prior to their reconfiguration in accordance with the Decree, the BOCs in this region had (as of December 31, 1981) 114,700 employees and total assets of $16,573 million.

* * * * *

The following table summarizes the foregoing, based upon December 31, 1981, data for existing BOCs.

REGIONAL HOLDING COMPANIES (AS OF DEC. 31, 1981, Prior to BOC Reconfiguration in Accordance With the Decree)

BOC's by region	Total assets (in millions)	Network lines (000)	Employees
Northeast	$17,778.6	12,476	121,600
Mid-Atlantic	17,267.3	13,722	108,103
Southeast	21,800 4	12,979	137,500
Midwest	17,038 4	13,971	112,978
Southwest	15,949 3	9,781	97,600
Mountains and Great Plains	16,109.1	10,438	104,900
Far West	16,573.4	10,429	114,700

Separate Statement of Commissioner Joseph R. Fogarty

In Re: Policy and Rules Concerning the Furnishing of Customer Premises Equipment by the Bell Operating Companies

As I have frequently stated, the time has come to unshackle the Bell Operating Companies (BOCs). [1] On January 1, 1984 these companies will be divested from AT&T by the terms of the Modification of Final Judgment (MFJ) approved by Judge Greene. [2] Divestiture will completely change the environment in which the BOCs and the regional holding companies (RHCs) operate. In this new, competitive environment, the imposition of a separate subsidiary requirement on the BOCs makes no sense and would be contrary to the public interest. The soon-to-be divested BOCs already face the prospect of grievous restrictions mistakenly imposed on them in the MFJ. Any additional restrictions imposed by this Commission would only serve to compound this error.

In determining what, if any, regulatory structures are necessary in the post-divestiture telecommunications world, the Commission should be guided by the principle that all competition should be full and fair. In addition, we must recognize that if the quality of this country's basic telecommunications infrastructure is to remain high, it is crucial that the BOCs be able to provide new competitive services and customers premises equipment (CPE). To limit the operating companies to the provision of basic service and equipment by judicial fiat, or to unduly burden their offering by overregulation, will deny to the American public the benefits of securing universal, high quality, low cost sophisticated services and equipment integrated into the local loop technology of the telephone exchange. Even worse, such restrictions will deny these benefits to Americans at a tme when many foreign countries are striving to upgrade their telecommunications networks in exactly this fashion. The choice of whether to form a separate subsidiary should be left to the business judgment of the companies involved. No one will benefit if the BOCs are forced to start the game from twenty yards

[1] *See e.g.,* Statement of Commissioner Joseph R. Fogarty before the Subcommittee on Telecommunications, Consumer Protection and Finance of the House Committee on Energy and Commerce (December 1, 1982); Memorandum from Commissioner Fogarty to the Commission, November 1, 1982 [Fogarty Memorandum].

[2] *See,* Modification of Final Judgment, *United States v. Western Electric Co.,* Civil Action No. 82-0192 (D.D.C., entered August 24, 1982).

behind the goal line simply because they were once part of the Bell system.

As a first step, this Commission should make clear that the *Computer II* [3] separate subsidiary requirement does not apply to the divested BOCs. In a single stroke, the MFJ has changed the factual basis upn which the *Computer II* rules were imposed on AT&T and the BOCs, by virtue of the affiliation with AT&T. In fact, after divestiture, the separation requirement is not technically applicable to the BOCs.

It must be remembered that the Commission initially imposed the structural separation condition on AT&T because it perceived a substantial threat to the communications ratepayer and concluded that other regulatory tools would not suffice. [4] In doing so, we concluded that the relevant market was national in scope and that no significant competitive advantage could be gained based on a limited network of underlying facilities. [5] Under these circumstances, the Commission found that only AT&T had sufficient market power to engage in effective anticompetitive activity on a national scale and only AT&T possessed sufficient resources to enter the competitive market through a separate subsidiary. It focussed on AT&T's ability to engage in anticompetitive activities through control of "bottleneck" facilities, i.e. local exchange and toll transmission facilities, on a broad national geographic basis. [6] In addition, the Commission was concerned that AT&T's large CPE manufacturing operation combined with its market share and control over local facilities would provide the opportunity to engage in anticompetitive conduct in the equipment market.

On the other hand, the Commission found that the independent telephone companies met none of these criteria and should not be subject to the separate subsidiary requirements. It concluded that none of the independents had sufficient national market power to engage in anticompetitive conduct. Therefore, the argument that a separate subsidary condition should be imposed becasue of these companies' "leverage to manipulate customer preferences" was rejected. [7] In particular, it found that companies such as United Telephone System, Inc. and Continental Telephone Corp. did not have the manufacturing base and toll facilities to engage in anticompetitive conduct, [8] and that GTE lacked the toll facilities and sufficiently large operating territories. [9]

As discussed in this Notice, none of the factors which caused the Commission to impose the separation requirement on AT&T is applicable to the divested BOCs. The BOCs will have neither national market power nor toll facilities. Therefore, they will not have the control of "bottleneck" facilities on the broad national basis that we found to be necessary to justify imposition of the separation requirement. Likewise, the BOCs will have no manufacturing capability and no established market with an embedded base. Since we have already rejected the notion that a separate subsidiary requirement should be imposed simply because of a local carrier's "leverage to manipulate customer preferences," there is no basis upon which to require that BOCs offer CPE or enhanced services through a separate subsidiary. [10]

To the extent that concerns exist about cross-subsidization of non-regulated CPE by regulated services, they can be taken care of without resorting to the drastic remedy of separation. In particular, we have required that the independents set up separate books of account for nonregulated CPE and are in the process of amending the Uniform System of Accounts to achieve this result. [11] This requirement would be applicable to the BOCs and there is no reason to expect that it will not be effective.

The FCC has failed the public interest once already. The Commission should have amended the *Computer II* rules to permit the BOCs to continue to provide new CPE after January 1, 1983 on a detariffed basis without the necessity of establishing a separate subsidiary. [12] As it is, under the *Computer II* rules, the BOCs are now precluded from providing new CPE. This is nonsensical given that immediately after divestiture they will be permitted to reenter the market. Barring the BOCs from the new CPE market for this time period can only serve to discourage them from entering the market at all because of the even higher start-up costs occasioned by the one-year prohibition. At the least, unfortunately, this delay gives all competitors a one year headstart on the BOCs. Further, this restriction has the practical effect of inhibiting competition by non-Western Electric equipment suppliers contrary to the intention of the Commission. To the extent that a potential conflict existed with the MFJ, I cannot imagine that that decision intended to place the BOCs in a position in which competition with AT&T would be impossible. In any event, this question should have been confronted head on by this Commission.

Even through the matter is out of the hands of the Commission, the MFJ is not sacrosanct. While I support the decision to permit the BOCs to offer CPE and Yellow Pages, I strongly object to prohibiting the BOCs from offering information services and to the bar on AT&T's offering of electronic publishing services for seven years. These judicial restrictions are no more in the public interest than an FCC-imposed BOC separation requirement would be. Instead of taking such an inflexible approach, the wiser course for the court would have been to rely on remedies such as strict accounting and traffic regulation. At least the *Computer II* waiver standard provides more flexibility [13] than does the strict showing required under the MFJ. [14]

The restrictions imposed on the divested companies by the MFJ raise serious and fundamental questions concerning the continued adequacy of basis research and development by the BOCs. I believe that the prospect for continued progress in local exchange technology and services is dim. If the regional companies are restricted to the limited market for exchange and access facilities, new CPE and Yellow Pages, it is doubtful that they will be in a financial position to support any significant research in local loop technology. Given the increased pressures on state regulators to keep basic local exchange rates low, it seems to me all too likely that capital for such research and development will not be forthcoming. Moreover, the prohibition on operating company marketing of new services may make the local operating companies hesitant or reluctant to experiment with more advanced switching and equipment designs. This result would be in sharp conflict with the public interest.

While innovation will not cease as a consequence of the Decree's restrictions,

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[3] *Second Computer Inquiry*, 77 FCC 2d 384 (1980) [Final Decisions]; *reconsideration*, 84 FCC 2d 50 (1980); *further reconsideration*, 88 FCC 2d 512 (1981); *aff'd, sub. nom., Computer and Communications Industry Association v. FCC*, 693 F. 2d 198 (D.C. Cir. 1982).

[4] *Final Decision*, 77 FCC 2d at 386–388.

[5] *Final Decision*, 77 FCC 2d at 468.

[6] *Reconsideration Order*, 84 FCC 2d at 72.

[7] *Reconsideration Order*, 84 FCC 2d at 73–74.

[8] *Final Decision*, 77 FCC 2d at 467, 473.

[9] *Reconsideration Order*, 84 FCC 2d at 73.

[10] I am very pleased that the Commission has already come to this conclusion in the case of Cincinnati Bell, Inc. and the Southern New England Telephone Company. *Cincinnati Bell, Inc.*, et. al., — FCC 2d — (1983).

[11] *See* Notice of Proposed Rulemaking, Amendment of Parts 34 and 35, — FCC 2d — (1982).

[12] *See* Fogarty Memorandum at 3–4.

[13] *Reconsideration Order*, 84 FCC 2d at 57–58.

[14] *MFJ*, — F. Supp. — at 116–117.

the operating companies may no longer lead the world in telephony and allied fields. I think it is a likely result that in many instances new telecommunications technology and services will be introduced more quickly and effectively in other countries than here in the United States. The implications for the competitiveness of U.S. industry in world telecommunications markets are no less troublesome.

This concern about the MFJ's undue restrictions on telecommunications activity is not limited to the BOCs. My concern goes as well as to AT&T Long Lines and ABI. I believe that the seven year restriction on ABI's provision of electronic services is not in the public interest. Such a limitation can only serve to restrict American technological development. I note that AT&T is already one of the leading proponents of videotext. I see no First Amendment conflicts here. I believe that the public will benefit only if all telecommunications service providers are permitted to participate in the information services market from the outset.

The solution is clear to me. Upon divestiture, or even before, AT&T and the RHCs, or the RHCs alone, with full FCC support should petition the District Court to remove these onerous restrictions. For the sake of the American ratepayer and in order to maintain the supremacy of telephony in this Nation, it is essential that the BOCs remain viable. To ensure viability, it is crucial that the BOCs be unshackled. This Commission and the court hold the keys to the lock. These keys should be used to set the BOCs free.

[FR Doc. 83-7502 Filed 3-28-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 61
Tuesday, March 29, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Pine Park RC&D Measure, New Jersey; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pine Park RC&D Measure, Ocean County, New Jersey.

FOR FURTHER INFORMATION CONTACT: Joseph C. Branco, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, Somerset, New Jersey 08873, telephone (201) 246–1205.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Joseph C. Branco, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for stabilizing critically eroding gullies in Pine Park, located in Lakewood Township. The planned works of improvement include the installation of pipe drop structures to convey upslope runoff to the floodplain and grading, reshaping and revegetating the eroded area.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Joseph C. Branco.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 16, 1983.

Joseph C. Branco,
State Conservationist.

[FR Doc. 83–7956 Filed 3–28–83; 8:45 am]
BILLING CODE 3410–16–M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Schedule for Awarding Senior Executive Service Performance Awards (Bonuses)

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Notice of Schedule for Awarding Senior Executive Service Performance Awards (Bonuses).

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

EFFECTIVE DATE: This notice is effective upon publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: William G. Laxton, Personnel Director, Office of the Federal Inspector (ANGTS), Room 22317, Post Office Building, 1200 Pennsylvania Avenue NW., Washington, D.C. 20044, (202) 275–1157.

Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid. The Office of the Federal Inspector intends to award Senior Executive Service bonuses for the performance rating cycle of October 1, 1981, through September 30, 1982, with payouts scheduled by April 12, 1983.

Dated: March 24, 1983.

John T. Rhett,
Federal Inspector.

[FR Doc. 83–7948 Filed 3–28–83; 8:45 am]
BILLING CODE 6119–01–M

CIVIL AERONAUTICS BOARD

[Order 83–3–122; Docket 41125]

Action Air Cargo Corp.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 83–3–122.

SUMMARY: The Board proposes to grant an amendment to the certificate of Action Air Cargo Corporation to permit it to operate scheduled air transportation of property and mail between the United States and Jamaica.

SUPPLEMENTARY INFORMATION:

Objections: All interested persons having objections to the Board's tentative findings and conclusions, as described in the order cited above, shall, no later than April 20, 1983, file a statement of such objections with the Civil Aeronatics Board (20 copies, addressed to Docket 41125, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to all affected carriers, the Departments of State and Transportation and the Attorney General.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will make final the Board's tentative findings and conclusions and issue the proposed certificate.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW, Washington, D.C. 20428, (202) 673–5432. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, (202) 673–5203, Bureau of

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International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Baord: March 24, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-8041 Filed 3-28-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 833-121; Docket 40857]

Air Specialties Corp.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: 83-3-121, Docket 40857.

SUMMARY: The Board has tentatively decided to amend the certificate of public convenience and necessity held by Air Specialties Corp. to authorize the carrier to engage in worldwide charter air transportation of persons, property, and mail.

SUPPLEMENTARY INFORMATION:

Objections: All interested persons having objections to the Board's tentative findings and conclusions that this action be taken, as described in the order cited above, shall, no later than April 11, 1983, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 40857, Docket Service, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to Air Specialties Corp., Orion Air, and the United States Departments of State and Transportation. A statement of objections must cite the docket number and must include a summary of testimony, statistical data or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will make final the Board's tentative findings and conclusions and amend Air Specialties Corp.'s certificate of public convenience and necessity to authorize it to engage in worldwide charter air transportation of persons, property, and mail.

To get a copy of the complete order, request it from the Civil Aeronautics Board, Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington Metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Rhonda Starck, (202) 673-5035, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 24, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-8042 Filed 3-28-83; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

(See, 14 CFR 302.1701 et seq.); Week Ended March 18, 1983.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Mar. 14, 1983	41363	Vuelos Especiales Libenanos, S.A. d.b.a. VEL, c/o Marvin S. Cohen, Stroock & Stroock & Lavan, 1150 Seventeenth Street, N.W., Suite 600, Washington D.C. 20036. Application of VEL pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit to engage in foreign air transportation of persons, property and mail in non-scheduled and charter operations between points in Costa Rica, on the one hand and points in the United States on the other hand, via intermediate points in Mexico, Central America and the Caribbean area. The authority to serve third country intermediate points is sought as support for VEL's through flights Answers may be filed by April 10, 1983.
Mar. 15, 1983	41365	Aerovias Nacionales de Colombia, S.A. (AVIANCA), c/o Robert D. Pakin, Squire, Sanders & Dempsey, 1201 Pennsylvania Ave., N.W., Washington, D.C. 20004 Application of AVIANCA pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations applies for amendment of the Foreign Air Carrier Permit issued to it pursuant to Order 78-10-135 to add Maracaibo, Venezuela as a further intermediate point on Route 2 of that permit Answers may be filed by April 12, 1983
Mar. 18, 1983	41372	South Seas Airlines, c/o Morris R. Garfinkle, Galland, Kharasch, Calkins & Morse, 1054 Thirty-first Street, N.W., Washington, D.C. 20007 Application of South Sea Airlines pursuant to Section 401(d)(1) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate and overseas scheduled air transportation of persons, property, and mail Between any point in any State in the United States or the District of Columbia, or any territory or possession of the United States and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States Conforming Applications, Motions to Modify Scope and Answers may be filed by April 15, 1983
DO	41373	South Seas Airlines, c/o Morris R. Garfinkle, Galland, Kharasch, Calkins & Morse, 1054 Thirty-first Street, N.W., Washington, D.C. 20007 Application of South Seas Airlines pursuant to Section 401(d)(1) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in foreign air transportation of persons, property, and mail between Honolulu, Hawaii and Pago Pago, American Samoa, on the one hand and Rarotonga, Cook Islands, on the other, and beyond Cook Islands to Papeete, French Polynesia, and Nadi, Fiji. Conforming Applications, Motions to Modify Scope and Answers may be filed by April 15, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-8046 Filed 3-28-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83-3-125; Docket 41390]

California-Toronto/Montreal Service Case; Order Instituting Investigation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order instituting investigation: Order 83-3-125, Docket 41390.

SUMMARY: The Board is instituting the *California-Toronto/Montreal Service Case* to select primary and back-up carriers to provide scheduled service between Los Angeles/San Francisco, California and Toronto and Montreal, Canada (U.S. Routes E.1 and E.2 of the

U.S.-Canada Air Transport Services Agreement). The proceeding will also consider whether American Airlines' certificate authority for these routes should be deleted under section 401(g) of the Act. The complete text of Order 83–3–125 is available as noted below.

DATES: Applications, motions to consolidate applications conforming to the scope of this proceeding, petitions from interested persons, and petitions for reconsideration shall be filed by April 13, 1983. Answers shall be filed by April 25, 1983.

ADDRESSES: All pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 41390, California-Toronto/Montreal Service Case.

FOR FURTHER INFORMATION CONTACT: Ronald A. Brown, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5203.

SUPPLEMENTARY INFORMATION: The Complete text of Order 83–3–125 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washigton, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–3–125 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 24, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–8045 Filed 3–28–83: 8:45 am]

BILLING CODE 6320–01–M

[Order 83–3–123; Docket 40972]

Pacific Southwest Airlines, Inc.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 83–3–123.

SUMMARY: The Board proposes to: (1) Revoke the primary authority of Pacific Southwest Airlines, Inc., (PSA) to provide scheduled combination service between Los Angeles and Puerto Vallarta/Mazatlan, Mexico; (2) Amend the certificate of Western Air Lines, Inc., to authorize it to engage in combination air transportation on the aforementioned route; (3) Make United Air Lines, Inc., the current backup carrier on the route, the backup carrier to Western instead of to PSA; and (4) Permit Western to combine service over this route with other U.S.-Mexico certificate authority it currently holds, subject to the terms of U.S.-Mexico Air Transport Agreement.

SUPPLEMENTARY INFORMATION:

Objections: All interested persons having objections to the Board's tentative findings and conclusions, as described in the order cited above, shall, no later than April 21, 1983, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 40972, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to all affected carriers, the Departments of State and Transportation and the Attorney General.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed certificate.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5432. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, (202) 673–5203, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 24, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–8043 Filed 3–28–83: 8:45 am]

BILLING CODE 6320–01–M

[Docket 41306]

Unicorn Air Ltd., Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-mentioned matter is assigned to commence on April 29, 1983, at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned chief administrative law judge.

Dated at Washington, D.C., March 21, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83–8044 Filed 3–28–83: 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 7–83]

Foreign-Trade Zone 26, Shenandoah, Georgia (Atlantic Port of Entry) Application for Subzone at General Motors Auto Assembly Plants in Atlanta and Doraville, Georgia

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Georgia Foreign Trade Zone, Inc. (GFTZ), grantee of Foreign-Trade Zone 26, requesting special-purpose subzone status for General Motors Corporation's (GM) auto assembly plants in Atlanta and Doraville, Georgia, within the Atlanta Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 18, 1983. The applicant is authorized to make this proposal under Chapter 10, Title 52 of the Official Code of Georgia Annotated.

On January 17, 1977, the Board authorized GFTZ to establish a foreign-trade zone project in the Atlanta area (Board Order 115, 42 FR 4186, 1/24/77). The project covers 33 acres at Shenandoah in Coweta County, some 23 miles south of Atlanta's international airport. Over $14 million in merchandise was received by the zone in FY 1982.

The subzone would involve GM's Atlanta area auto assembly plants in Atlanta (Lakewood) and Doraville. The Lakewood plant covers 85 acres at Sawtell and McDonough Boulevard in Atlanta. The Doraville plant covers 139 acres at 3900 Motors Industrial Way, Doraville.

The Lakewood plant has an annual capacity for producing over 100,000 Chevette-model automobiles, employing over 1800 workers. Although it uses mostly domestic material, certain components are sourced abroad, such as automatic transmissions, optional diesel engines, solenoids, wiring harnesses and seat covers, which account for less than 5 percent of material value.

The Doraville plant produces over 200,000 Century and Cutlass-model automobiles annually and employs 5500 workers. Foreign content on these vehicles is less than 2 percent and includes optional engines, brake hoses and radios.

Exports account for 7.5 percent of production at the Doraville plant and the company expects to resume exporting from the Lakewood plant when market

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conditions improve. Zone procedures will exempt GM from paying duties on foreign components used in these exports. On its domestic sales, the company will be able to defer duty and to take advantage of the same duty rate that is available to importers of finished automobiles. The average duty rate on the foreign parts GM uses at the Lakewood and Doraville plants is about 4.4 and 3.8 percent respectively, whereas the rate for automobiles is 2.8 percent. The reduction of Customs costs is part of GM's overall program to modernize and reduce costs at its U.S. assembly plants, making them more competitive with auto assembly facilities offshore.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Charles W. Winwood, Director (Inspection and Control), U.S. Customs Service, Southeast Region, 99 S.E. 5th Street, Miami, Florida 33131; and Colonel Charles E. Dominy, District Engineer, U.S. Army Engineer District Savannah, P.O. Box 889, Savannah, Georgia 31402.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before April 28, 1983.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 1365 Peachtree Street, N.E., Suite 600, Atlanta, Georgia 30309

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania, NW., Room 1872, Washington, D.C. 20230.

Dated: March 23, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-7987 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-25-M

[Docket No. 8-83]

Foreign-Trade Zone 15, Kansas City, Missouri; Application for Subzone at Ford's Auto Assembly Plant in Claycomo, Missouri

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Kansas City Foreign-Trade Zone, Inc. (KCFTZ), grantee of Foreign-Trade Zone 15, requesting authority for a special-purpose subzone at Ford Motor Corporation's auto assembly plant in Claycomo, Clay County, Missouri, within the Kansas City Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 18, 1983. The applicant is authorized to make this proposal under a special act of the State of Missouri Legislature, approved June 22, 1971.

On March 23, 1973, the Board authorized the KCFTZ to establish a foreign-trade zone project with 2 sites in Kansas City, Missouri (Board Order 93, 37 FR 15535, 8/3/72). Another site was added in 1974 (Board Order 102, 39 FR 39487, 11/1/74). In FY 1982 the zone received over $30 million in merchandise.

The subzone will be for Ford's Kansas City auto assembly plant which covers 155 acres on Highway 69, Claycomo, Missouri, some 7 miles from downtown Kansas City. Ford is in the process of renovating the plant to produce a new line of compact cars. The facility can produce over 200,000 cars and trucks annualy. Although most of the parts and material used at the plant are produced domestically, close to 5 percent of the components such as engines, transaxles and radios are imported.

Zone procedures will exempt Ford from paying duties on foreign components used for its exports. On its domestic sales, the company will be able to defer duty and to take advantage of the same duty rate available to importers of finished autos. The average duty rate for the foreign components Ford uses at its Kansas City plant is 4.6 percent whereas the rate for finished autos is 2.8 percent. The savings from zone procedures are expected to contribute to Ford's efforts to reduce plant costs, helping to make it more competitive with auto production facilities offshore. The result will be continued investment in the Kansas City facility and a possible increase in the plant's workforce currently some 3800 persons.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; William L. Duncan, District Director, U.S. Customs Service, North Central Region, 120 S. Central Avenue, St. Louis, Missouri 63105; and Colonel Gurnie C. Gunter, District Engineer, U.S. Army Engineer District Kansas City, 700 Federal Building, Kansas City, Missouri 64106.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before April 28, 1983

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 601 East 12th Street, Room 1845, Kansas City, Missouri 64106

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, NW., Washington, D.C. 20230

Dated: March 23, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-7988 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Issuance of Permit

On January 26, 1983, Notice was published in the **Federal Register** (48 FR 3640), that an application had been filed with the National Marine Fisheries Service by the Aquarium of Niagara Falls, 701 Whirlpool Street, Niagara Falls, New York 14301, for a permit to take three (3) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on March 23, 1983, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a public Display Permit for the above taking to the Aquarium of Niagara Falls, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administratior for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

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Dated: March 23, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-8061 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit

On January 26, 1982, Notice was published in the **Federal Register** (48 FR 3640), that an application had been filed with the National Marine Fisheries Service by Marineland, S.A., Costa d'en Blanes, Palma Nova, Mallorca, Spain, for a permit to take four (4) Atlantic bottlenose dolphins (*Tursiops truncatus*) and obtain four (4) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on March 23, 1983, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Marineland, S.A., subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida, 33702; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 23, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-8060 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-22-M

International Trade Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Erwin-Lambeth, Inc., 201 East Holly Hill Road, Thomasville, North Carolina 27360, producer of lamps and chandeliers (accepted February 23, 1983); (2) J. T. Koltis Enterprises, Inc., 780 East 135th Street, Bronx, New York 10454, producer of women's footwear (accepted February 25, 1983); (3) A & M Leatherlines, Inc., 75 Varick Street, New York, New York 10013, producer of stationery, photo albums, address books and desk accessories (accepted February 28, 1983); (4) Riverdale Plastics, Inc., 21 Cotluss Road, Riverdale, New Jersey 07457, producer of molded plastic toys and other articles (accepted February 28, 1983); (5) Chips 'n Twigs, Inc., 642 North Broad Street, Philadelphia, Pennsylvania 19130, producer of men's and boys' suits, sportcoats and slacks (accepted March 1, 1983); (6) George B. Bent Company, Inc., 424 Main Street, Gardner, Massachusetts 01442, producer of household furniture (accepted March 1, 1983); (7) Cerveceria Corona, Inc., Avenue Hipodromo Final, Santurce, Puerto Rico 00910, producer of beer (accepted March 2, 1983); (8) E.C.D., Inc., 171 Central Avenue, Hillside, New Jersey 07205, producer of industrial fasteners and steel wire (accepted March 2, 1983); (9) Domar Buckle Manufacturing Corporation, P.O. Box 523, Linden, New Jersey 07036, producer of buckles and other metal trim, and fasteners for apparel and luggage (accepted March 2, 1983); (10) W. E. Treichler & Son, Inc., 2863 Saunders Settlement Road, Sanborn, New York 14132, producer of cut flowers (accepted March 2, 1983); (11) Tera Industrial Controls, Inc., 14279 N. W. Science Park Drive, Portland, Oregon 97229, producer of machine tools (accepted March 2, 1983; (12) Special Cutting Tools, Inc., 9844 Alburtis Avenue, Santa Fe Springs, California 90670, producer of machine tool parts (accepted March 3, 1983); (13) AHK, Inc., 927 Owen Street, Honolulu, Hawaii 96819, producer of men's, women's and children's footwear (accepted March 4, 1983); (14) Dodge Cork Company, Inc., 11 Laurel Street, Lancaster, Pennsylvania 17603, producer of composition cork products (accepted March 7, 1983); (15) Davis-Lynch Glass Company, P.O. Box 4268, Star City, West Virginia 26505, producer of glass lighting shades and lamp parts (accepted March 7, 1983); (16) Pemco-Kalamazoo, Inc., P.O. Box 1068, Kalamazoo, Michigan 49005, producer of shopping cart wheels and casters (accepted March 7, 1983); (17) Cherry Fashions, Inc., P.O. Box 30551, 65 Infantery Station, Carolina, Puerto Rico 00924, producer of women's dresses, blouses and other tops (accepted March 8, 1983); (18) Montague Industries, Inc., 15th Street, Turners Falls, Massachusetts 01376, producer of pulp and paper machinery (accepted March 8, 1983); (19) Val D'Or, Inc., 350 Fifth Avenue, New York, New York 10118, producer of men's, women's and children's shirts (accepted March 8, 1983); (20) H. W. Hart Manufacturing Company, 914 Justin Avenue, Glendale, California 91201, producer of poultry feeding systems and waterers (accepted March 9, 1983); (21) W. J. Young Fastener and Machinery Company, Inc., 4th Street, Peabody Industrial Park, Peabody, Massachusetts 01960, producer of shoe machinery and parts, and nails (accepted March 9, 1983); (22) Imprime, Inc., 250 Canal Street, Lawerence, Massachusetts 01840, producer of women's and men's jackets (accepted March 9, 1983); (23) National Machine & Research Company, Inc., P.O. Box 43, Palmyra, New Jersey 08065, producer of aircraft components (accepted March 10, 1983; (24) Oregon Moulding & Lumber Company, P.O. Box 737, Lake Oswego, Oregon 97034, producer of wood moulding and kitchen cabinets (accepted March 10, 1983); (25) J. Raymond Designs, Inc., 510 Third Street, San Francisco, California 91407, producer of women's blouses, skirts and jackets (accepted March 10, 1983); (26) Stevens Walden, Inc., 475 Shrewsbury Street, Worcester, Massachusetts 01604, producer of hand tools (accepted March 11, 1983); (27) Alda Sportswear, Inc., 413 Park Avenue, Brooklyn, New York 11205, producer of women's and children's suits, dresses, pants, skirts and tops (accepted March 14, 1983); (28) Wade Machine Tool Company, Inc., 49 River Street, Waltham, Massachusetts 02154, producer of machine tools (accepted March 14, 1983); (29) Fall River Fireplace Company, Inc., Box G, Syosset, New York 11791, producer of fireplace accessories and popcorn poppers (accepted March 15, 1983); (30) Standard Knitting Company, 1415 NW 52nd Street, Seattle, Washington 98107, producer of men's, women's and children's sweaters (accepted March 15, 1983); (31) CERO–21 Corporation, Box 2040, Valle Arriba Heights, Carolina, Puerto Rico 00630, producer of women's blouses (accepted March 16, 1983) (32) Burke Manufacturing Company, Inc., P.O. Box 613, Waynesboro, Georgia 30830, producer of men's and boys' jackets and vests (accepted March 17, 1983); (33) Hyatt Clark Industries, Inc., 1300 Raritan Road, Clark, New Jersey 07066, producer of roller and needle thrust bearings (accepted March 17, 1983); (34) Makelina, Ltd., 3400 Kehala Drive, Kihei, Hawaii 96753, producer of giftware (accepted March 17, 1983); (35) Laminated Glass Corporation, 375 Church Avenue, Telford, Pennsylvania 18969, producer of safety glass (accepted March 17, 1983); (36) A.B.C. Millwork, Inc., P.O. Box 416, Saint Just, Puerto Rico 00750, producer of wood doors and frames (accepted March 18, 1983); and

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(37) Airguide Instrument Company, 2210 W. Wabansia Avenue, Chicago, Illinois 60647, producer of auto compasses and weather and marine instruments (accepted March 18, 1983).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Departmet of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligiblity under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 83–7975 Filed 3–28–83; 8:45 am]

BILLING CODE 3510–25–M

Full Council Meeting, President's Export Council

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The President's Export Council was initially established by Executive Order 11753 of December 20, 1973. The Council was reconstituted by Executive Order 12131 of May 4, 1979, and continued by Executive Order 12258 of December 31, 1980, and 12399 of December 31, 1982. The Council's purpose is to advise the President on matters relating to United States export trade.

Time and place: April 15, 1983, from 2:00 p.m. to 4:00 p.m. The meeting will be held at the U.S. Department of Commerce, Room 4830, 14th and Constitution Ave. NW., Washington, D.C.

Agenda: Reports by subcommittees, including vote on resolution regarding Extraterritoriality of U.S. laws and effects on trade, and discussion of current trade legislation and issues.

Public participation: The general session of the meeting will be open for public observation and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Council. Written statements may be submitted at any time before or after the meeting.

For further information or copies of the minutes contact: Elisabeth Vermilye, Room 3213, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: (202) 377–1125.

Dated: March 24, 1983.

Henry Misisco,

Acting Director, Office of Policy and Coordination.

[FR Doc. 83–8018 Filed 3–28–83; 8:45 am]

BILLING CODE 3510–25–M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

JOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (4 U.S.C. Chapter 35).

Agency: Bureau of the Census.

Title: June 1983 Fertility and Birth Expectations Survey.

Form numbers: Agency—CPS–1; OMB—0607–0406.

Type of Request: New.

Burden: 45,000 respondent; 1,706 reporting hours.

Needs and uses: The questions concerning childbearing and future birth expectations will be a supplement to the June 1983 Current Population Survey (CPS) and will be used to update estimates of current and future birth rates and to examine trends in family development.

Affected public: Interviewed households in the June 1983 CPS.

Frequency: Annually.

Respondent's obligation: Voluntary.

OMB desk officer: Tim Sprehe, 395–4814.

Agency: National Oceanic and Atmospheric Administration.

Title: Foreign Fishing Vessel Reports.

Form Numbers: Agency—N/A; OMB—0648–0075.

Type of request: Extension.

Burden: 1,600 respondents; 50,000 reporting hours.

Needs and uses: Radio messages of vessel activities are used by the Department of Commerce to monitor the location and to account for any fish or fish products on board a vessel. Logbooks are used to determine fees that are paid every 3 months. Summarized reports are used to monitor the relative abundance of fish stocks.

Affected public: Foreign fleets fishing in U.S. fishery conservation zone (200 mile zone).

Frequency: On occasion, weekly, quarterly and annually.

Respondent's obligation: Required to obtain or retain benefit, Mandatory.

OMB desk officer: Ken Allen, 395–3785.

Agency: National Oceanic and Atmospheric Administration.

Title: Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Application.

Form numbers: Agency—Uses SF–424; OMB—0648–0086.

Type of request: Revision.

Burden: 200 respondents; 200 reporting hours.

Needs and uses: Grants are awarded, on a competitive basis, for fisheries research and development. Information is used to determine relative merits of projects submitted for funding and will be used by reviewers to determine funding priorities.

Affected public: Fishing industry.

Frequency: Annually.

Respondent's obligation: Required to obtain or retain benefit.

OMB desk officer: Ken Allen, 395–3785.

Agency: National Oceanic and Atmospheric Administration.

Title: Stranding Reports.

Form numbers: Agency—N/A; OMB 0648–0087.

Type of Request: Extension.

Burden: 4,000 respondents; 2,000 reporting hours.

Needs and uses: In support of the objectives of the Marine Mammal and Endangered Species Acts, information is used to compile data on marine mammal/endangered species strandings. Scientists and others interested use the data to study the cause and effect of marine animal strandings.

Affected public: Scientists and local government officials.

Frequency: On occasion.

Respondent's obligation: Voluntary.

OMB desk officer: Ken Allen, 395–3785.

Agency: National Oceanic and Atmospheric Administration.

Title: Report on Condition of Survey Mark.

Form numbers: Agency—NOAA 76–91; OMB—0648–0006.

Type of request: Extension.

Burden: 2,500 respondents; 500 reporting hours.

Needs and uses: The national horizontal and vertical geodetic control networks consist of approximately 800,000 survey marks throughout the United States. The information collected is used to update the automated files in support of the national network mark preservation program.

Affected public: Surveyors—Federal, state, and local government organizations; private survey firms; and individual surveyors.

Frequency: On occasion.

Respondent's obligation: Voluntary.

OMB desk officer: Ken Allen, 395–3785.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to Ken Allen, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 83–8020 Filed 3–28–83; 8:45 am]

BILLING CODE 3510–CW–M

CONSUMER PRODUCT SAFETY COMMISSION

Toxicological Advisory Board; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting; Toxicological Advisory Board.

SUMMARY: This notice announces a meeting of the Toxicological Advisory Board on Tuesday, April 26, 1983 from 9:00 am to 4:30 pm and Wednesday, April 27, 1983 from 9:00 am to 2:00 pm. The meeting, which is open to the public, will be held in Room 456 at 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Ann L. Hamann, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492–6957.

SUPPLEMENTARY INFORMATION: The Toxicological Advisory Board is an established nine-member advisory committee which advises the Commission on precautionary labeling for acutely toxic household substances and on instructions for first aid treatment labeling. In addition, the Board reviews labeling requirements that have been issued under the Federal Hazardous Substances Act and recommends revisions it considers appropriate. The Toxicological Advisory Board was established on May 9, 1979, under the authority of 15 U.S.C. 1275 (Pub. L. 95–631, section 10).

At its January 1983 meeting, the board formed several sub-committees, and reports on their preliminary findings will be presented at the meeting on April 26–27, 1983, as follows:

The following subcommittees will make presentations on April 26:

The Neutralization Subcommittee will discuss its investigation of the appropriateness, or lack thereof, of utilizing neutralization as a first aid procedure for caustic or corrosive ingestion and/or skin contact.

The Hydrocarbon Subcommittee will discuss first aid treatment for hydrocarbon ingestions. Based on information presented, the board will decide if it should pursue the subject of hydrocarbon product labeling beyond its earlier recommendations.

The Epidemiology Subcommittee will discuss the adequacy of current clinical data sources for making judgments with respect to the labeling of hazardous substances.

The following subcommittees will make presentations April 27:

The New Ingredients Subcommittee will discuss the possibility of extending the scope of the labeling guide to include additional single-ingredient products.

The Ventilation Subcommittee will discuss means by which the concept of "adequate ventilation" may be more meaningfully conveyed on a product label.

The two-day meeting is open to the public; however, space is limited. Interested persons who wish to make oral or written presentations to the board on the subjects described above should notify Dr. Fred Marozzi, Directorate for Health Sciences, Consumer, Product Safety Commission, Washington, D.C., telephone (301) 492–6477 by April 15, 1983. The notification should state: the name, address, and phone number of the individual who will make an oral presentation or submit a written presentation; the person, company, group, or industry on whose behalf the presentation will be made; the subject matter; and the approximate time requested for an oral presentation or the number of pages required for written presentation. Time permitting, the presentations, and possibly other oral statements from the audience to members of the board, may be allowed by the presiding officer. Persons who submit their requests by April 15, 1983, as described above, will be notified of the presiding officer's decision before the meeting.

Dated: March 23, 1983.

Sheldon Butts,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 83–7977 Filed 3–28–83; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS) for the Cleveland Harbor Navigation Project, Cleveland, OH

AGENCY: Army Corps of Engineers, Buffalo District, DOD.

ACTION: Notice of Intent to prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS).

SUMMARY: 1. *Description of Action.* The proposed action would involve the construction of commercial navigation improvements at the existing Cleveland Harbor Commercial Navigation Project. The original FEIS for modifications to the existing project was completed in January 1978 and filed with the U.S. Environmental Protection Agency on 26 October 1978. However, investigations performed subsequent to the FEIS resulted in study reformulation. The purpose of the Draft Supplement to the FEIS is to address new alternatives which are being proposed in conjunction with the present Reformulation Phase I General Design Memorandum (GDM) Study for the project.

2. *Alternatives.* A wide range of structural and nonstructural alternatives were addressed in the original FEIS and during earlier stages of the Reformulation Phase I GDM Study. The only alternatives presently being considered for implementation are as follows:

a. No action.

b. Alternative 1. "All Weather" East Entrance Plan—This alternative would provide an "all-weather" entrance into the Lakefront Harbor for 1,000-foot vessels at the existing east entrance. Components of Plan 1 include dredging

a fan-shaped entrance and deepening portions of the east basin.

c. Alternative 7G, Remove Jefferson Avenue Bridge Abutments—This alternative would reduce vessel congestion on the Cuyahoga River section of the Cleveland Harbor Project by widening the existing Federal Channel in the vicinity of the Jefferson Avenue bridge abutments. Under this plan, the Jefferson Avenue bridge abutments would be removed, about 65 feet of steel sheet pile bulkhead would be constructed on both sides of the river in the vicinity of the former bridge abutments to stabilize the bank, about 200 feet of existing bulkhead would be replaced, an existing underwater power cable would be relocated, and the channel at the site of the former bridge abutments would be widened from a minimum width of about 130 feet to about 180 feet.

d. Alternative 11, Deepen Turning Basin—This alternative would facilitate vessel unloading operations on the Cuyahoga River by deepening the turning basin at river mile 4.8 from a depth of 18 feet to 23 feet. About 1755 feet of existing steel sheet pile bulkhead bordering the turning basin would be replaced under this plan.

3. *Scoping Process.* Considerable agency and public coordination has been performed during preparation of the FEIS and previous stages of the Reformulation Phase I GDM Study. Additional agency and public coordination will be accomplished during preparation of the Draft Supplement to the FEIS. The participation of concerned Federal, State, and local agencies, and other interested private organizations and parties is invited. Significant issues to be analyzed in the Draft Supplement include commercial navigation, benthic and fishery impacts, sediment and water quality, and water use.

4. *Scoping Meeting.* No scoping meeting is currently scheduled.

5. *Availability.* The Draft Supplement is scheduled to be available for review in March 1984.

ADDRESS: Questions about the proposed action and Draft Supplement can be answered by Mr. David W. Heicher, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207, telephone (716) 876–5454 (FTS 473–2171).

Dated: March 21, 1983.

Robert R. Hardiman,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83–7985 Filed 3–28–83; 8:45 am]

BILLING CODE 3710–GP–M

Defense Logistics Agency

Environmental Assessment of the Disposal of Lithium-Sulfur Dioxide Batteries; Finding of no Significant Impact

AGENCY: Defense Logistics Agency, Defense Property Disposal Service, DOD.

ACTION: Notice of a finding of no significant impact.

SUMMARY: This announces completion of an Environmental Assessment for the disposal of lithium-sulfur dioxide batteries and a Finding of No. Significant Impact. Public notice is required by the Council on Environmental Quality Regulations (40 CFR 1501.4).

FOR FURTHER INFORMATION CONTACT: David M. Caughey, Environmental Protection Specialist, Defense Property Disposal Service (DPDS–HEA), Federal Center, Battle Creek, MI 49016, Telephone: 616/962–6511, ext. 6860.

SUPPLEMENTARY INFORMATION: The Environmental Assessment prepared for the disposal of lithium-sulfur dioxide batteries concludes that the recommended methods of disposal will not significantly affect the quality of the human environment. As a result of this finding, it has been determined that the preparation of an Environmental Impact Statement is not required.

The Defense Logistics Agency, through the Defense Property Disposal Service (DPDS), is responsible for the disposal of all current and future accumulations of lithium-sulfur dioxide batteries which are excess to the needs of the Department of Defense. Lithium-sulfur dioxide batteries which have been depleted through use, reached the end of their listed shelf life, or withdrawn from use have in the past been unsuccessfully screened for reutilization, sale, and recycling or reprocessing potential. Considering the controversies presently surrounding the safety and environmental aspects of lithium-sulfur dioxide batteries, it has been determined that the available methods for their ultimate disposal must be examined.

The potential ultimate disposal methods examined include: no action, landfill burial, incineration, detonation by explosives, ocean dumping, disposal pons or lagoons, and opening with chemical neutralization. The course of action recommended by the Environmental Assessment is to dispose of lithium-sulfur dioxide batteries by burial in secure landfills or by controlled opening, chemical neutralization, and appropriate disposal of the non-reactive contents and casings. Discarded lithium-sulfur dioxide batteries have been determined to be a hazardous waste, and either of these disposal methods will reasonably assure that any battery contents with potentially detrimental effects upon the environment will be premanently immobilized or rendered inert. Adherence to various handling, storage, and transportation precautions will also mitigate any personnel or environmental risks that exist prior to final disposal.

Due to the capabilities and limitations inherent in the role and mission of DPDS, ultimate disposal must be accomplished by means of a service contract. The service contract for disposal will include the appropriate terms and conditions necessary to assure the environmental security, personal safety, and expeditious completion of either of these alternatives. DPDS will also monitor the operations of the firm(s) selected, and will terminate any actions where unexpected environmental impacts appear likely.

The Environmental Assessment of the Disposal of Lithium-Sulfur Dioxide Batteries is available for review at the Defense Logistics Agency Library, Room 4D131, Cameron Station, Alexandria, VA 22314. A limited number of copies of the Environmental Assessment are available to fill single copy requests from DPDS at the above address.

Dated: March 23, 1983.

Christ F. Potamos,

Colonel, USA, Staff Director, Installation Services and Environmental Protection.

[FR Doc. 83–7984 Filed 3–28–83; 8:45 am]

BILLING CODE 3620–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Gladieux Refining, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Gladieux Refining, Inc. (Gladieux) as a final order of the Department.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street,

Kansas City, Missouri 64106–2466, (816) 374–2092.

SUPPLEMENTARY INFORMATION: On January 4, 1983, 48 Fed. Reg. 324, the ERA published a notice in the **Federal Register** that it executed a proposed Consent Order with Gladieux Refining, Inc. of Fort Wayne, Indiana, on December 17, 1982 which would not become effective sooner than 30 days after publication of that notice. The Consent Order settles alleged regulatory violations brought by the Department of Energy against Gladieux Refining, Inc. involving petroleum product price overcharges by Gladieux during the period August 19, 1973 through January 27, 1981. Under the terms of the Consent Order, Gladieux agrees to refund $1,300,000. Gladieux shall issue credit memoranda totaling $480,000 to purchasers identified in the Consent Order which provides for a $.0185 per gallon discount on purchases and is fully redeemable in cash on the third year anniversary of the effective date of the Consent Order. Gladieux shall refund $820,000 plus interest to the Defense Fuels Supply Center by means of a rollback of one-half cent per gallon off the price set by the existing contract between the parties. Any remaining balance after three years shall be refunded in cash and interest shall accrue on the outstanding balance commencing with the effective date of the Order and paid by cash payment within thirty days after the third year anniversary of effective date of the Consent Order. The Consent Order resolves all matters relating to Gladieux's compliance with the federal petroleum price and allocation regulations and constitutes neither an admission by Gladieux nor a finding by DOE of any violation of any statute or regulation.

Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order. The single comment received was from the Defense Fuels Supply Center concerning details of the rollback on their contract as structured under the Consent Order.

Since the Department received no other comment, the Consent Order as proposed became effective on March 1, 1983.

Issued in Kansas City on the 17th day of March, 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83–7989 Filed 3–28–83; 8:45 am]

BILLING CODE 6450–01–M

Steuart Petroleum Company; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Steuart Petroleum Company and provides an opportunity for public comment on the proposed Consent Order.

DATE: Comments by April 28, 1983.

ADDRESS: Send comments to: Robert J. McKee, Jr., Director, Philadephia Field Office, ERA, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

FOR FURTHER INFORMATION CONTACT: Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, (215) 597–3856.

Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On March 11, 1983, the ERA executed a proposed Consent Order with Steuart Petroleum Company ("Steuart") of Washington, D.C. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Ferderal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

Steuart, with its home office located in Washington, D.C., is a firm engaged in the sale of crude oil and covered petroleum products, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212 during the period January 1, 1973 through January 28, 1981 ("the period covered by this Consent Order"). An audit conducted by the ERA included a review of Steuart's records relating to compliance with the Federal petroleum price and allocation regulations during the period January 1, 1973 through January 28, 1981 (the audit period). In its audit the ERA reviewed Steuart's pricing and allocation policies and procedures and the manner in which Steuart applied the Federal petroleum price and allocation regulations. Steuart has cooperated with this audit. Steuart has made its books and records available to the auditors of the DOE and the auditors have examined and reviewed a substantial volume of such materials. DOE believes that Steuart has maintained procedures reasonably adapted to achieve compliance with the federal petroleum price and allocation regulations. DOE has found no evidence that Steuart has committed any willful or intentional violations of the federal petroleum price and allocation regulations for the period covered by this Consent Order.

The EPA and Steuart disagree in several respects concerning Steuart's compliance with the Federal petroleum price and allocation regulations during the audit period. Notwithstanding the ERA's view as to the proper application of the regulations to Steuart's activities, Steuart maintains that it has correctly construed and applied the regulations. The ERA and Steuart each believes that its respective positions on the legal issues underlying their disagreements are meritorious. However, both parties desire to resolve the issues raised by the audit without resort to complex, lengthy and expensive compliance actions and therefore have entered into this Consent Order. The ERA believes that the Consent Order is in the public interest because it provides a satisfactory resolution of disputed issues and an appropriate conclusion of the Steuart audit.

The Consent Order addresses all aspects of Steuart's compliance with the Federal petroleum price and allocation regulations during the audit period and resolves all issues concerning Steuart's compliance with the Federal petroleum price and allocation regulations during the audit period. In settlement of all disputes with the ERA concerning sales of covered petroleum products during the audit period, Steuart has agreed to refund an aggregate amount of $900,000. Of that amount $482,445 is to be paid to the United States Treasury; $417,555 is to be paid to identified end-users of No. 6 oil by check or credit memoranda over a period of one year from the effective date of the Consent Order. The Consent Order also provides details concerning identification of such end-users, records retention, and procedures concerning enforcement of the provisions of the Consent Order.

The Consent Order does not constitute an admission by Steuart nor a finding by the ERA of any violation of the Federal petroleum price and allocation regulations. This notice merely summarizes the Consent Order, and neither limits nor modifies it in any

way whatsoever. The provisions of 10 CFR 205.199J, including those regarding the publication of this Notice, are applicable to the Consent Order.

Upon full satisfaction of the terms and conditions of this Consent Order by Steuart, the DOE releases Steuart from any civil claims that the DOE may have arising out of the federal petroleum price and allocation regulations.

Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comments on Steuart Petroleum Company Consent Order." The ERA will consider all comments it receives by 4:30 PM, local time, on April 28, 1983. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures at 10 CFR 205.9(f).

Issued in Philadelphia on the 14th day of March, 1983.

Robert J. McKee, Jr.,

Director, Philadelphia Field Office, ERA.

[FR Doc. 83-7991 Filed 3-28-83; 8:45 am]

BILLING CODE 6450-01-M

Proposed Consent Order With Twin Montana, Inc.

AGENCY: Department of Energy (DOE).

ACTION: Notice of proposed consent order and opportunity for public comment.

SUMMARY: The Office of the Special Counsel (OSC) hereby gives the notice required by 10 CFR 205.199J that it has entered into a Consent Order with Twin Montana, Inc. ("Twin Montana"). The Consent Order resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations for the preiod August 19, 1973 through January 27, 1981, when crude oil and petroleum products were decontrolled by Executive Order 12287, 46 FR 9909 (January 30, 1981). To remedy any violations that may have occurred during the period, Twin Montana has agreed to pay the principal amount of $1,437,773.63; interest of $51,355.88 for the period October 1, 1982 until December 22, 1982; and interest accrued on the above amounts until subsequent payment to the DOE.

As required by the regulation cited above, OSC will receive comments on the Consent Order for a period of not less than 30 days following publication of this notice. OSC will consider any comments received before determining whether to make the Consent Order final. Although the Consent Order has been signed and accepted by the parties, the OSC may, after the expiration of the comment period, withdraw its acceptance of the Consent Order and attempt to obtain a modification of the Consent Order or, if appropriate, issue the Consent Order as proposed.

Comments: To be considered, comments must be received by 5:00 p.m. on the thirtieth day following publication of this notice, April 28, 1983. Address comments to: Twin Montana Consent Order Comments, Department of Energy, RG-30, Room 5109, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor, Economic Regulatory Administration, Department of Energy, RG-30, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461, Phone: (202) 633-9358.

Copies of the Consent Order may be received free of charge by written request to: Twin Montana Consent Order Request, Department of Energy, RG-30, Room 5109, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, Room 1E-190, Washington, D.C. 20585, between the hours of 8:00 a.m.-4:00 p.m.

SUPPLEMENTARY INFORMATION: Twin Montana is a producer and marketer of crude oil subject to compliance with the DOE Petroleum Price and Allocation Regulations (Regulations). During the period covered by the Consent Order, Twin Montana engaged in the production and marketing of crude oil. This Consent Order resolves all administrative and civil issues not previously resolved concerning the allocation and sale a of covered petroleum products during the audit period, whether or not raised in a previous enforcement action.

Conclusion of OSC Audit

The Consent Order addresses all aspects of Twin Montana's compliance with the applicable Regulations. OSC raised certain issues with respect to Twin Montana's compliance with the Regulations. Notwithstanding DOE's position to the contrary, Twin Montana maintains that it has correctly construed and applied the Regulations. The parties, however, desire to resolve the issues raided without resort to complex. lengthy and expensive compliance actions. OSC believes that the terms and conditions of this Consent Order provide a satisfactory resolution of disputed issues and that the Consent Order is in the public interest.

Terms and Conditions of the Consent Order

To remedy any violations that may have occurred during the audit period, Twin Montana has agreed to the following payment: Within thirty (30) days after the Consent Order has been made effective, Twin Montana shall deliver a check to the DOE in the principal amount of $1,437,773.63; interest on the principal in the amount of $51,355.88 from October 1, 1982 until December 22, 1982; and interest paid by the First National Bank of Graham, Texas on the escrowed funds until subsequent payment to the DOE.

The Consent Order also provides details concerning the enforecement of the provisions of the Consent Order. Among other things, DOE reserves the right to initiate enforcement proceedings and to seek appropriate penalties for any newly discovered regulatory violations committed by Twin Montana, but only if Twin Montana knowingly concealed such violations.

Upon becoming final after consideration of public comments, the Order will be a final order of DOE to which Twin Montan has waived its right to administrative or judicial appeal. The Consent Order does not constitute an admission by Twin Montana or a finding by OSC of a violation of any Federal petroleum price and allocation statutes or regulations.

Submission of Written Comments

Interested persons are invited to submit writtem comments concerning this Consent Order to the address noted above. All comments received by 5:00 p.m. on the thirtieth day following publication of this notice will be considered by OSC before determining whether to adopt the Consent Order as a final order. Any modifications to the Consent Order that, in the opinion of OSC, significantly change the terms or impact of the Consent Order will be published for comment. If, after consideration of public comments, DOE determines to issue the Consent Order as a final order, the Consent Order will be made final and effective by notice to that effect to Twin Montana. Pursuant to 10 CFR 205.199J(c), DOE will thereafter promptly publish in the **Federal Register** notice of any action taken on this Consent Order and an appropriate explanation of the action.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in Washington, D.C. March 16, 1983.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 83-7992 Filed 3-28-83; 8:45 am]

BILLING CODE 6450-01-M

Bi-Petro Refining Company, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration hereby gives notice of a Proposed Remedial Order wich was issued to Bi-Petro Refining Company, Inc. of Springfield, Illinois.

The Proposed Remedial Order charges this company with unlawfully increasing its selling prices in the amount of $4,365,386.86, plus accrued interest, in sales of covered product during the period of July 1978 through December 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 12th & Pennsylvania Avenue, NW., Washington D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 17th day of March, 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83-7990 Filed 3-28-83; 8:45 am]

BILLING CODE 6450-01-M

Placid Oil Company; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Placid Oil Company at 1600 First National Bank Building, Dallas, Texas 75202. This Proposed Remedial Order alleges pricing violations in the amount of $6,683,346 plus interest in connection with the sale of refined petroleum products, natural gas liquids and natural gas liquid products at prices in excess of those permitted by 10 CFR Part 212 during the time period August 19, 1973 through January 31, 1976.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Manager, Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7404. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 18th day of February 1983.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-7993 Filed 3-28-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

National Petroleum Council, Coordinating Subcommittee on Petroleum Inventories and Storage Capacity; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting.

Name: Coordinating subcommittee of the Committee on Petroleum Inventories and Storage Capacity

Date and time: Thursday, April 7, 1983—10:00 a.m.

Place: Don Quixote Senior Suite, The Warick, 5701 Main, Houston, Texas

Contact: Jimmie L. Petersen, Director, Office of Oil and Gas, Energy Information Administration, U.S. Department of Energy, Forrestal Building—Room 2H-058, Washington, D.C. 20585, Telephone: 202: 252-6401

Purpose of Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to petroleum inventories and petroleum storage product capacities.

Tentative Agenda

- Review and approval of the primary segment questionnaire for the survey.
- Discussion of Subcommittee assignments.
- Discussion of the schedule for completing the overall study.
- Discussion of any other matters pertinent to the overall assignments of the Coordinating Subcommittee.
- Public comment.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Jimmie L. Petersen at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday, through Friday, except Federal holidays.

Issued at Washington, D.C. on March 18, 1983.

J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc. 83-7728 Filed 3-28-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3207-002]

Borough of Saltsburg, Pennsylvania and Pennsylvania Renewable Resources, Inc; Application for Transfer of Major License

March 24, 1983.

Public notice is hereby given that an application was filed on November 26, 1982, under the Federal Power Act, 16 U.S.C. 791(a)-825(r), by Borough of Saltsburg, Pennsylvania and Pennsylvania Renewable Resources, Inc., licensees, and Borough of Saltsburg, Pennsylvania Renewable Resources, Associates, transferees, for transfer of Major license for the Conemaugh Project No. 30207. The project is located on the Conemaugh River in Westmoreland County, Pennsylvania. Correspondence should be directed to: Jeffrey Kossak, Pennsylvania Renewable Resources, Associates, 1185 Avenue of the Americas, Suite 2010, New York, New York 10036.

The said transferees are: Borough of Saltsburg, Pennsylvania: a municipal corporation under the laws of the Commonwealth of Pennsylvania and currently a co-licensee with Pennsylvania Renewable Resources, Inc. for Project No. 3207; and

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Pennsylvania Renewable Resources, Associates: a Limited Partnership, comprised of Pennsylvania Renewable Resources Group, General Partner, and Jeffrey Kossak and David Goodman, Limited Partners, and organized under the laws of the Commonwealth of Pennsylvania; a limited partnership agreement which has been submitted to and recorded by the Commonwealth of Pennsylvania. Transferees submit that they will comply with all applicable laws of the Commonwealth of Pennsylvania as required by Section 9(b) of the Federal Power Act.

Anyone desiring to be heard or to make any protest about this application should file a motion to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 385.211 or 385.214. Comments not in the nature of a protest may also be submitted by conforming to the procedures specified for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearings, a person must file a motion to intervene in accordance with the Commission's Rules. Any comments, protests, or motions to intervene must be received on or before May 6, 1983. The Commission's address is: 825 North Capitol Street, N.E., Washington, DC. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7997 Filed 3-28-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-381-000]

Carolina Power & Light Co.; Filing

Take notice that Carolina Power & Light Company on March 14, 1983, tendered for filing with the Federal Energy Regulatory Commission changes as outlined below:

1. A new contract between the United States of America, Department of Energy, acting by and through the Southeastern Power Administration (SEPA) and Carolina Power & Light Company (CP&L), for the transmission of power from the John H. Kerr Dam located on the Roanoke River near the Virginia-North Carolina border. The filed Contract dated March 10, 1983, supersedes a Contract dated March 30, 1973, as amended (FPC No. 103).

Under the provisions of the filed Contract, CP&L will receive from SEPA 75,000 kW of dependable capacity. Of this capacity, 60,300 kW will be transmitted to the SEPA preference customers located within the service area of the Company. SEPA will make a monthly payment to CP&L for transmitting the power to the preference customers. The remaining capacity will provide losses and reserves to serve the existing preference customers.

2. Notice of Cancellation of the contracts between CP&L and the preference customers of SEPA for the supply of deficiency energy is hereby given. The contracts, titled "Contract for Sale and purchase of Deficiency Energy", with the following preference customers are to be cancelled:

Customer	FPC No
Brunswick EMC	106
Carteret-Craven EMC	107
Central EMC	108
Four County EMC	109
Halifax EMC	110
Jones-Onslow EMC	111
Lumbee River EMC	112
Pee Dee EMC	113
Piedmont EMC	114
Pitt and Greene EMC	115
Randolph EMC	116
South River EMC	117
Tideland EMC	118
Tri-County EMC	119
Wake EMC	120
Town of Louisburg	[1]123

[1] FERC No

Appropriate parts of the filing have been served upon the above Customers, the Southeastern Power Administration, and the utility commissions of North and South Carolina.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7998 Filed 3-28-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL83-12-000]

John F. White; Application

March 23, 1983.

Take notice that on March 11, 1983, John F. White filed a petition for a declaratory order finding that the holding of the following positions is not jurisdictional under section 305(b) of the Federal Power Act:

Director, Hutton Investment Service
Director, Orange and Rockland Utilities

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 1, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-7999 Filed 3-28-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-380-000]

Interstate Power Co.; Filing

March 24, 1983.

Take notice that on March 14, 1983, Interstate Power Company (Interstate) tendered for filing a "Shared Transmission Agreement" between Southern Minnesota Municipal Power Agency (SMMPA) and Interstate.

Interstate states that this agreement provides for the development and utilization of a Shared Transmission System to deliver electric power and energy to Interstate customers and SMMPA members located within Interstate's electric service area. At present these SMMPA members located within Interstate's service area are:

Fairmont, Minnesota
Spring Valley, Minnesota
Wells, Minnesota
Owatonna, Minnesota
New Prague, Minnesota

Owatonna, Minnesota and New Prague, Minnesota are included as SMMPA members in the Interstate service area on a temporary basis only pending completion of contemplated transmission system changes which

would result in these communities being connected to another system.

Inasmuch as Owatonna and New Prague are included in this Agreement on a temporary basis only, electric service which they receive will be billed at the standard wheeling rate of $0.00434 per Kwh. This rate was previously approved by the Commission in Docket No. ER76–555 and applies to similar types of service provided by Interstate to other customers.

Interstates requests an effective date of February 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of practice and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8000 Filed 3–28–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER80–678–005]

Missouri Public Service Co.; Compliance Filing

March 23, 1983.

Take notice that on March 14, 1983, Missouri Public Service Company submitted for filing revised rates pursuant to the Commission's letter order dated February 17, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 11, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are of file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8001 Filed 3–28–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5124–002 and Project No. 5124–003]

Montpelier Hydroelectric Co. and Washington Electric Cooperative, Inc.; Applications for Transfer and Amendment of Minor License

March 24, 1983.

Public notice is hereby given that applications were filed on February 16, 1983, under the Federal Power Act, 16 U.S.C. 791(a)–825(r), by the Montpelier Hydroelectric Company (Licensee) and the Washington Electric Cooperative, Inc. (Transferee) for the transfer and amendment of the minor license for the North Branch No. 3 Project No. 5124, located on the North Branch of the Winooski River in Washington County, Vermont. Compensation shall be paid to the Licensee by the Transferee.

The project, licensed on November 23, 1982, will utilize the U.S. Army Corps of Engineers' Wrightsville Flood Control Dam, and consists of a 350-foot-long penstock, a powerhouse containing one 100-kW and one 900-kW turbine/generator unit and short transmission line.

The Transferee is a Vermont-based non-profit, stock membership corporation, and will accept all the terms and conditions of the license, as amended, should the transfer be approved.

The Licensee seeks to amend Article 20 of the license in order to extend the date by which commencement of construction must occur until one year from the date of approval of the transfer of the lecense and likewise to extend the date of completion accordingly. Initially, commencement and completion of project construction was to be effected by one and three years, respectively, from the effective date of the license.

Any person desiring to be heard or to make any protest about this application should file a motion to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 385.214 or 385.214. Comments not in the nature of a protest may also be filed by conforming to the procedures specified for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearings, a person must file a motion to intervene in accordance with the Commission's Rules. Any comments, protest, or motion to intervene must be received on or before May 6, 1983. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8002 Filed 3–28–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–238–001]

Northwest Pipeline Corp.; Amendment to Application

March 24, 1983.

Take notice that on March 7, 1983, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP82–238–001 an amendment to its pending application filed on March 16, 1982, in Docket No CP82–238–000 pursuant to Section 311(a)(1) of the Natural Gas Policy Act of 1978 so as to reflect Applicant's intent that the proposed service is on behalf of three distributor customers, all as more fully set forth in the amendment with is on file with the Commission and open to public inspection.

In its application Applicant stated that Interex, Inc., Thermal Exploration, Inc., and Development Associates, Inc. have arranged to sell volumes of natural gas produced in the Lincoln Road Area of Lincoln and Sweetwater Counties, Wyoming, to their respective distribution company affiliates, Intermountain Gas Company, Washington Natural Gas Company and The Washington Water Power Company. Applicant proposes to gather and transport up to 10,000 Mcf of natural gas per day for the accounts of the producers pursuant to a transportation agreement dated June 1, 1977, as amended July 15, 1981. Applicant further proposes to utilize all present and future mutually agreed upon delivery points from the producers to Applicant so long as such points are located in the area of interest stated in said agreement.

Specifically, Applicant proposes to receive up to 10,000 Mcf of natural gas for the producers' account at the wellheads of the Lincoln Road #1, #2, #3, #4, #7 and #11 wells and deliver such gas reduced by 5.0 percent which would be purchased by Applicant and further reduced by certain volumes to be retained as compensation for compressor fuel and lost or unaccounted for gas.

Applicant asserts that the deliveries from Applicant to the purchasers would be made at the points of interconnection between Applicant and the purchasers at which Applicant is authorized to sell and deliver volumes of natural gas to

the purchasers pursuant to effective service agreements.

It is stated by Applicant that the transportation rates and fuel reimbursement rates which Applicant would charge the producers for all volumes transported for their account from the delivery points hereunder to Applicant's mainline transmission facilities and to the mainline redelivery points would be the Big Piney Gathering Area rates and the Mainline transportation rates, as set forth from time to time in Sheet Nos. 2 and 2–B, respectively, of Applicant's FERC Gas Tariff, Original Volume No. 2. It is asserted that the currently effective mainline fuel rate is 1 percent and the Big Piney Area fuel rate is 1.18 percent. It is further stated that the currently effective Sheet Nos. 2 and 2–B provide for a Big Piney Area rate equal to 23.27 cents per million Btu and a mainline transportation rate equal to 1.34 cents per million Btu for each one hundred mile increment of mainline transportation.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8003 Filed 3–23–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–579–001]

Southern Company Services, Inc.; Order Granting Rehearing in Part and Allowing Intervention

Issued: March 23, 1983.

On January 21, 1983,[1] the Commission issued an order that, *inter alia*, accepted for filing three related contracts between the operating companies of Southern Company Services, Inc. (SCSI) (the Southern Companies)[2] and Gulf States Utilities Company (GSU). Lafayette moved to intervene and requested that the Commission condition acceptance of the contracts upon GSU and MPC providing transmission and interchange service to other utilities and GSU providing Lafayette with transmission service to enable Lafayette to sell excess power to customers in Mississippi. The Commission rejected Lafayette's motion to intervene and request for conditioning because Lafayette's generalized allegations did not appear germane to the proposed agreements. Thus, Lafayette had stated no basis upon which to grant intervention in accordance with Rule 214 (18 CFR 214).

On February 22, 1983, Lafayette filed an application for rehearing, raising for the first time contentions that the contracts may adversely affect rates paid by Lafayette to GSU or other interconnected utilities, that the GSU transmission rate to the Southern Companies may be unduly preferential, and that the contracts may be discriminatory and anti-competitive regarding Lafayette. These contentions clearly articulate for the first time a relevant interest in the outcome of this proceeding. As the proceeding is not at an advanced stage we will grant rehearing to permit Lafayette to intervene. In so doing, however, we will not sanction any delay in this proceeding as a result of Lafayette's new contentions. Lafayette must take the record as it finds it and subject to any procedural schedule that may be in place.

A final word is in order concerning Lafayette's application for rehearing. This is the second occasion in less than a year in which Lafayette has filed a defective motion to intervene on substantially identical grounds.[3] This is likewise the second time we have permitted Lafayette to raise new grounds for intervention in an application for rehearing. We repeat here that the fundamental purpose of the protest and motion to intervene is to notify the Commission and the parties *at the outset* of those issues which the interested parties intend to raise and of the basis in fact and law for their positions. *See* Rule 214(3)(b). Thus, Lafayette and other potential intervenors are hereby given notice that failure to abide by this reasonable requirement in the future will be at their peril.

The Commission orders:

(A) Rehearing of the Commission's January 21, 1983 order in this proceeding, 22 FERC ¶ 61,047 (1983), is hereby granted for the limited purposes discussed in the body of this order. Lafayette is hereby permitted to intervene in the proceeding subject to the Commission's Rules of Practice and Procedure.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83–8004 Filed 3–28–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EC 83–13–000]

Union Electric Co., et al.; Application

March 24, 1983.

The filing companies submit the following: Take notice that on March 16, 1983, Union Electric Company, Missouri Utilities Company, Missouri Power & Light Company, and Missouri Edison Company filed a joint application pursuant to Section 203 of the Federal Power Act seeking an order authorizing the merger of all Missouri Utilities Company's, Missouri Power & Light Company's, and Missouri Edison Company's facilities subject to the jurisdiction of the Federal energy Regulatory Commission with and into Union Electric Company's facilities subject to the jurisdiction of the Federal Energy Regulatory Commission.

Union Electric Company is a Missouri corporation with its principal business office in St. Louis, Missouri and primarily is engaged in the electric utility business in Missouri, Iowa and Illinois.

Missouri Utilities Company is a Missouri corporation with its principal business office in Cape Girardeau, Missouri and primarily is engaged in the electric utility business in Missouri.

Missouri Power & Light Company is a Missouri corporation with its principal business office in Jefferson City, Missouri and primarily is engaged in the electric utility business in Missouri.

Missouri Edison Company is a Missouri corporation with its principal business office in Louisiana, Missouri and primarily is engaged in the electric utility business in Missouri.

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[1] 22 FERC ¶ 61,047.

[2] Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company (MPC).

[3] *See Middle South Services, Inc.*, Docket No. ER82–483–001, "Order Granting Rehearing in Part and Allowing Intervention," 20 FERC ¶ 61,445 (Sept. 29, 1982).

All of the outstanding common stock of Missouri Utilities Company, Missouri Power & Light Company and Missouri Edison Company is owned by Union Electric Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commisison and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8005 Filed 3-28-83; 8:45 am]

BILLING CODE 6717-01-M

1982 Annual Oil Pipeline Construction Costs

March 25, 1983.

The Federal Energy Regulatory Commission (FERC), by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Take notice that the FERC is now giving consideration to costs associated with the construction of oil pipelines during 1982. These costs will be translated to 1982 price index numbers which show the relative costs of oil pipeline construction using 1947 Period Costs equal to 100.

In the development of the annual indices, major consideration is given to data submitted by all jurisdictional oil pipelines pursuant to valuation orders in 18 CFR 360.103 and 360.104 (formerly 49 CFR 1260.103 and 1260.104). Such date include pipe purchases, tank construction, pump and motor purchases, buildings constructed, labor cost for laying new pipelines, and other related pipeline construction and facilities costs. In addition, consideration is given to other sources of cost data pertinent to oil pipelines.

Any person desiring to submit information for the FERC's consideration in the development of the 1982 annual oil pipeline construction indices should file an original and six copies of such information with the Secretary, Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, on or before May 6, 1983. Copies of the filings will be available for public inspection.

By the Oil Pipeline Board.

Francis J. Connor,

Administrative Officer Oil Pipeline Board.

[FR Doc. 83-8006 Filed 3-28-83; 8:45 am]

BILLING CODE 6716-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed; Week of February 7 Through February 11,1983

During the week of February 7 through February 11, 1983, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 21, 1983.

Hideca Petroleum Corporation, Houston, Texas, HRO-0118

On February 7, 1983, Hideca Petroleum Corp. (Hideca), One Riverway, Suite 2480, Houston, Texas 77058, filed a Notice of Objection to a Proposed Remedial Order which the Houston Office of the DOE Economic Regulatory Administration issued to the firm on January 5, 1983. In the PRO, the Houston Office found that during the period October 1978 through November 1979, Hideca resold crude oil at prices in excess of actual purchase prices during the audit period without performing any service or other function traditionally associated with the resale of crude oil, in violation of 10 CFR 205.202, 210.62(c), and 212.186. According to the PRO, the Hideca violation resulted in $7,847,940.48 of overcharges.

Southern Union Refining Company and Midland Lea, Incorporated, Hobbs, New Mexico, HRO-0119

On February 7, 1983, Southern Union Refining Company and Midland Lea, Inc., P.O. Box 980, Hobbs, New Mexico 88240, filed a Notice of Objection to a Proposed Remedial Order which the DOE Special Counsel for Compliance issued to the firms on January 7, 1983. In the PRO, the Special Counsel found that during the period April through December 1980, the firms charged prices in excess of those permitted by 10 CFR parts 205, 210, and 212, Subparts I and L for the resale of crude oil. According to the Pro, the Southern Union Refining Company violation resulted in $3,386,339.07 of overcharges.

[FR Doc. 83-7981 Filed 3-28-83; 8:45 am]

BILLING CODE 6455-01-M

Issuance of Decisions and Orders; Week of February 21 Through February 25, 1983

During the week of February 21 through February 25, 1983, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 1200 Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: March 23, 1983.

George H. Breznay,

Director, Office of Hearings and Appeals.

Appeals

Continental Claims Service, 2/25/83, HFA-0108

Continental Claims Service filed an Appeal from a partial denial by the Acting Freedom of Information Officer of the Bonneville Power Administration of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that certain of the documents which were initially withheld under exemption 5 contained segregable factual material and that the factual material should be released to the public.

Ian Y. Lind, 2/23/83, HFA-0092

Ian Y. Lind filed an Appeal from a denial by the Director of the DOE's Office of Classification of a Request for Information which he had submitted under the Freedom

of Information Act (the FOIA). In considering the Appeal, the DOE found that certain portions of a document entitled OPNAVINST S5513.9A, which were initially withheld under Exemptions 2 and 3, should be released to the public.

Western Energy Planners, Ltd., 2/25/83, HFA-0112

Western Energy Planner, Ltd. filed an Appeal from a partial denial by the DOE Inspector General of a request for information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the appeal, the DOE found that the Inspector General properly withheld certain documents pursuant to exemption 5 of the FOIA. In making this finding, the DOE considered the following: (i) Whether purely factual material could be withheld under exemption 5; (ii) whether the withheld material was deliberative in nature; and (iii) whether release of the withheld material was in the public interest.

Remedial Order

Bragg Service Center, Inc., 2/22/83, BRO-0821

Bragg Service Center, Inc. objected to a Proposed Remedial Order (PRO) issued to Salvatore and Richard Snisky, doing business as Bragg Service Center, Inc., by the Northeast District of the Economic Regulatory Administration (ERA). In the PRO, ERA alleged that the firm had charged prices for motor gasoline which exceeded its maximum lawful selling prices calculated pursuant to 10 CFR 212.93 and that the firm had violated the posting and certification provisions of 10 CFR 212.129. After considering Bragg's objections, the Office of Hearings and Appeals determined that the PRO should be issued as a final Remedial Order with the modification that Salvatore Snisky or Richard Snisky or Bragg Service Center, Inc. shall remit the amount of the overchanges plus interest to the United States Treasury. The principle issue which OHA discussed in the decision was whether it should consider Bragg's exception arguments in an enforcement proceeding.

Request for Exception

Spring Brook Ice & Fuel Company, 2/22/83, HEE-0048

Spring Brook Ice & Fuel Company filed an Application for Exception from the reporting requirements of the Federal Energy Administration Act of 1974 and the Emergency Energy Conservation Act of 1979. The firm sought to be relieved of the monthly reporting requirement to file Form EIA-782B, "Monthly No. 2 Distillate Sales Report." In considering the request, the DOE found that Spring Brook had not demonstrated that compliance with the reporting requirement would result in a serious hardship or gross inequity, the DOE concluded that, based on the information submitted by the firm, the filing requirement amounted to little more than an inconvenience which did not outweigh the benefits accruing to the public from receipt of the report. Accordingly, exception relief was denied.

Request for Temporary Stay

Earl E. Wall, 2/24/83, HRT-0002

Earl E. Wall filed an Application for Temporary Stay of the provisions of a final Remedial Order issued to him by the Department of Energy on September 20, 1982. In considering the Application, the DOE determined that Wall failed to meet the criteria for termporary stay relief set forth in 10 CFR 205.197(a). Wall's temporary stay request was therefore denied.

Refund Applications

Standard Oil Company (Indiana)/9 Mile Beach Standard Service et al., 2/25/83, RF21-727 et al.

On February 25, 1983, the DOE issued a Decision and Order concerning 99 Applications for Refund from branded retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). Each retailer submitted detailed information concerning its Amoco purchase volumes. After analyzing this information, the DOE concluded that each of the 99 applications should receive a refund based upon the total volume of their Amoco motor gasoline purchases. Accordingly, these applications were granted in full.

Tenneco Oil Company/Capitol Oil Company, 2/22/83, RF7-105

Capitol Oil Company filed an Application for Refund seeking a portion of the fund obtained by the DOE through a consent order entered into by the agency and Tenneco Oil Company. *See Office of Special Counsel*, 9 DOE ¶ 82,538 (1982). Capitol is a reseller-retailer of No. 2 fuel in Baltimore, Maryland which purchased product from Tenneco during the consent order period. Although the firm purchased more than 50,000 gallons of middle distillate per month, it applied for a threshold refund based on purchases of 50,000 gallons per month for each month in which it had purchased covered Tenneco product. Because the refund claim was limited to the threshold amount, Capitol was not required to demonstrate that Tenneco's pricing practices had caused the firm to experience a competitive injury. Therefore, the DOE approved a refund for purchases of 2,000,000 gallons of fuel oil during the period March 1973 through June 1976, plus a proportionate share of the accrued interest.

Dismissal

The following submission was dismissed:

Name and Case No.

Reco Petroleum, Inc.—HRO-0110

[FR Doc. 83-7998 Filed 3-28-83; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

National Petroleum Council, Chemical Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Chemical Task Group of the Committee on Enhanced Oil Recovery will meet in April 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Chemical Task Group meeting follows:

The Chemical Task Group will hold its fifth meeting on Thursday and Friday, April 14 and 15, 1983, and starting at 10:00 a.m. each day, in Room 112, Phillips Petroleum Company, Research Forum, Bartlesville, Oklahoma.

The tentative agenda for the Chemical Task Group Meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.

2. Review progress of Task Group study assignments.

3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Chemical Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Chemical Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provison will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on March 24, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-7994 Filed 3-28-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Miscible Displacement task Group of the Committee on Enhanced Oil Recovery will meet in April 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Miscible Displacement Task Group meeting follows:

The Miscible Displacement Task Group will hold its fifth meeting on Tuesday and Wednesday, April 12 and 13, 1983, starting at 9:00 a.m. each day, in Room 1603, Mobile Exploration and Production Services, Inc., 7200 North Stemmons Freeway, Dallas, Texas.

The tentative agenda for the Miscible Displacement Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.

2. Review progress of Task Group study assignments.

3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Miscible Displacement Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Miscible Displacement Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on March 24, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-7995 Filed 3-28-83; 8:45 am]

BILLING CODE 6450-01-M

WESTERN AREA POWER ADMINISTRATION

Colorado River Storage Project; Order Submitting Substitute Power Rates

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Substitute Power Rates—Colorado River Storage Project.

SUMMARY: Notice is given of Rate Order No. WAPA-18 of the Assistant Secretary for Conservation and Renewable Energy to submit substitute wholesale power rates for power marketed by the Western Area Power Administration (Western) from the Colorado River Storage Project, Arizona, Colorado, New Mexico, Nevada, Utah, and Wyoming.

FOR FURTHER INFORMATION CONTACT:

Mr. Albert M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 1606, Salt Lake City, UT 84147, (801) 524-5493.

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, P.O. Box 3402, Golden CO 80401, (303) 231-1535.

Mr. Fred Sheap, Office of Power Marketing Coordination, CE-90, Department of Energy, Mail Code 3353, Federal Building, Washington, DC 20461, (202) 633-8338.

SUPPLEMENTARY INFORMATION: By Delegation Order No. 0204-33, effective January 1, 1979 (43 FR 60636, December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0244-33 was amended, effective March 19, 1981 (46 FR 25426, May 7, 1981), to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy.

Pursuant to the delegation order, the Assistant Secretary for Resource Applications issued on December 23, 1980, Rate Order No. WAPA-4 (45 FR 86988, December 31, 1980), which confirmed and approved on an interim basis, Rate Schedules SP-F1 and SP-FP1 for wholesale power marketed by Western from the Colorado River Storage Project. The rates because effective the first day of the first full billing period beginning on or after January 23, 1981, and were to remain in effect for a period of 12 months unless the period was extended or until the FERC confirmed and approved the, or substitute rates, on a final basis. The rates were submitted to the FERC for confirmation and approval on a final basis on December 23, 1980. Rate Order No. WAPA-7 was issued on December 18, 1981 (46 FR 62927, December 29, 1981), to extend the power rates pending the FERC confirmation and approval of them, or substitute rates, on a final basis, or until they were superseded.

On October 12, 1982, the FERC disapproved the provisional rates. On November 9, 1982, Western requested a rehearing which the FERC granted on December 9, 1982. On January 20, 1983, Western requested an additional 90 days to file substitute rates, and on February 8, 1983, the FERC granted Western a 30-day extension.

The purpose of Rate Order No. WAPA-18 is to submit substitute power rates to the FERC for final approval.

Issued in Washington, D.C. March 21, 1983

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Assistant Secretary for Conservation and Renewable Energy

In the matter of: Western Area Power Administration—Colorado River Storage Project Power; order submitting substitute power rates; Rate Order No. WAPA-18, FERC Docket No. EF81-5021-000.

March 21, 1983.

Pursuant to section 302(a) of the Department of Energy (DOE) Organization Act of August 4, 1977 (42 U.S.C. 7101 et seq.), the power marketing functions of the Secretary of the Interior for the Bureau of Reclamation (Bureau) under the Reclamation Act of 1902 (43 U.S.C. 372 et seq.), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) and acts specifically applicable to the Colorado River Storage Project (CRSP), were transferred to and vested in the Secretary of Energy. By

Delegation Order No. 0204–33, effective January 1, 1979 (43 FR 25426, May 7, 1981), the Secretary of Energy delegated to the Assistant Secretary, Conservation and Renewable Energy (hereafter called the Assistant Secretary), the authority to develop power and transmission rates, acting by and through the Administrator of the Western Area Power Administration (Western), and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation.

The delegation order further provides that, in the event a rate is disapproved, the Assistant Secretary must develop and submit a substitute rate to the FERC for approval. That provision is the basis for this rate order.

Background

Following the procedures for public participation in power and transmission rates that have been published in the Code of Federal Regulations at 10 CFR part 903, Western developed provisional rates which the Assistant Secretary placed into effect for a 1-year period on an interim basis (Rate Order No. WAPA–4) on January 23, 1981. The rates, Rate Schedules SP–F1 and SP–FP1, were filed with the FERC on December 29, 1980, and the filing was supplemented on March 17, 1981. The Colorado River Energy Distributors Association (CREDA) filed a protest and a petition to intervene. CREDA is an association of CRSP power users who purchase most of the CRSP power. The FERC granted CREDA's petition to intervene. The provisional rates were extended on an interim basis on December 18, 1981, by Rate Order No. WAPA–7, pending the FERC confirmation and approval of them, or substitute rates, or until they are superseded.

On October 12, 1982, the FERC issued an order disapproving the provisional rates based on the available record in connection with three issues. The order stated that future participating project costs could be included if the Bureau, the agency that will construct these projects, could provide a good faith showing that, at the time the rates were being developed, it reasonably expected these projects to be built. With regard to projected capacity sales, the order stated that Western had been able to sell almost all of its capacity historically, and that Western had not supplied sufficient justification to demonstrate that this would change in the future. A third CREDA challenge related to the belief that Western had included costs associated with rewinding and uprating certain Glen Canyon generating units but had failed to include revenues from the additional capacity that would be available. The FERC stated there should be a matching of costs and revenues.

On November 9, 1982, and November 12, 1982, respectively, Western and CREDA filed requests for a rehearing, and on December 9, 1982, the FERC granted the rehearing solely for the purpose of further consideration. On January 20, 1983, Western requested an additional 90 days in which to file substitute rates because of the uncertainty created by the outstanding requests for rehearing and because it would allow Western sufficient time to complete a new power repayment study (PRS) in place of the original PRS. On Feburary 2, 1983, CREDA filed a response opposing Western's request, urging the FERC to prohibit the substitution of a new PRS, and asking for a rehearing on other matters pertaining to the CRSP rate adjustment.

On February 8, 1983, the FERC issued an order granting Western a 30-day extension to file a substitute rate and denying the substitution of a new PRS in place of the original. In addition, the order states that, based on additional su,pport presented by Western, it appears that it was reasonable not to project any increases in capacity due to Glen Canyon generator rewinds, and so the FERC granted Western's request for reconsideration on this point. With regard to the inclusion of future participating project costs and the use of lower quartile capacity instead of average capacity for projecting revenues, the FERC's views expressed in the October 12, 1982, order remained unchanged. The February 8, 1983, FERC order denied CREDA's request for a rehearing on other matters relating to the CRSP rate adjustment. On March 11, 1983, Western requested an additional 10-day extension to file subsititute rates. The FERC has not yet acted on that request.

Discussion

Glen Canyon Rewinds

The FY 1977 PRS included funds for replacing the stator windings of four of the eight Glen Canyon generators because of insulation deterioration. No funds were included in the FY 1977 PRS for replacing the stator windings of the other four generators, nor were any studies made at that time to determine whether or not the generators could be uprated because of the stator winding replacements. Since that time, studies made by the Bureau indicate that, in order to be able to uprate the generators, it would be necessary to replace the rotor windings, strengthen the rotor arms, modify the cooling mechanism, and make other mechanical modifications, in addition to replacing the stator windings. A cost of about $2 million was included in the FY 1977 PRS for replacement of the four stator windings. It is now estimated that it will cost an additional $12 million to uprate the eight generators including replacing the stator windings of the four remaining units.

The Bureau is now proceeding with plans to uprate the generators, and it appears reasonable to assume that the uprating and increase in CRSP revenues will eventually be accomplished (expected by 1987). It was not reasonable at the time of the FY 1977 PRS to assume that replacing that stator windings would result in generator upratings and increased CRSP revenues. In 1977, those replacements were necessary maintenance work because of the deterioration of insulation, and there were no additional revenues expected to match these costs.

Western understands that, on the basis of its petition for rehearing, the FERC has concluded that rewinding the four Glen Canyon generators did not produce additional capacity, and that revenues and costs were therefore appropriately matched.

Substitute Rates

As directed in the FERC's orders of October 12, 1982, and February 8, 1983, an analysis has been made to develop substitute rates for the provisional rates which have been in effect since January 23, 1981, on an interim basis under Rate Order Nos. WAPA–4 and WAPA–7. The two issues discussed below (which were the remaining bases for the disapproval) were considered in determining substitute rates, in conjunction with the historical information provided in this order for the FY 1978–82 period.

Participating Projects Costs

In its October 12, 1982, order, the FERC agreed that the CRSP act appeared to contemplate "the accumulation of power revenues in the Upper Colorado River Basin Fund in excess of operating needs * * *" and stated that, "the collection of these revenues in advance of any Federal investment assures that the unassigned excess power revenues are adequate to repay the Federal investment as required within the time provided by the CRSP Act." While agreeing in principle

with the precollection in revenues, the FERC noted that the record before them contained no basis for distinguishing between any of the future project costs. The FERC was therefore unable to conclude whether a rational basis had been established for the rates. The FERC further stated that Western has not distinguished between participating projects which appear likely to be built and projects which appear unlikely to be built, but has included all projects in the study. The October 12, 1982, order states that the FERC would permit the inclusion of a particular participating project upon a good faith showing that the Bureau, which constructs, owns, and operates these projects, reasonably expects the project to be built, while the recent order indicates that Western must provide the good faith showing. Western understands both orders to mean that it will obtain a good faith showing from the Bureau and will provide that information to the FERC.

Since the FERC requested that the substitute rates be based on the FY 1977 PRS, the most current information available on the participating projects has not been used. Western requested, in a letter to the Commissioner of the Bureau dated February 15, 1983, that information be provided as to which participating projects, or separable features thereof, the Bureau reasonably expected would be constructed as of FY 1977. The Commissioner responded on March 8, 1983, and advised that as of FY 1977 eight of the participating projects and a separable feature of a ninth project were completed, that ten participating projects were expected to be completed, including four separable features of the Central Utah Project, and that two of the authorized projects were not expected to be completed.

A small amount of funds already expended for the projects not expected to be completed were included as repayable costs in the FY 1977 PRS, but no projected costs for those projects were included. Western's FY 1977 PRS included projected costs for the ten participating projects that the Bureau reasonably expected to be constructed based on: (1) Favorable benefit-cost ratios, (2) the fact that repayment contracts had been signed or were scheduled for signature shortly, and (3) that funds were requested for all of them in the Bureau's FY 1978 budget.

Both of the letters identified above are attached as exhibit A. Based on the information provided by the Bureau, Western concludes that the participating project costs included in the FY 1977 PRS were proper.

Western would be remiss, however, if it failed to point out that, while the Bureau provided the requested information, it is the Commissioner's belief that the FERC was not granted a role in the process of planning for and developing authorized participating projects by the Congress, and should therefore not attempt to substitute its judgment and interpretation of law for that of the Secretary of the Interior, contrary to the congressional will. As requested by the Bureau, a copy of an opinion written by the Solicitor of the Department of the Interior is included in exhibit A.

Lower Quartile Capacity

In its order dated October 12, 1982, the FERC stated that absent sufficient justification demonstrating that Western will be unable to market its capacity, it would expect Western to use an average water year for determining marketable capacity.

The FERC also stated that the record before them demonstrated that Western has been able to sell almost all of its available capacity, and that no adequate rationale had been provided for an assumption that this would not continue to be the case. In reviewing the data that were submitted to the FERC with the original filing, it is understandable that the FERC was unable to determine to its satisfaction that the projected capacity sa'es were reasonable. Western has reexamined its basis for projecting capacity sales in the FY 1977 PRS, as revised, and determined what effect several other methods of projecting capacity sales would have had on the rate.

Capacity sales in the FY 1977 PRS were generally based on lower quartile capacity projections, while the rates in effect from June 1977 to January 1981 were based on FY 1974 PRS which used adverse capacity projections. The use of adverse capacity projections was in accordance with Bureau policy expressed in the letter dated December 3, 1974, included as exhibit B. In looking at the comparison below of the projected capacity sales with the actual capacity sales from 1975 through 1977, there would have been no reason to think at the time the FY 1977 PRS was being prepared that the adverse capacity projections utilized in the FY 1974 PRS should be changed:

Fiscal year	Projected capacity sales (kW)[1]	Actual capacity sold (kW)[2]	Percent difference
1975	1,198,000	1,185,404	−1.0
1976	1,240,000	1,237,986	−0.2
1977	[3] 1,280,000	[4] 1,217,916	−5.8
Total	3,718,000	3,641,306	−2.1

[1] From the fiscal year 1974 PRS.
[2] From operating reports.
[3] Crystal Powerplant was expected on line in the summer of fiscal year 1977, but was delayed until fiscal year 1978. Projected capacity for fiscal year 1977 would have been 1,231,000 kW without the additional capacity expected with Crystal in service.
[4] Includes the transition quarter (July–September 1976) when the fiscal year was changed from July 1–June 30 to October 1–September 30.

However, in 1977, Western was in the process of allocating peaking capacity of 108 megawatts (MW) in the summer and 277 MW in the winter and expected to be able to make short-term capacity commitments because of the market conditions.[1] Based on available marketing information at the time the FY 1977 PRS was prepared, a projection of saleable capacity for 1978–88 was made. This projection was used in the FY 1977 PRS for the initial years. A comparison of that estimate with actual sales from 1978–82 is tabulated on sheet 1 of exhibit C. As shown on the graphs on sheets 3 and 4 in exhibit C, this marketing estimate approximated the lower quartile capacity projected in the hydrological studies. During the winter, the marketing estimate was slightly lower than lower quartile, and during the summer, the maketing estimate was lower for a few years and then higher than lower quartile capacity.[2] Beginning with 1989, the lower envelope of the lower quartile capacity projections was used in the FY 1977 PRS (see sheets 3 and 4 of exhibit C). While we can now compare the estimated and actual capacity sales for 1978–82 and know that the marketing estimate was very reasonable (within ± 5 percent; averaging + .4 percent for the 5-year period), there is no way to ascertain with any certainty whether the lower envelope of the lower quartile, the smoothed (average) lower quartile, the smoothed average, or some other statistic should have been used after 1989. The relative impact on the rates of several alternatives is shown below:

[1] Several large utilities in the area were short of capacity. Public Service Company of New Mexico and Public Service Company of Colorado purchased, on the average, a total of 129 MW a year for the 1978–80 period. The area presently does not have a shortage of capacity. As shown on sheet 2 of exhibit C, there is now about 1,500 MW of surplus capacity in the market area.

[2] It should be noted from the graph on sheet 4 of exhibit D that until sometime in the 1990's, the average capacity and lower quartile capacity projections are identical. Exhibit D describes more fully the differences between these two statistical measures, and the variations in the lower quartile statistic that can be used.

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Hydrological capacity projection beginning in fiscal year 1989	Average composite firm rate (at a 58.2 percent seasonal load factor) (mills per kilowatt-hour)
Lower Envelope of Adverse	8.79
Lower Envelope of Lower Quartile	7.89
Smoothed Lower Quartile	7.73
Smoothed Average	7.61

Lacking conclusive evidence as to which projection is the most reliable, other factors must be taken into consideration. For this substitute rate, the most relevant other factor is the actual historical information now available that is discussed in the next section of this order.

Additional Discussion

A comparision of the estimated costs and revenues and actual costs and revenues for the FY 1978–82 period is on sheet 5 of exhibit C. This comparison shows that actual net revenues available for repayment of investments were about $14 million less than the projected requirements for that period. This represents a 19 percent shortfall in revenues required to meet projected repayment requirements. Consequently, it would be inappropriate to make any changes, such as using average capacity projections, which would reduce revenues further.

These data (shown graphically on sheet 6 of exhibit C) demonstrate that the CRSP power rate was actually too low during FY 1978–82, and this shortfall has contributed to the need for further rate increases, which were proposed by Western in a **Federal Register** notice dated October 18, 1982. Since a mechanism to correct this revenue shortfall for the period from 1978–82 is not available, Western is filing substitute rates that are identical to the provisional rates and expects to follow the filing of these substitute rates with filings for increases in the CRSP transmission and power rates. This is consistent with past Federal rate-making practice. Since annual repayment schedules for investments are not fixed, any shortfall or over collection of revenues is compensated for in the development of the next repayment schedule (PRS).

While total cumulative revenues at the end of FY 1982 exceeded projections by $22,542,000, the total cumulative operating expenses exceeded projections by $36,328,000, leaving a shortfall of about $14,000,000 in the net revenues available for repayment of investment. Sheets 5 and 6 of exhibit C also show that the investments placed in service were lagging projected inservice dates. About 16 percent of the expected new investment between 1978 and 1982, or $40 million, was not in service at the end of FY 1982. This would not affect the revenue requirements, however, since the rate-setting point in the FY 1977 PRS was 2046, based on those investments expected to begin a 50-year repayment period in 1996.

References to "precollection" of revenues in the FERC orders have prompted the filing of additional information to demonstrate that excessive revenues have not been collected. To dispel the possible misunderstanding that Western has precollected revenues under the CRSP rates in effect, a graph based on the FY 1977 PRS which shows the status of the repayment of investments has been included in exhibit C. This graph (sheet 7) shows the historical and projected investments and the revenue available to repay these investments. This plot shows that the investments (excluding replacements [3]) that were in service at the end of FY 1977 exceed the cumulative revenue available for repayment through FY 1997 and that the investments by FY 2002 (the year the last participating project completes its development period) exceed the cumulative revenue available for repayment by $1.1 billion. It can be seen from the graph on sheet 7 of exhibit C that no revenue would be collected for application to an investment prior to the time the investment is placed in service through about FY 2040. The only correct application of the term "precollection" would be to revenues projected after about 2040. During that period revenues in excess of repayment requirements would be collected to comply with the apportionment formual in section 5(e) of Public Law 84–485.

The graphs on sheets 9 and 10 of exhibit C show that considerably less investment has been repaid to date using a PRS with projected participating project costs included than would have been required if a straight-line amortization method were used for the actual repayment of the investments made through FY 1982. A comparison of these graphs shows that, on the basis of participating project investments made through FY 1982, the apportionment formula in section 5(e) of Public Law 84–485 increases the repayment requirements by about $100 million. However, even if the requirement to apportion revenues is ignored, the cumulative repayment of investments to date would have had to be about 50 percent greater if a straight-line amortization method were used. A tabulation of the repayment requirements using the straight-line amortization method is included on sheet 11 of exhibit C.

[3] Replacements were excluded to make it clear when the last original investment (as opposed to replacements) goes into service. A plot with replacement included is shown on sheet 8 of exhibit C.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby submit substitute rates to the FERC for final approval. These rates are included as exhibit E.

Issued in Washington, D.C., March 21, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 83–7983 Filed 3–28–83; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[AMS–FRL 2331–2]

Fuel Economy Retrofit Devices; Evaluation for P.A.S.S. KIT

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the completion of the EPA evaluation of the "P.A.S.S. KIT" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act. This notice also announces the findings, conclusions and availability of the report.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313) 668–4299.

SUPPLEMENTARY INFORMATION:

I. Background

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) require that:

(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine

whether the representations (if any) made with respect to such retrofit devices are accurate.

(c) The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device.

EPA published final regulations establishing procedures for conducting evaluations of fuel economy retrofit devices on March 23, 1979 [44 FR 17946].

II. Origin of Request for Evaluation, Device Description and Report Identification

On January 18, 1982 the EPA received a request from the Cartel Division of the Vandenberg Corporation for an evaluation of a fuel retrofit economy device termed P.A.S.S. KIT. This device is designed to eliminate the load of the air conditioning compressor when the vehicle is accelerating and thereby improve fuel economy and performance. The device is an intake manifold vacuum switch that is designed to disengage the air conditioning compressor during periods of high power demand.

Report: "EPA Evaluation of the P.A.S.S. KIT Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act." Report number EPA–AA–TEB–511–81–14 contains the analysis and conclusions. It consists of 29 pages including all attachments.

III. Availability of Evaluation Reports

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Telephone: (703) 487–4650 or FTS 737–4650.

IV. Summary of Evaluation

The evaluation of the P.A.S.S. KIT was based on the information submitted by the applicant and the results of the EPA confirmatory testing of a similar device. The overall conclusion is that the P.A.S.S. KIT device has the potential to reduce the emissions and fuel economy penalty incurred when using the air conditioning system of some vehicles.

The amount of this fuel economy benefit depends on many factors. The principal factors are the amount of air conditioner usage, match of the device to the engine of the vehicle, type of air conditioning unit, and type of driving. The improvement in fuel economy with the air conditioner on can range up to a few percent depending on the vehicle and the specific adjustments the user performs to match the P.A.S.S. KIT to his vehicle. The emissions from vehicles operating with air conditioning on are expected to be reduced when the device is used.

Dated: March 18, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc.-83-8059 Filed 3-28-83; 8:45 am]

BILLING CODE 6560-50-M

[AMS-FRL 2331-1]

Fuel Economy Retrofit Device Evaluations for Freedom Products Hot Tip, Fuel Economizer, Gas Saving and Emission Control Improvement Device, PETRO-MIZER, and Russell Fuelmiser

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the completion of the EPA evaluation of the "Freedom Products Hot Tip", "Fuel Economizer", "Gas Saving and Emission Control Improvement Device", "PETRO-MIZER", and "Russell Fuelmiser" devices under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act. This notice also announces the filing conclusions, and availability of the reports.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor Michigan 48105, Telephone: (313) 668–4299.

SUPPLEMENTARY INFORMATION:

I. Background

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) require that:

(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate.

(c) The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device.

EPA published final regulations establishing procedures for conducting evaluations of fuel economy retrofit devices on March 23, 1979 [44 FR 17946]

II. Origin of Request for Evaluation, Device Descriptions and Report Identification

A. *Freedom Products Hot Tip.* On December 8, 1981, the EPA received from Freedom Products Incorporated an application for evaluation of the device termed the Freedom Products Hot Tip. The device is a heated idle mixture screw which incorporates an air bleed. The device is claimed to improve the preparation of the air-fuel mixture and thereby improve fuel economy and performance.

Report: "EPA Evaluation of the Freedom Products Hot Tip Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act". Report number EPA–AA–TEB–511–81–16 contains the analysis and conclusions. It consists of 59 pages and includes all of the attachments.

B. *Fuel Economizer.* On April 12, 1982, Agamco, Incorporated, submitted an application for evaluation of the Fuel Economizer, a fuel economy retrofit device. The device consists of a component which is inserted in series into the ignition coil secondary cable and is said to change the secondary voltage characteristics and thereby improve the combustion process. The stated intent of the device is to improve fuel economy, emission levels, starting and acceleration, and to increase horsepower output and the life of ignition components.

Report: "EPA Evaluation of the Fuel Economizer Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act". Report number EPA–AA–TEB–511–82–15, contains the analysis and conclusions. It consists of 19 pages and includes all of the attachments.

C. *Gas Savings and Emission Control Improvement Device.* On August 31, 1982 the EPA received a request from Shaffer Enterprises, Incorporated for evaluation of a fuel saving device

known as the Gas Saving and Emission Control Improvement Device. This device is a ¾ inch thick carburetor adapter plate that is installed between the carburetor and intake manifold. The device has internal passages that are connected to the throttle bore openings in the plate. These passages in the device are connected by a hose to a tee fitting installed in the hose between the carburetor and PCV valve. The device is claimed to reduce emissions, improve fuel economy, clean the engine and make it virtually maintenance free, and improve engine power.

Report: "EPA Evaluation of the Gas Saving and Emission Control Improvement Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–83–5, contains the analysis and conclusions. It consists of 21 pages and includes all attachments.

D. *PETRO-MIZER.* On August 30, 1982 the EPA received a request from Petro-Mizer East for evaluation of a fuel saving device termed "PETRO-MIZER". It is installed between the fuel pump and the carburetor and subjects the fuel to a magnetic field. The device consists of a short piece of non-magnetic fuel line with permanent magnets mounted against the tube and sealed in place with resin. This device is claimed to reduce emissions, to improve fuel economy, and to increase engine horsepower.

Report: "EPA Evaluation of the PETRO-MIZER Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–83–2, contains the analysis and conclusions. It consists of 13 pages and includes all attachments.

E. *Russell Fuelmiser.* On October 26, 1981, J.C.A. Corporation submitted an application for evaluation of the Russell Fuelmiser, a fuel economy retrofit device. The stated intent of the device is to improve fuel economy and to reduce exhaust emissions. The Russell Fuelmiser is considered by the applicant to be both a device and a process. The device consists of two components to chill the fuel and air-fuel mixture while the process includes the above components in addition to the air conditioning system and certain parameter adjustments to the fuel and ignition systems. The basic system uses the air conditioning refrigerant to cool the fuel (by means of a heat exchanger) prior to its delivery to the carburetor. The refrigerant is also used to cool the air-fuel mixture by means of a device which is located between the carburetor base and the intake manifold.

Report: "EPA Evaluation of the Russell Fuelmiser Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–82–13, contains the analysis and conclusions. It consists of 57 pages and includes all of the attachments.

III. Availability of Evaluation Reports

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Telephone: (703) 487–4650 or FTS 737–4650.

IV. Summary of Evaluation

EPA fully considered all of the information submitted by the applicants. The test data and other information supplied by the applicants were insufficient to substantiate the claims for their devices. The applicants did not adequately respond to repeated requests for additional information and failed to provide substantiating test data. Thus, our evaluations were completed on the basis of the information available and EPA's engineering judgment. In the case of the Russell Fuelmiser, the applicant sought to withdraw his application. In accordance with the regulations, EPA has published its preliminary analysis and conclusions in this case since the applicant elected not to have his device tested.

Our overall conclusion was that for each of these devices—Freedom Products Hot Tip, Fuel Economizer, Gas Saving and Emission Control Improvement Device, PETRO-MIZER, and Russell Fuelmiser—there is no reason to expect that the device would significantly improve either the emissions or fuel economy of a typical vehicle in proper operating condition.

Dated: March 18, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83–8058 Filed 3–28–83; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–53047; TSH–FRL 2330–4]

Premanufacture Notices; Monthly Status Report for February 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for February 1983.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E–106 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments are to be identified with the document control number "[OPTS–53047]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street, SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M Street, SW., Washington, DC 20460, (202–382–3746).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during February; (b) PMNs received previously and still under review at the end of February; (c) PMNs for which the notice review period has ended during February; (d) chemical substances for which EPA has received a notice of commencement to manufacture during February; and (e) PMNs for which the review period has been suspended. Therefore, the February 1983 PMN Status Report is being published.

Dated: March 18, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

PMN No.	
83–446	Is
83–447	G
83–448	2
83–449	2
83–450	2
83–451	G
83–452	G
83–453	G
83–454	G
83–455	G
83–456	G
83–457	N
83–458	G
83–459	G
83–460	G
83–461	G
83–462	G
83–463	G
83–464	G
83–465	G
83–466	G
83–467	G
83–468	C
83–469	G
83–470	G
83–471	G
83–472	2
83–473	2
83–474	2
83–475	G
83–476	G
83–477	G
83–478	G
83–479	G
83–480	A
83–481	G
83–482	G
83–483	G
83–484	G
83–485	G
83–486	G
83–487	G
83–488	G
83–489	G
83–490	G
83–491	G
83–492	4
83–493	G
83–494	G
83–495	G
83–496	G
83–497	G
83–498	G
83–499	G
83–500	G
83–501	G
83–502	G
83–503	G
83–504	G
83–505	G
83–506	G
83–507	G
83–508	G
83–509	G
83–510	G
83–511	G
83–512	G
83–513	G
83–514	G
83–515	G
83–516	G
83–517	G
83–518	1
83–519	G

Premanufacture Notices Monthly Status Report, February 1983

I. 75 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH

PMN No.	Identity and generic name	FR citation	Expiration date
83-446	Iso hexadecyl isostearate	48 FR 6588 (2/14/83)	May 1, 1983.
83-447	Generic name: Polyvinyl alcohol derivative	48 FR 6589 (2/14/83)	Do.
83-448	2,6-bis(picrylamino)-3,5-dinitropyridine	48 FR 6589 (2/14/83)	Do.
83-449	2-ethyl-2-methyl butanoic acid	48 FR 6589 (2/14/83)	Do
83-450	2,2-dimethyl pentanoic acid	48 FR 6589 (2/14/83)	Do.
83-451	Generic name: Disubstituted bis(phenylazo)4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, alkali metal salt.	48 FR 6589 (2/14/83)	May 2, 1983
83-452	Generic name: Substituted 2-phenylazo-1-hydroxy-3-naphthalenesulfonic acid, metal complex, alkali metal salt.	48 FR 6589 (2/14/83)	Do
83-453	Generic name: Polymer of mixed alkane diols, alkane triol, propylene oxide, alkanoic acid, aliphatic isocyanate, and isophorone diisocyanate.	48 FR 6589 (2/14/83)	Do
83-454	Generic name: Acrylamide copolymer	48 FR 6589 (2/14/83)	May 3, 1983
83-455	Generic name: Alkenoyl disubstituted cyclo-alkane	48 FR 6589 (2/14/83)	Do
83-456	Generic name: Substituted anthraquinone	48 FR 6589 (2/14/83)	Do
83-457	N,N'-hexanedioyl-bis[3,4,5,6-tetrahydro-2(1H) pyrimidinone]	48 FR 7299 (2/18/83)	May 4, 1983.
83-458	Generic name: Substituted polyhydric alcohol	48 FR 7300 (2/18/83)	Do.
83-459	Generic name: Dialkyl dithiophosphate	48 FR 7300 (2/18/83)	Do
83-460	Generic name: Dialkyl dithiophosphate	48 FR 7300 (2/18/83)	Do
83-461	Generic name: Substituted alkoxy silane	48 FR 7300 (2/18/83)	Do
83-462	Generic name: Succinate ester amide	48 FR 7300 (2/18/83)	May 7, 1983
83-463	Generic name: Amino aliphatic propoxylate	48 FR 7300 (2/18/83)	Do
83-464	Generic name: Sodium sulfosuccinate of ethoxylated substituted phenol	48 FR 7300 (2/18/83)	Do
83-465	Generic name: Metal polyisobutenylsuccinate	48 FR 7300 (2/18/83)	Do
83-466	Generic name: Ether-olefin-sulfone terpolymer	48 FR 7300 (2/18/83)	Do
83-467	Generic name: Alkyl cyclohexane carboxaldehyde	48 FR 7300 (2/18/83)	Do
83-468	Complex sodium polyethylene glycolate salt	48 FR 7300 (2/18/83)	Do
83-469	Generic name: Aromatic polyamide solution	48 FR 7300 (2/18/83)	May 8, 1983
83-470	Generic name: Polymer of substituted acrylic ester and substituted acrylamide	48 FR 7300 (2/18/83)	Do
83-471	Generic name: Metal salt of saccharin	48 FR 7301 (2/18/83)	Do
83-472	2-propenoic acid, (2,4,6-trioxo-1,3,5-triazine-1,3,5 (2H, 4H, 6H)-triyl) di-2,1-ethanediyl ester	48 FR 7301 (2/18/83)	Do
83-473	2-propenoic acid, (2,4,6-trioxo-1,3,5-triazine-1,3,5 (2H, 4H, 6H)-triyl) 2,1-ethanediyl ester	48 FR 7301 (2/18/83)	Do
83-474	2-propenoic acid, (2,4,6-trioxo-1,3,5-triazine-1,3,5 (2H, 4H, 6H)-triyl) tri-2,1-ethanediyl ester	48 FR 7301 (2/18/83)	Do
83-475	Generic name: Chlorendic anhydride based alkyd polymer	48 FR 7301 (2/18/83)	Do
83-476	Generic name: Polyether modified alkyd	48 FR 7301 (2/18/83)	[illegible]
83-477	Generic name: Aliphatic phosphite ester	48 FR 7301 (2/18/83)	May 9, 1983
83-478	Generic name: Carboxylic acid derivatives of alkoxylated phenol derivatives and alkoxylated polyamines.	48 FR 7301 (2/18/83)	Do
83-479	Generic name: Monoazo substituted aromatic	48 FR 7301 (2/18/83)	Do
83-480	Aminopropyl aminoethyl piperazine	48 FR 7301 (2/18/83)	May 10, 1983
83-481	C_{11}-C_{15} alkoxy propylamino propylamine	48 FR 7301 (2/18/83)	Do
83-482	Generic name: Modified polyester of a carbomon-cyclic anhydride and a substituted alkanediol	48 FR 7301 (2/18/83)	Do
83-483	Generic name: Mixed fatty acids; alkanopolyol; benzenecarboxylic acids polymer	48 FR 7302 (2/18/83)	Do
83-484	Generic name: Copolymer of unsaturated organic compounds with polyols and isocyanates	48 FR 8343 (2/28/83)	May 14, 1983
83-485	Generic name: Alkyl branched alkanoate	48 FR 8343 (2/28/83)	[illegible]
83-486	Generic name: Zirconium propanoate, substituted	48 FR 8343 (2/28/83)	May 15, 1983
83-487	Generic name: Alkyl sulfide	48 FR 8343 (2/28/83)	Do
83-488	Generic name: Polymer of acrylic ester and substituted acrylamide	48 FR 8344 (2/28/83)	[illegible]
83-489	Generic name: Styrene, acrylate methacrylate copolymer	48 FR 8344 (2/28/83)	[illegible]
83-490	Generic name: Modified coconut-phthalic-mixed polyol alkyd polymer	48 FR 8344 (2/28/83)	May 16, 1983
83-491	Generic name: Sodium carboxyalkyl thiosulfate	48 FR 8344 (2/28/83)	May 17, 1983
83-492	4-(4-methyl-1-pipendinyl)pyridine	48 FR 8344 (2/28/83)	[illegible]
83-493	Generic name: Alkoxylated alcohol compounds	48 FR 8344 (2/28/83)	[illegible]
83-494	Generic name: Propylene glycol compounds	48 FR 8344 (2/28/83)	[illegible]
83-495	Generic name: Metal complexed substituted aromatic salt	48 FR 9366 (3/4/83)	May 18, 1983
83-496	Generic name: Polyester from a carbomonocyclic anhydride and an alkanediol	48 FR 9366 (3/4/83)	May 22, 1983
83-497	Generic name: Reaction product of 1,3-benzenediamine, hydroxybenzene, and oxo alkane with sodium sulfide.	48 FR 9366 (3/4/83)	[illegible]
83-498	Generic name: Polymer of alkyl diamine and substituted oxiranes	48 FR 9366 (3/4/83)	Do
83-499	Generic name: Reaction product of polyalkylene polyamines, phenols, and polymeric epoxide derivatives.	48 FR 9366 (3/4/83)	Do
83-500	Generic name: Reaction product of polyalkylene polyamines, phenols, and polymeric epoxide derivatives.	48 FR 9366 (3/4/83)	Do
83-501	Generic name: Modified rosin condensation product	48 FR 9366 (3/4/83)	Do
83-502	Generic name: Aminoheterocyclyl branched alkane	48 FR 9366 (3/4/83)	Do
83-503	Generic name: Substituted alkoxy silane	48 FR 9366 (3/4/83)	Do
83-504	Generic name: αcyano carbocycliccarboxylate	48 FR 9366 (3/4/83)	Do
83-505	Generic name: Polyester resin-saturated	48 FR 9367 (3/4/83)	[illegible]
83-506	Generic name: Modified acrylic polymer	48 FR 9367 (3/4/83)	May 23, 1983
83-507	Generic name: Monocyclic sulfur derivative	48 FR 9367 (3/4/83)	[illegible]
83-508	Generic name: Substituted benzenesulfonic acid salt	48 FR 10468 (3/11/83)	May 25, 1983
83-509	Generic name: Disubstituted benzotriazole	48 FR 10469 (3/11/83)	Do
83-510	Generic name: Reaction product of an aromatic dianhydride with a substituted C_{6-14} alcohol and epichlorohydrin.	48 FR 10469 (3/11/83)	Do
83-511	Generic name: Polyester	48 FR 10469 (3/11/83)	Do
83-512	Generic name: Polymer of amino-alkyl-carbomonocycle, hexamethylene diisocyanate, propylene oxide, alkane triol, alkan-one, and disubstituted alkane diol	48 FR 10469 (3/11/83)	Do
83-513	Generic name: Polymer of isophorone diisocyanate, alkanoic acid, mixed alkane diols, alkane tnol, oxo-heteropolycycle, and neopentyl glycol.	48 FR 10469 (3/11/83)	Do
83-514	Generic name: Substituted indolium, salt	48 FR 10469 (3/11/83)	Do
83-515	Generic name: Styrene co-polymer	48 FR 10469 (3/11/83)	Do
83-516	Generic name: Aromatic polyester with substituted alkanes	48 FR 10469 (3/11/83)	Do
83-517	Generic name: Polyurethane polymer, with an aromatic polyester	48 FR 10469 (3/11/83)	Do
83-518	1,1'[isopropylidenebis(6-hydroxy-m-phenylene)]bis[tetrahydathiophenium hydroxide] bis (inner salt) tetrahydrate.	48 FR 10469 (3/11/83)	May 28, 1983
83-519	Generic name: Functionalized acrylic polymer	48 FR 10469 (3/11/83)	Do

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II. 88 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	Identity and generic name	FR citation	Expiration date
83-356	Generic name: Substituted 1-aminoanthraquinone-2-sulfonic acid alkali metal salt	48 FR 1820 (1/14/83)	Apr. 2, 1983.
83-357	Generic name: Isocyanate functional polyurethane derived from reaction of diisocyanate, polymeric ether glycols, polymeric aliphatic polyester glycols.	48 FR 1820 (1/14/83)	Do.
83-358	Generic name: Alkoxy amine salt	48 FR 1820 (1/14/83)	Do.
83-359	Generic name: Polyurethane resin	48 FR 1820 (1/14/83)	Do.
83-360	Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acid	48 FR 1820 (1/14/83)	Do.
83-361	Generic name: Fatty acid, phthalic, polyol polymer	48 FR 1820 (1/14/83)	Do.
83-362	Generic name: Vinyl acrylic copolymer	48 FR 1820 (1/14/83)	Do.
83-363	Generic name: Acrylic grafted copolymer	48 FR 1820 (1/14/83)	Do.
83-364	Polymer of 1,1'-methylene-bis(4-isocyanato-benzene); 1,9-nonanedioic acid (azelaic), and 1,4-butanediol.	48 FR 1820 (1/14/83)	Apr. 3, 1983.
83-365	Generic name: Aromatic methylurea	48 FR 3045 (1/24/83)	Apr. 6, 1983.
83-366	An aqueous solution of ammonium acrylate	48 FR 3045 (1/24/83)	Do.
83-367	Generic name: Metal complex substituted aromatic salt	48 FR 3045 (1/24/83)	Apr. 9, 1983.
83-368	Generic name: Disubstituted benzenesulfonic acid alkai metal salt	48 FR 3045 (1/24/83)	Do.
83-369	Generic name: Methyl-methylenemidazole derivative of methyl-pyrazoloquinazolonazo-methylphenylbenzothiazole.	48 FR 3045 (1/24/83)	Do.
83-370	8-acetyl-3-dodecyl-7,7,9,9-tetramethyl-1,3,8-triazaspiro [4,5]decane-2,4-dione	48 FR 3045 (1/24/83)	Do.
83-371	Polymer of: neopentyl glycol, 1,6 hexanediol, trimethylol propane, dimethyl 1,4 cyclohexane dicarboxylate, azelaic acid, isophthalic acid.	48 FR 3045 (1/24/83)	Do.
83-372	Generic name: Metal complexed, substituted aromatic compound	48 FR 3045 (1/24/83)	Do.
83-373	Generic name: Substituted polyurea	48 FR 3046 (1/24/83)	Apr. 10, 1983.
83-374	Generic name: Metal complexed substituted aromatic salt	48 FR 3046 (1/24/83)	Do.
83-375	Generic name: Substituted benzene	48 FR 3046 (1/24/83)	Do
83-376	Spiro[2H-1-benzopyran-2,2'-[2H]]indole, 1'3'-dihydro-1',2',3'-trimethyl-6,8-dinitro-	48 FR 3046 (1/24/83)	Do
83-377	Generic name: Substituted benzene	48 FR 3046 (1/24/83)	Apr. 11, 1983
83-378	Generic name: Methyl-methylenemidazole derivative of copper phthalocyanine, compound with acetic acid.	48 FR 3046 (1/24/83)	Do
83-379	Generic name: Methyl-methylenemidazole derivative of copper phthalocyanine, compound with methoxy-acetic acid.	48 FR 3046 (1/24/83)	Do
83-380	Void		
83-381	Void		
83-382	Refer to PMN 83-292		
83-383	Refer to PMN 83-292		
83-384	Refer to PMN 83-292		
83-385	Refer to PMN 83-292		
83-386	Generic name: Disubstituted 4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, alkali metal salt	48 FR 3046 (1/24/83)	Apr. 12, 1983.
83-387	Isophthalic-phthalic-adipic-benzoic acidetrimethylol propane-neopentyl glycol resin	48 FR 3046 (1/24/83)	Do
83-388	Generic name: Tallow-ethylene gloycol-pentaerythritol-phthalic-benzoic acid resin	48 FR 3046 (1/24/83)	Do.
83-389	Generic name: ((Substituted heterocycle)azo) substituted amine, acid salts	48 FR 3046 (1/24/83)	Do.
83-390	Generic name: Polyester-imide resin	48 FR 3047 (1/24/83)	Do
83-391	Generic name: Disubstituted bis(phenylazo) 4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, alkali metal salt.	48 FR 3047 (1/24/83)	Do.
83-392	3,5-dinitrosalicyaldehyde	48 FR 3047 (1/24/83)	Do.
83-393	Generic name: Aromatic amine-epoxy resin adduct	48 FR 5304 (2/4/83)	Apr. 16, 1983
83-394	Generic name: Polyglycidyl amine	48 FR 5304 (2/4/83)	Do.
83-395	Generic name: Modified alkyd polymer from a vegetable oil, carbomonocyclic anhydride, carbomonocyclic acid, a substituted alkane triol, and a substituted alkanoic ester	48 FR 5304 (2/4/83)	Do.
83-396	Generic name: Methoxy dicyclopentadiene carboxyaldehyde	48 FR 5304 (2/4/83)	Do.
83-397	Generic name: Amine salt of a phosphonic acid	48 FR 5304 (2/4/83)	Do.
83-398	Generic name: Substituted 1,3,4-thiadiazole	48 FR 5304 (2/4/83)	Apr. 17, 1983.
83-399	Polymer of dimethyl ester of 4,4'-(hydroxy-methylene)bis-1,2-benzenedicarboxylic acid with 4,4'-oxydianiline.	48 FR 5304 (2/4/83)	Do
83-400	Generic name: Copolymer of acrylic and methacrylic monomers	48 FR 5304 (2/4/83)	Do.
83-401	Generic name: Naphthalenetrisulfonic acid, chlorortriazinylamino-Methoxymethylphenylazo-	48 FR 5304 (2/4/83)	Do
83-402	Generic name: Poly alkylene oxide-aromatic diisocyanate prepolymer	48 FR 5305 (2/4/83)	Do.
83-403	Generic name: Disazo aromatic compound	48 FR 5305 (2/4/83)	Do
83-404	Generic name: Unsaturated amide quarternary ammonium polymer	48 FR 5305 (2/4/83)	Apr. 18, 1983.
83-405	Generic name: Polymer of a methacrylate ester, an unsaturated alcohol ester and a maleated diester	48 FR 5305 (2/4/83)	[illegible]
[illegible]	Generic name: Benzenesulfonic acid, aminochloro-triazinyl-aminocarboxychlorophenylpyrazo-lonylazo-.	48 FR 5305 (2/4/83)	Do.
83-407	Generic name: Unsaturated ester of a substituted aryl ether polymer	48 FR 5304 (2/4/83)	Do
83-408	Generic name: Triazine trisisocyanate	48 FR 5305 (2/4/83)	Do
83-409	Generic name: N,N'-alkylene bis(di-2-ethylhexyl-phosphorodithioyl) alkanamide	48 FR 4305 (2/4/83)	Do
83-410	Generic name: N,N'-dimethyl alkyl amine salts of mono-and di-2-ethylhexyl hydrogen phosphates	48 FR 5305 (2/4/83)	Do
83-411	Generic name: C_{18}-C_{24}-alkylamine salts of alkyl acid phosphates	48 FR 5305 (2/4/83)	Do.
83-412	Generic name: Substituted pyridinium, chloride	48 FR 5305 (2/4/83)	Do
83-413	Generic name: Modified epoxy polymethacrylate resin	48 FR 5305 (2/4/83)	Do
83-414	Generic name: Disazo substituted aromatic compound	48 FR 5305 (2/4/83)	Apr. 19, 1983.
83-415	Generic name: Aromatic disazo compound	48 FR 5306 (2/4/83)	Do.
83-416	Generic name: Disazo substituted aromatic compound	48 FR 5306 (2/4/83)	Do.
83-417	Generic name: Alkyldiamine	48 FR 5306 (2/4/83)	Do.
83-418	Generic name: Benzenedisulfonic acid, chloro-triazinyl-amino-dimethylphenylazo-sulfo-naphthalenazo.	48 FR 5306 (2/4/83)	Do.
83-419	Generic name: Naphtholdisulfonic acid, chloro-triazinylamino-sulfophenylazo	48 FR 5306 (2/4/83)	Do.
83-420	Generic name: Acrylic-styrene oligomer	48 FR 5306 (2/4/83)	Do.
83-421	Generic name: Acrylic-styrene oligomer	48 FR 5306 (2/4/83)	Do.
83-422	Generic name: Aromatic polyamic acid	48 FR 5306 (2/4/83)	Do.
83-423	Generic name: Acrylic terpolymer	48 FR 6396 (2/11/83)	Apr. 20, 1983.
83-424	Generic name: Primary hydrogenated alkyl amine and silicone polymer	48 FR 6396 (2/11/83)	Do.
83-425	Polymer of diglycidyl ether cyclohexane, dimethanol, bisphenol A	48 FR 6396 (2/11/83)	Apr. 23, 1983.
83-426	Generic name: Epoxy resin ester	48 FR 6396 (2/11/83)	[illegible]
83-427	Generic name: Alkyl amino metal carboxylates	48 FR 6396 (2/11/83)	Do.
83-428	Generic name: Bis alkoxy aluminum acetoacetic ester complex	48 FR 6396 (2/11/83)	Apr. 24, 1983.
83-429	Generic name: Thiacarbocyanine hydroxide, anhydro disulfoalkyl trialkyl compound with trialkyl amine (1:1).	48 FR 6396 (2/11/83)	Do.
83-430	Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acids	48 FR 6396 (2/11/83)	Do
83-431	Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acids	48 FR 6396 (2/11/83)	Do.
83-432	Generic name: Disazo aromatic compound	48 FR 6397 (2/11/83)	Do.
83-433	Generic name: Mono azo aromatic compound	48 FR 6397 (2/11/83)	Do.

II. 88 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-434	Generic name: Unsaturated aliphatic diether	48 FR 6397 (2/11/83)	Do
83-435	Generic name: Acrylate of polybutadiene	48 FR 6397 (2/11/83)	Do
83-436	Generic name: Chloroaromatic compound	48 FR 6397 (2/11/83)	Apr. 25, 1983.
83-437	Generic name: Reaction product of a polyhalogenated anhydride, maleic anhydride, alkylene glycols and amino alcohol.	48 FR 6397 (2/11/83)	Do
83-438	Generic name: Disubstituted 3-phenylazo-4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, alkali metal salt.	48 FR 6397 (2/11/83)	Do
83-439	2,2-dimethyl-1,3-propanediol, polymer with 2,2'-oxybis (ethanol), 2-ethyl-2-hydroxy-methyl-1,3-propanediol and 1,3-isobenzofurandione.	48 FR 6397 (2/11/83)	Apr. 26, 1983.
83-440	Generic name: Methacrylate of polybutadiene	48 FR 6397 (2/11/83)	Apr. 24, 1983.
83-441	Polymer of: methyl acrylate, ethyl acrylate, acrylamide	48 FR 6397 (2/11/83)	Apr. 26, 1983
83-442	Generic name: Vegetable fatty acids; benzene carboxylic acid; hydroxymethyl alkanepolyol polymer.	48 FR 6588 (2/14/83)	Apr. 27, 1983.
83-443	Generic name: Alkanediol dimethylalkanediol; alkanedioic acid; substituted alkanoic acid; benzenedicarboxylic acid polymer.	48 FR 6588 (2/14/83)	Do
83-444	Generic name: Alkanediol dimethylalkanediol; alkanedioic acid; substituted alkanoic acid; benzendicarboxylic acid polymer.	48 FR 6588 (2/14/83)	Do.
83-445	Generic name: Modified sodium polyacrylate	48 FR 6588 (2/14/83)	Apr. 30, 1983.

III. 158 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)

PMN No.	Identity and generic name	FR citation	Expiration date
82-701	Generic name: Aromatic disazo dye	47 FR 44609 (10/8/82)	Feb 22, 1983
83-100	Generic name: Copolymer of styrene with substituted alkanoic derivatives	47 FR 52222 (11/19/82)	Feb. 1, 1983
83-101	Generic name: Polymer of diphenylmethane diisocyanate, hydroxy alkyl ethers, and substituted alkanediols.	47 FR 52223 (11/19/82)	Feb 2, 1983
83-102	Generic name: Polyacrylate	47 FR 52223 (11/19/82)	Feb 5, 1983
83-103	Generic name: Polyamine urea formaldehyde condensate	47 FR 52223 (11/19/82)	Do
83-104	Generic name: Polyamine urea formaldehyde condensate	47 FR 52223 (11/19/82)	Do.
83-105	1,2-benzenediamine, 4-ethoxy, sulfate (1:1)	47 FR 52223 (11/19/82)	Do
83-106	Generic name: Polymer of aliphatic and aromatic diacids and an aliphatic diol	47 FR 52223 (11/19/82)	Do.
83-107	Generic name: Modified polyester from carbomono-cyclic anhydndes, an alkanediol and an alkanedioic acid.	47 FR 52223 (11/19/82)	Do
83-108	Generic name: Polymer of fatty acids with a substituted alkanoic acid, carbomonocyclic acids, polyols and a carbomonocyclic anhydride	47 FR 52223 (11/19/82)	Do.
83-109	Generic name: Substituted alkyl methacrylate	47 FR 52223 (11/19/83)	Do.
83-112	Generic name: Hydroxy naphthalenedisulfonic acid, disodium salt, ((2-((sodium sulfooxyethyl)sulfonyl)phenyl)azo, and dichlorotnazinylamino substituted.	47 FR 52223 (11/19/82)	Feb 6, 1983.
83-113	Generic name: Benzenesulfonic acid, 4-(4-((4-substituted 2-sulfophenyl)azo) 3-carboxy-5-hydroxy-1H-pyrazol-1-yl)-, x sodium salt.	47 FR 52224 (11/19/82)	Do
83-114	Generic name: Naphthalenedisulfonic acid, disodium salt, ((2-((sodium sulfooxyethyl)sulfonyl)aryl)azo, and monochlorotnazinylamino, substituted, copper complex.	47 FR 52224 (11/19/82)	Do
83-116	Generic name: Ethanol, 2-arylsulfonyl, hydrogen sulfate ester	47 FR 52224 (11/19/82)	Do.
83-117	Oxo alcohols (high boilers)-neopentyl glycol adipate ester	47 FR 52224 (11/19/82)	Do
83-118	Generic name: Polymeric polyamdioamine	47 FR 52224 (11/19/82)	Do
83-119	Generic name: Polyester from a carbomonocyclic anhydride and substituted alkanediols	47 FR 52224 (11/19/82)	Do
83-120	Generic name: Reaction product of isomeric mixture of dioxocarbopolycyclic amine with sulfur	47 FR 52224 (11/19/82)	Feb. 7, 1983.
83-121	Polymer of diethyleneglycol, polyethylene-glycol, dimethylterephthalate, isophthalic acid, 5-sulfo-isophthalic aicd, dimethyl ester sodium salt.	47 FR 52224 (11/19/82)	Do
83-122	Generic name: Organic sulfur compound	47 FR 52222 (11/19/82)	Do
83-123	Poly[oxy(methyl-1,2-ethanediyl)],α,α',α''-1,2,3-propanetriyltris-[ω-hydroxy-, polymer with α-ω hydro-hydroxypoly[oxy-(methyl-1,2-ethanediyl)] and 1,1-methylene bis[4-isocyanato-benzene].	47 FR 52224 (11/19/82)	Do
83-124	3-bromo-4-(4-bis-2-hydroxyethylamino)-2-methyl-phenylazo)-5-nitrobenzoic acid ethyl ester	47 FR 53782 (11/29/82)	Feb. 9, 1983.
83-125	3-bromo-4-(4-(bis-2-hydroxyethylamino)-phenylazo)-5-nitrobenzoic acid ethyl ester	47 FR 53782 (11/29/82)	Do
83-126	Generic name: Modified fluoroaliphatic adduct	47 FR 53782 (11/29/82)	Feb. 11, 1983.
83-127	Polymer of acrylic acid, butyl acrylate, 2-hydroxy ethyl acrylate, methyl acrylate, and 2-ethylhexy acrylate	47 FR 53782 (11/29/82)	Do
83-128	Generic name: Organo zinc salt	47 FR 53782 (11/29/82)	Do
83-129	Syncrude (full range, dewaxed dearsenited shale oil)	47 FR 54357 (12/2/82)	Feb. 13, 1983.
83-130	Light straight run naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-131	Heavy straight run naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-132	Straight run middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-133	Straight run gas oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-134	Atmosphere tower residuum (shale oil)	47 FR 54357 (12/2/82)	Do
83-135	Vacuum tower condensate (shale oil)	47 FR 54357 (12/2/82)	Do
83-136	Light vacuum gas oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-137	Heavy vacuum gas oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-138	Vacuum residuum (shale oil)	47 FR 54357 (12/2/82)	Do
83-139	Full range catalytic cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-140	Light catalytic cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-141	Catalytic cracked clarified oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-142	Catalytic cracked light olefins (shale oil)	47 FR 54357 (12/2/82)	Do
83-143	Full range catalytic reformed naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-144	Full range alkylate naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-145	Light hydrocracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-146	Heavy hydrocracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-147	Light hydrocracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-148	Light thermal cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-149	Heavy thermal cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-150	Light thermal cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-151	Heavy thermal cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-152	Coke (shale oil)	47 FR 54357 (12/2/82)	Do
83-153	Sweetened naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-154	Hydrodesulfurized heavy naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-155	Hydrodesulfurized middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-156	Full range staight run naphtha (shale oil)	47 FR 54357 (12/2/82)	Do

III. 158 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-157	Straight run kerosene (shale oil)	47 FR 54357 (12/2/82)	Do.
83-158	Light paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-159	Heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-160	Light catalytic cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-161	Heavy catalytic cracked naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-162	Intermediate catalytic cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-163	Heavy catalytic cracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-164	Invalid		
83-165	Light catalytic reformed naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-166	Heavy catalytic reformed naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-167	Catalytic reformer fractionator residue (shale oil)	47 FR 54357 (12/2/82)	Do.
83-168	Light alkylate naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-169	Heavy alkylate naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-170	Alkylate distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-171	Polymerization naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-172	Viscous polymer (shale oil)	47 FR 54357 (12/2/82)	Do.
83-173	Isomerization naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-174	Heavy hydorcracked distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-175	Hydrocracked resaduum (shale oil)	47 FR 54357 (12/2/82)	Do
83-176	Sweetened middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-177	Normal paraffins (shale oil)	47 FR 54357 (12/2/82)	Do
83-178	Sorption process raffinate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-179	Solvent refined light naphtha (shale oil)	47 FR 54357 (12/2/82)	Do.
83-180	Solvent refined heavy naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-181	Solvent refined middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-182	Solvent refined gas oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-183	Solvent refined light paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-184	Solvent refined heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-185	Solvent deasphalted residual oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-186	Solvent decarbonized heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-187	Solvent refined residual oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-188	Solvent refined spent lube oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-189	Light naphtha solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do.
83-190	Heavy naphtha solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do.
83-191	Middle distillate solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do.
83-192	Gas oil solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do.
83-193	Light paraffinic distillate solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do.
83-194	Heavy paraffinic distillate solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do.
83-195	Residual oil solvent extract (shale oil)	47 FR 54357 (12/2/82)	Do.
83-196	Heavy paraffinic distillate decarbonization raffinate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-197	Clay treated light paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-198	Clay treated heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-199	Clay treated paraffin wax (shale oil)	47 FR 54357 (12/2/82)	Do.
83-200	Chemically neutralized spent lube oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-201	Hydrotreated light naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-202	Hydrotreated heavy naphtha (shale oil)	47 FR 54357 (12/2/82)	Do
83-203	Hydrotreated light distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-204	Hydrotreated middle distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-205	Hydrotreated light paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-206	Hydrotreated heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do
83-207	Hydrotreated paraffin wax (shale oil)	47 FR 54357 (12/2/82)	Do
83-208	Hydrotreated microcrystalline wax (shale oil)	47 FR 54357 (12/2/82)	Do.
83-209	Hydrotreated vacuum gas oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-210	Hydrotreated residual oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-211	Solvent dewaxed light paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-212	Solvent dewaxed heavy paraffinic distillate (shale oil)	47 FR 54357 (12/2/82)	Do.
83-213	Solvent dewaxed residual oil (shale oil)	47 FR 54357 (12/2/82)	Do.
83-214	Slack wax (shale oil)	47 FR 54357 (12/2/82)	Do.
83-215	Petrolatum (shale oil)	47 FR 54357 (12/2/82)	Do.
83-216	Foots oil (shale oil)	47 FR 54357 (12/2/82)	Do
83-217	Paraffin wax (shale oil)	47 FR 54357 (12/2/82)	Do
83-218	Microcrystalline wax (shale oil)	47 FR 54357 (12/2/82)	Do.
83-219	Catalytic dewaxed naphtha (shale oil)	47 FR 54358 (12/2/82)	Do
83-220	Catalytic dewaxed middle distillate (shale oil)	47 FR 54358 (12/2/82)	Do.
83-221	Catalytic dewaxed light paraffinic oil (shale oil)	47 FR 54358 (12/2/82)	Do.
83-222	Catalytic dewaxed heavy paraffinic oil (shale oil)	47 FR 54358 (12/2/82)	Do.
83-223	Hydrodesulfurized light naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-224	Hydrosulfurized kerosine (shale oil)	47 FR 54358 (12/2/82)	Do.
83-225	Hydrosulfurized gas oil (shale oil)	47 FR 54358 (12/2/82)	Do.
83-226	Hydrodesulfurized atmospheric tower residuum (shale oil)	47 FR 54358 (12/2/82)	Do
83-227	Hydrodesulfurized heavy vacuum gas oil (shale oil)	47 FR 54358 (12/2/82)	Do.
83-228	Hydrodesulfurized heavy vacuum gas oil (shale oil)	47 FR 54358 (12/2/82)	Do.
83-229	Steam cracked residuum (shale oil)	47 FR 54358 (12/2/82)	Do.
83-230	Light aliphatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-231	Medium aliphatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-232	Heavy aliphatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-233	Light aromatic solvent naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-234	Heavy aromatic naphtha (shale oil)	47 FR 54358 (12/2/82)	Do.
83-235	Calcined coke (shale oil)	47 FR 54358 (12/2/82)	Do.
83-236	Generic name: Alkyl-substituted imidazole derivative of methyl-pyrimidinone-azomethyl-phenyl benzothiazole.	47 FR 53782 (11/29/82)	Do.
83-238	Generic name: Polyamide	47 FR 53782 (11/29/82)	Feb 15, 1983
83-239	Generic name: Polyester polyurethane from a diisocyanate and an alkanediol with alkanoic acid and anhydride.	47 FR 53783 (11/29/82)	Do.
83-240	Generic name: Reaction product of inorganic acid with the reaction product of carboxylic acid and alkanolamine.	47 FR 53783 (11/29/82)	Do.
83-241	Generic name: Polyester polycarboxylate salt	47 FR 53783 (11/29/82)	Do.
83-242	Generic name: Polymer of aliphatic polyols, aliphatic and aromatic dicarboxylic acids	47 FR 53783 (11/29/82)	Do.
83-243	Generic name: Methyl-oxyethyl-methylene imidazolium deriv. of copper phthalocyanine methoxy-acetate.	47 FR 53783 (11/29/82)	Do.

III. 158 Premanufacture Notices for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does not Signify That the Chemical Had Been Added to the Inventory)—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-244	Polymer of tetrahydronaphthalic anhydride, tall oil fatty acid, bisphenol A-oxirane polymer, phenol-epichlorohydrin-formaldehyde polymer, paraformaldehyde, diethylamine, diethylamino-propylamine, diisopropylamine.	47 FR 53783 (11/29/82)	Do
83-245	Polymer of tetrahydronaphthalic anhydride, phthalic anhydride, acrylic acid, 2-ethylhexyl ester, bisphenol A-oxirane polymer, phenolepichlorohydrin-formaldehyde polymer, paraformaldehyde, aminoethylpropanediol, butanol, diethanolamine, diethylamine, diethylaminopropylamine.	47 FR 53783 (11/29/82)	Do
83-246	Polymer of tetrahydronaphthalic anhydride, acrylic acid, 2-hydroxyethyl ester, methacrylic acid, 2-hydroxy ethyl ester, bisphenol A-oxirane polymer, neodecanoic acid, 2,3-epoxypropyl ester, toluenediisocyanate, N,N-diethanolamine, diethanolamine.	47 FR 53783 (11/29/82)	Do
83-247	Polymer of tetrahydronaphthalic anhydride, maleic anhydride, phthalic anhydride, tall oil fatty acid, acrylic acid, 2-hydroxyethyl ester, methacrylic acid, 2-hydroxyethyl ester, methacrylic acid, 2,3-epoxy proyl ester, bispheol A-oxirane polymer, neodecanoic acid, 2,3-epoxy propyl ester, toluenediisocyanate, N, N-diethanolamine, diethanolamine, 1,6-hexanediol, butanol.	47 FR 53783 (11/29/82)	Do
83-248	Polymer of bisphenol A-oxirane polymer, toluene-diisocyanate, diethanolamine, diethylamino-propylamine.	47 FR 53783 (11/29/82)	Do.
83-249	Polymer of malonic acid, diethyl ester, dimethylolpropane	47 FR 53783 (11/29/82)	Do
83-250	Polymer of malonic aicd, diethyl ester, tri-methylolpropane, 1,6-hexanediol	47 FR 53783 (11/29/82)	Do
83-251	Generic name: Phenoxy modified alkyd	47 FR 54537 (12/3/82)	Feb. 16, 1983.
83-252	Generic name: Alkyl amino-amide salt	47 FR 54537 (12/3/82)	Feb. 19, 1983
83-253	Generic name: Maleated rosin monobasic acids glycerol ester	47 FR 54537 (12/3/82)	Feb. 20, 1983
83-254	Generic name: Maleated rosin monobasic acids pentaerythritol ester	47 FR 54537 (12/3/82)	Do
83-256	Generic name: Polymer of acrylic acid and mixed alkyl acrylates	47 FR 55422 (12/9/82)	Feb. 23, 1983
83-257	Generic name: Copolymer of ethenyl heterocycle and substituted, ethenyl benzene	47 FR 55422 (12/9/82)	Do.
83-258	Generic name: Polymer of styrene: methacrylate ester, acrylic ester, and acrylic acid	47 FR 55422 (12/9/82)	Do
83-259	Generic name: Polyester resin	47 FR 55422 (12/9/82)	Do
83-260	Generic name: Modified maleated rosin pentaery-thritol ester alkylphenol formaldehyde resin	47 FR 55422 (12/9/82)	Feb. 27,1983
83-261	2,2-bis [4-(4-aminophenoxy)phenyl]hexafluoro-propane	47 FR 55422 (12/9/82)	Do
83-[illegible]	Generic name: Halogenated dinitro ether compound	47 FR 55423 (12/9/82)	Do

IV. 38 Chemical Substances for Which EPA has Received Notices of Commencement to Manufacture

PMN No.	Chemical identification	FR citation	Date of commencement
80-199	Generic name: Methyl, aminoheteropolycycle	45 FR 60003 (9/11/80)	Sept. 15, 1982
81-261	Generic name: Amine derivative	46 FR 34409 (7/1/81)	Mar. 1, 1983
81-512	Generic name: Substituted heteropolycycle	46 FR 50840 (10/15/81)	Jan. 24, 1983.
81-591	Generic name: Nitrogen-containing organic sulfide	46 FR 58178 (11/30/81)	Feb. 16, 1982
81-633	Generic name: Hydroxy alkenyl borate	46 FR 62313 (12/23/81)	Jan 24, 1983
82-131	Generic name: Zinc-containing alkenyl carboxamide	47 FR 8675 (3/1/82)	Feb. 1, 1983
82-147	Generic name: Organorhodium complex	47 FR 10075 (3/9/82)	Nov. 1982
82-173	Generic name: Borate esters-mixture	47 FR 10900 (3/12/82)	Feb. 15, 1983
82-174	Generic name: Substituted acrylamide polymer	47 FR 10901 (3/12/82)	Feb. 17, 1983
82-250	Generic name: A mixture of Naphthalenedi-sulfonic acid, [azoxy bis[(substituted-phenyl) axo]]bis[substituted-, and its sodium salts.	47 FR 16404 (4/16/82)	Feb. 16, 1983.
82-263	Generic name: A mixture of the sodium salts, lithium salts, and mixed sodium/lithium salts of naphtalenedisulfonic acid, [azoxy bis[(substituted-phenyl)azo]]bis[substituted-.	47 FR 16405 (4/16/82)	Do
82-330	Generic name: Poly(vinyl acrylate)	47 FR 20853 (5/14/82)	Feb. 15, 1983.
82-359	Generic name: Polyester resin	47 FR 23552 (5/28/82)	Feb. 17, 1983
82-419	Generic name: Acrylamide-acrylate copolymer	47 FR 26235 (6/17/82)	Mar. 2, 1983
82-450	Generic name: Amino alkyl alkoxy silanes	47 FR 28995 (7/2/82)	Jan. 21, 1983
82-458	Generic name: Polymer of a vegetable oil derivative, alkane diols and a carbomonocyclic anhydride	47 FR 28995 (7/2/82)	Dec. 12, 1983
82-518	Generic name: Metal complexed substituted aromatic	47 FR 34187 (8/6/82)	Dec. 23, 1982
82-562	Generic name: 1-Naphthalene sulfonic acid, ((((triazin)amino)disulfo)azo)-, trisodium salt	47 FR [illegible] (7/8/81)	Feb. 7, 1983
82-566	Generic name: Heteromonocycle, substituted	47 FR [illegible] (8/20/82)	Do.
82-567	Generic name: Heteromonocycle, substituted	47 FR [illegible] (8/29/82)	Do.
82-588	4-(1,1-dimethylethyl)pyridine	47 FR 39242 (9/7/82)	Dec. 16, 1982
82-589	Generic name: Cresol novolac modified methacrylate epoxy ester	47 FR 39242 (9/7/82)	Feb. 15, 1983
82-651	Generic name: Metal complexed substituted aromatic salt	47 FR 41166 (9/17/82)	Dec. 29, 1982
82-674	Hexa-aquomagnesium (II) bis(2-carboxylatomono-peroxy-benzoic acid	47 FR 42153 (9/24/82)	Jan. 19, 1983
[illegible]	2-propenoic acid, 2-hydroxyethyl ester, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, -hydro-w-hydroxypoly(oxy-1,2-ethanediyl), 5-isocycanato-1-(isocyanatomethyl)-1, 3, 3-trimethylcy-clohexane and 2 oxepanone.	47 FR 43161 (9/30/82)	Jan. 1983
[illegible]	Generic name: Aminosulfur compound	47 FR 44609 (10/8/82)	Jan. 24, 1983
83-3	Generic name: Disubstituted propone	47 FR 46371 (10/18/82)	Feb. 14, 1983
83-4	Generic name: Substituted propone	47 FR 46371 (10/18/82)	Do.
83-5	Generic name: Substituted alkanoic acid ester	47 FR 46371 (10/18/82)	Do.
83-6	Generic name: Substituted lactam	47 FR 46371 (10/18/82)	Do.
83-7	Generic name: Substituted lactam	47 FR 46371 (10/18/83)	Do.
83-13	Generic name: Amine modified dimethylpolysiloxane	47 FR 46372 (10/18/82)	Jan. 21, 1983
83-[illegible]	Generic name: Mixed C_{21} dicarboxylic amino alkyl amines	47 FR 50339 (11/5/82)	Apr. 1, 1983
83-74	Generic name: Polymer of styrene, alkyl acrylates and substituted alkyl methacrylates	47 FR 50339 (11/5/82)	Feb. 28, 1983
[illegible]	Generic name: Polymer of polysubstituted alkyl acrylates	47 FR 52222 (11/19/82)	Jan. 31, 1983
83-92	Generic name: Reaction product of a polyhalo-genated anhydride, maleic anhydride and alkylene glycols.	47 FR 52222 (11/19/82)	Do.
83-108	Generic name: Polymer of fatty acids with a substituted alkanoic acid, carbomonocyclic acids, polyols and a carbomonocyclic anhydride.	47 FR 52222 (11/19/82)	Feb. 10, 1983.
83-128	Generic name: Organo zinc salt	47 FR 53782 (11/29/82)	Feb. 28, 1983.

V. 31 PREMANUFACTURE NOTICES WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED

PMN No	Identity and generic name	FR citation	Date suspended
80-137	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/80)	Sept. 22, 1980
80-138	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/80)	Do
80-146	Phosphorodithoic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt	45 FR 49153 (7/23/80)	Sept 17, 1980
80-147	Phosphorodithoic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do
80-264	Generic name: Benzeneamine, [*N*-(1-methylhexylidene)-*N*-(1-methyl butylidene)-4, 4'-methylene bis]	45 FR 73127 (11/4/80)	Dec 24, 1980
81-558	4-hydroxy-3-(5-(2-hydroxysulfonyloxy) ethylsulfonyl)-2-methoxyphenylazo)-7-succinyl-amino-2-naphthalenesulfonic acid disodium salt	46 FR 55146 (11/6/81)	Jan 27,1982
81-561	4-[4-[2-(hydroxysulfonyoxy) ethylsulfonyl)-5-methyl-2-methoxyphenylazo]-3-methyl-1-(3-sulfophenyl)-5-pyrazolone disodium salt	46 FR 55146 (11/6/81)	Do
81-660	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxy-sulfonyloxy) ethylsulfonyl) phenylazo)-1-naphthalenesulfonic acid disodium salt	47 FR 1021 (1/8/82)	Mar 28, 1982
81-661	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxy-sulfonyloxy) ethylsulfonyl) phenylazo)-6-(3-sulfophenyl)amino-2-naphthalenesulfonic acid trisodium salt	47 FR 1021 (1/8/82)	Do
[illegible]	Generic name: Zinc, O,O-bis alkylphosphoro dithioate	47 FR 5932 (2/9/82)	Apr 15, 1982
82-387	Phosphorodithoic acid, O,O', secondary butyl and isooctyl mixed esters	47 FR 25401 (6/11/82)	July 30, 1982
82-388	Phosphorodithoic acid, O,O', secondary butyl and isooctyl mixed esters, zinc salt	47 FR 25401 (6/11/82)	Do
82-586	Withdrawn as of December 3, 1982		
82-678	Generic name: Chlonnated aromatic azo anthraquinone pigment	47 FR 43161 (9/30/82)	Nov 22, 1982
82-679	Generic name: Chlonnated aromatic azo pigment	47 FR 43161 (9/30/82)	Do
83-1	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 46371 (10/18/82)	Oct 22, 1982
83-23	Generic name: Substituted phenol	47 FR 46373 (10/18/82)	Dec 21, 1982
83-24	Generic name: Substituted pyridine	47 FR 46373 (10/18/82)	Dec 24, 1982
83-25	Generic name: Substituted pyridine	47 FR 46373 (10/18/82)	Do
83-35	Generic name: Sulfophenylazonaphthyl dye	47 FR 47067 (10/22/82)	Jan 4, 1983
[illegible]	Generic name: Acrylated alkoxylated aliphaticglycol	47 FR 47068 (10/22/82)	Dec 27, 1982
83-37	Generic name: Acrylated alkoxylated aliphatic glycol	47 FR 47068 (10/22/82)	Do
83-38	Generic name: Sulfophenylazonaphthyl dye	47 FR 47068 (10/22/82)	Jan 4, 1983
[illegible]	Generic name: Substituted pyridine	47 FR 49073 (10/29/82)	Dec. 21, 1982
83-75	Generic name: Sodium 2-substituted propanoate	47 FR 50339 (11/5/82)	Feb. 10, 1983
83-110	Generic name: Saturated acid diester	47 FR 52223 (11/19/82)	Jan 26, 1983
83-111	Generic name: Aromatic acid diester	47 FR 52223 (11/19/82)	Feb 5, 1983
83-115	Generic name: Naphthalenedisulfonic acid, disodium salt, ((2-(sodium sulfooxyethyl) sulfonyl)aryl)azo, and monochlorotnazinylamino, substituted, copper complex	47 FR 52224 (11/19/82)	Feb 1, 1983
83-237	Generic name: Substituted pyridine	47 FR 53782 (11/29/82)	Jan. 25, 1983
83-272	Generic name: Substituted pyridine	47 FR 57333 (12/23/82)	Feb 10 through 17, 1983
83-255	Generic name: Dicarboxylic acid monoester	47 FR 54537 (12/3/82)	Feb 17, 1983
83-263	Generic name: Substituted thiocyclic compound	47 FR 55423 (12/9/82)	Feb 27, 1983

[FR Doc. 83-7840 Filed 3-28-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89-777 (80 Stat. 1377, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Commodore Cruise Line, Limited and Olympia Caribbean Shipping Co., Inc., 1007 North America Way, Miami, Florida 33132.

Dated: March 24, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-8012 Filed 3-28-83; 8:45 am]
BILLING CODE 6730-01-M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Holland America Tours N.V. and Holland America Cruises, Inc., Holland American Line, One Landmark Square, Stamford, Connecticut 06901.

Dated: March 24, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-8011 Filed 3-28-83; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; Energy Banks, et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Energy Banks,* Casper, Wyoming; to acquire 100 percent of the voting shares of Security Bank of Glenrock, Glenrock, Wyoming. Comments on this application

must be received not later than April 22, 1983.

B. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Allied Bancshares, Inc.* Houston, Texas; to acquire 100 percent of the voting shares of Town & Country Bank, Houston, Texas. Comments on this application must be received not later than April 22, 1983.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7944 Filed 3-28-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities; Northeastern Bancorp, Inc., et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Northeastern Bancorp, Inc.*, Scranton, Pennsylvania (leasing activities; eastern Pennsylvania); To engage through its subsidiary, Norbanc Lease, Inc. in the business of leasing personal property in accordance with the Board's Regulation Y. These activities would be conducted from an office in Scranton, Pennsylvania, serving eastern Pennsylvania. Comments on this application must be received not later than April 22, 1983.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Mellon National Corporation*, Pittsburgh, Pennsylvania (investment or financial advisory activities; United States and overseas): To engage, through its subsidiary, Mellon Financial Services Corporation #2, in providing real estate portfolio investment advice, including: serving as the advisory company for a mortgage or real estate investment trust; serving as investment adviser, as defined in Section 2(a)(20) of the Investment Company Act of 1940, to an investment company registered under that Act; furnishing general economic information and advice, general economic statistical forecasting services and industry studies; and providing financial advice to State and local governments, such as with respect to real estate portfolio investment advice, which activities shall be conducted in conformance with § 225.4(a)(5) of Regulation Y. These activities would be conducted from an office located in Detroit, Michigan serving the United States and overseas. Comments on this application must be received not later than April 22, 1983.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7946 Filed 3-28-83; 8:45 am]

BILLING CODE 6210-01-M

Bent Tree Bancshares, Inc.; Proposed Acquisition of Bent Tree Mortgage, Inc.

Bent Tree Bancshares, Inc., Dallas, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Bent Tree Mortgage, Inc., Dallas, Texas.

Applicant states that the proposed subsidiary would engage in the activities of making or acquiring loans and other extensions of credit, for its own account or for the account of others, such as would be made, for example, by a mortgage, finance, credit card or factoring company; providing insurance as agent or broker where the insurance is limited to assuring repayment of the outstanding balance due on a specific extension of credit by Applicant or any of its subsidiaries in the event of death, disability, or involuntary unemployment of the debtor, providing insurance as agent or broker where the insurance is limited to assuring repayment of the outstanding balance on an extension of credit by Company in the event of loss or damage to any property used as collateral on such extension of credit and the amount of such extension of credit comforms to the provisions of section 601(B) of the Garn-St Germain Act; and engaging in insurance activities limited solely to supervising on behalf of insurance underwriters the activities of retail insurance agents who sell fidelity insurance and property and casualty insurance on the real and personal property used in the operations of Applicant or any of its subsidiaries, and group insurance that protects the employees of Applicant or any of its subsidiaries; acting as an investment or financial adviser to the extent of serving as the advisory company of a mortage or real estate investment trust, serving as investment adviser to an investment company registered under the Investment Company Act of 1940, providing portfolio investment advice to any person, furnishing general econoimic information and advice, general economic statistical forecasting services and industry studies, and providing financial advice to state and local governments, such as with respect to the issuance of their securities. These activities would be performed from offices of Applicant's subsidiary in Dallas, Texas, and the geographic area to be served is the Dallas Metropolitan Area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce

benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompained by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 20, 1983.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7943 Filed 3-28-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Newport Bancshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for the application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a writtern presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Newport Bancshares, Inc.*, Newport, Arkansas; to become a bank holding company by acquiring 87.2 percent of the voting shares of The First State Bank of Newport, Newport, Arkansas. Comments on this application must be received not later than April 22, 1983.

B. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Vice President 925 Grand Avenue, Kansas City, Missouri 64198:

1. *N.B.C. Bancshares in Pawhuska, Inc.* Pawhuska, Oklahoma; to become a bank holding company by acquiring 80 percent of the voting shares of National Bank of Commerce in Pawhuska, Pawhuska, Oklahoma. Comments on this application must be received not later than April 22, 1983.

Board of Governors of the Federal Reserve System, March 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7945 Filed 3-28-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Office of Federal Supply and Services

Notification of Office Name Change

The Administrator of General Services on January 22, 1983, redesignated GSA's Office of Personal Property as the Office of Federal Supply and Services. Federal agencies and the public are advised of the change so that correspondence and other documents may reflect the new name.

"Office of Federal Supply and Services," abbreviated "FSS," is more descriptive of the basis functions for which the office is responsible.

The primary role of FSS is buying and distributing thousands of day-to day items Federal employees need to do their work, such as office supplies and machines, tools, furniture, vehicles, and appliances. Services include transportation, travel, and personal property rehabilitation, utilization and disposal.

The change of name to "Federal Supply and Services" also reflects a new era of service to the customer agencies of the General Services Administration. FSS procurement and supply expertise are being extended to a greater segment of the Federal Government through a project called Customer Base Expansion (CBE). The thrust is to reduce the degree and cost of open market buying done by agencies, primarily in small quantities at or near retail prices, and redirect their procurements of everyday needs through established GSA/FSS channels to achieve savings exceeding 20 percent through volume purchasing. From a base of approximately $3 billion procured through GSA/FSS, where centralized buying results in reduced costs of items and overhead, FSS hopes to expand its support to $4 billion in FY 1983 and $6 billion in FY 1984. Hundreds of millions of dollars in additional savings to the taxpayer is projected as a result of this enhanced support through consolidated volume purchase of common use goods and services.

Another economic initiative is the renewed emphasis of an existing regulation that makes excess personal property the first source of supply. GSA has established a "No Waste Task Force" to identify property, such as furniture, that is not in use and report it for use by other agencies. The concept is being developed in the National Capital Region (NCR) and will be expanded to other regions as warranted. Further, a computerized system is being developed to match requisitions for new personal property against available excess; where feasible, issues from excess will be made. In NCR, agencies have saved more than 40 percent by purchasing rehabilitated furniture from GSA instead of buying new.

For additional information, or to communicate with the new Office of Federal Supply and Services, the Official mailing address is: General Services Administration (F), Washington, DC 20406.

Dated: March 17, 1983.

L. L. Mitchell,

Assistant Administrator for Federal Supply and Services.

[FR Doc. 83-7950 Filed 3-28-83; 8:45 am]

BILLING CODE 6820-24-M

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Preservation of Current Holdings Subcommittee of the Advisory Committee on Preservation will meet on April 11, 1983 from 10:00 a.m. to 4:00 p.m., and April 12, 1983 from 9:00 a.m. to 4:00 p.m. in Room 105, National Archives Building, Washington, DC. This meeting will be devoted to Paper Textual surveying, modeling and environmental conditions as related to the mission of the National Archives.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: March 17, 1983.

G. N. Scaboo,

Acting Archivist of the United States.

[FR Doc. 83-7986 Filed 3-28-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

National Occupational Exposure Survey of Mining; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Date: April 21, 1983.

Time: 9:00 a.m. to 4:30 p.m.

Place: Hubert H. Humphrey Building, Room 703-727A, 200 Independence Avenue, SW., Washington, D.C. 20201.

Purpose: To obtain comments on NIOSH plans for a National Occupational Exposure Survey of Mining.

NIOSH is planning to conduct a survey of the mining industry beginning in October 1983. The survey would entail NIOSH visits to a sample of mining sites. Each site visit would consist of a questionnaire and visual estimation of potential occupational exposures of mine workers.

Comments or questions regarding the proposed survey will be received at the meeting. Formal presentations should be accompanied by written text. Informal comments and questions will also be entertained during the meeting. NIOSH will review and consider all comments offered at this meeting prior to proceeding with survey plans.

Additional information may be obtained from: Dennis W. Groce, Industrial Hygienist, Division of Respiratory Disease Studies, National Institute for Occupational Safety and Health, Centers for Disease Control, 944 Chestnut Ridge Road, Room 120, Morgantown, WV 26505, Telephone: (304) 291-4496.

Dated: March 23, 1983.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 83-7985 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 81N-0180]

Scherer Laboratories, Inc., et al.; Withdrawal of Approval of Abbreviated New Drug Applications

Correction

In FR Doc. 83-22 appearing on page 332 in the issue of Tuesday, January 4, 1983, make the following corrections:

On page 332, second column, in the table, (1) ANDA No. 80-033 and ANDA No. 80-042, second line, "Table" should read "Tablet"; (2) in the second column of the table, the applicant opposite ANDA No. 80-042 should read "Webcon Pharmaceuticals Division"; (3) ANDA No. 83-197, "Propoxphene" should read "Propoxyphene"; (4) ANDA No. 83-418, second line, "Estrongens" should read "Estrogens"; (5) in the third column, second paragraph second line, "050" should read "505".

BILLING CODE 1505-01-M

[Docket No. 81N-0181]

American Pharmaceutical Co., Inc., et al.; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

Correction

In FR Doc. 83-23 beginning on page 332 in the issue of Tuesday, January 4, 1983, make the following correction:

On page 333, third column, second paragraph, third line, "210" should read "310".

BILLING CODE 1505-01-M

[Docket No. 80N-0012; DESI 9049]

Prescription Topical Anti-Infective Drug Products; Drugs for Human Use; Drug Efficacy Study Implementation; Withdrawal of Approval of New Drug Application

Correction

In FR Doc. 83-24 appearing on page 334 in the issue of Tuesday, January 4, 1983, make the following correction:

On page 334, first column, in the **SUMMARY,** third line, "Dame" should read "Dome"; in the **ADDRESS,** fourth line "9094" should read "9049"; second column, third paragraph, second line, insert "or" after the comma.

BILLING CODE 1505-01-M

[Docket No. 82F-0374]

Mitsui Petrochemical Industries, Ltd.; Filing of Food Additive Petition

Correction

In FR Doc. 83-26 appearing on page 335 in the issue of Tuesday, January 4, 1983, first column, under the **SUPPLEMENTARY INFORMATION,** first paragraph, seventh line, "Chrome" should read "Chome".

BILLING CODE 1505-01-M

[Docket No. 82P-0382]

Tomato Juice Deviating From Identity Standard; Temporary Permit for Market Testing

Correction

In FR Doc. 83-8 beginning on page 335 in the issue of Tuesday, January 4, 1983, make the following corection:

On page 336, first column, under **DATES,** second line, "days" should read "months".

BILLING CODE 1505-01-M

[Docket No. 83F-0068]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of di-*tert*-butylphenyl posphonite condensation product with biphenyl as an antioxidant and/or stabilizer for polymers.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3703) has been filed by Ciba-Geigy Corp., Hawthorne, NY 10532, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of di-*tert*-butylphenyl phosphonite condensation product with biphenyl as an antioxidant and/or stabilizer for polymers.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental

impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 18, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-7938 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82D-0350]

General Principles of Process Validation; Current Good Manufacturing Practice Draft Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline entitled "Guideline on General Principles of Process Validation," which outlines general principles of process validation the agency views as acceptable parts of a process validation program for preparing humam and animal drug products and medical devices. The draft guideline, which is being made available for public comment to provide the agency with views to be considered in its development of a final guideline, is intended to inform interested persons of these acceptable principles to facilitate compliance with the current good manufacturing practice (CGMP) regulations and to help assure the quality of human and animal drug products and medical devices. The guideline was prepared by FDA's National Center for Drugs and Biologics and National Center for Devices and Radiological Health.

DATE: Comments by May 31, 1983.

ADDRESS: Requests for a copy of the draft guideline and written comments regarding the draft guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

For Human and Animal Drug Products: Clifford G. Broker, National Center for Drugs and Biologics (HFN-323), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5307.

For Medical Devices: Edward J. McDonnell, National Center for Devices and Radiological Health (HFK-130), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7122.

SUPPLEMENTARY INFORMATION: The draft guideline is intended to inform interested persons of process validation principles that FDA believes constitute acceptable ways of compliance with applicable CGMP regulations. FDA notes that because of the great variety of products, processes, and manufacturing facilities it is impossible to state comprehensively all the specific validation elements applicable to every situation. However, several broad process validation concepts presented in the draft guideline have general applicability and provide an acceptable framework for building a comprehensive approach to process validation.

The draft guideline is being made available for public comment before being issued as the formal position of the agency. If, following the receipt of comments, the agency concludes that the guideline reflects acceptable process validation principles for compliance with applicable CGMP regulations, the guideline will be made final, and the availability will be announced under § 10.90(b) (21 CFR 10.90(b)). That section provides for the use of guidelines to establish procedures of general applicability that are not legal requirements but are acceptable to the agency. A person who follows a guideline is assured that his or her conduct will be acceptable to the agency. A person may also choose to use alternative procedures even though they are not provided for in the guideline. A person who chooses to do so may discuss the matter further with the agency to prevent an expenditure of money and effort for work that the agency may later determine to be unacceptable. Therefore, manufacturers are encouraged to use this opportunity to submit comments on the draft guideline if they have suggestions for its revision.

Interested persons may, on or before May 31, 1981, submit written comments on the draft guideline to the Dockets Management Branch (address above). These comments will be considered in determining whether further amendments to, or revisions of, the draft guideline are warranted. Comments should be in two copies (except that individuals may submit single copies), identified with the docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. Requests for a single copy of the draft guideline should be sent to the Dockets Management Branch.

Dated: March 23, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7933 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 79D-0465]

Human, Biological, and Animal Drugs and Medical Devices; Availability of Draft Guideline for Use of the Limulus Amebocyte Lysate (LAL) Test

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline for use of the Limulus Amebocyte Lysate (LAL) test as an end product endotoxin test for human, biological, and animal injectable drugs and medical devices. The draft guideline, which is being made available for public comment to provide the agency with views to be considered in its development of a final guideline, is intended to inform manufacturers of acceptable methods of validating the LAL test before using it as an alternative to the official rabbit pyrogen test. Manufacturers of human, biological, and animal injectable drugs and medical devices may start using the LAL test following the procedures set forth in the draft guideline. For human, biological, and animal injectable drugs that are subject to requirements of submission of applications to the agency, FDA will accept and approve, as appropriate, supplements to applications for approval that describe use of the LAL test. Manufacturers of medical devices are not required to submit applications or supplemental applications for premarket approval or premarket notification submissions to describe use of the LAL test, unless the LAL test procedures used by such manufacturer deviate significantly from the procedures in the draft guideline.

DATES: Comments by June 27, 1983.

ADDRESS: Requests for a copy of the draft guideline and written comments regarding the draft guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Human Drugs: Terry E. Munson, National Center for Drugs and Biologics (HFN-325), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6007.

Biological Products: Michael L. Hooton, National Center for Drugs and Biologics (HFN–813), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.
Animal Drugs: Patricia Cushing, Bureau of Veterinary Medicine (HFV–143), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1788.
Medical Devices: Virginia C. Ross, National Center for Devices and Radiological Health (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 12, 1973 (38 FR 1404), FDA announced that LAL intended to measure bacterial endotoxins in blood and drugs for human use is a biological product subject to licensing under section 351 of the Public Health Service Act (42 U.S.C. 262). LAL is prepared from the circulating blood cells (amebocytes) of the horseshoe crab (*Limulus polyphemus*). Since 1973, LAL has been used in a test procedure that has proved to be both a sensitive indicator of the presence of bacterial endotoxins (pyrogens) and valuable in enabling manufacturers to withhold from the market human drugs and other products which, if they contain bacterial endotoxins and are administered to humans, may produce fever, shock, and death.

When FDA published the January 12, 1973 **Federal Register** notice, the available data on and experience with the LAL test did not support its use as an end product test for endotoxins and, thus, it was not then considered a suitable alternative to the official United States Pharmacopeia (USP) rabbit pyrogen test. However, the LAL test was considered suitable as an inprocess endotoxin test, i.e., a preliminary test conducted only for informational purposes, but could not serve as a basis for the release of particular lots of blood or drug products. Accordingly, the January 12, 1973 notice permitted marketing of the LAL test without a biological product license if its use was limited to the inprocess testing of human drugs and if its labeling stated that the test was not suitable as a replacement for the official rabbit pyrogen test.

Since 1973, production techniques for the LAL test have been standardized, consistently yielding LAL test results with an endotoxin sensitivity over 100 times greater than that previoulsy possible. Moreover, the LAL test is faster and more economical and can be tested on a smaller volume of product than the rabbit pyrogen test. In addition, one individual can perform many LAL tests in 1 day.

In a notice published in the **Federal Register** of November 4, 1977 (42 FR 57749), FDA announced conditions under which the LAL test could be used as an end product endotoxin test for licensed biological products and medical devices. On March 26, 1979, the then Bureau of Medical Devices (now the Office of Medical Devices (OMD) in FDA's National Center for Devices and Radiological Health) made available to interested persons a draft guideline setting forth conditions for using the LAL test for medical devices.

This notice and the new draft guideline change certain provisions in the 1979 draft guideline, based upon the device industry's substantial expertise in using the LAL test since the 1979 draft guideline was made available. FDA no longer believes it necessary for manufacturers to submit to OMD data establishing that the LAL test that the manufacturer proposes to use is at least equivalent to the official USP rabbit pyrogen test. If a manufacturer follows the draft guideline now being made available, OMD need not grant written approval to use the LAL test. A device manufacturer that plans to use LAL test procedures deviating significantly from the test procedures in the draft guideline is required to obtain written approval from the Director of OMD through submission of a premarket notification (see section 510(k) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360) and FDA's regulations governing premarket notification procedures (21 CFR 807.81(a)(3))), or a premarket approval application or supplement (see section 515 of the act (21 U.S.C. 360(e))).

The November 4, 1977 notice stated that the use of LAL for drug products other than biological would be the subject of a future **Federal Register** publication. Accordingly, in the **Federal Register** of January 18, 1980 (45 FR 3668), FDA published a notice announcing the availability of a draft guideline that described the conditions for validating the LAL test before using it as a final end product endotoxin test for human and veterinary injectionable drug products. The January 18, 1980 notice also requested that manufacturers submit comments and information to FDA that might be helpful in preparing the final guideline.

After reviewing the comments received on the 1979 and 1980 drafts, FDA is combining the drafts into a single draft agency guideline which differs in two significant ways from the earlier drafts. Because of these changes, FDA has decided to make the agency draft guideline available for comment, but at the same time, to permit firms to start using the LAL test following the procedures set forth in the draft guideline.

Because of different applicable statutory provisions and regulations and the nature of some products, the draft guideline sets forth somewhat different procedures for performing the LAL test as an end product test for the various categories of products regulated by FDA. For human, biological, and animal injectable drugs that are subject to the requirements of submission of applications to the agency, FDA will accept and approve, when appropriate, supplements to applications for approval that describe use of the LAL test. As discussed above, manufacturers of medical devices are not required to submit applications or supplemental applications for premarket approval or premarket notification submissions to describe use of the LAL test, unless the LAL test procedures to be used by a manufacturer would deviate significantly from the procedures in the draft guideline.

One of the two significant changes in the draft guideline involves the method of expressing the endotoxin limits for human and animal drug products. In the 1980 draft guideline, the endotoxin limit for parenteral drug product was 0.25 endotoxin unit per milliliter (EU/mL) of drug product. This limit applied to parenteral drugs without regard to the dose administered. Comments objected to this method of expressing the endotoxin limit. The comments said that the effects of endotoxin are related to the amount of endotoxin contained in the dose administered to a patient rather than the amount of endotoxin contained in 1 mL of the product.

FDA agrees with the comments. FDA is changing the endotoxin limit so that the amount of endotoxin permitted in the product is related to the dose. Because the dose varies from product to product, the endotoxin limit is expressed as K/M. K is 5.0 EU/kilogram (kg), which represents the approximate threshold pyrogen dose for humans and rabbits. M represents the rabbit pyrogen dose or the maximum human dose per kg that would be administered in a 1-hour period, whichever, is larger. Thus, a product that has a maximum human dose of 10 mL/kg could contain no more than 0.5 EU/mL of the product.

The second significant change in the draft guideline is the deletion of the section of the 1980 draft guideline entitled "Absence of Non-endotoxin Pyrogenic Substances." The agency

believes that the testing described in this section would be of value only if a large number of batches were tested, and that requiring so much batch testing would be unreasonable and expensive. Therefore, FDA has determined that such testing is inappropriate and unnecessary.

This draft guideline is being made available for public comment before its issuance by FDA as its formal position. FDA invites interested persons to comment on any provision of the draft LAL guideline. However, the agency especially invites comments and data concerning the use of the turbidimetric technique for testing products covered by this guideline. If, after considering the comments and making appropriate changes, FDA concludes that the guideline reflects acceptable procedures for decisionmaking on LAL tests, the guideline will be made final, and its availability will be announced under § 10.90(b) of FDA's regulations (21 CFR 10.90(b)). That section provides for use of guidelines to establish procedures of general applicability that are not legal requirements but are acceptable to the agency. A person who follows a guideline is assured that his or her conduct will be acceptable to the agency. A person may also choose to use alternative procedures or standards even though they are not provided for in the guideline. A person who chooses to do so may discuss the matter further with the agency to prevent expenditure of money and effort for work that the agency may later determine to be unacceptable.

Interested persons may submit written comments to the Dockets Management Branch by June 27, 1983. Two copies of all comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the office above between (9 a.m. and 4 p.m., Monday through Friday. Requests for a single copy of the draft guideline should be sent to the Dockets Management Branch.

Dated: March 21, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs

[FR Doc. 83-7984 Filed 3-24-83; 11:36 am]

BILLING CODE 4160-01-M

[Docket No. 83G-0062]

Pfizer, Inc.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Pfizer, Inc., has filed a petition (GRASP 2G0282) proposing affirmation that lactase enzyme from *Candida pseudotropicalis* used in hydrolyzing lactose in milk and milk products is generally recognized as sfe (GRAS) as a direct human food ingredient.

DATE: Comments by May 31, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Land, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vivian Prunier, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 2G0282) has been filed by Pfizer, Inc., 235 E. 42d St., New York, NY 10017, proposing affirmation that lactase enzyme from *Candida pseudotropicalis* used to hydrolyze lactose in milk and milk products is GRAS as a direct human food ingredient.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the format requirements outlined in § 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as preliminary indication of suitability for affirmation.

Interested persons may, on or before May 31, 1983, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 18, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-7939 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0049]

Union Carbide Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) is announcing that Union Carbide Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of fluorine treated polyethylene as a component of food-contact surfaces.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B3394) has been filed by Union Carbide Corp., Old Saw Mill River Rd., Tarrytown, NY 10591, proposing that Part 177 (21 CFR Part 177) be amended to provide for the safe use of fluorine treated polyethylene as a component of food-contact surfaces.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 18, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-7937 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83C-0012]

American Cyanamid Co.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that American Cyanamid Co. has filed a petition proposing that the color additive regulations be amended to provide for an increase in the current use levels of D&C Green No. 6 for coloring polyglycolic acid surgical sutures.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HHF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), 74 Stat. 399–402 as amended (21 U.S.C. 376(b)(1))), notice is given that a petition, CAP 3C0170, has been filed by American Cyanamid Co., Pearl River, NY 10965, proposing that § 74.1206(c)(1)(i) (21 CFR 74.1206(c)(1)(i)) of the color additive regulations be amended to provide for an increase to 0.5 percent of D&C Green No. 6 by weight for coloring polyglycolic acid sutures.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 17, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83–7828 Filed 3–28–83; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 83F–0027]

E.I. duPont de Nemours & Co., Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that E.I. duPont de Nemours & Co., Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of perfluorocarbon elastomers as articles or components of articles intended for repeated use in contact with food.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3683) has been filed by E.I. duPont de Nemours & Co., Inc., Wilmington, DE 19898, proposing that Part 177 (21 CFT Part 177) be amended to provide for the safe use of perfluorocarbon elastomers as articles or components of articles intended for repeated use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 17, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83–7830 Filed 3–28–83; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 83F–0064]

Monsanto Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Monsanto Co. has filed a petition proposing that the food additive regulations be amended to consolidate the current listings for polyamine-epichlorohydrin wet strength resins.

FOR FURTHER INFORMATION CONTACT: Mary W. Lipien, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3606) has been filed by Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to consolidate the current listings for polyamine-epichlorohydrin wet strength resins.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 17, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83–7829 Filed 3–28–83; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A–5321 and A–7730]

Arizona: Realty Action Competitive Sale of Public Land in Graham County; Correction

FR Doc. 83–2238 appearing on pages 3874 and 3875 in the issue of Thursday, January 27, 1983 is corrected by changing the closure date for acceptance of sealed bids from March 28, 1983 to April 18, 1983 and the date of the public sale from March 31, 1983 to April 19, 1983.

Dated: March 17, 1983.

Lester K. Rosenkrance,

District Manager.

[FR Doc. 83–7954 Filed 3–28–83; 8:45 am]

BILLING CODE 4310–84–M

Montana; Lewistown District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Lewistown District Advisory Council, Interior.

ACTION: Notice of meeting.

SUMMARY: The Lewistown District Advisory Council will meet April 7, 1983. The agenda will be:

9:00 a.m. Committee Meetings: Land Sales and Exchanges, Carpenter Creek Change in Use, Ervin Ridge Wild Horses, Wilderness Study, Fire Management, and Billings Resource Area Management Plan Committees
12:00 p.m. Recess
1:00 p.m. Committee Reports (as above), Briefing on Square Butte Natural Area Access
5:00 p.m. Adjournment.

Public comment will be sought during subcommittee meetings and following each committee report.

DATE: April 7, 1983, 9:00 a.m. to 5:00 p.m.

ADDRESS: Lewistown District Office, Airport Road, Lewistown, Montana.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The Lewistown District Advisory Council is authorized under section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739). The Council

advises the District Manager concerning the planning for and management of the public lands administered within the Lewistown District.

Dated: March 21, 1983.

David E. Little,

Associate District Manager.

[FR Doc. 83-7971 Filed 3-28-83; 8:45 am]

BILLING CODE 4310-84-M

[M 55148]

Montana; Conveyance of Public Land Petroleum County

March 21, 1983.

Notice is hereby given that, pursuant to Section 206 of the Act of October 21, 1976 (43 U.S.C. 1716, 90 Stat. 2756), in exchange for certain other lands, the following described public land was transferred to Isaac Lee Iverson and Marcia Iverson:

Principal Meridian, Montana

T.18 N., R. 27 E.,
Sec. 3, SW¼, W½SE¼;
Sec. 4, SE¼NE¼, NE¼SE¼.
Containing 320 acres.

The purpose of this notice is to inform the public and interested state and local governmental officials of the issuance of the conveyance document to the Iversons.

Edgar D. Stark,

Chief, Lands Adjudication Section.

[FR Doc. 83-7973 Filed 3-28-83; 8:45 am]

BILLING CODE 4310-84-M

[NM 55264]

New Mexico; Coal Exploration License Applications

March 18, 1983.

Department of the Interior, Bureau of Land Management, Sante Fe, New Mexico 87501. Pursuant to coal exploration license application NM 55264 members of the public are hereby invited to participate with Carbon Coal Company on a pro rata cost sharing basis, in a program for the exploration of coal deposits owned by the United States of America. The lands are located in McKinley County, New Mexico and are described as follows:

T. 14 N., R. 18 W., N. Mex., Prin. Mer., New Mexico
Sec. 1, lots 1, 2, S½NE¼, SE¼NW¼, S½;
Sec. 3, S½;
Sec. 10, N½, SE¼;
Sec. 11, All;
Sec. 12, W½W½;
Sec. 14, N½;
Containing 2,440.20 Acres.

Any party electing to participate in this exploration program shall notify in writing, both the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501 and Carbon Coal Company, 2412 Wellesley Drive, NE, Albuquerque, New Mexico 87107. Such written notice must include a justification for wanting to participate and any recommended changes in the exploration plan with specific reasons for such changes. The notice must be received no later than 30 calendar days after the publication of this notice in the Federal Register.

The lands described above are included in the Ta Ha Ba Well underground mineable competitive coal lease tract. The tract is being considered for possible inclusion in the San Juan region coal sale which is scheduled for December 1983.

This proposed exploration program is for the purpose of determining the quality and quantity of the coal in the area and is fully described and will be conducted pursuant to an exploration plan to be approved by the Minerals Management Service and the Bureau of Land Management. A copy of exploration plan as submitted by Carbon Coal Company, may be examined at the Bureau of Land Management State Office, Room 3031, Joseph M. Montoya Federal Building and U.S. Post Office, South Federal Place, Santa Fe, New Mexico, and the Minerals Management Service, 411 N. Auburn Avenue, Farmington, New Mexico.

Charles W. Luscher,

State Director.

[FR Doc. 83-7972 Filed 3-28-83; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Management Framework Amendment, Hanna MFP, Rawlins District

AGENCY: Rawlins District Office, Rawlins, Wyoming, Bureau of Land Management, Interior.

ACTION: Management Framework Plan Amendment to the Hanna MFP, Rawlins District, Wyoming.

SUMMARY: The Rawlins District, Bureau of Land Management proposes to amend coal land use decisions in a portion of the Hanna Coal Unsuitability Review Area, Hanna Management Framework Plan (MFP).

The public is invited to comment on issues to be considered in this MFP amendment.

ADDRESS: Any comments should be addressed to the District Manager, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301. All documents pertaining to this MFP are available at the above address.

FOR FURTHER INFORMATION CONTACT: Additional information requests or questions can be directed to either Mike Karbs, Rawlins District, or Floyd Ewing, Medicine Bow Resource Area Manager. Both are in the Rawlins District Office, Telephone 307/324-7171.

SUPPLEMENTARY INFORMATION: The area to be considered in the MFP amendnent is generally located within a zone 2,000 feet from the east shore of Seminoe Reservoir in Carbon County, Wyoming. The public lands to be considered in the plan amendment lie within the lands described as:

Township 23 North, Range 84 West, 6th Principal Meridian
Secs. 1, 2, 11, 13, 14, 24, 25, 26, 34 and 35
Township 23 North, Range 83 West, 6th Principal Meridian
Sec. 30
Township 24 North, Range 84 West, 6th Principal Meridian
Sec. 36
Township 24 North, Range 83 West, 6th Principal Meridian
Secs. 19, 20, 21, 27, 28, 29 and 30

In 1979, as part of conducting the coal unsuitability review for the Hanna Review area, Hanna MFP, this area was identified as unacceptable for further consideration for coal development because of multiple use conflicts. These conflicts included a 2,000' scenic corridor protected by a Carbon County ordinance and the potential for adverse impact to wildlife and water quality as a result of coal mining activities. Since 1979, Carbon County has repealed the 2,000' scenic corridor ordinance. In addition, Medicine Bow Coal Company has applied for an emergency coal lease sale on several parcels within this area because valuable coal deposits will be by-passed in the foreseeable future and because the location of these parcels makes it unlikely that these deposits would ever be recovered by any other mining operation.

General issues anticipated in this MFP amendment include conservation of the coal resource, scenic values, water quality, wildlife values, and cultural values. The MFP amendment will include an environmental analysis of the emergency coal lease application mentioned above. The MFP amendment will be prepared by an interdisciplinary team, including a hydrologist, geologist, recreation planner, archeologist, realty specialist and biological specialists.

There will be a public hearing held prior to approval of this MFP amendment. At present it is also anticipated that a public meeting will be held prior to the public hearing to allow

public comment on the analysis developed for the MFP amendment. Dates have not yet been set for the public hearing or meeting but public notice will be provided as these dates are set.

Elbert W. Spencer,

Associate District Manager.

[FR Doc. 83-7974 Filed 3-28-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 2554 and 3970, Blocks 541 and 542, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 22, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-7978 Filed 3-28-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Pending Nominations; Alabama et al.

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 18, 1983. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 13, 1983.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Colbert County

Sheffield, *U.S. Post Office*, 210 Columbia St.

Etowah County

Attalla, *U.S. Post Office*, 401 4th St.

Marshall County

Albertville, *U.S. Post Office*, 107 W. Main St.
Guntersville, *U.S. Post Office*, 520 Gunter Ave.

ALASKA

Sitka Division

Sitka, *Russian Bishop's House*, Lincoln and Monastery Sts.

CONNECTICUT

Middlesex County

East Haddam, *East Haddam Historic District*, CT 149, Broom, Norwich, Creamery, Lumberyard, and Landing Hill Rds.

IOWA

Harrison County

Logan, *Harrison County Jail*, 105 S. 1st Ave.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Beauregard Town Historic District (Boundary Increase)*, Front St.

MAINE

Androscroggin County

Lewiston, *Pilsbury Block*, 200–210 Lisbon St.

Hancock County

Bucksport, *Wilson Hall*, Franklin St.

Penobscot County

Hampden Highlands, *Kinsley, Martin, House*, Main Rd.

Somerset County

Skowhegan, *Skowhegan Free Public Library*, Elm St.

MARYLAND

Baltimore (Independent City)

Building at 100 Hopkins Place, 100 Hopkins Pl.

MICHIGAN

Ottawa County

Holland, *Holland Historic District*, 11th, 12th, 13th, Sts., and Washington, Maple, and Pine Aves.

MISSOURI

Cape Girardeau County

Cape Girardeau, *Thilenius, Col. George C., House (Longview)*, 100 Longview Pl.

MONTANA

Missoula County

Missoula, *Toole, John R., House*, 1005 Gerald Ave.

NEW MEXICO

Lincoln County

Jicarilla, *Jicarilla Schoolhouse*, NM 349, Lincoln National Forest

NORTH CAROLINA

Pasquotank County

Morgan's Corner vicinity, *Newland Road Site*, U.S. 17

PENNSYLVANIA

Lancaster County

Lancaster, *Lancaster Crematorium*, Greenwood Cemetery, 719 Highland Ave.

PUERTO RICO

Mayaguez County

San German vicinity, *Hacienda Buena Union*, PR 362

TEXAS

Galveston County

Galveston, *Lasker Home for Homeless Children*, 1019 16th St.

Houston County

Crockett, *Mary Allen Seminary for Colored Girls, Administration Building*, 803 N. 4th St.

Washington County

Chappell Hill, *Waverly*, FR 2447

VIRGINIA

Lynchburg (Independent City)

Diamond Hill Historic District (Boundary Increase), Grace St.

Richmond (Independent City)

Union Seminary, 3401 Brook Rd.

WASHINGTON

King County

Seattle, *Hoge Building*, 705 2nd Ave.
Seattle, *Old Georgetown City Hall*, 6202 13th Ave., S.
Seattle, *Stuart House and Gardens*, 619 W. Comstock St.

Pierce County

Tacoma, *Old Main (Harstad Hall)*, Park Ave. S. and Garfield St.

Tacoma, *Pacific Avenue Historic District*, 1302–1356 Pacific Ave.

[FR Doc. 83-7737 Filed 3-28-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[No. 39053 et al.] [1]

Motor Carriers; American Colloid Carrier Corp.—Petition For Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Eight motor contract carriers have each requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 13, 1983. The sought relief will become final on April 28, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Robin K. Williams (202) 275–7697 or Howell I. Sporn (202) 274–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101, 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The eight motor contract carriers identified in the appendix filed individual petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented and the relief sought by these petitioners are substantially similar, we are consolidating them for notice purposes.

The petitioners hold a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. They argue, generally, that the tariff filing requirements represent an undue burden on their ability to compete effectively and to offer their shippers the immediate service often required. Citing lost business opportunities because of the tariff publishing and filing requirements, petitioners request that they be allowed the flexibility to quickly negotiate rates. Petitioners assert that they are interested in avoiding unnecessary expenses which handicap their efforts to provide economical and efficient service. They also argue that the Motor Carrier Act of 1980 encourages the Commission to remove obstacles which keep contract carriers from realizing their full potential. A number of petitioners offer to provide interested parties with copies of their rates if requested, but wish to be free of this expense if allowed.

We see no reason to deny these carriers the savings to be realized from a tariff filing exemption for existing contracts.[2] It appears that the exemption of these carriers from the requirement that they file tariffs covering their existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C 10101. We will not order these carriers to provide copies of their rates upon request by interested parties since we have not imposed that requirement for other recent filings. See No. 38828, *Three Way Corporation, Petition for Exemption From Tariff Filing Requirements* (not printed), decided June 25, 1982.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of these carriers from the requirement that they file tariffs governing their future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for these carriers and their shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing these contract carriers to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant each petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be made final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: March 22, 1983.

By the Commission, Division 1, Commissioners Gradison, Taylor, and Sterrett. Chairman Taylor dissented in part. He would issue a decision that would grant the relief sought for existing contracts only.

Agatha L. Mergenovich,

Secretary.

Appendix

The dockets embraced by this proceeding are as follows:

No. 39053 American Colloid Carrier Corp.
No. 39054 T.A.S. Trucking, Inc.
No. 39058 American Fine Foods, Inc.
No. 39059 Case Enterprises, Inc.
No. 39061 M.F.I. Transports, Inc.
No. 39062 Contract Transportation Systems Co.
No. 39063 KSS Transportation Corp.
No. 39064 East Coast Transportation, Inc.

[FR Doc. 83-7964 Filed 3-28-83; 8:45 am]

BILLING CODE 3510-12-M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers

[1] This proceeding embraces eight petitions for exemption filed by motor contract carriers, as set forth in the appendix.

[2] A proceeding to investigate exemption of contract carriers on an industry-wide basis has been instituted in Ex Parte No. MC-165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1982).

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is requiredto mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–136

Decided: March 21, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 42183 (Sub-3), filed February 28, 1983. Applicant: SAFETY BUS SERVICE, 7200 Park Ave., Pennsauken, NJ 08109. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note: Applicant seeks to provide privately-funded charter and special transportation.

MC 166463, filed February 24 , 1983. Applicant: KORF TRANSPORT CORP., 1227 Front St., P.O. Box 1276, Georgetown, SC 29440. Representative: Colin Barrett, 11764 Indian Ridge Rd., Reston, VA 22091 (703) 860–8521. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166522, filed February 23, 1983. Applicant: PARKHILLS' TOURS, INC., 612 South Neils St., Champaign, IL 61820. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703–522–0900. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e). In order to expedite issuance of any authority please submit a copy of the petition for exemption, the affidavit, or proof of filing the application(s) for common control to Team 2, Room 2379.

Note.—Applicant seeks to provide private-funded, charter and special transportation.

MC 166532, filed February 25 , 1983. Applicant: WESTPOINT PEPPERELL BROKER SERVICE, A DIVISION OF WESTPOINT PEPPERELL, INC., P.O. Box 71, West Point, GA 31833. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036 202–457–1124. As a *broker* of *general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–175

Decided: March 22, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166586, filed March 2 , 1983. Applicant: CHARLES EDWARD LOGSDON, d.b.a., C.E.L. BROKERAGE COMPANY, 503 S. Pipeline, Euless, TX 76039. Representative: Wayland Little, 617 Medina Dr., Lewisville, TX 75067 (214) 436–8493. A a broker of *general commodities* (except household goods), between points in the U.S.

MC 166786, filed March 14, 1983. Applicant: WILLIAM R. JORDAN, 2316 S. Bonnyview, Redding, CA 96001. Representative: Earl N. Miles, 3704 Candlewood Dr. Bakersfield, CA 93306, (805) 872–1106. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166787, filed March 14, 1983. Applicant: DAYTON L. DOLLY, Rt. #1, Box 6, Flintstone, MD 21530. Representative: William L. Wilson, 100 South Liberty St., Cumberland, MD 21502, (301) 722–2515. Transporting *food*

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and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–134

Decided: March 21, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 87079 (Sub-1), filed March 9, 1983. Applicant: EASTERN OREGON FAST FREIGHT, INC., 526 S E Division Pl, Portland, OR 97202. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., (503) 226–3755. Transporting for or on behalf of the United States Government, *general commodities* (except used houshold goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 135219 (Sub-1), filed March 8, 1983. Applicant: CHEROKEE BOYS CLUB, INC., P.O. Box 507, Acquoni Road, Cherokee, NC 28719. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St., NW, Washington DC 20004, (202) 737–1030. Transporting *passengers,* in special and charter operations, between points in the U. S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 158898, filed March 9, 1983. Applicant: R. WALSH TRANSPORTATION LIMITED, P.O. Box 368, Haileyburg, Ontario, Canada P0J 1A0. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854–5870. Transporting *passengers,* in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166538 (Sub-1), filed March 11, 1983. Applicant: ACE EXPRESS TRANSPORTATION, P.O. Box 9380, Salt Lake City, UT 84109. Representative: Tim W. Anderson (same address as applicant), (801) 374–0331. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 166628, filed March 7, 1983. Applicant: EASTERN TRANSPORT, INC., 5625 Cote de Liesse, Montreal, Quebec, Canada H4M 1V2. Representative: Frank J. Weiner, 15 Court Sq., Boston, MA 02108, 617–742–3530. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166639, filed March 7, 1983. Applicant: INTER-COMMERCE ENTERPRISES, 11911 North Freeway, Suite 600, Houston, TX 77060. Representative: David W. Gray (same address as applicant), 713–999–4448. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166728, filed March 11, 1983. Applicant: ROBERT E. CHANEY, JUNE D. CHANEY, and MICHAEL W. CHANEY, dba. CHANEY & SON PRODUCE EXPRESS, 19161 S.E. Hwy 224, Clackamas, OR 97015. Representative: Robert Eugene Chaney (same address as applicant), (503) 658–2160. Transporting *food and other edible products and by products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166739, filed March 11, 1983. Applicant: WESTERN FRONTIER ADVENTURES, 1198 Stringham Ave., Salt Lake City UT 84106. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *passengers,* in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

Volume No. OP5–136

Decided: March 22,1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 166649, filed March 7, 1983. Applicant: CARL W. CURTSINGER, Route 8, Harrodsburg, KY 40330. Representative: Herbert D. Liebman, 403 West Main St., P.O. Box 478, Frankfort, KY 40602, (1–502) 875–3493. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), agricultural limestone and fertilizer, and other soil conditioners, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166689, filed March 4, 1983. Applicant: ERIC JOHNSON, d.b.a. BAY AREA SKI ASSOCIATION, P.O. Box 383, Alamo, CA 94507. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, 415–986–8696. Transporting passengers, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166749, filed March 11, 1983. Applicant: RICHARD C. HUBBARD, d.b.a. HUBBARD BUS SERVICE, Box 133, Rogers Ferry Rd., Meadville, PA 16335. Representative: Arthur J. Diskin, 302 Law & Finance Bldg., Pittsburgh, PA 15219, 412–281–9494. Transporting *passengers,* in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166769, filed March 14, 1983. Applicant: DONALD L. DOLLY, Route #1, Box 2, Flintstone, MD 21530. Representative: William L. Wilson, 100 South Liberty Street, Cumberland, MD 21502, 301–722–2515. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

[FR Doc. 83–7983 Filed 3–28–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP5–128]

Motor Carriers; Permanent Authority Applications; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

MC 154168 (Sub-1) (republication), filed September 8, 1982, published in the **Federal Register** issue of September 28, 1982, and republished this issue. Applicant: ARTHUR COLE, A. Cole, 81

Mission Street, Montclair, New Jersey 07934. Representative: Mr. George A. Olsen, P.O. Box 357, Glandstone, New Jersey 07934. An Order of the Commission, Review Board 3, decided January 18, 1983, and served January 26, 1983, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, in foreign commerce, over irregular routes, transporting *general commodities* (except Classes A and B explosives, household goods and commodities in bulk), between port cities in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, and Virginia, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Vermont, and West Virginia, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the applicant's actual grant of authority.

[FR Doc. 83-7960 Filed 3-28-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP5-131]

Motor Carriers; Permanent Authority Decisions; Restriction Removals

Decided: March 22, 1983.

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any publication can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922 (h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 5, at (202) 275-7289.

MC 57298 (Sub-13)X, filed March 11, 1983. Applicant: TRAILWAYS TEXAS, INC., 1500 Jackson St., Dallas, TX 75201. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655-7937. Sub 11 Certificate: authorize passenger carrier service at all intermediate points between San Antonio and Del Rio, TX.

[FR Doc. 83-7961 Filed 3-28-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 27]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authroity to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by 49 CFR Part 1161 of the Commission's Rules of Practice which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

New York Docket No. T-9862, filed March 8, 1982. Applicant: W & M DELIVERIES, INC., 1024 Lackawanna Ave., Elmira, NY 14901. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities:* Between all points in Allegany, Broome, Chenango, Cortland, Livingston, Monroe, Ontario, Schuyler, Tioga, Tompkins and Yates Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-10154, filed March 8, 1983. Applicant: DOT LINES INC., P.O. Box 27, E. Syracuse, NY 13057. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities:* Between all points in Cayuga, Monroe, Onondaga, Ontario, Seneca and Wayne Counties, on the one hand, and, on the other, between the aforementioned counties and Broome, Chenango, Chemung, Cortland, Jefferson, Livingston, Madison, Oneida, Oswego, Schuyler, Steuben, Tioga and Yates Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-3247, filed March 16, 1983. Applicant: HILTON-SPENCERPORT EXPRESS, INC., 16868 Kenmore Road, Kendall, NY 14476. Representative: Herbert M. Canter, Esq. and Benjamin D. Levine, Esq., 305 Montgomery St., Syracuse, NY 13202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities, as defined in Section 800.1 of Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York: Between all points in Monroe and Orleans Counties, NY. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220

Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-10161, filed March 15, 1983. Applicant: GEBRE T. DEGEFU, d.b.a. DELTA COURIERS, 89-20 Francis Lewis Blvd., Queens Village, NY 11427. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities in messenger service:* Between New York City and the Counties of Nassau and Suffolk. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

[FR Doc. 83-7957 Filed 3-28-83; 8:45 am]
BILLING CODE 7035-01-M

[OP5-F 129; No. MC-F-15185]

Motor Carriers; Silver Eagle Industries—Continuance in Control Exemption—Silver Eagle Company and NPE, Inc., d.b.a. Nickle Plate Express

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions filed by Motor Carriers of Property under 49 U.S.C. 11343,* 47 FR 53303 November 24, 1982), Silver Eagle Industries, seeks an exemption from the requirement under section 11343 of prior regulatory approval for their continuance in control of Silver Eagle Company (No. MC-32779), and NPE, Inc., d.b.a. Nickle Plate Express. (No. MC-166669).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to: (1) Motor Section, Team 5, Room 2414 Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's representative, Larry B. Draper, 700 N. Hayden Island Drive, Portland, OR 97217. Comments should refer to No. MC-F-15185.

FOR FURTHER INFORMATION CONTACT: Lois Thompson (202) 275-7289.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 22, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Note.—NPE, Inc., d.b.a. Nickle Plate Express, has filed a directly-related application in No. MC-166669, published in this same issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7958 Filed 3-28-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an affective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 4 at 202-275-7669.

Volume OP4-FC-172

MC-FC-81253, filed February 23, 1983. By decision of March 22, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2, approved the transfer to AAA DELIVERY SYSTEMS, INC., of Flint, MI of Certificates No. MC-120906 (Sub-No. 9), issued August 20, 1974, and MC-120906 (Sub-No. 11)X, issued October 27, 1981, and the underling superseded authority in MC-120906 (Sub-Nos. 3 and 5), to SPECIAL SERVICE DELIVERY, INC., of Toledo, OH, authorizing the transportation of: in MC-120906 (Sub-No. 9), (1) cosmetics, laundry, toilet and home care preparations, stainless steel cookware, cutlery, and food supplements (except commodities in bulk), from the terminal facility of Special Service Delivery, Inc., of Toledo, OH, to points in Allen, Crawford, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van West, Williams, Wood, and Wyandot Counties, OH; and (2) returned shipments of the commodities specified in (1) above, from the above-named destinations to the above-named origin; in MC-120906 (Sub-No. 11)X which superseded MC-120906 (Sub-Nos. 3 and 5), general commodities (except classes A and B explosives), (A) between points in Lucas County, OH, on the one hand, and, on the other, points in Allen, Crawford, Defiance, Erie, Fulton, Hancock, Lucas, Hardin, Henry, Huron, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot Counties, OH, and (B) between points in Lucas County, OH, on the one hand, and, on the other, points in Branch, Calhoun, Clinton, Eaton, Genessee, Hillsdale, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Shiawassee, St. Clair, Washtenaw, and Wayne Counties, MI. Note: The authority in Sub-No. 11X can not be severed by sale or otherwise from the underling superseded authority in Sub-Nos. 3 and 5. An application for temporary authority has been filed. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649-6650.

Volume No. OP4-FC-177

MC-FC-81246. By decision of March 23, 1983 issued under 49 U.S.C. 10928

and the transfer rules at 49 C.F.R. 1181, Review Board Number 2 approved the transfer to Freedom TRANSPORT CORPORATION, West Frankfort, IL, of Certificates Nos. MC–143576 (Sub-No. 2F) and MC–143576 (Sub-No. 4F) issued February 8, 1980 and July 28, 1981, respectively, to DONALD ORR, doing business as DONALD ORR & SONS, West Frankfort, IL, authorizing the transportation of (1) coal, from West Frankfort, IL, to Cape Girardeau, Sikeston, New Madrid, MO, and (2) fertilizer, phosphate, nitrogen, potash, agricultural clays, aua, anhydrous ammonia, herbicides, insecticides, acid, and lime (a) between points in IL, on the one hand, and, on the other, points in IN, KY, MO, and KS, and (b) between points in IN and KY. Representative: Robert T. Lawley, attorney at Law, 300 Reisch Bldg., Springfield, IL 62701.

MC-FC–81298, filed March 10, 1983. By decision of March 22, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 2 approved the transfer to Arizona's Finest Transportation Company, Inc. doing business as A-One Mobile Home Movers, Phoenix, AZ, of Certificate Nos. MC–121437 Sub 4, issued January 4, 1978, and MC–121437 Sub 6, issued August 16, 1979, to Carroll E. Flynn doing business as A–1 Mobile Home Movers, Phoenix, AZ, authorizing the transportation of (1) trailers designed to be drawn by passenger automobiles (except travel trailers and camping trailers), in initial movements, from the facilities of National Homes, at Tempe, AZ, and from the facilities of Kaufman and Broad Home Systems, Inc., at Glendale, AZ, to points in Nevada and New Mexico, and in secondary movements, between the facilities of Modulaire Leasing Company, at Phoenix, AZ, on the one hand, and, on the other, points in Nevada and New Mexico, and (2) trailers designed to be drawn by passenger automobiles (except travel and camping trailers), and buildings, in sections, mounted on wheeled under-carriages, and equipped with hitchball connectors, in secondary movements, between points in Arizona, Nevada, New Mexico, Texas, California, Utah and Colorado, and in initial movements, from Murray and Brigham City, UT, to points in Arizona, Nevada and New Mexico. Representative: Lewis P. Ames, United Bank Tower, Suite 1302, 3300 N. Central Ave., Phoenix, AZ 85012, (602) 277–3288.

MC–FC 81299, filed March 10, 1983. By decision of March 22, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 2 approved the transfer to Hazen Petroleum, Inc., Ellwood City, PA, of Permit No. MC–151196, issued March 12, 1981, to Arthur F. Hazen & Son, Inc., Ellwood City, PA, authorizing the transportation of petroleum and petroleum products, in tank vehicles, from Harmony, Ellwood and Pittsburgh, PA, to points in Ohio, and from Noel, WV, to Harmony, Ellwood and Pittsburgh, PA, and points in Ohio, under continuing contract(s) with Mid-Penn Refining Co., of Harmony, PA. Representative: Charles W. Garbett, P.O. Box 512, Ellwood City, PA 16117. (412) 758–7581.

[FR Doc. 83–7992 Filed 3–28–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP 5–130]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: March 22, 1983.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under §§ 1160.40–1160.49. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involoved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 166669, filed March 8, 1983. Applicant: NPE, INC., d.b.a. NICKLE PLATE EXPRESS,700 N. Hayden Island Drive, Portland, OR 97217. Representative: Larry B. Draper (same address as applicant) (503) 285–9831. Transporting *general commodities* (except household goods and commodities in bulk), between those points in the U.S. in and west of MT, WY, CO, and NM (except HI). Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the cerificate.

Note.—Applicant has filed a directly-related petition for continuance in control exemption in No. MC–F–15165, published in this same issue.

[FR Doc. 83–7989 Filed 3–28–83; 8:45 am]

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Motor Carrier; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwrders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–135

Decided: March 17, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF–672, filed February 18, 1983. Applicant: MAYFLOWER FORWARDERS, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), 317–875–1142. As a *freight forwarder,* in connection with the transportation of *household goods, furniture, fixtures, unaccompanied baggage,* and used automobiles, between points in the U.S.

MC 682 (Sub-45), filed March 1, 1983. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, Esq., 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036–5391, (202) 887–5868. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Eads Moving Brokers, of Santa Ana, CA.

MC 15642 (Sub-18), filed February 25, 1983. Applicant: FOUR WINDS VAN LINES, INC., 4275 Campus Point Court, San Diego, CA 92121. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, 202–785–0024. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with System Industries of Milpitas, CA.

MC 39973 (Sub-11), filed March 3, 1983. Applicant: STANDARD TRUCKING COMPANY, 225 E. Sixteenth St., P.O. Box 30725, Charlotte, NC 28230. Representative: Harry J. Jordan, 1090 Vermont Ave., NW., Suite 200, Washington, DC 20005, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under a continuing contract(s) with Nasco Supply Company, of Los Angeles, CA.

MC 52473 (Sub-18), filed March 3, 1983. Applicant: BEHNKE, INC., 77 So. Monroe St., Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482–2400. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in MI, IN, IL, OH, and WI.

MC 52793 (Sub-125), filed February 23, 1983. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312–547–2184. Transporting *electronic and computerized business machines,* between points in the U.S. (except AK

and HI), under continuing contract(s) with Illinois Wholesale Cash Register of Barrington, IL.

MC 52793(Sub-128), filed February 23, 1983. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312–547–2184. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with American Hospital Supply Division, of McGaw Park, IL.

MC 107012 (Sub-806), filed March 1, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant), (219) 429–2234. Transporting *general commodities*, (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S., under continuing contract(s) with Scott Paper Company, of Philadelphia, PA.

MC 107012 (Sub-807), filed March 1, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Monsanto Company, of St. Louis, MO.

MC 107012 (Sub-808), filed March 1, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Hughes Aircraft Company, of El Segundo, CA

MC 13733 (Sub-7), filed February 25, 1983. Applicant: LETCO BULK CARRIERS, INC., 1751 Fuhrman Blvd., Buffalo, NY 14203. Representative: William J. Hirsch, 64 Niagara St., Buffalo, NY 14202, (716) 853–0200. Transporting *coal and coke*, between the ports of entry on the International Boundary line between the U.S. and Canada, located in NY, on the one hand, and, on the other, points in OH and PA. Condition: the person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e) to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) or petition for exemption for common control to Team 2, Room 2379.

MC 143732 (Sub-4), filed February 18, 1983. Applicant: PICK–A–TREAT, INC., 3820 West Wisconsin Ave., Milwaukee, WI 53208. Representative: Lawrence P. Kahn, 633 West Wisconsin Ave.—Suite 1703, Milwaukee, WI 53203, 414–276–2260. Transporting *food and related products*, between points in IA, IL, MI, MN, and WI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e). In order to expedite issuance of any authority please submit a copy of the petition for exemption, the affidavit, or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 143753 (Sub-2), filed February 18, 1983. Applicant: BOLES & FRANKLIN INCORPORATED, 45 Barnardsville Hwy, Weaverville, NC 28787. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, 803–244–9314. Transporting *coal and coal products*, between points in AL, KY, TN, VA, and WV, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, MI, MS, NC, OH, SC, TN, VA, and WV.

MC 144323 (Sub-11), filed February 23, 1983. Applicant: RICHARD P. CHARAPATA, d.b.a. CHARAPATA TRUCKING, N 30 W26466 Peterson Dr., Pewaukee, WI 53072. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, 414–273–7410. Transporting (1) *food and related products*, between points in Dade County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Chicago, IL, points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146723 (Sub-10), filed February 17, 1983. Applicant: J.C. BANGERTER & SONS, INC., 695 N. Angel St., Layton, UT 84041. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108, 801–581–0322. Transporting *paper and paper products*, between points in the U.S. (except AK and HI).

MC 147662 (Sub-8), filed February 24, 1983. Applicant: KMC TRANSPORT, INC., P.O. Box 962, Caldwell, ID 38605. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in ID, WA, OR, UT, and CA, on the one hand, and, on the other, those points in the U.S. in and west of MT, WY, CO, and NM (except AK and HI).

MC 155733 (Sub-2), filed February 15, 1983. Applicant: TRAIL BLASERS, INC., 7990 Overland Rd., Boise, ID 83709. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transporting (1) *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and west of WI, IL, MO, AR and LA (except AK and HI), and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S.

Note.—Part (2) is published in the Federal Register, this issue, with "fitness applications".

MC 159422 (Sub-1), filed February 25, 1983. Applicant: EDWARD J. MEYERS COMPANY, 7665 Lawndale Ave., Summit, IL 60501. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, 312–298–1094. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI).

MC 166263, Filed February 24, 1983. Applicant: THEODORE GRIFFIN, INC., Route 3, Box 309, Old Peachland Rd., Marshville, NC 28103. Representative: Teddy Griffin, Route 3, Box 307–1B, Marshville, NC 28103, 704–624–5114. Transporting *clay, concrete, glass and stone products*, between points in NC and SC.

MC 166282, filed February 15, 1983. Applicant: BROKER TRUCKING, INC., 2 Milk St., Nashau NH 03060. Representative: Charles R. Reilly, 391 Davisville Rd., North Kingstown, RI 02852, 401–884–0969. Transporting *textile mill products*, between points in Bristol County, MA, Carroll, Gordon and Whitfield Counties, GA, and Northampton County, PA.

MC 166292, Filed February 15, 1983. Applicant: EASY WAY TRUCKING, INC., 202 North 2nd Ave., Yakima, WA 98902. Representative: Marvin A. Wagner (same address as applicant), 509–248–6270. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC 166352, filed February 18, 1983. Applicant: ROBERT BATEMAN, Rte. 2,

Box 127, Marionville, MO 65705. Representative: Robert Bateman (same address as applicant), 417–463–2797. Transporting (1) *fertilizer* (a) between Muskogee and Tulsa, OK, on the one hand, and, on the other, points in Benton, Boone, and Carroll Counties, AR, and Barton, Barry, Cedar, Christian, Dade, Dallas, Greene, Jasper, Lawrence, McDonald, Newton, Polk, St. Clair, Stone, Taney, Vernon, and Webster Counties, MO, and (b) between points in Greene and Lawrence Counties, Mo, on the one hand, and, on the other, points in Benton, Boone, and Carroll Counties, AR, (2) *agricultural lime and limestone,* between points in Christian and Greene Counties, MO, on the one hand and, on the other, points in Benton, Boone, and Carroll Counties, AR, (2) *agricultural lime and limestone,* between points in Christian and Greene Counties, MO, on the one hand, and, on the other, points in Mayes, Muskogee, Rogers, Tulsa, and Wagoner Counties, OK, and (3) *sand,* between points in Wagoner County, OK, on the one hand, and, on the other, points in Barton, Barry, Cedar, Christian, Dade, Dallas, Greene, Jasper, Lawrence, McDonald, Newton, Polk, St. Clair, Stone, Taney, Vernon, and Webster Counties, MO.

MC 166453, filed February 28, 1983. Applicant: O. J. VOYLES, d.b.a. VOYLES TRANSPORTATION COMPANY, P.O. Box 545, Vernal, UT 84087. Representative: Richard S. Mandelson, 1600 Lincoln Center 1600 Lincoln St., Denver, CO 80264, 303–861–4028. Transporting (1) *Mercer commodities,* (2) *machinery,* and (3) *those commodities which because of their size and weight require the use of special handling or equipment,* between points in AZ, CA, CO, ID, KS, MT, NE, NM, NV, OK, OR, SD, TX, UT, VA, and WY.

MC 166462, filed February 28, 1983. Applicant: LEMKE BROS. TRUCKING, INC., 4600 W. Giles Rd. North Muskegon, MI 49445. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So. Second St., Elkhart, IN 46516, (219) 293–3597. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Minnesota Fabrics Inc., of Charlotte, NC.

MC 166472, filed February 25, 1983. Applicant: MIDWESTERN TRANSPORT, INC., 5300 So. Lawndale, McCook, IL 60525. Representative: Irwin Rozner, 134 No. LaSalle, Chicago, IL 60602, (312) 782–6937.Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in IL, on the one hand, and, on the other, points in WI, MI, MN, AR, MO, KS, IA, OH, KY, TN, IN, WV, NE, PA, MD, NY, NJ, ND, SD, SC, NC, GA, FL, LA, AL, MS, TX, MA, and CT.

Volume No. OP2–137

Decided: March 21, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 134303 (Sub-6), filed February 28, 1983. Applicant: O'HARE WISCONSIN LIMOUSINE SERVICE, INC., 530 So. Michigan Ave., Chicago, IL 60605. Representative: Allan C. Zuckerman, 221 No. LaSalle St., Suite 828, Chicago, IL 60601, (312) 641–5900.Over regular routes, transporting *passengers,* in intrastate, interstate or foreign commerce, (1) between Crown Point, IN, and DeKalb, IL: from Crown Point, IN, over U.S. Hwy 231 to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Elgin, IL, then over IL Hwy 31 to junction IL Hwy 38, then over IL Hwy 38 to DeKalb, IL, and return serving all intermediate points, and the off-route point of O'Hare International Airport, at or near Chicago, IL; (2) between Kenosha WI, and O'Hare International Airport, at or near Chicago, IL: (a) from Kenosha, WI, over WI Hwy 50 to junction WI Hwy 50 and U.S. Hwy 41, then over U.S. Hwy 41 to junction Willow Road, then over Willow Road to junction Interstate Hwy 294, then over Interstate Hwy 294 to O'Hare International Airport, at or near Chicago, IL, and return serving all intermediate points, and the off-route point of Great Lakes Naval Training Station, at or near Fort Sheridan, IL; (b) from Kenosha, WI, over WI Hwy 31 to junction WI Hwy 31 and IL Hwy 131, then over IL Hwy 131 to junction IL Hwy 131 and Willow Road, then over Willow Road to junction Willow Road and Interstate Hwy 294, then over Interstate Hwy 294 to O'Hare International Airport, at or near Chicago, IL, and return, serving all intermediate points, and the off-route point of Great Lakes Naval Training Station, at or near Fort Sheridan, IL.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B).

MC 139973 (Sub-103), filed February 28, 1983. Applicant: J. H. WARE TRUCKING, INC., 909 Brown St., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 144982 (Sub-25), filed March 7, 1983. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, 817–457–0804. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146183 (Sub-2), filed March 7, 1983. Applicant: NORTH STATE TRANSIT, INC., P.O. Box 40, Troy Grove, IL 61372. Representative: Edward D. McNamara, Jr., 907 South Fourth St., P.O. Box 5039, Springfield, IL 62705, 217–528–84–76. Transporting (1) *bulk commodities,* between points in IL, WI, IN, IA, MO, MN and KY; (2) *sand,* between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WV, and WI.

MC 146853 (Sub-19), filed March 7, 1983. Applicant: HAWKEYE WOODSHAVINGS, INC., Route 1, Runnells, IA 50307. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *plastic products and such commodities* as are dealt in or used in the manufacture and distribution of plastic products, between Chicago, IL and Indianapolis and South Bend, IN, on the one hand, and, on the other, points in Polk County, IA.

MC 147242 (Sub-18), filed February 28, 1983. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12–90 Plaza Rd., Fair Lawn, NJ 07410. Representative: Arthur Liberstein, 888 Seventh Ave., New York NY 10106, 212–757–8025. Transporting *general commodities* (except commodities in bulk, classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 151633 (Sub-2), filed February 25, 1983. Applicant: EASTERN FREIGHT FORWARDERS, INC., 1750 Australian Ave., P.O. Box 9728, Riviera Beach, FL 33404. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW, Washington, DC 20036, 202–223–5900. Transporting *general commodities* (except classes A and B explosives and commodities in bulk) (1) between points in FL, (2) between points in FL, on the one hand, and, on the other, points in

the U.S. (except AK and HI), and (3) between points in the U.S. (except AK and HI), on the one hand, and, on the other, Portland, ME, Portsmouth, NH, Boston, MA, Providence, RI, New York, NY, Camden, Elizabeth, and Newark, NJ, Philadelphia, PA, Wilmington, DE, Baltimore, MD, Norfolk and Newport News, VA, Wilmington, NC, Charleston, SC, Savannah, GA, Pensacola, Tampa, Ft. Lauderdale, West Palm Beach, Miami, and Jacksonville, FL, Mobile, AL, Biloxi and Gulfport, MS, New Orleans, LA, Corpus Christi, Galveston, and Houston, TX, points in Essex and Bristol Counties, MA and Kent County, RI.

MC 151823 (Sub-2), filed March 7, 1983. Applicant: PETER C. POKORSKI, d.b.a. PETE'S TRUCKING, 3533 South 10th St., Manitowoc, WI 54220. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703, 608–255–8891. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of malt beverages, between points in WI, , on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 154463 (Sub-1), filed March 7, 1983. Applicant: CARPET CARRIERS INC., d.b.a. VIKING FREIGHT SERVICE, 9144 King Arthur Dr., Dallas, TX 75247. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AR, AZ, CA, CO, FL, GA, IL, IN, KS, KY, LA, MO, MS, NC, NM, NV, OH, OK, SC, TN, TX and UT.

MC 154883 (Sub-2), filed February 23, 1983. Applicant: LOGGINS TRUCKING COMPANY, 2819 University Blvd., P.O. Box 6676, Tyler, TX 75711. Representative: Larry Loggins (same address as applicant), 214–566–2030. Transporting (1) *food and related products,* between points in the U.S., under continuing contract(s) with (a) Columbo Inc., of Methuen, MA (b) Goldshield Foods, of Montgomery, NY, (c) Meadow Gold Products, Inc., of Alexandria, VA, and (d) Vesel Food Distributors, Inc., of Dallas TX; and (2) *lumber and wood products,* between points in the U.S., under continuing contract(s) with Baker Reels Inc., of Jefferson, TX.

MC 155143 (Sub-2), filed March 7, 1983. Applicant: NEW DIXIE TRANSPORTATION CORP., P.O. Box 112, Providence Forge, VA 23140. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, 804–282–3809. Transporting (1) *chemicals and related products,* (2) *pulp, paper and related products,* (3) *rubber and plastic products,* (4) *textile mill products,* and (5) *waste or scrap materials,* between points in the U.S. (except AK and HI).

MC 158742 (Sub-1), filed February 28, 1983. Applicant: COLUMBIAN EXPRESS CO., INC., P.O. Box 123, Reading, PA 19603. Representative: John C. Fudesco, 1333 New Hampshire Ave, NW., Suite 960, Washington, DC 20036, 202–659–8714. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of hardware, between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 159203 (Sub-1), filed February 25, 1983. Applicant: ARGOSY TRUCKING, LTD., 260 Inglenook, Winnipeg, Manitoba, Canada. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting *lumber, wood products, paper and paper products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Boise Cascade Corporation, of Portland, OR and its subsidiary, Boise Cascade Canada, Ldt., of Kenora, Ontario, Canada.

MC 160292 (Sub-1), filed February 18, 1983. Applicant: ONE WAY FREIGHT SYSTEMS, INC., 2501 Southeast 15th, Oklahoma City, OK 73126. Representative: Wayland Little, 617 Medina Dr., Lewisville, TX 75067, (214) 436–8493. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Dallas, Fort Worth, and Houston, TX, on the one hand, and, on the other, points in OK.

MC 160942 (Sub-2), filed January 31, 1983. Applicant: DESTINY PARCEL SERVICE, INC., 525 Friendly Rd., Pontiac, MI 48053. Representative: Eugene C. Ewald, 100 W. Long Lake Rd., Ste. 102, Bloomfield Hills, MI 48013, 313–645–9600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Pittsburgh, PA, Louisville, KY, points in Cook County, IL, IN, MI, OH, those in PA on and west of a line beginning at Erie, PA and extending over Interstate Hwy 79 to the PA–WV state line, then those in WV on and west of a line beginning at the PA–WV state line and extending over Interstate Hwy 79 to Charleston, WV and then over Interstate Hwy 64 to the WV–OH state line, and those in KY on and north of Interstate Hwy. 64.

MC 162193 (Sub-2), Filed February 7, 1983. Applicant: DICK'S TRANSPORT, 2012 S. 146th St., Seattle, WA 98168. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421, (206) 383–3998. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Fritz Companies, Inc. of San Francisco, CA, its subsidiaries and its divisions, Arthur J. Fritz & Co., Fritz Air Freight, Fritz Companies International, Fritz Drawback Division, Fritz Freight Forwarding, Fritz International Insurance Brokers, Fritz Information Services, Fritz Maritime Agencies, Fritz Transportation International, and Stewart Drayage Lines.

MC 163953, filed February 25, 1983. Applicant: 248356 LEASING INCORPORATED, 108 Annabelle St., Hamilton, Ontario, CD 19C 3T6. Representative: William J. Hirsch, 64 Niagara St., Buffalo, NY 14202, 716–853–0200. Transporting (1) *lumber and wood products,* between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KY, ME, MA, MD, MI, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, and WI; and (2) *ores and minerals,* between ports of entry on the international boundary line, between the U.S. and Canada, on the one hand, and, on the other, points in IN.

MC 164032, filed March 1, 1983. Applicant: MAERSK CONTAINER SERVICE COMPANY, INC., 230 Tyler St., Port Newark, NJ 071114. Representative: William J. Augello, 120 Main St., Huntington, NY 11743, 516–427–0100. Transporting *general commodities* (except class A and B explosives), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 164972, filed March 1, 1983. Applicant: COMMERCIAL HAULING CO., INC., P.O. Box 10061, Birmingham, AL 35202. Representative: Donald B. Sweeney, Jr., P.O. Box 2366, Birmingham, AL 35201, 205–254–3880. Transporting (1) *building materials, equipment and supplies,* (2) *metal products,* (3) *coal, petroleum and coal products,* (4) *chemicals and related products,* (5) *machinery,* and (6) *waste and scrap materials,* between those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 165002 (Sub-1), filed February 28, 1983. Applicant: KNIGHT LINES, INC., P.O. Box 896, Moon Township, Pittsburgh, PA 15108. Representative: Barry Weintraub, Suite 403, 7700

Leesburg Pike, Falls Church, VA 22043, 703–442–8330. (1) Transporting *metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Forbes Steel and Wire Corporation, of Canonsburg, PA, and (b) Trumbull Metal Services, Inc., of Newton Falls, OH; and (2) *metal products and machinery,* between points in the U.S. (except AK and HI), under continuing contract(s) with Copperweld Corporation and its affiliates and subsidiaries, of Pittsburgh, PA.

MC 166113, filed February 7, 1983. Applicant: EASTERN SHORE WAREHOUSING, INC., 200 Dulany Ave., P.O. Box 99, Fruitland, MD 21826. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW, Washington, DC 20005, (202) 296–3555. Transporting *general commodities,* (except classes A and B explosives, household goods and commodities in bulk), beween Baltimore, MD, Washington, DC, and points in VA, on the one hand, and, on the other, points in MD and DE on and south of the Chesapeake and Delaware Canal and east of the Chesapeake Bay.

MC 166332, filed February 18, 1983. Applicant: STEVE ANDREW BLASI, d.b.a. STEVE BLASI TRUCKING, 1133 Nickerson, Trinidad, CO 81082. Representative: Steve Andrew Blasi (same address as applicant), (303) 846–2798. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Las Animas County, CO, on the one hand, and, on the other, points in WA, OR, ID, MT, NM, KS, OK, CO, and TX.

MC 166503, filed March 1, 1983. Applicant: TOURMALINE, INC., 180 N. Michigan Ave., Chicago, IL 60601. Representative: Daniel C. Sullivan (Same address as applicant), 312–263–1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with All States Shippers Association, of Chicago, IL.

MC 166533, filed February 25, 1983. Applicant: J. CARBAUGH TRUCKING, INC., d.b.a. J. C. TRUCKING, INC., 500 Richards Blvd., Sacramento, CA 95814. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, 415–986–8696. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between those points in CA north of San Luis Obispo, Kern, and San Bernardino Counties, CA.

MC 166573, filed March 1, 1983. Applicant: PRIME, LTD., 2753 116th Ave., Allegan, MI 49010. Representative: Larry J. Prime (same address as applicant), 616–673–6753. Transporting *breeding, race, and show horses,* between points in MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–95

Decided: March 16, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2900 (Sub-465), filed February 28, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant), (904) 353–3111. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with International Telephone & Telegraph Corporation, and its subsidiaries, of New York, NY.

MC 52861 (Sub-95), filed March 7, 1983. Applicant: WILLS TRUCKING, INC., 3185 Columbia Road, Richfield, OH 44286. Representative: James W. Moore (same address as applicant), (216) 659–9381. Transporting *commodities in bulk and metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with The International Metals Recycling Company, of Elwood City, PA.

MC 65781 (Sub-14), filed March 7, 1983. Applicant: BARRETT MOVING & STORAGE COMPANY, 7100 Washington Avenue South, Eden Prairie, MN 55344. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Honeywell, Inc., of Minneapolis, MN.

MC 94201 (Sub-205), filed February 23, 1983. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Gerald D. Colvin, Jr., 601–09 Frank Nelson Bldg., Birmingham, AL 35203–3668, (205) 251–2881. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with James River Corporation, of Richmond, VA, and Fritz Companies, Inc., of San Francisco, CA.

MC 106451 (Sub-25), filed February 28, 1983. Applicant: COOK MOTOR LINES, INC., 1016 Triplett Blvd., P.O. Box 370, Akron, OH 44309. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 109490 (Sub-30), filed March 7, 1983. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Eagle, WI 53962. Representative: Ronald E. Laitsch, 108 S. Second St., Watertown, WI 53094, (414) 261–9725. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 109780 (Sub-82B), filed March 2, 1983. Applicant: TRAILWAYS, INC., 1500 Jackson St., Dallas, TX 75201. Representative: G. W. Hanthorn (same address as applicant), (214) 655–7937. Over regular routes, transporting *passengers,* (1) between Cairo, IL, and Chicago, IL, over Interstate Hwy 57, (2) between Dallas, TX, and Fort Worth, TX, over Interstate Hwy 30, and (3) between Kansas City, MO, and Denver, CO. over Interstate Hwy 70, serving all intermediate points in (1)–(3) above. NOTE: Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B). Applicant has also filed for authority under the fitness procedures docketed MC–109780 Sub 82A, published in this same **Federal Register** issue.

MC 117940 (Sub-376), Filed March 7, 1983, Applicant: NATIONWIDE CARRIERS, INC., P.O. BOX 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359, (612) 479–1984. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Pillsbury Company, of Minneapolis, MN.

MC 117940 (Sub-377), filed March 7, 1983. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan Timmerman, 5300 Highway 12, Maple Plain, MN 55359, (612) 479–1984. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Gillette Company, of Andover, MA.

MC 150440 (Sub-7), filed February 25, 1983. Applicant: UNIVERSAL EXPRESS, LTD., 3820 University, West Des Moines, IA 50265. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Iowa, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150511 (Sub-6), filed March 8, 1983. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566–5639. Transporting *furniture and fixtures,* between points in the U.S., under continuing contract(s) with Sealy of Maryland and Virginia, Inc., of Baltimore, MD.

MC 152650 (Sub-6), filed February 22, 1983. Applicant: SHAVER TRUCKING, INC., 3600 Highway #68 West, P.O. Box 104, Springvale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI).

MC 158221 (Sub-2), filed March 9, 1983. Applicant: CARNACO TRANSPORT, INC., 5045 Wilshire Blvd., Los Angeles, CA 90036. Representative: William H. Borghesani, Jr., 1150 17th St., NW., Suite 1000, Washington, DC 20036 (202) 457–1122. Transporting (1) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), and (2) *chemicals and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) in (1) above with Ralston Purina Company, of St. Louis, MO, and Trinity Paper and Plastics Corporation, of New York, NY, and in (2) above with Great Western Chemical Company of Portland, OR.

MC 162500 (Sub-1), filed February 24, 1983. Applicant: L.R.C. TRUCK LINE, INC., State Highway #9, Richburg, SC 29729. Representative: William H. Borghesani, Jr., 1150 17th St., NW., Washington, DC 20036, (202) 457–1122. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 162950 (Sub-2), filed February 24, 1983. Applicant: QUALITY MOVING & STORAGE, INC., P.O. Box 830, Kenner, LA 70062. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006. Transporting *household goods and furniture and fixtures,* between points in the U.S. (except AK, HI and MT). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), of (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 1, Room 2379.

MC 166380, filed March 7, 1983. Applicant: RICHARD K. KING, INC., Rt. 1, Box 72B, Wytheville, VA 24382. Representative: Richard K. King (same address as applicant), (703) 228–2826. Transporting *metal products and machinery,* between points in Wythe, Pulaski and Bland Counties, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166481, filed March 3, 1983. Applicant: COEUR D'ALENE DELIVERY SERVICE, N. 860 Kings Court, Post Falls, ID 83854. Representative: Robert A. Ballard, (same address as applicant), (1–208) 773–0148. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Kootenai and Bonner Counties, ID, and Spokane County, WA.

MC 166651, filed March 8, 1983. Applicant: T. PAUL BEASLEY TRUCKING, INC., P.O. Box 877, 704 North Fayetteville Ave., Dunn, NC 28334. Representative: Tony P. Beasley, (same address as applicant) (919) 892–7178. Transporting *food and related products,* between points in Harnett County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP1–97

Decided: March 18, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2900 (Sub-467), filed March 10, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr., (same address as applicant) (904) 353–3111. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Newman's Inc., of Tulsa, OK.

MC 111231 (Sub-371), filed March 11, 1983. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same address as applicant) (501) 751–4806. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Emerson Electric Company, of St. Louis, MO.

MC 111871 (Sub-12), filed March 14, 1983. Applicant: SOUTHEASTERN FRIEIGHT LINES, P.O. Box 1691, Columbia, SC 29202. Representative: Donald E. Cross, 918 16th St., NW., Washington, DC 20006, (202) 785–3700. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 134730 (Sub-35), filed March 15, 1983. Applicant: METALS TRANSPORT, INC., 528 South 108th St., West Allis, WI 53214. Representative: M. H. Dawes (same address as applicant), (414) 258–9998. Transporting (1) *metal products,* (2) *machinery,* and (3) *chemicals and related products,* between points in the U.S., under continuing contract(s) with Rexnord, Inc., and its subsidiaries, of Milwaukee, WI.

MC 140300 (Sub-4), filed March 15, 1983. Applicant: PHILLIPS FEED SERVICE, INC., 7642 Beth Bath Pike, Bath, PA 18014. Representative: LaVern R. Phillips (same address as applicant), (215) 837–6061. Transporting *such commodities* as are dealt in or used by food business houses, between points in CT, DE, IL, IN, KY, ME, MA, MD, NH, NJ, NV, OH, PA, RI, VT, VA, WV, and DC.

MC 141511 (Sub-8), filed March 1, 1983. Applicant: ROBERT W. RETTIG, d.b.a. PROTEIN EXPRESS, Route 2, Hartford,WI 53027. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 142810 (Sub-11), filed March 14, 1983. Applicant: LEWIS TRANSPORT, INC., P.O. Box 385, Municipal Bldg., Columbia, KY 42728. Representative: Rudy Yessin, P.O. Drawer B, Frankfort, KY 40602, (502) 227–7326. Transporting (1) *jet fuel,* (a) between points in Jefferson County, KY, on the one hand, and, on the other, those points in IN on and south of Interstate Hwy 40, and (b) between points in Clark County, IN, on

the one hand, and, on the other, points in KY, (2) *mineral spirits*, between points in Jefferson County, KY, on the one hand, and, on the other, points in TN, WV, IN and OH, and (3) *gasoline, diesel and kerosene*, between points in Floyd County, IN, on the one hand, and, on the other, points in KY.

MC 145981 (Sub-38), filed March 1, 1983. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen P.O. Box 357,Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 148641 (Sub-1), filed March 15, 1983. Applicant: GEORGE WILLIAM NEAL, Star Route, Corner, MT 59827. Representative: William E. Seliski, 2 Commerce, P.O. Box 8255, Missoula, MT 59807, (406) 543–8369. Transporting *such commodities* as are dealt in or used by lumber yards, between points in WI, OR, CA, ID and MT, on the one hand, and, on the other, those points in the U.S. in and west of WI, IL, MO, AR and TX (except AK and HI).

MC 151790 (Sub-1), filed March 4, 1983. Applicant: FLEXIBLE FLYER TRANSIT CO., INC., 2010 S. Beltline Blvd., Columbia, SC 29201. Representative: Timothy C. Ross (same address as applicant), (803) 799–7190. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Anchor Continental, Inc., of Columbia, SC.

MC 154781 (Sub-1), filed March 11, 1983. Applicant: K & K WAREHOUSE CO., INC., 2704 Hodge Rd., Knoxville, TN 37921. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402, (615) 756–3620. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk) between points in the U.S. (except AK and HI).

MC 163710 (Sub-4), filed March 15, 1983. Applicant: WESTERN LIQUID TRANSPORT, 2120 Harbor Street, Pittsburg, CA 94565. Representative: Eldon J. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI), under continuing contract(s) with Van Waters & Rogers, a division of UNIVAR Corp., of San Mateo, CA.

MC 165030, filed March 14, 1983. Applicant: LOBOSCO TRADING COMPANY, INC., 121 McBride Ave., Paterson, NJ 07501. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *paper and plastic products, textile mill products and foodstuffs*, between New York, NY, on the one hand, and, on the other, points in CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV and DC.

MC 165990 (republication), filed January 31, 1983, previously noticed in the **Federal Register** issue of March 3, 1983. Applicant: LEE BRUMFIELD, d.b.a. SOUTHERN IDAHO SUPPLY, Rt. 7, Box 197, Blackfoot, ID 83221. Representative: Kevin M. Clark, 2417 Bank Dr., Ste, 8 Boise, ID 83705, (208) 344–7714.. Transporting (1) (a) *building materials*, (b) *construction supplies*, (c) *fertilizers*, and (d) *chemicals*, between points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY, and (2) *coal*, between points in ID, MT, NV, OR, and UT.

Note.—The purpose of this republication is to include MT in the territorial description in part (2) above.

MC 166701, filed March 10, 1983. Applicant: BMH TRANSPORT, INC., 1179 Roosevelt Ave., Carteret, NJ 07008.. Representative: George A. Olsen P.O. Box 357, Gladstone, NJ 07934, (201)234–0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166730, filed March 11, 1983. Applicant: W. LARRY SUIHKONEN, d.b.a. S & S ENTERPRISES 1224 Cedar Lane, Virginia, MN 55792. Representative: Robert S. Lee 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *petroleum products*, between points in Douglas County, WI on the one hand, and, on the other, points in Cook, Lake, St. Louis, Koochichin and Itasca Counties, MN.

MC 166731, filed March 11, 1983. Applicant: JERRY R. CROXEN TRUCKING, INC., 9725 Edmunson Dr., SE, Salem, OR 97301. Representative: John A. Anderson, Suite 801, The 1515 Bldg., 1515 SW Fifth Ave., Portland, OR 97201, (503) 227–4586. Transporting *general commodities* (except Classes A and B explosives, household goods and commodities in bulk), between points in OR, WA, CA, ID and NV.

MC 166740, filed March 11, 1983. Applicant: NORTHERN AIR FREIGHT, INC., 16400 Southcenter Pkwy., Suite 500; Seattle, WA 98188. Representative: C. R. Nelson, P.O. Box 68728, Seattle, WA 98168, (206) 575–3360. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S.

MC 166760, filed March 11, 1983. Applicant: BEHLING'S TRANSFER, LTD., 623 East Cook St., Portage, WI 53901. Representative: Steven J. Kalish, Suite 1105, 1750 Pennsylvania Avenue, NW., Washington, DC 20006, (202) 393–5710. Transporting *household goods*, between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, DC, VA, WV, OH, KY, TN, NC, SC, GA, MI, IN, IL, MO, IA, WI, MN, KS, and NE.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–173

Decided: March 7, 1983.

By the Commisson, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 115716 (Sub-36), filed March 1, 1983. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, 3650 Chestnut Place, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203, (303) 837–5353. Transporting *general commodities* (except classes A and B explosives), between points in AR, AZ, CA, CO, ID, IA, IL, IN, KS, KY, MI, MN, MO, MT, NE, NV, NM, OH, OK, OR, SD, TN, TX, UT, WA, WI, and WY.

Volume No. OP4–174

Decided: March 22, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 118457 (Sub-39), filed March 14, 1983. Applicant: BADGER FREIGHT SERVICE, INC., 11139 W. Becher St., West Allis, WI 53227. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

[FR Doc. 83–7968 Filed 3–28–83; 8:45 am]
BILLING CODE 7035–01–M

[Finance Docket No. 30126]

Rail Carriers; Seaboard System Railroad, Inc.—Abandonment Exemption—Lake County, FL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903 *et seq.* the abandonment by Seaboard System Railroad, Inc., of 9.23 miles of railroad extending from milepost ST–773.71 near

Leesburg, FL, to milepost ST–782.94 near Tavares, FL.

DATES: This exemption will be effective on April 28, 1983. Petitions to stay the effectiveness of this decision must be filed by April 8, 1983, and petitions for reconsideration must be filed by April 18, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Charles M. Rosenberger, Seaboard System Railroad, Inc., 500 Water Street, Jacksonville, FL 32202.

Pleadings should refer to Finance Docket No. 30126.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact.

T.S. InfoSystems, Inc., Room 2227, c/o Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423

or telephone:

(202) 289–4357 (D.C. Metropolitan area)

(800) 424–5403 (toll free—outside the D.C. area).

Decided: March 21, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7985 Filed 3–28–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs, Seaboard System Railroad, Inc., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No	Name of railroad, contract No., and specifics	Review Board[1]	Decided Date
872	Seaboard System Railroad, Inc., ICC–SBD–C–0034, (Chemicals)	2	3–18–83
873	Seaboard System Railroad, Inc., ICC–SBD–C–0043, (Iron or steel pipe)	3	3–18–83

[1] Review Board No. 2, Members Carleton, Wilkams, and Ewing. Review Board No. 3, Members Krock, Joyce and Dowell

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–7799 Filed 3–28–83; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

National Advisory Committee; Meeting

The twenty-sixth quarterly meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention will be held in Detroit, Michigan on April 25, and 26, 1983.

The meeting will be held in the Versailles Ballroom East at the Hotel Pontchartrain, Two Washington Boulevard, Detroit, beginning at 9:00 a.m. April 25 and concluding no later than 3:00 p.m. April 26. Members of the public are welcome to attend.

Agenda items will include: reauthorization of the Juvenile Justice and Delinquency Prevention Act; the FY 83 program plan for the Office of Juvenile Justice and Delinquency Prevention; and presentations by Michigan juvenile justice projects.

Further information regarding this meeting may be obtained by contacting Nancy L. Smith, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, D.C. 20531, (202) 724–7655.

Dated: March 21, 1983.

Approved:

Alfred S. Regnery,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 83–7952 Filed 3–28–83; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period March 14, 1983–March 18, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met;

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–13,636; De Santis Dress O., Vineland, NJ

TA–W–13,438; Avondale Mills, Union Springs, AL

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did

not contribute importantly to workers separations at the firm.

TA-W-13,915; ASARCO, Inc., East Helena, MT

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-13,914; Amherst Coal Co., Amherst #4-H Mine, Accoville, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-14,009; Amherst Coal Co., Paragon #1 Mine, Lundale, WV

Aggregate U.S. imports of metallurgical coal are negligible.

Affirmative Determinations

TA-W-13,660; Lafayette Footwear Corp., New York, NY

A certification was issued in response to a petition received on July 16, 1982 covering all workers separated on or after September 1, 1981.

TA-W-13,347; Kimberly-Clark Corp., Schweitzer Co., Lee, MA

A certification was issued in response to a petition received on February 26, 1982 covering all workers separated on or after June 19, 1981 and before April 10, 1982.

I hereby certify that the aforementioned determinations were issued during the period March 14, 1983–March 18, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Glenn Zech,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-8053 Filed 3-28-83; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of South Carolina

This notice announces the ending of the Extended Benefit Period in the State of South Carolina, effective on March 19, 1983.

Background

The Federal-State Extended Unemployment Benefit Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of South Carolina on January 10, 1982 and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State for the period consisting of the week ending on February 26, 1983, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending on March 19, 1983.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on March 22, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-8054 Filed 3-28-83; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

March 24, 1983.

Pursuant to Section 10(a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Wednesday and Thursday, April 14–15, 1983. The meeting on Wednesday and Thursday will be held in Rooms 416 and B–100 at the Page Building #1, 2001 Wisconsin Avenue, NW., Washington, DC. The Committee, consisting of 18 nonFederal members appointed by the President from academia, business and industry, public interest organizations, and State and local government, was established by Congress by Pub. L. 95–63, on July 5, 1977. Its duties are to: (1) Undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of reports as may from time to time be requested by the President or Congress.

The Tentative Agenda is as follows:

Wednesday, April 13, 1983

2001 Wisconsin Avenue NW., Page Building #1, Rooms 416 & B–100, Washington, D.C.

Plenary

8:45 a.m.–12:30 p.m.
8:45 a.m.–9:00 a.m. • Announcements
9:00 a.m.–12:30 p.m. • Weather Satellites Topic: Commercialization, Speakers: TBA (To Be Announced).

Lunch

12:30 p.m.–1:30 p.m.

Panel Meetings

1:30 p.m.–5:30 p.m. • Coastal Management—Co-Chairman: Sharron Stewart, Jack R. Van Lopik, Room 416, Topic: Wetland, Speakers: TBA;

Topic: OCS Revenue Sharing; Speakers: TBA

3:00 p.m.–5:30 p.m. • Radioactive Waste; Chairman: John A. Knauss, Room B–100, Topic: Panel Work Session.

Recess 5:30 p.m.

Thursday, April 14, 1983

2001 Wisconsin Avenue NW., Page Building #1, Room 416, Washington, D.C.

Panel Meeting

8:30 a.m.–10:00 a.m. • Marine Minerals, Chairman: Burt Keenan, Topic: Panel Work Session.

Plenary

10:00 a.m.–12:30 p.m. • Exclusive Economic Zone, Topic: Legislation, Speakers: TBA.

Lunch

12:30 p.m.–1:30 p.m.

Plenary

1:30 p.m.–3:30 p.m. • Review of Marine Minerals Report Chairman: Burt Keenan • Action Items • Panel Reports.

Adjourn

3:30 p.m.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chariman retains the prerogative to place limits on the duration of oral statements and discussions. Written statments may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235

Dated: March 24, 1983.

Steven N. Anastasion,

Executive Director.

[FR Doc. 83–7940 Filed 3–28–83; 8:45 am]

BILLING CODE 3510–12–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (83–26)]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Commmittee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Advisory Subcommittee on Chemical Propulsion Technology.

DATES: Date and Time: April 19–21, 1983, 8:30 a.m. to 4: 30 p.m. each day.

ADDRESS: National Aeronautics and Space Administration Headquarters, 600 Independence Avenue SW, Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Gabris, National Aeronautics and Space Administration, Code RST, Washington, DC 20546 (202/755–2490).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Chemical Propulsion Technology was established to provide guidance and direction to the Chemical Propulsion research and technology prgrams of NASA's Office of Areonautics and Space Technology. The Subcommittee, chaired by Dr. Sanders Rosenberg, is comprised of six members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons, including the Subcommittee members and participants).

TYPE OF MEETING: Open

Agenda

April 19, 1983

8:30 a.m.—Chairperson's Remarks.
9:30 a.m.—Chemical Propulsion Program Overview and Status.
12:30 p.m.—Space Shuttle Main Engine Technology Program.
4:30 p.m.—Adjourn

April 20, 1983

8:30 a.m.—Space Shuttle Main Engine Technology Program Discussion Continued.
12:30 p.m.—Propulsion Test Facility Assessment Team Report.
4:30 p.m.—Adjourn.

April 21, 1983

8:30 a.m.—Propulsion Test Facility Assessment Team Report Discussion Continued.
10:30 a.m.—Outlook for Chemical Propulsion.
12:30 p.m.—Subcommittee discussion in preparation for Subcommittee final report.
4:30 p.m.—Adjourn.

Richard L. Daniels

Director, Management Support Office, Office of Management.

March 22, 1983.

[FR Doc. 83–7980 Filed 3–28–83; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Notice of Meeting

Summary: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given of the thirtieth meeting of the National Commission for Employment Policy in Washington, D.C. at the Capitol Hill Quality Inn, 415 New Jersey Avenue, NW.

Date: April 26, 1983, 9:00 a.m.–5:00 p.m.; April 27, 1983, 9:00 a.m.–2:00 p.m.

Status: This meeting will be open to the public.

Matters to be discussed: The Commissioners will continue their discussion of employment policy recommendations and consider a workplan for June-October 1983 and beyond.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Hogue, Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washigton, D.C. 20005 (202) 724–1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established as title V of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95–524). The Act gives the Commission the broad responsibility of advising the President and the Congress on national employment issues. Business meetings are open to the public. People wishing to submit written statements to the Commission that are germane to the agenda may do so, provided that such statements are in reproducible form and are submitted to the Director at least 5 days before the meeting and not more than 7 days after the meeting.

In addition, members of the general public may request to make oral presentations to the Commission, time permitting. Such statements must be applicable to the announced agenda and written application must be submitted to the director at least 5 days before the meeting. This application should include: name and address of applicant, subject of presentation, relation to agenda, amount of time needed, individual's qualifications to speak on the subject, and a statement justifying the need for an oral rather than written statement.

The Commission Chairman has the right to decide to what extent public oral presentations may be permitted at the meeting. Oral presentations will be limited to statements of fact and views and shall not include any questioning of the Commissioners or other participants

unless these questions have been specifically approved by the Chairman.

Minutes of the meeting and materials prepared for it will be available for public inspection at the Commission's headquarters, 1522 K Street, NW., Suite 300, Washington, D.C., this twenty-third day of March, 1983.

Patricia W. Hogue,

Director.

[FR Doc. 83-8052 Filed 3-28-83; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

[Circular No. 1 Revised]

Federal Assistance; Reconsideration of Declined Applications

Subject: National Endowment for the Arts—Process for Reconsideration of Declined Applications for Federal Assistance.

1. *Purpose.* The National Endowment for the Arts relies on peer panel review of grant applications in order to assure informed funding of artistically and culturally significant projects and activities. This Circular, for the purpose of guaranteeing uniformity and fairness in the review of funding recommendations, establishes a procedure for reconsideration of applications for financial grant assistance which have been declined by the National Endowment for the Arts. The provisons of this Circular do not apply to procurement governed by the Federal Property and Administrative Services Act or to applications for fellowships.

2. *Policy.* Award of Endowment financial assistance is discretionary. Determinations are made using criteria described in the program guidelines; several criteria involve subjective, qualitative judgments which are not subject to reconsideration. Notwithstanding this fact, a Project Director or Authorizing Official whose application has been declined may obtain an *explanation* of the declination from the responsible Program Director. If the Project Director or Authorizing Official is dissatisfied with this explanation and believes the application was handled unfairly or evaluated unreasonably and the declination was based on one or more of the reaons listed in section 3(b) below, reconsideration of the declination may be obtained under the procedure outlined herein.

3. *Procedure to be followed for reconsideration.*—a. *Expanation by Program Director.* Within 30 days following notification of the Endowment's decision on any application, a Project Director or Authorizing Official may request an explanation for a declined application from the appropriate Program Director. This initial request may be made by letter, telephone or in person. The Program Director will explain the basis for the declination and on request will provide the Project Director or Authorizing Official with the substance of the advisory panel review coments. The Program Director will afford the Project Director or Authorizing Official an opportunity to present his or her point of view and will take any further action that appears appropriate.

b. *Grounds for Reconsideration.* Further reconsideration of grant declinations is available to applicants solely on grounds related to procedural impropriety or error, as evidenced by one or more of the following reasons:

(i) application declined based on review criteria other than those appearing in the relevant guidelines.

(ii) application declined based on influence on advisory panel of member(s) with undisclosed conflict of interest.

(iii) application declined based on information provided to the advisory panel by staff or panelists that was materially inaccurate or incomplete at the time of review *despite* the fact that the applicant had provided the Endowment staff with accurate and complete information as part of the regular application process.

Note that no revisions made to a grant application or supporting materials after declination will be accepted in connection with reconsideration of the original application decision. However, a substantially revised application may be submitted for review and evaluation as a *new* application in accordance with usual procedures, including deadlines and other guideline requirements.

c. *Action by the Appropriate Deputy.* If dissatisfied with the Program Director's explanation, the Project Director or Authorizing Official may submit a written request for reconsideration of the Endowment's action. A request of this nature will be considered only if (a) the Project Director or Authorizing Official has obtained an explanation from the Program Director; and (b) the Request for Reconsideration is received by the appropriate Deputy within 30 days after receipt of such explanation. [The Program Director will advise the applicant of the "appropriate Deputy."]

(i) The request must be mailed to the appropriate Deputy and should state the basis for the Project Director's or Authorizing Official's belief that the declination was unwarranted. Note that Section 3(b), above, limits the grounds for reconsideration by a Deputy.

(ii) The appropriate Deputy will review the request for reconsideration in light of all relevant material regarding evaluation of the grant application in order to determine whether the standards enumerated in Section 3(b) have been satisfied. The Deputy, who will consult with the chairman prior to making a final determination, has full discretion in conducting this review; among other procedures, the deputy may request additional information from the Project Director or Authorizing Official and may obtain additional peer reviews. The Deputy may conduct the reconsideration personally or may disignate another Endowment official who has no part in the initial evaluation to do so. As used here, "Deputy" includes such a designated official.

(iii) Within 45 days after receipt of the a written request for reconsideration, the Deputy will provide for reconsideration, the Deputy will provide the Project Director or Authorizing Official with a written summary of the results of the reconsideration. If results cannot be furnished within 45 days, the Deputy will provide the Project Director or Authorizing Official with a written explanation of the need for more time, indicating the date by which results can be expected. If the deputy reaffirms the declination, such determination shall be final.

4. *Audit.* The Deputy may request that surveys or site visits be conducted with respect to applicant organizations requesting reconsideration.

5. *Reporting Requirement.* Each appropriate Deputy will maintain a record of requests for reconsideration. The record will include the date of the receipt, the name of the Project Director or Authorizing Official, the name of the applicant organization, and the application number. When the reconsideration is completed, the record shall be updated to indicate when the results of the reconsideration were furnished to the organization and what the results were.

F. S. M. Hodsoll,

Chairman, National Endowment for the Arts.

[FR Doc. 83-8040 Filed 3-28-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Clinch River Breeder Reactor; Cancellation

The ACRS Subcommittee on Clinch River Breeder Reactor (CRBR) scheduled for March 30, 1983, Room 1046, 1717 H Street NW., Washington, DC has been cancelled indefinitely. Notice of this meeting was published March 15, 1983 (48 FR 10961).

Dated: March 23, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-8022 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee for Review of Investigation Policy on Rights of Licensee Employees Under Investigation; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Committee for Review of the Office of Investigation Policy on Rights of Licensee Employees Under Investigation will hold its first meeting on April 13, 1983, beginning at 10:00 a.m. until the conclusion of business. The meeting will be held in Room 1167, 1717 H Street NW., Washington, D.C.

At this meeting Committee members will discuss the role and mission of the advisory committee and begin consideration of the issues concerning rights of licensee employes during investigations.

The entire meeting will be open to public attendance except for those portions during which the Committee finds it necessary to discuss detailed investigative practices and procedures. (Sunshine Act Exemption 7). To the extent practicable, these closed portions will be held so as to minimize inconvenience to members of the public in attendance.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to public attendance to avoid the disclosure of investigative techniques and procedures. The authority of such closure is Exemption (7) to the Sunshine Act, 5 U.S.C. 552b(c)(7).

Further information on this meeting may be obtained from Mr. Richard P. Levi, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. (Telephone 202/634-1465). A transcript of the open portions of the meeting will be made available for public inspection and copying at NRC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C. this 24th day of March, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-8064 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co., (Calvert Cliffs Nuclear Power Plant Unit Nos. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Baltimore Gas and Electric Company (the licensee) is the holder of Facility Operating License Nos. DPR-53 and DPR-69 which authorize the operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 at steady-state power levels not in excess of 2700 megawatts thermal for each unit. The facility comprises two pressurized water reactors located at the licensee's site in Calvert County, Maryland.

II

Following the accident at the Three Mile Island No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1,, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III.

The licensee responed to the Generic Letter 82-05 by letter dated April 19, 1982; the licensee responded to the Generic Letter 82-10 by letter dated June 4, 1982. By letters dated October 12, 1982, November 16, 1982, January 21, 1983, February 18, 1983, and March 9, 1983, the licensee provided an updated schedule for completion of items identified by Generic Letters 82-05 and 82-10. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. Attachments 1 and 2, summarizing the licensee's schedular commitments or status, were developed by the staff from Generic Letters 82-05 and 82-10 (respectively), and the licensee-provided information.

Of the items listed in Generic Letter 82-10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), III.a.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82-111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

Most of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

II.B.3 Post Accident Sampling System

The Post Accident Sampling System (PASS), common to both Calvert Cliffs Units, has been taken out of service for

vendor-recommended modifications and improvements. All of the PASS sampling funcitons are expected to be restored by June 1, 1983. As an interim measure, the licensee will utilize the post accident sampling system which was in use prior to installation of the current system.

II.F.1.(1a) Noble Gas Stack Monitor

The licensee has experienced significant equipment problems with the Noble Gas Stack Monitor. These problems are being actively pursued with the equipment vendor and are expected to be resolved to allow equipment operability at Calvert Cliffs Units 1 and 2 by June 1, 1983. The licensee will continue to use the interim measures which had been previously utilized at Calvert Cliffs.

II.F.1.(1b) Noble Gas Steam Effluent Monitor

Installation of a reliable system continues to be a problem. The licensee hopes to complete installation and testing of the modification by March 1, 1984 for both Units 1 and 2. As an interim measure, the licensee plans to utilize a system using dedicated portable instruments, placed in operation to meet the short term requirements of this item on January 1, 1980.

II.D.1.2 Relief Valve and Safety Valve Test Program

The licensee has indicated that a plant-specific report on the test program will be submitted by September 30, 1983 for Unit 1 and February 28, 1984 for Unit 2. The results of tests already performed indicate that the primary system safety/relief valves at Calvert Cliffs will perform as required.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designing the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 16th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1.—LICENSEE COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Includes simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions	Do.
II.B.3	Post-Accident Sampling	do	Install upgrade post-accident sampling capability	June 1, 1983
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Complete.
II.E.1.2	Aux FW Indication and Flow Indicator	July 1, 1981	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependability	do	Part 5—lower containment pressure setpoint to level compatible with normal operation.	Do.
II.E.4.2	Containment Isolation Dependability	do	Part 7—isolate purge and vent valves on radiation signal	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1a) Install noble gas stack effluent monitors	June 1, 1983
		do	(1b) Install noble gas stream effluent monitor	Mar. 1, 1984 for Units 1 and 2.
		do	(2) Provide capability for effluent monitoring of iodine	Complete.
		do	(3) Install in-containment radiation-level monitor	Do.
		do	(4) Provide continuous indication of containment presurre	Do.
		do	(5) Provide continuous indication of containment water level	Do.
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Do.

[1] When completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 REQUIREMENTS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.1.3.1	Limit Overtime	Oct. 1, 1982, per Gen. Ltr. 82–12 dated June 15, 1982	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No 82–12, dated June 15, 1982	Complete.
I.A.1.3.2	Minimum Shift Crew [1]	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [1]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program.	Sept. 30, 1983, for Unit 1. Feb. 28, 1984 for Unit 2.
II.D.1.3	Block Valve Test Program	do	Submit report on test program	Complete.
II.K.3.30 and 31	SBLOCA Analyses [1]	1 year after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model.

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 REQUIREMENTS FROM GENERIC LETTER 82-10—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
III.A.1.2	Staffing Levels for Emergency Situations [1].	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined
III.A.1.2	Upgrade Emergency Support Facilities [1].	do	do	Do.
III.A.2.2	Meteorological Data [1]	do	do	Do
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Not Part of Confirmatory Order.

[FR Doc. 83-8023 Filed 3-28-83; 8:45 am]
BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270, 50-287]

Duke Power Co. (Oconee Nuclear Station, Units 1, 2 and 3); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Duke Power Company (the licensee) is the holder of Facility Operating Licenses Nos. DPR-37, DPR-47, and DPR-55 which authorize the operation of the Oconee Nuclear Station, Units 1, 2 and 3 (the facilities) at steady-state power levels not in excess of 2568 megawatts thermal for each unit. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in Oconee County, South Carolina.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Duke Power Company responded to the Generic Letter 82-05 by letters dated April 16, July 28, November 15, 1982 and March 1, 1983; Duke Power Company responded to the Generic Letter 82-10 by letter dated June 4, 1982. In these submittals, Duke Power Company confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82-10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining items is provided herein:

I.A.1.3.1 Limit Overtime

This item was acceptably resolved by the November 2, 1981, NRC letter to the licensee. However, Generic Letter 82-12, issued June 15, 1982, slightly revised the Commission's policy statement of February 8, 1982, and requested that licensees review their past actions to assure that the administrative section of the Technical Specifications be revised to assure that plant administrative procedures follow the revised working hour guidelines. The licensee's response of July 23, 1982, "strongly supports the overall thrust of controlling the working hours of employees here to the extent of preventing a compromise of safety", endorses the ANS 3.2 draft on this subject and, "strongly objects to the proposed action specified with respect to its being included in Technical Specifications". This issue is being reviewed by the staff.

II.B.3 Post Accident Sampling

The implementation of this item consists of two systems, the Reactor Building Gas Sample System and the Reactor Coolant and Building Liquid Sample System.

Implementation of the Gas Sample System was delayed pending receipt of pump motor starters; these have been received and are scheduled to be installed by December 1982. Following installation of these motor starters, the systems will be functionally tested and adjusted as necessary to ensure operability. The licensee has completed the gas sampling system for all units.

During functional checkout of the system, on both Units 1 and 2, a valve failed in the intermediate position. The unit must be at cold shutdown to further investigate and correct this problem with these valves; therefore, the completion date is now set for the end of each respective unit's next refueling outage. The completion date for this system on Unit 3 will be similarly changed due to the possibility that the same valve malfunction is likely to occur. The estimated completion dates are:

Unit 1: End of Unit 1 Cycle 8 Refueling Outage—9/83
Unit 2: End of Unit 2 Cycle 7 Refueling Outage—12/83

Unit 3: End of Unit 3 Cycle 8 Refueling Outage—7/84

Procedures have been developed to use existing sampling equipment until these systems are operable.

II.F.1 Accident Monitoring

1. Noble Gas Monitors. These monitors had been installed on all units prior to January 1, 1982, but experienced erratic behavior and each monitor has been returned to the vendor at least twice. Recently, a completely new set of monitors from the same vendor was installed at Oconee, but after several weeks of operation, the detectors on Units 1 and 3 became inoperable. This is thought to be due to a moisture problem. The monitors on Unit 2 have been working properly for over six weeks and that system is considered operational. A representative from the vendor is scheduled to visit Oconee to try to correct the malfunction on the Units 1 and 3 monitors. If the problem recurs, new monitors from another vendor will be used to replace the defective units. Therefore, for Units 1 and 3 if the repair work is sufficient, the monitors will be operable by June 1, 1983. If new monitors need to be ordered the operability date will be April 30, 1984. The installed, control grade stack monitors can be used to provide an indication of noble gas release until implementation is complete on the noble gas monitors.

3. Containment High-Range Radiation Monitors. Delays were experienced in obtaining qualified instruments such that Unit 1 had returned to operation following the last refueling outage prior to their receipt. Therefore, installation for Unit 1 is scheduled for the next (Cycle 8) refueling outage.

The monitors have been installed on Units 2 and 3 but are not considered operable because of connector qualification problems on Unit 2 and penetration problems on Unit 3. The monitors are scheduled to be fully operational on both units following the next refueling outage-Cycle 7 for Unit 2 and Cycle 8 for Unit 3. Presently installed area and airborne radiation monitors are control grade but can be used to provide in-containment radiation measurements until implementation of the high-range radiation monitors is completed.

III.D.3.4 Control Room Habitability

As a result of the licensee's review, three areas were identified for possible modifications: air in-leakage, lead shielding and chlorine and toxic gas detection. Further tests and evaluations now indicate that total isolation and sealing to prevent all in-leakage is neither practical nor necessary. The installation of the lead shielding is complete. The need for toxic gas detection is being reevaluated and appropriate modifications, if any, will be identified and a schedule for installation will be provided.

Therefore, the licensee has completed all modifications determined to be necessary at this time. Following completion of the licensee's and the NRC's reviews, further modifications may be necessary.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays (unexpected design complexity, interface problems, and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitments should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 18th day of March 1983.

For The Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE'S COMMITTMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NURGE–0737 Schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete-All Units.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-Accident Sampling	do	Install upgrade post-accident sampling capabilty	Refueling Outage Unit 1—9/83; Refueling Outage Unit 2—12/83; refueling Outage Unit 3—7/84.
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete-All Units.
II.E.1.2	Aux. Feedwater Initiation & Flow Indication.	July 1, 1981	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependability.	do	Part 5-lower containment pressure setpoint to level compatible w/normal operation.	Do.
		do	Part 7-isolate purge and vent valves on radiation signal.	Do.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Installation complete for Unit 2: If repair work is sufficient, Unit 1, June 1, 1983 or if necessary to order new monitors April 30, 1984, Unit 3, June, 1983 or April 30, 1984.

ATTACHMENT 1—LICENSEE'S COMMITTMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05—Continued

Item	Title	NUREG–0737 Schedule	Requirement	Licensee's completion schedule (or status) [1]
		do	(2) Provide capability for effluent monitoring of iodine	Complete-All Units.
		do	(3) Install containment radiation high-range monitors	Unit 1—Refueling Outage 8 (~9/83); Unit 2—Refueling Outage 7 (~12/83), Unit 3—Refueling Outage 6 (~7/84).
		do	(4) Provide continuous indication of containment pressure	Complete-All Units
		do	(5) Provide continuous indication of containment water [illegible]	Do.
		do	(6) Provide continuous indication of hydrogen concentration in containment	Do
II.K.2.10	Safety Grade Trips	July 1, 1981	Install anticipatory reactors trips	Do

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status) [2]
I.A.1.3.1	Limit Overtime [2]	Oct. 1, 1982 per Gen. Ltr 82–12 dtd. 6/15/82.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by generic Ltr. No. 82–12, dtd. June 15, 1982	Licensee has taken exception to the Technical Specification of Generic Ltr. 82–12 (See DPC ltr. of 7/23/82). Submittal under review
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief & safety valve program.	Complete—All Units
II.D.1.3	Block Valve Test Program	do	Submit report of results of test program	[illegible]
II.K.3.30 & 31	SBLOCA Analysis [2]	One year after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations [2]	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [2].	do	do	[illegible]
III.A.2.2	Meteorological Data [2]	do	do	Do
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete (See Order).

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order

[FR Doc. 83–8024 Filed 3–28–83; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 50–537]

Department of Energy and Tennessee Valley Authority and Project Management Corp.; Availability of Safety Evaluation Report for the Clinch River Breeder Reactor Plant

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction and operation of the Clinch River Breeder Reactor Plant (CRBRP). The planned location of the plant is on the Clinch River in the town of Oak Ridge, Roane County, Tennessee. Notice of receipt of application to construct and operate the Clinch River Breeder Reactor Plant was published in the **Federal Register** on June 12, 1975, 40 FR 25110.

The report summarizes the results to date of the staff's safety review of the proposed facility and has been largely limited to those subjects that could have an impact on the decision to issue a construction permit.

The report has been referred to the Advisory Committee on Reactor Safeguards and is available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555; at the Oak Ridge Public Library, Civic Center, Oak Ridge, Tennessee, 37830; and the Lawson McGhee Public Library, 500 West Church Street, Knoxville, Tennessee 37902.

Copies of the Safety Evaluation Report (NUREG–0968) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the U.S. Nuclear Regulatory Commission, Sales Office, Washington, D.C. 20555.

Dated at Bethesda, Maryland this 22nd day of March 1983.

For the Nuclear Regulatory Commission.

J. Nelson Grace,

Director, CRBR Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 83–8034 Filed 3–28–83; 8:45 am]
BILLING CODE 7590–01–M

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating Licenses

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 94 to Facility Operating License No. DPR–31, and Amendment No. 88 to Facility Operating License No. DPR –41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments update the offsite management organization to reflect the current corporate structure.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10

CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) The application for amendments dated February 16 1982, as supplemented by letters dated August 12, and December 30, 1982, (2) Amendment Nos. 94 and 88 to License Nos. DPR–31 and DPR–41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of March, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83–8025 Filed 3–28–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–321]

Georgia Power Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 95 to Facility Operating License No. DPR–57, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, which revise Technical Specifications (TSs) for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1 (the facility) located in Appling County, Georgia.

This amendment was authorized by phone on February 22, 1983. It revised the TSs for a one-time change to permit an extension in the time interval, from 24 hours to 72 hours, before the oxygen concentration in the drywell need be reduced to 4%, after the reactor is placed in the Run Mode. The amendment was issued on an expedited basis to avoid termination of an already initiated startup.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The request for amendment dated February 22, 1983, as confirmed by application dated March 2, 1983, (2) the Commission's letter to Georgia Power Company dated February 23, 1983, (3) Amendment No. 95 to License No. DPR–57, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22d day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 83–8056 Filed 3–28–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–382; Construction Permit No. CPPR–103, EA 82–109]

Louisiana Power and Light Co. (Waterford Steam Electric Station Unit 3); Order Imposing a Civil Monetary Penalty

I

Louisiana Power and Light Company, 142 Delaronde Street, New Orleans, Louisiana, 70174 (the "Licensee") is the holder of Construction Permit CPPR–103 (the "CP") issued by the Nuclear Regulatory Commission ("NRC" or the "Commission"). The Construction Permit authorizes construction of the Waterford Steam Electric Station Unit 3 facility in St. Charles Parish, Louisiana. The Construction Permit was issued on November 14, 1974, and is due to expire on October 31, 1983.

II

An inspection of the licensee's activities under the CP was conducted at the Waterford plant by NRC Region IV inspectors during the period May 16 through July 15, 1982. As a result of the inspection, the NRC inspectors determined that the licensee had not conducted its activities in full compliance with NRC regulations. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated December 6, 1982.

The Notice stated the nature of the violation, the provision of the NRC regulations violated, and the amount of the civil penalty imposed for the violation. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty in two letters, both dated January 4, 1983.

III

Upon consideration of the licensee's reply to the Notice of Violation and arguments for remission of the proposed civil penalty, the Director of the Office of Inspection and Enforcement, for the reasons set forth in the Appendix to this Order, has determined that the penalty proposed for the violation designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96–295), and 10 CFR 2.25, it is hereby ordered that:

The licensee pay a civil penalty in the amount of Twenty Thousand Dollars ($20,000) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, DC 20555.

The licensee may within 30 days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement. If a hearing is requested, the Commission will issue

an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings; if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) whether the licensee violated NRC regulations as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty.

(b) whether, on the basis of such violation, this Order should be sustained.

Dated at Bethesda, Maryland this 16th day of March 1983.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

Appendix—Evaluations and Conclusions

For the violation and associated civil penalty identified in the Notice of Violation and Proposed Imposition of Civil Penalty for Louisiana Power and Light Company's ("LP&L") Waterford Steam Electric Station (Unit 3) dated December 6, 1982, the original violation is restated, the licensee's responses dated January 4, 1983 are summarized and the NRC's evaluation and conclusions regarding this response are presented.

Statement of Violation

10 CFR 50 Appendix B, Criterion II, requires that, "The quality assurance program shall provide control over activities affecting the quality of the identified structures, systems, and components, to an extent consistent with their importance to safety. Activities affecting quality shall be accomplished under suitably controlled conditions."

Contrary to the above, Louisiana Power and Light Company failed to adequately control activities affecting the quality of safety-related work. Specifically, LP&L failed to ensure that Ebasco Services, Inc., as construction manager, was adequately controlling the quality of safety systems and providing the complete and accurate documentation of quality required for these systems. This failure is illustrated by the fact that on April 30, May 22, and June 22, 1982, Ebasco QA signed four ASP–IV–50–6 forms indicating that four safety systems were ready for turnover to LP&L. These safety systems were containment spray, low pressure safety injection, safety injection tanks, and high pressure safety injection. The pertinent fabrication and installation records specified that these systems were ready for turnover. Subsequently, the LP&L construction QA and startup organizations rejected all four system turnover packages due to numerous findings which the quality records and exception lists did not accurately identify. These findings included previously unidentified installation errors, as-built drawings that did not match actual field installation, field installations which included work that was not in compliance with procedures and specifications, QC inspections that had not identified unacceptable field installations, and QC records that were not consistent with current as-built drawings. These deficiencies in the control of activities affecting quality should have been identified by LP&L prior to system turnover.

This is a Severity Level III violation (Supplement II) Civil Penalty—$20,000.

Evaluation of Licensee's Response

The licensee's response acknowledged that there was a partial breakdown in the Quality Assurance Program at the Waterford Unit 3 sub-tier levels involving contractor/Subcontractor organizations.

The licensee argued in its letters of January 4, 1983, that a civil penalty was not warranted. To support its position, the licensee argued that civil penalties are not normally assessed for Severity Level III violations. The licensee also argued that since it identified the deficiency, reported it to the NRC, took prompt corrective action and the violation was not the subject of any prior Notice of Violation, complete mitigation should be allowed.

The licensee's assertion that a civil penalty is not normally assessed for a Severity Level III violation is incorrect. The Enforcement Policy states that civil penalties are considered and usually imposed for Severity Level III violations (see Paragraph IV. B., 47 FR 9987, 9991 (March 9, 1982)). The base civil penalty for a Severity Level III violation is usually assessed at $40,000. However, in reviewing the circumstances associated with this violation, the staff considered mitigating circumstances in making a determination as to the level of civil penalty to be proposed. The staff concluded that the broad corrective action taken by the licensee and the licensee's role in identifying and reporting a breakdown in the quality assurance program were such that a 50% mitigation of the civil penalty was warranted. The staff rejects the argument that additional mitigation is appropriate since this violation has not been the subject of a previous Notice of Violation. The Enforcement Policy provides for up to 25% escalation of a civil penalty where a licensee has prior notice of similar events. It does not provide for mitigation where a licensee had no prior notice. Had a similar breakdown in quality assurance programs occurred earlier, it too, could have been the subject of a civil penalty and, when repeated would have caused the staff to seek stronger sanctions in the instant case, up to and including an order. Indeed, in this case, two out of three levels of the licensee's quality assurance program broke down before the problem was identified by a third level. The licensee should have known of the breakdown earlier. Therefore, further mitigation is not appropriate.

Conclusions

The licensee's letters of January 4, 1983 contain no information regarding the violation that was not previously known by the NRC during the enforcement conference or during the special site visit by Region IV and Office of Inspection and Enforcement staff. Accordingly, the staff concludes no further mitigation of the civil penalty is warranted.

[FR Doc. 83–8026 Filed 3–28–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–309]

Maine Yankee Atomic Power Company; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR–36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of the date of issuance.

The amendment revises the frequency for performing independent audits of the Facility Emergency and Security Plans and implementing procedures from every 24 months to every 12 months in accordance with, 10 CFR 50.54(t) and 10 CFR 73.40(d), respectively.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated February 18, 1983, (2) Amendment No. 69 to License No. DPR–36 and (3) the Commission's related letter dated March 16, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may

be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-8027 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 83 to Facility Operating License No. DPR-65, issued to Northeast Nuclear Energy Company, the Connecticut Light and Power Company, the Hartford Electric Light Company, and the Western Massachusetts Electric Company (the licensee), which revised Technical Specifications (TS) for operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility) located in the Town of Waterford, Connecticut. The amendment was effective on March 15, 1983.

The amendment defers the steam generator inservice inspection requirements of TS 4.4.5.1.3.c.1 to the May 1983 refueling outage and applies only to the outage which commenced on March 1, 1983.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated March 14, 1983 (2) Amendment No. 83 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-8028 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revise the Technical Specifications to be consistent with the Cycle 6 reload analysis. The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated November 22, 1982, as supplemented by letters dated May 20 and December 29, 1982, February 18, 25 and 28, 1983, (2) Amendment No. 70 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 15th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 83-8029 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-514 and 50-515]

Portland General Electric Company, et al.; Withdrawal of Application for Construction Permits

The Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97205, acting for itself and Pacific Power and Light Company and Puget Sound Power & Light Company, by Application dated November 12, 1982, has requested withdrawal of their application for licenses to construct and operate the Pebble Springs Nuclear Plant, Units 1 and 2, pressurized water reactors at their site located in Gilliam County, Oregon, about three miles northwest of Arlington, Oregon. A copy of the application is available for inspection in the NRC's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. By Memorandum and Order Terminating Proceeding dated February 24, 1983, the Atomic safety and Licensing Board granted the applicants' request to withdraw their application and terminate the proceedings before it. Accordingly, the Nuclear Regulatory Commission grants the applicants' request for withdrawal of their application to construct and operate the Pebble Springs Nuclear Plant, Units 1 and 2.

Notice of receipt of the application was published in the **Federal Register** on December 9, 1974 (39 FR 42938).

Dated at Bethesda, Maryland this 23d day of March 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-8030 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 79 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised the Technical Specifications for operation of the Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment revises the frequency for audits of the facility Emergency and Security Plans (and procedures) to at least once per 12 months.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 16, 1983, (2) Amendment No. 79 to License No. NPF-1, and (3) the Commission's related letter dated March 15, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Multnomah County Library, Social Science and Science Department; 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washigton, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of March, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-8031 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District, which revised Technical Specifications (TSs) for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment revises the TSs to add requirements for the degraded voltage protection system for Class 1E equipment that will be installed during the current refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The licensee's application dated February 2, 1981, as revised July 16, 1982, (2) Amendment No. 46 to License No. DPR-54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-8032 Filed 3-28-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensee), which revised the license for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance and is to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

This amendment adds a license condition to include the Commission-approved Guard Training and Qualification Plan as part of the license.

The licensees' filing, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensees' filing dated August 15, 1979, as revised November 24, 1980, and April 16, 1982, consists of Safeguards

Information protected from public disclosure pursuant to 10 CFR 73.21.

For further details with respect to this action, see: (1) Amendment No. 56 to License No. NPF–3, and (2) the Commission's related letter to the licensee dated March 17, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the University of Toledo Library, Documents Department, 2801 West Bancroft Avenue, Toledo, Ohio 43606. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of March, 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83–8033 Filed 3–28–83; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 50–338]

Virginia Electric and Power Co. (North Anna Power Station, Unit 1); Order Confirming Lincensee Commitments on Post-TMI Related Issues

I

The Virginia Electric and Power Company (the licensee) is the holder of Facility Operating License No. NPF–4 which authorizes the operation of the North Anna Power Station, Unit 1 (the facility) at steady-state power levels not in excess of 2775 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Louisa County, Virginia.

II

Following the accident at Three Mile Island No.2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, comfirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Virginia Electric and Power Company responded to the Generic Letter 82–05 by letters dated April 16, May 17, August 23, October 1, and November 22, 1982. Virginia Electric and Power Company responded to Generic Letter 82–10 by letters dated June 30 and November 22, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 addressed thirteen and sixteen items, respecitvely. Of the ten items listed in Generic Letter 82–10 requiring a response, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of Commission Paper SECY 82–111, as amended; for Items II.K.3.30 and II.K.3.31 (one item), the staff review of the generic models under II.K.3.30 has not been completed, and II.K.3.31 is not required until one year after staff approval of the generic models.

Fifteen (15) of the 17 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining six (6) items is provided herein.

II. F.1. 3 Containment Range Monitor

The containment range monitor has been calibrated at the vendor plant and the system has been installed and tested. However, the licensee does not consider the system to be operational until such time that a final in-situ calibration has been completed. A prototype calibration source has been developed by the vendor and will be available by March 1983. The licensee is in the process of procuring the prototype calibration source so that a final in-situ calibration will be completed during a fall maintenance outage currently scheduled to be completed on October 31, 1983.

II. D. 1.2 RV and SV Test Program

The licensee has submitted a plant specific assessment regarding adequacy of the installed safety and relief valves and block valves. The discharge piping evaluation for the relief and safety valves is not complete. The piping evaluations for North Anna Unit No. 1 depend on the results obtained from the North Anna Unit No. 2 evaluations which were submitted on December 21, 1982. The licensee has committed to complete the North Anna Unit No. 1 evaluations by December 31, 1983.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and should, therefore, be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the attachments to this Order in the manner described in the licensee's submittals noted in

Section III herein no later than the dates in the attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 15th day of March 1983.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I A 3.1	Simulator Exams	Oct. 1, 1981	Include Simulator exams in licensing examination	Complete
II B 2	Plant shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do
II B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Do
II B 4	Training for mitigating core damage	Oct. 1, 1981	Complete training program	Do
II E 1 2	Aux FW indication & flow indicator	July 1, 1981	Modify instrumentation to level of safety grade	Do
II E 4 2	Containment isolation dependability	do	Part 5—Lower Containment pressure Setpoint to level compatible with normal operation	Do
II E 4.2	Containment isolation dependability	do	Part 7—Isolate purge and vent valves on radiation signal	Do
II F 1	Accident monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Do
		do	(2) Provide capability for effluent monitoring of iodine	Do
		do	(3) Install in-containment radiation-level monitor	Oct. 31, 1983
		do	(4) Provide continuous indication of containment pressure	Complete.
		do	(5) provide continuous indication of containment water-level	Do
		do	(6) Provide continuous indication of hydrogen concentration in containment	Do

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr 82-12 dtd June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No 82-12, dtd. June 15, 1982	Complete
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program	Dec. 31, 1983
II.D.1.3	Block Valve Test Program	do	Submit report results of test program	Complete
II.K.3.30 & 31	SBLOCA Analysis [2]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations [2].	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined
III.A.1.2	Upgrade Emergency Support Facilities [2]	do	do	Do
III.A.2.2	Meteorological Data [2]	do	do	Do
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order.

[FR Doc. 83-8035 Filed 3-28-83; 8:45 am]
BILLING CODE 7590-01-M

NRC Form 790, "Classification Record": Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: revision.

2. The title of the information collection: NRC Form 790, "Classification Record."

3. The form number if applicable: NRC Form 790.

4. How often the collection is required: On occasion. Use is dependent on the number of classification actions made by the respondents. NRC Form 790, when used, must be submitted to the NRC Division of Security on a monthly basis.

5. Who will be required or asked to report: NRC licensees, contractors and

others who are permitted access to NRC classified information.

6. An estimate of the number of responses: estimated annual submittal for all respondents is 240.

7. An estimate of the total number of hours needed to complete the requirement or request: estimated total annual hours for all respondents is 20 man-hours.

8. Section 3504(h), Pub. L. 96–511 does not apply.

9. Abstract: Executive Order (E.O.) 12356, "National Security Information," identifies certain responsibilities and authorities of the Director, Information Security Oversight Office (ISOO). One of these authorities includes ". . . to require or each agency those reports, information, and other cooperation that may be necessary to fulfill the Director's responsibility." NRC Form 790 is the means by which the NRC Division of Security will collect this data from licensees, contractors and other organizations falling within the scope of 10 CFR Part 95 or NRC Manual Chapter 2101, Appendix XIV, Failure to complete this form would prohibit NRC from fulfilling its reporting responsibilities under E.O. 12356.

ADDRESSES: Copies of the submittal will be made available for inspection or copying for a fee at the NRC Public Document Room 1717 H Street, NW., Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 295–7340.

NRC clearance Officer R. Stephen Scott, (301) 492–8585. Dated at Bethesda, Maryland, this 23 day of March, 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83–8036 Filed 3–28–83; 8:45 am]

BILLING CODE 7590–01–M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 2.6, Revision 1, "Emergency Planning for Research and Test Reactors," provides licensees and applicants with a method acceptable to the NRC staff for complying with the Commission's regulations with regard to the content of emergency plans for research and test reactors.

Comments and suggestions in connection with: (1) Items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 22nd day of March 1983.

Fo. the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83–8037 Filed 3–28–83; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

March 23, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

American Medical International, Inc.
Common Stock, $1 Par Value (File No. 7–6547)

Baker International Corporation
Common Stock, $1 Par Value (File No. 7–6548)

Federal Express Corporation
Common Stock, $.10 Par Value (File No. 7–6549)

Gould Inc.
Common Stock, $4 Par Value (File No. 7–6550)

Humana Inc.
Common Stock, $.16⅔ Par Value (File No. 7–6551)

Prime Computer Inc.
Common Stock, $0.0125 Par Value (File No. 7–6552)

Scientific Atlanta, Inc.
Common Stock, $.50 Par Value (File No. 7–6553)

Texas Oil & Gas Corp.
Common Stock, $.50 Par Value (File No. 7–6554)

U.S. Air Group, Inc.
Common Stock, $1 Par Value (File No. 7–6555)

Waste Management, Inc.
Common Stock, $1 Par Value (File No. 7–6556)

Western Company of North America
Common Stock, $.30 Par Value (File No. 7–6557)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 13, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–8048 Filed 3–28–83; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Americap Corp.; Issuance of a License To Operate as a Small Business Investment Company

[License No. 06/06–0265]

On November 10, 1982, a notice was published in the **Federal Register** (47 FR 218), stating that Americap Corporation, located at 6363 Woodway, Houston, Texas 77057, has filed an application

with Small Business Administration pursuant to 13 CFR 107.102 (1982), for a license to operate as a small business investment company under the provisions of Section 301(c) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on November 25, 1982, and no significant comments were received.

Notice is hereby given that considering the application and other pertinent information, SBA has issued License No. 06/06–0265 to Americap Corporation.

Dated: March 14, 1983.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83–7979 Filed 3–28–83; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 856]

International Security Assistance Programs; Secretarial Certification

In accordance with Section 502B of the Foreign Assistance Act of 1961, as amended (the Act), I have reviewed the international security assistance programs of the United States now proposed for the fiscal year 1983 in order to assure that:

(1) All security assistance programs are consistent with the provisions of Section 502B of the Act concerning the promotion and advancement of human rights and the avoidance of United States identification with human rights violations, and

(2) With respect to those countries where human rights conditions give rise to the most serious concerns, the security assistance provided by the United States is warranted in each case by extraordinary circumstances involving the national security interests of the United States.

On the basis of this review, I certify that these security assistance programs are in compliance with the requirements of section 502B of the Act.

This certification shall be reported to the Congress and published in the **Federal Register** as required by law.

Dated: March 26, 1983.

Kenneth W. Dam,

Deputy Secretary of the State.

[FR Doc. 83–8021 Filed 3–28–83; 8:45 am]

BILLING CODE 4710–03–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Individual Income Tax Returns; Proposed Alternative Ways for Filing Computer-Prepared Individual Income Tac Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed concepts for filing computer-prepared individual income tax returns.

SUMMARY: The number of computer-prepared returns is rapidly expanding. These returns are currently filed with the Internal Revenue Service (IRS) in the form of paper documents, and the IRS converts data from these documents into machine language for input to the IRS's ADP system. Savings could be realized if these computer-prepared forms were submittd in a manner which would reduce or eliminate the need for IRS transcription. This can be accomplished by allowing preparers, on a voluntary basis, to either file returns on magnetic media, or on standardized paper documents compatible with Optical Character Recognition (OCR) machines. Since both approaches could produce savings, it may be advantageous for the IRS to accommodate both approaches, leaving the choice of filing media to the preparers.

The IRS is requesting written comments and suggestions with respect to the above concepts. Reactions from the public will be considered by the IRS in deciding whether to implement one or both of these concepts. The IRS is also requesting expressions of interest in filing under one of these methods. Such expressions of interest should specify which approach appears to be preferable, the prospective number of returns to be filed, the lead time needed for implementation, and benefits to the computer preparer, the tax practitioner or the taxpayer.

If both of these concepts are implemented, Revenue Procedure 82–4 would be appropriately revised and expanded to cover the new OCR format, and a new revenue procedure would be developed to cover magnetic media filing.

DATE: Written comments and suggestion should be mailed or delivered by May 13, 1983.

ADDRESS: Written comments and suggestions should be mailed to the Director, Research Division (PM:PFR:R) Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Mr. Bernard Radack, Internal Revenue Service, 1111 Construction Avenue, N.W., Washington, DC 20224, telephone (202) 566–3663 (not a toll-free telephone number).

SUPPLEMENTARY INFORMATION:

A. OCR Answer Sheet Alternative

To make the OCR approach practical, it would be necessary to minimize the number of sheets of paper which constitute a computer-prepared tax return. This can be done by adding an OCR-compatible format to Revenue Procedure 82–4, which sets forth Service requirements for computer-printed returns. In the new format, computer-prepared returns would be printed in the form of answer sheets. That is, the returns would contain line numbers and amounts, but would omit the text now present on the returns. To provide further compression, lines or schedules for which there are no data entries could be omitted. In this way, most returns would fit onto one side of a page; for the relatively few extremely lengthy returns one or more continuation sheets would be needed. However, all information asked for on current forms would be required to be provided on the OCR-Compatible forms. Answer sheet returns would have to be printed in a font which is compatible with the Service's OCR capability.

The OCR answer sheet approach would apply to all computer-prepared individual tax returns and related schedules. Forms W–2, remittances, non-computer prepared schedules and other supporting material a taxpayer submits with the return would be attached to the computer-prepared answer sheet in the same manner as is now done on the standard Forms 1040 and 1040A.

An itemized, multi-schedule Form 1040 in the Answer Sheet format is attached, to illustrate the concept. This format appears to be one which would be easy to prepare, would be understandable to taxpayers, and would reduce Internal Revenue Service processing costs. It should be observed that the long vertical rules separating the columns would not be printed in black ink, but in a "drop-out" color that would be invisible to the OCR machines.

In this proposed approach, most computer-printed data entries would be

recorded in columnar form, with a maximum of five columns per page. A few entries, (such as Schedule A, items 14, 18 and 20b; detailed listings of dividends or interest by source from Schedule B; capital gains data from Schedule D; and depreciation data from Schedule E) need more than one column. Such information could be placed on the same page as the rest of the return, if space permitted. Otherwise, it would be placed on continuation sheets. (See illustrated Form)

Various means are available to provide taxpayers with explanations of the data entries on answer sheet returns; for example, blank returns or tax form instructions. If deemed desirable, a tailored explanation could also be provided with the answer sheet (see attachment). At their option, preparers could furnish their clients with copies which more closely resemble the forms provided in the tax packages. To ensure taxpayer understanding, computer-preparers would be instructed to repeat income, total tax, payments, and refund or balance due, near the area reserved for taxpayer and preparer signatures. Taxpayers would be required to sign these returns, as would preparers when applicable.

Prior to scanning, answer sheet returns would be edited. If the entire return is prepared by computer, no manual transcription would be required. However, if returns are only partially computer-prepared (i.e., some schedules prepared manually) it would be necessary for the Internal Revenue Service to transcribe data from those schedules to be associated with the data picked up by OCR. Provision would also have to be made for recognizing taxpayer corrections to computer-printed data. After scanning, the answer sheets would be reassociated with the other documents submitted by the taxpayer. The reassembled returns would thereafter be processed like all other returns.

As noted, the potential primary benefit to the Internal Revenue Service of an answer sheet return is a reduction in transcription costs, through the use of OCR. Potential benefits to computer preparers would be savings in paper and in computer time, since fewer sheets of paper would be required for the preparation of returns. Although it has not yet been established to what degree optical scanning would reduce total processing time, any reduction would be a benefit to taxpayers.

B. Magnetic Media Alternative

Return preparers who use magnetic media would file returns in a prescribed format which would cover all the line items on the official return and schedules, in the same sequence as on the paper forms. The magnetic media submissions by the preparer would have to include properly executed, individual jurats for each tax return contained on the magnetic media. Each jurats would identify the taxpayer and the preparer, and would contain taxpayer and return preparer signatures and the following amounts from the tax return: total income, adjustments to income, adjusted gross income, total tax, payments and refund or balance due. Included in the ju. at would be the following statement: "Under penalties of perjury, I declare that I have received a printed copy of this return prepared from magnetic tape, that I have examined this return, together with accompanying schedules and statements, and have compared the information reported therein with the information provided to the preparer, and that to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has knowledge and certifies that a printed copy of this return was provided to the taxpayer." Attached to such jurats would be Forms W–2, remittances, non-computer-prepared schedules, and any other material the taxpayer would normally include with the return. The preparer would provide the taxpayer with a retained copy of the return on a standard form, on a substitute form consistent with Revenue Procedure 82–4 or on the OCR format described in the preceding section.

Upon receipt, the Service would print returns filed on magnetic media, in a format consistent with Revenue Procedure 82–4. The printed returns would be associated with the applicable jurats (including the material attached to the jurats). These would constitute the return files, and would be processed in the same manner as if the returns had been filed on paper, except that the magnetic media would substitute for the present manual transcription process.

Magnetic media returns would include all of the data entries required for returns filed on paper documents. The Internal Revenue Service would require a minimum number of returns per magnetic media submission (e.g., at least 500) to make this mode of submission economical.

Potential benefits would be similar to those described in the preceding section relating to OCR-compatible forms.

Dated: March 24, 1983.

John J. Dopkin,

Acting Director, Tax Forms and Publications Division.

BILLING CODE 4830–01–M

Form Page 1 of 2 **U.S. Individual Income Tax Return** 1982

Department of the Treasury—Internal Revenue Service

For the year January 1–December 31, 1981, or other tax year beginning . 1981, ending . 19 . | OMB No 1545–0074

Use IRS label. Otherwise, please print or type.

Your first name and initial (if joint return, also give spouse's name and initial) Last name: FRANK B & EVELYN JONES

Your social security number: 516 04 1492

Present home address (Number and street, including apartment, number or rural route): 3807 MILL WAY

Spouse's social security no.: 575 10 1776

City, town or post office, State and Zip code: LAKE CITY, NY 00000

Your occupation ▶ ELECTRICIAN

Spouse's occupation ▶ OFFICE MANAGER

FORM 1040

PRES SELF SPSE
2 MARRIED JT

EXEMPTIONS
6A SELF 65
6B SPSE
6C MARIE
6C JAMES
6D* MOTHER
6D* SISTER
6E 7

INCOME
7 30940
8 428
9A 563
9B 200
9C 363
13 1392
17A 2400
17B 2074
21* 50
22 35247

ADJ INCOME
29 360
31 360
32 34887

FORM 1040

TAX COMP
34A 2244
35 32643
36 7000
37 25643
38 4334
40 4334

CREDITS
44 20
49 20
50 4314

OTHER TAXES
59 4314

PAYMENTS
60 3200
61 1000
66 12
67 4212

AMT YOU OWE
71 102

SCHEDULE A
1 419
2 349
3 70
4 276
5A 883
5B 22
6 1251
7 1047

SCHEDULE A
8 204
9 138
10 204
11 1291
12 530
13A 325
15 2146
16A 1556
18* 75
19 1631
20A 530
23 530
24 900
25A 150
26* 83
27 1133
28 5644
29 3400
30 2244

SCHEDULE B
3* 428
5* 725
6 725
7 [illegible]
8 428
10* 826
11 108
12 155
14 263
15 563
16 YES
17 NO

SCHEDULE D
4F* {456}
4G* [illegible]
5 {454}
6 {480}
7 {934}
11F* {350}
11G* 4656
12 4306
13 108
16 4414
18 4414
19 3480
20 3480
21 2088
22 1392

*1040
6D GRACE SMITH MOTHER 12 N Y
CLARA JONES SISTER 0 N N
21 PHOTO CONTEST 50

*SCHED A
18 INSTALL PURCH 15
MTGE PREPYMT PENALTY 60
26 SAFE DEP BOX 8
SMALL TOOLS 75

*SCHED B
2 NAT BANK 330
1ST S & L 98
4 CAP SAV BANK 725
9 ACME PUBLISHING CO 210
JONES BROS PTSHP 58
ZEPCO INC 86
TURNBUCKLE POWER CO 75
TIGER FUND 6
RAINBOW FUND 136
W & S STOCKHOLDERS 60
HOUES MFG INC 40
TOWN & COUNTRY INV 155

SCHEDULE W
1A 23740
1B 7200
3A 23740
3B 7200
5A 23740
5B 7200
6 7200
8 360

SUMMARY: 22 TOTAL INCOME 35247. 31 ADJUSTMENTS TO INCOME 360. 32 ADJUSTED GROSS INCOME 34887. 59 TOTAL TAX 4314. 67 PAYMENTS 4212. 71 AMT YOU OWE 102.

Please Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and have compared the information reported therein with the information provided to the preparer, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which the preparer has any knowledge.

▶ Your signature Date ▶ Spouse's signature (if filing jointly, BOTH must sign even if only one had income)

Paid Preparer's Use Only

Preparer's signature ▶ Date Check if self-employed ▶ ☐ Preparer's social security no.

Firm's name (or yours, if self-employed) and address ▶ E.I. No. ▶ ZIP code ▶

Department of the Treasury—Internal Revenue Service

Page 2 of 2 **U.S. Individual Income Tax Return** 1982

For the year January 1–December 31, 1981, or other tax year beginning 19[illegible], ending 19[illegible] | OMB No. 1545-0074

Use IRS label. Otherwise, please print or type.

Your first name and initial (if joint return, also give spouse's name and initial) Last name: FRANK B & EVELYN JONES

Present home address (Number and street, including apartment number or rural route)

City, town or post office, State and ZIP code

Your social security number: 516 04 1492

Spouse's social security no.

Your occupation ▶

Spouse's occupation ▶

SCHEDULE D

	A	B	C	D	E	F	G
1	100 SH - A CO	04-08-82	10-02-82	744	950	206	
	50 SH - B CO	06-12-82	08-26-82	1200	1198		2
	BAD DEBT - WORTHLESS	07-15-82	12-31-82	0	250	250	
8	40 SH - MERRY CORP {FINAL LIQ DISTR}	08-25-79	01-07-82	60	110	50	
	150 SH - C CO	06-11-81	09-13-82	1146	812		336
	D CO BONDS-WORTHLESS	12-01-65	12-31-82	0	300	300	
	400 SH - E CO	12-10-78	02-17-82	9870	5550		4320

Please Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and have compared the information reported therein with the information provided to the preparer, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which the preparer has any knowledge.

Your signature: NOT REQUIRED Date

Spouse's signature (if filing jointly, BOTH must sign even if only one had income)

Paid Preparer's Use Only

Preparer's signature: NOT REQUIRED Date: Check if self-employed ▶ ☐ Preparer's social security no.

Firm's name (or yours, if self-employed) and address: NOT REQUIRED E.I. No. ▶ ZIP code ▶

363-296-1

FORM 104

	Preside Fun
1–5	Filing
6a	Person
6b	Spousa
6c	Names
6d*	Other
6e	Total e
7	Wages
8	Interes
9a	Gross
9b	Enter t
9c	Gross
10	State/
11	Alimon
12	Busine C)
13	Capita
14	40% o
15	Supple
16	Taxabl nuit
17a	Other
17b	Taxabl nuit
18	Rents,
19	Farm i
20a	Unemp Tota
20b	Taxabl
21*	Other
22	Total i
29	Deduc
31	Total
32	Adjust
34a	Itemiz
34b	Charit 34a
35	AGI m
36	$1,00 6e)
37	Taxab
38	Tax (f
39	Additi
40	Total
44	Politic
49	Total
50	Subtra
59	Total
60	Tax w
61	Other

[FR Doc. 83-806

BILLING CODE

Computer Prepared Tax Form

Identification of Line Entries

FORM 1040—1982

	Presidential Election Campaign Fund
1–5	Filing Status
6a	Personal Exemptions
6b	Spousal Exemptions
6c	Names of Children living with you
6d*	Other dependents
6e	Total exemptions
7	Wages, salaries, tips, etc.
8	Interest Income
9a	Gross Dividends
9b	Enter the Exclusion
9c	Gross Dividends minus Exclusion
10	State/local income tax refund
11	Alimony received
12	Business income/loss (Schedule C)
13	Capital gain/loss (Schedule D)
14	40% of capital gain distribution
15	Supplemental gain/loss (4797)
16	Taxable pensions, IRAs, and annuities
17a	Other pension and annuities
17b	Taxable amount of pensions/annuities
18	Rents, royalties, etc. (Schedule E)
19	Farm income/loss (Schedule F)
20a	Unemployment compensation Total
20b	Taxable unemployment
21*	Other income
22	Total income
29	Deduction for Schedule W
31	Total adjustments
32	Adjusted gross income (AGI)
34a	Itemized deductions (Schedule A)
34b	Charitable contributions (only if 34a blank)
35	AGI minus 34a or 34b
36	$1,000 per exemption (from line 6e)
37	Taxable income
38	Tax (from Table o Schedule)
39	Additional taxes
40	Total
44	Political contribution
49	Total credits (lines 41–48)
50	Subtract line 49 from line 40
59	Total tax
60	Tax withheld (W–2's)
61	Other taxes (lines 61–66)
66	Regulated investment company credit
67	Total payments
68	Amount overpaid
69	REFUND amount
70	Amount applied to next year's tax
71	AMOUNT YOU OWE

SCHEDULE A

1	Medicine and drugs
2	1% of line 33, 1040
3	Line 1 minus Line 2
4	Insurance premiums paid
	Other medical/dental expenses
5a	Doctors, dentists, hospitals, etc.
5b	Transportation
5c	Other—Total
[illegible]	Total of lines 3 thru 5c
7	3% of line 33, 1040
[illegible]	Line 6 minus line 7
[illegible]	50% of line 4—NOT over $150
10	Larger of line 8 or line 9
11	State and local income tax
12	Real estate
13a	General sales
15	Total taxes paid
16a	Home mortgage interest
18	Other interest
19*	Total interest expense
20a	Cash contrib., less than $3,000
23	Total contributions
24	Casualty or theft losses
25a	Union and professional dues
26	Other miscellaneous
27*	Casualty/theft losses, miscellaneous
28	Total of lines 10, 15, 19, 23, 27
29	Filing status allowance
30	Line 28 minus line 29

SCHEDULE B

3*	Total interest income
5	Total ASC interest
6	ASC exclusion
7	Line 5 minus line 6
8	Add line 3 and line 7
10	Total dividend income
11	Capital gain distribution
12	Non-taxable distributions
14	Capital gains distribution/nontaxable distributions/and dividends excluded from dividend reinvestment
15	Subtract line 14 from line 10. Line 10 minus line 14
16	Any interest in foreign account?
17	Grantor or transferor of foreign trust?

SCHEDULE D

4f	Total short-term losses
4g	Total short-term gains
5	Short-term net gain or loss
6	Short-term capital loss carryover
7	Total of lines 5 and 6
11f	Total long-term losses
11g	Total long-term gains
12	Long-term net gain or loss
13	Capital gain distribution
16	Total of lines 12 through 15
18	Long-term net gain or loss
19	Add lines 7 and 18
19a	Does line 19 show gain?
20	See instructions
21	60% of line 20
22	Line 19 minus line 22
25	Short-term loss on line 7
26	Gain on line 18
27	Line 26 minus line 25
28	Same as line 24
29	Lesser of line 27 or line 28
30	Short-term loss carryover
31	Line 28 minus line 29
32	Loss on line 18
33	Gain on line 7
34	Line 33 minus line 32
35	Line 31 × 2
36	Long-term loss carryover

SCHEDULE W

1a&b	Wages, salaries, tips, etc.
2a&b	Profit or loss from self-employment
3a&b	Line 1 plus line 2
4a&b	Adjustments
5a&b	Line 3 minus line 4
6	Lesser of line 5a or line 5b
8	Line 6 times .05

[FR Doc. 83–8068 Filed 3–28–83; 8:45 am]
BILLING CODE 4830–01–C

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Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]. The list is the same as the prior quarterly list published in the **Federal Register**.

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954].

Bahrain	Saudi Arabia
Iraq	Syria
Jordan	United Arab Emirates
Kuwait	Yemen, Arab Republic
Lebanon	Yemen, Peoples Democratic Republic of
Libya	
Oman	
Qatar	

John E. Chapotoh,

Assistant Secretary for Tax Policy.

[FR Doc. 83-8017 Filed 3-28-83; 8:45 am]

BILLING CODE 4810-25-M

[Supplement to Department Circular Public Debt Series—No. 8-83]

Series H-1987 Notes; Interest Rate

March 23, 1983.

The Secretary announced on March 22, 1983, that the interest rate on the notes designated Series H-1987, described in Department Circular—Public Debt Series—No. 8-83 dated March 16, 1983, will be 10¼ percent. Interest on the notes will be payable at the rate of 10¼ percent per annum.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-7976 Filed 3-28-83; 8:45 am]

BILLING CODE 4810-40-M

[Order No. 114-1]

Establishment of the Office of the Assistant Secretary (Electronic Systems and Information Technology)

March 14, 1983.

By virtue of the authority vested in me as Secretary of the Treasury, including authority vested in me by 31 U.S.C. 321(b), it is ordered that:

1. The position of Assistant Secretary (Electronic Systems and Information Technology) is hereby established. The incumbent will report to the Secretary and will be responsible for the policy, oversight, and improvement of the electronic data processing, telecommunications, and office automation activities of the Department. Such responsibilities include, but are not limited to:

a. Agencywide oversight and coordination of office automation, electronic data processing, and, jointly with the Assistant Secretary for Administration, telecommunications.

b. Establishment and promulgation of policies, standards, and directives on the utilization of electronic data processing and, jointly with the Assistant Secretary for Administration, telecommunications resources.

c. Review of budgets for Electronic Systems and Information Technology for the Treasury Department and its bureaus.

d. Advice to the Secretary on systems applications that offer the greatest return, in increased effectiveness and improved productivity, in support of Treasury Department mission accomplishment.

e. Serving as the principal advisor to the Secretary, the Deputy Secretary, and senior officials throughout the Treasury Department on matters related to electronic systems and information technology.

2. The Office of the Assistant Secretary (Electronic Systems and Information Technology) is hereby established. Under the supervision of the Assistant Secretary (Electronic Systems and Information Technology), the office performs the following functions:

a. Oversight and policy development for electronic data processing systems, office automation, and, jointly with the Assistant Secretary for Administration, telecommunications, Departmentwide, including review of acquisition planning.

b. Administering the Departmental electronic data processing and, jointly with the Assistant Secretary for Administration, telecommunications standards program.

c. Representing the Department to other executive agencies in matters related to overall policy in the areas of electronic data processing, office automation, and telecommunications.

d. Assisting in determining funding levels for bureau resource requests for Electronic Systems and Information Technology.

e. Coordinating and evaluating the utilization and effective operation of electronic data processing and telecommunications resources in the Department.

f. Representing the Secretary on the National Communications Security Committee and fully informing the Assistant Secretary (Administration) and heads of bureaus as to major pending issues affecting operations.

3. This Order is effective immediately. All previous Orders to the extent they are inconsistent with the above are hereby amended or superseded respectively.

Donald T. Regan,

Secretary of the Treasury.

[FR Doc. 83-7970 Filed 3-28-83; 8:45 am]

BILLING CODE 4810-25-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Department of Commerce

International Trade Administration

Advisory Committee for Trade Negotiations and President's Export Council; Meeting and Determination of Closing of Meeting

The joint meeting of the Advisory Committee for Trade Negotiations (ACTN) and the President's Export Council (PEC) to be held Friday, April 15, 1983, from 10:00 a.m. to 12:00 noon at the Old Executive Office Building in Room 450, will involve a review and discussion of the current issues involving the trade policy of the United States. The review and discussion will deal with information submitted in confidence by the private sector members of each committee under Section 135 (g)(1)(A) of the Trade Act of 1974, as amended (the Act); information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives; information the disclosure of which would be likely to significantly frustrate implementation of proposed government action; and information properly classified pursuant to Executive Order 12356 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States.

All members of the ACTN and the PEC have all necessary security clearances. Consistent with determinations concerning other advisory committees established under section 135(c) of the Act, we hereby determine that the joint meeting of the ACTN and the PEC will be concerned with matters listed above and with

matters listed in section 552b(c) of Title 5 of the United States code. Therefore, the joint meeting of the Advisory Committee for Trade Negotiations and the President's Export Council will be closed to the public.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506 or Wendy Haimes, Executive Director of the President's Export Council, United States Department of Commerce, Washington, D.C. 20230.

Phyllis O. Bonanno,

Director, Office of Private Sector Liaison, United States Trade Representative.

Henry Misisco,

Acting Director, Office of Planning and Coordination, United States Department of Commerce.

[FR Doc. 83-8019 Filed 3-28-83; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 61
Tuesday, March 29, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Items
Civil Aeronautics Board	1-2
Federal Deposit Insurance Corporation	3
Postal Service	4

1

CIVIL AERONAUTICS BOARD

[M-377, Amdt. 2]

Deletion From the March 24, 1983 Meeting

March 24, 1983.

TIME AND DATE: 9:30 a.m., March 24, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

40. Docket 41236, Application of Pan American World Airways, Inc., for an exemption. (U.S.—Japan—Taiwan; U.S.—Japan—South Korea) (BIA, OGC, BALJ)

STATUS: Closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

[S-432-83 Filed 3-25-83; 3:52 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

[M-377, Amdt. 1]

Change of the Status From Open to Closed at the March 24, 1983 Meeting

March 23, 1983.

TIME AND DATE: 9:30 a.m., March 24, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

39. Docket 41254, Application of Singapore Airlines (SIA) for an exemption from the frequency limitation condition on its Hong Kong-U.S. services, contained in its foreign air carrier permit. (Memo 1756, BIA, OGC)

STATUS: Closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-429-83 Filed 3-24-83; 4:02 pm]

BILLING CODE 6320-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:05 p.m. on Thursday, March 24, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider applications for capital assistance under section 13(i) of the Federal Deposit Insurance Act (names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

At that same meeting, the Board of Directors considered a personnel matter.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: March 25, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-431-83 Filed 3-25-83; 3:40 pm]

BILLING CODE 6714-01-M

4

POSTAL SERVICE

(Board of Governors)

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 2:00 p.m. on Monday, April 4, in Richmond, Virginia, and at 8:00 a.m. on Tuesday, April 5, in Room 322 of the Richmond Management Sectional Center, 1801 Brook Road, Richmond, Virginia. As indicated in the following paragraph, the Monday meeting is closed to public observation. Should the Board fail to complete its agenda for the closed session on April 4, it is expected to resume its consideration of that agenda on April 5, following the open meeting. Requests for information about the meetings should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

At its meetings of March 7 and 8, 1983, the Board voted in accordance with the provisions of the Sunshine Act to close to public observation its meeting scheduled for April 4. The agenda items of the meeting to be closed concern strategic planning in regard to future rate adjustments, proposed changes in the E-COM rate and mail classification provisions, consideration of the Final Opinion and Recommended Decision on Remand which the Postal Rate Commission issued on March 4, 1983, in Docket No. MC78-3, and the selection of a Deputy Postmaster General.

Agenda

Monday Afternoon Session (Closed)

1. Strategic Planning—Future Rate Adjustments
2. March 4, 1983, Recommended Decision of the Postal Rate Commission on E-COM Service in Docket No. MC78-3.
3. Discussion of proposed changes in E-COM rate and mail classification provisions.
4. Discussion of the possible appointment of a new deputy Postmaster General.

Tuesday Morning Session (Open)

1. Minutes of Previous Meetings.
2. Remarks of the Postmaster General.

(In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. Nothing that requires a decision by the Board is brought up under this item.)

3. Officer Compensation.
(The Board will consider approval of a recommendation by the Postmaster General regarding adjustments in officer compensation.)
4. Report on Finance Group Programs.
(Mr. Finch, Senior Assistant Postmaster General for Finance, will present the annual review of developments in the Finance Group.)
5. Capital Investment Projects:
a. Procurement of 288 truck tractors,
b. Procurement of 1,082 parcel delivery vans (1–Ton).
(Mr. Biglin, Senior Assistant Postmaster General, Administration Group, will present proposals for these two procurements of vehicles.)
6. Report of the Regional Postmaster General.
(Mr. Daws, Regional Postmaster General, will report on postal conditions in the Eastern Region.)
7. Consideration of Tentative Agenda for the May 2/3 meeting.

Louis A. Cox,

Secretary.

[S–430–83 Filed 3–25–83; 2:54 pm]

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Presidential Documents

Title 3—

The President

Proclamation 5036 of March 25, 1983

Asian/Pacific American Heritage Week, 1983

By the President of the United States of America

A Proclamation

The strength of America lies in our free enterprise system, and the spirit of our great Nation grows out of the richness of our diverse cultural heritage and the hard work and convictions of our citizens.

Americans who have come to this land from Asian and Pacific countries have overcome great adversity and supreme challenges to make outstanding contributions to our Nation's progress in a wide range of fields—science, the arts, medicine, law, literature, agriculture, industry, commerce, and government.

As we celebrate the accomplishments of Asian and Pacific Americans, we are grateful to them for bringing to our shores the strong and varied traditions of their homelands and for greatly enriching our culture and our institutions. We appreciate and value their presence and treasure their enduring commitment to the unalienable right to life, liberty, and the pursuit of happiness.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby declare the week beginning May 7, 1983 as Asian/Pacific American Heritage Week and call upon the American people to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-8371
Filed 3-28-83: 4:17 pm]
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Presidential Documents

Executive Order 12410 of March 28, 1983

Exclusions From the Federal Labor-Management Relations Program

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7103(b) of Title 5 of the United States Code, and in order to exempt an additional agency subdivision from coverage of the Federal Labor-Management Relations Program, it is hereby ordered as follows: Executive Order No. 12171, as amended, is further amended by adding to Section 1–212 thereof the following new subsection:

"(v) The Joint Special Operations Command (JSOC).".

Ronald Reagan

THE WHITE HOUSE.
March 28, 1983.

[FR Doc. 83–8372
Filed 3–28–83; 4:18 pm]
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7 CFR P

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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1106

[Milk Order No. 106]

Milk in the Southwest Plains Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain shipping standards for pooling supply plants under the Southwest Plains milk order during the months of March through July 1983. During these months, no shipments of milk to distributing plants from supply plants would be required in order to pool supply plants that were previously associated with the market. The action was requested by the operator of a pool supply plant because of increasing production and a decline in demand for milk in fluid uses. Because of a change in the market's supply-demand relationship, it is not anticipated that supply plant shipments will be necessary to furnish the fluid milk needs of distributing plants. Without the suspension, unneeded and uneconomic shipments of supply plant milk would likely be made solely for the purpose of polling milk of dairy farmers who have historically furnished the fluid milk needs of the market.

EFFECTIVE DATE: March 30, 1983.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Proposed Suspension; issued March 2, 1983; published March 8, 1983 (48 FR 9658).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the required suspension procedures and the inclusion of March 1983 in the suspension period. The initial request for this action was received on February 24, 1983. A notice of proposed suspension was issued on March 2, 1983, inviting interested parties to submit comments on the proposed action on or before March 15, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to insure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southwest Plains marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 9658) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of March through July 1983, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1106.6, the language "during the month".

2. In § 1106.7(b)(1), the language "until any month of such period in which less than 20 percent of the milk received or diverted as previously specified, is shipped to plants described in paragraph (a) of this section. A plant not meeting such 20 percent requirement in any month of such February–August period shall be qualified in any remaining month of such period only if transfers and diversions pursuant to paragraph (b)(2) of this section to plants described in paragraph (a) of this section are not less than 50 percent of receipts or diversions, as previously specified" and the language "until any month of such period in which the plant fails to meet the 20 percent shipping requirement".

Statement of Consideration

Under this action, no shipments of milk to distributing plants from supply plants would be required in order to pool supply plants that were previously associated with the market. The order currently defines a supply plant as a plant from which shipments are made to distributing plants during the month. Also, the order provides that supply plants that were pooled during each of the previous months of September through January under the Southwest Plains order or during the months of September through December 1982 under any of the four predecessor orders that were merged to form the Southwest Plains order effective January 1, 1983, will be pooled during the following months of February through August if not less than 20 percent of monthly receipts are shipped to pool distributing plants. This action would eliminate the supply plant shipping standards for pooling such plants during March–July 1983.

The action was requested by a handler who operates a supply plant that is currently pooled under the order on the basis of milk shipments to pool distributing plants. The plant was also pooled during each of the previous months of September 1982 through January 1983 under the Southwest Plains order or its predecessor orders. The handler requested the suspension because of a general increase in

production without a corresponding increase in the demand for milk in fluid use. Because of a change in the supply-demand relationship, it is not anticipated that any shipments from proponent's supply plant will be needed to furnish the fluid milk needs of distributing plants. Without the suspension, unneeded and uneconomic shipments of milk from supply plants would likely be made solely for the purpose of pooling the milk of dairy farmers who have historically supplied the fluid milk needs of the market.

Interested parties were given an opportunity to submit written data, views, or arguments concerning the suspension. A cooperative association that represents producers who supply the market supported the proposed action to facilitate the efficient disposition of an increasing supply of milk in excess of fluid milk needs. No views in opposition to the suspension were received.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without the suspension unneeded and uneconomic shipments of milk from supply plants would likely be made solely for the purpose of pooling the milk of dairy farmers who have historically supplied the fluid milk needs of the market.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1106

Milk marketing orders, milk, dairy products.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of March through July 1983.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 30, 1983.

Signed at Washington, D.C., on March 24, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-8104 Filed 3-29-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 100 and 103

Statement of Organization; Powers and Duties of Service Officers; Availability of Service Records; Organization Changes

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the Immigration and Naturalization Service regulations to reflect the organization changes within the Service which have been approved by the Attorney General. Reorganization of the Service improves the management, direction, and control of Service programs which will enhance overall efficiency and provide better service to the public.

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer Office of Policy Directives and Instructions, Immigration and Naturalization Service, 425 Eye Street NW., Washington, DC 20536, Telephone: (202) 633–3048.

For Specific Information: John E. Nahan, Acting Director, Office of Plans and Analysis, Immigration and Naturalization Service, 425 Eye Street NW., Washington, DC 20536, Telephone: (202) 633–3242.

SUPPLEMENTARY INFORMATION: On October 8, 1982, the proposed reorganization of the Central and Regional offices of the Immigration and Naturalization Service was approved by the Attorney General. Notification of the Service's reorganization was then sent to the Office of Management and Budget, and finally, to the Congress for their approval. The organization became effective on January 1, 1983.

The specific organizational changes of the Service are:

I. Central Office

A. Creation of an Executive Associate Commissioner position to oversee the Offices of Plans and Analysis, Information Systems, Examinations, and overseas offices.

B. Establishment of the Office of Information Systems comprised of a Records division, a Systems division, an Office of Policy Directives and Instructions, and an Office of Information Systems Planning.

C. Within the Office of Examination, consolidation of the Adjudication and Naturalization functions into one Adjudication and Naturalization Division. In addition, upgrading of the Refugee, Asylum and Parole Unit to a Division.

D. Reconfiguration of the Office of Management to reintegrate allied management functions. The Comptroller, the Office of Evaluation, and the Equal Employment Opportunity Officer are now part of Management.

E. Creation of the Office of Plans and Analysis, to include, among other functions, planning, statistics, analysis and research.

II. Regional Offices

A. Elimination of the Deputy Regional Commissioner position.

B. Creation of a single Associate Regional Commissioner for Operations. Consolidation of Examinations and Enforcement under a single Associate Regional Commissioner for Operations.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is not required because the rule relates solely to agency organization and management.

The rule will not have a significant economic impact on a substantial number of small entities since it relates solely to internal management and is exempt from the requirements of E.O. 12291 as set out under Section 1(a)(3) thereof.

List of Subjects

8 CFR Part 100

Administrative practice and procedure, Authority delegation, Harbors, Organization and functions, Port of entry (both aircraft and vessels).

8 CFR Part 103

Administrative practice and procedure, Archives and records, Authority delegation, Freedom of Information Act, Organization and functions.

Accordingly, Title 8 of the Code of Federal Regulations is amended as follows:

PART 100—STATEMENT OF ORGANIZATION

1. In Part 100, § 100.1 is revised to read as follows:

§ 100.1 Introduction.

This Part describes the organization and functions of the Immigration and Naturalization Service, procedures for obtaining and submitting information by the public, locations and organization of Service field offices, and the Service's rulemaking authority.

2. In Part 100, § 100.2 is revised to read as follows:

§ 100.2 Organization and functions.

(a) *Office of the Commissioner.* The Attorney General has delegated to the Commissioner, the principal officer of the Immigration and Naturalization Service, authority to administer and enforce the Immigration and Nationality Act and all other laws relating to immigration, naturalization, and nationality as prescribed and limited by 28 CFR 0.105 *et seq.*

(1) *Office of the General Counsel.* The Office of the General Counsel, headed by the General Counsel, provides legal advice to the Commissioner and staff, prepares legislative reports, assists in litigation and prepares briefs and other legal memoranda when necessary, directs the activities of regional counsels, oversees the professional activities of all Service attorneys assigned to field offices, and makes recommendations on all personnel matters involving Service attorneys.

(2) *Office of Congressional and Public Affairs.* Headed by the Director for Congressional and Public Affairs, a staff member to the Commissioner, responds to congressional inquiries, advises the Commissioner and staff concerning legislative matters, directs and coordinates public notices, announcements, press releases, and other public information.

(3) *Office of Professional Responsibility.* Headed by the Director for Professional Responsibility who is subject to the general supervision and direction of the Commissioner, and who supervises, directs, and coordinates the Professional Responsibility Program.

(4) *Office of Field Inspections and Audit.* Headed by the Director for Field Inspections and Audit who is subject to the general supervision and direction of the Commissioner and who supervises, directs, and coordinates the Field Inspections and Audit Program.

(b) *Office of the Deputy Commissioner.* Headed by the Deputy Commissioner who is authorized to exercise all power and authority of the Commissioner unless any such power or authority is required to be exercised by the Commissioner personally or has been specifically delegated to another Service official or class of Service officer.

(1) *Office of Enforcement.* Headed by the Associate Commissioner for Enforcement who is responsible for planning, developing, directing, coordinating, and reporting on Service enforcement programs and activities, and participating in formulating Service enforcement policies. The Associate Commissioner for Enforcement directly supervises:

(i) Border Patrol Division,

(ii) Investigations Division,

(iii) Detention and Deportation Division,

(iv) Office of Anti-Smuggling, and

(v) Intelligence Unit.

(2) *Office of Management.* Headed by the Associate Commissioner for Management who is responsible for planning, developing, directing, coordinating, and reporting on Service management programs and activities participating in formulating Service management policies. The Associate Commissioner for management directly supervises:

(i) Office of the Comptroller,

(ii) Personnel and Training Division,

(iii) Administration Division,

(iv) EEO Officer, and

(v) Office of Evaluation.

(c) *Office of the Executive Associate Commissioner.* Headed by the Executive Associate Commissioner who assists the Commissioner and Deputy Commissioner in all aspects of the administration of the Immigration and Naturalization Service by development and overall coordination of Servicewide policies and programs. The Executive Associate Commissioner provides general direction to and supervision of the Office of Plans and Analysis, Office of Information Systems, Office of Examinations, and all overseas offices.

(1) *Office of Plans and Analysis.* Headed by the Director for Plans and Analysis who is responsible for developing overall Service policies, strategic plans and programs, reviewing and analyzing the budget, and administering the Service's statistics and research programs.

(2) *Office of Information Systems.* Headed by the Associate Commissioner for Information Systems who is responsible for planning, developing, directing, coordinating, and reporting on Service information management programs and activities including automated data processing and telecommunications. The Associate Commissioner for Information Systems directly supervises:

(i) Records Systems Division,

(ii) Data Systems Division,

(iii) Office of Policy Directives and Instructions, and

(iv) Office of Information Systems Planning.

(3) *Office of Examinations.* Headed by the Associate Commissioner for Examinations who is responsible for planning, developing, directing, coordinating, and reporting on Service Examinations program activities, and participating in formulating Service Examinations policies. The Associate Commissioner for Examinations directly supervises:

(i) Adjudication and Naturalization Division,

(ii) Inspections Division,

(iii) Refugees, Asylum and Parole Division, and

(iv) Office of Outreach Program.

(d) *Offices of the Regional Commissioners.* Headed by regional commissioners who are assisted by associate regional commissioners for operations and associate regional commissioners for management, the regional commissioners are responsible for the administration and enforcement of all laws relating to immigration, nationality, and naturalization within their assigned geographic areas of activity. Regional commissioners are subject to the general supervision of the Commissioner and the direction of the Deputy Commissioner. Regional commissioners provide general guidance and supervision to:

(1) Service districts within their regions, and

(2) Border Patrol sectors within their regions.

(e) *Service districts.* Headed by district directors who may be assisted by deputy district directors, the district directors are responsible for the administration and enforcement of the Act and all other laws relating to immigration and naturalization within their assigned geographic areas of activity unless any such power and authority is required to be exercised by higher authority or has been exclusively delegated to another immigration official or class of immigration officer. District directors are subject to the general supervision and direction of their respective regional commissioners except that district directors outside of the United States are subject to the general supervision and direction of the Executive Associate Commissioner.

(f) *Border Patrol sectors.* Headed by chief patrol agents who may be assisted by deputy chief patrol agents, the chief

patrol agents are responsible for the enforcement of the Act and all other laws relating to immigration and naturalization within their assigned geographic areas of activity unless any such power and authority is required to be exercised by higher authority or has been exclusively delegated to another immigration official or class of immigration officer. Chief patrol agents are subject to the general supervision and direction of their respective regional commissioners.

§ 100.4 [Amended]

3. In part 100, paragraph (e) of § 100.4 is removed.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

4. In Part 103, § 103.1 is amended by revising paragraphs (a)–(j), (l), (m), (n) and (p), by removing the introductory text and paragraph (m–1), and by removing and reserving paragraphs (k) and (r) as follows:

§ 103.1 Delegations of Authority.

(a) *Deputy Commissioner.* Without divesting the Commissioner of any of the powers, duties, and privileges delegated by the Attorney General, coextensive authority is delegated to the Deputy Commissioner. The Deputy Commissioner is delegated responsibility for providing general direction to and supervision of the Executive Associate Commissioner, Associate Commissioner for Enforcement, Associate Commissioner for Management, and the regional commissioners.

(b) *Executive Associate Commissioner.* Under the direction of the Commissioner and Deputy Commissioner, the Executive Associate Commissioner assists in all aspects of the administration of the Immigration and Naturalization Service and is delegated the authority and responsibility for providing general direction to and supervision of the Associate Commissioner for Information Systems, Associate Commissioner for Examinations, and the Director for Plans and Analysis, and also to direct and support Service overseas operations.

(c) *Associate Commissioner for Enforcement.* Under the direction of the Deputy Commissioner, the Associate Commissioner for Enforcement is delegated authority and responsibility for program planning, development, coordination, evaluation, counseling, and staff direction of the Border Patrol, Investigations, Detention and Deportation, Anti-Smuggling, and Intelligence programs, and general direction and supervision of:

(1) Assistant Commissioner for Border Patrol,

(2) Assistant Commissioner for Investigations,

(3) Assistant Commissioner for Detention and Deportation,

(4) Director for Anti-Smuggling, and

(5) Program Manager for Intelligence.

(d) *Associate Commissioner for Management.* Under the direction of the Deputy Commissioner, the Associate Commissioner for Management is delegated authority and responsibility for program planning, development, coordination, evaluation, counseling, and staff direction of the Comptroller, Personnel and Training, Administration, Equal Employment Opportunity Complaints Processing, and Evaluations programs, and general direction to and supervision of:

(1) Comptroller,

(2) Assistant Commissioner for Personnel and Training,

(3) Assistant Commissioner for Administration,

(4) Equal Employment Opportunity Officer, and

(5) Director for Evaluation.

(e) *Associate Commissioner for Information Systems.* Under the direction of the Executive Associate Commissioner, the Associate Commissioner for Information Systems is delegated authority and responsibility for program planning, development, coordination, evaluation, counseling, and staff direction of the Record Systems, Data Systems, Policy Directives and Instructions, and Information Systems Planning programs, and general direction to and supervision of:

(1) Assistant Commissioner for Records Systems,

(2) Assistant Commissioner for Data Systems,

(3) Director for Policy Directives and Instructions, and

(4) Director for Information Systems Planning.

(f) *Associate Commissioner for Examinations.* Under the direction of the Executive Associate Commissioner, the Associate Commissioner for Examinations is delegated authority and responsibility for program planning, development, coordination, counseling, and staff direction of Adjudication and Naturalization, Inspections, Refugees, Asylum and Parole, and Outreach programs and general direction to and supervision of:

(1) Assistant Commissioner for Adjudication and Naturalization,

(2) Assistant Commissioner for Inspections,

(3) Assistant Commissioner for Refugees, Asylum and Parole, and

(4) Director for Outreach Program.

(g) *General Counsel.* Under the direction of the Commissioner, the General Counsel is delegated the responsibility of chief legal officer for the Service and is assisted by a Deputy General Counsel and staff. The General Counsel advises the Commissioner and staff on legal matters, prepares legislative reports, assists in litigation, including preparing briefs and other legal memoranda as necessary. Acting through the regional counsels, the General Counsel is delegated the responsibility for overseeing the professional activities of all Service attorneys assigned to field offices, making recommendations to the Department of Justice on all personnel matters involving Service attorneys, including attorney discipline which requires final action or approval by the Associate Attorney General or other designated Department of Justice official. The General Counsel is delegated authority and the responsibility to perform the functions conferred upon the Commissioner with respect to production or disclosure in federal proceedings as provided in 28 CFR 16.24(a).

(h) *Director for Congressional and Public Affairs.* Under the direction of the Commissioner, and assisted by a Deputy Director for Congressional and Public Affairs, the Director for Congressional and Public Affairs is delegated responsibility for program planning, development, coordination, and execution of programs relating to Congressional and public affairs of the Service, including Public Information Program activities.

(i) *Director for Professional Responsibility.* Under the direction of the Commissioner, the Director for Professional Responsibility is delegated authority, and responsibility for program planning, coordinating, evaluating, reporting, and counseling relating to the Professional Responsibility Program. The Director for Professional Responsibility reports directly to the Commissioner and to a designated Department of Justice official in matters relating to the Professional Responsibility Program.

(j) *Director for Field Inspections and Audit.* Under the direction of the Commissioner, the Director for Field Inspections and Audit is delegated the responsibility for program planning, development, coordination, and execution of field inspections and audits

and to report to the Commissioner, in a timely manner, the results and recommendations of all completed field inspections and audits.

(k) [Reserved].

(l) *Regional Commissioners.* Under the general supervision of the Commissioner and direction of the Deputy Commissioner, regional commissioners are delegated the authority and responsibility for the activities of the Service within their respective regional areas including:

(1) Authority to:

(i) Settle tort claims of $2500 or less under 28 U.S.C. 2672; and

(ii) Compromise, suspend, or terminate collection of claims of the United States not exceeding $20,000 exclusive of interest under 31 U.S.C. 951 and 952; and

(2) Appellate jurisdiction over decisions on:

(i) Breaching of bonds under § 103.6(e) of this part;

(ii) Third and sixth preference petitions under § 204.1(c) of this title except when the denial of the petition is based upon lack of a certification by the Secretary of Labor under section 212(a)(14) of the Act;

(iii) Indochinese refugee applications for adjustment of status under § 245.2(a)(4) and (e) of this title;

(iv) Orphan petitions under § 204.1(b) of this title;

(v) Applications for advance processing of orphan petitions under § 204.1(b)(3) of this title;

(vi) Revoking approval of certain petitions under § 205.3 of this title;

(vii) Applications for permission to reapply for admission to the United States after deportation or removal under § 212.2 of this title;

(viii) Applications for waiver of certain grounds of excludability under § 212.7(a) of this title;

(ix) Applications for waiver of the two-year foreign residence requirement under §212.7(c) of this title;

(x) Petitions for approval of schools under § 214.3 of this title;

(xi) Petitions for temporary workers or trainees and fiancees or fiances of U.S. citizens under § 214.2 of this title;

(xii) Applications for issuance of reentry permits under § 223.1 of this title;

(xiii) Applications for refugee travel documents under § 223a.4 of this title;

(xiv) Applications for benefits of section 13 of the Act of September 11, 1957, as amended, under § 245.3 of this title;

(xv) Adjustment of status of certain resident aliens to nonimmigrants under § 247.12(b) of this title;

(xvi) Applications for change of nonimmigrant status under § 248.3(d) of this title;

(xvii) Applications to preserve residence for naturalization purposes under § 316a.21(c) of this title;

(xviii) Applications for certificates of citizenship under § 341.6 of this title;

(xix) Administrative cancellation of certificates; documents, and records under § 342.8 of this title;

(xx) Applications for certificates of naturalization or repatriation under § 343.1 of this title;

(xxi) Applications for new naturalization or citizenship papers under § 343a.1(c) of this title;

(xxii) Applications for special certificates of naturalization under § 343b.11(b) of this title; and

(xxiii) Applications by organizations to be listed on the Service listing of free legal services program and removal therefrom under Part 292a of this title.

(m) *Regional Counsels.* In addition to other legal activities performed under the executive direction of the General Counsel, regional counsels are delegated authority within their respective regional areas, concurrent with that of the General Counsel, to approve production or disclosure in federal proceedings as provided in 28 CFR 16.24(a).

(n) *District Directors.* District directors within the United States are under the direction of their respective regional commissioners. District directors who are assigned overseas are under the direction of the Executive Associate Commissioner. District directors are delegated the authority and responsibility to grant or deny any application or petition submitted to the Service, to initiate any authorized proceeding in their respective districts, and to exercise the authorities under §§ 242.1(a), 242.2(a), and 242.7 of this title without regard to geographical limitations. District directors outside the United States are delegated all appellate jurisdiction specified in this chapter not reserved to the Executive Office for Immigration Review and the Board of Immigration Appeals for matters arising in their respective districts. District directors, acting district directors, and deputy district directors are delegated authority to conduct the proceeding provided for in § 252.5 of this title.

* * * * *

(p) *Chief Patrol Agents.* Under the direction of their respective regional commissioners, chief patrol agents are delegated authority and responsibility for the Border Patrol activities of the Service within their respective sectors, including exercising the authority in section 242(b) of the Act to permit aliens to depart voluntarily from the United States prior to commencement of hearing.

* * * * *

(r) [Reserved].

(Secs. 501, 65 Stat. 290; 103, 66 Stat. 173; 31 U.S.C. 483a, 8 U.S.C. 1103)

Dated: March 23, 1983.

Alan C. Nelson,

Commissioner of Immigration and Naturalization.

[FR Doc. 83-8066 Filed 3-29-83; 8:45 am]

BILLING CODE 4410-10-M

CIVIL AERONAUTICS BOARD

14 CFR Part 241

[Docket 39498; Regulation ER-1319A]

Uniform System of Accounts and Reports for Certificated Air Carriers; Amendment of Fuel Cost and Consumption Reporting; Approval of Reporting Requirements by OMB

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Approval of Reporting Requirements by the Office of Management and Budget.

SUMMARY: The Civil Aeronautics Board reduced the amount of fuel cost and consumption data reported monthly by certificated air carriers, in ER-1319 (48 FR 3941, January 28, 1983). The Office of Management and Budget approved the revised reporting requirements contained in this final rule through February 29, 1984, under OMB No. 3024-0013.

DATES: Effective: April 1, 1983. Adopted: March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Linda K. Koman, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

List of Subjects in 14 CFR Part 241

Air carriers, Uniform System of Accounts and Reports.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-8206 Filed 3-29-83; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 253

[Docket 40772; Regulation ER-1323A]

Terms of Contract of Carriage; Approval of Reporting Requirements by OMB

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Approval of Reporting Requirements by the Office of Management and Budget.

SUMMARY: The Civil Aeronautics Board extended its rules regarding notice of terms of contract of carriage to all scheduled airlines regardless of the size of aircraft used, or whether they interline with other carriers, in ER-1323 (48 FR 6317, February 11, 1983). The Office of Management and Budget approved the revised reporting requirements contained in this final rule through March 31, 1986, under OMB No. 3024-0061.

DATES: Effective: March 12, 1983. Adopted: March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Linda K. Koman, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

List of Subjects in 14 CFR Part 253

Advertising, Air carriers, Air transportation, Claims, Consumer protection, Law, Travel.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-8047 Filed 3-29-83; 8:45 am]

BILLING CODE: 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9151]

Champion Home Builders Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violation of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires a Drydon, Mich. manufacturer and seller of solar energy equipment, among other things, to cease making false or unsubstantiated representations concerning the performance, durability, quality and maintenance requirements of its solar energy equipment. Also prohibited are unsubstantiated claims concerning the energy- and money-savings potential realized from use of such equipment. Further, the order requires the company to contact all purchasers of its equipment and inform them that the company is offering cash settlements to eligible persons. Those accepting the cash settlement would waive any legal claims they may have against the company, and any rights to receive service or repairs under the manufacturer's warranty. Additionally, the company must send a warning package to all purchasers of its equipment, notifying them of precautions that should be taken to minimize any potential for fire in Champion-manufactured solar energy equipment.

DATES: Complaint issued February 5, 1981. Decision and Order issued February 17, 1983.*

FOR FURTHER INFORMATION CONTACT: FTC/PA, Marilyn J. Holmes, Washington, D.C. 20580. (202) 724-0727.

SUPPLEMENTARY INFORMATION: On Monday, November 8, 1982, there was published in the **Federal Register**, 47 FR 50502, a proposed consent agreement with analysis In the Matter of Champion Home Builders Co., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has made its jurisdictional findings and entered its modified order to cease and desist, as set forth below, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages, or connections; 13.15-30 Connections or arrangements with others; 13.15-250 Qualifications and abilities; 13.15-278 Time in business; § 13.50 Dealer or seller assistance; § 13.170 Qualities or properties of product or service; 13.170-20 Cooling, refrigerating; 13.170-30 Durability or permanence; 13.170-34 Economizing or saving; 13.170-43 Heating; § 13.175 Quality of product or service; § 13.185 Refunds, repairs and replacements; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests; § 13.225 Services. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records; 13.533-45(a) Advertising substantiation; 13.533-45(e) Correspondence; 13.533-57 Restitution. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1395 Connections and arrangements with others; § 13.1485 Manufacturer's operations; § 13.1535 Qualifications.—Goods: § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1895 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Solar energy equipment, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The modified order to cease and desist is as follows:

In the matter of Champion Home Builders Co., a corporation; Docket No. 9151.

Decision and Order

The Commission having heretofore issued its complaint charging the respondent named in the caption hereof with violation of Section 5 of the Federal Trade Commission Act, as amended, and the respondent having been served with a copy of that complaint, together with a notice of contemplated relief; and

The respondent, its attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Secretary of the Commission having thereafter withdrawn this matter from adjudication in accordance with § 3.25(c) of its Rules; and

The Commission having considered the matter, having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, and having duly considered the

*Copies of the Complaint filed with the original document.

comments filed thereafter pursuant to § 3.25(f) of its Rules; and

Respondent and complaint counsel having thereafter submitted modifications to the consent agreements by letter dated January 14, 1983;

Now in further conformity with the procedure prescribed in § 3.25(f) of its Rules, the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent Champion Home Builders Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Michigan, with its office and principal place of business located at 5573 East North Street, in the City of Dryden, State of Michigan.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

Order

For purposes of this Order, the following definitions shall apply:

(1) "Solar energy equipment" shall mean all space heating or cooling or water heating equipment utilizing energy from the sun, including but not limited to Solar Furnaces and solar collectors manufactured by respondent, whether sold under the Champion brand name or another brand name.

(2) "Solar Furnace" shall mean the solar heating equipment manufactured by respondent between approximately 1976 and 1979, consisting of a self-contained A-frame structure with a collector and storage compartment, including but not limited to equipment designated by respondent, or possessing the same design and physical characteristics as equipment designated by respondent, as models 96, 128, 160, 1500, 2000, and 2500, whether sold under the Champion brand name or another brand name.

(3) "Solar collector" shall mean the solar heating equipment manufactured by respondent between approximately 1976 and 1979, consisting of a glass-covered box with a dark absorber surface over which air can pass, including but not limited to the product marketed under the name "Champion Vertafin Collector."

(4) "Solar collector system" shall mean each distinct system of solar collector(s), air handlers, and controls.

(5) As used in this Order, the requirement to cease and desist from representing or misrepresenting shall include representing or misrepresenting orally, visually, in writing, or in any other manner, directly or by implication.

(6) "Competent and reliable scientific test" shall mean a test in which persons with skill and expert knowledge in the field to which the test pertains conduct the test and evaluate its results in an objective manner using testing, evaluation, and analytical procedures that ensure accurate and reliable results.

(7) "Purchaser" shall mean any person who purchased a Solar Furnace or solar collector for his or her own use as heating equipment or as a demonstrator, and who did not sell any Solar Furnace or solar collector (except for second-hand resale of the Solar Furnace or solar collector purchased by such person for his or her own use). This term shall include any dealer as defined below who did not sell any Solar Furnace or solar collector (except for second-hand resale of the Solar Furnace or solar collector purchased by such dealer for his or her own use).

(8) "Dealer" shall mean any person authorized by respondent, by a distributor of respondent, or by a licensee or a distributor of a licensee of International Solarthermics Corporation, to sell Solar Furnaces or solar collectors to purchasers.

(9) "Eligible direct purchaser" shall mean any purchaser who purchased a Champion brand name Solar Furnace or solar collector, as new. This term shall not include any purchaser who, prior to April 1, 1982, waived all claims with respect to the Solar Furnace or solar collector in exchange for monetary compensation, or who received a judgment in a court of law for monetary damages or for a full or partial refund of the purchase price in an action against respondent with respect to the Solar Furnace or solar collector.

(10) "Eligible direct dealer" shall mean any dealer who purchased a Champion brand name Solar Furnace or solar collector, as new, for his or her own use as heating equipment or as a demonstrator, and who sold at least one but less than three Solar Furnaces and solar collectors to purchasers. This term shall not include any dealer who, prior to April 1, 1982, waived all claims with respect to the Solar Furnace or solar collector in exchange for monetary compensation, or who received a judgment in a court of law for monetary damages or for a full or partial refund of the purchase price in an action against respondent with respect to the Solar Furnace or solar collector.

(11) "Eligible licensee purchaser" shall mean any purchaser who purchased a Solar Furnace or solar collector of a brand name other than Champion, as new. This term shall not include any purchaser who, prior to April 1, 1982, waived all claims with respect to the Solar Furnace or solar collector in exchange for monetary compensation, or who received a judgment in a court of law for monetary damages or for a full or partial refund of the purchase price in an action against respondent with respect to the Solar Furnace or solar collector.

Part I

It is ordered that respondent Champion Home Builders Co., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacture, advertising, offering for sale, sale, or distribution of any solar energy equipment in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Representing in any manner that:

(1) Respondent's solar energy equipment does not have any defect which substantially impairs the reliability, durability, or performance of the equipment;

(2) Little or no maintenance is required to keep respondent's solar energy equipment in operating condition;

(3) Respondent's solar energy equipment, or any material or component thereof, is durable or reliable;

(4) Respondent's solar energy equipment, or any material or component thereof, is not adversely affected by high temperatures;

(5) Respondent has 60 factories producing solar energy equipment, has a 22-year record of mass producing solar energy equipment, or has 3,200 trained dealers nationwide to provide prompt service on its solar energy equipment; or

(6) Competent, independently conducted tests have verified the performance or quality of respondent's solar energy equipment;

unless such representation is true, and unless, at the time that the representation is made, respondent possesses and relies upon a competent and reliable scientific test or other objective material which substantiates the representation.

B. Representing in any manner the thermal or economic performance or efficiency, energy savings, heat output, cost recovery, "payback" potential, or investment potential of respondent's solar energy equipment unless such representation is true, and unless, at the time that the representation is made, respondent possesses and relies upon a competent and reliable scientific test or

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other objective material which substantiates the representation.

C. Misrepresenting in any manner:

(1) The reliability, durability, performance capabilities, or maintenance requirements of respondent's solar energy equipment;

(2) The production capabilities, manufacturing experience, or service capabilities of respondent relating to solar energy equipment; or

(3) The results or conclusions of any test upon which respondent relies to substantiate any representation relating to solar energy equipment.

Part II

It is further ordered that respondent shall:

A. Within 45 days after the date of service of this Order, determine the names and last known addresses of all purchasers and the names and last known addresses of all dealers. In making these determinations, respondent shall search all relevant records in its possession, custody, or control, and shall obtain and search all relevant service and repair records maintained by International Solar Technologies, Inc. as of the date of service of this Order.

B. Send by first-class mail, address correction requested, within 45 days after the date of service of this Order, to the last known address of each purchaser and dealer identified by respondent pursuant to Subpart A of this Part or identified by the Federal Trade Commission or its staff, a notice package consisting of: (1) A copy of the letter attached to this Order as Attachment A, incorporated herein by reference, with the return date filled in; (ii) a copy of the questionnaire form attached to this Order as Attachment B, incorporated herein by reference, with the return date filled in; (iii) a self-addressed, postage-paid envelope; and (iv) an envelope containing materials described in subsections (i) through (iii) and bearing the legend "CHAMPION SOLAR PROGRAM. IMPORTANT CASH SETTLEMENT OFFER." For the purpose of this Subpart, the return date shall be the date 90 days after the date of service of this Order.

Respondent shall also send by first-class mail a notice package to each person who, within 85 days after the date of service of this Order, contacts respondent or about whom respondent receives information indicating that the person may be a purchaser or dealer, and who has not received a notice package or received a notice package but subsequently lost it. The notice package shall be sent within five days after respondent's receipt of the contact or information.

Provided that respondent may refrain from sending a notice package to any person identified pursuant to Subparts A or B of this Part who respondent's records conclusively show is not an eligible direct purchaser, eligible direct dealer, or eligible licensee purchaser.

C. Determine all eligible direct purchasers, eligible direct dealers, and eligible licensee purchasers. These determinations shall be based upon all information received by respondent from returned Attachment B questionnaires, and all other information in respondent's possession, as of the date 105 days after the date of service of this Order.

Provided that respondent may determine that a person is or is not an eligible direct purchaser, eligible direct dealer, or eligible licensee purchaser notwithstanding the information provided by such person in an Attachment B form if respondent's records conclusively show that the person does or does not meet the definition of eligible direct purchaser, eligible direct dealer, or eligible licensee purchaser as set forth in Definitions (9), (10), and (11) of this Order.

D. Determine a tentative cash settlement amount for each eligible direct purchaser and eligible direct dealer identified pursuant to Subpart C of this Part. The tentative cash settlement amounts shall be determined according to the status of the person at the time of purchase of each Solar Furnace or solar collector and shall consist of the following:

(1) $1500 for each Solar Furnace or solar collector system purchased by an eligible direct purchaser who currently owns the unit(s) or who disposed of the unit(s) not for value;

(2) $1000 for each Solar Furnace or solar collector system purchased by an eligible direct purchaser and subsequently disposed of for value; and

(3) $750 for each Solar Furnace or solar collector system purchased by an eligible direct dealer which was purchased for the dealer's own use, either as hearing equipment or as a demonstrator.

Provided that if the aggregate dollar value of all tentative cash settlements determined pursuant to subsections (1) through (3) of this subpart exceeds $375,000, then each tentative cash settlement shall be prorated by multiplying the tentative cash settlement amount by the ratio of $375,000 to the aggregate dollar value of all tentative cash settlements determined pursuant to subsections (1) through (3).

E. Determine a tentative cash settlement amount for each eligible licensee purchaser identified pursuant to Subpart C of this Part. The tentative cash settlement amounts shall be determined according to the status of the person at the time of purchase of each Solar Furnace or solar collector and shall consist of the following:

(1) $750 for each Solar Furnace or solar collector system purchased by an eligible licensee purchaser who currently owns the unit(s) or who disposed of the unit(s) not for value; and

(2) $500 for each Solar Furnace or solar collector system purchased by an eligible licensee purchaser and subsequently disposed of for value.

Provided that if the aggregate dollar value of all tentative cash settlements determined pursuant to subsections (1) and (2) of this Subpart exceeds $150,000 plus any remaining portion of the $375,000 amount provided in Subpart D, then each tentative cash settlement shall be prorated by multiplying the tentative cash settlement amount by the ratio of $150,000 plus any remaining portion of the $375,000 amount to the aggregate dollar value of all tentative cash settlements determined pursuant to subsections (1) and (2).

F. Send by first-class mail, within 125 days after the date of service of this Order, to each eligible direct purchaser, eligible direct dealer, and eligible licensee purchaser who is determined pursuant to Subpart C of this Part; (i) a copy of the letter attached to this Order as Attachment C, incorporated herein by reference, with the tentative cash settlement amount and the return date filled in; (ii) a copy of the acceptance and waiver form attached to this Order as Attachment D, incorporated herein by reference, with the tentative cash settlement amount, the return date, and the date of the Attachment C letter filled in; and (iii) a self-addressed, postage-paid envelope. The tentative cash settlement amount shall be determined as provided in Subparts D and E of this Part. For the purposes of this Subpart, the return date shall be the date 155 days after the date of service of this order.

G. Send by first-class mail, within 180 days after the date of service of this Order, a cash settlement check to each eligible direct purchaser and eligible direct dealer who returned to respondent a signed Attachment D form which was received by respondent on or before the date 170 days after the date of service of this Order. Each cash settlement shall be in the amount determined as provided in Subpart D, subsections (1) through (3) of this Part,

and shall be determined according to the status of the person at the time of purchase of each Solar Furnace or solar collector.

Provided that if the aggregate dollar value of all cash settlements as determined above exceeds $375,000, then each cash settlement shall be prorated by multiplying the cash settlement amount by the ratio of $375,000 to the aggregate dollar value of all cash settlements as determined above.

H. Send by first-class mail, within 240 days after the date of service of this Order, a cash settlement check to each eligible licensee purchaser who returned to respondent a signed Attachment D form which was received by respondent on or before the date 170 days after the date of service of this Order. Each cash settlement shall be in the amount determined as provided in Subpart E, subsections (1) and (2) of this Part, and shall be determined according to the status of the person at the time of purchase of each Solar Furnace or solar collector.

Provided that if the aggregate dollar value of all cash settlements as determined above exceeds $150,000 plus any undistributed portion of the $375,000 fund provided in Subpart G of this Part, then each cash settlement shall be prorated by multiplying the cash settlement amount by the ratio of $150,000 plus any undistributed portion of the $375,000 fund to the aggregate value of all cash settlement as determined above.

I. Send by first-class mail to each person who, within 86 to 270 days after the date of service of this Order, contacts respondent or about whom respondent receives information indicating that the person may be a purchaser or dealer, and who has not received a notice package as provided in Subpart B or who received a notice package as provided in Subpart B but subsequently lost it, a notice package consisting of: (i) a copy of the letter attached to this Order as Attachment E, incorporated herein by reference, with the return date filled in; (ii) a copy of Attachment B, with the return date filled in; (iii) a self-addressed, postage-paid envelope; and (iv) an envelope containing the materials described in subsections (i) through (iii) and bearing the legend "CHAMPION SOLAR PROGRAM, IMPORTANT CASH SETTLEMENT OFFER." For the purposes of this Subpart, the return date shall be the date 275 days after the date of service of this Order. The notice package shall be sent within five days after respondent's receipt of the contact or information.

Provided that respondent may refrain from sending a notice package to any person who respondent's records conclusively show is not an eligible direct purchaser, eligible direct dealer, or eligible licensee purchaser.

J. Determine all additional eligible direct purchasers, eligible direct dealers, and eligible licensee purchasers. These persons shall include (i) persons whose Attachment B forms were received by respondent subsequent to the date 105 days after the date of service of this Order, and (ii) persons whose Attachment D forms were received by respondent subsequent to the date 170 days after the date of service of this Order. The determinations shall be based upon all information received by respondent from returned Attachment B questionnaires, and all other information in respondent's possession, as of the date 290 days after the date of service of this Order.

Provided that respondent may determine that a person is or is not an eligible direct purchaser, eligible direct dealer, or eligible licensee purchaser notwithstanding the information provided by such person in an Attachment B form if respondent's records conclusively show that the person does or does not meet the definition of eligible direct purchaser, eligible direct dealer, or eligible licensee purchaser as set forth in Definitions (9), (10), and (11) of this Order.

K. Determine a tentative cash settlement amount for each eligible direct purchaser, eligible direct dealer, and eligible licensee purchaser identified pursuant to Subpart J of this Part. The tentative cash settlement amounts shall be determined according to the status of the person at the time of purchase of each Solar Furnace or solar collector and shall consist of those amounts specified in Subpart D, subsections (1) through (3) and Subpart E, subsections (1) and (2) of this Part.

Provided that if the aggregate dollar value of all tentative cash settlements determined above exceeds $25,000 plus any undistributed portion of the $375,000 and $150,000 funds provided in Subparts G and H of this Part, then each tentative cash settlement shall be prorated by multiplying the tentative cash settlement amount by the ratio of $25,000 plus any undistributed portion of the $375,000 and $150,000 funds to the aggregate value of all cash settlements as determined above.

L. Send by first-class mail, within 310 days after the date of service of this Order, to each eligible direct purchaser, eligible direct dealer and eligible licensee purchaser who is determined pursuant to Subpart J(i) of this Part: (i) a copy of Attachment C, with the tentative cash settlement amount and the return date filled in; (ii) a copy of Attachment D, with the tentative cash settlement amount, the return date, and the date of the Attachment C letter filled in; and (iii) a self-addressed, postage-paid envelope. The tentative cash settlement amount shall be determined as provided in Subpart K of this Part. For the purposes of this Subpart, the return date shall be the date 340 days after the date of service of this Order.

M. Send by first-class mail, within 310 days after the date of service of this Order, to each eligible direct purchaser, eligible direct dealer and eligible licensee purchaser who is determined pursuant to Subpart J(ii) of this Part and whose new tentative cash settlement amount is less that the tentative cash settlement amount previously determined for that person pursuant to Subpart D or E of this Part: (i) a copy of the letter attached to this Order as Attachment F, incorporated herein by reference, with the new tentative cash settlement amount and the return date filled in; (ii) a copy of Attachment D, with the new tentative cash settlement amount, the return date, and the date of the Attachment F letter filled in; and (iii) a self-addressed, postage-paid envelope. The new tentative cash settlement amount shall be determined as provided in Subpart K of this part. For the purposes of this Subpart, the return date shall be the date 340 days after the date of service of this Order.

N. Send by first-class mail, within 365 days after the date of service of this Order, a cash settlement check to each eligible direct purchaser, eligible direct dealer, and eligible licensee purchaser who did not receive a cash settlement check as provided in Subparts I and J, and who returned to respondent a signed Attachment D form which was received by respondent on or before the date 355 days after the date of service of this Order. Each cash settlement shall be in the amount determined as provided in Subpart D, subsections (1) through (3) and Subpart E, subsections (1) and (2) of this Part, and shall be determined according to the status of the person at the time of purchase of each Solar Furnace or solar collector.

Provided that if the aggregate dollar value of all cash settlements as determined above exceeds $25,000 plus any undistributed portion of the $375,000 and $150,000 funds provided in Subparts G and H of this Part, then each cash settlement shall be prorated by multiplying the cash settlement amount by the ratio of $25,000 plus any undistributed portion of the $375,000 and

$150,000 funds to the aggregate value of all cash settlements as determined above.

O. Send by first-class mail a copy of the letter attached to this Order as Attachment G, incorporated herein by reference, with the appropriate box checked, to each person who is determined to be ineligible for a cash settlement under the provisions of this Order or whose Attachment D form was not received by respondent on or before the date 355 days after the date of service of this Order. The copy of Attachment G shall be sent within ten days after the determination of ineligibility is made or the Attachment D form is received by respondent.

P. Use all reasonable efforts to determine the correct and complete name and last known address of a purchaser or dealer in each instance where the records searched by respondent do not provide correct or complete information, and use all reasonable efforts to determine the correct eligibility and status of a person in each instance where the returned Attachment B form contains insufficient, ambiguous, or conflicting information. Such efforts shall include, but not be limited to, searches of respondent's records and requests for additional information by mail or telephone calls.

Q. In each instance where a letter or notice package provided for by Part II of this Order is returned by the Post Office undelivered and respondent is provided with a corrected address, remail the letter or notice package to the corrected address within five days after respondent's receipt of the corrected address from the Post Office.

R. Establish and maintain a telephone number which persons may call to receive information and materials relating to the programs provided in this Part and in Part III of this Order.

Part III

It is further ordered that respondent shall:

A. Within 45 days after the date of service of this Order, determine the names and original addresses of all persons who purchased Solar Furnaces or solar collectors, including purchasers, dealers, distributors of respondent, licensees of International Solarthermics Corporation, and distributors of licensees of International Solarthermics Corporation. In making these determinations, respondent shall search all relevant records in its possession, custody, or control.

B. Send by third-class mail, within 45 days after the date of service of this Order, to the original address of each person who purchased a Solar Furnace or solar collector identified by respondent pursuant to Subpart A of this Part or identified by the Federal Trade Commission or its staff, a warning package consisting of: (i) A copy of the letter attached to this Order as Attachment H, incorporated herein by reference; (ii) two copies of the sign attached to this Order as Attachment I, incorporated herein by reference, consisting of a white self-adhesive label of latex impregnated material, no smaller than four inches by six inches, with the first line printed in red in thirty-six point type and the second line printed in red in twenty-four point type; and (iii) an envelope containing the materials described in subsections (i) and (ii) bearing the legend "IMPORTANT SOLAR EQUIPMENT WARNING" and addressed as follows: "(Name of Person) or Current Resident."

Respondent shall also send by first-class mail a warning package to each person who, within 365 days after the date of service of this Order, contacts respondent or about whom respondent receives information indicating that the person may be a current owner of a Solar Furnace or solar collector, and who has not received a warning package or who received a warning package but subsequently lost it. The warning package shall be sent within five days after respondent's receipt of the contact or information.

Provided that respondent shall substitute on the envelope containing copies of Attachments H and I the name of the current owner of the Solar Furnace or solar collector for the name of the person who purchased the Solar Furnace or solar collector, if respondent's records show that the person who purchased the Solar Furnace or solar collector no longer owns the unit and if respondent's records contain the name of the current owner.

Provided that respondent may refrain from sending a warning package to any person identified pursuant to Subpart A of this Part who respondent's records conclusively show is not a current owner of a Solar Furnace or solar collector.

C. Use all reasonable efforts to determine the correct and complete name and original address of a person who purchased or owns a Solar Furnace or solar collector in each instance where the records searched by respondent do not provide correct or complete information. Such efforts shall include, but not be limited to, searches of respondent's records and requests for additional information by mail or telephone calls.

Part IV

It is further ordered that:

A. Respondent shall maintain documents and records demonstrating the manner and form of respondent's compliance with Part I of this Order, including:

(1) Documentation in support of and upon which respondent relies in making any representation concerning the reliability, durability or performance of solar energy equipment, and any other documentation which contradicts, qualifies, or otherwise calls into question any representation concerning the reliability, durability or performance of solar energy equipment, included in advertising or sales promotional materials disseminated by respondent or by any officer, representative, agent, employee, subsidiary, or division of respondent;

(2) Documentation or written results of tests performed in connection with carrying out the provisions of Part I, Subpart A and B of this Order.

Such documentation shall be retained by respondent for a period of three (3) years from the date such advertising or sales promotional materials were last disseminated, and may be inspected by the Commission or its staff upon reasonable notice.

B. Respondent shall maintain documents and records demonstrating the manner and form of respondent's compliance with Parts II and III of this Order, including but not limited to those reflecting:

(1) Efforts made and actions taken by respondent to identify, locate, contact, and provide cash settlements to persons as provided in Part II of this Order;

(2) Efforts made and actions taken by respondent to identify, locate and mail notices to addresses and persons as provided in Part III of this Order;

(3) The names, original addresses, and last known addresses of all persons required to be determined as provided in Part II, Subparts A and P and Part III, Subparts A and C of this Order;

(4) The name and address of each person to whom a notice package is sent as provided in Part II, Subparts B and I of this Order;

(5) The name and address of each person who is determined to be eligible and each person who is determined to be ineligible for a cash settlement as provided in Part II, Subparts B, C, I and J of this Order;

(6) The name and address of each person who receives a cash settlement as provided in Part II, Subparts G, H and N of this Order, and the amount of each refund;

(7) The Attachment B and Attachment D forms returned to respondent as provided in Part II, Subparts C, G, H, J and N of this Order;

(8) Any information used in making determinations of eligibility and ineligibility as provided in Part II of this Order;

(9) The name and address of each person who disputes a determination of ineligibility or cash settlement amount made as provided in Part II of this Order, the nature of such person's dispute, and the resolution of the dispute;

(10) All written communications, and a log of all telephonic communications which includes a summary of the communications, between respondent and any person relating to the programs provided in Parts II and III of this Order;

(11) The name and address af each person to whom an Attachment H letter is sent as provided in Part III of this Order.

Such documents and records shall be maintained by respondent for a period of three (3) years from the date of the creation of the document or record, and may be inspected by the Commission or its staff upon reasonable notice.

Part V

It is further ordered that respondent shall forthwith distribute a copy of this Order to each of its operating divisions, to its successors and assigns, and to each of its officers, agents representatives, or employees who have sales, marketing, advertising, servicing, warranty, or policy responsibilities with respect to the subject matter of this Order.

Part VI

It is further ordered that respondent shall notify the Commission at least thirty (30) days prior to the effective date of any proposed change in respondent such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

Part VII

It is further ordered that respondent shall, within sixty (60) days after the date of service of this Order, and within eighteen months after the date of service of this Order, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form in which it has complied with this Order.

Issued: February 17, 1983.

By the Commission.

Benjamin I. Berman,

Acting Secretary.

Attachment A

[Champion letterhead]

[Date]

Dear ———: Our records show that you may have purchased a Solar Furnace or solar collector manufactured by Champion Home Builders Co. Champion has recently started a program to offer cash settlements of at least several hundred dollars each to certain people who purchased solar energy equipment sold under the "Champion" and other brand names. You may be eligible for a cash settlement under this program. Please read this letter and follow the steps listed below.

This program is part of an agreement between the Federal Trade Commission (FTC) and Champion. The FTC had alleged that Champion's Solar Furnaces and solar collectors did not provide as much heat as represented and required a great deal of maintenance and repairs. Although Champion does not admit this is true, we have agreed to offer these cash settlements.

How To Apply

In order to apply for a cash settlement, you *must* do the following:

(1) Fill out the enclosed questionnaire completely. This will be used to determine your eligibility for the cash settlement.

(2) If you owned more than one Solar Furnace or solar collector system, make extra copies of the questionnaire and fill out one for each Solar Furnace or solar collector system you owned.

(3) Return the completed questionnaire to us in the enclosed envelope. You must mail the questionnaire back to us by [return date] to make sure you are considered for the full settlement for which you may be eligible. If you are eligible for a cash settlement but we do not receive your completed questionnaire in time, you may get a lesser amount or you may get nothing.

Even if you no longer own the Solar Furnace or solar collector, or you were a dealer, or you bought a non-Champion brand, you may still be eligible for a cash settlement. Please fill out the questionnaire so that you may be considered.

How To Obtain Your Cash Settlement

Once we receive your completed questionnaire, we will determine if you are eligible for a cash settlement and let you know in writing within the next three months. If you are eligible, we will also tell you how much the settlement will be. Please let us know if you change your address in the next several months, so we can contact you again.

You will *not* have to return your Solar Furnace or solar collector if you decide to take the cash settlement. However you *will* have to sign a waiver form which we will send you. By signing the waiver you will give up any rights you may have remaining under a warranty if you got a warranty from Champion. You will also give up your right to sue Champion for any existing claims you may have relating to your Solar Furnace or solar collector.

If you have any questions about this program, please contact: Champion Solar Program, c/o Champion Home Builders Co., 5573 E. North Street, Dryden, Michigan 48428, [Telephone number].

Remember: You must mail the completed questionnaire to us by [return date]. Also, please remember to let us know if you change your address.

Sincerely yours,

Champion Home Builders Co.

Enclosures.

Attachment B

Questionnaire

Please print your name, address, and telephone number. Then, answer the questions below by putting an "X" in the proper box.

Fill out a separate questionnaire form for each Solar Furnace or solar collector system you have owned. If you were a dealer, fill out a questionnaire form for each Solar Furnace or solar collector system you had for your own use as heating equipment or as a demonstrator.

Name:———

Address: ———

Zip Code: ———

Telephone: ———

1. Have you or your family ever bought a Solar Furnace or solar collector for your own use as heating equipment or as a demonstrator? (Answer yes if you bought the unit by itself or with your home.)

☐ Yes ☐ No

If yes, from whom did you buy it?

———

———

Note.—If you answered yes, please answer the following questions. If you answered no, please skip to Question 11.

2. Did you buy the Solar Furnace or solar collector as new?

☐ Yes ☐ No

3. What is the brand name of the Solar Furnace or solar collector?

☐ Champion ☐ Other (please specify):

———

4. If you own or owned a Solar Furnace, does the outside surface look like:

☐ Aluminum or metal with a brown wood-grain pattern?

☐ Wood, fiberglass or other non-metallic material?

☐ Other (please specify):

———

5. What is the serial number of your Solar Furnace or solar collector?

———

Note.—The serial number should appear on your warranty registration form. If you can't find your serial number, leave this answer blank.

6. Do you still own the Solar Furnace or solar collector?

☐ Yes ☐ No

7. If the answer to question 6 is no, did you:

☐ Sell the unit (either by itself or with your home)?

☐ Dispose of the unit without selling it or receiving any compensation?

Note.—If you sold the unit to someone else, please provide the name and address of the buyer:

_____

_____

8. Were you ever a dealer for Solar Furnaces?

☐ Yes ☐ No (please specify brand name of equipment you sold):

_____

Note.—If you answered yes, please answer the following questions. If you answered no, please skip to Question 11.

9. Did you buy the Solar Furnace or solar collector described above before you became a Solar Furnace dealer?

☐ Yes ☐ No

10. How many Solar Furnaces and Champion solar collector systems did you sell? (Do not count any units you bought for your own use and later sold second-hand.)

☐ None ☐ One or two ☐ More than two

11. Do you know anyone else who bought a Solar Furnace or Champion solar collector? If so, please provide their names and addresses:

_____

_____

_____

This completes our questions. If you have a copy of your bill of sale, warranty form, or other evidence of purchase, please enclose it with this form in the envelope we have provided. If you do not have anything like this, please return the form anyway. Evidence of purchase is *not* required for you to be eligible for a cash settlement, but will help us in reviewing your eligibility.

Remember: You must fill out this form and mail it to us by [return date] to be eligible for a full cash settlement.

Attachment C

[Champion letterhead]

[Date]

Dear ———: As part of an agreement with the Federal Trade Commission (FTC), Champion Home Builders Co. is offering cash settlements to certain people who purchased Solar Furnaces and solar collectors manufactured by Champion. We have reviewed our records and the questionnaire that you returned and have determined that you are eligible for a cash settlement under this program.

Amount of Your Cash Settlement

The tentative amount of your cash settlement is [tentative cash settlement amount]. This amount was determined based on the number of Solar Furnaces or solar collectors you purchased and the circumstances under which you purchased them. The amount of money you will actually receive may increase slightly if someone who is eligible decides not to accept a settlement, but this amount will *not* be lowered.

How To Obtain Your Cash Settlement

In order to obtain your cash settlement, you must sign and return the enclosed form entitled "Notice of Acceptance of Cash Settlement and Waiver of Claims." Please read this form and make your decision carefully. By signing and returning this form and accepting your cash settlement, you give up any rights you may have remaining under a warranty if you got a warranty from Champion. You also give up your right to sue Champion for any existing claims you may have relating to your Solar Furnace or solar collector.

If you decide to accept the cash settlement and give up these rights, please sign the form and return it to us in the enclosed envelope. You *must* mail the signed form back to us by [return date] to make certain you receive your settlement. We will then mail you a check within the next two to four months. If we do not receive your signed form in time, you may get a smaller cash settlement or you may get nothing.

If you decide not to accept the cash settlement, please do not return the form. You will not give up any rights and you will not receive any money.

If you have any questions about this program, or if you change your address, please contact: Champion Solar Program, c/o Champion Home Builders Co., 5573 E. North Street, Dryden, Michigan 48428, [Telephone number].

Remember: You must mail the signed waiver form to us by [return date].

Sincerely yours,

Champion Home Builders Co.

Enclosures.

Attachment D

Notice of Acceptance of Cash Settlement and Waiver of Claims

I hereby accept Champion's offer of a cash settlement, as contained in its letter of [date of Attachment C or F letter], in an amount not less than [tentative cash settlement amount].

In consideration of this cash settlement, I hereby release and discharge Champion Home Builders Co., its successors and assigns, and its directors, officers, agents, representatives, and employees, and its divisions and other subsidiaries, from any and all claims of every name and nature relating to solar energy equipment manufactured and sold by Champion Home Builders Co., including any claims I may have under any express or implied warranty, including any warranty of merchantability or fitness for particular use, from the beginning of time to the date of this instrument and forever after, except any claims for future personal injury or future property damage relating to the solar energy equipment.

(Date) _____

(Signature) _____

(Name) _____

(Address) _____

_____

(City, State and Zip Code)

Remember: You must sign this form and mail it to us by [return date].

Attachment E

[Champion letterhead]

[Date]

Dear ———: Our records show that you may have purchased a Solar Furnace or solar collector manufactured by Champion Home Builders Co. Champion has recently started a program to offer cash settlements of at least several hundred dollars each to certain people who purchased solar energy equipment sold under the "Champion" and other brand names. You may be eligible for a cash settlement under this program. Please read this letter and follow the steps listed below.

This program is part of an agreement between the Federal Trade Commission (FTC) and Champion. The FTC had alleged that Champion's Solar Furnaces and solar collectors did not provide as much heat as represented and required a great deal of maintenance and repairs. Although Champion does not admit this is true, we have agreed to offer these cash settlements.

How To Apply

In order to apply for a cash settlement, you *must* do the following:

(1) Fill out the enclosed questionnaire completely. This will be used to determine your eligibility for the cash settlement.

(2) If you owned more than one Solar Furnace or solar collector system, make extra copies of the questionnaire and fill out one for each Solar Furnace or solar collector system you owned.

(3) Return the completed questionnaire to us in the enclosed envelope. You must mail the questionnaire back to us by [return date] to make sure you are considered for the full cash settlement for which you may be eligible. If you are eligible for a cash settlement but we do not receive your completed questionnaire in time, you will receive no cash settlement.

Even if you no longer own the Solar Furnace or solar collector, or you were a dealer, or you bought a non-Champion brand, you may still be eligible for a cash settlement. Please fill out the questionnaire so that you may be considered.

How To Obtain Your Cash Settlement

Once we receive your completed questionnaire, we will determine if you are eligible for a cash settlement and let you know in writing within the next several months. If you are eligible, we will also tell you how much the settlement will be. Please let us know if you change your address in the next several months, so we can contact you again.

You will *not* have to return your Solar Furnace or solar collector if you decide to take the cash settlement. However, you *will* have to sign a waiver form which we will send you. By signing the waiver you will give up any rights you may have remaining under a warranty if you got a warranty from Champion. You will also give up your right to sue Champion for any existing claims you may have relating to your Solar Furnace or solar collector.

If you have any questions about this program, please contact: Champion Solar Program, c/o Champion Home Builders Co., 5573 E. North Street, Dryden, Michigan 48428, [Telephone number].

Remember: You must mail the completed questionnaire to us by [return date]. Also,

please remember to let us know if you change your address.

Sincerely yours,

Champion Home Builders Co.

Enclosures.

Attachment F

[Champion letterhead]

[Date]

Dear ———: As part of an agreement with the Federal Trade Commission, Champion Home Builders Co. is offering cash settlements to certain people who purchased Solar Furnaces and solar collectors manufactured by Champion. Some time ago, we sent you a letter notifying you of your eligibility for a cash settlement under this program. We also sent you a form to sign in order to accept your cash settlement.

We have received back your signed acceptance form. Unfortunately, we did not receive it in time to include you in the first group of people eligible for cash settlements. For that reason, the amount of the cash settlement you can receive has changed. We are sending you this letter to notify you of the change in your cash settlement, and to obtain your approval of the new amount.

Amount of Your Cash Settlement

The tentative amount of your cash settlement is now [tentative cash settlement amount]. The amount of money you will actually receive may increase slightly if someone who is eligible decides not to accept a settlement, but this amount will *not* be lowered.

How to Obtain Your Cash Settlement

In order to obtain your cash settlement, you must sign and return the enclosed form entitled "Notice of Acceptance of Cash Settlement and Waiver of Claims." You must do this even though you previously signed and returned a form.

Please read this form and make your decision carefully. By signing and returning this form and accepting your cash settlement, you give up any rights you may have remaining under a warranty if you got a warranty from Champion. You also give up your right to sue Champion for any existing claims you may have relating to your Solar Furnace or solar collector.

If you decide to accept the cash settlement and give up these rights, please sign the form and return it to us in the enclosed envelope. You *must* mail the signed form back to us by [return date] to make certain you receive your settlement. We will then mail you a check within the next two months. If we do not receive your signed form in time, you will receive no cash settlement.

If you decide not to accept the cash settlement, please do not return the form. You will not give up any rights and you will not receive any money.

If you have any questions about this program, or if you change your address, please contact: Champion Solar Program, c/o Champion Home Builders Co., 5573 E. North Street, Dryden, Michigan 48428, [Telephone number].

Remember: You must mail the signed waiver form to us by [return date].

Sincerely,

Champion Home Builders Co.

Enclosures.

Attachment G

[Champion letterhead]

[Date]

Dear ———: As part of an agreement with the Federal Trade Commission (FTC), Champion Home Builders Co. is offering cash settlements to certain people who purchased Solar Furnaces and solar collectors manufactured by Champion. We have reviewed our records and the questionnaire that you returned and have determined that you are *not eligible* for this program, for the following reason:

☐ Your Solar Furnace or solar collector was not manufactured by Champion.

☐ You are not the original purchaser.

☐ You were a Champion dealer and sold three or more Solar Furnaces or solar collectors.

☐ You were a dealer of an International Solarthermics Corporation licensee and sold one or more Solar Furnaces or solar collectors.

☐ You previously received a refund or monetary award from Champion.

☐ Your information was received after the program had ended.

☐ Other: ————

If you believe that our determination is incorrect, please contact: Champion Solar Program, c/o Champion Home Builders Co., 5573 E. North Street, Dryden, Michigan 48428, [Telephone number].

For a copy of the FTC agreement, write: Federal Trade Commission, Public Reference Branch, Room 130, Washington, D.C. 20580.

We regret that we cannot be of assistance to you.

Sincerely yours,

Champion Home Builders Co.

Enclosures.

Attachment H

[Champion letterhead]

[Date]

Dear Sir/Madam: Our records indicate that you may own solar energy equipment manufactured by Champion Home Builders Co. As a result, we are sending you this important notice about your equipment.

IMPORTANT WARNING

Your Champion solar equipment contains wood and other flammable materials. Federal Government Agencies have recently expressed concern that wood in solar collectors may ignite when exposed to excessive heat over a long period of time. Although we do not expect a fire would occur under normal operating conditions, we recommend that these precautionary steps be taken.

1. CLOSE THE REFLECTOR SHIELD WHEN YOUR SOLAR EQUIPMENT IS NOT IN USE

Always cover the collector when the unit is not operating to prevent build-up of excessive heat. Close the reflector shield to cover the collector during months you are not using your equipment. The reflector shield should also be closed if a motor or controller stops working, or if you have a power outage. If you do not have a reflector shield, use a tarpaulin or similar material to cover the collector.

2. NEVER SMOKE OR USE AN OPEN FLAME NEAR THE EQUIPMENT OR DUCTWORK

Your Champion solar equipment and ductwork contain organic materials such as wood and polyurethane foam which can release toxic smoke if ignited. Therefore, you should never smoke or use an open flame, such as a butane torch, near the equipment or ductwork. The two warning labels enclosed with this letter should be glued to the outside of the Solar Furnace at the motor maintenance opening, and to the exposed ductwork inside your house.

3. INSTALL A SMOKE DETECTOR

We believe that all homes should be equipped with smoke detectors. If you don't already have one, you should consider purchasing and installing a smoke detector in your home.

If you have any questions about this notice, you may call us at [telephone number].

Sincerely,

Champion Home Builders Co.

Enclosures.

Attachment I

— WARNING —

Combustible Materials

Do not expose to open flames

[FR Doc. 83-8159 Filed 3-29-83; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket C-2707]

Morton Thiokol, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on July 21, 1975 (40 FR 40149). The modified order eases certain restrictions concerning the advertising of Lite Salt; gives the company more flexibility when making disclosures in advertising; and requires

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that Lite Salt Labels state that it is "Not To Be Used By Persons On Sodium Or Potassium Restricted Diets Unless Approved By A Physician."

DATES: Consent Order issued July 21, 1975. Modifying Order issued February 28, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/PC, Connie Vecellio, Washington, D.C. 20580. (202) 376–3465.

SUPPLEMENTARY INFORMATION: In the Matter of Morton Thiokol, Inc., et al. Codification appearing at 40 FR 40149 remains unchanged.

List of Subjects in 16 CFR Part 13

Advertising, Salt.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Order Reopening The Proceeding And Modifying Cease And Desist Order is as follows:

In the matter of Morton Thiokol, Inc., et al., Docket No. C–2707.

Order Reopening the Proceeding and Modifying Cease and Desist Order

On July 23, 1982, Morton-Norwich Products, Inc.[1] and Needham, Harper & Steers Advertising, Inc., respondents in the above-captioned matter, filed a petition pursuant to Rule 2.51 of the Commission's Rules of Practice to reopen the proceeding and modify the consent order entered on July 21, 1975.

The consent order involves Morton Lite Salt® Mixture (Lite Salt)[2] a blend of equal amounts of sodium chloride and potassium chloride, or any product of similar composition. Petitioners marketed Lite Salt for people who desire to or should limit their sodium intake. The order prohibits claims that medical research has established a connection between sodium intake and high blood pressure or water retention, and that a reduction in sodium intake would promote or maintain good health. The Complaint charged that these claims had not been established to the satisfaction of the scientific community. In addition, the order requires a warning in all Lite Salt advertisements that the product is "Not To Be Used By Persons On Sodium Or Potassium Restricted Diets Unless Approved By A Physician."

The petition of July 23, 1982, requests five changes in the consent order, which it summarized as follows:

(1) a change in the Consent Order's preamble to make clear that the order's advertising and labeling restrictions apply only to Morton's consumer-oriented promotional efforts and sales, rather than to the industrial food processing trade;

(2) the inclusion of a requirement that packages be labeled, "Not To Be Used By Persons On Sodium Or Potassium Restricted Diets Unless Approved By A Physician";

(3) a change in the advertising disclosure provisions which allows Morton the option of using in its advertising the cautionary statement "Not To Be Used By Persons On Sodium Or Potassium Restricted Diets Unless Approved By A Physician" or the statement "Read Label, Including Warnings";

(4) a change in the advertising disclosure provisions which removes the phrase "clear and conspicuous" and substitutes more specific disclosure requirements for television, radio, and print advertisements; and

(5) a change in the second proscriptive paragraph of the consent order to make clear that the order does not prohibit Morton from stating accurately the opinions of medical researchers and doctors concerning the effects of sodium consumption, provided that such representations are based on reliable and competent scientific evidence.

The petition included a Proposed Order that petitioners requested the Commission to substitute for the original order.

The change requested in the preamble language would result in the order applying only to the advertising and sale of Lite Salt or any product of similar composition "in a package intended to be purchased and used by consumers (*e.g.*, the 11 ounce container sold in grocery stores) and not to the advertising and sale of the product in institutional packages (*e.g.*, 80 pound sacks sold to food processors)." Morton did not market the product in institutional size sacks in 1975.

The Commission agrees that this change is justified. As petitioners point out,

> a food processor using the Product as an ingredient in its product would be sufficiently sophisticated to easily recognize that it should not be used in preparing a sodium-free or a potassium-free food. Moreover, food manufacturers are required to adhere to food labeling regulations as promulgated by the FDA, including regulations regarding the disclosure of ingredients in the order of predominance.

Petition at 17.

The second suggested change would add the following proscriptive paragraph to the modified order:

1. Failing to disclose on the label of such container, in the following words, or words of similar importance, that such product is "Not To Be Used By Persons On Sodium or Potassium Restricted Diets Unless Approved By A Physician." Such disclosure must be enclosed within a boxed outline and printed in type size that can clearly be read.

This provision is desirable because it requires, with minimal burden, the dissemination to interested consumers of important health information. Petitioners now include this warning on the product pursuant to an agreement reached with the Food and Drug Administration in 1974. Including this provision in the order gives the Commission clear authority to enforce the warning, and to ensure its prominence.

The third requested modification is that petitioners be allowed in advertising to substitute the warning "Read Label, Including Warnings" for the more extensive warning that the product is "Not To Be Used By Persons On Sodium or Potassium Restricted Diets Unless Approved By A Physician." Petitioners argue that so long as the more extensive warning appears in labeling, a requirement that it also appear in advertising is unnecessarily burdensome.

The Commission recognizes that all mandatory disclosures impose costs, occupying advertising space and competing with other useful information in advertisements—such as the benefits of the product—for consumers' attention. Consequently, disclosure requirements serve the public interest only if their benefits outweigh their costs and they are no more burdensome than necessary than to convey the intended message. The Commission has concluded that if advertising for Lite Salt discloses that the product contains sodium, more extensive warnings are not necessary in advertising.[3] The sodium content disclosure should be sufficient to alert consumers on sodium restricted diets to read the label of the product. There they will find a statement of the amount of sodium in the product, as well as the now required warning not to use the product without physician approval. The Commission does not believe it has a sufficient basis

[1] Morton-Norwich, Inc. changed its name to Morton Thiokol, Inc., after it filed the petition.

[2] Petitioners requested a change in the preamble language substituting "Morton Lite Salt® Mixture" for "Morton Lite Salt" to protect their trademark. The Commission has no objection to the change.

[3] The Commission does not, however, accept petitioners' argument that it should alter the health warnings because of alleged competitive disadvantages they impose.

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to require an advertising warning for this product directed only to persons on potassium restricted diets.

Accordingly, the Commission has modified the advertising disclosure requirement, with petitioners' agreement, to allow a disclosure of sodium content in lieu of the more extensive warning originally required.

Petitioners next ask the Commission to change the Order's disclosure guidelines. The current Order requires that disclosures be "clear and conspicuous." Petitioners propose alternative definitions setting forth criteria for television, radio, and print advertising. Petitioners have agreed to modify the proposed television disclosure standards to require audio disclosure. With this change, the Commission believes these standards will ensure that the required information is adequately communicated.

The final modification concerns the order provisions prohibiting petitioners from representing that medical researchers or doctors have established (a) a connection between sodium intake and high blood pressure or water retention, or (b) that reducing the level of sodium intake will promote or maintain good health. The petition cites extensive evidence indicating that the vast majority of medical and scientific experts in this country are sufficiently certain of a link between sodium consumption and the development of high blood pressure to recommend a reduction in sodium consumption for the general population. This represents a change from the state of medical and scientific opinion in 1975 when the order was issued. At that time, many doctors and researchers were not prepared to take a position on the existence of a link between sodium consumption and the development of high blood pressure, and reduced sodium consumption was not widely recommended for the general public. Because the situation has changed dramatically since 1975, however, the Commission believes the evidence contained in the petition justifies modifying the Order. The evidence indicates, however, that most experts do not believe that the link between sodium consumption and the development of high blood pressure has been conclusively established. Consequently, the Commission has, with petitioners' agreement, modified the Order to allow respondents to make representations about the relationship between sodium consumption and high blood pressure or water retention if they possess a reasonable basis consisting of competent and reliable scientific documentation supporting the representations.

The modified Order also prohibits claims that Lite Salt is a sodium-free salt substitute or that it is intended for use by persons on sodium or potassium restricted diets unless approved by a physician.

For the foregoing reasons, the Commission believes petitioners have made a satisfactory showing that changes in facts and the public interest require modifying the Order.

It is therefore ordered that the proceeding is hereby reopened and the Decision and Order issued July 21, 1975, in Docket No. C-2707 is hereby modified to read as follows:

Order

It is ordered, That respondent Morton Thiokol, Inc., a corporation, and respondent Needham, Harper & Steers Advertising, Inc., a corporation, their successors and assigns, either jointly or individually, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, or distribution in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, of Morton Lite Salt® Mixture or any product of similar composition, packed in a container intended to be sold to, distributed to, or used by consumers, do forthwith cease and desist from:

1. Failing to disclose on the label of such container, in the following words or words of similar import, that such product is "Not To Be Used By Persons On Sodium Or Potassium Restricted Diets Unless Approved By A Physician." Such disclosure must be enclosed within a boxed outline and printed in type size that can clearly be read.

2. Disseminating any advertising for such product packed in such container that fails to disclose: A. The following words, or words of similar import: "Not For Persons On Sodium Or Potassium Restricted Diets Unless Approved By A Physician"; or B. That such product contains sodium. This disclosure may be accomplished satisfactorily by describing such product as a mixture of salt (or sodium chloride) and potassium chloride or as containing one-half (½) the sodium of table salt.

For television advertisements, the required disclosure must be presented in the audio portions of the advertisement. The disclosure must be made in a manner such that it may be heard without undue distracting noise.

For print advertisements, the required disclosure must be of a type size that can clearly be read, and must appear enclosed in a boxed outline or otherwise appear prominently. If a coupon for such product is offered as part of any advertisement, the required disclosure need appear only in the main portion of the advertisement. If such product is advertised in conjunction with other products, the required disclosure need appear as part of or in close proximity to only that portion of the advertisement in which such product appears most prominently.

For radio advertisements, the required disclosure must be made in a manner such that it may be heard without undue distracting noise.

3. Making any representation, directly or indirectly, regarding the relationship between sodium consumption and high blood pressure or water retention unless, at the time the representation is made, respondents have in their possesion a reasonable basis consisting of competent and reliable scientific documentation to support such representation.

4. Making any representation, directly or indirectly, that Morton Lite Salt® Mixture is a sodium-free salt substitute.

5. Making any representation, directly or indirectly, that Morton Lite Salt® Mixture is intended for use by persons on sodium or potassium restricted diets, unless the representation is expressly limited to use approved by a physician.

Nothing in this order shall be construed to prohibit respondents from disseminating any advertisement of Morton Lite Salt® Mixture or any product of similar composition, that: A. Indicates that the product contains one-half the sodium of regular salt; or B. Indicates that the product is intended for persons (not including those on sodium or potassium restricted diets) who desire to reduce their intake of salt or sodium.

It is further ordered That respondents shall forthwith distribute a copy of this order to each officer or employee having direct responsibility for either the marketing or advertising of Morton Lite Salt® Mixture.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiary, or any other change in the corporation that may affect compliance obligations arising out of the order.

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It is further ordered that the foregoing modification shall become effective upon service of this order.

Issued: February 28, 1983.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-8158 Filed 3-29-83; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6460; 34-19625; 35-22887; 39-811; IC-13109; IA-845]

Approved Information Collections: Current OMB Expiration Dates

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending Subpart N of Part 200 relating to Commission information collection requirements under the Paperwork Reduction Act to reflect current OMB expiration dates for approved information collections.

EFFECTIVE DATE: March 30, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Fogash, Deputy Executive Director, SEC, 450 Fifth Street NW., Washington, D.C. 20549 (202) 272-2142.

SUPPLEMENTARY INFORMATION: The Commission will amend Subpart N periodically to reflect current information.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of Information, Privacy, Securities.

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart N—Commission Information Collection Requirements Under the Paperwork Reduction Act: OMB Control Nos. and Expiration Dates

Part 200 of 17 CFR Chapter II is amended by changing the OMB control number and expiration date for Regulation A, Forms 1-A, 2-A, 3-A, 4-A, 5-A, 6-A, 7-A, Rule 15b10-6, Rule 17A-4, Rule 17Ad-6, Rule 17f-1(g), Form 4, Form 20-F Part 257, Rule 23c-1, Rule 23c-2, and Rule 204.2; by adding Form F-6, Rule 13e-1, Rule 17Ad-10, Rule 17Ad-11, Rule 17Ad-13, Rule 6c-7, Rule 11a-2, and Form N-1A; by deleting the Questionnaire—Research Forum; and revising certain expiration dates in paragraph (b) of § 200.800 as follows:

§ 200.800 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) *Display.*

Regulation S-X	Part 210	3235-0009	Jan. 31, 1986
Regulation S-K	Part 229	3235-0071	June 30, 1983
Regulation A	§§ 230.251 thru 230.264	3235-0286	Feb. 29, 1986
Form S-6	§ 239.16	3235-0184	Feb. 29, 1986
Form 1-A	§ 239.90	3235-0286	Feb. 29, 1986
Form 2-A	§ 239.91	3235-0286	Feb. 29, 1986
Form 3-A	§ 239.92	3235-0286	Feb. 29, 1986
Form 4-A	§ 239.93	3235-0286	Feb. 29, 1986
Form 5-A	§ 239.94	3235-0286	Feb. 29, 1986
Form 6-A	§ 239.95	3235-0286	Feb. 29, 1986
Form 7-A	§ 239.96	3235-0286	Feb. 29, 1986
Rule 12g3-2	§ 240.12g3-2	3235-0119	Jan. 31, 1986
Rule 13e-4	§ 240.13e-4	3235-0203	Feb. 29, 1986
Regulation 14A	§§ 240.14a-1 thru 240.14a-12	3235-0059	Sept. 30, 1983
Schedule 14A	§ 240.14a-101	3235-0059	Sept. 30, 1983
Schedule 14B	§ 240.14a-102	3235-0059	Sept. 30, 1983
Rule 15b10-6	§ 240.15b10-6	3235-0297	Sept. 30, 1983
Rule 17a-3	§ 240.17a-3	3235-0033	Sept. 30, 1983
Rule 17a-4	§ 240.17a-4	3235-0279	Oct. 31, 1983
Rule 17a-5	§ 240.17a-5	3235-0123	Feb. 29, 1986
Rule 17a-8	§ 240.17a-8	3235-0092	Feb. 29, 1986
Rule 17Ad-4 (b) & (c)	§ 240.17Ad-4 (b) & (c)	3235-0138	Jan. 31, 1986
Rule 17Ad-6	§ 240.17Ad-6	3235-0291	Sept. 30, 1983
Rule 17Ad-7	§ 240.17Ad-7	3235-0136	Sept. 30, 1983
Rule 17f-1(b)	§ 240.17f-1(b)	3235-0032	Feb. 29, 1986
Rule 17f-1(g)	§ 240.17f-1(g)	3235-0290	Feb 29, 1986
Form 4	§ 249.104	3235-0287	Feb 29, 1986
Form 20-F	§ 249.220f	3235-0288	Feb. 28, 1984
Form 10-K	§ 249.310	3235-0063	Feb 29, 1986
Form X-17A-5	§ 249.617	3235-0123	Feb 29, 1986
	Part 257	3235-0306	Sept. 30, 1983
Rule 23c-1	§ 270.23c-1	3235-0282	Feb. 29, 1986
Rule 23c-2	§ 270.23c-2	3235-0282	Feb 29, 1986

Form N-5	§ 274.5	3235-0169	Feb. 29, 1986
Form N-1	§ 274.11	3235-0027	Feb. 29, 1986
Form N-8B-2	§ 274.12	3235-0186	Feb. 29, 1986
Rule 204.2	§ 275 204.2	3235-0278	Sept. 30, 1983
Add:			
Form N-1A	§ 239.15A	3235-0307	Sept. 30, 1983
Form F-6	§ 239.16	3235-0292	Jan. 31, 1986
Rule 13e-1	§ 240.13e-1	3235-0264	Feb. 29, 1986
Rule 17Ad-10	§ 240.17Ad(10)	3235-0273	Jan. 31, 1984
Rule 17Ad-11	§ 240.17Ad(11)	3235-0274	Jan. 31, 1986
Rule 17Ad-13	§ 240.17Ad(13)	3235-0275	Jan. 31, 1986
Rule 6c-7	§ 270.6c-7	3235-0276	Jan. 31, 1986
Rule 11a-2	§ 270.11a-2	3235-0272	Jan. 31, 1986
Delete:			
Questionnaire	Research Forum.	3235-0271	Jan. 31, 1983

In addition, the following information collection requirements of the Commission which appeared at 47 FR 4985, February 2, 1982, exist as separate documents which are not rules or regulations and therefore are not codified in 17 CFR. The following changes should be made:

Revise:			
Survey	Exchange Sales Value and Volume—R-31	3235-0001	Feb. 29, 1986
Survey	Annual Investment Company Asset Letter	3235-0002	Feb. 29, 1986
Delete:			
Form 4(6)	Implementation of Section 4(6) of the 1933 Act	3235-0097	Nov. 30, 1984
Survey Form R-4s	Private Noninsured Pension Plans	3235-0003	Nov. 30, 1985
Survey Form R-5	Property and Liability Insurance Companies	3235-0004	Nov. 30, 1984
Survey	Rule 146 Utilization	3235-0023	Sept. 30, 1983
Survey	Private Placement Statistics (Monthly)	3235-0144	Nov. 30, 1984
Survey	Private Placement Statistics (Quarterly)	3235-0144	Nov. 30, 1985

The Commission finds that this amendment, concerning the display of the control numbers and expiration dates assigned to information collection requirements of the Commission by the Office of Management and Budget pursuant to the Paperwork Reduction Act, pertains only to procedural matters; it is therefore not subject to the provisions of the Administrative Procedure Act, 5 U.S.C. 551 et seq., requiring advance notice and opportunity for comment. Accordingly, it is effective upon publication in the **Federal Register.**

(44 U.S.C. 3507(f))

By the Commission.

Dated: March 23, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8049 Filed 3-29-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

22 CFR Part 11

[Dept. Reg. 108.831]

Appointment of Members of the Foreign Service; Revised Regulations

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: These regulations revise the current policies and procedures governing the appointment of Junior Foreign Service officer career candidates. These regulations supplement and implement the Foreign Service Act of 1980 and update existing regulations.

EFFECTIVE DATE: January 31, 1983.

FOR FURTHER INFORMATION CONTACT: Frontis B. Wiggins, Board of Examiners, Department of State, Washington, D.C., 20520, (202) 235-9232.

SUPPLEMENTARY INFORMATION: The Department of State is publishing revised regulations to supplement and implement the Foreign Service Act of 1980 (Pub. L. 96-465) relative to the appointment of Junior Foreign Service officer career candidates and to update existing provisions. Proposed regulations were published in the **Federal Register** on November 4, 1980 (45 FR 73100-73102).

Analysis of Comments. The proposed regulations provided a 25-day period for public comment which ended November 27, 1980. The Department of State received only one public comment relative to the issue of accommodating and reconciling merit considerations and the demands of affirmative action, now anchored in law. While the Department has revised the proposed text to provide additional clarity, the legal imperative to provide affirmative action programs within the context of the merit system principles of the Foreign Service Act of 1980 remains unchanged.

E.O. 12291, Federal Regulation

The Department of State has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

In addition, this rule relates solely to agency personnel and falls under section 1(a)(3) of E.O. 12291.

List of Subjects in 22 CFR Part 11

Foreign service.

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Accordingly, under the authority of sections 206(a) and 301(b) of the Foreign Service Act of 1980 (secs. 206(a) and 301(b), Pub. L. 96-465, 94 Stat. 2079 and 2083 (22 U.S.C. 3926 and 3941)), 22 CFR 11 is amended to read as follows:

PART 11—APPOINTMENT OF MEMBERS OF THE FOREIGN SERVICE

1. The heading for § 11.1 is revised and headings for §§ 11.10, 11.20, and 11.30 are added and reserved to read:

Sec.
11.1 Junior Foreign Service officer career candidate appointments.
* * * * *
11.10 Mid-level Foreign Service officer career candidate appointments. [Reserved]
11.20 Foreign Service specialist career candidate appointments. [Reserved]
11.30 Senior Foreign Service officer career candidate appointments. [Reserved]

2. Section 11.1 is revised to read as follows:

§ 11.1 Junior Foreign Service officer career candidate appointments.

(a) *General considerations.*—(1) *Authority.* Pursuant to sections 302 and 306 of the Foreign Service Act of 1980 (hereinafter referred to as the Act), all Foreign Service officers shall be appointed by the President, by and with the advice and consent of the Senate. All appointments shall be made to a class and not to a particular post. No person shall be eligible for appointment as a Foreign Service officer unless that person is a citizen of the United States. Such appointment is initially to career candidate status with subsequent commissioning to career status governed by the provisions of Volume 3 (Personnel), Foreign Affairs Manual, section 570. In accordance with section 102(b) of the Act, all references in these regulations to Foreign Service officers shall, with respect to the United States Information Agency, be deemed to refer to Foreign Service information officers.

(2) *Veterans' preference.* Pursuant to section 301 of the Act, and notwithstanding the provisions of section 3320 of title 5 of the United States Code, the fact that an applicant is a veteran or disabled veteran, as defined in section 2108 (3A), (3B), or (3C) of such title, shall be considered as an affirmative factor in the selection of candidates for appointment as Foreign Service officer career candidates.

(3) *Policy.* Appointment as a Junior Foreign Service officer Career Candidate of class 6, 5, or 4, is governed by these regulations. Successful applicants will be appointed as Career Candidates for a period not to exceed 5 years. Under precepts of the Commissioning and Tenure Board, Career Candidates may be granted tenure and converted to career Foreign Service officer status. Those who are not granted tenure prior to the expiration of their Career Candidate appointments will be separated from the Career Candidate program no later than the expiration date of their appointments. Separated candidates who originally were employees of a department or agency will be entitled to reemployment rights in their former department or agency in accordance with section 310 of the Act.

(b) *Written examination.* The following regulations apply to the written examination.

(1) *Purpose.* The written examination is designed to enable the Board of Examiners for the Foreign Service to test the applicant's intelligence, breadth and quality of knowledge, and understanding in relation to the requirements of Foreign Service work.

(2) *Eligibility.* Prior to each written examination, the Board of Examiners will establish a closing date for the receipt of applications for designation to take the examination. No person will be designated to take the examination who has not, as of that closing date, filed an application with the Board. To be designated to take the written examination, an applicant, as of the date of the examination, must be a citizen of the United States and at least 20 years of age.

(3) *When and where given.* The written examination will be given periodically, normally at least once a year, in designated cities in the United States and at Foreign Service posts, on dates established by the Board of Examiners and publicly announced.

(4) *Grading.* The several parts of the written examination will be weighted and graded according to standards established by the Board of Examiners. The number of candidates who pass each written examination will be governed by the projected hiring needs of the participating foreign affairs departments and agencies in subsequent years.

(c) *Oral examination.* The following regulations apply to the oral examination.

(1) *Purpose.* The oral examination is designed to enable the Board of Examiners for the Foreign Service to test the candidate's competence to perform the work of a Foreign Service officer at home and abroad, potential for growth in the Foreign Service, and suitability to serve as a representative of the United States abroad. The oral examination for the Junior Career Candidate Program will consist of an assessment procedure publicly announced by the Board of Examiners and hereinafter referred to as the oral examination.

(2) *Eligibility.*—(i) *Through written examination.* (a) Candidates whose weighted score on the written examination is at or above the passing level set by the Board of Examiners will be eligible for selection to take the oral examination. All eligible candidates normally will be invited to take the oral examination.

(B) Should the total number of eligible candidates substantially exceed the projected hiring needs of the Foreign Service, the Board of Examiners may establish and publicly announce a higher written examination score than the passing level as the basis for selection to take the oral examination.

(C) The Board of Examiners may authorize special consideration to be given in the selection of candidates, from among those eligible, for the purpose of meeting language requirements, Affirmative Action goals, or for other purposes which the Board with the concurrence of the prospective hiring agencies may from time to time approve and publicly announce.

(D) The nature and applicability of all criteria utilized to select eligible candidates to take the oral examination will be developed by the Board of Examiners in consultation with the prospective hiring agencies and publicly announced in advance of each examination by the Board.

(E) Candidates who are selected to take the oral examination will be notified of the period of time after the date of the written examination, as determined by the Board of Examiners, within which the oral examination must be conducted. That period will normally be 1 year, but it may be extended or shortened in special circumstances by the Board. The candidacy of anyone whose candidacy has not been extended by the Board, and who has not again passed the written examination in the meantime, will be terminated 2 years after the end of the month in which the written examination was held. Time spent outside the United States and its territories, for reasons acceptable to the Board of Examiners, will not be counted against this 2-year period. The candidacy of anyone for whom the 2-year period is extended by the Board because of being abroad will be terminated automatically if the candidate fails to appear for the oral examination within 3 months after first returning to the United States. If a candidate fails to appear for the oral examination on an agreed date within

the period of eligibility without an excuse acceptable to the Board, the candidacy will automatically terminate.

(ii) *Through affirmative action.* Members of the minority groups specified by the Equal Opportunity Act of 1972, as amended, may be selected by the Board of Examiners for admission to the oral examination in accordance with the Affirmative Action Programs of the participating departments and agencies. Such candidates must be at least 21 years of age, citizens of the United States, and holders of at least a bachelor's degree from an accredited college or university. Affirmative Action Program applicants will be evaluated on a highly competitive basis, in accordance with criteria established by the Board in conjunction with the participating departments and agencies and publicly announced, to determine those to be selected for the oral examination.

(iii) *Through the mustang program.* (A) Employees of the Department of State in classes FS–9 through FS–4 and grades GS–1 through GS–12 who are at least 21 years of age and who have at least 3 years of service with the Department may be selected by the Board of Examiners for admission to the oral examination for the Junior Career Candidate Program in accordance with the Mustang Program of the Department. Such Mustang candidates must: (*1*) Complete successfully an appropriate Foreign Service Institute-sponsored or approved university or correspondence course relevant to officer-level responsibility in the chosen Foreign Service field of specialization; (*2*) submit an autobiography of approximately 1000 words; and (*3*) be recommended by a Qualifications Evaluation Panel of the Board of Examiners for selection for the oral examination.

(B) Employees of the Department of State in classes FS–3 and GS–13 and above are eligible for the Mid-Level Career Candidate Program and should apply under that program if they wish to be considered for conversion to Foreign Service officer status (see § 11.10).

(iv) *Through the upward mobility program.* Admission to the oral examination through the Upward Mobility Program of the United States Information Agency is governed by procedures established by that agency.

(3) *When and where given.* The oral examination cycle will be held each year in Washington, D.C., and in selected cities in the United States. If circumstances permit, oral examinations may also be held at selected Foreign Service posts when approved by the Board of Examiners.

(4) *Examining panel.* The oral examination will be given by a panel of deputy examiners approved by the Board of Examiners from a roster of Foreign Service officers; Foreign Service information officers; career officers from the Department of State, the United States Information Agency, and the Department of Commerce; and qualified private citizens who, by prior service as members of departmental or agency Foreign Service selection boards or other appropriate activities, have demonstrated special qualifications to serve as deputy examiners. Service as a deputy examiner shall be limited to a maximum of 5 years, unless a further period is specifically authorized by the Board. Examination panels shall be chaired by a career officer of the Foreign Service. Determinations of duly constituted panels of deputy examiners are final unless modified by specific action of the Board of Examiners.

(5) *Grading.* Candidates taking the oral examination will be graded numerically according to standards established and publicly announced by the Board of Examiners. The candidacy of anyone whose score is at or above the passing level set by the Board will be continued. The candidacy of anyone whose score is below the passing level will be terminated and may not be considered again until the candidate has passed a new written examination. An Affirmative Action, Mustang, or Upward Mobility candidate who fails the oral examination may not be considered again until 1 year after that date.

(d) *Background investigation.* Candidates who pass the oral examination will be eligible for selection by the Board for the background investigation. The background investigation shall be conducted to determine the candidate's suitability for appointment to the Foreign Service. Should the total number of eligible candidates substantially exceed the anticipated needs of the Foreign Service, the Board of Examiners may authorize priorities to be established, on the basis of combined written and oral examination scores and Affirmative Action considerations, for scheduling the background investigation.

(e) *Medical examination.*—(1) *Eligibility.* Candidates who pass the oral examination, and their dependents, will be eligible for selection by the Board of Examiners for the medical examination.

(2) *Purpose.* The medical examination shall be conducted to determine the candidate's physical fitness to perform the duties of a Foreign Service officer on a worldwide basis and, for candidates and dependents, to determine the presence of any physical, neurological, or mental condition of such a nature as to make it unlikely that they would be able to function on a worldwide basis.

(3) *Conduct.* The medical examination may be conducted by medical officers of the Department of State, the Armed Forces, the Public Health Service, accredited colleges and universities, or by private physicians.

(4) *Determination.* The Medical Director of the Department of State will determine, on the basis of the report of the physician(s) who conducted the medical examination, whether the candidate and the candidate's dependents have met the required medical standards for appointment (see section 680, Volume 3, Foreign Affairs Manual).

(5) *Medical disqualification.* (i) An Employment Review Committee established by the Department of State, when authorized by the candidate, will review the case of any Department of State Foreign Service candidate or dependent who has been denied medical clearance for appointment, and determine by majority vote whether or not the candidate should be appointed despite the medical disqualification. Decisions of the Employment Review Committee are final and are not subject to further appeal by the candidate.

(ii) The United States Information Agency (USIA) maintains a similar review procedure for USIA Foreign Service candidates and dependents who are disqualified medically. Affected candidates may apply to the Director of the Office of Personnel (M/P) of USIA for review of their cases.

(f) *Final review panel.* After the results of the medical examination and background investigation are received, the candidate's entire file will be reviewed and graded by a Final Review Panel, consisting of two or more deputy examiners of the Board of Examiners. Candidates who have completed the examination process; have passed their medical examination, or have obtained Employment Review Committee approval or the equivalent in accordance with the procedures of the other participating agencies; and, on the basis of their background investigation, have been found suitable to represent the United States abroad, will have their names placed on the functional rank-order register(s), or a special register, for the agency or agencies for which they have been found qualified. Thereafter, they will be considered for employment based on the needs of the individual foreign affairs agencies. The candidacy of any candidate who is determined by the Final Review Panel to be unqualified

for appointment shall be terminated and the candidate so informed.

(g) *Certification for appointment.*—(1) *Eligibility.* (i) A candidate will not be certified as eligible for appointment as a Foreign Service Officer Career Candidate of class FS–6 unless that candidate is at least 21 years of age and a citizen of the United States.

(ii) Career Candidate appointments shall be made before the candidate's 60th birthday. Appointments by the United States Information Agency shall be made before the candidate's 58th birthday. The maximum age for appointment under this program is based on the requirement that all career candidates shall be able to: (A) Complete at least two full tours of duty, exclusive of orientation and training, (B) complete the requisite eligibility period for tenure consideration, and (C) complete the requisite eligiblity period to receive retirement benefits, prior to reaching the mandatory retirement age of 65 prescribed by the Act.

(iii) A candidate may be certified as eligible for direct appointment to classes FS–5 or FS–4 if the Board of Examiners determines in accordance with published criteria that, in addition to meeting the requirements for class FS–6, the candidate has additional special experience and skills for which there is a need in the Foreign Service.

(iv) Recommended candidates who meet the requirements of this section will be certified for appointment by the Board, in accordance with the needs of the foreign affairs agencies, in the order of their standing on their respective registers.

(2) *Functional rank-order registers.* The Board of Examiners may maintain separate rank-order registers for Career Candidates in administrative, consular, economic, and political functions of the Department of State; for Career Candidates in the information/cultural function of the United States Information Agency; for Career Candidates in the foreign commercial function of the Department of Commerce; and for functions of other participating foreign affairs agencies. Appointments from each functional register will be made in rank order according to the needs of the relevant agency.

(3) *Special programs.* (i) Qualified minority candidates who apply and qualify under the Department of State Affirmative Action Junior Officer Program (AAJOP) may be placed on a separate register and offered appointment from that register to meet Affirmative Action hiring goals established by the Secretary.

(ii) Qualified minority candidates who apply and qualify under the Comprehensive Minority Recruitment and Training Program (COMRAT) of the United States Information Agency may be placed on a separate register and offered appointment from that register in accordance with the Affirmative Action Program established by that agency.

(iii) Mustang and Upward Mobility candidates who are career employees of the Department of State or the United States Information Agency will be certified by the Board of Examiners for direct appointment on an individual basis after satisfactorily completing all aspects of the examination process.

(4) *Postponement of entrance on duty.* Postponement of entrance on duty because of civilian Federal Government service abroad (to a maximum of 2 years of such service), including Peace Corps volunteer service, or required active regular or reserve military service (to a maximum of the limit of such required service), may be authorized by the Board.

(5) *Foreign language requirement.* A candidate may be certified for appointment to classes FS–6, FS–5, or FS–4 without first having passed an examination in a foreign language, but the appointment will be subject to the condition that the newly appointed Career Candidate may not be converted to career Foreign Service officer status unless, within a specified period of time, adequate proficiency in a foreign language is achieved. For limitations on promotion, see section 874, Volume 3, Foreign Affairs Manual.

(h) *Termination of eligibility.*—(1) *Time limit.* Candidates who have qualified but have not been appointed because of lack of openings will be removed from the rank-order register 18 months after the date of placement on the rank-order register. Time spent in civilian Federal Government service abroad (to a maximum of 2 years of such service), including Peace Corps volunteer service, or in required active regular or reserve military service (to a maximum of the limit of such required service), will not be counted as part of the 18-month eligibility period.

(2) *Extension.* The Board of Examiners may extend the eligibility period when such extension is, in its judgment, justified in the interest of the Foreign Service.

(i) *Travel expenses.* The travel and other personal expenses of candidates incurred in connection with the written and oral examinations will not be borne by the Government. However, the participating foreign affairs departments and agencies may issue round-trip invitational travel orders to bring candidates to Washington, D.C., at Government expense, when it is determined by the agencies that this is necessary in the interest of the Foreign Service.

Dated: March 23, 1983.

Clint A. Lauderdale,

Deputy Assistant Secretary for Personnel.

[FR Doc. 83–8103 Filed 3–29–83; 8:45 am]

BILLING CODE 4710–15–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200, 203, 204, 213, 220, 221, 222, 226, 227, 233, 234, 235, 237, 240, 804, 805, 812 and 841

[Docket No. N–82–1172]

Announcement of Effective Date; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of announcement of effective date; correction.

SUMMARY: This document corrects a notice of effective date published on December 6, 1982, (47 FR 54790). The notice inadvertently neglected to announce the effectiveness of Part 234 of the Department of Housing and Urban Development's regulations. The December 6, 1982 document announced the effective date for a single family waiver authority rule published on August 18, 1982, (47 FR 35957).

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10278, 451 7th Street, SW., Washington, D.C. 20410, telephone No. (202) 755–7055. (This is not a toll-free number.)

The following corrections are made to FR Doc. 82–33156 appearing on 54790 in the issue of December 6, 1982:

1. On page 54790, column three, the CFR Part heading is corrected to read, "(24 CFR Parts 200, 203, 204, 213, 220, 221, 222, 226, 227, 233, 234, 235, 237, 240, 804, 805, 812 and 841)".

2. On page 54791, column one, third paragraph, "(24 CFR Parts 203, 204, 213, 220, 221, 222, 226, 227, 233, 235, 237, and 240: Single Family Waiver Authority Final rule published August 18, 1982, (47 FR 35957), Docket No. R–82–952. Effective Date: December 3, 1982" is corrected to read, "24 CFR Parts 203,

204, 213, 220, 221, 222, 226, 227, 233, 234, 235, 237, and 240: Single Family Waiver Authority Final rule published August 18, 1982, (47 FR 35957), Docket No. R–82–952. Effective Date: December 3, 1982".

Dated: March 24, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83–8128 Filed 3–29–83: 8:45 am]

BILLING CODE 4210–27–M

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24 CFR Part 3280

[Docket No. R–82–1017]

Manufactured Home Construction and Safety Standards

Correction

In FR Doc. 82–29865 beginning on page 49383 in the issue of Monday, November 1, 1982, make the following corrections:

1. On page 49386, the middle column, in § 3280.305(g)(4), the word "Botom" should read "Bottom".

2. On page 49391, the first column, in § 3280.707(d)(1), the ninth and tenth lines, the phrase "loss shall be as described in section," should be removed.

3. On the same page, in the middle column, in the table to § 3280.707(d)(2), under "Recovery efficiency", the percentage should read "75".

BILLING CODE 1505–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7876]

Income Tax; Taxable Years, Beginning After December 31, 1953; Bad Debt Deduction for Thrift Institutions That Join in Filing Consolidated Returns

Correction

In FR Doc. 83–6974, beginning on page 11256, in the issue of Thursday, March 17, 1983, make the following corrections:

1. On page 11256, in the third column, in the first paragraph, in the second line from the bottom, "not follow" should read "follow".

2. On page 11258, in the second column, in § 1.1502–42(e)(1), in the sixth line, "with paragraph" should read "without paragraph".

BILLING CODE 1505–01–M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Interim rule with request for public comment.

SUMMARY: The Commission is adding a new subsection to its paroling policy guidelines, 28 CFR 2.20, to clarify its policy concerning application of the guidelines to probation revocation cases. In probation revocation cases, the Commission will consider the original federal offense and any new criminal conduct on probation (federal or otherwise) in assessing the offense severity except where probation has been revoked on a complex sentence (i.e., a committed sentence of more than six months followed by a probation term). In complex sentence cases, the case will be considered for guideline purposes under the Commission's reparole guidelines, 28 CFR 2.21.

DATES: This interim rule is effective April 4, 1983.

Public comment must be received by May 20, 1983.

ADDRESS: Submit comments to U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815.

FOR FURTHER INFORMATION CONTACT: Steve D. Johnston, Deputy Chief, Case Operations, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, telephone (301) 492–5952.

SUPPLEMENTARY INFORMATION: The Commission from time to time is confronted with probation revocation cases involving complex sentences where the sentencing court has imposed a term of probation to follow a term of more than six months imprisonment. This may be done by sentencing the offender to prison on one count and to probation on another count. In the usual case, a sentence involving both imprisonment and probation is imposed pursuant to 18 U.S.C. 3651 under which the term of imprisonment may not exceed six months.

It is the Commission's policy to consider the original federal offense behavior and any new criminal behavior (Federal or otherwise) on probation in assessing offense severity for probation revocation cases in applying the Commission's guidelines, and to give credit toward such guidelines for any time spent in confinement on any offense behavior considered in assessing offense severity. However, offenders with complex sentences (i.e., committed sentences of more than six months followed by a probation term) have already served a substantial period of imprisonment for their original federal offense. Therefore, the Commission is providing an exception to its above stated policy for these cases. For probation revocation cases with complex sentences, the Commission will not consider the original offense in assessing the offense severity but will consider only the probation violation behavior under the Commission's reparole guidelines, 28 CFR 2.21. The publication of these provisions is intended to clarify the Commission's policy and to provide more equitable treatment of probation violators.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

PART 2—[AMENDED]

Accordingly, pursuant to the provision of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR 2.20(j) is added as follows:

§ 2.20 Paroling policy guidelines; statement of general policy.

* * * * *

(j)(1) In probation revocation cases, the original federal offense behavior and any new criminal conduct on probation (federal or otherwise) is considered in assessing offense severity. Credit is given towards the guidelines for any time spent in confinement on any offense considered in assessing offense severity. Where there is new criminal conduct on probation, the original federal conviction is also counted in the salient factor score.

(2) Exception: where probation has been revoked on a complex sentence [i.e., a committed sentence of more than six months followed by a probation term], the case shall be considered for guideline purposes under § 2.21 as if parole rather than probation had been revoked.

* * * * *

I certify that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Dated: March 10, 1983.

Benjamin F. Baer,

Chairman, Parole Commission.

[FR Doc. 83–8102 Filed 3–29–83: 8:45 am]

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 83-3]

Compulsory License for Cable Systems Inquiry

AGENCY: Copyright Office, Library of Congress.

ACTION: Statement of Views.

SUMMARY: By Notice of Inquiry published in the **Federal Register** of February 11, 1983 (48 FR 6372–6373), the Copyright Office invited public comment on four general questions: substitution for specialty stations, expanded geographic coverage, expanded temporal carriage and ungranted waiver requests. After analyzing the comments received, the Copyright Office reached certain tentative conclusions on specific issues and communicated its views to the interested parties in a letter of opinion dated March 11, 1983. The Office is publishing this Statement of Views to inform the public of the positions taken in its letter of opinion and to address one additional point.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, Telephone: (202) 287–8380.

SUPPLEMENTARY INFORMATION: At a public meeting on October 20, 1982, the Copyright Royalty Tribunal [Tribunal] adopted its final rule in Docket No. 81–2, Cable Television Royalty Fee Adjustment Proceeding.

The Tribunal established a new schedule of royalty rates in light of the repeal by the Federal Communications Commission [FCC] of certain distant signal carriage and syndicated exclusivity restrictions. The text of the Tribunal's amendments to 37 CFR Part 308 were published in the **Federal Register** of Friday, November 19, 1982 (47 FR 52146–52159).

Following the publication of the Tribunal's final rule in the rate adjustment proceeding, the Copyright Office received letters from several cable system operators and their representatives requesting interpretative rulings in connection with the application of the new 3.75% rate in specific instances. To assist the Copyright Office in responding to the various letters of inquiry and requests for interpretative rulings, the Office published a Notice of Inquiry in the **Federal Register** of February 11, 1983 (48 FR 6372–6373) inviting comment on four general issues. Twenty-one comments were submitted on behalf of cable system operators, program suppliers, sports claimants, and broadcasters. The Office analyzed these comments, the Copyright Act and its legislative history, the CRT rate determination, and certain former FCC regulations to the extent possible, given the wish of cable systems for guidance before March 15, 1983, and reached the conclusion that only a limited response to the questions posed in the Notice of Inquiry was appropriate at this time.

In its letter of opinion dated March 11, 1983, the Copyright Office responded to certain urgent requests from cable system operators for guidance regarding the 3.75% rate increase; however, the views expressed were tentative and did not represent any effort to decide any issues that may be considered by the U.S. Court of Appeals for the District of Columbia Circuit, to whom the Tribunal's rate adjustment decision has been appealed. The Office reiterated its hope that issues regarding interpretation of the Tribunal's new royalty rates would be brought to the attention of the Court, and that the Court would provide guidance.

As stated in its Notice of Inquiry, and recalled in its opinion letter, the Copyright Office does not intend to take any steps to implement the October 20, 1982 rate adjustment pending a final decision by the Court of Appeals; the Office will, however, accept royalty payments at the levels set by the October 20, 1982 rate determination, and will examine the Statements of Account at an appropriate time.

Although the Copyright Office observed in its letter that it understands the expressed wish of cable systems for some guidance regarding the 3.75% rate adjustment, to give the guidance requested at this juncture would require the Copyright Office to interpret the rules of another governmental body at a time when those rules are under appeal in the courts, and before the Office is called upon to take any steps to carry out its responsibilities in collecting royalties due under the CRT's October 20, 1982 rate adjustment. Its response was accordingly limited and is subject to reexamination after a final decision by the Court of Appeals. At that time, the Copyright Office will again consider the comments submitted in response to the Notice of Inquiry, RM 83–3, and may invite additional comments.

As for the specific questions raised in its Notice of Inquiry, the Copyright Office did make the following observations:

1. *Specialty Stations.* Most of the comments concentrated upon the first issue raised in the Notice, suggesting that the substitutability of nonspecialty independent stations for specialty stations (whether carried or not) constitutes the most important of the four issues posed. It is the view of the Copyright Office that section 801(b)(2)(B) of the Copyright Act contemplates that cable royalty rates shall be adjusted by the Tribunal following any change after April 15, 1976 in the FCC distant signal rules to ensure that "rates for the *additional distant signal equivalents* resulting from such carriage are reasonable in the light of the changes effected by the amendment to such rules and regulations." (emphasis added).

The argument advanced in cable system comments that specialty stations never carried, even though "permitted", may now be replaced by nonspecialty independent stations and paid for at less than the 3.75% rate is inconsistent with the intent of the Congress that the "additional" DSE's mentioned in section 801(b)(2)(B) of the Act shall be governed by a new rate. No royalties were ever paid for nonexistent DSE's for specialty stations never carried; therefore, carriage now of an additional nonspecialty independent station, whose carriage was not permitted under the FCC's former distant signal rules, presumably represents "additional distant signal equivalents" within the meaning of section 801(b)(2)(B), as to which Congress intended that the Tribunal should establish new reasonable rates. The Tribunal determined that the 3.75% would be reasonable for such additional distant signal equivalents.

A related issue that was not addressed by the Copyright Office in its letter of opinion concerns the carriage of "grandfathered" signals that cable systems were lawfully carrying on March 31, 1972 under former FCC rule § 76.65. The Office has been asked whether such signals should be considered carried pursuant to an individual waiver or "permitted" for purposes of § 308.2(c) of the Tribunal's final rule. In this respect, section 801(b)(2)(B) of the 1976 Act provides that "no adjustment in royalty rates shall be made . . . with respect to any distant signal equivalent or fraction thereof represented by . . . (ii) a television broadcast signal *first carried after April 15, 1976,* pursuant to an individual waiver of the rules and regulations of the Federal Communications Commission, as such rules and regulations were in effect on April 15, 1976." (emphasis added). In light of the wording of this section of the Act, it would appear that the exception for

individual waivers would not apply where the signals in question were first carried prior to April 15, 1976. Such signals may be covered by the proviso in section 801(b)(2)(B)(i) concerning substitution for "permitted" signals.

2. *Expanded geographic coverage.* With respect to expanded geographic coverage, the Office makes the observation that any argument that the 3.75% rate does not apply must assume that the particular cable system prior to the FCC rule change has reported all gross receipts from all subscribers in that entire geographic area for the basic service of providing secondary transmissions of primary broadcast transmitters and paid royalties accordingly, even if some subscribers in that same area did not formerly receive the signal.

3. *Expanded temporal carriage.* The Copyright Office is not now prepared to express any views with respect to expanded temporal carriage.

4. *Ungranted waiver requests.* With respect to ungranted waiver requests, the Copyright Office believes that the new 3.75% rate must apply to additional distant signal equivalents resulting from carriage of distant signals not previously carried because of waiver of the FCC's rules had not been obtained for any reason.

List of Subjects in 37 CFR Part 201

Cable television copyright.

Dated: March 17, 1983.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 83-8109 Filed 3-29-83; 8:45 am]

BILLING CODE 1410-03-M

POSTAL RATE COMMISSION

39 CFR Part 3002

[Docket No. RM83-7; Order No. 490]

Order of the Commission Amending Organizational Rules

Issued: March 22, 1983.

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: The Postal Rate Commission, pursuant to 39 U.S.C. 3603, is changing its statement of organization. The changes affect §§ 3002.2 through 3002.9 regarding the various offices of the Commission. As the changes deal entirely with internal agency organization, comments have not been solicited. 5 U.S.C. 553(b).

EFFECTIVE DATE: This rule is effective on March 30, 1983.

ADDRESSES: Comments and other correspondence relating to this Notice should be sent to David F. Harris, Secretary of the Commission, 2000 L Street, NW., Washington, D.C. 20268 (telephone: 202/254-3880).

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 2000 L Street NW., Washington, D.C. 20268 (telephone: 202/254-3824).

SUPPLEMENTARY INFORMATION: This Rule makes several changes in the Commission's organization, 39 CFR Part 3002. The first change is a minor addition to § 3002.2 to eliminate a gender specific pronoun. The second change places the public information personnel under the Administrative Office.

The third change is a rewrite of § 3002.4. It eliminates the various subdivisions under the Office of the Director of Planning and Operations and replaces that office with the Office of Technical Analysis and Planning.

The fourth revision makes some changes in the Office of Administrative Law Judges (ALJs). The Commission does not now employ ALJs, though it formerly did. However, in the event the Commission requires the services of one or more ALJs, we have retained that office in the table of organization. We have rewritten that section so as to avoid conveying the impression that the Office of ALJs is currently staffed.

The next change eliminates the subdivisions under the Office of the General Counsel and consolidates the functions of that office.

The sixth change eliminates the Office of Technical Staff whose functions are merged under the Office of the Consumer Advocate (formerly known as Officer of the Commission). The proposed change explains the duties of that office and refers to Appendix A to section 3002 on the policies regarding the Office of the Consumer Advocate.

The final change renumbers § 3002.9 to § 3002.8.

List of Subjects in 39 CFR Part 3002

Organizations and Functions (Government Agencies).

PART 3002—ORGANIZATION

1. For the reasons set out above, the Commission revises 39 CFR §§ 3002.2-3002.7 as follows:

§ 3002.2 The Commission and its offices.

(a) The Commissioners. The Postal Rate Commission is an independent establishment of the executive branch of the U.S. Government created by the Postal Reorganization Act (84 Stat. 719, title 39, U.S.C.). The Commission consists of five Commissioners appointed by the President and confirmed by the Senate, one of whom is designated as Chairman by the President.

(b) The Chairman and Vice-Chairman. The Chairman has the administrative responsibility for assigning the business of the Commission to the other Commissioners and to the offices and employees of the Commission. He/She has the administrative duty to preside at the meetings and sessions of the Commision and to represent the Commission in matters specified by statute or executive order or as the Commission directs. The Commission shall elect annually a member of the Commission to serve as Vice-Chairman of the Commission for a term of one year or until a successor is elected. In case of a vacancy in the Office of the Chairman of the Commission, or in the absence or inability of the Chairman to serve, the Vice-Chairman, unless otherwise directed by the Chairman, shall have the administrative responsibilities and duties of the Chairman during the period of vacancy, absence, or inability.

§ 3002.3 Administrative Office.

(a) The incumbent head of the office is responsible for exercising two executive functions of the Commission and utilizes the title of either "Secretary" or "Chief Administrative Officer", as appropriate.

(b) As Secretary of the Commission, the incumbent head shall have custody of the Commission's seal, the minutes of all action taken by the Commission, its rules and regulations, its administrative and other orders, and records. All orders and other actions of the Commission shall be authenticated or signed by the Secretary or any such other person as may be authorized by the Commission.

(c) As Chief Administrative Officer the incumbent head is also responsible, subject to the policy guidelines of the Commission, for: Development, implementation, and administration of the Commission's financial management system and accounting activities including those relating to the budget and the payroll; development and administration in conjunction with the Personnel Officer of a personnel program designed to meet the needs of the Commission and its employees; development and administration, subject to the supervision of the Chairman, of a public information program appropriate to the agency mission; provision of facilities and operating and support services essential

to the efficent and effective conduct of operations; acquisition, planning and assignment of office space; procurement and supply; serving as the contracting officer for the Commission and controlling the obligation of Commission funds, as authorized by the Commission.

(d) The personnel management functions set out above are the immediate responsibility of the Personnel Officer, whose position is located in the Administrative Office.

§ 3002.4 Office of Technical Analysis and Planning.

(a) The Office of Technical Analysis and Planning is responsible for technical (as opposed to legal) analysis and the formulation of policy recommendations for the Commission.

(b) This office provides the analytic support to the Commission for reviewing the record of rate and classification requests, post office closings and other issues which come before the Commission. The functional areas of expertise within this office are: (1) The economic analysis of the market for postal services including the alternative sources for such services and the users of the service; (2) The analysis of the operational characteristics of the postal system and its interface with various segments of the economy; and, (3) The analysis of the costs of operating the Postal Service and how such costs are influenced by the operational characteristics.

(c) These functional activities are combined in the evaluation of the revenue requirements of the Postal Service under possible alternative operating circumstances for the purpose of developing rate structures. They are also used to evaluate the impact of various proposed changes to the Domestic Mail Classification Schedule and the consequences of these changes upon the mailers and upon the revenue requirements and rate structure of the Postal Service.

(d) The office also collects, analyzes and periodically summarizes financial and various other statistical information for use in its ongoing activities and for the development of future methods, techniques and systems of analysis and reporting.

§ 3002.5 Office of Administrative Law Judges.

The Office of Administrative Law Judges is responsible for discharging the functions and exercising the powers of such Administrative Law Judges as the Commission may from time to time employ, in hearings, and in accordance with the provisions of sections 556 and 557 of the Administrative Procedures Act (5 U.S.C. 556 and 557).

§ 3002.6 Office of the General Counsel.

The General Counsel directs and coordinates the functions of the Office of the General Counsel and is directly responsible for the counseling and advisory services set forth in 39 CFR 3000.735–203. In accordance with § 3001.8 of the rules of practice, the General Counsel does not appear as an attorney in hearings in any proceeding before the Commission and takes no part in the preparation of evidence or argument presented in such hearings. The General Counsel represents the Commission in court proceedings and performs legal research on issues coming before the Commission; advises the Commission on the legal aspects of proposed legislation and rulemaking, the legal aspects of proposed action and policies on procurement, contracting, personnel matters, and other internal legal questions.

§ 3002.7 Office of the Consumer Advocate.

(a) The Office of the Consumer Advocate provides representation for the interests of the general public in Commission proceedings. The office prepares and litigates before the Commission legal and evidentiary presentations in all formal Commission dockets under Chapter 36 of Title 39, U.S. Code. It also is responsible for maintaining a continuing litigation capability including preparation for consideration of issues likely to reflect the interests of the general public in subsequent proceedings.

(b) The head of this office is responsible for directing both legal and technical personnel to fulfill its functions. The office includes both litigation attorneys and a broad spectrum of technical expertise to analyze and evaluate the diverse economic, cost and market issues before the Commission. During the pendency of a proceeding, personnel serving in the Office of the Consumer Advocate are prohibited from participating or advising as to any intermediate or Commission decision in that proceeding pursuant to the Commission Rules of Practice.

(c) A policy statement regarding the Office of the Consumer Advocate is contained as Appendix A to this part.

§ 3002.8 [Redesignated from § 3002.9]

2. Section 3002.9 is redesignated and becomes 3002.8.

3. Appendix A is revised to read:

Appendix A

(The following policy statement regarding the Office of the Consumer Advocate (formerly Office of the Officer of the Commission) was adopted by the Commission and published at 47 FR 25523. June 14, 1982.)

1. The officer of the Commission appointed under 39 U.S.C. 3624(a) shall be appointed from the Office of the Consumer Advocate and shall assist, using the means and procedures available to parties before the Commission, to develop a complete and accurate record by:

(a) Identifying information or data that are needed in addition to those presented by other parties;

(b) Identifying inaccuracies or fallacies in submitted data or information; and

(c) Sponsoring relevant and material evidence which presents needed data or information, which critiques record evidence, or which supports proposals of the officer or other participants not inconsistent with Commission precedents and judicial decisions reviewing Commission precedents. The preceding shall not preclude the officer from offering testimony on a methodology which the Commission has previously considered but not adopted, if a fair reading of the Commission opinion(s) concerned shows that such methodology offers potential benefits and new data are available to remedy any defects cited by the Commission.

2. To argue for equity on behalf of the general public and principally those segments of the general public who are not otherwise represented in PRC proceedings. In so doing, the officer shall consider both long and short term consequences.

3. During the course of proceedings the officer, in accordance with Commission rules, shall maintain complete independence from the members of the Commission and the agency's advisory staff.

David F. Harris,

Secretary.

[FR Doc. 83-7965 Filed 3-29-83; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 2323-3; KY-005]

Approval and Promulgation of State Implementation Plans; Kentucky: Set II VOC Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today announcing full approval of regulations for the control of volatile organic compounds (VOC). Set II, which the Commonwealth of Kentucky submitted pursuant to requirements of Part D, Title I, of the Clean Air Act (CAA). EPA on November 24, 1981 (46 FR 57486), approved these State Implementation Plan (SIP) revisions on condition that the State

adopt and submit a regulation for leaks from gasoline tank trucks and collection systems by March 1, 1982. The State has adopted and submitted the regulation and EPA is removing the conditional approval of Kentucky's Set II VOC regulations. EPA proposed this action on November 17, 1982 (47 FR 51769). This regulation applies only to the loading and transporting of gasoline at bulk plants and terminals in urban ozone nonattainment areas. This revision will improve ambient air quality in such areas.

DATE: This action is effective on April 29, 1982.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

Library, Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20005

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Air Management Branch, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Kentucky Department for Environmental Protection, 18 Reilly Road, Building 2, Fort Boone Plaza, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Waymond Blackmon, EPA Region IV, Air Management Branch, 404/881-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: Part D of the Title I of the Clean Air Act, as amended in 1977, requires that states revise their State Implementation Plan (SIP) for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). As part of their control strategies for attainment of the NAAQS for ozone (O_3), Kentucky revised their SIP to require control of volatile organic compounds (VOC) from source categories for which EPA published Control Technique Guideline (CTG) documents.

SIP revisions were submitted by the Commonwealth of Kentucky on June 6, 1979, February 5, 1981, and September 24, 1982. EPA conditionally approved the Kentucky State Implementation Plan revision for lack of an appropriate gasoline tank truck regulation. (See 46 FR 57486, November 24, 1981). Since the State has adopted and submitted such a regulation, EPA is today removing the conditional approval for Kentucky's regulations. The provisions of this regulation shall apply to affected gasoline tank trucks which load at bulk terminals and bulk gasoline plants in urban counties designated nonattainment for ozone. No owner or operator of a gasoline tank truck subject to this regulation shall allow loading unless the gasoline tank truck has a valid Kentucky pressure-vacuum test sticker attached and visibly displayed. EPA called for public comments on the November 17, 1982 proposed action. One comment was received. The following is a discussion of that comment.

Comment. The State of Kentucky requested that changes be made in the final **Federal Register** notice to correspond with the July 14, 1982 adopted regulation for leaks from gasoline tank trucks. Due to an oversight by EPA, the proposed published **Federal Register** notice (46 FR 51769, November 17, 1982) discussed a proposed regulation Kentucky submitted earlier, and not the actual regulation Kentucky adopted. EPA had reviewed both the proposed and the actual regulation that was adopted and found both to comply with EPA policy and guidance. The regulation we are approving today shall apply to affected gasoline tank trucks which load at bulk terminals and bulk gasoline plants in urban counties designated nonattainment for ozone. No owner or operator of a gasoline tank truck subject to this regulation shall allow loading unless the gasoline tank truck has a valid Kentucky pressure-vacuum test sticker attached and visibly displayed. This sticker indicates that the gasoline tank truck and its vapor collection system have been tested as having a pressure change of no more than seventy-five (75) mm water (three (3) in. water) in five (5) minutes when pressurized to 450 mm water (eighteen (18) in. water) and evacuated to 150 mm water (six (6) in. water) using test procedure as defined in Appendix B to "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", OAQPS 1.2-119, U.S. EPA, Office of Air Quality Planning and Standards.

Response. Rather than re-propose the gasoline tank truck regulation Kentucky adopted, EPA is today giving full approval to the regulation. This is based upon both the proposed and adopted regulations meeting EPA requirements. Nothing could be gained from re-proposing the actual regulation, since only one comment was received and this by the state of Kentucky asking EPA to correct our oversight.

Action. EPA gives full approval to the Commonwealth of Kentucky's Set II VOC regulations.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the States Court of Appeals for the appropriate circuit by May 31, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Kentucky was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 22, 1983.

John W. Hernandez,

Acting Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart S—Kentucky

1. In § 52.920, paragraph (c) is amended by inserting an additional date in subparagraph (22) as follows:

§ 52.920 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(22) Set II VOC regulations, submitted on February 5, 1981, and September 24, 1982, by the Kentucky Department for Environmental Protection.

§ 52.930 [Amended]

2. In § 52.930, Control Strategy: Ozone, paragraph (a), dealing with conditional approval of the Set II VOC regulations, is removed.

[FR Doc. 83-8229 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-5-FRL 2293-3]

Ohio; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA announces today final rulemaking on a revision to the Ohio State Implementation Plan (SIP)

for ozone. The result of this revision for the Mead Paper Corporation Chilpaco Mill in Ross County, Ohio, is to amend emission limitations and extend compliance dates for three flexographic printing lines which are subject to Ohio Administrative Code (OAC) Rule 3745–21–09(Y)(1) and Rule 3745–21–04(C)(32)(a). EPA's action is based upon a revision and technical support documentation which was submited by the State.

DATE: This action will be effective May 31, 1983 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of this revision to the Ohio SIP are available for inspection at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Debra Marcantonio, at (312) 886–6088 before visiting the Region V Office).

Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6088.

SUPPLEMENTARY INFORMATION: On September 10, 1982, the Ohio Environmental Protection Agency (OEPA) submitted a revision to its ozone SIP for the Mead Paper Corporation, Chilpaco Mill. This facility is located in Ross County, Ohio, a rural nonattainment area for ozone. Ohio's ozone SIP for this county was approved on October 31, 1980 (45 FR 72122) and on June 29, 1982 (47 FR 28097). According to the approved ozone SIP, Ross County will attain ozone National Ambient Air Quality Standards (NAAQS) by December 31, 1982. This is based upon EPA's belief that control of sources of volatile organic compounds (VOC) in major urbanized areas will result in attainment of the ozone standard in downwind rural nonattainment areas.

This revision is in the form of three variances from the requirements of OAC Rule 3745–21–09(Y) and the compliance schedule contained in OAC Rule 3745–21–04 (C)(32). The variances contain revised emission limits and an extended compliance time schedule for the three flexographic printing lines.

Under the existing Federally approved SIP, the three flexographic printing lines are subject to the following control requirements contained in OAC Rule 3745–21–09(Y)(1):

(a)(i) That the VOC content of the inks employed in the printing lines do not exceed 40% by volume, or

(ii) The VOC content of the inks employed in the printing lines do not exceed 25% by volume of the volatile content, or

(b) That the printing lines be equipped with a capture/control system which provides an overall control efficiency of at least 58.5%.

The technical support submitted by OEPA indicates that it is technically infeasible for Mead Paper to comply with the requirements mentioned in Section (a)(i) above. Due to the type of printing equipment used and the specifications pertaining to product quality, it is not possible for Mead Paper to employ high solids inks. The solids content of the inks must remain in the range of 3–5% (by volume) in order for the printing of the safety paper that Mead Paper manufactures to be effective. It is, however, possible to convert to waterborne ink formulations even though the requirements in Section (a)(ii) above cannot be met. For most inks, the technical documentation indicates that a 70% water—30% alcohol mixture can be used as the carrier. For certain inks containing gold or yellow pigments only a 50% water—50% alcohol mixture can be used as the carrier. The documentation indicates that these water-alcohol compositions are the best that can be achieved for these printing operations at the facility.

The technical data submitted by OEPA also indicates that the conversion to waterborne ink formulations would be much more cost-effective than installing a capture/control system as required by OAC Rule 3745–21–09(Y)(1)(b) for the following reasons:

1. Installing a carbon adsorption system at Mead Paper would be technically and economically unreasonable, because an inordinate amount of activated carbon would be required to adsorb a small amount of alcohol vapor.

2. Installing an incineration system would be economically unreasonable because the plant could convert to a water-alcohol base ink at a substantially reduced cost and this conversion would result in a VOC emission reduction of 60% which is greater than the reduction currently required by OAC Rule 3745–21–09(Y)(1)(b).

The following table compares the estimated costs for conversion and incineration.[1]

	Conversion to water-alcohol base	Incineration
Capital cost	$283,600	$748,500
Total annualized operating cost[2]	220,680	118,940
Annual operating cost per ton of Solvent Reduced[3]	[4]–400	340

[1] All costs are estimated in June 1981 dollars
[2] Includes capital costs, at 16 years life, at 20% financing
[3] Based on uncontrolled solvent usage of 250 lbs/hr., and operations of 24-hr/day, 6-days/wk, and 52-wks/yr and 60% solvent emission reductions.
[4] These negative values reflect a cost savings in converting from the use of organic solvent to water

OEPA has, therefore, requested in its SIP revision that the above-mentioned water-alcohol carrier mixture be used as the basis for a new, facility-specific definition of RACT for the inks employed at the Chilpaco Mill, in lieu of the current requirements of OAC Rule 3745–21–09(Y). Such an alternative RACT definition will result in a 60% reduction in VOC emissions from the facility. (For calendar year 1980, this would be equivalent to a reduction in VOC emissions of approximately 535 tons). This is slightly greater than the 58.5% overall control required by OAC Rule 3745–21–09(Y)(1)(b).

Therefore, in lieu of the requirements of OAC Rule 3745–21–09)(Y), the variances specify that the VOC content of the inks employed at the three printing lines (K001, K002 and K003) shall not exceed the following limitations.

(1) For the inks containing gold or yellow colored pigments, 50% (by volume) of the volatile content of the inks; and

(2) For all other inks, 30% (by volume) of the volatile content of the inks.

(3) In addition, the volume-weighted average VOC content of all inks employed in sources K001, K002 and K003 during any calendar quarter shall not exceed 40% (by volume) of the volatile content of the inks.

The conversion to waterborne ink formulations will require the Mead Corporation to install a new drying oven for each printing line. One of the lines will serve as a prototype design, and its performance will be evaluated thoroughly prior to completing the

designs for the remaining two drying systems. Therefore, the variances also contain revised compliance schedules for each of the lines. The three flexographic printing lines are currently subject to OAC Rule 3745–21–04(C)(32)(a) which specifies a final compliance date of December 31, 1982. The variances specify that printing line K003 will be brought into compliance with the revised RACT requirements by no later than September 1, 1983. The remaining two printing lines (K001 and K002) will be completed and in compliance by no later than September 1, 1985. EPA has reviewed these schedules and feel they contain enforceable increments of progress leading to final compliance as expeditiously as practicable. As noted earlier, Ross County was expected to attain the ozone NAAQS by December 31, 1982 and therefore this SIP revision will not interfere with attainment of the NAAQS by the required statutory deadline.

Based on the technical and economic justification submitted by OEPA, EPA believes that the control requirements specified in the three variances for the flexographic printing lines represent RACT for the Mead Paper Corporation. Additionally, EPA believes the revised compliance schedules are as expeditious as practicable. Therefore, EPA is approving these variances as a revision to the Ohio ozone SIP.

Because EPA considers today's action noncontroversial and routine, we are approving it today withut prior proposal. The action will become effective on May 31, 1983. However, if we receive notice by April 29, 1983 that someone wishes to submit critical comments, then EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 31, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air Pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Note.—Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 21, 1983.

John W. Hernandez, Jr.,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

Subpart KK—Ohio

1. Section 52.1870(c) is amended by adding paragraph 49 as follows:

§ 52.1870 Identification of the Plan.

* * * * *

(c) * * *

* * * * *

(49) On September 10, 1982 the Ohio Environmental Protection Agency submitted a revision to its ozone SIP for the Mead Paper Corporation, Chilpaco Mill in Ross County, Ohio. This revision is in the form of three variances for the three flexographic printing lines at Mead Paper and contains revised emission limits and compliance schedules for each of the lines. Technical Support for this revision was also submitted on April 27, 1982.

[FR Doc. 83–8199 Filed 3–29–83; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 86

[AMS–FRL 2333–7]

Clarification of Regulations Establishing Emission Standards for Oxides of Nitrogen (NO_x) for Certain 1984 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Clarification of final rule.

SUMMARY: This notice clarifies the extent of coverage of a previous regulation which established a NO_x standard for one 1984 model year light-duty vehicle engine family for which EPA granted a waiver from the otherwise applicable NO_x standard. This notice will allow the affected manufacturer to introduce into commerce the engine families in question under the less stringent waived NO_x emission standard described below.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Peter J. Murtha, Attorney/Advisor, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382–2521.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(B) of the Act, 42 U.S.C. 7521(b)(1)(B), requires that light-duty vehicles or engines manufactured during or after the 1981 model year shall be subject to regulations containing standards limiting NO_x emissions from such vehicles or engines to no more than 1.0 gram per vehicle mile (g/mi). Section 202(b)(6)(B) of the Act authorizes the Administrator, upon application by any manufacturer, to waiver the statutory 1.0 g/mi NO_x standard for the 1981 through 1984 model years for any light-duty diesel engine family for which the Administrator can make the required statutory findings. The Administrator is required to promulgate interim NO_x standards applicable to the subject engine families for those model years for which a waiver has been granted.

On September 19, 1981, EPA issued a waiver decision and final rule [1] establishing a substitute standard of 1.5 g/mi NO_x for the 1984 model year for the 2.0 liter (L) engine family produced by Daimler-Benz AG (DBAG). On October 21, 1982, Mercedes-Benz of North America, Inc. (MB), on behalf of its parent company DBAG, sent EPA a letter (October 21 letter) requesting EPA to find that DBAG's new 1984 model year 2.2L engine, derived from and replacing its 2.0L engine family, is covered by the NO_x waiver granted for the 2.0L engine family.

EPA has concluded on the basis of the information contained in the October 21 letter, a subsequent letter sent by MB to EPA on November 9, 1982 (November 9 letter), and DBAG's original waiver application for its 2.0L engine family, [2] that the determinations made in the NO_x waiver decision regarding the 2.0L engine family are applicable to the 2.2L engine, and, therefore, that the technology found in the 2.2L is within the scope of the NO_x waiver granted the 2.0L.

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[1] 46 FR 47222. *See also* Application for Waiver of the 1982–1984 Model Year Oxides of Nitrogen Emission Standard for Light-Duty Diesel Motor Vehicles—Ninth Consolidated Decision of the Administrator (Ninth NO_x Waiver Decision), contained in EPA Public Docket EN–81–7.

[2] "Statement of Daimler-Benz AG," dated April 1981 (DBAG waiver application), contained in EPA Public Docket EN–81–7.

DBAG has shown that the subject 2.2L engine is similar or identical to the 2.0L in all major parameters except that it has a longer piston stroke and a consequently larger displacement.[3] The displacement between the two engines is within the 50 cubic inch differential EPA has established for determining engine family relationships for certification purposes [4] and the two engines will be employed in vehicles of the same weight.[5] Moreover, MB has submitted test data demonstrating that although the 2.2L engine emits slightly higher NO_x emissions than the 2.0L engine, it produces somewhat less particulate (P), carbon monoxide (CO) and hydrocarbon (HC) emissions.[6] Thus, on the basis of the foregoing information I conclude that the design differences between the 2.0L and 2.2L engines are minor enough that the emission charateristics of the 2.0L emission control systems are representative of the emission characteristics of the 2.2L.[7]

For clarification, this notice amends 40 CFR 86.082(a)(1)(iii) to reflect this determination.

Under section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b), EPA finds that a notice of proposed rulemaking on this amendment and public procedures thereon are unnecessary and would be contrary to the public interest. This technical amendment clarifies the scope of an earlier decision based upon notice, comment and public hearing. Repeating those procedures is unnecessary, and would delay production and introduction of the 2.2L engine.

Section 3(b) of Executive Order 12291 requires EPA to determine initially whether a rule that it intends to propose or issue is a major rule and to prepare a Regulatory Impact Analysis for all major rules. EPA has determined that this action does not constitute a major rule. The action merely confirms that the 2.2L engine produced by Daimler Benz AG is within the scope of a previously granted waiver of the NO_x emission standard. If anything, the action will likely result in cost savings to consumers and industries affected because of the less stringent requirement and will likely have a beneficial effect on competition (both foreign and domestic), employment, investment, productivity, and innovation. Accordingly, a Regulatory Impact Analysis is not being prepared for this waiver determination.

List of Subjects for 40 CFR Part 86

Administrative practice and procedure, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

(Sec. 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a))

Dated: March 18, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83-8205 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

[1] October 21 letter at page 4. The only other significant modification made in producing the 2.2L engine is the elimination of exhaust gas recirculation (EGR), which DBAG indicates is necessary to solve vehicle driveability and engine durability problems. *See* November 9 letter at page 2. DBAG recognized in its original waiver application that there were numerous problems associated with the use of the mechanical EGR system that it expected to use with the 2.0L engine including poor driveability and engine durability *See* DBAG waiver application at 25–36, 53–56, 77. These problems were part of the reason EPA granted a waiver for the 2.0L engine family. *See* Ninth NO_x Waiver Decision at 16, n.54. DBAG has been unable to solve these problems. *See* November 9 letter at page 2. In any event, EGR is not a mandatory engine family determinant. *See* 40 CFR 86.084–24(a)(2).

[2] *See* EPA, Mobile Source Air Pollution Control Advisory Circular No. 20–B (June 27, 1974) at 3.

[3] October 21 letter at page 4.

[4] The November 9 letter shows the following DBAG emission data for the two engines.

	HC	CO	NO_x	P
2.2L w/o EGR	0.2–0.35	0.8–1.4	1.17–1.39	0.3–0.5
2.0L w/EGR	0.25–0.40	1.0–1.8	1.0–1.30	0.4–0.6

[7] As noted above, to the extent there are emission differences between the 2.0L and 2.2L engines, the 2.2L engine would result in less overall emissions. *Id.* Moreover, as the original waiver decision for the 2.0L engine family noted, increased particulate emissions pose potentially greater health risks than increased NO_x emissions. Ninth NO_x Waiver Decision at 22.

40 CFR Part 180

[PP 6E1845/6E1853/7E1931/2E2734/R529; PH–FRL 2332–7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities; Paraquat

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the desiccant, defoliant, and herbicide paraquat in or on certain raw agricultural commodities. This regulation to establish maximum permissible levels for residues of the pesticide in or on the commodities was requested, pursuant to petitions submitted, by the Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: Effective on March 30, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule published in the Federal Register of February 9, 1982 (48 FR 5968) that announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted the following pesticide petitions to EPA on behalf of the IR–4 Technical Committee and the named Agricultural Experiment Stations: 6E1845 on behalf of the Agricultural Experiment Stations of California, Illinois, Massachusetts, Maryland, Michigan, New Jersey, and Virginia; 6E1853 on behalf of the Agricultural Experiment Stations of Florida, Louisiana, Connecticut, Indiana, Texas, Maryland, and California; 7E1931 on behalf of the Agricultural Experiment Station of California; and 2E2734 on behalf of the Agricultural Experiment Stations of Arkansas, California, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Texas, and Washington.

These pesticide petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion), resulting from application of either the bis (methyl sulfate) or the dichloride salt (both calculated as the cation), in or on the following raw agricultural commodities: PP 6E1845—asparagus at 0.5 part per million (ppm); PP 6E1853—strawberries at 0.25 ppm (resulting from application of the herbicide to the shielded growing raw agricultural commodity); PP 7E1931—onions (dry bulb or green) at 0.05 ppm; and PP 2E2734—broccoli at 0.05 ppm.

The data submitted in the petitions and other relevant material have been evaluated and discussed in the proposed rule. The pesticide is considered useful

for the purposes for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 18, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.205 is amended by adding and alphabetically inserting the raw agricultural commodities asparagus, broccoli, onions (dry bulb), onions (green), and strawberries to read as follows:

§ 180.205 Paraquat; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Asparagus	0.5
* * * * *	
Broccoli	0.05
* * * * *	
Onions, dry bulb	0.05
* * * * *	
Onions, green	0.05
* * * * *	
Strawberries	0.25
* * * * *	

[FR Doc. 83-8051 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 1F2447/R538; PH-FRL 2330-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Alachlor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the herbicide alachlor and its metabolites in or on the raw agricultural commodity sunflower seed. This regulation to establish a maximum permissible level for the combined residues of alachlor in or on the commodity was requested, pursuant to a petition, by the Monsanto Company.

EFFECTIVE DATE: Effective on March 30, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of January 21, 1981 (46 FR 6861), that announced that the Monsanto Company, 1101 17th St., NW, Washington, D.C. 20036, had submitted pesticide petition 1F2447 to the Agency proposing to amend 40 CFR 180.249 by establishing a tolerance for the combined residues of the herbicide alachlor [2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide] and its metabolites (calculated as alachlor) in or on the raw agricultural commodity sunflower seed at 0.5 part per million (ppm). The petitioner subsequently amended the petition to reduce the tolerance level to 0.25 ppm.

No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the tolerance included acute studies, a teratology study (rat) with no-observed teratogenic effects at 400 milligram (mg) kilogram (kg)/day (highest dose tested) and a no-observed-effect level (NOEL) of 150 mg/kg/day for maternal toxicity and fetotoxic effects; a 3-generation reproduction study (rat) with a NOEL of 10 mg/kg/day; an 18-month chronic feeding/oncogenic study (mice) which demonstrated a positive oncogenic response in females (bronchiolar alveolar tumors) at 260 mg/kg/day; and a 2-year chronic feeding/oncogenicity study (rats) with no NOEL demonstrated at 14 mg/kg/day (lowest dose tested), and which demonstrated a positive oncogenic response at 42 mg/kg/day (both sexes (nasal turbinate tumors)) and at 126 mg/kg/day (both sexes (nasal and stomach tumors) and male (thyroid follicular tumors)).

The theoretical maximal residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.0342. The current action will increase the existing TMRC by 0.3 percent.

Data lacking include a 2-year chronic feeding study (rats), a 1-year feeding study (dogs), a teratology study (rabbits), a metabolism study (rats), a skin sensitization study on guinea pigs (technical), and mutagenicity studies. Because the increase in TMRC is less than 1 percent for this use, the available toxicology data are adequate to support the establishment of the tolerances.

There are no regulatory actions pending against the continued registration of the pesticide. However, the chemical had been determined to be an oncogen in rats and mice. None of the ten models used to estimate the quantitative risk fits the data adequately. The statistical representation of these data will be assessed further in the reregistration review of this compound; however, for the sunflower use the upper limit of risk is less than 10^{-7} based upon the tolerance level. Because of the very conservative nature of the risk assessment and the utility of the pesticide for the purpose for which this regulation is sought, the Agency has determined the oncogenic risk associated with the use is outweighed by the benefits.

The nature of the residues in plants and animals is adequately understood. An adequate analytical method, gas chromatography using a flame ionization detector, is available for enforcement purposes. Residues are likely to occur in meat, milk, poultry, and eggs, but the residues should be adequately covered by tolerances established on these commodities.

The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance

would protect the public health and is established set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 17, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs

PART 180—[AMENDED]

Therefore, 40 CFR 180.249 is amended by adding and alphabetically inserting the commodity sunflower seed to read as follows:

§ 180.249 Alachlor; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Sunflower seed	0.25
* * * * *	

[FR Doc. 83–7860 Filed 3–29–83; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 1E2576/R523; PH–FRL 2330–6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Ametryn

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide ametryn in or on the raw agricultural commodities taniers and yams. This regulation to establish maximum permissible levels for residues of the herbicide in or on the commodities was requested, pursuant to a petition, by the Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: Effective on March 30, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. 22202 (703–557–1192)

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the **Federal Register** of February 2, 1983 (48 FR 4678) that announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 1E2576 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Puerto Rico proposing to amend 40 CFR 180.258 by establishing tolerances for residues of the herbicide ametryn (2-(ethylamino)-4-(isopropylamino)-6-(methylthio)-*s*-triazine) in or on the raw agricultural commodities taniers and yams at 0.1 part per million (ppm). The petition was later amended increasing the tolerance level to 0.25 ppm.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 17, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.258 is amended by adding and alphabetically inserting the raw agricultural commodities taniers and yams to read as follows:

§ 180.258 Ametryn; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Taniers	0.25
Yams	0.25
* * * * *	

[FR Doc. 83–7861 Filed 3–29–83; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 2E2759/R531; PH–FRL 2332–6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; N,N-Diethyl-2-(1-Naphthalenyloxy) Propionamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide N,N-diethyl-2-(1-naphthalenyloxy) propionamide (Napropamide) in or on the raw agricultural commodities marjoram, rosemary, and summer and winter savory. This regulation to establish maximum permissible levels for residues of the herbicide in or on the commodities was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on March 30, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule published in the **Federal Register** of February 9, 1982 (48 FR 5966) that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2759 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California.

The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the herbicide N,N-diethyl-2-(1-naphthalenyloxy)propionamide (Napropamide) in or on the raw agricultural commodities marjoram, rosemary, and summer and winter savory at 0.1 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 49 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 18, 1983.

Edwin L. Johnson,

Director Office of Pesticide Programs.

Therefore, 40 CFR 180.328 is amended by adding and alphabetically inserting the raw agricultural commodities marjoram, rosemary, and summer and winter savory to read as follows:

§ 180.328 N,N-Diethyl-2-(1-naphthalenyloxy) propionamide; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Marjoram	0.1
* * * * *	
Rosemary	0.1
Savory, Summer	0.1
Savory, winter	0.1
* * * * *	

[FR Doc. 83-8050 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300074A; PH-FRL 2334-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Phenolic Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for phenolic resins when used as an inert ingredient binding agent in pesticide formulations. This regulation was requested by the Union Carbide Agricultural Products Company.

EFFECTIVE DATE: Effective on March 30, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Rm. 3708, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Roland D. Blood, Process Coordination Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716H, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (793) 557-7700).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of February 9, 1983 (48 FR 6023) that announced that the Union Carbide Agricultural Products Company, Inc., P.O. Box 12014, T. W. Alexander Drive, Research Triangle Park, NC 27709, had submitted a request that residues of phenolic resins, as defined by 21 CFR 175.300(b)(vi)(a), be exempted from the requirement of a tolerance when used as an inert ingredient binding agent in pesticide formulations applied to growing crops only. This exemption would be granted under 40 CFR 180.1001(d) and would be limited to soil applications.

Inert ingredients are ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The bases for the exemption are:

1. Safety of the phenolic resins is inferred from its current listing as an indirect food additive under 21 CFR 300(b)(iv)(a), resinous and polymeric coatings in continual contact with foodstuffs.

2. Since application of formulations containing phenolic resins will be limited to soil use only, no toxicological residues are expected on raw agricultural commodities at time of harvest.

The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption from the requirement of a tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

(Sec. 408(d)(92), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: March 22, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs

PART 180—[AMENDED]

Therefore, 40 CFR 180.1001(d) is amended by adding and alphabetically inserting the inert ingredient phenolic resins to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * * * *		
Phenolic resins	Soil applications	Binding agent
* * * * *		

[FR Doc. 83–8204 Filed 3–29–83; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Parts 430 and 431

[WH–FRL 2333–1]

Pulp, Paper, and Paperboard and the Builders' Paper and Board Mills; Point Source Categories; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards: Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA is correcting coding and typographical errors that appeared in the final regulations for the pulp, paper, and paperboard and the builders' paper and board mills point source categories. These regulations were published on November 18, 1982 (47 FR 52006). The purpose of this action is to ensure that the final regulations are properly applied in issuing permits and pretreatment requirements applicable to wastewater discharges from the pulp, paper, and paperboard industry.

FOR FURTHER INFORMATION CONTACT: Robert W. Dellinger or Wendy D. Smith, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, or by calling (202) 382–7137.

SUPPLEMENTARY INFORMATION:

I. Preamble

In the preamble to the regulation published in the **Federal Register** on November 18, 1982 (47 FR 52006–52019), the following corrections are required:

1. On page 52006, column 1, line 53; change: "December 2, 1983" to "December 2, 1982".

2. On page 52009, column 3,

(a) Line 25; change: "33.6" to "29.8".

(b) Line 26; change: "39.3" to "35.9".

(c) Line 29; change: "9.1" to "12.5".

(d) Line 30; change: "21.6" to "21.8".

3. On page 52010, column 1, line 24; change: "NSPA" to "NSPS".

4. On page 52012, column 2, line 23; change: "$28,000" to "$32,400".

5. On page 52013, column 1, line 15 from the bottom; change: "$28,000" to "$32,400".

6. On page 52016, column 1, line 30; change: "34" to "29".

7. On page 52016, column 1, lines 46–49; change: " "Responses to Public Comments, Proposed Pulp, Paper, and Paperboard Industry Effluent Guidelines and Standards," " to " "Summary of Comments and Responses on the January 1981 Proposed Regulations for the Pulp, Paper, and Paperboard Industry," ".

8. On page 52016, column 1, line 56; change: "NSP" to "NSPS".

9. On page 52016, column 2, line 29; change: "implemtentation" to "implementation".

10. On page 52018, column 2, line 9; change: "sulfitemarket" to "sulfite market".

11. On page 52018, column 2, line 58; change: "wastpaper" to "wastepaper"

II. Regulations

In 40 CFR Parts 430 and 431, as published on November 18, 1982 (47 FR 52006) the following corrections are made:

1. On page 52021, column 1, § 430.132; change: "rest" to "best".

2. On page 52021, column 1, Subpart N; change: "Pages" to "Papers".

3. On page 52022, column 1, § 430.227; change: "sources (PSNS).(PSNS)" to "sources (PSNS).".

4. On page 52022, column 2, § 430.245; change: "(NSP)" to "(NSPS)".

5. On page 52022, column 3, § 430.255; change: "(SNPS)" to "(NSPS)".

6. On page 52022, column 3, § 430.01(a); change: "Paper and paperboard production shall be measured at the off-the-machine moisture content whereas market pulp shall be measured in air-dry-tons (10% moisture)." to "Paper and paperboard production shall be measured at the off-the-machine moisture content, except for subpart A, B, D, and E where paper and paperboard production shall be measured in air-dry-tons (10% moisture and paperboard production shall be measured in air-dry-tons (10% moisture content). Market pulp shall be measured in air-dry-tons (10% moisture).".

7. On page 52023, column 2, § 430.12, in the table; change: "Within the range of 5.0 to 9.0 at all times." to "Within the range of 6.0 to 9.0 at all times.".

8. On page 52023, column 3, § 430.14, in the table; for Pentachlorophenol; change: "(0.0011)(12.8)/y" to "(0.011)(12.6)/y".

9. On page 52024, column 3, § 430.17, in the table; change: "Subpart A" to "[Facilities where bag paper and other mixed products are produced]".

10. On page 52024, column 3, § 430.22, in the table; change: "Within the range of 5.0 to 9.0 at all times." to "Within the range of 6.0 to 9.0 at all times.".

11. On page 52025, column 1, § 430.22, in the table; change: "Within the range of 5.0 to 9.0 at all times." to "Within the range of 6.0 to 9.0 at all times.".

12. On page 52025, column 1, § 430.24; change: "best technology" to "best available technology".

13. On page 52026, column 1, § 430.42, in the table; change: "Within the range of 5.0 to 9.0 at all times." to "Within the range of 6.0 to 9.0 at all times.".

14. On page 52026, column 3, § 430.52, in the tables for the [Noncorrugating

medium furnish subdivision] and the [Corrugating medium furnish subdivision]; change: "Within the range of 5.0 to 9.0 at all times." to "Within the range of 6.0 to 9.0 at all times.".

15. On page 52026, column 3, § 430.52, in the table for the [Corrugating medium furnish subdivision]; for BOD*5* and TSS; change: "5.5" to "5.7" and "7.1" to "9.2".

16. On page 52027, column 1, § 430.55; change: (a) "[Noncorrugating medium furnished subdivision]" to "[Noncorrugating medium furnish subdivision]".

(b) the table format from:

NSPS	Maximum for any 1 day
	Average of daily values for 30 consecutive days

to:

NSPS	
Maximum for any 1 day	Average of daily values for 30 consecutive days

17. On page 52027, column 2, § 430.56(b); change: "necessry" to "necessary".

18. On page 52031, column 2, § 430.82(a), in the table; (a) change: "BPT effluent limitations" to "Pollutant or pollutant property" and "Pollutant or polluant property" to "BPT effluent limitations" (b) for BOD*5* and TSS; change: "7/1" to "7.1" and "24.00" to "24.0".

19. On page 52033, column 2, § 430.92(c), change the table format from:

BPT effluent limitations	Maximum for any 1 day
	Average of daily values for 30 consecutive days

to:

BPT Effluent Limitations	
Maximum for any 1 day	Average of daily values for 30 consecutive days

20. On page 52035, column 1, in the table for Subpart J, [Acid sulfite liquor/barometric condensers]; for BOD*5*; change: "35.5" to 35.55".

21. On page 52036, column 1, § 430.105, make the following table changes:

(a) Insert the title "Subpart J" above the table.

(b) Change: "Subpart J" to "Pollutant or pollutant property".

(c) change "NSPS Pollutant or pollutant property" to "NSPS".

(d) for TSS, change: "3.03exp(0.017x)" to "5.81exp(0.017x)" and "5.81exp(0.017x)" to "3.03exp(0.017x)".

(e) for Pentachlorophenol, change: "0.00058exp(0.107x)" to "0.00058exp(0.017x)".

(f) change the table format from:

Maximum for any 1 day	Kg/kkg (pounds per/1,000 lb) of product
	Milligrams/liter

to:

Maximum for any 1 day	
Kg/kkg (pounds/1,000 lb) of product	Milligrams/liter

22. On page 52037, column 1, § 430.112, in the tables; (a) for [Facilities where nitration grade pulp is produced]; change the table format from:

BPT effluent limitations	Maximum for any 1 day
	Average of daily values for 30 consecutive days

to:

BPT Effluent Limitations	
Maximum for any 1 day	Average of daily values for 30 consecutive days

(b) for [Facilities where nitration grade pulp is produced], for BOD*5*; change: "21.55" to "21.5"

(c) for [Facilities where cellophane grade pulp is produced], for BOD*5*; change: "25.0" to "24.95".

23. On page 52037, column 1, § 430.112; change: "(c)" to "(b)".

24. On page 52037, column 3, § 430.114, line 9 of the first paragraph; change: "ecoonomically" to "economically".

25. On page 52038, column 2, § 430.115,

(a) In the table for [Facilities where nitration grade pulp is produced]; for Pentachlorophenol and Trichlorophenol; change: "(0.012)(59.7)/y" to "(0.012)(59.0)/y" and "(0.076)(59.7)/y" to "(0.012)(59.0)/y".

(b) In the table for [Facilities where viscose grade pulp is produced]; for Pentachlorophenol and Trichlorophenol; change: "(0.012)(59.7)/y" to "(0.012)(59.0)/y" and "(0.076)(59.7)/y" to "(0.012)(59.0)/y".

(c) In the table for [Facilities where cellophane grade pulp is produced]; for Trichlorophenol; change: "(0.076)(59.0)/y" to "(0.076)(59.0)-y".

26. On page 52038, column 3, § 430.116(a), in the first table;

(a) Change: "[Facilities where acetate grade pulp is produced]" to "[Facilities where nitration, viscose, or cellophane grade pulps are produced]".

(b) For Pentachlorophenol and Trichlorophenol; change: "oi0 (0.011)(72.7)/y" to "(0.011)(66.0)/y" and "0(0.082)(72.7)/y" to "(0.082)(66.0)/y".

27. On page 52040, column 1, § 430.122(e), lines 13 and 14; change: "consecutive effluent limitations by" to "consecutive days effluent limitations, but shall be subject to annual average effluent limitations determined by".

28. On page 52041, column 2, § 430.132(e), lines 5 and 6; change: "consecutive effluent limitations by" to "consecutive days effluent limitations, but shall be subject to annual average effluent limitations determined by".

29. On page 52041, column 3, § 430.134, in the table; for Trichlorophenol; change: "0.0060" to "0.00088" and "(0.068)(21.1)/y" to "(0.010)(21.1)/y"

30. On page 52041, column 3, § 430.135, in the table; for TSS; change: "6.8" to "8.7".

31. On page 52042, column 1, § 430.135, in the table; for Trichlorophenol; change: "0.0060" to "0.00088" and "(0.104)(13.8)/y" to "(0.015)(13.8)/y".

32. On page 52042, column 1, § 430.136(a), in the table; for Trichlorophenol; change: "(0.082)(21.1)/y" to "(0.010)(21.1)/y".

33. On page 52042, column 1, § 430.136(b), in the table; for Trichlorophenol; change: "0.0072" to "0.00088".

34. On page 52042, column 2, § 430.137(a), in the table; for Trichlorophenol; change: "(0.125)(13.8)/y" to "(0.015)(13.8)/y".

35. On page 52042, column 2, § 430.137(b), in the table; for Trichlorophenol; change: "0.0072" to "0.00088".

36. On page 52043, column 2, § 430.142(e), lines 13 and 14; change: "consecutive effluent limitations by" to "consecutive days effluent limitations, but shall be subject to annual average effluent limitations determined by".

37. On page 52043, column 3, § 430.144, in the table; for Trichlorophenol; change: "0.0068" to "0.00099" and "(0.068)(23.8)/y" to "(0.010)(23.8)/y".

38. On page 52044, column 1, § 430.145, in the table; for Trichlorophenol; change:

"0.0068" to "0.00099" and "(0.096)(16.8)/y" to "(0.014)(16.8)/y".

39. On page 52044, column 1, § 430.146(a), in the table; for Trichlorophenol; change: "(0.082)(23.8)/y" to "(0.010) (23.8)/y".

40. On page 52044, column 2, § 430.146(b), in the table; for Trichlorophenol; change: "0.0081" to "0.00099".

41. On page 52044, column 2, § 430.147(a), in the table; for Trichlorophenol; change: "(0.116)(16.8)/y" to "(0.014)(16.8)/y".

42. On page 52044, column 2, § 430.147(b), in the table; for Trichlorophenol; change: "0.0081" to "0.00099".

43. On page 52045, column 2, § 430.152(e), lines 13 and 14; change: "consecutive effluent limitations by" to "consecutive days effluent limitations, but shall be subject to annual average effluent limitations determined by".

44. On page 52045, column 2, § 430.153, in the title; ge: "pullutant" to "pollutant".

45. On page 52045, column 3, § 430.154: (a) in line 15; change: "beaching" to "bleaching" (b) in the table; for Trichlorophenol; change: "0.0062" to "0.00092" and "(0.068)(21.9)/y" to "(0.010)(21.9)/y".

46. On page 52046, column 1, § 430.155, in the table; for Trichlorophenol; change: "0.0062" to "0.00092" and "(0.097)(15.4)/y" to "(0.014)(15.4)/y".

47. On page 52046, column 1, § 430.156(a), in the table; (a) change: "PSPS" to "PSES" (b) for Trichlorophenol; change: "(0.082)(21.9)/y" to "(0.010)(21.9)/y".

48. On page 52046, column 2, § 430.156(b), in the table; for Trichlorophenol; change: "0.0075" to "0.00092".

49. On page 52046, column 2, § 430.157(a), in the table; for Trichlorophenol; change: "(0.117)(15.4)/y" to "(0.014)(15.4)/y".

50. On page 52046, column 2, § 430.157(b), in the table; for Trichlorophenol; change: "0.0075" to "0.00092".

51. On page 52047, column 1, line 3; change: "1983" to "1.83".

52. On page 52050, column 1, § 430.181(a); change: "403.01" to "430.01".

53. On page 52051, column 1, § 430.185, in the table for the [Wood fiber furnish subdivision]; for Trichlorophenol; change: "(0.0116)(9.4)/y" to "(0.016)(9.4)/y".

54. On page 52051, column 1, § 430.186(a), line 10; change: "chlorophenolic-containing" to "chlorophenolic-containing".

55. On page 52051, column 1, § 430.186(a), in the table; change: "Wood fiber furnich" to "Wood fiber furnish".

56. On page 52051, column 3, § 430.187(a), in the table for the [Wood fiber furnish subdivision]; for Pentachlorophenol and Trichlorophenol; change: "(0.054)(9.0)/y" to "(0.052)(9.4)/y" and "(0.017)(9.0)/y" to "(0.016)(9.4)/y".

57. On page 52051, column 3, § 430.187(a), in the table for the [Cotton fiber furnish subdivision]; for Pentachlorophenol; change: "oi0(0.044)(31.1)/y" to "(0.044)(31.1)/y".

58. On page 52052, column 3, § 430.196(b), in the table; for Trichlorophenol; change: "0.00095" to "0.00096".

59. On page 52053, column 1, § 430.197(b), in the table; for Trichlorophenol; change: "0.00095" to "0.00096".

60. On page 52053, column 3, § 430.205, in the table; change: "DOD*5*" to "BOD*5*".

61. On page 52055, column 3, § 430.214, in the table; for Pentachlorophenol; change: "((0.011)(12.67)exp(0.017))/y" to "((0.011)(12.67)exp(0.017x))/y".

62. On page 52055, column 2, § 430.215, in the table; for TSS; change: "3.03exp(0.017x)" to "5.81exp(0.017x)" and "5.81exp(0.017x)" to "3.03exp(0.017x)".

63. On page 52059, column 3, § 430.245, in both tables; change:

(a) "NSPS" to "Pollutant or pollutant property"

(b) "Pollutant or pollutant property" to "NSPS".

64. On page 52060, column 2, § 430.247(a), in the table; for Pentachlorophenol and Trichlorophenol; change: "oi0(0.037)(66.8)/y" to "(0.037)(66.8)/y" and "oi0(0.012)(66.8)/y" to "(0.012)(66.8)/y".

65. On page 52063, column 2, § 411.12; replace the table with:

SUBPART A

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Kg/kkg (or pounds per 1,000 lb) of product	
BOD5	5.0	3.0
TSS	5.0	3.0
pH	(1)	(1)
Settleable Solids	(2)	(2)

[1] Within the range of 6.0 to 9.0 at all times.
[2] Not to exceed 0.2 ml/l.

Dated: March 11, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-8067 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 716

[OPTS-84003E; TSH FRL 2324-6]

Health and Safety Data Reporting; Submission of Lists and Copies of Health and Safety Studies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule adds certain chemical substances to the list of substances and mixtures for which lists and copies of unpublished health and safety studies must be submitted under section 8(d) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(d) (40 CFR Part 716 Subpart A). The chemical substances to be added were designated for testing consideration by the Interagency Testing Committee (ITC), in its Sixth through Tenth Reports to EPA (45 FR 35897, 45 FR 78432, 46 FR 28138, 47 FR 5456, and 47 FR 22585).

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Nunber: 2070-0004.

In the **Federal Register** of September 2, 1982 (47 FR 38780), EPA issued regulations under section 8(d) of TSCA to require submission of unpublished health and safety studies on specifically listed chemicals by chemical manufacturers and processors. The rule establishes standardized reporting requirements and provides for amending the list of chemicals subject to the rule. These chemicals have either been recommended by the Interagency Testing Committee for testing consideration under section 4 of the Toxic Substances Control Act (TSCA) or separately selected by the Environmental Protection Agency for evaluation.

The Interagency Testing Committee (ITC), established under section 4(e) of TSCA (15 U.S.C. 2603(e)), recommends chemical substances, categories of substances, and mixtures for priority

consideration by EPA in the issuance of testing rules under section 4(a) of TSCA (15 U.S.C. 2603(a)). Section 4(e) directs the ITC to revise its list of recommendations every six months as the ITC determines to be necessary.

In the **Federal Register** of September 2, 1982 (47 FR 38800), EPA proposed to amend 40 CFR 716.17 by adding the chemicals designated for priority testing consideration by the ITC in its Sixth through Tenth Reports. Comments were solicited from the public on this amendment and six comments were received. EPA's responses to the comments appear below. Chemicals designated by the ITC in subsequent reports will be made subject to the rule effective 30 days after publication of a rule amendment to that effect in the **Federal Register** (see 40 CFR 716.18(b)). A rule amendment adding to the section 8(d) reporting requirement the chemicals designated by the ITC in its Eleventh Report was published on December 3, 1982 (47 FR 54624) under the authority of § 716.18(b).

EPA is adding the following chemical substances and categories of chemical substances to 40 CFR 716.17(a)(3). The ITC report number in which the designation was made follows each chemical substance or category of substances listed below.

Chemicals and Categories Added to Rule

Categories of Chemical Substances

Ethyltoluenes—10th Report.
Fluoroalkenes—7th Report.
Phenylenediamines—6th Report.

Chemical Substances

Benzyl butyl phthalate—7th Report.
Biphenyl—10th Report.
Butyl glycolyl butyl phthalate—7th Report.
Chlorendic acid—9th Report.
4-Chlorobenzotrifluoride—9th Report.
2-Chlorotoluene—8th Report.
Diethylenetriamine—8th Report.
Formamide—10th Report.
Hexachloroethane—8th Report.
1,2,4-Trimethylbenzene—10th Report.
Tris (2-chloroethyl) phosphite—9th Report.

Although the ITC designated ethyltoluene (mixed isomers) for testing consideration, the Agency believes that it is necessary to acquire health and safety studies on the individual isomers to characterize adequately the mixed isomer product. For instance, a study cited by the ITC under "III. C. Other effects (physiological/behavioral/ecosystem processes)" presents data on p-ethyltoluene and o-ethyltoluene respectively. Thus, the Agency believes that it is necessary, as the ITC did, to examine data developed on the individual isomers. Therefore, the Agency is requiring reporting of health and safety studies for the individual isomers as well as for the mixed ethyltoluenes.

Under the rule implementing section 8(d) of TSCA, manufacturers and processors of listed chemicals must submit unpublished health and safety studies on the chemicals. The Agency will use the studies to support its investigations of the risks posed by the chemicals and to support its decisions whether to require industry to test these chemicals under section 4 of TSCA.

Public Comments

EPA received comments from six persons in response to the proposed rule. EPA's responses are provided below.

Comment 1. The Agency indicated that it would not initiate rulemaking on hexachloroethane (HCE) under section 4(a) because of the small amounts of the substance which will be released into the environment. Therefore, hexachloroethane should not be made subject to the section 8(d) rule.

Response. The decision by EPA not to require testing of hexachloroethane (see 47 FR 18175) was based on the limited release of HCE to the environment, and on regulatory action in progress under the Resource Conservation and Recovery Act (RCRA).

However, because the human and environmental effects of HCE are not well characterized, the Agency has decided that unpublished health and safety studies should be acquired from manufacturers and processors of the substance. The information acquired will be used by EPA to characterize further the risks associated with the handling and disposal of HCE-containing wastes. The use of the section 8(d) rule is not limited to the support of test rule decisions under section 4 of TSCA. The Agency will use the rule to support its investigations of the risks posed by chemicals.

Comment 2. The Agency should rely on a program of section 4 Advance Notice of Proposed Rulemaking (ANPR) publications in lieu of the automatic listing of ITC-designated chemicals under 40 CFR 716.18(b). EPA would thus obtain timely and responsible assistance from interested parties. For example, the Agency's experience with voluntary submission of data in response to an ANPR on the phenylenediamine category of chemicals illustrates the value of this approach.

Response. At 47 FR 38784 EPA discusses its reasons why the automatic addition to the rule of ITC-designated chemicals is warranted and why EPA will not rely solely on the voluntary submission of studies. Since the chemicals being added through this final rule were subject to public comment on the proposed rule amendment (47 FR 38800), the question of automatic addition of chemicals without notice and comment is not relevant to this action.

Comment 3. In response to the January 8, 1982, ANPR on the phenylenediamine category, industry submitted data on these chemicals. Subjecting phenylenediamines to this rule, many of which are of no commercial consequence whatsoever, illustrates the duplicative work and waste of resources which this rule will cause.

Response. EPA disagrees. The Agency has published an ANPR (47 FR 973) indicating its intention to initiate rulemaking under TSCA section 4(a) for 13 members of the phenylenediamine category. Full information on existing health and safety studies for the phenylenediamine category is needed by EPA to make further testing decisions and to determine if unreasonable risks are presented. Thus, EPA does not agree that reporting of such studies is unnecessary. Since there is interchangeability among the phenylenediamines for some uses, the Agency must take into account the possibility that if a particular commercial phenylenediamine is required to be tested, or found to be hazardous, it may be replaced by another phenylenediamine of little or no commercial importance that is poorly characterized toxicologically. Also, the section 8(d) rule does not require the submission of health and safety studies previously submitted to the Agency (see 40 CFR 716.11(b)). This rule is not duplicative of previous voluntary reporting of health and safety studies on these chemicals.

Comment 4. EPA should amend the final rule to exclude studies on mixtures which clearly do not reflect the effects of the listed substance. This is necessary so that manufacturers of complex mixtures marketed as consumer products are not required to undertake burdensome file searches for studies on mixtures that might contain a listed substance at very low levels, such as perfumes, colorants, etc. Rarely will useful conclusions be drawn from these studies, since they were neither designed nor conducted to address effects of the listed substance.

Response. During the October 4, 1982, to December 3, 1982, reporting period on the first five ITC lists and asbestos, EPA

became aware that for some companies searching for studies on mixtures containing listed substances posed a number of problems. These were mainly companies manufacturing and selling mixtures as consumer products. The primary problem was that companies were not always able to search their files with assurance that all the studies on mixtures containing listed substances would be found. This was because company indexing systems would retrieve studies by product name and possibly the major components, but not by each member of the mixture.

An additive which in turn contains a listed substance (a mixture containing a listed substance in a mixture), for instance, would not normally be found through company indexing systems. Thus, many companies believed that laborious, manual file searches would be necessary to comply with the rule. Agency guidance provided during the reporting period stated that such laborious searches were not necessary to comply with the rule. See "Questions and Answers about Reporting Under the TSCA Section 8(d) Health and Safety Reporting Rule" (November 10, 1982), which is available from the Office of Toxic Substances Industry Assistance Office.

After initial reporting is complete, the Agency will examine the studies submitted on mixtures containing listed substances. When this examination is complete, the Agency will evaluate the results and determine whether the reporting requirements on mixtures should be changed.

Comment 5. The section 8(d) rule appears to imply that all files on a given section 8(d) chemical held by a company would be subject to search, retrieval and submission, if not specifically exempted. For a chemical used in a non-TSCA regulated product exempt under TSCA section 3(2)(B)(vi) but also used in a TSCA-regulated product, the rule would appear to require that the files for both uses be searched. This is clearly neither the intent nor the purpose of TSCA. Only those files pertaining to chemical uses subject to TSCA must be searched.

Response. Section 716.6 of the rule specifies that persons subject to the rule must send to EPA copies of any non-exempt health and safety studies in their possession for the substances and designated mixtures listed in § 716.17. Persons are, therefore, required to submit any unpublished studies in their possession, with the exception noted below, if they manufacture or process a listed substance or mixture as defined in section 3 of TSCA. For instance, if a person manufactures a listed substance for a TSCA and non-TSCA use, that person would be required to search for and submit copies of studies on that substance even if the study was done to investigate the risks posed by a non-TSCA use of the substance and was located at the site that manufactures the chemical for the non-TSCA use. The file search would extend to any files that in the ordinary course of business would be expected to contain studies on the substance. Since health studies are studies of effects of a substance, any study of an effect would be reportable. Also, it is possible that a company has in its possession studies performed by a university researcher who was investigating the carcinogenicity of a chemical that at the time of the study was used only as a pesticide. However, the company in possession of the studies manufactures the chemical solely for a TSCA use. Obviously, the company has in its possession studies on a subject chemical which, under § 716.6 of the rule, must be submitted.

Section 716.12 of the rule specifies that persons should "limit their search for the required information to records in which such information is expected to be found in the ordinary course of their business." Thus, for purposes of the section 8(d) rule, persons are required to search only those files which can reasonably be expected to contain information relating to the chemical substances and mixtures listed in § 716.17 of the rule.

Comment 6. For categories of chemical substances subject to 40 CFR 716.17, EPA should list all the members of the categories for which EPA wants reporting. EPA should not use examples for chemical categories.

Response. EPA agrees. The members of each category will be listed in the rule, with the exception of confidential entries on the TSCA Chemical Substance Inventory and new chemicals added to the TSCA Inventory after publication of the list. Thus, for this rule, persons will be responsible for reporting on: (1) Any substance or member of a category listed in 40 CFR 716.17(a)(3); (2) any member of a listed category that the person reported as confidential for the TSCA Inventory; and (3) any new chemical substance that is a member of a listed category but was not on the TSCA Inventory when the category was added to the list.

Comment 7. Three of the chemical substances listed on the proposed rule amendment are already listed on the final section 8(d) rule and should be deleted from the proposed list as being unnecessary. These chemicals are:

(1) p-Diaminobenzene CAS No. 106–50–3; (2) Vinylidene fluoride CAS No. 75–38–7; (3) Vinyl fluoride CAS No. 75–02–5.

Response. EPA agrees. The three substances have been removed from the rule amendment.

Economic Impact

EPA estimates that the total cost to industry of submitting lists and copies of health and safety studies under the present rule is approximately $264,000. This consists of the following:

Corporate Rule Review	$29,000
Corporate Review (site identification)	35,000
File Search	67,000
Title Listing	3,000
Photocopying (materials)	4,000
Photocopying (labor)	13,000
Managerial Review	99,000
Ongoing Reporting	14,000
Total	264,000

If we assume ±30 percent margin of error in these estimates the range of probable cost varies from $185,000 to $343,000. If the studies submitted allow EPA to eliminate even one potential section 4 mandated test on a subject chemical, the cost avoided could exceed the total cost of this rule. In addition, the studies submitted may help EPA identify public health and environmental problems which may require action by EPA to control or mitigate. Thus, the cost of this rule is low compared to the potential benefits.

Public Record

EPA has established a public record (docket number OPTS–84003B) for this rulemaking document which, along with a complete index, is available for inspection in the OPTS Reading Room, Rm. E–107 from 8:00 a.m. to 4:00 p.m. on working days (401 M Street, SW., Washington, D.C. 20460). This record includes basic information considered by the Agency in developing this rule. Following is a list of the documents which constitute the record for this rulemaking. Public comments on the proposed rule are not individually listed, but will be available upon request in the OPTS Reading Room. EPA requests that it be notified of any additions or deletions to this record within the next 30 days.

1. Health and Safety Study Reporting Regulations (40 CFR Part 716), Public Record, Docket No. 084003.

2. Reports Impact Analysis for 40 CFR Part 716 and this rulemaking.

3. Sixth through Tenth Reports of the Interagency Testing Committee (ITC); 45 FR 35897 (Sixth Report), 45 FR 78432 (Seventh Report), 46 FR 28138 (Eighth Report), 47 FR 5456 (Ninth Report), and 47 FR 22585 (Tenth Report).

4. Proposed Amendment to 40 CFR Part 716 (47 FR 38800).

5. All comments on this amendment.

Regulatory Assessment Requirements: Paperwork Reduction Act, Executive Order 12291, and Regulatory Flexibility Act

The final section 8(d) rule (40 CFR Part 716), published in the **Federal Register** of September 2, 1982 (47 FR 38780) has been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The OMB control number is 2070–0004.

This amendment was submitted to OMB for review as required by Executive Order 12291.

This amendment will not have a significant economic impact on a substantial number of small entities. Based on our experience with a previous section 8(d) rule, we expect that only about 1 percent of the respondents will have gross sales of less than $20 million. Further, approximately 90 percent are expected to have gross sales over $100 million. Thus, of the approximately 174 companies expected to report under this rule, 157 are expected to have sales greater than $100 million. Only two companies are expected to have gross sales under $20 million. Therefore, in accordance with the Regulatory Flexibility Act (Pub. L. 96–354), EPA has determined that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 716

Chemicals, Health and safety, Environmental protection, Hazardous materials, Reporting and recordkeeping requirements.

Dated: March 8, 1983.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

PART 716—[AMENDED]

Therefore, Title 40, Chapter I, is amended by adding § 716.17(a)(3) to read as follows:

§ 716.17 Substances and designated mixtures to which this subpart applies.

(a) * * *

(3) As of April 29, 1983, the following chemical substances are subject to this subpart.

Substances and CAS numbers

Benzyl butyl phthalate, 85–68–7
Biphenyl, 92–52–4
Butyl gylcolyl butyl phthalate, 85–70–1
Chlorendic acid, 115–28–6
4-Chlorobenzotrifluoride, 98–56–6
2-Chlorotoluene, 95–49–8
Diethylenetriamine, 111–40–0
Ethyltoluenes

This category consists of ethyltoluene (mixed isomers) and the ortho-, meta-, and para-isomers.

Ethyltoluene (mixed isomers), 25550–14–5
o-Ethyltoluene, 611–14–3
m-Ethyltoluene, 620–14–4
p-Ethyltoluene, 622–96–8

Fluoroalkenes

This category is defined as fluoroalkenes of the general formula:

$C_nH_{2n-x}F_x$

where n equals 2 or 3 and × equals 1 to 6.

As of March 30, 1983, this category includes, but is not limited to, the following four fluoroalkenes and any category members reported as confidential for the TSCA Inventory. Any substances fitting the category definition added to the TSCA Inventory after March 30, 1983, are also subject to this subpart.

Tetrafluoroethene, 116–14–3
Trifluoroethene, 359–11–5
Hexafluoropropene, 116–15–4
Trifluoromethylethene, 677–21–4

Formamide 75–12–7
Hexachloroethane 67–72–1
Phenylenediamines

This category is defined as all nitrogen-unsubstituted phenylenediamines and their salts with zero to two substitutents on the ring selected from the same or different members of the group of halo, nitro, hydroxy, hydroxy-lower alkoxy, lower-alkyl, and lower alkoxy. For this purpose, the term "lower" is defined as a group containing between one and four carbons.

As of March 30, 1983, this category includes, but is not limited to, the following phenylenediamines and any category members reported as confidential for the TSCA Inventory. Any substances fitting the category definition added to the TSCA Inventory after March 30, 1983, are also subject to this subpart.

o-Diaminobenzene, 95–54–5
2,5-Diaminotoluene, 95–70–5
1,3-Diamino-4-methylbenzene, 95–80–7
o-Phenylenediamine,4-chloro- 95–83–0
o-Phenylenediamine,4-nitro- 99–56–9
m-Diaminobenzene 108–45–2
3,5-Diaminotoluene 108–71–4
2,4-Diaminophenol dihydrochloride 137–09–7
1,2-Diamino-4-methylbenzene 496–72–0
m-Phenylenediammonium dichloride 541–69–5
m-Phenylenediamine, sulfate (1:1) 541–70–8
m-Phenylenediamine, 4-methoxy-dihydrochloride 614–94–8
m-Phenylenediamine, 4-methoxy- 615–05–4
1,2-Phenylenediamine dihydrochloride 615–28–1
1,4-Benzenediamine, 2-methyl-, dihydrochloride, 615–45–2
p-Phenylenediamine, 2-chloro-, dihydrochloride, 615–46–3
2,5-Diaminotoluene sulfate, 615–50–9
p-Phenylenediamine dihydrochloride, 624–18–0
2,6-Diamino-1-methylbenzene, 823–40–5
o-Phenylenediamine, 4-ethoxy- 1197–37–1
1,2-Diamino-3-methylbenzene 2687–25–4
o-Phenylenediamine, 4-butyl- 3663–23–8
m-Phenylenediamine, 5-nitro- 5042–55–7
m-Phenylenediamine, 4-nitro- 5131–58–8
m-Phenylenediamine, 4-chloro- 5131–60–2
p-Diaminoanisole, 5307–02–8
p-Phenylenediamine, 2-nitro- 5307–14–2
m-Phenylenediamine, 2-nitro- 6219–67–6
p-Phenylenediamine, 2-chloro-, sulfate, 6219–71–2
o-Phenylenediamine, 4-nitro-, sulfate, 6219–77–8
1,4-Benzenediamine, 2-methyl-, sulfate, 6369–59–1
4,6-Diamino-o-cresol, 15872–73–8
p-Phenylenediamine sulfate, 16245–77–5
p-Phenylenediamine, 2-nitro-, dihydrochloride, 18266–52–9
p-Phenylenediamine, 2,5-dichloro- 20103–09–7
Diaminotoluene, 25376–45–8
2,4-Diaminoanisole sulfate, 39156–41–7
1,2-Benzenediamine, 5-chloro-3-nitro- 42389–30–0
1,4-Benzenediamine, ethanedioate (1:1), 62654–17–5
4-6-Diamino-2-methylphenol, hydrochloride, 65879–44–9
Ethanol, 2-(2,4-diaminophenoxy)-, dihydrochloride, 66422–95–5
1,3-Benzenediamine, 4-ethoxy-, dihydrochloride, 67801–06–3
1,3-Benzenediamine, 4-ethoxy-, sulfate (1:1), 68015–98–5
m-Phenylenediamine, 4-chloro-, sulfate, 68239–80–5
1,2-Benzenediamine, 4-nitro-, sulfate (1:1), 68239–82–7
1-4-Benzenediamine, 2-nitro-, sulfate (1:1), 68239–83–8
1,2-Benzenediamine, 4-chloro-, sulfate (1:1), 68459–98–3
1,3-Benzenediamine, ar-ethyl-ar-methyl, 68966–84–7
1,2,4–Trimethylbenzene, 95–63–6
Tris (2-chloroethyl) phosphite, 140–08–9

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[FR Doc. 83-8203 Filed 3-29-83; 8:45 am]

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40 CFR Part 761

[OPTS–62028; TSH–FRL 2242–2]

Polychlorinated Biphenyls (PCBs); Procedural Amendment of the Approval Authority for PCB Disposal Facilities and Guidance for Obtaining Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Procedural Rule Amendment and Statement of Policy.

SUMMARY: This procedural rule change gives the Assistant Administrator for Pesticides and Toxic Substances (Assistant Administrator) authority to approve certain PCB disposal facilities which previously have required approval from each Regional Administrator. The Assistant Administrator will be the approval authority for facilities which will be

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operated in more than one region. The Regional Administrators will continue to have the authority to approve all unique, site-specific facilities such as landfills and stationary incinerators. The Regional Administrators also will continue to have the authority to approve all research and development (R and D) on PCB disposal methods involving less than 500 pounds of material, regardless of whether the disposal facility will be operated in more than one region. This amendment should provide better responsiveness to the needs of the public and industry. It does not change any standards for approving PCB disposal activities. In addition, EPA is providing supplemental guidance to assist persons applying for approval of PCB disposal technologies that are alternatives to incinerators and high efficiency boilers.

EFFECTIVE DATE: These amendments shall be effective on April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–509, 401 M St., SW., Washington, D.C. 20460, Toll free: (800–424–9065), In Washington, D.C.: (554–1404). Outside the USA: (Operator—202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Recodification of 40 CFR Part 761

Title 40 of the Code of Federal Regulations, Part 761, which regulates polychlorinated biphenyls (PCBs), has been reorganized and recodified. Notice of the reorganization and recodification appears in the **Federal Register** of May 6, 1982 (47 FR 19527). This rule amendment uses the following new designations:

Old designation	New designation
Subpart B, § 761.10	Subpart D, § 761.60
Subpart D, § 761.31	Subpart B, § 761.30
Subpart E, § 761.40	Subpart D, § 761.70.
Subpart E, § 761.41	Subpart D, § 761.75.
Subpart E, § 761.42	Subpart D, § 761.65.

II. Background

Section 6(e)(1)(A) of the Toxic Substances Control Act (TSCA) requires that EPA promulgate rules for the disposal of polychlorinated biphenyls (PCBs). The rules implementing section 6(e)(1)(A) were published in the **Federal Register** of May 31, 1979 (44 FR 31514) and recodified in the **Federal Register** of May 6, 1982 (47 FR 19527). (See Unit 1 of this preamble.) Those rules, among other things, generally require that various types of PCBs and PCB Articles be disposed of in landfills or destroyed in incinerators, or in high efficiency boilers approved by EPA Regional Administrators in accordance with standards set forth in the rules. (See 40 CFR 761.60, 761.70, 761.75). The rules also provide that persons may obtain approval from the Regional Administrators for alternative methods of destroying PCBs if the alternative methods can achieve a level of performance equivalent to EPA approved incinerators or high efficiency boilers. (See 40 CFR 761.60(e)).

Regional Administrators were given sole authority to approve PCB disposal facilities. At that time site-specific technologies, such as incinerators, boilers or landfills, were the only available means of disposing of PCBs or destroying them. During the past year, in particular, EPA has been receiving applications for mobile and other types of destruction technologies that require approval in more than one region.

To improve management of permit procedures for PCB disposal activities, the Administrator has decided to transfer the review and approval authority of mobile and other PCB disposal techniques that are used in more than one region to the Office of Pesticides and Toxic Substances in Washington D.C. This transfer of approval authority should provide better responsiveness to the needs of the public and industry. The purpose of this amendment is to reduce the resource burden on EPA and affected parties by eliminating duplication of effort in the regional offices and to unify the Agency's approach to PCB disposal.

This procedural rule amendment does not change the Agency standards for approval of PCB disposal methods. It merely substitutes the Assistant Administrator for Pesticides and Toxic Substances for the Regional Administrators as an approval authority for certain facilities. Since this procedural amendment makes no substantive change to the existing PCB rule, no comment period is required or necessary for this rulemaking. The notice and comment procedures under 5 U.S.C. 553 are not applicable to procedural rules. Therefore, this amendment becomes effective on April 29, 1983.

The preamble to this rule also presents general notice of supplemental guidance for judging whether an alternative PCB destruction method should be approved under 40 CFR 761.60(e). This guidance has been generally used by regional administrators in the past and is presented to assist applicants in submitting useful information.

III. Approval Authorities for PCB Disposal Activities

The following paragraphs specify the approval authority for various disposal activities. However, at the discretion of the Assistant Administrator, an application for approval may be assigned to another office if the application appears more suited for review in an office other than the one suggested below.

A. Landfills

Landfills for PCB materials will continue to be approved by the Regional Administrators.

B. Stationary and Mobile Incinerators

The operation of stationary incinerators will be approved by the Regional Administrators. Mobile incinerators and stationary incinerators of identical design that are intended to be used in more than one region will be approved by the Assistant Administrator, except for research and development involving less that 500 pounds of PCB material (see Part D of this unit). The Assistant Administrator may issue an approval that will be effective in all ten EPA regions.

C. Alternate Methods

The existing PCB regulations provide for the approval of methods which are alterntives to incineration. Alternate methods that are stationary and unique (site-specific design) will be approved by the appropriate Regional Administrator. Alternate methods that are mobile or will be used in more than one region will be approved by the Assistant Administrator, except for research and development involving less than 500 pounds of PCB material (see Part D of this unit). The Assistant Administrator may issue an approval which is effective in all ten EPA regions.

D. Research and Development

The EPA Regional Administrators will be the approval authority for R and D into PCB disposal methods, regardless of the type of method, that use 500 pounds total or less of PCB-contaminated material. Disposal of more than 500 pounds of total PCB or PCB-contaminated material for R and D purposes will be reviewed and approved by either the Assitant Administrator or an appropriate Regional Administrator based on the principles set out in A, B, C, and E of this unit of the preamble. EPA notes that R and D on PCB disposal is regulated using the disposal sections

of the PCB rule. See unit V of this preamble, "Research and Development" for a more complete explanation.

E. Others

Requests for approval of disposal facilities that are not covered under A, B, C, or D above should be sent to the Assistant Administrator. If an applicant is unsure about where to submit a request, it should be sent to the Assistant Administrator. The Assistant Administrator will assign the review and approval authority for these disposal facilities to the Office of Pesticides and Toxic Substances or the appropriate Regional Administrator.

IV. Supplemental Guidance

Section 40 CFR 761.70 of the PCB rule provides criteria and procedures for the approval of incinerators. 40 CFR 761.60(a)(2)(iii) provides criteria for the approval of high efficiency boilers. Thermal destruction technologies which do not comply exactly with the provisions of 40 CFR 761.70 may be approved under the waiver provision of that section (40 CFR 761.70(d)(5)). In addition, destruction technologies may also be approved under the alternative technologies section of the PCB regulation (40 CFR 761.60(e)).

Section 40 CFR 761.60(e) does not provide specific guidance concerning the types of information that EPA requires to review alternative disposal methods. Therefore, EPA is taking this opportunity to provide this guidance.

The following guidance is applicable to most alternate PCB disposal activities, including R and D, but may be modified as appropriate to the specific activity at the discretion of the Regional Administrators or the Assistant Administrator. Although not noted here, site-specific considerations may also be involved in any PCB disposal facility approval.

1. The owner or operator of any alternate method should submit an application which contains the following (if applicable):

(i) Name, address and phone number of the unit's principal manager.

(ii) The location of the facility where the unit will be tested and the location where the unit will be stored and serviced when not engaged in testing.

(iii) A detailed description of the unit including general plans and design drawings.

(iv) An engineering report or other information on the anticipated performance of the unit.

(v) A sampling plan and quality assurance plan, including sampling and monitoring equipment and available facilities.

(vi) Waste volumes expected to be handled, process design capacity, process control, reagent-to-waste feed ratios, and safety features.

(vii) Any local, State or Federal permits or approvals.

(viii) Schedules and plans for complying with the approval requirements.

(ix) A contingency plan which describes steps taken in case of process failure, spill or overflow.

(x) Environmental impact, including process emissions, toxicity and disposal of process products, site relationships, and steps taken to protect the health of operators.

2. Following receipt of the application, EPA may determine that a process demonstration is required and will notify the person who submitted the report. The Assistant Administrator or Regional Administrator may require the submission of any other information that the EPA finds to be reasonably necessary to determine the need for a process demonstration. Such other information shall be restricted to the types of information required in the initial application. All pages containing proprietary information should be labeled "CONFIDENTIAL." Documents marked accordingly must be treated by the EPA as Confidential Business Information, unless a determination to deny the claim of confidentiality has been made by the General Counsel. In addition, a non-confidential version of the submission is required so that a copy of the application is available, if needed, for public review.

The following information should be submitted by persons who are asked to demonstrate their process for the Agency. EPA may request any additional testing or analysis which will help the reviewing officials determine the safety and efficiency of the process.

(i) The time, date, and location of the process demonstration.

(ii) The quantity and type of PCBs and PCB Items to be processed.

(iii) The parameters to be monitored and location of sampling points.

(iv) A sampling plan and quality assurance plan, including sampling frequency and methods and schedules for sample analysis.

(v) The name, address and qualifications of persons who will review the analytical results and other pertinent data, and who will perform a technical evaluation of the effectiveness of the process demonstration.

3. At least thirty (30) days prior to conducting the process demonstration, the owner or operator of the process should give written notice of the demonstration to the state and local governments within whose jurisdiction the demonstration is to take place.

4. Following receipt of the process demonstration plan, the Assistant Administrator or Regional Administrator will approve the plan, require additions or modifications to the plan, or disapprove the plan. If the plan is disapproved, the EPA will notify the person who submitted the plan of such disapproval, together with the reasons why it is disapproved. That person may, thereafter, submit a new plan in accordance with paragraph 2, above. If the new plan is approved (with any additions or modifications which EPA may prescribe), the EPA will notify the person who submitted the plan of the approval. Thereafter, the process demonstration, if necessary, shall take place at a date, time, and location to be agreed upon between the EPA and the person(s) who submitted the plan. The demonstration must satisfy all applicable requirements of 40 CFR Part 761, and supply any other pertinent data that aids EPA in reviewing these processes.

5. The Assistant Administrator or Regional Administrator will grant or deny approval for full scale operation based on a comprehensive review of the application package, demonstration results, and other submitted information. Approvals for operation will contain special conditions, if EPA finds them necessary to provide sufficient protection to human health or the environment.

6. Requests for approval must be sent to the Assistant Administrator for Pesticides and Toxic Substances or the appropriate Regional Administrator. The proper official can be determined under 40 CFR 761.60(e), and 761.70 (a) and (b) or under A, B, C, D, and E in unit II of this preamble. Addresses for these officials are listed as follows:

Document Control Officer (TS–793),
Office of Toxic Substances,
Environmental Protection Agency,
Room E–401, 401 M Street, SW.,
Washington, D.C. 20460

Region 1

(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

Regional Administrator, Region 1,
Environmental Protection Agency,
John F. Kennedy Federal Building,
Boston, Massachusetts 02203

Region 2

(New Jersey, New York)

Regional Administrator, Region 2,
Environmental Protection Agency, 26

Federal Plaza, New York, New York 10278

Region 3

(Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)

Regional Administrator, Region 3, Environmental Protection Agency, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106

Region 4

(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Regional Administrator, Region 4, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365

Region 5

(Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Regional Administrator, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Region 6

(Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Regional Administrator, Region 6, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75270

Region 7

(Iowa, Kansas, Missouri, Nebraska)

Regional Administrator, Region 7, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106

Region 8

(Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Regional Administrator, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295

Region 9

(Arizona, California, Hawaii, Nevada)

Regional Administrator, Region 9, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105

Region 10

(Alaska, Idaho, Oregon, Washington)

Regional Administrator, Region 10, Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101

V. Research and Development

Research is an investigation to discover or revise facts or theories. The present PCB rule authorizes the use of PCBs for R and D activities if the PCBs are packaged in 5.0 ml containers and used for scientific experimentation or analysis (40 CFR 761.30(j)). Therefore, R and D on disposal methods using PCBs in any other form constitutes disposal and is regulated using the disposal section of the PCB rule (40 CFR 761.60). In some cases, companies have conducted R and D on PCB disposal without the appropriate EPA region's awareness of their activities. Failure to obtain prior approval from EPA is a violation of the PCB disposal regulations. Persons already engaged in PCB disposal research that is not permitted pursuant to 40 CFR 761.30(j) and not approved by the appropriate EPA Regional Administrator must cease that research and obtain approval from the Regional Administrator before recommencing their research.

EPA recognizes that R and D for new methods of PCB disposal is desirable. To obtain approval to use PCB materials in quantities sufficient to develop new disposal methods (i.e. over 5.0 ml PCBs), researchers must apply to EPA and receive a letter of authorization before beginning their research. To the extent possible, all applications should contain the types of information required in unit III of this preamble and 40 CFR 761.70 of the PCB rule for approval of PCB disposal facilities.

VI. TSCA and RCRA Permits

PCB disposal facility permits are granted under the authority of the Toxic Substances Control Act (TSCA). The majority of the hazardous waste disposal permits are granted under the Resource Conservation and Recovery Act (RCRA). Although many facilities are capable of destroying wastes controlled under each of these statutes, the regulations presently require two individual permits. EPA anticipates integrating these regulations and is currently making an internal effort to assure that hazardous and toxic waste disposal permits contain the same essential conditions.

The TSCA rules for waste PCBs have been in place since 1978 and they are well understood by the regulated community. As of this writing, the RCRA rules are the subject of pending litigation. In addition, the RCRA rules are undergoing comprehensive regulatory impact analyses that may result in a number of regulatory amendments. Efforts to integrate the rules will resume after the major RCRA litigation issues are resolved and the RCRA regulatory impact analyses are completed.

VII. Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

Under Executive Order 12291, issued February 17, 1981, EPA has determined that this amendment to the PCB rule is not a "major rule" as the term is defined in section 1(b) of the Executive Order. Therefore, no Regulatory Impact Analysis has been prepared for this amendment. This final rule amendment was submitted to the Office of Management and Budget (OMB) prior to publication in the **Federal Register**.

EPA has determined that the application requirements for the approval of PCB disposal activities constitute a "collection of information," as defined in the Paperwork Reduction Act (PRA) of 1980, 44 U.S.C. 3501. These requirements are set out in 40 CFR 761.60, 761.70, and 761.75 of the PCB rule. These sections of the PCB rule require the submission of information to EPA that is necessary to determine the capabilities and risks associated with PCB disposal activities. This information is necessary to insure proper disposal of PCBs without posing an unreasonable risk to human health or the environment.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2070–0011.

The Regulatory Flexibility Act does not apply to rules that do not undergo "notice and comment" under section 553(b) of the Administrative Procedure Act, or any other law.

VIII. Statutory Authority

Under section 6(e) of TSCA (15 U.S.C. 2605), the Administrator must promulgate rules to prescribe methods for the disposal of PCBs. The Administrator also has the authority to amend or modify the existing PCB disposal rules (40 CFR Part 761), published in the **Federal Register** of May 31, 1979 (44 FR 31514), and issue procedural rules and policy statements regarding the disposal regulations.

List of Subjects in 40 CFR Part 761

Hazardous materials, Labeling, Polychlorinated biphenyls, Reporting and recordkeeping requirements, Environmental protection.

Dated: March 21, 1983.

John W. Hernandez, Jr.,

Acting Administrator.

Therefore, 40 CFR Part 761 is amended as follows:

PART 761—POLYCHLORINATED BIPHENYLS (PCBs) MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS

1. In § 761.60 paragraph (e) is revised and paragraphs (i) (1) and (2) are added to read as follows:

Subpart D—Storage and Disposal

§ 761.60 Disposal requirements.

* * * * *

(e) Any person who is required to incinerate any PCBs and PCB Items under this subpart and who can demonstrate that an alternative method of destroying PCBs and PCB Items exists and that this alternative method can achieve a level of performance equivalent to § 761.70 incinerators or high efficiency boilers as provided in paragraph (a)(2)(iv) and (a)(3)(iv) of this section, may submit a written request to either the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances for an exemption from the incineration requirements of § 761.70 or § 761.60. Requests for approval of alternate methods that will be operated in more than one region must be submitted to the Assistant Administrator for Pesticides and Toxic Substances except for research and development involving less than 500 pounds of PCB material (see paragraph (i)(2)). Requests for approval of alternate methods that will be operated in only one region must be submitted to the appropriate Regional Administrator. The applicant must show that his method of destroying PCBs will not present an unreasonable risk of injury to health or the environment. On the basis of such information and any available information, the Regional Administrator or Assistant Administrator for Pesticides and Toxic Substances may, in his discretion, approve the use of the alternate method if he finds that the alternate disposal method provides PCB destruction equivalent to disposal in a § 761.70 incinerator or a § 761.60 high efficiency boiler and will not present an unreasonable risk of injury to health or the environment. Any approval must be stated in writing and may contain such conditions and provisions as the Regional Administrator or Assistant Administrator for Pesticides and Toxic Substances deems appropriate. The person to whom such waiver is issued must comply with all limitations contained in such determination.

* * * * *

(i) *Approval authority for disposal methods.* (1) The officials (the Assistant Administrator for Pesticides and Toxic Substances and the Regional Administrators) designated in §§ 761.60 (e) and 761.70 (a) and (b) to receive requests for approval of PCB disposal activities are the primary approval authorities for these activities. Notwithstanding, the Assistant Administrator for Pesticides and Toxic Substances may, at his/her discretion, assign the authority to review and approve any aspect of a disposal system to the Office of Pesticides and Toxic Substances or to a Regional Administrator.

(2) Except for activity authorized under § 761.30(j), research and development (R and D) into PCB disposal methods using a total of less than 500 pounds of PCB material (regardless of PCB concentration) will be reviewed and approved by the appropriate EPA Regional Administrator and research and development using 500 pounds or more of PCB material (regardless of PCB concentration) will be reviewed by the approval authorities set out in §§ 761.60(e) and 761.70 (a) and (b).

2. In § 761.60 by revising the introductory text of paragraphs (a) and (a)(8), paragraphs (a)(7) and (9), the introductory text of paragraphs (b), (d) and (d)(1), paragraph (d)(2) (i) and (iii), the introductory text of paragraph (d)(2)(ii), and paragraph (d) (3), (4), (5) and (7) to read as follows:

§ 761.70 Incineration.

(a) *Liquid PCBs.* An incinerator used for incinerating PCBs shall be approved by an EPA Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Assistant Administrator for Pesticides and Toxic Substances, except for research and development involving less than 500 pounds of PCB material (see section 761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraph (a) (1) through (9) of this section, unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements which may be prescribed pursuant to paragraph (d)(4) of this section.

* * * * *

(7) At a minimum monitoring and recording of combustion products and incineration operations shall be conducted for the following parameters whenever the incinerator is incinerating PCBs: (i) O_2; (ii) CO; and (iii) CO_2. The monitoring for O_2 and CO shall be continuous. The monitoring for CO_2 shall be periodic, at a frequency specified by the Regional Administrator or Assistant Administrator for Pesticides and Toxic Substances.

(8) The flow of PCBs to the incinerator shall stop automatically when any one or more of the following conditions occur, unless a contingency plan is submitted by the incinerator owner or operator and approved by the Regional Administrator or Assistant Administrator for Pesticides and Toxic Substances. The contingency plan indicates what alternative measures the incinerator owner or operator would take if any of the following conditions occur:

* * * * *

(9) Water scrubbers shall be used for HCl control during PCB incineration and shall meet any performance requirements specified by the appropriate EPA Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances. Scrubber effluent shall be monitored and shall comply with applicable effluent or pretreatment standards, and any other State and Federal laws and regulations. An alternate method of HCl control may be used if the alternate method has been approved by the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances. (The HCl neutralizing capability of cement kilns is considered to be an alternate method.)

(b) *Nonliquid PCBs.* An incinerator used for incinerating nonliquid PCBs, PCB Articles, PCB Equipment, or PCB Containers shall be approved by the appropriate EPA Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Assistant Administrator for Pesticides and Toxic Substances, except for research and development involving less than 500 pounds of PCB material (see section 761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The

incinerator shall meet all of the requirements specified in paragraph (b)(1) and (2) of this section unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements that may be prescribed pursuant to paragraph (d)(4) of this section.

* * * * *

(d) *Approval of incinerators.* Prior to the incineration of PCBs and PCB Items the owner or operator of an incinerator shall receive the written approval of the Agency Regional Administrator for the region in which the incinerator is located, or the Assistant Administrator for Pesticides and Toxic Substances. Approval from the Assistant Administrator for Pesticides and Toxic Substances may be effective in all ten EPA regions. Such approval shall be obtained in the following manner:

(1) *Application.* The owner or operator shall submit to the Regional Administrator or the Assistant Administrator an application which contains:

* * * * *

(2) *Trial burn.* (i) Following receipt of the application described in paragraph (d)(1) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances shall determine if a trial burn is required and notify the person who submitted the report whether a trial burn of PCBs and PCB Items must be conducted. The Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may require the submission of any other information that the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances finds to be reasonably necessary to determine the need for a trial burn. Such other information shall be restricted to the types of information required in paragraph (d)(1) (i) through (vii) of this section.

(ii) If the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances determines that a trial burn must be held, the person who submitted the report described in paragraph (d)(1) of this section shall submit to the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances a detailed plan for conducting and monitoring the trial burn. At a minimum, the plan must include:

* * * * *

(iii) Following receipt of the plan described in paragraph (d)(2)(ii) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances will approve the plan, require additions or modifications to the plan, or disapprove the plan. If the plan is disapproved, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances will notify the person who submitted the plan of such disapproval, together with the reasons why it is disapproved. That person may thereafter submit a new plan in accordance with paragraph (d)(2)(ii) of this section. If the plan is approved (with any additions or modifications which the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may prescribe), the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances will notify the person who submitted the plan of the approval. Thereafter, the trial burn shall take place at a date and time to be agreed upon between the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances and the person who submitted the plan.

(3) *Other information.* In addition to the information contained in the report and plan described in paragraph (d)(1) and (2) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may require the owner or operator to submit any other information that the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances finds to be reasonably necessary to determine whether an incinerator shall be approved.

Note.—The Regional Administrator will have available for review and inspection an Agency manual containing information on sampling methods and analytical procedures for the parameters required in § 761.70(a) (3), (4), (6), and (7) plus any other parameters he/she may determine to be appropriate. Owners or operators are encouraged to review this manual prior to submitting any report required in § 761.70.

(4) *Contents of Approval.* (i) Except as provided in paragraph (d)(5) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may not approve an incinerator for the disposal of PCBs and PCB Items unless he finds that the incinerator meets all of the requirements of paragraphs (a) and/or (b) of this section.

(ii) In addition to the requirements of paragraphs (a) and/or (b) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may include in an approval any other requirements that the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances finds are necessary to ensure that operation of the incinerator does not present an unreasonable risk of injury to health or the environment from PCBs. Such requirements may include a fixed period of time for which the approval is valid.

(5) *Waivers.* An owner or operator of the incinerator may submit evidence to the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances that operation of the incinerator will not present an unreasonable risk of injury to health or the enviroment from PCBs, when one or more of the requirements of paragraphs (a) and/or (b) of this section are not met. On the basis of such evidence and any other available information, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may in his/her discretion find that any requirement of paragraphs (a) and (b) of this section is not necessary to protect against such a risk, and may waive the requirements in any approval for that incinerator. Any finding and waiver under this paragraph must be stated in writing and included as part of the approval.

* * * * *

(7) *Final Approval.* Approval of an incinerator will be in writing and signed by the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances. The approval will state all requirements applicable to the approved incinerator.

* * * * *

[FR Doc. 83-8262 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1137

[Ex Parte No. 322 (Sub-No. 1)]

Revised Procedures for Divisions of Revenue Cases; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; correction.

SUMMARY: At 48 FR 12105, March 23, 1983, the Commission modified its regulations governing the processing of division of revenue proceedings. That notice incorrectly refers to the section being revised as § 1137.1. This notice corrects that number to read § 1137.5.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: In the notice of final rules published at 48 FR 12105, correct the number § 1137.1 to read § 1137.5 wherever it appears, including the reference to that section in the amendatory language in the Appendix.

By the Commission, Agatha L. Mergenovich.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8115 Filed 3-29-83; 8:45 am]

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Proposed Rules

Federal Register
Vol. 48, No. 62
Wednesday, March 30, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 59

Revision of the Denaturing or Decharacterizing Requirements for the Exportation of Egg Products Not Intended for Human Food

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations govering the mandatory inspection of eggs and egg products to permit the exportation of egg products not intented for human food which are not denatured or decharacterized. This action is proposed because current regulations deny access to foreign markets for U.S. nondenatured inedible egg products. The effect of permitting export of inedible egg products which are not denatured or decharacterized would be trade facilitation and expansion of foreign markets.

DATE: Comments must be received on or before May 31, 1983.

ADDRESS: Written comments may be mailed to D. M. Holbrook, Chief, Standardization Branch, Poultry Division, Agricultural Marketing Service, Room 3944, South Agriculture Building, Washington, D.C. 20250. (For further information regarding comments, see "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: D. M. Holbrook, (202) 447–3506.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

An initial determination has been made that this proposed rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed regulation has been reviewed for cost effectiveness under U.S. Department of Agriculture (USDA) Secretary's Memorandum 1512–1 implementing Executive Order 12291. It would revise the export prohibition on nondenatured inedible egg products to permit their shipment under similar controls provided for the movement of such products domestically. As such, it is anticipated that the proposed revisions would result in no monetary costs or other adverse impacts offsetting the expected benefits. Alternatively, the Agency could retain the existing restrictions or permit export without controls comparable to U.S. requirements; but the former would continue to deny access to foreign markets for nondenatured inedible egg products, and the latter could destroy markets for wholesome inspected products by creating the potential for fraudulent practices.

Effect on Small Entities

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action will not have a significant economic impact on a substantial number of small entities because it involves changes that facilitate trade, expand foreign markets, and enable U.S. firms to compete more favorably in foreign markets, but does not impose additional burdens on the affected industry.

Comments

Interested persons are invited to submit written comments concerning these proposed amendments. Comments must be sent in duplicate to the Standardization Branch and should bear a reference to the date and page number of this issue of the **Federal Register.** Comments submitted pursuant to this document will be made available for public inspection in the Washington, D.C. Standarization Branch during regular business hours.

Background

The Egg Products Inspection Act restricts the movement in domestic or foreign commerce of U.S. egg products which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations. The Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 59) prohibit condemned or inedible egg products from being exported unless they are denatured or decharacterized. However, these regulations permit domestic movement of such egg products that are not denatured or decharacterized provided they are properly labeled, shipped under Government seal, and controlled at receiving points by Government inspection. Denatured or decharacterized products are rendered unuseable for certain nonhuman food uses. This provision opens domestic markets for nondenatured inedible egg products without jeopardizing the health and safety of the public, the market for edible inspected egg products, or the integrity of the inspection service. Since denatured inedible egg products cannot be used for certain industrial and animal food uses, this limits access to foreign markets for U.S. inedible egg products. Therefore, the Agency is proposing a revision to this prohibition.

Proposed Revisions

The Agency is proposing to amend the regulations governing the mandatory inspection of eggs and egg products (7 CFR Part 59) to permit exportation of inedible egg products which are not denatured or decharaterized under similar restrictions required for such egg products shipped domestically. These amendments would require: approval for importation of such product by authorized foreign government official(s), product identification as required by U.S. regulations, shipment under U.S. Government seal, receipt by U.S. or Foreign government official(s), and U.S. approval of control procedures established by foreign countries to preclude the use of such products as human food.

These amendments would facilitate and expand trade in foreign markets for U.S. inedible egg products. U.S. firms would be able to compete more favorably in foreign markets if the denaturant requirement—which is objectionable to many industrial and animal food users—were eliminated. Additionally, new foreign markets would become open to U.S. firms. To allow free trade, provision is also made for the possibility of importing such products into this country, although this appears largely unfeasible under current economic conditions.

The Agency considered two alternatives to the proposed action: maintain the status quo and permit exportation of nondenatured inedible egg products without controls comparable to U.S. requirements. The status quo alternative was found undesirable because the current regulations deny access to foreign markets for U.S. nondenatured inedible egg products. The other alternative suggesting less stringent controls for these egg products, while eliminating barriers of entry into foreign markets, was found unacceptable because of the potential harmful impact to the sale of edible U.S. egg products in foreign markets. Less than adequate controls of nondenatured inedible egg products would create the potential for substitution of these products as edible egg products and destroy markets for U.S. wholesome inspected products. Also, such substitution could create health hazards and damage the integrity of U.S. inspection programs as well as the reputation of other exported U.S. commodities. Therefore, the Agency chose the revision being proposed.

List of Subjects in 7 CFR Part 59

Shell eggs, Egg products, Mandatory inspection service.

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS (EGG PRODUCTS INSPECTION ACT)

In consideration of the foregoing, the proposed amendments to the regulations governing the mandatory inspection of eggs and egg products (7 CFR Part 59) are as follows:

Section 59.45 would be revised to read as follows:

§ 59.45 Prohibition on eggs and egg products not intended for use as human food.

(a) No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation in commerce, any eggs or egg products which are not intended for use as human food, unless they are denatured or decharacterized, unless shipped under seal as authorized in paragraphs (c) and (d) of this section or in §§ 59.504(c) and 59.720(a) and identified as required by the regulations in this part.

(b) No person shall import or export shell eggs classified as loss, inedible, or incubator rejects or any egg products which are unwholesome, adulterated, or are otherwise unfit for human food purposes, except as provided in paragraph (c) and (d) of this section, unless they are denatured or decharacterized and identified as required by the regulations in this part.

(c) Egg products which are unwholesome, adulterated, or are otherwise unfit for human food purposes that are not denatured or decharacterized may be exported to foreign countries for industrial use or animal food under the following provisions:

(1) Authorized government official of the foreign country shall approve the importation of such products into that country.

(2) The egg products shall be shipped under U.S. Government seal and identified as required in § 59.840.

(3) Provisions for the control of such inedible product in the foreign country to preclude its use as human food must be established and approved by the Administrator. Such control may consist of, but not be limited to, receipt and inspection by an appropriate U.S. Government official, an official of an approved meat, poultry, or egg products inspection system of the foreign government, or, when acceptable to the Administrator, a foreign government official including other foreign health authorities.

(d) Foreign governments may petition the Administrator for approval to import into this country egg products which are unwholesome, adulterated, or otherwise unfit for human food purposes that are not denatured or decharacterized for industrial use or animal food requirements. Such products shall be subject to the provisions of this part and other applicable laws and regulations for importation into the United States.

(Egg Products Inspection Act, 84 Stat. 1620–1635; 21 U.S.C. 1031–1056)

Done at Washington, D.C., on: March 24, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-8105 Filed 3-29-83; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

Group Licensing for Certain Medical Uses

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) proposes to amend its regulations to add a device used for instantaneous imaging to its list of devices that may be used by licensed physicians. The hand-held device uses the low energy radiation emissions from an iodine-125 sealed source to produce images of bones or foreign bodies. NRC proposes to add the device to its list so that physicians, who are adequately trained and licensed to use similar devices, may use the device without having to amend their licenses.

DATES: Submit comments by April 29, 1983.

ADDRESSES: Send comments to: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch. Hand deliver comments to: Room 1121, 1717 H Street NW., Washington, D.C. between 8:15 a.m. and 5:00 p.m. Examine comments received, environmental assessment appraisal, regulatory analysis and other documents mentioned in this notice at: the NRC Public Document Room, 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Elizabeth G. Rodenbeck, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: (301)427–4580.

SUPPLEMENTARY INFORMATION: Physicians who wish to use certain radioactive materials in the practice of medicine may do so only in accordance with a license issued by the Nuclear Regulatory Commission (the Commission) or an Agreement State. Each group medical license specifies one or more groups of radioactive drugs, sources, devices or techniques which the physician's training and experience, facilities, equipment and radiation safety procedures equip the physician to safely use. These groups are published in the Commission's regulations at 10 CFR 35.100, "Schedule A—Groups of medical uses of byproduct material." The addition of a radiopharmaceutical, radioactive source, medical device or medical technique to one of these groups

allows a physician already permitted to use other drugs, sources, devices, or techniques in the group to use the new drug, source, device, or technique without having to amend the license. As new radiopharmaceuticals, radioactive sources, medical devices, and uses of radioisotopes are developed, the Commission considers their addition to one of the groups. The Commission is currently considering the addition of a medical device to the group of devices listed in § 35.100(f) of the regulations (Group VI). Group VI provides for the "use of sources and devices containing byproduct material for certain medical" activities. The hand-held device uses the low energy radiation emissions from an iodine-125 sealed source of up to 500 millicuries and fiber optics to produce a visible light image of the extremity of a person being examined. A key reason the device fits into Group VI of § 35.100(f) is because characteristics of the device resemble the bone mineral analyzer, which also contains an iodine-125 sealed source, and the strontium-90 ophthalmic applicator, which also is portable, both of which are listed in Group VI.

A similar device for industrial applications (such as nondestructive testing, quality control, security screening and radiation control management) has been evaluated by the Commission. The safety evaluation included chemical and physical form and amount of byproduct material; design and construction of the source or device; prototype tests of device integrity under normal and accidental stesses; radiation profile of a prototype device; device production quality control procedures; procedures and standards for calibrating sources; label design of radioactive content; and instructions for handling and storing the device. The evaluation suggests that the radiation dose to the operator of the device meets 10 CFR Part 20 requirements for safety. The Commission has found the device acceptable for industrial applications when used by appropriately trained personnel and, consequently, has issued a certificate of registration covering these industrial uses. (*See* NRC Certificate of Registration and Safety Analysis Summary 80–75.)

The same device has potential uses in medicine. These include the immediate screening and diagnosis of injuries to the hand, foot, ankle, wrist and elbow, and the detection of metallic or other foreign bodies in the hand or foot. Other orthopedic, pre-surgical, and dental applications are also possible. (*See* Tansey, "Low-intensity X-ray Imaging Scope, Its Applications In Sports Medicine and Orthopaedic Surgery," Am. Journ. Sports Med., Vol 9, No. 6, pp. 360–364, 1981.)

The device manufacturer has submitted a premarket notification to the Food and Drug Administration (FDA). (*See* 510(K) Application No. 82K0235.) FDA's Bureau of Radiological Health has determined the device to be substantially equivalent to medical devices marketed in interstate commerce prior to May 28, 1976, the enactment date of the Medical Device Amendments to the Federal Food, Drug and Cosmetic Act.

The Commission has requested its Advisory Committee on the Medical Uses of Isotopes (Advisory Committee) to consider whether Group VI licenses have adequate training, facilities and program controls to safely use the device and whether the radiation exposure to the patient is within the bounds of other types of currently accepted medical tests using radiation to provide similar diagnostic information. Commission evaluation of the device's radiation safety in consultation with the Advisory Committee is required for medical devices under the Commission's Statement of General Policy on "Regulation of the Medical Uses of Radioisotopes" (44 FR 8242, February 9, 1979). The Commission noted in the statement that it intended to minimize intrusion into areas traditionally considered to be part of the practice of medicine. It considers the choice of this device for diagnosis and the evaluation of its medical efficacy to be a matter of medical judgment. The Commission has not, as yet, received all of the Advisory Committee's comments, and intends to evaluate them together with the public comments.

Environmental Impact: Negative Declaration

The Commission has determined, under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in 10 CFR Part 51, that promulgation of this proposed rule would not be a Federal action significantly affecting the quality of the human environment and that, therefore, an environmental impact statement is not required. (The environmental assessment appraisal and negative declaration on which this determination is based based are available for public inspection at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C.)

Paperwork Reduction Act Statement

This proposed rule contains no information collection requirements and, therefore, is not subject to.the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et. seq.)*.

Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. (The draft analysis is available for inspection in the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. Single copies of the analysis may be obtained from the person indicated under the FURTHER INFORMATION CONTACT heading.)

Comments on the draft analysis may be submitted to the Commission as indicated under the ADDRESSES heading.

Regulatory Flexibility Certification

The Commission has prepared an initial regulatory flexibility analysis in connection with this proposed rule. The analysis discloses that the approximately 350 Group VI medical licensees may experience some beneficial impact from the rule. The proposed rule would spare each of these licensees the cost of preparing a license amendment (estimated at about 2 to 5 hours of licensee effort to prepare the paperwork), the cost of administrative and clerical effort (estimated at $335), the $40 amendment fee, and the delay (length and cost undetermined) associated with the amendment of the license.

The Commission is particularly seeking comment from small entities (*i.e.,* small businesses, small organizations, and small jurisdictions as defined by the Regulatory Flexibility Act) about the ways the proposed rule will affect them and the ways it may be modified to impose less stringent requirements on them which will still adequately protect the public health and safety. Those small entities which offer comments on how the regulations could be modified to take into account their differing needs should specifically discuss:

(a) The size of their business and how the proposed regulations would result in a significant economic burden upon them as compared to larger organizations in the same business community;

(b) How the proposed regulations could be modified to take into account their differing needs or capabilities;

(c) The benefits that would accrue, or the detriments that would be avoided, if the proposed regulations were modified as suggested by the commenter;

(d) How the proposed regulations, as modified, would more closely equalize the impact of NRC regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individuals or groups; and

(e) How the proposed regulations, as modified, would still adequately protect the public health and safety.

List of Subjects in 10 CFR Part 35

Byproduct material, Drugs, Health facilities, Health professions, Medical devices, Nuclear materials, Occupational safety and health, Penalty, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the following amendments to 10 CFR Part 35 are contemplated.

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

1. The authority citation for Part 35 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 35.2, 35.14 (b), (e) and (f), 35.21(a), 35.22(a), 35.24, and 35.31 (b) and (c) are issued under sec. 161(b), 68 Stat. 948, as amended 42 U.S.C. 2201(b)); and §§ 35.14(b)(5) (ii), (iii) and (v) and (f)(2), 35.25 and 35.31(d) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 35.100 is amended by adding a new paragraph (f)(9) to read as follows:

§ 35.100 Schedule A—Groups of medical uses of byproduct material.

* * * * *

(f) * * *

(9) Iodine-25 as a sealed source in a portable device for bone imaging and foreign body detection.

Dated at Bethesda, Maryland, this 21st day of March 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-8232 Filed 3-29-83; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 83-151]

FSLIC Insurance Premiums

Dated: March 17, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: Following review of comments received pursuant to an advance notice of proposed rulemaking, the Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), proposes regulation amendments that would: (1) Provide for the assessment of premiums of up to one-eighth of one percent of insured accounts, in addition to the current premium of one-twelfth of one percent, in order to cover losses and expenses of the FSLIC; (2) authorize premium rebates in amounts determined in accordance with insurance-risk criteria; and (3) conform the Board's regulations to recent amendments to the National Housing Act.

DATE: Comments must be received by: April 18, 1983.

ADDRESS: Comments should be sent to the Public Information Office, Federal Home Loan Bank Board, 1700 G Street N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Frank L. Evans (202-377-6620), Chief, Insurance Division, Office of the Federal Savings and Loan Insurance Corporation, Federal Home Loan Bank Board, at the above address.

SUPPLEMENTARY INFORMATION: On November 4, 1982, The Board issued an advance notice of proposed rulemaking that requested comment on a plan to increase the total level of premium collections in order to place the FSLIC fund on a sounder basis and to implement a rebate system in which higher-risk insured institutions would bear a larger burden of the costs of insurance than would those presenting a lower insurance risk (*see* 47 FR 51583, Nov. 16, 1982). The Board explained its concern that the current assessment of one-twelfth of one percent of insured accounts will not continue to produce adequate reserves to protect depositors at insured institutions, and cited the objectives of deregulation, safety and soundness, equity, and efficiency that would be served by instituting a risk-sensitive premium structure. In its advance notice the Board outlined a proposal to increase premiums by up to one-eighth of one percent of insured accounts, pursuant to its authority to collect supplemental premiums under Section 404(c) of the National Housing Act (12 U.S.C. 1727(c)), and to declare rebates of those supplemental premiums in amounts determined in accordance with risk-related criteria. A tentative plan for criteria based on interest-rate risk exposure was also discussed in the notice.

During the comment period a total of 35 commenters responded to the notice, representing FSLIC-insured institutions (27), thrift trade associations (4), an FDIC-insured savings bank, a state bank regulator, a law firm, and an individual. After consideration of these comments, the Board has decided to propose a complete revision of § 563.15 of its regulations (12 CFR 563.15) to provide a framework for assessment of supplemental premiums and for risk-indexed variable-rate rebates. A discussion of the proposal and the Board's response to comments follows.

Assessment and Collection of Premiums

Few commenters disagreed with the Board's statement in its advance notice of proposed rulemaking that it may be necessary in the near future to assess supplemental premiums in order to maintain the primary reserve at a level adequate to cover future liabilities. Studies performed by the FSLIC since last November confirm the Board's conclusion. Reasonable economic assumptions and loss projections through 1987 indicate that the insurance fund will be heavily taxed by insured institutions requiring assistance. Without additional income from supplemental premium assessments FSLIC Net income will decline through fiscal year 1985, and losses are projected for fiscal years 1986 and 1987. The Board believes these considerations justify the adoption of a framework for supplemental premium assessments at this time, so that it will be possible to implement supplemental premiums at a later date should such action be warranted by projections in future months.

As revised pursuant to this proposal, § 563.15 would provide for the assessment and collection of both "base" and "supplemental" premiums, the former being the premiums equal to one-twelfth of one percent of insured accounts currently assessed by the FSLIC, and the latter being additional premiums of up to one-eighth of one percent of insured accounts assessed to recover losses and expenses of the FSLIC. As at present, premiums would

be paid by an institution upon receipt of its certificate of insurance and thereafter upon each anniversary of such date.

The proposed revision of § 563.15 would introduce the concept of a "premium year." The premium year suggested in the proposed regulation begins January 1 and ends December 31; the Board requests comment on whether other dates may be more appropriate. The level (in terms of a percentage of insured accounts) of the supplemental premiums and the criteria for premium rebates would remain fixed for the duration of the premium year for which they apply. Because all insured institutions would have one premium payment date in the course of a premium year, premium assessments and rebate criteria would be applied uniformly and equitably.

At least 120 days before the commencement of a new premium year, the FSLIC would publish for comment in the **Federal Register** a figure to be used in calculating the supplemental premiums to be assessed during the year. (The FSLIC would simultaneously publish rebate information, as discussed below.) This figure, referred to in the proposed regulation as the "supplemental premium rate," is the figure that, when multiplied by an institution's insured accounts, yields the supplemental premium due to the FSLIC for the year. For example, if the announced supplemental premium rate for a given premium year were one-twentieth of one percent, an institution with $20 million in deposits would pay a supplemental premium of $10,000. Prior to its premium payment date, each institution would receive a notice from the FSLIC of the base and supplemental premiums it owes. The rules for computation of premium assessments in the proposed regulation are the same as those currently found in § 563.15.

The proposed regulation sets forth two limitations upon the supplemental premium rate. Proposed § 563.15(d)(1) restates the requirement in section 404(c) of the National Housing Act (12 U.S.C. 1727(c)) that the supplemental premiums not exceed one-eighth of one percent of insured accounts. Proposed § 563.15(d)(2) states the additional statutory requirement that supplemental premiums collected not exceed the losses and expenses of the FSLIC.[1] The Board presently intends to increase the supplemental premium rate by no more than one-thirty-second of one percent each year in response to the primary concern of commenters that an immediate premium increase of as much as 150% might cause hardship for many institutions.

Calculation and Distribution of Premium Rebates

In its advance notice of proposed rulemaking the Board discussed the desirability of distributing risk-indexed premium rebates so that the net level of supplemental premiums paid by an insured institution would be related to the insurance risk posed by its condition and the business practices of its management. In addition, the Board outlined a tentative risk-rating model that focused on the vulnerability of institutions to a volatile interest-rate environment.

Commenters generally supported the concept of risk-indexed insurance premiums, agreeing that they would serve the objectives of deregulation, safety and soundness, equity, and efficiency. However, there was little agreement among commenters as to how risk criteria should be developed. The Board received numerous specific suggestions for refinement of its tentative initial risk-rating model. Other commenters criticized the model and advocated the development of different or additional criteria based on factors such as asset quality and management effectiveness. Some commenters opined that the Board should await the results of its study of insurance issues mandated by Section 712 of the Garn-St Germain Depository Institutions Act of 1982 before developing final risk-rating criteria.

The proposed regulation does not specify risk-rating criteria to be used; rather it sets forth proposed standards for developing rebate criteria and procedures for rebate disbursements. The Board expects that the development of rebate criteria will be an ongoing process, for risk-rating models will be further refined and new criteria will be developed as the FSLIC gathers and analyzes data on loss experience and factors relating to insurance risk. Consequently, the regulatory framework for insurance premiums must be flexible enough to permit continuous revision of risk-rating models while providing for equitable treatment of insured institutions. The Board proposes to achieve these goals by specifying in its regulation the considerations that will be relevant to development of risk cirteria and the procedures by which rebates will be declared and distributed, while permitting annual revision of the risk criteria by an advance notice and comment procedure. The Board notes that the proposed regulations would permit commencement of supplemental premium collections before development of a risk-indexed rebate program.

The proposed regulation provides that criteria developed by the FSLIC for calculation of rebates would be based on the insurance risk of the FSLIC. As the FSLIC attained experience with risk-rating, it would seek to quantify the risks posed by the business practices of insured institutions. If this goal is achieved, variable-rate premiums will less resemble penalties for risk-taking and will permit business conduct for which the probability of success outweighs the related risks, thus sumulating free-market pricing. The regulatory guidelines would not permit the application of risk-rating principles to produce a result contrary to any policies expressed in Title IV of the National Housing Act, such as the policy to encourage home mortgage lending.

The Board is currently considering an initial rebate plan that would provide for a rebate of part or all of the supplemental premium to each institution that has: (1) Conducted an analysis of the gap, if any, between the durations of its assets and liabilities; and (2) adopted a business plan specifying the institution's agenda for resolving deficiencies revealed in the gap analysis and other problems identified in the plan. The Board believes these two criteria would be appropriate initial criteria because the industry's asset-liability maturity mismatch is a primary source of insurance risk, and because these criteria would encourage remedial action by insured institutions. Subsequently developed criteria would measure with greater refinement exposure to interest-rate volatility and other sources of insurance risk identified through studies conducted by the Corporation. The Board requests comment on these two criteria merely for purposes of guidance in developing its policy relating to risk-related premium rebates; a more detailed notice would eventually be published for public comment at least 120 days before

[1] In accordance with this limitation, the maximum supplemental premium rate for a given premium year may be expressed by the formula

where:

$$\frac{(A + B) - (C - D) + E}{F}$$

A = all prior losses and expenses of the Corporation,

B = projected losses and expenses for the premium year,

C = prior supplemental premiums collected,

D = prior rebates distributed,

E = projected total rebates for the premium year, and

F = projected total of insured accounts on which premiums will be paid for the premium year.

implementation of the first rebate plan, as required by proposed § 563.15(e)(1), should the Board adopt the proposed rule.

The proposed procedures for declaration and disbursement of rebates are closely tied to the premium assessment rules discussed above. Rebate amounts would be expressed as a percentage of the supplemental premium, and rebate criteria would be declared at the same time as the announcement of the supplemental premium rate, at least 30 days before the commencement of the premium year. However, no final criteria would be declared until after an opportunity for public comment. At the time an institution pays its premiums, it would submit any additional information necessary to determine the rebate to which it is entitled, and the FSLIC would disburse the rebate within 90 days of the institutions's following premium payment date.

Technical Amendments

The Board proposes to amend 12 CFR 563.15 to accommodate a recent amendment to Section 404 of the National Housing Act. Section 126 of the Garn-St Germain Depository Institutions Act of 1982 added a new paragraph (h) to Section 404 to provide that the FSLIC may terminate distributions of the secondary reserve if it finds that extraordinary financial conditions exist increasing the risk to the Corporation. Rather than repeat this proviso as a new amendment to 12 CFR 563.15, consistent with its policy to streamline its regulations the Board proposes merely to cross-refer to Section 404 in the text of the regulation. This cross-reference would permit the elimination of other regulatory provisions dealing with limitations on the primary and secondary reserve that merely repeat provisions in Section 404.

The Board requests comment on all aspects of the proposed regulations described here, and continues to solicit suggestions regarding appropriate criteria on which risk-indexed premium rebates should be based. The Board has determined that a comment period of thirty days is appropriate because the Board has already solicited and received public comment on the subject matter covered in this proposal.

Initial Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act (5 U.S.C. Ch. 6), the Board provides the following initial regulatory flexibility analysis:

1. *Reasons, objectives, and legal basis underlying the proposed rule.* These elements have been incorporated elsewhere into the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule would apply.* The proposed rule would apply only to FSLIC-insured institutions.

3. *Impact of the proposed rule on small institutions.* The proposal would not have a disproportionate impact on small institutions, as the cost of insurance premiums under the proposed rule would continue to be a function of the amount of insured accounts at an institution. Furthermore, the proposal would not involve any new reporting or compliance costs that could impose a disproportionate burden on small institutions. Finally, asset size is not a factor that would be considered in calculating rebates under the proposed rule.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the proposal.

5. *Alternatives to the proposed rule.* The Board is not aware of any alternatives that would have less impact on small institutions; but it requests comments on this issue.

Regulatory Analysis

The elements of regulatory analysis required for major proposed regulations by Board Resolution No. 80–584 of September 11, 1980, have been incorporated elsewhere in the supplementary information.

List of Subjects in 12 CFR Part 563

Savings and loan associations.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

Accordingly, the Board hereby proposes to amend Part 563 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

Revise § 563.15 as follows:

§ 563.15 Insurance premiums.

(a) *Definitions.* For purposes of this section:

(1) "Premium payment date" means the date of issuance of the certificate of insurance for an insured institution and each anniversary of such date.

(2) "Premium year" means the period beginning January 1 and ending on the following December 31.

(3) "Base premium" means one-twelfth of one percent of all insured accounts of an institution.

(4) "Supplemental premium" means the supplemental premium rate declared for a premium year multiplied by all insured accounts of an institution.

(5) "Supplemental premium rate" means a number computed by the Corporation in accordance with paragraph (d) of this section.

(b) *Assessment and collection of premiums.* At least 120 days prior to the beginning of each premium year, the Board will publish a notice in the **Federal Register** requesting comment on the proposed supplemental premium rate applicable for the premium year. The final supplemental premium rate adopted by the Board will be published at least 30 days prior to the beginning of the premium year. Each insured institution will receive in advance of its premium payment date a statement of the base and supplemental premiums due. Each institution shall pay its base and supplemental premiums on or before its premium payment date.

(c) *Computation of premiums.* (1) The base and supplemental premiums payable by an insured institution shall be determined on the basis of the most recent report filed by the institution with the Corporation. Any institution that has not filed a report within 60 days prior to its premium payment date shall report more current information if requested by the Corporation to do so.

(2) Any amount contained in a report covering interest accrued, or dividends declared, but not due and payable, upon an account of an insured member shall not be included in the Corporation's computation of premiums.

(3) The total amount of a tax and loan account, a United States Treasury General Account, or a United States Treasury Time Deposit—Open Account shall be the average daily balance in such account since the institution's last premium payment date.

(d) *Limitations on supplemental premiums.* (1) The supplemental premium rate applicable for a premium year shall not exceed one-eighth of one percent.

(2) Total supplemental premiums collected by the Corporation in all premium years shall not exceed total actual losses and expenses (plus those projected for the premium year) of the Corporation, as determined by the Corporation.

(e) *Premium rebates.* (1) *Procedure.* The rebate (expressed as a percentage of the supplemental premium), if any, applicable for a premium year, and criteria upon which payment of the rebate will depend, will be published in the **Federal Register** notices required by paragraph (b) of this section. Each insured institution shall submit on or before its premium payment date, or a

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later date determined by the Corporation, any information requested by the Corporation for purposes of determining the applicable rebate amount. The Corporation will pay to an institution its rebate not later than 90 days after the institution's following premium payment date. The Corporation will not pay a rebate prior to payment in full of premiums owed by an institution.

(2) *Standards for development of rebate criteria.* Rebate criteria shall be based on the Corporation's evaluation of the insurance risks posed by business practices of insured institutions, particularly those risks within the control of management. Criteria published pursuant to paragraph (e)(1) shall be sufficiently clear and specific to permit each insured institution to calculate its rebate. No rebate plan shall contravene the purposes underlying Title IV of the National Housing Act.

(f) *Limitation on primary reserve; distribution of secondary reserve.* Provisions relating to the discontinuation of premiums when the primary reserve equals or exceeds two percent of all insured accounts and to distribution of shares of the secondary reserve may be found at Section 404(c), (d), and (h) of the National Housing Act (12 U.S.C. 1727(c), (d), (h)).

(12 U.S.C. 1724–28, 1730; Pub. L. 91–151 of Dec. 23, 1969, sec. 6 (83 Stat. 396); Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83–8135 Filed 3–29–83; 8:45 am]

BILLING CODE 6720–01–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Federal Credit Union Services for Retired Persons—Request for Comments

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed interpretive ruling and policy statement; request for comments.

SUMMARY: The NCUA Board requests comments on whether it should revise NCUA's policies with respect to membership in Federal credit unions in order to provide Federal credit unions the ability to offer membership to retired persons in the credit union's locale because credit union members often experience difficulty obtaining continuing Credit Union service upon retirement.

DATE: Comments must be received by: June 27, 1983.

ADDRESS: Send comments to Secretary of the NCUA Board, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Harvey J. Baine, III, Regional Director, Region II, Suite 700, 1776 G Street NW., Washington, D.C. 20006. Telephone (202) 682–1900, or Robert Fenner, Director, Department of Legal Services, 1776 G Street NW., Washington, D.C. 20456. Telephone (202) 357–1030.

SUPPLEMENTARY INFORMATION: Credit union members often experience difficulty obtaining continuing credit union service upon retirement. This can result either from the fact that the retiree is no longer in the credit union's field of membership or from the fact that the retiree has moved to a new residence that is not near the credit union. Many credit unions have addressed the first situation by adopting a "once a member, always a member" policy, as authorized by the standard Federal Credit Union Bylaws. Others have recently suggested that a more complete solution, addressing both concerns, would be for NCUA to revise its chartering policies to authorize Federal credit unions to offer membership to retired persons in the credit union's locale.

Such a proposal would be consistent with current NCUA chartering policies, as expressed in NCUA Interpretive Ruling and Policy Statement 82–3 (47 FR 26808) which authorizes and establishes the conditions for inclusion by a Federal credit union of more than one distinct gourp in its field of membership. The proposal would require a finding by the NCUA Board that retired persons constitute a group within the meaning of Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) which limits Federal credit union membership to "groups having a common bond of occupation or association, or to groups within a well defined neighborhood, community, or rural district."

Because of the various issues that arise in connection with this proposal, the NCUA Board is requesting comment prior to adopting a final policy. The Board requests comment in response to the following specific questions and any other relevant issues:

Is it generally advisable as a matter of policy to authorize Federal credit unions to include retired persons living within a credit union's service area in the credit union's field of membership?

If the policy is approved, should an exclusion clause be utilized, excluding for example individuals already receiving credit union services from a credit union in the vicinity of their residence? Or, excluding individuals eligibile for membership, other than through a retiree clause, in a credit union in the vicinity of their residence?

If the policy is adopted, how should it define retiree? Retiree might be defined, for example, as "any person receiving annuity, pension, social security, or similar retirement payments from private or government sources, or anyone over age 60".

List of Subjects in 12 CFR Part 701

Credit unions.

By the National Credit Union Board on March 21, 1983.

Rosemary Brady,

Secretary of the National Credit Union Administration Board.

[FR Doc. 83–8142 Filed 3–29–83; 8:45 am]

BILLING CODE 7535–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249

[Release No. 34–19595; File No. S7–965]

Regulation U, Exempt Credit Provisions; Rescinding of Rules and Related Forms

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes rescinding three rules and their related forms under the Securities Exchange Act of 1934 ("Act") which implement the exempt credit provisions of Regulation U under the Act. In addition, the Commission proposes adopting a single definitional rule, Rule 3b–8 under the Act, which would define certain terms necessary to the proper functioning of the exempt credit provisions of Regulation U relating to extension of credit by banks to broker-dealers for the purpose of purchasing or carrying margin stocks. The proposed action is intended to complement certain amendments to Regulation U proposed by the Board of Governors of the Federal Reserve System.

DATE: Comments to be received on or before April 29, 1983.

ADDRESSES: All comments should be submitted in triplicate and addressed to George A. Fitzimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. All comments should refer to File No. S7–965 and will be available for public inspection at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:
William W. Uchimoto, (202) 272–2409, Room 5193, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Background

Regulation U under the Securities Exchange Act of 1934 ("Act") [1] regulates the extension of credit by banks to broker-dealers for the purpose of purchasing or carrying margin stocks. Pursuant to the OTC Market Maker Exemption,[2] Qualified Third Market Maker Exemption[3] and Block Positioner Exemption[4] of Regulation U, banks may extend credit exempt from the requirements of Regulation U to broker-dealers meeting the criteria of those exemptions ("exempt credit"). The exemptions, adopted by the FRB, require those seeking exempt credit to file reports "as required pursuant to a rule of the Commission." Accordingly, the Commission has adopted Rules 17a–12,[5] 17a–16[6] and 17a–17,[7] and related Forms X–17a–12 (1) and (2), X–17A–16 (1) and (2), and X–17A–17, to oversee compliance with respect to those receiving exempt credit pursuant to Regulation U.

Specifically, Rule 17a–12 implements the provisions of the OTC Market Maker Exemption of Regulation U. The Rule defines "OTC Market Maker" and requires those broker-dealers who apply for OTC Market Maker exempt credit on any "OTC Margin Security" [8] to file Forms X–17A–12 (1) and (2). A broker-dealer applying for OTC Market Maker exempt credit must notify the Commission on Form X–17A–12 (1) whenever it commences or ceases making a market in an OTC Margin Security. Moreover, should a broker-dealer receive OTC Market Maker exempt credit, it must report to the Commission the amount of such credit that it has outstanding at the end of the quarter on Form X–17A–12 (2).

Rule 17a–16 implements the provisions of the Qualified Third Market Maker Exemption of Regulation U. The Rule defines the term "Qualified Third Market Maker" and requires those broker-dealers who apply for Third Market Maker exempt credit on any security that is listed on a national securities exchange to file Forms X–17A–16 (1) and (2). A broker-dealer applying for Qualified Third Market Maker exempt credit must notify the Commission on Form X–17A–16 (1). Moreover, should a broker-dealer receive Qualified Third Market Maker exempt credit, it must report the amount of such credit that it has outstanding at the end of the quarter on Form X–17A–16 (2).

Rule 17a–17 implements the provisions of the Block Positioner Exemption of Regulation U. The Rule defines "Block Positioner" and requires those broker-dealers applying for Block Positioner exempt credit to notify the Commission, and requires those receiving such credit to file Form X–17A–17 with the Commission. Form X–17A–17 requires a recipient of Block Positioner exempt credit to report, among other things, the amount of Block Positioner exempt credit that it held at the beginning and at the end of the quarter as well as the total amount of credit that was extended to it during the quarter.

II. Discussion

While the Commission continues to believe that it is essential that there be vigorous policing of exempt credit under Regulation U, it also believes that the current scheme of regulation has proven to be costly and inefficient. In this respect, the Commission notes that the filing requirements of the rules impose a continuing financial cost on broker-dealers because they require frequent filings and some of the forms necessitate relatively lengthy quarterly calculations. The Commission believes that these compliance costs are no longer offset by any substantial regulatory benefits because compliance with the rules is primarily ensured through inspections by the Commission and self-regulatory organizations and is not dependent on routine use of the completed forms.

The Commission, however, is not in a position to rescind these rules and forms as long as Regulation U requires broker-dealers applying for exempt credit to comply with Commission filing requirements. In this respect, at the request of the Commission, the FRB has proposed amending Regulation U to remove the requirement that broker-dealers receiving exempt credit file reports with the Commission.[9] The FRB, also in reponse to a request by the Commission, has proposed amending Regulation U to refer to a single Commission rule which would function solely to define the terms "Qualified OTC Market Maker," "Qualified Third Market Maker" and "Qualified Block Positioner" for the exempt credit provisions of Regulation U.[10]

To coincide with the FRB's proposed amendments to Regulation U, the Commission is proposing to rescind Rules 17a–12, 17a–16 and 17a–17 and related Forms X–17A–12 (1) and (2), X–17A–16 (1) and (2), and X–17A–17. In addition, the Commission is proposing to adopt Rule 3b–8 under the Act which would define the terms "Qualified OTC Market Maker," "Qualified Third Market Maker" and "Qualified Block Positioner" for purposes of the FRB's proposed amendments to Regulation U. Although the definitions contained in proposed Rule 3b–8 are susbstantively identical to the definitions currently contained in Rules 17a–12, 17a–16 and 17a–17, the proposed rule contains certain minor language changes to reflect past amendments to Rule 15c3–1 under the Act.

III. Summary of the Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis ("Analysis") in accordance with 5 U.S.C. 603 regarding the proposed rescission of Rules 17a–12, 17a–16 and 17a–17, and the proposed adoption of Rule 3b–8.

The Analysis notes that a substantial number of small broker-dealers,[11] who might seek OTC Market Maker or Qualified Third Market Maker exempt credit, would be relieved from significant reporting burdens should Rules 17a–12 and 17a–16 be rescinded. In this regard, the rescission of these rules could have a significant positive economic impact on a substantial number of small entities.

The Analysis also notes that the proposed rescission of Rule 17a–17 would not have a significant economic impact on a substantial number of small

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[1] 12 CFR 221. Regulation U was last amended by the Board of Governors of the Federal Reserve System ("FRB") in Docket No. R–0372 (May 12, 1982), 47 FR 21756.

[2] 12 CFR 221.3(w).

[3] 12 CFR 221.3(y).

[4] 12 CFR 221.3(z).

[5] 17 CFR 240.17a–12. Rule 17a–12 was last amended in Securities Exchange Act Release No. 9762 (September 12, 1972), 37 FR 18717.

[6] 17 CFR 240.17a–16. Securities Exchange Act Release No. 9760 (September 12, 1972), 37 FR 18718.

[7] 17 CFR 240.17a–17. Securities Exchange Act Release No. 9761 (September 12, 1972), 37 FR 18720.

[8] An "OTC Margin Security" is defined in Regulation U as a security which is not listed on a national securities exchange and which is on a list published by the FRB.

[9] *See* proposed FRB rule change, Docket No. R–0458 (February 23, 1983), 48 FR 8470.

[10] *Id.*

[11] The Commission has adopted definitions of the term "small entity" for purposes of Commission rulemaking in accordance with the Regulatory Flexibility Act. Those definitions, as relevant to the proposed rulemaking, are set forth in Rule 0–10, 17 CFR 240.0–10. *See* Securities Exchange Act Release No. 18457 (January 28, 1982), 47 FR 5215. A broker-dealer is a "small business" or "small organization" under Rule 0/10 if, among other things, it has total capital of less than $500,000 during the preceding fiscal year.

entities as that Rule does not apply to any broker-dealer who the Commission has defined to be a small entity.[12] In addition, proposed Rule 3b–8 would not have a significant economic impact on a substantial number of small entities because proposed Rule 3b–8, if adopted, would recodify certain definitions contained in Rules 17a–12, 17a–16 and 17a–17.

The Commission is soliciting comment on the precise impact of the proposed rule rescissions and the proposed rule. A copy of the Analysis may be obtained by contacting William W. Uchimoto, (202) 272–2409, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549.

List of Subjects in 17 CFR Parts 240 and 249

Reporting requirements, Securities.

IV. Text of Proposed Amendment

Accordingly, the Commission proposes to amend Chapter II of Title 17 of the Code of Federal Regulations, pursuant to its authority under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*, as amended by Pub. L. No. 94–29 (June 4, 1975)), particularly Sections 2, 3, 11, 15, 17 and 23 thereof (15 U.S.C. 78b, 78c, 78k, 78*o*, 78q and 78w), as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§§ 240.17a–12, 240.17a–16 and 240.17a–17 [Removed]

1. By removing §§ 240.17a–12, 240.17a–16 and 240.17a–17.

2. By adding § 240.3b–8 to read as follows:

§ 240.3b–8 Definitions of "Qualified OTC Market Maker," "Qualified Third Market Maker" and "Qualified Block Positioner."

For the purposes of Regulation U under the Act (12 CFR 221):

(a) The term "Qualified OTC Market Maker" in an over-the-counter ("OTC") margin security means a dealer in any "OTC Margin Security" (as that term is defined in Section 2(j) of Regulation U (12 CFR 221.2(j)) who: (1) Is a broker or dealer registered pursuant to Section 15 of the Act, (2) is subject to and is in compliance with Rule 15c3–1 (17 CFR 240.15c3–1), (3) has and maintains minimum net capital, as defined in Rule 15c3–1, of the lesser of (i) $250,000 or (ii) $25,000 plus $5,000 for each security in excess of five, and (4) except when such activity is unlawful, meets all of the following conditions with respect to such security: (i) He regularly publishes bona fide, competitive bid and offer quotations in a recognized inter-dealer quotation system, (ii) he furnishes bona fide, competitive bid and offer quotations to other brokers and dealers on request, (iii) he is ready, willing and able to effect transactions in reasonable amounts, and at his quoted prices, with other brokers and dealers, and (iv) he has a reasonable average rate of inventory turnover in such security.

(b) The term "Qualified Third Market Maker" means a dealer in any stock registered on a national securities exchange ("exchange") who: (1) Is a broker or dealer registered pursuant to Section 15 of the Act, (2) is subject to and is in compliance with Rule 15c3–1 (17 CFR 240.15c3–1), (3) has and maintains minimum net capital, as defined in Rule 15c3–1, of the lesser of (i) $500,000 or (ii) $100,000 plus $20,000 for each security in excess of five, and (4) except when such activity is unlawful, meets all of the following conditions with respect to such security: (i) He furnishes bona fide, competitive bid and offer quotations at all times to other brokers and dealers on request, (ii) he is ready, willing and able to effect transactions for his own account in reasonable amounts, and at his quoted prices with other brokers and dealers, and (iii) he has a reasonable average rate of inventory turnover in such security.

(c) The term "Qualified Block Positioner" means a dealer who: (1) Is a broker or dealer registered pursuant to Section 15 of the Act, (2) is subject to and in compliance with Rule 15c3–1 (17 CFR 240.15c3–1), (3) has and maintains minimum net capital, as defined in Rule 15c3–1 of $1,000,000 and (4) except when such activity is unlawful, meets all of the following conditions: (i) He engages in the activity of purchasing long or selling short as principal, from time to time, from or to a customer (other than a partner or a joint venture or other entity in which a partner, the dealer, or a person associated with such dealer, as defined in Section 3(a)(18) of the Act, participates) a block of stock with a current market value of $200,000 or more in a single transaction, or in several transactions at approximately the same time, from a single source to facilitate a sale or purchase by such customer, (ii) he certifies to the lending bank that he has determined in the exercise of reasonable diligence that the block could not be sold to or purchased from others on equivalent or better terms, and (iii) he sells the shares comprising the block as rapidly as possible commensurate with the circumstances.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

§§ 249.619, 249.620, 249.631, 249.632 and 249.633 [Removed]

3. By removing §§ 249.619, 249.620, 249.631, 249.632 and 249.633.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 14, 1983.

[FR Doc. 83–7855 Filed 3–29–83; 8:45 am]

BILLING CODE 8010–01–M

[12] Rule 17a–17 does not apply to small entities because only those broker-dealers maintaining minimum net capital of at least $1,000,000 can qualify for Block Positioner exempt credit.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 162

[OPP–30066 A; PH–FRL 2332–8]

Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking. Extension of comment period.

SUMMARY: EPA issued a notice of proposed rulemaking, which published in the **Federal Register** of December 27, 1982 (47 FR 57635), which addressed the implementation of the data use and compensation provisions of sec. 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The proposed regulations closely resemble the current regulations (40 CFR 162.9–1 through 162.9–8) which, among other things, require that most applicants for pesticide registrations cite all relevant data in the Agency's files. However, the U.S. District Court for the District of Columbia recently held that this mandatory "cite-all" approach is contrary to the provisions of FIFRA. This notice provides information concerning the court decision and further solicits public comment regarding alternative means of implementing FIFRA's data use and compensation provisions. In addition, this notice extends the period for comment on the proposal.

DATE: Written comments on the December 27, 1982 proposal, as supplemented by this notice, must be submitted on or before May 16, 1983.

ADDRESS: Submit written comments to: Program Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, Rm.

236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Comments should bear the identifying notation OPP–30066A. The administrative record supporting this action is available for public inspection in Rm. 236 at the address noted above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Edward C. Gray, Office of General Counsel (LE–132P), Environmental Protection Agency, Rm. W–535E, 401 M Street SW., Washington, DC 20460 (202–382–7505).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking concerning the implementation of FIFRA's data use and compensation provisions, which was published in the Federal Register of December 27, 1982 (47 FR 57635). That notice set forth proposed regulations to replace those which had been invalidated by the U.S. Court of Appeals for the Third Circuit because the Court determined that they had been promulgated without full compliance with the procedural requirements of the Administrative Procedure Act. The proposed regulations largely paralleled the Agency's previous regulations and retained the mandatory "cite-all" approach to pesticide registration. The notice, however, specifically requested comments addressing any alternative regulatory scheme which would permit EPA to evaluate applications for registration of pesticides efficiently while adequately protecting the rights of data submitters. A full explanation of the pesticide registration process, the Third Circuit court decision, and the proposed regulation was set forth in the December 27, 1982 proposal.

After the publication of the proposed rule, another court found the mandatory cite-all regulations invalid, this time on substantive grounds. The U.S. District Court for the District of Columbia, in the case of *National Agricultural Chemicals Association v. EPA*, CA #79–2063 (January 20, 1983), enjoined the Agency from

> * * * rejecting an application for registration of a pesticide, pursuant to section 3(c) of FIFRA, on the ground that the applicant has only submitted "a full description of the tests made and the results thereof upon which the claims are based," as long as the data submitted by the applicant meets the statutory criteria for registration.

Under this decision, EPA may continue processing applications for registration submitted by persons who choose voluntarily to use the cite-all approach, but may no longer require an applicant to use the cite-all approach. This decision, therefore, requires abandonment of the mandatory cite-all approach set forth in the proposed regulations.

In the December 27, 1982 proposal, the Agency solicited public comment on alternative systems for registering pesticides without mandatory cite-all. The preamble, for example, stated:

> The Agency strongly encourages commenters to address the question of what mechanisms would be available to the Agency to resolve all the problems associated with data submitters' rights if commenters feel that the "cite-all" approach should be modified by regulations alone.

In light of the D.C. District Court's recent decision, EPA wishes again to encourage commenters to provide specific suggestions for alternatives to the mandatory cite-all regulations.

Issues for Commenters To Address

1. *The mechanisms by which applicants would identify the minimum data requirements.*

Since applicants will not be required to cite all previously submitted data, some means must be developed to identify the minimum data requirements which apply to a given application. EPA's data requirements have been proposed as regulations that would be codified at 40 CFR Part 158 (47 FR 53192, November 24, 1982). Commenters should address whether those proposed regulations can and should form the basis for determining the minimum amount of data an applicant must submit or cite for purposes of FIFRA sec. 3(c)(1)(D). If these data requirements are deemed appropriate, commenters should consider issues relating to when and in what manner waivers of the requirements (see proposed 40 CFR 158.45 and 158.60) should be permitted. In particular, how can previously granted waivers be identified and applied to an application, and what opportunity should be provided for new or additional waivers?

2. *The effect of "data gaps" in previous submissions.*

Under FIFRA sec. 3(c)(7), in some cases a registration can be granted even though data needed to support an unconditional registration under FIFRA sec. 3(c)(5) have not yet been submitted on the condition that the applicant will submit the data required for full registration no later than all previous registrants are required to submit such data. Therefore, applicants sometimes could satisfy a particular data requirement by showing that no data to fulfill that requirement have been generated. Commenters are requested to address how EPA should permit the identification of "data gaps" as a means of fulfilling the minimum data requirements.

3. *The extent to which applicants should be able to rely on previously submitted data to fill data requirements.*

FIFRA sec. 3(c)(1)(D) allows applicants to cite and rely on much of the previously submitted data without permission of the original data submitter, so long as appropriate offers to pay for the data are made. EPA is considering making this "mandatory licensing" of data available to applicants who choose a cite-all approach, and limiting the non-cite-all option to applicants who have obtained permission of the original data submitter to rely on particular items of data less than the entire set of data. This might lessen the number of disputes between data submitters and applicants about data validity and sufficiency, and lessen the Agency's involvement in essentially intra-industry issues. Comments are solicited on this approach. Commenters opposing this approach should identify arguments supporting a broader opportunity to cite specific data for particular data requirements without the original submitter's permission, and describe mechanisms by which applicants can discover and properly cite such data.

4. *Possible means to resolve disputes relating to procedures for determining data requirements and for citing or submitting data.*

Commenters are urged to address means to prevent or resolve disputes by applicants and/or previous data submitters. Such disputes could relate to: (1) The appropriate data requirements for a given application; (2) the adequacy, validity, or completeness of the data submitted or cited to fill data requirements; or (3) the existence or propriety of required authorizations or offers to pay, or other procedural aspects. In discussing the handling of potential disputes, commenters should focus on procedures to be used during consideration of pending applications and following the issuance of a registration or amendment. Commenters should bear in mind that EPA desires to avoid reviewing data on an ad hoc, application-by-application basis merely to protect data submitters' economic rights. Instead, EPA intends to review the data bases on a comprehensive basis for purposes of evaluating potential risk; this will be accomplished primarily through the registration standards process.

(Secs. 3 and 25 of FIFRA, as amended, 7 U.S.C. section 136 et seq.)

Dated March 18, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-8013 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1181 and 1183

[Ex Parte Nos. MC-79 (Sub-2) and MC-152 (Sub-1)]

Control of Duplicate Operating Rights; Policy Statement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking and policy statement.

SUMMARY: In light of changes contained in the Bus Regulatory Reform Act of 1982 (Bus Act), Pub. L. 97-261, enacted September 20, 1982, and effective November 19, 1982, the Commission proposes to amend its regulations at 49 CFR 1181.3(c) and 1183.6 to remove the prohibition against approving transactions that would result in motor passenger carriers under comon control holding duplicate operating rights. Simultaneously, the Commission proposes to change its policy of denying motor passenger carrier operating rights applications because they would result in commonly controlled carriers holding duplicate operating rights, and to permit individual carriers to hold duplicate operating rights.

DATE: Comments are due on April 29, 1983.

ADDRESS: Send an original and 15 copies of comments to: Ex Parte Nos. MC-79 (Sub-No. 2) and MC-152 (Sub-No. 1), Room 2139, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Barry Cohen (202) 275-7971; or
Howell I. Sporn (202) 275-7691.

SUPPLEMENTARY INFORMATION:

Introduction and Background

Under the regulations at 49 CFR 1183.6,[1] the Commission will approve a transaction under 49 U.S.C. 11343 which would result in the common control or management of two or more motor carriers of passengers whose combined annual gross operating revenues exceed $2 million and which hold duplicate operating rights, only if the applicants: (1) Request cancellation of the duplicate rights; (2) submit a plan and timetable to eliminate the duplications at the earliest practicable date, so that only one of the commonly controlled motor carriers will hold the duplicating authority; or (3) show "cogent and acceptable" reasons why duplicate rights under common control should be permitted to continue. If the duplications are allowed to continue, the certificates involved will be conditioned against severance from common ownership by sale or otherwise.

Under the regulations at 49 CFR 1181.3(c), the Commission will not approve a transfer or lease of passenger operating rights under 49 U.S.C. 10926 to a person who controls, is controlled by, or is under common control with, another person who holds passenger operating rights which materially duplicate those to be transferred. The Commission has sometimes allowed commonly controlled motor carriers to hold duplicate rights where this was justified by special circumstances, such as where the duplications were viewed as *de minimis*, where carriers performed different services, or where unusual conditions, including the receipt of tax advantages, existed.

The prohibition against common control of duplicate operating rights has been applied to passenger carriers since the early days of regulations. In *Buffalo & Erie Coach Corp.—Merger*, 15 M.C.C. 797 (1939), we approved a passenger carrier merger in line with our policy of encouraging corporate simplification and noted that extensive duplication of operating authority would thereby be eliminated. In *Temple—Control—Blue Bird Coach Lines, Inc.*, 36 M.C.C. 583, 594 (1941), we denied an application seeking approval of common ownership of two passenger carriers because duplications would result in uneconomical transportation, and no justification for two carriers holding duplicate authority had been established.

Similarly, the Commission found that affiliates with duplicate authority created a potential for discriminatory and unfair competitive practices in *Dollar Lines—Purchase—United States System, Inc.*, 40 M.C.C. 63 (1944). *See also, Casser—Control—Bingler Vacation Tours, Inc.*, 57 M.C.C. 53, 62-63 (1950); *Manhattan Transit Co.—Control and Merger*, 65 M.C.C. 701 (1956); and 70 M.C.C. 89 (1956). The policies of encouraging corporate simplification and the proscription against common control of duplicate rights because of the potential for discrimination were also affirmed in *Ocean Drive Tours—Purchase—Carll*, 97 M.C.C. 20, 24-25 (1964).

In *Control or Consolidation of Motor Carriers*, 109 M.C.C. 448 (1970), we codified these policies as rules, now appearing at 49 CFR 1183.6. Since then, we have continued to enforce these policies. *See e.g., Greyhound Lines, Inc., Ext.—Special Operations*, 115 M.C.C. 82 (1972). Although the regulations technically apply only to control applications, the Commission generally does not grant licensing applications which would result in commonly controlled carriers holding duplicate rights.

The Effect of Recent Legislation

In Ex Parte No. MC-79 (Sub-No. 1), *Control of Duplicate Operating Rights*, 127 M.C.C. 780 (1981),[2] the Commission removed the prohibitions in 49 CFR 1181.3(c) and 1183.6 against the holding of duplicate operating rights by motor carriers of property under common control and isued a final policy holding that applications would no longer be denied merely because they would result in commonly controlled carriers holding duplicate authority. The Commission also indicated that it would permit individual motor carriers of property to hold duplicate operating rights. These changes were implemented after enactment of the Motor Carrier Act of 1980 (Pub. L. 96-296, 94 Stat. 793) (MCA) and in light of the new competitive environment in which motor carriers of property operated.

In its decision in Ex Parte No. MC-79 (Sub-No. 1), the Commission noted that, historically, the following reasons were advanced in support of the prohibition against common control of duplicate operating rights: (1) The perceived possibility of unfair competition, unjust discrimination, and preference as to rates and practices, (2) the ability to use the grant of "valuable" operating rights improperly for personal gain through its sale as a commodity (trafficking), and (3) the potential for inefficient regulation and confusion to the public if duplicate rights were maintained under common control.

The Commission found that the MCA, in promoting increased competition and diversification of carrier rate and service options, superseded prohibitions against the holding of duplicate rights. In a regulatory environment which no longer protects carriers from competition by restricting entry and imposing pricing uniformity, the

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[1] 49 CFR 1134.51 was redesignated as § 1183.6, and 49 CFR 1132.3(c) was redesignated as § 1181.3(c), in Ex Parte No. 55 (Sub-No. 55), *Revision and Redesignation of the Rules of Practice*, 47 FR 49534 (November 1, 1982).

[2] That proceeding embraced Ex Parte No. MC-152, *Policy Statement Regarding Duplicate Operating Rights*.

prohibition against the holding of duplicate operating rights is inconsistent with the pro-competitive emphasis of the MCA.

The Commission further noted in Ex Parte No. MC–79 (Sub-No. 1) that the MCA did not alter the standards under which applications for authority by motor carriers of passengers were considered, or the type of authority which passenger carriers could receive.[3] Nor did it make changes in the rate practices of passenger carriers.[4] In light of this and the fact that Congress began to consider separate legislation concerning the bus industry, the findings in Ex Parte No. MC–79 (Sub-No. 1) were specifically limited to motor carriers of property.

The Bus Regulatory Reform Act of 1982 (Bus Act) that was subsequently enacted made substantial changes in our regulation of the passenger carrier industry. The Bus Act eases motor passenger carrier entry controls, promotes competition and makes available more responsive service to the traveling and shipping public. Sections 6 and 13 of the Bus Act significantly reduce the burden of proof on applicants seeking new or extended operating authority. The applicant need only to demonstrate that it is fit, willing and able to provide the transportation sought and be able to comply with the Interstate Commerce Act and the Commission's regulations.[5] Under Section 18 of the Bus Act, this showing is met by a demonstration of safety fitness and proof of insurance coverage at levels established by the Secretary of Transportation. The Commission will grant all applications based upon this showing unless a protestant establishes that the applicant is unfit.

Section 11 of the Bus Act establishes a zone of rate freedom for passenger carriers similar to that adopted for motor carriers of property in the MCA. Bus companies may now raise or lower rates within specified percentages over the next three years with substantially reduced risk of investigation or suspension. During the next three years, rates or fares within the zone of rate freedom may not be suspended or investigated except on the grounds that they are predatory or discriminatory.[6]

The MCA's goals of increased price and service competition were extended to, and in some ways expanded for, passenger carriers in the Bus Act. Accordingly, we are reexamining our past passenger carrier policies, including those concerning duplicating operating authority, in light of the new legislation.

Further, in Section 5 of the Bus Act, Congress plainly stated its objective to promote competition and efficient transportation in order to meet the needs of passengers, allow a variety of quality and price options to meet changing market demands and the diverse requirements of the traveling public, and allow the most productive use of equipment and energy resources. Congress further stated that overly protective regulation has resulted in operating inefficiencies and diminished price and service competition in the motor bus industry. *See* 49 U.S.C. 10101(a)(2) and H.R. Rep. No. 97–780, 97th Cong. 2d Sess. (1982). As a result of this reexamination, we propose to eliminate the prohibition against the holding of duplicate rights by individual passenger carriers and by passenger carriers under common control.

None of the reasons underlying the existing policy is appropriate in light of the changes in bus regulation mandated by Congress. Because of the ease with which new and existing carriers can obtain operating authority, it is unlikely that discriminatory or unfair competitive practices will exist or cause harm to the public. If abuses should develop in the future, they can be addressed with existing regulatory tools. For example, our statutory powers under 49 U.S.C. 10741 enable us to protect the public from unreasonable discrimination.

The concern over "trafficking" in certificates is similarly anachronistic. The concern emerged when operating rights were deemed to be franchises with significant economic value. Given the ease of entry under existing regulations, such value no longer exists. Carriers, however, may in some situations prefer to purchase operating authority. We see no reason to discourage passenger carriers from selecting this method of competitive entry.

Nor do we perceive any significant adverse effect on competition arising from the sale of duplicate operating rights. Although we propose to eliminate our regulations prohibiting the holding of duplicate authority by affiliates, and our policy of preventing individual passenger carriers from holding duplicate rights, we still retain authority to review a *transfer* of duplicate operating rights.

Therefore, we propose to eliminate the regulations at 49 CFR 1181.3(c) and 49 CFR 1183.6. Likewise, we are proposing to no longer deny motor passenger carrier operating rights applications merely because they would result in the common holding of duplicate authority, and to no longer require carriers that are granted authority that duplicates any of their outstanding authority to submit for cancellation the outstanding duplicated authorities as a condition precedent to issuance of the new authority.

Energy, Environmental and Other Considerations

This decision does not appear to affect significantly the quality of the human environment or the conservation of energy resources. However, comments on these issues are welcome.

Regulatory Flexibility Analysis

The proposed elimination of rules pertaining to motor passenger carriers will not have a significant economic impact on a substantial number of small entities because most small carriers do not hold duplicating authority. This issue has no significant impact on other small entities. Comments are also welcome on this subject.

List of Subjects

49 CFR Part 1181

Administrative Practice and Procedure, Brokers, Freight forwarders, Maritime carriers, Motor carriers.

49 CFR Part 1183

Administrative practice and procedure, Motor carriers.

PARTS 1181 AND 1183—[AMENDED]

§ 181.3 [Amended]

§ 1183.6 [Removed]

We propose to remove from Title 49, Code of Federal Regulations, § 1181.3(c) and § 1183.6.

This notice is issued pursuant to 49 U.S.C. 10321 and 10922(i) and 5 U.S.C. 553.

Decided: March 17, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and

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[3] *See* Section 5, Motor Carrier Entry Policy, of the MCA.

[4] *See* Section 11, Zone of Rate Freedom for Motor Carriers of Property and Freight Forwarders, of the MCA.

[5] Previously, applicants were required to demonstrate that their proposed service was required by the public convenience and necessity. The new entry standards for motor carriers of passengers are fully explained in Ex Parte No. 55 (Sub-No. 56), *Applications for Operating Authority-Motor Passenger Carriers*, 47 FR 53260 (November 24, 1982).

[6] *See* Ex Parte No. MC–162, *Procedures for Complaints Against Bus Carrier Rates and Fares*, 47 FR 53282 (November 24, 1982).

Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-8121 Filed 3-29-83; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 30309-34]

Atlantic Tuna Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule to increase the annual quota of Atlantic bluefin tuna available to U.S. fishermen and requests public comment. The proposed rule would implement for U.S. fishermen the autumn 1982 recommendations of the International Commission for the Conservation of Atlantic Tunas to increase the harvest of Atlantic bluefin tuna in the western Atlantic Ocean. The intended effect of the proposed rule is to allow U.S. fishermen to harvest more Atlantic bluefin tuna so more complete and accurate biological information can be collected for stock monitoring purposes, while keeping the total harvest within a biologically acceptable range.

DATES: Comments must be received by April 29, 1983. See supplementary information section for dates of the public meetings on this proposed rulemaking.

ADDRESSES: Send comments on this proposed rulemaking to National Marine Fisheries Service, Northeast Region, Management Division, State Fish Pier, Gloucester, Massachusetts 01930-3097. Clearly mark "Comments on Atlantic bluefin tuna proposed rulemaking" on the outside of the envelope. Copies of the Environmental Assessment (EA) and the Initial Regulatory Flexibility Analysis (IRFA) are available from National Marine Fisheries Service, Northeast Region, Services Division, P.O. Box 1109, Gloucester, Massachusetts 01930-5309. Copies of the rules presently governing the fishery, the 1980 Environmental Impact Statement, and the 1982 Environmental Impact Statement/Regulatory Impact Review/Regulatory Flexibility Analysis are available from the same address.

See supplementary information section for the location and addresses of public meetings on this proposed rulemaking.

FOR FURTHER INFORMATION CONTACT: William C. Jerome, Jr., 617-281-3600, extension 325; or David S. Crestin, 617-281-3600, extension 253.

SUPPLEMENTARY INFORMATION:

Background

The United States is a signatory nation to the International Convention for the Conservation of Atlantic Tunas (the Convention, 20 UST 2887, TIAS 6767). The Convention's provisions entered into force for the United States on March 21, 1969. The United States' obligations under the Convention are implemented by the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971-971h)(the Act). Both the Convention and the Act are directed toward "maintaining the populations of Atlantic bluefin tuna at levels which will permit the maximum sustainable catch of food and other purposes" (Preamble to the Convention). This Act directs the Secretary of Commerce (Secretary) to promulgate rules necessary to implement recommendations adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and to carry out the purposes and objectives of the Convention.

The Secretary, through NOAA, has monitored continually the stock levels of Atlantic bluefin tuna to fulfill the international treaty obligations of the United States.

Rules presently governing the U.S. fishery (47 FR 25350, 47 FR 40179, 47 FR 50886, and 48 FR 3991) are designed to implement the following recommendations of ICCAT: (1) To prohibit any taking and landing of Atlantic bluefin tuna weighing less than 6.4 kilograms (kg) (14 pounds [lbs] except for a 15 percent incidental catch allowance; (2) to limit fishing mortality to recent levels; and (3) to reduce harvest levels of Atlantic bluefin tuna in the western Atlantic Ocean to as near as feasible for two years. ICCAT made recommendations one and two in 1974 and recommendation three in 1981. A detailed discussion of the ICCAT concerns relating to Atlantic bluefin tuna management since 1974 was presented in the proposed rulemaking for 1982 published in the Federal Register on April 21, 1982 (see 47 FR 17087-88).

Based on these ICCAT recommendations, NOAA implemented the following measures in 1982 for Atlantic bluefin tuna management in the western Atlantic Ocean: the annual U.S. catch was limited to 605 metric tons (mt) (667 short tons [st]); and no directed fishery on the spawning stock of Atlantic bluefin tuna in the Gulf of Mexico was allowed.

In mid-November, 1982, ICCAT met in Madeira, Portugal and decided to continue conservation measures for Atlantic bluefin tuna in the western Atlantic Ocean. ICCAT, in making this decision took into account the results of the meeting of the Standing Committee on Research and Statistics (SCRS) which also was held in Madeira just prior to the ICCAT meeting. SCRS could not reach agreement on certain aspects of the status of the stock, and felt that the level of 1982 catches were insufficient to provide a broad range of biological information to monitor the stock. SCRS concluded, however, the weight of evidence suggests that the catch levels should remain conservative. ICCAT considered it appropriate to introduce greater flexibility in the total allowable catch levels necessary for stock assessment purposes during this second year of the two year moratorium. ICCAT, therefore, raised the total allowable catch limit from 1,160 mt (1,279 st) for 1982 to 2,660 mt (2,931 st) for 1983 to allow for more comprehensive scientific monitoring of the stock.

The total U.S. catch of Atlantic bluefin tuna in 1982 amounted to 723 st. The total 1982 catch statistics for Canada and Japan are not yet available. Under this ICCAT recommendation, which NOAA proposes to implement, the U.S. allocation of the total allowable catch will increase from 605 mt (667 st) 1,387.3 mt (1,529 st). The allocations for Canada and Japan will be 573.3 mt (632 st) and 699.4 mt (771 st), respectively. The percentage share of the total quota for the western Atlantic Ocean remains the same for each nation in 1983 as in 1982: United States, 52.15 percent; Canada, 21.55 percent; and Japan, 26.30 percent.

ICCAT's concern for the continued low level of abundance of small Atlantic bluefin tuna resulted in the recommendation that the catch of Atlantic bluefin tuna smaller than 120 centimeters (cm) (47 inches) in length be limited to no more than 15 percent by weight of the total catch in the western Atlantic Ocean (i.e., no more than 440 st). For the U.S., this means no more than 229 st of Atlantic bluefin tuna in this size class will be available for domestic harvest. ICCAT also recommended the continuation of a prohibition on directed fisheries for Atlantic bluefin tuna in spawning areas, such as the Gulf of Mexico, for 1983.

At the 1982 ICCAT meeting, stock assessments, although improved in techniques and precision over previous

years, yielded disparate results in estimating the population size of both younger and older fish. One view was that the junevile levels of abundance are 21 percent of the 1960 level, with a further decline likely in adult abundance. Another view was that adult spawning biomass and potential will increase until 1983 with a decreasing trend thereafter. Because of these differing results in the stock assessments, the recommended increase in the allowable catch to more accurately monitor the stock and enable ongoing scientific studies to continue was kept at conservative levels. Even with the increase in the level of allowable catch for 1983 compared to 1982, ICCAT considers the action to be sound environmentally and within an acceptable range which will not place undue stress on the Atlantic bluefin tuna stocks.

Proposed Changes to Existing Rules

1. Increase in the U.S. Quota

The ICCAT recommendation allows increases in the U.S. quota for the various segments of the U.S. fishery from 667 st in 1982 to 1,529 st in 1983. The table below compares the quotas that became effective on June 10, 1982 and the quotas proposed for 1983.

QUOTAS FOR 1982 (ACTUAL) AND 1983 (PROPOSED)[1]

	Short tons (metric tons) 1982	Short tons (metric tons) 1983
Total Quota	667(605)	1,529(1,387)
1. Directed fisheries:		
a. Handgear	310(281)	650(590)
b. Recreational angling	99(90)	99(90)
c. Harpoon boat	43(39)	60(54)
d. Purse seine	—	300(272)
2. Incidental fisheries:		
a. Swordfish longline	44(40)	145(132)
b. Purse seine	165(150)	140(127)
c. Other	6(5)	6(5)
3. Inseason adjustment amount	—	129(117)

[1] Both the existing and proposed rules specify quotas in short tons. Conversions to metric tons are approximations.

A discussion of the proposed quotas for each gear segement in the Atlantic bluefin tuna fishery follows.

Handgear: The handgear fishery for giant Atlantic bluefin tuna along with the recreational angling fishery for young school, school, and medium Atlantic bluefin tuna are the primary monitoring mechanism in the U.S. fishery for stock assessment purposes. In 1982, NOAA expanded the annual survey, begun in 1976 to obtain catch and effort information from the recreational fishery, to obtain similar information from the handgear fishery.

This expanded survey program met NOAA expectations, providing valuable information, in terms of quantity and quality of the information collected, on the giant Atlantic bluefin tuna fishery. Based on the 1982 experience, NOAA will continue to use this fishery as a primary monitoring tool. The 1982 quota of 310 st of giant Atlantic bluefin tuna allocated to this segment of the fishery was taken and NOAA closed the fishery on September 10, 1982 (47 FR 40179).

The catch of giant Atlantic bluefin tuna was 645 st in 1980 and 550 st in 1981. For 1983, NOAA proposes a quota of 650 st which approximates the catching capacity of this fishery as conducted under rules in effect for those years. The proposed quota, based on the 1980–81 catch data, will permit more adequate monitoring of the Atlantic bluefin tuna stocks.

Recreational angling: The recreational angling fishery for young school, school, and medium Atlantic bluefin tuna provides valuable catch and effort information on a wide range of age classes. The combination of good age-group sampling and the availability of a time series (1976–82) of catch and effort information makes this fishery well suited for monitoring all age groups of young school, school, and medium Atlantic bluefin tuna. For this reason, stock assessment scientists recommend this fishery be used as the primary monitoring mechanism for stock assessment purposes.

The regulations for 1982 established a quota of 99 st. The annual estimated catch, based on the sampling program, of school and medium Atlantic bluefin tuna for both 1981 and 1982 was 93 st. Since landings indicate the 1982 quota was not a limiting factor to this fishery, NOAA proposes to continue the 99 st quota for 1983.

The 1982 ICCAT recommendation limits the harvest of Atlantic bluefin tuna 47 inches or less in length to 15 percent in the western Atlantic; 15 percent of the overall U.S. quota is 229 st. Approximately 89 st of the Atlantic bluefin tuna harvested in the 1982 young school, school, and medium fishery were 47 inches or less in length. Because of the importance of this fishery in monitoring the younger age groups, NOAA proposes to utilize 89 st of Atlantic bluefin tuna in this size category for the recreational angling fishery.

In 1982, an Atlantic bluefin tuna fishery developed for medium-sized fish in the general area between Montauk, Long Island and Block Island late in the season because large numbers were available and the price per pound from commercial buyers approached that paid for giants. As a result, participants in the industry reported that a large number of mediums were landed. NOAA believes that the potential development of a significant fishery for medium-sized Atlantic bluefin tuna could result in an excessively high percentage of the recreational quota being filled by this particular size class.

This recent shift in the recreational fishery is of concern to NOAA for two reasons. First, NOAA has had significant controls on the harvest of medium-sized fish since 1975 to enhance potential recruitment to the adult population. With the projection for continued decline in the abundance of Atlantic bluefin tuna stocks, an increase in the harvest of mediums at this time could impact negatively on the future contribution from this size class to the spawning population.

Second, this segment of the fishery is used as the primary stock monitoring mechanism by the stock assessment scientists because of excellent age group representation. Any significant shift, therefore, in increased landings of medium Atlantic bluefin tuna could reduce the quality of the information being collected and its capability to be used for stock monitoring purposes.

To address this problem, NOAA proposes to change the daily retention limit for medium Atlantic bluefin tuna for vessels carrying more than one angler. The daily retention limit for mediums would be modified from one per angler to one per group of anglers (regardless of number) fishing from the same vessel. Under the existing regulations, four anglers fishing from the same vessel legally could retain four medium Atlantic bluefin tuna per day. Under the proposed rule, this same group of anglers legally could retain only one medium fish. NOAA believes that restricting the number of medium Atlantic bluefin tuna per angler or group of anglers fishing from the same vessel is necessary to prevent vessel operators from gearing up to take multiple daily catches of medium Atlantic bluefin tuna. This proposal would not change, however, the existing regulation that each angler may retain per day no more than four young school, school, or medium Atlantic bluefin tuna, only one of which may be a medium. The proposed daily catch rate of one medium Atlantic bluefin tuna per angler or group of anglers will continue to provide reasonably economic benefit and a quality fishing experience to anglers in this fishery.

Harpoon boat fishery: In 1982, the quota for this category amounted to 43 st or 6 percent of the overall U.S. quota. The harpoon boat quota was reached and the fishery closed on October 19, 1982 (47 FR 47017). The catch by this

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segment of the fishery in 1980 and 1981 was 50.8 st and 62.7 st, respectively, or an average annual catch of 57 st. NOAA proposes a quota of 60 st to this segment of the fishery, which should approximate its catching capacity based on the 1980–81 landing data.

While NOAA proposes to increase the harpoon boat quota by 17 st, the actual percent share of the proposed harpoon boat quota relative to the total U.S. quota for 1983 will decrease from approximately six percent to four percent. NOAA does not believe an increase in the harpoon boat quota to maintain the six percent relative share is warranted since this fishery is not considered a primary monitoring mechanism.

Longline fishery: The U.S. longline fishery for swordfish has existed in the Gulf of Mexico since the 1960's, and over the years has landed increasing amounts of Atlantic bluefin tuna taken incidently. A swordfish longline fishery also has occurred for some time in the Atlantic Ocean. The catch of giant Atlantic bluefin tuna also increased in this fishery but not nearly as rapidly as in the Gulf of Mexico longline fishery. The continued increase in the quantities of giant Atlantic bluefin tuna taken by longline vessels led NOAA to promulgate incidental catch provisions in January 1981 to apply to all vessels using longline gear. The purpose of these rules was to prevent the longline fishery from developing into a new directed fishery for Atlantic bluefin tuna.

The longline fishery in 1981, even under these incidental catch restrictions, reportedly took approximately 90 st of Atlantic bluefin tuna, 80 st in the Gulf of Mexico and 10 st in the Atlantic Ocean. NOAA believed at that time the 80 st harvested in the Gulf of Mexico was in excess of the unavoidable incidental catch needs of the swordfish fishery and established a quota of 44 st for 1982. The rules for 1982 did not become effective until June 10, 1982 (47 FR 25350), at which time substantial incidental catches of Atlantic bluefin tuna already had been made by swordfish longline vessels. The fishery, therefore, was closed on June 18, 1982 (47 FR 26393), with landings amounting to 74 st, 53 st from the Gulf of Mexico and 21 st from the Atlantic Ocean. NOAA now believes that, because of an expansion of the Atlantic and Gulf of Mexico longline fishery for swordfish, the incidental catch quota of 44 st is not sufficient for unavoidable incidental catch of Atlantic bluefin tuna in this fishery.

The average catch for the years 1981 and 1982 amounted to 82 st despite the closure from June 18 through December 31, 1982 prohibiting the retention of Atlantic bluefin tuna by vessels permitted in the longline category. NOAA proposes an incidental catch quota of 145 st for the 1983 longline fishery. The existing regulations do not allocate the incidental quota for longline vessels on a geographic basis. This placed longline vessels operating in the Atlantic Ocean at a potential disadvantage since the entire quota could be taken by longline vessels operating in the Gulf of Mexico earlier in the year. NOAA proposes to allow only 115 st of the 145 st quota to be taken south of 36°00′ N. latitude. The 36°00′ N. latitude line is the same line used in the existing regulations to differentiate allowable trip limits in the longline fishery.

Purse seine fishery: The purse seine fishery is not identified by stock assessment scientists as one providing primary monitoring capability. Effort information on purse seine fishing is not suited for indexing the fishing mortality rate in small localized fisheries. This U.S. purse seine fishery is no exception in that only a relatively few vessels are active in the fishery (i.e., less than 10 vessels during the past five years). If their catch were restricted to less than 100 st per vessel, the entire amount could be taken during a few sets and consist of only a few schools comprised of one or two age groups. Thus, purse seine fishing effort as an index of the fishing mortality rate would not be sufficiently useful for developing stock assessments for Atlantic bluefin tuna of these ages. In 1982, those purse seiners identified as historical participants in this fishery were granted an overall allocation of 165 st primarily to enable them to conduct fisheries for other species of tuna in which an incidental catch of Atlantic bluefin tuna commonly can occur. In 1982, the skipjack tuna did not show up in abundance on the summering grounds off the mid-Atlantic states, and the tonnage of Atlantic bluefin tuna available to purse seine vessels was used in a directed fishery for giants as allowed for in the existing regulations.

During the public hearings held in the spring of 1982, purse seine operators and owners in oral and written comments, indicated that 300 to 350 st could provide for a viable fishery under the economic conditions that existed at that time.

In 1982, 25 percent of the overall U.S. quota of Atlantic bluefin tuna was allocated to the purse seine fishery. NOAA proposes to allocate a slightly greater percentage (28.8 percent) of the total U.S. quota in 1983 to the fishery (440 st). The rule which provides for the purse seine quota to be distributed equally to each purse seine vessel qualified to be permitted in this category will continue in effect. Of the 440 st, no more than 140 st of Atlantic bluefin tuna less than 47 inches fork length would be available as incidental catch in fisheries directed at other species of tuna. The remainder (at least 300 st) would be available for a directed fishery for giant Atlantic bluefin tuna. Any portion of the quota for fish less than 47 inches which is not utilized as incidental catch by each vessel could be added to the vessel's allocation for a directed fishery and used for harvesting giant Atlantic bluefin tuna.

Section 285.31(a) of the existing rules allows purse seine vessels fishing for tunas other than Atlantic bluefin tuna to catch Atlantic bluefin tuna incidentally, provided that the total amount taken does not exceed 10 percent by weight of all other tuna species onboard the vessel at the end of each fishing trip. NOAA proposes that this provision continue in effect.

In 1980 and 1981, incidental catch regulations (45 FR 40118) provided that purse seine vessels fishing for gain Atlantic bluefin tuna (77 inches and over—fork length) could take incidentally Atlantic bluefin tuna measuring less than a 77-inch fork length provided that the amount of such tuna taken did not exceed 3 percent by weight of the total amount of giant Atlantic bluefin tuna onboard the vessel at the end of a fishing trip.

Purse seine fishermen, in written and oral comments to NOAA over the past several years, have contended that the three percent incidental catch provision is not adequate to accommodate the actual and unavoidable catch of Atlantic bluefin tuna less than a 77-inch fork length in the Giant Atlantic bluefin tuna fishery. In some cases they report that, to comply with the incidental catch regulations, considerable numbers of less than giant size Atlantic bluefin tuna have in the past been discarded at sea.

In 1982, the incidental catch of Atlantic bluefin tuna less than a 77-inch fork length taken by purse seiners while fishing for giant Atlantic bluefin tuna was 10.6 percent by weight.

NOAA believes the available information indicates that an increase in the incidental catch allowance of Atlantic bluefin tuna less than a 77-inch fork length taken by purse seiners in a directed giant Atlantic bluefin tuna fishery is warranted. NOAA, therefore, proposes to increase the incidental catch percentage from three to ten percent by weight of all giant Atlantic

bluefin tuna onboard at the end of each fishing trip.

Purse seine fishermen, in written and oral comments, have requested that they be allowed to take or harvest more than one allocation of Atlantic bluefin tuna with one vessel in order to increase economic efficiency. NOAA believes this proposal is reasonable in that it will reduce conflicts among user groups, minimize vessel operation costs, and lessen the enforcement demands on state and federal law enforcement agencies. Further, this proposal should result in a reduction of record keeping in the purse seine fishery.

Other: Vessels fishing for species of fish other than tuna were allocated 6 st in 1982. Seven giants (2.6 st) were taken in 1981 and only one giant Atlantic bluefin tuna (0.3 st) was reported taken in 1982. NOAA proposes to continue this quota in effect for 1983.

Inseason adjustment amount: This proposal sets aside 129 st of Atlantic bluefin tuna for inseason adjustment of quotas. During the fishing seasons, NOAA monitors catch rates on a weekly and daily basis. When it appears that a subquota will be completely harvested, NOAA initiates administrative action (including publication of a **Federal Register** notice) to announce a closure of that category. Due to inevitable delays in inseason reporting of catch and landing statistics, subquotas sometimes have been exceeded before a closure could be announced. Exceeding the total catch limits set by ICCAT would be contrary to international commitments of the United States and, therefore, one option considered was to err on the side of caution, and initiate closure actions early. This type of policy could lead to premature closures, depriving some sectors of fishing opportunity before their subquotas had actually been completely taken. Instead, NOAA would continue to monitor inseason catch reports, and to initiate closure action when fulfillment of a subquota appears imminent. Should the fishery sector exceed its subquota before the closure took effect, however, the Regional Director could release a sufficient quantity from the inseason adjustment amount to cover the overage. In addition, allocations could be made from this amount where continued monitoring of the size and age class Atlantic bluefin tuna caught under that subquota is desired, but a closure would otherwise be imminent.

2. *Establishing a Variable Catch Rate Limit for Harvesting Giant Atlantic Bluefin Tuna*

In 1982, NOAA implemented rules establishing a catch rate limit of one giant Atlantic bluefin tuna per vessel per week for the handgear fishery. Based on available information concerning catches from this fishery for 1979–1981, this catch rate limit provided for the longest possible season while still maintaining a reasonable chance of achieving the quota of 310 st. The quota was taken and the handgear fishery was closed on September 10, 1982 (47 FR 40179).

In conjunction with the proposed handgear quota of 650 st (discussed earlier), NOAA proposes a catch rate limit for the 1983 fishing season similar to that which governed the fishery during 1980 and 1981.

At the beginning of the season, vessels fishing for or catching giant Atlantic bluefin tuna, which are permitted in the general category under § 285.21(b), would be allowed to catch only one giant Atlantic bluefin tuna per day per vessel. The appropriateness of this daily catch rate limit would be reviewed twice by the Assistant Administrator, first about August 7 and second, about September 7. At the first review, if less than 30 percent of the handgear quota has been caught, the allowable daily catch rate limit will be increased to two Atlantic bluefin tuna per day per vessel. At the second review, if 85 percent or more of the handgear quota has been caught, the allowable daily catch rate limit will be set at one giant Atlantic bluefin tuna per day per vessel; if 70 or more percent and less than 85 percent of the handgear quota has been caught, the allowable daily catch rate limit will be set at two giant Atlantic bluefin tuna per day per vessel; if more than 60 and less than 70 percent of the handgear quota has been caught, the allowable daily catch rate limit will be set at three giant Atlantic bluefin tuna per day per vessel; if 60 percent or less of the handgear quota has been caught, the allowable daily catch rate limit will be increased to four giant Atlantic bluefin tuna per day per vessel.

NOAA believes this system for automatic adjustment of the daily catch rate limit will provide ample opportunity for those permitted in the general category to take the quota without resulting in an early closure of the fishery. This system also should increase predictability in the fishery for participants.

3. *Incidental Rod and Reel Fishery—Gulf of Mexico*

The annual commencement date of June 1 for the handgear fishery was established to implement the ICCAT recommendation to prohibit directed fisheries on spawning Atlantic bluefin tuna in the Gulf of Mexico. Most giants have left the Gulf of Mexico by June and have moved northward to their summer feeding grounds off the mid-Atlantic and New England states and the Maritime provinces of Canada. Thus, the June 1 commencement date for the handgear fishery effectively eliminates a directed fishery for giant Atlantic bluefin tuna by this segment of the fishery in the Gulf of Mexico.

Rod and reel fishermen in the Gulf of Mexico on rare occasions take giant Atlantic bluefin tuna incidentally while fishing for billfish, especially marlin, and other game species before June 1. During the period 1980 through 1982, only one giant Atlantic bluefin tuna was reported caught off the Louisiana coast. The Gulf of Mexico rod-and-reel fishermen contend that in the past the once in a lifetime opportunity to take a giant Atlantic bluefin tuna enhanced the quality of their big-game fishing experience. Members of this segment of the fishery have requested that an accommodation be considered to provide for their occasional, incidental catch of a giant.

NOAA now believes that an incidental catch of giant Atlantic bluefin tuna by rod-and-reel fishermen in the Gulf of Mexico occurs infrequently, constitutes a truly incidental fishery, and has little effect on spawning fish. However, it is believed that an incidental fishery in which ABT could be sold or used for commercial purposes could result in any number of "recreational" vessels being permitted in this category. Such vessels could become the repository for surplus ABT taken in commercial fishing activities in the Gulf of Mexico. Any quota assigned for the truly incidental rod-and-reel fishery would be exhausted in an extremely short period of time. NOAA proposes, therefore, that any person using rod-and-reel gear in the Gulf of Mexico with an Incidental Catch Permit issued under § 285.21 may catch and retain one giant Atlantic bluefin tuna annually provided that reporting requirements (§ 285.30(c)(2)) are observed and, further, that any Atlantic bluefin tuna taken shall not be sold or transferred to any person for a commercial purpose.

4. *Miscellaneous Changes to the Rules*

NOAA has rearranged the sections of both Subparts A and B to bring the structure of the rules governing the Atlantic bluefin tuna fishery more in conformance with other NOAA fishery rules and current NOAA practices in drafting rules. This rearrangement of sections is intended to improve the

overall readability of the rules which, in turn, should aid affected domestic fishermen to understand the rules. Section 285.7 of the existing rules, which merely repeated Section 9(d) of the Act, has been eliminated as redundant. Further, § 285.20 of the existing rules has been eliminated as unnecessary in these proposed rules. The relationship of each section of Subparts A and B in these proposed rules to the existing rules is shown in the following derivation table. All internal cross-references in Subparts A and B have been changed to reflect this new ordering system.

Derivation Table

New Section	*Old Section*
§ 285.1	§ 285.1
§ 285.2	§ 285.2
§ 285.3	§ 285.3
§ 285.4	§ 285.5
§ 285.5	§ 285.6
§ 285.6	§ 285.4
§ 285.20	§ 285.29
§ 285.21	§ 285.21
§ 285.22	§ 285.30
§ 285.23	§ 285.31
§ 285.24	§ 285.32
§ 285.25	§ 285.28
§ 285.26	§ 285.26
§ 285.27	§ 285.33
§ 285.28	§ 285.22
§ 285.29	§ 285.23
§ 285.30	§ 285.24
§ 285.31	§ 285.25
§ 285.32	§ 285.27

NOAA proposes to make a number of technical additions to the existing rules as a result of the proposal (discussed above) to allow a directed purse seine fishery for giant Atlantic bluefin tuna. These additions are either similar or identical to provisions in the rules governing the fishery in 1980 and 1981. Because of the proposed increase in the handgear quota, NOAA proposes to return to catch rate limits similar to those in effect in 1980 and 1981. NOAA also proposes numerous editorial changes, especially changing statements from passive to active voice, to the existing rules for clarity and ease of understanding. Throughout the proposed rule, the word "regulation" has been replaced with the word "rule" to conform with terminology preferred by the Office of the Federal Register.

The following section by section discussion of the proposed rules explains these changes.

Section 285.2

The definition of "Assistant Administrator" has been updated to conform with NOAA usage and other fishery rules. Several other definitions have undergone minor editorial changes. The scientific name for skipjack tuna has been updated to reflect recent taxonomic usage.

Section 285.3

In paragraph (d), language has been added to make it unlawful to prevent an authorized officer from questioning persons on a dealer's premises. This change would treat employees of a dealer equal with crew members of a fishing vessel.

Section 285.4

Editorial changes were made to this section to improve its readability.

Section 285.5

The number of the supense account which the Regional Director uses to deposit proceeds from the sale of forfeited Atlantic bluefin tuna has been updated to reflect current use.

Section 285.20

In paragraph (a), specified commencement dates have been included for vessels permitted in the Purse Seine category. Purse seine vessels fishing for school and giant Atlantic bluefin tuna would be allowed to commence fishing operations on January 1 and August 15 respectively. Paragraph (b)(1) was added to provide for closure of the fishery for purse seine vessels.

Section 285.21

Paragraphs (a) through (c) have been rewritten to include provisions for issuing permits to purse seine vessels. Numerous editorial changes have been made throughout this section.

Section 285.22

This section has undergone major revisions to reflect the increases in the quotas for the various gear segments in the fishery and to include provisions for the directed purse seine fishery for giant Atlantic bluefin tuna. A new paragraph has been added which sets aside a portion of the total quota as an inseason adjustment amount, and establishes criteria for allocating from this amount during the fishing season.

Section 285.23

This section has undergone major revisions to establish incidental catch provisions for purse seine vessels. Paragraphs (a) and (c) are new as written. A new paragraph (g) has been added to allow persons using rod-and-reel gear an incidental catch of giant Atlantic bluefin tuna in the Gulf of Mexico.

Section 285.24

Paragraph (a) has been modified extensively to change from the existing catch rate limit of one per week to variable catch rate limits of between one and four giant Atlantic bluefin tuna per vessel per day.

Section 285.25

The section heading has been changed from purse seine vessel inspection to purse seine vessel gear requirements to better reflect the contents of this section. Paragraphs (a) and (b) which establish criteria for the construction of purse seine nets have been added because of the proposed directed giant Atlantic bluefin tuna purse seine fishery. These criteria are identical to those existing in 1980 and 1981 when a directed purse seine fishery was last allowed. A new paragraph (d) has been added to provide a mechanism for allocating Atlantic bluefin tuna equally among the permitted purse seine vessels.

Section 285.28

Minor editorial changes were made to improve readability. In paragraph (b), the term "principal place of business" has been added to the list of information required on the application for a dealer's permit.

Section 285.29

Paragraph (c) has been modified to allow explicitly an authorized officer to copy dealer records. Minor editorial changes also have been made to this section.

Section 285.30

Paragraphs (a) and (c) (1) were rewritten for clarity.

Section 285.31

Paragraphs (e), (f), (g), and (t) have been added as necessary to reflect the proposed reestablishment of a directed fishery for giant Atlantic bluefin tuna by purse seince vessels. Paragraph (n) is a new prohibition based on the provisions for an incidental rod and reel fishery for giant Atlantic bluefin tuna in the Gulf of Mexico.

Section 285.32

The section heading has been changed from penalties to civil penalties to better reflect this section's contents.

Public Meetings

NOAA will hold public meetings to receive comments on these proposed rules. The notice announcing the public meetings was published in the **Federal Register** on February 25, 1983 (48 FR 8097). The date, location, and time of each public meeting is repeated here for informational purposes.

Date	Location	Time
March 14	Madiera Beach City Hall, 300 Municipal Drive, Madiera Beach, FL 33708, Tel: 813/391-9951.	7 p.m.-9:30 p.m.
Do	Holiday Inn of Riverhead, Route 25, Riverhead, Long Island, NY 11901, Tel: 516/369-2200	Do.
March 15	Quality Inn-Lake Wright, 6280 North Hampton Blvd., Norfolk, VA 23502, Tel. 804/461-6251	Do.
Do	Holiday Inn, Route 36, West Long Branch, NJ 07764, Tel: 201/229-9000	Do
Do	Best Western Exec. Inn, 3224 South US 1, Ft. Pierce, FL 33450, Tel: 305/465-7000	Do
March 17	Holiday Inn, Route 1, 1 Newbury Street, Peabody, MA 01960, Tel: 617/535-4600.	Do.

Classification

These proposed rules will have a positive effect on a substantial number of small business entities. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared in compliance with Section 603 of the Regulatory Flexibility Act to describe the impact of the proposed rule on small entities. The IRFA is prepared as part of the combined IRFA/RIR for this action. The IRFA showed that the proposed rules would have a net positive significant effect on small businesses.

The Administrator of NOAA has determined that these proposed rules are not major under Executive Order 12291. A Regulatory Impact Review (RIR) was prepared to make this determination, and is part of the combined IRFA/RIR.The proposed rules amend rules implemented in 1982. A combined Environmental Impact Statement/Regulatory Impact Review/Regulatory Flexibility Analysis (82 EIS/RIR/RFA) was prepared in 1982 for those rules.

Certain portions of these proposed rules repromulgate provisions from the 1980 regulations, which were analysed in an EIS prepared in 1980 (80 EIS). The Administrator of NOAA prepared an Environmental Assessment (EA) and has determined that the proposed rules published here will have no significant environmental impacts, other than those that already have been addressed in the 82 EIS/RIR/RFA and 80 EIS.

The information collection requirements in §§ 285.21, 285.27, 285.28 and 285.29 are identical to the requirements in the existing regulations. These information collection requirements have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number as noted under those sections.

List of Subjects in 50 CFR Part 285

Administrative practice and procedure, Fish, fisheries, fishing, Imports, International organizations, Penalties, Reporting and recordkeeping requirements.

Dated: March 25, 1983.

Roland Finch,

Acting Director, Office of Fisheries Management, National Marine fisheries Service.

50 CFR Part 285 is proposed to be amended as follows:

1. The authority citation for Part 285 is as follows:

Authority: 16 U.S.C. 971 et seq.

2. In Part 285, it is proposed to revise Subparts A and B of Part 285 as follows:

PART 285—ATLANTIC TUNA FISHERIES

Subpart A—General

Sec.

285.1 Purpose and scope.
285.2 Definitions.
285.3 Prohibitions.
285.4 Enforcement.
285.5 Civil procedures.
285 6 Civil penalties.

Subpart B—Atlantic Bluefin Tuna (Thunnus thynnus thynnus)

285.20 Fishing seasons.
285.21 Vessel permits.
285.22 Quotas.
285.23 Incidental catch.
285.24 Catch rate limits.
285.25 Purse seine vessel requirements.
285.26 Size classes.
285.27 Tag and release program.
285.28 Dealer permits.
285.29 Dealer record keeping and reporting.
285.30 Metal tags.
285.31 Prohibitions.
285.32 Civil penalties.

* * * * *

Authority: 16 U.S.C. 971 *et seq.*

Subpart A—General

§ 285.1 Purpose and scope.

(a) The Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971-971h) authorizes the Secretary to implement the recommendations of the International Commission for the Conservation of Atlantic (ICCAT). The Secretary's authority under the Act has been delegated to the Assistant Administrator.

(b) This part implements the ICCAT recommendations for purposes and vessels subject to the jurisdiction of the United States.

(c) This part does not apply to any person or vessel authorized by the Commission, the Regional Director, the Director of the Southeast Fisheries Center, or any State upon approval by the Regional Director, to engage in fishing for research purposes.

(d) Under Section 9(d) of the Act, determinations made by the Assistant Administrator that the provisions of this part apply within the territorial sea of the United States adjacent to, and within the boundaries of, the States of Texas, Louisiana, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Rhode Island, Massachusetts, New Hampshire, and the Commonwealths of Puerto Rico and the Virgin Islands, and, with the exceptions of §§ 285.22(a) and (d), 285.22(f)(2), 285.23(b), and 285.24(e), within the territorial sea of the United States adjacent to, and within the boundaries of the State of Maine, continue in effect.

§ 285.2 Definitions.

The terms used in this part have the following meanings (definitions in the Act are repeated here to aid understanding of the rules):

"Act" means the Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971-971h.

"Albacore" means the fish species *Thunnus alalunga.*

"Angling" means fishing for or catching, or the attempted fishing for or catching, fish by any person (angler) with a hook attached to a line which is hand held or by rod and reel for this purpose.

"Assistant Administrator" means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, or an individual to whom appropriate authority has been delegated.

"Atlantic bluefin tuna" means the fish species *Thunnus thynnus thynnus.* Size classes for Atlantic bluefin tuna are defined in § 285.26.

"Atlantic bonito" means the fish species *Sarda chiliensis* or *Sarda sarda.*

"Authorized Officer" means

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any certified enforcement agent or Special Agent of the NMFS;

(c) Any officer designated by the head of any Federal or State agency which

has entered into an agreement with the Secretary and the Commandant of the U.S. Coast Guard to enforce the provisions of the Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

"Bigeye tuna" means the fish species *Thunnus obesus*.

"Buy-boat" means any vessel used by a dealer in purchasing or receiving Atlantic bluefin tuna from any person or fishing vessel engaged in fishing for any tuna.

"Cargo vessel" means any fishing vessel used for transporting fish or fish products.

"Commercial activity" means any activity, other than fishing, of industry, trade, or commerce, including but not limited to the buying or selling of a regulated species and activities conducted for the purpose of facilitating such buying and selling.

"Commission" mean the International Commission for the Conservation of Atlantic Tunas established under Article III of the Convention.

"Convention" means the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro, Brazil on May 14, 1966, 20 U.S.T. 2887, TIAS 6767, including any amendments or protocols thereto, which are binding upon the United States.

"Dealer" means any person who engages in a commercial activity with respect to a regulated species or parts thereof.

"Dressed weight" means the weight of a fish after it has been gilled, gutted, beheaded, and definned.

"Fish" or "fishing" means the catching or fishing for, or the attempted catching or fishing for, any species of fish covered by the Convention, or any activities in support of fishing.

"Fishing trip" means the time period between when a fishing vessel departs from port to carry out fishing operations and the time such vessel returns to port or offloads any of its catch.

"Fishing vessel" means any vessel engaged in fishing, processing, or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

"Fishing week" means a period of time beginning at 0001 hours local time on Sunday, and ending at 2400 hours local time on the following Saturday.

"Fork length" means a measurement of the length of Atlantic bluefin tuna taken in a straight line along the middle of the lateral surface from the tip of the snout to the fork of the tail.

"Handgear" means handline, harpoon, or rod and reel.

"Handline" or "handline gear" means fishing gear which is released by hand and consists of one main line of variable length to which is attached one or two leaders and hooks. Handlines are retrieved only by hand, and not by mechanical means.

"Longline" or "longline gear" means fishing gear which is set horizontally, either anchored, floating, or attached to a vessel, which consists of a main or groundline with three or more gangions and hooks. A longline may be retrieved by hand or mechanical means.

"Metal tag" means the flexible, selflocking ribbon of metal issued by the NMFS for the identification of Atlantic bluefin tuna under §285.30.

"Metric ton" (mt) means 2204.6 pounds (10000 kilograms).

NMFS" means the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

"Person" means any individual, partnership, corporation, or association subject to the jurisdiction of the United States.

"Plastic tag" means the plastic or combination plastic and metal marker issued for the tag and release program under § 285.27.

"Purse seining" means fishing for or catching a regulated species by means of an encircling net and associated gear.

"Regional Director" means:

(a) For purposes of Atlantic bluefin tuna, the Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930–3799; and

(b) For purposes of yellowfin tuna, the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

"Regulated species" means albacore, Atlantic bluefin tuna, bigeye tuna, skipjack tuna, or yellowfin tuna.

"Regulatory area" means all waters of the Atlantic Ocean including adjacent seas, except the waters over which the individual States exercise fishery management jurisdiction unless the Assistant Administrator has determined otherwise in accordance with this part, as noted in § 285.1(d).

"Reporting week" means a period of time beginning at 0001 hours local time on Sunday, and ending at 2400 hours local time the following Saturday.

"Round" or "round weight" means a fish or the weight of a fish before gilling, gutting, beheading, and definning.

"Secretary" means the Secretary of Commerce or an idividual to whom appropriate authority has been delegated.

"Short ton" (st) means 2,000 pounds (907 kilograms).

"Skipjack tuna" means the fish species *Katsuwonus* (=*Euthynnus*) *pelamis)*.

"State" means any State of the United States, the District of Columbia, the Commonwealths of Puerto Rico and the Virgin Islands, and territories and possessions of the United States.

"Tuna" means albacore, Atlantic bluefin tuna, bigeye tuna, skipjack tuna or yellowfin tuna.

"Yellowfin tuna" means the fish species *Thunnus albacares*.

§ 285.3 Prohibitions.

It is unlawful—

(a) For any person in charge of a fishing vessel or for any fishing vessel subject to the jurisdiction of the United States to engage in fishing or to land any tuna in violation of these rules.

(b) For any person to land, transship, ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish which the person knows, or should have known, was taken or retained contrary to this part, without regard to the citizenship of the person or registry of the fishing vessel which took the fish.

(c) For a dealer or any person in charge of any fishing vessel subject to the jurisdiction of the United States to fail to make, keep, or furnish reports required by this part.

(d) For a dealer or any person in charge of any fishing vessel subject to the jurisdiction of the United States to obstruct or to refuse to allow any authorized officer to enter the dealer's premises or to board the fishing vessel to search or inspect its catch, equipment, books, documents, records, or other articles, or to question the persons in the dealer's premises or onboard the fishing vessel under the provisions of this part.

(e) For any person to import from any country any regulated species in any form subject to regulation under a recommendation of the Commission, or any fish in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry under this part.

§ 285.4 Enforcement.

(a) The Secretary, the Secretary of the Department in which the U.S. Coast Guard is operating, and the U.S. Customs Service shall enforce jointly this part and the provisions of the Act.

(b) Enforcement Agents of the NMFS shall enforce provisions of this part and the Act on behalf of the Secretary and may take any actions authorized with respect to enforcement. By agreement,

the Secretary may utilize the personnel, services, and facilities of any other Federal Agency to enforce these rules and the Act. By agreement, the Secretary also may designate personnel of a State to enforce these rules and the Act.

§ 285.5 Civil procedures.

(a) The method for assessment of civil penalties for violation of these rules or the Act shall be in accordance with the procedures set forth in 15 CFR Part 904.

(b) In view of the perishable nature of tuna when not processed otherwise than by chilling or freezing, authorized officers may cause to be sold, for not less than its reasonable market value, unchilled or unfrozen tunas that may be seized and forfeited under the Act and this part.

(c) The purchaser shall remit the proceeds of any sale made under paragraph (b) of this section to the Regional Director. The Regional Director shall deposit and retain the proceeds in the Suspense Account of the NMFS (Account No. DO 6875—Phase 19) after deducting the reasonable cost of the sale, if any, pending judgment of the court or other disposition of the case.

§ 285.6 Civil penalties.

Any person who—

(a) Violates any provision of § 285.3 (a) or (b) of this part shall be assessed a civil penalty of not more than $25,000 for a first violation and a civil penalty of not more than $50,000 for any subsequent violation;

(b) Violates any provision of § 285.3 (c) or (d) of this part shall be assessed a civil penalty of not more than $1,000 for a first violation and a civil penalty of not more than $5,000 for any subsequent violation;

(c) Violates any provision of § 285.3 (e) shall be assessed a civil penalty of not more than $100,000.

Subpart B—Atlantic Bluefin Tuna ("Thunnus thynnus thynnus")

§ 285.20 Fishing seasons.

(a) *Commencement.* Fishing in the regulatory area for Atlantic bluefin tuna will begin.

(1) On January 1 of each year:

(i) For vessels permitted in the Purse Seine category fishing under the quota specified in § 285.22 (d).

(ii) For anglers fishing for young school, school, and medium Atlantic bluefin tuna under the quota specified in § 285.22(e),

(iii) For vessels permitted in the Incidental Catch category fishing under the quota specified in § 285.22(f), and

(iv) For anglers paticipating in the tag and release program under § 285.27.

(2) On June 1 of each year:

(i) For vessels permitted in the General category fishing under the quota specified in § 285.22(a), and

(ii) For vessels permitted in the Harpoon Boat category fishing under the quota specified in § 285.22(b).

(3) On August 15 of each year:

(i) For vessels permitted in the Purse Seine category fishing under the quota specified in § 285.22(c).

(4) Consistent with the Convention, the Act and this part, the Assistant Administrator may change the commencement date under this section for any vessel permit category or person (angler) if the Assistant Administrator determines that the changed date will enable scientific research on the status of the stock to be conducted more effectively and will not prevent the quotas for the affected fishery from being caught, based upon historical catch data or other relevant information. The Assistant Administrator shall publish a notice in the **Federal Register** of any change in the commencement date(s) for fishing under this section at least 60 days before commencement of the affected fishery.

(b) *Closure.* (1) The Assistant Administrator shall monitor catch and landing statistics of Atlantic bluefin tuna by vessels other than those permitted in the Purse Seine category. On the basis of these statistics, the Assistant Administrator shall project a date when the catch of Atlantic bluefin tuna will equal any quota under § 285.22, and shall publish a notice in the **Federal Register** stating that fishing for or retaining Atlantic bluefin tuna under that quota must cease on that date at a specified hour.

(2) Angling for Atlantic bluefin tuna under a tag and release program under § 285.27 may continue even after a quota closure.

(3) Any vessels permitted in the Purse Seine category may fish under the quotas specified in § 285.22(c) and § 285.22(d) only until the allocation(s) assigned or transferred under § 285.24(a) to that vessel is reached. Upon reaching its individual vessel allocation for a particular size class of Atlantic bluefin tuna, a vessel will be deemed to have been given notice that the fishery for such tuna is closed to that vessel.

(c) *State actions.* Nothing in this section will be construed to invalidate any more restrictive commencement or closure date established by any State in waters under its jurisdiction.

§ 285.21 Vessel permits.

(a) *Permit requirements.* Each vessel which fishes for or takes Atlantic bluefin tuna, except vessels being used by anglers fishing for young school, school, or medium Atlantic bluefin tuna under § 285.24(d), must have an appropriate permit issued under this section.

(b) *Categories of permits.* The Regional Director shall issue a permit to each vessel for only one of the following categories: General (handgear), Harpoon Boat, Purse Seine, or Incidental Catch. A permitted vessel is entitled to fish only under the quota for the category in which it is permitted, and must use gear appropriate to that category. Anglers also may fish for young school, school, and medium Atlantic bluefin tuna from a vessel that has a permit for other types of fishing, but anglers shall remain subject to provisions of this subpart applicable to angling. The Regional Director shall issue permits to catch and retain Atlantic bluefin tuna under § 285.22 (c) and (d) only to owners of those purse seine vessels, or their replacements, which were granted allocations under this subpart and landed Atlantic bluefin tuna in the fishery for Atlantic bluefin tuna during the period 1980 through 1982. The Regional Director shall not issue a permit to take Atlantic bluefin tuna under this subpart to any vessel which was replaced with another vessel and retired from the purse seine fishery during the period 1980 through 1982, unless that vessel is replacing another vessel being retired from the fishery.

(c) *Application procedure.* A vessel owner applying for an Atlantic bluefin tuna permit under this section shall submit a completed permit application signed by the owner on an appropriate form obtained from the Regional Director. The application must be submitted to the Regional Director at least 30 days before the date on which the applicant desires to have the permit made effective. The application must include the name and address of the vessel owner, the name of the vessel, the port where the vessel is docked, the official state registration or U.S. Coast Guard documentation number, the length of the vessel, the tonnage (if known), the area to be fished, and the category of the permit. Except for purse seine vessels, an owner may change the category of the vessel's permit by notifying the Regional Director in writing before May 15.

(d) *Issuance.* (1) The Regional Director shall issue a permit within 30 days of receipt of a completed application.

(2) The Regional Director shall notify the applicant of any deficiency in the application. If the applicant fails to correct the deficiency within 15 days following the date of notification, the

application will be considered abandoned.

(e) *Duration.* A permit issued under this section remains valid until it is suspended, revoked, or expires. Except with respect to purse seine permits, a permit issued under this section expires when the owner or name of the vessel changes.

(f) *Alteration.* A permit issued under this section which is substantially altered, erased, or mutilated is invalid.

(g) *Replacement.* The Regional Director may issue replacement permits. An application for a replacement permit is not considered a new application.

(h) *Transfer.* A permit issued under this section is not transferable or assignable; it is valid only for the vessel and/or owner to which it is issued.

(i) *Display.* A permit issued under this section must be carried on board the vessel at all times. The permit must be displayed for inspection upon request of any Authorized Officer or any employee of the NMFS designated by the Regional Director for such purpose.

(j) *Modification.* The Assistant Administrator may modify, suspend, or revoke permits issued under this section in connection with violations of the Act, or any of the Act's implementing rules. Any action to modify, suspend or revoke a permit issued under this section will follow the procedures of 15 CFR Part 904.

(k) *Fees.* No fee is required for any permit issued under this section.

(l) *Change in application information.* Within 15 days after any change in the information contained in an application submitted under this section, the vessel owner shall report the change in writing to the Regional Director.

(Approved by the Office of Management and Budget under OMB control number 0648–0097)

§ 285.22 Quotas.

The total annual amount of Atlantic bluefin tuna which may be caught and retained by persons and vessels subject to U.S. jurisdiction in the regulatory area is 1,529 st (1,387 mt), subdivided as follows:

(a) *General.* That total amount of giant Atlantic bluefin tuna which may be caught and retained in the regulatory area by vessels permitted in the General category under § 285.21(b) is 650 st (590 mt). No more than 625 st (567 mt) of this quota may be taken before September 15.

(b) *Harpoon-boat.* The total amount of giant Atlantic bluefin tuna which may be caught and retained in the regulatory area by vessels permitted in the Harpoon Boat category under § 285.21(b) is 60 st (54 mt).

(c) *Purse Seine—Giants.* The total amount of giant Atlantic bluefin tuna which may be caught and retained in the area regulatory area by vessels permitted in the Purse Seine category under § 285.21(b) is 300 st (272 mt).

(d) *Purse Seine—School fish.* The total amount of Atlantic bluefin tuna than 120 cm fork length (47 inches) which may be caught and retained in the area regulatory area by vessels permitted in the Purse Seine category under § 285.21(b) is 140 st (127 mt).

(e) *Angling.* The total amount of young school, school, and medium Atlantic bluefin tuna which may be caught and retained in the regulatory area by anglers is 99 st (90 mt). No more than 89 st (81 mt) of this quota may be fish less than 120 cm (47 inches) fork length.

(f) *Incidental.* The total amount of Atlantic bluefin tuna which may be caught and retained in the regulatory area by vessels permitted in the Incidental Catch category under § 285.21(b) is 151 st (137 mt). This quota is further subdivided as follows:

(1) 145 st (132 mt) for longline vessels. No more than 115 st (104 mt) may be taken in the area south and west of 36°00′ N. latitude.

(2) 6 st (5 mt) for vessels fishing for species of fish other than tuna.

(g) *Inseason adjustment amount.* The total amount of Atlantic bluefin tuna which will be held in reserve for inseason adjustments is 129 st (117 mt) of fish greater than 47 inches fork length. The Regional Director may allocate any portion (from zero to 100 percent) of this amount to any segment or segments of the fishery. The Regional Director shall publish a notice of allocation of any inseason adjustment amount in the **Federal Register** at least 72 hours before such allocation is to become effective. Before making any such allocation, the Regional Director shall consider the following factors:

(1) The usefulness of information obtained from catches of the particular gear segment of the fishery for biological sampling and monitoring the status of the stock;

(2) The catches of the particular gear segment to date and the likelihood of closure of that segment of the fishery if no allocation is made;

(3) The projected ability of the particular gear segment to harvest the additional amount of Atlantic bluefin tuna before the anticipated end of the fishing season; and

(4) The estimated amounts by which quotas established for other gear segments of the fishery might be exceeded.

§ 285.23 Incidental catch.

(a) Subject to the quota in § 285.22(c), purse seine vessels permitted in the purse seine category under § 285.21 and fishing for giant Atlantic bluefin tuna may catch incidentally, during any fishing trip, Atlantic bluefin tuna less than 77 inches fork length, provided that the total amount of such tuna taken does not exceed 10 percent by weight of the total amount of giant Atlantic bluefin tuna onboard the vessel at the end of each fishing trip.

(b) Subject to the quota in § 285.22(d) and individual vessel allocations, purse seine vessels permitted in the purse seine category under § 285.21 and fishing for tunas other than Atlantic bluefin tuna may catch incidentally and retain, during any fishing trip, Atlantic bluefin tuna, provided that the total amount of Atlantic bluefin tuna taken does not exceed 10 percent by weight of all other tuna species onboard the vessel at the end of each fishing trip. Any vessel that has not taken its allocation under § 285.22(d) at the seasonal termination of the vessel's fishing for species of tuna other than Atlantic bluefin tuna, may add the remainder of its allocation to the vessel's allocation of giant Atlantic bluefin tuna under § 285.22(c).

(c) *Attribution.* Atlantic bluefin tuna caught incidentally by purse seine vessels fishing for an allocation of a particular size class of Atlantic bluefin tuna shall be applied to that vessel's allocation for such size class Atlantic bluefin tuna.

(d) *Herring, mackerel, and menhaden purse seine vessels and vessels using fixed gear other than longlines or traps (pounds, weirs, and gillnets).* Subject to the quotas in § 285.22, any person operating a vessel fishing with these types of gear principally for species of fish other than tuna and possessing an Incidental Catch permit issued under § 285.21 may catch, during any fishing trip, Atlantic bluefin tuna of any size class, provided that, the total amount of Atlantic bluefin tuna taken does not exceed two percent, by weight, of all other fish onboard the vessel at the end of each fishing trip.

(e) *Traps.* Subject to the quotas in § 285.22, any person operating a vessel possessing an Incidental Catch permit issued under § 285.21 which catches Atlantic bluefin tuna incidentally while fishing with traps, may retain Atlantic bluefin tuna, provided, that such tuna do not exceed two percent, by weight, of the total amount of all other fish species caught within the preceding 30-day period.

(f) *Longlines.* Subject to quotas in § 285.22, any person operating a vessel using longline gear possessing an Incidental Catch permit issued under § 285.21 may land Atlantic bluefin tuna as an incidental catch. The amount of Atlantic bluefin tuna may not exceed:

(1) Two fish per vessel, per trip, south of 36°00'N. latitude, and

(2) Two percent by weight of all other fish onboard the vessel at the end of each fishing trip, north of 36°00'N. latitude.

(G) *Rod and Reel.* Subject to the quotas in § 285.22, any person operating a vessel using rod and reel gear in the Gulf of Mexico and possessing an Incidental Catch permit issued under § 285.21 may catch and retain annually one giant Atlantic bluefin tuna as an incidental catch. The permit holder shall report his/her giant Atlantic bluefin tuna which was caught and retained to the nearest NMFS enforcement office within 24 hours of landing and make the tuna available for inspection and attachment of a metal tag. No such Atlantic bluefin tuna shall be sold or transferred to any person for a commercial purpose.

§ 285.24 Catch rate limits.

(a) From June 1, vessels permitted in the General category under § 285.21(b), may catch only one giant Atlantic bluefin tuna per day per vessel. On or about August 7, the Assistant Administrator shall review dealer and buy-boat reports to determine the total catch of giant Atlantic bluefin tuna. If the Assistant Administrator determines that 30 percent or more of the General category quota of giant Atlantic bluefin tuna is caught, the allowable catch rate limit will remain at one giant Atlantic bluefin tuna per day per vessel; if the Assistant Administrator determines that less than 30 percent of the quota has been caught, the allowable catch rate limit shall be increased to two giant Atlantic bluefin tuna per day per vessel. On or about September 7, the Assistant Administrator shall review dealer and buy-boat reports to determine the total catch of giant Atlantic bluefin tuna. If the Assistant Administrator determines that 85 percent or more of the General category quota of giant Atlantic bluefin tuna is caught, an allowable catch rate limit of one giant Atlantic bluefin tuna per day per vessel either shall remain or be reestablished. If the Assistant Administrator determines that 70 or more percent and less than 85 percent of the quota has been caught, the allowable catch rate limit shall be set a two giant Atlantic bluefin tuna per day per vessel. If more than 60 percent and and less than 70 percent of the quota has been caught, the allowable catch rate limit shall be set at three giant Atlantic bluefin tuna per day per vessel. If the Assistant Administrator determines that 60 percent or less of the quota has been caught, the allowable catch rate limit shall be increased to four giant Atlantic bluefin tuna per day per vessel. The Assistant Administrator shall publish a notice in the Federal Register of any determinations in allowable catch rate limits made under this paragraph. Each vessel operator may possess at any time only the number of giant Atlantic bluefin tuna allowed under the daily catch rate limit in effect at that time.

(b) Vessels permitted in the Harpoon Boat category are not restricted in their catch rate of giant Atlantic bluefin tuna.

(c) Persons angling in the regulatory area may catch and retain no more than four young school, school, or medium Atlantic bluefin tuna each day, only one of which may be a medium: Provided that only one medium Atlantic bluefin tuna per day may be caught and retained per vessel regardless of the number of anglers onboard. No angler or group of anglers may possess at any time more than this daily catch rate limit of these size classes of Atlantic bluefin tuna.

§ 285.25 Purse seine vessel requirements.

(a) *Mesh size.* Any owner or operator of a vessel with a permit issued under § 285.21(b) conducting a directed fishery for Atlantic bluefin tuna with nets, other than a trap net, shall use a purse seine net with a mesh size equal to or smaller than 4.5 inches in the main body (stretched when wet) and which has at least 24 count tread throughout the net.

(b) *Exemption.* The Regional Director may exempt any person from the mesh restrictions in paragraph (a) of this section if it is determined that the net sought to be exempted will not resut in significant injury or mortality to Atlantic bluefin tuna which are encircled by the net but manage to escape.

(c) *Inspection.* Any owner or operator of a purse seine vessel with a permit issued under § 285.21(b) shall request an inspection of the vessel and fishing gear by an enforcement agent of the NMFS before commencing any fishing trip and before offloading any Atlantic bluefin tuna. The vessel owner or operator shall request such inspection at least 24 hours before commencement of a fishing trip or offloading by calling (617) 281–3600 extension 252; or (617) 982–7711.

(d) *Vessel allocations.* (1) Purse seine vessel permit holders shall apply for an allocation of Atlantic bluefin tuna from the quotas specified in § 285.22 (c) and (d). The permit holder shall apply for this allocation in writing to the Regional Director by June 1, 1983 and by April 15 of subsequent years. The permit holder shall specify the particular size class or classes of Atlantic bluefin tuna for which the vessel will fish. The owner shall supply documentation of the vessel's stockholders, owners, partners, or association structure.

(2) The Regional Director shall review these applications for allocations of Atlantic bluefin tuna by June 15, 1983, and by May 1 in subsequent years, and make equal allocations of the available size classes of Atlantic bluefin tuna among the permits issued under § 285.21(b). Such allocations are freely transferable among purse seine vessel permit holders. Any purse seine vessel permit holder intending to fish for more than one allocation in any fishing season shall provide written notice of such intent to the Regional Director 15 days before commencing fishing in that season. Purse seine vessel permit holders who transfer their allocation to another purse seine vessel permit holder shall not fish their permitted vessel in any fishery in which Atlantic bluefin tuna might be caught.

§ 285.26 Size classes.

For any Atlantic bluefin tuna which is landed with the head removed, it is a rebuttable presumption for purposes of this subpart that the tuna, when caught, fell into a size class in accordance with the following table. For this purpose, all measurements must be taken in a straight line along the middle of the lateral surface from the forward most part of the beheaded fish to the fork of the tail. Approximate round weights are given for illustrative purposes only.

Original size class (fork length)	Approximate round weights	Length with head off
Young school tuna: Less than 26 inches (66 cm)	Less than 14 pounds	Less than 18 inches (46 cm).
School tuna: Equal to 26 inches (66 cm) but less than 57 inches (145 cm)	From 14 pounds but less than 135 pounds.	18 inches (46 cm) but less than 40 inches (102 cm)
Medium tuna: Equal to 57 inches (146 cm) but less than 77 inches (196 cm).	From 135 pounds but less than 310 pounds.	40 inches (102 cm) but less than 54 inches (137cm)
Giant tuna: 77 inches (196 cm) or more	310 pounds or more	54 inches (137 cm) or more

§ 285.27 Tag and release program.

Notwithstanding other provisions of these rules, an angler may fish for Atlantic bluefin tuna under a tag and release program, provided the angler (a) tags all Atlantic bluefin tuna so caught with plastic tags issued under this section, and (b) releases and returns such fish to the sea immediately after tagging and with a minimum of injury. To participate in this program, an angler shall obtain plastic tags, reporting cards, and detailed instructions for their use by writing to the Cooperative Game Fish Tagging Program, Southeast Fisheries Center, NMFS, 75 Virginia Beach Drive, Miami, Florida 33149–1099.

(Approved by the Office of Management and Budget under OMB control number 0648–0031)

§ 285.28 Dealer permits.

(a) *General.* A dealer purchasing or receiving Atlantic bluefin tuna from any person or vessel which catches such tuna shall have a valid permit required under this section. If such purchase or receipt is made from a buy boat, the buy boat must have a valid permit under paragraph (l) of this section.

(b) *Application.* An applicant shall apply for a dealer permit in writing on an appropriate form obtained from the Regional Director. The application must be signed by the applicant, and be submitted to the Regional Director at least 30 days before the date upon which the applicant desires to have the permit made effective. Applications must contain the name, principal place of business, mailing address, and telephone number of the applicant.

(c) *Issuance.* (1) The Regional Director shall issue a permit within 30 days of receipt of a completed application; provided, however, that the Regional Director may exercise discretion not to issue a permit to any applicant who has violated any provision of the Act or this part.

(2) The Regional Director shall notify the applicant of any deficiency in the application If the applicant fails to correct the deficiency within 15 days following the date of notification, the application will be considered abandoned.

(d) *Duration.* Any permit issued under this section remains valid until December 31 of the year for which it is issued, unless suspended or revoked.

(e) *Alteration.* Any permit which is substantially altered, erased, or mutilated is invalid.

(f) *Replacement.* The Regional Director may issue replacement permits.

An application for a replacement permit is not considered a new application.

(g) *Transfer.* A permit issued under this section is not transferable or assignable; it is valid only for the dealer to whom it is issued.

(h) *Inspection.* The dealer shall keep the permit issued under this section at his/her principal place of business. The permit must be displayed for inspection upon request of any Authorized Officer, or any employee of the NMFS designated by the Regional Director for such purpose.

(i) *Modification.* The Assistant Administrator may modify, suspend, or revoke permits issued under this section in connection with violations of the Act, or any of the Act's implementing rules. Any action to modify, suspend or revoke a permit issued under this section will follow the procedures of 15 CFR Part 904.

(j) *Fees.* No fee is required for any permit issued under this section.

(k) *Change in application information.* Within 15 days after any change in the information contained in an application submitted under this section, the dealer issued a permit shall report the change in writing to the Regional Director.

(l) *Buy-boats.* Each buy-boat must has have a dealer permit issued under this section. The Regional Director shall not issue a dealer permit under this section to any vessel which has a valid permit issued under § 285.21. The Regional Director shall not issue a dealer permit to a buy-boat unless the owner or operator of the buy-boat agrees in writing to allow an individual authorized by the Regional Director to accompany the buy-boat on any trip to observe operations. The Regional Director shall provide reasonable notice to the owner or operator of any buy-boat that an individual will be placed on board. The Regional Director shall reimburse the owner of any buy-boat for any expenses which the Regional Director determines to be reasonable and which are directly related to the placement of an individual on that buy-boat. Buy-boats may not purchase or transport Atlantic bluefin tuna caught incidentally by longlines.

(Approved by the Office of Management and Budget under OMB control number 0648–0097)

§ 285.29 Dealer recordkeeping and reporting

Any person issued a dealer permit under § 285.28:

(a) Shall submit to the Regional Director a daily report on a reporting card provided by the NMFS, within 24 hours of the purchase or receipt of each giant Atlantic bluefin tuna. Each reporting card must be signed by the vessel permit holder or vessel operator and must show the Atlantic bluefin tuna vessel permit number, metal tag number affixed to the fish by the dealer or assigned by an Authorized Officer, the date landed, the port where landed, the round or dressed weight, the fork length, gear used, and area where caught.

(b) Shall submit to the Regional Director a weekly report on forms supplied by the NMFS, within two days after the end of each reporting week in which Atlantic bluefin tuna were purchased or received. Each report must specify accurately and completely: The number of tuna purchases or received; location where each tuna was caught; the disposition of the tuna (names, addresses and, where applcable, country of destination); the source of the tuna (names and addresses); date; metal tag numbers (where applicable); round or dressed weight and fork length (by individual tuna); and any other information requested by the Regional Director. Also, dealers using buy-boats, in addition to the information required above, shall include the precise time when any tuna were received on the buy-boat;

(c) Shall allow an Authorized Officer, or any employee of the NMFS designated by the Regional Director Director for this purpose, to inspect and copy any records of transfers, purchases, or receipts of Atlantic bluefin tuna;

(d) Shall retain in his/her possession a copy of each weekly report for a period of two years from the date on which it was submitted to the Regional Director.

(e) Each operator of a buy-boat, in addition to the above, shall notify the Regional Director of any offloading and, shall request a vessel inspection at least six hours before such offloading by calling (617) 281–3600, extension 252, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, local time, or at all other times during the day and weekends, by calling (617) 992–7711. In making the request for inspection, the owner or operator of the buy-boat or his/her designated representative shall provide his/her name, the buy-boat's name and permit number, the number of tuna received, and the location and anticipated time of landing in port.

(Approved by the Office of Management and Budget under OMB control number 648–0013)

§ 285.30 Metal tags.

(a) *Issuance of tags.* The Regional Director shall issue numbered metal tags to each person receiving a dealer's permit under § 285.28.

(b) *Transfer of tags.* Tags issued under this section are not transferable.

(c) *Affixing tags.* (1) A dealer or his/her agent shall affix a metal tag to each giant Atlantic bluefin tuna immediately upon its offloading from a vessel. He/she must affix the metal tag to the tuna between the fifth dorsal finlet and the keel.

(2) Any person who catches a giant Atlantic bluefin tuna and does not transfer it to a permitted dealer shall contact the nearest NMFS enforcement office within 24 hours of landing such tuna and make the tuna available for inspection and attachment of a metal tag.

(d) *Removal of tags.* A metal tag affixed to any giant Atlantic bluefin tuna must remain on the tuna until the tuna is either cut into portions or sold for export from the United States. If the tuna or tuna parts subsequently are packaged for transport for domestic commercial use or for export, the tag must be attached to the outside of the package or container and the tag number must be written legibly and indelibly on the outside of any package or container.

§ 285.31 Prohibitions.

It is unlawful for any person or vessel subject to the jurisdiction of the United States:

(a) To fish for or catch Atlantic bluefin tuna without a valid permit required under § 285.21 and carried onboard the vessel;

(b) To fish for or catch Atlantic bluefin tuna after fishing has been closed or before fishing has commenced under § 285.20, except under the provisions of § 285.27;

(c) To fish for, catch, or possess Atlantic bluefin tuna in excess of the quotas specified in § 285.22 except under the provisions of § 285.27;

(d) To fish for, catch, or possess Atlantic bluefin tuna in excess of the catch limits specified in § 285.24 except under the provisions of § 285.27;

(e) To fish for or catch Atlantic bluefin tuna in excess of any vessel allocation made pursuant to § 285.24;

(f) To fish for or catch Atlantic bluefin tuna in a directed fishery with purse seine nets without an allocation made pursuant to § 285.24;

(g) To fish for or catch Atlantic bluefin tuna in a directed fishery with nets other than those specified in § 285.25;

(h) To fish for or catch Atlantic bluefin tuna within 100 yards (91.5 meters) of the cork line of a purse seine net used by a vessel conducting scientific research operations authorized by the NMFS;

(i) To catch and retain Atlantic bluefin tuna in excess of the incidental catch provisions under § 285.23;

(j) To land any Atlantic bluefin tuna in forms other than round, or with the head removed;

(k) To retain any Atlantic bluefin tuna caught under a tag and release permit issued under § 285.27;

(l) To purchase, receive, or transfer any Atlantic bluefin tuna at sea from a person or vessel engaged in fishing for such tuna without a valid dealer permit for buy-boat operations issued under § 285.28;

(m) To sell, offer for sale, or transfer any Atlantic bluefin tuna to any person or vessel other than to a person or vessel with a permit issued under § 285.28;

(n) To sell, offer for sale, or transfer to any person any giant Atlantic bluefin tuna caught incidentally in the Gulf of Mexico with rod and reel gear under § 285.23(g);

(o) To engage in fishing with a vessel holding a permit under § 285.21 unless the vessel travels to and from the area where it will be fishing under its own power and the person operating that vessel brings under control (secured to the catching vessel or boated) any Atlantic bluefin tuna with no assistance from other vessels, except in circumstances where the safety of the vessel or its crew is jeopardized or due to other circumstances beyond the control of the operator;

(p) To fail to release immediately with a minimum of injury any Atlantic bluefin tuna which will not be retained;

(q) To fail to affix immediately to any giant Atlantic bluefin tuna, between the fifth dorsal finlet and the keel, an individually numbered metal tag when the tuna has been received or purchased by that person for a commercial purpose from any person or vessel having caught such tuna;

(r) To remove any metal tag affixed to an Atlantic bluefin tuna under § 285.30 before removal is allowed under that section, or fail to write the tag number on the shipping package or container as prescribed by that section;

(s) To purchase or transport with a buy-boat any Atlantic bluefin tuna captured incidentally by longlines;

(t) To begin fishing or offloading from any purse seine vessel to which a permit has been issued under § 285.21 any Atlantic bluefin tuna without first requesting an inspection of the vessel in accordance with § 285.25;

(u) To fail to report the catching of any Atlantic bluefin tuna to which a plastic tag has been affixed under a bona fide tag and release program conducted by the NMFS or any other recognized scientific organization;

(v) To falsify or fail to make, keep, maintain, or submit any reports, or other record required by this subpart;

(w) To refuse to allow an Authorized Officer to make inspections for the purpose of checking any records relating to the catching, harvesting, landing, purchase, or sale of any Atlantic bluefin tuna required by this subpart;

(x) To make any false statement, oral or written, to an Authorized Officer concerning the catching, harvesting, landing, purchase, sale, or transfer of any Atlantic bluefin tuna;

(y) To fish for or catch Atlantic bluefin tuna with longline gear except as provided in § 285.23(f);

(z) To fish for or catch Atlantic bluefin tuna with longline gear, or while having longline gear on board, if the vessel is permitted in the General category under § 285.21;

(aa) To violate any other provision of this subpart, the Act, or any other rules promulgated under the Act.

§ 285.32 Civil penalties.

(a) Any person who violates paragraphs (a) through (t) inclusive, or paragraphs (w) through (z), inclusive, of § 285.31 shall be assessed a civil penalty of not more than $25,000 for a first violation and a civil penalty of not more than $50,000 for a subsequent violation.

(b) Any person who violates paragraphs (u) or (v), of § 285.31 shall be assessed a civil penalty of not more than $1,000, and a civil penalty of not more than $5,000 for a subsequent violation.

(c) Any person who violates paragraph (aa) of § 285.31 shall be assessed a civil penalty in accordance with the criteria set forth in 16 U.S.C. 971e.

[FR Doc. 83-8207 Filed 3-29-83; 8:45 am]
BILLING CODE 3510-22-M

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Notices

Federal Register
Vol. 48, No. 62
Wednesday, March 30, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Meat Import Limitations; Second Quarterly Estimate

Public Law 88–482, enacted August 22, 1964, as amended by Public Law 96–177 (hereinafter referred to as the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lamb, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of articles provided for in TSUS 106.10, 106.22, 106.25, 107.55 and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated aggregate quantity of meat articles prescribed for calendar year 1983 by subsection 2(c) as adjusted under subsection 2(d) of the Act.

In accordance with the requirements of the Act, I have made the following estimates:

1. As published on December 30, 1982 (47 FR 58328), the estimated aggregate quantity of meat articles prescribed by subsection 2(c) as adjusted by subsection 2(d) of the Act for calendar year 1983 is 1,119 million pounds.

2. The second quarterly estimate of the aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1983 is 1,224 million pounds.

Done at Washington, D.C., this 24th day of March 1983.

Richard E. Lyng,
Acting Secretary.

[FR Doc. 83–8201 Filed 3–25–83; 4:19 pm]
BILLING CODE: 3410–10–M

Section 22 Import Fees; Determination of Quarterly Import Fees On Sugar

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to determine on a quarterly basis the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. This notice announces those determinations for the second calendar quarter of 1983.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250 (202–447–6723).

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4940, dated May 5, 1982, Headnote 4 of Part 3 of the TSUS was amended to provide that quarterly adjusted fees shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of Headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the adjusted daily spot (domestic) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee, Sugar, and Cocoa Exchange), expressed in United States cents per pound, in bulk, is less than the market stabilization price. The market stabilization price for the second calendar quarter of 1983 is 20.73 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar quarter: (1) exceeds the market stabilization price by more than one cent, the fee then in effect shall be decreased by one cent; or (2) is less than the market stabilization price by more than one cent, the fee then in effect shall be increased by one cent. Paragraph (c)(i) of Headnote 4 further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus one cent.

The average of the adjusted daily spot (domestic) price quotations for raw sugar for the applicable period prior to the second calendar quarter of 1983 has been calculated to be 20.7625 cents per pound. This results in a fee of 0.00 cent per pound for item 956.15, since the adjusted average spot price is greater than 20.73 cents. Accordingly, the fee for items 956.05 and 957.15 for the second calendar quarter of 1983 is 1.00 cent per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce the amount of the quarterly fees no later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary is also required to certify the amounts of such fees to the Secretary of the Treasury and file notice thereof with the Federal Register prior to the beginning of the calendar quarter during which the fees shall be applicable. This notice is therefore being issued in order to comply with the requirements of Headnote 4(c).

Notice is hereby given that, in accordance with the requirements of Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the quarterly adjusted fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the second calendar quarter of 1983 shall be as follows:

Item	Fee
956.05	1.00 cent per pound
956.15	0.00 cent per pound
957.15	1.00 cent per pound

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iv) of Headnote 4.

Signed at Washington, D.C., on March 24, 1983.

Richard E. Lyng,

Acting Secretary of Agriculture.

[FR Doc. 83-8200 Filed 3-25-83; 4:19 pm]

BILLING CODE 3410-10-M

Forms Under Review by Office of Management and Budget

March 25, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Statistical Clearance Officer, (202) 447-6201.

Revised

- Agricultural Marketing Service
7 CFR 70, Regulations for Voluntary Grading of Poultry Products and Rabbit Products and U.S. Classes, Standards and Grades
PY-32, PY-33, PY-234
On occasion, monthly
Businesses: 25,960 responses; 5,181 hours; not applicable under 3504(h)
Merlin L. Nichols, Jr. (202) 447-3506

- Food Safety and Inspection Service
Regulations Governing Meat Inspection
MP-401, 403-10, 8822-1, 130-A, 8822-2, 441, 2, 404, 408, 409-1, 410, 115, 6200-2
On occasion
Businesses: 2,055,328 responses; 154,771 hours; not applicable under 3504(h)
William C. Hauser, (202) 447-8420

- Statistical Reporting Service
Barley Variety Survey
Annually
Farms: 8,700 responses; 725 hours; not applicable under 3504(h)
Lee Sandberg, (202) 447-6820

Extension

- Animal and Plant Health Inspection Service
Virus-Serums-Toxins Regulations—Recordkeeping
On occasion
Businesses: 986 responses; 479 hours; not applicable under 3504(h)
Dr. Albert Morgan, (301) 436-7760

- Agricultural Marketing Service
Apricots grown in Designated Counties in Washington—Marketing Order 922
On occasion, annually
Businesses: 142 responses; 292 hours; not applicable under 3504(h)
William J. Doyle, (202) 447-5975

Marshall L. Dantzler,

Acting Statistical Clearance Officer.

[FR Doc. 83-8129 Filed 3-29-83; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

Air Florida, Inc. Transatlantic Route Realignment Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting *Air Florida, Inc. Transatlantic Route Realignment Proceeding,* Docket 41391, and Order to Show Cause: Order 83-3-128 (Consolidation of Dockets 39322 and 41169).

SUMMARY: The Board proposes to: (1) Grant Air Florida authority to serve Frankfurt, Federal Republic of Germany, (2) realign certain transatlantic route authority described on route 197-F of the certificate of Air Florida (including Frankfurt) by placing it on one segment, and (3) permit Air Florida to integrate that authority, subject to bilateral agreements, with its Miami-Prestwick and Miami-London (Route 261) routes.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions, as described in the order cited above, shall, no later than April 21, 1983, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 43191, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to all affected carriers and the Departments of State and Transportation.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will make final the Board's tentative findings and conclusions and issue the proposed certificate.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5432. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT:

Ira Leibowitz, (202) 673-5203, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 24, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-8190 Filed 3-29-83; 8:45 am]

BILLING CODE 6320-01-M

Commuter Fitness Determination

The Board is proposing to find the following carriers fit, willing and able to provide commuter air carrier service under Section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
83-3-110	Resort Air, Inc.	Apr. 13, 1983
83-3-111	Air Manana, Inc.	Apr. 13, 1983
83-3-112	AAR Western Skyways, Inc.	Apr. 13, 1983

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

For Further Information Contact: Mr. James Ransom for Order 83-3-110 at (202) 673-5088 and Ms. Anne W. Stockvis for Orders 83-3-111 and 83-3-112 at (202) 673-5088; Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

By the Civil Aeronautics Board: March 24, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-8189 Filed 3-29-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States. Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register**.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 1523, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00269R. Applicant: Wesley Medical Center, 550 N. Hillside, Wichita, KS 67214. Instrument: Electron Linear Accelerator, Therac 20 with Accessories. Manufacturer: Atomic Energy of Canada, Canada. Intended Use of Instrument: The article is intended to be used to study the responses of malignancy in humans to radiation treatment, clinical side effects associated with such treatment and formulation for further treatment regimens. The instrument will be used for educational purposes in various seminars and in-service training sessions and the courses:

(1) Physics of Radiology for Residents in Radiology,

(2) Medical Nuclear Physics II,

(3) Physics of Radiology Technologists, and

(4) Radiology Elective of 3rd and 4th year Medical Student Years. Application is a resubmission which was received by U.S. Department of Commerce on March 10, 1983.

Docket No. 83-108. Applicant: Montana State University, Department of Chemistry, Bozeman, MT 59717. Instrument: Mass Spectrometer System, MM 16F and Accessories. Manufacturer: VG Instruments, United Kingdom. Intended Use of Instrument: The instrument is intended to be used for a wide range of research projects including but not limited to the following:

(1) Development of improved methods for trace organic analysis.

(2) Isolation and structure elucidation of natural products of biological significance.

(3) Research efforts in natural products and organometallic chemistry.

(4) Investigation of the chemical structure and biosynthesis of the unique lipids that are found on insects with the purpose of providing basic research for the development of specific insecticides.

(5) Further studies of the interactions of parasites with their plant hosts.

(6) Analysis of involatile organic and polymeric materials by fast-atom bombardment (FAB) source.

(7) Structurally characterizing glycoproteins (hemagglutinins) from plant, insect and human systems.

(8) Identification of individual mutagenic/carcinogenic components in complex mixtures as diverse as air particulates collected by vacuum filtration or body fluids of animals and humans.

(9) Determine the physiological effects of environmental toxicants.

(10) Modeling the degradation of pesticides under anaerobic conditions.

(11) Identification of low molecular weight substances with biological activity.

In addition, the instrument will be used for educational purposes in the courses:

Chem 418. Qualitative Analysis of Organic Compounds.

Chem 428. Instrumental Analysis.

Chem 526. Advanced Mass Spectroscopy.

Chem 580. Degree Research.

Application Received by Commissioner of Customs: February 23, 1983.

Docket No. 83-131. Applicant: New York University Medical Center, 550 First Avenue, New York, NY 10016. Instrument: BB P2000 Freeze Etching Plant BAF 400D and Accessories. Manufacturer: Balzers Union, Liechtenstein. Intended Use of Instrument: The instrument is intended to be used for studies of specimens of central and peripheral nervous tissue from experimental animals. The experiments to be conducted will consist of the application of demyelinating agents to the experimental animal tissue in order to bring about destruction of myelin sheaths which would be followed by remyelination subsequently. Application Received by Commissioner of Customs: February 23, 1983.

Docket No. 83-140. Applicant: University of Alabama in Birmingham, Department of Biochemistry, University Station, Birminghan, AL 35294. Instrument: Electron Microscope, EM I0CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended Use of Instrument: The instrument is intended to be used for analysis of the structure and the arrangement of adenoviral genetic material, both within the virus and in recombinant DNA clones. Experiments to be conducted will involve a wide range of research interests in the Department of Biochemistry. Application Received by Commissioner of Customs: February 23, 1983.

Docket No. 83-142. Applicant: University of Idaho, Moscow, ID 83843. Instrument: VG 7070 GC/Mass Spectometer with Demonstrator Model 11/250 Data System. Manufacturer: VG Instruments Group, United Kingdom. Intended Use of Instrument: The instrument is intended to be used in a number of ways for the analysis of structure and composition of a large variety of organic and inorganic chemical substances. The varied applications include but are not limited to:

(1) Developing chemical reactions which mimic the aromatic dioxygenases which oxidatively dearomatize aromatic rings via incorporation of both atoms of dioxygn into the substrate yielding some type of nonaromatic carboxylic acid.

(2) Studies on intermediate metabolism of aromatic compounds by bacteria with particular application to lignin and lignin-type systems.

(3) The efficient and accurate determination of trace components in multicomponent air samples.

(4) Identification of intermediates and products in the development of improved methods for asymmetric syntheses.

(5) Structural elucidation of enol silyl ethers and their reaction products—EI/CI-GC/MS—library—exact mass.

(6) Development of methodologies for simultaneous determination of several water-soluble vitamins in fortified and non-fortified food and other biological systems.

(7) Research involving the synthesis of chemically-modified silicas and simpler model systems via some novel methods.

(8) Studies involving photolytic degradation of polyaromatic hydrocarbons and amines.

The instrument will also be used to provide mass spectrometer training for undergraduate and graduate students in the following courses:

Chem. 491, 500 and 600—Research.
Chem. 556—Chemical Spectroscopy.
Chem. 454—Instrumental Analyses.
Chem. 376—Organic II Lab.
Chem. 308—Physical Chemistry Lab.

Applications Received by Commissioner of Customs: March 3, 1983.

Docket No. 83–143. Applicant: University of California, Los Alamos National Laboratory, P.O. Box 990, Los Alamos, NM 87545. Instrument: Mass Spectrometer, Model ISOMASS 354 and Accessories. Manufacturer: VG Instruments, United Kingdom. Intended Use of Instrument: The instrument is intended to be used for studies of plutonium and uranium and other elements for which there exists two or more isotopes of sufficient stability for isotopic mass ratio measurements to be meaningful. The specific objective pursued in the application of the instrument is the determination of isotopic abundance. The knowledge of isotopic abundance will contribute to an extremely wide range of more general objectives as determined by programmatic goals. Application Received by Commissioner of Customs: March 3, 1983.

Docket No. 83–116. Applicant: The Armand Hammer Foundation, 10889 Wilshire Blvd., Los Angeles, CA 90024. Instrument: AGA Infrared Equipment. Manufacturer: AGA Infrared Systems AB, Sweden. Intended Use of Instrument: The instrument is intended to be used for non-destructive examination of the Palazzo Vecchio wall to find if and where the lost art masterpiece "Battle of Anghiari" was buried thereunder—since uncovery of same could result in research, educational, and anthropological benefits hopefully equivalent in value to those derived from the aforementioned other art masterpiece. Application Received by Commissioner of Customs: March 10, 1983.

Docket No. 83–129. Applicant: University of Wisconsin, Department of Ophthalmology, Room 569, Waisman Center, 1500 Highland Ave., Madison, WI 53706. Instrument: CRT Display Unit. Manufacturer: Joyce Electronics, United Kingdom. Intended Use of Instrument: The instrument is to be used for investigations of the spatio-temporal response characteristics of the human visual system and the effects of a number of stimulus parameters on these response characteristics. There is also interest in how these characteristics may differ between normal individuals and individuals with clinically impaired vision (e.g., individuals with optic neuritis, multiple sclerosis, amblyopia, etc.). Application Received by Commissioner of Customs: March 10, 1983.

Docket No. 83–130. Applicant: Colorado State University, Department of Chemistry, Ft. Collins, CO 80523. Instrument: Klystron Tube, VKQ 2424N. Manufacturer: Varian Canada Inc., Canada. Intended Use of Instrument: The instrument is intended to be used to generate 40 GHz microwave frequencies which are necessary to perform dynamic nuclear polarization experiments on materials containing free radicals. The experiments will be carried out on coal and coal related materials in the laboratory where the rest of the extensive instrumentation necessary for these types of experiments already exists. In addition, the instrument will provide new opportunities for graduate student training. Application Received by Commissioner of Customs: March 10, 1983.

Docket No. 83–145. Applicant: University of Wisconsin-Madison, Department of Physics, 1150 University Avenue, Madison, WI 53706. Instrument: High Power Pulsed Gas Halide Excimer Laser, Model TE–861M–3. Manufacturer: Lumonics, Inc., Canada. Intended Use of Instrument: The instrument is intended to be used for the investigation of the magnitude and temporal characteristics of transient optogalvanic effects in a variety of discharges. These characterics will be measured as a function of discharge parameters such as pressure, sustaining direct current, and geometry. In addition, the instrument will be used to perform a varity of diagnostics on the discharge including the measurement of excited atom densities. The objective of the investigation is to develop a quantitative understanding of optogalvanic effects in high current density discharges. Application Received by Commissioner of Customs: March 10, 1983.

Docket No. 83–147. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Instrument: Faraday Rotator Glass Blanks, Type FR–5. Manufacturer: Hoya Corporation, Japan. Intended Use of Instrument: The instrument is intended to be used for investigation of the feasibility of producing a thermonuclear microexplosion using a uniquely high intensity laser pulse. Application Received by Commissioner of Customs: March 7, 1983.

Docket No. 83–149. Applicant: University of Illinois at Urbana-Champaign, Purchasing Division, 223 Administration Bldg., Urbana, IL 61801. Instrument: Superconducting Magnet System, 11.7 Tesla, 41mm RT Bore, Persistent. Manufacturer: Oxford Instruments, Ltd, United Kingdom. Intended Use of Instrument: The instrument is intended to be used for studies of structures of clays and other minerals, catalysts, proteins, cell membranes and metal oxides by nuclear magnetic resonance spectroscopy. The objective of these studies is to determine the structures of a variety of chemical compounds of interest in chemistry, geology and biochemistry, especially with respect to their use in energy conservation. Application Received by Commissioner of Customs: March 7, 1983.

Docket No. 83–151. Applicant: University of Florida, Health Center—Receiving Department, Box J145–JHMHC, Gainesville, FL 32610. Instrument: Surface Balance with Monolift. Manufacturer: Mayer Feintechnik, West Germany. Intended Use of Instrument: The instrument is intended to be used to measure the surface properties of phospholipids and proteins, the interactions between these two biomaterials, as well as the effect of the composition of the aqueous subphase. The educational uses of the instrument will involve research and training of undergraduate, professional and graduate students as well as postdoctoral research scientists in the techniques of surface chemistry involving lipids and proteins. Application Received by Commissioner of Customs: March 8, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–8150 Filed 3–29–83; 8:45 am]

BILLING CODE 3510–25–M

Brigham Young University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517). A copy of the record pertaining

to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82–00327. Applicant: Brigham Young University, Department of Chemistry, 218 ESC, Provo, UT 84602. Instrument: EMG 101E Multi-Gas Laser System with Optics and Model FL 2002E Dye Laser. Manufacturer: Lambda Physik, West Germany. Intended use of instrument: See Notice on page 41410 in the Federal Register of September 20, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used was being manufactured in the United States at the time the U.S. Customs Service received the application on August 13, 1982.

Reasons: The foreign instrument is a system composed of an excimer laser integrated to a dye laser. At the time the application was received by the U.S. Customs Service there were domestic manufacturers of excimer lasers who could combine their respective products with a dye laser produced by another domestic manufacturer. An example is the combination by Tachisto Incorporated (excimer lasers) and Molectron Corporation (dye lasers). However, this would not constitute a "reasonable combination of instruments" within the preview of § 301.5(d)(1)(i) of the regulations unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a simple operating unit and (b) establish through appropriate test procedures the overall performance specifications of the excimer and dye laser system. (See decisions on Gas Chromatograph/Mass Spectrometer Dockets Number 67–00108–33–11000, 33 FR 597, January 17, 1968; Docket No. 68–00516–01–11000, FR 11097, August 3, 1968 and Docket No. 69–00446–01–11000, 34 FR 13336 and 13337, August 16, 1969.) We note that at the time the application for the foreign instrument was received by the U.S. Customs Service there was no domestic combination available.

The foreign instrument provides an amplified spontaneous emission (ASE) of one percent. The National Bureau of Standards advises in its memorandum dated February 23, 1983 that (1) the ASE of the foreign instrument is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the U.S. Customs Service received the application.

The Department of Commerce knows of no other instrument or combination of instruments of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used which was being manufactured in the United States and was being offered as a functionally integrated single instrument at the time the U.S. Customs Service received the application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–8152 Filed 3–29–83; 8:45 am]

BILLING CODE: 3510–25–M

Colorado State University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 82–00188. Applicant: Colorado State University, Solar House 2, Fort Collins, Colorado 80523. Instrument: Evacuated Tube Heat Pipe Solar Collector. Manufacturer: N. V. Philips, The Netherlands. Intended use of instrument: See Notice on page 27388 in the Federal Register of June 24, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument produces high temperature energy (120 degrees centigrade) at high efficiency (30 percent). The National Bureau of Standards advises in its memorandum dated February 10, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–8154 Filed 3–29–83; 8:45 am]

BILLING CODE 3510–25–M

Dartmouth College; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82–00204. Applicant: Dartmouth College, Radiophysics Laboratory, Hanover, New Hampshire 03755. Instrument: Ionosonde, Model LPS–42. Manufacturer: KEL Aerospace Pty., Ltd., Australia. Intended use of instrument: See Notice on page 27389 in the Federal Register of June 24, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides on site, unattended operation for more than 48 hours. The National Bureau of Standards advises in its memorandum dated February 8, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and

(2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-8155 Filed 3-29-83; 8:45 am]

BILLING CODE 3510-25-M

Department of Energy; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517). A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00174R. Applicant: U.S. Department of Energy, Laramie Energy Technology Center, P.O. Box 3395, Laramie, Wy 82071. Instrument: Model MMZABIF Ultra High Resolution Mass Spectrometer with Accessories. Application is a resubmission, notice of which was published in the Federal Register of May 20, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value of the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 82-00174 which was denied without prejudice to resubmission on October 18, 1982 for informational deficiencies. The foreign instrument scans one mass decade in 30 seconds while maintaining a resolution of 40,000 (10% valley definition). The National Bureau of Standards advises in its memorandum dated February 17, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.015, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-8153 Filed 3-29-83; 8:45 am]

BILLING CODE 3510-25-M

Trustees of the University of Pennsylvania; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 81-00318. Applicant: Trustees of the University of Pennsylvania, Purchasing, 3541 Walnut Street, Philadelphia, PA 19104. Instrument: Mass Spectrometer, Model MM 7070-H with Accessories. Manufacturer: VG Organic Limited, United Kingdom. Intended use of instrument: See Notice on page 42896 in the Federal Register of August 25, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No domestic manufacturer was both "able and willing" to manufacture an instrument or apparatus of equivalent scientific value to the foreign instrument for such purposes as the foreign instument is intended to be used, and have it available to the applicant without unreasonable delay in accordance with § 301.5(d)(4)(i) of the regulations, at the time the foreign instrument was ordered July 1, 1980.

Reasons: This application is a resubmission of Docket Number 80-00378 which was denied without prejudice to resubmission on April 10, 1981 for informational deficiencies. The applicant sent a letter dated May 21, 1980 to Vacuum Generators (VG) and Nuclide Corporation (Nuclide) seeking specifications on their respective products. Nuclide did not respond to this letter. VG (the foreign manufacturer) responded on June 17, 1980. The foreign instrument entered the United States Customs Territory on June 9, 1980.

Mass spectrometers fall in the category of instruments that are produced on order. As to the domestic availability of such instruments the regulations provide:

> * * * In determining whether a U.S. manufacturer is able and willing to produce an instrument, and have it available without unreasonable delay, the normal commercial practices applicable to the production and delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take into account under the circumstances of a particular case. * * * Whether or not the domestic manufacturer has field tested or demonstrated the instrument will not, in itself, enter into the decision regarding the manufacturer's ability to manufacture an instrument. Similarly, in determining whether a domestic manufacturer is willing to produce an instrument, the Director may take into account the nature of the bid process, the manufacturer's policy toward manufacture of the product(s) in question, the minimum size of the manufacturer's production runs whether the manufacturer has bid similar instruments in the past etc. Also if a domestic manufacturer was formally requested to bid an instrument, without reference to cost limitations and within a leadtime considered reasonable for the category of instrument involved, and the domestic manufacturer failed formally to respond to the request, for the purposes of this section the domestic manufacturer would not be considered willing to have supplied the instrument.

The regulations require the domestic manufacturers be both "able and willing" to produce an instrument for the purpose of comparison with the foreign instrument. Where an applicant, as in this case, extends in good faith a letter to a domestic manufacturer and receives no reply, it is apparent that the domestic manufacturer is either not willing or not able to produce an instrument of equivalent scientifc value to the foreign instrument. Accordingly, the Department of Commerce finds that no domestic manufacturer was both "able and willing" to manufacture a domestic instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument is intended to be used at the time the foreign instrument was ordered.

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(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientifc Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-8151 Filed 3-29-83; 8:45 am]

BILLING CODE 3510-25-M

South Dakota State University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00331. Applicant: South Dakota State University, Brookings, South Dakota 57007. Instrument: Mobile Solar Test Facility, MSTF-2. Manufacturer: Solarfin Products, Canada. Intended use of instrument: See Notice on page 41410 in the **Federal Register** of September 20, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument can be used to study a wide range of possible solar heating system designs, as well as individual parameters related to solar heating such as solar energy received per unit of area. The National Bureau of Standards advises in its memorandum dated December 14, 1982 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-8156 Filed 3-29-83; 8:45 am]

BILLING CODE 3510-25-M

Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee.

The Microcircuit Subcommittee was formed to study microcircuit and acoustic wave devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

Time and Place: April 19, 1983, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 6059, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202-377-2583.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356. A copy of the Notice of Determination to closed meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202-377-4217.

Dated: March 24, 1983.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 83-8192 Filed 3-29-83; 8:45 am]

BILLING CODE: 3510-25-M

Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee.

The Semiconductor Manufacturing Materials and Equipment Subcommittee was formed to study the technical and strategic value of semiconductor device production equipment and materials for the purpose of maintaining a continuous review of the export control technical parameters, and to formulate recommendations to the Commerce Department for parameter updating as appropriate for reasons of national security.

Time and Place: April 19, 1983, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5230, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202-377-2583.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive

Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202–377–4217.

Dated: March 24, 1983.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 83–8191 Filed 3–29–83; 8:45 am]

BILLING CODE 3510–25–M

Semiconductor Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving: (A) Technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductors, or technolgy, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States established or in which it participates including proposed revisions of any such controls.

Time and Place: April 20, 1983 at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Ave., NW., Washington, D.C.

Agenda: General Session:

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Proposal for technical data control licensing procedures.

(4) Update of the COCOM schedule for the list review.

(5) Subcommittee reports:

a. Discrete Semiconductor Device,

b. Microcircuits, and

c. Semiconductor Manufacturing Materials and Equipment.

(6) New business.

Executive Session:

(7) Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202–377–4217.

For Further Information or Copies of the Minutes Contact: Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: 202–377–2583.

Dated: March 24, 1983.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 83–8193 Filed 3–29–83; 8:45 am]

BILLING CODE 3510–25–M

Exporters' Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Exporters' Textile Advisory Committee, which is comprised of 30 members involved in textile and apparel exporting, advises Department of Commerce officials concerning ways of increasing U.S. exports of textile and apparel products.

Time and place: April 21, 1983 at 10:00 a.m. The meeting will take place at No. 6 World Trade Center, Room 718, New York, New York.

Agency: (1) Review of export data, (2) Report on conditions in the export market, (3) Recent foreign restrictions affecting textiles, (4) Other Business.

Public Participation: A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Tel: 202/377–3737.

Dated: March 25, 1983.

Walter C. Lenaham,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83–8188 Filed 3–29–83; 8:45 am]

BILLING CODE 3510–25–M

National Bureau of Standards

National Voluntary Laboratory Accreditation Program (NVLAP): Report of Laboratory Accreditation Action for February 1983

AGENCY: National Bureau of Standards, Commerce.

ACTION: Announcement of accreditation action.

SUMMARY: The National Bureau of Standards (NBS) announces that the Jim Walter Research Corporation, 10301 9th Street North, St. Petersburg, FL, which was previously accredited under the Thermal Insulation Materials Laboratory Accreditation Program has been accredited for an additional test method under that program. The additional test method for which accreditation has been granted is:

ASTM E84 Surface burning characteristics; building materials. No

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other accreditation actions under NVLAP were taken by NBS during the month of February 1983.

FOR FURTHER INFORMATION CONTACT:

Mr. John W. Locke, Manager, Laboratory accreditation, TECH B141, National Bureau of Standards, Washington, DC 20234; (301) 921–3431.

Dated: March 24, 1983.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 83–8128 Filed 3–29–83; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Medical Research and Development Advisory Committee, Subcommittee on Medical Entomology; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Medical Entomology.

Date of meeting: April 19 & 20 1983.

Time and place: 0830 hrs, Conference Room, US Army Medical Research Institute of Infectious Diseases, Fort Detrick, Frederick, MD.

Proposed agenda: This meeting will be open to the public from 0830 to 1015 hrs on April 19, for the administrative review and discussion of the scientific research program of the Medical Entomology Group, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), U.S.C, Title 5 and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1030 to 1630 hrs on April 19, and from 0900 to 1200 hrs on April 20, for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 83–8163 Filed 3–29–83; 8:45 am]

BILLING CODE 3710–08–M

Army Medical Research and Development Advisory Committee, Subcommittee on Medicinal Chemistry; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Medicinal Chemistry.

Date of Meeting: April 14 & 15 1983.

Time and Place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed Agenda: This meeting will be open to the public from 0830 to 0945 hrs on 14 April for the administrative review and discussion of the scientific research program of the Medicinal Chemistry Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1000 to 1700 hrs on April 14, and from 0900 to 1215 hrs on April 15, for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC Deputy Commander.

[FR Doc. 83–8162 Filed 3–29–83; 8:45 am]

BILLING CODE 3710–08–M

Office of the Secretary

Application Notice for the Secretary's Discretionary Program Grants—Expanding Parental Choice in Education; Improving Teacher Quality Through Incentives; Strengthening Local School Boards; and Unsolicited Grant Applications

AGENCY: Department of Education.

ACTION: Notice.

SUPPLEMENTARY INFORMATION. The Secretary of Education (the Secretary) invites grant applications for new awards in Fiscal Year 1983 under the Secretary's Discretionary Program.

This notice addresses applications that explore options for expanding parental choice in education, improving teacher quality through incentives, or strengthening local school boards, as well as unsolicited grant applications within the purview of the Secretary's Discretionary Program. Separate notices will be issued to address specific programs or initiatives to be funded under the Secretary's Discretionary Program, for example, law-related education and the National Diffusion Network.

Authority for this program is contained in section 583 of the Education Consolidation and Improvement Act of 1981 (ECIA) (20 U.S.C. 3851).

Closing Date

An application for a grant must be mailed or hand-delivered by August 1, 1983. However, applications will not be saved for a single review after the closing date, but rather the Secretary will select applications for funding from time to time as they are submitted during the fiscal year. An application will compete against other applications within the appropriate competition that have been received by the time of the review. Therefore, an applicant that wait until the closing date to file an application may have a diminished chance for an award. However, no applications will be reviewed until 60 days after the publication of this Notice.

Program Information

Purpose and Scope of the Secretary's Discretionary Program

Section 583 of the ECIA was enacted as part of Chapter 2, Subtitle D of Title V of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). The ECIA has two principal purposes. The purpose of Chapter 1 it to provide financial assistance to State and local educational agencies to meet the special

educational needs of educationally deprived children. The purpose of Chapter 2 it to consolidate 28 elementary and secondary level education grant programs funded in Fiscal Year 1981 into a single authorization of grants to States for the same purposes set forth in the programs consolidated.

Section 583(a), which authorizes the Secretary's Discretionary Program, authorizes the Secretary to carry out directly, or through grants or contracts, programs and projects which:

(1) Provide a national source for gathering and disseminating information on the effectiveness of programs designed to meet the special educational needs of educationally deprived children and others served by the ECIA, and for assessing the needs of such individuals;

(2) Carry out research and demonstrations related to the purposes of the ECIA;

(3) Are designed to improve the training of teachers and other instructional personnel needed to carry out the purposes of the ECIA; or

(4) Are designed to assist State and local educational agencies in the implementation of programs under the ECIA.

The Secretary has determined that certain unmet national needs exist within the scope of the discretionary program. Therefore, in order to address these needs and to stimulate national interest in them, the Secretary is inviting applications for certain specific purposes within the scope of the discretionary program. Those purposes are expanding parental choice in education, improving teacher quality through incentives, and strengthening local school boards. In the event that discretionary program funds remain after applications have been funded for these specific purposes, the Secretary will consider any unsolicited grant applications that are within the scope of the discretionary program, as set forth in section 583(a) of the ECIA, and that otherwise meet the requirements of this Notice, including the closing date, and applicable law and regulations.

Particularly because of the limited available resources, the Secretary encourages applicants to propose projects that show a thorough knowledge of previous work in the area of the project and its ralationship to the proposed project, and that use existing materials to the fullest extent possible. Also because of the limited available resources, the Secretary encourages applicants to propose projects that would use the funds awarded in the competitions described in this Notice to supplement other sources of funding.

Eligible Applicants

State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions may apply for a grant. An applicant may apply singly or jointly with another eligible applicant, as provided in sections 75.127 through 75.129 of the Education Department General Administrative Regulations (EDGAR, 34 CFR 75.127–75.129).

Length of Awards

Applicants may apply for funding for a project that is 12 to 18 months in duration although, under special circumstances, awards for periods of up to two years will be considered. However, any applicant that wishes to submit an application for a project that exceeds one year in duration should plan the project so that significant activities are completed at the end of one year.

Types of Projects

The Secretary intends to reserve funds for specific types of projects. Separate competitions will be conducted for each of the following types of projects.

1. *Expanding parential choice in education.* Awards will be made, in separate competitions, for a study project and for demonstration projects that focus on concepts, policies, and practices designed to foster a greater degree of parential choice in and influence on elementary or secondary education. The introduction of market incentives, such as voucher systems, is but one example of efforts of this type. A voucher system would permit parents to use vouchers to pay for school tuition or other educational programs and services for their children at public or private elementary or secondary schools. In general, vouchers and other market incentives are intended to expand opportunities for parents to choose schools and educational programs that best meet the needs of their children. They are also intended to stimulate and encourage competition among school programs and to increase private sector involvement in elementary and secondary education.

A proposed study project must identify and analyze factors critical to fostering the availability and delivery of public education services that are responsive to community and parental interests. The project must explore means to promote choice, diversity, and competition in the provision of public education services, with special attention to various forms of market incentives that might be adopted. In addition, the project must also examine impediments to choice in the provision of public education services, including existing Federal or State laws or regulations that would inhibit changes to implement parental choice. The project must also develop the means and the forums in which to generate public discussion of these issues. It is expected that a single one-year award for a study project will be made for $75,000 to $175,000.

Demonstration projects must incorporate promising approaches to utilizing market incentives, such as voucher systems, to accomplish the purposes outlined above. Proposed demonstration projects must include market incentives that have been developed for use in a local educational authority and that are currently operational or will be by the beginning of the 1984–1985 school year. Consistent with section 75.590 of EDGAR, evaluative data must be gathered and analyzed to describe and assess the effects of such a demonstration project. Funding for demonstration projects under these awards will be limited to the cost of administering and evaluating the project. It is expected that one to three awards for demonstration projects will be made for $75,000 to $175,000 each for the first year of funding.

2. *Improving teacher quality through incentives.* One to three awards will be made to plan and implement incentive structures designed to improve the quality of elementary and secondary level teaching by influencing teacher recruitment and teacher personnel systems and by making the teaching profession more attractive to a wider range of talented individuals. Of special interest are incentive structures that combine well-specified teacher performance standards and a teacher evaluation system, which may include peer judgment arrangements, with one or more of the following elements:

—Pay differentials,

—A career ladder structure that clearly specifies successive levels or teaching positions (positions or levels distinguished by increasing teacher responsibilities and opportunities while maintaining superior classroom performance, progressing to a master-teacher-like position),

—Nonsalary forms of recognition for superior teaching or contribution to the improvement of the overall instructional program.

Project activities must include a pilot demonstration of a clearly specified incentive structure for elementary and secondary teachers that would be suitable for implementation by States or local school boards. Project activities must also include staff development and in-service training designed to further the purposes of the incentive structure. Proposed projects must include planning and implementation activities associated with the teacher incentive structure that has been developed with the participation of appropriate interested local groups, and that has wide support from high-level school officials and commitment from the various interested local groups. In other words, the awards are intended to assist existing incentive structure plans to move forward to a greater extent than would be possible without these additional resources.

It is expected that one to three awards will be made for $50,000 to $150,000 each in the first year of funding. Funding for projects under these awards will be limited to the cost of planning and administering the project and to the cost of collecting and analyzing information to describe and assess the effects of the demonstration.

3. *Strengthening local school boards.* One award will be made to provide training and information sources to school board members and staff. Applications must propose training for local school board members and staff that is intended to equip them to deal with substantive policy decisions designed to enhance elementary and secondary school programs under the jurisdiction of the local school board. The proposed training must have nationwide impact, touching every State and territory. The methods will be selected by the applicant and must be indicated in the application. Consistent with § 75.590 of EDGAR, an assessment and evaluation of the activities utilized must be an integral part of the project, and a report to the Secretary on the project's effectiveness must be submitted. It is expected that $100,000 to $150,000 will be awarded for the first year of this grant. Funding of project costs under this award will not include stipends or travel costs for trainees.

The above estimates assume that applications of satisfactory quality will be received for each type of project. These estiamtes do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations. Potential applicants should also be aware that the President has proposed to Congress a rescission that may eliminate all or part of the funds available for the competitions described in this Notice. However, the deadline for these competitions will not be extended, and applicants should prepare and submit applications in accordance with this Notice, pending further notification.

Unsolicited Grant Applications

In the event that funds remain after awards have been made for the specific purposes of this or other notices applicable to the Secretary's Discretionary Program, the Secretary will consider for funding any unsolicited grant application that is eligible under section 583(a) of the ECIA. However, it is expected that only limited, if any, funds will remain.

Evaluation Criteria and Procedures

In evaluating applications, the Secretary will use the selection criteria set forth in section 75.210 of EDGAR. As set forth in section 75.210, the maximum score for all the criteria is 100 points. The minimum value for each criterion is as follows:

(1) Meeting the purposes of the authorizing statute. (30 points)

(2) Extent of need for the project. (20 points)

(3) Plan of operation. (15 points)

(4) Quality of key personnel. (7 points)

(5) Budget and cost effectiveness. (5 points)

(6) Evaluation plan. (5 points)

(7) Adequacy of resources. (3 points)

Furthermore, § 75.210 permits the Secretary to distribute an additional 15 points among the criteria listed above. The Secretary has decided to distribute these additional points for each of the competitions described in this Notice as follows:

(1) *Expanding parental choice in education (study project):* 15 additional points will be added for the quality of key personnel (criterion 4), for a total of 22 points;

(2) *Expanding parental choice in education (demonstration projects):* 15 additional points will be added for the plan of operation (criterion 3), for a total of 30 points;

(3) *Improving teacher quality through incentives:* 10 additional points will be added for the plan of operation (criterion 3), for a total of 25 points, and 5 additional points will be added for the budget and cost effectiveness (criterion 5), for a total of 10 points;

(4) *Strengthening local school boards:* 10 additional points will be added for the plan of operation (criterion 3), for a total of 25 points, and 5 additional points will be added for the budget and cost effectiveness (criterion 5), for a total of 10 points; and

(5) *Unsolicited grant applications:* 5 additional points will be added for the plan of operation (criterion 3), for a total of 20 points, and 10 additional points will be added for the quality of key personnel (criterion 4), for a total of 17 points.

The Secretary will use the procedures set forth in §§75.215 through 75.222 of EDGAR to select applications for funding.

Any applications for funding under the Secretary's Discretionary Program that are not in response to a particular notice and are received before the publication of this Notice will be reviewed as if they were in response to this Notice.

Private School Children Participation

To receive a grant under this Notice, a local educational agency must comply with the provisions of section 586 of the ECIA, governing equitable participation of private school children in the purposes and benefits of Chapter 2. Applicants are referred to the regulations implementing Chapter 2 of the ECIA (published at 47 FR 52368, November 19, 1982) as a guide to the extent and nature of the required consultation with private school officials and the required provision of benefits to private school children.

Application Information

No program information package will be prepared for the competitions described in this Notice. However, applications should be prepared in accordance with Part 75 of EDGAR and applicable forms. Application forms may be obtained by writing to Bruce Haslam, Secretary's Discretionary Program, U.S. Department of Education, 400 Maryland Avenue SW., Room 4181, Washington, D.C. 20202.

An applicant should submit an original and two copies of its proposal to the address listed in this Notice. The Secretary strongly urges that the narrative portion of the application not exceed 20 pages in length.

Instructions for Transmittal of Grant Applications

Applicants should note carefully the instructions for the transmittal of applications included below.

Transmittal of Grant Applications

Grant applications must be mailed or hand-delivered on or before August 1, 1983.

Grant Applications Delivered by Mail

Grant applications sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention: Bruce Haslam, Secretary's Discretionary Program, Washington, D.C. 20202. Applications will be accepted only if they are mailed on or before the closing date and proof of mailing is provided.

A grant application must show proof of mailing, consisting of one of the following:

(1) A legible dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If a grant application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as poof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should not that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, applicants should check with their local post office.

An applicant is encouraged to use registered or at least first class mail.

Each applicant whose grant application does not meet the closing date shown above will be notified that the late application will not be considered and that the application will be returned if the applicant prefers.

Grant Applications Delivered By Hand

A hand-delivered grant application must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. Hand-delivered grant applications will be accepted between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. A grant application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date shown above.

Applicable Regulations

Regulations applicable to this program are the Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78).

FOR FURTHER INFORMATION CONTACT: Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4181, Washington, D.C. 20202. Telephone: (202) 426-6420.

(Catalog of Federal Domestic Assistance—not applicable)

Dated: March 24, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-8165 Filed 3-29-83; 8:45 am]

BILLING CODE 4000-01-M

Follow Through Program

AGENCY: Department of Education.

ACTION: Application notice for fiscal year 1983 (school year 1983-84).

Applications are invented for continuation awards in the following categories under the Follow Through program:

(1) Grants for carrying out local Follow Through projects; and

(2) Grants for expanded demonstration activity (Resource Centers).

Authority for these categories is contained in Sections 661-669 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35, 95 Stat. 508-511. (42 U.S.C. 9861-9868).

The purpose of these awards is to provide comprehensive services to low-income children in grades K-3.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a continuation award should be mailed or hand-delivered to the U.S. Department of Education by May 2, 1983.

If an application for a continuation award is late, the Department of Education may lack sufficient time to review it with other continuation applications and may decline to accept it.

Applications Delivered By Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.014A (for Follow Through local projects) or 84.014D (for expanded demonstration activity), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly-dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education. If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or first class mail.

Applicants Delivered By Hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Program Information: In formulating applications for continuation of a local project grant, an applicant should give special attention to 34 CFR 215.15 of the Follow Through regulations which explains the criteria used in awarding these grants.

In formulating applications for continuation of an expanded demonstration activity award (Resource Center), an applicant should give special attention to 34 CFR 215.15a of the Follow Through regulations which provides an explanation of the procedures and criteria used in evaluating these applications.

Available Funds: There is approximately $17,000,000 available for this program for fiscal year 1983. However, the President has proposed budget rescissions to the Congress that may eliminate funds for this program. The deadline in this notice will not be extended, and applicants should prepare and submit applications pending further notification.

In the event that the funds available preclude the continuation of all local project grants, the criteria for refunding, enumerated in the Follow Through regulations (34 CFR 215.15), will be used to determine the rank order of funding. In the event that the funds available preclude the continuation of all resource centers, the criteria in the Follow Through regulations for resource centers (34 CFR 215.15a) will be used to determine the rank order of funding.

Program Information: In formulating applications for continuation of a local project grant, an applicant should give special attention to 34 CFR 215.15 of the Follow Through regulations which

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explains the criteria used in awarding these grants.

In formulating applications for continuation of an expanded demonstration activity award (Resource Center), an applicant should give special attention to 34 CFR 215.15a of the Follow Through regulations which provides an explanation of the procedures and criteria used in evaluating these applications.

Available Funds: There is authorized $17,000,000 for this program for fiscal year 1983. However, the President has proposed budget rescissions to the Congress that may eliminate funds for this program. The deadline in this notice will not be extended, and applicants should prepare and submit applications pending further notification.

In the event that the funds available preclude the continuation of all local project grants, the criteria for refunding, enumerated in the Follow Through regulations (34 CFR 215.15), will be used to determine the rank order of funding. In the event that the funds available preclude the continuation of all resource centers, the criteria in the Follow Through regulations for resource centers (34 CFR 215.15a) will be used to determine the rank order of funding.

Application Forms: Applications forms and program information packages are ready for mailing.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Follow Through program, 34 CFR Part 215, published in the **Federal Register** on June 29, 1977 (42 FR 33146) and amended in the **Federal Register** on April 3, 1980 (45 FR 22537) and January 19, 1981 (46 FR 5375); and

(b) Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, and 78.

Further Information: For further information contact Mr. Louis J. McGuinness, Director, Division of Follow Through, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 3624, ROB–3), Washington, D.C. 20202. Telephone (202) 245–9846.

(42 U.S.C. 9861–9868)

(Catalog of Federal Domestic Assistance No. 84.014, Follow Through Program)

Dated: March 24, 1983.

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 83–8164 Filed 3–29–83; 8:45 am]

BILLING CODE 4000–01–M

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Secretary of Education invites comments on the proposed information collection requests as required by the Paperwork Reduction Act.

DATE: Interested persons are invited to submit comments on or before April 29, 1983.

ADDRESSES: Written comments or requests should be addressed to Andrew Uscher, Office of Management and Budget, 726 Jackson Place, NW., Room 3208 New Executive Office Building, Washington, D.C. 20503 and/or Margaret Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: William Wooten, (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The requirement for public consultation may be amended or waived by OMB to the extent that the public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform the statutory obligations.

The Secretary of Education publishes this notice containing proposed information requests prior to the submission of these requests to the Office of Management and Budget. Public comment is invited and copies of the requests may be obtained from the addresses above.

Dated: March 22, 1983.

Charles L. Heatherly,

Deputy Under Secretary for Management.

Office of Elementary and Secondary Education (OESE)

Law-Related Education Grant Program Application
ED 740
Annual
State or local governments/businesses or other institutions
SIC: 941/822
Responses: 10 Burden Hours: 200
One form submitted for approval

Abstract: Application package for competitive grants of the Law-Related Education Discretionary Grant Program.

Law-Related Education Grant Program Performance and Financial Status Report
ED 740–1; –2
Annual
SIC: 941/822
State or local governments/businesses or other institutions
Responses: 10 Burden Hours: 300
Two forms submitted for approval

Abstract: Performance and Financial Status Report for competitive grants of Law-Related Education Discretionary Grant Program.

Extensions

Application for Chapter 1, ECIA 1981 Migrant Education Interstate/ Intrastate Coordination Program
ED 362–2
Annual
State or local governments
SIC: 941
Responses: 40 Burden Hours: 1,600
One form submitted for approval

Abstract: Grants are made to state educational agencies (that may apply individually or cooperatively) to plan and implement special projects designed to improve the interstate and intrastate coordination of migrant activities. Products of these grants will be distributed to all States serving migrant children, the District of Columbia and Puerto Rico.

Application for Women's Educational Equity Act Program
ED 436–1
Annual
Individuals or households/state or local governments/businesses or other institutions
SIC: 821/822/823/824/841/892/941
Responses: 600 Burden Hours: 12,000
One form submitted for approval

Abstract: The WEEA Program analyzes applications to ensure that Federal funds are distributed fairly and that projects are cost-effective.

Office of Special Education and Rehabilitative Services (OSERS)

New

Captioned Films for the Deaf—User Feedback Form
To be assigned
On Occasion
Individuals or households/state or local governments/businesses or other institutions
SIC: 822/892
Responses: 5,000 Burden Hours: 250
One form submitted for approval

Abstract: The Education Department (through OSERS/SEP) provides a free loan service of captioned films for the deaf, for the purpose of making such films available for the eduational, recreational, and cultural advancement of deaf persons. In order to evaluate the services provided through the loan program, a user feedback form (i.e., circulation characteristics) has been developed.

Office of Postsecondary Education (OPSE), Office of Student Financial Assistance (OSFA)

Request for Interest and Special Allowance for Loans Made from Tax Exempt Funds
ED 799–A
Quarterly
Businesses or other institutions
SIC: 822/602/603/604/605
Responses: 168 Burden Hours: 252
One form submitted for approval

Abstract: Form is used by lenders to request payment of interest and special allowance on Guaranteed Student Loans made from tax exempt funds.

Revision

Pell Grant Program Progress Report (1983–84)
ED 255–3
Triennial
Businesses or other institutions
SIC: 824/822
Responses: 15,000 Burden Hours: 11,250
One form submitted for approval

Abstract: Report is the vehicle through which necessary adjustments to the authorization of Pell funds are made, based on the actual demand for funds as reflected by the number of eligible Pell recipients. It is intended to monitor the allocation of Pell Grant funds for a given funding period and to report the payment of these funds by institutions to student recipients.

Office of Educational Research and Improvement (OERI)

New

The Use of ERIC Resources by Information Service Providers
ED 241
Nonrecurring
Businesses or other institutions
SIC: 822/823/862
Responses: 1,400 Burden Hours: 1,000
One form submitted for approval

Abstract: This project is a study of the NIE funded Education Resource Information Centers (ERIC) Program and the use of ERIC and other information resources by information service providers. The study data will inform program managers and policy makers about ERIC and information dissemination by examining how information service providing organizations select, organize, and use information resources.

Exemplary Math Questionnaire
ED 913
Nonrecurring
Businesses or other institutions
SIC: 821
Responses: 500 Burden Hours: 500
One form submitted for approval

Abstract: This study seeks to investigate factors that contribute to the development of exemplary mathematics programs in public and private schools. Data will be used to formulate hypotheses about how such factors affect mathematics instruction.

National Assessment of Educational Progress Spring Reading/Literature Field Tests, March–April, 1983
ED 2371–TA15,16,17;2371–TB18,19,20;2371–TI10,11,12
Nonrecurring
Individuals
SIC: 821
Responses: 7,070 Burden Hours: 226
Nine forms submitted for approval

Abstract: Congress has mandated the collection of national assessment survey data. Achievement-related questions for the 1983–84 reading/literature and writing assessment will be filed tested during March–April, 1983. The field test information will be used by National Assessment to guide item revision, review and selection for the full-scale assessment.

Survey of School Districts on Chapter 2 Block Grants Under ECIA
ED 2379–17
Nonrecurring
Business or other institutions
SIC: 821
Responses: 700 Burden Hours: 350
One form submitted for approval

Abstract: Basic data on school district receipt and planned uses of block grant funds, and on the provision of services to private school children are urgently needed by the Department of Education for testimony to Congress regarding the first year of operation of the block grant program.

Survey of Private Elementary and Secondary Schools, 1983–84—Field Test
ED 2455
Biennially
Businesses or other institutions
SIC: 821
Responses: 90 Burden Hours: 90
Two forms submitted for approval

Abstract: Survey of Private Schools is designed to provide information needed by departmental policy makers in relation to such current issues as tax credits, voucher systems, and public funds to private school pupils.

Revision

Application for Grants Under the National Diffusion Network Program
ED 734
Annual
State or local governments/businesses or other institutions
SIC: 941/822/892
Responses: 179 Burden Hours: 2,628
One form submitted for approval

Abstract: The information requested in the grant application will be used solely for program management in the determination of grant eligibility and in the determination of the amount of the grant award.

Office of Bilingual Education and Minority Languages Affairs (OBEMLA)

New

Financial Status and Performance Report under the Bilingual Vocational Training and Instructor Training Programs
ED 791–1;–2
Annual
State or local governments/businesses or other institutions
SIC: 941/822/824
Responses: 20 Burden Hours: 40
One form submitted for approval

Abstract: Financial status and performance reports are required annually as a condition of funding. The reports are needed to monitor grantee expenditures and to determine whether and to what extent progress is being made toward achieving project goals and objectives.

Financial Status and Performance Report Forms for the Bilingual Education Programs
ED 890
Annual
State or local governments/businesses or other institutions
SIC: 941/822
Responses: 1,000 Burden Hours: 40
One form submitted for approval

Abstract: Financial status and performance reports are required annually as a condition of funding. The reports are needed to monitor grantee expenditures and to determine whether and to what extent progress is being made toward achieving project goals and objectives.

Reinstatement

Application for Grants under the Transition Program for Refugee Children
ED 443–2
Annual
State or local governments
SIC: 941
Responses: 57 Burden Hours: 2,850
One form submitted for approval

Abstract: State educational agencies use this form to apply for assistance for eligible children under the Refugee Act of 1980, as amended.

[FR Doc. 83-8091 Filed 3-29-83; 8:45 am]
BILLING CODE 4000-01-M

Office of Elementary and Secondary Education

School Construction in Areas Affected by Federal Activity Cutoff Date Notice for the Transmittal of Applications for Fiscal Year 1983

Applications are invited for new projects under the School Constrution Program.

Authority for this program is contained in Pub. L. 81–815, school construction in areas affected by Federal activities. (20 U.S.C. 631–647)

Notice is given that the Secretary of Education has established a cutoff date for the transmittal of applications for increase periods ending June 1983 or June 1984 for assistance under Sections 5 and 9 of Pub. L. 81–815. (An increase period is a period of four consecutive regular school years during which a school district has experienced a substantial increase in school membership as a result of new or increased Federal activities.) This cutoff date also applies to applications for new projects under Section 14 of Pub. L. 81–815 and to new applications for supplemental assistance under Section 8 of Pub. L. 81–815. (Section 14 authorizes assistance for certain school districts which serve children residing on Indian lands, or which are significantly burdened by the presence of nontaxable Federal property. Section 8 authorizes assistance that supplements certain awards made under Sections 5, 9, and 14 of Pub. L. 81–815.)

Approval of these applications is subject to availibility of funds.

Cutoff Date for Transmittal of Applications: Applications must be mailed or hand delivered to the U.S. Secretary of Education from the State educational agencies on or before June 30, 1983.

Applications Delivered by Mail: Applications sent by mail must be addressed to the Secretary of Education, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 2107A, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legible U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commerical carrier.

(4) Any other evidence of mailing aceptable to the U.S. Secretary of Education.

If application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant for a new project will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, 400 Maryland Avenue SW., Room 2107A, Washington, D.C.

Hand-delivered applications will be accepted between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays. Hand-delivered applications will not be accepted after 4:30 p.m. on the cutoff date.

Program Information: Federal funds are provided for the construction or temporary provision of urgently needed minimum school facilities in school districts which have had substantial increases in school membership as a result of new or increased Federal activities. Funds are also provided for construction of needed minimum school facilities in school districts which serve children residing on Indian lands, or which are significantly burdened by the presence of nontaxable Federal property.

Application Forms: Application forms and instructions may be obtained from the appropriate State educational agency which serves the applicant local educational agency.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The program information is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competitions.

Applicable Regulations: The regulations applicable to this program are:

(a) Regulations governing the School Construction Program (34 CFR Part 221) published in the **Federal Register** on April 8, 1975.

Note.—Proposed reglations governing the School Construction Program (34 CFR Part 221) were published in the **Federal Register** June 29, 1979. When these regulations are published in final, they will supercede all other regulations.

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77.)

(20 U.S.C. 633)

Dated: March 22, 1983.

(Catalog of Federal Domestic Assistance No. 84.040, School Assistance in Federally Affected Areas—Construction)

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 83-8092 Filed 3-29-83; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Revision of Form EIA–7A; Request for Comments

AGENCY: Energy Information Administration, DOE.

ACTION: Request for comments on the revision of Form EIA–7A.

SUMMARY: The Energy Information Administration (EIA) of the U.S. Department of Energy (DOE) plans to revise the annual "Coal Production Report," (EIA–7A) and invites comments on the survey and the content of the form.

DATES: Written comments must be submitted within 30 days of the publication of this notice.

ADDRESS: Send comments to Ms. Harriet M. Tarver at the address listed immediately below.

FOR FURTHER INFORMATION CONTACT: To obtain additional information or copies of the Form EIA–7A, contact Ms. Harriet M. Tarver, Coal Division, MS: #2F–021, Energy Information Administration, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9723.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Additions and Changes to the October 1980 Version of the Form EIA–7A, "Coal Production Report"
III. Request for Comments.

I. Background

The EIA announces plans to revise the Form EIA–7A, which is required of all mines producing 10,000 short tons or more of coal annually during the year, and to add a supplement which will obtain needed information about coal preparation, processing and shipments from mining operations which produce or prepare 100,000 short tons or more of coal during the report year.

The form is designed to provide the EIA with information on coal production, preparation and shipments, which will be aggregated and used in statistical reports, coal-related analyses and energy policy development. It is expected that the added respondent burden on the Form EIA–7A (Supplement) will be 2 hours per respondent while the burden on the EIA–7A will remain at 1 hour per respondent.

II. Additions and Changes to the October 1980 Version of the Form EIA–7A, "Coal Production Report"

Significant proposed changes are as follows:

Form EIA–7A. In addition to the data currently required, each mine will be requested to include a copy of a recent coal sample analysis report for the coal production included in the Form EIA–7A report.

Form EIA–7A (Supplement). The supplement to the EIA–7A report will be submitted by mining companies that produced or prepared 100,000 or more short tons of coal during the report year. The Form EIA–7A (Supplement) will ask for data on:

a. Methods of transporting coal to the consumer.

b. Quality and average price of coal shipments by consumer category.

c. General mining information which includes pitch of coal seams mined, expected capacity in future, and mine operating constraints.

d. Underground mining loading methods.

e. Surface mining methods and overburden.

f. Coal preparation method of preparation, type of equipment, and conveyence and treatment of refuse.

III. Request for Comments

Form EIA–7A and the proposed supplement are reproduced following this notice. The EIA invites prospective respondents to comment on the planned revisions within 30 days of the publication of this notice. The following general guidelines are provided to assist in the preparation of responses:

(As a potential data provider)

a. Are the instructions and definitions clear and sufficient?

b. Can data be submitted using the definitions included in the instructions?

c. Can the data be submitted in accordance with the response time specified in the instructions?

d. How many hours, including time for preparation and administrative review, will your company require to complete and submit the form?

e. What is the estimated cost of completing the form, including the direct and indirect costs associated with the data collection? Direct costs should include all costs, such as development, assembly, equipment, ADP and other administrative costs directly attributable to providing this information.

f. Do you know of other Federal, State or local agencies that collect similar data. (If yes, please identify.)

g. How can the form be improved?

(As a potential user)

a. Do you need data at the levels of detail indicated on the form?

b. For what purposes would you use these data? (Be specific.)

c. How could the form be improved to better meet your specific data needs?

d. Are there alternative sources of data and do you use them? What are their deficiencies?

The EIA is also interested in receiving comments from persons as to their views on the need for the collection of this information at all.

Comments submitted in response to this notice will be included in the request for Office of Management and Budget approval of this data collection and will become a matter of public record.

Issued in Washington, D.C. March 24, 1983.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

VOL
48
ISS
62
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1983
UMI

Energy Information Administration
Coal Production Report

U.S. Department of Energy

This report is being collected under mandatory authorities vested in the U.S. Department of Energy under Public Law 93-275. Failure to file may result in criminal fines, civil penalties or other sanctions as provided by law.

For provisions concerning the confidentiality of information submitted on this form see Part H of the instructions.

Form Approved
O.M.B. No. 0000-000

PLEASE RETURN THE COMPLETED FORM TO EIA IN THE BUSINESS REPLY ENVELOPE PROVIDED BY ——→

100

(Please make any corrections to the mailing label in the spaces provided to the right.)

GENERAL REPORTING INSTRUCTIONS: Form EIA-7A must be submitted by all coal mining companies that owned a mining operation that produced, processed, or prepared coal during the reporting year. A separate form EIA-7A must be submitted for each mining operation, i.e. mine and/or preparation plant and/or tipple.

Mining operations that produced, processed or prepared 10,000 or more short tons of coal should report as follows: (i) For mines only or mines with preparation plants or tipples, complete all parts of the form. (ii) For preparation plants and tipples only, complete Parts I, II.C.3 and III through VII of the form.

If this mining operation produced, processed or prepared under 10,000 short tons during the year, check this box ☐, complete Sections I (Identification) and VI (Certification) and return this form in the enclosed envelope.

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Operating subsidiaries and contractors who are unable to provide the data requested should forward form EIA-7A to the parent company or contractee for completion prior to submission to the Energy Information Administration.

I. Identification

A. Enter the Name and Location of the Mining Operation
Mining Operation Name — Location *(County)* — State

B. Enter the Name and Address of the Company Operating this Mining Operation
Company Name

Address *(Street)* — *(City)* — *(State)* — *(Zip)*

C. Operating Company Point of Contact
Enter the name, title, telephone number, and address for the operating company representative who can answer questions regarding the information provided on this form.
Name — Title — Telephone No. *(Area Code)*

Address — *(City)* — *(State)* — *(Zip)*

D. Type of Company Operating this Mining Operation *(Check one.) (See instructions for definitions of the company types.)*
☐ Independent Producer/Operator ☐ Operating Subsidiary ☐ Contractor

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E. If you checked the box titled Operating Subsidiary or Contractor above, provide the following information about your Parent company or Contractee. *(If there is more than one Parent company or contractee, provide additional names and addresses on a separate sheet of paper.)*
Name of Parent Company/Contractee

Address *(Street)* — *(City)* — *(State)* — *(Zip)*

F. Parent Company/Contractee Point of Contact
Enter the name, title, telephone number and address for the Parent company or contractee representative who can answer questions regarding the information provided on this form. If there is more than one Parent company or contractee, provide additional names, titles, telephone numbers and addresses on a separate sheet of paper.
Name — Title — Telephone No. *(Area Code)*

Address *(Street)* — *(City)* — *(State)* — *(Zip)*

G. Kind of Mining Operation *(Check the boxes that apply.)*
(1) Underground Mine: ☐ (a) Drift ☐ (b) Shaft ☐ (c) Slope
(2) Surface Mine: ☐ (a) Strip ☐ (b) Auger ☐ (c) Strip/Auger Combination
☐ (3) Silt, Culm, Refuse Bank or Slurry Dam
☐ (4) Preparation Plant
☐ (5) Tipple

For EIA Use Only

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H. State Permit/License/Mine Number(s) (if applicable) of mining operation reported on this form. If there are additional numbers, use the remarks section or a separate sheet of paper to list them.

EIA-7A (Rev. February 1983)

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I. Mine Safety and Health Administration Identification (MSHA ID) number(s) of this mining operation. 1. 2.

J. Status Change
Did mining operation name and/or mine owner/operator change during year?
☐ (1) Yes ☐ (2) No If "yes," give date of change Mo. Day Yr. 125
and, as applicable, new name of mining operation and/or name and address of new owner/operator
New Name of Mining Operation Name of New Owner/Operator
Address of New Owner/Operator
(Street) (City) (County) (State) (Zip)

K. Status at End of Year *(check the box that applies)*
☐ (1) Active, Producing ☐ (2) Active, Not Producing ☐ (3) Temporarily Abandoned ☐ (4) Permanently Abandoned

II. Production

A. Coal Bed(s) Mined. Report the name, average thickness, percentage of production and coal classification for each coal bed mined during the reporting year at this mine. Exclude partings of thickness greater than one inch. For reporting of coal classification refer to Table 1 Classification of Coals by Rank, which is included with your form and instructions. For each coal bed determine the correct coal group for the coal produced from that bed and enter the code number (2 digits) for that coal group from Table 1, in column 4 below. If the specific coal group is unknown enter the coal rank for that coal bed using the code number from Table 1. *Note, coal production percentage by coal bed (Column 3) should add up to 100*

For EIA Use Only	(1) Name of Coal Bed	(2) Average Thickness (inches)	(3) Percentage of Production (Percent)	(4) Coal Classification Code	
					211
					212
					213
					214
					215

B. Recoverable Reserves
1. Enter the coal tonnage representing that portion of the coal reserves remaining at this mine at the end of the reporting year that you estimate can be recovered (mined) in the future. Report to the level of accuracy known. Exclude coal left in situ after mining. Recoverable Reserves Quantity *(Short tons)* 221
2. Enter the recovery percentage used in estimating recoverable coal reserves at this mine. Report recovery percentage to the nearest whole percent. Note: total coal reserves times recovery percentage should equal recoverable coal reserves (item IIB1 above). Recovery percentage 222

C. Production Quantity and Value by Disposition (Exclude coal produced in prior years but shipped this year.)
The company owning the coal produced at this mining operation should report, by disposition (as of the end of the reporting year), the quantity and f.o.b. value of all coal produced at this mining operation during the reporting year. The quantity and value figures reported here must reflect the condition of the coal (i.e., raw, crushed, screened, or mechanically cleaned) as of its disposition. Report open market disposition on a first sale basis, i.e., as of its first sale or first change in ownership. Report captive market disposition based on use, i.e., as consumed at this mining operation, sold or transferred to and for use by the parent company or any subsidiaries of the parent company, or stockpiled. Calculate open market values using actual sales prices. Calculate captive market values and stock value using the actual accounting values recorded by your company for this coal. Exclude purchased coal.

Disposition of coal produced during the year.	Quantity *(short tons)* (1)	Value—f.o.b. mining operation *(dollars)* (2)	
Open Market Sales			
1. Total coal produced at this mining operation during the year which was sold to other mining companies and coal dealers/brokers (wholesale and retail)			231
2. Total coal produced at this mining operation during the year which was sold to all consumers other than coal mining companies and coal dealers. Include sales to employees			232
Captive Market Uses/Sales			
3. Total coal produced during the year which was used/consumed in this mining operation			233
4. Total coal produced at this mining operation during the year which was sold or transferred to and for use by the parent company or any other subsidiaries of the parent company			234
Stocks			
5. Total coal produced at this mining operation during the year which was remaining in stocks at the end of the year			235
Total Production			
6. Total production at this mining operation during the year. (Sum of 1-5)			236

D. Coal Quality
PLEASE PROVIDE a copy of a recent coal sample analysis representing the condition of the coal reported in Section II C above. If the condition of the coal sold/used varied (i.e., raw run of mine or mechanically cleaned), provide a separate sample analysis report for each

III. Stocks FOR EIA USE ONLY [ ] 3

Report all coal, whether produced, purchased, or transferred from other mining operations that was in stocks at this mining operation at the time indicated below.

	Quantity (short tons)	
A. Total Coal Stocks at this mining operation at the *start* of the year		310
B. Total Coal Stocks at this mining operation at the *end* of the year		320

IV. Productivity

A. Employment

1. **Total direct labor hours worked at this mining operation during the year.** (hours) — 410

Report direct labor-hours for all employees at this mining operation who were engaged in production, preparation, processing, development, maintenance, repair, shop or yard work at the mining operation including on site mining operations management and technical/engineering personnel. Exclude office workers. Report hours actually worked. Do not report vacation or leave hours.

2. **Total number of production days worked at this mining operation during the year.** (days) — 420

3. **Average number of employees per shift.** Compute by adding the total number of employees working each shift whether it is a production or a maintenance shift, and dividing this total by the total number of shifts worked per day. Average over the total number of days worked. Round to the nearest employee. — 430

4. **Average number of shifts per day.** Average over the total number of days worked. Include maintenance as well as production shifts. Report to the nearest whole number (i.e., 1, 2, 3) — 440

5. **Average length of production shift.** Report in hours to the nearest hundredth of an hour. (For example, 7¼ hours=7.25, 8½ hours=8.50). Include overtime if usually worked during the year — 450

Employment data check: Usually if you multiply the data entered for lines 420, 430, 440, and 450, the result will be approximately equal to the data on line 410. If this product is not within ±15 percent of the data entered on line 410, please explain in the remarks.

B. Daily Productive Capacity and Projected Production

1. **Daily productive capacity of this mining operation.** (short tons/day) Report the maximum amount of coal that realistically could be/was produced or prepared (if this mining operation is a preparation plant/tipple) on any day during the year — 460

2. **Projected production for this mining operation during next year.** (short tons) — 470

C. Only if this mining operation includes a preparation plant or a tipple which crushes, screens, or mechanically cleans coal, then complete the following statement:

	Percentage	
1. The percentage of coal prepared which originated from underground mines was		481
2. The percentage of coal prepared which originated from surface mines was		482
Total →	100	

3. Only if the percentages entered in Section IV C 1 (Line Code 481) and Section IV C 2 (Line Code 482) are both greater than zero (i.e., you prepared/processed coal for both underground and surface mines) and this report includes an underground or surface mine (i.e., you checked box (1) or (2) in part I.G. of this form), then report here the total direct labor hours worked at the preparation plant and/or tipple only.

Preparation Plant Direct Labor Hours — 490

V. Disclosure Statement

PLEASE READ SECTION H OF THE SPECIFIC INSTRUCTIONS BEFORE COMPLETING THESE QUESTIONS.

A. Does the information supplied on this form contain trade secrets and/or privileged or confidential commercial or financial information? — 510

☐ Yes ☐ No

B. Have you attached a written justification for exemption from the Freedom of Information Act (FOIA)? — 520

☐ Yes ☐ No

VI. Certification

This part of the form is to be completed by the official of the reporting company empowered to certify the truth and accuracy of the information provided on this form. Print or type the name and title of the certifying official. The certifying official must sign and date the certification.

I certify that the information provided herein and appended hereto (if any) is true and accurate to the best of my knowledge.

Name | Title | Signature and Date — 600

Title 18 USC 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fraudulent statements or representations as to the matter within its jurisdiction.

VII. Remarks

Use this part of the form for additional space, explanations where necessary, or to request the EIA report summarizing data from this survey, additional forms or business reply envelopes.

4

Instructions for completing Form EIA-7A, "Coal Production Report"

A. Purpose

Form EIA-7A is designed to provide the Energy Information Administration (EIA), U.S. Department of Energy, with information on coal production, productivity and stocks. The data collected will be used in the compilation of aggregated statistical reports, for coal related analyses and energy policy development. This form is a mandatory reporting requirement under the Federal Energy Administration (FEA) Act of 1974 (P.L. 93-275).

B. Who Must Submit

Form EIA-7A must be submitted by all coal mining companies that owned a mining operation that produced, processed or prepared coal in the U.S. during the reporting year. A separate Form EIA-7A must be submitted for each mining operation, i.e., mine and/or preparation plant and/or tipple. Retain the copy marked "File Copy" for your records.

C. Where to Submit

Form EIA-7A should be returned in the business reply envelope provided with the form to:

Energy Information Administration, EI-521
U.S. Department of Energy
Washington, D.C. 20585

Requests for further information, additional forms, or business reply envelopes should be directed to the address above or by telephone on (202) 252-6868.

D. When to Submit

Form EIA-7A must be submitted by March 1st of the year following the reporting year.

E. Sanctions

The timely submission of form EIA-7A by a company required to report is a mandatory requirement. Late filing, failure to file, or failure otherwise to make information available to EIA in accordance with these instructions, may result in criminal fines, civil penalties and other sanctions as provided by Section 13(i) of the FEA Act (P.L. 93-275).

F. Definitions

1. Auger mine—a surface mine in which the coal is removed from the coal bed by means of a large diameter drill. Usually operated only when the overburden becomes too thick for economical strip mining.
2. Captive coal—all coal produced and consumed by the independent producer/operator or operating subsidiary or produced for consumption by a parent company.
3. Coal bed—a bed or stratum of coal. Also called a coal seam.
4. Drift mine—a mine that opens horizontally into the coal bed or coal outcrop.
5. f.o.b. (Free On Board) mining operation value—the price of coal at the mining operation. Does not include insurance and freight or shipping costs.
6. Independent producer/operator—a company which operates a coal mining operation and has no operating subsidiaries or parent companies.
7. Mining Operation—one mine and/or preparation plant and/or tipple at a single physical location.
8. MSHA ID number—seven (7) digit code assigned to a mining operation by the Mine Safety and Health Administration (MSHA).
9. Open market coal—coal sold in the open market, i.e., coal sold to companies other than the reporting company's parent company or an operating subsidiary of the parent company.
10. Operating subsidiary—company which operates a coal mining operation and is owned by another company (i.e., the parent company).
11. Parent company—a company which solely or jointly owns a subsidiary which operates a coal mining operation and is not owned itself by another company.
12. Report year—the calendar year beginning at 12:00 a.m. January 1 and ending at 11:59 p.m. December 31.
13. Shaft mine—a mine that reaches the coal bed by means of a vertical opening.
14. Slope mine—a mine that reaches the coal bed by means of an inclined opening.
15. State permit/license/mine number—code assigned to a mining operation by the state in which the operation is located.
16. Strip mine—an open cut mine in which the overburden is removed from a coal bed prior to removal of the coal.

G. General Instructions

Mining operations that produced, processed or prepared less than 10,000 short tons of coal during the year check the first box (Line Code 110) on the form and complete Parts I (Identification) and VI (Certification).

Mines only or mines with preparation plants or tipples that produced 10,000 or more short tons of coal during the year complete all parts of the form.

Preparation plants or tipples only that prepared or processed 10,000 or more short tons of coal during the year complete Parts I, II C 3, and III through VII of the form.

Report coal quantities in short tons (2,000 pounds) to the nearest whole ton. Report value in dollars to the nearest dollar. Report coal bed thickness in inches to the nearest whole inch. Report percentages to the nearest whole percent.

Operating subsidiaries and contractors who are unable to provide the data requested should forward Form EIA-7A to the parent company or contractee for completion prior to submission to the Energy Information Administration.

H. Provisions Regarding the Confidentiality of Information

The information which is requested on Form EIA-7A may be (i) information which is exempt from disclosure to the public under exemption for trade secrets and confidential commercial information specified in the Freedom of Information Act (FOIA) 5 U.S.C. 552 (b) (4) or (ii) prohibited from public release by 18 U.S.C. 1905. However, before a determination can be made that particular information is within the coverage of either of these statutory provisions, the person submitting the information must make a showing satisfactory to the Department concerning its confidential nature.

To do this, respondents must state briefly and specifically (on an element by element basis if possible), in a letter accompanying their submission of the form, why they consider the information concerned to be a trade secret or other proprietary information, whether such information is customarily treated as confidential by the company and the industry, and the type of competitive harm that would result to their company from disclosure of the information, in accordance with the provisions of 10 C.F.R. 1004.11 of DOE's FOIA regulations. DOE will determine whether any information submitted should be withheld from public disclosure.

If DOE receives a response and does not receive a request, with substantive justification, that the information submitted should not be released to the public, the DOE may assume that the respondent does not object to disclosure to the public of any information submitted on the Form EIA-7A. In accordance with direct statutes and other applicable authority, the information must be made available upon request to the Congress or any Committee of Congress, the General Accounting Office, and other Congressional agencies authorized by law to receive such information.

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Energy Information Administration
Coal Production Report (Supplement)

U.S. Department of Energy

This report is being collected under mandatory authorities vested in the U.S. Department of Energy under Public Law 93-275. Failure to file may result in criminal fines, civil penalties or other sanctions as provided by law.

For provisions concerning the confidentiality of information submitted on this form see Part H of the instructions.

Form Approved
O.M.B. No. 0000-000

PLEASE RETURN THE COMPLETED FORM TO EIA IN THE BUSINESS REPLY ENVELOPE PROVIDED BY →

010

(Please make any corrections to the mailing label in the spaces provided to the right.)

GENERAL REPORTING INSTRUCTIONS: Form EIA-7A (Supplement) must be submitted by all coal mining companies that owned a mining operation that produced or prepared 100,000 or more short tons of coal during the reporting year. A separate form EIA-7A (Supplement) must be submitted for each mining operation, i.e., mine and/or preparation plant, and/or tipple.

Operating subsidiaries and contractors who are unable to provide the data requested should forward form EIA-7A (Supplement) to the parent company or contractee for completion prior to submission to the Energy Information Administration.

I. Identification

A. Enter the Name and Location of the Mining Operation
Mine Name | Location *(County)* | State

B. Enter the Name and Address of the Company Operating this Mining Operation
Company Name

Address *(Street)* | *(City)* | *(State)* | *(Zip)*

C. Operating Company Point of Contact
Enter the name, title, telephone number, and address for the operating company representative who can answer questions regarding the information provided on this form.

Name | Title | Telephone No. *(Area Code)*

Address | *(City)* | *(State)* | *(Zip)*

D. Kind of Mining Operation: *(Check the boxes that apply.)*

(1) Underground Mine
- ☐ (a) Drift
- ☐ (b) Shaft
- ☐ (c) Slope

(2) Surface Mine
- ☐ (a) Strip
- ☐ (b) Auger
- ☐ (c) Strip/Auger Combination

- ☐ (3) Silt, Culm, Refuse Bank or Slurry Dam
- ☐ (4) Preparation Plant
- ☐ (5) Tipple

For EIA Use Only — 020

E. State Permit/License/Mine Number(s) (if applicable) of mining operation reported on this form. If there are additional numbers, use the remarks section or a separate sheet of paper to list them.

II. Coal Transportation

A. Coal production by method of shipment from mine site to the consumer. Include all coal produced during the year. Exclude purchased coal and refuse.

Item (1)	Quantity (2) *(short tons)*	
1 Coal shipped by rail (include coal hauled by truck to the rail loading site)		030
2 Coal shipped by waterway (include coal hauled by truck to waterway)		031
3 Coal shipped by truck from mine to final destination (exclude used by mine and employees)		032
4 Coal transported to electric utility plants adjacent to or near the mine		033
5 Coal transported by slurry pipeline		034
6 All other coal produced (include coal produced and stockpiled coal used at mine and coal sold to employees)		035
7 Total production		036

B. Rail and Water Shipments. Include all coal produced during the year. Exclude purchased coal and refuse. Report for all coal tonnage included in the codes 030 and 031 above.

Name of railroad or waterway on which product first loaded (1)	Name of barge company used for waterway shipments	Quantity loaded *(Short tons)* (2)	If a railroad, report here tonnage included in (2) shipped by unit train. Quantity *(Short tons)* (3)	
				040
				041
				042
				043
				044
				045
				046
				047

EIA-7A (Supplement) (February 1983)

2

III. Quality and Average Price of Coal Shipments by Consumer Category

Item (1)	United States Consumer Categories[1]				Exports (Include Canada and Mexico (6)	Consumer category unknown to producer (7)	Total (8)	
	Electric utilities (2)	Coke plants (3)	Other industrial (4)	Residential and Commercial (5)				
1. Quantity shipped (Short tons)								050
2. Average sulfur contents, as shipped dry basis (Percent)								051
3. Average price per ton f.o.b. mine (dollars and cents)								052
4. Average ash contents, as shipped, dry basis (Percent)								053
5. Average BTU per pound, as shipped, dry basis								054

[1] See definition 96 in instructions for the consumer categories

IV. Mining Information (General—All Mines)

A. Capacity Forecast

For each year, estimate the annual productive capacity at this mining operation and identify, using the boxes provided as to whether the reduced/expanded capacity results from more/less production at this mine or from development of a new mine near this existing mine

Year	Annual productive capacity (short tons) (1)	Reason for capacity change (check one or more boxes)		
		More/Less production from this mine	Development of a new mine near this mine	
1983				070
1985				071
1990				072
1995				073

B. Mine Operating Constraints.

Rank your mine operating problems/constraints in order of importance. Enter "1" for the most important reason, "2" for the second most important reason and so forth. Rank only those reasons that affected your operations.

☐ (a) Manpower shortage ☐ (b) Absenteeism ☐ (c) Railroad car shortages ☐ (d) Shortages of materials and supplies

☐ (e) Environmental regulations ☐ (f) Lack of coal demand ☐ (g) Strike ☐ (h) Other (specify below) _____ 080

V. Underground Mining Information

A. Coal loaded at face by different methods. Quantity (short tons)

By mobile loading machines	_____	090
By continuous mining machines	_____	091
By shortwall machines	_____	092
By longwall machines	_____	093
By scoops	_____	094
Total underground production	_____	095

VI. Surface Mining Information 100

(1) Total coal mined by stripping _____ (Short tons)

(2) Total coal mined by auger _____ (Short tons)

(3) Overburden excavated _____ (Cubic yards)

(4) Max. thickness, overburden _____ (feet)

(5) Average thickness, overburden _____ (feet)

(6) Total area mined _____ (Acres) 110

(7) Total area reclaimed _____ (Acres)

VII. Coal Preparation Information

To be completed by mines only, mines with preparation plants and preparation plants only. Complete only those sections that apply.

A. If this operation includes a mine, report the name and county location of the preparation plant(s) cleaning your coal

Name(s) of mine(s) _____ County Location _____

_____ _____

_____ _____

_____ _____

B. If this operation includes a preparation plant, report the name and state and county location of the mines whose coal you clean.

Name(s) of mine(s) _____ State and County Location _____

_____ _____

_____ _____

_____ _____

For EIA use only

3

C Coal Preparation by Method

(1) Tonnage prepared by crushing or screening only _____ (Short tons) 200

(2) Tonnage loaded for shipment without processing _____ (Short tons) 210

(3) Mechanical cleaning (include coal from other mines and purchased coal)

Report below the coal tonnage cleaned by type of equipment and method. Estimate if necessary.

Type of equipment (1) Wet methods	Manufacturer (2)	Quantity (Short tons) Raw coal cleaned (3)	Cleaned product (4)	Refuse Coarse ≥500μ (5)	Refuse Fine <500μ (6)	
Jigs						220
Concentrating tables						230
Water only cyclones						240
Others						250
Dense medium processes						260
Magnetite						270
Sand						280
Other						290
Froth flotation						300
Pneumatic methods						310
Total						

Method of conveying refuse (Please check boxes that apply) ☐ Truck ☐ Pipeline ☐ Aerial tram ☐ Rail ☐ Other (Specify)_____

D Thermal drying (exclude electrically heated vibrating screens)

Type of dryer (1)	Manufacturer (2)	Number of units (3)	Size of feed (4)	Quantity dried (short tons) (5)	
Fluidized-bed					410
Multilouver					420
Screen					430
Suspension or flash					440
Other					450
Total					460

E Fine Refuse Treatment

	Method	Quantity (short tons)	
Pressure filters			500
Vacuum filters			510
Slurry ponds			520
Centrifuge			530
Underground			540
Other			550
Total			560

F Coal Preparation Plant Operating Information.

1 What is your principal operating problem?

VIII. Remarks

Use this part of the form for additional space, explanations where necessary, or to request the EIA report summarizing data from this survey. additional forms or business reply envelopes

IX Disclosure Statement

PLEASE READ SECTION H OF THE SPECIFIC INSTRUCTIONS BEFORE COMPLETING THESE QUESTIONS

A Does the information supplied on this form contain trade secrets and/or privileged or confidential commercial financial information? 600

☐ Yes ☐ No

B Have you attached a written justification for exemption from the Freedom of Information Act (FOIA)? 610

☐ Yes ☐ No

X. Certification

This part of the form is to be completed by the official of the reporting company empowered to certify the truth and accuracy of the information provided on this form. Print or type the name and title of the certifying official. The certifying official must sign and date the certification.

I certify that the information provided herein and appended hereto (if any) is true and accurate to the best of my knowledge.

Name Title Signature and Date 620

Title 18 USC 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of United States any false

4

Instructions fo

A. Purpose
Form EIA-7A (
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B. Who Must Sub
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C. Where to Sub
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D. When to Subm
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4

Instructions for completing Form EIA-7A (Supplement), "Coal Production Report"

A. Purpose

Form EIA-7A (supplement) is designed to provide the Energy Information Administration (EIA), U.S. Department of Energy, with information on coal preparation mining, transportation, quality. The data collected will be used in the compilation of aggregated statistical reports for coal related analyses and energy policy development. This form is a mandatory reporting requirement under the Federal Energy Administration (FEA) Act of 1974 (P.L. 93-275).

B. Who must Submit

Form EIA-7A (supplement) must be submitted by all coal mining companies that owned a mining operation that produced or prepared 100,000 or more short tons of coal in the U.S. during the reporting year. A separate Form EIA-7A (supplement) must be submitted for each mining operation, i.e., mine and/or preparation plant. Retain the copy marked "File Copy" for your records.

C. Where to Submit

Form EIA-7A (Supplement) should be returned in the business reply envelope provided with the form to:

Energy Information Administration, EI-521
U.S. Department of Energy
Washington, D.C. 20585

Requests for further information, additional forms, or business reply envelopes should be directed to the address above or by telephone on [illegible]

D. When to Submit

Form EIA-7A (supplement) must be submitted by March 15th of the year following the reporting year.

E. Sanctions

The timely submission of form EIA-7A (supplement) by a company required to report is a mandatory requirement. Late filing, failure to file, or failure otherwise to make information available to EIA in accordance with these instructions, may result in criminal fines, civil penalties and other sanctions as provided by Section 13(i) of the FEA Act (P.L. 93-275).

F. Definitions

1. Area mined—The total area from which coal was mined during the reporting year.
2. Area reclaimed—The total area that has been reclaimed (land has been contoured and seeded) during the reporting year.
3. Auger mine—A surface mine in which the coal is removed from the coal bed by means of a large diameter drill.
4. Coal face—The mining face from which coal is extracted.
5. Concentrating table—A device consisting of a riffled deck, usually inclined in two directions to the horizontal, to which differential reciprocating motion in a substantially horizontal direction is imparted, the material to be separated is fed in a stream of water, the heavy particles collect between the riffles and are then conveyed in the direction of the reciprocating motion while the lighter particles are borne by the current of water over the riffles to be discharged laterally from the table.
6. Consumer Categories.

Electric Utilities—All privately owned companies and all publicly owned agencies engaged in the production of electric power for public use. Publicly owned agencies include the following: Municipal electric utilities, Federal power projects, such as the Tennessee Valley Authority (TVA), and rural electrification cooperatives, power districts, and State power projects.

Coke Plants—All plants where coal is carbonized for the manufacture of coke in slot or beehive ovens. Report only coal that is carbonized to produce coke. Shipments of coal to coke plants for use in space heating or electric power generation should be included with "Manufacturing (except Coke Plants)." Do not report coal used to produce form coke. Include coal used for form coke with "Manufacturing (except Coke Plants)."

Other Industrial—Those industrial users/plants, not including coke plants, that are engaged in the mechanical or chemical transformation of materials or substances into new (i.e., finished or semifinished) products (i.e., manufacturing and companies engaged in agriculture, mining (including coal mining), or construction industries.

Residential/Commercial—Housing units, wholesale and retail businesses (except coal wholesale dealers), health institutions (hospitals), social and educational institutions (schools and universities), and Federal, State, and local governments (military installations, prisons, office buildings, etc.). Exclude shipments to Federal power projects such as TVA, rural electrification cooperatives, power districts, and State power projects; these are to be included in consumer category 1 (Electric Utilities).

7. Continuous mining machine—A mining machine designed to remove coal from the face without the use of cutting machines, drills or explosives. Includes continuous boring machines.
8. Dense medium process—A process for the washing of coal, in which the desired separation is effected in a dense medium.
9. Drift mine—A mine that opens horizontally into the coal bed or coal outcrop.
10. Flotation (froth)—A process for cleaning fine coal in which the coal, with the aid of a reagent, becomes attached to air bubbles in a liquid medium and floats as a froth.
11. Fluidized bed dryer—A type of dryer which depends on a mass of particles being fluidized by passing a stream of hot air through it.
12. Jig—A device which separates coal from foreign matter by a means of their difference in specific gravity in a water medium.
13. Longwall machine—A power-driven machine used to cut coal on a relatively long face (20 yards or more).
14. Magnetite process—A dense medium process for the washing of coal, in which magnetite is used with water to form the dense medium fluid.
15. Mobile loading machine—A self-propelling machine that lifts the coal off the bottom and places it in a mine car, conveyor, or other means of transportation.
16. Sand process—A dense medium process, such as the Chance Cone, for the washing of coal in which sand is used with water to form the dense medium fluid.
17. Scoop machine—A type of self-propelling machine that lifts coal off the bottom by means of a scoop (bucket) arrangement at the front end of the machine and places it in or on a means of transportation.
18. Screen dryer—A screen, heated by hot air or electricity, that is used primarily for drying the coal.
19. Shaft mine—A mine that reaches the coalbed by means of a vertical opening.
20. Shortwall machine—A power driven machine (usually a continuous typing mining machine) that is used to cut on a much shorter face (5 to 20 yards) than that on the longwall system.
21. Size of feed—The linear dimensions of the feed such as 1/4-inch by 0, 9/16-inch by 0, and 1-1/4-inch by 1/4-inch.
22. Slope mine—A mine that reaches the coalbed by means of an inclined opening.
23. Strip mine—An opencut mine in which the overburden is removed from a coalbed prior to removal of the coal.
24. Sulfur content on a dry basis—The sulfur content expressed as a percent by weight of moisture-free coal. Usually part of a laboratory analysis.
25. Suspension or flash dryer—An appliance in which the moist coal is fed into a column of upward-flowing hot gases.
26. Thermal drying—The application of heat (usually hot-air currents) to wet coals for the removal of moisture.

G. General Instructions

Report coal quantities in short tons (2,000 pounds), to the nearest whole ton. Report prices in dollars and cents. Report percentages to the nearest tenth of a percent.

Operating subsidiaries and contractors who are unable to provide the data requested should forward Form EIA-7A (Supplement) to the parent company or contractee for completion prior to submission to the Energy Information Administration.

H. Provisions Regarding the Confidentiality of Information

The information which is requested on Form EIA-7A (Supplement) may be (i) information which is exempt from disclosure to the public under exemption for trade secrets and confidential commercial information specified in the Freedom of Information Act (FOIA) 5 U.S.C. 552 (b) (4) or (ii) prohibited from public release by 18 U.S.C. 1905. However, before a determination can be made that particular information is within the coverage of either of these statutory provisions, the person submitting the information must make a showing satisfactory to the Department concerning its confidential nature.

To do this respondents must state briefly and specifically (on an element by element by element basis if possible) in a letter accompanying their submission of the form why they consider the information concerned to be a trade secret or other proprietary information, whether such information is customarily treated as confidential by their company and the industry, and the type of competitive harm that would result to their company from disclosure of the information. In accordance with the provisions of 10 C.F.R. 1004.11 of DOE's FOIA regulations, DOE will determine whether any information submitted should be withheld from public disclosure.

If DOE receives a response and does not receive a request, with substantive justification, that the information submitted should not be released to the public, the DOE may assume that the respondent does not object to disclosure to the public of any information submitted on the Form EIA-7A. In accordance with cited statutes and other applicable authority, the information must be made available, upon request, to the Congress or any Committee of Congress, the General Accounting Office, and other Congressional agencies authorized by law to receive such information.

[FR Doc. 83-8094 Filed 3-29-83; 8:45 am]
BILLING CODE 6450-01-C

Federal Energy Regulatory Commission

[Docket No. ER80-508-000]

Boston Edison Co.; Notice of Compliance Report

March 24, 1983.

Take notice that on March 8, 1983, Boston Edison Company submitted for filing a compliance report pursuant to the Commission's Opinion No. 156, issued December 23, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 8, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8090 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5290-001]

City of Darrington; Notice of Surrender of Preliminary Permit

March 25, 1983.

Take notice that the City of Darrington, Permittee for the proposed Pugh Creek Hydroelectric Project No. 5290, has requested that its preliminary permit be terminated. The permit was issued on April 23, 1982, and would have expired on September 30, 1983. The project would have been located on the Pugh Creek in Lake County, Montana.

The Permittee filed its request on November 29, 1982, and the surrender of the preliminary permit for Project No. 5290 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8074 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 5810-000, 5811-000, 5812-000, 5813-000, 5814-000 and 5815-000]

City of Galion, Ohio; Surrender of Preliminary Permits

March 25, 1983.

Take notice that the City of Galion, Ohio (The City) Permittee for the Philo Lock and Dam No. 9, Luke Chute Lock and Dam No. 5, Ellis Lock and Dam No. 11, McConnelsville Lock and Dam No. 7, Rokeby Lock and Dam No. 8, and the Beverly Lock and Dam No. 4 Project Nos. 5810, 5811, 5812, 5813, 5814 and 5815, respectively, located on the Muskingum River on Muskingum, Morgan and Washington Counties, Ohio have requested that their permits be terminated. The preliminary permits for Project Nos. 5811, 5812, 5814 and 5815 were issued on July 15, 1982, and would have expired February 1, 1984. The permit for Project No. 5810 was issued on July 30, 1982, and would have expired on February 1, 1984. The permit for Project No. 5813 was issued on August 5, 1982, and would have expired March 1, 1984.

The City states that changes in the local legislature and the subsequent denial of funds to conduct feasibility studies as the reasons for the surrender.

The City's request was dated October 4, 1982. The surrender of the aforementioned permits is accepted as of the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8075 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3826-001]

Continental Hydro Corp.; Surrender of Preliminary Permit

March 25, 1983.

Take notice that Continental Hydro Corporation, Permittee for the Little Wood River Project No. 3826, has requested that its preliminary permit for the subject project be terminated. The permit for Project No. 3826 was issued on March 9, 1982, and would have expired on August 31, 1983. The project would have been located on Little Wood River in Blaine County, Idaho.

Continental Hydro Corporation filed its request on October 28, 1982, and the surrender of the permit for Project No. 3826 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8076 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-426-000]

El Paso Electric Co.; Notice of Refund Report

March 24, 1983.

Take notice that on November 5, 1983, El Paso Electric Company submitted for filing a refund report pursuant to the Commission's letter order of September 20, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, on or before April 8, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8077 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-465-000]

Empire District Electric Co.; Notice of Refund Report

March 24, 1983.

Take notice that on February 24, 1983, Empire District Electric Company submitted for filing a refund report pursuant to the Commission's letter order of February 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, on or before April 8, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8075 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL82-26-000]

Gulf Power Co.; Notice of Refund Report

March 24, 1983.

Take notice that on March 7, 1983, Gulf Power Company submitted for filing a refund report pursuant to the Commission's order issued February 4, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before April 8, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8080 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2040-000]

Glenn B. Thorsen; Application

March 24, 1983.

Take notice that on March 18, 1983 Glenn B. Thorsen filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Northern States Power Company (Wisconsin)

Director, Lake Superior District Power Company

Any person desiring to be heard or to protest said filng should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8079 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-468-000]

Kansas City Power & Light Co.; Notice of Refund Report

March 24, 1983.

Take notice that on February 28, 1983, Kansas City Power & Light Company submitted for filing a refund report pursuant to the Commission's letter order of February 17, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 8, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8081 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5253-001]

Modesto Irrigation District; Notice of Surrender of Preliminary Permit

March 25, 1983.

Take notice that Modesto Irrigation District, Permittee for the Big Creek Power Project No. 5253, has requested that its preliminary permit for the subject project be terminated. The permit for Project No. 5253 was issued on November 13, 1981, and would have expired on April 30, 1983. The project would have been located on Big Creek in Trinity County, California.

Modesto Irrigation District filed its request on November 1, 1982, and the surrender of the permit for Project No. 5253 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8082 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-386-000]

The Montana Power Co.; Notice of Filing

March 24, 1983.

Take notice that on March 14, 1983, The Montana Power Company ("Montana") tendered for filing an Average System Cost Report for Montana prepared by Bonneville Power Administration ("BPA") which conditionally accepts a rate of 15.63 mills per kWh as the rate for the sale of energy by Montana to BPA, in accordance with the provisions of the Residential Purchase and Sale Agreement ("Agreement") between Montana and the Bonneville Power Administration.

The Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Public Law 96-501. The Agreement provides for the exchange of electric power between Montana and BPA for the benefit of Montana's residential and farm customers.

Montana requests an effective date of August 27, 1983, and therefore request waiver of the Commission's notice requirements.

A copy of the filing was served upon BPA.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 11, 1983. Protestors will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8084 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-382-000]

Montana Power Co.; Notice of Filing

March 24, 1983.

Take notice that on March 14, 1983, Montana Power Company (Montana) tendered for filing a revised Appendix 1 as required by Exhibit C for retail sales in accordance with the provisions of the Residential Purchase and Sale Agreement (Agreement) between Montana and Bonneville Power Administration (BPA).

Montana states that the Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Public Law 96-501. The Agreement provides for the exchange of electric power between Montana and BPA for the benefit of Montana's residential and farm customers.

Montana requests an effective date of October 18, 1982, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon BPA.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8083 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-387-000]

Montaup Electric Co.; Notice of Filing

March 24, 1983.

Take notice that on March 17, 1983, Montana Electric Company (Montana) tendered for filing two amendments to a contract in effect between Montaup and Pascoag Fire District (Pascoag) of Burrillville, Rhode Island. The contract is on file with the Commission in Docket No. ER82-61-000.

Montana states that the amendments provide for Pascoag's purchase of 1200 kw of Montaup's entitlements in the Canal No. 2 generating unit for the period from November 1, 1985 to October 31, 1986 and for the cancellation of Pascoag's obligation to purchase entitlements in Montaup's Somerset No. 6 generating unit of 700 kw for 1982/1983, 900 kw for 1983/1984 and 1000 kw for 1984/1985.

Montaup requests an effective date of February 13, 1983, and therefore requests waiver of the Commission's notice requirements.

According to Montaup copies of the filing were served upon Pascoag and on the Rhode Island Division of Public Utilities and Carriers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8085 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-388-000]

Pacific Power & Light Co.; Notice of Filing

March 24, 1983.

Take notice that Pacific Power & Light Company (Pacific) on March 17, 1983, tendered for filing, in accordance with Section 35.13a(d)(5) of the Commission's Regulations, Pacific's Revised Appendix 1 for the state of Oregon. The Revised Appendix 1 calculates an average system cost for the state of Oregon applicable to the exchange of power between Bonneville Power Administration (Bonneville) and Pacific.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective October 27, 1982, which it claims is the date of commencement of service.

Copies of the filing were supplied to Bonneville, the Oregon Public Utility Commissioner and Bonneville's Direct Service Industrial Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8086 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-385-000]

Public Service Company of Indiana, Inc.; Notice of Filing

March 24, 1983.

Take notice that Public Service Company of Indiana, Inc. (PSI) on March 21, 1983, tendered for filing proposed changes in its FERC Electric Service Tariff No. 236. The purpose of the filing is to change the rate in recognition of the construction and ownership of certain facilities by the City of Logansport (City) that enable the City to take delivery at a higher voltage.

Copies of the filing were served upon the City and the Public Service Commission of the State of Indiana.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8087 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-389-000]

Southern Indiana Gas and Electric Co.; Notice of Filing

March 24, 1983.

Take notice that on March 17, 1983, Southern Indiana Gas and Electric Company (SIG&E) tendered for filing Modification No. 4 to the Interconnection Agreement dated November 27, 1972 between SIG&E and City of Jasper, Indiana, dated January 10, 1983.

SIG&E states that Modification No. 4 updates the Interconnection Agreement referred to above, by increasing the Capacity Charge from $3.65 per Kw per month of Scheduled and Unscheduled Demand in Service Schedule A to $4.50 per Kw per month; increasing the Capacity Charge for Emergency Service and Maintenance Power from $0.85 to $1.05 per Kw per week and/or $0.175 per Kw per day for each day of less than a calendar week in Service Schedules B and C.

SIG&E requests that Modification No. 4 be permitted to become effective as a Rate Schedule immediately upon acceptance by the Commission. SIG&E further requests that notice requirements for Section 205(d) be waived.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211,

385.214). All such motions or protests should be filed on or before April 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8088 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-423-002]

Virginia Electric and Power Co.; Notice of Refund Report

March 24, 1983.

Take notice that on March 10, 1983, Virginia Electric and Power Company submitted for filing a refund report pursuant to the Commission's letter order of January 21, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, on or before April 8, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8089 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-400-000]

Arizona Public Service Co.; Filing

March 25, 1983.

Take notice that on March 21, 1983, Arizona Public Service Company (Arizona) tendered for filing the Four Corners Emission Abatement System Operating Agreement executed January 19, 1983, by all the participants to 4 Corners Plant Units 4 and 5, namely, Arizona Public Service Company, El Paso Electric Company, Public Service Company of New Mexico, Salt River Project Agricultural Improvement & Power District, Southern California Edison Company, and Tucson Electric Power Company.

Arizona requests an effective date of July 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon the parties and the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 13, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8166 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-392-000]

Arkansas Power & Light Co.; Filing

March 25, 1983.

Take notice that on March 18, 1983, Arkansas Power & Light Company (AP&L) tendered for filing proposed changes in one of the Comany's rate schedules:

Arkansas Power & Light Company Rate Schedule FPC No. 45

AP&L states that Rate Schedule FPC No. 45 is a contract between the Company and Farmers Electric Cooperative Corporation (Cooperative). The change in FPC No. 45, which is the Fifth Amendment to the Contract dated June 10, 1964 between Company and Cooperative, is a revision to the expiration dates for the electric service to be provided by Company at each of the Cooperative's six (6) points of delivery to reflect a single termination date of April 1, 1984 for each and every point of delivery.

AP&L further states that because this Fifth Amendment does not change rates charged to Cooperative in Rate Schedule FPC No. 45, no billing data was filed. According to AP&L there will be no change in rates or provisions in the schedule other than those noted above. AP&L requests waiver of the Commission's regulations concerning this proposed filing.

A copy of the filing has been served upon Farmers Electric Cooperative Corporation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8167 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-231-000]

Columbia Gulf Transmission Co.; Application

March 25, 1983.

Take notice that on March 15, 1983, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP83-231-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Northern Natural Gas Company, a Division of InterNorth, Inc. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport on a contract demand basis 60,000 Mcf of natural gas per day and such further volumes as Applicant agrees to accept of Northern's gas produced from offshore Louisiana, pursuant to a gas transportation agreement dated May 14, 1982. It is stated that Applicant would transport Northern's gas through Applicant's West Lateral pipeline facilities from the outlet of its measurement facilities at the terminus of the Blue Water Project near Egan, Acadia Parish, Louisiana, to its compressor station near Rayne, Acadia Parish, Louisiana. It is further stated that Applicant would redeliver such gas to Northern by displacement to United Gas Pipe Line Company (United) at the terminus of United's jointly owned Sea Robin Pipe Line System located near Erath, Vermilion Parish, Louisiana.

For such transportation service, Applicant proposes to charge Northern a commodity rate of .49 cent per Mcf of

gas monthly and a contract demand charge of 15.0 cents per Mcf received for transportation at the terminus of Applicant's Blue Water Project.

Applicant asserts that the subject transportation service would enable Northern to receive into its system gas supplies which it has purchased offshore Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred under the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8168 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-226-000]

Columbia Gas Transmission Corp.; Application

March 25, 1983.

Take notice that on March 10, 1983, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83-226-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for Libby Owens Ford Company (LOP), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is presently authorized to transport up to 2,256 Mcf of natural gas per day for LOf. Applicant states that it receives said gas from Panhandle Eastern Pipe Line Company at Maumee, Ohio, and transports and redelivers such gas to Columbia Gas of Ohio, Inc., at existing points of delivery near Toledo, Ohio, for the account of LOF for further transportation and ultimate redelivery to LOF.

It is stated that LOF has sold its reserves from which production was being transported and, therefore, terminated its transportation agreement with Applicant by letter dated March 2, 1983. Applicant states that LOF has advised that there is no possibility that it would desire further transportation service under the existing agreement. Applicant, therefore, requests approval to abandon the transportation of natural gas for LOF.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure hearing provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8169 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-390-000]

Consolidated Edison Co. of New York, Inc.; Filing

March 25, 1983

Take notice that on March 17, 1983, Consolidated Edison Company (Con Edison) tendered for filing an amendment (the "Amendment") to its Rate Schedule FERC No. 55, an agreement to provide transmission service to Philadelphia Electric Company (Philadelphia). The Amendment adds Orange and Rockland Utilities, Inc., as a source of the interruptible power and energy transmitted under the Rate Schedule. The Amendment would not effect rates or other conditions of service.

Con Edison Requests an effective date of February 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Con Edison states that a copy of this filing has been served upon Philadelphia.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.314). All such motions or protests should be filed on or before April 12, 1983. Protests will be considered by the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on a file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8170 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-399-000]

Duke Power Co.; Filing

March 25, 1983.

Take notice that Duke Power Company (Duke Power) tendered for filing on March 21, 1983, a supplement to the Company's Electric Power Contract with Broad River Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 143.

Duke Power further states that the Compay's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following additional delivery: Delivery Point No. 12 with a designated demand of 1,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of January 19, 1983.

According to Duke Power, copies of this filing were mailed to Broad River Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 13, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8171 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-401-000]

Duke Power Co.; Filing

March 25, 1983.

Take notice that Duke Power Company (Duke Power) tendered for filing on March 21, 1983 a supplement to the Company's Electric Power Contract with Surry-Yadkin Electric Membership Corporation. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 140.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following changes in designated demand: Delivery Point No. 2 from 2,800 KW to 1,500 KW and Delivery Point No. 4 from 6,000 KW to 6,800 KW.

Duke Power indicates that this supplement also incudes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of May 18, 1983.

According to Duke Power, copies of this filing were mailed to Surry-Yadkin Electric Membership Corporation and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 13, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8172 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-398-000]

Kansas Power & Light Co.; Filing

March 25, 1983.

Take notice that on March 21, 1983, Kansas Power and Light Company (KP&L) tendered for filing a newly executed renewal contract dated March 14, 1983 with the City of Waterville, Kansas for wholesale service to that community. KP&L states that this contract permits the City of Waterville to receive service under rate schedule WSM-81 which succeeds their current rate schedule MWH-63 designated FERC No. 128.

KP&L further states that the proposed changes would increase revenues from sales by $63,126.95 based on the projected 12 month period ending April 30, 1984.

KP&L requests an effective date of May 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the contract have been mailed to the City of Waterville and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 13, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8173 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-217-000]

National Fuel Gas Supply Corp.; Application

March 25, 1983.

Take notice that on March 4, 1983, National Fuel Gas Supply Corporation (Applicant), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP83-217-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to certain non-affiliated storage customers of Penn-York Energy Corporation (Penn-York) for injection into storage and/or for use in such customers' system supply, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to sell up to 3,200,000 Mcf of natural gas to Elizabethtown Gas Company (Elizabethtown) and Essex County Gas Company (Essex), both customers of Penn-York, during the period April 1, 1983, through October 31, 1983. Applicant proposes to make the following sales:

Customers	Maximum total volume (Mcf)	Maximum daily volume (Mcf)
Elizabethtown	3,000,000	15,000
Essex	200,000	1,000
Total	3,200,000	16,000

Applicant states that maximum daily delivery quantities may be exceeded upon request by the customer. Applicant further states that it would make such sales on an interruptible basis under service agreements entered into pursuant to its Rate Schedule I–1.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8174 Filed 3–29–83: 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–50–003]

Natural Gas Pipeline Co. of America; Petition To Amend

March 25, 1983.

Take notice that on March 2, 1983, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP82–50–003 a petition to amend the order issued May 19, 1982, in Docket No. CP82–50–000 pursuant to Section 7(c) of the Natural Gas Act so as to waive the notification requirements of Part 154 of the Regulations as applied by Paragraph (B) of the order of May 19, 1982, as they relate to the addition of receipt points in the Anadarko Basin and permit an annual filing of receipt points required to facilitate transportation of gas on behalf of Southern Natural Gas Company, United Gas Pipe Line Company, Texas Gas Transmission Company and Tennessee Gas Pipeline Company, a Division of Tenneco Inc., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner requests authority to file an annual tariff revision to its tariff rate schedule listing all the current receipt points under Exhibit A of the gas transportation agreements with the Trans-Anadarko Shippers. The Petitioner proposes a filing date of March 1 of each year.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8175 Filed 3–29–83: 8:45 am]

BILLING CODE: 6717–01–M

[Docket No. CP83–221–000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Request Under Blanket Authorization

March 25, 1983.

Take notice that on March 8, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83–221–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northern proposes to construct and operate one delivery point at Hazel, South Dakota, and enlarge two existing points to accommodate natural gas deliveries to certain of its utility customers under the authorization issued in Docket No. CP82–401–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northern states that it intends to construct and operate one new delivery point at Hazel, South Dakota, for delivery of gas to Northwestern Public Service Company (Northwestern) pursuant to a request by Northwestern to build a town border station to provide natural gas service to residential and essential agriculture customers in the twon of Hazel, and to enhance the measurement capability of the existing Anoka, Minnesota, Town Border Station No. 1A, and the Blaine, Minnesota, Town Border Station No. 1A, small volume measuring stations, in order to provide the capability to measure accurately the wide range of gas flows and reduce maintenance costs. It is asserted that such town border stations are utilized to measure volumes sold to North Central Public Service Company.

Northern asserts that any additional volumes delivered through the proposed facilities are within the present entitlement of the respective utility. Northern estimates the cost of the proposed facilities is $32,100. Such cost, it is asserted, would be financed in accordance with Section 1.3 of the General Terms and Conditions of Northern's FERC Gas Tariff, Third Revised Volume No. 1.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed

activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8176 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-391-000]

Pennsylvania-New Jersey-Maryland Interconnection (PJM); Filing

March 25, 1983.

Take notice that on March 18, 1983, the parties to the Pennsylvania-New Jersey-Maryland Interconnection (PJM) Agreement tendered for filing proposed Schedule 4.01 Revision No. 6 to the original Agreement between them as heretofore amended and supplemented, which is filed with the Commission under the following Rate Schedule designations:

	Rate schedule (FERC No.)
Public Service Electric and Gas Company	23
Philadelphia Electric Company	21
Pennsylvania Power & Light Company	21
Baltimore Gas and Electric Company	[illegible]
Jersey Central Power & Light Company	7
Metropolitan Edison Company	7
Pennsylvania Electric Company	24
Potomac Electric Power Company	19
Atlantic City Electric Company	20
Delmarva Power & Light Company	50

The PJM parties state that proposed Schedule 4.0. sets forth the rate for capacity deficiency transactions under the PJM Agreement for the 12-month Planning Period beginning June 1, 1983.

The PJM parties further state that no new facilities will be installed nor will existing facilities be modified in connection with the proposed schedule. It is requested that the proposed schedule become effective on June 1, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8177 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST83-267-000]

Seagull Pipeline Corp.; Application of Approval of Rates

March 25, 1983.

Take notice that on February 24, 1983, Seagull Pipeline Corporation (Applicant), Interfirst Plaza, 1100 Louisiana, Houston, Texas 77002, filed in Docket No. ST83-267-000 an application pursuant to Part 284 of the Commission's Regulations for approval of its rates for the transportation of natural gas on behalf of McMoran Oil and Gas (McMoran), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to transport gas produced by McMoran to the purchaser, Florida Gas. The gas produced by McMoran would be transported through the same pipeline system as the gas transported in Docket Numbers ST81-164 and ST83-21. These dockets are currently pending before the Commission, it is explained.

Applicant proposes a transportation rate of 10.0 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8178 Filed 3-29-83; 8:45am]

BILLING CODE 6717-01-M

[Docket No. G-5035-002, et al.]

Shell Oil Co., et al., Application for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

March 25, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 12, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters convered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-5035-002, D, Mar. 14, 1983	Shell Oil Company, One Shell Plaza, P.O Box 2463, Houston, Texas 77001	Texas Gas Transmission Corporation, Chalkley Field, Cameron Parish, Louisiana.	(1)	
G-6342-005, D, Mar. 14, 1983	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	El Paso Natural Gas Company, Lockhart A-27 No. 11 (Blinebry) Well, Monument Area, Lea County, New Mexico.	(2)	
G-9446-000, D, Mar. 14, 1983	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	United Gas Pipe Line Company, Weeks Island, Iberia Parish, Louisiana.	(3)	
G-10354-000, D, Mar. 10, 1983	ARCO Oil and Gas Company, Division, of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221	Tennessee Gas Pipeline Company, Tabasco Field, Hidalgo County, Texas	(4)	
G-18399-000, D, Mar. 10, 1983	....do....	United Gas Pipeline Company, Jeanerette Field, St. Mary Parish, Louisiana	(4)	
CI60-14-000, D, Mar. 14, 1983	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001	Florida Gas Transmission Company, White Castle Field, Iberville Parish, Louisiana.	(5)	
CI64-157-000, D, Mar. 14, 1983	Getty Oil Company, P.O. Box 1404, Houston, Texas 77251	Kansas-Nebraska Natural Gas Company, Inc., Section 14, T23S, R40W, Bradshaw Field, Hamilton County, Kansas	(6)	
CI79-600-001, C, Mar. 14, 1983	The Nothwestern Mutual Life Insurance Company, 720 E. Wisconsin Avenue, Milwaukee, Wisconsin 53202	Michigan Wisconsin Pipe Line Company, E/2 E/2 Block A-595 and SW/4 Block, A-596, High Island Area, Offshore Texas	(7)	14.65
CI79-609-001, C, Mar. 8, 1983	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001	Tennessee Gas Pipeline Company, West Cameron Blocks 533/509 Field, Offshore Louisiana	(8)	14.73
CI81-506-001, E, Mar. 16, 1983	Petro-Lewis Corporation (Operator) (Successor in Interest to Conoco Inc.), P.O. Box 2250, Denver, Colorado 80201	Transcontinental Gas Pipe Line Corporation, Mustang Island Area Block A-85 Field, Offshore Texas.	(9)	14.65
CI83-186-000, F, Mar. 14, 1983	Getty Oil Company (Successor in Interest to Tenneco Oil Company), P.O. Box 1404, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Vermilion Block 218, Offshore Louisiana.	(10)	15.025
CI83-173-000, A, Mar 16, 1983	Transco Exploration Company, P.O. Box 1396, Houston, Texas 77251	Florida Gas Transmission Company, Matagorda Island Area, Block 555, Offshore Texas	(11)	14.73

[1] Shell Lease No. L-8870, dated November 2, 1951, beyond its primary term. Due to demand by lessor, Shell released certain deep rights under said lease. The geological interpretation indicates there are no prospects for further development on said lease. There are no zones with production potential underlying said lease; therefore, renewal of the lease is not warranted.

[2] The Lockhart A-27 No. 11 (Blinebry) well was reclassified by the New Mexico Oil Conservation Division from a gas well to an oil well.

[3] Due to lessor demand, Shell released those strata and formations underlying the leased lands and found below the depth of 17,000 feet. It is the intention of Shell Oil Company to retain all lease rights in those depths from the surface to 17,000 feet below the surface.

[4] Deletion of acreage. ARCO no longer holds an interest in the properties involved in this application.

[5] Due to lessor demand to release approximately 1,100[2] acres under Shell lease L-2542, Shell complied. The lease is past its primary term. The geological interpretation indicates there are no prospects for further development on said lease; therefore, renewal of the lease is not warranted.

[6] The Eaton Well No. 2 does not have sufficient reserves to qualify for connection by Kansas-Nebraska's economic standards.

[7] Applicant is filing under Gas Purchase Contract amendment dated as of February 14, 1983.

[8] Applicant is filing under Gas Purchase and Sales Agreement dated July 25, 1979, amended by Amendatory Agreement dated October 9, 1981.

[9] Effective as of January 1, 1983, Petro-Lewis and its affiliate Petro-Lewis Funds, Inc. acquired through purchase from Conoco all of Conoco's remaining working interest in gas sold to transcontinental Gas Pipe Line Corporation from the Mustang Island Area Block 85 Field, Offshore Texas, under the September 1, 1981 Gas Purchase Agreement between Transco and Conoco.

[10] Pursuant to a Farmout Agreement dated October 18, 1979, Getty Oil Company acquired certain rights, title and interest in the lands and leases which are dedicated to the March 1, 1972 contract.

[11] Applicant is filing under Gas Purchase Contract dated December 17, 1982.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 83-8179 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER79-150-008]

Southern California Edison Co.; Compliance Filing

March 25, 1983.

Take notice that on March 18, 1983 Southern California Edison Company submitted for filing revised rates pursuant to the Commission's Opinions Nos. 145 and 145-A, issued September 10, 1982 and November 24, 1982, respectively.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 13, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8180 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2978-002, et al.]

Traverse City Light and Power Board, et al.; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: Application for Minor License (5 MW or Less).

b. Project No.: 2978-002.

c. Date Filed: February 3, 1983.

d. Applicant: Traverse City Light and Power Board.

e. Name of Project: Brown Bridge Dam Hydro Project.

f. Location: Traverse City, Grand Traverse County, Michigan on the Boardman River.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contract Person: Mr. W. Peter Doren, General Counsel, Light and Power Board of the City of Traverse City, P.O. Box 592, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan 49684.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed run-of-river Brown Bridge Dam Hydro Project would consist of: (1) An existing earth and concrete dam 2,400-foot long and 30-foot high with two 12-foot wide steel tainter gates; (2) an existing reservoir having a storage capacity of 2,000 acre-feet; (3) an existing powerhouse containing two generating units with a capacity of 830 kW; (4) a transmission line approximately 13 miles long; and (5) appurtenant facilities. The Applicant estimates the average annual energy generation would be 2,887

MWh. All power generated would be utilized by Traverse City Light and Power Department.

1. The notice also consists of the following standard paragraphs: A2, B, C, and D1.

2a. Type of Application: Preliminary Permit.

b. Project No.: 7083–000.

c. Date Filed: February 14, 1983.

d. Applicant: Savage Rapids Associates.

e. Name of Project: Savage Rapids.

f. Location: Josephine and Jackson Counties, Oregon; Rogue River.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contract Person: Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040.

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed project would consist of: (1) The existing 39-foot-high, 456-foot-long Savage Rapids Dam owned and operated by the Grants Pass Irrigation District; (2) the existing 50-acre Savage Rapids Reservoir; (3) the existing headworks and fish passage facilities within the north embankment of the dam; (4) a powerhouse with a total installed capacity of 7.5 MW; (5) a substation; and (6) a 1-mile-long, 12.5-kV transmission line connecting with the existing power grid. A preliminary permit does not authorize construction. Applicant seeks a 24 month permit to study the feasibility of constructing and operating the project. These studies would not require construction of any new roads and are estimated to cost $150,000.

k. Purpose of Project: The estimated annual output of 35 to 45 million kWh from the project would be sold to Bonneville Power Administration or other utility.

1. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2.

3a. Type of Application: Preliminary Permit.

b. Project No.: P–7095–000.

c. Date Filed: February 22, 1983.

d. Applicant: Christopher McGill.

e. Name of Project: Wilmington Water Power Project.

f. Location: Ausable River, in Essex County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contract Person: Christopher McGill, P.O. Box 150, Wilmington, New York 12997.

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed run-of-river project would consist of: (1) An existing concrete dam, approximately 227 feet long and 19 feet high, with an ogee spillway section; (2) a reservoir having minimal pondage; (3) an existing intake structure and short penstock at the left dam abutment; (4) a new powerhouse containing a turbine-generator unit having a total rated capacity of 250 kW; (5) a tailrace returning flow to the Ausable River approximately 70 feet downstream of the dam; (6) a new 13-kV transmission line, 275 feet long; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 1,100,000 kWh and 1,500,000 kWh. Project energy would be sold to the New York State Electric and Gas Corporation. The owners of the existing facilities are the New York State Electric and Gas Corporation and the Town of Wilmington, New York.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 3 years during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for a FERC license. Applicant estimates the cost of the studies under the permit would be $25,000.

4 a. Type of Application: Preliminary Permit.

b. Project No: 6887–000.

c. Date Filed: November 26, 1982.

d. Applicant: Alabama Municipal Electric Authority.

e. Name of Project: Warrior Hydroelectric Project.

f. Location: Black Warrior River, Hale and Greene Counties, Alabama.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Kenneth Everett, Secretary and Treasurer, Alabama Municipal Electric Authority, P.O. Box 2128, Dothan, Alabama 36301.

i. Comment Date: May 9, 1983.

j. Description of Project: The proposed would utilize an existing U.S. Army Corps of Engineers' dam and reservior. Project No. 6887 would consist of: (1) A proposed 450-foot-long and 150-foot-wide forebay and a 450-foot-long and 150-foot-wide tailrace, to be excavated from the bank on the right side of the dam; (2) a proposed watertight powerhouse structure to be built in the excavated forebay and tailrace channel; (3) the proposed installation of 2 double regulated, axial flow turbine/generator units with a total installed capacity of 10 MW; (4) a proposed transmission line approximately 5 miles long and interconnecting with the Alabama Power Company; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output will be 35 GWh.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

5 a. Type of Application: Application for License (under 5 MW).

b. Project No: P–3940–001.

c. Date Filed: November 3, 1982.

d. Applicant: City of Denton, Texas.

e. Name of Project: Lewisville Dam.

f. Location: Trinity River, Denton County, Texas.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. R. E. Nelson, P. E., Director of Utilities, Municipal Building, 215 East McKinney, Denton, Texas 76201.

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed run-of-the-river project would utilize the U.S. Army Corps of Engineers Lewisville Dam and Reservoir and would consist of: (1) Two 60.0-inch diameter steel wyes bifurcating from an existing valve pit; (2) two 60.0-inch diameter penstocks, constructed of steel pipe encased in concrete, and each extending 140.0 feet; (3) two reinforced concrete powerhouses, each 31.0 feet long and 22.0 feet wide, and each containing a single generating unit of 1,000 kW giving a total installed capacity of 2,000 kW; (4) two reinforced concrete tailraces, 11.0 feet wide and 24.0 feet long; (5) a 12.5-kV transmission line, 215.0 feet long; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 10,100,000 kWh. This license application was filed during the term of Applicant's preliminary permit for Project No. 3940.

k. Purpose of Project: Project power will be sold to the Denton County Electric Cooperative.

l. This notice also consists of the following standard paragraphs: D1, A2, B and C.

6 a. Type of Application: Preliminary Permit.

b. Project No: P–6998–000.

c. Date Filed: January 13, 1983.

d. Applicant: Upper Mississippi Water Company.

e. Name of Project: Muskingum Lock & Dam No. 3.

f. Location: Lock & Dam No. 3 on the Muskingum River in Washington County, Ohio.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

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h. Contact Person: Mr. Loren E. Dessonville, 1650 Farnam Street, Omaha, Nebraska 68102.

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed project would consist of the following: (1) The existing Muskingum Lock and Dam No. 3, which is owned and operated by the Ohio Department of Natural Resources, and includes a rockfill crib dam 20 feet high and 840 feet long, a 4,400-foot-long canal, and locking facilities; (2) an existing impoundment extending upstream approximately 10 miles at surface elevation 607 feet M.S.L.; (3) a proposed 700-foot-long intake channel; (4) a proposed 100-foot by 150-foot powerhouse containing; (5) two proposed turbine/generator units with a total installed capacity of 7,000-kW; (6) a proposed 550-foot-long tailrace; (7) a proposed switchyard; (8) a proposed 1-mile-long transmission line; and (9) appurtenant facilities. Applicant estimates that the average annual generation would be 30,000 MWh.

k. Purpose of Project: Project energy will be sold to an investor owned or public utility such as VEPCO, Ohio Power Company, or Monongahela Power Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $80,000.

7a. Type of Application: Preliminary Permit.

b. Project No: 6891–000.

c. Date Filed: November 26, 1982.

d. Applicant: Alabama Municipal Electric Authority.

e. Name of Project: William Bacon Oliver Hydroelectric Project.

f. Location: Black Warrior River, Tuscaloosa County, Alabama.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Kenneth Everett, Secretary and Treasurer, Alabama Muncipal Electric Authority, P.O. Boc 2128, Dothan, Alabama 36301.

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed project would utilized an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 6891 would consist of: (1) A proposed 500-foot-long and 100-foot-wide forebay and a 580-foot-long and 150-foot-wide tailrace, to be excavated from the bank on the right side of the dam; (2) a proposed watertight powerhouse structure to be built in the excavated forebay and tailrace channel; (3) the proposed installation of 3 double regulated, axial flow turbine/generator units with a total installed capacity of 15 MW; (4) a proposed transmission line approximately 2 miles long and interconnecting with the Alabama Power Company; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output will be 60 GWh.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

8 a. Type of Application: Preliminary Permit.

b. Project No: 7075–000.

c. Date Filed: February 14, 1983.

d. Applicant: Northern Wasco County People's Utility District.

e. Name of Project: McNary Dam Fish Attraction.

f. Location: On the Columbia River, at McNary Dam, near Umatilla, in Benton County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Harold E. Haake, Manager, Northern Wasco County People's Utility District, P.O. Box 621, The Dalles, Oregon 97058.

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed project would consist of: (1) Two turbine-generating units, one rated at 2.7 MW and one rated at 4.3 MW, to be installed in two conduits of the existing Corps of Engineers' NcNary Dam; and (2) an 1,800-foot-long transmission line. The average annual energy generation is estimated to be 41 million kWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct feasibility studies and prepare an FERC license application. No new roads would be required. The cost would be $130,000.

k. Purpose of Project: Power would be used in the Applicant's service area.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2.

8a. Type of Application: Preliminary Permit.

b. Project No: 7085–000.

c. Date Filed: February 14, 1983.

d. Applicant: Indian Flat Associates.

e. Name of Project: Indian Flat.

f. Location: On Merced River within Stanislaus-Calaveras Big Tree National Forest, in Mariposa County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high concrete diversion structure; (2) a 4-mile-long pipeline; (3) steel penstocks; (4) a powerhouse containing two generating units, each rated at 2.8 MW; and (5) a transmission line. The average annual generation is estimated to be 16.0 million kWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 24 months during which it would conduct feasibility studies and prepare an FERC license application. No new roads would be required. The cost would be $150,000.

k. Purpose of Project: Power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d,B, C, and D2.

10a. Type of Application: Exemption of 5MW or less Hydroelectric Facility.

b. Project No: 6794–000.

c. Dated Filed: October 25, 1982.

d. Applicant: Stony Creek Hydro Company.

e. Name of Project: Mosquito Creek.

f. Location: On Mosquito Creek in Butte County, California within the Plumas National Forest, near the town of Paradise.

g. Filed Pursuant to: Energy Security Act 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Mr. James E. Helmich, California Hydro Systems, Inc., 1330 21st Street, Suite 105, Sacramento, California 95814.

I. Comment Date: May 6, 1983.

j. Description of Project: The proposed project would consist of: (1) A 40-inch-high, 45-foot-long diversion structure; (2) an intake structure; (3) a 20-inch-diameter, 1,720-foot-long flume; (4) a 20-inch-diameter, 782-foot-long penstock; (5) a powerhouse containing generating units with a combined rated capacity of 650 kW, operating under a head of 450 feet; (6) a 10-foot-long tailrace; and (7) a 2-mile-long, 12-kV transmission line tying into an existing PG&E line.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms

of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. Purpose of Project: Project power will be sold to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, D3a.

11a. Type of Application: Preliminary Permit.

b. Project No: 7103–000.

c. Date Filed: February 24, 1983.

d. Applicant: Wapello Associates.

e. Name of Project: Wapello Hydroelectric Project (Mississippi River Lock and Dam #17).

f. Location: Wapello, Louisa County, Iowa on the Mississippi River.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed project would utilize facilities owned by the U.S. Corps of Engineers and consist of the Mississippi River Lock and Dam No. 17. The Wapello Hydro Project would include: (1) A new steel penstock; (2) a proposed concrete powerhouse located on the west bank of the river with a total capacity of 10.5 MW; (3) new transmission lines; and (4) appurtenant facilities. Applicant estimates the average annual generation to be 43,000 MWh. All power generated would be sold to a local utility company.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

12a. Type of Application: Preliminary Permit.

b. Project No: 7104–000.

c. Date Filed: February 24, 1983.

d. Applicant: Seneca—Taylor Associates.

e. Name of Project: Seneca—Taylor Hydro Project (Mississippi River Lock and Dam #9).

f. Location: Seneca—Taylor, Alamakee County, Iowa on the Mississippi River.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed project would utilize facilities owned by the U.S. Corps of Engineers and consist of the Mississippi River Lock and Dam No. 9. The Seneca—Taylor Hydro Project would include: (1) a new steel penstock; (2) a proposed powerhouse located on the east bank of the river with a total capacity of 10 MW; (3) new transmission lines; and (4) appurtenant facilities. Applicant estimates the average annual generation to be 52,000 MWh. All power generated would be sold to Wisconsin Power and Light Company.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

13a. Type of Application: Application for License (over 5 MW).

b. Project No.: P–3021–001.

c. Date Filed: May 25, 1982.

d. Applicant: Allegheny Electric Cooperative, Incorporated.

e. Name of Project: Allegheny River Lock and Dam No. 8 & No. 9.

f. Location: The Alleghany River in Armstrong County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. William F. Matson, Executive Vice President and General Manager, Allegheny Electric Cooperative, Incorporated, P.O. Box 1266, Harrisburg, Pennsylvania 17108.

i. Comment Date: June 1, 1983.

j. Description of Project: The proposed run-of-the-river project would utilize the U.S. Army Corps of Engineers Lock & Dam No. 8 and Lock & Dam No. 9.

The Lock & Dam No. 8 development would consist: (1) Collapsible flashboards, 1.0-foot-high for the 984.0-foot length of the crest level dam; (2) a reservoir behind the flashboards with a usable storage capacity of approximately 1,000 acre-feet and a crest elevation of 801.0 feet m.s.l. (no storage is usable by the project below the dam crest level); (3) an intake area consisting of a dredged channel 400.0 feet from the intakes; (4) a tailrace area consisting of an excavated channel 220.0 feet long and 100.0 feet wide; (5) a reinforced concrete powerhouse, approximately 160.0 feet long and 90.0 feet wide, with two 6,500 kW generating units giving a total installed capacity of 13,000 kW; (6) transmission lines; and (7) appurtenant facilities.

The Lock & Dam No. 9 development would consist of: (1) Collapsible flashboards, 1.0-foot-high for the 950.0-foot length of the crest level dam; (2) a reservoir behind the flashboards with a usable storage capacity of approximately 900 acre-feet and a crest elevation of 823.0 feet m.s.l. (no storage is usable by the project below the dam crest level); (3) an intake area consisting of a dredged channel 320.0 feet from the intakes; (4) a tailrace area consisting of an excavated channel 180.0 feet long and 100.0 feet wide; (5) a reinforced concrete powerhouse, approximately 160.0 feet long and 90.0 feet wide, with two 8,700 kW generating units giving a total installed capacity of 17,400 kW; (6) transmission lines; and (7) appurtenant facilities.

This license application was filed during the term of Applicant's preliminary permits for FERC Projects Nos. 3021 and 3022, Lock and Dam No. 8 and No. 9, respectively. The total installed capacity of both developments is 30,400 kW. The Applicant estimates that the average annual energy output of both developments would be 187,627 MWh.

k. Purpose of Project: Project power will be used by the Applicant for marketing to its customers.

l. This notice also consists of the following standard paragraphs: A2, B and C.

14a. Type of Application: Minor License.

b. Project No.: P–6667–000.

c. Date Filed: September 1, 1982.

d. Applicant: Battle Ridge Land and Timber Company.

e. Name of Project: Battle Ridge Hydropower.

f. Location: On South Fork Clearwater River, within Nezperce National Forest, near Grangeville, in Idaho County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Vernon Ravenscroft, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

i. Comment Date: June 3, 1983.

j. Description of Project: The proposed project would consist of: (1) A 4-foot-high, 6-foot-long diversion headgate; (2) a 4,050-foot-long, 66-inch-diameter steel penstock; (3) a powerhouse containing two generating units with a total installed capacity of 908 kW; (4) a 0.25-mile-long, 13-kV transmission line connecting the powerhouse to an existing Washington Water Power Company transmission line; and (5) appurtenant facilities. The Applicant estimates the average annual energy production at 6.95 million kWh.

k. Purpose of Project: The project power will be sold to Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

15a. Type of Application: License less than 5MW.

b. Project No: 6916–000.

c. Date Filed: December 9, 1982.

d. Applicant: City and County of Denver.

e. Name of Project: Strontia Springs.

f. Location: South Platte River in Douglas and Jefferson Counties, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. William H. Miller, Denver Water Department, 1600 W. 12th Avenue, Denver, Colorado 80254.

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed project would be located partly on lands managed by the U.S. Bureau of Land Management and the Pike National Forest, and partly upon lands owned by the Denver Water Department. Hydropower development would be added on to the Strontia Springs Dam which is owned by the City and County of Denver.

The project would include: (1) The 299-foot high, 560-foot long, concrete Strontia Springs Dam; (2) the 98-acre Strontia Springs Reservoir; (3) a 42-inch diameter steel intake structure; (4) a 20-foot long, 42-inch diameter conduit; (5) a proposed 4-foot long, 42-inch diameter branch conduit; (6) a proposed 950 kW turbine/generator unit operating under a head of 214 feet; (7) a proposed 100-foot long transmission line; and (8) appurtenant facilities. The estimated average annual energy output is 6,700 MWh.

k. Purpose of Project: Project energy would be sold to Public Service Company of Colorado.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

16a. Type of Application: License (Major).

b. Project No: P–6984–000.

c. Date Filed: January 16, 1983.

d. Applicant: The Cascade Group.

e. Name of Project: Boulder Creek Hydroelectric Project.

f. Location: Skagit County, Washington near the Town of Marblemount.

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r).

h. Contact Person: Robert H. Campbell, Roberts & Shefelman, 4100 Seafirst Fifth Avenue Plaza, 800 Fifth Ave., Seattle, Washington 98104 with copies to: Lyle Kuhns, President, BCP, Inc., Box 981, Anacortes, Washington 98221 and Harry P. Hosey, The Cascade Group, Northup West Business Park, 2850 Northup Way, Bellevue, Washington 98004.

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high, 30-foot-long diversion structure at elevation 2,089 feet; (2) a gated and screened intake structure; (3) a 32-inch-diameter, 9,120-foot-long buried steel penstock; (4) a powerhose at elevation 595 feet containing two 3.75-MW generating units; (5) a 32-inch-diameter steel tailrace pipe discharging into Boulder Creek at River Mile 0.3; (6) a switchyard adjacent to the powerhouse; (7) a 2.5-mile-long, 34.5-kV transmission line to Puget Sound Power & Light Company's existing transmission line along the Rockport-Cascade Road; (8) a 250-foot-long access road to the powerhouse; and (9) appurtenant facilities. The project would occupy 3.4 acres of U.S. Lands under the jurisdiction of the U.S. Department of the Interior, Bureau of Indian Affairs.

k. This notice also consist of the following standard paragraphs: A2, B and C.

17a. Type of Application: Preliminary Permit.

b. Project No: 7106–000.

c. Date Filed: February 24, 1983.

d. Applicant: Guttenberg Associates.

e. Name of Project: Guttenberg Hydro Project (Mississippi River Lock and Dam #10).

f. Location: Guttenberg, Clayton County, Iowa on the Mississippi River.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contract Person: Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040.

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed project would utilize facilities owned by the U.S. Corps of Engineers' Mississippi River Lock and Dam No. 10, and consist of: (1) A new steel penstock; (2) a proposed powerhouse located on the west bank of the river with a total capacity of 17.5 MW; (3) new transmission lines; and (4) appurtenant facilities. Applicant estimates the average annual generation to be GWh. All power generated would be sold to a local utility company.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

18a. Type of Application: License (5 MW or Less).

b. Project No: 6713–000.

c. Date Filed: September 23, 1982.

d. Applicant: Gold Run Hydro Associates.

e. Name of Project: Secret Town Pipe Power.

f. Location: On Lower Boardman Canal in Placer County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Eddy Balocco, 2855 Mitchell Drive, Suite 140, Walnut Creek, California 94598.

i. Comment Date: May 9, 1983.

j. Competing Application: Project No. 6042 Date Filed: February 26, 1982. Notice Issued: March 25, 1982.

k. Description of Project: The proposed project would consist of: (1) A 20-foot-long, 30-inch-diameter bifurcation section connected to an existing unpressurized 30-inch-diameter penstock, and the new powerhouse; (2) a powerhouse containing a turbine-generating unit with a rated capacity of 190 kW; (3) a 100-foot-long transmission line connecting to an existing Pacific Gas and Electric line; and (4) a 25-foot-long tailrace feeding into the Lower Boardman Canal. The Applicant estimates a 1,165,080 kWh annual energy production.

l. Purpose of Project: Power will be sold to local utilities.

m. This notice also consists of the following standard paragraphs: A2, B, C, D1.

19a. Type of Application: Revision to License Application (Over 5MW)

b. Project No: 2975–001

c. Date Filed: December 21, 1982

d. Applicant: Oakdale and South San Joaquin Irrigation Districts

e. Name of Project: Sand Bar

f. Location: On Middle Stanislaus River, within Stanislaus National Forest, near Strawberry, in Tuolumne County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. J. W. Southern, Tri-Dam Project, Star Route, Box 1303, Sonora, California 95370.

i. Comment Date: May 6, 1983.

j. Description of Project: The project would also include transmission facilities consisting of: (1) A 13.8/115-kV substation; (2) a 2.5-mile-long, 115-kV transmission line connecting to Pacific Gas and Electric Company's (PG&E) Spring Gap transmission line and (3) appurtenant facilities. This notice supplements the February 8, 1982 Notice of Application for License for Project No. 2975.

k. Purpose of Project: The project power would be sold to PG&E.

l. This notice also consists of the following standard paragraphs: B and C.

20a. Type of Application: Preliminary Permit

b. Project No: 7115–000

c. Date Filed: March 1, 1983

d. Applicant: City of Dothan, Alabama and Municipal Electric Authority of Georgia

e. Name of Project: George W. Andrews Hydro Project

f. Location: Dothan, Houston County, Alabama on the Chattachoochee River

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. Arnold Fieldman of Goldberg, Fieldman and Letham, P.C., 1100 15th Street, NW., Washington, D.C. 20005

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed project would utilize facilities owned by the U.S. Corps of Engineers' George Andrews Lock and Dam and, consist of: (1) A new penstock; (2) a proposed powerhouse located on the west bank of the river with a total capacity of 16 MW; (3) new transmission lines; and (4) appurtenant facilities. Applicant estimates the average annual generation to be 70 GWh. All power generated would be used locally by the Applicants.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2

21a. Type of Application: Exemption

b. Project No: P–6923–000

c. Date Filed: December 13, 1982

d. Applicant: John C. Simmons

e. Name of Project: Argenta

f. Location: Lake Fork of the Gunnison River in Hinsdale County, Colorado.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 *as amended*).

h. Contact Person: Mr. Kenneth T. Meredith, P.O. Box 582, Lake City, Colorado 81235.

i. Comment Date: May 6, 1983.

j. Description of Project: The proposed project would consist of: (1) The reconstruction of an existing, 200-foot-long diversion channel; (2) the reconstruction of an existing concrete headgate; (3) a proposed surge tank; (4) three proposed penstocks, each 48-inches in diameter and 100 feet long; (5) a proposed powerhouse containing one 500 kW generator and one 1,000 kW generator with turbines operating under a head of 65 feet; (6) a proposed tailrace; (7) a proposed 300-foot-long transmission line; and (8) appurtenant facilities. Estimated average annual generation would be 3,240 MWh.

k. Purpose of Project: Project energy would be sold to Colorado-Ute Electric Association, Inc.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

22a. Type of Application: Preliminary Permit

b. Project No: 7117–000

c. Date Filed: March 2, 1983

d. Applicant: White Hydropower Company

e. Name of Project: Oregon Water Power Project

f. Location: Ogle County, Illinois

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. Mitchell M. and Mrs. Melba M. White, 1855 Glendale Road, Clinton, Iowa 52732

i. Comment Date: May 31, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing rock filled crib dam, which is 877 feet long and 12 feet high; (2) an existing powerhouse which would contain 3 generating units rated at 350 kW each for a total installed capacity of 1,050 kW; (3) a proposed 1,200 volt transmission line; and (4) appurtenant facilities. The estimated average annual energy output would be 8,500,000 kWh.

k. Purpose of Project: The Applicant proposes to sell the generated energy to Commonwealth Edison.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B,C, and D2

23a. Type of Application: License Over 5MW

b. Project No: 3258–002

c. Date Filed: December 30, 1982

d. Applicant: Joseph M. Keating

e. Name of Project: Pine Creek

f. Location: On Pine Creek, within Inyo National Forest, near Bishop, in Inyo County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Joseph Keating, 847 Pacific Street, Placerville, California 95667.

i. Comment Date: May 27, 1983.

j. Description of Project: The proposed project would consist of: (1) A 7-foot-high diversion structure; impounding, (2) a 0.3-acre pool; (3) a 140-foot-long, 42-inch-diameter pipe; (4) a 3.6-acre forebay; (5) a 13,500-foot-long, 42-inch-diameter steel penstock; (6) the Pine Creek Powerhouse with an installed capacity of 4,150 kW; (7) a tailrace-intake structure; (8) a 14,500-foot-long, 42-inch-diameter steel penstock; (9) the Rovanna Powerhouse with an installed capacity of 4,200 kW; (10) a 2.5-acre afterbay; (11) Lake Rovanna; and (12) two transmission lines. The average annual energy generation for both power houses is estimated to be 24.7 million kWh.

The project would be designed for automatic operation and would be operated for peaking.

k. Purpose of Project: Power would be sold to Southern California Edison Company.

l. This notice also consists of the following standard paragraphs: A2, B, C, and D2

24a. Type of Application: Amendment of License

b. Project No: P–2204–001

c. Date Filed: September 11, 1981, and revised June 23, 1982

d. Applicant: City and County of Denver, Colorado

e. Name of Project: Williams Fork

f. Location: On Williams Fork River, a tributary of the Colorado River, in Grand County, Colorado.

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Paul D. McQuade, 1600 West 12th Avenue, Denver, Colorado 80254.

i. Comment Date: May 2, 1983.

j. Description of Amendment: An existing access road from the base of the dam to the top of the dam has been under a Special Land Use Permit from the Bureau of Land Management. An existing television antenna and an existing televison transmission line are also located in the same general area.

Licensee has submitted revised Exhibits F (Legal Land Description), L (Engineering Road Description), and K (Project Boundary Map) to portray its proposal. The project boundary would be revised to include a parcel 200 feet in width (100 feet each side of road centerline) for the Upper Access road and a parcel 50 feet in width (25 feet each side of line centerline) for the T.V. Antenna Transmission Line. Because these parcels overlap and because portions of these parcels are already included within the project boundary, the total additional acreage proposed to be included within the project boundary would comprise only 12.22 acres.

The proposal would affect lands of the United States under the jurisdiction of the Bureau of Land Management. There would be no changes to project features, operation, or energy output.

k. This notice also consists of the following standard paragraphs: B and C.

25a. Type of Application: Application for License (under 5 MW)

b. Project No: P–3939–001

c. Date Filed: November 1, 1982

d. Applicant: City of Denton, Texas

e. Name of Project: Ray Roberts Dam

f. Location: Trinity River, Denton County, Texas

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. R.E. Nelson, P. E., Director of Utilities, Utilities Department, Muncipal Building, 215 East McKinney, Denton, Texas 76201.

i. Comment Date: May 23, 1983.

j. Description of Project: The proposed run-of-the-river project would utilize the proposed U.S. Army Corps of Engineers Ray Roberts Dam and Reservoir and would consist of: (1) A 60.0-inch diameter penstock, constructed of steel pipe encased in concrete, and extending

175.0 feet; (2) a reinforced concrete powerhouse, 32.0 feet long and 22.0 feet wide, containing a single generating unit with an installed capacity of 1,000 kW; (3) a reinforced concrete tailrace, 18.0 feet wide and 44.0 feet long; (4) a 12.5-kV transmission line, 2,000 feet long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7,750,000 kWh. This license application was filed during the term of the Applicant's preliminary permit for Project No. 3939–000.

k. Purpose of Project: Project power will be sold to the Denton County Electric Cooperative.

l. This notice also consists of the following standard paragraphs: D1, A2, B and C.

26a. Type of Application: License (Less than 5MW)

b. Project No: 4380–001

c. Date Filed: January 31, 1983

d. Applicant: Patapsco Hydro Associates, 840 Oella Avenue, Ellicott City, Maryland 21403

e. Name of Project: W. J. Dickey

f. Location: On the Patapsco River near Ellicott City, Baltimore County, Maryland

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Wayne L. Rogers, President, Synergics, Inc., 1444 Foxwood Court, Annapolis, Maryland 21401

i. Comment Date: May 20, 1983.

j. Description of Project: The proposed project would consist of: (1) Union Dam, an existing concrete, slab buttress structure 355 feet long and 24.5 feet high with a 209-foot spillway; (2) a small reservoir covering 3 acres with a storage capacity of 48 acre-feet; (3) an existing earthen power canal 1.6 miles long, 30 feet wide and 10 feet deep; (4) an existing steel penstock, 7 feet in diameter and 60 feet long; (5) a concrete powerhouse to be refurbished, measuring 20 by 23 feet and containing one refurbished 600-kV turbine/generator unit operating under an average head of 42 feet; (6) an existing 13-kV transmission line 200 feet long; and (7) appurtenant facilities.

This application for license was filed during the term of a preliminary permit issued on August 12, 1981.

k. Purpose of Project: The average annual generation of 2.1 million kWh would be sold to the Baltimore Gas and Electric Company

l. This notice also consists of the following standard paragraphs: A2, B, C and D1

27a. Type of Application: Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

b. Project No: 6136–001

c. Date Filed: February 1, 1983

d. Applicant: Ordell and Rita Portwood

e. Name of Project: North Fork Tule Creek

f. Location: Tulare County, California; North Fork of Tule River

g. Filed Pursuant to: Energy Security Act of 1980, Section 408, §§ 2705 and 2708, *as amended*

h. Contact Person: Ordell and Rita Portwood, P.O. Box 781, Wasco, California 93280

i. Comment Date: April 29, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 5.5-foot-high diversion structure with a 12-inch-diameter outlet pipe; (2) a 4,750-foot-long, 34-inch-diameter steel conduit; (3) a powerhouse with a total installed capacity of 600 kW; and (4) a 1000-foot-long, 12-kV transmission line connecting with an existing SCE transmission line.

k. Purpose of Project: The estimated annual output of 0.81 million kWh generated by the project would be sold to the Southern California Edison Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, D3a

28a. Type of Application: License (5MW or Less)

b. Project No: 6762–000

c. Date Filed: October 12, 1982, and revised February 18, 1983

d. Applicant: New York State Energy Research and Development Authority

e. Name of Project: Northumberland

f. Location: Lock #5, Hudson River, towns of Thomson and Northumberland, Washington and Saratoga Counties, New York

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. C. Todd Miles, NYSERDA, Two Rockefeller Plaza, Albany, New York 12223

i. Comment Date: May 2, 1983.

j. Completing Applications: Projects Nos. 3892–000, Georgia-Pacific Corp.; 4244–001, Long Lake Energy Corp. Date Filed: Both on 10/9/81

k. Description of Project: The proposed project woud consist of: (1) the existing Lock 5 dam, a 12-foot high, 850-foot long masonry structure; (2) the existing Lock 5 Reservoir, having a surface area of 345 acres at elevation 102.87 feet USGS Datum with 18-inch high flashboards installed at the dam; (3) a 1,700-foot long portion of the existing barge canal; (4) a new 400-foot long intake canal with shipfender; (5) a new powerhouse containing a single 4 MW turbine-generator; (6) a new 500-foot long tailrace channel discharging approximately 4000-foot downstream of the project dam; (7) a switchyard located adjacent to the powerhouse; (8) a 5400-foot long 34.5–kV transmission line; and (9) appurtenant facilities.

The dam, canal and proposed project site are owned by the State of New York Department of Transportation

l. Purpose of Project: Energy produced at the project would be sold to a utility to be determined

m. This notice also consists of the following standard paragraphs: A3, B, C and D1

29a. Type of Application: Preliminary Permit

b. Project No: 6890–000

c. Date Filed: November 26, 1982

d. Applicant: Alabama Municipal Electric Authority

e. Name of Project: Coffeeville Hydroelectric Project

f. Location: Tombigbee River, Clarke and Choctaw Counties, Alabama

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. Kenneth Everett, Secretary and Treasurer, Alabama Municipal Electric Authority, P.O. Box 2128, Dothan, Alabama 36301

i. Comment Date: May 23, 1983.

j. Description of Project: The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 6890 would consist of: (1) A proposed 1000-foot-long and 150-foot-wide forebay and a 850-foot-long and 150-foot-wide tailrace, to be excavated from the bank on the left side of the dam; (2) a proposed watertight powerhouse structure to be built in the excavated foreby and trailrace channel; (3) the proposed installation of 3 double regulated, axial flow turbine/generator units with a total installed capacity of 16.0 MW; (4) a proposed transmission line approximately 2 miles long and interconnecting with the Alabama Power Company; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output will be 55 GWh.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

30a. Type of Application: Preliminary Permit

b. Project No: 7065–000

c. Date Filed: February 9, 1983

d. Applicant: Lincoln County Associates

e. Name of Project: Long Lake Dam Canal Hydroelectric

f. Location: Lincoln County, WA near Town of Lincoln at the Bureau of Reclamation's Long Lake Dam

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r)

H. Contact Person: Mr. T. B. Forbes, P.O. Box 421, Mercer Island, WA 98040 with a copy to: Joel Rector, Attorney,

4832 Colony Circle, Salt Lake City, Utah 84117

i. Comment Date: May 23, 1983.

j. Description of Project: The proposed project would consist of: (1) A gated intake structure adjacent to the existing canal headworks; (2) a surface penstock; (3) a powerhouse containing generating units with a total capacity of 67.61 MW; (4) a short tailrace returning flows to the canal; (5) and a transmission line approximately one mile long. The average annual energy output of the project would be 267,500 MWh.

A preliminary permit, if issued does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. No new road construction will be required for the purpose of conducting these studies. The estimated cost for conducting these studies is $50,000.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2

a. Type of Application: Preliminary Permit

b. Project No: 7067–000

c. Date Filed: February 9, 1983

d. Applicant: Conway Ranch Partnership

e. Name of Project: Mill Creek Irrigation

f. Location: On Mill Creek within Inyo National Forest, near Lee Vining, In Mono County, California

g. Filed Pursuant to: Federal Power Act, 16 US.C. 791(a)–825(r)

h. Contact Person: David Holzman, P.O. Box 664, June Lake, California 93529

i. Comment Date: May 23, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 4-foot-high, 4-foot-wide, and 7-foot-long redwood diversion structure; (2) a 20,000-foot-long, 42-inch-diameter penstock in an existing canal; (3) a power house containing one generating unit rated at 900 kW; and (4) a transmission line. The average annual energy generation is estimated to be 6.8 million kWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 18 months during which it would conduct feasibility studies and prepare an FERC license application at a cost of $72,000. No new roads would be required for the studies.

k. Purpose of Project: Power would be sold to South California Edison Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2

a. Type of Application: Preliminary Permit

b. Project No: 7102–000

c. Date Filed: February 24, 1983

d. Applicant: Trempealeau Associates

e. Name of Project: Trempealeau Hydropower Project (Mississippi River Lock and Dam #6)

f. Location: Trempealeau County, Wisconsin

g. Filed Pursuant to: Federal Power Act, 16 US.C. 791(a)–825(r)

h. Contact Person: Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040 and Mr. Joel Rector, Attorney at Law, 4831 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: May 23, 1983.

j. Description of Project: The proposed project would consist of: (1) A proposed powerhouse with a generating unit rated at 10.8 MW; (2) a proposed 69 kV transmission line; and (3) appurtenant facilities. Applicant would utilize an existing dam and lands owned by the U.S. Army Corps of Engineers. The estimated annual energy output would be 30,766 MWh.

k. Purpose of Project: The Applicant proposes to sell the generated power to Wisconsin Public Power System.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2

a. Type of Application: Preliminary Permit

b. Project No: 7105–000

c. Date Filed: February 24, 1983

d. Applicant: Davenport—Rock Island Associates

e. Name of Project: Davenport—Rockland Hydro Project (Mississippi River Lock and Dam #15)

f. Location: Rock Island County, Illinois on the Mississippi River

g. Filed Pursuant to: Federal Power Act, 16 US.C. 791(a)–825(r)

h. Contact Person: Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040

i. Comment Date: May 25, 1983.

j. Description of Project: The proposed project would utilize facilities owned by the U.S. Corps of Engineers' Mississippi River Lock and Dam No. 15, and consist of: (1) A new steel penstock; (2) a proposed powerhouse located on the east bank of the river with a total capacity of 16.5 MW; (3) new transmission lines; and (4) appurtenant facilities. Applicant estiamtes the average annual generation to be 95,000 MWh. All power generated would be sold to Iowa-Illinois Gas and Electric Company.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1982). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33(a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33(b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or §§ 4.101 to 4.104 (1982).

A3. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, exemption or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate). Any application for license or exemption from licensing, or notice of intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

Preliminary Permits

A4a. Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for prelminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or

before 30-days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §§ 385.210, .211, .214 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. Exemption applications (5 MW or less capacity)—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilites. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments withint 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: March 25, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8181 Filed 3–29–83; 8:45 am]

BILLING CODE 6717–01–M

Office of the Secretary National Petroleum Council; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: National Petroleum Council

Date and Time: Thurday, May 19, 1983—10:00 a.m.

Place: The Madison Hotel, Dolley Madison Ballroom, 15th and M Streets, NW., Washington, D.C.

Contact: Gerald J. Parker, U.S. Department of Energy, Office of Oil, Gas and Shale Technology, Mail Stop D–122, GTN, Wasington, D.C. 20545, Telephone: 301–353–3032.

Purpose of Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Tentative Agenda: Briefings and discussions of:

—Call to Order by Chairman of the National Petroleum Council
—Remarks by the Secretary of Energy
—Reports of the Study Committees of the National Petroleum Council:
  a. Committee on Enhanced Oil Recovery
  b. Committee on Petroleum Inventories and Storage Capacity
—Consideration of Any Other Business Properly Brought Before the National Petroleum Council
—Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gerald J. Parker at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provison will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on March 24, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83–8093 Filed 3–29–83; 8:45 am]

BILLING CODE 6450–01–M

NUCLEAR REGULATORY COMMISSION

Compliance With Section 223 of the Nuclear Waste Policy Act of 1982

Action: Notice of offer to cooperate with and provide technical assistance to nonnuclear weapon states in the field of spent nuclear fuel storage and disposal.

Summary: The Department of Energy and the Nuclear Regulatory Commission, in accordance with Section 223 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425), January 7, 1983 (the Act), hereby offer nonnuclear weapon states their cooperation and technical assistance in alleviating problems that may develop from accumulation of spent nuclear fuel. Available resources, scope, criteria, and modes of cooperation are described in this offer, which will be updated and reissued annually for the next 5 years.

Background: Section 223 of the Act provides that "it shall be the policy of the United States to cooperate with and provide technical assistance to non-nuclear weapon states in the field of spent fuel storage and disposal."

Section 223(b)(1) of the Act requires that within 90 days of enactment of the Act the Department of Energy and the Nuclear Regulatory Commission shall:

> * * * publish a joint notice in the Federal Register stating that the United States is prepared to cooperate with and provide technical assistance to non-nuclear weapon states in the fields of at-reactor spent fuel storage; away-from-reactor spent fuel storage; monitored, retrievable spent fuel storage; geologic disposal of spent fuel; and the health, safety, and environmental regulation of such activities. The notice shall summarize the resources that can be made available for international cooperation and assistance in these fields through existing programs of the Department and the Commission, including the availability of: (i) Data from past or ongoing research and development projects; (ii) consultations with expert Department or Commission personnel or contractors; and (iii) liaison with private business entities and organizations working in these fields.

It is the intention of the Department of Energy and the Nuclear Regulatory Commission to offer to provide cooperation and technical assistance to other nations to improve spent fuel storage conditions as deemed necessary. It is not the intention of this offer to include transfer to the United States of spent fuel from foreign nuclear power reactors.

Section 223(c) of the Act specifies:

> Following publication of the annual joint notice referred to in paragraph (2), the Secretary of State shall inform the governments of non-nuclear weapon states and, as feasible, the organizations operating nuclear powerplants in such states, that the United States is prepared to cooperate with and provide technical assistance to non-nuclear weapon states in the fields of spent fuel storage and disposal, as set forth in the joint notice. The Secretary of State shall also solicit expressions of interest from non-nuclear weapon state governments and non-nuclear weapon state nuclear power reactor operators concerning their participation in expanded United States cooperation and technical assistance programs in these fields. The Secretary of State shall transmit any such expressions of interest to the Department and the Commission.

Discussion and Description of Proposed Cooperative Activities and Programs: For several years the United States has been cooperating with other nations as well as international organizations in areas related to spent fuel handling, storage, and disposition. The Department of Energy and the Nuclear Regulatory Commission have adhered to policies of sharing the results of their studies and programs in these areas with other nations and they have sought to establish a framework to permit U.S. private organizations working in these fields to cooperate with their counterparts in the other nations. To the extent feasible, it is the intention of the Department of Energy and the Nuclear Regulatory Commission to augment their international cooperative ties in these areas. Any arrangements relative to funding of joint research and development projects will be developed on a case by case basis subject to program demands and the authorization and appropriation of funds by Congress.

In the course of developing the proposed new arrangements with other governments or foreign institutions, both the Department of Energy and the Nuclear Regulatory Commission will be guided by a number of factors and criteria, including the following:

—Whether the proposed program of cooperation will be useful in assisting a nonnuclear weapon state in overcoming significant and timely spent fuel storage or handling problems;
—Whether the arrangements will serve to advance knowledge in the field;
—Whether the arrangements will help solve common spent fuel handling problems; and
—Whether the arrangements will contribute to more predictability in fuel cycle operations.

While it is anticipated that in the near future most nations will be able to solve their spent fuel storage problems on a national basis, this is an area that could benefit from enhanced international cooperation. As noted by the Final Report of the International Atomic Energy Agency's Expert Group on International Spent Fuel Management (IAEA–ISFM/EG/26, Rev. 1, page 4, July 1982), prior to 1990 there is reasonably good assurance that adequate provision for dealing with spent fuel will exist. During the 1990s, however, the Report states that greater reliance must be placed on spent fuel management options which are now mainly in the planning stage, and further states that "By the year 2000 additional capacity remains to be identified and eventually

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provided. As greater reliance is placed upon planned facilities, some international cooperation could provide greater assurances that adequate means to deal with the spent fuel arisings would be provided."

Some new storage technologies now under development hold promise for achieving further economies in storage arrangements. Also, there are incentives for developing common standards and guidelines between nations relating to the conditions for shipping spent fuel. nations can benefit from comparing information on the applicable regulatory practices, and in some cases it may be productive for nations sharing common spent fuel storage problems to explore new institutional mechanisms designed to facilitate joint action.

The following paragraphs in this notice briefly summarize the nature of the activities of the Department of Energy and the Nuclear Regulatory Commission in these areas as well as the major cooperative activities that these agencies would propose to explore or engage in, as circumstances warrant.

The U.S. Department of Energy: The Department of Energy is now working with industry and utilities to assure that sufficient spent fuel storage capacity will be available for meeting U.S. domestic needs. U.S. utilities operating power reactors are presently storing spent fuel in water-filled pools at their reactor sites. In the next few years additional capacity will be needed at some sites and the gravity of this problem could increase rapidly unless additional storage capacities are made available on a timely basis. Accordingly, the Department of Energy, industry, and utilities are now actively developing alternative methods for consolidating, transporting, and storing spent light water reactor fuel in order to increase storage capacity.

The emphasis of this domestic program is to work jointly with industry for developing and licensing alternative storage technologies. Within this context, the Department of Energy is now in the process of working with industry and utilities in developing and demonstrating spent fuel rod consolidation and dry storage equipment and technology in support of utility license applications and is participating in efforts to assure the licensability of the entire system for handling, packaging, transportation, and storage. In addition, the conceptual alternatives of monitored retrievable storage systems have been studied.

With these considerations in mind, and considering the criteria cited above, the Department of Energy is prepared to engage in the following kinds of cooperative activities with nonnuclear weapon states and international organizations:

—To provide information, in the form of exchanges of documents and reports, on Department of Energy funded research and development projects in the specific areas of spent fuel handling and storage; pool storage; spent fuel packaging for storage or disposal; dry storage in metal casks, drywells, vaults and concrete silos; and on the technology of away-from-reactor and monitored retrievable storage;

—To arrange, on an appropriate basis, visits and briefings between foreign representatives and Department of Energy and Contractor personnel in those areas and to facilitiate, within the terms of appliable U.S. business entities and organizations with specialized capabilities in these fields;

—To arrange consultations between foreign representatives and expert Department of Energy and contractor personnel to review and comment on, as appropriate, other nations' proposed development program plans and facility designs;

—To furnish, under mutually agreed terms, information on certain U.S. standards and verified computer codes that may be used for equipment, component and facility design; and

—To cooperate, as appropriate, with international organizations to disseminate information to nonuclear weapons states.

As U.S. program demands and the authorization and appropriation of funds by Congress permit, the Department of Energy also is prepared to participate in jointly funded development and demonstration activities such as:

—The demonstration of concepts for disassembling spent fuel assemblies and for consolidating fuel rods in operating reactor pools;

—The development and demonstration of technology for packaging spent fuel for storage and disposal;

—Activities related to assessing the feasibility of away-from-ractor storage, including foreign participation in or observation of U.S. tests and demonstrations of equipment and technology for dry storage of spent fuels; and

—The conduct of joint studies to evaluate monitored retrievable spent fuel storage.

In addition to the management of spent fuel in retreivable modes, the Department of Energy also is conducting extensive research and development on the geologic disposal of nuclear waste, including the spent fuel option. Where there is mutal interest, information in these areas can be exchanged through:

—The transmittal of published information;

—Arrangment of visits and consultations with the Department of Energy and contractor experts on spent fuel disposal methodology;

—Program planning; and

—Systems analyses.

The research and development activities conducted under the Department of Energy geologic isolation program include:

—The detailed characterization of spent fuel;

—Research and systems studies on spent fuel disposal packages and containers, and their materials;

—Safety analyses; and

—Disposal respository designs, including their performance evaluations in various host rock media.

As part of these activities, the U.S. Geological Survey is also available through the Department of Energy for discussions on the earth science characteristics of disposal sites.

Under the cooperative activities that have been described above, the information to be provided could possibly include exchanges of documents and reports, visits between specialists, short- or long-term assignments, the undertaking of joint seminars and meetings, and jointly supported research and development projects.

The Nuclear Regulatory Commission: In regard to the issue at hand, the Nuclear Regulatory Commission is responsible for safety and environmental reviews, licensing, inspection and enforcement, and the conduct of research on the safety and environmental regulation of reactor waste in the United States, including the handling, storage, treatment, and disposal of spent ractor fuel. These responsibilities include licensing dry and wet at-reactor and away-from-reactor storage, monitored retrievable storage, and spent fuel and waste disposal (including geologic disposal) at permanent respositories.

The Nuclear Regulatory Commission is prepared to cooperate with, and provide technical assistance to, nonnuclear weapon states in the areas of the health, safety and environmental regulation of spent fuel management and disposal activities. Cooperation could include the following:

—Making available data from past and ongoing research and regulatory efforts: These data consist of

evaluated and documented experimental results, validated and fully documented computer codes, and research results for which documentation and evaluation are complete. These data are primarily documented as written reports, which the Nuclear Regulatory Commission can provide in specific technical subject areas, as agreed. State-of-the-art information on ongoing safety research programs can be acquired through attendance by representatives from participating countries at the annual Water Reactor Safety Research Information Meeting and other occasional topical meetings. Additional data more directly related to regulatory activities, such as regulations, standards, and guides, can also be provided as appropriate in specific subject areas as requested;

—Consulting with expert Nuclear Regulatory Commission personnel and Nuclear Regulatory Commission contractor staff. As arranged by specific agreement with the Nuclear Regulatory Commission, expert technical consultation can be provided by Nuclear Regulatory Commission personnel and, as needed, by contractor employees in the regulatory areas within the Commission's purview;

—Helping (to the extent permitted by U.S. laws, regulations, and policies) foreign governments to establish initial contacts with private U.S. entities that conduct business in the applicable waste management activities;

—Cooperating, as appropriate, with international organizations to disseminate information to nonnuclear weapon states; and

—Participating in joint research programs. The Nuclear Regulatory Commission is ready to negotiate and engage in jointly funded research programs with appropriate foreign entities, subject to the authorization and appropriation of funds by the Congress.

Relationships With Multinational Organizations and International Scientific Bodies: In addition to the foregoing activities, and within the framework of such foreign policy guidance as may be provided by the U.S. Department of State, it is expected that the Nuclear Regulatory Commission and Department of Energy will continue to participate in activities related to spent fuel handling that are undertaken by international organizations, if appropriate. These organizations have sponsored a range of activities relevant to this subject, and it is recognized that some nonnuclear weapon states may wish to avail themselves of the services of these bodies as well as the cooperative programs that are available bilaterally. The Nuclear Energy Agency of the Organization for Economic Cooperation and Development, for example, has been actively involved in studies related to the disposal of nuclear wastes. Also, as mentioned above, through the efforts of an Expert Group on International Spent Fuel Management, the International Atomic Energy Agency recently completed a study on the potential for international cooperation in the management of spent fuel, giving emphasis to technical, economic, institutional, and legal considerations. Several of the recommendations of this International Atomic Energy Agency Expert Group could serve as a stimulus for further cooperative initiatives. Areas that may merit further study include the establishment of nuclear safety standards recommended by the International Atomic Energy Agency for spent fuel storage and transport, and possible further studies, as the interests of the international community dictate, such as multinational or regional approaches to spent fuel management and disposal.

Storage and Disposition of Research Reactor Spent Fuels: The cooperative programs described in this announcement are addressed to the problems associated with the storage and handling of power reactor spent fuel that originates primarily in light water reactors. As such, they do not address any issues associated with the accumulation of foreign research reactor fuels.

Solicitation of Expressions of Interest from Nonnuclear Weapon States: As the next step in developing this offer of cooperation and technical assistance, nonnuclear weapon states will be contacted through diplomatic channels to acquaint them with this proposal and to solicit expressions of interest. The Department of State will transmit any such expressions of interest to the Department of Energy and the Nuclear Regulatory Commission.

Requests for Information: Inquiries about this notice may be sent to the following:

R. L. Morgan, Project Director, Nuclear Waste Policy Act Project Office, U.S. Department of Energy, Washington, D.C. 20585 (Tel. No. 202/252–6850)

Joseph D. Lafleur, Jr., Deputy Director, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Tel. No. 301/492–7131)

Dated: March 24, 1983.

Donald Paul Hodel,

Secretary of Energy, Department of Energy.

Dated: March 21, 1983.

Nunzio J. Palladino,

Chairman, Nuclear Regulatory Commission.

[FR Doc. 83–8149 Filed 3–29–83; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

PF–316; PH–FRL 2332–5 Certain Companies; Pesticide Petitions; Sandoz Inc. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to: Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF–316] and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m., to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort, 703–557–2386.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initital Filing

PP 3F2831. Sandoz Inc. Crop Protection, 480 Camino Del Rio South, Suite 204, San Diego, CA 92108. Proposes amending 40 CFR 180.356 by establishing tolerances for the combined residues of the herbicide norflurazon [4-chloro-5-(methylamino)-2-(alpha, alpha, alpha-trifluoro-*m*-tolyl)-3(2*H*)-pyridazinone] and its desmethyl metabolite [4-chloro-5-amino-2-(alpha,

alpha, alpha-trifluoro-m-tolyl)-3(2*H*)-pyridazinone] in or on the commodity grapes at 0.1 part per million (ppm.) The analytical method for determining residues is gas chromatography using an electron capture detector.

Amended Petition

PP 2F2709. Elanco Products Co., 740 South Alabama St., Indianapolis IN 46285. EPA issued a notice, published in the **Federal Register** of July 28, 1982 (47 FR 32602), that announced that Elanco Products Co. had submitted pesticide petition 2F2709 to the Agency proposing a tolerance for the combined residues of the herbicide fluridone (1-methyl-3-phenyl-t-[3-(trifluoro-methyl)phenyl-4-(1*H*)-pyridinone) and its metabolite (1-methyl-3-(4-hydroxyphenyl)-5-[3-trifluoromethyl)phenyl]-4-(1*H*)-*pyridinone) in the commodity fish at 0.5 ppm.*

Elanco Products Co. has amended the petition by proposing tolerances in or on:

1. Eggs, fat, meat and meat byproducts (except liver and kidney) of cattle, goats, hogs, horses, poultry, sheep, and milk at 0.05 ppm.

2. Liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm.

Elanco Products Co. has further amended the petition by proposing tolerances for the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluoro-methyl)phenyl-4-(1*H*)-pyridinone) in or on the commodities citrus, cucurbits, fruiting vegetables, grain crop, leafy vegetables, nuts, pome fruit, root crops vegetables, seed and pod vegetables, small fruit, and stone fruit at 0.05 ppm and forage grasses and legumes at 0.15 ppm.

These proposals apply to residues of fluridone transferring to these commodities through irrigation water The proposed analytical method for determining residues is high pressure liquid chromatography.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: March 18, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-8014 Filed 3-29-83; 8:46 am]

BILLING CODE 6560-50-M

[OPP-30209E; PH-FRL 2332-4]

William G. Roessler; Approval of Application to Conditionally Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has conditionally approved the application by William G. Roessler, to register the disinfectant Requat Antimicrobial 1977 Liquid, containing an ingredient not included in any previously registered pesticide product, pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: John Lee, Product Manager (PM) 31, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, CM#2, Rm. 252, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-3663).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of January 6, 1982 (47 FR 672) that announced that William G. Roessler, 7103 Rock Creek Drive, Frederick, MD 21701, had submitted an application to register the disinfectant Requat Antimicrobial 1977 Liquid containing 45 percent of the active ingredient *N,N,*-didecyl-*N*-methyl-3-(trimethoxysilyl) propanaminium chloride, an ingredient not included in any previously registered product.

The application was approved on November 8, 1982 for general use in pesticide formulation. The product was assigned EPA Registeration No. 46620-1.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registeration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA) within 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act, and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) identify the product name and registeration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: March 18, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-8015 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-01-M

[OPP-30220A; PH-FRL 2332-2]

Searle Chemicals, Inc.; Approval of Application to Conditionally Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has conditionally approved the application by the Searle Chemicals, Inc. to register the disinfectant Metronidazole, containing an ingredient not included in any previously registered pesticide product, pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: John Lee, Product Manager (PM) 31, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, CM#2, Rm. 301, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-3663).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of July 28, 1982 (47 FR 32601) that announced that the Searle Chemicals, Inc., PO Box 8526, Chicago, IL 60680, had submitted an application to register the disinfectant Metronidazole containing 97 percent of the active ingredient (2-methyl-5-nitroimidazole-1-ethanol), an ingredient not included in any previously registered product.

The application was approved on November 24, 1982, for general use in pesticide formulation. The product was assigned EPA Registration No. 8818-3.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in acordance with section 3(c)(2) of FIFRA within 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act, and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: March 18, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-8016 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-31061; PH-FRL 2329-8]

Applications to Register Pesticide Products Involving Changed Use Pattern; American Cyanamid Co. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register or amend registration of pesticide products involving changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comments by April 29, 1983.

ADDRESS: Written comments, identified by the document control number [OPP-31061] and the file or registration number, should be submitted to the manager (PM) cited at the address below: Product Manager (PM), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: The product manager at the telephone number cited.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register, or amend registration of, pesticide products involving changed use pattern pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of applications does not imply a decision by the Agency on the applications.

Applications Received

1. EPA Registration No: 241-238. Applicant: American Cyanamid Co., PO Box 400, Princeton, NJ 07470. Product name: Counter 15-G Soil Insecticide-Nematicide. Insecticide. Active ingredient: Terbufos (*S*-[[(-1,1-dimethylethyl)thio]methyl] O,O-diethyl phosphorodithioate) 15.0%. Proposed classification/Use: General. To include in its presently registered ground use the new use for aerial application on corn. Type registration: Conditional. (PM 16-William Miller, (703-557-2600)).

2. File Symbol: 2693-REL. Applicant: International Paint Co., Inc., 2270 Morris Ave., Union, NJ 07083. Product name: Interswift Copolymer Antifouling Red BKA027. Antifoulant. Active ingredient: Zineb, zinc-ethylene-bis-dithiocarbamate 2.4%. Proposed classification/Use: General. To include in its presently registered use as an agricultural fungicide the new use as an antifoulant in a paint formulation. Type registration: Conditional. (PM 23-Richard Mountfort, (703-557-1830)).

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(40 of FIFRA, as amended).

Dated: March 16, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-7626 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30000/28D; PH-FRL 2333-2]

Wood Preservatives; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: EPA will hold a public meeting to solicit comments about modifications to the terms and conditions of registration which the Agency intends to implement for the pesticides creosote, pentachlorophenol, and the inorganic arsenicals.

DATE: The meeting will be held on April 14, 1983, from 1:00 p.m. to 3:00 p.m.

ADDRESS: The meeting will be held in: Rm. 1119, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Paul Lapsley, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, Environmental Protection Agency, Rm. 711-G, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7420).

SUPPLEMENTARY INFORMATION: EPA issued a notice of Rebuttable Presumption Against Registration (RPAR), which was published in the **Federal Register** of October 18, 1978 (43 FR 48154), for three wood preservative pesticides: pentachlorophenol (penta) and its salts, creosote, and the inorganic arsenicals. The Agency expressed concern that uses of these compounds may result in unreasonable adverse effects. For penta or its salts, the Agency's concerns were related to the pesticides' potential for producing oncogenic, teratogenic, and fetotoxic effects; for creosote the effects were oncogenicity and mutagenicity. For inorganic arsenicals, oncogenic, mutagenic, and teratogenic effects were the bases for concern.

EPA issued a risk/benefit review, which was published in the **Federal Register** of February 19, 1981, (46 FR 13020), of the uses of the wood preservative pesticides and proposed regulatory actions to reduce the risks to an acceptable level. As a result of discussions with industry representatives, the Agency has modified certain regulatory proposals contained in the preliminary notice, either because new information submitted by the registrants indicated that the risks were lower than estimated by the Agency, or because risk reduction measures suggested by the registrants offered equivalent risk reductions to the regulatory actions proposed by the Agency. The Agency believes that these proposed modifications to the terms and conditions of registration, which the majority of the registrants voluntarily agree to implement, will cause the benefits of use to exceed the risks of use.

At the April 14, meeting, EPA will brief all interested parties on the modifications to the terms and conditions of registration which industry has agreed to implement regarding these three wood preservative pesticides. Copies of the proposal will be provided at the briefing; written comments may then be submitted to EPA for consideration prior to the publication of the final decision which will conclude the RPAR process. The procedures for submitting comments will be described at the meeting.

Dated: March 22, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-8184 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-140033; TSH-FRL 2334-3]

Toxic Substances; ICF, Inc. and Putnam, Hayes and Bartlett, Inc.; Transfer of Data to Contractor and Subcontractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has contracted with ICF, Inc. (ICF) (primary contractor), and Putnam, Hayes, and Bartlett, Inc. (PHB) (subcontractor), to review and analyze information reported under section 5 of the Toxic Substances Control Act (TSCA). Some of the material which ICF and PHB will review will contain confidential business information.

DATE: The transfer of data submitted to EPA and claimed to be confidential will occur no sooner than 10 working days after publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-509, 401 M St. SW., Washington, D.C. 20460; Toll-free: (800-424-9065), In Washington, D.C.: (544-1404), Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: A person who intends to manufacture a new chemical substance is required by section 5 of TSCA, 15 U.S.C. 2604, to submit a premanufacture notice (PMN) to the Administrator of EPA at least 90 days before commencement of manufacture. EPA examines the PMN and determines whether regulatory action should be taken under section 5. If no action is taken, the submitter may manufacture the chemical at the end of the 90-day period.

In reviewing PMNs, EPA considers data and information on health and environmental effects of the chemical substance, on exposure to the chemical substance, and on other relevant effects. One technique used by EPA in the PMN review process is known as structural activity relationship (SAR), in which the chemical structure of the new chemical substance is analyzed for health and environmental effects likely to be associated with the new chemical structure.

EPA has contracted with ICF and PHB (contract No. 68-01-6287) to design various analytical comparison projects that could be undertaken to evaluate the use and application of SAR techniques as applied to the review of PMNs. ICF and PHB will be required to examine information obtained from PMNs to design projects that evaluate the use of SAR techniques in EPA's review of PMNs. Some of this information may be claimed confidential.

Pursuant to 40 CFR 2.306(j), EPA has determined that it will need to disclose confidential business information to ICF and PHB. Any reports prepared by ICF and PHB dealing with this confidential business information will be treated as confidential. After evaluating the information obtained, ICF and PHB will return the information and any reports they prepare containing confidential business information to EPA.

Under the EPA security manual "Contractor Requirements for the Control and Security of TSCA Confidential Business Information," ICF and PHB will be authorized to have access to this information. EPA has approved the security plans of ICF and PHB, has conducted the required inspections of their facilities, and has found them to be in compliance with the requirements of the manual.

Since ICF and PHB will review information claimed to be confidential, EPA is publishing this notice to inform all submitters of information under section 5 of TSCA that this contractor and subcontractor will have access to confidential business information from EPA.

In accordance with the contractor requirements security manual, ICF and PHB personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to such information.

Dated: March 22, 1983.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 83-8197 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

[A-9-FRL 2333-4]

Issuance of a PSD Permit to Northern California Power Agency (NCPA)

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioriation (PSD) permit to Northern California Power Agency (NCPA) in Sonoma County, California, EPA project number SFB 82-05.

DATE: A petition for review must be filed by May 31, 1983.

ADDRESS: Copies of the permit are available for public inspection upon request, address request to: Roccena Lawatch, U.S. Environmental Protection Agency, Region 9, 215 Fremont St., San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Roccena Lawatch, (415) 974-7411.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 9, 1983 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a 110 MW geothermal power plant consisting of two (2) 55 MW turbines in Sonoma County.

This permit has been issued under EPA's PSD (40 CFR 52.21) regulations and is subject to certain conditions including allowable emission rates as follows: H_2S at 4.4 lbs/hr/ turbine, H_2S at 5.0 lbs/10^6 pounds of steam.

Best Available Control Technology (BACT) requirements include: (1) The allowable emission rate; (2) the Stretford Process for treatment of non-condensible gases; (3) Hydrogen Peroxide-Iron catalyst treatment for condensate; (4) control of stacking emissions through an agreement with the steam supplier, enforceable by EPA. Air Quality Impact modeling was not required for H_2S. Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals.

Dated: March 4, 1983.

David P. Howekamp,

Director, Air Management Division, Region 9.

[FR Doc. 83-8198 Filed 3-29-83; 8:45 am]

BILLING CODE 6560-50-M

[A-4-FRL 2335-7]

PSD Permit for Transgulf Pipeline Co.; Final Decision

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that a Prevention of Significant Deterioration (PSD) permit issued on August 18, 1981, and modified on October 21, 1981, by EPA Region IV to Transgulf Pipeline Company became effective on February 14, 1983. The permit was issued for the construction of a petroleum products storage facility to be located in Kissimmee, Florida.

DATES: This action is effective as of February 14, 1983, the effective date of the PSD permit. Construction must begin within 18 months of this date or the permit will become invalid.

ADDRESSES: Copies of the permit, and the remand and order denying the petitions for review are available for public inspection or upon request at the following locations:

Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365; or

State of Florida, Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road,Tallahassee, Florida, 32301.

FOR FURTHER INFORMATION CONTACT: Wayne J. Aronson of the EPA Region IV Air Management Branch at the Atlanta address given above, telephone 404/881–7654 (FTS: 257–7654).

SUPPLEMENTARY INFORMATION: On September 21, 1981, Transgulf Pipeline Company petitioned the EPA Administrator (pursuant to 40 CFR 124.19(a)) to review the Prevention of Significant Deterioration (PSD) permit (Permit No. PSD–FL–013) issued by EPA Region IV's Regional Administrator on August 18, 1981, with respect to the Company's proposed construction of a petroleum products storage facility to be located in Kissimmee, Florida. In addition, Sonat Marine, Inc., on December 11, 1981, filed a separate petition for review.

While Transgulf Pipeline Company's petition for review was pending before the Administrator, EPA Region IV's Acting Director for Enforcement wrote a letter dated October 21, 1981, to Transgulf Pipeline Company revising Condition 13 of the permit as requested by the Company. This modification effectively disposed of the concerns which caused Transgulf Pipeline Company to file its petition for review.

After having reviewed the petition by Sonat Marine, Inc., and all necessary background information, the EPA Administrator determined that this petition failed to show that the permit determination was either clearly erroneous or involved issues which should have been reviewed as a matter of discretion. See 40 CFR 124.19(a) (1) and (2).

Accordingly, on October 4, 1982, the EPA Administrator issued a remand and order denying the petitions for review. The remand required EPA Region IV to notify each party who had submitted written comments and had not been previously notified of the October 21, 1981, permit modification, and allow them an opportunity to petition for review. Central Florida Pipeline, the only party not previously notified was notified of this modification on December 6, 1982. Central Florida Pipeline did not petition the Administrator for review under 40 CFR 124.19 during the 30-day comment period.

As a result of this denial, the final permit decision as issued on August 18, 1981, and modified on October 21, 1981, was not changed. The effective date of the permit is February 14, 1983, which also constitutes final agency action under 40 CFR 124.19(f)(1) and Section 307 of the Clean Air Act, for purposes of judicial review. Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 31, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).) If construction does not commence within 18 months after this effective date, or if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time, the permit shall expire and authorization to construct shall become invalid.

Dated: March 17, 1983.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 83–8195 Filed 3–29–83; 8:45 am]

BILLING CODE 6560–50–M

[OPP–50592; PH–FRL 2334–4]

Pesticides; Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Divison (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

275–EUP–23. Extension. Abbott Laboratories, 14th and Sheridan Road, North Chicago, IL 60064. This experimental use permit allows the use of 2,000 BTUs per milligram of the biological insecticide *Bacillus thuringiensis*, serotype H–14 on estuarine areas, intermittently flooded pastures, irrigation ditches, natural marshes, rice paddies, roadside ditches, and sewage lagoons to evaluate the control of blackfly and mosquito larvae. A total of 1,850 acres are involved; the program is authorized in the States of Alabama, Arkansas, California, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Washington. The experimental use permit is effective from April 4, 1983 to April 4, 1984. (Franklin Gee, PM 17, Rm. 207, CM#2, (703–557–2690).)

275–EUP–31. Extension. Abbott Laboratories, 14th and Sheridan Road, North Chicago, IL 60064. This experimental use permit allows the use of 11,200 BIUs of the biological insecticide *Bacillus thuringiensis*, Berliner on forests to evaluate the control of gypsy moths and spruce budworms. A total of 2,450 acres are involved; the program is authorized in the States of Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, and Wisconsin. The experimental use permit is effective from May 1, 1983 to May 1, 1984. A permanent exemption from the requirement of a tolerance for residues of the active ingredient in or on all growing crops has been established (40 CFR 180.1011). (Franklin Gee, PM 17, Rm. 207, CM#2, (705–557–2690).)

100–EUP–75. Issuance. Ciba-Geigy Corporation, P.O. Box 11422, Greensboro, NC 27409. This experimental use permit allows the use of 2,600 pounds of the herbicide metolachlor on peanuts to evaluate the control of weeds. A total of 1,400 acres are involved; the program is authorized only in the States of Alabama, Florida, Georgia, North Carolina, Oklahoma, South Carolina, Texas, and Virginia. The experimental use permit is effective from February 28, 1983 to December 31, 1983. Permanent tolerances for residues of the active ingredient in or on peanuts (forage, hay, and hulls) have been established (40 CFR 180.368). (Richard Mountfort, PM 23, Rm. 253, CM#2, (703–557–1830).)

35977–EUP–2. Issuance. MAAG Agrochemicals Research and Development, 5699 North King's

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Highway, P.O. Box X, Vero Beach, FL 32960. This experimental use permit allows the use of 75 pounds of the insect growth regulator ethyl[2-(p-phenoxyphenoxy)ethyl] carbamate on non-crop areas to evaluate the control of fire ants. A total of 5,000 acres are involved; the program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Texas. The experimental use permit is effective from March 1, 1983 to March 1, 1984. (Franklin Gee, PM 17, Rm. 207, CM#2, (703–557–2690).)

3125–EUP–173. Extension. Mobay Chemical Corporation, P.O. Box 4913, Hawthorn Road, Kansas City, MO 64120. This experimental use permit allows the use of 2,160 pounds of the nematicide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)phosphoramidate as a soil application in grape culture to evaluate the control of nematodes. A total of 100 acres are involved. (Henry Jacoby, PM 21, Rm. 227, CM#2, (703–557–1900).)

3125–EUP–174. Extension. Mobay Chemical Corporation, P.O. Box 4913, Hawthorn Road, Kansas City, MO 64120. This experimental use permit allows the use of 4,680 pounds of the nematicide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)phosphoramidate as a soil application in grape culture to evaluate the control of nematodes. A total of 50 acres are involved; this program and the one above are authorized only in the States of California, Michigan, New York, Ohio, Pennsylvania, and Washington. The permits are effective from February 18, 1983 to December 31, 1983. A temporary tolerance for residues of the active ingredient in or on grapes has been established. A food additive regulation for residues of the active ingredient in or on raisins has been established (21 CFR 193.463). A feed additive regulation for residues of the active ingredient in or on grape pomace and raisin waste has been established (21 CFR 561.232). The permits will use the same active ingredient but different formulations. (Henry Jacoby, PM 21, Rm. 227, CM#2, (703–557–1900).)

3125–EUP–180. Extension. Mobay Chemical Corporation, P.O. Box 4913, Hawthorn Road, Kansas City, MO 64120. This experimental use permit allows the use of 156 pounds of the insect growth regulator 2-chloro-N-[[[4-(trifluoromethoxy)phenyl]amino]carbonyl]benzamide on cotton to evaluate the control of the boll weevil. A total of 500 acres are involved; the program is authorized only in the State of Arkansas. The experimental use permit is effective from May 1, 1983 to May 1, 1984. (Franklin Gee, PM 17, Rm. 207, CM#2, (703–557–2690).)

524–EUP–56. Extension. Monsanto Company, 1101 17th St. NW., Washington, DC 20036. This experimental use permit allows the use of 25,161.5 pounds of the herbicide acetochlor on corn, grain sorghum, peanuts, and soybeans to evaluate the control of weeds. A total of 12,877.7 acres are involved; the program is authorized in the States of Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. Temporary tolerances for residues of the active ingredient in or on corn grain and soybean grain have been established; however, this permit is issued with the limitation that the fodder, forage, and straw of grain sorghum and peanuts and the fodder and forage of corn and soybeans are destroyed or used for research purposes only. (Robert Taylor, PM 25, Rm. 245, CM#2, (703–557–1800).)

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: March 22, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83–8196 Filed 3–29–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 83–248; File No. BP–801117AC, et al.]

Oceanside Radio, Inc. et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: March 16, 1983; released: March 23, 1983.

In re applications of Oceanside Radio, Inc., Oceanside, California, Req: 830 kHz, 1 kW, DA–N, U, MM Docket No. 83–248, File No. BP–801117AC; Alessandro Broadcasting Company, San Jacinto, California, Req: 830 kHz, 5 kW, 50 kW–LS, DA–2, U, MM Docket No. 83–249, File No. BP–810206AL; New Radio Corporation, La Mirada, California, Req: 830 kHz, 1 kW, 50 kW–LS, DA–2, U, MM Docket No. 83–250, File No. BP–810209AP; Western Radio Group, San Marcos, California, Req: 830 kHz, 1 kW, DA–N, U, MM Docket No. 83–251, File No. BP–810209AE; International Institute of Los Angeles, Los Angeles, California, Req: 830 kHz, 1 kW, 5 kW–LS, DA–2, U, MM Docket No. 83–252, File No. BP–810209AF; Dolph-Pettey Broadcasting Company, KUDE, Oceanside, California, Has: 1320 kHz, 500 W, DA–1, U, Req: 830 kHz, 1 kW, 2.5 kW–LS, DA–N, U, MM Docket No. 83–253, File No. BP–810209AH; Orange County Broadcasting Corporation, Orange, California, Req: 830 kHz, 1kW, 2.5 kW, DA–N, U, MM Docket No. 83–254, File No. BP–810209AK; Pro Broadcasters, La Mesa, California, Req: 830 kHz, 2.5 kW, 10 kW–LS, DA–N, U, MM Docket No. 83–255, File No. BP–810209AM; Santee Broadcasting Company, Inc. of Indiana, Santee, California, Req: 830 kHz, 1 kW, 2.5 kW–LS, DA–N, U, MM Docket No. 83–256, File No. BP–810209AN for construction permit.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration: (a) The above-captioned mutually exclusive applications for new stations and for changes in the facilities of an AM broadcast station; (b) an informal objection and a petition to deny the Oceanside Radio, Inc., application, filed by Walter E. Raabe and National Public Radio, respectively; (c) an informal objection against the Alessandro Broadcasting Company application filed by Stephen M. Cilurzo; (d) a petition to deny the Santee Broadcasting Company, Inc., of Indiana proposal filed by KMJC, Inc.; [1] and (e) relevant pleadings.

[1] The record of these proceedings also includes the following: (a) Petitions to deny each of the above-captioned applications, filed by Midwest Radio-Television, Inc. (Midwest) licensee of station WCCO, the dominant Class 1–A station operating on 830 kHz at Minneapolis, Minnesota. Midwest asserted that the applications failed to recognize its pending application (BP–19151) to install a Franklin Antenna (Docket No. 19403). By letter, dated April 8, 1981, the Chief, AM Branch, Broadcast Facilities Division, advised the applicants that the Commission's AM data base did not include the Midwest Franklin Antenna proposal for station WCCO, and an additional thirty day period was allowed to permit the applicants to review their proposals and to submit amendments if necessary. Subsequently, Midwest withdrew its petitions to deny; (b) International Institute of Los Angeles (International) filed petitions to specify issues against the applications of Alessandro Broadcasting Company, New Radio Corporation, Western Radio Group, Orange County Broadcasting, Pro Broadcasters, and Santee Broadcasting Company. Since predesignation issue pleadings between competing applicants for broadcast facilities were abolished by the Commission (see *Processing of Contested Broadcast Applications*, 72 F.C.C. 2d 202, 1979) the Chief, Broadcast Facilities Division.

2. *Oceanside Radio, Inc.* National Public Radio (NPR) filed a petition to deny the Oceanside application. The petition was not supported by affidavit as required by Section 309(d)(1) of the Communications Act of 1934, as amended, and is therefore defective.[2] Accordingly, the issues raised by NPR will be considered as an informal objection pursuant to § 73.3587 of the Rules. NPR asserts that the Oceanside application is unacceptable for filing because it fails to meet any of the acceptance criteria of § 73.37(e)(2) of the Rules. According to NPR, subsections (i), (ii) and (iii) require a showing that new service would be provided to an area or population previously unserved, and Oceanside makes no such showing. Further, NPR asserts subsection (iv) requires that the applicant be at least 51% controlled by minority group members, and subsection (v) requires the applicant to operate a noncommercial station, but Oceanside makes no showing that it is controlled by minority group members, and it proposes a commercial operation. Thus NPR concludes the Oceanside application is unacceptable for filing, and it objects to a waiver of the rules. NPR is concerned that use of the frequency at Oceanside, California will preclude its use at Los Angeles, where, in NPR's view, there is a critical need for more public radio service.

3. Subparagraphs (i), (ii), (iii), (iv) and (v) to § 73.37(e)(2) of the Commission's Rules are disjunctive and applicants need only meet the requirements of one subparagraph to be acceptable for filing. There are currently one AM station and one FM station (KJFM (FM) and KUDE) licensed to Oceanside, California. These stations are commonly owned by Dolph-Pettey Broadcasting Company. Note 7 to § 73.37 of the Rules provides that commonly owned AM and FM stations authorized to the same community will be considered a single aural service to that community. Oceanside's proposal will provide its community with a second nighttime broadcast service and no FM channel is available for use in the license community. Thus, it is acceptable for filing under § 73.37(e)(2)(ii). NPR's concern that the frequency will not be assigned to the community with the most critical need is unfounded. The Commission is mandated by section 307(b) of the Communications Act to provide a fair, efficient and equitable distribution of radio services to the states and communities. The applicants will be permitted to introduce evidence as to which proposal will best carry out the requirements of section 307(b). We will deny the NPR objection.

4. Walter E. Raabe has filed an informal objection against the Oceanside application. Mr. Raabe alleges it is not in the public interest to "allocate" a third commercial facility to a community of 77,000 population when an area 50 miles to the north with a population of 200,000 has no commercial radio outlets. Mr. Raabe asserts the 90-day cut-off period established for this application had a "built-in discrimination factor." The application, according to Mr. Raabe, does not meet the "first full time aural service" requirement set out in Docket No. 20642 (*Clear Channel AM Broadcasting*, 78 FCC 2d 1345 (1980)) nor does it meet the "minority ownership requirement." In addition, Mr. Raabe asserts, the applicant has several other applications pending and the operation of the facility will not receive as much attention as it would from an owner who has no other stations. Initially, we note that the Commission does not have a table of assignments for frequencies in the AM band as it does in the FM and TV band; rather, applicants designate the community that they intend to serve, and if the proposals meet the technical requirements of the Commission's Rules, and the applicants are otherwise qualified an application will be granted. The 90-day cut-off period applies to every applicant and potential applicant and is therefore nondiscriminatory. The Oceanside application will furnish the second authorized nighttime aural transmission service to Oceanside, California, and is therefore acceptable for filing under § 73.37(e)(2)(ii) of the Rules. The applicant need not be controlled by minority group members. See paragraph three (3) above. Applicants are not prohibited by the rules from filing applications for more than one broadcast facility. The integration of the principals of Oceanside into the day-to-day operation of the proposed station will undoubtedly be considered during the comparative part of the hearing. Mr. Raabe's objection will be denied.

5. Oceanside filed petitions for leave to amend on November 20, 1981, December 4, 1981, and January 13, 1983. In its November 20, 1981, petition, Oceanside reports that John H. Gayer has resigned as president and director of High County Television, Inc., applicant for a new television station at Glenwood Springs, Colorado, and has converted his 35% voting stock to nonvoting stock. Mr. Gayer has a 34% interest in Oceanside and is president and director. The December 4, 1981, petition reported the withdrawal of David Martinez and the redistribution of his 15% ownership interest. Mr. Martinez was vice president, director and proposed fulltime general manager; his 15% interest has been distributed 5% to Alicia Bedwell, whose interest will increase from 12.5% to 17.5%, and 10% to Elvira Lopez, whose interest will increase from 8.5% to 18.5%. Oceanside states that Mr. Martinez is a shareholder of Quetzal Bilingual Communications, Inc., (Bilingual) an applicant for a new station to be located at San Diego, California; its service area will overlap with Oceanside's proposed service area. Oceanside asserts that Mr. Martinez concealed his interest in Bilingual and it was not discovered by the other stockholders until shortly before the time of his sudden withdrawal which was made without the consent of the other stockholders. This situation, Oceanside asserts, is analogous to that of an applicant that has had a stockholder die. Oceanside disclaims any comparative advantage due to the increased ownership interest of two of its stockholders which might result in an improvement over the previous fulltime integration of Mr. Martinez. It requests however that its comparative position not be diminished. The January 13, 1983, Petition reports changes in stockholders' broadcast interests.

6. Santee Broadcasting Company, Inc. (Santee), and Orange County Broadcasting Corporation (Orange) filed comments to the November 20th amendment; Orange and Pro Broadcasters filed comments to the December 4th amendment. The comments are similar and will be considered together. Santee and Orange do not object to acceptance of the November amendment, but request that it be accompanied by a ruling that Oceanside cannot claim a comparative benefit or avoid a comparative detriment because of the information submitted. In its comments to the December amendment, Orange objects to the Oceanside request that its comparative position not be diminished as a result of the amendment. Orange asserts that circumstances surrounding the withdrawal of Mr. Martinez and its effect on the qualifications of the applicant warrant further inquiry which could be foreclosed if Oceanside's

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dismissed the petitions by letter, dated October 27, 1981; (c) In response to the petitions and the letter from the Chief, AM Branch, the applicants filed various motions for extension of time and for acceptance of late filed documents, as well as opposition and reply pleadings. These pleadings are now moot.

[2] We do not reach the question of whether or not National Public Radio is a party in interest within the meaning of Section 309(d) of the Communications Act of 1934, as amended.

requests were granted. Pro Broadcasters does not object to acceptance of the December amendment but points out that the officers and managers and their hours of participation and responsibilities with regard to station operation has been altered [3] by the amendment; it requests that acceptance be specifically conditioned so that Oceanside will not gain a comparative advantage as the result of it.

7. The amendments were filed pursuant to § 1.65 of the Commission's Rules, which makes applicants responsible for the continuing accuracy of the information contained in their applications. Since both amendments were required because of voluntary actions on the part of Oceanside's stockholders, no comparative advantage can be gained as a result of them. Oceanside's request that its comparative position not be diminished will be denied since the other parties must be permitted to argue that the proposal has been weakened by the loss of Mr. Martinez. *Radio Cicero, Inc.*, 44 RR 2d 1657 (ALJ 1979). Oceanside's petitions for leave to amend will be granted, and the amendments are accepted with the restrictions set out above.

8. Oceanside is responsible for the voluntary actions of its principals and for the accuracy of the information contained in its application. When it was discovered that Mr. Martinez had a concealed interest that was required to be reported on its application, it appears Oceanside promptly filed the information. The applicant, however, cannot avoid the fact that Mr. Martinez had a 15% ownership interest, was its vice president, director and proposed fulltime general manager; it cannot be assumed his participation in Oceanside's affairs was insignificant. Appropriate issues will be specified to determine what affect the conduct of Mr. Martinez has on the basic and comparative qualifications of Oceanside.

9. We have no evidence that Oceanside published the local notice of the filing of its application as required by § 73.3580 of the Rules. It must therefore demonstrate that it has complied with the rule within thirty days of the release of this Order.

10. The narrative environmental statement filed by Oceanside did not contain a statement as to the zoning classification of the site as required by § 1.1311(a)(3) of the Commission's Rules. Oceanside must file the required information within thirty days of the release of this Order.

11. *Alessandro Broadcasting Company.* Stephen M. Cilurzo has filed comments concerning the Alessandro proposal; he is of the opinion that this proposal should be denied because there is "deception with regard to the minority ownership of this proposal." Mr. Cilurzo included a newspaper clipping from a local newspaper which reported one James Richards had formed a six-member corporation and had secured land in the event his "bid" to start a 50,000-watt AM radio station should be approved by the Commission. The newspaper article further reported that Mr. Richards' chances had been enhanced because he had apparently met an asserted Commission requirement that at least 50% of the station's ownership be Hispanic. Mr. Cilurzo states that Mr. Richards' name is not on the application anywhere, and he believes this is because Mr. Richards has a "non-compete" agreement with local radio stations and also his chances of Commission approval of the application will be enhanced if he is not named in the application.

12. In response to question twenty, Section II of the application (FCC Form 301), Alessandro reports that there are outstanding agreements relating to the ownership of the applicant. Exhibit three contains an agreement between the applicant and Jimco, broadcast consultants, which provides that for consulting services, having a value of $35,000, on behalf of Alessandro, Jimco's president, James C. Richards, will receive a 15% stock interest if Alessandro is granted a construction permit. The newspaper article merely confirms that Mr. Richards is performing the services required by the contract. Mr. Cilurzo's allegation that there is deception concerning the ownership of Alessandro Broadcasting Company is without merit; his objection will be denied.

13. Alessandro proposes to operate with nighttime power of 5 kilowatts. Section 73.21(a)(2)(ii)(C) of the Rules establishes a one-kilowatt nighttime power ceiling for class II–B stations on a 1–A clear channels in already well-served areas such as San Jacinto, California. Alessandro has requested a waiver of the rule. The applicant has a heavy burden to show that the power it proposes is necessary to provide principal city service and will not impede the Commission's allocation objectives; it may meet the latter by showing either that the higher power would not preclude other possible co-channel unlimited-time class II assignments or that the improved principal city service entailed by the higher power clearly outweighs any potential service that might be precluded. Since it cannot be determined from the record if waiver of § 73.21 is warranted, an issue will be specified.

14. Alessandro's environmental narrative statement failed to include information as to whether the proposed construction has been a source of controversy in the community as required by § 1.1311(a)(4) of the Commission's Rules. The required information must be filed within thirty days of the release of this Order.

15. Alessandro's local notice of the filing of its application failed to list the transmitter location and describe the antenna proposal as required by § 73.3580(f)(5) of the Commission's rules. The applicant must publish a corrected local notice and file the required certification to the Administrative Law Judge within thirty days of the release of this Order.

16. *New Radio Corporation.* We have no evidence that the applicant has given local notice of the filing of its application as required by § 73.3580 of the Commission's Rules. New Radio Corporation must give the required local notice, if it has not done so, and file the required certification with the Administrative Law Judge within thirty days of the release of this Order.

17. *Western Radio Group.* The material submitted in the application does not demonstrate the applicant's financial qualifications.[4] Although the financial standards are unchanged, the application form has been changed to require only certification as to financial qualifications. Accordingly, the applicant will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If the applicant cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate

[3] Oceanside has indicated by its amendment that its principals Mary Steiger, George Lopez and Elvira Lopez will each spend 21 hours per week at the station and Alicia Bedwell will be employed fulltime. Previously, David Martinez was fulltime manager, Alicia Bedwell was to be employed fulltime, Elvira Lopez was parttime and five others were listed as parttime.

[4] The application shows that $169,425 will be required to construct the proposed station and operate for three months. Applicant plans to finance its proposal with a $150,000 bank loan and $45,000 from partner contributions. No financial statements showing availability of these funds have been submitted for the partners.

issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82–378, released by July 15, 1982.

18. *International Institute of Los Angeles.* This applicant's proposal fails to provide principal city residential and business district coverage of Los Angeles as required by § 73.24(j) of the Rules, and the applicant has requested a waiver. Because we cannot make a determination as to whether or not a waiver of the rule is in the public interest based on the information submitted, an appropriate issue will be specified.

19. The applicant's local notice of the filing of its application failed to list International's officers and directors and to describe the proposed antenna system as required by § 73.3580(f) (1) and (5) of the Rules. International must republish a corrected local notice and certify to the Administrative Law Judge as required within thirty days of the release of this Order.

20. International's environmental narrative statement failed to include a description of the surrounding area and information concerning the zoning classification of the site and whether construction of the facilities has been a source of controversy in the community as required by § 1.1311(a) (2), (3) and (4) of the Commission's Rules. The required information must be filed within thirty days of the release of this Order.

21. *Dolph-Pettey Broadcasting Company.* Dolph-Pettey's narrative environmental statement failed to include a description of the surrounding area and information concerning the zoning classification of the site and whether construction of the facilities has been a source of controversy in the community as required by § 1.1311(a) (2), (3) and (4) of the Commission's Rules. Dolph-Pettey must file the required information within thirty days of the release of this Order.

22. Dolph-Pettey's local notice of the filing of its application failed to list the principals as required by § 73.3580(f)(1) of the Commission's Rules. A corrected local notice must be rebroadcast and that fact certified to the Administrative Law Judge within thirty days of the release of this Order.

23. *Orange County Broadcasting Corporation.* The material submitted in the application does not demonstrate the applicant's financial qualifications.[5] Although the financial standards are unchanged, the application form has been changed to require only certification as to financial qualifications. Accordingly, the applicant will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If the applicant cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue.

24. Orange County's local notice of the filing of its application failed to describe the proposed antenna as required by § 73.3580(f)(5) of the Rules. The applicant must republish a corrected local notice and file the required certification with the Administrative Law Judge within thirty days of the release of this Order.

25. Orange County's environmental narrative statement failed to describe the surrounding areas of the site and failed to note whether the proposal has been a source of controversy in the community as required by § 1.1311(a) (2) and (4) of the Rules. Orange County must file the required information within thirty days of the release of this Order.

26. *Pro Broadcasters.* The material submitted in the application does not demonstrate the applicant's financial qualifications.[6] Although the financial standards are unchanged, the application form has been changed to require only certification as to financial qualifications. Accordingly, the applicant will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If the applicant cannot make the required certifications, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 83–278, released July 15, 1982.

27. Pro Broadcasters proposes to operate with nighttime power of 2.5 kilowatts. Section 73.21(a)(2)(ii)(C) of the Rules establishes a one-kilowatt nighttime power ceiling for Class II–B stations on 1–A clear channels in already well served areas such as La Mesa, California. The applicant has a heavy burden to show that the power it proposes is necessary to provide principal city service and will not impede the Commission's allocation objectives; it may meet the latter by showing either that the higher power would not preclude other possible co-channel unlimited-time Class II assignments or that the improved principal city service entailed by the higher power clearly outweighs any potential service that might be precluded. Since it cannot be determined from the record if waiver of § 73.21 is warranted, an issue will be specified.

28. The applicant's local notice of the filing of its application has failed to describe its antenna height as required by § 73.3580(f)(5) of the Commission's Rules. A corrected local notice must be published and certification must be made to the Administrative Law Judge within thirty days of the release of this Order.

11. Santee Broadcasting Company Inc., of Indiana. KMJC, Inc., licensee of station KMJC, El Cajon, California, filed a petition to deny Santee's application alleging reradiation problems, array stability and unsuitability-of-site problems. Santee petitioned for leave to amend on September 9, 1981;[7] it proposes to relocate its transmitter site so as to remove any doubt as to the adequacy of its technical proposal.[8] Santee asserts it is Commission policy to permit an applicant to remove potentially disqualifying factors through amendment, and it disclaims any comparative advantage that might result from the amendment. We find that the proposed operation from the new transmitter site renders all of KMJC, Inc.'s allegations moot; therefore, we will dismiss its petition to deny. Since the amendment will remove a potentially disqualifying deficiency in Santee's technical qualifications and will prejudice no other applicant we will accept it with the restriction that the amendment cannot be used in any way to enhance the comparative position of Santee. *Azalea Corp., 31 F.C.C 2d 561 (1971).*

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[5] The application shows that $367,500 will be required to construct the station and operate for three months. The bank letter evidencing a loan commitment of sufficient amount has not been submitted.

[6] The application shows that $322,000 will be required to construct and operate the proposed station. Applicant has not submitted financial statements of its partner who will finance the proposal.

[7] Santee also filed an opposition to the petition to deny which opposed the petition on both procedural and substantive grounds.

[8] The amendment also reports, pursuant to § 1.65 of the Rules, that Julie Cohen, 7% stockholder of Santee, is 40% stockholder of Public Service Broadcasting of West Jordon, Inc., applicant for a proposed new FM station at West Jordon, Utah.

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30. Santee filed a petition for leave to amend and an amendment on May 27, 1981; the amendment reports a change in the employment of the applicant's president and 25% stock subscriber and is required pursuant to Section 1.65 of the Commission's Rules. We will grant the petition and accept the amendment with the same restrictions as are set in paragraph 29, above.

31. The Commission has not yet received Federal Aviation Administration clearance for the antenna towers proposed by Oceanside Radio, Inc., Dolph-Pettey Broadcasting Co., Orange County Broadcasting Corp., and Santee Broadcasting Co., Inc. Appropriate issues will be specified, and the Federal Aviation Administration will be made a party to these proceedings.

32. Except as indicated by the issues specified below, all nine applicants are qualified to construct and operate as proposed.[*] However since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. Although most of the applications are for different communities, they would serve substantial areas in common. Therefore, in addition to an issue to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contigent comparative issue will be specified.

33. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, in light of the facts and circumstances surrounding the withdrawal of David Martinez as a principal and 15% stockholder of Oceanside Radio, Inc., whether Oceanside Radio, Inc., violated § 73.3514 of the Commission's Rules.

2. To determine, in light of the facts adduced pursuant to the foregoing issue, whether Oceanside Radio, Inc., misrepresented facts to or concealed information from the Commission.

3. To determine, in light of the facts adduced pursuant to the foregoing issues, whether Oceanside Radio, Inc., possesses the basic or comparative qualifications to be a licensee of the facilities sought here.

4. to determine, with respect to Alessandro Broadcasting Co., whether circumstances exist which warrant waiver of § 73.21(a)(2)(ii)(C) of the Rules.

5. To determine, with respect to International Institute of Los Angeles, whether circumstances exist which warrant waiver of § 73.24(j) of the Rules.

6. To determine, with respect to Pro Broadcasters, whether circumstances exist which warrant a waiver of § 7321(a)(2)(ii)(C) of the Rules.

7. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower heights and locations proposed by Oceanside Radio, Inc., Dolph-Pettey Broadcasting Co., Orange County Broadcasting Corp., and Santee Broadcasting Co., Inc.

8. To determine the areas and populations which would receive primary service for each proposal, and the availability of other primary aural services to such areas and populations.

9. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide as fair, efficient, and equitable distribution of radio service.

10. To determine, in the event it is concluded that a choice among the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

11. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

34. It is further ordered, That the petitions to deny filed by National Public Radio and KMJC, Inc., are denied and dismissed, respcctively, and the informal objections filed by Walter E. Raabe and Stephen M. Cilurzo are denied.

35. It is further ordered, That the petitions for leave to amend filed November 20, 1981, December 4, 1981, and January 13, 1983, by Oceanside, are granted and the amendments contained therein are accepted for filing upon the conditions set forth in paragraph seven (7), above.

36. It is further ordered, That the petitions for leave to amend filed by Santee are granted, and the amendments contained therein are accepted for filing upon the conditions set forth in paragraphs twenty-nine (29) and thirty (30), above.

37. It is further ordered, That Oceanside, Alessandro, New Radio, International Institute, Dolph-Petty, Orange County, and Pro Broadcasters comply with the local notice requirements of § 73.3580 of the Commission's Rules, as discussed in the relevant paragraphs above, and certify as to compliance with the Administrative Law Judge within thirty (30) days of the release of this Order.

38. It is further ordered, That Oceanside, Alessandro, International Institute, Dolph-Petty and Orange County comply with the environmental narrative statement requirements of § 1.1311 of the Commission's Rules, as discussed in the relevant paragaphs above, and submit the required information to the Administrative Law Judge within thirty (30) days of the date of the release of this Order.

39. It is further ordered, That Western Radio, Orange County and Pro Broadcasters, as discussed in paragaphs seventeen (17), twenty-three (23) and twenty-six (26) respectively, file the required certification of financial qualifications or advise the Administrative Law Judge, within thirty (30) days of the release of this Order, that certification cannot be made.

40. It is further ordered, That the Federal Aviation Administration is made a party to this proceeding.

41. It is further ordered, That, to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission, in triplicate, written appearances, stating an intention to appear on the dates fixed for the hearing and to present evidence on the issues specified in this order.

42. It is further ordered, That pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed by the rule, and shall advise the Commission of the publication of the notices as required by § 73.3594(g) of the Rules.

Federal Communications Commission,

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-8073 Filed 3-29-83; 8:45 am]

BILLING CODE 6712-01-M

[*] Operation with the facilities specified herein is subject to modification, suspension or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements between the United States and other countries.

Telecommunications Industry Advisory Group Income and Other Accounts Subcommittee

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of two meetings of the Telecommunications Industry Advisory Group's (TIAG) Income and Other Accounts Subcommittee scheduled to meet on Thursday, April 14, 1983, and Thursday, April 28, 1983. Each meeting will begin at 9:30 a.m. and will be open to the public. The meeting locations are as follows:

Thursday, April 14, 1983

AT&T,
Conference Room A (10th Floor),
1120 20th Street NW.,
Washington, D.C.

Thursday, April 28, 1983

GTE Service Corporation,
Suite 900,
1120 Connecticut Avenue NW.,
Washington, D.C.

The agenda are as follows:

I. General Administrative Matters
II. Discussion of Assignments
III. Other Business
IV. Presentation or Oral Statements
V. Adjournment

With prior approval of Subcommittee Chairman Glenn L. Griffin, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Griffin (214/659–3484) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83–8072 Filed 3–29–83; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL ELECTION COMMISSION

[Notice 1983–7]

Availability of Rulemaking Petition

AGENCY: Federal Election Commission.

ACTION: Rulemaking petition; notice of availability.

SUMMARY: On January 3, 1983, the National Council of Farmer Cooperatives filed a Petition for Rulemaking with the Commission. The petition is available for public inspection in the Commission's Public Records Office. Statements in support of or in opposition to the petition must be filed on or before April 29, 1983.

DATE: Comments must be received on or before April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street, NW., Washington, D.C. 20463; (202) 523–4143 or (800) 424–9530.

Rulemaking Petition; Notice of Availability

On January 3, 1983, the National Council of Farmer Cooperatives (NCFC) filed a Petition for Rulemaking with the Federal Election Commission. Petitioners seek promulgation of a rule which would permit federated cooperatives to solicit the individual members of its member cooperatives for contributions to a separate segregated fund. Specifically, NCFC requests that the Commission amend its regulations to provide that the members of a local cooperative are considered to be members of any federated regional or interregional cooperative with which the local cooperative is affiliated.

Copies of the Petition for Rulemaking are available for public inspection at the Commission's Public Records Office, 1325 K Street, NW., Washington, D.C. 20463, between the hours of 9:00 a.m. and 5:00 p.m.

Statements in support of or in opposition to the Petition for Rulemaking must be filed with the Commission by April 29, 1983.

Dated: March 25, 1983.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 83–8216 Filed 3–29–83; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL HOME LOAN BANK BOARD

Senior Executive Service—Performance Review Board Updated Membership

In accordance with Title IV of the Civil Service Reform Act of 1978, the Federal Home Loan Bank Board hereby gives notice of new memberships on the SES Performance Review Board. Current members are Richard L. Petrocci (Chairman), Leland Brendsel, Austin Dowling, Patrick Doyle, Bowers W. Espy, and Robert J. Moore.

For Further Information Contact: Doris H. McGhee, Director of Personnel. Federal Home Loan Bank Board (202) 377–6050.

J. J. Finn,

Secretary to the Board, Federal Home Loan Bank Board.

[FR Doc. 83–8146 Filed 3–29–83; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Commodore Cruise Line, Limited and Olympia Caribbean Shipping Co., Inc., 1007 North America Way, Miami, Florida 33132.

Dated: March 25, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83–8161 Filed 3–29–83; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Special Expeditions, Inc. and Lindblad Travel, Inc., c/o Special Expeditions, Inc., 133 East 55th Street, New York, New York 10022. This Certificate expires March 31, 1984.

Dated: March 25, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83–8160 Filed 3–29–83; 8:45 am]

BILLING CODE 6730–01–M

Special Permission To Refer to Tariff Matter Containing Management-ILA Rules on Containers in Carrier and Conference Tariff Publications on Less Than Thirty Days' Notice

March 25, 1983.

On March 17, 1983, World Transportation Services, Inc. as agents for various named common carriers filed a governing rules tariff entitled "Management-ILA Rules on Containers," FMC–1, ICC WOR 600, FMC–F–1 with a proposed effective date of April 18, 1983. On March 18, 1983, a similar tariff was placed on file by Trans World Tariff & Research Service, Inc. as agent for various other carriers. This governing rules tariff is also entitled "Management-ILA Rules on Containers," FMC–1, ICC TWTU 600, FMC–F–1 and is proposed to be effective April 18, 1983.

Both of these publications have provided the statutory notice required by section 18(b)(2) of the Shipping Act, 1916, (46 U.S.C. 817) and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), on behalf of each tariff's listed participants.

The Commission's rules on the filing of governing tariffs, 46 CFR 536.13 and 46 CFR 531.14, require a reference in each tariff to the governing tariff. The required references contain new or initial matter requiring statutory notice of 30 days before their effectiveness. Since the Management-ILA Rules on Containers apply to virtually every foreign or domestic waterbone commerce tariff involving services on the North Atlantic, South Atlantic and Gulf Coasts, the number of affected tariffs is large. The logistics of placing the appropriate referencing amendments in each of these tariffs on 30 days' notice prior to April 18, 1983, is considerable. Anticipating these difficulties, two carriers have requested relief from the notice requirements for the purpose of placing the cross references on file without the otherwise required notice to implement the rules on April 18, 1983. The authority for this waiver is contained in section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844) and section 18(b)(2) of the Shipping Act, 1916, (46 U.S.C. 817(b)). These provisions authorize the Commission in its discretion and for good cause to allow matter to become effective on reduced notice.

Recognizing the problems associated with amending a large number of tariffs by April 18, 1983, and in view of the fact that the governing tariff was filed on 30 days' notice and this action is only the technical necessity of cross referencing individual tariffs to the Rules tariff, the Commission is hereby waiving the statutory notice requirements for this particular new or initial matter, for any carrier listed in either of the two aforementioned governing rules tariffs, thereby allowing the referencing tariff matter to be filed on or before April 18, 1983.

This action *does not* estop the Commission from taking whatever other action may be appropriate with reference to these tariff filings. The Commission is only waiving the statutory notice provisions and its technical tariff filing requirements (General Orders No. 13 and 38, 46 CFR 536.15 and 531.18, respectively) to avoid unnecessary administrative burdens upon the filing carriers and the Commission staff. No position on the lawfulness of these rules is to be implied from this waiver.

Furthermore, recognizing the necessity that conference tariffs also contain these references, the conferences are hereby authorized to publish references to their member lines Governing Rules tariffs for this purpose.

By Order of the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-8194 Filed 3-29-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

[Docket No. R-0443]

Fee Schedules for Federal Reserve Bank Services

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: 1983 Fee Schedule for the Book-Entry Securities Service.

SUMMARY: The Board has approved a new fee structure and prices for the Federal Reserve's book-entry securities service.

EFFECTIVE DATE: April 28, 1983.

FOR FURTHER INFORMATION CONTACT: Charles W. Bennett, Assistant Director (202/452–2738) or Gerald D. Manypenny, Manager (202/452–3954), Division of Federal Reserve Bank Operations; or Gilbert T. Schwartz, Associate General Counsel (202/452–3625) or Daniel L. Rhoads, Attorney (202/452–3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Monetary Control Act of 1980 (Title I of Pub. L. 96–221) (MCA), the Board adopted a fee schedule for the Federal Reserve's book-entry securities service on July 17, 1981. 46 FR 37972 (July 23, 1981). This fee schedule was designed to fully recover the costs of providing the service, including a private sector adjustment factor (PSAF) of 16 percent.

On December 23, 1982, the Board requested comment on proposed revisions to the book-entry securities service fee schedule to more accurately reflect the costs of the service. 47 FR 58363 (December 30, 1982). The proposed schedule generally provided for increases in fees and the addition of a per issue account maintenance fee.

There were 62 responses to the Board's request for comment: 55 commercial banks, six Federal Reserve Banks, and one bank holding company. Eleven of the commenters expressed support for the proposed revisions, while the remaining commenters expressed concern with one or more aspects of the proposal. Concerns with the proposed revisions generally fell into four broad categories: (1) The magnitude of fee increases and the timing of fee changes; (2) whether the proposed fee structure fairly represented the costs of providing the service and the benefits of the service to users; (3) the apportionment of the costs of the Federal Reserve's book-entry system between the Federal Government and the private sector; and (4) the Federal Reserve's incentive to minimize the cost of providing book-entry services.

Approximately 64 percent of the commenters expressed concern in a variety of ways about the magnitude and timing of fee increases. Concern was expressed that the size of fee increases would make it difficult to pass the additional charges back to their customers and that increased fees may reduce Federal Reserve volume, thus necessitating future fee increases. Some commenters were also concerned that the increased fees might make Govenment securities less attractive and that the timing for implementing fee changes was inconvenient. A number of commenters suggested that the Federal Reserve utilize a portion of its net earnings returned to the Department of the Treasury to offset the costs of the services.

An increase in fees for this service is necessary to provide sufficient revenue to recover costs of providing the service, including PSAF, in accordance with the MCA. The System has incurred a

shortfall in 1982 of approximately $6.5 million. This result is due, in large part, to a greater than expected shift from relatively more expensive off-line transfers to less expensive on-line transfers. Additionally, costs allocated to the book-entry securities service increased more than was anticipated. It is believed, however, that most of the transition to on-line facilities has occurred and that the rate of growth in costs for this service has stabilized. Based on these factors and on projections of modest growth in the use of certain components, the price increases represent only the amount necessary to recover fully the costs of this service, including PSAF, through 1983. Although commenters questioned the timing of the increases, the magnitude of the current shortfall makes adoption of the price increases appropriate at this time.

Approximately 62 percent of the commenters raised a variety of issues concerning whether the revised fee schedule accurately represented the costs of providing the book-entry service and the benefits of the service to users. Concern was expressed about the scope of services provided in account maintenance, the equity and application of "time of day" pricing, the cost of reserve requirements, the rationale for off-line pricing, volume pricing, and provisions for pricing issues of securities already in investor accounts.

The revised fee structure differs from the current structure only by the addition of a per issue fee to a basic account maintenance charge. The basic account maintenance charge covers generally the expenses of maintaining a system, such as the lease/amortization and the operation and maintenance of hardware, equipment, software, and communication lines. Most of these costs would be incurred regardless of whether there was any account activity. Consequently, a basic charge is regarded as reasonable. The per issue charge reflects the fact that the costs of maintaining a book-entry account are directly related to the number of issues held in that account; accounts with a large number of issues are more costly to maintain than are accounts with only a few issues. The account maintenance charges therefore reflect the costs of account maintenance and the benefits of the service to users. Further, the System is considering a number of enhancements to the account maintenance component, such as portfolio analysis, respondent bank information, and expanded sub-accounting.

"Time of day" pricing was initiated to insure that the Federal Reserve Bank of New York would have sufficient system capacity to provide adequate book-entry service at any time of the day. New York currently processes 70 percent of the System's book-entry transfer volume. "Time of day" pricing was adopted to provide incentives to shift some transfers away from afternoon peak periods, thus avoiding difficulties related to operational capacity constraints. At present, no other Federal Reserve Banks have indicated that they are experiencing heavy demands on existing transfers capacity. Any office experiencing excessive demands on system capacity at a particular time could consider initiating "time of day" pricing. In response to the comment that institutions were unfairly penalized when system failures resulted in transfers being delayed into a more expensive time period, it has been determined that if a message can be verified as having been received in an earlier time period, the institution is charged the lower price.

Some commenters suggested that the fee for off-line transfers was dispropportionately high to discourage use. The higher fee for these transactions, however, relates directly to their higher costs, and fees do not exceed estimated costs. Concern was also expressed about applying the revised fee schedule to existing accounts. In view of the fact that the high cost and difficulty of segregating new and old issues for accounting and billing purposes would be disproportionate to any benefits depository institutions might receive, "grandfathering" existing accounts would not be practical.

Several commenters suggested that high volume users of the book-entry system be provided discounts. The fee structure provides a substantially lower price to those users with sufficient volume to justify being on-line, given the lower cost of providing on-line services. Also, the existence of an account maintenance fee that is the same for all users implies that the total cost per transaction for high-volume users is less than that for low-volume users. Moreover, within the on-line service, the same per-transfer cost is associated with a single transfer regardless of the number sent. Therefore, a "volume discount" would not be appropriate.

It was also suggested that the cost of providing the service be absorbed in part by the Federal Reserve to offset the lost return to depository institutions maintaining required reserve balances. The book-entry fee schedule has been designed to recover the full cost of providing this service, including PSAF, in accordance with established Board policy. Reducing the costs for depository institution maintaining reserves would be inconsistent with the MCA. Further, the Board has previously determined that member banks phasing into the lower MCA reserve requirements had already received significant benefits from the lower reserve requirements of the MCA and the delay in pricing to offset their relative disadvantage.

Approximately 20 percent of the commenters expressed the concern that the private sector was being required to bear the entire cost of the book-entry system although the system benefits the Federal Government in administering the public debt and supporting secondary market operations. The Treasury's share of the costs of operating book-entry services, including all costs associated with original issue, interest payment, and redemption, is not included in the calculation of the fees charged depository institutions. The distribution of costs of providing this service is currently being reviewed, as it has been several time during the last 15 years, to ensure that the banking sector and the Treasury are fairly sharing the costs of operating the book-entry system. At this time, the priced portion of the service has been determined to be fairly apportioned to the private sector and the fee schedule is designed for full recovery of the costs associated with the service.

Approximately 36 percent of the commenters expressed concern that there is no incentive for the Federal Reserve to minimize the costs of providing the book-entry service since the alternatives to the Federal Reserve's service are limited. There are, however, several alternatives to the Federal Reserve's service that are available to depository institutions as well as individuals. For Treasury bills, if an institution does not plan to trade in the secondary market, or trades infrequently, the institution has the alternative of maintaining an investor account with the Treasury Department and avoid any account maintenance fees. Alternatively, anyone, including active traders, has the option of maintaining an account with a correspondent to take advantage of lower fees that could result from the consolidation of accounts and issues. A third alternative for investors holding Treasury notes and bonds is to maintain securities in definitive form.

With respect to the concern that there is no incentive for the Federal Reserve to contain costs, the Federal Reserve

believes that, as in all areas of Federal Reserve activities, there are sufficient safeguards for controlling costs. The oversight function of the Board through both the budgetary process and operational reviews encourages Federal Reserve Banks to seek actively to contain costs. Further, the Reserve Banks are studying several System-wide cost reduction initiatives, including the consolidation of book-entry transfer and securities safekeeping facilities to eliminate marginally utilized facilities. Finally, the General Accounting Office has authority to audit the pricing of the book-entry securities service, including the associated costs.

After review of the comments received and analysis of issues raised, the Board has determined to adopt the following fee schedule for the book-entry securities service, effective April 28, 1983.

Component		
One-Line Transfer Originated [1]	Per Transfer	$3.00
Off-Line Transfer Originated	Per Transfer	10.00
Off-Line Transfer Received	Per Transfer	10.00
Account Maintenance	Per Account/ Per Month	15
Issues in Accounts Maintained	Per Issue/ Per Month	50

[1] For all Federal Reserve Districts except New York. The fee schedule for on-line transfers originated through the Federal Reserve Bank of New York is: Per Transfer—9:00 a.m.-12:00 Noon, $1.00; 12:01 p.m.-2:00 p.m., 3.00; 2:01 p.m.-Closing, 5.00.

By order of the Board of Governors of the Federal Reserve System, March 24, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-8096 Filed 3-29-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Michigan Bancorp., Inc.

Correction

In FR Doc. 83-7327, beginning on page 11988 in the issue of Tuesday, March 22, 1983, on page 11989, in the first column, under the heading "C. Federal Reserve Bank of Chicago", entry number 1 which now reads "1. *Michigan Bancorp, Inc.*, should read "1. *Michiana Bancorp, Inc.*."

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

"Tar", Nicotine and Carbon Monoxide Content of the Smoke of 208 Varieties of Cigarettes

AGENCY: Federal Trade Commission.

ACTION: Publication of "Tar", Nicotine and Carbon Monoxide Content of the Smoke of 208 Varieties of Cigarettes.

SUMMARY: The Federal Trade Commission publishes the "tar", nicotine, and carbon monoxide content of domestic cigarettes.

FOR FURTHER INFORMATION CONTACT: Judith P. Wilkenfeld, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202-724-1499) or Harold C. Pillsbury, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202-523-3559).

SUPPLEMENTARY INFORMATION: The Federal Trade Commission's Laboratory has determined the "tar" (dry particulate matter), total alkaloid (reported as nicotine) and carbon monoxide content of 208 varieties of cigarettes. The Laboratory utilized the Cambridge filter method with the following specifications as set forth in the Commission's announcement of July 31, 1967 (31 FR 11178) and July 10, 1980 (45 FR 26483).

1. Smoke cigarettes to a 23 mm. butt length, or to the length of the filter and overwrap plus 3 mm. if in excess of 23 mm.

2. Base results on a test of approximately 90 cigarettes per brand, or type.

3. Cigarettes to be tested will be selected on a random basis, as opposed to "weight selection".

4. Determine particulate matter on a "dry" basis employing the gas chromatography method published by C. H. Sloan and B. J. Sublett in *Tobacco Science 8*, page 70, 1965, as modified by F. J. Schultz' and A. W. Spears' report published in *Tobacco*, Vol. 162, No. 24, page 32, date June 17, 1966, to determine the moisture content.

5. Determine and report the "tar" content after subtracting moisture and alkaloids (as nicotine) from particulate matter.

6. Carbon Monoxide is determined by non-dispersal infrared spectrophotometer.

Concerning the 208 varieties tested, 15 were capable of being smoked to 23 mm. The butt length of the other 193 varieties tested ranged from 24.3 mm. to an average of between 40.3 to 44.0 mm. The butt length of 169 of the 208 varieties tested exceeded 30 mm.

The samples used were obtained by attempting to purchase two packages of each variety of cigarettes as distributed by domestic cigarette manufacturers during December 1981 through February 1982 in each of 50 geographic locations throughout the country. Not all varieties of cigarettes were available in each of the 50 geographic locations and in these instances, one or more additional packages of cigarettes were purchased in those geographic locations where respective varieties were available. The samples utilized in the tests were representative of the 208 varieties of cigarettes as available throughout the country at the time of purchase.

The "tar" and carbon monoxide figures have been rounded to the nearest milligram (0.5 milligrams and greater rounded up, 0.4 milligrams and less rounded down) and the nicotine figures have been rounded to the nearest tenth of a milligram (0.05 milligrams and greater rounded up, 0.04 milligrams and less rounded down).

It should be noted that cigarette brands with assay results for "tar" and carbon monoxide below 0.5 mg. per cigarette and for nicotine below 0.05 mg. per cigarette are recorded in the accompanying tables as <0.5 mg. "tar", <0.05 mg. nicotine and <0.5 mg carbon monoxide. The tables do not differentiate between these cigarettes because the current, approved testing methodology is not sensitive enough to differentiate between cigarettes at these levels.

The various test results for all brands of Barclay cigarettes have been reported with *an asterisk*(*) in the tables within this Report as they were in the Report of December 1981, because a controversy continues to exist as to whether the FTC testing methodology understates the "tar", nicotine and carbon monoxide delivery of Barclay cigarettes. On June 25, 1982, following an investigation, the Commission determined that its current cigarette testing methodology does not measure accurately the "tar", nicotine

and CO delivery of Barclay cigarettes. The Commission's decision is currently the subject of a pending court suit filed by Brown & Williamson Tobacco Corporation, manufacturer of Barclay.

The Commission has also found that there is a significant likelihood that the same problem (namely, an inaccurate reporting of the "tar", nicotine and CO delivery) exists with respect to Kool Ultra and Kool Ultra 100's, two other brands of cigarettes manufactured by Brown & Williamson. However, the Commission has not concluded at this time that Kool Ultra and Kool Ultra 100's are ranked inappropriately. Three asterisks (* * *) have been appended to the test scores for Kool Ultra and Kool Ultra 100's in this report to indicate this controversy.

By direction of the Commission, dated

Benjamin I. Berman,

Acting Secretary.

BILLING CODE 6750-01-M

TAR①, NICOTINE② AND CARBON MONOXIDE CONTENT OF TWO HUNDRED-EIGHT (208) VARIETIES OF DOMESTIC CIGARETTES

BRAND	TYPE	TAR (mg/cig)	NICOTINE (mg/cig)	CARBON MONOXIDE (mg/cig)
Alpine	king size, filter, menthol	14	0.9	14
Barclay*	king size, filter, (hard pack)	1	0.2	1
Barclay*	king size, filter	1	0.1	1
Barclay*	king size, filter, menthol	1	0.1	1
Barclay 100's*	100 mm, filter	3	0.3	2
Barclay 100's*	100 mm, filter, menthol	3	0.3	3
Belair	king size, filter, menthol	9	0.7	10
Belair 100's	100 mm, filter, menthol	9	0.7	11
Benson & Hedges	reg. size, filter, (hard pack)	1	0.1	2
Benson & Hedges	king size, filter, (hard pack)	16	1.2	13
Benson & Hedges 100's	100 mm, filter, (hard pack)	16	1.1	15
Benson & Hedges 100's	100 mm, filter, menthol, (hard pack)	16	1.1	15
Benson & Hedges 100's	100 mm, filter	17	1.1	16
Benson & Hedges 100's	100 mm, filter, menthol	17	1.1	16
Benson & Hedges Lights 100's	100 mm, filter, (hard pack)	11	0.8	13
Benson & Hedges Lights 100's	100 mm, filter, menthol, (hard pack)	11	0.8	12
Benson & Hedges Lights 100's	100 mm, filter	11	0.8	13
Benson & Hedges Lights 100's	100 mm, filter, menthol	11	0.8	12
Bull Durham	king size, filter	30	2.0	23
Cambridge	king size, filter, (hard pack)	<0.5	<0.05	1
Cambridge	king size, filter	1	0.1	1
Cambridge 100's	100 mm, filter	3	0.3	5
Camel	reg. size, non-filter	20	1.3	12
Camel	king size, filter	15	1.0	15
Camel Lights	king size, filter (hard pack)	8	0.7	8
Camel Lights	king size filter	8	0.7	10
Camel Lights 100's	100 mm, filter	12	0.8	15
Carlton	king size filter (hard pack)	<0.5	<0.05	<0.5
Carlton	king size, filter	1	0.1	2
Carlton	king size, filter, menthol	<0.5	0.1	1
Carlton 100's	100 mm, filter, (hard pack)	1	0.1	1
Carlton 100's	100 mm, filter, menthol, (hard pack)	<0.5	0.1	<0.5
Carlton 100's	100 mm, filter	4	0.4	6
Carlton 100's	100 mm, filter, menthol	4	0.4	5
Carlton 120's	120 mm, filter	6	0.6	4
Carlton 120's	120 mm, filter, menthol	6	0.6	5
Chesterfield	reg. size, non-filter	20	1.3	13
Chesterfield	king size, non-filter	24	1.8	14
Chesterfield	king size, filter	15	1.0	15
Chesterfield 100	100 mm, filter	15	1.1	17
Decade	king size, filter	5	0.5	5
Decade	king size, filter, menthol	5	0.4	4
Decade 100's	100 mm, filter	8	0.7	8
Doral II	king size, filter	4	0.4	4
Doral II	king size, filter, menthol	4	0.4	3
DuMaurier	king size, filter, (hard pack)	16	1.0	18
English Ovals	reg. size, non-filter, (hard pack)	23	1.7	12
English Ovals	king size, non-filter, (hard pack)	27	2.0	13
Eve Lights 100's	100 mm, filter	13	1.0	13
Eve Lights 100's	100 mm, filter, menthol	13	1.0	13
Eve Lights 120's	120 mm, filter, (hard pack)	13	1.1	11
Eve Lights 120's	120 mm, filter, menthol, (hard pack)	14	1.1	11
Galaxy	king size, filter	16	1.0	16
Golden Lights	king size, filter	8	0.7	9
Golden Lights	king size, filter, menthol	9	0.8	9
Golden Lights 100's	100 mm, filter	9	0.8	9
Golden Lights 100's	100 mm, filter, menthol	8	0.7	8
Half & Half	king size, filter	16	1.4	16
Herbert Tareyton	king size, non-filter	26	1.8	19
Iceberg 100's	100 mm, filter, menthol	3	0.3	4
Kent	king size, filter, (hard pack)	13	0.9	13
Kent	king size, filter	12	0.8	12
Kent III	king size, filter	2	0.3	2
Kent 100's	100 mm, filter	14	1.1	13
Kent 100's	100 mm, filter, menthol	15	1.3	14
Kent III 100's	100 mm, filter	6	0.5	6
Kool	reg. size, non-filter, menthol	18	1.0	14
Kool	king size, filter, menthol, (hard pack)	16	1.1	17
Kool	king size, filter, menthol	17	1.1	15
Kool Lights	king size, filter, menthol	9	0.7	10
Kool Milds	king size, filter, menthol	11	0.8	13
Kool Super Lights	king size, filter, menthol	6	0.5	6
Kool Ultra***	king size, filter, menthol	2	0.2	1
Kool Super Longs 100's	100 mm, filter, menthol	14	1.0	16
Kool Lights 100's	100 mm, filter, menthol	11	0.9	11
Kool Milds 100's	100 mm, filter, menthol	12	0.9	14
Kool Super Lights 100's	100 mm, filter, menthol	9	0.7	12
Kool Ultra 100's***	100 mm, filter, menthol	4	0.4	4
L & M	king size, filter, (hard pack)	14	1.0	15
L & M	king size, filter	15	1.0	15
L & M Lights	king size, filter	9	0.8	7
L & M 100's	100 mm, filter	15	1.1	16
L & M Lights 100's	100 mm, filter	8	0.8	6
L & M Lights 100's	100 mm, filter, menthol	8	0.8	6
Lark	king size, filter	15	1.1	14
Lark Lights	king size, filter	14	1.0	13
Lark 100's	100 mm, filter	16	1.2	15
Lark Lights 100's	100 mm, filter	15	1.1	14
Long Johns 120's	120 mm, filter	19	1.5	19
Long Johns 120's	120 mm, filter, menthol	15	1.3	18
Lucky Strike	reg. size, non-filter	24	1.5	16
Lucky Ten	king size, filter	9	0.7	11
Lucky 100's	100 mm, filter	3	0.3	4
Marlboro	king size, filter, (hard pack)	16	1.1	15
Marlboro	king size, filter, menthol, (hard pack)	15	0.9	14
Marlboro	king size, filter	17	1.1	15
Marlboro	king size, filter, menthol	15	0.9	14
Marlboro Lights	king size, filter, (hard pack)	10	0.7	12
Marlboro Lights	king size, filter	11	0.8	13
Marlboro 100's	100 mm, filter, (hard pack)	17	1.1	17
Marlboro 100's	100 mm, filter	17	1.1	16
Marlboro Lights 100's	100 mm, filter	11	0.8	13
Max 120's	120 mm, filter	19	1.5	18
Max 120's	120 mm, filter, menthol	18	1.5	17
Merit	king size, filter	8	0.6	11
Merit	king size, filter, menthol	8	0.6	10
Merit Ultra Lights	king size, filter	4	0.3	4
Merit Ultra Lights	king size, filter, menthol	3	0.3	4
Merit 100's	100 mm, filter	11	0.7	13
Merit 100's	100 mm, filter, menthol	9	0.7	11
Montclair	king size, filter	15	1.0	16
More Lights 100's	100 mm, filter, (hard pack)	9	0.7	9
More Lights 100's	100 mm, filter, menthol, (hard pack)	8	0.6	9
More 120's	120 mm, filter	17	1.2	21
More 120's	120 mm, filter, menthol	16	1.2	19
Multifilter	king size, filter	12	0.8	12
Multifilter	king size, filter, menthol	11	0.8	10
Newport	king size, filter, menthol, (hard pack)	16	1.1	16
Newport	king size, filter, menthol	17	1.2	17
Newport Lights	king size, filter, menthol, (hard pack)	9	0.7	9
Newport Lights	king size, filter, menthol	9	0.7	10
Newport Red	king size, filter, (hard pack)	13	1.1	14
Newport Red	king size, filter	13	1.0	15
Newport 100's	100 mm, filter, menthol	20	1.4	20
Newport Lights 100's	100 mm, filter, menthol	9	0.8	10
Northwind	king size, filter, menthol	8	0.6	10
Northwind 100's	100 mm, filter, menthol	9	0.6	11
Now	king size, filter, (hard pack)	<0.5	<0.05	<0.5
Viceroy Super Longs 100's	100 mm, filter	15	1.0	18
Viceroy Rich Lights 100's	100 mm, filter	10	0.8	12
Virginia Slims 100's	100 mm, filter	15	1.0	14

① TPM dry filter—milligrams total particulate matter less nicotine less water
② Milligrams total alkaloids reported as nicotine
* See statement in text concerning Barclay
*** See statement in text concerning Kool Ultra

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BRAND	TYPE	TAR (mg/cig)	NICOTINE (mg/cig)	CARBON MONOXIDE (mg/cig)
Northwind 100's	100 mm, filter, menthol	9	0.6	11
Now	king size, filter (hard pack)	<0.5	<0.05	<0.5
Now	king size, filter	1	0.1	1
Now	king size, filter, menthol	1	0.1	1
Now 100's	100 mm, filter, (hard pack)	<0.5	<0.05	<0.5
Now 100's	100 mm, filter	2	0.2	2
Now 100's	100 mm, filter, menthol	2	0.2	1
Oasis	king size, filter, menthol	15	1.0	15
Old Gold Straights	king size, non-filter	26	1.6	17
Old Gold Filters	king size, filter	17	1.3	18
Old Gold Lights	king size, filter	10	0.9	10
Old Gold Filters 100's	100 mm, filter	20	1.5	19
Omni 100's	100 mm, filter, menthol	9	0.7	8
Pall Mall	king size, non-filter	24	1.6	16
Pall Mall	king size, filter	18	1.2	18
Pall Mall Extra Lights	king size, filter	6	0.6	7
Pall Mall 100's	100 mm, filter	18	1.2	16
Pall Mall Light 100's	100 mm, filter	9	0.8	8
Pall Mall Light 100's	100 mm, filter, menthol	13	1.1	13
Parliament Lights	king size, filter, (hard pack)	9	0.6	9
Parliament Lights	king size, filter	9	0.7	11
Parliament Lights 100's	100 mm, filter	12	0.9	11
Philip Morris	reg. size, non-filter	22	1.4	12
Philip Morris Commander	king size, non-filter	26	1.7	15
Philip Morris International 100's	100 mm, filter, (hard pack)	18	1.1	16
Philip Morris International 100's	100 mm, filter, menthol, (hard pack)	16	1.0	16
Picayune	reg. size, non-filter	18	1.2	14
Players	reg. size, non-filter, (hard pack)	25	1.8	14
Raleigh	king size, non-filter	23	1.3	17
Raleigh	king size, filter	16	1.0	17
Raleigh Lights	king size, filter	9	0.7	10
Raleigh 100's	100 mm, filter	17	1.0	18
Raleigh Lights 100's	100 mm, filter	10	0.8	13
St. Moritz 100's	100 mm, filter	15	1.1	15
St. Moritz 100's	100 mm, filter, menthol	15	1.1	15
Salem	king size, filter, menthol	15	1.0	14
Salem Lights	king size, filter, menthol	8	0.8	11
Salem Ultra	king size, filter, menthol	5	0.4	6
Salem 100's	100 mm, filter, menthol	15	1.1	14
Salem Lights 100's	100 mm, filter, menthol	10	0.7	12
Salem Ultra 100's	100 mm, filter, menthol	6	0.4	6
Saratoga 120's	120 mm, filter, (hard pack)	15	1.0	16
Saratoga 120's	120 mm, filter, menthol, (hard pack)	15	1.0	16
Silva Thins 100's	100 mm, filter	12	1.1	10
Silva Thins 100's	100 mm, filter, menthol	12	1.1	10
Spring 100's	100 mm, filter, menthol	20	1.1	18
Tall 120's	120 mm, filter	19	1.5	19
Tall 120's	120 mm, filter, menthol	17	1.3	18
Tareyton	king size, filter	14	1.0	16
Tareyton Lights	king size, filter	5	0.4	5
Tareyton Ultra Low Tar	king size, filter, menthol	1	0.1	1
Tareyton 100's	100 mm, filter	15	1.1	17
Tareyton Long Lights 100's	100 mm, filter	7	0.6	7
Triumph	king size, filter	2	0.3	2
Triumph	king size, filter, menthol	3	0.4	3
Triumph 100's	100 mm, filter	4	0.5	6
Triumph 100's	100 mm, filter, menthol	4	0.5	5
True	king size, filter	5	0.4	5
True	king size, filter, menthol	5	0.4	5
True 100's	100 mm, filter	7	0.6	8
True 100's	100 mm, filter, menthol	7	0.6	9
Vantage	king size, filter	9	0.7	13
Vantage	king size, filter, menthol	9	0.6	13
Vantage Ultra Lights	king size, filter	4	0.4	6
Vantage 100's	100 mm, filter	9	0.7	12
Vantage Ultra Lights 100's	100 mm, filter	4	0.4	5
Viceroy	king size, filter	15	0.9	17
Viceroy Rich Lights	king size, filter	9	0.7	10
Viceroy Super Longs 100's	100 mm, filter	15	1.0	18
Viceroy Rich Lights 100's	100 mm, filter	10	0.8	12
Virginia Slims 100's	100 mm, filter	15	1.0	14
Virginia Slims 100's	100 mm, filter, menthol	15	1.0	14
Virginia Slims Lights 100's	100 mm, filter, (hard pack)	9	0.7	9
Virginia Slims Lights 100's	100 mm, filter, menthol (hard pack)	8	0.8	8
Winston	king size, filter (hard pack)	16	1.0	16
Winston	king size, filter	15	1.0	16
Winston Lights	king size, filter	11	0.8	11
Winston Ultra	king size, filter	4	0.4	4
Winston 100's	100 mm, filter	14	1.0	14
Winston Lights 100's	100 mm, filter	12	0.8	15
Winston Ultra 100's	100 mm, filter	5	0.4	6
Winston International 100's	100 mm, filter (hard pack)	18	1.3	17

[FR Doc. 83-7982 Filed 3-29-83; 8:45 am]

BILLING CODE 6750-01-C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants; Reestablishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972, Pub. L. 92–463, 86 Stat. 770–776, the Office of the Assistant Secretary, DHHS announces the reestablishment of the Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants by the Secretary, DHHS.

This Advisory Committee advises the Secretary and the Chair of the Agent Orange Working Group concerning its oversight of the conduct of the Ranch Hand Study by the Air Force and provides technical assistance to the Air Force in its conduct of the study. The Advisory Committee will perform the same functions with respect to its oversight of any other studies in which the Work Group believes involvement by the Advisory Committee is desirable.

Authority for this Committee shall terminate on January 19, 1985 unless the Secretary, DHHS, formally determines that continuance is in the public interest.

Dated: March 17, 1983.

John M. Moore, D.V.M.,

Director, Toxicology Research and Testing Program, National Institute of Environmental Health Sciences.

[FR Doc. 83–8134 Filed 3–29–83; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environment and Energy

[Docket No. NI–109]

Projects in Texas; Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Harper-Miller, Tauber-Rawlings, and McMillian-Stancliff, all in Brazoria County, Texas; and Bessie West in Fort Bend County, Texas. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Dated: March 21, 1983.

Francis G. Haas,

Deputy Director, Office of Environment and Energy.

Appendix

EIS on Harper-Miller Subdivision, Brazoria County, Texas

The Dallas Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement (EIS) for a proposed subdivision to be known as Harper-Miller located in Brazoria County, Texas. The purpose of this Notice is to solicit comments and recommendations from all interested persons, local, State and Federal agencies regarding the issues to be addressed in depth in the Environmental Impact Statement.

Description: Westview Development, Incorporated, has filed an application with the Houston Multifamily Service Office of the Department of Housing and Urban Development to accept the proposed subdivision for mortgage insurance under Section 203(b) of Title II of the National Housing Act of 1934, as amended. The proposed subdivision is located on Farm-to-Market Road 1462 between the cities of Alvin and Rosharon and is approximately five miles east of State Highway 288. When fully developed, over an eight-year period, the proposed subdivision consisting of 2,844 acres will provide 9,863 single-family residences and 4,100 multifamily dwelling units and will provide housing for approximately 42,660 persons.

Need: Due to the size of the total proposed project and due to environmental concerns warranting further analysis, the Dallas Area Office has determined that an Environmental Impact Statement should be prepared pursuant to Public Law 91–190, the National Environmental Policy Act of 1969.

Alternatives: The alternatives available to the Department are: (1) Accept the project as submitted, (2) accept the project with modifications and conditions to mitigate environmental concerns, or (3) reject the project.

Scoping: No formal scoping meeting is anticipated for this project. It is the intent of this Notice to be considered a part of the process used for scoping the Environmental Impact Statement. Responses to this Notice will be used to: (1) Determine significant environmental issues, and (2) identify the concerns which the EIS should address.

Contact: Comments should be sent within 21-days following publication of this Notice in the **Federal Register** to I. J. Ramsbottom, Environmental Officer, Dallas Area Office, Department of Housing and Urban Development, P.O. Box 10050, Dallas, Texas 75207. The commercial telephone number of this office is (214) 767–8347 and the FTS number is 729–8347.

EIS on Tauber-Rawlings Subdivision, Brazoria County, Texas

The Dallas Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement (EIS) for a proposed subdivision to be known as Tauber-Rawlings located in Brazoria County, Texas. The purpose of this Notice is to solicit comments and recommendations from all interested persons, local, State and Federal agencies regarding the issues to be addressed in depth in the Environmental Impact Statement.

Description: Westview Development, Incorporated, has filed an application with the Houston Multifamily Service Office of the Department of Housing and Urban Development to accept the proposed subdivision for mortgage insurance under Section 203(b) of Title II of the National Housing Act of 1934, as amended. The proposed subdivision is located two miles east of State Highway 288, on County Road 48. When fully developed, over an eight-year period,

the proposed subdivision consisting of 1,061 acres will provide 2,837 single-family residences and 3,120 multifamily dwelling units and will provide housing for approximately 15,915 persons.

Need: Due to the size of the total proposed project and due to environmental concerns warranting further analysis, the Dallas Area Office has determined that an Environmental Impact Statement should be prepared pursuant to Public Law 91–190, the National Environmental Policy Act of 1969.

Alternatives: The alternatives available to the Department are: (1) Accept the project as submitted, (2) accept the project with modifications and conditions to mitigate environmental concerns, or (3) reject the project.

Scoping: No formal scoping meetings is anticipated for this project. It is the intent of this Notice to be considered a part of the process used for scoping the Environmental Impact Statement. Responses to this Notice will be used to: (1) Determine significant environmental issues, and (2) identify the concerns which the EIS should address.

Contract: Comments should be sent within 21-days following publication of this Notice in the **Federal Register** to I. J. Ramsbottom, Environmental Officer, Dallas Area Office, Department of Housing and Urban Development, P.O. Box 10050, Dallas, Texas 75207. The commercial telephone number of this office is (214) 767–8347 and the FTS number is 729–8347.

EIS on McMillian-Stancliff Subdivision, Brazoria County, Texas

The Dallas Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement (EIS) for a proposed subdivision to be known as McMillian-Stancliff located in Brazoria County, Texas. The purpose of this Notice is to solicit comments and recommendations from all interested persons, local, State and Federal agencies regarding the issues to be addressed in depth in the Environmental Impact Statement.

Description: Westview Development, Incorporated, has filed an application with the Houston Multifamily Service Office of the Department of Housing and Urban Development to accept the proposed subdivision for mortgage insurance under Section 203(b) of Title II of the National Housing Act of 1934, as amended. The proposed subdivision is located two miles east of State Highways 56 and 288, in the City of Arcola. State Highway No. 6 forms the southern boundary of the proposed subdivision. When fully developed, over an eight-year period, the proposed subdivision consisting of 1,121 acres will provide 3,274 single-family residences and 3,200 multifamily dwelling units and will provide housing for approximately 16,815 persons.

Need: Due to the size of the total proposed project and due to environmental concerns warranting further analysis, the Dallas Area Office has determined that an Environmental Impact Statement should be prepared pursuant to Public Law 91–190, the National Environmental Policy Act of 1969.

Alternatives: The alternatives available to the Department are: (1) Accept the project as submitted, (2) accept the project with modifications and conditions to mitigate environmental concerns, or (3) reject the project.

Scoping: No formal scoping meetings is anticipated for this project. It is the intent of this Notice to be considered a part of the process used for scoping the Environmental Impact Statement. Responses to this Notice will be used to: (1) Determine significant environmental issues, and (2) identify the concerns which the EIS should address.

Contact: Comments should be sent within 21-days following publication of this Notice in the **Federal Register** to I. J. Ramsbottom, Environmental Officer, Dallas Area Office, Department of Housing and Urban Development, P.O. Box 10050, Dallas, Texas 75207. The commercial telephone number of this office is (214) 767–8347 and the FTS number is 729–8347.

EIS on Bessie West subdivision, Fort Bend County, Texas

The Dallas Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement (EIS) for a proposed subdivision to be known as Bessie West located in Fort Bend County, Texas. The purpose of this Notice is to solicit comments and recommendations from all interested persons, local, State and Federal agencies regarding the issues to be addressed in depth in the Environmental Impact Statement.

Description: Westview Development, Incorporated, has filed an application with the Houston Multifamily Service Office of the Department of Housing and Urban Development to accept the proposed subdivision for mortgage insurance under Section 203(b) of Title II of the National Housing Act of 1934, as amended. The proposed subdivison is located four miles north of the junction of State Highways Nos. 288 and 6. State Highway 288 bisects the proposed property. When fully developed, over an eight-year period, the proposed subdivison will provide 2,726 single-family residences and 1,500 multifamily dwelling units and will provide housing for approximately 12,165 persons.

Need: Due to the size of the total proposed project and due to environmental concerns warranting further analysis, the Dallas Area office has determined that an Environmental Impact Statement should be prepared pursuant to Public Law 91–190, the National Environmental Policy Act of 1969.

Alternatives: The alternatives available to the Department are: (1) Accept to project as submitted, (2) accept the project with modifications and conditions to mitigate environmental concerns, or (3) reject the project.

Scoping: No formal scoping meetings is anticipated for this project. It is the Intent of this Notice to be considered a part of the process used for scoping the Environmental Impact Statement. Responses to this Notice will be used to: (1) Determine significant environmental issues, and (2) identify the concerns which the EIS should address.

Contact: Comments should be sent within 21-days following publication of this Notice in the **Federal Register** to I. J. Ramsbottom, Environmental Officer, Dallas Area Office, Department of Housing and Urban Development, P.O. Box 10050, Dallas, Texas 75207. The commercial telephone number of this office is (214) 767–8347 and the FTS number is 729–8347.

[FR Doc. 83–8124 Filed 3–29–83; 8:45 am]
BILLING CODE 4210–29–M

Office of the Secretary

[Docket No. N–83–1224]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office

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of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Proposal: Mortgagee's Notice to HUD and Sample Request for Occupied Conveyance
Office: Housing
Form No.: None
Frequency of Submission: On Occassion
Affected Public: Individuals or Households and Businesses or Other Institutions (except farms)
Estimated Burden Hours: 19,500
Status: New
Contact: Pat Grote, HUD, (202) 755–5740, or Robert Neal, OMB, (202) 395–6880.

(Sec. 3507, Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: January 24, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-8123 Filed 3-29-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[INT FES 83-19]

Availability of the Final Environmental Impact Statement for the Proposed Construction of a Railroad on the Navajo Indian Reservation in McKinley and San Juan Counties in Northwestern New Mexico

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Availability of a Final Environmental Impact Statement (FEIS).

SUMMARY: This Notice advises the public that the Final Environmental Impact Statement for the proposed construction of the Navajo Railroad on the Navajo Indian Reservation in McKinley and San Juan Counties in northwestern New Mexico is available for public review.

FOR FURTHER INFORMATION CONTACT: Jim R. Analla, Environmental Protection Specialist, Navajo Area Office, Bureau of Indian Affairs, Post Office Box M, Window Rock, Arizona 86515—Mail Code 305. Telephone (602) 871–5151, Extension 5314.

Individuals wishing copies of this final environmental impact statement should immediately contact the above individual.

Copies have been sent to all agencies and individuals who participated in the scoping process and all others who have already requested copies. The number of available copies is limited.

Copies of the final environmental impact statement are available for inspection at the following locations:

Bureau of Indian Affairs, Environmental Services Staff, Room 4518, Washington, D.C. 20245, Telephone: (202) 343–4541.
Bureau of Indian Affairs, Environmental Quality Services, Window Rock, Arizona 86515, Telephone (602) 871–5151, Extension 5314.
U.S. Department of the Interior, Office of the Secretary, Southwest Region, Room 1400, First National Bank Building, 5301 Central Avenue, N.E., Albuquerque, New Mexico 87108, Telephone: (505) 766–3565.

SUPPLEMENTARY INFORMATION: The Bureau of Indian Affairs (BIA), Department of the Interior (DOI), has prepared a final environmental impact statement for a proposed railroad to be constructed from Gallup, New Mexico, approximately 136 miles north to the San Juan River, east of Shiprock, New Mexico.

The proposed action is primarily for transporting coal from the Consolidation Coal Company CONSOL) coal lease in the Burnham-Bisti area on the Navajo Indian Reservation. A possibly exists that if constructed, the railroad may also operate a common carrier should sufficient need develop.

Primary impacts of the proposed project would be on the area's economics, land use, Navajo socioculture, archeology, localized visual resources, and noise. The socioeconomic impacts would be largely positive, resulting in new job opportunities and additional tax and royalty revenues for state, local and Navajo governments. Mitigating measures will be taken to minimize adverse impacts. Minor impacts may be expected on geology, water resources, terrestrial ecology, aquatic ecology, climatology, and air quality.

The alternatives considered in the FEIS were: No Action; Connection with the Star Lake Railroad; Coal slurry pipeline; Conveyor belt system; Trust haul system; and Alternative routes.

Dated: March 24, 1983.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 83-8095 Filed 3-29-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management

[AZAZ055000002]

Arizona; Realty Action; Competitive Sale of Public Land in Yuma County

The following described land has been identified as suitable for disposal under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value

T. 8 S., R. 15 W., Gila & Salt River Meridian, Arizona

Parcel A: SW¼ Section 29 (160 acres @ $56,000)
Parcel B: W½SE¼ Section 24 (80 acres @ $28,000)

The land is zoned RA–40 (rural agricultural with one dwelling per 40 acre parcel). The parcels will be sold at public auction by competitive bidding. The sale will be held at the Wellton Town Hall, 28871 Oakland Avenue, Wellton, Arizona on Thursday, May 26, 1983, at 10:00 a.m.

Bidding Information and Instructions: The Federal Land Policy and Management Act requires that bidders must be citizens of the United States, 18 years of age or over, or, in the case of a corporation, be subject to the laws of any state of the United States. Bids may

be made by a principal (the one desiring to purchase the land) or his duly qualified agent. Each bid must be for all the land in a specific parcel.

Method of Bidding: Bids may be made either by sealed bids or personally at the sale. Bids sent by mail will only be considered if received by the Bureau of Land Management, Yuma District Office, P.O. Box 5680, Yuma, Arizona 85364, prior to close of business on Wednesday, May 25, 1983. Bids accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid, must be in a separate sealed envelope within the transmittal envelope. The sealed envelopes must be marked in the lower left hand corner "Sealed Bid, Public Land Sale AZAZ055000002, Parcel Number ——, Sale to be May 26, 1983." All sealed bids will be opened at 9:00 a.m. on the day of the sale. Oral bids will be received immediately after all sealed bids have been opened and the highest sealed bid is announced. The highest sealed bid for each parcel will be the base price for the oral bids. If the highest bid is an oral bid, the successful bidder will be required to pay immediately one-fifth of the high bid price by cash, personal check, money order, bank draft, or any combination of these. The successful high bidder, whether by sealed or oral bid, will be required to submit the remainder of the land payment by cash, certified check, bank draft, money order, or any combination of these at the time of the sale or within 30 days after the date of sale.

Post Sale Instructions: If final payment is not received within the specified 30 days, the high bid is rejected, the deposit is forfeited, and the land will be offered to the second highest bidder, subject to the same terms and conditions. All unsuccessful sealed bids will be returned within 30 days of the sale. The land has been found to contain no mineral values and the minerals may be purchased separately by the successful bidder under Section 209(b) of the Federal Land Policy and Management Act (Pub. L. 94–579).

Detailed information concerning the parcels can be obtained from the Yuma District Office.

Patents will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945).

2. All minerals with the right to explore, prospect for, mine, and remove under applicable law, and such regulations as the Secretary of the Interior may prescribe.

Publication of this Notice will segregate the subject lands from all appropriations under the public land laws, including the mining laws, but not the mineral leasing laws. This segregation will terminate upon the issuance of a patent or two years from the date of this Notice, or upon publication of a Notice of Termination by the authorized officer.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Yuma District Office. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action, and issue a final determination. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of Interior.

Date of first publication is set for April 4, 1983.

To be published once each week for three consecutive weeks in the "Yuma Daily Sun," and once each week for two consecutive weeks in the "Arizona Business Gazett," Phoenix, Arizona and the "Arizona Daily Star," Tucson, Arizona.

Dated: March 21, 1983.

Gary A. McVicker,

Acting District Manager.

[FR Doc. 83–8147 Filed 3–29–83; 8:45 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.):

Applicant: Clyde Early, Jr., Salt Lake City, UT
PRT 2–10117

The applicant requests a permit to import one hunting trophy of a captive-bred bontebok antelope (*Damaliscus dorcas dorcas*) that was culled from a ranch heard in South Africa.

Applicant: International Crane Foundation, Baraboo, WI
PRT 2–6303

The applicant requests an amendment to his permit to import 10 fertile black-necked crane (*Grus nigricollis*) eggs from the Ladakh Province, India, for enhancement of propagation and survival.

Applicant: Zoological Society of San Diego, San Diego, CA
PRT 2–10149

The applicant requests a permit to import one female mandrill (Papio sphinx) and one female white-collared mangabey (*Cercocebus torquatus torquatus*) from Natura Artis Magistra, Amsterdam, for the purpose of enhancement of propagation.

Applicant: Zoological Society of San Diego, San Diego, CA
PRT 2–10148

The applicant requests a permit to import two male and one female captive born Goeldi's marmosets (*Callimico goeldi*) from the Jersey Wildlife Preservation Trust, Jersey (U.K.), for enhancement of propagation.

Applicant: Lafayette Zoological Park, Norfolk, VA
PRT 2–10013

The applicant requests a permit to export two rehabilitated brown pelicans (*Pelecanus occidentalis*) to Metro Toronto Zoo, Canada, for enhancement of propagation.

Applicant: William J. Parsons, Hollister, CA
PRT 2–10072

The applicant requests a permit to import one bontebok (*Damaliscus dorcas dorcas*) that is to be taken from a ranched heard in South Africa. The bontebok will be taken to enhance breeding and survival of other bonteboks on the ranch.

Applicant: Oregon Department of Fish and Game, Portland, Oregon
PRT 2–10163

The applicant requests a permit to take wild peregrine falcon (*Falco peregrinus anatum*) eggs for hatching in captivity to enhance production of wild birds. The applicant also wants to conduct surveys of breeding sites and other related activities necessary to help in the recovery of peregrine falcons in Oregon and the West coast.

Applicant: Zoological Society of San Diego, San Diego, CA
PRT 2–11162

The applicant requests a permit to import one female Jentink's duiker (*Cephalophus jentinki*) from Charles Steiner, Monrovia, Liberia, for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: March 24, 1983.

Larry La Rochelle,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-8186 Filed 3-29-83; 8:45 am]

BILLING CODE 4310-55-M

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an applicant has applied in due form for a permit to import one polar bear as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant: Zoological Society of San Diego, P.O. Box 551, San Diego, CA 92112.
2. Type of permit; Import.
3. Name and number of animials: Polar bear (*Ursus maritimus*), one male cub.
4. Type of Activity: Import for public display.
5. Location of Activity: Import from the Calgary Zoo, Alberta to the San Diego Zoo.
6. Period of Activity: one year.

The purpose of this application is for the import of a polar bear cub that became orphaned after its mother was killed as a nuisance bear near an active mine site located near Resolute Bay, Northwest Terroritories, Canada.

Concurrent with the publication of this notice in the **Federal Register**, the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-9949. Written data or views, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203, within 30 days of the publication of this notice. Individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements contained in this notice are summaries of those of the applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road, Arlington, Virginia.

Dated: March 24, 1983.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-8185 Filed 3-29-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Union Oil Company of California

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3316, Block A-384, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 21, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-8009 Filed 3-29-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.91, Amdt. No. 1]

Mission Director, USAID/Pakistan; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant to the Administrator for Management of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.91 as follows:

The first paragraph is deleted in its entirety and the following paragraph substituted in lieu thereof:

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant to the Administrator for Management, I hereby redelegate to the Mission Director, USAID/Pakistan, the authority to sign:

(1) U.S. Government contracts, grants (other than grants to foreign governments or agencies thereof), interagency service agreements (IASAs) between A.I.D. and other U.S. Government agencies, cooperative agreements, and amendments thereto, up to an amount of One Million Dollars (or local currency equivalent) per transaction.

(2) To make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services including those financed by Federal Reserve letters of credit, and to approve the contract, cooperative agreement, and grant provisions relating to such advance payments.

(3) To approve advances under nonpersonal services contracts with individuals.

The second paragraph is deleted in its entirety and the following paragraphs are substituted in lieu thereof:

The authorities herein delegated in (1) and (2) above may be redelegated in writing, in whole or in part, by said Mission Director as follows:

(a) Basic contracting authority up to $100,000 and authority up to $300,000 for personal services contracts may be redelegated at the Mission Director's discretion.

(b) Basic contracting authority over $100,000 and authority over $300,000 for personal services contracts may be redelegated with the prior concurrence

of the Director, Office of Contract Management (except that such prior concurrence is not required in the case of a redelegation to the Mission Director's principal deputy).

The authority herein delegated in (3) above is redelegable only with prior concurrence from the Office of Contract Management.

Such redelegations shall remain in effect until revoked by the Mission Director, or upon advice from the Director, Office of Contract Management, that his concurrence is a redelegation is withdrawn, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

Except as provided herein this Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment shall be effective on the date of signature.

Dated: March 17, 1983.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 83-8143 Filed 3-29-83; 8:45 am]

BILLING CODE 6116-01-M

[Redelegation of Authority No. 99.1.23, Amt. No. 3]

Mission Director, USAID/Nepal; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1, dated May 1, 1973 (38 FR 12836), as amended, I hereby further amend Redelegation of Authority No. 99.1.23, as amended, as follows:

The first paragraph is hereby amended as follows:

(a) Delete subheads 1 and 2; and

(b) Substitute the following subheads 1 through 5 in lieu thereof:

1. U.S. Government contracts (including nonpersonal service contracts with individuals for the services of the individual alone), cooperative agreements, grants (other than grants to foreign governments or agencies thereof), and amendments up to an amount of $100,000 (or local currency equivalent) per transaction.

2. Personal services contracts provided the aggregate amount of each individual contract does not exceed $300,000.

3. To make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services including those financed by Federal Reserve letters of credit, and to approve contract, cooperative agreement, and grant provisions relating to such advance payments.

4. Advances under nonpersonal services contracts with individuals.

5. Operational Progam Grants (OPGs) to U.S. Private Voluntary Organizations (PVOs), as defined in Appendix 4B, Chapter 4, AID Handbook 3, *Project Assistance*, and in accordance with the procedures of Chapter 4, AID Handbook 13, *Grants*, on the following basis:

(a) Such OPG's shall not exceed $1,000,000 for the life of project;

(b) Each OPG shall constitute assistance; and

(c) The post must be advised by AID/W, prior to signing the OPG that Congress has been notified and funds have been allotted.

The second paragraph is hereby deleted in its entirety and the following paragraphs substituted in lieu thereof:

The authorities delegated in 1, 2, and 3 above may be redelegated in writing, in whole or in part, by said Mission Director, at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons ceases to hold the office of Contracting Officer or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authorities delegated in 4 and 5 above are not redelegable.

Except as provided herein, this Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective on date of signature.

Dated: February 7, 1983.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 83-8144 Filed 3-29-83; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

Agency Forms Submitted for OMB Review

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Commission has submitted a proposal for the collection of information to the Office of Management and Budget for review.

Purpose of Information Collection: The proposed information collection is for use by the Commission in connection with investigation No. 332-155, The Competitive Position of U.S. Producers of Robotics in Domestic and World Markets.

Summary of Proposal: The following summarizes the information collection proposal submitted to OMB for investigation No. 332-155:

(1) Number of forms submitted: Three.

(2) Title of forms: Questionnaire for Producers of Robots; Questionnaire for Importers of Robots; and Questionnaire for Purchasers of Robots.

(3) Type of request: New.

(4) Frequency of use: Nonrecurring.

(5) Description of respondents: U.S. producers, importers, and purchasers of robotics.

(6) Estimated number of respondents: 80.

(7) Estimated total number of hours to complete the forms: 2,000.

(8) Information obtained from the forms that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual opertions of a firm.

(9) Section 3504(h) of Pub. L. 96-511 does not apply.

Additional Information or Comment: Copies of the proposed forms and supporting documents may be obtained from Charles Ervin, the USITC agency clearance officer (tel. no. 202-523-4463). Comments about the proposals should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for U.S. International Trade Commission. If you anticipate commenting on a form but find that time to prepare comments will prevent you from submitting them promptly, you should advise OMB of your intent as soon as possible. Copies of any comments should be provided to Charles Ervin (United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436).

Issued: March 25, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-8210 Filed 3-29-83; 8:45 am]

BILLING CODE 7020-02-M

Agency Forms Submitted for OMB Review

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Commission has submitted a proposal for the collection of information to the

Office of Management and Budget for review.

Purpose of Information Collection: The proposed information collection is for use by the Commission in connection with Investigation No. 332–159, A Study on the Conditions of Competition between Imported and Domestically Produced Pianos, in response to a request from the Chairman of the Subcommittee on Trade of the House Committee on Ways and Means.

Summary of Proposal:

(1) Number of forms submitted: Two.

(2) Title of forms: A Study on the Conditions of Competition between Imported and Domestically Produced Pianos-Questionnaire for *U.S. Producers) (Importers) of Pianos.

(3) Type of request: New.

(4) Frequency of use: Nonrecurring.

(5) Description of respondents: U.S. producers and importers of pianos.

(6) Estimated number of respondents: 60.

(7) Estimated number of hours to complete the forms: 330.

(8) Information obtained from the questionnaires that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

(9) Section 3504(h) of Pub. L. 96–511 does not apply.

Additional Information or Comment: Copies of the proposed forms and supporting documents may be obtained from Charles Ervin, the USITC agency clearance officer (tel. no. 202–523–4463). Comments about the proposals should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for U.S. International Trade Commission. If you anticipate commenting on a form but find that time to prepare comments will prevent you from submitting them promptly, you should advise OMB of your intent as soon as possible. Copies of any comments should be provided to Charles Ervin (United States International Trade Commission, 701 E. Street, NW., Washington, D.C. 20436).

Issued: March 23, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–8222 Filed 3–29–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–125]

Certain Grooved Wooden Handle Kitchen Utensils and Gadgets; Termination of Investigation and Issuance of Consent Order

AGENCY: International Trade Commission.

ACTION: Termination of investigation and issuance of consent order.

SUMMARY: On November 30, 1982, complainant Bonny Products, Inc., respondents Four Star International Trading Co. and G & S Metal Products Co., Inc., and the Commission investigative attorney filed a joint motion (Motion No. 125–1) to terminate the investigation with respect to both respondents. The motion was based on a consent order agreement which incorporated a settlement agreement signed by the complainant, respondents, and Shen Fa Handicraft Center (a nonparty) and a proposed consent order. On December 6, 1982, the presiding officer recommended that the Commission approve Motion No. 125–1 and issue the proposed consent order with paragraph 2 deleted.

A **Federal Register** notice was published on January 26, 1983, seeking comments on the proposed termination from interested members of the public and other government agencies, 48 FR 3666. No comments were received. On March 22, 1983, the Commission granted the joint motion, issued the proposed consent order, and terminated the investigation.

SUPPLEMENTARY INFORMATION: Investigation No. 337–TA–125 was instituted on August 11, 1982. The Commission was conducting this investigation to determine whether there was a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) by reason of unfair methods of competition and unfair acts in the importation and sale of certain grooved wooden handle kitchen utensils and gadgets. The alleged unfair methods of competition and unfair acts included misappropriation of trade dress, false representation of source, and common law trademark infringement. These alleged unfair acts were alleged to have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Copies of the Commission Action and Order, the consent order, and all other nonconfidential documents filed in connection with the investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0079.

Issued: March 23, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–8225 Filed 3–29–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–132]

Certain Hand-Operated, Gas-Operated Welding, Cutting and Heating Equipment and Component Parts Thereof

Notice is hereby given that a prehearing conference scheduled for April 18, 1983 and the hearing scheduled to commence immediately thereafter (48 FR 11189, March 16, 1983) are cancelled.

The Secretary shall publish this notice in the **Federal Register.**

Issued: March 22, 1983.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 83–8226 Filed 3–29–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–187 (Final) and 731–TA–100 (Final)]

Certain Tool Steels From Brazil and the Federal Republic of Germany

AGENCY: International Trade Commission.

ACTION: Suspension of final countervailing duty investigation and postponement of hearing.

EFFECTIVE DATE: March 14, 1983

SUMMARY: On March 14, 1983, the United States Department of Commerce suspended its countervailing duty investigation involving certain tool steels from Brazil. The basis for the suspension is an agreement by the Government of Brazil to offset completely the amount of net subsidy determined by Commerce to exist with respect to the subject product. Accordingly, the United States International Trade Commission hereby gives notice of the suspension of its countervailing duty investigation involving certain tool steels from Brazil (investigation No. 701–TA–187 (Final)). Additionally, the Commission hereby gives notice of the cancellation of the hearing to held in connection therewith.

Since the Department of Commerce has postponed its final determination in its investigation on certain tool steels from the Federal Republic of Germany until May 27, 1983, the Commission is likewise rescheduling its final determination in accordance with section 735 (b)(2) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(2)) and is postponing its hearing in that investigation. Notice of the Commission's new hearing date will be published as soon as it is determined.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen P. Miller, Office of Investigations, U.S. International Trade Commission, (202) 523–0305.

This notice is published pursuant to § 207.40 of the Commission's Rules of Practice and Procedure (19 CFR 207.40).

Issued: March 21, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–8223 Filed 3–29–83; 8:45 am]

BILLING CODE 7020–02–M

[332–160]

A Competitive Assessment of the U.S. Video Game Industry

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), the Commission has instituted on its own motion investigation No. 332–160 for the purpose of assessing the current and prospective competitiveness of the U.S. video game industry. The study will analyze the rapid growth of the U.S. industry, the growing reliance on overseas assembly of video games, and markets for such games in Canada, Europe, and Japan. The study will also assess conditions of competition between U.S. producers and producers in Europe, Canada, Japan, Taiwan, and Hong Kong.

EFFECTIVE DATE: February 25, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Watkins or Mr. Rhett Leverett, General Manufactures Division, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202–724–0976, or 202–724–1725, respectively.

Written Submissions: While there is no public hearing scheduled for this study, written submissions from interested parties are invited. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested parties. To be ensured of consideration by the Commission, written statements should be received by the close of business on October 30, 1983. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: March 22, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–8224 Filed 3–29–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–179 Through 181 (Final)]

Hot-Rolled Stainless Steel Bar, Cold-Formed Stainless Steel Bar, and Stainless Steel Wire Rod From Brazil

AGENCY: International Trade Commission.

ACTION: Continuation of final countervailing duty investigations.

EFFECTIVE DATE: February 22, 1983.

SUMMARY: On February 2, 1983, the United States Department of Commerce suspended its countervailing duty investigations concerning hot-rolled stainless steel bar, cold-formed stainless steel bar and stainless steel wire rod (certain stainless steel products) from Brazil (48 FR 4703). The basis for the suspension was an agreement by the Government of Brazil to offset all benefits which Commerce found to constitute subsidies with an export tax on all exports of the subject products to the United States. Accordingly, pursuant to section 704(f)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1671c(f)(1)(B)), the United States International Trade Commission suspended its countervailing duty investigations on the subject products from Brazil (48 FR 8875). On February 22, 1982, however, a request to continue the investigations was filed with Commerce and the Commission pursuant to section 704(g)(2) of the Tariff Act (19 U.S.C. 1671c(g)(2)) by counsel for the petitioners. Accordingly, the Commission hereby gives notice of the continuation of investigations Nos. 701–TA–179 through 181 (Final), Hot-Rolled Stainless Steel Bar, Cold-Formed Stainless Steel Bar, and Stainless Steel Wire Rod from Brazil. Unless the investigations are extended, the Department of Commerce will make its final subsidy determinations in these cases by May 9, 1983, and the Commission will make its final injury determinations by June 23, 1983.

FOR FURTHER INFORMATION CONTACT: Larry Reavis, (202/523–0296), Office of Investigations, U.S. International Trade Commission, Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION:

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11, as amended by 47 FR 6189, February 10, 1982), not later than 21 days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), amended by 47 FR 33682, August 4, 1982).

Staff report.—A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on April 29, 1983, pursuant to § 206.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m., on May 11, 1983, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on May 2, 1983. All persons desiring to appear at the hearing and make oral presentation should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., e.s.t., on May 5, 1983, in room 117 of the U.S. International Trade

Commission Building. The deadline for filing prehearing briefs is May 6, 1983.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, August 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, August 4, 1982). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on May 23, 1983.

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 23, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR Part 207, as amended by 47 FR 33682, August 4, 1982), and part 201, subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, August 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: March 22, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-8221 Filed 3-29-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-127, 128 and 129 (Preliminary)]

Thin Sheet Glass From Switzerland, Belgium, and the Federal Republic of Germany

AGENCY: International Trade Commission.

ACTION: Institution of preliminary antidumping investigations and scheduling of a conference to be held in connection with the investigations.

EFFECTIVE DATE: March 16, 1983.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of preliminary antidumping investigations under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Switzerland, Belgium, and the Federal Republic of Germany of thin sheet glass, provided for in items 542.11 and 542.13 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Zeck, Office of Investigations, U.S. International Trade Commission, 701 E St., NW., Washington, D.C. 20436, telephone 202-523-0339.

SUPPLEMENTARY INFORMATION:

Background.— These investigations are being instituted in response to a petition filed on March 16, 1983, on behalf of Jeannette Sheet Glass Corp., Jeannette, Pa., a domestic producer of the subject merchandise. The Commission must make its determinations in the investigations within 45 days after the date of the filing of the petition, or by May 2, 1983 (19 CFR 207.17).

Participation.—Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided for in section 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than seven (7) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of documents.—The Secretary will compile a service list from the entries of appearance filed in the investigations. Any party submitting a document in connection with the investigations shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)), as amended by 47 FR 33682, Aug. 4, 1982).

In addition to the foregoing, each document filed with the Commission in the course of these investigations must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written submissions.—Any person may submit to the Commission on or before April 14, 1983, a written statement of information pertinent to the subject matter of these investigations (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., on April 11, 1983, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the staff investigator, Ms. Judith Zeck (202-523-0339), not later than April 4, 1983, to arrange for their appearance. Parties in support of the imposition of antidumping duties in the investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public inspection.—A copy of the petition and all written submission, except for confidential businesss data, will be available for public inspection

during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and B (19 CFR Part 207, as amended by 47 FR 33682, August 4, 1982), and Part 201, subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, August 4, 1982). Further information concerning the conduct of the conference will be provided by Ms. Zeck.

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: March 23, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-8220 Filed 3-29-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: March 25, 1983.

The following notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt interstate transportation must file the Notice, Form BOp-12, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Cornucopia Lines, Inc., (2) 4880 N. Cedar Ave., Suite 102, Fresno, CA 93726.

(3) Donato Guerra 900 Sur, Col. Guadalupe, Culiacan, Sinaloa, Mexico.

(4) Jose Zuniga, P.O. Box 727, El Toro, CA 92630.

(1) Sutherland Farmers Co-operative Company, (2) Box 100, Sutherland, IA 51058.

(3) Iowa Better Trucking, 328 Livestock Exchange, Sioux City, IA 51107.

(4) Carolyn Roberts, Box 100, Sutherland, IA 51058.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8117 Filed 3-29-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philidelphia, PA 19106.

MC 166706 (Sub-II-1TA), filed March 10, 1983. Applicant: ASAP LINES, INC., 7987 Secretariat Court, Cincinnati, OH 45052. Representative: Charles J. Postow, 2100 Central Trust Center, 201 East Fifth St., Cincinnati, OH 45202. *General commodities* (except Class A and B explosives, household goods and commodities in bulk) between points in OH, MI, WI, IN, IL, KY, TN, MS, LA, TX, AL, GA, FL, SC, NC, VA, WV, PA, MD, DC, NJ, NY, CT, RI, MA, NH, DE, ME and VT, for 270 days Supporting shipper: Nationwide Shippers Co-Operative Association, Inc., 2735 Spring Grove Ave, Cincinnati, OH 45225.

MC 161571 (Sub-II-2TA), filed March 10, 1983. Applicant: AMERICAN DELIVERY SERVICE, INC., 8415 Envoy Ave., Philadelphia, PA 19153. Representative: Richard Rueda, 135 N. 4th St., Philadelphia, PA 19106. Contract, irregular: *such commodities as are dealt in or used by retail department stores* between points in NY, NJ, and CA, on the one hand, and, on the other, points in NY, NJ, CA, AZ, NM, and NV. Supporting shipper: HRT Industries, Inc., 2525 Military Ave., Los Angeles, CA 90064.

MC 166660 (Sub-II-1TA), filed March 8, 1983. Applicant: RICHARD P. MARENO & SAMUEL R. MAZZEI, d.b.a. AQUARIUS TRANSPORTATION, 254 Richland Dr., Penn Hills, PA 15235. Representative: Richard P. Mareno (same as applicant). *General commodities (except classes A and B explosives, household goods and commodities in bulk),* between points in DE, MD, MI, NJ, NY, OH, PA, VA, and WV. Supporting shipper(s): M&T Pallet Inc., 1028 Halket St., Braddock, PA 15104; Childs Equipment Co., 901 Killarney Dr., Pittsburgh, PA 15234; Babcock Lumber Company, 2220 Palmer St., Pittsburgh, PA 15238.

MC 150511 (Sub-II-15TA), filed March 21, 1983. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Drive, Cleveland, OH 44122. Representative: Thomas B. Hill, 1101 31st Street, Downers Grove, IL 60515. *Such commodities are sold by or used by retail department stores,* from Atlanta, GA to points in SC, under continuing contract(s) with Davison's a division of R. H. Macy & Co., Inc. of Atlanta, GA, for 270 days. Supporting Shipper: Davison's a division of R. H. Macy & Co., Inc., 180 Peachtree St., NW, Atlanta, GA 30303.

MC 120841 (Sub-II-1TA), filed March 14, 1983. Applicant: BLACK & WHITE EXPRESS, INC., 217 American Ave.,

Butler, PA 16001. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Meat, meat products, and meat by-products,* between Butler and Punxsutawney, PA, on the one hand, and, on the other, points in WV; Allegheny, Garrett and Washington Counties, MD; and those points in OH on and east of Interstate Hwy 77. An underlying ETA seeks 120 days authority. Supporting Shipper(s): Swift Independent Packing Co., Punxsutawney, PA; Russer Foods, 665 Perry St, Buffalo, NY; Oscar Mayer Foods Corp, Madison, WI.

MC 166657 (Sub-II–1TA), filed March 8, 1983. Applicant: CLATTERBAUGH, INC., P.O. Box 828, Charlottesville, VA 22902. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. (1) *coal,* between points in KY, TN, VA and WV, on the one hand, and, on the other, points in MD, NC, PA, SC, VA and WV and (2) *expanded shale lightweight aggregates,* between points in VA, on the one hand, and, on the other, points in TN and WV. An underlying ETA seeks 120 days authority. Supporting Shippers: John Farmer Coal Sales, Inc., Norris, TN; VA Hot Springs, Inc., Hot Springs, VA; Weblite Corp., Blue Ridge, VA.

MC 119420 (Sub-II–2TA), filed March 8, 1983. Applicant: FRED FAIRALL CONSTRUCTION CO., 801 West First St., Uhrichsville, OH 44683. Representative: John L. Alden, 1396 West Fifth Avenue, Columbus, OH 43212. *Clay products;* (1) from Tuscarawas County, OH to points in NC and NJ and (2) from Wake County, NC to points in Macom, Monroe, Livingston, Oakland, St. Clair, Sanilac, Washtenaw, and Wayne Counties, MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Superior Clay Corp., P.O. Box 352, Uhrichsville, OH 44683; The Belden Brick Sales Co., 14305 Livernois Ave., Detroit, MI 48238.

MC 128290 (Sub-II–10TA), filed, March 10, 1983. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. *Paper and paper products* from Richmond, VA to points in MD, DE, PA, NJ, NY, CT, RI, MA, VA, and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: James River Corporation, P.O. Box 2218, Richmond, VA 23217.

MC 166590 (Sub-2–1TA), filed, March 3, 1983. Applicant: JOHN PLAXA, d.b.a. JOHN'S LEASING, R.D. 1, Auburn, PA 17922. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1717, Hagerstown, MD 21740. Contract: Irregular: *Elevators and escalators, including materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Bloomington, IN, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, IN and MS, for 270 days, under a continuing contract(s) with Otis Elevator Company. An underlying ETA seeks 120 days authority. Supporting shipper: Otis Elevator Company, 1331 Curry St., Bloomington, IN 47401.

MC 166249 (Sub-2–1TA), filed, March 3, 1983. Applicant: DENNIS C. LILLY, 5194 Carroll Dr., Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania, Ave., P.O. Box 1417, Hagerstown, MD 21740. *Machine and mill rolls,* (1) between all points in the U.S. in and east of MN, LA, MO, AR and LA; and (2) between Roselle, NJ; Coatesville, PA and Middletown, VA, including their respective commercial zones, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Precision Roll Grinders, Inc., Rt. 2. Box 628B. Wescoville, PA 18106; Pamarco Incorporated, 209 E. 11th Ave., Roselle, NJ 07203; Westvaco Corp., Luke, MD; L. G. Industries, Inc., P.O. Box 986, Coatesville, PA 19320; and Stowe Woodward Co., P.O. Box 250, Middletown, VA 22645.

MC 107012 (Sub-II–274TA), filed, March 8, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy—30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the U.S., under continuing contract(s) with Rogers Corporation of Rogers, CT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rogers Corporation, 1 Technology Drive, Rogers, CT 06263.

MC 107012 (Sub-II–275TA), filed, March 8, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except classes A and B explosives and commodities in bulk) between points in the U.S. under continuing contract(s) with Fisher Controls International, Inc., of Marshalltown, IA for 270 days. Supporting shipper: Fisher Controls International, Inc., 205 South Center St, Marshalltown, IA 50158.

MC 107012 (Sub-II–276TA), filed March 10, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except household goods, classes A & B explosives and commodities in bulk) between points in the United States under continuing contract(s) with Otis Elevator Company of Bloomington, IN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Otis Elevator Company, 1331 Curry Pike Road, Bloomington, IN 47401.

MC 107012 (Sub-II–277TA), filed March 8, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the United States, under continuing contract(s) with Turner Broadcasting Systems, Inc., of Atlanta, Georgia, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Turner Broadcasting Systems, Inc., 1050 Techwood Drive, Atlanta, GA 30318.

MC 166659 (Sub-II–1TA), filed March 8, 1983. Applicant: WILLIAM PASQUALICHIO & DOMINICK PASQUALICHIO, a Partnership d.b.a. PASQUALICHIO BROTHERS, 115 Franklin Ave., Scranton, PA 18512. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517. *Meat, meat products and meat by-products,* between Lackawanna County, PA, on the one hand, and, on the other, points in PA. Restricted to shipments having a prior or subsequent movement in interstate commerce. Supporting shipper(s): F.D.L. Foods, Inc., P.O. Box 898, Dubuque, IA 52001.

MC 145198 (Sub-II–1TA), filed March 7, 1983. Applicant: PENN TRANSFER, INC., 131 North Summit Street, Akron OH 44309. Representative: Michael Spurlock, 275 East State Street, Columbus OH 43215. (1) General commodities (except classes A & B explosives, household goods, commodities in bulk, commodities which by reason of size or weight require the use of special equipment and those of unusual value, and (2) commodities in bulk in tank vehicles, between points in OH, on the one hand, and on the other, points in MI, IL, IN, WV and PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 5 supporting shippers. Their

statements may be examined in the Phila ICC office.

MC 112539 (Sub-II–3TA), filed March 8, 1983. Applicant: PERCHAK TRUCKING, INC., P.O. Box 811 Hazleton, PA 18201. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517. *Foodstuffs and related products,* between Onondago County, NY, on the one hand, and, on the other, Luzerne County, PA. An underlying ETA seeks 120 days authority. Supporting shipper: D.B. Rossi Beverage Company, Inc., 138 W. 21st St., Hazleton, PA 18201.

MC 151767 (Sub-II–4TA), filed March 14, 1983. Applicant: BOYD F. POWERS AND MICHAEL J. POWERS d.b.a. POWERS TRUCKING CO., 52 Market St., Lock Haven, PA 17745. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW, Suite 500, Washington, DC 20006. *Coal and coal products,* between points in Clearfield County, PA, on the one hand, and, on the other, points in NY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Moshannon Mining, Inc., Moshannon, PA.

MC 152640 (Sub-II–16TA), filed March 8, 1983. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 North Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, D.C. 20005. *Such merchandise as is dealt in and distributed by retail department stores, discount houses and chain stores, and materials and supplies* used in the manufacture and distribution of the aforementioned commodities, between points in NC and SC, on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks 120 days authority. Supporting shipper: Wix Corp., P.O.B. 1967, Gastonia, NC 28052.

MC 166111 (Sub-II–1TA), filed March 14, 1983. Applicant: LEE SARTIN TRUCKING CO., INC., Box 152, Naugatuck, WV 25685. Representative: Lee Sartin, Jr., Rt. 1, Box 139, Kermit, WV 25674. *Mining supplies, Mandoseals, rockdust concrete blocks and gravels,* from Naugatuck, WV to Pittsburgh, PA; Pebbles, OH and Olive Hill, KY, under continuing contract(s) with Marrowbone Development Co. An underlying ETA seeks 120 days authority. Supporting shipper(s): Marrowbone Development Co., Naugatuck, WV.

MC 147258 (Sub-II–3TA), filed March 14, 1983. Applicant: F.T. SILFIES, INC., 751 Pt. Phillips RD., Bath, PA 18014. Representative: Francis W. Doyle, 323 Maple Ave., Southhampton, PA 18966. *Cement Flue Dust, in bulk, in dump vehicles,* from Bath, PA to points in NJ. An underlying ETA seeks 120-day authority. Supporting shipper: Keystone Portland Cement Co., Bath, PA 18014.

MC 163150 (Sub-II–1TA), filed March 21, 1983. Applicant: TIDEWATER EXPRESS, INC., Route 413, Box 98–A, Crisfield, MD 21817. Representative: Mark D. Russell, Suite 348 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. Foods and related products, between points in Wicomico, Somerset and Worcester Counties, MD, and Accomac and Northampton Counties, VA, on the one hand, and, on the other, points in the US in and east of MN, IA, MO, AR and LA. for 270 days. Supporting shipper: Mid-Atlantic Foods, Inc., Post Office Box 367, Pocomoke City, MD 21851.

MC 149029 (Sub-II–2TA), filed March 8, 1983. Applicant: VANWORMER TRUCKING, INC., Star Route Cranberry, PA 16319. Representative: Dwight L. Koerber, Jr., 110 North Second St., P.O. Box 1320, Clearfield, PA 16830. *Plastic containers,* from facilities of Sewell Plastics, Inc., in Westmoreland County, PA, to points in OH, WV, NY, NJ, DE, MD, VA, NC, and SC. An underlying ETA seeks 120 days authority. Supporting shipper: Sewell Plastics, Inc., P.O. Box 470, New Stanton, PA 15672.

MC 16672 (Sub-II–1TA), filed March 14, 1983. Applicant: S. J. WAITE HORSE TRANSPORTATION, INC., P.O. Box 506, 963 Shirley Manor Rd., Reisterstown, MD 21136. Representative: Sidney Joseph Waite (same address as applicant). *Horses (other than ordinary livestock), equipment and paraphernalia incidental to the care, transportation and exhibition of such horses* between points in MD, PA, NJ, NY, DE, OH, VA, WV and KY. Supporting shipper(s): Robert L. Moser, Deer View Farm, 2121 Kaysmill Rd., Finksburg, MD.

MC 114781 (Sub-II–1TA), filed March 9, 1983. Applicant: WARFEL TRUCKING, INC., R.D. #2, Peach Bottom, PA 17563. Representative: Christian V Graf, 407 N Front St, Harrisburg, PA 17101. *Petroleum products* (except in bulk) from Petrolia and Bakerstown, PA to points in DE, MD, NJ, NY and VA. An underlying ETA seeks 120 days authority. Supporting shipper: Witco Chemical Corp., 77 N. Kendall Ave., Bradford, PA.

MC 41951 (Sub-II–5TA), filed March 9, 1983. Applicant: WHEATLEY TRUCKING, INC., PO Box 458, Cambridge, MD 21613. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814. *Wearing apparel, materials, supplies and equipment* used in the manufacture of wearing apparel, between pts in MD, VA, NC, SC, TN, MS, AL, GA, FL, WV, KY, OH and NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rob Roy, Inc., PO Box 459, Cambridge, MD 21613.

MC 123790 (Sub-II–1TA), filed March 14, 1983. Applicant: WHITEHURST TRANSPORT, INC., 2800 Deepwater Terminal Rd., P.O. Box 3H, Richmond, VA 23206. Representative: Francis W. McInerny, 1000 16th St., NW, Suite 502, Washington, D.C. 20036. *Bituminous materials,* between Youngstown, OH and Richmond, VA. An underlying ETA seeks 120 days authority. Supporting shipper(s): Neyra Industries, Inc., 5391 Wooster Rd., Cincinnati, OH 45226.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–8118 Filed 3–29–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers: Notice of Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Approved Exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 367 I.C.C. 1113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on April 29, 1983. Petitions for reconsideration must be filed by April 19, 1983. Petitions for stay must be filed by April 11, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: March 23, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie

votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

MC–F–15032. KEPHART TRUCKING CO.—PURCHASE EXEMPTION—TAJON, INC. Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Dwight L. Koerber, Jr., 110 North Second Street, P.O. Box 1320, Clearfield, PA 16830. Pleadings should refer to MC–F–15032. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Kephart Trucking Co. (MC–138388) of all interstate operating rights held by Tajon, Inc., under MC–5470 (Sub-No. 232) and Sub-No. 233)X, which authorizes generally the transportation of (1) such commodities as are transported in dump vehicles, between those points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, and (2) numerous specified commodities to and from various points in States generally within the territory described in (1) above.

MC–F–15052. RICHARD R. RUEHLE—CONTINUANCE IN CONTROL EXEMPTION—TITAN TRANSPORTATION, INC., AND FINDLAY TRUCK LINE, INC. Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Philip B. Cochran, 50 West Broad Street, Columbus, OH 43215. Pleadings should refer to MC–F–15052. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(b), the continuance in control by Richard R. Ruehle of Findlay Truck Line, Inc. (No. MC–120378), and Titan Transportation, Inc., when the latter becomes a certified carrier in No. MC–162951 (Sub-No. 1).

MC–F–15060. MATSON TRUCK LINES, INC.—MERGER EXEMPTION—SHURSON TRUCKING COMPANY, INC. Send pleadings to: (1) Motor Section, Team 5, Room 2414, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Val M. Higgins, Mackall, Crounse & Moore, 1600 TCF Tower, Minneapolis, MN 55402. Pleadings should refer to MC–F–15060. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the merger of Shurson Trucking Company, Inc. (No. MC–143739) into Matson Truck Lines, Inc. (No. MC–105007) for management, control, and operation.

MC–F–15072. PHILIP E. LATTAVO—CONTINUANCE IN CONTROL EXEMPTION—ACTION TRANSIT COMPANY, LATTAVO BROTHERS, INC., AND PEOPLES CARTAGE, INC. Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: M. Diane Neal, Esq., 2230 Shepler Church Avenue, S.W., P.O. Box 6270, Canton, OH 44706. Pleadings should refer to MC–F–15072. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the continuance in control by Philip E. Lattavo of Action Transit Company (MC–149604), Lattavo Brothers, Inc., (MC–45194), and Peoples Cartage, Inc., (MC–123685).

MC–F–15082. HOWARD A. WELLS, JR., ET AL.—CONTINUANCE IN CONTROL EXEMPTION—WSTERN CARGO, INC., Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Royal F. Miller, Western Cargo, Inc., P.O. Box 20489, Reno, NV 89515. Pleadings should refer to MC–F–15082. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. § 11343(a), the continuance in control by Howard A. Wells, Jr., James M. Wells, and Terry L. Wells of Western Cargo, Inc. (No. MC–148980) and Wells Cargo, Inc. (No. MC–43209).

[FR Doc. 83–8113 Filed 3–29–83; 8:45 am]

BILLING CODE 7035–01–M

[OP4F–176]

MOTOR CARRIERS; NOTICE OF PROPOSED EXEMPTIONS

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Proposed Exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub–1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 23, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

SUNDANCE TRANSPORTATION, INC—CONTINUANCE IN CONTROL EXEMPTION—WHITFIELD TANK LINES, INC. AND TRANSPORT-WEST, INC.

MC–F–15189. Sundance Transportation, Inc. (Sundance), a non-carrier, and, in turn, Allan D. Musgrove and Sally A. Musgrove, who control Sundance through stock ownership, seek an exemption from the requirement of prior regulatory approval for their continuance in control of Sundance's subsidiaries, Whitfield Tank Lines, Inc. (MC–114897), and Transport-West, Inc., (MC–148791). Send Comments to:

(1) Motor Section, room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioner's representative, William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110.

Comments should refer to No. MC–F–15189.

[FR Doc. 83–8111 Filed 3–29–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from § 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

The decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a

reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

Vol. No. OP1–FC–101. By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

For status, please call Team 1 at 202–275–7992.

MC–FC–81275. By decision of March 18, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 1 approved the transfer to Dennis L. Thompson Trucking, Inc., of Denver, CO, of Certificate No. MC–155220, issued November 5, 1981, to Ackley Truck Line, Inc., of Denver, CO, authorizing the transportation, over regular routes, of general commodities (except classes A and B explosives), (1) between Denver, CO, and Holyoke, CO, (a) over U.S. Hwy 6, and (b) from Denver, CO, over U.S. Hwy 85 to Greeley, CO, then over U.S. Hwy 34 to Wray, CO, then over U.S. Hwy 385 to Holyoke, CO, and return over the same route, serving all intermediate points and serving points in Washington County, CO, as off-route points in (a) and (b) above, and (2) between Denver, CO, and Wray, CO, from Denver, CO over U.S. Hwy 36, to Idalia, CO, then over U.S. Hwy 385 to Wray, CO, and return over the same route, serving all intermediate points and serving points in Washington County, CO, as off-route points. An Application for temporary authority has been filed. Applicant's representative: Nancy P. Bigbee, 726 E. 16th St., Suite 302, Denver, CO, 80203.

Vol. No. OP1–FC–102. By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

For status, please call Team 1 at 202–275–7992.

MC–FC–79946. By decision of March 21, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 reopened the proceeding which was previously decided on July 29, 1982, and published in the FR issue on August 20, 1982, and approved the additional transfer to THRU LINE, INC., W. Hartford, CT, of Certificate No. MC–28536 (Sub-5), issued January 25, 1960, to FOX & GINN, INC., Bangor, ME, authorizing transportation (A) over regular routes of general commodities with exceptions, and specified commodities, from, to, or between specified points in MA, ME, and NH, (B) of general commodities with exceptions, between points in Knox and Waldo Counties, ME, and Boston, MA, from points in Knox and Waldo Counties, over irregular routes to junction U.S. Hwy 1, then over U.S. Hwy 1 to Boston, MA, and return over the same routes, and (C) over irregular routes, of general commodities with exceptions, between Boston, MA, and points in MA within 12 miles of Boston. Representative: Steven L. Weiman, 444 North Frederick Ave., Suite 200, Gaithersburg, MD 20877.

Vol. No. OP3–MCFC–122. By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

For status, please call Team 3 at 202–275–5223.

Decided: March 22, 1983

MC–FC–81225. By decision of March 22, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to ROBERT L. YONKE AND MARLYS M. YONKE, d.b.a. YONKE TRUCKING, of Crofton, NE, of Certificate No. MC–61564, issued April 22, 1964, to RAYMOND T. SMITH, of Bloomfield, NE, authorizing the transportation of (1) *livestock, feed, agricultural commodities, coal, farm machinery and parts, binder twine,* and *household goods,* between Crofton, NE, and points in NE within 20 miles of Crofton, NE, on the one hand, and, on the other, Sioux City, IA, and Yankton, SD, (2) *grain,* from points in IA, to Crofton, NE, and points in NE within 20 miles of Crofton, NE, and (3) *general commodities* (except those of unusual value, classes A and B explosives, household goods, and commodities requiring special equipment), from Sioux City, IA, to Crofton, NE. Representative: Don A. Bierle, 322 Walnut St., P.O. Box 38, Yankton, SD 57078.

MC–FC–81206. By decision March 22, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to LUXURY LIMOUSINE LIMITED, of North Haven, CT, of Certificate No. MC–1934 (Sub-11), issued May 26, 1967, to THE ARROW LINE, INC., of East Hartford, CT, authorizing the transportation of *passengers and their baggage,* in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than seven passengers in any one vehicle (not including the driver thereof), between points in Hartford County, CT, on the one hand, and, on the other, New York, NY. Representative: Lawrence J. Carboni, 19 Whitney Ave., New Haven, CT 06510.

[FR Doc. 83–8112 Filed 3–29–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

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Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendements to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quantity of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP 2–139.

Decided: March 22, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (member Carleton not participating.)

MC 5623 (Sub-64), filed March 2, 1983. Applicant: ARROW TRUCKING CO., 4230 South Elwood, P.O. Box 7280, Tulsa, OK 74105. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, 703–893–3050. Transporting *lumber and wood products, clay, concrete, glass or stone products, and building materials,* between points in the U.S. (except HI).

MC 49743 (Sub-3), filed March 2, 1983. Applicant: ADMIRAL MOVING & STORAGE, INC., 420 Ellington Rd., South Windsor, CT 06074. Representative: Gerald A. Joseloff, 410 Asylum St.—Suite 532, Hartford, CT 06103, 203–728–0700. Transporting *household goods and office furniture, equipment and supplies,* between points in CT, on the one hand, and, on the other, those points in the U.S., in and east of WI, IL, KY, TN, and MS.

MC 140033 (Sub-107), filed March 7, 1983. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: D. Paul Stafford, Suite 1125—Frito Lay Tower, P.O. Box 45538, Dallas, TX 75245, 214–358–3341. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 140312 (Sub-6), filed March 7, 1983. Applicant: SARGENT TRANSPORT, INC., 1882 Obi Rd., Portville, NY 14770. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, 716–265–9510. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Union Sales Corp., of Olean, NY, Whitehawk (O'Jacks, Inc.), of Eldred, PA, Bush Industries, of Little Valley, NY, and Tri-County Tube, Inc., of Nunda, NY.

MC 146202 (Sub-4), filed March 3, 1983. Applicant: CONTRACTURAL CARRIERS, INC., Alan Drive, Harmony Industrial Park, Newark, DE 19711. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, 301–840–8565. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with Oil-Dri Corporation of America, of Chicago, IL.

MC 146783 (Sub-8), filed March 1, 1983. Applicant: S & L TRANSPORTATION, INC., 59–21 156th St., Flushing, NY 11355. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–234–0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 156133 (Sub-6), filed February 23, 1983. Applicant: TANDEM TRANSPORT CORP., 322 U.S. Hwy 20 West, Michigan City, IN 46360. Representative: James M. Hodge 3730 Ingersol Ave., 515–274–4985. Transporting *metal products,* between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Condition: Issuance of this authority is subject to approval of common control pursuant to MC–156133 Sub 5.

MC 156312 (Sub-1), filed March 2, 1983. Applicant: C MILE TRANSPORT, LTD., Exeter Rd., Box 578, 100 Mile House, British Columbia, Canada VOK 2EO. Representative: George Costello (same address as applicant), 604–395–2229. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between ports of entry on the international boundary line between the U.S. and Canada in WA, ID, and MT, on the one hand, and, on the other, points in the U.S. in and west of MT, WY, CO, and NM (except AK and HI).

MC 162612, filed February 24, 1983. Applicant: BRANDY TRUCKING COMPANY, 5529 Montclair St., Detroit, MI 48213. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A,

Troy, MI 48084, 313–649–6650. Transporting *general commodities* (except classes and A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

MC 166552, filed March 1, 1983. Applicant: SAMUEL MONASTERO, INC., 536 East Moore, St., Norristown, PA 19041. Representative: Samuel Monastero (same address as applicant), 215–279–8388. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 166582, filed March 3, 1983. Applicant: FREIGHT EXPRESS, INC., Rte. 4, Box 163–A, Hamiton, AL 35570. Representative: C. Harry Green, Bexar Ave., P.O. Box 547, Hamilton, AL 35570, 205–921–2133. Transporting *steel, steel products, and lumber,* between points in the U.S. (except AK and HI).

MC 166602, filed March 4, 1983. Applicant: DeMAIO TRANSPORTATION, INC., 2944 Bethel Rd., Chester, PA 19013. Representative: Robert B., Einhorn, 3220 P.S.F.S. Bldg., 12 S. 12th St., Philadelphia, PA 19107, 215–922–1400. Transporting *food and related products,* between points in NC, VA, MD, DE, NJ, PA, NY, OH, IN, IL, and DC.

MC 166603, filed March 4, 1983. Applicant: MMT TRUCKING COMPANY, 1283 Murfreesboro Rd., Nashville, TN 37217. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603, 312–236–9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Maremont Corporation, of Nashville, TN, and its subsidiaries (a) Maremont Marketing, Inc., (b) Maremont International Corporation, (c) Maremont Overseas Corporation, (d) Gabriel Europe, Inc., all of Chicago, IL, (e) C & C Manufacturing, Inc., of Rockford, IL, (f) Gabriel of Canada, Ltd., of Toronto, Ontario, Canada, (g) Marwil Products Company, of Fort Loramie, OH, and (h) MMT Transportation Services Company, of Nashville, TN.

Volume No. Op 2–141

Decided: March 23, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC 116362 (Sub-10), filed March 10, 1983. Applicant: AIME BELLAVANCE & SONS, INC., Boynton St., Barre, VT 05641. Representative: John P. Monte, P.O. Box 686, Barre, VT 05641, 802–476–6671. Transporting *building materials, equipment and supplies, and machinery,* between points in NH and VT, on the one hand, and, on the other, those points in the U.S. in and the east of ND, SD, NE, CO, OK, and TX.

MC 116763 (Sub-677), filed March 3, 1983. Applicant: CARL SUBLER TRUCKING, INC., P.O. Box 81, Versailles, OH 45380. Representative: Gary J. Jira, P.O. Box 81, Versailles, OH 45380, (513) 526–3121. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 124263 (Sub-10), filed March 1, 1983. Applicant: SUN MOTOR LINES, INC., P.O. Box 32546, Oklahoma City, OK 73123. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting (1) *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in Vanderburgh and Posey Counties, IN, And Greene County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *such commodities* as are dealt in or used by discount, department, grocery and food business houses, between points in the U.S. (except AK and HI).

MC 138203 (Sub-7), filed March 3, 1983. Applicant: CURTIS BROTHERS TRUCKING COMPANY, INC., Route 12, Box 177 Fredericksburg, VA 22405. Representative: Floyd L. Curtis, (same address as applicant), 703 752–4224. Transporting (1) *lumber and wood products,* between points in VA and NC, on the one hand, and, on the other, points in MD, DE, PA, NJ, NY, WV, SC, GA, OH, and DC; and (2) *clay, concrete, glass or stone products,* between points in VA, on the one hand, and, on the other, points in MD, DE, PA, NJ, NY, WV, OH, SC, NC, GA, and DC.

MC 139243 (Sub-8), filed March 10, 1983. Applicant: RIVER BEND TRANSPORT COMPANY, Sunset Ave., North Bend, OH 45052. Representative: David F. Boehm, 2208 Central Trust Tower, Cincinnati, OH 54202, 513–621–1045. Transporting *such commodities* as are dealt in or used by producers and distributors of salt, between Cincinnati, OH, on the one hand, and, on the other, points in DE, MD, NJ, NY, and VA.

MC 140033 (Sub-106), filed March 1, 1983. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: William Sheridan, P.O. Drawer 5049, 214–255–6279. Transporting *general commodities* (except Class A and B explosives, household goods and commodities in bulk) between points in U.S. (except AK and HI), under continuing contract(s) with Swift & Company, of Chicago, IL.

MC 140633 (Sub-7), filed March 10, 1983. Applicant: CAPITAL DELIVERY SYSTEMS, INC. P.O. Box 161115, Sacramento, CA 95816.. Representative: John F. Parks, III (same address as applicant), 916–929–4702. Transporting *such commodities* as are dealt in or used by retail department stores and catalog mail order houses, between points in CA, NV, and OR, under continuing contract(s) with Montgomery Ward & Co., of San Leandro, CA.

MC 141792 (Sub-3), filed March 8, 1983, Applicant: N & N TRUCKING, INC., P.O. Box 80, Belk, AL 35545. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22828, Jackson, MS 39205, 601–948–8820. Transporting *lumber and wood products and construction materials,* between points in AL, AZ, AR, CA, FL, GA, ID, KY, LA, MS, MT, NC, OR, SC, TX, and WA, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI.

MC 143043 (Sub-1), filed March 1, 1983, Applicant: WATSON TRUCK LINES, INC., Rte. 2, Box 612, Colfax, LA 71417. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, 817–332–4718. Transporting *food and related products,* between points in AZ, CA, CO, ID, LA, NV, TX, UT, WA, and OR.

MC 151703 (Sub-13), filed March 15, 1983, Applicant: NORSUB, INC., R.D. #1, Box 317, Evans City, PA 16033. Representative: John A. Pillar, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222, 412–471–3300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with National Can Corporation, of Chicago, IL.

MC 151982 (Sub-2), filed March 9, 1983, Applicant: AMERICAN EAGLE LINE, INC., 11836 Leonard St., Nunica, MI 49448. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, 616–459–6121. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Meijer, Inc., of Grand Rapids, MI.

MC 152602 (Sub-1), filed March 1, 1983, Applicant: HENRY SCHMAELZLE,

111 Quinnipiac Ave., North Haven, CT 06473. Representative: Henry Schmaelzle (same address as applicant), 203–773–0332. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, on the one hand, and, on the other, New York, NY, Philadelphia, PA, Baltimore, MD, and points in MA and RI.

MC 152812 (Sub-1), filed March 14, 1983. Applicant: CLINTON L. JESSUP, 5009 Roblee Drive, Upper Marlboro, MD 20780. Representative: Mark D. Russell, Suite 348, Pennsylvania Bldg., 425 13th St. NW, Washington, DC 20004–1879, 202–737–2188. Transporting *paper, paper products, and printed matter,* between points in DE, MD, VA, and DC.

MC 153942 (Sub-3), filed March 15, 1983. Applicant: RICHARD A. QUICK AND JAMES C. QUICK, d.b.a. QUICK TRANSPORTATION, P.O. Box 222, 142 So. 8th St., Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *food and related products, pulp, paper and related products, chemicals and related products, and such commodities* as are dealt in or used by grocery stores and supermarkets, between Omaha, NE, on the one hand, and, on the other, points in FL, IL, IA, KS, MI, MO, TX, and WI.

MC 156333 (Sub-1), filed March 15, 1983. Applicant: PAPA ENTERPRISES, INC., 6009 Wayzata Blvd., Suite 109, St. Louis Park, MN 55424. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, 612–927–8855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI).

MC 158722 (Sub-2), filed March 15, 1983. Applicant: T.M. DELIVERY SYSTEMS, INC., 40 Carver Ave., Westwood, NJ 07675. Representative: Ronald N. Cobert, 1730 M St. NW, Suite 501, Washington, DC 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 158733 (Sub-6), filed March 3, 1983. Applicant: LEONARD FEED & GRAIN, INC., 5511 16th Avenue SW., Cedar Rapids, IA 52404. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 166363, filed March 2, 1983. Applicant: D & E TRUCKING, INC., Rt. 1, Box 192, Columbia, MS 39429. Representative: Terrell Price, 800 Briar Creek Rd., Ste. DD504, Charlotte, NC 28205, 704–372–8212. Transporting *furniture and fixtures,* between points in the U.S. (except AK and HI), under continuing contract(s) with New Orleans Furniture Manufacturing Co., Inc., of Columbia, MS.

MC 166542, filed March 1, 1983. Applicant: LUCAS BERGER TRUCKING, West of City, Mandan, ND 58554. Representative: Dale Berger, Box 417, Mandan, ND 58554, 701–663–7083. Transporting *lumber and wood products,* between points in CA, OR, WA, ID, MT, ND, MN, WI, IL, IN, MI, and OH.

MC 166543, filed March 1, 1983. Applicant: CINOCO TRANSPORT CORPORATION, 4277 River Rd., Cincinnati, OH 45204. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *bulk commodities,* between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Inland Energy, (b) Cinoco Terminal, Inc., both of Cincinnati, OH, (c) Invesco of West Virginia, Inc., of Duhlow, WV, (d) Invesco International Corporation of Alabama No. 5, of Oden, IN, and (e) Courtland Coal, a Division of Invesco International, of Booneville, KY.

MC 166553, filed March 1, 1983. Applicant: LEE C COOK & DOUGLAS M COOK d.b.a. COOK TRUCKING COMPANY, P.O. Box 390, Emporium, PA 15834. Representative: Lee C. Cook (same address as applicant), 814–486–0312. Transporting *lumber and sawmill products,* between points in Cameron and Jefferson Counties, PA, on the one hand, and, on the other, points in OH, NY, NJ, MA, MD, VA, NC, SC, TN, IN, and IL.

MC 166633, filed March 8, 1983. Applicant: HARPSTER STOCKYARDS, INC., 645 U.S. Rte. 250 East, P.O. Box 235, Ashland, OH 44805. Representative: William A. Nearhood, 221 Church St., Ashland, OH 44805, 419–289–1011. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Sugardale Foods, Inc., of Canton, OH, Superior's Brand Meats, Inc., of Massillon, OH, Worthington Packing Company, of Worthington, IN, and G.B.D., Inc., of Warren, OH.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–110.

Decided: March 21, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

W 1344 (Sub-1), filed March 4, 1983. Applicant: LOCKWOOD BROTHERS, INC., P.O. Box 564, Hampton, VA 23669. Representative: Keith G. O'Brien, 1729 H St., NW, Washington, DC 20006, (202) 337–6500. Transporting by non-self-propelled vessels with the use of separate towing vessels, *articles exceeding 19 ft. in height, or 12 ft., in width, or 90 ft. in length, or 100 net tons in weight, component parts thereof, and related equipment,* between ports and points on the Atlantic Coast and tributary waterways from ME to FL, including the Hudson River and the New York State Canal System, under continuing contract(s) with shippers or receivers of oversized industrial equipment.

MC 14125 (Sub-14), filed March 3, 1983. Applicant: PIQUA TRANSFER & STORAGE COMPANY, a corporation, 524 Young St., Piqua, OH 45356. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215–3339, (614) 464–4103. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 143165 (Sub-9), filed March 7, 1983. Applicant: CHARLES W. McCLELLAND, d.b.a. McCLELLAND LUMBER TRANSPORT, P.O. Box 73, Cuba, MO 65453. Representative: Charles W. McClelland (same address as applicant), (314) 885–3332. Transporting *such commodities* as are dealt in the used by manufacturers and distributors of metal products, between points in the U.S. (except AK and HI), under contract(s) with Persing-Ohio Co., of St. Louis, MO.

MC 150404 (Sub-1), filed March 7, 1983. Applicant: ROBERT POWELL, R.R. #1, Chrisman, IL 60924. Representative: Edward D. McNamara, Jr., 907 South Fourth St., P.O. Box 5039, Springfield, IL 62705, (217) 528–8476. Transporting *fertilizer,* between points in IN, IL, MI, OH, and IA.

MC 156424 (Sub-1), filed March 7, 1983. Applicant: T.M.B. TRUCKING COMPANY, 525 Park Ridge Drive, Eau Claire, WI 54701. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *food and related products,* between points in Eau Claire County,

WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160084, filed March 4, 1983. Applicant: LOCKWOOD BROTHERS, INC., P.O. Box 564, Hampton, VA 23669. Representative: Keith G. O'Brien, 1729 H St., NW., Washington, DC 20006, (202) 337–6500. Transporting those *commodities* which because of their size or weight require the use of special handling or equipment, between points in the U.S. (except AK and HI), under continuing contract(s) with shippers or receivers of oversized industrial equipment.

MC 162574 (Sub-1), filed March 4, 1983. Applicant: INTERNATIONAL INVESTMENTS CORP., d.b.a. UNIVERSAL TRUCKING, Route 1, Argonne, WI 54511. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705, (608) 238–3119. Transporting *lumber and wood products,* and *building materials,* between points in MN, WI, and the upper peninsula of MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163084 (Sub-1(a)), filed March 2, 1983. Applicant: FIN–A–KEY EXPRESS, INCORPORATED, P.O. Box 80743, Seattle, WA 98108. Representative: Albert Harris Nash, 6719 42nd Ave. So. Seattle, WA 98118, (206) 725–3023. Transporting *spirits, malts and wines,* between points in the U.S.

MC 164114 (Sub-2), filed March 7, 1983. Applicant: NORTH FLORIDA TRANSPORT SERVICE, Route 1, Box 595, Summerfield, FL 32691. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477–1525. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Citro-Mexico, Montemorelos, Nuevo Leon, Mexico, and Borden Inc., of Sulphur Springs, TX.

MC 165765 (Sub-1), filed March 2, 1983. Applicant: ZIPSAN SYSTEMS, INC., 160 Fifth Ave., Rm 604, New York, NY 10010. Representative: Eugene M. Malkin, Two World Trade Center, Suite 1832, New York, NY 10048, (212) 466–0220. Transporting *such commodities* as are dealt in or used by publishers, manufacturers, and distributors of printed matter, between points in the U.S. (except AK and HI).

MC 166464, filed March 1, 1983. Applicant: APEX MOTOR LINES, INC., 4888 Debbie Dr., Medina, OH 44256. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NY, NJ, PA, OH, WV, MI, IN, KY, WI, IL, and MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166565, filed March 1, 1983. Applicant: ALTIM, INC., 1819 Nagawicka Rd., Hartland, WI 53029. Representative: James A. Spiegel, Olde Towne Office Pk., 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting (1) *containers,* between points in the U.S. (except AK and HI), (2) *paper and related products, printed matter,* and *chemicals and related products,* between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (3) *metal products,* between points in WI and IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166605, filed March 4, 1983. Applicant: BERNARD WEBER, d.b.a. D'TRUCKING, 3360 Taylor Rd., Central Point, OR 97502. Representative: Bernard Weber (same address as applicant), (503)664–3628. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) wih R & R Truck Brokers, Inc., of Medford, OR.

MC 166654, filed March 8, 1983. Applicant: IG–LO PRODUCTS CORPORATION, P.O. Box 391, Hernando, MS 38632. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702. Transporting *general commodities* (except household goods, classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Charles McAlphin Brokerage, Inc., of Decatur, AL.

Volume No. OP3–112.

Decided: March 22, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 2934 (Sub-144), filed March 11, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 No. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *X-ray equipment and accessories,* between points in the U.S., under continuing contract(s) with Technicare Corporation of Solon, OH.

MC 67024 (Sub-30), filed March 2, 1983. Applicant: SERVICE COACH LINE, INC., 1599 Jackson Street, Dallas, TX 75201. Representative: G. W. Hanthorn (same address as applicant), (same address as applicant), (214) 655–7937. Over regular routes, transporting *passengers,* between Savannah, GA and Jacksonville, FL; from Savannah over Interstate Hwy 16 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Jacksonville, FL, and return over the same route, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922 (c)(2)(B) over the same route.

MC 117415 (Sub-14), filed March 10, 1983. Applicant: JENSEN TRUCKING CO., INC., P.O. Box 402, American Fork, UT 84003. Representative: Irene Warr, 311 S. State St., UT 84111, (801) 531–1300. Transporting *such commodities* as are dealt in by food business houses and chain stores, between points in the U.S. (except AK and HI).

MC 119864 (Sub-80), filed March 11, 1983. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Rd., Perrysburg, OH 43551. Representative: Brian D. Craig (same address as applicant), (419) 874–7981. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI)

MC 140635 (Sub-36), filed March 10, 1983. Applicant: ADAMS LINES, INC., P.O. Box 7343, Omaha, NE 68107. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, D.C. 20036, (202) 223–5900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145635 (Sub-3), filed March 11, 1983. Applicant: THOMAS R. REED, d.b.a. RANDLE REED TRUCKING, Rt. 4, Box 50C, Lousiville, MS 39339. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *building materials, lumber and wood products,* between points in AL, AR, GA, IL, IN, KY, LA, MI, MO, OH, OK, TN and TX.

MC 161124 (Sub-1), filed March 10, 1983. Applicant: C. TILE TRANSPORTATION, INC., 515 Houston St., P.O. Box 2475, Ft. Worth, TX 76113. Representative: Dean O'Leary (same address as applicant), (817) 870–9632. Transporting *Mercer commodities,* between points in the U.S. (except AK and HI).

MC 163244 (Sub-2), filed March 10, 1983. Applicant: NEW IMAGE

TRANSPORT, INC., 117 Anderson Dr., Monaca, PA 15061. Representative: David M. O'Boyle, 1610 Two Chatham Center, Pittsburgh, PA 15219, (412) 765–1600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Jones & Laughlin Steel Corp. of Pittsburgh, PA and Eighty-Four Lumber Company of Eighty-Four, PA.

MC 164294, filed March 8, 1983. Applicant: RUDDLE TRUCKING, INC., P.O. Box 123, Riverton, WV 26184. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., NW, Washington, D.C. 20004, (202) 347–8862. Transporting *lumber and lumber products*, between points in KY, IL, IN, TN, OH, VA, MD, PA, NJ, NY, NC, SC, DE, WV, and DC.

MC 164975, filed March 9, 1983. Applicant: T & T TRUCKING, P.O. Box 1146, Mills, WY 82644. Representative: Carnett L. Borden, 4917 S. Abbott Space #6, Casper, WY 82604, (307) 266–4300. Transporting (1) *materials, equipment, and supplies used in* and in connection with the exploration, development, extraction, transportation and storage of petroleum, natural gas and their products, and by-products, ores and minerals, and coal and coal products, and by-products, and (2) *building materials, construction equipment*, and *those commodities* which because of their size and weight require the use of special handling or equipment, between points in AZ, CA, CO, ID, KS, LA, MT, ND, NE, NM, NV, OK, SD, TX, UT, WA, and WY.

MC 166675, filed March 9, 1983. Applicant: C. R. WILSON & SONS VAN LINES, INC., 6706 Charles, Shawnee, KS 66216. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612. (913) 233–9629. Transporting *household goods*, (1) between points in Wyandotte and Johnson Counties, KS, on the one hand, and, on the other, those points in CO on and east of Interstate Hwy 25, those in AR on and north of Interstate Hwy 40, those in OK north of Interstate Hwy 40 and those in MO; (2) between points in Jackson County, MO, on the one hand, and, on the other, those points in CO on and east of Interstate Hwy 25, those in AR on and north of Interstate Hwy 40, those in OK on and north of Interstate Hwy 40, and those in KS; and (3) between Kansas City, MO, on the one hand, and, on the other, those points in NE on and south of Interstate Hwy 80.

MC 166705, filed March 9, 1983. Applicant: JAMES J. FAHEY, d.b.a. JIM FAHEY MOVING & STORAGE CO., 25 Bauer Place Extension, Westport, CT 06880. Representative: Robert E. Pedersen, One Wall St., 34th Fl., New York, NY 10005, (212) 344–5680. Transporting (1) *household goods*, (2) *furniture and fixtures*, and (3) *office equipment, supplies and appliances*, between points in CT and NY, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VT, and DC.

MC 166714, filed March 10, 1983. Applicant: ANIMAL SPECIALTIES, P.O. Box 328, Hubbard, OR 97032 Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228–3807. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OR and WA.

MC 166715, filed March 10, 1983. Applicant: HORIZON TRANSPORTATION CO., 1125 Fairfield NW, Grand Rapids, MI 49504. Representative: James T. Darby, 1021 Irving Ave., Colonial Beach, VA 22443, (804) 224–0773. Transporting (1) *machinery*, between points in the U.S. (except AK and HI); and; (2) *building materials, boats, and sporting goods*, between points in FL, GA, LA, NC, SC, MI, MN, MO, KY, WI, IA, IL, IN, OH, WV, VA, PA, DE, NY, NJ, CT, RI, MA, VT, NH, ME, and DC.

MC 166744, Filed March 11, 1983. Applicant: ROAD SHOWS, INC., d.b.a. R S EXPRESS, 39 Dale St., Medfield, MA 02052. Representative: Edward F. Bowes, P. O. Box Y—7 Becker Farm Rd., Roseland, NJ 07068, (201) 992–2200. Transporting *theatrical scenery, costumes, and commodities used in the staging and presentation of theatrical productions*, between points in the U.S. (except AK and HI).

MC 166754, filed March 11, 1983. Applicant: WESTERN TRUCKING COMPANY, INC., R. R. 1, Box 428, Culbertson, NE 69024. Representative: Max H. Johnston, P. O. Box 6597, Lincoln, NE 68506, (402) 488–4841. Transporting *such commodities* as are used by and dealt in by agricultural machinery and implement dealers, between points in CO, IL, IA, LA, KS, MO and NE, on the one hand, and, on the other, points in CO, IL, KS, MO, IA and NE.

Volume No. OP3–119.

Decided: March 22, 1983.

By the Commission, Review Board No. 3, Members Parker, Joyce, and Dowell.

MC 2934 (Sub-145), filed March 11, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representive: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Burlington Northern Railroad, of St. Paul, MN.

MC 41905 (Sub-7), filed March 10, 1983. Applicant: ILLINI-SWALLOW LINES, INC., 118–120 S. Walnut St., P.O. Box 775, Champaign, IL 61820. Representive: Robert J. Brooks, 1828 L St., N.W., Suite 1111, Washington, DC 20036, (202) 466–3892. Over *regular routes*, transporting *passengers*, (1) Between Peoria, IL, and Rock Island, IL: (a) From Peoria over Interstate Hwy 74 to junction IL Hwy/and 92, then over IL Hwy 92 to Rock Island, and (b) From Peoria over Interstate Hwy 74 to junction Interstate Hwy 280, then over Interstate Hwy 280 to junction U.S. Hwy 67, and then over U.S. Hwy 67 to Rock Island, and return over the same routes, serving the off-route points of Galesburg and Quad City Airport, IL, and (2) Between Davenport, I-A, and junction Interstate Hwy 74 and Interstate Hwy 280, near Moline, IL: (a) From Davenport over U.S. Hwy 61 to junction U.S. Hwy 67, then over U.S. Hwy 67 junction Interstate Hwy 280, and then over Interstate Hwy 280 to junction Interstate Hwy 74, near Moline, and return over the same route, serving the off-route point of Quad City Airport, IL, and (b) From Davenport over U.S. Hwy 61 to junction U.S. Hwy 67, then over U.S. Hwy 67 to junction Hwy 92, then over IL Hwy 92 to junction Interstate Hwy 74, and then over Interstate Hwy 74 juction Interstate Hwy 280, near Moline, and return over the same route, serving all intermediate points in (1)(b) through (2)(b) above. Condition: Issuance of a certificate in this proceeding is conditioned upon the grant and issuance of a certificate(s) in pending proceeding(s) No. MC–41905 (Sub-No. 6), which will be superseded by the certificate issued in this proceeding. Failure to be granted and issued authority in the indicated proceeding shall render any grant of pertinent intrastate authority in this proceeding null and void.

Note.—(1) Applicant intends to tack this authority with its existing regular-route authority and the authority in its pending application in MC–41905 Sub 6; and

(2) Applicant seeks to provide to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B).

MC 67234 (Sub-83), filed March 11, 1983. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO

63026. Representive: B. E. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Burlington Northern, Inc., and its subsidiaries, of St. Paul, MN.

MC 158785 (Sub-2), filed March 10, 1983. Applicant: CORNPATCH EXPRESS, INC., P.O. Box 387, Ayrshire, IA 50515. Representive: Larry Ruston (same address as applicant), (712) 426–4100. Transporting *food and related products,* between points in IA and MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163525, filed March 11, 1983. Applicant: K LINES, INC., P.O. Box 186, Union City, GA 30291. Representative: Kim G. Meyer, 1006 South Tower, 225 Peachtree St., N.E., Atlanta, GA 30343, (404) 523–1717. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of WI, IL, MO, AR, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164384, filed March 11, 1983. Applicant: A. H. CHANEY, INC., 9900 Woody Dr., El Paso, TX 79925. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768, (512) 476–6391. Transporting (1) *commodities in bulk,* between points in AZ, NM, OK, and TX, (2) *lumber and wood products and building materials* (except lumber and wood products), between points in AR, AZ, CO, KS, LA, MS, MO, NM, OK, and TX, and (3) *metal products and building materials,* between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166755, filed March 11, 1983. Applicant: RITEWAY TRANSFER, INC., 2131 West Roosevelt, Phoenix, AZ 85009. Representative: Robert R. Digby (same address as applicant), (602) 258–6851. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (Except AK and HI), under continuing contract(s) with Riteway Overnite Transport, Inc., of Phoenix, AZ.

For the following, please direct status calls to Team 4 at 202–275–7669.

Vol. No. OP4–178.

Decided: March 23, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 4426 (Sub-6), filed February 28, 1983, previously noticed in the **Federal Register** issue of March 14, 1983, and republished in this issue. Applicant: M & T TRANSPORT, INC., 7391 Richmond Rd., P.O. Box 292, East Syracuse, NY 13057. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472–8845. Transporting *such commodities* as are dealt in or used by telephone companies, between points in the U.S. (except AK and HI), NJ, under continuing contract(s) with New York Telephone Company, of East Syracuse, NY, and Western Electric Co., Inc., of Newark, NJ.

Note.—The purpose of this republication is to correct the territorial description.

MC 40757 (Sub-24), filed March 17, 1983. Applicant: CREECH BROTHERS TRUCK LINES, INC., 100 Industrial Drive, Troy, MO 63379. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 65105, (816) 221–1464. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in the U.S. (except AK and HI).

MC 42487 (Sub-1069), filed March 14, 1983. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Mobay Chemical Corporation, of Pittsburgh, PA.

MC 61016 (Sub-63), filed March 15, 1983. Applicant: PETER PAN BUS LINES, INC., 1779 Main St., Springfield, MA 01103. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, (413) 781–8205. Over regular routes, transporting *passengers,* between (1) Greenfield and Deerfield, MA, over Interstate Highway 91 and U.S. Highway 5, (2) Greenfield and Williamstown, MA, over Massachusetts Highway 2, (3) Williamstown and Pittsfield, MA, over U.S. Highway 7, (4) North Adams and Pittsfield, MA, over Massachusetts Highway 8, (5) Boston, MA, and Hampton, NH, from Boston over U.S. Highway 3 to junction U.S. Highway 1, then over U.S. Highway 1 to junction Interstate Highway 95, then over Interstate Highway 95 to Hampton, and (6) Springfield, MA, and Hampton, NH, from Springfield (a) over Interstate Highway 291 to junction Interstate Highway 90, over Interstate Highway 90 to junction Interstate Highway 290, then over Interstate Highway 290 to junction Interstate Highway 95, then over Interstate Highway 95 to Hampton, and (b) over Interstate Highway 291 to junction Interstate Highway 90, then over Interstate Highway 90 to junction Massachusetts Highway 128, then over Massachusetts Highway 128 to junction Interstate Highway 95, then over Interstate Highway 95 to Hampton, and return over all the above-specified routes, serving all intermediate points.

Note.—Applicant intends to tack the above authority to its present authorized operations and seeks to provide regular route service in interstate or foreign commerce, and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B), over the same routes.

MC 126196 (Sub-21), filed March 16, 1983. Applicant: BLACHOWSKE TRUCK LINE, INC., RR No. 1, Box 530, Fairmont, MN 53031. Representative: Carl E. Munson, P.O. Box 796, Dubuque, IA 52001, (319) 557–1320. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except HI).

MC 144757 (Sub-28), filed March 7, 1983. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 3104 East St. Patrick, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701 (605) 343–4036. Transporting (1) *general commodities,* between (a) Richmond, IL, Genoa City, Lake Geneva and Pell Lake, WI, (b) Bear Creek, Clintonville, and Sugar Bush, WI, (c) Arlington, Belview, Boyd, Clarkfield, Dawson, Delhi, Echo, Fairfax, Franklin, Gaylord, Gibbon, Green Isle, Hamburg, Hazel Run, Madison, Morton, Redwood, Winthrop, and Wood Lake, MN, (d) Beechwood, Caspian, Elmwood, Gegebic, Hazel, Iron River, Marinesco, Naultz, Pentoga, Scott Lake, Stager, Stambaugh, Stickley, Thayer and Watersmeet, MI, and Florence, Hematitie, Ridgetop and Spread Eagle, WI, (e) Algonquin, Carpentersville, and Dundee, IL, (f) Halbur, IA, (g) Solitude and Wadesville, IN, (h) Bannister Spur, Belfast, Detonti, and Sheridan, AR, (i) Archibald, Baskin, Chase, Manghan, Oak Ridge, Peck, Sicily Island, Winnsboro and Wisner, LA, (j) Avoca, NE, (k) Doniphan, Naylor and Oxly, MO, (l) Liverpool, IL, (m) Bedford, Clearfield, Conway, Kent, Lenox and Merle, IA, and Hopkins and Pickering, MO, (n) Irl, Octa and Senath, MO, (o) Ithaca, Malmo, Memphis and Pregue, NE, (p) Burwell, Cushing, Elyria, Greeley Center, and Wolbach, NE, (q) Aloha, Copalis, and Tulips, WA, (r) Henderson, IA, (s) Eleanor, Fry, Gravelles and Omans, WA, (t) Fairbanks, WA, (u) Dunreith, Mays, Sexton and Spiceland, IN, (v) Butternut, Eureka Place, Millers, Sheridan and Vickeryville, MI, (w) Prince, NV, (x)

Archer, Calumet, Edna, Gaza, George, Larabee, Matlock, Primghar, and Rock Rapids, IA, Steen, MN, and Benclare and Rowena, SD, (y) Cache, Hodges Park, King, Sandusky, and Tamms, IL, (z) Dewey, Dickerson, Fisher, Prospect, and Tomlinson, IL, (aa) Pryors, Water Valley and Wingo, KY, (bb) Cargray and Skellytown, TX, (cc) Silver City, NM, (dd) Palmertown, CT, (ee) Lynwood, CA, (ff) Cashton, Melvina, Viroqua and Westby, WI, (gg) Big Bend, Cheraw, Keesee, and McClave, CO, (hh) Parkdale, OR, (ii) Ferguson, Pitts, Quarry Junction, and West Oberlin, OH, (jj) Clementsville, and Durupt, ND, (kk) Coalinga, CA, (ll) Barnes City, Gibson, Kalona, Keswick, Kinross, Montezuma, Old Man's Creek Bridge, Riverside, South English, Webster, Thornburg, and Wellman, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *lumber and wood products*, between points in SD ad WY, on the one hand, and, on the other, points in CO, FL, ID, IL, IN, IA, KS, KY, MI, MN, MS, MT, NE, NY, ND, OH, OK, PA, SD, TX, UT, WI and WY.

Note.—Because this application include issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this **Federal Register** issue. Part (1) will be published in Vol #178, and Part (2) will be published in Vol #179.

Condition: Issuance of a certificate in Part (1) of this application is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at the specified points. The certification should be sent to Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, DC 20423. To the extent the service in Part (1) authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its issue date.

MC 145126 (Sub-3), filed March 17, 1983. Applicant: JERRY D. MARTIN d.b.a. MARTIN TRUCKING CO., 1300 S. Erie St., Massillon, OH 44646. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 164996 (Sub-2), filed March 18, 1983. Applicant: M.D. TRUCKING, INC., 1855 Feddern Ave., Grove City, OH 43123. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *auto parts*; *metal products*; *machinery* and *building materials*, between points in GA and SC, on the one hand, and, on the other, those points in NY on and east of Interstate Hwy 81, and points in OH, IN, IL, MI, VA, KY, WV, PA, TN, NC, and MD.

MC 166037, filed March 15, 1983. Applicant: TOMAHAWK TRUCKING, INC., Rt. 1, Box 135, Harrells, NC 28444. Representative: Walter Jernigan (same address as applicant), (919) 529–3921. Transporting *textile mill products*, between points in Robseon County, NC, on the one hand, and, on the other, points in GA, LA, VA, NJ, NY, CT, and SC.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–132.

Decided: March 22, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166199, filed February 9, 1983. Published initially in the **Federal Register** on March 3, 1983. Applicant: SIOUX TANK LINE, INC., Highway 10 West, P.O. Box 136, Orange City, IA 51041. Representative: George L. Hirschbach, 920 West 21 St., P.O. Box 155, South Sioux City, NE 68776, (402) 494–5466. Transporting *commodities in bulk*, between points in IL, IA, KS, Mn, MO, NE, and SD.

Note.—This application is republished to include NE.

Volume No. OP5–133.

Decided: March 21, 1983.

By the Commission, Review Board No. 3 Members Krock, Joyce, and Dowell.

MC 108449 (Sub-420), filed March 9, 1983. Applicant: INDIANHEAD TRUCK LINE INC., P.O. Box 43355, St. Paul, MN 55164. Representative: W. A. Myllenbeck (Same address as applicant), (612) 633–2661. Transporting *petroleum, natural gas, and their products*, and *chemicals and related products*, between points in the U.S., under continuing contract(s) with Ashland Oil, Inc., of Ashland, KY.

Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. § 11343(e) seeking an exemption from the requirements of 49 U.S.C. § 11343, (2) file an application under 49 U.S.C. § 11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of this filing to Team 5, Room 2414.

MC 134258 (Sub-6), filed March 8, 1983. Applicant: RALPH'S TRANSPORT LTD., 5 Seaton Street, Saint John, New Brunswick, Canada E2J 2A7. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101, (207) 773–5651. Transporting in foreign commerce, *commodities in bulk*, between ports of entry on the international boundary line between the United States and Canada in ME, on the one hand, and, on the other, points in ME.

MC 146448 (Sub-35), filed March 11, 1983. Applicant: C & L TRUCKING, INC., U.S. Highway 64, P.O. Box 409, Judsonia, AR 72081. Representative: Theodore Polydoroff, 1307 Dolley Madision Blvd., McLean, VA 22101, (703) 893–4924. Transporting *general commodities*, (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., (except AK and HI).

MC 153758 (Sub-6), filed February 22, 1983. Applicant: STEPHEN B. LAMPMAN d.b.a. LAMPMAN TRANSPORTATION, 4233 West Sierra Madre, Fresno, CA 93711. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting (1) *food and related products* between points in CA, NJ, NY, and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *Rubber and related products* between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159718 (Sub-1), filed March 8, 1983. Applicant: BULK TRANSPORT CO. OF ESSEXVILLE, INC., 1500 Pine St., Essexville, MI 48732. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, (616) 941–5313. Transporting *Chemicals and related products*, and *rubber and plastic products*, between points in the U.S. (except AK and HI).

MC 162799 (Sub-1), filed March 8, 1983. Applicant: MISSOURI COMMERCIAL TRANSPORTATION CO., 1948 Northwest Bypass, Springfield, MO 65803. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804, D(417) 883–7311. Transporting *clay, concrete, glass or stone products*, between points in Linn and Montgomery Counties, KS, and Rogers County, OK, on the one hand, and points in Christian, Dallas, Greene, Lawrence, Polk, Stone, Taney, and Webster Counties, MO.

MC 164598, filed March 11, 1983. Applicant: CHAMBLESS ENTERPRISES, P.O. Box 386, Texarkana, AR 75504. Representative: William R. Chambless (same address as applicant), (501) 772–0266. Transporting *General commodities* (except classes A and B explosives, household goods and commodities in

bulk), between Memphis, TN and points in AR, LA, OK, and TX.

MC 166578, filed March 2, 1983. Applicant: RUSSELL H. BELLIS, SR. d.b.a. RUSSELL BELLIS TRUCKING, Wantage Ave., P.O. Box 295, Branchville, NJ 07826. Representative: Peter J. Laemers, 1 Main St., P.O. Box 67, Newton, NJ 07860, (201) 383–2700. Transporting *ores and minerals* and *clay, concrete, glass, or stone products,* between points in Sussex and Middlesex Counties, NJ, on the one hand, and, on the other, points in NJ, NY, VA, PA, CT, MA, MD, RI, NH, ME, DE, VT, and DC, under continuing contract(s) with Limestone Products Corporation, of Sparta, NJ.

MC 166729, filed March 11, 1983. Applicant: BILLY EUGENE DOUTHIT, d.b.a. PAT'S PRODUCE, Route 2-Box 22, Lawton, OK 73501. Representative: Billy Eugene Douthit (same address as applicant), (405) 248–8881. Transporting *food and related products,* between points in the U.S. (except AK and HI) under continuing contract(s) with Mid West Commodity Export Services, Inc., of Naples, FL.

Volume No. OP5–135

Decided: March 22, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF–678, filed March 14, 1983. Applicant: ROSLYN FORWARDERS, INC., 1598 Cunningham Road, Sebastpol, CA 95472. Representative: Kenneth S. Ross (same address as applicant), (707) 823–6364. As a freight forwarder, in connection with the transportation of *household goods, baggage and automobiles,* between points in the U.S.

MC 31389 (Sub-341), filed March 14, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: Daniel R. Simmons (same address as applicant), 919–721–2433. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Duraco Products, Inc., of Streamwood, IL.

MC 79658 (Sub-62), filed March 7, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 17711. Representative: Michael L. Harvey (same address as applicant), (812) 424–2222. Transporting *computer systems and computer systems supplies,* between points in the U.S. (except AK and HI), under continuing contract(s) with Comdisco, Inc., of Rosemont, IL.

MC 81908 (Sub-21), filed March 11, 1983. Applicant: GARNER TRUCKING, INC., P.O. Box 1004, Findlay, OH 45840. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, 614–464–4103. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 106599 (Sub-5), filed March 11, 1983. Applicant: MARTIN TRUCK LINE, INC., 520 Madison, Kansas City, MO 64105. Representative: John T. Pruitt, 9832 Connell, Overland Park, IL 66212, 913–888–3386. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in Mississippi, Scott, Stoddard, and New Madrid Counties, MO and Alexander County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 112539 (Sub-26), filed March 8, 1983. Applicant: PERCHAK TRUCKING, INC., P.O. Box 811, Hazleton, PA 18201. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, 717–344–8030. Transporting *food and related products,* between points in Onondago County, NY on the one hand, and, on the other, points in Luzerne County, PA.

MC 136818 (Sub-143), filed March 11, 1983. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 W. Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 2619 N. 50th PL., Phoenix, AZ 85008, 602–952–1560. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 155838 (Sub-1), filed February 22, 1983. Applicant: BETTY I. PATRICK AND BOB J. TEMPLETON, d.b.a. IRISH & CHEROKEE, 521 Sterling Rd., Bakersfield, CA 93306. Representative: John C. Russell, 1545 Wilshire Boulevard, Suite 606, Los Angeles, CA 90017, (213) 483–4700. Transporting (1) *lumber and wood products,* between points in AL, MS, AR, OK, MT, ID, and MO, on the one hand, and, on the other, points in TX, KS, AR, FL, MO, NE, IL, and IA, and (2) *building materials, Mercer commodities,* and *pipe, casing, couplings, and thread protectors,* between points in CA, OR, CO, GA, and TX, on the one hand, and, on the other, points in CA, OR WA, AZ, UT, CO, NM, KS, MO, LA, MS, AR, OK, AL, GA, FL, NC, SC, VA, WV, MD, PA, MI, OH, IN, IL, IA, NE, KY, MA, MN, NY, ND, SD, TN, WI, TX, and FL.

MC 166179 (Sub-1), filed March 4, 1983. Applicant: ALLPOINTS DISTRIBUTION CENTERS, INC., 711 Jorie Blvd., Oakbrook, IL 60521. Representative: Daniel C. Sullivan, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with The Continential Group, Inc., of Stamford, CT, and its subsidiaries. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. § 11343(e) seeking an exemption from the requirements of 49 U.S.C. § 11343, (2) file an application under 49 U.S.C. § 11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 5, Room 2414.

MC 166688, filed March 4, 1983. Applicant: JOHN KNOBEL & SON, 115 East Spring St. Freeport, IL 61032. Representative: James G. Madden, 222 West Exchange St., Freeport, IL 61032, 815–235–1198. Transporting *beer,* between Milwaukee, WI, on the one hand, and, on the other, Rockford, IL, under continuing contract(s) with Blue Ribbon Distributors of Rockford, Inc., of Rockford, IL.

MC 166748, filed March 11, 1983. Applicant: WILDWOOD INDUSTRIES, INC., 409 S. Center, Bloomington, IL 61701. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703–522–0900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with the Mead Corporation, of Dayton, OH, its subsidiaries and affiliates.

MC 166778, filed March 14, 1983. Applicant: NORTH AMERICAN SMELTING CO., INC., Marine Terminal P.O. Box 2048, Wilmington, DE 19899. Representative: William D. Gallagher (Same address as applicant), 302–654–9901. Transporting *aluminum products,* between points in the U.S. (except AK and HI), under continuing contracts with Cressona Aluminum Company, of Cressona, PA.

[FR Doc. 83–8120 Filed 3–29–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register**, on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100, 251, published in the **Federal Register**, on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filled on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in **Federal Register**, on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operator as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–138

Decided: March 22, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC 135252 (Sub-2), filed March 7, 1983. Applicant: THOMAS JACK WOODBURN, d.b.a. QUALITY TRANSFER & STORAGE CO., Rt. 235 North, Box 97, Lexington Park, MD 20653. Representative: Thomas Jack Woodburn (same address as applicant), 301–862–2331. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 150513, filed February 22, 1983. Applicant: ASHLEY TRAVEL, INC., 221 State St., Ashley, IN 46705. Representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., Indianapolis, IN 46204, 317–635–2339. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166583, filed March 3, 1983. Applicant: KENT AND SON TRANSPORTATION, INC., 308 King St., P.O. Box 209, Olean, NY 14760. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, 216–652–2789. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP2–140

Decided: March 23, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC 144803 (Sub-1), filed March 8, 1983. Applicant: LASSITER BUS SERVICE, INC., 3400 Nansemond Parkway, Suffolk, VA 23435. Representative: Frank L. Willard, Suite #1001, First & Merchants National Bank Bldg., Norfolk, VA 23510, 804–627–0070. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166632, filed March 8, 1983. Applicant: WILLIAM LEE, d.b.a. L & H TOURS, 346 W. 68th St., Los Angeles, CA 90003. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, 714–667–8107. Transporting *passengers*, in charter and special operations, beginning and ending at points in CA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166643, filed March 8, 1983. Applicant: AUTOCAR CONNAISSEUR, INC., 433 St. Martin, Montreal, Quebec, Canada H3J 1W1. Representative: Martineau Walker, 3400 The Stock Exchange Tower, P.O. Box 242, Montreal, Quebec, Canada H4Z 1E9, 514–395–3839. Transporting *passengers*, in special and charter operations, beginning and ending at ports of entry on the international boundary line between the U.S. and Canada in ME, NH, VT, NY, and MI, and extending to points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166652, filed March 8, 1983. Applicant: AMERICAN COACH TRAVEL, INC., 1116 Carriage Lane, New Albany, IN 47150. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703–522–0900. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

For the following, please direct status calls to Team 3 at 202–275–5223.

Vol. No. OP3–109

Decided: March 21, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166685, filed March 7, 1983. Applicant: BULLIT COURIER SERVICE, INC., 233 West 42nd Street, New York, NY 10036. Representative: Charles Moran, Suite 320, 2501 M Street NW., Washington, DC 20037, (202) 737–7661. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 163084 (Sub-1(b)), filed March 2, 1983. Applicant: FIN-A-KEY EXPRESS INCORPORATED, P.O. Box 80743, Seattle, WA 98108. Representative: Albert Harris Nash, 6719 42nd Ave. So., Seattle, WA 98118, (206) 725–3023. Transporting, for or on behalf of the United States Government, *general commodities*, (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 166665, filed March 8, 1983. Applicant: STRUNK TRANSPORTATION, 104 South Pomeroy, Sidney, OH 45365. Representative: James T. Darby, 1021 Irving Avenue, Colonial Beach, VA 22443, (804) 224–0773. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceed 100 pounds, (3) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, and (4) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

Volume No. OP3–114

Decided: March 22, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 745 (Sub-3), filed March 7, 1983. Applicant: HAGEY'S BUS SERVICE, INC., P.O. Box 68, Franconia, PA 18924. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 67024 (Sub-30(a)), filed March 2, 1983. Applicant: SERVICE COACH LINE, INC., 1500 Jackson Street, Dallas, TX 75201. Representative: G. W. Hanthorn, 1500 Jackson Street, Dallas, TX 75201, (214) 655–7937. Transporting (1) *passengers* in charter or special operations between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation; and (2) *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 166584, filed March 2, 1983. Applicant: MANSUN NORTH, INC., Box 154, Hyde, PA 16843. Representative: Dwight L. Koerber, Jr., 110 No. Second St., P.O. Box 1320, Clearfield, PA 16830, (814) 765–9611. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166635, filed March 7, 1983. Applicant: JOFAZ TRANSPORTATION, INC., 72 Huntington St., Brooklyn, NY 11231. Representative: Norman Turk, 225 Broadway, New York, NY 10007, (212) 619–1540. Transporting *passengers*, in charter and special operations, between the Borough of Brooklyn, NY, on the one hand, and, on the other, points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166664, filed March 7, 1983. Applicant: OUTDOOR ADVENTURES, INC., 304 Lower Creek Dr., Lenoir, NC 28645. Representative: Ruth Sevier Foster (same address as applicant) (704) 758–1182. Transporting *passengers*, in charter and special transportation, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded special and charter transportation.

MC 166684, filed March 9, 1983. Applicant: JOSEPH J. REARDON, d.b.a. REARDON TRANSPORTATION COMPANY, 124 Lilac Circle, Greenwood, IN 46142. Representative: (same as applicant) (317) 882–1453. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166695, filed March 10, 1983. Applicant: JOSEPH A. RONGO, 6 Vee Jay Dr., Shoreham, NY 11786. Representative: Joseph F. Stern, 17 Bradley Dr., Shoreham, NY 11786, (516) 821–1365. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166704, filed March 10, 1983. Applicant: RONALD H. WELCH, d.b.a. RON WELCH & SONS TRUCKING, RR 1, Box 54A, Menomonee, WI 54751. Representative: Ron Welch (same address as applicant), (715) 235–5769. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166775, filed March 14, 1983. Applicant: LUXTRAN, INC., 3542 Knox Ave. No., Minneapolis, MN 55412. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *passengers*, in charter and special operations, beginning and ending at points in IA, IL, MN, ND, SD, and WI and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP3–118

Decided: March 22, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 1745 (Sub-19), filed March 11, 1983. Applicant: INTERSTATE VAN LINES, INC., 5801 Rolling Road, West Springfield, VA 22152. Representative: Marshall Kragen, 1919 Pennsylvania Avenue NW., Suite 300, Washington, D.C. 20006, (202) 466–3776. Transporting (1) *passengers*, in special and charter operations, between points in the U.S. (except AK and HI), (2) *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which

no one package exceeds 100 pounds, between points in the U.S. (except AK and HI), and (3) *used household goods*, for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 150084 (Sub-6), filed March 11, 1983. Applicant: PRIDE TRANSPORT, 1102 W. 2100 So., Salt Lake City, UT 84104. Representative: D. Jeffrey England (same address as applicant), (801) 972–8890. Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (2) *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 166745, filed March 11, 1983. Applicant: MARKETING AND MANAGEMENT TRANSPORTATION SERVICE, d.b.a. M & M TRANSPORTATION SERVICE, 4868 Moreland Ave., P.O. Box 236, Ellenwood, GA 30049. Representative: James T. Myers, 266 Moseley Rd., Stockbridge, GA 30281, (404) 361–5846. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 4 at 202–275–7669.

Vol. No. OP4–179

Decided: March 23, 1983.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 144757 (Sub-28), filed March 7, 1983. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 3104 East St. Patrick, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4036. Transporting (1) *general commodities*, between (a) Richmond, IL, Genoa City, Lake Geneva and Pell Lake, WI, (b) Bear Creek, Clintonville, and Sugar Bush, WI, (c) Arlington, Belview, Boyd, Clarkfield, Dawson, Delhi, Echo, Fairfax, Franklin, Gaylord, Gibbon, Green, Isle, Hamburg, Haxel Run, Madison, Morton, Redwood, Winthrop, and Wood Lake, MN, (d) Beechwood, Caspian, Elmwood, Gegebic, Hazel, Iron River, Marinesco, Naultz, Pentoga, Scott Lake, Stager, Stambaugh, Stickley, Thayer and Watersmeet, MI, and Florence, Hematite, Ridgetop and Spread Eagle, WI, (e) Algonquin, Carpentersville, and Dundee, IL, (f) Halbur, IA, (g) Solitude and Wadesville, IN, (h) Bannister Spur, Belfast, Detonti, and Sheridan, AR, (i) Archibald, Baskin, Chase, Manghan, Oak Ridge, Peck, Sicily Island, Winnsboro and Wisner, LA, (j) Avoca, NE, (k) Doniphan, Naylor and Oxly, MO, (l) Liverpool, IL, (m) Bedford, Clearfield, Conway, Kent, Lenox and Merle, IA, and Hopkins and Pickering, MO, (n) Irl, Octa and Senath, MO (o) Ithaca, Malmo, Memphis, and Prague, NE, (p) Burwell, Cushing, Elyria, Greeley Center, and Wolbach, NE, (q) Aloha, Copalis, and Tulips, WA, (r) Henderson, IA, (s) Eleanor, Fry, Gravelles and Omans, WA, (t) Fairbanks WA, (u) Dunreith, Mays, Sexton and Spiceland, IN, (v) Butternut, Eureka Place, Millers, Sheridan and Vickeryville, MI, (w) Prince, NV, (x) Archer, Calumet, Edna, Gaza, George, Larrabee, Matlock, Primghar, and Rock Rapids, IA, Steen, MN, and Benclare and Rowena, SD, (y) Cache, Hodges Park, King, Sandusky, and Tamms, IL, (z) Dewey, Dickerson, Fisher, Prospect, and Tomlinson, IL, (aa) Pryors, Water Valley and Wingo, KY, (bb) Cargray and Skellytown, TX, (cc) Silver City, MN, (dd) Palmertown, CT, (ee) Lynwood, CA, (ff) Cashton, Melvina, Viroqua and Westby, WI, (gg) Big Bend, Cheraw, Keesee, and McClave, CO, (hh) Parkdale, OR, (ii) Ferguson, Pitts, Quarry Junction, and West Oberlin, OH, (jj) Clementsville, and Durput, ND, (kk) Coalinga, CA, (ll) Barnes City, Gibson, Kalona, Keswick, Kinross, Montezuma, Old Man's Creek Bridge, Riverside, South English, Webster, Thornburg, and Wellman, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *lumber and wood products*, between points in SD and WY, on the one hand, and, on the other, points in CO, FL, ID, IL, IN, IA, KS, KY, MI, MN, MS, MT, NE, NY, ND, OH, OK, PA, SD, TX, UT, WI and WY. Condition: Issuance of a certificate in Part (1) of this application is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at the specified points. The certification should be sent to Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, DC 20423. To the extent the service in Part (1) authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its issue date.

Note.—Because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this Federal Register issue. Part (1) will be published in Vol. No. 178, and Part (2) will be published in Vol. No. 179.

MC 166857, filed March 17, 1983. Applicant: JOHN W. CRUDUP, d.b.a., J. W. CRUDUP TRUCKING, 4100 West Liberty, Oklahoma City, OK 73107. Representative: B. S. Nelson, 1001 Connecticut Ave. NW No. 838, Washington, DC 20036, (202) 296–2550. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverage and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166876, filed March 18, 1983. Applicant: KENNETH CARLISLE, Rt. 1, Box 208, Lilbourn, MO 63862. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8119 Filed 3-29-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, December 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this

decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,

Secretary.

(Member Carleton participating in part.)

Volume No. OP1–100

Decided: March 23, 1983.

For status, please call Team 1 at 202–275–7992.

MC 39140 (Sub-182)X, filed February 28, 1983. Applicant: A. DUIE PYLE, INC., P.O. Box 564, West Chester, PA 19380. Representative: Alan Kahn, 14030 Land Title Bldg., Philadelphia, PA 19110. Lead and Sub 176 certificates: (1) broaden (a) general commodities with the usual exceptions and livestock (lead) and general commodities with the usual exceptions (Sub 176) to "general commodities (except classes A and B explosives, household goods and commodities in bulk)"; (b) feed and grain (lead) to "farm products"; (c) poles (lead) to "lumber and wood products"; (d) salt (lead) to "ores and minerals"; (e) trees and shrubs (lead) to "forest products"; (f) fertilizer (lead) to "chemicals and related products"; (g) tents and tent materials (lead) to "textile mill products"; (h) road equipment and parts (lead) to "machinery and those commodities which because of size and weight require the use of special handling or equipment"; (i) iron and steel (lead) to "metal products"; (j) iron and steel products requiring specialized handling or rigging because of size or weight (lead) to "those commodities which because of size or weight require the use of special handling or equipment"; (k) household goods (lead) to "household goods and furniture and fixtures"; (l) foodstuffs (except in bulk) (Sub 176) to "food and related products"; and (m) iron and steel and iron and steel products requiring specialized handling or rigging because of size or weight (Sub 176) to "metal products and those commodities which because of their size or weight require the use of special handling or equipment"; (2) allow services to all intermediate points, and change one-way irregular routes to radial authority (lead and Sub 176); (3) replace plantsite and city-wide authority with county-wide authority (irregular routes); Wilmington and Newport, DE (New Castle County; Trenton, NJ (Mercer County); West Chester, Kennett Square, Eagle, Coatesville, Downingtown, Phoenixville, PA (Chester County); Salisbury, MD (Wicomico County); Bethlehem, PA (Lehigh and Northampton Counties); Amityville, L.I., NY (Suffolk County); Irvington, NJ (Union County); Chester, PA (Delaware County); Paulsboro, Carneys Point, Carteret and Dover, NJ (Gloucester, Salem, Union and Morris Counties); Harrisburg, PA (Dauphin County); Astoria, L.I., NY (Queens County); Kutztown, PA (Berks County); Parlin, NJ (Middlesex Counties); Newark, Perth Amboy, Camden and Atlantic City, NJ (Essex, Middlesex, Camden and Atlantic Counties); Southington and Stamford, CT (Hartford and Fairfield Counties); Conshohocken, PA (Montgomery County); Eddystone, PA (Delaware County); Annapolis, MD (Anne Arundel County); Carlstadt, NJ (Bergen County); Elizabeth, NJ (Union County); West Sadsbury, PA (Chester County); Fairless, PA and points within three miles thereof (Bucks County); and Buffalo, NY (Erie County) (lead and Sub 176); (4) expand off-route points to county-wide authority (a) points in MD within 10 miles of Rising Sun (Cecil County); and (b) points in PA within 10 miles of Oxford, PA (Chester County and points in PA within 10 miles of Oxford) (Sub 176); and (5) remove the restriction against combining regular route authority with carrier's otherwise authorized operations (lead); and the facilities restriction in Sub 176.

MC 142791 (Sub-2)X, filed March 11, 1983. Applicant: GEORGE PRYSLAK, d.b.a. PRYSLAK TRUCKING, Box 149, Great Meadows, NJ 07838. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Lead permit: broaden the territorial description to between points in the U.S. (except AK and HI), under continuing contract(s) with named shipper.

For status, please call Team 3 at 202–275–5223.

Volume No. OP3–108

Decided: March 21, 1983.

MC 105334 (Sub-4)X, filed March 8, 1983. Applicant: TENNYSON TRANSFER & STORAGE, INC., P.O. Box 7066, Boise, ID 83707. Representative: W. L. Woolley (same address as applicant). Sub 3F certificate: Broaden (1) one-way authority to radial authority, and (2) to countywide authority: Boise, ID (Ada County).

For status, please call Team 3 at 202–275–5223.

Volume No. OP3–112 (X)

Decided: March 22, 1983.

MC 152014 (Sub-2)X, filed March 1, 1983. Applicant: MARSHALL DILLON TRANSPORT, INC., 5357 E. Fayette, P.O. Box 31238, Tucson, AZ 85751. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Sub 1: broaden (A)(1) lighting fixtures, (2) accessories and parts, to "electrical machinery"; and (B) Americus, GA, and Eufaula, AL, to Sumter County, GA, and Barbour County, AL.

[FR Doc. 83–8116 Filed 3–29–83; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–F–15148]

Motor Carriers; Edward T. Hopkins—Continuance in Control—Nationwide Transportation, Inc. and Interstate Express, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Procedures for Handling Exemptions Filed by Motor Carriers 367 I.C.C. 113 (1982) Nationwide Transportation, Inc., and, in turn Edward T. Hopkins who owns 50 percent of the stock of Nationwide, seek an exemption from the requirement under Section 11343 of prior regulatory approval for their continuance in control of Interstate Express, Inc.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES:

(1) Motor Section, Room 2353, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative, Nelson & Harding, P.O. Box 82028, Lincoln, NE 68501–2028

Comments should refer to No. MC–F–15148.

FOR FURTHER INFORMATION CONTACT: Joyce D. Lannon, (202) 275–7992.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 24, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8110 Filed 3-29-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under Section 1–5 of Executive Order 12196 of February 26, 1980, published in the **Federal Register** February 27, 1980 (45 FR 12769), will meet on April 13, 1983 starting at 10:00 AM in Rooms N3437 A, B, C, of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. The meeting will be open to the public.

The agenda provides for:

I. Call to Order.

II. Approval of Minutes of January 12, 1983 Meeting.

III. Announcement of Appointments and Reappointments.

IV. President's Safety and Health Award Criteria.

V. Reports.

VI. New Business.

VII. Adjournment.

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submission received by close of business April 8, 1983, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business April 8, 1983. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to John E. Plummer, Director, Office of Federal Agency Programs, Department of Labor, OSHA, Frances Perkins Building, 200 Constitution Avenue NW., Room N3613, Washington, D.C. 20210, telephone (202) 523–6021.

Signed at Washington, D.C. this 28th day of March, 1983.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 83-8418 Filed 3-30-83; 10:28 am]

BILLING CODE 4510-26-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Social and Economic Science Subpanel for Economics; Amended Meeting

The Subpanel for Economics will be meeting in Washington, D.C. on April 7–9, 1983. This meeting notice is being amended to include an Open Session on Thursday, April 7 from 4:30 p.m. to 5:30 p.m. The agenda for this open session will be a discussion by the Subpanel on the emerging research opportunities in economics.

For further information, please contact Daniel Newlon, 357–9674. The notice of the meeting was published in the **Federal Register** on Tuesday, March 15, 1983, page 10957, Vol. 48, No. 51.

March 24, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-8097 Filed 3-29-83; 8:45 am]

BILLING CODE 7555-01-M

Committee on Equal Opportunities in Science and Technology; Postponement of Meeting

The Committee on Equal Opportunities in Science and Technology had planned to meet in Washington, D.C. on March 31–April 1, 1983. This meeting has been postponed until tentatively May 2–3, 1983. A new meeting notice will be published prior to this rescheduled meeting.

For further information, please contact Mary Poats, 357–9571. The notice of the meeting appeared in the **Federal Register** on Tuesday, March 15, page 10956, Vol. 48, No. 51.

March 24, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-8098 Filed 3-29-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co. (Turkey Point Plant Units 3 and 4); Exemption

I

The Florida Power and Light Company (the licensee) is the holder of Facility Operating License Nos. DPR-31 and DPR-41 (the licenses) which auhtorizes operation of the Turkey Point Plant Units 3 and 4 located in Dade County, Florida, at steady state reactor core power levels not in excess of 2200 megawatts thermal (rated power). These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.71(e)(4) of 10 CFR Part 50 requires the licensees of nuclear power reactors to submit an annual revision to the Updated Final Safety Analysis Report (UFSAR) which shall reflect all changes up to a maximum of six months prior to the date of filing.

By letter dated February 2, 1983, Florida Power and Light Company (FP&L) requested an Exemption from the requirements of 50.71(e)(4) for Turkey Point Plant Units 3 and 4 for four months for the following reasons. The current schedule for the annual update of July 22, 1983, would not include major modifications currently being implemented. These major modifications include the steam generator replacement for Unit 4, Auxiliary Feedwater modifications and modifications required as the result of the Three Mile Island Action Plan (NUREG–0737). The extension would facilitate the incorporation of the modifications identified above and accurately reflect the existing design. Further, the licensee's technical support staff necessary for providing inputs to the FSAR are heavily engaged in the current modifications. As a result, the licensee is requesting a four month schedular exemption for the current annual revision of the UFSAR.

The staff has evaluated the licensee's request for a four month extension to the regulation that requires an annual revision to the UFSAR. We believe that the extension of time is warranted to permit incorporation of the major modifications and changes to accurately reflect the existing design. The staff has determined that good cause has been shown to support the exemption and, therefore, a four month exemption from the date of compliance is acceptable for this annual revision currently scheduled for July 22, 1983.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letter of February 2, 1983, is authorized by law and will not endanger life or property or the common defense

and security, and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption from compliance with the July 22, 1983 date for submitting the current annual revision to the UFSAR:

The current annual revision of the UFSAR which reflects all changes up to a maximum of six months prior to the date of filing, shall be filed by November 22, 1983. The next revision shall be filed no later than July 22, 1984, so that subsequent revisions will be in compliance with § 50.71(e) of 10 CFR Part 50.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 16th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Acting Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-8209 Filed 3-29-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

GPU Nuclear Corporation and Jersey Central Power and Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commisson) has issued Amendment No. 66 to Provisional Operating License No. DPR-16, issued to GPU Nuclear Corporation and the Jersey Central Power and Light Company (the licensees), which revised the Techncial Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility). The amendment is effective as of its date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to the non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 11, 1983, (2) Amendment No. 66 to License No. DPR-16, and (3) the Commission's letter of transmittal. All of these items are available for public inspection at the Commission's Public Document Room 1717, H Street, NW., Washington, D.C., and at the Local Public Document Room, 101 Washington Street, Toms River, New Jersey 08753. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24 day of March 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-8210 Filed 3-29-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp. and R. E. Ginna Nuclear Power Plant; Exemption

I

Rochester Gas and Electric Corporation (the licensee) is the holder of provisional Operating License No. DPR-18 which authorizes the operation of the R. E. Ginna Nuclear Power Plant (the facility). The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) (NRC). The facility comprises one pressurized water reactor at the licensee's site in Wayne County, New York.

II

10 CFR 50.54(q) of the Commission's regulations requires a licensee authorized to operate a nuclear power plant to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.1 of Appendix E requires each licensee annually to conduct an emergency preparedness exercise with full participation by the State and local county governments unless the State and all local county governments in the plume exposure pathway Emergency Planning Zone (EPZ) for the licensee's facility have otherwise participated in a full-scale exercise during the annual period (with such participation occurring in conjunction with a full-scale exercise at another nuclear power plant). In this latter case, the licensee is required to conduct an annual exercise with the participation of State and local governments consistent with the provisions of Section IV.F.3 of Appendix E for small scale exercises.

III

By letter dated November 18, 1982, Rochester Gas and Electric Corporation (the licensee, RG&E) requested an exemption from certain annual emergency plan exercise requirements of 10 CFR Part 50, Appendix E, Section IV.F.1.a such that the next exercise would be held no later than June 30, 1983. The licensee is unable to meet the annual exercise requirement because RG&E needs to meet the coordinated schedule developed by their organization and representatives from NRC, the Federal Emergency Management Agency (FEMA), and the State of New York. As a result, the next exercise has been tentatively scheduled for no later than June 30, 1983.

Based on the fact that the last full-scale exercise was held January 21, 1982; that the Ginna Emergency Plan implementation during the January 25, 1982 incident demonstrated an acceptable level of prepardness; that such a delay is necessary based on prior commitments of the State of New York, FEMA and NRC to support exercises at other nuclear facilities in New York State and NRC Region I; that the training of emergency response personnel will continue within RG&E; and that the most effective and beneficial annual exercises are those involving the full-scale participation of State and local county government organizations, the NRC finds that a one-time delay until no later than June 30, 1983 in performing the next annual emergency preparedness exercise will not adversely affect the overall state of emergency preparedness at Ginna.

IV

Accordingly, the Commission has determined that an exemption in accordance with 10 CFR 50.12 is authorized by law, will not endanger life

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or property or the common defense and security and is otherwise in the public interest. Therefore, the requested exemption from the exercise requirements of 10 CFR Part 50, Appendix E, Section IV.F.1.a to allow for full-scale participation in the licensee's current annual exercise by NRC, FEMA and the State of New York no later than June 30, 1983 is hereby granted.

The Commission has determined that this exemption does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. Having made this determination, we have further concluded that the exemption involves an action which is insignificant from the standpoint of environmental impact and, pursuant to 10 CFR 51.5(d)(4), that an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

We have concluded, based on the considerations discussed in the Exemption, that: (1) Because the exemption does not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of an accident of a type different from any evaluated previously and does not involve a significant reduction in a margin of safety, the exemption does not involve a significant hazards consideration, (2) there is reasonable assurance that the health and safety of the public will not be endangered by this action, and (3) such activities will not be inimical to the common defense and security or to the health and safety of the public.

Dated at Bethesda, Maryland this 23rd day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-8212 Filed 3-29-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Issuance of an Exemption Fire Protection Rule

The U.S. Nuclear Regulatory Commission (the Commission) has issued an Exemption relating to the Fire Protection Rule Schedular Requirements of 10 CFR 50.48(c) for San Onofre Nuclear Generating Station, Unit No. 1 (SONGS 1). SONGS 1, which is operated by Southern California Edison Company (SCE) (the licensee), is located in San Diego County, California.

The exemption request is related to the time allowed to complete modifications and additions to the fire protection features at SONGS 1. For reasons as stated in the exemption request, SCE requested additional time to complete these modifications and additions.

The Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and has granted the following exemptions with respect to the schedular implementation of modifications and additions to San Onofre Unit No. 1 to meet the requirements of Section III.G of Appendix R to 10 CFR Part 50:

1. The effective date of the Fire Protection Rule used for computing the implementation of the fire protection features specified in 10 CFR 50.48(c)(3) is replaced by October 31, 1983.

2. The date of NRC approval used for computing the implementation of the fire protection features specified in 10 CFR 50.48(c)(4) is replaced by October 31, 1983.

The Commission has determined that the granting of the exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this action.

For further details with respect to this action, see: (1) The SCE's letters dated June 30, 1982 and August 3, 1982, and (2) the Commission's Exemption and letter of transmittal dated March 23, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California. A single copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director of Licensing.

Dated at Bethesda, Maryland, this 23rd day of March 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-8213 Filed 3-29-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266, 50-301]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Units 1 and 2); Request for Action

Notice is hereby given that by petition dated February 14, 1983, Wisconsin's Environmental Decade, Inc. filed a request for issuance of an order to Wisconsin Electric Power Company to show cause why the operating licenses for the Point Beach plants should not be modified, suspended, or revoked because of "the serious deterioration of operator performance at the facility." In accordance with the procedures specified in 10 CFR 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the local public document room for the Point Beach facilities at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241.

Dated at Bethesda, Maryland this 18 day of March 1983.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 83-8214 Filed 3-29-83; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35)

1. Type of submission, new revision or extension: New.

2. The title of the information collection: Questionnaire to Radiographers.

3. The form number if applicable: Not applicable.

4. How often the collection is required: One time.

5. Who will be required or asked to report: Radiographers.

6. An estimate of the number of responses: 179.

7. An estimate of the total number of hours needed to complete the requirement or request: 90.

8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: Radiographers are requested to provide information regarding the size of their firms in order for the NRC to determine the economic impact of its rulemakings on the radiographic industry and especially the impact on small business.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer Jefferson B. Hill, (202) 395–7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland this 21st day of March 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83–8215 Filed 3–29–83; 8:45 am]

BILLING CODE 7590–01–M

Regional State Liaison Officers' Meeting

On April 20 and 21, 1983, the Nuclear Regulatory Commission (NRC) will sponsor a regional meeting with the Governor-appointed State Liaison Officers from Arkansas, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. The subjects which will be discussed include emergency planning, waste management, spent fuel shipments and notification, NRC decentralization and other items of mutual regulatory interest.

The meeting will be conducted in University Hall at the Rodeway Inn, Interstate 30 and Highway 360, Arlington, Texas. The meeting is open to the public for attendance and observation and will take place from 9:00 a.m. until 5:00 p.m. on Wednesday, April 20, and from 8:30 a.m. until 12:30 p.m. on Thursday, April 21, 1983.

Questions regarding this meeting should be directed to Sue Weissberg at (301) 492–9877.

Dated at Arlington, Texas this 22nd of March 1983.

For the Nuclear Regulatory Commission.

John T. Collins,

Regional Administrator, Region IV.

[FR Doc. 83–8211 Filed 3–29–83; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. SIPA–109; File No. SIPC 83–1]

Securities Investor Protection Corp.; Proposed Rule Change by Securities Investor Protection Corporation

Pursuant to section 3(e)(2)(A) of the Securities Investor Protection Act of 1970, 15 U.S.C. 78ccc(e)(2)(A), notice is hereby given that on February 24, 1983 the Securities Investor Protection Corporation filed with the Securities and Exchange Commission a proposed rule change as described in Items I, II and III below, which Items have been prepared by the Securities Investor Protection Corporation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. SIPC's Statement of the Terms of the Proposed Rule Change

The text of the proposed rule change is as follows:

Rule 400 *Satisfaction of Customer Claims For Standardized Options:*

(a) For the purpose of sections 7(b)(1), 8 (b) and (d), and 16(11) of the Securities Investor Protection Act, (hereinafter referred to as "the Act") this rule will be applied in determining what a customer will receive in either (i) a liquidation proceeding pursuant to the Act or (ii) a direct payment procedure pursuant to section 10 of the Act, in satisfaction of a claim based upon Standardized Options positions.

(b) As promptly as practicable after the initiation of a liquidation proceeding or a direct payment procedure under the Act, the trustee in a liquidation proceeding, or SIPC in a direct payment procedure, shall liquidate or cause to be liquidated, by sale or purchase, all Standardized Options positions held for the accounts of customers.

(c) A trustee in a liquidation proceeding, or SIPC in a direct payment procedure, shall calculate the dollar amount of all Standardized Options positions held for the account of a customer in accordance with section 16(11) of the Act, and credit or debit, as appropriate, the dollar amount so calculated to the account of such customer.

(d) Notwithstanding paragraph (b) above, neither the trustee in a liquidation proceeding nor SIPC in a direct payment procedure shall be required under this Rule to liquidate any short position in Standardized Options covered by the deposit of: (i) The underlying securities, in the case of a call option, or (ii) treasury bills, in the case of a put option, by or on behalf of a customer with a bank or other depository. Any such positions that are not liquidated shall be excluded from the calculation provided for in paragraph (c) above.

(e) In no event will Standardized Options positions be delivered to or on behalf of customers in satisfaction of claims pursuant to section 7(b)(l) of the Act.

(f) In no event will Standardized Options be purchased for delivery to customers pursuant to section 8(d) of the Act.

(g) This rule shall not be construed as limiting or restricting in any way the exercise of any right of a broker or registered clearing agency to liquidate or cause the liquidation of Standardized Options positions.

(h) As used in this rule the term "Standardized Options" means options traded on a national securities exchange, an automated quotation system of a registered securities association, or a foreign securities exchange.

II. SIPC's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, SIPC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. SIPC's Statements in this regard are as follows:

A. SIPC's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

The purposes of the proposed rule change are: (1) To establish a uniform procedure for the liquidation of Standardized Options positions in proceedings pursuant to the Securities Investor Protection Act of 1970 as amended ("SIPA"), and (2) to establish a uniform method for calculating the value of such Standardized Options positions for distribution to customers of the debtor firm.

SIPC is authorized to adopt rules relating to procedures for the liquidation of SIPC members and for direct payment procedures, including the transfer of customer accounts, the distribution of customer property, and the advance and payment of SIPC funds, under SIPA section 3(b)(4)(B), 15 U.S.C. 78ccc(b)(4)(B).

Standardized Options are a wasting asset which, by their nature, decline in value over time. Because options, unlike most other types of securities, cannot be

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physically delivered to customers,[1] the only method available to restore customer control over options positions is to transfer the options to a solvent SIPC member. However, such transfers are not always possible. Even where a transfer of the options positions (and other securities positions) is possible, it cannot always be done within the time constraints created by the very nature of the options positions.

This situation leads to uncertainty on the customer's part. The customer cannot know if all or part of his options positions will be transferred to another broker, and if such transfer is effected, whether there will be time to make appropriate investment decisions. To alleviate this potential uncertainty, and to improve investor confidence, the proposed rule will allow each customer to know, with certainty, that his options positions will be closed and his account credited or debited, as appropriate, based upon the nature of the options position on the filing date of the proceeding.[2]

B. SIPC's Statement on Burden on Competition

SIPC does not believe that the proposed rule change would impose any burden on competition.

C. SIPC's Statement on Comments on the Proposed Rule Change Received From Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received. SIPC has informally discussed the proposed rule change with the staff of the Options Clearing Corporation ("OCC") and understands that OCC supports the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register**, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which SIPC consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be approved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will be available for inspection and copying at the principal office of SIPC. All submissions should refer to the file number in the caption above and should be submitted within (21) days after the date of this publication.

By the Commission.

Dated: March 22, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7876 Filed 3-29-83; 8:45 am]

BILLING CODE 8010-01-M

[1] SIPC has limited the scope of the proposed rule to Standardized Options only, since it is still possible to write options which are physically deliverable. These latter options, which may be "customer name securities" as defined in SIPA section 16(3), 15 U.S.C. 78*lll*(3), or "customer property" as defined in SIPA section 16(4), 15 U.S.C. 78*lll*(4) would continue to be treated like any other physically deliverable securities. *See SIPC v. Associated Underwriters, Inc.*, 423 F. Supp. 168 (D. Utah 1975).

[2] In the event a direct payment procedure is initiated, the options are valued as of the date of publication of notice. SIPA section 16(7)(c); 15 U.S.C. 78*lll*(7)(c).

SMALL BUSINESS ADMINISTRATOR

Small Business Investment Co.; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulations governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to Section 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 stat. 161), to that law's Federal override of State Usury ceilings, and to its forfeiture and penalty provisions.

Effective April 1, 1983, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 10.725 percent per annum.

Dated: March 23, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-8187 Filed 3-29-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular; Public Debt Series; No. 10-83]

Bonds of 2003; Interest

March 25, 1983.

The Secretary announced on March 24, 1983, that the interest rate on the bonds designated Bonds of 2003, described in Department Circular—Public Debt Series No. 10-83 dated March 16, 1983, will be 10¾ percent. Interest on the bonds will be payable at the rate of 10¾ percent per annum.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-8218 Filed 3-29-83; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular; Public Debt. Series; No. 9-83]

Series D-1990 Notes; Interest Rate

March 24, 1983.

The Secretary announced on March 23, 1983, that the interest rate on the notes designated Series D-1990, described in Department Circular—Public Debt Series—No. 9-83 dated March 16, 1983, will be 10½ percent. Interest on the notes will be payable at the rate of 10½ percent per annum.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-8217 Filed 3-29-83; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 62
Wednesday, March 30, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Thursday, March 31, 1983

March 24, 1983.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, March 31, 1983, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* In re petition by AT&T for amendment of Part 2 of the FCC Rules and regulations. *Summary:* Commission consideration of a Report and Order to amend Parts 2 and 21 to modify the calculation of necessary bandwidths for frequency modulated microwave radio relay systems.

General—2—*Title:* Amendment of Part 15 to add interim provisions for cordless telephones. *Summary:* The Commission will consider the merits of two petitions for rulemaking, RM-4062 and RM-4075, which request new channels for cordless telephones.

General—3—*Title:* Requirements for Licensed Operators in Various Radio Services. *Summary:* The Commission will consider whether or not to adopt a Notice of Proposed Rule Making to eliminate licensed operator requirements in various radio services.

General—4—*Title:* Amendment of the Commission's Rules to Allow the Selection from Among Certain Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings. *Summary:* Commission consideration of a Second Report and Order to amend the Rules to use lotteries in certain media and non-media services for allocating initial licenses.

Private Radio—1—*Title:* Amendment of Parts 95 and 97 of the Commission's Rules to authorize ten year license terms in the General Mobile Radio Service (GMRS) and in the Amateur Radio Service. *Summary:* The Commission will consider whether to adopt Notices of Proposed Rule Making proposing to amend Parts 95 and 97 of the Rules to authorize ten year license terms in the GMRS and in the Amateur Radio Service, and proposing to permit a two year period of grace for renewal of expired licenses in the Amateur Radio Service.

Private Radio—2—*Title:* Application for Review filed by MTC, Inc., doing business as Metro Traffic Control in re: a ruling by the Chief, Private Radio Bureau regarding Section 90.415(a) of the Commission's rules *Summary:* The Commission will consider the merits of an Application for Review filed by MTC, Inc., contesting a ruling by the Chief, Private Radio Bureau concerning Section 90.415(a) of the Commission's rules. This section (47 CFR 90.415(a)) prohibits the use of private land mobile radio service frequencies in connection with broadcasting.

Private Radio—3—*Title:* Amendment of Parts 1 and 90 of the Commission's Rules and Regulations to Implement a System of Temporary Licensing for Add-on Users of Multiple Licensed Facilities Authorized in the Private Land Mobile Radio Services and Operating Below 800 MHz. *Summary:* The Commission will consider whether to adopt final rules providing temporary licensing for eligible add-on users in the private land mobile radio services below 800 MHZ.

Private Radio—4—*Title:* Amendment of the Amateur Radio Service Rules (Part 97) regarding expansion of the telephony segments of the Amateur Radio Service high frequency (HF) bands. *Summary:* The Commission will consider whether to adopt a Report and Order which would amend Part 97 of the Rules to expand the frequency segment available for telephony use in the 15 MHz amateur band, and a Further Notice of Proposed Rule Making proposing to amend the Rules to expand the segments available for telephony use in the other HF bands.

Common Carrier—1—*Title:* CC Docket No. 80-634, Changes in the Corporate Structure and Operations of the Communications Satellite Corporation. *Summary:* The Commission will consider two petitions for reconsideration or clarification of its August 5, 1982 Order in this proceeding.

Common Carrier—2—*Title:* Plans for the Provision of New Customer Premises Equipment Pursuant to the Structural and Accounting Requirements of the Second Computer Inquiry (Computer II). *Summary:* The Commission will consider whether to adopt the findings and recommendations of staff reports on its review of AT&T's plans for the operations of its separate subsidiary, American Bell Inc., and the manner in which it relates to unseparated affiliates.

Common Carrier—3—*Title:* Joint Request for Approval of a Limited Partnership Agreement and Related Relief. *Summary:* The Commission will consider the Joint Request for Approval of a Limited Partnership Agreement filed by Advanced Mobile Phone Service, Inc., GTE Mobilnet of Los Angeles, Incorporated, ConTel Mobilcom, Inc. and United States Cellular Corporation (USCC), to provide cellular mobile telephone service on the wireline frequencies in the Los Angeles, California Standard Metropolitan Statistical Service Area.

Common Carrier—4—*Title:* Memorandum Opinion and Order on Reconsideration (Part 2), in General Docket 80-183 and Further Notice of Proposed Rulemaking. *Summary:* The Committee has before it a Memorandum Opinion and Order on Reconsideration (Part 2), of its Report and Order, in General Docket 80-183, 89 FCC 2d 1337, 47 Fed. Reg. 24557 (1982), which allocated 3 MHz of spectrum for private and common carrier one-way paging stations. This Order deals exclusively with nationwide network paging issues. The Further Notice of Proposed Rulemaking, requests comments on the nature and extent of rate regulation for the network frequencies.

Common Carrier—5—*Title:* Petitions for Reconsideration of the Commission's Memorandum Opinion and Order in Exchange Network Facilities for Interstate Access (ENFIA) (CC Docket No. 78-371), FCC 82-431 released September 29, 1982. *Summary:* The Commission will consider a petition for expedited reconsideration filed by AT&T seeking recalculation of the off-peak discounts used in the computation of OCC billed minutes for use in the ENFIA rate formula, petitions for reconsideration filed by SPCC and USTS seeking recision of the Commission's requirement that the OCC's refund to AT&T the difference between the interim billing and collection rate and the actual rate for Level D ENFIA charges, and a petition for reconsideration filed by SBS seeking replacement of the ENFIA rate determined in the September 29, 1982 MO&O with the rates in effect at the end of Phase I.

Common Carrier—6—*Title:* Plan filed by the American Telephone and Telegraph Company, pursuant to Section 22.901(d) of the Commission's rules, to capitalize ATT Cellular Co. for the provision of domestic public radio cellular telecommunications service. *Summary:* The Commission considers whether the American Telephone and Telegraph Company's capitalization plan should be approved.

Common Carrier—7—*Title:* Commission letter preliminarily responding to Report of

Communications Satellite Corporation on the Allocation of Costs of Shared Services and Comsat Labs filed in CC Docket No. 80–634. *Summary:* Letter to Comsat reviewing Comsat's proposed changes in its methodology for allocation of general and administrative costs, research and development expenses, and investment in Comsat Laboratories.

Video—1—*Title:* Cablevision of Chicago's notification of aeronautical frequency usage pursuant to Section 76.610 of the Commission's Rules. *Summary:* The Commission will consider whether to issue a Notice of Apparent Liability for forfeiture against Cablevision of Chicago for its use of aeronautical frequencies without authorization.

Video—2—*Title:* (1) Application to transfer control of San Joaquin Communications Corporation, licensee of television station KSEE, Fresno, California, from Michael Mathiesen, Octavia Diener and Richard J. Giddings, *et al.*, to Meredith Corporation; (2) Petition to Deny filed by National Black Media Coalition; and (3) Petition to Deny filed by Television Advisory Committee of Mexican Americans. *Summary:* The Commission will consider the petitioners' allegations that: (1) The transferors' application violated the Commission's "Three Year Rule;" (2) the transferors failed to broadcast promised non-entertainment programming; and (3) the transferors' EEO performance at KSEE(TV) was inadequate. Petitioners also allege that the transferee inadequately described its non-entertainment programming and that the transferee's deficient EEO performance at its other stations raises issues concerning the transferee's future EEO performance at KSEE(TV).

Policy—1—*Title:* Reconsideration of action amending rules regarding daytime-only AM station assignments on Class I–A clear channels. *Summary:* The Memorandum Opinion and Order discusses and resolves the petitions for reconsideration which have been filed.

Policy—2—*Title:* Petitions for Reconsideration and/or Clarification of the Report and Order in the Matter of Inquiry Into the Future Role of Low Power Television Braodcasting and Television Translators in the National Telecommunications System (BC Docket No. 78–253). *Subject:* The Memorandum Opinion and Order discusses and resolves the issues raised by ten petitions for reconsideration filed with respect to the Commission's decision in the low power television proceeding.

Policy—3—*Title:* In the Matter of Amendment of Part 76, Subpart F of the Commission's Rules and Regulations Concerning the Fairness Doctrine and Political Cablecasting Requirements for Cable Television Systems. *Summary:* The Commission will consider adoption of a notice of proposed rule making concerning the applicability of the present policies and rules of the Fairness Doctrine and political cablecasting requirements to cable television systems to determine whether they can be improved or streamlined.

Policy—4—*Title:* Report and Order in the Matter of Amendment of Parts 2, 73, and 76 of the Commission's Rules to Authorize the Transmission of Teletext by TV Stations. *Summary:* Report and Order considers and resolves issues and questions raised in the Notice of Proposed Rule Making in this proceeding (BC Docket 81–741) and addresses a petition for reconsideration of action taken in the Notice.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: March 24, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–434–80 Filed 3–28–83; 10:42 am]

BILLING CODE 6712–01–M

2

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold a Closed Commission Meeting Thursday, March 31, 1983

March 24, 1983.

The Federal Communications Commission will hold a Closed Meeting on the subject listed below on Thursday, March 31, 1983, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Application for Review of Hearing Designation Order in the Lockhart and Luling, Texas FM proceeding (Docket Nos. 82–449 through 82–459).

Hearing—2—WIOO, Inc., Carlisle, Pennsylvania, AM radio comparative renewal proceeding (Docket Nos. 21506–07).

General—1—Recommendations for Senior Executive Service members ratings, awards and pay level adjustments.

Hearings 1 and 2 are closed to the public because they concern Adjudication Matters (See 47 CFR 0.603 (j)).

General 1 is closed to the public because it concerns Internal Personnel Rules Matters (See 47 CFR 0.603 (b)).

The following persons are expected to attend the appropriate portions of this meeting:

Commissioners and their Assistants
Managing Director and members of his staff
General Counsel and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission:

Hearing 1, March 2, 1983. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp voting to consider this item in Closed Session.

Hearing 2, January 19, 1983. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp voting to consider this item in Closed Session.

General 1, March 16, 1983. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: March 24, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–435–83 Filed 3–28–83; 10:42 am]

BILLING CODE 6712–01–M

3

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 12492, March 24, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., March 30, 1983.

CHANGE IN THE MEETING: Addition of the following item to the open session:

1. United States Lines, Inc.—Petition for special permission to establish new or initial motor/water rates on less than statutory notice.

[S–437–83 Filed 3–28–83; 11:43 am]

BILLING CODE 6730–01–M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 24, 1983.

TIME AND DATE: 2 p.m., March 30, 1983.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Consolidation Coal Company, Docket No. WEVA 80–116–R, etc. (Issues include whether the judge properly concluded that roof bolting violations were significant and substantial.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier

announcement of the meeting was possible.

[S-439-83 Filed 3-28-83; 3:35 pm]

BILLING CODE 6735-01-M

5

FEDERAL RESERVE SYSTEM
(Board of Governors)

TIME AND DATE: 10 a.m., Monday, April 4, 1983.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: March 25, 1983.

James McAfee,

Associate Secretary of the Board.

[S-438-83 Filed 3-28-83; 11:48 am]

BILLING CODE 6210-01-M

6

INTERNATIONAL TRADE COMMISSION

[USITC SE-83-15]

TIME AND DATE: 2:30 p.m., Wednesday, April 6, 1983.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints:
   a. Certain amorphous metal alloys and amorphous metal articles (Docket No. 920).
   b. Certain D.C. brushless axial flow fans (Docket No. 922).
   c. Certain portable kerosene heaters (Docket No. 921).
5. Investigation 337-TA-120 (Certain Silica-Coated Lead Chromate Pigments)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-436-83 Filed 3-28-83; 10:42 am]

BILLING CODE 7020-02-M

7

NUCLEAR REGULATORY COMMISSION

DATE: Week of March 28, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Tuesday, March 29:*

2:00 p.m.
Discussion of Restart of Salem Unit 1 (Public Meeting)

Wednesday, March 30:

10:00 a.m.
Discussion/Possible Vote on Contested Issues in Callaway Full Power Proceeding (Closed—Exemption 10)
2:00 p.m.
Briefing on Investigation and Possible Enforcement Action (Closed—Exemption 5)

Thursday, March 31:

10:00 a.m.
Discussion of Regulatory Reform Task Force—Administrative Proposals—Backfit Rule (Public Meeting)
2:00 p.m.
Briefing on Systems Interaction (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting):
a. Final Rulemaking Concerning Licensed Operator Staffing at Nuclear Power Units and Draft Policy Statement on Shift Crew Qualifications
b. 10 CFR Part 50—Revision of Appendices G and H
c. 10 CFR Part 60—Disposal of High Level Radioactive Wastes in Geologic Repositories

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

March 22, 1983.

Walter Magee,

Office of the Secretary.

[S-433-83 Filed 3-25-83; 4:22 pm]

BILLING CODE 7590-01-M

8

NUCLEAR REGULATORY COMMISSION

DATE: Week of March 28, 1983 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Tuesday, March 29:*

2:00 p.m.:
Discussion of Restart of Salem Unit 1 (*Cancelled*)

Wednesday, March 30:

10:00 a.m.:
Briefing on Shoreham (Closed—Exemption 10) (Replaces Discussion/Possible Vote on Contested Issues in Callaway Full Power Proceeding)
2:00 p.m.:
Briefing on Investigation and Possible Enforcement Action (Closed—Exemption 5) (As Announced)

Thursday, March 31:

10:00 a.m.:
Discussion of Regulatory Reform Task Force—Administrative Proposals—Backfit Rule (Public Meeting) (As Announced)
2:00 p.m.:
Briefing on Systems Interaction (Public Meeting) (As Announced)
3:30 p.m.:
Affirmation/Discussion and Vote (Public Meeting) (Items Revised):
a. Final Rulemaking Concerning Licensed Operator Staffing at Nuclear Power Units and Draft Policy Statement on Shift Crew Qualifications (Tentative)
b. 10 CFR Part 50—Revision of Appendices G and H (Tentative)
c. 10 CFR Part 60—Disposal of High Level Radioactive Wastes in Geologic Repositories (Tentative)
d. San Onofre Memorandum and Order Re Arrangements for Medical Services (*Postponed* from March 24)

ADDITIONAL INFORMATION:

On March 24 the Commission voted 4-0 (Commissioner Gilinsky not present) to hold Affirmation of NRDC v. NRC, No. 82-1962 (Clinch River), held that day.
Discussion of Notice and Standing in Materials Licensing Cases scheduled for March 25, *cancelled.*
Affirmation of Regulations to Implement Public Law 97-415 scheduled for March 24, *postponed* until March 25.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

March 24, 1983.

Walter Magee,

Office of the Secretary.

[S-440-83 Filed 3-28-83; 4:00 pm]

BILLING CODE 7590-01-M

9

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of April 4, 1983, at 450 5th Street, NW., Washington, D.C.

Closed meetings will be held on Tuesday, April 5, 1983, at 10:00 a.m. and

on Wednesday, April 6, 1983 at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans, Thomas and Longstreth voted to consider the items listed listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 5, 1983, at 10:00 a.m., will be:

Institution of administrative proceedings of an enforcement nature.

The subject matter of the closed meeting scheduled for Wednesday, April 6, 1983, at 10:00 a.m., will be:

Access to investigative files by Federal, State, or self-regulatory authorities.
Settlement of administrative proceeding of an enforcement nature.
Formal orders of investigation.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Regulatory matter bearing enforcement implications.
Regulatory matter regarding financial institution.
Opinion.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contract: Michael Lefever at (202) 272–2468.

March 28, 1983.

[S–441–83 Filed 3–28–83; 4:00 pm]

BILLING CODE 8010–01–M

10

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 12198, March 23, 1983.

STATUS: Open meeting.

PLACE: 450 5th street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, March 18, 1983.

CHANGES IN THE MEETING: Additional items. The following additional items will be considered at an open meeting scheduled for Thursday, March 31, 1983, at 10:00 a.m. in Room 1C30.

1. Consideration of whether to propose for comment a plan for the allocation of regulatory responsibilities pertaining to options-related sales practice matters pursuant to Rule 17d–2 under the Securities Exchange Act of 1934 between the American Stock Exchange, Inc., the Chicago Board Options Exchange, Inc., the Midwest Stock Exchange, Inc., the National Association of Securities Dealers, Inc., the New York Stock Exchange, Inc., the Pacific Stock Exchange, Inc., and the Philadelphia Stock Exchange, Inc. For further information, please contact Elizabeth S.York at (202) 272–2377.

2. Consideration of a request for interpretive advice relating to Rule 3–20 of Regulation S–X (17 CFR 210.3–20) concerning the currency in which the financial statements of foreign private issuers must be stated. For further information, please contact Ronald Adee at (202) 272–3250.

Chairman Shad and Commissioners Evans, Thomas and Longstreth determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Steve Boehm at (202) 272–2467.

March 28, 1983.

[S–442–83 Filed 3–28–83; 4:00 pm]

BILLING CODE 8010–01–M

Federal Register

Wednesday
March 30, 1983

Part II

Environmental Protection Agency

Performance Specification 1 for Opacity Emission Monitoring Systems

VOL
48
ISS
62
MR
30
1983

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 2277-6]

Standards of Performance for New Stationary Sources; Revisions to Performance Specification 1 for Opacity Emission Monitoring Systems

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Revisions to Performance Specification 1, Specifications and Test Procedures for Opacity Continuous Emission Monitoring Systems in Stationary Sources, were proposed in the **Federal Register** October 10, 1979 (44 FR 58602). This action promulgates the revisions to Performance Specification (PS) 1. The purpose of these changes is to provide technical clarification and improvements to the monitoring installation specifications and the equipment design requirements. The intended effect of these revisions is to require all new opacity continuous emission monitoring systems (CEMS's) that are installed on or after the date of the promulgation of these revisions to use these specifications. Existing CEMS's are exempted from certain specifications.

DATE: Date effective: March 30, 1983.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these revisions to PS 1 is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under Section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: *Summary of Comments and Responses.* The summary of comments and responses for the promulgated PS 1 may be obtained from the EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Summary of Comments and Responses—Performance Specification—Specifications and Test Procedures for Opacity Continuous Emission Monitoring Systems in Stationary Sources, EPA-450/3-82-025." The document contains (1) a summary of the changes made to the standards since proposal and (2) a summary of all public comments made on the proposed revisions and the Administrator's responses to the comments.

Docket. A docket, number OAQPS 79-4, containing information considered by EPA in revising the PS, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Roger T. Shigehara, Emission Measurement Branch (MD-19), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2237.

SUPPLEMENTARY INFORMATION:

Public Participation

Revisions to PS 1 were proposed and published on October 10, 1979, in the **Federal Register** (44 FR 58602). Public comments were solicited at the time of proposal. The public comment period was from October 10, 1979, to February 11, 1980.

Twenty-three comment letters were received concerning issues relative to the proposed specification. The comments have been carefully considered, and where determined to be appropriate by the Administrator, changes have been made in the proposed specification.

Significant Comments and Changes to the Proposed Performance Specification

Comments on the proposed revisions to PS 1 were received from EPA regional offices, State and local control agencies, manufacturers of continuous emission monitoring equipment, and industrial personnel. A detailed discussion of these comments can be found in the summary of comments and responses document. The comments and responses serve as the basis for the revisions made to the specification between proposal and promulgation. The comments discussed in this preamble are the major comments and are summarily addressed.

A number of commenters were concerned with the application of the PS to existing CEMS's. Their concern dealt mainly with the expense of moving monitors to new locations to meet the new requirements of the specification.

These revisions are intended to apply only to those monitors installed on or after the promulgation date of these revisions. Transmissometers installed prior to the promulgation date of this revised PS 1 will be exempted from certain specifications. A new system replacing an existing monitor will be subject to the promulgated revisions to PS 1, except that the new transmissometer may be located at the old measurement location, regardless of whether the location meets the new requirements. If a new location is to be determined in such an instance, the new location must also meet the new specifications. It is not intended that any existing opacity monitoring system be retested or recertified as a result of the promulgation of these revisions.

Several commenters questioned the need for tightening the spectral response, angle of projection, and angle of view design specifications. They stated that this would possibly cause instrument alignment problems and that currently available monitors might not meet the design specifications.

After reconsidering the small advantage gained by tightening the specifications, the Agency has decided to retain the current design specifications, i.e., 500 and 600 nm spectral responses and 5 degrees angle of view and angle of projection.

Numerous comments were received relating to the monitor location requirements and the requirements for determining acceptable alternative locations. Based on the comments, some changes were made to these specifications. One commenter felt there is no justification for requiring the monitor to be located in the lower or upper portion of a horizontal duct and that locating the transmissometer at the midpoint should be permitted.

The Agency has considered the commenter's suggestion and changed the specification for horizontal ducts to allow locating the monitor anywhere between the midpoint and upper (or lower) third of the duct depending on CEMS position relative to flow disturbances. On a case-by-case basis, a short series of opacity stratification checks at several heights in the duct could be used to determine the location of average opacity, if a stratification problem is suspected.

One commenter felt that the criteria for determining acceptable alternative locations are not stringent enough and should include such information as effect of temporal and process changes. Another commenter felt the criteria to be too restrictive and suggested that engineering judgment alone be used on a case-by-case basis.

One purpose of the specifications is to provide some basic requirments to simplify the task of locating the monitor. In like manner, the procedure for determining alternative locations is to provide guidelines for determining that a

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gross stratification problem does not exist in an alternative location requested by the source or the Agency. The Agency position is that these general procedures are adequate for detemining acceptable alternative locations. Nonetheless, because of the comments, several changes were made. The criterion stating that the average opacity at the alternative location must be within ±10 percent of the average opacity measured at an acceptable location (i.e., a location meeting the specifications) has been changed to a difference of ±10 percent of the measured opacity at the acceptable location or 2 percent opacity, whichever is greater.

The Agency made one change to this section on its own initiative. As a practical matter, the requirement for a measurement path through the centroid of the stack or duct has been changed to a requirement for a measurement path through the centroidal area comprising 25 percent of the total cross-sectional area.

One commenter suggested that the transmissometer used for comparison testing when determining alternative locations must meet the requirements of the revised PS. Another commenter asked whether a portable monitor that did not measure the full stack diameter would be acceptable for this same purpose.

The transmissometers used should meet the design criteria of this specification and should be properly calibrated. The requirement for 24-hour calibration systems is unnecessary. Similarly with a portable unit, one must consider the application. Use of a transmissometer which cannot measure the entire diameter of a circular duct is inappropriate for determining whether stratification exists across a particular location of that duct. On the other hand, it might be totally acceptable to use a portable transmissometer in a horizontal duct and not measure completely across the duct where stratification is expected only along the vertical axis. Good engineering judgment should be used when determining the test criteria.

Several comments were received on the subject of the required calibration attenuators and the calibration error tests. Some confusion exists as to how and when the calibration error test is performed. One commenter stated that including the calibration error test as part of the operational test period implies these tests are to be conducted during the 168-hour performance test period. The commenter suggested that these tests would be best conducted off the stack, at the manufacturer's facility.

In the proposed and final specification, the calibration error and response tests are not included as part of the operational test period, but as part of the preliminary adjustments and tests. The introduction to this section specifically states that these tests may be conducted at the manufacturer's facility.

Another commenter stated that the specification should be changed so that the calibration error test would be conducted using the same data recording system that would be used during monitoring. This same point was raised regarding the procedures for the operational test period.

By definition of the CEMS (Section 2.1), the data recorder is part of the monitoring system and must be included in all the performance testing. This is the preferred situation; however, the Agency feels it is impractical to prohibit specifically conducting a performance test without the data handling unit to be used during monitoring. Prior approval of the Administrator is required if different data systems are used during the performance test and monitoring as allowed in § 60.13(i) of 40 CFR Part 60.

One commenter felt the selection of calibration attenuators for the calibration error test should be based on an uncorrected path length rather than on a corrected path length value.

Since the final monitoring results are to be reported on a corrected basis, it is desirable to conduct the linearity test on the corrected value. This will allow the actual data recorder used for monitoring to be used during the calibration tests. Furthermore, any nonlinearity in the measurement converter would be indicated when calibrating with the corrected signal. Since the instrument is to be calibrated with a corrected signal, the calibration attenuator values must be evenly spaced throughout the complete measurement range based on the corrected signal.

Two other comments were received on the placement of the attenuators while conducting the calibration error test. One commenter felt the procedure should permit placing the calibration attenuators inside the instrument housing. The other commenter felt the procedures will sometimes require excessively large filters if the entire projected beam is required to be attenuated at or as near the midpoint of the effluent stream as is practical.

The Agency feels the attenuators should be placed in the actual effluent measurement path in order to assure accurate results although alternative procedures are acceptable upon approval of the Administrator. This requirement was, therefore, not changed, but this procedure was reworded to require attenuation of the entire beam received by the detector. Note that the proposed specification does state the measurement should be made as near the midpoint as is practical. The intent of this specification is to require that the calibration be conducted in the measurement path, not in the instrument housing. If the instrument manufacturer recommends a procedure where the attenuators are placed inside the instrument housing, the manufacturer must provide data showing the alternative procedure to be acceptable as outlined in § 60.13(i) of 40 CFR Part 60.

Several comments were received on the calibration procedure of the calibrated attenuators. Two commenters felt that the calibration of the attenuators must be traceable to the National Bureau of Standards (NBS). Another commenter felt the 3-month recalibration and checking 75 percent of the filter surface area requirements were excessive.

The specification has been changed to require a spectrophotometer calibration that is NBS traceable. The Agency does not feel a 3-month frequency of calibrations is exessive since the need for recalibration probably depends heavily on the type of attenuator, frequency of use, and care in handling. For specific cases, where data are available to show that less frequent calibrations are adequate, a change in procedure could be requested from the Adminsitrator as allowed in § 60.13(i) of 40 CFR Part 60. The criterion for measuring 75 percent of the surface area has been deleted from the specification, and a more general requirement for checking several points on the filter has been added.

Three comments were received concerning the upscale calibration attenuator. One commenter said that the upscale calibration attenuator value should be specified at the level of the standard instead of a level higher than the standard. The commenter felt that approach would better quantify the accuracy at value of the standard. The value required for the attenuator has been changed to a range between the applicable opacity standard and one-half of the instrument span value.

One commenter stated that it is not clear whether the upscale calibration attenuator is subject to the stringent attenuator calibration procedure (Section 7.1.3). This commenter believed the upscale calibration attenuator does not provide the fundamental calibration of the instrument and therefore should

not be subject to the stringent calibration procedure. (According to the commenter, the upscale calibration attenuator serves only as a stability check, providing a means of routinely checking instrument response once the unit is operating.) Along the same line, another commenter felt the upscale calibration attenuator should be exempt from the 3-month recertification requirement of the calibration procedure (Section 7.1.3) so that the attenuator would not need to be removed from the monitor at 3-month intervals. The commenter said this would do more harm than good.

The Agency agrees with these positions. The fundamental calibration and linearity of the instrument are determined by the calibration attenuators (low, medium, and high range). The upscale calibration value is provided as a means of assuring the instrument response (calibration) remains constants over an extended time period: Consequently, once the instrument has been properly calibrated, the upscale calibration value can be measured by the calibrated monitoring system and recorded; this value then becomes the reference by which the calibration drift is measured. Note, however, that this require the upscale calibration value to be established on an instrument properly calibrated with the certified attenuators. Furthermore, the specification requires that these calibrations be conducted on a path-corrected basis and with the actual monitoring system data recorder.

An additional design specification, external calibration filter access, has been recommended in the specification. EPA is interested in assuring that any reported emission data contain sufficient internal and external checks to permit an assessment of precision and accuracy of data. EPA, therefore, is recommending that transmissometer vendors make a provision in their monitor designs to accommodate an external calibration filter assembly. Such a filter assembly would be used in field performance audits. Several vendors already have a provision for external calibration, and the Agency believes that others could make this provision without excessive cost.

Several comments were received regarding the requirements for an optical alignment sight and the optical/zero alignment procedures. One commenter felt the allowable misalignment should be specified in Table 1.1 as a performance specification. Several other commenters said the optical alignment specification test should allow the option of performing the test at the installed path length rather than at 8 meters; these commenters felt 8 meters to be excessively restrictive for short-path length installations.

The requirement for an alignment sight was written as a design specification as a means of determining if and when misalignment occurred. Since misalignment would cause a positive bias, the requirement for an alignment sight is simply a quality control check. The Agency does not require an alignment performance specification for the 168-hour operational test period. Since the specification is intended as an instrument design specification and not as a performance specification, it is appropriate to require a standard criterion for all instruments. In fact, this approach should simplify matters for the affected facilities since the instrument vendor can conduct this test in the laboratory and can certify that the design criterion was met.

One commenter stated that the proposed requirement must include testing both lateral and rotational misalignment for both the transceiver and reflector units.

No currently available units provide for checking rotational misalignment on the reflector end; therefore, requiring that an indicator be provided for this type of misalignment would not be practical. Proper procedures during calibration and installation will be required in order to reduce the effects of rotational misalignment. Section 7.1.1 requires that during the preliminary equipment setup, the rotation alignment must be adjusted to produce the maximum instrument output. As a result, any misadjustment during installation or operation on the stack will result in a positive opacity bias.

Another commenter stated that the requirement for an alignment sight should be deleted for zero pipe units since an absolute zero is checked.

The Agency agrees that any misalignment would be directly indicated in the zero check. Therefore, Section 5.1.4 has been revised to eliminate the requirement for an alignment sight for zero pipe models, which are capable of providing an absolute zero check in operation with effluent present while maintaining the same optical alignment during measurement and calibration modes.

In regard to the optical/zero alignment procedures, one commenter said the correct monitor path length is critical to the proper zero alignment of the instrument, especially when the final zero alignment is conducted offstack (Section 7.2.2, Alternate Procedure). The commenter suggested that the monitor path length be measured, rather than relying on an estimated value from plant drawings.

EPA agrees and has added the requirement that the monitor path length be measured prior to conducting the off-stack zero alignment (Section 7.1.1).

Another commenter felt that criteria should be added to the specification for determining whether a clear stack condition exists prior to conducting an in-situ zero alignment. The commenter suggested using an instantaneous mode of data output and noting whether fluctuations occur in the measured values.

The Agency does not feel specific criteria for this determination should be required, however, further discussion has been added to the zero alignment section to suggest that careful thought be given to assuring a zero stack condition exists.

Several comments were received on the requirement for an automatic zero compensation indicator (for dirt accumulation). One commenter stated that an indicator for the amount of compensation should not be required because the initial operational test period adequately defines the required cleaning frequency. Another commenter said that during the 168-hour operational test period the amount of automatic zero compensation should not be included in the calculation of zero drift because it is no more valid than being required to report instrument compensation for other drift factors such as temperature and voltage fluctuations. A third commenter felt the requirement for an indicator showing 4 $\pm$ 0.5 percent is restrictive in the sense that this implies an accuracy of 0.5 percent opacity. The commenter asked whether it is sufficient to assure that a 4 percent opacity compensation not be exceeded by simply setting the indicator to activate at a lower opacity, e.g., 3 percent.

The Agency feels that if automatic compensation for dirt accumulation is permitted, then requiring some form of indicator is a reasonable means to assure that the compensation does not become excessive. The intent is to have an indicator activate when the compensation exceeds 4 percent opacity during normal operation. The specification has been rewritten to indicate this fact, and reference to $\pm$0.5 percent opacity has been deleted. For units with automatic compensation, the specification requires that the results for the 24-hour zero-drift test account for the amount of compensation. The zero drift calculation must account for the

amount of automatic zero compensation for dirt accumulation since measurement of zero drift following compensation would be meaningless.

The basic operating principle of the automatic zero compensation is to reset electronically the instrument response to zero if a nonzero value is obtained calibration. For dual-pass instruments, this compensation is based on "dirt accumulation" on the transmitter/receiver unit and the dirt accumulation on the reflector unit is assumed to be the same; therefore, this correction may not be accurate. On the other hand, other automatic electronic adjustments of the instrument (line voltage drift, etc.) are normally handled by balancing electronic signals in the operating unit. Incorrect compensation would appear as drift during the zero calibration check (in the same manner as if no correction were made).

Several comments were received regarding the recording system performance specification. One commenter found the specification to be ambiguous, and another commenter said it is too restrictive. A third commenter pointed out that two different values were given, 5.0 in the preamble and 0.5 in the regulation. The specification has been clarified to require a resolution of 0.5 percent opacity. For example, for an application using a strip chart recorder with a span value of 100 percent opacity, the recorder would be required to have 100 divisions so that the operator could extrapolate to within 0.5 division (0.5 percent opacity).

One commenter stated that the 90 percent requirement for slotted tubes is restrictive and that 60 percent is sufficient. Another commenter said that the provision requiring the slot length to be 90 percent of the monitor path length is ambiguous since by the technical definition of "monitor path length" the slotted length for a purged slotted tube system would always be 100 percent of the "depth of the effluent."

The Agency does not currently have data available comparing measurements made with slotted tube transmissometers partially viewing the effluent stream and transmissometers viewing the entire depth of the effluent. The facility operator, therefore, has the responsibility to show that a shortened path length is adequate. The obvious intent of the provision is to require 90 percent of the effluent stream (as measured between duct walls) to be monitored. Section 5.1.8 has been reworded to reflect this intent.

One commenter thought that the "retest" requirements are unclear and can be misinterpreted as to what tests must actually be repeated if the monitor fails the 168-hour operational test period.

This section has been reworded to indicate that, if the monitor fails the initial operational test period, in general, only the 168-hour operational test period should be repeated after corrective measures have been taken. However, if significant changes are made to the monitoring system (e.g., light source, photodetector, major electronic components), the preliminary performance tests may have to be repeated. Judgment must be used in determining which tests are to be repeated.

Several comments relating to miscellaneous sections of the specification were received. One commenter questioned why the zero offset required during the operational test period was deleted. The zero offset was deleted because some CEMS's cannot be offset because of the type of system electronics used on them. The Agency feels that any negative zero drift that is not apparent when an offset is not being used will appear as a negative span drift.

One commenter questioned why the requirement for a 1-year zero realignment was deleted. The 1-year zero realignment is actually a quality assurance procedure and not a system performance specification. For this reason, the requirement was deleted from the specification. The requirement for a routine check of zero alignment will be considered for inclusion in quality assurance guidelines for opacity monitors.

One commenter requested to know how the outlet path length is calculated for noncircular stacks. The calculation is for the hydraulic diameter, i.e., $D=2LW/(L+W)$. This equation has been added to Section 2.18.2, where the outlet path length is defined.

One commenter felt specifications must be written for determining whether an instrument responds to ambient light. The Agency feels that sound judgment based on an analysis of instrument design, location, and operation is sufficient to determine whether an instrument output is affected by ambient light.

One commenter noted that the definition of the mean spectral response did not support the normal procedures used for calculating this value, i.e., the calculation normally conducted is based on the spectral response curve and actually determines the first moment of the distribution, not "the wavelength which bisects the total area under the curve." The definition of the mean spectral response has been changed to be consistent with the calculations normally used (i.e., calculation of the arithmetic mean value).

Several comments were received relating to general Agency policies for opacity measurements and for monitoring requirements. These comments do not really relate to the provisions of the actual performance specification. Two commenters felt that an additional performance requirements should be added to the specification to assess the relative accuracy of the CEMS as compared to Method 9 (certified visual emission observers). One commenter said that this would be appropriate since the CEMS is designed to substitute for the visual emission observer. The Agency does not feel this is appropriate. At the present time, the opacity CEMS is intended for continuously assessing the effectiveness of operation and maintenance practices on the control system; it is not intended as a substitute for visual observations.

One commenter noted that the specifications which require the monitor to be placed downstream of all particulate control systems, but where condensed water vapor is not present, may preclude installation on scrubbers where supersaturated conditions exist. The Commenter further pointed out that 40 CFR 60.47a(a) of Subpart Da requires the monitor to be installed upstream of the flue gas desulfurization (FGD); yet, in this case the opacity monitor would provide no value in determining compliance with § 60.42a(b) (Particulate Opacity Standard).

It is true that monitors may be precluded from use after scrubbers when condensed water vapor is present. Regarding the provisions of Subpart Da, the monitor is not intended to be used for determining compliance with the particulate opacity standard; Method 9 is the reference test method. A monitor placed before the FGD, but after the primary particulate control system, is of value for determining the effectiveness of control system operation and maintenance practices. This is the purpose of the monitor.

One commenter felt that opacity monitors (transmissometers) may not be the best instrument for certain monitoring applications (e.g., baghouses). This commenter felt that PS 1 should include provisions for allowing other types of monitors such as light backscattering, laser, and beta ray absorption instruments.

The purpose of PS 1 is to provide performance specifications for transmissometers. It is true that transmissometers may not provide the best monitoring data for certain types of facilities. The EPA Office of Research

and Development is currently evaluating different types of instrumentation. Once these monitors have been evaluated and if it is determined that they provide adequate monitoring data, specifications and appropriate regulation changes for the new instrumentations will be written.

It should be noted that the regulation (40 CFR Part 60) currently states [§ 60.13(i)(8)] that alternative monitoring systems (not meeting PS 1) may be used if the system is "adequately demonstrated to show a definite and consistent relationship between its measurements and the measurement of opacity by a system complying with Performance Specification 1."

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The Docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to identify and locate documents so that they can effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated PS and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review (except for interagency review materials [Section 307(d)(7)(A)].

Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory inpact analysis. The regulation is not major because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on completion, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities, because the revisions to these performance specifications require no changes or only minor changes to presently available equipment. Some manufacturers have already incorporated revised procedures or changes to their product that are included in these revisions.

This rulemaking is issued under the authority of Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, and 7601(a)).

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sufuric acid plants, Waste treatment and disposal, Zinc, Tires.

Dated: March 18, 1983.

John W. Hernandez,

Acting Administrator.

PART 60—[AMENDED]

Section 60.13 and Appendix B of 40 CFR Part 60 are amended as follows:

1. By revising §§ 60.13(c)(1), 60.13(d)(3), 60.13(g), and 60.13(h) as follows:

§ 60.13 Monitoring requirements.

* * * * *

(c) * * *

(1)(i) Continuous monitoring systems for measuring opacity of emissions installed on or after March 30, 1983 shall comply with all the provisions and requirements in Performance Specification 1. Continuous monitoring systems for measuring opacity of emissions installed before March 30, 1983 are required to comply with the provisions and requirements of Performance Specification 1 except for the following:

(1) Section 4—Installation Specifications.

(2) Paragraphs 5.1.4—Optical Alignment Sight, 5.1.6—Access to External Optics, 5.1.7—Automatic Zero Compensation Indicator, and 5.1.8—Slotted Tube of Section 5—Design and Performance Specification 1.

(3) Paragraph 6.4—Optical Alignment Sight of Section 6. Design Specifications Verification Procedure.

If an existing opacity monitoring system is replaced on or after March 30, 1983, the new opacity monitoring system shall comply with the requirements of Performance Specification 1, except the new monitoring system may be located at the same measurement location as for the replaced monitoring system. If a new measurement location is to be determined at the time of replacement, the new location must meet the requirements of Performance Specification 1.

* * * * *

(d) * * *

(3) For continuous monitoring systems measuring opacity of emissions, minimum procedures shall include a method for producing a simulated zero (or no greater than 10 percent) opacity condition and an upscale (span value) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly.

* * * * *

(g) When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one affected facility is released to the atomosphere through more than one point, the owner or operator shall install an applicable continuous monitoring system on each separate effluent unless the installation of fewer systems is approved by the Administrator. When more than on continuous monitoring system is used to measure the emissions from one affected facility (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required from each continous monitoring system.

(h) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in § 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. For continuous monitoring systems other than opacity, 1-hour averages shall be computed from four or more data points equally spaced over each 1-hour period. Data recorder during periods of continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O_2 or ng/J of pollutant). All excess emissions shall be converted into units of the

standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).

* * * * *

Appendix B, Part 60 of Chapter 1, Title 40 of the Code of Federal Regulations is revised to read as follows:

Appendix B. Performance Specifications. Performance Specification 1. Specifications and Test Procedures for Opacity Continuous Emission Monitoring Systems in Stationary Sources

1. Applicability and Principle

1.1 Applicability. This specification contains requirements for the design, performance, and installation of instruments for opacity continuous emission monitoring systems (CEMS's) and data computation procedures for evaluating the acceptability of a CEMS. Certain design requirements and test procedures established in this specification may not apply to all instrument designs. In such instances, equivalent design requirements and test procedures may be used with prior approval of the Administrator.

Performance Specification 1 (PS 1) applies to opacity monitors installed after March 30, 1983. Opacity monitors installed before March 30, 1983, are required to comply with the provisions and requirements of PS 1 except for the following:

(a) Section 4. "Installation Specifications."

(b) Paragraphs 5.1.4, 5.1.5, 5.1.6, 5.1.7, and 5.1.8 of Section 5, "Design and Performance Specifications."

(c) Paragraph 6.4 of Section 6 "Design Specifications Verification Procedure."

An opacity monitor installed before March 30, 1983, need not be tested to demonstrate compliance with PS 1 unless required by regulatory action other than the promulgation of PS 1. If an existing monitor is replaced with a new monitor, PS 1 shall apply except that the new monitor may be located at the old measurement location regardless of whether the location meets the requirements of Section 4. If a new measurement location is to be determined, the new location shall meet the requirements of Section 4.

1.2 Principle. The opacity of particulate matter in stack emissions is continuously monitored by a measurement system based upon the principle of transmissometry. Light having specific spectral characteristics is projected from a lamp through the effluent in the stack or duct, and the intensity of the projected light is measured by a sensor. The projected light is attenuated because of absorption and scatter by the particulate matter in the effluent; the percentage of visible light attenuated is defined as the opacity of the emission. Transparent stack emissions that do not attenuate light will have a transmittance or 100 percent of an opacity of zero percent. Opaque stack emissions that attenuate all of the visible light will have a transmittance of zero percent or an opacity of 100 percent.

This specification establishes specific design criteria for the transmissometer system. Any opacity CEMS that is expected to meet this specification is first checked to verify that the design specifications are met. Then, the opacity CEMS is calibrated, installed, and operated for a specified length of time. During this specified time period, the system is evaluated to determine conformance with the established performance specifications.

2. Definitions

2.1 Continuous Emission Monitoring System. The total equipment required for the determination of opacity. The system consists of the following major subsystems:

2.1.1 Sample Interface. That portion of CEMS that protects the analyzer from the effects of the stack effluent and aids in keeping the optical surfaces clean.

2.1.2 Analyzer. That portion of the CEMS that senses the pollutant and generates an output that is a function of the opacity.

2.1.3 Data Recorder. That portion of the CEMS that provides a permanent record of the analyzer output in terms of opacity. The data recorder may include automatic data-reduction capabilities.

2.2 Transmissometer. That portion of the CEMS that includes the sample interface and the analyzer.

2.3 Transmittance. The fraction of incident light that is transmitted through an optical medium.

2.4 Opacity. The fraction of incident light that is attenuated by an optical medium. Opacity (Op) and transmittance (Tr) are related by: $Op=1-Tr$.

2.5 Optical Density. A logarithmic measure of the amount of incident light attenuated. Optical density (D) is related to the transmittance and opacity as follows: $D=-\log_{10} Tr=-\log_{10}(1-Op)$

2.6 Peak Spectral Response. The wavelength of maximum sensitivity of the transmissometer.

2.7 Mean Spectral Response. The wavelength that is the arithmetic mean value of the wavelength distribution for the effective spectral response curve of the transmissometer.

2.8 Angle of View. The angle that contains all of the radiation detected by the photodetector assembly of the analyzer at a level greater than 2.5 percent of the peak detector response.

2.9 Angle of Projection. The angle that contains all of the radiation projected from the lamp assembly of the analyzer at a level of greater than 2.5 percent of the peak illuminance.

2.10 Span Value. The opacity value at which the CEMS is set to produce the maximum data display output as specified in the applicable subpart.

2.11 Upscale Calibration Value. The opacity value at which a calibration check of the CEMS is performed by simulating an upscale opacity condition as viewed by the receiver.

2.12 Calibration Error. The difference between the opacity values indicated by the CEMS and the known values of a series of calibration attenuators (filters or screens).

2.13 Zero Drift. The difference in the CEMS output readings from the zero calibration value after a stated period of normal continuous operation during which no unscheduled maintenance, repair, or adjustment took place. A calibration value of 10 percent opacity or less may be used in place of the zero calibration value.

2.14 Calibration Drift. The difference in the CEMS output readings from the upscale calibration value after a stated period of normal continuous operation during which no unscheduled maintenance, repair, or adjustment took place.

2.15 Response Time. The amount of time it takes the CEMS to display on the data recorder 95 percent of a step change in opacity.

2.16 Conditioning Period. A period of time (168 hours minimum) during which the CEMS is operated without any unscheduled maintenance, repair, or adjustment prior to initiation of the operational test period.

2.17 Operational Test Period. A period of time (168 hours) during which the CEMS is expected to operate within the established performance specifications without any unscheduled maintenance, repair, or adjustment.

2.18 Path Length. The depth of effluent in the light beam between the receiver and the transmitter of a single-pass transmissometer, or the depth of effluent between the transceiver and reflector of a double-pass transmissometer. Two path lengths are referenced by this specification as follows:

2.18.1 Monitor Path Length. The path length (depth of effluent) at the installed location of the CEMS.

2.18.2 Emission Outlet Path Length. The path length (depth of effluent) at the location where emissions are released to the atmosphere. For noncircular outlets, $D=(2LW)\div(L+W)$, where L is the length of the outlet and W is the width of the outlet. Note that this definition does not apply to pressure baghouse outlets with multiple stacks, side discharge vents, ridge roof monitors, etc.

3. Apparatus

3.1 Opacity Continuous Emission Monitoring System. Any opacity CEMS that is expected to meet the design and performance specifications in Section 5 and a suitable data recorder, such as an analog strip chart recorder or other suitable device (e.g., digital computer) with an input signal range compatible with the analyzer output.

3.2 Calibration Attenuators. Minimum of three. These attenuators must be optical filters or screens with neutral spectral characteristics selected and calibrated according to the procedures in Sections 7.1.2 and 7.1.3, and of sufficient size to attenuate the entire light beam received by the detector of the transmissometer.

3.3 Upscale Calibration Value Attenuator. An optical filter with neutral spectral characteristics, a screen, or other device that produces an opacity value (corrected for path length, if necessary) that is greater than or equal to the applicable opacity standard but less than or equal to one-half the applicable instrument span value.

3.4 Calibration Spectrophotometer. A laboratory spectrophotometer meeting the following minimum design specifications:

Parameter	Specification
Wavelength range	400–700 nm
Detector angle of view	< 10°
Accuracy	< 0.5 percent transmittance, NBS traceable calibration

4. Installation Specifications

Install the CEMS at a location where the opacity measurements are representative of the total emissions from the affected facility. These requirements can be met as follows:

4.1 Measurement Location. Select a measurement location that is (a) downstream from all particulate control equipment, (b) where condensed water vapor is not present, (c) free of interference from ambient light (applicable only if transmissometer is responsive to ambient light), and (d) accessible in order to permit routine maintenance. Accessibility is an important criterion because easy access for lens cleaning, alignment checks, calibration checks, and blower maintenance will help assure quality data.

4.2 Measurement Path. The primary concern in locating a transmissometer is determining a location of well-mixed stack gas. Two factors contribute to complete mixing of emission gases: turbulence and sufficient mixing time. The criteria listed below define conditions under which well-mixed emissions can be expected.

Select a measurement path that passes through a centroidal area equal to 25 percent of the cross section. Additional requirements or modifications must be met for certain locations as follows:

4.2.1 If the location is in a straight vertical section of stack or duct and is less than 4 equivalent diameters downstream from a bend, use a path that is in the plane defined by the upstream bend (see Figure 1–1).

4.2.2 If the location is in a straight vertical section of stack or duct and is less than 1 equivalent diameter upstream from a bend, use a path that is in the plane defined by the bend (see Figure 1–2).

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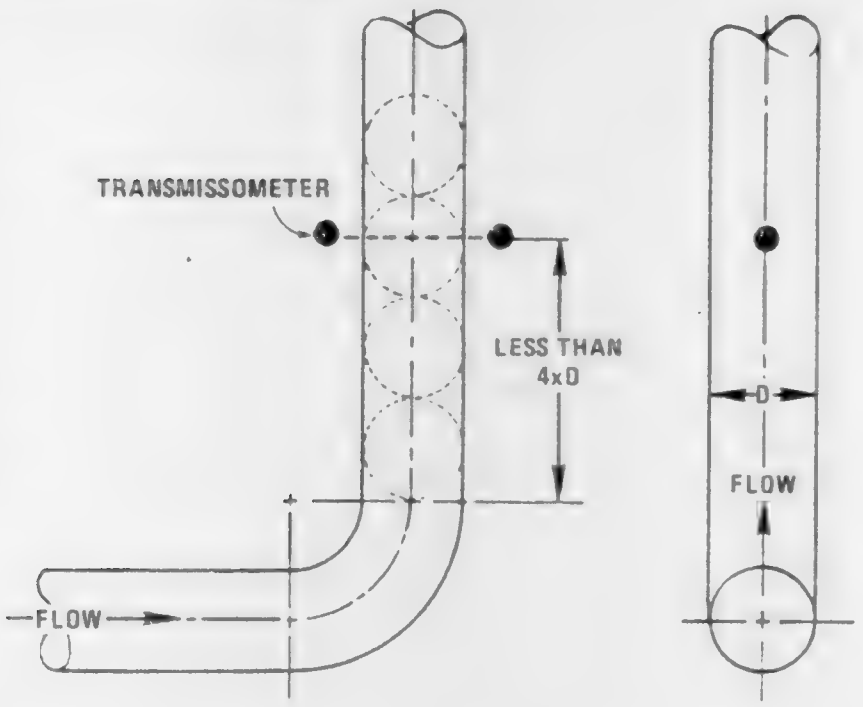

Figure 1-1. Transmissometer location downstream of a bend in a vertical stack.

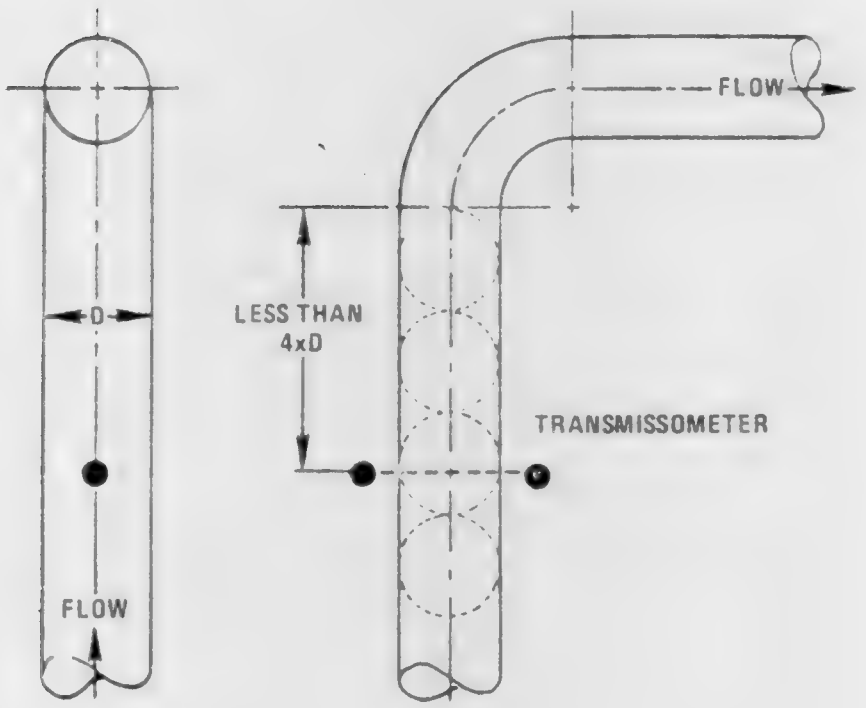

Figure 1-2. Transmissometer location upstream of a bend in a vertical stack.

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4.2.3 If the location is in a straight vertical section of stack or duct and is less than 4 diameters downstream and is also less than 1 diameter upstream from a bend, use a path in the plane defined by the upstream bend (see Figure 1–3).

4.2.4 If the location is in a horizontal section of duct and is at least 4 diameters downstream from a vertical bend, use a path in the horizontal plane that is between one-third and one-half the distance up the vertical axis from the bottom of the duct (see figure 1–4).

4.2.5 If the location is in a horizontal section of duct and is less than 4 diameters downstream from a vertical bend, use a path in the horizontal plane that is between one-half and two-thirds the distance up the vertical axis from the bottom of the duct for upward flow in the vertical section, and is between one-third and one-half the distance up the vertical axis from the bottom of the duct for downward flow (Figure 1–5).

4.3 Alternative Locations and Measurement Paths. Other locations and measurement paths may be selected by demonstrating to the Administrator that the average opacity measured at the alternative location or path is equivalent to the opacity as measured at a location meeting the criteria of Sections 4.1 and 4.2. The opacity at the alternate location is considered equivalent if the average value measured at the alternate location is within the range defined by the average measured opacity ±10 percent at the location meeting the installation criteria in Section 4.2, or if the difference between the two average opacity values is less than 2 percent opacity. To conduct this demonstration, measure the opacities at the two locations or paths for a minimum period of 2 hours and compare the results. The opacities of the two locations or paths may be measured at different times, but must be measured at the same process operating conditions. Alternative procedures for determining acceptable locations may be used if approved by the Administrator.

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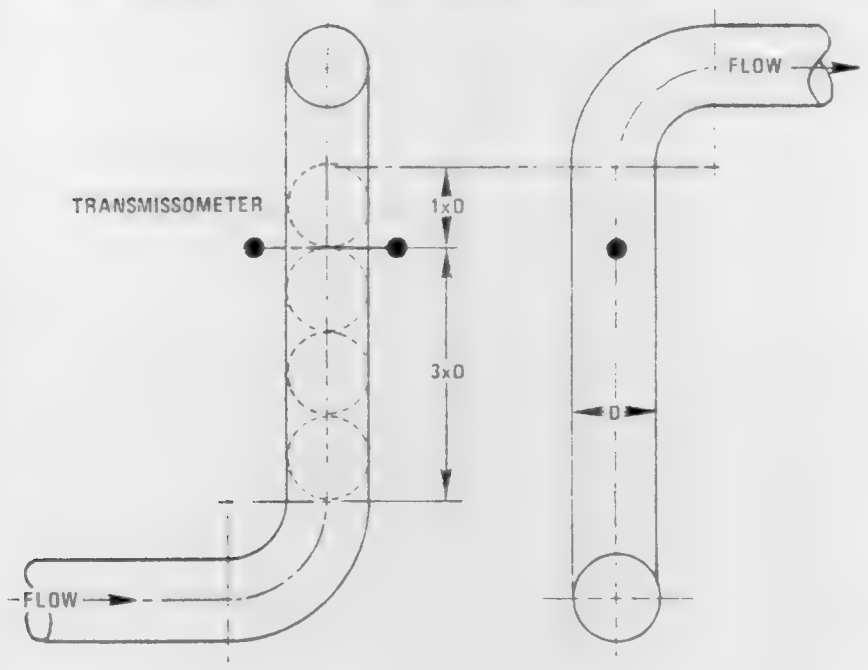

Figure 1-3. Transmissometer location between bends in a vertical stack.

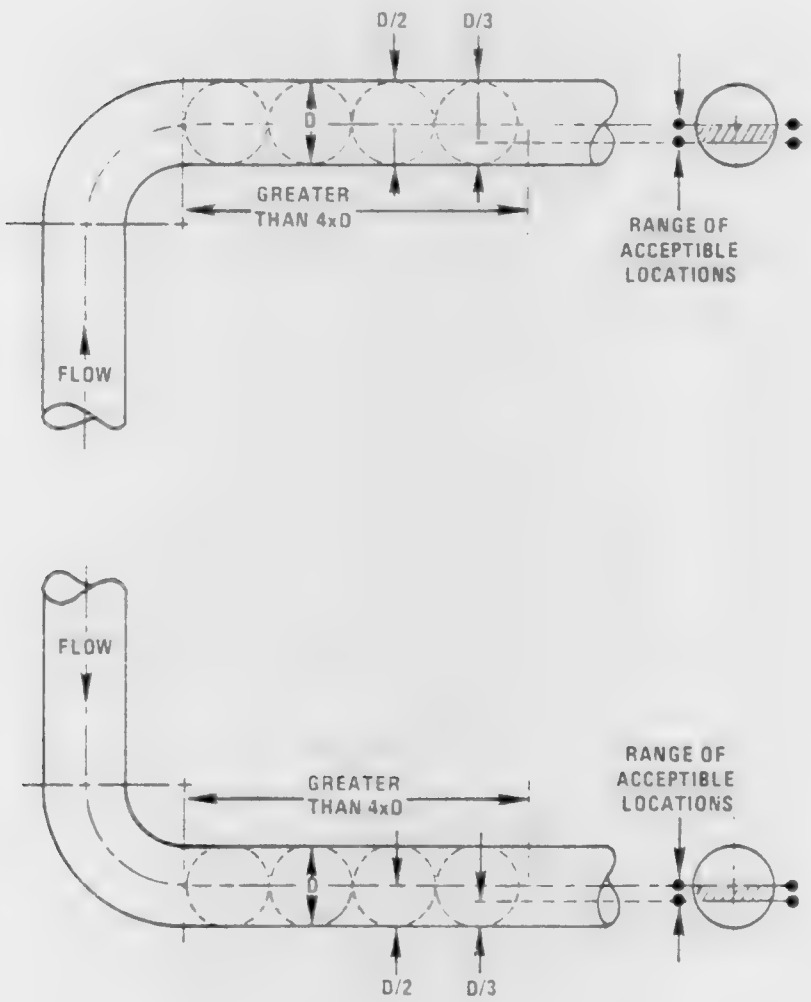

Figure 1-4. Transmissiometer location less than four diameters downstream of a vertical bend in a horizontal stack.

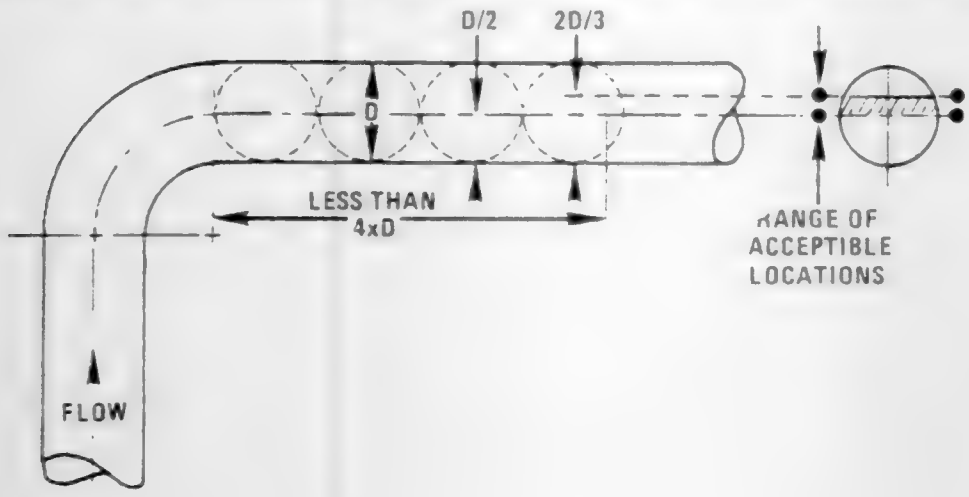

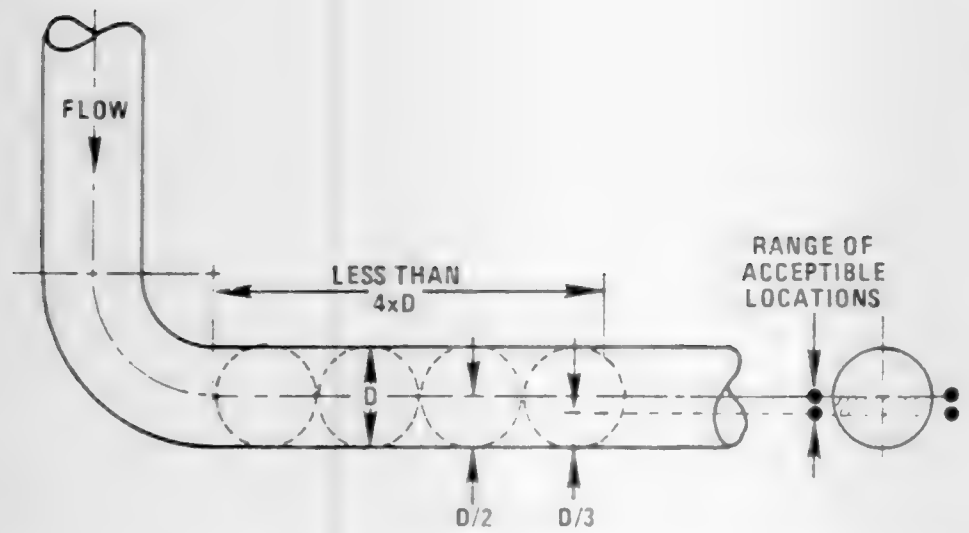

Figure 1-5. Transmissometer location greater than four diameters downstream of a vertical bend in a horizontal stack.

BILLING CODE 6560-50-C

5. Design and Performance Specifications

5.1 Design Specifications. The CEMS for opacity shall comply with the following design specifications:

5.1.1 Peak and Mean Spectral Responses. The peak and mean spectral responses must occur between 500 nm and 600 nm. The response at any wavelength below 400 nm or above 700 nm shall be less than 10 percent of the peak spectral response.

5.1.2 Angle of View. The total angle of view shall be no greater than 5 degrees.

5.1.3 Angle of Projection. The total angle of projection shall be no greater than 5 degrees.

5.1.4 Optical Alignment Sight. Each analyzer must provide some method for visually determining that the instrument is optically aligned. The method provided must be capable of indicating that the unit is misaligned when an error of +2 percent opacity occurs due to misalignment at a monitor path length of 8 meters. Instruments that are capable of providing an absolute zero check while in operation on a stack or duct with effluent present, and while maintaining the same optical alignment during measurement and calibration, need not meet this requirement (e.g., some "zero pipe" units).

5.1.5 Simulated Zero and Upscale Calibration System. Each analyzer must include a calibration system for simulating a zero (or no greater than 10 percent) opacity and an upscale opacity value for the purpose of performing periodic checks of the transmissometer calibration while on an operating stack or duct. This calibration system will provide, as a minimum, a system check of the analyzer internal optics and all electronic circuitry including the lamp and photodetector assembly.

5.1.6 Access to External Optics. Each analyzer must provide a means of access to the optical surfaces exposed to the effluent stream in order to permit the surfaces to be cleaned without requiring removal of the unit from the source mounting or without requiring optical realignment of the unit.

5.1.7 Automatic Zero Compensation Indicator. If the CEMS has a feature that provides automatic zero compensation for dirt accumulation on exposed optical surfaces, the system must also provide some means of indicating when a compensation of 4 percent opacity has been exceeded. This indicator shall be at a location accessible to the operator (e.g., the data output terminal). During the operational test period, the system must provide some means (manual or automated) for determining the actual amount of zero compensation at the specified 24-hour intervals so that the actual 24-hour zero drift can be determined (see Section 7.4.1).

5.1.8 Slotted Tube. For transmissometers that use slotted tubes, the length of the slotted portion(s) must be equal to or greater than 90 percent of the effluent path length (distance between duct or stack walls). The slotted tube must be of sufficient size and orientation so as not to interfere with the free flow of effluent through the entire optical volume of the transmissometer photodetector. The manufacturer must also show that the transmissometer minimizes light reflections. As a minimum, this demonstration shall consist of laboratory operation of the transmissometer both with and without the slotted tube in position.

Should the operator desire to use a slotted tube design with a slotted portion equal to less than 90 percent of the monitor path length, the operator must demonstrate to the Administrator that acceptable results can be obtained. As a minimum demonstration, the effluent opacity shall be measured using both the slotted tube instrument and another instrument meeting the requirement of this specification but not of the slotted tube design. The measurements must be made at the same location and at the same process operating conditions for a minimum period of 2 hours with each instrument. The shorter slotted tube may be used if the average opacity measured is equivalent to the opacity measured by the nonslotted tube design. The average opacity measured is equivalent if it is within the opacity range defined by the average opacity value ±10 percent measured by the nonslotted tube design, or if the difference between the average opacities is less than 2 percent opacity.

5.1.9 External Calibration Filter Access (optional). Provisions in the design of the transmissometer to accommodate an external calibration filter assembly are recommended. An adequate design would permit occasional use of external (i.e., not intrinsic to the instrument) neutral density filters to assess monitor operation.

5.2 Performance Specifications. The opacity CEMS specifications are listed in Table 1–1.

6. Design Specifications Verification Procedure

These procedures will not apply to all instrument designs and will require modification in some cases; all procedural modifications are subject to the approval of the Administrator.

Test each analyzer for conformance with the design specifications of Sections 5.1.1–5.1.4, or obtain a certificate of conformance from the analyzer manufacturer as follows:

6.1 Spectral Response. Obtain detector response, lamp emissivity, and filter transmittance data for the components used in the measurement system from their respective manufacturers, and develop the effective spectral response curve of the transmissometer. Then determine and report the peak spectral response wavelength, the mean spectral response wavelength, and the maximum response at any wavelength below 400 nm and above 700 nm expressed as a percentage of the peak response.

Alternatively, conduct a laboratory measurement of the instrument's spectral response curve. The procedures of this laboratory evaluation are subject to approval of the Administrator.

TABLE 1–1.—PERFORMANCE SPECIFICATIONS

Parameter	Specifications
1 Calibration error[a]	3 percent opacity
2 Response time	10 seconds
3 Conditioning period[b]	168 hours
4 Operational test period[b]	168 hours
5 Zero drift (24-hour)[a]	<2 percent opacity
6 Calibration drift (24-hour)[a]	<2 percent opacity
7 Data recorder resolution	<0.5 percent opacity

TABLE 1–1.—PERFORMANCE SPECIFICATIONS—Continued

Parameter	Specifications
3. Conditioning period[b]	<168 hours
4 Operational test period[b]	168 hours
5. Zero drift (24-hour)[a]	<2 percent opacity
6 Calibration drift (24-hour)[a]	<2 percent opacity
7 Data recorder resolution	<0.5 percent opacity

[a] Expressed as the sum of the absolute value of the mean and the absolute value of the confidence coefficient

[b] During the conditioning and operational test periods, the CEMS must not require any corrective maintenance, repair, replacement, or adjustment other than that clearly specified as routine and required in the operation and maintenance manuals.

6.2 Angle of View. Set up the receiver as specified by the manufacturer's written instructions. Draw an arc with radius of 3 meters in the horizontal direction. Using a small (less than 3 centimeters) nondirectional light source, measure the receiver response at 5-centimeter intervals on the arc for 30 centimeters on either side of the detector centerline. Repeat the test in the vertical direction. Then for both the horizontal and vertical directions, calculate the response of the receiver as a function of viewing angle (26 centimeters of arc with a radius of 3 meters equals 5 degrees), report relative angle of view curves, and determine and report the angle of view.

6.3 Angle of Projection. Set up the projector as specified by the manufacturer's written instructions. Draw an arc with a radius of 3 meters in the horizontal direction. Using a small (less than 3 centimeters) photoelectric light detector, measure the light intensity at 5-centimeter intervals on the arc for 30 centimeters on either side of the light source centerline of projection. Repeat the test in the vertical direction. Then for both the horizontal and vertical directions, calculate the response of the photoelectric detector as a function of the projection angle (26 centimeters of arc with a radius of 3 meters equals 5 degrees), report the relative angle of projection curves, and determine and report the angle of projection.

6.4 Optical Alignment Sight. In the laboratory set the instrument up as specified by the manufacturer's written instructions for a monitor path length of 8 meters. Align, zero, and span the instrument. Insert an attenuator of 10 percent (nominal opacity) into the instrument path length. Slowly misalign the projector unit by rotating it until a positive or negative shift of 2 percent opacity is obtained by the data recorder. Then, following the manufacturer's written instructions, check the alignment. The alignment procedure must indicate that the instrument is misaligned. Repeat this test for lateral misalignment of the projector. Realign the instrument and follow the same procedure for checking misalignment of the receiver or retroreflector unit (lateral misalignment only).

6.5 Manufacturer's Certificate of Conformance (alternative to above). Obtain from the manufacturer a certificate of conformance stating that the first analyzer randomly sampled from each month's production was tested according to Sections 6.1 through 6.4 and satisfactorily met all requirements of Section 5 of this specification. If any of the requirements were

not met, the certificate must state that the entire month's analyzer production was resampled according to the military standard 105D sampling procedure (MIL–STD–105D) inspection level II; was retested for each of the applicable requirements under Section 5 of this specification; and was determined to be acceptable under MIL–STD–105D procedures, acceptable quality level 1.0. The certificate of conformance must include the results of each test performed for the analyzer(s) sampled during the month the analyzer being installed was produced.

7. Performance Specification Verification Procedure

Test each CEMS that conforms to the design specifications (Section 5.1) using the following procedures to determine conformance with the specifications of Table 1–1. These tests are to be performed using the data recording system to be employed during monitoring. Prior approval from the Administrator is required if different data recording systems are used during the performance test and monitoring.

7.1 Preliminary Adjustments and Tests. Before installing the system on the stack, perform these steps or tests at the affected facility or in the manufacturer's laboratory.

7.1.1 Equipment Preparation. Set up and calibrate the CEMS for the monitor path length to be used in the installation as specified by the manufacturer's written instructions. For this specification, the mounting distance between the transmitter and receiver/reflector unit at the source must be measured prior to performing the calibrations (do not use distances from engineering drawings). If the CEMS has automatic path length adjustment, follow the manufacturer's instructions to adjust the signal output from the analyzer in order to yield results based on the emission outlet path length. Set the instrument and data recording system ranges so that maximum instrument output is within the span range specified in the applicable subpart.

Align the instrument so that maximum system response is obtained during a zero (or upscale) check performed across the simulated monitor path length. As part of this alignment, include rotating the reflector unit (detector unit for single pass instruments) on its axis until the point of maximum instrument response is obtained.

Follow the manufacturer's instructions to zero and span the instrument. Perform the zero alignment adjustment by balancing the response of the CEMS so that the simulated zero check coincides with the actual zero check performed across the simulated monitor path length. At this time, measure and record the indicated upscale calibration value. The calibration value reading must be within the required opacity range (Section 3.3).

7.1.2 Calibration Attenuator Selection. Based on the span value specified in the applicable subpart, select a minimum of three calibration attenuators (low, mid, and high range) using Table 1–2.

If the system is operating with automatic path length compensation, calculate the attenuator values required to obtain a system response equivalent to the applicable values shown in Table 1–2; use Equation 1–1 for the conversion. A series of filters with nominal optical density (opacity) values of 0.1(20), 0.2(37), 0.3(50), 0.4(60), 0.5(68), 0.6(75), 0.7(80), 0.8(84), 0.9(88), and 1.0(90) are commercially available. Within this limitation of filter availability, select the calibration attenuators having the values given in Table 1–2 or having values closest to those calculated by Equation 1–1.

$$D_1 = D_2 (L_1/L_2) \qquad \text{(Eq. 1–1)}$$

TABLE 1–2.—REQUIRED CALIBRATION ATTENUATOR VALUES (NOMINAL)

Span value (percent opacity)	Calibrated attenuator optical density (equivalent opacity in parenthesis)—D_2		
	Low-range	Mid-range	High-range
40	0.05 (11)	0.1 (20)	0.2 (37)
50	0.1 (20)	0.2 (37)	0.3 (50)
60	0.1 (20)	0.2 (37)	0.3 (50)
70	0.1 (20)	0.3 (50)	0.4 (60)
80	0.1 (20)	0.3 (50)	0.6 (75)
90	0.1 (20)	0.4 (60)	0.7 (80)
100	0.1 (20)	0.4 (60)	0.9 (87.5)

Where:

D_1 = Nominal optical density value of required mid, low, or high range calibration attenuators.

D_2 = Desired attenuator optical density output value from Table 1–2 at the span required by the applicable subpart.

L_1 = Monitor path length.

L_2 = Emission outlet path length.

7.1.3 Attenuator Calibration. Select a laboratory calibration spectrophotometer meeting the specifications of Section 3.4. Using this calibration spectrophotometer, calibrate the required filters or screens. Make measurements at wavelength intervals of 20 nm or less. As an alternative procedure, use the calibration spectrophotometer to measure the C.I.E. Daylight$_C$ luminous transmittance of the attenuators. Check the attenuators several times, at different locations on the attenuator.

The attenuator manufacturer must specify the period of time over which the attenuator values can be considered stable, as well as any special handling and storing procedures required to enhance attenuator stability. To assure stability, recheck attenuator values at intervals less than or equal to the period stability guaranteed by the manufacturer. Recheck at least every 3 months. If desired, perform the stability checks with an instrument (secondary) other than the calibration spectrophotometer. This secondary instrument must be a high-quality laboratory transmissometer or spectrophotometer, and the same instrument must always be used for the stability checks. If a secondary instrument is to be used for stability checks, the value of the calibrated attenuator must be measured on this secondary instrument immediately following initial calibration. If over a period of time an attenuator value changes by more than ±2 percent opacity, recalibrate the attenuator on the calibration spectrophotometer or replace it with a new attenuator.

If this procedure is conducted by the filter or screen manufacturer or by an independent laboratory, obtain a statement certifying the values and certifying that the specified procedure, or equivalent, is used.

7.1.4 Calibration Error Test. Insert the calibration attenuators (low, mid, and high range) in the transmissometer path at or as near the midpoint of the path as feasible. Place the attenuator in the measurement path at a point where the effluent will be measured; i.e., do not place the calibration attenuator in the instrument housing. If the instrument manufacturer recommends a procedure wherein the attenuators are placed in the instrument housing, the manufacturer must provide data showing this alternative procedure is acceptable. While inserting the attenuator, assure that the entire beam received by the detector will pass through the attenuator and that the attenuator is inserted in a manner which minimizes interference from reflected light. Make a total of five nonconsecutive readings for each filter. Record the monitoring system output readings in percent opacity (see example Figure 1–6). Then, if the path length is not adjusted by the measurement system, subtract the actual calibration attenuator value from the value indicated by the measurement system recorder for each of the 15 readings obtained. If the path length is adjusted by the measurement system, subtract the "path adjusted" calibration attenuator values from the values indicated by the measurement system recorder (the "path adjusted" calibration attenuator values are calculated using Equation 1–5 or 1–6). Calculate the arithmetic mean difference, standard deviation, and confidence coefficient of the five tests at each attenuator value using Equations 1–2, 1–3, and 1–4 (Sections 8.1–8.3). Calculate the sum of the absolute value of the mean difference and the absolute value of the confidence coefficient for each of the three test attenuators report these three values as the calibration error.

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Person Conducting Test _____ Analyzer Manufacturer _____

Affiliation _____ Model/Serial No. _____

Date _____ Location _____

Monitor Pathlength, L_1 _____ Emission Outlet Pathlength, L_2 _____

Monitoring System Output Pathlength Corrected? Yes____ No____

Calibrated Neutral Density Filter Values

Actual Optical Density (Opacity):

Low-Range_____(_____)
Mid-Range_____(_____)
High Range_____(_____)

Path Adjusted Optical Density (Opacity):

Low-Range_____(_____)
Mid-Range _____(_____)
High-Range_____(_____)

Run Number	Calibration Filter Value (Path-Adjusted Percent Opacity)	Instrument Reading (Opacity), percent	Arithmetic Difference (Opacity), percent		
			Low	Mid	High
1 – Low				–	–
2 – Mid			–		–
3 – High			–	–	
4 – Low				–	–
5 – Mid			–		–
6 – High			–	–	
7 – Low				–	–
8 – Mid			–		–
9 – High			–	–	
10 – Low				–	–
11 – Mid			–		–
12 – High			–	–	
13 – Low				–	–
14 – Mid			–		–
15 – High			–	–	–
			XXXX	XXXX	XXXX
Arithmetic Mean (Equation 1-2): $\bar{X}$					
Confidence Coefficient (Equation 1-4): CC					
Calibration Error $\lvert\bar{X}\rvert + \lvert CC\rvert$					

Figure 1-6. Calibration error determination.

BILLING CODE 6560-50-C

7.1.5 System Response Test. Insert the high-range calibration attenuator in the transmissometer path five times, and record the time required for the system to respond to 95 percent of final zero and high-range filter values (see example Figure 1–7). Then calculate the mean time of the 10 upscale and downscale tests and report this value as the system response time.

Person Conducting Test _____ Analyzer Manufacturer _____

Affiliation _____ Model/Serial No. _____

Date _____ Location _____

High Range Calibration Filter Value

Actual Optical Density (Opacity) (_____)

Path Adjusted Optical Density (Opacity) (_____)

Upscale Response Value (0.95 x filter value)_____ percent opacity

Downscale Response Value (0.05 x filter value)_____ percent opacity

Upscale	1	_____seconds
	2	_____seconds
	3	_____seconds
	4	_____seconds
	5	_____seconds
Downscale	1	_____seconds
	2	_____seconds
	3	_____seconds
	4	_____seconds
	5	_____seconds
Average response		_____seconds

Figure 1-7. Response time determination

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7.2 Preliminary Field Adjustments. Install the CEMS on the affected facility according to the manufacturer's written instructions and the specifications in Section 4, and perform the following preliminary adjustments:

7.2.1 Optical and Zero Alignment. When the facility is not in operation, optically align the light beam of the transmissometer upon the optical surface located across the duct or stack (i.e., the retroflector or photodetector, as applicable) in accordance with the manufacturer's instructions; verify the alignment with the optical alignment site. Under clear stack conditions, verify the zero alignment (performed in Section 7.1.1) by assuring that the monitoring system response for the simulated zero check coincides with the actual zero measured by the transmissometer across the clear stack. Adjust the zero alignment, if necessary. Then, after the affected facility has been started up and the effluent stream reaches normal operating temperature, recheck the optical alignment. If the optical alignment has shifted, realign the optics. Note: Careful consideration should be given to whether a "clear stack" condition exists. It is suggested that the stack be monitored and the data output (instantaneous real-time basis) be examined to determine whether fluctuations from zero opacity are occurring before a clear stack condition is assumed to exist.

7.2.2 Optical and Zero Alignment (Alternative Procedure). The procedure given in 7.2.1 is the preferred procedure and should be used whenever possible; however, if the facility is operating and a zero stack condition cannot practicably be obtained, use the zero alignment obtained during the preliminary adjustments (Section 7.1.1) before installing the transmissometer on the stack. After completing all the preliminary adjustments and tests required in Section 7.1, install the system at the source and align the optics, i.e., align the light beam from the transmissometer upon the optical surface located across the duct or stack in accordance with the manufacturer's instruction. Verify the alignment with the optical alignment site. The zero alignment conducted in this manner must be verified and adjusted, if necessary, the first time a clear stack condition is obtained after the operation test period has been completed.

7.3 Conditioning Period. After completing the preliminary field adjustments (Section 7.2), operate the CEMS according to the manufacturer's instructions for an initial conditioning period of not less than 168 hours while the source is operating. Except during times of instrument zero and upscale calibration checks, the CEMS must analyze the effluent gas for opacity and produce a permanent record of the CEMS output. During this conditioning period there must be no unscheduled maintenance, repair, or adjustment. Conduct daily zero calibration and upscale calibration checks; and, when accumulated drift exceeds the daily operating limits, make adjustments and clean the exposed optical surfaces. The data recorder must reflect these checks and adjustments. At the end of the operational test period, verify that the instrument optical alignment is correct. If the conditioning period is interrupted because of source breakdown (record the dates and times of process shutdown), continue the 168-hour period following resumption of source operation. If the conditioning period is interrupted because of monitor failure, restart the 168-hour conditioning period when the monitor becomes operational.

7.4 Operational Test Period. After completing the conditioning period, operate the system for an additional 168-hour period. The 168-hour operational test period need not follow immediately after the 168-hour conditioning period. Except during times of instrument zero and upscale calibration checks, the CEMS must analyze the effluent gas for opacity and must produce a permanent record of the CEMS output. During this period, there will be no unscheduled maintenance, repair, or adjustment. Zero and calibration adjustments, optical surface cleaning, and optical realignment may be performed (optional) only at 24-hour intervals or at such shorter intervals as the manufacturer's written instructions specify. Automatic zero and calibration adjustments made by the CEMS without operator intervention or initiation are allowable at any time. During the operational test period, record all adjustments, realignments, and lens cleanings. If the operational test period is interrupted because of source breakdown, continue the 168-hour period following resumption of source operation. If the test period is interrupted because of monitor failure, restart the 168-hour period when the monitor becomes operational. During the operational test period, perform the following test procedures:

7.4.1. Zero Drift Test. At the outset of the 168-hour operational test period, record the initial simulated zero (or no greater than 10 percent) and upscale opacity readings (see example Figure 1–8). After each 24-hour interval, check and record the final zero reading before any optional or required cleaning and adjustment. Zero and upscale calibration adjustments, optical surface cleaning, and optical realignment may be performed only at 24-hour intervals (or at such shorter intervals as the manufacturer's written instructions specify), but are optional. However, adjustments and cleaning must be performed when the accumulated zero calibration or upscale calibration drift exceeds the 24-hour drift specification (± 2 percent opacity). If no adjustments are made after the zero check, record the final zero reading as the initial zero reading for the next 24-hour period. If adjustments are made, record the zero value after adjustment as the initial zero value for the next 24-hour period. If the instrument has an automatic zero compensation feature for dirt accumulation on exposed lenses and the zero value cannot be measured before compensation is entered, then record the amount of automatic zero compensation (as opacity) for the final zero reading of each 24-hour period. (List the indicated zero values of the CEMS in parenthesis.) From the initial and final zero readings, calculate the zero drift for each 24-hour period. Then calculate the arithmetic mean, standard deviation, and confidence coefficient of the 24-hour zero drift and the 95 percent confidence interval using Equations 1–2, 1–3, and 1–4. Calculate the sum of the absolute value of the mean and the absolute value of the confidence coefficient, and report this value as the 24-hour zero drift.

BILLING CODE 6560-50-M

Person Conducting Test _____ Analyzer Manufacturer _____

Affiliation _____ Model, Serial No. _____

Date _____ Location _____

Monitor Pathlength, L1 _____ Emission Outlet Pathlength, L2 _____

Monitoring System Output Pathlength Corrected:? Yes _____ No _____

Upscale Calibration Value: Actual Optical Density (Opacity) _____ (_____)

Path Adjusted Optical Density (Opacity) _____ (_____)

Date	Time		Percent Opacity									Span adjusted?	Lens cleaned?	Alignment	
			Zero Reading*		Zero Drift	Zero adjusted?	Upscale Calibration Reading		Upscale Drift	Calibration Drift					
	Begin	End	Initial A	Final B	C = B−A		Initial D	Final E	F = E−D	G = F−C**				Checked?	Adjusted?

7.4.2 Upscale Drift Test. At each 24-hour interval, after the zero calibration value has been checked and any optional or required adjustments have been made, check and record the simulated upscale calibration value. If no further adjustments are made to the calibration system at this time, record the final upscale calibration value as the initial upscale value for the next 24-hour period. If an instrument span adjustment is made, record the upscale value after adjustment as the initial upscale value for the next 24-hour period. From the initial and final upscale readings, calculate the upscale calibration drift for each 24-hour period. Then calculate the arithmetic mean, standard deviation, and confidence coefficient of the 24-hour calibration drift and the 95 percent confidence interval using Equations 1–2, 1–3, and 1–4. Calculate the sum of the absolute value of the mean and the absolute value of the confidence coefficient, and report this value as the 24-hour calibration drift.

8. Equations

8.1 Arithmetic Mean. Calculate the mean, $\bar{x}$, of a set of data as follows:

$$\bar{x}=\frac{1}{n}\sum_{i}^{n}x_i \qquad \text{(Eq. 1–2)}$$

Where:

n = Number of data points.

$\sum_{i=1}^{n}x_i$ = Algebraic sum of the individual measurements, x_i

8.2 Standard Deviation. Calculate the standard deviation S_d as follows:

$$S_d=\sqrt{\frac{\sum_{i}^{n}x_i^2-\frac{(\sum_{i}^{n}x_i)^2}{n}}{n-1}} \qquad \text{(Eq. 1–3)}$$

8.3 Confidence Coefficient. Calculate the 2.5 percent error confidence coefficient (one-tailed), CC, as follows:

$$CC=t_{0.975}\frac{S_d}{\sqrt{n}} \qquad \text{(Eq. 1–4)}$$

Where:

$t_{0.975}$ = t-value (see Table 1–3).

8.4 Error. Calculate the error (i.e., calibration error, zero drift, and calibration drift), Er, as follows:

$$Er=|\bar{x}|+|CC| \qquad \text{(Eq. 1–5)}$$

TABLE 1–3.—T = VALUES

n*	$t_{0.975}$	n*	$t_{0.975}$	n*	$t_{0.975}$
2	12.706	7	2.447	12	2.201
3	4.303	8	2.365	13	2.179
4	3.182	9	2.306	14	2.160
5	2.776	10	2.262	15	2.145
6	2.571	11	2.228	16	2.131

* The values in this table are already corrected for n–1 degrees of freedom. Use n equal to the number of individual values

8.5 Conversion of Opacity Values from Monitor Path Length to Emission Outlet Path Length. When the monitor path length is different than the emission outlet path length, use either of the following equations to convert from one basis to the other (this conversion may be automatically calculated by the monitoring system):

$$\log(1-Op_2)=(L_2/L_1)\log(1-Op_1) \qquad \text{(Eq. 1–6)}$$

$$D_2=(L_2/L_1)D_1 \qquad \text{(Eq. 1–7)}$$

Where:

Op_1 = Opacity of the effluent based upon L_1.
Op_2 = Opacity of the effluent based upon L_2.
L_1 = Monitor path length.
L_2 = Emission outlet path length.
D_1 = Optical density of the effluent based upon L_1.
D_2 = Optical density of the effluent based upon L_2.

9. Reporting

Report the following (summarize in tabular form where appropriate).

9.1 General Information

a. Facility being monitored.
b. Person(s) responsible for operational and conditioning test periods and affiliation.
c. Instrument manufacturer.
d. Instrument model number
e. Instrument serial number.
f. Month/year manufactured.
g. Schematic of monitoring system measurement path location.
h. Monitor pathlength, meters.
i. Emission outlet pathlength, meters.
j. System span value, percent opacity.
k. Upscale calibration value, percent opacity.
l. Calibrated Attenuator values (low, mid, and high range), percent opacity.

9.2 Design Specification Test Results

a. Peak spectral response, nm.
b. Mean spectral response, nm.
c. Response above 700 nm, percent of peak.
d. Response below 400 nm, percent of peak.
e. Total angle of view, degrees.
f. Total angle of projection, degrees.
g. Results of optical alignment site test.
h. Serial number, month/year of manufacturer for unit actually tested to show design conformance.

9.3 Performance Specification Test Results

a. Calibration error, high-range, percent opacity.
b. Calibration error, mid-range, percent opacity.
c. Calibration error, low-range, percent opacity.
d. Response time, seconds.
e. 24-hour zero drift, percent opacity.
f. 24-hour calibration drift, percent opacity.
g. Lens cleanings, clock time.
h. Optical alignment adjustments, clock time.

9.4 Statements. Provide a statement that the conditioning and operational test periods were completed according to the requirements of Sections 7.3 and 7.4. In this statement, include the time periods during which the conditioning and operational test periods were conducted.

9.5 Appendix. Provide the data tabulations and calculations for the above tabulated results.

10. Retest.

If the CEMS operates within the specified performance parameters of Table 1–1, the PS tests will be successfully concluded. If the CEMS fails one of the preliminary tests, make the necessary corrections and repeat the performance testing for the failed specification prior to conducting the operational test period. If the CEMS fails to meet the specifications for the operational test period, make the necessary corrections and repeat the operational test period; depending on the correction made, it may be necessary to repeat the design and preliminary performance tests.

11. Bibliography

11.1 Experimental Statistics. Department of Commerce. National Bureau of Standards Handbook 91. Paragraph 3–3.1.4 1963. pp. 3–31.

11.2 Performance Specifications for Stationary-Source Monitoring Systems for Gases and Visible Emissions. U.S. Environmental Protection Agency. Research Triangle Park, N.C. EPA–650/2–74–013. January 1974.

Authority: Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, and 7601(a)).

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Part III

Office of Personnel Management

Performance Management System; Proposed Rulemaking

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 300, 335, 430, 431, 451, 531, 532, 540

Performance Management System

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management is proposing revisions and additions to regulations to implement Performance Management including a Performance Based Incentive System for the General Schedule. This new system is designed to enable agencies to pay employees based on individual job performance.

Performance management would be part of each agency's overall management system. The purposes are: (1) Better management of the Federal workforce; (2) alignment of pay with performance through a Performance Based Incentive System; (3) greater consistency among the General Schedule, Merit Pay, and Senior Executive Service performance appraisal and pay systems; (4) efficient achievement of agency goals; (5) reduced paperwork; and (6) increased flexibility and accountability in agency management of performance.

The effect of this system will be that each agency must have one Performance Management Plan that will address the requirements of this System to provide a compatible structure for performance management goals.

DATE: Comments on the proposed rule must be received by May 31, 1983.

ADDRESS: Send or deliver written comments to: John W. Fossum, Assistant Director for Performance Management, Workforce Effectiveness and Development Group, Office of Personnel Management, 1900 E Street NW., Room 7520, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Kathleen Connelly, 202–632–7630.

SUPPLEMENTARY INFORMATION: These regulations constitute proposed revisions to 5 CFR Parts 300, 335, 430, 451, 531, 532 and 540, that would be required to implement the Performance Management System.

The following is a brief description of the most substantive changes involved.

In Part 300 a new restriction on time-in-grade would be imposed.

In Part 335 new eligibility requirements for career ladder promotions would be set forth.

Part 430 would be changed in its entirety and deals with requirements and use of performance appraisal.

In Part 451 major deletions would be made, primarily dealing with cash awards.

In Part 531 three major areas of change to implement a Performance Based Incentive System (PBIS) would be involved:

(1) Definition and use of "acceptable level of competence";

(2) Requirements and use of Quality Step Increases; and

(3) Requirements and use of performance awards.

In Part 532 an addition would be made to reference the major changes in Parts 451 and 531.

Part 540 would be changed in its entirety although the most substantive changes deal with requirements for merit pay increases.

A new Part 431 would be added that deals with requirements and use of performance appraisal for Senior Executive Service personnel.

The purposes of the proposed regulations on the Performance Management System are: (1) To integrate performance management into the overall management processes of the agencies; (2) to bring about as much consistency as possible among the performance appraisal and compensation systems of the General Schedule, Merit Pay and Senior Executive Service; (3) to establish a PBIS for the General Schedule; (4) to enable agencies to achieve their goals more effectively; and (5) to reduce the paperwork burden while increasing supervisory flexibilty and accountability in the management of performance.

In view of the expected broad impact of these proposed regulations, OPM will give particularly serious consideration to comments and suggestions during the comment period. OPM staff is continuing to review the organization of all the regulations.

The following is additional supplementary information on proposed changes to the regulations:

5 CFR Part 430, Subparts B and C

Proposed rule	Current rule	Explanation and justification
§ 430.201	None	Proposed rule states that purpose of performance appraisal as a tool for executing basic management responsibilities.
§ 430.202	§ 430.201	No change.
§ 430.203(a)	§ 430.202(a)	No change.
§ 430.203(b)	§ 430.202(b)	Proposed rule revises the definition of the word "performance" by linking the term to the requirement for appraisal of critical elements.
§ 430.203(c)	§ 430.202(c)	Proposed rule revises the definition of the word "appraisal" to indicate that appraisal means the act or process of reviewing and evaluating the performance of an employee.
§ 430.203(d)	None	Proposed rule adds a definition of the word "rating" to mean the written record of performance prepared for each critical element and the written summary appraisal.
§ 430.203(e)	§ 430.202(e)	Proposed rule revises the definition of the phrase "critical element" by eliminating references to specific personnel actions. The revised definition indicates that a critical element should be a component of a job which must be performed acceptably if an employee is to make an acceptable contribution to the achievement of organizational goals and objectives. The revised definition does not contain the vague phrase "below the minimum standard established by management."

5 CFR Part 430, SUBPARTS B AND C—Continued

Proposed rule	Current rule	Explanation and justification
§ 430.203(f)	§ 430.202(d)	Proposed rule revises the definition of "performance standard" by deleting the vague phrase "level of achievement." The more specific term "requirements" is used. The revied definition also deletes the word "element" which could be confused with critical elements: The word "factors" is used instead. The revised definition clarifies the concept that performance standards are established at a particular rating level for a critical element.
§ 430.203(g)	None	Proposed rule adds a definition of "Performance Plan" to mean the written critical elements and performance standards given to an employee
§ 430.203(h)	§ 430.202(f)	Proposed rule provides a more complete definition of "appraisal period." The new definition indicates that an appraisal period is a period of time for which an appraisal will be given, not just a period of time for which an employee's performance will be reviewed.
§ 430.204(a)	§ 430.203(a)	No change.
§ 430.204(b)	None	Proposed rule provides that only critical elements may be included in a Performance Plan. Proposed rule requires a rating on each critical element and a summary rating and indicates that summary ratings must be based on overall performance. The rule prohibits the use of non-critical elements and sub-elements, which add unnecessary time and paperwork requirements to performance appraisal and which cannot form the basis for personnel actions.
§ 430.204(c)	None	Proposed rule requires that all agency appraisal systems provide for five rating levels for critical elements and five summary rating levels. The required names for the five rating levels are specified. This rule will enable OPM and agencies to specify linkages between performance and personnel actions since it requires sufficient performance distinctions and standardized rating levels.
§ 430.204(d)	None	Proposed rule provides generic definitions for the five required rating levels. The rule provides that performance standards and agency procedures for deriving summary ratings must be consistent with the generic definitions. Generic definitions will provide a basis for evaluation of performance standards and appraisals. The job expectations and requirements must be described at the "Fully Successful" level.
§ 430.204(e)	§ 430.203(b)	No change.
§ 430.204(f)	§ 430.203(c)	Proposed rule requires that performance standards and critical elements be related to an employee's assigned work. Since position descriptions may sometimes be outdated or incomplete, the wording of the current rule could jeopardize an otherwise justified personnel action.
None	§ 430.203(d)	Deletes rule which prohibits a preestablished distribution of expected levels of performance.
§ 430.204(g)	§ 430.203(e)	Proposed rule requires that non-merit pay employees be given performance ratings within 60 days prior to the end of a waiting period for a within-grade or step increase. This change will ensure that within-grade increase and step increase decisions are based on current performance ratings. This revised rule also requires agencies to establish a minimum appraisal period of not less than 90 calendar days. This requirement will ensure that employees are not given a performance rating before they have worked long enough to permit an accurate rating.
§ 430.204(h)	§ 430.203(f)	Proposed rule adds a requirement that critical elements and performance standards be reviewed and approved by a supervisor or manager at a higher level than the appraising official. Higher level review of critical elements and performance standards will help ensure that supervisors who appraise employees are held accountable for identification of critical elements and preparation of appropriate performance standards
§ 430.204(i)	§ 430.203(g)	Proposed rule adds a requirement that periodic performance ratings and performance based personnel actions be reviewed and approved by a supervisor or manager at a higher level than the appraising official. This rule will help ensure that supervisors are held accountable for accurate appraisals which reflect individual contributions to organizational objectives. Proposed rule also provides that performance ratings may not be communicated to employees prior to approval by a higher level reviewer
§ 430.204(j)	None	Proposed rule states that an employee may not grieve or appeal a performance rating. The assignment of a performance rating is a management right under 5 U.S.C. 7106(a).

5 CFR Part 430, Subparts B and C—Continued

Proposed rule	Current rule	Explanation and justification
§ 430.204(k)	§ 430.203(h)	Proposed rule requires that employees be given critical elements and performance standards at the beginning of long details and temporary assignments within the same agency. The revised rule also requires that employees be given performance ratings at the end of long details or temporary assignments and that the ratings be considered in deriving an employee's summary rating for the appraisal period. The current rule on appraising performance while employees are on details or temporary assignments is vague.
§ 430.204(l)	None	Proposed rule provides that, when an employee is detailed or temporarily assigned outside the agency, the agency shall either extend the employee's rating of record or obtain relevant appraisal information from the agency or organization to which the employee is detailed or temporarily assigned. This rule will permit performance based personnel decisions to be made for these employees.
§ 430.204(m)	§ 430.203(i)	Proposed rule does not change current rule except by addition of a reference to performance ratings.
None	§ 430.204	Deletes rule which prescribes statements to be included in appraisal system documentation. Section 430.207 provides that agencies must submit information requested by OPM. OPM will provide additional guidance on the content of Performance Management Plans in Federal Personnel Manual issuances.
§ 430.205	§ 430.205	No change.
§ 430.206	§ 430.206	Proposed rule revises current rule on OPM review of appraisal systems, which will not be included in Performance Management Plans. The revised rule clarifies the concept that OPM review of appraisal systems includes a review of whether agencies are meeting all legal and regulatory requirements.
§ 430.207	None	Proposed rule requires agencies to submit Performance Management Plans, and changes to Plans, to OPM for review and approval. The rule describes the content of Performance Management Plans. The Plans will state a uniform and comprehensive agency policy for appraising performance and use of appraisals to ensure that pay distinctions among employees are in keeping with work and performance distinctions.
§ 430.301	§ 430.301	Deletes rule which provided instructions on initial implementation of performance appraisal systems by October 1, 1981. New rule provides that agencies must submit Performance Management Plans to OPM for review within 120 days after final publication of these regulations. The new rule also requires agencies to implement Performance Management Plans within 180 days after final publication of these regulations.
§ 430.302	§ 430.302	Deletes rule which provided interim instructions for appraising performance before agency appraisal systems were initially approved. New rule provides authority for agencies to continue to use approved appraisal and merit pay systems for 180 days after final publication of these regulations.

5 CFR Part 300, Subpart F; 5 CFR Part 335, Subpart A; 5 CFR Part 531, Subparts D & E

Proposed rule	Current rule	Explanation and justification
§ 300.602	§ 300.602(a)	Proposed rule adds reference to additional eligibility requirements in § 335.104 and modifies time-in-grade restrictions for positions at GS–6 and above to emphasize that one year is only a minimum.
§ 335.104(a)		Proposed rule adds requirement for minimum of "Fully Successful" rating for career ladder promotions.
§ 335.104(b)		Proposed rule adds requirement for one year in grade for eligibility for career ladder promotion with rating of "Outstanding".
§ 335.104(c)		Proposed rule adds requirement for two years on grade for eligibility for career ladder promotion with rating of "Exceeds Fully Successful".
§ 335.104(d)		Proposed rule adds requirement for three years in grade for eligibility for career ladder promotion with rating of "Fully Successful".
Part 531	Part 531	Proposed rule changes the title of Part 531 to "Performance Based Incentive System of the General Schedule."
§ 531.401	§ 531.401	Proposed rule restates the principal authorities for the regulations on this subpart.
§ 531.402	§ 531.402	No change.
§ 531.403	§ 531.403	Proposed rule revises definition of "acceptable level of competence" (ALOC) to delete reference to specific performance levels.

5 CFR PART 300, SUBPART F; 5 CFR PART 335, SUBPART A; 5 CFR PART 531, SUBPARTS D & E—Continued

Proposed rule	Current rule	Explanation and justification
§ 531.404	§ 531.404	Proposed rule revises the title of the section and rearranges the subsections to emphasize that employees must earn within-grade increases
§ 531.404(a)(1)	§ 531.404(c)	Proposed rule limits acceptable level of competence of "Fully Successful" to employees in steps 1 through 6 of a grade.
§ 531.404(a)(2)	§ 531.404(c)	Proposed rule adds requirement for acceptable level of competence of "Exceeds Fully Successful" for employees in steps 7 through 9 of a grade.
§ 531.404(b)&(c)	§ 531.404(a)&(b)	No change.
§ 531.405	§ 531.405	No change.
§ 531.406	§ 531.406	No change.
§ 531.407	§ 531.407	No change.
§ 531.408	§ 531.408	No change.
§ 531.409(b)	§ 531.409(b)	Proposed rule (1) modifies performance appraisal for ALOC determination from performance during entire waiting period to the current appraisal; and (2) requires appraisal of performance at lower grade for an employee downgraded for unacceptable performance and in the new job for the minimum agency appraisal period.
§ 531.409(c)	§ 531.409(b)	Proposed rule requires delay in ALOC determination when employee has not had the minimum time established by the agency to demonstrate performance because of lack of performance standards. Deletes requirement for additional documentation of negative determination
§ 531.409(d)	§ 531.409(d)	Proposed rule adds the following to the reasons for waiver of ALOC determination: (1) details to another agency or employer; (2) long term training; and (3) recent transfer from another agency. Changes time requirement to minimum agency appraisal period.
§ 531.410	§ 531.410	No change.
§ 531.411	§ 531.411	Proposed rule clarifies language requiring reevaluation of ALOC after no more than 52 weeks after withholding within-grade increase.
§ 531.412	§ 531.412	No change.
§ 531.413	§ 531.413	No change.
§ 531.503	§ 531.503	Proposed rule modifies statement of purpose of Quality Step Increases (QSI).
§ 531.504	§ 531.504	Proposed rule changes requirements for QSI to (1) "Outstanding" rating only; (2) mandatory QSI for "Outstanding" rating when employee is in steps one through three; and (3) optional for "Outstanding" employee in steps four through nine. Specifies that agencies may not make QSI awards mandatory for employees in steps four through nine.
	§ 531.505	Deletes section. Performance appraisal is sufficient documentation for QSI.
§ 531.505(a)	§ 531.506(b)&(c)	Proposed rule deletes requirements for agency determination that (1) employee will remain in same position for 60 days; and (2) employee will continue to perform at the same level in the future.
§ 531.506	§ 531.507	Proposed rule sets effective date of mandatory QSI's to be concurrent with the first within-grade increase after approval of the "Outstanding" performance rating. Optional QSI's are effective on the same date as comparability and merit pay increases.
§ 531.507	§ 531.508	Proposed rule requires that (1) agencies include a plan for awarding QSI's in their Performance Management Plan; (2) agency plans include procedures for distributing QSI's authorized by the annual OPM funding table; and (3) the plan be approved by OPM. Deletes requirement for training of supervisors and managers in use of QSI's.
§ 531.508	§ 531.509	No change.
§ 532.801		Proposed rule refers to subpart F of Part 531 for performance awards and Part 451 for non-performance related rewards for prevailing rate employees.

5 CFR PART 540

Proposed rule	Current rule	Explanation and justification
§ 540.101	§ 540.101	Proposed rule removes reference to Public Law 95–454 (CSRA).
§ 540.102	None	Proposed rule establishes a definitions section. The statutory definitions of "supervisor" and "management official" are included, as are the previously undefined merit pay terms "determination", "fund", "increase", and "pool".
§ 540.103	§ 540.102	No substantive changes to the ranges of basic pay and employee coverage.

5 CFR PART 540—Continued

Proposed rule	Current rule	Explanation and justification
§ 540.104(a)	§ 540.103(a)	No change to the requirement for agencies to supply OPM with information as needed.
§ 540.104(b)	§ 540.103(b)	No substantive change. Reference is made to "Tables" rather than "Table".
§ 540.104(c)	§ 540.103(c)	The existing regulations require subagency merit pay pools to be funded according to the agency-wide funding method unless organizational accomplishment differences ". . . determined on the basis of a fair and objective assessment of each organization's performance in relation to that of other organizations . . ." are used. The proposed rule would instead expand the alternative funding circumstances to include (1) unusual distributions of performance and (2) the need to accommodate asterisked rates requirements. Any alternative funding method would need to be approved by OPM. This change would enable agencies to grant more uniform and appropriately sized merit pay increases than at present.
§ 540.104(d)	§ 540.103(d)	The ruling of the Comptroller General (decision B-203022, dated September 8, 1981) that immediately payable increases cannot be enhanced by transferring "paper" money from asterisked employee contributions is added at § 540.104)(d)(2).
§ 540.105	None	A new section on merit pay performance appraisals is created
§ 540.105(a)	§ 540.104(b)	The proposed rule would not identify any performance standards content.
§ 540.106(b)	None	This rule would require that the merit pay performance year end no earlier than June 30 nor later than November 30 in order to assure some proximity between the performance and its recognition.
§ 540.105(c)	None	Establishes some OPM performance appraisal requirements for merit pay employees in agencies not generally covered by the performance appraisal law (5 USC Chapter 43)
§ 540.106(a)	§ 540.104(a)	The requirement that the merit pay determination be within 90 days prior to and 60 days after October 1 is changed to be "as close as feasible" to the merit pay increase effective date. The need for more control is met by proposed § 540.105(b) above
§ 540.106(b)	§ 540.104(h)(1), § 540.105(a)	The time since and the amount of the employee's last increase in pay would *have to* be considered. Current rules make these considerations optional in general and handle one special case, a recent promotion, through waiver of the merit pay determination. The proposed regulation, as augmented by FPM guidance, would better assure that all pay adjustments reveived by merit pay employees are considered.
§ 540.106(c)	§ 540.104(c)	This rule would simplify the process by which the merit pay determination of an individual can reflect organizational accomplishment, by eliminating the need to compare organizations.
§ 540.106(d)	None	The concept of managing merit pay and performance appraisal is added to regulation, specifically in connenction with obtaining appropriately sized merit pay increases. (See § 540.106(e) below)
§ 540.106(e)	§ 540.104(e)	The requirement for second-level "concurrence" of the merit pay determination is changed to "approval" and the merit pay pool manager's approval is added. Major difficulties and inequities resulted when merit pay was first implemented due to indiscriminate and generally inflated merit pay determinations. Control at the pool level can eliminate these difficulties.
None	§ 540.104(d)	Specific reference to the § 540.105(a) prohibition of a preestablished or forced distribution of performance or increase amount would be eliminated. The effect of the existing language to date has been largely one of confusion and misdirected emphasis.
§ 540.106(f)	§ 540.104(f)	No change
§ 540.106(g)	§ 540.104(h)	The merit pay determination waiver provisions would be simplified. Rather than referring to situations where the employee would not be under a performance appraisal system because of absence or otherwise, reference is made to the fact that an employee cannot be appraised. Aside from being more direct, the proposed rule would eliminate the confusion caused when an employee cannot be excluded from the performance appraisal system, but cannot actually be appraised either
§ 540.107(a)	§ 540.105(b)	No substantive change
§ 540.107(b)	§ 540.105(c)	No substantive change.
§ 540.107(c)	None	Introduces in regulation the concept of adjusting, or "discounting", merit pay increases to compensate for extra automatic increases to compensate for extra afutomatic increases required to raise some employee pay rates to the revised range minimum. (Technical amendment only.)
§ 540.107(d)	None	Places in regulation a requirement for agencies to prevent pay inversions or "crossover" from occurring. (Technical amendment only.)

5 CFR PART 540—Continued

Proposed rule	Current rule	Explanation and justification
§ 540.108(a)	§ 540.106(a)	This proposal would broaden the existing provision which requires that the individual whose performance related pay determination is waived receive "the average increase received by comparably situated employees." Other amounts which could be scheduled for persons who cannot be appraised would be (1) a constructed average (2) an amount associated with a predetermined appraisal level (3) the balance of the general GS increase amount (4) the merit pay funding amount. The proposed rule would better accomplish that which was originally intended—to provide for an amount unconditioned by performance level when observed performance is not available.
§ 540.108(b)	§ 540.106 (a) and (b)	This proposal would provide similar procedures for agencies to follow when fixing the pay of persons returning from official absences.
§ 540.108(c)	§ 540.106 (a) and (b)	This provision would provide a common procedure for agencies to follow when fixing the pay of persons who have been absent for service, including the military, for which there are statutory pay entitlements (Technical amendment only).
§ 540.108(d)	None	This proposal would reduce waiver-associated pay increases the same as performance related increases the same as performance related increases under proposed § 540.107(c). (Technical amendment only.)
§ 540.109(a)	§ 540.107(a)	Reference to regulatory guidance on performance-related awards would be changed to indicate its new proposed location in Subpart F of Part 531.
§ 540.109(b)	§ 540.107(b)	No change.
None	§ 540.107(b)	Cash award provisions here would be replaced by Subpart 531 F material
None	§ 540.107(d)	The provision for OPM to establish and publish in the FPM procedures for considering agency certifications for cash awards would be eliminated, as it is not necessary.
§ 540.110(a)	§ 540.108(a)	No substantive change.
§ 540.110(b)	§ 540.105(a)	This proposal requires position in the pay range to be use in deciding merit pay increase amounts, and also requires that increases be computed and expressed in terms of a percentage of base pay. The existing rules leave position in the pay range optional and are silent on percentage vs "points" or shares plans. Position in range is necessary to efficiently align employee pay level with performance.
§ 540.110(c)	None	This proposal would resolve that which is perceived to be the largest problem with the current system—it would guarantee at least the full October GS general increase for all employees rated Fully Successful or higher.
§ 540.110(d)	None	This proposal would restrict access to the upper third of the pay range to Exceeds Fully Successful and Outstanding performers. It is a logical extension of the concept that salary level and not increase amount should be aligned with performance level.
§ 540.110(e)	None	This rule would document current merit pay policy which requires that there be significant differences in the pay increase that an employee will receive for Outstanding rather than Fully Successful performance.
§ 540.110(f)	None	This proposal would establish the basis for an appropriate sized increase for Exceeds Fully Successful performers.
§ 540.110(g)	§ 540.108(b)	Existing rules require 180-day advance submission of any change to an agency merit pay system, as well as any new merit pay plan for agencies not formerly covered. The proposal would reduce that advance period for changes to 60 days. This change would alleviate an unnecessary burden on agencies.
§ 540.110(h)	§ 540.108(b)	This proposal would allow OPM to accept changes to merit pay systems on even a shorter notice when unanticipated events would make such changes prudent. The need for a provision of this type was highlighted in 1981, when there was a last minute change to the amount of available merit pay funds.
§ 540.111	§ 540.109	No substantive change. The provision of law referenced in the existing regulation has been repealed
None	§ 540.110	Merit pay system implementation rules are no longer necessary

5 CFR PART 531, SUBPART F—PERFORMANCE AWARDS

Proposed rule	Current rule	Explanation and justification
§ 531.601	None	Proposed rule makes this subpart consistent with other subparts of Part 531

5 CFR PART 531, SUBPART F—PERFORMANCE AWARDS—Continued

Proposed rule	Current rule	Explanation and justification
§ 531.601(a)	None	Proposed rule contains the legal authority for the performance awards component of the Performance Management System.
§ 531.601(b)	None	Proposed rule requires that a preformance award be supported by the employee's performance rating and based on accomplishments and contributions which are within assigned responsibilities and performance standards.
§ 531.601(c)	None	Proposed rule contains the cross reference to 5 CFR, Part 451.
§ 531.602(a)	§ 451.201	Proposed rule transfers this section and amends the statement of the purpose of performace awards.
§ 531.602(b)	§ 451.202	No subsutantive change. Proposed rule expands the legal authority and refers to performance awards instead of awards.
§ 531.603	None	Proposed rule makes this subpart consistent with other subparts of Part 531.
§ 531.603(a)	§ 451.203	Proposed rule transfers the definition of employee. The definition remains the same.
§ 531.603(b)	§ 451.203	Proposed rule transfers the definition of agency. Definition remains the same.
§ 531.604(a)	§ 451.203	Proposed rule refers to "performance award" instead of "incentive award" and expands the definiton to include non-monetary awards.
§ 531.604(b)	§ 451.203	Proposed rule transfers the exact definition of Presidential award, but deletes reference to Section 4507 of title 5, United States Code, which refers to awards for SES employees.
§ 531.604(c)	§ 451.203	Proposed rule transfers and amends the definition of "plan." The amended definition refers to the performance awards component of the Performance Management Plan.
§ 531.605(a)(1)	None	Proposed rule adds a provision that performance awards are monetary, honorary, and non-mentary.
§ 531.605(a)(2)	None	Proposed rule adds a provision that performance awards are based on employee accomplishments which are within the scope of assigned job responsibilities and performance standards.
§ 531.605(a)(3)	None	Proposed rule adds a requirement that performance awards be based on a percentage of the employee's salary, up to a maximum of 15 percent.
§ 531.606(a)	§ 451.207	Proposed rule amends language to delete reference to suggestions and inventions. It refers instead to superior accomplishments and other contributions.
§ 531.606 (a)(1)	None	Proposed rule requires that accomplishments or other contributions be within the scope of the employee's assigned job responsibilities and performance standards.
§ 531.606(a)(2)	§ 451.207(a)	Proposed rule transfers requirement that employee accomplishments or other contributions benefit the Government.
§ 531.606(a)(3)	§ 451.207(b)	Proposed rule transfers requirement that accomplishments or other contributions be made while the contributor was a Government employee.
§ 531.606(a)(4)	None	Proposed rule requires that the accomplishments or other contributions be supported by a performance rating of "Fully Successful" or above.
§ 531.606(a)(5)	§ 451.207(d)	Proposed rule transfers and amends requirement that performance awards be approved at a management level higher than the official who recommended it.
§ 531.606(b)	None	Proposed rule states that performance awards shall not be mandatory.
§ 531.607	§ 451.209	Proposed rule provides that awards paid under this subpart do not increase the rate of basic pay and are subject to the withholding of income taxes.
§ 531.608(a)	§ 451.204(c)	Proposed rule transfers to this section the requirement that OPM advise the President on Presidential awards and issue instructions to agencies on how to nominate employees for Presidential awards.
§ 531.608(b)	None	Proposed rule requires that OPM provide agencies a performance award computation table to be used to determine the appropriate amount of funds for performance awards at the agency level.
§ 531.608(c)	None	Proposed rule requires that OPM provide guidance to agencies regarding honorary and non-monetary performance awards.
§ 531.609(a)	§ 451.205(a)	Proposed rule transfers and amends requirement that agency heads establish a performance, award component which seeks to gain maximum benefits to the Government through improved employee motivation.
§ 531.609(a)(1)	§ 451.205(a)(2)	Proposed rule transfers and amends requirement that agencies maintain the integrity of the Performance Management System by reviewing the results of the performance awards component.
§ 531.609(a)(2)	§ 451.205(a)(3)	Proposed rule transfers and amends requirement that agencies allocate and adequate budget, staffing and support services to manage performance awards.

5 CFR PART 531, SUBPART F—PERFORMANCE AWARDS—Continued

Proposed rule	Current rule	Explanation and justification
§ 531.609(b)	§ 451.205(b)	Proposed rule tranfers a provision that agency heads may delegate the responsibilities under paragraph 531.609(a) of this Subpart.
§ 531.609(c)(1)	§ 451.205(c)(1)	Proposed rule transfers requirement that each agency transmit to OPM award recommendations over $10,000.
§ 531.609(c)(2)	§ 451 205(c)(2)	Proposed rule transfers requirement that agencies transmit to OPM all recommendations for Presidential awards.
§ 531.609(c)(3)	§ 451.205(c)(3)	Proposed rule transfers and amends requirement that agencies transmit to OMP a Performance Management Plan which includes a performance awards component.
§ 531.609(c)(4)	§ 451.205(c)(4)	Proposed rule transfers and amends requirement that agencies transmit an annual report to OPM on performance awards activities for the past fiscal year.
§ 531.609(d)(1)	§ 451.206(a)	Proposed rule transfers requirement that agencies delegate authority and responsibility for approval of cash, honorary, and non-monetary performance awards to the lowest level consistent with sound management practices.
§ 531.609(d)(2)	§ 451.206(b)	No substantive change; reference is made to Employee Performance File instead of official personnel folder.
§ 531.609(d)(3)	§ 451.206(h)	Proposed rule transfers and amends requirement that agencies use performance appraisal ratings as the basis for granting performance awards. The rule also requires that performace awards be based on superior accomplishments within the scope of the employee's assigned job responsibilities and performance standard
§ 531.609(d)(4)	None	Proposed rule requires that performance awards be linked to milestones in the performance appraisal cycle.
§ 531.609(d)(5)	§ 451.206(j)	Proposed rule transfers requirement that agencies consider wider application of special achievements and other contributions both within the agency and Governmentwide.

5 CFR PART 451, SUBPART B—SPECIAL AWARDS

Proposed Rule	Current rule	Explanation and justification
None.	§ 451.101	Proposed rule deletes the statutory requirements, reproduced in the present regulations as Subpart A. This deletion would avoid unnecessary duplication. Subpart A is now "Reserved," to comply with Federal Register requirements.
§ 451.201(a)	None	Proposed rule adds a new section, Applicability, to make this subpart consistent with Subpart F of Part 531. It requires that special awards be granted for Government employees' suggestions, inventions, and meritorious actions which are not included or measured by established critical elements and performance standards.
§ 451.201(b)	None	Proposed rule requires that special awards be based on employee accomplishments that are clearly beyond assigned job responsibilities and performance standards and are in addition to a performance award granted under 5 CFR, Part 531, Subpart F.
§ 451.201(c)	None	Proposed rule contains cross reference to CFR, Part 531, Subpart F
§ 451.202(a)	§ 451.201	Proposed rule is amended to require that special awards be granted when the accomplishments and adopted ideas are beyond or outside job responsibilities and performance standards.
§ 451.202(b)	§ 451.202	No substantive change. Proposed rule adds the phrase "for one time suggestions, inventions, and meritorious actions."
§ 451.203	None	Proposed rule adds a new section, Coverage, to make this subpart consistent with 5 CFR, Part 531, Subpart F.
§ 451.203(a)	§ 451.203	Proposed rule transfers the definition of "employee." The definition remains the same.
§ 451.203(b)	§ 451.203	Proposed rule transfers the definiton of "Agency." The definition remains the same
None.	§ 451.203	Proposed rule deletes the definition of "plan" because it is no longer needed.
§ 451.204(a)	§ 451.203	Proposed rule refers to "special awards" instead of "incentive awards" and expands the definition to include non-monetary awards
§ 451.204(b)	§ 451.203	Proposed rule transfers the exact definition of Presidential award, but deletes reference to Section 4507 of title 5, United States Code, which refers to awards for SES employees.
§ 451.204(c)	None	Proposed rule adds definition of tangible benefits.
§ 451 204(d)	None	Proposed rule adds definition of intangible benefits.

5 CFR PART 451, SUBPART B—SPECIAL AWARDS—Continued

Proposed Rule	Current rule	Explanation and justification
§ 451.205(a)(1)	None	Proposed rule adds provision that special awards are monetary, honorary, or non-monetary.
§ 451.205(a)(2)	None	Proposed rule adds requirement that special awards be based on employee accomplishments that are clearly beyond or outside job responsibilities and performance standards.
§ 451.205(a)(3)	None	Proposed rule adds requirement that special awards be based on tangible and intangible benefits to the Government.
§ 451.205(b)	None	Proposed rule requires that agency monetary awards of up to $10,000, based on tangible benefits, be computed using a mandatory scale.
§ 451.205(b)(1)	None	Proposed rule provides a mandatory scale to compute agency awards of up to $10,000 based on tangible benefits.
§ 451.205(b)(2)	None	Proposed rule provides a mandatory scale to compute monetary awards of 15, 20, and 25 thousand dollars based on tangible benefits.
§ 451.205(b)(3)	None	Proposed rule provides a mandatory scale to compute Presidential awards based on tangible benefits.
§ 451.205(c)	None	Proposed rule provides that, in addition to special awards based on tangible benefits, special awards may be granted based on intangible benefits.
§ 451.205(c)(1)	None	Proposed rule requires that OPM provide guidance to agencies on how to compute all monetary awards based on intangible benefits.
§ 451.205(d)	None	Proposed rule requires that OPM provide guidance to agencies regarding honorary an non-monetary awards based on tangible and intangible benefits, including honorary Presidential awards.
§ 451.206(a)	§ 451.207	Proposed rule amends language to delete reference to superior accomplishment and refer instead to meritorious action.
§ 451.206(a)(1)	None	Proposed rule provides that special awards are for accomplishments which are clearly beyond or outside assigned job responsibilities and performance standards.
§ 451.206(a)(2)	§ 451.207(a)	No change.
§ 451.206(a)(3)	§ 451.207(b)	No change.
§ 451.206(a)(4)	§ 451.207(c)	No change.
§ 451.206(a)(5); and § 451.206(a)(5)(i)(ii)(iii).	§ 451.207(d)	Proposed rule has been amended by rearranging information alphabetically to help the reader identify specific information. In addition, it replaces the phrase "superior accomplishment" with "meritorious action."
§ 451.206(b)	None	Proposed rule states that special awards shall not be mandatory.
None	§ 451.208(a) and (b)	Proposed rule deletes requirement regarding additional awards when the suggestion, invention, or meritorious action results in a wider application or a greater benefit to the Government. OPM will provide guidance on this subject.
§ 451.207(a)	§ 451.209(a)	Proposed rule amends requirement to the following standard OPM language: special awards paid under this Part do not increase the rate of basic pay.
§ 451.207(b)	§ 451.209(b)	No change.
§ 451.208(a)	None	Proposed rule requires that OPM verify savings and the relationship of contributions to job requirements. It also requires that OPM approve or disapprove recommendations for all awards in excess to $10,000 on a case-by-case basis, and limit approval of awards to denominations of $15,000, $20,000, and $25,000.
None	§ 451.204(a)	Proposed rule deletes requirement that OPM review agency plans.
None	§ 451.204(b)	Proposed rule deletes requirement that OPM report annually the results of the awards program to the President, Congress, and agencies.
§ 451.208(b)	§ 451.204(c)	Proposed rule is amended to specify the amount to be granted for Presidential awards and provides a scale to be used for computing Presidential awards based on tangible benefits to the Government.
§ 451.209(a)	§ 451.205(a)	Proposed rule is amended to delete requirement that heads of agencies give personal leadership to the special awards program. Rule requires, instead, that they establish a program.
None	§ 451.205(a)(1)	Proposed rule deletes training requirement for employees, supervisors and managers on effective use of awards program.
§ 451.209(a)(1)	§ 451.205(a)(2)	Proposed rule is amended to require that special awards be granted on the basis of tangible and intangible benefits to the Government, and that action be taken to grant awards in a timely manner.
§ 451.209(a)(2)	§ 451.205(a)(3)	Proposed rule is amended to delete reference to employee suggestions and performance award recommendations and refer instead to award recommendations.
§ 451.209(b)	§ 451.205(b)	Proposed rule corrects the citation number from 451.205(a) to 451.209(a).
§ 451.209(c)	§ 451.205(c)	No change.
§ 451.209(c)(1)	§ 451.205(c)(1)	No change.
§ 451.209(c)(2)	§ 451.205(c)(2)	Proposed rule is amended to require that agencies submit to OPM al recommendations for Presidential awards.

5 CFR PART 451, SUBPART B—SPECIAL AWARDS—Continued

Proposed Rule	Current rule	Explanation and justification
None	§ 451.205(c)(3)	Proposed rule deletes requirement for submission of agency plan to OPM.
§ 451.209(c)(3)	§ 451.205(c)(4)	Proposed rule deletes date for agency submission of annual report. It also deletes requirement that the report contain a statement of program goals and objectives for next year.
§ 451.209(d)	§ 451.206	Proposed rule deletes section heading entitled "Agency Plans." Requirements under this section heading were placed under "Agency responsibilities." In addition, proposed rule requires an up-to-date program, instead of an up-to-date plan.
§ 451.209(d)(1)	§ 451.206(a)	No change.
§ 451.209(d)(2)	§ 451.206(b)	No substantial change; reference is made to Employee Performance File instead of official personnel file.
§ 451.209(d)(3)	§ 451.206(c)	No change.
§ 451.209(d)(4)	§ 451.206(d)	Proposed rule deletes reference to performance award recommendations; instead, reference is made to special award recommendations.
None	§ 451.206(e)	Proposed rule deletes requirement for linkage between the special award program and achievement of national and agency goals and objectives; it is redundant.
None	§ 451.206(f)	Proposed rule deletes requirement that agencies use management review and productivity measurement processes to identify and recommend awards for employees. Proposed deletion would simplify awards process.
None	§ 451.206(g)	Proposed rule deletes requirement for immediate awards for performance of one time special acts and services and timely evaluation and processing of performance awards and suggestions.
None	§ 451.206(h)	Proposed rule deletes requirement for awards related to performance. All reference to performance awards has been deleted from this Part and included in Subpart F, Part 531.
None	§ 451.206(i)	Proposed rule deletes requirement that agencies use the special awards program as a criterion to evaluate supervisors and managers. The proposed regulations would not identify any performance standards content.
§ 451.209(d)(5)	§ 451.206(j)	No change.
None	§ 451.206(k)	Proposed rule deletes requirement that awards be a factor in ranking and selecting employees. Requirement is unnecessary.

5 CFR PART 431, SUBPARTS B AND C

Proposed rule	Current rule	Explanation and justification
§ 431.201	None	Proposed rule states the purpose of performance appraisal as a tool for executing basic performance management responsibilities. It is identical to proposed new 5 CFR 430.201.
§ 431.202	None	Proposed rule states that all senior executives are covered by this part.
§ 431.203(a)	None	Proposed rule defines appraisal system. "Appraisal systems" as defined in 5 CFR 430.203(a) is adapted for the SES.
§ 431.203(b)	None	Proposed rule defines the word "performance" by linking the term to the requirement for appraisal of critical elements. This definition is identical to the definition in proposed revision to 5 CFR 430.203(b).
§ 431.203(c) and (d)	None	Proposed rules define "performance appraisal" and "performance rating." The new definitions are consistent with the new requirements that senior executives be given both a rating on each critical element and summary ratings. Rules are identical to proposed revision to 5 CFR 430.203(c) and proposed new (d).
§ 431.203(e) and (f)	None	Proposed rules define the terms "initial rating" and "final rating." These definitions are needed since both terms are used in the new regulations and could be misinterpreted.
§ 431.203(g)	None	Proposed rule defines the term "performance requirement" to clarify the statutory language. This is needed because "requirement" has been interpreted to include both performance elements and standards.
§ 431.203(h)	None	Proposed rule defines critical element. The definition is identical to the definition of critical element in proposed revision to 5 CFR 430.203(e) which eliminates references to specific personnel actions and indicates that a critical element should be a component of a job which must be performed acceptably if a senior executive is to make an acceptable contribution to the achievement of organizational goals and objectives.

5 CFR PART 431, SUBPARTS B AND C—Continued

Proposed rule	Current rule	Explanation and justification
§ 431.203(i)	None	Proposed rule defines "performance standard" and clarifies the concept that performance standards are established at a particular rating level for a critical element. The definition is identical to the definition of performance standard in proposed revision to 5 CFR 430.203(f).
§ 431.203(j)	None	Proposed rule adds a definition of the phase "Performance Plan" to mean the written critical elements and performance standards given to an employee. Definition is identical to proposed new 5 CFR 430.203(g).
§ 431.203(k)	None	Proposed rule provides a complete definition of "appraisal period". The definition is identical to proposed revision to 5 CFR 430.203(h) which indicates that an appraisal period is a period of time for which an appraisal will be given, not just a period of time for which an executive's performance will be reviewed.
§ 431.203(l)	None	Proposed rule definse the term "appointing authority" to mean agency or department head. This definition is needed because this term is used in the new regulations and could be misinterpreted to mean the "appraising official" or "rating official."
§ 431.204(a)	None	Proposed rule states the statutory requirement for establishment of one or more performance appraisal systems. It is identical to 5 CFR 430.204(a).
§ 431.204(b)	None	Proposed rule states that only critical elements may be included in Performance Plans, and requires an appraisal and a summary rating to be based on overall performance. The rule prohibits the use of non-critical elements and sub-elements which add unnecessary time and paperwork requirements to performance appraisal and which cannot form the basis for personnel actions. Proposed rule parallels proposed new 5 CFR 430.204(b).
§ 431.204(c)	None	Proposed rule requires that all agency appraisal systems provide for five rating levels for critical elements and five summary rating levels. The required names for the five rating levels are specified. This rule will permit agencies to assign a rating at a level even if the standard is not written at that level and to specify linkages between performance and personnel actions because sufficient performance distinctions and standardized rating levels are required. It is identical to proposed new 5 CFR 430.204(c).
§ 431.204(d)	None	Proposed rule requires job expectations and requirments to be described at the "Fully Successful" level and provides generic definitions for the five required appraisal levels. The rule provides that performance standards and agency procedures for deriving summary appraisals must be consistent with the generic definitions. It is identical to proposed new 5 CFR 430.204(d).
§ 431.204(e)	None	Proposed rule reflects statutory requirements that each appraisal system establish performance standards based on the requirements of executives' positions; that critical elements and performance standards be communicated on or before the beginning of each appraisal period; and that performance standards be established in consultation with a senior executive. It parallels 5 CFR 430.204(e).
§ 431.204(f)	None	Proposed rule requires that performance standards and critical elements be related to an executive's assigned work and organizational performance requirements. It is consistent with proposed revision to 5 CFR 430.204(f).
§ 431.204(g)	None	Proposed rule requires that executives be rated on at least an annual basis and that ratings shall be completed no earlier than June 30 or no later then November 30 of the same year. This requirement will ensure that performance based personnel decisions are based on current performance ratings and that performance based pay increases and awards payouts will occur simultaneously with merit payouts. This rule also establishes a minimum appraisal period of not less than 90 days. This requirement will ensure that executives are not rated before they have worked long enough to permit accurate ratings. Proposed rule is compatible with proposed revision to 5 CFR 430.204(g).
§ 431.204(h)	None	Proposed rule requires agencies to provide specific written notification of the following to senior executives: critical elements and performance standards; initial summary rating; any recommendations of any higher level executive review; the right to respond in writing before the rating becomes final. All notifications must be provided to senior executives at the time they are made. All of the notifications above except "any recommendations of any higher level executive review..." are statutory. This notification is needed so appraisal systems do not deprive the executive of the opportunity "to respond in writing before the rating becomes final."

5 CFR PART 431, SUBPARTS B AND C—Continued

Proposed rule	Current rule	Explanation and justification
§ 431.204(i)	None	Proposed rule adds a requirement that critical elements and performance standards be reviewed and approved by an executive at a higher level than the appraising official or by a review committee. Higher level review of critical elements and performance standards will help ensure that supervisory executives are held accountable for identification of critical elements and preparation of appropriate performance standards. Proposed rule is compatible with proposed revision to 5 CFR 430.204(h).
§ 431.204(j)	None	Proposed rule requires that employees be given critical elements and performance standards at the beginning of long details and temporary assignments within the same agency. This rule also requires that executives be rated at the end of long details or temporary assignments and that the ratings be considered in deriving an executive's summary rating for the appraisal period. Proposed rule is identical to proposed revision to 5 CFR 430.204(k).
§ 431.204(k)	None	Proposed rule provides that, when an executive is detailed or temporarily assigned outside the agency, the agency shall obtain relevant appraisal information from the agency or organization to which the executive is detailed or temporarily assigned. This rule will permit performance based personnel decisions to be made for these executives. Because Subchapter II of 5 USC 43 precludes extension of an executive's appraisal of record by the requirement for at least an annual rating, the proposed rule differs slightly from proposed new 5 CFR 430.204(l).
§ 431.204(l)	None	Proposed rule reflects 5 USC 4312(b)(3) which requires that agency systems provide an opportunity for senior executives to respond in writing to an initial appraisal and rating and to have the rating reviewed by an employee in a higher executive level. Proposed rule clarifies the statute and higher level review process by requiring that the "employee in a higher executive level than the supervisory official" conduct the higher level review prior to review by the Performance Review Board (PRB).
§ 431.204(m)	None	Proposed rule reflects statutory requirements for the establishments of Performance Review Boards and also specifies PRB composition, how members are appointed, a conflict of interest rule and a requirement for supporting written justification when the PRB recommendation disagrees with the initial rating.
§ 431.204(n)	None	Proposed rule requires agencies to retain all documentation on performance appraisal decisions for no less than five years from the date of the rating as required by 5 CFR 430.404(b).
§ 431.204(o)	None	Proposed rule states that final performance ratings shall be used to provide a basis for making decisions to remove senior executives from the SES, to reassign or transfer senior executives within the SES, and to grant performance awards to senior executives.
§ 431.205	None	Proposed rule is identical to 5 CFR 430.205. It stipulates training and evaluation requirements.
§ 431.206(a)	None	Proposed rule is compatible with proposed revision to 5 CFR 430.206 which clarifies the concept that OPM review of appraisal systems includes a review of whether agencies are meeting all legal and regulatory requirements.
§ 431.206(b) and (c)	None	Proposed rule stipulates that agencies must submit to OPM revised SES performance appraisal plans which will now be included in Performance Management Plans as well as proposed changes to approved SES Performance Appraisal Plans which impact on how an agency meets legal or regulatory requirements.
§ 431.206(d)	None	Proposed rule permits OPM to direct an agency to implement an appropriate system or correct operations if OPM determines the system does not meet the requirements of 5 USC 43 or of this part.
§ 431.207(a) and (b)	None	Proposed rule requires agencies to submit to OPM for review and approval Performance Management Plans as required by proposed new 5 CFR 430.207 and proposed changes to approved Performance Management Plans which have an impact on how an agency meets legal or regulatory requirements. The Plans will state a uniform and comprehensive agency policy for appraising performance and use of appraisals to ensure that pay distinctions are in keeping with work and performance distinctions
§ 431.301	None	Proposed rule provides that agencies must submit revised SES performance appraisal plans for review within 120 days after final publication of these regulations.
§ 431.302	None	Proposed rule provides authority for agencies to continue to use approved appraisal systems until [180 days after the publication of these regulations].

In addition to these changes, it may be necessary to make nonsubstantive conforming revisions in Parts 351 and 432, when these performance management regulations are issued in final form.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Government employees.

List of Subjects

5 CFR Part 300

Government employees, Administrative practice and procedure.

5 CFR Part 335

Government employees.

5 CFR Part 430

Government employees, Administrative practice and procedure, Reporting requirements.

5 CFR Part 431

Government employees, Administrative practice and procedure, Reporting requirements.

5 CFR Part 451

Decorations, Medals, Awards, Government employees.

5 CFR Part 531

Government employees, Wages, Administrative practice and procedure.

5 CFR Part 532

Administrative practice and procedure, Government employees, Wages.

5 CFR Part 540

Government employees, Wages.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management proposes to amend Title 5, Code of Federal Regulations, as follows:

PART 300—EMPLOYMENT (GENERAL)

(1) Section 300.602 is revised to read as follows:

Subpart F—Time-in-Grade Restrictions

§ 300.602 Restrictions.

The time-in-grade restrictions in this subpart are subject to the eligibility requirements based on performance in § 335.104.

(a) Advancement to positions at GS–12 and above. An agency may advance an employee to a position at GS–12 or above only after he or she has served a minimum of 1 year in the next lower grade.

(b) Advancement to positions at GS–6 through GS–11. An agency may advance an employee to a position at GS–6 through GS–11 only after he or she has served a minimum of:

(1) One year in a position two grades lower, when the position to which he or she is advanced is in a line of work properly classified at two-grade intervals; or

(2) One year at the next lower grade when the position to which he or she is advanced is in a line of work properly classified at one-grade intervals.

(c) Advancement to positions at GS–5 or below. An agency may advance an employee to a position at GS–5 or below which is not more than two grades above the lowest grade he or she held within the preceding year under a nontemporary appointment.

(2) § 335.104 is added, to read as follows:

PART 335—PROMOTION AND INTERNAL PLACEMENT

Subpart A—General Provisions

§ 335.104 Eligibility for career ladder promotion.

(a) No employee shall be promoted to a position in a recognized career ladder unless his or her summary rating on the most current performance appraisal under Part 430 of this chapter is "Fully Successful" or higher.

(b) An employee in grade GS–9 and above of the General Schedule with a summary rating of "Outstanding" on the most current performance appraisal under Part 430 of this chapter shall be eligible for promotion to a position in a recognized career ladder after a period of one year in his or her current grade.

(c) An employee in grade GS–9 and above of the General Schedule with a summary rating of "Exceeds Fully Successful" on the most current performance appraisal under Part 430 of this chapter shall be eligible for promotion to a position in a recognized career ladder after a period of two years in his or her current grade.

(d) An employee in grade GS–9 and above of the General Schedule with a summary rating of "Fully Successful" on the most current performance appraisal under Part 430 of this chapter shall be eligible for promotion to a position in a recognized career ladder after a period of three years in his or her current grade.

(3) Part 430 is revised to read as follows:

PART 430—PERFORMANCE APPRAISAL

Subpart A—Statutory Authority

Sec.
430.101 Statutory authority.

Subpart B—Regulatory Requirements of the Office of Personnel Management

430.201 Purpose.
430.202 Coverage.
430.203 Definitions.
430.204 The performance appraisal process.
430.205 Training and evaluation.
430.206 OPM review of appraisal systems.
430.207 Performance Management Plans.

Subpart C—Implementation and Interim Procedures

430.301 Implementation of this part.
430.302 Interim procedures.

Authority: 5 U.S.C. 4305.

Subpart A—Statutory Authority

§ 430.101 Statutory authority.

Chapter 43 of title 5, United States Code (5 U.S.C. 4301–4305) provides for the establishment of agency performance appraisal systems and for appraisal of employees. This part contains regulations which the Office of Personnel Management has prescribed for non-SES Performance Appraisal Systems and supplements the provisions of 5 U.S.C. 4301–4305.

Subpart B—Regulatory Requirements of the Office of Personnel Management

§ 430.201 Purpose.

It is the purpose of this subpart to ensure that performance appraisal systems are used as a tool for executing basic performance management responsibilities by:

(a) Communicating and clarifying agency goals and objectives,

(b) Identifying individual accountability for the accomplishment of organizational goals and objectives,

(c) Evaluating and improving individual and organizational accomplishments, and

(d) Using appraisals as a basis for pay and other personnel actions.

§ 430.202 Coverage.

(a) *Employees and agencies covered by statute.*—(1) 5 U.S.C. 4301(1) lists agencies covered by this part. (2) 5 U.S.C. 4301(2) lists employees covered by statute by this part.

(b) *Statutory Exclusions.* This subpart does not apply to agencies or employees

excluded by 5 U.S.C. 4301 (1) and (2), the United States Postal Service and the Postal Rate Commission.

(c) *Administrative exclusions.* OPM may exclude any position or group of positions in the excepted service under the authority of 5 U.S.C. 4301(2)(G). The following are excluded:

(1) Positions in Schedule C of 5 CFR, Part 213.

(2) Positions filled by Noncareer Executive Assignments under 5 CFR, Part 305.

(3) Positions for which employment is not reasonably expected to exceed 120 days in a consecutive 12-month period.

(d) *Agency requests for exclusions.* Heads of agencies or their designees may request the Director of the Office of Personnel Management to exclude positions in the excepted service. The request must be in writing, explaining why the exclusion would be in the interest of good administration.

§ 430.203 Definitions.

In this part, terms are defined as follows—

(a) "Appraisal system" means a performance appraisal system established by an agency or component of an agency under subchapter I of chapter 43 of title 5, U.S.C. and Subpart B of this part which provides for establishment of performance standards, identification of critical elements, communication of standards and critical elements to employees, establishment of methods and procedures to appraise performance against established standards, and appropriate use of appraisal information in making personnel decisions.

(b) "Performance" means an employee's accomplishment of assigned duties and responsibilities as specified in the critical elements of the employee's position.

(c) "Appraisal" means the act or process of reviewing and evaluating the performance of an employee against the described performance standard(s) for the appraisal period in order to arrive at ratings for individual critical elements and a summary rating for overall performance.

(d) "Rating" means the outcome of the appraisal of each critical element and overall performance expressed as one of the following five descriptive levels: "Outstanding", "Exceeds Fully Successful", "Fully Successful", "Minimally Successful", and "Unacceptable".

(e) "Critical element" means a component of a job consisting of one or more duties and responsibilities which contributes toward accomplishing organizational goals and objectives and which is of such importance that acceptable performance on the element is necessary for acceptable performance in the position.

(f) "Performance standard" means a statement of the expectations or requirements established by management for a critical element at a particular rating level. A performance standard may include, but is not limited to, factors such as quality, quantity, timeliness, and manner of performance.

(g) "Performance Plan" means the aggregation of all of an employee's critical elements and described performance standard(s).

(h) "Appraisal period" means the period of time established by an appraisal system for which an employee's performance will be reviewed and for which a performance rating will be given.

§ 430.204 The performance appraisal process.

(a) As required by 5 U.S.C. 4302(a), each agency shall establish one or more appraisal systems for appraising the work performance of employees during an appraisal period.

(b) Only critical elements may be included in a Performance Plan. An employee must be appraised and rated on each critical element of the employee's position. An employee must also be given a summary rating of overall performance. Agency appraisal systems may not provide for appraisal of subelements or non-critical elements.

(c) Agency appraisal systems shall provide for five rating levels for each critical element and five summary rating levels. The required element and summary rating levels are "Outstanding", "Exceeds Fully Successful", "Fully Successful", "Minimally Successful", and "Unacceptable". The absence of a written standard at a given rating level shall not preclude the assignment of a rating at that level.

(d) Definitions of the five required rating levels follow. Performance standards and agency procedures for deriving summary ratings must be consistent with these definitions. The job expectations and requirements must be described at the "Fully Successful" level. "Fully Successful" is the standard against which performance will be rated. The majority of employees should fall within the "Fully Successful" level.

(1) "Outstanding" means performance that shows exceptional consistency in meeting all factors of "Fully Successful" performance standards in ways that meet goals and achieve outcomes that result in significant contributions to the organization well beyond the expectations of "Fully Successful" performance. Performance at this level is achieved by only a very small number of employees, and a rating at this level should be accompanied by a recommendation for formal recognition, monetary or nonmonetary.

(2) "Exceeds Fully Successful" means performance that, while not at the "Outstanding" level, is consistently above that required at the "Fully Successful" level. Typically, the number of employees rated at this level will be substantially fewer than those rated at the "Fully Successful" level but greater than those rated "Outstanding". Performance at or above this level constitutes an acceptable level of competence for the purpose of within-grade increases for employees in steps 7 through 9 of each grade.

(3) "Fully Successful" means performance that consistently meets job expectations and requirements. Work products are typically of high quality and quantity and completed on or ahead of schedule; the employee maintains cooperative work relationships. Job expectations and requirements must be described at the "Fully Successful" level for each critical element. The majority of employees will typically be rated at the "Fully Successful" level. Performance at or above this level constitutes an acceptable level of competence for the purpose of within-grade increases for employees in steps 1 through 6 of each grade.

(4) "Minimally Successful" means performance which does not consistently meet the expectations and requirements for the "Fully Successful" level. This may be evidenced by the need for greater supervisory review, discussion, and correction than is necessary at the "Fully Successful" level. When performance falls below "Fully Successful", it may be necessary to take remedial action.

(5) "Unacceptable" means performance of an employee which fails to meet established performance standards in one or more critical elements of such employee's position. When performance is "Unacceptable", corrective action must be taken.

(e) 5 U.S.C. 4302 (a) and (b) require that each appraisal system shall provide for establishing performance standards based on requirements of employees' positions, communicating the standards of performance and the critical elements of the position at the beginning of each appraisal period, and appraising employees based on a comparison of performance with the standards established for the appraisal period. An agency shall encourage employee

participation in establishing performance standards.

(f) Performance standards and critical elements must be related to the employee's assigned work.

(g) Employees shall generally be given performance ratings on at least an annual basis. Agency appraisal systems shall provide for completion of performance ratings within 60 days prior to the end of a non-merit pay employee's waiting period for a within-grade or step increase. Agency appraisal systems shall establish a minimum appraisal period of not less than 90 calendar days.

(h) Critical elements and performance standards shall be in writing and shall be reviewed and approved by a supervisor or manager at a higher level than the appraising official.

(i) Periodic performance ratings and performance based personnel actions shall be reviewed and approved by a supervisor or manager at a higher level than the appraising official. Performance ratings shall be in writing and shall be provided to the employee. Performance ratings may not be communicated to employees prior to approval by a higher level reviewer.

(j) An employee may not grieve or appeal a performance rating. The assignment of a performance rating is a management right under 5 U.S.C. 7106(a) which reserves to management the right to direct employees and to assign work. Actions taken by management as a result of the rating, if any, may be grievable or appealable. Such grievances and appeals are limited to the issue of whether management acted in an arbitrary or capricious manner or in such a fashion as to constitute harmful procedural error.

(k) Agencies shall provide written critical elements and performance standards to employees at the beginning of a detail or temporary assignment within the same agency when the detail or temporary assignment is expected to last longer than the minimum appraisal period established by the agency. Performance ratings must be prepared for these details and temporary assignments and must be considered in deriving an employee's summary rating for the appraisal period.

(l) When an employee is detailed or temporarily assigned outside of the agency, the agency shall either extend the employee's performance rating of record or the agency shall obtain relevant appraisal information from the agency or organization to which the employee is detailed or temporarily assigned and consider the information when preparing a performance rating at the end of the appraisal period.

(m) Performance appraisals and ratings shall be used:

(1) To provide employees with information on their performance and how it may be improved.

(2) As a basis for decision to grant awards; grant or withhold pay increases, i.e., within-grade increases, step increases, and quality step increases; grant merit pay; reassign; promote; develop; retain in reduction in force; and reduce in grade or remove.

§ 430.205 Training and evaluation.

To assure that the requirements of the law will be effectively implemented, agencies must provide appropriate training and information to supervisors and employees on the appraisal process, and must establish methods and procedures to evaluate periodically the effectiveness of their appraisal system(s) and to improve the system(s).

§ 430.206 OPM review of appraisal systems.

(a) The Office of Personnel Management will review performance appraisal systems to determine if they conform to requirements of law and OPM regulations. The Office of Personnel Management will also review appraisal systems with respect to their contribution to agency effectiveness and efficiency and appropriate use of performance information in personnel decisions.

(b) If the Office of Personnel Management determines that an appraisal system does not meet the requirements of Subchapter I of 5 U.S.C. 43 or of this part, it shall direct the agency to implement an appropriate system or to correct operations under the system. The agency shall take any action so required.

§ 430.207 Performance Management Plans.

(a) Agencies must submit proposed Performance Management Plans to the Office of Personnel Management for review and approval. Performance Management Plans shall include each of the following which is applicable to the agency and any additional information requested by OPM:

(1) Appraisal Systems required under 5 U.S.C. 4302 and 4312. Submissions may either by agency-wide appraisal systems or requirements which the systems of subordinate organizations must meet.

(2) Merit Pay System Plans required by 5 CFR Part 540.

(3) Performance Award Plans required by 5 CFR Part 531.

(4) Plans for granting Within-grade Increases and Plans required by 5 CFR Part 531 for granting Quality Step Increases.

(5) Plans for determining and distributing the agency awards fund each year under an awards fund computation formula issued by the Office of Personnel Management.

(b) Proposed changes to approved Performance Management Plans which would have an impact on how an agency meets legal or regulatory requirements must be submitted to the Office of Personnel Management for review and approval.

Subpart C—Implementation and Interim Procedures

§ 430.301 Implementation of this part.

(a) Each agency covered by subparts A and B of this part or by 5 CFR Part 540 shall submit Performance Management Plans to the Office of Personnel Management for review within 120 days after [final publication of these regulations].

(b) Agencies will be required to implement the provisions of an approved Performance Management Plan after [180 days after final publication of these regulations].

§ 430.302 Interim procedures.

An agency may utilize Performance Appraisal Systems and Merit Pay Systems which have been approved by the Office of Personnel Management until [180 days after final publication of these regulations].

(4) A new Part 431 is added, to read as follows:

PART 431—PERFORMANCE APPRAISAL IN THE SENIOR EXECUTIVE SERVICE

Subpart A—Statutory Authority

Sec.
431.101 General.

Subpart B—Regulatory Requirements of the Office of Personnel Management

431.201 Purpose.
431.202 Coverage.
431.203 Definitions.
431.204 The performance appraisal process.
431.205 Training and evaluation.
431.206 OPM review of SES appraisal systems.
431.207 Performance Management Plans.

Subpart C—Implementation and Interim Procedures

Sec.
431.301 Implementation of this part.
431.302 Interim procedures.

Authority: 5 U.S.C. 43 Subchapter II.

Subpart A—Statutory Authority

§ 431.101 General.

Chapter 43 of title 5, United States Code (5 U.S.C. 4311–4315) provides for the establishment of Senior Executive Service performance appraisal systems and appraisals of senior executives' (as defined in 5 U.S.C. 3132(a)) performance. This part contains the regulations which the Office of Personnel Management has prescribed for performance appraisal in the Senior Executive Service, and supplements the provisions of 5 U.S.C. 4311–4315.

Subpart B—Regulatory Requirements of the Office of Personnel Management

§ 431.201 Purpose.

It is the purpose of this subpart to ensure that performance appraisal systems are used as a tool for executing basic performance management responsibilities by:

(a) communicating and clarifying organizational goals and objectives,

(b) identifying individual accountability for the accomplishment of agency goals and objectives,

(c) evaluating and improving individual and organizational accomplishments, and

(d) using appraisals as a basis for pay and other personnel actions.

§ 431.202 Coverage.

(a) All senior executives covered by subchapter II, of Chapter 31 of title 5, United States Code are covered by this part.

(b) 5 U.S.C. 3132(a)(1) identifies agencies covered by this part.

§ 431.203 In this part, terms are defined as follows—

(a) "Appraisal system" means a performance appraisal system established by an agency or component of an agency under subchapter II of chapter 43 of title 5, and Subpart B of this part which provides for establishment of performance standards, identification of critical elements, communication of standards and critical elements to senior executives, establishment of methods and procedures to appraise performance against established standards, and appropriate use of appraisal information in making personnel decisions.

(b) "Performance" means the senior executive's accomplishment of assigned duties and responsibilities as specified in the critical elements of the executive's position.

(c) "Performance appraisal" means the act or process of reviewing and evaluating the performance of an executive against the described performance standards for the appraisal period in order to arrive at ratings for individual critical elements and a summary rating for overall performance.

(d) "Performance Rating" means the outcome of the appraisal of each critical element and overall performance expressed as one of five descriptive levels: "Outstanding," "Exceeds Fully Successful," "Fully Successful," "Minimally Satisfactory," and the "Unsatisfactory."

(e) "Initial rating" means the rating by the senior executive's immediate supervisor, the rating official.

(f) "Final rating" means the rating assigned by an appointing authority after considering the recommendations of a Performance Review Board.

(g) "Performance requirement" means performance standard.

(h) "Critical element" means a component of job consisting of one or more duties and responsibilities which contributes toward accomplishing organization goals and objectives and which is of such importance that acceptable performance on the element is necessary for acceptable performance in the position.

(i) "Performance standard" means a statement of the expectations or requirements established by management for a critical element at a particular rating level. A performance standard may include, but is not limited to, factors such as quality, quantity, cost efficiency, timeliness, and manner of performance.

(j) "Performance Plan" means the aggregation of the senior executive's critical elements and described performance standards.

(k) "Appraisal period" means the period of time established by an appraisal system for which the senior executive's performance will be reviewed and for which a performance rating will be given.

(l) "Appointing authority" means the agency or department head."

§ 431.204 The performance appraisal process.

(a) As required by 5 U.S.C. 4312(A), each agency shall establish one or more appraisal system for appraising the individual and organization work performance of senior executives during an appraisal period.

(b) Only critical elements may be included in a performance plan. A senior executive must be appraises and rated on each critical element of the executive's position. A senior executive must also be given a summary rating or overall performance. Agency appraisal systems may not provide for appraisal or subelements or non-critical elements.

(c) Agency appraisal systems shall provide for five rating levels for each critical element and five summary rating levels. The required element and summary rating levels are "Outstanding," "Exceeds Fully Successful," "Fully Successful," "Minimally Satisfactory," and "Unsatisfactory." The absence of a written standard at a given rating level shall not preclude the assignment of a rating at that level.

(d) Definitions of the five required rating levels follow. Performance standards and agency procedures for deriving summary ratings must be consistent with these definitions. The job expectations and requirements must be described at the "Fully Successful" level. "Fully Successful" is the standard against which performance will be rated. The majority of executives will typically be rated at the "Fully Successful" level.

(1) "Outstanding" means performance which shows exceptional consistency in meeting all factors of "Fully Successful" standards in ways that meet goals and achieve outcomes that result in significant contributions to the organization well beyond the expectations of "Fully Successful" performance. Performance at this level is achieved by only a very small number of executives, and should include a recommendation for formal recognition, monetary or non-monetary.

(2) "Exceeds Fully Successful" means performance that, while not at the "Outstanding" level, is consistently above that required at the "Fully Successful" level. Typically, the number of executives rated at this level will be substantially fewer than those rated at the "Fully Successful" level but greater than those rated "Outstanding".

(3) "Fully Successful" means performance that consistently meets job expectations and requirements. Work products are typically of high quality and quantity and completed on or ahead of schedule, and the executive maintains cooperative work relationships. Job expectations and requirements must be described at the "Fully Successful" level. The majority of executives will typically be rated at the "Fully Successful" level.

(4) "Minimally Satisfactory" means performance which does not consistently meet job expectations and requirements for the "Fully Successful" level. This may be evidenced by the need for greater supervisory review, discussion and correction than is necessary at the "Fully Successful"

level. When performance falls below "Fully Successful", it may be necessary to take remedial action.

(5) "Unsatisfactory" means performance which fails to meet established performance standards in one or more critical elements of the executive's position. Where performance is "Unsatisfactory", corrective action must be taken.

(e) 5 U.S.C. 4312(b) requires that each appraisal system provide for establishing performance standards based on the requirements of senior executives' positions, communicating the critical elements and performance standards of the position on or before the beginning of each appraisal period, and appraising senior executive based on a comparison of performance with the standards established from the appraisal period. An agency shall establish performance standards in consultation with the senior executive.

(f) Critical elements and performance standards must be related to the senior executive's assigned work and organizational performance requirements.

(g) Senior executives shall be rated on at least an annual basis. Agency appraisal systems shall provide for completion of ratings no earlier than June 30 and no later than November 30 of the same year. Agency appraisal systems shall establish a minimum appraisal period of not less than 90 calendar days.

(h) Agencies shall provide to senior executives a copy of the following documents at the time they are prepared: the initial rating; notification of the right to respond in writing before rating becomes final; and any recommended changes by any higher level executive review. Agencies must also provide a copy of the critical elements and performance standards to each senior executive.

(i) Critical elements and performance standards shall be in writing and shall be reviewed and approved by an executive at a higher level than the appraising official or by a review committee.

(j) Agencies shall provide written critical elements and performance standards to senior executives on or before the beginning of a detail or temporary assignment within the same agency when the detail or temporary assignment is expected to last longer than the minimum appraisal period established by the agency. Performance ratings must be prepared for these detail and temporary assignments and must be considered in deriving a senior executive's summary rating for the appraisal period.

(k) When a senior executive is detailed or temporarily assigned outside the agency, the agency shall obtain relevent appraisal information from the agency or organization to which the executive is detailed or temporarily assigned.

(l) Agency performance appraisal systems must provide an opportunity for senior executives to respond in writing to an initial rating and have the rating reviewed by an employee in a higher executive level than the supervisor before review by the Performance Review Board (PRB).

(1) Agency performance appraisal systems may provide for a mandatory second level review.

(2) A senior executive is entitled to only one higher level review unless the agency provides otherwise.

(3) The official making the higher level review may present the findings of the review and make written recommendations to the PRB.

(4) Agencies shall provide copies of the reviewer's comments and recommendations to the senior executive, the supervisory official and the PRB.

(m) As required by 5 U.S.C. 4314(c), each agency is required to establish one or more PRB's to make recommendations to the appointing authority on the performance of senior executives in the agency.

(1) Each PRB in an agency shall have three or more members appointed by the head of the agency or by another official or group acting on behalf of the head of the agency.

(2) Notice of appointment to the PRB must be published in the **Federal Register.**

(3) The members of the PRB must be appointed in such a manner as to assure consistency, stability, and objectivity in performance appraisal.

(4) When appraising a career appointee more than one-half of the membership of the PRB must be SES career appointees unless OPM waives this requirement.

(5) Each PRB will review and evaluate the initial rating, the senior executive's written response, if any, and the written comments, if any, on the initial rating by a higher level executive, and will conduct such further review as the PRB finds necessary.

(6) Individual PRB members must not take part in any PRB deliberations or appraisals involving themselves.

(7) The PRB must make a written recommendation concerning the senior executive's summary rating. When the PRB recommendations disagree with the initial rating, the PRB recommendations must be supported by a written justification.

(n) Agencies are required to retain all documentation on performance appraisal decisions for no less than five years from the date of the appraisal.

(o) Final performance appraisals shall be used to provide a basis for making decisions to:

(1) Remove senior executives from the SES;

(2) Reassign or transfer senior executives within the SES;

(3) Grant performance awards to career executives.

§ 431.205 Training and evaluation.

To assure that the requirements of the law will be effectively implemented, agencies must provide appropriate training and information to supervisors and senior executives on the appraisal process, and must establish methods and procedures to evaluate periodically the effectiveness of their appraisal system(s) and to improve the system(s).

§ 431.206 OPM review of SES appraisal systems.

(a) SES performance appraisal systems must conform to requirements of law and OPM regulations. The Office of Personnel Management will review appraisal systems for conformance with these regulations as well as with respect to their contribution to agency effectiveness and efficiency and appropriate use of performance information in personnel decisions.

(b) Agencies must submit revised SES performance appraisal plans required under 5 U.S.C. 4312 to the Office of Personnel Management for review and approval. Submissions may be either agency-wide appraisal systems or requirements which the systems of subordinate organizations must meet.

(c) Proposed changes to approved SES performance appraisal plans which have an impact on how an agency meets legal or regulatory requirements must be submitted to the Office of Personnel Management for review and approval.

(d) If the Office of Personnel Management determines that an appraisal system does not meet the requirements of Subchapter II of Chapter 43 of title 5, United States Code or of this part, if shall direct the agency to implement an appropriate system or to correct operations under the system. The agency shall take any action so required.

§ 431.207 Performance Management Plans.

(a) Agencies must submit proposed Performance Management Plans to the Office of Personnel Management for

review and approval as required by 5 CFR 403.207.

(b) Proposed changes to approved Performance Management Plans which have an impact on how an agency meets legal or regulatory requirements must be submitted to the Office of Personnel Management for review and approval.

Subpart C—Implementation and Interim Procedures

§ 431.301 Implementation of this part.

Each agency covered by subpart B of this part shall submit Performance Management Plans in compliance with § 430.207 to the Office of Personnel Management for review and approval. Performance Management Plans must include SES appraisal system plans in compliance with § 5 CFR 430.207, submitted to OPM [120 days after final publication of these regulations].

§ 431.302 Interim procedures.

An agency may utilize SES Performance Appraisal Systems which have been approved by the Office of Personnel Management until [180 days after final publication of these regulations].

(5) In Part 451, the heading is revised, Subpart A is removed and reserved, and Subpart B is revised to read as follows:

PART 451—SPECIAL AWARDS

Subpart A—[Reserved]

Subpart B—Regulatory Requirements of the Office of Personnel Management

Sec.

451.201 Applicability.
451.202 Purpose.
451.203 Coverage.
451.204 Definitions.
451.205 Policy.
451.206 Eligibility.
451.207 Payment.
451.208 Responsibilities of the Office of Personnel Management.
451.209 Agency responsibilities.

Authority: 5 U.S.C. 4506 and 5405

Subpart A—[Reserved]

Subpart B—Regulatory Requirements of the Office of Personnel Management

§ 451.201 Applicability.

(a) This subpart contains the regulatory requirements of the Office of Personnel Management for the establishment and conduct of the Special Awards Program for Government employees' suggestions, inventions, and meritorious actions which are not included in or measured by established critical elements of performance standards. These accomplishments and contributions are beyond or outside the scope of assigned job responsibilities and performance standards.

(b) An award under this part, based on employee accomplishments that are clearly beyond assigned job responsibilities and performance standards, as determined by the agency head, shall be in addition to a performance award granted under 5 CFR Part 531, Subpart F.

(c) Refer to 5 CFR, Part 531, Subpart F, for the regulatory requirements on Performance Awards based on assigned duties and contributions within the scope of the employee's job responsibilities and performance standards.

§ 451.202 Purpose.

(a) The Goverment Employees' Special Awards Program is designed to improve Government operations and services. Its purpose is to motivate employees to increase productivity and creativity by rewarding those whose accomplishments and adopted ideas benefit the Government and which are clearly beyond or outside assigned job responsibilities and performance standards.

(b) The Office of Personnel Management encourages agencies to make maximum use of their authorities under Chapters 45 and 54 of title 5, United States Code, to establish and administer special awards for one time suggestions, inventions, and meritorious actions that best support and enhance agency and national goals, and meet employee recognition needs.

§ 451.203 Coverage.

(a) This subpart applies to (1) employees as defined by section 2105, title 5, United States Code, and (2) individuals employed by the Government of the District of Columbia.

(b) This subpart applies to agencies as defined in section 4501 of title 5, United States Code.

§ 451.204 Definitions.

(a) "Special award" or "award" means a cash, an honorary, or a non-monetary award.

(b) "Presidential award" means an award granted by the President under section 4504 of title 5, United States Code.

(c) "Tangible benefits" mean benefits of savings which can be measured such as conserving staff, material, time or space, eliminating unnecessary processes or improving existing methods.

(d) "Intangible benefits" mean benefits which cannot be measured such as contributions which improve science, medicine, natural resources, or services to the public.

§ 451.205 Policy.

(a) A special award under this part shall be:

(1) Monetary, honorary, or non-monetary;

(2) Based on employee accomplishments that are clearly beyond or outside assigned job responsibilities and performance standards; and

(3) Based on the tangible and intangible savings and/or benefits to the Government.

(b) Monetary awards based on tangible benefits shall be computed using the following scales:

(1) Awards of up to $10,000, based on tangible benefits:

Tangible benefits	Award
Up to $20,000	5% of savings.
$20,001 to $100,000	$1,000 plus 1.5% of savings over $20,000
Over $100,000	$2,200 plus 25% of savings over $100,000 up to maximum award of $10,000

(2) Awards over $10,000 based on tangible benefits:

Savings (in millions)		Award
Continuous for 5 years resulting in first year savings of—	One time	
$5	$15	$15,000
7.5	20	20,000
10	25	25,000

(3) Presidential Awards based on tangible benefits:

Savings (in millions)		Award
Continuous for 5 years resulting in first year savings of—	One time	
$20	$75	$10,000, in addition to the $25,000, for a total of $35,000

(c) In addition to special awards based on tangible benefits under paragraphs (b) (1), (2) and (3) of this section, special awards may be granted for contributions having intangible benefits to the Government. OPM shall provide guidance to agencies on how to compute all monetary awards based on intangible benefits.

(d) OPM shall provide guidance to agencies regarding criteria for granting all honorary and non-monetary awards based on tangible and intangible benefits, including honorary Presidential awards.

§ 451.206 Eligibility.

(a) A special award may be granted when the suggestion, invention, meritorious action or other personal effort:

(1) Is clearly beyond or outside assigned job responsibilities and performance standards;

(2) Benefits the Government as described in 5 U.S.C. 4503 and 4504;

(3) Was made while the contributor was a Government employee;

(4) Has been described in writing, and

(5) Has been approved by the benefiting organization at a management level higher than the individual who

(i) Made the suggestion or invention;

(ii) Recommended use of the suggestion or invention; or

(iii) Recommended the award.

(b) These awards shall not be mandatory.

§ 451.207 Payment.

(a) Awards paid under this part do not increase the rate of basic pay, and are subject to the withholding of income taxes.

(b) When a special award is approved for an employee of another agency, arrangements shall be made to transfer funds to the employing agency. If the administrative costs of transferring funds would exceed the amount of the award, the employing agency shall absorb the award costs.

§ 451.208 Responsibilities of the Office of Personnel Management.

(a) OPM shall review, and following verification of savings and relationship of contributions to job requirements, approve or disapprove recommendations for all awards in excess of $10,000 on a case-by-case basis. OPM shall limit approval of awards to denominations of $15,000, $20,000 and $25,000.

(b) The Director, OPM, shall advise the President on monetary and honorary Presidential awards for Government employees. A monetary Presidential award granted in addition to an award made under 5 U.S.C. 4503 shall be for $10,000.

§ 451.209 Agency responsibilities.

(a) The head of each agency shall establish an agency Special Awards Program that seeks to gain maximum benefits for the Government through improved employee motivation and productivity by providing for:

(1) The integrity of the program by reviewing agency program results to assure that special awards are granted equitably, on the basis of the tangible and intangible savings to the Government; that action is taken to grant special awards in a timely manner; and that information is made available concerning persons who have received special awards and the reason(s) why each award is granted; and

(2) The greatest motivational impact by allocating adequate resources to assure prompt action on special award recommendations, and effective promotion and publicity activities.

(b) Each agency head may delegate the responsibilities in paragraph 451.209(a) of this part as deemed appropriate for his or her organization.

(c) The head of each agency shall transmit to OPM:

(1) Award recommendations over $10,000;

(2) All recommendations for Presidential awards;

(3) An annual report on program activities for the past fiscal year.

(d) Each agency shall establish and operate an up-to-date program which shall provide for:

(1) Delegation of authority and responsibility for approval of special awards to the lowest level consistent with sound management practices;

(2) Special award recommendations involving the minimum amount of paperwork and processing which shows that criteria are met, expenditure of appropriated funds for the award is justified, and that a record of an award approved under this part is made in the Employee's Performance File, in accordance with 5 CFR Part 293.

(3) Central administration and review of the agency-wide program, including systematic evaluation, planning, and feedback reports to employees;

(4) Time limits for processing special award recommendations and granting of special awards; and

(5) Consideration of accomplishments and adopted ideas for wider application both within the agency and Governmentwide, and prompt referral when appropriate.

(6) The heading for Part 531 and the authority citation for Part 531, Subpart D, are revised to read as follows:

PART 531—PERFORMANCE BASED INCENTIVE SYSTEM FOR THE GENERAL SCHEDULE

Subpart D—Within-Grade Increases

Authority: 5 U.S.C. 5301, 5335, and 5338 and E.O. 11721 as amended, section 402, unless otherwise noted.

(7) § 531.401 is revised to read as follows:

§ 531.401 Principal authorities.

The following are the principal authorities for the regulations in this subpart:

(a) 5 U.S.C. 2301(b)(3) provides in part that ". . . appropriate incentives and recognition should be provided for excellence in performance."

(b) 5 U.S.C. 5301(a)(2) provides that "pay distinctions be maintained in keeping with work and performance distinctions."

(c) Section 402 of E.O. 11721, as amended, provides that "The Civil Service Commission [Office of Personnel Management] shall issue such regulations and standards as may be necessary to ensure that only those employees whose work is of an acceptable level of competence receive periodic step-increases under the provisions of section 5335 of title 5, United States Code."

(8) Section 531.403 is amended by revising the term "acceptable level of competence", to read as follows:

§ 531.403 Definitions.

In this subpart:

* * * * *

"Acceptable level of competence" means a level at which the performance by an employee of the duties and responsibilities of his or her assigned position warrants advancement of the employee's rate of basic pay to the next higher step of the grade of his or her position, subject to the requirements of § 531.404 of this subpart.

* * * * *

(9) Section 531.404 is revised to read as follows:

§ 531.404 Earning within-grade increase.

An employee paid at less than step 10 of the grade of his or her position shall only earn advancement in pay to the next higher step of that grade upon meeting the three requirements established by law:

(a) To earn a within-grade increase, the employee's performance of assigned work must be at an acceptable level of competence, as defined in this subpart by authority of Section 402 of E.P. 11721, as amended.

(1) Acceptable level of competence for an employee in steps 1 through 6 of the grade of his or her position means a level of performance of assigned work of at least "Fully Successful", as defined in Part 430 of this chapter, for each critical element. In addition, the employee's summary performance rating must be at least "Fully Successful".

(2) Acceptable level of competence for an employee in steps 7 through 9 of the grade of his or her position means a level of performance of assigned work of at least "Fully Successful", as defined in Part 430 of this chapter, for each critical element and, in addition, the employee's

summary performance rating must be at least "Exceeds Fully Successful".

(b) The employee must have completed the required waiting period for advancement to the next higher step of the grade of his or her position; and

(c) The employee must not have received an equivalent increase during the waiting period.

(10 In § 531.409, paragraphs (b), (c) and (d) are revised to read as follows:

§ 531.409 Acceptable level of competence determinations.

* * * * *

(b) Basis for determination. An acceptable level of competence determination shall be based on a current performance rating made under Part 430 of this chapter, or for those agencies not covered by Chapter 43 of title 5, United States Code, minimal performance appraisal requirements issued by OPM. If an employee has been reduced in grade due to "Unacceptable" performance and has served in one position at the lower grade for at least the minimum appraisal period established by the agency, a performance rating at the lower grade shall be used as the basis for an acceptable level of competence determination.

(c) Delay in determination. An acceptable level of competence determination must be delayed when:

(1) An employee has not had the minimum period of time established by the agency to demonstrate acceptable performance because he or she has not been informed of the specific requirements for performance at an acceptable level of competence in his or her current position; and

(2) The employee has not otherwise been appraised within 90 days before the end of the waiting period.

When an acceptable level of competence determination has been delayed under this subpart, the employee shall be informed that his or her determination is postponed and of the specific requirements for performance at an acceptable level of competence. The determination shall be based on a performance rating completed at the end of the minimum appraisal period established by the agency performance appraisal plan.

(d) Waiver of requirement for determination. An acceptable level of competence determination shall be waived and a within-grade increase granted when an employee has not served in any position for the minimum appraisal period under an applicable agency performance appraisal system during the final 52 calendar weeks of the waiting period for one or more of the following reasons:

(1) Absences that are creditable service in the computation of a waiting period or periods under § 531.406 of this subpart;

(2) Because of paid leave;

(3) Because the employee received service credit under the back pay provisions of subpart H of Part 550 of this chapter;

(4) Because of details to another agency or employer;

(5) Because of long term training; or

(6) Because the employee has recently transferred from another agency.

In such a situation, there shall be a presumption that the employee would have performed at an acceptable level of competence had the employee performed the duties of his or her position of record for the minimum appraisal period under the applicable agency performance appraisal system.

* * * * *

(11) Section 531.411 is revised to read as follows:

§ 531.411 Continuing evaluation after withholding a within-grade increase.

After a within-grade increase has been withheld, an agency may grant the within-grade increase at any time after it determines that the employee has demonstrated sustained performance at an acceptable level of competence. However, the agency shall determine whether the employee's performance is at an unacceptable level of competence after no more than 52 calendar weeks following the original eligibility date for the within-grade increase.

(12) In Subpart E, §§ 531.503 and 531.504 are revised to read as follows:

Subpart E—Quality Step Increases

§ 531.503 Purpose of quality step increases.

The purpose of quality step increases is to recognize outstanding performance by granting faster than normal step increases.

§ 531.504 Level of performance required for quality step increase.

(a) A quality step increase may only be granted to an employee who receives a summary performance rating of "Outstanding", as defined in Part 430 of this chapter.

(b) An agency shall award a quality step increase to an employee in steps 1 through 3 of each General Schedule grade whose current summary performance rating is "Outstanding", as defined in Part 430 of this chapter.

(c) An agency may award a quality step increase to an employee in steps 4 through 9 of the General Schedule whose current summary performance rating is "outstanding", as defined in Part 403 of this chapter. An agency may not make such awards mandatory.

(13) Section 531.505 is revoked and removed. § 531.506 through § 531.508 are redesignated as § 531.505 through § 531.507, and revised to read as follows:

§ 531.505 Restrictions on granting quality step increases.

As provided by 5 U.S.C. 5336, a quality step increase may not be granted to an employee who has received a quality step increase within the preceding 52 consecutive calendar weeks.

§ 531.506 Effective date of quality step increase.

(a) A quality step increase for an employee in steps one through three of each General Schedule grade with a summary performance rating of "Outstanding", as defined in Part 430 of this chapter, shall be effective on the same day as the first within-grade increase granted to the employee following the performance appraisal of "Outstanding".

(b) A quality step increase awarded to an employee in steps four through nine of each General Schedule grade shall be effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of title 5, United States Code.

§ 531.507 Agency plans for granting quality step increases.

Each agency shall include a plan for granting quality step increases in the agency's Performance Management Plan required under Part 430 of this chapter. The plan shall:

(a) Be as simple as practicable;

(b) Provide for delegation of authority to grant quality step increases to the lowest practicable level of management;

(c) Be reviewed and approved in accordance with paragraph 430.204(k) of this chapter;

(d) Include procedures by which the agency can distribute quality step increases authorized by the annual OPM funding tables; and

(e) Provide for informing employees, at least annually, of the number of quality step increases granted in the agency by grade level.

§ 531.508 [Redesignated from § 531.509]

(14) Section 531.509 is redesignated § 531.508.

(15) In part 531, a new Subpart F is added to read as follows:

Subpart F—Performance Awards

Sec.
531.601 Applicability.
531.602 Purpose of performance awards.
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531.608 Responsibilities of the Office of Personnel Management.
531.609 Agency responsibilities.

Authority: 5 U.S.C. 4302(a)(3), 4506, and 5405.

Subpart F—Performance Awards

§ 531.601 Applicability.

(a) This subpart contains the Office of Personnel Management's regulatory requirements for establishment and conduct of the performance awards component of the Performance Management System, under the authority of title 5, United States Code, Chapters 43, 45, and 54.

(b) An award under this subpart shall be supported by the employee's performance rating and based on accomplishments and contributions which are within the scope of the employee's assigned job responsibilities and performance standards.

(c) Refer to 5 CFR Part 451 for the regulatory requirements for granting awards to employees for accomplishments not included in or measured by critical elements of performance standards because they are beyond the scope of job responsibilities and performance standards.

§ 531.602 Purpose of performance awards.

(a) The purpose of performance awards is to recognize, reward, and motivate employees who attain high levels of performance.

(b) The Office of Personnel Management encourages agencies to make maximum use of their authorities under Chapters 43, 45, and 54 of title 5, United States Code, to establish and administer performance awards that best support and enhance agency and national goals and meet employee recognition needs.

§ 531.603 Coverage.

(a) This subpart applies to (1) employees as defined by Section 2105, title 5, United States Code, except for those in the Senior Executive Service, and (2) individuals employed by the Government of the District of Columbia.

(b) This subpart applies to agencies as defined in section 4501 of title 5, United States Code.

§ 531.604 Definitions.

(a) "Performance award" or "award" means a cash, honorary, or non-monetary award.

(b) "Presidential award" means an award granted by the President under Section 4504 of title 5, United States Code.

(c) "Plan" means a written statement approved by the head of the agency implementing law and regulation for the performance awards component of the overall Performance Management System Plan as described in 5 CFR, Section 430.207.

§ 531.605 Policy

(a) A performance award under this subpart shall be:

(1) Monetary, honorary, or non-monetary;

(2) Based on employee accomplishments and contributions which are within the scope of an employee's assigned job responsibilities and performance standards; and

(3) Based on a percentage of the employee's salary, up to a maximum of 15 percent.

§ 531.606 Eligibility.

(a) A performance award may be granted when superior accomplishments or other contributions:

(1) Are within the scope of the employee's assigned job responsibilities and performance standards;

(2) Benefit the Government as described in 5 U.S.C. 4503 and 4504;

(3) Were made while the contributor was a Government employee;

(4) Have been supported by a performance rating of Fully Successful or above; and

(5) Have been approved at a management level higher than the official who recommended the performance awards;

(b) These awards shall not be mandatory.

§ 531.607 Payment.

Awards paid under this Subpart do not increase the rate of basic pay and are subject to the withholding of income taxes.

§ 531.608 Responsibilities of the Office of Personnel Management.

(a) The Director, Office of Personnel Management, shall advise the President on Presidential awards for Government employees, and issue instructions to agencies on how to nominate employees for Presidential awards.

(b) OPM shall provide a performance awards fund computation table to agencies which shall be used to determine the appropriate amount of funds for performance awards at the agency level. Funds for specific agency productivity programs are determined by each agency head and shall not be determined by the use of this table.

(c) OPM shall provide guidance to agencies regarding honorary and non-monetary awards, including honorary Presidential awards.

§ 531.609 Agency responsibilities.

(a) The head of each agency shall establish a performance awards component of the Performance Management System that seeks to gain maximum benefits for the Government through improved employee motivation by providing for:

(1) The integrity of the Performance Management System by reviewing agency results to assure that awards are granted on the basis of merit; that performance awards are used to recognize, reward, and motivate employees; that action is taken to grant awards in a timely manner; and that information is made available concerning persons who have received performance awards and the reason(s) why each award is granted; and

(2) The greatest motivational impact by allocating an adequate budget, staffing and support services to assure prompt action on all employee performance award recommendations and effective promotion and publicity activities.

(b) Each agency head may delegate the responsibilities in paragraph 531.609(a) of this subpart, as deemed appropriate for his or her organization.

(c) The head of each agency shall transmit to OPM:

(1) Award recommendations over $10,000;

(2) All recommendations for Presidential awards;

(3) A Performance Management Plan which includes a performance awards component, and proposed plan revisions for review and approval; and

(4) An annual report on performance awards activities for the past fiscal year.

(d) The performance awards component of the Performance Management System Plan to be submitted to OPM shall include the following provisions:

(1) Delegation of authority and responsibility for approval of cash, honorary and non-monetary performance awards to the lowest level consistent with sound management practices;

(2) Performance award recommendations to involve the minimum amount of paperwork and processing which shows that criteria are

met, expenditure of appropriate funds for the award is justified, and that a record of an award approved under this subpart is made in the Employee's Performance File, in accordance with 5 CFR Part 293.

(3) Use of the agency's performance appraisal rating as the basis for granting cash, honorary, and non-monetary performance awards based on superior accomplishments within the scope of the employee's assigned job responsibilities and performance standards. Agency productivity programs, which are separate from performance awards, will provide for the granting of separate productivity awards.

(4) Linkage of performance awards to milestones in the performance appraisal cycle which may include but are not limited to mid-term progress reviews an annual performance ratings; and

(5) Consideration of special achievements and other contributions for wider application both within the agency and Governmentwide, and prompt referral when appropriate.

(16) In Part 532, new Subpart H is added, to read as follows:

PART 532—PREVAILING RATE SYSTEMS

Subpart H—Performance and Special Awards

§ 532.801 General.

(a) Performance awards for prevailing rate employees are covered under the provisions of subpart F of Part 531 of this chapter except for the provisions of § 531.608(b) of this part.

(b) Awards for employee accomplishments beyond normal job responsibilities and performance standards are covered under Part 451 of this chapter.

(17) Part 540 is revised to read as follows:

PART 540—MERIT PAY SYSTEMS

Sec.

540.101 General.
540.102 Definitions.
540.103 Ranges of basic pay and employee coverage.
540.104 Determination and allocation of merit pay funds.
540.105 Merit pay performance appraisals.
540.106 Merit pay determinations.
540.107 Merit pay increases and salary levels.
540.108 Special provisions for merit pay increases.
540.109 Cash award program.
540.110 Agency plans for Merit Pay System.
540.111 Reports.

Authority: 5 U.S.C. Chapters 43 and 54.

§ 540.101 General.

Chapter 54 of title 5, United States Code (5 U.S.C. 5401–5405), provides for a Merit Pay System to recognize and reward quality performance by supervisors and management officials (as defined in 5 U.S.C. 7103(a)(10)–(a)(11) in positions classified in GS–13, 14, or 15. This part contains the regulations which the Office of Personnel Management has prescribed for the Merit Pay System, and supplements the provisions of 5 U.S.C. 4302, 4304, and 5401–5405.

§ 540.102 Definitions.

In this part:

"Agency" has the meaning given it in 5 U.S.C. 5102.

"Employee" means a supervisor or management official to whom chapter 54 of title 5 U.S.C. applies.

"Management official" has the meaning given that term in 5 U.S.C. 7103(a)(11); i.e., * * * an individual employed by an agency in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the agency.

"Merit pay determination" is the decision as to the amount of the merit pay increase (including a zero amount).

"Merit pay fund" means the amount of agency money to be allocated to merit pay increases, as determined through application of appropriate Merit Pay Fund Computation Tables.

"Merit pay increase" means the increase in basic pay for a merit pay employee in excess of that granted automatically under 5 U.S.C. 5402 (c)(1) or (c)(3).

"Merit pay pool" means that portion of an agency identified by agency management as having an optimum number of merit pay positions to facilitate internal management of its merit pay plans and to which funds are allocated for distribution as merit increases to covered employees.

"Supervisor" has the meaning given that term in 5 U.S.C. 7103(a)(10); i.e., * * * an individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising such authority.

§ 540.103 Ranges of basic pay and employee coverage.

(a) Under 5 U.S.C. 5402(a), the Office of Personnel Management is required to establish a Merit Pay System which provides a range of basic pay for each grade of the Merit Pay System. The Merit Pay System shall consist of three grades, as follows:

(1) GM–13, which shall consist of supervisors and management officials who are in positions classified in grade GS–13;

(1) GM–14, which shall consist of supervisors and management officials who are in positions classified in grade GS–14; and

(1) GM–15, which shall consist of supervisors and management officials who are in positions classified in grade GS–15.

(b) The range of annual rates of basic pay for each grade of the Merit Pay System shall be the same as the range of annual rates of basic pay for the corresponding grade of the General Schedule. Higher ranges of rates of basic pay authorized under 5 U.S.C. 5303 shall be applicable under this part to any position covered by such authorization.

(c) In accordance with the definitions in 5 U.S.C. 7103 (a)(10) and (a)(11), the head of each agency shall identify employees who are supervisors or managers for purposes of coverage under the Merit Pay System.

§ 540.104 Determination and allocation of merit pay funds.

(a) Under 5 U.S.C 5402(b)(4), the Office of Personnel Management must determine the funds available for merit pay purposes. Each agency covered by the Merit Pay System shall submit such information as OPM may require for this purpose.

(b) The Office of Personnel Management shall issue annual Merit Pay Fund Computation Tables consistent with the annual increase made to the General Schedule at these grade levels and shall provide instructions for their use. Each agency covered by the Merit Pay System shall use these tables to determine the size of the merit pay fund available to the agency.

(c) Each agency covered by the Merit Pay System shall have one or more merit pay pools. If there is more than one pool, agencies may determine the funds available to each pool by the same method that is used to compute the merit pay fund, or they may make adjustments to that method to recognize

organizational accomplishment or unusual distributions of performance within a pool, or to satisfy the requirements of paragraph (d)(2) of this section. If other than the computation table amount is to be allocated, the method must be approved by OPM for inclusion in the agency's merit pay plan and must be fully documented.

(d) Each agency covered by the Merit Pay System is required to establish procedures to ensure—

(1) That the sum of merit pay increases awarded each year under § 540.107 of this part to Merit Pay System employees in the agency is no less than 95 percent and no more than 105 percent of the agency's merit pay fund (unless the Office of Personnel Management has granted prior approval for a lesser or greater obligation); and

(2) That no portion of the contribution to the merit pay fund made for employees to whom no immediate merit pay increase may be paid, because of the statutory pay ceiling imposed by 5 U.S.C. 5308 or by appropriations limitations on pay, is used to pay such increases for employees not subject to the statutory pay ceilings.

§ 540.105 Merit pay performance appraisals.

(a) Except as provided in paragraph (c) of this section each merit pay determination shall be based on a current appraisal of performance which is to be made under a performance appraisal system that has been approved by the Office of Personnel Management under 5 U.S.C. 4304(b)(1).

(b) The performance appraisal period on which the merit pay determination is based should be as close to the merit pay determination the agency deems practicable, but, in no event, will end earlier than June 30 nor later than November 30 of the same year.

(c) Agencies and employees subject to the Merit Pay System, but not covered by Chapter 43 of title 5, U.S.C., shall meet minimal performance appraisal requirements issued by the Office of Personnel Management.

§ 540.106 Merit pay determinations.

(a) Each agency shall establish a procedure for determining in a fair and objective manner the amount of merit pay increase that shall be granted each Merit Pay System employee. The determination is to be made for each employee covered by the System on the closest date to the effective date for merit pay increases that is determined by the agency to be administratively feasible and is to be based on a current performance appraisal.

(b) Each merit pay determination shall take into consideration, in addition to the employee's performance, the period of time since the employee's last increase in rate of basic pay, and the amount of the last increase in rate of basic pay.

(c) If the agency determines it is appropriate to do so, a merit pay determination may also take into consideration the accomplishments of the employee's organization.

(d) Each agency shall establish procedures to manage the performance appraisal process and merit pay determinations for employees covered by the Merit Pay System so as to obtain equitable and appropriately sized merit pay increases.

(e) Agency procedures for making merit pay determinations must include a requirement for an approval of each merit pay determination by an official of the agency who is at a higher level than the official who made the merit pay determination (unless there is no official at a higher level in the agency), and also by the official with responsibility for managing the merit pay pool, if different.

(f) The reasons for each merit pay determination are to be documented and shall be made available to the affected employee at his or her request.

(g) The requirement that the merit pay determination be based on performance shall be waived when an employee's performance cannot be appraised for the minimum period of time established by the agency for coverage under its performance appraisal system. When the merit pay determination is waived, pay is to be set in accordance with § 540.108 of this part.

§ 540.107 Merit pay increases and salary levels.

(a) Merit pay increases under 5 U.S.C. 5402(b)(1) are to be made effective on the same day as the automatic pay adjustments under 5 U.S.C. 5402 (c)(1) and (c)(3). In the event that the amount of the merit increases cannot be determined in a timely manner, the increases shall be made retroactive to the effective date of the pay adjustments. In no event shall the retroactive payment be made later than December 31 of the calendar year during which such pay adjustment takes effect.

(b) In accordance with the requirements of 5 U.S.C. 5402(a)—

(1) Each Merit Pay System employee's rate of basic pay must be increased, effective on the same day a pay adjustment under 5 U.S.C. 5402(c)(1) becomes effective, by an amount necessary to raise the employee's rate of basic pay to the new minimum rate for the employee's grade; and

(2) No Merit Pay System employee's rate of basic pay may be increased by an amount that would cause that rate of basic pay to exceed the maximum rate for the employee's grade, except as provided in 5 U.S.C. 5334(b) and 5363 in connection with retained pay.

(c) Merit pay increases must be reduced by the amount of any adjustment required under 5 U.S.C. 5402(c)(3) to raise an employee's pay to a new range minimum amount, up to and including the full amount of the merit increase granted under 5 U.S.C. 5402(b)(1).

(d) Agencies must establish procedures to prevent employees in the same merit pay pool and grade level with identical performance ratings from experiencing a reversal in their relative rates of basic pay due solely to the construction of the merit pay allocation model.

§ 540.108 Special provisions for merit pay increases.

(a) An employee for whom the requirement for a performance-based merit pay determination is waived under § 540.106(g) of this part shall be paid the sum of—

(1) The employee's rate of basic pay immediately before the merit pay increase; and

(2) The automatic adjustments required by 5 U.S.C. 5402 (c)(1) and (c)(3) at the time of the merit pay increase; and, except as provided in paragraph (c) of this section,

(3)(i) The average increase received, or, if necessary, a constructed average increase which would have been received under 5 U.S.C. 5402(b)(1) by comparably situated employees; or

(ii) An increase identified with a predetermined performance level designator for comparably situated employees; or

(iii) The contribution to the merit pay fund in behalf of the employee which is authorized under 5 U.S.C. 5402(b)(4)(B) representing the portion of the annual GS pay increase which the employee was not granted automatically; or

(iv) The amount provided by the appropriate factor of the Merit Pay Fund Computation Table (to include the quality step increase equivalent or not, as determined by the agency).

(b) When an employee is restored or reemployed after an official absence which encompassed the time of one or more pay adjustments provided under 5 U.S.C. 5402 the employee's rate of basic pay shall be set at the sum of—

(1) The employee's rate of basic pay immediately before the interruption of

his or her employment with the agency; and

(2) The automatic adjustments that would have been required by 5 U.S.C. 5402 (c)(1) and (c)(3) if the employee's service had not been interrupted; and, except as provided in paragraph (c) of this section;

(3)(i) The average increases received, or, if necessary, constructed average increases which would have been received under 5 U.S.C. 5402(b)(1) by comparably situated employees; or

(ii) Increases identified with a predetermined performance level designator for comparably situated employees; or

(iii) The contributions to the merit pay fund in behalf of the employee which is authorized under 5 U.S.C. 5402(b)(4)(B) representing the portion of the annual GS pay increase which the employee was not granted automatically; or

(iv) the amounts provided by the appropriate factor of the Merit Pay Fund Computation Table (to include the quality step increase equivalent or not, as determined by the agency).

(c)(1) When the requirement for a performance-based merit pay determination is waived or when the employee's pay is being set because of—

(i) Service in the armed forces or non-Government service as referenced in 5 U.S.C. 5402(d), or

(ii) Because of other service for which an employee's advancement through the pay range is preserved by statute, or

(iii) Because one or more merit pay increases occurred during a period for which the employee received credit under the back pay provisions of 5 U.S.C 5596 and Subpart H of Part 550 of this chapter, the emplyee's pay shall be set at the sum of—

(2)(i) The employee's rate of basic pay immediately before the merit pay increase or before interruption of his or her duty status, as appropriate; and

(ii) the automatic adjustments that are required or that would have been required by 5 U.S.C 5402 (c)(1) and (c)(3) if the employee's duty status has not been interrupted; and

(iii) The amounts provided by the appropriate factors of the Merit Pay Fund Computation Tables for the employee for each pertinent year.

(d) Increases granted under paragraphs (a)(3) (i) through (iii) and (b)(3) (i) through (iii) of this section are to be reduced as described in § 540.107(c) of this part.

§ 540.109 Cash award program.

(a) 5 U.S.C 5403 authorizes a cash award program as part of the Merit Pay System. Each agency covered by the Merit Pay System shall establish a cash award program for its Merit Pay System employees in accordance with the provisions of 5 U.S.C 5403 and Subpart F of Part 531 of this chapter.

(b) Cash awards that are not related to the Merit Pay System employee's performance in his or her position are to be administered in accordance with the provisions of Part 451 of this chapter and the agency's special award program established pursuant to Part 451.

§ 540.110 Agency plans for Merit Pay System.

(a) Each agency with employees who are subject to the Merit Pay System shall establish a plan for administering the Merit Pay System within that agency. Each agency's plan shall be consistent with the provisions of 5 U.S.C 5401–5403 and this part, and shall include, in addition to provisions to carry out requirements of this part, provisions for—

(1) Communication to the agency's Merit Pay System employees of the purpose of the Merit Pay System and how it works; and

(2) Training in the operation of the Merit Pay System for employees who are subject to that System and for employees who are responsible for its operation.

(b) Agency pay-out models will provide for percentage merit pay increases for employees rated Fully Successful or higher which vary inversely with the employees' position in the pay range.

(c) No employe who is rated Fully Successful or higher shall receive a total increase to base pay under 5 U.S.C. 5402(b)(1), (c)(1), and (c)(3) which is less than the percentage increase authorized under 5 U.S.C. 5305 for General Schedule pay system employees.

(d) No employee who is rated Fully Successful or lower will be granted a merit pay increase which would result in a rate of base pay higher than the equivalent of the step 7 rate of the corresponding GS grade.

(e) Employees who are rated Outstanding will receive the minimum differential or amount of pay increase specified in the OPM approved performance pay plan.

(f) Employees who are rated Exceeds Fully Successful will be granted an appropriate amount greater than Fully Successful employees and less than Outstanding employees, as approved by the Office of Personnel Management

(g)(1) Each agency covered by subparts A and B of Part 430 or by 5 CFR Part 540 shall submit Performance Management Plans, including a Merit Pay System Plan, to the Office of Personnel Management for review within 120 days after [final publication of these regulations].

(2) Agencies will be required to implement the provisions of an approved Performance Management Plan after [180 days after final publication of these regulations].

(3) An agency may utilize Performance Appraisal Systems and Merit Pay Systems which have been approved by the Office of Personnel Management until [180 days after final publication of these regulations].

(4) Changes to already approved merit pay plans, except as provided in paragraph (h) of this section must be submitted to OPM at least 60 days before they are scheduled to be effective.

(h) Changes to agency merit pay plans prompted by unanticipated Government-wide merit pay funding levels or other emergency events shall be submitted to the Office of Personnel Management for approval in accordance with special instructions issued by OPM at that time.

§ 540.111 Reports.

So that Office of Personnel Management can provide the Congress and others with information regarding the operation of the Merit Pay System and the Cash Award Program, each agency shall maintain such records and submit to OPM such reports as OPM may require.

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Part IV

Office of Personnel Management

Reduction in Force (RIF) and Advance Comments on Proposed RIF Regulations; Proposed Rules

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 351

Reduction in Force

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management is proposing changes in the reduction-in-force (RIF) regulations to improve the operation of the RIF system and give greater recognition to performance as a retention factor.

COMMENT DATE: Written comments will be considered if received no later than April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Morton I. Horvitz, (202) 632–6817.

SUPPLEMENTARY INFORMATION:

Background

Recent agency experience with RIF has raised concerns over RIF procedures and their results. These concerns have been voiced by Congress, agency management, employees, unions, veterans' organizations, and other interested groups. On April 23, 1982, OPM published an advance notice of proposed rulemaking in the **Federal Register** (47 FR 17528), inviting all interested parties to make recommendations for changes in the RIF regulations and Federal Personnel Manual instructions. We received approximately 60 written responses from individuals, agencies, unions, and other organizations. In addition, OPM surveyed selected agencies on their experience in conducting RIF's. Independent of the surveys, OPM conducted agency evaluations nationwide to determine the extent to which agencies were running RIF's in compliance with requirements and to assess the impact of RIF on employees and agency programs.

Information gained from these sources was used to develop these proposals. Our objectives in proposing these revisions were to: (1) Give more weight to performance in the RIF process; (2) minimize agency disruption; (3) limit negative effects on employees; and (4) preserve for veterans their preference in determining retention standing as is currently allowed in the RIF process.

Although OPM has already solicited comments, it earnestly solicits additional suggestions and opinions on its proposals, both from the public and affected parties. In the interest of open discussion, OPM also solicits comments upon two proposals which have been raised as alternative means to give more weight to performance than those provided under present RIF procedures.

The first additional proposal would keep seniority in its present order of retention, but give larger seniority credit for levels of performance above "fully successful." The second would allow first level supervisors, with second level review, to "red circle" a given percentage of "outstanding" performers to provide enough additional service credit to be placed at the top of their retention subgroup, and then use the present order of retention with seniority before performance.

OPM will seriously review all comments. It is interested in achieving reasonable, as well as efficient, reduction in force procedures. The proposed regulations represent OPM's best professional judgement regarding how retention can meet the requirements of the law (5 U.S.C. 2301(b)(6) in merit principle #6, that "employees should be retained on the basis of the adequacy of their performance," and other portions of title 5, United States Code, and related statutes. Yet, OPM solicits from the public alternative means to meet this legal requirement.

In addition to these proposals, we plan at a later date to recommend further refinements to current regulatory procedures and to make conforming changes to instructions in the Federal Personnel Manual. For example, we would revise section 2–2 of FPM chapter 351 to eliminate references concerning competitive area which may be ambiguous or inconsistent with the proposed revised definition and we would also revise section 2–10 to clarify creditability of performance.

Explanation of Proposed Regulations

1. *Competitive Area.* The proposed change to § 351.402 would drop the concepts of "single administrative authority" and "primary subdivision" to eliminate problems in interpreting these terms and to prescribe more practical criteria for agencies to use in establishing minimum competitive areas. An agency could establish competitive areas larger than the defined minimum.

2. *Competitive Level.* Section 351.403 would be revised to clarify agency authority to set competitive levels, including authority to prescribe additional factors to minimize interruption of the work.

3. *Retention Standing.* The tenure groups and veteran preference subgroups are retained. Greater emphasis would be given to performance by further categorizing employees in each subgroup on the basis of their performance rating of record and then by seniority. Use of performance categories would be added to § 351.501 to provide for the establishment of performance sub-subgroups. These changes would mean that lower rated employees in each subgroup would be released from a competitive level before the better performers.

Sections 351.502, 351.503(b), 351.504, and 351.506 would be revised and § 351.503(b)(3) removed to conform to the foregoing change in crediting performance for RIF.

Sections 351.404(c)(1) and 351.601(a)(3) regarding "unsatisfactory" performance would be removed because they are no longer applicable, since the requirements contained in title 43, U.S. Code, and Chapters 430 and 432 of this title became fully effective on October 1, 1981.

4. *Assignment Rights.* Limits would be placed on assignment rights (bump and retreat) to limit excessive disruption caused by bumping and retreating across the entire grade structure.

Section 351.703(a)(1) would be revised to limit the bump right to a position no more than one grade (or appropriate grade interval or equivalent) lower than the position from which an employee is released. Such employee could only bump another employee in a lower subgroup within the employee's own tenure group or in a lower tenure group.

Section 351.703(a)(2) would be revised to limit the retreat right to any position previously held in the current or previous agency *if* this position is no more than one grade (or approporiate grade interval or equivalent) below the employee's current position and the position change occurred within the last five years. An employee could retreat to a position only if it is held by another employee in the same tenure group and subgroup *but* in a lower performance category.

Section 351.701(a)(4) would be revised to assure that employees are fully qualified to do the job into which they bump or retreat.

5. *Notice.* Both the general and specific notice period provisions would be revised.

Section 351.801 would be revised to provide for a 30-day notice period, including both general and specific notices. The current provision which permits a notice period longer than 30 days would be eliminated.

Section 351.803 would be revised to double the specific notice requirement from five to ten days to give employees additional time to prepare for a specific RIF action.

6. *Reclassification.* Section 351.201 would be revised to remove reclassification due to change in duties from RIF procedures. It is difficult to distinguish a downgrade caused by erosion or change in duties from a downgrade caused by a classification error. The former is now covered by RIF procedures and the latter by classification procedures. This change would bring procedures into conformity for these similar situations. In either case, employees would have a classification appeal right and would be eligible for retained grade and pay. This revised section also clarifies agency responsibility for identifying positions to be abolished.

7. *Appeals.* Under OPM's current reduction-in-force regulations, an employee who is demoted, separated, furloughed for more than thirty days, *or reassigned* (where that reassignment requires displacement of another employee) through RIF procedures may appeal to the Merit Systems Protection Board (MSPB). Because reassignment do not affect the grade, pay, or tenure of an employee, they are in effect no different than an administrative reassignment which is never appealable to MSPB.

In addition, under OMP's current regulations, appellants who challenge RIF actions may appeal to MSPB and be granted a hearing. This is the case whether there are any material issues of fact involved, or whether any such material issues of fact require a hearing. As a result, the cost of RIF appeals has greatly increased without a concomitant increase in the protection afforded to appellants.

In order to encourage economy and efficiency of Government operations without in any way detracting from the legitimate rights of employees, we are proposing that only those employees who are demoted, separated, or furloughed for more than thirty days through RIF procedures may appeal to MSPB. We further propose in § 351.901 that MSPB render decisions in RIF actions appealed under this subpart on the basis of the written record where there are no material issues of fact that would require a hearing. Whether and to what extent a hearing should be held in a particular case is a matter that should be determined by the Board.

8. *Disabled Veterans.* Section 351.501(h) would be redesignated (i) and revised to broaden the definition of "disabled veteran" as it applies to certain retired members of the uniformed services under authority of section 307 of Public Law 95–454 (the Civil Service Reform Act of 1978). Section 351.501(j) is added to clarify the entitlement of certain retired members of the military reserves under chapter 67 of title 10, United States Code.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation applies only to Federal agencies.

List of Subjects in 5 CFR Part 351

Government employees.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 351—[AMENDED]

Accordingly, OPM proposes to amend 5 CFR Part 351 as follows:

1. Paragraph (a) of § 351.201 is revised to read as follows:

§ 351.201 Use of regulations.

(a)(1) Each agency is responsible for determining the categories within which positions are required, where they are to be located, and when they are to be filled, abolished, or vacated. This includes determining when there is a surplus of employees at a particular location in a particular line of work.

(2) Each agency shall follow this part when it releases a competing employee from his or her competitive level by separation, demotion, furlough for more than 30 days, or reassignment requiring displacement, when the release is required because of lack of work or funds, reorganization, or the exercise of reemployment rights or restoration rights.

* * * * *

2. Under § 351.402, paragraph (c) is removed, paragraph (d) is redesignated as (c), and paragraph (b) is revised as follows:

§ 351.402 Competitive area.

* * * * *

(b) A competitive area may consist of all or part of an agency. The minimum competitive area is an organizational unit distinguished from others in staff and work functions within the local commuting area.

* * * * *

3. Paragraph (a) of § 351.403 is revised to read as follows:

§ 351.403 Competitive level.

(a) Each agency shall establish competitive levels consisting of all positions in a competitive area and in the same grade or occupational level which are similar enough in qualification requirements, pay schedules, and working conditions, so that an agency may assign the incumbent of any one position to any of the other positions without changing the terms of his or her appointment. To minimize program disruption an agency may prescribe additional factors in establishing some or all competitive levels. Sex may not be the basis for assigning a position to a competitive level, except for a position for which restriction of certification of eligibles by sex is found justified by OPM.

* * * * *

4. Section 351.404(c) is revised to read as follows:

§ 351.404 Retention register.

* * * * *

(c) The agency shall enter on a list apart from the retention register the name and expiration date of the appointment or promotion of each employee serving in a position under specifically limited temporary appointment or temporary promotion, followed by the name of each employee serving in the competitive level with a written decision under § 432.204(a) of this title to remove him or her because of "Unacceptable Performance" as defined in § 432.202 of this title.

5. Section 351.501(a) and (e) through (h) are revised and paragraphs(i) and (j) are added to read as follows:

§ 351.501 Tenure groups, subgroups, and performance categories—competitive service.

(a) Each agency shall classify on a retention register competing employees who occupy positions in the competitive service in the following groups, subgroups, and performance categories on the basis of tenure of employment, veteran preference, performance, and length of service. The descending order of retention standing is:

(1) By tenure groups I, II, III;

(2) Within each group by veteran preference subgroups AD, A, and B;

(3) Within each subgroup by performance categories as established in accordance with the agency's performance appraisal plan as approved by OPM and the requirements of Chapter 43 of title 5, U.S. Code, and Part 430 of this title; and

(4) Within each performance category persons ranked beginning with the earliest service date.

* * * * *

(e) Subgroup AD includes each preference eligible employee who has a compensable service-connected

disability of 30 percent or more unless such an employee has a performance rating of "unacceptable" or equivalent under the agency's performance appraisal system.

(f) Subgroup A includes:

(1) Each preference eligible employee who does not have a compensable service-connected disability of 30 percent or more, unless such employee has a performance rating of "unacceptable" or equivalent under the agency's performance appraisal system; and

(2) Each preference eligible employee who has a compensable service-connected disability of 30 percent or more and who has a performance rating of "unacceptable" or equivalent under the agency's performance appraisal system.

(g) Subgroup B includes;

(1) each nonpreference eligible employee; and

(2) Each preference eligible employee who does not have a compensable service-connected disability of 30 percent or more and who has a performance rating of "unacceptable" or equivalent under the agency's performance appraisal system.

(h) Performance categories are those categories established by agencies in accordance with their own performance appraisal plans approved by OPM under Part 430 of this title.

(i) A retired member of a uniformed service is considered a preference eligible under this part only if the member meets at least one of the conditions of the following paragraphs (i)(1), (2), or (3), and, if applicable, the requirements covered in paragraph (i)(4) of this section:

(1) The employee's military retirement is based on disability that either—

(i) Resulted from injury or disease received in the line of duty as a direct result of armed conflict; or

(ii) Was caused by an instrumentality of war incurred in the line of duty during a period of war as defined by sections 101 and 301 of title 38, United States Code.

(2) The employee's retired pay from a uniformed service is not based upon 20 or more years of full-time active service, regardless of when performed but not including periods of active duty for training.

(3) The employee has been continuously employed in a position covered by this part since November 30 1964, without a break in service of more than 30 days.

(4) An employee who retired at the rank of major or above (or its equivalent) who is a disabled veteran as defined in section 2108(2) of title 5, United States Code, is considered a preference eligible under this part if such employee meets one of the conditions covered in § 351.501(i)(1), (2), or (3).

(j) An employee who is eligible for retired pay from the armed forces under chapter 67 of title 10, United States Code, beginning at age 60, and who retired at the rank of major or above (or its equivalent) is considered a preference eligible under this part if such employee is a disabled veteran as defined in section 2108(2) of title 5, United States Code.

6. Section 351.502 is revised to read as follows:

§ 351.502 Tenure groups, subgroups, and performance categories—excepted service.

Each agency shall classify on a retention register competing employees who occupy positions in the excepted service by groups, subgroups, and performance categories that correspond to those for employees in the competitive service having similar tenure of employment and veteran preference, except that an employee who completes 1 year of current continuous service under a temporary appointment is in tenure group III.

7. The introductory material in § 351.503(b) is revised to read as follows:

§ 351.503 Length of service.

* * * * *

(b) An employee's service date is whichever of the following dates reflects his or her total creditable service:

* * * * *

8. § 351.503(b)(3) is removed.

9. § 351.504 is revised to read as follows:

§ 351.504 Credit for performance.

(a) Each employee's performance rating of record on the date of issuance of specific reduction in force notice shall determine the employee's performance category and retention standing under this subpart.

(b) Each agency is responsible for assuring that these provisions are:

(1) Consistent with Part 430 of this title; and

(2) Uniformly and consistently applied in any one reduction in force.

10. The introductory material in § 351.506 is revised to read as follows:

§ 351.506 Effective date of retention standing.

Except for determining the performance categories as provided in § 351.504:

* * * * *

§ 351.601 [Amended]

11. Paragraph (a)(3) of § 351.601 is removed.

12. Paragraph (a)(4) of § 351.601 is redesignated as § 351.601(a)(3).

13. Paragraph (a)(4) of § 351.701 is revised to read as follows:

§ 351.701 Qualifications for assignment.

(a) Except as provided in § 351.702, an employee is qualified for assignment under § 351.603 if the employee:

* * * * *

(4) Clearly demonstrates, on the basis of overall background, including recency of experience, a positive ability to perform effectively all aspects of the specific position at the full performance level upon entry into it, without any loss of productivity beyond that normally to be expected in the orientation of any new, but fully qualified employee and without undue interruption to that activity.

* * * * *

14. Paragraph (a) of § 351.703 is revised to read as follows:

§ 351.703 Assignment involving displacement.

(a) An agency shall assign a group I or II competitive service employee, rather than furlough or separate, to another competitive service position in the same competitive area which requires no reduction, or the least possible reduction, in representative rate when such position is held by an employee:

(1) In a lower subgroup within the employee's own tenure group or in a lower tenure group and whose position is no more than one grade (or appropriate grade interval or equivalent on the basis of a comparison of representative rates) below the position from which the employee was released; or

(2) In a lower performance category in the same tenure group and subgroup only when the position, or an essentially identical one:

(i) Is no more than one grade (or appropriate grade interval or equivalent on the basis of a comparison of representative rates) lower than the one from which the employee was released, and

(ii) Is the one that was previously held by the employee within the last five years in his current or previous agency(s).

* * * * *

15. § 351.801 is revised to read as follows:

§ 351.801 Notice period.

(a) Each competing employee selected for release from his or her competitive

level under this part is entitled to a written notice 30 full days before the effective date of his or her release.

(b) The notice shall not be issued for more than 30 days.

(c) When an agency retains an employee under § 351.606 or § 351.608, the notice to the employee shall cite the data on which the retention period ends as the effective date of the employee's release from his or her competitive level.

16. Section 351.803 is revised to read as follows:

§ 351.803 General and specific notices.

When an agency cannot determine specifically all individual actions at the start of the notice period, it may issue general notices which shall be supplemented by specific notices. The combined general and specific notice periods shall meet the requirements in § 351.801, and the combined contents of the general and specific notices shall meet the requirements in § 351.802. When an agency issues a general notice, the notice period begins the day after the employee receives the general notice. A general notice expires as stated therein unless an agency cancels such notice. When a general notice is supplemented by a specific notice, an agency may not release an employee from his or her competitive level until at least 10 days after the employee's receipt of the specific notice.

17. Section 351.901 is revised to read as follows:

§ 351.901 Appeal.

An employee who has been separated, demoted, or furloughed for more than 30 days by a reduction-in-force action and who believes this part has not been correctly applied may appeal to the Merit Systems Protection Board. Unless the presiding official determines that there are material issues of fact in dispute that would require a hearing for resolution, the scope of the appeal shall be confined to a review of the written record.

(5 U.S.C. 1302, 3502)

[FR Doc. 83-8139 Filed 3-29-83; 8:45 am]
BILLING CODE 6325-01-M

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5 CFR Part 351

Reduction In Force; Notice of Advance Comments on Proposed RIF Regulations

AGENCY: Office of Personnel Management.

ACTION: Notice of advance comments on proposed regulations.

SUMMARY: As a service to those who may wish to comment on the proposed regulations on reduction in force (RIF) being published elsewhere in today's issue of the **Federal Register**, OPM is publishing comments it has already received on the subject. These comments have not been incorporated into the regulations.

DATE: Comments on the RIF regulations will be considered if received no later than May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Morton I. Horvitz (202) 632-6817.

SUPPLEMENTARY INFORMATION: Elsewhere in today's issue of the **Federal Register**, OPM is proposing changes to the RIF regulations which would improve operation of the RIF system and give greater recognition to employees' performance as a RIF retention factor.

Prior to formulating its final proposal, OPM has requested ideas on reduction in force from agencies, Members of Congress, unions, individuals, and various organizations.

As a service to others who wish to comment on the RIF regulations, OPM is providing some advance comments, for their consideration in preparing comments.

List of Subjects in 5 CFR Part 351

Administrative practice and procedure, Government employees.

Office of Personnel Management.

Terry W. Culler,

Assistant Director for Planning and Evaluation.

The following are advance comments.

Two Percent Ring

One commenter recommends a two-percent ring concept be intiated which would place a protective barrier around the Government's top performers in order to shield them from the RIF procedure.

Weighting Performance

Another idea that has been presented suggested that outstanding performance be weighted more heavily by giving additional years of credit toward seniority for having achieved such levels of performance. A credit system could be devised which would leave the current order of retention intact while increasing the importance of performance.

Equal Weighting

As an expansion of the proposal to weight performance more heavily, it has been suggested that a method be devised with two critical aspects:

1. Performance appraisals for the previous 3 years must be considered for purposes of RIF retention, rather than taking into account just one performance appraisal.

2. The retention order would be basically the same as currently proposed, but *length of service* and *performance* would be rated equally on a scheme like the following:

Outstanding—10 points
Highly Successful—7.5 points
Fully Successful—5.0 points
Marginally Successful—1.0 points
Unsatisfactory—0 points

Performance and seniority would be equated on these points in parallel columns with each column having equal number of total possible points.

In this system, an employee with 25 years of service with three fully successful performance ratings would be retained in a RIF, while an employee with 5 years of service and three outstanding performance ratings would be dismissed.

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March 30, 1983

Part V

Office of Personnel Management

Pay Administration Under the Fair Labor Standards Act: Exemptions; Proposed Rule

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 551

Pay Administration Under the Fair Labor Standards Act: Exemptions

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) proposes to amend its regulations pertaining to the application of the exemption criteria of the Fair Labor Standards Act (FLSA) to Federal employees. The current regulations are diffcult to administer and are inconsistent with the exemption standards which are applicable to private sector employees. The proposed regulations would greately simplify the exemption determination process and establish standards which would help to correct these inconsistencies. They also provide criteria for applying the FLSA to employees on detail and to those who travel to or from foreign areas.

DATE: Comments must be submitted on or before May 31, 1983.

ADDRESS: Send or deliver comments to Anthony F. Ingrassia, Assistant Director for Agency Compliance and Evaluation, Room 5450, Office of Personnel Management, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Mario Caviglia (202) 632–5691.

SUPPLEMENTARY INFORMATION: The Fair Labor Standards Act (FLSA) provides an exemption from the minimum wage and overtime provisions of the Act for "executive, administrative, and professional" employees. "Exempt" employees are not entitled to overtime under the provisions of the FLSA. On the other hand, "nonexempt" employees are fully covered by the overtime provisions of the Act.

Current OPM regulations provide general criteria for determining the exemption status of employees subject to the General Schedule (GS) and the Federal Wage System (FWS). (The exemption status of employees in other pay systems must be determined by analogy to GS or FWS employees.) These regulations were promulgated in 1975 to implement the extension of the FLSA to the Federal sector which was accomplished by the Fair Labor Standards Amendments of 1974. OPM (then the Civil Service Commission) was given authority to administer the Act for Federal employees because it was recognized that there were conflicts between the FLSA and the existing Federal pay and classification systems. It is the responsibility of OPM to resolve these conflicts in a manner that is to the extent possible consistent with both the FLSA and Federal pay and classification statues.

OPM administers the FLSA for all Federal employees , except for those employed by the Postal Service, the Postal Rate Commission, the Library of Congress, and the Tennessee Valley Authority, which are the responsibility of the Department of Labor. Most of the employees under OPM's administration are subject to the statutory pay schemes contained in title 5, United States Code; i.e., the General Schedule (GS) and the Federal Wage System (FWS).

There are three main differences between the FLAS and the title 5 systems: (1) The method in which "hours of work" are counted; (2) the method by which the overtime rate is computed; and (3) the absence of overtime "caps" or limits under FLSA. In many ways the title 5 systems are more generous to employees than the FLSA. For example, paid leave and holidays count as working time under title 5, but not under the FLSA. Also, title 5 provides a full spectrum of premium pay which is not required by the FLSA—night differential, holiday pay, Sunday pay, standby pay, administratively uncontrollable overtime pay, and so forth. On the other hand, the FLSA counts certain travel and training activities as work which are not considered such under title 5. Furthermore, the FLSA includes premium pay as part of the base rate for the determination of the overtime rate and prohibits the overtime caps which apply to GS employees. As administered by OPM, employees are entitled to overtime pay under the FLSA or title 5, depending upon which law provides the greater overtime benefit.

However, the FLSA is not intended to cover everyone. The Act provides an exemption for "executive, administrative, and professional" employees. When OPM's current exemption regulations were promulgated in 1975 there was a rough equivalency between the regulations and the exemption criteria applied by the Department of Labor to the private sector. Since that time, however, OPM's grade-level criteria have grown to be dramatically out of line with the flat salary criteria applied by the Department of Labor (DOL) to the private sector. This discrepancy is not evident in the application of the "primary duty test."

Under the DOL criteria, a salaried employee who makes more than $250 per week is exempt as long as the employee's primary duty is executive, administrative, or professionsl duty. Salaried employees who make less than $250 are subject to the more stringent "long test" which requires that no more that 20% of the duties performed by an employee can be nonexempt duties if the employee is to be exempt. The equivalent cutoff point for GS employees under current OPM regulations is GS–10, which means a weekly salary of at least $429 a week. This discrepancy results in the application of the long test to many employees who would be subject to the primary duty test if they were employed in the private sector. Therefore, OPM is proposing to establish the cutoff point for application of the primary duty test at GS–7. Since the minimum salary of a GS–7 is $318 per week, this change would still leave OPM's cutoff point well above the $250 standard applied by DOL. Of course, Federal Wage System employees would not be affected by this proposed change since they are not salaried employees.

Under the current regulations the minimum grade level at which an exemption can be applied is GS–5 for the executive exemption, and GS–7 for the administrative and professional exemptions. OPM is proposing to standardize the minimum grade level for applying all three exemptions at GS–5. Consequently, all GS employees at GS–5 and GS–6 would be subject to the long test, and could be exempted only if they perform 80% or more exempt work in a representative workweek. All employees classified below GS–5 would be nonexempt. Based on OPM's experience with the executive exemption, it can be expected that it would be unusual for employees properly classified at GS–5 or GS–6 to meet the long test for exemption. Nonetheless, the proposed change is needed because the General Schedule recognizes the existence of administrative and professional work below GS–7, and because OPM's minimum grade levels for exemption are unrealistically high in comparison to the standard applied by DOL to private sector employees.

OPM also proposes to modify the primary duty test, itself, both to implement needed technical changes and to prescribe that all employees properly classified at GS–11 and above can be presumed to have primary duties which are executive, administrative or professional. The technical changes would involve modifications in the definitions of the terms "executive" and "professional" to make the regulations consistent with the exemption policy contained in FPM Letters 551–7 and 13.

Although these FPM Letters will have to be replaced, they reflect the guidelines which OPM has used in administering the FLSA. FPM Letter 551–13 harmonizes, to the extent possible, the definition of the term "executive" with the definition of the term "supervisory" as used in the Supervisory Grade-Evaluation Guide for position classification. For purposes of the FLSA, an employee who fully meets or exceeds the Supervisory Grade-Evaluation Guide or the 'Foreman Range of Responsibility" as defined in the Job Grading Standard for Supervisors is deemed to meet the primary duty test of the FLAS. The proposed regulations would modify the current primary duty definition to reflect the criteria which are contained in FPM Letter 551–13.

The proposed regulations would also slightly change the definition of the term "professional" for purposes of this exemption. This would be done by eliminating the requirement that a professional employee be one "who is practicing a learned or artistic profession." This phrase is misleading in that current OPM instructions make it clear that, for example, high level technicians who apply advanced knowledge in the independent performance of work that is very similar and comparable in level to that performed by professional employees are exempt under the professional definition. The deletion of this phrase, thus, would simply bring the regulations in conformance with the professional exemption definition contained in current OPM instructions.

The definition of primary duty would also be changed so that employees properly classified at GS–11 or above would be presumed to meet the primary duty test. The General Schedule is a statutory classification scheme which prescribes certain levels of responsibility and complexity for a given grade level. OPM's position classification standards which are used to define occupations, series, and grade levels are keyed to these statutory definitions. A reading of either the statutory definition of a GS–11 contained in 5 U.S.C. 5104(11), or of a benchmark description of a GS–11 position in any given standard demonstrates that employees properly classified at GS–11 can be presumed to be performing either executive, administrative, or professional work in terms of the FLSA. Current OPM instructions already exempt almost all categories of employees at GS–11 and above. The proposed change in the definition would provide exemptions for those few categories of employees at GS–11 and above who are currently exempt and who, if properly classified, should be presumed to be performing exempt work.

At the same time, OPM recognizes that there may exist unique situations in which employees may properly be considered nonexempt above GS–10. Certain employees, such as those involved in air traffic control may be nonexempt above GS–10. Consequently, the Director of OPM will have the authority to grant exceptions to the GS–11 limit. OPM will publish instructions on the procedures applicable for granting exceptions after it has reviewed the application of the proposed regulations to the General Schedule or a series by series basis.

The proposed regulations also provide criteria for applying the foreign exemption, contained in section 13(f) of the Act to employees on temporary duty. The foreign exemption reflects a clear congressional intent that the minimum wage and overtime provisions of the Act not be applied to employees in foreign areas. Thus, this exemption applies to employees permanently stationed in foreign areas. Given the clearly defined scope and purpose of this exemption, it is applicable on a workweek basis to an employee permanently stationed in the United States or other covered area only if the employee performs *all* hours of the work in a foreign area. Compensable travel from a covered area to an exempt area, therefore, is sufficient to defeat the application of the exemption for a given workweek.

Conversely, the foreign exemption is not applicable for any workweek in which an employee permanently stationed in an exempt area performs any of his or her hours of work in a covered area.

For the purposes of the foreign exemption, compensable hours of work performed in international waters or air space does not, of itself, affect the application of the exemption. When an employee departs a covered area and performs compensable hours of work in international waters or air space and then returns to the covered area, the time spent outside the covered area is compensable under the normal requirements of the Act. Similarly, when an employee departs from an exempt area, performs compensable hours of work in international waters or air space and then returns to an exempt area, these activities are covered by the foreign exemption.

Finally, the proposed regulations provide criteria for applying the FLSA exemption criteria when an employee is temporarily assigned to duties which are not included in the employee's permanent position. By definition, these duties are not included in the representative workweek which is used to define the employee's regular exemption status. Thus, an automatic extension of an employee's regular exemption status for a period of temporary duty, regardless of the duties performed, is not consistent with the general principle applicable under the Act that exemption status must be based on the actual duties performed in the position. On the other hand, the application of a pure workweek principle for exemption determinations would result in an impossible administrative burden for agencies. Both the current regulations of the Department of Labor, and the applicable decisions of the courts recognize that the exemption status of employees under the "primary duty" test is not generally determined on a workweek basis.

The proposed regulations balance these concerns by limiting the application of the workweek standard only to those situations in which the intent of the Act would be violated without making a workweek determination. This objective is achieved by making two basic distinctions in the application of the exemption criteria to employees on temporary duty: (1) A distinction on the basis of whether the temporary assignment exceeds 30 days; and (2) a distinction on the basis of whether the employee is under the primary duty test.

Under current OPM instructions, agencies are required to document details of more than 30 days, unless the employee is detailed to an identical additional position or to a position of the same grade, series code, and basic duties as the position the employee is regularly assigned to. By definition, any detail in excess of 30 days which could affect an employee's exemption status requires a documented personnel action. Thus, a basic premise of the proposed regulations is that the exemption status of an employee who is exempt under the primary duty FLSA test must be re-determined on the basis of the primary duty during the detail, if the detail must be documented. On the other hand, employees exempt under the primary duty concept will not change their exemption status on the basis of short details of 30 days or less.

A different principle applies to employees exempt under the "20 percent rule," however. Since the exemption of these employees is predicated on a representative workweek, a detail of whatever length to duties not reflected

in the representative workweek requires separate workweek determination.

The proposed regulations also provide a special rule for *bona fide* emergency situations. During emergencies, an exempt employee who performs nonexempt duties will be under the "20 percent rule" for every workweek of the emergency, regardless of the employee's grade level. This rule ensures that agencies will have the flexibility to staff for emergencies and also allows for equal treatment for employees doing essentially similar work.

OPM is interested in comments concerning the effectiveness of these proposed regulations in simplifying administration of the FLSA while preserving its protective features for those employees whom the FLSA is intended to cover.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulations.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities since it provides procedures only for applying the exemption criteria of the Fair Labor Standards Act to Federal employees.

List of Subjects in 5 CFR Part 551

Government employee, Wages, Fair Labor Standards Act, Travel, Manpower Training Programs, Administrative practice and procedure.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM proposes to amend Part 551 of title 5, Code of Federal Regulations as follows:

PART 551—PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT

1. Section 551.102 is amended by adding paragraph (h) to read as follows:

§ 551.102 Definitions.

* * * * *

(h) "Exempt area" means any foreign country, or any territory within the jurisdiction of the United States other than the following locations:

(1) A State of the United States;
(2) The District of Columbia;
(3) Puerto Rico;
(4) The Virgin Islands;
(5) Outer Continental Shelf Lands as defined in the Outer Continental shelf Lands Act (67 Stat. 462);
(6) American Samoa;
(7) Guam;
(8) Wake Island;
(9) Eniwetok Atoll;
(10) Kwajalein Atoll; and
(11) Johnston Island.

2. Subpart B of Part 551 is revised to read as follows:

Subpart B—Exemptions

Sec.
551.201 Agency authority.
551.202 Exemption of executive, administrative, and professional employees.
551.203 General principles governing exemptions.
551.204 Executive exemption criteria.
551.205 Administrative exemption criteria.
551.206 Professional exemption criteria.
551.207 Exceptions by the Director of OPM.
551.208 Foreign exemption.
551.209 Application of the executive, administrative, and professional exemption criteria for periods of temporary duty

Authority: 29 U.S.C. 204(f)

Subpart B—Exemptions

§ 551.201 Agency authority.

The employing agency shall exempt from the overtime provisions of the Act any employee who meets the exemption criteria of this subpart any such supplemental interpretations or instructions as shall be issued by the Office of Personnel Management.

§ 551.202 Exemption of executive, administrative, and professional employees.

(a) Any employee properly classified below GS–5, or the equivalent level in other white collar pay systems, is nonexempt.

(b) Any employee properly classified at GS–11 and above, or the equivalent level in other white collar pay systems, is presumed to have a primary duty which is executive, administrative, or professional.

(c) The exemption status of any employee not subject to paragraphs (a) and (b) of this section shall be determined under the criteria contained in §§ 551.203, 551.204, 551.205, and 551.206 of this subpart.

§ 551.203 General principles governing exemptions.

In all exemption determinations, the agency shall observe the principles that:

(a) Exemption criteria shall be narrowly construed to apply only to those employees who are clearly within the terms and spirit of the exemption.

(b) The burden of proof rests with the agency that asserts the exemption.

(c) All employees who clearly meet the criteria for exemption must be exempted.

§ 551.204 Executive exemption criteria.

An "executive" employee is a supervisor, foreman, or manager who supervises at least three subordinate employees and who meets all the following criteria:

(a) The employee's primary duty consists of management or supervision. This primary duty requirement is met if:

(1) The employee is a General Schedule employee whose position is classified as "Supervisory" under the Supervisory Grade-Evaluation Guide;

(2) The employee is a Federal Wage System employee whose position fully meets or exceeds the "Foreman range of responsibility" as defined in the Job Grading Standard for Supervisors; or

(3) The employee is subject to a pay system other than the General Schedule or the Federal Wage System and the employee's position meets the definition of Supervisor in the Supervisory Grade-Evaluation Guide or the employee's position fully meets or exceeds the "Foreman range of responsibility" as defined in the Job Grading Standard for Supervisors.

(b) In addition to the primary duty criterion that applies to all employees, Foremen level supervisors in the Federal Wage System (or the equivalent in other wage systems) and employees classified below GS–7 (or the equivalent in other white collar pay systems) must spend 80 percent or more of the worktime in a representative workweek on supervisory and closely related work.

§ 551.205 Administrative exemption criteria.

An administrative employee is an advisor, assistant or representative of management, or a specialist in a management or general business function or supporting service who meets all of the following criteria:

(a) The employee's primary duty consists of work that:

(1) Significantly affects the formulation or execution of management policies or programs; or

(2) Involves general management or business functions or supporting services of substantial importance to the organization serviced; or

(3) Involves substantial participation in the executive or administrative functions of a management official.

(b) The employee performs office or other predominantly nonmanual work which is:

(1) Intellectual and varied in nature; or

(2) Of a specialized or technical nature that requires considerable special training, experience, and knowledge.

(c) The employee must frequently exercise discretion and independent judgment, under only general supervision, in performing the normal day-to-day work.

(d) In addition to the primary duty criterion that applies to all employees, General Schedule employees below GS–7 (or the equivalent in other salary systems) must spend 80 percent or more of the worktime in a representative workweek on administrative functions and work that is an essential part of those functions.

§ 551.206 Professional exemption criteria.

A professional employee is an employee who meets all of the following criteria, or any teacher who is engaged in the imparting of knowledge or in the administration of an academic program in a school system or educational establishment.

(a) The employee's primary duty consists of:

(1) Work that requires knowledge in a field of science or learning customarily and characteristically acquired through education or training that meets the requirements for a bachelor's or higher degree, with major study in or pertinent to the specialized field as distinguished from general education; or is performing work, comparable to that performed by professional employees, on the basis of specialized education or training and experience which has provided both theoretical and practical knowledge of the specialty, including knowledge of related disciplines and of new developments in the field; or

(2) Work in a recognized field of artistic endeavor that is original or creative in nature (as distinguished from work which can be produced by a person endowed with general manual or intellectual ability and training) and the result of which depends on the invention, imagination, or talent of the employee.

(b) The employee's work is predominantly intellectual and varied in nature, requiring creative, analytical, evaluative, or interpretative thought process for satisfactory performance.

(c) The employee frequently exercises discretion and independent judgment, under only general supervision, in performing the normal day-to-day work.

(d) In addition to the primary duty criterion that applies to all employees, General Schedule employees below GS–7 (or the equivalent in other salary systems), must spend 80 percent or more of the worktime in a representative workweek in professional functions and work that is an essential part of those functions.

§ 551.207 Exceptions by the Director of OPM.

The Director of the Office of Personnel Management may provide exceptions for specific occupations to the presumption of exemption at GS–11 and above which is specified in § 551.202(b) of this subpart.

§ 551.208 Foreign exemption.

(a) This section provides criteria for applying the "foreign exemption" contained in section 13(f) of the Act. An employee who is exempt under the foreign exemption is not subject to the minimum wage and overtime provisions of the Act. The exemption status of an employee to whom the foreign exemption is not applicable shall be determined under the general criteria contained in this subpart.

(b) Except as provided in § 551.208(d), an agency shall apply the foreign exemption to any employee who is permanently stationed in an "exempt area" as defined in § 551.102(h).

(c) An agency shall also apply the foreign exemption on a workweek basis to an employee on temporary duty who is not permanently stationed in an exempt area, but who performs *all* hours of work in a given workweek in an exempt area.

(d) The foreign exemption is not applicable to an employee permanently stationed in an exempt area for any given workweek in which the employee performs any hours of work in the United States or in a territory under the jurisdiction of the United States.

§ 551.209 Application of the executive, administrative, and professional exemption criteria for periods of temporary duty.

(a) This section applies only when an employee is assigned to perform duties which are not included in the employee's permanent position. For any such period of temporary duty, the exemption criteria contained in §§ 551.202 through 551.206 of this subpart shall be applied using the procedures specified in this section.

(b) A nonexempt employee who is assigned to temporary duty shall remain nonexempt for the period of the temporary duty unless:

(1) The employee's permanent position is classified at GS–5 or above (or the equivalent level in other white collar pay systems) and the temporary duty exceeds 30 days; and the employee's temporary duty is executive, administrative, or professional duty;

(2) The employee is temporarily promoted to GS–5 or above (or the equivalent level in other white collar pay systems) and the employee's primary duty for the period of temporary duty is executive, administrative, or professional duty; or

(3) The employee is a prevailing rate employee who is temporarily promoted to a General Foreman position.

(c) An exempt employee who is assigned to temporary duty shall remain exempt for the period of the temporary duty unless:

(1) The employee's classification for the period of temporary duty is below GS–11 (or the equivalent level in other white collar pay systems) and the temporary duty exceeds 30 days and the employee's temporary duty is not executive, administrative, or professional duty;

(2) The employee is classified as a General Foreman for the period of the temporary duty and the temporary duty exceeds 30 days and the employee's temporary duty for this period is not executive duty;

(3) The employee is a prevailing rate employee who is not a General Foreman and the employee spends more than 20 percent of a given workweek performing nonexempt duties, in which case the employee is nonexempt for that workweek.

(d) Notwithstanding paragraphs (b) and (c) of this section and regardless of an employee's grade level, in the case of an emergency the employee's exemption status shall be determined on a workweek basis if the emergency is of the nature that threatens the life or safety of people, or serious damage to property, or serious disruption to the operations of an activity, and there is no recourse other than to assign qualified exempt employees to perform the emergency duties. In such situations, the employee shall be nonexempt for any workweek during the period of the emergency in which the employee spends more than 20 percent of the workweek performing non-exempt duties.

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Part VI

Office of Personnel Management

Management Rights, Consultation and Scope of Bargaining Policy in Labor-Management Relations; Notice

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OFFICE PERSONNEL MANAGEMENT

Management Rights, Consultation and Scope of Bargaining Policy in Labor-Management Relations

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This notice sets forth the Office of Personnel Management's intention to publish a Federal Personnel Manual (FPM) issuance on management rights, consultation and scope of bargaining policy in labor-management relations. Although this material will constitute policy guidance, and is therefore not subject to the formal review period required by the Administrative Procedures Act, the Office of Personnel Management is seeking comments before publishing the issuance. The opinions and views of public employee organizations and other interested parties in the Federal community and the general public are earnestly sought. The text is shown below.

DATE: Comments must be received on or before May 31, 1983.

ADDRESS: Send or deliver comments to Patrick Korten, Office of Personnel Management, Office of Policy and Communications, Room 7K51, 19th and E Streets, N.W., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Allan D. Heuerman, 202–632–6811.

SUPPLEMENTARY INFORMATION: Text of FPM Letter.

SUBJECT: Management Rights, Consultation and Scope of Bargaining Policy in Labor-Management Relations

a. Since the enactment of the Civil Service Reform Act (CSRA), the Office of Personnel Management has been monitoring the impact of the Federal labor-management relations program on the effective and efficient management of the Government. OPM carefully studies the decisions of the Federal Labor Relations Authority (FLRA), the Federal Service Impasses Panel (FSIP), and the courts, as well as the provisions of negotiated agreements. To date, this review indicates a large measure of uncertainty among management representatives about the extent to which various issues are, or should be subject to labor-management negotiations. The purpose of this Letter is to state OPM policy on management rights, consultation and the scope of bargaining under the Federal Service Labor-Management Relations Statute (Title VII of CSRA) in order to more effectively meet the mandate of Congress that management rights be faithfully protected and that collective bargaining be conducted in a manner consistent with the requirement of an effective and efficient Government. In addition, it is hoped that a greater focus can be placed in the future on constructive consultation, where the absence of the formal, confrontational atmosphere which usually prevails in collective bargaining situations may facilitate more meaningful involvement by employee organizations. Labor-management relations in the private sector have increasingly focused on such matters as productivity improvement, prompted by a mutual desire of both labor and management to make American industry more efficient and productive. It is hoped that an equivalent opportunity exists for cooperation of this sort in the Federal government as well.

b. *Prohibited Subjects of Bargaining.* The Federal labor-management relations program limits the scope of bargaining by circumscribing the negotiability of certain matters in order to preserve Congressional and Executive prerogatives and flexibility, the ultimate effect of which gives management the right to make certain decisions unilaterally. These rights are safeguarded in 5 U.S.C. 7106(a). Agency management *cannot* negotiate its authority: (1) To determine its mission, budget, organization, number of employees, and internal security practices; (2) to hire, assign, direct, lay-off, retain, suspend, remove, reduce in grade or pay, or discipline its employees; (3) to assign work, contract-out work, and determine the personnel by which operations shall be conducted; (4) to make selections for appointment from appropriate sources; and (5) to take necessary actions during emergencies. These restrictions cannot be waived by an agency, and if provisions of a negotiated agreement violate these restrictions, those provisions are invalid and unenforceable.

c. *Other matters are excluded* from agency negotiations because they are proscribed or limited by OPM (or in Government-wide regulations of other agencies) in issuances found in the Code of Federal Regulations (CFR) or the Federal Personnel Manual (FPM). These exclusions especially involve, but are not limited to, questions of pay, retirement, health and life insurance, and other benefits set by law (5 U.S.C. 7117(a)(1)). Nor can OPM be required to negotiate on its issuances, although under 5 U.S.C. 7117(d)(1) qualified labor organizations have the right to consult with OPM on certain of its regulations. Also excluded from negotiations are matters related to prohibited political activities; the classification of any position; and matters specifically provided for by Federal statute (5 U.S.C. 7103(a)(14)). None of these restrictions can be waived by an agency, and if provisions of a negotiated agreement violate these restrictions, those provisions are invalid and unenforceable.

d. Specific matters that *cannot* be negotiated by management include:

Salary, wages or other remuneration (except as provided in § 704 of CSRA).
Amount of premium pay.
Amount of environmental pay.
Retirement benefits and contributions.
Health insurance benefits and premiums.
Established holidays.
Established types and extent of paid leave.
Union or agency shop provision.
Time-in-grade requirements.
Selection of wage-survey data collectors.
Amount of travel per diem and allowances.
Restrictions on political activities.
Standards of conduct.
Criteria for disability retirement.
Elimination of positions.
Determination of agency mission.
Determination of agency budget.
Determination of agency organization.
Determination of the number of agency employees.
Establishment of internal security practices.
Action in event of emergency.
Hiring of employees.
Assignment of employees.
Direction of employees.
Lay-off of employees.
Demotion of employees.
Other discipline of employees.
Promotion of employees.
Selection of employees from any appropriate source.
Filling of vacant positions.
Training assignments.
Use of seniority as sole basis for assignment.
Use of quotas for hiring or promotion.
Length of probationary period.
Imposition of "freeze" on hiring.
Determination of competitive areas.
Assignment of work.
Contracting-out of work.
Determination of amount of work hours.
Classification of positions.
Establishment of qualifications for positions.
Determination of critical elements of positions.
Performance standards for positions.
Employees' obligation to answer work-related questions.

Use of name tags based on internal security, mission or technology.

Payroll deductions for political purposes, including political action committees.

Choice of appeal route where choice is not provided in law.

Processing EEO complaints under both negotiated and statutory procedures.

Tuition reimbursement.

Any matter which prevents management from exercising any of its rights.

This list should *not* be regarded as *including all* non-negotiable matters.

e. *Negotiations are limited by an agency's own regulations* to the extent that there is a need for the particular regulation. Agency regulations presumptively bar negotiations unless and until the Federal Labor Relations Authority (FLRA) has determined that no compelling need exists for a particular regulation [5 U.S.C. 7117(a)(3)], except that the bar to negotiations does not apply where more than a majority of the employees affected are in a single bargaining unit, a situation that has been rarely found [5 U.S.C. 7117(a)(3)]. Proposals which address or affect existing agency regulations should be evaluated carefully to assure that no negotiations bearing on agency regulations for which a compelling need exists are permitted to commence.

f. The Statute does *permit* negotiations, *at the election of the agency,* on limited topics that would otherwise be excluded. These are (1) the numbers, types and grades of employees or positions assigned to any organizational subdivision, work project, or tour of duty and, (2) the technology, methods and means of performing work [5 U.S.C. 7106(b)(1)]. Negotiations should not commence unless the benefits to efficiency of operations to the Government far outweigh the limitations on management flexibility that may result. If negotiations have commenced on these matters the agency is free to terminate the negotiations at any time prior to agreement being reached.

g. Whether or not any of the following topics may permissively be subject to negotiation, it is OPM policy that agencies should *not* bargain on:

Agency regulations for which a compelling need exists.

Numbers of employees or positions assigned.

Types of employees or positions assigned.

Grades of employees or positions assigned.

Technology, methods and means of performing work.

Amount of, and eligibility for, incentive awards.

Use of part-time employees.

Establishing addition shift(s) or tour(s) of duty.

Transfer of positions within an agency.

Allowing subgroup bumping in a RIF.

Defining competitive areas for RIF covering non-unit employees.

Conditioning employee assignments on specific qualifications.

Procedures for filling supervisory positions.

Assignment of supervisors.

Exceptions to wearing safety clothing.

Use of Government facilities for internal union business.

Crediting plans for rating employees for promotion.

Establishment of day care centers.

Number of management bargaining representatives.

This list should not be regarded as including *all* matters to which OPM would apply this policy. OPM's policy is based on, among other things, due regard for the Constitutional separation of powers and for the need of the Executive Branch to protect management rights in the interest of efficiency, economy, and faithfulness to Executive Branch missions.

h. OPM recognizes the *obligation of agencies and unions to negotiate* on conditions of employment within the framework established by the CSRA and other laws and regulations, including negotiations on the *implementation* of managerial decisions and on appropriate arrangements for employees adversely affected as prescribed in 5 U.S.C. 7106(b)(2) and (3). At the same time, OPM, agency management, and labor organizations share a responsibility to assure that personnel policies and practices facilitate and improve employee performance and the efficient accomplishment of the operation of the Government. This requires that agency management ensure that its negotiators have a full understanding of, and give highest priority to, the protection of management rights in their relations with union representatives at the bargaining table. Representatives of labor organizations, for their part, have an obligation to negotiate in a manner consistent with the requirement of an effective and efficient Government. The mutual obligation to bargain does not, of course, compel either party to agree to a proposal or to make a concession [5 U.S.C. 7103(a)(12)]. Bargaining over implementation procedures or arrangements should be conducted within the organizational subdivision affected by the management decision and should never infringe upon basic management rights protected in 5 U.S.C. 7106 or any other management rights that are necessary to proper performance of an agency's mission. Neither should such bargaining ever be allowed to have a negative effect on operating efficiency or the public interest.

i. Some matters which may or may not be negotiable may be very appropriate for *consultation.* Consultation entails adequate notice to the union and an opportunity to comment on or discuss a matter before management proceeds. If consistent with an agency's mission, OPM policy is to consult on:

Improvement of agency productivity, including "quality circles" programs.

Employee participation in occupational health and safety activities.

Equipment maintenance improvement programs.

Programs to reduce absenteeism.

Experimental and demonstration projects

Energy conservation and commuting programs.

Blood assurance/donation plans.

Alcohol and drug abuse programs.

Credit union and banking services.

Suggestion awards system.

Troubled employee counseling.

Revisions to personal property security procedures.

Utilization of reduced work space.

Identification of training needs.

Developing an internal newsletter.

This list should not be regarded as including *all* matters to which OPM might apply this policy.

Office of Personnel Management.

Donald J. Devine,

Director.

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Part VII

Office of Personnel Management

Prevailing Rate Systems; Final Rule

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

Prevailing Rate Systems

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing these regulations to implement the results of a study which it conducted of blue collar supervisory pay practices in private industry. Section 5341 of title 5 of the United States Code provides for Government compensation practices to be kept generally consistent with those which prevail in the private sector.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: David Weisberg, (202) 632–5454.

SUPPLEMENTARY INFORMATION: On May 21, 1982, OPM published proposed regulations (47 FR 22100) to change the pay and grading plan for Federal wage supervisors on the basis of a study of counterpart positions in the private sector. After reviewing the comments received, OPM will proceed to implement these changes on a wage area-by wage area basis commencing with the first wage schedule effective on or after April 29, 1983. The changes will be carried out over a two year period to minimize Government expenditures under the Administration's economic recovery program. The implementation of these changes will result in the same degree of comparability with private industry for Federal wage supervisors which exists for other Federal employees. In the first year of implementation, the WS–19 linkage point in the pay formula for appropriated fund supervisors will be changed from GS–14, step 1, to GS–14, step 2. In the second year of implementation, all properly graded General Foremen will be raised one grade, and the WS–19 linkage point will be changed to GS–14, step 3. The pay formula change for appropriated fund wage supervisors will be accomplished through the regulatory changes described herein; the grading change for General Foreman positions will be carried out through the application of a new supervisory job grading standard.

Analysis of Comments

The proposed regulations for wage supervisors provided a 60 day period for public comment. OPM received comments from three agencies, one employee organization and 13 individuals. One agency felt that the General Foreman grading changes should be limited to positions at grades WS–11 and above. We do not agree because the private industry study showed that General Foremen at all grades were significantly behind their private industry counterparts. That same agency recommended that the pay differential lag for positions in grades WS–11 through WS–17 be rectified by applying the industry differentials directly to those positions, rather than by changing the WS–19 linkage point in the current parabolic curve pay formula. We cannot adopt this suggestion because the OPM analysis showed that the present parabolic curve represented the best overall fit for the survey data. In addition, direct application of industry differential results would lead to pay inversion situations (wage supervisors making more than their General Schedule supervisors) in some wage areas. This situation is avoided when the parabolic curve pay formula is continued. A second agency suggested that General Foremen should not be upgraded without making like adjustments for Foremen. We do not agree because the results obtained in the private sector study showed that Federal General Foremen trailed their private industry counterparts, but that Foremen did not. This same agency believed grade WS–19 should not be used to anchor the supervisory pay formula because that grade is not currently authorized for the classification of wage supervisor positions. We do not believe this is a reason to change the current pay formula because it will be possible to classify positions to WS–19 under the new job grading standard which is to be issued as part of the implementation of the revised pay and grading plan for supervisors. This agency also believed it was inappropriate to deal with an industry pay lag through the device of a job grading adjustment for General Foremen. We do not agree with this position because the current grading system is based directly upon a 1968 private industry study, and the General Foremen grading changes will simply reflect the updated industrial data obtained in the 1979 study.

The third agency which commented suggested that there be individual adjustments for positions in grades WS–1 through WS–10 to reflect survey results obtained at each of these grades. We cannot accept this proposal because it would adversely affect the alignment of Federal positions on the basis of fluctuations in survey data which primarily result from the small numbers of samples obtained at some of the WS grades. The weighting of the overall industry results for grades WS–1 through WS–10 avoids this problem. This same agency also objected to what they felt was a granting of pay increases to wage supervisors which was not being given to other Federal employees. The employee organizations and four individuals expressed the same viewpoint. OPM believes it is appropriate to make these changes because they will bring Federal wage supervisors up to the same level of pay restraint and relative comparability with industry which exists for other Federal employees. Without these changes, wage supervisors would continue to have a greater degree of pay restraint imposed upon them than exists for employees in the General Schedule and nonsupervisory wage categories.

Three supervisory production facilitating employees noted that their pay levels were aligned with specific grades of wage supervisors, and they therefore requested that their levels be raised to correspond to the grade increases which are proposed for General Foremen. OPM cannot take this action because the 1979 supervisory study, which supported the General Foremen increases, did not include a review of production facilitating positions. In addition, the pay levels of production facilitating positions are established by a special pay plan which can only be revised after a review by the Federal Prevailing Rate Advisory Committee (FPRAC) and subsequent approval of recommended changes by the Director, OPM. A FPRAC review of these positions cannot be undertaken at this time because they are currently the subject of an intensive study within the Department of Defense.

One supervisory production facilitating employee was concerned because some of his subordinates were at higher step rates and received rates of pay which exceeded his own. This comment was not relevant to the proposed regulation. Three individuals supported the OPM proposal for changing supervisory grades and the supervisory pay formula. One individual stated that all General Foremen, rather than just those in grades WS–11 through WS–17, should be upgraded. The OPM proposal does call for upgrading all General Foremen because, as indicated, the study data showed that these positions trailed their industry counterparts at all of the WS grades. This suggestion will be implemented. One individual believed that study results emanating from a 1979 review should not be implemented because pay rates in some important segments of

industry had declined since the review. OPM will proceed with these changes because any decline in segments of private industry which may have occurred since 1979 is not representative of the overall economy. In addition, any declines which occur will affect both supervisors and subordinates, and will not necessarily affect supervisory-subordinate differential relationships. Finally, the pay differential lag which was observed in 1979 actually reflected a significant pay gap with industry for Federal supervisory positions which had existed since at least 1975.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions. The only measurable impact which will result from these regulations will be on the large Federal agencies which have significant numbers of these types of supervisory positions.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Government employees, Wage.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 532—PREVAILING RATE SYSTEM

Accordingly, the Office of Personnel Management is revising 5 CFR 532.203(d)(2) to read as follows:

§ 532.203 Structure of regular wage schedules.

* * * * *

(d) * * *

(2) For grades WS–11 through WS–19, based on a parabolic curve linking the WS–10 rate to the WS–19 rate, which latter rate is equal to the second rate in effect for General Schedule grade GS–14 at the time of the area wage schedule adjustment.

(5 U.S.C. 5343, 5346)

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Part VIII

Environmental Protection Agency

Standards of Performance for New Stationary Sources; Reference Methods; Quality Assurance and Quality Control Revisions to Methods 6 and 7; Proposed Rulemaking and Hearing

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 2287-3]

Standards of Performance for New Stationary Sources; Appendix A—Reference Methods; Quality Assurance and Quality Control Revisions to Methods 6 and 7

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The purpose of this action is to propose quality assurance and quality control revisions to Methods 6 and 7 of Appendix A of 40 CFR Part 60. These revisions would require source testers (for clean air) to analyze audit samples when making compliance determinations in order to assess their analytical accuracy and calculations. The sample collection technique is not evaluated by this check. A quality control guideline for the Method 7 calibration data is also proposed. The current regulation includes only limited quality assurance requirements and as a result of this proposed regulation, the quality of compliance data will improve.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views or arguments concerning the proposed revisions.

DATES: *Comments.* Comments must be received on or before June 13, 1983.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by April 22, 1983, a public hearing will be held on May 11, 1983 beginning at 10:00 a.m. Persons interested in attending the hearing should call Mrs. Naomi Durkee at (919) 541-5578 to verify that a hearing will occur.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by May 3, 1983.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-81-19, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Public Hearing. If anyone contacts EPA requesting a public hearing, it will be held at the Office of Administration Auditorium, Research Triangle Park, NC. Persons interested in attending the hearing should call Mrs. Naomi Durkee at (919) 541-5578 to verify that a hearing will be held. Persons wishing to present oral testimony should notify Mrs. Naomi Durkee, Standards Development Branch, (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541-5578.

Background Information. This document for the proposed revisions may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Methods 6 and 7 Quality Assurance and Quality Control Revisions—Background Information, EPA 450/3-82-017." This document contains: (1) A summary of the data collected through audit survey studies and the rationale for the proposed revisions, and (2) quality control recommendations that can be used to minimize analytical inaccuracies.

Docket. Docket No. A-81-19, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Shigehara, Emission Measurement Branch (MD-19), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2237.

SUPPLEMENTARY INFORMATION: The proposed revisions will require the source tester to: (1) Analyze audit samples supplied by EPA with each set of Method 6 compliance samples, (2) assure that at least three of the four Method 7 calibration points are within 7 percent of the least squares line, and (3) analyze EPA audits with each set of Method 7 compliance samples.

Miscellaneous

This rulemaking does not impose any additional emission measurement requirements on facilities affected by this rulemaking. Rather, this rulemaking adds quality assurance and quality control procedures to the test methods to which the affected facilities are already subject. If future standards impose emission measurement requirements, the impacts of the additions to the test methods promulgated today will be evaluated during development of these standards.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule was sent to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on small entities because the increase in the cost of testing is not substantial.

This proposed rulemaking is issued under the authority of sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, and 7601(a)).

Dated: March 22, 1983.

John W. Hernandez, Jr.,

Acting Administrator.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

PART 60—[AMENDED]

It is proposed that Methods 6 and 7 of Appendix A of 40 CFR Part 60 be amended as follows:

1. In Method 6, by adding Sections 3.3.6, 4.4, and 6.4, and by adding a second paragraph to Section 5.5, as follows:

Appendix A—Reference Methods

* * * * *

Method 6—Determination of Sulfur Dioxide Emissions From Stationary Sources

* * * * *

3. *Reagents:*

* * * * *

3.3 * * *

3.3.6 Quality Assurance Audit Samples. Sulfate samples in glass vials prepared by EPA's Environmental Monitoring Systems Laboratory at the Research Triangle Park, North Carolina. Each set will consist of three vials with one known and two unknown concentrations. Only when making compliance determinations, obtain an audit sample set from the Quality Assurance Management Office at each EPA regional office.

4. *Procedure:*

* * * * *

4.4 Audit Analysis. With each set or sets of compliance samples, analyze the two unknown audit samples in the same manner as the source samples to evaluate the technique of the analyst and the standards preparation.

Note.—The sample with the known concentration may be used as a quality control check.

The same person, standard reagents, and analytical system shall be used both for each set or sets of compliance samples and the EPA audit samples.

If this condition is met, for compliance samples that are analyzed frequently, it is only necessary to analyze the audit samples once per quarter.

Calculate the concentration in mg/m^3 using the specified sample volume in the audit instructions. The concentrations obtained by the analyst shall agree within 5 percent of the actual audit concentrations.

Note.—The actual concentrations of the audit samples may be obtained immediately by reporting the audit and set of compliance results by telephone.

Failure to meet the 5-percent specification will require reanalysis. However, if the audit results do not affect the compliance or noncompliance status of the affected facility, the Administrator may waive the reanalysis requirement and accept the results of the compliance test. The Administrator may also choose to use the data to determine the compliance or noncompliance status of the affected facility regardless of the audit results.

Include the results of both audit samples with the results of the compliance determination samples in appropriate reports to the EPA regional office or the appropriate enforcement agency.

5. *Calibration:*

* * * * *

5.5 * * *

Run duplicate analyses. Calculate the normality using the average of a pair of duplicate analyses where the titrations agree within 1 percent or 0.2 ml, whichever is larger.

6. *Calculations:*

* * * * *

6.4 Relative Error (RE) for QA Audits, Percent.

Where:

C_d = Determined audit concentration, mg/m^3.
C_a = Actual audit concentration, mg/m^3.

Authority: Secs. 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, and 7601(a)).

* * * * *

2. In Method 7, by adding Section 3.3.9, 4.4, 5.2.3, and 6.5, as follows:

Appendix A—Reference Methods

* * * * *

Method 7—Determination of Nitrogen Oxide Emissions From Stationary Sources

* * * * *

3. *Reagents:*

* * * * *

3.3 * * *

3.3.9 Quality Assurance Audit Samples. Nitrate samples in glass vials prepared by EPA's Environmental Monitoring Systems Laboratory at the Research Triangle Park, North Carolina. Each set will consist of three vials with one known and two unknown concentrations. Only when making compliance determinations, obtain an audit sample set from the Quality Assurance Management Office at each EPA regional office.

4. *Procedures:*

* * * * *

4.4 Audit Analysis. With each set or sets of compliance samples, analyze two unknown audit samples in the same manner as the samples to evaluate the technique of the analyst and the standards preparation.

Note.—The sample with the known concentration may be used as a quality control check.

The same person, reagents, and analytical system shall be used both for each set or sets of compliance samples and the EPA audit samples. If this condition is met, for compliance samples that are analyzed frequently, it is only necessary to analyze the audit samples once per quarter.

Calculate the concentration in mg/m^3 using the specified gas volume in the audit instructions. The concentrations obtained by the analyst shall agree within 10 percent of the actual audit concentrations.

Note.—The actual concentrations of the audit samples may be obtained immediately by reporting the audit and compliance results by telephone.

Failure to meet the 10-percent specification will require reanalysis. However, if the audit results do not affect the compliance or noncompliance status of the affected facility, the Administrator may waive the reanalysis requirement and accept the results of the compliance test. The Administrator may also choose to use the data to determine the compliance or noncompliance status of the affected facility regardless of the audit results.

Include the results of both audit samples with the results of the compliance determination samples in appropriate reports to the EPA regional office or the appropriate enforcement agency.

5. *Calibration.*

* * * * *

5.2 * * *

5.2.3 Spectrophotometer Calibration Quality Control. Multiply the absorbance value obtained for each standard by the K_c factor (least squares slope) to determine the distance each calibration point lies from the theoretical calibration line. These calculated concentration values should not differ from the actual concentrations (i.e., 100, 200, 300, and 400 μg NO_2) by more than 7 percent for three of the four standards.

* * * * *

6. *Calculations:*

* * * * *

6.5 Relative Error (RE) for QA Audits, Percent.

$$RE = \frac{C_d - C_a}{C_a} \times 100 \qquad \text{Eq. 7-5}$$

Where:

C_d = Determined audit concentration, mg/m^3.
C_a = Actual audit concentration, mg/m^3.

Authority: Sec. 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, and 7601(a)).

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Title 3—

The President

Executive Order 12411 of March 29, 1983

Government Work Space Management Reforms

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 486 of Title 40 of the United States Code, in order to institute fundamental changes in the manner in which Federal work space is managed to ensure its efficient utilization, it is hereby ordered as follows:

Section 1. In order to make the Federal use of work space (including office space, warehouses and special purpose space, whether federally owned, leased or controlled) and related furnishings more effective in support of agency missions, minimize the acquisition of government resources, and reduce the administrative costs of the Federal government, the heads of all Federal Executive agencies shall:

(a) Establish programs to reduce the amount of work space, used or held, to that amount which is essential for known agency missions;

(b) Produce and maintain a total inventory of work space and related furnishings and declare excess to the Administrator of General Services all such holdings that are not necessary to satisfy existing or known and verified planned programs;

(c) Ensure that the amount of office space used by each employee of the agency, or others using agency-controlled space, is held to the minimum necessary to accomplish the task that must be performed;

(d) Manage the furniture, equipment, decoration, drapes, carpeting, plants and other accoutrements so that the use of all furnishings by the agency reflects a judicious employment of public moneys;

(e) Consider, in making decisions concerning the use, acquisition, or disposal of work space and related furnishings, the effects of its actions on costs incurred by other Federal agencies;

(f) Report all vacant work space retained for future Federal uses to the Administrator of General Services so that it may be made available for the temporary use of other Federal agencies, to the extent consistent with national defense requirements;

(g) Establish a work space management plan to meet the provisions of this Order, including specification of the goals to be achieved and actions to be taken by the agency in order to improve its utilization of all work space and related furnishings; and

(h) Establish information systems, implement inventory controls and conduct surveys, in accordance with procedures established by the Administrator of General Services, so that a government-wide reporting system may be developed.

Sec. 2. The Administrator of General Services is delegated authority, to the extent not prohibited by other laws, to conduct surveys, establish agency-wide objectives for work space use for each Executive agency, and establish procedures, guidelines and regulations to be followed by the agencies in developing the work space planning, information and reporting systems required by this Order.

Ronald Reagan

THE WHITE HOUSE,
March 29, 1983.

[FR Doc. 83-8568
Filed 3-30-83; 10:51 am]
Billing code 3195-01-M

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Executive Order 12412 of March 29, 1983

Peace Corps Advisory Council

By the authority vested in me as President by the Constitution and statutes of the United States, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is established the Peace Corps Advisory Council.

(b) The Council shall be composed of no more than 30 persons, who shall be appointed by the President. The President shall designate two members to serve as Co-Chairmen of the Council. Members shall serve at the pleasure of the President.

Sec. 2. *Functions.* (a) The Council shall advise the President and the Director of the Peace Corps on initiatives needed to promote the purposes of the Peace Corps Act.

(b) The Council shall submit simultaneously to the President and the Director of the Peace Corps an annual report on its recommendations and activities.

Sec. 3. *Administration.* (a) The heads of the Executive agencies shall, to the extent permitted by law, provide the Commission with such information as may be necessary for the effective performance of its functions.

(b) Members of the Council shall not receive compensation for their work on the Council. While engaged in the work of the Council, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707).

(c) The Director of the Peace Corps shall, to the extent permitted by law and subject to the availability of funds, provide the Council with such administrative services, funds, facilities, and other support services as may be necessary for the effective performance of its functions.

Sec. 4. *General Provisions.* (a) Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Council, except that of reporting annually to the Congress, shall be performed by the Director of the Peace Corps, in accordance with guidelines and procedures established by the Administrator of General Services.

(b) The Council shall terminate on December 31, 1983, unless sooner extended.

Ronald Reagan

THE WHITE HOUSE,
March 29, 1983.

[FR Doc. 83–8569
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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 416

[Amdt. No. 1]

Pea Crop Insurance Regulations; Interim Rule

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the Pea Crop Insurance Regulations (7 CFR Part 416), effective for the 1983 and succeeding crop years to provide that plant disease shall be an insurable cause of loss only on acreage not planted to peas the previous crop year. In addition, FCIC (1) replaces the present single-crop application with a multi-crop application to reduce time and administrative requirements; (2) adds Section 11 to the Appendix to the policy to prescribe procedures in cases of loss by fire; (3) prescribes interest rates to be charged when premium payments are not made within a certain time; (4) requires the insured to file a notice of probable loss when the crop is damaged to the extent that a loss is probable, and leave intact a representative sample of the unharvested crop; and, (5) makes minor language and format corrections. The intended effect of this amendment is to restore a provision in the regulations regarding losses from fire, improve the debt management practices of FCIC, revise the system of reporting damage to insured crops, and to maintain actuarial integrity on pea crop insurance in counties where "back to back" planting is a normal practice.

DATES: Effective date: March 31, 1983. Comment date: Written comments, data, and opinions on this interim rule must be submitted not later than May 31, 1983, to be sure of consideration.

ADDRESS: Written comments on this interim rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447–3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this amendment applies (7 CFR Part 416) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981).

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, or other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon are and community development; therefore, review as established in Executive Order No. 12291 was not used to assure the units of local government are informed of this action.

It has been determined that this action does not constitute a review under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). That review will be completed prior to the sunset review date of September 30, 1985.

It has also been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

The present pea crop insurance program includes plant disease as an insurable cause of loss, although planting peas on acreage which was planted to peas the two previous crop years has not been considered to be a good farming practice due to the susceptibility of the crop to plant disease. With the recent expansion of the pea crop insurance program it has been determined that, because of the variability of attitudes, opinions, and recommendation regarding the use of rotation requirements to reduce the incidence of plant disease, the actuarial integrity of the program would be best preserved if the regulations were amended to provide that plant disease is an insurable cause of loss only on acreage not planted to peas the previous crop year.

The provisions of Section 10 of the Additional Terms and Conditions portion of the policy were compiled with respect to notifying the present insureds of the changes effective with the 1983 crop year 15 days before the cancellation date of December 31. A conversion letter was sent to all policyholders on December 6, 1982, to advise them of the changes effective for the 1983 crop year.

The publication of this interim rule with an opportunity for public comment complies with the provisions of the Administrative Procedure Act (5 U.S.C. 553) and any comments received will be given serious consideration by FCIC with regard to the 1984 crop year pea crop insurance program.

In addition to the change with regard to plant disease as an insurable cause of loss under certain conditions, FCIC also makes minor changes in the format and language of the regulations for clarity. Previous amendments, approved for all crops by the Board of Directors of the Corporation, are also included in this interim rule. They are (1) a revised application to reduce the time and paperwork requirements of applicants; (2) a provision to prescribe the interest rate to be charged of 1½ percent simple interest per month or any part thereof starting on the first day of the month following the first premium billing date; and, (3) a provision to require the insured to file a notice of probable loss when the crop is damaged to the extent that a loss is probable and leave intact a

representative sample of the unharvested crop.

List of Subjects in 7 CFR Part 416

Crop insurance, Peas.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Pea Crop Insurance Regulations (7 CFR Part 416), published at 46 FR 9019, on January 28, 1981, effective for the 1983 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR Part 416 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, 77, as amended (7 U.S.C. 1505, 1516).

2. The section heading for § 416.1 is revised to read:

§ 416.1 Availability of pea crop insurance.

* * * * *

3. 7 CFR 416.1 is amended, by revising the last sentence thereof to read as follows:

§ 416.1 Availability of pea crop insurance.

* * * Before insurance is offered in any county, there shall be published by appendix to this part the counties in which pea crop insurance will be offered.

4. 7 CFR 416.2(a) is revised to read as follows:

§ 416.2 [Amended]

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for peas which shall be shown on the actuarial table on file in the service office and may be changed from year to year.

* * * * *

5. 7 CFR 416.6 is revised to read as follows:

§ 416.6 The Contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice is mailed to the applicant. The contract shall cover the pea crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not effect the continuity from year to year. Copies of forms referred to in the contract are available at the service office.

6. 7 CFR 416.7(a) is amended by revising the second sentence thereof to read as follows:

§ 416.7 The application and policy.

(a) * * * The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office.

* * * * *

7. 7 CFR 416.7(b) is revised to read as follows:

* * * * *

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the sales closing date for submitting applications or contract changes in any county, by placing the extended date on file in the service office and publishing a notice in the Federal Register upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

* * * * *

8. 7 CFR 416.7 is amended by revising the introductory text of paragraph (d), and revising the following parts of the Pea Crop Insurance Policy: 1. (a); 2. (b); 3. (b); 5. (d); 7. (a), (c), (d), and (e); 12. (b), and (d); Appendix 1. (g); and adding 1. (g) 11. to read as follows:

* * * * *

(d) The application for the 1983 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38, first published at 48 FR 1023, January 10, 1983, and may be amended from time to time for subsequent crop years. The provisions of the Pea Crop Insurance Policy for the 1983 and subsequent crop years, are as follows:

Pea Crop Insurance Policy

Terms and Conditions.

Subject to the provisions in the attached Appendix.

1. *Causes of loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease on acreage not planted to peas the previous crop year, wildlife, earthquake or fire occuring within the insurance period, subject to any exceptions, exclusions, or limitations with respect to causes of loss shown on the actuarial table.

* * * * *

2. *Crop and acreage insured.*

* * * * *

(b) The insured acreage for each crop year shall be that acreage planted to peas on insurable acreage, as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) of *green peas* not grown under a processor contract or excluded from such contract for the crop year pursuant to the terms thereof; (2) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established; (3) not reported for insurance as provided in Section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table; (4) which is destroyed and after such destruction it was practical to replant to peas of the same type of *green peas* or the same varietal group of *dry peas* as shown on the actuarial table and such acreage was not replanted; (5) initially planted after the date on file in the service office which has been established by the Corporation as being too late to initially plant and expect a normal crop to be produced; (6) of volunteer peas; (7) planted to a type or variety of peas not established as adapted to the area or shown as noninsurable on the actuarial table; (8) planted with another crop; or (9) planted for the development or production of hybrid seed or for experimental purposes.

* * * * *

3. *Responsibility of insured to report acreage and share.*

* * * (b) the insured's share therein at the time of planting. Such report shall be submitted each year not later than the acreage reporting date on file in the service office.

* * * * *

5. *Annual Premium.*

* * * * *

(d) Interest will accrue at the rate of one and a half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

* * * * *

7. *Notice of Damage or Loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the service office.

* * * * *

(c) For *dry peas* only, notice shall be given at least 15 days prior to the beginning of harvest if the peas on any unit are damaged to the extent that a loss is probable. If probable loss is not determined until less than 15 days prior to the beginning of harvest on a unit, notice shall be given immediately and a representative sample of the unharvested peas (at least 10 feet wide and the entire length of the field) shall remain intact for a period of 15 days from the date of

the notice, unless the Corporation gives written consent to the insured to harvest the representative sample.

(d) If an indemnity is to be claimed on any unit of *green peas,* on which any acreage is not to be harvested or on which harvesting is begun then discontinued, notice shall be given (1) no later than 48 hours after harvesting of the peas has been discontinued on a unit and before all the acreage is harvested; or (2) before harvest would normally start if any acreage on a unit is not to be harvested.

(e) In addition to the notices required in subsections (b), (c), and (d) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the service office not later than 30 DAYS after the earliest of (1) the date harvest is completed on the unit; (2) the calendar date for the end of the insurance period; or (3) the date the entire pea crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

* * * * *

12. *Life of Contract: Cancellation and Termination.*

* * * * *

(b) The contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* The date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim; or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

* * * * *

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the appendix, the contract shall continue in force for each succeeding crop year.

Appendix—Additional Terms and Conditions

1.

* * * * *

(g) "Service Office" means the office serving your contract as shown on the application for insurance or such other office as may, in writing, be selected by you after approval by us or designated by us upon written notice to you.

* * * * *

11. *Other Insurance Against Fire.* If the insured has other insurance against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire for only the smaller of (a) the amount determined by the Corporation under the policy with the Corporation; or (b) the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the fair market value of the production on the unit before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation.

9. Appendix B is redesignated as Appendix A and is revised to read as follows:

Appendix A—Counties Designated for Pea Crop Insurance—7 CFR Part 416

In accordance with the provisions of 7 CFR Part 416.1, the following counties are designated for pea crop insurance:

Idaho

Benewah	Latah
Cassia	Lewis
Clearwater	Lincoln
Franklin	Minidoka
Jerome	Nez Perce
Kootenai	Twin Falls

Minnesota

Blue Earth	Mower
Brown	Nicollet
Carver	Olmstead
Dakota	Redwood
Dodge	Renville
Faribault	Rice
Freeborn	Scott
Goodhue	Sibley
Kandiyohi	Steele
Le Sueur	Wabasha
McLeod	Waseca
Martin	Watonwan
Meeker	Winona

Orgeon

Umatilla	Union

Utah

Box Elder	Salt Lake
Cache	Weber
Davis	

Washington

Adams	Spokane
Columbia	Walla Walla
Franklin	Whatcom
Grant	Whitman
Skagit	

Wisconsin

Adams	Marinette
Barron	Oconto
Brown	Outagamie
Calumet	Ozaukee
Clark	Polk
Columbia	Portage
Dane	Rock
Dodge	St. Croix
Door	Sauk
Fond du Lac	Sheboygan
Grant	Trempealeau
Green Lake	Walworth
Iowa	Washington
Jefferson	Waushara
Kewaunee	Winnebago
Manitowoc	

Done in Washington, D.C., on January 24, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by: **Merritt W. Sprague,**

Manager.

Dated: March 22, 1983.

[FR Doc. 83-8100 Filed 3-30-83; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 572; Navel Orange Reg. 571, Amt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 1-7, 1983, and increases the quantity of such oranges that may be so shipped during the period March 25-31, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective April 1, 1983, and the amendment is effective for the period March 25-31, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982-83. The

marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on March 29, 1983 at Ventura, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between thedate when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been appraised of such provisions and the effective time.

List of subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

Part 907—[Amended]

1. Section 907.872 is added as follows:

§ 907.872 Navel orange regulation 572.

The quantities of navel oranges grown in California and Arizona which may be handled during the period April 1, 1983 through April 7, 1983, are established as follows:

(1) District 1: 1,600,000 cartons;

(2) District 2: Unlimited cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

2. Section 907.871 Navel Orange Regulation 571 [48 FR 12330], is hereby amended to read:

§ 907.871 Navel orange regulation 571.

* * * * *

(1) District 1: 1,800,000 cartons;

(2) District 2: Unlimited cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 30, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–8576; Filed 3–30–83; 12:22 pm]

BILLING CODE 3410–02

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 710

Voluntary Liquidation of Federal Credit Unions

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: On January 5, 1983, 48 FR 419, the National Credit Union Administration (NCUA) published for public comment a proposed rule changing the membership voting requirements for Federal credit unions entering voluntary liquidation. The proposal has been adopted by the NCUA Board with two minor administrative additions.

EFFECTIVE DATE: May 1, 1983.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Lyle Mettler, Department of Insurance, at the above address. Telephone number: (202) 357–1010.

SUPPLEMENTARY INFORMATION: Six comment letters were received all supporting the proposed changes. One commentor suggested that the wording of § 710.3(a) be changed to read from, "When the board of directors decided to seek the members' approval * * *." to read as follows, "When the board of directors seek the members' approval * * *." This wording change eliminates the suggestion that the board has a choice of presenting the question of liquidation to the membership.

An administrative policy change recently approved by the NCUA Board has been incorporated into the final regulation. The NCUA Board changed the method of handling trusteed claims of members and creditors of liquidated credit unions. Previously, the unpaid claims of members and creditors who failed to cash their final distribution checks were trusteed to NCUA. Now the credit union will trustee these unpaid claims to the State in which the member or creditor resides. As each State has a different title for its department responsible for trusteed claims, the credit union will need to contact the respective state involved to find the proper responsible department to which the unpaid trustee claim schedules and checks are to be sent. Section 710.11 has been modified to reflect this change in trustees.

In addition, another administrative change has been made reducing the records retention period after the charter has been cancelled from five to three years. The three year period coincides with the credit union's corporate existence. During this period, the custodian of the records appointed by board or liquidating agent has possession and control of the credit union's records. This change decreases the administrative burden placed on the custodian of the records. Sections 710.5(d) and 710.13 have been amended to show this change.

List of Subjects in 12 CFR Part 710

Credit Unions.

Accordingly, 12 CFR Part 710 is amended as set forth below.

Dated: March 21, 1983.

Rosemary Brady,

Secretary to the Board.

Part 710 is revised to read as follows:

PART 710—VOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS

Sec.

710.0 Scope.
710.1 Definitions.
710.2 Notice of liquidations to National Credit Union Administration.
710.3 Approval of the liquidation proposal by members.
710.4 Certification of vote on liquidation proposal.
710.5 Responsibility for conduct of voluntary liquidation.
710.6 Transaction of business during liquidation.
710.7 Notice of liquidation to creditors.
710.8 Reports at commencement and during liquidation.
710.9 Partial distribution.
710.10 Distribution of assets.
710.11 Final reports.
710.12 Examinations of Federal Credit Unions in voluntary liquidation.
710.13 Retention of records.
710.14 Cancellation of charter.

Authority: 12 U.S.C. 1766(a)

§ 710.0 Scope.

This part prescribes the procedures that must be followed in order for a Federal credit union to enter voluntary liquidation.

§ 710.1 Definitions.

For the purpose of this part, the following definitions apply:

(a) "Liquidation Date" means the date the board of directors decide to place the question of liquidation to the members.

(b) "Liquidation Agent" means the person appointed by the board of directors to liquidate the credit union. The board may delegate all or a part of their responsibilities of the liquidation to the liquidating agent.

§ 710.2 Notice of liquidations to National Credit Union Administration.

Within 10 days after the decision of the board of directors to submit the question of liquidation to the members, the president or liquidating agent shall notify the Regional Director in writing, setting forth in detail the reasons for the proposed action.

§ 710.3 Approval at the liquidation proposal by members.

(a) When the board of directors seek the members' approval of the liquidation, the members shall:

(1) Be given advance notice of the meeting at which the liquidation proposal is to be submitted, in accordance with the provisions of Article V, Federal Credit Union Bylaws. This notice shall:

(i) Inform members that they have the right to vote on the liquidation proposal in person at the meeting called for that purpose or by written ballot to be received no later than the time and date indicated in the notice.

(ii) Include or be accompanied by a ballot for the liquidation proposal.

(b) The liquidation proposal must be approved by the affirmative vote of a majority of the credit union members who vote on the proposal.

§ 710.4 Certification of vote on liquidation proposal.

Within 10 days after the vote of the members on the question of liquidation, the president shall notify the Regional Director in writing as to whether or not the members approved the proposed liquidation. If the members have not approved the liquidation and the board decides that the credit union should resume operations, the board may rescind its original resolution to present the question of liquidation to the members. However, before rescinding the original resolution, the board shall notify the Regional Director of its intent to resume operations and set forth in detail the action which has been taken to correct the conditions that caused the board to seek liquidation.

§ 710.5 Responsibility for conduct of voluntary liquidation.

(a) The board of directors shall be responsible for conserving the assets, for expediting the liquidation, and for equitable distribution of the assets to the members.

(b) The board may appoint a liquidating agent and delegate all or part of the board's responsibilities to such agent and may authorize reasonable compensation for his services.

(c) The board shall determine that the liquidating agent and all persons handling or having access to funds of the credit union are adequately covered by surety bond.

(d) The board or liquidating agent shall appoint a custodian for the credit union's records which are to be retained for 3 years after the charter is cancelled.

§ 710.6 Transaction of business during liquidation.

(a) Immediately upon decision by the board of directors to seek approval of the members, payments on shares, withdrawal of shares (except for transfer of shares to loans and interest), transfer of shares to another share account, granting of loans, and making investments other than short-term investments as specified in paragraph (b) of this section shall be suspended pending action by the members on the proposal to liquidate. On approval of the members, payments on shares, withdrawal of shares (except for transfer of shares to loans and interest), transfer of shares to another share account, granting of loans and making of investments other than short-term investments as specified in paragraph (b) of this section shall be discontinued permanently. Necessary expenses to complete the liquidation shall, however, continue to be paid on authorization by the board of directors or liquidating agent during the period of liquidation.

(b) While the primary duty of the board of directors during the liquidation is to convert loans and investments to cash at the earliest possible date, there may be intervals during which funds being accumulated prior to distribution may be advantageously placed in short-term, interest-bearing savings accounts in institutions whose accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. Common trust funds approved as legal investments for Federal credit unions, deposits in credit unions insured by the NCUA Board or other Share Insurance Corporations, and short-term U.S. Government obligations, or short-term securities fully guaranteed as to principal and interest by the U.S. Government may be used as a source for the investment of such excess funds. These deposits should be withdrawable upon demand. The liquidation of such investments should be timed so as to facilitate the planned distribution to the members.

(c) The board or liquidating agent must obtain approval from the Regional Director prior to consummating any sale of assets which would not provide sufficient funds to pay shareholders at par.

§ 710.7 Notice of liquidation to creditors.

On approval of the members of a proposal to liquidate the credit union, the board or liquidating agent shall immediately have prepared and mailed to all creditors a notice of liquidation containing instructions to present their claims to the credit union for payment within 120 days.

§ 710.8 Reports at commencement and during liquidation.

(a) Within 20 days following the liquidation date, the treasurer or liquidating agent conducting the liquidation shall file the following reports with the Regional Director:

(i) A combined report of operations, which includes all the information reported in paragraphs (a) (ii), (iii), and (iv) of this section, with paragraphs (a) (v), and (vi) of this section, or

(ii) Statement of Financial Condition, FCU 109A.

(iii) Statement of Income, FCU 109B.

(iv) Statistical Report, FCU 109F.

(v) A schedule of members' share and loan accounts showing account number, name, share and loan balances, and

(vi) A schedule of delinquent loans showing comments as to the collectibility of each loan.

(b) Within 10 days from the close of each calendar quarter, the treasurer or liquidating agent will forward current reports as specified in paragraph (a) of this section, except paragraph (a)(v) of this section, to the Regional Director.

§ 710.9 Partial distribution.

With the written approval of the Regional Director, a partial distribution of the credit union's assets may be made to its members from cash funds available on authorization by its board or liquidating agent.

§ 710.10 Distribution of assets.

(a) After all assets of the credit union have been converted to cash or found to be worthless and all loans and debts owing to it have been collected or found to be uncollectible and all obligations of the credit union have been paid, with the exception of shares due its members, the books shall be closed and the pro rata distribution to members computed.

(b) Promptly after the pro rata distribution to members has been

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computed, checks shall be drawn for the amounts to be distributed to each member who has given a written confirmation of his balance. The checks shall be mailed to such members at their last known address or handed to them in person. The written confirmations submitted by members to verify balances shall be retained with the credit union records.

(c) Unclaimed share accounts which have been dormant and unpaid claims, if any, due members who failed to confirm their balances in writing during the liquidation, and of unpaid claims if any, due members or creditors who failed to cash their final distribution checks shall be paid to the State in which the member or creditor resides. The credit union should contact the respective State involved for the State's unpaid claim schedule to be used and the proper state department title and address to which the unpaid claim schedule and check are to be sent.

(d) The Regional Director shall be notified promptly of the date final distribution of assets to the members is started.

§ 710.11 Final reports.

(a) Within 120 days after the final distribution to members is started, the Federal credit union shall furnish to the Regional Director the following:

(1) A copy of the schedule of unpaid claims sent to each state authority.

(2) A schedule showing the book number, name, share balance at the commencement of liquidation, pro rata share of gain, the amount distributed to each member and the amount of each unclaimed or unpaid share account paid to the state. The check number and date of payment to the member or state should be included in the schedule.

(3) A Summary Report on Liquidation and Analysis of Assets Sold.

(4) The Certificate of Dissolution and Liquidation signed under oath by the president, treasurer, or liquidation agent who conducted the liquidation and made the final distribution of assets to the members.

(5) The name and address of the custodian of the Federal credit union's records.

(6) The charter and insurance certificate of the Federal credit union.

(b) When the final reports are sent to the Regional Director as specified in paragraph (a) of this section, the credit union shall provide to the proper State authority the following:

(1) A schedule of unpaid claims by the member's state of residence prepared on the respective state's authorized schedule.

(2) A certified check or money order payable to the respective State in the exact amount of the unclaimed and unpaid accounts.

§ 710.12 Examinations of Federal credit unions in voluntary liquidation.

When deemed advisable by the Regional Director, an examination of the books and records of a Federal credit union may be made prior to, during, or following completion or voluntary liquidation.

§ 710.13 Retention of records.

All records of the liquidated credit union necessary to establish that creditors were paid and that member's shareholdings were equitably distributed shall be retained by a custodian appointed by either the board or liquidating agent for a period of 3 years following the date of charter cancellation.

§ 710.14 Cancellation of charter.

On proof that distribution of assets has been made to members and after receipt of the Certificate of Dissolution and Liquidation, the Regional Director shall cancel the charter of the Federal credit union.

[FR Doc. 83-8292 Filed 3-30-83; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-26-AD; Amendment 39-4598]

Airworthiness Directives; British Aerospace, Aircraft Group, Scottish Division Model B.121 Series 1, 2 and 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain British Aerospace, Aircraft Group, Scottish Division, Model B.121 Series 1, 2 and 3 airplanes, which requires reinforcement of the main wing spar web. Reports of crack propagation on both main wing spar webs have been received. These web cracks have occurred on airplanes that do not have Modification No. BE.214 installed. The cracks may contribute to catastrophic structural failure if left uncorrected. Reinforcement of the main wing spar webs will prevent this condition.

DATE: Effective date: April 7, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: British Aerospace, Aircraft Group, Scottish Division, Service Bulletin No. B.121/79 dated March 9, 1979, applicable to this AD may be obtained from British Aerospace, Incorporated, 13850 McLearen Road, Dulles Industrial Aerospace Park, Herndon, Virginia 22070. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Paul Cormaci, Manager, Foreign FAR 23 Section, ACE-109, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: British Aerospace, Aircraft Group, Scottish Division, has received reports of cracks in the right and left main wing spar webs just outboard of the root rib on certain British Aerospace, Aircraft Group, Scottish Division, Model B.121, Series 1, 2 and 3 airplanes. These cracks by themselves are not catastrophic in nature. They can, however, if allowed to propagate, contribute to major structural failure. The manufacturer incorporated Modification No. BE.214, a replacement of the wing/fuselage joint plate, during production on Serial Numbers 081 and subsequent. Cracks have not occurred on airplanes with this modification installed. Repair Scheme No. BE.03.10169 effectively incorporates Modification No. BE.214 on airplanes prior to S/N 081. As a result, British Aerospace, Aircraft Group, Scottish Division, has issued Service Bulletin B.121/79 dated March 9, 1979, which specifies incorporation of Repair Scheme No. BE.03.10169. The United Kingdom Civil Aviation Authority who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the United Kingdom Civil Aviation

Authority combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of British Aerospace, Aircraft Group, Scottish Division, Service Bulletin No. B.121/79 dated March 9, 1979, and the mandatory classification of this Service Bulletin by the United Kingdom Civil Aviation Authority.

Based on the foregoing, the FAA has determined that the condition addressed by Service Bulletin No. B.121/79 is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States. Therefore, an AD is being issued requiring installation of Repair Scheme No. BE.03.10169 on British Aerospace, Aircraft Group, Scottish Division, Model B.121, Series 1, 2 and 3 airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

British Aerospace, Aircraft Group, Scottish Division: Applies to Model B.121 Series 1, 2 and 3 airplanes which do not have Wing Modification No. BE.214 installed, certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To preclude crack propagation on main wing spar webs and possible catastrophic structural failure, accomplish the following:

Within the next 100 hours time-in-service after the effective date of this AD or upon accumulating 2,000 hours time-in-service, whichever occurs later, accomplish the following:

(a) Incorporate Repair Scheme No. BE.03.10169 in accordance with paragraph 3.2 of British Aerospace, Aircraft Group, Scottish Division, Service Bulletin No. B.121/79 dated March 9, 1979.

(b) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 7, 1983.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89, Federal Aviation Regulation (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 18, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-8343 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-CE-29-AD; Amdt. 39-4603]

Airworthiness Directives; Piper Models PA-24, PA-24-250, PA-24-260, PA-30 and PA-39 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 82-23-01, Amendment 39-4483, applicable to Piper Models PA-24, PA-24-250 and PA-24-260 airplanes, modified per Robertson Supplemental Type Certificate (STC) SA2495WE, and PA-30 and PA-39 airplanes, modified per Robertson STC SA2312WE. The modifier has made available in Robertson Aircraft Corporation Service Bulletin 19 a positive flap retraction system which, if installed, makes the flap limitations required by AD 82-23-01 unnecessary. Also, an improved Airplane Flight Manual (AFM) supplement incorporating the information contained in Figure 1 of the AD is now available. This amendment revises the AD to reflect these changes.

DATES: Effective date: April 7, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Robertson Aircraft Corporation Service Bulletin 19 dated October 22, 1982, may be obtained from Robertson Aircraft Corporation, Snohomish County Airport, North Complex C-72, Everett, Washington 98204; Telephone (206) 355-8700 or 1-(800) 426-0192. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Owen Schrader, Airframe Branch, ANM-120S, Seattle Area Aircraft Certification Office, FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108; Telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: Investigation following an accident involving a Piper Model PA-30 airplane modified per Robertson STC SA2312WE disclosed a control problem if an asymmetrical retraction occurred. As a result, AD 82-23-01, Amendment 39-4483 (47 FR 49350, 49351), was issued which limited flap extention on Piper Models PA-24, PA-24-250, PA-24-260, PA-30 and PA-39 airplanes, modified per applicable Robertson STCs. Subsequent to the issuance of AD 82-23-01, Robertson Aircraft Corporation issued Service Bulletin 19 and has made available kits for incorporating a positive flap retraction system which, when installed makes the flap limitations required by this AD unnecessary. Also, an FAA Approved Airplane Flight Manual Supplement (AFMS) for the affected airplanes incorporating the information contained in Temporary Flap Restrictions and Asymmetrical Flap Emergency Procedures (Figure 1 of AD 82-23-01) is now available. Therefore, the FAA is revising AD 82-23-01 by 1) removing the flap limitation on those airplanes modified per Robertson Service Bulletin 19, and 2) replacing existing Figure 1 with a new Figure 1, FAA Approved AFMS, incorporating permanent flap restrictions and asymmetrical flap emergency procedures in the affected Airplane Flight Manuals.

Since this amendment provides for an optional modification and incorporates the existing temporary flap limitation in a permanent document, notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, AD 82-23-01, Amendment 39-4483 (47 FR 49350, 49351), § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended as follows:

(1) Restate paragraph (b) to read as follows:

"(b) Insert a copy of Figure 1 of this AD dated March 3, 1983, or FAA approved equivalent, in the Airplane Flight Manual."

(2) Redesignate existing "paragraph (d)" as "paragraph (e)."

(3) Designate a new paragraph (d) which reads as follows:

"(d) The temporary placard required by paragraph (a) and Figure 1 dated March 3, 1983, inserted in the Airplane Flight Manual as required by paragraph (b) may be removed when a positive flap retraction system is installed in accordance with Robertson Aircraft Corporation Service Bulletin 19 dated October 22, 1982."

(4) Remove the "NOTE" following existing paragraph (d).

This amendment revises AD 82-23-01, Amendment 39-4483.

This amendment becomes effective April 7, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(a)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation only involves an optional one-time estimated cost of $3,000 on approximately 160 airplanes. Therefore, I certify that this action (1) is not a major rule under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and because of the cost and few airplanes involved owned by small entities, it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 21, 1983.

John E. Shaw,

Acting Director, Central Region.

Figure 1, AD 82-23-01

(March 3, 1983)

FAA APPROVED AIRPLANE FLIGHT MANUAL SUPPLEMENT TO THE PIPER PA-24, PA-24-250, PA-24-260 AND PIPER PA-30, PA-39 AIRPLANE FLIGHT MANUALS

This supplement applies to the above aircraft when modified with the Robertson STOL modification under STC SA2495WE or SA2312WE but have not been modified with the Robertson positive flap retraction system described in Robertson Service Bulletin 19 dated October 22, 1982. This document must be carried in the basic manual of the modified aircraft.

The information in this document supersedes the basic manual only where covered in the items contained herein. For Limitations, Procedures and Performance not contained in this Supplement, consult the basic manual.

I. Limitations

Maximum flap extension is limited to 15 degrees under all flight conditions for electrically-operated flaps or second notch (approximately 18 degrees) for manually-operated flaps.

II. Procedures, Emergency

Flap operation: If the airplane begins a pronounced roll in either direction upon flap extention or retraction, immediately cease flap operation and reverse the action.

That is, if flaps are being retracted and pronounced roll begins, cease retracting the flaps and initiate extension to previous setting or until the roll stops. If flaps are being extended and a pronounced roll begins, cease extending flaps and return flaps to the retracted position. Leave the flaps in the last position found to permit aileron neutral flight and return to a suitable landing field. If flaps are retracted, consider the need for additional landing field length. If flaps are extended, limit airspeed to maximum flaps extended speed (125 m.p.h.—180K).

Note.—The restriction against continuous flap retraction is necessary because of the possibility of asymmetric flaps occurring under certain conditions. With one flap extended to 15 degrees, or second notch (approximately 18 degrees) for manually-operated flaps, the airplane is controllable by coordinated use of ailerons and rudder. The EMERGENCY procedures listed above should be followed if pronounced roll is encountered when flaps are moved. This will restore balanced lift to each wing, permitting normal aileron authority for maneuvering the airplane.

III. Performance

No change.

[FR Doc. 83-8342 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-CE-19-AD; Amendment 39-4602]

Airworthiness Directives; Pilatus Britten-Norman Ltd.; Models BN-2, BN-2A, and BN-2B Islander Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Pilatus Britten-Norman Ltd.; Models BN-2, BN-2A, and BN-2B Islander Series airplanes, which supersedes AD 71-19-03, Amendment 39-1285 as revised by Amendment 39-1902. The new AD requires visual inspection of the elevator trim tabs for cracks, loose fasteners, excessive tab hinge wear and excessive backlash in the operating system. The manufacturer has provided a new design trim tab and additional information regarding inspection criteria as well as standard repairs. This action will allow the inspection interval to be increased without adversely affecting the structural integrity of the elevator trim tabs.

EFFECTIVE DATE: April 7, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Pilatus Britten-Norman Ltd., Service Bulletin (SB) No. BN-2/SB.142, Issue 2, dated June 29, 1981, applicable to this AD may be obtained from Pilatus Britten-Norman Ltd., Bembridge, Isle of Wight, England. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. P. Cormaci, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106 Telephone 816/374-6932.

SUPPLEMENTARY INFORMATION: The manufacturer has issued SB Nos. BN-2/SB.16, BN-2/SB.45, BN-2/SB.46, BN-2/SB.47, BN-2/SB.49, and BN-2/SB.127 which address the detection and correction of cracks, rivet failures, hinge wear and backlash in the elevator trim tab system used on Pilatus Britten-Norman Ltd.; Models BN-2, BN-2A, and BN-2B Islander Series airplanes. The FAA made compliance with portions of SB Nos. BN-2/SB.16 and BN-2/SB.49 Mandatory by issuing AD 71-19-03, Amendment 39-1285 as revised by Amendment 39-1902. Subsequently, since issuing SB BN-2/SB.49 the manufacturer has received three reports of excessive elevator trim tab vibration. Also during 1978/1979 the FAA has received one report of excessive slack in the elevator trim jack, one report of lost elevator trim and one report of cracked elevator trim tab spar. After reviewing the service history of the elevator trim tabs, Pilatus Britten-Norman Ltd. issued SB No. BN-2/SB.142, Issue 2, dated June 29, 1981, which stresses the importance of repetitive inspections for structural defects to prevent rapid crack growth or

other structural defects in the elevator trim tabs and introduces a new design elevator trim tab, incorporated by Pre-Mod NB/M/1117 (short span tabs) which will allow the repetitive inspection interval to be increased from 10 hours time-in-service to 50 hours time-in-service. The United Kingdom Civil Aviation Authority (UKCAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Pilatus Britten-Norman Ltd. SB No. BN-2/SB.142, Issue 2, dated June 29, 1981, and the mandatory classification of this SB by he UKCAA.

Based on the foregoing, the FAA has determined that the condition addressed by Pilatus Britten-Norman Ltd. SB No. BN-2/SB.142, Issue 2, dated June 29, 1981, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued superseding AD 71-19-03 applicable to Pilatus Britten-Norman Ltd.; Models BN-2, BN-2A, and BN-2B Islander Series airplanes, which makes compliance with the above mentioned service letter mandatory and provides for a relaxation of the inspection intervals when a new design elevator trim tab is installed.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

PILATUS BRITTEN-NORMAN LTD.: Applies to Models BN-2, BN-2A, and BN-2B Islander Series (all Serial Numbers) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished. To prevent structural failure of the elevator trim tabs, accomplish the following:

(a) Within the next 10 hours time-in-service after the effective date of this AD and thereafter at intervals not to exceed 10 hours time-in-service for those airplanes not fitted with long span tabs, Pre-Mod NB/M/1117:

(1) Visually inspect using a 5x power magnifying glass the elevator trim tab skins, front channel member (spar) and drive ribs for cracks in accordance with the instructions contained in the "Inspection" section of Pilatus Britten-Norman Ltd. Service Bulletin (SB) No. BN-2/SB.142, Issue 2, dated June 29, 1981, (hereinafter referred to as the SB), or an FAA approved equivalent.

(2) Visually inspect elevator trim tabs for loose or broken rivets.

(3) Visually inspect elevator trim tab hinges for damage or excessive wear.

(4) visually inspect the trim tab operating system for backlash in accordance with the instructions provided in the "Inspection" section of the SB.

(5) If no defects are found during accomplishment of paragraphs (a)(1), (a)(2), (a)(3), or (a)(4) of this AD, return airplane to service.

(6) If defects are found during accomplishment of paragraphs (a)(1), (a)(2), (a)(3), or (a)(4), of this AD, before further flight, repair in accordance with the instructions contained in the "Rectification (Pre-Mod NB/M/1117 Long Span Tabs)" section of the SB and/or instructions provided by Pilatus Britten-Norman. Ltd., Bembridge, Isle of Wight, England, and approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

(b) If trim tabs to Pre-Mod NB/M/1117 are installed, the inspection procedures and intervals specified in paragraph (a) of this AD may be relaxed to 50 hour time-in-service intervals with inspections as prescribed in the airplane Maintenance Schedules (Pub. Ref. MS/1 and MS/4) and accomplished in accordance with the instructions in the airplane Maintenance Manual (Pub. Ref. MM/1).

(c) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(d) Aircraft may be flown in accordance with FAR 21.197 to a location where this Airworthiness Directive (AD) can be accomplished.

(e) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment supersedes AD 71-19-03, Amendment 39-1285 effective July 13, 1971, as revised by Amendment 39-1902 effective July 27, 1974.

This amendment becomes effective on April 7, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 18, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-8339 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-CE-16-AD; Amendment 39-4601]

Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego Pzl-Mielec Model PZL M18 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Wytwornia Sprzetu Komunikacyjnego, PZL-MIELEC Model PZL M18 airplanes which requires reinforcement of the elevator and rudder counterweights. The manufacturer has received a report of the lead counterweights in both the elevator and rudder becoming unfastened and dropping out. Without these counterweights the airplane could suffer severe structural damage due to flutter and resultant buffeting. The action required herein will prevent this unsafe condition.

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DATES: Effective date: April 7, 1983. Compliance: as prescribed in the body of the AD.

ADDRESSES: Mandatory Bulletin Nos. I/010/81 dated February 1981 and U/019/81 dated November 1981 applicable to this AD may be obtained from Wytwornia Sprzetu Komunikacyjnego, "PZL MIELEC", 39-301 Mielec, Poland. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone 816/374-6932.

SUPPLEMENTARY INFORMATION: The manufacturer has received a report that lead counterweights in both the rudder and elevator became unfastened and dropped out on its PZL-MIELEC Model PZL M18 airplanes. An analysis showed that protection of these counterweights against dropping out was inadequate. Shifting or loss of these counterweights could cause flutter and buffeting of the airplane at normal airspeeds resulting in severe structural damage. As a result, Wytwornia Sprzetu Komunikacyjnego, "PZL MIELEC" has issued Mandatory Bulletin Nos. I/010/81 and U/019/81 which provide for repair and reinforcement of the counterweight fasteners. The Civil Aircraft Inspection Board (CACA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Poland has classified these Bulletins and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Polish registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of CACA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Mandatory Bulletin Nos. I/010/81 and U/019/81 and the mandatory classification of these Bulletins by CACA.

Based on the foregoing, the FAA has determined that the condition addressed by Mandatory Bulletin Nos. I/010/81 and U/019/81 is an unsafe condition that may exist or develop on products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring reinforcement of the counterweight fasteners in the elevator and rudder on PZL M18 airplanes in accordance with procedures set forth in the above mentioned bulletins.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR Section 39.13) is amended by adding the following new AD.

Wytwornia Sprzetu Komunikacyjnego, "Pzl Mielec": Applies to Model PZL M18 Serial Nos. 1Z003-01 through 1Z003-010, 1Z004-05 through 1Z004-010, 1Z005-01 through 1Z005-15 airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent flutter and buffeting which could cause structural damage to the airplane, accomplish the following:

(a) Within the next 50 hours time-in-service after the effective date of the AD, reinforce all counterweights (elevator and rudder) as prescribed in Mandatory Bulletin Nos. I/010/81 dated February 1981 and U/019/81 dated November 1981.

(b) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 7, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 18, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-8340 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-11-AD; Amdt. 39-4587]

Airworthiness Directives; Boeing Model 707-100, 707-100B, 707-200, 720 and 720B Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) which requires repetitive inspection of the horizontal stabilizer center section rear spar upper chord on certain 707 and 720 series airplanes. A structural modification has been developed which, when incorporated, reduces the hazard of fatigue cracking. This amendment permits operators, at their own option, to incorporate a modification which eliminates the requirement for periodic inspections.

DATES: Effective April 4, 1983.

ADDRESSES: The applicable service bulletin may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This document may also be examined at FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton A. Holmes, Airframe Branch, ANM-120S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2516. Mailing Address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C 68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: AD 79–24–04, Amendment 39–3617 (44 FR 66188), requires repetitive inspections of the horizontal stabilizer center section rear spar upper chord for cracks. A modification has been developed which includes a fail-safe strap at this location. If this modification is accomplished, the repetitive inspections required by the AD may be discontinued. AD 79–24–04 is therefore amended to include optional terminating action consisting of a modification of the horizontal stabilizer center section rear spar upper chord.

Since this Amendment only provides an alternate means of compliance, it is found that notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 79–24–04, Amendment 39–3617 (44 FR 66188), by adding a new paragraph after Table I which reads as follows:

"Accomplishment of the modification described in Accomplishment Instructions, Part II, of Boeing Service Bulletin 3332, Rev. 3, dated January 8, 1982, or later FAA approved revisions, constitutes terminating action for this AD".

This Amendment becomes effective: April 4, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note: The Federal Aviation Administration has determined that this document only provides an alternate means of compliance.

Therefore: (1) It is not major under Executive Order 12291 (46 FR 13193; February 19, 1981) and; (2) it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I certify that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because it involves few, if any, small entities.

Issued in Seattle, Washington on March 14, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83–8127 Filed 3–30–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–ASW–04; Amdt. No. 39–4963; (Predecessor Docket No. 80–NE–09)]

Airworthiness Directives; Sikorsky S–76A Helicopters Certificated in All Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: Airworthiness Directive (AD) 80–06–01 R3 requires main transmission support fitting inspections for all Sikorsky Model S–76A aircraft, except for certain serial numbers, and those aircraft with transmission support reinforcement kits installed. Since all aircraft that required the AD inspections have now been retrofitted with reinforcement kits and the AD no longer is applicable to the outstanding serial numbered aircraft, the FAA has determined that there is no need for the AD. Therefore, this amendment is being enacted to revoke AD 80–06–01 as amended.

DATE: Effective date April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Cheryl McCabe, Aerospace Engineer, ANE–152, Boston Aircraft Certification Branch, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7336.

SUPPLEMENTARY INFORMATION: After a crack was found in the main transmission support structure of a Sikorsky S–76A helicopter, telegraphic AD T80NE–5, requiring inspections, was issued January 30, 1980, and was published in the **Federal Register** as Amendment 39–3709 (45 FR 15174), AD 80–06–01. Further investigation indicated the inspections should be more extensive, and the AD was revised telegraphically as AD T80NE–20 and incorporated in the **Federal Register** as Amendment 39–3786 (45 FR 37808). Amendment 39–3918 (45 FR 62793), effective September 22, 1980, was issued to establish an inspection procedure for S–76A helicopters that have a modification kit installed. Amendment 39–3986 (45 FR 82169), effective December 23, 1980, deleted from the AD required inspections of S–76 aircraft serial numbers 760055, 760074, 760077, and subsequent, and of aircraft retrofitted with main transmission support reinforcement kits in accordance with Sikorsky Service Bulletin 76–53–12, dated September 5, 1980, and referred the owners and operators of these aircraft to the "Airworthiness Limitations" Section in the S–76A Maintenance Manual for less extensive inspections.

Sikorsky Aircraft established aircraft modification field teams to retrofit customer aircraft with the main transmission support beam reinforcement kit described above. The retrofits were accomplished either at the customer's facility or at Sikorsky's facilities. Sikorsky reports and the FAA finds, after reviewing Sikorsky's records, that Model S–76A aircraft serial numbers 76004 (experimental), 76005 through 76007, 760001 through 760054, 760056 through 760073, 760075, and 760076 covered by the AD have the transmission support reinforcement kits installed. Also, a change to the type design incorporates the required modification for the serial numbered aircraft covered by the AD. Therefore, all S–76A aircraft to which AD 80–06–01, as amended, applies have now been retrofitted with the reinforcement kit and are covered by required mandatory inspections stated in Chapter 4 of the Sikorsky S–76 Maintenance Manual SA 4047–76–2–1, "Airworthiness Limitation" section.

Thus, based on the data submitted, the FAA finds that the need for this AD is no longer necessary, and in accordance with the agency's policy of eliminating unnecessary regulations when possible, AD 80–06–01 is being revoked.

Since no aircraft are affected by the requirements of this AD, notice and pubic procedure hereon are unnecessary.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revoking Amendment No. 39–3709 (45 FR 15174), AD 80–06–01, as amended by Amendment No. 39–3786 (45 FR 37808), Amendment No. 39–3918 (45 FR 62793), and Amendment No. 39–3986 (45 82169).

This amendment cancels and entirely deletes AD 80–06–01, Amendment No. 39–3709 as amended by Amendment No. 39–3786, Amendment No. 39–3918 and

Amendment No. 39–3986, and becomes effective April 29, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note: The FAA has determined that the existing regulations being revoked are no longer needed to assure the affected aircraft are airworthy. Furthermore, this revocation imposes no costs or other resource requirements on any entity. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291 and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Texas, on March 11, 1983.

F. E. Whitfield.

Acting Director, Southwest Region.

[FR Doc. 83-8107 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 83-ASW-09; Amdt. 39-4567]

Airworthiness Directive; Societe Nationale Industrielle Aerospatiale (SNIAS) Models AS350 and AS355 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires frequent inspections and checks for cracks in the upper vertical fin support fittings, including certain modified or reinforced tail fins on all Aerospatiale Model AS350 and AS355 series helicopters. This amendment is needed because the FAA has found the repetitive inspections and daily checks of reinforced fins are unnecessary on rotorcraft with certain modifications.

DATES: Effective April 29, 1983.

Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051 Attention: Customer Support.

A copy of the service information is contained in the Rules Docket, the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Chris Christie, Manager, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, or Sam Brodie, Helicopter Policy and Procedures Staff, Aircraft Certification Division, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 877–2577.

SUPPLEMENTARY INFORMATION: This amendment further amends Amendment 39–4294 (47 FR 1113), AD 82–02–02 as amended by Amendment 39–4401, (47 FR 27244) which currently requires frequent inspections and checks for cracks in the upper vertical fin support fittings, including certain modified or reinforced tail fins on all Aerospatiale Model AS350 and AS355 series helicopters. After issuing Amendment 39–4401, the FAA has determined that if Aerospatiale modification No. AMS 071047 or equivalent production change is accomplished, the repetitive inspections required by the AD are no longer necessary. Therefore, the FAA is further amending Amendment 39–4294 as amended by removing the requirement for tail fin inspections on Aerospatiale Model AS350 and AS355 series helicopters that have been modified according to AMS 071047 or an equivalent means.

The FAA finds that: (1) Publication of this amendment as a notice would unjustifiably prolong the required inspection period for affected owners and operators that have already modified their rotorcraft in accordance with AMS 071047; (2) publication of this amendment as a notice would benefit no person; furthermore, it would unnecessarily consume limited public resources such as paper, equipment and manpower; (3) this amendment relieves a restriction in that the checks and inspections of paragraphs (a) and (b) are no longer required after modification per AMS 071047; and (4) this amendment imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), is further amended by amending Amendment 39–4294 (47 FR 1113), AD 82–02–02 (as amended by Amendment 39–4401 (47 FR 27244), by adding new paragraph (e) as follows:

* * * * *

(e) The checks and inspections specified in paragraphs (a) and (b) of this AD are not required provided fins have been modified per AMS 071047 or an equivalent means.

This amendment becomes effective April 29, 1983.

This amendment amends Amendment 39–4401 (47 FR 27244), AD 82–13–05.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note: The FAA has determined that this regulation only involves 350 aircraft, it relieves a restriction by deleting frequent repetitive inspection requirements, thereby minimally reducing costs to operators and imposes no additional burden on any person.

Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Fort Worth, Texas, on March 11, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-8108 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 45

[Docket No. 17528; Amdt. No. 45-15]

Location and Size of Registration Marks on Rotorcraft

Correction

In FR Doc. 83–6730 appearing on page 11390 in the issue of Thursday, March 17, 1983, second column, first paragraph, second line from the bottom, insert "to" after "on".

BILLING CODE 1505-01-M

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14 CFR Part 71

[Airspace Docket No. 83-ASW-1]

Designation of Transition Area; Brackettville, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Brackettville, TX. The intended effect of the amendment is to provide controlled

airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Los Medanos Ranch Airport. This amendment is necessary since there are proposed special RNAV SIAP's to Runways 12 and 30 at the Los Medanos Ranch Airport. Coincident with this action, the airport is changed from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW–535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877–2630.

SUPPLEMENTARY INFORMATION:

History

On January 27, 1983, a notice of proposed rulemaking was published in the **Federal Register** (48 FR 3769) stating that the Federal Aviation Administration proposed to designate the Brackettville, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Transition areas, aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70–3A dated January 3, 1983, is amended, effective 0901 GMT, June 9, 1983, as follows:

Brackettville, TX New

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Los Medanos Ranch Airport (latitude 29°23'42"N., longitude 100°28'07"W.) and within 2.5 miles each side of a 128° and 308° bearing from the airport to 9 miles southeast and 8.5 miles northwest.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c).)

NOTE.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on March 21, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83–8343 Filed 3–30–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 91

[Docket No. 21022A; Reg. Notice No. 91–100]

Emergency Air Traffic Regulations Issued Under Section 91.100 of the Federal Aviation Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Update of emergency air traffic regulations.

SUMMARY: Section 91.100 of the Federal Aviation Regulations (FAR) (14 CFR 91.100) requires aircraft operators to comply with emergency air traffic regulations issued under that section and covered by Notices to Airmen (NOTAMs) that are also issued under that section. This document provides notice of regulations already adopted that were immediately effective under § 91.100, for which the FAA has also issued NOTAMs. It adds, to Notice 91–100, emergency regulations implementing Special Federal Aviation Regulation (SFAR) No. 44, as amended, that were necessary to respond to a shortage in air traffic control personnel.

EFFECTIVE DATE: As stated in each regulation listed.

ADDRESSES: Send comments on the listed regulations, in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 21022A, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may be examined in the Rules Docket, Room 915, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace, Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 426–3731.

SUPPLEMENTARY INFORMATION:

Comments Invited

The regulations issued under § 91.100 and listed herein are emergency final rules involving immediate air traffic requirements throughout the United States. The need for immediate regulatory response under § 91.100 is stated at 46 FR 16666, *et seq.* In issuing the regulations in this notice, the FAA has found that the conditions cited in § 91.100 exist or will exist and that the regulations are necessary in order to respond to those conditions in the public interest. Where necessary, these regulations may be supplemented or amended hourly, or even more frequently, as air traffic conditions change. Accordingly, good cause exists for making these regulations effective immediately, without prior notice and public procedure.

Comments are invited on any aspect of the listed regulations, individually or cumulatively, and on any aspect of the emergency air traffic control conditions they respond to. When § 91.100 was issued, the FAA noted that it was an emergency regulation under Executive Order 12291 and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and had no cost impact in itself since it was only procedural. However, the FAA also stated (at 46 FR 16669) that the regulations distributed in accordance with § 91.100 will be evaluated individually, as appropriate, to determine whether they have cost impacts. To assist the FAA in determining, as soon as practicable after issuance, the cost impacts of the regulations issued under § 91.100, comments on economic impact are specifically invited.

Commenters wishing the FAA to acknowledge receipt of their comments in response to these rules must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 21022A." The postcard will be date/time stamped and returned to the commenter.

Effect of Publication

Publication, in the **Federal Register**, of emergency air traffic regulations issued under § 91.100 provides constructive legal notice of those regulations to all persons who may not have received the NOTAMs concerning those regulations or who otherwise may not have legal notice of the adoption of those regulations. This document provides this constructive legal notice of immediately effective emergency regulations that have already been adopted. Additional

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emergency rules will be published periodically if the need for their adoption continues.

Availability Prior to Publication: Preflight Requirement

Since there is a necessary time lag between the issuance of emergency air traffic regulations and NOTAMs under § 91.100 and the publication of these regulations in the **Federal Register**, and since these regulations and NOTAMs respond to emergency conditions that exist, or will exist, relating to the FAA's ability to operate the Air Traffic Control System, the NOTAMs concerning these regulations are available at operating air traffic facilities and Regional Air Traffic Division offices prior to **Federal Register** publication and as long as they remain effective. Under § 91.5 *Preflight Action* (14 CFR 91.5), each pilot in command is required to familiarize himself or herself with all available information concerning each flight.

Air Traffic Controller Shortage: SFAR No. 44, as Amended

The air traffic regulations listed in this amendment to Notice 91–100 follow the adoption of SFAR Nos. 44 through 44–6, in response to an organized air traffic controller job action. The emergency aspects of that action are described at 46 FR 39997, *et seq.* As a result, air traffic control facilities have experienced staffing shortages that have reduced the level of air traffic that can be handled with the required levels of safety and efficiency. To ensure that these levels of safety and efficiency are fully maintained during this shortage of air traffic personnel, the emergency regulations listed in section 2 of this notice have been issued under § 91.100.

Regulatory Impact

The FAA has determined that the regulations listed in this notice are emergency regulations that are not major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to these regulations, since they were issued in response to existing or expected emergency conditions relative to FAA's ability to operate the Air Traffic Control System. It has been further determined that the listed regulations are emergency regulations under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If these regulations are later determined to be significant, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 91

Air traffic control, Airspace, Aviation safety.

Notice of Adoption

Accordingly, pursuant to the authority delegated to me by the Administrator in § 91.100 of the Federal Aviation Regulations (14 CFR 91.100; 46 FR 16666, March 13, 1981) and that cited below, the following emergency air traffic regulations have been adopted and covered by NOTAMS under that section.

(Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

In consideration of the foregoing, section 2 of Notice 91–100 is hereby amended by adding the following emergency regulations following the regulation numbered FDC No. 2/2824.

Air Traffic Controller Shortage of 1981, and Related Emergency Conditions (SFAR–44, as amended; docket No. 21022A).

* * * * *

FDC 2/2964 Emergency Flight Rules—IFR Flight Plan Filing/General Aviation Reservation Rule effective December 22, 1982, 1525 Greenwich Time.

The IFR capacity of the enroute ATC system is increasing and permits relaxation of the General Aviation Reservation (GAR) Rule with respect to certain operations. On January 10, 1983, Los Angeles ARTCC will accept intra-ARTCC operations without reservations. However, existing restrictions under the GAR Rule remain in effect for operations from airports that are capacity controlled by SFAR 44–5.

Accordingly, pursuant to SFAR–44, as amended, and § 91.100 of the Federal Aviation Regulations, the following regulation is effective immediately, unless otherwise specified.

1. All aircraft operators planning a flight under IFR with a proposed departure/enroute pick-up time from 0600 local to 1959 local shall file a flight plan with and obtain a departure/enroute pick-up reservation from an FAA flight service station at least 30 minutes before but not more than 24 hours before his/her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 1 hour after proposed departure/enroute pick-up time.

3. Multiple-Leg Flight Plans may be filed provided:

A. The conditions of paragraph 1 above, are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1 above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO approved two-letter or three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential or Vice-Presidential flights.

E. FAA critical flights.

F. NASA flights supporting space shuttle launch and recovery operations during periods designated by the Director, Air Traffic Service.

G. flights to or from Washington National, John F. Kennedy, LaGuardia, and O'Hare Airports during periods when reservations are required by Subpart K or FAR Part 93—High Density Traffic Airports.

H. Flights originating within the airspace areas of Anchorage and Honolulu ARTCC's.

I. Turbojet aircraft operations at FL 290 and above to a destination 200 nautical miles or more from the point of departure.

J. Nonstop flights destined for airports outside the continental United States.

K. Inter-ARTCC flights within the Seattle and Salt Lake City ARTCC airspace.

L. Intra-ARTCC—(1) Effective immediately, flights in the Albuquerque, Atlanta, Jacksonville, Kansas City, Memphis, Salt Lake City, Seattle, or Washington, ARTCC airspace; (2) Effective immediately, turboprop flights in the Boston ARTCC airspace; and (3) Effective January 10, 1983, 0600 local time, flights in the Los Angeles ARTCC airspace.

5. For the purpose of this rule, the term intra-ARTCC flights does not mean flight from—

A. General Edward Lawrence Logan International Airport (BOS).

B. Lambert-St. Louis International Airport (STL).

C. Los Angeles International Airport (LAX).

D. McCarren-Las Vegas International Airport (LAS).

E. The William B. Hartsfield Atlanta International Airport (ATL).

6. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC area as specified in the pertinent regulatory NOTAM.

Cancel FDC NOTAM 2/2797.

FDC 3/220 Emergency Flight Rules—IFR Flight Plan Filing/General Aviation Reservation Rule effective January 1, 1983, 1842 Greenwich Time.

The IFR capacity of the enroute ATC system is increasing and permits relaxation of the General Aviation Reservation (GAR) Rule with respect to certain operations. On February 7, 1983, Boston ARTCC will accept intra-ARTCC operations without reservations regardless of aircraft type. However, existing

restrictions under the GAR rule remain in effect for operations from airports that are capacity controlled by SFAR 44 as amended.

Accordingly, pursuant to SFAR–44, as amended, and Section 91.100 of the Federal Aviation Regulations, the following regulation is effective immediately, unless otherwise specified.

1. All aircraft operators planning a flight under IFR with a proposed departure/enroute pick-up time from 0600 local to 1959 local shall file a flight plan with and obtain a departure/enroute pick-up reservation from an FAA flight service station at least 30 minutes before but not more than 24 hours before his/her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 1 hour after proposed departure/enroute pick-up time.

3. Multiple-Leg Flight Plans may be filed provided:

A. The conditions of paragraph 1 above are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1 above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO approved two-letter or three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential or Vice-Presidential flights.

E. FAA critical flights.

F. NASA flights supporting space shuttle launch and recovery operations during periods designated by the Director, Air Traffic Service.

G. Flights to or from Washington National, John F. Kennedy, LaGuardia, and O'Hare Airports during periods when reservations are required by Subpart K of FAR Part 93—High Density Traffic Airports.

H. Flights originating within the airspace areas of Anchorage and Honolulu ARTCC's.

I. Turbojet aircraft operations at FL 290 and above to a destination 200 nautical miles or more from the point of departure.

J. Nonstop flights destined for airports outside the continental United States.

K. Inter-ARTCC flights within the Seattle and Salt Lake City ARTCC airspace.

L. Intra-ARTCC—(1) Effective immediately, flights in the Albuquerque, Atlanta, Jacksonville, Kansas City, Los Angeles, Memphis, Salt Lake City, Seattle, or Washington, ARTCC airspace; and (2) Effective immediately turboprop flights in the Boston ARTCC airspace; and (3) Effective February 7, 1983, 0600 local time, flights in the Boston ARTCC airspace.

5. For the purpose of this rule, the term intra-ARTCC flights does not mean flight from—

A. General Edward Lawrence Logan International Airport (BOS).

B. Lambert-St. Louis International Airport (STL).

C. Los Angeles International Airport (LAX).

D. McCarren-Las Vegas International Airport (LAS).

E. The William B. Hartsfield Atlanta International Airport (ATL).

6. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC area as specified in the pertinent regulatory NOTAM.

Cancel FDC NOTAM 2/2964.

FDC 3/371 Emergency Flight Rules—IFR Flight Plan Filing/General Aviation Reservation Rule effective February 6, 1983, 2105 Greenwich Time.

The IFR capacity of the enroute ATC system is increasing and permits relaxation of the General Aviation Reservation (GAR) Rule with respect to certain operations. Beginning March 14, 1983, more ARTCC's will be systematically added to the lists that currently allow inter- and intra-ARTCC operations without requiring reservations under this rule. However, existing restrictions under the GAR Rule remain in effect for operations from certain airports that are capacity controlled by SFAR–44 as amended.

Accordingly, pursuant to SFAR–44, as amended, and Section 91.100 of the Federal Aviation Regulations, the following regulation is effective immediately, unless otherwise specified:

1. All aircraft operators planning a flight under IFR with a proposed departure/enroute pick-up time from 0600 local to 1959 local shall file a flight plan with and obtain a departure pick-up reservation from an FAA flight service station at least 30 minutes before but not more than 24 hours before his/her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 1 hour after proposed departure/enroute pick-up time.

3. Multiple-Leg Flight Plans may be filed provided:

A. The conditions of paragraph 1 above are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1 above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO-approved two-letter or three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential or Vice-Presidential flights.

E. FAA critical flights.

F. NASA flights supporting space shuttle launch and recovery operations during periods designated by the Director, Air Traffic Service.

G. Flights to or from Washington National, John F. Kennedy, LaGuardia, and O'Hare Airports during periods when reservations are required by Subpart K of FAR Part 93—High Density Traffic Airports.

H. Flights originating within the airspace areas of Anchorage and Honolulu ARTCC's.

I. Turbojet aircraft operations at FL 290 and above to a destination 200 nautical miles or more from the point of departure.

J. Nonstop flights destined for airports outside the continental United States.

K. Intra-ARTCC—(1) Effective immediately, flights in the Albuquerque, Atlanta, Boston, Jacksonville, Kansas City, Los Angeles, Memphis, Salt Lake City, Seattle, or Washington ARTCCs' airspace; and (2) Effective 0600 local time on the date specified, flights in any of the following ARTCCs' airspace—(a) March 14, 1983—Denver; (b) March 14, 1983—Oakland; (c) April 11, 1983—Miami; (d) May 16, 1983—Houston; (e) May 16, 1983—Ft. Worth; (f) June 20, 1983—Cleveland; (g) July 11, 1983—New York City; (h) July 25, 1983—Minneapolis; (i) August 22, 1983—Chicago; and (j) August 22, 1983—Indianapolis.

L. Inter-ARTCC—(1) Effective immediately, flights within the Seattle and Salt Lake City ARTCC airspace; and (2) Effective 0600 local time on the dates specified, flights within the airspace of any of the following groups—(a) March 21, 1983—Seattle, Salt Lake City, and Oakland; (b) March 21, 1983—Albuquerque, Kansas City, and Memphis; (c) April 11, 1983—Atlanta, Jacksonville, and Washington; (d) May 16, 1983—Seattle, Salt Lake City, Oakland, and Los Angeles; (e) May 16, 1983—Atlanta, Jacksonville, Washington, and Miami; (f) June 20, 1983—Albuquerque, Kansas City, Memphis, and Denver; (g) July 25, 1983—Atlanta, Jacksonville, Washington, Miami, and Houston; (h) September 19, 1983—Albuquerque, Kansas City, Memphis, Denver, and Ft. Worth;

5. Notwithstanding 4K and 4L above, this rule applies to flights from airports that are capacity controlled by SFRA–44, as amended.

6. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC area as specified in the pertinent regulatory NOTAM.

Cancel FDC NOTAM 3/220.

FDC 3/363 EMERGENCY FLIGHT RULES—May 2 through May 8, 1983, Flight Plan Filing/Derby Week Reservation Rule/Louisville, Kentucky, effective February 16, 1983, 1650 Greenwich Time.

The Derby Week is expected to cause approximately 500 IFR aircraft operations to be added to the air traffic control ATC system. Current rules issued under SFAR–44, as amended, do not provide the air traffic system with the flexibility to accommodate much of this added traffic. For example, only a departure reservation, regardless of destination, is required under the General Aviation Reservation (GAR) Rule. This precludes ATC facilities from effectively managing an above normal and concentrated arrival demand for a specific destination. Further, under the GAR, departure

reservations cannot be obtained earlier than 24 hours prior to the estimated departure time. This provision does not facilitate accommodation planning.

To accommodate this traffic without excessive delays and inconvenience to the public, increased ATC staffing and reservations will be required. Pilots proposing general aviation flight to the Louisville area will be excluded from the requirements of the GAR once they have obtained an IFR arrival reservation. Departure reservations for IFR flight from the Louisville area will be required and advance requests and filing will be necessary.

Reservations for VFR flight will not be required; however, appropriately rated pilots should anticipate the possibility of instrument meteorological conditions and flight plan accordingly. Pilots who plan IFR return flights and obtain IFR departure reservations under this rule have the advantage of being able to know their return departure date and time prior to leaving their "home" for the Louisville area.

Accordingly, pursuant to the SFAR–44, as amended, and Federal Aviation Regulations § 91.100, the following rule is effective immediately to provide for the orderly handling and safe movement of IFR traffic.

1. No person may operate a nonscheduled general aviation flight under IFR into or out of the Louisville area during the effective periods of this rule without a reservation issued under this rule.

2. The Louisville area includes the airspace within a 30-nautical mile radius of the Standiford Airport, Louisville, Kentucky, and includes the Standiford and Bowman Airports.

3. The effective periods are: *Arrivals*—May 5 and May 5, 0800 until 2200 EDT daily; and May 6, 0600 until 1800 EDT. *Departures*—May 7, 1830 until 2300 EDT; and May 8, 0800 until 2200 EDT.

4. Each person planning IFR flight under this rule shall comply with, in lieu of the GAR, the following:

(a) Reservations may only be requested after 1400 GMT on May 2, 1983.

(b) An arrival reservation to the Louisville area is required and must be obtained from the Central Flow Control Facility (telephone (202) 382–6866).

(c) A departure reservation from the Louisville area is required and must be obtained from the Louisville FSS (telephone (502) 451–5344).

(d) A flight plan may only be filed after receiving a reservation, but must be filed at least 4 hours prior to the proposed departure time.

5. Each person receiving a reservation number under this rule must include it in the remarks section of the appropriate flight plan as filed with ATC.

FDC 3/528 *Emergency Flight Rules*—IFR Flight Plan Filing/General Aviation Reservation Rule effective March 12, 1983, 0240 Greenwich Time.

The IFR capacity of the enroute ATC system is increasing and permits relaxation of the General Aviation Reservation (GAR) Rule with respect to certain operations. Beginning March 14, 1983, more ARTCC's will be systematically added to the lists that currently allow inter- and intra-ARTCC operations without requiring reservations under this rule. However, existing restrictions under the GAR Rule remain in effect for operations from certain airports that are capacity controlled by SFAR 44 as amended.

Accordingly, pursuant to SFAR–44, as amended, and Section 91.100 of the Federal Aviation Regulations, the following regulation is effective immediately, unless otherwise specified:

1. All aircraft operators planning a flight under IFR with a proposed departure/enroute pick-up time from 0600 local to 1959 local shall file a flight plan with and obtain a departure/enroute pick-up reservation from an FAA flight service station at least 30 minutes before but not more than 24 hours before his/her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 1 hour after proposed departure/enroute pick-up time.

3. Multiple-Leg Flight Plans may be filed provided:

A. The conditions of paragraph 1 above are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1 above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO-approved two-letter or three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential or Vice-Presidential flights.

E. FAA critical flights.

F. NASA flights supporting space shuttle launch and recovery operations during periods designated by the Director, Air Traffic Service.

G. Flights to or from Washington National, John F. Kennedy, LaGuardia, and O'Hare Airports during periods when reservations are required by Subpart K of FAR Part 93—High Density Traffic Airports.

H. Flights originating within the airspace areas of Anchorage and Honolulu ARTCC's.

I. Turbojet aircraft operations at FL 290 and above to a destination 200 nautical miles or more from the point of departure.

J. Nonstop flights destined for airports outside the continental United States.

K. Intra-ARTCC— (1) effective immediately, flights in the Albuquerque, Atlanta, Boston, Jacksonville, Kansas City, Los Angeles, Memphis, Salt Lake City, Seattle, or Washington, ARTCCs' airspace; and (2) effective 0600 local time on the date specified, flights in any of the following ARTCCs' airspace—(a) March 14, 1983—Denver; (b) March 14, 1983—Oakland; (c) March 14, 1983—Houston (turboprops only) (d) March 14, 1983—Ft. Worth (Turboprops only) (e) April 11, 1983—Miami; (f) May 16, 1983—Houston; (g) May 16, 1983—Ft. Worth; (h) June 20, 1983—Cleveland; (i) July 11, 1983—New York City; (j) July 25, 1983—Minneapolis; (k) August 22, 1983—Chicago; and (l) August 22, 1983—Indianapolis.

L. Inter-ARTCC— (1) effective immediately, flights within the Seattle and Salt Lake City ARTCC airspace; and (2) effective 0600 local time on the dates specified, flights within the airspace of any of the following groups—(a) March 21, 1983—Seattle, Salt Lake City, and Oakland; (b) March 21, 1983—Albuquerque, Kansas City, and Memphis; (c) April 11, 1983—Atlanta, Jacksonville, and Washington; (e) May 16, 1983—Seattle, Salt Lake City, Oakland, and Los Angeles; (f) May 16, 1983—Altanta, Jacksonville, Washington, and Miami; (g) June 20, 1983—Albuquerque, Kansas City, Memphis, and Denver; (h) July 25, 1983—Atlanta, Jacksonville, Washington, Miami, and Houston; (i) September 19, 1983—Albuquerque, Kansas City, Memphis, Denver, and Ft. Worth;

5. Notwithstanding 4K and 4L above, this rule applies to flights from airports that are capacity controlled by SFAR 44, as amended.

6. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC area as specified in the pertinent regulatory NOTAM.

This NOTAM except certain turboprop operations earlier than was specified in NOTAM 3/371.

Cancel FDC NOTAM 3-371.

Issued in Washington, D.C. on March 23, 1983.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 83–8099 Filed 3–30–83; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Adminstration

23 CFR Part 625

[FHWA Docket No. 80-3, Notice 3]

Design Standards for Highways; Resurfacing, Restoration, and Rehabilitation of Streets and Highways Other Than Freeways

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is amending its Resurfacing, Restoration, and Rehabilitation (RRR) regulation to implement provisions required by section 110(a) of the Surface Transportation Assistance Act of 1982. Section 110(a) amends section 109 of title 23, United States Code, adding new subsection (o), to require Federal-aid nonfreeway RRR projects to be constructed to preserve and extend the service life of highways and enhance

highway safety. The regulation (23 CFR 625.2 (b) and (c)) implementing section 109(o) of title 23, United States Code, is revised to reflect the statutory amendment.

EFFECTIVE DATE: This rule is effective March 31, 1983. Comments should be submitted on or before July 12, 1983.

ADDRESS: Comments should be sent, preferably in triplicate, to FHWA Docket No. 80–3, Notice 3, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: David K. Phillips, Director, Office of Engineering, (202) 426–4853, or Lee J. Burstyn, Office of the Chief Counsel, (202) 426–0754, Federal Highway Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: This final rule is being issued to implement section 110(a) of the Surface Transportation Assistance Act (STAA of 1982), (Pub. L. 97–424, 96 Stat. 2097, 23 U.S.C. 109(o), January 6, 1983). It will amend the existing regulation entitled "Design Standards for Highways; Resurfacing, Restoration, and Rehabilitation of Streets and Highways Other than Freeways," 23 CFR 625.2 (b) and (c), 47 FR 25268 (June 10, 1982), effective July 12, 1982. The rule presents the FHWA policy applicable to resurfacing, restoration, and rehabilitation (RRR) projects on federally financed highways other than freeways and the framework within which States must adopt "geometric criteria and/or procedures" applicable to such projects. This rule will amend the language of the existing regulation to make it consistent with the new statutory language.

Since the language of 23 U.S.C. 109(o) provides explicit congressional intent, this amendment incorporates the specific statutory language into the RRR regulation. Though the effect of the RRR regulation, considered as a whole, is to extend the service life of highways and to enhance highway safety, this amendment will ensure the clear restatement of these statutory goals. It will not require, however, any change in the procedures established by the RRR regulation which became effective July 12, 1982.

Background: Subsection (a) of section 110, Resurfacing Standards, of the STAA of 1982 amends section 109, Standards, of title 23, United States Code, by adding new subsection "(o)." Section 109(o) provides: "It is the intent of Congress that any project for resurfacing, restoring, or rehabilitating any highway, other than a highway, access to which is fully controlled, in which Federal funds participate shall be constructed in accordance with standards to preserve and extend the service life of highways and enhance highway safety."

This language was originally included in H.R. 6211 and was not changed or amended in the Conference Committee. The Conference Report to accompany the bill includes the following explanation, which closely tracks the enacted language:

> Section 109 of title 23, United States Code, is amended to express the Congressional intent that resurfacing, restoring, and rehabilitating standards for highways, other than fully controlled access highways, shall be for the purpose of preserving and extending the service life of highways and enhancing highway safety. (H.R. Rep. No. 987, 97th Cong., 2d Sess. 119 (1982).

More specific direction concerning application of the newly created 23 U.S.C. 109(o) to RRR projects is provided by three floor colloquies. Two of these took place on the House floor during debate on H.R. 6211. The third took place on the Senate floor during debate on the Conference bill. Like the Conference Report, the colloquies emphasize that nonfreeway Federal-aid RRR projects shall preserve and extend the service life of highways and enhance highway safety. In addition, all of the colloquies recognized the RRR regulation issued in June 1982 and addressed its continuation under 23 U.S.C. 109(o).

On December 6, 1982 (128 Cong. Rec. R8975), Mr. Levitas, Chairman of the Subcommittee on Investigations and Oversight of the House Public Works and Transportation Committee, stated that "the Secretary of Transportation, in approving or adopting standards or exceptions * * * (for RRR) projects, shall not approve variations that will differ with the existing congressionally stated objectives of preserving and extending the service life of highways and enhancing highway safety." He further stated that 23 U.S.C. 109(o) would have the effect of overturning any feature of the FHWA's RRR regulation "implementing instructions to its field offices or standards developed by individual States as a result of this guidance, which are based on the premise that 3–R projects have safety as a secondary or optional objective or that safety need not be enhanced." He concluded by noting that: "life enhancement of the project and safety must continue to be primary considerations, not secondary considerations."

Mr. Anderson, Chairman of the Surface Transportation Subcommittee of the House Public Works and Transportation Committee, expressed agreement with these remarks. He also affirmatively responded to the following remarks on December 21, 1982 (128 Cong. Rec. H10717). Mr. Nowak asked: "Is it the intent of Congress that * * * RRR work continue to be carried out without disruption or delay using the standards and procedures now in effect and being utilized by the States, so long as they meet the requirements * * *?" In responding, Mr. Anderson stated that "pending completion of the study (to be performed pursuant to section 110(b) of the STAA of 1982) and submittal and considerations of its recommendations called for under * * * (section 110(b)) work can continue to be carried out using procedures now in effect, so long as they enhance highway safety and extend the service life of the highway." Section 110(b) provides that the Secretary of Transportation arrange for a study by the National Academy of Sciences to evaluate the safety cost-effectiveness of geometric design criteria now in effect for construction and reconstruction of highways other than freeways and to determine the most appropriate minimum standards to apply to nonfreeway RRR projects.

In the Senate colloquy on December 23, 1982 (128 Cong. Rec. S16067), Mr. Randolph, ranking minority member of the Senate Committee on Environment and Public Works, further explained the application of 23 U.S.C. 109(o) to the RRR regulation. He stated that: "It is the view of the Senate Conference that the phrase 'enhancing highway safety' does not necessarily require as a part of project approval full design standards for this rehabilitation work." He further noted that "while the goal is to enhance safety, we must do so in a manner that will maximize the number of miles which can be resurfaced and repaired, while improving highway safety." He concluded by noting the Senate conferees' belief that RRR work "can be done with safety enhancement without the necessity of full design standards." The Chairman of the Senate Committee on Environment and Public Works, Mr. Stafford, agreed with this interpretation.

Implementation: The purpose of this final rule is to implement 23 U.S.C. 109(o).

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The FHWA intends and directs its field offices that all nonfreeway Federal-aid RRR projects comply with 23 U.S.C. 109(o).

Due to the enactment of 23 U.S.C. 109(o), the language of the RRR regulation published last June 10 no longer precisely tracks the pertinent statutory language. There are two essential elements of section 109(o): The first, that nonfreeway RRR projects must "preserve and extend the service life of highways" and the second, that they must "enhance highway safety." As the legislative history cited above makes clear, the existing RRR regulation may remain in effect, consistent with the requirements of 23 U.S.C. only if explicit and appropriate emphasis is placed on these elements.

The first required element, preserving and extending the service life of highways, is fully covered by the language of the RRR regulation. Specifically, paragraphs (a) and (c) of 23 CFR 625.2 state that a RRR project will provide for a facility that adequately meets existing and future traffic needs. Paragraph (b) defines RRR work as that work undertaken primarily to extend the service life of an existing facility. The second required element further amplifies what the RRR rule now provides. The rule states in 23 CFR 625.2(c) that "an important goal of the FHWA is to provide the highest practical and feasible level of safety for people and property associated with the Nation's highway transportation systems and to reduce highway hazards and the resulting number and severity of accidents on the Nation's highways." Paragraph (c) further states that Federal-aid funds applied to RRR work "must be used to provide a facility that adequately meets existing and probable future traffic needs and conditions in a manner conducive to safety * * *." The paragraph concludes that: "RRR projects should be designed and constructed in a manner that will prevent deterioration of safety." All of this language indicates the emphasis which the current RRR regulation places on considerations of safety. Nonetheless, the new statute specifically states that RRR projects must "enhance safety."

Accordingly, this final rule implementing 23 U.S.C. 109(o) amends the RRR regulation to provide that, effective immediately, Federal-aid nonfreeway RRR projects will reflect the intent of Congress to preserve and extend the service life of highways and to enhance highway safety.

Following issuance of the final rule on June 4, 1982, the FHWA delegated to its Regional Offices, with authority to redelegate to its Division Offices, the authority to approve RRR criteria or procedures submitted by the States pursuant to the rule. On July 16, 1982, the FHWA issued a Technical Advisory T 5040.19, with additional information, to FHWA Regional and Division Offices and to the States concerning the development of geometric design criteria for nonfreeway RRR projects. This Technical Advisory was issued as a management guide to assure that certain factors are considered in the State's development of design criteria for and the construction of all Federal-aid nonfreeway RRR projects.

In approving States' design criteria and RRR projects FHWA will be guided by the provisions of 23 U.S.C. 109 and the RRR regulation, as amended by this final rule. To the extent that language in the Technical Advisory is inconsistent with these provisions and the regulation, it is being revised to be consistent.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291. However, the FHWA considers this amendment a significant regulation subject to the regulatory policies and procedures of the Department of Transportation since it concerns a matter in which there is substantial public interest.

This amendment will not change the procedures followed or the conclusions reached in the regulatory analysis and other documentation prepared during promulgation of the final RRR regulation, issued June 4, 1982. The technical analysis (regulatory evaluation) prepared for the original rulemaking is available for review by contacting Mr. David K. Phillips at the address provided above under the heading "For Further Information Contact." For the foregoing reasons and under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

Since this amendment merely incorporates statutory language mandated by the STAA of 1982, public comment is unnecessary. For this reason, the FHWA finds good cause to make the amendment final without prior notice and opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act. Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of information useful to this action since the statutory language incorporated in the regulation requires no administrative interpretation.

In consideration of the foregoing, and under the authority of section 110(a), Pub. L. 97-424, 96 Stat. 2097 (23 U.S.C. section 109(o)); 23 U.S.C. section 315; 49 CFR 1.48, the Federal Highway Administration amends Chapter 1, Part 625 of title 23, Code of Federal Regulations, as set forth below.

List of Subjects in 23 CFR Part 625

Design standards, Grant programs—transportation, highways and roads.

PART 625—DESIGN STANDARDS FOR HIGHWAYS

The Federal Highway Administration amends Chapter 1, Part 625 of Title 23, Code of Federal Regulations, by revising the fourth sentence of § 625.2(b) and the last sentence of § 625.2(c) to read as set forth below:

§ 625.2 Policy.

(a) * * *

(b) * * * The RRR work is defined as work undertaken to extend the service life of an existing highway and enhance highway safety. * * *

(c) * * * The RRR projects shall be designed and constructed in a manner that will enhance highway safety and accomplish the foregoing objectives according to the particular needs of each State and locality.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction.

Note.—The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Issued on: March 24, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 83-81 81 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 235

[Docket No. R-82-825]

Eligible Types of Dwellings Under the Section 235 Program; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of correction.

SUMMARY: This document corrects a final rule published on August 3, 1982, which adopted as final, interim rules related to maximum mortgage limits for single family dwellings.

EFFECTIVE DATE: September 22, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Coonts, Director, Single Family Development Division, Room 9270, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410; telephone (202) 755–6720 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: HUD published a final rule on August 3, 1982 (47 FR 33494), which adopted as final an interim rule published on July 10, 1980 (45 FR 46377). This July 10 interim rule made changes to several CFR Parts dealing with maximum mortgage amounts for single family dwellings. The applicable Part for this correction document is Part 235.

Part 235, as issued as an interim rule on July 10, 1980, was amended on September 22, 1980 (45 FR 62795). It is this September 22, 1980, revision of § 235.15 the Department intended to adopt as final on August 3, 1982.

Therefore, the Department is issuing this correction to its August 3, 1982, document to make it clear that it intended to adopt as final § 235.15 as published on September 22, 1980.

For the benefit of the reader, we are setting out the text of § 235.15 as it will appear in the CFR. This text varies slightly from the text in the September 22, document, because it corrects an inadvertent editorial error appearing in the text.

PART 235—[AMENDED]

Therefore, for the reasons cited above, the final rule published on August 3, 1982, is corrected to adopt as final 24 CFR 235.15, as published on September 22, 1980, 45 FR 62695, page 62796, columns 2 and 3. This correct text appears below:

§ 235.15 Eligible types of dwellings.

(a) The mortgage shall involve one of the following types of dwellings:

(1) A single family dwelling concerning which the application for insurance is approved by the Secretary prior to the beginning of construction or prior to the beginning of rehabilitation.

(2) A single family dwelling which has never been previously occupied and is covered by a consumer protection or warranty plan acceptable to the Secretary and satisfies all requirements which would have been applicable if such dwelling had been approved for mortgage insurance prior to the beginning of construction.

(3) A one-family unit in a condominium project (together with an undivided interest in the common areas and facilities serving the project) which is released from a multifamily project, the construction or substantial rehabilitation of which shall have been completed not more than two years prior to the filing of the application for assistance payments under Subpart C of this part. The family unit shall have had no previous occupant other than the mortgagor.

(4) A single family dwelling or a one-family unit in a condominium project (together with an undivided interest in the common areas and facilities serving the project), the construction of which shall have been completed at least one year prior to the filing of the application for assistance payments under Subpart C of this part and which meets such standards as the Secretary may prescribe, provided that the property is to be occupied by a mortgagor who, without such assistance, would be likely to be involuntarily displaced from the dwelling or, in the case of a condominium, from a unit in the project. Provided, That any family (i) which, by virtue of threatened displacement from a unit in a project, would be eligible for assistance under this provision for a one-family unit in the resulting condominium project, and (ii) which is precluded from the purchase of such condominium unit because of a rule of the condominium association, may be entitled to assistance under this section in connection with a single family dwelling or a one-family unit in another condominium (together with an undivided interest in the common areas and facilities serving the project), which otherwise meets the standards of this section and which is located in the same market area as the converted project.

(5) A substantially rehabilitated single family dwelling that is security for a mortgage which was endorsed for mortgage insurance under § 203.50 not more than twelve months prior to the application for a firm commitment.

(b) The marketability of all lots or units to be developed or rehabilitated must be established.

(Sec. 211, National Housing Act (12 U.S.C. 1715b); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: March 22, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-8125 Filed 3-30-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Parts 1, 2, 39, 41, 112, 138, 151, 215, 249 and 286

Corrections to Various Parts

March 17, 1983.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is publishing a final rule that removes incorrect references and adds correct references to various Parts of 25 CFR Chapter I.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Ronal D. Eden, Chief, Division of Management Research and Evaluation, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone number: (202) 343–7684.

SUPPLEMENTARY INFORMATION: The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Bureau of Indian Affairs is publishing a final rule document that corrects references in various parts of 25 CFR Chapter I. The corrections became necessary because of previous rescissions of rules, incorrect references being cited in documents, and an Agency name change.

The primary author of this document is Michael G. Abretski, Bureau of Indian Affairs, Washington, D.C., telephone number: (202) 343–3574.

Since this document contains only administrative changes, advance notice and public comment would have no impact on the nature of the rule and they are hereby dispensed with in accordance with section (b)(B) of 5 U.S.C. 553 (1970). For the same reason, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these amendments will become effective upon the date of publication of this document in the **Federal Register.**

This document does not impact upon any of the requirements of Executive Order 12291 and the Regulatory Flexibility Act since it is only administrative in content.

The List of Subjects normally required in rulemaking documents is not included in this document since the amendments contained herein are only administrative.

References in various Parts of Chapter I of 25 CFR are hereby amended as follows:

§ 1.3 [Amended]

1. Section 1.3, Scope, of Part 1 is amended by changing the reference in the substance from 42 CFR Part 43 to 42 CFR Part 36.

§ 2.3 [Amended]

2. Paragraph (c) of 25 CFR 2.3, Appeals, is amended by removing the following numbers: §§ 4.350–4.369 and adding a period after Subpart D.

§ 41.6 [Amended]

3. Section 41.6, HEW participation, of Part 41 is amended by removing the references to HEW in the heading and Health, Education and Welfare in the substance and adding references to HHS in the heading and Health and Human Services in the substance.

§ 112.3 [Amended]

4. The words and reference to Part 105 under the substance of 25 CFR 112.3 are hereby removed. The reference to Part 105 at the bottom of page 280 of 25 CFR dated April 1, 1982 is hereby removed.

PART 151—[AMENDED]

5. Under the Cross-Reference Section of Part 151, Land Acquisition, on page 351 of Title 25 CFR dated April 1, 1982 the following reference, See 7 CFR 1821.401, et seq., and 1890 f, is hereby removed and the reference, See 7 CFR 1823 Subpart N, is added.

§ 249.15 [Amended]

6. Under 25 CFR 249.15, Fishing assistance, the paragraph appearing in the April 1, 1982, edition of Title 25 should be numbered (a) and the reference to paragraph (b) appearing in the document published July 15, 1982 is hereby verified correct and remains as paragraph (b).

§ 215.9 [Amended]

7. In the substance portion of § 215.9, Execution of leases, the reference to § 76.0(c) is removed and the reference § 215.0(c) is added.

§ 286.18 [Amended]

8. In the substance portion of § 286.18, Written notice, the reference to 25 CFR 2.21 is hereby amended to read as 25 CFR Part 2.

§ 138.2 [Amended]

9. In the substance portion of § 138.2, Repayment of construction costs, the reference to § 150.1 is removed and the reference § 138.1 is hereby added.

§ 249.1 [Amended]

10. In paragraph (b) of § 249.1, Purpose, the reference to Part 246 is hereby removed and the language is amended to read "* * * with this part and any applicable area regulations issued hereunder."

§ 39.32 [Amended]

11. In paragraph (a) of § 39.32, Annual computation of average daily membership, the references to § 39.1(f) are removed and the references § 39.2(f) are added.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-8249 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-02-M

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25 CFR Parts 12, 70, 73, 84, 85, 86 and 119

Rescission of Various Parts

March 17, 1983.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is publishing a final rule that rescinds various parts of 25 CFR Chapter 1. The rules being rescinded are: Part 12, Code of offenses for Navajo-Hopi Settlement Act Secretarial responsibilities; Part 70, Revision of the final roll of the Menominee Tribe of Wisconsin; Part 73, Revision of final roll of the Confederated Tribes of Siletz Indians of Oregon; Part 84, Organization of the Yurok Tribe; Part 85, Election of the Interim Yurok governing committee; Part 86, Referendum election to determine whether the Yurok Tribe of the Hoopa Valley Reservation desires to establish a representative interim Yurok governing committee; and Part 119, Distribution of judgment awarded the Cherokee Nation or Tribe of Indians.

In each case, the rules were fulfilled or the rules were determined no longer necessary as discussed in the Supplementary Information portion of this document.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Patrick A. Hayes, Division of Tribal Government Services, Bureau of Indian Affairs, 18th and C Streets, NW., Washington, D.C. 20245, telephone number: (202) 343–6858.

SUPPLEMENTARY INFORMATION: The authority of the Secretary of the Interior to rescind these regulations is contained in 43 U.S.C. 1457, 25 U.S.C. 2, 9 and 372, 5 U.S.C. 301 and Reorganization Plan No. 3 of 1950 (64 Stat. 1262). The authority of the Secretary has been delegated to the Assistant Secretary—Indian Affairs in 209 DM 8.

25 CFR Part 12, Code of offenses for Navajo-Hopi Settlement Act Secretarial responsibilities, is rescinded under authority of *Hopi Tribe V. Watt*, 530 F. Supp. 1217, D. Ariz., memorandum and order, January 1982. The court was of the opinion that these rules were of no force and effect in regulating conduct within the former Joint Use Area.

25 CFR Part 70, Revision of the final roll of the Menominee Tribe of Wisconsin, and 25 CFR Part 73, Revision of a final roll of the Confederated Tribes of Siletz Indians of Oregon, are rescinded because the revised rolls were completed, approved, and have served the purpose for which they were prepared. Membership in both groups is now governed by tribal constitutions adopted subsequent to the restoration of the Federal relationship of these tribes.

25 CFR Part 84, Organization of the Yurok Tribe; 25 CFR Part 85, Election of interim Yurok governing committee; and 25 CFR Part 86, Referendum election to determine whether the Yurok Tribe of the Hoopa Valley Reservation desires to establish a representative interim Yurok governing committee are no longer necessary.

These rules were published for the purpose of achieving formal organization of the Yurok Tribe. Because of further litigation another election was held to permit voters of the tribe an opportunity to determine whether they desired to pursue formal organization. As a result of that election, the voters decided not to adopt a constitution at this time thereby removing the need for these regulations.

25 CFR Part 119, Distribution of judgment awarded the Cherokee Nation or Tribe of Indians is rescinded because all claims filed by living final enrollees or by the heirs or legatees of deceased final enrollees must have been filed by October 9, 1965, and, therefore, no further claims for shares will be accepted. Any funds that remained unclaimed reverted to the tribe pursuant to the Act of October 9, 1962 (76 Stat. 776).

The primary author of this document is Michael G. Abretski, Bureau of Indian Affairs, Washington, D.C., telephone number: (202) 343–3574.

It has been determined that this document is not a major rule as that

term is defined in Executive Order 12291 because there will be no economic impact on the public.

It has been determined that this document will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because there will be no economic impact on the public.

For the aforementioned reasons an opportunity for public comment on this action is determined to be unnecessary. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970). Accordingly, good cause exists to make this action effective immediately upon publication in the **Federal Register** as provided by 5 U.S.C. 553(d)(3).

Parts 12, 70, 73, 84, 85, 86 and 119 of Chapter 1 of Title 25 of the Code of Federal Regulations are hereby rescinded.

John W. Fritz,

Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 83-8250 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-02-M

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25 CFR Part 155

Equalization of Allotments, Agua Caliente (Palm Springs) Reservation, California; Rescission

March 10, 1983

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Rescission of rule.

SUMMARY: The Bureau of Indian Affairs is rescinding the regulations governing the equalization of allotments on the Agua Caliente (Palm Springs) Reservation, California. The purpose of the law upon which this part is based has been accomplished. In line with 25 U.S.C. 953(c), the purpose of the act was achieved on October 5, 1961, when Secretarial approval was granted to the schedule of equalization of allotments. For this reason these regulations are no longer needed.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Louis White, Division of Real Estate Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone (202) 343-3608.

SUPPLEMENTARY INFORMATION: The authority of the Secretary of the Interior to rescind these regulations is contained in 43 U.S.C. 1457, 25 U.S.C. 2, 9 and 372, 5 U.S.C. Section 301 and Reorganization Plan No. 3 of 1950 (64 Stat. 1262). The authority of the Secretary has been delegated to the Assistant Secretary—Indian Affairs in 209 DM 8.1.

The primary author of this document is Louis White, Realty Specialist, Bureau of Indian Affairs, Department of the Interior.

This rule does not constitute a major federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969.

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Since the rules contained in this part have been complied with under the Act of September 21, 1959 (73 Stat. 602), no further allotment of land is necessary; therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970). Accordingly, the 30 day effective date is waived for the aforementioned reason.

List of Subjects in 25 CFR Part 155

Indians-land.

PART 155—[REMOVED]

Part 155 of Title 25 of the Code of Federal Regulations is rescinded.

Date: March 10, 1983.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 83-8247 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-02-M

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25 CFR Part 157

Allotment of Lands on the Cabazon, and Augustine Indian Reservations, Riverside County, California; Rescission

March 10, 1983

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Rescission of rule.

SUMMARY: The Bureau of Indian Affairs is rescinding the regulations governing the allotment of lands on the Cabazon and Augustine Reservations in Riverside County, California. Secretarial approval of the certified allotment schedule for both reservations was obtained on February 18, 1957. For this reason, the regulations are no longer needed.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Louis White, Division of Real Estate Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone (202) 343-3608.

SUPPLEMENTARY INFORMATION: The authority of the Secretary of the Interior to rescind these regulations is contained in 43 U.S.C. 1457, 25 U.S.C. 2, 9 and 372, 5 U.S.C. Section 301; and Reorganization Plan No. 3 of 1950 (64 Stat. 1262). The authority of the Secretary has been delegated to the Assistant Secretary—Indian Affairs in 209 DM 8.1.

The primary author of this document is Louis White, Realty Specialist, Bureau of Indian Affairs, Department of the Interior.

This rule does not constitute a major federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969.

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Since the rules contained in this part have been complied with under the Act of August 25, 1950 (64 Stat. 472), no further allotment of land is necessary; therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970). Accordingly, the 30 day effective date is waived for the aforementioned reason.

List of Subjects in 25 CFR Part 161

Indians—land.

PART 157—[REMOVED]

Part 157 of the Code of Federal Regulations is rescinded.

Dated: March 10, 1983.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 83-8248 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-02-M

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25 CFR Part 161

Allotment of Lands on the Torres-Martinez Indian Reservation, California; Rescission

March 10, 1983

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Rescission of rule.

SUMMARY: The Bureau of Indian Affairs is rescinding the regulations governing the allotment of lands on the Torres-Martinez Indian Reservation, California. Secretarial approval of the allotment schedule was obtained on February 20, 1959, and trust patents have been issued. The purpose of the law upon which this part is based has been accomplished and the regulations are no longer needed.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Louis White, Division of Real Estate Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone (202) 343–3608.

SUPPLEMENTARY INFORMATION: The authority of the Secretary of the Interior to rescind these regulations is contained in 43 U.S.C. 1457; 25 U.S.C. 2, 9 and 372; 5 U.S.C. 301; and Reorganization Plan No. 3 of 1950 (64 Stat. 1262). The authority of the Secretary has been delegated to the Assistant Secretary—Indian Affairs in 209 DM 8.1.

The primary authority of this document is Louis White, Realty Specialist, Bureau of Indian Affairs, Department of the Interior.

This rule does not constitute a major federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969.

This rule does not contain information collection requirements which require approval by the Office of Mangement and Budget under 44 U.S.C. 3501 *et seq.*

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Since the rules contained in this part have been complied with under the Act of August 25, 1950 (64 Stat. 472), no further allotment of land is necessary; therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970). Accordingly, the 30 day effective date is waived for the aforementioned reason.

List of Subjects in 25 CFR Part 161

Indians—land.

PART 161—[REMOVED]

Part 161 of Title 25 of the Code of Federal Regulations is rescinded.

Dated: March 10, 1983

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 83-8246 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-02-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Amendment to a Condition of Approval of Pennsylvania Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR part 938 by eliminating an interim step of condition (i) (§ 938.11(i)) of approval of the Pennsylvania permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This interim step requires the State to submit a memorandum of law providing that costs and expenses, including attorney fees, can be awarded in administrative proceedings. The step is being eliminated at the request of the State because, regardless of the memorandum's conclusion were the memorandum to be required, the State still must submit statutory and or other amendments to its program in order to fully remove the condition.

EFFECTIVE DATE: The elimination of this interim step of condition (i) is effective on March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South Second Street, Suite L–4, Harrisburg, PA 17101, Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

Background on the Pennsylvania Program Submission

On January 25, 1982, Pennsylvania resubmitted its proposed regulatory program to OSM. On July 30, 1982, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of ten minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the July 30, 1982 **Federal Register** (47 FR 33050–33080).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** notice.

Background on the Secretary's Conditional Approval

Deficiency (i) of the Pennsylvania program for which the Secretary required correction as a condition of approval states that the Pennsylvania program does not provide that costs and expenses, including attorney fees, can be awarded in any administrative proceeding.

In accepting the Secretary's approval, Pennsylvania agreed to correct this deficiency in two stages: (1) By submitting to OSM by October 1, 1982, a memorandum of law, providing that costs and expenses, including attorney fees, can be awarded in any administrative proceeding, which memorandum is to be no less effective than 30 CFR 840.15; and (2) by submitting to OSM by August 1, 1983, copies of enacted laws or other program amendments for the award of such costs and expenses which are no less effective than 30 CFR 840.15 and in accordance with Section 525(e) of SMCRA.

Submission of Materials

After discussions initiated by OSM, by letter, dated November 12, 1982, Pennsylvania requested the elimination of the first stage of compliance with this condition, involving the submission of a memorandum of law because the memorandum entails some difficult questions of law and, regardless of the memorandum's conclusion, Pennsylvania would still be required to submit statutory and/or other amendments to its program by August 1, 1983.

Secretary's Finding

The Secretary finds that the letter from Pennsylvania, dated November 12, 1982, is a reasonable request, and hereby eliminates the interim step in condition (i), requiring the submission of a memorandum of law regarding the award of costs and expenses in administrative proceedings. Consideration was given to advancing the date for submitting the amendment to meet the condition, but because either a statutory of regulatory change is

involved the decision was made not to advance the date.

Public Comments

No public comments were received.

Approval of Request to Amend Condition

Accordingly, condition (i) is amended by eliminating the interim step, requiring the submission of a memorandum of law regarding the award of costs and expenses in administrative proceedings. 30 CFR 938.11 is amended to indicate this change.

Additional Findings

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 938

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 938 of Title 30 is amended as set forth herein.

Dated: March 21, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

Part 938—Pennsylvania

§ 938.11 [Amended]

30 CFR 938.11(i) is revised to read as follows:

* * * * *

(i) Termination of the approval found in Section 938.10 will be initiated on August 1, 1983, unless Pennsylvania submits to the Secretary by that date, copies of enacted laws, or other program amendments providing for the award of costs and expenses which amendments are no less effective than 30 CFR 840.15 and in accordance with Section 525(e) of SMCRA.

(Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977. (30 U.S.C. 1201 *et seq.*).)

[FR Doc. 83-7912 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 11-17-83]

Establishment of Special Local Regulations for the "NJBA REGATTA"

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the NJBA REGATTA high speed ski boat race on the Colorado River, to be held on 16 and 17 April 1983 between river mile 179½ and Headgate Rock Dam. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 16 April 1983 and terminate on 17 April 1983.

FOR FURTHER INFORMATION CONTACT: LT N. M. Turner, commander(bpa), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590-2213.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. There was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The principal individuals involved in drafting this rule are LT Noris M. Turner, Chief, Boating and Public Affairs Branch, Eleventh Coast Guard District, and LT Catherine M. Kelly, Project Attorney, Legal Office, Eleventh Coast Guard District.

SPECIAL LOCAL REGULATION

Discussion of Regulations

The National Jet Boat Association's "NJBA REGATTA" will be conducted on the Colorado River beginning April 16, 1983, starting from river mile 179½. This event will have 200 18- to 20-foot inboard high speed ski boats that could pose hazards to navigation. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area will be open for the passage of commercial vessels and can be opened periodically to recreational vessels.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding § 100.35-1117 to read as follows:

100.35-1117 National Jet Boat Association/NJBA Regatta.

(a) *Regulated area.*—The following regulated area will be closed intermittently to all vessel traffic from 7:00 AM to 7:00 PM each day on 16 and 17 April 1983: That portion of the Colorado River commencing at approximate river mile 179½, thence southerly along the natural flow of the river to Headgate Rock Dam and return to the starting point.

(b) *Special Local Regulations.*—(1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated area during the above hours, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(2) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454, 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: March 21, 1983.

A. P. Manning,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 83-8413 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CCGD3-80-3A]

Anchorage Grounds, Delaware Bay and River

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: The Commander, Third Coast Guard District has assigned the authority over operation of the Delaware Bay and River Anchorages to the Captain of the Port, Philadelphia; eliminated provisions redundant with authority provided in 33 CFR Part 160; redesignated Anchorage 2 as a general anchorage and now permits the handling of explosives in all general anchorages except Anchorage 2 by permit from the Captain of the Port; and eliminated the requirement for vessels handling explosives and other dangerous cargo to display a red light at night. This change provides for more efficient management of the vessels in the anchorages without reducing the level of safety.

EFFECTIVE DATE: May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Captain Daniel B. Charter Jr., Captain of the Port, Philadelphia, U.S. Coast Guard Base, Gloucester City, New Jersey 08030 (Tel: 609-456-1370 or 215-923-4320) between 7:00 AM and 4:30 PM Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: On September 27, 1982 the Coast Guard published an Interim Final Rule in the **Federal Register** for this regulation (47 FR 42352). Interested persons were requested to submit comments and no comments were received.

Drafting Information: The drafters of this regulation are Captain Daniel B. Charter Jr., project officer, Captain of the Port, Philadelphia, and Lieutenant Commander James J. D'Alessandro, project attorney, Third Coast Guard District Legal Office.

Discussion of Comments: No comments were received in response to the Interim Final Rule which became effective on October 27, 1982. This regulation is primarily editorial in nature, updating the regulations to reflect management practices in existence for five years, or merely a redelegation of authority.

Economic Assessment and Certification: This regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be so minimal that a regulatory evaluation is not required. Based on this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation will not have a significant impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Final Regulations

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations is amended as follows:

PART 110—[AMENDED]

Subpart B—Anchorage Grounds

1. In § 110.157, paragraph (a)(3) is revised to read as follows:

§ 110.157 Delaware Bay and River.

(a) * * *

(3) Anchorage 2 northwest of Artificial Island. On the east side of the channel along Reedy Island Range, bounded as follows: Beginning at a point bearing 105° from the northernmost point of Reedy Island, 167 yards easterly of the east edge of the channel along Reedy Island Range; thence 105°, 800 yards; thence 195°, 4,500 yards; thence 285°, 800 yards to a point (approximately latitude 39° 28′ 58″, longitude 75° 33′ 37″) opposite the intersection of Reedy Island and Baker Ranges; and thence 15°, 4,500 yards, to the point of beginning.

§ 110.157 [Amended]

2. Section 110.157 is amended by removing the words "District Commander" and inserting, in their place, the words "Captain of the Port" in the following places: 33 CFR 110.157(a)(16), (a)(17), (b)(1), (b)(3), (b)(7).

3. In § 110.157, paragraph (b)(2) is revised to read as follows:

* * * * *

(b) * * *

(2) No vessel shall occupy any prescribed anchorage for a longer period than 48 hours without a permit from the Captain of the Port. Vessels expecting to be at anchor for more than 48 hours shall obtain a permit from the Captain of the Port for that purpose. No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

* * * * *

4. By removing and reserving § 110.157(b)(4).

5. By removing and reserving § 110.157(b)(8).

6. In § 110.157 paragraph (c) is revised to read as follows:

* * * * *

(c) Regulations for vessels carrying and handling explosives. (1) All vessels carrying explosives as defined in and subject to, Title 46 Code of Federal Regulations, Part 146, or Title 49 Code of Federal Regulations, Parts 171–177, or on which such explosives are to be loaded, shall obtain a permit from the Captain of the Port, except as provided in paragraph (c)(5) of this section. The maximum amount of explosives for which a permit is required in 46 CFR Part 146, and 49 CFR Parts 171–177, which may be carried or loaded at any time by a vessel shall not exceed 800 tons, except in cases of great emergency or by special permit from the Captain of the Port. This written permit shall be obtained from the Captain of the Port before vessels carrying explosives or on which explosives are to be loaded within the weight limit specified in paragraph (c)(1) of this section, may anchor in any anchorge. Permits will not be issued for Anchorage 2 under any circumstances. Such permit may be revoked at any time. All vessels used in connection with loading, or unloading explosives shall carry written permits from the Captain of the Port, and shall show such permit whenever required by him or his representative.

(2) Vessels handling explosives shall be anchored so as to be at least 2,200 feet from any other vessel, but the number of vessels which may anchor in an anchorage at any one time shall be at the discretion of the Captain of the Port. This provision is not intended to prohibit barges or lighters from tying up alongside the vessels for the transfer of cargo.

(3) Whenever a vessel or barge not mechanically self-propelled anchors while carrying explosives or while awaiting the loading of explosives, the Captain of the Port may require the attendance of a tug upon such vessel or barge when in his judgment such action is necessary.

(4) Fishing and navigation are prohibited within an anchorage whenever occupied by an anchored vessel displaying a red flag.

(5) The District Engineer, U.S. Army Corps of Engineers, may authorize, in writing, a vessel carrying explosives for use on river and harbor works or on other work under Department of the Army permit, to anchor in or near the vicinity of such work. The Captain of the Port will prescribe the conditions under which explosives shall be stored and handled in such cases.

(6) Vessels carrying explosives or on which explosives are to be loaded, within the weight limit specified in subparagraph (c)(1) of this paragraph, shall comply with the general regulations in paragraph (b) of this section when applicable.

(7) Nothing in this section shall be construed as relieving any vessel or the owner or person-in-charge of any vessel, and all others concerned, of the duties and responsibilities imposed upon them to comply with the regulations governing the handling, loading or discharging of explosives entitled "Subchapter C—Hazardous Materials Regulations" (49 CFR Part 171 to 177) or "Subchapter N—Dangerous Cargoes" (46 CFR Part 146).

(Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471); Sec. 6(g)(1), Pub. L. 89-670, 80 Stat. 940 (49 U.S.C. 1655(g)(1); 49 CFR 1.46(c)(1); 33 CFR 1.05-1(g)(2); 33 CFR 160))

Dated: March 17, 1983.

W. E. Caldwell,

Commander, Third Coast Guard District.

[FR Doc. 83-8410 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD 08-82-02]

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Harvey Canal Route, Louisiana

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Jefferson Parish Council, the Coast Guard is changing the regulation governing the Lapalco Boulevard bascule span bridge across the Gulf Intracoastal Waterway (GIWW), Harvey Canal Route, mile 2.8, Harvey, Jefferson Parish, Louisiana. The bridge is a semi-high rise, with a vertical clearance of 45 feet in the closed position, and now is required to open on signal at any time. The change will require that, Monday through Friday except holidays, the draw need not open for the passage of vessels from 6:30 a.m. to 8:30 a.m. and from 3:45 p.m. to 5:45 p.m. This action is being taken to relieve overland traffic congestion including school buses during the peak morning and afternoon vehicular traffic periods, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph Irico, Chief, Bridge Administration Branch, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130—(504) 589-2965.

SUPPLEMENTARY INFORMATION: On 30 December 1982, the Coast Guard published a proposed rule (47 FR 58305) concerning this amendment. The Eighth Coast Guard District also published this proposal as a Public Notice dated 4 January 1983. Interested persons were given until 14 February 1983 to submit comments.

Drafting Information

The principal persons involved in drafting this rule are: Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of Comments

Six comments were received in support of the change. One was from a civic association representing 2500 families, another was a petition containing 52 signatures of local residents, while the other four were from individuals.

Two comments were received in opposition to the change. One of these, from a motorist, expressed concern that closure of the bridge to navigation during peak traffic hours would shift the navigational openings to immediately before and after the closure periods, causing delays to vehicular traffic at those times. Considering the infrequent openings of the bridge during and around the closure periods, this is not expected to be a problem. However, should it occur, the volume of delayed vehicular traffic and the time required to clear this traffic would be significantly less than for the peak hour periods. The other comment, from a long haul barge towing firm, stated that delaying barge traffic at the site could cause vessel accidents and a loss of revenue. There is no evidence from experience at other scheduled bridge closures to suggest that waiting vessels pose problems in safety. Moreover, the present little demand for a bridge opening during the closure periods should further decline as mariners adjust their travel times to avoid the closures.

Economic Assessment and Certification

This final regulation has been reviewed under provisions of Executive Order 12291 and has been determined not to be a major rule. It is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedure for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). An economic evaluation has not been conducted since the impact is expected to be minimal for the reasons discussed above. In accordance with § 605(d) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule will not have a significant economic impact on a substantial number of small entites.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 Code of Federal Regulations is amended by adding a new § 117.538 to read as follows:

§ 117.538 GIWW, Harvey Canal Route, mile 2.8, Harvey, Louisiana.

The draw shall open on signal except that from 6:30 a.m. to 8:30 a.m. and from 3:45 p.m. to 5:45 p.m., Monday through Friday excluding holidays, the draw need not open for the passage of vessels.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: March 10, 1983.

W. H. Stewart,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 83-8411 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD9 83-03]

Drawbridge Operation Regulations; Sandusky Bay, Ohio

AGENCY: Coast Guard, DOT.

ACTION: Final Rule; revocation.

SUMMARY: This amendment revokes the regulations for the New York Central Railroad Company drawbridge across Sandusky Bay (East Cove area), mile 6.7, because the draw portion of this bridge has been permanently removed. Notice and public procedure have been omitted from this action due to the partial removal of the bridge concerned.

EFFECTIVE DATE: This amendment becomes effective on May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199. Telephone (216) 522–3993.

SUPPLEMENTARY INFORMATION

Drafting Information

The drafters of this rule are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and LCDR J. A. Blocher, Assistant Legal officer, Ninth Coast Guard District.

This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a drawbridge that no longer exists. Consequently, this action cannot be considered to be a major rule under Executive Order 12291. Furthermore, it has been found to be nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). However, this action will not have a significant effect on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—[AMENDED]

§ 117.706 [Amended]

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by removing § 117.706(c).

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: March 17, 1983.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard Commander, Ninth Coast Guard District.

[FR Doc. 83–8412 Filed 3–30–83; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 211

Appeal of Decisions Concerning the National Forest System

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises Departmental policies and procedures by which individuals or groups may appeal decisions made by Forest Service officials concerning the management of the National Forest System. The rule seeks to correct ambiguities in the present administrative appeal procedures, streamline procedures, improve the readability of the regulation, and reorganize the regulation to improve clarity. The changes result from a comprehensive review of the existing regulation, consideration of suggestions received over the last 5 years from Appellants and Forest Service officials, and analysis of public comment on the proposed rule as published in the Federal Register of August 20, 1982 (47 FR 36564).

EFFECTIVE DATE: May 2, 1983.

ADDRESS: Comments or questions on these final rules may be addressed to: Chief, Forest Service, USDA, P.O. Box 2417 (1570), Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Phillip Haug, Staff Assistant, National Forest System, (703) 235–1797.

SUPPLEMENTARY INFORMATION:

Background

The Forest Service, USDA, has responsibility for management of 190 million acres of National Forest, National Grassland, and other land known collectively as the National Forest System. The Chief of the Forest Service, through a line organization of Regional Foresters, Forest Supervisors, and District Rangers, manages the surface resources and, in some instances, the subsurface resources of these lands.

The Department provides a process by which individuals or groups may appeal National Forest System management decisions. These procedures are set forth in 36 CFR 211.19. About 500 appeal requests are received by the Forest Service each year. Of these, approximately 150 reach the office of the Chief of the Forest Service as either an appeal of a Regional Forester's initial decision or as a second level appeal of a Forest Supervisor's decision. Relatively few initial decisions of the Chief are appealed to the Secretary. Review officials are guided in the appeal process by 36 CFR 211.19, by Forest Service policy as set forth in the Forest Service Manual (FSM 1570), and by accepted practices.

Introduction

Since publication of the present regulation in 1977, numerous suggestions for change have been submitted by Appellants and Forest Service personnel. Suggested changes stemmed from concerns about undue delay in obtaining decisions, inconsistent interpretation of certain procedural elements of the appeal process, ambiguous language, and an increasing complexity in appeal cases. From these suggestions, a discussion paper outlining 62 proposals for change was developed. A notice of availability of the discussion paper and a request for public comment were published on page 46969 of the Federal Register of September 23, 1981. Some 72 responses were received from individuals and organizations. Considering these responses, a proposed rule was developed which would remove ambiguities of certain existing procedures, incorporate existing administrative practice not presently in the regulation, reorganize the text to more closely follow the steps an Appellant must follow, and simplify the language of the regulation. The proposed rule was published on pages 36564–36568 of the Federal Register of August 20, 1982.

Analysis of Public Comment

The proposed rule generated moderate public interest. A total of 57 responses were received on the proposal, distributed as follows:

Type of respondent	Number of comments received	Percent of the total
Attorneys, on behalf of self or firm	2	5
Citizens	4	7
Environmental organizations	11	19
Forest Service units	18	32
Government, excluding USDA	2	3
Indian Tribes	1	2
Office of the General Counsel, USDA	1	2
Resource Development Businesses	4	7
Service-Onented Businesses	5	9
Trade/Industry Associations	9	16
Total	57	100

The majority of comments were very specific in nature, containing substantive recommendations for particular sections of the rule. More than half of these specific recommendations concerned seven of the 19 component sections of the rule. Most comments centered on matters of timeliness, extensions, appeal levels, stays, dismissals, and procedural matters.

All suggestions and comments were reviewed and considered in preparation of this final rule.

Responses are available for review at the office of the Systems Coordinator, National Forest System, Forest Service, USDA, Room 1004, Rosslyn Plaza East, 1621 N. Kent St., Rosslyn, VA 20009, telephone (703) 235–1797.

The following summarizes the major comments and suggestions received on the proposed revision of 36 CFR 211.19,

and the Department's response to these comments. Comments are keyed to the section numbers and headings of the proposed rule document.

Section 211.18(a) Matters subject to appeal

Comments: Many respondents believe limiting appeals to written decisions is too restrictive. It was pointed out that some decisions are not routinely documented and that a Forest Officer might refuse to document a decision to keep it from being subject to appeal.

Response: The intent of the rule is to give individuals and groups an opportunity to have decisions reviewed, not to relieve Forest Officers of any obligation to document their decisions or notify the public. Therefore, the restriction to written decisions has been deleted. A paragraph has been added to the rule that notice of decisions will be provided.

Section 211.18(b) Matters excluded from appeal under this section

Comments: There were suggestions to add specific exclusions for decisions which are appealable under separate regulations such as bid protests and contract disputes, condemnation proceedings, and Freedom of Information Act (FOIA) requests. One reviewer suggested excluding decisions which affirm established policy or direction. Other reviewers suggested excluding decisions advisory to, but not binding upon, another Government agency, and those decisions which are made during the conduct of the Forest Service NEPA and land management planning process (36 CFR 219).

Response: The list of exclusions has been extended to include contract disputes, planning process decisions made under 36 CFR 219 and NEPA, and bid protest decisions made under 7 CFR 21. FOIA decisions are already excluded in (b)(2), and condemnation proceedings are excluded in (b)(4) in the citation to 7 CFR 21.104. Though reviewers made no requests to do so, the final rule incorporates exclusions on decisions pursuant to OMB Circular A–76 (Commercial, Industrial Activities). To improve understanding, the exemptions of procedural decisions is covered in this paragraph instead of listing them as exclusions in particular procedural paragraphs elsewhere in the rule.

The Forest Service often makes recommendations which are advisory to and not binding upon other agencies. These recommendations are made in keeping with Forest Service responsibilities and procedures for managing surface and, in some cases, subsurface resources. When the final authority to accept and to implement such a recommendation rests with another agency, the Forest Service decision to make the recommendation is not appealable under this rule.

Section 211.18(c) Filing procedures and timeliness

Comments: Many respondents were concerned that the proposed rule made no provision to notify the public or particularly affected parties about Forest Officer decisions.

Although some respondents favored a 30-day period to file an appeal, others believed the 45-day period sufficient if an additional 15 days would be available to file reasons for an appeal. Other reviewers felt a single period of 60 days to file all appeal materials should apply.

Some respondents pointed out that a stay may not seem needed when an appeal is filed, and that the filing of stays should, therefore, be permitted at any time during the appeal process.

Several reviewers suggested that determining timeliness is a mechanistic decision and should not be subject to appeal: an appeal is either timely or not timely. However, some respondents believed that questions on timeliness should be answered by the Reviewing Officer rather than the Deciding Officer, in order to remove potential for bias.

Related to the need for notification of Forest Officer decisions, many reviewers asked that the appeal period begin on the date of public notice rather than with the decision date. Also, it was suggested that the relevant Forest Officer acknowledge in writing the receipt of an appeal.

Response: A notice requirement similar to the current rule (36 CFR 211.19(d)) is incorporated into this final rule at paragraph (a). The rule retains the time periods presented in the proposed rule. In most circumstances affected parties can file an appeal notice and other required information within the times specified. However, the rule provides that additional time may be granted "for good cause" to file a statement of reasons or request for oral presentation, a standard more liberal than for "extraordinary circumstances" stated in the proposed rule. The also allows stay requests at any time during a first level appeal.

Decisions about timeliness are not appealable. Questions about timeliness will be decided by the Reviewing Officer to remove potential for Deciding Officer bias.

The rule retains the date of decision as the date the appeal period begins. As in paragraph (a), this is the date when the Forest Officer made the decision. This date will be specified in the required written notice, or in the newspaper notice if this latter method of notice is used. This decision date is amendable to control by Forest Officers, as opposed to the date affected parties either receive the decision or become aware through public notice that a decision has been made.

It is not believed necessary for the rule to specify that Forest Officers acknowledge receipt of an appeal. This is a courtesy and is common practice.

The final rule retitles paragraph (c) from "Timely appeals." to "Filing procedure and timeliness." The new title reflects the fact that the material covers a variety of topics, including timeliness, which pertain to filing procedures.

Section 211.18(d) Extensions

Comments: Many respondents objected to granting extensions under "extraordinary circumstances" as unduly restrictive, and felt that if the term is retained in the final rule, it should be defined.

Several reviewers commented that the rule should specify which Forest Officer rules on extension requests and requested that extension decisions be subject to appeal. Other reviewers suggested that provision be made for an automatic 30-day extension upon request.

Some respondents believed that Forest Officers should be bound by the same strict standards of timeliness as are Appellants.

Response: The rule relaxes the "extraordinary circumstance" standard in favor of a showing of good cause and makes the Reviewing Officer responsible for extension decisions. In keeping with the objective of streamlining the appeal process, extension decisions are not appealable nor is provision made for an automatic, one-time-only extended period to file documents. The provision granting Forest Officers additional time to respond to extension requests is deleted; response is required within 10 days.

Section 211.18(e) Notice of appeal content

Comments: One respondent suggested that the rule specify that Appellants provide name and address of counsel in the notice of appeal. Several other reviewers requested that Appellants be required to demonstrate "standing," post a bond or filing fee, or as a minimum show how and the extent to which they are aggrieved by the decision or state other specific reasons why the decision is being appealed. Another respondent suggested that Deciding Officers be

required, upon receipt, to send a notice of appeal and statement of reasons to the Reviewing Officer for his information in order to arrange for subsequent involvement in the appeal.

Response: It is not necessary to require Appellants to provide counsel's name and address because Appellants usually do so through counsel when counsel files on behalf of a client. Demonstration of "standing," bond posting, and fee filing are not required because the appeal process is meant to be open to any persons or groups who believe they are aggrieved by a Forest Officer's decision. Bonds and fees could discriminate against affected parties not able to afford such requirements. However, the rule does require Appellants to state in the notice of appeal how they are affected by the decision being appealed, the details of which would be elaborated upon in the statement of reasons.

The paragraph is retitled "Notice of appeal content" because filing requirements are specified elsewhere in the rule (subparagraph (c)).

Section 211.18(f) Levels of appeal

Comments: There were numerous suggestions for clarifying the language, particularly as to the distinction between process requirements at each of the various levels of appeal. Some respondents suggested that appeals be limited to one level of review or be reviewed by independent Boards or administrative law judges. Other reviewers asked that the Secretary's review be mandatory rather than discretionary. There were also suggestions that District Ranger decisions be subject to review by the Chief and that Chief's decisions be considered final unless the Secretary elects to review them, affirm them, or make another decision in writing.

Response: The rule is basically the same as the proposed rule, but subparagraphs have been rewritten and reordered to clarify how appeals at the Chief's and Secretary's level are handled. The two-level appeal process is retained because it has gained widespread public acceptance and preserves objectivity, impartiality, and fairness. It is made explicit that available levels of appeal sequentially follow the National Forest System line officer relationship, and that a staff officer decision made with delegated authority at one level is considered a decision of the line officer at that same level.

Independent reviews by Boards of Review or administrative law judges do not assure fairer or more timely decisions than provided for by the rule. Discretionary review of Chief's decisions by the Secretary is retained in the interest of expediting final decisionmaking.

Section 211.18(g) Responsive statement

Comments: Several respondents asked for a provision to require Forest Officers to respond to each reason presented in the statement of reasons. Others wanted more than the 20 days allotted within which to file comments on the Deciding Officers responsive statement. It was requested that the 20-day period begin on the date of mailing rather than on the date the responsive statement is signed.

Some reviewers requested clarification about what may be included by reference.

Response: The rule now directs Deciding Officers to respond to Appellants' stated reasons. The 20-day comment period is retained, but the period begins with the date the responsive statement is mailed to Appellants. Allowing a few days for its receipt, the period available for comment approximates the 15-day period in the current rule.

The provision for including material "by reference" has been limited to documents submitted by parties to the appeal.

The rule is made clear that the Chief will prepare a responsive statement only if the Secretary elects to review a Chief's decision which has been appealed.

Section 211.18(h) Stay of decision pending appeal

Comments: Many respondents pointed out that the proposed rule presents Deciding Officers with conflicting responsibilities and could result in bias by the officer when ruling on requests for stay. Other reviewers suggested that stay requests be permitted at any time because a stay may not be apparent when the appeal is filed and circumstances may change during the appeal. Citing potential financial hardship to some parties if stays were granted, some respondents suggested that stays not be appealable—that the public interest would be better served in such cases by proceeding with the appeal at hand.

A common suggestion was to specify standards or criteria in the rule which Reviewing Officers would use when making stay decisions. Other suggestions included: having an automatic stay pending a decision to grant or deny; providing for oral stay requests in emergency situations; and excluding monetary transactions from stays.

Response: The proposed rule has been changed so that the granting of stays will be decided by the Reviewing Officer, not by the officer whose decision is being appealed. Also, stay requests are allowed at any time at the first level of appeal. Because the appeal decision from the first level of appeal may affect the need for continuing a stay, requests for stay at the second level must accompany the notice of appeal at that level.

The rule retains the provision that a decision to grant or to deny a stay request is appealable, in order to protect the rights and interests of parties who could be affected by such a decision.

Standards or criteria which Reviewing Officers would use to decide on stay requests are not deemed necessary. This is because the rule requires Appellants to state the reasons for wanting to stop (stay) an action. These reasons provide the standard Reviewing Officers will consider when deciding on such requests. A request for stay is not made automatic pending a ruling on the request because it might adversely affect the rights and interests of others. Based on previous experiences, it is believed that perceived need for a stay will not be substantially diminished during the short interval of time it takes to rule on the stay request. While oral requests for stays are not precluded by the rule, a written request of documentation of oral requests is required of an Appellant since the appeal record must contain documentation of stay requests and decisions.

No specific language was added to exempt monetary transactions from stays because there are extensive rules elsewhere which govern payment of fees, rents, and other charges.

Section 211.18(i) Dismissal

Comments: Many respondents pointed out the conflicting responsibilities of Deciding Officer and thus possible bias in decisions to dismiss an appeal; they recommended instead that only Reviewing Officers make such decisions.

A number of respondents asked for criteria on mootness. Others suggested that an appeal be dismissed and appeal rights waived if all parties agree in order to expedite judicial review.

Respondents pointed out that it would be needless for an appeal to be dismissed on technical grounds when relevant information was available.

Response: The rule has been changed to accommodate many of these suggestions. Dismissals will be decisions of Reviewing Officers.

Mootness has been defined to include a wide range of situations which would make it impossible for a Reviewing Officer to grant what an Appellant wants (for example, natural or man made events, timeliness, or lack of authority).

The rule has been modified to direct Reviewing Officers to consider whether the information an Appellant has provided gives a basis for deciding on an appeal before dismissing it for lateness or for lack of reasons.

Section 211.18(j) Scope of appeal

Comments: Reviewers suggested that newly discovered information should be introduceable at any level at any reasonable time and that Forest Officers, like Appellants and Intervenors, should also be confined to the issues originally raised in the appeal. One respondent suggested that the rule retain the term "subject matter" in the current rule rather than the proposed term "issues."

Response: The paragraph has been revised to permit new information related to the issues to be added to the record at any level. No standard for timeliness is offered. The influence which new information may have on the appeal decision to be made is the important factor, not precisely when the information is submitted. Forest Officers are required to respond to the Appellant's reasons for appeal (the subject matter and related issues). Normally, therefore, an officer would not introduce new issues. However, new policy, law, or regulation could introduce new issues bearing upon the appeal decision to be made. The Reviewing Officer needs the flexibility to introduce these issues when appropriate, and, therefore, should not be confined to the issues originally raised by Appellants or Intervenors. The term "issues" is retained in the rule because it more clearly relates to specific reasons for appeal than does the term "subject matter."

Section 211.18(k) Provision for comments

Comments: Some respondents questioned whether comments received from the public would be sent to parties to the appeal. Another reviewer suggested that the provision for (public) comment be eliminated unless the commenter is either an Appellant or an Intervenor.

Response: The paragraph remains as proposed. The rule which neither mandates nor prohibits Forest Officers from sending comments from the public to parties to the appeal. It allows the general public to express its views. This is consistent with the philosophy that the public whose resources the Forest Service manages should have access to the decisionmakers who affect those resources.

Section 211.18(l) Intervenors

Comments: Respondents pointed to the need for open communication between a Reviewing Officer and Intervenors. Some felt that Intervenors need to be notified of any special procedures being used in an appeal and may wish to participate in oral presentations. Respondents also suggested that since "immediate interest" is required of Intervenors, it also be required of Appellants. Some respondents stated that the rule should require a statement of the standards Reviewing Officers would apply in deciding whether to grant or deny intervention.

Response: The rule has been revised to require Reviewing Officers to notify all parties to an appeal of any special procedures. Such provisions would extend to the conduct of any oral presentations. The provision of "immediate interest" does apply to Appellants. Paragraph (e) requires Appellants to specify how they are affected by the decision being appealed, in other words, to explain their interest in the matter.

Editorial changes were made to clarify that intervention does not elevate an appeal to a higher level than that available to the original Appellant.

Section 211.18(m) Oral presentation

Comments: There were several comments that all parties to an appeal be consulted about and eventually be notified of the time and place for an oral presentation and that each have the option to attend. Reviewers requested that standards be set, for example, limiting oral presentations to the scope of the appeal, and that presentations be held only at the Reviewing Officer's duty station. Several respondents asked that the Reviewing Officer respond to the oral presentation request in writing. A few reviewers noted that if participants in an oral presentation did not provide documents or a summary, the presentation would not be recorded or documented in the appeal record. Therefore, it would be unavailable for consideration by the Reviewing Officer in reaching a decision. This circumstance prompted the suggestion that an oral presentation summary must be submitted by participants. Other respondents requested clarification about whether intervention decisions are appealable. One respondent suggested an option to permit the use of tape recorders at oral presentations.

Response: Many of these suggestions have been adopted. The rule has been revised so that any parties to the appeal may request an oral presentation as well to attend one. Written response to such a request is required of Reviewing Officers. Consultation with parties about time, place, and date is not required, but neither is it prohibited. In complex appeals involving many parties, consultations about such matters woud most likely not produce agreement. Undue delay would also result. In current practice, most oral presentations are conducted at the Reviewing Officer's duty station. However, to make this mandatory would remove flexibility to make other arrangements more suitable for all concerned.

The rule retains the provision for discretionary submission of oral presentation summaries or other documents by participants. It is not a Forest Service responsibility or obligation to prepare summaries of presentations given by parties to the appeal. Editorial changes have been made elsewhere in the rule (at paragraph (b)(10)) to make it explicit that decisions about intervention are not appealable. The rule neither permits nor prohibits use of tape recorders at oral presentations. This is a decision more appropriately made on a case-by-case basis as circumstances warrant.

Section 211.18(n) Consolidation of appeals

Comments: Many respondents commented that the consolidation of multiple appeals of similar decisions could mask important differences among the issues involved. other reviewers suggested that consolidation of appeals should be allowed for issues involving "common questions of law or fact" rather than consolidating appeals of "similar decisions." Some respondents requested guidance be given as to what would constitute a "similar decision." One reviewer suggested that all parties to the appeal should agree to consolidation, and another requested that the Deciding Officer rather than the Reviewing Officer should have authority to consolidate appeals.

Response: The proposed rule has been retained to allow consolidation of multiple appeals of the same decision or of similar decisions, with the added caveat that "similar" means decisions which involve common issues, facts, or law. It is believed that consolidation will not mask important differences among issues because of the

requirement in paragraph (g) that the responsive statement address an Appellant's reasons. This feature eliminates the likelihood that (through consolidation) some reasons might be overlooked. Agreement by all the parties to consolidate multiple appeals of the same decision serves no useful purpose since response to all reasons for appeal is required. The authority to consolidate appeals remains with the Reviewing Office because this Officer is responsible for the final decision. At the discretion of this Officer, the Deciding Officer may contribute to simplifying review by preparing a consolidated responsive statement.

Section 211.18(o) Procedural matters

Comments: There were numerous suggestions made for editorial changes. Several recommendations (consistent with those made on other paragraphs) were made that Deciding Officers not decide procedural questions of timeliness, stays, and dismissals.

Some respondents suggested that the time for appeals on procedural matters be shortened even more, that the types of appealable procedural decisions be listed, that the term "procedural decision" be defined, that the period to appeal a procedural decision should begin on the date the ruling is received by the Appellant, and that procedural appeals be confined to one level of review.

Response: The paragraph has been edited to conform to changes made elsewhere in the rule: Reviewing Officers make rulings on appealable procedural matters. The rule has been made explicit that there are only two kinds of procedural decisions which are appealable: decisions on stays and decisions on dismissals. This statement obviates the need to define the term "procedural decisions." The 30-day period for appeal begins on the date of the decision. Because Reviewing Officers decide procedural appeals and because levels of appeal for such matters may not exceed levels available for the original decision, only one level of appeal exists for procedural issues.

Section 211.18(p) Appeal record

Comments: Nearly all respondents raise the question of what constitutes "notification" when "new information" is added to the record. One reviewer suggested that the record automatically be made available to all parties to the appeal.

Response: The rule has been revised to clarify that parties who submit additional information for the record ("new information") must also provide ("notification") copies to all parties to an appeal. Since Appellants and Intervenors throughout the appeal have exchanged copies of submissions to the record, there is no need to make the final record available to them automatically. The record is open for public inspection and parties to the appeal would have access to it if needed. Text has been added to the proposed rule to specify when the record will be considered complete for use by the Reviewing Officer.

Section 211.18(q) Request for additional information or remand for further action

Comments: There were no comments submitted about this section.

Revision: No change.

Section 211.18(r) Appeal decision

Comments: Respondents recommended that Reviewing Officers be bound to strict time limits for deciding an appeal as are Appellants for submitting documents. One suggestion was that the Secretary must approve any extension needed by the Reviewing Officer to make a final decision.

Response: The rule has been revised to permit time delays introduced into the process by the addition of information Reviewing Officers consider necessary to reach a decision. The intent remains that decisions will be made expeditiously and within 30 days from the date the appeal record is closed. Parties to appeals can best expedite a review decision by making early submissions.

Section 211.18(s) Continuance of appeals

Comments: There was some uncertainty whether or not the new rule applies for the second level of an appeal initially filed under the old rule.

Response: The rule has been edited to clarify that 36 CFR 211.19 will apply to all levels of review for appeals initially filed under it.

Other Comments: Several suggestions were made to include a section to define terms. Cross referencing was also suggested as a means to improve understanding.

Historically, Chief's appeal decisions reach only those parties directly involved in the particular appeal. It was recommended that an indexing and retrieval system be developed to enable key points of these decisions to be applied in the daily work of Forest Service field units, their cooperators, and other interested parties.

Response: Reorganization and editing of the proposed rule should improve understanding. Thus, and in the interest of maintaining brevity, a separate paragraph for definition of terms is not included in the rule.

The appeal decision indexing-retrieval system is beyond the scope of rulemaking. However, the idea has merit and may be developed and implemented as a separate procedure as part of the Forest Service directives system.

Regulatory Impact

This action does not constitute a major rule as defined in Executive Order 12291. It will not result in a substantial impact on the Nation's economy or on large numbers of individuals and businesses or directly affect competition in domestic or foreign markets. To the contrary, the rule seeks to improve and streamline the administrative process by which individuals or groups may obtain appeal of National Forest System management decisions and improves the readability and usefulness of the regulation. These improvements could, therefore, result in savings of time and cost for Appellants and agency officials.

Small Entity Impact

The Assistant Secretary for Natural Resources and Environment has determined the rule would not have a significant economic impact on a substantial number of small entities. Therefore, an analysis of impacts on small entities is not required.

Environmental Impact

This proposed action sets forth procedures for appealing National Forest System management decisions. While the issues in a given appeal entered under this rule may involve major environmental quality issues, the rule itself does not constitute a major Federal action affecting the quality of the human environment.

Paperwork Burden

The rule would impose no additional paperwork requirements on individuals or groups who appeal Forest Service decisions concerning the management of the National Forest System. Use of the appeal procedure is initiated at the discretion of the public, not mandated by the agency. The amount of written materials submitted to support the appeal is at the discretion of the Appellant. The improvements proposed are intended to simplify and clarify the process for both Appellants and Forest Service officials and could lead to less paperwork.

List of Subjects in 36 CFR Part 211

Administrative practices and procedure, National forests.

PART 211—[AMENDED]

For the reasons set forth in the preamble, therefore, Part 211—Administration, Subpart B—Appeal of Decisions Concerning the National Forest System, Title 36 of the Code of Federal Regulations is amended as follows:

1. The Table of Contents for Subpart B is revised to read as follows:

Subpart B—Appeal of Decisions Concerning the National Forest System

Sec.
211.18 Appeal of decisions of forest officers.

Authority: 30 Stat. 35, as amended, 50 Stat. 526 (16 U.S.C. 551, 7 U.S.C. 1011(f), 5 U.S.C. 301).

2. Remove § 211.19 and, in lieu thereof, add § 211.18 to read as follows:

§ 211.18 Appeal of decisions of forest officers.

(a) *Matters subject to appeal.* (1) Decisions of Forest Officers concerning the National Forest System and not excluded in paragraph (b) of this section are subject to appeal.

(2) Written notice of a decision shall be provided to the party or parties to a written instrument issued by the Forest Service and affected by the decision, and to any other interested person who has requested in writing notification of the specific decision.

(3) For other persons, notification of a decision may be provided through publication in a newspaper of general circulation.

(b) *Matters excluded from appeal under this section.* (1) Decisions appealable to the Agriculture Board of Contract Appeals, USDA, under 7 CFR Part 24.

(2) Decisions involving Freedom of Information Act denials under 7 CFR Part 1 or Privacy Act determinations under 7 CFR 1.118.

(3) Decisions in which the jurisdiction of another Government agency, the Comptroller General, or a court supersedes that of the Department of Agriculture, or decisions to provide advisory, non-binding recommendations to other agencies which have the final authority to implement the recommendations in question.

(4) Decisions appealable under separate administrative proceedings, including, but not limited to, those under 36 CFR 228.14 (Minerals); 36 CFR 292.15(l) (Appeals, Sawtooth National Recreation Area, Private Lands); 36 CFR 223.11 (Administration of Cooperative or Federal Sustained Yield Units); 7 CFR 21.104 (Eligibility for Relocation Payment or Amount); and 4 CFR Part 21 (Bid Protests).

(5) Decisions pursuant to OMB Circular A–76.

(6) Decisions concerning contracts under the Federal Property and Administrative Services Act of 1949, as amended.

(7) Decisions covered by the Contract Disputes Act.

(8) Decisions involving personnel matters.

(9) Decisions where relief sought is reformation of a contract or award of monetary damages.

(10) Procedural decisions made under this Subpart, except those involving stays and dismissals.

(11) Preliminary planning process decisions made prior to completion of final plans and guides prepared pursuant to 36 CFR 219 and 40 CFR 1500–1508.

(c) *Filing procedures and timeliness.* (1) A notice of appeal of any initial decision must be filed with the Forest Officer who made the decision, known as the Deciding Officer, within 45 days of the date of the decision. A statement of reasons to support the appeal, and any request for an oral presentation must also be filed within the 45-day period for filing a notice of appeal unless an extension is granted.

(2) A notice of appeal at the second level must be filed within 30 days of written decision. A statement of reasons to support the appeal, any request for stay, and any request for an oral presentation must accompany any notice of appeal at the second level.

(3) The period to appeal a decision made according to 40 CFR 1505.2 shall not end prior to the 30-day period provided for in 40 CFR 1506.10.

(4) Postmarks, other evidence of mailing, or, if not mailed, time of receipt, will determine time of filing. Weekends or Federal holidays are included in time allowed for filing, but when filing time would expire on a weekend or holiday, time is extended to the next business day.

(5) Questions on timeliness will be decided by the Reviewing Officer.

(6) Decisions may be implemented unless a stay is granted.

(d) *Extensions.* Time for filing notice of appeal may not be extended.

(2) Written requests for extensions to request an oral presentation, to prepare a statement of reasons, to provide comments on the responsive statement, and to submit comments following an oral presentation may be granted by the Reviewing Officer for good cause shown by the Applicant. A decision will be made within 10 days of receipt and written notification will be provided.

(e) *Notice of appeal content.* The notice must specifically identify the decision being appealed, the decision date, the Forest Officer who made the decision, how the Appellant is affected by the decision, and the relief desired.

(f) *Levels of appeal.* (1) The available levels of appeal are in sequence according to the National Forest System line officer relationship. A decision made within delegated authority by any officer staff to a line officer listed below is considered a decision made by the line officer:

(i) Initial decisions of a District Ranger may be appealed to the Forest Supervisor, with second level appeal to the Regional Forester.

(ii) Initial decisions of a Forest Supervisor may be appealed to the Regional Forester, with second level appeal to the Chief.

(iii) Initial decisions of a Regional Forester may be appealed to the Chief.

(iv) Initial decisions of the Chief may be appealed to the Secretary of Agriculture.

(2) Appeal decisions made by the Chief will be sent to the Secretary within one business day. The Secretary may exercise discretion to review such decisions, but will accept a notice of appeal or petition only for initial decisions made by the Chief.

(3) A notice of appeal of any initial decision made by the Chief shall, within 5 days of its receipt by the Chief, be sent along with the relevant decision to the Secretary for review at the Secretary's discretion. The appeal is deemed denied if the Secretary takes no action within 10 days of receiving the appeal.

(4) Appeal decisions made by the Chief may be implemented if the Secretary, within 10 days of receipt, does not exercise discretionary review.

(5) If the Secretary elects to review a decision made by the Chief, the review may be conducted based on the record before the Chief, or under other procedures the Secretary may deem appropriate, including the preparation of a responsive statement.

(6) Decisions at the final level of review constitute the final administration determination of the Department of Agriculture.

(g) *Responsive statement.* At each level of appeal except for decisions of the Chief, the Deciding Officer will, within 30 days of receiving a statement of reasons, prepare a responsive statement and send it to the parties to the appeal. The responsive statement will respond to Appellant's reasons, and by specific reference may incorporate documents submitted by parties to the appeal. Appellants may, within 20 days from the mailing date of the responsive statement, provide a concise reply. Upon

receipt of such reply, or at the end of the 20-day period, whichever comes first, the appeal record will be sent to the Reviewing Officer.

(h) *Stay of decision pending appeal.* (1) A stay may be requested at any time at the first level of appeal and will be considered only if the Appellant submits information explaining what the Appellant wants stopped and why. The Forest Officer receiving such information shall immediately send the request to the Reviewing Officer, who shall, within 10 days of receiving it, grant or deny the stay, and notify the Appellant in writing. If granted, the stay will remain in effect until 10 days after the date of the Reviewing Officer's decision on the original appeal.

(2) Decisions to grant or to deny stay requests are appealable.

(i) *Dismissal.* (1) An Appellant may withdraw an appeal at any time by notifying the Deciding Officer and other parties to the appeal in writing.

(2) A Reviewing Officer may dismiss an appeal when:

(i) Appellant has failed to submit a timely statement of reasons and the notice of appeal provides an insufficient basis upon which to base a decision.

(ii) Relief desired by the Appellant cannot be granted under existing facts or laws.

(3) Dismissals are appealable.

(j) *Scope of appeal.* Throughout all levels of appeal, an Appellant and any Intervenor shall be confined to the issues originally raised in the appeal. New information on the original issues may be introduced at any level.

(k) *Provision for comments.* Any person or organization may submit written comments for the record. Such comments will be considered as provided for in paragraph (p) of this section.

(l) *Intervenors.* (1) At the discretion of the Reviewing Officer, any person or organization having an immediate interest in the subject of an appeal may intervene by submitting written information at any level of the apppeal process. Such intervention shall not act to elevate the appeal to levels higher than available to the original Appellant.

(2) In appeals involving Intervenors, the Reviewing Officer may prescribe special procedures to expedite the process. The parties to the appeal will be notified of these procedures.

(3) Appellants and Intervenors must concurrently furnish copies of all submissions to each other; otherwise, such submissions may be removed from the appeal record. At the discretion of the Reviewing Officer, Appellants may be given time to review and comment on initial submissions by intervenors and vice versa.

(4) Appellants or Intervenors appealing a decision to a higher level must furnish copies of their notice of appeal to all other named parties to the appeal.

(m) *Oral presentation.* Within the appeal time limits established herein, parties to an appeal may ask to give an oral presentation. The Reviewing Officer will respond in writing to the request no later than 10 days after receiving the appeal record. If the request is granted, the Reviewing Officer will advise the parties of who will hear the presentation, and of the place, time, and date. Participants may provide documentary material at the presentation and, within 10 days after the presentation, may also submit a brief summary of their remarks.

(n) *Consolidation of appeals.* Multiple appeals of the same decision, or of similar decisions involving common issues, facts, or law, may be consolidated by the Reviewing Officer who may then issue one appeal decision. At the discretion of the Reviewing Officer, the Deciding Officer may prepare one responsive statement to multiple appeals.

(o) *Procedural matters.* (1) Decisions on stays and dismissals are the only appealable procedural decisions. Such appeals must be filed with the Deciding Officer within 30 days of the procedural decision. A statement of the Appellant's reasons must be included.

(2) Within 10 days of receipt, the Deciding Officer shall send appeals on stays and dismissals and a response to the Reviewing Officer for decision.

(3) Decisions on procedural matters will be made by the Reviewing Officer within 10 days of receipt and all parties will be notified of the decision in writing.

(4) Levels of appeal for decisions on procedural matters cannot exceed the levels available for the original decision.

(p) *Appeal record.* The record consists of a distinct set of identifiable documents directly concerning the appeal, including, but not limited to, notices of appeal, comments, statements of reasons, responsive statements, procedural determinations, correspondence, summaries of oral presentations and related documents, appeal decisions, and other information the Reviewing Officer may consider necessary to reach a decision. For a period not to exceed 10 days following the date the record is received by the Reviewing Officer or from the date of the oral presentation, whichever is the later date, parties may submit additional information to the Reviewing Officer for the record. They must concurrently send copies to all other parties who may within 20 days of the date they receive such material, provide a concise response to the Reviewing Officer. Upon receipt of such response, the record will be closed. The record is open for public inspection.

(q) *Request for additional information or remand for further action.* If the appeal record is considered inadequate to affirm or reverse a decision, the Reviewing Officer may suspend the appeal process and request additional information, or remand the case with instructions for further action.

(r) *Appeal decision.* An appeal decision will be based only on the record and should be made within 30 days of the date the record is closed. The Appellant will be notified if more time is needed.

(s) *Continuance of appeals.* Provisions of 36 CFR 211.19 will remain in effect for appeals initially filed between June 28, 1977, and the effective date of 36 CFR 211.18.

§ 211.19 [Removed]

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources and Environment.

March 14, 1983.

[FR Doc. 83-8408 Filed 3-30-83; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 3220-3]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On November 23, 1982, the State of Indiana submitted source-specific emission limitations as a revision to the Total Suspended Particulates (TSP) portion of its State Implementation Plan (SIP). The emission limits are contained in an operating permit for the Paul H. Rohe Company, Inc. EPA has reviewed these limitations and has determined that they are more stringent than the present SIP and will contribute to the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). Therefore, EPA is approving these source-specific emission limitations.

DATE: Anyone wishing to submit adverse or critical comments must notify

EPA by May 2, 1983. Otherwise this rulemaking is effective on May 31, 1983.

ADDRESSES: Copies of these revisions to the Indiana SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408.

Copies of the SIP revisions and other materials relating to this rulemaking are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206.

Comments on this action should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V (5AP-26), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner (312) 886-6036.

SUPPLEMENTARY INFORMATION: On July 16, 1982, EPA approved as a part of the Part D SIP revised emission limitations for the Paul H. Rohe, Inc. asphalt plant in Dearborn County of 0.22 grains/dscf and 19.10 tons/yr (47 FR 30972). On November 23, 1982, Indiana submitted a revision to its SIP in the form of an operating permit for Paul H. Rohe Company.

The operating permit requires that the source meet both Indiana's general regulations, i.e., Rule 325 IAC 6-3(2)(c)*, and certain source specific emission limitations. The State also requires that the source can only be located in attainment or unclassifiable areas. EPA is rulemaking today only on these source-specific emission limitations.

The permit contained the following source-specific emission limits:

Facility	Operation	Permit	Limitation total emission†	Attainment status designation
Paul Rohe Co.	Asphalt batch plant	TSP	0.10 gr/dscf 27 lbs/hr and 7 tons/yr	Attainment.

† The emission limits in this table which EPA is approving today are in addition to those limits contained in the EPA approved SIP.

In summary, EPA is approving revised emission limitations for the Paul H. Rohe, Inc. These emission limitations in the permit are more stringent than those required by the existing SIP. Therefore, EPA approves the source specific emission limits contained in the permits, because the revision should not in any way interfere with the attainment and maintenance of the TSP NAAQS in Dearborn County.

Because EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on May 31, 1983. However, if we receive notice by May 2, 1983 that someone wishes to submit critical comments, *then* EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities. Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

*EPA in the past approved 325-IAC 6-3 on July 16, 1982 (47 FR 30972).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxides, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Note: Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1982.

This notice is issued under authority of section 110 of the Clean Air Act, as amended (42 U.S.C. 7410).

Dated: March 23, 1983.

John W. Hernandez, Jr.,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—INDIANA

Part 52, of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 52.770 is amended by adding new paragraph (c)(41).

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(41) On November 23, 1982, Indiana submitted source-specific emission limits for Paul H. Rohe Company, Inc.

* * * * *

[FR Doc. 83-8230 Filed 3-30-83; 8:45 am]

BILLING CODE [illegible]

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40 CFR Part 52

[A-6-FRC 2300-2]

State of Texas; Public Participation/ Intergovernmental Coordination

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice approves the Texas Air Control Board (TACB) August 17, 1982, revision to Section III (Public Participation/Intergovernmental Coordination) of the Texas State Implementation Plan (SIP). This revision changes the title and is an addendum to the previous Section III (Pubic Hearings) and supersedes and deletes Section XIII (Intergovernmental Coordination). It was submitted to fulfill the requirements of sections 121, 127, and 174 of the Clean Air Act relating to intergovernmental consultation. The revision is a narrative description of the State public participation/intergovernmental consultation procedures.

EFFECTIVE DATE: This action is effective on May 30, 1983 unless notice is received by 30 days from date of publication, that someone wishes to submit adverse or critical comments or requests a public hearing on the revision.

ADDRESSES: Incorporation by reference materials are available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L Street, N.E. Rm. 8401, Washington, D.C. 20460.

Environmental Protection Agency, Public Information Reference Unit, EPA Library Rm. 2404, 401 M Street, SW., Washington, D.C. 20460.

Environmental Protection Agency, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270.

Texas Air Control Board, 6330 Hwy. 290 East, Austin, Texas 78723.

FOR FURTHER INFORMATION CONTACT: Kathryn M. Griffith, State Implementation Plan Section,

Environmental Protection Agency, Region 6, Air and Waste Management Division, Air Branch, 1201 Elm Street, Dallas, Texas 75270 (214) 767–9852

SUPPLEMENTARY INFORMATION: On August 17, 1982, the TACB submitted a SIP revision to Section III (Public Participation/Intergovernmental Coordination) to fulfill the requirements of Section 127 of the Clean Air Act (CAA); 40 CFR 51.285 Subpart 0; Sections 121 and 174 of the CAA; and 44 FR 35176 relating to intergovernmental consultation. EPA developed an evaluation report [1] based on conformance with the criteria for the parts listed previously. This evaluation report is available for inspection during normal business hours at the EPA Region 6 Office and the other addresses listed above.

EPA's review of the revision shows that it fulfills all the requirements for:

1. *Section 127 (Pubic Notification)*

TACB publishes pamphlets, posters, and bookcovers on actions an individual can take to reduce the amount of pollutants; supplies air quality data to local air pollution control programs to support daily Pollution Standard Index (PSI) reports; publishes bulletins on air quality data; and holds public hearings and public meetings. TACB has agreed to conduct a public hearing on this section, if requested by the public.

2. *40 CFR Part 51 Subpart 0 (Miscellaneous Plan Content Requirements)*

The requirements for this part are also in Section 127 which the revision fulfills.

The State's 121 process and 174 process were approved on March 29, 1982 and March 25, 1980, respectively. This submittal contains a narrative description of the approved processes.

3. *Section 121 (Consultation)*

TACB has letters of Agreements with the local air pollution control programs. The letters are updated periodically and are part of the 105 Air Grant.

4. *Section 174 (Planning Procedures)*

TACB has letters of Agreements with the Metropolitan Planning Organizations (MPOs) which are part of the SIP.

5. *44 FR 35176—Requirements for Preparation, Adoption and Submittal of Implementation Plans: Intergovernmental Consultation*

This **Federal Register** notice is guidance published to assist the States in preparing SIP revisions to meet the requirements of Sections 121 and 174 of the CAA. As stated previously, the requirements for both sections were met and approved in previous submittals.

[1] EPA Review of Texas' Revision to Section III (Public Participation/Intergovernmental Coordination)

This Section III revision is an addendum to the previous Section III. But, the revision supersedes and deletes Section XIII (Intergovernmental Consultation) because Section XIII contains the previously approved process used to delineate responsibilities between the local air pollution control agencies and TACB in the development of the 1972 SIP.

Based upon EPA's review, EPA is approving this revision.

Because EPA considers today's action to be noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on May 31, 1983. However, if we receive notice by within 30 days that someone wishes to submit critical comments, *then* EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeal for the appropriate circuit by May 31, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended 42 U.S.C. 7410.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: March 22, 1983.

John W. Hernandez,

Acting Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

In § 52.2270 is amended by adding paragraph (c)(50) as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(50) A revision to Section III (Public Participation/Intergovernmental Coordination) was submitted by the Texas Air Control Board on August 17, 1982 and a letter of clarification was submitted on January 28, 1983. The revision also supercedes and deletes Section XIII which was approved on May 31, 1972.

[FR Doc. 83–8234 Filed 3–30–83; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 80

[AMS–FRL 2326–6]

Regulation of Fuels and Fuel Additives

AGENCY: Environmental Protection Agency.

ACTION: Interpretation of rules and announcements of effective date for information collection provisions

SUMMARY: On February 1, 1983, EPA issued emergency regulations establishing interim lead content standards for gasoline produced by certain small refineries to replace the 1.9 gram per leaded gallon (gplg) standard vacated by the U.S. Court of Appeals for the District of Columbia Circuit on January 28, 1983. 48 FR 5724 (February 8, 1983). These regulations established a pooled standard of 2.65 grams per gallon of total gasoline (gptg) produced by refineries with gasoline production of 5,000 barrels per day (bpd), or less and a standard of 2.15 gptg for refineries with gasoline production of 5,001 to 10,000 bpd. The regulations established compliance periods of November 1, 1982, to January 31, 1983, and February 1, 1983, to June 30, 1983, for the interim standards. (After July 1, 1983, small refineries will be subject to a 1.1 gplg standard.) For reasons discussed below, the Agency will not take enforcement action against any small refinery which, as a result of the emergency regulations, is technically in noncompliance for the November 1, 1982, to January 31, 1983, compliance period, provided that the gasoline lead content of the refinery averaged over the period November 1, 1982, to June 30, 1983, meets the applicable standard.

This notice also interprets 40 CFR 80.20(d)(1)(iii), relating to inter-refinery averaging, in light of the different interim compliance periods applicable to small and large refineries, respectively, and announces approval of certain information collection provisions by the Office of Management and Budget (OMB).

DATES: The enforcement policy and EPA interpretation announced in this notice are effective March 31, 1983. The information collection provisions approved by OMB, § 80.20 (a)(3), (b)(3), (c)(3), and (d)(2), are effective as of December 7, 1982.

FOR FURTHER INFORMATION CONTACT: Richard G. Kozlowski, Director, Field Operations and Support Division (EN–397), EPA, 401 M Street, SW., Washington, D.C. 20460, telephone (202) 382–2633.

SUPPLEMENTARY INFORMATION: On October 29, 1982, EPA promulgated revised regulations governing the allowable lead content of leaded gasoline. 47 FR 49322. These regulations established new lead content standards for gasoline produced by large refineries and small refineries, as well as for imported gasoline. Effective November 1, 1982, large refineries and importers were made subject to a lead content standard of 1.10 gplg. Small refineries were made subject to the 1.10 gplg standard starting on July 1, 1983, with an interim standard of 1.90 gplg applicable from November 1, 1982, to June 30, 1983. The eight-month interim period was designed to compensate for the period of uncertainty caused by the Agency's consideration of revisions to the lead content regulations. The small refinery definition was also significantly revised, resulting in a substantial decrease in the number of qualifying facilities. Finally, the regulations were revised to permit refineries and importers to average their lead usage with each other.

On January 26, 1983, the U.S. Court of Appeals for the District of Columbia Circuit issued an order in response to certain challenges to the October 29, 1982, rule brought by the Small Refinery Lead Phasedown Task Force (SRTF), and Plateau Incorporated. With one exception, the Court upheld the regulations. The exception was that the Court found the interim 1.90 gplg standard for small refineries to be defective because EPA did not give adequate notice that it might immediately require-these facilities to reduce lead use significantly. As a result, the Court vacated that part of 40 CFR 80.20(b)(1)(i) that required small refineries to limit the lead content of leaded gasoline to 1.90 gplg for gasoline production not exceeding the refinery's historic production level. The Court left in effect the portion of that regulatory provision which required that leaded gasoline produced in excess of a refinery's historic production level not exceed 1.10 gplg during the interim period.

The Court delayed issuing its mandate in order to give EPA an opportunity to promulgate an emergency lead content regulation for the interim period. On February 1, 1983, the Agency issued an emergency rule, generally reinstituting the lead content standards previously applicable to the affected facilities prior to November 1, 1982. Those small refineries with an average gasoline production of 5,000 bpd or less during a compliance period will be subject to a standard of 2.65 gptg. Those with an average production of 5,001 to 10,000 bpd during a compliance period will be subject to a standard of 2.15 gptg. In order to limit increased lead usage that might occur under the emergency rule as a result of the two compliance periods originally promulgated in 40 CFR 80.20(b)(1)(i), the Agency also established somewhat different compliance periods within the eight-month period covered by the interim standards. The first compliance period is November 1, 1982, to January 31, 1983. The second compliance period is February 1, 1983, to June 30, 1983. Starting on July 1, 1983, the distinction in these regulations between large and small refineries will no longer be applicable, since all refineries will be subject to a 1.10 gplg standard.

As stated above, the change in compliance periods was intended to prevent any increased lead usage that might have resulted under the emergency rule if the original compliance periods had been retained. However, it has come to the Agency's attention that the change may have caused a few refineries to be in technical noncompliance with the applicable 2.15 gptg or 2.65 gptg standard for the November 1, 1982, to January 31, 1983, compliance period. This could occur if a refiner had relied in good faith upon the original five-month compliance period (November 1, 1982, to March 31, 1983) in planning its operations, and therefore had used more lead per gallons of gasoline in the three months ending January 31, 1983, than is allowed under the emergency rule. If this occurred, it would be a totally unintended result of the change in compliance periods, and would be unfair to the refineries involved.

In order to address this situation, the Agency will not take enforcement action against a small refinery for technical noncompliance with the applicable pooled standard during the November 1, 1982, to January 31, 1983, period, if, for that refinery, the average compliance level for the entire eight-month period (November 1, 1982, to June 30, 1983) does not exceed the applicable pooled standard.

This enforcement policy is only applicable to those small refineries which exceeded the applicable pooled lead content standard during the November 1, 1982, to January 31, 1983, compliance period, as shown by lead usage reports submitted under 40 CFR 80.20(b)(3). In all other respects, compliance will be determined in accordance with the February 1, 1983, emergency rule.

Promulgation of revised compliance periods for small refineries in the emergency rule has also created uncertainty concerning use of the averaging provisions of the October 29 regulations. Under 40 CFR 80.20(d)(1), refiners and importers may demonstrate compliance with applicable lead content standards by means of inter-refinery averaging, subject to certain limitations. Among these limitations is a requirement that the total actual lead usage for refineries who average among themselves during a compliance period must be equal to their total constructive (averaged) lead usage during the compliance period. 40 CFR 80.20(d)(1)(iii). In addition, lead usage may not be constructively allocated from a large refinery to a small refinery prior to July 1, 1983. 40 CFR 80.20(d)(1)(v). However, constructive allocation of lead usage from a small refinery to a large refinery is permitted during all compliance periods. (Note that the refinery that is constructively allocating lead usage is the one that has actually exceeded the applicable standard, and the refinery to which lead usage is constructively allocated is the one that has actually used less lead per gallon than is allowed by the applicable standard.)

Some confusion has arisen concerning averaging between November 1, 1982, and June 30, 1983, because large and small refineries are now subject to different compliance periods. Large refineries are subject to compliance periods of November 1, 1982, to March 31, 1983, and April 1, 1983, to June 30, 1983; small refineries are subject to compliance periods of November 1, 1982, to January 31, 1983, and February 1, 1983, to June 30, 1983. The October 29 regulations could be interpreted to prohibit constructive allocation of lead usage between the two groups of refineries, since they are not subject to the same compliance periods. However, the Agency interprets the provision in § 80.20(d)(1)(iii) concerning averaging of lead usage during a compliance period as meaning that averaging between large and small refineries must occur during compliance periods which contain a period of time in common. Accordingly, lead usage by a small refinery during the November 1, 1982, to January 31, 1983, compliance period may be constructively allocated to a large refinery for reporting during its November 1, 1982, to March 31, 1983, compliance period. Small refinery lead

usage during the February 1, 1983, to June 30, 1983, compliance period may be constructively allocated to a large refinery for reporting during either the November 1, 1982, to March 31, 1983, compliance period *or* the April 1, 1983, to June 30, 1983, period. Of course, small refineries may average among themselves during either of their compliance periods, as may large refineries among themselves.

Finally, in the October 29, 1982, notice of final rulemaking (47 FR 49331), the Agency stated that the information collection provisions in the regulations promulated on that date would be submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act of 1980; 44 U.S.C. 3501 et seq. These provisions were submitted to OMB, and on December 7, 1982, they were approved by that office as revisions to the existing lead phasedown information collection requirements (OMB clearance 2000–0041). Accordingly, the additional information collection requirements in the final regulations are effective as of the date of OMB approval.

Dated: March 14, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83–7082 Filed 3–30–83; 8:45 am]
BILLING CODE 6560–50–M

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40 CFR Part 123

[SW–1–FRL 2336–8]

New Hampshire; Phase II, Components A and B Interim Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Final approval.

SUMMARY: The State of New Hampshire has applied for Interim Authorization Phase II Components A and B. EPA has reviewed New Hampshire's application for Phase II Interim Authorization. Components A and B, and has determined that New Hampshire's hazardous waste program is substantially equivalent to the Federal program covered by Components A and B. The State of New Hampshire is hereby granted Interim Authorization for Phase II, Components A and B, to operate the State's hazardous waste program covered by these Components in lieu of the Federal program.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Susan L. Hanamoto, Waste Management Branch, U.S.E.P.A., Region I, J.F.K. Federal Building, Boston, Massachusetts 02203, (617) 223–3468.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063), the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. Included in these regulations, which became effective November 19, 1980, were provisions for a transitional stage in which States would be granted interim program authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which an underlying Federal program has taken effect.

The State of New Hampshire received Interim Authorization for Phase I on November 3, 1981.

In the January 28, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of portions of the second phase of Interim Authorization. EPA made the second phase of Interim Authorization available in components, in order to proceed with authorizing State programs as expeditiously as possible and because some of the standards for hazardous waste treatment, storage and disposal facilities (40 CFR Part 264) have been promulgated at different times. On December 23, 1982, EPA published a notice in the **Federal Register** (47 FR 57301) inviting the public to comment on the New Hampshire application for Interim Authorization Phase II, Components A and B at a public hearing on January 28, 1983. This notice also invited the public to submit written comments on the New Hampshire application to Region I by February 2, 1983. Notice was also given in three major daily newspapers in New Hampshire and was mailed to persons on both the State and EPA mailing lists.

Discussion

The State of New Hampshire submitted an application for Phase II Interim Authorization components A and B on November 22, 1982. The application addressed all of the Federal requirements in 40 CFR Subpart F necessary for Phase II Interim Authorization Components A and B and was deemed a complete application on December 13, 1982.

Minor issues requiring clarification by the State were identified in the review of the complete application. Specifically, the State has agreed in the Memorandum of Agreement to follow the procedures described in the application with respect to permittees who failed to file a timely Part B permit application or renewal for a permit. In addition, the State has confirmed that permits for new incinerators will include permit terms and conditions for trial burns.

Responsiveness Summary

Region I held the public hearing on the New Hampshire application for Phase II authorization in Concord, New Hampshire. Eight (8) members of the public attended in addition to Region I and State agency representatives. No presentations were made by the public.

The public comment period closed on February 2, 1983. EPA received no comments.

Response

EPA notes that no comments were made on the New Hampshire application for Phase II Interim Authorization, Components A and B. Ample notice and opportunity were provided for the review of and comment on the application. EPA interprets this silence, not as disinterest, but as general public acceptance of the viability of the New Hampshire Hazardous Waste Management Program.

I conclude that the New Hampshire application for Interim Authorization to operate the RCRA Phase II, Components A and B program meets all of the statutory and regulatory requirements and as such I approve this authorization.

Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does

not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians-lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, and Confidential business information:

Dated: March 7, 1983.

Lester A. Sutton,

Regional Administrator.

[FR Doc. 83-8405 Filed 3-30-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 5-1, 5A-1 and Ch. 5B

[APD 2800.2 CHGE 30; 2800.3 Chge 38, 2800.4 Chge 18]

General Procurement Regulations

Correction

In FR Doc. 83-7595 beginning on page 12353 in the issue of Thursday, March 24, 1983, make the following corrections:

1. On page 12354, first column, in the Authority citation, second line, "48(c)" should read "486(c)".

2. On page 12354, second column, the amendatory language in paragraph 2C which reads "Section 5-1.109-2(b) is revised to read as follows:" should read "Section 5-1.109(b) (1), (2), and (3) are revised to read as follows:". Also, in the next line, the section numbered "§ 5-1.109-2" should read "§ 5-1.109".

3. On page 12354, third column, the text of § 5-1.250 should have ended with the word "responsibility." And the next sentence beginning paragraph 2F should have begun a new paragraph.

4. On page 12362, second column, paragraph 2I, in the fifth line, "5-1.603-3" should read "5-1.606-3".

5. On page 12364, first column, the section numbered "§ 5-1.606-2" should read "§ 5-1.606-3".

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 526

Free Time and Demurrage Charges on Import Property Applicable to All Common Carriers by Water

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Free time and demurrage rules are amended to comply with the Paperwork Reduction Act of 1980. Section 3506(c)(5) of that Act requires that information collection requests required by law or to obtain a benefit, and submitted to nine or fewer persons, contain a statement to inform the person receiving the request that the request is not subject to the requirements of 44 U.S.C. 3507.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

List of Subjects in 46 CFR Part 526

Maritime carriers, rates and fares.

Therefore, 46 CFR 526 is amended as follows:

1. The authority citation for Part 526 reads as follows:

Authority.—Section 17, 39 Stat. 734, as amended; 46 U.S.C. 816.

2. Add the following paragraph immediately after the authority citation:

Note.—In accordance with 44 U.S.C. 3506(c)(5), this request is not subject to the requirements of 44 U.S.C. 3507, as the respondents number nine or fewer persons.

Effective Date: Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective March 31, 1983.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-8286 Filed 3-30-83; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 175, 176, 177, and 178

[Docket No. HM-169; Amdt. Nos. 171-71, 172-78, 173-162, 174-42, 175-26, 176-15, 177-57, 178-75]

Requirements for Transportation of Radioactive Materials

Correction

In FR Doc. 83-5215 beginning on page 10218 in the issue of Thursday, March 10, 1983, make the following corrections:

1. On page 10218, first column, in the 8th line under "**EFFECTIVE DATE**", "173.441(c), 173.477(b)" should have read "173.441(c), 173.457(b), 173.477(b)".

2. On page 10220, the formula in column one, should have read as follows:

$$\frac{APG_1}{0.0001} + \frac{APG_2}{0.005} + \frac{APG_3}{0.3} \leq 1$$

3. In § 172.101, the Hazardous Materials Table is corrected on page 10225, in the entry for Thorium metal, pyrophoric, under "Cargo only aircraft", "2.5 pounds" should have read "Forbidden".

4. In § 172.203(d)(1)(iii), first line of the first column of page 10226, the number "(1)" should have been the letter "(l)".

5. On page 10226, in § 172.403(c), in the table, in the entry for T.I.<1.0, in the second column, "0.5 mrem/h<RL<50" should have read "0.5 mrem/h<RL<50 mrem/h".

6. In the amendment to § 173.22, 17th line of the third column of page 10226, the number "(1)" should have been the letter "(l)".

7. In § 173.403, third column of page 10227, paragraph (l)(2), "for special form radioactive material; or" should have read "for normal form radioactive material; or".

8. In § 173.403(n)(5), seventeen lines from the top of column one, page 10228, "0.0001" should have read "0.001".

9. In § 173.417(b)(1), Table 4 on page 10231 should have read as follows:

TABLE 4

Authorized contents in kilograms (kg) and conditions for Specification 6L packages

Uranium-235		Plutonium[1/]		Fissile Class II Transport index	Fissile Class III maximum number of packages per transport vehicle
[2/] H/X≤3	3≤H/X≤10	H/X≤10	10≤H/X≤20		
14	3.6 [3/]	—	—	1.3	80
—	—	2.5	2.4	1.8	50

1/ Plutonium solutions are not authorized.

2/ H/X is the ratio of hydrogen to fissile atoms in the inner containment with all sources of hydrogen in the containment considered.

3/ Volume not to exceed 3.6 liters.

10. In § 173.423, Table 7 on page 10233, make the following changes:

a. In the entry for Solids, Other forms, "10 $^2A_2$" should have read "$10^{-2}A_2$", and "10 $^3A_2$" should have read "$10^{-3}A_2$".

b. In the entry for Liquids, Other liquids, "$10^{-3}A_1$..... 10 $^1A_1$.....10 $^4A_2$" should have read "$10^{-3}A_2$.....$10^{-1}A_2$ .....$10^{-4}A_2$".

11. On page 10234, first column, the heading now reading

§ 173.431 Activity for Type A and Type B packages.

should have read:

§ 173.431 Activity limits for Type A and Type B packages.

12. In § 173.431(b), in the fourth line from the top of the middle column of page 10234, "recertificate" should have read "certificate".

13. On page 10234, middle column, § 173.433(a)(2)(i)(A), the expression "$A_1 = 9\Gamma$ curie" should have read "$A_1 = 9/\Gamma$ curie".

14. On the same page, § 173.433(a)(2)(i)(C), Table 8, in the last line, ">2.0" should have read "≥ 2.0".

15. On page 10235, § 173.435, in the table, make the following corrections:

a. In the entry for 36_{Cl}, "3.2×10" should have read "3.2×10^{-2}".

b. In the entry for 51_{Cr}, "Chromium (25)" should have read "Chromium (24)".

c. On page 10236, the entry for 18_{F}, "Flourine" should have read "Flourine (9)".

d. The entry now reading "56_{Fe}" should have read "59_{Fe}".

e. In the entry for 153_{Gd}, in the column headed "A_2 (Ci)", the number "200" should have read "100".

f. The entry now reading "$197m_{MHg}$" should have read "$197m_{Hg}$".

g. The *second* of the two entries reading "$85m_{Kr}$ (uncompressed)" should have read "$85m_{Kr}$ (compressed)".

h. The *second* of the two entries reading "87_{Kr} (uncompressed)" should have read "87_{Kr} (compressed)".

i. In the entry for 59_{Ni}, "8.1×10" should have read "8.1×10^{-2}".

j. The *second* of the two entries reading "191_{Os}" should have read "$191m_{Os}$".

k. On page 10237, in the entry for 186_{Re}, "1.9×10^{-5}" should have read "1.9×10^{5}".

l. In the entry for 188_{Re}, "1.0×10^{-6}" should have read "1.0×10^{6}".

m. In the entry for $103m_{Rh}$, "3.2×10^{-7}" should have read "3.2×10^{7}".

n. In the entry for 105_{Rh}, "8.2×10^{-5}" should have read "8.2×10^{5}".

o. In the entry for 222_{Rn}, "1.5×10^{-5}" should have read "1.5×10^{5}".

p. In the entry for 97_{Ru}, "5.5×10^{-5}" should have read "5.5×10^{5}".

q. In the entry for 103_{Ru}, "3.2×10^{-4}" should have read "3.2×10^{4}".

r. In the entry for 105_{Ru}, "6.6×10^{-6}" should have read "6.6×10^{6}".

s. In the entry for 106_{Ru}, "3.4×10^{-3}" should have read "3.4×10^{3}".

t. On page 10238, the *first* of the two entries reading "69_{Zn}" should have read "$69m_{Zn}$".

BILLING CODE 1505-01-M

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49 CFR Part 192

[Interpretations 83-1, 83-2]

Transportation of Natural and Other Gas By Pipeline; Corrosion Control Monitoring

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Interpretation.

SUMMARY: Operators of gas pipelines are required by 49 CFR § 192.465 to monitor their pipelines for corrosion control purposes. Questions have arisen

in the enforcement of this regulation about its application to: (1) Cathodic protection that has been voluntarily installed, and (2) pipelines in remote areas. Agency interpretations provide that: (1) Pipelines with voluntarily installed cathodic protection are subject to the 3-year re-evaluation requirements but not the annual monitoring rule, and (2) electrical surveys are not required for pipelines in remote areas if it can reasonably be concluded that corrosion-caused leaks in those area would not be detrimental to public safety.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow, 202–426–2392.

SUPPLEMENTARY INFORMATION:

Interpretation 83–1

Section: § 192.426(a)

Subject: Monitoring cathodic protection that is voluntarily installed.

Facts: None.

Question: In Amendment 192–35 (44 FR 75384, December 20, 1979), which permitted short sections of cathodically protected transmission lines to be tested on a sampling basis, the Materials Transportation Bureau stated that the "regulation applies to pipelines that are separately protected by the 'hot spot' method." Does this mean that anodes an operator voluntarily installs whenever a pipeline is uncovered are subject to the testing requirements of § 192.465(a)?

Interpretation: Section 192.465(a) requires, in part, that each pipeline that is under cathodic protection must be tested "to determine whether the cathodic protection meets the requirements of § 192.463, paragraph (a) prescribes the level of cathodic protection that each cathodic protection system "required by this subpart" (Subpart I of Part 192) must provide. The reference to the requirements of § 192.463, which, consistent with § 192.463(a), only apply to cathodic protection systems that are required by Subpart I, strongly implies that the testing requirements of § 192.465(a) only apply to pipelines on which cathodic protection is required by Subpart I. There does not appear to be any contrary intent from our reading of the history of § 192.465(a) and Subpart I. Further, to apply the testing requirements to voluntarily installed anodes (or cathodic protection that is not required by Subpart I) would tend to discourage voluntary practices that are in the interest of public safety. Pipelines on which anodes have been voluntarily installed would, however, be subject to the 3-year re-evaluation requirements of § 192.465(e) which by logical extension of the above reasoning, apply to pipelines that are not cathodically protected as required by Subpart I.

Interpretation 83–2

Section: §§ 192.457(c) and 192.465(e)

Subject: Electrical surveys in remote areas.

Facts: None.

Question: In the case of cathodically unprotected pipelines located in remote areas, must an electrical survey be performed, where practical, as part of the 3-year re-evaluation required by § 192.465(e), even though circumstances indicate that any corrosion found by the survey would not be expected to endanger public safety?

Interpretation: The purpose of § 192.465(e) is to require that cathodic protection be installed where "active corrosion" exists on unprotected pipelines. The term "active corrosion" is defined in § 192.457(c) to mean "continuing corrosion which, unless controlled, could result in a condition that is detrimental to public safety."As this definition implies, there are segments of pipelines on which continuing corrosion would not endanger public safety. Indeed, the preamble to Amendment 192–4, which established §§ 192.457(c) and 192.465(e), makes it clear this implication is intended by the definition of "active corrosion." Such segments might be found in remote locations or other places where because of the pipeline's distance from people, it is not reasonable to foresee that corrosion or, worse, a corrosion-caused leak would be detrimental to public safety. Similarly, corrosion determined to be progressing so slowly that leakage would not result before the next 3-year re-evaluation would not be detrimental to public safety.

Because § 192.457(b) as well as § 192.465(e) requires the use of electrical surveys in determining the existence of active corrosion, the Office of Pipeline Safety Operations stated in a 1976 interpretation (41 FR 29128) that an electrical survey is the first step in finding active corrosion. As a result, operators have had to conduct surveys on pipelines located in remote areas even though corrosion-caused leaks in those locations would not be considered detrimental to public safety.

We believe that to blindly run electrical surveys in areas where existing and reasonably foreseeable circumstances show that corrosion-caused leaks would not be detrimental to public safety is inconsistent with the "active corrosion" definition. Therefore, we will no longer apply the 1976 interpretation on this subject. Instead, in complying with the 3-year re-evaluation required by § 192.465(e), operators may, first, consider all factors relevant to determining whether a corrosion-caused leak occurring within the 3 years before the next re-evaluation would be detrimental to public safety. Then, in areas where it is reasonable to foresee that such leaks would be detrimental to public safety, § 192.465(e) requires that electrical surveys be run, if practical, to look for continuing corrosion and that cathodic protection be applied where continuing corrosion is found.

(49 U.S.C. 1672 and 1804; 49 CFR 1.53, Appendix A to Part 1, and Appendix A to Part 106)

Issued In Washington, D.C. on March 25, 1983.

Richard L. Beam,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 83–8228 Filed 3–30–83; 8:45 am]

BILLING CODE 4910–60–M

Proposed Rules

Federal Register
Vol. 48, No. 63
Thursday, March 31, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 22471 Notice 83-2]

High Density Traffic Airport Rule

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to rescind the High Density Traffic Airport Rule insofar as it applies to O'Hare International Airport, Chicago, Illinois, and John F. Kennedy International Airport, and LaGuardia Airport, New York, N.Y. The proposed amendment would remove the limitation on Instrument Flight Rule (IFR) operations that were established at those airports because of certain airspace and terminal groundside congestion problems. The notice also proposes to delete Newark International Airport, Newark, N.J., from the rule since the limitation at Newark has been suspended for a number of years. This proposal, if adopted, will reduce the burden on air carriers, other aircraft operators, and airport operators by (1) providing additional access to these airports when the Air Traffic Control system providing access to those airports is able to accommodate increased demand, and (2) permitting more flexibility in scheduling operations into and out of the airports.

This notice also responds to a petition for rulemaking from United Air Lines, Inc., requesting that O'Hare International Airport be deleted from the list of airports subject to the high density rule.

DATE: Comments must be received on or before June 3, 1983.

See Supplementary Information for dates of public meetings.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 22471, 800 Independence Avenue, SW., Washington, D.C. 20591, or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

See Supplementary Information for location of public meetings.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Deputy Chief Counsel, telephone (202) 426-3775; or Harold Becker, Air Traffic Rules Branch, AAT-220, telephone (202) 426-3656; Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the above specified address. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. Commenters who wish the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped post card on which the following statement is written: "Comments to Docket Number 22471." The post card will be date/time stamped and returned to the commenter. The proposals in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

In addition to seeking comments on this NPRM, the FAA will hold public hearings to allow additional public input. In order to afford more people the opportunity to attend and participate, the FAA will hold two public hearings: One to be held in Chicago, Illinois (O'Hare Exposition Center); and one to be held in New York, New York (Marriott Hotel-LaGuardia). These meetings will maximize the ability of those living near the airports affected by this notice to participate in this rulemaking.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Request to Make a Presentation

Interested persons are invited to attend the public hearings and to participate by making oral or written statements. Written statements should be submitted in duplicate and will be made a part of the rules docket. Requests to make an oral presentation at either public meeting should identify the docket number, indicate at which meeting the presentation will be made, the time required (times may be limited depending upon the number of presentations), and be sent to Denise Hall, Regulations and Enforcement Division (AGC-250), Federal Aviation Administration, 800 Independence Ave., SW., Washington, D.C. 20591; telephone (202) 426-3080. Requests must be received on or before April 20, 1983. Presentations will be scheduled on a first-come first-served basis as time may permit within the meeting schedule.

Meeting Procedures

Persons who plan to attend the meetings should be aware of the following procedures to be followed:

(a) The meeting will be informal in nature and will be conducted by the designated representative of the Administrator under 14 CFR 11.33. Each participant will be given an opportunity to make a presentation.

(b) The meetings will begin at 9:00 a.m. (local time). There will be no admission fee or other charge to attend and participate. All meeting sessions will be open to all persons on a space available basis. The presiding officer

may accelerate the meeting agenda to enable early adjournment if the progress of the meeting is more expeditious than planned.

(c) All meeting sessions will be recorded by a court reporter. Anyone interested in purchasing the transcript should contact the court reporter directly. A copy of the court reporter's transcript will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the meeting may be accepted at the discretion of the presiding officer. Participants submitting handout materials must present an original and two copies to the presiding officer for approval before distribution. If approved by the presiding officer, there should be an adequate number of copies provided for further distribution to all participants.

(e) Statements made by FAA participants at the hearing should not be taken as expressing a final FAA position.

Public Meeting Schedule

The schedule for the meetings is as follows:

April 26, 1983, Chicago, Illinois

(O'Hare Exposition Center, 9291 W. Bryn Mawr, Rosemont, IL)
9:00 to 9:15 Presentation of Meeting Procedures.
9:15 to 10:00 FAA Presentation of Notice of Proposed Rulemaking.
10:15 to 12:15 Public Presentation and Discussion.
1:30 to 5:00 Public Presentation and Discussion.

May 2, 1983, New York, New York

(Marriott Hotel-LaGuardia, 102–05 Ditmars Blvd., East Elmhurst, NY)
9:00 to 9:15 Presentation of Meeting Procedures.
9:15 to 10:00 FAA Presentation of Notice of Proposed Rulemaking.
10:15 to 12:15 Public Presentation and Discussion.
1:30 to 5:00 Public Presentation and Discussion.
(An evening session may be added.)

Discussion of the Proposed Rule

Background

Federal Aviation Regulation (FAR) Amendment No. 93–13, effective April 27, 1969, and published in the **Federal Register** on December 3, 1968 (33 FR 17896), designated Kennedy, O'Hare, LaGuardia, Newark, and National Airports, as high density airports and prescribed special air traffic rules, known as the "High Density Rule", that apply to operations at those airports. The High Density Rule (FAA Part 93, Subpart K) was imposed on a trial basis with the general support of the air carriers in response to rapidly growing problems of congestion and delays at those airports. The rule established limitations (quotas) on the number of Instrument Flight Rule (IFR) operations per hour that would be accepted at those airports. The rule allocated the hourly reservations among the three classes of users: air carriers except air taxis, scheduled air taxis (commuter airlines), and all other operators—primarily general aviation operations. In 1973, the High Density Rule was made permanent, subject to continuing FAA review (Amendment 93–27 (38 FR 29463, October 25, 1973)).

The hourly quotas were set at the predominant IFR capacity for each airport, as estimated by the FAA. The predominant IFR capacity is the airport's capacity under the circumstances and configurations most frequently encountered when the circumstances preclude Visual Flight Rules (VFR) operation.

In accordance with the policy announced at the time the High Density Rule was adopted, the rule has been periodically reviewed to ascertain whether a continuing need for the quotas existed and whether the quotas should be modified to reflect changing circumstances. In the course of these reviews during the early 1970's, the quotas at Kennedy and O'Hare airports were removed, except for a peak period from 3:00 p.m. to 7:59 p.m. and the entire quota at Newark was suspended indefinitely.

As a result of the strike by air traffic controllers, operational limitations at Kennedy, O'Hare, and LaGuardia airports are currently established under an Interim Operations Plan (Special Federal Aviation Regulation (SFAR) No. 44–5 as amended), rather than the High Density Rule. The limitations imposed by the Interim Operations Plan are more stringent than the High Density Rules quotas. The Interim Operations Plan is expected to be phased out as air traffic system capacity is restored. Each terminal and en route control facility will be evaluated on an individual basis to determine the date on which the limitations imposed by SFAR 44–5 will be lifted. Based upon this evaluation of the capacity of an individual facility to handle increased traffic safely and efficiently, a determination will be made as to when the facility should be removed from the Interim Operations Plan. Even after an airport is removed from the restrictions of the Interim Operations Plan, some form of air traffic flow management will remain to ensure safe and efficient utilization of the airspace. Therefore, although this notice proposes to rescind the High Density Rule as it applies to these airports, the amount of air traffic to be handled at these airports will continue to be limited until the aforementioned determinations are completed.

The High Density Rule quotas at Kennedy, O'Hare, Newark, and LaGuardia airports, subject to certain modifications set forth in the rule, are set forth below:

IFR Operations Per Hour

Class of user	JFK [1]	O'Hare [1]	Newark [2]	La Guardia
Air carriers except air taxis	70	115	40	[illegible]
Scheduled air taxis	5	10	10	[illegible]
Other	5	10	10	6

[1] The limitations apply at JFK and O'Hare Airports only from 3:00 p.m. to 7:59 p.m., local time. At JFK, the quota is 70 air carrier operations per hour from 3:00 p.m. to 4:59 p.m. and 80 operations per hour from 5:00 p.m. to 7:59 p.m.
[2] The limitations at Newark International Airport have been suspended indefinitely.

Under the High Density Rule, the air carrier and commuter quotas have been allocated among the individual carriers at each airport by scheduling committees. The committees operate under antitrust immunity granted by the Civil Aeronautics Board (CAB). The air carrier scheduling committees consist of all carriers serving or seeking to serve the airport and allocate by consensus. Commuter scheduling committees have operated by a senority rule; "new entrants" are added to a waiting list, and slots no longer needed by an incumbent commuter carrier are given to the carrier on the waiting list the longest.

Both FAA and CAB have been concerned about the economic effects of the quotas and the scheduling committee process, and the CAB has requested FAA to reexamine the need for the quotas. In addition, United Air Lines has petitioned the FAA for removal of the quotas at O'Hare airport. The agency also recognizes that there are a number of additional benefits which could result from removal of these quotas. The amendment could result in increased availability of access at these airports as the air traffic system is able to accommodate increased demand and, therefore, increase service to other cities. As a result, airports served would obtain increased revenues. It would also enable the FAA to better manage its resources which in turn would result in improved airspace utilization.

Developments Affecting the Rule

Air Traffic Control (ATC) procedures at Kennedy, O'Hare, and LaGuardia airports have been improved

substantially since the High Density Rule was adopted in 1969, and the rule has been suspended at Newark airport since 1970.

The FAA has applied improved ATC programs and procedures that predict and help reduce airborne delay. Air traffic flow control management procedures use ATC computers to predict airport congestion and effect flow control measures to minimize costly fuel consumption. Other measures, some applied in conjunction with flow control, include en route metering and terminal spacing programs, gate holds, prohibition of fixed-wing Special VFR in certain control zones, improved ATC services and procedures associated with Terminal Control Areas, preferential routings, and ATC services to acquire and disseminate weather information.

In August 1981, following the walkout by air traffic controllers, an Interim Operations Plan (SFAR No. 44) was adopted to ensure safety of the air traffic system at its abruptly reduced capacity. Pending restoration of system capacity, the FAA, in accordance with SFAR No. 44 and amendments thereto, has required reductions in operations at congested airports, including the airports covered by the High Density Rule. Complementary flow control management has been used extensively to minimize airborne delays when congestion does develop.

These developments have changed the situation that existed at the time the High Density Rule was implemented. Moreover, further improvements are planned for systemwide flow management programs and in ATC procedures. In response to the planned elimination of the Interim Operations Plan capacity restrictions, and thereafter systemwide application of improved flow control programs and ATC procedures, the FAA believes that the restrictions of the High Density Rule should be removed at Kennedy, O'Hare, and Laguardia airports.

This notice does not affect the operations at Washington National Airport. The quotas at National existed even before the High Density Rule incorporated them. The operations at National, including the hourly limitations will continue to be governed by the Metropolitan Washington Airports Policy.

(46 FR 58037, November 27, 1981.)

Comments on United Air Lines Petition for Rulemaking

A summary of the Petition for Rulemaking of United Air Lines, Inc. (United) was published in the **Federal Register** on December 28, 1981 (46 FR 62664). Forty-two comments were received from air carriers, industry associations, State airport and governmental authorities, and local community associations. All but eight of the comments favor termination of the High Density Rule insofar as it applies to O'Hare airport. Many of the comments also favor removal of the rule at the other airports subject to the rule.

Commenters supporting the United petition state that the capacity of O'Hare airport has been considerably improved since the rule was adopted and that the rule is no longer needed due to the major advancement in the ATC System. They note that the rule is not needed for the safety of aircraft and efficient utilization of the navigable airspace, was never intended to correct any safety problem, and that air carriers now take steps to solve congestion/delays themselves due to the economic costs. These commenters believe the High Density Rule does not reflect the true capacity of these airports. As one commenter states, continuation of the rule inhibits the economic development of the regions and cities served by airports subject to the High Density Rule and the rule masks problems which should be dealt with by other solutions, such as increased groundside capacity and installation of newer, more advanced equipment and facilities.

The City of Chicago strongly supports United's petition. As part of the settlement of litigation involving O'Hare International Airport, and, in consideration of FAA's decision to prepare an environmental impact statement covering the growth of that airport, the State of Illinois and a number of local communities surrounding O'Hare airport have agreed not to object to the repeal of the High Density Rule insofar as it applies to the airport.

With respect to Kennedy and LaGuardia airports, the Port Authority of New York and New Jersey (Port Authority) believes the High Density Rule should continue at these airports because of the air and groundside impact of wide-body aircraft. However, the Port Authority suggests that it might be appropriate, after the air traffic system has returned to its pre-strike operational capacity, for the FAA to examine the continued necessity of the slot quotas and their distribution between categories of users as well as the means to effectively enforce these quotas for all users. The Port Authority is concerned that capacity at Kennedy and LaGuardia airports has not increased because of the increased separation between aircraft on takeoffs and landings that is now required as a result of the introduction of wide-body airplanes. The Port Authority believes the increasing use of wide-body airplanes will lead to additional delays which it considers are already unacceptable, and that the increased use would also result in an additional burden on groundside facilities which it considers are already strained at peak hours. It is also concerned that removing the rule at O'Hare will adversely impact on these airports, particularly LaGuardia, because one of the key elements in the air traffic flow control program is to hold aircraft at the gate to prevent airside congestion. LaGuardia's limited geography quickly translates even minor gateholds into ramp, taxiway, and runway congestion.

Another commenter states that air carrier operations during peak hours at Kennedy airport during the past three years have not approached the number of operations authorized, that this is due to the use of larger aircraft which results in more passengers on less flights, and that this in turn reduces noise. The commenter further states that the Master Plan Study by the Port Authority predicts fewer flights by air carriers in the next 10 years, that the quotas at Kennedy should be reduced accordingly, and the airport should only be available to air carriers during peak hours for safety reasons.

The possible impact of wide-body operation, i.e., ground congestion, is not a basis for retaining the high density rule. Airport operators can take steps to reduce aircraft groundside congestion (i.e., opening additional gates, construction of areas at which aircraft can temporarily park). The rule, in greater scope, applies to problems of delay and congestion generated by a total demand of all users and all types of operations. Also, determinations underlying this proposal are that improvement and development of FAA programs and ATC services and procedures have evolved to a point where the rule becomes unnecessary. The increased level of wide-body aircraft operations and the increased separation afforded them are not germane to retention of the High Density Rule. The use of wide-body airplanes can increase under the current rule. The rule was implemented to avoid excessive congestion and delay generated by a total demand of all types of aircraft and classes of users. The rule cannot, and was never intended to, meet increases or decreases of airport capacity that may be attributed to a single type of aircraft operation. Rather, user and airport management policies and practices, as well as improved ATC

and national air traffic management programs, can be an efficient, flexible force to fit wide-body aircraft to airport capacity, which may change as often as hour-to-hour. The handling of wide-body departures detained at the gate because of destination airport delay is a problem to be met by other means, which include an effective air traffic management system. As to the Port's comment concerning increased air traffic separation of wide-body aircraft, that separation does not freeze capacity at current levels. As previously mentioned, the utilization of additional wide-bodies is not dependent upon modification of the rule. Although separation at current parameters will be continued, ATC improvements over the past few years have made it possible to handle some additional traffic. The FAA believes that the new airspace management programs currently under development will more efficiently manage and equitably distribute air traffic delays in the air and on the ground.

If the rule were retained, it is possible that it would reduce delay and congestion. However, it would impose artificial restraints on the industry while the system is capable of handling increased traffic. In addition, it would continue to raise questions of slot equity and distribution which respond to changing user demand patterns. Also, it would raise questions concerning the matching of airport demand to capacity when either fluctuates. On the other hand, an effective air traffic management system would provide systemwide flexibility and control to meet a dynamically changing air traffic environment, and airport and public demand.

Regulatory Evaluation

As stated earlier in this document, if the High Density Rule is rescinded as proposed in this notice, the Interim Operations Plan and, subsequently, an overall airspace management program will continue to impose restraints on aircraft operations to match the capacity of each of the airports in question. Therefore, even if this rule is promulgated it would have no immediate effect, and, thus, would not impose any immediate costs on the public. As to long-term costs, the FAA believes that those costs will also be insignificant, however, many of the factors which might affect such long-term costs are incalculable. For example, the number of carriers which would add additional flights, at which hours and for which markets, would be speculative. As a result, while the comments generally indicate that such a regulatory action would have positive economic effects, the precise value to be placed on the cost/benefit analysis cannot be forecasted at this time. Specific comments with respect to this issue are invited.

The FAA specifically asks for comments on the economic impact of the proposed amendment. In addition, comments are solicited on what levels of operation would be attained if this proposal is adopted. The FAA has evaluated the potential environmental impacts of rescinding the High Density Traffic Airports Rule at O'Hare, JFK, and LaGuardia Airports, and has concluded that such action would not significantly affect the quality of the human environment. An environmental assessment covering those airports, and a finding of no significant impact, have been placed in the rules docket for review by interested persons.

Lists of Subjects in 14 CFR Part 93

Aviation safety, Air traffic control.

The Proposed Amendment

PART 93—[AMENDED]

§ 93.123 [Amended]

Accordingly, the Federal Aviation Administration proposes to amend Subpart K of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) by removing John F. Kennedy International Airport, New York, N.Y., O'Hare International Airport, Chicago, Illinois, Newark International Airport, Newark, N.J., and LaGuardia Airport, New York, N.Y., from the list of airports designated as high density traffic airports in § 93.123(a) and deleting from Subpart K all provisions and requirements that are applicable only to those airports.

(Secs. 103, 307, 313(a), and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1303, 1348, 1354(a) and 1421(a); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c); and sec. 11.45 of the Federal Aviation Regulations (14 CFR 11.45))))

Note.—For the reasons set forth in the preamble to this notice: (1) the FAA has determined that the proposal does not involve a major proposal under Executive Order 12291; and (2) I certify that under the criteria of the Regulatory Flexibility Act, this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Due to probable substantial public interest, the proposal is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The economic impact of this action is considered so minimal that the preparation of a regulatory evaluation is not necessary.

Issued in Washington, D.C. on March 28, 1983.

J. Lynn Helms,

Administrator.

[FR Doc. 83-8452 Filed 3-29-83, 11:11 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404, 410 and 416

Federal Old-Age, Survivors and Disability Insurance; Federal Coal Mine Health and Safety Act of 1969, Black Lung Benefits; and Supplemental Security Income for the Aged, Blind, and Disabled; Overpayment Waiver Provisions

AGENCY: Social Security Administration, HHS.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for comments on the Notice of Proposed Rulemaking, published in the **Federal Register** on February 11, 1983 (48 FR 6354), which proposed rules to improve the Social Security Administration's overpayment recovery and waiver policies pursuant to the objectives of the Department of Health and Human Services' Debt Collection Action Plan.

Several legal advocacy groups and others have requested an extension of time for submitting comments on these proposed rules. These groups believe that a 30-day comment period is inadequate in view of the importance and controversial nature of these proposed rule. To insure that all interested parties will have sufficient time to submit their comments, the comment period is being extended an additional 30 days as shown below.

DATE: Comments must be received on or before May 2, 1983.

ADDRESSES: Prior to final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203. They may also be delivered to the Office of Regulations, Social Security Administration, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by

making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Lawrence V. Dudar, Room 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–6629.

Dated March 25, 1983.

John A. Svahn,

Commissioner of Social Security.

[FR Doc. 83–8293 Filed 3–30–83; 8:45 am]

BILLING CODE 4190–11–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–188–82]

Personal Service Corporations; Proposed Income Tax Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document provides proposed regulations relating to the reallocation of income, deductions, credits, and exclusions between a personal service corporation and its employee-owners if the corporation was formed or availed of primarily to evade or avoid Federal income taxes. Changes to the applicable tax law were made by section 250 of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), which added new section 269A to the Internal Revenue Code of 1954. These regulations would affect all employee-owners and their personal service corporations if the personal service corporation provides substantially all of its services for or on behalf of one other entity, but only if the corporation was formed or availed of primarily to evade or avoid Federal income taxes. These regulations would provide affected persons with the guidance to comply with the law.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 31, 1983. The regulations provided by this document are proposed to be generally effective for taxable years of personal service corporations beginning after December 31, 1982.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–188–82) Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Phoebe A Mix or Philip R. Bosco of Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, (202) 566–3238, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

Section 269A was added to the Internal Revenue Code by the Tax Equity and Fiscal Responsibility Act of 1982. Section 269A permits the Secretary to allocate all income, deductions, credits, exclusions, and other tax benefits between a personal service corporation and its employee-owners in order to prevent the avoidance or evasion of Federal income taxes or to reflect clearly the income of the personal service corporation or any of its employee-owners if substantially all of the services are performed for one other entity and if the principal purpose for forming, or availing of, the corporation is the avoidance or evasion of Federal income taxes. Avoidance or evasion of Federal income taxes may be either the reduction of income of an employee-owner through the use of the corporation or the securing of one or more tax benefits that would not otherwise be available. These regulations define benefits that would not otherwise be available as benefits that would not be available to a taxpayer providing services as an unincorporated individual.

These regulations also provide a safe-harbor, excluding from the application of section 269A those situations in which the Federal income tax liability of each employee-owner is reduced by not more than 10 percent or $2,500, whichever is less.

Prior to "parity" between qualified retirement plans of corporations and those of noncorporate employers (effective generally for taxable years beginning after December 31, 1983), an employee-owner can make larger contributions to a corporate qualified retirement plan than could have been made to a Keogh or H.R. 10 plan had the corporation not been in existence. For corporations in existence before the date of enactment of TEFRA (September 3, 1982), qualified retirement plans available to corporations generally will not be taken into account for purposes of determining the corporations principal purpose. Thus, a corporation created principally to take advantage of the higher contributions to corporate plans may still have an impermissible purpose if its principal purpose (other than qualified retirement plan benefit) was to reduce income or secure one or more tax benefits. If a corporation is found to have an impermissible principal purpose, the contributions to the qualified retirement plan will neither be reallocated to the employee-owner nor reduced as a result of reallocation of other income to the employee-owner. For corporations formed after the date of enactment of TEFRA, this protection is not available for contributions or benefits that would not have been available to the employee-owner absent the corporation. In that case, contributions to a qualified retirement plan will be considered in determining the corporation's principal purpose and may be reallocated or reduced through application of section 269A.

Section 269A does not override other sections of the Code or existing tax law principles. Nothing in these regulations, including the safe-harbor provision, precludes application of any other Code section (*e.g.*, sections 61 or 482) or principle of tax law (*e.g.*, assignment of income doctrine) to reallocate or reapportion income, deductions, credits or any other tax benefits if such reallocation is necessary to reflect the true earner of the income.

The regulations provide guidance regarding certain specific section 269A issues determined to be of major interest. No inference should be drawn regarding issues not included in the regulations, or as to why some issues, and not others, are addressed.

Special Analysis

The Commissioner of Internal Revenue has determined that these proposed regulations are not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the notice and public procedure requirements of 5 U.S.C. 553 do not apply because the rules proposed are interpretative. Accordingly, a Regulatory Flexibility Analysis is not required.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal authors of these proposed regulations are Phoebe A. Mix and Philip R. Bosco of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.296A–1

Income taxes, Personal service corporations.

PART 1—[AMENDED]

Proposed Amendments to the Regulations

The Income Tax Regulations (26 CFR Part 1) are proposed to be amended by adding the new § 1.269A–1, in the appropriate place:

§ 1.269A Personal service corporations.

(a) *In general.* Section 269A permits the Internal Revenue Service to reallocate income and tax benefits between personal Service corporations and their employee-owners to prevent evasion or avoidance of Federal income taxes or to reflect clearly the income of the personal service corporation or any of its employee-owners, if:

(1) Substantially all of the services of the personal service corporation are performed for or on behalf of one other entity, and

(2) The principal purpose for which the corporation was formed or availed of is the evasion or avoidance of Federal income tax. Such purpose is evidenced when use of the corporation either reduces the income of any employee-owner, or secures for any employee-owner one or more tax benefits which would not otherwise be available.

(b) *Definitions.* For purposes of section 269A and the regulations thereunder, the following definitions will apply:

(1) *Personal service corporation.* The term "personal service corporation" means a corporation the principal activity of which is the performance of personal services that are substantially performed by employee-owners.

(2) *Employee-owner.* The term "employee-owner" means an employee who owns, directly or indirectly, on any day of the corporation's taxable year, more than 10 percent of the outstanding stock of the personal service corporation. Section 318 will apply to determine indirect stock ownership, except that "5 percent" is to be substituted for "50 percent" in section 318 (a)(2)(C).

(3) *Entity.* The term "entity" means a corporation, partnership, or other entity. All persons related to such entity will be treated as one entity. A related person is a related person within the meaning of section 103 (b)(6)(C).

(4) *Not otherwise be available.* The term "not otherwise be available" refers to any tax benefit that would not be available to an employee-owner had such employee-owner performed the personal services in an individual capacity.

(5) *Qualified employer plan.* The term "qualified employer plan" means a qualified employer plan as defined in section 219 (e)(3).

(6) *Tax benefits.* The term "tax benefits" means any expense, deduction, credit, exclusion or other allowance which would not otherwise be available. The term includes, but is not limited to: multiple surtax exemptions being claimed by the owners of a single integrated business operation conducted through multiple corporate entities, accumulation of income by the corporation, the corporate dividends received deduction under section 243, deferral of income of an employee-owner through the use of a corporation with a fiscal year or accounting method differing from that of such employee-owner, the use of multiple classes of stock to deflect income to taxpayers in lower tax brackets, group-term life insurance (section 79), certain accident and health plans (section 105 and 106), certain employee death benefits (section 101), meals and lodging furnished for the convenience of the employer (section 119), and qualified transportation expenses (section 124). Except as otherwise provided in paragraph (d)(2)(ii) of this section, the term "tax benefits" does not include contributions to a qualified employer plan.

(c) *Safe harbor.* In general, a personal service corporation will be deemed not to have been formed or availed of for the principal purpose of avoiding or evading Federal income taxes if the Federal income tax liability of not employee-owner is reduced in a 12 month period by more than the lesser of (1) $2,500 or (2) 10 percent of the Federal income tax liability of the employee-owner that would have resulted in that 12 period had the employee-owner performed the personal services in an individual capacity. For purposes of the computation required by this paragraph, and current corporate tax liability incurred for that 12 month period by the personal service corporation will be considered to be the tax liability of the employee-owners in proportion to the employee-owners' stock holding in the personal service corporation.

(d) *Special rules relating to qualified employer plans.*—(1) *In general.* Contributions to, and benefits under, qualified employer plans will not be taken into account in determining the presence or absence of a principal purpose of the personal service corporation for purposes of paragraph (c) of this section, except as provided in this paragraph.

(2) *Taxable years beginning before January 1, 1984.* For taxable years beginning before January 1, 1984.

(i) *Corporations in existence on or before September 3, 1982.* For corporations in existence on or before September 3, 1982, the general rule provided in paragraph (d)(1) of this section will apply unless:

(A) The corporation adopts a new qualified employer plan after September 3, 1982, that has a plan year differing from either the taxable year of the corporation or the calendar year; or

(B) The corporation changes the plan year of an existing qualified employer plan, or its taxable year, after September 3, 1982, in a manner that would extend the period during which section 416 (relating to restrictions on "top heavy" plans), or section 269A (if this (B) did not apply) would be inapplicable to such corporation.

If (A) or (B) applies, the corporation will be treated as a corporation formed after September 3, 1982 for purposes of this paragraph.

(ii) *Corporations formed after September 3, 1982.* For corporations formed after September 3, 1982, contributions to, and benefits under, a qualified employer plan that are in excess of those that would have been available to an employee-owner performing the personal services in an individual capacity are to be taken into account in determining the principal purpose of the personal service corporation and will be considered to be tax benefits.

(e) *Effective dates.*—(1) *In general.* In general, section 269A and this section are effective for taxable years of personal service corporations beginning after December 31, 1982. Taxable years of employee-owners generally are not considered for purposes of this paragraph.

(2) *Exceptions.* If a personal service corporation changes its taxable year or qualified employer plan year after September 3, 1982, in a manner that would delay the effective date of section 416 (relating to restrictions on top-heavy plans), or section 269A (but for this (2)), section 269A will be applied to the

corporation and its employee-owners on the earlier of the first day of the first taxable year of the corporation or any of its employee-owners beginning after December 31, 1982.

(f) *Effect on section 269A on other sections. Nothing in section 296A* or the regulations thereunder, including the safe harbor provided in paragraph (c) of this section, precludes application with respect to personal service corporations or their employee-owners of any other Code section (*e.g.*, sections 61 or 482) or tax law principle (*e.g.*, assignment of income doctrine) to reallocate or reapportion income, deductions, credits, etc., so as to reflect the true earner of income.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-8381 Filed 3-30-83; 8:45 am]

BILLING CODE 4810-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would modify and clarify certain regulatory provisions concerning investigations, remedies, and penalties in order to make the Minerals Management Service's (MMS) procedures for the enforcement of safety and pollution-prevention requirements more effective and efficient. The proposal would alter the authority and responsibilities of MMS Reviewing Officers and other MMS personnel engaged in inspection and enforcement activities in order to accomplish more effectively the purposes of the Outer Continental Shelf Lands Act (OCSLA). The proposal is a result of a continuing effort by MMS to indentify regulations that warrant revision under the criteria of Executive Order (E.O.) 12291 concerning excessive, burdensome, and counterproductive regulations.

DATE: Comments must be hand delivered or postmarked no later than May 2, 1983.

ADDRESSES: Written comments must be mailed or hand delivered to the Minerals Management Service, U.S. Department of the Interior, Room 6A110, 12203 Sunrise Valley Drive, Mail Stop 646, Reston, Virginia 22091, Attention: David A. Schuenke. Copies of all written comments submitted will be available for public review at the same address.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, Chief, Branch of Offshore Rules and Procedures, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 646, Reston, Virginia 22091, Telephone: (703) 860-7916, (FTS) 928-7916.

SUPPLEMENTARY INFORMATION: The MMS reviewed 30 CFR Part 250 to determine whether amendments were necessary to meet the intent of the OCSLA, 43 U.S.C. 1331, *et seq.*, as amended. Among the results of that review are the proposed revisions contained in this rulemaking document. Specifically, the MMS is proposing to amend 30 CFR Part 250 as follows:

1. 30 CFR 250.80-1(a)(2) currently provides that the Reviewing Officer will have no responsibility "for the investigation or prosecution *of cases.*" [Emphasis added.] Reviewing Officers are senior employees of MMS with other duties which might properly include the investigation or prosecution of other cases. Accordingly, the regulation is proposed to be amended to limit the prohibition of § 250.80-1(a)(2) to the particular case before the Reviewing Officer.

2. 30 CFR 250.80-1(a)(4) grants authority to the Reviewing Officer to administer oaths and issue subpoenas as "necessary to conduct a hearing." However, 30 CFR 250.80-1(h)(1)(i)(A), which specifically authorizes the Reviewing Officer to subpoena witnesses, is silent on the authority of the Reviewing Officer to issue orders to produce evidence. Since such authority is clearly "necessary to conduct a hearing," MMS is proposing to provide for the authority in the regulations.

3. Similarly, 30 CFR 250.70 is silent on the authority of MMS Regional Managers and Chairmen of Investigative Panels to summon witnesses, administer oaths, and issue orders to produce evidence. Since such authority is often needed long before a case reaches a Reviewing Officer, MMS is proposing to provide for such authority in this section.

4. 30 CFR 250.80-1(b)(3)(iii) presently requires the Reviewing Officer to advise a party of "the amount of penalty that appears would be appropriate in the event it is determined that the party is responsible for the alleged violation, based upon the material then available to the Reviewing Officer." It has been MMS's experience that preliminary determinations made pursuant to this requirement often bear little resemblance to the amounts actually assessed. Such preliminary determinations are counterproductive in that they often distort the magnitude of the case in question. Accordingly, MMS is proposing to delete this requirement.

5. 30 CFR 250.80-1(j)(2) presently provides for verbatim transcripts to be submitted to the Director's designee. Similarly, 30 CFR 250.80-1(m)(1) provides that additional time for submitting supporting arguments may be granted only by the Director. The MMS has determined that both of these functions are more properly performed by the Reviewing Officer and is proposing to modify these provisions accordingly.

6. 30 CFR 250.80-1(k)(2) presently could be construed to prohibit the Reviewing Officer from reviewing an operator's record of prior violations until after the Reviewing Officer has determined that a violation was committed in the case before him or her. Such an interpretation is inconsistent with the additional responsibility of the Reviewing Officer to determine the propriety of a decision not to allow time for corrective action since such a determination often requires a review of the party's record of prior violations. The MMS is proposing to modify this section to remove the potential inconsistency.

7. 30 CFR 250.80-2(a)(1) provides: "The Director may assess, collect, and compromise a civil penalty after notice of the failure and the passage of a reasonable period of time to allow for corrective action." This language mistakenly has been construed by some to mean that MMS must *always* provide time for corrective action to be taken prior to imposing a civil penalty. Contrary to such construction, MMS has identified circumstances where allowing time for corrective aciton would be inappropriate (e.g., where repeated violations of the same requirement are found or where the harm which the violated requirement was designed to prevent has already occurred). The MMS is proposing to remove the possibility of any implication that time for corrective action must always be provided.

8. 30 CFR 250.80-2(a)(4)(ii) currently requires the Director's designee to decide whether to seek criminal prosecution within 30 days. It has been the experience of MMS that circumstances may arise which warrant a longer period. Accordingly, MMS is proposing to remove the 30-day period and to require instead that such decisions be made "promptly."

The DOI has determined that this document is not a major rule under E.O. 12291 and certifies that this document

will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), since operations on the OCS are complex undertakings that are generally engaged in by companies not considered to be small entities. This rule is not likely to result in an annual effect on the economy of $100 million or more, a major increase in costs to consumers or others, or significant adverse effects.

Paperwork Reduction Act

The information collection requirements contained in 30 CFR 250.70 and 250.80 will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 *et seq.*

Drafting Information

This document was drafted by Neil Stoloff, Minerals Management Service, Offshore Rules and Operations Division.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Investigations, Mineral royalties, Oil and gas reserves, penalties, pipelines, Public lands—mineral resources, Reporting requirements.

Dated: March 1, 1983.

William P. Pendley.

Acting Assistant Secretary of the Interior.

PART 250—[AMENDED]

For the reasons set out in the preamble, Part 250 of Title 30 of the *Code of Federal Regulations* is proposed to be amended as shown.

1. By revising § 250.70 to read as follows:

§ 250.70 Reports and investigations of apparent violations.

Any person may report an apparent violation or failure to comply with any provision of the Act, or any provision of a lease, license, or permit issued pursuant to the Act, or any provision of any regulation or order issued under the Act. When a report of an apparent violation has been received, or when an apparent violation has been detected by Minerals Management Service (MMS) personnel, the matter will be investigated, and the party will be advised of the matter under investigation. In conducting such investigations, MMS Regional Managers and Chairmen of Investigative Panels shall have the authority to summon witnesses, administer oaths, and issue orders to produce evidence.

2. By revising paragraphs (a)(2), (h)(1)(i)(A), (j)(2), (k)(2), and (m)(1) of § 250.80–1 to read as follows:

§ 250.81 Remedies.

(a) * * *

(2) The Reviewing Officer shall have no other responsibility, direct or supervisory, for the investigation or prosecution of the case before him or her.

* * * * *

(h)(1) * * *

(i) * * *

(A) The Reviewing Officer is authorized to issue subpoenas requiring the attendance of witnesses at hearings or for the taking of depositions and to issue orders to produce evidence.

* * * * *

(j) * * *

(2) A party may, at its own expense, cause a verbatim transcript to be made by a court reporter. If a verbatim transcript is made, and the Reviewing Officer's decision is appealed, the party shall submit two copies of the verbatim transcript with the appeal to the Reviewing Officer. The verbatim transcript will be included in the case record.

(k) * * *

(2) In determining the propriety of a decision not to allow time for corrective action and in assessing a penalty, the Reviewing Officer shall review the record of any prior violations by the party. The Reviewing Officer's decision shall contain a statement advising the party of the right to an administrative appeal to the Director pursuant to Part 290 of this Chapter. The party shall be advised that a failure to submit an appeal within the prescribed time will bar its consideration and that failure to appeal on the basis of a particular issue will constitute a waiver of that issue in any subsequent proceedings. An appeal from any interim ruling of the Reviewing Officer shall be reserved and considered only at the time of and as part of an appeal from the Reviewing Officer's final decision.

* * * * *

(m)(1) The appeal of a decision of the Reviewing Officer and supporting brief and any comments which the Reviewing Officer desires to submit regarding the appeal must be forwarded to the Director within 30 working days following receipt of the notice of appeal and any supporting brief. The Reviewing Officer shall have a longer period of time to submit comments regarding an appeal when the appellant requests (and the Reviewing Officer grants) additional time for submitting supporting arguments. The Reviewing Officer shall provide the appellant with a copy of all comments submitted to the Director.

* * * * *

3. By removing paragraph (b)(3)(iii) of § 250.80–1.

4. By redesignating paragraphs (b)(3)(iv) and (b)(3)(v) of § 250.80–1 as paragraphs 250.80–1 (b)(3)(iii) and (b)(3)(iv), respectively.

5. By revising paragraphs (a)(1) and (a)(4)(ii) of § 250.80–2 to read as follows:

§ 250.80–2 Penalties.

(a)(1) Pursuant to subsection 24(b) of the Act, any person who fails to comply with any provision of the Act or any term of a lease, license, or permit issued pursuant to the Act, or any provision of any regulation or order issued under the Act shall be liable for a civil penalty of not more than $10,000 for each day of such failure. The Director may assess, collect, and compromise a civil penalty after notice of the failure and the passage of any reasonable period of time that may have been allowed for corrective action. No penalty should be assessed until the person charged with a violation has been given opportunity for a hearing pursuant to § 250.80 of this part.

* * * * *

(4) * * *

(ii) The Director's designee shall decide promptly whether the apparent violation will be referred through the Office of the Solicitor to the Department of Justice for investigation into whether criminal proceedings should be initiated. When a case is referred through the Office of the Solicitor to the Department of Justice, the Director's designee shall advise the alleged violator of that action and shall warn the alleged violator that, regardless of the outcome of any criminal proceedings, civil penalty proceedings may be initiated.

* * * * *

[FR Doc. 83–9409 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–MR–M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Abandoned Mine Land Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: On March 4, 1982, the State of North Dakota submitted to OSM a proposed amendment to its Abandoned Mine Land Reclamation (AMLR) Plan.

The proposed amendment relates to a redefinition of the term "reclamation activities" and to several administrative procedures in the state's AMLR program. OSM is seeking public comment on the proposed amendment.

DATES: Written comments on the amendment must be received on or before 5:00 p.m. May 2, 1983. A public hearing will be held on the amendment if sufficient requests for such a hearing are received by 5:00 p.m. April 7, 1983.

ADDRESSES: Copies of the full text of the proposed amendment are available for review at the following locations:

North Dakota Public Service Commission, State Capitol Building, Bismarck, North Dakota 58505.

Office of Surface Mining Reclamation and Enforcement, P.O. Box 1420, 935 Pendell Blvd., Mills, Wyoming 82644.

Office of Surface Mining Reclamation and Enforcement, Administrative Record—Room 5315, 1100 "L" Street NW., Washington, D.C. 20240.

Written comments must be mailed or hand carried to: Office of Surface Mining Reclamation and Enforcement, P.O. Box 1420, 935 Pendell Blvd., Mills, Wyoming 82664. Comments received after 5:00 p.m., (30 days from publication) will not ordinarily be considered or included in the administrative record for this rulemaking.

The administrative record will be available for public review at the OSM Mills, Wyoming Office, on Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: William Thomas, Field Office Director, Office of Surface Mining Reclamation and Enforcement, P.O. Box 1420, 935 Pendell Blvd., Mills, Wyoming 82664 Telephone: (307) 261–5776.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal law. Title IV provides that a State with an approved AMLR program has the responsibility and primary authority to implement an abandoned mine land reclamation program.

The North Dakota AMLR Plan was approved on December 23, 1981. On March 4, 1983, North Dakota submitted a proposed amendment to the Plan. An approved State AMLR Plan can be amended under the provisions of 30 CFR 884.15. Under these provisions, if the amendment or revision changes the objectives, scope, or major policies followed by the State in the conduct of its reclamation program, the Director should follow the procedures set out in 30 CFR 884.14 in approving an amendment or revision of a State reclamation plan. This notice of proposed rulemaking begins the process of review of the proposed amendment.

Representatives of OSM's Field Office Director will be available to meet Monday through Friday, excluding holidays, between 8:00 a.m. and 4:00 p.m. at OSM's office in Mills, Wyoming, indicated above under "Addresses", at the request of members of the public to receive their advice and recommendations concerning the proposed North Dakota amendment. Persons wishing to meet with representatives of the Field Director's Office during this time period may place such request with William Powell, telephone (307) 261–5776.

The Department intends to continue to discuss the State's amendment with representatives of the State throughout the review process. All contacts between Departmental personnel and representatives of the State will be conducted in accordance with OSM's guidelines on contacts with States published September 19, 1979, at 44 FR 54444.

The Office of Surface Mining has examined this proposed rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981) and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have significant economic effects on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the North Dakota amendment does not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of the Interior Manual DM 5162.3(A)(1), the Assistant Secretary's decision on the North Dakota amendment is categorically excluded from the National Environmental Policy Act requirements.

As a result, no environmental assessment (EA) nor environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Moreover, an EA or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

The North Dakota amendment can be approved if:

1. The Assistance Secretary finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The State has the legal authority, policies and administative structure to carry out the amendment.

4. The amendment meets all requirements of the OSM, AMLR Program provisions.

5. The State has an approved Surface Mining Regulatory Program.

6. It is determined that the amendment is in compliance with all applicable State and Federal laws and regulations.

Contents of the North Dakota amendment are:

1. Redefinition of the term "reclamation activities";

2. Time period for notice for right of entry and entry for studies on exploration;

3. Amended procedures for land acquisition;

4. Amended procedures for acceptance of gifts of land;

5. Amended procedures for disposition of acquired funds;

6. Amended procedures for approvals of real property;

7. Amended procurement policy, standard contract provisions, and contract administration policy.

List of Subjects in 30 CFR Part 934

Coal mining, Intergovernmental regulations, Surface mining, Underground mining.

Dated: March 21, 1983.

James R. Harris,

Director, Office of Surface Mining.

William P. Pendley,

Acting Assistant Secretary for Energy and Minerals.

March 23, 1983.

[FR Doc. 83-8208 Filed 3-30-83; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD3 82-010]

Drawbridge Operation Regulations; Beaver Dam Creek, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of Ocean County, New Jersey, the Coast Guard is considering a change to the regulations governing the Beaver Dam Creek drawbridge at Brick Township, Point Pleasant Borough, NJ by revising the times that the bridge will be required to open and by amending the advance notice required. This proposal is being made to be responsive to the needs of the mariner and in order to take into consideration the needs of surface transportation. The action should relieve the bridge owner of the burden of having a person constantly available to open the draw and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before May 16, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 9:00 a.m. to 3:00 p.m., Monday through Friday, except holidays, at the office of the Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, New York 10004. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District, (212) 668-7994.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or for any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Third Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Ernest J. Feemster, project manager, and LCDR Frank E. Couper, project attorney.

Discussion of the Proposed Regulations

The proposed regulations will amend the special regulations that presently exist. Ocean County, NJ records indicate that the bridge has been opened on signal throughout the year, although present Coast Guard regulations do not require the county, as bridge owner, to open the bridge during winter months unless 24 hours notice is given. Mariners have come to rely on the county's practice of opening the bridge on signal during all months of the year. The county now wishes to limit the hours a bridge operator is required to be present. Because present operating practices differ from present regulatory requirements, the county has requested that the regulations be revised before implementing them, The proposed revisions will be responsive to the needs of navigation. In addition, the proposed regulations will eliminate any confusion as to when the bridge will open. The following changes to the effective regulations are proposed: (1) A bridge operator will be present during certain hours in December, January, February and March instead of the bridge being unattended; (2) a bridge operator will be present for a longer period of time in April, October, and November; (3) the bridge will open on signal 24 hours per day in May rather than being unattended during certain hours, and (4) eight hours instead of 24 hours advance notice will be necessary for openings when the bridge is not manned. The bridge will continue to open on signal in June, July, August, and September. The Coast Guard, after investigating available information and meeting with affected parties feels that the proposed regulations are fair and should meet the needs of both vehicular and marine traffic. A mariner accustomed to the bridge being opened on signal throughout the year (as has been the county's operating policy) will be required to give eight hours advance notice during low volume boating periods. However, the inconvenience to the mariner is minor in comparison to the effect the existing, special regulations would have, if implemented. A draft economic evaluations has not been prepared because of minimal economic impact since the bridge opens almost exclusively for recreational boaters and the proposed regulations will accommodate them.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities such as marinas because the proposed regulations accommodate the needs of recreational boaters.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by revising § 117.225(f)(8) to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(8) Beaver Dam Creek; Ocean County highway bridge, mile 0.5 near Point Pleasant. The draw shall open on signal as follows:

(i) October and November 6 a.m. and 10 p.m.

(ii) December through February between 8 a.m. and 4 p.m.

(iii) March and April between 6 a.m. and 10 p.m.

(iv) May through September 24 hours per day.

The draw shall open on signal upon eight hours advance notice at all other times.

* * * * *

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: March 16, 1983.

W. E. Caldwell,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 83-8415 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD3 82-032]

Drawbridge Operation Regulations; Schuylkill River, Pennsylvania

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the City of Philadelphia, the Coast Guard is considering a change to the regulations governing the new Passyunk Avenue Bridge, at Philadelphia by requiring that advance notice of opening be given for all bridge openings. This proposal is being made because the new Passyunk Avenue movable bridge, with a higher vertical clearance, is nearing completion and the former bridge will be reomved. Most vessels that regularly use the waterway can pass under the new bridge when it is in the closed position. This action should relieve the bridge owner of the burden of having a person constantly available to open the draw (of the new bridge) and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before May 16, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 9 a.m. to 3 p.m., Monday through Friday, except holidays, at the office of the Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, NY 10004. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District (212) 668-7994.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or for any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addresse postcard or envelope.

The Commander, Third Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Ernest J. Feemster, project manager and LCDR Frank E. Couper, project attorney.

Discussion of the Proposed Regulations

The existing Passyunk Avenue Bridge, which has a vertical clearance of 33 feet at Mean High Water, opened an average of about 2500 times in 1978, 1979, and 1980. Most of these openings were for tugs and tows. With the building of a new bascule bridge which provides a 50 foot vertical clearance (in the closed position) at Mean High Water, it is expected that most if not all of the tugs and tows will be able to pass under the new bridge when it is closed. The large ships requiring openings usually transited the waterway less than four times per month. With the anticipated, limited number of openings for marine vessels, the Coast Guard feels that it will not be necessary to keep a person on the bridge at all times for the purpose of operating the bridge. Therefore, 12 hours advance notice is being proposed to go into effect once the new bridge is constructed and the former bridge is removed. Reference in the existing § 117.227(h)(2) to the Tasker St. Bridge operated by the B & O Railroad has been deleted because it is redundant with the general provisions in § 117.227(h)(1). A draft economic evaluation has not been prepared because minimal or no economic impact will result since all vessels requiring openings will be accommodated.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605 (b)), it is also certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities because the regulations will not limit the delivery of product by marine vessels.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by revising § 117.227(h)(2) to read as follows:

§ 117.227 Schuylkill and Delaware Rivers.

* * * * *

(h) * * *

(2) The City of Philadelphia Passyunk Avenue Bridge across the Schuylkill River, mile 3.5, shall open on signal for a vessel if at least 12 hours advance notice is given.

* * * * *

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: March 15, 1983.

W. E. Caldwell,

Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc. 83-8416 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 191

[AH-FRL-2335-6]

Environmental Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes; Hearings

AGENCY: Environmental Protection Agency.

ACTION: Notice of public hearings.

SUMMARY: On December 29, 1982, the Environmental Protection Agency published proposed standards for the management and disposal of spent nuclear fuel and high-level and transuranic radioactive wastes (47 FR 58196-206). These standards were proposed under authority of the Atomic Energy Act of 1954, as amended. Section 121 of the Nuclear Waste Policy Act of 1982 requires the Agency to promulgate

these standards no later than January 7, 1984.

The December 29 notice requested that comments on the proposed standards be received by May 2, 1983. This notice announces the dates and locations of public hearings to review the proposed standards and the comments we receive on them. This notice also describes the purpose and form of the hearings, and the procedures for presenting information and comments regarding the proposed standards.

DATES: The hearings will be held on May 13, 14, 20 and 21, 1983. Hearings will also be held on May 12 and May 19 if requests to participate indicate that additional time will be needed.

ADDRESSES: The schedule for these public hearings is as follows:

a. Health and Human Services (HHS) North Building, North Auditorium, 330 Independence Avenue SW. (entrance on C Street), Washington, D.C.
Thursday, May 12, 9 a.m.–5 p.m. (as needed)
Friday, May 13, 9 a.m.–5 p.m.
Saturday, May 14, 9 a.m.–5 p.m.

b. Denver Botanical Gardens Auditorium, 909 York Street, Denver, Colorado.
Thursday, May 19, 9 a.m.–5 p.m. (as needed)
Friday, May 20, 9 a.m.–5 p.m.
Saturday, May 21, 9 a.m.–3 p.m.

FOR FURTHER INFORMATION CONTACT: Ray Clerk, Office of Radiation Programs (ANR–460), Environmental Protection Agency, Washngton, D.C. 20460; telephone number (703) 557–8977.

SUPPLEMENTARY INFORMATION: The following procedures will govern the conduct of the hearings.

Purpose, Type, and Scope

These hearings have two purposes: (1) To allow the Agency and the public to explore the information and recommendations contained in the comments on the proposed standards that we received during the public comment period and (2) to provide an opportunity for the public to present additional facts, views, and arguments to aid us in developing final standards. The hearings will be informal and legislative in nature rather than adjudicatory or formal rulemaking hearings. Technical rules of evidence, discovery, subpoena powers, testimony under oath, and similar formalities will not apply.

Participants should confine their remarks to issues that are directly related to the Agency's responsibilities under the Atomic Energy Act of 1954, as amended, regarding the management and disposal of spent nuclear fuel and high-level and transuranic wastes. Therefore, the hearings should focus upon the adequacy and appropriateness of the standards we have proposed and upon the information and recommendations contained in the comments on our proposal. Copies of the comments we receive on the proposed standards by May 2, 1983, will be available at each hearing for inspection by the participants.

Presiding Officer and Panel

The hearings will be conducted by a presiding officer, who will be assisted by panelists. A principal responsibility of the panelists will be to assist the presiding officer to clarify testimony by eliciting views, comments, and information from participants. The panelists may vary from time to time.

The presiding officer and panelists shall have the joint responsibility to assure a fair and impartial hearing and to encourage the development of testimony that will contribute to informed decisionmaking. It will not be the function of the presiding officer or panelists to issue opinions or to make decisions at the conclusion of the hearings. The presiding officer shall conduct the hearings in an orderly fair, and expeditious manner and make procedural decisions. His functions shall include, but not be limited to, the following:

a. Regulating the course of the hearings and the conduct of the participants, including maintaining reasonable time limits for the hearings, establishing the sequence and length of presentations and questioning, and opening and closing each hearing session;

b. Making determinations concerning procedures and similar matters;

c. Assuring that questioning of speakers by panelists and others is consistent with the nature and purpose of these hearings;

d. Making determinations, in consultation with the panelists, of the relevance of oral testimony and questions to the purposes and scope of the hearings and, as necessary, terminating irrelevant presentations;

e. Ruling on late requests to participate; and

f. Deciding how long the hearing record will remain open for written comment and additional data after the end of the hearings.

Participation in the Hearings

Persons or organizations who wish to give presentations longer than five minutes—or who wish to offer extensive data or evidence—must submit a written request to the Director, Criteria and Standards Division (ANR–460), Office of Radiation Programs, Environmental Protection Agency, Washington, D.C. 20460. All such requests should be received on or before May 2, 1983, and must include at least: The names, addresses, and telephone numbers of the participants and the organization (if any) that they will represent; the location of the hearing at which they wish to testify; any preference regarding the time when they wish to testify; an outline of the topics to be addressed in the opening statement(s); and the amount of time requested for the statement(s). Statements should not repeat information already presented in written comments on the proposed standards, but should address additional information or issues. Oral presentations by individuals or organizations will generally be restricted to 30 minutes. Requests for longer times for oral presentations will be considered only on the basis of a detailed summary of the material to be presented. The Agency will notify participants in advance of their allocated time. The need to hold hearings on May 12 and May 19 will be determined after May 2, based upon the amount of time requested by participants.

If time permits, an opportunity will also be provided for persons who have not submitted a request as specified above to make brief oral statements. A short period will be set aside for such statements in the agenda for each of the hearings, and the presiding officer may allocate additional time if the panel determines it to be needed. The maximum time allowed for each such statement will depend on the number of registrants and the availability of time, but will generally be no more than five minutes. We request that persons wishing to make such statements notify us promptly at the registration desk at the beginning of each hearing.

Attendance at the hearings will be open to all members of the public, and seating will be on a first-come first-served basis.

Testimony and Written Statements

The oral proceedings will be recorded verbatim and a transcript made available promptly for inspection, as specified below under the heading "The Public Hearing Record." It will help the panelists if speakers provide written copies of their oral testimony before they give it, but this is not required.

Written statements and documents on which participants intend to base their

oral statements should be submitted (in duplicate if possible) to: Central Docket Section (LE–131), Environmental Protection Agency, Attn: Docket No. R–82–3, Washington, D.C. 20460. This docket is located in the West Tower Lobby, Gallery 1, Environmental Protection Agency, 401 M Street SW., Washington, D.C., and is open between 8 a.m. and 4 p.m. on weekdays. All such written statements and documents should be received on or before May 2, 1983.

At the discretion of the presiding officer, questions may be directed to speakers by panelists, by other participants, and by other members of the public. Speakers may respond or not, as they wish. Such informal questioning should be designed to elicit relevant information and not repeat questions asked by others. The views of questioners should be expressed in their own oral or written statements and not as prefaces to questions.

Members of the public who are not able to attend the hearings—or who prefer not to ask questions themselves—may suggest questions for the presiding officer to ask of speakers. These may be submitted to the Director, Criteria and Standards Divsion, no later than two days before a hearing, or directly to the presiding officer at the hearing. The presiding officer will decide whether these questions are appropriate.

Members of the public may also submit comments during the post-hearing comment period set by the presiding officer. These post-hearing comments should be confined to responses to information and comments submitted at the hearings or to other written comments received by the Agency. Post-hearing comments should be submitted (in duplicate if possible) to: Central Docket Section (LE–131), Environmental Protection Agency, Attn: Docket No. R–82–3, Washington, D.C. 20460.

Opening Statement

At the opening of each hearing, the Agency will present a brief statement summarizing the proposed 40 CFR Part 191, the major issues that were raised in the public comments, and the procedures to be followed during the hearings.

The Public Hearing Record

The procedures for filing documents in these hearings will be specified by the presiding officer, except as already provided herein. The hearing record will include the transcript of oral statements, the questions and answers, and all written materials filed in connection with these hearings. All items in this public hearing record will be filed in Docket No. R–82–3, which is located in the West Tower Lobby, Gallery 1, Central Docket Section, Environmental Protection Agency, 401 M Street SW., Washington, D.C. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays, and a reasonable fee may be charged for copying.

Dated: March 24, 1983.

Charles L. Elkins,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 83–8414 Filed 3–30–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 435 and 436

Medicaid Program; Federal Financial Participation for Inmates in Public Institutions and Individuals in an Institution for Mental Disease or Tuberculosis

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: Under current Medicaid regulations, Federal matching funds (FFP) are not available in expenditures for Medicaid services provided to an individual who is an inmate of a public institution. In addition, FFP is not available in expenditures for a patient under age 65 in an institution for mental diseases or tuberculosis unless the individual is under age 22 and receiving inpatient psychiatric services. However, regulations provide an exception for noninstitutional services furnished during the month in which the individual becomes an inmate or patient. We are proposing to remove this exception and clarify that no Federal Medicaid funds are available for any services to those individuals from the date of admission to the date of discharge. The change would bring the regulations into conformance with the Medicaid statute.

DATE: To assure consideration, comments should be mailed by May 2, 1983.

ADDRESS: Address comments in writing to: Health Care Financing Administration, Department of Health and Human Services, Attention: BPP–507–P, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Md. 21207.

Comments will be available for public inspection, beginning approximately three weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., S.W., Washington, D.C. 20201, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

FOR FURTHER INFORMATION CONTACT: Roy Trudel, 301–594–9128.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1905(a) of the Social Security Act prohibits Federal payments for services provided to inmates of public institutions, or individuals under age 65 who are patients in an institution for mental diseases or tuberculosis except for inpatient psychiatric services received by individuals under age 22. The intent of this provision was to ensure that Medicaid funds were not used to finance care which traditionally had been the responsibility of State and local governments.

However, under current Medicaid regulations at 42 CFR 435.1008(b) and 436.1004(b), Federal funding is available for services provided under the State plan to otherwise eligible individuals during the month in which the individual enters an institution for mental diseases or tuberculosis or becomes an inmate of a public institution. This permits Federal funds to be available for the entire month for services which are not provided by the institution. Institutional services are not reimbursed because they cannot be covered under the statute.

This provision is not based on a statutory requirement. Rather, it was established based on a judgment that such an arrangement would be more administratively convenient for States.

In the spring of 1981, HCFA established a Task Force on Regulatory Reform as part of its efforts to assure that regulations are cost effective, and to delete or revise provisions that are ambiguous or do not carry out the intent of the law. The Task Force reviews and analyzes existing regulations and makes recommendations for changes. After a review of the statutory language and the problems identified with this regulation, the Task Force recommended a clarification of the regulations to bring them into compliance with the statute and ensure that Medicaid funds are not used to finance care for institutionalized individuals who have traditionally been the responsibility of State and local governments. The Task Force concluded

that, in this case, a policy of administrative convenience (which is not a statutory requirement) should not take precedence over a specific statutory prohibition. Since section 1905(a) prohibits FFP for services provided to inmates of public institutions or individuals under age 65 in an institution for mental diseases or tuberculosis, we are proposing a clarification which gives full effect to this prohibition.

II. Provisions of the Regulations

We propose to amend 42 CFR 435.1008 and 436.1004 of Medicaid regulations to implement the Task Force recommendation. The proposal would preclude the availability of Federal matching funds in expenditures for all services to an individual who is an inmate in a public institution or to an individual under age 65 who is a patient in an institution for mental diseases or tuberculosis, from the date of admission to the date of discharge. As permitted under the statute (section 1905(a)(16)), we would continue to provide matching funds in expenditures for services for individuals under age 22 who are receiving inpatient psychiatric services as defined in 42 CFR 440.160. This proposed change in regulations would have no effect on the provision of Medicaid to individuals who are not residing in these facilities. Federal financial participation would continue to be provided for that part of the month in which he or she is not an inmate of a public institution or a patient in an institution for mental diseases or tuberculosis.

This proposed amendment would bring the regulations into conformance with the statute and support the original statutory intent.

III. Impact Analysis

Executive Order 12291

The Secretary has determined that the proposed regulations do not meet the criteria for a "major rule", as defined by section 1(b) of Executive Order 12291. That is, the proposed regulations will not—

- Have an annual effect on the economy of $100 million or more;
- Result in a major increase in costs or prices for consumers, any industries, any government agencies, or any geographic regions; or
- Have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets.

Based on retroactive claims against the Federal Government, these proposed regulations could avoid program costs. We are not able to estimate the exact amount of savings from these claims due to a lack of adequate detailed data. However, there is no evidence to suggest that the savings would exceed the $100 million threshold criteria or any of the other threshold criteria as we would be prohibiting the availability of Federal matching funds. Therefore, a regulatory impact analysis is not required.

In terms of avoiding future program costs, our actuaries cannot provide an exact estimate as we are unable to determine (1) the number of persons who are eligible, (2) how many of these require non-institutional medical services during their first month in an institution, or (3) what the specific cost for any of these would be.

Regulatory Flexibility Act

The Secretary certifies, under 5 U.S.C. 605(b) as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that these regulations would not have a significant economic impact on a substantial number of small businesses, nonprofit entities or small local governments.

Generally the proposed policy would not significantly impact the providers of these services. State governments would be affected in that they would reassume responsibility for full funding of services provided to inmates of public institutions and some patients in institutions for mental diseases or tuberculosis. However, State governments are not considered small entities under the provisions of the Act. As discussed in the Executive Order analysis, an acturial estimate of cost avoidance has not been determined, and there is not indication that these provisions are likely to result in a significant impact on a substantial number of small entities.

iv. Response to Comments

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

v. List of Subjects

42 CFR Part 435

Aid to Families with Dependent Children, Aliens, Categorically needy, Contracts (Agreements—State Plan), Eligibility, Grant-in-Aid program—health, Health facilities, Medicaid, Medically needy, Reporting requirements, Spend-down, Supplemental security income (SSI).

42 CFR Part 436

Aid to Families with Dependent Children, Aliens, Contracts (Agreements) Eligibility, Grant-in-Aid program—health, Guam, Health facilities, Medicaid, Puerto Rico, Supplemental security income (SSI), Virgin Islands.

42 CFR Parts 435 and 436 are amended as set forth below:

PART 435—ELIGIBILITY IN THE STATES, DISTICT OF COLUMBIA AND THE NORTHERN MARIANA ISLANDS

The authority citation for Part 435 reads as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

1. Section 435.1008 is amended by revising paragraphs (a) and (b) to read as follows:

§ 435.1008 Institutionalized individuals.

(a) FFP is not available in expenditures for services provided to—

(1) Individuals who are inmates of public institutions as defined in § 435.1009; or

(2) Individiuals under 65 who are patients in an institution for tuberculosis or mental diseases unless they are under 22 and are receiving inpatient psychiatric services under § 440.160 of this subchapter.

(b) FFP is available in expenditures for services furnished to an eligible individual during that part of the month in which the individual is not an inmate of a public institution or a patient in an institution for tuberculosis or mental diseases.

* * * * *

PART 436—ELIGIBILITY IN GUAM, PUERTO RICO, AND THE VIRGIN ISLANDS

The authority citation for Part 436 reads as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

2. Section 436.1004 is amended by revising paragraphs (a) and (b) to read as follows:

§ 436.1004 Institutionalized individuals.

(a) FFP is not available in expenditures for services provided to—

(1) Individuals who are inmates of public institutions as defined in § 435.1009; or

(2) Individuals under age 65 who are patients in an institution for tuberculosis

or mental diseases unless they are under age 22 and are receiving inpatient psychiatric services under § 440.160 of this subchapter.

(b) FFP is available in expenditures for services furnished to an eligible individual during that part of the month in which the individual is not an inmate of a public institution or a patient in an institution for tuberculosis or mental diseases.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: January 27, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved March 11, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-8407 Filed 3-30-83; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 30 and 35

[CGD 79-081b]

Manning Levels for Foreign Tank Vessels

AGENCY: Coast Guard, DOT.

ACTION: Termination of rulemaking.

SUMMARY: In the Federal Register of November 17, 1980 (45 FR 75712) the Coast Guard proposed regulations describing minimum manning levels for foreign tank vessels when operating in U.S. navigable waters and deepwater port safety zones. Subsequent to publishing the proposal, the law which required manning level regulations for foreign tank vessels was repealed. Accordingly, a determination has been made not to finalize the proposal and the rulemaking is terminated.

ADDRESS: The rulemaking docket is available for examination and copying between 7 a.m. and 3:30 p.m., Monday through Friday, except holidays, at the Marine Safety Council (G-CMC/44) Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. (202) 426-1477.

FOR FURTHER INFORMATION CONTACT: CDR Daniel Struck, (202) 426-2240.

SUPPLEMENTARY INFORMATION: 1. The regulations in this rulemaking were proposed under the authority of 46 U.S.C. 391a(11)(F), as enacted in Public Law 95-474 of October 17, 1978. This authority was repealed by Section 110 of the Coast Guard Authorization Act of 1982 (Pub. L. 97-322).

2. Forty-six comments were received on the proposed regulations. Most commenters objected to the proposal as constituting unilateral action in advance of adoption of international manning standards. International Standards have recently been developed and published in International Maritime Organization Resolution A.481(XII) entitled "Principles of Safe Manning". The United States actively participated in the preparation of this Resolution.

3. Although this rulemaking is being terminated, other regulations 46 CFR Subpart 30.30 provide for periodic evaluation of foreign manning standards and other licensing and certification standards. As stated in Subpart 30.30, the purpose of the evaluations is to determine whether foreign standards are comparable to or more stringent than U.S. standards. If they are not, tank vessels manned with officers licensed by the foreign countries involved will be subject to the prohibitions in 33 U.S.C. 1228(a)(5) on operation with those officers in U.S. navigable waters and ports.

4. The comments received on this rulemaking are available for examination and copying at the address listed above.

Dated: March 16, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 83-8417 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 80-286]

Amendment of Commission's Rules and Establishment of a Joint Board; Request for Further Comments

AGENCY: Federal Communications Commission.

ACTION: Statement of principles and request for further comments.

SUMMARY: The Federal Communications Commission hereby gives notice that the Federal-State Joint Board has adopted principles to govern the development of a revised method of allocating non-traffic sensitive (NTS) local exchange plant costs between the intrastate and interstate jurisdictions. (NTS local exchange plant includes the telephone instrument or other equipment at the customer's location, the plant which connects the subscriber to the central office, and certain central office equipment.) The Joint Board also decided on the basic outline of an NTX allocation plan, although it is requesting additional sharply focused comments on certain limited issues. In addition, the Joint Board recommended that the Commission authorize the continuation of this Joint Board for the purpose of monitoring the implementation of the decisions concerning separations and access charges. The present NTS allocation methodology must be changed to ensure compatibility with the Commission's access charge plan and the new competitive telecommunications environment. The Joint Board requested further comments on certain limited issues because additional information would assist it in making its final decision. Revision of the NTS allocation methodology is intended to ensure a sound environment for the future development of telecommunications. The Joint Board recommended that it take a role in monitoring implementation of the access charge and separations decisions because it believes that its separations expertise would be useful to the Commission. Monitoring of the implementation of these decisions is intended to ensure that they produce the anticipated beneficial results.

DATE: Comments are due April 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Claudia Pabo, Policy and Program Planning Division, Common Carrier Bureau, Telephone Number (202) 632-9342.

List of Subjects in 47 CFR Part 67

Cost allocation, Jurisdictional separation procedures, Communications common carriers.

Statement of Principles and Request for Further Comments

In the matter of amendment of part 67 of the Commission's rules and Establishment of a Joint Board; CC Docket No. 80-286.

Adopted: March 17, 1983.
Released: March 23, 1983.

By the Federal-State Joint Board. Commissioner Jones dissenting and issuing a separate statement.

1. On November 10, 1982, the Federal-State Joint Board in this proceeding adopted an *Order Requesting Further Comments*, 47 FR 54479 (December 3, 1982). After considering the comments filed in response to this *Order* and the presentations made at the March 16, 1983 En Banc oral argument, the Joint Board has reached agreement on basic principles concerning the jurisdictional

allocation of non-traffic sensitive (NTS) local exchange plant costs. However, in light of the great importance of the issues involved, we believe that there are certain limited issues on which additional, sharply focused comments would be beneficial.

2. The Joint Board believes that the following four principles should govern the allocation of NTS local exchange plant costs between the intrastate and interstate jurisdictions:

(1) The plan must provide certainty to all parties;

(2) The plan must be administratively workable;

(3) The plan must be designed to ensure the permanent protection of universal service; and

(4) Finally, the plan must be fair and equitable to all parties.

We believe that these fundamental principles will provide the basis for development of a sound method of allocating NTS local exchange plant costs.

3. In light of the importance of ensuring that the Commission's decisions in this docket and the *Access Charge Proceeding* [1] produce the desired results, we recommend that the Commission authorize continuation of this Joint Board for the purpose of monitoring implementation of these two decisions. These decisions will be crucial to the development of telecommunications, and the results of their implementation must be followed carefully. The present Joint Board has developed considerable expertise in separations during the course of this proceeding and we believe that this experience would be useful to the Commission in monitoring these developments.

4. The Joint Board has also decided on the basic outline of an NTS allocation plan, although we are requesting comments on a number of options within this general structure. We believe that frozen percentage SPF should continue to be used as the basic allocation factor for a period of not less than one year. We have also concluded that frozen percentage SPF is not a satisfactory long-term solution for the allocation of NTS local exchange plant cost.[2] The Joint Board intends to move away from frozen percentage SPF to an NTS allocation methodology that results in fair and even-handed treatment of all states, telephone companies, and, therefore, all telephone subscribers. The new allocation methodology will keep existing nationwide jurisdictional separations at approximately the present level. In addition, we have found that a permanent high cost factor based on total NTS costs (intrastate and interstate), excluding customer premises equipment (CPE) and inside wiring, should be adopted to protect universal service.

5. The Joint Board requests comments on the following issues concerning the basic NTS allocator;

(1) What should be the length and timing of the transition to the new NTS allocation factor;

(2) What should be the maximum change per year allowed in the interstate allocation for any local telephone company; and

(3) What special provisions, if any, should be made for companies that will experience extraordinary changes in their interstate allocation.

The Joint Board also request comments on whether the universal service fund payments based upon the high cost factor should be directed to telephone companies with costs in excess of 110 percent or 120 percent of the national average.

6. To assist parties in formulating their positions, we have attached an Appendix containing state-by-state data on the impact of a range of options.[3] The data in the Appendix are based on 1980 data for a sample of local telephone companies that represent approximately 98 percent of all local telephone loops in this country. Since these figures are based on 1980 data, the numbers involved should be understood to represent only the relative impact of different options, not actual costs that customers or carriers would pay.

7. Accordingly, it is ordered, that interested persons may file comments on the issues set forth above no later than April 7, 1983.[3]

[1] *MTS/WATS Market Structure Inquiry*, 48 FR 10319 (March 11, 1983).

[2] A number of parties have argued that frozen percentage SPF is not an acceptable long-term method for allocating NTS costs. We agree with these parties for numerous reasons, including the fact that use of frozen percentage SPF will produce growth in the assignment of NTS costs to the interstate jurisdiction.

[3] Appendix A will not be printed herein due to the effort to minimize publishing costs. However, copies of this document in its entirety may be obtained from the downtown copy center, 1114 21st Street, NW. Washington, D.C. 20037 (202) 452-1422. Also, a copy is available for public inspection in the FCC Dockets Branch, Room 239 and the FCC library, Room 639, both located at 1919 M Street, Washington, D.C. 20554. A copy of the appendix is filed with the original at the Office of the Federal Register.

[3] This filing date will not be extended.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 83-8089 Filed 3-30-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-38; RM-4237]

FM Broadcast Station in Vimville, Mississippi; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: This action extends the time for filing comments and reply comments in a proceeding involving the proposed assignment of an FM channel to Vimville, Mississippi. Counsel for petitioner states that additional time is needed to prepare a proper response to showings requested in the Notice.

DATES: Comments must be filed on or before March 29, 1983, and reply comments on or before April 14, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Vimville, Mississippi): (MM Docket No. 83-38 RM-4237).

Adopted: March 17, 1983.

Released: March 18, 1983.

By the Chief, Policy and Rules Division.

1. On January 19, 1983, the Commission adopted a *Notice of Proposed Rule Making*, 48 FR 5974, published February 9, 1983, in response to a petition filed by Matthew D. Wiggins, Jr. ("petitioner"), which proposes to assign FM Channel 296A to Vimville, Mississippi. Comments were due March 14, 1983, and reply comments are presently due on March 29, 1983.

2. On March 14, 1983, counsel for petitioner submitted a request to extend the time for filing comments and reply comments to March 29, 1983, and April 14, 1983, respectively. Counsel states that additional time is needed to prepare and informed response to a directive contained in the Commission's *Notice* that the petitioner demonstrate how Vimville qualifies as a community for assignment purposes.

3. Although § 1.46(b) of the Commission's Rules specifies that extension requests must be filed seven days in advance of the deadline, this request was not received within that prescribed period of time. However, the Commission believes it would be in the public interest to have this material available to it in arriving at a decision herein.

4. Accordingly, it is ordered, That the time for filing comments and reply comments herein in MM Docket No. 83–38 (RM–4237) is extended to and including March 29, 1983 and April 14, 1983, respectively.

5. This action is taken pursuant to authority contained in §§ 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules.

Federal Communication Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83–8291 Filed 3–30–83; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Ch. I

Transport of Radioactive Materials; Extension of Public Comment Period on Proposed Changes to International Regulations

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Extension of comment period.

SUMMARY: On February 17, 1983, the Materials Transportation Bureau (MTB) published a request for public comment (48 FR 6997) on the "Third Draft Revision" of the International Atomic Energy Agency's "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6". This notice extends the deadline for comments on that document, following a request for a longer comment period.

DATE: Comments should be received by May 20, 1983.

ADDRESS: Send comments and requests for documents to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should be identified as pertaining to the "Third Draft Revision of the IAEA Regulations" and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, SW., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426–3148.

FOR FURTHER INFORMATION CONTACT: R. R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone (202) 426–2311.

SUPPLEMENTARY INFORMATION: Following a request for a longer comment period from several Member States, the International Atomic Energy Agency has extended the comment period for the "Third Draft Revision" of its transport regulations. Accordingly, the Materials Transportation Bureau is extending the comment period from the original April 1, 1983 to May 20, 1983. All comments received will be considered and included, as far as practical, in the U.S. Comments to the IAEA on the proposal.

Issued in Washington, D.C., on March 24, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83–8101 Filed 3–30–83; 8:45 am]

BILLING CODE 4910–60–M

49 CFR Part 191

[Docket OPS–49; Notice 5]

Transportation of Natural and Other Gas by Pipeline; Annual Reports and Incident Reports

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to amend the present requirements for the reporting of gas leaks and test failures by a gas pipeline operator. In compliance with Executive Order 12291, a regulatory review was conducted to determine if the present leak reporting forms presented a burden which could be reduced. As a result of this review and a desire to reduce the burden of paperwork due to reporting forms, this Notice presents for comment completely revised annual and incident reporting forms, and revised requirements for telephonic, incident, and annual reports.

DATE: Comments must be filed by May 31, 1983. Late filed comments will be considered as far as practicable.

ADDRESS: Comments should identify the docket and notice numbers and be submitted in triplicate to the Dockets Branch, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. The comments will be available at the Dockets Branch, Room 8426, 8:30 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: R. F. Langley, 202–426–2392.

SUPPLEMENTARY INFORMATION:

Classification

The proposals made in OPS–49, Notice 5 will reduce regulatory burdens. I certify that these proposed regulations (1) are not "major" under Executive Order 12291 and (2) are not significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), since this proposed rule will have a positive effect on the economy of less than $100 million a year, and will result in a cost savings to consumers, industry, and government agencies.

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires a review of certain rules proposed after January 1, 1981, for their effects on small businesses, organizations, and governmental bodies. MTB's Regulatory Review [1] showed that the proposed regulation will reduce the burden on an estimated 81,000 master meter operators and impose additional incident reporting requirements on less than 2,000 small gas distribution operators for a net benefit overall.

The draft copies of the reporting forms included with this NPRM, together with their instructions, will not become effective until final review and approval has been made by the Office of Management and Budget (OMB). After approval by OMB, the forms will be published again with the final rule as an amendment to 49 CFR Part 191.

Rescissions

MTB's intent is that this Notice supersede all open notices and dockets with regard to gas pipeline leak and annual reporting forms. Previous Notices of Proposed Rulemaking, including Notice 1, 43 FR 24478, June 5, 1978, and its amendment of March 5, 1979, 44 FR 12070 (Notice 4), and Notices 2 and 3 which extended the comment period and corrected a typographical error, are hereby rescinded.

Background

The objective of the proposed revised incident and annual reporting forms is to continue to provide for the collection of

[1] See RSPA Regulatory Review Report, June 3, 1982. This "Review Report" has been placed in the Docket file and is available for inspection.

pipeline safety data that are considered necessary for the identification, analysis, and evaluation of pipeline safety problems and for solutions to these problems by this Department and also by industry.

The present authorized forms for reporting leaks and test failures in use over the past decade, have proved quite useful in helping pipeline safety regulatory agencies and the reporting operators to identify certain areas which have highlighted safety problems. Notable among these problems have been damage to gas pipelines by outside forces and lack of notification by outside parties preparing to excavate in the vicinity of buried pipelines. Due to the written and telephonic reports of incidents caused by outside forces, regulations [2] have been promulgated to aid and assist gas pipeline operators in protecting their facilities from damage and possible severe consequences.

The present authorized forms known as the "Individual Leak Report" forms submitted in response to 49 CFR 191.9 and 191.15 and the "Annual Report" forms submitted in response to 49 CFR 191.11 and 191.17 are quite lengthy and perhaps cumbersome to the gas pipeline operators—in particular the small (less than 1,500 services) operators. Although the forms presently in use have been quite useful in providing information and emphasizing problem areas, it now appears that the MTB can change and reduce the reporting and requested information on these forms to a minimal amount and still not compromise the safety of the gas pipelines.

Gas pipeline operators, State regulatory agencies, the National Transportation Safety Board (NTSB), and industry associations have, within recent years, observed the possibilities of reducing the volume of information requested on the reporting forms and have requested a simplification of these forms.

In 1976, MTB specifically solicited and received comments from various State agencies, the pipeline industry, and its affiliated associations on proposed revisions to the reporting forms presently in use. On June 5, 1978, Docket OPS–49, "Transportation of Natural and Other Gas by Pipeline: Reports of Leaks," was published in the **Federal Register**. This Notice proposed to revise the existing gas pipeline incident and annual reporting forms. In response to Executive Order 12291, a regulatory review was conducted to determine if the proposed revised reporting requirements set forth in Docket OPS–49 should be promulgated. As a result of this review, a final rule was not promulgated. Further suggestions for revising the forms were solicited in 1981 from NTSB, the American Gas Association (AGA), the American Society of Mechanical Engineers (ASME), Gas Piping Standards Committee, the Interstate Natural Gas Association of America (INGAA), and the Plastic Pipe Institute. The Technical Pipeline Safety Standards Committee considered this regulatory project at its meeting November 16–17, 1982, and their suggestions are in the public transcript. All suggestions have been reviewed, and appropriate proposals have been evaluated and incorporated where practicable.

NTSB has recommended in its report "Safety Effectiveness, Evaluation of the Materials Transportation Bureau's Pipeline Data System," dated August 12, 1980, that this Department institute Federal pipeline safety standards under the Hazardous Materials Transportation Act (49 U.S.C. 1804) for gas gathering lines located in rural onshore areas, similar to the action taken when 49 CFR Part 192 was applied to gas gathering lines offshore. In its response of July 31, 1981, the Department stated that more data were needed to identify the number and kinds of safety problems in rural gas gathering lines. To assist in the gathering of such data MTB is proposing to extend the applicability of the telephonic reporting requirements in Part 191, § 191.5, to include rural gas gathering lines located onshore. The information will also be useful to MTB in meeting the requirements of subsections 28(w)(3) and (4) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), regarding the reporting of certain pipeline safety problems on Federal lands.

No written incident or annual reports will be required from these rural onshore gas gathering lines until the telephonic reporting from these operators has been analyzed over a significant period of time to determine the magnitude of incidents and to determine whether such reports are warranted. At the same time, the scope of Part 191 would be amended to make it clear that the reporting requirements apply to offshore pipelines, including gathering lines, now subject to Part 192.

To facilitate meeting the reporting requirements of 49 CFR 193.2011 with a minimum of burden, MTB is proposing to amend the telephonic reporting requirement in § 191.5 to expressly cover the reporting of significant liquefied natural gas (LNG) incidents. Submission of a written report on Forms F 7100.1 or F 7100.2 on LNG facility incidents would not be required.

All of the Part 191 reporting requirements currently apply to pipelines that are part of a distribution system operated by a person in connection with that person's leasing of real property or by a condominium or cooperative association. Such systems are commonly called master meter systems. Historically, the vast majority of natural gas and petroleum gas master meter operators have had a lack of awareness and understanding with regard to Federal pipeline safety requirements. Congress, in enacting the Pipeline Safety Act of 1979 (Pub. L. 96–129; November 30, 1979), gave recognition to this problem. In addition, MTB has developed and distributed to master meter operators guidelines to assist these operators in understanding and achieving compliance with pipeline safety regulations.

The MTB believes that until the benefits of this education process are achieved, it is inappropriate to maintain the current applicability of all the Part 191 reporting requirements to such systems. By this notice, MTB is proposing to except master meter operators from individual incident and annual report filing requirements of §§ 191.9 and 191.11. To assure the receipt of at least minimally needed information on significant incidents, master meter systems will continue to be subject to the telephonic reporting requirements of § 191.5.

Operators of petroleum gas systems that are not master meter systems would be subject to all reporting requirements of Part 191 except annual reports need not be submitted for systems with fewer than 100 customers.

MTB further is proposing to reduce the criteria for reporting incidents under § 191.5 to lessen the burden on the industry and to ensure that only the significant incidents are reported. As an example, the $5,000 property damage criterion is being increased to $50,000. Some almost negligible incidents, where gas escapes and there is no fire or other damage, can cause a loss of over $5,000 since the product alone can cost as much as 10 times the cost when the regulations were originally set forth.

MTB is proposing, given the reduction in criteria, to revoke the exception now given to distribution companies with less than 100,000 customers from filing individual leak reports under § 191.9 and to require all operators (except master meter and LNG facility operators), who must report an incident telephonically under requirements of Part 191, to also file a written report.

[2] 49 CFR Part 192, Amendment No. 192–40, Docket No. PS–59 (47 FR 13818, April 1, 1982).

Since Part 191 was first promulgated, it has been a requirement of § 191.5(a)(2) that transmission operators report any leak which required the taking of any segment of transmission pipeline out of service. MTB is soliciting comments on the feasibility and reasonableness of continuing this requirement in the proposed amendment to Part 191. If it ascertained, through comments, that such reports do not serve a useful purpose for the safety of gas pipelines, then MTB would rescind this requirement.

The proposed Part 191 deletes all reference to test failures. At present, it is a requirement of § 191.15 that transmission and gathering system operators report all test failures. The present rule does not differentiate between test failures occurring as part of new construction tests or test failures occurring after the pipeline has been in service during, as an example, tests to uprate the piping system. MTB would like comments on the feasibility and reasonableness of requiring that test failures, occurring subsequent to the pipeline being placed in initial service be reported as a separate item on the transmission and gathering incident report.

In the proposed Distribution Incident Report form, there is a total of 65 reporting elements. This is only 57.5 percent of the present 113 reporting elements. In the proposed Transmission Incident Report form, there is a total of 79 reporting elements. This is 69.9 percent of the present 113 reporting elements. For the Annual Report forms, the reduction in reporting elements and burden is quite dramatic. The present Distribution Annual Report has a possible total (depending on the operator's system) of 521 reporting elements. The proposed form has 168 reporting elements or only about one third of the present form. The Transmission Annual Report has up to a total of 589 reporting elements (again depending on the operator's system). The new proposed form has 94 reporting elements or about 16 percent of the present requirements.

Significant Changes in Forms:

No attempt has been made to describe and to discuss in detail every proposed change in the forms. Rather, it was decided that the following general description and discussion of proposed changes, together with publication of the proposed revised forms and instructions to be used in completing the forms, would be sufficient to direct attention to the various issues involved. This approach was adopted because a detailed listing of all the changes would be unnecessarily voluminous and also would represent a much more tedious way to review the changes than simply comparing the proposed and present forms directly.

The revised individual incident report forms for gathering, transmission, and distribution operators are proposed to become effective January 1, 1984, with annual report forms for calendar year 1984 proposed to be submitted on or before March 15, 1985.

The primary changes to the reporting forms parallel those changes suggested for the regulations. The revised forms are designed to provide for the accumulation of factual data that will give MTB a sound statistical base from which to identify safety problems, to determine cause(s) and to propose regulatory solutions. The data captured on the forms are either by multiple choice selection or by narrative description. The general layout and format are simple enough to allow a small system operator to complete an individual or annual report without consulting an outside contractor. The final version of both forms also will contain a self-mailer.

The individual incident reports capture data on significant incidents that meet the criteria from all operators, except master meter operators, of distribution and transmission/gathering systems. For this reason, the individual reports request detailed information about the cause of a pipeline incident. The cause of incidents which have significant consequences will serve as the nucleus for analyzing data which are essential for the development of a rational regulatory program. Also, the revised forms are organized and worded to eliminate redundant and unnecessary questions and to ensure uniform reporting by clarifying remaining questions more precisely. In essence, the revised individual report forms contain enough data of sufficient magnitude that MTB can take action that may be necessary to protect persons or property. The essential parts of the revised individual report forms are: (1) Operator identification, location, time, and basic facts about incident: (2) Apparent cause; (3) Narrative description; (4) Origin/pipe or component data; (5) Environment/material data; (6) Environment (depending on the form being used); (7) three or four parts providing causal details; and (8) preparer's signature, title, and phone number.

The proposed annual report forms have been reduced substantially from the present forms. The revised report forms now are structured to capture only significant system features applicable to the majority of all operators, and to capture summaries of incidents repaired on the system throughout the year by cause. MTB believes the revised structure is practical since detailed information of the operator's systems is available from other sources. The most significant change to the forms involves integrating the annual report data with the individual report data. On the suggested annual forms, consistency of column titles will enable cross comparison of data on a larger scale and will present a workable method to facilitate analysis of possible safety problems. Thus, in light of the size of the nationwide pipeline system and the importance of the MTB's role in developing and enforcing an effective pipeline safety program, the annual report represents the foundation for conducting analyses of the pipeline data. The layout and format for the suggested annual report are based on the preceding highlights. This revised annual report requests: (1) Operator identification; (2) System description information, based on size and material; (3) Total leaks repaired, based on cause as stated in the suggested individual report; and (4) Total leaks on Federal lands.

Benefits: The anticipated benefits that would be derived from the use of the proposed revised incident reporting forms are as follows:

1. Collect additional or revised useful, statistical information necessary to assemble facts that will enable the Department to define safety problems and to devise regulatory solutions more effectively.

2. Provide information necessary to comply with the additional statutory responsibilities assigned to MTB since the reporting regulations were promulgated in 1970.

3. Delete information which has been determined unnecessary after 10 years of data collection experience.

4. Make it easier for operators to submit requested information since the compliance burden is reduced substantially by reporting with the proposed forms.

5. Provide improved and easier to understand instructions and clarification of terms needed for the appropriate completion of the forms.

6. Save the government and industry an estimated $5 million [1] annually of the present cost to comply with reporting regulations for pipeline incidents.

List of Subjects in 49 CFR Part 191

Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, MTB proposes that Part 191 of Title 49 of the

Code of Federal Regulations be revised as follows:

1. The title is revised to read as follows:

PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; ANNUAL REPORTS AND INCIDENT REPORTS

2. The table of contents is amended by revising the following section headings to read as follows:

Sec.

* * * * *

191.5 Telephonic notice of certain incidents.

* * * * *

191.9 Distribution system: Incident report.

* * * * *

191.13 Distribution system reporting transmission pipelines; Transmission or gathering systems reporting distribution pipelines.

191.15 Transmission and gathering systems: Incident report.

* * * * *

3. The statement of authority is revised to read as follows:

Authority: 49 U.S.C. 1681(b); 49 U.S.C. 1808(b); 49 CFR 1.53, and Appendix A of Part 1.

4. Section 191.1 is revised to read as follows:

§ 191.1 Scope.

(a) This part prescribes requirements for reporting gas incidents and annual gas pipeline summary data by operators of gas pipelines and LNG facilities located in the United States or Puerto Rico, including offshore.

(b) This part does not apply to—

(1) Planned and controlled release of gas intended by operators; or

(2) Offshore gathering of gas upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream.

5. In § 191.3, the introductory text is revised, the definitions of "Pipeline facilities," "System," and "Test failure" are removed, and the following new definitions are added:

§ 191.3 Definitions.

As used in this part and the RSPA Forms referenced in this part—

* * * * *

"Incident" means an event which involves a pipeline or LNG facility and which results in an actual hazardous or probable hazardous condition requiring immediate action on the part of the operator;

"LNG facility" means a liquefied natural gas facility that is subject to Part 193 of this Chapter;

"Master Meter System" means a system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution piping system. The gas distribution piping system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as by rents;

* * * * *

"Offshore" means beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters;

* * * * *

"Pipeline" means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies;

"Rural onshore gathering line" means an onshore gathering line or segment thereof located outside any of the following areas:

(a) An area within the limits of any incorporated or unincorporated city, town, or village; or

(b) Any designated residential or commercial area, such as a subdivision, business, or shopping center, or other community development;

* * * * *

6. Section 191.5 is amended by revising paragraphs (a) and (b) (1) through (5) to read as follows:

§ 191.5 Telephonic notice of certain incidents.

(a) At the earliest practicable moment following discovery, each operator shall give notice in accordance with paragraph (b) of this section of each incident that:

(1) Resulted in death or an injury which required inpatient hospitalization;

(2) Caused estimated damage to the property of the operator, or others, or both, totaling $50,000 or more;

(3) Resulted in the taking of any segment of transmission pipeline out of service;

(4) In the case of an LNG facility, caused an emergency shutdown control system to be activated; or

(5) Even though an incident did not meet the criteria of paragraphs (9)(1), (2), (3), or (4) of this paragraph, in the judgment of the operator:

(i) Was significant; or

(ii) Created or has the potential to create concern for public safety and for which immediate repair or other emergency action was necessary.

An operator need not give notice of an incident that met only the criterion of paragraph (a)(3) of this section if it occured solely as a result of, or in connection with, planned or routine maintenance or construction.

(b) * * *

(1) Names of operator and person making report and their telephone numbers.

(2) The location of the incident.

(3) The time of the incident.

(4) The fatalities and personal injuries, if any.

(5) All other signficant facts that are known by the operator that are relevant to the cause of the incident or extent of the damages.

7. Section 191.7 is revised to read as follows:

§ 191.7 Addressee for written reports.

Each written report required by this part must be made to the Information Systems Manager, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. However, reports for intrastate pipelines subject to the jurisdiction of a State agency pursuant to certification under section 5(a) of the Natural Gas Pipeline Safety Act, may be submitted in duplicate to the State agency if the regulations of that agency require submission of these reports and provide for further transmittal of one copy within 10 days of receipt for incident reports and not later than March 15 for annual reports, to the Information Systems Manager, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

8. Section 191.9, is revised to read as follows:

§ 191.9 Distribution system: Incident report.

(a) Except as provided in paragraph (c) of this section, each operator of a distribution system shall file Department of Transportation Form RSPA F 7100.1 whenever an incident meets the criteria specified in § 191.5 as soon as practicable but not more than 30 days after detection of the incident.

(b) When additional relevant information is obtained after the report is submitted under paragraph (a) of this section, the operator shall make supplementary reports as deemed necessary with a clear reference by date and subject to the original report.

(c) The incident report required by this section need not be submitted with respect to master meter systems of LNG facilities.

9. Section 191.11 is revised to read as follows:

§ 191.11 Distribution system: Annual report.

(a) Except as provided in paragraph (b) of this section, each operator of a distribution system shall submit an annual report on Department of Transportation Form RSPA F 7100.1–1. This report must be submitted not later than March 15 for the preceding calendar year.

(b) The annual report required by this section need not be submitted with respect to:

(1) Petroleum gas systems which serve fewer than 100 customers from a single source;

(2) Master meter systems; or

(3) LNG facilities.

10. Section 191.13 is revised to read as follows:

§ 191.13 Distribution system reporting transmission pipelines; Transmission or gathering systems reporting distribution pipelines.

Each operator of a distribution system shall submit reports for transmission pipelines under §§ 191.15 and 191.17. Each operator of a transmission or gathering system shall submit reports for distribution pipelines under §§ 191.9 and 191.11.

11. Section 191.15 is amended by revising paragraphs (a) and (c) to read as follows:

§ 191.15 Transmission and gathering systems: Incident report.

(a) Except as provided in paragraph (c) of this section, each operator of a transmission or a gathering system shall file Department of Transportation Form RSPA F 7100.2 whenever an incident meets the criteria specified in § 191.5 as soon as practicable but not more than 30 days after detection of the incident.

(b) * * *

(c) The incident report required by paragraph (a) of this section need not be submitted with respect to rural onshore gathering lines or LNG facilities.

12. Section 191.17 is revised to read as follows:

§ 191.17 Transmission and gathering systems: Annual report.

(a) Except as provided in paragraph (b) of this section, each operator of a transmission or a gathering system shall submit an annual report on Department of Transportation Form RSPA F 7100.2–1. This report must be submitted for the preceding calendar year after the effective date of this regulation and not later than March 15 of each year thereafter.

(b) The annual report required by paragraph (a) of this section need not be submitted with respect to rural onshore gathering lines of LNG facilities.

(49 U.S.C. 1681(b) and 1808(b); 49 CFR 1.53, Appendix A of Part 1, and Appendix A of Part 106)

Issued in Washington, D.C. on March 25, 1983.

Richard L. Beam,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

BILLING CODE 4910-60-M

DRAFT

U.S Department of Transportation
Research and Special Programs Administration

INCIDENT REPORT – GAS DISTRIBUTION SYSTEM

Report Date _____

PART 1 – GENERAL REPORT INFORMATION

SEE INSTRUCTIONS

1. a. Operator's 5 digit Identification No. /_/_/_/_/_/ LABEL
   b. Report Sequence No. /_/_/_/
   c. Name of Operator _____
   Address _____
2. Location of Incident
   a. _____ Number and Street
   b. _____ City and County
   c. _____ State and Zip Code
   d. Class Location ☐ 1 ☐ 2 ☐ 3 ☐ 4
   e. Incident on Federal Land ☐ Yes ☐ No
3. Time and Date of Incident
   /_/_/_/_/ hour /_/_/ mo /_/_/ day /_/_/ yr
4. Reason for Reporting
   ☐ Fatality number /_/_/_/ persons
   ☐ Injury requiring inpatient hospitalization number /_/_/_/ persons
   ☐ Property damage Estimate $ _____
   ☐ Operator Judgment/Emergency Action
   ☐ Supplemental Report
5. Time Between Detection and When Area Was Made Safe /_/_/ hr /_/_/ mn
6. Telephonic Report:
   /_/_/ mo /_/_/ day /_/_/ yr
7. a. Estimated Pressure At Point and Time of Incident *(PSIG)* _____
   b. Maximum Allowable Operating Pressure *(MAOP) (PSIG)* ____
   c. Test Pressure that established MAOP *(PSIG)* _____

PART 2 – APPARENT CAUSE

☐ Corrosion *(See Part A)*
☐ Outside Force–including Third Party *(See Part B)*
☐ Operator Error/Construction Defect *(See Part C)*
☐ Other_____ *(See Part D)*
☐ Material Defect *(Describe in Part 3 and Part 4)*

PART 3 – NARRATIVE DESCRIPTION OF CONDITION CONTRIBUTING TO THE INCIDENT

(Attach additional sheet(s) as necessary)

PART 4 – ORIGIN OF THE INCIDENT

1. Part of System Where Incident Occurred
   ☐ Main ☐ Meter Set Assembly
   ☐ Service Line ☐ Other
3. Material Involved:
   ☐ Steel ☐ Cast iron
   ☐ Polyethylene plastic ☐ Other plastic:
   ☐ Other
   NPS *(Nominal Pipe Size)* /_/_/_/_/ in. Wall Thickness /_/_/_/_/ in.
4. Specification_____ Manufacturer _____
2. Component Which Failed
   a. Part
   ☐ Body of Pipe ☐ Valve
   ☐ Joint, type _____ ☐ Regulator/meter
   ☐ Fitting ☐ Weld, specify _____ girth, longitudinal, fillet
   ☐ Drip/Riser ☐ Other _____
   b. Year installed /_/_/_/_/
   Year Manufactured /_/_/_/_/

PART 5 – ENVIRONMENT

Area of Incident
☐ Within/ Under Building ☐ Below Pavement ☐ Above Ground ☐ Below Ground or Water ☐ Other _____

PART 6 – PREPARED BY

_____ *(Name and Title)*

_____ Signature and Date

_____ / _____ Telephone Number

Form RSPA F 7100.1 (XX-84)

DRAFT

PART A – CORROSION

1 Where did the corrosion occur?
- ☐ Internally
- ☐ Externally

2. Visual Description
- ☐ Localized Pitting
- ☐ General Corrosion
- ☐ Other _____

3. Cause
- ☐ Galvanic
- ☐ Other _____

4. Pipe Coating Information
- ☐ Bare ☐ Coated

5 Was corroded part of pipeline considered to be under cathodic protection prior to discovering incident?
- ☐ Yes Year protection started / / / /
- ☐ No

6. Additional Information

PART B – DAMAGE BY OUTSIDE FORCES

1 Primary Cause of Incident
- ☐ Damage by equipment operated by or for the operator
- ☐ Damage by equipment operated by outside party
- ☐ Damage by earth movement
  - ☐ Subsidence
  - ☐ Landslide/Washout
  - ☐ Frost
  - ☐ Other _____
- ☐ Damage by lightning or fire

2 Locating Information for Damage by Equipment Operated by Outside Party

A. Did operator get prior notification that equipment would be used in the area?
- ☐ Yes Date received / / / mo / / / day / / / yr
- ☐ No

B. Was pipeline location marked or identified as a result of notification?
- ☐ Yes
- ☐ No ☐ Permanent markers ☐ Temporary Stakes ☐ Other _____

C. Does Statute or ordinance require the outside party to determine whether underground facility(ies) exist?
- ☐ Yes
- ☐ No

3 Additional Information

PART C – CONSTRUCTION DEFECT

1 Cause
- ☐ Poor Workmanship during Construction
- ☐ Operating Procedure Inappropriate
- ☐ Error in Operating Procedure Application
- ☐ Physical Damage During Construction
- ☐ Other _____

2 Additional Information

PART D – OTHER

Brief Description:

BILLING CODE 4910-60-C

Instructions for Completing Form RSPA F 7100.1 Incident Report—Gas Distribution System

General Instructions

Each operator of a gas distribution system shall file Form RSPA F 7100.1 for any incident which meets the criteria specified in § 191.5 as soon as practicable but not more than 30 days following the occurrence of the incident.

Reports should be made to the: Information Systems Manager (DMT–60), Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. However, reports for intrastate facilities subject to the jurisdiction of a State agency pursuant to certification under Section 5(a) of the Natural Gas Pipeline Safety Act may be submitted in duplicate to the State agency if the regulations of that agency require the submission of these reports and provide for further transmittal of one copy within the 30 day time period after the incident has occurred to the: Information Systems Manager (DMT–60), Materials Transportation Bureau.

Please affix the DOT mailing label, corrected as necessary, to the top of the form in the operator name and address section before you return it. (If you do not have a mailing label, type or print the operator name and address data in the appropriate location, including the name of the branch or subsidiary, if different, where the incident occurred.)

If you have any questions concerning this report or these instructions, or if you need copies of Form RSPA F 7100.1 or the instructions, please write or call the Information Systems Manager (DMT–60), Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone number (202) 472–1024.

For the purpose of completing Form RSPA F 7100.1, the following definitions of terms are to be used when filing Form RSPA F 7100.1 in conjunction with these instructions:

1. Gas distribution line—A pipeline other than a gathering or transmission line.

2. Pipeline—All parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenances attached to the pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

3. Operator—A person who engages in the transportation of gas.

4. Federal lands—For the purposes of completing Form RSPA F 7100.1, "Federal lands" means all lands owned by the United States, including, but not limited to, lands in the National Park System, lands held in trust for an Indian or Indian tribe, lands of the Outer Continental Shelf (offshore), and Military Reservations. Incidents occurring at Federal buildings, such as Court Houses, Customs Houses, and other Federal office buildings and warehouses, are not to be reported as being on "Federal lands."

Special Instructions

An entry should be made in each block for which data are available. In blocks requiring numbers, all blocks should be filled in using zeroes when appropriate. When decimal points are required, the decimal point should be placed in a separate block.

Examples: (Part 4.3) Nominal Pipe Size /0/0/2/4/ inches; /1/./2/5/ inches.

Wall Thickness /./5/0/0/ inches; /./1/4/5/ inches.

Avoid "Unknown" entries if possible. Estimated data are preferable to unknown data. If "Unknown" or estimated data entries are made, a supplemental report should follow as soon as the data are known by the operator.

If "Other" is checked in any part of the report, include an explanation or description on the line adjacent to the item checked.

Specific Instructions

Part 1

The operator's five digit identification number will be assigned by DOT and will be shown on the mailing label. If the identification number is not available to the person completing the report, this information should be omitted. Address in Part 1.1.C is address of office originating incident report.

Data on the location of the incident should be as complete as possible, including the nearest city or town, the county or parish, township, borough, etc. Use data that would help orientation with a map and provide such other location information as may be available. The class location should be the class location at the incident site rather than the class location designated by the operator for design and operating purposes.

In-patient hospitalization means admission and confinement in a hospital beyond treatment administered in an emergency room or out-patient clinic in which confinement does not occur. The property damage estimate is the estimate of total property damage. (May be different than amount which initiated call.)

Time when the area is made safe means the elapsed time from the occurrence of the incident until the incident is brought under control so that it does not present a significant threat to public safety. This does not necessarily mean that the flow of gas has been stopped completely.

The time of the incident should be indicated in reference to a 24-hour clock.

Examples:

1. (0000) = midnight
2. (0800) = 8:00 a.m.
3. (1200) = Noon
4. (1715) = 5:15 p.m. = /1/7/1/5/
5. (2200) = 10:00 p.m.

Part 2

Definition of Causes

1. *Corrosion*—Escape of gas resulting from a hole in the pipeline or component caused by galvanic, stray current, or other corrosive action.

2. *Outside Force—Third Party*—Damage directly attributed to the striking of gas pipeline facilities caused by earth moving equipment, other equipment, tools, vehicles, vandalism, etc. Damage is by personnel other those than working for the operator or the contractor working for the operator.

3. *Outside Force—Natural Forces*—Damages resulting from earth movement not caused by man, including earthquakes, washouts, land slides, frost, etc. Also included is damage by lightning, ice, snow, etc.

4. *Operator Error—Construction Defect*—Damage resulting from poor workmanship, an inappropriate procedure, or a wrong application of a procedure.

5. *Material Defect*—Damage resulting from a defect within the material of a pipe or component because of faulty manufacturing.

6. *Other*—A cause that cannot be identified clearly as belonging in one of the above categories.

If the "Other" block is checked, the narrative in Part 3 should describe the incident in detail, including the known or presumed cause.

Part 3

The narrative is optional and is needed only when it is useful to clarify or explain unusual conditions. It should be a concise description of the incident, including the probable cause and conditions which the operator believes may have contributed either directly or indirectly to the cause of the incident. Explanations of estimated data also may be included in the narrative.

Part 4

Meter Set Assembly is the piping installed to connect the inlet side of the meter to the gas servce line and to connect the outlet side of the meter to the customer's fuel line. A service regulator should be included under "2. Component which failed."

Year installed means the year of installation at incident location.

Part 5

More than one box can be checked with an indication as to which box is the most appropriate environmental description.

"Below pavement" includes below streets, sidewalks, paved roads, parking lots, shopping centers, etc.

Part 6

The telephone number indicated should be that of the office of the company representative to be contacted for additional information.

Part A

A.5

"Under cathodic protection" means cathodic protection in accordance with the requirements for Part 192 as determined by the criteria in Part 192, Appendix D. If the operator determines the cause of the corrosion to be bacterial or chemical action or stray current, check "Other" in item 3, and indicate the cause.

For the purpose of this report, galvanized pipe with no dielectric coating is to be considered "bare."

Part B

B.1

"Outside Party" (third party) means other than the operator or his agent.

B.2.a

"Prior notification" means that the operator was notified that the contractor would be working in the vicinity of the pipeline at the time the incident occurred.

B.3

Additional information should include a description of other steps taken by the operator to protect the facility against damage by outside forces.

Part C

Definitions:

1. *Poor Workmanship—During Construction*—Wrong mechanical application of the correct procedure.
2. *Operating Procedure Inappropriate*—Wrong procedure was used for this application.
3. *Error in Procedure Application*—Misinterpretation of procedure during field application.
4. *Physical Damage During Construction*—Construction activity damage to existing or newly installed facilities, such as a gouge or dent, misalignment, or improper support, caused by the operator's personnel or the operator's contractor.

BILLING CODE 4910-60-M

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INCIDENT REPORT – GAS TRANSMISSION AND GATHERING SYSTEMS

Report Date _____

PART 1 – GENERAL REPORT INFORMATION

SEE INSTRUCTIONS*

1. a. Operator's 5 digit identification no. LABEL
   /_/_/_/_/_/
   b. Report Sequence number – /_/_/
   c. Name of Operator _____
   Address _____
2. Location of Incident
   a. _____
   City and County
   b. _____
   State and Zip Code
   c. Mile Post/Valve Stat. _____
   d. Survey Station No. _____
   e. Class Location
   ☐ 1 Onshore ☐ 2 ☐ 3 ☐ 4
   ☐ 1 Offshore _____ block number
   State_____ or Outer Continental Shelf _____
   f. Incident on Federal Land or Outer Continental Shelf
   ☐ Yes ☐ No
3. Incident Type
   ☐ Leak ☐ Rupture ☐ Other
   a. Shear fracture *(feet)* _____
   b. Cleavage fracture *(feet)* _____
4. Reason for Reporting
   ☐ Fatality Number /_/_/ persons
   ☐ Injury requiring inpatient hospitalization number /_/_/ persons
   ☐ Property Damage Estimated $ _____
   ☐ Operator Judgment
   ☐ Pipeline Out of Service
   ☐ Supplemental Report
5. Time Between Detection and When Area Was Made Safe
   /_/_/ hr /_/_/ mn
6. Telephonic Report
   /_/_/ mo /_/_/ day /_/_/ yr
7. a. Estimated Pressure at Point and Time of Incident *(PSIG)* _____
   b. Maximum Allowable Operating Pressure *(MAOP)* *(PSIG)* _____
   c. Test Pressure That Established *(MAOP)* *(PSIG)* _____ MAOP
8. Time and Date of the Incident
   /_/_/_/_/ hour /_/_/ mo /_/_/ day /_/_/ yr

PART 2 – APPARENT CAUSE

☐ Corrosion *(See Part A)* ☐ Damage by Outside Forces *(See Part B)* ☐ Construction/Material Defect *(See Part C)* ☐ Other _____

PART 3 – NARRATIVE DESCRIPTION OF CONDITION CONTRIBUTING TO THE INCIDENT *(Attach additional sheet(s) as necessary)*

PART 4 – ORIGIN OF THE INCIDENT

1. Incident Occurred On:
   ☐ Transmission System ☐ Gathering System
   ☐ Transmission Line of Distribution System
2. Failure Occurred On:
   ☐ Body of Pipe ☐ Fitting, Specify _____
   ☐ Mechanical Joint ☐ Other, Specify _____
   ☐ Valve ☐ Weld, Specify _____ *(girth, longitudinal, fillet)*
3. Material Involved:
   ☐ Steel ☐ Other, Specify _____
4. Part of System Involved in Incident
   a. Part
   ☐ Pipeline ☐ Regulator/Metering System
   ☐ Compressor Station ☐ Other _____
   b. Year installed /_/_/_/_/

PART 5 – MATERIAL SPECIFICATION

1. Nominal Pipe Size /_/_/_/_/ in.
2. Wall Thickness /_/_/_/_/ in.
3. Specification _____
4. Seam Type _____
5. Valve, Type _____
6. Manufactured by _____ in year /_/_/_/_/

PART 6 – ENVIRONMENT

Area of Incident
☐ Below Pavement ☐ Above Ground
☐ Below Ground ☐ Below Water
☐ Other _____

PART 7 – REPORT PREPARED BY:

_____ *(name and title)*

_____ Signature and Date

_____ / _____ Telephone Number

Form RSPA F 7100.2 (XX-84)

DRAFT

PART A – CORROSION

1. Where did corrosion occur?
   - ☐ Internally
   - ☐ Externally
2. Visual Description
   - ☐ Localized Pitting
   - ☐ General Corrosion
   - ☐ Other _____
3. Cause
   - ☐ Galvanic
   - ☐ Other _____
4. Pipe Coating Information
   - ☐ Bare ☐ Coated
5. Was corroded part of pipeline considered to be under cathodic protection prior to discovering incident?
   - ☐ Yes Year Protection Started /_/_/_/
   - ☐ No
6. Additional Information

PART B – DAMAGE BY OUTSIDE FORCES

1. Primary Cause of Incident
   - ☐ Damage by equipment operated by or for the operator
   - ☐ Damage by equipment operated by outside party
   - ☐ Damage by earth movement
     - ☐ Subsidence
     - ☐ Landslide/Washout
     - ☐ Frost
     - ☐ Other _____
2. Locating Information for Damage by Equipment Operated by Outside Party
   - A. Did operator get prior notification that equipment would be used in the area?
     - ☐ Yes Date received /_/_/ mo /_/_/ day /_/_/ yr
     - ☐ No
   - B. Was pipeline location marked or identified as a result of notification?
     - ☐ Yes
     - ☐ No Specify type of marking: _____
   - C. Does Statute or ordinance require the outside party to determine whether underground facility(ies) exist?
     - ☐ Yes
     - ☐ No
3. Additional Information

PART C – CONSTRUCTION OR MATERIAL DEFECT

1. Cause of Defect
   - ☐ Construction ☐ Material *(describe in C.4 below)*
2. Description of Component Other than Pipe
3. Latest Test Data
   - a. Was part which leaked pressure tested before incident occurred?
     - ☐ Yes Date of Test /_/_/ mo /_/_/ day /_/_/ yr
     - ☐ No
   - b. Test Medium ☐ Water ☐ Gas ☐ Other _____
   - c. Time held at test pressure /_/_/ hr
   - d. Estimated test pressure at point of incident *(psig)* _____
4. Additional Information

BILLING CODE 4910-60-C

Instructions for Completing Form RSPA F 7100.2 Incident Report—Gas Transmission and Gathering Systems

General Instructions

Each operator of a gas transmission or gathering system shall file Form RSPA F 7100.2 for any incident which meets the criteria specified in § 191.5 as soon as practicable but not more than 30 days following the occurrence of the incident.

Reports should be made to the: Information Systems Manager (DMT–60), Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. However, reports for intrastate facilities subject to the jurisdiction of a State agency pursuant to certification under Section 5(a) of the Natural Gas Pipeline Safety Act, may be submitted in duplicate to the State agency if the regulations of that agency require the submission of these reports and provide for further transmittal of one copy within the 30 day time period after the incident has occurred to the: Information Systems Manager (DMT–60), Materials Transportation Bureau.

Please affix the DOT mailing label, corrected as necessary, to the top of the form in the operator name and address section before you return it. (If you do not have a mailing label, type or print the operator name and address data in the appropriate location, including the name of the branch or subsidiary, if different, where the incident occurred.)

If you have any questions concerning this report or these instructions, or if you need copies of Form RSPA F 7100.2 or the instruction, please write or call the Information Systems Manager (DMT–60), Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone number (202) 472–1024.

For the purpose of completing Form RSPA F 7100.2, the following definitions apply:

1. Gathering line—A pipeline that transports gas from a current production facility to a transmission line or main.

2. Rural onshore gathering line—An onshore gathering line or segment thereof located outside any of the following areas:

a. An area within the limits of any incorporated or unincorporated city, town, or village.

b. Any designated residential or commercial area, such as a subdivision, business, or shopping center, or other community development.

3. Transmission line—

A pipeline, other than a gathering line, that:

a. Transports gas from a gathering line or storage facility to a distribution center or storage facility; or

b. Operates at a hoop stress of 20 percent or more of SMYS; or

c. Transports gas within a storage field.

4. Transmission line of distribution system—A pipeline within a distribution system that operates at a hoop stress of 20 percent or more of SMYS.

5. Pipeline—All parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenances attached to the pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

6. Federal lands—For the purposes of completing Form RSPA F 7100.2, "Federal lands" means all lands owned by the United States, including, but not limited to, lands in the National Park System, lands held in trust for an Indian or Indian tribe, lands of the Outer Continental Shelf (offshore), and Military Reservations. Incidents occurring at Federal buildings, such as Court Houses, Customs Houses, and other Federal office buildings and warehouses are not to be reported as being on "Federal lands."

7. Leak—An unintentional escape of gas from the pipeline or pipeline facility. The source of the leak may be:

a. Holes.

b. Ruptures—a complete failure of the pipeline, and, in the case of a pipe, the failure occurs as cleavage fracture, shear fracture, or a combination.

c. Cracks—which include propagating and nonpropagating, longitudinal, and circumferential.

d. Separation or pull-out.

e. Loose connections.

8. Propagation—The extension of the original opening in the pipeline in an area of nominal wall thickness resulting from the internal/external forces on the pipeline.

9. Tear—An extension of the original opening in the pipeline resulting from an externally applied force or forces, i.e., a bulldozer, backhoe, grader, etc.

Special Instructions

An entry should be made in each block for which data are available. In blocks requiring numbers, all blocks should be filled in using zeroes when appropriate. When decimal points are required, the decimal point should be placed in a separate block.

Examples: (Part 5) Nominal Pipe Size /0/0/2/4/ inches; /1/./5/0/ inches.

Wall Thickness /./5/0/0/ inches; /1/./2/5/ inches.

Avoid "Unknown" entries if possible. Estimated data are preferable to unknown data. If "Unknown" or estimated data entries are made, a supplemental report should follow as soon as the data are known by the operator.

If "Other" is checked in any part of the report, include an explanation or description on the line adjacent to the item checked.

Specific Instructions

Part 1

1.1

The operator's five digit identification number will be assigned by DOT and will be shown on the mailing label. If the identification number is not available to the person completing the report, this information should be omitted.

Address in 1.1c is address of office originating incident report.

1.2

Data on the location of the incident should be as complete as possible, including the nearest city or town, the county or parish, township, borough, etc. Use data that would help orientation with a map. Offshore incident identification should be located by State or outer continental shelf identification and block identification. Provide such other location information as may be available. The class location should be the class location at the incident site rather than the class location designated by the operator for design and operating purposes.

1.3

Refer to the definitions in the General Instructions to classify the incident as a leak, rupture, or other.

The "Other" block should be checked for incidents as described in § 191.5(a)(4).

1.4

"In-patient hospitalization" means admission and confinement in a hospital beyond treatment administered in an emergency room or out-patient clinic in which confinement does not occur. The property damage estimate is the estimate of damage to the operator's facilities, or others, or both.

1.5

Elapsed time until the area is made safe means the elapsed time from the time of detection of the incident until the incident is brought under control so that it does not present a significant threat to public safety. This does not necessarily

mean that the flow of gas has been stopped completely.

1.8

The time of the incident should be indicated in reference to a 24-hour clock.

Examples:

1. (0000) = midnight
2. (0800) = 8:00 a.m.
3. (1200) = Noon
4. (1715) = 5:15 p.m.
5. (2200) = 10:00 p.m.

Part 2

The narrative is optional and is needed only when it is useful to clarify or explain unusual conditions. It should be a concise description of the incident, including the probable cause and conditions which the operator believes may have contributed either directly or indirectly to the cause of the incident. Explanations of estimated data also may be included in the narrative. If the "Other" block is checked, the narrative in Part 3 should describe the incident in detail, including the known or presumed cause.

Part 4

4.4b

Year installed means the year of installation at incident location.

Part 5

5.1

Nominal pipe size is the diameter normally used to describe the pipe size, i.e., 2 inch, 4 inch, 8 inch, 12 inch, 30 inch, etc.

5.3

The specification is the specification to which the pipe was manufactured, such as API 5L, API 5LX, ASTM A106, ANSI A21.9. Materials specifications are included in Appendices A and B of Part 192.

Part 6

"Below pavement" includes below streets, sidewalks, paved roads, parking lots, shopping centers, etc.

Part 7

The telephone number indicated should be the office of the company representative to be contacted for additional information.

Part A

A.5

"Under cathodic protection" means cathodic protection in accordance with the requirements for Part 192 as determined by the criteria in Part 192, Appendix D. If the operator determines the cause of the corrosion to be bacterial or chemical action or stray current, check "Other" in item 3, and indicate the cause.

For the purpose of this report, galvanized pipe with no dielectric coating is to be considered "bare."

Part B

B.1

"Outside Party" (third party) means other than the operator or his agent.

B.2.a

"Prior notification" means that the operator was notified that the contractor would be working in the vicinity of the pipeline at the time the incident occurred.

B.3

Additional information should include a description of other steps taken by the operator to protect the facility against damage by outside forces.

Part C

C.1

"Construction defect" includes defects resulting from fabrication or installation of facilities and components, and shipping damage sustained in transportation to the construction or fabrication site.

"Material defects" are defects introduced in the manufacturing process.

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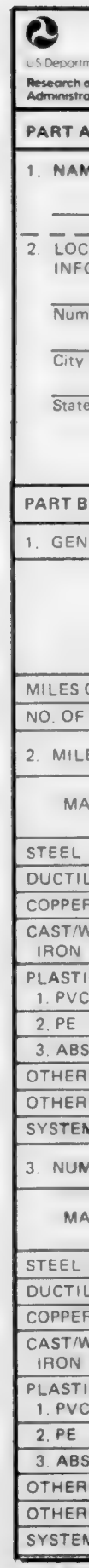

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U.S. Department of Transportation
Research and Special Programs Administration

ANNUAL REPORT FOR CALENDAR YEAR 19___
GAS DISTRIBUTION SYSTEM

INITIAL REPORT ☐
SUPPLEMENTAL REPORT ☐

PART A – OPERATOR INFORMATION

DOT USE ONLY

1. NAME OF COMPANY OR ESTABLISHMENT

LABEL

3. OPERATOR'S 5 DIGIT IDENTIFICATION NUMBER

2. LOCATION OF OFFICE WHERE ADDITIONAL INFORMATION MAY BE OBTAINED

Number and Street

City and County

State and Zip Code

4. HEADQUARTERS NAME & ADDRESS IF DIFFERENT

PART B – SYSTEM DESCRIPTION

1. GENERAL

	STEEL				PLASTIC	CAST/ WROUGHT IRON	DUCTILE IRON	COPPER	OTHER	OTHER
	UNPROTECTED		CATHODICALLY PROTECTED							
	BARE	COATED	BARE	COATED						
MILES OF MAINS										
NO. OF SERVICES										

2. MILES OF MAINS IN SYSTEM AT END OF YEAR

MATERIAL	UNKNOWN	2" OR LESS	OVER 2" THRU 4"	OVER 4" THRU 8"	OVER 8" THRU 12"	OVER 12"
STEEL						
DUCTILE IRON						
COPPER						
CAST/WROUGHT IRON						
PLASTIC 1. PVC						
2. PE						
3. ABS						
OTHER						
OTHER						
SYSTEM TOTALS						

3. NUMBER OF SERVICES IN SYSTEM AT END OF YEAR AVERAGE SERVICE LENGTH _____ FEET

MATERIAL	UNKNOWN	2" OR LESS	OVER 2" THRU 4"	OVER 4" THRU 6"	OVER 6" THRU 8"	OVER 8"
STEEL						
DUCTILE IRON						
COPPER						
CAST/WROUGHT IRON						
PLASTIC 1. PVC						
2. PE						
3. ABS						
OTHER						
OTHER						
SYSTEM TOTALS						

Form RSPA F 7100.1-1 (XX-84)

DRAFT

PART C – TOTAL LEAKS		
CAUSE	ELIMINATED Mains	Services
CORROSION		
THIRD PARTY		
OUTSIDE FORCE		
CONSTRUCTION DEFECT		
MATERIAL DEFECT		
OTHER		
Known total remaining to be repaired		

PART D – TOTAL NUMBER OF LEAKS ON FEDERAL LAND

_____

PART E – PERCENT OF UNACCOUNTED FOR GAS

Unaccounted for gas as a percent of total input for year ending 12/31_____ %

PART F – ADDITIONAL INFORMATION

PART G – REPORT PREPARED BY –

_____
Name and Title

_____
Signature Date

_____/_____
Telephone

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Washington, D.C. 20590**

BILLING CODE 4910-60-C

Instructions for Completing Form RSPA F 7100.1–1 Annual Report for Calendar Year 19— Gas Distribution System

General Instructions

Each operator of a distribution system is required to file an annual report. Definitions are as follows:

1. "Distribution line" means a pipeline other than a gathering or transmission line.

2. "Gathering line" means a pipeline that transports gas from a current production facility to a transmission line or main.

* 3. "Transmission line" means a pipeline other than a gathering line that:

a. Transports gas from a gathering line or storage facility to a distribution center or storage facility;

b. Operates at a hoop stress of 20 percent or more of SMYS; or

c. Transports gas within a storage field.

4. "Operator" means a person who engages in the transportation of gas.

The reporting requirements are contained in Part 191 of Title 49 of the Code of Federal Regulations, "Transportation of Natural and Other Gas by Pipeline: Reports of Leaks." Each operator of a distribution system must submit an annual report Form RSPA F 7100.1–1 for the preceding calendar year not later than March 15.

Reports should be sent to the: Informations Systems Manager (DMT–60), Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20690. However, reports for intrastate facilities subject to the jurisdiction of a State agency pursuant to certification under Section 5(a) of the Natural Gas Pipeline Safety Act may be submitted in duplicate to the State agency if the regulations of that agency require the submission of these reports and provide for further transmittal of one copy to the: Information Systems Manager (DMT–60), Materials Transportation Bureau. The operator filing this report should ensure that the regulations of the State agency provide for further transmittal of one copy of the report to DOT/RSPA, as specified to be received by March 15 of each year.

Please affix the DOT mailing label, corrected as necessary, to the top of the form in the operator name and address section before you return it. (If you do not have a mailing label, type or print the operator name and address data in the appropriate location.)

The annual reporting period is on a calendar basis, beginning January 1 and ending on December 31 of each year.

Each independent subsidiary operation must report separately. The address of the operator should be that address where information regarding this report can be obtained.

If you have any questions concerning this report or these instructions, or if you need copies of Form RSPA F 7100.1–1 or the instructions, please write or call the Information Systems Manager (DMT–60), Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone number (202) 472–1024.

Specific Instructions

An entry should be made in each block for which data are available. All figures are to be reported as whole numbers. *DO NOT USE DECIMALS OR FRACTIONS.* Decimals or fractions should be rounded to the nearest whole number½ or .5 should be rounded up. Be careful to use "miles" of mains and not "feet;" use "number" of services rather than miles.

Be sure to check "supplemental" if this is an additional report.

Avoid "Unknown" entries if possible. Estimated data are preferable to unknown data.

Part A

The address shown should be the address where information regarding this report can be obtained.

The operator's five digit identification nubmer will be assigned by DOT and will be shown on the mailing label. If the identification number is not available to the person completing the report, this information may be omitted. If the pipeline system being reported on is located in more than one State, indicate all States in which this system operates.

Part B

"Coated" means pipe coated with any hot or cold applied dielectric coating or wrapper.

"PVC" means polyvinyl chloride plastic.

"PE" means polyethylene plastic.

"ABS" means acrylonitrile-butadiene-styrene plastic.

"Cathodically" applies to both "bare" and "coated."

"Other Pipe" means a pipe of any material not specifically designated on the form. An explanation should be included in Part F if "Other Pipe" is marked.

Part C

This section includes all reportable incidents and nonreportable leaks (not reported in accordance with § 191.5) repaired during the one calendar year which is indicated by the operator on the "Annual Reports" form.

Leaks are defined as follows: An unintentional escape of gas from the pipeline or pipeline facility.

A reportable incident is one which meets the specific criteria of § 191.5. Leaks/incidents are classified as follows:

"Corrosion"—escape of gas resulting from a hole in the pipeline or component caused by galvanic, stray current, or other corrosive action.

"Outside Force-Third Party"—damage directly attributed to the striking of gas pipeline facilities caused by earth moving equipment, other equipment, tools, vehicles, vandalism, etc. Damage is by personnel other than the operator or the contractor working for the operator.

"Outside Force-Natural Forces"—damage resulting from earth movement not caused by man, including earthquakes, washouts, land slides, frost, etc. Also included is damage by lightning, ice, snow, etc.

A "construction defect" is one resulting from failure of original sound material that is due to external force being applied during facility construction which caused a dent, gouge, excessive stress, or other defect which resulted in subsequent failure. Also include wrinkle bends, faulty field welds, and damage sustained in transportation to the construction or fabrication site.

A "material defect" is one resulting from a defect within the material of the pipe or component or the longitudinal weld/seam that is due to faulty manufacturing procedures.

"Other" would be the result of any other cause, such as equipment operating malfunction, failure of mechanical joints, or connections not attributable to any of the above.

Indicate all leaks eliminated during the reporting year, including those reported on Form RSPA F 7100.1, "Incident Report, Distribution Systems." Do not include test failures.

Include all leaks eliminated by repair or by replacement of the pipe or other component.

Part D

Indicate all leaks during the reporting year, including those incidents reported on Form RSPA F 7100.1.

* If the operator determines that he has facilities that fall under definition 3.b., he should refer to the instructions for completing Form RSPA F 7100.2–1 for transmission and gathering systems.

Part E

State the amount of unaccounted for gas as a percent of total input for the year ending December 31, (purchased gas + produced gas) minus (customer use + company use) divided by (purchased gas + produced gas) equals percent unaccounted for.

Part F

Include any additional information which will assist in clarifying or classifying data included in this report.

Part G

Indicate the telephone number of the company representative to be contacted for additional information.

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U.S Department of Transportation
Research and Special Programs Administration

ANNUAL REPORT FOR CALENDAR YEAR 19
GAS TRANSMISSION & GATHERING SYSTEMS

INITIAL REPORT ☐
SUPPLEMENTAL REPORT ☐

PART A – OPERATOR INFORMATION

DOT USE ONLY | | | | | | | |

1. NAME OF COMPANY OR ESTABLISHMENT

LABEL

3. OPERATOR'S 5 DIGIT IDENTIFICATION NUMBER

2. LOCATION OF OFFICE WHERE ADDITIONAL INFORMATION MAY BE OBTAINED

Number & Street

City & County

State & Zip Code

4. HEADQUARTERS NAME & ADDRESS, IF DIFFERENT

5. STATES IN WHICH SYSTEM OPERATES

PART B – SYSTEM DESCRIPTION

1. GENERAL – MILES OF PIPE

	STEEL				CAST IRON WROUGHT IRON PIPE UNPROTECTED	PLASTIC PIPE	OTHER PIPE
	CATHODICALLY PROTECTED		UNPROTECTED				
	BARE	COATED	BARE	COATED			
TRANSMISSION							
ONSHORE							
OFFSHORE							
GATHERING							
ONSHORE							
OFFSHORE							

2. MILES OF PIPE BY NOMINAL SIZE

	UNKNOWN	4" OR LESS	OVER 4" THRU 10"	OVER 10" THRU 20"	OVER 20" THRU 28"	OVER 28"
TRANSMISSION						
ONSHORE						
OFFSHORE						
GATHERING						
ONSHORE						
OFFSHORE						
SYSTEM TOTALS						

PART C – TOTAL LEAKS

ITEMS	TRANSMISSION		GATHERING	
	ONSHORE	OFFSHORE	ONSHORE	OFFSHORE
CORROSION				
OUTSIDE FORCES				
CONST./MAT. DEFECTS				
OTHER				

PART D – TOTAL NUMBER OF LEAKS ON FEDERAL LAND OR OUTER CONTINENTAL SHELF

1. TRANSMISSION
   - ONSHORE _____
   - OFFSHORE _____
   - OUTER CONTINENTAL SHELF _____
2. GATHERING
   - ONSHORE _____
   - OFFSHORE _____
   - OUTER CONTINENTAL SHELF _____

PART E – NUMBER OF KNOWN SYSTEM LEAKS AT END OF YEAR SCHEDULED FOR REPAIR

1. TRANSMISSION _____
2. GATHERING _____

PART F – PERSON REPORTING

Name and Title / Telephone Number / Signature

Form RSPA F 7100.2-1 (XX-84)

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Instructions for Completing Form RSPA F 7100.2-1 Annual Report for Calendar Year 19— Gas Transmission and Gathering Systems

General Instructions

Each operator of a gathering system in a *nonrural* area, or of a transmission system, is required to file an annual report. Definitions are as follows:

1. "Gathering line" means a pipeline that transports gas from a current production facility to a transmission line or main.

2. "Transmission line" means a pipeline other than a gathering line that:

a. Transports gas from a gathering line or storage facility to a distribution center or storage facility;

b. Operates at a hoop stress of 20 percent or more of SMYS; or

c. Transports gas within a storage field.

* 3. "Distribution line" means a pipeline other than a gathering or transmission line.

The reporting requirements are contained in Part 191 of Title 49 of the Code of Federal Regulations, "Transportation of Natural and Other Gas by Pipeline: Annual Reports and Incident Reports." Each operator of a nonrural gathering system or of a transmission system must submit an annual report Form RSPA F 7100.2-1 for the preceding calendar year not later than March 15.

Reports should be sent to the: Information Systems Manager (DMT-60), Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. However, reports for intrastate facilities subject to the jurisdiction of a State agency pursuant to certification under Section 5(a) of the Natural Gas Pipeline Safety Act may be submitted in duplicate to the State agency if the regulations of that agency require the submission of these reports and provide for further transmittal of one copy to the: Information Systems Manager (DMT-60), Materials Transportation Bureau. The operator filing this report should ensure that the regulations of the State agency provide for further transmittal of one copy of the report to DOT/RSPA, as specified to be received by March 15 of each year.

Please affix the DOT mailing label, corrected as necessary, to the top of the form in the operator name and address section before you return it. (If you do not have a mailing label, type or print the operator name and address data in the appropriate location.)

The annual reporting period is on a calendar basis, beginning January 1 and ending on December 31 of each year.

Each independent subsidiary operation must report separately. The address of the operator should be that address where information regarding this report can be obtained.

If you have any questions concerning this report or these instructions, or if you need copies of Form RSPA F 7100.2-1 or the instructions, please write or call the Information Systems Manager (DMT-60), Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone number (202) 472-1024.

Specific Instructions

An entry should be made in each block for which data are available. All figures are to be reported as whole numbers. *Do Not Use Decimals or Fractions.* Decimals or fractions should be rounded to the nearest whole number—½ or .5 should be rounded up. Be careful to use "miles" of mains and not "feet;" use "number" of services if any.

Avoid "Unknown" entries if possible. Estimated data are preferable to unknown data.

Be sure to check "supplemental" if this is an additional report.

Part A

The address shown should be the address where information regarding this report can be obtained.

The operator's five digit identification number will be assigned by DOT and will be shown on the mailing label. If the identification number is not available to the person completing the report, this information may be omitted. If the pipeline system being reported on is located in more than one State, indicate all States in which this system operates.

Part B

"Other Pipe" means a pipe or any material not specifically designated on the form, such as copper, aluminum, etc. An explanaton should be included with the form if "Other Pipe" is marked.

Part C

This section includes all reportable incidents and nonreportable leaks repaired during the calendar year which is indicated by the operator on the "Annual Report" form.

Leaks are defined as follows: An unintentional escape of gas from the pipeline.

A reportable incident is one which meets the specific criteria of § 191.5.

"Corrosion" is the escape of gas because of a hole in the pipe or other component resulting from galvanic, bacterial, chemical, or stray current action.

"Outside Forces" is damage resulting from contact of the pipeline facility with earth moving or other equipment or vehicle, or movement of the earth surrounding the facility, such as landslides. Also included are incidents caused by deliberate or willful acts, fire, or lightning.

A "construction defect" is one resulting from failure of original sound material that is due to outside force being applied during facility construction which caused a dent, gouge, excessive stress, or other defect which resulted in subsequent failure. Also include wrinkle bends, faulty field welds, and damage sustained in transportation to the construction or fabrication site.

A "material defect" is one resulting from a defect within the material of the pipe or component or the longitudinal weld/seam that is due to faulty manufacturing procedures.

"Other" would be the result of any other cause, such as equipment operating malfunction, failure of mechanical joints, or connections not attributable to any of the above.

Indicate all leaks eliminated during the reporting year, including those reported on Form RSPA F 7100.2, "Incident Report, Transmission and Gathering Systems." Do not include test failures.

Include all leaks eliminated by repair or by replacement of the pipe or other component.

Part D

Indicate all leaks during the reporting year, including those incidents reported on Form RSPA F 7100.2.

Part E

Indicate all known leaks scheduled for elimination by repair or by replacement of the pipe or other component.

Part F

Indicate the telephone number of the company representative to be contacted for additional information.

* If the operator determines that he has facilities that fall under this definition, he should refer to the instructions for completing Form RSPA F 7100.1-1 for distribution lines.

[FR Doc 83-8231 Filed 3-30-83; 8:45 am]
BILLING CODE 4910-60-M

Notices

Federal Register
Vol. 48, No. 63
Thursday, March 31, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Regional Plan for the Lake Tahoe Basin; Tahoe Regional Planning Agency; Availability of Draft Environmental Impact Statement

In order to encourage the wise use and conservation of the waters of Lake Tahoe and of the resources of the area around the Lake, Public Law 96–557 granted consent of the Congress to the Tahoe Regional Planning Compact. The Compact was adopted by the State Legislatures of California and Nevada in 1980. The Compact requires the Tahoe Regional Planning Agency to develop and implement a regional plan to guide development and use of the Tahoe Basin. Since the majority of the lands in the Basin are in the National Forest System, the Act also authorized the Secretary of Agriculture to cooperate with the Planning Agency.

The Tahoe Regional Planning Agency has completed a draft environmental impact statement (DEIS) for a regional plan for the Tahoe Basin. The DEIS describes a series of alternatives to be considered for adoption as the amended regional plan. Policy alternatives for the land use, transportation, conservation, recreation, and public service and facilities elements are presented. In addition, alternatives are presented for the implementation element displaying optional ways to prioritize and manage development and to assess the financial strategies for implementation of the plan.

The Tahoe Regional Planning Agency is a bi-State agency, not a Federal agency. It operates under Pub. L. 96–557 on environmental matters rather than Public Law 91–190 (The National Environmental Policy Act of 1969). The unique procedures of Public Law 96–557 for preparation and processing EIS's exempts the Tahoe Regional Planning Agency from filing EIS's with the Environmemtal Protection Agency.

Pursuant to Article VII of the Compact, the Tahoe Regional Planning Agency made this DEIS available to the public and various other agencies for comment during a 60-day review period. Comments will be received in writing and/or at public hearings which will be announced by the Tahoe Regional Planning Agency. In order for comments to be considered, they must be received by April 25, 1983. Comments should be sent to the Long Range Planning Division, Tahoe Regional Planning Agency, P.O. Box 8896, South Lake Tahoe, California 95731.

Copies of this DEIS are available for inspection during regular working hours at the Tahoe Regional Planning Agency, 2155 South Avenue, P.O. Box 8896, South Lake Tahoe, California 95731.

A limited number of single copies are available upon request to the Long Range Planning Division of Tahoe Regional Planning Agency.

Dated: March 23, 1983.

David E. Ketcham,

Director of Environmental Coordination, USDA, Forest Service.

[FR Doc. 83–8287 Filed 3–31–83; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–016]

Ferrite Cores (of the Type Used in Consumer Electronic Products) From Japan; Final Results of Administrative Review of Antidumpting Finding

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On October 22, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on ferrite cores (of the type used in consumer electronic products) from Japan. The review covered 12 of the 13 known manufacturers and/or exporters of this merchandise to the United States and generally the period March 1, 1980 through February 28, 1981.

Interested parties were given an opportunity to submit written comments or request a hearing on the preliminary results. As a result of our review of the comments received, the final results of review for eight of the firms are unchanged from those presented in the preliminary results of review. We are deferring publication of the final results of review for one manufacturer, Nippon Ferrite, and its three exporters until our next review. We also determine that ferrite head cores are not within the scope of the finding.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger of John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On March 13, 1971, the Treasury Department published in the **Federal Register** (36 FR 4877) a dumping finding with respect to ferrite cores (of the type used in consumer electronic products) from Japan. On October 22, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 47052–3) the preliminary results of its last administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of ferrite cores, which are magnetically soft ferrite magnets which are usually wound with wire. The merchandise is magnetized with the induction of electric current, and is of the type commonly used as components in consumer electronic products such as household television receivers, projection television sets, radios, stereos and high fidelity radio systems, automobile radios, electronic home computers, etc. Such ferrite cores are currently classifiable under item 535.1240 of the Tariff Schedules of the United States Annotated.

Our preliminary results of review covered 12 of the 13 known manufacturers and/or exporters of Japanese ferrite cores to the United States and generally the period March 1,

1980 through February 28, 1981. We deferred review of one exporter, Sony Corporation, to the next administrative review. Based on comments received from Nippon Ferrite Ltd., we are deferring our review for this manufacturer and its three exporters to the next administrative review. Therefore, these final results of review cover 8 of the 13 known manufacturers and/or exporters of Japanese ferrite cores to the United States.

Analysis of Comments Received

Interested parties were invited to comment on our preliminary results. We received comments from one manufacturer.

Comment: Nippon Ferrite Ltd. argued that our characterization of its response as inadequate was incorrect.

Department's Position: The Department is currently reviewing Nippon Ferrite's submission in order to determine its adequacy. Accordingly, we are deferring our review of Nippon Ferrite and its three exporters until our next administrative review.

We invited interested parties to comment on the preliminary results and specifically on the claim by TDK Electronics Co., Ltd. ("TDK") that ferrite head cores are not part of the class or kind of merchandise subject to the finding. We received no comments. In those instances where scope issues cannot be resolved by reference to the records of the investigation, we consider several factors, including: 1) General physical characteristics, 2) the expectations of the ultimate purchaser, 3) the ultimate use of the merchandise in question, and 4) the channels of trade in which the merchandise moves. Although the channels of trade are similar, ferrite head cores differ from ferrite cores in their physical characteristics, ultimate use, and in customer expectations. Based on these considerations, we conclude that such merchandise is not subject to the finding.

Final Results of the Review

After analysis of the comments received, the final results of review for eight of the firms are the same as those presented in our preliminary results of review, and we determine that the following weighted-average margins exist:

Manufacturer/exporter	Time period	Margin
TDK Electronics Co., Ltd	3/1/80–2/28/81	[illegible]
TDK/Sanyo Electric Trading Co., Ltd	4/7/79–2/28/81	0
TDK/Matsushita Electric Trading Co., Ltd	4/1/79–2/29/80	0.34
	3/1/80–2/28/81	0
Mitsubishi Electric Co	4/1/79–2/28/81	0
Mitsubishi Electric/Sanyo Electric Trading Co., Ltd	4/1/79–2/28/81	[illegible]
Tomita Electric Co., Ltd	3/1/80–2/28/81	[illegible]
Taiyo Yuden Co., Ltd	3/1/80–2/28/81	28.0
Tohoku Metal Industries	3/1/80–2/28/81	[1]28.0
Fuji Electrochemical Co., Ltd	3/1/80–2/28/81	[1]28.0

[1]No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the most recent of the above margins shall be required on all shipments of Japanese ferrite cores (of the type used in consumer electronic products) from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For the five firms deferred until our next administrative review, the cash deposit rate will be the most recent rate for each of the five firms. For any shipment from a new exporter not covered in this review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments, that is, 0 percent. These deposit requirements will remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review as soon as possible after publication of this notice.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(A)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(A)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 24, 1983.

[FR Doc. 83-8317 Filed 3-30-83; 8:45 am]

BILLING CODE 3510-25-M

[A-428-022]

Pig Iron From West Germany; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination to Revoke

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination to Revoke.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from West Germany. The review covers the three known exporters of this merchandise to the United States and the period July 1, 1981 through June 30, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

As a result of the review, the Department has tentatively determined to revoke the finding. There have been no shipments of this merchanise to the United States for at least eight years, and the last sales by each firm were at not less than fair value. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Alfredo Montemayor or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–3601.

SUPPLEMENTARY INFORMATION:

Background

On February 4, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 5260) the final results of its last administrative review of the antidumping finding on pig iron from West Germany (46 FR 42316, July 24, 1971) and announced its intent to conduct the next administrative review by the end of July 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated.

The Department knows of three exporters of West German pig iron to

the United States. The three firms are Metallhuttanwerke G.m.b.H., Rheinstahl, A.G., and Duisburger Kupferhutte. The review covers the period July 1, 1981 through June 30, 1982. There were no known shipments to the United States during the period and there are no known unliquidated entries.

Preliminary Results of Review and Tentative Determination to Revoke

There have been no shipments of this merchandise to the United States for at least eight years and the last shipments by each firm were at not less than fair value. We are satisfied that there is no likelihood of resumption of sales of this merchandise to the U.S. at less than fair value. In accordance with § 353.54(c) of the Commerce Regulations, we tentatively determine on our own initiative to revoke the finding on pig iron from West Germany. If this revocation is made final, it will apply to all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results and tentative determination within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review, tentative determination to revoke, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 25, 1983.

[FR Doc. 83-8318 Filed 3-30-83; 8:45 am]

BILLING CODE 3510-25-M

[A-405-071]

Viscose Rayon Staple Fiber from Finland, Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from Finland. The review covers the only known exporter of this merchandise to the United States, Kemira Oy Sateri, and the period March 1, 1981 through February 28, 1982. The review indicates the existence of no dumping margins for the period.

As a result of the review, the Department has preliminarily determined not to assess dumping duties on entries with purchase dates during the period of review nor to require cash deposits of estimated antidumping duties on future entries.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Michael R. Cox or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On October 8, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 49937) the final results of its last administrative review of the antidumping finding on viscose rayon staple fiber from Finland (44 FR 17156, March 21, 1979) and announced its intent to conduct the next administrative review by the end of March 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of viscose rayon staple fiber (except solution dyed) in noncontinuous form, not carded, not combed, and not otherwise processed, wholly or filaments (except laminated filaments and plexiform filaments). This merchandise is currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated.

The review covers the one known exporter of Finnish viscose rayon staple fiber to the United States, Kemira Oy Sateri, and the period March 1, 1981 through February 28, 1982.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act, since all sales were made to unrelated purchasers in the United States prior to the date of importation. Purchase price was based on the duty paid delivered price with deductions, where applicable, for U.S. and Finnish inland freight, ocean freight, marine insurance, customs duties, a sales commission to an unrelated party and f.o.b. charges. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the ex-factory, packed price with adjustments, where applicable, for a cash discount, differences in moisture content, and indirect selling expenses to offset U.S. commissions paid to an unrelated party, in accordance with section 353.15 of the Commerce Regulations. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that no dumping margins exist for the period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall instruct the Customs Service not to assess dumping duties on the one known shipment with a purchase date during the period of review. The Department will issue appraisement instructions directly to the Customs Service.

Further, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on shipments of Finnish viscose rayon staple fiber entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. No cash deposit shall be required for any shipment from a new exporter not

covered in this or prior reviews, whose first shipments occurred after the most recent period reviewed and who is unrelated to any reviewed firm. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 28, 1983.

[FR Doc. 83-8319 Filed 3-30-83; 8:45 am]

BILLING CODE 3510-25-M

Certain Fasteners from Japan; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain fasteners from Japan. The review covers the period January 1, 1981 through December 31, 1981. As a result of this review, the Department has preliminarily determined the amount of the aggregate net subsidy to be 0.21 percent of the f.o.b. invoice price of the merchandise. The Department considers this rate to be *de minimis*. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth K. Haldenstein or Joseph A. Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 4884) the final results of its last administrative review of the countervailing duty order on certain fasteners from Japan (42 FR 23147, May 6, 1977; 44 FR 31972, June 4, 1979) and announced its intent to conduct the next administrative review by the the end of May 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are all fasteners currently classifiable under items 646.5400 and 646.5600, and non-metric fasteners currently classifiable under items 646.1700, 646.4000, 646.4100, 646.4920, 646.4940, 646.5100, 646.5300, 646.5800, 646.6020, 646.6040, 646.6320, 646.6340, 646.6500, 646.7200, 646.7400, 646.7500, 646.7600 and 646.7800 of the Tariff Schedules of the United States Annotated. The review covers the period January 1, 1981 through December 31, 1981, and two programs found countervailable in the final determinations plus other lending programs that were included in our last review.

These programs are: (1) The deferral of income taxes on export earnings under the Overseas Market Development Reserve ("OMDR"), (2) benefits received under the "Temporary Measures Act for Small and Midsized Businesses with Regard to the High Yen Exchange Market" ("High Yen Law"), and (3) other loans given at preferential rates by the People's Finance Corporation, the Bank of Commerce and Industrial Cooperatives, the Small Business Finance Corporation, and the Japan Development Bank.

Analysis of Programs

(1) OMDR.

The OMDR program is offered by the Japanese government to firms with a total capitalization of 500 million yen, or less. The program allows a firm the opportunity to set aside a portion of income earned on overseas operations. The amount set aside escapes taxation for up to 5 years. Twenty percent of the amount set aside must be returned to taxable income each year, and the total amount must be returned by the end of the fifth year. We have treated the taxes owed on these amounts set aside as zero interest loans made by the government, and have calculated the benefit under the OMDR program to be 0.19 percent *ad valorem*.

(2) High Yen Law.

During the period of review, the fastener industry took advantage of two of the three methods of assistance available under the High Yen Law during the period, loans at preferential rates and deferment of repayment of those loans. The third method of assistance, special government credit guarantees, was not used by the fastener industry. We have calculated the aggregate benefit derived from the High Yen Law to be 0.02 percent *ad valorem*.

(3) Other Preferential Loan Programs.

Based on information received from the Japanese government we find that there were no preferential loans given to the fastener industry during the period of review by the People's Finance Corporation, the Bank of Commerce and Industrial Cooperatives, the Small Business Finance Corporation or the Japan Development Bank.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the aggregate net subsidy conferred during the period by the programs cited above is 0.21 percent *ad valorem*. We consider this rate, since it is less than 0.5 percent *ad valorem*, to be *de minimis*.

Accordingly, the Department intends to instruct the Customs Service to liquidate shipments of this merchandise exported on or after January 1, 1981 and on or before December 31, 1981 without regard to countervailing duties.

Further, the Department intends to instruct the Customs Service to continue to waive the collection of a cash deposit of estimated countervailing duties, as provided for by section 751(a)(1) of the Tariff Act, on all shipments of such Japanese fasteners entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: March 25, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-8321 Filed 3-30-83; 8:45 am]

BILLING CODE 3510-25-M

Leather Wearing Apparel From Mexico; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On January 21, 1983, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review of the countervailing duty order on leather wearing apparel from Mexico. The review covers the period January 14, 1981 through December 31, 1981. The notice stated that the Department had preliminarily determined the amount of net bounty or grant to be zero for three firms and 13.35 percent *ad valorem* for all other firms.

Interested parties were invited to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as those presented in the preliminary results.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Stephen Nyschot or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786..

SUPPLEMENTARY INFORMATION:

Background

On January 21, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 2810) the preliminary results of its administrative review of the countervailing duty order on leather wearing apparel from Mexico (46 FR 21357, April 10, 1981). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are currently classifiable under items 791.7620, 791.7640 and 791.7660 of the Tariff Schedules of the United States Annotated. These products include leather coats and jackets for men, boys, women, girls and infants, and other leather apparel products including leather vests, pants and shorts. Also included are outer leather shells and parts and pieces of leather wearing apparel. The review covers the period January 14, 1981, the date liquidation was suspended in the preliminary affirmative determination (46 FR 21357), through December 31, 1981, and three programs: CEDI, the countervailable program cited in the final determination, as well as FOMEX and CEPROFI, two programs found countervailable in the final determination on ceramic tile from Mexico.

Final Results of the Review

Interested parties were invited to comment on our preliminary results. We received no comments. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review. We determine that the total bounty or grant for the period was zero for the firms of Elegance de Baja California, S.A. ("Elegance"), Karen International, S.A. de C.V. ("Karen"), and Manufacturas Industriales de Nogales, S.A. ("M.I.N.S.A."), and 13.35 percent of the f.o.b. invoice price for all other firms.

Section 707 of the Tariff Act of 1930 ("the Tariff Act") provides that the difference between the deposit of an estimated countervailing duty and the final assessed duty under a countervailing duty order shall be disregarded to the extent that the estimated duty is less than the final assessed duty, and refunded to the extent that the estimated duty is higher than the final assessed duty, for merchandise entered, or withdrawn from warehouse, for consumption before the date of the countervailing duty order. The amount of estimated countervailing duty under the preliminary determination of January 14, 1981 was 5.2 percent. Accordingly, the Department will instruct the Customs Service to assess no countervailing duties on shipments of this merchandise from Elegance, Karen or M.I.N.S.A. which were entered, or withdrawn from warehouse, for consumption on or after January 14, 1981, and exported on or before December 31, 1981; to assess countervailing duties of 5.2 percent of the f.o.b. invoice price on shipments from all other firms entered, or withdrawn from warehouse for consumption on or after January 14, 1981 but prior to April 10, 1981; and to assess countervailing duties of 13.35 percent of the f.o.b. invoice price on shipments from such other firms entered, or withdrawn from warehouse, for consumption on or after April 10, 1981 and exported on or before December 31, 1981.

The Mexican government suspended the CEDI program effective August 26, 1982, and this merchandise is not eligible for benefits under the CEPROFI program. Thus, the only program currently in effect for this merchandise is the FOMEX loan program. Therefore, the Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of zero on shipments of this merchandise from Elegance, Karen or M.I.N.S.A. and 3.35 percent of the f.o.b. invoice price on shipments from all other firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department will begin immediately to conduct the next administrative review of this order.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: March 25, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–8320 Filed 3–30–83; 8:45 am]

BILLING CODE 3510–25–M

Ceramic Tile From Mexico; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of Administrative review of countervailing duty order.

SUMMARY: On November 24, 1982, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review of the countervailing duty order on ceramic tile from Mexico. The review covered 12 of the exporters of this merchandise to the United States and the period February 23, 1982 through March 31, 1982. The notice stated that the Department had preliminarily determined the amount of net bounty or grant for these firms to be zero.

Interested parties were invited to comment on the preliminary results. After review of all comments received, the final results of the review remain unchanged from those presented in the preliminary results.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Stephen Nyschot or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of

Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On November 24, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 53087) the preliminary results of its administrative review of the countervailing duty order on ceramic tile from Mexico (47 FR 20013, May 10, 1982). The Department has now completed that administrative review.

Scope of the Review

The merchandise covered by the review is ceramic tile from Mexico, including non-mosaic, glazed and unglazed ceramic floor and wall tile. Such merchandise is currently classifiable under items 532.2400 and 532.2700 of the Tariff Schedules of the United States Annotated.

The review covers the period from February 23, 1982, the date liquidation of entries was suspended in the preliminary affirmative determination (47 FR 7866), through March 31, 1982 and the three countervailable programs cited in the Department's order: CEDI, FOMEX and CEPROFI. The review is limited to the following 12 exporters:

Ladrillera la Casa, S. de R.L. (Sr. Reynaldo Gutierrez);
Terracon, S.A.;
Reynold Martinez Chapa;
J. Antonio Lara Luna;
J. Federico Lara Luna;
Teofilo Covarrubias Villarreal;
Ricardo C. Martinez;
Norberto Cortez Gonzales;
Victor Hugo Arreolo;
Juan M. Rodriquez Benavidez;
Ceramica Sante Fe, S.A.; and
Prodiba, S.A.

Analysis of Comments Received

The Department received a number of comments prior to publication of the preliminary results. The comments and our initial responses were set out in the preliminary results notice. Interested parties were invited to comment on our positions and on other aspects of our preliminary results. We received elaboration on some of the first issues but our positions on those issues are unchanged.

Only one other issue was raised:

Comment: The petitioner, the Tile Council of America, Inc., argues that the Mexican firms covered by this review did not meet the time limit specified in section 355.38 of the Commerce Regulations for exclusion from the order, that is, a firm may be excluded from an order if it files a request for exclusion within 30 days after publication of the notice of initiation of countervailing duty investigation.

Department's Position: These firms are not being excluded from the order, but are only receiving zero assessment and duty deposit rates. They remain subject to administrative reviews.

Final Results of the Review

After consideration of all comments received, the final results of our review are the same as those presented in the preliminary results of review. We determine that there was no net bounty or grant conferred on the 12 firms during the period of review.

Accordingly, the Department will instruct the Customs Service not to assess countervailing duties on shipments of this merchandise from the 12 firms entered, or withdrawn from warehouse, for consumption on or after February 23, 1982 and exported on or before March 31, 1982.

Further, the Department will instruct the Customs Service not to collect a cash deposit of estimated countervailing duties, as provided for by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), on shipments of this merchandise from the 12 firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This zero deposit requirement shall not affect the zero deposit rate already established for the firm of Jesus Garza Arocha, nor shall it affect the existing 15.84 percent deposit rate for all other firms, and it shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review for all firms by the end of May 1983.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: March 25, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–8322 Filed 3–30–83; 8:45 am]

BILLING CODE 3510–25–M

Applications for Duty-Free Entry of Scientific Instruments; University of Texas Medical School, et al

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States. Comments must be filed in accordance with § 301.5(a)(3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, Room 1523, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 83–154. Applicant: University of Texas Medical School, Psychiatry MSMB/5.226, 6431 Fannin, Houston, TX 77030. Instrument: Scanner Densitometer (Monochromator Version) Model #75611 HPTLC and Linear Developing Chamber, #28510. Manufacturer: CAMAG, Switzerland. Intended use of Instrument: The instrument is intended to be used as part of an analytical system which allows the quantitation of a wide variety of substances, and which involves the usage of high-performance thin layer chromatography (HPTLC). Initial plans for usage of the instrument include quantitation of blood levels of psychoactive drugs for research purposes, as well as determination of blood amino acid levels of patients participating in an alcoholism study. Application received by Commissioner of Customs: March 14, 1983.

Docket No. 83–155. Applicant: University of Illinois at Chicago, Department of Physics, P.O. Box 4348, Chicago, Ill 60680. Instrument: X-Ray to Visible Streak Camera System, X500, including Conversion Kit. Manufacturer: Hadland Photonics Inc., United Kingdom. Intended use of instrument: The instrument is intended to be used in the development of a laser system which

emits light pulses of extremely short duration (10^{-11} sec) which are used to generate high intensity coherent radiation in the extreme ultravoiolet region (XUV) between 10 and 100 nm wavelength. Radiation in this wavelength range will be used to address basic spectroscopic problems like e.g. the innershell or multiple electron exictations in rare gases, surface studies with high time resolution using photoelectron spectroscopy, and halographic imaging of small structures. Application received by Commissioner of Customs: March 16, 1983.

Docket No. 83–156. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Instrument: Electron Probe X-Ray Microanalyzer Model #JXA–733 with Accessories. Manufacturer: JEOL, Inc., Japan Intended use of instrument: The instrument is to be used for the following projects:

(1) Research and develop new plutonium alloys with unique structure/property relationships for nuclear devices.

(2) Research liquid metal dissolution phenomena associated with plutonium and uranium alloys and to study and develop better confinement materials for crucibles and other containment vessels for these liquid metals.

(3) Research studies of ceramic and refractory metals being formulated as both bulk materials and coatings used in plutonium and uranium processing and fabrication.

(4) Study of materials being developed for use in isotope separation experiments where both liquid metal and vapor resistant materials must be developed.

(5) Research new and better fabrication procedures intended to reduce inclusion contents in plutonium and its alloys, and to refine the structures of plutonium and its alloys for improved properties.

(6) Studies of mixed salt formations and processing, and ion implanted and laser modified surfaces designed to impart unique surface properties while maintaining bulk properties.

Application received by Commissioner of Customs: March 17, 1983.

Docket No.: 83–157. Applicant: Rowland Institute for Science, Inc., 100 Cambridge Parkway, Cambridge, MA 02142. Instrument: Analytical Electron Microscope, Model #JEM–1200EX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: The instrument is intended to be used to evaluate the structure and composition of solid surfaces prior to their use in surface physics experiments. The surfaces to be studied will include metal, semiconductor and insulator materials. Application received by Commissioner of Customs: March 17, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 83–8356 Filed 3–30–83; 8:45 am]

BILLING CODE 3510–25–M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes; Veterans' Administration Medical Center, et al.

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 83–76. Applicant: Veterans' Administration Medical Center, 500 Foothill Road, Salt Lake City, UT 84148. Instrument: Electron Microscope JEM–100CX/SEG/SQH, 100KV with Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: See Notice on page 56534 in the Federal Register of December 17, 1982. Application received by Commissioner of Customs: November 19, 1982.

Docket No.: 83–77. Applicant: University of Connecticut, Institute of Materials Science, U–136, Storrs, Connecticut 06268. Instrument: Electron Microscope EM 420 with Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of instrument: See Notice on page 57981 in the Federal Register of December 29, 1982.Application received by Commissioner of Customs: November 23, 1982.

Docket No.: 83–84. Applicant: University of Utah, Department of Materials Science & Engineering, Salt Lake City, UT 84112. Instrument: Electron Microscope, Model JEM–200CX with Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: See Notice on page 56534 in the Federal Register of December 17, 1982. Instrument Ordered: October 13, 1982.

Docket No.: 83–96. Applicant: U.S. Army Aeromedical Research Laboratory, P.O. Box 577, Fort Rucker, AL 36362. Instrument: Electron Microscope, EM 10C. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See Notice on page 2812 in the Federal Register of January 21, 1983. Instrument ordered: September 30, 1982.

Docket No.: 83–97. Applicant: Loyola University of Chicago, Department of Anatomy, Stritch School of Medicine, 2160 South First Avenue, Maywood, IL 60153. Instrument: Electron Microscope, Model H–600–3. Manufacturer: Hitachi, Japan. Intended use of instrument: See Notice on page 2812 in the Federal Register of January 21, 1983. Instrument ordered: August 27, 1982.

Docket No.: 83–98. Applicant: University of Southern California, Department of Materials Science VHE 602, Los Angeles, CA 90089–0241. Instrument: Electron Microscope, EM 420 and Accessories. Manufacturer: Philips Electronic Instruments Incorporated, The Netherlands. Intended use of instrument: See Notice on page 2812 in the Federal Register of January 21, 1983. Instrument Ordered: December 9, 1982.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. Reasons: Each foreign instrument to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each instrument establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each insirument described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign instruments to which the foregoing applications relate, for such purposes as these instruments are intended to be used, which was being manufactured in the United States either at the time of order or at the time of

receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-8357 Filed 3-30-83; 8:45 am]

BILLING CODE 3510-25-M

Discrete Semiconductor Device Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee.

The Discrete Semiconductor Device Subcommittee was formed to study transistor, diode, photoconductive, and thyristor semiconductor devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

Time and Place: April 19, 1983, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 1092, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230; telephone: 202-377-2583.

Dated: March 28, 1983.

Richard Isadore,

Acting Deputy Director, Office of Export Administration.

[FR Doc. 83-8358 Filed 3-30-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending the Bilateral Wool and Man-Made Fiber Agreement With the Socialist Republic of Romania; Correction

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: On February 28, 1983 a notice was published in the **Federal Register** (48 FR 8325) amending the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania to change the agreement year to a calendar year, beginning with the twelve-month period which began on January 1, 1983. The level of restraint established for man-made fiber textile products in Category 643/644 during that twelve-month period was incorrectly stated in the letter to the Commissioner of Customs of February 22, 1983, which followed that notice, and should have read as follows:

Category	12-mo level of restraint [1] (dozen)
643/644 pt. [2]	28,092

[1] In Category 643/644, only T.S.U.S.A. numbers 379.3160, 379.6976, 379.9560, 379.9565, 383.2230, 383.5382, and 383.9060.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-8251 Filed 3-30-83; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Contract Market Rules; Proposed Disapproval Chicago Board of Trade; Extension of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period.

SUMMARY: On January 25, 1983, the Commodity Futures Trading Commission, (Commission") published in the **Federal Register** a Notice of Proposed Disapproval of Contract Market Rules. 48 FR 3395. In that Notice the Commission set forth proposed grounds for disapproval of proposed Chicago Board of Trade Rules 353 and 354. Rule 353 would require that any person who executed trades for others on the floor of the Exchange be compensated on a per-contract basis, and would prohibit compensation on a salaried basis. Proposed Rule 354 would restrict those individuals who do not have a substantial personal equity interest in a membership to executing trades for their personal accounts only. The comment period on the proposed disapproval of CBT Rules 353 and 354 will expire March 28, 1983. By letter dated March 23, 1983, CBT requested that the comment period be extended for two weeks to April 11, 1983 so that it may fully respond to all of the issues raised in the Commission's January 25 Notice. The Commission has determined to grant CBT's request to extend the comment period to April 11.

DATE: The comment period has been extended through April 11, 1983.

ADDRESS: Interested persons should submit comments to Commodity Futures Trading Commisison, 2033 K Street, NW., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Karen Matteson, Attorney Advisor, Division of Trading and Markets, at the above address. Telephone (202) 254-8955.

Issued in Washington, D.C. on March 25, 1983 by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-8300 Filed 3-30-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 29, 1983.

The USAF Scientific Advisory Board Supportability Panel for the Advanced Tactical Fighter (ATF) Technology will meet at the Pentagon, Washington, DC, on April 15, 1983. The purpose of the meeting will be to review the anticipated ATF requirements and their reliance on specific technologies that show promise for supportability enhancements. The meeting will convene at 8:00 a.m. and adjourn at 5:00 p.m.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–8561 Filed 3–30–83; 8:45 am]

BILLING CODE 3910–01–M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement for the Similkameen River Hydropower Feasibility Study

AGENCY: U.S. Army Corps of Engineers, Seattle District.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS) for feasibility of a multiple-purpose dam and reservoir on the Similkameen River, Okanogan County, Washington.

SUMMARY:

1. *Description of Action.* The proposed action conducted under the Columbia River and Tributaries Study is to determine the feasibility of meeting projected electrical energy, irrigation, flood control, fisheries enhancement, and other related water resource needs in the northwest through development of a multipurpose project on the Similkameen River.

2. *Alternatives.* The alternatives consist of four dam and powerhouse locations from just upstream of the railroad bridge on the Similkameen River (river mile (R.M.) 6.6) to Shankers Bend (about R.M. 10.5) which would result in a 1,135- to 1,155-foot pool elevation, 30,000 to 120,000 acre-feet of water storage, and a powerhouse capacity of 30 to 50 megawatts (MW) (250,000 to 350,000 MW hours of annual energy). The Okanogan County Public Utilities District No. 1, Oroville and Tonasket Irrigation District, and Okanogan County are local project sponsors. Other alternatives consist of construction of a smaller dam or several small dams along the Similkameen River, development of existing Enloe Dam, utilizing the Oroville and Tonasket Irrigation District canal for hydropower generation, increased water storage at Palmer Lake, and construction of a coal-fired electrical generation plant.

3. *Public Involvement and Review.* The scoping process includes coordination with Federal, state, and local agencies as well as interested individuals and organizations. A coordination letter describing the study and requesting responses will be sent to interested agencies and groups in the spring of 1983. Workshops and agency meetings will be scheduled throughout the feasibility study. A final public meeting is scheduled for the summer of 1985.

4. *Significant Issues.* Significant issues to be analyzed include the following:

a. Specific dam locations are being investigated in relationship to dam purposes and potential impacts from construction and operation.

b. A major environmental concern to be analyzed is the impact of a new dam on salmon spawning grounds existing below Enloe Dam.

c. A measure recommended by the Northwest Power Planning Council is to develop salmon passage at Enloe Dam. During feasibility studies, the Corps of Engineers would consider this measure and might include it as a project purpose.

5. *Other Environmental Review and Consultation Requirements.* The study is being coordinated with the U.S. Fish and Wildlife Service and will satisfy requirements of the Fish and Wildlife Coordination Act and Section 7(c) of the Endangered Species Act. Under requirements of the Clean Water Act (Pub. L. 92–500, as amended) a Section 404(b)(1) Evaluation will be prepared to evaluate potential impacts on the Similkameen River aquatic ecosystem resulting from discharges of dredge or fill material.

6. *Draft EIS Availability.* The DEIS for the study is scheduled to be available for review in the summer of 1985.

ADDRESS: Questions and/or comments on this proposed action and DEIS should be directed to: Gail Arnold, Environmental Resources Section, U.S. Army Corps of Engineers, Post Office Box C–3755, Seattle, Washington 98124, Attention, NPSEN-PL-ER, Telephone: (206) 764–3624 (FTS 399–3624).

Dated: March 18, 1983.

Norman C. Hintz,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83–8365 Filed 3–30–83; 8:45 am]

BILLING CODE 3710–ER–M

Department of the Navy

Academic Advisory Board to the Superintendent; United States Naval Academy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1), notice is hereby given that the Academic Advisory Board to the Superintendent, United States Naval Academy, will meet on April 27, 1983, in Rickover Hall, Room 301, United States Naval Academy, Annapolis, Maryland. The meeting will commence at 8:30 a.m. and terminate at 3:00 p.m.

The purpose of the meeting is to advise and assist the Superintendent of the Naval Academy concerning the education of midshipmen. To accomplish this objective, the Board will review academic policies and practices of the Naval Academy and will submit their proposals to the Superintendent to aid him in improving educational standards and in solving Academy problems.

For further information concerning this meeting contact: Major Timothy J. Hannigan, USMC, Military Secretary to the Academic Advisory Board, Office of the Academic Dean, United States Naval Academy, Annapolis, Maryland 21402. Telephone: (301) 267–2500.

Dated: March 28, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U. S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83–8323 Filed 3–30–83; 8:45 am]

BILLING CODE 3810–AE–M

Secretary of the Navy's Advisory Committee on Naval History; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Secretary of the Navy's Advisory Committee on Naval History will meet on May 12, 1983, at 10:00 a.m. in the Dudley Knox Center for Naval History Conference Room, second floor, Building 57, Washington Navy Yard, Washington, D.C.

The purpose of the meeting is to review naval historical activities since the last meeting of the Advisory Committee in November 1981 and to

make comments and recommendations on these activities to the Secretary of the Navy.

Public attendance, depending on available space, may be limited to those persons who have given written notice at least five days prior to the meeting of their intention to attend.

Any person desiring information about the Secretary of the Navy's Advisory Committee on Naval History may write to the Director of Naval History, Washington Navy Yard, Washington, D.C. 20374.

Dated: March 28, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83-8324 Filed 3-30-83; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Public Information Collection Requirement; Request Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following request for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New

ASVAB High School Marketing Program—Phase II Evaluation

High school counselors' and administrators' perceptions of the ASVAB Institutional Testing Program and its personnel will be collected as part of the evaluation of the Centralized Marketing System, which has been instituted in 17 of 68 MEPS. Perception in schools with and without the new system will be compared.

High school principals, counselors, and school superintendents; 5,000 responses; 2,500 burden hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mr. John V. Wenderoth, DoD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, DC 20301, telephone (202) 697-1195.

A copy of the information collection request may be obtained from Mr. Robert L. Newhart, OASD, MRA&L(PI), Room 3C809, Pentagon, Washington, DC 20301, telephone (202) 695-0643. This survey is under contract.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 25, 1983.

[FR Doc. 83-8288 Filed 3-30-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Vocational Education; Hearings

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of hearings.

SUMMARY: This notice sets forth the schedule of five regional forums on Business and Vocational Education, conducted by the National Advisory Council on Vocational Education, in cooperation with the National Commission for Employment Policy, and the State Advisory Councils on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend.

DATES: April 12—Dallas, TX; April 21—Atlanta, GA; May 3—San Francisco, CA; May 19—Chicago, IL; May 24—Boston, MA.

All meetings will be from 9:00 AM to 4:30 PM.

ADDRESSES: Union Tower Complex, Room 700, Pacific & Akard Sts., Dallas, TX (4/12/83). Georgia World Congress Center, Room 311, 285 International Blvd., NW., Atlanta, GA (4/21/83).

The addresses of the May meetings will be published in a future edition of the **Federal Register**, as soon as locations are confirmed.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90-576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs is meeting the purpose for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title and other pertinent laws) to the President, Congess, and Secretary;

(C) Make such other reports or recommendations to the President, Congress, Secretary, or head of any other Federal department or agency as it may deem desirable;

(D) Conduct such studies, hearings, or other activities as it deems necessary to enable it to formulate appropriate recommendations.

The five regional forums are open to the public. The purpose of the Forums is to hear from representatives of the private sector regarding their views on the condition of vocational education. The Forums will elicit business community perspectives on the effectiveness of vocational education at the secondary and postsecondary levels, the ability of vocational education to respond to changes in technology and training methods, the degree to which business works with vocational education to help upgrade program and instruction, examples of good working relationships and cooperative efforts between business and education, and other education/business linkages.

The hearing panel at each Forum will be made up of Members of the National Advisory Council on Vocational Education, the National Commission for Employment Policy, and State Advisory Councils.

Upon completion of the Forums, the National Advisory Council on Vocational Education will prepare a report with findings and recommendations drawn from the proceedings.

Records are kept of the Council's proceedings and are available for public inspection at the office of the National Advisory Council on Vocational Education from 9:00 AM to 5:00 PM, 425 13th St., NW., Suite 412, Washington, DC, 20004.

FOR FURTHER INFORMATION CONTACT: Virginia Solt, NACVE Staff, at above address. Telephone: (202) 376-8873.

Signed at Washington, DC on March 28, 1983.

James W. Griffith,

Executive Director, National Advisory Council on Vocational Education.

[FR Doc. 83-8403 Filed 3-30-83; 8:45 am]

BILLING CODE 4000-01-M

Regional Education Programs for Handicapped Persons

AGENCY: Department of Education.

ACTION: Application Notice for Transmittal of Applications for Fiscal Year 1983; Establishment of a Funding Priority and Regional Competitions.

Applications are invited for new awards under the Regional Education Programs for Handicapped Persons program.

Authority for this program is contained in Section 625 of the Education of the Handicapped Act. (20 U.S.C. 1424a)

This program issues awards to institutions of higher education, including community and junior colleges, vocational-technical institutions, and other appropriate non-profit educational agencies.

The purpose of this program is to support the development and operation of specially designed or modified programs of vocational-technical, postsecondary or adult education for deaf or other handicapped persons.

Closing Date for Transmittal of Applications: Applications for awards must be mailed or hand-delivered by May 16, 1983.

Program Information: For these awards, the Secretary intends to grant an absolute priority to regional programs serving deaf persons. This priority is consistent with the past history of this program as contemplated by the Congress. *See* H.R. Rep. No. 805, 93rd Cong., 2d Sess. 65-66 (1974); S. Rep. No. 124, 95th Cong., 1st Sess. 6-7 (1977); H.R. Rep. No. 268, 95th Cong., 1st Sess. 8 (1977); H.R. (Conference) Rep. No. 538, 95th Cong., 1st Sess. 17 (1977); H.R. Rep. No. 251, 97th Cong., 1st Sess. 98 (1981). For FY 1983, the Congress has again expressed the expectation that funds will be awarded to regional programs serving deaf students, but, for the first time, on a competitive basis. *See* S. Rep. No. 581, 97th Cong., 2d Sess. 6-7 (1982); S. Rep. No. 680, 97th Cong., 2d Sess. 114 (1982).

In addition, the Secretary intends to issue awards on the basis of geographical regions, as listed below. The making of awards on a regional basis is contemplated by the authorizing legislation and is consistent with program history. *See also* S. (Conference) Rep. No. 1026, 93d Cong., 2d Sess. 194 (1974). Each application will be considered in competition with those of applicants from the same region. The Secretary intends to make two awards per region, but will not make any award for a region for which he determines that no application is of sufficient quality to merit approval. The regions are: *Western Region:* Alaska, American Samoa, Arizona, California, Colorado, Guam, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Northern Marianas, Oklahoma, Oregon, South Dakota, Texas, Trust Territories of the Pacific Islands, Utah, Washington, and Wyoming; and *Eastern Region:* Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, South Carolina, Rhode Island, Tennessee, Vermont, Virginia, Virgin Islands, West Virginia, and Wisconsin.

(20 U.S.C. 1424a)

Waiver of Rulemaking

In order to ensure that services will be available to students during the summer of 1983, awards under this notice are scheduled to be made not later than June 30, 1983. To meet this schedule, the closing date for applications under this competition is May 16, 1983. Until the recent passage of the continuing resolution authorizing appropriations for Fiscal Year 1983 (Pub. L. 97-377), however, the Department was unsure what direction the Congress would provide with respect to these awards. Accordingly, in view of the limited time available for making awards, and in light of the program history and Congressional expectations described above, the Secretary finds that publication of a proposed rule regarding the funding priority and the composition of the two regions would be impracticable and contrary to the public interest within the meaning of 5 U.S.C. 553(b).

(5 U.S.C. 553(b); 20 U.S.C. 1424a)

Effective Dates: Unless the Congress takes certain adjournments, the establishment of a funding priority and the composition of the two regions will take effect 45 days after publication in the **Federal Register**. If you want to know the effective date, call or write the Department of Education contact person.

Available Funds: An applicant for a new grant may propose a project period of up to 36 months. Approximately $1.6 million is available for these awards for Fiscal Year 1983. The average grant for the first twelve months is expected to be approximately $400,000. The Department will award an additional $500,000 under Section 625 for noncompeting continuation projects. A notice inviting applications for those awards was published on August 3, 1982 (47 FR 38384). These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages will be mailed to eligible applicants or can be obtained by writing to the Regional Education Programs for Handicapped Persons, Special Education Programs, Department of Education, 400 Maryland Avenue, S.W. (Room 4920, Donohoe Building), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package.

The Secretary urges that applicants not submit information that is not requested. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

Applications Delivered by Mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.078, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly

provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily except Saturdays, Sundays, and Federal holidays. An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Regional Education Program for Handicapped Persons (34 CFR Part 338), and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

FOR FURTHER INFORMATION CONTACT: Joseph Rosenstein, Regional Education, Special Education Programs, Department of Education, 400 Maryland Avenue, S.W., Room 4920, Donohoe Building, Washington, D.C. 20202; telephone: (202) 472–4660.

(20 U.S.C. 1424a)

(Catalog of Federal Domestic Assistance No. 84.078, Regional Education Programs)

Dated: March 23, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83–8233 Filed 3–30–83; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Energy Research

DOE/NSF Nuclear Science Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee (NSAC).

Date and Time: Friday, April 22, 1983—9:00 a.m.–10:00 p.m. and Saturday, April 23, 1983—9:00 a.m.–6:00 p.m.

Place: U.S. Department of Energy, Room 1E–245, Forrestal Bldg., 1000 Independence Ave., SW., Washington, DC 20585.

Contact: John R. Erskine, U.S. Department of Energy, Division of Nuclear Physics (ER–23), Washington, DC 20545, Telephone: 301–353–3613, FTS 233–3613.

Purpose of the Committee: To provide advice to the Department of Energy and the National Science Foundation on the management of and long range planning for basic nuclear research programs.

Tentative Agenda:

- Discussion of the report of the Panel on Electron Accelerator Facilities
- Planning for revision of the Long Range Plan
- Public Comment (10 Minute Rule)

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact John Erskine at 301–353–3613. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Freedom of Information Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on March 28, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83–8335 Filed 3–30–83; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Mustang Fuel Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Mustang Fuel Corporation and its subsidiary, Mustang Gas Products Company, (Mustang) and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by: May 2, 1983.

ADDRESS: Send comments to: John W. Sturges, Director, Tulsa Office, Economic Regulatory Administration, 440 S. Houston, Room 306, Tulsa, OK 74127.

FOR FURTHER INFORMATION CONTACT: John W. Sturges, Director, Tulsa Office, Economic Regulatory Administration, 440 South Houston, Room 306, Tulsa, Oklahoma 74127 (918) 581–7781.

Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On March 11, 1983, the ERA executed a proposed Consent Order with Mustang Fuel Corporation of Oklahoma City, Oklahoma and its subsidiary Mustang Gas Products Company of Oklahoma City, Oklahoma. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the Federal Register requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Mustang Fuel Corporation and its subsidiary Mustang Gas Products Company with their home offices located in Oklahoma City, Oklahoma, are firms engaged in the first sale of crude oil (pipeline condensate) and the resale of crude oil, and were subject to the Federal Petroleum Price and Allocation Regulations at 6 CFR Part 150 and 10 CFR Part 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Federal Petroleum Price and Allocation Regulations and related regulations, 6 CFR Part 150 and 10 CFR Part 212, in connection with Mustang's transactions involving the first sale of crude oil (pipeline condensate) and the resale of crude oil during the period September 1973 through January 27, 1981 ("the period covered by this Consent Order"), the ERA and Mustang entered into a Consent Order, the significant terms of which are as follows:

A. During the period covered by this Consent Order, Mustang produced and sold crude oil (pipeline condensate) and engaged in the resale of crude oil.

B. DOE has alleged that during the period covered by the Consent Order Mustang improperly priced crude oil (pipeline condensate) in its first sales in violation of 6 CFR Part 150 Subpart L and 10 CFR Part 212 Subpart D. In connection with its resale of crude oil, DOE has alleged that during the period

covered by the Consent Order, Mustang certified and sold residual fuel oil as crude oil in violation of 6 CFR Part 150, Subpart L and 10 CFR Part 212, Subparts F and L.

C. The execution of this Consent Order constitutes neither an admission by Mustang nor a finding by DOE of any violation by Mustang of any statute or regulation administered by DOE.

II. Refunds

Under this Consent Order, Mustang will pay the sum of $800,000 including interest within thirty (30) days of the effective date of this Consent Order to the DOE for deposit in a suitable account for ultimate disposition by DOE. ERA will file a Petition for Implementation of Special Refund Procedures with the Office of Hearings and Appeals pursuant to 10 CFR Part 205, Subpart V for the distribution of refunds. As a condition precedent to any claimant's eligibility to receive a refund, the claimant shall be required to waiver and release any and all claims and rights the claimant may have against Mustang with respect to matters covered by the Consent Order. If payment is not made as provided for in the Consent Order, Mustang shall pay installment interest on the unpaid balance from the effective date of the Consent Order until paid at the average prime rate for that calendar quarter and for each subsequent calendar quarter.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on Mustang Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, on May 2, 1983. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Tulsa, Oklahoma on the 15th day of March, 1983.

John W. Sturges,

Director, Tulsa Office, Economic Regulatory Administration.

[FR Doc. 83-8333 Filed 3-30-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-003]

Bethlehem Steel Corp.; Certification of Eligible Use of Natural Gas to Displace Fuel Oil

On February 17, 1983, Bethlehem Steel Corporation (Bethlehem), 8th & Eaton Avenue, Bethlehem, Pennsylvania 18106, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of an eligible use of approximately 5,000 Mcf of natural gas per day which is expected to displace the use of approximately 40,865 gallons (973 barrels) of No 6 fuel oil (1.0 percent sulfur) per day at its Lackawanna Plant in Lackawanna, New York.

The eligible sellers of the natural gas are the N.E.A. Cross Company, R.D. No. 1, P.O. Box 86, Union City, Pennsylvania 16438; Envirogas, Inc., 1 Grimsby Drive, Hamburg, New York 14075; and Keystone Energy Oil and Gas Productions, Inc., 615 Iron City Drive, Pittsburgh, Pennsylvania 15205. The gas will be transported by the National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City Pennsylvania 16301; and by the National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203. Notice of that application was published in the **Federal Register** (48 FR 9685, March 8, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Bethlehem's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Bethlehem's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., March 24, 1983.

James W. Workman

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-8280 Filed 3-30-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-393-000]

American Electric Power Service Corp.; Filing

March 28, 1983.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on March 21, 1983, tendered for filing on behalf of its affiliate Ohio Power Company (OPCO), which is an AEP operating subsidiary, Supplement No. 1, dated February 17, 1983 to the Agreement, dated September 1, 1980 (1980 Agreement), among City of Hamilton, Ohio, American Municipal Power-Ohio, Inc. and OPCO. The Commission has previously designated the 1980 Agreement as OPCO's Rate Schedule FERC No. 75.

AEP states that Section 1 of Supplement No. 1 revises the compensation section of the 1980 Agreement for Transmission Service by increasing the transmission capacity demand charge to $1.50/kw-month and including a 1-mill charge per kilowatt-hour of transmitted energy. These transmission demand charges are utilized just for multi-party transactions and are substantially the same as transmission demand charges presently on file and accepted for filing by the Commission.

AEP requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8345 Filed 3-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-397-000]

American Electric Power Service Corp.; Filing

March 28, 1983.

The filing Company submits the following:

Take notice that on March 21, 1983, American Electric Power Service Corporation (AEP) tendered for filing on behalf of its affiliate Ohio Power Company (OPCO), which is an AEP operating subsidiary, Supplement No. 8, dated February 17, 1983, to the Agreement dated April 1, 1974 between American Municipal Power-Ohio, Inc. (AMPCO) and OPCO. The Commission has previously designated this Agreement as OPCO Rate Schedule FERC No. 74 and AMPCO Rate Schedule FERC No. 1.

AEP states that Sections 1 and 2 of Supplement No. 8 revise the compensation section of Service Schedule E—Transmission Service by increasing the transmission capacity demand charge to $1.50/kW-month and including a 1-mill charge per kilowatt-hour of transmitted energy. Section 3 provides for an increase in the transmission demand charge for Short Term Power to $0.35 per kilowatt per week and Section 4 provides for an increase in the transmission demand charge for Limited Term Power to $1.50 per kilowatt per month. These transmission demand charges are utilized just for multi-party transactions and are substantially the same as transmission demand charges presently on file and accepted for filing by the Commission.

AEP requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8346 Filed 3-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-394-000]

El Paso Electric Co.; Filing

March 28, 1983.

The filing Company submits the following:

Take notice that on March 21, 1983, El Paso Electric Company (El Paso) tendered for filing an initial rate schedule pursuant to a "Power Sales Agreement Between El Paso Electric Company and Imperial Irrigation District" dated September 22, 1982, (Agreement). El Paso states that this Agreement provides for firm power sales by El Paso to Imperial Irrigation District (IID) in varying baseline amounts. The Agreement further provides IID with Interruptible Power, if IID so desires.

EL Paso requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

According to El Paso copies of this filing have been served upon the Public Utility Commission of Texas, the New Mexico Public Service Commission and IID.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8347 Filed 3-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-404-000]

Interstate Power Co.; Filing

March 28, 1983.

The filing Company submits the following:

Take notice that on March 21, 1983, Interstate Power Company (Interstate) tendered for filing an addendum to Interstate Power Company Rate Schedule F.P.C. No. 87. According to Interstate this filing is unilaterally made for application of its transmission adder to those third party purchase and resale transactions allowed under the terms of the agreement.

Interstate requests an effective date of September 2, 1980, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 13, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8348 Filed 3-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-200-000]

Maine Public Service Co.; Refund Report

March 28, 1983.

The filing Company submits the following:

Take notice that on October 14, 1982, Maine Public Service Company submitted for filing a refund report pursuant to the Commission's order issued September 30, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 13, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8349 Filed 3-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-403-000]

Montana Power Co.; Filing

March 28, 1983.

The filing Company submits the following:

Take notice that on March 22, 1983, Montana Power Company (Montana) tendered for filing a Notice of Cancellation of a contract for Economy Energy Brokerage Transactions and Transmission Service between Montana and Western Area Power Administration (WAPA). Montana states that the agreement has expired as of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 13, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8350 Filed 3-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER76-828-007]

Nantahala Power and Light Co.; Filing

March 25, 1983.

The filing Company submits the following:

Take notice that on March 10, 1983, Nantahala Power & Light Company submitted for filing a response to the Commission's deficiency letter dated February 9, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 8, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8351 Filed 3-30-83 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-396-000]

Northern Indiana Public Service Co.; Filing

March 28, 1983.

The filing Company submits the following:

Take notice that on March 21, 1983, Northern Indiana Public Service Company (NIPSCO) tendered for filing proposed changes in its FERC Electric Wholesale Service Tariff, Third Revised Volume No. 1 for service to its one Rural Electric Membership Corporation customer and its nine municipal customers as incorporated in FERC Electric Wholesale Service Tariff, Fourth Revised Volume No. 1. The proposed changes would increase annual revenues from jurisdictional sales and service under the proposed part B rate level by approximately $32,795,637 based on the twelve-month period ending December 31, 1983. NIPSCO proposes that the Part B rates and charges and the terms and conditions of service revised by this filing become effective May 20, 1983. NIPSCO requests that if the Commission's initial analysis indicates that the Part B rate levels should be suspended, the Commission make effective May 21, 1983, Part A rate levels which would increase jurisdictional revenues by approximately $28,464,996 for the twelve months ending December 31, 1983. NIPSCO requests that the Part A rates remain effective during the period of suspension, if any, of the Part B rates.

Copies of the filing were served upon NIPSCO's jurisdictional customers and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8352 Filed 3-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-395-000]

Pacific Power and Light Co.; Filing

March 28, 1983.

The filing Company submits the following:

Take notice that on March 21, 1983, Pacific Power and Light Company (PP&L) tendered for filing an Agreement, dated March 4, 1983, entitled Sale of Facilities, New Construction and Wholesale Power Purchases between PP&L and Montana-Dakota Utilities Co. PP&L states that this Agreement supersedes and terminates PP&L's Rate Schedule FPC No. 129.

PP&L requests an effective date of March 4, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Montana-Dakota Utilities Co. and the Public Service Commission, The State of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8353 Filed 3-30-83; 8:45 am]

BILLING CODE 67-01-M

[Docket No. ER83-402-000]

Public Service Company of New Hampshire; Filing

March 28, 1983.

The filing Company submits the following:

Take notice that on March 22, 1983, the Public Service Company of New Hampshire (PSNH) tendered for filing an initial rate for transmission service to be provided to Commonwealth Electric Company by PSNH over its Pool Transmission Facilities system.

PSNH states that the rate applicable to the provision of transmission service is $8.54 per KW, per year, determined pursuant to the formula contained in FERC Electric Tariff Original Volume No. 1, filed by PSNH on December 7, 1981, as revised, and pursuant to the formula in said Tariff will be updated annually as provided therein.

PSNH requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Commonwealth Electric Company, the New Hampshire Public Utilities Commission and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 13, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene: Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8354 Filed 3-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP82-137-000 and RP83-4-000]

Texas Gas Transmission Corp. and Columbia Gas Transmission Corp. v. Texas Gas Transmission Corp.; Shortening Comment Period

March 25, 1983.

On March 22, 1983, Columbia Gas Transmission Corporation (Columbia) and Texas Gas Transmission Corporation (Texas Gas) filed a motion for a shortening of the period for filing comments on their joint offer of settlement filed March 22, 1983, in the above-docketed proceeding. In their motion, Columbia and Texas Gas request that the comment period be shortened in order to allow for an expeditious resolution of the issues raised in this proceeding.

Upon consideration, notice is hereby given that the period for filing comments is shortened to and including April 4, 1983. Reply comments shall be filed on or before April 11, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8355 Filed 3-30-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of February 11 through February 18, 1983

During the Week of February 11 through February 18, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. A number of submissions which were inadvertently omitted from earlier lists are also included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

March 24, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Feb. 11 through Feb. 18, 1983]

Date	Name and location of applicant	Case No	Type of submission
Feb. 3, 1983	OE/Palo Pinto Oil & Gas, Washington, D.C.	HQF-0014	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would accept second stage refund applications in the refund proceeding involving funds obtained from Palo Oil & Gas (Case No. BEF-0034)
Feb. 8, 1983	OE/Gas Engine & Compressor Service, Longview, Tex.	HQF-0017	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would accept second stage refund applications in the refund proceeding involving funds obtained from Gas Engine & Compressor Service (Case No. BEF-0054)
Do	OE/Loveladdy Oil Co., Center, Tex	HQF-0016	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would accept second stage refund applications in the refund proceeding involving funds obtained from Loveladdy Oil Co. (Case No. BEF-0067)
Do	OE/Worldwide Energy Corp., Denver, Colo	HQF-0015	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would accept second stage refund applications in the refund proceeding involving funds obtained from Worldwide Energy Corp (Case No. BEF-0049)
Feb. 14, 1983	Little American Refining Co./Gulf Oil Corp., Washington, D.C	HEJ-0032	Request for protective order. If granted: Gulf Oil Corp., would enter into a Protective Order with Little America Refining Co., regarding the release of proprietary information to Gulf Oil Corp., in connection with Little America Refining Co.'s year end entitlements review (Case Nos. HYX-0014 and HYX-0008)
Do	OE/Fagadau Energy Corp., Dallas, Tex	HQF-0018	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would accept second stage refund applications in the refund proceeding involving funds obtained from Fagadau Energy Corp (Case No. BEF-0030)
Feb. 15, 1983	Mobil Oil Corp., Washington, D.C	HFA-0119	Appeal of an information request denial. If granted: The January 18, 1983, Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Mobil Oil Corp., would receive access to concise records regarding the Office's documentation in the Amoco Refund Proceeding (Case No. BEF-0007)

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Feb. 11 through Feb. 18, 1983]

Date	Name and location of applicant	Case No	Type of submission
Feb 16, 1983	Cumberland Farms Dairy, Inc., et al., Washington, D.C.	HRD-0109, HRH-0109	Motion for discovery and request for evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the statement of objections submitted in response to the proposed remedial order issued to Cumberland Farms Dairy, Inc., Fireline Petroleum, Inc. and Fireline Petroleum Supply Distribution Co., Inc. (Case No. HRO-0108)
Feb 17, 1983	Texaco, Inc., Washington, D.C.	HRZ-0138	Interlocutory order. If granted: The Office of Hearings and Appeal's Feb. 16, 1983 decision and order (Case No. HRZ-0134) would be modified.

REFUND APPLICATIONS RECEIVED

[Week of Feb. 11 to Feb. 18, 1983]

Date	Name of refund proceeding/Name of refund applicant	Case No.
Feb. 14, 1983	Ada Resources/Herder Truck Lines	RF24-5
Feb. 14, 1983 to Feb. 18, 1983	Amoco refund applications	RF21-2236 through RF21-2572

[FR Doc. 83-8334 Filed 3-30-83; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Availability of a Report Entitled "Summary of the Results of the Evaluation of the WIPP Site and Preliminary Design Validation Program"; Waste Isolation Pilot Plant (WIPP)

AGENCY: Department of Energy.

ACTION: Notice of avaliability of a Report Entitled "Summary of the Results of the Evaluation of the WIPP Site and Preliminary Design Validation Programs."

SUMMARY: The Department of Energy has completed the Site and Preliminary Design Validation (SPDV) phase of the Waste Isolation Pilot Plant (WIPP) project at the Los Medanos site in the Delaware Basis of southeast New Mexico. As a result of completion of the SPDV phase, the Department of Energy announces the availability of a public document entitled "Summary of the Results of the Evaluation of the WIPP Site and Preliminary Design Validation Program" (WIPP-DOE-161), and solicits comments thereon.

DATE: Comments concerning this document must be received on or before May 31 1983.

ADDRESS: Address comments or requests of copies of WIPP-DOE-161 report to: WIPP Project Offices U.S. Department of Energy, P.O. Box 5400, Albuquerque, New Mexico 87115.

FOR FURTHER INFORMATION CONTACT: Roger Dintaman, Deputy Project Manager, WIPP Project Office, U.S. Department of Energy, P.O. Box 5400, Albuquerque, New Mexico 87115 (505) 766-3884.

SUPPLEMENTARY INFORMATION:

The Department of Energy has completed the Site and Preliminary Design Validation (SPDV) phase of the Waste Isolation Pilot Plant (WIPP) project at the Los Medanos site in the Delaware Basin of southeast New Mexico. The WIPP project, is defined and authorized by Public Law 96-164, "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980" and was the subject of a Record of Decision published at 46 FR 9162. The WIPP project which is set forth as Alternative 2 in the Final Environmental Impact Statement (FEIS), DOE/EIS-0026, October 1980, is described as ". . . a defense activity of the Department of Energy administered by the Assistant Secretary of Energy for Defense Programs, for the express purpose of providing a research and development facililty to demonstrate the safe disposal of radioactive wastes resulting from the defense activities and programs of the United States. . ."

As a result of completion of the SPDV phase, the Department of Energy announces the availability of a public document entitled "Summary of the Results of the Evaluation of the WIPP Site and Preliminary Design Validation Program" (WIPP-DOE-161), and solicits comments thereon. The release of this document for public comment is made pursuant to the terms of a Stipulated Agreement between the Department of Energy and the State of New Mexico in *State of New Mexico vs. U.S. Department of Energy*. The Stipulated Agreement provides in part, that the Department of Energy "* * *shall prepare and provide to the State of New Mexico and the public a formal, public document containing a summation of the results of all experiments and studies conducted during the SPDV phase and site validation phase of the WIPP project at least sixty (60) days prior to any decision as to whether the information obtained from the SPDV program and site and design validation tests warrants the commencement of construction of the permanent facility for the full WIPP * * *" The Stipulated Agreement also provides that "After receiving, reviewing, considering and responding to any comments made by the State and interested members of the public, the Department of Energy shall enter a final decision on whether the information obtained from the SPDV program and site and design validation tests warrants the commencement of permanent facility construction for the WIPP project." Accordingly, public comments concerning WIPP-DOE-161 are solicited.

A copy of the WIPP-DOE-161 and supporting documentation has been furnished to the State of New Mexico and has been placed in the following libraries or reading rooms:

WIPP Public Reading Room, National Atomic Museum, Building 10358, Kirtland Air Force Base (East), Albuquerque, New Mexico 87115.
Carlsbad Public Library, 101 South Halaqueno Street, Carlsbad, New Mexico 88220.
New Mexico State Library, 325 Don Gaspar, Santa Fe, New Mexico 87503.
Martin Speare Memorial Library, New Mexico Tech, Campus Station, Socorro, New Mexico 87801.
Hobbs Public Library, 509 N. Shipp, Hobbs, New Mexico 88240.
Roswell Public Library, 301 N. Pennsylvania Street, Roswell, New Mexico 87801.

Zimmerman Library, Government Publications Department, University of New Mexico, Albuquerque, New Mexico 87138.
Thomas Brannigan Library, 106 W. Hadley, Las Cruces, New Mexico 88001.

Issued in Washington, D.C., on March 25, 1983.

Herman E. Roser,
Assistant Secretary for Defense Programs.

[FR Doc. 83-8259 Filed 3-30-83; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-9-FRL 2333-3]

Air Quality; Issuance of a PSD Permit to Los Angeles County Sanitation District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to the Los Angeles County Sanitation District's Joint Water Pollution Control Plant, Carson, California, EPA project number LA 80-01.

DATE: A petition for review must be filed by May 31, 1983.

ADDRESS: Copies of the permit are available for public inspection upon request, address request to: Roccena Lawatch (M-5), U.S. Enviromental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Roccena Lawatch (415) 974-7411.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 18, 1983 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a combined cycle turbine facility.

This permit has been issued under EPA's PSD (40 CFR 52.21) regulations and is subject to certain conditions including an allowable emission rate as follows: 45 tons/year for SO_2.

Best Available Control Technology (BACT) requirements include: the Ferrous Chloride/Air Process for hydrogen sulfide control, which has been determined to meet BACT for the emissions of SO_2 from the gas turbines. Air Quality Impact Modeling was required for SO_2. Continuous monitoring is required and the source is not subject to New Source Performance Standards. The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals.

Dated: March 4, 1983.

David P. Howekamp,
Director, Air Management Division, Region 9.

[FR Doc. 83-8329 Filed 3-30-83; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-59117A; TSH-FRL 2334-7]

Toxic Substances; Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of TM-83-24, TM-83-25 and TM-83-26, three applications for test marketing exemptions (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

EFFECTIVE DATE: March 22, 1983.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-204, 401 M St. SW., Washington, D.C. 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and for the time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restrictions apply:

1. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

TME 83-24

Date of Receipt: February 6, 1983.
Notice of Receipt: February 18, 1983 (48 FR 7298).
Applicant: Confidential.
Chemical: (Generic) Polymer of alkyl and heteromonocyclic amines and an alkanedioic acid.
Use: Confidential.
Production Volume: 10,000 kg.
Number of Customers: 1.
Worker Exposure: Worker exposure during manufacture and processing is expected to be low since the test market substance will be manufactured in a closed system. Potential exposures to the new substance could occur during quality control testing, vessel cleaning and drumming operations. Workers will use protective clothing, including cannister respirators, during manufacturing and processing operations. These operations will be carried out in well ventilated areas. Worker exposure at the customer's use sites is expected to be negligible, except for accidential exposures.

The number of workers that could be potentially exposed during the 9-month test market period are approximately 4/site for 4 days during manufacturing, 2/site for 4 days during processing and less than 8/site at customer's use sites.

Test Marketing Period: 9 months.
Commencing on: March 22, 1983.
Risk Assessment: EPA has established that the new test market substance, submitted under TM-83-24, will not present an unreasonable risk of injury to health or to the environment under the specific conditions set out in the application. Moderate health concerns for the new substance include irritation and sensitization potential. The TME substance could also be potentially ecotoxic. However, these concerns are mitigated by the expected low worker exposure and low release to the environment. Worker exposure to the new substance during manufacturing and processing will be minimized by use of protective clothing and equipment. Release of the new substance to the environment will be low since it is converted to an article during end use.
Public Comments: None.

TME 83-25

Date of Receipt: February 10, 1983.
Notice of Receipt: February 18, 1983 (48 FR 7298).
Applicant: Confidential.

Chemical: Aromatic polyamide solution (Generic).

Use: Industrial coating (Generic).

Production Volume: Confidential.

Exposure Information: Sampling during manufacture, a maximum of 2 workers for 1 hour are potentially exposed. During use, a maximum of 4 workers may be exposed per customer site.

Test Marketing Period: 45 days.

Commencing on: March 22, 1983.

Risk Assessment: Based on the type of chemical, molecular weight, and that the test market substance is not designed to be water soluble, no significant health or environmental concerns were identified.

Public Comments: None.

TME–83–28

Date of Receipt: February 10, 1983.

Notice of Receipt: February 18, 1983 (48 FR 7298).

Applicant: Confidential.

Chemical: Modified polyester of a carbomonocyclic anhydride and a substituted alkanediol (Generic).

Use: Confidiential.

Production Volume: 400 kg.

Number of Customers: 1.

Worker Exposure: Manufacture: dermal and eye, a total of 12 workers, 6 hours/day, 2 days/year. Processing: dermal and eye, a total of 10 workers, 4 hours/day, 8 days/year. Use: dermal, inhalation and eye, a total of 12 workers, 1 hour/day, 20 days/year.

Test Marketing Period: 45 days.

Risk Assessment: No significant health effect or significant environmental effects were identified for the TME substance. Furthermore, any concerns would be mitigated because of low worker exposure during manufacture, processing and use of the chemical and because of low releases to the environment. Therefore, the Agency finds that the test marketing activity will not result in an unreasonable risk.

Public Comments: None.

The Agency reserves the right to rescind approval of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk to health or the environment.

Dated: March 22, 1983.

Don R. Clay, *Director, Office of Toxic Substances.*

[FR Doc. 83–8328 Filed 3–30–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket Nos. 83–261 and 83–262; File Nos. 50084–CM–P)–74 and 50016–CM–P–75]

Digital Paging Systems, Inc. and KC Corporation; Applications for Construction Permits; Hearing; Memorandum Opinion and Order

In the matter of applications of Digital Paging Systems, Inc. (CC Docket No. 83–261, File No. 50084–CM–P–74) and KC Corporation (CC Docket No. 83–262; File No. 50016–CM–P–75 for construction permits in the Multipoint Distribution Service for a New Station at Providence, Rhode Island.

Adopted: March 17, 1983

Released: March 25, 1983.

By the Common Carrier Bureau:

1. For considruation are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Providence, Rhode Island. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal request by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.[2]

3. Accordingly, it is hereby ordered, that pursuant to Section 309(e) of the Communications Act of 1934 as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Digital Paging Systems, Inc., KC Corporation and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules. 47 CFR 1.221.

6. It is further ordered, that any authorization granted to Digital Paging Systems, Inc., a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82–391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. This Order is effective on its release date. Petitions for reconsideration under §1.106 or applications for review under § 1.115 of the Rules may be filed within the time limits specified in those sections. *See also* Rule 1.4(b)(2)

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register**.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83–8238 Filed 3–30–83; 8:45 am]

BILLING CODE 6712–01–M

[1] An amendment to application File No. 50016–CM–P–75 was filed to change applicant's name from Howard S. Klotz and William Corbus to KC Corporation (as a result in minor adjustment) from individuals to corporation. The same principals own KC Corporation in equal shares.

[2] This finding is subject to paragraph 6, *infra.*

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

[CC Docket Nos. 83–271, 83–272, and 83–273; File Nos. 50060–CM–P–74, 50161–CM–P–74, and 50220–CM–P–74]

Digital Paging Systems, Inc. et al.; Applications for Construction Permits; Hearing; Memorandum Opinion and Order

In the matter of applications of Digital Paging Systems, Inc. (CC Docket No. 83–271, File No. 50060–CM–P–74), M.C.C.A. Service Corporation (CC Docket No. 83–272, File No. 50161–CM–P–74) and KC Corporation (CC

Docket No. 83-273, File No. 50220-CM-P-74) for construction permits in the Multipoint Distribution Service for a New Station at Rochester, New York.

Adopted: March 17, 1983.
Released: March 25, 1983.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Rochester, New York. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.[2]

3. Accordingly, it is hereby ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Digital Paging Systems, Inc., M.C.C.A. Service Corporation, KC Corporation and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules, 47 CFR 1.221.

6. It is further ordered, that any authorization granted to Digital Paging Systems, Inc., a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in hearing designated in A.S.D. Answering Service, Inc., et al., FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. This Order is effective on its release date. Petitions for reconsideration under § 1.106 or applications for review under § 1.115 of the Rules may be filed within the time limits specified in those sections *See also* Rule 1.4(b)(2).

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-8240 Filed 3-30-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 83-263, 83-264, 83-265; File Nos. 50059-CM-P-74, 50160-CM-P-74, 50219-CM-P-74]

Digital Paging Systems, Inc., et al.; Applications for Construction Permits; Hearing; Memorandum Opinion and Order

In the matter of applications of Digital Paging Systems, Inc. (CC Docket No. 83-263, File No. 50059-CM-P-74), M.C.C.A. Service Corporation (CC Docket No. 83-264, File No. 50160-CM-P-74), and KC Corporation (CC Docket No. 83-265, File No. 50219-CM-P-74) for construction permits in the Multipoint Distribution Service for a New Station at Buffalo, New York.

Adopted: March 17, 1983.
Released: March 25, 1983.

By the Common Carrier Bureau

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Buffalo, New York. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.[2]

3. Accordingly, it is hereby ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Digital Paging Systems, Inc., M.C.C.A. Service Corporation, KC Corporation and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

5. It is further ordered, that parties desiring to participate herein shall file

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[1] An amendment to application (File No. 50161-CM-P-74) was filed to change applicant's name from Howard S. Klotz and William Corbus to KC Corporation (as a result in minor adjustments) from individuals to corporation. The same principals own KC Corporation in equal shares.

[2] This finding is subject to paragraph 6, *infra*.

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

[1] An amendment to application (File No. 50219-CM-P-74) was filed to change applicant's name from Howard S. Klotz and William Corbus to KC Corporation (as a result in minor adjustments) from individuals to corporation. The same principals own KC Corporation in equal shares.

[2] This finding is subject to paragraph 6, *infra*.

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules, 47 CFR § 1.221.

6. It is further ordered, that any authorization granted to Digital Paging Systems, Inc., a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82–391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. This Order is effective on its release date. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Rules may be filed within the time limits specified in those sections. *See also* Rule 1.4(b)(2).

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83–8236 Filed 3–30–83; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket Nos. 83–257, 83–258, 83–259, 83–260; File Nos. 50078–CM–P–74, 50226–CM–P–74, 50003–CM–P–75, 50019–CM–P–75]

Digital Paging Systems, Inc. et al.; Applications for Construction Permits; Hearing; Memorandum Opinion and Order

In the matter of applications of Digital Paging Systems, Inc. (CC Docket No. 83–257, File No. 50078–CM–P–74), Capital Telephone Company, Inc. (CC Docket No. 83–258, File No. 50226–CM–P–74), Microband Corporation of America (CC Docket No. 83–259, File No. 50003–CM–P–75) and M.C.C.A. Service Corporation (CC Docket No. 83–260, File No. 50019–CM–P–75) for construction permits in the Multipoint Distribution Service for a New Station at Albany, New York.

Adopted: March 10, 1983.
Released: March 25, 1983.

By the Common Carrier Bureau:

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Albany, New York. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.[3]

3. Accordingly, it is hereby ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(e) and Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[4]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Digital Paging Systems, Inc., Capital Telephone Company, Inc., Microband Corporation of America, M.C.C.A. Service Corporation and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules, 47 C.F.R. § 1.221.

6. It is further ordered, that any authorization granted to Digital Paging Systems, Inc., a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in hearing designated *A.S.D. Answering Service, Inc., et al.*, FCC 82–391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. This Order is effective on its release date. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Rules may be filed within the time limits specified in those sections. *See also* Rule 1.4(b)(2).

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register**.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83–8237 Filed 3–30–83; 8:45 am]

BILLING CODE 6712–01–M

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[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. *Transfer of Controls/MDS*, 85 FCC 2d 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to Section 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exlusive application.

[3] This finding is subject to paragraph 6, *infra*.

[4] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

[MM Docket No. 83–195 et al.; File No. BPH–810123AO et al.]

First Capital Communications, Inc. et al.; Applications for Construction Permit; Correction

In the matter of applications of First Capital Communications, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 25 kW, 180 feet (H&V) (MM Docket No. 83–195, File No. BPH–810702AO); Wilson Communications Corp., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 50 kW (H), 75 feet (MM Docket No. 83–196, File No. BPH–810702AB); Augusta County Broadcasting Corp., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 50 kW (H), 270 feet (MM Docket No. 83–197, File No. BPH–810818AN); Barlow Broadcasting Corporation, Staunton, Virginia, Req: 99.7 MHz, Channel 259, 1.86 kW (H&V), 2210 feet (MM Docket No. 83–198, File No. BPH–810819AH); Skyline Broadcasting, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 1.55 kW (H&V) 2260 feet (MM Docket No. 83–199, File No. BPH–810819AN) High Fidelity Music Show, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 1.66 kW (H&V), 2200 feet (H) 2210 feet (V) (MM Docket No. 83–200, File No. BPH–810819AY); Stuarts Draft Broadcasting Corp., Stuarts Draft, Virginia, Req: 99.7 MHz, Channel 259, 50 kW, 185 feet (H&V) (MM Docket No. 83–

201, File No. BPH–810819BA); Mid-Shenandoah Broadcasters, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 1.66 kW (H&V), 2217 feet (H&V), 2217 feet (H&V) (MM Docket No. 83–202, File No. BPH–810819BS) and Shenandoah Valley Broadcasting Company, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 50 kW (H), 40.5 feet (H) (MM Docket No. 83–203, File No. BPH–810819BU) for construction permit for a new FM station.

Erratum

Released: March 25, 1983.

The above-captioned Hearing Designation Order was released March 14, 1983.[1] The Order is hereby amended to delete all reference to Augusta County Broadcasting Corp., File No. BPH–810818AN, which voluntarily dismissed its application prior to release of the Order.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83–8241 Filed 3–30–83; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 83–274 et al.; File No. BPH–810709AD et al.]

Highlands Broadcasting Company, Inc. et al.; Hearing Designation Order

In the matter of applications of Highlands Broadcasting Company, Inc., Stevens Point, Wisconsin, Req: 96.7 MHz, Channel 244 3 kW (H&V), 300 feet (MM Docket No. 83–274, File No. BPH–810709AD); Skipko Broadcasting, Inc., Stevens Points, Wisconsin, Req: 96.7 MHz, Channel 244 3 kW (H&V), 280 feet (MM Docket No. 83–275, File No. BPH–811201AK); Sharon Broadcasting Corporation, Whiting, Wisconsin, Req: 96.7 MHz, Channel 244 3 kW (H&V), 300 feet (MM Docket No. 83–276, File No. BPH–820122AR) and Central Wisconsin Broadcasting Company, Stevens Point, Wisconsin, Req: 96.7 MHz, Channel 244 3 kW (H&V), 291 feet (MM Docket No. 83–277, File No. BPH–820129AU).

Adopted: March 14, 1983.
Released: March 25, 1983.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Highlands Broadcasting Company, Inc.; Skipko Broadcasting, Inc. (Skipko); Sharon Broadcasting Corporation; and Central Wisconsin Broadcasting Company (CWBC).

[1] See 48 FR 11507; 3–18–83.

2. On January 12, 1983, March 7, 1983 and October 19, 1982, respectively, Highlands, Skipko and Sharon Broadcasting Corporation filed amendments. Although these amendments were filed after the "B" cut-off date, the last day for filing minor amendments as of right, they contain additional or corrective information to perfect the applications that does not seek enhancement of the comparative positions of the applicants, would not raise new issues, require new parties or cause delay in the proceedings. Accordingly, the amendments will be accepted for filing.

3. *CWBC.* Applicants for new broadcast stations are required by Section 73.3580 of the Commission's Rules to give local notice of the filing of their applications. We have no evidence that CWBC published the required notice. To remedy this deficiency, CWBC must publish local notice, if it has not already done so, and so inform the presiding Administrative Law Jduge within 30 days of the release of this Order.

4. The material submitted in the CWBC application does not demonstrate its financial qualifications.[1] Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, CWBC will be given 30 days from the date of release of this order to review its financial proposal, make any changes that may be necessary, and, if appropriate, submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If the applicant cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82–378.

5. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural service (1 mV/m or greater in the case of FM) from the proposals and the availability of other primary service to such areas and populations.
2. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.
3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.
4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That Central Wisconsin Broadcasting Company shall inform the presiding Administrative Law Judge as to whether it has complied with the public notice requirements of Section 73.3580 of the Commission's Rules.

9. It is further ordered, That Central Wisconsin Broadcasting Company shall submit a financial certification in the form required by Section III, FCC Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

10. It is further ordered, That the amendments referenced in Paragraph 2, hereinabove, are accepted for filing.

11. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications

[1] There is no documentation of the availability of the bank loan which CWBC relies upon to finance the construction and operation of the proposed

Act of 1934, as amended, and Section 73.3594 of the Commissions Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-8239 Filed 3-30-83; 8:45 am]
BILLING CODE 6712-01-M

[MM Docket No. 83-278 et al.; File No. BPH-8110008AE et al.]

Irmo Broadcasting Co., Inc. et al.; Applications for Construction Permit; Hearing Consolidation Order

In the matter of applications of Irmo Broadcasting Co., Inc., Irmo, South Carolina, Req: 102.3 MHz, Channel 272A 1.67 kW (H&V), 400 feet (MM Docket No. 83-278, File No. BPH-811008AE); Radio America, Inc., St. Andrews, South Carolina, Req: 102.3 MHz, Channel 272A 3 kW (H&V), 300 feet (MM Docket No. 83-279, File No. BPH-820125AG); Clarence E. Jones d/b/a Santee-Cooper Broadcasting Co. of Irmo, South Carolina, Irmo, South Carolina, Req: 102.3 MHz, Channel 272A 3 kW (H&V), 300 feet (MM Docket No. 83-280, File No. BPH-820216AZ); and Radio Intermart Corporation, Irmo, South Carolina, Req: 102.3 MHz, Channel 272A 3 kW (H&V), 300 feet (MM Docket No. 83-281, File No. BPH-820524BA) for construction permit for a new FM station.

Adopted: March 15, 1983.
Released: March 29, 1983.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Irmo Broadcasting Co., Inc. (Irmo), Radio America, Inc. (America), Clarence E. Jones d/b/a Santee-Cooper Broadcasting Co. of Irmo, South Carolina (Santee), and Radio Intermart Corporation (Intermart).

2. *Irmo.* Section 73-1125 of the Commission's Rules requires that the main studio of an FM station be located within the city of license. However, if a showing of good cause has been made, a main studio may be located outside that community. Irmo indicates only that its main studio will be at a location to be determined with no indication whether that determination would be limited to sites within the city of license. Under these circumstances, Irmo will be required to file with the presiding Administrative Law Judge the appropriate response concerning main studio location for Item 12, Section V-B of the revised Form 301.

3. *America.* Likewise, America will be required to file with the presiding Administrative Law Judge the appropriate response concerning main studio location for Item 12, Section V-B of the revised Form 301, since it has also failed to indicate whether or not its main studio will be located within its proposed community of license.

4. America's narrative description of its planned programming service as it relates to issues of concern to its service area is simply a rewording of the language made in the request for such information (Section IV, Item 1), and provides no specific proposals geared to the needs of its listening community. Accordingly, America will be required to file an amended planned programming narrative with the presiding Administrative Law Judge.

5. On November 24, 1982, America filed a petition for leave to amend its application. The amendment consists of a change in its response concerning applications on file before the FCC (Item 6b, Section II) to reflect its application filed September 29, 1982 for a new Class C FM station on Channel 241 in Hanahan, South Carolina. The last day for filing amendments, as a matter of right, was September 30, 1982. Since the amendment is required by Section 1.65 of the Commission's Rules, it will be accepted for filing.

6. *Santee.* Since Santee's proposal constitutes a major environmental action as defined by Section 1.1305 of the Commission's Rules, it is required to submit the environmental impact information described in Section 1.1311. Accordingly, Santee will be required to file its environmental narrative statement with the presiding Administrative Law Judge.

7. *Intermart.* Intermart filed petitions for leave to amend its application on October 13 and 29, 1982 and on February 23, 1983. The first of these amendments was in response to the Commission's letter of August 27th requesting amendment of the application to specify a site in compliance with the minimum mileage separation requirements (Section 73.207) or, in the alternative, face dismissal of its application. The latter two amendments consist of updates of the applicant's other broadcast interests. The last day for filing amendments, as a matter of right, was September 30, 1982. The earliest amendment was filed in response to a Commission directive, and the later two in accordance with Section 1.65. Accordingly, they will be accepted for filing.

8. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, It is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural service (1 mV/m or greater in the case of FM) from the proposals and the availability of other primary service to such areas and populations.

2. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, in a comparative basis, best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That Irmo Broadcasting Co., Inc. and Radio America, Inc. shall file with the presiding Administrative Law Judge within 30 days of the release of this Order an amended response to Item 12, Section V-B of the revised FCC Form 301 and, if appropriate, a showing of good cause if their respective main studios will be located outside the city of license.

12. It is further ordered, That Radio America, Inc. shall file with the presiding Administrative Law Judge

within 30 days of the release of this Order an amended planned programming service narrative as required by Item 1, Section IV of the revised FCC Form 301.

13. It is further ordered, That Santee-Cooper Broadcasting Co. of Irmo, South Carolina shall file with the presiding Administrative Law Judge within 30 days of the release of this Order the environmental narrative statement described in Section 1.1311 of the Commission's Rules.

14. It is further ordered, That the petitions for leave to amend filed by Radio America, Inc. and Radio Intermart Corporation ARE GRANTED.

15. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

16. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division.

[FR Doc. 83-8245 Filed 3-30-83; 8:45 am]

BILLING CODE 6712-01-M

National Industry Advisory Committee Common Carrier Communications Subcommittee; Meeting

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Common Carrier Communications Subcommittee of the National Industry Advisory Committee (NIAC) to be held Tuesday, April 19, 1983. The Subcommittee will meet in the Federal Communications Commission's Training Room 330 in the "Brown Building" at 1200-19th Street, NW., Washington, D.C. at 9:00 a.m.

Purpose: To consider emergency communications matters.

Agenda: As follows:

1. Opening remarks by Chairman.
2. Statement of the function and structure of NIAC.
3. Consideration of regulatory implications of the activities of the National Security Telecommunications Advisory Committee (NSTAC).
4. Establishment of an agenda and date for the next meeting of the Common Carrier Communications Subcommittee.
5. Other business.
6. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the NIAC Executive Secretary in the FCC Emergency Communications Division at (202) 634-1549.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-8242 Filed 3-30-83; 8:45 am]

BILLING CODE 6712-01-M

Technical Subgroup of Radio Advisory Committee; Meeting

March 25, 1983.

The Technical Subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Tuesday, March 29, 1983 at 10 a.m. in the McCollough Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

The Subgroup will continue its consideration of recommendations to the Federal Communications Commission concerning matters pertinent to the ongoing U.S.—Canadian discussions on the drafting of a new bilateral AM agreement which, it is expected, will replace the North American Regional Broadcasting Agreement (NARBA).

The Subgroup will also discuss preparations for bilateral discussions which have started with Mexico, looking toward post-Rio revision of the U.S.-Mexican AM Agreement.

The meeting, a continuing one, will be resumed after the March 29, 1983 session at such time and place as is decided at that session. It is open for participation by all interested persons.

For further information, please call the Subgroup Chairman, Mr. Wallace E. Johnson, at (703) 841-0500.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-8244 Filed 3-30-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group, Plant Accounts Subcommittee Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of meetings of the Telecommunications Industry Advisory Group (TIAG) Plant Accounts Subcommittee scheduled to meet on Wednesday and Thursday, April 13 and 14, 1983. The meeting will begin on April 13 at 9:30 a.m. in the offices of MCI Telecommunications Corporation (1st Floor Meeting Room) at 1133 19th Street, NW., Washington, D.C. and will be open to the public. On April 14 the meeting will be continued in the offices of MCI Telecommunications Corporation (3rd Floor Conference Room) at 701 South 12th Street, Arlington, Virginia. The agenda is as follows:

I. General Administrative Matters
II. Review of Minutes of Previous Meeting
III. Discussions of Definitions of Plant Accounts
IV. Further Assignments
V. Other Business
VI. Presentation of Oral Statements
VII. Adjournment

With prior approval of Subcommittee Chairman Gyles Norwood, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Norwood (202/887-3266) at least five days prior to the meeting date.

Federal Communications Commission.

William J. Tricarico,

Security.

[FR Doc. 83-8243 Filed 3-30-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. 5200-41, 9902-15 and 10467]

Pacific Coast European Conference; Availability of Finding of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on Agreements Nos. 5200-41, 9902-15 and 10467 will not constitute major Federal actions significantly affecting the quality of the human environment within the

meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 5200–41 allows members of the Pacific Coast European Conference to expand the scope of the Conference authority to include intermodal service from inland U.S. points, in the states of Alaska, Washington, Oregon, California, Idaho, Wyoming, Montana, Nevada, Utah, Arizona, Colorado and New Mexico to points and ports as designated by the existing agreement.

Agreement No. 9902–15 allows the Euro-Pacific Joint Service to transport intermodal cargo between inland points in Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming and ports in California, Oregon and Washington. The agreement would further authorize intermodal service between Europe and Canada, Mexico, Central America, the East Coast of South America and the West Indies. The parties of the joint service are Hapag-Lloyd A.G., Compagnie Generale, Maritime and Intercontinental Transport (ICT) B.V.

Agreement No. 10467, the proposed Latin American Common Carrier Space Charter Agreement, between Compania Sud Americana De Vapores; Delta Steamship Lines, Inc.; Lykes Bros. Steamship Co., Inc. and Transportes Navieros Ecatorianos and Compania Peruana De Vapores would authorize the parties to charter space on vessels owned or operated by them to each other on an as-needed-as available basis.

These Findings of No Significant Impact (FONSI) will become final within 20 days unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI's and related environmental assessments are available for inspection upon request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83–8331 Filed 3–30–83; 8:45 am]

BILLING CODE 6730–01–M

Item Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following item has been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.). Interested parties may obtain a copy of the item and the justifications submitted from Donald D. Murphy, Agency Clearance Officer, Federal Maritime Commission, 1100 L Street, N.W, Room 9305, Washington, D.C., 20573, telephone number (202) 523–5326.

Comments may be submitted to the Agency Clearance Officer and Wayne Leiss, Desk Officer, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Room 3228, Washington, D.C., 20503, telephone number (202) 395–7313. All comments should be submitted within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Items Submitted for OMB Review

46 CFR 527—Shippers' Requests and Complaints (General Order 14)

Conferences and other ratemaking bodies under Commission approved agreements must file reports detailing shippers' requests and complaints received during the preceding calendar year and the disposition of such. Resident representatives must maintain records for two years. Reports are used to determine conferences' adequacy in handling requests and complaints. The Commission estimates that approximately 94 steamship conferences in the U.S. foreign commerce will file at least one report annually for a total burden of 940 manhours. Total estimated annual cost to the government is $3,000.

Francis C. Hurney,

Secretary.

[FR Doc. 83–8332 Filed 3–30–83; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; CB & T Bancshares

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *CB & T Bancshares,* Columbus, Georgia; to acquire 25 percent of the voting shares or assets of both West Georgia Financial Corporation, Tallapoosa, Georgia and Carroll County Financial Corporation, Temple, Georgia. Comments on this application must be received not later than April 25, 1983.

B. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. **Barnett Banks of Florida, Inc.,** Jacksonville, Florida; to acquire 100 percent of the voting shares of Barnett Banks of Osceola County, N.A., Kissimmee, Florida. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Comments on this application must be received not later than April 25, 1983.

2. *State National Corporation,* Evanston, Illinois; to acquire 100 percent of the voting shares of the successor by merger to The Bank & Trust Company of Arlington Heights, Arlington Heights, Illinois. This application may be inspected at the offices of the Board of Governors of the Federal Reserve Bank of Chicago. Comments on this application must be received not later than April 25, 1983.

Board of Governors of the Federal Reserve System, March 25, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83–8256 Filed 3–30–83; 8:45 am]

BILLING CODE 6210–01–M

Acquisition of Bank Shares by a Bank Holding Company; FirstBank Holding Company of Colorado

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address

indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *FirstBank Holding Company of Colorado,* Lakewood, Colorado, through its wholly owned subsidiary, FirstBank Holding Company, also of Lakewood, Colorado; to acquire 100 percent of the voting shares or assets of FirstBank of Silverthorne, N.A., a *de novo* bank and FirstBank at Wadsworth/Coal Mine, N.A., Jefferson County, Colorado, also a *de novo* bank. Comments on this application must be received not later than April 22, 1983.

Board of Governors of the Federal Reserve System, March 25, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-8252 Filed 3-30-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company; Proposed de Novo Nonbank Activities; Barclays Bank PLC

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York.** (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidiary, Barclays Bank International Limited, London, England (consumer finance and insurance activities; Wilmington, Delaware): To engage through their subsidiaries, BarclayAmerican/Financial, Inc. ("BAF"), BarclayAmerican/Mortgage, Inc. ("BAM") and BarclayAmerican/Financial Services, Inc. ("BAFS"), in making direct consumer loans, including loans secured by real estate, and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning) and acting as agent for the sale of related credit life, credit accident and health and credit property insurance. Credit life insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries. Credit life insurance so sold will be limited to credit property insurance permitted by paragraph (B) of Section 4(c)(8) of the Bank Holding Company Act, as amended. These activities would be conducted from an office in Wilmington, Delaware, serving customers in Wilmington and surrounding areas in Delaware. Comments on this application must be received not later than April 25, 1983.

Board of Governors of the Federal Reserve System, March 25, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-8258 Filed 3-30-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; South Carolina National Corporation

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. South Carolina National Corporation, Columbia, South Carolina (financing and insurance activities; South Carolina): To engage, through its subsidiary, Provident Financial Corporation, in providing consumer finance activities, including the extension of direct loans to consumers, the discount of retail and installment notes or contracts, servicing loans and other extensions of credit for the account of others, and acting as agent for sales of life, accident and health, and property and casualty insurance directly related to its extensions of credit. Provident Financial Corporation has engaged in the sale of property and casualty insurance since at least December of 1976. Accordingly, its activities in this area are grandfathered pursuant to section 601(D) of the Garn-St Germain Depository Institutions Act ("Garn Act"). Provident Financial Corporation's sales of credit life, and credit accident and health insurance are permissible under section 601(A) of the Garn Act. These activities would be conducted from an office in Goose

Creek, South Carolina, serving the town of Goose Creek and the surrounding area. Comments on this application must be received not later than April 22, 1983.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. **BancTexas Group, Inc.**, Dallas, Texas (lending activities; southwestern United States): To engage directly in making or acquiring, for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts), such as would be made, for example, by a mortgage, finance, credit card or factoring company. These activities would be conducted from an office in Dallas, Texas. This office would serve the states of Texas, Louisiana, Arkansas, Oklahoma and New Mexico. Comments on this application must be received not later than April 20, 1983.

Board of Governors of the Federal Reserve System, March 25, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-8254 Filed 3-30-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Marshall Bancshares, Inc.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Marshall Bancshares, Inc.*, Marshall, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to First National Bank, Marshall, Illinois. Comments on this application must be received not later than April 25, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmar P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Ashley BancStock Company*, Crossett, Arkansas; to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Crossett, Crossett, Arkansas. Comments on this application must be received not later than April 25, 1983.

2. *First Union Financial Corporation*, Monticello, Arkansas; to become a bank holding company by acquiring 76.4 percent of the voting shares of Union Bank & Trust Company, Monticello, Arkansas. Comments on this application must be received not later than April 25, 1983.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Burns Bancorporation*, St. Paul, Minnesota; to become a bank holding company by acquiring 96 percent of the voting shares of The Burns National Bank of Durango, Durango, Colorado. Comments on this application must be received not later than April 25, 1983.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Southwest Bancorp., Inc.*, Mesquite, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Southwest Bank, Mesquite, Texas. Comments on this application must be received not later than April 25, 1983.

E. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Western Bancshares of New Mexico, Inc.*, Artesia, New Mexico; to become a bank holding company by acquiring 80 percent of the voting shares of Western Bank, Artesia, New Mexico; 20 percent of the voting shares of Western Bank, Albuquerque, New Mexico; 20 percent of the voting shares of Citizens Bank, Albuquerque, New Mexico and 24 percent of the voting shares of Western Bancshares of Albuquerque, Albuquerque, New Mexico. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than April 25, 1983.

Board of Governors of the Federal Reserve System, March 25, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-8257 Filed 3-30-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; McCreary Bancshares, Inc.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, indentifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *McCreary Bancshares, Inc.*, Whitley City, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of McCreary County, Whitley City, Kentucky. Comments on this application must be received not later than April 20, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Pioneer Bankshares, Inc.*, North Branch, Michigan; to become a bank holding company by acquiring 80 percent of the voting shares of Pioneer Bank, North Branch, Michigan. Comments on this application must be received not later than April 22, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Commerce Corporation*, New Albany, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank, New Albany, Mississippi. Comments on this

application must be received not later than April 22, 1983.

Board of Governors of the Federal Reserve System, March 25, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-8253 Filed 3-30-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental Research Programs Advisory Committee and its Subcommittees; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Institute of Dental Research Programs Advisory Committee and its Subcommittees. The full Committee will meet on May 12, 1983, from 9:00 a.m. to 12:00 Noon, in Conference Room 10, Building 31C, National Institutes of Health, Bethesda, Maryland.

The Subcommittee on Dental Caries, National Institute of Dental Research Programs Advisory Committee, will meet on May 12, from 1:30 p.m. to adjournment, and on May 13, from 9:00 a.m. to adjournment, in Conference Room 9, Building 31C, National Institutes of Health, Bethesda, Maryland.

The Subcommittee on Periodontal Diseases, National Institute of Dental Research Programs Advisory Committee, will meet on May 12, from 1:30 p.m. to adjournment, and on May 13, from 9:00 a.m. to adjournment, in Conference Room 7, Building 31C, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public to discuss research progress and ongoing plans and programs of the National Caries Program and the Periodontal Diseases Program Branch. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director for the National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, MD 20205 (telephone 301 496-7239) and Dr. Paul F. Parakkal, Scientist Administrator, Periodontal Diseases Program Branch, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 519, Bethesda, MD 20205 (telephone 301 496-7784) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Programs No. 13.840-Caries Research, and No. 13.841-Periodontal Diseases Research, National Institutes of Health)

Dated: March 14, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-8284 Filed 3-30-83; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Advisory Board Subcommittee on Environmental Carcinogenesis; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Environmental Carcinogenesis, National Cancer Institute, April 25, 1983, Building 31, Conference Room 11A10, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. The meeting will be open to the public on April 25 from 11:00 a.m. to adjournment to discuss the use of animal data in making quantitative risk assessment. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708), will provide summaries of the meeting and rosters of committee members upon request.

Dr. Richard H. Adamson, Executive Secretary, National Cancer Advisory Board Subcommittee on Environmental Carcinogenesis, National Cancer Institute, Building 31, Room 11A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-6618), will furnish substantive program information.

Dated: March 9, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-8497 Filed 3-30-83; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Privacy Act of 1974; Termination of a System of Records

AGENCY: Public Health Service, Health and Human Services Department.

ACTION: Notification of termination of system of records 09-25-0084, "Administration: Curricula Vitae of Scientists, Consultants, and Board and Commission Members, HHS/NIH/NIADDK."

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of termination of system of records maintained by the National Institutes of Health (NIH): 09-25-0084, "Administration: Curricula Vitae of Scientists, Consultants, and Board and Commission Members, HHS/NIH/NIADDK."

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth Thibodeau, NIH Privacy Act Coordinator, Building 31, Room 3B07, 9000 Rockville Pike, Bethesda, MD 20205, or call 301-496-4606.

SUPPLEMENTARY INFORMATION: NIH has terminated system of records: 09-25-0084, "Administration: Curricula Vitae of Scientists, Consultants, and Board and Commission Members, HHS/NIH/NIADDK," maintained by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK). NIADDK has discontinued maintaining on file a list of current Curricula Vitae on Institute personnel. The data on hand will be distributed by disease and/or organization memberships.

System of records 09-25-0084 was last published in the **Federal Register** on October 13, 1982 (47 FR pp. 45815-16).

Dated: March 25, 1983.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 83-8290 Filed 3-30-83; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[PL 96-487]

Assessment of Impact of Federal Land Openings; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Land Management will conduct public meetings to gather information on the impact of opening federal lands to mineral development and settlement. The lands in question are the Upper Kuskokwim and Nyac blocks located in western Alaska.

DATES: The meetings will be held April 18 at Nikolai at 2:00 p.m., April 18 at McGrath at 7:00 p.m., April 19 at Lime Village at 9:00 a.m., April 19 a.m. Stony River at 2:00 p.m., April 20 at Aniak at 1:00 p.m., April 21 as Tuluksak at 10:00 a.m.

ADDRESSES: The meeting locations Nikolai Community Hall, McGrath Community Hall, Lime Village

Community Hall, Stony River Community Hall, Aniak Community Hall, and Tuluksak Community Hall.

SUPPLEMENTARY INFORMATION: The meetings are designed to insure that federal officials consider impacts upon natural resources of the area and subsistence life styles when proposing any major land action. The meetings will include discussions of alternative levels of settlement, mineral leasing and mineral location.

Information on the proposal can be obtained by requesting a copy of the draft Environmental Assessment of the Upper Kuskokwim and Nyac blocks from the BLM's Anchorage District Office, 4700 E. 72nd Avenue, Anchorage, AK 99507, 907–267–1200.

Wayne A. Boden,

District Manager.

[FR Doc. 83–8386 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–84–M

Medford District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Bureau of Land Management, Medford District Advisory Council will be held on April 20, 1983.

On April 20 the meeting will begin at 9:00 a.m. in the Oregon Room of the Bureau of Land Management Office at 3040 Biddle Road, Medford, Oregon. The agenda for the meeting will include:

(1) A discussion of the function of the Board;

(2) Election of officers;

(3) Discussion of current programs and issues, specifically, implementation and progress on management plans, wilderness update, grazing and Areas of Critical Environmental Concern, Asset Management, Timber Management Program, timber sales, forest development, forest research, and Tree Improvement Program; and

(4) Future programs, biomass plans, unauthorized occupancy, and river management.

The meeting is open to the public. Interested persons may make oral statements to the board between 2:00 and 3:00 p.m. on April 20, 1983, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97501, by April 13, 1983. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the district office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

Dated: March 23, 1983.

Jerry Asher,

Acting District Manager.

[FR Doc. 83–8274 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–84–M

National Public Lands Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the National Public Lands Advisory Council.

SUMMARY: Notice is hereby given that the National Public Lands Advisory Council will meet April 28–30, 1983. The meeting will be held at the Rodeway Inn, 2790 Crossroads Boulevard and Horizon Drive, Grand Junction, Colorado. The meeting hours will be 8:00 a.m. to 4:30 p.m. on Thursday, the 28th, and 8:00 a.m. to 2:00 p.m. on Saturday, the 30th. On Friday, April 29, Council members will participate in a field tour of Union Oil Company's Parachute Creek oil shale facility. The proposed agenda for the meeting is:

Thursday, April 28: Morning: Working sessions of Council subcommittees (Energy and Minerals, Renewable Resources, Lands, Administrative/Regulatory, and Legislative); discussion of old and new Council business, including update on resolutions previously passed by the Council and setting of dates and locations for future Council meetings.

Afternoon: Address by Colorado Governor Dick Lamm, or his representative, providing the State's perspective on Federal land policies; presentation by bill Chay of Club 20, on energy development of the Western Slope; address by Roland Fischer, Colorado River Water Conservation District, covering water concerns associated with energy development; address by Glenn Vawter, Rocky Mountain Oil and Gas Association, presenting an oil shale overview; and public statement period.

Saturday, April 30: Morning: Meeting of Council subcommittees; Report of subcommittees to full Council.

Afternoon: Discussion of subcommittee recommendations and passing of Council resolutions.

All meetings of the Council will be open to the public. Opportunity will be provided for members of the public to make oral statements to the Council, beginning at 3:00 p.m., Thursday, April 28. Oral comments will be limited to 10 minutes per person and should address specific national public lands issues on the meeting agenda. Speakers are encouraged to submit a copy of their written testimony prior to oral delivery so that the Council will be prepared to respond or answer questions. Please send written comments by April 15 to the Grand Junction District Office at the address listed below.

Because of transportation and other logistical limitations, the field tour on April 29 will be limited to Council members and accompanying government representatives.

DATES: April 28 and 30, 1983—Council meeting. April 28—Public Statements.

ADDRESS: Copies of public statements should be mailed by April 15 to: Grand Junction District Office, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501.

FOR FURTHER INFORMATION CONTACT: Karen Slater, Washington, D.C Office, BLM, telephone (202) 343–2054; or Cindy McKee, Public Affairs Specialist, Grand Junction District Office, telephone (303) 243–6552.

SUPPLEMENTARY INFORMATION: The Council advises the Secretary of the Interior through the Director, Bureau of Land Management, regarding policies and programs of a national scope related to public lands and resources under the jurisdiction of the Bureau.

Robert F. Burford,

Director.

March 25, 1983.

[FR Doc. 83–8276 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–84–M

Prineville District; Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780 that a meeting of the Prineville District Advisory Council will be held on May 26, 1983.

The Council will meet in the District conference room at 10:00 a.m. at 185 E. 4th Street, Prineville, OR 97754.

The agenda will consist of an overview and discussion of the Prineville District programs for: Lands and rights-of-way, minerals, rangeland management, soil, water and air management, forestry, recreation, wildlife and wilderness.

The public and news media is welcome to attend any segment of the Council meeting. Persons wishing to address the Council either orally or in writing are requested to contact the District Manager at the above address by May 23, 1983.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty days following the meeting.

Gerald E. Magnuson,

District Manager.

March 21, 1983.

[FR Doc. 83-8264 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-84-M

Rock Springs District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Rock Springs District Advisory Council.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Rock Springs District Advisory Council.

DATES: April 27–28, 1983.

ADDRESS: Rock Springs District Office, Highway 191 North, Rock Springs, Wyoming.

FOR FURTHER INFORMATION CONTACT: Donald H. Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901, (307) 382–5350.

SUPPLEMENTARY INFORMATION: The meeting will begin at 1:00 p.m., April 27, 1983 in the Conference Room at the District Office in Rock Springs and adjourn at 4:00 p.m. The meeting will reconvene at 8:00 a.m., April 28 and end about noon that day. The agenda will include:

1. Council Organization.
2. Introduction to District Organization and Programs.
3. Public comment period.
4. Topics for consideration at the next council meeting.

This meeting is open to the public and there will be time for public comment made available.

Jerry K. Ostrom,

District Manager.

[FR Doc. 83-8261 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-84-M

Roseburg District Advisory Council; Meeting

Notice is hereby given that in accordance with Section 309 of the Federal Land Policy and Management Act (as amended), the Roseburg District Advisory Council will meet May 3, 1983 The meeting will convene at 2:00 p.m. in the conference room at the Roseburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, Oregon. Agenda items will include: (1) Introduction of Council members and District principal staff; (2) a review of the Advisory Council's role and responsibilities; (3) and overview of Roseburg BLM District programs; (4) a briefing on possible land sales in the Roseburg BLM District during Fiscal Year 1984; and (5) election of Council officers.

All Council meetings are open to the general public and news media. Interested persons or organizations may make oral statements to the Council at 4:00 p.m. or they may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager by April 26, 1983. Depending upon the number of people wishing to speak, a per person time limit may be established by the District Manager.

Summary minutes of each Council meeting will be maintained in the Roseburg District Office and will be available for public inspection and copying during regular business hours within 30 days following the meeting.

For more information, contact Gary Majors, Public Information Officer, telephone (503) 672–4491.

Dated: March 18, 1983

James E. Hart,

District Manager.

[FR Doc. 83-8263 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-84-M

Socorro District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 94–579, that a meeting will be held on Thursday, April 21, 1983.

The meeting will begin at 10:00 a.m. in the conference room of the El Comino Restaurant at 707 California Avenue, NW, Socorro, New Mexico.

The agenda for the meeting will include:

(1) Elections of chairperson and vice-chairperson.

(2) Update on District merger and discussions on the board's merger with the Las Cruces District Board.

(3) General update on District programs.

(4) Review of past Board recommendations.

(5) Review and comment on FY84 proposed rangeland projects.

The meeting is open to the public. Interested persons may make oral statements to the board between 1:00 and 2:00 p.m., or file written statements for the board's consideration.

Donnie R. Sparks,

District Manager.

[FR Doc. 83-8272 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-84-M

Socorro District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Socorro District Advisory Council will be held April 22, 1983.

The meeting will begin at 9:00 a.m. in the Gold Room, El Camino Restaurant, 707 California Avenue NW, Socorro, New Mexico.

The agenda for the meeting will include:

(1) Briefing on the BLM/MMS merger impact on Socorro District.

(2) Update on the Asset Management Program.

(3) Briefing on the Draft Wilderness Environmental Assessments.

(4) Discussion on the Issues and Criteria for the Divide Management Framework Plan Amendment for the San Augustine Coal Area.

The meeting is open to the public. Interested persons may make oral statements to the Council at 1:00 p.m. or file written statements for the board's consideration.

Donnie R. Sparks,

District Manager.

March 25, 1983.

[FR Doc. 83-8368 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-84-M

Salt Lake District, Utah; Preparation of Utah County Resource Management Plan

AGENCY: Bureau of Land Mangement, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with 43 CFR 1601.3 that the Salt Lake District Office is beginning a Resource Management Plan for public land in Utah County, Utah. Forty-two thousand one hundred seventy acres of public land (3 percent of total surface area and 59 percent of the public land in the County) plus an additional 495.631 acres of federal minerals underlying private surface will be encompassed by the plan.

Utah County is located in the northern part of Utah, bordered on the west by Tooele County and on the south by Juab, Sanpete and Carbon Counties. Duchesne and Wasatch Counties border the

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planning area to the east, and Salt Lake County to the north.

General land issues such as livestock grazing, mineral development, recreation, wildlife habitat, land ownership adjustments, access, and economics will be addressed in the plan.

An interdiciplinary team consisting of a Planning Coordinator, Range Conservationist, Wildlife Biologist, Outdoor Recreation Planner, Natural Resource Specialist, Realty Specialist, Geologist, and Public Information Specialist will develop the plan.

Public participation will occur during all six phases of the planning process. Activities will include letters, comment sheets, public information meetings, workbooks, small group workshops, field tours, interagency coordination meetings and Grazing Advisory Board meetings. These activities will be announced through state and local newspapers, local radio stations, individual letters, and district monthly activity schedules.

A public issue identification meeting will be held Tuesday, April 26, at 7:00 P.M. at the Utah National Guard, Provo Armory, located at 222 West 500 North in Provo, Utah.

Salt Lake District Manager, Frank Snell, can be contacted at the Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah 84119, (801) 524–5348 during regular office hours, 7:30 A.M. to 4:00 P.M., for further information.

All documents relevant to Utah County Planning are available for public review at that address.

Frank W. Snell,

District Manager.

[FR Doc. 83–8275 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–84–M

Walker Resource Management Plan; Preparation

AGENCY: Bureau of Land Management, Interior.

ACTION: Preparation of the Walker Resource Management Plan.

SUMMARY:

Office: Carson City District, Nevada.

Authority: 43 CFR Part 1601.3(g).

A resource management plan (RMP) is a comprehensive land use planning document prescribed by the Federal Land Policy and Management Act of 1976. It establishes for a given area the management objectives and goals for resource condition and use levels, program constraints, measures to be implemented accordingly, the interval and standards for monitoring and evaluating the plan's effectiveness, the need for any more detailed management plan(s), and support actions. An environmental impact statement is also part of the plan.

The Walker RMP will apply to the Walker Resource area of the Carson City District. The total area contains about 2,323,000 acres of public lands administered by the Bureau of Land Management. It covers portions of Lyon, Mineral, and Douglas Counties in west-cental Nevada. The north-western portion of the resource area (Pine Nut-Markleeville planning units) has been addressed in the Reno Management Framework Plan and EIS, and will be incorporated by reference where applicable in the Walker RMP.

The general issues anticipated include range management, land disposal and other realty actions, and wilderness designations. Public participation is now being sought to identify these or any other issues pertinent to the planning area.

The disciplines to be represented on the interdisciplinary team will include range management, wildlife management, recreation management, economics, realty, land use planning, wilderness management and hydrology. Other disciplines may be included as needed.

Public comment is hereby solicited for the present identification of issues process. Public comment will also be solicited following publication of draft planning criteria, during formulation of alternatives and after publication of the draft RMP/EIS.

Any persons with an interest in land use planning for the Walker Resource Area are requested to submit comments on the identification of issues of May 20, 1983, to John Matthiessen, Walker Area Manager, BLM, 1050 E. William St., Suite 335, Carson City, NV 89701 (telephone 702/882–1631). Planning documents or other pertinent materials may be examined at the Carson City District Office between 8.00 a.m. and 4:00 p.m. weekdays.

Dated: March 22, 1983.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 83–8160 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–84–M

[I–19381]

Reality Action; Modified Competitive Sale of Public Lands in Custer County, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I–19381, Modified Competitive Sale of Public Lands in Custer County, Idaho.

SUMMARY: The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, U.S.C. 1713), at no less than the fair market value.

Boise Meridian, Idaho

T.13N., R.19E.,
Section 15, SW1/4SW1/4, 40 acres.

The land will be sold at public auction by modified competitive bidding. James Bennetts, Box 86, Challis, Idaho 83226 and Laura Bishop, Box 826, Challis, Idaho 83226, the adjoining landowners will have a preference right to purchase the tract. Such preference is offered because a mainline, belonging to Laura Bishop, is located within the tract and is an integral part of her farm operation. The parcel should be sold to the adjacent agricultural users in order to prevent the possibility of the land being subdivided. A subdivision and all the subsequent development and high density use is in direct conflict with the adjacent cattle operations owned by the preference right claimants. Subdivision is the assumable land use because of the view, close proximity to Challis and the amount of people looking for land as a result of the Cyprus boom.

The land has not been used for, and is not required for any Federal purpose. The location and physical characteristics of the parcels make it difficult and uneconomical to manage as public land. Disposal would best serve the public interest. The sale is consistent with the Bureau's planning system for the land involved. The land will not be offered for sale until at least 60 days after the date of this notice.

A patent for the land, when issued, will be subject to the following conditions:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All minerals in the lands will be reserved to the United States in accordance with Section 290(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.

3. All valid existing rights and reservations of record.

Bidding Information and Instructions:

Bidder Qualifications: The Federal Land Policy and Management Act requires that bidders must be citizens of the United States 18 years of age or over, or, in the case of a corporation, be

subject to the laws of any state of the United States. Bids may be made by a principal (the one desiring to purchase the land) or his duly qualified agent.

Bid Standards: No bid will be accepted for less than the appraised fair market value of $21,000. Bids must be for all the land in the specified tract.

Method of Bidding: Bids may be made either by mail or personally at the sale. Bids sent by mail will only be considered if recived at the Salmon District Office, P.O. Box 430, Salmon, Idaho 83467, prior to a 10:00 a.m. bid opening on June 2, 1983. Bids sent by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. All sealed envelopes must be marked in the lower left-hand corner, "Sealed Bid, Public Land Sale, I–19381". If two or more valid sealed bids in the same amount are received and they are the high bid, the determination of which bid is to be considered the highest bid shall be by a drawing. The drawing, if required shall be held immediately following the opening of the bids. The highest qualifying sealed bid shall then be announced.

Oral bids will be recieved immediately after all sealed bids have been opened and the highest sealed bid is announced. The highest sealed bid will be the base for oral bids. All oral bids must be in increments of $20.00. Sealed bidders present at the sale may also make oral bids. The highest bid price, either sealed or oral, will establish the sale price.

Modified Bidding: For a period of 30 days following the date of the sale, James Bennetts and Laura Bishop will have a preference right to purchase the land by meeting the highest bid. They will determine the division of the land. If no agreement is reached the authorized officer will determine the division. If they meet the highest bid, the land will be sold to them, and the other low bids will be returned. Refusal or failure by the designated bidder to meet the highest bid shall constitute a loss of preference rights, and the land will be sold to the highest bidder.

Final details: Once a high bid is accepted, the successful bidder shall submit the balance of the full bid price within the time designated by the authorized officer. Failure to submit the required balance within the period of time allowed will result in cancellation of the sale and the bid deposit will be forfeited. If the high bid is accepted, the full bid price is paid, and the required citizenship or corporate qualifications are met, title to the lands will be conveyed by a patent.

FURTHER INFORMATION/INQUIRIES:

Detailed information concerning this sale, including the planning documents and Environmental Assessment, is available for review in the Salmon District Office, Bureau of Land Management, South Highway 93 (Box 430), Salmon, Idaho 83467.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Salmon District Manager at the above address. Any adverse comments will be elvaluated by the Idaho State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director this realty action will become the final determination of the Department of the Interior.

Dated: March 23, 1983.

Kenneth G. Walker,

District Manager.

[FR Doc. 83–8285 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–84–M

[M–56543]

Montana; Realty Action—Competitive Sale of Public Land in Prairie County, Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action M–56534, competitive sale of public land in Prairie County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976), at no less than the fair market value:

Principal Meridian

T. 16 N., R. 49 E.,
Sec. 4, SW¼NW¼.
The area described contains 40 acres.

The land will be offered for sale by sealed bid only utilizing competitive bidding procedures on June 29, 1983. This 40-acre parcel of public land is isolated, surrounded by deeded land without any legal access. Physical access is available by 2-wheel drive pickups across country trails. The subject lands are not leased for grazing and are without any improvements. Present vegetative cover is native grasses; there are no trees or brush or water on the land. No valuable resources were identified, the land is uneconomical to manage, the proposed sale is consistent with the Bureau's planning system, and Prairie County government officials have been notified of the proposed sale.

Terms and Conditions

The terms and conditions applicable to this sale are as follows:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine, and remove same under applicable law and regulations;

2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945; and

3. The sale of these lands will be subject to all valid existing rights and reservations.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the sale, including planning documents, environmental assessment, and the record of public discussions is available for review at the Miles City District Office, Miles City, Montana.

SUPPLEMENTARY INFORMATION:

Bidder Qualifications

The bidder must be a U.S. Citizen or, in the case of a corporation, subject to the laws of any state or the U.S. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of Montana. Proof of these requirements shall accompany the bid. Bids must be made by the principal or his agent.

Bid Standards

No bid will be accepted for less than the appraised value of $3,000, and bids must include all of the land identified in this notice.

Method of Bidding

The land will be sold be sealed bid. Each bid must be accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land

Management for not less than our-fifth of the amount bid.

The sealed bid envelope must be marked in the lower left-hand corner as follows: Public Land Sale M–56543, June 29, 1983.

The sealed bid must be received at the following address prior to June 29, 1983: Bureau of Land Management, Montana State Office, P.O. Box 30157, Billings, Montana 59107.

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest qualifying sealed bid shall then be publicly declared.

Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within the time period designated by the authorized officer. Failure to submit the required amount within the allotted time will result in forfeiture of the deposit, and the lands will be offered to the next qualifying high bidder. If the public lands are not sold on the sale date, they may remain available for sale on a continuing basis until sold.

Dated: March 25, 1983.

Ray Brubaker,

District Manager.

[FR Doc. 83–8273 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–84–M

[U–50114]

Public Lands in Uintah County, Utah; Realty Action, State Exchange

The following describes lands have been determined to be suitable for a fee simple exchange with the State of Utah under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716. The federal lands that have been identified to be suitable for disposal by exchange are:

Salt Lake Meridian, Utah

T. 9 S., R. 25 E.,
Sec. 8, Lots 1, 2, S½N½, N½S½, S½SE¼, SE¼SW¼;
Sec. 9, S½, S½N½;
Sec. 10, S½, S½N½;
Sec. 11, S½, S½N½;
Sec. 12, Lots 2, 3, 4, W½SW¼, SW¼NW¼;
Sec. 13, Lots 1, 2, W½NW¼;
Sec. 14, N½;
Sec. 15, N½;
Sec. 17, Lots 1, 2, 3, 4, 5, 6, NE¼NE¼, SW¼NW¼, S½;
Sec. 20, All;
Sec. 21, Lot 1, W½, W½E½, E½SE¼, SE¼NE¼;
Sec. 22, Lots 2, 3, SW¼NW¼;
Sec. 29, Lots 1, 2, 3, 4, NE¼SW¼, SE¼, N½.

Comprising 5,498.79 acres.

In exchange for these federal lands, the United States will acquire the fee simple title to the following lands belonging to the State of Utah:

Salt Lake Meridian, Utah

T. 8S., R. 22 E.,
Sec. 36, All.
T. 8 S., R. 23 E.,
Sec. 32, All;
Sec. 36, All.
T. 8 S., R. 24 E.,
Sec. 32, All;
Sec. 36, All.
T. 8 S., R. 25 E.,
Sec. 32, All;
Sec. 36, Lots 1, 2, 3, 4 W½W½.
T. 9 S., R. 24 E.,
Sec. 15, Lots 1, 2, 3, 4, N½, NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼, N½SE¼ SW¼SW¼, SW¼SE¼SW¼SW¼;
Sec. 29, All;
Sec. 32, NE¼NE¼, S½NW¼, S½.
T.9 S., R. 25 E.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All).

and the mineral estate only of the following lands belonging to the State of Utah:

Salt Lake Meridian, Utah

T. 8 S., R. 22 E.,
Sec. 31, Lot 3, NE¼SW¼, SE¼;
Sec. 32, All.

Comprising 7,316.86 acres.

The above lands will be subject to an appraisal to determine value. The listed lands may change to reflect equal value following the appraisal.

Upon publication of this notice, the Federal lands are hereby segregated from appropriation under the public land laws, including the mining laws.

Lands to be transferred from the United States will be subject to the following reservations:

1. A reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. A reservation for the oil and gas on lands currently covered by an oil and gas lease for the duration of the lease.

3. All rights-of-way existing on the subject lands for the duration of the right-of-way grant.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Vernal District, 170 South 500 East, Vernal, Utah 84078.

Ronald S. Trogstad,

Acting District Manager.

[FR Doc. 83–8363 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–84–M

[U–47393]

Cedar City District; Realty Action Iron County, Utah

This notice of realty action announces the sale of land described in a notice published in the **Federal Register** on August 23, 1982. The tract of public land described as lots 1, 2, 3, W½NW¼, N½SW¼ Section 13; SE¼NE¼ Section 14; T. 37 S., R. 10 W., BLM, Utah, consisting of 325.43 acres will be offered for sale by public auction undr Section 203 of the Federal Land Policy and Management Act on April 28, 1983, at 2:00 p.m. in the Bureau of Land Management Cedar City District Office, 1579 North Main, Cedar City, Utah.

The tract is an isolated tract of federal land, located about ten miles southeast of Cedar City, Utah, locally known as Black Mountain. The terrain of the tract is primarily rough and mountainous and since there is no legal vehicular public access to the tract, adjoining landowners will be allowed a preference right to purchase the tract by meeting the highest bid. Bids may be made by a principal or a duly qualified agent, by either sealed or oral bids or both. The minimum acceptable bid is $49,000.00.

The sale and subsequent title to the land will be subject to the following conditions, reservations and restrictions:

1. All valid existing rights.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals in the land will be reserved to the United States with the right of ingress and egress to prospect, mine, and remove the same.

Specific detailed procedures, terms, and conditions pertaining to this sale may be obtained at the Cedar City BLM District Office, at the address listed above, or by mail to P.O. Box 724, Cedar City, Utah 84720.

Morgan S. Jensen,

District Manager.

March 23, 1983.

[FR Doc. 83–8267 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–84–M

[AR 010137]

Arizona; Proposed Modification of Withdrawal and Opportunity for Public Hearing

March 24, 1983.

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management,

Department of the Interior, proposes to modify the withdrawal made by Public Land Order 1889 of June 26, 1959, which withdrew the following described land from all forms of appropriation under the public land laws including the mining and mineral leasing laws, but not the disposal of materals under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604), as amended:

Gila and Salt River Meridian, Arizona

T. 9 S., R. 23 W.,
Sec. 16, SE¼SE¼NE¼.

The area described contains 10 acres in Yuma County.

The above-described land was reserved for use by the Department of the Air Force for military purposes and subsequently transferred to the Department of the Navy by Public Land Order 2766 of August 28, 1962, for use in connection with the U.S. Marine Corps Auxiliary Air Station, Yuma, Arizona.

The Bureau of Land Management proposes to modify the period of withdrawal made by Public Land Order 1889 from an indefinite period to a period of 20 years and to modify the segregative effect by opening the land to mineral leasing under the mineral leasing laws.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal modification. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before July 1, 1983. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objection to the proposed modification may be filed with the undersigned officer on or before July 1, 1983.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The authorized Officer will review the withdrawal rejustification to ensure that the modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized Officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the withdrawal will be modified and if so, for how long. The final determination on the modification of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed modification should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-8270 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-84-M

[A-17000-D]

Arizona; Order Providing for Opening of Public Lands

March 24, 1983.

1. In **Federal Register** Volume 46, Number 148, Pages 39479–39480, dated August 3, 1981, approximately 12,837 acres were proposed as suitable for classification for transfer to the State of Arizona under the State Indemnity Selection Program. All of the acreage has been transferred to the State of Arizona with the exception of 60 acres of land which has been deleted from the State's application and is described as follows:

T. 7 N., R. 4 W.,

GSR Mer., Arizona

Section 33, S½SE¼NE¼, NE¼SE¼.

The area described aggregates 60.00 acres in Maricopa County.

2. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in Paragraph 1 are hereby open to the operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.). All valid applications received at or prior to 10:00 a.m. on May 2, 1983 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

3. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Arizona State Office, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073, ((602) 261–4774).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-8271 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-84-M

[M 53012]

Montana; Conveyance and Order Providing for Opening of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Conveyance and Opening Order, Liberty County, Montana.

SUMMARY: In an exchange of lands made under the provisions of Section 206 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following lands in Liberty County, have been conveyed to the United States:

Principal Meridian, Montana

T. 36 N., R. 4 E.,
Sec. 13, NW¼NE¼, W½
Sec. 24, NE¼NW¼.
T. 36 N., R. 5 E.,
Sec. 6, SE¼.NE¼, E½SE¼;
Sec. 7, E½;
Sec. 8, W½.SW¼;
Sec. 17, W½W½;
Sec. 18, N½NE¼;
Sec. 19, Lots 2, 3, 4, 5 and 9, SW¼SE¼, and
Sec. 20, Lot 2, NW¼NW¼, S½NW¼, and
M.S. 3380 and M.S. 3381

Containing 1,777.25 acres.

This order restores the land acquired by the United States to the operation of the public land laws generally. No mineral interests were acquired in the exchange.

In exchange for the above described land, a perpetual road easement and a $31,872 cash equalization payment, the following described lands in Liberty County were transferred to Meissner Ranches, Inc.:

Principal Meridian, Montana

T. 29 N., R. 6 E.,
Sec. 15, Lot 6 and W½SE¼;
Sec. 17, Lot 7;
Sec. 20, E½NE¼;
Sec. 21, Lot 4, S½N½, N½SE¼;
Sec. 22, NE¼, NE¼NW¼, S½NW¼ and
N½S½; and
Sec. 23, Lots 2 and 3, S½NE¼ and NW¼.

Containing 1,242.40 acres.

The purpose of this notice is to inform the public and interested state and local governmental officials of the issuance of the conveyance document.

DATE: At 9 a.m. on May 13, 1983, the lands acquired by the United States and

described above shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All applications received at or prior to 9 a.m. on May 13, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Ronald L. Bartley,

Acting Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 83-8282 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-84-M

[N-36587]

Nevada; Order Providing for Opening of Public Land

March 24, 1983.

1. The following described land was reconveyed to the United States in an exchange of land made under the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended:

Mount Diablo Meridian, Nevada

T. 16 N., R. 63 E.,
Sec. 28, N½NE¼.
The area described comprises approximately 80 acres in White Pine County, Nevada.

2. At 9:00 a.m., on May 2, 1983, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:00 a.m., on May 2, 1983, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. At 9:00 a.m., on May 2, 1983, the lands will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 83-8367 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-84-M

Medford District Office (Medford, Oregon); Closure of Public Lands To Motorized Vehicle Use

Notice is hereby given that certain public lands in the Lake Creek Area are closed to all motorized vehicles in accordance with the provisions of 43 CFR Part 8340. These restrictions do not apply to any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; vehicles in official national defense emergencies.

The area affected by this designation is located approximately 10 air miles northwest of Medford, Oregon, and will be closed to motorized vehicles from December 1 thorugh July 15 of each year. The legal description of the closed lands is:

Township 37 South, Range 1 East, Willamette Meridian,
Sec. 2, NW¼, N½SW¼, SW¼SW¼;
Sec. 3, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 11, all.
Total acres: 1,080.

This area is closed to motorized vehicle use to prevent damage and disturbance to an area having significant research values, threatened and endangered species and winter concentrations of wildlife.

Maps showing the areas described above are available at the Medford District Office, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97501.

This designation is effective immediately and will remain in effect until revised, revoked, or amended by the Authorized Officer pursuant to 43 CFR Part 8340.

Dated: March 23, 1983.

Jerry E. Asher,

Acting District Manager.

[FR Doc. 83-8286 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-84-M

Filing of Public Lands for Indemnity Selection

The State of Utah has filed two selection applications to acquire the lands described below, under the provisions of the Act of July 16, 1894 (28 Stat. 107), as amended, in lieu of certain school lands that were incumbered by other rights or reservations before the State's title could attach. These applications have been assigned the serial numbers U-5262 and U-52673.

The lands included in the selection application U-52672 are described as follows:

Salt Lake Meridian Utah

T. 2 S., R. 3E.,
Sec. 13, NE¼NW¼.
T. 2 S., R. 4 E.,
All vacant, unappropriated public lands administered by the Bureau of Land Management in Sections 7, 9, 10 (except the NW¼NE¼), 11, 14, 15, 18, 22-24.
T. 2 S., R. 5 E.,
Sec. 6, lot 5.
T. 23 S., R. 5 E.,
Sec. 1, lots 1, 2, S½NE¼, SE¼;
Secs. 12, 13, all;
Sec. 14, E½;
Sec. 23, S½NE¼, SE¼;
Secs. 24, 25, all;
Sec. 26, NE¼.
T. 13 S., R. 6 E., (mineral estate only),
Sec. 20, NE¼NW¼, NW¼NE¼, S½N½, S½;
Sec. 29, S½, SE¼NW¼.
T. 22 S., R. 6 E.,
Sec. 34, S½.
T. 23 S., R. 6 E.,
Sec. 3, lots 1-4, S½N½;
Sec. 4, lots 1-4, S½N½, SW¼;
Sec. 5, lots 1-3, S½N½, S½;
Sec. 6, lots 6, 7, S½NE¼, E½SW¼, SE¼;
Sec. 7, lots 1-4, NE¼, E½W½;
Sec. 8, E½;
Sec. 9, W½;
Sec. 17, NE¼;
Secs. 19, 30, 31, all.
T. 3 S., R. 21 E., (mineral estate only),
Sec. 4, lots 2-5, SE¼NW¼;
Sec. 5, lots 1, 4, SW¼NW¼;
Sec. 6, lots 1-5, S½NE¼, SE¼NW¼.
T. 27 S., R. 22 E.,
Secs. 25, 26, 35. all.
T. 12 S., R. 24 E.,
Sec. 11, S½SE¼;
Sec. 12, S½S½;
Sec. 13, N½N½, SW¼NW¼, SW¼, S½SE¼;
Sec. 13, S½NE¼, SE¼NW¼, N½SE¼ (minerals only);
Sec. 14, E½;
Sec. 23, E½;
Sec. 24, all.
T. 9 S., R. 25 E.,
Sec. 19, SE¼;
Sec. 28, S½;
Sec. 30, lots 5-14, N½NE¼, SE¼NE¼;
Sec. 31, NW¼;
Sec. 33, lots 1-5, NE¼, N½NW¼, SE¼NW¼.
T. 12 S., R. 25 E.,
Sec. 7, S½S½;
Sec. 8, S½S½;
Sec. 17, all;
Sec. 18, E½NE¼, NW¼NE¼, N½NW¼, SE¼;
Sec. 18, SW¼NE¼, S½NW¼, SW¼ (minerals only);
Sec. 19, E½, SW¼;
Sec. 19, NW¼ (minerals ony);
Sec. 20, W½NW¼, W½;
Sec. 29, W½;
Sec. 30, all.
T. 29 S. R. 8 W.,

Sec. 30, commencing at the N.W. corner of the SW¼SW¼ of Section 30, thence south 5.2 chains, more or less; thence north 53°33′ east 5.6 chains; thence north 65°22′ east 4.4 chains; thence west 8.3 chains, more or less to the point of beginning.

T. 29 S., R. 9 W.,

Sec. 25, commencing at the N.E. corner of the SE¼SE¼ of Section 25, thence west 20 chains; thence south 20 chains; thence east 9.8 chains; thence north 28°04′ east 950 feet along reservior boundary; thence north 53°33′ east 4.7 chains; thence north 5.3 chains to the point of beginning.

Sec. 36, SW¼SW¼, commencing at the N.W. corner of the NE¼NE¼ of Section 36 aforesaid, thence south 10.5 chains; thence north 61°24′ east 3.0 chains; thence north 40°29′ east 12 chains; thence west 10 chains to the point of beginning.

Commencing at the N.W. corner of the NW¼NE¼ of said Section 36, thence south 20 chains; thence east 11.2 chains; thence north 18°37′ east 383 feet; thence north 61°24′ east 544.5 feet; thence north 10.5 chains; thence west 20 chains to the point of beginning.

Commencing at the N.W. corner of the SW¼NE¼ of Section 36, thence south 20 chains; thence east 6.4 chains; thence north 8°45′ east 33 feet; thence north 15°29′ east 513.5 feet; thence north 1°53′ east 327 feet; thence north 18°37′ east 508.2 feet; thence west 11.2 chains to the point of beginning.

Commencing at the N.W. corner of the SE¼SW¼ of Section 36, thence south 20 chains, thence east 4.25 chains; thence north 18°21′ east 678 feet; thence north 59°19′ east 517 feet; thence north 37°10′ east 481.8 feet; thence west 18.5 chains to the point of beginning.

Commencing at the N.W corner of the NW¼SE¼ of Section 36, thence south 18 chains; thence north 36°25′ east 311.6 feet; thence north 25° east 297 feet; thence north 8°45′ east 662 feet; thence west 6.4 chains more or less to the point of beginning.

T. 30 S., R. 9 W.,

Sec. 2, commencing at the N.E. corner of the said Lot 1, thence south 13 chains; thence north 44°39′ west 189 feet; thence south 33°12′ west 627 feet; thence north 12°28′ west 589 feet; thence south 23°30′ west 713 feet; thence west 6 chains, more or less; thence north 20 chains; thence east 20 chains to the point of beginning.

Commencing at the N.W. corner of the SW¼NE¼ of Section 2, thence south 20 chains; thence east 9.8 chains; thence north 32°20′ east 231 feet; thence north 41°38′ west 278 feet; thence north 73°23′ east 386 feet; thence north 57°41′ east 332 feet; thence north 56°10′ west 482 feet; thence north 4°58′ east 230 feet; thence south 65°34′ east 495 feet; thence north 5.3 chains, more or less; thence west 20 chains to the point of beginning.

Commencing at the N.W. corner of the SE¼NE¼ of said Section 2, thence south 5.3 chains; thence south 65°34′ east 230 feet; thence north 23°30′ east 488 feet; thence west 6 chains, more or less to the point of beginning.

Commencing at the N.E. corner of the E½SW¼ of Section 2, thence west 20 chains; thence south 40 chains; thence east 7.5 chains; thence north 34°45′ east 330 feet; thence north 27°08′ east 619.8 feet; thence north 21°10′ east 762 feet; thence north 28°22′ east 379 feet; thence north 45° west 205 feet; thence north 9.7 chains more or less to the point of beginning.

Commencing at the N.W. corner of the NW¼SE¼ of Section 2, thence south 9.7 chains; thence north 79°53′ east 284 feet; thence north 31°31′ east 452 feet; thence north 32°20′ east 241 feet; thence west 9.8 chains, more or less to the point of beginning.

Sec. 11, commencing at the N.E. corner of the NW¼NW¼ of Section 11, thence south 80 rods; thence east 47 rods, more or less, thence north 17°20′ west 915 feet; thence north 0°22′ east 440 feet to north line of said Section 11, thence west 30 rods to the point of beginning.

T. 36 S., R. 11 W.,
Sec. 15, SW¼SW¼.

T. 42 S., R. 15 W.,
Sec. 17, lots 13, 14.

T. 43 S., R. 15 W.,
Sec. 11, lot 11;
Sec. 14, NE¼, N½NW¼, SW¼NW¼.

T. 1 S., R. 16 W.,
Secs. 19, 20, all;
Sec. 27, W½;
Secs. 28–31, all;
Sec. 33, all;
Sec. 34, W½.

T. 2 S., R. 16 W.,
Secs. 3, 4, all;
Sec. 5, lots 1–4, S½NW¼, SW¼;
Secs. 6, 7, all;
Sec. 8, W½;
Sec. 9, N½;
Sec. 10, N½;
Sec. 15, all;
Sec. 17, W½;
Sec. 18, all.

T. 1 S., R. 17 W.,
Sec. 20, E½;
Sec. 21, all;
Sec. 22, NE¼NE¼, W½NW¼NE¼, W½, S½SE¼;
Secs. 23–28, all;
Sec. 29, E½;
Secs. 33–35, all.

T. 2 S., R. 17 W.,
Sec. 1, all;
Secs. 3, 4, all;
Sec. 5, lots 1, 2, S½NE¼, SE¼;
Sec. 8, E½;
Secs. 9–15, all;
Sec. 17, E½.

Approximately 46,814.28 acres.

The lands included in the selection application U–52673 are described as follows;

Salt Lake Meridian, Utah

T. 28 S., R. 1 E.,
Secs. 1, 3–15, 17–30, 33–35, all.

T. 29 S., R. 1 E.,
Secs. 1, 3, 4, 9–15, all;
Secs. 16, 21, all (surface only);
Secs. 22–28, 33–35, all.

T. 30 S., R. 1 E.,
Secs. 1, 3, 4, 9–13, all;
Sec. 14, E½, N½NW¼, S½SW¼;
Sec. 14, S½NW¼, N½SW¼ (surface only);
Sec. 15, all;
Sec. 16, all (surface only);
Secs. 21–28, 33–35, all;
Sec. 36, S½NE¼, NW¼.

T. 5 S., R. 22 E.,
Sec. 13, E½, NW¼, E½SW¼, NW¼SW¼;
Sec. 14, E½NE¼, NW¼NE¼;
Sec. 24, NE¼, NE¼NW¼.

T. 5 S., R. 23 E.,
Sec. 8, NW¼;
Sec. 18, lots 1–3, 5, 6, NW¼NW¼NE¼, W½NE¼NW¼NE¼, NW¼SW¼NW¼NE¼, NE¼NW¼, W½NE¼SE¼NW¼, W½SE¼NW¼.

T. 28 S., R. 1 W.,
Secs. 1, 11–14, 23–26, all.

Approximately 53,673.12 acres.

The filing of the two selection applications U–52672 and U–52673, segregates the lands described above from settlement, sale, locations or entry under the public land laws, including the mining laws, but not the mineral leasing laws or the Geothermal Steam Act. The segregative effect on the public lands shall terminate upon issuance of a document of conveyance to such lands, or upon publication in the **Federal Register** of a notice of termination of the segregation or the expiration of two years from the date of the filing of the selection applications, whichever occurs first.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-8268 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202–395–7340.

Title: Application for Federal Bird Marking and Salvage Permit.

Bureau Form Number: 3–481.

Frequency: On occasion.

Description of Respondents: Individuals, State and Federal Government employees who wish to trap and mark wild birds.

Annual Responses: 450.

Annual Burden Hours: 225.
Service Clearance Officer: Arthur J. Ferguson, 202–653–7499.

C. R. Bavin,

Acting Associate Director, Wildlife Resources.

March 24, 1983.

[FR Doc. 83–8361 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–55–M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202–395–7340.

Title: Request for Banding Data.
Bureau Form Number: 3–860a.
Frequency: On occasion.
Description of Respondents: Individuals, State and Federal Government employees who are licensed bird banders.
Annual Responses: 4,000.
Annual Burden Hours: 133.
Service Clearance Officer: Arthur J. Ferguson, 202–653–7499.

C. R. Bavin,

Acting Associate Director—Wildlife Resources.

[FR Doc. 83–8362 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co., U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1619, Block 93, South Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 25, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83–8376 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–MR–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Gulf Oil Exploration and Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Supplemental Development and Production Plan describing the activities its proposes to conduct on Lease OCS–G 0981, Block 237, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 25, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83–8378 Filed 3–30–83; 8:45 am]

BILLING CODE 4310–MR–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Kerr-McGee Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0832, Block 229, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 25, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-8379 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas Sulphur Operations in the Outer Continental Shelf; Marathon Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Marathon Oil Company has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2885, Block 141, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 25, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-8375 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Offshore Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Shell Offshore Inc, has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 3936 and 3472, Blocks A-19 and A-20, Brazos Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Develolpment and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 25, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-8380 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Superior Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that The Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0797, Block 105, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 25, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-8377 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-MR-M

Office of the Secretary

Protect Our Wetlands and Duck Resources (POWDR) Task Force; Establishment

This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), following consultation with the General Services Administration. The Protect Our Wetlands and Duck Resources (POWDR) Task Force was originally created to identify and implement, where possible, innovative methods and measures to conserve wetlands, particularly for migratory bird habitat. This includes the identification of opportunities to encourage private landowners, businesses, and State and local governments to participate in the conservation of wetlands. Notice is hereby given that the Protect Our Wetlands and Duck Resources Task Force is established under the Federal Advisory Committee Act so as to provide advice and recommendations to the Department of the Interior and other Federal agencies to enhance Federal efforts to provide protection for wetland areas.

Further information regarding the task force may be obtained from:

Kathryn Yasueda, Staff Assistant, Office of the Secretary, Department of the Interior, Washington, D.C. 20240, (202) 343–4203.

The certification of establishment is published below.

Certification

I hereby certify that the Protect Our Wetlands and Duck Resources (POWDR) Task Force is in the public interest in connection with performance of duties imposed on the Department of the Interior by the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703, *et seq.*), the Migratory Bird Conservation Act, as amended (16 U.S.C. 175 *et seq.*), the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742, *et seq.*), and other statutes relating to the conservation of wetland resources.

Dated: March 9, 1983.

Jim Watt,

Secretary of the Interior.

[FR Doc. 83-8301 Filed 3-30-83: 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275-7992.

Vol. No. OP1–104

Decided: March 24, 1983.

By the Commission, Review Board No. 2. Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC 13300 Sub 97A, filed March 11, 1983. Applicant: CAROLINA COACH COMPANY, P.O. Box 28086, Raleigh, NC 27611. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Transporting (1) *passengers*, in charter and special operations, between points in the U.S. (except HI), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation in (1) above. Applicant has also filed for authority under the non-fitness procedures docketed MC–109780 Sub 97B, published in this same **Federal Register** issue.

MC 13300 (Sub-97B), filed March 11, 1983. Applicant: CAROLINA COACH COMPANY, P.O. Box 28086, Raleigh, NC 27611. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Over regular routes, transporting *passengers*, (1) between Norfolk, VA, and Richmond, VA, over Interstate Hwy 64, serving Ft. Eustis and Williamsburg, VA, as off-route points, (2) between Raleigh, NC, and junction U.S. Hwy 1 and Interstate Hwy 85, over U.S. Hwy 1, serving Henderson, NC, as an off-route point, (3) between Durham, NC, and Petersburg, VA, over Interstate Hwy 85, serving South Hill, VA, and Henderson and Oxford, NC, as off-route points, (4) between Greensboro, NC, and Danville, VA, over U.S. Hwy 29, serving Reidsville, NC, as an off-route point, (5) between Charlotte, NC, and Raleigh, NC, over U.S. Hwy 64 and NC Hwy 49, (6) between junction U.S. Hwy 13 and DE Hwy 141 and Philadelphia, PA, from junction U.S. Hwy 13 and DE Hwy 141 over DE Hwy 141 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Philadelphia, and return over the same route, (7) between Wilson, NC, and Rockey Mount, NC, over U.S. Hwy 301, (8) between Richmond, VA, and junction Interstate Hwy 95 and Business Interstate Hwy 95 near Fayetteville, NC, over Interstate Hwy 95, serving Petersburg and Emporia, VA, Roanoke

Rapids, Rocky Mount, Wilson, Smithfield and Dunn, NC, as off-route points, (9) between Greensboro, NC, and Charlotte, NC, over Interstate Hwy 85, serving High Point, Thomasville, Lexington, Salisbury, Kannapolis, and Concord, NC, as off-route points, and serving all intermediate points in (1) through (9) above.

Note.—Applicant seeks to provide regular route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B). Applicant has also filed for authority under the fitness procedures docketed MC–13300 Sub-97A, published in this same **Federal Register** issue.

MC 162691 (Sub-2), filed March 15, 1983. Applicant: MID STATE TRUCK & RIGGING, INC., 2650 North 32nd Ave., Phoenix, AZ 85009. Representative: Andrew V. Baylor, 337 East Elm St., Phoenix, AZ 85012, (602) 274–5146. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except HI).

MC 166061 (Republication), filed February 4, 1983, previously noticed in the FR issue of March 9, 1983. Applicant: NON–STOP TRUCKING, INC., 7020 Tall Cedars Lane, Ferndale, WA 98248. Representative: George W. Schoonmaker, 3737 Bank of California Center, Seattle, WA 98164, (202) 623–8433. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Note.—The purpose of this republication is to include AK and HI in the territorial description.

MC 166560, filed March 2, 1983. Applicant: JOHN C. TURNER d.b.a. BLU JAY ENTERPRISES, 13977 Duckflat Rd., S.E., Turner, OR 97392. Representative: John Turner, (same address as applicant), (503) 769–7316. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166721, filed March 10, 1983. Applicant: HEMISPHERE TRANSPORTATION, INC., P.O. Box 195, Fairless Hills, PA 19030. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215)–365–5141. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166781, filed March 14, 1983. Applicant: JERSEY FREIGHT LINES, INC., P.O. Box 151, Colts Neck, NJ 07722. Representative: Maxwell A. Howell, 2554 Massachusetts Ave., NW, Washington, DC 20008, (202)–483–8633 As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166800, filed March 14, 1983. Applicant: TRANSPORTATION & DISTRIBUTION ASSOCIATES d.b.a. T & D TRANSPORTATION BROKERS, P.O. Box 76213, Atlanta, GA 30358. Representative: Richard D. Cooper (same address as applicant) (404) 973–2509. As a *broker*, of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166870, filed March 18, 1983. Applicant: HERBERT W. SLOAN, d.b.a. CONTINENTAL LIMOUSINE SERVICE, 256 Courtland Ave., Stamford, CT 06906. Representative: Herbert W. Sloan (same address as applicant) (203) 327–7262. Transporting *passengers*, in charter and special operations, beginning and ending at points in CT, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166880, filed March 17, 1983. Applicant: L. E. COPPERSMITH, INC., 350 South Figueroa St., Los Angeles, CA 90071. Representative: Lew E. Coppersmith (same address as applicant) (213) 624–1324. As a *broker* of *general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–120

Decided: March 24, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 135684 (Sub-173), filed March 15, 1982. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, NJ 08822. Representative: Edward A. O'Donnell, 1004–29th St., Sioux City, IA 51104 (712) 255–3127. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 165404, filed March 14, 1983. Applicant: JOHNSON MOVING SERVICES, INC., 808 Seaboard St., P.O. Box 792, Myrtle Beach, SC 29578. Representative: Richard P. Proctor, 808 Seaboard St., P.O. Box 792, Myrtle Beach, SC 29578 (803) 448–5109. Transporting *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 166784, filed March 14, 1983. Applicant: MERLE J. DOLLY, Route #1, Box 6, Flintstone, MD 21530. Representative: William L. Wilson, 100 South Liberty St., Cumberland, MD 21502 (301) 722–2515. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202 275–7669.

Vol. No. OP4–182

Decided: March 23, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 141377 (Sub-7), filed March 18, 1983. Applicant: THEA O. ELLIOTT, 11 S Providence Rd., Richmond, VA 23235. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229 (804) 282–3809. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8300 Filed 3-30-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR

1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, puyblished in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922 (c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-181

Decided: March 23, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 42487 (Sub-1071), filed March 15, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208 (503) 226-4692. Transporting *general commodities* (except classes A and B explosives, household goods, commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Montgomery Ward & Co., of Chicago, IL, and its subsidiaries Jefferson Ward Stores, of Miami, FL, and Standard-T-Chemical, Inc., of Chicago, IL.

MC 51146 (Sub-867), filed March 18, 1983. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. Dujardin (same address as applicant) (414) 498-7623. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers and related products, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers and distributors of containers and related products.

MC 59247 (Sub-28), filed March 18, 1983. Applicant: LINDEN MOTOR FREIGHT CO., INC., 1300 Lower Rd., Linden, NJ 07036. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 234-0301. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Diamond Shamrock Corporation, of Irving, TX.

MC 123807 (Sub-7), filed March 17, 1983. Applicant: RENNOLDS POTTERFIELD, 425 Park St., Monroe City, MO 63456. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102 (314) 636-2321. Transporting *commodities in bulk,* between points in MO, IL, IA, KS, NE, OK, AR, KY and TN.

MC 128917 (Sub-11), filed March 17, 1983. Applicant: HANDY TRUCK LINE, INC., P.O. Box 148, Heyburn, ID 83336. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343-3071. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 140716 (Sub-3), filed March 18, 1983. Applicant: THE STROH TRANSPORTATION COMPANY, 1 Stroh Dr., Detroit, MI 48226. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226 (313) 962-6492. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with DFC Transportation Company, of Huntley, IL.

MC 146636 (Sub-11), filed March 18, 1983. Applicant: J. K. SMITH, P. SMITH AND M. R. SMITH d.b.a. SMITH TRUCKING, Route 1, P.O. Box 43, Round Lake, MN 56167. Representative: Robert S. Lee, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402 (612) 333-1341. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Riverside County, CA, Richmond County, GA, Nelson County, KY, Nobles County, MN, Greene County, MO, Clark County, NV,

Monmouth County, NJ and Rockingham County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166877, filed March 18, 1983. Applicant: THOMAS J. WOODAZ, d.b.a. ESCANABA MOVING SYSTEMS, P.O. Box 592, Escanaba, MI 49829. Representative: Jack Meyer, Suite 1330 Marine Plaza, 111 East Wisconsin Ave., Milwaukee, WI 53202 (414) 272–8550. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the Upper Peninsula of MI.

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–103

Decided: March 24, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

FF 680, filed March 17, 1983. Applicant: BETA FORWARDERS, INC., 1413 Southgate Avenue, Daly City, CA 94015. Representative: Srilak Pongpatipat (same address as applicant) (415) 991–9114. As a *freight forwarder*, in connection with the transportation of *household goods, baggage and automobiles*, between points in the U.S.

MC 35321 (Sub-4), filed March 8, 1983. Applicant: JIM THORPE TRANSPORTATION CO., INC., 10 West Tenth St., Jim Thorpe, PA 18229. Representative: Sander M. Bieber, Suite 1100, 1730 Pennsylvania Ave., N.W., Washington, DC 20006, (202) 783–0200. Over regular routes, transporting *passengers*, between Bowmanstown, PA, and Atlantic City, NJ, from Bowmanstown, over PA Hwy 248 to junction PA Hwy 145, then over PA Hwy 145 to junction unnumbered hwy (Main St.) at or near Walnutport, PA, then over unnumbered hwy (Main St.) to junction PA Hwy 873, then over PA Hwy 873 to junction PA Hwy 309, then over PA Hwy 309 to junction PA Legislative Hwy 443, then over PA Legislative Hwy 443 to PA Turnpike Interchange 33, then over PA Hwy 9 to junction Interstate Hwy 276, then over Interstate Hwy 276 to PA Turnpike Interchange 25 to junction U.S. Hwy 422, then over U.S. Hwy 422 to junction unnumbered hwy (Chemical Rd.), then over unnumbered hwy (Chemical Rd.) to junction unnumbered hwy (Ridge Pike), then over unnumbered hwy (Ridge Pike), to junction Interstate Hwy 476, then over Interstate Hwy 476 to junction Interstate Hwy 76, then over Interstate Hwy 76 to junction Atlantic City Expressway, then over Atlantic City Expressway to Atlantic City, and return over the same route, serving all intermediate points.

Note—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 106010 (Sub-3), filed March 18, 1983. Applicant: RAIDERS EXPRESS, INC., 265 Broadway, Jersey City, NJ 07036. Representative: Ken Wilson, 167 Sylvan Road, Bloomfield, NJ 07003, (201) 338–5753. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between New York, NY and Philadelphia, PA, on the one hand, and, on the other, points in VA and DC.

MC 111651 (Sub-21), filed March 16, 1983. Applicant: MIDDLEWEST FREIGHTWAYS, INC., 6810 Prescott Ave., St. Louis, MO 63147. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 65105–1961, (816) 221–1464. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (1) between points in AL, AR, GA, IA, IL, IN, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, TN, TX and WI, and (2) between points in AL, AR, GA, IL, IN, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, TN, TX and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 115651 (Sub-108), filed March 15, 1983. Applicant: KANEY TRANSPORTATION, INC., P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW, Suite 500, Washington, DC 20006, (202)–828–5015. Transportating *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continued contract(s) with Union Carbide Corporation, of Danbury, CT.

MC 125000 (Sub-10), filed March 8, 1983. Applicant: CHARLES D. BALDWIN, D.B.A. BALDWIN TRUCKING, 7702 Broadway, Amarillo, TX 79108. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768–2207, (512) 476–6391. Transporting (1) *food and related products*, (2) *pulp, paper and related products*, (3) *chemicals and related products*, (4) *instruments and photographic goods*, (5) *metal products*, (6) *textile mill products*, (7) *rubber and plastic products*, (8) *clay, concrete, glass or stone products*, and (9) *machinery*, between points in the U.S. (except AK and HI).

MC 138730 (Sub-16), filed February 22, 1983. Applicant: CARAVAN COACH LINES, INC., RD 3 Box 451, Wharton, NJ 07885. Representative: William F. King, Suite 304 Overlook Bldg., 6121 Lincolnia Rd., P.O. Box 11278, Alexandria, VA 22313, (703) 750–1112. Over regular routes, transporting *passengers*, (1) between Paterson, NJ, and New York, NY, from Paterson, NJ, over Market St., to junction Madison Ave., then over Madison Ave., to junction Park Ave., then over Park Ave., to junction Vreeland Ave., then over Vreeland Ave., to junction Market St., then over Market St., to junction Lakeview Ave., then over Lakeview Ave., to junction Service Rd., then over Service Rd., to junction Market St., at or near Elmwood Park, NJ, then over Market St. to junction River Dr., then over River Dr., to junction U.S. Hwy 46, then over U.S. Hwy 46 to junction Main St., at or near Little Ferry, NJ, then over Maine St., to junction Liberty St. (also portion Moonachie Rd.), then over Liberty St. (also portion Moonachie Rd.), to junction Washington Ave., then over Washington Ave., to junction Interstate Hwy 495, then over Interstate Hwy 495 via the Lincoln Tunnel to New York, NY, and return over the same route, (2)(a) from Teterboro, NJ, to New York, NY, from Teterboro, NJ over U.S. Hwy 46 to junction Interstate Hwy 95, at or near Ridgefield Park, NJ, then over Interstate Hwy 95 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction Interstate Hwy 495 Service Rd., at or near North Bergen, NJ, then over Interstate Hwy 495 Service Rd. to junction Kennedy Blvd., then over Kennedy Blvd., to Lincoln Tunnel Plaza, then via the Lincoln Tunnel to New York, NY, (b) from New York, NY, to Teterboro, NJ, from New York, NY, via the Lincoln Tunnel to Park Ave., then over Park Ave., to junction 19th St., then over 19th St., to junction Kennedy Blvd., then over Kennedy Blvd., to junction Interstate Hwy 495 Service Rd., then over Interstate Hwy 495 Service Rd., to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate U.S. Hwy 46, then over U.S. Hwy 46 to Teterboro, NJ, and (3) between Teterboro, NJ, and Carlstadt, NJ, from Teterboro, NJ, over Industrial Ave., to junction Railroad St., then over Railroad St., to junction Moonachie Ave., then over Moonachie Ave., to junction Washington Ave., at or near Carlstadt, NJ, and return over the same route, serving all intermediate points in (1)–(3) above).

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 139120 (Sub-3), filed March 18, 1983. Applicant: P & M TRANSPORT, INC., 3801 Airport Way So., Seattle, WA 98108. Representative: George

LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228–3807. Transporting *petroleum, natural gas and their products, and chemicals and related products,* between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, TX and WY.

MC 142390 (Sub-7), filed March 11, 1983. Applicant: TRANSIT MOVING, INC., 2930 Industrial Park Rd., Iowa City, IA 52240. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001, (319)–557–1320. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Crain Midwest, Inc., of Chicago, IL.

MC 150511 (Sub-7), filed March 15, 1983. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216)–566–5639. Transporting *such commodities* as are dealt in or used by retail department stores, between points in the U.S., under continuing contract(s) with Davidson's, a Division of R. H. Macy & Co., Inc., of Atlanta, GA.

MC 150621 (Sub-1), filed March 18, 1983. Applicant: TED L. CLARK, d.b.a. CLARK TRUCK LINE, P.O. Box 317, Carrington, ND 58421. Representative: Thomas J. Van Osdel, 15 Broadway—Suite 502, Fargo, ND 58102, (710)–235–4487. Transporting *such commodities* as are dealt in or used by wholesale beverage distributors, between points in Foster County, ND, on the one hand, and, on the other, Denver, CO, and points in Jefferson County, CO, Milwaukee County, WI, and Hennepin and Ramsey Counties, MN, under continuing contract(s) with Central Distributing Company, Inc., of Carrington, ND.

MC 152250 (Sub-5), filed March 14, 1983. Applicant: WHITE TRANSPORT, INC., 133 Canfield St., Sheridan, WY 82801. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406)–252–4165. Transporting (1) *malt beverages,* between points in Thurston County, WA, on the one hand, and, on the other, points in Sheridan County, WY, and (2) *lumber and wood products, construction, mine and mill machinery, equipment and supplies,* and *bentonite,* between points in MT and WY, on the one hand, and, on the other, points in WA, MN, KS, CO, NE, IA, CA, ID, OR, ND, SD, UT, TX, OK, NM, AZ, NV and MT.

MC 156041 (Sub-1), filed March 17, 1983. Applicant: KARDON TRANSPORT, INC., 310 St. Rt. S. 325, P.O. Box 720, Saint Paris, OH 43072. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614)–889–2531. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 156100 (Sub-3), filed March 15, 1983. Applicant: GOLDEN TRIAD CARRIERS, INC., P.O. Box 4145, Archdale, NC 27263. Representative: Terrell Price, 800 Briar Creek Rd., Ste. DD504, Charlotte, NC 28205, (704)–372–8212. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NC, SC, VA, GA, and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158951 (Sub-1), filed March 14, 1983. Applicant: IOCSO TRUCKING, INC., 10972 SW Springwood, Tigard, OR 97223. Representative: Jerry R. Woods, P.O. Box 28, Room 104, Flavia Hall, Marylhurst, OR 97036, (503) 635–5600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY.

MC 161760 (Sub-1), filed March 1, 1983. Applicant: M.J.D. TRUCKING, INC., Coles Mills Road, P.O. Box 492, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 163150 (Sub-1), filed March 17, 1983. Applicant: TIDEWATER EXPRESS, INC., Route 413, Box 98–A, Crisfield, MD 21817. Representative: Mark D. Russell, Suite 348, Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20423, (202) 737–2188. Transporting *food and related products,* between points in MD and VA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 163380 (Sub-1), filed March 18, 1983. Applicant: V. R. MOWRY, INC., P.O. Box 155, Petersburg, WV 26847. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points Grant County, WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164001 (Sub-1), filed March 18, 1983. Applicant: A. FRANK COWAN, d.b.a. FRANK COWAN TRUCKING, 5891 Kingston Wy., Murray, UT 84107. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801)–530–1300. Transporting *food and related products,* between point in the U.S. (except AK and HI), under continuing contract(s) with South Omaha Fruit Market, of Omaha, NE.

MC 165230, filed March 16, 1983. Applicant: W. JANE LINES, d.b.a. LINES TRUCKING, P.O. Box 55, Quinault, WA 98575. Representative: Jim Pitzer, 15 South Grady Way—Suite 321, Renton, WA 98055, (206) 235–1111. Transporting (1) *beverages and wine,* between points in CA, OR and WA, and (2) *lumber and wood products and building materials,* between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY.

MC 166370, filed March 15, 1983. Applicant: B & R TRUCKING, a corporation, P.O. Box 1073, Red Bluff, CA 96080. Representative: John Patrick Kelly, 3659 Adams Avenue, San Diego, CA 92116, (619) 280–6565. Transporting *building materials,* between points in WA and OR, on the one hand, and, on the other, points in CA and AZ.

MC 166520 (Sub-1), filed March 17, 1983. Applicant: HAROLD A. JACKSON, d.b.a. JACKSON CONSTRUCTION, 241 Aspen St., Soldotna, 99669. Representative: Harold A. Jackson (same address as applicant), (907)–262–4082. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AK.

MC 166531, filed March 1, 1983. Applicant: OZARK COACH SALES & SERVICE, INC., Highway 68 West, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166691, filed March 16, 1983. Applicant: EMERSON ELECTRIC CO., 514 Earth City Expressway, Suite 100, Earth City, MO 63045. Representative: Fred Lenkman (same address as applicant), (314)–291–8281 Ext. 214. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Central Hardware Co., of Bridgeton, MO, and Pauwels-Chance, Inc., of Washington, MO.

MC 166741, filed March 11, 1983. Applicant: SHUMAN & SON'S, INC., 8230 S.W. 32 St., Miami, FL 33155. Representative: Jeannine Shuman (same address as applicant), (305)–559–3755. Transporting (1) *livestock, other than ordinary,* and (2) *livestock feed and feed ingredients,* between points in the U.S. (except AK and HI).

MC 166831, filed March 16, 1983. Applicant: EMPIRE LIMOUSINE INC., 30 Hawley Road Extention, Danbury, CT 06810. Representative: Stephen A. Nanai, Sr. (same address as applicant), (203) 797–0340. Transporting *passengers,* in charter and special operations, between points in ME, VT, NH, MA, RI, CT, NY, NJ, PA, MD, DE and DC.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166860, filed March 17, 1983. Applicant. RICHARD BRIGGS, Orangeville, IL 61060. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *fertilizer,* (a) between points in Clinton County, IA, and Dane and Walsworth Counties, WI, on the one hand, and, on the other, points in Stephenson County, IL, and (b) between points in Jo Daviess, Peoria, Whiteside and Winnebago Counties, IL, on the one hand, and, on the other, points in Green and Rock Counties, WI, (2) *feed ingredients,* between points in Clinton, Linn, Polk, Washington and Wright Counties, IA, on the one hand, and, on the other, points in Stephenson County, IL, and Green and Rock Counties, WI, and (3) *lime,* between points in Waukesha County, WI, on the one hand, and, on the other, points in Stephenson County, IL.

MC 166871, filed March 18, 1983. Applicant: CENTRAL STATES TERMINAL, INCORPORATED, 662 Kentucky Street, Memphis, TN 38103. Representative: John L. Earls (same address as applicant), (901) 526–7585. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AR, FL, GA, KY, LA, MS, MO, NC, SC, TN, OK and TX.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–121

Decided: March 23, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 2934 (Sub-146), filed March 15, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with National Medical Enterprises, Inc., of Los Angeles, CA.

MC 99825 (Sub-4), filed March 15, 1983. Applicant: AUGUST DEIKE TRANSFER, INC., P.O. Box 727, Mankato, MN 56002. Representative: Timothy H. Butler, 4200 IDS Center, 80 South 8th St., Minneapolis, MN 55402, (612) 371–3211. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Associate Milk Products, Inc., of New Ulm, MN.

MC 108404 (Sub-8), filed March 15, 1983. Applicant: MERCHANTS DELIVERY, MOVING & STORAGE CO., 1211–1223 State St., Racine, WI 53404. Representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410, Transporting *household goods,* between points in WI and IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 123765 (Sub-19), filed March 15, 1983. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Ave., Milwaukee, WI 53204. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *containers,* between points in the U.S. (except AK and HI), under continuing contract(s) with Continental Can Company, U.S.A., of Omaha, NE.

MC 133374 (Sub-2), filed March 14, 1983. Applicant: CARTER TRANSFER, INC., 346 South Church St., P.O. Box 246, Lake City, SC 29560. Representative: J. Warren Carter (same address as applicant), (803) 394–3114. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Carter Mfg. Co., Inc., and T. S. Ragsdale Co., Inc., both of Lake City, SC.

MC 143634 (Sub-6), filed March 15, 1983. Applicant: SHORELINE EXPRESS, INC., 611 Old Toll Rd., Madison, CT 06443. Representative: William Campbell (same address as applicant), (203) 421–3178. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. in and east of WI, IL, MO, AR, and TX.

MC 145205 (Sub-5), filed March 14, 1983. Applicant: RECO TRANSPORTATION, INC., Trucker's Place, P.O. Box 9926, Asheville, NC 28805. Representative: Joseph L. Steinfeld, Jr., 915 Pennsylvania Bldg., 425–13th St., N.W., Washington, DC 20004, (202) 737–1030. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146504 (Sub-8), filed March 14, 1983. Applicant: LEO TRUCKING COMPANY, INC., P.O. Drawer F, Poteau, OK 74953. Representative: Greg E. Summy, 208 Century Center Plaza, 100 West Main St., Oklahoma City, OK 73102, (405) 235–3661. Transporting *chemicals and related products,* between points in AR, CO, KS, LA, MS, MO, NE, NM, OK, TN, and TX.

MC 148265 (Sub-2), filed March 14, 1983. Applicant: L & F LEASING, INC., 3050 Gale Ave., Hubbard, OH 44425. Representative: Richard L. Goodman, 852 Ann St., P.O. Box 312, Niles, OH 44446, (216) 530–4342. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Concord Steel Corporation, of Warren, OH.

MC 166764, filed March 14, 1983. Applicant: ANDREWS INTERSTATE, INC., 5601 Denton Hwy., Watauga, TX 76148. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731–8431. Transporting *petroleum and petroleum products* and *chemicals and related products,* between points in AR, KS, LA, MS, NM, OK, and TX.

MC 166774, filed March 14, 1983. Applicant: JAMES B. BRANCH, d.b.a. GEMINI MOVING SPECIALISTS, 7241 Lankershim Blvd., North Hollywood, CA 91605. Representative: Irving C. Fein (same address as applicant), (213) 875–0470. Transporting *pulp, paper and related products,* between points in WA, OR, AZ, CA, and NV.

MC 166844, filed March 14, 1983. Applicant: JAMES E. MATNEY, d.b.a. JAMES MATNEY TRUCKING, 109 Pike St., Coal Grove, OH 45638. Representative: James R. Stiverson, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212, (614) 481–8821. Transporting *commodities in bulk,* between points in IL, KY, OH, and WV, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, AR, and LA.

[FR Doc. 83–8316 Filed 3–30–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions states in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For status, please call Team 2 at 202-275-7030.

Volume No. OP2-142

By the Commission, Review Board No. 1, Members Parker, Chandler, and Porter.

MC-FC-81161. By decision of March 18, 1983, issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1181, Review Board Number 1, approved the transfer to TRUCKER'S, INC., Stafford, TX, of Certificates No. MC-147902 Subs 1 and 2X (including the underlying authority in MC-147902, issued January 17, 1981, which was superseded by Sub 2X), issued March 11, 1981, and July 16, 1981, respectively, to N-W INVESTMENTS, INC., Houston, TX, authorizing the transportation of (1) general commodities (except classes A and B explosives), between points in the commercial zone of (a) Houston, Texas City, Baytown, Beaumont, Port Arthur, Corpus Christi, Bay City, Port O'Connor, Brownsville, Orange, La Porte, Galveston, Port Lavaca, and Port of Brownsville, TX, (b) New Orleans, Baton Rouge, and Lake Charles, LA; and (2) general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S. An application for temporary authority has been filed. Transferee is an authorized motor carrier holding authority under MC-139284. Representative: Damon R. Capps, P.O. Box 680045, Houston, TX 77268-0045.

For status, please call Team 3 at 202-275-5223.

Volume No. OP3-MCFC-124

Decided: March 22, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-81215. By decision of March 22, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to CONTRANS, INC., of Kansas City, KS, of Certificate No. MC-153084, issued March 3, 1982, to CROWN EXPRESS, INC., of Grandview, MO, authorizing the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Kansas City, MO, and Topeka, Lawrence, and Leavenworth, KS. Representative: Donald J. Quinn, Commerce Bank Building, 8901 State Line, Suite 232, Kansas City, MO 64114.

MC-FC-81229. By decision of March 22, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to UNITED MOBILE HOMES, INC., Newton, IA, of a portion of the authority in Certificate No. MC-78255, issued January 25, 1962, to MERCHANTS STORAGE & TRANSFER, INC., Newton, IA, authorizing the transportation of household goods as defined by the Commission, between points in Jasper County, IA, on the one hand, and, on the other, points in NE and IL. Representative: James Tyler, 112 North Second Ave. East, Newton, IA 50208.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-FC-180

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-81280, filed March 7, 1983. By decision of March 23, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to MELVIN TRUCKING, INC., of Streator, IL, of Certificate No. MC-119577 (Sub-No. 31), issued May 20, 1982, to OTTAWA CARTAGE, INC., (Maurice Levine, Trustee in bankruptcy), of Ottawa, IL, authorizing the transportation of *plastic products*, between points in LaSalle County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). An application for temporary authority has been filed. Representative: Paul J. Maton, 27 East Monroe St., Chicago, IL.

Volume No. OP4-FC-183

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC-FC-81294. By decision of March 24, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to T.T.L., INC., Conroe, TX, of Certificates Nos. MC-135997, MC-135997 (Sub-No. 1), and MC-135997 (Sub-No. 2), issued June 14, 1973, June 25, 1980, and February 9, 1982, respectively, to TEXAS TANK LEASING, INC., of Conroe, TX, authorizing the transportation of (1) glass fiber reinforced plastic storage vessels and glass fiber reinforced plastic pipe, from points in Montgomery and Harris Counties, TX, to points in OK, LA, KS, MO, AR, MS, AL, TN, and GA, (2) glass fiber reinforced plastic products, fiberglass storage vessels, fiberglass pipe, manholes and wetwells (except insulation materials), between points in Galveston, Harris, and Montgomery Counties, TX, on the one hand, and, on the other, points in AZ, CO, IL, KY, NM, TX, UT, LA, KS, MO, AR, MS, AL, TN, FL, GA, and OK, with certain rstrictions, and (3) general commodities (with certain exceptions), between the facilities of Owens-Corning Fiberglass Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI). Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. (512) 472-1101.

[FR Doc. 83-8304 Filed 3-30-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 1343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on April 30, 1983. Petitions for reconsideration must be filed by April 20, 1983. Petitions for stay must be filed by April 11, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: March 24, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

MC–F–15041, ROBERT L. WILLIAMS—continuance in control exemption—S & C TRANSPORT, INC., and INLAND WATERS POLLUTION CONTROL, INC. Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Neill T. Riddell, 900 Guardian Building, Detroit, Michigan 48226. Pleadings should refer to MC–F–15041. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(b), the continuance in control by Robert L. Williams, of his two wholly-owned motor carrier subsidiaries: S & C Transport, Inc. (MC–155411) and Inland Waters Pollution Control, Inc., (MC–155412).

MC–F–15061, McCOY GROUP, INC.—control exemption—McMORHAN TRUCKING COMPANY, INC., and GMC MOTOR TRUCK SALES, INC. Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Donald B. Levine, 180 North LaSalle Street, Suite 2210, Chicago, IL 60601. Pleadings should refer to MC–F–15061. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the acquisition by the McCoy Group, Inc., and in turn Robert L. McCoy and Mary J. McCoy who jointly control McCoy, of an increased level of control of McMorHan Trucking Co., Inc. (Nos. MC–136774 and MC–143029) and GMC Motor Truck Sales, Inc. (No. MC–155774).

MC–F–15073, ROBERT W. SWANSON, GERALD E. MALKE, RICHARD V. PICKARD and JOSEPH A. ESCHENBACHER—continuance in control exemption—DAHLEN TRANSPORT, INC. and DTI, LTD. Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, DC 20036. Pleadings should refer to MC–F–15073. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the continuance in control by Robert W. Swanson, Gerald E. Malke, Richard V. Pickard, and Joseph A. Eschenbacher of Dahlen Transport, Inc., (MC–105375 and sub-numbers), and DTI, Ltd., (MC–156733).

[FR Doc. 83–8312 Filed 3–30–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP3–123]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

MC 105375 (Sub-88) (republication) filed September 4, 1981, published in the **Federal Register** issue of September 21, 1981, and republished this issue. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Ave., Newport, MN 55055. Representative: Joseph A. Eschenbacher, Jr., P.O. Box 289, Newport, MN 55055, (612) 459–3344. A Decision of the Commission, Review Board Number 2, decided December 17, 1982, and served December 23, 1982 finds that the performance by applicant of the service described herein to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect the broadening of the territorial description.

[FR Doc. 83–8314 Filed 3–30–83; 8:45 am]

BILLING CODE 7035–01–M

[No. 39032] [1]

Motor Carriers; Dakota Pacific Transport, Inc., et al.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Five motor contract carriers have each requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due April 15, 1983. The sought relief will become final May 2, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Interstate Commerce Commission, 12th and Constitution Ave., N.W., Room 2139, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Eric S. Davis, (202) 275–7941, or Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act

[1] This proceeding embraces five petitions for exemption, as set forth in the appendix.

requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The five motor contract carriers identified in the appendix filed individual petitions requesting exemptions under the three exemption provisions mentioned above with respect to both existing and future contracts. As the issues presented by these petitions are substantially similar, we are consolidating them for notice purposes.

The petitioners hold a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. They seek to eliminate the cost and time delays inherent in fulfilling the tariff filing requirements. They assert that a grant of the requested relief will better allow them to perform their function of serving their contracting shippers.

Petitioners' requests concerning existing contracts are well grounded. We see no reason to deny these carriers the savings to be realized from a tariff filing exemption. It appears that the requirement that these carriers file schedules is not in the public interest and that relief will promote the transportation policies of 49 U.S.C. 10101.

We further conclude that exemptions are justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of these carriers from the requirement that they file tariffs governing their future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for these carriers and their shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing these contract carriers to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant each petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this provisional approval ought to be withdrawn or permitted to become final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: March 23, 1983

By the Commission, Division 2, Commissioners Gradison, Taylor and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix

The dockets embraced by this proceeding are as follows:

No. 39032 Dakota Pacific Transport, Inc.
No. 39099 General Commodities Warehouse & Distributing Co., Inc.
No. 39109 John Cheeseman Trucking, Inc.
No. 39111 Interco Freight Systems, Inc.
No. 39112 Miller Transporters, Inc.

[FR Doc. 83-8308 Filed 3-30-83; 8:45 am]

BILLING CODE 7035-01-M

[No. 39008] [1]

Motor Carriers; Schneider Transport, Inc., et al.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Ten motor contract carriers have each requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due by April 15, 1983. The sought relief will become final May 2, 1983, unless, in response to timely-filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Interstate Commerce Commission, 12th and Constitution Ave., NW., Room 2139, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Eric S. Davis, (202) 275-7941, or Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The 10 motor contract carriers identified in the appendix filed individual petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented by these petitions are substantially similar, we are consolidating them for notice purposes.

Petitioners hold various contract carrier permits. They seek to eliminate the cost and time delays inherent in fulfilling the tariff filing requirements. They assert that a grant of the requested relief will better allow them to perform their function of serving their contracting shippers. Two of the petitioners, T.M. Delivery Systems, Inc., and Kanata Carriers Inc., offer to provide interested parties with copies of their rates if requested.

Petitioners requests are well grounded. We see no reason to deny these carriers the savings to be realized from a tariff filing exemption. It appears that the requirement that these carriers file schedules is not in the public interest and that relief will promote the transportation policies of 49 U.S.C. 10101. We will not order these carriers to provide copies of their rates upon request by interested parties since we have not imposed that requirement for other recent filings. See No. 38828, *Three Way Corporation-Petition for*

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

[1] This proceeding embraces 10 petitions for exemption, as set forth in the appendix.

Exemption from Tariff Filing Requirements (not printed), decided June 28, 1982.

We further conclude that exemptions are justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of these carriers from the requirement that they file tariffs governing their future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for these carriers and their shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing these contract carriers to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant each petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be made final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b), and 10762(f))

Decided: March 23, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix

The dockets embraced by this proceeding are as follows:

No. 39008 Schneider Transport, Inc.
No. 39028 Wilczek Trucking Company
No. 39029 Ashton Trucking Co.
No. 39030 T.M. Delivery Systems, Inc.
No. 39031 R.C. Service, Inc.
No. 39033 D.C. Swiftline, Inc.
No. 39034 Badger Lines, Inc.
No. 39048 The Great American Trucking Company, Inc.
No. 39075 Kanata Carriers Inc.
No. 39084 Groendyke Transport, Inc.

[FR Doc. 83-8313 Filed 3-30-83; 8:45 am]

BILLING CODE 7035-01-M

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

[No. 38985] [1]

Motor Carriers; IDA-CAL Freight Lines, Inc., et al.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Four motor contract carriers have each requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 15, 1983. The sought relief will become final on May 2, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 2139, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Eric S. Davis, (202) 275-7941
or
Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The four motor contract carriers identified in the appendix filed individual petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented by these petitions are substantially similar, we are consolidating them for notice purposes.

Petitioners hold various contract carrier permits. On many occasions they have found it necessary to file for special tariff authority to serve new points for the accounts of their named shippers. Therefore, they seek to eliminate the costs and time delays inherent in fulfilling the tariff filing requirements. They assert that a grant of the requested relief will better allow them to perform their function of serving their contracting shippers. Petitioners offer to provide interested parties with copies of their rates if requested.

Petitioners requests are well grounded. We see no reason to deny these carriers the savings to be realized fro n a tariff filing exemption. It appears that the requirement that these carriers file schedules is not in the public interest and that relief will promote the transportation policies of 49 U.S.C. 10101. We will not order these carriers to provide copies of their rates upon request by interested parties since we have not imposed that requirement for other recent filings. See No. 38828, *Three Way Corporation—Petition for Exemption from Tariff Filing Requirements* (not printed), decided June 28, 1982.

We further conclude that exemptions are justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of these carriers from the requirement that they file tariffs governing their future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for these carriers and their shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing these contract carriers to participate more freely in the marketplace is in the

[1] This proceeding embraces four petitions for exemption, as set forth in the appendix.

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

public interest and is consistent with the national transportation policy.

We provisionally grant each petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this provisional approval ought to be withdrawn or permitted to become final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b) and 10762(f))

Decided: March 24, 1983.

By the Commission, Division 1, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor concurred in part and dissented in part. He would not have granted exemptions for future contracts.

Agatha L. Mergenovich,

Secretary.

Appendix

The dockets embraced by this proceeding are as follows:

No. 38985 Ida-Cal Freight Lines, Inc.
No. 38987 G&R Petroleum
No. 38988 Arlo G. Lott Trucking
No. 39007 Remick Trucking, Ltd

[FR Doc. 83-8308 Filed 3-30-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15164]

Motor Carriers; Newbury Transport Corp.; Control Exemption; the George Rimes Trucking Company, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers*, 367 I.C.C. 113 (1982), Newbury Transport Corporation (Newbury) [a holding company presently controlling Blair Cartage, Inc. (MC-134798 and 136981)] and The George Rimes Trucking Company, Inc. (Rimes) (MC-153525), seek an exemption from the requirement of prior regulatory approval for the control (through stock ownership) of Rimes by Newbury. Rimes holds two certificates authorizing a regular-route general commodities service at points in the Northeast quadrant of Ohio. In addition, temporary authority is sought for Newbury to lease Rime's operating rights pending disposition of the petition for exemption.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register**.

ADDRESS: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423
and
(2) Petitioner's representative: Lewis S. Witherspoon, 2455 N. Star Rd., Columbus, OH 43221.

Comments should refer to No. MC-F-15164.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 23, 1983.

By the Commission, Hebert P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8311 Filed 3-30-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. 39110]

Motor Carriers; Pacific Motor Trucking Co.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Pacific Motor Trucking Company (PMT), a motor contract carrier, has requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due April 15, 1983. The sought relief will become final May 2, 1983, unless, in response to timely filed averse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Elaine Dobbins, (202) 275-6272
or
Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

Petitioner holds motor contract carrier authority under permit No. MC-78787 (Sub-No. 54) to serve General Motors Corporation between points in the United States. It argues that the tariff filing requirements are costly and time consuming. Petitioner also asserts that its shipper is penalized by having to wait for the rates to be filed.

We see no reason to deny this carrier the savings to be realized from a tariff filing exemption for an existing contract. It appears that exemption of this carrier from the requirement that it file tariffs covering its existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that it file tariffs governing its future contract operations, is warranted.[1] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for this carrier and its shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public

[1] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

interest and is consistent with the national transportation policy.

We provisionally grant petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this provisional approval ought to be withdrawn or permitted to become final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: March 23, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8310 Filed 3-30-83; 8:45 am]

BILLING CODE 7035-01-M

[OP-5-F141; No. MC-F-15203]

Motor Carriers; Presto Transportation, Inc.; Purchase Exemption; Spector Red Ball, Inc. (Debtor-in-Possession)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Presto Transportation, Inc. (Presto) (MC-157763) and Spector Red Ball, Inc. (Spector) (MC-2229), seek an exemption from the requirement of prior regulatory approval for the purchase by Presto of a portion of Spector's operating rights. In addition temporary authority is sought for Presto to lease such operating rights pending disposition of the petition for exemption.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 24023

(2) Petitioner's representative: Raymond Bradfield, P.O. Box 469, Peru, IL 61354.

Comments should refer to No. MC-F-15203

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition or exemption, which may be obtained free of charge by contacting petitioner's representatives. In the alternative, the petition for exemption may be inspected at the offices of the Interstates Commerce Commission during usual business hours.

Decided: March 25, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8302 Filed 3-30-83; 8:45 am]

BILLING CODE 7035-01-M

[No. 39108] [1]

Motor Carriers; Merchants Home Delivery Service of Texas, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Merchants Home Delivery Service of Texas, Inc., a motor contract carrier, has requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due April 15, 1983. The sought relief will become final May 2, 1983 unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Interstate Commerce Commission, 12th and Constitution Ave., N.W., Room 2139, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Eric S. Davis (202) 275-7941, or Howell I. Sporn (202) 275-7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

Merchants Home Delivery Service of Texas, Inc., has filed these petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented by these petitions are substantially similar, we are consolidating them for notice purposes.

Petitioner currently holds various contract carrier permits. Due to the economic recession and its negative affect upon business, Merchants seeks to reduce expenses whenever possible. Therefore it seeks to eliminate the cost and time delays inherent in fulfilling the tariff filing requirements. It asserts that a grant of the requested relief will better allow it to perform its function of serving its contracting shippers.

Petitioner's requests are well grounded. We see no reason to deny Merchants the savings to be realized from a tariff filing exemption. It appears that the requirement that petitioner file schedules is not in the public interest and that relief will promote the transportation policies of 49 U.S.C. 10101.

We further conclude that an exemption is justified for future contracts and services. Previously we denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that it file tariffs governing its future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for this carrier and its shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public

[1] This proceeding embraces two petitions for exemption filed by Merchants Home Delivery Service of Texas, Inc.: Nos. 39108 and 39108 (Sub-No. 1).

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements,* decided February 24, 1983.

interest and is consistent with the national transportation policy.

We provisionally grant petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be made final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: March 24, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8315 Filed 3-30-83; 8:46 am]

BILLING CODE 7035-01-M

[Ex Parte No. 334]

Rail Carriers; Car Service Compensation; Basic Per Diem Charges

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed suspension of required annual per diem update.

SUMMARY: The Interstate Commerce Commission is proposing to postpone for one year the 1983 update in car hire charges. The proposal is based upon petitions filed by the Association of American Railroads and the American Short Line Railroad Association. Comments are invited because the proposal modifies an existing Commission order, Car Service Compensation-Basic Per Diem Charges, 362 I.C.C. 884, 889.

DATE: Comments are due by May 2, 1983. Action required of the railroads to update car hire charges is postponed until further order of the Commission.

ADDRESS: An original and 15 copies of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423. Comments should refer to Ex Parte No 334.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to Office of the Secretary, Room 2215, Interstate Commerce Commission, Washington, DC 20423, or call 275-7428.

Dated: March 21, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8309 Filed 3-30-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub No. 869)]

Rail Carriers; Consolidated Rail Corp.; Exemption for Contract Tariff ICC-CR-C-0370 (Iron or Steel Bars and Rods)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278 or Tom Smerdon (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions: This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: March 23, 1983.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8122 Filed 3-30-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-137)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—in Knox and Mercer Counties; Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its 3.81-mile rail line near Rio (milepost 210.61) and the end of the line near North Henderson (milepost 206.80) in Knox and Mercer Counties, IL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27 (formally 49 CFR 1121.38).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8305 Filed 3-30-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30142]

Rail Carriers; Southern Railway Co. and Virginia and Southwestern Railway Co.—Exemption—Extension of Lease; Exemption

March 25, 1983.

Southern Railway Company (SRC) leases and operates the properties of its wholly-owned subsidiary the Virginia and Southwestern Railway Company (VSW), consisting of approximately 100 miles of railroad line in Tennessee and Virginia, by virtue of a 1958 lease which expired by its terms on March 14, 1983. The two railroads are considering a merger, and have agreed to a one-year extension of the lease (until March 14, 1984). On March 7, 1983, SRC and VSW

filed a notice of exemption, under 49 CFR 1180.2(d)(3) for the one-year extension.

This is a transaction wholly within a corporate family which is exempt as a class because it does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

As a condition to the use of the this exemption, any rail employees affected by this transaction shall be protected pursuant to *Mendocino Coast Ry., Inc.-Lease and Operate,* 354 I.C.C. 732 (1978) and 360 I.C.C. 653 (1980).

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8307 Filed 3-30-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of Justice Assistance, Research and Statistics

[Guideline G4600.1]

Funding and Administration of Regional Information Sharing Systems (RISS) Program

AGENCY: Office of Justice Assistance, Research, and Statistics, Justice.

ACTION: Final program guideline.

SUMMARY: The Office of Justice Assistance, Research, and Statistics (OJARS), pursuant to Attorney General Order Number 886–80, is issuing Guideline G4600.1, entitled, "Funding and Administration of the Regional Information Sharing Systems (RISS) Program". This grant program provides for the award of funds to support regional information sharing systems projects. Guideline G4600.1 defines the major legal, administrative, and program requirements for financial assistance under this Program.

As defined by Executive Order 12291, this notice does not constitute a "major" notice because it does not result in: (a) an effect on the economy of $100 million or more; (b) a major increase in any costs or prices; and, (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprise. This notice will not have "significant" economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (Pub. L. 96–354).

EFFECTIVE DATE: This notice is effective March 1, 1983.

FOR FURTHER INFORMATION CONTACT:

H.T. Tubbs, Director, Program Management Division, Office of Planning & Management, OJARS, 202/724–5961.

SUPPLEMENTARY INFORMATION: On December 20, 1982, OJARS published a proposed Guideline G4600.1 in the **Federal Register** (47 FR 56745–56750). Interested persons were invited to submit comments on the proposed Guideline to OJARS. The comments received expressed no objections to the proposed Guideline, but in several instances requested minor modifications. The requested modifications and OJARS' action in this regard are as follows:

1. A request was made to change the wording of Paragraph 9 on page 56747 of the referenced **Federal Register** to replace "annually" with "in FY 1983" and to insert "approximately" immediately prior to $500,000. This change was made in order to clarify the intent of the Guideline and to more accurately reflect funding allocations.

2. A request was made to include, in Paragraph 13(A)(4)(C) on page 56748, the words, "which conforms to 28 CFR Part 23" between "information obtained" and "will be furnished to". This change was made in order to be entirely consistent with the requirements of 28 CFR Part 23.

3. A request was made to add the wording "substantial, prolonged, and unresolved" prior to "Non-compliance with Operating Policies" in Paragraph 13(B)(3), page 56749. This change has not been made because, although no termination action would occur without offering a grantee every opportunity to resolve noncompliance problems, the nature of 28 CFR Part 23 is such that any area of noncompliance could potentially lead to termination, and grantees and implementing agencies should continually be aware of this potential. The overall language of Paragraph 13(B)(3) builds in adequate safeguards to ensure against arbitrary termination. In addition, the agency administration review procedure (28 CFR Part 18) provides for termination only where there has been a substantial failure to comply with the statute, the guidelines, or an approved application.

4. A request was made that the legislative Notification provision, Paragraph 13(F) be deleted, and that legislative notification not be made a guideline requirement. No action has been taken on this request and the guideline requirement will remain. The requirement was added to ensure that each state legislative body was aware of the activities of the individual projects within their state and to establish a potential mechanism for states to ultimately assume some of the costs of this Program should it ever become necessary. These needs override objections to inclusion of this requirement.

Robert F. Diegelman,

Acting Director, Office of Justice Assistance, Research and Statistics.

OJARS Guideline G4600.1—Funding and Administration of the Regional Information Sharing Systems (RISS) Program

1. Purpose. The purpose of this manual is to provide information and guidance concerning the funding and administration of the Regional Information Sharing Systems (RISS) Program. This manual is complemented by additional regulations, guidelines, instructions, and policies such as 28 Code of Federal Regulations (CFR) Part 23, 28 CFR Part 8, M7100.1B, Financial and Administrative guide for Grants 14062.7, Standards for Equipment to be Acquired with LEAA Grant Funds, and G7100.5, Control and Use of Confidential Funds Under the RISS Program.

2. Scope. This manual is of interest to state and local criminal justice agencies, institutions, and organizations involved in the administration and implementation of the RISS Program.

3. Introduction. A. Authority. Attorney General Order No. 886–80 authorizes the Director, Office of Justice Assistance, Research and Statistics (OJARS), after appropriate consultation with the Administrator of the Drug Enforcement Administration and the Assistant Attorney General in charge of the Criminal Division, to exercise the power and authority to administer the State and Local Drug Strike Force Grant Program, hereafter named as the Regional Information Sharing Program (RISS). This authorization provides the authority to promulgate such regulations as are necessary for effective administration of this program.

B. Oversight and Administration. The Executive Group, composed of the Assistant Attorney General in charge of the Criminal Division, the Administrator of the Drug Enforcement Administration, and the Director, OJARS, exercises responsibility for the oversight and overall administration of the RISS Program. To assist the Executive Group in its responsibilities, the OJARS Intelligence Systems and Policy Review Board makes recommendations to the Executive Group concerning funding of applications and policy issues dealing with intelligence information and systems, and develops and implements oversight procedures to ensure compliance with the Standards for

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Criminal Intelligence Operations (28 CFR Part 23). Daily management of the RISS Program is conducted through the Program Management Division, Office of Planning & Management, OJARS.

4. Program Goals and Objectives. The goal of the RISS Program is to enhance the ability of state and local criminal justice agencies to identify, target, and remove criminal conspiracies and activities spanning jurisdictional boundaries. The primary objectives of the program are to encourage and facilitate the rapid exchange and sharing of information pertaining to known or suspected criminals or criminal activity among federal, state and local law enforcement agencies, and to enhance coordination/communication among those agencies in pursuit of criminal conspiracies determined to be interjurisdictional in nature. Secondary objectives are to provide technical and financial resources to augment existing multi-jurisdictional enforcement resources/operations. These technical and financial resources may include specialized equipment, training and investigative funds.

5. Program Description. A. *Problem Analysis.* Major criminal offenses, including traditional and nontraditional organized crime, drug trafficking and major white collar crime, often span jurisdictional boundaries to the extent that two or more state or local jurisdictions may be required to respond to the same offense or conspirators. This multi-jurisdictional characteristic can pose significant problems for state and local law enforcement in target identification, allocation of enforcement resources, and coordination of those resources to affect successful multi-jurisdictional investigations and prosecutions. Many of these problems stem from the fact that, although state and local enforcement agencies individually may have pieces of information concerning multi-jurisdictional conspirators and their activities, they lack a mechanism by which this information can be exchanged and/or collected to support multi-jurisdictional investigations and prosecutions. Consequently, the enforcement community's response to the conspiracy/offense may be fragmented, duplicative, counterproductive, and limited. In addition to the lack of information exchange, many law enforcement agencies are deficient in specialized equipment, training, and investigative resources to mount successful multi-jurisdictional operations commensurate with the sophistication of the conspiracy/offense.

B. *Results Sought.* It is expected that successful implementation of the RISS Program will achieve some or all of the following results:

- Operation of a modern regional communication system capable of the controlled receipt, analysis, evaluation, storage, dissemination and updating of information concerned with organized criminal activity, drug trafficking, and white collar crime.
- Established system of coordination and communication among enforcement agencies for targeting and investigating criminal conspiracies and activities as a means to overcome problems associated with multi-jurisdictional enforcement operations.
- Allocation of technical and financial resources to participating state and local enforcement agencies in their investigation of multi-jurisdictional organized crime, drug trafficking, and white collar crime.
- Increased opportunity for arrest and successful prosecution of conspirators targeted by participating state and local enforcement agencies.
- Recovery of criminal assets (i.e., contraband, stolen equipment) by multi-jurisdictional enforcement operations evolving from services provided by the project.

6. Program Strategy and Project Components. A. *Strategy.* The strategy of the RISS Program is to maintain operational centers throughout the United States to service state and local criminal justice agencies. Specifically, the strategy for the program, provided congressional appropriations continue, is to continue the six regional information system centers: the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network, the New England States Police Administrator's Conference, the Mid-States Organized Crime Information Center, the Regional Organized Crime Information Center, the Rocky Mountain Information Network, and the Western States Information Network. Support will also be given to continue the LEVITICUS Project, an investigative/prosecurtorial information sharing project directed against major white collar criminals involved in various criminal enterprises affecting the acquisition and mining of coal in the Appalachian region.

B. *Activity Components.* The following are either required or optional components/activities of projects funded under this program. Optional components must be designed to support the required information-sharing component. (1) Information Sharing Component (Required). Every project will maintain and operate either a manual and/or automated information-sharing component that is responsive to the needs of participating enforcement agencies in addressing multi-jurisdictional offenses/conspiracies. This component must be capable of providing controlled input, dissemination, rapid retrieval, and systematized updating of information to authorized agencies. This component must also possess the ability to perform analysis of information provided to the project. (See Para. 13.B, Special Requirements.)

(2) Investigative Support Component (Optional). Projects may establish and operate an investigative support component by providing financial assistance to participating agencies for their conduct of multi-jurisdictional investigations. Financial resources may include funds for the purchase of information, contraband that may be used as evidence, services, investigative travel and per diem, and overtime compensation. The LEVITICUS project is permitted to pay salaries and overtime for investigative personnel. (See Para. 13.A, Special Requirements.)

(3) Specialized Equipment Component (Optional). Projects may establish and maintain a pool of special investigative equipment for loan to participating agencies. (See Para. 13.D, Special Requirements.)

(4) Technical Assistance Component (Optional). Projects may establish and maintain a component to provide technical assistance to member agencies. Through use of project personnel and others in participating agencies, consultation, advice, and information may be available to member agencies concerning use of specialized equipment, investigative procedures, accounting of project funds if provided by the project in support of investigations, and information analysis. This component will emphasize use of technical resources among the projects as necessary and available.

(5) Training Component (Optional). Projects may establish and maintain a training component to upgrade investigative skills of personnel from participating agencies. Such training assistance may consist of financial support to send personnel to training courses, seminars, and conferences or design and delivery of special training courses by project staff.

C. *Administrative Components.* Each project must be comprised of three basic administrative components: an oversight group, project staff, and, member agencies. (1) Oversight Group. Each project must have an established

oversight group, i.e., Policy Board, Executive Committee, Supervisory Board, that is composed of representatives from participating state and local agencies. The primary purpose of the oversight group is to provide policy and direction affecting project operations and administration.

(2) Project Staff. Each project must contain a core group of staff that is of sufficient size and expertise to accomplish the stated objectives of the grant. An organizational structure must be developed that reflects the ability of the project to administer and operate the project with regard to the project components discussed in Para. 6.B (1) through (5).

(3) Member Agencies. Each project must be made up of selected state and local criminal justice and/or regulatory agencies within the project's service area.

7. Eligibility to Receive Grants. The Oversight Group for each RISS project will select the state or local criminal justice agency eligible to apply for funding under this Program. Final approval of the applicant will remain with the Office of Justice Assistance, Research and Statistics (OJARS).

8. Deadline for Submission of Applications. Applications must be received by OJARS at least 90 days prior to the anticipated start date of the new award.

9. Dollar Range and Number of Grants. The award of seven grants is anticipated in fiscal year 1983, ranging from approximately $500,000 to $2 million per 12 month period of award.

10. Matching Requirements. Projects/grants may be funded up to 100 percent of total project/grant costs. Projects are encouraged to obtain and utilize other resources to the maximum extent possible for the purpose of augmenting project operations.

11. Application Requirements. A. *Preparation.* All applications must be prepared on Standard Form 424, Application for Federal Assistance with Attachment OJARS Form 4000/3 (Appendix 1).

B. *Content.* The following information must be included in the application to OJARS: (1) Budget narrative. Applicants for grants must submit on separate sheets a budget narrative. The budget narrative should detail by budget category the Federal share. The purpose of the budget narrative is to relate items budgeted to project activities and to provide justification and explanation for budget items, including criteria and cost data used to arrive at the estimates for each budget cateogry. The following information is provided to assist the applicant in developing the budget narrative.

(a) Personnel Category. List each position by title (and name of employee if available), show annual salary rate and percentage of time to be devoted to the project by the employee.

Compensation paid for employees engaged in Federally assisted activities must be consistent with that paid for similar work in other activities of the applicant.

(b) Fringe Benefits Category. Indicate each type of benefit included and the total cost allowable to employees assigned to the project.

(c) Travel Category. Itemize travel expenses of project personnel by purpose (e.g., staff to training site, advisory group meetings, etc.) and show basis of computation (e.g., "Five trips for 'x' purpose at $80 average cost $50 transportation and two days per diem at $15" to "Six people to 3-day meeting at $70 transportation and $45 subsistence"). In training activities where travel and subsistence for trainees is included, this should be separately listed indicating the number of trainees and the unit costs involved. (See Para. 13.E, Special Requirements).

(1) Identify the tentative location of training sessions, meetings, and other travel whenever possible.

(2) Applicants should consult such references as the Official Airline Guide and the Hotel and Motel Redbook in projecting travel costs to obtain competitive rates.

(d) Equipment. List each type of equipment to be purchased or rented with unit or monthly cost. (See Para. 13.D, Special Requirements.)

(e) Supplies. List items within this category by major type (office, supplies, training materials, postage, etc.) and show basis for computation. Provide unit or monthly estimates.

(f) Contractual Category. State the selection basis for any contract or subcontract or prospective contract or subcontract (including equipment).

(1) For individuals to be reimbursed for personal services on a fee basis, list by name or type of consultant or service, the proposed fee (by day, week or hour), and the amount of time to be devoted to such services.

(2) For other types of contracts indicate the type of services to be performed and the estimated contract cost data.

(g) Construction Category. Describe construction or renovation which will be accomplished using grant funds and the method used to calculate cost. Allowable costs will be limited to project site modifications.

(h) Other Category. Include under "other" such items as rent, reproduction, telephone, janitorial or security services and investigative expenses as defined in Para. 4, G7100.5 (See Appendix 3). List items by major type with basis of computation shown. (Provide square footage and cost per square foot for rent. Provide local and long distance telephone charges separately.)

(i) Indirect Cost Category. The Administration may accept any indirect cost rate previously approved for an applicant by a Federal agency. Applicants must enclose a copy of the approved rate agreement with the grant application.

(j) Program Income. If applicable, provide a detailed estimate of the amount of program income to be generated during the grant period and its proposed application (to reduce the costs of the project or to increase the scope of the project). Also, describe the potential source of program income. (Refer to Para. 42., OJARS M7100.1B).

(2) Project Narrative. Each applicant will present its project narrative in the following format, which will be used in lieu of the format reflected in page 11 of SF 424.

(a) Description of the problems and needs to be addressed by the project.

(b) Summary of past accomplishments since project inception and their relationship to previously identified goals and objectives.

(c) Description of types of files, as approved by the projects' supervisory boards, that comprise the project's information sharing system, i.e., primary subject, associates, M.O., etc., and a description of the purpose of these files in relationship to the information-sharing system.

(d) Description of project goals and objectives to be achieved.

(1) The project goals should be consistent with the program goal set forth in Para. 4, of this Guideline.

(2) Objectives must describe quantifiable achievements to the extent possible for each goal and take into consideration each of the project components set forth in Para. 6.B. of this Guideline.

(e) Description of project operations to include administrative decision-making structure (including organizational chart).

(f) Description of milestones/major achievements to be accomplished.

(g) Summary of all assessments, evaluations and/or audits, other than those initiated by the Department of Justice.

(h) List of member agencies.

(3) Supporting Documents. The following document must append the application:

(a) A current Equal Opportunity Employment Program (EEOP) which meets the requirements of 28 CFR 42.301, et seq. This requirement applies to applicant agencies that have fifty or more employees, which have received grants or $25,000 and which have a service population with a minority representation of 3% or more. (See Appendix 2.)

(b) A copy of a letter transmitting notification of project activities to state legislatures in those jurisdictions being serviced by the project. (See Para. 13.F, Special Requirements.)

(c) Certifications signed by the appropriate authorities indicating:

(1) Compliance with G7100.5, Control and Use of Confidential Funds Under the RISS Program. (See Appendix 3.)

(2) Compliance with 28 CFR Part 23. (See Appendix 4.)

(3) State Criminal Justice Council (CJC) review, if CJC is serving as grantee.

(d) Constitution and/or bylaws adopted by the project.

(e) Procedures developed by the project for the administration of confidential funds if such funds are being requested in the application. (See Appendix 3.)

(f) Procedures developed by the project for the administration of the information system as required in 28 CFR Part 23. (See Para. 13B, Special Requirements, and Appendix 4.)

(g) All assessments, evaluations and/or audit reports, other than those initiated by the Department of Justice, describing project activities.

12. Reports. Reporting requirements for grants/projects awarded under the RISS Program are articulated in Chapter 2, M7100.1B, Financial and Administrative Guide for Grants. The six regional information-sharing systems will use the quarterly narrative report format shown in Appendix 6. The LEVITICUS Project will use the format shown in Appendix 7.

13. Special Requirements.

A. Confidential Funds. Approval by the Grantor Agency is required for all grantees/subgrantees prior to the use of funds for confidential expenditures. Confidential expenditures are herein defined as funds used for purchase of services, purchase of evidence (physically), and purchase of information. (See Appendix 3, OJARS Guideline G7100.5, "Control and Use of Confidential Funds Under the RISS Program".)

(1) Confidential expenditures will be considered in all grants funded under this program provided that the process and procedures to be utilized by individual projects are included as part of the grant application and comply with G7100.5.

(2) A signed certification must be submitted by the Project Director that indicates he has read, understands, and agrees to abide by the conditions pertaining to confidential fund expenditures as set forth in OJARS' Guideline G7100.5. For a sample of the required certification, refer to Appendix 3.

(3) Funds that are seized and revert to the project as a result of the use of confidential funds shall be deemed program income pursuant to OMB Circular A102 up to the total amount of confidential funds used under the grant. (Refer to Para. 42, OJARS M7100.1B.)

(4) The budgeting for and use of confidential expenditures under this program is considered a support service to the primary objective of sharing information. These funds should only be allocated:

(a) When the particular merit of a case warrants the expenditure of these funds;

(b) To support multi-jurisdictional investigations in which two or more agencies are actively involved;

(c) Where the user agency agrees that information obtained which conforms to 28 CFR Part 23, will be furnished to the project data base; and,

(d) When no other source of funds exists.

B. Criminal Intelligence Systems Operating Policies (28 CFR Part 23). All projects funded under the RISS program will be subject to the provisions of 28 Code of Federal Regulations (CFR) Part 23, "Criminal Intelligence Systems Operating Policies." (See Appendix 4.)

(1) Written procedures for individual project compliance with these "Operating Policies" must accompany each application for funding. Specific application requirements for each of the Operating Policies of 28 CFR 23.20 are as follows:

(a) Application must describe the process by which information submitted is evaluated to ensure compliance with "reasonable suspicion of criminal activity" standard, and the information has not been obtained in violation of applicable Federal, state or local laws and ordinances (§ 23.20 (a), (b), (c)).

(1) Description must define what constitutes "reasonable suspicion of criminal activity" as a predicate for collecting, maintaining, and entering information (§ 23.20(a)).

(2) Description must explain system of controls to ensure that no information is entered that violates applicable Federal, state or local laws and ordinances (§ 23.20(a)).

(b) Application must describe the procedures by which incoming information is received, processed, and stored (§ 23.20(f)).

(1) Procedures must indicate date of receipt (for purge purposes), the identity of submitting agency and the assignment of levels of sensitivity and confidence of the information (§ 23.20(f)).

(2) Descriptions must discuss administrative, technical and physical safeguards (including audit trails) to ensure against unauthorized access and against intentional or unintentional damage (§ 23.20(f)).

(c) Application must describe the process by which information is disseminated (§ 23.20 (d), (e), (f)).

(1) Description must discuss procedures for ensuring that access to the information is based on the "need to know/right to know the data in the performance of a law enforcement activity" (§ 23.20(d)).

(2) Description must discuss process used to ensure that information is disseminated only to other law enforcement authorities who agree to follow procedures regarding data entry, maintenance, security, and dissemination that are consistent with 28 CFR 23.20. Sample certification forms should be attached (§ 23.20(e)(1)).

(d) Application must describe procedures used to ensure that all information retained has relevancy and importance (§ 23.20(g)).

(1) Description must explain how information is screened for relevancy and to ensure that it is not misleading, obsolete, or otherwise unreliable (§ 23.20(g)).

(2) Description must discuss purging process and how reviewed material is annotated to reflect name of reviewer, date of review and explanation as to decision to retain. Any information that has been in the system but has not been reviewed for a period of two years must be reviewed and validated before it can be utilized or disseminated (§ 23.20(g)).

(3) Description must discuss how any recipient agencies are notified that information has been changed or purged (§ 23.20(g)).

(e) Application must describe sanctions to be used to control unauthorized access, utilization, or disclosure of information contained in the system (§ 23.20(1)).

(2) The Criminal Intelligence Systems and Operating Policies Review Board and/or the OJARS Program Manager will perform onsite visits during the project period to assess compliance with the Operating Policies.

(3) Noncompliance with Operating Policies is sufficient justification for project termination. Project activities determined to be noncompliant will be formally communicated to the grantee for redress. If the issues of noncompliance are not satisfactorily resolved by the established deadline date, OJARS may suspend all or part of the grant. If the issues still remain unresolved past the deadline date attached to the suspension action, OJARS may notify the grantee of an intent to terminate the grant. The grantee will have up to ten (10) working days from the date of the notice to file a written request for a compliance hearing pursuant to 28 CFR Part 18. If no request for a hearing is received by OJARS, the grant will be terminated.

(4) The following Special Conditions will be added to each award:

(a) Grantee agrees to be in compliance with the Criminal Intelligence Systems Operating Policies (28 CFR Part 23). Compliance will include all certifications required by § 23.20(a)(1)–(4) of these policies. The Criminal Intelligence Systems and Operating Policies Review Board, or its individual or group designees, may visit the project in order to determine compliance with these policies.

(b) Grantee/subgrantee agree that if automated equipment for use in connection with a criminal intelligence system is to be obtained with grant funds, then:

(1) Direct remote terminal access to data shall not be made available to system users; and,

(2) No modifications to system design shall be undertaken without prior OJARS' approval (§ 23.20(h)).

(c) OJARS shall be notified prior to initiation of formal information exchange procedures with any Federal, state, regional, or other information system not indicated in the grant documents as initially approved at time of award (§ 23.20(i)).

(d) Grantee/subgrantee agree that no electronic, mechanical, or other device for surveillance purposes will be purchased, rented, or used in the course of this project that is in violation of the provisions of Title III of Pub. L. 90–351, as amended, or any applicable state statute related to wiretapping and surveillance (§ 23.20(j)).

(e) Grantee/subgrantee agree that there shall be no harassment or interference with any lawful political activities as part of the intelligence system operation (§ 23.20(k)).

C. *Field Personnel.* Field personnel are defined as project employees (either direct or by formal contract) whose primary job function is to provide liaison services between the project and member agencies and who generally represent the project interests in assigned States throughout the service area.

(1) It is the policy of OJARS to allow the funding and utilization of field personnel provided that their activities are confined to liaison with and support of member agencies. Authorized liaison and support activities include:

(a) Dissemination of information collected by member agencies to other agencies requesting same;

(b) Provision of fixed site technical assistance to member agencies;

(c) Consultation and advice to member agencies in the completion of required reports and evaluations;

(d) Recruitment of new member agencies and liaison with existing members; and,

(e) Provision of training to law enforcement and prosecutorial agencies in project related law enforcement practices and techniques.

(2) It is the policy of OJARS to prohibit the involvement of field personnel in operational or investigative functions normally associated with the duties of a sworn law enforcement officer. These prohibited functions include:

(a) Handling informants (including paying informants; briefing or debriefing informants);

(b) Participation in any fixed or mobile surveillance (including providing fixed or mobile radio coordination);

(c) Participation in any other investigative activity, including collection of new intelligence from overt or covert sources, purchase of evidence, and undercover operations; and,

(d) Use of or carrying any firearm or other dangerous weapon while in the performance of project duties.

(3) Each project that utilizes field personnel must develop and submit to OJARS procedures that govern the use of and supervisory controls over its field personnel. These procedures must include:

(a) Specific job descriptions against which field personnel activities can be compared. These job descriptions must include:

(1) Duties;

(2) Supervisory Controls;

(3) Scope and Effect; and,

(4) Work Environment.

(b) A system of supervisory controls that is designed to manage and account for the activities and time for field personnel.

D. *Equipment.* Purchase or lease of equipment that specifically relates to the achievement of the project goals and objectives, including repairs which materially increase its useful life, is an allowable expenditure of grant funds. The need for an acquisition of equipment in general is governed by the provisions of Instruction 14062.7, "Standards for Equipment to be Required with LEAA Grant Funds." (See Appendix 5.) The following further defines equipment acquistion and usage as it applies to the RISS Program.

(1) All equipment purchases must receive the prior approval of OJARS. Prior approval may be obtained either through inclusion in the grant application, or, subsequently, by a prior written request.

(2) Each application must contain a certification governing the acquisition of equipment. (See Appendix 5.)

(3) No electronic, mechanical, or other device may be purchased, rented, or uses in the course of the project that is in violation of Title III, Pub. L. 90–351, as amended, and applicable state statutes related to wiretapping and surveillance.

(4) Helicopters and airplanes may not be purchased with grant funds. However, the rental of such equipment is allowable on an as needed basis provided that such rental is included as a line item in the approved grant application and is confined to ongoing investigations being performed by member agencies.

E. *Travel.* Travel must be categorized and described as either Administrative or Investigative. Administrative travel should be budgeted within the "Travel" category and is defined as travel performed by project employees or advisory board members to attend or participate in meetings, conferences, training, etc., to receive or provide technical assistance, or to perform liaison services to other projects or member agencies. Investigative travel should be budgeted within the "Other" category and is defined as travel perfomed by member agencies in the furtherance of ongoing investigations being supported by the project.

(1) Each project must develop and submit to OJARS internal travel procedures that:

(a) Document the project's official travel policies;

(b) Define the travel request, approval and voucher process;

(c) Explain the system of advances and reimbursements; and

(d) Describe the documentation necessary for approval and payment of travel vouchers.

(2) Grantee may follow their own established travel policies or the Federal travel rates. If a grantee does not have established travel rates, the grantee

must abide by the Federal travel regulations.

(3) Subgrantees may follow their own established travel rates. If a subgrantee does not have an established travel rate, then;

(a) The subgrantee may follow the grantee-established travel policies, or,

(b) The subgrantee may abide by the Federal travel regulations.

(4) Management attudes towards travel should be designed to minimize travel costs and eliminate nonessential travel. The following guidance should be observed by project management:

(a) Use alternatives. Travel should be permitted only when the matter cannot be handled via conference call or other mode of communication.

(b) Limit number of persons traveling. Only the minumum number of persons necessary to accomplish the purpose of the trip should be authorized to travel.

(c) Conference travel should be limited. Travel to conferences, seminars and meetings should be limited to those which directly further project goals and objectives. Whenever possible, limit attendance to a single individual who would then be responsible for summarizing and reporting results to other staff members.

(d) Examine location of meetings/conferences. Carefully consider cost benefits for all attendances prior to selecting sites for meetings or conferences.

(e) Utilize local training courses. Whenever possible, local training courses should be used to minimize travel costs.

(f) Minimize duration of trips. Trips should be as short as possible to accomplish their official purpose.

(g) Consolidate trips. To the extent possible, travel should be performed for more than a single purpose and visits to more than one location made in a series without returning to the official duty station.

(h) Assess alternate modes of common carriers. Consider all costs associated with different types of common carriers. This is especially true in the Northeast corridor where train service may provide the most cost beneficial method of travel.

(i) Use special fares. Utilize special excursion fares or other discount fares whenever possible.

(5) All noninvestigative, out-of-region travel must receive the written prior approval of OJARS on a trip-by-trip basis. The request for approval of each trip must provide specific information concerning the purpose of travel, and a certification that sufficent funds exist within the travel category of the approved project budget to accommodate the requested travel.

F. *Legislative Notification.* The State legislature in each State included in a RISS project must be notified that a RISS project is operating within its boundaries. Notification may be either directly to the legislature or to a body designated to act while the legislature is not in session. Each project, therefore, must provide evidence that the requisite notification has occurred. Evidence may take the form of a sample letter of notification to be included in the grant application. Copies of all letters of notification must be kept in file at the project headquarters.

G. Prohibition Against Lobbying. All activities under the grant, including oral and written grantee or subgrantee actions and direct or indirect congressional contact, shall be made in accordance with the anti-lobbying provision of the LEAA Financial and Administrative Guide for Grants (OJARS M7100.1B, Chapter 5, Para. 75, October 2, 1980) as interpreted by OJARS Office of General Counsel Legal Opinions Nos. 74–1, 75–45, and 77–30.

[FR Doc. 83–8359 Filed 3–30–83; 8:45 am]

BILLING CODE 4410–18–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–313]

Arkansas Power & Light Company (Arkansas Nuclear One, Unit No. 1); Exemption

I

Arkansas Power and Light Company (AP&L or the licensee) is the holder of Facility Operating License No. DPR–51, which authorizes the operation of Arkansas Nuclear One, Unit 1 (the facility). The facility consists of a pressurized water reactor (PWR), located at the licensee's site in Russellville, Arkansas.

The license is subject to all rules and regulations of the Nuclear Regulatory Commission (the Commission).

II

10 CFR 50.48, "Fire Protection," and Appendix R to 10 CFR Part 50, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979" set forth certain specific fire protection features required to satisfy the General Design Criterion related to fire protection (Criterion 3, Appendix A to 10 CFR Part 50).

Section III.G of Appendix R requires fire protection for equipment important to safe shutdown. Such fire protection is achieved by various combinations of fire barriers, fire suppression systems, fire detectors, and separation of safety trains (III.G.2) or alternative safe shutdown equipment free of the fire area (III.G.3). The objective of this protection is to assure that one train of equipment needed for hot shutdown would be undamaged by fire, and that systems needed for cold shutdown could be repaired within 72 hours (III.G.1).

III

By letter dated July 1, 1982, the licensee requested exemptions from the technical requirements of Section III.G. of Appendix R to 10 CFR Part 50 for various areas in Unit 1. By letter dated November 11, 1982, the licensee provided new proposals and additional clarifying information regarding the previous exemption requests. As a result of these letters, the requested exemptions involving Section III.G are as follows:

III.G.2

Intake Structure, Below El. 354'
Intake Structure, El. 354'
Intake Structure, El. 366'
Yard Area Manholes, 1MH04 and 1MH06
Radwaste Processing Area, Waste Monitor Tank Room, Fire Zone 20Y
Radwaste Processing Area, Make-up Pump Rooms and Adjacent Corridor, Fire Zone 20Y
Containment Building, Fire Zones 32K and 33K
Pipe Area, Fire Zone 34Y
Pipe Area, Fire Zone 40Y
Corridor, El. 372', Fire Zone 98J

III.G.3

Lower North Piping Penetration Area, Fire Zone 53Y
Yard Area Manholes, 1MH09 and 1MH10

The acceptability of these requests is addressed below. More details are contained in the NRC staff's related Safety Evaluation (SE) dated March 22, 1983, which is included herein by reference.

IV

Intake Structure, Below El. 354'

The licensee requested exemption from Section III.G.2 to the extent it requires an automatic fire suppression system. This area contains circulating water piping, associated valves and power cables.

This zone consists of the service water pump intake bays; therefore the water level in the intake bays precludes the possible accumulation of transient combustible materials as anticipated in other plant areas.

Because the likelihood of an exposure fire is low, these alternative features compensate for the required suppression system and provide a level of fire protection equivalent to that required by Section III.G. of Appendix R. Therefore the exemption is granted.

Intake Structure, El. 354'

The licensee requested exemption from Section III.G.2 to the extent it requires separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustible or fire hazards, and also to the extent it requires an automatic fire suppression system.

This area contains redundant cable trays and conduits for the service water pumps and discharge valves. This fire area is provided with a smoke detection system. The cables for the service water pump discharge valves are separated by only 16 feet. The licensee will provide a one-hour barrier for the conduit and trays providing power for one of the two sets of three valves constituting one complete path from the swing pump.

Because of the low in-situ fire load, separation between cables, large room volumes, and detection system, there is reasonable assurance that one train of service water pumps will be maintained free of fire damage in the time interval required for fire brigade response to extinguish a fire. The level of protection which will be provided in this area in conjunction with the one-hour barriers provides a level of fire protection equivalent to Section III.G of Appendix R. Therefore, the exemption is granted.

Intake Structure, El. 366'

The licensee requested exemption from Section III.G.2 to the extent it requires separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustible or fire hazards, and also to the extent it requires an automatic fire suppression system.

The uppermost level of the intake structure is at elevation 366 feet, and contains the A and B trains and swing service water pump motors, valves and cables. The pump motors are situated several feet below the ceiling. In our opinion, the hot gas layer will not extend to this level. Each pump motor contains six gallons of lubricating oil. Floor drains are installed in the vicinity of each pump to collect and drain any potential lube oil leaks. Redundant discharge valves are separated by approximately 5 feet, on opposite sides of missile barriers situated between the pumps.

Because of the low in-situ fire load, large room volumes and the partial width missile barriers installed between each pump, and the ceiling height above the pumps, there is reasonable assurance that one train of service water pumps will be maintained free of fire damage in the time interval required for fire brigade response to extinguish an exposure fire. Although the pump discharge valves are separated by approximately five feet, they are effectively shielded from an exposure fire by the intervening missile barrier. These alternative features compensate for the automatic fire suppression system required by Section III.G and provide a level of fire protection equivalent to the technical requirements of Section III.G. of Appendix R. Therefore, the exemption is granted.

Yard Area Manholes (1MH04 and 1MH06)

The licensee requested exemption from Section III.G.2 to the extent this section requires: (1) Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustible or fire hazards, (2) enclosure of cable and equipment and associated non-safety circuits of one redundant train in a fire barrier having a one-hour rating, (3) fire detectors, and (4) automatic fire suppression system installed in the fire area.

This fire area consists of two manholes which are concrete bunkers approximately 5 feet by 5 feet by 5 feet, and are located remote from the remainder of the plant. The power cables for redundant trains of service water pumps are located in close proximity inside the manholes. The manholes are not ventilated and can be accessed only by lifting the concrete hatches with a crane. The licensee will fill the manholes with a non-combustible material such as sand or vermiculite.

Filling the manholes with sand or vermiculite will prevent a fire from occurring in the manholes and, therefore, an adequate level of fire protection will be provided equivalent to Section III.G of Appendix R. Therefore, the exemption is granted.

Radwaste Processing Area, Waste Monitor Tank Room Fire Zone 20Y

The licensee has requested exemption from Section III.G.2 to the extent it requires full coverage with an automatic fire suppression system.

The treated waste monitor tank room contains both borated water storage tank (BWST) dropline valves and associated cables. The room is of reinforced concrete construction and is approximately 37 feet by 34 feet with a 17-foot ceiling, and contains no in-situ combustibles. The redundant BWST valves are located near the ceiling level and are separated by approximately four feet.

Ionization detectors, portable fire extinguishers and manual hose stations are available throughout the entire fire area. The licensee will install a one-hour rated fire barrier to protect one train of conduits associated with the BWST valves and install a partial coverage sprinkler system for the valve area. This zone also has automatic fire detection.

Because there are no in-situ combustibles in this room, an exposure fire would involve transient combustibles. Due to the limited personnel access to this area for health physics reasons, it is unlikely that a large quantity of transient combustible materials could accumulate. Therefore, any potential fires in this area would be of limited severity and duration. Due to the considerable heat sink provided by the concrete floor, walls, and steel tanks in the area, there is slight possibility that a fire could damage both redundant BWST valves before actuation of the detection and automatic suppression systems. The one-hour rated barrier between redundant conduits will provide an added margin of safety against premature fire damage.

The alternative protective features provided for the BWST dropline valves provide a level of fire protection equivalent to Section III.G. of Appendix R. Therefore, the exemption is granted.

Radwaste Processing Area, Make-up Pump Rooms and Adjacent Corridor, Fire Zone 20Y

The licensee requested exemption from Section III.G.2 to the extent it requires an automatic fire suppression system.

This section of the fire area is L-shaped and consists of a corridor and the make-up pump cubicles at the end of the corridor. The make-up pumps are in three adjacent cubicles approximately 10 feet by 20 feet. The pumps are separated by less than 20 feet. Physical separation between the pumps is provided by 8-foot, partial height walls. The ceiling height in this fire area is 17 feet. One of the three pumps must be maintained free of fire damage to safely shut down the plant. Redundant cables for the pumps are routed in conduit.

Access to these areas is restricted for health physics reasons and partial height walls are provided between the

pumps. One-hour fire barriers will be provided for the trays and conduits associated with power for the pump and suction valve of the swing and one other pump within each individual pump room. Portable fire extinguishers, manual hose stations and a smoke detection system are provided in the area. These features, in conjunction with one-hour barriers, will mitigate the onset of cable damage for a sufficient time period to enable the fire brigade to respond and extinguish a fire prior to damage of both trains.

The resulting protection for the make-up pump rooms and the adjacent corridor will provide a level of fire protection equivalent to Section III.G of Appendix R. Therefore, the exemption is granted.

Containment Building, Fire Zones 32K and 33K

The licensee requested exemption from Section III.G.2 to the extent it requires separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustible or fire hazards.

For the purpose of analysis, the licensee has subdivided the containment building into two fire areas. There is no fire barrier between the two fire areas. The separation of cables and equipment within each fire area is such that only one division of equipment is located in each fire area. Considering intervening combustibles in the form of non-safety-related cable trays, which provide a potential path for the spread of flame from one fire area to another, the minimum separation distance between all redundant equipment in the two fire areas is less than 20 feet. The fire area in the north half of the containment building contains two decay heat drop line (RHR letdown) valves, in series. A spurious operation of both valves could cause breach of primary system integrity. This action could take place if a short, phase-to-phase in a specific manner involving the power cables to the valves, would occur. The power cables are routed in close proximity in this area.

Fire stops have been installed in the cable trays to prevent the spread of flames along the cables from one fire area to the other. Both fire areas are protected by a partial coverage smoke detection system. Manual hose stations and an oil collection system for the reactor coolant pumps are also provided. Due to the restricted access to this area, the probability of an exposure fire from the accumulation of transient combustibles which could potentially bypass the cable tray fire stops is low. The fire stops installed in the intervening cable trays provide reasonable assurance that although redundant trains are not separated by the required distance free of intervening combustibles, one train will be maintained free of fire damage.

Because the amount of in-situ combustibles is low in this area and early warning detection is provided, the probability of a fire which could damage both RHR valve conduits is low. We believe that the probability that this damage would occur in such a specific manner is also low. This combination of conditions provides reasonable assurance that a spurious operation of both valves in the RHR system is not likely to occur.

Based on the above, the NRC staff concludes that the existing level of protection inside the containment provides fire protection equivalent to the technical requirements of Section III.G of Appendix R. Therefore, the exemption is granted.

Pipe Area, Fire Zone 34Y

The licensee requested exemption from Section III.G.2 to the extent it requires an automatic fire suppression system.

This fire area is a passageway bounded by reinforced concrete walls. The ceiling height is 17 feet for a portion of the area and 11 feet for the remainder of the area. The redundant cables for the A, B, and swing service water pumps are routed within seven inches near the 11-foot ceiling level. Redundant power cables for the decay heat pumps are also routed through this area. These cables are routed vertically and are separated from each other and from the other horizontal cables by greater than 20 feet. All cables in the area are routed inside conduits. Only one service water pump and one decay heat pump are needed for shutdown.

Smoke detectors and portable fire extinguishers are provided in the area. The licensee will enclose the cables needed for two service water pumps in one-hour rated fire barriers. The in-situ combustible loading in this fire area is negligible, therefore, any postulated fire would involve transient combustible materials. Such a fire would most likely be of limited severity in a corridor area where little maintenance activities are performed. The installed early warning detection system, in conjunction with the one-hour fire barrier for the protection of two service water pump cables, and the greater than 20 feet separation of the decay heat pump cables provides reasonable assurance that one train of components needed for safe shutdown will be maintained free of fire damage.

Based on the above, the NRC staff concludes that the level of protection in this area is equivalent to that required by Section III.G of Appendix R. Therefore, the exemption is granted.

Pipe Area, Fire Zone 40Y

The licensee requested exemption from Section III.G.2 to the extent it requires an automatic fire suppression system.

This area is a narrow passageway approximately 12 feet by 90 feet with a 12-foot ceiling. The floor, walls, and ceiling assemblies are reinforced concrete. The redundant cables for the A, B, and swing service water pumps are routed in conduit in close proximity at the ceiling level. The licensee will enclose the power cables for each of two service water pumps in a one-hour rated fire barrier.

There are no in-situ combustibles in the fire area. Only one service water pump is needed for shutdown. Access to this fire area is restricted and can be gained only via a locked, steel hatchway, and a vertical ladder. Smoke detectors and portable fire extinguishers are provided in the area. Manual hose stations are available in adjacent areas.

Because there are no in-situ combustibles in this area, any postulated fire would involve transient combustible materials. Restricted access to this area via a vertical ladder makes the probability of a significant quantity of combustible transient materials accumulating low. A fire in this area would therefore be of limited severity and duration. The installed early warning detection system would be able to promptly detect incipient fire conditions, and the one-hour barrier will maintain the integrity of the cables until the fire brigade is able to respond and extinguish the fire. Although access to this area is restricted, the fire brigade should be capable of reaching this area within a few minutes after an alarm is received in the control room. This combination of alternative protective features provides reasonable assurance that one train of equipment necessary for safe shutdown will be maintained free of fire damage.

The level of existing protection for this pipe area, in conjunction with the one-hour barrier, will provide a level of fire protection equivalent to the technical requirements of Section III.G. of Appendix R. Therefore, the exemption is granted.

Corridor, El. 372', Fire Zone 98J

The licensee has indicated that enclosure of the corridor A-train conduits in a one-hour rated fire barrier and separation of the D.C. equipment room from the corridor by three-hour rated fire barriers will be provided. With these modifications, the area will comply with Section III.G of Appendix R, and no exemption is needed.

Lower North Piping Penetration Area, Fire Zone 53Y Yard Area Manholes, 1MH09 and 1MH10

The licensee has provided alternate shutdown capability for the following areas in Unit 1 and requests an exemption from providing the fixed extinguishing systems as required by III.G.3 in these areas:

(a) Lower North Piping Penetration Area, Fire Zone 53Y.

(b) Manholes 1MH09 and 1MH10.

The combustible loading in these zones is negligible. The redundant equipment in these areas is primarily one system, the diesel fuel transfer pumps.

These fire zones represent a similar configuration, i.e., combustible loading is light, there is alternate shutdown capability, and manual fire suppression equipment is available. The low combustible loading in these areas ensures that safety related equipment is adjacent areas will not be threatened. The installation of a fixed fire suppression system will not significantly increase the level of fire protection in these areas.

The existing fire protection, in conjunction with alternate shutdown capability in these areas, provides a level of fire protection equivalent to the technical requirements of Section III.G.3 of Appendix R. Therefore, the exemptions are granted.

V

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemptions requested by the licensee's letters as referenced and discussed in III. and IV. above are authorized by law, will not endanger life or property or the common defense and security, are otherwise in the public interest, and are hereby granted.

The Commission has determined that the granting of these exemptions will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

A copy of the Safety Evaluation dated March 22, 1983 related to this action is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72081. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 22nd day of March 1983.

For the Nuclear Regulatory Commission

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-8382 Filed 3-30-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-366]

Arkansas Power & Light Company (Arkansas Nuclear One, Unit No. 2); Exemption

I

Arkansas Power and Light Company (AP&L or the licensee) is the holder of Facility Operating License No. NPF-6, which authorizes the operation of Arkansas Nuclear One, Unit 2 (the facility). The facility consists of a pressurized water reactor (PWR), located at the licensee's site in Russellville, Arkansas.

The license is subject to all rules and regulations of the Nuclear Regulatory Commission (the Commission).

II

10 CFR 50.48, "Fire Protection", and Appendix R to 10 CFR Part 50, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979" set forth certain specific fire protection features required to satisfy the General Design Criterion related to fire protection (Criterion 3, Appendix A to 10 CFR Part 50).

Section III.G of Appendix R requires fire protection for equipment important to safe shutdown. Such fire protection is achieved by various combinations of fire barriers, fire suppression systems, fire detectors, and separation of safety trains (III.G.2) or alternative safe shutdown equipment free of the fire area (III.G.3). The objective of this protection is to assure that one train of equipment needed for hot shutdown would be undamaged by fire, and that systems needed for cold shutdown could be repaired within 72 hours (III.G.1).

III

By letter dated July 1, 1982, the licensee requested exemptions from the technical requirements of Section III.G of Appendix R to 10 CFR Part 50 for various areas in Unit 2. By letter dated November 11, 1982, the licensee provided new proposals and additional clarifying information regarding the previous exemption requests. As a result of these letters, the requested exemptions involving Section III.G are as follows:

III.G.2

- Intake Structure, Below El. 354'
- Intake Structure, El. 354'
- Intake Structure, El. 366'
- Yard Area Manholes 2MH01E, 2MH02E, 2MH03E
- General Access Area, El. 317', Fire Zone 2006LL
- East Pump Area, El. 317', Fire Zone 2007LL
- Pump Room, Fire Zone 2024JJ
- Containment Building, Fire Zones 2032K and 2033K
- Tank Rooms, Pump Rooms and Corridors, El. 355' Fire Zone 2040JJ
- Lower South Piping Penetration Area, Fire Zone 2055JJ
- Corridor, El. 372', Fire Zone 2109U

III.G.3

- Upper North Piping Penetration Area, Fire Zone 2081HH
- Motor Control Center, Fire Zone 2096M
- Electrical Equipment Room, El. 368', Fire Zone 2091BB
- Corridor Area, Fire Zone 2107N
- Pipeway and Equipment Access Way, Fire Zone 2223KK
- Pump Room, Fire Zone 2106R
- Core Protection Calculator Panel, Fire Zone 2150C
- Health Physics Area, Fire Zone 2136I

The acceptability of these requests is addressed below. More details are contained in the NRC staff's related Safety Evaluation (SE) dated March 22, 1983, which is included herein by reference.

IV

Intake Structure, Below El. 354'

The licensee requested exemption from Section III.G.2 to the extent it requires an automatic fire suppression system. This area contains circulating water piping, associated valves and power cables.

This zone consists of the service water pump intake bays; therefore the water level in the intake bays precludes the possible accumulation of transient combustible materials as anticipated in other plant areas.

Because the likelihood of an exposure fire is low, these alternative features compensate for the required suppression system and provide a level of fire protection equivalent to that required by Section III.G. of Appendix R. Therefore, the exemption is granted.

Intake Structure, El. 354'

The licensee requested exemption from Section III.G.2 to the extent it requires an automatic fire suppression system. This area contains redundant cables in conduits for the service water pumps and discharge valves. The licensee will reroute all cables required for the service water pump motors to provide greater than 20 feet of separation, and will enclose one train of pump power cabling in a one-hour rated fire barrier.

The in-situ combustible loading at this elevation consists primarily of cable insulation. This fire area is provided with portable fire extinguishers, manual hose stations and a smoke detection system. In the event of an exposure fire involving transient combustible materials, there will be a time lag between the ignition of the fire, detection and alarm, and the fire brigade response. The proposed configuration of cables and one-hour rated fire barrier will provide protection against the thermal flux of an exposure fire for a sufficient period of time to enable the fire brigade to respond and extinguish a fire prior to damage of both trains.

The level of existing protection, in conjunction with the modifications in the Intake Structure, El. 354', provides a level of fire protection equivalent to the technical requirements of Section III.G. of Appendix R. Therefore, the exemption is granted.

Intake Structure, El. 366'

The licensee requested exemption from Section III.G.2 to the extent it requires separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustible or fire hazards, and also to the extent it requires full coverage of an automatic fire suppression system. This area contains the A and B trains and swing service water pump motors, associated valves and cables and the ventilation equipment for the intake structure. Redundant trains of safe shutdown equipment are separated by less than 20 feet. Missile barriers provided between each pump also act as radiant energy shields.

The in-situ combustibles at this level consist of one non-safety related cable tray and approximately 13½ gallons of lubricating oil in each service water pump motor. Floor drains are provided in the vicinity of each pump to collect and drain any potential lube oil leaks. Portable fire extinguishers, manual hose reels, and an ionization-type smoke detection system are provided throughout the area. The licensee will install an automatic sprinkler system for the protection of the three service water pump motors.

Due to the low in-situ combustible loading in the intake structure, the partial width missile barriers in conjunction with the automatic sprinkler system will provide adequate assurance that one train of service water pumps will be maintained free of fire damage. The resulting fire protection for the Intake Structure, El. 366' provides a level of protection equivalent to the technical requirements of Section III.G. of Appendix R. Therefore, the exemption is granted.

Yard Area Manholes, 2MH01E, 2MH02E, and 2MH03E

The licensee requested exemption from Section III.G.2 to the extent this section requires: (1) Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustible or fire hazards, (2) enclosure of cable and equipment and associated non-safety circuits of one redundant train in a fire barrier having a one-hour rating, (3) fire detectors, and (4) automatic fire suppression system installed in the fire area.

These fire areas consist of three manholes which are concrete bunkers approximately 7 feet by 7 feet by 8 feet, and are located remote from the remainder of the plant. The power cables for redundant trains of service water pumps are located in close proximity inside the manholes. The manholes are not ventilated and can be accessed only by lifting the concrete hatches with a crane. The licensee will fill the manholes with a non-combustible material such as sand or vermiculite.

Filling the manholes with sand or vermiculite will prevent a fire from occurring in the manholes and, therefore, an adequate level of fire protection will be provided equivalent to Section III.G of Appendix R. Therefore, the exemption is granted.

General Access Area, El. 317', Fire Zone 2006LL and East Pump Area, El. 317', Fire Zone 2007LL

By letter dated November 11, 1982, the licensee committed to install automatic fire suppression in these areas, thereby complying with Section III.G. The exemption requests were, therefore, withdrawn.

Pump Room, Fire Zone 2024JJ

The licensee requested an exemption from Section III.G.2 to the extent this section requires separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a three-hour rating.

This fire area contains the steam tubine driven emergency feedwater pump. The boundary walls, floor, and ceiling assemblies are reinforced concrete with a three-hour rating. Penetrations through these walls will be upgraded to a three-hour rating, with the exception of the door to the room. Because of other safety requirements, this door is required to be a one inch thick watertight door, and is consequently non-fire-rated. The redundant motor-driven feedwater pump is located in an adjacent room of similar construction, with the same type of watertight access door.

The in-situ combustible loading in the steam-turbine driven pump room is approximately 2200 BTU/FT^2, which, if totally consumed, would produce an equivalent fire severity on the ASTM E-119 standard time-temperature curve of less than two minutes. The in-situ combustible loading in the redundant motor-driven pump room is approximately 3100 BTU/FT^2 which, if totally consumed, would produce an equivalent fire severity on the ASTM E-119 standard time-temperature curve of less than three minutes. A smoke detection system is provided in the area. Portable fire extinguishers and manual hose stations are readily accessible in adjacent areas.

The licensee has provided a three-hour rated fire barrier for the separation of redundant trains of emergency feedwater pumps. The watertight access door installed in this fire barrier is not an approved three-hour rated fire door, and therefore, could permit the spread of fire in less than three hours.

The combustible loading in this area is substantially lower than needed for a fire of three-hours duration. An exposure fire would therefore be of limited severity and duration. The design of the watertight door provides a degree of inherent fire protection. It is our experience that typical watertight doors provide equivalent protection as three-hour rated fire doors.

This combination of features provides reasonable assurance that a fire in this area will be detected and extinguished before the redundant emergency feedwater pump is damaged. Thus, the

level of existing protection for this area provides a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R. Therefore, the exemption is granted.

Containment Building, Fire Zones 2032K and 2033K

The licensee requested exemption from Section III.G.2 to the extent it requires separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustible or fire hazards.

The containment building has been subdivided into two fire areas. There is no fire barrier between the two fire areas. The separation of cables and equipment within each fire area is such that only one division of equipment is located in each fire area. With the exception of the Reactor Coolant System (RCS) pressure instrumentation, the minimum separation distance between redundant equipment in the containment building is greater than 30 feet, however there are several non-safety related cable trays which pass from one fire area to the other. The licensee has provided fire stops in the cable trays to prevent the spread of flames along the cables.

The fire area in the north half of the containment building contains two shutdown cooling drop line (RHR letdown) valves, in series. Spurious operation of both valves could cause a loss of reactor coolant. The spurious signal required for this action would have to be a short, phase to phase, in a specific manner involving the power cables, which are routed in close proximity in this area.

The fire area in the south half of the containment building contains all four channels for RCS pressure indication. A junction box for each channel is situated outside the secondary shield wall near the pressurizer. The Channel 1 and Channel 4 junction boxes are separated by 17 feet. Due to the angular shape of the wall in this area, each junction box is partially shielded from a fire involving the other by a corner of the concrete barrier. From the junction boxes, the conduits for the pressure indicators are embedded in concrete and routed to the cable penetration area.

Both areas are protected by a partial coverage smoke detection system. Manual hose stations and an oil collection system for the reactor coolant pumps are provided.

Due to the restricted access to this area, the probability of an exposure fire from the accumulation of transient combustibles and which could potentially bypass the cable tray fire stops is unlikely. Therefore, the fire stops installed in the intervening cable trays will provide reasonable assurance that one train will be maintained free of fire damage. Because the amount of in-situ combustibles is low in this area and early warning detection provided, a fire in this area which could damage both RHR letdown power cable conduits is unlikely. Further, it is unlikely that fire damage would occur in the specific manner required. This combination of conditions provides reasonable assurance that a spurious operation of both valves is not likely to occur. The RCS pressure instrumentation is separated by 17 feet. A concrete missile barrier provides a partial radiant energy shield between the redundant instrumentation channels. Because of the unlikely nature of significant fire occurrence inside containment and the mitigating effects of the intervening missile barrier, there is reasonable assurance that one train will be maintained free of fire damage. The level of protection inside containment provides a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R. Therefore, the exemption is granted.

Tank Rooms, Pump Rooms, and Corridors, El. 355', Fire Zone 204JJ

The licensee has requested exemption from Section III.G.2 to the extent it requires an automatic fire suppression system. This area contains equipment in this area consists of the three charging pumps and associated cables.

Walls, floors, and ceiling assemblies are reinforced concrete. The ceiling heights in the area is 17 feet. The charging pumps are separated by less than 20 feet and are in cubicles approximately 10 feet by 15 feet. The pump cubicles are separated by partial height concrete walls, eight feet high. The combustible loading in this area consists of 10 gallons of lubricating oil for each pump and several cable trays in an adjacent corridor. A cable tray is also located in two of the three pump cubicles. The combustible loading added by the cable trays has not been quantified by the licensee, but is described as "moderately loaded with a fill of approximately 20%." The cables are in open cable trays and are routed 8 to 12 feet above the floor. Cables for the A and C trains are separated by approximately 10 feet, and cables for the B and C trains are separated by approximately 12 feet. At least one pump is required for safe shutdown.

The licensee will modify the fire protection in this area by enclosing the cables for two of the three charging pumps in a one-hour barrier and enclosing one train of the corridor area cable trays in a one-hour barrier for a sufficient length to permit 20 feet of horizontal separation between unprotected redundant cables. The configuration of cables in this area involved redundant cable trays in two corridors, perpendicular to each other. In addition to the 20 feet of separation provided by the proposed barrier, the corner of the concrete wall at the intersection provides a line-of-sight radiant energy shield between redundant cables. This area is provided with smoke detectors, portable extinguishers and manual fire hose stations.

Because of the low in-situ combustible loading in this area, intended installation of one-hour barriers and intervening walls, and the detection system, in the event of an exposure fire, redundant cables will be protected for a sufficient period to enable the fire brigade to respond and extinguish a fire prior to damage of both trains. The protection in the charging pump area in conjuction with the proposed one-hour barriers provides a level of fire protection equivalent to Section III.G. Therefore, the exemption is granted.

Lower South Piping Penetration Area, Fire Zone 2055JJ

The licensee has requested exemption from III.G.2 to the extent it requires separation of cables and equipment and associated nonsafety circuits of redundant trains by a fire barrier having a three-hour rating. The piping penetration area is adjacent to the charging pump area. The fire area boundary wall separating the two areas is a concrete wall, but does not carry a fire resistance rating. The licensee notes that this wall was previously accepted, based on the low combustible loading in the area. The wall currently contains various penetrations and an open doorway. The A-train charging pump cable tray is located in the piping penetration area approximately 17 feet from the open doorway while the C-train cable tray is located in the adjacent area approximately 24 feet from the doorway. The B-train cable tray is also in this area.

The combustible loading in the piping penetration area consists of three open cable trays. The quantity of combustible cable insulation has not been provided, but is described as "moderate". Smoke detection, portable extinguishers and manual hose stations are provided in both areas.

The licensee will modify the fire protection in these areas by upgrading

all penetrations through the boundary wall to provide a three-hour rating, with the exception of the doorway. For the protection of the doorway, the licensee notes that there are two doors which must be opened for passage between these areas. The first door is a fully louvered, hollow metal door. This door is equipped with a surface type intrusion alarm switch. The second door is an air tight door, which will be replaced with a three-hour rated fire door equipped with a latch to enable this door to open at an overpressure of 0.25 psig in order to limit peak pressure in that zone. This pressure is not expected to be reached by fire-caused pressures.

In this area, an open doorway would violate the three-hour barrier and would provide direct communication between two fire areas containing redundant trains of safe shutdown related cable. The three-hour rated fire door with special latch for overpressure release which will be installed, is adequate for the fire hazard in these areas. The protection provided for the piping penetration area provides a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R. Therefore, the exemption is granted.

Corridor, El. 372', Fire Zone 2109U

The licensee has requested exemption from Section III.G.2 to the extent it requires separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustible or fire hazards, or enclosure of cables and equipment and associated non-safety circuits of one redundant train in a fire barrier having one-hour rating.

This corridor area is approximately 86 feet by 12 feet with a 12-foot ceiling. The floor, walls and ceiling assemblies are reinforced concrete with a three-hour rating. The fire area includes an access corridor to one of the diesel generator rooms. The redundant cables and equipment in this area are the electrical distribution panels 2RS3 and 2RS4 and associated cables. This equipment provides the power supply for safe shutdown instrumentation. The two redundant distribution panels are wall mounted and separated by approximately 18 feet.

Intervening combustibles between the panels include several ceiling level cable trays containing what the licensee describes as, "a large amount of cable insulation in open cable trays". Various transient combustibles could be introduced in this area during maintenance periods, including 55 gallon drums of lubricating oil. The licensee will modify the fire protection in this area by enclosing the conduits associated with one of the distribution panels in a one-hour rated fire barrier and coating all intervening cables between the panels with a flame retardant coating. A smoke detection system is provided throughout the corridor in addition to line-type heat detectors in each cable tray. An automatic, open head sprinkler system, portable fire estinguishers and manual fire hose stations are also installed in the area.

The early warning detection system and automatic water deluge system will ensure that any fires are promptly detected and suppressed. The intervening combustibles between the redundant panels are located above the panels at the ceiling level. The coating of all intervening cables with a flame retardant coating, which is not equivalent to a one-hour barrier, but which will retard the propagation of flame, and enclosing one train of conduits for the distribution panels, which rise vertically to the ceiling level, in a one-hour fire rated barrier will provide enhanced protection for the distribution panels and will reduce the probability of damage to both trains prior to activation of the corridor detection and suppression system. The intended modifications in conjunction with the existing detection and automatic deluge system will provide an alternative protection system that gives reasonable assurance that one train of distribution panels will be maintained free of fire damage.

The existing protection for this area in conjunction with the proposed one-hour fire rated barrier and flame retardant coating of intervening cable trays provides a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R. Therefore, the exemption is granted.

Fixed fire suppression for Eight Areas

The licensee has provided alternate shutdown capability for the following areas in Unit 2:

(a) Upper North Piping Penetration Area, Fire Zone 2081HH

(b) Motor Control Center, Fire Zone 2096M

(c) Electrical Equipment Room El. 368', Fire Zone 2091BB

(d) Corridor Area, Fire Zone 2107N

(e) Pipeway and Equipment Access Way, Fire Zone 2223KK

(f) Pump Room, Fire Zone 2106R

(g) Core Protection Calculator Panel, Fire Zone 2150C

(h) Health Physics Area, Fire Zone 21361

The combustible loading in these zones is negligible. The redundant equipment in these areas is primarily one system, the diesel fuel transfer pumps. The licensee requests an exemption from providing fixed extinguishing systems in these areas and detection for Fire Zones 2081HH and 2136I as required by Section III.G.3.

All of the above fire zones represent a similar configuration, i.e., combustible loading is light, there is alternate shutdown capability, and manual fire suppression equipment is available. The low combustible loading in these areas ensures that safety related equipment in adjacent areas will not be threatened. The installation of a fixed fire suppression system in all these areas and detection for Fire Zones 2081HH and 2136I will not significantly increase the level of fire protection in these areas.

The existing fire protection in conjunction with alternate shutdown capability in the above areas provides a level of fire protection equivalent to the technical requirements of Section III.G.3 of Appendix R. Therefore, the exemptions are granted.

V.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemptions requested by the licensee's letters as referenced and discussed in III. and IV. above are authorized by law, will not endanger life or property or the common defense and security, are otherwise in the public interest, and are hereby granted.

The Commission has determined that the granting of these exemptions will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

A copy of the Safety Evaluation dated March 22, 1983 related to this action is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72081. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 22nd of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-8383 Filed 3-30-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-35, issued to Boston Edison Company (the licensee), which revised Technical Specifications for operation of the Pilgrim Nuclear Power Station. The amendment is effective as of the date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated June 14, 1982, (2) Amendment No. 67 to License No. DPR-35, and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated At Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc 8384 Filed 3-30-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-325 and 324]

Carolina Power and Light Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 54 and 79 to Facility Operating License Nos. DPR-71 and DPR-62, issued to Carolina Power and Light Company (the licensee), which revised the licenses and Technical Specifications for operation of the Brunswick Steam Electric Plant, Units 1 and 2. The amendments are effective as of the date of issuance.

The amendments delete the license conditions and the Appendix B Environmental Technical Specifications (ETS) which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the applications for amendments dated April 21, 1981 and February 19, 1982, (2) Amendment Nos. 54 and 79 to Facility Operating License Nos. DPR-71 and DPR-62 and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport Brunswick County Library, 109 W. Moore Street, Southport, North Carolina. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83-8385 Filed 3-30-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications to waive the need of Type-C testing for 38 valves. These valves may now be water-tested under the licensees' Inservice Testing Program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for

amendment dated August 3, 1982, supplemented by letters dated October 5, and October 25, 1982, (2) Amendment No. 65 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W, Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of March, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-8386 Filed 3-30-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Company, et al; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 84 to Facility Operating License No. DPR-49, issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, (the licensee), which revised Technical Specifications for operation of the Duane Arnold Energy Center. The amendment is effective as of the date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated February 10, 1983, (2) Amendment No. 84 to License No. DPR-49, and (3) the Commission's letter to the licensee dated March 11, 1984. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue S.E., Cedar Rapids, Iowa 52401. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83-8387 Filed 3-30-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 81 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District (the licensee), which revised Techical Specifications for operation of the Cooper Nuclear Station. The amendment is effective as of the date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated May 25, 1979, (2) Amendment No. 81 to License No. DPR-46, and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 118-15th Street, Auburn, Nebraska. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83-8388 Filed 3-30-83; 8:45 am]

BILLING CODE 7590-01-M

Docket No. 50-220

Niagara Mohawk Power Corporation. Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. DPR-63, issued to the Niagara Mohawk Power Corporation (the licensee), which revised the License and Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1. The amendment is effective as of the date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the

Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the Amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated February 10, 1983, (2) Amendment No. 51 to License No. DPR-63, and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Penfield Library, State University College of Oswego, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief Operating Reactors Branch #2 Division of Licensing.

[FR Doc. 83-8389 Filed 3-30-83' 8:45 am]

BIlling Code 7590-01-M

[Docket 50-267]

Public Service Company of Colorado; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License DPR-34 issued to the Public Service Company of Colorado, which revised Technical Specifications for operation of the Fort St. Vrain Generating Station (the facility) located in Platteville, Colorado. The amendment was authorized by telephone, and confirmed by letter, on March 10, 1983.

The amendment revises the Technical Specifications to allow continued operation of the FSV station for 10 days while repairs are completed to the Unit Auxiliary Transformer.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant evnironmental impact and that pursuant to 10 CFR 51.5(d)(4) an evironmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 9, 1983; (2) Amendment No. 34 to Facility Operating License DPR-34; and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555, and at the Greeley Public Library, City Complex Building, Greeley, Colorado. A copy of these items may be obtained upon request to the U.S. Nuclear Regulatory Commission, Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, Attention: Director, Division of Resident, Reactor Project and Engineering Programs.

Dated at Arlington, Texas, this 21st day of March, 1983.

For the Nuclear Regulatory Commission.

G. L. Madsen,

Chief, Reactor Project Branch 1.

[FR Doc. 83-8390 Filed 3-30-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Facility Operating License No. DPR-59, issued to the Power Authority of the State of New York (the licensee), which revised the Licensee and Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant. The amendment is effective as of the date of issuance.

The amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment is a ministerial action required as a matter of law and will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated February 10, 1983, (2) Amendment No. 73 to License No. DPR-59, and (3) the Commission's letter to the licensee dated March 11, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Penfield Library, State University College of Oswego, Oswego, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83-8391 Filed 3-30-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

Virgil C. Summer Nuclear Station, Unit No. 1; Issuance of Amendment to Facility Operating License No. NPF-12

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendent No. 13 to Facility Operating License No. NPF-12, issued to South Carolina Electric & Gas Company and South Carolina Public Service

Authority (the licensees) for the Virgil C. Summer Nuclear Station, Unit No. 1 (the facility) located in Fairfield County, South Carolina. The amendment changes the Technical Specifications to permit a one time extension of the time interval in which response time tests of the reactor trip system and engineered safety features are to be conducted. The amendment was effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendmend does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not resut in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) South Carolina Electric & Gas Company letter, dated January 31, 1983, (2) Amendment No. 13 to Facility Operating License No. NPF-12 with Appendix A Technical Specifications page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180. A copy of Amendment No. 13 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of March 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc 83-8392 Filed 3-30-83: 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-460-CPA (ASLBP No. 82-480-01 CPA)]

Washington Public Power Supply System, et al. (WPPSS Nuclear Project No. 1); Hearing

March 28, 1983.

On July 21, 1981, the Washington Public Power Supply System (WPPSS) filed an application for an extension of its construction permit completion date for the Washington Nuclear Project No. 1 (WNP-1) from January 1, 1982 until June 1, 1986. In its application, WPPSS indicated that under 10 CFR 50.55(b) "good cause" existed for an extension because of construction delays for certain listed reasons.

On March 18, 1982, the Coalition for Safe Power (CSP) filed a request for hearing requesting that a public hearing be held and that CSP be granted leave to intervene. It listed specific aspects of the proposed construction permit extension which it claimed would affect its interests. Attached to the request for hearing were affidavits of members of CSP authorizing CSP to represent their interests before the NRC on any matter pertaining to WPPSS Nuclear Unit 1.

On October 8, 1982, the Commission issued on Order CLI-82-29, concerning CSP's request for hearing, which provided Commission guidance on the scope of contruction permit extension proceedings. The Commission Order referred the hearing petition filed by CSP to the Atomic Safety and Licensing Board Chairman to designate a Board to determine whether the other hearing requirements of the Commission's regulations in 10 CFR 2.714 had been met, and if so, to conduct an appropriate proceeding under 10 CFR Part 2, Subpart G and 10 CFR Part 50.

On October 4, 1982, an Atomic Safety and Licensing Board was designated. 47 FR 46922 (October 21, 1982). The Board was reconstituted on October 25, 1982. 47 FR 49764 (November 2, 1983). As reconstituted, the Board is comprised of the following Administrative Judges: Herbert Grossman, Chairman; Mr. Glenn O. Bright and Dr. Jerry Harbour.

After being designated, this Board issued orders scheduling a prehearing conference and setting the due dates for filing of a supplemental petition by CSP and responses thereto by Staff and Permittee. The parties timely filed the respective supplemental petition and responses thereto. On January 17, 1983, subsequent to the filing of CSP's supplemental petition, Permittee served on the Board and the parties copies of a request to the Staff that its pending amendment request for an extension to June 1, 1986 for completion of construction be modified to allow completion by June 1, 1991. Permittee stated therein its understanding that the request would be treated as a modification of the pending amendment rather than as a new amendment request.

On March 25, 1983, the Board granted the petition of Coalition for Safe Power. As a result, a hearing to consider the proposed amendment to construction permit will be held near the site of the WNP-1 construction, at a time and place to be established.

Limited appearance statements will be heard at the hearing. Members of the public may request permission to make a limited appearance pursuant to § 2.715(a) of the Commission's Rules of Practice, 10 CFR Part 2. Persons desiring to make limited appearances are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A person making a limited appearance does not become a party but may state his or her position and raise questions which, if relevant, the Board may require be answered by the parties through evidence on the record. Limited appearances will be received at the time of the evidentiary hearing within such limits and on such conditions as may be fixed by the Board.

For further details with respect to this action, see the applications for extension dated July 21, 1981 and January 11, 1983, which are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. and at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

By order of the Board.

Bethesda, Maryland, March 28, 1983.

The Atomic Safety and Licensing Board.

Jerry Harbour,

Administrative Judge.

Glenn O. Bright,

Administrative Judge.

Herbert Grossman,

Chairman, Administrative Judge.

[FR Doc. 83-8393 Filed 3-30-83: 8:45 am]

BILLING CODE 7590-01-M

PRESIDENT'S ECONOMIC ADVISORY BOARD

Meeting

President's Economic Policy Advisory Board; Meeting

April 20, 1983.

The President's Economic Policy Advisory Board will meet on April 20, 1983, at the White House, Washington, D.C. from 9:00 am to 12:00 pm. The purpose of this meeting is to review and discuss:

- International monetary policy.
- Impact of oil price variations on world economies.

"All agenda items concern matters listed in Section 552b(c) of Title 5, United States Code, specifically sub-paragraphs (1), (4), (8) and (9) thereof, and will be closed to the public."

For further information, please contact the Office of Policy Development, the White House, at (202) 456–6515.

Edwin L. Harper,

Assistant to the President for Policy Development.

[FR Doc. 83–8469 Filed 3–30–83; 8:45 am]

BILLING CODE 3115–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–19635]

Advisory Committee on Tender Offers; Meeting and Request for Public Comment

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting of the Securities and Exchange Commission Advisory Committee on Tender Offers and request for public comment.

SUMMARY: This is to give public notice that the Securities and Exchange Commission Advisory Committee on Tender Offers will conduct a meeting on April 15, 1983 in Morgan Guaranty Hall, 28th Floor, 15 Broad Street, New York, New York, beginning at 10:00 a.m. This meeting will be open to the public. This is also to invite members of the public to submit written comments to the Committee.

ADDRESSES: All communications on this matter should be submitted in triplicate to David B. H. Martin, Jr., Secretary, Advisory Committee on Tender Offers, Room 3024, Securities and Exchange Commission, Washington, D.C. 20549. All comment letters should refer to File No. 265–15.

FOR FURTHER INFORMATION CONTACT: David B. H. Martin, Jr., Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549 (202–272–2573).

SUPPLEMENTARY INFORMATION: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, 10(a), the Securities and Exchange Commission Advisory Committee on Tender Offers [1] gives notice that it will conduct a meeting on April 15, 1983 in Morgan Guaranty Hall, 28th Floor, 15 Broad Street, New York, New York, beginning at 10:00 a.m. The meeting, which will be open to the public, will be the second meeting of the Advisory Committee. Its purpose and agenda will be to consider the issues set forth below and to receive reports from its various working groups on such issues. The Committee has also scheduled meetings for May 13, 1983 in New York City at a place to be announced, and for June 10 and July 8, 1983 in Room 1C30 at the Commission's main offices, 450 Fifth Street, N.W., Washington, D.C. The Advisory Committee's first meeting was held on March 18, 1983 at the Commission's main offices.

The Committee believes that it is important to receive views from the public. To this end, through the facilities of the Securities and Exchange Commission, the Committee is soliciting written comments on the issues set forth below. This solicitation is made solely by the Advisory Committee and the Commission is providing its facilities to assist the Committee in receiving public comment from the widest possible audience. Because of the time constraints affecting the Committee's work schedule, it is requested that written views be submitted not later than May 1, 1983. All comment letters received will be available for public inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C.

Issues to be Addressed

I. *Basic Objectives.* Who should be protected under federal securities laws in tender offer transactions and other acquisitions of corporate control? What should be the objectives of regulation that achieves such protection? What premises should govern the balancing of these objectives?

II. *Economics of Tender Offers.* What economic factors affect the number, size and other characteristics of tender offers? What are the anticipated economic effects on the number, size and other characteristics of tender offers of changing the current regulatory scheme? What are the economic implications of tender offers and other acquisition techniques on the economy in general and specifically with respect to bidders, subject companies, investors and the securities markets?

III. *Regulation of Acquisition of Corporate Control.* What should be the primary purposes of the federal securities laws with respect to acquisitions of corporate control? What changes are needed in the current regulatory scheme? Should timing and informational requirements continue to be the primary objectives? To what extent should equality of treatment and substantive fairness be regulatory objectives?

IV. *Regulation of Opposition to Acquisitions of Corporate Control.* Should the "business judgment" rule continue to be the principal substantive standard governing opposition to acquisitions of corporate control? Should there be substantive regulation of opposition in general or specifically with respect to particular defensive practices such as "scorched earth" policies, "golden parachute" provisions, sales of "crown jewels", "shark repellent" provisions, and issuer repurchases of securities at a premium?

V. *Regulation of Market Participants.* Is there a need for substantive regulation of market participants in connection with acquisitions of corporate control, particularly with respect to short, hedge, or multiple tendering? If so, what regulation is appropriate?

VI. *Interrelationships with Other Regulatory Schemes.* What is the proper relationship between federal and state securities and corporate laws with respect to acquisitions of corporate control? To the extent the federal securities laws governing acquisitions of corporate control interrelate with other federal and state regulatory schemes, such as tax laws applicable to tax, banking, antitrust, employee benefit plans or regulated industries, is there a need for substantive or procedural coordination?

George A. Fitzsimmons,

Advisory Committee Management Officer.

[FR Doc. 83–8545 Filed 3–30–83; 8:45 am]

BILLING CODE 8010–01–M

[1] The Advisory Committee was established on February 25, 1983. *See* Release No. 34–19528.

[Rel. No. 13110; 812–5439]

Allied Capital Corp., et al.; Application

March, 24, 1983.

Notice is hereby given that Allied Capital Corporation ("Allied Capital"), Allied Investment Corporation ("Allied Investment"), Allied Lending Corporation ("Allied Lending"), Allied

Development Corporation ("Allied Development"), all registered under the Investment Company Act of 1940 ("Act") as closed-end, non-diversified management investment companies; Allied Financial Corporation ("Allied Financial"), a District of Columbia corporation, which intends to register under the Act as a closed-end, non-diversified management investment company, and Allied Advisory, Inc., 1625 Eye Street, N.W., Washington, D.C. 20006, a non-investment company District of Columbia corporate subsidiary of Allied Capital (collectively "Applicants" or the "Allied Group"), filed an application on January 31, 1983, requesting an order of the Commission pursuant to Section 6(c) of the Act granting exemption from Sections 8(b), 12(e), 17(a), 17(d), 18(a), 18(c), 30(a) and 30(d) of the Act and Rules 8b–16, 17d–1, 30a–1 and 30d–1 thereunder; and amending in the manner described below an earlier order of the Commission dated May 19, 1982 (Investment Company Act Release No. 12440) (the "1982 Order"). The 1982 Order and an earlier order the Commission dated November 24, 1976 are incorporated herein by reference together with the application, including amendments thereto, for the 1982 order as well as the notice thereof (Investment Company Act Release No. 12371, dated April 14, 1982) for information as to the Applicants (other than Allied Financial) and the background thereof. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and the Act for the text of those provisions of the Act related to this application.

Applicants state that subsequent to the 1982 Order, Allied Capital caused Allied Financial to be organized as a new corporation under the laws of the District of Columbia. Allied Financial, which has not yet commenced business, intends to apply to the Small Business Administration ("SBA") to be licensed as a small business investment company ("SBIC") under the Small Business Investment Company Act of 1958 to operate under Section 301(d) thereof as a company ("MESBIC") engaged primarily in the business of making loans to qualified business enterprises owned by disadvantaged persons, and to register under the Act as a closed-end, non-diversified management investment company.

The regulations of the SBA provide for the purchase by the SBA of preferred shares as well as subordinated debentures of MESBIC's. Allied Financial desires to be in a position to issue all of its common shares to Allied Capital and to issue preferred shares and subordinated debentures to the SBA.

The 1982 Order granted exemptions from Sections 12(e), 17(a) and 17(d) of the Act and Rule 17d–1 thereunder to the extent necessary to permit Allied Capital to acquire all of the issued and outstanding common stock, as well as other securities (including debt securities), of Allied Investment, Allied Lending and Allied Development (collectively the "Existing IC Subsidiaries"), and to permit Allied Capital and its wholly-owned subsidiaries, including the existing IC Subsidiaries, to engage in certain affiliated and joint transactions subject to conditions. The present application seeks comparable exemptive relief from the Act with respect to Allied Financial. The present application also seeks to extend to Allied Financial the exemptive relief granted by the 1982 Order from the provisions of Sections 18(a) and 18(c) of the Act which permit Allied Capital and each of its Existing IC Subsidiaries to borrow from banks, insurance companies and other financial institutions (including in the case of such subsidiaries from Allied Capital) on a secured or unsecured basis and to permit Allied Capital to guarantee such borrowings. Finally, the present application seeks to extend to Allied Financial the exemptive relief granted by the 1982 Order from the provisions of Sections 8(b), 30(a) and 30(d) of the Act and Rules 8b–16, 30a–1 and 30d–1 thereunder which permit Allied Capital to file with the Commission on behalf of itself and the Existing IC Subsidiaries annual reports and amendments to its registration statement and to transmit to its shareholders reports containing financial statements of Allied Capital and its investment company subsidiaries on a consolidated basis only.

Because the proposed investment by Allied Capital in Allied Financial will involve the issuance by Allied Financial, which Applicants state would in other respects qualify as a Section 12(e) issuer, of common stock and the creation of a preferred stock and subordinated debentures, the transaction will involve the issuance by Allied Financial of securities other than one class of common stock. In addition, Applicants seek to extend to Allied Capital's investment in the common stock of Allied Financial the 1982 Order's exemptive relief from the provisions of Section 12(e) to permit acquisitions by Allied Capital of the common stock of Allied Financial, as well as of the securities of the Existing IC Subsidiaries, so that Allied Capital's investment therein, taken at cost, may exceed five percent of the value of its total assets at the time of any such purchase. Furthermore, Applicants seek to extend to Allied Financial the 1982 Order's exemptive relief from the provisions of Section 12(e) to permit Allied Capital, banks, insurance companies and other financial institutions to acquire notes or other evidences of indebtedness issued by Allied Financial as well as by the Existing IC Subsidiaries.

By virtue of the definition of affiliated person set forth in Section 2(a)(3) of the Act, Allied Capital is or will be an affiliated person of Allied Financial by reason of its ownership (or proposed ownership) of all the common stock of Allied Financial and its control of that company. In addition, Allied Capital, the Existing IC Subsidiaries and Allied Financial are affiliated persons of one another. Accordingly, any exchange of securities or property or any borrowings between Allied Capital, the Existing IC Subsidiaries and Allied Financial would constitute an affiliated transaction prohibited by Section 17(a). Therefore, Applicants request exemptive relief to permit transfers of property and securities or the borrowing of money or other property between Allied Capital or the Existing IC Subsidiaries and Allied Financial. Applicants further seek to amend the 1982 Order to permit, subject to condition (7) as hereinafter stated, any person to which loans may be made by Allied Financial and which may become an affiliated person of the Applicants, to borrow from, or sell securities issued by it to, Allied Capital, the Existing IC Subsidiaries or Allied Financial.

The 1982 Order granted an exemption from the provisions of Section 17(d) of the Act and Rule 17d–1 thereunder to the extent necessary to permit Allied Capital and the Existing IC Subsidiaries to participate in any joint enterprise or joint arrangement involving other participants. Applicants seek to extend such relief to include Allied Financial.

Applicants assert that the before-mentioned exemptive relief is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes of the Act. Applicants state that in order to protect investors, any order that may be issued on this application may be conditioned upon Applicants' compliance with all undertakings as herein stated. According to Applicants, the exemptive relief requested for Allied Financial is

necessary because the SBA does not afford the special advantages of its Section 301(d) program to any SBIC, such as Allied Investment, or a participating lender, such as Allied Lending (not to speak of entities, such as Allied Development, which do not participate in any SBA program), which make loans to entities that do not qualify for such program.

Applicants also request relief from Sections 18(a) and 18(c), the provisions of the Act governing capital structure. The 1982 Order permits Allied Capital and the Existing IC Subsidiaries to borrow from banks, insurance companies and other financial institutions, including in the case of the wholly-owned investment company subsidiaries of Allied Capital from Allied Capital, on a secured or unsecured basis and to permit Allied Capital to guaranteé the borrowings of such subsidiaries. In applying for the 1982 Order, Applicants other than Allied Financial represented that all borrowings by Allied Capital, Allied Lending and Allied Development, except borrowings by Allied Investment, Allied Lending or Allied Development from Allied Capital, will be subject to the asset coverage requirements of Section 18(a) of the Act as applied on an individual basis to each company and on a consolidated basis to Allied Capital and its subsidiaries. In addition, the 1982 Order provides that any guarantee by Allied Capital of borrowings by its subsidiaries will not be deemed a senior security and not subject to the asset coverage requirements of Section 18(a), provided that 90 percent of Allied Capital's assets are represented by its investments in the Existing IC Subsidiaries or in securities similar to those in which such subsidiaries invest. Applicants seek modification of the 1982 Order to include Allied Capital's investment in the securities of Allied Financial within the 90 percent test. Applicants take the position that any borrowings by Allied Investment or Allied Financial, or any preferred stock of Allied Financial issued to the SBA, are not subject to the Section 18(a) asset coverage requirement by reason of the Section 18(k) exclusion for SBIC's. However, Applicants agree that in applying the Section 18(a) asset coverage test on a consolidated basis, an amount of assets equal to any such borrowings by Allied Investment will continue to be excluded, and that there will also be excluded an amount of assets equal to the amount of the sum of Allied Financial's indebtedness, on account of its debentures or otherwise, and the aggregate involuntary liquidation preference of its outstanding preferred shares. In addition, Applicants request the extension to Allied Financial of the 1982 Order's exemption from the provisions of Section 18(c) of the Act which permit Allied Capital and its investment company subsidiaries to have more than one class of senior security representing indebtedness outstanding.

Applicants state that permitting direct borrowings by the Existing IC Subsidiaries and Allied Financial (including, in the case of Allied Financial, the issuance of preferred shares) is consistent with the purposes of and protections of the Act since Allied Capital, Allied Lending and Allied Development individually, and Allied Capital and its subsidiaries on a consolidated basis, as adjusted for the borrowings and outstanding preferred shares of Allied Investment and Allied Financial, will still meet the 300 percent asset coverage requirement of Section 18(a) subject to the above noted exclusions. Applicants argue that by excluding an amount of assets equal to the borrowings of Allied Investment Corporation and Allied Financial, as well as the involuntary liquidation preference of Allied Financial's outstanding preferred shares, for purposes of calculating the asset coverage required by Section 18(a) on a consolidated basis, investors are protected from the adverse effects of leveraging. As pointed out in the application for the 1982 Order, the exclusion from the asset coverage requirements of Section 18(a) of borrowings from Allied Capital by its investment company subsidiaries and Allied Capital's guarantee of its subsidiaries' borrowings does not impair the protections of Section 18 since neither type of senior security (as defined in the Act) increases the aggregate indebtedness incurred by the Allied Group.

Applicants further request the extension to Allied Financial of the 1982 Order's relief from certain provisions of the Act regarding filings with the Commission and transmittal of reports to shareholders. Applicants request the modification to the 1982 Order to the extent required to permit the inclusion of information with respect to, and consolidated financial statements including the assets, liabilities and results of, Allied Financial for the purpose of the exemption afforded by the 1982 Order from Section 8(b) of the Act and Rule 8b–16 thereunder which permits Allied Capital to file on behalf of itself and Allied Lending and Allied Development amendments to its registration statement filed under the Act containing information with respect to and financial statements of Allied Capital and its subsidiaries on a consolidated basis only. In addition, Applicants request the extension of the exemption afforded by the 1982 Order from the provisions of Section 30(a) of the Act and Rule 30a–1 thereunder to the extent necessary to permit Allied Capital to file on behalf of itself and Allied Financial, as well as the Existing IC Subsidiaries, annual reports on Form N–1R, or appropriate successor form, containing information with respect to Allied Capital and its subsidiaries on a consolidated basis only, plus a copy each of the financial reports of Allied Investment Corporation and Allied Financial filed with the SBA on SBA Form 468. Applicants also request the extension to include Allied Financial in the 1982 Order's exemption from Section 30(d) of the Act and Rule 30d–1 thereunder to the extent necessary to permit Allied Capital to transmit to its shareholders semiannually reports containing financial information and statements prescribed on a consolidated basis for Allied Capital and its subsidiaries. Applicants request that such consolidated forms and amendments and such consolidated report be accepted in lieu of the separate reporting obligations of Allied Financial as well as of the Existing IC Subsidiaries.

Applicants agree that separate financial statements will not be required in any amendment filed with the Commission pursuant to Rule 8b–16 under the Act and in any semiannual report to shareholders only so long as the amount of Allied Capital's total assets on a consolidated basis invested in assets other than securities of its four investment company subsidiaries (i.e., including Allied Financial) do not equal or exceed 10 percent. Applicants further agree that in the event 10 percent or more Allied Capital's total assets on a consolidated basis should be invested in securities other than those of its four investment company subsidiaries, additional financial statements will be required; namely, combined financial statements of Allied Capital's four investment company subsidiaries and separate financial statements of any other subsidiary in which Allied Capital's investment equals or exceeds 10 percent of its total assets on a consolidated basis.

Applicants state that, as pointed out in the application for the 1982 Order, separate filings for each subsidiary is burdensome and multiple filings are not likely to provide a convenient source of

information to investors. By the same token, Applicants further state, transmitting semiannual reports containing consolidated financial statements will not lessen investors' understanding of the financial position or operations of the Allied Group. According to Applicants, since Allied Capital and its subsidiaries, including Allied Financial, operate essentially as a single economic unit, consolidated financial statements present the most meaningful financial information for financial reporting purposes.

Section 6(c) of the Act provides, in part, that the Commission, upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule of regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants agree that any order granted by the Commission on their application may be subject to the following conditions:

1. At all times Allied Capital will own and hold, beneficially and of record, all of the outstanding common stock of Allied Financial as well as all of the outstanding capital stocks of the Existing IC Subsidiaries.

2. As in the case of the Existing IC Subsidiaries, Allied Capital will not cause or permit Allied Financial to change any of its fundamental investment policies, or take any other action referred to in Section 13(a) of the Act, unless such action shall have been authorized by Allied Capital after approval of such action by a vote of a majority (as defined in the Act) of the outstanding voting securities of Allied Capital.

3. As in the case of the Existing IC Subsidiaries, Allied Capital will not cause or permit Allied Financial to enter into, renew or perform any investment advisory or underwriting contract or agreement, written or oral, as contemplated by Section 15 of the Act, unless the terms of such contracts or agreements and any renewal thereof shall have been approved in compliance with said Section 15; and where any vote of the stockholders of Allied Financial would be required by said Section 15, unless the stockholders of Allied Capital also shall have approved the same by vote of a majority (as defined in the Act) of the outstanding voting securities of Allied Capital, or where any action of directors of Allied Financial would be required by said Section 15, unless the Board of Directors of Allied Capital, including a majority of those directors who are not parties to any such contract or agreement or interested persons of any such party, also shall have approved the same.

4. Allied Capital will not itself, and Allied Capital will not cause or permit Allied Financial, as it will not cause or permit the Existing IC Subsidiaries, to issue any security or sell any senior security of which any of them is the issuer except as hereinafter set forth:

(a) Allied Capital and each of its investment company subsidiaries, including Allied Financial, may issue and sell to banks, insurance companies and other financial institutions their secured or unsecured promissory notes or other evidences of indebtedness in consideration of any loan, or any extension or renewal thereof made by private arrangement, provided the following conditions are met: (i) Such notes or evidences of indebtedness are not intended to be publicly distributed, (ii) such notes or evidences of indebtedness are not convertible into, exchangeable for or accompanied by any options to acquire any equity security, and (iii) Allied Capital and its subsidiaries on a consolidated basis, and Allied Capital, Allied Lending and Allied Development individually, shall have the asset coverage required by Section 18(a) of the Act immediately after the issuance or sale of any such notes or evidences of indebtedness by any of them, except that, in determining whether Allied Capital and its subsidiaries on a consolidated basis have the asset coverage required by Section 18(a), any borrowings by Allied Investment Corporation and Allied Financial, shall not be considered senior securities and, for purposes of the definition of "asset coverage" in Section 18(h) shall be treated as indebtedness not represented by senior securities;

(b) In addition, (i) Allied Financial as well as Allied Investment may borrow from the SBA on such basis as the SBA from time to time may lend to SBIC's; (ii) Allied Financial may issue and sell to the SBA its preferred stock on such basis as the SBA may from time to time purchase preferred stock of MESBIC's; (iii) Allied Financial as well as the Existing IC Subsidiaries may borrow from Allied Capital, and (iv) Allied Capital may guarantee any borrowings by its subsidiaries, provided that 90% of the total assets of Allied Capital on a consolidated basis are represented by Allied Capital's investments in its investment company subsidiaries, inlcuding Allied Financial, or in securities similar to those in which such subsidiaries invest. None of the borrowings or other arrangements permitted by this subparagraph (b) shall be deemed senior securities for purposes of the order requested herein or Section 18 of the Act.

5. As in the case of the Existing IC Subsidiaries, Allied Capital will cause to be elected as directors of Allied Financial only persons who are directors of Allied Capital, elected in compliance with Section 16(a) of the Act, and at all times officers of Allied Capital will also be officers of Allied Financial.

6. Allied Capital will file with the Commission pursuant to Rule 8b–16 amendments to its registration statement pursuant to Section 8(b) of the Act of behalf of itself and Allied Lending and Allied Development containing information with respect to and financial statements of Allied Capital and its subsidiaries, including Allied Financial, on a consolidated basis only, such amendments to be in lieu of and in satisfaction of the separate filing obligations of Allied Lending and Allied Development pursuant to Rule 8b–16. Allied Capital will file with the Commission pursuant to Section 30(a) of the Act annual reports on Form N–1R, or appropriate successor form, on behalf of itself, the Existing IC Subsidiaries and Allied Financial, containing information with respect to Allied Capital and its subsidiaries on a consolidated basis only and copy of the financial reports of Allied Investment and Allied Financial filed with the SBA on SBA Form 468, or appropriate successor form, in lieu of and in satisfaction of the separate filing obligations of Allied Financial as well as the Existing IC Subsidiaries pursuant to Section 30(a). Allied Capital will transmit to its stockholders semi-annually pursuant to Section 30(d) of the Act reports containing the financial information and statements prescribed and required by such section for Allied Capital and its subsidiaries on a consolidated basis only, which reports shall be in lieu of and in satisfaction of the separate reporting obligations of Allied Financial, as well as of the Existing IC Subsidiaries, pursuant to Section 30(d); provided, however, that if 10 percent or more of Allied Capital's total assets on a consolidated basis are invested in assets other than securities issued by Allied Lending, Allied Investment, Allied Development or Allied Financial, or securities similar to those in which such subsidiaries invest, then, in addition to the consolidated financial statements of Allied Capital and its subsidiaries, there shall be

included in such reports combined financial statements of Allied Lending, Allied Investment, Allied Development and Allied Financial and separtate financial sttements of any subsidiary other than the aforementioned subsidiaries if Allied Capital's investment in such subsidiary amounts to 10 percent or more of Allied Capital's total assets on a consolidated basis. Allied Capital will also cause Allied Financial, as well as Allied Investment and Allied Lending, to file with the Commission copies of all reports which they are required to file with the SBA. Any independent public accountant who signs a financial statement filed with the Commission by Allied Financial, as well as by Allied Capital or by the Existing IC Subsidiaries, shall be selected and approved in compliance with Section 32(a) of the Act by holders of a majority (as defined in the Act) of Allied Capital's outstanding voting securities.

7. Any small business concern to which loans may be made Allied Financial, as well as any other concern to which loans may be made by Allied Capital or any of the Existing IC Subsidiaries, which concern may become an affiliated person of the Allied Group, may borrow from, or sell securities issued by it to, any investement company member of such Group, provided tht such transaction meets the requirements for an exemption pursuant to Rule 17a–6 promulgated pursuant to the Act, except to the extent that it fails to meet the requirements of such Rule solely because another member of the Allied Group is also a party to the transaction or has, or within six months prior to the transaction had, or pursuant to an arrangement will acquire, a direct or indirect financial interest in the small business or other concern.

8. The Allied Group, or any member thereof, may participate in any joint enterprise or joint arrangement involving other participants, provided that such transaction meets the requirements for an exemption pursuant to Rule 17d–1 except to the extent it fails to meet the requirements of such Rule solely because other members of the Allied Group are, or propose to be, participants in the joint enterprise or joint arrangement.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 18, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commisison, by the Division of Investment Management, pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

[FR Doc. 83–8286 Filed 3–30–83; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM–8/612]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Working Group on Accounting Standards of the Advisory Committee on International Investment, Technology, and Development on Friday, April 29, 1983, from 10:00 a.m. to 1:00 in Room 6320, at the Department of State, 2201 C Street, N.W., Washington, DC 20520. The meeting will be open to the public.

The purpose of the meeting is to discuss the results of the recent (February 22–March 4) UN Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting; to discuss preparations for the upcoming OECD Working Group on Accounting; and to review the current status of the EEC Seventh Directive.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: March 24, 1983.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 83–8277 Filed 3–30–83; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–8/615]

Secretary of State's Advisory Committee on Private International Law; Meeting

There will be a meeting of the subject Advisory Committee at 10:00 a.m. on Friday, April 29, 1983 in Room 3524 (third floor) of the Department of State. Members of the general public may attend up to the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The meeting agenda will include discussion of support for United States ratification of the 1980 UN Convention on contracts for the international sale of goods; the future work program of the International Institute for the Unification of Private Law (UNIDROIT); aspects of the work of the Hague Conference on Private International Law on the international validity and recognition of trusts; questions involved in United States ratification of the 1975 Inter-American Convention on Letters Rogatory and the Additional 1979 Protocol thereto, concerning service of process; and how best to proceed toward United States ratification of the 1973 Washington Convention providing a uniform law on the form of an international will.

Entry to the Department of State building is controlled and members of the general public should use the "C" Street ("diplomatic") entrance. As entry will be facilitated by advance arrangements, members of the general public planning to attend should, prior to April 29, notify Ms. Rochelle Renna, Office of the Assistant Legal Adviser for Private International Law, Department of State, Washington, D.C., 20520 (telephone: (202) 632–8134) of their name, affiliation, address and telephone number.

Peter H. Pfund,

Assistant Legal Adviser for Private International Law and Vice-Chairman, Advisory Committee on Private International Law.

March 22, 1983.

[FR Doc. 83–8280 Filed 3–30–83; 8:45 am]

BILLING CODE 4710–08–M

[Public Notice CM-8/613]

Shipping Coordinating Committee

Committee on Ocean Dumping; Meeting

The Committee on Ocean Dumping, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Tuesday, April 19, 1983, in room 3906–3908 (Mall), Waterside Mall, Environmental Protection Agency, 401 M Street, SW., Washington, D.C.

The purpose of the meeting is to review the outcome of the Seventh Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Dumping Convention), held in London, England on February 14–18, 1983. Preliminary discussion will also be given to the provisional agenda agreed to by the Contracting Parties for the seventh meeting of the Scientific Group, which will convene in September or October 1983.

For further information contact Ms. Norma Hughes, Executive Secretary, Committee on Ocean Dumping (WH–585), Environmental Protection Agency, Washington, D.C. 20460. Telephone: (202) 755–2927.

The Chairman will entertain comments from the public as time permits.

Dated: March 18, 1983.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee

[FR Doc. 83–8278 Filed 3–30–83; 8:45 am]

BILLING CODE 4710–08–M

[Public Notice CM-8/614]

Shipping Coordinating Committee and Subcommittee on Safety of Life at Sea; Meetings

The Shipping Coordinating Committee (SHC) will conduct two open meetings in the near future. The first will be on May 9, 1983, at 1:00 p.m., in Room 3201 of the U.S. Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of this meeting will be to finalize preparations for the 50th Session of the Council of the International Maritime Organization (IMO) which will be held May 16–20, 1983 in London and the IMO Committee on Technical Cooperation, Scheduled for May 12, 1983. In particular, the SHC will discuss the development of the U.S. position dealing with, inter alia, the following topics:

—Work programme and budget
—Reports of the various committees
—World Maritime University; progress report
—Relations with the U.N. and the Specialized Agencies

* * * * * * *

The Subcommittee on Safety of Life at sea (SOLAS) of the Shipping Coordinating Committee will hold a meeting on May 24, 1983, at 9:30 a.m. in Room 3201 of the U.S. Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of this meeting will be to finalize preparations for the 48th Session of the Maritime Safety Committee (MSC) of the International Maritime Safety Committee (MSC) of the International Maritime Organization (IMO) which will be held June 6–17, 1983 in London. In particular, the Subcommittee will discuss the development of the U.S. position dealing with, inter alia, the following topics.

—Amendments to 1974 SOLAS (second set)
—Reports fo the various subcommittees
—Review of the work programme

For further information contact Mr. G. P. Yoest, U.S. Coast Guard Headquarters (G–CPI), 2100 Second Street, SW., Washington, D.C. 20593. Telephone: (202) 426–2280.

Members of the public may attend both meetings up to the seating capacity of the room.

Dated: March 21, 1983.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 83–8279 Filed 3–30–83; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM-8/616]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea and Subcommittee on the Code of Conduct for Liner Conferences; Meetings

The Shipping Coordinating Committee (SHC) will conduct two open meetings in the near future. The first will be a meeting of the Subcommittee on Safety of Life at Sea (SOLAS) Working Group on Stability, Load Lines, and Safety of Fishing Vessels, on April 20, 1983, at 10:00 a.m., in Room 1303 of the U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of this meeting will be a review of the Subcommittee work at the recently concluded session (February 29, 1983) in preparation for the next session of the Subcommittee (now scheduled for March, 1984).

The agenda for the meeting will consist of a general review of all items scheduled for the Subcommittee with particular attention to:

—Intact stability for all ships
—Subdivision of RoRo's
—Subdivision of dry-cargo ships
—Tonnage Convention
—Fishing vessel casualties

For further information contact Mr. William A. Cleary, Jr., U.S. Coast Guard Headquarters (G–MTH–5/TP13), 2100 Second Street, SW., Washington, D.C. 20593. Telephone: (202) 426–2188.

Members of the public may attend the meeting up to the seating capacity of the room.

* * * * *

The Subcommittee on the Code of Conduct for Liner Conferences of the Shipping Coordinating Committee will hold a meeting on May 3, 1983, at 9:00 a.m., in Room 1107 of the Department of State, 2201 C Street, NW., Washington, D.C. 20520.

The purpose of this meeting will be to discuss the U.S. position on shipping issues at the UNCTAD VI Conference, to be held in Belgrade in June, as well as to review the U.S. position on UNCTAD negotiations concerning open registry shipping.

Persons desiring additional information or planning a presentation to the Committee should contact Gordon S. Brown, Director of the Office of Maritime and Land Transport, Room 5826, Department of State, Washington, D.C. 20520. Telephone: (202) 632–0704.

This meeting will be conducted pursuant to the provisions of the Charter of the Shipping Coordinating Committee.

Members of the public may attend this meeting up to the seating capacity of the room and must contact Mr. Brown's office in order to arrange entrance to the Department of State.

Dated: March 22, 1983.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 83–8281 Filed 3–30–83; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD–83–014]

Coast Guard Academy Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Open meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Coast Guard Academy Advisory Committee to be held in Hamilton Hall at the U.S. Coast Guard Academy, New London, CT, on Monday thru Wednesday April 11–13, 1983. The sessions on Monday will be held from 10:30 to 11:45 a.m. and 2:00 to 3:15 p.m. An open session will also be held on Wednesday from 10:15 to 11:45 a.m. There will be no session on Tuesday. The agenda for this meeting consists of the following items:

1. Faculty.
2. Curricula.

The Coast Guard Academy Advisory Committee was established in 1937 by Pub. L. 75–38 to advise on the course of instruction at the Academy, and to make recommendations as necessary.

Attendance is open to the interested public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to attend or present oral statements at the meeting should notify the U.S. Coast Guard Academy not later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

FOR FURTHER INFORMATION CONTACT: Capt. Roderick M. White, USCG, Dean of Academics/Executive Secretary of the Academy Advisory Committee, U.S. Coast Guard Academy, New London, CT 06320, phone (203) 444–8275.

Issued in Washington, D.C. on March 28, 1983.

J. S. Gracey,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 83–8373 Filed 3–30–83; 8:45 am]

BILLING CODE 4910–14–M

[CGD–83–015]

Ship Structure Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Ship Structure Committee. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1, section 10(a)(2)).

DATE: May 25, 1983, 9:15 a.m. to 11:30 a.m.

ADDRESS: U.S. Coast Guard Headquarters, Room 3201, 2100 Second Street, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: LCDR. D. B. Anderson, USCG, Secretary, Ship Structure Committee, U.S. Coast Guard Headquarters (G–MTH–4/13), Washington, DC 20593, (202) 426–2197.

SUPPLEMENTARY INFORMATION: The agenda for this meeting is as follows: To approve research projects of the Committee for fiscal year 1984 and to review ongoing research projects of the Committee. Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify LCDR. D. B. Anderson, Secretary, Ship Structure Committee not later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Dated: March 25, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 83–8374 Filed 3–30–83; 8:45 am]

BILLING CODE 4910–14–M

Saint Lawrence Seaway Development Corporation

Advisory Board; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 10:00 a.m., April 19, 1983, at the Corporation's Ofices at 800 Independence Avenue, S.W., Washington, D.C. The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Review of Programs; Business; Closing Remarks.

Attendance at meetings is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meetings. Persons wishing further information should contact, not later than April 15, 1983, Robert D. Kraft, Director, Plans and Policy Development, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, S.W., Washington, D.C. 20591; 202/426–3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, D.C. on March 25, 1983.

William H. Kennedy,

Acting Administrator.

[FR Doc. 83–8369 Filed 3–30–83; 8:45 am]

BILLING CODE 4910–61–M

UNITED STATES INFORMATION AGENCY

Book and Library Advisory Committee; Meeting

A meeting of the Book and Library Advisory Committee will be held on Monday, April 11, 1983, in the Whittall Pavilion, Jefferson Building, Library of Congress, First Street at Independence Avenue, Washington, D.C. from 2:30 p.m. to 5:00 p.m. Agenda topics will include International Commercial Markets for U.S. publications and the French Book Program.

Mary Jane Winnett,

Management Analyst.

[FR Doc. 83–8370 Filed 3–30–83; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 63
Thursday, March 31, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, April 8, 1983.

PLACE: 2033 K Street NW., Washington, D.C., Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–446–83 Filed 3–29–83; 11:33 am]

BILLING CODE 6351–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 4, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 28, 1983.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[S–447–83 Filed 3–29–83; 12:51 pm]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, April 4, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of the minutes of previous meetings.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,643–NR—Penn Square Bank, National Association, Oklahoma City, Oklahoma

Memorandum and Resolutions re:
- Banco, Credito y Ahorro Ponceno, Ponce, Puerto Rico;
- Banco Regional, Bayamon, Puerto Rico;
- Banco de Ahorro de Puerto Rico, San Juan (Hato Rey), Puerto Rico; and
- Banco Economias, San German, Puerto Rico.

Memorandum and resolution re: Delegations of Authority—Liquidation Activities.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425

Dated: March 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–448–83 Filed 3–29–83; 12:51 pm]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:40 p.m. on Friday, March 25, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposit made in Bear Creek Valley Bank, Phoenix, Oregon, which was closed by the Oregon Superintendent of Banks on Friday, March 25, 1983; (2) accept the bid for the transaction submitted by Valley of the Rogue Bank, Rogue River, Oregon, an insured State nonmember bank; (3) approve the application of Valley of the Rogue Bank, Rogue River, Oregon, for consent to purchase certain assets of and to assume the liability to pay deposits made in Bear Creek Valley Bank, Phoenix, Oregon, and to establish the sole office of Bear Creek Valley Bank as a branch of the resultant bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

At that same meeting, the Board of Directors made funds available for the payment of insured deposits in Prairie County Bank, Hazen, Arkansas, which was closed by the State Bank Commissioner for the State of Arkansas on Thursday, March 24, 1983.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: March 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-449-83 Filed 3-29-83; 12:51 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, March 28, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Branch Banking and Trust Company, Wilson, North Carolina, and insured State nonmember bank, for consent to merge, under its charter and title, with City National Bank, Charlotte, North Carolina, and to establish the five offices of City National Bank as branches of the resultant bank.

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,645-L—Community Bank of Washtenaw, Ypsilanti, Michigan

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: March 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-450-83 Filed 3-29-83; 12:51 pm]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, March 28, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of First American Bank for Savings, Boston, Massachusetts, an insured mutual savings bank, for consent to acquire the assets of and assume the liability to pay deposits made in Workingmen's Co-Operative Bank, Boston, Massachusetts, a non-federally insured institution, and to establish the eight existing offices of Workingmen's Co-Operative Bank as branches of First American Bank for Savings.

Recommendation regarding the Corporation's assistance agreement involving an insured bank pursuant to section 13(c) of the Federal Deposit Insurance Act.

Application for assistence under section 13(i) of the Federal Deposit Insurance Act: Name and location of bank authorized to be exempt from disclosure pursuant ot the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: March 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-451-83 Filed 3-29-83; 12:51 pm]

BILLING CODE 6714-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 12885, March 28, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 30, 1983.

CHANGE IN THE MEETING: The following item has been added to the regular agenda:

Item No., Docket No., and Company

CP-2(C)—RP82-114-000, Northwest Central Pipeline Corporation (formerly Cities Service Gas Company) RP83-42-000, Midwest Gas Users Association v.

Northwest Central Pipeline Corporation
(formerly Cities Service Gas Company)

Kenneth F. Plumb,

Secretary.

[S-445-83 Filed 3-29-83; 10:35 am]

BILLING CODE 6717-92-M

8

FEDERAL HOME LOAN BANK BOARD

Bank Board Meeting

TIME AND DATE: 10 a.m., Wednesday, April 6, 1983.

PLACE: Board Room Sixth Floor.

MATTERS TO BE CONSIDERED:
Consolidated Agenda:

Office of District Banks
22—Open—Branch Office Application. Ellwood Federal Savings and Loan Association, Ellwood City, Pennsylvania. Resolution
23—Open—Request for Extension of Time. (Proposed) Wawel Savings and Loan Association, Wallington, New Jersey. Resolution
24—Open—Application for Full Trust Powers, First Federal Savings and Loan Association of the Palm Beaches, West Palm Beach, Florida, Resolution
25—Open—Waiver of Restriction, Thomas Sung, et al., New York, New York. Resolution
26—Open—Insurance of Accounts, Cheviot Building and Loan Company, Cheviot, Ohio. Resolution

Office of General Counsel and Office of Examinations and Supervision
27—Closed—Recommended Administrative Proceedings (C&D and Removal and Prohibition Orders) against Bay View FS&LA and Persons who Participated in Its Affairs, Bay View Federal Savings and Loan Association, San Mateo, California, Two Resolutions, Four Notices and Letter

[S-444-83 Filed 3-29-83; 10:23 am]

BILLING CODE 6720-01-M

9

U.S. RAILWAY ASSOCIATION

DATE AND TIME: April 8, 1983, 2 p.m.

PLACE: Board room 2–500, fifth floor, 955 L'Enfant Plaza North SW., Washington, D.C.

STATUS: The first portion of the meeting will be closed to the public; the second portion will be open.

MATTERS TO BE CONSIDERED: By the USRA Board of Directors and Advisory Board *Portion Closed to the Public (2:00 p.m.):*

1. Litigation Report.
2. Review of Conrail Confidential and Proprietary Financial Information.

Portion Open to the Public (2:30 p.m.):

3. Approval of Minutes of January 27, 1983 Meeting
4. Election of Assistant Secretary
5. Election of Conrail Board Members
6. Conrail Monitoring Indicators

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 488–8777, ext. 503.

[S-443-83 Filed 3-29-83; 10:11 am]

BILLING CODE 8240-01-M

federal register

Thursday
March 31, 1983

Part II

Department of Transportation

Federal Aviation Administration

Proposed Advisory Circular for Federal Aviation Regulation Part 120, Air Transportation Regulation

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 120, 121, 135; and SFAR 38

Proposed Advisory Circular for Federal Aviation Regulations Part 120, Air Transportation Regulation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on a proposed advisory circular.

SUMMARY: The FAA requests comments on this proposed advisory circular (AC) which contains the administrative procedures and acceptable methods of compliance (AMC) for the safety objectives of a new proposed Part 120. Proposed Part 120 and this advisory circular are intended to provide regulatory flexibility to the air transportation industry while continuing to achieve the same high safety standards required by existing Parts 121 and 135.

DATE: Comments must be received on or before May 31, 1983.

ADDRESS: Comments may be mailed to: Federal Aviation Administration, Air Transportation Division, AFO–200, 800 Independence Avenue, SW., Washington, D.C. 20591; or delivered to: Room 303, 800 Independence Avenue, SW., Washington, D.C. Comments may be inspected at Room 303 between 8:30 a.m., and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Dave Potter, Air Transportation Division (AFO–200), Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3783.

SUPPLEMENTARY INFORMATION:

Background

Proposed Part 120 was published as Notice of Proposed Rulemaking No. 82–13 on September 20, 1982 (47 FR 41486). Part 120, if adopted, would implement a regulatory concept called Regulation by Objective (RBO). The goal of RBO is to provide regulatory flexibility to the air transportation industry while maintaining the safety standards required by existing Parts 121 and 135.

Parts 121 and 135 have been separated into safety objectives which are set forth in proposed Part 120 and detailed "how to" provisions which are set forth in this advisory circular. Each Part 121 and Part 135 rule would either be: (1) Carried forward as a Part 120 rule; (2) placed in this proposed advisory circular as an acceptable method of compliance (AMC); or (3) deleted as an unnecessary provision. For a complete accounting of the provisions in Parts 121 and 135, see the Distribution Table published with proposed Part 120 (47 FR 41498).

Under proposed Part 120, a certificate holder may follow the methods of compliance set out in existing Parts 121 or 135 that are contained in this advisory circular as AMC's, or the certificate holder may choose to develop alternatives to the AMC's provided that the alternative is approved by the FAA.

Operating Document

The regulatory system specified by proposed Part 120 would consist of several essential features. The most significant is the operating document. It specifies for a particular certificate holder: (1) Those Part 120 rules that apply to that certificate holder's operation; (2) the specific methods of compliance (SMC) to be used by that certificate holder; and (3) the applicable operations specifications. The operations specifications would be generated and used in the traditional form and manner.

Each AMC published in this advisory circular that applies to a particular certificate holder's operation would be identified in the operating document as a *specific* method of compliance (SMC) for that operator.

Each certificate holder could apply to the FAA to change any SMC in its operating document. The FAA would approve the change only if the certificate holder could show that it complies with the Part 120 safety objectives, provides an equivalent level of safety with the AMC it replaces, and is in the public interest.

Automated Data System

Another essential feature of this regulatory system would be the automated data system (ADS) which would support the Part 120 operation. The ADS would generate the portion of the operating document containing the Part 120 rules and the methods of compliance with Part 120. The FAA would also use the ADS to process and track SMC changes that are developed by the certificate holder.

All FAA field offices, regional offices, and headquarters would have access to all Part 120 system data files through ADS terminal equipment. The information would be made available to any interested person under the Freedom of Information Act (5 U.S.C. 552); however, there may be a fee for processing.

Air Transportation Program Office

As another part of the system, the FAA would establish an Air Transportation Program Office (ATPO) as a central review office in support of Part 120 operations. It would be located in FAA headquarters and would be staffed with various technical specialists and administrative support personnel. The ATPO would maintain the Part 120 ADS files and would be the focal point for Part 120 transactions.

Draft Advisory Circular

The proposed advisory circular contains the administrative procedures of the Part 120 regulatory system and the AMC's derived from Parts 121 and 135. Although the proposed Part 120 document contemplated two advisory circulars, one for Part 121 and one for 135, this document has combined the two into a single advisory circular since the administrative procedures would be the same for both.

Editorial Changes in the AMC's

The AMC's are substantively the same as the parts they are derived from, but some minor editorial changes have been necessary. To aid reviewers, the following is a list of editorial changes made:

Note.—The current appendices to Part 121 would become AMC's as they exist with only a few changes (the same type editorial changes as below). They are not being published in this document due to the cost and complexity of reproducing the many graphs and charts involved. All interested persons may obtain a copy of the appendices by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT**" or they may be examined in the Rules Docket at Room 916 between 8:30 a.m. and 5 p.m.

Section	Change
121.11	Change "rule of this part" to "requirement in the operating document."
121.59	121.59(a) delete "under this subpart."
121.61	121.61(a) change "operations specifications" to "operating document." Change "this part" to "14 CFR Part 120."
	121.61(b)(3) same changes as paragraph (a)
	121.61(c)(2) same changes as paragraph (a)
	121.61(d)(3) same changes as paragraph (a)
121.75	Change "operations specifications" in title to "operating document."
	121.75(a) change "operations specifications" to "operating document."
121.97	121.97(b) delete "After September 9, 1981."
	121.97(b)(4)(i) change "Subpart I of this part" to "§§ 121.171 through 121.207."
121.101	121.101(d) delete "By December 31, 1977."
121.117	121.117(b) delete "after September 9, 1981."
	121.117(b)(4)(i) change "Subpart I of this part" to "§§ 121.171 through 121.207."
121.125	121.125(a)(1) change "Subpart U of this part" to "§§ 121.593 through 121.667."
121.133	121.133(c) change "this subpart" to "§§ 121.133 through 121.141."
121.135	121.135(a)(4) change "operations specifications" to "operating document."

Section	Change
	121.135(b)(23) delete "After December 9, 1980."
121.153	121.153 (a)(1), (a)(2), and (c)(2) change "this chapter" to "14 CFR Chapter I."
	121.153(c)(2) delete "this chapter."
	121.153(c)(4) correct address.
121.157	121.157(a)(2) change "§§ 25.45" to "14 CFR 25.45; delete "of this title."
	121.157 (d)(2), (d)(4)(i) and (d)(4)(ii) delete of this part."
121.161	121.161(b) change "Part 25 of this chapter" to "14 CFR Part 25."
121.171	121.171(a) change "This subpart" to "Sections 121.171 through 121.207."
	121.171(b) change "this part" to "14 CFR Part 120."
	121.171(c) change "this subpart" to "§§ 121.171 through 121.207."
121.173	121.173(e) change "this part" to "14 CFR Part 120."
121.181	121.181(c)(1) change "Part 25 of this chapter" to "14 CFR Part 25."
121.183	Add "14 CFR" in the title.
	121.183(a) add "14 CFR" before "Part 25."
121.198	121.198(e) change "this part" to "14 CFR Part 120."
121.207	121.207 change "§ 91 41" to "14 CFR 91.41."
121.213	121.213(b) change "this part" to "14 CFR Part 120."
	121.213(c)(2) add "14 CFR."
121 285	121 285(c) change "§ 25.561(b)(3)" to "14 CFR 25.561(b)(3)."
121 291	121.291(a) delete "to this part."
	121.291(a)(1) change "Section 25.803 of this chapter" to "14 CFR 25.803."
	121.291(a)(2) change "Section 121.291(a) of this chapter" to "14 CFR 121.291(a)."
	121.291(d) delete "to this part."
	121 291(e) delete "Part 121" and "to this part."
121 303	121.303(a) change "this subpart" to "§§ 121 303 through 121.360."
	121 303(d)(3) delete "After September 1, 1976" and "unless required earlier."
	Delete 121.303(d)(3)(i) and (ii)
121 307	121.307 change "this part" to "14 CFR Part 120."
121 310	121.310(a) change "§ 25.809(f)(1) of this chapter" to "14 CFR 25.809(f)(1)."
	121.310(b)(2)(i) change "§ 25.812(b) of this chapter" to "14 CFR 25.812(b)."
	121.310(d) change "§ 25.812(g) of this chapter" to "14 CFR 25.812(g)."
	121.310(d)(1) change text to "Reserved."
	121.310(d)(2) delete "After June 30, 1971."
	121.310(d)(3) delete "After May 1, 1974."
	121.310(d)(4) delete "After December 1, 1980."
	121.310(f)(3)(i) change "§ 25.813(c) of this chapter" to "14 CFR 25.813(c)."
	121.310(f)(6) change "§ 25.561(b) of this chapter" to "14 CFR 25 561(b)."
	121.310(h)(1)(i) change "§ 25.812 (f) and (g) of this chapter" to "14 CFR 25.812 (f) and (g)."
	121.310(h)(2)(i) change "§ 25.803(e) of this chapter" to "14 CFR 25 803(e)."
	121.310(k) delete "After August 28, 1983."
	121.310(l) delete "After December 1, 1980."
121.311	121.311(c) delete "After September 30, 1969."; and change "§ 25.785(c) of this chapter" to "14 CFR 25.785(c)."
	121.311(e) change "§ 25.785 of this chapter" to "14 CFR 25.785."
	121.311(f) delete "After March 6, 1982."; and change "§ 25.785 of this chapter" to "14 CFR 25.785 effective March 6, 1980."
	121.311(f)(3) change "§ 25 785(h)" to "14 CFR 25 785(h)."
	121.311(g) delete "After March 6, 1982."
121 312	121.312(a) change "§ 25.853 of this chapter" to "14 CFR 25.853."
121 313	121.313(c) change "§§ 25 1309" to "14 CFR 25.1309."
121.317	121.317(a) change "§ 25.791 of this chapter" to "14 CFR 25 791."
	121.317(b) delete "After August 31, 1981."; and change "this part" to "14 CFR Part 120."

Section	Change
121.318	121.318(a) delete "After September 8, 1975."
	121.318(b) change "§ 21.305 of this chapter" to "14 CFR 21.305."
	121.318(b)(2) delete "after December 1, 1981."
121.319	121.319(a) delete "After September 8, 1975."
	121.319(b) change "§ 21 305 of this chapter" to "14 CFR 21.305."
	121.319(b)(1) delete "After December 1, 1980."
121 323	Change "121.321" to "121.319."
121 325	Change "121.321" to "121.319."
121.327	121.327(d) change "this subpart" to "§§ 121.303 through 121.360."
121.329	121.329(a)(2) change "this part" to "14 CFR Part 120."
121 333	121.333(e)(1) and (2) change "this part" to "§ 121.335."
	121.333(e)(3) change "§ 25.1443(d)" to "14 CFR 25.1443(d)."
121 337	121.337(c)(2) change "§ 25.1197" to "14 CFR 25.1197."
121 339	121.339(a)(4) delete "after October 21, 1972" and "except that, until December 30, 1975, the transmitter is not required to meet those requirements if its installation was approved before October 21, 1971, it was manufactured under a TSO Authorization issued against TSO C61a and it transmits simultaneously on 121.5 and 243.0 MHz."
121 340	121.340(a) delete "after September 1, 1967."
121 342	121.342(a) delete "after April 12, 1981."; and change "§ 25.1326 of this chapter" to "14 CFR 25.1326."
	121.342(b) change text to "Reserved."
121 343	121.343(a) delete "of this part."
	121.343(e) change "§ 25.1459 of this chapter" to "14 CFR 25.1459."; and "§ 25.1459" to "14 CFR 25.1459."
121 345	121.345(c) delete "installed after January 1, 1974, in aircraft not previously equipped with an ATC transponder and all ATC transponder equipment used after July 1, 1975."; and "beyond July 1, 1975."
121 353	121.353(b) delete "after October 21, 1972,"; and "except that until December 30, 1975, the transmitter is not required to meet those requirements if its installation was approved before October 21, 1971, it was manufactured under a TSO Authorization issued against TSO–C61a and it transmits simultaneously on 121.5 and 243.0 MHz."
121.355	121.355(a)(1) delete "to this part."
121 357	121.357(c) change "this part" to "14 CFR Part 120."
	121.357(e) change "this chapter" to "14 CFR Chapter I."
121.359	121.359(b) change text to "Reserved."
	121.359(c)(1) change "part 25 of this chapter" to "14 CFR Part 25."
	121.359(c)(2) delete "After September 1, 1980."
121 360	121.360(a), (b), (g), and (h) change text to "Reserved."
	121.360(c), (d), and (e) change "this section" to "14 CFR 120 49."
	121.360(d) delete "After September 1, 1976 (unless required earlier in the certificate holder's operations specifications)."
	121 360(f) delete "Except as provided in paragraph (g) of this section, after June 1, 1976."
121 361	121.361(a) and (b) change "this subpart" to "§§ 121 361 through 121 380a "
121 363	121 363(a)(2) change "this chapter" to "14 CFR Chapter I."
121 365	121.365(b) delete "in this subpart."
121 367	121.367(c) change "this part" to "14 CFR Part 120."
121 373	121.373(b) change "this Part" to "14 CFR Part 120."
121 378	121.378(a) change "Subpart C of Part 145" to "14 CFR Part 145 Subpart C."
121 383	121.383(a)(2) change "this part" to "14 CFR Part 120."
121 385	121 385 (a) and (b) change "this part" to "14 CFR Part 120."
121 387	Change "§ 25.1523" to "14 CFR 25.1423."
121 400	121.400 (a), (b), (c), and (c)(5) change "This subpart" to "Sections 121 400 through 121 427."

Section	Change
121.401	121.401 (a)(1) and (2) change "this subpart" to "§§ 121.400 through 121.427." 121.401 (a)(3), (4), and (c) change "this part" to "14 CFR Part 120."
121.403	121.403(a) change "this subpart" to "§§ 121 400 through 121 427."
121.405	121 405 (b) and (d) change "this subpart" to "§§ 121.400 through 121.427."
121.407	121.407(a) change "Subpart O of this part" to "§§ 121.432 through 121.453."
	121 407 (a), (c), (c)(1), and (c)(2) delete "of this part."
121.409	121.409(b)(2) delete "to this part."
	121.409(c) change "this subpart" to "§§ 121.400 through 121.427."
121 411	121.411(a) change "this subpart" to "§§ 121 400 through 121.427."
	121.411 (a)(1), (2), and (3) change "this part" to "14 CFR Part 120."
	121.411(a)(6) change "under this part" to "of aircraft having a passenger seating configuration, excluding any pilot seat, of more than 30 seats or a payload capacity of more than 7,500 pounds."
121.413	121.413(c)(1) change "this part" to "14 CFR part 120."
121 424	121.424 (a), (b), delete " to this part."
121.426	121.426(b)(2) change "this part" to "14 CFR Part 120."
121.432	121.432(b) change "this part" to "14 CFR Part 120," two locations.
	121.432(c) change "this subpart" to "§§ 121 432 through 121.453."
121 433	121.433(a) change "Subpart N of this part" to "§§ 121.405."
	121 433(c)(iii) change "this part" to "14 CFR Part 120."
121 433a	121.433a(a) delete "title," two locations; change " in a program established and approved under this subpart" to "in an approved program."
121 434	121.434(b)(3) and (d) change "this part" to "14 CFR Part 120," three locations.
121 435	Change the section identification for 127.151, 161, 175, and 177 from "§§" to "14 CFR."
121 439	121.439(c)(2) change "this part" to "14 CFR Part 120."
121 441	121.441(a)(2)(ii) change "§ 61.157" to "14 CFR 61.157."
	121 441 (d)(3) and (e) change "this part" to "14 CFR Part 120."
121.463	121.463 (a)(2), (c), and (d) change "this part" to "14 CFR Part 120," four locations.
121.489	Change "this part" to "§§ 121.471 through 121 525."
121 501	Change "this part" to "14 CFR Part 120" and change "§ 127.191" to "14 CFR 127.191."
121 517	Change "this part" to "14 CFR Part 120."
121 533	121.533(b) change "this chapter" to 14 CFR Chapter I."
121 535	121.535(b) change "this chapter" to "14 CFR Chapter I.
121.537	121 537(b) and (e) change "this chapter" to "14 CFR Chapter I" two locations
121.557	121.557(a) change "this chapter" to "14 CFR Chapter I."
121 559	121.559(a) change "this chapter" to "14 CFR Chapter I."
121 569	121.569(a)(1) change "this chapter" to "14 CFR Chapter I."
121.574	121 574(a)(5) change "this part" to "14 CFR Part 120."
	121.574(d) change "this chapter" to "14 CFR Chapter I."
121 575	121.575(b)(2) and (3) "§ 108 21 and § 108 11" to "14 CFR 108 21 and 14 CFR 108 11."
121 597	121.579(b)(1) and (2) change "§ 91 105" to "14 CFR 91 105," two locations
121 583	Change "this part" to "14 CFR Part 120" in title
121 590	121 590(a) change "Part 127 of this chapter" to "14 CFR Part 127."; change "this part" to 14 CFR Part 120."; change "Part 139 of this chapter" to "14 CFR Part 139." two locations
121.627	121.627(b) change "this chapter" to "14 CFR Chapter I."
121 635	Change "this part" to 14 CFR Part 120" two locations
121 637	121.637(a)(4)(i) change "Part 97 of this chapter" to "14 CFR Part 97."

Section	Change
121.647	Change "this subpart" to "§§ 121.591 through 121.667."
121.649	121.649(c) change "93.113 of this chapter" to 14 CFR 93.113"; change "91.105 of this chapter" to "14 CFR 91.105."
121.651	121.651(a)(2) change "Parts 91 and 97 of this chapter" to "14 CFR Parts 91 and 97."
121.652	121.652(a) change "this part" to "14 CFR Part 120"; change "§ 135.2 of this chapter" to "14 CFR 135.2 as in effect before effective date of 14 CFR Part 120"; change "Part 91" to "14 CFR Part 91." 121.652(b) change "this part" to "14 CFR Part 120," two locabons.
121.657	121.657(a) change "§ 91.79" to "14 CFR 91.79."
121.667	121.667(a) change "Part 91" to "14 CFR Part 91." 121.667(b) change "§ 91.83" to 14 CFR 91.83
121.683	121.683(a)(1) change "this chapter" to "14 CFR Chapter I."
121.689	121.689(c) change "this part" to "14 CFR Part 120"; change "this subpart" to "§§ 121.683 through 121.713."
121.703	121.703(f) change "§ 21.3 of this chapter or § 37.17 of this chapter" to "14 CFR 21.3 or 37.17."
121.709	121.709(b)(3) add "14 CFR" to precede "Part 145."
135.2	135.2(a), (b), (c), and (d) change text to "Reserved." 135.2(e) change "this part" to "14 CFR Part 120."
135.19	135.19(a), (b), and (c) change "this part" to 14 CFR Part 120."
135.23	135.23(p), (p)(1), (p)(2), and (p)(3) delete "title."
135.25	135.25 change "this part" to "14 CFR Part 120." 135.25(a)(1), (a)(2), and (d)(2) two locations, change "this chapter" to "14 CFR Chapter I." 135(b) and (c) change text to "Reserved." 135(b)(4) change "6400" to "6500" and "25504" to "25082."
135.27	135.27(c) change "this part" to "14 CFR Part 120."
135.39	135.29(a), and (b) change "operations specificabons, the provisions of this part" to "operating document." 135.39(a)(1)(ii), and (iii), 135.39(a)(2)(ii), and (iii); 135.39(b)(1)(ii); and 135.39(b)(2)(ii) change "this part, Part 121 or Part 127 of this chapter" to "14 CFR Part 120 or before [effective date of 14 CFR Part 120] under 14 CFR Parts 121, 127, or 135, or any combination thereof." 135.39(c)(2) change "65.83 of this chapter" to "14 CFR 65.83."
135.63	135.63(a)(2) change "operations specificabons" to "operating document." 135.63(a)(3), (4), (4)(iii), (4)(vi), (4)(vii), and (4)(x) change "this part" to "14 CFR Part 120."
135.65	135.65(c) change "this chapter" to "14 CFR Chapter I."
135.69	135.69(a) change "this part" to "14 CFR Part 120."
135.71	Change "91.169 of this chapter" to "14 CFR 91.169."
135.79	135.79(c) change "this part" to "14 CFR Part 120."
135.81	Delete 135.81(b) and insert "its approved operating document and 14 CFR Part 91."
135.85	135.85 change "this part" to "14 CFR Part 120," two locations. 135.85(c) delete "Title."
135.91	135.91(a)(1)(i), and (a)(3) delete "Title." 135.91(b) change text to "Reserved."
135.93	135.93(c) change "91.105 of this chapter" to "14 CFR 91.105."
135.95	135(b) change "this chapter" to "14 CFR Chapter I."
135.99	135.99(a) change "this part" to "14 CFR Part 120."
135.103	135.103(b) change "this chapter" to "14 CFR Chapter I." 135.103(d)(1), and (2) change "this part" to "14 CFR Part 120."
135.105	135.105(a) change "this chapter" to "14 CFR Chapter I." Change "298.2 of this title" to "14 CFR 298.2."
	135.105(c)(2) change "this part" to "14 CFR Part 120."
135.115	Change "this part" to "14 CFR Part 120."
135.141	Change to read: "§§ 135.141 through 135.185 prescribe aircraft and equipment requirements for operabons under Part 120 These requirements are in addition to the aircraft and equipment requirements of 14 CFR Part 91. However, 14 CFR Part 120 does not require the duplication of any equipment required by 14 CFR Chapter I."
135.143	In 135.43(a), and (b) change "this part" to "14 CFR Part 120." In 135.43(a) change "this chapter" to "14 CFR chapter I."
135.145	135.145(a) change "this chapter" to "14 CFR Chapter I" and "this part" to "14 CFR Part 120."
135.149	135.149(d) delete "21.305 of this chapter, which meet 121.318 and 121.319, respectively, of this chapter; and" and insert "14 CFR 21.305 of this chapter, which meet 14 CFR 121.318 and 121.319 before [effective date of 14 CFR Part 120]; and"
135.151	135.151(a)(1) change "Part 25 of this chapter" to "14 CFR Part 25."
135.153	Change 135.153(a) to read: "A ground proximity warning system that meets 14 CFR 37.201; or".
135.158	Change "135.158(a)" to read: "No person may operate a transport category airplane equipped with a flight instrument pitot heating system unless the airplane is also equipped with an operable pitot heat indication system that complies with 14 CFR 25.1326 in effect on April 12, 1978." In 135.158(b) change text to "Reserved."
135.165	136.165(a) change "Part 298 of this title" to "14 CFR Part 298;".
135.169	135.169(a) change text to "Reserved." 135.169(a)(2), and (c) change "this part" to "14 CFR 135; 135.169(c)(2)(i) change "this part" to "14 CFR 135 in effect on [day before effective date of 14 CFR Part 120]."
135.170	Change "25.853(a), (b), (b-1), (b-2), and (b-3) of this chapter" to "14 CFR 25.853(a), (b), (b-1), (b-2), and (b-3)."
135.173	135.173(e) change "this part" to "14 CFR Part 120."
135.175	135.175(e) change "this part" to "14 CFR Part 120."
135.177	135.177(a)(4) change "121.310 of this chapter" to "14 CFR 121.310."
135.179	136.179(c) change "21.197 and 21.199 of this chapter" to "14 CFR 21.197 and 21.199."
135.211	135.211(a)(2) change "91.116(f) of this chapter;" to "14 CFR 91.116(f);".
135.213	135.213(a) change "this part" to "14 CFR Part 120." 135.213(b) change "ATCO" to "air carrier operating certificate or".
135.223	135.223(b) change "Part 97 of this chapter" to "14 CFR Part 97."
135.225	135.225(d), (f), and (g) change "Part 97 of this chapter" to "14 CFR Part 97." 135.225(f) insert "14 CFR" prior to "Part 97." 135.225(g) change "Part 91 of this chapter" to "14 CFR Part 91."
135.243	135.243(a) change "Part 298 of this title" to "14 CFR Part 298."
135.244	135.244(a) change "298.2 of this title" to "14 CFR 298.2." 135.244(b)(2) change "this part" to "14 CFR Part 120 or before [effective date of 14 CFR Part 120] under 14 CFR Part 135."
135.245	135.245(a) change "Part 61 of this chapter" to "14 CFR Part 61."
135.261	135.261(a)(2) change "this chapter" to "14 CFR Chapter I." 135.261(f) change "this part" to "14 CFR Part 120."
135.293	135.293(a)(1) change "Parts 61, 91, and 135 of this chapter" to "14 CFR Parts 61, 91, and 120." 135.293(d) change "this part" to "14 CFR Part 120."
135.299	135.299(b) "this part" to "14 CFR Part 120."
135.301	135.301(a), and (b) change "this part" to "14 CFR Part 120." 135.301(b) delete the words "under this subpart".
135.303	Change "this part" to "14 CFR Part 120."
135.321	135.321(a) change "This subpart prescribes" to "Sections 135.321 through 135.351 prescribe." 135.321(b) delete "For the purposes of this subpart".
135.323	135.323(a)(1), (2), (3), and (4), and (b) change "this subpart" to "14 CFR Part 120." 135.323(c) change "this part" to "14 CFR Part 120."
135.325	135.325(b) change "this subpart" to "14 CFR Part 120."
135.327	135.327(a) change "this subpart" to "14 CFR Part 120."
135.329	135.329(a)(1)(ii) change "this chapter" to "14 CFR Chapter I."
135.335	135.335(b) change "this subpart" to "14 CFR Part 120."
135.337	135.337(a), (b), (b)(2)(i), and (b)(2)(ii) change "this subpart" to "14 CFR Part 120." 135.337(a) (1), (2), (3), and (5) change "this part" to "14 CFR Part 120."
135.339	135.339(a)(2) change "this chapter" to "14 CFR Chapter I." 135.339(c)(1) change "this subpart" to "14 CFR Part 120."
135.347	135.347(b), and (c)(1) change "this subpart" to "14 CFR Part 120."
135.351	135.351(b)(2), and (c) change "this subpart" to "§§ 135.321 through 135.351."
135.361	135.361(a) change "this subpart prescribes" to "Sections 135.361 through 135.399 prescribe" and change "this part" to "14 CFR Part 120." 135.361 (b), and (c) change "this subpart" to "§§ 135.361 through 135.399."
135.363	135.363 (c), (g), and (h) change "this subpart" to "§§ 135.361 through 135.399."
135.371	135.371(c) change "Part 25 of this chapter" to "14 CFR Part 25."
135.373	135.373 title and (a) insert "14 CFR" prior to "Part 25." 135.373(f) change "21.3 or 37.17 of this chapter" to "14 CFR 21.3 or 37.17."
135.379	135.379(c)(1) change "25.109 of this chapter" to "14 CFR 25.109."
135.399	135.399(a) is revised to read: "No person may operate a recaprocating engine or turbopropeller-powered small airplane that is certificated as specified in 14 CFR 120.33(a)(2) (i), (ii), (iii), or (a)(3) unless that person complies with the takeoff weight limitations in the Approved Airplane Flight Manual or equivalent for operations under 14 CFR Part 120, and, if the airplane is certificated as specified in 14 CFR 120.33(a)(2)(iii) or (a)(3) with the landing weight limitations in the approved airplane flight manual or equivalent for operations under 14 CFR Part 120." In 135.399(b) change "under 136.169(b)(6)" to "as specified in 14 CFR 120.33(a)(3)," and delete "of this Part."
135.411	135.411(a) change "This subpart prescribes" to "Sections 135.411 through 135.433 prescribe." Change "other parts of this chapter" to "14 CFR Chapter I." 135.411(b) change "Parts 91 and 43 of this chapter" to "14 CFR Parts 91 and 43."
135.413	135.413(a), and (b)(1) and (2) change "this chapter" to "14 CFR Chapter I." 135.413(a) change "Part 43 of this chapter" to "14 CFR Part 43."
135.415	135.415(f) change "21.3 or 37.17 of this chapter" to "14 CFR 21.3 or 37.17."
135.419	135.419(a) change "Part 91 of this chapter" to "14 CFR Part 91" and change "this part" to "14 CFR Part 120." Also change "135.17" to "120.9(f)" and delete "(as defined in 135.25(b).)"
135.421	135.421(a), and (b) change "this chapter" to "14 CFR Chapter I."
135.423	135.423(b) delete "in this subpart."
135.425	135.425 change "this part" to "14 CFR Part 120."
135.431	135.431(b) change "this part" to "14 CFR Part 120."
135.435	135.435(a) change "Part 145 of this chapter" to "14 CFR Part 145."

APPENDIX A—ADDITIONAL AIRWORTHINESS STANDARDS FOR 10 OR MORE PASSENGER AIRPLANES

Section	Change
1	Change "135.169" to "14 CFR 120.33."
2 and 3	Change "FAR Part 23" and "Part 23" to "14 CFR Part 23."
5	5(d) change "FAR 23.51(a)" to "14 CFR 23.51(a)."
7	7(b) change "FAR 23.75(a)" to "14 CFR 23.75(a)"; and change "FAR 23.75(a)(1)" to "14 CFR 23.75(a)(1)."
8	8(b)(1) change "FAR 23.161(c)(3) through (5)" to "14 CFR 23.161(c)(3) through (5)."
9	9(a) change "FAR 23.175(b)" to "14 CFR 23.175(b)." 9(c) change "FAR 23.175(a)" to "14 CFR 23.175(a)"; and "FAR 23.175(a)(4)" to "14 CFR 23.175(a)(4)."
10	Change "FAR 23.207" to "14 CFR 23.207."
11	Change "FAR 23.677" to "14 CFR 23.677."
12	Change "FAR 23.1321" to "14 CFR 23.1321." 12(b) change "FAR 23.1303" to "14 CFR 23.1303."
13	Change "FAR 23.1323" to "14 CFR 23.1323."
14	Change "FAR 23.1325" to "14 CFR 23.1325."
16	Change "FAR 23.1523" to "14 CFR 23.1523."
17	Change "FAR 23.1545" to "14 CFR 23.1545" and change "FAR 23.1545(c)" to "14 CFR 23.1545(c)."
18	Change "FARs 23.1583 and 23.1587" to "14 CFR 23.1583 and 23.1587."
24	24(1) change "FAR 23.361(a)" to "14 CFR 23.361(a)."
25	25(a) change "FAR's 23.351" to "14 CFR 23.351."
26	26(b) change "FAR 23.397" to "14 CFR 23.397."
27	27 (b) and (c) change "FAR 23.471 through 23.483" to "14 CFR 23.471 through 23.483."
	27(c)(2) change "FARs 23.493" to "14 CFR 23.493."
31	Change "FAR 23.787" to "14 CFR 23.787."
32	Change "FAR 23.783 and FAR 23.807" to "14 CFR 23.783 and 23.807."
	32(c) (1) and (2) change "FAR 23.807(b)" to "14 CFR 23.807(b)."
34	34(b) change "Part 25 of this chapter" to "14 CFR Part 25."
43	Change "FAR 23.991(a)" to "14 CFR 23.991(a)."
46	46(a) change "FAR 23.1041" to "14 CFR 23.1041."
48	Change "Part 25 of this chapter" to "14 CFR Part 25."
54	Change "FAR 23.1163" to "14 CFR 23.1163."
58	58 (a)(1) and (c)(1) change "FAR" to "14 CFR."
59	Change "FAR 23.1301" to "14 CFR 23.1301."
60	Change "FAR 23.831" to "14 CFR 23.831."
61	Change "FAR" to "14 CFR."
	61(a)(2) change "FAR 23.1301" to "14 CFR 23.1301."
64	Change "FAR 23.1357" to "14 CFR 23.1357."

List of Subjects in 14 CFR Proposed Part 120

Acceptable method of compliance, Air carriers, Air taxi, Air transportation, Air traffic control, Aircraft, Airmen, Airplanes, Airports, Airspace, Airworthiness directives and standards, Airworthiness, Alcohol, Aviation safety, Baggage, Beverages, Cargo, Chemicals, Children, Common carriers, Drugs, Flammable materials, Flight operations personnel, Handicapped, Hazardous materials, Helicopters, Hours of work, Mail, Narcotics, Operating document, Pilots, Safety, Smoking, Transportation, Weapons.

The Proposed Advisory Circular

In accordance with the above, the FAA publishes proposed Advisory Circular AC 120–XX, Federal Aviation Regulations Part 120, Air Transportation Regulation:

Issued in Washington, D.C., on March 23, 1983.

Kenneth S. Hunt,

Director of Flight Operations.

Note.—The Advisory Circular will not appear in the Code of Federal Regulations.

PROPOSED ADVISORY CIRCULAR FOR FEDERAL AVIATION REGULATIONS PART 120, AIR TRANSPORTATION REGULATION

Subject: Federal Aviation Regulations Part 120, Air Transportation Regulation

Purpose: To provide administrative procedures and acceptable means of compliance for Federal Aviation Regulations (FAR) Part 120, Air Transportation Regulation.

Related Reading Material: FAR Part 120.

Background: Part 120, Air Transportation Regulation, implements Regulation by Objective (RBO), an FAA developed concept, that provides regulatory flexibility to the air transportation industry while maintaining the high safety standards imposed by superseded FAR Part 121, Certification and Operations: Domesitic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft, and Part 135, Air Taxi Operators and Commercial Operators of Large Aircraft, and Part 135, Air Taxi Operators and Commercial Operators. This advisory circular provides administrative procedures for certification and operations under Part 120. Appropriate sections of superseded Parts 121 and 135 that may be used as acceptable methods of compliance with Part 120 are appended to this advisory circular.

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Chapter 1. General

1. *Introduction.* Part 120, Air Transportation Regulation, was developed from existing Federal Aviation Regulations (FAR) governing air transportation to accommodate Regulation by Objective (RBO).

a. Part 120 supersedes (1) FAR Part 121, Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft, and (2) FAR Part 135, Air Taxi Operators and Commercial Operators.

b. Part 120 sets forth regulatory safety objectives derived from superseded Parts 121 and 135 and allows for using corresponding sections of those superseded parts to achieve the safety objectives. In addition, Part 120 allows operators to develop alternative methods for complying with the Part 120 objectives.

c. Regulatory requirements and authorizations that currently apply to

certificate holders under Parts 121 and 135 are unaffected by the operator's conversion to Part 120.

d. This advisory circular provides administrative procedures for certification and operation under Part 120.

2. *Operating Document.* Part 120 requires each certificate holder to have and maintain an operating document that consists of: (1) the Part 120 rules that apply to the certificate holder's operation; (2) methods of complying with those rules; and (3) the applicable operations specifications. The portion of the operating document containing the rules and methods of compliance is computer generated by an automated data system. Operations specifications are used in the traditional form and manner.

3. *Acceptable Methods of Compliance (AMC).* Those sections of superseded Parts 121 and 135 that provide acceptable methods of compliance with Part 120 are appended to this advisory circular. They retain their seciton identification from the superseded parts for purposes of continuity and to support the many cross-references in the superseded parts, other FAA publications and documents, and the operator's publications and documents. Some sections and paragraphs of the superseded parts were not carried forward as acceptable methods of compliance for the reasons specified in the distribution table printed with proposed Part 120 (47 FR 41498; September 20, 1982).

4. *Specific Methods of Compliance (SMC) and *SMC's.*

a. An operator may adopt an AMC published in this advisory circular to comply with a certain provision of Part 120. The AMC will be referenced in that operating document by its section number as a specific method of compliance (SMC).

b. A method of compliance developed by the operator is identified on the operating document as an *SMC and by the section number of the SMC it relates to. The text of *SMC's are included in the back of the document.

5. *Supporting functions.* The FAA will use an automated data system (ADS) to produce operating documents and to process and track operator-derived SMC changes (*SMC's). All FAA field offices, regional offices, and headquarters will have access, through ADS terminal equipment, to all Part 120 system data files. In addition, the FAA has established an air Transportation Program Office (ATPO) in FAA headquarters which functions as a central review office. It is staffed with various technical specialists and administrative support personnel. The ATPO maintains the Part 120 ADS files and is the focal point for Part 120 transactions.

6. *Use of This Advisory Circular.*

a. To use this advisory circular, an operator refers to the operating document and notes the SMC's referenced under each Part 120 rule. This number identifies the corresponding AMC in the appendix of this advisory circular.

b. To facilitate using this advisory circular and Part 120 without referring to an operating document, Part 120 includes a distribution table to relate AMC's to corresponding Part 120 sections.

7. *Exemptions.* A certificate holder may petition for an exemption from any Part 120 rule. If granted, the exemption would become a part of the certificate holder's operating document.

8. *Reserved.*

Chapter 2. Administrative Procedures

Section 1. Existing Operator Conversion

9. *General Information.* Each Part 121 and Part 135 certificate holder must convert to operations under Part 120. At the time of conversion to Part 120, the operator's specific methods of compliance (SMC's) are identical to the appropriate AMC's contained in this advisory circular as modified by any exemptions still in effect for that operator. Each valid exemption from the rule becomes an exception to the SMC and continues in effect until its expiration date. Before the expiration date of the exception, the operator may propose an SMC change with provisions reflecting those in the exception. Otherwise, on expiration of the exception, the operator will be required to use the applicable AMC's in this advisory circular as the operator's SMC's. The FAA will issue an operating document page change to the operator to that effect.

10. *Conversion Procedure.* The assigned principal inspector generates operating documents as follows:

a. The principal inspector confirms the operator's types of operations (Flag, Domestic, Day/VFR only, etc.) and enters the applicable data into the automated data system (ADS) via terminal equipment in the district office.

b. The ADS system generates the operating document which contains those Part 120 rules and SMC's that specifically apply to that operator and any valid exceptions (former exemptions) in effect on that date.

c. After obtaining the operating document, the principal inspector contacts the operator to ensure that the operating document is fully understood and accurately reflects the operating configuration of the operator. A revised operating document will be printed if any errors are found.

d. The principal inspector and the operator establish a date, within the implementation period, for conversion to operations under Part 120; this date will be printed on the operating document. On or prior to the conversion date, the principal inspector issues the operating document to the operator. The operator signs a copy of the operating document indicating receipt. This copy is retained at the district office.

11. *Operating Certificates and Operations Specifications.* Conversion to Part 120 does not require reissuing or redating currently effective operating certificates or operations specifications.

12. *Reserved.*

Section 2. New Operator Certification

13. *Operating Document Processing.* New operators must be certificated in accordance with Part 120 and guidance contained in current FAA publications. To assist in certification, the FAA will provide applicants with a sample operating document. It is anticipated that most applicants will request certification based on the established AMC's. However, if the applicant desires an SMC change during certification, the change will be processed in accordance with Section 3. Upon certification, the applicant is issued an operating document, including operations specifications, and the appropriate certificate.

14.–15. *Reserved.*

Section 3. Changes to Specific Methods of Compliance

16. *General Information.* Part 120 allows an operator to use methods other than the AMC's in this advisory circular to meet the safety objectives of Part 120. To be approved, the proposal must comply with the safety objectives of Part 120, provide a level of safety equivalent to that provided by the current AMC's, and be in the public interest. The principal inspector will provide the operator with information from the ADS concerning similar proposals and *SMC's. The operator must also submit procedures by which the proposal can be validated as meeting the safety objectives of Part 120.

17. *Operator-Derived SMC Change Procedures*

a. The operator prepares the SMC change proposal and submits it to the principal inspector. Although all changes involved in the proposal should be included in one package, a separate

description is needed for each SMC to be changed. For complex proposals, the validation may be submitted at a later date.

b. The principal inspector (1) reviews all material submitted, including the operator's validation method, if available, (2) enters a summary of the proposal into the ADS, and (3) forwards the entire proposal, including supporting documentation, to the Air Transportation Program Office (ATPO) by the most expeditious method.

c. On receipt of the ADS information, the ATPO makes preliminary evaluation of the proposal. If the proposal appears deficient, it is returned to the operator through the principal inspector. If the proposal appears to be adequate, the ATPO forwards a summary of the proposal to the **Federal Register** for publication requesting public comment. The comment period will vary depending on the complexity of the proposal, but normally it will be 30 days. Upon receipt of the complete proposal, the ATPO will research the background of the regulation, similar SMC change proposals, and any other available information. The information and the proposal will be provided to the appropriate FAA technical offices for evaluation.

d. The technical offices coordinate through the ATPO with the district and regional offices before making any recommendations of the proposed SMC change. It may also be necessary to consult with the operator to reach agreement on the wording of the proposed SMC text or validation method. After review and evaluation of all available information, including valid FAA interpretations and public responses, the recommendation is coordinated with the FAA's Office of the Chief Counsel and forwarded to the Office of Flight Operations or the Office of Airworthiness for approval.

e. If the proposal is approved, the ATPO enters the SMC text into the ADS and authorizes the district office to print the revised operating document pages. At the district office, the principal inspector issues one set of page changes to the operator. The operator acknowledges receipt on a second set which is retained at the district office.

f. A summary of the *SMC is sent to the **Federal Register** for publication.

g. If the proposal is denied, after consultation with the principal inspector, the ATPO transmits a notice of denial, including the reasons for denial, to the operator through the principal inspector.

18. *SMC Denial-Request for Reconsideration.* Within 30 days after notification of denial, the operator may request that the Director of Airworthiness or the Director of Flight Operations, as appropriate, reconsider the proposal (ref: FAR 120.9(f)(1)). Pending a decision, the operator is required to operate in compliance with a currently approved SMC. After the operator has been notified of the final decision, the FAA will forward a summary of the disposition of the proposal to the **Federal Register** for publication.

19. *Group SMC Changes.* Any person representing one or more operators may request an SMC change for those operators. If approved, each eligible operator may then apply on an individual basis for the change to its operating document.

20. *Validation.*

a. The operator is required to validate all proposed SMC changes. Some proposals may be validated by analysis, studies, etc., that are included with the proposal. Other proposals may be complex or costly to validate. Therfore, initial FAA review of the concept may be requested prior to the operator submitting the validation. In all cases, the FAA determines that the validation method selected and the details of that method are appropriate to the proposal.

*b. One or more validation methods may be appropriate, depending on the nature and complexity of the proposal to be validated. The following are examples of validation methods:

(1) Tests (written, practical, functional, performance).

(2) Analysis (statistical, engineering, operations, technical).

(3) Studies (control/study group, data collection).

(4) Inspections (persons, equipment, procedures, facilities).

(5) Demonstrations (proving runs, operations, maintenance).

(6) Sampling techniques (persons, equipment, procedures, facilities).

(7) Simulation (aircraft, procedures, equipment, environment, performance).

21. *FAA-Initiated SMC Changes.* The FAA monitors operations conducted under operator-derived SMC's (*SMC's) to ensure that they continue to provide a level of safety equivalent to established safety standards. If the FAA determines, as a result of surveillance, accidents, incidents, or public request for review, that established safety standards have been or will be compromised, action will be taken to amend an operator-derived SMC under the provisions of FAR Section 120.9(f)(3).

22.–26. *Reserved.*

Section 4. Changes to Acceptable Methods of Compliance

27. *General Information.* It may be necessary for the FAA to change an appendix to this advisory circular by adding, deleting, or revising an AMC. All such changes will be subject to the same notice and public comment procedures that apply to rule changes as specified in the Administrative Procedures Act and FAR Part 11. The reason for such changes and FAA's response to substantive comments will be included in the appropriate appendix to this advisory circular.

28. *AMC Changes.*

a. The FAA may propose to add or revise an AMC for safety reasons; e.g., an aircraft accident, series of related incidents, public request for a change, etc. The proposal will identify the types of operations that will be affected and, if adopted, it will contain an effective date by which operators must (1) comply with the new or revised AMC, (2) apply for an alternate method of compliance as explained in this advisory circular, or (3) revalidate an existing SMC against the standards in the new AMC. The FAA will publish the proposed changes to the AMC's and the final action taken on those proposals in the **Federal Register**.

b. If FAA amends Part 120, it may be necessary to add, delete, or revise an AMC to be consistent with the Part 120 amendment. Any rulemaking that amends Part 120 will consider and include, if necessary, changes to the AMC's. The FAA will set an effective date for the rule and the resulting AMC's that will allow sufficient lead time for operator compliance.

Note.—Operators may petition for an exemption to any Part 120 rule. If granted, such exemptions would become a part of the particular operating document and not appear in this advisory circular.

29. *Alternate AMC'S.* The FAA may propose the addition of alternate AMC's to this advisory circular when it has been determined that any operator may safely operate within the provisions thereof, without further validation. Each operator would then be given the choice of applying for the alternate AMC or retaining its currently approved SMC.

30.–32. *Reserved.*

Chapter 3. Availability of Information

33. *Part 120 Data.* It is the intention of the FAA to make the Part 120 system information available to all interested persons. All information contained in the Part 120 ADS will be made available to interested persons upon request. The Part 120 ADS contains SMC change

data, operator data, and other related Part 120 historical data. Supporting information for SMC change proposals will be on file at the ATPO and, except for proprietary information, may be obtained from the ATPO. Processing fees may be assessed for the provision of information.

34. *Proprietary Information.* Supporting information submitted in SMC change proposals, such as details of a validation test plan, may be classified as proprietary by the operator. In the event that the FAA receives a request for such data, the FAA will protect the information to the extent permitted by law.

APPENDIX 1—ACCEPTABLE METHODS OF COMPLIANCE FOR OPERATIONS CONDUCTED WITH AIRCRAFT HAVING A PASSENGER SEATING CONFIGURATION, EXCLUDING ANY PILOT SEAT, OF MORE THAN 30 PASSENGER SEATS OR A MAXIMUM PAYLOAD CAPACITY OF MORE THAN 7,500 POUNDS

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§ 121.11 Rules applicable to operations in a foreign country.

Each certificate holder shall, while operating an airplane within a foreign country, comply with the air traffic rules of the country concerned and the local airport rules, except where any requirement in the operating document is more restrictive and may be followed without violating the rules of that country.

Certification Rules for Supplemental Air Carriers and Commercial Operators

§ 121.59 Management personnel required.

(a) Each applicant for a certificate must show that it has enough qualified management personnel to provide the highest degree of safety in its operations and that those personnel are employed on a full-time basis in the following or equivalent positions:

(1) General manager.

(2) Director of operations (who may be the general manager if qualified).

(3) Director of maintenance.

(4) Chief pilot.

(5) Chief inspector.

(b) Upon application by the supplemental air carrier or commercial operator the Administrator may approve different positions or numbers of positions than those listed in paragraph (a) of this section for a particular operation if the air carrier or commercial operator shows that it can perform the operation with the highest degree of safety under the direction of fewer or different categories of management personnel due to—

(1) The kind of operation involved;

(2) The number and type of aircraft used: and

(3) The area of operations.

The title and number of positions so approved are set forth in the operations specifications of the air carrier or commercial operator.

(c) Each supplemental air carrier and commercial operator shall—

(1) Set forth the duties, responsibilities, and authority, of the personnel required by this section, in the general policy section of the air carrier manual or commercial operator manual;

(2) List in the manual the names and addresses of the persons assigned to those positions; and

(3) Within at least 10 days, notify the FAA Air Carrier District Office charged with the overall inspection of the air carrier or commercial operator, of any change made in the assignment of persons to the listed positions.

§ 121.61 Management personnel: qualifications.

(a) No person may serve as director of operations unless he knows the contents of the air carrier's or commercial operator's operations manual and operating document, and the provisions of 14 CFR Part 120 necessary to the proper performance of his duties and—

(1) Holds, or has held, an airline transport pilot certificate and has had at least three years of experience as pilot in command of a large aircraft; or

(2) Has had at least three years of experience as director of operations, of an operation using large aircraft, or a position of comparable responsibility.

(b) No person may serve as chief pilot unless that person—

(1) Holds a current airline transport pilot certificate with appropriate ratings for at least one of the type of aircraft used;

(2) Has had at least 3 years of experience as pilot in command of a large aircraft with an air carrier or commercial operator. However, the administrator may grant a deviation from the requirement of this subparagraph if he finds that the person has had equivalent aeronautical experience; and

(3) Knows the contents of the air carrier's or commercial operator's manual and operating document, and the provisions of 14 CFR Part 120 necessary to the proper performance of his duties.

(c) No person may serve as director of maintenance unless he—

(1) Holds a current mechanic certificate with either an airframe or powerplant rating, and has had at least five years of experience in the maintenance of large aircraft, one year of which must have been in a supervisory capacity; and

(2) Knows the maintenance parts of the air carrier's or commercial operator's manual and operating document and the applicable maintenance provisions of 14 CFR Part 120.

(d) No person may serve as chief inspector unless he—

(1) Holds a current mechanic certificate with both airframe and powerplant ratings, and has held these ratings for at least three years;

(2) Has had at least three years of diversified maintenance experience on large aircraft with an air carrier, commercial operator, or certificated repair station, one year of which must have been as a maintenance inspector; and

(3) Knows the maintenance parts of the air carrier's or commercial operator's manual and operating document, and the applicable maintenance provisions of 14 CFR Part 120.

Rules Governing All Certificate Holders Under 14 CFR Part 120

§ 121.75 Use of operating document.

(a) Each certificate holder shall keep each of its employees informed of the provisions of its operating document that apply to the employee's duties and responsibilities.

(b) Each certificate holder shall maintain a complete and separate set of its operations specifications. In addition, each certificate holder shall insert pertinent excerpts of its operations specifications, or reference thereto, in its manual in such a manner that they retain their identity as operations specifications.

Approval of Routes: Domestic and Flag Air Carriers

§ 121.97 Airports: Required data.

(a) Each domestic and flag air carrier must show that each route it submits for approval has enough airports that are properly equipped and adequate for the proposed operation, considering such items as size, surface, obstructions, facilities, public protection, lighting, navigational and communications aids, and ATC.

(b) Each domestic and flag air carrier must show that it has an approved system for obtaining, maintaining, and distributing to appropriate personnel current aeronautical data for each airport it uses to ensure a safe operation at that airport. The aeronautical data must include the following.

(1) Airports.

(i) Facilities.

(ii) Public protection.

(iii) Navigational and communications aids.

(iv) Construction affecting takeoff, landing, or ground operations.

(v) Air traffic facilities.

(2) Runways, clearways and stopways.

(i) Dimensions.

(ii) Surface.

(iii) Marking and lighting systems.

(iv) Elevation and gradient.

(3) Displaced thresholds.

(i) Location.

(ii) Dimensions.

(iii) Takeoff or landing or both.

(4) Obstacles.

(i) Those affecting takeoff and landing performance computations in accordance with §§ 121.171 through 121.207.

(ii) Controlling obstacles.

(5) Instrument flight procedures.

(i) Departure procedure.

(ii) Approach procedure.

(iii) Missed approach procedure.

(6) Special information.

(i) Runway visual range measurement equipment.

(ii) Prevailing winds under low visibility conditions.

(c) If the Flight Standards District Office charged with the overall inspection of the certificate holder's operations finds that revisions are necessary for the continued adequacy of the certificate holder's system for collection, dissemination, and usage of aeronautical data that has been granted approval, the certificate holder shall, after notification by the Flight Standards District Office, make those revisions in the system. Within 30 days after the certificate holder receives such notice, the certificate holder may file a petition to reconsider the notice with the Director of Flight Operations. This filing of a petition to reconsider stays the notice pending a decision by the Director of Flight Operations. However, if the Flight Standards District Office finds that there is an emergency that requires immediate action in the interest of safety in air transportation, the Director of Flight Operations may, upon statement of the reasons, require a change effective without stay.

§ 121.99 Communications facilities.

Each domestic and flag air carrier must show that a two-way air/ground radio communication system is available at points that will ensure reliable and rapid communications, under normal operating conditions over the entire route (either direct or via approved point to point circuits) between each airplane and the appropriate dispatch office, and between each airplane and the appropriate air traffic control unit. For all domestic air carrier operations and for flag air carrier operations in the 48 contiguous States and the District of Columbia, the communications systems between each airplane and the dispatch office must be independent of any system operated by the United States.

§ 121.101 Weather reporting facilities.

(a) Each domestic and flag air carrier must show that enough weather reporting services are available along each route to ensure weather reports and forecasts necessary for the operation.

(b) Except as provided in paragraph (d) of this section, no domestic or flag air carrier may use any weather report to control flight unless—

(1) For operations within the 48 contiguous States and the District of Columbia, it was prepared by the U.S. National Weather Service or a source approved by the U.S. National Weather Service; or

(2) For operations conducted outside the 48 contiguous States and the District of Columbia, it was prepared by a source approved by the Administrator.

(c) Each domestic or flag air carrier that uses forecasts to control flight movements shall use forecasts prepared from weather reports specified in paragraph (b) of this section and from any source approved under its system adopted pursuant to paragraph (d) of this section.

(d) Each domestic and flag air carrier shall adopt and put into use an approved system for obtaining forecasts and reports of adverse weather phenomena, such as clean air turbulence, thunderstorms, and low altitude wind shear, that may affect safety of flight on each route to be flown and at each airport to be used.

§ 121.103 En route navigational facilities.

(a) Except as provided in paragraph (b) of this section, each domestic and flag air carrier must show, for each proposed route, that nonvisual ground aids are—

(1) Available over the route for navigating aircraft within the degree of accuracy required for ATC; and

(2) Located to allow navigation to any regular, provisional, refueling, or alternate airport, within the degree of accuracy necessary for the operation involved. Except for those aids required for routes to alternate airports, nonvisual ground aids required for approval of routes outside of controlled airspace are listed in the air carrier's operations specifications.

(b) Nonvisual ground aids are not required for—

(1) Day VFR operations that the air carrier shows can be conducted safely by pilotage because of the characteristics of the terrain;

(2) Night VFR operations on routes that the air carrier shows have reliably lighted landmarks adequate for safe operation; and

(3) Operations on route segments where the use of celestial or other specialized means of navigation is approved by the Administrator.

§ 121.105 Servicing and maintenance facilities.

Each domestic and flag air carrier must show that competent personnel and adequate facilities and equipment (including spare parts, supplies, and materials) are available at such points along the air carrier's route as are necessary for the proper servicing, maintenance, and preventive maintenance of airplanes and auxiliary equipment.

§ 121.107 Dispatch centers.

Each domestic and flag air carrier must show that it has enough dispatch centers, adequate for the operations to be conducted, that are located at points necessary to ensure proper operational control of each flight.

Approval of Areas and Routes for Supplemental Air Carriers and Commercial Operators

§ 121.117 Airports: Required data.

(a) No supplemental air carrier or commercial operator may use any airport unless it is properly equipped and adequate for the proposed operation, considering such items as size, surface, obstructions, facilities, public protection, lighting, navigational and communications aids, and ATC.

(b) Each supplemental air carrier and commercial operator must show that it has an approved system for obtaining, maintaining, and distributing to appropriate personnel current aeronautical data for each airport it uses to ensure a safe operation at that airport. The aeronautical data must include the following:

(1) Airports.
(i) Facilities.
(ii) Public protection.
(iii) Navigational and communications aids.
(iv) Construction affecting takeoff, landing, or ground operations.
(v) Air traffic facilities.
(2) Runways, clearways, and stopways.
(i) Dimensions.
(ii) Surface.
(iii) Marking and lighting systems.
(iv) Elevation and gradient.
(3) Displaced thresholds.
(i) Location.
(ii) Dimensions.
(iii) Takeoff or landing or both.
(4) Obstacles.
(i) Those affecting takeoff and landing performance computations in accordance with §§ 121.171 through 121.207.
(ii) Controlling obstacles.
(5) Instrument flight procedures.
(i) Departure procedure.
(ii) Approach procedure.
(iii) Missed approach procedure.
(6) Special information.
(i) Runway visual range measurement equipment.
(ii) Prevailing winds under low visibility conditions.

(c) If the Flight Standards District Office charged with the overall inspection of the certificate holder's operations finds that revisions are necessary for the continued adequacy of the certificate holder's system for collection, dissemination, and usage of aeronautical data that has been granted approval, the certificate holder shall, after notification by the Flight Standards District Office, make those revisions in the system. Within 30 days after the certificate holder receives such notice, the certificate holder may file a petition to reconsider the notice with the Director of Flight Operations. This filing of a petition to reconsider stays the notice pending a decision by the Director of Flight Operations. However, if the Flight Standards District Office finds that there is an emergency that requires immediate action in the interest of safety in air transportation, the Director of Flight Operations may, upon a statement of the reasons, require a change effective without stay.

§ 121.119 Weather reporting facilities.

(a) No supplemental air carrier or commercial operator may use any weather report to control flight unless it was prepared and released by the U.S. National Weather Service or a source approved by the Weather Bureau. For operations outside the U.S., or at U.S. Military airports, where those reports are not available, the air carrier or commercial operator must show that its weather reports are prepared by a source found satisfactory by the Administrator.

(b) Each supplemental air carrier or commercial operator that uses forecasts to control flight movements shall use forecasts prepared from weather reports specified in paragraph (a) of this section.

§ 121.121 En route navigational facilities.

(a) Except as provided in paragraph (b) of this section, no supplemental air carrier or commercial operator may conduct any operation over a route unless nonvisual ground aids are—

(1) Available over the route for navigating airplanes within the degree of accuracy required for ATC; and

(2) Located to allow navigation to any airport of destination, or alternate airport, within the degree of accuracy necessary for the operation involved.

(b) Nonvisual ground aids are not required for—

(1) Day VFR operations that can be conducted safely by pilotage because of the characteristics of the terrain;

(2) Night VFR operations on lighted airways or on routes that the Administrator determines have reliable landmarks adequate for safe operation; or

(3) Operations on route segments where the use of celestial or other specialized means of navigation is approved.

(c) Except for those aids required for routes to alternate airports, the nonvisual ground navigational aids that are required for approved of routes outside of controlled airspace are specified in the air carrier's or commercial operator's operations specifications.

§ 121.123 Servicing and maintenance facilities.

Each supplemental air carrier or commercial operator must show that competent personnel and adequate facilities and equipment (including spare parts, supplies, and materials) are available for the proper servicing, maintenance, and preventive maintenance of aircraft and auxiliary equipment.

§ 121.125 Flight following system.

(a) Each supplemental air carrier or commercial operator must show that it has—

(1) An approved flight following system established in accordance with §§ 121.593 through 121.667 and adequate for the proper monitoring of each flight, considering the operations to be conducted; and

(2) Flight following centers located at those points necessary—

(i) To ensure the proper monitoring of the progress of each flight with respect to its departure at the point of origin and arrival at its destination, including intermediate stops and diversions therefrom, and maintenance or mechanical delays encountered at those points or stops; and

(ii) To ensure that the pilot in command is provided with all information necessary for the safety of the flight.

(b) A supplemental air carrier or commercial operator may arrange to have flight following facilities provided by persons other than its employees, but in such a case the air carrier or commercial responsible for operational control of each flight.

(c) A flight following system need not provide for in-flight monitoring by a flight following center.

(d) The supplemental air carrier's or commercial operator's operations specifications specify the flight following system it is authorized to use and the location of the centers.

§ 121.127 Flight following system; requirements.

(a) Each supplemental air carrier or commercial operator using a flight following system must show that—

(1) The system has adequate facilities and personnel to provide the information necessary for the initiation and safe conduct of each flight to—

(i) The flight crew of each aircraft; and

(ii) The persons designated by the air carrier or commercial operator to perform the function of operational control of the aircraft; and

(2) The system has a means of communication by private or available public facilities (such as telephone, telegraph, or radio) to monitor the progress of each flight with respect to its departure at the point or origin and arrival at its destination, including intermediate stops and diversions therefrom, and maintenance or mechanical delays encountered at those points or stops.

(b) The supplemental air carrier or commercial operator must show that the personnel must show that the personnel specified in paragraph (a) of this section, and those it designates to perform the function of operational control of the aircraft, are able to perform their required duties.

Manual Requirements

§ 121.133 Preparation.

(a) Each domestic and flag air carrier shall prepare and keep current a manual for the use and guidance of flight and ground operations personnel in conducting its operations.

(b) Each supplemental air carrier and commercial operator shall prepare and keep current a manual for the use and guidance of flight, ground operations, and management personnel in conducting its operations.

(c) For the purpose of §§ 121.133 through 121.141, the certificate holder may prepare that part of the manual containing maintenance information and instructions, in whole or in part, in printed page form or microfilm.

§ 121.135 Contents.

(a) Each manual required by § 121.133 must—

(1) Include instructions and information necessary to allow the personnel concerned to perform their duties and responsibilities with a high degree of safety;

(2) Be in a form that is easy to revise;

(3) Have the date of last revision on each page concerned; and

(4) Not be contrary to any applicable Federal regulation and, in the case of a flag or supplemental air carrier, any applicable foreign regulation, or the certificate holder's operating document or operating certificate.

(b) The manual may be in two or more separate parts, containing together all of the following information, but each part must contain that part of the information that is appropriate for each group of personnel:

(1) General policies.

(2) Duties and responsibilities of each crewmember and appropriate members of the ground organization and in the case of supplemental air carriers and commercial operators, management personnel.

(3) Reference to appropriate Federal Aviation Regulations.

(4) Flight dispatching and operational control, including procedures for coordinated dispatch or flight control or flight following procedures, as applicable.

(5) En route flight, navigation, and communication procedures, including procedures for the dispatch or release or continuance of flight if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route.

(6) For domestic or flag air carriers, appropriate information from the en route operations specifications, including for each approved route the types of aircraft authorized, the type of operation such as VFR, IFR, day, night, etc., and any other pertinent information.

(7) For supplemental air carriers or commercial operators, appropriate information from the operations specifications, including the area of operations authorized, the types of aircraft authorized, the type of operation such as VFR, IFR, day, night, etc., and any other pertinent information.

(8) Appropriate information from the airport operations specifications, including for each airport—

(i) Its location (domestic and flag air carrier operations only);

(ii) Its designation (regular, alternate, provisional, etc.) (domestic and flag air carrier operations only);

(iii) The types of aircraft authorized (domestic and flag air carrier operations only);

(iv) Instrument approach procedures;

(v) Landing and takeoff minimums; and

(vi) Any other pertinent information.

(9) Takeoff, en route, and landing weight limitations.

(10) Procedures for familiarizing passengers with the use of emergency equipment, during flight.

(11) Emergency equipment and procedures.

(12) The method of designating succession of command of flight crewmembers.

(13) Procedures for determining the usability of landing and takeoff areas, and for disseminating pertinent information thereon to operations personnel.

(14) Procedures for operating in periods of ice, hail, thunderstorms, turbulence, or any potentially hazardous meteorological condition.

(15) Airman training programs, including appropriate ground, flight, and emergency phases.

(16) Instructions and procedures for maintenance, preventive maintenance, and servicing.

(17) Time limitations, or standards for determining time limitations, for overhauls, inspections, and checks of airframes, engines, propellers, appliances and emergency equipment.

(18) Procedures for refueling aircraft, eliminating fuel contamination, protection from fire (including electrostatic protection), and supervising and protecting passengers during refueling.

(19) Airworthiness inspections, including instructions covering procedures, standards, responsibilities, and authority of inspection personnel.

(20) Methods and procedures for maintaining the aircraft weight and center of gravity within approved limits.

(21) Where applicable, pilot and dispatcher route and airport qualification procedures.

(22) Accident notification procedures.

(23) Procedures and information to assist personnel to identify packages marked or labeled as containing hazardous materials and, if these materials are to be carried, stored, or handled, procedures and instructions relating to the carriage, storage, or handling of hazardous materials, including the following:

(i) Procedures for determining the proper shipper ceritification required by 49 CFR Subchapter C, proper packaging, marking, labeling, shipping documents, compatibility of materials, and instructions on the loading, storage, and handling.

(ii) Notification procedures for reporting hazardous material incidents as required by 49 CFR Subchapter C.

(iii) Instructions and procedures for the notification of the pilot in command when there are hazardous materials aboard, as required by 49 CFR Subchapter C.

(24) Other information or instructions relating to safety.

(c) Each certificate holder shall maintain at least one complete copy of the manual at its principal operations base.

§ 121.137 Distribution and availability.

(a) Each certificate holder shall furnish copies of the manual required by § 121.133 (and the changes and additions thereto) or appropriate parts of the manual to—

(1) Its appropriate ground operations and maintenance personnel;

(2) Crewmembers; and

(3) Representatives of the Administrator assigned to it.

(b) Each person to whom a manual or appropriate parts of it are furnished under paragraph (a) of this section shall keep it up-to-date with the changes and additions furnished to that person and shall have the manual or appropriate parts of it accessible when performing assigned duties.

(c) For the purpose of complying with paragraph (a) of this section, a certificate holder may furnish the persons listed therein the maintenance part of the manual in microfilm form if it also furnishes and maintains a reading device that provides a legible facsimile image of the microfilmed maintenance information and instructions.

§ 121.139 Requirement for manual aboard aircraft: Supplemental air carriers and commercial operators.

(a) Except as provided in paragraph (b) of this section, each supplemental air carrier and commercial operator shall carry appropriate parts of the manual on each aircraft when away from the principal base. The appropriate parts must be available for use of ground or flight personnel. If a supplemental air carrier or commercial operator carries aboard an aircraft all or any portion of the maintenance part of its manual in microfilm it must also carry a reading device that provides a legible facsimile image of the microfilmed maintenance information and instructions.

(b) If a supplemental air carrier or commercial operator is able to perform all scheduled maintenance at specified stations where it keeps maintenance parts of the manual, it does not have to carry those parts of the manual aboard the aircraft en route to those stations.

§ 121.141 Airplane or rotorcraft flight manual.

(a) Each certificate holder shall keep a current approved airplane or rotorcraft flight manual for each type of transport category aircraft that it operates.

(b) In each transport-category aircraft, the certificate holder shall carry either the manual required by § 121.133, if it contains the information required for the applicable flight manual and this information is clearly identified as flight manual requirements, or an approved Airplane or Rotorcraft Flight Manual. If the certificate holder elects to carry the manual required by § 121.133, he may revise the operating procedures sections and modify the presentation of performance data from the applicable flight manual if the revised operating procedures and modified performance data presentation are—

(1) Approved by the Administrator; and

(2) Clearly identified as airplane or rotorcraft flight manual requirements.

§ 121.153 Aircraft requirements: General.

(a) Except as provided in paragraph (c) of this section, no certificate holder may operate an aircraft unless that aircraft—

(1) Is registered as a civil aircraft of the United States and carries an appropriate current airworthiness certificate issued under 14 CFR Chapter I; and

(2) Is in an airworthy condition and meets the applicable airworthiness requirements of 14 CFR Chapter I, including those relating to identification and equipment.

(b) A certificate holder may use an approved weight and balance control system based on average, assumed, or estimated weight to comply with applicable

airworthiness requirements and operating limitations.

(c) A certificate holder may operate in common carriage, and for the carriage of mail, a civil aircraft which is leased or chartered to it without crew and is registered in a country which is a party to the Convention on International Civil Aviation if—

(1) The aircraft carries an appropriate airworthiness certificate issued by the country of registration and meets the registration and identification requirements of that country;

(2) The aircraft is of a type design which is approved under a U.S. type certificate and complies with all of the requirements of 14 CFR Chapter I that would be applicable to that aircraft were it registered in the United States, including the requirements which must be met for issuance of a U.S. standard airworthiness certificate (including type design conformity, condition for safe operation, and the noise, fuel venting, and engine emission requirements of 14 CFR Chapter I, except that a U.S. registration certificate and a U.S. standard airworthiness certificate will not be issued for the aircraft;

(3) The aircraft is operated by U.S.-certified airmen employed by the certificate holder; and

(4) The certificate holder files a copy of the aircraft lease or charter agreement with the FAA Aircraft Registry, Department of Transportation, 6500 South MacArthur Boulevard, Oklahoma City, Oklahoma (Mailing address: P.O. Box 25082, Oklahoma City, Oklahoma 73125).

§ 121.157 Aircraft certification and equipment requirements.

(a) *Airplanes certificated before July 1, 1942.* No certificate holder may operate an airplane that was type certificated before July 1, 1942, unless—

(1) That airplane meets the requirements of § 121.173(c), or

(2) That airplane and all other airplanes of the same or related type operated by that certificate holder meet the performance requirements of sections 4a.737–T through 4a.750–T of the Civil Air Regulations as in effect on January 31, 1965; or 14 CFR 25.45 through 25.75 and § 121.173 (a), (b), (d), and (e).

(b) *Airplanes certificated after June 30, 1942.* Except as provided in paragraphs (c) and (d) of this section, no certificate holder may operate an airplane that was type certificated after June 30, 1942, unless it is certificated as a transport category airplane and meets the requirements of § 121.173 (a), (b), (d), and (e).

(c) *C–46 type airplanes: passenger-carrying operations.* No certificate holder may operate a C–46 airplane in passenger-carrying operations unless that airplane is operated in accordance with the operating limitations for transport category airplanes and meets the requirements of paragraph (b) of this section or meets the requirements of Part 4b, as in effect July 20, 1950, and the requirements of § 121.173 (a), (b), (d), and (e), except that—

(1) The requirements of sections 4b.0 through 4b.19 as in effect May 18, 1954, must be complied with;

(2) The birdproofed windshield requirements of section 4b.352 need not be complied with;

(3) The provisions of sections 4b.480 through 4b.490 (except sections 4b.484(a)(1) and 4b.487(e)), as in effect May 16, 1953, must be complied with; and

(4) The provisions of paragraph 4b.484(a)(1), as in effect July 20, 1950, must be complied with.

In determining the takeoff path in accordance with section 4b.116 and the one-engine inoperative climb in accordance with section 4b.120 (a) and (b), the propeller of the inoperative engine may be assumed to be feathered if the airplane is equipped with either an approved means for automatically indicating when the particular engine has failed or an approved means for automatically feathering the propeller of the inoperative engine. The Administrator may authorize deviations from compliance with the requirements of sections 4b.130 through 4b.190 and Subparts C, D, E, and F of Part 4b (as designated in this paragraph) if he finds that (considering the effect of design changes) compliance is extremely difficult to accomplish and that service experience with the C–46 airplane justifies the deviation.

(d) *C–46 type airplanes: cargo operations.* No certificate holder may use a nontransport category C–46 type airplane in cargo operations unless—

(1) It is certificated at a maximum gross weight that is not greater than 48,000 pounds;

(2) It meets the requirements of §§ 121.199 through 121.205 using the performance data in Appendix C.

(3) Before each flight, each engine contains at least 25 gallons of oil; and

(4) After December 31, 1964—

(i) It is powered by a type and model engine set forth in Appendix C, when certificated at a maximum gross takeoff weight greater than 45,000 pounds; and

(ii) It complies with the special airworthiness requirement set forth in §§ 121.213 through 121.287 or in Appendix C.

(e) *Helicopters.* No supplemental air carrier or commercial operator may operate a helicopter unless it is operated, certificated, and equipped in accordance with §§ 121.71 through 121.125.

§ 121.161 Airplane limitations: Type of route.

(a) Unless authorized by the Administrator, based on the character of the terrain, the kind of operation, or the performance of the airplane to be used, no certificate holder may operate two-engine or three-engine turbine airplanes (except a three-engine turbine powered airplane) over a route that contains a point farther than 1 hour flying time (in still air at normal cruising speed with one engine inoperative) from an adequate airport.

(b) No certificate holder may operate a land airplane (other than a DC–3, C–46, CV–240, CV–340, CV–440, CV–580, CV–600, CV–640, or Martin 404) in an extended overwater operation unless it is certificated or approved as adequate for ditching under the ditching provisions of 14 CFR Part 25.

§ 121.163 Aircraft proving tests.

(a) No domestic or flag air carrier may operate an aircraft not before proven for use in scheduled air carrier operations, and no supplemental air carrier or commercial operator may operate an aircraft not before proven for use in air carrier or commercial operator operations, unless an aircraft of that type has had, in addition to the aircraft certification tests, at least 100 hours of proving tests acceptable to the Administrator, including a representative number of flights into en route airports. The requirement for at least 100 hours proving tests may be reduced by the Administrator if the Administrator determines that a satisfactory level of proficiency has been demonstrated to justify the reduction. At least 10 hours of proving tests must be flown at night.

(b) A certificate holder may not operate an aircraft of a type that has been proven for use in its class of operation if it has not previously proved that type, or if that aircraft has been materially altered in design, unless—

(1) The aircraft has had at least 50 hours of tests acceptable to the Administrator, including a representative number of flights into enroute airports; or

(2) The Administrator specifically authorizes deviations when special circumstances make full compliance with this paragraph unnecessary in a particular case.

(c) A supplemental air carrier or commercial operator may operate a helicopter that has not before been proven for use in supplemental air carrier or commercial operator operations if the helicopter has been used extensively in the services of the armed forces and meets the requirements of paragraph (b) of this section.

(d) For the purposes of paragraph (b) of this section, a type of aircraft is considered to be materially altered in design if the alterations include—

(1) The installation of powerplants other than those of a type similar to those with which it is certificated; or

(2) Alterations to the aircraft or its components that materially affect flight characteristics.

(e) No certificate holder may carry passengers in an aircraft during proving tests, except for those needed to make the test and those designated by the Administrator. However, it may carry mail, express, or other cargo, when approved.

Airplane Performance Operating Limitations

§ 121.171 Applicability.

(a) Sections 121.171 through 121.207 prescribes airplane performance operating limitations for all certificate holders.

(b) For purposes of 14 CFR Part 120, "effective length of the runway" for landing means the distance from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centerline of the runway to the far end thereof.

(c) For the purposes of §§ 121.171 through 121.207, "obstruction clearance plane" means a plane sloping upward from the runway at a slope of 1:20 to the horizontal, and tangent to or clearing all obstructions within a specified area surrounding the runway as shown in a profile view of that area. In the plan view, the centerline of the specified area coincides

with the centerline of the runway, beginning at the point where the obstruction clearance plane intersects the centerline of the runway and proceeding to a point at least 1,500 feet from the beginning point. Thereafter the centerline coincides with the takeoff path over the ground for the runway (in the case of takeoffs) or with the instrument approach counterpart (for landings), or, where the applicable one of these paths has not been established, it proceeds consistent with turns of at least 4,000 foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. This area extends laterally 200 feet on each side of the centerline at the point where the obstruction clearance plane intersects the runway and continues at this width to the end of the runway; then it increases uniformly to 500 feet on each side of the centerline at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter it extends laterally 500 feet on each side of the centerline.

§ 121.173 General.

(a) Each certificate holder operating a reciprocating engine powered transport category airplane shall comply with §§ 121.175 through 121.187.

(b) Each certificate holder operating a turbine engine powered transport category airplane shall comply with applicable provisions of §§ 121.189 through 121.197, except that when it operates a turbo-propeller powered transport category airplane certificated after August 29, 1959, but previously type certificated with the same number of reciprocating engines, it may comply with §§ 121.175 through 121.187.

(c) Each certificate holder operating a large nontransport category airplane shall comply with §§ 121.199 through 121.205 and any determination of compliance must be based only on approved performance data.

(d) The performance data in the Airplane Flight Manual applies in determining compliance with §§ 121.175 through 121.197 Where conditions are different from those on which the performance data is based, compliance is determined by interpolation or by computing the effects of changes in the specific variables if the results of the interpolation or computations are substantially as accurate as the results of direct tests.

(e) No person may take off a reciprocating engine powered transport category airplane at a weight that is more than the allowable weight for the runway being used (determined under the runway takeoff limitations of the transport category operating rules of 14 CFR Part 120) after taking into account the temperature operating correction factors in section 4a.749a–T or section 4b.117 of the Civil Air Regulations as in effect on January 31, 1965, and set forth in the applicable Airplane Flight Manual.

(f) The Administrator may authorize in the operations specifications deviations from the requirements in the subpart if special circumstances make a literal observance of a requirement unnecessary for safety.

(g) The ten-mile width specified in §§ 121.179 through 121.183 may be reduced to five miles, for not more than 20 miles, when operating VFR or where navigation facilities furnish reliable and accurate identification of high ground and obstructions located outside of five miles, but within ten miles, on each side of the intended track.

§ 121.175 Transport category airplanes: reciprocating engine powered: Weight limitations.

(a) No person may take off a reciprocating engine powered transport category airplane from an airport located at an elevation outside of the range for which maximum takeoff weights have been determined for that airplane.

(b) No person may take off a reciprocating engine powered transport category airplane for an airport of intended destination that is located at an elevation outside of the range for which maximum landing weights have been determined for that airplane.

(c) No person may specify, or have specified, an alternate airport that is located at an elevation outside of the range for which maximum landing weights have been determined for the reciprocating engine powered transport category airplane concerned.

(d) No person may take off a reciprocating engine powered transport category airplane at a weight more than the maximum authorized takeoff weight for the elevation of the airport.

(e) No person may take off a reciprocating engine powered transport category airplane if its weight on arrival at the airport of destination will be more than the maximum authorized landing weight for the elevation of that airport, allowing for normal consumption of fuel and oil en route.

§ 121.177 Transport category airplanes: Reciprocating engine powered: Takeoff limitations.

(a) No person operating a reciprocating engine powered transport category airplane may take off that airplane unless it is possible.

(1) To stop the airplane safely on the runway, as shown by the accelerate stop distance data, at any time during takeoff until reaching critical-engine failure speed;

(2) If the critical engine fails at any time after the airplane reaches critical-engine failure speed V_1, to continue the takeoff and reach a height of 50 feet, as indicated by the takeoff path data, before passing over the end of the runway; and

(3) To clear all obstacles either by at least 50 feet vertically (as shown by the takeoff path data) or 200 feet horizontally within the airport boundaries and 300 feet horizontally beyond the boundaries, without banking before reaching a height of 50 feet (as shown by the takeoff path data) and thereafter without banking more than 15 degrees.

(b) In applying this section, corrections must be made for the effective runway gradient. To allow for wind effect, takeoff data based on still air may be corrected by taking into account not more than 50 percent of any reported headwind component and not less than 150 percent of any reported tailwind component.

§ 121.179 Transport category airplanes: reciprocating engine powered: En route limitations: all engines operating.

(a) No person operating a reciprocating engine powered transport category airplane may take off that airplane at a weight, allowing the normal consumption of fuel and oil, that does not allow a rate of climb (in feet per minute), with all engines operating, of at least 6.90 V_{s_0} (that is, the number of feet per minute is obtained by multiplying the number of knots by 6.90) at an altitude of at least 1,000 feet above the highest ground or obstruction within ten miles of each side of the intended track.

(b) This section does not apply to transportation category airplanes certificated under Part 4a of the Civil Air Regulations.

§ 121.181 Transport category airplanes: Reciprocating engine powered: En route limitations: One engine inoperative.

(a) Except as provided in paragraph (b) of this section, no person operating a reciprocating engine powered transport category airplane may take off that airplane at a weight, allowing for normal consumption of fuel and oil, that does not allow a rate of climb (in feet per minute), with one engine inoperative, of at least

$$0.079 - (0.106/N)\ V_{s_0}^2$$

(where N is the number of engines installed in and V_{s_0} is expressed in knots) at an altitude of at least 1,000 feet above the highest ground or obstruction within 10 miles of each side of the intended track. However, for the purposes of this paragraph the rate of climb for transport category airplanes certificated under Part 4a of the Civil Air Regulations is 0.026 $V_{s_0}^2$.

(b) In place of the requirements of paragraph (a) of this section, a person may, under an approved procedure, operate a reciprocating engine powered transport category airplane, at all-engines-operating altitude that allows the airplane to continue, after an engine failure, to an alternate airport where a landing can be made in accordance with § 121.187, allowing for normal consumption of fuel and oil. After the assumed failure, the flight path must clear the ground and any obstruction within five miles on each side of the intended track by at least 2,000 feet.

(c) If an approved procedure under paragraph (b) of this section is used, the certificate holder shall comply with the following:

(1) The rate of climb (as prescribed in the Airplane Flight Manual for the appropriate weight and altitude) used in calculating the airplane's flight path shall be diminished by an amount, in feet per minute, equal to

$$0.079–(0.106/N)\ V_{S_{r2}}^2$$

(when N is the number of engines installed and $V_{S_{r2}}$ is expressed in knots) for airplanes certificated under 14 CFR Part 25 and by 0.026 for airplanes certificated under Part 4a of the Civil Air Regulations

(2) The all-engines-operating altitude shall be sufficient so that in the event the critical engine becomes inoperative at any point along the route, the flight will be able to

proceed to a predetermined alternate airport by use of this procedure. In determining the takeoff weight, the airplane is assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix, unless the Administrator approves a procedure established on a different basis upon finding that adequate operational safeguards exist.

(3) The airplane must meet the provisions of paragraph (a) of this section at 1,000 feet above the airport used as an alternative in this procedure.

(4) The procedure must include an approved method of accounting for winds and temperatures that would otherwise adversely affect the flight path.

(5) In complying with this procedure fuel jettisoning is allowed if the certificate holder shows that it has an adequate training program, that proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(6) The certificate holder shall specify in the dispatch of flight release an alternate airport that meets the requirements of § 121.625.

§ 121.183 14 CFR Part 25 transport category airplanes with four or more engines: Reciprocating engine powered: En route limitations: Two engines inoperative.

(a) No person may operate an airplane certificated under 14 CFR Part 25 and having four or more engines unless—

(1) There is no place along the intended track that is more than 90 minutes (with all engines operating at cruising power) from an airport that meets the requirements of § 121.187; or

(2) It is operated at a weight allowing the airplane, with the two critical engines inoperative, to climb at 0.013 V_{S_0} feet per minute (that is, the number of feet per minute is obtained by multiplying the number of knots squared by 0.013) at an altitude of 1,000 feet above the highest ground or obstruction within 10 miles on each side of the intended track, or at an altitude of 5,000. feet, whichever is higher.

(b) For the purposes of paragraph (a)(2) of this section, it is assumed that—

(1) The two engines fail at the point that is most critical with respect to the takeoff weight:

(2) Consumption of fuel and oil is normal with all engines operating up to the point where the two engines fail and with two engines operating beyond that point;

(3) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to the prescribed minimum altitude, if those requirements can be met once the prescribed minimum altitude is reached , and assuming descent to be along a net flight path and the rate of descent to be 0.013 V_{S_0} greater than the rate in the approved performance data; and

(4) If fuel jettisoning is provided, the airplane's weight at the point where the two engines fail is considered to be not less than that which would include enough fuel to proceed to an airport meeting the requirements of § 121.187 and to arrive at an altitude of at least 1,000 feet directly over that airport.

§ 121.185 Transport category airplanes: Reciprocating engine powered: Landing limitations: Destination airport.

(a) Except as provided in paragraph (b) of this section no person operating a reciprocating engine powered transport category airplane may take off that airplane, unless its weight on arrival, allowing for normal consumption of fuel and oil in flight, would allow a full stop landing at the intended destination within 60 percent of the effective length of each runway described below from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. For the purposes of determining the allowable landing weight at the destination airport the following is assumed:

(1) The airplane is landed on the most favorable runway and in the most favorable direction in still air.

(2) The airplance is landed on the most suitable runway considering the probable wind velocity and direction (forecast for the expected time of arrival), the ground handling characteristics of the type of airplane, and other conditions such as landing aids and terrain, and allowing for the effect of the landing path and roll of not more than 50 percent of the headwind component or not less than 150 percent of the tailwind component.

(b) An airplane that would be prohibited from being taken off because it could not meet the requirements of paragraph (a)(2) of this section may be taken off if an alternate airport is specified that meets all of the requirements of this section except that the airplane can accomplish a full stop landing within 70 percent of the effective length of the runway.

§ 121.187 Transport category airplanes: Reciprocating engine powered: landing limitations: Alternate airport.

No person may list an airport as an alternate airport in a dispatch or flight release unless the airplane (at the weight anticipated at the time of arrival at the airport), based on the assumptions in § 121.185, can be brought to a full stop landing, within 70 percent of the effective length of the runway.

§ 121.189 Transport category airplanes: Turbine engine powered: takeoff limitations.

(a) No person operating a turbine engine powered transport category airplane may take off that airplane at a weight greater than that listed in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at takeoff.

(b) No person operating a turbine engine powered transport category airplane certificated after August 26, 1957, but before Auguest 30, 1959 (SR422, 422A), may take off that airplane at a weight greater than that listed in the Airplane Flight Manual for the minimum distances required for takeoff. In the case of an airplane certificated after September 30, 1948 (SR422A, 422B), the takeoff distance may include a clearway distance but the clearway distance included may not be greater than ½ of the takeoff run.

(c) No person operating a turbine engine powered transport category airplance certificated after August 29, 1959 (SR422B), may take off that airplane at a weight greater than that listed in the Airplane Flight Manual at which compliance with the following may be shown:

(1) The accelerate-stop distance must not exceed the length of the runway plus the length of any stopway.

(2) The takeoff distance must not exceed the length of the runway plus the length of any clearway except that the length of any clearway included must not be greater than one-half the length of the runway.

(3) The takeoff run must not be greater than the length of the runway.

(d) No person operating a turbine engine powered transport category airplane may take off that airplane at a weight greater than that listed in the Airplane Flight Manual—

(1) In the case of an airplane certificated after August 26, 1957, but before October 1, 1958 (SR422), that allows a takeoff path that clears all obstacles either by at least (35+0.01D) feet vertically (D is the distance along the intended flight path from the end of the runway in feet), or by at least 200 feet horizontally with the airport boundaries and by at least 300 feet horizontally after passing the boundaries; or

(2) In the case of an airplane certificated after September 30, 1958 (SR422A, 422B), that allows a net takeoff flight path that clears all obstacles either by a height of at least 35 feet vertically, or by at least 200 feet horizonatally within the airport boundaries and by at least 300 feet horizontally after passing the boundaries.

(e) In determining maximum weights, minimum distances and flight paths under paragraphs (a) through (d) of this section, correction must be made for the runway to be used, the elevation of the airport, the effective runway gradient, and the ambient temperature and wind component at the time of takeoff.

(f) For the purposes of this section, it is assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the takeoff path or net takeoff flight path data (as appropriate) in the Airplane Flight Manual, and thereafter that the maximum bank is not more than 15 degrees.

(g) For the purposes of this section the terms, "takeoff distance," "takeoff run," "net takeoff flight path" and "takeoff path" have the same meanings as set forth in the rules under which the airplane was certified.

§ 121.191 Transport category airplanes: Turbine engine powered: En route limitations: One engine inoperative.

(a) No person operating a turbine engine powered transport category airplane may take off that airplane at a weight, allowing for normal consumption of fuel and oil, that is greater than that which (under the approved, one engine inoperative, en route net flight path data in the Airplane Flight Manual for that airplane) will allow compliance with paragraph (a) (1) or (2) of this section, based

on the ambient temperatures expected enroute:

(1) There is a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions within five statute miles on each side of the intended track, and, in addition, if that airplane was certificated after August 29, 1959 (SR 422B) there is a positive slope at 1,500 feet above the airport where the airplane is assumed to land after an engine fails.

(2) The net flight path allows the airplane to continue flight from the cruising altitude to an airport where a landing can be made under § 121.197, clearing all terrain and obstructions within five statute miles of the intended track by at least 2,000 feet vertically and with a positive slope at 1,000 feet above the airport where the airplane lands after an engine fails, or, if that airplane was certificated after September 30, 1958 (SR 422A, 422B), with a positive slope at 1,500 feet above the airport where the airplane lands after an engine fails.

(b) For the purposes of paragraph (a)(2) of this section, it is assumed that—

(1) The engine fails at the most critical point en route;

(2) The airplane passes over the critical obstruction, after engine failure at a point that is no closer to the obstruction than the nearest approved radio navigation fix, unless the Administrator authorizes, a different procedure based on adequate operational safeguards;

(3) An approved method is used to allow for adverse winds;

(4) Fuel jettisoning will be allowed if the certificate holder shows that the crew is properly instructed, that the training program is adequate, and that all other precautions are taken to insure a safe procedure;

(5) The alternate airport is specified in the dispatch or flight release and meets the prescribed weather minimums; and

(6) The consumption of fuel and oil after engine failure is the same as the consumption that is allowed for in the approved net flight path data in the Airplane Flight Manual.

§ 121.193 Transport category airplanes: Turbine engine powered: En route limitations: Two engines inoperative.

(a) *Airplanes certificated after August 26, 1957, but before October 1, 1958* (SR 422). No person may operate a turbine engine powered transport category airplane along an intended route unless he complies with either of the following:

(1) There is no place along the intended track that is more than 90 minutes (with all engines operating at cruising power) from an airport that meets the requirements of § 121.197.

(2) Its weight, according to the two-engine-inoperative, en route, net flight path data in the Airplane Flight Manual, allows the airplane to fly from the point where the two engines are assumed to fail simultaneously to an airport that meets the requirements of § 121.197, with a net flight path (considering the ambient temperature anticipated along the track) having a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions within five miles on each side of the intended track, or at an altitude of 5,000 feet, whichever is higher.

For the purposes of paragraph (a)(2) of this section, it is assumed that the two engines fail at the most critical point en route, that if fuel jettisoning is provided, the airplane's weight at the point where the engines fail includes enough fuel to continue to the airport and to arrive at an altitude of at least 1,000 feet directly over the airport, and that the fuel and oil consumption after engine failure is the same as the consumption allowed for in the net flight path data in the Airplane Flight Manual.

(b) *Aircraft certificated after September 30, 1958, but before August 30, 1959* (SR 422A). No person may operate a turbine engine powered transport category airplane along an intended route unless he complies with either of the following:

(1) There is no place along the intended track that is more than 90 minutes (with all engines operating at cruising power) from an airport that meets the requirements of § 121.197.

(2) Its weight, according to the two-engine-inoperative, en route, net flight path data in the Airplane Flight Manual, allows the airplane to fly from the point where the two engines are assumed to fail simultaneously to an airport that meets the requirements of § 121.197, with a net flight path (considering the ambient temperatures anticipated along the track) having a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions within 5 miles on each side of the intended track, or at an altitude of 2,000 feet, whichever is higher.

For the purposes of paragraph (b)(2) of this section, it is assumed that the two engines fail at the most critical point en route, that the airplane's weight at the point where the engines fail includes enough fuel to continue to the airport, to arrive at an altitude of at least 1,500 feet directly over the airport, and thereafter to fly for 15 minutes at cruise power or thrust, or both, and that the consumption of fuel and oil after engine failure is the same as the consumption allowed for in the net flight path data in the Airplane Flight Manual.

(c) *Aircraft certificated after August 29, 1959* (SR 422B). No person may operate a turbine engine powered transport category airplane along an intended route unless he complies with either of the following:

(1) There is no place along the intended track that is more than 90 minutes (with all engines operating at cruising power) from an airport that meets the requirements of § 121.197.

(2) Its weight, according to the two-engine inoperative, en route, net flight path data in the Airplane Flight Manual, allows the airplane to fly from the point where the two engines are assumed to fail simultaneously to an airport that meets the requirements of § 121.197, with the net flight path (considering the ambient temperatures anticipated along the track) clearing vertically by at least 2,000 feet all terrain and obstructions within five statute miles (4.34 nautical miles) on each side of the intended track. For the purposes of this subparagraph, it is assumed that—

(i) The two engines fail at the most critical point en route;

(ii) The net flight path has a positive slope at 1,500 feet above the airport where the landing is assumed to be made after the engines fail;

(iii) Fuel jettisoning will be approved if the certificate holder shows that the crew is properly instructed, that the training program is adequate, and that all other precautions are taken to ensure a safe procedure;

(iv) The airplane's weight at the point where the two engines are assumed to fail provides enough fuel to continue to the airport, to arrive at an altitude of at least 1,500 feet directly over the airport, and thereafter to fly for 15 minutes at cruise power or thrust, or both; and

(v) The consumption of fuel and oil after the engine failure is the same as the consumption that is allowed for in the net flight path data in the Airplane Flight Manual.

§ 121.195 Transport category airplanes: Turbine engine powered: Landing limitations: Destination airports.

(a) No person operating a turbine engine powered transport category airplane may take off that airplane at such a weight that (allowing for normal consumption of fuel and oil in flight to the destination or alternate airport) the weight of the airplane on arrival would exceed the landing weight set forth in the Airplane Flight Manual for the elevation of the destination or alternate airport and the ambient temperature anticipated at the time of landing.

(b) Except as provided in paragraphs (c), (d), or (e) of this section, no person operating a turbine engine powered transport category airplane may take off that airplane unless its weight on arrival, allowing for normal consumption of fuel and oil in flight (in accordance with the landing distance set forth in the Airplane Flight Manual for the elevation of the destination airport and the wind conditions anticipated there at the time of landing), would allow a full stop landing at the intended destination airport within 60 percent of the effective length of each runway described below from a point 50 feet above the intersection of the obstruction clearance plane and the runway. For the purpose of determining the allowable landing weight at the destination airport the following is assumed:

(1) The airplane is landed on the most favorable runway and in the most favorable direction, in still air.

(2) The airplane is landed on the most suitable runway considering the probable wind velocity and direction and the ground handling characteristics of the airplane, and considering other conditions such as landing aids and terrain.

(c) A turbopropeller powered airplane that would be prohibited from being taken off because it could not meet the requirements of paragraph (b)(2) of this section, may be taken off if an alternate airport is specified that meets all the requirements of this section except that the airplane can accomplish a full stop landing within 70 percent of the effective length of the runway.

(d) Unless, based on a showing of actual operating landing techniques on wet runways, a shorter landing distance (but never less than that required by paragraph

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(b) of this section) has been approved for a specific type and model airplane and included in the Airplane Flight Manual, no person may take off a turbojet powered airplane when the appropriate weather reports and forecasts, or a combination thereof, indicate that the runways at the destination airport may be wet or slippery at the estimated time of arrival unless the effective runway length at the destination airport is at least 115 percent of the runway length required under paragraph (b) of this section.

(e) A turbojet powered airplane that would be prohibited from being taken off because it could not meet the requirements of paragraph (b)(2) of this section may be taken off if an alternate airport is specified that meets all the requirements of paragraph (b) of this section.

§ 121.197 Transport category airplanes: Turbine engine powered: Landing limitations: Alternate airports.

No person may list an airport as an alternate airport in a dispatch or flight release for a turbine engine powered transport category airplane unless (based on the assumptions in § 121.195 (b)) that airplane at the weight anticipated at the time of arrival can be brought to a full stop landing within 70 percent of the effective length of the runway for turbopropeller powered airplanes and 60 percent of the effective length of the runway for turbojet powered airplanes, from a point 50 feet above the intersection of the obstruction clearance plane and the runway. In the case of an alternate airport for departure, as provided in § 121.617, allowance may be made for fuel jettisoning in addition to normal consumption of fuel and oil when determining the weight anticipated at the time of arrival.

§ 121.198 Transport category cargo service airplanes: Increased zero fuel and landing weights.

(a) Notwithstanding the applicable structural provisions of the transport category airworthiness regulations but subject to paragraphs (b) through (g) of this section, a certificate holder may operate (for cargo service only) any of the following transport category airplanes (certificated under Part 4b of the Civil Air Regulations effective before March 13, 1956) at increased zero fuel and landing weights—

(1) DC–6A, DC–6B, DC–7B, and DC–7C; and

(2) L1049B, C, D, E, F, G, and H, and the L1649A when modified in accordance with supplemental type certificate SA 4–1402.

(b) The zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight may be increased beyond the maximum approved in full compliance with applicable regulations only if the Administrator finds that—

(1) The increase is not likely to reduce seriously the structural strength;

(2) The probability of sudden fatigue failure is not noticeably increased;

(3) The flutter, deformation, and vibration characteristics do not fall below those required by applicable regulations; and

(4) All other applicable weight limitations will be met.

(c) No zero fuel weight may be increased by more than five percent, and the increase in the structural landing weight may not exceed the amount, in pounds, of the increase in zero fuel weight.

(d) Each airplane must be inspected in accordance with the approved special inspection procedures, for operations at increased weights, established and issued by the manufacturer of the type of airplane.

(e) Each airplane operated under this section must be operated in accordance with the passenger-carrying transport category performance operating limitation prescribed in 14 CFR Part 120.

(f) The Airplane Flight Manual for each airplane operated under this section must be appropriately revised to include the operating limitations and information needed for operation at the increased weights.

(g) Except as provided for the carrying of persons under § 121.583 each airplane operated at an increased weight under this section must, before it is used in passenger service, be inspected under the special inspection procedures for return to passenger service established and issued by the manufacturer and approved by the Administrator.

§ 121.199 Nontransport category airplanes: Takeoff limitations.

(a) No person operating a nontransport category airplane may take off that airplane at a weight greater than the weight that would allow the airplane to be brought to a safe stop within the effective length of the runway, from any point during the takeoff before reaching 105 percent of minimum control speed (the minimum speed at which an airplane can be safely controlled in flight after an engine becomes inoperative) or 115 percent of the power off stalling speed in the takeoff configuration, whichever is greater.

(b) For the purposes of this section—

(1) It may be assumed that takeoff power is used on all engines during the acceleration;

(2) Not more than 50 percent of the reported headwind component, or not less than 150 percent of the reported tailwind component, may be taken into account;

(3) The average runway gradient (the difference between the elevations of the endpoints of the runway divided by the total length) must be considered if it is more than one-half of 1 percent;

(4) It is assumed that the airplane is operating in standard atmosphere; and

(5) The "effective length of the runway" for takeoff means the distance from the end of the runway at which the takeoff is started to a point at which the obstruction clearance plane associated with the other end of the runway intersects the runway centerline.

§ 121.201 Nontransport category airplanes: En route limitations: One engine inoperative.

(a) Except as provided in paragraph (b) of this section, no person operating a nontransport category airplane may take off that airplane at a weight that does not allow a rate of climb of at least 50 feet a minute, with the critical engine inoperative, at an altitude of at least 1,000 feet above the highest obstruction within five miles on each side of the intended track, or 5,000 feet, whichever is higher.

(b) Notwithstanding paragraph (a) of this section, if the Administrator finds that safe operations are not impaired, a person may operate the airplane at an altitude that allows the airplane, in case of engine failure, to clear all obstructions within 5 miles on each side of the intended track by 1,000 feet. If this procedure is used, the rate of descent for the appropriate weight and altitude is assumed to be 50 feet a minute greater than the rate in the approved performance data. Before approving such a procedure, the Administrator considers the following for the route, route segment, or area concerned:

(1) The reliability of wind and weather forecasting.

(2) The location and kinds of navigation aids.

(3) The prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered.

(4) Terrain features.

(5) Air traffic control problems.

(6) Any other operational factors that affect the operation.

(c) For the purposes of this section, it is assumed that—

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position;

(3) The wing flaps and landing gear are in the most favorable position;

(4) The operating engines are operating at the maximum continuous power available;

(5) The airplane is operating in standard atmosphere; and

(6) The weight of the airplane is progressively reduced by the anticipated consumption of fuel and oil.

§ 121.203 Nontransport category airplanes: Landing limitations: Destination airport

(a) No person operating a nontransport category airplane may take off that airplane at a weight that—

(1) Allowing for anticipated consumption of fuel and oil, is greater than the weight that would allow a full stop landing within 60 percent of the effective length of the most suitable runway at the destination airport; and

(2) Is greater than the weight allowable if the landing is to be made on the runway—

(i) With the greatest effective length in still air; and

(ii) Required by the probable wind, taking into account not more than 50 percent of the headwind component or not less than 150 percent of the tailwind component.

(b) For the purposes of this section, it is assumed that—

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated airspeed of at least 1.3 V_{so};

(2) The landing does not require exceptional pilot skill; and

(3) The airplane is operating in standard atmosphere.

§ 121.205 Nontransport category airplanes: Landing limitations: Alternate airport.

No person may list an airport as an alternate airport in a dispatch or flight release for a nontransport category airplane unless that airplane (at the weight anticipated at the time of arrival) based on the assumptions contained in § 121.203, can be brought to a full stop landing within 70 percent of the effective length of the runway

§ 121.207 Provisionally certificated air carrier airplane: Operating limitations.

In addition to the limitations in 14 CFR 91.41, the following limitations apply to the operation of provisionally certificated airplane by air carriers:

(a) In addition to crewmembers, each air carrier may carry on such an airplane only those persons who are listed in § 121.547(c) or who are specifically authorized by both the air carrier and the Administrator.

(b) Each air carrier shall keep a log of each flight conducted under this section and shall keep accurate and complete records of each inspection made and all maintenance performed on the airplane. The air carrier shall make the log and records made under this section available to the manufacturer and the Administrator.

Special Airworthiness Requirements

§ 121.213 Special airworthiness requirements: General

(a) Except as provided in paragraph (b) of this section, no air carrier or commercial operator may use an airplane powered by aircraft engines rated at more than 600 horsepower each for maximum continuous operation unless that airplane meets the requirements of §§ 121.215 through 121.283.

(b) If the Administrator determines that, for a particular model of airplane used in cargo service, literal compliance with any requirement under paragraph (a) of this section would be extremely difficult and that compliance would not contribute materially to the objective sought, he may require compliance with only those requirements that are necessary to accomplish the basic objectives of 14 CFR Part 120.

(c) This section does not apply to any airplane certificated under—

(1) Part 4b of the Civil Air Regulations as in effect after October 31, 1946;

(2) 14 CFR Part 25; or

(3) Special Civil Air Regulation 422, 422A, or 422B

§ 121.215 Cabin interiors.

(a) Except as provided in § 121.312, each compartment used by the crew or passengers must meet the requirements of this section.

(b) Materials must be at least flash resistant.

(c) The wall and ceiling linings and the coverings of upholstering, floors, and furnishings must be flame resistant.

(d) Each compartment were smoking is to be allowed must be equipped with self-contained ash trays that are completely removable and other compartments must be placarded against smoking.

(e) Each receptacle for used towels, papers, and wastes must be of fire-resistant material and must have a cover or other means of containing possible fires started in the receptacles.

§ 121.217 Internal doors.

In any case where internal doors are equipped with louvres or other ventilating means, there must be a means convenient to the crew for closing the flow of air through the door when necessary.

§ 121.219 Ventilation.

Each passenger or crew compartment must be suitably ventilated. Carbon monoxide concentration may not be more than one part in 20,000 parts of air, and fuel fumes may not be present. In any case where partitions between compartments have louvres or other means allowing air to flow between compartments, there must be a means convenient to the crew for closing the flow of air through the partitions, when necessary.

§ 121.221 Fire precautions.

(a) Each compartment must be designed so that, when used for storing cargo or baggage, it meets the following requirements:

(1) No compartment may include controls, wiring, lines, equipment, or accessories that would upon damage or failure, affect the safe operation of the airplane unless the item is adequately shielded, isolated, or otherwise protected so that it cannot be damaged by movement of cargo in the compartment and so that damage to or failure of the item would not create a fire hazard in the compartment.

(2) Cargo or baggage may not interfere with the functioning of the fire protective features of the compartment.

(3) Materials used in the construction of the compartments, including tie-down equipment, must be at least flame resistant.

(4) Each compartment must include provisions for safeguarding against fires according to the classifications set forth in paragraphs (b) through (f) of this section.

(b) *Class A.* Cargo and baggage compartments are classifed in the "A" category if—

(1) A fire therein would be readily discernible to a member of the crew while at his station; and

(2) All parts of the compartment are easily accessible in flight.

There must be a hand fire extinguisher available for each Class A compartment.

(c) *Class B.* Cargo and baggage compartments are classified in the "B" category if enough access is provided while in flight to enable a member of the crew to effectively reach all of the compartment and its contents with a hand fire extinguisher and the compartment is so designed that, when the access provisions are being used, no hazardous amount of smoke, flames, or extinguishing agent enters any compartment occupied by the crew or passengers. Each Class B compartment must comply with the following:

(1) It must have a separate approved smoke or fire detector system to give warning at the pilot or flight engineer station.

(2) There must be a hand fire extinguisher available for the compartment.

(3) It must be lined with fire-resistant material, except that additional service lining of flame-resistant material may be used.

(d) *Class C.* Cargo and baggage compartments are classified in the "C" category if they do not conform with the requirements for the "A", "B", "D", or "E" categories. Each Class C compartment must comply with the following:

(1) It must have a separate approved smoke or fire detector system to give warning at the pilot or flight engineer station.

(2) It must have an approved built-in fire-extinguishing system controlled from the pilot or flight engineer station.

(3) It must be designed to exclude hazardous quantities of smoke, flames, or extinguishing agents from entering into any compartment occupied by the crew or passengers.

(4) It must have ventilation and draft controlled so that the extinguishing agent provided can control any fire that may start in the compartment.

(5) It must be lined with fire-resistant material, except that additional service lining of flame-resistant material may be used.

(e) *Class D.* Cargo and baggage compartments are classified in the "D" category if they are so designed and constructed that a fire occurring therein will be completely confined without endangering the safety of the airplane or the occupants. Each Class D compartment must comply with the following:

(1) It must have a means to exclude hazardous quantities of smoke, flames, or noxious gases from entering any compartment occupied by the crew or passengers.

(2) Ventilation and drafts must be controlled within each compartment so that any fire likely to occur in the compartment will not progress beyond safe limits.

(3) It must be completely lined with fire-resistant material.

(4) Consideration must be given to the effect of heat within the compartment on adjacent critical parts of the airplane.

(f) *Class E.* On airplanes used for the carriage of cargo only, the cabin area may be classified as a Class "E" compartment. Each Class E compartment must comply with the following:

(1) It must be completely lined with fire-resistant material.

(2) It must have a separate system of an approved type smoke of fire detector to give warning at the pilot or flight engineer station.

(3) It must have a means to shut off the ventilating air flow to or within the compartment and the controls for that means must be accessible to the flightcrew in the crew compartment.

(4) It must have a means to exclude hazardous quantities of smoke, flames, or noxious gases from entering the flightcrew compartment.

(5) Required crew emergency exits must be accessible under all cargo loading conditions.

§ 121.223 Proof of compliance with § 121.221.

Compliance with those provisions of § 121.221 that refer to compartment accessibility, the entry of hazardous

quantities of smoke or extinguishing agent into compartments occupied by the crew or passengers, and the dissipation of the extinguishing agent in Class "C" compartments must be shown by tests in flight. During these tests it must be shown that no inadvertent operation of smoke or fire detectors in other compartments within the airplane would occur as a result of fire contained in any one compartment, either during the time it is being extinguished, or thereafter, unless the extinguishing system floods those compartments simultaneously.

§ 121.225 Propeller deicing fluid.

If combustible fluid is used for propeller deicing, the certificate holder must comply with § 121.253.

§ 121.227 Pressure cross-feed arrangements.

(a) Pressure cross-feed lines may not pass through parts of the airplane used for carrying persons or cargo unless—

(1) There is a means to allow crewmembers to shut off the supply of fuel to these lines; or

(2) The lines are enclosed in a fuel and fume-proof enclosure that is ventilated and drained to the exterior of the airplane.

However, such an enclosure need not be used if those lines incorporate no fittings on or within the personnel or cargo areas and are suitably routed or protected to prevent accidental damage.

(b) Lines that can be isolated from the rest of the fuel system by valves at each end must incorporate provisions for relieving excessive pressures that may result from exposure of the isolated line to high temperatures.

§ 121.229 Location of fuel tanks.

(a) Fuel tanks must be located in accordance with § 121.255.

(b) No part of the engine nacelle skin that lies immediately behind a major air outlet from the engine compartment may be used as the wall of an integral tank.

(c) Fuel tanks must be isolated from personnel compartments by means of fume- and fuel-proof enclosures.

§ 121.231 Fuel system lines and fittings.

(a) Fuel lines must be installed and supported so as to prevent excessive vibration and so as to be adequate to withstand loads due to fuel pressure and accelerated flight conditions.

(b) Lines connected to components of the airplanes between which there may be relative motion must incorporate provisions for flexibility.

(c) Flexible connections in lines that may be under pressure and subject to axial loading must use flexible hose assemblies rather than hose clamp connections.

(d) flexible hose must be of an acceptable type or proven suitable for the particular application.

§ 121.233 Fuel lines and fittings in designated fire zones.

Fuel lines and fittings in each designated fire zone must comply with § 121.259.

§ 121.235 Fuel valves.

Each fuel valve must—

(a) Comply with § 121.257;

(b) Have positive stops or suitable index provisions in the "on" and "off" positions; and

(c) Be supported so that loads resulting from its operation or from accelerated flight conditions are not transmitted to the lines connected to the valve.

§ 121.237 Oil lines and fittings in designated fire zones.

Oil line and fittings in each designated fire zone must comply with § 121.259.

§ 121.239 Oil valves.

Each oil valve must—

(1) Comply with § 131.257;

(2) Have positive stops or suitable index provisions in the "on" and "off" positions; and

(3) Be supported so that loads resulting from its operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

(b) The closing of an oil shutoff means must not prevent feathering the propeller, unless equivalent safety provisions are incorporated.

§ 121.241 Oil system drains.

Accessible drains incorporating either a manual or automatic means for positive locking in the closed position, must be provided to allow safe drainage of the entire oil system.

§ 121.243 Engine breather lines.

(a) Engine breather lines must be so arranged that condensed water vapor that may freeze and obstruct the line cannot accumulate at any point.

(b) Engine breathers must discharge in a location that does not constitute a fire hazard in case foaming occurs and so that oil emitted from the line does not impinge upon the pilots' windshield.

(c) Engine breathers may not discharge into the engine air induction system.

§ 121.245 Fire walls.

Each engine, auxiliary power unit, fuel-burning heater, or other item of combustion equipment that is intended for operation in flight must be isolated from the rest of the airplane by means of firewalls or shrouds, or by other equivalent means.

§ 121.247 Fire-wall construction.

Each fire wall and shroud must—

(a) Be so made that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other parts of the airplane;

(b) Have all openings in the fire wall or shroud sealed with close-fitting fireproof grommets, bushings, or firewall fittings;

(c) Be made of fireproof material; and

(d) Be protected against corrosion.

§ 121.249 Cowling.

(a) Cowling must be made and supported so as to resist the vibration inertia, and air loads to which it may be normally subjected.

(b) Provisions must be made to allow rapid and complete drainage of the cowling in normal ground and flight attitudes. Drains must not discharge in locations constituting a fire hazard. Parts of the cowling that are subjected to high temperatures because they are near exhaust system parts or because of exhaust gas impingement must be made of fireproof material. Unless otherwise specified in these regulations all other parts of the cowling must be made of material that is at least fire resistant.

§ 121.251 Engine accessory section diaphragm.

Unless equivalent protection can be shown by other means, a diaphragm that complies with § 121.247 must be provided on air-cooled engines to isolate the engine power section and all parts of the exhaust system from the engine accessory compartment.

§ 121.253 Powerplant fire protection.

(a) Designated fire zones must be protected from fire by compliance with §§ 121.255 through 121.261.

(b) Designated fire zones are—

(1) Engine accessory sections;

(2) Installations where no isolation is provided between the engine and accessory compartment; and

(3) Areas that contain auxiliary power units, fuel-burning heaters, and other combustion equipment.

§ 121.255 Flammable fluids.

(a) No tanks or reservoirs that are a part of a system containing flammable fluids or gases may be located in designated fire zones, except where the fluid contained, the design of the system, the materials used in the tank, the shutoff means, and the connections, lines, and controls provide equivalent safety.

(b) At least one-half inch of clear airspace must be provided between any tank or reservoir and a firewall or shroud isolating a designated fire zone.

§ 121.257 Shutoff means.

(a) Each engine must have a means for shutting off or otherwise preventing hazardous amounts of fuel, oil, deicer, and other flammable fluids from flowing into, within, or through any designated fire zone. However, means need not be provided to shut off flow in lines that are an integral part of an engine.

(b) The shutoff means must allow an emergency operating sequence that is compatible with the emergency operation of other equipment, such as feathering the propeller, to facilitate rapid and effective control of fires.

(c) Shutoff means must be located outside of designated fire zones, unless equivalent safety is provided, and it must be shown that no hazardous amount of flammable fluid will drain into any designated fire zone after a shut off.

(d) Adequate provisions must be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means after it has been closed.

§ 121.259 Lines and fittings.

(a) Each line, and its fittings, that is located in a designated fire zone, if it carries flammable fluids or gases under pressure, or is attached directly to the engine, or is

subject to relative motion between components (except lines and fittings forming an integral part of the engine), must be flexible and fire-resistant with fire-resistant, factory-fixed detachable, or other approved fire-resistant ends.

(b) Lines and fittings that are not subject to pressure or to relative motion between components must be of fire-resistant materials.

§ 121.261 Vent and drain lines.

All vent and drain lines and their fittings, that are located in a designated fire zone must, if they carry flammable fluids or gasses, comply with § 121.259, if the Administrator finds that the rupture or breakage of any vent or drain line may result in a fire hazard.

§ 121.263 Fire-extinguishing systems.

(a) Unless the certificate holder shows that equivalent protection against destruction of the airplane in case of fire is provided by the use of fireproof materials in the nacelle and other components that would be subjected to flame, fire-extinguishing systems must be provided to serve all designated fire zones.

(b) Materials in the fire-extinguishing system must not react chemically with the extinguishing agent so as to be a hazard.

§ 121.265 Fire-extinguishing agents.

Only methyl bromide, carbon dioxide, or another agent that has been shown to provide equivalent extinguishing action may be used as a fire-extinguishing agent. If methyl bromide or any other toxic extinguishing agent is used, provisions must be made to prevent harmful concentrations of fluid or fluid vapors from entering any personnel compartment either because of leakage during normal operation of the airplane or because of discharging the fire extinguisher on the ground or in flight where there is a defect in the extinguishing system. If a methyl bromide system is used, the containers must be charged with dry agent and sealed by the fire-extinguisher manufacturer or some other person using satisfactory recharging equipment. If carbon dioxide is used, it must not be possible to discharge enough gas into the personnel compartments to create a danger of suffocating the occupants.

§ 121.267 Extinguishing agent container pressure relief.

Extinguishing agent containers must be provided with a pressure relief to prevent bursting of the container because of excessive line internal pressures. The discharge line from the relief connection must terminate outside the airplane in a place convenient for inspection on the ground. An indicator must be provided at the discharge end of the line to provide a visual indication when the container has discharged.

§ 121.269 Extinguishing agent container compartment temperature.

Precautions must be taken to insure that the extinguishing agent containers are installed in places where reasonable temperatures can be maintained for effective use of the extinguishing system.

§ 121.271 Fire-extinguishing system materials.

(a) Except as provided in paragraph (b) of this section, each component of a fire-extinguishing system that is in a designated fire zone must be made of fireproof materials.

(b) Connections that are subject to relative motion between components of the airplane must be made of flexible materials that are at least fire-resistant and be located so as to minimize probability of failure.

§ 121.273 Fire-detector systems.

Enough quick-acting fire detectors must be provided in each designated fire zone to assure the detection of any fire that may occur in that zone.

§ 121.275 Fire detectors.

Fire detectors must be made and installed in a manner that assures their ability to resist, without failure, all vibrations, inertia, and other loads to which they may be normally subjected. Fire detectors must be unaffected by exposure to fumes, oil, water, or other fluids that may be present.

§ 121.277 Protection of other airplane components against fire.

(a) Except as provided in paragraph (b) of this section, all airplane surfaces aft of the nacelles in the area of one nacelle diameter on both sides of the nacelle centerline must be made of material that is at least fire resistant.

(b) Paragraph (a) of this section does not apply to tail surfaces lying behind nacelles unless the dimensional configuration of the airplane in such that the tail surfaces could be affected readily by heat, flames, or sparks emanating from a designated fire zone or from the engine compartment of any nacelle.

§ 121.279 Control of engine rotation.

(a) Except as provided in paragraph (b) of this section, each airplane must have a means of individually stopping and restarting the rotation of any engine in flight.

(b) In the case of turbine engine installations, a means of stopping the rotation need be provided only if the Administrator finds that rotation could jeopardize the safety of the airplane.

§ 121.281 Fuel system independence.

(a) Each airplane fuel system must be arranged so that the failure of any one component does not result in the irrecoverable loss of power of more than one engine.

(b) Separate fuel tank need not be provided for each engine if the certificate holder shows that the fuel system incorporates features that provide equivalent safety.

§ 121.283 Induction system ice prevention.

A means for preventing the malfunctioning of each engine due to ice accumulation in the engine air induction system must be provided for each airplane.

§ 121.285 Carriage of cargo in passenger compartments.

(a) Except as provided in paragraph (b) or (c) of this section, no certificate holder may carry cargo in the passenger compartment of an airplane.

(b) Cargo may be carried anywhere in the passenger compartment if it is carried in an approved cargo bin that meets the following requirements:

(1) The bin must withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed, multiplied by a factor of 1.15, using the combined weight of the bin and the maximum weight of cargo that may be carried in the bin.

(2) The maximum weight of cargo that the bin is approved to carry and any instructions necessary to insure proper weight distribution within the bin must be conspiciously marked on the bin.

(3) The bin may not impose any load on the floor or other structure of the airplane that exceeds the load limitations of that structure.

(4) The bin must be attached to the seat tracks or to the floor structure of the airplane, and its attachment must withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed, multiplied by either the factor 1.15 or the seat attachment factor specified for the airplane, whichever is greater, using the combined weight of the bin and the maximum weight of cargo that may be carried in the bin.

(5) The bin may not be installed in a position that restricts access to or use of any required emergency exit, or of the aisle in the passenger compartment.

(6) The bin must be fully enclosed and made of material that is at least flame resistant.

(7) Suitable safeguards must be provided within the bin to prevent the cargo from shifting under emergency landing conditions.

(8) The bin may not be installed in a position that obscures any passenger's view of the "seat belt" sign, "no smoking" sign, or any required exit sign, unless an auxiliary sign or other approved means for proper notification of the passenger is provided.

(c) Cargo may be carried aft of a bulkhead or divider in any passenger compartment provided the cargo is restrained to the load factors in 14 CFR 25.561(b)(3) and is loaded as follows:

(1) It is properly secured by a safety belt or other tiedown having enough strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions.

(2) It is packaged or covered in a manner to avoid possible injury to passengers and passenger compartment occupants.

(3) It does not impose any load on seats or the floor structure that exceeds the load limitation for those components.

(4) Its location does not restrict access to or use of any required emergency or regular exit, or of the aisle in the passenger compartment.

(5) Its location does not obscure any passenger's view of the "seat belt" sign, "no smoking" sign, or required exit sign, unless an auxiliary sign or other approved means for proper notification of the passenger is provided.

§ 121.287 Carriage of cargo in cargo compartments.

When cargo is carried in cargo compartments that are designed to require the physical entry of a crewmember to extinguish any fire that may occur during flight, the cargo must be loaded so as to allow a crewmember to effectively reach all parts of the compartment with the contents of a hand fire extinguisher.

§ 121.289 Landing gear: Aural warning device.

(a) Each large airplane must have a landing gear aural warning device that functions continuously under the following conditions:

(1) For airplanes with an established approach wing-flap position, whenever the wing flaps are extended beyond the maximum certificated approach climb configuration position in the Airplane Flight Manual and the landing gear is not fully extended and locked.

(2) For airplanes without an established approach climb wingflap position, whenever the wing flaps are extended beyond the position at which landing gear extension is normally performed and the landing gear is not fully extended and locked.

(b) The warning system required by paragraph (a) of this section—

(1) May not have a manual shutoff;

(2) Must be in addition to the throttle-actuated deveice installed under the type certification airworthiness requirements; and

(3) May utilize any part of the thottle-actuated system including the aural warning device.

(c) The flap position sensing unit may be installed at any suitable place in the airplane.

§ 121.291 Demonstration of emergency evacuation procedures.

(a) Each certificate holder must conduct an actual demonstration of emergency evacuation procedures in accordance with paragraph (a) of Appendix D to show that each type and model of airplane with a seating capacity of more than 44 passengers to be used in its passenger-carrying operations allows the evacuation of the full seating capacity, including crewmembers, in 90 seconds or less, if that airplane type and model has not been shown to be in compliance with:

(1) 14 CFR 25.803 in effect on December 1, 1978, during type certification; or

(2) 14 CFR 121.291(a) in effect on October 24, 1987.

(b) Each certificate holder must conduct a partial demonstration of emergency evacuation procedures in accordance with paragraph (c) of this section upon:

(1) Initial introduction of a type and model of airplane into passenger/carrying operation, if the certificate holder has not conducted an actual demonsstration under paragraph (a) of this section;

(2) Changing the number, location, or emergency evacuation duties or procedures of flight attendants who are required by § 121.391; or

(3) Changing the number, location, type of emergency exists, or type of opening mechanism on emergency exits available for evacuation.

(c) In conducting a partial demonstration each certificate holder must:

(1) Demonstrate the effectiveness of its crewmember emergency training and evacuation procedures by conducting a demonstration, not requiring passengers and observed by the Administrator, in which the flight attendants for that type and model of airplane, using that operator's line operating procedures, open 50 percent of the required floor-level emergency exits and 50 percent of the required non-floor-level emergency exits whose opening by a flight attendant is defined as an emergency evacuation duty under § 121.397, and deploy 50 percent of the exit slides. The exits and slides will be selected by the administrator and must be ready for use within 15 seconds;

(2) Apply for and obtain approval from the Flight Standards District Office maintaining surveillance of its operations before conducting the demonstration;

(3) Use flight attendants in this demonstration who have been selected at random by the Administrator, have completed the certificate holder's FAA-approved training program for the type and model of airplane, and have passed a written or practical examination on the emergency equipment and procedures; and

(4) Apply for and obtain approval from the FAA certificate-holding office having jurisdiction over its operations before commencing operations with this type and model airplane.

(d) Each certificate holder operating or proposing to operate one or more landplanes in extended overwater operations, or otherwise required to have certain equipment under § 121.339, must show, by simulated ditching conducted in accordance with paragraph (b) of Appendix D, that it has the ability to efficiently carry out its ditching procedures.

(e) For a type and model airplane for which the simulated ditching specified in paragraph (d) has been conducted by a certificate holder, the requirements of paragraphs (b)(2), (b)(4), and (b)(5) of Appendix D are complied with if each life raft is removed from stowage, one life raft is launched and inflated (or one slide life raft is inflated) and crewmembers assigned to the inflated life raft display and describe the use of each item or required emergency equipment. The life raft or slide life raft to be inflated will be selected by the Administrator.

Instrument and Equipment Requirements

§ 121.303 Airplane instruments and equipment.

(a) Unless otherwise specified, the instruments and equipment requirements of §§ 121.303 through 121.360 apply to all operations under this part.

(b) Instruments and equipment required by §§ 121.305 through 121.359 must be approved and installed in accordance with the airworthiness requirements applicable to them.

(c) Each airspeed indicator must be calibrated in knots, and each airspeed limitation and item of related information in the Airplane Flight Manual and pertinent placards must be expressed in knots.

(d) Except as provided in § 121.627(b) and (c), no person may take off any airplane unless the following instruments and equipment are in operable conditions:

(1) Instruments and equipment required to comply with airworthiness requirements under which the airplane is type certificated and as required by §§ 121.213 through 121.283 and 121.289.

(2) Instruments and equipment specified in §§ 121.305 through 121.321 and 121.359 for all operations, and the instruments and equipment specified in §§ 121.323 through 121.351 for the kind of operation indicated, wherever these items are not already required by paragraph (d)(1) of this section.

(3) The instruments and equipment required by § 121.360.

§ 121.305 Flight and navigational equipment.

No person may operate an airplane unless it is equipped with the following flight and navigational instruments and equipment:

(a) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing.

(b) A sensitive altimeter.

(c) A sweep-second hand clock (or approved equivalent).

(d) A free-air temperature indicator.

(e) A gyroscopic bank and pitch indicator (artificial horizon).

(f) A gyroscopic rate-of-turn indicator, combined with an integral slip-skid indicator (turn-and-bank indicator) except that only a slip-skid indicator is required when a third attitude instrument system usable through flight attitudes of 360° of pitch and roll is installed in accordance with paragraph (j) of this section.

(g) A gyroscopic direction indicator (directional gyro or equivalent).

(h) A magnetic compass.

(i) A vertical speed indicator (rate-of-climb indicator).

(j) On large turbojet powered airplanes, in addition to two gyroscopic bank-and-pitch indicators (artificial horizons) for use at the pilot stations, at third such instrument that—

(1) Is powered from a source independent of the electrical generating system;

(2) Continues reliable operation for a minimum of 30 minutes after total failure of the electrical generating system;

(3) Operates independently of any other attitude indicating system;

(4) Is operative without selection after total failure of the electrical generating system;

(5) Is located on the instrument panel in a position acceptable to the Administrator that will make it plainly visible to and usable by any pilot at his station; and

(6) Is appropriately lighted during all phases of operation.

§ 121.307 Engine instruments.

Unless the Administrator allows or requires different instrumentation for turbine engine powered airplanes to provide equivalent safety, no person may conduct any operation under 14 CFR Part 120 without the following engine instruments:

(a) A carburetor air temperature indicator for each engine.

(b) A cylinder head temperature indicator for each air-cooled engine.

(c) A fuel pressure indicator for each engine.

(d) A fuel flowmeter or fuel mixture indicator for each engine not equipped with an automatic altitude mixture control.

(e) A means for indicating fuel quantity in each fuel tank to be used.

(f) A minifold pressure indicator for each engine.

(g) An oil pressure indicator for each engine.

(h) An oil quantity indicator for each oil tank when a transfer or separate oil reserve supply is urged.

(i) An oil-in temperature indicator for each engine.

(j) A tachometer for each engine.

(k) An independent fuel pressure warning device for each engine or a master warning device for all engines with a means for isolating the individual warning circuits from the master warning device.

(l) A device for each reversible propeller, to indicate to the pilot when the propeller is in reverse pitch, that complies with the following:

(1) The device may be actuated by any point in the reversing cycle between the normal low pitch stop position and full reverse pitch, but it may not give an indication at or above the normal low pitch stop position.

(2) The source of indication must be actuated by the propeller blade angle or be directly responsive to it.

§ 121.309 Emergency equipment.

(a) *General:* No person may operate an airplane unless it is equipped with the emergency equipment listed in this section and in § 121.310.

(b) Each item of emergency and flotation equipment listed in this section and in §§ 121.310, 121.339, and 121.340—

(1) Must be inspected regularly in accordance with inspection periods established in the operations specifications to ensure its condition for continued serviceability and immediate readiness to perform its intended emergency purposes;

(2) Must be readily accessible to the crew and, with regard to equipment located in the passenger compartment, to passengers;

(3) Must be clearly identified and clearly marked to indicate its method of operation;

(4) When carried in a compartment or container, must be carried in a compartment or container marked as to contents and the compartment or container, or the item itself, must be marked as to date of last inspection.

(c) *Hand fire extinguishers for crew, passenger, and cargo compartments.* Hand fire extinguishers of an approved type must be provided for use in crew, passenger, and cargo compartments in accordance with the following:

(1) The type and quantity of extinguishing agent must be suitable for the kinds of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher must be provided and conveniently located on the flight deck for use by the flight crew.

(3) At least one hand fire extinguisher must be conveniently located in the passenger compartment of each airplane accommodating more than 6 but less than 31 passengers, and at least two hand fire extinguishers must be conveniently located in each airplane accommodating more than 30 passengers.

(d) *First-aid equipment.* Approved first-aid kits for treatment of injuries likely to occur in flight or in minor accidents must be provided and must meet the specifications and requirements of Appendix A.

(e) *Crash ax.* Each airplane must be equipped with a crash ax.

(f) *Megaphones.* Each passenger-carrying airplane must have a portable battery-powered megaphone or megaphones readily accessible to the crewmembers assigned to direct emergency evacuation, installed as follows:

(1) One megaphone on each airplane with a seating capacity of more than 60 and less than 100 passengers, at the most rearward location in the passenger cabin where it would be readily accessible to a normal flight attendant seat. However, the Administrator may grant a deviation from the requirements of this subparagraph if he finds that a different location would be more useful for evacuation of persons during an emergency.

(2) Two megaphones in the passenger cabin on each airplane with a seating capacity of more than 99 passengers, one installed at the forward end and the other at the most rearward location where it would be readily accessible to a normal flight attendant seat.

§ 121.310 Additional emergency equipment.

(a) *Means for emergency evacuation.* Each passenger-carrying landplane emergency exist (other than over-the-wing) that is more than 6 feet from the ground with the airplane on the ground and the landing gear extended, must have an approved means to assist the occupants in descending to the ground. The assisting means for a floor-level emergency exit must meet the requirements of 14 CFR 25.809(f)(1) in effect on April 30, 1972, except that, for any airplane for which the application for the type certificate was filed after that date, it must meet the requirements under which the airplane was type certificated. An assisting means that deploys automatically must be armed during taxiing, takeoffs, and landings. However, if the Administrator finds that the design of the exit makes compliance impractical, he may grant a deviation from the requirement of automatic deployment if the assisting means automatically erects upon deployment and with respect to required emergency exits, if an emergency evacuation demonstration is conducted in accordance with § 121.291(a). This paragraph does not apply to the rear window emergency exit of DC–3 airplanes operated with less than 36 occupants, including crewmembers and less than five exits authorized for passenger use.

(b) *Interior emergency exit marking.* The following must be complied with for each passenger-carrying airplane:

(1) Each passenger emergency exit, its means of access, and its means of opening must be conspicuously marked. The identity and location of each passenger emergency exit must be recognizable from a distance equal to the width of the cabin. The location must be indicated by a sign visible to occupants approaching along the main passenger aisle. There must be a locating sign—

(i) Above the aisle near each over-the-wing passenger emergency exit, or at another ceiling location if it is more practical because of low headroom;

(ii) Next to each floor level passenger emergency exit, except that one sign may serve two such exits if they both can be seen readily from that sign; and

(iii) On each bulkhead or divider that prevents fore and aft vision along the passenger cabin, to indicate emergency exists beyond and obscured by it, except that it this is not possible the sign may be placed at another appropriate location.

(2) Each passenger emergency exit marking and each locating sign must meet the following:

(i) For an airplane for which the application for the type certificate was filed prior to May 1, 1972, each passenger emergency exit marking and each locating sign must be manufactured to meet the requirements of 14 CFR 25.812(b) in effect on April 30, 1972. On these airplanes, no sign may continue to be used if its luminescence (brightness) decreases to below 100 microlamberts. The colors may be reversed if it increases the emergency illumination of the passenger compartment. However, the Administrator may authorize deviation from the 2-inch background requirements if he finds that special circumstances exist that make compliance impractical and that the proposed deviation provides an equivalent level of safety.

(ii) For an airplane for which the application for the type certificate was filed on or after May 1, 1972, each passenger emergency exit marking and each locating sign must be manufactured to meet the interior emergency exit marking requirements under which the airplane was type certificated. On these airplanes, no sign may continue to be used if its luminescence (brightness) decreases to below 250 microlamberts.

(c) *Lighting for interior emergency exit markings.* Each passenger-carrying airplane must have an emergency lighting system, independent of the main lighting system. However, sources of general cabin illumination may be common to both the emergency and the main lighting systems if the power supply to the emergency lighting system is independent of the power supply to the main lighting system. The emergency lighting system must—

(1) Illuminiate each passenger exit marking and locating sign; and

(2) Provide enough general lighting in the passenger cabin so that the average illumination, when measured at 40-inch intervals at seat armrest height, on the centerline of the main passenger aisle, is at least 0.05 foot-candles.

(d) *Emergency light operation.* Except for lights forming part of emergency lighting subsystems provided in compliance with 14 CFR 25.812(g) (as prescribed in paragraph (h) of this section) that serve no more than one assist means, are independent of the airplane's main emergency lighting systems.

and are automatically activated when the assist means is deployed, each light required by paragraphs (c) and (h) of this section must comply with the following:

(1) Reserved.

(2) Each light must—

(i) Be operable manually both from the flightcrew station and from a point in the passenger compartment that is readily accessible to a normal flight attendant seat;

(ii) Have a means to prevent inadvertent operation of the manual controls, and

(iii) When armed or turned on at either station, remain lighted or become lighted upon interruption of the airplane's normal electric power.

Each light must be armed or turned on during taxiing, takeoff, and landing. In showing compliance with this paragraph a transverse vertical separation of the fuselage need not be considered.

(3) Each light must provide the required level of illumination for at least 10 minutes at the critical ambient conditions after emergency landing.

(4) Each light must have a cockpit control device that has an "on", "off", and "armed" position.

(e) *Emergency exit operating handles.* (1) For a passenger-carrying airplane for which the application for the type certificate was filed prior to May 1, 1972, the location of each passenger emergency exit operating handle, and instructions for opening the exit, must be shown by a marking on or near the exit that is readable from a distance of 30 inches. In addition, for each Type I and Type II emergency exit with a locking mechanism released by rotary motion of the handle, the instructions for opening must be shown by—

(i) A red arrow with a shaft at least three-fourths inch wide and a head twice the width of the shaft, extending along at least 70° of arc at a radius approximately equal to three-fourths of the handle length; and

(ii) The word "open" in red letters 1 inch high placed horizontally near the head of the arrow.

(2) For a passenger-carrying airplane for which the application for the type certificate was filed on or after May 1, 1972, the location of each passenger emergency exit operating handle and instructions for opening the exit must be shown in accordance with the requirements under which the airplane was type certificated. On these airplanes, no operating handle or operating handle cover may continue to be used if its luminescence (brightness) decreases to below 100 microlamberts.

(f) *Emergency exit access.* Access to emergency exits must be provided as follows for each passenger-carrying airplane:

(1) Each passageway between individual passenger areas, or leading to a Type I or Type II emergency exit, must be unobstructed and at least 20 inches wide.

(2) There must be enough space next to each Type I or Type II emergency exit to allow a crewmember to assist in the evacuation of passengers without reducing the unobstructed width of the passageway below that required in paragraph (f)(1) of this section. However, the Administrator may authorize deviation from this requirement for an airplane certificated under the provisions of Part 4b of the Civil Air Regulations in effect before December 20, 1951, if he finds that special circumstances exist that provide an equivalent level of safety.

(3) There must be access from the main aisle to each Type III and Type IV exit. The access from the aisle to these exits must not be obstructed by seats, berths, or other protrusions in a manner that would reduce the effectiveness of the exit. In addition—

(i) For an airplane for which the application for the type certificate was filed prior to May 1, 1972, the access must meet the requirements of 14 CFR 25.813(c) in effect on April 30, 1972; and

(ii) For an airplane for which the application for the type certificate was filed on or after May 1, 1972, the access must meet the emergency exit access requirements under which the airplane was type certificated.

(4) If it is necessary to pass through a passageway between passenger compartments to reach any required emergency exit from any seat in the passenger cabin, the passageway must not be obstructed. However, curtains may be used if they allow free entry through the passageway.

(5) No door may be installed in any partition between passenger compartments.

(6) If it is necessary to pass through a doorway separating the passenger cabin from other areas to reach required emergency exit from any passenger seat, the door must have a means to latch it in open position, and the door must be latched open during each takeoff and landing. The latching means must be able to withstand the loads imposed upon it when the door is subjected to the ultimate inertia forces, relative to the surrounding structure, listed in 14 CFR 25.561(b).

(g) *Exterior exit markings.* Each passenger emergency exit and the means of opening that exit from the outside must be marked on the outside of the airplane. There must be a 2-inch colored band outlining each passenger emergency exit on the side of the fuselage. Each outside marking, including the band, must be readily distinguishable from the surrounding fuselage area by contrast in color. The markings must comply with the following:

(1) If the reflectance of the darker color is 15 percent or less, the reflectance of the lighter color must be at least 45 percent.

(2) If the reflectance of the darker color is greater than 15 percent, at least a 30 percent difference between its reflectance and the reflectance of the lighter color must be provided.

(3) Exits that are not in the side of the fuselage must have the external means of opening and applicable instructions marked conspicuously in red or, if red is inconspicuous against the background color, in bright chrome yellow and, when the opening means for such an exit is located on only one side of the fuselage, a conspicuous marking to that effect must be provided on the other side. "Reflectance" is the ratio of the luminous flux reflected by a body to the luminous flux it receives.

(h) *Exterior emergency lighting and escape route.* (1) Each passenger-carrying airplane must be equipped with exterior lighting that meets the following requirements:

(i) For an airplane for which the application for the type certificate was filed prior to May 1, 1972, the requirements of 14 CFR 25.812 (f) and (g) in effect on April 30, 1972.

(ii) For an airplane for which the application for the type certificate was filed on or after May 1, 1972, the exterior emergency lighting requirements under which the airplane was type certificated.

(2) Each passenger-carrying airplane must be equipped with a slip-resistant escape route that meets the following requirements:

(i) For an airplane for which the application for the type certificate was filed prior to May 1, 1972, the requirements of 14 CFR 25.803(e) in effect on April 30, 1972.

(ii) For an airplane for which the application for the type certificate was filed on or after May 1, 1972, the slip-resistant escape route requirements under which the airplane was type certificated.

(i) *Floor level exits.* Each floor level door or exit in the side of the fuselage (other than those leading into a cargo or baggage compartment that is not accessible from the passenger cabin) that is 44 or more inches high and 20 or more inches wide, but not wider than 46 inches, each passenger ventral exit (except the ventral exits on M–404 and CV–240 airplanes), and each tail cone exit, must meet the requirements of this section for floor level emergency exits. However, the Administrator may grant a deviation from this paragraph if he finds that circumstances make full compliance impractical and that an acceptable level of safety has been achieved.

(j) *Additional emergency exits.* Approved emergency exits in the passenger compartments that are in excess of the minimum number of required emergency exits must meet all of the applicable provisions of this section except paragraphs (f) (1), (2), and (3) of this section and must be readily accessible.

(k) On each large passenger-carrying turbojet-powered airplane, each ventral exit and tailcone exit must be—

(1) Designed and constructed so that it cannot be opened during flight; and

(2) Marked with a placard readable from a distance of 30 inches and installed at a conspicuous location near the means of opening the exit, stating that the exit has been designed and constructed so that it cannot be opened during flight.

(l) *Portable lights.* No person may operate a passenger-carrying airplane unless it is equipped with flashlight stowage provisions accessible from each flight attendant seat.

§ 121.311 Seats, safety belts, and shoulder harnesses.

(a) No person may operate an airplane unless there are available during the takeoff, en route flight, and landing—

(1) An approved seat or berth for each person on board the airplane who has reached his second birthday; and

(2) An approved safety belt for separate use by each person on board the airplane who has reached his second birthday, except that two persons occupying a berth may share one approved safety belt and two persons occupying a multiple lounge or divan

seat may share one approved safety belt during en route flight only.

(b) During the takeoff and landing of an airplane, each person on board shall occupy an approved seat or berth with a separate safety belt properly secured about him. However, a person who has not reached his second birthday may be held by an adult who is occupying a seat or berth. A safety belt provided for the occupant of a seat may not be used during takeoff and landing by more than one person who has reached his second birthday.

(c) Each sideward facing seat must comply with the applicable requirements of 14 CFR 25.785(c).

(d) Except as provided in paragraphs (d) (1) and (2) of this section, no certificate holder may take off or land an airplane unless each passenger seat back is in the upright position Each passenger shall comply with instructions given by a crewmember in compliance with this paragraph.

(1) This paragraph does not apply to seat backs placed in other than the upright position in compliance with § 121.310(f)(3).

(2) This paragraph does not apply to seats on which cargo or persons who are unable to sit erect for a medical reason are carried in accordance with procedures in the certificate holder's manual if the seat back does not obstruct any passenger's access to the aisle or to any emergency exit.

(e) No person may operate a transport category airplane that was type certificated after January 1, 1958, unless it is equipped at each flight deck station with a combined safety belt and shoulder harness that meets the applicable requirements specified in 14 CRR 25.785 effective March 6, 1980, except that—

(1) Shoulder harnesses and combined safety belt and shoulder harnesses that were approved and installed before March 6, 1980, may continue to be used; and

(2) Safety belt and shoulder harness restraint systems may be designed to the interia load factors established under the certification basis of the airplane.

(f) Each flight attendant must have a seat for takeoff and landing in the passenger compartment that meets the requirements of 14 CFR 25.785 effective March 6, 1980, except that—

(1) Combined safety belt and shoulder harnesses that were approved and installed before March 6, 1980, may continue to be used; and

(2) Safety belt and shoulder harness restraint systems may be designed to the inertia load factors established under the certification basis of the airplane.

(3) The requirements of 14 CFR 25.785(h) do not apply to passenger seats occupied by flight attendants not required by § 121.391.

(g) Each occupant of a seat equipped with a combined safety belt and shoulder harness must have the combined safety belt and shoulder harness properly secured about that occupant during takeoff and landing and be able to properly perform assigned duties.

(h) At each unoccupied seat, the safety belt and shoulder harness, if installed, must be secured so as not to interfere with crewmembers in the performance of their duties or with the rapid egress of occupants in an emergency.

§ 121.312 Materials for compartment interiors.

Upon the first major overhaul of an airplane cabin or refurbishing of the cabin interior all materials in each compartment used by the crew or passengers that do not meet the following requirements must be replaced with materials that meet these requirements:

(a) For an airplane for which the application for the type certificate was filed prior to May 1, 1972, 14 CFR 25.853 in effect on April 30, 1972.

(b) For an airplane for which the application for the type certificate was filed on or after May 1, 1972, the materials requirement under which the airplane was type certificated.

§ 121.313 Miscellaneous equipment.

No person may conduct any operation unless the following equipment is installed in the airplane:

(a) If protective fuses are installed on an airplane, the number of spare fuses approved for that airplane and appropriately described in the certificate holder's manual.

(b) A windshield wiper or equivalent for each pilot station.

(c) A power supply and distribution system that meets the requirements of 14 CFR 25.1309, 25.1331, 25.1351(a) and (b)(1) through (4), 25.1353, 25.1355, and 25.1431(b), or that is able to produce and distribute the load for the required instruments and equipment, with use of an external power supply if any one power source or component of the power distributiion system fails. The use of common elements in the system may be approved if the Administrator finds that they are designed to be reasonably protected against malfunctioning. Engine-driven sources of energy, when used, must be on separate engines.

(d) A means for indicating the adequacy of the power being supplied to required flight instruments.

(e) Two independent static pressure systems, vented to the outside atmospheric pressure so that they will be least affected by air flow variation or moisture or other foreign matter, and installed so as to be airtight except for the vent. When a means is provided for transferring an instrument from its primary operating system to an alternate system, the means must include a positive positioning control and must be marked to indicate clearly which system is being used.

(f) A door between the passenger and pilot compartments, with a locking means to prevent passengers from opening it without the pilot's permission.

(g) A key for each door that separates a passenger compartment from another compartment that has emergency exit provisions. The key must be readily available for each crewmember.

(h) A placard on each door that is the means of access to a required passenger emergency exit, to indicate that it must be open during takeoff and landing.

(i) A means for the crew, in an emergency to unlock each door that leads to a compartment that is normally accessible to passengers and that can be locked by passengers.

§ 121.315 Cockpit check procedure.

(a) Each certificate holder shall provide an approved cockpit check procedure for each type of aircraft.

(b) The approved procecures must include each item necessary for flight crewmembers to check for safety before starting engines, taking off, or landing, and in engine and systems emergencies. The procedures must be designed so that a flight crewmember will not need to rely upon his memory for items to be checked.

(c) The approved procedures must be readily usable in the cockpit of each aircraft and the flightcrew shall follow them when operating the aircraft.

§ 121.317 Passenger information.

(a) No person may operate an airplane unless it is equipped with passenger information signs that meet the requirements of 14 CFR 25.791. The signs must be constructed so that the crewmembers can turn them on and off. They must be turned on for each takeoff and each landing and when otherwise considered to be necessary by the pilot in command.

(b) No person may operate a passenger-carrying airplane under 14 CFR Part 120 unless there is affixed to each forward bulkhead and each passenger seat back a sign or palckard that reads "Fasten Seat Belt While Seated." These signs or placards need not meet the requirements of paragraph (a) of this section.

(c) No passenger or crewmember may smoke while the no smoking sign is lighted and each passenger shall fasten that passenger's seat belt and keep it fastened while the seat belt sign is lighted.

§ 121.318 Public address system.

(a) No person may operate an airplane with a seating capacity of more than 19 passengers unless the airplane is equipped with a public address system that:

(1) Is capable of operation independent of the crewmember interphone system required by § 121.319(a) except for handsets, headsets, microphones, selector switches, and signaling devices; and

(2) Meets the requirements of paragraph (b) of this section.

(b) The public address system required by paragraph (a) of this section must be approved in accordance with 14 CFR 21.305 and meet the following requirements:

(1) It must be accessible for immediate use from each of two flight crewmember stations in the pilot compartment;

(2) It must be accessible for use from at least one normal flight attendant station in the passenger compartment, and, each public address system microphone intended for flight attendant use must be positioned adjacent to a flight attendant seat that is located near each required floor level emergency exit in the passenger compartment and be readily accessible to the seated flight attendant.

(3) It must be capable of operation within ten seconds by a flight attendant at those stations in the passenger compartment from which its use is accessible; and

(4) After October 1, 1984, transmission must be audible at all passenger seats, lavatories, and flight attendant seats and work stations.

§ 121.319 Crewmember interphone system.

(a) No person may operate an airplane with a seating capacity of more than 19 passengers unless the airplane is equipped with a crewmember interphone system that:

(1) [Reserved]

(2) Is capable of operation independent of the public address system required by § 121.318(a) except for handsets, headsets, microphones, selector switches, and signaling devices; and

(3) Meets the requirements of paragraph (b) of this section.

(b) The crewmember interphone system required by paragraph (a) of this section must be approved in accordance with 14 CFR 21.305 and meet the following requirements:

(1) It must provide a means of two-way communication between the pilot compartment and—

(i) Each passenger compartment; and

(ii) Each galley located on other than the main passenger deck level.

(2) It must be accessible for immediate use from each of two flight crewmember stations in the pilot compartment;

(3) It must be accessible for use from at least one normal flight attendant station in each passenger compartment;

(4) It must be capable of operation within 10 seconds by a flight attendant at those stations in each passenger compartment from which its use is accessible; and

(5) For large turbojet-powered airplanes:

(i) It must be accessible for use at enough flight attendant stations so that all floor-level emergency exits (or entryways to those exits in the case of exits located within galleys) in each passenger compartment are observable from one or more of those stations so equipped;

(ii) It must have an alerting system incorporating aural or visual signals for use by flight crewmembers to alert flight attendants and for use by flight attendants to alert flight crewmembers;

(iii) The alerting system required by paragraph (b)(5)(ii) of this section must have a means for the recipient of a call to determine whether it is a normal call or an emergency call; and

(iv) When the airplane is on the ground, it must provide a means of two-way communication between ground personnel and either of at least two flight crewmembers in the pilot compartment. The interphone system station for use by ground personnel must be so located that personnel using the system may avoid visible detection from within the airplane.

§ 121.323 Instruments and equipment for operations at night.

No person may operate an airplane at night unless it is equipped with the following instruments and equipment in addition to those required by §§ 121.305 through 121.319:

(a) Position lights.

(b) An anti-collision light, for large airplanes.

(c) Two landing lights.

(d) Instrument lights providing enough light to make each required instrument, switch, or similar instrument, easily readable and installed so that the direct rays are shielded from the flight crewmembers' eyes and that no objectionable reflections are visible to them. There must be a means of controlling the intensity of illumination unless it is shown that nondimming instrument lights are satisfactory.

(e) An airspeed-indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing.

(f) A sensitive altimeter.

§ 121.325 Instruments and equipment for operations under IFR or over-the-top.

No person may operate an airplane under IFR or over-the-top conditions unless it is equipped with the following instruments and equipment, in addition to those required by §§ 121.305 through 121.319:

(a) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing.

(b) A sensitive altimeter.

(c) Instrument lights providing enough light to make each required instrument, switch, or similar instrument, easily readable and so installed that the direct rays are shielded from the flight crewmembers' eyes and that no objectionable reflections are visible to them, and a means of controlling the intensity of illumination unless it is shown that nondimming instrument lights are satisfactory.

§ 121.327 Supplemental oxygen: Reciprocating engine powered airplanes

(a) *General.* Except where supplemental oxygen is provided in accordance with § 121.331, no person may operate an airplane unless supplemental oxygen is furnished and used as set forth in paragraphs (b) and (c) of this section. The amount of supplemental oxygen required for a particular operation is determined on the basis of flight altitudes and flight duration, consistent with the operation procedures established for each operation and route.

(b) *Crewmembers.* (1) At cabin pressure altitudes above 10,000 feet up to and including 12,000 feet, oxygen must be provided for, and used by, each member of the flightcrew on flight deck duty, and must be provided for other crewmembers, for that part of the flight at those altitudes that is of more than 30 minutes duration.

(2) At cabin pressure altitudes above 12,000 feet, oxygen must be provided for, and used by, each member of the flightcrew on flight deck duty, and must be provided for other crewmembers, during the entire flight time at those altitudes.

(3) When a flight crewmember is required to use oxygen, he must use it continuously, except when necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty before completing the flight must be provided with an amount of supplemental oxygen equal to that provided for crewmembers on duty other than on flight deck duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, he is considered to be a passenger for the purposes of supplemental oxygen requirements.

(c) *Passengers.* Each certificate holder shall provide a supply of oxygen, approved for passenger safety, in accordance with the following:

(1) For flights of more than 30 minutes duration at cabin pressure altitudes above 8,000 feet up to and including 14,000 feet, enough oxygen for 30 minutes for 10 percent of the passengers.

(2) For flights at cabin pressure altitudes above 14,000 feet up to and including 15,000 feet, enough oxygen for that part of the flight at those altitudes for 30 percent of the passengers.

(3) For flights at cabin pressure altitudes above 15,000 feet, enough oxygen for each passenger carried during the entire flight at those altitudes.

(d) For the purposes of §§ 121.303 through 121.360, "cabin pressure altitude" means the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" means the altitude above sea level at which the airplane is operated. For airplanes without pressurized cabins, "cabin pressure altitude" and "flight altitude" mean the same thing.

§ 121.329 Supplemental oxygen for sustenance: Turbine engine powered airplanes.

(a) *General.* When operating a turbine engine powered airplane, each certificate holder shall equip the airplane with sustaining oxygen and dispensing equipment for use as set forth in this section:

(1) The amount of oxygen provided must be at least the quantity necessary to comply with paragraphs (b) and (c) of this section.

(2) The amount of sustaining and first-aid oxygen required for a particular operation to comply with the rules in 14 CFR Part 120 is determined on the basis of cabin pressure altitudes and flight duration, consistent with the operating procedures established for each operation and route.

(3) The requirements for airplanes with pressurized cabins are determined on the basis of cabin pressure altitude and the assumption that a cabin pressurization failure will occur at the altitude or point of flight that is most critical from the standpoint of oxygen need, and that after the failure the airplane will descend in accordance with the emergency procedurs specified in the Airplane Flight Manual, without exceeding its operating limitations, to a flight altitude that will allow successful termination of the flight.

(4) Following the failure, the cabin pressure altitude is considered to be the same as the flight altitude unless it is shown that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude. Under those circumstances, the maximum cabin pressure altitude attained may be used as a basis for certification or determination of oxygen supply, or both.

(b) *Crewmembers.* Each certificate holder shall provide a supply of oxygen for crewmembers in accordance with the following:

(1) At cabin pressure altitudes above 10,000 feet, up to and including 12,000 feet, oxygen must be provided for and used by each member of the flightcrew on flight deck duty and must be provided for other crewmembers for that part of the flight at those altitudes that is of more than 30 minutes duration.

(2) At cabin pressure altitudes above 12,000 feet, oxygen must be provided for, and used by, each member of the flightcrew on flight deck duty, and must be provided for other crewmembers during the entire flight at those altitudes.

(3) When a flight crewmember is required to use oxygen, he must use it continuously except when necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty before completing the flight must be provided with an amount of supplemental oxygen equal to that provided for crewmembers on duty other than on flight duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, he is considered to be a passenger for the purposes of supplemental oxygen requirements.

(c) *Passengers.* Each certificate holder shall provide a supply of oxygen for passengers in accordance with the following:

(1) For flights at cabin pressure altitudes above 10,000 feet, up to and including 14,000 feet, enough oxygen for that part of the flight at those altitudes that is of more than 30 minutes duration, for 10 percent of the passengers.

(2) For flights at cabin pressure altitudes above 14,000 feet, up to and including 15,000 feet, enough oxygen for that part of the flight at those altitudes for 30 percent of the passengers.

(3) For flights at cabin pressure altitudes above 15,000 feet, enough oxygen for each passenger carried during the entire flight at those altitudes.

§ 121.331 Supplemental oxygen requirements for pressurized cabin airplanes: Reciprocating engine powered airplanes.

(a) When operating a reciprocating engine powered airplane pressurized cabin, each certificate holder shall equip the airplane to comply with paragraphs (b) through (d) of this section in the event of cabin pressurization failure.

(b) *For crewmembers.* When operating at flight altitudes above 10,000 feet, the certificate holder shall provide enough oxygen for each crewmember for the entire flight at those altitudes and not less than a two-hour supply for each flight crewmember on flight deck duty. The required two hours supply is that quanity of oxygen necessary for a constant rate of descent from the airplane's maximum certificated operating altitude to 10,000 feet in ten minutes and followed by 110 minutes at 10,000 feet. The oxygen required by § 121.337 may be considered in determining the supplemental breathing supply required for flight crewmembers on flight deck duty in the event of cabin pressurization failure.

(c) *For passengers.* When operating at flight altitudes above 8,000 feet, the certificate holder shall provide oxygen as follows:

(1) When an airplane is not flown at a flight altitude above flight level 250, enough oxygen for 30 minutes for 10 percent of the passengers, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within four minutes.

(2) If the airplane cannot descend to a flight altitude of 14,000 feet or less within four minutes, the following supply of oxygen must be provided:

(i) For that part of the flight that is more than four minutes duration at flight altitudes above 15,000 feet, the supply required by § 121.327(c)(3).

(ii) For that part of the flight at flight altitudes above 14,000 feet, up to and including 15,000 feet, the supply required by § 121.327(c)(2).

(iii) For flight at flight altitudes above 8,000 feet up to and including 14,000 feet, enough oxygen for 30 minutes for 10 percent of the passengers.

(3) When an airplane is flown at a flight altitude above flight level 250, enough oxygen for 30 minutes for 10 percent of the passengers for the entire flight (including emergency descent) above 8,000 feet, up to and including 14,000 feet, and to comply with § 121.327(c) (2) and (3) for flight above 14,000 feet.

(d) For the purposes of this section it is assumed that the cabin pressurization failure occurs at a time during flight that is critical from the standpoint of oxygen need and that after the failure the airplane will descend, without exceeding its normal operating limitations, to flight altitudes allowing safe flight with respect to terrain clearance.

§ 121.333 Supplemental oxygen for emergency descent and for first aid; turbine engine powered airplanes with pressurized cabins.

(a) *General.* When operating a turbine engine engine powered airplane with a pressurized cabin, the certificate holder shall furnish oxygen and dispensing equipment to comply with paragraphs (b) through (e) of this section in the event of cabin pressurization failure.

(b) *Crewmembers.* When operating at flight altitudes above 10,000 feet, the certificate holder shall supply enough oxygen to comply with § 121.329, but not less than a two-hour supply for each flight crewmember on flight deck duty. The required two hours supply is that quantity of oxygen necessary for a constant rate of descent from the airplane's maximum certificated operating altitude to 10,000 feet in ten minutes and followed by 110 minutes at 10,000 feet. The oxygen required in the event of cabin pressurization failure by § 121.337 may be included in determining the supply required for flight crewmembers on flight deck duty.

(c) *Use of oxygen masks by flight crewmembers.* (1) When operating at flight altitudes above flight level 250, each flight crewmember on flight deck duty must be provided with an oxygen mask so designed that it can be rapidly placed on his face from its ready position, properly secured, sealed, and supplying oxygen upon demand; and so designed that after being placed on the face it does not prevent immediate communication between the flight crewmember and other crewmembers over the airplane intercommunication system. When it is not being used at flight altitudes above flight level 250, the oxygen mask must be kept in condition for ready use and located so as to be within the immediate reach of the flight crewmember while at his duty station.

(2) When operating at flight altitudes above flight level 250, one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen, except that the one pilot need not wear and use an oxygen mask while at or below flight level 410 if each flight crewmember on flight deck duty has a quick-donning type of oxygen mask that the certificate holder has shown can be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within five seconds. The certificate holder shall also show that the mask can be put on without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties. The oxygen mask after being put on must not prevent immediate communication between the flight crewmember and other crewmembers over the airplane intercommunication system.

(3) Notwithstanding paragraph (c)(2) of this section, if for any reason at any time it is necessary for one pilot to leave his station at the controls of the airplane when operating at flight altitudes above flight level 250, the remaining pilot at the controls shall put on and use his oxygen mask until the other pilot has returned to his duty station.

(4) Before the takeoff of a flight, each flight crewmember shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, and connected to appropriate supply terminals, and that the oxygen supply and pressure are adequate for use.

(d) *Use of portable oxygen equipment by cabin attendants.* Each attendant shall, during flight above flight level 250 flight altitude, carry portable oxygen equipment with at least a 15-minute supply of oxygen unless it is shown that enough portable oxygen units with masks or spare outlets and masks are distributed throughout the cabin to insure immediate availability of oxygen to each cabin attandant, regardless of his location at the time of cabin depressurization.

(e) *Passenger cabin occupants.* When the airplane is operating at flight altitudes above 10,000 feet, the following supply of oxygen must be provided for the use of passenger cabin occupants:

(1) When an airplane certificated to operate at flight altitudes up to and including flight level 250, can at any point along the route to be flown, descend safely to a flight altitude of 14,000 feet or less within four minutes, oxygen must be available at the rate prescribed by § 121.335 for a 30-minute period for at least 10 percent of the passenger cabin occupants.

(2) When an airplane is operated at flight altitudes up to and including flight level 250 and cannot descend safely to a flight altitude of 14,000 feet within four minutes, or when an airplane is operated at flight atlitudes above

flight level 250, oxygen must be available at the rate prescribed by § 121.335 for not less than 10 percent of the passenger cabin occupants for the entire flight after cabin depressurization, at cabin pressure altitudes above 10,000 feet up to and including 14,000 feet and, as applicable, to allow compliance with § 121.329(c) (2) and (3), except that there must be not less than a 10-minute supply for the passenger cabin occupants.

(3) For first-aid treatment of occupants who for physiological reasons might require undiluted oxygen following descent from cabin pressure altitudes above flight level 250, a supply of oxygen in accordance with the requirements of 14 CFR 25.1443(d) must be provided for two percent of the occupants for the entire flight after cabin depressurization at cabin pressure altitudes above 8,000 feet, but in no case to less than one person. An appropriate number of acceptable dispensing units, but in no case less than two, must be provided, with a means for the cabin attendants to use this supply.

(f) *Passenger briefing.* Before flight is conducted above flight level 250, a crewmember shall instruct the passengers on the necessity of using oxygen in the event of cabin depressurization and shall point out to them the location and demonstrate the use of the oxygen-dispensing equipment.

§ 121.335 Equipment standards.

(a) *Reciprocating engine powered airplanes.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with § 121.327 must meet the standards established in section 4b.651 of the Civil Air Regulations as in effect on July 20, 1950, except that if the certificate holder shows full compliance with those standards to be impracticable, the Administrator may authorize any change in those standards that he finds will provide an equivalent level of safety.

(b) *Turbine engine powered airplanes.* The oxygen apparatus, the minimum rate of oxygen flow, and the supply of oxygen necessary to comply with §§ 121.329 and 121.333 must meet the standards established in section 4b.651 of the Civil Air Regulations as in effect on September 1, 1958, except that if the certificate holder shows full compliance with those standards to be impracticable, the Administrator may authorize any changes in those standards that he finds will provide an equivalent level of safety.

§ 121.337 Protective breathing equipment for the flight crew.

(a) *Pressurized cabin airplanes.* Each required flight crewmember on flight deck duty must have readily available at his station protective breathing equipment covering the eyes, nose, and mouth (or the nose and mouth if accessory equipment is provided to protect the eyes) to protect him from the effects of smoke or carbon dioxide or other harmful gases. There must be at least a 300-liter standard temperature and pressure dry supply of oxygen for each required flight crewmember on flight deck duty. (Standard temperature and pressure dry oxygen at 0° centigrade, 760 mm. Hg.)

(b) *Nonpressurized cabin airplanes: general.* The requirements of paragraph (a) of this section apply to nonpressurized cabin airplanes if the Administrator finds that it is possible to obtain a dangerous concentration of smoke or carbon dioxide or other harmful gases in the flightcrew compartments in any attitude of flight that might occur when the airplane is flown in accordance with either normal or emergency procedures.

(c) *Nonpressurized cabin airplanes with built-in carbon dioxide fire extinguisher system in fuselage compartment.* Each certificate holder operating as non-pressurized cabin airplane that has a built-in carbon dioxide fire extinguisher system in a fuselage compartment shall provide protective breathing equipment for the flightcrew, except where—

(1) Not more than five pounds of carbon dioxide would be discharged into any compartment in accordance with established fire control procedures; or

(2) The carbon dioxide concentration at each flightcrew station has been determined in accordance with 14 CFR 25.1197 and has been found to be less than three percent by volume (corrected to standard sea-level conditions).

§ 121.339 Emergency equipment for extended over-water operations.

(a) Except where the Administrator, by amending the operations specifications of the certificate holder, requires the carriage of all or any specific items of the equipment listed below for any overwater operation, or upon application of the certificate holder, the Administrator allows deviation for a particular extended overwater operation, no person may operate an airplane in extended overwater operations without having on the airplane the following equipment:

(1) A life preserver equipped with an approved survivor locator light, for each occupant of the airplane.

(2) Enough liferafts (each equipped with an approved survivor locator light) of a rated capacity and buoyancy to accommodate the occupants of the airplane. Unless excess rafts of enough capacity are provided, the buoyancy and seating capacity of the rafts must accommodate all occupants of the airplane in the event of a loss of one raft of the largest rated capacity.

(3) At least one pyrotechnic signaling device for each life raft.

(4) A survival type emergency locator transmitter that meets the applicable requirements of TSO–C91. Batteries used in this transmitter must be replaced (or recharged, if the battery is rechargeable) when the transmitter has been in use for more than 1 cumulative hour, and also when 50 percent of their useful life (or for rechargeable batteries, 50 percent of their useful life of charge), as established by the transmitter manufacturer under TSO–C91, paragraph (g)(2) has expired. The new expiration date for the replacement (or recharged) battery must be legibly marked on the outside of the transmitter. The battery useful life (or useful life of charge) requirements of this paragraph do not apply to batteries (such as water-activated batteries) that are essentially unaffected during probable storage intervals.

(b) The required life rafts, life preservers, and survival type emergency locator transmitter must be easily accessible in the event of a ditching without appreciable time for preparatory procedures. This equipment must be installed in conspicuously marked, approved locations.

(c) A survival kit, appropriately equipped for the route to be flown, must be attached to each required life raft.

§ 121.340 Emergency flotation means.

(a) Except as provided in paragraph (b) of this section, no person may operate a large airplane in any overwater operation unless it is equipped with life preservers in accordance with § 121.339(a)(1), or with an approved flotation means for each occupant. This means must be within easy reach of each seated occupant and must be readily removable from the airplane.

(b) Upon application by the air carrier or commercial operator, the Administrator may approve the operation of an airplane over water without the life preservers or flotation means required by paragraph (a) of this section, if the air carrier or commercial operator shows that the water over which the airplane is to be operated is not of such size and depth that life preservers or flotation means would be required for the survival of its occupants in the event the flight terminates in that water.

§ 121.341 Equipment for operations in icing conditions.

(a) Unless an airplane is certificated under the transport category airworthiness requirements relating to ice protection, no person may operate an airplane in icing conditions unless it is equipped with means for the prevention or removal of ice on windshields, wings, empennage, propellers, and other parts of the airplane where ice formation with adversely affect the safety of the airplane.

(b) No person may operate an airplane in icing conditions at night unless means are provided for illuminating or otherwise determining the formation of ice on the parts of the wings that are critical from the standpoint of ice accumulation. Any illuminating that is used must be of a type that will not cause glare or reflection that would handicap crewmembers in the performance of their duties.

§ 121.342 Pilot heat indication systems.

(a) Except as provided in paragraph (b) of this section, no person may operate a transport category airplane equipped with a flight instrument pitot heating system unless the airplane is also equipped with an operable pitot heat indication system that complies with 14 CFR 25.1326 in effect on April 12, 1978.

(b) Reserved.

§ 121.343 Flight recorders.

(a) No person may operate a large airplane that is certificated for operations above 25,000 feet altitude or is turbine engine powered, unless it is equipped with one or more approved flight recorders that record data from which the following information may be determined within the ranges, accuracies, and recording intervals specified in Appendix B—

(1) Time, altitude, airspeed, vertical accerlation, and heading; and

(2) For airplanes having an original type certificate issued after September 30, 1969, pitch attitude, roll attitude, sideslip angle or lateral acceleration, pitch trim position, control column or pitch control surface position, control wheel or lateral control surface position, rudder pedal or yaw control surface position, thrust of each engine, position of each thrust reverser, trailing edge flap or cockpit flap control position, and leading edge flap or cockpit flap control position.

(b) Whenever a flight recorder required by this section is installed, it must be operated continuously from the instant the airplane begins the takeoff roll until it has completed the landing roll at an airport.

(c) Except as provided in paragraph (d) of this section, and except for recorded data erased as authorized in this paragraph, each certificate holder shall keep the recorded data prescribed in paragraph (a) of this section until the airplane has been operated for at least 25 hours of the operating time specified in § 121.359(a). A total of 1 hour of recorded data may be erased for the purpose of testing the flight recorder or the flight recorder system. Any erasure made in accordance with this paragraph must be of the oldest recorded data accumulated at the time of testing. Except as provided in paragraph (d) of this section, no record need be kept more than 60 days.

(d) In the event of an accident or occurrence that requires immediate notification of the National Tranportation Safety Board under Part 830 of its regulations and that results in termination of the flight, the certificate holder shall remove the recording media from the airplane and keep the recorded data required by paragraph (a) of this section for at least 60 days and for a longer period upon the request of the Board or the Administrator.

(e) Each flight recorder required by this section must be installed in accordance with the requirements of 14 CFR 25.1459 in effect on August 31, 1977. The correlation required by paragraph (c) of 14 CFR 25.1459 need be established only on one airplane of any group of airplanes—

(1) That are of the same type;

(2) On which the model flight recorder and its installation are the same; and

(3) On which there is no difference in type design with respect to the installation of those first pilot's instruments associated with the flight recorder. The most recent instrument calibration, including the recording medium from which this calibration is derived, and the recorder correlation, must be retained by each certificate holder.

(f) Each flight recorder required by this section that records the data specified in paragraph (a)(1) of this section must have an approved device to assist in locating that recorder under water.

(g) Each flight recorder required by this section must record data from which the time of each radio transmission either to or from ATC can be determined.

§ 121.345 Radio equipment.

(a) No person may operate an airplane unless it is equipped with radio equipment required for the kind of operation being conducted.

(b) Where two independent (separate and complete) radio systems are required by §§ 121.347 and 121.349, each system must have an independent antenna installed except that, where rigidly supported nonwire antennas or other antenna installations of equivalent reliability are used, only one antenna is required.

(c) ATC transponder equipment must meet the performance and environmental requirements of any class of TSO–C74b, or class 1A or class 1B of TSO–C74c, as appropriate, except that the Administrator may approve the use of TSO–C74 or TSO–C74a equipment, if the applicant submits data showing that such equipment meets the minimum performance standards of class 1A or class 1B of TSO–C74c and the environmental conditions of the TSO under which it was manufactured.

§ 121.347 Radio equipment for operations under VFR over routes navigated by pilotage.

(a) No person may operate an aiplane under VFR over routes that can be navigated by pilotage, unless it is equipped with the radio equipment necessary under normal operating conditions to fulfill the following:

(1) Communicate with at least one appropriate ground station from any point on the route.

(2) Communicate with appropriate traffic control facilities from any point in the control zone within which flights are intended.

(3) Receive meteorological information from any point en route by either of two independent systems. One of the means provided to comply with this subparagraph may be used to comply with paragraphs (a)(1) and (2) of this section.

(b) No person may operate an airplane at night under VFR over routes than can be navigated by pilotage unless that airplane is equipped with the radio equipment necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section and to receive radio navigational signals applicable to the route flown, except that a marker beacon receiver or ILS receiver is not required.

§ 121.349 Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.

(a) No person may operate an airplane under VFR over routes that cannot be navigated by pilotage or for operations conducted under IFR or over-the-top, unless the airplane is necessary under normal operating conditions to fulfill the functions specified in § 121.347(a) and to receive satisfactorily by either of two independent systems radio navigational signals from all primary en route and approach navigational facilities intended to be used. However, only one marker beacon receiver providing visual and aural signals and one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach. If it is capable of receiving both signals.

(b) In the case of operation over routes on which navigation is based on low frequency radio range or automatic direction finding, only one low frequency radio range or ADF receiver need be installed if the airplane is equipped with two VOR receivers, and VOR navigational aids are so located and the airplane is so fueled that, in the case of failure of the low frequency radio range receiver or ADF receiver, the flight may proceed safely to a suitable airport, by means of VOR aids, and complete an instrument approach by use of the remaining airplane radio system.

(c) Whenever VOR navigational receivers are required by paragraph (a) or (b) of this section, at least one approved distance measuring equipment unit (DME) capable of receiving and indicating distance information from VORTAC facilities must be installed on each airplane when operated in the 50 states and the District of Columbia.

(1) Turbine engine powered aircraft: Within Alaska—March 31, 1968; within Hawaii—April 30, 1967.

(2) Pressurized reciprocating engine powered airplanes: Within Alaska—September 30, 1968; within Hawaii—December 31, 1967.

(3) Other large airplanes: Within Alaska—March 31, 1969; within Hawaii—April 30, 1968.

(d) If the distance measuring equipment (DME) becomes inoperative en route, the pilot shall notify ATC of that failure as soon as it occurs.

§ 121.351 Radio equipment for extended overwater operations and for certain other operations.

(a) No person may conduct an extended overwater operation unless the airplane is equipped with the radio equipment necessary to comply with § 121.349 and an independent system that complies with § 121.347(a)(1).

(b) No flag or supplemental air carrier or commercial operator may conduct an operation without the equipment specified in paragraph (a) of this section, if the Administrator finds that equipment to be necessary for search and rescue operations because of the nature of the terrain to be flown over.

§ 121.353 Emergency equipment for operations over uninhabited terrain areas: flag and supplemental air carriers and commercial operators.

Unless it has the following equipment, no flag or supplemental air carrier or commercial operator may conduct an operation over an uninhabited area or any other area that (in its operations specifications) the Administrator specifies requires equipment for search and rescue in case of an emergency:

(a) Suitable pyrotechnic signaling devices.

(b) A survival type emergency locator transmitter that meets the applicable requirements of TSO–C91. Batteries used in this transmitter must be replaced (or recharged, if the battery is rechargeable) when the transmitter has been in use for more than 1 cumulative hour, and also when 50 percent of their useful life (or for rechargeable batteries, 50 percent of their useful life of charge), as established by the transmitter manufacturer under TSO–C91, paragraph (g)(2) has expired. The new

expiration date for the replacement (or recharged) battery must be legibly marked on the outside of the transmitter. The battery useful life (or useful life of charge) requirements of this paragraph do not apply to batteries (such as water-activated batteries) that are essentially unaffected during probable storage intervals.

(c) Enough survival kits, appropriately equipped for the route to be flown for the number of occupants of the airplane.

§ 121.355 Equipment for operations on which specialized means of navigation are used.

(a) No certificate holder may conduct an operation—

(1) Using Doppler Radar or an Inertial Navigation System outside the 48 contiguous States and the District of Columbia, unless such systems have been approved in accordance with Appendix G; or

(2) Using Doppler Radar or an Inertial Navigation System within the 48 contiguous States and the District of Columbia, or any other specialized means of navigation, unless it shows that an adequate airborne system is provided for the specialized navigation authorized for the particular operation.

(b) Notwithstanding paragraph (a) of this section, Doppler Radar and Inertial Navigation Systems, and the training programs, maintenance programs, relevant operations manual material, and minimum equipment lists prepared in accordance therewith, approved before April 29, 1972, are not required to be approved in accordance with that paragraph.

§ 121.357 Airborne weather radar equipment requirements.

(a) No person may operate any airplane certificated under the transport category rules (except C–46 type airplanes), unless approved airborne weather radar equipment has been installed in the airplane.

(b) [Reserved]

(c) Each person operating a transport category airplane required to have approved airborne weather radar equipment installed shall, when using it under 14 CFR Part 120,) operate it in accordance with the following:

(1) *Dispatch.* No person may dispatch an airplane (or begin the flight of an airplane in the case of an air carrier or commercial operator that does not use a dispatch system) under IFR or night VFR conditions when current weather reports indicate that thunderstorms, or other potentially hazardous weather conditions that can be detected with airborne weather radar, may reasonably be expected along the route to be flown, unless the airborne weather radar equipment is in satisfactory operating condition.

(2) If the airborne weather radar becomes inoperative en route, the airplane must be operated in accordance with the approved instructions and procedures specified in the operations manual for such an event

(d) This section does not supply to airplanes used solely within the State of Hawaii or within the State of Alaska and that part of Canada west of longitude 130 degrees W. between latitude 70 degrees N. and latitude 53 degrees N. or during any training, test, or ferry flight.

(e) Notwithstanding any other provision of 14 CFR Chapter I, an alternate electrical power supply is not required for airborne weather radar equipment.

§ 121.359 Cockpit voice recorders.

(a) No certificate holder may operate a large turbine engine powered airplane or a large pressurized airplane with four reciprocating engines unless an approved cockpit voice recorder is installed in that airplane and is operated continuously from the start of the use of the checklist (before starting engines for the purpose of flight), to completion of the final checklist at the termination of the flight.

(b) Reserved

(c) The cockpit voice recorder required by this section must meet the following application standards:

(1) The requirements of 14 CFR Part 25 in effect on August 31, 1977.

(2) Each recorder container must—

(i) Be either bright orange or bright yellow;

(ii) Have reflective tape affixed to the external surface to facilitate its location under water; and

(iii) Have an approved underwater locating device on or adjacent to the container which is secured in such a manner that they are not likely to be separated during crash impact, unless the cockpit voice recorder, and the flight recorder required by § 121.343, are installed adjacent to each other in such a manner that they are not likely to be separated during crash impact.

(d) In complying with this section, an approved cockpit voice recorder having an erasure feature may be used, so that at any time during the operation of the recorder, information recorded more than 30 minutes earlier may be erased or otherwise obliterated.

(e) In the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under Part 830 of its regulations, which results in the termination of the flight, the certificate holder shall keep the recorded information for at least 60 days or, if requested by the Administrator or the Board, for a longer period. Information obtained from the record is used to assist in determining the cause of accidents or occurrences in connection with investigations under Part 830. The Administrator does not use the record in any civil penalty or certificate action.

§ 121.360 Ground proximity warning-glide slope deviation alerting system.

(a) Reserved.

(b) Reserved.

(c) For the ground proximity warning system required by 14 CFR 120.49, the Airplane Flight Manual shall contain—

(1) Appropriate procedures for—

(i) The use of the equipment;

(ii) Proper flightcrew action with respect to the equipment;

(iii) Deactivation for planned abnormal and emergency conditions;

(iv) Inhibition of Mode 4 warnings based on flaps being in other than the landing configuration if the system incorporates a Mode 4 flap warning inhibition control; and

(2) An outline of all input sources that must be operating.

(d) No person may deactivate a ground proximity warning system required by 14 CFR 120.49 except in accordance with the procedures contained in the Airplane Flight Manual.

(e) Whenever a ground proximity warning system required by 14 CFR 120.49 is deactivated, an entry shall be made in the airplane maintenance record that includes the date and time of deactivation.

(f) No person may operate a large turbine-powered airplane unless it is equipped with a ground proximity warning-glide slope deviation alerting system that meets the performance and environmental standards contained in TSO–C92a, or TSO–C92b or incorporates TSO-approved ground proximity warning-glide slope deviation alerting equipment.

(g) Reserved.

(h) Reserved.

(i) No person may operate a turbojet powered airplane equipped with a system required by paragraph (f) of this section, that incorporates equipment that meets the performance and environmental standards of TSO–C92b or is approved under that TSO, using other than Warning Envelopes 1 or 3 for Warning Modes 1 and 4.

Maintenance, Preventive Maintenance, and Alterations

§ 121.361 Applicability.

(a) Except as provided by paragraph (b) of this section, §§ 121.361 through 121.380a prescribe requirements for maintenance, preventive maintenance, and alterations for all certificate holders.

(b) The Administrator may amend a certificate holder's operations specifications to permit deviation from those provisions of §§ 121.361 through 121.380a that would prevent the return to service and use of airframe components, powerplants, appliances, and spare parts thereof because those items have been maintained, altered, or inspected by persons employed outside the United States who do not hold U.S. airman certificates. Each certificate holder who uses parts under this deviation must provide for surveillance of facilities and practices to assure that all work performed on these parts is accomplished in accordance with the certificate holder's manual.

§ 121.363 Responsibility for airworthiness.

(a) Each certificate holder is primarily responsible for—

(1) The airworthiness of its aircraft, including airframes, aircraft engines, propellers, appliances, and parts thereof; and

(2) The performance of the maintenance, preventive maintenance, and alteration of its aircraft, including airframes, aircraft engines, propellers, appliances, emergency equipment, and parts thereof, in accordance with its manual and the regulations of 14 CFR Chapter I.

(b) A certificate holder may make arrangements with another person for the performance of any maintenance, preventive maintenance, or alterations. However, this does not relieve the certificate holder of the responsibility specified in paragraph (a) of this section.

§ 121.365 Maintenance, preventive maintenance, and alteration organization.

(a) Each certificate holder that performs any of its maintenance (other than required inspections), preventive maintenance, or alterations, and each person with whom it arranges for the performance of that work must have an organization adequate to perform the work.

(b) Each certificate holder that performs any inspections required by its manual in accordance with § 121.369(b)(2) or (3) (referred to as "required inspections") and each person with whom it arranges for the performance of that work must have an organization adequate to perform that work.

(c) Each person performing required inspections in addition to other maintenance, preventive maintenance, or alterations, shall organize the performance of those functions so as to separate the required inspection functions from the other maintenance, preventive maintenance, and alteration functions. The separation shall be below the level of administrative control at which overall responsibility for the required inspection functions and other maintenance, preventive maintenance, and alteration functions are exercised.

§ 121.367 Maintenance, preventive maintenance, and alterations programs.

Each certificate holder shall have an inspection program and a program covering other maintenance, preventive maintenance, and alterations that ensures that—

(a) Maintenance, preventive maintenance, and alterations performed by it, or by other persons, are performed in accordance with the certificate holder's manual;

(b) Competent personnel and adequate facilities and equipment are provided for the proper performance of maintenance, preventive maintenance, and alterations; and

(c) Each aircraft released to service is airworthy and has been properly maintained for operation under 14 CFR Part 120.

§ 121.369 Manual requirements.

(a) The certificate holder shall put in its manual a chart or description of the certificate holder's organization required by § 121.365 and a list of persons with whom it has arranged for the performance of any of its required inspections, other maintenance, preventive maintenance, or alterations, including a general description of that work.

(b) The certificate holder's manual must contain the programs required by § 121.367 that must be followed in performing maintenance, preventive maintenance, and alterations of that certificate holder's airplanes, including airframes, aircraft engines, propellers, appliances, emergency equipment, and parts thereof, and must include at least the following:

(1) The method of performing routine and nonroutine maintenance (other than required inspections), preventive maintenance, and alterations.

(2) A designation of the items of maintenance and alteration that must be inspected (required inspections), including at least those that could result in a failure, malfunction, or defect endangering the safe operation of the aircraft, if not performed properly or if improper parts or materials are used.

(3) The method of performing required inspections and a designation by occupational title of personnel authorized to perform each required inspection.

(4) Procedures for the reinspection of work performed pursuant to previous required inspection findings ("buyback procedures").

(5) Procedures, standards, and limits necessary for required inspections and acceptance or rejection of the items required to be inspected and for periodic inspection and calibration of precision tools, measuring devices, and test equipment.

(6) Procedures to ensure that all required inspections are performed.

(7) Instructions to prevent any person who performs any item of work from performing any required inspection of that work.

(8) Instructions and procedures to prevent any decision of an inspector, regarding any required inspection from being countermanded by persons other than supervisory personnel of the inspection unit, or a person at that level of administrative control that has overall responsibility for the management of both the required inspection functions and the other maintenance, preventive maintenance, and alterations functions.

(9) Procedures to ensure that required inspections, other maintenance, preventive maintenance, and alterations that are not completed as a result of shift changes or similar work interruptions are properly completed before the aircraft is released to service.

(c) The certificate holder must set forth in its manual a suitable system (which may include a coded system) that provides for preservation and retrieval of information in a manner acceptable to the Administrator and that provides—

(1) A description (or reference to data acceptable to the Administrator) of the work performed;

(2) The name of the person performing the work if the work is performed by a person outside the organization of the certificate holder; and

(3) The name or other positive identification of the individual approving the work.

§ 121.371 Required inspection personnel.

(a) No person may use any person to perform required inspections unless the person performing the inspection is appropriately certificated, properly trained, qualified, and authorized to do so.

(b) No person may allow any person to perform a required inspection unless, at that time, the person performing that inspection is under the supervision and control of an inspection unit.

(c) No person may perform a required inspection if he performed the item of work required to be inspected.

(d) Each certificated holder shall maintain, or shall determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections. The persons must be identified by name, occupational title, and the inspections that they are authorized to perform. The certificated holder (or person with whom it arranges to perform its required inspections) shall give written information to each person so authorized describing the extent of his responsibilities, authorities, and inspectional limitations. The list shall be made available for inspection by the Administrator upon request.

§ 121.373 Continuing analysis and surveillance.

(a) Each certificate holder shall establish and maintain a system for the continuing analysis and surveillance of the performance and effectiveness of its inspection program and the program covering other maintenance, preventive maintenance, and alterations and for the correction of any deficiency in those programs, regardless of whether those programs are carried out by the certificate holder or by another person.

(b) Whenever the Administrator finds that either or both of the programs described in paragraph (a) of this section does not contain adequate procedures and standards to meet the requirements of 14 CFR Part 120, the certificate holder shall, after notification by the Administrator, make any changes in those programs that are necessary to meet those requirements.

(c) A certificate holder may petition the Administrator to reconsider the notice to make a change in a program. The petition must be filed with the FAA Air Carrier District Office charged with the overall inspection of the certificate holder's operations within 30 days after the certificate holder receives the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

§ 121.375 Maintenance and preventive maintenance training program.

Each certificate holder or person performing maintenance or preventive maintenance functions for it shall have a training program to ensure that each person (including inspection personnel) who determines the adequacy of work done is fully informed about procedures and techniques and new equipment in use and is competent to perform his duties.

§ 121.378 Certificate requirements.

(a) Except for maintenance, preventive maintenance, alterations, and required inspections performed by repair stations certificated under the provisions of 14 CFR Part 145 Subpart C, each person who is directly in charge of maintenance, preventive maintenance, or alteration, and each person performing required inspections must hold an appropriate airman certificate.

(b) For the purposes of this section, a person "directly in charge" is each person assigned to a position in which he is responsible for the work of a shop or station that performs maintenance, preventive maintenance, alterations, or other functions affecting aircraft airworthiness. A person who is "directly in charge" need not physically observe and direct each worker

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constantly but must be available for consultation and decision on matters requiring instruction or decision from higher authority than that of the persons performing the work.

§ 121.379 Authority to perform and approve maintenance, preventive maintenance, and alterations.

(a) A certificate holder may perform, or it may make arrangements with other persons to perform, maintenance, preventive maintenance, and alterations as provided in its continuous airworthiness maintenance program and its maintenance manual. In addition, a certificate holder may perform these functions for another certificate holder as provided in the continuous airworthiness maintenance program and maintenance manual of the other certificate holder.

(b) A certificate holder may approve any aircraft, airframe, aircraft engine, propeller, or appliance for return to service after maintenance, preventive maintenance, or alterations that are performed under paragraph (a) of this section. However, in the case of a major repair or major alteration, the work must have been done in accordance with technical data approved by the Administrator.

§ 121.380 Maintenance recording requirements.

(a) Each certificate holder shall keep (using the system specified in the manual required in § 121.369) the following records for the periods specified in paragraph (b) of this section:

(1) All the records necessary to show that all requirements for the issuance of an airworthiness release under § 121.709 have been met.

(2) Records containing the following information:

(i) The total time in service of the airframe

(ii) The current status of life-limited parts of each airframe, engine, propeller, rotor, and appliance.

(iii) The time since last overhaul of all items installed on the aircraft which are required to be overhauled on a specified time basis.

(iv) The identification of the current inspection status of the aircraft, including the times since the last inspections required by the inspection program under which the aircraft and its appliances are maintained

(v) The current status of applicable airworthiness directives, including the method of compliance.

(vi) A list of current major alterations to each airframe, engine, propeller, rotor, and appliance.

(b) Each certificate holder shall retain the records required to be kept by this section for the following periods:

(1) Except for the records of the last complete overhaul of each airframe, engine, propeller, rotor, and appliance, the records specified in paragraph (a)(1) of this section shall be retained until the work is repeated or superseded by other work or for 1 year after the work is performed.

(2) The records of the last complete overhaul of each airframe, engine, propeller, rotor, and appliance shall be retained until the work is superseded by work of equivalent scope and detail.

(3) The records specified in paragraph (a)(2) of this section shall be retained and transferred with the aircraft at the time the aircraft is sold.

(c) The certificate holder shall make all maintenance records required to be kept by this section available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

§ 121.380a Transfer of maintenance records.

Each certificate holder who sells a U.S. registered aircraft shall transfer to the purchaser, at the time of sale, the following records of that aircraft, in plain language form or in coded form at the election of the purchaser, if the coded form provides for the preservation and retrieval of information in a manner acceptable to the Administrator:

(a) The record specified in § 121.380(a)(2).

(b) The records specified in § 121.380(a)(1) which are not included in the records covered by paragraph (a) of this section, except that the purchaser may permit the seller to keep physical custody of such records. However, custody of records in the seller does not relieve the purchaser of his responsibility under § 121.380(c) to make the records available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board (NTSB).

Airman and Crewmember Requirements

§ 121.383 Airman: Limitations on use of services.

(a) No certificate holder may use any person as an airman nor may any person serve as an airman unless that person—

(1) Holds an appropriate current airman certificate issued by the FAA;

(2) Has any required appropriate current airman and medical certificates in his possession while engaged in operations under 14 CFR Part 120; and

(3) Is otherwise qualified for the operation for which he is to be used.

§ 121.385 Composition of flightcrew.

(a) No certificate holder may operate an airplane with less than the minimum flightcrew in the airworthiness certificate or the airplane Flight Manual approved for that type airplane and required by 14 CFR Part 120 for the kind of operation being conducted.

(b) In any case in which 14 CFR Part 120 requires the performance of two or more functions for which an airman certificate is necessary, that requirement is not satisfied by the performance of multiple functions at the same time by one airman.

(c) The following minimum pilot crews apply:

(1) *Domestic air carriers.* If a domestic air carrier is authorized to operate under IFR, or if it operates large aircraft, the minimum pilot crew is two pilots and the air carrier shall designate one pilot as pilot in command and the other second in command.

(2) *Flag air carriers.* If a flag air carrier is authorized to operate under IFR, or if it operates large aircraft, the minimum pilot crew is two pilots.

(3) *Supplemental air carriers and Commercial operators.* If a supplemental air carrier or commercial operator is authorized to operate helicopters under IFR, or if it operates large aircraft, the minimum pilot crew is two pilots and the supplemental air carrier or commercial operator shall designate one pilot as pilot in command and the other second in command.

(d) On each flight requiring a flight engineer at least one flight crewmember, other than the flight engineer, must be qualified to provide emergency performance of the flight engineer's functions for the safe completion of the flight if the flight engineer becomes ill or is otherwise incapacitated. A pilot need not hold a flight engineer's certificate to perform the flight engineer's functions in such a situation.

§ 121.387 Flight engineer.

No certificate holder may operate an airplane for which a type certificate was issued before January 2, 1964, having a maximum certificated takeoff weight of more than 80,000 pounds without a flight crewmember holding a current flight engineer certificate. For each airplane type certificated after January 1, 1964, the requirement for a flight engineer is determined under the type certification requirements of 14 CFR 25.1523.

§ 121.389 Flight navigator and specialized navigation equipment.

(a) No certificate holder may operate an airplane outside the 48 contiguous States and the District of Columbia, when its position cannot be reliably fixed for a period of more than 1 hour, without—

(1) A flight crewmember who holds a current flight navigator certificate; or

(2) Specialized means of navigation approved in accordance with § 121.355 which enables a reliable determination to be made of the position of the airplane by each pilot seated at his duty station.

(b) Notwithstanding paragraph (a) of this section, the Administrator may also require a flight navigator or special navigation equipment, or both, when specialized means of navigation are necessary for 1 hour or less. In making this determination, the Administrator considers—

(1) The speed of the airplane;

(2) Normal weather conditions en route;

(3) Extent of air traffic control;

(4) Traffic congestion;

(5) Area of navigational radio coverage at destination;

(6) Fuel requirements;

(7) Fuel available for return to point of departure or alternates;

(8) Predication of flight upon operation beyond the point of no return; and

(9) Any other factors he determines are relevant in the interest of safety.

(c) Operations where a flight navigator or special navigation equipment, or both, are required are specified in the operations specifications of the air carrier or commercial operator.

§ 121.391 Flight attendants.

(a) Each certificate holder shall provide at least the following flight attendants on each passenger-carrying airplane used:

(1) For airplanes having a seating capacity of more than nine but less than 51 passengers—one flight attendant.

(2) For airplanes having a seating capacity of more than 50 but less than 101 passengers—two flight attendants.

(3) For airplanes having a seating capacity of more than 100 passengers—two flight attendants plus one additional fight attendant for each unit (or part of a unit) of 50 passenger seats above a seating capacity of 100 passengers.

(b) If, in conducting the emergency evacuation demonstration required under § 121.291 (a) or (b), the certificate holder used more flight attendants than is required under paragraph (a) of this section for the maximum seating capacity of the airplane used in the demonstration, he may not, thereafter, take off that airplane—

(1) In its maximum seating capacity configuration with fewer flight attendants than the number used during the emergency evacuation demonstration; or

(2) In any reduced seating capacity configuration with fewer flight attendants than the number required by paragraph (a) of this section for that seating capacity plus the number of flight attendants used during the emergency evacuation demonstration that were in excess of those required under paragraph (a) of this section.

(c) The number of flight attendants approved under paragraphs (a) and (b) of this section are set forth in the certificate holder's operations specifications.

(d) During takeoff and landing, flight attendants required by this section shall be located as near as practicable to required floor level exits and shall be uniformly distributed throughout the airplane in order to provide the most effective egress of passengers in event of an emergency evacuation. During taxi, flight attendants required by this section must remain at their duty stations with safety belts and shoulder harnesses fastened except to perform duties related to the safety of the airplane and its occupants.

(e) At stops where passengers remain on board the aircraft and proceed on that aircraft to another destination, each certificate holder shall provide and maintain on board the aircraft during that stop at least one-half (rounded to the next lower figure in the case of a fraction) of the flight attendants as provided in paragraph (a) of this section or the same number of other personnel qualified in the emergency evacuation procedures for that aircraft as required in § 121.417 provided those personnel are identified to the passengers, but never fewer than one such person. These persons shall be uniformly distributed throughout the airplane to provide the most effective egress of passengers in the event of an emergency evacuation. Should there be only one flight attendant on board the aircraft, that person will be located in accordance with the airline's FAA-approved operating procedures. During such stops when the flight attendant complement is fewer than required by § 121.391(a), the certificate holder must ensure that the aircraft engines are shut down and at least one floor-level exist on that aircraft remains open during the stop and that such exit provides for the deplaning of passengers.

§ 121.395 Aircraft dispatcher: Domestic and flag air carriers.

Each domestic and flag air carrier shall provide enough qualified aircraft dispatchers at each dispatch center to ensure proper operational control of each flight.

§ 121.397 Emergency and emergency evacuation duties.

(a) Each certificate holder shall, for each type and model of airplane, assigned to each category of required crewmember, as appropriate, the necessary functions to be performed in an emergency or a situation requiring emergency evacuation. The certificate holder shall show those functions are realistic, can be practically accomplished, and will meet any reasonably anticipated emergency including the possible incapacitation of individual crewmembers or their inability to reach the passenger cabin because of shifting cargo in combination cargo-passenger airplanes.

(b) The certificate holder shall describe in its manual the functions of each category of required crewmembers under paragraph (a) of this section.

Training Program

§ 121.400 Applicability and terms used.

(a) Sections 121.400 through 121.427 prescribe the requirements applicable to each certificate holder for establishing and maintaining a training program for crewmembers, aircraft dispatchers, and other operations personnel, and for the approval and use of training devices in the conduct of the program.

(b) For the purpose of §§ 121.400 through 121.427, airplane groups are as follows:

(1) *Group I.* Propeller driven, including—

(i) Reciprocating powered; and

(ii) Turbopropeller powered.

(2) *Group II.* Turbojet powered.

(c) For the purpose of §§ 121.400 through 121.427, the following terms and definitions apply:

(1) *Initial training.* The training required for crewmembers and dispatchers who have not qualified and served in the same capacity on another airplane of the same group.

(2) *Transition training.* The training required for crewmembers and dispatchers who have qualified and served in the same capacity on another airplane of the same group.

(3) *Upgrade training.* The training required for crewmembers who have qualified and served as second in command or flight engineer on a particular airplane type, before they serve as pilot in command or second in command, respectively, on that airplane.

(4) *Differences training.* The training required for crewmembers and dispatchers who have qualified and served on a particular type airplane, when the Administrator finds differences training is necessary before a crewmember serves in the same capacity on a particular variation of that airplane.

(5) *Programmed hours.* The hours of training prescribed in §§ 121.400 through 121.427 which may be reduced by the Administrator upon a showing by the certificate holder that circumstances justify a lesser amount.

(6) *Inflight.* Refers to maneuvers, procedures, or functions that must be conducted in the airplane.

§ 121.401 Training program: General.

(a) Each certificate holder shall:

(1) Establish, obtain the appropriate initial and fiinal approval of, and provide, a training program that meets the requirements of §§ 121.400 through 121.427 and Appendixes E and F and that insures that each crewmember, aircraft dispatcher, flight instructor, and check airman, and each person assigned duties for the carriage and handling of dangerous articles and magnetized materials, is adequately trained to perform his assigned duties.

(2) Provide adequate ground and flight training facilities and properly qualified ground instructors for the training required by §§ 121.400 through 121.427;

(3) Provide and keep current with respect of each airplane type and, if applicable, the particular variations within that airplane type, appropriate training material, examinations, forms, instructions, and procedures for use in conducting the training and checks required by 14 CFR Part 120; and

(4) Provide enough flight instructors, simulator instructors, and approved check airmen to conduct required flight training and flight checks, and simulator training courses permitted under 14 CFR Part 120.

(b) Whenever a crewmember of aircraft dispatcher who is required to take recurrent training, a flight check, or a competence check, takes the check or completes the training in the calendar month before or after the calendar month in which that training or check is required, he is considered to have taken or completed it in the calendar month in which it was required.

(c) Each instructor, supervisor, or check, airman who is responsible for a particular ground training subject, segment to flight training, course of training, flight check, or competence check under 14 CFR Part 120 shall certify as to the proficiency and knowledge of the crewmember, aircraft dispatcher, flight instructor, or check airman concerned upon completion of that training or check. That certification shall be made a part of the crewmember's or dispatcher's record. When the certification required by this paragraph is made by an entry in a computerized recordkeeping system, the certifying instuctor, supervisor, or check airman must be identified with that entry. However, the signature of the certifying instructor, supervisor, or check airman is not required for computerized entries.

(d) Training subjects that are applicable to more than one airplane or crewmember position and that have been satisfactorily completed in connection with prior training for another airplane or another crewmember position, need not be repeated during subsequent training other than recurrent training.

(e) A person who progresses successfully through flight training, is recommended by his instructor or a check airman, and successfully completes the appropriate flight check for a check airman or the Administrator, need not complete the programmed hours of flight

training for the particular airplane. However, whenever the Administrator finds that 20 percent of the flight checks given at a particular training base during the previous 6 months under this paragraph are unsuccessful, this paragraph may not be used by the certificate holder at that base until the Administrator finds that the effectiveness of the flight training there has improved.

In the case of a certificate holder using a course of training permitted in § 121.409(c), the Administrator may require the programmed hours of inflight training in whole or in part, until he finds the effectiveness of the flight training has improved as provided in paragraph (e) of this section.

§ 121.403 Training program: Curriculum.

(a) Each certificate holder must prepare and keep current a written training program curriculum for each type of airplane with respect to dispatchers and each crewmember required for that type airplane. The curriculum must include ground and flight training required by §§ 121.400 through 121.427.

(b) Each training program curriculum must include:

(1) A list of principal ground training subjects, including emergency training subjects, that are provided.

(2) A list of all the training devices mockups, systems trainers, procedures trainers, or other training aids that the certificate holder will use.

(3) Detailed descriptions or pictorial displays of the approved normal, abnormal, and emergency maneuvers, procedures and functions that will be performed during each flight training phase or flight check, indicating those maneuvers, procedures and functions that are to be performed during the inflight portions of flight training and flight checks.

(4) A list of airplane simulators or other training devices approved under § 121.407, including approvals for particular maneuvers, procedures, or functions.

(5) The programmed hours of training that will be applied to each phase of training.

(6) A copy of each statement issued by the Administrator under § 121.405(d) for reduction of programmed hours of training.

§ 121.405 Training program and revision: Initial and final approval.

(a) To obtain initial and final approval of a training program, or a revision to an approved training program, each certificate holder must submit to the Administrator—

(1) An outline of the proposed program or revision, including an outline of the proposed or revised curriculum, that provides enough information for a preliminary evaluation of the proposed training program or revised training program; and

(2) Additional relevent information as may be requested by the Administrator.

(b) If the proposed training program or revision complies with §§ 121.400 through 121.427, the Administrator grants initial approval in writing after which the certificate holder may conduct the training in accordance with that program. The Administrator then evaluates the effectiveness of the training program and advises the certificate holder of deficiencies, if any, that must be corrected.

(c) The Administrator grants final approval of the training program or revision if the certificate holder shows that the training conducted under the initial approval set forth in paragraph (b) of this section ensures that each person that successfully completes the training is adequately trained to perform his assigned duties.

(d) In granting initial and final approval of training programs or revisions, including reductions in programmed hours specified in §§ 121.400 through 121.427, the Administrator considers the training aids, devices, methods, and procedures listed in the certificate holder's curriculum as set forth in § 121.403 that increase the quality and effectiveness of the teaching-learning process.

If approval of reduced programmed hours of training is granted, the Administrator provides the certificate holder with a statement of the basis for the approval.

(e) Whenever the Administrator finds that revisions are necessary for the continued adequacy of a training program that has been granted final approval, the certificate holder shall, after notification by the Administrator, make any changes in the program that are found necessary by the Administrator. Within 30 days after the certificate holder receives such notice, it may file a petition to reconsider the notice with the FAA Air Carrier District Office charged with the overall inspection of the certificate holder's operations. The filing of a petition to reconsider stays the notice pending a decision by the Administrator. However, if the Administrator finds that there is an emergency that requires immediate action in the interest of safety in air transportation, he may, upon a statement of the reasons, require a change effective without stay.

§ 121.407 Training program: Approval of airplane simulators and other training devices.

(a) Each airplane simulator and other training device that is used in a training course permitted under § 121.409, in checks required under §§ 121.432 through 121.453 or as permitted in Appendices E and F must:

(1) Be specifically approved for—

(ii) The type airplane and, if applicable, the particular variation within type, for which the training or check is being conducted; and

(iii) The particular maneuver, procedure, or crewmember function involved.

(2) Maintain the performance, functional, and other characteristics that are required for approval.

(3) Be modified to conform with any modification to the airplane being simulated that results in changes to performance, functional, or other characteristics required for approval.

(4) Be given a daily functional preflight check before being used.

(5) Have a daily discrepancy log kept with each discrepancy entered in that log by the appropriate instructor or check airman at the end of each training or check flight.

(b) A particular airplane simulator or other training device may be approved for use by more than one certificate holder.

(c) An airplane simulator may be used instead of the airplane to satisfy the in-flight requirements of §§ 121.439 and 121.4441 and Appendices E and F, if the simulator—

(1) Is approved under this section and meets the appropriate simulator requirements of Appendix H; and;

(2) Is used as part of an approved program that meets the training requirements of § 121.424 (a) and (c) and Appendix H.

§ 121.409 Training courses using airplane simulators and other training devices.

(a) Training courses utilizing airplane simulators and other training devices may be included in the certificate holder's approved training program for use as provided in this section.

(b) A course of training in an airplane simulator may be included for use as provided in § 121.441 if that course—

(1) Provides at least 4 hours of training at the pilot controls of an airplane simulator as well as a proper briefing before and after the training;

(2) Provides training in at least the procedures and maneuvers set forth in Appendix F; or

(3) Provides line-oriented training that—

(i) Utilizes a complete flight crew;

(ii) Includes at least the maneuvers and procedures (abnormal and emergency) that may be expected in line operations;

(iii) Is representative of the flight segment appropriate to the operations being conducted by the certificate holder; and

(4) Is given by an instructor who meets the applicable requirements of § 121.411.

The satisfactory completion of the course of training must be certified by either the Administrator or a qualified check airman.

(c) The programmed hours of flight training set forth in §§ 121.400 through 121.427 do not apply if the training program for the airplane type includes—

(1) A course of pilot training in an airplane simulator as provided in § 121.424(d); or

(2) A course of flight engineer training in an airplane simulator or other training device as provided in § 121.425(c).

§ 121.411 Training program; Check airman and instructor qualifications.

(a) No certificate holder may use a person nor may any person serve as a flight instructor or check airman in a training program established under §§ 121.400 through 121.427 unless, with respect to the particular airplane type involved, that person—

(1) Holds the airman certificates and ratings that must be held in order to serve as a pilot in command, a flight engineer, or a flight navigator, as appropriate, in operations under 14 CFR Part 120;

(2) Has satisfactorily completed the appropriate training phases for the airplane, including recurrent training, that are required in order to serve as a pilot in command, flight engineer, or flight navigator in operations under 14 CFR Part 120;

(3) Has satisfactorily completed the appropriate proficiency or competence checks that are required in order to serve as a pilot in command, flight engineers, or flight navigator in operations under 14 CFR Part 120;

(4) Has satisfactorily completed the applicable training requirements of § 121.413;

(5) In the case of a check airman, has been approved for the airplane and the check airman duties involved; and

(6) Holds at least a Class III medical certificate. However, pilot check airmen who have passed their 60th birthday or check airmen who do not hold an appropriate medical certificate may not serve as a flight crewmember in operations of aircraft having a passenger seating configuration, excluding any pilot seat, of more than 30 seats or a payload capacity of more than 7,500 pounds.

(b) No certificate holder may use a person nor may any person serve as a simulator instructor for a course of training given in an airplane simulator as provided in § 121.409(b) unless that person—

(1) Holds an airline transport pilot certificate: and

(2) Has satisfactorily completed for a check airman or for the Administrator—

(i) Appropriate initial pilot ground training and ground training for a flight instructor as provided in § 121.413; and

(ii) A simulator flight training course in the type airplane simulator in which that person instructs as provided by § 121.409(c).

(c) Notwithstanding paragraphs (a) and (b) of this section, a person who was designated as a check airman, a flight instructor, or a simulator instructor before December 22, 1969, may continue to serve as such, with respect to the particular type airplane involved, without completing the training specified in § 121.413.

§ 121.413 Check airmen and flight instructors; Initial and transition training.

(a) The initial and transition ground training for pilot check airmen must include the following:

(1) Pilot check airmen duties, functions, and responsibilities.

(2) The applicable Federal Aviation Regulations and the certificate holder's policy and procedures.

(3) The appropriate methods, procedures, and techniques for conducting the required checks.

(4) Proper evaluation of pilot performance including the detection of—

(i) Improper and insufficient training; and

(ii) Personal characteristics that could adversely affect safety.

(5) The appropriate corrective action in the case of unsatisfactory checks.

(6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the airplane.

(b) The initial and transition ground training for pilot flight instructors must include the following:

(1) The fundamental principles of the teaching-learning process.

(2) Teaching methods and procedures.

(3) The instructor-student relationship.

However, paragraphs (b) (1), (2), and (3) of this section are not required for the holder of a flight instructor certificate.

(c) The initial and transition flight training for pilot check airmen and pilot flight instructors must include the following:

(1) Enough inflight training and practice in conducting flight checks from the left and right pilot seats in the required normal, abnormal, and emergency maneuvers to insure his competence to conduct the pilot flight checks and flight training required by 14 CFR Part 120.

(2) The appropriate safety measures to be taken from either pilot seat for emergency situations that are likely to develop in training.

(3) The potential results of improper or untimely safety measures during training.

The requirements of paragraphs (c) (2) and (3) of this section may be accomplished inflight or in an approved simulator.

(d) The initial and transition ground and flight training for flight engineer and flight navigator flight instructors and check airmen must be adequate to insure competence to perform their assigned duties.

§ 121.415 Crewmember and dispatcher training requirements.

(a) Each training program must provide the following ground training as appropriate to the particular assignment of the crewmember or dispatcher:

(1) Basic indoctrination ground training for newly hired crewmembers or dispatchers including 40 programmed hours of instruction, unless reduced under § 121.405 or as specified in § 121.401(d), in at least the following—

(i) Duties and responsibilities of crewmembers or dispatchers, as applicable;

(ii) Appropriate provisions of the Federal Aviation Regulations;

(iii) Contents of the certificate holder's operating certificate and operations specifications (not required for flight attendants); and

(iv) Appropriate portions of the certificate holder's operating manual.

(2) The initial and transition ground training specified in §§ 121.429 through 121.422, as applicable.

(3) Emergency training as specified in § 121.417 (not required for dispatchers).

(b) Each training program must provide the flight training specified in §§ 121.424 through 121.426, as applicable.

(c) Each training program must provide recurrent ground and flight training as provided in § 121.427.

(d) Each training program must provide the differences training specified in § 121.418 if the Administrator finds that, due to differences between airplanes of the same type operated by the certificate holder, additional training is necessary to insure that each crewmember and dispatcher is adequately trained to perform his assigned duties.

(e) Upgrade training as specified in §§ 121.419 and 121.424 for a particular type airplane may be included in the training program for crewmembers who have qualified and served as second in command pilot or flight engineer on that airplane.

(f) Particular subjects, maneuvers, procedures, of parts thereof specified in §§ 121.419 through 121.425 for transition or upgrade training, as applicable, may be omitted, or the programmed hours of ground instruction or inflight training may be reduced, as provided in § 121.405.

(g) In addition to initial, transition, upgrade, recurrent and differences training, each training program must also provide ground and flight training, instruction, and practice as necessary to insure that each crewmember and dispatcher—

(1) Remains adequately trained and currently proficient with respect to each airplane, crewmember position, and type of operation in which he serves; and

(2) Qualifies in new equipment, facilities, procedures, and techniques, including modifications to airplanes.

§ 121.417 Crewmember emergency training.

(a) Each training program must provide the emergency training set forth in this section with respect to each airplane type, model, and configuration, each required crewmember, and each kind of operation conducted, insofar as appropriate for each crewmember and the certificate holder.

(b) Emergency training must provide the following:

(1) Instruction in emergency assignments and procedures, including coordination among crewmembers.

(2) Individual instruction in the location, function, and operation of emergency equipment including—

(i) Equipment used in ditching and evacuation;

(ii) First aid equipment and its proper use;

(iii) Portable fire extinguishers, with emphasis on type of extinguisher to be used on different classes of fires; and

(iv) Emergency exits in the emergency mode with the evacuation slide/raft pack attached (if applicable), with training emphasis on the operation of the exits under adverse conditions.

(3) Instruction in the handling of emergency situations including—

(i) Rapid decompression;

(ii) Fire in flight or on the surface, and smoke control procedures with emphasis on electrical equipment and related circuit breakers found in cabin areas including all galleys, service centers, lifts, lavatories and movie screens;

(iii) Ditching and other evacuation, including the evacuation of persons and their attendants, if any, who may need the assistance of another person to move expeditiously to an exit in the event of an emergency.

(iv) Illness, injury, or other abnormal situations involving passengers or crewmembers; and

(v) Hijacking and other unusual situations

(4) Review and discussion of previous aircraft accidents and incidents pertaining to actual emergency situations.

(c) Each crewmember must perform at least the following emergency drills and (except with respect to the equipment specified in paragraphs (c)(6) (v), (vi), and (vii) of this paragraph) actually operate the following emergency equipment during initial training and once each 24 calendar months during recurrent training for each type aircraft in which they are to serve. Each crewmember is only required to participate in one emergency evacuation using a slide during initial training. (Alternate recurrent periods required by § 121.433(c) may be accomplished

by approved pictorial presentation or demonstration.)

(1) Each type of emergency exit in the normal and emergency modes, including the actions and forces required in the deployment of the emergency evacuation slides.

(2) Each type of fire extinguisher.

(3) Each type of emergency oxygen system.

(4) Emergency evacuation including the use of a slide.

(5) Donning, use, and inflation of individual flotation means, if applicable.

(6) Ditching, if applicable, including but not limited to, as appropriate:

(i) Cockpit preparation and procedures.

(ii) Crew coordination.

(iii) Passenger briefing and cabin preparation.

(iv) Donning and inflation of life preservers.

(v) Removal from the airplane (or training device) and inflation of each type of life raft.

(vi) Transfer of each type of slide/raft pack from one door to another.

(vii) Deployment, inflation and detachment from the airplane (or training device) of each type of slide/raft pack.

(viii) Use of life-lines.

(ix) Boarding of passengers and crew into a raft or a slide/raft pack.

(d) Crewmembers who serve in operations above 25,000 feet must receive instruction in the following:

(1) Respiration.

(2) Hypoxia.

(3) Duration of consciousness without supplemental oxygen at altitude.

(4) Gas expansion.

(5) Gas bubble formation.

(6) Physical phenomena and incidents of decompression.

§ 121.418 Differences training: Crewmembers and dispatchers.

(a) Differences training for crewmembers and dispatchers must consist of at least the following as applicable to their assigned duties and responsibilities:

(1) Instruction in each appropriate subject or part thereof required for initial ground training in the airplane unless the Administrator finds that particular subjects are not necessary.

(2) Flight training in each appropriate maneuver or procedure required for initial flight training in the airplane unless the Administrator finds that particular maneuvers or procedures are not necessary.

(3) The number of programmed hours of ground and flight training determined by the Administrator to be necessary for the airplane, the operation, and the crewmember or aircraft dispatcher involved.

Differences training for all variations of a particular type airplance may be included in initial, transition, upgrade, and recurrent training for the airplane.

§ 121.419 Pilots and flight engineers: Initial, transition, and upgrade ground training.

(a) Initial, transition, and upgrade ground training for pilots and flight engineers must include instruction in at least the following as applicable to their assigned duties:

(1) General subjects—

(i) The certificate holder's dispatch or flight release procedures;

(ii) Principles and methods for determining weight and balance, and runway limitations for takeoff and landing;

(iii) Enough meteorology to insure a practical knowledge of weather phenomena, including the principles of frontal systems, icing, fog, thunderstorms, and high altitude weather situations;

(iv) Air traffic control systems, procedures, and phraseology;

(v) Navigation and the use of navigation aids, including instrument approach procedures;

(vi) Normal and emergency communication procedures;

(vii) Visual cues prior to and during descent below DH or MDA; and

(viii) Other instructions as necessary to ensure his competence.

(2) For each airplane type—

(i) A general description;

(ii) Performance characteristics;

(iii) Engines and propellers;

(iv) Major components;

(v) Major airplane systems (i.e., flight controls, electrical, hydraulic); other systems as appropriate; principles of normal, abnormal, and emergency operations; appropriate procedures and limitations;

(vi) Procedures for avoiding severe weather situations and for operating in or near thunderstorms (including best penetrating altitudes), turbulent air including clear air turbulence), icing, hail, and other potentially hazardous meteorological conditions;

(vii) Operating limitations;

(viii) Fuel consumption and cruise control;

(ix) Flight planning;

(x) Each normal and emergency procedure; and

(xi) The approved Airplane Flight Manual.

(b) Initial ground training for pilots and flight engineers must consist of at least the following programmed hours of instruction in the required subjects specified in paragraph (a) of this section and in § 121.415(a) unless reduced under § 121.405:

(1) Group I airplanes—

(i) Reciprocating powered, 64 hours; and

(ii) Turbopropeller powered, 80 hours.

(2) Group II airplanes, 120 hours.

§ 121.420 Flight navigators: Initial and transition ground training.

(a) Initial and transition ground training for flight navigators must include instruction in the subjects specified in § 121.419(a) as appropriate to his assigned duties and responsibilities and in the following with respect to the particular type airplane:

(1) Limitations on climb, cruise, and descent speeds.

(2) Each item of navigational equipment installed including appropriate radio, radar, and other electronic equipment.

(3) Airplane performance.

(4) Airspeed, temperature, and pressure indicating instruments or systems.

(5) Compass limitations and methods of compensation.

(6) Cruise control charts and data, including fuel consumption rates.

(7) Any other instruction as necessary to ensure his competence.

(b) Initial ground training for flight navigators must consist of at least the following programmed hours of instruction in the subjects specified in paragraph (a) of this section and in § 121.415(a) unless reduced under § 121.405:

(1) Group I airplanes—

(i) Reciprocating powered, 16 hours; and

(ii) Turbopropeller powered; 32 hours.

(2) Group II airplanes, 32 hours.

§ 121.421 Flight attendants: Initial and transition ground training.

(a) Initial and transition ground training for flight attendants must include instruction in at least the following:

(1) General subjects—

(i) The authority of the pilot in command; and

(ii) Passenger handling, including the procedures to be followed in the case of deranged persons or other persons whose conduct might jeopardize safety.

(2) For each airplane type—

(i) A general description of the airplane emphasizing physical characteristics that may have a bearing on ditching, evacuation, and inflight emergency procedures and on other related duties;

(ii) The use of both the public address system and the means of communicating with other flight crewmembers, including emergency means in the case of attempted hijacking or other unusual situations; and

(iii) Proper use of electrical galley equipment and the controls for cabin heat and ventilation.

(b) Initial and transition ground training for flight attendants must include a competence check to determine ability to perform assigned duties and responsibilities.

(c) Initial ground training for flight attendants must consist of at least the following programmed hours of instruction in the subjects specified in paragraph (a) of this section and in § 121.415(a) unless reduced under § 121.405.

(1) Group I airplanes—

(i) Reciprocating powered, 8 hours; and

(ii) Turbopropeller powered, 8 hours.

(2) Group II airplanes, 16 hours.

§ 121.422 Aircraft dispatchers: Initial and transition ground training.

(a) Initial and transition ground training for aircraft dispatchers must include instruction in at least the following:

(1) General subjects—

(i) Use of communications systems including the characteristics of those systems and the appropriate normal and emergency procedures;

(ii) Meteorology, including various types of meteorological information and forecasts, interpretation of weather data (including forecasting of en route and terminal temperatures and other weather conditions), frontal systems, wind conditions, and use of actual and prognostic weather charts for various altitudes;

(iii) The NOTAM system;

(iv) Navigational aids and publications;

(v) Joint dispatcher-pilot responsibilities;

(vi) Characteristics of appropriate airports;

(vii) Prevailing weather phenomena and the available sources of weather information; and

(viii) Air traffic control and instrument approach procedures.

(2) For each airplane—

(i) A general description of the airplane emphasizing operating and performance characteristics, navigation equipment, instrument approach and communication equipment, emergency equipment and procedures, and other subjects having a bearing on dispatcher duties and responsibilities;

(ii) Flight operation procedures including procedures specified in § 121.419(a)(2)(vi);

(iii) Weight and balance computations;

(iv) Basic airplane performance dispatch requirements and procedures;

(v) Flight planning including track selection, flight time analysis, and fuel requirements; and

(vi) Emergency procedures.

(3) Emergency procedures must be emphasized, including the alerting of proper governmental, company, and private agencies during emergencies to give maximum help to an airplane in distress.

(b) Initial and transition ground training for aircraft dispatchers must include a competence check given by an appropriate supervisor or ground instructor that demonstrates knowledge and ability with the subjects set forth in paragraph (a) of this section.

(c) Initial ground training for aircraft dispatchers must consist of at least the following programmed hours of instruction in the subjects specified in paragraph (a) of this section and in § 121.415(a) unless reduced under § 121.405:

(1) Group I airplanes—

(i) Reciprocating powered, 30 hours; and

(ii) Turbopropeller powered, 40 hours.

(2) Group II airplanes, 40 hours.

§ 121.424 Pilots: Initial, transition, and upgrade flight training.

(a) Initial, transition, and upgrade training for pilots must include flight training and practice in the maneuvers and procedures set forth in Appendix E, as applicable.

(b) The maneuvers and procedures required by paragraph (a) of this section must be performed inflight except to the extent that certain maneuvers and procedures may be performed in an airplane simulator, an appropriate training device, or a static airplane as permitted in Appendix E.

(c) Except as permitted in paragraph (d) of this section, the initial flight training required by paragraph (a) of this section must include at least the following programmed hours of inflight training and practice unless reduced under § 121.405:

(1) Group I airplanes—

(i) Reciprocating powered. Pilot in command, 10 hours; second in command, 6 hours; and

(ii) Turbopropeller powered. Pilot in command, 15 hours; second in command, 7 hours.

(2) Group II airplanes. Pilot in command, 20 hours; second in command, 10 hours.

(d) If the certificate holder's approved training program includes a course of training utilizing an airplane simulator under § 121.409(c), each pilot must successfully complete—

(1) Training and practice in the simulator in at least all of the maneuvers and procedures set forth in Appendix E for initial flight training that are capable of being performed in an airplane simulator without a visual system; and

(2) A flight check in the simulator or the airplane to the level of proficiency of a pilot in command or second in command, as applicable, in at least the maneuvers and procedures set forth in Appendix F that are capable of being performed in an airplane simulator without a visual system.

§ 121.425 Flight engineers: Initial and transition flight training.

(a) Initial and transition flight training for flight engineers must include at least the following:

(1) Training and practice in procedures related to the carrying out of flight engineer duties and functions. This training and practice may be accomplished either inflight, in an airplane simulator, or in a training device.

(2) A flight check that includes—

(i) Preflight inspection;

(ii) Inflight performance of assigned duties accomplished from the flight engineer station during taxi, runup, takeoff, climb, cruise, descent, approach, and landing;

(iii) Accomplishment of other functions, such as fuel management and preparation of fuel consumption records, and normal and emergency or alternate operation of all airplane flight systems, performed either inflight, in an airplane simulator, or in a training device.

Flight engineers possessing a commercial pilot certificate with an instrument, category and class rating, or pilots already qualified as second in command and reverting to flight engineer, may complete the entire flight check in an approved airplane simulator.

(b) Except as permitted in paragraph (c) of this section, the initial flight training required by paragraph (a) of this section must include at least the same number of programmed hours of flight training and practice that are specified for a second in command pilot under § 121.424(c) unless reduced under § 121.405.

(c) If the certificate holder's approved training program includes a course of training utilizing an airplane simulator or other training device under § 121.409(c), each flight engineer must successfully complete in the sumulator or other training device—

(1) Training and practice in at least all of the assigned duties, procedures, and functions required by paragraph (a) of this section; and

(2) A flight check to a flight engineer level of proficiency in the assigned duties, procedures, and functions.

§ 121.426 Flight navigator: Initial and transition flight training.

(a) Initial and transition flight training for flight navigators must include flight training and a flight check that are adequate to insure his proficiency in the performance of his assigned duties.

(b) The flight training and checks specified in paragraph (a) of this section must be performed—

(1) Inflight or in an appropriate training device; or

(2) In operations under 14 CFR Part 120 if performed under supervision of a qualified flight navigator.

§ 121.427 Recurrent training.

(a) Recurrent training must ensure that each crewmember or dispatcher is adequately trained and currently proficient with respect to the type airplane (including differences training, if applicable) and crewmember position involved.

(b) Recurrent ground training for crewmembers and dispatchers must include at least the following:

(1) A quiz or other review to determine the state of the crewmember's or dispatcher's knowledge with respect to the airplane and position involved.

(2) Instruction as neceassary in the subjects required for initial ground training by § 121.415(a), as appropriate, including emergency training (not required for aircraft dispatchers).

(3) For flight attendants and dispatchers, a competence check as required by §§ 121.421(b) and 121.422(b), respectively.

(c) Recurrent ground training for crewmembers and dispatchers must consist of at least the following programmed hours unless reduced under § 121.405:

(1) For pilots and flight engineers—

(i) Group I, reciprocating powered airplanes, 16 hours;

(ii) Group I, turbopropeller powered airplanes, 20 hours; and

(iii) Group II airplanes, 25 hours.

(2) For flight navigators—

(i) Group I reciprocating powered airplanes, 12 hours;

(ii) Group I turbopropeller powered airplanes, 16 hours; and

(iii) Group II airplanes, 16 hours.

(3) For flight attendants—

(i) Group I reciprocating powered airplanes, 4 hours;

(ii) Group I turbopropeller powered airplanes, 5 hours; and

(iii) Group II airplanes, 12 hours.

(4) For flight dispatchers—

(i) Group I reciprocating powered airplanes, 8 hours;

(ii) Group I turbopropeller powered airplanes, 10 hours; and

(iii) Group II airplanes, 20 hours.

(d) Recurrent flight training for flight crewmembers must include at least the following:

(1) For pilots, flight training in maneuvers and procedures set forth in Appendix F, or in a flight training program approved by the Administrator, except as follows—

(i) The number of programmed inflight hours is not specified; and

(ii) Satisfactory completion of a proficiency check may be substituted for recurrent flight training as permitted in § 121.433(c).

(2) For flight engineers, flight training as provided by § 121.425(a) except as follows—

(i) The specified number of inflight hours is not required; and

(ii) The flight check, other than the preflight inspection, may be conducted in an airplane simulator or other training device. The

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preflight inspection may be conducted in an airplane, or bay using an approved pictorial means that realistically portrays the location and detail or preflight inspection items and provides for the portrayal of abnormal conditions. Satisfactory completion of an approved line-oriented simulator training program may be substituted for the flight check.

(3) For flight navigators, enough inflight training and an inflight check to insure competency with respect to operating procedures and navigation equipment to be used and familiarity with essential navigation information pertaining to the certificate holder's routes that require a flight navigator

Crewmember Qualifications

§ 121.432 General

(a) Except in the case of operating experience under § 121.434, a pilot who serves as second in command of an operation that requires three or more pilots must be fully qualified to act as pilot in command of that operation.

(b) No certificate holder may conduct a check or any training in operations under 14 CFR Part 120, except for the following checks and training required by 14 CFR Part 120 or the certificate holder:

(2) Flight navigator training conducted under the supervision of a flight navigator flight instructor.

(3) Flight navigator flight checks.

(4) Flight engineer checks (except for emergency procedures), if the person being checked is qualified and current in accordance with § 121.453(a).

(5) Flight attendant training and competence checks.

Except for pilot line checks and flight engineer flight checks, the person being trained or checked may not be used as a required crewmember.

(c) For the purposes of §§ 121.432 through 121.453, the airplane groups prescribed in § 121.400 apply.

(d) For the purposes of this subpart the terms and definitions in § 121.400 apply

§ 121.433 Training required.

(a) *Initial training.* No certificate holder may use any person nor may any person serve as a required crewmember on an airplane unless that person has satisfactorily completed, in a training program approved under § 121.405, initial ground and flight training for that type airplane and for the particular crewmember position, except as follows:

(1) Crewmembers who have qualified and served as a crewmember on another type airplane of the same group may serve in the same crewmember capacity upon completion of transition training as provided in § 121.415

(2) Crewmembers who have qualified and served as second in command or flight engineer on a particular type airplane may serve as pilot in command or second in command, respectively, upon completion of upgrade training for that airplane as provided in § 121.415.

(b) *Differences training.* No certificate holder may use any person nor may any person serve as a required crewmember on an airplane of a type for which differences training is included in the certificate holder's approved training program unless that person has satisfactorily completed, with respect to both the crewmember position and the particular variation of the airplane in which he serves, either initial or transition ground and flight training, or differences training, as provided in § 121.415.

(c) *Recurrent training.* (1) No certificate holder may use any person nor may any person serve as a required crewmember on an airplane unless, within the preceding 12 calendar months—

(i) For flight crewmembers, he has satisfactorily completed recurrent ground and flight training for that airplane and crewmember position and a flight check as applicable;

(ii) For flight attendants and dispatchers, he has satisfactorily completed recurrent ground training and a competence check; and

(iii) In addition, for pilots in command he has satisfactorily completed, within the preceding 6 calendar months, recurrent flight training in addition to the recurrent flight training required in paragraph (c)(1)(i) of this section, in an airplane in which he serves as pilot in command in operations under 14 CFR Part 120.

(2) For pilots, a proficiency check as provided in § 121.441 may be substituted for the recurrent flight training required by this paragraph and the approved simulator course of training under § 121.409(b) may be substituted for alternate periods of recurrent flight training required in that airplane, except as provided in paragraph (d) of this section.

(d) For each airplane in which a pilot serves as pilot in command, he must satisfactorily complete either recurrent flight training or a proficiency check within the preceding 12 calendar months.

§ 121.433a Training requirements: Handling and carriage of dangerous articles and magnetized materials.

(a) No certificate holder may use any person to perform and no person may perform, any assigned duties and responsibilities for the handling or carriage of dangerous articles and magnetized materials governed by 49 CFR, unless within the preceding 12 calendar months that person has satisfactorily completed training in an approved program which includes instructions regarding the proper packaging, marking, labeling, and documentation of dangerous articles and magnetized materials, as required by 49 CFR and instructions regarding their compatibility, loading, storage, and handling characteristics. A person who satisfactorily completes training in the calendar month before, or the calendar month after, the month in which it becomes due, is considered to have taken that training during the month it became due.

(b) Each certificate holder shall maintain a record of the satisfactory completion of the initial and recurrent training given to crewmembers and ground personnel who perform assigned duties and responsibilities for the handling and carriage of dangerous articles and magnetized materials.

(c) A certificate holder operating in a foreign country where the loading and unloading of aircraft must be performed by personnel of the foreign country, may use personnel not meeting the requirements of paragraphs (a) and (b) of this section if they are supervised by a person qualified under paragraphs (a) and (b) of this section to supervise the loading, offloading and handling of hazardous materials.

§ 121.434 Operating experience.

(a) No certificate holder may use a person nor may any person serve as a required crewmember on an airplane unless he has completed, on that type airplane and in that crewmember position, the operating experience required by this section, except as follows:

(1) Crewmembers other than pilots in command may serve as provided herein for the purpose of meeting the requirements of this section.

(2) Pilots who are meeting the pilot in command requirements may serve as second in command.

(b) In acquiring the operating experience, crewmembers must comply with the following:

(1) In the case of a flight crewmember, he must hold the appropriate certificates and ratings for the crewmember position and the airplane, except that a pilot who is meeting the pilot in command requirements must hold the appropriate certificates and ratings for a pilot in command in the airplane.

(2) The experience must be acquired after satisfactory completion of the appropriate ground and flight training for the airplane and crewmember position.

(3) The experience must be acquired in flight during operations under 14 CFR Part 120. However, in the case of an aircraft not previously used by the certificate holder in operations under 14 CFR Part 120, operating experience acquired in the aircraft during proving flights or ferry flights may be used to meet this requirement.

However, separate operating experience is not required for variations within the same type airplane.

(c) Pilot crewmembers must acquire operating experience as follows:

(1) A pilot in command must—

(i) Perform the duties of a pilot in command under the supervision of a check pilot; and

(ii) In addition, if the certificate holder's approved training program includes a course of training in an airplane simulator under § 121.409(c) and a qualifying pilot in command is completing initial or upgrade training specified in § 121.424, be observed in the performance of prescribed duties by an FAA inspector during at least one flight leg which includes a takeoff and landing. During the time that a qualifying pilot in command is acquiring the operating experience in paragraphs (c)(1) (i) and (ii) of this section, a check pilot who is also serving as the pilot in command must occupy a pilot station. However, in the case of a transitioning pilot in command the check pilot serving as pilot in command may occupy the observer's seat, if the transitioning pilot has made at least two takeoffs and landings in the type airplane used, and has satisfactorily demonstrated to the check pilot that he is qualified to perform

the duties of a pilot in command of that type of airplane.

(2) A second in command pilot must perform the duties of a second in command under the supervision of a check pilot or observe the performance of those duties on the flight deck.

(3) The hours of operating experience for all pilots are as follows:

(i) For initial training, 15 hours in Group I reciprocating powered airplanes, 20 hours in Group I turbopropelier powered airplanes, and 25 hours in Group II airplanes;

(ii) For transition training, except as provided in paragraph (c)(3)(iii) of this section, 10 hours in Group I reciprocating powered airplanes, 12 hours in Group I turbopropeller powered airplanes, and 15 hours in Group II airplanes; and

(iii) In the case of transition training where the certificate holder's approved training program includes a course of training in an airplane simulator under § 121.409(c), each pilot in command must comply with the requirements prescribed in paragraph (c)(3)(i) of this section for initial training.

(d) A flight engineer must perform the duties of a flight engineer under the supervision of a check airman or a qualified flight engineer for a least the following number of hours;

(1) Group I reciprocating powered airplanes, 8 hours.

(2) Group I turbopropeller powered airplanes, 10 hours.

(3) Group II airplanes, 12 hours.

(e) A flight attendant must, for at least 5 hours, perform the assigned duties of a flight attendant under the supervision of a flight attendant supervisor qualified under 14 CFR Part 120 who personally observes the performance of these duties. However, operating experience is not required for a flight attendant who has previously acquired such experience on any large passenger carrying airplane of the same group, if the certificate holder shows that the flight attendant has received sufficient ground training for the airplane in which the flight attendant is to serve. Flight attendants receiving operating experience may not be assigned as a required crewmember. Flight attendants who have satisfactorily completed training time acquired in an approved training program conducted in a full-scale (except for length) cabin training device of the type airplane in which they are to serve may substitute this time for 50 percent of the hours required by this paragraph.

(f) The hours of operating experience of flight crewmembers may be reduced to 50 percent of the hours required by this section by the substitution of one additional takeoff and landing for each hour of flight.

Notwithstanding the reductions in programmed hours permitted under §§ 121.405 and 121.409 the hours of operating experience for flight crewmembers are not subject to reduction other than as provided in paragraphs (e) and (f) of this section.

§ 121.435 Helicopter operations: Supplemental air carriers and commercial operators.

No supplemental air carrier or commercial operator may use a flight crewmember, and none of its flight crewmembers may perform duties under his airman certificate in helicopter operations, unless that flight crewmember meets the requirements of 14 CFR 127.151 or 127.161 and 127.175 and 127.177.

§ 121.437 Pilot qualification: Certificates required.

(a) No pilot may act as pilot in command of an aircraft (or as second in command of an aircraft in a flag or supplemental air carrier or commercial operator operation that requires three or more pilots) unless he holds an airline transport pilot certificate and an appropriate type rating for that aircraft.

(b) Reserved.

(c) No certificate holder may use nor may any pilot act as a pilot in a capacity other than those specified in paragraph (a) of this section unless the pilot holds at least a commercial pilot certificate with appropriate category and class ratings for the aircraft concerned, and an instrument rating.

§ 121.439 Pilot qualification: Recent experience.

(a) No certificate holder may use any person nor may any person serve as a required pilot flight crewmember, unless within the preceding 90 days, that person has made at least three takeoffs and landings in the type airplane in which that person is to serve. The takeoffs and landings required by this paragraph may be performed in a visual simulator approved under § 121.407 to include takeoff and landing maneuvers. In addition, any person who fails to make the three required takeoffs and landings within any consecutive 90-day period must reestablish recency of experience as provided in paragraph (b) of this section.

(b) In addition to meeting all applicable training and checking requirements of 14 CFR Part 120, a required pilot flight crewmember who has not met the requirements of paragraph (a) of this section must reestablish recency of experience as follows:

(1) Under the supervision of a check airman, make at least three takeoffs and landings in the type airplane in which that person is to serve or in an advanced simulator or visual simulator. When a visual simulator is used, the requirements of paragraph (c) of this section must be met.

(2) The takeoffs and landings required in paragraph (b)(1) of this section must include—

(i) At least one takeoff with a simulated failure of the most critical powerplant;

(ii) At least one landing from an ILS approach to the lowest ILS minimum authorized for the certificate holder; and

(iii) At least one landing to a full stop.

(c) A required pilot flight crewmember who performs the maneuvers prescribed in paragraph (b) of this section in a visual simulator must—

(1) Have previously logged 100 hours of flight time in the same type airplane in which he is to serve;

(2) Be observed on the first two landings made in operations under 14 CFR Part 120 by an approved check airman who acts as pilot in command and occupies a pilot seat. The landings must be made in weather minimums that are not less than those contained in the certificate holder's operations specifications for Category I Operations, and must be made within 45 days following completion of simulator training.

(d) When using a simulator to accomplish any of the requirements of paragraph (a) or (b) of this section, each required flight crewmember position must be occupied by an appropriately qualified person and the simulator must be operated as if in a normal inflight environment without use of the repositioning features of the simulator.

(e) A check airman who observes the takeoffs and landings prescribed in paragraphs (b)(1) and (c) of this section shall certify that the person being observed is proficient and qualified to perform flight duty in operations under 14 CFR Part 120 and may require any additional maneuvers that are determined necessary to make this certifying statement.

§ 121.440 Line checks.

(a) No certificate holder may use any person nor may any person serve as pilot in command of an airplane unless, within the preceding 12 calendar months, that person has passed a line check in which he satisfactorily performs the duties and responsibilities of a pilot in command in one of the types of airplanes he is to fly.

(b) A pilot in command line check for domestic and flag air carrier pilots must—

(1) Be given by a pilot check airman who is currently qualified on both the route and the airplane; and

(2) Consist of at least one flight over a typical part of the air carrier's route, or over a foreign or Federal airway, or over a direct route.

(c) A pilot in command line check for supplemental air carriers and commercial operators must—

(1) Be given by a pilot check airman who is currently qualified on the airplane; and

(2) Consist of at least one flight over a part of a Federal airway, foreign airway, or advisory route over which the pilot may be assigned.

§ 121.441 Proficiency checks.

(a) No certificate holder may use any person nor may any person serve as a required pilot flight crewmember unless that person has satisfactorily completed either a proficiency check, or an approved simulator course of training under § 121.409, as follows:

(1) For a pilot in command, a proficiency check within the preceding 12 calendar months and, in addition, within the preceding 6 calendar months, either a proficiency check or the simulator training.

(2) For all other pilots—

(i) Within the preceding 24 calendar months either a proficiency check or the line-oriented simulator training course under § 121.409; and

(ii) Within the preceding 12 calendar months, either a proficiency check or any simulator training course under § 121.409.

The satisfactory completion of a type rating flight check under 14 CFR 61.157 satisfies the requirement for a proficiency check.

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(b) Except as provided in paragraphs (c) and (d) of this section, a proficiency check must meet the following requirements:

(1) It must include at least the procedures and maneuvers set forth in Appendix F unless otherwise specifically provided in that appendix.

(2) It must be given by the Administrator or a pilot check airman.

(c) An approved airplane simulator or other appropriate training device may be used in the conduct of a proficiency check as provided in Appendix F.

(d) A person giving a proficiency check may, in his discretion, waive any of the maneuvers or procedures for which a specific waiver authority is set forth in Appendix F if—

(1) The Administrator has not specifically required the particular maneuver or procedure to be performed;

(2) The pilot being checked is, at the time of the check, employed by a certificate holder as a pilot; and

(3) The pilot being checked is currently qualified for operations under 14 CFR Part 120 in the particular type airplane and flight crewmember position or has, within the preceding six calendar months, satisfactorily completed an approved training program for the particular type airplane.

(e) If the pilot being checked fails any of the required maneuvers, the person giving the proficiency check may give additional training to the pilot during the course of the proficiency check. In addition to repeating the maneuvers failed, the person giving the proficiency check may require the pilot being checked to repeat any other maneuvers he finds are necessary to determine the pilot's proficiency. If the pilot being checked is unable to demonstrate satisfactory performance to the person conducting the check, the certificate holder may not use him nor may he serve in operations under 14 CFR Part 120 until he has satisfactorily completed a proficiency check.

However, the entire proficiency check (other than the initial second-in-command proficiency check) required by this section may be conducted in an approved visual simulator if the pilot being checked accomplishes at least two landings in the appropriate airplane during a line check or other check conducted by a pilot check airman (a pilot-in-command may observe and certify the satisfactory accomplishment of these landings by a second-in-command). If a pilot proficiency check is conducted in accordance with this paragraph, the next required proficiency check for that pilot must be conducted in the same manner, or in accordance with Appendix F, or a course of training in an airplane visual simulator under § 121.409 may be substituted therefor.

§ 121 443 Pilot in command qualification: Route and airports.

(a) Each certificate holder shall provide a system acceptable to the Administrator for disseminating the information required by paragraph (b) of this section to the pilot in command and appropriate flight operation personnel. The system must also provide an acceptable means for showing compliance with § 121.445.

(b) No certificate holder may use any person, nor may any person serve, as pilot in command unless the certificate holder has provided that person current information concerning the following subjects pertinent to the areas over which that person is to serve, and to each airport and terminal area into which that person is to operate, and ensures that that person has adequate knowledge of, and the ability to use, the information:

(1) Weather characteristics appropriate to the season.

(2) Navigation facilities.

(3) Communication procedures, including airport visual aids.

(4) Kinds of terrain and obstructions.

(5) Minimum safe flight levels.

(6) En route and terminal area arrival and departure procedures, holding procedures and authorized instrument approach procedures for the airports involved.

(7) Congested areas and physical layout of each airport in the terminal area in which the pilot will operate.

(8) Notices to Airmen.

§ 121.445 Pilot in command airport qualification: Special areas and airports.

(a) The Administrator may determine that certain airports (due to items such as surrounding terrain, obstructions, or complex approach or departure procedures) are special airports requiring special airport qualifications and that certain areas or routes, or both, require a special type of navigation qualification.

(b) Except as provided in paragraph (c) of this section, no certificate holder may use any person, nor may any person serve, as pilot in command to or from an airport determined to require special airport qualifications unless, within the preceding 12 calendar months:

(1) The pilot in command or second in command has made an entry to that airport (including a takeoff and landing) while serving as a pilot flight crewmember; or

(2) The pilot in command has qualified by using pictorial means acceptable to the Administrator for that airport.

(c) Paragraph (b) of this section does not apply when an entry to that airport (including a takeoff or a landing) is being made if the ceiling at that airport is at least 1,000 feet above the lowest MEA or MOCA, or initial approach altitude prescribed for the instrument approach procedure for that airport and the visibility at that airport is at least 3 miles.

(d) No certificate holder may use any person, nor may any person serve, as pilot in command between terminals over a route or area that requires a special type of navigation qualification unless, within the preceding 12 calendar months, that person has demonstrated qualification on the applicable navigation system in a manner acceptable to the Administrator, by one of the following methods:

(1) By flying over a route or area as pilot in command using the applicable special type of navigation system.

(2) By flying over a route or area as pilot in command under the supervision of a check airman using the special type of navigation system.

(3) By completing the training program requirements of Appendix G.

§ 121.453 Flight engineer qualifications.

(a) No certificate holder may use any persons nor may any person serve as a flight engineer on an airplane unless, within the preceding 6 calendar months, he has had at least 50 hours of flight time as a flight engineer on that type airplane or the certificate holder or the Administrator has checked him on that type airplane and determined that he is familiar and competent with all essential current information and operating procedures.

(b) A flight check given in accordance with § 121.425(a) (2) satisfies the requirements of paragraph (a) of this section.

Aircraft Dispatcher Qualifications and Duty Time Limitations: Domestic and Flag Air Carriers

§ 121.463 Aircraft dispatcher qualifications.

(a) No domestic or flag air carrier may use any person, nor may any person serve, as an aircraft dispatcher for a particular airplane group unless that person has, with respect to an airplane of the group, satisfactorily completed the following:

(1) Initial dispatcher training, except that a person who has satisfactorily completed such training for another type airplane of the same group need only complete the appropriate transition training.

(2) Operating familiarization consisting of at least 5 hours observing from the flight deck operations under 14 CFR Part 120, except that a person may serve as an aircraft dispatcher without meeting this requirement for 90 days after initial introduction of the airplane into operations under 14 CFR Part 120. This requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight.

(b) No domestic or flag air carrier may use any person, nor may any person serve, as an aircraft dispatcher for a particular type airplane unless that person has, with respect to that airplane, satisfactorily completed differences training, if applicable.

(c) No domestic or flag air carrier may use any person, nor may any person serve, as an aircraft dispatcher unless within the preceding 12 calendar months he has satisfactorily completed operating familiarization consisting of at least 5 hours observing from the flight deck operations under 14 CFR Part 120 in one of the types of airplanes in each group he is to dispatch. This requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight. This requirement may be satisfied by observation of 5 hours of simulator training for each airplane group in one of the simulators approved under § 121.407 for the group. However, if this requirement is met by the use of a simulator, no reduction in hours is permitted.

(d) No domestic or flag air carrier may use any person, nor may any person serve as an aircraft dispatcher to dispatch airplanes in operations under 14 CFR Part 120 unless the air carrier has determined that he is familiar with all essential operating procedures for

that segment of the operation over which he exercises dispatch jurisdiction. However, a dispatcher who is qualified to dispatch airplanes through one segment of an operation may dispatch airplanes through other segments of the operation after coordinating with dispatchers who are qualified to dispatch airplanes through those other segments.

(e) For the purposes of this section the airplane groups, terms, and definitions in § 121.400 apply.

§ 121.465 Duty time limitations: Domestic and flag air carriers.

(a) Each domestic and flag air carrier shall establish the daily duty period for a dispatcher so that it begins at a time that allows him to become thoroughly familiar with existing and anticipated weather conditions along the route before he dispatches any airplane. He shall remain on duty until each airplane dispatched by him has completed its flight, or has gone beyond his jurisdiction, or until he is relieved by another qualified dispatcher.

(b) Except in cases where circumstances or emergency conditions beyond the control of air carrier require otherwise—

(1) No domestic or flag air carrier may schedule a dispatcher for more than 10 consecutive hours of duty;

(2) If a dispatcher is scheduled for more than 10 hours of duty in 24 consecutive hours, the carrier shall provide him a rest period of at least eight hours at or before the end of 10 hours of duty.

(3) Each dispatcher must be relieved of all duty with the air carrier for at least 24 consecutive hours during any seven consecutive days or the equivalent thereof within any calendar month.

(c) Notwithstanding paragraphs (a) and (b) of this section, a flag air carrier may, if authorized by the Administrator, schedule an aircraft dispatcher at a duty station outside of the 48 contiguous States and the District of Columbia, for more than 10 consecutive hours of duty in a 24-hour period if that aircraft dispatcher is relieved of all duty with the carrier for at least eight hours during each 24-hour period.

Flight Time Limitations: Domestic Air Carriers

§ 121.471 Flight time limitations: All flight crewmembers.

(a) No domestic air carrier may schedule any flight crewmembers for duty aloft in scheduled air transportation or in other commercial flying if that crewmembers's total flight time in all commercial flying will exceed:

(1) 1,000 hours in any calendar year.

(2) 100 hours in any calendar month.

(3) 30 hours in any seven consecutive days.

(b) No domestic air carrier may schedule a flight crewmember for duty aloft for more than eight hours during any 24 consecutive hours without a rest period at or before the end of that eight hours, equal to twice the number of hours of duty aloft since the last rest period, but no less than eight hours. However, in conducting a scheduled transcontinental nonstop flight, an air carrier may schedule a flight crewmember for more than eight but not more than 10 hours of continuous duty aloft without an intervening rest period, if—

(1) The flight is an airplane with a pressurization system that is operative at the beginning of the flight;

(2) The flightcrew consists of at least two pliots and a flight engineer.

(c) Each flight crewmember who has been on duty aloft for more than eight hours during any 24 consecutive hours must be given, upon completion of his assigned flight or series of flights, at least 16 hours of rest before being assigned to any duty with the air carrier.

(d) Each domestic air carrier shall relieve each flight crewmember engaged in scheduled air transportation from all further duty for at least 24 consecutive hours during any seven consecutive days.

(e) No domestic air carrier may assign any flight crewmember to any duty with the air carrier during any required rest period.

(f) Time spent in transportation, not local in character, that an air carrier requires of a flight crewmember and provides to transport the crewmember to an airport at which he is to serve on a flight as a crewmember, or from an airport at which he was relieved from duty to return to his home station, is not considered part of a rest period.

(g) A flight crewmember is not considered to be scheduled for duty in excess of flight time limitations if the flights to which he is assigned are scheduled and normally terminate within the limitations, but due to circumstances beyond the control of the air carrier (such as adverse weather conditions) are not at the time of departure expected to reach their destination within the scheduled time.

Flight Time Limitations: Flag Air Carriers

§ 121.481 Flight time limitations: One or two pilot crews.

(a) A flag air carrier may schedule a pilot to fly in an airplane that has a crew of one or two pilots for eight hours or less during any 24 consecutive hours without a rest period during these eight hours.

(b) If a flag air carrier schedules a pilot to fly more than eight hours during any 24 consecutve hours, it shall give him an intervening rest period, at or before the end of eight scheduled hours of flight duty. This rest period must be at least twice the number of hours flown since the preceding rest period, but not less than eight hours. The air carrier shall relieve that pilot of all duty with it during that rest period.

(c) Each pilot who has flown more than eight hours during 24 consecutive hours must be given at least 18 hours of rest before being assigned to any duty with the air carrier.

(d) No pilot may fly more than 32 hours during any seven consecutive days, and each pilot must be relieved from all duty for at least 24 consecutive hours at least once during any seven consecutive days.

(e) No pilot may fly as a member of a crew more than 100 hours during any one calendar month.

(f) No pilot may fly as a member of a crew more than 1,000 hours during any 12-calendar-month period.

§ 121.483 Flight time limitations: Two pilots and one additional flight crewmember.

(a) No flag air carrier may schedule a pilot to fly, in an airplane that has a crew of two pilots and at least, one additional flight crewmember, for a total of more than 12 hours during any 24 consecutive hours.

(b) If a pilot has flown 20 or more hours during any 49 consecutive hours or 24 or more hours during any 72 consecutive hours, he must be given at least 18 hours of rest before being assigned to any duty with the air carrier. In any case, he must be given at least 24 consecutive hours of rest during any seven consecutive days.

(c) No pilot may fly as a flight crewmember more than—

(1) 120 hours durng any 30 consecutive days;

(2) 300 hours during any 90 consecutive days; or

(3) 1,000 hours during any 12-calendar-month period.

§ 121.485 Flight time limitations: Three or more pilots and an additional flight crewmember.

(a) Each flag air carrier shall schedule its flight hours to provide adequate rest periods on the ground for each pilot who is away from his base and who is a pilot on an airplane that has a crew of three or more pilots and an additional flight crewmember. It shall also provide adequate sleeping quarters on the airplane whenever a pilot is scheduled to fly more than 12 hours during any 24 consecutive hours.

(b) The flag air carrier shall give each pilot, upon return to his base from any flight or series of flights, a rest period that is at least twice the total number of hours he flew since the last rest period at his base. During the rest period required by this paragraph, the air carrier may not require him to perform any duty for it. If the required rest period is more than seven days, that part of the rest period in excess of seven days may be given at any time before the pilot is again scheduled for flight duty on any route.

(c) No pilot may fly as a flight crewmember more than—

(1) 350 hours during any 90 consecutive days; or

(2) 1,000 hours during any 12-calendar-month period.

§ 121.487 Flight time limitations: Pilots not regularly assigned.

(a) Except as provided in paragraphs (b) through (e) of this section, a pilot who is not regularly assigned as a flight crewmember for an entire calendar month under § 121.483 or 121.485 may not fly more than 100 hours in any 30 consecutive days.

(b) The monthly flight time limitations for a pilot who is scheduled for duty aloft for more than 20 hours in two-pilot crews in any calendar month, or whose assignment in such a crew is interrupted more than once in that calendar month by assignment to a crew consisting of two or more pilots and an additional flight crewmember, are those set forth in § 121.481.

(c) Except for a pilot covered by paragraph (b) of this section, the monthly and quarterly

flight time limitations for a pilot who is scheduled for duty aloft for more than 20 hours in two-pilot and additional flight crewmember crews in any calendar month, or whose assignment in such a crew is interrupted more than once in that calendar month by assignment to a crew consisting of three pilots and additional flight crewmember, are those set forth in § 121.483.

(d) The quarterly flight time limitations for a pilot to whom paragraphs (b) and (c) of this section do not apply and who is scheduled for duty pilot aloft for a total of not more than 20 hours within any calendar month in two-pilot crews (with or without additional flight crewmembers) are those set forth in § 121.485.

(e) The monthly and quarterly flight time limitations for a pilot assigned to each of two-pilot, two-pilot and additional flight crewmember, and three-pilot and additional flight crewmember crews in a given calendar month, and who is not subject to paragraph (b), (c), or (d) of this section, are those set forth in § 121.483.

§ 121.489 Flight time limitations: Other commercial flying.

No pilot that is employed as a pilot by a flag air carrier may do any other commercial flying if that commercial flying plus his flying in air transportation will exceed any flight time limitation in §§ 121.471 through 121.525.

§ 121.491 Flight time limitations: Deadhead transportation.

Time spent in deadhead transportation to or from duty assignment is not considered to be a part of a rest period.

§ 121.493 Flight time limitations: Flight engineers and flight navigators.

(a) In any operation in which one flight engineer or flight navigator is required, the flight time limitations in § 121.483 apply to that flight engineer or flight navigator.

(b) In any operation in which more than one flight engineer or flight navigator is required, the flight time limitations in § 121.485 apply to those flight engineers or flight navigators.

Flight Time Limitations: Supplemental Air Carriers and Commercial Operators

§ 121.501 Flight time limitations: Helicopters.

No supplemental air carrier or commercial operator may schedule a flight crewmember for duty aloft in helicopter operations subject to 14 CFR Part 120, or in any other commercial flying, that would exceed the flight time limitations prescribed in 14 CFR 127.191.

§ 121.503 Flight time limitations: Pilots: airplanes.

(a) A supplemental air carrier or commercial operator may schedule a pilot to fly in an airplane for eight hours or less during any 24 consecutive hours without a rest period during those eight hours.

(b) Each pilot who has flown more than eight hours during any 24 consecutive hours must be given at least 16 hours of rest before being assigned to any duty with the air carrier or commercial operator.

(c) Each supplemental air carrier and commercial operator shall relieve each pilot from all duty for at least 24 consecutive hours at least once during any seven consecutive days.

(d) No pilot may fly as a crewmember in air carrier service more than 100 hours during any 30 consecutive days.

(e) No pilot may fly as a crewmember in air carrier service more than 1,000 hours during any calendar year.

(f) Notwithstanding paragraph (a) of this section, an air carrier may, in conducting a transcontinental nonstop flight, schedule a flight crewmember for more than eight but not more than 10 hours of continuous duty aloft without an intervening rest period, if—

(1) The flight is in an airplane with a pressurization system that is operative at the beginning of the flight;

(2) The flightcrew consists of at least two pilots and a flight engineer; and

(3) The air carrier uses, in conducting the operation, an air/ground communication service that is independent of systems operated by the United States, and a dispatch organization, both of which are approved by the Administrator as adequate to serve the terminal points concerned.

§ 121.505 Flight time limitations: Two pilot crews: airplanes.

(a) If a supplemental air carrier or commercial operator schedules a pilot to fly more than eight hours during any 24 consecutive hours, it shall give him an intervening rest period at or before the end of eight scheduled hours of flight duty. This rest period must be at least twice the number of hours flown since the preceding rest period, but not less than eight hours. The supplemental air carrier or commercial operator shall relieve that pilot of all duty with it during that rest period.

(b) No pilot of an airplane that has a crew of two pilots may be on duty for more than 16 hours during any 24 consecutive hours.

§ 121.507 Flight time limitations: Three pilot crews: Airplanes.

(a) No supplemental air carrier or commercial operator may schedule a pilot—

(1) For flight deck duty in an airplane that has a crew of three pilots for more than eight hours in any 24 consecutive hours; or

(2) To be aloft in an airplane that has a crew of three pilots for more than 12 hours in any 24 consecutive hours.

(b) No pilot of an airplane that has a crew of three pilots may be on duty for more than 18 hours in any 24 consecutive hours.

§ 121.509 Flight time limitations: Four pilot crews: airplanes.

(a) No supplemental air carrier or commercial operator may schedule a pilot—

(1) For flight deck duty in an airplane that has a crew of four pilots for more than eight hours in any 24 consecutive hours; or

(2) To be aloft in an airplane that has a crew of four pilots for more than 16 hours in any 24 consecutive hours.

(b) No pilot of an airplane that has a crew of four pilots may be on duty for more than 20 hours in any 24 consecutive hours.

§ 121.511 Flight time limitations: Flight engineers: airplanes.

(a) In any operation in which one flight engineer is serving the flight time limitations in §§ 121.503 and 121.505 apply to that flight engineer.

(b) In any operation in which more than one flight engineer is serving and the flight crew contains more than two pilots the flight time limitations in § 121.509 apply in place of those in § 121.505.

§ 121.513 Flight time limitations: Overseas and international operations: airplanes.

In place of the flight time limitations in §§ 121.503 through 121.511, a supplemental air carrier or commercial operator may elect to comply with the flight time limitations of §§ 121.515 and 121.521 through 121.525 for operations conducted—

(a) Between a place in the 48 contiguous States and the District of Columbia, or Alaska, and any place outside thereof;

(b) Between any two places outside the 48 contiguous States, the District of Columbia, and Alaska; or

(c) Between two places within the State of Alaska or the State of Hawaii.

§ 121.515 Flight time limitations: All airmen: airplanes.

No airman may be aloft as a flight crewmember more than 1,000 hours in any 12-calendar-month period.

§ 121.517 Flight time limitations: Other commercial flying: airplanes.

No airman who is employed by a supplemental air carrier or commercial operator may do any other commercial flying, if that commercial flying plus his flying in operations under 14 CFR Part 120 will exceed any flight time limitation in §§ 121.471 through 121.525.

§ 121.519 Flight time limitations: Deadhead transportation: airplanes.

Time spent by an airman in deadhead transportation to or from a duty assignment is not considered to be part of any rest period.

121.521 Flight time limitations: Crew of two pilots and one additional airman as required.

(a) No supplemental air carrier or commercial operator may schedule an airman to be aloft as a member of the flightcrew in an airplane that has a crew of two pilots and at least one additional flight crewmember for more than 12 hours during any 24 consecutive hours.

(b) If an airman has been aloft as a member of a flightcrew for 20 or more hours during any 48 consecutive hours or 24 or more hours during any 72 consecutive hours, he must be given at least 18 hours of rest before being assigned to any duty with the air carrier or commercial operator. In any case, he must be relieved of all duty for at least 24 consecutive hours during any seven consecutive days.

(c) No airman may be aloft as a flight crewmember more than—

(1) 120 hours during any 30 consecutive days; or

(2) 300 hours during any 90 consecutive days.

§ 121.523 Flight time limitations: Crew of three or more pilots and additional airmen as required.

(a) No supplemental air carrier or commercial operator may schedule an airman for flight deck duty as a flight engineer, or navigator in a crew of three or more pilots and additional airmen for a total of more than 12 hours during any 24 consecutive hours.

(b) Each supplemental air carrier and commercial operator shall schedule its flight hours to provide adequate rest periods on the ground for each airman who is away from his principal operations base. It shall also provide adequate sleeping quarters on the airplane whenever an airman is scheduled to be aloft as a flight crewmember for more than 12 hours during any 24 consecutive hours.

(c) No supplemental air carrier or commercial operator may schedule any flight crewmember to be on continuous duty for more than 30 hours. Such a crewmember is considered to be on continuous duty from the time he reports for duty until the time he is released from duty for a rest period of at least 10 hours on the ground. If a flight crewmember is on continuous duty for more than 24 hours (whether scheduled or not) during any scheduled duty period, he must be given at least 16 hours for rest on the ground after completing the last flight scheduled for that scheduled duty period before being assigned any further flight duty.

(d) If a flight crewmember is required to engage in deadhead transportation for more than four hours before beginning flight duty, one half of the time spent in deadhead transportation must be treated as duty time for the purpose of complying with duty time limitations, unless he is given at least 10 hours of rest on the ground before being assigned to flight duty.

(e) Each supplemental air carrier and commercial operator shall give each airman, upon return to this operations base from any flight or series of flights, a rest period that is at least twice the total number of hours he was aloft as a flight crewmember since the last rest period at his base, before assigning him to any further duty. If the required rest period is more than seven days, that part of the rest period that is more than seven days may be given at any time before the pilot is again scheduled for flight duty.

(f) No airman may be aloft as a flight crewmember for more than 350 hours in any 90 consecutive days.

§ 121.525 Flight time limitations: Pilots serving in more than one kind of flight crew.

(a) This section applies to each pilot assigned during any 30 consecutive days to more than one type of flight crew.

(b) The flight time limitations for a pilot who is scheduled for duty aloft for more than 20 hours in two-pilot crews in 30 consecutive days, or whose assignment in such a crew is interrupted more than once in any 30 consecutive days by assignment to a crew of two or more pilots and an additional flight crewmember, are those listed in §§ 121.503 through 121.509, as appropriate.

(c) Except for a pilot covered by paragraph (b) of this section, the flight time limitations for a pilot scheduled for duty aloft for more than 20 hours in two-pilot and additional flight crewmember crews in 30 consecutive days or whose assignment in such a crew is interrupted more than once in any 30 consecutive days by assignment to a crew consisting of three pilots and an additional flight crewmember, are those set forth in § 121.521.

(d) The flight time limitations for a pilot to whom paragraphs (b) and (c) of this section do not apply, and who is scheduled for duty aloft for a total of not more than 20 hours within 30 consecutive days in two-pilot crews (with or without additional flight crewmembers) are those set forth in § 121.523.

(e) The flight time limitations for a pilot assigned to each of two-pilot, two-pilot and additional flight crewmember, and three-pilot and additional flight crewmember crews in 30 consecutive days, and who is not subject to paragraph (b), (c), or (d) of this section, are those listed in § 121.523.

Flight Operations

§ 121.533 Responsibility for operational control: Domestic air carriers.

(a) Each domestic air carrier is responsible for operational control.

(b) The pilot in command and the aircraft dispatcher are jointly responsible for the preflight planning, delay, and dispatch release of a flight in compliance with 14 CFR Chapter I and operations specifications.

(c) The aircraft dispatcher is responsible for—

(1) Monitoring the progress of each flight;

(2) Issuing necessary information for the safety of the flight; and

(3) Cancelling or redispatching a flight if, in his opinion or the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released.

(d) Each pilot in command of an aircraft is, during flight time, in command of the aircraft and crew and is responsible for the safety of the passengers, crewmembers, cargo, and airplane.

(e) Each pilot in command has full control and authority in the operation of the aircraft, without limitation, over other crewmembers and their duties during flight time, whether or not he holds valid certificates authorizing him to perform the duties of those crewmembers.

§ 121.535 Responsibility for operational control: Flag air carriers.

(a) Each flag air carrier is responsible for operational control.

(b) The pilot in command and the aircraft dispatcher are jointly responsible for the preflight planning, delay, and dispatch release of a flight in compliance with 14 CFR Chapter I and operations specifications.

(c) The aircraft dispatcher is responsible for—

(1) Monitoring the progress of each flight;

(2) Issuing necessary instructions and information for the safety of the flight; and

(3) Cancelling or redispatching a flight if, in his opinion or the opinion of the pilot in command, the flight cannot operate or continue to operate safely as planned or released.

(d) Each pilot in command of an aircraft is, during flight time, in command of the aircraft and crew and is responsible for the safety of the passengers, crewmembers, cargo, and airplane.

(e) Each pilot in command has full control and authority in the operation of the aircraft, without limitation, over other crewmembers and their duties during flight time, whether or not he holds valid certificates authorizing him to perform the duties of those crewmembers

(f) No pilot may operate an aircraft in a careless or reckless manner so as to endanger life or property.

§ 121.537 Responsibility for operational control: Supplemental air carriers and commercial operators.

(a) Each supplemental air carrier and commercial operator—

(1) Is responsible for operational control; and

(2) Shall list each person authorized by it to exercise operational control in its operator's manual.

(b) The pilot in command and the director of operations are jointly responsible for the initiation, continuation, diversion, and termination of a flight in compliance with 14 CFR Chapter I and the operations specifications. The director of operations may delegate the functions for the initiation, continuation, diversion, and termination of a flight but he may not delegate the responsibility for those functions.

(c) The director of operations is responsible for cancelling, diverting, or delaying a flight if in his opinion or the opinion or the opinion of the pilot in command the flight cannot operate or continue to operate safely as planned or released. The director of operations is responsible for assuring that each flight is monitored with respect to at least the following:

(1) Departure of the flight from the place of origin and arrival at the place of destination, including intermediate stops and any diversions therefrom.

(2) Maintenance and mechanical delays encountered at places of origin and destination and intermediate stops.

(3) Any known conditions that may adversely affect the safety of flight.

(d) Each pilot in command of an aircraft is, during flight time, in command of the aircraft and crew and is responsible for the safety of the passengers, crewmembers, cargo, and aircraft. The pilot in command has full control and authority in the operation of the aircraft, without limitation, over other crewmembers and their duties during flight time, whether or not he holds valid certificates authorizing him to perform the duties of those crewmembers.

(e) Each pilot in command of an aircraft is responsible for the preflight planning and the operation of the flight in compliance with 14 CFR Chapter I and the operations specifications.

(f) No pilot may operate an aircraft, in a careless or reckless manner, so as to endanger life or property.

§ 121.539 Operations notices.

Each certificate holder shall notify its appropriate operations personnel of each change in equipment and operating procedures, including each known change in

the use of navigation aids, airports, air traffic control procedures and regulations, local airport traffic control rules, and known hazards to flight, including icing and other potentially hazardous meteorological conditions and irregularities in ground and navigation facilities.

§ 121.541 Operations schedules: Domestic and flag air carriers.

In establishing flight operations schedules, each domestic and flag air carrier shall allow enough time for the proper servicing of aircraft at intermediate stops, and shall consider the prevailing winds en route and the cruising speed of the type of aircraft used. This cruising speed may not be more than that resulting from the specified cruising output of the engines.

§ 121.542 Flight crewmember duties

(a) No certificate holder shall require, nor may any flight crewmember perform, any duties during a critical phase of flight except those duties required for the safe operation of the aircraft. Duties such as company required calls made for such nonsafety related purposes as ordering galley supplies and confirming passenger connections, announcements made to passengers promoting the air carrier or pointing out sights of interest, and filling out company payroll and related records are not required for the safe operation of the aircraft.

(b) No flight crewmember may engage in, nor may any pilot in command permit, any activity during a critical phase of flight which could distract any flight crewmember from the performance of his or her duties or which could interfere in any way with the proper conduct of those duties. Activities such as eating meals, engaging in nonessential conversations within the cockpit and nonessential communications between the cabin and cockpit crews, and reading publications not related to the proper conduct of the flight are not required for the safe operation of the aircraft.

(c) For the purposes of this section, critical phases of flight includes all ground operations involving taxi, takeoff and landing, and all other flight operations conducted below 10,000 feet, except cruise flight.

Note.—Taxi is defined a "movement of an airplane under its own power on the surface of an airport."

§ 121.543 Flight crewmembers at controls.

(a) Except as provided in paragraph (b) of this section, each required flight crewmember on flight deck duty must remain at the assigned duty station with seat belt fastened while the aircraft is taking off or landing, and while it is en route.

(b) A required flight crewmember may leave the assigned duty station—

(1) If the crewmember's absence is necessary for the performance of duties in connection with the operation of the aircraft;

(2) If the crewmember's absence is in connection with physiological needs; or

(3) If the crewmember is taking a rest period, and relief is provided—

(i) In the case of the assigned pilot in command during the en route cruise portion of the flight, by a pilot who holds an airline transport pilot certificate and an appropriate type rating, is currently qualified as pilot in command or second in command, and is qualified as pilot in command of that aircraft during the en route cruise portion of the flight. A second in command qualified to act as a pilot in command en route need not have completed the following pilot in command requirements: The 6-month recurrent flight training required by § 121.433(c)(1)(iii); the operating experience required by § 121.434; the takeoffs and landings required by § 121.439; the line check required by § 121.440; and the 6-month proficiency check or simulator training required by § 121.441(a)(1); and

(ii) In the case of the assigned second in command, by a pilot qualified to act as second in command of that aircraft during en route operations. However, the relief pilot need not meet the recent experience requirements of § 121.439(b).

§ 121.545 Manipulation of controls.

No pilot in command may allow any person to manipulate the controls of an aircraft during flight nor may any person manipulate the controls during flight unless that person is—

(a) A qualified pilot of the certificate holder operating that aircraft,

(b) An authorized pilot safety representative of the Administrator or of the National Transportation Safety Board who has the permission of the pilot in command, is qualified in the aircraft, and is checking flight operations; or

(c) A pilot of another certificate holder who has the permission of the pilot in command, is qualified in the aircraft, and is authorized by the certificate holder operating the aircraft

§ 121.547 Admission to flight deck.

(a) No person may admit any person to the flight deck of an aircraft unless the person being admitted is—

(1) A crewmember;

(2) An FAA aviation safety inspector, or an authorized representative of the National Transportation Safety Board, who is performing official duties;

(3) An employee of the United States, a certificate holder, or an aeronautical enterprise who has the permission of the pilot in command and whose duties are such that admission to the flight deck is necessary or advantageous for safe operations; or

(4) Any person who has the permission of the pilot in command and is specifically authorized by the certificate holder management and by the Administrator. Paragraph (a)(2) of this section does not limit the emergency authority of the pilot in command to exclude any person from the flight deck in the interests of safety.

(b) For the purposes of paragraph (a)(3) of this section, employees of the United States who deal responsibly with matters relating to safety and employees of the certificate holder whose efficiency would be increased by familiarity with flight conditions, may be admitted by the certificate holder. However, the certificate holder may not admit employees of traffic, sales, or other departments that are not directly related to flight operations, unless they are eligible under paragraph (a)(4) of this section.

(c) No person may admit any person to the flight deck unless there is a seat available for his use in the passenger compartment, except—

(1) An FAA aviation safety inspector or an authorized representative of the Administrator or National Transportation Safety Board who is checking or observing flight operations;

(2) An air traffic controller who is authorized by the Administrator to observe ATC procedures;

(3) A certificated airman employed by the certificate holder whose duties require an airman certificate;

(4) A certificated airman employed by another certificate holder whose duties with that carrier require an airman certificate and who is authorized by the certificate holder operating the aircraft to make specific trips over a route;

(5) An employee of the certificate holder operating the aircraft whose duty is directly related to the conduct or planning of flight operations or the inflight monitoring of aircraft equipment or operating procedures, if his presence on the flight deck is necessary to perform his duties and he has been authorized in writing by a responsible supervisor, listed in the Operations Manual as having that authority; and

(6) A technical representative of the manufacturer of the aircraft or its components whose duties are directly related to the inflight monitoring of aircraft equipment or operating procedures, if his presence on the flight deck is necessary to perform his duties, and he has been authorized in writing by the Administrator and by a responsible supervisor of the operations department of the certificate holder, listed in the Operations Manual as having that authority.

§ 121.549 Flying equipment.

(a) The pilot in command shall ensure that appropriate aeronautical charts containing adequate information concerning navigation aids and instrument approach procedures are aboard the aircraft for each flight.

(b) Each crewmember shall, on each flight, have readily available for his use a flashlight that is in good working order.

§ 121.550 Secret Service agents: Admission to flight deck.

Whenever an agent of the Secret Service who is assigned the duty of protecting a person aboard an aircraft operated by an air carrier or commercial operator considers it necessary in the performance of his duty to ride on the flight deck of the aircraft, he must, upon request and presentation of his Secret Service credentials to the pilot in command of the aircraft, be admitted to the flight deck and permitted to occupy an observer seat thereon.

§ 121.551 Restriction or suspension of operation: domestic and flag air carriers.

When a domestic or flag air carrier knows of conditions, including airport and runway conditions, that are a hazard to safe operations, it shall restrict or suspend

operations until those conditions are corrected.

§ 121.553 Restriction or suspension of operation: Supplemental air carriers and commercial operators.

When a supplemental air carrier, commercial operator, or pilot in command knows of conditions, including airport and runway conditions, that are a hazard to safe operations, the air carrier, commercial operator, or pilot in command, as the case may be, shall restrict or suspend operations until those conditions are corrected.

§ 121.557 Emergencies: Domestic and flag air carriers.

(a) In an emergency situation that requires immediate decision and action the pilot in command may take any action that he considers necessary under the circumstances. In such a case he may deviate from prescribed operations procedures and methods, weather minimums, and 14 CFR Chapter I, to the extent required in the interests of safety.

(b) In an emergency situation arising during the flight that requires immediate decision and action by an aircraft dispatcher, and that is known to him, the aircraft dispatcher shall advise the pilot in command of the emergency, shall ascertain the decision of the pilot in command, and shall have the decision recorded. If the aircraft dispatcher cannot communicate with the pilot, he shall declare an emergency and take any action that he considers necessary under the circumstances.

(c) Whenever a pilot in command or dispatcher exercises emergency authority, he shall keep the appropriate ATC facility and dispatch centers fully informed of the progress of the flight. The person declaring the emergency shall send a written report of any deviation through the air carrier's operations manager, to the Administrator. A dispatcher shall send his report within 10 days after the date of the emergency, and a pilot in command shall send his report within 10 days after returning to his home base.

§ 121.559 Emergencies: Supplemental air carriers and commercial operators.

(a) In an emergency situation that requires immediate decisison and action, the pilot in command may take any action that he considers necessary under the circumstances. In such a case, he may deviate from prescribed operations, procedures and methods, weather minimums, and 14 CFR Chapter I, to the extent required in the interests of safety.

(b) In an emergency situation arising during flight that requires immediate decision and action by appropriate management personnel in the case of operations conducted with a flight following service and which is known to them, those personnel shall advise the pilot in command of the emergency, shall ascertain the decision of the pilot in command, and shall have the decision recorded. If they cannot communicate with the pilot, they shall declare an emergency and take any action that they consider necessary under the circumstances.

(c) Whenever emergency authority is exercised, the pilot in command or the appropriate management personnel shall keep the appropriate ground radio station fully informed of the progress of the flight. The person declaring the emergency shall send a written report of any deviation, through the air carrier's or commercial operator's director of operations, to the Administrator within 10 days after the flight is completed or, in the case of operations outside the United States, upon return to the home base.

§ 121.561 Reporting potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

(a) Whenever he encounters a meteorological condition or an irregularity in a ground or navigational facility, in flight, the knowledge of which he considers essential to the safety of other flights, the pilot in command shall notify an appropriate ground station as soon as practicable.

(b) The ground radio station that is notified under paragraph (a) of this section shall report the information to the agency directly responsible for operating the facility.

§ 121.563 Reporting mechanical irregularities.

The pilot in command shall ensure that all mechanical irregularities occurring during flight time are entered in the maintenance log of the airplane at the end of that flight time. Before each flight the pilot in command shall ascertain the status of each irregularity entered in the log at the end of the preceding flight.

§ 121.565 Engine inoperative: Landing; reporting.

(a) Except as provided in paragraph (b) of this section, whenever an engine of an airplane fails or whenever the rotation of an engine is stopped to prevent possible damage, the pilot in command shall land the airplane at the nearest suitable airport, in point of time, at which a safe landing can be made.

(b) If not more than one engine of an airplane that has three or more engines fails or its rotation is stopped, the pilot in command may proceed to an airport that he selects if, after considering the following, he decides that proceeding to that airport is as safe as landing at the nearest suitable airport:

(1) The nature of the malfunction and the possible mechanical difficulties that may occur if flight is continued.

(2) The altitude, weight, and usable fuel at the time of engine stoppage.

(3) The weather conditions en route and at possible landing points.

(4) The air traffic congestion.

(5) The kind of terrain.

(6) His familiarity with the airport to be used.

(c) The pilot in command shall report each stoppage of engine rotation in flight to the appropriate ground radio station as soon as practicable and shall keep that station fully informed of the progress of the flight.

(d) If the pilot in command lands at an airport other than the nearest suitable airport, in point of time, he shall (upon completing the trip) send a written report, in duplicate, to his operations manager (or director of operations in the case of a supplemental air carrier or commercial operator) stating his reasons for determining that his selection of an airport, other than the nearest airport, was as safe a course of action as landing at the nearest suitable airport. The operations manager or director of operations shall, within 10 days after the pilot returns to his home base, send a copy of this report with his comments to the FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations.

§ 121.569 Equipment interchange: Domestic and flag air carriers.

(a) Before operating under an interchange agreement, each domestic and flag air carrier shall show that—

(1) The procedures for the interchange operation conform with 14 CFR Chapter I and with safe operating practices;

(2) Required crewmembers and dispatchers meet approved training requirements for the airplanes and equipment to be used and are familiar with the communications and dispatch procedures to be used;

(3) Maintenance personnel meet training requirements for the airplanes and equipment, and are familiar with the maintenance procedures to be used;

(4) Flight crewmembers and dispatchers meet appropriate route and airport qualifications; and

(5) The airplanes to be operated are essentially similar to the airplanes of the air carrier with whom the interchange is effected with respect to the arrangement of flight instruments and the arrangement and motion of controls that are critical to safety unless the Administrator determines that the air carrier has adequate training programs to insure that any potentially hazardous dissimilarities are safely overcome by flightcrew familiarization.

(b) Each domestic and flag air carrier shall include the pertinent provisions and procedures involved in the equipment interchange agreement in its manuals.

§ 121.571 Briefing passengers before takeoff.

(a) Each certificate holder operating a passenger-carrying airplane shall insure that all passengers are orally briefed by the appropriate crewmember as follows:

(1) Before each takeoff, on each of the following:

(i) Smoking.

(ii) The location of emergency exists.

(iii) The use of safety belts including instructions on how to fasten and unfasten the safety belt.

(iv) The location and use of any required emergency flotation means.

(2) After each takeoff, immediately before or immediately after turning the seat belt sign off, an announcement shall be made that passengers should keep their seat belts fastened, while seated, even when the seat belt sign is off.

(3) Except as provided in paragraph (a)(4) of this section, before each takeoff a flight attendant assigned to the flight shall conduct an individual briefing of each person who may need the assistance of another person to move expeditiously to an exit in the event of an emergency. In the briefing the flight attendant shall—

(i) Brief the person and this attendant, if any, on the routes to each appropriate exit and on the most appropriate time to begin moving to an exit in the event of an emergency; and

(ii) Inquire of the person and his attendant, if any, as to the most appropriate manner of assisting the person so as to prevent pain and further injury.

(4) The requirements of paragraph (a)(3) of this section do not apply to a person who has been given a briefing before a previous leg of a flight in the same aircraft when the flight attendants on duty have been advised as to the most appropriate manner of assisting the person so as to prevent pain and further injury.

(b) Each certificate holder shall carry on each passenger-carrying airplane, in convenient location for use of each passenger, printed cards supplementing the oral briefing and containing—

(1) Diagrams of, and methods of operating, the emergency exists; and

(2) Other instructions necessary for use of emergency equipment.

Each card required by this paragraph must contain information that is pertinent only to the type and model airplane used for that flight.

(c) The certificate holder shall describe in its manual the procedure to be followed in the briefing required by paragraph (a) of this section.

§ 121.573 Briefing passengers: Extended overwater operations.

(a) In addition to the oral briefing required by § 121.571(a), each certificate holder operating an airplane in extended overwater operations shall ensure that all passengers are orally briefed by the appropriate crewmember on the location and operation of life preservers, liferafts, and other flotation means, including a demonstration of the method of donning and inflating a life preserver

(b) The certificate holder shall describe in its manual the procedure to be followed in the briefing required by paragraph (a) of this section.

(c) If the airplane proceeds directly over water after takeoff, the briefing required by paragraph (a) of this section must be done before takeoff.

(d) If the airplane does not proceed directly over water after takeoff, no part of the briefing required by paragraph (a) of this section has to be given before takeoff, but the entire briefing must be given before reaching the overwater part of the flight.

§ 121.574 Oxygen for medical use by passengers.

(a) A certificate holder may allow a passenger to carry and operate equipment for the storage, generation, or dispensing of oxygen when the following conditions are met:

(1) The equipment is—

(i) Furnished by the certificate holder;

(ii) Of an approved type or is in conformity with the manufacturing, packaging, marking, labeling, and maintenance requirements of 49 CFR Parts 171, 172, and 173, except § 173.24(a)(1);

(iii) Maintained by the certificate holder in accordance with an approved maintenance program;

(iv) Free of flammable contaminants on all exterior surfaces;

(v) Capable of providing a minimum mass flow of oxygen to the user of four liters per minute;

(vi) Constructed so that all valves, fittings, and gauges are protected from damage; and

(vii) Appropriately secured.

(2) When the oxygen is stored in the form of a liquid, the equipment has been under the certificate holder's approved maintenance program since its purchase new or since the storage container was last purged.

(3) When the oxygen is stored in the form of a compressed gas as defined in 49 CFR 173.300(a)—

(i) The equipment has been under the certificate holder's approved maintenance program since its purchase new or since the last hydrostatic test of the storage cylinder; and

(ii) The pressure in any oxygen cylinder does not exceed the rated cylinder pressure.

(4) Each person using the equipment has a medical need to use it evidenced by a written statement to be kept in that person's possession, signed by a licensed physician which specifies the maximum quantity of oxygen needed each hour and the maximum flow rate needed for the pressure altitude corresponding to the pressure in the cabin of the airplane under normal operating conditions. This paragraph does not apply to the carriage of oxygen in an airplane in which the only passengers carried are persons who may have a medical need for oxygen during flight, no more than one relative or other interested person for each of those persons, and medical attendants.

(5) When a physician's statement is required by paragraph (a)(4) of this section, the total quantity of oxygen carried is equal to the maximum quantity of oxygen needed each hour, as specified in the physician's statement, multiplied by the number of hours used to compute the amount of airplane fuel required by 14 CFR Part 120.

(6) The pilot in command is advised when the equipment is on board, and when it is intended to be used.

(7) The equipment is stowed, and each person using the equipment is seated, so as not to restrict access to or use of any required emergency, or regular exit, or of the aisle in the passenger compartment.

(b) No person may, and no certificate holder may allow any person to, smoke within 10 feet of oxygen storage and dispensing equipment carried in accordance with paragraph (a) of this section.

(c) No certificate holder may allow any person to connect or disconnect oxygen dispensing equipment, to or from a gaseous oxygen cylinder while any passenger is aboard the airplane.

(d) The requirements of this section do not apply to the carriage of supplemental or first-aid oxygen and related equipment required by 14 CFR Chapter I.

§ 121.575 Alcoholic beverages.

(a) No person may drink any alcoholic beverage aboard an aircraft unless the certificate holder operating the aircraft has served that beverage to him.

(b) No certificate holder may serve any alcoholic beverage to any person aboard any of its aircraft who—

(1) Appears to be intoxicated;

(2) Is escorting a person or being escorted in accordance with 14 CFR 108.21; or

(3) Has a deadly or dangerous weapon accessible to him while aboard the aircraft in accordance with 14 CFR 108.11.

(c) No certificate holder may allow any person to board any of its aircraft if that person appears to be intoxicated.

(d) Each certificate holder shall, within five days after the incident, report to the Administrator the refusal of any person to comply with paragraph (a) of this section, or of any disturbance caused by a person who appears to be intoxicated aboard any of its aircraft.

§ 121.576 Retention of items of mass in passenger and crew compartments.

The certificate holder must provide and use means to prevent each item of galley equipment and each serving cart, when not in use, and each item of crew baggage which is carried in a passenger or crew compartment from becoming a hazard by shifting under the appropriate load factors corresponding to the emergency landing conditions under which the airplane was type certificated.

§ 121.577 Food and beverage service equipment during takeoff and landing.

(a) No certificate holder may take off or land an airplane when any food, beverage, or tableware, furnished by the certificate holder is located at any passenger seat.

(b) No certificate holder may take off or land an airplane unless each passenger's food and beverage tray and each serving cart is secured in its stowed position.

(c) Each passenger shall comply with instructions given by a crewmember in compliance with this section.

§ 121.578 Cabin ozone concentration.

(a) For the purpose of this section, the following definitions apply:

(1) "Flight segment" means scheduled nonstop flight time between two airports.

(2) "Sea level equivalent" refers to conditions of 25° C and 760 millimeters of mercury pressure.

(b) Except as provided in paragraphs (d) and (e) of this section, no certificate holder may operate a transport category airplane above the following flight levels unless it it successfully demonstrated to the Administrator that the concentration of ozone inside the cabin will not exceed—

(1) For flight above flight level 320, 0.25 parts per million by volume, sea level equivalent, at any time above that flight level; and

(2) For flight above flight level 270, 0.1 parts per million by volume, sea level equivalent, time-weighted average for each flight segment that exceeds 4 hours and includes flight above that flight level. (For this purpose, the amount of ozone below flight level 180 is considered to be zero.)

(c) Compliance with this section must be shown by analysis or tests, based on either

airplane operational procedures and performance limitations or the certificate holder's operations. The analysis or tests must show either of the following:

(1) Atmospherics ozone statistics indicate, with a statistical confidence of at least 84%, that at the altitudes and locations at which the airplane will be operated cabin ozone concentrations will not exceed the limits prescribed by paragraph (b) of this section.

(2) The airplane ventilation system including any ozone control equipment, will maintain cabin ozone concentrations at or below the limits prescribed by paragraph (b) of this section.

(d) A certificate holder may obtain an authorization to deviate form the requirements of paragraph (b) of this section, by an amendment to its operations specifications, if—

(1) It shows that due to circumstances beyond its control or to unreasonable economic burden it cannot comply for a specified period of time; and

(2) It has submitted a plan acceptable to the Administrator to effect compliance to the extent possible.

(e) A certificate holder need not oomply with the requirements of paragraph (b) of this section for an aircraft—

(1) When the only persons carried are flight crewmembers and persons listed in § 121.583;

(2) If the aircraft is scheduled for retirement before January 1, 1985; or

(3) If the aircraft is scheduled for reengining under the provisions of Subpart E of 14 CFR Part 91, until it is reengined.

§ 21.579 Minimum attitudes for use of autopilot.

(a) *En route operations.* Except as provided in paragraphs (b) and (c) of this section, no person may use an autopilot en route, including climb and descent, at an altitude above the terrain that is less than twice the maximum altitude loss specified in the Airplane Flight Manual for a malfunction of the autopilot under cruise conditions, or less than 500 feet, whichever is higher.

(b) *Approaches.* When using an instrument approach facility, no person may use an autopilot at an altitude above the terrain that is less than twice the maximum altitude loss specified in the Airplane Flight Manual for a malfunction of the autopilot under approach conditions, or less than 50 feet below the approved minimum descent altitude or decision height for the facility, whichever is higher, except—

(1) When reported weather conditions are less than the basic VFR weather conditions in 14 CFR 91.105, no person may use an autopilot with an approach coupler for ILS approaches at an altitude above the terrain that is less than 50 feet higher than the maximum altitude loss specified in the Airplane Flight Manual for the malfunction of the autopilot with approach coupler under approach conditions; and

(2) When reported weather conditions are equal to or better than the VFR minimums in 14 CFR 91.105, no person may use an autopilot with an approach coupler for ILS approaches at an altitude above the terrain that is less than the maximum altitude loss specified in the Airplane Flight Manual for the malfunction of the autopilot with approach coupler under approach conditions, or 50 feet, whichever is higher.

(c) Notwithstanding paragraph (a) or (b) of this section, the Administrator issues operations specifications to allow the use, to touchdown, of an approved flight control guidance system with automatic capability, in any case in which—

(1) The system does not contain any altitude loss (above zero) specified in the Airplane Flight Manual for malfunction of the autopilot with approach coupler; and

(2) He finds that the use of the system to touchdown will not otherwise affect the safety standards required by this section.

§ 121.583 Carriage of persons without compliance with the passenger-carrying requirements of 14 CFR Part 120.

(a) When authorized by the certificate holder, the following persons, but no others, may be carried aboard an airplane without complying with the passenger-carrying airplane requirements in §§ 121.309(f), 121.310, 121.391, 121.571, and 121.567; the passenger-carrying operation requirements in §§ 121.157(c), 121.161, and 121.291; and the requirements pertaining to passengers in §§ 121.285, 121.313(f), 121.317, 121.547, and 121.573:

(1) A crewmember.

(2) A company employee.

(3) An FAA aviation safety inspector, or an authorized representative of the National Transportation Safety Board, who is performing official duties.

(4) A person necessary for—

(i) The safety of the flight;

(ii) The safe handling of animals;

(iii) The safe handling of harzardous materials whose carriage is governed by regulations in 49 CFR Part 175;

(iv) The security of valuabe or confidendial cargo;

(v) The preservation of fragile or perishable cargo;

(vi) Experiments on, or testing of, cargo containers or cargo handling devices;

(vii) The operation of special equipment for loading or unloading cargo; and

(vii) The loading or unloading of outsize cargo.

(5) A person described in paragraph (a)(4) of this section, when traveling to or from his assignment.

(6) A person performing duty as an honor guard accompanying a shipment made by or under the authority of the United States.

(7) A military courier, military route supervisor, military cargo contract coordinator, or a flight crewmember of another military cargo contract air carrier or commercial operator, carried by a military cargo contract air carrier or commercial operator in operations under a military cargo contract, if that carriage is specifically authorized by the appropriate armed forces.

(8) A dependent of an employee of the certificate holder when traveling with the employee on company business to or from outlying stations not served by adequate regular passenger flights.

(b) No certificate holder may operate an airplane carrying a person covered by paragraph (a) of this section unless—

(1) Each person has unobstructed access from his seat to the pilot compartment or to a regular or emergency exit;

(2) The pilot in command has a means of notifying each person when smoking is prohibited and when safety belts must be fastened; and

(3) The airplane has an approved seat with an approved safety belt for each person. The seat must be located so that the occupant is not in any position to interfere with the flight crewmembers performing their duties.

(c) Before each takeoff, each certificate holder operating an airplane carrying persons covered by paragraph (a) of this section shall ensure that all such persons have been orally briefed by the appropriate crewmember on—

(1) Smoking;

(2) The use of seat belts;

(3) The location and operation of emergency exits;

(4) The use of oxygen and emergency oxygen equipment; and

(5) For extended overwater operations, the location of life rafts, and the location and operation of life preservers including a demonstration of the method of donning and inflating a life preserver.

(d) Each certificate holder operating an airplane carrying persons covered by paragraph (a) of this section shall incorporate procedures for the safe carriage of such persons into the air carrier's or commercial operator's operations manual.

(e) The pilot in command may authorize a person covered by paragraph (a) of this section to be admitted to the crew compartment of the airplane.

§ 121.586 Authority to refuse transportation.

(a) No certificate holder may refuse transportation to a passenger on the basis that, because the passenger may need the assistance of another person to move expeditiously to an exit in the event of an emergency, his transportation would or might be inimical to safety of flight unless—

(1) The certificate holder has established procedures (including reasonable notice requirements) for the carriage of passengers who may need the assistance of another person to move expeditiously to an exit in the event of an emergency; and

(2) At least one of the following conditions exist:

(i) The passenger fails to comply with the notice requirements in the certificate holder's procedures.

(ii) The passenger cannot be carried in accordance with the certificate holder's procedures.

(b) Each certificate holder shall provide the FAA district office charged with the overall inspection of its operations with a copy of each procedure it establishes in accordance with paragraph (a)(2) of this section.

(c) Whenever the Administrator finds that revisions in the procedures described in paragraph (a)(2) of this section are necessary in the interest of safety or in the public interest, the certificate holder, after notification by the Administrator, shall make those revisions in its procedures. Within 30 days after the certificate holder receives such notice, it may file a petition to reconsider the

notion with the FAA district office charged with the overall inspection of the certificate holder's operations. The filing of a petition to reconsider stays the notice pending a decision by the Administrator. However, if the Administrator finds that there is an emergency that requires immediate action in the interest of safety in air commerce, he may, upon a statement of the reasons, require a change effective without stay.

(d) Each certificate holder shall make available to the public at each airport it serves a copy of each procedure it establishes in accordance with paragraph (a)(1) of this section.

§ 121.587 Closing and locking of flightcrew compartment door.

(a) Except as provided in paragraph (b) of this section, the pilot in command of a large airplane carrying passengers shall ensure that the door separating the flightcrew compartment from the passenger compartment is closed and locked during flight.

(b) The provisions of paragraph (a) of this section do not apply—

(1) During takeoff and landing if the crew compartment door is the means of access to a required passenger emergency exit or a floor level exit; or

(2) At any time that it is necessary to provide access to the flightcrew or passenger compartment, to a crewmember in the performance of his duties or for a person authorized admission to the flightcrew compartment under § 121.547.

§ 121.589 Carry-on baggage.

(a) No certificate holder may allow the boarding of carry-on baggage on an aircraft unless the baggage can be stowed in accordance with this section. No certificate holder may allow an aircraft to take off or land unless each article of baggage carried aboard the aircraft is stowed—

(1) In a suitable closet or baggage or cargo stowage compartment placarded for its maximum weight and providing proper restraint for all baggage or cargo stowed within, and in a manner that does not hinder the possible use of any emergency equipment; or

(2) As provided in § 121.285(c); or

(3) Under a passenger seat.

(b) Baggage, other than articles of loose clothing, may not be placed in an overhead rack unless that rack is equipped with approved restraining devices or doors.

(c) Reserved.

(d) Each passenger seat under which baggage is allowed to be stowed shall be fitted with a means to prevent articles of baggage stowed under it from sliding forward. In addition, each aisle seat shall be fitted with a means to prevent articles or baggage stowed under it from sliding sideward into the aisle under crash impacts severe enough to induce the ultimate inertia forces specified in the emergency landing condition regulations under which the aircraft was type certificated.

(e) In addition to the methods of stowage in paragraph (a), flexible travel canes carried by blind individuals may be stowed—

(1) Under any series of connected passenger seats in the same row, if the cane does not protrude into an aisle and if the cane is flat on the floor; or

(2) Between a nonemergency exit window seat and the fuselage, if the cane is flat on the floor; or

(3) Beneath any two nonemergency exit window seats, if the cane is flat on the floor; or

(4) In accordance with any other method approved by the Administrator.

§ 121.590 Use of certificated land airports: Domestic, flag, and supplemental air carriers certificated by the CAB including their charter operations and their operations with small aircraft.

(a) Unless otherwise authorized by the Administrator, no domestic, flag, or supplemental air carrier, or air carrier certificated under 14 CFR Part 127, and no pilot being used by them may, in the conduct of operations governed by 14 CFR Part 120, operate an aircraft into a land airport in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that airport is certificated under 14 CFR Part 139. However, an air carrier may designate and use as a required alternate airport for departure or destination an airport that is not certificated under 14 CFR Part 139.

(b) The provisions of this section apply to air carriers specified herein when conducting operations with helicopters.

Dispatching and Flight Release Rules

§ 121.593 Dispatching authority: Domestic air carriers.

Except when an airplane lands at an intermediate airport specified in the original dispatch release and remains there for not more than one hour, no person may start a flight unless an aircraft dispatcher specifically authorizes that flight.

§ 121.595 Dispatching authority: Flag air carriers.

(a) No person may start a flight unless an aircraft dispatcher specifically authorizes that flight.

(b) No person may continue a flight from an intermediate airport without redispatch if the airplane has been on the ground more than six hours.

§ 121.597 Flight release authority: Supplemental air carriers and commercial operators.

(a) No person may start a flight under a flight following system without specific authority from the person authorized by the operator to exercise operational control over the flight.

(b) No person may start a flight unless the pilot in command or the person authorized by the operator to exercise operational control over the flight has executed a flight release setting forth the conditions under which the flights will be conducted. The pilot in command may sign the flight release only when he and the person authorized by the operator to exercise operational control believe that the flight can be made with safety.

(c) No person may continue a flight from an intermediate airport without a new flight release if the aircraft has been on the ground more than six hours.

§ 121.599 Familiarity with weather conditions.

(a) *Domestic and flag air carriers.* No aircraft dispatcher may release a flight unless he is thoroughly familiar with reported and forecast weather conditions on the route to be flown.

(b) *Supplemental air carriers and commercial operators.* No pilot in command may begin a flight unless he is thoroughly familiar with reported and forecast weather conditions on the route to be flown.

§ 121.601 Aircraft dispatcher information to pilot in command: Domestic and flag air carriers.

(a) The aircraft dispatcher shall provide the pilot in command all available current reports or information on airport conditions and irregularities of navigation facilities that may affect the safety of the flight.

(b) Before beginning a flight, the aircraft dispatcher shall provide the pilot in command with all available weather reports and forecasts of weather phenomena that may affect the safety of flight, including adverse weather phenomena, such as clear air turbulence, thunderstorms, and low altitude wind shear, for each route to be flown and each airport to be used.

(c) During a flight, the aircraft dispatcher shall provide the pilot in command any additional available information of meteorological conditions (including, adverse weather phenomena, such as clear air turbulence, thunderstorms, and low altitude wind shear), and irregularities of facilities and services that may affect the safety of the flight.

§ 121.603 Facilities and services: Supplemental air carriers and commercial operators.

(a) Before beginning a flight, each pilot in command shall obtain all available current reports or information on airport conditions and irregularities of navigation facilities that may affect the safety of the flight.

(b) During a flight, the pilot in command shall obtain any additional available information of meteorological conditions and irregularities of facilities and services that may affect the safety of the flight.

§ 121.605 Airplane equipment.

No person may dispatch or release an airplane unless it is airworthy and is equipped as prescribed in § 121.303.

§ 121.607 Communication and navigation facilities: Domestic and flag air carriers.

(a) Except as provided in paragraph (b) of this section for flag air carriers, no person may dispatch an airplane over an approved route or route segment unless the communication and navigation facilities required by §§ 121.99 and 121.103 for the approval of that route or segment are in satisfactory operating condition.

(b) If, because of technical reasons or other reasons beyond the control of a flag air carrier, the facilities required by §§ 121.99 and 121.103 are not available over a route or

route segment outside the United States, the air carrier may dispatch an airplane over that route or route segment if the pilot in command and dispatcher find that communication and navigation facilities equal to those required are available and are in satisfactory operating condition.

§ 121.609 Communication and navigation facilities: Supplemental air carriers and commercial operators.

No person may release an aircraft over any route or route segment unless communication and navigation facilities equal to those required by § 121.121 are in satisfactory operating condition.

§ 121.611 Dispatch or flight release under VFR.

No person may dispatch or release an aircraft for VFR operation unless the ceiling and visibility en route, as indicated by available weather reports or forecasts, or any combination thereof, are and will remain at or above applicable VFR minimums until the aircraft arrives at the airport or airports specified in the dispatch or flight release.

§ 121.613 Dispatch or flight release under IFR or over the top.

Except as provided in § 121.615, no person may dispatch or release as aircraft for operations under IFR or over-the-top, unless appropriate weather reports or forecasts, or any combination thereof, indicate that the weather conditions will be at or above the authorized minimums at the estimated time of arrival at the airport or airports to which dispatched or released.

§ 121.615 Dispatch or flight release over water: Flag and supplemental air carriers and commercial operators.

(a) No person may dispatch or release an aircraft for a flight that involves extended overwater operation unless appropriate weather reports or forecasts or any combination thereof, indicate that the weather conditions will be at or above the authorized minimums at the estimated time of arrival at any airport to which dispatched or released or to any required alternate airport.

(b) Each flag and supplemental air carrier and commercial operator shall conduct extended overwater operations under IFR unless it shows that operating under IFR is not necessary for safety.

(c) Each flag and supplemental air carrier and commercial operator shall conduct other overwater operations under IFR if the Administrator determines that operation under IFR is necessary for safety.

(d) Each authorization to conduct extended overwater operations under VFR and each requirement to conduct other overwater operations under IFR will be specified in the air carrier's or commercial operator's operations specifications.

§ 121.617 Alternate airport for departure.

(a) If the weather conditions at the airport of takeoff are below the landing minimums in the certificate holder's operations specifications for that airport, no person may dispatch or release an aircraft from that airport unless the dispatch or flight release specifies an alternate airport located within the following distances from the airport of takeoff:

(1) *Aircraft having two engines.* Not more than one hour from the departure airport at normal cruising speed in still air with one engine inoperative.

(2) *Aircraft having three or more engines.* Not more than two hours from the departure airport at normal cruising speed in still air with one engine inoperative.

(b) For the purpose of paragraph (a) of this section, the alternate airport weather conditions must meet the requirements of the certificate holder's operations specifications.

(c) No person may dispatch or release an aircraft from an airport unless he lists each required alternate airport in the dispatch or flight release.

§ 121.619 Alternate airport for destination: IFR or over-the-top: Domestic air carriers.

(a) No person may dispatch an airplane under IFR or over-the-top unless he lists at least one alternate airport for each destination airport in the dispatch release. When the weather conditions forecast for the destination and first alternate airport are marginal at least one additional alternate must be designated. However, no alternate airport is required if for at least 1 hour before and 1 hour after the estimated time of arrival at the destination airport the appropriate weather reports or forecasts, or any combination of them, indicate—

(1) The ceiling will be at least 2,000 feet above the airport elevation; and

(2) Visibility will be at least 3 miles.

(b) For the purposes of paragraph (a) of this section, the weather conditions at the alternate airport must meet the requirements of § 121.625.

(c) No person may dispatch a flight unless he lists each required alternate airport in the dispatch release.

§ 121.621 Alternate airport for destination: Flag air carriers.

(a) No person may dispatch an airplane under IFR or over-the-top unless he lists at least one alternate airport for each destination airport in the dispatch release, unless—

(1) The flight is scheduled for not more than 6 hours and, for at least 1 hour before and 1 hour after the estimated time of arrival at the destination airport, the appropriate weather reports or forecasts, or any combination of them, indicate the ceiling will be:

(i) At least 1,500 feet above the lowest circling MDA, if a circling approach is required and authorized for that airport; or

(ii) At least 1,500 feet above the lowest published instrument approach minimum or 2,000 feet above the airport elevation, whichever is greater; and

(iii) The visibility at that airport will be at least 3 miles, or 2 miles more than the lowest applicable visibility minimums, whichever is greater, for the instrument approach procedures to be used at the destination airport; or

(2) The flight is over a route approved without an available alternate airport for a particular destination airport and the airplane has enough fuel to meet the requirements of § 121.641(b) or § 121.645(c).

(b) For the purposes of paragraph (a) of this section, the weather conditions at the alternate airport must meet the requirements of that air carrier's operations specifications.

(c) No person may dispatch a flight unless he lists each required alternate airport in the dispatch release.

§ 121.623 Alternate airport for destination; IFR or over-the-top: Supplemental air carriers and commercial operators.

(a) Except as provided in paragraph (b) of this section, each person releasing an aircraft for operation under IFR or over-the-top shall list at least one alternate airport for each destination airport in the flight release.

(b) An alternate airport need not be designated for IFR or over-the-top operations where the aircraft carries enough fuel to meet the requirements of §§ 121.643 and 121.645 for flights outside the 48 contiguous States and the District of Columbia over routes without an available alternate airport for a particular airport of destination.

(c) For the purposes of paragraph (a) of this section, the weather requirements at the alternate airport must meet the requirements of the air carrier's or commercial operator's operations specifications.

(d) No person may release a flight unless he lists each required alternate airport in the flight release.

§ 121.625 Alternate airport weather minimums.

No person may list an airport as an alternate airport in the dispatch or flight release unless the appropriate weather reports or forecasts, or any combination thereof, indicate that the weather conditions will be at or above the alternate weather minimums specified in the certificate holder's operations specifications for that airport when the flight arrives.

§ 121.627 Continuing flight in unsafe conditions.

(a) No pilot in command may allow a flight to continue toward any airport to which it has been dispatched or released if, in the opinion of the pilot in command or dispatcher (domestic and flag air carriers only), the flight cannot be completed safely; unless, in the opinion of the pilot in command, there is no safer procedure. In that event, continuation toward that airport is an emergency situation as set forth in § 121.557.

(b) If any instrument or item of equipment required by 14 CFR Chapter I for the particular operation becomes inoperative en route, the pilot in command shall comply with the approved procedures for such an occurence as specified in the certificate holder's manual.

(c) The minimum equipment list and procedures for continuing flight beyond a terminal point with equipment required in § 121.303(d) inoperative may be included in the certificate holder's manual if the Administrator finds that, in a particular situation literal compliance with those equipment requirements is not necessary in the interests of safety.

§ 121.629 Operation in icing conditions.

(a) No person may dispatch or release an aircraft, continue to operate an aircraft en route, or land an aircraft when in the opinion of the pilot in command or aircraft dispatcher (domestic and flag air carriers only), icing conditions are expected or met that might adversely affect the safety of the flight.

(b) No person may take off an aircraft when frost, snow, or ice is adhering to the wings, control surfaces, or propellers of the aircraft.

§ 121.631 Original dispatch or flight release, redispatch or amendment of dispatch or flight release.

(a) A certificate holder may specify any regular, provisional, or refueling airport, authorized for the type of aircraft, as a destination for the purpose of original dispatch or release.

(b) No person may allow a flight to continue to an airport to which it has been dispatched or released unless the weather conditions at an alternate airport that was specified in the dispatch or flight release are forecast to be at or above the alternate minimums specified in the operations specifications for that airport at the time the aircraft would arrive at the alternate airport. However, the dispatch or flight release may be amended en route to include any alternate airport that is within the fuel range of the aircraft as specified in §§ 121.639 through 121.647.

(c) No person may change an original destination or alternate airport that is specified in the original dispatch or flight release to another airport while the aircraft is en route unless the other airport is authorized for that type of aircraft and the appropriate requirements of §§ 121.593 through 121.661 and 121.173 are met at the time of redispatch or amendment of the flight release.

(d) Each person who amends a dispatch or flight release en route shall record that amendment.

§ 121.635 Dispatch to and from refueling or provisional airports: Domestic and flag air carriers.

No person may dispatch an airplane to or from a refueling or provisional airport except in accordance with the requirements of 14 CFR Part 120 applicable to dispatch from regular airports and unless that airport meets the requirements of 14 CFR Part 120 applicable to regular airports.

§ 121.637 Takeoffs from unlisted and alternate airports: Domestic and flag air carriers.

(a) No pilot may take off an airplane from an airport that is not listed in the operations specifications unless—

(1) The airport and related facilities are adequate for the operation of the airplane;

(2) He can comply with the applicable airplane operating limitations;

(3) The airplane has been dispatched according to dispatching rules applicable to operation from an approved airport; and

(4) The weather conditions at that airport are equal to or better than the following:

(i) *Airports in the United States.* The weather minimums for takeoff prescribed in 14 CFR 97; or where minimums are not prescribed for the airport, 800–2, 900–1½, or 1,000–1.

(ii) *Airports outside the United States.* The weather minimums for takeoff prescribed or approved by the government of the country in which the airport is located; or where minimums are not prescribed or approved for the airport, 800–2, 900–1½, or 1,000–1.

(b) No pilot may takeoff from an alternate airport unless the weather conditions are at least equal to the minimums prescribed in the air carrier's operations specifications for alternate airports.

§ 121.639 Fuel supply: All operations: domestic air carriers.

No person may dispatch or take off an airplane unless it has enough fuel—

(a) To fly to the airport to which it is dispatched;

(b) Thereafter, to fly to and land at the most distant alternate airport (where required) for the airport to which dispatched; and

(c) Thereafter, to fly for 45 minutes at normal cruising fuel consumption.

§ 121.641 Fuel supply: nonturbine and turbo-propeller-powered airplanes: Flag air carriers.

(a) No person may dispatch or take off a nonturbine or turbo-propeller-powered airplane unless, considering the wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is dispatched;

(2) Thereafter, to fly to and land at the most distant alternate airport specified in the dispatch release; and

(3) Thereafter, to fly for 30 minutes plus 15 percent of the total time required to fly at normal crusing fuel consumption to the airports specified in paragraphs (a) (1) and (2) of this section or to fly for 90 minutes at normal cruising fuel consumption, whichever is less.

(b) No person may dispatch a nonturbine or turbo-propeller-powered airplane to an airport for which an alternate is not specified under § 121.621(a)(2), unless it has enough fuel, considering wind and forecast weather conditions, to fly to that airport and thereafter to fly for three hours at normal cruising fuel consumption.

§ 121.643 Fuel supply: Nonturbine and turbo-propeller-powered airplanes; supplemental air carriers and commercial operators.

(a) Except as provided in paragraph (b) of this section, no person may release for flight or take off a nonturbine or turbo-propeller-powered airplane unless, considering the wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is released;

(2) Thereafter, to fly to and land at the most distant alternate airport specified in the flight release; and

(3) Thereafter, to fly for 45 minutes at normal cruising fuel consumption.

(b) If the airplane is released for any flight other than from one point in the contiguous United States to another point in the contiguous United States, it must carry enough fuel to meet the requirements of paragraphs (a) (1) and (2) of this section and thereafter fly for 30 minutes plus 15 percent of the total time required to fly at normal cruising fuel consumption to the airports specified in paragraphs (a) (1) and (2) of this section, or to fly for 90 minutes at normal cruising fuel consumption, whichever is less.

(c) No person may release a nonturbine or turbo-propeller-powered airplane to an airport for which an alternate is not specified under § 121.623(b), unless it has enough fuel, considering wind and other weather conditions expected, to fly to that airport and thereafter to fly for three hours at normal cruising fuel consumption.

§ 121.645 Fuel supply: Tubine-engine powered airplanes, other than turbo propeller; flag and supplemental air carriers and commercial operators.

(a) Any flag air carrier operation within the 48 contiguous United States and the District of Columbia may use the fuel requirements of § 121.639.

(b) For any flag air carrier, supplemental air carrier, or commercial operator operation outside the 48 contiguous United States and the District of Columbia, unless authorized by the Administrator in the operations specifications, no person may release for flight or take off a turbine-engine powered airplane (other than a turbo-propeller powered airplane) unless, considering wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is released;

(2) After that, to fly for a period of 10 percent of the total time required to fly from the airport of departure to, and land at, the airport to which it was released;

(3) After that, to fly to and land at the most distant alternate airport specified in the flight release, if an alternate is required; and

(4) After that, to fly for 30 minutes at holding speed at 1,500 feet above the alternate airport (or the destination airport if no alternate is required) under standard temperature conditions.

(c) No person may release a turbine-engine powered airplane (other than a turbo-propeller airplane) to an airport for which an alternate is not specified under § 121.621(a)(2) or § 121.623(b) unless it has enough fuel, considering wind and other weather conditions expected, to fly to that airport and thereafter to fly for at least two hours at normal cruising fuel consumption.

(d) The Administrator may amend the operations specifications of a flag or supplemental air carrier or commercial operator to require more fuel than any of the minimums stated in paragraph (a) or (b) of this section if he finds that additional fuel is necessary on a particular route in the interest of safety.

(e) For a supplemental air carrier or commercial operator operation within the 48 contiguous States and the District of Columbia with a turbine-engine powered airplane the fuel requirements of § 121.643 apply.

§ 121.647 Factors for computing fuel required.

Each person computing fuel required for the purposes of §§ 121.591 through 121.667 shall consider the following:

Wind and other weather conditions forecast.

(b) Anticipated traffic delays.

(c) One instrument approach and possible missed approach at destination.

(d) Any other conditions that may delay landing of the aircraft.

For the purposes of this section, required fuel is in addition to unusable fuel.

§ 121.649 Takeoff and landing weather minimums: VFR: Domestic air carriers.

(a) Except as provided in paragraph (b) of this section, regardless of any clearance from ATC, no pilot may take off or land an airplane under VFR when the reported ceiling or visibility is less than the following:

(1) For day operations—1,000-foot ceiling and one-mile visibility.

(2) For night operations—1,000-foot ceiling and two-mile visibility.

(b) Where a local surface restriction to visibility exists (e.g., smoke, dust, blowing snow or sand) the visibility for day and night operations may be reduced to ½ mile, if all turns after takeoff and prior to landing, and all flight beyond one mile from the airport boundary can be accomplished above or outside the area of local surface visibility restriction.

(c) The weather minimums in this section do not apply to the VFR operation of fixed-wing aircraft in any control zone listed in 14 CFR 93.113. The basic VFR weather minimums in 14 CFR 91.105 apply at those locations.

§ 121.651 Takeoff and landing weather minimums: IFR: All certificate holders.

(a) Notwithstanding any clearance from ATC, no pilot may begin a takeoff in an airplane under IFR when the weather conditions reported by the U.S. National Weather Service, a source approved by the Service, or a source approved by the Administrator, are less than those specified in—

(1) The certificate holder's operations specifications; or

(2) 14 CFR Parts 91 and 97, if the certificate holder's operations specifications do not specify takeoff minimums for the airport.

(b) Except as provided in paragraph (d) of this section, no pilot may continue an approach past the final approach fix, or where a final approach fix is not used, begin the final approach segment of an instrument approach procedure—

(1) At any airport, unless the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator, issues a weather report for that airport; and

(2) At airports within the United States and its territories or at U.S. military airports, unless the latest weather report for that airport issued by the U.S. National Weather Service, a source approved by that Service, or a source approved by the Administrator, reports the visibility to be equal to or more than the visibility minimums prescribed for that procedure. For the purpose of this section, the term "U.S. military airports" means airports in foreign countries where flight operations are under the control of U.S. military authority.

(c) If a pilot has begun the final approach segment of an instrument approach procedure in accordance with paragraph (b) of this section and after that receives a later weather report indicating below-minimum conditions, the pilot may continue the approach to DH or MDA. Upon reaching DH or at MDA, and at any time before the missed approach point, the pilot may continue the approach below DH or MDA and touch down if—

(1) The aircraft is continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers, and where that descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing;

(2) The flight visibility is not less than the visibility prescribed in the standard instrument approach procedure being used;

(3) Except for Category II or Category III approaches where any necessary visual reference requirements are specified by authorization of the Administrator, at least one of the following visual references for the intended runway is distinctly visible and identifiable to the pilot:

(i) The approach light system, except that the pilot may not descend below 100 feet above the touchdown zone elevation using the approach lights as a reference unless the red terminating bars or the red side row bars are also distinctly visible and identifiable.

(ii) The threshold.

(iii) The threshold markings.

(iv) The threshold lights.

(v) The runway end identifier lights.

(vi) The visual approach slope indicator.

(vii) The touchdown zone or touchdown zone markings.

(viii) The touchdown zone lights.

(ix) The runway or runway markings.

(x) The runway lights; and

(4) When the aircraft is on a straight-in nonprecision approach procedure which incorporates a visual descent point, the aircraft has reached the visual descent point, except where the aircraft is not equipped for or capable of establishing that point, or a descent to the runway cannot be made using normal procedures or rates of descent if descent is delayed until reaching that point.

(d) A pilot may begin the final approach segment of an instrument approach procedure other than a Category II or Category III procedure at an airport when the visibility is less than the visibility minimums prescribed for that procedure if that airport is served by an operative ILS and an operative PAR, and both are used by the pilot. However, no pilot may operate an aircraft below the authorized MDA, or continue an approach below the authorized DH, unless—

(1) The aircraft is continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers and where such a descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing;

(2) The flight visibility is not less than the visibility prescribed in the standard instrument approach procedure being used; and

(3) Except for Category II or Category III approaches where any necessary visual reference requirements are specified by the authorization of the Administrator, at least one of the following visual references for the intended runway is distinctly visible and identifiable to the pilot:

(i) The approach light system, except that the pilot may not descend below 100 feet above the touchdown zone elevation using the approach lights as a reference unless the red terminating bars or the red side row bars are also distinctly visible and identifiable.

(ii) The threshold.

(iii) The threshold markings.

(iv) The threshold lights.

(v) The runway end identifier lights.

(vi) The visual approach slope indicator.

(vii) The touchdown zone or touchdown zone markings.

(viii) The touchdown zone lights.

(ix) The runway or runway markings.

(x) The runway lights.

(e) For the purpose of this section, the final approach segment begins at the final approach fix or facility prescribed in the instrument approach procedure. When a final approach fix is not prescribed for a procedure that includes a procedure turn, the final approach segment begins at the point where the procedure turn is completed and the aircraft is established inbound toward the airport on the final approach course within the distance prescribed in the procedure.

(f) Unless otherwise authorized in the certificate holder's operations specifications, each pilot making an IFR takeoff, approach, or landing at a foreign airport shall comply with the applicable instrument approach procedures and weather minimums prescribed by the authority having jurisdiction over the airport.

§ 121.652 Landing weather minimums: IFR: All certificate holders.

(a) If the pilot in command of an airplane has not served 100 hours as pilot in command in operations under 14 CFR Part 120 in the type of airplane he is operating, the MDA or DH and visibility landing minimums in the certificate holder's operations specification for regular, provisional, or refueling airports are increased by 100 feet and one-half mile (or the RVR equivalent). The MDA or DH and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport, but in no event may the landing minimums be less than 300 and 1. However, a pilot in command employed by an air taxi operator certificated under 14 CFR 135.2 in effect before [effective date of 14 CFR Part 120], may credit flight time acquired in operations conducted for that operator under 14 CFR Part 91 in the same type airplane for up to 50 percent of the 100 hours of pilot in command experience required by this paragraph.

(b) The 100 hours of pilot in command experience required by paragraph (a) of this section may be reduced (not to exceed 50 percent) by substituting one landing in

operations under 14 CFR Part 120 in the type of airplane for 1 required hour of pilot in command experience, if the pilot has at least 100 hours as pilot in command of another type airplane in operations under 14 CFR Part 120.

(c) Category II minimums and the sliding scale when authorized in the certificate holder's operations specifications do not apply until the pilot in command subject to paragraph (a) of this section meets the requirements of that paragraph in the type of airplane he is operating.

§ 121.655 Applicability of reported weather minimums.

In conducting operations under §§ 121.649 through 121.652, the ceiling and visibility values in the main body of the latest weather report control for VFR and IFR takeoffs and landings and for instrument approach procedures on all runways of an airport. However, if the latest weather report, including an oral report from the control tower, contains a visibility value specified as runway visibility or runway visual range for a particular runway of an airport, that specified value controls for VFR and IFR landings and takeoffs and straight-in instrument approaches for that runway.

§ 121.657 Flight altitude rules.

(a) *General.* Notwithstanding 14 CFR 91.79 or any rule applicable outside the United States, no person may operate an aircraft below the minimums set forth in paragraphs (b) and (c) of this section, except when necessary for takeoff or landing, or except when, after considering the character of the terrain, the quality and quantity of meteorological services, the navigational facilities available, and other flight conditions, the Administrator prescribes other minimums for any route or part of a route where he finds that the safe conduct of the flight requires other altitudes. Outside of the United States the minimums prescribed in this section are controlling unless higher minimums are prescribed in the air carrier or commercial operator's operations specifications or by the foreign country over which the aircraft is operating.

(b) *Day VFR operations.* No domestic air carrier may operate a passenger-carrying aircraft and no flag or supplemental air carrier or commercial operator may operate any aircraft under VFR during the day at an altitude less than 1,000 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

(c) *Night VFR, IFR, and over-the-top operations.* No person may operate an aircraft under IFR including over-the-top or at night under VFR at an altitude less than 1,000 feet above the highest obstacle within a horizontal distance of five miles from the center of the intended course, or, in designated mountainous areas, less than 2,000 feet above the highest obstacle within a horizontal distance of five miles from the center of the intended course.

(d) *Day over-the-top operations below minimum en route altitudes.* A person may conduct day over-the-top operations in an airplane at flight altitudes lower than the minimum en route IFR altitudes if—

(1) The operation is conducted at least 1,000 feet above the top of lower broken or overcast cloud cover;

(2) The top of the lower cloud cover is generally uniform and level;

(3) Flight visibility is at least five miles; and

(4) The base of any higher broken or overcast cloud cover is generally uniform and level and is at least 1,000 feet above the minimum en route IFR altitude for that route segment.

§ 121.659 Initial approach altitude: Domestic and supplemental air carriers and commercial operators.

(a) Except as provided in paragraph (b) of this section, when making an initial approach to a radio navigation facility under IFR, no person may descend an aircraft below the pertinent minimum altitude for initial approach (as specified in the instrument approach procedure for that facility) until his arrival over that facility has been definitely established.

(b) When making an initial approach on a flight being conducted under § 121.657(d), no pilot may commence an instrument approach until his arrival over the radio facility has definitely been established. In making an instrument approach under these circumstances no person may descend an aircraft lower than 1,000 feet above the top of the lower cloud or the minimum altitude determined by the Administrator for that part of the IFR approach, whichever is lower.

§ 121.661 Initial approach altitude: Flag air carriers.

When making an initial approach to a radio navigation facility under IFR, no person may descend below the pertinent minimum altitude for initial approach (as specified in the instrument approach procedure for that facility) until his arrival over that facility has been definitely established.

§ 121.663 Responsibility for dispatch release: Domestic and flag air carriers.

Each domestic and flag air carrier shall prepare a dispatch release for each flight between specified points, based on information furnished by an authorized aircraft dispatcher. The pilot in command and an authorized aircraft dispatcher shall sign the release only if they both believe that the flight can be made with safety. The aircraft dispatcher shall sign the release only if they both believe that the flight can be made with safety. The aircraft dispatcher may delegate authority to sign a release for a particular flight, but he may not delegate his authority to dispatch.

§ 121.665 Load manifest.

Each certificate holder is responsible for the preparation and accuracy of a load manifest form before each takeoff. The form must be prepared and signed for each flight by employees of the certificate holder who have the duty of supervising the loading of aircraft and preparing the load manifest forms or by other qualified persons authorized by the certificate holder.

§ 121.667 Flight plan: VFR and IFR: Supplemental air carriers and commercial operators.

(a) No person may take off an aircraft unless the pilot in command has filed a flight plan, containing the appropriate information required by 14 CFR Part 91, with the nearest FAA communication station or, when operating outside the United States, with other appropriate authority. However, if communications facilities are not readily available, the pilot in command shall file the flight plan as soon as practicable after the aircraft is airborne. A flight plan must continue in effect for all parts of the flight.

(b) When flights are operated into military airports, the arrival or completion notice required by 14 CFR 91.83 may be filed with the appropriate airport control tower or aeronautical communication facility used for that airport.

Records and Reports

§ 121.683 Crewmember and dispatcher record

(a) Each certificate holder shall—

(1) Maintain current records of each crewmember, and each aircraft dispatcher (domestic and flag air carriers only), that shows whether or not he complies with 14 CFR Chapter I (e.g., proficiency and route checks, airplane and route qualifications, training, any required physical examinations, and flight time records); and

(2) Record each action taken concerning the release from employment or physical or porfessional disqualification of any flight crewmember or aircraft dispatcher (domestic and flag air carriers only) and keep the record for at least six months thereafter.

(b) Supplemental air carriers and commercial operators: Each supplemental air carrier and commercial operator shall maintain the records required by paragraph (a) of this section at its principal operations base, or at another location used by it and approved by the Administrator.

(c) Computer record systems approved by the Administrator may be used in complying with the requirements of paragraph (a) of this section.

§ 121.685 Aircraft record: Flag and domestic air carriers.

Each flag and domestic air carrier shall maintain a current list of each aircraft that it operates in scheduled air transportation and shall send a copy of the record and each change to the FAA Air Carrier District Office charged with the overall inspection of its operations. Airplanes of another air carrier operated under an interchange agreement may be incorporated by reference.

§ 121.687 Dispatch release: Flag and domestic air carriers.

(a) The dispatch release may be in any form but must contain at least the following information concerning each flight:

(1) Identification number of the aircraft.

(2) Trip number.

(3) Departure airport, intermediate stops, destination airports, and alternate airports.

(4) A statement of the type of operation (e.g., IFR, VFR).

(5) Minimum fuel supply.

(b) The dispatch release must contain, or have attached to it, weather reports, available weather forecasts, or a combination thereof, for the destination airport, intermediate stops, and alternate airports, that are the latest available at the time the release is signed by the pilot in command and dispatcher. It may include any additional available weather reports or forecasts that the pilot in command or the aircraft dispatcher considers necessary or desirable.

§ 121.689 Flight release form: Supplemental air carriers and commercial operators.

(a) Except as provided in paragraph (c) of this section, the flight release may be in any form but must contain at least the following information concerning each flight:

(1) Company or organization name.

(2) Make, model, and registration number of the aircraft being used.

(3) Flight or trip number, and date of flight.

(4) Name of each flight crewmember, flight attendant, and pilot designated as pilot in command.

(5) Departure airport, destination airports, alternate airports, and route.

(6) Minimum fuel supply (in gallons or pounds).

(7) A statement of the type of operation (e.g. IFR, VFR)

(b) The aircraft flight release must contain, or have attached to it, weather reports, available weather forecasts, or a combination thereof, for the destination airport, and alternate airports, that are the latest available at the time the release is signed. It may include any additional available weather reports or forecasts that the pilot in command considers necessary or desirable.

(c) Each flag or domestic air carrier operating under the rules of 14 CFR Part 120 applicable to supplemental air carriers and commercial operators shall comply with the dispatch or flight release forms required for scheduled operations under §§ 121.683 through 121.713.

§ 121.693 Load manifest: Air carriers and commercial operators.

The load manifest must contain the following information concerning the loading of the airplane at takeoff time:

(a) The weight of the aircraft, fuel and oil, cargo and baggage, passengers and crewmembers.

(b) the maximum allowable weight for that flight that must not exceed the least of the following weights:

(1) Maximum allowable takeoff weight for the runway intended to be used (including corrections for altitude and gradient, and wind and temperature conditions existing at the takeoff time).

(2) Maximum takeoff weight considering anticipated fuel and oil consumption that allows compliance with applicable en route performance limitations.

(3) Maximum takeoff weight considering anticipated fuel and oil consumption that allows compliance with the maximum authorized design landing weight limitations on arrival at the destination airport.

(4) Maximum takeoff weight considering anticipated fuel and oil consumption that allows compliance with landing distance limitations on arrival at the destination and alternate airports.

(c) The total weight computed under approved procedures.

(d) Evidence that the aircraft is loaded according to an approved schedule that insures that the center of gravity is within approved limits.

(e) Names of passengers, unless such information is maintained by other means by the air carrier or commercial operator.

§ 121.695 Disposition of load manifest, dispatch release, and flight plans: Domestic and flag air carriers.

(a) The pilot in command of an airplane shall carry in the airplane to its destination—

(1) A copy of the completed load manifest (or information from it, except information concerning cargo and passenger distribution);

(2) A copy of the dispatch release; and

(3) A copy of the flight plan.

(b) The air carrier shall keep copies of the records required in this section for at least three months.

§ 121.697 Disposition of load manifest, flight release, and flight plans: Supplemental air carriers and commercial operators.

(a) The pilot in command of an airplane shall carry in the airplane to its destination the original or a signed copy of the—

(1) Load manifest;

(2) Flight release;

(3) Airworthiness release;

(4) Pilot route certification; and

(5) Flight plan.

(b) If a flight originates at the principal operations base of the air carrier or commercial operator, it shall retain at that base a signed copy of each document listed in paragraph (a) of this section.

(c) Except as provided in paragraph (d) of this seciton, if a flight originates at a place other than the principal operations base of the air carrier or commercial operator, the pilot in command (or another person not aboard the airplane who is authorized by the carrier or operator) shall, before or immediately after departure of the flight, mail signed copies of the documents listed in paragraph (a) of this section to the principal operations base.

(d) If a flight originates at a place other than the principal operations base of the air carrier or commercial operator and there is at that place a person to manage the flight departure for the air carrier or commercial operator who does not himself depart on the airplane, signed copies of the documents listed in paragraph (a) of this section may be retained at that place for not more than 30 days before being sent to the principal operations base of the air carrier or commercial operator. However, the documents for a particular flight need not be further retained at that place or be sent to the principal operations base, if the originals or other copies of them have been previously returned to the principal operations base.

(e) The supplemental air carrier or commercial operator shall:

(1) Identify in its operations manual the person having custody of the copies of documents retained in accordance with paragraph (d) of this section; and

(2) Retain at its principal operations base either the original or a copy of the records required by this section for at least three months.

§ 121.701 Maintenance log: Aircraft.

(a) Each person who takes action in the case of a reported or observed failure or malfunction of an airframe, engine, propeller, or applicance that is critical to the safety of flight shall make, or have made, a record of that action in the airplane's maintenance log.

(b) Each certificate holder shall have an approved procedure for keeping adequate copies of the record required in paragraph (a) of this section in the airplane in a place readily accessible to each flight crewmember and shall put that procedure in the certificate holder's manual.

§ 121.703 Mechanical reliability reports.

(a) Each certificate holder shall report the occurrence or detection of each failure, malfunction, or defect concerning—

(1) Fires during flight and whether the related fire-warning system functioned properly;

(2) Fires during flight not protected by a related fire-warning system;

(3) False fire warning during flight;

(4) An engine exhaust system that causes damage during flight to the engine, adjacent structure, equipment, or components;

(5) An aircraft component that causes accumulation or circulation of smoke, vapor, or toxic or noxious fumes in the crew compartment or passenger cabin during flight;

(6) Engine shutdown during flight because of flameout;

(7) Engine shutdown during flight when external damage to the engine or airplane structure occurs;

(8) Engine shutdown during flight due to foreign object ingestion or icing;

(9) Engine shutdown during flight of more than one engine;

(10) A propeller feathering system or ability of the system to control overspeed during flight;

(11) A fuel or fuel-dumping system that affects fuel flow or causes hazardous leakage during flight;

(12) A landing gear extension or retraction or opening or closing of landing gear doors during flight;

(13) Break system components that result in loss of break actuating force when the airplane is in motion on the ground;

(14) Aircraft structure that requires major repair;

(15) Cracks, permanent deformation, or corrosion of aircraft structures, if more than the maximum acceptable to the manufacturer or the FAA; and

(16) Aircraft components or systems that result in taking emergency actions during flight (except action to shut down an engine).

(b) For the purpose of this section "during flight" means the period from the moment the aircraft leaves the surface of the earth on takeoff until it touches down on landing.

(c) In addition to the reports required by paragraph (a) of this section, each certificate holder shall report any other failure, malfunction, or defect in an aircraft that occurs or is detected at any time if, in its

opinion, that failure, malfunction, or defect has endangered or may endanger the safe operation of an aircraft used by it.

(d) Each certificate holder shall send each report required by this section, in writing, covering each 24-hour period beginning at 0900 hours local time of each day and ending at 0900 hours local time on the next day, to the FAA maintenance inspector assigned to its operations. The report must be delivered to him by 0900 hours local time on the following day. However, a report that is due on a Saturday, Sunday, or holiday must be delivered by no later than 0900 hours on the second workday after that day.

(e) The certificate holder shall transmit the reports required by this section in a manner and on a form that is convenient to its system of communication and procedure, and shall include in the first daily report as much of the following as is available:

(1) Type and identification number of the aircraft.

(2) The name of the operator.

(3) The date, flight number, and stage during which the incident occurred (e.g., preflight, takeoff, climb, cruise, descent landing, and inspection).

(4) The emergency procedure effected (e.g., unscheduled landing and emergency descent).

(5) The nature of the failure, malfunction, or defect.

(6) Identification of the part and system involved, including available information pertaining to type designation of the major component and time since overhaul.

(7) Apparent cause of the failure, malfunction, or defect (e.g., wear, crack, design deficiency, or personnel error).

(8) Whether the part was repaired, replaced, sent to the manufacturer, or other action taken.

(9) Whether the aircraft was grounded.

(10) Other pertinent information necessary for more complete identification, determination of seriousness, or corrective action.

(f) A certificate holder that is also the holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or that is the licensee of a Type Certificate, need not report a failure malfunction, or defect under this section if the failure, malfunction, or defect has been reported by it under 14 CFR 21.3 or 37.17 or under the accident reporting provisions of Part 830 of the regulations of the National Transportation Safety Board.

(g) No person may withhold a report required by this section even though all information required in this section is not available.

(h) When a certificate holder gets additional information, including information from the manufacturer or other agency, concerning a report required by this section, it shall expeditiously submit it as a supplement to the first report and reference the date and place of submission of the first report.

§ 121.705 Mechanical interruption summary report.

Each certificate holder shall regularly and promptly send a summary report on the following occurrences to the Administrator:

(a) Each interruption to a flight, unscheduled change of aircraft en route, or unscheduled stop or diversion from a route, caused by known or suspected mechanical difficulties or malfunctions that are not required to be reported under § 121.703.

(b) The number of engines removed prematurely because of malfunction, failure or defect, listed by make and model and the aircraft type in which it was installed.

(c) The number of propeller featherings in flight, listed by type of propeller and engine and aircraft on which it was installed. Propeller featherings for training, demonstration, or flight check purposes need not be reported.

§ 121.707 Alteration and repair reports.

(a) Each certificate holder shall, promptly upon its completion, prepare a report of each major alteration or major repair of an airframe, aircraft engine, propeller, or appliance of an aircraft operated by it.

(b) The certificate holder shall submit a copy of each report of a major alteration to, and shall keep a copy of each report of a major repair available for inspection by, the representative of the Administrator who is assigned to it.

§ 121.709 Airworthiness release or aircraft log entry.

(a) No certificate holder may operate an aircraft after maintenance, preventive maintenance or alterations are performed on the aircraft unless the certificate holder, or the person with whom the certificate holder arranges for the performance of the maintenance, preventive maintenance, or alterations, prepares or causes to be prepared—

(1) An airworthiness release; or

(2) An appropriate entry in the aircraft log.

(b) The airworthiness release or log entry required by paragraph (a) of this section must—

(1) Be prepared in accordance with the procedures set forth in the certificate holder's manual;

(2) Include a certification that—

(i) The work was performed in accordance with the requirements of the certificate holder's manual;

(ii) All items required to be inspected were inspected by an authorized person who determined that the work was satisfactorily completed;

(iii) No known condition exists that would make the airplane unairworthy; and

(iv) So far as the work performed is concerned, the aircraft is in condition for safe operation; and

(3) Be signed by an authorized certificated mechanic or repairman except that a certificated repairman may sign the release or entry only for the work for which he is employed and certificated. Notwithstanding paragraph (b)(3) of this section, after maintenance, preventive maintenance, or alterations performed by a repair station certificated under the provisions of Subpart C of 14 CFR Part 145, the airworthiness release or log entry required by paragraph (a) of this section may be signed by a person authorized by that repair station.

(c) When an airworthiness release form is prepared the certificate holder must give a copy to the pilot in command and must keep a record thereof for at least two months.

(d) Instead of restating each of the conditions of the certification required by paragraph (b) of this section, the air carrier may state in its manual that the signature of an authorized certificated mechanic or repairman constitutes that certification.

§ 121.711 Communication records: Domestic and flag air carriers.

Each domestic and flag air carrier shall record each en route radio contact between the air carrier and its pilots and shall keep that record for at least 30 days.

§ 121.713 Retention of contracts and amendments: Commercial operator.

Each commercial operator shall keep a copy of each written contract under which it provides services as a commercial operator for a period of at least one year after the date of execution of the contract. In the case of an oral contract, it shall keep a memorandum stating its elements, and of any amendments to it, for a period of at least one year after the execution of that contract or change.

APPENDIX 2—ACCEPTABLE METHODS OF COMPLIANCE FOR OPERATIONS CONDUCTED WITH AIRCRAFT HAVING A PASSENGER SEATING CONFIGURATION, EXCLUDING ANY PILOT SEAT, OF 30 PASSENGER SEATS OR LESS, OR A MAXIMUM PAYLOAD CAPACITY OF 7,500 POUNDS OR LESS

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Appendix A—Additional Airworthiness Standards for 10 or More Passenger Airplanes.

General

§ 135.2 Air taxi operations with large aircraft.

(a) Reserved.
(b) Reserved.
(c) Reserved.
(d) Reserved.
(e) For the purposes of 14 CFR Part 120—
(1) "Maximum payload capacity" means:
(i) For an aircraft for which a maximum zero fuel weight is prescribed in FAA technical specifications, the maximum zero fuel weight, less empty weight, less all justifiable aircraft equipment, and less the operating load (consisting of minimum flight crew, foods and beverages and supplies and equipment related to foods and beverages, but not including disposable fuel or oil);
(ii) For all other aircraft, the maximum certificated takeoff weight of an aircraft, less the empty weight, less all justifiable aircraft equipment, and less the operating load (consisting of minimum fuel load, oil, and flight crew). The allowance for the weight of the crew, oil, and fuel is as follows:
(A) Crew—200 pounds for each crewmember required under this chapter.
(B) Oil—350 pounds.
(C) Fuel—the minimum weight of fuel required under this chapter for a flight between domestic points 174 nautical miles apart under VFR weather conditions that does not involve extended overwater operations.
(2) "Empty weight" means the weight of the airframe, engines, propellers, rotors, and fixed equipment. Empty weight excludes the weight of the crew and payload, but includes the weight of all fixed ballast, unusable fuel supply, undrainable oil, total quantity of engine coolant, and total quantity of hydraulic fluid.
(3) "Maximum zero fuel weight" means the maximum permissible weight of an aircraft with no disposable fuel or oil. The zero fuel weight figure may be found in either the aircraft type certificate data sheet or the approved Aircraft Flight Manual, or both.
(4) For the purposes of this paragraph, "justifiable aircraft equipment" means any equipment necessary for the operation of the aircraft. It does not include equipment or ballast specifically installed, permanently or otherwise, for the purpose of altering the empty weight of an aircraft to meet the maximum payload capacity.

§ 135.9 Emergency operations.

(a) In an emergency involving the safety of persons or property, the certificate holder may deviate from the rules of 14 CFR Part 120 relating to aircraft and equipment and weather minimums to the extent required to meet that emergency.
(b) In an emergency involving the safety of persons or property, the pilot in command may deviate from the rules of 14 CFR Part 120 to the extent required to meet that emergency.
(c) Each person who, under the authority of this section, deviates from a rule of 14 CFR Part 120 shall, within 10 days, excluding Saturdays, Sundays, and Federal holidays, after the deviation, send to the FAA Flight Standards District Office charged with the overall inspection of the certificate holder a complete report of the aircraft operation involved, including a description of the deviation and reasons for it.

§ 135.21 Manual requirements.

(a) Each certificate holder, other than one who uses only one pilot in the certificate holder's operations, shall prepare and keep current a manual setting forth the certificate holder's procedures and policies acceptable to the Administrator. This manual must be used by the certificate holder's flight, ground, and maintenance personnel in conducting its operations. However, the Administrator may authorize a deviation from this paragraph if the Administrator finds that, because of the limited size of the operation, all or part of the manual is not necessary for guidance of flight, ground, or maintenance personnel.
(b) Each certificate holder shall maintain at least one copy of the manual at its principal operations base.
(c) The manual must not be contrary to any applicable Federal regulations, foreign regulation applicable to the certificate holder's operations in foreign countries, or the certificate holder's operating certificate or operations specifications.
(d) A copy of the manual, or appropriate portions of the manual (and changes and additions) shall be made available to maintenance and ground operations personnel by the certificate holder and furnished to—
(1) Its flight crewmembers; and
(2) Representatives of the Administrator assigned to the certificate holder.
(e) Each employee of the certificate holder to whom a manual or appropriate portions of it are furnished under paragraph (d)(1) of this section shall keep it up to date with the changes and additions furnished to them.
(f) Except as provided in paragraph (g) of this section, each certificate holder shall carry appropriate parts of the manual on each aircraft when away from the principal operations base. The appropriate parts must be available for use by ground or flight personnel.
(g) If a certificate holder conducts aircraft inspections or maintenance at specified stations where it keeps the approved inspection program manual, it is not required to carry the manual aboard the aircraf en route to those stations.

§ 135.23 Manual contents.

Each manual shall have the date of the last revision on each revised page. The manual must include—
(a) The name of each management person required under § 135.37(a) who is authorized to act for the certificate holder, the person's assigned area of responsibility, and the person's duties, responsibilities and authority;
(b) Procedures for ensuring compliance with aircraft weight and balance limitations and, for multiengine aircraft, for determining compliance with § 135.185;
(c) Copies of the certificate holder's operations specifications or appropriate extracted information, including area of operations authorized, category and class of aircraft authorized, crew complements, and types of operations authorized;
(d) Procedures for complying with accident notification requirements;
(e) Procedures for ensuring that the pilot in command knows that required airworthiness inspections have been made and that the aircraft has been approved for return to service in compliance with applicable maintenance requirements;
(f) Procedures for reporting and recording mechanical irregularities that come to the attention of the pilot in command before, during, and after completion of a flight;
(g) Procedures to be followed by the pilot in command for determining that mechanical irregularities or defects reported for previous flights have been corrected or that correction has been deferred;
(h) Procedures to be followed by the pilot in command to obtain maintenance, preventive maintenance, and servicing of the aircraft at a place where previous arrangements have not been made by the operator, when the pilot is authorized to so act for the operator;
(i) Procedures under § 135.179 for the release for, or continuation of, flight if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route;
(j) Procedures for refueling aircraft, eliminating fuel contamination, protecting from fire (including electrostatic protection), and supervising and protecting passengers during refueling;
(k) Procedures to be followed by the pilot in command in the briefing under § 135.117;
(l) Flight locating procedures, when applicable;
(m) Procedures for ensuring compliance with emergency procedures, including a list of the functions assigned each category of required crewmembers in connection with an emergency and emergency evacuation duties under § 135.123;
(n) En route qualification procedures for pilots, when applicable;
(o) The approved aircraft inspection program, when applicable;
(p) Procedures and instructions to enable personnel to recognize hazardous materials, as defined in 49 CFR, and if these materials are to be carried, stored, or handled, procedures and instructions for—
(1) Accepting shipment of hazardous material required by 49 CFR, to assure proper

packaging, marking, labeling, shipping documents, compatibility of articles, and instructions on their loading, storage, and handling;

(2) Notification and reporting hazardous material incidents as required by 49 CFR; and

(3) Notification of the pilot in command when there are hazardous materials aboard, as required by 49 CFR;

(q) Procedures for the evacuation of persons who may need the assistance of another person to move expeditiously to an exit if an emergency occurs; and

(r) Other procedures and policy instructions regarding the certificate holder's operations, that are issued by the certificate holder.

§ 135.25 Aircraft requirements.

(a) Except as provided in paragraph (d) of this section, no certificate holder may operate an aircraft under 14 CFR Part 120 unless that aircraft—

(1) Is registered as a civil aircraft of the United States and carries an appropriate and current airworthiness certificate issued under 14 CFR Chapter I; and

(2) Is in an airworthy condition and meets the applicable airworthiness requirements of 14 CFR Chapter I, including those relating to identification and equipment.

(b) Reserved.

(c) Reserved.

(d) A certificate holder may operate in common carriage, and for the carriage of mail, a civil aircraft which is leased or chartered to it without crew and is registered in a country which is a party to the Convention on International Civil Aviation if—

(1) The aircraft carries an appropriate airworthness certificate issued by the country of registration and meets the registration and identification requirements of that country.

(2) The aircraft is of a type design which is approved under a U.S. type certificate and complies with all of the requirements of 14 CFR Chapter I that would be applicable to that aircraft were it registered in the United States, including the requirements which must be met for issuance of a U.S. standard airworthiness certificate (including type design conformity, condition for safe operation, and the noise, fuel venting, and engine emission requirements of 14 CFR Chapter I, except that a U.S. registration certificate and a U.S. standard airworthiness certificate will not be issued for the aircraft;

(3) The aircraft is operated by U.S.-certificated airmen employed by the certificate holder; and

(4) The certificate holder files a copy of the aircraft lease or charter agreement with the FAA Aircraft Registry, Department of Transportation, 6500 South MacArthur Boulevard, Oklahoma City, Oklahoma (Mailing address: P.O. Box 25082, Oklahoma City, Oklahoma 73125).

§ 135.27 Business office and operations base.

(a) Each certificate holder shall maintain a principal business office.

(b) Each certificate holder shall, before establishing or changing the location of any business office or operations base, except a temporary operations base, notify in writing the FAA Flight Standards District Office charged with the overall inspection of the certificate holder.

(c) No certificate holder who establishes or changes the location of any business office or operations base, except a temporary operations base, may operate an aircraft under 14 CFR Part 120 unless the certificate holder complies with paragraph (b) of this section.

§ 135.37 Management personnel required.

(a) Each certificate holder, other than one who uses only one pilot in the certificate holder's operations, must have enough qualified management personnel in the following or equivalent positions to ensure safety in its operations:

(1) Director of operations.

(2) Chief pilot.

(3) Director of maintenance.

(b) Upon application by the certificate holder, the Administrator may approve different positions or numbers of positions than those listed in paragraph (a) of this section for a particular operation if the certificate holder shows that it can perform its operations safely under the direction of fewer or different categories of management personnel.

(c) Each certificate holder shall—

(1) Set forth the duties, responsibilities, and authority of the personnel required by this section in the manual required by § 135.21;

(2) List in the manual required by § 135.21 the name of the person or persons assigned to those positions; and

(3) Within 10 working days, notify the FAA Flight Standards District Office charged with the overall inspection of the certificate holder of any change made in the assignment of persons to the listed positions.

§ 135.39 Management personnel qualifications.

(a) *Director of operations.* No person may serve as director of operations under § 135.37(a) unless that person knows the contents of the manual required by § 135.21, the operating document and other applicable regulations necessary for the proper performance of the person's duties and responsibilities and:

(1) The director of operations for a certificate holder conducting any operations for which the pilot in command is required to hold an airline transport pilot certificate must—

(i) Hold or have held an airline transport pilot certificate; and

(ii) Have at least 3 years of experience as pilot in command of an aircraft operated under 14 CFR Part 120 or before [effective date of 14 CFR Part 120] under 14 CFR Part 121, 127, or 135, or any combination thereof; or

(iii) Have at least 3 years of experience as director of operations with a certificate holder operating under 14 CFR Part 120 or before [effective date of 14 CFR Part 120] under 14 CFR Part 121, 127, or 135, or any combination thereof.

(2) The director of operations for a certificate holder who is not conducting any operation for which the pilot in command is required to hold an airline transport pilot certificate must—

(i) Hold or have held a commercial pilot certificate; and

(ii) Have at least 3 years of experience as a pilot in command of an aircraft operated under 14 CFR Part 120 or before [effective date of 14 CFR Part 120] under 14 CFR Part 121, 127, or 135, or any combination thereof; or

(iii) Have at least 3 years of experience as director of operations with a certificate holder operating under 14 CFR Part 120 or before [effective date of 14 CFR Part 120] under 14 CFR Part 121, 127, or 135, or any combination thereof.

(b) *Chief pilot.* No person may serve as chief pilot under § 135.37(a) unless that person knows the contents of the manual required by § 135.21, the operating document and other applicable regulations necessary for the proper performance of the person's duties, and:

(1) The chief pilot of a certificate holder conducting any operation for which the pilot in command is required to hold an airline transport pilot certificate must—

(i) Hold a current airline transport pilot certificate with appropriate ratings for at least one of the types of aircraft used; and

(ii) Have at least 3 years of experience as a pilot in command of an aircraft under 14 CFR Part 120 or before [effective date of 14 CFR Part 120] under 14 CFR Part 121, 127, or 135, or any combination thereof.

(2) The chief pilot of a certificate holder conducting any operation for which the pilot in command is required to hold an airline transport pilot certificate must—

(i) Hold a current commercial pilot certificate with an instrument rating; and

(ii) Have at least 3 years of experience as a pilot in command of an aircraft under 14 CFR Part 120 or before [effective date of 14 CFR Part 120] under 14 CFR Part 121, 127, or 135, or any combination thereof.

(c) *Director of maintenance.* No person may serve as a director of maintenance under § 135.37(a) unless that person knows the maintenance sections of the certificate holder's manual, the operations specifications, the provisions of this part and other applicable regulations necessary for the proper performance of the person's duties and—

(1) Holds a mechanic certificate with both airframe and powerplant ratings; and

(2) Has at least 3 years of maintenance experience as a certificate mechanic on aircraft, including, at the time of appointment as director of maintenance, the recent experience requirements of 14 CFR 65.83 in the same category and class of aircraft as used by the certificate holder, or a least 3 years of experience with a certificated airframe repair station, including 1 year in the capacity of approving aircraft for return to service.

(d) Deviation from this section may be authorized if the person has had equivalent aeronautical experience. The Chief of the Flight Standards Division in the region of the certificate holding district office may authorize a deviation for the director of

operations, chief pilot, and the director of maintenance.

Flight Operations

§ 135.63 Recordkeeping requirements.

(a) Each certificate holder shall keep at its principal business office or at other places approved by the Administrator, and shall make available for inspection by the Administrator the following—

(1) The cretificate holder's operating certificate;

(2) The certificate holder's operating document;

(3) A current list of the aircraft used or available for use in operations under 14 CFR Part 120 and the operations for which each is equipped; and

(4) An individual record of each pilot used in operations under 14 CFR Part 120, including the following information:

(i) The full name of the pilot.

(ii) The pilot certificate (by the type and number) and ratings that the pilot holds.

(iii) The pilot's aeronautical experience in sufficient detail to determine the pilot's qualifications to pilot aircraft in operations under 14 CFR Part 120.

(iv) The pilot's current duties and the date of the pilot's assignment to those duties.

(v) The effective date and class of the medical certificate that the pilot holds.

(vi) The date and result of each of the initial and recurrent competency tests and proficiency and route checks required by 14 CFR Part 120 and the type of aircraft flown during that test or check.

(vii) The pilot's flight time in sufficient detail to determine compliance with the flight time limitations of 14 CFR Part 120.

(viii) The pilot's check pilot authorization, if any.

(ix) Any action taken concerning the pilot's release from employment for physical or professional disqualification.

(x) The date of the completion of the initial phase and each recurrent phase of the training required by 14 CFR Part 120.

(b) Each certificate holder shall keep each record required by paragraph (a)(3) of this section for at least 6 months, and each record required by paragraph (a)(4) of this section for at least 12 months, after it is made.

(c) For multiengine aircraft, each certificate holder is responsible for the preparation and accuracy of a load manifest in duplicate containing information concerning the loading of the aircraft. The manifest must be prepared before each takeoff and must include:

(1) The number of passengers;

(2) The total weight of the loaded aircraft;

(3) The maximum allowable takeoff weight for that flight;

(4) The center of gravity limits;

(5) The center of gravity of the loaded aircraft, except that the actual center of gravity need not be computed if the aircraft is loaded according to a loading schedule or other approved method that ensures that the center of gravity of the loaded aircraft is within approved limits. In those cases, an entry shall be made on the manifest indicating that the center of gravity is within limits according to a loading schedule or other approved method;

(6) The registration number of the aircraft or flight number;

(7) The origin and destination; and

(8) Identification of crew members and their crew position assignments.

(d) The pilot in command of an aircraft for which a load manifest must be prepared shall carry a copy of the completed load manifest in the aircraft to its destination. The certificate holder shall keep copies of completed load manifests for at least 30 days at its principal operations base, or at another location used by it and approved by the Administrator.

§ 135.65 Reporting mechanical irregularities.

(a) Each certificate holder shall provide an aircraft maintenance log to be carried on board each aircraft for recording or deferring mechanical irregularities and their correction.

(b) The pilot in command shall enter or have entered in the aircraft maintenance log each mechanical irregularity that comes to the pilot's attention during flight time. Before each flight, the pilot in command shall, if the pilot does not already know, determine the status of each irregularity entered in the maintenance log at the end of the preceding flight.

(c) Each person who takes corrective action or defers action concerning a reported or observed failure or malfunction of an airframe, powerplant, propeller, rotor, or appliance, shall record the action taken in the aircraft maintenance log under the applicable maintenance requirements of 14 CFR Chapter I.

(d) Each certificate holder shall establish a procedure for keeping copies of the aircraft maintenance log required by this section in the aircraft for access by appropriate personnel and shall include that procedure in the manual required by § 135.21.

§ 135.67 Reporting potentially hazardous meteorological conditions and irregularities of communications or navigation facilities.

Whenever a pilot encounters a potentially hazardous meteorological condition or an irregularity in a ground communications or navigational facility in flight, the knowledge of which the pilot considers essential to the safety of other flights, the pilot shall notify an appropriate ground radio station as soon as practicable.

§ 135.69 Restriction or suspension of operations: Continuation of flight in an emergency.

(a) During operations under 14 CFR Part 120, if a certificate holder or pilot in command knows of conditions, including airport and runway conditions, that are a hazard to safe operations, the certificate holder or pilot in command, as the case may be, shall restrict or suspend operations as necessary until those conditions are corrected.

(b) No pilot in command may allow a flight to continue toward any airport of intended landing under the conditions forth in paragraph (a) of this section, unless, in the opinion of the pilot in command, the conditions that are a hazard to safe operations may reasonably be expected to be corrected by the estimated time of arrival or, unless there is no safer procedure. In the latter event, the continuation toward that airport is an emergency situation under § 135.19.

§ 135.71 Airworthiness check.

The pilot in command may not begin a flight unless the pilot determines that the airworthiness inspections required by 14 CFR 91.169 or § 135.419, whichever is applicable, have been made.

§ 135.79 Flight locating requirements.

(a) Each certificate holder must have procedures established for locating each flight, for which an FAA flight plan is not filed, that—

(1) Provide the certificate holder with at least the information required to be included in a VFR flight plan;

(2) Provide for timely notification of an FAA facility or search and rescue facility, if an aircraft is overdue or missing; and

(3) Provide the certificate holder with the location, date, and estimated time for reestablishing radio or telephone communications, if the flight will operate in an area where communications cannot be maintained.

(b) Flight locating information shall be retained at the certificate holder's principal place of business, or at other places designated by the certificate holder in the flight locating procedures, until the completion of the flight.

(c) Each certificate holder shall furnish the representative of the Administrator assigned to it with a copy of its flight locating procedures and any changes or additions, unless those procedures are included in a manual required under 14 CFR Part 120.

§ 135.81 Informing personnel of operational information and appropriate changes.

Each certificate holder shall inform each person in its employment of the operations specifications that apply to that person's duties and responsibilities and shall make available to each pilot in the certificate holder's employ the following materials in current form:

(a) Airman's Information Manual (Alaska Supplement in Alaska and Pacific Chart Supplement in Pacific-Asia Regions) or a commercial publication that contains the same information.

(b) Its approved operating document and 14 CFR Part 91.

(c) Aircraft Equipment Manuals, and Aircraft Flight Manual or equivalent.

(d) For foreign operations, the International Flight Information Manual or a commercial publication that contains the same information concerning the pertinent operational and entry requirements of the foreign country or countries involved.

§ 135.83 Operating information required.

(a) The operator of an aircraft must provide the following materials, in current and appropriate form, accessible to the pilot at the pilot station, and the pilot shall use them:

(1) A cockpit checklist.

(2) For multiengine aircraft or for aircraft with retractable landing gear, an emergency cockpit checklist containing the procedures

required by paragraph (c) of this section, as appropriate.

(3) Pertinent aeronautical charts.

(4) For IFR operations, each pertinent navigational en route, terminal area, and approach and letdown chart.

(5) For multiengine aircraft, one-engine-inoperative climb performance data and if the aircraft is approved for use in IFR or over-the-top operations, that data must be sufficient to enable the pilot to determine compliance with § 135.181(a)(2).

(b) Each cockpit checklist required by paragraph (a)(1) of this section must contain the following procedures:

(1) Before starting engines;

(2) Before takeoff;

(3) Cruise;

(4) Before landing;

(5) After landing;

(6) Stopping engines.

(c) Each emergency cockpit checklist required by paragraph (a)(2) of this section must contain the following procedures, as appropriate:

(1) Emergency operation of fuel, hydraulic, electrical, and mechanical systems.

(2) Emergency operation of instruments and controls.

(3) Engine inoperative procedures.

(4) Any other emergency procedures necessary for safety.

§ 135.85 Carriage of persons without compliance with the passenger-carrying provisions of 14 CFR Part 120.

The following persons may be carried aboard an aircraft without complying with the passenger-carrying requirements of 14 CFR Part 120:

(a) A crewmember or other employee of the certificate holder.

(b) A person necessary for the safe handling of animals on the aircraft.

(c) A person necessary for the safe handling of hazardous materials (as defined in Subchapter C of 49 CFR).

(d) A person performing duty as a security or honor guard accompanying a shipment made by or under the authority of the U.S Government.

(e) A military courier or a military route supervisor carried by a military cargo contract air carrier or commercial operator in operations under a military cargo contract, if that carriage is specifically authorized by the appropriate military service.

(f) An authorized representative of the Administrator conducting an en route inspection.

(g) A person, authorized by the Administrator, who is performing a duty connected with a cargo operation of the certificate holder.

§ 135.87 Carriage of cargo including carry-on baggage.

No person may carry cargo, including carry-on-baggage, in or on any aircraft unless—

(a) It is carried in an approved cargo rack, bin, or compartment installed in or on the aircraft;

(b) It is secured by an approved means; or

(c) It is carried in accordance with each of the following:

(1) For cargo, it is properly secured by a safety belt or other tie-down having enough strength to eliminate the possiblity of shifting under all normally anticipated flight and ground conditions, or for carry-on-baggage it is restrained so as to prevent its movement during air turbulence.

(2) It is packaged or covered to avoid possible injury to occupants.

(3) It does not impose any load on seats or on the floor structure that exceeds the load limitation for those components.

(4) It is not located in a position that obstructs the access to, or use of, any required emergency or regular exit, or the use of the aisle between the crew and the passenger compartment, or located in a position that obscures any passenger's view of the "seat belt" sign or other approved means for proper notification of the passengers is provided.

(5) It is not carried directly above seated occupants.

(6) It is stowed in compliance with this section for takeoff and landing.

(7) For cargo only operations, paragraph (c)(4) of this section does not apply if the cargo is loaded so that at least one emergency or regular exit is available to provide all occupants of the aircraft a means of unobstructed exit from the aircraft if an emergency occurs.

(d) Each passsenger seat under which baggage is stowed shall be fitted with a means to prevent articles of baggage stowed under it from sliding under crash impacts severe enough to induce the ultimate inertia forces specified in the emergency landing condition regulations under which the aircraft was type certificated.

(e) When cargo is carried in cargo compartments that are designed to require the physical entry of a crew-member to extinguish any fire that may occur during flight, the cargo must be loaded so as to allow a crew-member to effectively rech all parts of the compartment with the contents of a hand fire extinguisher.

§ 135.89 Pilot requirements: Use of oxygen.

(a) *Unpressurized aircraft.* Each pilot of an unpressurized aircraft shall use oxygen continuously when flying—

(1) At altitudes above 10,000 feet through 12,000 feet MSL for that part of the flight at those altitudes that is of more than 30 minutes duration; and

(2) Above 12,000 feet MSL.

(b) *Pressurized aircraft.*

(1) Whenever a pressurized aircraft is operated with the cabin pressure altitude more than 10,000 feet MSL, each pilot shall comply with paragraph (a) of this section.

(2) Whenever a pressurized aircraft is operated at altitudes above 25,000 feet through 35,000 feet MSL, unless each pilot has an approved quick-donning type oxygen mask—

(i) At least one pilot at the controls shall wear, secured and sealed, an oxygen mask that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude exceeds 12,000 feet MSL; and

(ii) During that flight, each other pilot on flight deck duty shall have an oxygen mask connected to an oxygen supply, located so as to allow immediate placing of the mask on the pilot's face sealed and secured for use.

(3) Whenever a pressurized aircraft is operated at altitudes above 35,000 feet MSL, at least one pilot at the controls shall wear, secured and sealed, an oxygen mask required by paragraph (2) (i) of this paragraph.

(4) If one pilot leaves a pilot duty station of an aircraft when operating at altitudes above 25,000 feet MSL, the remaining pilot at the controls shall put on and use an approved oxygen mask until the other pilot returns to the pilot duty station of the aircraft.

§ 135.91 Oxygen for medical use by passengers.

(a) Except as provided in paragraphs (d) and (e) of this section, no certificate holder may allow the carriage or operation of equipment for the storage, generation or dispensing of medical oxygen unless the unit to be carried is constructed so that all valves, fittings, and gauges are protected from damage during that carriage or operation and unless the following conditions are met—

(1) The equipment must be—

(i) Of an approved type or in conformity with the manufacturing, packaging, marking, labeling, and maintenance requirements of 49 CFR Parts 171, 172, and 173, except § 173.24(a)(1);

(ii) When owned by the certificate holder maintained under the certificate holder's approved maintenance program;

(iii) Free of flammable contaminants on all exterior surfaces; and

(iv) Appropriately secured.

(2) When the oxygen is stored in the form of a liquid, the equipment must have been under the certificate holder's approved maintenance program since its purchase new or since the storage container was last purged.

(3) When the oxygen is stored in the form of a compressed gas as defined in 49 CFR 173.300(a)—

(i) When owned by the certificate holder, it must be maintained under its approved maintenance program; and

(ii) The pressure in any oxygen cylinder must not exceed the rated cylinder pressure.

(4) The pilot in command must be advised when the equipment is on board, and when it is intended to be used.

(5) The equipment must be stowed, and each person using the equipment must be seated, so as not to restrict access to or use of any required emergency or regular exit, or of the aisle in the passenger compartment.

(b) Reserved.

(c) No certificate holder may allow any person other than a person trained in the use of medical oxygen equipment to connect or disconnect oxygen bottles or any other ancillary component while any passenger is aboard the aircraft.

(d) Paragraph (a)(1)(i) of this section does not apply when that equipment is furnished by a professional or medical emergency service for use on board an aircraft in a medical emergency when no other practical means of transportation (including any other properly equipped certificate holder) is reasonably available and the person carried

under the medical emergency is accompanied by a person trained in the use of medical oxygen.

(e) Each certificate holder who, under the authority of paragraph (d) of this section, deviates from paragraph (a)(1)(i) of this section under a medical emergency shall, within 10 days, excluding Saturdays, Sundays, and Federal holidays, after the deviation, send to the FAA Flight Standards District Office charged with the overall inspection of the certificate holder a complete report of the operation involved, including a description of the deviation and the reasons for it.

§ 135.93 Autopilot: Minimum altitudes for use.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, no person may use an autopilot at an altitude above the terrain which is less than 500 feet or less than twice the maximum altitude loss specified in the approved Aircraft Flight Manual or equivalent for a malfunction of the autopilot, whichever is higher.

(b) When using an instrument approach facility other than ILS, no person may use an autopilot at an altitude above the terrain that is less than 50 feet below the approved minimum descent altitude for that procedure, or less than twice the maximum loss specified in the approved Airplane Flight Manual or equivalent for a malfunction of the autopilot under approach conditions, whichever is higher.

(c) For ILS approaches, when reported weather conditions are less than the basic weather conditions in 14 CFR 91.105, no person may use an autopilot with an approach coupler at an altitude above the terrain that is less than 50 feet above the terrain, or the maximum altitude loss specified in the approved Airplane Flight Manual or equivalent for the malfunction of the autopilot with approach coupler, whichever is higher.

(d) Without regard to paragraphs (a), (b), or (c) of this section, the Administrator may issue operations specifications to allow the use, to touchdown of an approved flight control guidance system with automatic capability, if—

(1) The system does not contain any altitude loss (above zero) specified in the approved Airplane Flight Manual or equivalent for malfunction of the autopilot with approach coupler; and

(2) The Administrator finds that the use of the system to touchdown will not otherwise adversely affect the safety standards of this section.

(e) This section does not apply to operations conducted in rotorcraft.

§ 135.95 Airmen: Limitations on use of services.

No certificate holder may use the services of any person as an airman unless the person performing those services—

(a) Holds an appropriate and current airman certificate; and

(b) Is qualified, under 14 CFR Chapter I, for the operation for which the person is to be used.

§ 135.97 Aircraft and facilities for recent flight experience.

Each certificate holder shall provide aircraft and facilities to enable each of its pilots to maintain and demonstrate the pilot's ability to conduct all operations for which the pilot is authorized.

§ 135.99 Composition of flightcrew.

(a) No certificate holder may operate an aircraft with less than the minimum flightcrew specified in the aircraft operating limitations or the Aircraft Flight Manual for that aircraft and required by 14 CFR Part 120 for the kind of operation being conducted.

(b) No certificate holder may operate an aircraft without a second in command if that aircraft has a passenger seating configuration, excluding any pilot seat, of ten seats or more.

§ 135.100 Flight crewmember duties.

(a) No certificate holder shall require, nor may any flight crewmember perform, any duties during a critical phase of flight except those duties required for the safe operation of the aircraft. Duties such as company required calls made for such nonsafety related purposes as ordering galley supplies and confirming passenger connections, announcements made to passengers promoting the air carrier or pointing out sights of interest, and filling out company payroll and related records are not required for the safe operation of the aircraft.

(b) No flight crewmember may engage in, nor may any pilot in command permit, any activity during a critical phase of flight which could distract any flight crewmember from the performance of his or her duties or which could interfere in any way with the proper conduct of those duties. Activities such as eating meals, engaging in nonessential conversations within the cockpit and nonessential communications between the cabin and cockpit crews, and reading publications not related to the proper conduct of the flight are not required for the safe operation of the aircraft.

(c) For the purposes of this section, critical phases of flight includes all ground operations involving taxi, takeoff and landing, and all other flight operations conducted below 10,000 feet, except cruise flight.

Note: Taxi is defined as "movement of an airplane under its own power on the surface of an airport."

§ 135.101 Second in command required in IFR conditions.

Except as provided in §§ 135.103 and 135.105, no person may operate an aircraft carrying passengers in IFR conditions, unless there is a second in command in the aircraft.

§ 135.103 Exception to second in command requirement: IFR operations.

The pilot in command of an aircraft carrying passengers may conduct IFR operations without a second in command under the following conditions:

(a) A takeoff may be conducted under IFR conditions if the weather reports or forecasts, or any combination of them, indicate that the weather along the planned route of flight allows flight under VFR within 15 minutes flying time, at normal cruise speed, from the takeoff airport.

(b) En route IFR may be conducted if unforecast weather conditions below the VFR minimums of 14 CFR Chapter I are encountered on a flight that was planned to be conducted under VFR.

(c) An IFR approach may be conducted if, upon arrival at the destination airport, unforecast weather conditions do not allow an approach to be completed under VFR.

(d) When IFR operations are conducted under this section:

(1) The aircraft must be properly equipped for IFR operations under 14 CFR Part 120.

(2) The pilot must be authorized to conduct IFR operations under 14 CFR Part 120.

(3) The flight must be conducted in accordance with an ATC IFR clearance. IFR operations without a second in command may not be conducted under this section in an aircraft requiring a second in command under § 135.99.

§ 135.105 Exception to second in command requirement: Approval for use of autopilot system.

(a) Except as provided in §§ 135.99 and 135.111, unless two pilots are required by 14 CFR Chapter I for operations under VFR, a person may operate an aircraft without a second in command, if it is equipped with an operative approved autopilot system and the use of that system is authorized by appropriate operations specifications. No certificate holder may use any person, nor may any person serve, as a pilot in command under this section of an aircraft operated by a Commuter Air Carrier (as defined in (14 CFR 298.2) in passenger-carrying operations unless that person has at least 100 hours pilot in command flight time in the make and model of aircraft to be flown and has met all other applicable requirements of 14 CFR Part 120.

(b) the certificate holder may apply for an amendment of its operations specifications to authorize the use of an autopilot system in place of a second in command.

(c) The Administrator issues an amendment to the operations specifications authorizing the use of an autopilot system, in place of a second in command, if—

(1) The autopilot is capable of operating the aircraft controls to maintain flight and maneuver it about the three axes; and

(2) The certificate holder shows, to the satisfaction of the Administrator, that operations using the autopilot system can be conducted safely and in compliance with 14 CFR Part 120.

The amendment contains any conditions or limitations on the use of the autopilot system that the Administrator determines are needed in the interest of safety.

§ 135.107 Flight attendant crewmember requirement.

No certificate holder may operate an aircraft that has a passenger seating configuration, excluding any pilot seat, of more than 19 unless there is a flight attendant crewmember on board the aircraft.

§ 135.109 Pilot in command or second in command: Designation required.

(a) Each certificate holder shall designate a—

(1) Pilot in command for each flight; and

(2) Second in command for each flight requiring two pilots.

(b) The pilot in command, as designated by the certificate holder, shall remain the pilot in command at all times during that flight.

§ 135.111 Second in command required in Category II operations.

No person may operate an aircraft in a Category II operation unless there is a second in command of the aircraft.

§ 135.113 Passenger occupancy of pilot seat.

No certificate holder may operate an aircraft type certificated after October 15, 1971, that has a passenger seating configuration, excluding any pilot seat, of more than eight seats if any person other than the pilot in command, a second in command, a company check airman, or an authorized representative of the Administrator, the National Transportation Safety Board, or the United States Postal Service occupies a pilot seat.

§ 135.115 Manipulation of controls.

No pilot in command may allow any person to manipulate the flight controls of an aircraft during flight conducted under 14 CFR Part 120, nor may any person manipulate the controls during such flight unless that person is—

(a) A pilot employed by the certificate holder and qualified in the aircraft; or

(b) An authorized safety representative of the Administrator who has the permission of the pilot in command, is qualified in the aircraft, and is checking flight operations.

§ 135.117 Briefing of passengers before flight.

(a) Before each takeoff each pilot in command of an aircraft carrying passengers shall ensure that all passengers have been orally briefed on—

(1) Smoking;

(2) Use of seat belts;

(3) The placement of seat backs in an upright position before takeoff and landing;

(4) Location and means for opening the passenger entry door and emergency exists;

(5) Location of survival equipment;

(6) If the flight involves entended overwater operation, ditching procedures and the use of required flotation equipment;

(7) If the flight involves operations above 12,000 feet MSL, the normal and emergency use of oxygen; and

(8) Location and operation of fire extinguishers.

(b) Before each takeoff the pilot in command shall ensure that each person who may need the assistance of another person to move expeditiously to an exit if an emergency occurs and that person's attendant, if any, has received a briefing as to the procedures to be followed if an evacuation occurs. This paragraph does not apply to a person who has been given a briefing before a previous leg of a flight in the same aircraft.

(c) The oral briefing required by paragraph (a) of this section shall be given by the pilot in command or a member of the crew. It shall be supplemented by printed cards for the use of each passenger containing—

(1) A diagram of, and method of operating the emergency exists; and

(2) Other instructions necessary for the use of emergency equipment on board the aircraft.

Each card used under this paragraph must be carried in the aircraft in locations convenient for the use of each passenger and must contain information that is appropriate to the aircraft on which it is to be used.

§ 135.119 Prohibition against carriage of weapons.

No person may, while on board an aircraft being operated by a certificate holder, carry on or about that person a deadly or dangerous weapon, either concealed or unconcealed. This section does not apply to—

(a) Officials or employees or a municipality or a State, or of the United States, who are authorized to carry arms; or

(b) Crewmembers and other persons authorized by the certificate holder to carry arms.

§ 135.121 Alcoholic beverages.

(a) No person may drink any alcoholic beverage aboard an aircraft unless the certificate holder operating the aircraft has served that beverage.

(b) No certificate holder may serve any alcoholic beverage to any person aboard its aircraft if that person appears to be intoxicated.

(c) No certificate holder may allow any person to board any of its aircraft if that person appears to be intoxicated.

§ 135.123 Emergency and emergency evacuation duties.

(a) Each certificate holder shall assign to each required crewmember for each type of aircraft as appropriate, the necessary functions to be performed in an emergency or in a situation requiring emergency evacuation. The certificate holder shall ensure thet those functions can be practicably accomplished, and will meet any reasonably anticipated emergency including incapacitation of individual crewmembers or their inability to reach the passenger cabin because of shifting cargo in combination cargo-passenger aircraft.

(b) The certificate holder shall describe in the manual required under § 135.21 the functions of each category of required crewmembers assigned under paragraph (a) of this section.

Aircraft and Equipment

§ 135.141 Applicability.

Sections 135.141 through 135.185 prescribe aircraft and equipment requirements for operations under 14 CFR Part 120. These requirements are in addition to the aircraft and equipment requirements of 14 CFR Part 91. However, 14 CFR Part 120 does not require the duplication of any equipment required by 14 CFR Chapter I.

§ 135.143 General requirements.

(a) No person may operate an aircraft under 14 CFR Part 120 unless that aircraft and its equipment meet the applicable regulations of 14 CFR Chapter I.

(b) Except as provided in § 135.179, no person may operate an aircraft under 14 CFR Part 120 unless the required instruments and equipment in it have been approved and are in an operable condition.

(c) ATC transponder equipment must meet the performance and environmental requirements of any Class of Technical Standard Order (TSO) C74b, or Class 1A or Class 1B of TSO–74c, as appropriate, except that the Administrator may approve the use of TSO–C74 or TSO–C74a equipment if the applicant submits data showing that the equipment meets the minimum performance standards of Class 1A or Class 1B of TSO–C74c, and the environmental conditions of the TSO under which it was manufactured.

§ 135.145 Aircraft proving tests.

(a) No certificate holder may operate a turbojet airplane, or an aircraft for which two pilots are required by 14 CFR Chapter I for operations under VFR, if it has not previously proved that aircraft or an aircraft of the same make and similar design in any operation under 14 CFR Part 120 unless, in addition to the aircraft certification tests, at least 25 hours of proving tests acceptable to the Administrator have been flown by that certificate holder including—

(1) Five hours of night time, if night flights are to be authorized:

(2) Five instrument approach procedures under simulated or actual instrument weather conditions, if IFR flights are to be authorized: and

(3) Entry into a representative number of en route airports as determined by the Administrator.

(b) No certificate holder may carry passengers in an aircraft during proving tests, except those needed to make the test and those designated by the Administrator to observe the tests. However, pilot flight training may be conducted during the proving tests.

(c) For the purposes of paragraph (a) of this section an aircraft is not considered to be of similar design if an alteration includes—

(1) The installation of powerplants other than those of a type similar to those with which it is certificated; or

(2) Alterations to the aircraft or its components that materially affect flight characteristics.

(d) The Administrator may authorize deviations from this section if the Administrator finds that special circumstances make full compliance with this section unnecessary.

§ 135.147 Dual controls required.

No person may operate an aircraft in operations requiring two pilots unless it is equipped with functioning dual controls. However, if the aircraft type certification operating limitations do not require two pilots, a throwover control wheel may be used in place of two control wheels.

§ 135.149 Equipment requirements: General.

No person may operate an aircraft unless it is equipped with—

(a) A sensitive altimeter that is adjustable for barometric pressure;

(b) Heating or deicing equipment for each carburetor or, for a pressure carburetor, an alternate air source;

(c) For turbojet airplanes, in addition to two gyroscopic bank-and-pitch indicators (artificial horizons) for use at the pilot stations, a third indicator that—

(1) Is powered from a source independent of the aircraft's electrical generating system;

(2) Continues reliable operation for at least 30 minutes after total failure of the aircraft's electrical generating system;

(3) Operates independently of any other attitude indicating system;

(4) Is operative without selection after total failure of the aircraft's electrical generating system;

(5) Is located on the instrument panel in a position that will make it plainly visible to, and useable by, any pilot at the pilot's station; and

(6) Is appropriately lighted during all phases of operation;

(d) For aircraft having a passenger seating configuration, excluding any pilot seat, of more than 19, a public address system and a crewmember interphone system, approved under 14 CFR 21.305, which meet 14 CFR 121.318 and 121.319 before [effective date of 14 CFR Part 120]; and

(e) For turbine powered aircraft, any other equipment as the Administrator may require.

§ 135.151 Cockpit voice recorders.

(a) No person may operate a turbojet airplane having a passenger seating configuration, excluding any pilot seat, of 10 seats or more, unless it is equipped with an approved cockpit voice recorder that—

(1) Is installed in compliance with 14 CFR Part 25;

(2) Is installed and operated continuously from the use of the check list before the flight to completion of the final check at the end of the flight; and

(3) Has erasure features that may be used so that any time during the operation of the recorder, information recorded more than 30 minutes earlier may be erased or otherwise obliterated.

(b) In the event of an accident, or occurrence requiring immediate notification of the National Transportation Safety Board which results in termination of the flight, the certificate holder shall keep the recorded information for at least 60 days or, if requested by the Administrator or the Board, for a longer period. Information obtained from the record may be used to assist in determining the cause of accidents or occurrences in connection with investigations. The Administrator does not use the record in any civil penalty or certificate action.

§ 135.153 Ground proximity warning system.

No person may operate a turbojet airplane having a passenger seating configuration, excluding any pilot seat, of 10 seats of more, unless it is equipped with—

(a) A ground proximity warning system that meets 14 CFR 37.210; or

(b) system that conveys warnings of excessive closure rates with the terrain and any deviations below glide slope by visual and audible means.This system must—

(1) Be approved by the Director of Flight Operations; and

(2) Have a means of alerting the pilot when a malfunction occurs in the system.

(c) For the system required by this section, the Airplane Flight Manual shall contain—

(1) Appropriate procedures for—

(i) The use of the equipment;

(ii) Proper flightcrew action with respect to the equipment; and

(iii) Deactivation for planned abnormal and emergency conditions; and

(2) An outline of all imput sources that must be operating.

(d) No person may deactivate a system required by this section except under procedures in the Airplane Flight Manual.

(e) Whenever a system required by this section is deactivated, an entry shall be made in the airplane maintenance record that includes the date and time of deactivation.

(f) For a system required by paragraph (b) of this section, procedures acceptable to the FAA Flight Standards District Office charged with the overall inspection of the certificate holder shall be established by the certificate holder to ensure that the performance of the system can be appropriately monitored.

§ 135.155 Fire extinguisher: Passenger-carrying aircraft.

No Person may operate an aircraft carrying passengers unless it is equipped with hand fire extinguishers of an approved type for use in crew and passenger compartments as follows—

(a) The type and quantity of extinguishing agent must be suitable for the kinds of fires likely to occur;

(b) At lest one hand fire extinguisher must be provided and conveniently located on the flight deck for use by the flightcrew; and

(c) At lest one hand fire extinguisher must be conveniently located in the passenger compartment of each aircraft having a passenge seating configuration, excluding any pilot seat, of at least 10 seats but less than 31 seats.

§ 135.157 Oxygen equipment requirements.

(a) *Unpressurized aircraft.* No person may operate an unpressurized aircraft at altitudes prescribed in this section unless it is equipped with enough oxygen dispensers and oxygen to supply the pilots under § 135.89(a) and to supply, when flying—

(1) At altitudes above 10,000 feet through 15,000 feet MSL, oxygen to at least 10 percent of the occupants of the aircraft, other than the pilots, for that part of the flight at those altitudes that is of more than 30 minutes duration; and

(2) Above 15,000 feet MSL, oxygen to each occupant of the aircraft other than the pilots.

(b) *Pressurized aircraft.* No person may operate a pressurized aircraft—

(1) At altitudes above 25,000 feet MSL, unless at least a 10-minute supply of supplemental oxygen is available for each occupant of the aircraft, other than the pilots, for use when a descent is necessary due to loss of cabin pressurization; and

(2) Unless it is equipped with enough oxygen dispensers and oxygen to comply with paragraph (a) of this section whenever the cabin pressure altitude exceeds 10,000 feet MSL and, if the cabin pressurization fails, to comply with § 135.89(a) or to provide a 2-hour supply for each pilot, whichever is greater, and to supply when flying—

(i) At altitudes above 10,000 feet through 15,000 feet MSL, oxygen to at least 10 percent of the occupants of the aircraft, other than the pilots, for that part of the flight at those altitudes that is of more than 30 minutes duration; and

(ii) Above 15,000 feet MSL, oxygen to each occupant of the aircraft, other than the pilots, for one hour unless, at all times during flight above that altitude, the aircraft can safely descend to 15,000 feet MSL within four minutes, in which case only a 30-minute supply is required.

(c) The equipment required by this section must have a means—

(1) To enable the pilots to readily determine, in flight, the amount of oxygen available in each source of supply and whether the oxygen is being delivered to the dispensing units; or

(2) In the case of individual dispensing units, to enable each user to make those determinations with respect to that person's oxygen supply and delivery; and

(3) To allow the pilots to use undiluted oxygen at their discretion at altitudes above 25,000 feet MSL.

§ 135.158 Pitot heat indication systems.

(a) No person may operate a transport category airplane equipped with a flight instrument pitot heating system unless the airplane is also equipped with an operable pitot heat indication system that complies with 14 CFR 25.1326 in effect on April 12, 1978.

(b) Reserved.

§ 135.159 Equipment requirements: Carrying passengers under VFR at night or under VFR over-the-top conditions.

No person may operate an aircraft carrying passengers under VFR at night or under VFR over-the-top, unless it is equipped with—

(a) A gyroscopic rate-of-turn indicator combined with a slip-skid indicator;

(b) A gyroscopic bank-and-pitch indicator;

(c) A gyroscopic direction indicator;

(d) A generator or generators able to supply all probable combinations of continuous inflight electrical loads for required equipment and for recharging the battery; and

(e) For night flights—

(1) An anticollision light system;

(2) Instrument lights to make all in struments, switches, and gauges easily readable, the direct rays of which are shielded from the pilot's eyes; and

(3) A flashlight having at least two size "D" cells or equivalent.

(f) Reserved.

§ 135.161 Radio and navigational equipment: Carrying passengers under VFR at night or under VFR over-the-top.

(a) No person may operate an aircraft carrying passengers under VFR at night, or

under VFR over-the-top, unless it has two-way radio communications equipment able, at least in flight, to transmit to and receive from, ground facilities 25 miles away.

(b) No person may operate an aircraft carrying passengers under VFR over-the-top unless it has radio navigational equipment able to receive radio signals from the gound facilities to be used.

(c) No person may operate an airplane carrying passengers under VFR at night unless it has radio navigational equipment able to receive radio signals from the ground facilities to be used.

§ 135.163 Equipment requirements: Aircraft carrying passengers under IFR.

No person may operate an aircraft under IFR, carrying passengers, unless it has—

(a) A vertical speed indicator;

(b) A free-air temperature indicator;

(c) A heated pitot tube for each air-speed indicator;

(d) A power failure warning device or vacuum indicator to show the power available for gyroscopic instruments from each power source;

(e) An alternate source of static pressure for the altimeter and the air speed and vertical speed indicators;

(f) For a single-engine aircraft, a generator or generators able to supply all probable combinations of continuous inflight electrical loads for required equipment and for recharging the battery;

(g) For multiengine aircraft, at least two generators each of which is on a separate engine, of which any combination of one-half of the total number are rated sufficiently to supply the electrical loads of all required instruments and equipment necessary for safe emergency operation of the aircraft except that for multiengine helicopters, the two required generators may be mounted on the main rotor drive train; and

(h) Two independent sources of energy (with means of selecting either), of which at least one is an engine-driven pump or generator, each of which is able to drive all gyroscopic instruments and installed so that failure of one instrument or source does not interfere with the energy supply to the remining instruments or the other energy source, unless, for single-engine aircraft, the rate-of-turn indicator has a source of energy separate from the bank and pitch and direction indicators. For the purpose of this paragraph, for multiengine aircraft, each engine-driven source of energy must be on a different engine.

(i) For the purpose of paragraph (f) of this section, a continuous inflight electrical load includes one that draws current continuously during flight, such as radio equipment, electrically driven instruments, and lights, but does not include occasional intermittent loads.

§ 135.165 Radio and navigational equipment: Extended overwater or IFR operations.

(a) No person may operate a turbojet airplane having a passenger seating configuration, excluding any pilot seat, of 10 seats or more, or a multiengine airplane carrying passengers as a "Commuter Air Carrier" as defined in 14 CFR Part 298, under IFR or in extended overwater operations unless it has at least the following radio communication and navigational equipment appropriate to the facilities to be used which are capable of transmitting to, and receiving from, at any place on the route to be flown, at least one ground facility.

(1) Two transmitters, (2) two microphones, (3) two headsets or one headset and one speaker, (4) a marker beacon receiver, (5) two independent receivers for navigation, and (6) two independent receivers for communications.

(b) No person may operate an aircraft other than that specified in paragraph (a) of this section, under IFR or in extended overwater operations unless it has at least the following radio communication and navigational equipment appropriate to the facilities to be used and which are capable of transmitting to, and receiving from, at any place on the route, at least one ground facility:

(1) A transmitter, (2) two microphones, (3) two headsets or one headset and one speaker, (4) a marker beacon receiver, (5) two independent receivers for navigation, (6) two independent receivers for communications, and (7) for extended overwater operations only, an additional transmitter.

(c) For the purpose of paragraphs (a)(5), (a)(6), (b)(5), and (b)(6) of this section, a receiver is independent if the function of any part of it does not depend on the functioning of any part of another receiver. However, a receiver that can receive both communications and navigational signals may be used in place of a separate communications receiver and a separate navigational signal receiver.

§ 135.167 Emergency equipment: Extended overwater operations.

(a) No person may operate an aircraft in extended overwater operations unless it carries, installed in conspicuously marked locations easily accessible to the occupants if a ditching occurs, the following equipment:

(1) An approved life preserver equipped with an approved survivor locator light, or an approved floatation means, for each occupant of the aircraft. The life preserver or other floatation means must be easily accessible to each seated occupant. If a flotation means other than a life preserver is used, it must be readily removable from the aircraft.

(2) Enough life rafts (with proper buoyancy) to carry all occupants of the aircraft, and at least the following equipment for each raft clearly marked for easy identification—

(i) One canopy (for sail, sunshade, or rain catcher);

(ii) One radar reflector (or similar device);

(iii) One life raft repair kit;

(iv) One bailing bucket;

(v) One signaling mirror;

(vi) One policei whistle;

(vii) One raft knife;

(viii) One CO_2 bottle for emergency inflation;

(ix) One inflation pump;

(x) Two oars;

(xi) One 75-foot retaining line;

(xii) One magnetic compass;

(xiii) One dye marker;

(xiv) One flashlight having at least two size "D" cells or equivalent;

(xv) At least one approved pyrotechnic signaling device;

(xvi) A two-day supply of emergency food rations supplying at least 1,000 calories a day for each person;

(xvii) One sea water desalting kit for each two persons the raft is rated to carry, or two pints of water for each person the raft is rated to carry;

(xviii) One fishing kit; and

(xix) One book on survival appropriate for the area in which the aircraft is operated.

(b) No person may operate an aircraft in extended overwater operations unless there is attached to one of the life rafts required by paragraph (a) of this section, a survival type emergency locator transmitter that meets the applicable requirements of TSO–C91. Batteries used in this transmitter must be replaced (or recharged, if the battery is rechargeable) when the transmitter has been in use for more than 1 cumulative hour, and also when 50 percent of their useful life (or for rechargeable batteries, 50 percent of their useful life of charge), as established by the transmitter manufacturer under TSO–C91, paragraph (g) (2) has expired. The new expiration date for the replacement or recharged battery must be legibly marked on the outside of the transmitter. The battery useful life or useful life of charge requirements of this paragraph do not apply to batteries (such as water-activated batteries) that are essentially unaffected during probable storage intervals.

§ 135.169 Additional airworthiness requirements.

(a) Reserved.

(b) No person may operate a reciprocating engine or turbopropeller-powered small airplane that has a passenger seating configuration, excluding any pilot seat, of 10 seats or more unless it is type certificated—

(1) In the transport category;

(2) Before July 1, 1970, in the normal category and meets special conditions issued by the Administrator for airplanes intended for use in operations under 14 CFR Part 135;

(3) Before July 19, 1970, in the normal category and meets the additional airworthiness standards in Special Federal Aviation Regulation No. 23;

(4) In the normal category and meets the additional airworthiness standards in Appendix A;

(5) In the normal category and complies with section 1.(a) of Special Federal Aviation Regulation No. 41; or

(6) In the normal category and complies with section 1.(b) of Special Federal Aviation Regulation No. 41.

(c) No person may operate a small airplane with a passenger seating configuration, excluding any pilot seat, of 10 seats or more, with a seating configuration greater than the maximum seating configuration used in that type airplane in operations under 14 CFR Part 135 effective before August 19, 1977. This paragraph does not apply to—

(1) An airplane that is type certificated in the transport category; or

(2) An airplane that complies with—

(i) Appendix A of 14 CFR Part 135 in effect on (day before effective date of 14 CFR Part

120) provided that its passenger seating configuration, excluding pilot seats, does not exceed 19 seats; or

(ii) Special Federal Aviation Regulation No. 41

§ 135.170 Materials for compartment interiors.

No person may operate an airplane that conforms to an amended or supplemental type certificate issued in accordance with SFAR No. 41 for a maximum certificated takeoff weight in excess of 12,500 pounds, unless within one year after issuance of the initial airworthiness certificate under that SFAR, the airplane meets the compartment interior requirements set forth in 14 CFR 25.853(a), (b), (b–1), (b–2), and (b–3) in effect on September 26, 1978.

§ 135.171 Shoulder harness installation at flight crewmember stations.

(a) No person may operate a turbo-jet aircraft or an aircraft having a passenger seating configuration, excluding any pilot seat, of 10 seats or more unless it is equipped with an approved shoulder harness installed for each flight crewmember station.

(b) Each flight crewmember occupying a station equipped with a shoulder harness must fasten the shoulder harness during takeoff and landing, except that the shoulder harness may be unfastened if the crewmember cannot perform the required duties with the shoulder harness fastened.

§ 135.173 Airborne thunderstorm detection equipment requirements.

(a) No person may operate a multiengine small aircraft that has a passenger seating configuration, excluding any pilot seat, of 10 seats or more in passenger-carrying operations unless approved thunderstorm detection equipment is installed in the aircraft.

(b) No person may begin a flight under IFR or night VFR conditions when current weather reports indicate that thunderstorms or other potentially hazardous weather conditions that can be detected with airborne thunderstorm detection equipment, required by paragraph (a) of this section, may reasonably be expected along the route to be flown, unless the airborne thunderstorm detection equipment is in satisfactory operating condition.

(c) If the airborne thunderstorm detection equipment becomes inoperative en route, the aircraft must be operated under the instructions and procedures specified for that event in the manual required by § 135.21.

(d) This section does not apply to aircraft used solely within the State of Hawaii, within the State of Alaska, within that part of Canada west of longitude 130 degrees W, between latitude 70 degrees N, and latitude 53 degrees N, or during any training, test or ferry flight.

(e) Without regard to any other provision of 14 CFR Part 120, an alternate electrical power supply is not required for airborne thunderstorm detection equipment.

§ 135.175 Airborne weather radar equipment requirements.

(a) No person may operate a large, transport category aircraft in passenger-carrying operations unless approved airborne weather radar equipment is installed in the aircraft.

(b) No person may begin a flight under IFR or night VFR conditions when current weather reports indicate that thunderstorms, or other potentially hazardous weather conditions that can be detected with airborne weather radar equipment, may reasonably be expected along the route to be flown, unless the airborne weather radar equipment required by paragraph (a) of this section is in satisfactory operating condition.

(c) If the airborne weather radar equipment becomes inoperative en route, the aircraft must be operated under the instructions and procedures specified for that event in the manual required by § 135.21.

(d) This section does not apply to aircraft used solely within the State of Hawaii, within the State of Alaska, within that part of Canada west of longitude 130 degrees W, between latitude 70 degrees N, and latitude 53 degrees N, or during any training, test, or ferry flight.

(e) Without regard to any other provision of 14 CFR Part 120, an alternate electrical power supply is not required for airborne weather radar equipment.

§ 135.177 Emergency equipment requirements for aircraft having a passenger seating configuration of more than 19 passengers.

(a) No person may operate an aircraft having a passenger seating configuration, excluding any pilot seat, of more than 19 seats unless it is equipped with the following emergency equipment:

(1) One approved first aid kit for treatment of injuries likely to occur in flight or in a minor accident, which meets the following specifications and requirements:

(i) Each first aid kit must be dust and moisture proof, and contain only materials that either meet Federal Specifications GGK–319a, as revised, or as approved by the Administrator.

(ii) Required first aid kits must be readily accessible to the cabin flight attendants.

(iii) At time of takeoff, each first aid kit must contain at least the following or other contents approved by the Administrator:

Contents	Quantity
Adhesive bandage compressors, 1 in	16
Antiseptic swabs	20
Ammonia inhalents	10
Bandage compressors, 4 in	8
Triangular bandage compressors, 40 in	5
Burn compound, ½ oz or an equivalent of other burn remedy	6
Arm splint, noninflatable	1
Leg splint, noninflatable	1
Roller bandage, 4 in	4
Adhesive tape, 1-in standard roll	2
Bandage scissors	1

(2) A crash axe carried so as to be accessible to the crew but inaccessible to passengers during normal operations.

(3) Signs that are visible to all occupants to notify them when smoking is prohibited and when safety belts should be fastened. The signs must be so constructed that they can be turned on and off by a crewmember. They must be turned on for each takeoff and each landing and when otherwise considered to be necessary by the pilot in command.

(4) For airplanes has the additional emergency equipment specified in 14 CFR 121.310.

(b) Each item of equipment must be inspected regularly under inspection periods established in the operations specifications to ensure its condition for continued serviceability and immediate readiness to perform its intended emergency purposes.

135.179 Inoperable instruments and equipment for multiengine aircraft.

(a) No person may take off a multiengine aircraft unless the following instruments and equipment are in an operable condition:

(1) Instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the aircraft is type certificated and which are essential for safe operations under all operating conditions.

(2) Instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise.

(b) No person may take off any multiengine aircraft with inoperable instruments or equipment installed, other than those described in paragraph (a) of this section, unless the following conditions are met:

(1) An approved Minimum Equipment List exists for the aircraft type.

(2) The aircraft has within it a letter of authorization, issued by the FAA Flight Standards District Office having certification responsibility for the certificate holder, authorizing operation of the aircraft under the Minimum Equipment List. The letter of authorization may be obtained by written request of the certificate holder. The Minimum Equipment List and the letter of authorization constitute a supplemental type certificate for the aircraft.

(3) The approved Minimum Equipment List must provide for the operation of the aircraft with the instruments and equipment in an inoperable condition,

(4) The aircraft records available to the pilot must include an entry describing the inoperable instruments and equipment.

(5) The aircraft is operated under all applicable conditions and limitations contained in the Minimum Equipment List and the letter authorizing the use of the list.

(c) Without regard to the requirements of paragraph (a)(1) of this section, an aircraft with inoperable instruments or equipment may be operated under a special flight permit under 14 CFR 21.197 and 21.199.

§ 135.181 Performance requirements: Aircraft operated over-the-top or in IFR conditions.

(a) Except as provided in paragraphs (b) and (c) of this section, no person may—

(1) Operate a single-engine aircraft carrying passengers over-the-top or in IFR conditions; or

(2) Operate a multiengine aircraft carrying passengers over-the-top or in IFR conditions at a weight that will not allow it to climb, with the critical engine inoperative, at least 50 feet a minute when operating at the MEAs

of the route to be flown or 5,000 feet MSL, whichever is higher.

(b) Without regard to paragraph (a) of this section—

(1) If the latest weather reports or forecasts, or any combination of them, indicate that the weather along the planned route (including takeoff and landing) allows flight under VFR under the ceiling (if a ceiling exists) and that the weather is forecast to remain so until at least 1 hour after the estimated time of arrival at the destination, a person may operate an aircraft over-the-top; or

(2) If the latest weather reports or forecasts, or any combination of them, indicate that the weather along the planned route allows flight under VFR under the ceiling (if a ceiling exists) beginning at a point no more than 15 minutes flying time at a normal cruise speed from the departure airport, a person may—

(i) Take off from the departure airport in IFR conditions and fly in IFR conditions to a point no more than 15 minutes flying time at normal cruise speed from that airport;

(ii) Operate an aircraft in IFR conditions if unforecast weather conditions are encountered while en route on a flight planned to be conducted under VFR; and

(iii) Make an IFR approach at the destination airport if unforecast weather conditions are encountered at the airport that do not allow an approach to be completed under VFR.

(c) Without regard to paragraph (a) of this section, a person may operate an aircraft over-the-top under conditions allowing—

(1) For multiengine aircraft, descent or continuance of the flight under VFR if its critical engine fails; or

(2) For single-engine aircraft, descent under VFR if its engine fails.

§ 135.183 Performance requirements: Land aircraft operated over water.

No person may operate a land aircraft carrying passengers over water unless—

(a) It is operated at an altitude that allows it to reach land in the case of engine failure;

(b) It is necessary for takeoff or landing;

(c) It is a multiengine aircraft operated at a weight that will allow it to climb, with the critical engine inoperative, at least 50 feet a minute, at an altitude of 1,000 feet above the surface; or

(d) It is a helicopter equipped with helicopter flotation devices.

§ 135.185 Empty weight and center of gravity: Currency requirement.

(a) No person may operate a multiengine aircraft unless the current empty weight and center of gravity are calculated from values established by actual weighing of the aircraft within the preceding 36 calendar months.

(b) Paragraph (a) of this section does not apply to—

(1) Aircraft issued an original airworthiness certificate within the preceding 36 calendar months; and

(2) Aircraft operated under a weight and balance system approved in the operations specifications of the certificate holder.

VFR/IFR Operating Limitations and Weather Requirements

§ 135.203 VFR: Minimum altitudes.

Except when necessary for takeoff and landing, no person may operate under VFR—

(a) An airplane—

(1) During the day, below 500 feet above the surface or less than 500 feet horizontally from any obstacle; or

(2) At night, at an altitude less than 1,000 feet above the highest obstacle within a horizontal distance of 5 miles from the course intended to be flown or, in designated mountainous terrain, less than 2,000 feet above the highest obstacle within a horizontal distance of 5 miles from the course intended to be flown; or

(b) A helicopter over a congested area at an altitude less than 300 feet above the surface.

§ 135.205 VFR: Visibility requirements.

(a) No person may operate an airplane under VFR in uncontrolled airspace when the ceiling is less than 1,000 feet unless flight visibility is at least 2 miles.

(b) No person may operate a helicopter under VFR in uncontrolled airspace at an altitude of 1,200 feet or less above the surface or in control zones unless the visibility is at least—

(1) During the day—½ mile; or

(2) At night—1 mile.

§ 135.207 VFR: Helicopter surface reference requirements.

No person may operate a helicopter under VFR unless that person has visual surface reference or, at night, visual surface light reference, sufficient to safely control the helicopter.

§ 135.209 VFR: Fuel supply.

(a) No person may begin a flight operation in an airplane under VFR unless, considering wind and forecast weather conditions, it has enough fuel to fly to the first point of intended landing and, assuming normal cruising fuel consumption—

(1) During the day, to fly after that for at least 30 minutes; or

(2) At night, to fly after that for at least 45 minutes.

(b) No person may begin a flight operation in a helicopter under VFR unless, considering wind and forecast weather conditions, it has enough fuel to fly to the first point of intended landing and, assuming normal cruising fuel consumption, to fly after that for at least 20 minutes.

§ 135.211 VFR: Over-the-top carrying passengers: Operating limitations.

Subject to any additional limitations in § 135.181, no person may operate an aircraft under VFR over-the-top carrying passengers, unless—

(a) Weather reports or forecasts, or any combination of them, indicate that the weather at the intended point of termination of over-the-top flight—

(1) Allow descent to beneath the ceiling under VFR and is forecast to remain so until at least 1 hour after the estimated time of arrival at that point; or

(2) Allows an IFR approach and landing with flight clear of the clouds until reaching the prescribed initial approach altitude over the final approach facility, unless the approach is made with the use of radar under 14 CFR 91.116(f); or

(b) It is operated under conditions allowing—

(1) For multiengine aircraft, descent or continuation of the flight under VFR if its critical engine fails; or

(2) For single-engine aircraft, descent under VFR if its engine fails.

§ 135.213 Weather reports and forecasts.

(a) Whenever a person operating an aircraft under 14 CFR Part 120 is required to use a weather report or forecast, that person shall use that of the U.S. National Weather Service, a source approved by the U.S. National Wather Service, or a source approved by the Administrator. However, for operations under VFR, the pilot in command may, if such a report is not available, use weather information based on that pilot's own observations or on those of other persons competent to supply appropriate observations.

(b) For the purposes of paragraph (a) of this section, weather observations made and furnished to pilots to conduct IFR operations at an airport must be taken at the airport where those IFR operations are conducted, unless the Administrator issues operations specifications allowing the use of weather observations taken at a location not at the airport where the IFR operations are conducted. The Administrator issues such operations specifications when, after investigation by the U.S. National Weather Service and the FAA Flight Standards District Office charged with the overall inspection of the certificate holder, it is found that the standards of safety for that operation would allow the deviation from this paragraph for a particular operation for which an air carrier operating certificate or an operating certificate has been issued.

§ 135.215 IFR: Operating limitations.

(a) Except as provided in paragraphs (b), (c) and (d) of this section, no person may operate an aircraft under IFR outside of controlled airspace or at any airport that does not have an approved standard instrument approach procedure.

(b) The Administrator may issue operations specifications to the certificate holder to allow it to operate under IFR over routes outside controlled airspace if—

(1) The certificate holder shows the Administrator that the flight crew is able to navigate, without visual reference to the ground, over an intended track without deviating more than 5 degrees or 5 miles, whichever is less, from that track; and

(2) The Administrator determines that the proposed operations can be conducted safely.

(c) A person may operate an aircraft under IFR outside of controlled airspace if the certificate holder has been approved for the operations and that operation is necessasry to—

(1) Conduct an instrument approach to an airport for which there is in use a current

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approved standard or special instrument approach procedure; or

(2) Climb into controlled airspace during an approved missed approach procedure; or

(3) Make an IFR departure from an airport having an approved instrument approach procedure.

(d) The Administrator may issue operations specifications to the certificate holder to allow it to depart at an airport that does not have an approved standard instrument approach procedure when the Administrator determines that it is necessary to make an IFR departure from that airport and that the proposed operations can be conducted safely. The approval to operate at that airport does not include an approval to make an IFR approach to that airport.

§ 135.217 IFR: Takeoff limitations.

No person may take off an aircraft under IFR from an airport where weather conditions are at or above takeoff minimums but are below authorized IFR landing minimums unless there is an alternate airport within 1 hour's flying time (at normal cruising speed, in still air) of the airport of departure.

§ 135.219 IFR: Destination airport weather minimums.

No person may take off an aircraft under IFR or begin an IFR or over-the-top operation unless the latest weather reports or forecasts, or any combination of them, indicate that weather conditions at the estimated time of arrival at the next airport of intended landing will be at or above authorized IFR landing minimums.

§ 135.221 IFR: Alternate airport weather minimums.

No person may designate an alternate airport unless the weather reports or forecasts, or any combination of them, indicate that the weather conditions will be at or above authorized alternate airport landing minimums for that airport at the estimated time of arrival.

§ 135.223 IFR: Alternate airport requirements.

(a) Except as provided in paragraph (b) of this section, no person may operate an aircraft in IFR conditions unless it carries enough fuel (considering weather reports or forecasts or any combination of them) to—

(1) Complete the flight to the first airport of intended landing;

(2) Fly from that airport to the alternate airport; and

(3) Fly after that for 45 minutes at normal cruising speed.

(b) Paragraph (a)(2) of this section does not apply if 14 CFR Part 97 prescribes a standard instrument approach procedure for the first airport of intended landing and, for at least one hour before and after the estimated time of arrival, the appropriate weather reports or forecasts, or any combination of them, indicate that—

(1) The ceiling will be at least 1,500 feet above the lowest circling approach MDA; or

(2) If a circling instrument approach is not authorized for the airport, the ceiling will be at least 1,500 feet above the lowest published minimum or 2,000 feet above the airport elevation, whichever is higher; and

(3) Visibility for that airport is forecast to be at least three miles, or two miles more than the lowest applicable visibility minimums, whichever is the greater, for the instrument approach procedure to be used at the destination airport.

§ 135.225 IFR; Takeoff, approach and landing minimums.

(a) No pilot may begin an instrument approach procedure to an airport unless—

(1) That airport has a weather reporting facility operated by the U.S. National Weather Service, a source approved by U.S. National Weather Service, or a source approved by the Administrator; and

(2) The latest weather report issued by that weather reporting facility indicates that weather conditions are at or above the authorized IFR landing minimums for that airport.

(b) No pilot may begin the final approach segment of an instrument approach procedure to an airport unless the latest weather reported by the facility described in paragraph (a)(1) of this section indicates that weather conditions are at or above the authorized IFR landing minimums for that procedure.

(c) If a pilot has begun the final approach segment of an instrument approach to an airport under paragraph (b) of this section and a later weather report indicating below minimum conditions is received after the aircraft is—

(1) On an ILS final approach and has passed the final approach fix; or

(2) On an ASR or PAR final approach and has been turned over to the final approach controller; or

(3) On a final approach using a VOR, NDB, or comparable approach procedure; and the aircraft—

(i) Has passed the appropriate facility or final approach fix; or

(ii) Where a final approach fix is not specified, has completed the procedure turn and is established inbound toward the airport on the final approach course within the distance prescribed in the procedure; the approach may be continued and a landing made if the pilot finds, upon reaching the authorized MDA or DH, that actual weather conditions are at least equal to the minimums prescribed for the procedure.

(d) The MDA or DH and visibility landing minimums prescribed in 14 CFR Part 97 or in the operator's operations specifications are increased by 100 feet and ½ mile respectively, but not to exceed the ceiling and visibility minimums for that airport when used as an alternate airport, for each pilot in command of a turbine-powered airplane who has not served at least 100 hours as pilot in command in that type of airplane.

(e) Each pilot making an IFR takeoff or approach and landing at a military or foreign airport shall comply with applicable instrument approach procedures and weather minimums prescribed by the authority having jurisdiction over that airport. In addition, no pilot may, at that airport—

(1) Take off under IFR when the visibility is less than 1 mile; or

(2) Make an instrument approach when the visibility is less than ½ mile.

(f) If takeoff minimums are specified in 14 CFR Part 97 for the takeoff airport, no pilot may take off an aircraft under IFR when the weather conditions reported by the facility described in paragraph (a)(1) of this section are less than the takeoff minimums specified for the takeoff airport in 14 CFR Part 97 or in the certificate holder's operations specifications.

(g) Except as provided in paragraph (h) of this section, if takeoff minimums are not prescribed in 14 CFR Part 97 for the takeoff airport, no pilot may take off an aircraft under IFR when the weather conditions reported by the facility described in paragraph (a)(1) of this section are less than that prescribed in 14 CFR Part 91 or in the certificate holder's operations specifications.

(h) At airports where straight-in instrument approach procedures are authorized, a pilot may take off an aircraft under IFR when the weather conditions reported by the facility described in paragraph (a)(1) of this section are equal to or better than the lowest straight-in landing minimums, unless otherwise restricted, if—

(1) The wind direction and velocity at the time of takeoff are such that a straight-in instrument approach can be made to the runway served by the instrument approach;

(2) The associated ground facilities upon which the landing minimums are predicated ant the related airborne equipment are in normal operation; and

(3) The certificate holder has been approved for such operations.

§ 135.227 Icing conditions: Operating limitations.

(a) No pilot may take off an aircraft that has—

(1) Frost, snow, or ice adhering to any rotor blade, propeller, windshield, or powerplant installation, or to an airspeed, altimeter, rate of climb, or flight attitude instrument system;

(2) Snow or ice adhering to the wings or stabilizing or control surfaces; or

(3) Any frost adhering to the wings, or stabilizing or control surfaces, unless that frost has been polished to make it smooth.

(b) Except for an airplane that has ice protection provisions that meet section 34 of Appendix A, or those for transport category airplane type certification no pilot may fly—

(1) Under IFR into known or forecast light or moderate icing conditions; or

(2) Under VFR into known light or moderate icing conditions; unless the aircraft has functioning deicing or anti-icing equipment protecting each rotor blade, propeller, windshield, wing, stabilizing or control surface, and each airspeed, altimeter, rate of climb, or flight attitude instrument system.

(c) Except for an airplane that has ice protection provisions that meet section 34 of Appendix A, or those for transport category airplane type certification, no pilot may fly an aircraft into known or forecast severe icing conditions.

(d) If current weather reports and briefing information relied upon by the pilot in command indicate that the forecast icing condition that would otherwise prohibit the flight will not be encountered during the flight

because of changed weather conditions since the forecast, the restrictions in paragraphs (b) and (c) of this section based on forecast conditions do not apply.

§ 135.229 Airport requirements.

(a) No certificate holder may use any airport unless it is adequate for the proposed operation, considering such items as size, surface, obstructions, and lighting.

(b) No pilot of an aircraft carrying passengers at night may take off from, or land on, an airport unless—

(1) That pilot has determined the wing direction from an illuminated wind direction indicator or local ground communications or, in the case of takeoff, that pilot's personal observations; and

(2) The limits of the area to be used for landing or takeoff are clearly shown—

(i) For airplanes, by boundary or runway marker lights;

(ii) For helicopters, by boundary or runway marker lights or reflective material.

(c) For the purpose of paragraph (b) of this section. If the area to be used for takeoff or landing is marked by flare pots or lanterns, their use must be approved by the Administrator.

Flight Crewmember Requirements

§ 135.243 Pilot in command qualifications.

(a) No certificate holder may use a person, nor may any person serve, as pilot in command in passenger-carrying operations of a turbojet airplane, of an airplane having a passenger seating configuration, excluding any pilot seat, of 10 seats or more, or a multiengine airplane being operated by the "Commuter Air Carrier" (as defined in 14 CFR Part 298), unless that person holds an airline transport pilot certificate with appropriate category and class ratings and, if required, and appropriate type rating for that airplane.

(b) Except as provided in paragraph (a) of this section, no certificate holder may use a person, nor may any person serve, as pilot in command of an aircraft under VFR unless that person—

(1) Holds at least a commercial pilot certificate with appropriate category and class ratings and, if required, an appropriate type rating for that aircraft; and

(2) Has had at least 500 hours time as a pilot, including at least 100 hours of cross-country flight time, at least 25 hours of which were at night; and

(3) For an airplane, holds an instrument rating or an airline transport pilot certificate with an airplane category rating; or

(4) For helicopter operations conducted VFR over-the-top, holds a helicopter instrument rating, or an airline transport pilot certificate with a category and class rating for that aircraft, not limited to VFR.

(c) Except as provided in paragraph (a) of this section, no certificate holder may use a person, nor may any person serve, as pilot in command of an aircraft under IFR unless that person—

(1) Holds at least a commercial pilot certificate with appropriate category and class ratings and, if required, an appropriate type rating for that aircraft; and

(2) Has had at least 1,200 hours of flight time as a pilot, including 500 hours of cross county flight time, 100 hours of night flight time, and 75 hours of actual or simulated instrument time at least 50 hours of which were in actual flight; and

(3) For an airplane, holds an instrument rating or an airline transport pilot certificate with an airplane category rating; or

(4) For a helicopter, holds a helicopter instrument rating, or an airline transport pilot certificate with a category and class rating for that aircraft, not limited to VFR.

(d) Paragraph (b)(3) of this section does not apply when—

(1) The aircraft used is a single reciprocating-engine-powered airplane;

(2) The certificate holder does not conduct any operation pursuant to a published flight schedule which specifies five or more round trips a week between two or more points and places between which the round trips are performed, and does not transport mail by air under a contract or contracts with the United States Postal Service having a total amount estimated at the beginning of any semiannual reporting period (January 1-June 30; July 1-December 31) to be in excess of $20,000 over the 12 months commencing with the beginning of the reporting period;

(3) The area, as specified in the certificate holder's operations specifications, is an isolated area, as determined by the Flight Standards District Office, if it is shown that—

(i) The primary means of navigation in the area is by pilotage, since radio navigational aids are largely ineffective; and

(ii) The primary means of transportation in the area is by air;

(4) Each flight is conducted under day VFR with a ceiling of not less than 1,000 feet and visibility not less than 3 statute miles;

(5) Weather reports or forecasts, or any combination of them, indicate that for the period commencing with the planned departure and ending 30 minutes after the planned arrival at the destination the flight may be conducted under VFR with a ceiling of not less than 1,000 feet and visibility of not less than 3 statute miles, except that if weather reports and forecasts are not available, the pilot in command may use that pilot's observations or those of other persons competent to supply weather observations if those observations indicate the flight may be conducted under VFR with the ceiling and visibility required in this paragraph;

(6) The distance of each flight from the certificate holder's base of operation to destination does not exceed 250 nautical miles for a pilot who holds a commercial pilot certificate with an airplane rating without an instrument rating, provided the pilot's certificate does not contain any limitation to the contrary; and

(7) The areas to be flown are approved by the certificate-holding FAA Flight Standards District Office and are listed in the certificate holder's operations specifications.

§ 135.244 Operating experience.

(a) No certificate holder may use any person, nor may any person serve, as a pilot in command of an aircraft operated by a Commuter Air Carrier (as defined in 14 CRF 298.2) in passenger-carrying operations, unless that person has completed, prior to designation as pilot in command, on that make and basic model aircraft and in that crewmember position the following operating experience in each make and basic model of aircraft to be flown:

(1) Aircraft, single engine—10 hours.

(2) Aircraft multiengine, reciprocating engine-powered—15 hours.

(3) Aircraft multiengine, turbine engine-powered—20 hours.

(4) Airplane, turbojet-powered—25 hours.

(b) In acquiring the operating experience, each person must comply with the following:

(1) The operating experience must be acquired after satisfactory completion of the appropriate ground and flight training for the aircraft and crewmember position. Approved provisions for the operating experience must be included in the cerificate holder's training program.

(2) The experience must be acquired in flight during commuter-passenger carrying operations under 14 CFR Part 120, or before (effective date of 14 CFR Part 120) under 14 CFR Part 135. However, in the case of an aircraft not previously used by the certificate holder in operations under 14 CFR Part 120, or before (effective date of 14 CFR Part 120) under 14 CFR Part 135, operating experience acquired in the aircraft during proving flights or ferry flights may be used to meet this requirement.

(3) Each person must acquire the operating experience while performing the duties of a pilot in command under the supervision of a qualified check pilot.

(4) The hours of operating experience may be reduced to not less than 50 percent of the hours required by this section by the substitution of one additional takeoff and landing for each hour of flight.

§ 135.245 Second in command qualifications.

(a) Except as provided in paragraph (b), no certificate holder may use any person, nor may any person serve, as second in command of an aircraft unless that person holds at least a commercial pilot certificate with appropriate category and class ratings and an instrument rating. For flight under IFR, that person must meet the recent instrument experience requirements of 14 CFR Part 61.

(b) A second in command of a helicopter operated under VFR, other than over-the-top, must have at least a commercial pilot certificate with an appropriate aircraft category and class rating.

§ 135.247 Pilot qualifications: Recent experience.

(a) No certificate holder may use any person, nor may any person serve, as pilot in command of an aircraft carrying passengers unless, within the preceding 90 days, that person has—

(1) Made three takeoffs and three landings as the sole manipulator of the flight controls in an aircraft of the same category and class and, if a type rating is required, of the same type in which that person is to serve; or

(2) For operation during the period beginning 1 hour after sunset and ending 1 hour before sunrise (as published in the Air Almanac), made three takeoffs and three landings during that period as the sole manipulator of the flight controls in an aircraft of the same category and class and, if

a type rating is required, of the same type in which that person is to serve.

A person who complies with paragraph (a)(2) of this section need not comply with paragraph (a)(1) of this section.

(b) For the purpose of paragraph (a) of this section, if the aircraft is a tailwheel airplane, each takeoff must be made in a tailwheel airplane and each landing must be made to a full stop in a tailwheel airplane.

Flight Crewmember Flight and Duty Time Limitations

§ 135.261 Flight and duty time limitations.

(a) No certificate holder may assign any flight crewmember, and no fight crewmember may accept an assignment, for duty during flight time if the total flight time of that flight in addition to any other commercial flying by that flight crewmember exceeds the following during any 24 consecutive hours:

(1) Eight hours for a flightcrew consisting of one pilot.

(2) Ten hours for a flightcrew consisting of two pilots required by 14 CFR Chapter I.

(b) No certificate holder may assign a flight crewmember, and no flight crewmember may accept an assignment, for duty during flight time unless that assignment provides for at least 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the assignment.

(c) A flight crewmember is not considered to be assigned for duty during flight time in excess of flight time limitations if the flights to which the flight crewmember is assigned would normally terminate within the limitations, but due to circumstances beyond the control of the certificate holder or the flight crewmember (such as adverse weather conditions) are not at the time of departure expected to reach their destination within the planned flight time.

(d) No certificate holder may assign a flight crewmember, and no flight crewmember may accept an assignment, for duty durng flight time if, because of circumstances beyond the control of the certificate holder or flight crewmember, the flight crewmember has exceeded the flight time limitations in paragraph (a) of this section, unless the flight crewmember has had 16 hours of rest since the completion of the flight crewmember's last assigned flight.

(e) Time spent in transportation, not local in character, that the certificate holder requires of a flight crewmember and provides to transport the crewmember to the airport at which the flight crewmember is to serve on a flight as a flight crewmember, or from an airport at which the flight crewmember has completed an assigned flight to the flight crewmember's home station, is not considered part of a rest period.

(f) No certificate holder may assign any flight crewmember, and no flight crewmember may accept an assignment, for duty during flight time if the flight crewmember has been assigned to any duty with the certificate holder in connection with operations under 14 CFR Part 120 during any required rest period.

Crewmember Testing Requirements

§ 135.293 Initial and recurrent pilot testing requirements.

(a) No certificate holder may use a pilot, nor may any person serve as a pilot, unless, since the beginning of the 12th calendar month before that service, that pilot has passed a written or oral test, given by the Administrator or an authorized check pilot, on that pilot's knowledge in the following areas—

(1) The appropriate provisions of 14 CFR Parts 61, 91, and 120 and the operations specifications and the manual of the certificate holder;

(2) For each type of aircraft to be flown by the pilot, the aircraft power-plant, major components and systems, major appliances, performance and operating limitations, standard and emergency operating procedures, and the contents of the approved Aircraft Flight Manual or equivalent, as applicable;

(3) For each type of aircraft to be flown by the pilot, the method of determining compliance with weight and balance limitations for takeoff, landing and en route operations;

(4) Navigation and use of air navigation aids appropriate to the operation or pilot authorization, including, when applicable, instrument approach facilities and procedures;

(5) Air traffic control procedures, including IFR procedures when applicable;

(6) Meteorology in general, including the principles of frontal systems, icing, fog, thunderstorms, and windshear, and, if appropriate for the operation of the certificate holder, high altitude weather;

(7) Procedures for avoiding operations in thunderstorms and hail, and for operating in turbulent air or in icing conditions; and

(8) New equipment, procedures, or techniques, as appropriate.

(b) No certificate holder may use a pilot, nor may any person serve as a pilot, in any aircraft unless, since the beginning of the 12th calendar month before that service, that pilot has passed a competency check given by the Administrator or an authorized check pilot in that class of aircraft, if single-engine airplane other than turbojet, or that type of aircraft, if helicopter, multiengine airplane, or turbojet airplane, to determine the pilot's competence in practical skills and techniques in that aircraft or class of aircraft. The extent of the competency check shall be determined by the Administrator or authorized check pilot conducting the competency check. The competency check may include any of the maneuvers and procedures currently required for the original issuance of the particular pilot certificate required for the operations authorized and appropriate to the category, class and type of aircraft involved. For the purposes of this paragraph, type, as to an airplane, means any one of a group of airplanes determined by the Administrator to have a similar means of propulsion, the same manufacturer, and no significantly different handling or flight characteristics. For the purposes of this paragraph, type, as to a helicopter, means a basic make and model.

(c) The instrument proficiency check required by § 135.297 may be substituted for the competency check required by this section for the type of aircraft used in the check.

(d) For the purpose of 14 CFR Part 120, competent performance of a procedure or maneuver by a person to be used as a pilot requires that the pilot be the obvious master of the aircraft, with the successful outcome of the maneuver never in doubt.

(e) The Administrator or authorized check pilot certifies the competency of each pilot who passes the knowledge or flight check in the certificate holder's pilot records.

(f) Portions of a required competency check may be given in an aircraft simulator or other appropriate training device, if approved by the Administrator.

§ 135.295 Initial and recurrent flight attendant crewmember testing requirements.

No certificate holder may use a flight attendant crewmember, nor may any person serve as a flight attendant crewmember unless, since the beginning of the 12th calendar month before that service, the certificate holder has determined by appropriate initial and recurrent testing that the person is knowledgeable and competent in the following areas as appropriate to assigned duties and responsibilities—

(a) Authority of the pilot in command;

(b) Passenger handling, including procedures to be followed in handling deranged persons or other persons whose conduct might jeopardize safety;

(c) Crewmember assignments, functions, and responsibilities during ditching and evacuation of persons who may need the assistance of another person to move expeditiously to an exit in an emergency;

(d) Briefing of passengers;

(e) Location and operation of portable fire extinguishers and other items of emergency equipment;

(f) Proper use of cabin equipment and controls;

(g) Location and operation of passenger oxygen equipment;

(h) Location and operation of all normal and emergency exits, including evacuation chutes and escape ropes; and

(i) Seating of persons who may need assistance of another person to move rapidly to an exit in an emergency as prescribed by the certificate holder's operations manual.

§ 135.297 Pilot in command: Instrument proficiency check requirements.

(a) No certificate holder may use a pilot, nor may any person serve, as a pilot in command of an aircraft under IFR unless, since the beginning of the 6th calendar month before that service, that pilot has passed an instrument proficiency check under this section administered by the Administrator or an authorized check pilot.

(b) No pilot may use any type of precision instrument approach procedure under IFR unless, since the beginning of the 6th calendar month before that use, the pilot satisfactorily demonstrated that type of approach procedure. No pilot may use any type of nonprecision approach procedure under IFR unless, since the beginning of the 6th calendar month before that use, the pilot has satisfactorily demonstrated either that

type of approach procedure or any other two different types of nonprecision approach procedures. The instrument approach procedure or procedures must include at least one straight-in approach, one circling approach, and one missed approach. Each type of approach procedure demonstrated must be conducted to published minimums for that procedure.

(c) The instrument proficiency check required by paragraph (a) of this section consists of an oral or written equipment test and a flight check under simulated or actual IFR conditions. The equipment test includes questions on emergency procedures, engine operation, fuel and lubrication systems, power settings, stall speeds, best engine-out speed, propeller and supercharger operations, and hydraulic, mechanical, and electrical systems, as appropriate. The flight check includes navigation by instruments, recovery from simulated emergencies, and standard instrument approaches involving navigational facilities which that pilot is to be authorized to use. Each pilot taking the instrument proficiency check must show that standard of competence required by § 135.293(d).

(1) The instrument proficiency check must—

(i) For a pilot in command of an airplane under § 135.243(a), include the procedures and maneuvers for an airline transport pilot certificate in the particular type of airplane, if appropriate; and

(ii) For a pilot in command of an airplane or helicopter under § 135.243(c), include the procedures and maneuvers for a commercial pilot certificate with an instrument rating and, if required, for the appropriate type rating.

(2) The instrument proficiency check must be given by an authorized check airman or by the Administrator.

(d) If the pilot in command is assigned to pilot only one type of aircraft, that pilot must take the instrument proficiency check required by paragraph (a) of this section in that type of aircraft.

(e) If the pilot in command is assigned to pilot more than one type of aircraft, that pilot must take the instrument proficiency check required by paragraph (a) of this section in each type of aircraft to which that pilot is assigned, in rotation, but not more than one flight check during each period described in paragraph (a) of this section.

(f) If the pilot in command is assigned to pilot both single-engine and multiengine aircraft, that pilot must initially take the instrument proficiency check required by paragraph (a) of this section in a multiengine aircraft, and each succeeding check alternately in single-engine and multiengine aircraft, but not more than one flight check during each period described in paragraph (a) of this section. Portions of a required flight check may be given in an aircraft simulator or other appropriate training device, if approved by the Administrator.

(g) If the pilot in command is authorized to use an autopilot system in place of a second in command, that pilot must show, during the required instrument proficiency check, that the pilot is able (without a second in command) both with and without using the autopilot to—

(1) Conduct instrument operations competently; and

(2) Properly conduct air-ground communications and comply with complex air traffic control instructions.

(3) Each pilot taking the autopilot check must show that, while using the autopilot, the airplane can be operated as proficiently as it would be if a second in command were present to handle air-ground communications and air traffic control instructions. The autopilot check need only be demonstrated once every 12 calendar months during the instrument proficiency check required under paragraph (a) of this section.

§ 135.299 Pilot in command: Line checks: Routes and airports.

(a) No certificate holder may use a pilot, nor may any person serve, as a pilot in command of a flight unless, since the beginning of the 12th calendar month before that service, that pilot has passed a flight check in one of the types of aircraft which that pilot is to fly. The flight check shall—

(1) Be given by an approved check pilot or by the Administrator;

(2) Consist of at least one flight over one route segment; and

(3) Include takeoffs and landings at one or more representative airports. In addition to the requirements of this paragraph, for a pilot authorized to conduct IFR operations, at least one flight shall be flown over a civil airway, an approved off-airway route, or a portion of either of them.

(b) The pilot who conducts the check shall determine whether the pilot being checked satisfactorily performs the duties and responsibilities of a pilot in command in operations under 14 CFR Part 120, and shall so certify in the pilot training record.

(c) Each certificate holder shall establish in the manual required by § 135.21 a procedure which will ensure that each pilot who has not flown over a route and into an airport within the preceding 90 days will, before beginning the flight, become familiar with all available information required for the safe operation of that flight.

§ 135.301 Crewmember: Tests and checks, grace provisions, training to accepted standards.

(a) If a crewmember who is required to take a test or a flight check under 14 CFR Part 120, completes the test or flight check in the calendar month before or after the calendar month in which it is required, that crewmember is considered to have completed the test or check in the calendar month in which it is required.

(b) If a pilot being checked fails any of the required maneuvers, the person giving the check may give additional training to the pilot during the course of the check. In addition to repeating the maneuvers failed, the person giving the check may require the pilot being checked to repeat any other maneuvers that are necessary to determine the pilot's proficiency. If the pilot being checked is unable to demonstrate satisfactory performance to the person conducting the check, the certificate holder may not use the pilot, nor may the pilot serve, as flight crewmember in operations under 14 CFR Part 120 until the pilot has satisfactorily completed the check.

§ 135.303 Check pilot authorization: Application and issue.

Each certificate holder desiring FAA approval of a check pilot shall submitt a request in writing to the FAA Flight Strandards District Office charged with the overall inspection of the certificate holder. The Administrator may issue a letter of authority to each check pilot if that pilot passes the appropriate oral and flight test. The letter of authority lists the tests and checks in 14 CFR Part 120 that the check pilot is qualified to give, and the category, class and type aircraft, where appropriate, for which the check pilot is qualfied.

Training

§ 135.321 Aplicability and terms used.

(a) Sections 135.321 through 135.351 prescribe requirements for establishing and maintaining an approved training program for crewmembers, check airmen and instructors, and other operations personnel, and for the approval and use of aircraft simulators and other training devices in the conduct of that program.

(b) The following terms and definitions apply:

(1) *Initial training.* The training required for crewmembers who have not qualified and served in the same capacity on an aircraft.

(2) *Transition training.* The training required for crewmembers who have qualified and served in the same capacity on another aircraft.

(3) *Upgrade training.* The training required for crewmembers who have qualified and served as second in command on a particular aircraft type, before they serve as pilot in command on that aircraft.

(4) *Differences training.* The training required for crewmembers who have qualified and served on a particular type aircraft, when the Administrator finds differences training is necessary before a crewmember serves in the same capacity on a particular variation of that aircraft.

(5) *Recurrent training.* The training required for crewmembers to remain adequately trained and currently proficient for each aircraft, crewmember position, and type of operation in which the crewmember serves.

(6) *In flight.* The maneuvers, procedures, or functions that must be conducted in the aircraft.

§ 135.323 Training program: General.

(a) Each certificate holder required to have a training program under § 135.341 shall:

(1) Establish, obtain the appropriate initial and final approval of, and provide a training program that meets 14 CFR Part 120 and that ensures that each crewmember, flight instructor, check airman, and each person assigned duties for the carriage and handling of hazardous materials (as defined in 49 CFR 171.8) is adequately trained to perform their assigned duties.

(2) Provide adequate ground and flight training facilities and properly qualified

ground instructors for the training required by 14 CFR Part 120.

(3) Provide and keep current for each aircraft type used and, if applicable, the particular variations within the aircarft type, appropriate training material, examinations, forms instructions, and procedures for use in conducting the training and checks required 14 CFR Part 120.

(4) Provide enough flight instructors check airmen, and simulator instructors to conduct required flight training and flight checks, and simulator training courses allowed under 14 CFR Part 120.

(b) Whenever a crewmember who is required to take recurrent training under 14 CFR Part 120 completes the training in the calendar month before, or the calender month after, the month in which that training is required, the crewmember is considered to have completed it in the calendar month in which it was required.

(c) Each instructor, supervisor, or check airman who is responsible for a particular ground training subject, segment of flight training, course of training, flight check, or competence check under 14 CFR Part 120 shall certify as to the proficiency and knowledge of the crewmember, flight instructor, or check airman concerned upon completion of that training or check. That certification shall be made a part of the crewmember's record. When the certification required by this paragraph is made by an entry in a computerized recordkeeping system, the certifying instructor, supervisor, or check airman, must be identified with that entry. However, the signature of the certifying instructor, supervisor, or check airman, is not required for computerized entries.

(d) Training subjects that apply to more than one aircraft or crewmember position and that have been satisfactorily completed during previous training while employed by the certificate holder for another aircraft or another crewmember position, need not be repeated during subsequent training other than recurrent training.

(e) Aircraft simulators and other training devices may be used in the certificate holder's training program if approved by the Administrator.

§ 135.325 Training program and revision: Initial and final approval.

(a) To obtain initial and final approval of a training program, or a revision to an approved training program, each certificate holder must submit to the Administrator—

(1) An outline of the proposed or revised curriculum, that provides enough information for a preliminary evaluation of the proposed training program or revision; and

(2) Additional relevant information that may be requested by the Administrator.

(b) If the proposed training program or revision complies with 14 CFR Part 120, the Administrator grants initial approval in writing after which the certificate holder may conduct the training under that program. The Administrator then evaluates the effectiveness of the training program and advises the certificate holder of deficiencies, if any, that must be corrected.

(c) The Administrator grants final approval of the proposed training program or revision if the certificate holder shows that the training conducted under the initial approval in paragraph (b) of this section ensures that each person who successfully completes the training is adequately trained to perform that person's assigned duties.

(d) Whenever the Administrator finds that revisions are necessary for the continued adequacy of a training program that has been granted final approval, the certificate holder shall, after notification by the Administrator, make any changes in the program that are found necessary by the Administrator. Within 30 days after the certificate holder receives the notice, it may file a petition to reconsider the notice with the Administrator. The filing of a petition to reconsider stays the notice pending a decision by the Administrator. However, if the Administrator finds that there is an emergency that requires immediate action in the interest of safety, the Administrator may, upon a statement of the reasons, require a change effective without stay.

§ 135.327 Training program: Curriculum.

(a) Each certificate holder must prepare and keep current a written training program curriculum for each type of aircraft for each crewmember required for that type aircraft. The curriculum must include ground and flight training required by 14 CFR Part 120.

(b) Each training program curriculum must include the following:

(1) A list of principal ground training subjects, including emergency training subjects, that are provided.

(2) A list of all the training devices, mockups, systems trainers, procedures trainers, or other training aids that the certificate holder will use.

(3) Detailed descriptions or pictorial displays of the approved normal, abnormal, and emergency maneuvers, procedures and functions that will be performed during each flight training phase or flight check, indicating those maneuvers, procedures and functions that are to be performed during the inflight portions of flight training and flight checks.

§ 135.329 Crewmember training requirements.

(a) Each certificate holder must include in its training program the following initial and transition ground training as appropriate to the particular assignment of the crewmember:

(1) Basic indoctrination ground training for newly hired crewmembers including instruction in at least the—

(i) Duties and responsibilities of crewmembers as applicable;

(ii) Appropriate provisions of 14 CFR Chapter I;

(iii) Contents of the certificate holder's operating certificate and operations specifications (not required for flight attendants); and

(iv) Appropriate portions of the certificate holder's operating manual.

(2) The initial and transition ground training in §§ 135.345 and 135.349, as applicable.

(3) Emergency training in § 135.331.

(b) Each training program must provide the initial and transition flight training in § 135.347, as applicable.

(c) Each training program must provide recurrent ground and flight training in § 135.351.

(d) Upgrade training in §§ 135.345 and 135.347 for a particular type aircraft may be included in the training program for crewmembers who have qualified and served as second in command on that aircraft.

(e) In addition to initial, transition, upgrade and recurrent training, each training program must provide ground and flight training, instruction, and practice necessary to ensure that each crewmember—

(1) Remains adequately trained and currently proficient for each aircraft, crewmember position, and type of operation in which the crewmember serves; and

(2) Qualifies in new equipment, facilities, procedures, and techniques, including modifications to aircraft.

§ 135.331 Crewmember emergency training.

(a) Each training program must provide emergency training under this section for each aircraft type model, and configuration, each crewmember, and each kind of operation conducted, as appropriate for each crewmember and the certificate holder.

(b) Emergency training must provide the following:

(1) Instruction in emergency assignments and procedures, including coordination among crewmembers.

(2) Individual instruction in the location, function, and operation of emergency equipment including—

(i) Equipment used in ditching and evacuation;

(ii) First aid equipment and its proper use; and

(iii) Portable fire extinguishers, with emphasis on the type of extinguisher to be used on different classes of fires.

(3) Instruction in the handling of emergency situations including—

(i) Rapid decompression;

(ii) Fire in flight or on the surface and smoke control procedures with emphasis on electrical equipment and related circuit breakers found in cabin areas;

(iii) Ditching and evacuation;

(iv) Illness, injury, or other abnormal situations involving passengers or crewmembers; and

(v) Hijacking and other unusual situations.

(4) Review of the certificate holder's previous aircraft accidents and incidents involving actual emergency situations.

(c) Each crewmember must perform at least the following emergency drills, using the proper emergency equipment and procedures, unless the Administrator finds that, for a particular drill, the crewmember can be adequately trained by demonstration:

(1) Ditching, if applicable.

(2) Emergency evacuation.

(3) Fire extinguishing and smoke control.

(4) Operation and use of emergency exits, including deployment and use of evacuation chute, if applicable.

(5) Use of crew and passenger oxygen.

(6) Removal of life rafts from the aircraft, inflation of the life rafts, use of life lines, and boarding of passengers and crew, if applicable.

(7) Donning and inflation of life vests and the use of other individual flotation devices if applicable.

(d) Crewmembers who serve in operations above 25,000 feet must receive instruction in the following:

(1) Respiration.

(2) Hypoxia.

(3) Duration of consciousness without supplemental oxygen at altitude.

(4) Gas expansion.

(5) Gas bubble formation.

(6) Physical phenomena and incidents of decompression.

§135.333 Training requirements: Handling and carriage of hazardous materials.

(a) Except as provided in paragraph (d) of this section, no certificate holder may use any person to perform, and no person may perform, any assigned duties and responsibilities for the handling or carriage of hazardous materials (as defined in 49 CFR 171.8), unless within the preceding 12 calendar months that person has satisfactorily completed initial or recurrent training in an appropriate training program established by the certificate holder, which includes instruction regarding—

(1) The proper shipper certification, packaging, marking, labeling, and documentation for hazardous materials; and

(2) The compatibility, loading, storage, and handling characteristics of hazardous materials.

(b) Each certificate holder shall maintain a record of the satisfactory completion of the initial and recurrent training given to crewmembers and ground personnel who perform assigned duties and responsibilities for the handling and carriage of hazardous materials.

(c) Each certificate holder that elects not to accept hazardous materials shall ensure that each crewmember is adequately trained to recognize those items classified as hazardous materials.

(d) If a certificate holder operates into or out of airports at which trained employees or contract personnel are not available, it may use persons not meeting the requirements of paragraphs (a) and (b) of this section to load, offload, or otherwise handle hazardous materials if these persons are supervised by a crewmember who is qualified under paragraphs (a) and (b) of this section.

§ 135.335 Approval of aircraft simulators and other training devices.

(a) Training courses using aircraft simulators and other training devices may be included in the certificate holder's training program if approved by the Administrator.

(b) Each aircraft simulator and other training device that is used in a training course or in checks required under 14 CFR Part 120 must meet the following requirements:

(1) It must be specifically approved for—

(i) The certificate holder; and

(ii) The particular maneuver, procedure, or crewmember function involved.

(2) It must maintain the performance, functional, and other characteristics that are required for approval.

(3) Additionally, for aircraft simulators, it must be—

(i) Approved for the type aircraft and, if applicable, the particular variation within type for which the training or check is being conducted; and

(ii) Modified to conform with any modification to the aircraft being simulated that changes the performance, functional, or other characteristics required for approval.

(c) A particular aircraft simulator or other training device may be used by more than one certificate holder.

(d) In granting initial and final approval of training programs or revisions to them, the Administrator considers the training devices, methods and procedures listed in the certificate holder's curriculum under § 135.327.

§ 135.337 Training program; Check airmen and instructor qualifications.

(a) No certificate holder may use a person, nor may any person serve, as a flight instructor or check airman in a training program established under 14 CFR Part 120 unless, for the particular aircraft type involved, that person—

(1) Holds the airman certificate and ratings that must be held to serve as a pilot in command in operations under 14 CFR Part 120;

(2) Has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, required to serve as a pilot in command in operations under 14 CFR Part 120;

(3) Has satisfactorily completed the appropriate proficiency or competency checks required to serve as a pilot in command in operations under 14 CFR Part 120;

(4) Has satisfactorily completed the applicable training requirements of §135.339;

(5) Holds a Class I or Class II medical certificate required to serve as a pilot in command in operations under 14 CFR Part 120;

(6) In the case of a check airman, has been approved by the Administrator for the airman duties involved; and

(7) In the case of a check airman used in an aircraft simulator only, holds a Class III medical certificate.

(b) No certificate holder may use a person, nor may any person serve, as a simulator instructor for a course of training given in an aircraft simulator under 14 CFR Part 120 unless that person—

(1) Holds at least a commercial pilot certificate; and

(2) Has satisfactorily completed the following as evidenced by the approval of a check airman—

(i) Appropriate initial pilot and flight instructor ground training under 14 CFR Part 120; and

(ii) A simulator flight training course in the type simulator in which that person instructs under 14 CFR Part 120.

§ 135.339 Check airmen and flight instructors: Initial and transition training.

(a) The initial and transition ground training for pilot check airmen must include the following:

(1) Pilot check airman duties, functions and and responsibilities.

(2) The applicable provisions of 14 CFR Chapter I and certificate holder's policies and procedures.

(3) The appropriate methods, procedures, and techniques for conducting the required checks.

(4) Proper evaluation of pilot performance including the detection of—

(i) Improper and insufficient training; and

(ii) Personal characteristics that could adversely affect safety.

(5) The appropriate corrective action for unsatisfactory checks.

(6) The approved methods procedures, and limitations for performing the required normal abnormal, and emergency procedures in the aircraft.

(b) The initial and transition ground training for pilot flight instructors, except for the holder of a valid flight instructor certificate, must include the following:

(1) The fundamental principles of the teaching-learning process.

(2) Teaching methods and procedures.

(3) The instructor-student relationship.

(c) The initial and transition flight training for pilot check airmen and pilot flight instructors must include the following:

(1) Enough inflight training and practice in conducting flight checks from the left and right pilot seats in the required normal, abnormal, and emergency maneuvers to ensure that person's competence to conduct the pilot flight checks and flight training under 14 CFR Part 120.

(2) The appropriate safety measures to be taken from either pilot seat for emergency situations that are likely to develop in training.

(3) The potential results of improper or untimely safety measures during training.

The requirements of paragraphs (2) and (3) of this paragraph may be accomplished in flight or in an approved simulator.

§ 135.341 Pilot and flight attendant crewmember training programs.

(a) Each certificate holder, other than one who uses only one pilot in the certificate holder's operations, shall establish and maintain an approved pilot training program, and each certificate holder who uses a flight attendant crewmember shall establish and maintain an approved flight attendant training program, that is appropriate to the operations to which each pilot and flight attendant is to be assigned, and will ensure that they are adequately trained to meet the applicable knowledge and practical testing requirements of §§ 135.293 through 135.301. However, the Administrator may authorize a deviation from this section if the Administrator finds that, because of the limited size and scope of the operation, safety will allow a deviation from these requirements.

(b) Each certificate holder required to have a training program by paragraph (a) of this section shall include in that program ground and flight training curriculums for—

(1) Initial training;

(2) Transition training;

(3) Upgrade training;

(4) Differences training; and

(5) Recurrent training.

(c) Each certificate holder required to have a training program by paragraph (a) of this section shall provide current and appropriate study materials for use by each required pilot and flight attendant.

(d) The certificate holder shall furnish copies of the pilot and flight attendant crewmember training programs, and all changes and additions, to the assigned representative of the Administrator. If the certificate holder uses training facilities of other persons, a copy of those training programs or appropriate portions used for those facilities shall also be furnished. Curricula that follow FAA published curricula may be cited by reference in the copy of the training program furnished to the representative of the Administrator and need not be furnished with the program

§ 135.343 Crewmember initial and recurrent training requirements.

No certificate holder may use a person, nor may any person serve, as a crewmember in operations under this part unless that crewmember has completed the appropriate initial or recurrent training phase of the training program appropriate to the type of operation in which the crewmember is to serve since the beginning of the 12th calendar month before that service. This section does not apply to a certificate holder that uses only one pilot in the certificate holder's operations.

§ 135.345 Pilots: Initial, transition, and upgrade ground training.

Initial, transition, and upgrade ground training for pilots must include instruction in at least the following, as applicable to their duties:

(a) General subjects—

(1) The certificate holder's flight locating procedures;

(2) Principles and methods for determining weight and balance, and runway limitations for takeoff and landing;

(3) Enough meteorology to ensure a practical knowledge of weather phenomena, including the principles of frontal systems, icing, fog, thunderstorms, windshear and, if appropriate, high altitude weather situations;

(4) Air traffic control systems, procedures, and phraseology;

(5) Navigation and the use of navigational aids, including instrument approach procedures;

(6) Normal and emergency communication procedures;

(7) Visual cues before and during descent below DH or MDA; and

(8) Other instructions necessary to ensure the pilot's competence.

(b) For each aircraft type—

(1) A general description;

(2) Performance characteristics;

(3) Engines and propellers;

(4) Major components;

(5) Major aircraft systems (i.e., flight controls, electrical, and hydraulic), other systems, as appropriate, principles of normal, abnormal, and emergency operations, appropriate procedures and limitations;

(6) Procedures for avoiding severe weather situations and for operating in or near thunderstorms (including best penetrating altitudes), turbulent air (including clear air turbulence and low altitude windshear), icing, hail, and other potentially hazardous meteorological conditions;

(7) Operating limitations;

(8) Fuel consumption and cruise control;

(9) Flight planning;

(10) Each normal and emergency procedure; and

(11) The approved Aircraft Flight Manual, or equivalent.

§ 135.347 Pilots: Initial transition, upgrade, and differences flight training.

(a) Initial, transition, upgrade, and differences training for pilots must include flight and practice in each of the maneuvers and procedures in the approved training program curriculum.

(b) The maneuvers and procedures required by paragraph (a) of this section must be performed in flight, except to the extent that certain maneuvers and procedures may be performed in an aircraft simulator, or an appropriate training device, as allowed by 14 CFR Part 120.

(c) If the certificate holder's approved training program includes a course of training using an aircraft simulator or other training device, each pilot must successfully complete—

(1) Training and practice in the simulator or training device in at least the meneuvers and procedures in 14 CFR Part 120 that are capable of being performed in the aircraft simulator or training device; and

(2) A flight check in the aircraft or a check in the simulator or training device to the level of proficiency of a pilot in command or second in command, as applicable, in at least the maneuvers and procedures that are capable of being performed in an aircraft simulator or training device.

§ 135.349 Flight attendants: Inital and transition ground training.

Initial and transition ground training for flight attendants must include instruction in at least the following—

(a) General subjects—

(1) The authority of the pilot in command; and

(2) Passenger handling, including procedures to be followed in handling deranged persons or other persons whose conduct might jeopardize safety.

(b) For each aircraft type—

(1) A general description of the aircraft emphasizing physical characteristics that may have a bearing on ditching, evacuation, and inflight emergency procedures and on other related duties;

(2) The use of both the public address system and the means of communicating with other flight crewmembers, including emergency means in the case of attempted hijacking or other unusual situations; and

(3) Proper use of electrical galley equipment and the controls for cabin heat and ventilation.

§ 135.351 Recurrent training.

(a) Each certificate holder must ensure that each crewmember receives recurrent training and is adequately trained and currently proficient for the type aircraft and crewmember position involved.

(b) Recurrent ground training for crewmembers must include at least the following:

(1) A quiz or other review to determine the crewmember's knowledge of the aircraft and crewmember position involved.

(2) Instruction as necessary in the subjects required for initial ground training by §§ 135.321 through 135.351, as appropriate, including emergency training.

(c) Recurrent flight training for pilots must include, at least, flight training in the maneuvers or procedures in §§ 135.321 through 135.351, except that satisfactory completion of the check required by § 135.293 within the preceding 12 calendar months may be substituted for recurrent flight training.

Airplane Performance Operating Limitations

§ 135.361 Applicability.

(a) Sections 135.361 through 135.399 prescribe airplane performance operating limitations applicable to the operation of the categories of airplanes listed in § 135.363 when operated under 14 CFR Part 120.

(b) For the purpose of §§ 135.361 through 135.399, "effective length of the runway," for landing means the distance from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centerline of the runway to the far end of the runway.

(c) For the purpose of §§ 135.361 through 135.399, "obstruction clearance plane" means a plane sloping upward from the runway at a slope of 1:20 to the horizontal, and tangent to or clearing all obstructions within a specified area surrounding the runway as shown in a profile view of that area. In the plan view, the centerline of the specified area coincides with the centerline of the runway, beginning at the point where the obstruction clearance plane intersects the centerline of the runway and proceeding to a point at least 1,500 feet from the beginning point. After that the centerline coincides with the takeoff path over the ground for the runway (in the case of takeoffs) or with the instrument approach counterpart (for landings), or, where the applicable one of these paths has not been established, it proceeds consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. This area extends laterally 200 feet on each side of the centerline at the point where the obstruction clearance plane intersects the runway and continues at this width to the end of the runway; then it increases uniformly to 500 feet on each side of the centerline at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; after that it extends laterally 500 feet on each side of the centerline.

§ 135.363 General.

(a) Each certificate holder operating a reciprocating engine powered large transport category airplane shall comply with §§ 135.365 through 135.377.

(b) Each certificate holder operating a turbine engine powered large transport category airplane shall comply with §§ 135.379 through 135.387, except that when

it operates a turbopropeller-powered large transport category airplane certificated after August 29, 1959, but previously type certificated with the same number of reciprocating engines, it may comply with §§ 135.365 through 135.377.

(c) Each certificate holder operating a large nontransport category airplane shall comply with §§ 135.389 through 135.395 and any determination of compliance must be based only on approved performance data. For the purpose of §§ 135.361 through 135.399, a large nontransport category airplane is an airplane that was type certificated before July 1, 1942.

(d) Each certificate holder operating a small transport category airplane shall comply with § 135.397.

(e) Each certificate holder operating a small nontransport category airplane shall comply with § 135.399.

(f) The performance data in the Airplane Flight Manual applies in determining compliance with §§ 135.365 through 135.387. Where conditions are different from those on which the performance data is based, compliance is determined by interpolation or by computing the effects of change in the specific variables, if the results of the interpolation or computations are substantially as accurate as the results of direct tests.

(g) No person may take off a reciprocating engine powered large transport category airplane at a weight that is more than the allowable weight for the runway being used (determined under the runway takeoff limitations of the transport category operating rules of §§ 135.361 through 135.399) after taking into account the temperature operating correction factors in § 4a.749a–T or § 4b.117 of the Civil Air Regulations in effect on January 31, 1965, and in the applicable Airplane Flight Manual.

(h) The Administrator may authorize in the operations specifications deviations from §§ 135.361 through 135.399 if special circumstances make a literal observance of a requirement unnecessary for safety.

(i) The 10-mile width specified in §§ 135.369 through 135.373 may be reduced to 5 miles, for not more than 20 miles, when operating under VFR or where navigation facilities furnish reliable and accurate identification of high ground and obstructions located outside of 5 miles, but within 10 miles, on each side of the intended track.

§ 135.365 Large transport category airplanes: Reciprocating engine powered: Weight limitations.

(a) No person may take off a reciprocating engine powered large transport category airplane from an airport located at an elevation outside of the range for which maximum takeoff weights have been determined for that airplane.

(b) No person may take off a reciprocating engine powered large transport category airplane for an airport of intended destination that is located at an elevation outside of the range for which maximum landing weights have been determined for that airplane.

(c) No person may specify, or have specified, an alternate airport that is located at an elevation outside of the range for which maximum landing weights have been determined for the reciprocating engine powered large transport category airplane concerned.

(d) No person may take off a reciprocating engine powered large transport category airplane at a weight more than the maximum authorized takeoff weight for the elevation of the airport.

(e) No person may take off a reciprocating engine powered large transport category airplane if its weight on arrival at the airport of destination will be more than the maximum authorized landing weight for the elevation of that airport, allowing for normal consumption of fuel and oil en route.

§ 135.367 Large transport category airplanes: Reciprocating engine powered: Takeoff limitations.

(a) No person operating a reciprocating engine powered large transport category airplane may take off that airplane unless it is possible—

(1) To stop the airplane safely on the runway, as shown by the accelerate-stop distance data, at any time during takeoff until reaching critical-engine failure speed;

(2) If the critical engine fails at any time after the airplane reaches critical-engine failure speed V_1, to continue the takeoff and reach a height of 50 feet, as indicated by the takeoff path data, before passing over the end of the runway; and

(3) To clear all obstacles either by at least 50 feet vertically (as shown by the takeoff path data) or 200 feet horizontally within the airport boundaries and 300 feet horizontally beyond the boundaries, without banking before reaching a height of 50 feet (as shown by the takeoff path data) and after that without banking more than 15 degrees.

(b) In applying this section, corrections must be made for any runway gradient. To allow for wind effect, takeoff data based on still air may be corrected by taking into account not more than 50 percent of any reported headwind component and not less than 150 percent of any reported tailwind component.

§ 135.369 Large transport category airplane: Reciprocating engine powered: En route limitations: All engines operating.

(a) No person operating a reciprocating engine powered large transport category airplane may take off that airplane at a weight, allowing for normal consumption of fuel and oil, that does not allow a rate of climb (in feet per minute), with all engines operating, of at least 6.90 Vs_o (that is, the number of feet per minute obtained by multiplying the number of knots by 6.90) at an altitude of at least 1,00 feet above the highest ground or obstruction within ten miles of each side of the intended track.

(b) This section does not apply to large transport category airplanes certificated under Part 4a of the Civil Air Regulations.

§ 135.371 Large transport category airplanes: Reciprocating engine powered: En route limitations: One engine inoperative.

(a) Except as provided in paragraph (b) of this section, no person operating a reciprocating engine powered large transport category airplane may take off that airplane at a weight, allowing for normal consumption of fuel and oil, that does not allow a rate of climb (in feet per minute), with one engine inoperative, of at least $(0.079-0.106/N)\ Vs_o^2$ (where N is the number of engines installed and Vs_o^2 is expressed in knots) at an altitude of least 1,000 feet above the highest ground or obstruction within 10 miles of each side of the intended track. However, for the purposes of this paragraph the rate of climb for transport category airplanes certificated under Part 4a of the Civil Air Regulations is $0.026\ Vs_o^2$.

(b) In place of the requirements of paragraph (a) of this section, a person may, under an approved procedure, operate a reciprocating engine powered large transport category airplane at an all-engines-operating altitude that allows the airplane to continue, after an engine failure, to an alternate airport where a landing can be made under § 135.377, allowing for normal consumption of fuel and oil. After the assumed failure, the flight path must clear the ground and any obstruction within five miles on each side of the intended track by at least 2,000 feet.

(c) If an approved procedure under paragraph (b) of this section is used, the certificate holder shall comply with the following:

(1) The rate of climb (as prescribed in the Airplane Flight Manual for the appropriate weight and altitude) used in calculating the airplane's flight path shall be diminished by an amount in feet per minute, equal to $(0.079-0.106/N)\ Vs_o^2$ (when N is the number of engines installed and Vs_o is expressed in knots) for airplanes certificated under 14 CFR Part 25 and by $0.026\ Vs_o^2$ for airplanes certificated under Part 4a of the Civil Air Regulations.

(2) The all-engines-operating altitude shall be sufficient so that in the event the critical engine becomes inoperative at any point along the route, the flight will be able to proceed to a predetermined alternate airport by use of this procedure. In determining the takeoff weight, the airplane is assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix, unless the Administrator approves a procedure established on a different basis upon finding that adequate operational safeguards exist.

(3) The airplane must meet the provisions of paragraph (a) of this section at 1,000 feet above the airport used as an alternate in this procedure.

(4) The procedure must include an approved method of accounting for winds and temperatures that would otherwise adversely affect the flight path.

(5) In complying with this procedure, fuel jettisoning is allowed if the certificate holder shows that it has an adequate training program, that proper instructions are given to the flight crew, and all other precautions are taken to ensure a safe procedure.

(6) The certificate holder and the pilot in command shall jointly elect an alternate airport for which the appropriate weather reports or forecasts, or any combination of them, indicate that weather conditions will be at or above the alternate weather

minimum specified in the certificate holder's operations specifications for that airport when the flight arrives.

§ 135.373 14 CFR Part 25 transport category airplanes with four or more engines: Reciprocating engine powered: En route limitations: Two engines inoperative.

(a) No person may operate an airplane certificated under 14 CFR Part 25 and having four or more engines unless—

(1) There is no place along the intended track that is more than 90 minutes (with all engines operating at cruising power) from an airport that meets § 135.377; or

(2) It is operated at a weight allowing the airplane, with the two critical engines inoperative, to climb at 0.013 Vs_o^2 feet per minute (that is, the number of feet per minute obtained by multiplying the number of knots squared by 0.013) at an altitude of 1,000 feet above the highest ground or obstruction within 10 miles on each side of the intended track, or at an altitude of 5,000 feet, whichever is higher.

(b) For the purposes of paragraph (a)(2) of this section, it is assumed that—

(1) The two engines fail at the point that is most critical with respect to the takeoff weight;

(2) Consumption of fuel and oil is normal with all engines operating up to the point where the two engines fail with two engines operating beyond that point;

(3) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to the prescribed minimum altitude, if those requirements can be met once the prescribed minimum altitude is reached, and assuming descent to be along a net flight path and the rate of descent to be 0.013 Vs_o^2 greater than the rate in the approved performance data; and

(4) If fuel jettisoning is provided, the airplane's weight at the point where the two engines fail is considered to be not less than that which would include enough fuel to proceed to an airport meeting § 135.377 and to arrive at an altitude of at least 1,000 feet directly over that airport.

(c) In addition to the reports required by paragraph (a) of this section, each certificate holder shall report any other failure, malfunction, or defect in an aircraft that occurs or is detected at any time if, in its opinion, the failure, malfunction, or defect has endangered or may endanger the safe operation of the aircraft.

(d) Each certificate holder shall send each report required by this section, in writing, covering each 24-hour period beginning at 0900 hours local time of each day and ending at 0900 hours local time on the next day to the FAA Flight Standards District Office charged with the overall inspection of the certificate holder. Each report of occurrences during a 24-hour period must be mailed or delivered to that office within the next 72 hours. However, a report that is due on Saturday or Sunday may be mailed or delivered on the following Monday and one that is due on a holiday may be mailed or delivered on the next work day. For aircraft operated in areas where mail is not collected, reports may be mailed or delivered within 72 hours after the aircraft returns to a point where the mail is collected.

(e) The certificate holder shall transmit the reports required by this section on a form and in a manner prescribed by the Administrator, and shall include as much of the following as is available:

(1) The type and identification number of the aircraft.

(2) The name of the operator.

(3) The date.

(4) The nature of the failure, malfunction, or defect.

(5) Identification of the part and system involved, including available information pertaining to type designation of the major component and time since last overhaul, if known.

(6) Apparent cause of the failure, malfunction or defect (e.g., wear, crack, design deficiency, or personnel error).

(7) Other pertinent information necessary for more complete identification, determination of seriousness, or corrective action.

(f) A certificate holder that is also the holder of a type certificate (including a supplemental type certificate), a Parts Manufacturer Approval, or a Technical Standard Order Authorization, or that is the licensee of a type certificate need not report a failure, malfunction, or defect under this section if the failure, malfunction, or defect has been reported by it under 14 CFR 21.3 or 37.17 or under the accident reporting provisions of Part 830 of the regulations of the National Transportation Safety Board.

(g) No person may withhold a report required by this section even though all information required by this section is not available.

(h) When the certificate holder gets additional information, including information from the manufacturer or other agency, concerning a report required by this section, it shall expeditiously submit it as a supplement to the first report and reference the date and place of submission of the first report.

§ 135.375 Large transport category airplanes: Reciprocating engine powered: Landing limitations: Destination airports.

(a) Except as provided in paragraph (b) of this section, no person operating a reciprocating engine powered large transport category airplane may take off that airplane, unless its weight on arrival, allowing for normal consumption of fuel and oil in flight, would allow a full stop landing at the intended destination within 60 percent of the effective length of each runway described below from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. For the purposes of determining the allowable landing weight at the destination airport the following is assumed:

(1) The airplane is landed on the most favorable runway and in the most favorable direction in still air.

(2) The airplane is landed on the most suitable runway considering the probable wind velocity and direction (forecast for the expected time of arrival), the ground handling characteristics of the type of airplane, and other conditions such as landing aids and terrain, and allowing for the effect of the landing path and roll of not more than 50 percent of the headwind component or not less than 150 percent of the tailwind component.

(b) An airplane that would be prohibited from being taken off because it could not meet paragraph (a)(2) of this section may be taken off if an alternate airport is selected that meets all of this section except that the airplane can accomplish a full stop landing within 70 percent of the effective length of the runway.

§ 135.377 Large transport category airplanes: Reciprocating engine powered: Landing limitations: Alternate airports.

No person may list an airport as an alternate airport in a flight plan unless the airplane (at the weight anticipated at the time of arrival at the airport), based on the assumptions in § 135.375(a) (1) and (2), can be brought to a full stop landing within 70 percent of the effective length of the runway.

§ 135.379 Large transport category airplanes: Turbine engine powered: Takeoff limitations.

(a) No person operating a turbine engine powered large transport category airplane may take off that airplane at a weight greater than that listed in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at takeoff.

(b) No person operating a turbine engine powered large transport category airplane certificated after August 26, 1957, but before August 30, 1959 (SR422, 422A), may take off that airplane at a weight greater than that listed in the Airplane Flight Manual for the minimum distance required for takeoff. In the case of an airplane certificated after September 30, 1958 (SR422A, 422B), the takeoff distance may include a clearway distance but the clearway distance included may not be greater than one-half of the takeoff run.

(c) No person operating a turbine engine powered large transport category airplane certificated after August 29, 1959 (SR422B), may take off that airplane at a weight greater than that listed in the Airplane Flight Manual at which compliance with the following may be shown:

(1) The accelerate-stop distance, as defined in 14 CFR 25.109 must not exceed the length of the runway plus the length of any stopway.

(2) The takeoff distance must not exceed the length of the runway plus the length of any clearway included must not be greater than one-half the length of the runway.

(3) The takeoff run must not be greater than the length of the runway.

(d) No person operating a turbine engine powered large transport category airplane may take off that airplane at a weight greater than that listed in the Airplane Flight Manual—

(1) For an airplane certificated after August 26, 1957, but before October 1, 1958 (SR422), that allows a takeoff path that clears all obstacles either by at least (35+0.01 D) feet vertically (D is the distance along the intended flight path from the end of the

runway in feet), or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing the boundaries; or

(2) For an airplane certificated after September 30, 1958 (SR422A 422B), that allows a net takeoff flight path that clears all obstacles either by a height of at least 35 feet vertically, or by at least 200 feet horizonatally within the airport boundaries and by at least 300 feet horizontally after passing the boundaries.

(e) In determining maximum weights, minimum distances and flight paths under paragraphs (a) through (d) of this section, correction must be made for the runway to be used, the elevation of the airport, the effective runway gradient, and the ambient temperature and wind component at the time of takeoff.

(f) For the purposes of this section, it is assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the takeoff path or net takeoff flight path data (as appropriate) in the Airplane Flight Manual, and after that the maximum bank is not more than 15 degrees.

(g) For the purposes of this section, the terms, "takeoff distance," "takeoff run," "net takeoff flight path," have the same meanings as set forth in the rules under which the airplane was certificated.

§ 135.381 Large transport category airplanes: Turbine engine powered: En route limitations: One engine inoperative.

(a) No person operating a turbine engine powered large transport category airplane may take off that airplane at a weight, allowing for normal consumption of fuel and oil, that is greater than that which (under the approved, one engine inoperative, en route net flight path data in the Airplane Flight Manual for that airplane) will allow compliance with paragraph (a)(1) or (2) of this section, based on the ambient temperatures expected en route.

(1) There is a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions within five statute miles on each side of the intended track, and, in addition, if that airplane was certificated after August 29, 1958 (SR422B), there is a positive slope at 1,500 feet above the airport where the airplane is assumed to land after an engine fails.

(2) The net flight path allows the airplane to continue flight from the cruising altitude to an airport where a landing can be made under § 135.387 clearing all terrain and obstructions within five statute miles of the intended track by at least 2,000 feet vertically and with a positive slope at 1,000 feet above the airport where the airplane lands after an engine fails, or, if that airplane was certificated after September 30, 1958 (SR422A, 422B), with a positive slope at 1,500 feet above the airport where the airplane lands after an engine fails.

(b) For the purpose of paragraph (a)(2) of this section, it is assumed that—

(1) The engine fails at the most critical point en route;

(2) The airplane passes over the critical obstruction, after engine failure at a point that is no closer to the obstruction than the approved radio navigation fix, unless the Administrator authorizes a different procedure based on adequate operational safeguards;

(3) An approved method is used to allow for adverse winds;

(4) Fuel jettisoning will be allowed if the certificate holder shows that the crew is properly instructed, that the training program is adequate, and that all other precautions are taken to ensure a safe procedure;

(5) The alternate airport is selected and meets the prescribed weather minimums; and

(6) The consumption of fuel and oil after engine failure is the same as the consumption that is allowed for in the approved net flight path data in the Airplane Flight Manual

§ 135.383 Large transport category airplanes: Turbine engine powered: Enroute limitations: Two engines inoperative.

(a) Airplanes certificated after August 26, 1957, but before October 1, 1958 (SR422). No person may operate a turbine engine powered large transport category airplane along an intended route unless that person complies with either of the following:

(1) There is no place along the intended track that is more than 90 minutes (with all engines operating at cruising power) from an airport that meets § 135.387.

(2) Its weight, according to the two-engine-inoperative, en route, net flight path data in the Airplane Flight Manual, allows the airplane to fly from the point where the two engines are assumed to fail simultaneously to an airport that meets § 135.387, with a net flight path (considering the ambient temperature anticipated along the track) having a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions within five statute miles on each side of the intended track, or at an altitude of 5,000 feet, whichever is higher.

For the purposes of paragraph (a)(2) of this section, it is assumed that the two engines fail at the most critical point en route, that if fuel jettisoning is provided, the airplane's weight at the point where the engines fail includes enough fuel to continue to the airport and to arrive at an altitude of at least 1,000 feet directly over the airport, and that the fuel and oil consumption after engine failure is the same as the consumption allowed for in the net flight path data in the Airplane Flight Manual.

(b) Airplanes certificated after September 30, 1956, but before August 30, 1959 (SR422A). No person may operate a turbine engine powered large transport category airplane along an intended route unless that person complies with either of the following:

(1) There is no place along the intended track that is more than 90 minutes (with all engines operating at cruising power) from an airport that meets § 135.387.

(2) Its weight, according to the two-engine-inoperative, en route, net flight path data in the Airplane Flight Manual allows the airplane to fly from the point where the two engines are assumed to fail simultaneously to an airport that meets § 135.387 with a net flight path (considering the ambient temperatures anticipated along the track) having a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions within five statute miles on each side of the intended track, or at an altitude of 2,000 feet, whichever is higher.

For the purposes of paragraph (b)(2) of this section, it is assumed that the two engines fail at the most critical point en route, that the airplane's weight at the point where the engines fail includes enough fuel to continue to the airport, to arrive at an altitude of at least 1,500 feet directly over the airport, and after that to fly for 15 minutes at cruise power or thrust, or both and that the consumption of fuel and oil after engine failure is the same as the consumption allowed for in the net flight path data in the Airplane Flight Manual.

(c) Aircraft certificated after August 29, 1959 (SR 422B). No person may operate a turbine engine powered large transport category airplane along an intended route unless that person complies with either of the following:

(1) There is no place along the intended track that is more than 90 minutes (with all engines operating at cruising power) from an airport that meets §135.387.

(2) Its weight, according to the two-engine-inoperative, en route, net flight path data in the Airplane Flight Manual, allows the airplane to fly from the point where the two engines are assumed to fail simultaneously to an airport that meets § 135.387, with the net flight path (considering the ambient temperatures anticipated along the track) clearing vertically by at least 2,000 feet all terrain and obstructions within five statute miles on each side of the intended track. For the purposes of this paragraph, it is assumed that—

(i) The two engines fail at the most critical point en route:

(ii) The net flight path has a positive slope at 1,500 feet above the airport where the landing is assumed to be made after the engines fail;

(iii) Fuel jettisoning will be approved if the certificate holder shows that the crew is properly instructed, that the training program is adequate, and that all other precautions are taken to ensure a safe procedure;

(iv) The airplane's weight at the point where the two engines are assumed to fail provides enough fuel to continue to the airport, to arrive at an altitude of at least 1,500 feet directly over the airport, and after that to fly for 15 minutes at cruise power or thrust, or both; and

(v) The consumption of fuel and oil after the engines fail is the same as the consumption that is allowed for in the net flight path data in the Airplane Flight Manual.

§ 135.385 Large transport category airplanes: Turbine engine powered: Landing limitations: Destination airports.

(a) No person operating a turbine engine powered large transport category airplane may take off that airplane at a weight that (allowing for normal consumption of fuel and oil in flight to the destination or alternate airport) the weight of the airplane on arrival would exceed the landing weight in the Airplane Flight Manual for the elevation of the destination or alternate airport and the

ambient temperature anticipated at the time of landing.

(b) Except as provided in paragraph (c), (d), or (e) of this section, no person operating a turbine engine powered large transport category airplane may take off that airplane unless its weight on arrival, allowing for normal consumption of fuel and oil in flight (in accordance with the landing distance in the Airplane Flight Manual for the elevation of the destination airport and the wind conditions anticipated there at the time of landing), would allow a full stop landing at the intended destination airport within 60 percent of the effective length of each runway described below from a point 50 feet above the intersection of the obstruction clearance plane and the runway. For the purpose of determining the allowable landing weight at the destination airport the following is assumed:

(1) The airplane is landed on the most favorable runway and in the most favorable direction, in still air.

(2) The airplane is landed on the most suitable runway considering the probable wind velocity and direction and the ground handling characteristics of the airplane, and considering other conditions such as landing aids and terrain.

(c) A turbopropeller powered airplane that would be prohibited from being taken off because it could not meet paragraph (b)(2) of this section, may be taken off if an alternate airport is selected that meets all of this section except that the airplane can accomplish a full stop landing within 70 percent of the effective length of the runway

(d) Unless, based on a showing of actual operating landing techniques on wet runways, a shorter landing distance (but never less than that required by paragraph (b) of this section) has been approved for a specific type and model airplane and included in the Airplane Flight Manual, no person may take off a turbojet airplane when the appropriate weather reports or forecasts, or any combination of them, indicate that the runways at the destination airport may be wet or slipppery at the estimated time of arrival unless the effective runway length at the destination airport is at least 115 percent of the runway length required under paragraph (b) of this section.

(e) A turbojet airplane that would be prohibited from being taken off because it could not meet paragraph (b)(2) of this section may be taken off if an alternate airport is selected that meets all of paragraph (b) of this section.

§ 135.387 Large transport category airplanes: Turbine engine powered: Landing limitations: Alternate airports.

No person may select an airport as an alternate airport for a turbine engine powered large transport category airplane unless (based on the assumptions in § 135.385(b)) that airplane, at the weight anticipated at the time of arrival, can be brought to a full stop landing within 70 percent of the effective length of the runway for turbopropeller-powered airplanes and 60 percent of the effective length of the runway for turbojet airplanes, from a point of 50 feet above the intersection of the obstruction clearance plane and the runway.

§ 135.389 Large nontransport category airplanes: Takeoff limitations.

(a) No person operating a large nontransport category airplane may take off that airplane at a weight greater than the weight that would allow the airplane to be brought to a safe stop within the effective length of the runway, from any point during the takeoff before reaching 105 percent of minimum control speed (the minimum speed at which an airplane can be safely controlled in flight after an engine becomes inoperative) or 115 percent of the power off stalling speed in the takeoff configuration, whichever is greater.

(b) For the purposes of this section—

(1) It may be assumed that takeoff power is used on all engines during the acceleration;

(2) Not more than 50 percent of the reported headwind component, or not less than 150 percent of the reported tailwind component, may be taken into account;

(3) The average runway gradient (the difference between the elevations of the endpoints of the runway divided by the total length) must be considered if it is more than one-half of one percent;

(4) It is assumed that the airplane is operating in standard atmosphere; and

(5) For takeoff, "effective length of the runway" means the distance from the end of the runway at which the takeoff is started to a point at which the obstruction clearance plane associated with the other end of the runway intersects the runway centerline.

§ 135.391 Large nontransport category airplanes: En route limitations: One engine inoperative.

(a) Except as provided in paragraph (b) of this section, no person operating a large nontransport category airplane may take off that airplane at a weight that does not allow a rate of climb of at least 50 feet a minute, with the critical engine inoperative, at an altitude of at least 1,000 feet above the highest obstruction within five miles on each side of the intended track, or 5,000 feet, whichever is higher.

(b) Without regard to paragraph (a) of this section, if the Administrator finds that safe operations are not impaired, a person may operate the airplane at an altitude that allows the airplane, in case of engine failure, to clear all obstructions within five miles on each side of the intended track by 1,000 feet. If this procedure is used, the rate of descent for the appropriate weight and altitude is assumed to be 50 feet a minute greater than the rate in the approved performance data. Before approving such a procedure, the Administrator considers the following for the route, route segment, or area concerned:

(1) The reliability of wind and weather forecasting.

(2) The location and kinds of navigation aids.

(3) The prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered.

(4) Terrain features.

(5) Air traffic problems.

(6) Any other operational factors that affect the operations.

(c) For the purposes of this section, it is assumed that—

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position;

(3) The wing flaps and landing gear are in the most favorable position;

(4) The operating engines are operating at the maximum continuous power available;

(5) The airplane is operating in standard atmosphere; and

(6) The weight of the airplane is progressively reduced by the anticipated consumption of fuel and oil.

§ 135.393 Large nontransport category airplanes: Landing limitations: Destination airports.

(a) No person operating a large nontransport category airplane may take off that airplane at a weight that—

(1) Allowing for anticipated consumption of fuel and oil, is greater than the weight that would allow a full stop landing within 60 percent of the effective length of the most suitable runway at the destination airport; and

(2) Is greater than the weight allowable if the landing is to be made on the runway—

(i) With the greatest effective length in still air; and

(ii) Required by the probable wind, taking into account not more than 50 percent of the headwind component or not less than 150 percent of the tailwind component.

(b) For the purpose of this section, it is assumed that—

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated airspeed of at least 1.3 V_{so};

(2) The landing does not require exceptional pilot skill; and

(3) The airplane is operating in standard atmosphere.

§ 135.395 Large nontransport category airplanes: Landing limitations: Alternate airports.

No person may select an airport as an alternate airport for a large nontransport category airplane unless that airplane (at the weight anticipated at the time of arrival), based on the assumptions in § 135.393(b), can be brought to a full stop landing within 70 percent of the effective length of the runway

§ 135.397 Small transport category airplane performance operating limitations.

(a) No person may operate a reciprocating engine powered small transport category airplane unless that person complies with the weight limitations in § 135.365, the takeoff limitations in § 135.367 (except paragraph (a)(3)), and the landing limitations in §§ 135.375 and 135.377.

(b) No person may operate a turbine engine powered small transport category airplane unless that person complies with the takeoff limitations in § 135.379 (except paragraphs (d) and (f)) and the landing limitations in §§ 135.385 and 135.387.

§ 135.399 Small nontransport category airplane performance operating limitations.

(a) No person may operate a reciprocating engine or turbopropeller powered small

airplane that is certificated as specified in 14 CFR 120.33(a)(2) (i), (ii), (iii), or (a)(3) unless unless that person complies with the takeoff weight limitations in the approved airplane flight manual or equivalent for operations under 14 CFR Part 120, and, if the airplane is certificated as specified in 14 CFR 120.33 (a)(2)(iii) or (a)(3) with the landing weight limitations in the approved airplane flight manual or equivalent for operations under 14 CFR Part 120.

(b) No person may operate an airplane that is certificated as specified in 14 CFR 120.33(a)(3) unless that person complies with the landing limitations prescribed in §§ 135.385 and 135.387. For purposes of this paragraph, §§ 135.385 and 135.387 are applicable to reciprocating and turbopropeller-powered small airplanes notwithstanding their stated applicability to turbine engine powered large transport category airplanes.

Maintenance, Preventive Maintenance, and Alterations

§ 135.411 Applicability.

(a) Sections 135.411 through 135.443 prescribe rules in addition to those in 14 CFR Chapter I for the maintenance, preventive maintenance, and alterations for each certificate holder as follows:

(1) Aircraft that are type certificated for a passenger seating configuration, excluding any pilot seat, of nine seats or less, shall be maintained under 14 CFR Parts 91 and 43 and §§ 135.415, 135.417, and 135.421. An approved aircraft inspection program may be used under § 135.419.

(2) Aircraft that are type certificated for a passenger seating configuration, excluding any pilot seat, of ten seats or more, shall be maintained under a maintenance program in §§ 135.415, 135.417, and 135.423 through 135.443.

(b) A certificate holder who is not otherwise required, may elect to maintain its aircraft under paragraph (a)(2) of this section.

§ 135.413 Responsibility for airworthiness.

(a) Each certificate holder is primarily responsible for the airworthiness of its aircraft, including airframes, aircraft engines, propellers, rotors, appliances, and parts, and shall have its aircraft maintained under 14 CFR Chapter I, and shall have defects repaired between required maintenance under 14 CFR Part 43.

(b) Each certificate holder who maintains its aircraft under § 135.411(a)(2) shall—

(1) Perform the maintenance, preventive maintenance, and alteration of its aircraft, including airframe, aircraft engines, propellers, rotors, appliances, emergency equipment and parts, under its manual and 14 CFR Chapter I; or

(2) Make arrangements with another person for the preformance of maintenance, preventive maintenance, or alteration. However, the certificate holder shall ensure that any maintenance, preventive maintenance, or alteration that is performed by another person is performed under the certificate holder's manual and 14 CFR Chapter I.

§ 135.415 Mechanical reliability reports.

(a) Each certificate holder shall report the occurrence or detection of each failure, malfunction, or defect in an aircraft concerning—

(1) Fires during flight and whether the related fire-warning system functioned properly;

(2) Fires during flight not protected by related fire-warning system;

(3) False fire-warning during flight;

(4) An exhaust system that causes damage during flight to the engine, adjacent structure, equipment, or components;

(5) An aircraft component that causes accumulation or circulation of smoke, vapor, or toxic or noxious fumes in the crew compartment or passenger cabin during flight;

(6) Engine shutdown during flight because of flameout;

(7) Engine shutdown during flight when external damage to the engine or aircraft structure occurs;

(8) Engine shutdown during flight due to foreign object ingestion or icing;

(9) Shutdown of more than one engine during flight;

(10) A propeller feathering system or ability of the system to control overspeed during flight;

(11) A fuel or fuel-dumping system that affects fuel flow or causes hazardous leakage during flight;

(12) An unwanted landing gear extension or retraction or opening or closing of landing gear doors during flight;

(13) Brake system components that result in loss of brake actuating force when the aircraft is in motion on the ground;

(14) Aircraft structure that requires major repair;

(15) Cracks, permanent deformation, or corrosion of aircraft structures, if more than the maximum acceptable to the manufacturer or the FAA; and

(16) Aircraft components or systems that result in taking emergency actions during flight (except action to shut-down an engine).

(b) For the purpose of this section, "during flight" means the period from the moment the aircraft leaves the surface of the earth on takeoff until it touches down on landing.

(c) In addition to the reports required by paragraph (a) of this section, each certificate holder shall report any other failure, malfunction, or defect in an aircraft that occurs or is detected at any time if, in its opinion, the failure, malfunction, or defect has endangered or may endanger the safe operation of the aircraft.

(d) Each certificate holder shall send each report required by this section, in writing, covering each 24-hour period beginning at 0900 hours local time of each day and ending at 0900 hours local time on the next day to the FAA Flight Standards District Office charged with the overall inspection of the certificate holder. Each report of occurrences during a 24-hour period must be mailed or delivered to that office within the next 72 hours. However, a report that is due on Saturday or Sunday may be mailed or delivered on the following Monday and one that is due on a holiday may be mailed or delivered on the next work day. For aircraft operated in areas where mail is not collected, reports may be mailed or delivered within 72 hours after the aircraft returns to a point where the mail is collected.

(e) The certificate holder shall transmit the reports required by this section on a form and in a manner prescribed by the Administrator, and shall include as much of the following as is available:

(1) The type and identification number of the aircraft.

(2) The name of the operator.

(3) The date.

(4) The nature of the failure, malfunction, or defect.

(5) Identification of the part and system involved, including available information pertaining to type designation of the major component and time since last overhaul, if known.

(6) Apparent cause of the failure, malfunction or defect (e.g., wear, crack, design deficiency, or personnel error).

(7) Other pertinent information necessary for more complete identification, determination of seriousness, or corrective action.

(f) A certificate holder that is also the holder of a type certificate (including a supplemental type certificate), a Parts Manufacturer Approval, or a Technical Standard Order Authorization, or that is the licensee of a type certificate need not report a failure, malfunction, or defect under this section if the failure, malfunction, or defect has been reported by it under 14 CFR 21.3 or 37.17 or under the accident reporting provisions of Part 830 of the regulations of the National Transportation Safety Board.

(g) No person may withhold a report required by this section even though all information required by this section is not available.

(h) When the certificate holder gets additional information, including information from the manufacturer or other agency, concerning a report required by this section, it shall expeditiously submit it as a supplement to the first report and reference the date and place of submission of the first report.

§ 135.417 Mechanical interruption summary report.

Each certificate holder shall mail or deliver, before the end of the 10th day of the following month, a summary report of the following occurrences in multiengine aircraft for the preceding month to the FAA Flight Standards District Office charged with the overall inspection of the certificate holder:

(a) Each interruption to a flight, unscheduled change of aircraft en route, or unscheduled stop or diversion from a route, caused by known or suspected mechanical difficulties or malfunctions that are not required to be reported under § 135.415

(b) The number of propeller featherings in flight, listed by type of propeller and engine and aircraft on which it was installed. Propeller featherings for training, demonstration, or flight check purposes need not be reported.

§ 135.419 Approved aircraft inspection program.

(a) Whenever the Administrator finds that the aircraft inspections required or allowed under 14 CFR Part 91 are not adequate to meet 14 CFR Part 120, or upon application by a certificate holder, the Administrator may amend the certificate holder's operations specifications under § 120.9(f), to require or allow an approved aircraft inspection program for any make and model aircraft of which the certificate holder has the exclusive use of a least one aircraft.

(b) A certificate holder who applies for an amendment of its operations specifications to allow an approved aircraft inspection program must submit that program with its application for approval by the Administrator.

(c) Each certificate holder who is required by its operations specifications to have an approved aircraft inspection program shall submit a program for approval by the Administrator within 30 days of the amendment of its operations specifications or within any other period that the Administrator may prescribe in the operations specifications.

(d) The aircraft inspection program submitted for approval by the Administrator must contain the following:

(1) Instructions and procedures for the conduct of aircraft inspections (which must include necessary tests and checks), setting forth in detail the parts and areas of the airframe, engines, propellers, rotors, and appliances, including emergency equipment, that must be inspected.

(2) A schedule for the performance of the aircraft inspections under paragraph (d)(1) of this section expressed in terms of the time in service, calendar time, number of system operations, or any combination of these.

(3) Instructions and procedures for recording discrepancies found during inspections and correction or deferral of discrepancies including form and disposition of records.

(e) After approval, the certificate holder shall include the approved aircraft inspection program in the manual required by § 135.21.

(f) Whenever the Administrator finds that revisions to an approved aircraft inspection program are necessary for the continued adequacy of the program, the certificate holder shall, after notification by the Administrator, make any changes in the program found by the Administrator to be necessary. The certificate holder may petition the Administrator to reconsider the notice to make any changes in a program. The petition must be filed with the representatives of the Administrator assigned to it within 30 days after the certificate holder receives the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

(g) Each certificate holder who has an approved aircraft inspection program shall have each aircraft that is subject to the program inspected in accordance with the program.

(h) The registration number of each aircraft that is subject to an approved aircraft inspection program must be included in the operations specifications of the certificate holder.

§ 135.421 Additional maintenance requirements.

(a) Each certificate holder who operates an aircraft type certificated for a passenger seating configuration, excluding any pilot seat, of nine seats or less, must comply with the manufacturer's recommended maintenance programs, or a program approved by the Administrator, for each aircraft engine, propeller, rotor, and each item of emergency equipment required by 14 CFR Chapter I.

(b) For the purpose of this section, a manufacturer's maintenance program is one which is contained in the maintenance manual or maintenance instructions set forth by the manufacturer as required by 14 CFR Chapter I for the aircraft, aircraft engine, propeller, rotor or item of emergency equipment.

§ 135.423 Maintenance, preventive maintenance, and alteration organization.

(a) Each certificate holder that performs any of its maintenance (other than required inspections), preventive maintenance, or alterations, and each person with whom it arranges for the performance of that work must, have an organization adequate to perform the work.

(b) Each certificate holder that performs any inspections required by its manual under § 135.427(b) (2) or (3), referred to as "required inspections"), and each person with whom it arranges for the performance of that work, must have an organization adequate to perform that work.

(c) Each person performing required inspections in addition to other maintenance, preventive maintenance, or alterations, shall organize the performance of those functions so as to separate the required inspection functions from the other maintenance, preventive maintenance, and alteration functions. The separation shall be below the level of administrative control at which overall responsibility for the required inspection functions and other maintenance, preventive maintenance, and alteration functions is exercised.

§ 135.425 Maintenance, preventive maintenance, and alteration programs.

Each certificate holder shall have an inspection program and a program covering other maintenance, preventive maintenance, and alterations, that ensures that—

(a) Maintenance, preventive maintenance, and alterations performed by it, or by other persons, are performed under the certificate holder's manual;

(b) Competent personnel and adequate facilities and equipment are provided for the proper performance of maintenance, preventive maintenance, and alterations; and

(c) Each aircraft released to service is airworthy and has been properly maintained for operation under 14 CFR Part 120.

§ 135.427 Manual requirements.

(a) Each certificate holder shall put in its manual the chart or description of the certificate holder's organization required by § 135.423 and a list of persons with whom it has arranged for the performance of any of its required inspections, other maintenance, preventive maintenance, or alterations, including a general description of that work.

(b) Each certificate holder shall put in its manual the programs required by § 135.425 that must be followed in performing maintenance, preventive maintenance, and alterations of that certificate holder's aircraft, including airframes, aircraft engines, propellers, rotors, appliances, emergency equipment, and parts, and must include at least the following:

(1) The method of performing routine and nonroutine maintenance (other than required inspections), preventive maintenance, and alterations.

(2) A designation of the items of maintenance and alteration that must be inspected (required inspections) including at least those that could result in a failure, malfunction, or defect endangering the safe operation of the aircraft, if not performed properly or if improper parts or materials are used.

(3) The method of performing required inspections and a designation by occupational title of personnel authorized to perform each required inspection.

(4) Procedures for the reinspection of work performed under previous required inspection findings ("buy-back procedures").

(5) Procedures, standards, and limits necessary for required inspections and acceptance or rejection of the items required to be inspected and for periodic inspection and calibration of precision tools, measuring devices, and test equipment.

(6) Procedures to ensure that all required inspections are performed.

(7) Instructions to prevent any person who performs any item of work from performing any required inspection of that work.

(8) Instructions and procedures to prevent any decision of an inspector regarding any required inspection from being countermanded by persons other than supervisory personnel of the inspection unit, or a person at the level of administrative control that has overall responsibility for the management of both the required inspection functions and the other maintenance, preventive maintenance, and alterations functions.

(9) Procedures to ensure that required inspections, other maintenance, preventive maintenance, and alterations that are not completed as a result of work interruptions are properly completed before the aircraft is released to service.

(c) Each certificate holder shall put in its manual a suitable system (which may include a coded system) that provides for the retention of the following information—

(1) A description (or reference to data acceptable to the Administrator) of the work performed;

(2) The name of the person performing the work if the work is performed by a person outside the organization of the certificate holder; and

(3) The name or other positive identification of the individual approving the work.

§ 135.429 Required inspection personnel.

(a) No person may use any person to perform required inspections unless the person performing the inspection is appropriately certificated, properly trained, qualified, and authorized to do so.

(b) No person may allow any person to perform a required inspection unless, at the time, the person performing that inspection is under the supervision and control of an inspection unit.

(c) No person may perform a required inspection if that person performed the item of work required to be inspected.

(d) Each certificate holder shall maintain, or shall determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections. The persons must be identified by name, occupational title and the inspections that they are authorized to perform. The certificate holder (or person with whom it arranges to perform its required inspections) shall give written information to each person so authorized, describing the extent of that person's responsibilities, authorities, and inspectional limitations. The list shall be made available for inspection by the Administrator upon request.

§ 135.431 Continuing analysis and surveillance.

(a) Each certificate holder shall establish and maintain a system for the continuing analysis and surveillance of the performance and effectiveness of its inspection program and the program covering other maintenance, preventive maintenance, and alterations and for the correction of any deficiency in those programs, regardless of whether those programs are carried out by the certificate holder or by another person.

(b) Whenever the Administrator finds that either or both of the programs described in paragraph (a) of this section does not contain adequate procedures and standards to meet 14 CFR Part 120, the certificate holder shall, after notification by the Administrator, make changes in those programs requested by the Administrator.

(c) A certificate holder may petition the Administrator to reconsider the notice to make a change in a program. The petition must be filed with the FAA Flight Standards District Office charged with the overall inspection of the certificate holder within 30 days after the certificate holder receives the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

§ 135.433 Maintenance and preventive maintenance training program.

Each certificate holder or a person performing maintenance functions for it shall have a training program to ensure that each person (including inspection personnel) who determines the adequacy of work done is fully informed about procedures and techniques and new equipment in use and is competent to perform that person's duties.

§ 135.435 Certificate requirements.

(a) Except for maintenance, preventive maintenance, alterations, and required inspections performed by repair stations certificated under the provisions of Subpart C of 14 CFR Part 145, each person who is directly in charge of maintenance, preventive maintenance, or alterations, and each person performing required inspections must hold an appropriate airman certificate.

(b) For the purpose of this section, a person "directly in charge" is each person assigned to a position in which that person is responsible for the work of a shop or station that performs maintenance, preventive maintenance, alterations, or other functions affecting airworthiness. A person who is "directly in charge" need not physically observe and direct each worker constantly but must be available for consultation and decision on matters requiring instruction or decision from higher authority than that of the person performing the work.

§ 135.437 Authority to perform and approve maintenance, preventive maintenance, and alterations.

(a) A certificate holder may perform or make arrangements with other persons to perform maintenance, preventive maintenance, and alterations as provided in its maintenance manual. In addition, a certificate holder may perform these functions for another certificate holder as provided in the maintenance manual of the other certificate holder.

(b) A certificate holder may approve any airframe, aircraft engine, propeller, rotor, or appliance for return to service after maintenance, preventive maintenance, or alterations that are performed under paragraph (a) of this section. However, in the case of a major repair or alteration, the work must have been done in accordance with technical data approved by the Administrator.

§ 135.439 Maintenance recording requirements.

(a) Each certificate holder shall keep (using the system specified in the manual required in § 135.427) the following records for the periods specified in paragraph (b) of this section:

(1) All the records necessary to show that all requirements for the issuance of an airworthiness release under § 135.443 have been met.

(2) Records containing the following information:

(i) The total time in service of the airframe, engine, propeller, and rotor.

(ii) The current status of life-limited parts of each airframe, engine, propeller, rotor, and appliance.

(iii) The time since last overhaul of each item installed on the aircraft which are required to be overhauled on a specified basis.

(iv) The identification of the current inspection status of the aircraft, including the time since the last inspections required by the inspection program under which the aircraft and its appliances are maintained.

(v) The current status of applicable airworthiness directives, including the date and methods of compliance, and, if the airworthiness directive involves recurring action, the time and date when the next action is required.

(vi) A list of current major alterations and repairs to each airframe, engine, propeller, rotor, and appliance.

(b) Each certificate holder shall retain the records required to be kept by this section for the following periods:

(1) Except for the records of the last complete overhaul of each airframe, engine, propeller, rotor, and appliance the records specified in paragraph (a)(1) of this section shall be retained until the work is repeated or superseded by other work or for one year after the work is performed.

(2) The records of the last complete overhaul of each airframe, engine, propeller, rotor, and appliance shall be retained until the work is superseded by work of equivalent scope and detail.

(3) The records specified in paragraph (a)(2) of this section shall be retained and transferred with the aircraft at the time the aircraft is sold.

(c) The certificate holder shall make all maintenance records required to be kept by this section available for inspection by the Administrator or any representative of the National Transportation Safety Board.

§ 135.441 Transfer of maintenance records.

Each certificate holder who sells a United States registered aircraft shall transfer to the purchaser, at the time of the sale, the following records of that aircraft, in plain language form or in coded form which provides for the preservation and retrieval of information in a manner acceptable to the Administrator.

(a) The records specified in § 135.439(a)(2).

(b) The records specified in § 153.439(a)(1) which are not included in the records covered by paragraph (a) of this section, except that the purchaser may allow the seller to keep physical custody of such records. However, custody of records by the seller does not relieve the purchaser of its responsibility under § 135.439(c) to make the records available for inspection by the Administrator or any representative of the National Transportation Safety Board.

§ 135.443 Airworthiness release or aircraft maintenance log entry.

(a) No certificate holder may operate an aircraft after maintenance, preventive maintenance, or alternations are performed on the aircraft unless the certificate holder prepares, or causes the person with whom the certificate holder arranges for the performance of the maintenance, preventive maintenance, or alternations, to prepare—

(1) An airworthiness release; or

(2) An appropriate entry in the aircraft maintenance log.

(b) The airworthiness release or log entry required by paragraph (a) of this section must—

(1) Be prepared in accordance with the procedure in the certificate holder's manual;

(2) Inclue a certification that—

(i) The work was performed in accordance with the requirements of the certificate holder's manual;

(ii) All items required to be inspected were inspected by an authorized person who determined that the work was satisfactorily completed;

(iii) No known condition exists that would make the aircraft unairworthy;

(iv) So far as the work performed is concerned, the aircraft is in condition for safe operation; and

(3) Be signed by an authorized certificated mechanic or repairman, except that a certificated repairman may sign the release or entry only for the work for which that person is employed and for which that person is certificated.

(c) Instead of restating each of the conditions of the certification required by paragraph (b) of this section, the certificate holder may state in its manual that the signature of an authorized certificated mechanic or repairman constitutes that certification.

Appendix A—Additional Airworthiness Standards for 10 or More Passenger Airplanes

Applicability

1. *Applicability.* This appendix prescribes the additional airworthiness standards required by 14 CFR 120.33.

2. *References.* Unless otherwise provide, references in this appendix to specific sections of Part 23 of the Federal Aviation Regulations (14 CFR Part 23) are to those sections of 14 CFR Part 23 in effect on March 30, 1967.

Flight Requirements

3. *General.* Compliance must be shown with the applicable requirements of Subpart B of 14 CFR Part 23, as supplemented or modified in §§ 4 through 10.

Performance

4. *General.* (a) Unless otherwise prescribed in this appendix, compliance with each applicable performance requirement in §§ 4 through 7 must be shown for ambient atmospheric conditions and still air.

(b) The performance must correspond to the propulsive thrust available under the particular ambient atmospheric conditions and the particular flight condition. The available propulsive thrust must correspond to engine power or thrust, not exceeding the approved power or thrust less—

(1) Installation losses; and

(2) The power or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(c) Unless otherwise prescribed in this appendix, the applicant must select the takeoff, en route, and landing configurations for the airplane.

(d) The airplane configuration may vary with weight, altitude, and temperature, to the extent they are compatible with the operating procedures requird by paragraph (e) of this section.

(e) Unless otherwise prescribed in this appendix, in determining the critical engine inoperative takeoff performance, the accelerate-stop distance, takeoff distance, changes in the airplane's configuration, speed, power, and thrust must be made under procedures established by the applicant for operation in service.

(f) Procedures for the execution of balked landings must be established by the applicant and included in the Airplane Flight Manual.

(g) The procedures established under paragraphs (e) and (f) of this section must—

(1) Be able to be consistently executed in service by a crew of average skill;

(2) Use methods or devices that are safe and reliable; and

(3) Include allowance for any time delays, in the execution of the procedures, that may reasonably be expected in service.

5. *Takeoff*—(a) *General.* Takeoff speeds, the accelerate-stop distance, the takeoff distance, and the one-engine-inoperative takeoff flight path data (described in paragraphs (b), (c), (d), and (f) of this section), must be determined for—

(1) Each weight, altitude, and ambient temperature within the operational limits selected by the applicant;

(2) The selected configuration for takeoff;

(3) The center of gravity in the most unfavorable position;

(4) The operating engine within approved operating limitations; and

(5) Takeoff data based on smooth, dry, hard-surface runway.

(b) *Takeoff speeds.* (1) The decision speed V_1 is the calibrated airspeed on the ground at which, as a result of engine failure or other reasons, the pilot is assumed to have made a decision to continue or discontinue the takeoff. The speed V_1 must be selected by the applicant but may not be less than—

(i) 1.10 V_{MC};

(ii) 1.10 V_{MC};

(iii) A speed that allows acceleration to V_1 and stop under paragraph (c) of this section; or

(iv) A speed at which the airplane can be rotated for takeoff and shown to be adequate to safely continue the takeoff, using normal piloting skill, when the critical engine is suddenly made inoperative.

(2) The initial climb out speed V_2, in terms of calibrated airspeed, must be selected by the applicant so as to allow the gradient of climb required in § 6(b)(2), but it must not be less than V_1 or less than 1.2 V_{s1}.

(3) Other essential takeoff speeds necessary for safe operation of the airplane.

(c) *Accelerate-stop distance.* (1) The accelerate-stop distance is the sum of the distances necessary to—

(i) Accelerate the airplane from a standing start to V_1; and

(ii) Come to a full stop from the point at which V_1 is reached assuming that in the case of engine failure, failure of the critical engine is recognized by the pilot at the speed V_1.

(2) Means other than wheel brakes may be used to determine the accelerate-stop distance if that means is available with the critical engine inoperative and—

(i) Is safe and reliable;

(ii) Is used so that consistent results can be expected under normal operating conditions; and

(iii) Is such that exceptional skill is not required to control the airplane.

(d) *All engine operating takeoff distance.* The all engine operating takeoff distance is the horizontal distance required to take off and climb to a height of 50 feet above the takeoff surface under the procedures in 14 CFR 23.51(a).

(e) *One-engine-inoperative takeoff.* Determine the weight for each altitude and temperature within the operational limits established for the airplane, at which the airplane has the capability, after failure of the critical engine at V_1 determined under paragraph (b) of this section, to take off and climb at not less than V_2 to a height 1,000 feet above the takeoff surface and attain the speed and configuration at which compliance is shown with the en route one-engine-inoperative gradient of climb specified in § 6(c).

(f) *One-engine-inoperative takeoff flight path data.* The one-engine-inoperative takeoff flight path data consist of takeoff flight paths extending from a standing start to a point in the takeoff at which the airplane reaches a height 1,000 feet above the takeoff surface under paragraph (e) of this section.

6. *Climb*—(a) *Landing climb: all-engines-operating.* The maximum weight must be determined with the airplane in the landing configuration, for each altitude, and ambient temperature within the operational limits established for the airplane, with the most unfavorable center of gravity, and out-of-ground effect in free air, at which the steady gradient of climb will not be less than 3.3 percent, with:

(1) The engines at the power that is available 8 seconds after initiation of movement of the power or thrust controls from the minimum flight idle to the takeoff position.

(2) A climb speed not greater than the approach speed established under § 7 and not less than the greater of 1.05 V_{MC} or 1.10 V_{s1}.

(b) *Takeoff climb: one-engine-inoperative.* The maximum weight at which the airplane meets the minimum climb performance specified in paragraphs (1) and (2) of this paragraph must be determined for each altitude and ambient temperature within the operational limits established for the airplane, out-of-ground effect in free air, with the airplane in the takeoff configuration, with the most unfavorable center of gravity, the critical engine inoperative, the remaining engines at the maximum takeoff power or thrust, and the propeller of the inoperative engine windmilling with the propeller controls in the normal position except that, if an approved automatic feathering system is installed, the propellers may be in the feathered position:

(1) *Takeoff: landing gear extended.* The minimum steady gradient of climb must be measurably positive at the speed V_1.

(2) *Takeoff: landing gear retracted.* The minimum steady gradient of climb may not be less than 2 percent at speed V_2. For airplanes with fixed landing gear this requirement must be met with the landing gear extended.

(c) *En route climb: one-engine-inoperative.* The maximum weight must be determined for each altitude and ambient temperature within the operational limits established for the airplane, at which the steady gradient of climb is not less 1.2 percent at an altitude

1,000 feet above the takeoff surface, with the airplane in the en route configuration, the critical engine inoperative, the remaining engine at the maximum continuous power or thrust, and the most unfavorable center of gravity.

7. *Landing.* (a) The landing field length described in paragraph (b) of this section must be determined for standard atmosphere at each weight and altitude within the operational limits established by the applicant.

(b) The landing field length is equal to the landing distance determined under 14 CFR 23.75(a) divided by a factor of 0.6 for the destination airport and 0.7 for the alternate airport. Instead of the gliding approach specified in 14 CFR 23.75(a)(1), the landing may be preceded by a steady approach down to the 50-foot height at a gradient of descent not greater than 5.2 percent (3°) at a calibrated airspeed not less than $1.3V_{S1}$.

Trim

8—*Trim* (a) *Lateral and directional trim.* The airplane must maintain lateral and directional trim in level flight at a speed of V_H or V_{MO}/M_{MO}, whichever is lower, with landing gear and wing flaps retracted.

(b) *Longitudinal trim.* The airplane must maintain longitudinal trim during the following conditions, except that it need not maintain trim at a speed greater than V_{MO}/M_{MO}:

(1) In the approach conditions specified in 14 CFR 23.161(c)(3) through (5), except that instead of the speeds specified in those paragraphs, trim must be maintained with a stick force of not more than 10 pounds down to a speed used in showing compliance with § 7 or $1.4V_{S1}$, whichever is lower.

(2) In level flight at any speed from V_H or V_{MO}/M_{MO}, whichever is lower, to either V_X or $1.4V_{S1}$, with the landing gear and wing flaps retracted.

Stability

9. *Static longitudinal stability.* (a) In showing compliance with 14 CFR 23.175(b) and with paragraph (b) of this section, the airspeed must return to within ±7½ percent of the trim speed.

(b) *Cruise stability.* The stick force curve must have a stable slope for a speed range of ±50 knots from the trim speed except that the speeds need not exceed V_{FC}/M_{FC} or be less than $1.4V_{S1}$. This speed range will be considered to begin at the outer extremes of the friction band and the stick force may not exceed 50 pounds with—

(1) Landing gear retracted;

(2) Wing flaps retracted;

(3) The maximum cruising power as selected by the applicant as an operating limitation for turbine engines or 75 percent of maximum continuous power for reciprocating engines except that the power need not exceed that required at V_{MO}/M_{MO};

(4) Maximum takeoff weight; and

(5) The airplane trimmed for level flight with the power specified in paragraph (3) of this paragraph.

V_{FC}/M_{FC} may not be less than a speed midway between V_{MO}/M_{MO} and V_{DF}/M_{DF}, except that, for altitudes where Mach number is the limiting factor, M_{FC} need not exceed the Mach number at which effective speed warning occurs.

(c) *Climb stability (turbopropeller powered airplanes only).* In showing compliance with 14 CRF 23.175(a). An applicant must instead of the power specified in 14 CFR 23.175(a)(4), use the maximum power or thrust selected by the applicant as an operating limitation for use during climb at the best rate of climb speed, except that the speed need not be less than $1.4V_{S1}$.

Stalls

10. *Stall warning.* If artificial stall warning is required to comply with 14 CFR 23.207, the warning device must give clearly distinguishable indications under expected conditions of flight. The use of a visual warning device that requires the attention of the crew within the cockpit is not acceptable by itself.

Control Systems

11. *Electric trim tabs.* The airplane must meet 14 CFR 23.677 and in addition it must be shown that the airplane is safely controllable and that a pilot can perform all the maneuvers and operations necessary to effect a safe landing following any probable electric trim tab runaway which might be reasonably expected in service allowing for appropriate time delay after pilot recognition of the runaway. This demonstration must be conducted at the critical airplane weights and center of gravity positions.

Instruments: Installation

12. *Arrangement and visibility.* Each instrument must meet 14 CFR 23.1321 and in addition:

(a) Each flight, navigation, and powerplant instrument for use by any pilot must be plainly visible to the pilot from the pilot's station with the minimum practicable deviation from the pilot's normal position and line of vision when the pilot is looking forward along the flight path.

(b) The flight instruments required by 14 CFR 23.1303 and by the applicable operating rules must be grouped on the instrument panel and centered as nearly as practicable about the vertical plane of each pilot's forward vision. In addition—

(1) The instrument that most effectively indicates the attitude must be in the panel in the top center position;

(2) The instrument that most effectively indicates the airspeed must be on the panel directly to the left of the instrument in the top center position;

(3) The instrument that most effectively indicates the altitude must be adjacent to and directly to the right of the instrument in the top center position; and

(4) The instrument that most effectively indicates direction of flight must be adjacent to and directly below the instrument in the top center position.

13. *Airspeed indicating system.* Each airspeed indicating system must meet 14 CFR 23.1323 and in addition:

(a) Airspeed indicating instruments must be of an approved type and must be calibrated to indicate true airspeed at sea level in the standard atmosphere with a minimum practicable instrument calibration error when the corresponding pitot and static pressures are supplied to the instruments.

(b) The airspeed indicating system must be calibrated to determine the system error, i.e., the relation between IAS and CAS, in flight and during the accelerate-takeoff ground run. The ground run calibration must be obtained between 0.8 of the minimum value of V_1 and 1.2 times the maximum value of V_1, considering the approved ranges of altitude and weight. The ground run calibration is determined assuming an engine failure at the minimum value of V_1.

(c) The airspeed error of the installation excluding the instrument calibration error, must not exceed 3 percent or 5 knots whichever is greater, throughout the speed range from V_{MO} to $1.3V_{S1}$ with flaps retracted and from $1.3V_{S0}$ to V_{FE} with flaps in the landing position.

(d) Information showing the relationship between IAS and CAS must be shown in the Airplane Flight Manual.

14. *Static air vent system.* The static air vent system must meet 14 CFR 23.1325. The altimeter system calibration must be determined and shown in the Airplane Flight Manual.

Operating Limitations and Information

15. *Maximum operating limit speed V_{MO}/M_{MO}.* Instead of establishing operating limitations based on V_{NE} and V_{NO}, the applicant must establish a maximum operating limit speed V_{MO}/M_{MO} as follows:

(a) The maximum operating limit speed must not exceed the design cruising speed V_C and must be sufficiently below V_D/M_D or V_{DF}/M_{DF} to make it highly improbable that the latter speeds will be inadvertently exceeded in flight.

(b) The speed V_{MO} must not exceed $0.8\ V_D/M_D$ or $0.8\ V_{DF}/M_{DF}$ unless flight demonstrations involving upsets as specified by the Administrator indicate a lower speed margin, will not result in speeds exceeding V_D/MD or V_{DF}. Atmospheric variations, horizontal gusts, system and equipment errors, and airframe production variations are taken into account.

16. *Minimum flight crew.* In addition to meeting 14 CFR 23.1523, the applicant must establish the minimum number and type of qualified flight crew personnel sufficient for safe operation of the airplane considering—

(a) Each kind of operation for which the applicant desires approval;

(b) The workload on each crewmember considering the following:

(1) Flight path control.

(2) Collision avoidance.

(3) Navigation.

(4) Communications.

(5) Operation and monitoring of all essential aircraft systems.

(6) Command decisions; and

(c) The accessibility and ease of operation of necessary controls by the appropriate crewmember during all normal and emergency operations when at the crewmember flight station.

17. *Airspeed indicator.* The airspeed indicator must meet 14 CFR 23.1545 except that, the airspeed notations and markings in terms of V_{NO} and V_{NE} must be replaced by the V_{MO}/M_{MO} notations. The airspeed

indicator markings must be easily read and understood by the pilot. A placard adjacent to the airspeed indicator is an acceptable means of showing compliance with 14 CFR 23.1545(c).

Airplane Flight Manual

18. *General.* The Airplane Flight Manual must be prepared under 14 CFR 23.1583 and 23.1587, and in addition the operating limitations and performance information in §§ 19 and 20 must be included.

19. *Operating limitations.* The Airplane Flight Manual must include the following limitations—

(a) *Airspeed limitations.* (1) The maximum operating limit speed V_{MO}/M_{MO} and a statement that this speed limit may not be deliberately exceeded in any regime of flight (climb, cruise, or descent) unless a higher speed is authorized for flight test or pilot training;

(2) If an airspeed limitation is based upon compressibility effects, a statement to this effect and information as to any symptoms, the probable behavior of the airplane, and the recommended recovery procedures; and

(3) The airspeed limits, shown in terms of V_{MO}/M_{MO} instead of V_{NO} and V_{NE}.

(b) *Takeoff weight limitations.* The maximum takeoff weight for each airport elevation, ambient temperature, and available takeoff runway length within the range selected by the applicant may not exceed the weight at which—

(1) The all-engine-operating takeoff distance determined under § 5(b), or the accelerate-stop distance determined under § 5(c), whichever is greater, is equal to the available runway length;

(2) The airplane complies with the one-engine-inoperative takeoff requirements specified in § 5(e); and

(3) The airplane complies with the one-engine-inoperative takeoff and en route climb requirements specified in §§ 6 (b) and (c).

(c) *Landing weight limitations.* The maximum landing weight for each airport elevation (standard temperature) and available landing runway length, within the range selected by the applicant. This weight may not exceed the weight at which the landing field length determined under § 7(b) is equal to the available runway length. In showing compliance with this operating limitation, it is acceptable to assume that the landing weight at the destination will be equal to the takeoff weight reduced by the normal consumption of fuel and oil en route.

20. *Performance information.* The Airplane Flight Manual must contain the performance information determined under the performance requirements of this appendix. The information must include the following:

(a) Sufficient information so that the takeoff weight limits specified in § 19(b) can be determined for all temperatures and altitudes within the operation limitations selected by the applicant.

(b) The conditions under which the performance information was obtained, including the airspeed at the 50-foot height used to determine landing distances.

(c) The performance information (determined by extrapolation and computed for the range of weights between the maximum landing and takeoff weights) for—

(1) Climb in the landing configuration; and

(2) Landing distance.

(d) Procedure established under § 4 related to the limitations and information required by this section in the form of guidance material including any relevant limitations or information.

(e) An explanation of significant or unusual flight or ground handling characteristics of the airplane.

(f) Airspeeds, as indicated airspeeds, corresponding to those determined for takeoff under § 5(b).

21. *Maximum operating altitudes.* The maximum operating altitude to which operation is allowed, as limited by flight, structural, powerplant, functional, or equipment characteristics, must be specified in the Airplane Flight Manual.

22. *Stowage provision for Airplane Flight Manual.* Provision must be made for stowing the Airplane Flight Manual in a suitable fixed container which is readily accessible to the pilot.

23. *Operating procedures.* Procedures for restarting turbine engines in flight (including the effects of altitude) must be set forth in the Airplane Flight Manual.

Airframe Requirements

Flight Loads

24. *Engine torque.* (a) Each turbopropeller engine mount and its supporting structure must be designed for the torque effects of:

(1) The conditions in 14 CFR 23.361(a).

(2) The limit engine torque corresponding to takeoff power and propeller speed multiplied by a factor accounting for propeller control system malfunction, including quick feathering action, simultaneously with 1g level flight loads. In the absence of a rational analysis, a factor of 1.6 must be used.

(b) The limit torque is obtained by multiplying the mean torque by a factor of 1.25.

25. *Turbine engine gyroscopic loads.* Each turbopropeller engine mount and its supporting structure must be designed for the gyroscopic loads that result, with the engines at maximum continuous r.p.m., under either—

(a) The conditions in 14 CFR 23.351 and 23.423; or

(b) All possible combinations of the following:

(1) A yaw velocity of 2.5 radians per second.

(2) A pitch velocity of 1.0 radians per second.

(3) A normal load factor of 2.5.

(4) Maximum continuous thrust.

26. *Unsymmetrical loads due to engine failure.* (a) Turbopropeller powered airplanes must be designed for the unsymmetrical loads resulting from the failure of the critical engine including the following conditions in combination with a single malfunction of the propeller drag limiting system, considering the probable pilot corrective action on the flight controls:

(1) At speeds between V_{MC} and V_D, the loads resulting from power failure because of fuel flow interruption are considered to be limit loads.

(2) At speeds between V_{MC} and V_C, the loads resulting from the disconnection of the engine compressor from the turbine or from loss of the turbine blades are considered to be ultimate loads.

(3) The time history of the thrust decay and drag buildup occurring as a result of the prescribed engine failures must be substantiated by test or other data applicable to the particular engine-propeller combination.

(4) The timing and magnitude of the probable pilot corrective action must be conservatively estimated considering the characteristics of the particular engine-propeller-airplane combination.

(b) Pilot corrective action may be assumed to be initiated at the time maximum yawing velocity is reached, but not earlier than 2 seconds after the engine failure. The magnitude of the corrective action may be based on the control forces in 14 CFR 23.397 except that lower forces may be assumed where it is shown by analysis or test that these forces can control the yaw and roll resulting from the prescribed engine failure conditions.

Ground Loads

27. *Dual wheel landing gear units.* Each dual wheel landing gear unit and its supporting structure must be shown to comply with the following:

(a) *Pivoting.* The airplane must be assumed to pivot about one side of the main gear with the brakes on that side locked. The limit vertical load factor must be 1.0 and the coefficient of friction 0.8. This condition need apply only to the main gear and its supporting structure.

b. *Unequal tire inflation.* A 60–40 percent distribution of the loads established under 14 CFR 23.471 through 23.483 must be applied to the dual wheels.

(c) *Flat tire.* (1) Sixty percent of the loads in 14 CFR 23.471 through 23.483 must be applied to either wheel in a unit.

(2) Sixty percent of the limit drag and side loads and 100 percent of the limit vertical load established under 14 CFR 23.493 and 23.485 must be applied to either wheel in a unit except that the vertical load need not exceed the maximum vertical load in paragraph (c)(1) of this section.

Fatigue Evaluation

28. *Fatigue evaluation of wing and associated structure.* Unless it is shown that the structure, operating stress levels, materials and expected use are comparable from a fatigue standpoint to a similar design which has had substantial satisfactory service experience, the strength, detail design, and the fabrication of those parts of the wing, wing carrythrough, and attaching structure whose failure would be catastrophic must be evaluated under either—

(a) A fatigue strength investigation in which the structure is shown by analysis, tests, or both to be able to withstand the repeated loads of variable magnitude expected in service; or

(b) A fail-safe strength investigation in which it is shown by analysis, tests, or both that catastrophic failure of the structure is not probable after fatigue, or obvious partial failure, of a principal structural element, and that the remaining structure is able to

withstand a static ultimate load factor of 75 percent of the critical limit load factor at *Vc*. These loads must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered.

Design and Construction

29. *Flutter.* For multiengine turbopropeller powered airplanes, a dynamic evaluation must be made and must include—

(a) The significant elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the plane of the propeller; and

(b) Engine-propeller-nacelle stiffness and damping variations appropriate to the particular configuration.

Landing Gear

30. *Flap operated landing gear warning device.* Airplanes having retractable landing gear and wing flaps must be equipped with a warning device that functions continuously when the wing flaps are extended to a flap position that activates the warning device to give adequate warning before landing, using normal landing procedures, if the landing gear is not fully extended and locked. There may not be a manual shutoff for this warning device. The flap position sensing unit may be installed at any suitable location. The system for this device may use any part of the system (including the aural warning device) provided for other landing gear warning devices.

Personnel and Cargo Accommodations

31. *Cargo and baggage compartments.* Cargo and baggage compartments must be designed to meet 14 CFR 23.787 (a) and (b), and in addition means must be provided to protect passengers from injury by the contents of any cargo or baggage compartment when the ultimate forward inertia force is 9*g*.

32. *Doors and exits.* The airplane must meet 14 CFR 23.783 and 23.807(a)(3), (b), and (c), and in addition:

(a) There must be a means to lock and safeguard each external door and exit against opening in flight either inadvertently by persons, or as a result of mechanical failure. Each external door must be operable from both the inside and the outside.

(b) There must be means for direct visual inspection of the locking mechanism by crewmembers to determine whether external doors and exists, for which the initial opening movement is outward, are fully locked. In addition, there must be a visual means to signal to crewmembers when normally used external doors are closed and fully locked.

(c) The passenger entrance door must qualify as a floor level emergency exit. Each additional required emergency exit except floor level exits must be located over the wing or must be provided with acceptable means to assist the occupants in descending to the ground. In addition to the passenger entrance door:

(1) For a total seating capacity of 15 or less, an emergency exit as defined in 14 CFR 23.807(b) is required on each side of the cabin.

(2) For a total seating capacity of 16 through 23, three emergency exits as defined in 14 CFR 23.807(b) are required with one on the same side as the door and two on the side opposite the door.

(d) An evacuation demonstration must be conducted utilizing the maximum number of occupants for which certification is desired. It must be conducted under simulated night conditions utilizing only the emergency exists on the most critical side of the aircraft. The participants must be representative of average airline passengers with no previous practice or rehearsal for the demonstration. Evacuation must be completed within 90 seconds.

(e) Each emergency exit must be marked with the work "Exit" by a sign which has white letters 1 inch high on a red background 2 inches high, be self-illuminated or independently internally electrically illuminated, and have a minimum luminescence (brightness) of at least 160 microlamberts. The colors may be reversed if the passenger compartment illumination is essentially the same.

(f) Access to window type emergency exits must not be obstructed by seats or seat backs.

(g) The width of the main passenger aisle at any point between seats must equal or exceed the values in the following table:

Total seating capacity	Minimum main passenger aisle width	
	Less than 25 inches from floor	25 inches and more from floor
10 through 23	9 inches	15 inches

Miscellaneous

33. *Lightning strike protection.* Parts that are electrically insulated from the basic airframe must be connected to it through lightning arrestors unless a lightning strike on the insulated part—

(a) Is improbable because of shielding by other parts; or

(b) Is not hazardous.

34. *Ice protection.* If certification with ice protection provisions is desired, compliance with the following must be shown:

(a) The recommended procedures for the use of the ice protection equipment must be set forth in the Airplane Flight Manual.

(b) An analysis must be performed to establish, on the basis of the airplane's operational needs, the adequacy of the ice protection system for the various components of the airplane. In addition, tests of the ice protection system must be conducted to demonstrate that the airplane is capable of operating safely in continuous maximum and intermittent maximum icing conditions as described in Appendix C of 14 CFR Part 25.

(c) Compliance with all or portions of this section may be accomplished by reference, where applicable because of similarity of the designs, to analysis and tests performed by the applicant for a type certificated model.

35. *Maintenance information.* The applicant must make available to the owner at the time of delivery of the airplane the information the applicant considers essential for the proper maintenance of the airplane. That information must include the following:

(a) Description of systems, including electrical, hydraulic, and fuel controls.

(b) Lubrication instructions setting forth the frequency and the lubricants and fluids which are to be used in the various systems.

(c) Pressures and electrical loads applicable to the various systems.

(d) Tolerances and adjustments necessary for proper functioning.

(e) Methods of leveling, raising, and towing.

(f) Methods of balancing control surfaces.

(g) Identification of primary and secondary structures.

(h) Frequency and extent of inspections necessary to the proper operation of the airplane.

(i) Special repair methods applicable to the airplane.

(j) Special inspection techniques, such as X-ray, ultrasonic, and magnetic particle inspection.

(k) List of special tools.

Propulsion

General

36. *Vibration characteristics.* For turbopropeller powered airplanes, the engine installation must not result in vibration characteristics of the engine exceeding those established during the type certification of the engine.

37. *Inflight restarting of engine.* If the engine on turbopropeller powered airplanes cannot be restarted at the maximum cruise altitude, a determination must be made of the altitude below which restarts can be consistently accomplished. Restart information must be provided in the Airplane Flight Manual.

38. *Engines.* (a) *For turbopropeller powered airplanes.* The engine installation must comply with the following:

(1) *Engine isolation.* The powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or of any system that can affect the engine, will not—

(i) Prevent the continued safe operation of the remaining engines; or

(ii) Require immediate action by any crewmember of continued safe operation.

(2) *Control of engine rotation.* There must be a means to individually stop and restart the rotation of any engine in flight except that engine rotation need not be stopped if continued rotation could not jeopardize the safety of the airplane. Each component of the stopping and restarting system on the engine side of the firewall, and that might be exposed to fire, must be at least fire resistant. If hydraulic propeller feathering systems are used for this purpose, the feathering lines must be at least fire resistant under the operating conditions that may be expected to exist during feathering.

(3) *Engine speed and gas temperature control devices.* The powerplant systems associated with engine control devices, systems, and instrumentation must provide reasonable assurance that those engine operating limitations that adversely affect turbine rotor structural integrity will not be exceeded in service.

(b) *For reciprocating engine powered airplanes.* To provide engine isolation, the powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or of any system that can affect that engine, will not—

(1) Prevent the continued safe operation of the remaining engines; or

(2) Require immediate action by any crewmember for continued safe operation.

39. *Turbopropeller reversing systems.* (a) Turbopropeller reversing systems intended for ground operation must be designed so that no single failure or malfunction of the system will result in unwanted reverse thrust under any expected operating condition. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(b) Turbopropeller reversing systems intended for inflight use must be designed so that no unsafe condition will result during normal operation of the system, or from any failure (or reasonably likely combination of failures) of the reversing system, under any anticipated condition of operation of the airplane. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(c) Compliance with this section may be shown by failure analysis, testing, or both for propeller systems that allow propeller blades to move from the flight low-pitch position to a position that is substantially less than that at the normal flight low-pitch stop position. The analysis may include or be supported by the analysis made to show compliance with the type certification of the propeller and associated installation components. Credit will be given for pertinent analysis and testing completed by the engine and propeller manufacturers.

40. *Turbopropeller drag-limiting systems.* Turbopropeller drag-limiting systems must be designed so that no single failure or malfunction of any of the systems during normal or emergency operation results in propeller drag in excess of that for which the airplane was designed. Failure of structural elements of the drag-limiting systems need not be considered if the probability of this kind of failure is extremely remote.

41. *Turbine engine powerplant operating characteristics.* For turbopropeller powered airplanes, the turbine engine powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present to a hazardous degree, during normal and emergency operation within the range of operating limitations of the airplane and of the engine.

42. *Fuel flow.* (a) For turbopropeller powered airplanes—

(1) The fuel system must provide for continuous supply of fuel to the engines for normal operation without interruption due to depletion of fuel in any tank other than the main tank; and

(2) The fuel flow rate for turbopropeller engine fuel pump systems must not be less than 125 percent of the fuel flow required to develop the standard sea level atmospheric conditions takeoff power selected and included as an operating limitation in the Airplane Flight Manual.

(b) For reciprocating engine powered airplanes, it is acceptable for the fuel flow rate for each pump system (main and reserve supply) to be 125 percent of the takeoff fuel consumption of the engine.

Fuel System Components

43. *Fuel pumps.* For turbopropeller powered airplanes, a reliable and independent power source must be provided for each pump used with turbine engines which do not have provisions for mechanically driving the main pumps. It must be demonstrated that the pump installations provide a reliability and durability equivalent to that in 14 CFR 23.991(a).

44. *Fuel strainer or filter.* For turbopropeller powered airplanes, the following apply:

(a) There must be a fuel strainer or filter between the tank outlet and the fuel metering device of the engine. In addition, the fuel strainer or filter must be—

(1) Between the tank outlet and the engine-driven positive displacement pump inlet, if there is an engine-driven positive displacement pump;

(2) Accessible for drainage and cleaning and, for the strainer screen, easily removable; and

(3) Mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself.

(b) Unless there are means in the fuel system to prevent the accumulation of ice on the filter, there must be means to automatically maintain the fuel flow if ice-clogging of the filter occurs; and

(c) The fuel strainer or filter must be of adequate capacity (for operating limitations established to ensure proper service) and of appropriate mesh to insure proper engine operation, with the fuel contaminated to a degree (for particle size and density) that can be reasonably expected in service. The degree of fuel filtering may not be less than that established for the engine type certification.

45. *Lightning strike protection.* Protection must be provided against the ignition of flammable vapors in the fuel vent system due to lightning strikes.

Cooling

46. *Cooling test procedures for turbopropeller powered airplanes.* (a) Turbopropeller powered airplanes must be shown to comply with 14 CFR 23.1041 during takeoff, climb, en route, and landing stages of flight that correspond to the applicable performance requirements. The cooling tests must be conducted with the airplane in the configuration, and operating under the conditions that are critical relative to cooling during each stage of flight. For the cooling tests a temperature is "stabilized" when its rate of change is less than 2° F. per minute.

(b) Temperatures must be stabilized under the conditions from which entry is made into each stage of flight being investigated unless the entry condition is not one during which component and engine fluid temperatures would stabilize, in which case, operation through the full entry condition must be conducted before entry into the stage of flight being investigated to allow temperatures to reach their natural levels at the time of entry. The takeoff cooling test must be preceded by a period during which the powerplant component and engine fluid temperatures are stabilized with the engines at ground idle.

(c) Cooling tests for each stage of flight must be continued until—

(1) The component and engine fluid temperatures stabilize;

(2) The stage of flight is completed; or

(3) An operating limitation is reached.

Induction System

47. *Air induction.* For turbopropeller powered airplanes—

(a) There must be means to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems from entering the engine intake systems; and

(b) The air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing, and taxiing.

48. *Induction system icing protection.* For turbopropeller powered airplanes, each turbine engine must be able to operate throughout its flight power range without adverse effect on engine operation of serious loss of power or thrust, under the icing conditions specified in Appendix C of 14 CFR Part 25. In addition, there must be means to indicate to appropriate flight crewmembers the functioning of the powerplant ice protection system.

49. *Turbine engine bleed air systems.* Turbine engine bleed air systems of turbopropeller powered airplanes must be investigated to determine—

(a) That no hazard to the airplane will result if a duct rupture occurs. This condition must consider that a failure of the duct can occur anywhere between the engine port and the airplane bleed service; and

(b) That, if the bleed air system is used for direct cabin pressurization, it is not possible for hazardous contamination of the cabin air system to occur in event of lubrication system failure.

Exhaust System

50. *Exhaust system drains.* Turbopropeller engine exhaust systems having low spots or pockets must incorporate drains at those locations. These drains must discharge clear of the airplane in normal and ground attitudes to prevent the accumulation of fuel after the failure of an attempted engine start.

Powerplant Controls and Accessories

51. *Engine controls.* If throttles or power levers for turbopropeller powered airplanes are such that any position of these controls will reduce the fuel flow to the engine(s) below that necessary for satisfactory and safe idle operation of the engine while the airplane is in flight, a means must be provided to prevent inadvertent movement of the control into this position. The means provided must incorporate a positive lock or stop at this idle position and must require a separate and distinct operation by the crew to displace the control from the normal engine operating range.

52. *Reverse thrust controls.* For turbopropeller powered airplanes, the propeller reverse thrust controls must have a means to prevent their inadvertent operation The means must have a positive lock or stop at the idle position and must require a separate and distinct operation by the crew to displace the control from the flight regime.

53. *Engine ignition systems.* Each turbopropeller airplane ignition system must be considered an esential electrical load.

54. *Powerplant accessories.* The powerplant accessories must meet 14 CFR 23.1163, and if the continued rotation of any accessory remotely driven by the engine is hazardous when malfunctioning occurs, there must be means to prevent rotation without interfering with the continued operation of the engine.

Powerplant Fire Protection

55. *Fire detector system.* For turbopropeller powered airplanes, the following apply:

(a) There must be a means that ensures prompt detection of fire in the engine compartment. An overtemperature switch in each engine cooling air exit is an acceptable method of meeting this requirement.

(b) Each fire detector must be constructed and installed to withstand the vibration, inertia, and other loads to which it may be subjected in operation.

(c) No fire detector may be affected by any oil, water, other fluids, or fumes that might be present.

(d) There must be means to allow the flight crew to check, in flight, the functioning of each fire detector electric circuit.

(e) Wiring and other components of each fire detector system in a fire zone must be at least fire resistant.

56. *Fire protection, cowling and nacelle skin.* For reciprocating engine prowered airplanes, the engine cowling must be designed and constructed so that no fire originating in the engine compartment can enter either through openings or by burn through, any other region where it would create additional hazards.

57. *Flammable fluid fire protection.* If flammable fluids or vapors might be liberated by the leakage of fluid systems in areas other than engine compartments, there must be means to—

(a) Prevent the ignition of those fluids or vapors by any other equipment; or

(b) Control any fire resulting from that ignition.

Equipment

58. *Powerplant instruments.* (a) The following are required for turbopropeller airplanes:

(1) The instruments required by 14 CFR 23.1305(a)(1) through (4), (b)(2) and (4).

(2) A gas temperature indicator for each engine.

(3) Free air temperature indicator.

(4) A fuel flowmeter indicator for each engine.

(5) Oil pressure warning means for each engine.

(6) A torque indicator or adequate means for indicating power output for each engine.

(7) Fire warning indicator for each engine

(8) A means to indicate when the propeller blade angle is below the low-pitch position corresponding to idle operation in flight.

(9) A means to indicate the functioning of the ice protection system for each engine.

(b) For turbopropeller powered airplanes, the turbopropeller blade position indicator must begin indicating when the blade has moved below the flight low-pitch position.

(c) The following instruments are required for reciprocating engine powered airplanes:

(1) The instruments required by 14 CFR 23.1305.

(2) A cylinder head temperature indicator for each engine.

(3) A manifold pressure indicator for each engine.

Systems and Equipments

General

59. *Function and installation.* The systems and equipment of the airplane must meet 14 CFR 23.1301, and the following:

(a) Each item of additional installed equipment must—

(1) Be of a kind and design appropriate to its intended function;

(2) Be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors, unless misuse or inadvertent actuation cannot create a hazard;

(3) Be installed according to limitations specified for that equipment; and

(4) Function properly when installed.

(b) Systems and installations must be designed to safeguard against hazards to the aircraft in the event of their malfunction or failure.

(c) Where an installation, the functioning of which is necessary in showing compliance with the applicable requirements, requires a power supply, that installation must be considered an essential load on the power supply, and the power sources and the distribution system must be capable of supplying the following power loads in probable operation combinations and for probable durations:

(1) All essential loads after failure of any prime mover, power converter, or energy storage device.

(2) All essential loads after failure of any one engine on two-engine airplanes.

(3) In determining the probable operating combinations and durations of essential loads for the power failure conditions described in paragraphs (1) and (2) of this paragraph, it is permissible to assume that the power loads are reduced in accordance with a monitoring procedure which is consistent with safety in the types of operations authorized.

60. *Ventilation.* The ventilation system of the airplane must meet 14 CFR 23.831, and in addition, for pressurized aircraft, the ventilating air in flight crew and passenger compartments must be free of harmful or hazardous concentrations of gases and vapors in normal operation and in the event of reasonably probable failures or malfunctioning of the ventilating, heating, pressurization, or other systems, and equipment. If accumulation of hazardous quantities of smoke in the cockpit area is reasonably probable, smoke evacuation must be readily accomplished.

Electrical Systems and Equipment

61. *General.* The electrical systems and equipment of the airplane must meet 14 CFR 23.1351, and the following:

(a) *Electrical system capacity.* The required generating capacity, and number and kinds of power sources must—

(1) Be determined by an electrical load analysis; and

(2) Meet 14 CFR 23.1301.

(b) *Generating system.* The generating system includes electrical power sources, main power busses, transmission cables, and associated control, regulation and protective devices. It must be designed so that—

(1) The system voltage and frequency (as applicable) at the terminals of all essential load equipment can be maintained within the limits for which the equipment is designed, during any probable operating conditions;

(2) System transients due to switching, fault clearing, or other causes do not make essential loads inoperative, and do not cause a smoke or fire hazard;

(3) There are means, accessible in flight to appropriate crewmembers, for the individual and collective disconnection of the electrical power sources from the system; and

(4) There are means to indicate to appropriate crewmembers the generating system quantities essential for the safe operation of the system, including the voltage and current supplied by each generator.

62. *Electrical equipment and installation.* Electrical equipment, controls, and wiring must be installed so that operation of any one units or system of unit will not adversely affect the simultaneous operation of any other electrical unit or system essential to the safe operation.

63. *Distribution system.* (a) For the purpose of complying with this section, the distribution system includes the distribution busses, their associated feeders, and each control and protective device.

(b) Each system must be designed so that essential load circuits can be supplied in the event of reasonably probable faults or open circuits, including faults in heavy current carrying cables.

(c) If two independent sources of electrical power for particular equipment or systems are required under this appendix, their electrical energy supply must be ensured by means such as duplicate electrical equipment throwover switching, or multichannel or loop circuits separately routed.

64. *Circuit protective devices.* The circuit protective devices for the electrical circuits of the airplane must meet 14 CFR 23.1357, and in addition circuits for loads which are essential to safe operation must have individual and exclusive circuit protection.

[FR Doc. 83-7865 Filed 3-30-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 120, 121, 135, and SFAR 38

[Docket No. 22480; Notice No. 82-13D]

Air Transportation Regulation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of extension of comment period.

SUMMARY: This notice extends the comment period for Notice of Proposed Rulemaking (NPRM) No. 82-13 (47 41486; September 20, 1982). That notice proposes to remove Parts 121 and 135 from the Federal Aviation Regulations and to add a new Part 120 which would implement a concept in aviation safety regulations entitled "Regulation By Objective" (RBO). This extension will allow the public to review and comment on the proposed advisory circular, published in the Proposed Rule section of this issue, detailing acceptable methods of complying with the safety objectives and outlining procedures for using the RBO system, concurrent with the NPRM comment period.

DATE: Comments must be received on or before June 20, 1983.

ADDRESS: Comments on the proposals contained in Notice No. 82-13 may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22480, 800 Independence Avenue SW., Washington, D.C. 20591 or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 22480. Comments may be inspected at Room 916 between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Dave Potter, Air Transportation Division (AFO-200), Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adopting the proposals contained in Notice No. 82-13 are invited. All comments received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with the rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22480." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of Notice No. 82-13 by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of the NPRM. Persons interested in being placed on a mailing list for future BPRM's should also request a copy of Advisory Circular NO. 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Extension of Comment Period

The FAA has determined it is in the public interest to extend the comment period for Notice No. 82-13 to afford the public and aviation industry the opportunity to review the proposed advisory material concurrently with proposed Part 120. The proposed advisory material is published elsewhere in this issue.

Accordingly, the comment period for Notice No. 82-13 is extended to close on June 20, 1983.

List of Subjects in 14 CFR Part 120

Acceptable method of compliance, Air carriers, Air taxi, Air transportation, Air traffic control, Aircraft, Airmen, Airplanes, Airports, Airspace, Airworthiness directives and standards, Airworthiness, Alcohol, Aviation safety, Baggage, Beverages, Cargo, Chemicals, Children, Common carriers, Drugs, Flammable materials, Flight operations personnel, Handicapped, Hazardous materials, Helicopters, Hours of work, Mail, Narcotics, Operating document, Pilots, Safety, Smoking, Transportation, Weapons.

(Sec. 313(a), 314(a), 601 through 610, and 1102, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1355(a), 1421 through 1430, and 1502); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—This document extends the comment period on a notice of proposed rulemaking to afford the public maximum opportunity to review and respond to a proposed regulatory concept. Therefore, this document imposes no regulatory or economic burden on the public or industry. For these reasons, I certify that this document will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA has determined that this notice involves an action which is not a major rule under Executive Order 12291. However, because of the new regulatory concept proposed in Notice No. 82-13, that notice is considered a significant rule under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for Notice No. 82-13 is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Washington, D.C., on March 25, 1983.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 83-8344 Filed 3-30-83; 8:45 am]

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federal register

Thursday
March 31, 1983

Part III

Department of Transportation

Federal Aviation Administration

Transport Category Airplanes; Shoulder Harness

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 23584; Amdt. No. 91-183]

Transport Category Airplanes; Shoulder Harness

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment to the Federal Aviation Regulations brings the shoulder harness rule contained in Part 91 in harmony with Part 121 and, accordingly, relieves transport category airplanes certificated before January 1, 1958, from being required to be equipped with shoulder harness installations at each flight-deck station unless required by the type certification rules under which they were manufactured.

DATES: Effective Date—March 31, 1983. Comments must be received on or before May 2, 1983.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 23584, 800 Independence Avenue, SW., Washington, D.C. 20591; or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Frank M. Jamison, Jr., Project Development Branch, AFO-850, General Aviation and Commercial Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone (202) 426-8150.

SUPPLEMENTARY INFORMATION:

Background

On February 4, 1980, the FAA published Airworthiness Review Program Amendment No. 8, Cabin Safety and Flight Attendant Amendments (45 FR 7750), which amended 14 CFR Parts 23, 25, 27, 29, 91, and 121 to update and improve airworthiness standards applicable to cabin safety and flight attendants. Amendment 91-162 added § 91.200, which prescribed a combined safety belt and shoulder harness requirement for transport category airplanes operating under Subpart D of Part 91. Amendment 91-162 required compliance no later than March 6, 1981; however, § 91.200(b) contained a provision whereby an operator could obtain an extension of the compliance date, but not beyond March 6, 1982, if the operator showed that required hardware was unavailable and submitted an acceptable schedule for compliance which indicated that compliance would be achieved at the earliest practicable date.

Under the provisions of § 91.200(b), the Director of Flight Operations issued 373 letters extending the compliance date to March 6, 1982. The letters were in response to requests by operators who were unable to obtain the necessary hardware because of its unavailability.

Based upon an analysis of the number of operators who continued to be unable to obtain the required hardware, the FAA recognized that a substantial number would be unable to meet the compliance date of March 6, 1982. It became evident that enforcement of the rule, as originally adopted, would cause those operators to suffer a severe and costly penalty because their airplanes would have to be grounded until such time as they could comply with the rule.

The FAA inspection and surveillance staff reviewed the operators' requests and found that, despite the fact that the large majority of operators had been successful in obtaining and installing appropriate equipment, there remained a smaller number of operators who had been unable to do so. In general, this resulted from inadequate equipment-manufacturer production rates and resulting equipment supply shortages. In reviewing this situation, FAA found that, with few exceptions, sufficient time to correct these problems would result if this amendment was adopted and compliance with the equipment installation requirements of § 91.200 would then be achievable without an undue burden to society.

Accordingly, the FAA changed the compliance date specified in § 91.200(b) from March 6, 1982, to March 6, 1983, to allow affected operators additional time to obtain and install the required hardware. Under the amended § 91.200(b), 143 letters were issued extending the compliance date to March 6, 1983.

Amendment 121-177 (47 FR 10515; March 11, 1982) amended § 121.311(e) to exclude transport category airplanes that were type certificated before January 1, 1958, from the requirement for a combined safety belt and shoulder harness at each flight-deck station provided the type certification rules for those aircraft did not specify shoulder harness requirements. This amendment had the effect of creating a stricter requirement in Part 91 than in Part 121.

Need for This Regulatory Change

The FAA has received and continues to receive petitions for exemption from § 91.200 from operators of transport category airplanes type certificated prior to January 1, 1958. While the FAA recognizes that some manufacturers of these older types of airplanes are no longer in business as aircraft manufacturers, the need for shoulder harnesses, especially at each pilot position, is apparent regardless of the type certification date of the airplane. The FAA will study the shoulder harness installation problem for each airplane type certificated prior to January 1, 1958, and may institute additional rulemaking with respect to shoulder harness requirements for flight crewmembers of transport category airplanes type certificated before January 1, 1958.

This rulemaking is intended as an interim measure to provide relief for those operators of airplanes type certificated prior to January 1, 1958, while the FAA conducts a study of those airplanes to establish the facts regarding feasibility of retrofit for installation of combined safety belts and shoulder harnesses at flight-deck stations. This amendment also will achieve a consistency with the shoulder harness requirements of § 121.311(e) of the FAR and thus eliminate a regulatory anomaly. Not adopting this amendment would impose substantial economic losses and inconvenience on the affected operators whose airplanes would have to be grounded.

Description of the Amendment

Accordingly, the FAA amends § 91.200 to except transport category airplanes type certificated prior to January 1, 1958, from the requirement for a combined safety belt and shoulder harness that meets § 25.785 at each flight-deck station. In addition, similar to the rule change made in § 121.311, it is provided that shoulder harnesses and combined safety belt and shoulder harnesses approved and installed prior to March 6, 1980, may continue to be used. The amendment also provides that safety belt and shoulder harness restraint systems may be designed to the inertia load factors established under the certification basis of the airplane.

The FAA is not aware of any problem with complying with the requirement for the combined safety belt and shoulder harness at each flight attendant's seat in the passenger compartment. Therefore,

that requirement remains within § 91.200 as revised paragraph (b).

Need for Immediate Adoption

There is an urgent need to harmonize the requirement of Part 91 with that of Part 121 and avoid placing operators of the affected airplanes in the position of having to ground their equipment and incur devastating financial losses. Accordingly, I find that notice and public procedure are impracticable and contrary to the public interest. In addition, since this amendment relieves a restriction, I find that good cause exists for making this amendment effective in less than 30 days. Further, since the intent of the amendment is to afford such relief to all affected operators after March 6, 1983, I find that good cause exists for applying this amendment retroactively to March 6, 1983. However, interested persons are invited to submit such comments as they may desire regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before May 2, 1983, will be considered by the Administrator, and this amendment may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties.

List of Subjects in 14 CFR Part 91

Air carriers, Aviation safety, Safety, Aircraft, Aircraft pilots, Air traffic control, Liquor, Narcotics, Pilots, Airspace, Air transportation, Cargo, Smoking, Airports, Airworthiness directives and standards.

Adoption of the Amendment

PART 91—GENERAL OPERATING AND FLIGHT RULES

Accordingly, § 91.200 of the Federal Aviation Regulations (14 CFR 91.200) is amended effective March 31, 1983, as follows:

§ 91.200 Shoulder harness.

(a) No person may operate a transport category airplane that was type certificated after January 1, 1958, unless it is equipped at each seat at a flight-deck station with a combined safety belt and shoulder harness that meets the applicable requirements specified in § 25.785 of this chapter, except that—

(1) Shoulder harnesses and combined safety belt and shoulder harnesses that were approved and installed before March 6, 1980, may continue to be used; and

(2) Safety belt and shoulder harness restraint systems may be designed to the inertia load factors established under the certification basis of the airplane.

(b) No person may operate a transport category airplane unless it is equipped at each required flight attendant seat in the passenger compartment with a combined safety belt and shoulder harness that meets the applicable requirements specified in § 25.785 of this chapter, except that—

(1) Shoulder harnesses and combined safety belt and shoulder harnesses that were approved and installed before March 6, 1980, may continue to be used; and

(2) Safety belt and shoulder harness restraint systems may be designed to the inertia load factors established under the certification basis of the airplane.

(Secs. 313, 314, 601, and 603 through 605, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, 1421, and 1423 through 1425); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—This amendment effects a logical regulatory relationship between two provisions in the Federal Aviation Regulations and relieves certain operators from a situation which may involve impossibility of compliance for certain airplanes. Accordingly, the Federal Aviation Administration has determined that this amendment is not a major rule under Executive Order 12291 or a significant regulation under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For the same reasons, I also find that the economic impact is so minimal that no regulatory evaluation is necessary.

Issued in Washington, D.C., on March 15, 1983.

J. Lynn Helms,
Administrator.

[FR Doc. 83-8106 Filed 3-30-83; 8:45 am]
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Part IV

Office of Management and Budget

Controlling Paperwork Burdens on the Public

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OFFICE OF MANAGEMENT AND BUDGET

5 CFR Part 1320

Controlling Paperwork Burdens on the Public

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Final rule.

SUMMARY: This rule implements the provisions of the Paperwork Reduction Act of 1980 (Title 44, U.S.C. Chapter 35) concerning collections of information. This rule is designed both "to minimize the federal paperwork burden for individuals, small businesses, state and local governments, and other persons" and "to maximize the usefulness of information collected by the federal government." The Office of Management and Budget (OMB) published a Notice of Proposed Rulemaking on September 8, 1982, and received comments and suggestions on the proposal. This final rule has been adopted after considering all comments submitted by federal agencies and the public. It will appear as a new Part 1320 of Title 5 of the Code of Federal Regulations, "Controlling Paperwork Burdens on the Public," and will supersede OMB Circular No. A–40.

EFFECTIVE DATE: May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Arnold Strasser, Reports Management Branch, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Telephone (202) 395–6880.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980, Pub. L. No. 96–511, 94 Stat. 2812, codified at Chapter 35 of Title 44 of the United States Code, establishes policies and procedures for controlling paperwork burdens imposed by federal agencies on the public. Section 3516 of the Act authorizes the Director of the Office of Management and Budget (OMB) to "promulgate rules, regulations, or procedures necessary to exercise the authority provided by this Chapter." Sections 3504, 3506, and 3518 of the Act also invest the Director with regulatory authority in this area and require the agencies to comply with OMB directives concerning paperwork control and information management.

This rule implements OMB authority under the Paperwork Reduction Act with respect to the collection of information clearance and other paperwork control functions of the Director. In addition, Section 1320.16 of this rule, concerning inter-agency reporting, implements authority under the Federal Records Act and Section 104 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. § 1111).

This rule does not implement other authorities of the Director of OMB under the Paperwork Reduction Act or related laws, such as statistical policy and coordination, records management, privacy, or federal automatic data processing and telecommunications. (See 44 U.S.C. 3504(d), (e), (f), (g).)

This rule is designed "to minimize the federal paperwork burden for individuals, small businesses, state and local governments, and other persons" and "to maximize the usefulness of information collected by the federal government." 44 U.S.C. 3501(1), (3). The rule supersedes and rescinds OMB Circular A–40. Last revised in 1976, Circular A–40 does not reflect enactment of the Paperwork Reduction Act of 1980.

Elimination of unnecessary paperwork is an important element of the President's program of regulatory relief. The costs and inefficiencies associated with reporting and recordkeeping burdens imposed on the public significantly impede economic growth, consumer satisfaction, full employment, control of prices, and prosperity. Much of the information collection activity of the federal government, of course, is necessary to the enforcement of laws and protection of the public. The Paperwork Reduction Act requires, however, that paperwork requirements not be imposed unless the practical value of the information is worth the burden it imposes. This rule details procedures to ensure that all proposed collections of information meet this stringent test.

On September 8, 1982, OMB published a Notice of Proposed Rulemaking in the **Federal Register**, 47 FR 39515. In response to this notice, OMB has received comments from 54 federal agencies and 90 members of the public. Each comment has been considered in preparing this final rule. In addition, OMB has relied in developing these regulations upon its two years of practical experience of administering the Act. Significant changes in this rule from the proposal published on September 8, and significant comments received, are discussed in detail below. Information contained in the Supplementary Information section of the Notice of Proposed Rulemaking is hereby incorporated in this notice by reference, except insofar as it may be superseded by information in this notice.

1. *Section 1320.1 Purpose.* The citation to Section 104 of the Budget and Accounting Procedures Act of 1950 has been changed to reflect the recodification of Title 31 of the United States Code.

2. *Section 1320.2 Effect.* In response to comments, this section has been amended to clarify that the rule will take effect in its entirety on May 2, 1983. As stated in Section 1320.14(a), however, schedules for agency submission of reporting and recordkeeping requirements in current regulations for OMB review will be developed. This submission process will be completed by December 31, 1983. All reporting and recordkeeping requirements contained in agency rules shall have been reviewed and assigned OMB control numbers by March 1, 1984. These dates have been revised from those in the September notice to provide a more workable period for review.

Some members of the public have suggested that OMB require control numbers for reporting and recordkeeping requirements in current agency rules before these dates. Many such requirements have already been reviewed and assigned control numbers. However, because of uncertainty about the procedures for clearance of reporting and recordkeeping requirements in current regulations, some agencies have not yet submitted such requirements for OMB review. The December 31, 1983 date is therefore necessary to permit submisson and clearance of such requirements on an orderly schedule. OMB anticipates that a substantial portion of these requirements will be submitted and acted upon prior to the first submission deadline.

3. *Section 1320.3 Coverage.* Several clarifications have been made in this section. First, the term "conducted or sponsored" has been substituted for the term "sponsored" to make clear that this rule applies to all collections of information by a federal agency. Second, the phrase "wherever conducted or sponsored" has been added to make clear that the rule applies to all collections of information by federal agencies no matter where they occur, in the United States or abroad.

Several agencies have noted ambiquities in Section 1320.3(c), as proposed. This paragraph stated that the statutory exceptions described in the paragraph apply "only after the investigation or action is sufficiently identified that potential respondents could be aware that the exception applies." OMB agrees that the judgment implied in this limitation was excessively subjective, and has therefore substituted an objective

standard: "only after the agency has opened a case file or its equivalent with respect to a particular party." This will ensure that generalized investigations not targeted to particular persons or companies do not fall within the exception.

Several public comments strongly endorse this section's provisions, especially the clarification of statutory intent in the last sentence. It should be stressed that the exceptions to coverage outlined in this section must be strictly construed: this secton does not permit generalized investigations of classes or categories of persons without necessary Paperwork Reduction Act clearance of paperwork requirements.

4. *Section 1320.4 General Requirements.* Two major issues of concern to the public and the agencies relate to this section: OMB authority to review reporting and recordkeeping requirements in current regulations that were adopted after public notice and comment, and to require display of control numbers on such requirements. These issues will be addressed in turn, followed by other issues raised by the comments.

(a) *OMB authority to review reporting and recordkeeping requirements in current rules adopted after public notice and comment.*

Several agencies and members of the public have commented that OMB's authority to review collections of information does not extend to collection of information requirements contained in agency regulations, and that provisions of this rule implementing OMB authority over such requirements is inconsistant with a memorandum by the Office of Legal Counsel of the Department of Justice (OLC), dated June 22, 1982. These comments are based on a misunderstanding of the Act and of the OLC memorandum.

The language and intent of the Paperwork Reduction Act compel the conclusion that OMB has the authority to review, and in appropriate circumstances to disapprove, paperwork requirements contained in agency regulations. Section 3504(h) of the Act clearly and unambiguously recognizes OMB authority to review, approve, and disapprove collection of information requirements in proposed rules. The argument that paperwork burdens are somehow outside the purview of the Act merely because they are imposed by means of agency rule is thus refuted by the Act itself.

It is not possible to argue that OMB clearance authority is confined to forms and similar instruments. The key terms defining jurisdiction of the Act—"collection of information" and "information collection request"—are both defined expressly to include "reporting and recordkeeping requirements" in addition to "written report forms" and "application forms." 44 U.S.C. § 3502(4), (11). Many reporting requirements are enforced by means of forms, but other reporting requirements and virtually all recordkeeping requirements are imposed by other means, including oral surveys, guidelines, directives, and—most significantly—regulations. Moreover, many forms are themselves specifically contained in regulations, either as part of the regulatory text or as an appendix. The only way all reporting and recordkeeping requirements can be covered by the Act is to cover these other methods for the collection of information, including regulations. An exemption for regulations would result in a large and unwarranted loophole in the Act—a loophole including all forms published in regulations, virtually all recordkeeping requirements, and most reporting requirements not involving a format set by the agency. Such a result would fly in the face of the announced congressional intention to eliminate virtually all exemptions from coverage in the old Federal Reports Act, S. Rep. No. 96–930, at 13. (Indeed, since reporting and recordkeeping requirements were reviewed by OMB and GAO under the Federal Reports Act, the contrary interpretation would actually create new exemptions from coverage and thus weaken—not strengthen—the Federal Reports Act.)

A distinction between reporting requirements in rules and those in forms—with only the latter covered—would also breed confusion, especially for the public. Many forms are published in the Code of Federal Regulations as part of a rule; others are cross-referenced in rules; others closely follow regulatory specifications. If reporting requirements in rules were exempt from OMB review and assignment of control numbers, then many forms would also be exempt—a result that would make it impossible for the public to have confidence in the public protection features of the Act. Moreover, since only rules adopted after notice and comment procedures would be exempt—since other rules are not "collection of information requirements" within the scope of Section 3504(h)—the public could not tell which rules were covered by the Act and which were not. OMB does not believe that Congress could have intended such a result.

That OMB has authority to review reporting and recordkeeping requirements in current rules adopted after public notice and comment is also evident from the history of the Kennedy Amendment to the Act. Prior to the Kennedy Amendment, the Act—which had already passed the House of Representatives—made no distinction whatever between paperwork burdens in forms and paperwork burdens in regulations. All were covered. Senator Kennedy and others, however, were concerned that OMB's authority over paperwork requirements in regulations could disrupt public participation rights under the informal rulemaking provisions of the Administrative Procedure Act. He explained:

> This legislation would permit the Director of OMB to overturn a rule which was adopted by an agency without providing any procedural rights for the people affected by the rule or for the agency that promulgated the rule. Thus, even if an agency has complied with all the appropriate procedural requirements for public notice and comment, and has spent years compiling an adequate agency record, this legislation would permit OMB to overturn that agency decision without even requiring OMB to justify its decision publicly. *Daily Congressional Record* S14689 (November 19, 1980).

Senator Kennedy's proposed accomodation of the Paperwork Reduction Act to the Administrative Procedure Act was to require OMB to participate in the rulemaking by filing public comments. Unless OMB filed such comments (and in the absence of certain other circumstances) it would not be permitted to disapprove the new paperwork requirement. If OMB did participate in the process, however, its ultimate authority to approve or disapprove the new paperwork requirement under the statutory standards would be unimpaired. As observed by Senator Danforth (the only other Senator commenting on the Kennedy Amendment):

> I am willing to accept the Kennedy amendment, which is intended to clarify the authority of the Director of the OMB to review Federal rules and regulations to determine their impact on Federal paperwork. Essentially, as I understand it, the purpose of the Kennedy amendment is to prevent OMB from undoing a collection of information requirement specifically contained in an agency rule after that requirement has gone through the administrative rulemaking process if the OMB Director ignored the rulemaking process. This seems fair enough. *Daily Congressional Record* S14689–90 (November 19, 1980).

The Kennedy Amendment was passed by the Senate, and is now found in Section 3504(h) of the Act. Neither the language of the Amendment nor any comment by a Member of Congress suggested that the Amendment was

intended to affect OMB authority over any reporting or recordkeeping requirements other than those in *proposed* rules undergoing notice and comment rulemaking.

It should be clear from this history that OMB has full authority over paperwork requirements in regulations, limited only by Section 3504(h). Section 3504(h) itself, moreover, is solely a procedural limitation on OMB authority and does not diminish OMB's substantive review powers. Certainly, Section 3504(h) does not altogether exempt any class of collection of information from OMB review. It follows that OMB has authority over reporting and recordkeeping requirements in rules that were in effect when the Act was passed as well as in rules subsequently issued with or without public notice and comment. The purpose of § 1320.14 of this rule is to provide procedural protections for collections of information in current regulations, to ensure the public's right to participate in informal rulemaking proceedings. This resolution is fully in keeping with the spirit and intent of the Kennedy Amendment.

Nor can it be argued that this result is inconsistent with interpretations of the Act by the OLC. Because of the difficulties of the issue, OMB and the Department of the Treasury consulted the OLC on the Act's application to reporting and recordkeeping requirements in current rules. In a memorandum dated June 22, 1982, OLC concluded that the information collection request approval procedures of Sections 3504(c)(1) and 3507 do not apply to such requirements. OLC also affirmed that OMB had been given "broad powers by the Act to initiate and review proposals for changes in existing regulations and to coordinate and improve agency information practices whether contained in regulations or elsewhere." OLC provided further clarification of its views in a supplementary memorandum dated September 24, 1982, in which OLC commented on OMB interpretations and procedures. OLC concluded that "OMB does have authority to review and initiate proposals for change in existing regulations under Section 3504(b)(2) and, in accordance with the standards and limitations established by Sections 3504(h) and 3518(e), to disapprove collection of information requirements and proposed replacements for existing regulations."

Several commenters have argued that OMB review of reporting and recordkeeping requirements in regulations would amount to "regulatory reform" rather than paperwork reduction. As they point out, the legislative history is clear that Congress did not intend the Paperwork Reduction Act to be a "regulatory reform" bill. See H.R. Rep. No. 96–835, at 9; S. Rep. No. 96–930, at 8–9.

However, these comments misconstrue Congress' point. Congress did not mean that paperwork requirements should not be covered merely because they might be contained in regulations; it meant that OMB authority over paperwork should not be expanded to cover non-paperwork matters, *i.e.*, substantive regulatory issues. This is clear from the statute itself, which explicitly grants OMB authority to disapprove a "collection of information requirement *contained in an agency rule.*" 44 U.S.C. 3504(h) (emphasis added). The Statute also expressly states that "the authority of an agency under any other law to prescribe * * * regulations * * * for Federal information activities is subject to the authority conferred on the Director by this chapter." 44 U.S.C. 3518(a).

This is also clear from the legislative history. The Senate Report, for example, states:

> The Committee intends that the Director of OMB continue efforts to oversee the information management and burden aspects *of government regulations.* This emphasis has great promise for minimizing the explosion of paperwork demands on the public because new regulations are causing the greatest growth in information requirement. *However, the Committee dos not intend that "regulatory reform" issues which go beyond the scope of information management and burden be assigned to the Office.* S. Rep. No. 96–930, at 8–9 (emphasis added).

The limitations on OMB's "regulatory reform" power under the Act are implemented not by exempting reporting and recordkeeping requirements in regulations from coverage, but by an explicit substantive restriction on OMB's authority in Section 3518(e) (corresponding to § 1320.20(e) of this rule). As stated in the Senate Report,

> Section 3518(e) . . . results from concern that the authority of this Act might be used to increase the power of OMB over substantive policy . . . . This bill has provisions to guard against that. Section 3518(e) provides that the bill does not affect in any way the powers of the President or OMB respecting the substance of agency policies. Thus S. 1411 draws an important distinction between paperwork management and substantive decisions. S. Rep. No. 96–930, at 56.

It is therefore incorrect to argue that Congress' intention that the Act not be a "regulatory reform" statute means that OMB should have no authority to review reporting and recordkeeping requirements in current rules. Such an interpretation would strip OMB of a major portion of its delegated functions, while adding nothing to Section 3518(e)'s tailored limitations on OMB power over substantive agency policy.

The most difficult issue of statutory construction under the Act is the correct procedural mode for review of reporting and recordkeeping requirements in regulations adopted after public notice and comment. The resolution of that issue is discussed under § 1320.11.

(b) *Control Numbers.* One of the major subjects of comment on paragraph (a) of this section, and on related provisions elsewhere in the rule, is the requirement for display of OMB control numbers on collection of information requirements contained in agency rules adopted after public notice and comment. Most public comments addressing the issue have strongly supported the control number requirement. As frequently pointed out, the control number provides a simple and effective way for the public to tell whether a paperwork burden an agency seeks to impose has been cleared as the Act requires.

Several commenters have opposed applying control numbers to collection of information requirements contained in rules adopted after public notice and comment. These comments do not seem to be based on policy considerations, since they offer no practical or programmatic reasons why OMB should depart from the longstanding requirement of control numbers on such collections. Rather, the comments have argued that OMB lacks the legal authority to require control numbers on such collections.

The main line of argument taken by these comments is that the statutory control number requirement of Section 3507(f) applies specifically to "information collection requests." This argument is beside the point. As noted in the Supplementary Information to the Notice of Proposed Rulemaking, OMB acknowledges that the statutory control number requirement, on its face, applies to information collection requests, and that Section 3504(h)—the section of the Act addressing the clearance of collection of information requirements in proposed rules—does not address the question of control numbers, either to require them or to forbid them. The application of control numbers to collection of information requirements is, however, fully consistent with statutory purposes, and within OMB's regulatory authority under the Act.

The Paperwork Reduction Act vests the Director of OMB with the authority to "develop and implement Federal information policies, principles, standards, and guidelines and [to] provide direction and oversee the review and approval of information collection requests, * * * [and] the reduction of the paperwork burden." 44 U.S.C. 3504(a). That authority must be "exercised consistent with applicable law." *Ibid.* The Director's information policy functions also include "developing and implementing uniform and consistent information resources management policies and overseeing the development of information management principles, standards, and guidelines and promoting their use," 44 U.S.C. 3504(b)(1); "initiating and reviewing proposals for changes in * * * agency procedures to improve information practices," 44 U.S.C. 3504(b)(2); and "evaluating agency information management practices to determine their adequacy and efficiency, and to determine compliance of such practices with the policies, principles, standards, and guidelines promulgated by the Director," 44 U.S.C. 3504(b)(5). Finally, the Director is granted broad regulatory authority by Section 3516: "The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter." The control number requirement for collection of information requirements has been made pursuant to these authorities, and not because it is directly mandated by the Act.

The agencies' obligation to comply with the Director's decisions under these authorities is expressly set out. Section 3518(a) states: "Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information activities is subject to the authority conferred on the Director by this Chapter." Moreover, Section 3506(a) provides that "[e]ach agency shall be responsible for * * * complying with the information policies, principles, standards, and guidelines prescribed by the Director."

Pursuant to these authorities, the Director has concluded that all collections of information, including those mandated by regulations, must display a currently valid OMB control number. Among the reasons for the Director's decision are the following:

First, application of the control number requirement to all Federal collections of information is consistent with the congressional intent:

The Director's responsibility to ensure *all collections of information* display a control number corresponds to the requirement of Section 3507(f) which states an agency shall not engage in a *collection of information* without obtaining a control number from the Director. S. Rep. No. 96–930, at 42 (emphasis added).

Prior to adoption of the Kennedy Amendment (now Section 3504(h)), the Act did not distinguish between "information collection requests" and "collection of information requirements." All were covered: all were subject to the control number requirement. This requirement was for the benefit of the public, as well as for the improved management of the paperwork process. The control number would show "that the Director of OMB is the accountable individual in the government to be sure that the information is needed, is not duplicative of information already collected, and is collected efficiently." S. Rep. No. 96–930, at 9. The Kennedy Amendment was not intended to disturb this.

The purpose of the Amendment, as clearly stated by its proponent and the only other speaker on the floor, was to ensure procedural fairness in public notice and comment rulemaking procedures by denying OMB the authority to disapprove a requirement without having first participated in the rulemaking by filing comments. See 120 Cong. Rec. S14689–90 (1980). Congress expressly preserved OMB's ultimate authority to disapprove a collection of information requirement in a rule. There is no basis for concluding that Congress intended to make such disapproval any less legally enforceable than it was before the Kennedy Amendment was adopted. Nor is there any basis for concluding that Congress intended to take away the public's means of telling whether or not a collection of information had undergone the clearance process and been approved by OMB. The decision of the Director to require control numbers on collection of information requirements contained in rules adopted after public notice and comment thus promotes the purposes of the Act.

Second, experience has shown that assignment of control numbers to reporting and recordkeeping requirements contained in regulations is workable, useful, and easily administered. Dozens of agencies, including the Commodities Futures Trading Commission, the Department of Agriculture, the Department of the Treasury (Bureau of Alcohol, Tobacco, and Firearms), the Environmental Protection Agency, the Nuclear Regulatory Commission, the Securities and Exchange Commission, the Federal Communications Commission, the Equal Employment Opportunity Commission, the Pension Benefit Guaranty Corporation, the Department of Labor, the Department of Health and Human Services, the Federal Maritime Commission, the National Credit Union Administration, and the Department of the Interior, have routinely submitted reporting and recordkeeping requirements in regulations to OMB for review and assignment of control numbers. The assignment of control number to paperwork requirements in regulations by OMB and GAO was the practice under the Federal Reports Act. This practice was presumably known to Congress when it enacted the Paperwork Reduction Act, and there is no evidence that it intended the practice to be changed. OMB believes that altering this established and smoothly-functioning administrative practice would be disruptive.

Third, the control number is an important mechanism for inventorying the paperwork burden, monitoring agency efforts to reduce the burden, coordinating the clearance process with the Information Collection Budget, and keeping track of individual requirements for purposes of periodic review. The Act requires extensive monitoring and inventorying of paperwork requirements. Control numbers are a convenient mechanism for carrying out these statutory responsibilities.

Fourth, the presence of control numbers will alert the public that the Act applies to paperwork requirements in regulations, and will make OMB accountable to the public for reducing burden. As the Senate Report notes, control numbers enable the public to play a "policing role in monitoring agency compliance with the legislation." S. Rep. No. 96–930, at 17. Public comment and participation is a key means of identifying ways to reduce unnecessary paperwork burdens.

Fifth, adherence by the agencies to the control number requirement will eliminate the risk that courts will find reporting and recordkeeping requirements not bearing control numbers unenforceable under Section 3512 of the Act. Although the Office of Legal Counsel memorandum of June 22, 1982 concluded, in effect, that OMB control numbers are not explicity required by the Act itself, that opinion is not binding on the courts. Agency compliance with the requirement will reduce the risk of judicial disruption of regulatory schemes that depend on collection of information by means of regulation.

Finally, display of control numbers on collection of information requirements contained in agency rules is vital to ensuring the integrity of the control number mechanism for information collection requests. Many collections of information contained in rules are in fact "forms" published in the Code of Federal Regulations either as part of the regulatory text or as appendices. When distributed to the public, these forms appear identical to information collection requests not contained in regulations. If the forms do not display a control number, the public will be confused: they may erroneously conclude that a form has not received OMB clearance under the Act and thus may be disregarded with impunity, or they may become persuaded that the lack of a control number is legally meaningless. A similar potential for confusion exists for collections of information mandated by regulation but not implemented by forms. Some such collections—those promulgated pursuant to notice and comment procedures—are "collection of information requirements." The remainder are "information collection requests." Yet the public cannot tell from the face of the Code of Federal Regulations which are which.

The purpose of the Paperwork Reduction Act and of this rule is to protect the public; it would be entirely contrary to the spirit and intent of the Act to make its fundamental public notification mechanisms depend upon legalistic distinctions between "information collection requests" and "collection of information requirements"—distinctions that are in no way discernible on the face of the form or the regulation. The Director's decision to require control numbers for all collections of information eliminates this source of confusion, and thus implements the Congressional intent.

To the extent that opposing comments have relied on a memorandum by the OLC, their reliance is misplaced. As explained in the preamble to the Notice of Proposed Rulemaking, the OLC's June 22, 1982 memorandum did not address the issue of OMB's authority to require control numbers on collection of information requirements in agency rules. Moreover, OLC's September 24, 1982 memorandum stated:

> OMB may require agencies to display control numbers on regulations containing collection of information requirements that have been approved. Such numbers shall function as management devices for purposes of internal OMB processing and inventory, and as a simple means of communicating to the public the fact that a requirement has been reviewed and approved by OMB.

(c) Other issues. Other issues have also been raised concerning paragraph (a) of § 1320.4. Several agencies and members of the public have pointed out that paragraph (a), as printed in the proposed rule, mistakenly eliminated the requirement that voluntary collections of information display control numbers. This conflicted with other sections of the proposed rule, and with the Act itself. The words "if the collection of information is non-voluntary" have been deleted to correct this error.

Several members of the public have requested clarification of how long an approved collection of information may be conducted. The proposed rule has therefore been modified by adding a new sentence: "An agency shall not continue to engage in such collection of information after the expiration date of the control number, unless OMB has approved an extension." This means that the agency must complete the collection of information within the approved time period, and may not engage in the collection or any part of it after the period expires. An agency may, of course, obtain an extension of the period upon a proper showing under the statutory standards.

There has been some confusion over the requirement that collections of information not covered by the Act contain a statement notifying potential respondents of that fact. Several agencies have suggested that this requirement not be imposed; however, the requirement is statutory and cannot be eliminated by regulation. The last sentence of paragraph (a) of this section has been reworded for the sake of clarity. It now reads: "Each agency shall ensure that collections of information required by law or necessary to obtain a benefit and which are submitted to nine or fewer persons shall state that the collection of information is not subject to OMB review under the Act." This notification requirement is not intended to apply to matters which are not collections of information as defined by § 1320.7 of this rule, nor to matters which are exempted from coverage of the Act as a whole under § 1320.3 of this rule. For example, the notification requirement does not apply if the collection of information is directed to federal employees in the course of their employment or if it calls for particularized facts or opinions specifically tailored to a single person. See §§ 1320.7(p), 1320.7(k)(6).

Several members of the public suggested adding the words "for the proper performance of the agency's functions" after the word "necessary" in paragraph (b)(1) of this section. Since the suggested language is part of the terminology of the Act, the comments were adopted.

A new paragraph (c) has been added. This locates all substantive standards for submissions and review of collections of information under the Act in a single place in this rule. The new paragraph (c) sets forth the principles governing OMB review. Most of this material was located in § 1320.11(b) of the proposed rule. The standards are derived from the statutory terms and the legislative history. Subparagraph (1) makes clear that OMB will consider necessary any collection of information specifically mandated by statute or court order. This should be understood to extend to other legal requirements with the force of a statute or court order, such as treaties, executive orders, and international agreements.

A new subparagraph (2) has been added at the request of several agencies to clarify the relationship between OMB approval of the information collection components of a regulation, and subsequent information collection requests implementing such regulation. The new subparagraph provides that OMB will consider necessary any information collection requests specifically required by an agency rule adopted after public notice and comment and approved or not acted upon by OMB pursuant to § 1320.13, but will independently assess any such information collection request to the extent that it deviates from the specifications of the rule.

Paragraph (d), which was lettered as (c) in the proposed rule, has been modified to add the words "for any reason" to conform to the language of Section 3508 of the Act, which provides: "To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary, *for any reason*, the agency may not engage in the collection of the information" (emphasis added).

One agency has objected to § 1320.4(b)(3)'s requirement that OMB ensure that collections of information by federal agencies have "practical utility." The agency argued that the Paperwork Reduction Act "was never intended to provide OMB such wide discretion in controlling the internal information needs of an agency." This comment is based upon a misunderstanding of the Act. Section 3508 of the Act provides: "Before approving a proposed information collection request, the Director shall determine whether the collection of information by an agency is necessary to the proper performance of the functions of the agency, including whether the information will have

practical utility." The act vests this wide discretion in OMB in order to reduce paperwork burdens on the public that the agencies would otherwise impose.

Another agency has suggested that this section apply only to decisions regarding information collection requests, and not to other paperwork reduction clearance decisions. However, Section 3504(c) of the Act provides that "the information collection request clearance *and other paperwork control functions* of the Director shall include . . . determining whether the *collection of information* by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility for the agency" (emphasis added). The issue of clearance of collections of information other than information collection requests has been addressed above.

5. Section 1320.5 Public Protection. Paragraph (a) has been modified to remove redundant language, and to clarify that collections of information submitted to nine or fewer persons are not subject to OMB review under the Act. The language in the proposed rule implied incorrectly that such collections were not subject to the Act at all.

Paragraph (a) has also been reworded, at the request of the Department of the Treasury, to clarify that it applies only to information collection requests. This issue, while difficult to decide under the language of the Act, was resolved by the Director as explained in the preamble to the Notice of Proposed Rulemaking. A number of public comments have challenged OMB's interpretation of the Act, arguing that Section 3512 applies on its face to requirements to "provide" or "maintain" information, that is, to all reporting and recordkeeping requirements, however imposed. On the other hand, Section 3512 refers specifically to "information collection requests"—a term which, as defined in § 1320.7 of this rule, does not encompass collections of information by means of regulation adopted after public notice and comment. OMB's resolution of this issue accommodates Paperwork Reduction Act processes to the requirements of the Administrative Procedure Act. For a full discussion of these issues readers are referred to the preamble to the Notice of Proposed Rulemaking. The objective of this rule is to fulfill the purposes of the Act, including public protection provisions, to the fullest extent possible given legal constraints. Many comments from the public, while differing with the legal interpretation on this point, have commended OMB's success in accomplishing this objective.

A new paragraph (b) has been added, in response to widespread public comment noting the need to protect the public against excessive paperwork requirements in regulations adopted after public notice and comment. Several agencies and members of the public have argued that OMB has no authority to disapprove collection of information requirements in rules. These arguments are addressed in connection with § 1320.4. (See also the discussion of § 1320.11.)

This section addresses the issue of the consequences of OMB disapproval of a collection of information requirement in a regulation adopted after public notice and comment. OMB has explicit statutory authority to disapprove collection of information requirements in proposed rules under Section 3504(h), and it is apparent that Congress intended such disapprovals to be fully enforceable for the benefit of the public. As OLC has advised, "The agency may not engage in a collection of information that has been disapproved by OMB under [the statutory] standards, and a disapproved collection of information requirement may not be enforced against the public."

This section defines what the term "disapproval" means from the point of view of the public. Essentially, it means that agencies may not attempt to conduct or sponsor the disapproved collection, and that if they do, members of the public may not be penalized or denied a benefit for failure to comply. OMB does not anticipate that violations of the Act will often occur, but this section explains the public's rights in such a contingency.

Paragraph (b) expresses this legal conclusion: "Notwithstanding any other provision of law, no person shall be subject to any penalty for failure to comply with any collection of information requirement if the requirement has been disapproved by OMB, unless that disapproval has been overriden by an independent regulatory agency pursuant to § 1320.19." Paragraph (b) also clarifies the status and significance of OMB control numbers on collection of information requirements in agency rules that were adopted after public notice and comment: "The absence of a control number on a collection of information requirement does not, as a legal matter, invalidate such requirement." However, the absence of a control number will serve to alert the public that either the agency has not complied with the applicable legal requirements of this rule, or OMB has disapproved the collection of information requirement. Thus, a member of the public confronting a collection of information requirement with no control number will be able to make further inquiries, and may find that the requirement is unenforceable.

Several agencies and members of the public have expressed concern over possible ambiguities in paragraph (b) of the proposed rule, which has been rewritten as paragraph (c) of this rule. The paragraph explains how paragraphs (a) and (b) affect collections of information which are imposed as the means for proving or satisfying a condition to receiving a benefit or avoiding a penalty. The paragraph has been extensively rewritten for greater clarity. As a general rule, when an agency's collection of information has been disapproved, it must permit persons to satisfy the corresponding legal conditions in any other reasonable manner. For example, if persons with annual income below a given level are eligible for a benefit, but the agency's requirements for proving income are determined by OMB to be unnecessarily burdensome, potential beneficiaries must be permitted to prove their income level in any reasonable manner (until such time as the agency establishes and OMB approves a new specific mode of proof).

Paragraph (c) as rewritten also provides rules for two specific circumstances. First, if an agency's information requirement is disapproved in whole by OMB, then the agency must provide the benefit (or refrain from imposing the penalty) to otherwise eligible persons without requesting any additional information from them. To use the above example: if, in addition to proof of income, the agency attempted to impose an additional, unrelated information requirement, and OMB disaproved it, the agency would have to grant the benefit to all qualifying applicants without requesting the additional information. Second, if an agency's information requirement is ordered modified (*i.e.*, disapproved in part) by OMB, the agency would have to permit persons to satisfy the condition by complying with the information requirement, as modified. For example, if the agency required an applicant to submit three copies of an income verification form, and OMB determined that no more than one copy was necessary, then the agency would have to grant the benefit to applicants submitting one copy of the form. Of course, once the agency has submitted, and OMB has approved, a substitute

information requirement, applicants would be required to comply with it.

Thus, the public does not automatically become entitled to any particular benefit simply because at some point an unapproved collection of information was involved; rather, an individual otherwise entitled to a benefit may not be "subject to a penalty for failing to maintain or provide information" pursuant to the unapproved or disapproved collection of information.

To clarify the meaning of the public protection provision, a new paragraph (d) has been added to this section in response to questions by agencies and the public. The paragraph states that when the public protection provisions of the section apply, no penalty may be imposed by the agency directly, by the agency through judicial process, or by any other person through judicial or administrative process. This is necessary to ensure that disapproved collections of information are not enforced by direct agency action or other means. If a collection of information has been disapproved, no penalty may be imposed. Respondents are free to disregard or ignore disapproved collections of information. The purpose of the public protection clause would be vitiated if other means, such as third party lawsuits under implied or explicit causes of action, were available to enforce the disapproved collections of information.

Several members of the public have argued that absence of a control number on a collection of information requirement contained in a regulation should, in and of itself, invalidate the requirement. Whatever the merits of this point of view as a policy matter, it is precluded by OMB's interpretation of the Act. The practical effect of this rule, however, is to provide notice to the public of possible violations of the Act through the control number system, and thus to accord protection against the unwarranted collection of information by means of regulation.

Several agencies have expressed concern that the public protection clause could result in fraud against the government or in failure to enforce statutory requirements. So long as agencies comply with the procedures and standards of the Act under this rule, no such consequences can occur. In any event, Section 3512 explicitly and unambiguously establishes the congressional policy that the public is free to ignore unapproved information collection requests.

One member of the public has suggested that paragraph (c) set forth a procedure so that respondents can understand their rights. While this comment raises an important issue, the variety of circumstances covered by paragraph (c) is so great that no specific procedure can be developed. OMB will monitor this problem to see whether future changes need to be made.

6. Section 1320.6 General Information Collection Guidelines. Many agencies and some members of the public have filed comments pointing out specific instances in which the general information collection guidelines set forth in this section might not be appropriate. OMB recognizes that these guidelines cannot serve as hard and fast rules. As stated in the preamble to the proposed rule:

> OMB is well aware that the guidelines cannot and should not be strictly enforced on a blanket basis. The guidelines merely represent OMB's judgment that in most circumstances, agencies are not justified in imposing certain kinds of paperwork requirements. They will be relaxed if it is necessary to do so either to satisfy statutory requirements or to meet other reasonable needs.

In general, the public has expressed strong support for these guidelines, while proposing modifications or additions in some paragraphs. Some commenters, including the National Federation of Independent Businesses, have argued that the introductory language—"unless it is able to demonstrate that such collection of information is necessary to satisfy statutory requirements or other reasonable need"—is insufficiently stringent and could provide a "loophole" for agencies to conduct "business as usual." Several commenters have suggested deleting this language altogether; others have suggested substituting the words "essential" or "compelling" for the word "reasonable." OMB recognizes the potential problem, but as many agency comments show, some flexibility is needed in order to tailor these general information collection guidelines to the exigencies of particular situations. After considering the alternatives, OMB has decided to use the term "substantial" to describe the burden on an agency to justify deviation from the guidelines. OMB will diligently implement these guidelines so that exceptions are granted only where appropriate.

The language of this section's introductory paragraph has been revised to make clear that the guidelines apply to the clearance process. No decision by OMB and the agencies to deviate from the guidelines in a particular instance shall create any right to disregard an approved collection of information or any basis for challenging the effectiveness of the approval.

Paragraph (a) established as a "rule of thumb" that agencies should not require respondents to report information more often than quarterly. Many members of the public have suggested that all reporting be annual or semiannual. OMB has considered these comments in light of its experience with agency information requirements. Although in many instances annual or semiannual reporting is sufficient, quarterly reporting is frequently necessary. OMB has thus concluded that the quarterly period is a more realistic general guideline.

Several agencies and members of the public have pointed out specific instances in which reporting more often than quarterly may be necessary, for example: date industry marketing order reporting and certain health-related reporting. OMB will consider these specific instances in the context of individual clearance decisions.

Paragraph (b), as published in the proposed rule, established a guideline of 21 days for the period agencies would allow respondents to complete a written response to a collection of information. Many members of the public have commented that 21 days is not sufficient, suggesting anywhere from 30 to 90 days. OMB has accepted these comments, and altered this guideline to provide for a 30-day response time.

A number of agencies have pointed out specific instances in which the proposed 21 day limitation would be too restrictive. (These comments apply *a fortiori* to the 30 day period in the final rule.) For example, the Securities and Exchange Commission has pointed out that the 21 day timeframe would be inconsistent with certain statutory requirements, and NASA has pointed out that more timely responses may be necessary to the procurement process. The rule provides that exceptions to this guideline will be made where "necessary to satisfy statutory requirements or other substantial need." The agency concerns will thus be considered in making particular clearance decisions.

The Department of Defense has expressed concern that this guideline could interfere with oral or telephonic interviews. However, the guideline only applies to "a written response to an information collection request or requirement." It does not apply to oral or telephonic surveys.

The Department of the Treasury has noted that, since agencies often do not know when the respondent receives a collection of information, it presents

administrative difficulties to measure response time from the time of receipt. OMB recognizes these difficulties. However, these guidelines have been written to the maximum degree possible to promote the convenience of the public. The public cannot be aware of when collections of information are distributed, but only when they are received. Agencies should normally be able to make reasonable judgments concerning date of receipt.

Paragraph (c) generally limits agencies to requiring submission of an original and two copies of any document. Several commenters, including Private Citizen, have specifically applauded this guideline. Five members of the public, however, have commented that agencies should make their own copies and not require the public to duplicate submissions at all. OMB has considered these comments in light of prevailing agency practice and concluded that the provision of a limited number of copies often leads to prompter and more efficient processing of the information. In some instances, service to the public could be delayed if copies are not provided. These comments have therefore not been accepted. NASA has pointed out that contractors are often paid for submitting a contractually determined number of copies of documents, and that in such instances this guideline would be inappropriate. OMB recognizes that this guideline will not always be appropriate, and will honor requests for exemptions in such circumstances.

Several agencies have suggested that this guideline not apply where the document is a carbon-interleaved form. While recognizing that use of a carbon-interleaved form may often be a proper case for an exception to this guideline, OMB also notes that the use of carbon copies can significantly increase the burden on the public by making corrections more difficult. Therefore, this comment has not been accepted.

Paragraph (e) generally prohibits remuneration of respondents, other than contractors or grantees, for responding to collections of information. Public reaction to this guideline has been mixed, with some members of the public believing that remuneration can be a good way to compensate respondents for lost time. A private research organization has commented that this guideline is contrary to Section 3501 (1) and (2) of the Act. However, the purpose of the Act and this rule is to reduce the overall paperwork burden, not to shift it from respondents to the taxpayers at large. To the extent that remuneration induces respondents and agencies to engage in unnecessary paperwork activities, it is inconsistent with the Act. This guideline is therefore an appropriate tool for enforcing the Act.

Paragraph (f), as it appeared in the proposed rule, generally prohibited agencies from requiring respondents to retain records, other than health and medical records, for more than four years. Many members of the public, and some agencies, have suggested that a three year period would be more consistent with typical statutory mandates and agency practices. These comments have been adopted.

Several agencies and one member of the public have pointed out instances in which the proposed four year limit would have been inappropriate. As with the other guidelines, OMB will consider exceptions on a case-by-case basis. The Department of the Treasury has noted that statutory record retention requirements for tax information generally exceed three years. Tax records have therefore been excluded from this guideline.

The Environmental Defense Fund has commented in opposition to this paragraph. The Fund stated that "Chapter 35 of 44 U.S.C. does not explicitly discuss record retention requirements," and that record retention requirements "do not impose additional production burdens on the public." However, the Paperwork Reduction Act specifically refers to "recordkeeping requirements," defining them as requirements "imposed by an agency on persons to maintain specified records." 44 U.S.C. 3502(16). The Fund's view that recordkeeping requirements are not serious burdens on the public is not shared by Congress, which listed *inclusion* of recordkeeping within the clearance process as one of the six key ways in which it had strengthened the prior Federal Reports Act. S. Rep. No. 96–930, at 13. Nor is it shared by the public, judging from the volume of comments applauding this guideline or suggesting that it be strengthened. OMB cannot accept any suggestion that it cease or ease enforcement of the Act with respect to recordkeeping requirements. Of course, a guideline of any particular time period for recordkeeping can have an appearance of arbitrariness, but the three year period chosen is in conformity to most legitimate agency needs.

Paragraph (g) generally prohibits collections of information in connection with statistical surveys not designed to produce results that can be generalized to the universe of study. One member of the public has suggested requiring a specific sampling procedure, but OMB has concluded that this degree of specificity would not be consistent with the variety of agency needs and practices. Another member of the public has suggested that OMB strengthen the guidelines by requiring agencies to agree to aggregate information before releasing it to the public. This concern for confidentiality of information had been directly addressed by adding a new paragraph (i), discussed below.

The Environmental Protection Agency has commented that the intent of this paragraph is unclear and proposed a rewording: "in connection with a survey that is not designed to provide statistically reliable and valid data in response to an agency's program requirements." This comment has not been accepted for two reasons. First, OMB concluded that the term "can be generalized to the universe of study" is more precise and less subjective than the term "statistically reliable and valid." The intent of paragraph (g) is that the data must be quantifiable, testable, and demonstrable. Second, the proposed language would confine the judgment concerning reliability and validity to the relationship of the data to the "agencies' program requirements." As the legislative history of the Act establishes, however, general purpose statistics may be collected by agencies for general agency or public use, without reference to particular program requirements.

The Department of Health and Human Services has proposed amending paragraph (g) to refer to results that can be "generalized to the whole population under survey" instead of "generalized to the universe of study." This comment has been rejected, because the principal focus of a collection of information should be on the universe of study and not merely on the universe under survey. A study does not generally have practical utility if its results have no bearing upon the group about which information is being sought, regardless of how much information may be collected about the survey population.

Paragraph (h) generally requires agencies to take all practicable steps to develop separate and simplified requirements for small businesses and other small entities. Agencies and the public generally favor this provison, although several, including the National Federation of Independent Businesses, have suggested more detailed definitions or linkages to the Regulatory Flexibility Act. OMB has concluded that more precise definitions would not be helpful in this context. Although the aims of the Regulatory Flexibility Act

and of this rule are similar, there is no explicit legal connection between paragraph (h) and the Regulatory Flexibility Act. Nonetheless, the interests of small businesses and other small entities will be greatly furthered by implementation of this rule, since federal paperwork burdens are one of the major impediments to economic activity by small entities.

OMB has adopted two additional guidelines proposed by the public. A new paragraph (i) has been added that generally prohibits agencies from requiring respondents to submit proprietary, trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to guarantee its confidentiality to the extent permitted by law. One of the most serious burdens associated with federal information collection activity is the possibility that information collected under a promise of confidentiality may be inappropriately released to other persons, either inadvertently or as a result of insufficient administrative protections. Procedures for precluding inappropriate release can significantly diminish this burden. Of course, this guideline does not alter any legal obligation of an agency to release information under the Freedom of Information Act or other pertinent law.

A new paragraph (j) has also been added, generally prohibiting agencies from requiring respondents to maintain or provide information in formats other than those in which the information is customarily maintained. This guideline's practical effect is to encourage agencies to make use of computer and other electronic data processing technologies formats used by respondents, instead of requiring hard copies or other costly format changes.

7. Section § 1320.7 Definitions. (a) *Agency § 1320.7(a).* A paragraph has been added incorporating the Paperwork Reduction Act's definition of agency.

(b) *Burden § 1320.7(b).* A comment by Eaton Corporation, W. R. Grace & Co., and Monsanto Company has pointed out that a major component of burden, not explicitly addressed in the proposed definition, is the time taken by lawyers, accountants, and other professional personnel to review submissions of information to federal agencies. OMB has therefore added to this definition the following phrase: "to review its accuracy and the appropriateness of its manner of presentation."

A commenter has suggested that OMB add the word "effort" to the definition of "burden" to conform more closely to the language of the Act. OMB agrees and has revised the wording of paragraph (b) accordingly. Other word changes have been made to subparagraph (b)(1) to improve clarity. These have not modified the substance of the definition.

The Environmental Defense Fund has suggested removing burdens of information collection activities conducted by states in administering federal regulatory programs from coverage of the Act and this regulation. The Business Advisory Council on Federal Reports (BACFR) and Conoco, Inc. express a contrary view. BACFR has stated that exclusion of burden "to the extent that such State or local requirement would be imposed even in the absence of a federal burden" is inappropriate. OMB believes the federal government imposes a burden when it causes another entity to impose or request a collection of information to meet a federal request or requirement. However, if a state exercises its sovereign authority to impose an incremental collection of information beyond that needed to fulfill its responsibility to the federal government, the resulting increment of burden is attributable to the state, not the federal agency. Absent a showing that the state has exercised sovereign authority to impose a collection beyond that needed to meet the federal purpose, the entire burden of the state collection is presumed to be the responsibility of the sponsoring federal agency.

Several agencies have stated that the definition of burden should exclude the time, effort, or financial resources required to conduct tests, inspections, or other activities antecedent to the requirement or request for recordkeeping or reporting. They take this view on the basis that many such activities are integral to their functions. However, as discussed in the preamble to the Notice of Proposed Rulemaking, the burden of a federal collection of information is far greater than the mere time required to record information or to fill out a particular form. For example, the time involved in filling out a tax return is far greater than merely the time spent penning numbers on the form. A proper estimate of "burden" will include the time necessary to keep and compile information, make necessary calculations, and the like. Similarly, the burden of a government request for the reporting of test data properly includes the burden of obtaining the information—including conducting the tests—as well as the mechanical burden of conveying it to the government. It is true that testing and like activities are often integral to an agency's mission. The same is true for other aspects of the collection of information. That is why Congress formulated the "practical utility" test to be applied by OMB—whether "the collection of information is necessary for the proper performance of the functions of the agency." 44 U.S.C. 3504(c)(2), 3508. To exclude the burden of activities necessary to comply with a collection of information would grossly underestimate the actual burden of federal paperwork; to include it for clearance under the "practical utility" test will ensure that federal collections of information impose the least burden necessary for the proper performance of agency functions.

OMB recognizes that the testing component would not be covered and counted as burden under the Paperwork Reduction Act unless the agency requested or required respondents to record or report the results of the tests. OMB believes that this introduces an incentive for agencies to minimize their paperwork requirements while achieving their objectives. Performance standards that specify the results to be obtained without requiring paperwork may, in many instances, achieve the desired results without creating unnecessary paperwork.

Various agencies have asked OMB to prescribe a methodology for estimating burden in the regulation, and a public comment has suggested that burden be separately estimated for different categories of respondent. As discussed in the Notice of Proposed Rulemaking, OMB provides information about burden estimation methodology to agencies in various ways. Moreover, the basis for burden calculations varies widely, depending on the nature and subject of the collection of information and the respondent population. OMB believes that it is more appropriate to allow agencies to estimate burdens in the first instance, subject to OMB review. Comprehensive guidance on burden estimation may be provided as experience grows.

Agency burden estimates must, as one public comment suggests, consider each significant category of respondent to the collection of information. The burden of a question posed to a person with a sophisticated computerized information system already containing the needed data differs significantly from the burden of the same question posed to a person who must search files and manually compile the information. Final estimates of burden should take each situation into consideration.

To obtain such estimates, some agencies may think it appropriate to conduct burden measurement studies. For example, the Treasury Department is conducting a useful baseline burden

study designed to improve burden estimates and identify means of reducing burden. On the other hand, burden measurement studies are inconsistent with Paperwork Reduction Act principles in many instances. If not carefully constructed, the studies produce unreliable data, and add to the burden of the underlying collection. OMB believes that such activities should rarely be undertaken, and then primarily to assist in determining how a burden can be reduced, not merely to improve calculations of burden.

(c) *Collection of Information § 1320.7(c).* OMB has received extensive comments from the public and federal agencies concerning the definition of collection of information. As a general matter, the public favors a definitional approach that would extend the coverage of the Act as far as possible, while the federal agencies argue that OMB's proposed definitions were too expansive. Issues regarding the Act's application to the following have drawn significant comment: (1) labeling and disclosure requirements, (2) audit guides, and (3) requests for proposal or other procurement requirements.

(1) *Labeling and Disclosure Requirements:* OMB's Notice of Proposed Rulemaking set forth the basic rationale supporting inclusion of labeling and disclosure requirements as collections of information covered by the Act. 47 FR 39519–20. Several commenters, however, have expressed the view that the Act applies only to collections of information actually submitted to or filed with an agency. In their opinion, the filing of a document with the agency is a necessary jurisdictional "trigger" for OMB review.

OMB cannot agree with this constricted view of the Act. The primary purpose of the Act is not, as these commenters argue, to reduce paperwork provided *to* the federal government. Rather, it is "to minimize the Federal paperwork for individuals, small businesses, State and local governments, and other persons." 44 U.S.C. 3501(1). Federally required paperwork is just as burdensome when it must be disclosed to third parties or affixed to a label on a product as when it must be filed with the federal government. Under the contrary argument, a collection of information would be covered by the Act if the agency required one copy of a form to be filed with it, but would not be covered if the agency instead ordered that the form be mailed to all interested third parties—an approach that would vastly *increase* the burden of the requirement. An agency could avoid Congress' paperwork control measures and impose excessive information collection burdens on the public simply by removing the "paperwork trail" leading to its own files and imposing third party disclosure and labeling requirements instead.

The Act neither requires nor permits such an illogical and counterproductive result. Its definition of "collection of information" refers to an agency's "obtaining or soliciting of facts or opinions." 44 U.S.C. 3502(4). That the word "solicit" encompasses information collection activities whether or not the federal government will ever "obtain" the information is evident from the disjunctive "or" in the quoted definition. Moreover, the contrary argument proves too much, since the Act clearly covers "recordkeeping requirements" which, by their nature, involve no filing with the federal government. If the Act covered only paperwork provided *to* the federal government, recordkeeping requirements would not be covered.

It would be equally illogical to assume that recordkeeping requirements are the *only* "collections of information" not actually provided to the agency. For example, a requirement to prepare a document and file it would be covered by the Act, but a requirement to prepare the identical document and post it or otherwise make it publicly available would not.

The Department of the Treasury acknowledges that the Act applies to "a disclosure requirement which implicitly requires the collection of . . . information", but has suggested that some disclosure requirements do not require any collection of information and for that reason are not covered by the Act. OMB agrees with this comment. Any agency's "obtaining or soliciting of facts or opinions" from the public is the keystone of the definition of "collection of information." Some disclosure requirements do not involve any such action. An example is the warning label on cigarette packages. Although the label is a federally-mandated disclosure, no collection of information is involved, since the persons subject to the requirement need only transmit to the public information supplied by the federal government. The September proposal specified that OMB's definition of collection of information does not cover this type of disclosure or labeling requirement. *See* 47 FR 39520. Some members of the public have argued that the Act covers labeling or disclosure requirements of this type, but OMB has not accepted these comments because the mere transmittal of information supplied by the federal government is not a "collection of information." Language has been added to the definition to make clear that disclosure and labeling requirements are covered only to the extent that they implicitly or explicitly require a person to collect information for the purpose of the disclosure or labeling.

(2) *Audit Guides:* A number of agencies have argued that the definition of collection of information should not include audit guides because they typically require no information from the public other than that required under other, approved reporting or recordkeeping requirements. These agencies add that many audit guides are non-public and thus do not themselves impose any requirements on the public, and that audit guides are often used in the context of an administrative action or investigation exempted from coverage pursuant to § 1320.3 of this regulation.

OMB believes these comments are well taken and has deleted the reference to audit guides from the definition. This does not mean that an audit guide cannot contain a collection of information covered by the Act. For instance, a public audit guide specifying records to be examined during the course of an audit can constitute a collection of information under the Act if it lists records beyond those required by an approved recordkeeping requirement. However, based on the comments received, OMB believes that this is an unusual circumstance, and that audit guides typically involve recordkeeping requirements established independently and covered by the general provisions of this rule. For this reason, separate reference to audit guides in the regulation would have been potentially misleading or confusing.

(3) *Requests for Proposal or Other Procurement Requirements:* Several agencies have objected to the proposed rule's coverage of procurement activities. On the other hand, the National Federation of Independent Businesses praises this aspect of the September proposal, saying, "Procurement-related paperwork is a major hurdle which many small firms simply cannot overcome * * *. We strongly recommend that OMB resist agency pressure to delete procurement paperwork requirements from its purview."

OMB has reviewed the concerns of the federal agencies on this issue very carefully. The comments provide no basis for exempting procurement-related collections of information from the Act. Most were based on an inaccurate

understanding of what OMB's regulation will require. OMB does not intend to review individual contracts or individual requests for proposal. Rather, OMB will review agencies' general procurement activity formats. This will ensure that the purposes of the Act are fulfilled without delaying the procurement process.

(4) *Other:* Additions to the September proposal have been made clarifying OMB's intent that the regulation cover information collection activities conducted through circulars, directives, instructions, bulletins, and standard questionnaires used to monitor compliance with agency requirements. Several redundant terms have been deleted from subparagraph (c)(1) of § 1320.7. Other changes in this definition are purely editorial.

(d) Collection of Information Requirement § 1320.7(d). OMB has deleted the paragraph in the proposed rule defining "information collection requirement" and substituted a new paragraph (d) defining "collection of information requirement." This term, which appears in Section 3504(h) of the Act but which is not separately defined, refers to collections of information specifically contained in regulations adopted after public notice and comment. The Act provides separate mechanisms for the review and approval of collection of information requirements as opposed to information collection requests. These differences are detailed in §§ 1320.13 and 1320.12, respectively. The primary distinction is that Section 3504(h) of the Act governs the review and approval of collection of information requirements. This section accommodates OMB's paperwork review functions with the notice and comment rulemaking requirements of the Administrative Procedures Act.

It should be noted that the term "collection of information requirement" covers only collections of information specifically contained in an agency rule that is promulgated pursuant to notice and comment. It does not cover collections of information contained in "rules" adopted through means other than notice and comment rulemakings—e.g., rules promulgated pursuant to one of the exemptions from notice and comment rulemaking contained in Section 553 of the APA. The reason for this limited coverage is that Section 3504(h) applies "*only* when an agency publishes a notice of proposed rulemaking and requests public comments." 44 U.S.C. 3504(h)(8) (emphasis added). The term "collection of information requirement" is used solely in connection with Section 3504(h), and does not apply to other agency issuances not within its purview.

It should be noted that a form specifically incorporated in a regulation adopted after notice and comment rulemaking is a collection of information requirement subject to the review provisions of Section 3504(h). At first glance this distinction between forms that are "collection of information requirements" and forms that are "information collection requests"—a distinction that turns entirely on whether the form is specifically contained in a notice and comment regulation—appears potentially confusing for members of the public. This confusion, in turn, could threaten the integrity of the Act itself by undermining the public protection clause, which by its terms applies only to "requests" and not "requirements."

As discussed above, OMB has addressed these problems by providing a uniform scheme requiring control numbers on all collections of information, whether "requirements" or "requests." Thus, the public will not need to investigate whether a form is specifically incorporated in a regulation, because it can readily determine whether the form bears a control number. The distinction between "requests" and "requirements," therefore, is primarily relevant to the procedures that OMB and the agencies must follow, and not to the more fundamental aspects of the Act, such as how the public is informed of whether OMB has approved or disapproved a particular collection of information.

(e) Director § 1320.7(e). "Director" has been defined to include the Director's designee, who for purposes of the Act is the Administrator of the Office of Information and Regulatory Affairs.

(f) Display § 1320.7 (f). A number of minor changes have been made in this paragraph to improve clarity. Most significant was the addition of the phrase "(as part of the regulatory text or as a technical amendment)" into subparagraph 7(f)(2) to indicate more clearly that OMB intends for agencies to incorporate OMB control numbers into the text of regulations so that the numbers will appear in the regulations as published in the Code of Federal Regulations. Publication of control numbers in the preamble to regulations would not have accomplished this purpose. This paragraph reflects current OMB practice.

A commenter has suggested that collections of information display the agency's estimate of burden on the form. OMB has decided not to require such display because it might tend to confuse rather than assist many respondents. Those who would find such information useful can obtain it by asking the issuing agency. Section 1320.11 (a) and (b) describe the information to be provided by agencies to any person making such a request.

Several agencies have suggested that OMB not require the display of expiration dates of OMB control numbers. The Small Business Administration takes an opposite view and recommends that "where reasonably practicable, the OMB control number's expiration date be indicated along with the control number." Since the "public protection" clause of the Act (44 U.S.C. 3512) requires the "information collection request to display a current control number" there must be a convenient way for the public to ascertain whether the control number is current. Displaying the expiration date on the request accomplishes this.

OMB recognizes, however, that under some circumstances display of the expiration date would not serve any useful purpose and might instead create confusion and unnecessary cost to the public. An example would be an annually revised form, such as a tax form, which applies to transactions within a particular year but which may be filed during many years. The regulation provides for appropriate treatment of such exceptional cases. At the suggestion of a public comment, OMB has changed the definition to make it clear that the expiration date must appear on a collection of information *unless* OMB determines it to be inappropriate. This indicates that the general rule is for display of the expiration date, with exceptions to be made only where appropriate. OMB believes that the display requirement in this paragraph strikes an appropriate balance between the administrative needs of federal agencies and the public's need to know when a control number expires.

Collections of information published in the form of regulations need not display expiration dates, since such issuances do not necessarily expire on a date certain, but will be extended without change either for another full period, or for such time as may be necessary to accomplish a regulatory change.

Several comments have been received concerning OMB's authority to require that control numbers be displayed on collection of information requirements. That issue was discussed in Section 4 of this preamble.

(g) Independent Regulatory Agency § 1320.7(i). A definition of "independent

regulatory agency" has been added to the regulation. It follows the statutory definition and specifically includes the National Credit Union Administration in the list of independent agencies. OMB will, as the Act and Section 1320.19 of this regulation require, add other agencies to the list should new legislation designate them to be an independent regulatory agency or commission.

(h) Information § 1320.7(k). This subsection contains the general definition of "information" as well as several specific exclusions from that definition. One member of the public has requested that oral requests be explicitly included in the general definition. OMB has accepted this comment and for the same reason has added the term "oral communication" to the definition of "information collection request."

The introduction to the list of exclusions has been changed to clarify the list's general nature. Some specific cases will require an exercise of judgment, rather than rote application of the words of the rule.

The purpose of the exclusion in paragraph (1) for affidavits, oaths, changes of address and acknowledgments is to exempt routine agency activities that request simple identification of the recipient. Some commenters have expressed concern that the language in the proposal would exempt activities such as "representations and certifications" used not to identify the respondent, but to gain information to determine the applicability of various federal regulations. According to the University of California Systemwide Administration, " 'reps and certs' are often voluminous and may need to be completed literally hundreds of thousands of times each year by large institutions." This exclusion is intended to cover only representations or certifications imposing no burden beyond that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument. This is generally consistent with OMB practice under the Federal Reports Act. A change in the language has been made to clarify this point.

A clause has been added to paragraph (3)—"or through nonstandardized oral communication in connection with such direct observations." This is in response to comments by the Department of Agriculture concerning the need for oral communication during the course of inspections.

With respect to paragraph (4), one commenter has suggested that solicitations for hearings also be excluded from the definition of information. OMB agrees and has incorporated that exclusion in new paragraph (8).

Paragraph (5) has been amended to exclude facts or opinions obtained in connection with medical research as well as in connection with the treatment of a clinical disorder. This change responds to a comment by the University of Southern California School of Medicine.

Some commenters have pointed out that the language in subparagraph (6) of the proposed rule was vague. OMB has revised the language to clarify that it applies only to requests addressed to a single person. Agencies should be prepared to inform respondents upon request that the solicitation is not covered by the Act.

Finally, subparagraphs (7), (8), and (9) have been added in response to comments. Subparagraph (7) responds to comments by several agencies arguing that aptitude tests and similar activities not be included within the definition of information. OMB agrees that Congress did not intend to cover such activities and indeed they were excluded from coverage under Circular A–40. Subparagraph (8) clarifies that collections of information in connection with public hearings and other meetings are not covered, and paragraph (9) is self-explanatory.

(i) Interagency Reporting Requirement § 1320.7(m). Non-substantive changes have been made in this definition, and are intended solely to improve clarity.

(j) Modify § 1320.7(n). At the suggestion of the Business Advisory Council on Federal Reports, the word "modify" has been used, in addition to such terms as "approve" and "disapprove," to signify types of OMB clearance decisions. This new paragraph defines the term "modify" as "to approve in part and disapprove in part." Including the term "modify" is not intended to expand the substantive authorities of OMB, but to provide convenient terminology for the frequent instances in which OMB will approve a submitted collection of information only in part, or upon modification.

(k) Person § 1320.7(p). In response to a request for clarification, the term "person" has been defined to include "operations of government-owned contractor-operated facilities." Such operations are specifically excepted from the statutory definition of "agency," see 44 U.S.C. 3502(1). Since they are not agencies, but are private businesses falling within the purposes of the Act, they are covered as "persons."

(l) Practical Utility § 1320.7(q). A number of public comments suggest expansion of the definition of practical utility to include the following concepts: that the value of the collection should exceed its burden, that the agencies must demonstrate that they actually use the information on a timely basis, and that the information is necessary for the proper performance of the agencies' function. Other public comments suggest that the test of practical utility for certain types of collections of information, such as those conducted to obtain general purpose statistics or to obtain data needed for research into specific areas of inquiry, should be different from that applied to other collections of information. In addition, some agencies have pointed out that recordkeeping requirements imposed by federal agencies could never meet the test of practical utility published in the proposed regulation.

OMB agrees with these comments, and has made two modifications to accommodate them. The first adds "demonstrates actual timely use for" to the sentence describing what factors OMB will consider in determining whether the collection of information has practical utility. The second adds the words "or recordkeeping requirements" to the last sentence of the subsection, shifting the practical utility test for recordkeeping requirements from one of actual use to "uses that can be demonstrated." This is the same as the test applied to general purpose statistics.

The regulation if read as a whole already incorporates the other concepts suggested by the commentors. Clearly some collections, such as general purpose statistics, cannot be shown to have practical utility with respect to a specific program; but they do have practical utility in the sense that they serve many governmental and public purposes and the agency can demonstrate that the statistics are used by others. Research studies conducted by various agencies (e.g., the national institutes) may have practical utility because they further the mission of the agency by obtaining data necessary to determine the current state and causes of various human, economic, or social problems, and assist in the development of policy. Other studies which do not serve these purposes, but which are proposed simply to further the general body of knowledge, can also be useful and important. However, to the extent that the federal government devotes the public's resources to such studies, the studies must be specifically authorized by statute or conducted pursuant to an

agency's program as specifically authorized by law.

(m) Recordkeeping Requirement § 1320.7(r). The Federal Reserve Board comments that the definition in the proposed rule is too broad since it includes records not provided *to* an agency. OMB cannot accept this approach, because the Act defines "recordkeeping requirement" as "a requirement imposed by an agency on persons to maintain specified records" without regard to whether the records must be sent to an agency. 44 U.S.C. 3502(16). It would be particularly inappropriate to constrict the statutory definition of "recordkeeping requirement" since Congress identified the inclusion of all such requirements within the clearance procedures of the Act as one of the six main changes in the law that strengthened the Federal Reports Act. S. Rep. No. 96–930, at 13.

(n) Sponsor § 1320.7(t). An agency has suggested that OMB clarify the definition of "sponsor" to indicate more clearly whether cooperative agreements with state and local governments or other persons involving the collection of information are covered by the definition. Such collections are deemed to be sponsored by the cooperating Federal agency, and a change has been made in this paragraph to make this clear.

(o) Ten or More Persons § 1320.7(u). A number of federal agencies have requested clarification on whether the "presumptions" contained in the September proposal were rebuttable. Comments from the public have generally supported nonrebuttable presumptions (e.g., Comments of the Association of Records Managers and Administrators, Inc.), while comments from the agencies have generally favored making the presumptions rebuttable.

The final rule specifies that there is a nonrebuttable presumption that collections of information contained in a rule of general applicability involve ten or more persons. It is true, as some agencies have pointed out, that some regulations are initially addressed to a population of less than 10 persons—one example given was of a regulation affecting a small number of fishermen. However, rules of general applicability are, by definition, not addressed or limited to specific individuals; they bind all people who in the future may come within the scope of the regulation. While a regulation, when promulgated, may affect less than ten people, the potential universe of coverage is not so limited.

The word "deemed" is used to denote a nonrebuttable presumption.

Regarding collections of information addressed to a substantial majority of an industry, however, OMB agrees with the agency comments suggesting that the presumption be rebuttable, since the number of respondents can, in some instances, be clearly shown to be less than ten. The word "presumed"—in contrast to the word "deemed"—should be interpreted as denoting a rebuttable presumption. Also, OMB has eliminated the reference to the Standard Industrial Classification Manual since those classifications are not directly relevant to the issue of "person" under the Act.

8. *Section 1320.8 Agency Head and Senor Official Responsibilities.* This Section is patterned closely on statutory requirements. The only public comments on it have been favorable. Several agency suggestions have been considered and rejected.

The Small Business Administration urges that this Section specifically refer to the small business protections of § 1320.4(b) and 1320.6. In fact, § 1320.8(a)(2) explicitly requires that the Senior Official shall "independently assess all collections of information to ensure that they meet the criteria specified in § 1320.4(b)." Since § 1320.4(b) refers, in turn, to § 1320.6, no change is needed to accomplish the objectives sought by the Small Business Administration.

The Farmers Home Administration of the Department of Agriculture has protested that § 1320.8(c), which requires agencies to make their "services, personnel, and facilities available to OMB" under certain circumstances would "provide OMB too much authority to accomplish paperwork reduction at the expense of the central program responsibilities." This provision, however, merely implements Section 3515 of the Paperwork Reduction Act, and does not expand OMB's authority.

The reference in paragraph (c) of the proposed rule to 44 U.S.C. § 3502 has been deleted, because the term "independent regulatory agency" is separately defined in the Act and in § 1320.7(i) of this rule.

9. *Section 1320.9 Delegation of Approval Authority.* A number of agency and public comments have requested more specific criteria for OMB's decision to delegate approval authority. Consequently, a new paragraph (b) has been added to provide that no delegation of review authority will be made unless the agency can demonstrate that the Senior Official is sufficiently independent of program responsibility to make a fair evaluation of proposed collections of information and has sufficient resources to discharge such responsibility effectively. Several members of the public have expressed concern that delegations of approval authority be the exception and not the rule. OMB agrees that it is necessary to use caution, but anticipates that such delegations will be useful and appropriate in many instances.

Several members of the public have suggested that they be advised when a delegation takes place. Paragraph (a) of this section requires OMB to comply with Administrative Procedure Act notice and comment procedures before delegating approval authority. These procedures involve full notification of the public through the **Federal Register**, with an opportunity to comment. OMB will, of course, consider all public comments when making individual decisions on delegations.

The Department of Commerce has objected to paragraph (c), which was originally denominated paragraph (b) in the proposed rule, concerning rescissions of delegations of authority. OMB has not accepted this comment, because the Act requires that OMB "shall retain authority to revoke such delegations, both in general and with regard to any specific matter." 44 U.S.C. 1307(e).

10. *Section 1320.10 Information Collection Budget.* Most public comments strongly support this section of the rule. One commenter, for example, describes it as an "absolute must." Another has proposed that exemptions should be deleted completely. This suggestion has been rejected, because of circumstances peculiar to several very small agencies. However, OMB is in accord with the spirit of the comment and will only rarely grant exceptions to the Information Collection Budget requirements.

Two organizations have expressed misgivings about this section. The Environmental Defense Fund comments that "the entire concept of the ICB [Information Collection Budget] is . . . intrinsically disharmonious with the Act," and that the "effect of the ICB is to set a paperwork ceiling for each federal agency above which it may not authorize any additional collections of information without slashing pre-existing ones to an equal degree." The fund goes on to suggest that the Information Collection Budget process "allows for no review of information collection proposals on their individual merits."

These comments are based on a serious misunderstanding of the Act and the Information Collection Budget process. The effect of the provision is to

require each agency to make a comprehensive estimate of the "paperwork budget" for the succeeding year, so that the agency and OMB can assess and enforce information priorities. This is entirely harmonious with congressional enactment of statutory "goals" for the reduction of paperwork by 15% the first year, 25% by the second year. 44 U.S.C. 3505(1). Obviously, a serious attempt to attain such goals and to monitor progress toward them requires a device such as the Information Collection Budget.

An increase in an agency's total paperwork budget for a given year is possible when justified. Contrary to the Fund's interpretation, there is no rigid "paperwork ceiling." If, during the course of a fiscal year, an agency discovers the need for a new collection of information, it must make every effort to reduce the overall burden on the public by reducing the burden of other collections. If this is not possible, however, the rule permits the agency to "obtain supplemental authorization for the additional collection." This is consistent with the statutory goals of Section 3505(1). As observed in the legislative history, the goals are "not binding," but are nonetheless "reasonable and obtainable." S. Rep. No. 96–930, at 12. Similarly, OMB has not treated the Information Collection Budget allocations as strictly "binding." Nevertheless, experience has borne out Congress' expectation that the goals are "reasonable and obtainable": in fact, OMB has significantly exceeded the statutory goals in the first two years, reducing paperwork burdens in effect when the Act was passed by 29%.

Furthermore, in addition to achieving specified paperwork reduction goals, the Act requires OMB to coordinate agency information practices with review of budget proposals, 44 U.S.C. 3504(b)(3), evaluate progress toward its statutory paperwork reduction goals, 44 U.S.C. 3505(1), and report to Congress on estimated burdens of collections of information by agency and by categories within agencies, 44 U.S.C. 3514(a)(3). The Information Collection Budget is a management tool enabling OMB to carry out these statutory responsibilities.

The Information Collection Budget provisions of this rule are thus reasonably related to the purposes of the enabling legislation, and are therefore authorized under Section 3516 of the Act. See *Thorpe* v. *Housing Authority*, 393 U.S. 268, 280–281 (1969); *Action on Smoking and Health* v. *Civil Aeronautics Board*, No. 79–1044, slip op. at 5 (D.C. Cir., Jan. 28, 1983). Indeed, it is difficult to imagine how these responsibilities could be fulfilled at all without a mechanism similar to the Information Collection Budget.

Moreover, contrary to the Fund's comments, the legislative history of the Act explicitly recognizes and endorses the Information Collection Budget procedures conducted by OMB under predecessor authority. The Senate Report states that "the agency estimates of total number of hours required to fulfill requests for information that have been generated to comply with the President's Executive Order 12174 on Paperwork can serve as means to establish a meaningful base." S. Rep. No. 96–930, at 12. Executive Order 12174 (since revoked) first established the Information Collection Budget. The procedures outlined in this section of the rule are in most essentials a continuation of the Executive Order 12174 program. Congress intended paperwork burden estimates to continue to be made by means of this procedure. There is no suggestion whatever in the legislative history that the Information Collection Budget, of which Congress was well aware, should be discontinued.

The Fund has also expressed concern that the Information Collection Budget would "enable OMB to avoid its statutory responsibilities under the Act." It suggests that "OMB need never 'scrutinize' anything. No findings of 'necessity' or 'practical utility' need ever be made. No forms need ever be approved by OMB, nor any proposed regulations examined." As the remainder of this rule makes clear, OMB is not in any way avoiding its statutory obligations by means of the Information Collection Budget. The Information Collection Budget is a supplementary planning and management process, not a substitute for case-by-case scrutiny of individual collections of information. The Fund may, therefore, be assured that OMB will exercise its other responsibilities and authorities to promote the public interest in reducing unnecessary federal collections of information.

Public Citizen and the Federal Communications Commission also object to the Information Collection Budget on grounds similar to those of the Environmental Defense Fund. In addition, Public Citizen has contended that the Information Collection Budget could operate in a manner inconsistent with the Administrative Procedure Act or other statutory requirements. To the contrary, the Information Collection Budget is a management device for identifying information collection activities that will be reduced as appropriate through specific future actions. To make actual reductions, the agencies and OMB will go through all applicable procedures and comply with all other legal requirements, including the Administrative Procedure Act where appropriate. The Information Collection Budget is not a substitute for these procedures, and is in no way inconsistent with them, whether the collection of information is conducted by means of an agency rule, a form, or another agency issuance.

Several agency comments raise other problems or questions regarding this section. The Federal Communications Commission argues that the section would be "very difficult to administer" for various reasons. However, OMB and the agencies have had several years of experience with the Information Collection Budget, and have been able to work out solutions to problems of administration as they arise. Indeed, the Commission itself has been one of the most successful of the Independent regulatory agencies in using the Information Collection Budget as an internal management device for controlling and reducing paperwork.

The Department of Health and Human Services has suggested that when an agency is within its Information Collection Budget allocation, it should have the flexibility to engage in new information collection activities without amending the budget. This comment correctly reflects the intent of the rule. Subject to OMB clearance of individual collections of information, an agency is free to adjust its information activities so long as it is within its annual Information Collection Budget allocation.

11. *Section 1320.11 Agency Submission of Collections of Information.* This section establishes review procedures for all collections of information, however imposed. It also serves as an index to additional procedures applicable to particular types of collections of information pursuant to §§ 1320.12, 1320.13, 1320.14, 1320.15, and 1320.17.

In addition to specific comments addressed below, several agencies and many members of the public have made extensive comments concerning the overall scheme of this section, particularly as it relates to collections of information in current regulations. The Business Advisory Council on Federal Reports, joined by many other members of the public, takes the view that all collections of information except those contained in a Notice of Proposed Rulemaking are "information collection requests" subject to the same procedural mechanisms for OMB review and

approval as are all other requests. Other members of the public support the approach of this rule as the best available means for reviewing and reducing the burden of reporting and recordkeeping requirements in existing regulations. On the other hand, the Department of the Treasury and several other agencies have argued that the procedures laid out in the proposed rule exceed OMB authority. Several members of the public also take the position that OMB has no authority under the Paperwork Reduction Act to review collections of information in regulations that were promulgated prior to the effective date of the Act.

These are difficult questions of law. The procedures in this final rule are the product of consultation with the Office of Legal Counsel of the Department of Justice (OLC), consultation with affected agencies, and careful review of the arguments submitted to OMB in response to the September 8, 1982 Notice of Proposed Rulemaking. Much of the background of this issue is presented in the preamble to that notice, and is incorporated by reference herein.

Several aspects of this issue have already been addressed in this preamble. In Section 4, it was explained that all reporting and recordkeeping requirements are covered by the Act, without exemption for reporting or recordkeeping requirements contained in current rules, and that this rule properly requires the display of OMB control numbers on all such requirements. The remaining issue is the procedural mode by which reporting and recordkeeping requirements in currently valid rules must be cleared by OMB.

The position of the Business Advisory Council on Federal Reports (among others) has not been adopted. Essentially, as explained in the preamble to the proposed rule, OMB has recognized that a new procedure is needed for clearance of reporting and recordkeeping requirements in current rules. The procedure set forth in Section 3504(h) of the Act (which corresponds to § 1320.13 of this rule) applies by its terms only to reporting and recordkeeping requirements in proposed rules undergoing public notice and comment procedures. The procedures of Section 3507 of the Act (corresponding to § 13.12 of this rule), while by their language applicable to reporting and recordkeeping requirements, would lead to serious legal difficulties if applied to such requirements in current rules. Most significantly, it might be inconsistent with the Administrative Procedure Act of OMB to be able effectively to rescind a provision of a regulation adopted after public notice and comment. This conclusion, which was reached after due consideration of advice provided by the OLC, has led OMB to adopt a procedural mechansim that will both ensure full review of the paperwork burden imposed by current regulations and observe the strictures of the Administrative Procedure act.

Other commenters have seized upon the inapplicability of Section 3504(h) and Section 3507 procedures to argue that somehow Congress intended to exempt reporting and recordkeeping requirements in current rules from Paperwork Reduction Act review altogether.

This result would be highly illogical, since—as Section 4 of this preamble points out—the Congress intended the review and reduction in burden of all reporting and recordkeeping requirements, many of which appear in current rules. The Act not only does not compel this illogical result, but fully supports the procedures adopted by OMB to avoid it.

The Act provides ample authority for OMB's adoption of the procedures of § 1320.14 of this rule. In addition to the broad grants of authority found in Section 3504(a), 3506(a), 3516, and 3518(a)—in themselves an ample legal basis—Section 3504(b)(2) and 3504(c)(2), in conjunction with Section 3504(h), establish a specific and workable scheme for reviewing reporting and recordkeeping requirements in current regulations. This rule follows that statutory path.

Section 3504(b)(2) grants OMB the authority to "initiat[e] proposals for changes in * * * regulations." The standards applicable to this paperwork control function are further defined in Section 3504(c)(2), which provides:

> . The information collection request clearance and other paperwork control functions of the Director shall include— * * * (2) determining whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility for the agency.

Several points should be noted about this section. First, it applies to the Director's "other paperwork control functions" in addition to his "information collection request clearance" function. Moreover, the substantive standard of Section 3504(c)(2) applies to "collections of information"—*i.e.*, collection of information requirements as well as information collection requests. Significantly, this standard—the "practical utility" test—is identical to that specified in Section 3508: "Before approving a proposed information collection request, the Director shall determine whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility." These provisions thus establish that OMB is to apply the same substantive standard to all collections of information in the course of its paperwork control functions that it does for *approval* of information collection requests. In practice, this means that OMB will apply the "practical utility" standard to reporting and recordkeeping requirements in existing rules, and will either "approve" (if the requirements meet the standard) or "initiate proposals for change" (if they do not).

A decision by OMB to initiate proposals for change under Section 3504(b)(2) does not constitute a "disapproval" of the collection of information. Rather, it initiates a process whereby the agency commences a rulemaking or other appropriate action to consider a change in its information collection activity. The agency retains authority to determine the outcome of that process, subject to OMB review pursuant to Section 3504(h), or 3507 if notice and comment rulemaking is not involved.

The central issue, in OMB's view, is what the Act means by authorizing OMB to "initiate" proposals for regulatory change. Few comments addressed this question directly, though some commenters implicitly assumed that this means no more than that OMB can "suggest" changes to an agency and that the agency is under no obligation to begin or complete proceedings to change the collection of information at issue. OMB disagree. OMB, like the public, already has authority, under other law, to "suggest" changes to federal agencies. This interpretation would render Section 3504(b)(2) superfluous. Moreover, this interpretation would effectively deprive the Act's clearance process for reporting and recordkeeping requirements in current rules of any force.

It should be kept in mind that a "rule," as that term is defined by the Administrative Procedure Act, 5 U.S.C. § 551, can take different forms and that many "rules" are not promulgated pursuant to notice and comment rulemaking and can be changed without notice and comment procedures. Once OMB has directed an agency to initiate a change in the collection of information, it is the agency that must decide how the change will be considered, taking into account the APA and its own statutory mandates.

Changes that go through notice and comment procedures are reviewed pursuant to Section 3504(h); other changes are reviewed pursuant to Section 3507. In either case, however, the agency is under an obligation to complete the decisionmaking process initiated by OMB.

The Paperwork Reduction Act focuses on the collection of information—not on rules, regulations, or forms. It is inaccurate to state, as do some commenters, that OMB asserts the power of "approval" over regulations. By confusing the disapproval of a *regulation* with the disapproval of a *collection of information,* these commenters mistakenly argue that OMB's substantive authority to initiate changes in collections of information does not extend to collections of information in current regulations. OMB, however, neither claims to have nor has any power under the Act to approve or disapprove any *regulation.* Its authority is limited to *collections of information.* Within this narrow orbit, however, OMB's authority is broad.

Section 3504(h) makes this point dramatically. It provides that OMB can disapprove a collection of information even if the regulation has been promulgated and has otherwise taken effect. Section 3504(h)(5)(B) grants OMB that authority any time an agency fails to submit a collection of information for review; OMB also has that authority if an agency's response to OMB's comments is unreasonable (Section 3504(h)(5)(c)) or if an agency materially modifies a collection of information without adequately notifying OMB (Section 3504(h)(5)(D)). Each of these provisions is designed to protect the integrity of the Paperwork Act review process.

This authority also necessarily encompasses agency violations of the Paperwork Act review process. In response to agency comments, OMB has revised the final rule to make it clear that the time periods for reviewing collections of information are flexible and will be changed to accommodate any reasonable agency request. However, agencies may not subvert the review process by unreasonably delaying a rulemaking proceeding just as they may not subvert the process by refusing to submit the collection of information for review in the first place. These principles, applied in Section 3504(h) to proposed rules, are applied in like fashion in § 1320.14 to existing ones.

One commenter has raised the question of the legal effect an OMB disapproval has on a pre-existing regulatory requirement. If an agency has proposed to revise a recordkeeping requirement in an existing rule, and the requirement in the proposal is disapproved by OMB, what is the effect of the disapproval? Does the pre-existing requirement stay in effect or has it been invalidated also? The answer depends on the circumstances of the disapproval. Again, it has to be remembered that OMB disapproves the collection of information requirement, not the proposed regulation itself. If the disapproval relates only to the incremental increase in the burden contained in the new proposal, then the pre-existing collection of information may remain intact. If, on the other hand, OMB's disapproval relates to the entire collection of information requirement, then the requirement in the pre-existing regulation is also invalidated.

In summary, the Act covers all federal reporting and recordkeeping requirements, however imposed. OMB will review requirements contained in current rules according to the statutory standards, and will initiate proposals for change when appropriate. Such proposals are subject to OMB review under §§ 1320.12 or 1320.13 of this rule as appropriate.

The procedures outlined in this rule for review of collections of information in existing regulations have been approved in their essentials by OLC as according with the June 22, 1982 memorandum, discussed above. The OLC's view on this issue is set out in a memorandum of September 24, 1982, which is a part of this rulemaking record and open to the public. The memorandum states:

> OMB does have authority to review and initiate proposals for change in existing regulations under Section 3504(b)(2) and, in accordance with the standards and limitations established by Sections 3504(h) and 3518(e) to disapprove collection of information requirements and proposed replacements for existing regulations. This authority derives, in its essentials, from Sections 3504, 3506, 3516 and 3518 of the Act

The OLC acknowledges OMB's authority to establish "workable procedures for the review of collection of information requirements in existing regulations" and has approved the "fundamental elements" of the OMB program, reflected in this final rule. Among the fundamental elements specifically approved by the OLC are:

- The requirement that collection of information requirements in existing regulations be submitted for OMB review.
- OMB authority to direct the agency to initiate a proposal for change if a collection of information requirements in an existing regulation submitted for review is unnecessary or unduly burdensome.
- The agency's legal obligation to prepare and publish a notice for change in the rule in the **Federal Register**.
- OMB's authority to disapprove the collection of information requirements as published. In OLC's words, "the agency may not engage in a collection of information that has been disapproved by OMB under those standards, and a disapproved collection of information requirements may not be enforced against the public."
- OMB's authority to disapprove, or disapprove in part, a collection of information requirements contained in an existing regulation if the agency has "refused within a reasonable time to comply with an OMB directive to submit the requirement for review, to initiate a rulemaking to change the requirement, or to publish a final rule containing a new requirement."
- OMB's authority to disapprove a collection of information requirements under these procedures, which "includes the authority to disapprove not only the 'new' proposed requirement, but also to disapprove * * * any preexisting requirement directed at the same collection of information, and therefore constituting essentially the same requirement."
- OMB's authority to require agencies to display control numbers on regulations containing approved collection of information requirements.
- The legal status of control numbers—the mere absence of a control number assigned to any collection of information requirements in an existing regulation does not, as a legal matter, invalidate any such requirement.

The OLC also noted that the substantive limitations on OMB's disapproval authority found in Section 3518(e) apply to actions regarding reporting and recordkeeping requirements in existing rules, as they do to all exercises of authority under the Act.

In addition, many comments have addressed specific aspects of this section, and modifications have been made in individual paragraphs.

New material has been added to paragraph (a):

> Submissions shall provide sufficient information to permit consideration of the criteria set out in § 1320.4 (b) and (c), shall include an estimate of burden, calculated in a manner prescribed by OMB, shall identify any significant burdens placed on a substantial number of small businesses or other small entities, and shall contain such additional supporting material as the Director may request.

In the proposed rule, these submission requirements were stated separately in § 1320.12, 1320.13, and 1320.14. Since the same substantive standards apply to submissions under each of these sections, all of the submission requirements have been located in this section of the rule, which applies to all collections of information.

Several members of the public have suggested that the instructions to agencies concerning submissions, contained in OMB Standard Form (SF) 83, should be stated in the regulation. However, the requirements of SF–83 are subject to change from time to time, and OMB believes that this level of detail would be inappropriate for a regulation.

Paragraph (b) of the proposed rule has been moved to § 1320.4, where it appears as paragraph (c). Comments on that paragraph are discussed in that section.

A new paragraph (b) has been added to this section as suggested by several members of the public, to facilitate public participation in the Paperwork Reduction Act process. The new paragraph (b) reads:

> Agencies shall provide copies of the material submitted to OMB for review promptly upon request by any person.

A new paragraph (c) has been added to make clear that the substantive standard applied by OMB to all agency submissions is that set forward in § 1320.4 (b) and (c).

A new paragraph (d) has been added to make clear that OMB will consider all public comments received in all decisions under the Paperwork Reduction Act—approvals, disapprovals, modifications, decisions to review, decisions to initiate proposals for changes, or stays in the effectiveness of approval of any collections of information. This is a statutory requirement, and has been OMB's practice. Several members of the public have commented that it should be specified clearly in this section.

Several members of the public have suggested a fixed period for public comments on all submissions. This raises an important concern, shared by OMB. However, OMB has concluded that a fixed period for all submissions would not be practical in view of the large volume of paperwork submissions, most of which generate no comments from the public. OMB intends to carry out its paperwork reviews with full public participation, while minimizing delay and disruption in agencies' activities. To delay all submissions—even if routine or specifically required by statute—would greatly increase the cost and inconvenience of the Paperwork Reduction Act process, with no commensurate gain for the public. The period allowed for public comment, therefore, has been kept flexible. Factors that are considered include the nature and importance of the submission, any indication that public comments will be forthcoming, and the degree of latitude the agency and OMB have in modifying or eliminating the requirement.

Paragraph (e), which was lettered as paragraph (c) in the proposed rule, has been modified in several respects. First, the Department of the Treasury has suggested that collections of information contained in regulations issued without notice and public comment could be better handled under § 1320.14 than under § 1320.12. OMB agrees with this position, and has therefore specified that "collections of information contained in existing regulations that were published as final rules in the **Federal Register**" will be submitted in accordance with the procedures of § 1320.14. There are two reasons for this change. First, it is not possible to discern from the face of the Code of Federal Regulations whether a given rule was adopted after public notice and comment. The public frequently cannot tell without extensive research, nor can OMB. Requiring a distinction would consume agency and OMB resources that could be better employed in substantive review. Second, many rules now in effect were adopted without notice and comment procedures, but would require notice and comment if modified today, under current practice and interpretation of the Administrative Procedure Act. For the same reasons that the procedures of this section are required for reporting and recordkeeping requirements in current regulations adopted after public notice and comment, they are appropriate for such requirements in rules that would require public notice and comment for modification. This will also avoid disrupting the body of current rules.

An organization called Public Citizen has suggested that a special procedure be established for "emergency" rules containing collection of information requirements. Under the suggested procedure, collection of information requirements in emergency rules would be permitted to go into effect without OMB clearance, with OMB review to take place in the course of subsequent rulemaking. However, the Act envisions OMB review of proposed collections of information *before* they are imposed on the public. This is the procedure for information collection requests under Section 3507(g) of the Act. OMB has added a new paragraph (f) to § 1320.17 that should accommodate the concerns of this comment, without permitting unreviewed paperwork burdens to be imposed on the public.

A sentence has also been added referring to the emergency processing procedures of § 1320.17.

One agency has recommended that where an information collection request is an integral part of a regulation, dual approval not be required. OMB agrees. As discussed in connection with § 1320.7(d), any collection of information specifically contained in a regulation (such as a form printed as part of a regulation) is considered part of the collection of information requirement imposed by that regulation, and does not need an additional approval. Such a collection must display the control number assigned to the collection of information requirement in the regulation. On the other hand, a form is not considered to be "specifically contained in" a regulation merely because the regulation refers to or authorizes the form. A generally valid test is that the form requires independent clearance if the information collection component of the related regulation cannot be enforced without the form. For example, if a regulation states that respondents must supply certain data "on a form to be provided by the agency," the form must be cleared independently.

Several modifications have been made in paragraph (f), which was lettered as paragraph (d) of the proposed rule. First, several agencies objected to the potential disruptive effect of a unilateral OMB decision to review a previously approved collection of information. To minimize such disruption, OMB has modified the rule to require consultation with the agency prior to any decision to review or stay the effectiveness of its previous approval of a collection of information.

Several commenters have requested standards for deciding when a previous approval should be reviewed. Accordingly, OMB has added the following sentence to the rule:

> Such decisions will be made only when relevant circumstances have changed or the burden estimates provided by the agency at the time of the initial submission were materially in error.

Another agency has requested clarification of whether OMB's authority to stay the effectiveness of a prior approval applies to collection of information requirements approved under Section 3504(h). It does not. To clarify this, the term "information collection request" has been substituted

for the term "collection of information" in the final sentence of this paragraph.

The Department of Commerce has suggested that it may be unnecessary for agencies to resubmit their approval materials to OMB upon a decision to re-review, since the original materials are already on file in OMB's docket room. However, since decisions to review will take place only when circumstances have changed or the burden estimates provided by the agency in the original submission were materially in error, new information will be required from the agency. The Department also suggested that OMB, rather than the agency, publish the notice of a stay of effectiveness of a prior approval in the **Federal Register**. This, however, would be inconvenient to the public. Members of the public normally pay close attention to those portions of the **Federal Register** directly relating to their own activities. Publication by the agencies is the best way for persons required to respond to information collection requests to keep abreast of their status.

The Department of Defense has suggested that submissions that become effective because of OMB inaction during the 60 (or 90) day period should not be subject to paragraph (f). OMB has not accepted this comment in full. However, since OMB will review previously approved collections of information only in specified circumstances, it will not be able to use the re-review procedure as a mechanism to circumvent the 60 (or 90) day limit on its review authority.

Several agencies have questioned OMB's authority to reconsider approvals of collections of information in advance of their expiration dates. This authority derives, in part, from OMB's authority to determine the duration of approval, up to a three-year maximum. The Act does not obligate OMB to set a fixed and unchanging expiration date. Rather, this rule and OMB practice expressly condition all expiration dates on OMB's right to reconsider at a later date. Such reconsiderations are not common, but have occurred in certain circumstances. This has been established practice under both the Paperwork Reduction Act and its predecessor, the Federal Reports Act. Nothing in the language or legislative history of the Paperwork Reduction Act indicates that Congress intended to cut back on OMB's well-established authority under the Federal Reports Act to reconsider approvals of collections of information in advance of the expiration date.

Paragraph (g), originally lettered as paragraph (e) in the proposed rule, has been modified, at the suggestion of the Department of Education, to refer to the Federal Education Data Acquisition Council (FEDAC), "or organizational unit fulfilling the same statutory function within the Department of Education." This is because the name or status of FEDAC within the Department of Education is subject to change.

Several agencies and members of the public have expressed dissatisfaction with paragraph (g) because of the delays and confusions entailed by FEDAC review, and by the February 15 approval date. However, the provisions of this paragraph are statutorily required.

The Business Advisory Council on Federal Reports has suggested that paragraph (h), originally lettered as paragraph (f) in the proposed rule, should be amended to prevent any modification in an information collection request or requirement, whether or not substantive or material, without submission to OMB for review and approval. On the other hand, four agencies have suggested that the term "substantive or material" be expanded or clarified to increase agency flexibility. OMB declines to make any of these changes. This paragraph is intended to permit agencies to make minor adjustments in the wording of collections of information without resubmission to OMB. However, if the substance of the collection of information is changed, or if the change is in any way material, it must still be submitted to OMB for clearance. For agencies to make substantive or material modifications without OMB clearance would enable them to avoid the strictures of the Act. Special administrative arrangements can be made to effectuate prompt decreases in paperwork requirements.

One agency has suggested that this paragraph apply only to information collection requests. However, material or substantive changes by agencies in collection of information requirements in regulations without review are no more justified than in information collection requests. This comment has therefore been rejected.

Paragraph (i), originally lettered as paragraph (g) in the proposed rule, has not been modified. One member of the public has suggested that the public, as well as the agency head or Senior Official, should be able to urge reconsideration of disapproval. In effect, this has been accomplished through § 1320.11(d), which obligates OMB to consider public comments whenever making a decision.

Several agencies have suggested that they should be permitted to request reconsideration of a disapproval of a collection of information even in the absence of new or additional information. However, agencies have ample opportunities to communicate their views to OMB during the clearance process. Formal requests for reconsideration should be based on new and additional information.

No public comments have raised concerns about paragraph (j), lettered as paragraph (h) of the proposed rule. One agency, however, has suggested changing the time mentioned in this paragraph from noon to 3:00 p.m. A submission received as late as 3:00 p.m., however, can receive little substantive review by OMB staff on the first day. The next business day will therefore be considered to be the first day during which OMB had the opportunity to engage in its clearance responsibilities.

12. Section 1320.12 Clearance of Information Collection Requests. The introduction to this section has been changed to clarify the types of collections of information to be covered by this section.

Paragraph (a) of the proposed rule has been deleted, because this material now appears in paragraph (a) of § 1320.11. The requirements of the paragraph still apply to the submission of information collection requests, because § 1320.11 applies to *all* collections of information. In connection with paragraph (a), which was originally lettered as paragraph (b) in the proposed rule, one member of the public has suggested a new cross-index format for the **Federal Register**. This suggestion should be made to the **Federal Register**.

Two agencies have suggested that the public should direct their comments to the agency as well as to OMB. Although OMB agrees that the agencies should be informed of public comments on their proposed information collection requests, the principal intent of this provision of the rule is to make it easier for the public to participate in the process. OMB believes that requiring the public to submit a second set of comments to the agency would discourage, not promote, public participation. OMB will make the substance of public comments known to the agency.

Another agency has requested authorization for weekly publication of information collection requests submitted to OMB. This requires no change in the rule. Agencies are free to publish their notices on a weekly basis. However, notice of any given submission must be forwarded to the **Federal Register** before submission to OMB, in order to comply with Section 3507(a)(2)(B) of the Act.

Paragraph (b) was originally lettered as paragraph (c) in the proposed rule.

The Equal Employment Advisory Council has recommended that OMB's 60-day review period begin on the date notice of the submission is published in the Federal Register, rather than the date OMB receives the submission. This recommendation cannot be adopted, because it would conflict with the statutory requirement. See 44 U.S.C. 3507(b). Another commenter has suggested that OMB not be required to make its decision by any predetermined date, and that the date be extended if needed for the receipt of public comments. This comment has also been rejected because of inconsistency with the statute.

The Business Advisory Council on Federal Reports has recommended that the term "modify" be added to this paragraph in addition to the terms "approve" and "disapprove." Apparently this is because, as a practical matter, OMB frequently approves a submission in part, effectively conditioning its approval upon modifications. OMB has accepted this comment. As discussed under § 1320.7(n), the term "modify" as used in this rule means "to approve in part and disapprove in part." Use of the term does not expand OMB's authority of approval or disapproval, but is used as a matter of convenience.

The Department of the Interior has requested that OMB clarify how it will make its final decisions under this paragraph publicly available. This is addressed in § 1320.18.

Several comments have been received on paragraph (c), originally lettered as paragraph (d) in the Notice of Proposed Rulemaking. Conoco, Inc. noted that a one year approval can be cumbersome and expensive, and recommended that OMB avoid "default" under the terms of this paragraph whenever possible. OMB strongly shares this view.

Two agencies have commented that they should not be required to request a control number when OMB fails to act within the specified time limits. However, the principal, if not the only, reason why OMB might fail to act within the time limits would be if OMB's computerized tracking system for submissions somehow lost track of a given submission. In such an instance, the agency's request is necessary to bring the submission to OMB's attention.

Another agency has suggested that the period for approval under this paragraph be changed from "not more than one year" to "not less than one year." However, Section 3507(b) of the Paperwork Reduction Act provides that the approval period upon OMB failure to act shall be "for not more than one year." This comment has therefore been rejected.

Paragraph (e) of the Notice of Proposed Rulemaking has been deleted from this section, because it is now included as § 1320.11(d).

OMB has received no public comments on paragraph (d), which was originally lettered as paragraph (f) in the Notice of Proposed Rulemaking. One agency requested guidance on when to display the expiration date. This portion of the paragraph has been changed to read "and, unless OMB determines it to be inappropriate, an expiration date." This is consistent with the change made in § 1320.7(f)(1), (3) and § 1320.4(a). Section 1320.4(a) has also been changed to make it consistent with this paragraph, concerning the necessity for displaying a control number on voluntary information collection requests.

13. Section 1320.13 Clearance of Collection of Information Requirements in Proposed Rules. Throughout this rule, the term "collection of information requirement" has been substituted for the term used in the Notice of Proposed Rulemaking: "information collection requirement." This is to be consistent with the language used in Section 3504(h) of the Act.

The Veterans Administration has commented that the requirement in paragraph (a) that comments on collection of information requirements in proposed rules be directed both to the agency and to OMB is unnecessary, would result in an increased burden on the public, and might inhibit full public participation in the process. This comment has been adopted, and comments are now directed only to OMB. Of course, collection of information requirements are also subject to public comment on the regulation as a whole, and these comments will go to the agency. Moreover, OMB will make available to the agency all significant public comments on the information collection aspects of the proposed rule.

It should be noted that paragraph (a) does not require a separate notice in the Federal Register concerning the information collection requirements of a proposed rule. It is sufficient for the agency to identify such requirements in the preamble to the proposed rule, to state that the rule has been submitted to OMB for review under Section 3504(h) of the Paperwork Reduction Act, and to direct comments on the collection of information requirements to OMB.

The Small Business Administration has suggested that estimated burden hours be published in the Notice of Proposed Rulemaking to facilitate public comment. OMB agrees that in many instances this information would be helpful to the public. However, burden per respondent is currently estimated on an average basis, with relatively wide variance among categories of respondent. Narrower estimates of burden per respondent might themselves require additional collection of information from the public. At this time, therefore, OMB deems it inadvisable to require agencies as a general matter to publish burden estimates in their Notices of Proposed Rulemaking. However, OMB is exploring workable ways for providing better information on burden to the public, and has required in § 1320.11(b) that all such information be made available by the agency upon request.

Material redundant of that required under § 1320.11(a) has been deleted from paragraph (b) of this section.

At the suggestion of the Business Roundtable, paragraph (c) has been modified to make clear that the OMB Notice of Action, which constitutes OMB's public comments on a proposed collection of information requirement under Section 3504(h)(2) of the Act, shall be made a part of the agency's rulemaking record.

The Agricultural Marketing Service of the Department of Agriculture has commented that the time contraints of this paragraph are not compatible with marketing orders, and has objected to the requirement that published rules incorporate OMB comments "for the reasons that it is costly, and that the final rule reflects other agencies' comments." However, these requirements are statutory in nature, and cannot be changed by this rule.

Several agencies have suggested that OMB submit its comments directly to the address indicated in the Federal Register document, rather than as an OMB Notice of Action to the Senior Official. However, the Paperwork Reduction Act vests primary authority in the Senior Official to oversee the paperwork reduction process at each agency, and it is important for that official to be the point of communication between OMB and the agency.

A new paragraph (d) has been added to address agency failure to comply with the requirements of Section 3504(h), as implemented by this section. The paragraph states:

> If an agency submission is not in compliance with paragraph (b) above, OMB may disapprove the collection of information requirement in the proposed rule within 60 days of receipt of the submission. If an agency fails to submit a collection of

information requirement subject to this section, OMB may disapprove it at any time.

The authority for this paragraph is found in Section 3504(h)(5)(B). This paragraph preserves a degree of flexibility for situations in which an agency submission to OMB does not strictly comply with the procedures, but the delay involved is minor and OMB is able to proceed with clearance of the submission under the procedures of this section.

Paragraph (e), which was originally lettered as paragraph (d) in the Notice of Proposed Rulemaking, has been modified to require agencies to explain how a final rule "responds" to "any comments received from OMB or the public." These changes conform to the statutory requirements of Section 3504(h)(3), and are in response to a comment filed by the Council on Government Relations and to a comment by the Department of the Treasury.

Paragraph (f) has been relocated for greater clarity, at the suggestion of the Department of Commerce. It formerly was located as paragraph (i) of this section. Two agencies have specifically noted their approval of this paragraph, and have suggested that these procedures be used as often as possible.

The time periods set forth in paragraph (g), which was originally lettered as paragraph (e) in the proposed rule, have been clarified, at the request of several agencies. The new language makes clear that agencies must submit the final rule to OMB on or before the date of publication in the **Federal Register**. It also makes clear that OMB must act no later than 60 days after publication of the final rule, and that no resubmission need be made of a final rule already approved by OMB and assigned a control number, unless significant modifications had been made by the agency.

For reasons already discussed, the term "modify" has been added to this paragraph, at the suggestion of the Business Advisory Council on Federal Reports.

The words "and no others" have been deleted from the proposed rule to conform more closely to statutory requirements. As the University of California Statewide Administration, the Council of Industrial Boiler Owners, and the General Motors Corporation have observed, OMB authority to determine whether the collection of information by an agency is necessary for the proper performance of its functions, as set forth in Section 3508 of the Act and incorporated by reference in Section 3504(h)(2), is broader than the reasons for disapproval specified in this paragraph. Section 3508 states: "To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary, for any reason, the agency may not engage in the collection of the information." The specific grounds for disapproval listed in this paragraph are based on Section 3504(h)(5). Congress did not intend these reasons to constrict OMB discretion under the standards of Section 3508. As stated in the legislative history:

> [I]n reviewing proposed regulations, OMB may disapprove any collection requirement which it finds "unreasonable"—which is to say, not of sound judgment in the opinion of the OMB director. The purpose of 3504(h)(5)(C) is not to restrict unduly the ability of OMB to act, but to insure that in acting, OMB have justification for what it does. 126 Cong. Rec. H11380 (Daily ed., Dec. 1, 1980) (Statement of Rep. Horton).

The Council of Industrial Boiler Owners and General Motors Corporation have further suggested that the term "unreasonable" in subparagraph (3) be defined to include, *inter alia*, failure to demonstrate that (1) the information collection request is essential to the proper performance of the agency's functions, or (2) meets the criteria of § 1320.4 of the proposed rule. While OMB agrees that these are appropriate situations for disapproval under subparagraph (3), no separate definition has been included in this rule because Congress intended determinations of "unreasonableness" to be made under the same statutory standards applicable to other OMB determinations under the Act. 120 Cong. Rec. S16700 (Daily ed., Dec. 15, 1980) (Statement of Sen. Kennedy). Nonetheless, agencies should be on notice that the situations referred to in this comment are among those that would lead to a judgment that the agency's decision was "unreasonable."

The Departments of Labor and the Treasury have suggested deletion of the term "approval" from this paragraph, on the theory that Section 3504(h) of the Act does not provide for OMB approval—but only disapproval—of collection of information requirements in proposed rules. However, as pointed out in the supplementary information to the proposed rule, Section 3504(h)(9) explicitly refers to OMB's decision to "approve" a collection of information requirement contained in an agency rule. Moreover, Section 3504(h) explicitly refers to the standards of Section 3508, which are the standards for *approval* of collections of information. There is therefore no basis for adopting this comment.

Several minor changes have been made in the wording of paragraph (h), which was originally lettered as paragraph (f) in the proposed rule. The word "modify" has been added for reasons already discussed. No substantive changes have been made.

Several agencies and members of the public have requested that the manner in which OMB will make the reasons for its decisions publicly available be changed or clarified. These reasons are supplied to the agency, and are freely available to members of the public upon request. Moreover, when OMB disapproval is made pursuant to paragraph 1320.13(g)(3), OMB comments will already have been made public in the course of the agency's rulemaking, and the agency's response to the comments will have been published in the **Federal Register**. Additional publication would be essentially duplicative.

No substantive changes have been made in paragraph (i), which was originally lettered as paragraph (g) in the proposed rule. The Nuclear Regulatory Commission has suggested that OMB provide guidance on the "special circumstances" which might lead OMB to approve a collection of information requirement under this paragraph for less than three years. Any such decision will be based upon the statutory standards under the Paperwork Reduction Act, as set forth in § 1320.4(b) and (c) of this rule.

The Federal Communications Commission has expressed the view that the three-year approval limitation would adversely affect administration processes. However, three years is the period selected by Congress in the Paperwork Reduction Act for review of information collection requests. Since Congress defined the term "information collection request" to include all "reporting and recordkeeping requirements," it seems most consistent with legislative intent to apply the three-year period across the board to all reporting and recordkeeping requirements, whether or not they are contained in "information collection requests" as that term is used in this rule. As a practical matter, the government's use of information changes over time, and there is a continuing need for review to ensure that the public is not being burdened by paperwork requirements that are no longer truly necessary. The policy considerations that led Congress to impose a three-year limit on approvals of information collection requests apply equally to all collections of information.

No substantive change has been made in paragraph (j), which was originally lettered as paragraph (h) in the proposed rule. Several agencies have objected to the requirement that agencies display a control number before the collection of information shall become effective. This issue was discussed in Section 4.

Several agencies and members of the public have inquired about the status of collection of information requirements contained in rules after the rules have become effective but before the conclusion of OMB's 60-day period for approval or disapproval. The requirements do not become effective until (1) OMB approves or fails to act, and (2) a control number is assigned and displayed. If the agency considers it necessary to implement a requirement prior to this period, it may request expedited action under § 1320.17(f). Nothing in the Paperwork Reduction Act or this regulation should be interpreted to delay the effectiveness of, or otherwise affect, portions of regulations other than collection of information requirements.

14. Section 1320.14 Collections of Information in Current Rules. This section was the subject of intensive debate among the commenters. Generally speaking, most public comments supported these procedures for periodic review of collections of information in current rules, while many agency comments opposed them. As discussed in Sections 4 and 11 of this preamble, OMB believes that procedures such as these are essential in order to fulfill statutory responsibilities and conduct an effective and comprehensive paperwork control program.

This section's scope has been modified to respond to several agency comments. It now applies to reporting and recordkeeping requirements in existing rules that were published as final regulations in the **Federal Register**. In the proposed rule, this section applied to all reporting and recordkeeping requirements in existing rules that were adopted after public notice and comment. The reasons for this change were discussed under § 1320.11(e). To be consistent with this change of scope, the term "collection of information requirement" has been changed throughout this section to the term "collection of information." Some of the reporting and recordkeeping requirements covered by this section—those not adopted after public notice and comment procedures—are information collection requests and not collection of information requirements. This section applies to both.

The term "current" rules has been used in these regulations in lieu of the term "existing" rules to make clear that this section applies, and will continue to apply, to all rules in force. No distinction is made in these regulations between rules "existing" prior to the effective date of the Act and those promulgated thereafter. Once a rule becomes effective, it is considered a "current rule" for purposes of these regulations. (It should be noted that the terms "rule" and "regulation" are used interchangeably.)

Paragraph (a) has been modified to require submission of collections of information subject to this section to OMB for review prior to December 31, 1983, in accordance with an orderly schedule to be developed by the agency with OMB concurrence. Several agencies have suggested other periods for submitting these collections, but OMB believes that these provisions strike an appropriate balance between the need for expeditious review of outstanding collections of information in current regulations and the practicalities of the review process.

Two agencies have suggested that previously approved collections of information be submitted for review under this section only 30 or 60 days prior to the expiration date. However, a full 90-day period will permit OMB to conduct the same substantive review that it does of information collection requests. Sixty days, plus a possible 30-day extension, is the period Congress designated for OMB clearance of other collections of information currently in force; in practice, this period has worked out well.

Paragraph (b) has been deleted, since the material is now located in § 1320.11(a).

Paragraph (b), which was originally denominated as paragraph (c) in the proposed rule, has not been substantively changed. OMB has rejected an agency suggestion that the public address comments both to OMB and to the agency, because of the duplicative burden this would place on the public. This issue was also addressed in the context of § 1320.13(a). OMB has also rejected an agency suggestion that OMB, rather than the agency, publish the **Federal Register** notice, for reasons discussed in the context of § 1320.11(f).

The Department of Commerce has pointed out that paragraph (c), which was originally lettered as paragraph (d) in the proposed rule, was inconsistent with § 1320.13(i)'s provision on approval for a full three-year period. In response, OMB has added the following sentence to paragraph (d): "Approval of any collection of information submitted under this section will be for the full three-year period, unless the Director determines that there are special circumstances requiring approval for a shorter period." This makes the sections consistent.

The General Services Administration has suggested that the rule clarify the agencies' obligation to codify the OMB control number. This has been done in the definition of "display." A specific cross reference to the display requirement has been included as a final sentence in paragraph (e).

Paragraph (f) of the proposed rule has been deleted because the material is now located in § 1320.11(d).

The following sentence has been added to paragraph (f), which was originally denominated as paragraph (g) in the proposed rule: "In the case of a collection of information not previously approved, a control number shall be granted for such period." This will accommodate review of reporting and recordkeeping requirements in current regulations that have not previously been approved by OMB or GAO and do not now display control numbers. After March 1, 1984, this sentence will rarely, if ever, be relevant. A conforming change has been made in the last sentence of the paragraph.

Two additional minor changes have been made in paragraph (f). First, the duration of the period required for consideration of proposed changes has been changed to refer to OMB approval or disapproval "under § 1320.12(b) or § 1320.13(g) as appropriate." This conforms to a change in paragraph (g) (discussed there). Second, the final sentence of this paragraph has been changed to clarify that an agency can publish its **Federal Register** notice on the agency's next practicable publication date. The agency need not go into the **Federal Register** on a day other than its ordinary day.

Paragraph (g), which was originally denominated as paragraph (h) in the proposed rule, has been significantly changed. There are two major aspects to the change. First, the paragraph has been redesigned to accommodate revisions in collections of information not subject to public notice and comment procedures. If modification of the collection of information requires notice and comment, the agency shall publish a **Federal Register** notice proposing the change. That notice, with submission to OMB, initiates the procedures under § 1320.13 of the rule and Section 3504(h) of the Act. On the other hand, if the collection of

information is contained in a regulation that need not undergo public notice and comment, the agency shall undertake such procedures as are necessary to make the change. This will initiate the clearance procedures under § 1320.12 of the rule and Section 3507 of the Act. Whether to proceed under notice and comment procedures is left to the discretion of the agency, under applicable law. This rule merely establishes procedures for OMB review, whichever procedural course the agency follows.

Second, a sentence has been added to the end of this paragraph to make clear that all procedures must be completed within a reasonable period of time, which will be determined by OMB in consultation with the agency. This will ensure that the Act is not frustrated by mere delay, but will also ensure that the agency is consulted regarding a reasonable schedule.

In addition, OMB has accepted a comment by the Environmental Protection Agency that the public notice published under this paragraph need only identify "the proposed changes in the collections of information," not the entire collections.

A new paragraph (h) has been added to ensure that delays not frustrate the requirements of this section. The provisions of this paragraph were specifically approved by the OLC's memorandum of September 24, 1982. It is anticipated that these provisions will rarely need to be employed.

A new paragraph (i) has been added to clarify the consequence of OMB disapproval of collections of information covered by this section, after the agency has published a proposed revision. This paragraph makes clear that any such disapproval shall constitute disapproval of the collection of information request or requirement contained in the Notice of Proposed Rulemaking or other submission and also of the pre-existing request or requirement directed at the same collection of information and therefore constituting essentially the same request or requirement. This consequence follows from the nature of OMB authority, which extends to collection of information requirements contained in regulations, not to the regulations themselves. When a collection of information requirement is submitted for OMB review, OMB will approve or disapprove the requirement, in whole or in part. To the extent disapproved by OMB, the requirement may not be enforced by the agency. This is true without regard to whether the requirement appears in an existing regulation, or in any other agency issuance. This interpretation was specifically approved by the OLC in its memorandum of September 24, 1982.

15. Section 1320.15 Collections of Information Prescribed by Another Agency. One commenter has suggested that OMB and GSA reviews of standard or optional forms should be subject to public comment. Standard and optional use forms used for obtaining information from the public or collecting general purpose statistics from Federal agencies are, as indicated in § 1320.15(a)(1), subject to review and approval by both GSA and OMB. As stated in paragraph (c) of this section, the same requirements for submission and clearance that apply under other sections—including public notification requirements—apply to submissions under this section. The rule thus already requires agencies proposing standard and optional use forms to publish a **Federal Register** notice indicating that such forms have been submitted to GSA and OMB for review, and inviting the public to request copies of the submission and provide comments to GSA. OMB believes that this approach will minimize the administrative paperwork that would otherwise be imposed. It establishes a single clearance procedure for standard and optional use forms while providing a mechanism to allocate the burden among the appropriate agencies.

GSA, with the assistance of the agencies, will report annually to OMB on each agency's use of each standard and optional use form. The burden of such use will be counted as burden imposed by each user agency. Several agencies have suggested that such assignment is inappropriate because they are following a standard required protocol. OMB rejects this view. In OMB's experience, agencies typically have considerable discretion to require or not to require the use of standard or optional forms. Moreover, assigning burden on this basis is comparable to the process of assigning burden to an agency conducting a collection of information requirement that precisely follows the explicit requirements of a statute.

In considering whether to grant or extend approval of standard and optional use forms, GSA and OMB will consider the experience of the agencies and the public as indicated by any comments they choose to submit.

A process similar to that for standard and optional use forms will be followed for all other collections of information prescribed by an agency but collected by other agencies. However, in such situations the promulgating agency will directly submit the collection of information to OMB for review and approval. With the assistance of the agencies collecting the information, the promulgating agency will provide OMB an estimate of burden imposed by each "user" agency and such burden will be allocated to the "user" agencies.

16. Section 1320.16 Interagency Reporting. No changes have been made in this section. The Department of the Treasury has requested that OMB state that this section applies only to information collection requests. However, this section applies to "interagency reporting," *i.e.*, reporting of information among federal agencies. Except in the case of general purpose statistics, such reporting does not constitute an "information collection request" because it is not imposed upon the public. Nor does it constitute a collection of information requirement.

17. Section 1320.17 Emergency and Expedited Processing. Public comments on this section have generally expressed concern about the possibility that paperwork requirements might be approved too hastily. Several commenters have proposed methods for requiring agencies to document the nature of the emergency situation. These comments have not been accepted, because Section 3507(g) of the Act requires OMB to act on an emergency request promptly upon appropriate certification by the agency head. It does not invest OMB with the authority to look behind such certification. However, OMB will exercise care in clearing emergency submissions so that the lack of time will not needlessly interfere with OMB's ability to evaluate independently the practical utility of the proposed collection of information. Merely because emergency processing is used does not mean the submission will necessarily be approved. OMB substantive authority—and responsibility—to approve or disapprove is unaffected.

The introductory paragraph to this section has been changed to refer to "submissions of information collection requests" instead of "proposed collections of information." This is because Section 3507(g) of the Act directly refers to "the review of information collection requests established pursuant to subsection (b)," indicating that emergency processing is limited to information collection requests. Moreover, it is apparent that applying this section's maximum 90-day approval period to collections of information contained in regulations would generate practical problems. Paragraph (f) of this section, however, applies to all collections of information. It is discussed below.

One change has been made in paragraph (a). At the suggestion of the Department of the Treasury, judicial deadlines have been explicitly included as a ground for emergency processing.

The Department of Housing and Urban Development objects to the inclusion of paragraph (c), stating that it could delay implementation of important information collection requests and could be detrimental to agency actions. However, paragraph (c) requires only that the agency take "all practicable steps to consult with interested agencies and members of the public in order to minimize the burden of the collection of information." If such consultation would truly disrupt agency operation, paragraph (c) would not require it. OMB has therefore rejected this comment. In most instances, OMB believes that such steps are both practicable and important to achieving the goals of the Paperwork Reduction Act. Public comments bear this out. For example, Conoco, Inc.'s comment specifically refers to paragraph (c) and states that it is "particularly concerned that this subsection be continuously enforced." Moreover, the Senate Report states that, in the case of emergency submissions, "The sponsoring agency will take all practicable steps to consult with interested agencies and members of the public to minimize the burden of the collected information." S. Rep. No. 96–930, at 27.

Several agencies have objected to paragraph (d), stating that the proviso that the time period requested by the agency must conform to the purposes of the Act is inconsistent with Section 3507(g). OMB recognizes that prompt action is required under the Act. In fact, in every instance to date involving a request for emergency processing, OMB has cleared the agency submission within the time requested by the agency head. At the extreme, however, OMB could not perform its statutory responsibilities if the period requested were so short that OMB could not apply the statutory standards. This has not happened, but the proviso in paragraph (d) is intended to protect against such an eventuality. Certainly, a request for processing within one day or more should ordinarily present no difficulty.

Several agencies have argued that the 90-day approval period under this section is too short. Whatever the policy merits of these comments, OMB cannot accommodate them because Section 3507(g) of the Act explicitly restricts approval under the emergency processing procedures to "a maximum of 90 days after the date on which the Director receives the request to authorize such collection."

The Department of Labor has suggested that "OMB approval be presumed for any information collection requirements contained in an emergency temporary standard." If this comment means that OMB approval should be "presumed" for submissions under this section, it cannot be accepted. OMB has a responsibility to "approve or disapprove" submissions under this section, applying the usual statutory standards. Nor can the comment be accepted if it means that OMB approval should be "presumed" for emergency regulations containing collections of information. Again, the Act mandates OMB review prior to imposition of paperwork burdens. However, OMB recognizes the need for expedition in emergency situations, and agrees with the Department that deference to the judgment of the agency in such situations can be "particularly critical." The entire purpose of this section is to accommodate the special needs of agencies in times of emergency.

NASA has suggested that paragraph (e) be revised to make the 90-day maximum approval period begin upon OMB approval, rather than upon OMB's receipt of the agency submission. However, this aspect of the paragraph is set by statute.

A new paragraph (f) has been added to this section to increase the flexibility of OMB and the agencies to process paperwork submissions on an expedited schedule. It should be particularly useful for emergency regulations and like issuances. The provision of expedited treatment for collections of information, where statutory "fast track" clearance has not been granted, is suggested by the Senate committee report. S. Rep. No. 96–930, at 49.

18. *Section 1320.18 Public Access.* OMB has received several comments concerning the indexing and format of the **Federal Register**. It is unable to respond to these comments, which should be directed to the **Federal Register**.

Three changes have been made in paragraph (a) in response to public comments or suggestions. First, the following has been added to the list of reasons for waiver of the publication requirements of the rule: where such publication would "jeopardize the confidentiality of proprietary, trade secret, or other confidential information." This addition is needed to ensure that the paperwork clearance process itself does not add to the burden of collections of information by jeopardizing their confidentiality.

Second, a final sentence has been added to this paragraph: "Provisions of this paragraph guaranteeing public availability of comments on agency collections of information will not be waived or modified." This is to make clear that the public will always be afforded a reasonable opportunity to inspect comments received concerning collections of information. Third, the specific cross-references included in the proposed rule have been deleted because the principle applies equally to all requirements of the rule for public notification. The specific cross-references have been replaced by: "Notwithstanding other provisions of this rule, requirements to publish public notice or to provide materials to the public may be modified * * *."

Conoco, Inc. has proposed that the entire OMB clearance docket be published in the **Federal Register** at least monthly. This comment has not been accepted. OMB clearance dockets are voluminous, and their publication would be exceedingly costly and of little value to the public. Access to the full OMB docket is freely available to the public upon request.

Several members of the public have suggested deletion of the last sentence of paragraph (b), as published in the proposed rule. This sentence read, "Failure of an agency to comply with the requirements of this paragraph shall not be grounds for any person to fail to comply with a collection of information." These comments have been accepted, and the sentence has been deleted. This should not be interpreted as altering the legal status of collections of information that do not comply with paragraph (b). Such failures are not specifically included within the public protection provision of the Act, 44 U.S.C. 3512; however, they are legally binding on the agencies and may in some instances be enforceable by the public.

Several agencies and members of the public have requested clarification of the term "reasonable steps" in paragraph (b). Ordinarily, reasonable steps will entail use of the same medium that is used to communicate the collection of information itself to the public. A written form should include the information on the form or an easily accessible attachment.

The Department of the Treasury points out that the requirement of paragraph (b), which implements the requirements of the Section 3504(c)(3)(C) of the Act, applies only to information collection requests. A modification has been made to make this clear.

19. *Section 1320.19 Independent Regulatory Agency Override Authority.* The word "promptly" has been added to this section to make clear that, following exercise of an independent regulatory agency override, OMB shall assign the control number without further delay. See 44 U.S.C. 3507(c).

The final sentence of this section has been reworded to clarify that the collection of information by virtue of an independent agency override becomes effective only upon assignment and display of an OMB control number. The mere override vote, without assignment and display of a control number, is not sufficient. Otherwise, the public would have no way to know whether the collection of information had been properly cleared.

The Business Advisory Council on Federal Reports has proposed that this section require that the override vote take place "in a public proceeding." Generally speaking, under other applicable law and practice, actions of independent regulatory agencies must take place in public proceedings. The Paperwork Reduction Act itself merely requires that the agency exercise its override authority "by a majority vote of its members." Further elaboration would be unnecessary and might conflict with lawful agency practices under other statutes. This comment has therefore been rejected.

20. *Section 1320.20 Other Authority.* In response to a suggestion by the Business Advisory Council on Federal Reports, paragraph (b) has been revised to read, in relevant part: "the Director may initiate a rulemaking proceeding to determine whether an agency's collection of information is consistent with statutory standards." This makes clear that exercise of authority under this paragraph is limited to actions to enforce or implement the Paperwork Reduction Act. The Environmental Protection Agency has stated that it assumes that "statutory standards" in this paragraph refers to an agency's substantive statutory authority and not to the Paperwork Reduction Act. This is incorrect. Of course, the agency's substantive authority is highly relevant to determining the practical utility of a collection of information under the standards of the Paperwork Reduction Act. However, OMB's authority is to implement the Paperwork Reduction Act, not agency substantive law.

The Securities and Exchange Commission has requested deletion of paragraph (b), in the belief that it exceeds statutory authority. However, Section 3516 of the Act grants the Director of OMB the authority to "promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter."

A new paragraph (e) has been added to this section. It clarifies two points. First, it states that nothing in these rules shall be interpreted as limiting the authority of OMB under the Paperwork Reduction Act or other law. As noted above, OMB has other authorities under the Paperwork Reduction Act that have not been implemented by this rule. Moreover, as this paragraph makes clear, this rule is not intended to be an exhaustive statement of all aspects of OMB implementation of its paperwork clearance authorities.

Second, this paragraph states that nothing in the rule or the Paperwork Reduction Act will be interpreted as increasing or decreasing the authority of OMB with respect to the substantive policies and programs of the agencies. This language is taken from Section 3518(e) of the Act. It is applicable to all exercises of authority under this rule or the Act.

Regulatory Impact and Regulatory Flexibility Act Analysis

OMB has analyzed the effects of this rule under both Executive Order 12291 and the Regulatory Flexibility Act. Copies of the analysis are available upon request. In summary, OMB has concluded that this rule will have a salutary impact on small entities through the reduction of unnecessary paperwork and that, while the costs and benefits of a procedural rule such as this one are largely unquantifiable, the rule meets all the requirements of the Executive Order.

Issued in Washington, D.C., March 25, 1983.

Christopher C. DeMuth,

Administrator, Office of Information and Regulatory Affairs.

List of Subjects in 5 CFR Part 1320

Reporting and recordkeeping requirements, paperwork, collections of information.

For the reasons set forth in the preamble, OMB amends 5 CFR Chapter III by adding a new Part 1320 to read as follows:

PART 1320—CONTROLLING PAPERWORK BURDENS ON THE PUBLIC

Sec.

1320.1 Purpose.
1320.2 Effect.
1320.3 Coverage.
1320.4 General requirements.
1320.5 Public protection.
1320.6 General information collection guidelines.
1320.7 Definitions.
1320.8 Agency head and senior official responsibilities.
1320.9 Delegation of approval authority.
1320.10 Information Collection Budget.
1320.11 Agency submissions of collections of information.
1320.12 Clearance of information collection requests.
1320.13 Clearance of collection of information requirements in proposed rules.
1320.14 Clearance of collections of information in current rules.
1320.15 Collections of information prescribed by another agency.
1320.16 Interagency reporting.
1320.17 Emergency and expedited processing.
1320.18 Public access.
1320.19 Independent regulatory agency override authority.
1320.20 Other authority.

Authority: 31 U.S.C. Sec. 18a and 44 U.S.C. Chs. 21, 25, 27, 29, 31, 35.

§ 1320.1 Purpose.

The purpose of this Part is to implement the provisions of the Paperwork Reduction Act of 1980 (Title 44 U.S.C. Chapter 35) (the Act) concerning collections of information. It is issued under the authority of Section 3516 of the Act, which provides that "The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this Chapter." It is designed to minimize and control burdens associated with the collection of information by Federal agencies from individuals, businesses and other private institutions, and State and local governments. In the case of inter-agency reporting, this Part establishes policy and promulgates regulations to ensure the effective management of inter-agency reporting requirements in the executive branch, and is promulgated under the authority of the Federal Records Act (Title 44 U.S.C. Chapters 21, 25, 27, 29, 31) and Section 104 of the Budget and Accounting Procedures Act of 1950, (Title 31 U.S.C Section 1111, as well as the Act.

§ 1320.2 Effect.

This Part supersedes and rescinds Circular No. A–40, Revised, dated May 3, 1973, and Transmittal Memorandum No. 1, dated February 10, 1976. This Part will become effective on May 2, 1983.

§ 1320.3 Coverage.

The requirements of this Part apply to all agencies as defined in § 1320.7(a) and to all collections of information conducted or sponsored by those agencies, as defined in § 1320.7(c), wherever conducted or sponsored, except for collections of information:

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(a) By compulsory process pursuant to the Anti-trust Civil Process Act or Section 13 of the Federal Trade Commission Improvements Act or Section 13 of the Federal Trade Commission Improvements Act of 1980;

(b) During the conduct of intelligence activities, as defined in Section 4–206 of Executive Order 12036, issued January 24, 1978, or successor orders, including Executive Order 12333, issued December 4, 1981, or during the conduct of cryptologic activities that are communications securities activities; or

(c) During the conduct of a federal criminal investigation or prosecution, during the disposition of a particular criminal matter, during the conduct of a civil action to which the United States or any official or agency thereof is a party, or during the conduct of an administrative action or investigation involving an agency against specific individuals or entities. This exception applies during the entire course of the investigation or action, whether before or after formal charges or complaints are filed or formal administrative action is initiated, but only after a case file or its equivalent is opened with respect to a particular party. General collections of information prepared or undertaken with reference to a category of individuals or entities, such as a class of licensees or an industry, do not fall within this exception.

§ 1320.4 General requirements.

(a) An agency shall not engage in a collection of information without obtaining Office of Management and Budget (OMB) approval of the collection of information and displaying a currently valid OMB control number and, unless OMB determines it to be inappropriate, an expiration date. An agency shall not continue to engage in such collection of information after the expiration date of the control number, unless OMB has approved an extension. Each agency shall ensure that collections of information required by law or necessary to obtain a benefit, and which are submitted to nine or fewer persons, inform potential respondents that the collection of information is not subject to OMB review under the Act.

(b) To obtain OMB approval of a collection of information, an agency shall demonstrate that it has taken every reasonable step to ensure that:

(1) The collection of information is the least burdensome necessary for the proper performance of the agency's functions to comply with legal requirements and achieve program objectives;

(2) The collection of information is not duplicative of information otherwise accessible to the agency; and

(3) The collection of information has practical utility. The agency shall also seek to minimize the cost to itself of collecting, processing, and using the information, but shall not do so by means of shifting disproportionate costs or burdens onto the public. It shall also comply with the general information collection guidelines set out in § 1320.6, where applicable.

(c) OMB shall determine whether the collection of information, as submitted by the agency, is necessary for the proper performance of the agency's functions. In making this determination, OMB will take into account the criteria listed in § 1320.4(b), and will consider whether the burden of the collection of information is justified by its practical utility. In addition:

(1) OMB will consider necessary any collection of information specifically mandated by statute or court order, but will independently assess any collection of information to the extent that the agency exercises discretion in its implementation; and

(2) OMB will consider necessary any information collection request specifically required by an agency rule approved or not acted upon by OMB pursuant to §§ 1320.13 or 1320.14, but will independently assess any such information collection request to the extent that it deviates from the specifications of the rule.

(d) Except as provided in § 1320.19, to the extent that OMB determines that all or any portion of a collection of information by an agency is unnecessary, for any reason, the agency shall not engage in such collection or portion thereof.

§ 1320.5 Public Protection.

(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failure to comply with any information collection request if the request does not display a currently valid OMB control number, or, in the case of an information collection request which is submitted to nine or fewer persons, the request fails to state that for this reason it is not subject to OMB review under the Act.

(b) Notwithstanding any other provision of law, no person shall be subject to any penalty for failure to comply with any collection of information requirement if the requirement has been disapproved by OMB, unless that disapproval has been overridden by an independent regulatory agency pursuant to § 1320.19. After March 1, 1984, all collection of information requirements that have been submitted to OMB for clearance, and that have not been disapproved by OMB, will display a currently valid OMB control number. The absence of a control number on a collection of information requirement does not, as a legal matter, invalidate such requirement; however, its absence will alert the public that either the agency has failed to comply with applicable legal requirements for the collection of information or the collection of information requirement has been disapproved.

(c) Whenever an agency has imposed an information collection request or collection of information requirement as the means for proving or satisfying a condition to the receipt of a benefit or the avoidance of a penalty, and the information collection request does not display a currently valid OMB control number or statement, as prescribed in § 1320.4(a), or the collection of information requirement has been disapproved by OMB in accordance with the procedures established by this Part (and not overridden by an independent regulatory agency pursuant to § 1320.19), the agency shall not treat a person's failure to comply, in and of itself, as grounds for withholding the benefit or imposing the penalty. The agency shall instead permit respondents to prove or satisfy the legal conditions in any other reasonable manner.

(1) If such a collection of information is disapproved in whole by OMB (and the disapproval is not overridden pursuant to § 1320.19), the agency shall grant the benefit to (or not impose the penalty on) otherwise qualified persons without requesting further proof concerning the condition.

(2) If such a collection of information is ordered modified by OMB (and the order is not overridden pursuant to § 1320.19), the agency shall permit respondents to prove or satisfy the condition by complying with the collection of information as so modified.

(d) Whenever a member of the public is protected from imposition of a penalty under this section for failure to comply with a collection of information, such penalty may not be imposed by an agency directly, by an agency through judicial process, or by any other person through judicial or administrative process.

§ 1320.6 General information collection guidelines.

Unless the agency is able to demonstrate that such collection of information is necessary to satisfy statutory requirements or other

substantial need, OMB will not approve a collection of information:

(a) Requiring respondents to report information to the agency more often than quarterly;

(b) Requiring respondents to prepare a written response to an information collection request or requirement in fewer than 30 days after receipt of it;

(c) Requiring respondents to submit more than an original and two copies of any document;

(d) Requiring grantees to submit or maintain information other than that required under OMB Circular A–102 or A–110;

(e) Providing for remuneration of respondents, other than contractors or grantees;

(f) Requiring respondents to retain records, other than health, medical, or tax records, for more than three years;

(g) In connection with a statistical survey that is not designed to produce results that can be generalized to the universe of study;

(h) Unless the agency has taken all practicable steps to develop separate and simplified requirements for small businesses and other small entities;

(i) Requiring respondents to submit proprietary, trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect its confidentiality to the extent permitted by law;

(j) Requiring respondents to maintain or provide information in a format other than that in which the information is customarily maintained.

§ 1320.7 Definitions.

For purposes of implementing the Paperwork Reduction Act and this Part, the following terms are defined as follows:

(a) "Agency" means any executive department, military department, government corporation, government controlled corporation, or other establishment in the executive branch of the government, or any independent regulatory agency, but does not include the General Accounting Office, Federal Election Commission, and governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions, or government-owned contractor-operated facilities including laboratories engaged in national defense research and production activities.

(b) "Burden" means the total time, effort, or financial resources required to respond to a collection of information, including that to read or hear instructions; to develop, modify, construct, or assemble any materials or equipment; to conduct tests, inspections, polls, observations, or the like necessary to obtain the information; to organize the information into the requested format; to review its accuracy and the appropriateness of its manner of presentation; and to maintain, disclose, or report the information.

(1) The time and financial resources necessary to comply with a collection of information that would be incurred by persons in the normal course of their activities (e.g., in compiling and maintaining business records), will be excluded from the "burden" if the agency demonstrates that the reporting or recordkeeping activities needed to comply are usual and customary.

(2) A collection of information sponsored by a federal agency that is also sponsored by a unit of state or local government is presumed to impose a federal burden except to the extent the agency shows that such state or local requirement would be imposed even in the absence of a federal requirement.

(c) "Collection of information" means the obtaining or soliciting of information by an agency from ten or more persons by means of identical questions, whether such collection of information is mandatory, voluntary, or required to obtain a benefit. For purposes of this definition, the "obtaining or soliciting of information" includes any requirement or request for persons to obtain, maintain, retain, report, or publicly disclose information. "Collections of information" are of two mutually exclusive types: "collection of information requirements" and "information collection requests."

(1) A "collection of information" includes the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods. Similar methods may include contracts, agreements, policy statements, plans, rules or regulations, planning requirements, circulars, directives, instructions, bulletins, requests for proposal or other procurement requirements, interview guides, disclosure requirements, labeling requirements, telegraphic or telephonic requests, and standard questionnaires used to monitor compliance with agency requirements.

(2) Requirements by an agency or a person to obtain or compile information for the purpose of disclosure to members of the public or to the public at large, through posting, notification, labeling, or similar disclosure requirements, constitute the "collection of information" whenever the same requirement to obtain or compile information would be a "collection of information" if the information were directly provided to the agency. The public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public is not included within this definition.

(3) A "collection of information" also includes questions posed to agencies, instrumentalities, or employees of the United States, if the results are to be used for general statistical purposes.

(d) "Collection of information requirement" is the term used for the collection of information by means of agency rule adopted after public notice and comment. The term comprises any form or other written instrument for the collection of information that is published as a part of the rule.

(e) "Director" means the Director of OMB or his designee.

(f) "Display" means:

(1) In the case of forms, questionnaires, instructions, and other written information collection requests individually distributed to potential respondents, to print the OMB control number (and, unless OMB determines it to be inappropriate, the expiration date) in the upper right hand corner of the front page of the request;

(2) In the case of collections of information published in regulations, guidelines, and other issuances in the **Federal Register** to publish the OMB control number in the **Federal Register** (as part of the regulatory text or as a technical amendment) and ensure that it will be included in the Code of Federal Regulations if the issuance is also included therein;

(3) In other cases, and where OMB determines that special circumstances exist, to use other means to inform potential respondents of the OMB control number (and, unless OMB determines it to be inappropriate, the expiration date).

(g) An "Education agency or institution" means any public or private agency or institution with the primary function of education.

(h) "A Federal education program" means any federal activity with a primary purpose of offering instruction or affecting an educational agency's or institution's ability to offer instruction.

(i) "Independent regulatory agency" means the Board of Governors of the Federal Reserve System, the Civil Aeronautics Board, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the

Federal Home Loan Bank Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, National Credit Union Administration, and any other similar agency designated by statute as a Federal independent regulatory agency or commission.

(j) "General purpose statistics" are those collected chiefly for public and general government uses, without primary reference to policy or program operations of the agency collecting the information.

(k) "Information" means any statement of fact or opinion, whether in numerical, graphic, or narrative form, and whether oral or maintained on paper, magnetic tapes, or other media. "Information" does not generally include items in the following categories; however, OMB may determine that any specific item constitutes "information":

(1) Affidavits, oaths, affirmations, certifications, receipts, changes of address, consents, or acknowledgments, provided that they entail no burden other than that necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument;

(2) Samples of products or of any other physical objects;

(3) Facts or opinions obtained through direct observation by an employee or agent of the sponsoring agency or through nonstandardized oral communication in connection with such direct observations;

(4) Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other publications, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition to the agency's full consideration of the comment;

(5) Facts or opinions obtained initially or in follow-on requests, from individuals (including individuals in control groups) under treatment or clinical examination in connection with research on or prophylaxis to prevent a clinical disorder, direct treatment of that disorder, or the interpretation of biological analyses of body fluids, tissues, or other specimens, or the identification or classification of such specimens;

(6) A request for facts or opinions addressed to a single person;

(7) Examinations designed to test the aptitude, abilities, or knowledge of the persons tested and the collection of information for identification or classification in connection with such examinations;

(8) Facts or opinions obtained or solicited at or in connection with public hearings or meetings;

(9) Facts or opinions obtained or solicited through nonstandardized follow-up questions designed to clarify responses to approved collections of information;

(10) Like items so designated by the Director.

(l) "Information collection request" means the method by which an agency communicates the specifications for a collection of information to potential respondents, including a written report form, application form, schedule, questionnaire, oral communication, reporting or recordkeeping requirement, or other similar method.

(m) "Interagency reporting requirement" means any requirement that an agency report information to another agency or agencies.

(n) "Modify" means to approve in part and disapprove in part.

(o) "Penalty" means the imposition by an agency or court of a fine or other punishment; judgment for monetary damages or equitable relief; or revocation, suspension, reduction, or denial of a license, privilege, right, grant, or benefit.

(p) "Person" means an individual, partnership, association, corporation, (including operations of government owned contractor-operated facilities), business trust, legal representative, organized group of individuals, state, territory, or local government or component thereof. Current employees of the federal government are excluded from this definition for purposes of the collection of information within the scope of their employment. Military reservists and members of the National Guard are considered Federal employees when on active duty, and for purposes of obtaining information about duty status. Retired and other former federal employees are included entirely within the definition of "person."

(q) "Practical utility" means the actual, not merely the theoretical or potential, usefulness of information to an agency, taking into account its accuracy, adequacy, and reliability, and the agency's ability to process the information in a useful and timely fashion. In determining whether information will have "practical utility," OMB will take into account whether the agency demonstrates actual timely use for the information either to carry out its functions or to make it available to the public, either directly or by means of a public disclosure or labeling requirement, for the use of persons who have an interest in entities or transactions over which the agency has jurisdiction. In the case of general purpose statistics or recordkeeping requirements, "practical utility" means that actual uses can be demonstrated.

(r) "Recordkeeping requirement" means a requirement imposed by an agency on persons to maintain specified records and includes requirements that information be maintained or retained by persons but not necessarily provided to an agency.

(s) "Reporting requirement" means a requirement imposed by an agency on persons to provide information to another person or to the agency. Reporting requirements may implicitly or explicitly include related recordkeeping requirements.

(t) "Sponsor." A federal agency is considered to "sponsor" the collection of information if the agency collects the information, causes another agency to collect the information, contracts or enters into a cooperative agreement with a person to collect the information, or requires a person to provide information to another person. A collection of information undertaken by a recipient of a federal grant is considered to be "sponsored" by an agency only if:

(1) The recipient of a grant is collecting information at the specific request of the agency; or

(2) The terms and conditions of the grant require specific approval by the agency of the collection of information or the collection procedures.

(u) "Ten or more persons" refers to the persons to whom an information collection request is addressed by the agency within any 12-month period, and to any independent entities to which the initial addressee may reasonably be expected to transmit the request during that period, including independent state or local entities and separately incorporated subsidiaries or affiliates, but not including employees of the respondent within the scope of their employment, or contractors engaged for the purpose of complying with the information collection request.

(1) Any recordkeeping or reporting requirement contained in a rule of general applicability is deemed to involve ten or more persons.

(2) Any information collection request addressed to all or a substantial

majority of an industry is presumed to involve ten or more persons.

§ 1320.8 Agency Head and Senior Official responsibilities.

(a) Except as provided in § 1320.8(b) of this section, each agency head shall designate a Senior Official to carry out the responsibilities of the agency under the Act.

(1) The Senior Official shall report directly to the head of the agency and shall have the authority, subject to that of the agency head, to carry out the responsibilities of the agency under the Act and this Part.

(2) The Senior Official shall independently assess all collections of information to ensure that they meet the criteria specified in § 1320.4(b) and that the agency conducts no collection of information that does not display a currently valid OMB control number.

(b) An agency head may retain full undelegated review authority for any component of the agency which by statute is required to be independent of any agency official below the agency head. For each component for which responsibility under the Act is not delegated to the Senior Official, the agency head shall be responsible for the performance of those functions.

(c) Upon request of the Director, the head or the Senior Official of each agency (other than an independent regulatory agency) shall make its services, personnel, and facilities available to OMB for the performance of Paperwork Reduction Act functions, unless such head or Senior Official determines in writing that the provision of such resources is impracticable.

§ 1320.9 Delegation of approval authority.

(a) The Director may, after complying with notice and comment procedures of Title 5 U.S.C. Chapter 5, delegate OMB review of some or all of an agency's collections of information to the Senior Official, or to the agency head with respect to those components of the agency for which he has not delegated authority.

(b) No delegation of review authority shall be made unless the agency demonstrates to OMB that the Senior Official or agency head to whom the authority would be delegated:

(1) Is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved, and

(2) Has sufficient resources to carry out this responsibility effectively.

(c) OMB may limit, condition, or rescind, in whole or in part, at any time, such delegations of authority, and reserves the right to review any individual collection of information, or part thereof, sponsored by an agency, at any time.

§ 1320.10 Information collection budget.

Each agency's Senior Official, or agency head in the case of any agency for which the agency head has not delegated responsibility under the Act for any component of the agency to the Senior Official, shall develop and submit to OMB, in such form and in accordance with such procedures as OMB may prescribe, an annual comprehensive budget for all collections of information from the public to be conducted or sponsored by the agency in the succeeding twelve months. If during the course of such year, the agency proposes a collection of information not included in the annual budget, it shall, in accordance with such instructions as OMB may provide, either make offsetting reductions in other items in the budget or obtain supplemental authorization for the additional collection. For good cause, and where it is possible to meet its statutory responsibilities by other means, OMB may exempt any agency from this requirement.

§ 1320.11 Agency submissions of collections of information.

(a) Agency submissions of collections of information for OMB review may only be made by the agency head or Senior Official, or their designee. Submissions shall be made in accordance with such procedures and in such form as the Director may prescribe. Submissions shall provide sufficient information to permit consideration of the criteria set out in § 1320.4 (b) and (c), shall include an estimate of burden, calcuated in a manner prescribed by OMB, shall identify any significant burdens placed on a substantial number of small businesses or other small entities, and shall contain such additional supporting material as the Director may request.

(b) Agencies shall provide copies of the material submitted to OMB for review promptly upon request by any person.

(c) OMB shall review all agency submissions in accordance with the standards set forth in § 1320.4 (b) and (c).

(d) In determining whether to approve, disapprove, modify, review, initiate proposals for changes in or stay the effectiveness of its approval of, any collection of information, OMB shall consider any public comments received, and may provide the agency and interested persons additional opportunities to be heard or to submit statements in writing.

(e) Agencies shall submit collections of information contained in proposed rules published for public comment in the **Federal Register** in accordance with the requirements set forth in § 1320.13. Agencies shall submit collections of information contained in current regulations that were published as final rules in the **Federal Register** in accordance with the requirements set forth in § 1320.14. Agencies shall submit information collection requests other than those contained in regulations published as final rules in the **Federal Register**, in accordance with the requirements set forth in § 1320.12. Special rules for clearance and inventory of collections of information prescribed by an agency, but collected by another agency, are set forth in § 1320.15. Special rules for emergency processing of information collection requests are set forth in § 1320.17.

(f) Prior to the expiration date assigned to a collection of information, after consultation with the agency, OMB may decide to review the collection of information, and shall so notify the agency. Such decisions will be made only when relevant circumstances have changed or the burden estimates provided by the agency at the time of the initial submission were materially in error. Upon such notification, the agency shall submit the information collection request or requirement for review under the procedures outlined in § 1320.12 or § 1320.14. The agency may continue to sponsor the collection of information while the submission is pending. For good cause, after consultation with the agency, OMB may stay the effectiveness of its approval of any information collection request not specifically required by agency rule, whereupon the agency shall cease sponsoring such request while the submission is pending, and shall publish a notice in the **Federal Register** to that effect.

(g) Whenever the persons to whom a collection of information is addressed are primarily educational agencies or institutions or whenever the purpose of such activities is primarily to request information needed for the management or formulation of policy related to federal education programs, or research or evaluation studies related to implementation of federal education programs, the collection of information shall be submitted to OMB in accordance with the procedures outlined in this Part. Such request or requirement will be reviewed by the Federal Education Data Acquisition Council (FEDAC), or organizational unit fulfilling the same statutory function within the Department of Education, prior to

approval or disapproval by OMB. Collections of information addressed to educational agencies or institutions and submitted to the Secretary of Education under the provisions of Title 20 U.S.C. Section 1221–3 shall be submitted by the Secretary of Education to OMB for approval in accordance with procedures contained in this Part, in time to receive OMB approval and to be announced publicly by the agency by the February 15 preceding the school year in which the information is to be collected.

(h) No substantive or material modification may be made by an agency in an information collection request or requirement after it has been assigned an OMB control number unless the modification has been submitted to OMB for review and approval pursuant to the procedures outlined in this Part.

(i) OMB will reconsider its disapproval of a collection of information upon the written request of an agency head or Senior Official only if the sponsoring agency can provide significant new or additional information relevant to the original decision.

(j) For purposes of time limits for OMB review of collections of information, any submission received by OMB after 12:00 noon will be deemed to have been received on the following business day.

§ 1320.12 Clearance of information collection requests.

Agencies shall submit all collections of information, other than those contained in proposed rules published for public notice and comment, or in current regulations that were published as final rules in the **Federal Register**, in accordance with the following requirements:

(a) On or before the day of submission to OMB, the agency shall forward a notice to the **Federal Register** stating that OMB approval is being sought. The notice shall direct requests for information, including copies of the proposed information collection request and supporting documentation, to the agency, and shall direct comments to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for [name of agency]. A copy of the notice submitted to the **Federal Register**, together with the date of expected publication, shall be included in the agency's submission to OMB.

(b) Within 60 days of its receipt of a proposed information collection request, OMB shall notify the agency involved of its decision to approve, modify, or disapprove the request and shall make such decision publicly available. OMB may extend this 60-day period for an additional 30 days upon notice to the agency. Upon approval of an information collection request, OMB shall assign a control number and an expiration date. OMB shall not approve any information collection request for a period longer than three years.

(c) If OMB fails to notify the agency of its approval, disapproval, or extension of review within the 60-day period (or 90-day period if notice of an extended review has been given), the agency may request, and OMB shall assign without further delay, a control number, which shall be valid for not more than one year.

(d) No information collection request may become effective until the agency has displayed a valid OMB control number (and, unless OMB determines it to be inappropriate, an expiration date).

§ 1320.13 Clearance of collection of information requirements in proposed rules.

Agencies shall submit collection of information requirements contained in proposed rules published for public comment in the **Federal Register** in accordance with the following requirements:

(a) The agency shall include in the preamble to the Notice of Proposed Rulemaking a statement that the collection of information requirements contained in the rule have been submitted to OMB for review under Section 3504(h) of the Act. The statement shall direct comments to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for [name of agency].

(b) All such submissions shall be made to OMB not later than the day on which the Notice of Proposed Rulemaking is published in the **Federal Register**, in such form and in accordance with such procedures as the Director may direct. Such submissions shall include a copy of the proposed regulation and preamble.

(c) Within 60 days of publication of the proposed rule, OMB may file public comments on collection of information provisions. Such comments shall be in the form of an OMB Notice of Action, which shall be sent to the Senior Official or agency head, or their designee, and which shall be made a part of the agency's rulemaking record.

(d) If an agency submission is not in compliance with paragraph (b) of this section, OMB may disapprove the collection of information requirement in the proposed rule within 60 days of receipt of the submission. If an agency fails to submit a collection of information requirement subject to this Section, OMB may disapprove it at any time.

(e) When the final rule is published in the **Federal Register**, the agency shall explain how the final rule responds to any comments received from OMB or the public. The agency shall include an identification and explanation of any modifications made in the rule, or explain why it rejected the comments. If requested by OMB, the agency shall include OMB's comments in the preamble to the final rule.

(f) If OMB has not filed public comments pursuant to § 1320.13(c), or has approved the collection of information requirement contained in a rule before the final rule is published in the **Federal Register**, OMB may assign a control number prior to publication of the final rule, and the agency may display the number in its publication of the final rule.

(g) On or before the date of publication of the final rule, the agency shall submit the final rule to OMB, unless it has been approved pursuant to § 1320.13(f) (and not substantively or materially modified by the agency after approval). Not later than 60 days after publication OMB shall approve, modify, or disapprove the collection of information requirement contained in the final rule. Any such disapproval may be based on one or more of the following reasons, as determined by OMB:

(1) The agency failed to comply with paragraph (b) of this section;

(2) The agency had substantially modified the collection of information requirement contained in the final rule from that contained in the proposed rule, without providing OMB with notice of the change of sufficient information to make a determination concerning the modified collection of information requirement, at least 60 days before publication of the final rule; or

(3) In cases where OMB had filed public comments pursuant to paragraph (c) of this section, the agency's response to such comments was unreasonable, and the collection of information is unnecessary for the proper performance of the agency's functions.

(h) After making such decision to approve, modify, or disapprove a collection of information requirement, OMB shall so notify the agency. If OMB approves the collection of information requirement, or if it has not acted upon the submission within the time limits of this Section, OMB shall assign a control number. If OMB disapproves the collection of information requirement, it shall make the reasons for its decision publicly available.

(i) OMB shall not approve any collection of information requirement for

a period longer than three years. Approval of any collection of information submitted under this Section will be for the full three-year period, unless the Director determines that there are special circumstances requiring approval for a shorter period.

(j) After receipt of notification of OMB's approval, disapproval, or failure to act, and prior to the effective date of the rule, the agency shall publish a notice in the **Federal Register** to inform the public of OMB's decision. If OMB has approved or failed to act upon the collection of information requirement, the agency shall include the OMB control number in such notice. A collection of information requirement may not become effective until OMB has assigned a control number, and such number is displayed.

§ 1320.14 Clearance of collections of information in current rules.

Agencies shall submit reporting and recordkeeping requirements contained in current regulations that were published as final rules in the **Federal Register** in accordance with the following procedures:

(a) Collections of information not previously reviewed by OMB or the General Accounting Office, and not assigned currently valid control numbers, shall be submitted to OMB for review prior to December 31, 1983 in accordance with an orderly schedule to be developed by the agency with OMB concurrence. Previously approved collections of information subject to this section shall be submitted not later than 90 days before the expiration date of the OMB control number assigned to the collection.

(b) On or before the day of submission to OMB, the agency shall forward a notice to the **Federal Register** stating that OMB review is being sought. The notice shall direct requests for information, including copies of the collection of information and supporting documentation, to the agency, and shall direct comments to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for [name of agency]. A copy of the notice submitted to the **Federal Register**, together with the date of expected publication, shall be included in the agency's submission to OMB.

(c) Within 60 days of its receipt of a collection of information submission, OMB shall notify the agency involved of its decision whether to approve or to initiate proposals for change in the collection and shall make such decision publicly available. OMB may extend this 60-day period for an additional 30 days upon notice to the agency. Upon approval of a collection of information, OMB shall assign a control number and an expiration date.

(d) OMB shall not approve any collection of information for a period longer than three years. Approval of any collection of information submitted under this Section will be for the full three year period, unless the Director determines that there are special circumstances requiring approval for a shorter period.

(e) If OMB fails to notify the agency of its approval, decision to initiate proposals for change, or extension of review within the 60-day period (or 90-day period if notice of an extended review has been given), the agency may request, and OMB shall assign without further delay, a control number, which shall be valid for not more than one year. Upon assignment of a control number by OMB, the agency shall display such number in accordance with § 1320.7(f)(2).

(f) If OMB has notified the agency of a decision to initiate proposals for change in the collection of information it shall extend the existing approval of the collection for the duration of the period required for consideration of proposed changes, including that required for OMB approval or disapproval of the collection of information under § 1320.12(b) or § 1320.13(g), as appropriate. In the case of a collection of information not previously approved, a control number shall be granted for such period. The agency shall publish a notice on the agency's next practicable publication date in the **Federal Register** to inform the public that OMB has initiated proposals for change in the collection, and has granted or extended its approval of the collection of information.

(g) Thereafter, the agency shall, within a reasonable period of time not to exceed 120 days, undertake such procedures as are necessary in compliance with the Administrative Procedure Act and other applicable law to amend or rescind the collection of information, and shall notify the public through the **Federal Register**. Such notice shall identify the proposed changes in the collections of information and shall solicit public comment on retention, modification, or rescission of such collections of information. If the agency employs notice and comment rulemaking procedures for amendment or rescission of the requirement, publication of the above in the **Federal Register** and submission to OMB shall initiate OMB clearance procedures under Section 3504(h) of the Act and § 1320.13. If the agency does not employ notice and comment rulemaking procedures for amendment or rescission of the collection of information, publication of such notice and submission to OMB shall initiate OMB clearance procedures under Section 3507 of the Act and § 1320.12. All procedures shall be completed within a reasonable period of time to be determined by OMB in consultation with the agency.

(h) OMB may disapprove in whole or in part, any collection of information subject to the procedures of this section if the agency:

(1) Has refused within a reasonable time to comply with an OMB directive to submit the collection of information for review;

(2) Has refused within a reasonable time to initiate procedures to change the collection of information; or

(3) Has refused within a reasonable time to publish a final rule containing the collection of information, with such changes as may be appropriate, or otherwise complete the procedures for amendment or rescission of the collection of information.

(i) Upon disapproval by OMB of a collection of information subject to this section, the OMB control number assigned to such collection shall immediately expire, and no agency shall conduct or sponsor such collection of information. Any such disapproval shall constitute disapproval of the collection of information request or requirement contained in the Notice of Proposed Rulemaking or other submissions, and also of the preexisting request or requirement directed at the same collection of information and therefore constituting essentially the same request or requirement.

§ 1320.15 Collections of information prescribed by another agency.

(a) Any collection of information prescribed by an agency and to be adopted as a Standard or Optional Form after approval by the General Services Administration (GSA) shall be submitted to OMB for approval through GSA in accordance with such procedures and in such form as the Director may prescribe.

(1) Standard and Optional Forms used for the collection of information must be approved by OMB and assigned a currently valid control number before they can be used.

(2) GSA, with the assistance of the agencies using the forms, shall submit annually to OMB a list of all Standard and Optional Forms in use during that year for the collection of information from the public, stating which agencies use these forms, the number of each form used by each agency, and an

estimate of the burden required to complete each form. Burden estimates developed by GSA will be counted as burden imposed by each agency in proportion to the use of the information.

(b) Any other collections of information prescribed by an agency but collected by another agency or agencies shall be submitted to OMB for approval by the agency that prescribes the collection, in accordance with such procedures and in such form as the Director may prescribe. With the assistance of the agencies collecting the information, the agency making the submission shall inform OMB of which agencies collect the information and an estimate of the burden of the collection of information. Burden estimates developed by the submitting agency will be counted as burden imposed by each agency in proportion to their use of the information.

(c) In other respects, collections of information under this Section shall be treated under the standards and procedures of § 1320.11–14, as appropriate.

§ 1320.16 Interagency reporting.

In accordance with authorities in the Act, the Federal Records Act, and the Budget and Accounting Procedures Act, the General Services Administration (GSA) is directed to issue regulations or requirements for the management of interagency reporting and provide for the approval and clearance of interagency reporting, whether mandatory or voluntary. Upon request, GSA shall report to the Director on the status of interagency reporting. Judicial branch requirements contained in court orders or decrees and OMB and other Executive Office of the President requirements shall be exempt from the provisions of this section.

§ 1320.17 Emergency and expedited processing.

An agency head or the Senior Official may request emergency processing of submissions of information collection requests.

(a) Any such request shall be accompanied by a written determination that the collection of information is essential to the mission of the agency, and that public harm will result if normal clearance procedures are followed, or that an unanticipated event has occurred which will prevent or disrupt the collection of information or cause a statutory or judicial deadline to be missed if normal procedures are followed.

(b) The agency shall state the time period within which OMB should approve or disapprove the collection of information.

(c) The agency shall submit information indicating that it has taken all practicable steps to consult with interested agencies and members of the public in order to minimize the burden of the collection of information.

(d) OMB shall approve or disapprove each such submission within the time period stated under § 1320.17(b), provided such time period is consistent with the purposes of the Act.

(e) If OMB approves the collection of information it shall assign a control number valid for a maximum of 90 days after receipt of the agency submission.

(f) Upon request by an agency, OMB may agree to act on a collection of information submission on an expedited schedule, even though such submission may not qualify for emergency processing under this section.

§ 1320.18 Public access.

(a) In order to enable the public to participate in and provide comments during the clearance process, OMB will ordinarily make its paperwork docket files available for public inspection during normal business hours. Notwithstanding other provisions of this rule, requirements to publish public notices or to provide materials to the public may be modified or waived by the Director to the extent that public participation in the approval process would defeat the purpose of the collection of information; jeopardize the confidentiality of proprietary, trade secret, or other confidential information; violate state or federal law; or substantially interfere with an agency's ability to perform its statutory obligations. Provisions of this paragraph guaranteeing public availability of comments on agency collections of information will not be waived or modified.

(b) Agencies conducting or sponsoring an information collection request shall take reasonable steps to inform potential respondents of the identity of the federal agency sponsoring any collection of information, why the information is being collected, how it is to be used, whether responses to the request are voluntary, required to obtain or retain a benefit (citing authority), or mandatory (citing authority), and the nature and extent of confidentiality to be provided, if any (citing authority).

§ 1320.19 Independent regulatory agency override authority.

An independent regulatory agency may override OMB's disapproval or stay of effectiveness of approval of a collection of information by majority vote of its members or commissioners. The agency shall certify any such override to the Director, and shall explain in writing its reasons for exercising the override authority. OMB shall promptly assign an OMB control number, valid for the length of time requested by the agency, up to three years, to any information collection request or collection of information requirement as to which this authority is exercised. No override shall become effective until the independent regulatory agency has displayed the OMB control number.

§ 1320.20 Other authority.

(a) The Director shall determine whether any collection of information or other matter is within the scope of the Act, or of this Part.

(b) In appropriate cases, after consultation with the agency, the Director may initiate a rulemaking proceeding to determine whether an agency's collection of information is consistent with statutory standards. Such proceedings shall be in accordance with informal rulemaking procedures under Title 5 U.S.C. Chapter 5.

(c) Each agency is responsible for complying with the information policies, principles, standards, and guidelines prescribed by the Director.

(d) To the extent permitted by law, the Director may waive any requirements contained in this Part.

(e) Nothing in this Part shall be interpreted to limit the authority of the Director under the Paperwork Reduction Act of 1980 or any other law. Nothing in this Part or the Paperwork Reduction Act shall be interpreted as increasing or decreasing the authority of OMB with respect to the substantive policies and programs of the agencies.

[FR Doc. 83-8364 Filed 3-29-83; 8:45 am]

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Federal Register

Thursday
March 31, 1983

Part V

Department of the Interior

Bureau of Indian Affairs

Statute of Limitations Claims List

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Statute of Limitations Claims List

March 25, 1983.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of all Statute of Limitations Claims.

SUMMARY: This notice lists all potential pre-1966 Indian damage claims identified by or presented to the Department of the Interior's Statute of Limitations Program as required by Sec. 3(a) of the Indian Claims Limitation Act of 1982, Pub. L. 97–394. The claims are grouped by Indian Tribes. Excluded from this list are claims which were erroneously identified as claims and which have no legal merit whatsoever. The listing of a claim does not signify that the Department believes the claim has legal merit.

DATE: This notice establishes that tribes, groups, and individual Indians shall have until September 27, 1983, to submit additional claims not contained on this list to the Secretary of the Interior through the appropriate Area Office.

FOR FURTHER INFORMATION CONTACT:

Aberdeen Area Director, Bureau of Indian Affairs, 115 4th Avenue SE., Aberdeen, South Dakota 57401, Telephone: (605) 225–0250

Albuquerque Area Director, Bureau of Indian Affairs, 5301 Central Avenue NE., P.O. Box 8327, Albuquerque, New Mexico 87108, Telephone: (505) 766–3170

Juneau Area Director, Bureau of Indian Affairs, Federal Building, P.O. Box 3–8000, Juneau, Alaska 99802, Telephone: (907) 586–7177

Minneapolis Area Director, Bureau of Indian Affairs, Chamber of Commerce Bldg., 15 South 5th St., 6th Floor, Minneapolis, Minnesota 55402, Telephone: (612) 725–2906

Anadarko Area Director, Bureau of Indian Affairs, Federal Building, P.O. Box 368, Anadarko, Oklahoma 73005, Telephone: (405) 247–6673

Billings Area Director, Bureau of Indian Affairs, 316 North 26th Street, Billings, Montana 59101, Telephone: (406) 657–6315

Eastern Area Director, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245 Telephone: (703) 235–2571

Portland Area Director, Bureau of Indian Affairs, 1425 Irving Street NW., Portland, Oregon 97208, Telephone: (503) 231–6702

Muskogee Area Director, Bureau of Indian Affairs, Old Federal Building, Muskogee, Oklahoma 74401, Telephone: (918) 687–2295

Navajo Area Director, Bureau of Indian Affairs, Window Rock, Arizona 86515, Telephone: (602) 781–5151

Phoenix Area Director, Bureau of Indian Affairs, 3030 North Central, P.O. Box 7007, Phoenix, Arizona 85011, Telephone: (602) 261–2305

Sacramento Area Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825, Telephone: (916) 484–6682.

SUPPLEMENTARY INFORMATION: The Indian Claims Limitation Act of 1982, Pub. L. 97–394, extends the federal statute of limitations governing pre-1966 Indian damage claims (28 U.S.C. § 2415) which was due to expire on December 31, 1982. A claim subject to the statute of limitations in Pub. L. 97–394 is an Indian claim for money damages which arose prior to July 18, 1966. Claims against the United States are not governed by this law, only money damage claims against persons, corporations, states, or any other entities except the federal government. Claims for title to land are also not governed by this statute of limitations. The vast majority of the listed claims involve trespasses to Indian land.

This notice lists all potential Indian damage claims which have at any time been identified by or submitted to the Bureau of Indian Affairs under the Department of the Interior's Statute of Limitations Program. Excluded from the list are claims which where erroneously identified as claims and which have no legal merit whatsoever. A copy of the Indian Claims Limitation Act and the relevant portion of the published claims list are being provided all affected Indian tribes.

The public (Indian tribes, groups, and individual Indians) have until September 27, 1983, to submit to the appropriate Area Office additional pre-1966 Indian damage claims not listed in this document. (See the **FOR FURTHER INFORMATION CONTACT** section of this document for the names, addresses, and telephone numbers of the Area Offices). Any additional claims submitted to the Area Offices must be accompanied by: (1) a statement identifying the nature of the claim, (2) the date when the right of action accrued, (3) the names of potential plaintiffs and defendants, if known, and (4) any other information needed to identify and evaluate the claim.

Within 30 days after the expiration of the 180-day period, the Secretary will publish in the **Federal Register** a supplemental list comprised of those pre-1966 damage claims submitted to the Area Offices by tribes, groups, and individual Indians. A claim will not be included in this supplemental list if it is clearly frivolous, is not sufficiently identified, or is not submitted within the 180-day period.

For claims included on either published list of claims, any right of action shall be barred 60 days after the publication of the supplemental list. For all claims included on either of the published lists, the statute of limitations does not begin to run until the Secretary takes certain actions. If the Secretary decides to reject any claim or category of claims included on the two lists, a report must be sent to the appropriate tribe whose rights or the rights of whose members could be affected by a rejection. The report will identify each separate claim being rejected, list the names of potential plaintiffs and defendants, if known or reasonable ascertainable, and breifly set forth the reason or reasons for rejection. A simple written notice of rejection will be sent to individual Indian claimants if their identities and addresses are known or reasonably ascertainable from BIA records. As soon as possible after a report has been forwarded to a tribe, the Secretary shall publish a notice in the **Federal Register** identifying the claims covered in the report. Any right of action on claims rejected by the Secretary and covered in the report shall be barred unless a complaint is filed within one year after the notice of rejection is published in the **Federal Register.** After a report has been issued, any Indian claimant may request the Secretary to provide any non-privileged information relating to any claim covered by the report.

If the Secretary determines that a claim or a category of claims should be resolved legislatively, he may submit legislative proposals or reports to Congress. Any right of action on a claim covered by a legislative proposal or report shall be barred if the complaint is not filed within three years after the legislative proposal or report is submitted to Congress.

It is important to remember that for claims contained on either of the lists, the statute of limitations does not begin to run until such time as the Secretary formally rejects a claim or submits to Congress a legislative proposal or report.

Because of the numerous claims listed in the document, this notice may be subject to technical clarification or change.

This notice is published in the exercise of authority delegated by the

Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

John W. Fritz.

Acting Assistant Secretary—Indian Affairs.

Instruction Sheet

Each claim has been assigned a nine or ten character identification number (a letter followed by eight or nine numbers). The first six characters identify a specific Bureau of Indian Affairs Area Office, Agency Office and tribe. The last three or four characters represent the specific number assigned to that claim. For example, A013400001 indicates:

A01—Aberdeen Area Office/Cheyenne River Agency
340—Cheyenne River Sioux Tribe
0001—Claim number one

To locate a claim, begin with the Table of Contents which lists each tribe (grouped by Area Office and Agency) and the pages where the claims for that tribe or its members can be found. Individual Indian claims are listed under the tribe of which the original Indian allottee was a member. The claims list has been reproduced by photographing two pages of the list to each **Federal Register** page. The page number referred to in the Table of Contents is located at the top center above the name of the Area Office and is not the five digit **Federal Register** page number located on the outer portion of each page.

If a tribe is not listed in the Table of Contents, no claim was identified for that tribe or its members.

Each page of claims contain five columns of information under the headings: Tribe, Case, allottee, Allotment, and Type Description.

Tribe: This column contains the six character code number (explained above) which identifies the Area Office/Agency and Tribe.

Case: The three or four digit number under this column represents the specific number assigned to that claim.

Allottee: This column lists the name of the original Indian allottee if the claim is an individual claim. For tribal claims, the word "tribal" has been inserted.

Allotment: This column lists the allotment number of the original allottee. If the land has no allotment number, the letters N/A (Not Applicable) have been inserted.

Type of Claim: This column briefly describes the nature of the claim. Because of space limitations a large number of claims have been described simply as *Forced Fee* or *Secretarial Transfer*. A *Forced Fee* claim involves the issuance of a fee simple patent by the Department of the Interior to an Indian allottee before the expiration of the trust period and allegedly without the consent of the allottee. A *Secretarial Transfer* claim involves the sale of an Indian allotment in heirship status by the Department of the Interior without the consent of all the beneficial heirs.

If after locating a claim on the list you desire further information, call or write the Area Office under which your tribe is listed. The names, addresses, and telephone numbers for all Area Offices are contained in the **FOR FURTHER INFORMATION CONTACT** section of this document. Be sure to include the complete identification number for your claim in any correspondence with the Bureau of Indian Affairs Area or Agency Office. If you cannot find a claim on the list or you need help in locating a claim, call the appropriate Area Office for your tribe. It is important to remember that additional claims not included on this list must be submitted in writing to the appropriate Area Ofice within 180 days of the publication date of this document.

BILLING CODE 4310-02-M

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A00007	0070	FLUTE GILES	68	OLD AGE ASSISTANCE
	0071	ANNIE BIGLER (LADEAUX)	32	OLD AGE ASSISTANCE
	0072	BARKER KEITAH (FLUTE)	48	OLD AGE ASSISTANCE
	0073	CAVENDAR HAZEN	38	OLD AGE ASSISTANCE
	0074	CAVENDAR WILLIAM RAY	73	OLD AGE ASSISTANCE
	0076	EASTMAN CHRISTIAN E.	70	OLD AGE ASSISTANCE
	0077	EASTMAN GEORGE JR.	71	OLD AGE ASSISTANCE
	0078	EASTMAN JANE (FAIRBAULT)	48	OLD AGE ASSISTANCE
	0079	EASTMAN GEORGE	57	OLD AGE ASSISTANCE
	0080	FLUTE HENRY	73	OLD AGE ASSISTANCE
	0082	HEMINGER RUTH (HAKEMAN)	46	OLD AGE ASSISTANCE
	0083	HEMINGER FELIX A.	70	OLD AGE ASSISTANCE
	0084	JONES ELLEN (WILSON)	42	OLD AGE ASSISTANCE
	0085	JONES HARRY JAMES	62	OLD AGE ASSISTANCE
	0086	JONES BENJAMIN	63	OLD AGE ASSISTANCE
	0088	MOORE OLIVER	57	OLD AGE ASSISTANCE
	0089	WAKEMAN THOMAS J.	58	OLD AGE ASSISTANCE
	0090	LOVEJOY OWEN	37	OLD AGE ASSISTANCE
	0091	REDWING SOLON	61	OLD AGE ASSISTANCE
	0093	CAVENDAR VINCENT G.	76	OLD AGE ASSISTANCE
	0094	HUMPHREY NANCY (WEST)	56	OLD AGE ASSISTANCE
	0095	REDWING JEANETTE (WESTON)	61	OLD AGE ASSISTANCE
	0096	CAVENDAR WILLIAM ROY	73	OLD AGE ASSISTANCE
	0097	WESTON AMOS	73	OLD AGE ASSISTANCE
	0098	HENRY EFFIE (WEST)	67	OLD AGE ASSISTANCE
	0100	ROGERS JULIA (WILSON)	37	OLD AGE ASSISTANCE
	0103	WAYNE GRACE (TAYLOR MENARD)	71	OLD AGE ASSISTANCE
	0104	THOMPSON PETER	37	OLD AGE ASSISTANCE
	0105	THOMPSON ESTHER (WILSON)	35	OLD AGE ASSISTANCE
	0107	WAKEMAN ALEXANDER P.	65	OLD AGE ASSISTANCE
	0108	WILLIAMS TITUS	69	OLD AGE ASSISTANCE
	0109	BURUP EVELYN E. (JONES)	66	OLD AGE ASSISTANCE
	0110	HEMINGER FELIX	44	TAXATION
	0111	WESTMAN LEVI	44	TAXATION
	0112	FLUTE GILES	44	TAXATION
	0113	LOVEJOY FOREST	44	TAXATION
	0114	ALLEN RAY	44	TAXATION
	0115	EASTMAN GEORGE JR.	44	TAXATION
	0116	REDEARTH CAROLINE	44	TAXATION
	0117	WESTON TAYLOR	44	TAXATION
	0118	EASTMAN GEORGE SR.	44	TAXATION
	0119	WAKEMAN JESS	44	TAXATION
	0120	WESTMAN AMOS	44	TAXATION
	0121	MILLERS CHARLES	44	TAXATION
	0122	JONES BEN	44	TAXATION
	0123	JONES WALTER	44	TAXATION
	0124	WESTON VIRGIL	44	TAXATION
	0125	LOVEJOY F.	44	TAXATION
	0126	ROBINSON STEVE	44	TAXATION
	0127	ROBINSON STEVE	44	TAXATION
	0128	REDEARTH ART	44	TAXATION
	0129	RAY ALLEN	44	TAXATION
	0130	WAKEMAN FRANNIE	44	TAXATION
A01304	0988	DUCHENEAUX ANTHONY DALE	6418	ROAD IN TRESPASS
A01340	0001	CIRCLE EAGLE WILLIAM (FOUR)	1408	OLD AGE ASSISTANCE
	0002	LONE HORSE PETER	1610	OLD AGE ASSISTANCE
	0003	PRETTY BUFFALO MAGGIE	734	OLD AGE ASSISTANCE
	0004	SLITES JEFF BESSIE	2082	OLD AGE ASSISTANCE
	0005	YELLOW SHIELD KNIFE NELLIE	2114	OLD AGE ASSISTANCE
	0006	TOP OF THE LODGE JESSIE (EAGLE)	2022	OLD AGE ASSISTANCE
	0007	LITTLE CROW GEORGE	1394	OLD AGE ASSISTANCE
	0008	LEAR MOLLIE	1526	OLD AGE ASSISTANCE
	0009	LITTLE WOUNDED JAMES	1441	OLD AGE ASSISTANCE
	0010	LINDLEY LIZZIE M.	1924	OLD AGE ASSISTANCE
	0011	WALKS RUNNING KATTLE CLARA	2166	OLD AGE ASSISTANCE
	0012	WHITE WOLF THOMAS	1756	OLD AGE ASSISTANCE
	0013	AFRAID OF LIGHTNING JAMES	1259	OLD AGE ASSISTANCE
	0014	DOG ARM ABRAHAM	1155	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A00007	0001	HOPKINS JANE	2	FORCED FEE PATENT
	0002	WESTON ROBERT	3	FORCED FEE PATENT
	0003	CLOUD JOHN B.	5	FORCED FEE PATENT
	0004	PARSLEY FRANK	10	FORCED FEE PATENT
	0005	CLOUD CECELIA	13	FORCED FEE PATENT
	0006	JONES JOHN W.	15	FORCED FEE PATENT
	0007	REDWING JOHN	15	FORCED FEE PATENT
	0008	REDWING FANNIE	16	FORCED FEE PATENT
	0009	ROBINSON PETER	18	FORCED FEE PATENT
	0010	WILLIAMSON THOMAS	19	FORCED FEE PATENT
	0011	FISHBACK MARY ((GOODTEACHER)	20	FORCED FEE PATENT
	0012	GOODTEACHER JULIA (CAVENDAR)	22	FORCED FEE PATENT
	0013	ROBERTSON JULIA	23	FORCED FEE PATENT
	0014	ROGERS JOSEPH AND JULIA	24	FORCED FEE PATENT
	0015	FRAZIER ALBERT	25	FORCED FEE PATENT
	0016	WESTON DANIEL AND JULIA	28	FORCED FEE PATENT
	0017	JONES WILLIAM	34	FORCED FEE PATENT
	0018	FAIRBAULT DAVID AND MARY	35	FORCED FEE PATENT
	0019	WESTON DAVID AND MARGARET	38	FORCED FEE PATENT
	0020	DAY JOSEPH	40	FORCED FEE PATENT
	0021	BARKER PETER	42	FORCED FEE PATENT
	0022	ARROW FRANCIS	45	FORCED FEE PATENT
	0023	DUNN WILLIAM	47	FORCED FEE PATENT
	0024	GRAHAM SARAH	54	FORCED FEE PATENT
	0025	GRAHAM MARY	56	FORCED FEE PATENT
	0026	COON JOHN	57	FORCED FEE PATENT
	0027	ARROW HARRIET	58	FORCED FEE PATENT
	0028	GRAHAM THOMAS	60	FORCED FEE PATENT
	0029	FLUTE JOHN	60	FORCED FEE PATENT
	0030	FLUTE SOLOMON	61	FORCED FEE PATENT
	0031	LOVEJOY OWEN	64	FORCED FEE PATENT
	0032	WEST THOMAS	68	FORCED FEE PATENT
	0033	WELLS JOHN	70	FORCED FEE PATENT
	0034	LOVEJOY ZACHARIAH	71	FORCED FEE PATENT
	0035	HENRY CHARLES	72	FORCED FEE PATENT
	0036	FLUTE FANNIE	73	FORCED FEE PATENT
	0037	WESTON LUCINDA	76	FORCED FEE PATENT
	0038	JUNE ABRAHAM	77	FORCED FEE PATENT
	0039	LOVEJOY CHARLES	79	FORCED FEE PATENT
	0040	HOPKINS ROBERT	79	FORCED FEE PATENT
	0041	ALLEN RICHARD	80	FORCED FEE PATENT
	0042	FISHER NANCY	82	FORCED FEE PATENT
	0043	MILLERS JOSEPH	83	FORCED FEE PATENT
	0044	HOPKINS SAMUEL	86	FORCED FEE PATENT
	0045	LOVEJOY ASA	89	FORCED FEE PATENT
	0046	HOPKINS JAMES	91	FORCED FEE PATENT
	0047	WHITMAN TITUS	92	FORCED FEE PATENT
	0048	CARMON JOSEPH	95	FORCED FEE PATENT
	0049	HOPKINS MADISON	97	FORCED FEE PATENT
	0050	TRIBAL	007-10	ROAD IN TRESPASS
	0051	TRIBAL	007-10	ROAD IN TRESPASS
	0052	GRAHAM THOMAS	59	RAILROAD
	0053	FLUTE JOHN	60	RAILROAD
	0054	FLUTE SOLOMON	61	RAILROAD
	0055	WEST THOMAS	68	RAILROAD
	0056	LOVEJOY ZACHARIAH	71	RAILROAD
	0057	HENRY CHARLES	72	RAILROAD
	0058	FLUTE FANNIE	73	RAILROAD
	0059	LOVEJOY CHARLES	76	RAILROAD
	0060	HOPKINS ROBERT	79	RAILROAD
	0061	ALLEN RICHARD	80	RAILROAD
	0062	HOPSE MAJOR	87	RAILROAD
	0063	WHITMAN TITUS	92	RAILROAD
	0064	GRAHAM MARY	56	FORCED SALE
	0065	ARROW HARRIET	58	FORCED SALE
	0066	GRAHAM THOMAS	59	FORCED SALE
	0067	FLUTE JOHN	60	FORCED SALE
	0068	FLUTE SOLOMON	61	FORCED SALE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE CASE ALLOTTEE ALLOTMENT TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE CASE ALLOTTEE ALLOTMENT TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0083	ROBERTS JENNIE	1297	OLD AGE ASSISTANCE
	0084	WHITE CROW EAGLE KATE	859	OLD AGE ASSISTANCE
	0085	BLACK EAGLE GRACE	1379	OLD AGE ASSISTANCE
	0086	SWAN WILLIE	1324	OLD AGE ASSISTANCE
	0087	ELK HEAD PHILLIP	1561	OLD AGE ASSISTANCE
	0088	BULL MAN MARY	1293	OLD AGE ASSISTANCE
	0089	HIGH EAGLE AMOS	32	OLD AGE ASSISTANCE
	0090	CARTER CATHERINE	617	OLD AGE ASSISTANCE
	0092	BLACKMAN NELLIE	3024	OLD AGE ASSISTANCE
	0093	SPOTTED HORSE MRS. JOHN	2099	OLD AGE ASSISTANCE
	0095	KISS IN THE WOODS SOPHIA	365	OLD AGE ASSISTANCE
	0096	BEAR EAGLE ANNIE	3023	OLD AGE ASSISTANCE
	0097	GROUSE RUNNING ANNIE	2426	OLD AGE ASSISTANCE
	0098	EAGLE BODY ANNIE	2254	OLD AGE ASSISTANCE
	0099	BLACK EAGLE LOUISE	2086	OLD AGE ASSISTANCE
	0100	WHITE HAWK JOHN	1600	OLD AGE ASSISTANCE
	0101	LONG LOG MARY	2582	OLD AGE ASSISTANCE
	0102	DUPRIS EMILY	2258	OLD AGE ASSISTANCE
	0103	DUCHENEAUX VICTOR SR.	44	OLD AGE ASSISTANCE
	0104	LAUNDREAUX JOSEPHINE	188	OLD AGE ASSISTANCE
	0105	STANDING ELK MATHEW	1247	OLD AGE ASSISTANCE
	0106	VEO CHARLES	281	OLD AGE ASSISTANCE
	0107	JEWETT LILLIE #2 (HIS HORSE)	2202	OLD AGE ASSISTANCE
	0108	TWO CROW MILES	1529	OLD AGE ASSISTANCE
	0109	HIGH EAGLE ROSE	2208	OLD AGE ASSISTANCE
	0110	LIVERMONT MILLIE	1971	OLD AGE ASSISTANCE
	0111	ROUND PHILLIP	516	OLD AGE ASSISTANCE
	0112	RAISED HIM ABRAHAM	581	OLD AGE ASSISTANCE
	0113	LARRABEE RICHARD	654	OLD AGE ASSISTANCE
	0114	ROAN BEAR EDWARD	322	OLD AGE ASSISTANCE
	0115	AFRAID OF THE BEAR MAGGIE	295	OLD AGE ASSISTANCE
	0116	WOODS HARRY F.C.	796	OLD AGE ASSISTANCE
	0117	HOWARD PHILIP	790	OLD AGE ASSISTANCE
	0118	FIRST HAWK ALICE	2714	OLD AGE ASSISTANCE
	0119	TWO CROW MAUDE	970	OLD AGE ASSISTANCE
	0120	IRON BIRD THOMAS	776	OLD AGE ASSISTANCE
	0121	WEST ALLEN	932	OLD AGE ASSISTANCE
	0122	HOLY BULL PETER	1111	OLD AGE ASSISTANCE
	0123	HEAD OF BUCK ELK ELIAS	1467	OLD AGE ASSISTANCE
	0124	LEAS HIS HORSE WALLACE	248	OLD AGE ASSISTANCE
	0125	FIRST HAWK PAUL	2716	OLD AGE ASSISTANCE
	0126	CRANE PRETTY VOICE	2936	OLD AGE ASSISTANCE
	0127	SPOTTED BIRD JESSE	3143	OLD AGE ASSISTANCE
	0128	BUCK DENNIS	813	OLD AGE ASSISTANCE
	0129	CHASHING HAWK HANNAH	2443	OLD AGE ASSISTANCE
	0130	BENOIST CORA	3060	OLD AGE ASSISTANCE
	0131	RED BIRD ISABELLE	2009	OLD AGE ASSISTANCE
	0132	BLUE ARM CHARLES	1372	OLD AGE ASSISTANCE
	0133	WALKING CRANE JOSEPH	13	OLD AGE ASSISTANCE
	0134	FISHOUTS WILLIAM	983	OLD AGE ASSISTANCE
	0135	WHITE DOG NELLIE	1845	OLD AGE ASSISTANCE
	0136	GROUSE RUNNING	1110	OLD AGE ASSISTANCE
	0137	IRON MOCASIN MOSES	357	OLD AGE ASSISTANCE
	0138	FIELDER RICHARD	804	OLD AGE ASSISTANCE
	0139	SPOTTED HORSE JAMES	849	OLD AGE ASSISTANCE
	0140	BULL EAGLE JACK	1211	OLD AGE ASSISTANCE
	0141	WALKING HUNTER SIMON	751	OLD AGE ASSISTANCE
	0142	WHITE HORSE JAMES	296	OLD AGE ASSISTANCE
	0143	CLOUD AMOS	677	OLD AGE ASSISTANCE
	0144	BAD WARRIOR ELI	638	OLD AGE ASSISTANCE
	0145	BEAR SHIELD SOPHIA	1824	OLD AGE ASSISTANCE
	0146	STAMP PETER (STANDING ELK)	1428	OLD AGE ASSISTANCE
	0147	RED HEAD JOHN	563	OLD AGE ASSISTANCE
	0148	BROWN TWO FOR FOLLOW HIM MRS.	1071	OLD AGE ASSISTANCE
	0149	HOLY GOOD WOMAN MRS.	1112	OLD AGE ASSISTANCE
	0150	RUNNING RAFTLE	580	OLD AGE ASSISTANCE
	0151	POOR ELK ANNIE	1322	OLD AGE ASSISTANCE
	0152	FOX THOMAS	3060	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0015	PAPIN CHARLES (GABE)	326	OLD AGE ASSISTANCE
	0016	MARSHALL THOMAS	1751	OLD AGE ASSISTANCE
	0017	RICH LOUISE MARCELLE	1158	OLD AGE ASSISTANCE
	0018	FIELDER TWO SPEARS ANNIE	1904	OLD AGE ASSISTANCE
	0019	FOX LOUISE (BRIDGET CURELY)	1720	OLD AGE ASSISTANCE
	0020	HAWK THAT DARES SOLOMON	16	OLD AGE ASSISTANCE
	0021	BLACK CHICKEN SOPHIA	121	OLD AGE ASSISTANCE
	0022	RED HEAD NELLIE	564	OLD AGE ASSISTANCE
	0023	GETS OFF IDA	2695	OLD AGE ASSISTANCE
	0024	DROPS AT A DISTANCE JESSIE	2551	OLD AGE ASSISTANCE
	0025	COUNTING MARY	2186	OLD AGE ASSISTANCE
	0026	CHARGER NELLIE	2640	OLD AGE ASSISTANCE
	0027	RED BIRD MARY ALICE	2157	OLD AGE ASSISTANCE
	0028	DUCHENEAUX JENNIE	2664	OLD AGE ASSISTANCE
	0029	CONDON JOSEPHINE	1285	OLD AGE ASSISTANCE
	0030	LAFFERTY BERT C.	870	OLD AGE ASSISTANCE
	0031	HARROUNDUNE JOSEPH (LITTLE HAWK)	1568	OLD AGE ASSISTANCE
	0032	TAIL GEORGE	1578	OLD AGE ASSISTANCE
	0033	BEAR EAGLE FLORA	1414	OLD AGE ASSISTANCE
	0034	BALD HEAD EMMA	1631	OLD AGE ASSISTANCE
	0035	HOLLOW HORN JOHN	1752	OLD AGE ASSISTANCE
	0036	BAZIL CLAYMORE	906	OLD AGE ASSISTANCE
	0037	BLACK HORSE CHARLES	987	OLD AGE ASSISTANCE
	0038	SWIFT EAGLE ALICE	1188	OLD AGE ASSISTANCE
	0039	COUNTING DANIEL	1452	OLD AGE ASSISTANCE
	0040	HIGH BEAR AMY	885	OLD AGE ASSISTANCE
	0041	OLD KING JONAS	1146	OLD AGE ASSISTANCE
	0042	GOOD HOOP	1592	OLD AGE ASSISTANCE
	0043	STRAIGH HEAD ROBERT	1551	OLD AGE ASSISTANCE
	0044	CURLEY KENTON	1205	OLD AGE ASSISTANCE
	0045	CLAYMORE EMMA	2810	OLD AGE ASSISTANCE
	0046	JENISE BERT	2044	OLD AGE ASSISTANCE
	0047	GRASPING EAGLE CARRIE	1789	OLD AGE ASSISTANCE
	0048	RED DOG LUCY	3057	OLD AGE ASSISTANCE
	0049	CLAYMORE MARY	3116	OLD AGE ASSISTANCE
	0050	WHITE EAGLE EMILY	2756	OLD AGE ASSISTANCE
	0051	LONE EAGLE MARTHA	3033	OLD AGE ASSISTANCE
	0052	ROAN BEAR SOPHIA	1905	OLD AGE ASSISTANCE
	0053	KILLS TAIL PAUL	174	OLD AGE ASSISTANCE
	0054	CANE HARRY	1491	OLD AGE ASSISTANCE
	0055	BLACKBIRD TAIL HENRY	1276	OLD AGE ASSISTANCE
	0056	BLUE COAT PHILIP	1339	OLD AGE ASSISTANCE
	0057	SWAN RICHARD	1391	OLD AGE ASSISTANCE
	0058	BLACK HAWK JOHN	1387	OLD AGE ASSISTANCE
	0059	RIVERS WILLIAM	24	OLD AGE ASSISTANCE
	0060	BLACK SHIELD EDITH	1698	OLD AGE ASSISTANCE
	0061	BLACK EAGLE JUSTIN	1540	OLD AGE ASSISTANCE
	0062	CROW ASA	1009	OLD AGE ASSISTANCE
	0063	CHARGIN EAGLE THOMAS	1118	OLD AGE ASSISTANCE
	0064	CARTER JOSEPH	570	OLD AGE ASSISTANCE
	0065	POOR BUFFALO JESSIE	676	OLD AGE ASSISTANCE
	0066	CHARGING HAWK CECELIA	472	OLD AGE ASSISTANCE
	0067	LITTLE CROW GEORGE MRS.	685	OLD AGE ASSISTANCE
	0068	JOHNSON FRED	459	OLD AGE ASSISTANCE
	0069	BLACK BOOY ANGELINE	2699	OLD AGE ASSISTANCE
	0070	LEBEAU JULIA	2705	OLD AGE ASSISTANCE
	0071	WARRIOR LOUISA	2547	OLD AGE ASSISTANCE
	0072	CLAYMORE SOPHIA	0564	OLD AGE ASSISTANCE
	0073	IRON LIGHTNING ROSE	2180	OLD AGE ASSISTANCE
	0074	POOR BUFFALO LUCY	2198	OLD AGE ASSISTANCE
	0075	FIRST HAWK ALICE	2714	OLD AGE ASSISTANCE
	0076	CURLEY LOUISA	2440	OLD AGE ASSISTANCE
	0077	BEAR EAGLE GEORGE	1633	OLD AGE ASSISTANCE
	0078	WHITE FEATHER GEORGE	1637	OLD AGE ASSISTANCE
	0079	SNOWY WOMAN REBECCA	1632	OLD AGE ASSISTANCE
	0080	CREEK MAN TEP DANIEL	1742	OLD AGE ASSISTANCE
	0081	BRINGER AMBROSE	1884	OLD AGE ASSISTANCE
	0082	SWIFT BEAR THOMAS	1479	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0248	CALSO EUGENIA	931	ROAD IN TRESPASS
	0249	WHITE BOB TAIL	1066	ROAD IN TRESPASS
	0250	LAMBERT EMMA	1419	ROAD IN TRESPASS
	0251	LAMBERT SMITH HAZEL	2240	ROAD IN TRESPASS
	0252	LEFT HAND JOSEPH	2355	ROAD IN TRESPASS
	0253	COMES OUT	1671	ROAD IN TRESPASS
	0254	TIE TAIL NO. 2	1087	ROAD IN TRESPASS
	0255	TOUCH THE CLOUD PAUL	1274	ROAD IN TRESPASS
	0256	MARSHALL RUBY GRACE	3240	ROAD IN TRESPASS
	0257	SPOTTED OWL HOMER	5307	ROAD IN TRESPASS
	0258	CLOUD VINCENT TRUE	5220	ROAD IN TRESPASS
	0259	MARSHALL RUBY GRACE	3240	ROAD IN TRESPASS
	0260	DUPRIS SAMUEL	2449	ROAD IN TRESPASS
	0261	HARD CLARENCE	1107	ROAD IN TRESPASS
	0262	MURPHY ORRIN	5413	ROAD IN TRESPASS
	0263	BROWN WOLF RODNEY	4692	ROAD IN TRESPASS
	0264	CROW EAGLE LOUISA	1109	ROAD IN TRESPASS
	0265	CLOUD FRANCIS	1412	ROAD IN TRESPASS
	0266	WAR BONNETT AMY	1088	ROAD IN TRESPASS
	0267	KILLS NIGHT SUSIE	1090	ROAD IN TRESPASS
	0268	BROWN WOLF MRS.	2414	ROAD IN TRESPASS
	0269	BROWN WOLF FREDERICK	1098	ROAD IN TRESPASS
	0270	BROWN WOLF GILES	1099	ROAD IN TRESPASS
	0271	CHARGING EAGLE RICHARD	1119	ROAD IN TRESPASS
	0272	HAWK BLANKET	1100	ROAD IN TRESPASS
	0273	HALF RED OSCAR	1101	ROAD IN TRESPASS
	0274	BROWN DOG KATE	1128	ROAD IN TRESPASS
	0275	BLUE ARM	2371	ROAD IN TRESPASS
	0276	GARFIELD	380	ROAD IN TRESPASS
	0277	GARFIELD ALMA	1379	ROAD IN TRESPASS
	0278	MAYNARD PATRICIA A.	6060	ROAD IN TRESPASS
	0279	GARFIELD DWIGHT E.	378	ROAD IN TRESPASS
	0280	BEAR EAGLE	1075	ROAD IN TRESPASS
	0281	IN ANIMOST CHARLES	11503	ROAD IN TRESPASS
	0282	LITTLE SHIELD THOMAS	11816	ROAD IN TRESPASS
	0283	INDISTRIOUS CHARLIE	2914	ROAD IN TRESPASS
	0284	SHAW MARCELLENE (LITTLE)	11877	ROAD IN TRESPASS
	0285	LITTLE SHIELD THOMAS	11816	ROAD IN TRESPASS
	0286	HORN EMMA	1496	ROAD IN TRESPASS
	0287	BLACK EAGLE	1161	ROAD IN TRESPASS
	0288	BARROW BONE CLOWN SARAH	154	ROAD IN TRESPASS
	0289	BLACKSMITH WILBURT	5408T	ROAD IN TRESPASS
	0290	HIGH ELK CORRINE MAY	5592	ROAD IN TRESPASS
	0291	LAMOREAUX PHILOMENE	1262	ROAD IN TRESPASS
	0292	PEARMAN AUDREY	5620	ROAD IN TRESPASS
	0293	KESSLER ROBERT	6754	ROAD. IN TRESPASS
	0294	PEARMAN CATHERINE	4588	ROAD IN TRESPASS
	0295	WEST ALLEN	932	ROAD IN TRESPASS
	0296	BENTLEY LOREN DALE	3821	ROAD IN TRESPASS
	0297	RED BIRD RAMONA	4865	ROAD IN TRESPASS
	0298	STRICKER NARCISSE	X1357	ROAD IN TRESPASS
	0299	LAMAREE MARY LOUISE	3701	ROAD IN TRESPASS
	0300	BLACK EAGLE JUSTIN	2264	ROAD IN TRESPASS
	0301	BLACK EAGLE JUSTIN	1546	ROAD IN TRESPASS
	0302	STRAIGHT HEAD ROBERT	1551	ROAD IN TRESPASS
	0304	CLAYMORE MARY	3116	FORCED FEE PATENT
	030F	TRIBAL	340-10	TRESPASS
	0306	TRIBAL	340-10	TRESPASS
	0307	TRIBAL	340-10	TRESPASS
	0308	TRIBAL	340-10	TRESPASS
	0309	TRIBAL	340-10	TRESPASS
	0310	TRIBAL	340-10	TRESPASS
	0311	TRIBAL	340-10	TRESPASS
	0312	TRIBAL	340-10	TRESPASS
	0313	TRIBAL	340-10	TRESPASS
	0314	TRIBAL	340-10	TRESPASS
	0315	TRIBAL	340-10	TRESPASS
	0316	TRAVERSIE MARY	497	FLOODING

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0153	LEE HENRY	401	OLD AGE ASSISTANCE
	0154	RICE EDWARD	85	OLD AGE ASSISTANCE
	0155	MARSHALL IDA	877	OLD AGE ASSISTANCE
	0156	TRAVERSIE ETTA	768	OLD AGE ASSISTANCE
	0157	BOTTOM SHOULDER JOHN	587	OLD AGE ASSISTANCE
	0158	IRON BIRD GEORGE	777	OLD AGE ASSISTANCE
	0159	ON THE TREE GEORGE	530	OLD AGE ASSISTANCE
	0160	HALF RED MAGGIE	3051	OLD AGE ASSISTANCE
	0161	WHITE EAGLE WOMAN SARAH	3004	OLD AGE ASSISTANCE
	0176	ROUSSEAU JULIA	2312	OLD AGE ASSISTANCE
	0177	LITTLE WOUNDED DELIA	2336	OLD AGE ASSISTANCE
	0178	KNIFE CHARLES	1584	OLD AGE ASSISTANCE
	0179	NARROWBONE DAVID	1570	OLD AGE ASSISTANCE
	0180	BROWN WOLF PHILIP	1070	OLD AGE ASSISTANCE
	0181	BATTLING RIB LOUIS	985	OLD AGE ASSISTANCE
	0182	HAS WATER ELIZABETH	2697	OLD AGE ASSISTANCE
	0183	MAKES IT LONG JONAH	1244	OLD AGE ASSISTANCE
	0184	CANE KATE MRS.	2371	OLD AGE ASSISTANCE
	0185	EAGLE CHASING RAY MRS.	2167	OLD AGE ASSISTANCE
	0186	KINGMAN HARRY	838	OLD AGE ASSISTANCE
	0200	HOUSTON BENARD	2213	ROAD IN TRESPASS
	0201	CLEMORE SARAH (HULM)	4740	ROAD IN TRESPASS
	0202	PRETTY VOICE JULIA	811	ROAD IN TRESPASS
	0203	GARREAU WILLIAM	606	ROAD IN TRESPASS
	0204	GARREAU PAULINE	1643	ROAD IN TRESPASS
	0205	ROUSSEAU ANN (GESSING)	6173	ROAD IN TRESPASS
	0206	GARREAU SYLVESTER	3240	ROAD IN TRESPASS
	0207	GARREAU MARY	644	ROAD IN TRESPASS
	0208	SHAW MARY	611	ROAD IN TRESPASS
	0209	HIGH ALDENA LORRIANE	5236	ROAD IN TRESPASS
	0210	PATTERSON RAYMOND B.	5374	ROAD IN TRESPASS
	0211	DELORES JOHN D	5478	ROAD IN TRESPASS
	0212	GARREAU ROSE	2949	ROAD IN TRESPASS
	0213	GARREAU LILLIE	2841	ROAD IN TRESPASS
	0214	GARREAU JENNIE	NA	ROAD IN TRESPASS
	0215	PARADIS JOHN ALDEN	4853	ROAD IN TRESPASS
	0216	REEVES EMMA LU	6325	ROAD IN TRESPASS
	0217	WHITE	324	ROAD IN TRESPASS
	0218	IRON BOY AFRAID OF NOTHING	267.5	ROAD IN TRESPASS
	0219	BLACKSMITH HENRY	1680	ROAD IN TRESPASS
	0220	BIG HAWK	1562	ROAD IN TRESPASS
	0221	LOOKING FOR HIM	1550	ROAD IN TRESPASS
	0222	FAT FOX	1561	ROAD IN TRESPASS
	0223	WARD ESTHER	2463	ROAD IN TRESPASS
	0224	HIGH BACK	2292	ROAD IN TRESPASS
	0225	WILLIAMS MAURICE A.	5656	ROAD IN TRESPASS
	0226	SKUNK PAUL	996	ROAD IN TRESPASS
	0227	COOK JOSHUA	997	ROAD IN TRESPASS
	0228	WILLIAMS MAURICE	5656	ROAD IN TRESPASS
	0229	ARPAN GALE SARAH	7279	ROAD IN TRESPASS
	0230	NARCELL EDWARD	979	ROAD IN TRESPASS
	0231	FISHERMAN CHARLES	2362	ROAD IN TRESPASS
	0232	KILLS TWICE JOHN	1656	ROAD IN TRESPASS
	0233	DUPRIS EDNA	1090	ROAD IN TRESPASS
	0234	FISHERMAN LIZZIE	2461	ROAD IN TRESPASS
	0235	HE BEAR	1498	ROAD IN TRESPASS
	0236	DUPRIS EMILY	2558	ROAD IN TRESPASS
	0237	KILLS TWO HELEN	2363	ROAD IN TRESPASS
	0238	RED FOX POWER	2465	ROAD IN TRESPASS
	0239	RED FOX NARCISSE	1017	ROAD IN TRESPASS
	0240	HEIRS OF NARCISSE	1163	ROAD IN TRESPASS
	0241	THE BEAR LOOKS RUNNING	1610	ROAD IN TRESPASS
	0242	HARTLEY EUGENE	1653	ROAD IN TRESPASS
	0243	SLOWLY MAGGIE	1590	ROAD IN TRESPASS
	0244	SLOWLY HENRY	1587	ROAD IN TRESPASS
	0245	SLOWLY ALBERT	1588	ROAD IN TRESPASS
	0246	BLACK BEAR MRS. S.	2399	ROAD IN TRESPASS
	0247	GARFIELD NELSON C.	X380	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0319	TRAVERSIE CHARLES	1686	FORCED FEE PATENT
	0320	ARPAN ISAAC	482	FORCED FEE PATENT
	0322	NICHOLS WILLIAM SR.	22	FORCED FEE PATENT
	0326	BENOIST AMBROSE MRS.	78	FORCED FEE PATENT
	0327	CUMMINGS JOHN	3377	FORCED FEE PATENT
	0328	CUMMINGS LOUISE	3231	FORCED FEE PATENT
	0335	HODGKISS ANGELINA (DUCHENEAUX)	161	FORCED FEE PATENT
	0336	CLAYMORE SOPHIA	609	FORCED FEE PATENT
	0337	ROUSSEAU CAMILLE AMEDEE	2280	FORCED FEE PATENT
	0343	STRICKER HENRY	1723	FORCED FEE PATENT
	0346	WOUNDS THE ENEMY WILLIAM	167	FORCED FEE PATENT
	0347	MAKES ROOM ROBERT	2059	FORCED FEE PATENT
	0349	WHITE HAWK	1600	ROAD IN TRESPASS
	0350	TRIBAL	340-10	ROAD IN TRESPASS
	0351	BRAVE ALONE	2017	ROAD IN TRESPASS
	0352	TRIBAL	340-10	ROAD IN TRESPASS
	0353	TRIBAL	340-10	ROAD IN TRESPASS
	0354	TRIBAL	340-10	ROAD IN TRESPASS
	0355	HIGH ELK JOBE	1667	ROAD IN TRESPASS
	0356	TRIBAL	340-10	ROAD IN TRESPASS
	0357	TRIBAL	340-10	ROAD IN TRESPASS
	0358	TRIBAL	340-10	ROAD IN TRESPASS
	0359	TRIBAL	340-10	ROAD IN TRESPASS
	0360	TRIBAL	340-10	ROAD IN TRESPASS
	0361	SLIDES OFF BESSIE	2082	ROAD IN TRESPASS
	0362	TRIBAL	340-10	ROAD IN TRESPASS
	0363	BLACK EAGLE JUSTIN	1540	ROAD IN TRESPASS
	0364	TRIBAL	340-10	ROAD IN TRESPASS
	0365	TRIBAL	340-10	ROAD IN TRESPASS
	0366	TRIBAL	340-10	ROAD IN TRESPASS
	0367	TRIBAL	340-10	ROAD IN TRESPASS
	0368	FAT FOX	1561	ROAD IN TRESPASS
	0369	BIRKELAND RITA (LAPLANT)	6944	ROAD IN TRESPASS
	0370	WHIRLING HAND DAVID	2266	ROAD IN TRESPASS
	0371	TRIBAL	340-10	ROAD IN TRESPASS
	0372	TRIBAL	340-10	ROAD IN TRESPASS
	0373	TRIBAL	340-10	ROAD IN TRESPASS
	0374	TRIBAL	340-10	ROAD IN TRESPASS
	0375	TRIBAL	340-10	ROAD IN TRESPASS
	0376	TRIBAL	340-10	ROAD IN TRESPASS
	0377	HOLT BENTLEY L	3704	ROAD IN TRESPASS
	0378	HOLT BENTLEY L	3704	ROAD IN TRESPASS
	0379	TRIBAL	340-10	ROAD IN TRESPASS
	0380	TRIBAL	340-10	ROAD IN TRESPASS
	0381	JOHNSON EVA BELLA	4798	ROAD IN TRESPASS
	0382	TRIBAL	340-10	ROAD IN TRESPASS
	0383	TRIBAL	340-10	ROAD IN TRESPASS
	0384	TRIBAL	340-10	ROAD IN TRESPASS
	0385	TRIBAL	340-10	ROAD IN TRESPASS
	0386	USES THE KNIFE RAYMOND	4657	ROAD IN TRESPASS
	0387	TRIBAL	340-10	ROAD IN TRESPASS
	0388	TRIBAL	340-10	ROAD IN TRESPASS
	0389	TRIBAL	340-10	ROAD IN TRESPASS
	0390	DURPIS LORNA	X5414	ROAD IN TRESPASS
	0391	TRIBAL	340-10	ROAD IN TRESPASS
	0392	EAGLE HAWK AGNES	1537	ROAD IN TRESPASS
	0393	TRIBAL	340-10	ROAD IN TRESPASS
	0394	TRIBAL	340-10	ROAD IN TRESPASS
	0395	TRIBAL	340-10	ROAD IN TRESPASS
	0396	TRIBAL	340-10	ROAD IN TRESPASS
	0397	TRIBAL	340-10	ROAD IN TRESPASS
	0398	TRIBAL	340-10	ROAD IN TRESPASS
	0399	TRIBAL	340-10	ROAD IN TRESPASS
	0400	TRIBAL	340-10	ROAD IN TRESPASS
	0401	BAD WARRIOR SUSIE	X431	ROAD IN TRESPASS
	0402	TRIBAL	340-10	ROAD IN TRESPASS
	0403	SHOT AT SAMUEL	1003	ROAD IN TRESPASS
	0404	TRIBAL	340-10	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0405	TRIBAL	340-10	ROAD IN TRESPASS
	0406	TRIBA	340-10	ROAD IN TRESPASS
	0407	FISHERMAN EMMA	1419	ROAD IN TRESPASS
	0408	TRIBAL	340-10	ROAD IN TRESPASS
	0409	TRIBAL	340-10	ROAD IN TRESPASS
	0410	LITTLE WOUNDED MARY	2447	ROAD IN TRESPASS
	0411	LITTLE WOUNDED JOHAH	1442	ROAD IN TRESPASS
	0412	TRIBAL	T5255	ROAD IN TRESPASS
	0413	RED BULL WALTER	4226	ROAD IN TRESPASS
	0414	RED BULL BELVA	4602	ROAD IN TRESPASS
	0415	TRIBAL	T4851	ROAD IN TRESPASS
	0416	BRINGS PLENTY AMOS	4440	ROAD IN TRESPASS
	0417	TRIBAL	TX1180	ROAD IN TRESPASS
	0418	RED BULL JOHN	X1517	ROAD IN TRESPASS
	0419	RED BULL JOHN	X1517	ROAD IN TRESPASS
	0420	TRIBAL	TX1538	ROAD IN TRESPASS
	0421	TRIBAL	T2927	ROAD IN TRESPASS
	0422	TRIBAL	T2928	ROAD IN TRESPASS
	0423	KNIGHT DOUGLAS WALLACE	6149	ROAD IN TRESPASS
	0424	TRIBAL	T3337	ROAD IN TRESPASS
	0425	KNIGHT SARAH	X1790	ROAD IN TRESPASS
	0426	KNIGHT JESSIE ANNAS	X1015	ROAD IN TRESPASS
	0427	KNIGHT SARAH	X1667	ROAD IN TRESPASS
	0428	KNIGHT SARAH	X1859	ROAD IN TRESPASS
	0429	TRIBAL	X1504	ROAD IN TRESPASS
	0430	TRIBAL	TX318	ROAD IN TRESPASS
	0431	TRIBAL	T1075	ROAD IN TRESPASS
	0432	BRUGUIER DORA	X319	ROAD IN TRESPASS
	0433	WHITE HUN	1262	ROAD IN TRESPASS
	0434	TRIBAL	T1244	ROAD IN TRESPASS
	0435	TRIBAL	T1242	ROAD IN TRESPASS
	0436	TRIBAL	T1258	ROAD IN TRESPASS
	0437	RED HORSE FRANK	1254A	ROAD IN TRESPASS
	0438	RED HORSE SAMUEL CYRIL	5630	ROAD IN TRESPASS
	0439	CHASING HAWK MATTIE	3006	ROAD IN TRESPASS
	0440	TRIBAL	T1260	ROAD IN TRESPASS
	0441	TRIBAL	T1270B	ROAD IN TRESPASS
	0442	TRIBAL	T1270A	ROAD IN TRESPASS
	0443	TRIBAL	T1276	ROAD IN TRESPASS
	0444	TRIBAL	T1263	ROAD IN TRESPASS
	0445	TRIBAL	1261B	ROAD IN TRESPASS
	0446	TRIBAL	T1258	ROAD IN TRESPASS
	0447	TRIBAL	1261A	ROAD IN TRESPASS
	0448	TRIBAL	1242	ROAD IN TRESPASS
	0449	TRIBAL	4713	ROAD IN TRESPASS
	0450	TRIBAL	4236	ROAD IN TRESPASS
	0451	PRETTY VOICE FRED CRANE	3836	ROAD IN TRESPASS
	0452	TRIBAL	2591	ROAD IN TRESPASS
	0453	TRIBAL	1616	ROAD IN TRESPASS
	0454	TRIBAL	1617	ROAD IN TRESPASS
	0455	TRIBAL	1615	ROAD IN TRESPASS
	0456	TRIBAL	X994	ROAD IN TRESPASS
	0457	TRIBAL	X297	ROAD IN TRESPASS
	0458	TRIBAL	X297	ROAD IN TRESPASS
	0459	TRIBAL	1250	ROAD IN TRESPASS
	0460	TRIBAL	1299	ROAD IN TRESPASS
	0461	TRIBAL	5081	ROAD IN TRESPASS
	0462	WIDOW EDWARD	6128	ROAD IN TRESPASS
	0463	TRIBAL	X1734A	ROAD IN TRESPASS
	0464	INAMNAPT CHARLES	X1976	ROAD IN TRESPASS
	0465	ONE SKUNK ELIZABETH W.	X1563	ROAD IN TRESPASS
	0466	RED BULL	1205	ROAD IN TRESPASS
	0467	TRIBAL	3086	ROAD IN TRESPASS
	0468	TRIBAL	3044	ROAD IN TRESPASS
	0469	RED BULL LEONA	X1537	ROAD IN TRESPASS
	0470	RED BULL LEONA	X1537	ROAD IN TRESPASS
	0471	TRIBAL	T4115	ROAD IN TRESPASS
	0472	RED BULL JESSE	4112	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0541	TRIBAL	T340	ROAD IN TRESPASS
	0542	TRIBAL	5399	ROAD IN TRESPASS
	0543	TRIBAL	T1207	ROAD IN TRESPASS
	0544	TRIBAL	T340	ROAD IN TRESPASS
	0545	BUFFALO STELLA	1052	ROAD IN TRESPASS
	0546	TRIBAL	T340	ROAD IN TRESPASS
	0547	AFRAID OF LIGHTNING MOSES	6136	ROAD IN TRESPASS
	0548	TRIBAL	T4512	ROAD IN TRESPASS
	0549	TRIBAL	T11746	ROAD IN TRESPASS
	0550	TRIBAL	T4943	ROAD IN TRESPASS
	0551	TRIBAL	T1254	ROAD IN TRESPASS
	0552	LONG STELLA	1052	ROAD IN TRESPASS
	0553	TRIBAL	T1446	ROAD IN TRESPASS
	0554	TRIBAL	T11726	ROAD IN TRESPASS
	0555	TRIBAL	T11746	ROAD IN TRESPASS
	0556	RED HORSE HENRY	X114	ROAD IN TRESPASS
	0557	RED HORSE FRANK	3140	ROAD IN TRESPASS
	0558	TRIBAL	X1992	ROAD IN TRESPASS
	0559	RED HORSE HENRY	X752	ROAD IN TRESPASS
	0560	RED HORSE HENRY	X752	ROAD IN TRESPASS
	0561	BEAR EAGLE HARRY	X1473	ROAD IN TRESPASS
	0562	BEAR EAGLE GEORGE	X1992	ROAD IN TRESPASS
	0563	BEAR EAGLE HARRY	X1473	ROAD IN TRESPASS
	0564	CHARS BOBTAIL HORSE MRS.	2972	ROAD IN TRESPASS
	0565	BEAR EAGLE JOE	536	ROAD IN TRESPASS
	0566	CHAR BOBTAIL HORSE	1283	ROAD IN TRESPASS
	0567	CHAR BOBTAIL HORSE MRS.	2972	ROAD IN TRESPASS
	0568	CHAR BOBTAIL HORSE MRS.	2972	ROAD IN TRESPASS
	0569	TRIBAL	340-10	ROAD IN TRESPASS
	0570	TRIBAL	340-10	ROAD IN TRESPASS
	0571	TRIBAL	340-10	ROAD IN TRESPASS
	0572	TRIBAL	340-10	ROAD IN TRESPASS
	0573	TRIBAL	340-10	ROAD IN TRESPASS
	0574	TRIBAL	340-10	ROAD IN TRESPASS
	0575	TRIBAL	340-10	ROAD IN TRESPASS
	0576	TRIBAL	340-10	ROAD IN TRESPASS
	0577	TRIBAL	340-10	ROAD IN TRESPASS
	0578	TRIBAL	340-10	ROAD IN TRESPASS
	0579	TRIBAL	340-10	ROAD IN TRESPASS
	0580	TRIBAL	340-10	ROAD IN TRESPASS
	0581	TRIBAL	340-10	ROAD IN TRESPASS
	0582	TRIBAL	340-10	ROAD IN TRESPASS
	0583	TRIBAL	340-10	ROAD IN TRESPASS
	0584	TRIBAL	340-10	ROAD IN TRESPASS
	0585	TRIBAL	340-10	ROAD IN TRESPASS
	0586	TRIBAL	340-10	ROAD IN TRESPASS
	0587	TRIBAL	340-10	ROAD IN TRESPASS
	0588	TRIBAL	340-10	ROAD IN TRESPASS
	0589	TRIBAL	340-10	ROAD IN TRESPASS
	0590	TRIBAL	340-10	ROAD IN TRESPASS
	0591	TRIBAL	340-10	ROAD IN TRESPASS
	0592	TRIBAL	340-10	ROAD IN TRESPASS
	0593	TRIBAL	340-10	ROAD IN TRESPASS
	0594	TRIBAL	340-10	ROAD IN TRESPASS
	0595	TRIBAL	340-10	ROAD IN TRESPASS
	0596	TRIBAL	340-10	ROAD IN TRESPASS
	0597	TRIBAL	340-10	ROAD IN TRESPASS
	0598	TRIBAL	340-10	ROAD IN TRESPASS
	0599	TRIBAL	340-10	ROAD IN TRESPASS
	0600	TRIBAL	340-10	ROAD IN TRESPASS
	0601	TRIBAL	340-10	ROAD IN TRESPASS
	0602	HOOTS AT HIM	687	ROAD IN TRESPASS
	0603	STALK JESSIE CAIN	695	ROAD IN TRESPASS
	0604	TRIBAL	340-10	ROAD IN TRESPASS
	0605	TRIBAL	340-10	ROAD IN TRESPASS
	0606	CRACK EAGLE REVIN	4262	ROAD IN TRESPASS
	0607	HIGH HAWK EAGLE HANNAH	3647	ROAD IN TRESPASS
	0608	TRIBAL	2432	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0473	TRIBAL	1206	ROAD IN TRESPASS
	0474	TRIBAL	T4376	ROAD IN TRESPASS
	0475	TRIBAL	4603	ROAD IN TRESPASS
	0476	TRIBAL	T340	ROAD IN TRESPASS
	0477	TRIBAL	4354	ROAD IN TRESPASS
	0478	BLUE AIM JOHN	2910	ROAD IN TRESPASS
	0479	TRIBAL	6354	ROAD IN TRESPASS
	0480	BETWEEN LODGES EDWARD	4430	ROAD IN TRESPASS
	0481	TRIBAL	X1816	ROAD IN TRESPASS
	0482	TRIBAL	X1816	ROAD IN TRESPASS
	0483	TRIBAL	T4143	ROAD IN TRESPASS
	0484	TRIBAL	T1116	ROAD IN TRESPASS
	0485	TRIBAL	X117	ROAD IN TRESPASS
	0486	TRIBAL	T11797	ROAD IN TRESPASS
	0487	TRIBAL	2911	ROAD IN TRESPASS
	0488	TRIBAL	X1736	ROAD IN TRESPASS
	0489	TRIBAL	X1797	ROAD IN TRESPASS
	0490	TRIBAL	X1797	ROAD IN TRESPASS
	0491	TRIBAL	340-10	ROAD IN TRESPASS
	0492	TRIBAL	X664	ROAD IN TRESPASS
	0493	TRIBAL	5342	ROAD IN TRESPASS
	0494	TRIBAL	X1730	ROAD IN TRESPASS
	0495	TRIBAL	X1730	ROAD IN TRESPASS
	0496	TRIBAL	T5318	ROAD IN TRESPASS
	0497	YELLOW OWL SILAS	X1797	ROAD IN TRESPASS
	0498	LITTLE SHIELD THOMAS	X1816	ROAD IN TRESPASS
	0499	TRIBAL	X1720	ROAD IN TRESPASS
	0500	HALE OWEN	X685	ROAD IN TRESPASS
	0501	HUNT CLOKE ENNIS	X1540	ROAD IN TRESPASS
	0502	TRIBAL	T2920	ROAD IN TRESPASS
	0503	TRIBAL	T2930	ROAD IN TRESPASS
	0504	TRIBAL	T2908	ROAD IN TRESPASS
	0505	RUNS AFTER LEVI L.	X1565	ROAD IN TRESPASS
	0506	SWAN MADONNA MARY	X330	ROAD IN TRESPASS
	0507	TRIBAL	T2460	ROAD IN TRESPASS
	0508	LITTLE SHIELD ROSA	2907	ROAD IN TRESPASS
	0509	CROOKED LEG	1648	ROAD IN TRESPASS
	0510	CROOKED LEG	1648	ROAD IN TRESPASS
	0511	AFRAID OF THE HAWK ANGELA M.	6060	ROAD IN TRESPASS
	0512	CONDON FELIX	3013	ROAD IN TRESPASS
	0513	TRIBAL	X1519	ROAD IN TRESPASS
	0514	TRIBAL	T340	ROAD IN TRESPASS
	0515	IN THE WOODS MARILYN	X1303	ROAD IN TRESPASS
	0516	TRIBAL	X130394	ROAD IN TRESPASS
	0517	IN THE WOODS MADDELINE G.	X130338	ROAD IN TRESPASS
	0518	TRIBAL	TX11303	ROAD IN TRESPASS
	0519	TRIBAL	TX11303	ROAD IN TRESPASS
	0520	CIRCLE EAGLE DEVIN	X11303	ROAD IN TRESPASS
	0521	TRIBAL	T340	ROAD IN TRESPASS
	0522	TRIBAL	X11303	ROAD IN TRESPASS
	0523	CROOKED LEG	1648	ROAD IN TRESPASS
	0524	HALE JOSEPH	X645	ROAD IN TRESPASS
	0525	TRIBAL	TX11748	ROAD IN TRESPASS
	0526	IRON MOCCASIN CORADIA	12448	ROAD IN TRESPASS
	0527	TRIBAL	T3647	ROAD IN TRESPASS
	0528	TRIBAL	T3371	ROAD IN TRESPASS
	0529	TRIBAL	T3648	ROAD IN TRESPASS
	0530	BLACK BIRD TAIL JOHN	1275	ROAD IN TRESPASS
	0531	TRIBAL	1263	ROAD IN TRESPASS
	0532	DOG WITH HORNS KENNETH L	12754	ROAD IN TRESPASS
	0533	HIGH HAWK DELPHINE B.E.	1275	ROAD IN TRESPASS
	0534	TRIBAL	T1263	ROAD IN TRESPASS
	0535	TRIBAL	T340	ROAD IN TRESPASS
	0536	TRIBAL	T4552	ROAD IN TRESPASS
	0537	TRIBAL	T4552	ROAD IN TRESPASS
	0538	KILLS TWICE BINANCIA	4017	ROAD IN TRESPASS
	0539	KILLS TWICE BINANCIA	4017	ROAD IN TRESPASS
	0540	KILLS TWICE BINANCIA	4017	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

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ABERDEEN AREA STATUTE CLAIMS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0676	KNIGHT SARAH	X1162	ROAD IN TRESPASS
	0677	TRIBAL	T6089	ROAD IN TRESPASS
	0678	TRIBAL	T6662	ROAD IN TRESPASS
	0679	KNIGH SARAH	1022	ROAD IN TRESPASS
	0680	LITTLE WOUNDED JOHN	T3056	ROAD IN TRESPASS
	0681	KNIGHT SARAH	3056	ROAD IN TRESPASS
	0682	BROWN EAGLE	1609	ROAD IN TRESPASS
	0683	IRON HAWK	1098	ROAD IN TRESPASS
	0684	IRON HAWK ESTER	218	ROAD IN TRESPASS
	0685	SHOOTS OFF	316	ROAD IN TRESPASS
	0686	SHOOTS OFF	317	ROAD IN TRESPASS
	0687	TRIBAL	T1661	ROAD IN TRESPASS
	0688	TRIBAL	T1075	ROAD IN TRESPASS
	0689	TRIBAL	T4465	ROAD IN TRESPASS
	0690	HOLLOW HORN MARY	2546	ROAD IN TRESPASS
	0691	TRIBAL	T5272	ROAD IN TRESPASS
	0692	SPOTTED HORSE FRANK	1675	ROAD IN TRESPASS
	0693	TRIBAL	T1151	ROAD IN TRESPASS
	0694	LITTLE CROW HART CLARENDA	9478	ROAD IN TRESPASS
	0695	TRIBAL	T2249	ROAD IN TRESPASS
	0696	DUPRIS EDWARD	1574	ROAD IN TRESPASS
	0697	BLACKMAN NORMAN	X556	ROAD IN TRESPASS
	0698	TRIBAL	T1152	ROAD IN TRESPASS
	0699	TRIBAL	T11879	ROAD IN TRESPASS
	0700	TRIBAL	T340	ROAD IN TRESPASS
	0701	TRIBAL	T340	ROAD IN TRESPASS
	0702	CHARGING EAGLE STEVEN	3044	ROAD IN TRESPASS
	0703	CHARGING EAGLE STEVEN S.	1126	ROAD IN TRESPASS
	0704	CHARGING EAGLE STEVEN S.	30459	ROAD IN TRESPASS
	0705	ELK FACE	1463	ROAD IN TRESPASS
	0706	DID NOT DO HOME BERNARD	541	ROAD IN TRESPASS
	0707	COOK AMOS	TX1703	ROAD IN TRESPASS
	0708	TRIBAL	954	ROAD IN TRESPASS
	0709	YELLOW EAGLE FRANCES D.A.	954	ROAD IN TRESPASS
	0710	YELLOW EAGLE FRANCES D.A.	X954	ROAD IN TRESPASS
	0711	BROWN DOG JAMES	592	ROAD IN TRESPASS
	0712	YELLOW EAGLE FRANCES D.A.	X954	ROAD IN TRESPASS
	0713	BROWN DOG JAMES	X1332	ROAD IN TRESPASS
	0714	FIRST EAGLE PETER	1153	ROAD IN TRESPASS
	0715	LONE EAGLE	1154	ROAD IN TRESPASS
	0716	BEAR STOPS CATHERINE	X1704	ROAD IN TRESPASS
	0717	BEAR STOPS MOLLIE	X1704	ROAD IN TRESPASS
	0718	USES MANY JAMES	6051	ROAD IN TRESPASS
	0719	COOK AMOS	X541	ROAD IN TRESPASS
	0720	TRIBAL	T11095	ROAD IN TRESPASS
	0721	CHARGING EAGLE STEVEN	1081A	ROAD IN TRESPASS
	0722	HOLMES ARCHIE	X1659	ROAD IN TRESPASS
	0723	ELK FACE	30458	ROAD IN TRESPASS
	0724	KNIFE CHAS	X1651	ROAD IN TRESPASS
	0725	KNIFE CHAS	X1652	ROAD IN TRESPASS
	0726	CHASING CLOUD	1079	ROAD IN TRESPASS
	0727	FINE HEATHER SARAH	1591	ROAD IN TRESPASS
	0728	TRIBAL	340-10	ROAD IN TRESPASS
	0729	TRIBAL	340-10	ROAD IN TRESPASS
	0730	TRIBAL	T6228	ROAD IN TRESPASS
	0731	TRIBAL	T6228	ROAD IN TRESPASS
	0732	TRIBAL	T5435	ROAD IN TRESPASS
	0733	TRIBAL	340-10	ROAD IN TRESPASS
	0734	TRIBAL	340-10	ROAD IN TRESPASS
	0735	TRIBAL	340-10	ROAD IN TRESPASS
	0736	TRIBAL	T539	ROAD IN TRESPASS
	0737	TRIBAL	T11420	ROAD IN TRESPASS
	0738	TRIBAL	TX1415	ROAD IN TRESPASS
	0740	BREAST MARY	529	ROAD IN TRESPASS
	0741	TRIBAL	T1364	ROAD IN TRESPASS
	0742	BREAST MARY	529	ROAD IN TRESPASS
	0743	BREAST MARY	529	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0609	TRIBAL	2432	ROAD IN TRESPASS
	0610	TRIBAL	6270	ROAD IN TRESPASS
	0611	RED BULL ELIZABETH	1219	ROAD IN TRESPASS
	0612	TRIBAL	1496	ROAD IN TRESPASS
	0613	BLACK WOLF THEODORE L	3973	ROAD IN TRESPASS
	0614	WHITE WOLF ARPHA R.H.	4375	ROAD IN TRESPASS
	0615	HALFRED RONALD RAY	1101	ROAD IN TRESPASS
	0616	HALFRED KNIFE MARY	1101	ROAD IN TRESPASS
	0617	HALFRED RONALD RAY	M1101	ROAD IN TRESPASS
	0618	POOR ELK SHAN SUSIE AGNES	1734	ROAD IN TRESPASS
	0619	TRIBAL	X655	ROAD IN TRESPASS
	0620	TRIBAL	1761	ROAD IN TRESPASS
	0621	WHITE WOLF JAMES	2446	ROAD IN TRESPASS
	0622	WHITE WOLF JAMES	2446	ROAD IN TRESPASS
	0623	WARD HAZEL G. (MORAN)	6123	ROAD IN TRESPASS
	0624	TRIBAL	2446	ROAD IN TRESPASS
	0625	HOLLOW HORN JOHN	2546	ROAD IN TRESPASS
	0626	TRIBAL	T340	ROAD IN TRESPASS
	0627	TRIBAL	T340	ROAD IN TRESPASS
	0628	TRIBAL	T340	ROAD IN TRESPASS
	0629	TRIBAL	T340	ROAD IN TRESPASS
	0630	TRIBAL	T340	ROAD IN TRESPASS
	0631	TRIBAL	T340	ROAD IN TRESPASS
	0632	TRIBAL	T340	ROAD IN TRESPASS
	0633	TRIBAL	T340	ROAD IN TRESPASS
	0634	TRIBAL	T340	ROAD IN TRESPASS
	0635	TRIBAL	T340	ROAD IN TRESPASS
	0636	CAP JULIA	1447	ROAD IN TRESPASS
	0637	THUNDER HAWK MARY	2298	ROAD IN TRESPASS
	0638	CREEK WALTER	X680	ROAD IN TRESPASS
	0639	THUNDER HAWK MARY	2298	ROAD IN TRESPASS
	0639	TRIBAL	T340	ROAD IN TRESPASS
	0640	TRIBAL	T340	ROAD IN TRESPASS
	0641	CAPE HARRY	1491	ROAD IN TRESPASS
	0642	WHITE FEATHER IDA C.	12002	ROAD IN TRESPASS
	0643	BLACK MOON GILBERT	1496	ROAD IN TRESPASS
	0644	CHASING HAWK ANNIE	3070	ROAD IN TRESPASS
	0645	CHASING HAWK ALEXANDER	3017	ROAD IN TRESPASS
	0646	CHASING HAWK MOSES	3019	ROAD IN TRESPASS
	0647	CHASING HAWK CHARLES	3018	ROAD IN TRESPASS
	0648	BEAR STOPS PETER	X1881	ROAD IN TRESPASS
	0649	RED BULL RAYMOND B	X1428A	ROAD IN TRESPASS
	0650	HUMP DARRELL	1292	ROAD IN TRESPASS
	0651	BEAR STOPS RED BULL ELIZA	7748	ROAD IN TRESPASS
	0652	HAWK CHASING	1167	ROAD IN TRESPASS
	0653	BLACK MOON GILBERT	1741	ROAD IN TRESPASS
	0654	TRIBAL	559	ROAD IN TRESPASS
	0655	BLACK MOON GARLAND D.	791	ROAD IN TRESPASS
	0656	TRIBAL	X1995	ROAD IN TRESPASS
	0657	TRIBAL	X1995	ROAD IN TRESPASS
	0658	SHAN ARMSTRONG	4116	ROAD IN TRESPASS
	0659	LITTLE DOG	1060	ROAD IN TRESPASS
	0660	TRIBAL	T3365	ROAD IN TRESPASS
	0661	IRON HAWK CANE	5120	ROAD IN TRESPASS
	0662	BROWN WOLF WILLIAM	1070	ROAD IN TRESPASS
	0663	BROWN WOLF PHILIP	1070	ROAD IN TRESPASS
	0664	RATTLING DOOR	1059	ROAD IN TRESPASS
	0665	RATTLING DOOR	1059	ROAD IN TRESPASS
	0666	OWL KING ALBERT	1142	ROAD IN TRESPASS
	0667	HALF RED OSCAR	1101	ROAD IN TRESPASS
	0668	BROWN WOLF	1070	ROAD IN TRESPASS
	0669	IRON HAWK WILSON	X1676	ROAD IN TRESPASS
	0670	WHITE WOLF SUSIE	2112	ROAD IN TRESPASS
	0671	TRIBAL	T4273	ROAD IN TRESPASS
	0672	WILLIAMS MAURICE A.	1884	ROAD IN TRESPASS
	0673	TRIBAL	T4316	ROAD IN TRESPASS
	0674	TRIBAL	T1940	ROAD IN TRESPASS
	0675	TRIBAL	T1038	ROAD IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0744	LIVERMORE FRED	X1430	ROAD IN TRESPASS
	0745	LIVERMORE FRED	X1430	ROAD IN TRESPASS
	0746	TRIBAL	340-10	ROAD IN TRESPASS
	0747	DUPRIS VIGINIA MAE	X1840	ROAD IN TRESPASS
	0748	DUPRIS ANDREW	X1202	ROAD IN TRESPASS
	0749	DUPRIS EDWARD RICHARD	4748	ROAD IN TRESPASS
	0750	ON THE TREE GEORGE	950	ROAD IN TRESPASS
	0751	PETERSON RAYMOND B.	X1512	ROAD IN TRESPASS
	0752	PETERSON MARTY C	X1511	ROAD IN TRESPASS
	0753	PETERSON DENNIS LEROY	X1509	ROAD IN TRESPASS
	0754	SHOULDER JOHN	587	ROAD IN TRESPASS
	0755	LABLANC TIONA DARLENE	5878	ROAD IN TRESPASS
	0756	TRIBAL	5878	ROAD IN TRESPASS
	0757	GAWE FLORENCE	360	ROAD IN TRESPASS
	0758	CHARGER GARY MICHAEL	X1962	ROAD IN TRESPASS
	0759	SWAN HEIN ESTHER	X1037	ROAD IN TRESPASS
	0760	KENSLER PHILLIPS E	4-6	ROAD IN TRESPASS
	0761	HOLLOWAY SHARON T	X153.	ROAD IN TRESPASS
	0762	SWIFT BIRD JENNIE	95E	ROAD IN TRESPASS
	0763	COMES OUT RAYMOND	4739	ROAD IN TRESPASS
	0764	TRIBAL	T4356	ROAD IN TRESPASS
	0765	TRIBAL	T4358	ROAD IN TRESPASS
	0766	TRIBAL	T 936	ROAD IN TRESPASS
	0767	LARLANCH CALLIE	3[illegible]	ROAD IN TRESPASS
	0768	TRIBAL	T[illegible]1	ROAD IN TRESPASS
	0769	TRIBAL	T4593	ROAD IN TRESPASS
	0770	TRIBAL	340-10	ROAD IN TRESPASS
	0771	TRIBAL	T4707	ROAD IN TRESPASS
	0772	TRIBAL	T4582	ROAD IN TRESPASS
	0773	IRON BIRD ELIZA	4393	ROAD IN TRESPASS
	0774	TRIBAL	340-10	ROAD IN TRESPASS
	0775	LABLANC PHILIP	3417	ROAD IN TRESPASS
	0776	TRIBAL	T624	ROAD IN TRESPASS
	0777	TRIBAL	340-10	ROAD IN TRESPASS
	0778	MORRAN DON VIC	3415	ROAD IN TRESPASS
	0779	SAVOY NORMA NANETTE	3472	ROAD IN TRESPASS
	0780	TRIBAL	T[illegible]	ROAD IN TRESPASS
	0781	TRIBAL	T[illegible]	ROAD IN TRESPASS
	0782	TRIBAL	340-10	ROAD IN TRESPASS
	0783	TRIBAL	T4910	ROAD IN TRESPASS
	0784	TRIBAL	340-10	ROAD IN TRESPASS
	0785	TRIBAL	340-10	ROAD IN TRESPASS
	0786	FARLEE JERRY	6409A	ROAD IN TRESPASS
	0787	TRIBAL	340-10	ROAD IN TRESPASS
	0788	TRIBAL	340-10	ROAD IN TRESPASS
	0789	PEARMAN MOUNTAIN ANTOINE	3319A	ROAD IN TRESPASS
	0790	WEST ALLEN	Y[illegible]	ROAD IN TRESPASS
	0791	WEST ALLEN	Y[illegible]	ROAD IN TRESPASS
	0792	WEST MARY LOUISE	4663	ROAD IN TRESPASS
	0793	SAUL SUSAN RUBY	194	ROAD IN TRESPASS
	0794	TRIBAL	340-10	ROAD IN TRESPASS
	0795	TRAVERSIE NEOMI SADIE	4681	ROAD IN TRESPASS
	0796	TRIBAL	T6119	ROAD IN TRESPASS
	0797	TRIBAL	340-10	ROAD IN TRESPASS
	0798	JEWETT TRAVERSIE LILLIE	X141	ROAD IN TRESPASS
	0799	JEWETT TRAVERSIE LILLIE	X141	ROAD IN TRESPASS
	0800	TRIBAL	3387	ROAD IN TRESPASS
	0801	TRAVERSIE GILBERT	3582	ROAD IN TRESPASS
	0802	TRIBAL	T340	ROAD IN TRESPASS
	0803	LIVERMONT FRANCIS HENRY	T5268	ROAD IN TRESPASS
	0804	TRIBAL	T6117	ROAD IN TRESPASS
	0805	TRIBAL	T3570	ROAD IN TRESPASS
	0806	O'LEARY DAVID	X481A	ROAD IN TRESPASS
	0807	O'LEARY DAVID	X481A	ROAD IN TRESPASS
	0808	RED DOG MRS.	1352	ROAD IN TRESPASS
	0809	TRIBAL	340-10	ROAD IN TRESPASS
	0810	RED DOG MRS.	1352	ROAD IN TRESPASS
	0811	RED DOG LEO	6330A	ROAD IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0812	RED DOG RUBY	6003	ROAD IN TRESPASS
	0813	BLUE COAT EMMA	X589	ROAD IN TRESPASS
	0814	TRIBAL	T581	ROAD IN TRESPASS
	0815	BLUE COAT EMMA	X589	ROAD IN TRESPASS
	0816	TRIBAL	T545	ROAD IN TRESPASS
	0817	TRIBAL	T1970C	ROAD IN TRESPASS
	0818	DUPRIS EDWARD RICHARD	6221	ROAD IN TRESPASS
	0819	MADISON ALBERT	6106	ROAD IN TRESPASS
	0820	BLACK SHIELD EDITH	X1945	ROAD IN TRESPASS
	0821	AMES IT SMELL ADAM	1315	ROAD IN TRESPASS
	0822	CRAZY HEART	1685	ROAD IN TRESPASS
	0823	CRAZY HEART ALICE	2040	ROAD IN TRESPASS
	0824	BLACK SHIELD	636	ROAD IN TRESPASS
	0825	SIMON JEAN VALERIE	5633	ROAD IN TRESPASS
	0826	BLACK SHIELD EDITH	X481	ROAD IN TRESPASS
	0827	BLACK SHIELD EDITH	X481	ROAD IN TRESPASS
	0828	TRIBAL	T1029A	ROAD IN TRESPASS
	0829	TRIBAL	340-10	ROAD IN TRESPASS
	0830	BEARD JULIA	582A	ROAD IN TRESPASS
	0831	TRIBAL	T583	ROAD IN TRESPASS
	0832	BLACK SHIELD EDITH	X481	ROAD IN TRESPASS
	0833	BRUSTER DOROTHY M.J.	6191	ROAD IN TRESPASS
	0834	BRUGUIER EUGENE	6180	ROAD IN TRESPASS
	0835	BRUGUIER DOROTHY M.J	6192	ROAD IN TRESPASS
	0836	BEARD JULIA	582A	ROAD IN TRESPASS
	0837	SAUL YETTER DELLA	5382	ROAD IN TRESPASS
	0838	LAFORCE EGNEW GLENN	3751	ROAD IN TRESPASS
	0839	ANNIS JENNIE	3412	ROAD IN TRESPASS
	0840	ANNIS JENNIE	5412	ROAD IN TRESPASS
	0841	HUNT JENNIE	X1693	ROAD IN TRESPASS
	0842	SAUL BLANCHE PENELOPE	4892	ROAD IN TRESPASS
	0843	ACKER MARY MARIE	4690	ROAD IN TRESPASS
	0844	TRIBAL	340-10	ROAD IN TRESPASS
	0845	TRIBAL	T3611	ROAD IN TRESPASS
	0846	DUPRIS PERCY	3407	ROAD IN TRESPASS
	0847	GARRETT WAYNE	4220	ROAD IN TRESPASS
	0848	GARRETT LELAND	X1075	ROAD IN TRESPASS
	0849	ANNIS DELBERT F	X1249	ROAD IN TRESPASS
	0850	TRIBAL	T5418	ROAD IN TRESPASS
	0851	TRIBAL	1830	ROAD IN TRESPASS
	0852	WHITE BUFFALO COMES OUT	1669	ROAD IN TRESPASS
	0853	TRIBAL	TX84	ROAD IN TRESPASS
	0854	TRIBAL	340-10	ROAD IN TRESPASS
	0855	TRIBAL	T30[illegible]	ROAD IN TRESPASS
	0856	TRIBAL	340-10	ROAD IN TRESPASS
	0857	TRIBA	340-10	ROAD IN TRESPASS
	0858	ANNIS DELBERT	X1673A	ROAD IN TRESPASS
	0859	TRIBAL	T1673E	ROAD IN TRESPASS
	0860	TRIBAL	TX1673	ROAD IN TRESPASS
	0861	BLUE COAT AMANDA	X221J	ROAD IN TRESPASS
	0862	EAGLE HAWK GLORIA	X221L	ROAD IN TRESPASS
	0863	BLUE COAT IRENE	X221L	ROAD IN TRESPASS
	0864	EAGLE HAWK CLAUDE	X221G	ROAD IN TRESPASS
	0865	FARLEE MURRAY RITA	X221F	ROAD IN TRESPASS
	0866	LOOKING HORSE LUCY	X403	ROAD IN TRESPASS
	0867	TRIBAL	340-10	ROAD IN TRESPASS
	0868	O'LEARY DAVID MARK	X481A	ROAD IN TRESPASS
	0869	BAD MALE THOMAS	639	ROAD IN TRESPASS
	0870	TRIBAL	340-10	ROAD IN TRESPASS
	0871	HEAD OR BUC ELK ELIAS	1467	ROAD IN TRESPASS
	0872	TRIBAL	340-10	ROAD IN TRESPASS
	0873	MORAN DORAINE JOAN	X1975	ROAD IN TRESPASS
	0874	MORAN POSEY	X1874	ROAD IN TRESPASS
	0875	TRIBAL	T6079	ROAD IN TRESPASS
	0876	TRIBAL	T6079	ROAD IN TRESPASS
	0877	EVE SAMPSON	X2165	ROAD IN TRESPASS
	0878	TRIBAL	340-10	ROAD IN TRESPASS
	0879	TRIBAL	340-10	ROAD IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0948	TRIBAL	340-10	ROAD IN TRESPASS
	0949	WHITE BOB TAIL ALICE	2315	ROAD IN TRESPASS
	0950	TRIBAL	T5629	ROAD IN TRESPASS
	0951	TRIBAL	T2138	ROAD IN TRESPASS
	0952	LABLANC SOPHIA	964	ROAD IN TRESPASS
	0953	TRIBAL	340-10	ROAD IN TRESPASS
	0954	TRIBAL	340-10	ROAD IN TRESPASS
	0955	TRIBAL	340-10	ROAD IN TRESPASS
	0956	TRIBAL	T2298	ROAD IN TRESPASS
	0957	COLSO WEST EUGENIA	931	ROAD IN TRESPASS
	0958	PRITZKAU MARY H.	X1892	ROAD IN TRESPASS
	0959	PRITZKAU MARY H.	X1892	ROAD IN TRESPASS
	0960	TRIBAL	340-10	ROAD IN TRESPASS
	0961	MARCELLE EDWARD	979	ROAD IN TRESPASS
	0962	WHITE BOB TAIL	1368	ROAD IN TRESPASS
	0963	TRIBAL	340-10	ROAD IN TRESPASS
	0964	TRIBAL	T6406	ROAD IN TRESPASS
	0965	ARPAN GONJE SARAH	640064	ROAD IN TRESPASS
	0966	TRIBAL	340-10	ROAD IN TRESPASS
	0967	TRIBAL	340-10	ROAD IN TRESPASS
	0968	TRIBAL	340-10	ROAD IN TRESPASS
	0969	KESSLER ROBERT B.	5620	ROAD IN TRESPASS
	0970	PEARMAN CATHERINE N.	4568	ROAD IN TRESPASS
	0971	KESSLER ROBERT B.	1922	ROAD IN TRESPASS
	0972	KESSLER ROBERT B.	6019	ROAD IN TRESPASS
	0973	YELLOW HORSE ELI	6275	ROAD IN TRESPASS
	0974	HORTENSON CLARENCE	5110	ROAD IN TRESPASS
	0975	HUSTON EVA MARIE	5594	ROAD IN TRESPASS
	0976	TRIBAL	340-10	ROAD IN TRESPASS
	0977	TRIBAL	340-10	ROAD IN TRESPASS
	0978	TRIBAL	340-10	ROAD IN TRESPASS
	0979	COOK HELEN	X1747	ROAD IN TRESPASS
	0980	GARRETT LELAND	6189	ROAD IN TRESPASS
	0981	GARRETTTT LELAND	925	ROAD IN TRESPASS
	0982	TRIBAL	340-10	ROAD IN TRESPASS
	0983	GARRETT LELAND	4063	ROAD IN TRESPASS
	0984	MARSHALL ALBERT JULA	247	ROAD IN TRESPASS
	0985	TRIBAL	340-10	ROAD IN TRESPASS
	0986	DUCHENEAUX ANTHONY DALE	6416	ROAD IN TRESPASS
	0987	LEBEAU ANTOINE & KATE	X1454	ROAD IN TRESPASS
	0988	DUCHENEAUX ANTHONY DALE	6416	ROAD IN TRESPASS
	0989	DUCHENEAUX ANTHONY DALE	5340	ROAD IN TRESPASS
	0990	DUCHENEAUX DEBORAH	X1163	ROAD IN TRESPASS
	0991	DUCHENEAUX ALLEN	X1164	ROAD IN TRESPASS
	0992	DUCHENEAUX MARIE	216	ROAD IN TRESPASS
	0993	TRIBAL	340-10	ROAD IN TRESPASS
	0994	RYAN LEBEAU MARCELLA	4109	ROAD IN TRESPASS
	0995	RYAN MICHAEL	4614	ROAD IN TRESPASS
	0996	DUCHENEAUX ERNEST C.	X148	ROAD IN TRESPASS
	0997	DUCHENEAUX ERNEST C.	X148	ROAD IN TRESPASS
	0998	FOUR BEAR MARTHA	224	ROAD IN TRESPASS
	0999	DUCHENEAUX EDWARD	X1636	ROAD IN TRESPASS
	1000	TRIBAL	T11087	ROAD IN TRESPASS
	1001	DUCHENEAUX EDWARD	2226	ROAD IN TRESPASS
	1002	TRIBAL	13713	ROAD IN TRESPASS
	1003	RYAN EUGENE CHESTER	224	ROAD IN TRESPASS
	1004	TRIBAL	T6066	ROAD IN TRESPASS
	1005	DUCHENEAUX ALLEN T.	6222	ROAD IN TRESPASS
	1006	TRIBAL	T11130	ROAD IN TRESPASS
	1007	HOLLENBECK NELLIE D.	6240	ROAD IN TRESPASS
	1008	TRIBAL	T2431	ROAD IN TRESPASS
	1009	HOLLENBECK NELLIE D	T1539	ROAD IN TRESPASS
	1010	TRIBAL	T922	ROAD IN TRESPASS
	1011	TRIBAL	T327	ROAD IN TRESPASS
	1012	TRIBAL	T6315	ROAD IN TRESPASS
	1013	TRIBAL	T1772	ROAD IN TRESPASS
	1014	TRIBAL	5324	ROAD IN TRESPASS
	1015	TRIBAL	T5343	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	0880	TRIBAL	340-10	ROAD IN TRESPASS
	0881	EAGLE CHASING JAMES	2[illegible]	ROAD IN TRESPASS
	0882	TRIBAL	T7366	ROAD IN TRESPASS
	0883	LITTLE SKUNK MOOR	748	ROAD IN TRESPASS
	0884	L SKUNK ELLEN	2155	ROAD IN TRESPASS
	0885	L SKUNK ELLEN	2155	ROAD IN TRESPASS
	0886	LITTLE SKUNK ZOE	X964	ROAD IN TRESPASS
	0887	TRIBAL	340-10	ROAD IN TRESPASS
	0888	TRIBAL	340-10	ROAD IN TRESPASS
	0889	BRING THE HORSES FRANK	X434	ROAD IN TRESPASS
	0890	ANNIS SMITH REA	X4350	ROAD IN TRESPASS
	0891	RED BIRD ANNA	X1540A	ROAD IN TRESPASS
	0892	COOK WALLCE	734	ROAD IN TRESPASS
	0893	TRIBAL	340-10	ROAD IN TRESPASS
	0894	TRIBAL	340-10	ROAD IN TRESPASS
	0895	TRIBAL	340-10	ROAD IN TRESPASS
	0896	COUNTING FRANKLIN	X302	ROAD IN TRESPASS
	0897	COUNTING ROSALIE	2147	ROAD IN TRESPASS
	0898	COUNTING AMY	2469	ROAD IN TRESPASS
	0899	IRON PEOPLE NELLIE	340-10	ROAD IN TRESPASS
	0900	CLAYMORE ANTOINE E.	657	ROAD IN TRESPASS
	0901	CLAYMORE ANTOINE E.	6029	ROAD IN TRESPASS
	0902	EAGLE CHASING RAY	6029	ROAD IN TRESPASS
	0903	TRIBAL	340-10	ROAD IN TRESPASS
	0904	TRIBAL	340-10	ROAD IN TRESPASS
	0905	TRIBAL	340-10	ROAD IN TRESPASS
	0906	TRIBAL	340-10	ROAD IN TRESPASS
	0907	SUMNERS COOK MARY	X1773	ROAD IN TRESPASS
	0908	TRIBAL	340-10	ROAD IN TRESPASS
	0909	TRIBAL	340-10	ROAD IN TRESPASS
	0910	MOTLEY EUGENE	16564	ROAD IN TRESPASS
	0911	JAMES CROW	1455	ROAD IN TRESPASS
	0912	HE BEAR	1494	ROAD IN TRESPASS
	0913	DUPRIS EVERETT W.	6230	ROAD IN TRESPASS
	0914	TRIBAL	T7247	ROAD IN TRESPASS
	0915	TRIBAL	T2363	ROAD IN TRESPASS
	0916	TRIBAL	T2365	ROAD IN TRESPASS
	0917	TRIBAL	T1015	ROAD IN TRESPASS
	0918	TRIBAL	T[illegible]	ROAD IN TRESPASS
	0919	PETERSON FARLEE LILA	10194	ROAD IN TRESPASS
	0920	PETERSON FARLEE LILA	[illegible]	ROAD IN TRESPASS
	0921	FARLEE LILA MAE	[illegible]	ROAD IN TRESPASS
	0922	TRIBAL	340-10	ROAD IN TRESPASS
	0923	TRIBAL	T2498	ROAD IN TRESPASS
	0924	TRIBAL	T2498A	ROAD IN TRESPASS
	0925	TRIBAL	TP367	ROAD IN TRESPASS
	0926	LAMPIE THOMAS	6438	ROAD IN TRESPASS
	0927	EAGLE CHASING RAY	1076	ROAD IN TRESPASS
	0928	TRIBAL	4758	ROAD IN TRESPASS
	0929	TRIBAL	T5297	ROAD IN TRESPASS
	0930	TRIBAL	T5074	ROAD IN TRESPASS
	0931	FISHERMAN MARTIE	9404	ROAD IN TRESPASS
	0932	FISHERMAN MAGGIE	9408	ROAD IN TRESPASS
	0933	TRIBAL	T5075	ROAD IN TRESPASS
	0934	COOK LUELLA	5218	ROAD IN TRESPASS
	0935	TRIBAL	T4524	ROAD IN TRESPASS
	0936	LITTLE CLOUD JOHN	X16700	ROAD IN TRESPASS
	0937	ANNIS OLDBERY FREDERICK	C1673	ROAD IN TRESPASS
	0938	MANY SPOTTED HORSES	1652	ROAD IN TRESPASS
	0939	MANY SPOTTED HORSES	L652	ROAD IN TRESPASS
	0940	TRIBAL	T1032	ROAD IN TRESPASS
	0941	TRIBAL	T1032	ROAD IN TRESPASS
	0942	BEAR RUNNING FRANK	X889	ROAD IN TRESPASS
	0943	TRIBAL	340-10	ROAD IN TRESPASS
	0944	BAD MULE MARY MAGDALINE	3670	ROAD IN TRESPASS
	0945	TRIBAL	340-10	ROAD IN TRESPASS
	0946	LAFFERTY ARTHUR C.	X253	ROAD IN TRESPASS
	0947	MARSHALL PHILLIP	2471	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1064	TRIBAL	14372	ROAD IN TRESPASS
	1065	TRIBAL	14881	ROAD IN TRESPASS
	1066	TRIBAL	17044	ROAD IN TRESPASS
	1067	TRIBAL	16070	ROAD IN TRESPASS
	1068	BROWN ERNESTINE M.	4443	ROAD IN TRESPASS
	1089	BROWN LILLIAN V.	4444	ROAD IN TRESPASS
	1090	TRIBAL	17820	ROAD IN TRESPASS
	1091	TRIBAL	16070	ROAD IN TRESPASS
	1092	BROWN GRACE VIOLA	3992	ROAD IN TRESPASS
	1093	TRIBAL	16070	ROAD IN TRESPASS
	1094	BROWN EDWIN EVERETT	3690	ROAD IN TRESPASS
	1095	A01340D96	TRIBAL	IT-070 UTILITY IN TRESPASS
	1096	TRIBAL	14021	
	1097	TRIBAL	16074	ROAD IN TRESPASS
	1098	TRIBAL	16387	ROAD IN TRESPASS
	1099	TRIBAL	14060	ROAD IN TRESPASS
	1100	TRIBAL	13905	ROAD IN TRESPASS
	1101	TRIBAL	14291	ROAD IN TRESPASS
	1102	HIS HORSE IS FAST ISABEL	2966	ROAD IN TRESPASS
	1103	LOCKETT ALICE VIOLA	5016	ROAD IN TRESPASS
	1104	TRIBAL	11747	ROAD IN TRESPASS
	1105	TRIBAL	11747	ROAD IN TRESPASS
	1106	TRIBAL	15193	ROAD IN TRESPASS
	1107	TRIBAL	1340	ROAD IN TRESPASS
	1108	TRIBAL	15243	ROAD IN TRESPASS
	1109	TRIBAL	14867	ROAD IN TRESPASS
	1110	FISHERMAN EDWARD	11726	ROAD IN TRESPASS
	1111	FISHERMAN EDWARD	2739	ROAD IN TRESPASS
	1112	TRIBAL	15395	ROAD IN TRESPASS
	1113	LEE HENRY	1710	ROAD IN TRESPASS
	1114	LEE HENRY	1710	ROAD IN TRESPASS
	1115	HER HORSE LOUISE	2598	ROAD IN TRESPASS
	1116	YELLOW CLOUD DONALD LEE	11362	ROAD IN TRESPASS
	1117	YELLOW CLOUD DONALD LEE	11362	ROAD IN TRESPASS
	1118	TRIBAL	1340	ROAD IN TRESPASS
	1119	TRIBAL	1340	ROAD IN TRESPASS
	1120	TRIBAL	1896	ROAD IN TRESPASS
	1121	TRIBAL	340-10	ROAD IN TRESPASS
	1122	TRIBAL	340-10	ROAD IN TRESPASS
	1123	TRIBAL	340-10	ROAD IN TRESPASS
	1124	TRIBAL	340-10	ROAD IN TRESPASS
	1125	TRIBAL	340-10	ROAD IN TRESPASS
	1126	TRIBAL	340-10	ROAD IN TRESPASS
	1127	REEVES EMMA LU	6396	ROAD IN TRESPASS
	1128	TRIBAL	1340	ROAD IN TRESPASS
	1129	DUCHENEAUX HENRY LEE	6295	ROAD IN TRESPASS
	1130	TRIBAL	340-10	ROAD IN TRESPASS
	1131	TRIBAL	11441	ROAD IN TRESPASS
	1132	TRIBAL	340-10	ROAD IN TRESPASS
	1133	TRIBAL	11431	ROAD IN TRESPASS
	1134	TRIBAL	340-10	ROAD IN TRESPASS
	1135	TRIBAL	340-10	ROAD IN TRESPASS
	1136	TRIBAL	340-10	ROAD IN TRESPASS
	1137	TRIBAL	340-10	ROAD IN TRESPASS
	1138	TRIBAL	340-10	ROAD IN TRESPASS
	1139	TRIBAL	340-10	ROAD IN TRESPASS
	1140	TRIBAL	340-10	ROAD IN TRESPASS
	1141	TRIBAL	340-10	ROAD IN TRESPASS
	1142	TRIBAL	340-10	ROAD IN TRESPASS
	1143	TRIBAL	340-10	ROAD IN TRESPASS
	1144	TRIBAL	340-10	ROAD IN TRESPASS
	1145	TRIBAL	340-10	ROAD IN TRESPASS
	1146	TRIBAL	340-10	ROAD IN TRESPASS
	1147	TRIBAL	340-10	ROAD IN TRESPASS
	1148	TRIBAL	340-10	ROAD IN TRESPASS
	1149	TRIBAL	340-10	ROAD IN TRESPASS
	1150	TRIBAL	340-10	ROAD IN TRESPASS
	1151	TRIBAL	13765	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
			340-10	ROAD IN TRESPASS
			340-10	ROAD IN TRESPASS
			340-10	ROAD IN TRESPASS
			340-10	ROAD IN TRESPASS
			X1590	ROAD IN TRESPASS
			A644	ROAD IN TRESPASS
			X1280	ROAD IN TRESPASS
			2813	ROAD IN TRESPASS
			1364	ROAD IN TRESPASS
			2752	ROAD IN TRESPASS
			6295	ROAD IN TRESPASS
			T2788	ROAD IN TRESPASS
			T2788	ROAD IN TRESPASS
			T2727	ROAD IN TRESPASS
			1838	ROAD IN TRESPASS
			2716	ROAD IN TRESPASS
			T2708	ROAD IN TRESPASS
			T2744	ROAD IN TRESPASS
			T2712	ROAD IN TRESPASS
			6163	ROAD IN TRESPASS
			T2715	ROAD IN TRESPASS
			3702	ROAD IN TRESPASS
			726	ROAD IN TRESPASS
			[illegible]	ROAD IN TRESPASS
			1878	ROAD IN TRESPASS
			11441	ROAD IN TRESPASS
			860	ROAD IN TRESPASS
			X64	ROAD IN TRESPASS
			[illegible]	ROAD IN TRESPASS
			[illegible]	ROAD IN TRESPASS
			[illegible]

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1152	DIXON MYRTLE	3[illegible]	ROAD IN TRESPASS
	1153	TRIBAL	T[illegible]73	ROAD IN TRESPASS
	1154	TRIBAL	340-10	ROAD IN TRESPASS
	1155	TRIBAL	TX1665	ROAD IN TRESPASS
	1156	KINGMAN HARRY	838	ROAD IN TRESPASS
	1157	KINGMAN HARRY	838	ROAD IN TRESPASS
	1158	TRIBAL	T841	ROAD IN TRESPASS
	1159	TRIBAL	TX1687	ROAD IN TRESPASS
	1160	LARAREE MARY	843	ROAD IN TRESPASS
	1161	LONG CHARLES	1687	ROAD IN TRESPASS
	1162	TRIBAL	340-10	ROAD IN TRESPASS
	1163	TRIBAL	340-10	ROAD IN TRESPASS
	1164	TRIBAL	340-10	ROAD IN TRESPASS
	1165	TRIBAL	340-10	ROAD IN TRESPASS
	1166	TRIBAL	340-10	ROAD IN TRESPASS
	1167	TRIBAL	340-10	ROAD IN TRESPASS
	1168	TRIBAL	340-10	ROAD IN TRESPASS
	1169	TRIBAL	340-10	ROAD IN TRESPASS
	1170	TRIBAL	340-10	ROAD IN TRESPASS
	1171	TRIBAL	340-10	ROAD IN TRESPASS
	1172	TRIBAL	340-10	ROAD IN TRESPASS
	1173	TRIBAL	T1366	ROAD IN TRESPASS
	1174	TRIBAL	340-10	ROAD IN TRESPASS
	1175	TRIBAL	340-10	ROAD IN TRESPASS
	1176	DOLPHUS DONALD MILLETTA VAUGHN	5731	ROAD IN TRESPASS
	1177	DOLPHUS JOHN	1486	ROAD IN TRESPASS
	1178	PEARMAN JAY GEORGE JR.	5474	ROAD IN TRESPASS
	1179	PEARMAN BARBARA LEE	5621	ROAD IN TRESPASS
	1180	PEARMAN DUANE P.	3198	ROAD IN TRESPASS
	1181	PEARMAN DUANE P.	3198	ROAD IN TRESPASS
	1182	TRIBAL	T5652	ROAD IN TRESPASS
	1183	TRIBAL	T4587	ROAD IN TRESPASS
	1184	TRIBAL	T4587	ROAD IN TRESPASS
	1185	TRIBAL	T300	ROAD IN TRESPASS
	1186	ONE FEATHER JOSEPH	X177X	ROAD IN TRESPASS
	1187	BOURDEAUX HATTEN SUSIE	289B	ROAD IN TRESPASS
	1188	TRIBAL	T2899A	ROAD IN TRESPASS
	1189	TRIBAL	TX1960	ROAD IN TRESPASS
	1190	TRIBAL	261[illegible]	ROAD IN TRESPASS
	1191	TRIBAL	TX1491	ROAD IN TRESPASS
	1192	IRON WING GILFORD	X149[illegible]	ROAD IN TRESPASS
	1193	TRAVERSIE AGATHA N.	X1290	ROAD IN TRESPASS
	1194	GRAY OSCAR P.	X1175	ROAD IN TRESPASS
	1195	TRIBAL	TX1279	ROAD IN TRESPASS
	1196	TRIBAL	TX1281	ROAD IN TRESPASS
	1197	HOLY BEAR MOLA	X1277	ROAD IN TRESPASS
	1198	TRIBAL	T2639	ROAD IN TRESPASS
	1199	HOLY BEAR TONY	4074	ROAD IN TRESPASS
	1200	TRIBAL	TX1279	ROAD IN TRESPASS
	1201	TRIBAL	T2793	ROAD IN TRESPASS
	1202	WHITE HORSE JENNIE	2200	ROAD IN TRESPASS
	1203	TRIBAL	TX1966	ROAD IN TRESPASS
	1204	TRIBAL	T2207A	ROAD IN TRESPASS
	1205	JEWETT MANUEL	X1103	ROAD IN TRESPASS
	1206	WHITE HORSE CHARLES	479	ROAD IN TRESPASS
	1207	LAMB RICHARD V.	479B	ROAD IN TRESPASS
	1208	LAMB RICHARD V.	479C	ROAD IN TRESPASS
	1209	LAWRENCE ROBERT H.	283	ROAD IN TRESPASS
	1210	ANDERSON MARY JANE	478A	ROAD IN TRESPASS
	1211	TRIBAL	340-10	ROAD IN TRESPASS
	1212	TRIBAL	340-10	ROAD IN TRESPASS
	1213	VEO VERNON VERDELL	1804	ROAD IN TRESPASS
	1214	HORSE WITH HORNS JOSEPH	485A	ROAD IN TRESPASS
	1215	HORN FAST HORSE ANNIE	485B	ROAD IN TRESPASS
	1216	LAWRENCE ROBERT H.	486	ROAD IN TRESPASS
	1217	TRIBAL	TX1938	ROAD IN TRESPASS
	1218	MAKES HIM RIST JENNIE	485C	ROAD IN TRESPASS
	1219	GUNVILLE HARLEN & GEORGIA	523A	ROAD IN TRESPASS

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1220	TRIBAL	TX873	ROAD IN TRESPASS
	1221	ON THE TREE EDWARD	X871	ROAD IN TRESPASS
	1222	GUNVILLE HARLEN & GEORGIA	523	ROAD IN TRESPASS
	1223	SWIFT HORSE MARY	2568	ROAD IN TRESPASS
	1224	LAWRENCE ROBERS	1603	ROAD IN TRESPASS
	1225	TRAVERSIE ANDREW	496	ROAD IN TRESPASS
	1226	GUNVILLE HARLEN	X522B	ROAD IN TRESPASS
	1227	GUNVILLE HARLEN	483	ROAD IN TRESPASS
	1228	GUNVILLE HARLEN	522C	ROAD IN TRESPASS
	1229	GUNVILLE HARLEN	522B	ROAD IN TRESPASS
	1230	TRIBAL	T1696	ROAD IN TRESPASS
	1231	TRIBAL	TX1220	ROAD IN TRESPASS
	1232	SMITH BESSIE	X764	ROAD IN TRESPASS
	1233	SMITH BESSIE	X764	ROAD IN TRESPASS
	1234	JEWETT LEWIS M.	X1710	ROAD IN TRESPASS
	1235	JEWETT SULLIVAN	X1518	ROAD IN TRESPASS
	1236	LAWRENCE CHARLOTTE	X1679	ROAD IN TRESPASS
	1237	JEWETT LEWIS M.	X1710	ROAD IN TRESPASS
	1238	JEWETT SULLIVAN	X1518	ROAD IN TRESPASS
	1239	TRIBAL	T2897	ROAD IN TRESPASS
	1240	MOUND ALVIN PHILLIP	4579	ROAD IN TRESPASS
	1241	TRIBAL	T2897	ROAD IN TRESPASS
	1242	JEWETT WILLIAM	3527	ROAD IN TRESPASS
	1243	TRIBAL	TX1528	ROAD IN TRESPASS
	1244	MILLER SOPHIA	X1923	ROAD IN TRESPASS
	1245	MAUPIN ARTHUR CHARLES	3994	ROAD IN TRESPASS
	1246	MILLER SOPHIA	X1928	ROAD IN TRESPASS
	1247	MARKSALL HARRY	447	ROAD IN TRESPASS
	1248	TRIBAL	T3705	ROAD IN TRESPASS
	1249	YELLOW HORSE LUKE	444	ROAD IN TRESPASS
	1250	LAWRENCE ROBERT THOMAS	X1922	ROAD IN TRESPASS
	1251	TRIBAL	T472	ROAD IN TRESPASS
	1252	LAWRENCE ROBERS	X88	ROAD IN TRESPASS
	1253	LAMB RICHARD	X1924	ROAD IN TRESPASS
	1254	TRIBAL	T1603	ROAD IN TRESPASS
	1255	TRIBAL	T4287	ROAD IN TRESPASS
	1256	MAKES HIM FIRST HERBERS	5028	ROAD IN TRESPASS
	1257	TRIBAL	T4664	ROAD IN TRESPASS
	1258	TRIBAL	T6208	ROAD IN TRESPASS
	1259	TRIBAL	T4895	ROAD IN TRESPASS
	1260	MAKES HIM FIRST JULIA	4098	ROAD IN TRESPASS
	1261	TRIBAL	TX1626	ROAD IN TRESPASS
	1262	WALTERS WILLIAM HERMAN	X1911	ROAD IN TRESPASS
	1263	TRIBAL	TX1893	ROAD IN TRESPASS
	1264	TRIBAL	T5606	ROAD IN TRESPASS
	1265	TRIBAL	T5565	ROAD IN TRESPASS
	1266	TRIBAL	T378	ROAD IN TRESPASS
	1267	TRIBAL	TX1954	ROAD IN TRESPASS
	1268	LEE FRANCIS PIERCE	X314	ROAD IN TRESPASS
	1269	TRIBAL	TX1280	ROAD IN TRESPASS
	1270	SUMMERS MARY	X1773	ROAD IN TRESPASS
	1271	TRIBAL	TX169	ROAD IN TRESPASS
	1272	HUNTER MARY	748	ROAD IN TRESPASS
	1273	LEE BORDEAUX VIOLEES	X82	ROAD IN TRESPASS
	1274	TRIBAL	T5346	ROAD IN TRESPASS
	1275	LEE HENRY	397	ROAD IN TRESPASS
	1276	LEE BORDEAUX VIOLES	X82	ROAD IN TRESPASS
	1277	PHILIPS SCHUYLER	X1996	ROAD IN TRESPASS
	1278	TRIBAL	TX1263	ROAD IN TRESPASS
	1279	TRIBAL	TX1264	ROAD IN TRESPASS
	1280	HUNTS STEPHEN	343	ROAD IN TRESPASS
	1281	TRIBAL	TX5	ROAD IN TRESPASS
	1282	TRIBAL	T1225	ROAD IN TRESPASS
	1283	LEE ABRAHAM	X74	ROAD IN TRESPASS
	1284	TRIBAL	T344	ROAD IN TRESPASS
	1285	TRIBAL	TX1280	ROAD IN TRESPASS
	1286	TRIBAL	T6092	ROAD IN TRESPASS
	1287	GARREAU THOMPSON INEA01340	6118	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1356	TRIBAL	T6066	ROAD IN TRESPASS
	1357	TRIBAL	T563	ROAD IN TRESPASS
	1358	TRIBAL	T11261	ROAD IN TRESPASS
	1359	LEBEAU ANDREW	X1873	ROAD IN TRESPASS
	1360	TRIBAL	340-10	ROAD IN TRESPASS
	1361	BENOIST WILLIAM LYLE	X1647	ROAD IN TRESPASS
	1362	TRIBAL	340-10	ROAD IN TRESPASS
	1363	TRIBAL	340-10	ROAD IN TRESPASS
	1364	WHITE FACE EDWARD	94	ROAD IN TRESPASS
	1365	TRIBAL	T6066	ROAD IN TRESPASS
	1366	DUCHENEAUX ABERLE KEVA	6375	ROAD IN TRESPASS
	1367	LEBEAU WILLIAM WILLIE	147	ROAD IN TRESPASS
	1368	LEBEAU ANTOINE JR. AND KATE	6235	ROAD IN TRESPASS
	1369	LEBEAU ANTOINE JR. AND KATE	6235	ROAD IN TRESPASS
	1370	TRIBAL	T172	ROAD IN TRESPASS
	1371	TRIBAL	340-10	ROAD IN TRESPASS
	1372	BENOIST FIDELIA	7	ROAD IN TRESPASS
	1373	BENOIST NELLIE	8	ROAD IN TRESPASS
	1374	JEWETT KEITH DUANE	X1902	ROAD IN TRESPASS
	1375	JEWETT KEITH DUANE	X1902	ROAD IN TRESPASS
	1376	TRIBAL	T11677	ROAD IN TRESPASS
	1377	TRIBAL	T3277	ROAD IN TRESPASS
	1378	TRIBAL	T5466	ROAD IN TRESPASS
	1379	TRIBAL	T5466	ROAD IN TRESPASS
	1380	MARSHALL ALFRED	6034	ROAD IN TRESPASS
	1381	TRIBAL	340-10	ROAD IN TRESPASS
	1382	ROSSEAU VIRGINIA T.	X174	ROAD IN TRESPASS
	1383	TRIBAL	T11949	ROAD IN TRESPASS
	1384	TRIBAL	T11949	ROAD IN TRESPASS
	1385	CLARENCE CLARENCE	X1695	ROAD IN TRESPASS
	1386	TRIBAL	T11917	ROAD IN TRESPASS
	1387	LAPLANT JENSEN DIANA	X1030	ROAD IN TRESPASS
	1388	MANLEY ROBERT MARVAL	4567	ROAD IN TRESPASS
	1389	MANLEY ROBERT MARVEL	4567	ROAD IN TRESPASS
	1390	TRIBAL	T4061	ROAD IN TRESPASS
	1391	TRIBAL	T4297A	ROAD IN TRESPASS
	1392	TRIBAL	T4297	ROAD IN TRESPASS
	1393	TRIBAL	T6443	ROAD IN TRESPASS
	1394	HIGH BEAR ADAM	852	ROAD IN TRESPASS
	1395	TRIBAL	T11030	ROAD IN TRESPASS
	1396	TRIBAL	T822	ROAD IN TRESPASS
	1397	TRIBAL	T5361	ROAD IN TRESPASS
	1398	TRIBAL	T11143	ROAD IN TRESPASS
	1399	HORN HORSE WITH HORNS MAY	X1915	ROAD IN TRESPASS
	1400	TRIBAL	T11143	ROAD IN TRESPASS
	1401	DUCHENEAUX ROMER EDWINA	273	ROAD IN TRESPASS
	1402	ROMER EDWINA	X136	ROAD IN TRESPASS
	1403	PHILLIPS PERCY ELMER	X264	ROAD IN TRESPASS
	1404	ROMER EDWINA JOY	X136	ROAD IN TRESPASS
	1405	TWO LANCE ROMER AGNES	X135	ROAD IN TRESPASS
	1406	WATERS ISADORE	241	ROAD IN TRESPASS
	1407	MARSHALL ETHEL T.	X1514	ROAD IN TRESPASS
	1408	GILBERT JEWETT FRANCIS M.	X1575A	ROAD IN TRESPASS
	1409	TRIBAL	T6072	ROAD IN TRESPASS
	1410	VEO CHARLES	2818	ROAD IN TRESPASS
	1411	TRAVERSIE MOSES M.	X1984	ROAD IN TRESPASS
	1412	SMITH GILFORD L.	6264	ROAD IN TRESPASS
	1413	FIDDLER LIZZIE	X1298	ROAD IN TRESPASS
	1414	SMITH GILFORD L.	6040	ROAD IN TRESPASS
	1415	FIDDLER LIZZIE	X1298	ROAD IN TRESPASS
	1417	TRIBAL	T5568	ROAD IN TRESPASS
	1418	TRIBAL	340-10	ROAD IN TRESPASS
	1419	TRIBAL	340-10	ROAD IN TRESPASS
	1420	TRIBAL	340-10	ROAD IN TRESPASS
	1421	TRIBAL	340-10	ROAD IN TRESPASS
	1422	TRIBAL	340-10	ROAD IN TRESPASS
	1423	TRIBAL	340-10	ROAD IN TRESPASS
	1424	TRIBAL	340-10	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1288	TRIBAL	T4879	ROAD IN TRESPASS
	1289	TRIBAL	T948	ROAD IN TRESPASS
	1290	LOW DOG THOMAS	951	ROAD IN TRESPASS
	1291	LOW DOG CLYDE F.	2836	ROAD IN TRESPASS
	1292	PETERSON RAYMOND B.	X1973	ROAD IN TRESPASS
	1293	GARREAU ROSA	2849	ROAD IN TRESPASS
	1294	PETERSON RAYMOND	2841	ROAD IN TRESPASS
	1295	TRIBAL	T2841	ROAD IN TRESPASS
	1296	TRIBAL	T4880	ROAD IN TRESPASS
	1297	TRIBAL	T2885	ROAD IN TRESPASS
	1298	DAMMING BYNUM FRANK JR.	2811	ROAD IN TRESPASS
	1299	LAPLANT CLAYMORE MAUDE	622	ROAD IN TRESPASS
	1300	DAMMING BYNUM FRANK JR.	620	ROAD IN TRESPASS
	1301	DAMMING BYNUM FRANK	620	ROAD IN TRESPASS
	1302	TRIBAL	T72	ROAD IN TRESPASS
	1303	DUBRAY LEROY	6038	ROAD IN TRESPASS
	1304	LOVELETT EDWIN	X1666	ROAD IN TRESPASS
	1305	TRIBAL	162	ROAD IN TRESPASS
	1306	BENOITS WILLIAM LYLE	X1757	ROAD IN TRESPASS
	1307	TRIBAL	T4449	ROAD IN TRESPASS
	1308	TRIBAL	T3884	ROAD IN TRESPASS
	1309	TRIBAL	T11609	ROAD IN TRESPASS
	1310	TRIBAL	T4192	ROAD IN TRESPASS
	1311	TRIBAL	T4923	ROAD IN TRESPASS
	1312	TRIBAL	T5130	ROAD IN TRESPASS
	1313	LAPLANT WILLIAM RICHARD	4807	ROAD IN TRESPASS
	1314	TRIBAL	T4019	ROAD IN TRESPASS
	1315	LAPLANT RUPERT OWEN	4806	ROAD IN TRESPASS
	1316	TRIBAL	T4924	ROAD IN TRESPASS
	1317	TRIBAL	T1311	ROAD IN TRESPASS
	1318	CLAYMORE PAUL AMOS	6021	ROAD IN TRESPASS
	1319	SCOTT SUMMERS AMELIA	2986	ROAD IN TRESPASS
	1320	RIVERS ANTHONY	1862	ROAD IN TRESPASS
	1321	RIVERS TONY	T1170	ROAD IN TRESPASS
	1322	RIVERS TONY	788	ROAD IN TRESPASS
	1323	SCARES THE HAWK RAYMOND	X10424	ROAD IN TRESPASS
	1324	ROAD SAMUEL	X1661	ROAD IN TRESPASS
	1325	LEBEAU PATRICK	X1780	ROAD IN TRESPASS
	1326	LEBEAU PATRICK	4413	ROAD IN TRESPASS
	1327	TRIBAL	T2320	ROAD IN TRESPASS
	1328	TRIBAL	T5389	ROAD IN TRESPASS
	1329	TRIBAL	T5354	ROAD IN TRESPASS
	1330	GUNVILLE HARLAN & GEORGIA	X323	ROAD IN TRESPASS
	1331	GUNVILLE HARLAN	X706	ROAD IN TRESPASS
	1332	GUNVILLE HARLAN & GEORGIA	X706	ROAD IN TRESPASS
	1333	TRIBAL	T5457	ROAD IN TRESPASS
	1334	CROW JACOB	856	ROAD IN TRESPASS
	1335	RUNS THE ENEMY DAVID	853	ROAD IN TRESPASS
	1336	TRIBAL	T1826	ROAD IN TRESPASS
	1337	TRIBAL	T1836	ROAD IN TRESPASS
	1338	TRIBAL	T11670	ROAD IN TRESPASS
	1339	PHILLIPS JOSEPH ANDREA	X1671	ROAD IN TRESPASS
	1340	TRIBAL	340-10	ROAD IN TRESPASS
	1341	TRIBAL	T5644	ROAD IN TRESPASS
	1342	BRUGIER JOSEPH	564	ROAD IN TRESPASS
	1343	TRIBAL	T6061	ROAD IN TRESPASS
	1344	TRAVERSIE IRENE RUBY	4196	ROAD IN TRESPASS
	1345	BLACK SPOTTED HORSE LOUISE	110	ROAD IN TRESPASS
	1346	RICE LUCY & PROMISE WILLIAM	X1293	ROAD IN TRESPASS
	1347	MEETER JAMES	6064	ROAD IN TRESPASS
	1348	DUCHENEAUX ALBERT	X115	ROAD IN TRESPASS
	1349	PIPE ON HEAD JAMES	97	ROAD IN TRESPASS
	1350	LEBEAU LLOYD	6069	ROAD IN TRESPASS
	1351	TRIBAL	T11417	ROAD IN TRESPASS
	1352	LEBEAU LLOYD	X1140	ROAD IN TRESPASS
	1353	TRIBAL	T1940	ROAD IN TRESPASS
	1354	TRIBAL	T6066	ROAD IN TRESPASS
	1355	TRIBAL	T195	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1425	TRIBAL	340-10	ROAD IN TRESPASS
	1426	TRIBAL	340-10	ROAD IN TRESPASS
	1427	TRIBAL	340-10	ROAD IN TRESPASS
	1428	TRIBAL	340-10	ROAD IN TRESPASS
	1429	TRIBAL	340-10	ROAD IN TRESPASS
	1430	TRIBAL	340-10	ROAD IN TRESPASS
	1431	TRIBAL	T838	ROAD IN TRESPASS
	1432	TRIBAL	T839	ROAD IN TRESPASS
	1433	TRIBAL	TX1107	ROAD IN TRESPASS
	1434	TRIBAL	T2708	ROAD IN TRESPASS
	1435	HAWK WILLIAM GEORGE	2710	ROAD IN TRESPASS
	1436	TRIBAL	T2712	ROAD IN TRESPASS
	1437	LAFFERTY ELLSWORTH	6163	ROAD IN TRESPASS
	1438	TRIBAL	T2714	ROAD IN TRESPASS
	1439	GILBERT MOLLIE BERNICE	2726	ROAD IN TRESPASS
	1440	GILBERT MARGUERITE E.	3702	ROAD IN TRESPASS
	1441	GILBERT IS AC	X1553	ROAD IN TRESPASS
	1442	GILBERT HAZEL AMY	3148	ROAD IN TRESPASS
	1443	LAFFERTY JULIA GRAYBEAR	X253	ROAD IN TRESPASS
	1444	LAFFERTY WALTER	X860	ROAD IN TRESPASS
	1445	FRAZIER KERMIT ALBERS	5581	ROAD IN TRESPASS
	1446	TRIBAL	TX1039	ROAD IN TRESPASS
	1447	TRIBAL	340-10	ROAD IN TRESPASS
	1448	TRIBAL	TX1810	ROAD IN TRESPASS
	1449	LAFFERTY ARTHUR C.	X64	ROAD IN TRESPASS
	1450	TRIBAL	TX861	ROAD IN TRESPASS
	1451	TRIBAL	3401-0	ROAD IN TRESPASS
	1452	TRIBAL	340-10	ROAD IN TRESPASS
	1453	TRIBAL	T382	ROAD IN TRESPASS
	1454	TRIBAL	T5576	ROAD IN TRESPASS
	1455	TRIBAL	340-10	ROAD IN TRESPASS
	1456	LAFFERTY CATHERINE M.	X799	ROAD IN TRESPASS
	1457	TRIBAL	340-10	ROAD IN TRESPASS
	1458	TRIBAL	T3748	ROAD IN TRESPASS
	1459	TRIBAL	T3176	ROAD IN TRESPASS
	1460	TRIBAL	T6161	ROAD IN TRESPASS
	1461	TRIBAL	T2607	ROAD IN TRESPASS
	1462	TRIBAL	T3193	ROAD IN TRESPASS
	1463	TRIBAL	T4810	ROAD IN TRESPASS
	1464	TRIBAL	340-10	ROAD IN TRESPASS
	1465	TRIBAL	T2788	ROAD IN TRESPASS
	1466	TRIBAL	T6295	ROAD IN TRESPASS
	1467	CLAYMORE JACK	6160	ROAD IN TRESPASS
	1468	LARRABEE ALEX MRS.	860A	ROAD IN TRESPASS
	1469	TRIBAL	340-10	ROAD IN TRESPASS
	1470	TRIBAL	340-10	ROAD IN TRESPASS
	1471	TRIBAL	340-10	ROAD IN TRESPASS
	1472	TRIBAL	340-10	ROAD IN TRESPASS
	1473	TRIBAL	T6312	ROAD IN TRESPASS
	1474	TRIBAL	340-10	ROAD IN TRESPASS
	1475	TRIBAL	T6312	ROAD IN TRESPASS
	1476	TRIBAL	TX1687	ROAD IN TRESPASS
	1477	TRIBAL	TX1687	ROAD IN TRESPASS
	1478	TRIBAL	TX1687	ROAD IN TRESPASS
	1479	TRIBAL	TX1687	ROAD IN TRESPASS
	1480	KINGMAN HARRY	838	ROAD IN TRESPASS
	1481	KINGMAN HARRY	838	ROAD IN TRESPASS
	1482	TRIBAL	T5053	ROAD IN TRESPASS
	1483	TRIBAL	T2643	ROAD IN TRESPASS
	1484	TRIBAL	T2644	ROAD IN TRESPASS
	1485	GARREAU MELVIN	6050	ROAD IN TRESPASS
	1486	TRIBAL	T3684	ROAD IN TRESPASS
	1487	TRIBAL	T5456	ROAD IN TRESPASS
	1488	TRIBAL	TX486	ROAD IN TRESPASS
	1489	TRIBAL	340-10	ROAD IN TRESPASS
	1490	TRIBAL	T5457	ROAD IN TRESPASS
	1491	TRIBAL	340-10	ROAD IN TRESPASS
	1492	TRIBAL	T5455	ROAD IN TRESPASS

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1493	TRIBAL	T5021	ROAD IN TRESPASS
	1494	TRIBAL	T4710	ROAD IN TRESPASS
	1495	TRIBAL	T4167	ROAD IN TRESPASS
	1496	TRIBAL	T4250	ROAD IN TRESPASS
	1497	TRIBAL	T3522	ROAD IN TRESPASS
	1498	TRIBAL	T4769	ROAD IN TRESPASS
	1499	HIGH BEAR ADAM	852	ROAD IN TRESPASS
	1501	TRIBAL	T2700	ROAD IN TRESPASS
	1502	HIGH BEAR ADAM	852	ROAD IN TRESPASS
	1503	TRIBAL	TX1105	ROAD IN TRESPASS
	1504	GARTER HATTIE	4297	ROAD IN TRESPASS
	1505	DOLPHUS JOHN	1486	ROAD IN TRESPASS
	1506	PEARMAN JAY GEORGE	5474	ROAD IN TRESPASS
	1507	TRIBAL	340-10	ROAD IN TRESPASS
	1508	TRIBAL	340-10	ROAD IN TRESPASS
	1509	TRIBAL	340-10	ROAD IN TRESPASS
	1510	TRIBAL	340-10	ROAD IN TRESPASS
	1511	PEARMAN DUANE P.	6172	ROAD IN TRESPASS
	1512	TRIBAL	T319	ROAD IN TRESPASS
	1513	CHARGER PHILLIP	X122	ROAD IN TRESPASS
	1514	WHITE BUFFALO	2610	ROAD IN TRESPASS
	1515	RED WEASEL ANNIE	320	ROAD IN TRESPASS
	1516	TRIBAL	TX1893	ROAD IN TRESPASS
	1517	TRIBAL	T3910	ROAD IN TRESPASS
	1518	LEE HENRY	X552	ROAD IN TRESPASS
	1519	TRIBAL	T5346	ROAD IN TRESPASS
	1520	BORDEAUX VIOLET LEE	X82	ROAD IN TRESPASS
	1521	BORDEAUX LEE	X694	ROAD IN TRESPASS
	1522	TRIBAL	TX1996	ROAD IN TRESPASS
	1523	TRIBAL	TX1264	ROAD IN TRESPASS
	1524	TRIBAL	T6093	ROAD IN TRESPASS
	1525	TRIBAL	TX169A	ROAD IN TRESPASS
	1526	LANDREAUX JOSEPH	X169	ROAD IN TRESPASS
	1527	TRIBAL	TX5	ROAD IN TRESPASS
	1528	HUNTS THE ENEMY STEPHEN	343A	ROAD IN TRESPASS
	1529	LEE ABRAHAM	X74	ROAD IN TRESPASS
	1530	TRIBAL	TX1954	ROAD IN TRESPASS
	1531	VEO THOMAS	X1252	ROAD IN TRESPASS
	1532	AMERICAN HORSE ANNA	640A	ROAD IN TRESPASS
	1533	BIRD NECKLACE ANNIE	X238	ROAD IN TRESPASS
	1534	TRIBAL	TX1954	ROAD IN TRESPASS
	1535	TRIBAL	TX1280	ROAD IN TRESPASS
	1536	TRIBAL	TX912A	ROAD IN TRESPASS
	1537	TRIBAL	TX128	ROAD IN TRESPASS
	1538	TRIBAL	TX1773	ROAD IN TRESPASS
	1539	DIFFERNT HORSE JESSE	X914	ROAD IN TRESPASS
	1540	TRIBAL	TX1280	ROAD IN TRESPASS
	1541	DIFFERENT HORSE JESSE	X914	ROAD IN TRESPASS
	1542	TRIBAL	T6092	ROAD IN TRESPASS
	1543	DIFFERENT HORSE JESSE	X916	ROAD IN TRESPASS
	1544	TRIBAL	T2734	ROAD IN TRESPASS
	1545	TRIBAL	T2736	ROAD IN TRESPASS
	1546	LEE HENRY	401	ROAD IN TRESPASS
	1547	TRIBAL	340-10	ROAD IN TRESPASS
	1548	TRIBAL	340-10	ROAD IN TRESPASS
	1549	TRIBAL	340-10	ROAD IN TRESPASS
	1550	TRIBAL	340-10	ROAD IN TRESPASS
	1551	TRIBAL	340-10	ROAD IN TRESPASS
	1552	TRIBAL	340-10	ROAD IN TRESPASS
	1553	TRIBAL	340-10	ROAD IN TRESPASS
	1554	TRIBAL	340-10	ROAD IN TRESPASS
	1555	SWIFT EAGLE LAWRENCE	1315	ROAD IN TRESPASS
	1556	WHITE EYES JAMES	290	ROAD IN TRESPASS
	1557	HIGH BEAR PAUL	X664	ROAD IN TRESPASS
	1558	TRIBAL	T390	ROAD IN TRESPASS
	1559	TRIBAL	TX1935	ROAD IN TRESPASS
	1560	CHARGER PHYLLIS	X1938	ROAD IN TRESPASS
	1561	CHASING CROW CECELIA	2625	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1630	TRIBAL	340-10	ROAD IN TRESPASS
	1631	TRIBAL	T601	ROAD IN TRESPASS
	1632	TRIBAL	T680	ROAD IN TRESPASS
	1633	TRIBAL	340-10	ROAD IN TRESPASS
	1634	TRIBAL	340-10	ROAD IN TRESPASS
	1635	TRIBAL	340-10	ROAD IN TRESPASS
	1636	TRIBAL	340-10	ROAD IN TRESPASS
	1637	TRIBAL	T6306	ROAD IN TRESPASS
	1638	TRIBAL	340-10	ROAD IN TRESPASS
	1639	TRIBAL	340-10	ROAD IN TRESPASS
	1640	HIGH ELK IS AC	X2005	ROAD IN TRESPASS
	1641	COOK LEONARD	6000	ROAD IN TRESPASS
	1642	CURLEY WOMAN	1627	ROAD IN TRESPASS
	1643	WHITE HAWK ZODA	NA	ROAD IN TRESPASS
	1644	TRIBAL	T2	ROAD IN TRESPASS
	1645	TRIBAL	T6395	ROAD IN TRESPASS
	1646	BRINGS THE HORSES WALLACE	3595	ROAD IN TRESPASS
	1647	TRIBAL	T6024	ROAD IN TRESPASS
	1648	TRIBAL	340-10	ROAD IN TRESPASS
	1649	WILLIAMS MAURICE A.	6309	ROAD IN TRESPASS
	1650	TRIBAL	340-10	ROAD IN TRESPASS
	1651	TRIBAL	340-10	ROAD IN TRESPASS
	1652	TRIBAL	340-10	ROAD IN TRESPASS
	1653	TRIBAL	340-10	ROAD IN TRESPASS
	1654	TRIBAL	340-10	ROAD IN TRESPASS
	1655	TRIBAL	340-10	ROAD IN TRESPASS
	1656	TRIBAL	T5229	ROAD IN TRESPASS
	1657	TRIBAL	340-10	ROAD IN TRESPASS
	1658	TRIBAL	340-10	ROAD IN TRESPASS
	1659	TRIBAL	340-10	ROAD IN TRESPASS
	1660	TRIBAL	340-10	ROAD IN TRESPASS
	1661	TRIBAL	T11183	ROAD IN TRESPASS
	1662	TRIBAL	T11183	ROAD IN TRESPASS
	1663	MARROW BONE LUKE	X1889	ROAD IN TRESPASS
	1664	ONE WOMAN DR MRS. WHITE HAWK	2029	ROAD IN TRESPASS
	1665	MARROW BONE LUKE	X1890	ROAD IN TRESPASS
	1666	MARROW BONE ELIZABETH	4028	ROAD IN TRESPASS
	1667	TRIBAL	340-10	ROAD IN TRESPASS
	1668	TRIBAL	340-10	ROAD IN TRESPASS
	1669	TRIBAL	340-10	ROAD IN TRESPASS
	1670	TRIBAL	340-10	ROAD IN TRESPASS
	1671	TRIBAL	340-10	ROAD IN TRESPASS
	1672	TRIBAL	340-10	ROAD IN TRESPASS
	1673	TRIBAL	340-10	ROAD IN TRESPASS
	1674	TRIBAL	340-10	ROAD IN TRESPASS
	1675	TRIBAL	340-10	ROAD IN TRESPASS
	1676	TRIBAL	340-10	ROAD IN TRESPASS
	1677	TRIBAL	340-10	ROAD IN TRESPASS
	1678	TRIBAL	340-10	ROAD IN TRESPASS
	1679	TRIBAL	340-10	ROAD IN TRESPASS
	1680	TRIBAL	340-10	ROAD IN TRESPASS
	1681	TRIBAL	340-10	ROAD IN TRESPASS
	1682	TRIBAL	T2013	ROAD IN TRESPASS
	1683	TRIBAL	340-10	ROAD IN TRESPASS
	1684	STRICKER NARCISSE	X1A1	ROAD IN TRESPASS
	1685	STRICKER NARCISSE	X1357	ROAD IN TRESPASS
	1686	TRIBAL	T5556	ROAD IN TRESPASS
	1687	RED ISABELLE MRS.	2009	ROAD IN TRESPASS
	1688	STRICKER NARCISSE	X1357	ROAD IN TRESPASS
	1689	TRIBAL	TX1586	ROAD IN TRESPASS
	1690	RED BIRD MINERVA	X262	ROAD IN TRESPASS
	1691	TRIBAL	340-10	ROAD IN TRESPASS
	1692	PLEADING REAR	2401	ROAD IN TRESPASS
	1693	CLEAN AS SHE COMES	675	ROAD IN TRESPASS
	1694	HOOFS AT HIM	667	ROAD IN TRESPASS
	1695	DUCHENEAUX	1867	ROAD IN TRESPASS
	1696	HILLHOUSE ELMER	4079	ROAD IN TRESPASS
	1697	DUCHENEAUX EDWARD	1867	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1562	IRON WING CHAUNCINA M.	X1749	ROAD IN TRESPASS
	1563	CHASING CROW CECILIA	2625	ROAD IN TRESPASS
	1564	TRIBAL	T1837	ROAD IN TRESPASS
	1565	TRIBAL	T2898	ROAD IN TRESPASS
	1566	WHITE EYES JAMES	290	ROAD IN TRESPASS
	1567	TRIBAL	T2898A	ROAD IN TRESPASS
	1568	HILL FRANK	X1795	ROAD IN TRESPASS
	1569	TRIBAL	T11961	ROAD IN TRESPASS
	1570	CHASING CROW	303	ROAD IN TRESPASS
	1571	IRON WING LHAUNCEY	X123	ROAD IN TRESPASS
	1572	IRON WING DOROTHY	4324	ROAD IN TRESPASS
	1573	TRIBAL	T11490	ROAD IN TRESPASS
	1574	GRAY OSCAR P.	X1175	ROAD IN TRESPASS
	1575	HOLY BEAR ANNIE	X1280	ROAD IN TRESPASS
	1576	TRIBAL	T6964	ROAD IN TRESPASS
	1577	HOLY BEAR TONY	X1278	ROAD IN TRESPASS
	1578	TRIBAL	TX1279	ROAD IN TRESPASS
	1579	TRIBAL	TX1481	ROAD IN TRESPASS
	1580	TRIBAL	T2679	ROAD IN TRESPASS
	1581	HOLY BEAR TONY	T4074	ROAD IN TRESPASS
	1582	TRIBAL	T572	ROAD IN TRESPASS
	1583	TRIBAL	TX1279	ROAD IN TRESPASS
	1584	TRIBAL	TX1279	ROAD IN TRESPASS
	1585	TRIBAL	T2793	ROAD IN TRESPASS
	1586	TRIBAL	T4149	ROAD IN TRESPASS
	1587	TRIBAL	34 10	ROAD IN TRESPASS
	1588	TRIBAL	340-10	ROAD IN TRESPASS
	1589	TRIBAL	340 10	ROAD IN TRESPASS
	1590	TRIBAL	340-10	ROAD IN TRESPASS
	1591	PARTIN JOSEPH	3175	ROAD IN TRESPASS
	1592	CUMMINGS WALTER L.	4172	ROAD IN TRESPASS
	1593	TRIBAL	T4374	ROAD IN TRESPASS
	1594	TRIBAL	T4342	ROAD IN TRESPASS
	1595	TRIBAL	T6070	ROAD IN TRESPASS
	1596	TRIBAL	340-10	ROAD IN TRESPASS
	1597	NICHOLS VERNON ALVIN	4583	ROAD IN TRESPASS
	1598	SWIMMER THOMAS	X1067	ROAD IN TRESPASS
	1599	SWIMMER THOMAS	X1607	ROAD IN TRESPASS
	1600	LECOMPTE VERNA MARIE	X1 07	ROAD IN TRESPASS
	1601	TRIBAL	T5102	ROAD IN TRESPASS
	1602	TRIBAL	340-10	ROAD IN TRESPASS
	1603	TRIBAL	340-10	ROAD IN TRESPASS
	1604	TRIBAL	340-10	ROAD IN TRESPASS
	1605	YELLOW CLOUD DONALD LEE	X1362	ROAD IN TRESPASS
	1606	LEE HENRY	1710	ROAD IN TRESPASS
	1607	TRIBAL	T3825	ROAD IN TRESPASS
	1608	TRIBAL	340-10	ROAD IN TRESPASS
	1609	FISHERMAN EDWARD	2739	ROAD IN TRESPASS
	1610	FISHERMAN EDWARD	2739	ROAD IN TRESPASS
	1611	TRIBAL	T5395	ROAD IN TRESPASS
	1612	TRIBAL	T5243	ROAD IN TRESPASS
	1613	ARMAN CHRISTINE DUPRIS	M61314	ROAD IN TRESPASS
	1614	TRIBAL	340-10	ROAD IN TRESPASS
	1615	TRIBAL	340-10	ROAD IN TRESPASS
	1616	TRIBAL	T4200	ROAD IN TRESPASS
	1617	MEANS CECIL RAYMOND	M641	ROAD IN TRESPASS
	1618	SHEPPARD BAMPS EUNICE	X1901	ROAD IN TRESPASS
	1619	TRIBAL	340-10	ROAD IN TRESPASS
	1620	TRIBAL	T3951	ROAD IN TRESPASS
	1621	ROUSEAU HAZEL DALE	3057	ROAD IN TRESPASS
	1622	TRIBAL	T6070	ROAD IN TRESPASS
	1623	LINDLEY WARREN E.	3899	ROAD IN TRESPASS
	1624	LINDLEY DONALD HERBERT	3995	ROAD IN TRESPASS
	1625	LINDLEY BETTY ADELYN	4345	ROAD IN TRESPASS
	1626	PEARMAN CATHERINE	4589	ROAD IN TRESPASS
	1627	GRAY RICHARD DEAN	6025	ROAD IN TRESPASS
	1628	TRIBAL	340-10	ROAD IN TRESPASS
	1629	TRIBAL	340-10	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE CASE ALLOTTEE ALLOTMENT TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1766	CUMMINGS JAMES	5420	ROAD IN TRESPASS
	1767	SCARES HAWK PAUL	X1854	ROAD IN TRESPASS
	1768	DUCHENEAUX ANTHONY DALE	5340	ROAD IN TRESPASS
	1769	DUCHENEAUX ERNEST	X148	ROAD IN TRESPASS
	1770	TRIBAL	340-10	ROAD IN TRESPASS
	1771	DUCHENEAUX MAYNARD	5573	ROAD IN TRESPASS
	1772	DUCHENEAUX EDWARD	X1763	ROAD IN TRESPASS
	1773	TRIBAL	T222	ROAD IN TRESPASS
	1774	RYAN MARCELLA ROSE	4109	ROAD IN TRESPASS
	1775	TRIBAL	T213	ROAD IN TRESPASS
	1776	FOUR BEAR JOSEPH PAUL	94493	ROAD IN TRESPASS
	1777	TRIBAL	340-10	ROAD IN TRESPASS
	1778	TRIBAL	340-10	ROAD IN TRESPASS
	1779	DUCHENEAUX DOUGLAS	3482	ROAD IN TRESPASS
	1780	DUCHENEAUX DOUGLAS	3482	ROAD IN TRESPASS
	1781	TRIBAL	T157	ROAD IN TRESPASS
	1782	TRIBAL	T1001	ROAD IN TRESPASS
	1783	TRIBAL	T3617	ROAD IN TRESPASS
	1784	TRIBAL	340-10	ROAD IN TRESPASS
	1785	GOOD BIRD WOMAN	241	ROAD IN TRESPASS
	1786	TRIBAL	T274	ROAD IN TRESPASS
	1787	BLACK TONGUE WILLIAM	273	ROAD IN TRESPASS
	1788	BLACK TONGUE WILLIAM	273	ROAD IN TRESPASS
	1789	MOMBER EDWINA FAY	X136	ROAD IN TRESPASS
	1790	MOMBER EDWINA FAY	X136	ROAD IN TRESPASS
	1791	MOMBER EDWINA FAY	X26	ROAD IN TRESPASS
	1792	HANDBOY JULIA	X26	ROAD IN TRESPASS
	1793	HANDBOY JULIA	X26	ROAD IN TRESPASS
	1794	TWO LANCE WALTER	X135	ROAD IN TRESPASS
	1795	GOOD BIRD WOMAN	241	ROAD IN TRESPASS
	1796	TRIBAL	T260	ROAD IN TRESPASS
	1797	TRIBAL	T243	ROAD IN TRESPASS
	1798	SMITH GILFORD L.	2766	ROAD IN TRESPASS
	1799	FIDDLER LIZZIE	X1298	ROAD IN TRESPASS
	1800	FIDDLER LIZZIE	X1298	ROAD IN TRESPASS
	1801	SMITH CELESTE DENNIS	5635	ROAD IN TRESPASS
	1802	FIDDLER LIZZIE	X1298	ROAD IN TRESPASS
	1803	TRIBAL	340-10	ROAD IN TRESPASS
	1804	FIDDLER LIZZIE	X1298	ROAD IN TRESPASS
	1805	VEO CHARLES	281	ROAD IN TRESPASS
	1806	BEAR SHIELD	282	ROAD IN TRESPASS
	1807	GILBERT ETHEL	X1575	ROAD IN TRESPASS
	1808	TRIBAL	T246	ROAD IN TRESPASS
	1809	TRIBAL	T424	ROAD IN TRESPASS
	1810	JEWETT ARTHUR THOMAS	5124	ROAD IN TRESPASS
	1811	TRIBAL	T4842	ROAD IN TRESPASS
	1812	TRIBAL	T5446	ROAD IN TRESPASS
	1813	TRIBAL	T4573	ROAD IN TRESPASS
	1814	MARSHALL THOMAS LOUIS	4354	ROAD IN TRESPASS
	1815	TRIBAL	T4573	ROAD IN TRESPASS
	1816	PIOTAH LEON JR.	1818	ROAD IN TRESPASS
	1817	BLACK TONGUE WILLIAM	273	ROAD IN TRESPASS
	1818	PAY PAY HARRISON	117	ROAD IN TRESPASS
	1819	DUCHARME MAGGIE	183	ROAD IN TRESPASS
	1820	TRIBAL	T1326	ROAD IN TRESPASS
	1821	HER WHITE ROAD	1696	ROAD IN TRESPASS
	1822	TRIBAL	13185	ROAD IN TRESPASS
	1823	CHARGER ROSA	X1371	ROAD IN TRESPASS
	1824	CHARGER ROSA	X1046	ROAD IN TRESPASS
	1825	RED WEASEL HERBERT	1317	ROAD IN TRESPASS
	1826	RED WEASEL ROSA	318	ROAD IN TRESPASS
	1827	JEWETT LOUIS	435	ROAD IN TRESPASS
	1828	JEWETT CHARLES	436	ROAD IN TRESPASS
	1829	JEWETT CHARLES	436	ROAD IN TRESPASS
	1830	TRIBAL	T437	ROAD IN TRESPASS
	1831	TRIBAL	T3523	ROAD IN TRESPASS
	1832	TRIBAL	T446	ROAD IN TRESPASS
	1833	TRIBAL	T3994	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1698	FOUR BEAR MARTHA	224	ROAD IN TRESPASS
	1699	TRIBAL	T4023	ROAD IN TRESPASS
	1700	TRIBAL	T4022	ROAD IN TRESPASS
	1701	TRIBAL	T3774	ROAD IN TRESPASS
	1702	HOLLENBECK NELLIE	5917	ROAD IN TRESPASS
	1703	TRIBAL	T2631	ROAD IN TRESPASS
	1704	HOLLENBECK NELLIE	5917	ROAD IN TRESPASS
	1705	HOLLENBECK NELLIE	X1539	ROAD IN TRESPASS
	1706	RED CLOUD SARAH	298	ROAD IN TRESPASS
	1707	WHITE HORSE PETER	287	ROAD IN TRESPASS
	1708	TRIBAL	T2682	ROAD IN TRESPASS
	1709	TRIBAL	T2681	ROAD IN TRESPASS
	1710	TRIBAL	T11735	ROAD IN TRESPASS
	1711	TRIBAL	T3470	ROAD IN TRESPASS
	1712	TRIBAL	T854	ROAD IN TRESPASS
	1713	RIVERS ANTHONY JR.	X1057	ROAD IN TRESPASS
	1714	TRIBAL	340-10	ROAD IN TRESPASS
	1715	GAMEAU JOHN	148	ROAD IN TRESPASS
	1716	TRIBAL	T172	ROAD IN TRESPASS
	1717	WHITE FACE EDWARD	94	ROAD IN TRESPASS
	1718	TRIBAL	T13	ROAD IN TRESPASS
	1719	TRIBAL	T91	ROAD IN TRESPASS
	1720	TRIBAL	T4405	ROAD IN TRESPASS
	1721	TRIBAL	T145	ROAD IN TRESPASS
	1722	TRIBAL	T417	ROAD IN TRESPASS
	1723	TRIBAL	T145	ROAD IN TRESPASS
	1724	LEBEAU LLOYD A.	X484	ROAD IN TRESPASS
	1725	TRIBAL	T41158	ROAD IN TRESPASS
	1726	DUCHENEAUX ALBERS	X1150	ROAD IN TRESPASS
	1727	TRIBAL	797	ROAD IN TRESPASS
	1728	LEBEAU LLOYD A	3402	ROAD IN TRESPASS
	1729	SWIFT BIRD AMY	43	ROAD IN TRESPASS
	1730	TRIBAL	T121	ROAD IN TRESPASS
	1731	VIEHER	89	ROAD IN TRESPASS
	1732	SHOT AT RED EAGLE	68	ROAD IN TRESPASS
	1733	VIEHER	89	ROAD IN TRESPASS
	1734	LEBEAU PATRICK	X1780	ROAD IN TRESPASS
	1735	LEBEAU PATRICK	X1410	ROAD IN TRESPASS
	1736	ARPAN ALLEN	X1331	ROAD IN TRESPASS
	1737	FIELDER CLAUDE	X1926	ROAD IN TRESPASS
	1738	LEBEAU IDA	X1958	ROAD IN TRESPASS
	1739	MOUNG ELIZABETH	X1661	ROAD IN TRESPASS
	1740	RIVERS TONY	26	ROAD IN TRESPASS
	1741	RIVERS TONY	X1170	ROAD IN TRESPASS
	1742	RIVERS ANTHONY JR.	X802	ROAD IN TRESPASS
	1743	HAMILTON OMAR DESMOND	X3913	ROAD IN TRESPASS
	1744	RIVERS ANTHONY JR.	X802	ROAD IN TRESPASS
	1745	HANCOCK OMAR DESMOND	3913	ROAD IN TRESPASS
	1746	TRIBAL	T22	ROAD IN TRESPASS
	1747	BENOIST EVELYN C. WHITNEY	678	ROAD IN TRESPASS
	1748	TRIBAL	T62	ROAD IN TRESPASS
	1749	LOVELETT EDWIN	X16666	ROAD IN TRESPASS
	1750	TRIBAL	T74	ROAD IN TRESPASS
	1751	TURTLE MCPHLACE HARRY	18	ROAD IN TRESPASS
	1752	ANOTHER DAY REUBEN	55	ROAD IN TRESPASS
	1753	WEST JACK	6045	ROAD IN TRESPASS
	1754	STANDING BULL EUGENE	69	ROAD IN TRESPASS
	1755	O'LEARY DAVID MARK	8106	ROAD IN TRESPASS
	1756	JAMES JANICE	X961	ROAD IN TRESPASS
	1757	DUCHENEAUX DOUGLAS	3402	ROAD IN TRESPASS
	1758	TRIBAL	340-10	ROAD IN TRESPASS
	1759	DUCHENEAUX DOUGLAS	3482	ROAD IN TRESPASS
	1760	DUCHENEAUX MELVIN	4477	ROAD IN TRESPASS
	1761	TRIBAL	T3274	ROAD IN TRESPASS
	1762	DUCHENEAUX WILLIAM	3274	ROAD IN TRESPASS
	1763	TRIBAL	T11133	ROAD IN TRESPASS
	1764	TRIBAL	T212	ROAD IN TRESPASS
	1765	TRIBAL	T11164	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1834	TRIBAL	1444	ROAD IN TRESPASS
	1835	TALL PRAIRIE CHICKEN JENNIE	2774	ROAD IN TRESPASS
	1836	TRAVERSIE SYRIL	6129	ROAD IN TRESPASS
	1837	TRAVERSIE RITA	748	ROAD IN TRESPASS
	1838	MARSHALL HARRY	447	ROAD IN TRESPASS
	1839	TRIBAL	1444	ROAD IN TRESPASS
	1840	YELLOW HORSE LUKE	444	ROAD IN TRESPASS
	1841	TRIBAL	1437	ROAD IN TRESPASS
	1842	TALL PRAIRIE CHICKEN	458	ROAD IN TRESPASS
	1843	HIS HORSE IS CASS	431	ROAD IN TRESPASS
	1844	HIS HORSE IS CASS	431	ROAD IN TRESPASS
	1845	HER WHITE ROAD	1496	ROAD IN TRESPASS
	1846	HER WHITE ROAD	1496	ROAD IN TRESPASS
	1847	MAUPIN MYRTLE	2528	ROAD IN TRESPASS
	1848	WHITE FACE MATHIAS	431	ROAD IN TRESPASS
	1849	SWIFT HORSE ADAM	480	ROAD IN TRESPASS
	1850	BENOIST WILLIAM	1	ROAD IN TRESPASS
	1851	TRIBAL	340-10	ROAD IN TRESPASS
	1852	TRIBAL	751	ROAD IN TRESPASS
	1853	WHITE HORSE MARTIN	471	ROAD IN TRESPASS
	1854	TRIBAL	1446	ROAD IN TRESPASS
	1855	ROUND LEVERNA	495	ROAD IN TRESPASS
	1856	TRIBAL	6999	ROAD IN TRESPASS
	1857	WHITE HORSE JENNIE	274	ROAD IN TRESPASS
	1858	MILLER MARY N.	254	ROAD IN TRESPASS
	1859	TRIBAL	340-10	ROAD IN TRESPASS
	1860	MAKES LIFE	479	ROAD IN TRESPASS
	1861	WHITE HORSE CHARLES	479	ROAD IN TRESPASS
	1862	TRIBAL	340-10	ROAD IN TRESPASS
	1863	HORSE WITH HORN	425	ROAD IN TRESPASS
	1864	SWIFT HORSE ADAM	480	ROAD IN TRESPASS
	1865	SWIFT HORSE MARY	2580	ROAD IN TRESPASS
	1866	LAWRENCE EVELYN M	2577	ROAD IN TRESPASS
	1867	TRIBAL	13854	ROAD IN TRESPASS
	1868	TRIBAL	1434	ROAD IN TRESPASS
	1869	TRIBAL	480-10	ROAD IN TRESPASS
	1870	MAKES LIFE JOHN	481	ROAD IN TRESPASS
	1871	TRIBAL	1434	ROAD IN TRESPASS
	1872	MAKES HIM FIRST CHIEF	1434	ROAD IN TRESPASS
	1873	ON THE HILL ALICE	2484	ROAD IN TRESPASS
	1874	O'LEARY EVELYN PRISCILLA	1434	ROAD IN TRESPASS
	1875	SMITH RHEA ANNIS	1434	ROAD IN TRESPASS
	1876	SMITH RHEA ANNIS	1434	ROAD IN TRESPASS
	1877	TRIBAL	1476	ROAD IN TRESPASS
	1878	TRIBAL	12346	ROAD IN TRESPASS
	1879	TRIBAL	1478	ROAD IN TRESPASS
	1880	TRIBAL	12361	ROAD IN TRESPASS
	1881	TRIBAL	11030	ROAD IN TRESPASS
	1882	TRIBAL	12258	ROAD IN TRESPASS
	1883	DUPRIS EVERETT H.	4747	ROAD IN TRESPASS
	1884	TRIBAL	12357	ROAD IN TRESPASS
	1885	TRIBAL	12360	ROAD IN TRESPASS
	1886	GARTER AMY COUNTING	X170	ROAD IN TRESPASS
	1887	DOG EAGLE GLADYS	X264	ROAD IN TRESPASS
	1888	GARTER ROSE	X140	ROAD IN TRESPASS
	1889	LITTLE SKUNK ELLEN	2155	ROAD IN TRESPASS
	1890	TRIBAL	1738	ROAD IN TRESPASS
	1891	SMITH RHEA ANNIS	1434	ROAD IN TRESPASS
	1892	SMITH RHEA ANNIS	1433	ROAD IN TRESPASS
	1893	TRIBAL	1210	ROAD IN TRESPASS
	1894	COOK WALLACE	736	ROAD IN TRESPASS
	1895	JOHNSON ELLA BELLE	1347	ROAD IN TRESPASS
	1896	CLAYMORE ANTOINE F	5029	ROAD IN TRESPASS
	1897	CLAYMORE ANTOINE F	5029	ROAD IN TRESPASS
	1898	TRIBAL	12588	ROAD IN TRESPASS
	1899	TRIBAL	340-10	ROAD IN TRESPASS
	1900	TRIBAL	1461	ROAD IN TRESPASS
	1901	TRIBAL	11952	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1901	TRAVERSIE CHARLES HENRY	5171	ROAD IN TRESPASS
	1902	TRAVERSIE MELVIN PAUL	3347	ROAD IN TRESPASS
	1903	TRIBAL	T1979	ROAD IN TRESPASS
	1904	FRAZIER JOHN	476	ROAD IN TRESPASS
	1905	TRIBAL	T2195	ROAD IN TRESPASS
	1906	TRIBAL	340-10	ROAD IN TRESPASS
	1907	TRAVERSIE ANDREW	496	ROAD IN TRESPASS
	1908	GAGE AMBROSE CLIFFORD	3561	ROAD IN TRESPASS
	1909	BREAST AMOS	577	ROAD IN TRESPASS
	1910	TRIBAL	T2559	ROAD IN TRESPASS
	1911	RED HEAD NELLIE	T2559	ROAD IN TRESPASS
	1912	RED HEAD NELLIE	564	ROAD IN TRESPASS
	1913	BROWN OLIVER	3559	ROAD IN TRESPASS
	1914	STUMP JOSEPH	3621	ROAD IN TRESPASS
	1915	STUMP CHARLES	X100	ROAD IN TRESPASS
	1916	TRIBAL	340-10	UTILITY IN TRESPASS
	1917	TRIBAL	340-10	UTILITY IN TRESPASS
	1918	TRIBAL	340-10	UTILITY IN TRESPASS
	1919	TRIBAL	340-10	UTILITY IN TRESPASS
	1920	STUMP JOSEPH	3621	UTILITY IN TRESPASS
	1921	IN THE WOODS MAZIE	X903	UTILITY IN TRESPASS
	1922	RUNS AFTER	3092	UTILITY IN TRESPASS
	1923	TRIBAL	340-10	UTILITY IN TRESPASS
	1924	TRIBAL	340-10	UTILITY IN TRESPASS
	1925	RUNS AFTER HENRY	X1565	UTILITY IN TRESPASS
	1926	CROOKED LEG	1648	UTILITY IN TRESPASS
	1927	CROOKED LEG	1648	UTILITY IN TRESPASS
	1928	CROOKED LEG	1648	UTILITY IN TRESPASS
	1929	BEAR RUNNING FRANK	X899	UTILITY IN TRESPASS
	1930	TRIBAL	T1032	UTILITY IN TRESPASS
	1931	VANDERVEER WILLIAM	6018	UTILITY IN TRESPASS
	1932	WARD SARAH	X819	UTILITY IN TRESPASS
	1933	VANDERVEER WILLIAM	6018	UTILITY IN TRESPASS
	1934	VANDERVEER WILLIAM	6018	UTILITY IN TRESPASS
	1935	AFRAID OF HAWK ANGELA	6060	UTILITY IN TRESPASS
	1936	TRIBAL	T1622	UTILITY IN TRESPASS
	1937	BEAUTIFUL BALD EAGLE	1019	UTILITY IN TRESPASS
	1938	FACE CHARLES	1026	UTILITY IN TRESPASS
	1939	TRIBAL	T1622	UTILITY IN TRESPASS
	1940	TRIBAL	340-10	UTILITY IN TRESPASS
	1941	TRIBAL	T2903	UTILITY IN TRESPASS
	1942	KNIGHT DOUGLAS WALLACE	6149	UTILITY IN TRESPASS
	1943	KNIGHT DOUGLAS WALLACE	6149	UTILITY IN TRESPASS
	1944	KNIGH JESSE AMOS	X1015	UTILITY IN TRESPASS
	1945	TRIBAL	T1504	UTILITY IN TRESPASS
	1946	TRIBAL	TX318	UTILITY IN TRESPASS
	1947	SHOOTS OFF	X319	UTILITY IN TRESPASS
	1948	TRIBAL	T1075	UTILITY IN TRESPASS
	1949	KNIGHT DOUGLAS	X360	UTILITY IN TRESPASS
	1950	KNIGHT SARAH	X1759	UTILITY IN TRESPASS
	1951	TRIBAL	T3330	UTILITY IN TRESPASS
	1952	TRIBAL	T3329	UTILITY IN TRESPASS
	1953	TRIBAL	T3328	UTILITY IN TRESPASS
	1954	TRIBAL	T2904	UTILITY IN TRESPASS
	1955	TRIBAL	T3066	UTILITY IN TRESPASS
	1956	TRIBAL	TX1209	UTILITY IN TRESPASS
	1957	TRIBAL	TX1209	UTILITY IN TRESPASS
	1958	TRIBAL	TX1210	UTILITY IN TRESPASS
	1959	TRIBAL	T3101	UTILITY IN TRESPASS
	1960	TRIBAL	340-10	UTILITY IN TRESPASS
	1961	FARLEE LILA PETERSON	1017	UTILITY IN TRESPASS
	1962	TRIBAL	340-10	UTILITY IN TRESPASS
	1963	TRIBAL	340-10	UTILITY IN TRESPASS
	1964	TRIBAL	T267.5	UTILITY IN TRESPASS
	1965	TRIBAL	T2898B	UTILITY IN TRESPASS
	1966	TRIBAL	T2898	UTILITY IN TRESPASS
	1967	MORGAN ANNABELLE L. & LAMBIE THOMAS	1076	UTILITY IN TRESPASS
	1968	LAMBERT EMMA	X1654	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1969	TRIBAL	1434	ROAD IN TRESPASS
	1970	TRIBAL	1434	ROAD IN TRESPASS
	1971	TRIBAL	1434	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	1969	FISHERMAN MAGGIE	9406	UTILITY IN TRESPASS
	1970	FISHERMAN MAGGIE	9406	UTILITY IN TRESPASS
	1971	FISHERMAN MAGGIE	9406	UTILITY IN TRESPASS
	1972	TRIBAL	T5075	UTILITY IN TRESPASS
	1973	BEAUTIFUL BALD EAGLE TAYLOR	943	UTILITY IN TRESPASS
	1974	TRIBAL	T5626	UTILITY IN TRESPASS
	1975	TRIBAL	340-10	UTILITY IN TRESPASS
	1976	STRAIGH HEAD ROBERT	X1822	UTILITY IN TRESPASS
	1977	TRIBAL	340-10	UTILITY IN TRESPASS
	1978	BLACK EAGLE JUSTIN	1540	UTILITY IN TRESPASS
	1979	TRIBAL	340-10	UTILITY IN TRESPASS
	1980	STRICKER MARY LOUISE	6849	UTILITY IN TRESPASS
	1981	TRIBAL	340-10	UTILITY IN TRESPASS
	1982	STRAIGHT HEAD ROBERT	X1822	UTILITY IN TRESPASS
	1983	STRAIGHT HEAD ROBERT	G1822	UTILITY IN TRESPASS
	1984	TRIBAL	T1490	UTILITY IN TRESPASS
	1985	TRIBAL	T1561	UTILITY IN TRESPASS
	1986	TRIBAL	340-10	UTILITY IN TRESPASS
	1987	TRIBAL	T5169	UTILITY IN TRESPASS
	1988	TRIBAL	T2543	UTILITY IN TRESPASS
	1989	STRICKER NARCISSE	X1357	UTILITY IN TRESPASS
	1990	TRIBAL	340-10	UTILITY IN TRESPASS
	1991	STRICKER NARCISSE	X1357	UTILITY IN TRESPASS
	1992	TRIBAL	TX1366	UTILITY IN TRESPASS
	1993	RED BIRD ISABELLE MRS.	2094	UTILITY IN TRESPASS
	1994	RED BIRD MINERVA	X242	UTILITY IN TRESPASS
	1995	TRIBAL	340-10	UTILITY IN TRESPASS
	1996	TRIBAL	TX1720	UTILITY IN TRESPASS
	1997	HUNT GENE E.	X1560	UTILITY IN TRESPASS
	1998	TRIBAL	T1431	UTILITY IN TRESPASS
	1999	TRIBAL	T4267	UTILITY IN TRESPASS
	2000	TRIBAL	T2918	UTILITY IN TRESPASS
	2001	TRIBAL	T4375	UTILITY IN TRESPASS
	2002	TRIBAL	340-10	UTILITY IN TRESPASS
	2003	TRIBAL	T1305	UTILITY IN TRESPASS
	2004	HUNT GENE ENNIS	2097	UTILITY IN TRESPASS
	2005	TRIBAL	T11756	UTILITY IN TRESPASS
	2006	EAGLE CHASING ISADORE	4484	UTILITY IN TRESPASS
	2007	TRIBAL	T[illegible]	UTILITY IN TRESPASS
	2008	TRIBAL	T[illegible]	UTILITY IN TRESPASS
	2009	RUNS AFTER LEVI	X1565	UTILITY IN TRESPASS
	2010	TRIBAL	T1401	UTILITY IN TRESPASS
	2011	TRIBAL	T2926	UTILITY IN TRESPASS
	2012	TRIBAL	T4367	UTILITY IN TRESPASS
	2013	TRIBAL	T2920	UTILITY IN TRESPASS
	2014	TRIBAL	340-10	UTILITY IN TRESPASS
	2015	BLUE ARM JOHN	2919	UTILITY IN TRESPASS
	2016	TRIBAL	T4255	UTILITY IN TRESPASS
	2017	TRIBAL	TX1816	UTILITY IN TRESPASS
	2018	TRIBAL	T2914	UTILITY IN TRESPASS
	2019	TRIBAL	TX1816	UTILITY IN TRESPASS
	2020	TRIBAL	TX1816	UTILITY IN TRESPASS
	2021	TRIBAL	MX1816	UTILITY IN TRESPASS
	2022	TRIBAL	T3957	UTILITY IN TRESPASS
	2023	TRIBAL	T3695	UTILITY IN TRESPASS
	2024	TRIBAL	T5537	UTILITY IN TRESPASS
	2025	TRIBAL	T3913	UTILITY IN TRESPASS
	2026	TRIBAL	T5187	UTILITY IN TRESPASS
	2027	TRIBAL	T1701	UTILITY IN TRESPASS
	2028	TRIBAL	T1701	UTILITY IN TRESPASS
	2029	LITTLE WOUNDED CONDON MARY	2447	UTILITY IN TRESPASS
	2030	LITTLE WOUNDED JONAH	1447	UTILITY IN TRESPASS
	2031	THUNDER HAWK MARY	2498	UTILITY IN TRESPASS
	2032	TRIBAL	340-10	UTILITY IN TRESPASS
	2033	TRIBAL	340-10	UTILITY IN TRESPASS
	2034	CANE BLUE ARM KATE-LAURA	2371	UTILITY IN TRESPASS
	2035	TRIBAL	T2464	UTILITY IN TRESPASS
	2036	CANE HARRY	1491	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2037	ZIEBACH CANE IDA WHITE	X2002	UTILITY IN TRESPASS
	2038	TRIBAL	T1109	UTILITY IN TRESPASS
	2039	TRIBAL	T1725	UTILITY IN TRESPASS
	2040	TRIBAL	T1736	UTILITY IN TRESPASS
	2041	TRIBAL	TX539	UTILITY IN TRESPASS
	2042	TRIBAL	TX539	UTILITY IN TRESPASS
	2043	TRIBAL	T1754	UTILITY IN TRESPASS
	2044	SWAN CHRISTINE	X1733	UTILITY IN TRESPASS
	2045	TRIBAL	T2409	UTILITY IN TRESPASS
	2046	TRIBAL	TX1733	UTILITY IN TRESPASS
	2047	TRIBAL	340-10	UTILITY IN TRESPASS
	2048	TRIBAL	TX539	UTILITY IN TRESPASS
	2049	TRIBAL	11064	UTILITY IN TRESPASS
	2050	TRIBAL	340-10	UTILITY IN TRESPASS
	2051	USES THE KNIFE RAYMOND	6262	UTILITY IN TRESPASS
	2052	USES THE KNIFE RAYMOND	6262	UTILITY IN TRESPASS
	2053	TRIBAL	340-10	UTILITY IN TRESPASS
	2054	TRIBAL	T1536	UTILITY IN TRESPASS
	2055	DUPRIS LORNA	X1544	UTILITY IN TRESPASS
	2056	TRIBAL	T1561	UTILITY IN TRESPASS
	2057	TRIBAL	T2174	UTILITY IN TRESPASS
	2058	TRIBAL	T1680	UTILITY IN TRESPASS
	2059	TRIBAL	T1562	UTILITY IN TRESPASS
	2060	TRIBAL	T740	UTILITY IN TRESPASS
	2061	SHOT AT SAMUEL	1003	UTILITY IN TRESPASS
	2062	TRIBAL	340-10	UTILITY IN TRESPASS
	2063	TRIBAL	340-10	UTILITY IN TRESPASS
	2064	MESTES ARLENE MAY	5467	UTILITY IN TRESPASS
	2065	TRIBAL	T1107	UTILITY IN TRESPASS
	2066	FISHERMAN CARRIE	6124	UTILITY IN TRESPASS
	2067	TRIBAL	T6405	UTILITY IN TRESPASS
	2068	TRIBAL	T1107	UTILITY IN TRESPASS
	2069	TRIBAL	340-10	UTILITY IN TRESPASS
	2070	TRIBAL	TX1986	UTILITY IN TRESPASS
	2071	IRON HAWK ESTHER	X255	UTILITY IN TRESPASS
	2072	BROWN WOLF	1070A	UTILITY IN TRESPASS
	2073	BROWN WOLF	1070B	UTILITY IN TRESPASS
	2074	OWL KING ALBERT	1142	UTILITY IN TRESPASS
	2075	TRIBAL	T1070	UTILITY IN TRESPASS
	2076	HALF RED OSCAR	1101	UTILITY IN TRESPASS
	2077	IRON HAWK FRANK	X1676	UTILITY IN TRESPASS
	2078	IRON HAWK ESTHER	X218	UTILITY IN TRESPASS
	2079	IRON HAWK FRANK	X254	UTILITY IN TRESPASS
	2080	SHOOTS OFF ELMER	X317	UTILITY IN TRESPASS
	2081	TRIBAL	T1075	UTILITY IN TRESPASS
	2082	TRIBAL	T1664	UTILITY IN TRESPASS
	2083	TRIBAL	T3963	UTILITY IN TRESPASS
	2084	TRIBAL	T2122	UTILITY IN TRESPASS
	2085	HOLLOW HORN CHARLIE	1793	UTILITY IN TRESPASS
	2086	TRIBAL	T4316	UTILITY IN TRESPASS
	2087	WHITE HORSE ALVINA	T4665	UTILITY IN TRESPASS
	2088	WHITE HORSE ARTHUR GALE	5065	UTILITY IN TRESPASS
	2089	TRIBAL	T1038	UTILITY IN TRESPASS
	2090	TRIBAL	T1038	UTILITY IN TRESPASS
	2091	KNIGHT SARAH	X1162	UTILITY IN TRESPASS
	2092	KNIGHT SARAH	X1730	UTILITY IN TRESPASS
	2093	TRIBAL	T3899	UTILITY IN TRESPASS
	2094	TRIBAL	T4320	UTILITY IN TRESPASS
	2095	KNIGHT SARAH	X1730	UTILITY IN TRESPASS
	2096	LITTLE DOG MOLLIE	3056A	UTILITY IN TRESPASS
	2097	TRIBAL	TX1985	UTILITY IN TRESPASS
	2098	TRIBAL	T4212	UTILITY IN TRESPASS
	2099	RATTLING DOOR	1059	UTILITY IN TRESPASS
	2100	OWN YELLOW SHIELD	X1651	UTILITY IN TRESPASS
	2101	RATTLING DOOR	1059	UTILITY IN TRESPASS
	2102	RATTLING DOOR	1059	UTILITY IN TRESPASS
	2103	WIDOW ED	5507	UTILITY IN TRESPASS
	2104	IN AMONGST CHARLES	1073	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2105	TRIBAL	T1171	UTILITY IN TRESPASS
	2106	IN ARROW (ELIZABETH W	[illegible]	UTILITY IN TRESPASS
	2107	BROWN THUNDER RAYMOND	11[illegible]4	UTILITY IN TRESPASS
	2108	TRIBAL	11[illegible]9	UTILITY IN TRESPASS
	2109	TRIBAL	11051	UTILITY IN TRESPASS
	2110	WILSON MARY	[illegible]7	UTILITY IN TRESPASS
	2111	TRIBAL	340-10	UTILITY IN TRESPASS
	2112	TRIBAL	340-10	UTILITY IN TRESPASS
	2113	TRIBAL	T437A	UTILITY IN TRESPASS
	2114	TRIBAL	14606	UTILITY IN TRESPASS
	2115	TRIBAL	11208	UTILITY IN TRESPASS
	2116	RED BULL JESSE	4112	UTILITY IN TRESPASS
	2117	TRIBAL	11209	UTILITY IN TRESPASS
	2118	RED BULL LEONA	4930	UTILITY IN TRESPASS
	2119	TRIBAL	T411[illegible]	UTILITY IN TRESPASS
	2120	RED BULL WALTER	4[illegible]28	UTILITY IN TRESPASS
	2121	RED BULL BELVA	4[illegible]02	UTILITY IN TRESPASS
	2122	TRIBAL	T2934	UTILITY IN TRESPASS
	2123	COUNCIL REAR	1238	UTILITY IN TRESPASS
	2124	BLACK BULL LUKE	4248	UTILITY IN TRESPASS
	2125	BLACK BULL JOHN	X1654	UTILITY IN TRESPASS
	2126	TRIBAL	T[illegible]48	UTILITY IN TRESPASS
	2127	TRIBAL	T11[illegible]0	UTILITY IN TRESPASS
	2128	BLACK BULL JOHN	[illegible]57	UTILITY IN TRESPASS
	2129	TRIBAL	T1[illegible]8	UTILITY IN TRESPASS
	2130	TRIBAL	T[illegible]6	UTILITY IN TRESPASS
	2131	TRIBAL	340-10	UTILITY IN TRESPASS
	2132	TRIBAL	340-10	UTILITY IN TRESPASS
	2133	WILLIAMS KATE	6268	UTILITY IN TRESPASS
	2134	CHARLEY MARIE	X1047	UTILITY IN TRESPASS
	2135	WILLIAMS KATE	6268	UTILITY IN TRESPASS
	2136	TRIBAL	T1101	UTILITY IN TRESPASS
	2137	TRIBAL	340-10	UTILITY IN TRESPASS
	2138	TRIBAL	340-10	UTILITY IN TRESPASS
	2139	TRIBAL	T1101	UTILITY IN TRESPASS
	2140	TRIBAL	T1[illegible]0	UTILITY IN TRESPASS
	2141	TRIBAL	T1[illegible]0	UTILITY IN TRESPASS
	2142	TRIBAL	T1[illegible]0	UTILITY IN TRESPASS
	2143	FOOL DOG	10[illegible]	UTILITY IN TRESPASS
	2144	UTILITY	T1[illegible]	UTILITY IN TRESPASS
	2145	FOOL DOG	[illegible]	UTILITY IN TRESPASS
	2146	DAWN LIGHTENING, GRACE (SPOTTED	X1[illegible]3	UTILITY IN TRESPASS
	2147	TRIBAL	T1[illegible]0	UTILITY IN TRESPASS
	2148	HOMESTEAD	NG	UTILITY IN TRESPASS
	2149	TRIBAL	340-10	UTILITY IN TRESPASS
	2150	WILLIAMS KATE	340-10	UTILITY IN TRESPASS
	2151	TRIBAL	340-10	UTILITY IN TRESPASS
	2152	IRON LIGHTNING GRANT JR.	T19[illegible]	UTILITY IN TRESPASS
	2153	WILLIAMS KATE	X[illegible]0	UTILITY IN TRESPASS
	2154	WILLIAMS KATE	X[illegible]0	UTILITY IN TRESPASS
	2155	TRIBAL	340-10	UTILITY IN TRESPASS
	2156	TRIBAL	T2185	UTILITY IN TRESPASS
	2157	TRIBAL	340-10	UTILITY IN TRESPASS
	2158	TRIBAL	340-10	UTILITY IN TRESPASS
	2159	EAGLE WOMAN	1612	UTILITY IN TRESPASS
	2160	IRON LIGHTNING SOPHIE	2191	UTILITY IN TRESPASS
	2161	CROW CHARLES	1408	UTILITY IN TRESPASS
	2162	AS A CROW-HARD TO KILL	[illegible]69	UTILITY IN TRESPASS
	2163	TRIBAL	1558	UTILITY IN TRESPASS
	2164	TRIBAL	340-10	UTILITY IN TRESPASS
	2165	TRIBAL	T11[illegible]6	UTILITY IN TRESPASS
	2166	LITTLE CROW MATILDA	T1[illegible]6	UTILITY IN TRESPASS
	2167	HAWK BLANKET	T[illegible]50	UTILITY IN TRESPASS
	2168	HALT RETURNED	T11[illegible]1	UTILITY IN TRESPASS
	2169	BLACKMAN NELLIE	T1[illegible]46	UTILITY IN TRESPASS
	2170	MORAN WARD HAZEL G	T12[illegible]4	UTILITY IN TRESPASS
	2171	TRIBAL	T[illegible]401	UTILITY IN TRESPASS
	2172	MALEON HORN JOHN	T[illegible]6	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2173	TRIBAL	T[illegible]315	UTILITY IN TRESPASS
	2174	SPOTTED HORSE FANNIE	X1724	UTILITY IN TRESPASS
	2175	TRIBAL	T[illegible]45	UTILITY IN TRESPASS
	2176	TRIBAL	T2417	UTILITY IN TRESPASS
	2177	TRIBAL	T2446U	UTILITY IN TRESPASS
	2178	TRIBAL	T1150	UTILITY IN TRESPASS
	2179	TRIBAL	T1150	UTILITY IN TRESPASS
	2180	SPOTTED BEAR FRANK	X1675	UTILITY IN TRESPASS
	2181	SPOTTED BEAR FRANK	X1675	UTILITY IN TRESPASS
	2182	TRIBAL	T1147	UTILITY IN TRESPASS
	2183	SPOTTED BEAR FRANK	X1675	UTILITY IN TRESPASS
	2184	WHITE WOLF JAMES	2446	UTILITY IN TRESPASS
	2185	TRIBAL	T1151	UTILITY IN TRESPASS
	2186	WHITE CALF MOSES	6165	UTILITY IN TRESPASS
	2187	TRIBAL	T2349	UTILITY IN TRESPASS
	2188	BLACK MOON JOHN	X159	UTILITY IN TRESPASS
	2189	BLACK MOON JOHN	X566	UTILITY IN TRESPASS
	2190	TRIBAL	T1152	UTILITY IN TRESPASS
	2191	BROWN DOG JAMES	X1332	UTILITY IN TRESPASS
	2192	FIRST EAGLE PETER	1153	UTILITY IN TRESPASS
	2193	YELLS AT THE EAGLE BESSIE	X954	UTILITY IN TRESPASS
	2194	YELLS AT THE EAGLE BESSIE	X954	UTILITY IN TRESPASS
	2195	BEAR STOPS MOLLIE	X1704	UTILITY IN TRESPASS
	2196	TRIBAL	T1154	UTILITY IN TRESPASS
	2197	COOK AMOS	X541	UTILITY IN TRESPASS
	2198	TRIBAL	T1085	UTILITY IN TRESPASS
	2199	HOLMES ARCHIE	X1659	UTILITY IN TRESPASS
	2200	FLY FACE	3045	UTILITY IN TRESPASS
	2201	WAR BONNET DOLLIE	X1561	UTILITY IN TRESPASS
	2202	TRIBAL	T1081	UTILITY IN TRESPASS
	2203	CHARGING CLOUD	1079	UTILITY IN TRESPASS
	2204	CHARGING CLOUD	1079	UTILITY IN TRESPASS
	2205	WHITE ELLISON FRANCIS P	X1651	UTILITY IN TRESPASS
	2206	TRIBAL	T1235	UTILITY IN TRESPASS
	2207	GOOD HAIR BUFFALO	1240	UTILITY IN TRESPASS
	2208	GOOD HAIR BUFFALO	1240	UTILITY IN TRESPASS
	2209	BLACK BULL ALBERTA	4[illegible]6	UTILITY IN TRESPASS
	2210	DOG WITH HORNS CHARLEY	1981	UTILITY IN TRESPASS
	2211	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2212	TRIBAL	T1214	UTILITY IN TRESPASS
	2213	TURTLE JACKSON FRANKLY	X1347	UTILITY IN TRESPASS
	2214	TURTLE SARAH	[illegible]91	UTILITY IN TRESPASS
	2215	STIFF TAIL JERRIE	T[illegible]1	UTILITY IN TRESPASS
	2216	OWNS THE BEARS JOHN	1213	UTILITY IN TRESPASS
	2217	BLUE HAIR DANIEL MR.	[illegible]478	UTILITY IN TRESPASS
	2218	PRETTY VOICE CRANE MRS.	[illegible]996	UTILITY IN TRESPASS
	2219	TRIBAL	T[illegible]37	UTILITY IN TRESPASS
	2220	BRINGS PLENTY THOMAS	[illegible]884	UTILITY IN TRESPASS
	2221	TRIBAL	T2938	UTILITY IN TRESPASS
	2222	CHEYENNE WOMAN	2937	UTILITY IN TRESPASS
	2223	DUPRIS CORDELIA	1[illegible]5	UTILITY IN TRESPASS
	2224	WILLIAMS MAURICE	5656	UTILITY IN TRESPASS
	2225	WILLIAMS MAURICE	5656	UTILITY IN TRESPASS
	2226	WILLIAMS MAURICE	5656	UTILITY IN TRESPASS
	2227	DUPRIS WILBUR	[illegible]788	UTILITY IN TRESPASS
	2228	TRIBAL	T2131	UTILITY IN TRESPASS
	2229	TRIBAL	T2121	UTILITY IN TRESPASS
	2230	TRIBAL	T1112	UTILITY IN TRESPASS
	2231	CLOUD EDWARD	1502	UTILITY IN TRESPASS
	2232	TALKS BEFORE	T1919	UTILITY IN TRESPASS
	2233	WILLIAMS MAURICE	5656	UTILITY IN TRESPASS
	2234	TRIBAL	T2475	UTILITY IN TRESPASS
	2235	TRIBAL	T2475	UTILITY IN TRESPASS
	2236	TRIBAL	340-10	UTILITY IN TRESPASS
	2237	TRIBAL	340-10	UTILITY IN TRESPASS
	2238	TRIBAL	340-10	UTILITY IN TRESPASS
	2239	TRIBAL	T2579	UTILITY IN TRESPASS
	2240	TRIBAL	340-10	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2241	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2242	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2243	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2244	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2245	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2246	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2247	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2248	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2249	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2250	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2251	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2252	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2253	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2254	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2255	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2256	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2257	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2258	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2259	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2260	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2261	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2262	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2263	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2264	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2265	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2266	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2267	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2268	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2269	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2270	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2271	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2272	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2273	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2274	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2275	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2276	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2277	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2278	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2279	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2280	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2281	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2282	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2283	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2284	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2285	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2286	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2287	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2288	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2289	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2290	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2291	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2292	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2293	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2294	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2295	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2296	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2297	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2298	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2299	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2300	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2301	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2302	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2303	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2304	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2305	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2306	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2307	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2308	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2309	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2310	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2311	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2312	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2313	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2314	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2315	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2316	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2317	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2318	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2319	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2320	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2321	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2322	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2323	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2324	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2325	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2326	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2327	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2328	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2329	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2330	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2331	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2332	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2333	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2334	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2335	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2336	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2337	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2338	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2339	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2340	TRIBAL	T[illegible]2	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2341	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2342	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2343	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2344	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2345	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2346	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2347	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2348	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2349	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2350	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2351	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2352	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2353	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2354	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2355	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2356	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2357	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2358	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2359	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2360	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2361	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2362	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2363	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2364	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2365	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2366	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2367	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2368	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2369	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2370	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2371	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2372	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2373	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2374	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2375	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2376	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2377	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2378	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2379	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2380	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2381	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2382	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2383	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2384	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2385	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2386	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2387	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2388	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2389	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2390	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2391	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2392	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2393	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2394	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2395	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2396	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2397	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2398	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2399	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2400	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2401	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2402	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2403	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2404	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2405	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2406	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2407	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2408	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2409	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2410	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2411	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2412	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2413	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2414	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2415	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2416	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2417	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2418	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2419	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2420	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2421	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2422	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2423	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2424	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2425	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2426	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2427	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2428	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2429	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2430	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2431	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2432	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2433	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2434	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2435	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2436	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2437	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2438	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2439	TRIBAL	T[illegible]2	UTILITY IN TRESPASS
	2440	TRIBAL	T[illegible]2	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2241	TRIBAL	340-10	UTILITY IN TRESPASS
	2242	TRIBAL	340-10	UTILITY IN TRESPASS
	2243	TRIBAL	340-10	UTILITY IN TRESPASS
	2244	TRIBAL	T1494	UTILITY IN TRESPASS
	2245	TRIBAL	340-10	UTILITY IN TRESPASS
	2246	TRIBAL	340-10	UTILITY IN TRESPASS
	2247	TRIBAL	340-10	UTILITY IN TRESPASS
	2248	TRIBAL	340-10	UTILITY IN TRESPASS
	2249	RANDALL CATHERINE	Y923	UTILITY IN TRESPASS
	2250	TRIBAL	340-10	UTILITY IN TRESPASS
	2251	TRIBAL	340-10	UTILITY IN TRESPASS
	2252	HOLLY BULL PHYLLIS	1418	UTILITY IN TRESPASS
	2253	TRIBAL	340-10	UTILITY IN TRESPASS
	2254	WILLIAMS MAURICE	5454	UTILITY IN TRESPASS
	2255	TRIBAL	340-10	UTILITY IN TRESPASS
	2256	TRIBAL	340-10	UTILITY IN TRESPASS
	2257	TRIBAL	340-10	UTILITY IN TRESPASS
	2258	TRIBAL	TX972	UTILITY IN TRESPASS
	2259	TRIBAL	TY202	UTILITY IN TRESPASS
	2260	HAWK CURLEY HANNAH HATCH	X160	UTILITY IN TRESPASS
	2261	TRIBAL	TX130	UTILITY IN TRESPASS
	2262	TRIBAL	TX130A	UTILITY IN TRESPASS
	2263	TRIBAL	TY130A	UTILITY IN TRESPASS
	2264	TRIBAL	340-10	UTILITY IN TRESPASS
	2265	TRIBAL	340-10	UTILITY IN TRESPASS
	2266	TRIBAL	340-10	UTILITY IN TRESPASS
	2267	TRIBAL	T2432	UTILITY IN TRESPASS
	2268	RED BULL ELIZABETH	Y1429	UTILITY IN TRESPASS
	2269	TRIBAL	T2430	UTILITY IN TRESPASS
	2270	TRIBAL	T2441	UTILITY IN TRESPASS
	2271	CLOWN BELLY MRS.	1160	UTILITY IN TRESPASS
	2272	BLACK EAGLE LONG WOMAN	1161	UTILITY IN TRESPASS
	2273	BLACK EAGLE LONG WOMAN	1161	UTILITY IN TRESPASS
	2274	TRIBAL	340-10	UTILITY IN TRESPASS
	2275	TRIBAL	340-10	UTILITY IN TRESPASS
	2276	BROWN DOG [redacted] HAIR EVA	1197	UTILITY IN TRESPASS
	2277	TRIBAL	T5236	UTILITY IN TRESPASS
	2278	BLACK MOON GILBERT	X741	UTILITY IN TRESPASS
	2279	BLACK MOON GILBERT	X494	UTILITY IN TRESPASS
	2280	CHASING HAWK ALEXANDER	340-7	UTILITY IN TRESPASS
	2281	CHASING HAWK ANNIE	340-7	UTILITY IN TRESPASS
	2282	CHASING HAWK CHARLES	340-7	UTILITY IN TRESPASS
	2283	HUNT BERTHA LYMAN	X1290	UTILITY IN TRESPASS
	2284	RED BULL ELIZABETH	X1428	UTILITY IN TRESPASS
	2285	HUMP DARRELL	X1831	UTILITY IN TRESPASS
	2286	RED BULL ELIZABETH	X1428	UTILITY IN TRESPASS
	2287	TRIBAL	T1292	UTILITY IN TRESPASS
	2288	CHASING HAWK MATILDA	X1540	UTILITY IN TRESPASS
	2289	TRIBAL	T1258	UTILITY IN TRESPASS
	2290	TRIBAL	T1261B	UTILITY IN TRESPASS
	2291	TRIBAL	T1270B	UTILITY IN TRESPASS
	2292	TRIBAL	T1270B	UTILITY IN TRESPASS
	2293	HER WHITE BLANKET	3006	UTILITY IN TRESPASS
	2294	TRIBAL	T1260	UTILITY IN TRESPASS
	2295	TRIBAL	T1258	UTILITY IN TRESPASS
	2296	TRIBAL	T2977	UTILITY IN TRESPASS
	2297	BRINGS PLENTY WILLIAM	3623	UTILITY IN TRESPASS
	2298	TRIBAL	340-10	UTILITY IN TRESPASS
	2299	TRIBAL	340-10	UTILITY IN TRESPASS
	2300	MAKES IT LONG ALEXANDER	1242	UTILITY IN TRESPASS
	2301	GARREAU WILLIAM ORRIE	X1785	UTILITY IN TRESPASS
	2302	TRIBAL	T2539	UTILITY IN TRESPASS
	2303	TRIBAL	T4191	UTILITY IN TRESPASS
	2304	TRIBAL	T5313	UTILITY IN TRESPASS
	2305	TRIBAL	T4181	UTILITY IN TRESPASS
	2306	TRIBAL	T4794	UTILITY IN TRESPASS
	2307	JEWETT LOUIS MARCEL	4797	UTILITY IN TRESPASS
	2308	TRIBAL	T4797	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2309	GARREAU VERNA ADELL	5584	UTILITY IN TRESPASS
	2310	LECOMPTE VETAL FRANKLIN	A305	UTILITY IN TRESPASS
	2311	LECOMPTE LOUIS CHARLES	A341	UTILITY IN TRESPASS
	2312	TRIBAL	T455A	UTILITY IN TRESPASS
	2313	TRIBAL	T4790	UTILITY IN TRESPASS
	2314	TRIBAL	T4414	UTILITY IN TRESPASS
	2315	TRIBAL	TX1203	UTILITY IN TRESPASS
	2316	TRIBAL	TX921	UTILITY IN TRESPASS
	2317	WHITE EYES ROSA	X1591	UTILITY IN TRESPASS
	2318	TRIBAL	TX641	UTILITY IN TRESPASS
	2319	FREMIER LOUIS	2954	UTILITY IN TRESPASS
	2320	CLAYMORE PAUL AMOS	6021	UTILITY IN TRESPASS
	2321	LITTLE EAGLE MABEL	X747	UTILITY IN TRESPASS
	2322	LOVELETT ALICE VIOLA	510A	UTILITY IN TRESPASS
	2323	TRIBAL	TX747	UTILITY IN TRESPASS
	2324	TRIBAL	T2787	UTILITY IN TRESPASS
	2325	TRIBAL	TX747	UTILITY IN TRESPASS
	2326	TRIBAL	340-10	UTILITY IN TRESPASS
	2327	TRIBAL	340-10	UTILITY IN TRESPASS
	2328	TRIBAL	340-10	UTILITY IN TRESPASS
	2329	TRIBAL	T5193	UTILITY IN TRESPASS
	2330	BROWN LILLIAN V.	4444	UTILITY IN TRESPASS
	2331	BROWN ERNESTINE M.	4443	UTILITY IN TRESPASS
	2332	TRIBAL	T3261	UTILITY IN TRESPASS
	2333	TRIBAL	T3268	UTILITY IN TRESPASS
	2334	TRIBAL	T3270	UTILITY IN TRESPASS
	2335	DUCHARME MARGARET IONE	4474	UTILITY IN TRESPASS
	2336	DUCHARME MARTIN	4475	UTILITY IN TRESPASS
	2337	TRIBAL	T4526	UTILITY IN TRESPASS
	2338	TRIBAL	340-10	UTILITY IN TRESPASS
	2339	BROWN GRACE VIOLA	3992	UTILITY IN TRESPASS
	2340	BROWN GRACE VIOLA	3992	UTILITY IN TRESPASS
	2341	BROWN GRACE VIOLA	3992	UTILITY IN TRESPASS
	2342	TRIBAL	T3263	UTILITY IN TRESPASS
	2343	TRIBAL	TA070	UTILITY IN TRESPASS
	2344	TRIBAL	T3905	UTILITY IN TRESPASS
	2345	TRIBAL	T4291	UTILITY IN TRESPASS
	2346	FOLSTER JOHN ALDEN	4292	UTILITY IN TRESPASS
	2347	TRIBAL	TA060	UTILITY IN TRESPASS
	2348	TRIBAL	TA387	UTILITY IN TRESPASS
	2349	TRIBAL	TA387	UTILITY IN TRESPASS
	2350	TRIBAL	TA387	UTILITY IN TRESPASS
	2351	HIS HORSE IS FAST ISABELLE	Y996	UTILITY IN TRESPASS
	2352	TRIBAL	T913	UTILITY IN TRESPASS
	2353	TRIBAL	340-10	UTILITY IN TRESPASS
	2354	TRIBAL	340-10	UTILITY IN TRESPASS
	2355	TRIBAL	340-10	UTILITY IN TRESPASS
	2356	TRIBAL	340-10	UTILITY IN TRESPASS
	2357	TRIBAL	340-10	UTILITY IN TRESPASS
	2358	TRIBAL	340-10	UTILITY IN TRESPASS
	2359	BROWN DOG IDA	4704	UTILITY IN TRESPASS
	2360	TRIBAL	340-10	UTILITY IN TRESPASS
	2361	O'NEAL ODETTE YVONNE	5371	UTILITY IN TRESPASS
	2362	TRIBAL	T2776	UTILITY IN TRESPASS
	2363	SPLIT JOHN	484	UTILITY IN TRESPASS
	2364	TRIBAL	T2775	UTILITY IN TRESPASS
	2365	SPOTTED BEAR ESTHER	2735	UTILITY IN TRESPASS
	2366	TRIBAL	T2733	UTILITY IN TRESPASS
	2367	GARREAU ROSA	X1591	UTILITY IN TRESPASS
	2368	HODGKISS LAWRENCE	758	UTILITY IN TRESPASS
	2369	PHELPS RALPH S.	2813	UTILITY IN TRESPASS
	2370	GARREAU MILTON	2903	UTILITY IN TRESPASS
	2371	FLANIGAN DANIEL	1664	UTILITY IN TRESPASS
	2372	ZIGLER LUCILLE	2904	UTILITY IN TRESPASS
	2373	RATTLING HAIL GUY	4279	UTILITY IN TRESPASS
	2374	TRIBAL	T2833	UTILITY IN TRESPASS
	2375	SIMON JOAN DELORES	5298	UTILITY IN TRESPASS
	2376	CLAYMORE MARGUERITE	619	UTILITY IN TRESPASS

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2377	POWELL MABEL D.	2895	UTILITY IN TRESPASS
	2378	HODGKISS CLAYMORE EMMA	2810	UTILITY IN TRESPASS
	2379	GARRIAU ALEXANDER	X581	UTILITY IN TRESPASS
	2380	CLAYMORE PAUL A.	X93	UTILITY IN TRESPASS
	2381	CLAYMORE PAUL A.	X93	UTILITY IN TRESPASS
	2382	MATHIESON DONALD R.	2821	UTILITY IN TRESPASS
	2383	MATHIESON EUNICE MADGE	X1282	UTILITY IN TRESPASS
	2384	VEO VERIEL V.	5180	UTILITY IN TRESPASS
	2385	HORSE SHOE SIBERT	3233	UTILITY IN TRESPASS
	2386	TRIBAL	IX532	UTILITY IN TRESPASS
	2387	TRIBAL	340-10	UTILITY IN TRESPASS
	2388	TRIBAL	T5301	UTILITY IN TRESPASS
	2389	TRIBAL	340-10	UTILITY IN TRESPASS
	2390	TRIBAL	340-10	UTILITY IN TRESPASS
	2391	TRIBAL	340-10	UTILITY IN TRESPASS
	2392	TRIBAL	T5482	UTILITY IN TRESPASS
	2393	TRIBAL	T5483	UTILITY IN TRESPASS
	2394	TRIBAL	T5483	UTILITY IN TRESPASS
	2395	TRIBAL	340-10	UTILITY IN TRESPASS
	2396	TRIBAL	340-10	UTILITY IN TRESPASS
	2397	TRIBAL	340-10	UTILITY IN TRESPASS
	2398	TRIBAL	340-10	UTILITY IN TRESPASS
	2399	ROUSSEAU SAMUEL DAVID	4611	UTILITY IN TRESPASS
	2400	TRIBAL	340-10	UTILITY IN TRESPASS
	2401	TRIBAL	T5426	UTILITY IN TRESPASS
	2402	LARRABEE DAVID RICHARD	5603	UTILITY IN TRESPASS
	2403	TRIBAL	340-10	UTILITY IN TRESPASS
	2406	TRIBAL	340-10	UTILITY IN TRESPASS
	2407	DOLPHUS AMY	1495	UTILITY IN TRESPASS
	2408	TRIBAL	T4599	UTILITY IN TRESPASS
	2409	TRIBAL	T4772	UTILITY IN TRESPASS
	2410	TRIBAL	T4881	UTILITY IN TRESPASS
	2411	TRIBAL	340-10	UTILITY IN TRESPASS
	2412	TRIBAL	340-10	UTILITY IN TRESPASS
	2413	TRIBAL	TA418	UTILITY IN TRESPASS
	2414	TRIBAL	340-10	UTILITY IN TRESPASS
	2415	TRIBAL	340-10	UTILITY IN TRESPASS
	2416	ON THE TREE GEORGE	550	UTILITY IN TRESPASS
	2417	GOOD HOOP	1592	UTILITY IN TRESPASS
	2418	TRIBAL	340-10	UTILITY IN TRESPASS
	2419	TRIBAL	340-10	UTILITY IN TRESPASS
	2420	TRIBAL	340-10	UTILITY IN TRESPASS
	2421	TRIBAL	340-10	UTILITY IN TRESPASS
	2422	TRIBAL	340-10	UTILITY IN TRESPASS
	2423	TRIBAL	340-10	UTILITY IN TRESPASS
	2424	TRIBAL	340-10	UTILITY IN TRESPASS
	2425	TRIBAL	340-10	UTILITY IN TRESPASS
	2426	TRIBAL	340-10	UTILITY IN TRESPASS
	2427	TRIBAL	340-10	UTILITY IN TRESPASS
	2428	TRIBAL	340-10	UTILITY IN TRESPASS
	2429	TRIBAL	340-10	UTILITY IN TRESPASS
	2430	TRIBAL	340-10	UTILITY IN TRESPASS
	2431	MARTIN MICHAEL	1346	UTILITY IN TRESPASS
	2432	MINER RUDOLPH E.	5142	UTILITY IN TRESPASS
	2433	DROPS AT A DISTANCE EARLWIN	X706	UTILITY IN TRESPASS
	2434	DUPRIS VIRGINIA M.	X1640	UTILITY IN TRESPASS
	2435	CUDMORE,FRED JR.	X1433	UTILITY IN TRESPASS
	2436	DROPS AT A DISTANCE EARLWIN	X706	UTILITY IN TRESPASS
	2437	TRIBAL	T4008	UTILITY IN TRESPASS
	2438	BLUE COAT ROBERT SR.	X1222	UTILITY IN TRESPASS
	2439	BLUE COAT ROBERT SR.	X1222	UTILITY IN TRESPASS
	2440	TRIBAL	TX968	UTILITY IN TRESPASS
	2441	TRIBAL	T6107	UTILITY IN TRESPASS
	2442	CUDMORE FRED JR.	X1433	UTILITY IN TRESPASS
	2443	CUDMORE FRED JR.	X1433	UTILITY IN TRESPASS
	2444	DUPRIS EDWARD P.	4749	UTILITY IN TRESPASS
	2445	TRIBAL	T587	UTILITY IN TRESPASS
	2446	SHOULDER ROSA	594	UTILITY IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2447	DOLPHUS FERN ELIZABETH	2871	UTILITY IN TRESPASS
	2448	TWO CROW MAUDE	960	UTILITY IN TRESPASS
	2449	FEARS NOTHING SAMUEL	1333	UTILITY IN TRESPASS
	2450	PETERSON HARLEY C.	X1511	UTILITY IN TRESPASS
	2451	PETERSEN DELBERT R.	X1510	UTILITY IN TRESPASS
	2452	RED DOG KEREC	2864	UTILITY IN TRESPASS
	2453	BLACK SMITH ROSA	2965	UTILITY IN TRESPASS
	2454	ACKER JOSEPHINE	2866	UTILITY IN TRESPASS
	2455	EARRING PATRICK	T2867	UTILITY IN TRESPASS
	2456	TRIBAL	T5361	UTILITY IN TRESPASS
	2457	SMITH ROSALIE	2883	UTILITY IN TRESPASS
	2458	GAGE FRANCIS LUKE	2882	UTILITY IN TRESPASS
	2459	TRIBAL	T3845	UTILITY IN TRESPASS
	2460	LESMEISTER JOAN D.	X1532	UTILITY IN TRESPASS
	2461	LESMEISTER JOAN D.	X1532	UTILITY IN TRESPASS
	2462	LESMEISTER JOAN	X1782	UTILITY IN TRESPASS
	2463	MATHIESON EUNICE	X1282	UTILITY IN TRESPASS
	2464	SUMMERS DAVID	X1893	UTILITY IN TRESPASS
	2465	SKATES WALTER	4388	UTILITY IN TRESPASS
	2466	TRIBAL	T2473	UTILITY IN TRESPASS
	2467	TRIBAL	T6070	UTILITY IN TRESPASS
	2468	TRIBAL	T2472	UTILITY IN TRESPASS
	2469	HUDEPATH RUTH MARIE	4076	UTILITY IN TRESPASS
	2470	TRIBAL	340-10	UTILITY IN TRESPASS
	2471	TRIBAL	T3787	UTILITY IN TRESPASS
	2472	LABLANCH CALLIE	3786	UTILITY IN TRESPASS
	2473	TRIBAL	TX1501	UTILITY IN TRESPASS
	2474	TRIBAL	T4993	UTILITY IN TRESPASS
	2475	TRIBAL	340-10	UTILITY IN TRESPASS
	2476	NORDWALD SIDNEY OLOF	3074	UTILITY IN TRESPASS
	2477	TRIBAL	340-10	UTILITY IN TRESPASS
	2478	TRIBAL	T4836	UTILITY IN TRESPASS
	2479	TRIBAL	T4747	UTILITY IN TRESPASS
	2480	TRIBAL	T5121	UTILITY IN TRESPASS
	2481	LACLAMC PHILLIP	3417	UTILITY IN TRESPASS
	2482	TRIBAL	340-10	UTILITY IN TRESPASS
	2483	TRIBAL	340-10	UTILITY IN TRESPASS
	2484	TRIBAL	T5623	UTILITY IN TRESPASS
	2485	TRIBAL	T3415	UTILITY IN TRESPASS
	2486	NORVALD SIDNEY JEROME	5472	UTILITY IN TRESPASS
	2487	TRIBAL	T4995	UTILITY IN TRESPASS
	2488	TRIBAL	T4957	UTILITY IN TRESPASS
	2489	TRIBAL	T5058	UTILITY IN TRESPASS
	2490	TRIBAL	T4910	UTILITY IN TRESPASS
	2491	TRIBAL	340-10	UTILITY IN TRESPASS
	2492	TRIBAL	340-10	UTILITY IN TRESPASS
	2493	TRIBAL	340-10	UTILITY IN TRESPASS
	2494	TRIBAL	340-10	UTILITY IN TRESPASS
	2495	TRIBAL	340-10	UTILITY IN TRESPASS
	2496	TRIBAL	340-10	UTILITY IN TRESPASS
	2497	WHITE BOBTAIL BEAR ALICE	2319	UTILITY IN TRESPASS
	2498	WEST HOMER K.	4920	UTILITY IN TRESPASS
	2499	WEST ALLEN	932	UTILITY IN TRESPASS
	2500	SAUL SUSAN RUDY	X94	UTILITY IN TRESPASS
	2501	VANDERVIER WILLIAM GEORGE	4400	UTILITY IN TRESPASS
	2502	TRIBAL	340-10	UTILITY IN TRESPASS
	2503	VANDERVIER WILLIAM GEORGE	4400	UTILITY IN TRESPASS
	2504	TRIBAL	340-10	UTILITY IN TRESPASS
	2505	TRIBAL	340-10	UTILITY IN TRESPASS
	2506	TRIBAL	340-10	UTILITY IN TRESPASS
	2507	TRIBAL	340-10	UTILITY IN TRESPASS
	2508	TRIBAL	T6079	UTILITY IN TRESPASS
	2509	TRIBAL	340-10	UTILITY IN TRESPASS
	2510	TRIBAL	T6079	UTILITY IN TRESPASS
	2511	WEST HOMER K.	X1334	UTILITY IN TRESPASS
	2512	WEST MARY L.	X1336	UTILITY IN TRESPASS
	2513	RUNS AFTER CLARENCE E.	X1115	UTILITY IN TRESPASS
	2514	TRIBAL	T6079	UTILITY IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2515	HUDSPATH PRITYKAU MARY	X1892	UTILITY IN TRESPASS
	2516	TRIBAL	340-10	UTILITY IN TRESPASS
	2517	MARCELLE EDWARD	979	UTILITY IN TRESPASS
	2518	TRIBAL	340-10	UTILITY IN TRESPASS
	2519	TRIBAL	340-10	UTILITY IN TRESPASS
	2520	TRIBAL	340-10	UTILITY IN TRESPASS
	2521	TRIBAL	T2138	UTILITY IN TRESPASS
	2522	TRIBAL	T5629	UTILITY IN TRESPASS
	2523	RUNNING BATTLE	580	UTILITY IN TRESPASS
	2524	MATHIESON EUNCIE MADGE	2474	UTILITY IN TRESPASS
	2525	MORAN LOUIS (POSEY)	925	UTILITY IN TRESPASS
	2526	IRON WEST WOMAN	582	UTILITY IN TRESPASS
	2527	BLUE COAT EMMA	X589	UTILITY IN TRESPASS
	2528	TRIBAL	T2498	UTILITY IN TRESPASS
	2529	DROPS AT A DISTANCE ANNIE	X590	UTILITY IN TRESPASS
	2530	TRIBAL	T2036	UTILITY IN TRESPASS
	2531	TRIBAL	T582	UTILITY IN TRESPASS
	2532	BRUGUIER EUGENE	3542	UTILITY IN TRESPASS
	2533	BLACK SHIELD EDITH	X1945	UTILITY IN TRESPASS
	2534	HAYES LORRAINE	X648	UTILITY IN TRESPASS
	2535	TRIBAL	340-10	UTILITY IN TRESPASS
	2536	TRIBAL	340-10	UTILITY IN TRESPASS
	2537	TRIBAL	340-10	UTILITY IN TRESPASS
	2538	TRIBAL	T1713	UTILITY IN TRESPASS
	2539	WHITE BOB TAIL	1368	UTILITY IN TRESPASS
	2540	LITTLE EAGLE JOHN	X1016	UTILITY IN TRESPASS
	2541	SUMMERS DAVID	X1893	UTILITY IN TRESPASS
	2542	SUMMERS DAVID	X1893	UTILITY IN TRESPASS
	2543	SUMMERS DAVID	X1893	UTILITY IN TRESPASS
	2544	PEARMAN MAXINE	5073	UTILITY IN TRESPASS
	2545	TRIBAL	T5290	UTILITY IN TRESPASS
	2546	PEARMAN AUDREY MURRILL	5620	UTILITY IN TRESPASS
	2547	PEARMAN ELSIE FLORENCE	4367	UTILITY IN TRESPASS
	2548	PEARMAN CATHERINE M.	4588	UTILITY IN TRESPASS
	2549	KESSLER ROBERT	6754	UTILITY IN TRESPASS
	2550	TRIBAL	340-10	UTILITY IN TRESPASS
	2551	TRIBAL	340-10	UTILITY IN TRESPASS
	2552	TRIBAL	TX221	UTILITY IN TRESPASS
	2553	EAGLE HAWK CLAUDE	X221	UTILITY IN TRESPASS
	2554	TRIBAL	T2049	UTILITY IN TRESPASS
	2555	LOOKING HORSE LUCY B.W.	X403	UTILITY IN TRESPASS
	2556	BAD WARRIOR ELI	X402	UTILITY IN TRESPASS
	2557	BAD WARRIOR ELI	X402	UTILITY IN TRESPASS
	2558	TRIBAL	340-10	UTILITY IN TRESPASS
	2559	TRIBAL	X644	UTILITY IN TRESPASS
	2560	TRIBAL	340-10	UTILITY IN TRESPASS
	2561	TRIBAL	340-10	UTILITY IN TRESPASS
	2562	BAD MALE THOMAS	639	UTILITY IN TRESPASS
	2563	BAD MALE JESSIE	2599	UTILITY IN TRESPASS
	2564	BAD MALE THOMAS	639	UTILITY IN TRESPASS
	2565	MORAN POSEY	X1874	UTILITY IN TRESPASS
	2566	MORAN DARIAN JOAN	X1975	UTILITY IN TRESPASS
	2567	BAD MALE CHRISTINE	651	UTILITY IN TRESPASS
	2568	BAD MALE THOMAS	639	UTILITY IN TRESPASS
	2569	BEAD OF BUCK ELK ELIAS	1467	UTILITY IN TRESPASS
	2570	TRIBAL	340-10	UTILITY IN TRESPASS
	2571	TRIBAL	340-10	UTILITY IN TRESPASS
	2572	TRIBAL	340-10	UTILITY IN TRESPASS
	2573	TRIBAL	340-10	UTILITY IN TRESPASS
	2574	TRIBAL	340-10	UTILITY IN TRESPASS
	2575	LABATT PHILLIP NATHAN	X258	UTILITY IN TRESPASS
	2576	TRIBAL	340-10	UTILITY IN TRESPASS
	2577	TRIBAL	340-10	UTILITY IN TRESPASS
	2578	TRIBAL	340-10	UTILITY IN TRESPASS
	2579	TRIBAL	340-10	UTILITY IN TRESPASS
	2580	TRIBAL	340-10	UTILITY IN TRESPASS
	2581	TRIBAL	340-10	UTILITY IN TRESPASS
	2582	RED HAIR	1451	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2583	WIND ELI (BAD WARRIOR)	649	UTILITY IN TRESPASS
	2584	TRIBAL	340-10	UTILITY IN TRESPASS
	2585	ROUSSEAU PAUL	967	UTILITY IN TRESPASS
	2586	TRIBAL	340-10	UTILITY IN TRESPASS
	2587	WHITE BOB TAIL ALICE	2319	UTILITY IN TRESPASS
	2588	HIGH ELK ISAAC	X768	UTILITY IN TRESPASS
	2589	HORN ROCKY BOY WILLIAM	986	UTILITY IN TRESPASS
	2590	RATTLING RIB LOUIS	985	UTILITY IN TRESPASS
	2591	RATTLING RIB LOUIS	985	UTILITY IN TRESPASS
	2592	GETS OFF MICHAEL	1699	UTILITY IN TRESPASS
	2593	TRIBAL	T6138	UTILITY IN TRESPASS
	2594	HIGH ELK ISAAC	X768	UTILITY IN TRESPASS
	2595	HIGH ELK MOSES	1625	UTILITY IN TRESPASS
	2596	TRIBAL	340-10	UTILITY IN TRESPASS
	2597	HIGH ELK CORDELIA	3309	UTILITY IN TRESPASS
	2598	HIGH ELK KATE	3823	UTILITY IN TRESPASS
	2599	TRIBAL	TXGU62	UTILITY IN TRESPASS
	2600	TRIBAL	TXGU62	UTILITY IN TRESPASS
	2601	TRIBAL	340-10	UTILITY IN TRESPASS
	2602	ANNIS DELBERT	X1817	UTILITY IN TRESPASS
	2603	TRIBAL	340-10	UTILITY IN TRESPASS
	2604	HUNT JENNIE ANNIS	5412	UTILITY IN TRESPASS
	2605	LAFAREE GLENN	3751	UTILITY IN TRESPASS
	2606	TRIBAL	T2125	UTILITY IN TRESPASS
	2607	HUNT EVERETT	4892	UTILITY IN TRESPASS
	2608	TRIBAL	340-10	UTILITY IN TRESPASS
	2609	ACKER MARY MARIE	4690	UTILITY IN TRESPASS
	2610	TRIBAL	340-10	UTILITY IN TRESPASS
	2611	DUPRIS PERCY	3407	UTILITY IN TRESPASS
	2612	GARRETT WAYNE	4220	UTILITY IN TRESPASS
	2613	GARRRETT LEE L.	X1025	UTILITY IN TRESPASS
	2614	GARRETT LELAND	X1057	UTILITY IN TRESPASS
	2615	TRIBAL	340-10	UTILITY IN TRESPASS
	2616	CREEK MARGUERITE	3291	UTILITY IN TRESPASS
	2617	TRIBAL	TX922	UTILITY IN TRESPASS
	2618	TRIBAL	340-10	UTILITY IN TRESPASS
	2619	SAUL ALMA CECELIA	4383	UTILITY IN TRESPASS
	2620	COOKE RODNEY SYLVESTER	4462	UTILITY IN TRESPASS
	2621	GRAY DELAINE PATRICK	5110	UTILITY IN TRESPASS
	2622	GRAY RICHARD DEAN	5436	UTILITY IN TRESPASS
	2623	HUSTON EVA MARIE	5594	UTILITY IN TRESPASS
	2624	TRIBAL	340-10	UTILITY IN TRESPASS
	2625	TRIBAL	340-10	UTILITY IN TRESPASS
	2626	TRIBAL	340-10	UTILITY IN TRESPASS
	2627	COOK HELEN	X1747	UTILITY IN TRESPASS
	2628	GARRETT LELAND	6189	UTILITY IN TRESPASS
	2629	VANDALL LAWRENCE	935	UTILITY IN TRESPASS
	2630	AS A CROW OR HARD TO KILL	T1009	UTILITY IN TRESPASS
	2631	TRIBAL	340-10	UTILITY IN TRESPASS
	2632	SUMMERS COOK MARY	X1773	UTILITY IN TRESPASS
	2633	SUMMERS COOK MARY	X1773	UTILITY IN TRESPASS
	2634	TRIBAL	T4832	UTILITY IN TRESPASS
	2635	RIVERS PAUL	11	FORCED FEE PATENT
	2636	RIVERS BARNEY	25	FORCED FEE PATENT
	2637	VANDERVIER ROYAL	36	FORCED FEE PATENT
	2638	LARABEE ANDREW	107	FORCED FEE PATENT
	2639	GARREAU SOPHIA	148	FORCED FEE PATENT
	2640	WOUNDS THE ENEMY REBECCA	170	FORCED FEE PATENT
	2641	WOUNDED THE ENEMY MOSES	171	FORCED FEE PATENT
	2642	JEFFERSON JAMES	208	FORCED FEE PATENT
	2643	WOUNDS THE ENEMY MABEL	218	FORCED FEE PATENT
	2644	TWO LANCES HORACE JR.	258	FORCED FEE PATENT
	2645	EAGLE FEATHER JOSEPH	403	FORCED FEE PATENT
	2646	YARDLEY JOSEPH	419	FORCED FEE PATENT
	2647	CARTER WILLIAM	615	FORCED FEE PATENT
	2648	BENTLEY LOUIS JR.	702	FORCED FEE PATENT
	2649	PEARMAN EMMA	708	FORCED FEE PATENT
	2650	HODGKISS NATALIE	756	FORCED FEE PATENT

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2651	HODGKISS SARAH	757	FORCED FEE PATENT
	2652	HILL JULIA MRS.	779	FORCED FEE PATENT
	2653	HILL FRANK	780	FORCED FEE PATENT
	2654	HILL LOUIS	782	FORCED FEE PATENT
	2655	DON'T TOUCH IT JOHN	828	FORCED FEE PATENT
	2656	DUNN MARY MRS. (CAGE)	878	FORCED FEE PATENT
	2657	ROUSSEAU LAWRENCE	977	FORCED FEE PATENT
	2658	BLUE EYES DORA	1014	FORCED FEE PATENT
	2659	LITTLE DOG BESSIE	1131	FORCED FEE PATENT
	2660	LEFT HAND FLORENCE	1290	FORCED FEE PATENT
	2661	SEEN BY THE BOY SUSAN	1331	FORCED FEE PATENT
	2662	MINER	1349	FORCED FEE PATENT
	2663	CURLEY ISABELLE ELIZABETH	1396	FORCED FEE PATENT
	2664	LEAR JOSEPH	1525	FORCED FEE PATENT
	2665	ALWAYS HERE FRANCES	1723	FORCED FEE PATENT
	2666	IRON EARRING	1586	FORCED FEE PATENT
	2667	TRAVERSIE AMBROSE SR.	1591	FORCED FEE PATENT
	2668	WALDRON GEORGE P.	1709	FORCED FEE PATENT
	2669	SMELLS THE LOG PHOEBE	1723	FORCED FEE PATENT
	2670	HALPIN ANGELINE	1775	FORCED FEE PATENT
	2671	HALPIN MABEL MAY	1776	FORCED FEE PATENT
	2672	IRON HORSE ELIZABETH	1793	FORCED FEE PATENT
	2673	BRUYIER EUGENE	1881	FORCED FEE PATENT
	2674	MARSHALL CORA	1931	FORCED FEE PATENT
	2675	HILL SAMUEL	2057	FORCED FEE PATENT
	2676	EAGLE CHASING JOHN PETER	2158	FORCED FEE PATENT
	2677	EAGLE CHASING JAMES	2159	FORCED FEE PATENT
	2678	EAGLE CHASING AGNES	2160	FORCED FEE PATENT
	2679	WOUNDS THE ENEMY ERNEST	2234	FORCED FEE PATENT
	2680	STRIKER VIVIAN	2254	FORCED FEE PATENT
	2681	STRIKER MARY V.	2255	FORCED FEE PATENT
	2682	DUPRIS MARY	2465	FORCED FEE PATENT
	2683	ROACH HEALEY	2468	FORCED FEE PATENT
	2684	CORN FRANCES GRANT	2532	FORCED FEE PATENT
	2685	CORN MINNIE	2533	FORCED FEE PATENT
	2686	SMELLS THE LOG LUCINDA	2575	FORCED FEE PATENT
	2687	BIRD NECKLACE JULIA LOUISE	2615	FORCED FEE PATENT
	2688	IRON MOCASSIN ROSA	2617	FORCED FEE PATENT
	2689	NICHOLS HELEN	2621	FORCED FEE PATENT
	2690	GRAZIER THOMAS (DON'T TOUCH IT)	2632	FORCED FEE PATENT
	2691	HALPIN VIOLA	2672	FORCED FEE PATENT
	2692	SPOTTED HORSE WILLIAM	2717	FORCED FEE PATENT
	2693	HODGKISS PAUL NORVILLE	2764	FORCED FEE PATENT
	2694	IRON MOCASSIN RALPH	2799	FORCED FEE PATENT
	2695	CLAYMORE JULIA MAY	2812	FORCED FEE PATENT
	2696	JEWETT JOHN JR.	2872	FORCED FEE PATENT
	2697	ARPAN MARTIN	2876	FORCED FEE PATENT
	2698	SWAN MARY	2887	FORCED FEE PATENT
	2699	DUCHARME BENJAMIN	2888	FORCED FEE PATENT
	2700	BEAR EAGLE PAUL	2925	FORCED FEE PATENT
	2701	BLUE HAIR DORA	2939	FORCED FEE PATENT
	2702	BEAR EAGLE JESSIE	2970	FORCED FEE PATENT
	2703	YELLOW HAWK JAMES	2979	FORCED FEE PATENT
	2704	HER CANE LEONARD	3002	FORCED FEE PATENT
	2705	FIELDER ANNIE	3042	FORCED FEE PATENT
	2706	BUCK ELK THUNDER IRENE	3059	FORCED FEE PATENT
	2707	NICHOLS LILLIAN	3134	FORCED FEE PATENT
	2708	SPOTTED HORSE JAMES	3150	FORCED FEE PATENT
	2709	SMITH ARCHIE	3169	FORCED FEE PATENT
	2710	ROUSSEAU MARCELLE	3204	FORCED FEE PATENT
	2711	CUMMINGS MABEL	3242	FORCED FEE PATENT
	2712	CONDON MOSES	3247	FORCED FEE PATENT
	2713	MAKES ROOM LOUISE E.	3378	FORCED FEE PATENT
	2714	CARLIN EMMET JR.	3404	FORCED FEE PATENT
	2715	COOK MARION E.	3414	FORCED FEE PATENT
	2716	LEBEAU PHOEBE MARJORIE	3440	FORCED FEE PATENT
	2717	NICHOLS ALMA	3444	FORCED FEE PATENT
	2718	SPOTTED HORSE	3460	FORCED FEE PATENT

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2719	LEBEAU JOHNSON A.	3494	FORCED FEE PATENT
	2720	MAUPIN PAULINE	3519	FORCED FEE PATENT
	2721	HIS HORSE IS FAST ISABELLE	3531	FORCED FEE PATENT
	2722	BAGOLA REGINA	3540	FORCED FEE PATENT
	2723	SMITH JESS	3650	FORCED FEE PATENT
	2724	SIGLER THOMAS FRANK	3673	FORCED FEE PATENT
	2725	ROBERTS THEODORE	3676	FORCED FEE PATENT
	2726	LEFT HAND JULIA	3686	FORCED FEE PATENT
	2727	MERRELL MARGURITE	3752	FORCED FEE PATENT
	2728	IRON WING AGATHA	3766	FORCED FEE PATENT
	2729	LAPLANT VICTORIA SOPHIA	3775	FORCED FEE PATENT
	2730	YELLOW HORSE EUGENE	3852	FORCED FEE PATENT
	2731	BENOIST ELSIE	6	FORCED FEE PATENT
	2732	BOYNTON EDWARD MRS.	41	FORCED FEE PATENT
	2733	SHAVINGS WILLIAM	76	FORCED FEE PATENT
	2734	LEBEAU LUCY	131	FORCED FEE PATENT
	2735	DEER WITH HORNS	930	FORCED FEE PATENT
	2736	ROBERTSON NORMAN	198	FORCED FEE PATENT
	2737	DUCHENEAUX CAMILLE	202	FORCED FEE PATENT
	2738	DUCHENEAUX LILLIE	204	FORCED FEE PATENT
	2739	HODGKISS JESSIE	207	FORCED FEE PATENT
	2740	RYAN FLORA (FOUR BEAR)	223	FORCED FEE PATENT
	2741	FOUR BEAR ARMSTRONG	225	FORCED FEE PATENT
	2742	ONCE CALLED JOHN	227	FORCED FEE PATENT
	2743	SAND ALBERT	235	FORCED FEE PATENT
	2744	SHOOTS HIM GEORGE	266	FORCED FEE PATENT
	2745	MILLER PADDY	283	FORCED FEE PATENT
	2746	ONE FEATHER JAMES	314	FORCED FEE PATENT
	2747	CHARGER SAMUEL	327	FORCED FEE PATENT
	2748	JEWETT CHARLES	436	FORCED FEE PATENT
	2749	JEWETT JOHN	146	FORCED FEE PATENT
	2750	JOHNSON FRED	452	FORCED FEE PATENT
	2751	TRAVERSIE FELICIA	466	FORCED FEE PATENT
	2752	TRAVERSIE MOLLIE	509	FORCED FEE PATENT
	2753	TRAVERSIE DAVID C.	510	FORCED FEE PATENT
	2754	BAGOLA GEORGE	524	FORCED FEE PATENT
	2755	BAGOLA JOHNSON	525	FORCED FEE PATENT
	2756	LAPLANT ALEXANDER (HANNAH)	537	FORCED FEE PATENT
	2757	EGNA LOUIS	538	FORCED FEE PATENT
	2758	FOOL BEAR MAGGIE	546	FORCED FEE PATENT
	2759	ON THE TREE EDWARD	560	FORCED FEE PATENT
	2760	GARTER AMOS	576	FORCED FEE PATENT
	2761	USED AS A HEART ISAAC	585	FORCED FEE PATENT
	2762	USED AS A HEART PETER	586	FORCED FEE PATENT
	2763	GARREAU DOUGLAS	599	FORCED FEE PATENT
	2764	BAD WARRIOR ELI	638	FORCED FEE PATENT
	2765	ELK HEAD WILLIAM OR SAM	642	FORCED FEE PATENT
	2766	LARRABE RICHARD	654	FORCED FEE PATENT
	2767	EWING JUNE	726	FORCED FEE PATENT
	2768	JONES OCTAVIA	744	FORCED FEE PATENT
	2769	YELLOW THOMAS	776	FORCED FEE PATENT
	2770	ARPAN AMY	774	FORCED FEE PATENT
	2771	NICHOLS PHOEBE	861	FORCED FEE PATENT
	2772	LAFFERTY ARTHUR	865	FORCED FEE PATENT
	2773	PARKER GAGE	880	FORCED FEE PATENT
	2774	ROUSSEAU SAMUEL	913	FORCED FEE PATENT
	2775	DUNN WILLIAM	920	FORCED FEE PATENT
	2776	DUNN JULIA	924	FORCED FEE PATENT
	2777	LEBLANC JOSEPHINE	962	FORCED FEE PATENT
	2778	MATHISON ELLEN R.	927	FORCED FEE PATENT
	2779	MATHISON SOPHIA	994	FORCED FEE PATENT
	2780	IN THE WOODS THOMAS	1003	FORCED FEE PATENT
	2781	BENOIST FELIX	1040	FORCED FEE PATENT
	2782	OWL KING EDWARD	1145	FORCED FEE PATENT
	2783	YELLOW OWL SILAS	1177	FORCED FEE PATENT
	2784	CURLEY FINTON	1203	FORCED FEE PATENT
	2785	RED BULL JOHN	1208	FORCED FEE PATENT
	2786	MAKES IT LONG JOHN	1240	FORCED FEE PATENT

ABERDEEN AREA STATUTE CLAIMS

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2855	CLAYMORE PETER	620	FORCED FEE PATENT
	2856	FLAMINGAN LOUISE	1363	FORCED FEE PATENT
	2857	WILLIAMS LUTHER	1511	FORCED FEE PATENT
	2858	LAPLANT VIRGINIA	2731	FORCED FEE PATENT
	2859	BROWN HENRY	3152	FORCED FEE PATENT
	2860	BROWN DANIEL	3429	FORCED FEE PATENT
	2861	BENOIST LOUISE	2	FORCED FEE PATENT
	2862	HALPIN ELIZA	54	FORCED FEE PATENT
	2863	MEETER JAMES	57	FORCED FEE PATENT
	2864	ARPAN JULIA	88	FORCED FEE PATENT
	2865	PRETTY BEAR NELSON	158	FORCED FEE PATENT
	2866	CARPENTER EDITH	169	FORCED FEE PATENT
	2867	DUCHARME CORA	184	FORCED FEE PATENT
	2868	LANDREAU JOSEPHINE	188	FORCED FEE PATENT
	2869	LANDREAU PHILOMENE	189	FORCED FEE PATENT
	2870	LANDREAU ANGEL	190	FORCED FEE PATENT
	2871	LANDREAU CECELIA	192	FORCED FEE PATENT
	2872	LANDREAU LOUIS	194	FORCED FEE PATENT
	2873	VANDERVIER BEATRICE	199	FORCED FEE PATENT
	2874	VANDERVIER OLIVE	200	FORCED FEE PATENT
	2875	HOUSTISS ROSALIE	206	FORCED FEE PATENT
	2876	DUCHARME CHARLES	238	FORCED FEE PATENT
	2877	TWO LANCES HORACE	254	FORCED FEE PATENT
	2878	LEWIS HIS OPSES WALLACE	268	FORCED FEE PATENT
	2879	IRON WING GEORGE	331	FORCED FEE PATENT
	2880	IRON MOCCASSIN TIMBY	356	FORCED FEE PATENT
	2881	BIRD NECKLACE EDWARD	363	FORCED FEE PATENT
	2882	BIRD NECKLACE ANNIE	364	FORCED FEE PATENT
	2883	CROW EAGLE PAUL	385	FORCED FEE PATENT
	2884	PRETTY WEASEL LUCY	390	FORCED FEE PATENT
	2885	LASTMAN JOHN	394	FORCED FEE PATENT
	2886	LAPLANT PAUD	405	FORCED FEE PATENT
	2887	BRINGS GRIB PAUL	411	FORCED FEE PATENT
	2888	YAPPLEY MARY	417	FORCED FEE PATENT
	2889	VEO LEON	426	FORCED FEE PATENT
	2890	YELLOW HORSE DANIEL	448	FORCED FEE PATENT
	2891	WHITE DOG PAUL	451	FORCED FEE PATENT
	2892	TRAVERSIE SUSAN	467	FORCED FEE PATENT
	2893	JEWETT GEORGE	482	FORCED FEE PATENT
	2894	TRAVERSIE HELINDA	489	FORCED FEE PATENT
	2895	CHARGING HAWK	473	FORCED FEE PATENT
	2896	BRUGUIER MARY	475	FORCED FEE PATENT
	2897	LAPLANT CHARLES	481	FORCED FEE PATENT
	2898	HALPIN ISAAC (ARPAN)	492	FORCED FEE PATENT
	2899	TRAVERSIE THEOPHILE	498	FORCED FEE PATENT
	2900	TRAVERSIE SAMUEL	499	FORCED FEE PATENT
	2901	TRAVERSIE MOSES	512	FORCED FEE PATENT
	2902	MEDICINE MAN ALBERT	532	FORCED FEE PATENT
	2903	LAPLANT LOUIS H.	536	FORCED FEE PATENT
	2904	TAKES IT BACK (MINER ESTHER)	538	FORCED FEE PATENT
	2905	CARTER ISAAC	550	FORCED FEE PATENT
	2906	USED AS A HEART ALBERT	594	FORCED FEE PATENT
	2907	BRYAN HERMAN	588	FORCED FEE PATENT
	2908	SHOULDER FRED (RABBIT)	597	FORCED FEE PATENT
	2909	YAPPLEY ALBERT OR LITTLE BIRD	603	FORCED FEE PATENT
	2910	GARREAU ESTER	610	FORCED FEE PATENT
	2911	GARREAU CAROLINE	613	FORCED FEE PATENT
	2912	CLAYMORE JOAN	621	FORCED FEE PATENT
	2913	CLAYMORE CHARLES	624	FORCED FEE PATENT
	2914	ELK HAND JOCHA (SIMON)	641	FORCED FEE PATENT
	2915	LARRABEE DAVID	654	FORCED FEE PATENT
	2916	YELLOW HAND LAWRENCE	667	FORCED FEE PATENT
	2917	CORN FRANK	670	FORCED FEE PATENT
	2918	CORN PETER	679	FORCED FEE PATENT
	2919	KEMPER CHARLES	693	FORCED FEE PATENT
	2920	HATTLOE (MARY HILL)	697	FORCED FEE PATENT
	2921	BENTLEY VIOLA	701	FORCED FEE PATENT
	2922	BENTLEY ESTELLINE JR.	703	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2797	BULL LAYS DOWN GUY	1271	FORCED FEE PATENT
	2798	COMING DEER MOSES (ANDREW)	1284	FORCED FEE PATENT
	2799	HOWARD JOSEPH (CLOUD EAGLE)	1308	FORCED FEE PATENT
	2790	SPIDER DORA JONES	1309	FORCED FEE PATENT
	2791	RED DOG CHARLES	1353	FORCED FEE PATENT
	2792	TAKES ROOM ROBERT	1357	FORCED FEE PATENT
	2793	ROUSSEAU EMMA	1362	FORCED FEE PATENT
	2794	WHITE WEASEL OSCAR	1403	FORCED FEE PATENT
	2795	FOUR WILLIAM (CIRCLE EAGLE)	1408	FORCED FEE PATENT
	2796	BLOWS ON HIMSELF JOSEPH	1437	FORCED FEE PATENT
	2797	COUNTING DANIEL	1452	FORCED FEE PATENT
	2798	ROUSSEAU JOHN	1474	FORCED FEE PATENT
	2799	WILLIAM MRS. HELEN M.	1477	FORCED FEE PATENT
	2800	DOLPHUS JOHN	1486	FORCED FEE PATENT
	2801	VANMETER JOHN	1497	FORCED FEE PATENT
	2802	KILLS FIRST LEON HOLY	1494	FORCED FEE PATENT
	2803	WILLIAMS MAID	1508	FORCED FEE PATENT
	2804	LUCKY PAULINE	1518	FORCED FEE PATENT
	2805	OPLEY PETER	1624	FORCED FEE PATENT
	2806	ROUSSEAU LUCY	1641	FORCED FEE PATENT
	2807	HIGH ELK JOSEPH	1667	FORCED FEE PATENT
	2808	POOR DOG HARRY	1706	FORCED FEE PATENT
	2809	CREEP JAMES	1727	FORCED FEE PATENT
	2810	YELLOW HAW LUCY	1745	FORCED FEE PATENT
	2811	BRAVEN AMBROSE	1884	FORCED FEE PATENT
	2812	LINDLEY LIZZIE M.	1924	FORCED FEE PATENT
	2813	LINDLEY JOHN A.	1927	FORCED FEE PATENT
	2814	LINDLEY IRVING D.	1928	FORCED FEE PATENT
	2815	OAKS CHARLES	2463	FORCED FEE PATENT
	2816	RUSSELL OLIVER	2461	FORCED FEE PATENT
	2817	RED HORSE CHARLES	1497	FORCED FEE PATENT
	2818	HALPIN ANGELINE	52	FORCED FEE PATENT
	2819	LEBEAU ALEX	150	FORCED FEE PATENT
	2820	IRON HORSE LED	237	FORCED FEE PATENT
	2821	MARSHALL LIZZIE	248	FORCED FEE PATENT
	2822	MARSHALL SOPHIA	249	FORCED FEE PATENT
	2823	TRAVERSIE ALEXANDER	534	FORCED FEE PATENT
	2824	HALPIN AMELIA	542	FORCED FEE PATENT
	2825	GARREAU JOHN	598	FORCED FEE PATENT
	2826	GARREAU ELLEN	600	FORCED FEE PATENT
	2827	GARREAU VICTORIA	601	FORCED FEE PATENT
	2828	CLAYMORE JAMES	604	FORCED FEE PATENT
	2829	GARREAU WILLIAM	606	FORCED FEE PATENT
	2830	CLAYMORE MARTHA PITE	619	FORCED FEE PATENT
	2831	CLAYMORE RAYMOND	622	FORCED FEE PATENT
	2832	HOUSTISS LARENCE	758	FORCED FEE PATENT
	2833	SHEPARD MRS. ALICE	883	FORCED FEE PATENT
	2834	DUPUIS FRED	908	FORCED FEE PATENT
	2835	FLAMINGAN DANIEL	1344	FORCED FEE PATENT
	2836	FLAMINGAN MATTIE	1345	FORCED FEE PATENT
	2837	MARSHALL THOMAS	1751	FORCED FEE PATENT
	2838	MARSHALL ROBERT	1909	FORCED FEE PATENT
	2839	MARSHALL THOMAS	1930	FORCED FEE PATENT
	2840	TRAVERSIE ANNA	1954	FORCED FEE PATENT
	2841	ARPAN CLARENCE	1961	FORCED FEE PATENT
	2842	CADE AMELIA T.	2095	FORCED FEE PATENT
	2843	ASPDIN MARIE	2272	FORCED FEE PATENT
	2844	ASPDIN KATIE (BLUE EYES)	2275	FORCED FEE PATENT
	2845	CLAYMORE EMMA MOCKETSS	2810	FORCED FEE PATENT
	2846	TWO LANCES GRACE	3107	FORCED FEE PATENT
	2847	CUMMINGS ELMER EARL	3292	FORCED FEE PATENT
	2848	ARPDIN LARETTA (HALPIN)	3312	FORCED FEE PATENT
	2849	GARREAU SYLVESTER	3423	FORCED FEE PATENT
	2850	MARSHALL ALBERT	247	FORCED FEE PATENT
	2851	DUCHENAUX VICTOR	44	FORCED FEE PATENT
	2852	LAPLANT FREDERICK	404	FORCED FEE PATENT
	2853	YANTLEY LOUISE	418	FORCED FEE PATENT
	2854	TRAVERSIE ANDREW	496	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2992	STANDING BEAR THOMAS (NAHTO NAZI)	1476	FORCED FEE PATENT
	2993	SPELLS THE LOC FRANK	1482	FORCED FEE PATENT
	2994	STRAIGHT HEAD	1490	FORCED FEE PATENT
	2995	WILLIAMS FOREST	1510	FORCED FEE PATENT
	2996	WILLIAMS CHANEY	1512	FORCED FEE PATENT
	2997	BACOLA RAMSEY	1514	FORCED FEE PATENT
	2998	LUDLOW ALICIE (NAHPIN)	1515	FORCED FEE PATENT
	2999	EMPEY CHATHERINE (BENOIST)	1519	FORCED FEE PATENT
	3000	LIVERMONT JOSIE	1521	FORCED FEE PATENT
	3001	LIVERMONT PETER	1522	FORCED FEE PATENT
	3002	LIVERMONT HENRY A.	1523	FORCED FEE PATENT
	3003	TWO CROW MILES	1529	FORCED FEE PATENT
	3004	CLOUD THOMAS	1532	FORCED FEE PATENT
	3005	EAGLE HAWK THOMAS	1536	FORCED FEE PATENT
	3006	SPOTTED OWL SULLIVAN	1548	FORCED FEE PATENT
	3007	STRAIGHT HEAD ROBERT	1531	FORCED FEE PATENT
	3008	SLIDES OFF EUGENE	1539	FORCED FEE PATENT
	3009	CHASE THE BEAR WILLIAM	1554	FORCED FEE PATENT
	3010	TAPITOLA CILES	1557	FORCED FEE PATENT
	3011	ELK THUNDER THOMAS	1575	FORCED FEE PATENT
	3012	KNIFE CHARLES	1584	FORCED FEE PATENT
	3013	TRAVERSIE AMBROSE JR.	1598	FORCED FEE PATENT
	3014	BEAR EAGLE CEDRIC	1633	FORCED FEE PATENT
	3015	BEAR EAGLE STEPHEN	1636	FORCED FEE PATENT
	3016	HIGH ELK JACOB	1657	FORCED FEE PATENT
	3017	TIPTOE BUCK ELK THUNDER JAMES	1663	FORCED FEE PATENT
	3018	HIGH ELK JOE	1670	FORCED FEE PATENT
	3019	BLACKSMITH JOHN	1675	FORCED FEE PATENT
	3020	BLACKSMITH THOMAS	1676	FORCED FEE PATENT
	3021	OAKS MADELINE	1678	FORCED FEE PATENT
	3022	BOWER AMY	1695	FORCED FEE PATENT
	3023	BOWER BEN	1703	FORCED FEE PATENT
	3024	WALTON ALLEN	1707	FORCED FEE PATENT
	3025	CREEK WATER OR ALLEN	1742	FORCED FEE PATENT
	3026	YELLOW HAWK MATTHEW	1762	FORCED FEE PATENT
	3027	PHILIPS HAZEL	1765	FORCED FEE PATENT
	3028	PHILIPS CLARA	1766	FORCED FEE PATENT
	3029	HUNTER GEORGE	1770	FORCED FEE PATENT
	3030	TINCUP FRANK	1794	FORCED FEE PATENT
	3031	PHILIPS OLIVE	1795	FORCED FEE PATENT
	3032	BROUCHER ETHEL	1802	FORCED FEE PATENT
	3033	LIDLEY ROBERT T.	1925	FORCED FEE PATENT
	3034	LIVERMONT MILLIE	1971	FORCED FEE PATENT
	3035	RED BIRD MOSES	2011	FORCED FEE PATENT
	3036	RED BIRD WILLIAM	2014	FORCED FEE PATENT
	3037	PHILIPS RODERICK	2077	FORCED FEE PATENT
	3038	HUMP NELSON	2127	FORCED FEE PATENT
	3039	IRON LIGHTNING CRANT	2128	FORCED FEE PATENT
	3040	METER JENNIE (PRETTY WOMAN)	2231	FORCED FEE PATENT
	3041	VAN MOORE FRANCIS	2240	FORCED FEE PATENT
	3042	LITTLE CLOUD JOHN	2380	FORCED FEE PATENT
	3043	RUSSELL KATE	2508	FORCED FEE PATENT
	3044	RUSSELL WILLIAM	2509	FORCED FEE PATENT
	3045	RUSSELL JOHN	2510	FORCED FEE PATENT
	3046	RUSSELL JAMES	2511	FORCED FEE PATENT
	3047	RUSSELL GEORGE	2512	FORCED FEE PATENT
	3048	FRUH KATE	2547.5	FORCED FEE PATENT
	3049	BLACK HAWK JACK	2636	FORCED FEE PATENT
	3050	FISHERMAN LUCY	2743	FORCED FEE PATENT
	3051	DAVIS POWELL MARY	2894	FORCED FEE PATENT
	3052	BRINGS PLENTY HARRISON	2916	FORCED FEE PATENT
	3053	SPOTTED BIRD JESSIE	3143	FORCED FEE PATENT
	3054	BROWN MARY	3151	FORCED FEE PATENT
	3055	WALTER NOBLE	3154	FORCED FEE PATENT
	3056	CUMMINGS AGNES	3165	FORCED FEE PATENT
	3057	BROWN JOSEPH	3168	FORCED FEE PATENT
	3058	WARNER GRACE	3180	FORCED FEE PATENT
	3059	LAPLANT LOUIS SR.	3190	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	2923	PEARMAN EDITH	712	FORCED FEE PATENT
	2924	ROUEAU MARY	716	FORCED FEE PATENT
	2925	DUPUIS MARCELLA	722	FORCED FEE PATENT
	2926	EWING MRS. MARY LOUIE JR.	724	FORCED FEE PATENT
	2927	EWING WILHELMINE OR WILLIAM	725	FORCED FEE PATENT
	2928	HARELL OCTAVIA MRS.	730	FORCED FEE PATENT
	2929	LAWLOIKS HENRY	732	FORCED FEE PATENT
	2930	COX BENETT	735	FORCED FEE PATENT
	2931	HOOKTEKSKS MARIE JR.	754	FORCED FEE PATENT
	2932	CLAYMORE LUCY	760	FORCED FEE PATENT
	2933	CLAYMORE CHARLEKS JR.	761	FORCED FEE PATENT
	2934	WHITE DOG JOSEPH JR.	766	FORCED FEE PATENT
	2935	TOP OF THE TREE OR IRON BIRD	777	FORCED FEE PATENT
	2936	HOWARD PHILLIP	790	FORCED FEE PATENT
	2937	HOOKS HENRY	796	FORCED FEE PATENT
	2938	FIELDER HENRY	799	FORCED FEE PATENT
	2940	EAGLE JONAHS	807	FORCED FEE PATENT
	2941	CRANE MARY	819	FORCED FEE PATENT
	2942	LEBEAU ALBERT KSR.	825	FORCED FEE PATENT
	2943	LEBEAU HAWKSLEY (BATRICK)	826	FORCED FEE PATENT
	2944	TWO TALKS LUKE (CILBERT)	842	FORCED FEE PATENT
	2945	KSPOTTED HORE JAKERS	849	FORCED FEE PATENT
	2946	KSPOTTED MIKE DUKA	850	FORCED FEE PATENT
	2947	LAFFERTY MABEL	866	FORCED FEE PATENT
	2948	LAFFERTY LILLY	868	FORCED FEE PATENT
	2949	LAFFERTY BILLY	870	FORCED FEE PATENT
	2950	LAFFERTY CLYDE JR.	871	FORCED FEE PATENT
	2951	LAFFERTY RUBY	873	FORCED FEE PATENT
	2952	BOWER BLANCHE JR.	898	FORCED FEE PATENT
	2953	TOMAHAWK JOHN (ALBERT)	901	FORCED FEE PATENT
	2954	ROUEAU VICTORIA	905	FORCED FEE PATENT
	2955	CLAYMORE BAKSIL	916	FORCED FEE PATENT
	2956	DUN ERA	921	FORCED FEE PATENT
	2957	DUN ALICE JR.	923	FORCED FEE PATENT
	2958	EAGLEMAN NETTIE JR.	944	FORCED FEE PATENT
	2959	LEITHITE KSUSIE JR.	956	FORCED FEE PATENT
	2960	BARADIKS AGNES (BROWN)	957	FORCED FEE PATENT
	2961	BARADIKS ALBERT	958	FORCED FEE PATENT
	2962	MATHERSON JOSEPH	964	FORCED FEE PATENT
	2963	ROUEAU FRANCKS	975	FORCED FEE PATENT
	2964	ROUEAU BABEL	976	FORCED FEE PATENT
	2965	BLACK HORE CHARLEKS	987	FORCED FEE PATENT
	2966	DUPUIS WILLIAM	989	FORCED FEE PATENT
	2967	CARLIN THOMAKS	999	FORCED FEE PATENT
	2968	CARLIN WALTER	999	FORCED FEE PATENT
	2969	CARLIN LAURA (CORETT)	1000	FORCED FEE PATENT
	2970	BENOIST FELIX JR.	1042	FORCED FEE PATENT
	2971	BENOIST CECELIA (BLUE HAWK)	1043	FORCED FEE PATENT
	2972	WIDOW PAUL	1053	FORCED FEE PATENT
	2973	SLOW JOHN THOMAS JR.	1060	FORCED FEE PATENT
	2974	HARD WILLIAM	1108	FORCED FEE PATENT
	2975	BROWN THUNDER RAYMOND	1134	FORCED FEE PATENT
	2976	RICH LOUISE MARCELLE	1158	FORCED FEE PATENT
	2977	LYMAN EDWARD	1169	FORCED FEE PATENT
	2978	BULL EAGLE PAUL	1211	FORCED FEE PATENT
	2979	BLUE HAIR DANIEL	1231	FORCED FEE PATENT
	2980	HAKES IT LONG JAMES	1243	FORCED FEE PATENT
	2981	STANDING ELK JOHN	1248	FORCED FEE PATENT
	2982	BLUE COAT THOMAS	1340	FORCED FEE PATENT
	2983	SHAW WILLIE	1324	FORCED FEE PATENT
	2984	BLUE COAT ROBERT	1341	FORCED FEE PATENT
	2985	MINER WILLIAM	1347	FORCED FEE PATENT
	2986	RED DOG BAPTISTE	1354	FORCED FEE PATENT
	2987	ROUSSEAU MARY	1360	FORCED FEE PATENT
	2988	EAGLE CHASING JAMES	1473	FORCED FEE PATENT
	2989	CALONE HERALD	1477	FORCED FEE PATENT
	2990	EAGLE CHASING SAMUEL	1436	FORCED FEE PATENT
	2991	SEEN BY THE MOV JAMES	1463	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

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ABERDEEN AREA STATUTE CLAIMS

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	3060	CUMMINGS HENRY	3232	FORCED FEE PATENT
	3061	CUMMINGS WALTER	3237	FORCED FEE PATENT
	3062	LOVELETTE DELLA	3260	FORCED FEE PATENT
	3063	BROWN CHARLES	3261	FORCED FEE PATENT
	3064	COLLINS HENRY	3266	FORCED FEE PATENT
	3065	COLLINS ORPHA (TRIVILLYAN)	3269	FORCED FEE PATENT
	3066	COLLINS LILLIE	3270	FORCED FEE PATENT
	3067	TRAVERSIE BARNEY	3678	FORCED FEE PATENT
	3068	BENOIST FEDELIA	7	FORCED FEE PATENT
	3069	HANCOCK ELLA MAE (HANCOCK)	10	FORCED FEE PATENT
	3070	NICHOLS CHRISTINE	22	FORCED FEE PATENT
	3071	RIVERS WILLIAM	24	FORCED FEE PATENT
	3072	RIVERS TONY	26	FORCED FEE PATENT
	3073	RIVERS ERNEST	27	FORCED FEE PATENT
	3074	VANDERVIER WILLIAM	37	FORCED FEE PATENT
	3075	HALPIN LOUISE (LANDREAUX)	53	FORCED FEE PATENT
	3076	BENOIST ANDREW MRS.	78	FORCED FEE PATENT
	3077	LARRABEE NELLIE	106	FORCED FEE PATENT
	3078	LEBEAU WILLIE	132	FORCED FEE PATENT
	3079	LEBEAU CHARLES	133	FORCED FEE PATENT
	3080	LEBEAU JAMES	134	FORCED FEE PATENT
	3081	LEBEAU ANTOINE JR.	135	FORCED FEE PATENT
	3082	WHITNEY EUGENE	136	FORCED FEE PATENT
	3083	LEBEAU NELLIE	154	FORCED FEE PATENT
	3084	HODGKINS ANGELINE	16	FORCED FEE PATENT
	3085	LANDREAUX GEORGE	187	FORCED FEE PATENT
	3086	DUCENEAUX DOUGLAS	203	FORCED FEE PATENT
	3087	HODGKISS HENRY	205	FORCED FEE PATENT
	3088	DUCHENEAUX MAMIE	210	FORCED FEE PATENT
	3089	LEBEAU HENRY	212	FORCED FEE PATENT
	3090	LEBEAU LIZZIE	213	FORCED FEE PATENT
	3091	LEBEAU LULU	216	FORCED FEE PATENT
	3092	DON'T TOUCH IT JAMES	308	FORCED FEE PATENT
	3093	BLUE EYES TOM MRS.	280	FORCED FEE PATENT
	3094	SCOTT CHARLES	376	FORCED FEE PATENT
	3095	LAPLANT LUCILLE	406	FORCED FEE PATENT
	3096	LAPLANT WILLIAM D.	410	FORCED FEE PATENT
	3097	TRAVERSIE NARCISSE	437	FORCED FEE PATENT
	3098	TRAVERSIE CHRISTINE	441	FORCED FEE PATENT
	3099	TRAVERSIE BEULA	470	FORCED FEE PATENT
	3100	SWIFT HORSE GEORGE	501	FORCED FEE PATENT
	3101	TRAVERSIE PHILLIP	502	FORCED FEE PATENT
	3102	LAPLANT EDWARD	535	FORCED FEE PATENT
	3103	HALPIN EDWARD	543	FORCED FEE PATENT
	3104	CARTER SALLIE	614	FORCED FEE PATENT
	3105	CARTER THOMAS	616	FORCED FEE PATENT
	3106	CARTER CATHERINE	617	FORCED FEE PATENT
	3107	CLAYMORE JOHN	618	FORCED FEE PATENT
	3108	CLAYMORE PETER	625	FORCED FEE PATENT
	3109	RIVERS JOSEPH	688	FORCED FEE PATENT
	3110	DOLPHUS MARY	689	FORCED FEE PATENT
	3111	PEARMAN ROBERT	706	FORCED FEE PATENT
	3112	PEARMAN FOUNTAIN ANTOINE	710	FORCED FEE PATENT
	3113	PEARMAN GEORGE	711	FORCED FEE PATENT
	3114	PEARMAN FRANK	713	FORCED FEE PATENT
	3115	PEARMAN MRS. JULIA	715	FORCED FEE PATENT
	3116	ROUSSEAU ARLEEN	717	FORCED FEE PATENT
	3117	DUPRIS ANDREW	720	FORCED FEE PATENT
	3118	CLAYMORE ESLEY	762	FORCED FEE PATENT
	3119	ARPAN ALBERT	769	FORCED FEE PATENT
	3120	ARPAN MARY	771	FORCED FEE PATENT
	3121	ARPAN ANTOINE	772	FORCED FEE PATENT
	3122	ARPAN LUCY	773	FORCED FEE PATENT
	3123	MILL FRED	781	FORCED FEE PATENT
	3124	DURRAY JOSEPH MRS	783	FORCED FEE PATENT
	3125	FIELDER ORTELIA	802	FORCED FEE PATENT
	3126	LEBEAU EDWARD	821	FORCED FEE PATENT
	3127	LEBEAU JOHN JR.	824	FORCED FEE PATENT

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	3128	LEBEAU PAUL	827	FORCED FEE PATENT
	3129	DOLPHUS SAMUEL	874	FORCED FEE PATENT
	3130	DUNN AMBROSE	879	FORCED FEE PATENT
	3131	CACE CLARENCE	881	FORCED FEE PATENT
	3132	SHEPPARD LIZZIE	884	FORCED FEE PATENT
	3133	SHEPPERD JENNIE	885	FORCED FEE PATENT
	3134	SHEPPERD EMMA	886	FORCED FEE PATENT
	3135	SHEPPERD EUNICE	888	FORCED FEE PATENT
	3136	RUDY ALMA	916	FORCED FEE PATENT
	3137	NARCELLE JULIA	980	FORCED FEE PATENT
	3138	DUPRIS BESSIE MAE	990	FORCED FEE PATENT
	3139	BLUE EYES THOMAS	1013	FORCED FEE PATENT
	3140	RE	1018	FORCED FEE PATENT
	3141	RICH NARCISSE W.	1163	FORCED FEE PATENT
	3142	LITTLE EAGLE JOSEPHINE	1285	FORCED FEE PATENT
	3143	RED FOX SARAH	1329	FORCED FEE PATENT
	3144	MINER WALTER	1348	FORCED FEE PATENT
	3145	EAGLE CHASING DANIEL	1439	FORCED FEE PATENT
	3146	SUMMERS JAMES	339	FORCED FEE PATENT
	3147	LARRABEE LUCY	862	FORCED FEE PATENT
	3148	SHEPPHERD DAVID	1888	FORCED FEE PATENT
	3149	LIVERMONT CHARLES	1524	FORCED FEE PATENT
	3150	DUPRIS JOSEPH	1535	FORCED FEE PATENT
	3151	ROACH CHARLES	1606	FORCED FEE PATENT
	3152	NICHOLS GEORGE	1630	FORCED FEE PATENT
	3154	ARPAN SARAH	1767	FORCED FEE PATENT
	3155	SWIFTBIRD ANNA	1772	FORCED FEE PATENT
	3156	HODGKISS MARY OR CHADRON	1880	FORCED FEE PATENT
	3157	BRUCIER EMILY OR MOLLIE	1883	FORCED FEE PATENT
	3158	LEBEAU ZONA	1922	FORCED FEE PATENT
	3159	ARPAN MARGURITE C.	1965	FORCED FEE PATENT
	3160	LAPLANT FANNY	1982	FORCED FEE PATENT
	3161	JANCIE BERT	2044	FORCED FEE PATENT
	3162	NICHOLS CHRISTINE	2201	FORCED FEE PATENT
	3163	LEBEAU JOSIE	2202	FORCED FEE PATENT
	3164	FRAZIER EDNA	2206	FORCED FEE PATENT
	3165	ASPOLIN ALICE	2271	FORCED FEE PATENT
	3166	POWELL CHARLES	2325	FORCED FEE PATENT
	3167	POWELL JOHN	2326	FORCED FEE PATENT
	3168	MEETER WHITE MEDICINE ANNIE	2489	FORCED FEE PATENT
	3169	CLAYMORE SOPHIE	609	FORCED FEE PATENT
	3170	DUCHENEAUX JENNIE	2664	FORCED FEE PATENT
	3171	KINDMAN MOLLIE	2719	FORCED FEE PATENT
	3172	BLUE HAIR ELLEN	2941	FORCED FEE PATENT
	3173	WATERS WILLARD	3153	FORCED FEE PATENT
	3174	CUMMINGS MYRTLE	3166	FORCED FEE PATENT
	3175	CUMMINGS CLADYS	3241	FORCED FEE PATENT
	3176	SUITER FRANCIS	3265	FORCED FEE PATENT
	3177	COLLINS JOHN	3267	FORCED FEE PATENT
	3178	COILINS MILTON	3268	FORCED FEE PATENT
	3179	COLLINS WEAVER	3271	FORCED FEE PATENT
	3180	COLLINS BLANCHE	3272	FORCED FEE PATENT
	3181	CUMMINGS ELEANOR	3447	FORCED FEE PATENT
	3182	ROUSSEAU ESTHER	3521	FORCED FEE PATENT
	3183	SUITER GEORGE	3610	FORCED FEE PATENT
	3184	IRON MOCCASIN AMELIA	3609	FORCED FEE PATENT
	3189	ARPAN CLAYTON	5070	WATER
	3192	TRAVERSIE ANDREW & MARY	496	FLOODING
	3200	CLOWN BELLY MRS.	1160	SECRETARIAL TRANSFER
	3201	MOVES THE RED	3150	SECRETARIAL TRANSFER
	3202	BREAST MARY	529	SECRETARIAL TRANSFER
	3203	BREAST AMOS	577	SECRETARIAL TRANSFER
	3204	ONE HAND	2392	SECRETARIAL TRANSFER
	3205	TRAVERSIE DAVID	1599	SECRETARIAL TRANSFER
	3206	WHITE FACE MATHIAS	421	SECRETARIAL TRANSFER
	3207	GRAY BEAR SOLOMON	299	SECRETARIAL TRANSFER
	3208	WHITE EYES JULIE	3773	SECRETARIAL TRANSFER
	3209	PLEASING BEAR	3209	SECRETARIAL TRANSFER

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	3278	KNIFE LOUISE	2131	SECRETARIAL TRANSFER
	3279	CREEK EDDIE	1725	SECRETARIAL TRANSFER
	3280	CREEP ANDREW	1743	SECRETARIAL TRANSFER
	3281	SKIN SACK MRS.	278	SECRETARIAL TRANSFER
	3282	SKIN SACK BIRD	279	SECRETARIAL TRANSFER
	3283	SKIN SACK ANNIE	280	SECRETARIAL TRANSFER
	3284	TAKES THE HORSES CHARLES	1226	SECRETARIAL TRANSFER
	3285	RUNS OFF HORSES	350	SECRETARIAL TRANSFER
	3286	BRIDGE FRANK	344	SECRETARIAL TRANSFER
	3287	CROOKED LEG	1448	SECRETARIAL TRANSFER
	3288	LITTLE CROW ROBERT	3697	SECRETARIAL TRANSFER
	3289	HIS GROUND	81	SECRETARIAL TRANSFER
	3290	WHITE HORN	1262	SECRETARIAL TRANSFER
	3291	CROOKED FOOT LOUIS	545	SECRETARIAL TRANSFER
	3292	MAKES FIRE JOSHUA	388	SECRETARIAL TRANSFER
	3293	BROKEN IN VIRGINIA	2590	SECRETARIAL TRANSFER
	3294	YELLOW SHOULDER THOMAS	1321	SECRETARIAL TRANSFER
	3295	MEDICINE WOMAN	784	SECRETARIAL TRANSFER
	3296	BURNT THIGH ELIZABETH	1750	SECRETARIAL TRANSFER
	3297	PUMPKIN HILL MRS.	2055	SECRETARIAL TRANSFER
	3298	WHITE CROW MARY	1448	SECRETARIAL TRANSFER
	3299	SCOTT ELIJA	146.5	SECRETARIAL TRANSFER
	3300	WHITE THUNDER JOSHUA	1651	SECRETARIAL TRANSFER
	3301	WHITE THUNDER DANIEL	1303	SECRETARIAL TRANSFER
	3302	LOOKING GLASS REPLACE	440	SECRETARIAL TRANSFER
	3303	WHIRLING HAND ABRAHAM	315	SECRETARIAL TRANSFER
	3304	WHIRLING HAND JACOB	3210	SECRETARIAL TRANSFER
	3305	CARTER ANTOINE	566	SECRETARIAL TRANSFER
	3306	CLOUD EAGLE ESTHER	2552	SECRETARIAL TRANSFER
	3307	CLOUD EAGLE JOSEPH	550	SECRETARIAL TRANSFER
	3308	BLUE COAT JOSEPHINE	2557	SECRETARIAL TRANSFER
	3309	IRON NEST ARTHUR	632	SECRETARIAL TRANSFER
	3310	IRON NEST ROBERT	633	SECRETARIAL TRANSFER
	3311	FIRST HAWK BELLE	7713	SECRETARIAL TRANSFER
	3312	DUCHENEAUX	209	SECRETARIAL TRANSFER
	3313	GOOD WOMAN SOPHIA	2650	SECRETARIAL TRANSFER
	3314	BLUE SPOTTED HORSE	1946	SECRETARIAL TRANSFER
	3315	OLD RED WOMAN	1056	SECRETARIAL TRANSFER
	3316	HERBERT SOPHIA	80	SECRETARIAL TRANSFER
	3317	DUPRIS JOSEPH	997	SECRETARIAL TRANSFER
	3318	DUPRIS HARRIET	992	SECRETARIAL TRANSFER
	3319	DUPRIS LUCY	3401	SECRETARIAL TRANSFER
	3320	RED SKIRT (LAZY WOMAN)	1212	SECRETARIAL TRANSFER
	3321	IRON NEST SOPHIA	2138	SECRETARIAL TRANSFER
	3322	ONE FEATHER ROY	4153	SECRETARIAL TRANSFER
	3323	ONE FEATHER NELSON	3802	SECRETARIAL TRANSFER
	3324	DOUCHENEY VICTORIA	3332	SECRETARIAL TRANSFER
	3325	DOUCHERTY MARGARET	3636	SECRETARIAL TRANSFER
	3326	TRAVERSIE MARCISSE JR.	2937	SECRETARIAL TRANSFER
	3327	SHELL NECKLACE JOHN	2199	SECRETARIAL TRANSFER
	3328	BROWN ROSE	1648	SECRETARIAL TRANSFER
	3329	CURLY WOMAN	1627	SECRETARIAL TRANSFER
	3330	RATTLER MARY	1661	SECRETARIAL TRANSFER
	3331	WHITE WOLF JOSEPH	172	SECRETARIAL TRANSFER
	3332	LITTLE DOG JOSEPH	278	SECRETARIAL TRANSFER
	3333	EAGLE	2923	SECRETARIAL TRANSFER
	3334	RED BULL ANNIE	1206	SECRETARIAL TRANSFER
	3335	ROCK ARULIA (LEAF)	1313	SECRETARIAL TRANSFER
	3336	IRON HEAD JESS	1193	SECRETARIAL TRANSFER
	3337	BLACK EAGLE BEN	1378	SECRETARIAL TRANSFER
	3338	DUPRIS MARY	284	SECRETARIAL TRANSFER
	3339	CRAZY HEART	1658	SECRETARIAL TRANSFER
	3340	PRETTY LODGE	1127	SECRETARIAL TRANSFER
	3341	BLACKSMITH AGNES	2033	SECRETARIAL TRANSFER
	3342	BLACKSMITH EDITH	3034	SECRETARIAL TRANSFER
	3343	WHITE DOG CLARA	2451	SECRETARIAL TRANSFER
	3344	TRAVERSIE ALVIN CURTIS	2695	SECRETARIAL TRANSFER
	3345	TRAVERSIE ROYAL	3514	SECRETARIAL TRANSFER

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	3210	WALKING ELK	2504	SECRETARIAL TRANSFER
	3211	LAUDREAUX LIZZIE	191	SECRETARIAL TRANSFER
	3212	CHARGER SIDNEY	2653	SECRETARIAL TRANSFER
	3213	YELLOW HAWK SOLOMON	344	SECRETARIAL TRANSFER
	3214	SWIMMER MARGUERITE	2668	SECRETARIAL TRANSFER
	3215	HARD ESTHER	3075	SECRETARIAL TRANSFER
	3216	LEFT HAND WOMAN	1953	SECRETARIAL TRANSFER
	3217	DROPS TWO KATIE MRS.	3025	SECRETARIAL TRANSFER
	3218	DUCHENEAUX CATHERINE	2279	SECRETARIAL TRANSFER
	3219	FOOL BEAR NELLIE	527	SECRETARIAL TRANSFER
	3220	HAWK JENNIE	63	SECRETARIAL TRANSFER
	3221	HAWK SOPHIE	65	SECRETARIAL TRANSFER
	3222	HAWK DAVID	61	SECRETARIAL TRANSFER
	3223	LONG RANDOM MRS.	2774	SECRETARIAL TRANSFER
	3224	LITTLE CROW JOSHUA	2926	SECRETARIAL TRANSFER
	3225	LITTLE CROW	1482	SECRETARIAL TRANSFER
	3226	CHEYENNE WOMAN	2937	SECRETARIAL TRANSFER
	3227	LONG RANDOM AMOS	2096	SECRETARIAL TRANSFER
	3228	ALL WHITE ANNIE	1386	SECRETARIAL TRANSFER
	3229	SPOTTED EAGLE MOSES	841	SECRETARIAL TRANSFER
	3230	SWIMMER ALMA	142	SECRETARIAL TRANSFER
	3231	SWIMMER JACOB	139	SECRETARIAL TRANSFER
	3232	WHITE EAGLE	128	SECRETARIAL TRANSFER
	3233	DUPRIS JOHN	2359	SECRETARIAL TRANSFER
	3234	BROWN EAGLE	1409	SECRETARIAL TRANSFER
	3235	RED OR WHITE WEASEL	315	SECRETARIAL TRANSFER
	3236	ONE WING EDITH	1069	SECRETARIAL TRANSFER
	3237	STANDING OR STANDS BACK	114	SECRETARIAL TRANSFER
	3238	LAMBOIS EDWARD	731	SECRETARIAL TRANSFER
	3239	RED HAIR	1451	SECRETARIAL TRANSFER
	3240	FAT FOX	1561	SECRETARIAL TRANSFER
	3241	WHIRLING HAND PHININA OR MARY	3211	SECRETARIAL TRANSFER
	3242	IRON MOCCASIN VIOLET	1896	SECRETARIAL TRANSFER
	3243	DEER WITH HORNS	218	SECRETARIAL TRANSFER
	3244	MARTIN LOUISA (SHIELD #2)	155	SECRETARIAL TRANSFER
	3245	SHIELD BESSIE	156	SECRETARIAL TRANSFER
	3246	WEARS THE BLANKET	48	SECRETARIAL TRANSFER
	3247	ARMAN JOHN	56	SECRETARIAL TRANSFER
	3248	RED EAGLE SPY	67	SECRETARIAL TRANSFER
	3249	GROUND HOG	102	SECRETARIAL TRANSFER
	3250	FIELDER ISAAC	803	SECRETARIAL TRANSFER
	3251	BEAR SHIELD	282	SECRETARIAL TRANSFER
	3252	BEAR SHIELD THOMAS	423	SECRETARIAL TRANSFER
	3253	WHITE FACE MATHIAS	421	SECRETARIAL TRANSFER
	3254	ARMAN ERNEST	770	SECRETARIAL TRANSFER
	3255	PRETTY VOICE LEON	810	SECRETARIAL TRANSFER
	3256	PRETTY VOICE JULIA	811	SECRETARIAL TRANSFER
	3257	CARLIN ALICE	1001	SECRETARIAL TRANSFER
	3258	DUPRIS SUSAN	1029	SECRETARIAL TRANSFER
	3259	KILLS AT NIGHT SUSIE	1090	SECRETARIAL TRANSFER
	3260	CROW EAGLE LOUISE	1109	SECRETARIAL TRANSFER
	3261	RED BULL	1205	SECRETARIAL TRANSFER
	3262	SNIFFLES	420	SECRETARIAL TRANSFER
	3263	WHITE FACE WOMAN	1367	SECRETARIAL TRANSFER
	3264	LITTLE WOMAN #2	3595	SECRETARIAL TRANSFER
	3265	LEBEAU ANTOINE SR.	1314	SECRETARIAL TRANSFER
	3266	MIKE KATE	2793	SECRETARIAL TRANSFER
	3267	LEBEAU CLARA	3774	SECRETARIAL TRANSFER
	3268	LEBEAU LOUIS	4021	SECRETARIAL TRANSFER
	3269	WALKS CLARA	2136	SECRETARIAL TRANSFER
	3270	PLYMOUTH WADE JR.	3560	SECRETARIAL TRANSFER
	3271	IRON WING LILLIE	121	SECRETARIAL TRANSFER
	3272	CHARGES THE DOG	122	SECRETARIAL TRANSFER
	3273	RATTLES WOMAN ANNIE	15	SECRETARIAL TRANSFER
	3274	WHIRLING IRON MARTHA	146	SECRETARIAL TRANSFER
	3275	LARRABEE MAGGIE	112	SECRETARIAL TRANSFER
	3276	SHELLS GUN	2276	SECRETARIAL TRANSFER
	3277	OWN YELLOW SHIELD	1081	SECRETARIAL TRANSFER

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE
A01340	3278
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ABERDEEN AREA STATUTE CLAIMS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A04301	0010	MOSS	502A-A	SECRETARIAL TRANSFER
	0011	CROW BREAST	719	SECRETARIAL TRANSFER
	0012	SITTING BEAR	1056	SECRETARIAL TRANSFER
	0013	FLIES AWAY	419A	SECRETARIAL TRANSFER
	0014	SPOTTED HORSE	793	SECRETARIAL TRANSFER
	0015	SMITH	1109	SECRETARIAL TRANSFER
	0016	TWO CROW MARY ELEANOR	1169-A	SECRETARIAL TRANSFER
	0017	WHITE BEAR ALTON	1169-A	SECRETARIAL TRANSFER
	0018	SMITH	493	SECRETARIAL TRANSFER
	0019	BELL	1175	SECRETARIAL TRANSFER
	0020	WHITE MAN ARMIE	1764	SECRETARIAL TRANSFER
	0021	GUN CHARGING HORSE	8458	SECRETARIAL TRANSFER
	0022	SPOTTED HORSE	1544-A	SECRETARIAL TRANSFER
	0023	LEVINS	1170	SECRETARIAL TRANSFER
	0024	YELLOW HAIR	1173	SECRETARIAL TRANSFER
	0025	SPOTTED WOLF	360A-B	SECRETARIAL TRANSFER
	0026	SPOTTED WOLF	544-B	SECRETARIAL TRANSFER
	0027	SPOTTED WOLF	360A-A	SECRETARIAL TRANSFER
	0028	SPOTTED WOLF	2K	SECRETARIAL TRANSFER
	0029	SPOTTED WOLF	353A-A	SECRETARIAL TRANSFER
	0030	WOLF	2258	SECRETARIAL TRANSFER
	0031	BLACK HAWK	1113	SECRETARIAL TRANSFER
	0032	CEDAR WOMAN	238A	SECRETARIAL TRANSFER
	0033	GOOD BIRD	1044A	SECRETARIAL TRANSFER
	0034	GOOD BIRD	849A	SECRETARIAL TRANSFER
	0035	GOOD BIRD	844A	SECRETARIAL TRANSFER
	0036	YELLOW CLOUD WOMAN	1095A	SECRETARIAL TRANSFER
	0037	LOOKING TO BE CHIEF	1450	SECRETARIAL TRANSFER
	0038	LOOKING TO BE CHIEF	105A	SECRETARIAL TRANSFER
	0039	BILL NECK	926A	SECRETARIAL TRANSFER
	0040	BUFFALO PAUNCH	75	SECRETARIAL TRANSFER
	0041	OWNS LONG CORNSILK	204A	SECRETARIAL TRANSFER
	0042	CROWS GHOST	1032AB	SECRETARIAL TRANSFER
	0043	CROWS GHOST	1032AB	SECRETARIAL TRANSFER
	0044	BLUE WOMAN	1140	SECRETARIAL TRANSFER
	0045	BEARS ARM	203A	SECRETARIAL TRANSFER
	0046	BLACK CALF WOMAN	151A-B	SECRETARIAL TRANSFER
	0047	BROWN WOMAN	1121A	SECRETARIAL TRANSFER
	0048	GOOD BIRD	158A	SECRETARIAL TRANSFER
	0049	GOOD BIRD	445	SECRETARIAL TRANSFER
	0050	YELLOW OLD WOMAN	1566	SECRETARIAL TRANSFER
	0051	WILSON GOOD BIRD	1099A	SECRETARIAL TRANSFER
	0052	OTTER COMES OUT	1162	SECRETARIAL TRANSFER
	0053	OTTER COMES OUT	654A	SECRETARIAL TRANSFER
	0054	CHARLES BLAKE SR.	951A	SECRETARIAL TRANSFER
	0055	CLARA JONES	1270	SECRETARIAL TRANSFER
	0056	MARTO	629A	SECRETARIAL TRANSFER
	0057	SHORT BULL	563	SECRETARIAL TRANSFER
	0058	PETER STANDISH	374	SECRETARIAL TRANSFER
	0059	FIGHTING BEAR	132A	SECRETARIAL TRANSFER
	0060	WILLIAM A. HALE	429	SECRETARIAL TRANSFER
	0061	YELLOW BIRD	899-A	SECRETARIAL TRANSFER
	0062	YELLOW BIRD	899	SECRETARIAL TRANSFER
	0063	JOHN HOWLING WOLF	117A	SECRETARIAL TRANSFER
	0064	WILLIAM BIGHEAD	403A	SECRETARIAL TRANSFER
	0065	LAWRENCE H. WOLF	114A	SECRETARIAL TRANSFER
	0066	EUGENE SPOTTED WOLF	355A	SECRETARIAL TRANSFER
	0067	EUGENE SPOTTED WOLF	544-A	SECRETARIAL TRANSFER
	0068	FRED MOSS	502A-B	SECRETARIAL TRANSFER
	0069	IDA HOPKINS	1078-B	SECRETARIAL TRANSFER
	0070	ARTHUR H. SMITH	654A	SECRETARIAL TRANSFER
	0071	MARRIAN HOWARD	503	OLD AGE ASSISTANCE
	0072	PEPPERMINT	954	OLD AGE ASSISTANCE
	0073	STAR DORA (GOUGH)	920	OLD AGE ASSISTANCE
	0074	ANTELOPE WOMAN	1129	OLD AGE ASSISTANCE
	0075	LEAD WOMAN	1176	OLD AGE ASSISTANCE
	0076	SAGE	797	OLD AGE ASSISTANCE
	0077	JUNEBERRIES (ENEMY DOG	1406	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A01340	3346	TRAVERSIE MOSES (LEAH	4997	SECRETARIAL TRANSFER
	3347	TRAVERSIE WILLIAM F.	4127	SECRETARIAL TRANSFER
	3348	TRAVERSIE THELMA M.	3974	SECRETARIAL TRANSFER
	3349	VOICE ADAM C.P.	4053	SECRETARIAL TRANSFER
	3350	HEAD JOSHUA (BLACK ELK)	3691	SECRETARIAL TRANSFER
	3351	RED HORSE SARAH	991	SECRETARIAL TRANSFER
	3352	DUBRAY EVELYN	1809	SECRETARIAL TRANSFER
	3353	TOE NAIL 12	1007	SECRETARIAL TRANSFER
	3354	WINDY SMOKE	1499	SECRETARIAL TRANSFER
	3355	WOMAN FACE	1150	SECRETARIAL TRANSFER
	3356	RED WOMAN	2132	SECRETARIAL TRANSFER
	3357	TRAVERSIE MARIEL	2162	SECRETARIAL TRANSFER
	3358	BROWN WOLF FIDELIA	1098	SECRETARIAL TRANSFER
	3359	BROWN WOLF REMEY	1046	SECRETARIAL TRANSFER
	3360	BROWN WOLF MRS.	2414	SECRETARIAL TRANSFER
	3361	PEE IN COLD	236	SECRETARIAL TRANSFER
	3362	BLUE WOMAN	2827	SECRETARIAL TRANSFER
	3363	MARCELLE ED JR.	402	SECRETARIAL TRANSFER
	3364	APPLIN LOUISE	1790	SECRETARIAL TRANSFER
	3365	APPLIN CHARLES	87	SECRETARIAL TRANSFER
	3366	VIENER	89	SECRETARIAL TRANSFER
	3367	PAPIN JOHN	640	SECRETARIAL TRANSFER
	3368	LASTMAN SARAH	995	SECRETARIAL TRANSFER
	3369	HERALD MOSES	944	SECRETARIAL TRANSFER
	3370	TRAVERSIE THOMAS	3511	SECRETARIAL TRANSFER
	3371	SPOTTED CHICKEN	211	SECRETARIAL TRANSFER
	3372	BLACK EAGLE JANE	1330	SECRETARIAL TRANSFER
	3373	LEE WILLIAM	382	SECRETARIAL TRANSFER
	3374	LEBEAU AMY	823	SECRETARIAL TRANSFER
	3375	LEBEAU JOHN B.	815	SECRETARIAL TRANSFER
	3376	BRINGS PLENTY HARRISON	2916	SECRETARIAL TRANSFER
	3377	BRINGS PLENTY CALVIN	1998	SECRETARIAL TRANSFER
	3378	MAKES IT LONG WINIFRED	4217	SECRETARIAL TRANSFER
	3379	SWEETHIDE SARAH STRING	174	SECRETARIAL TRANSFER
	3380	SPOTTED CROW LOUIS	627	SECRETARIAL TRANSFER
	3381	RED HORSE GEORGE	1305	SECRETARIAL TRANSFER
	3382	CALF BAPTISTE	171	SECRETARIAL TRANSFER
	3383	HATES HIM JAMES	164	SECRETARIAL TRANSFER
	3384	ROUND EAG	159	SECRETARIAL TRANSFER
	3385	SWIFT WHIRLWIND	473	SECRETARIAL TRANSFER
	3386	EAGLE SHIELD ALBERT	78	SECRETARIAL TRANSFER
	3387	LEE EMMA	270	SECRETARIAL TRANSFER
	3388	YELLOW HAIR HORSE	176	SECRETARIAL TRANSFER
	3389	LEBEAU PHILIP	3458	SECRETARIAL TRANSFER
	3390	DID NOT GO HOME MOLLIE	2904	SECRETARIAL TRANSFER
	3391	DID NOT GO HOME JOHN	1082	SECRETARIAL TRANSFER
	3392	AFRAID OF THE ENEMY MARTHA	3054	SECRETARIAL TRANSFER
	3393	AFRAID OF THE ENEMY MATTHEW	3084	SECRETARIAL TRANSFER
	3394	AFRAID OF TE ENEMY	3061	SECRETARIAL TRANSFER
	3395	FIRE WHITE MAN	2188	SECRETARIAL TRANSFER
	3396	SPLIT JENNIE	2820	SECRETARIAL TRANSFER
	3397	HUMARO CATHERINE	4520	SECRETARIAL TRANSFER
	3398	RED COAT	429	SECRETARIAL TRANSFER
	3399	WHIRLING IRON	461	SECRETARIAL TRANSFER
	3400	BROWN LEO T. SIMON	0357	SECRETARIAL TRANSFER
	7238	HOLES ARCHIE	X1659	ROAD IN TRESPASS
	773C	ELK FACE	30478	ROAD IN TRESPASS
	8098	TRIBAL	340-1	ROAD IN TRESPASS
	8104	RED DOG MRS.	1267	ROAD IN TRESPASS
A04301	0001	FONTE CLETUS C. AND JAMES	NA	ROAD IN TRESPASS
	0002	TRIBAL	NA	ROAD IN TRESPASS
	0003	FREDERICKS MARY AND STONE JOHN	NA	ROAD IN TRESPASS
	0004	OWL WOMAN	964	SECRETARIAL TRANSFER
	0005	TOBACCO WOMAN	1279	SECRETARIAL TRANSFER
	0006	TAIL BEAR	732	SECRETARIAL TRANSFER
	0007	BLACK CALF	731	SECRETARIAL TRANSFER
	0008	SMOKE	2771	SECRETARIAL TRANSFER
	0009	WOLF	2258-A	SECRETARIAL TRANSFER

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A04301	0078	WHITE BODY	[illegible]	OLD AGE ASSISTANCE
	0079	PARSHALL	116	OLD AGE ASSISTANCE
	0080	WILKINSON ERNEST SR.	NA	OLD AGE ASSISTANCE
	0081	FOX	R22	OLD AGE ASSISTANCE
	0082	BURR RICHARD	409	OLD AGE ASSISTANCE
	0083	FOUR DANCES	132	OLD AGE ASSISTANCE
	0084	CROW CARRIE	345	OLD AGE ASSISTANCE
	0085	BLUE BLANKET	63	OLD AGE ASSISTANCE
	0086	BLACK HAWK	408	OLD AGE ASSISTANCE
	0087	BAKER ANNA (GORDON)	17	OLD AGE ASSISTANCE
	0088	HOWLING WOLF	905	OLD AGE ASSISTANCE
	0089	BATEMAN	784	OLD AGE ASSISTANCE
	0090	SITTING BEAR	804	OLD AGE ASSISTANCE
	0091	FOX	147	OLD AGE ASSISTANCE
	0092	SMITH	364	OLD AGE ASSISTANCE
	0093	BLACK MEDICINE (LITTLE OWL	720	OLD AGE ASSISTANCE
	0094	FREDERICKS MARY (NAGLE WALKER)	NA	OLD AGE ASSISTANCE
	0095	GRINNELL CHARLES	190	OLD AGE ASSISTANCE
	0096	FOX	850	OLD AGE ASSISTANCE
	0097	BAKER JAMES	565	OLD AGE ASSISTANCE
	0098	PERKINS ELI	662	OLD AGE ASSISTANCE
	0099	PAINTE	904	OLD AGE ASSISTANCE
	0100	MONTCLAIR	532	OLD AGE ASSISTANCE
	0101	SNOW BIRD	227	OLD AGE ASSISTANCE
	0102	GRINNELL	4A	FORCED FEE PATENT
	0103	FREDERICKS	27AA	FORCED FEE PATENT
	0105	GRINNELL	189	FORCED FEE PATENT
	0106	WHITMAN	256A	FORCED FEE PATENT
	0107	PACKINEAU JOSEPH	476A	FORCED FEE PATENT
	0108	WILKINSON	81	FORCED FEE PATENT
	0109	PARSHALL	98AA	FORCED FEE PATENT
	0110	NAGEL	1217	FORCED FEE PATENT
	0111	GROWTH-APANTS-SMITH-CROWS BREAST	119	FORCED FEE PATENT
	0112	YOUNG BIRD SUSAN	21A	FORCED FEE PATENT
	0113	DICKENS	343	FORCED FEE PATENT
	0114	PARKER	784	FORCED FEE PATENT
	0115	GRINNELL	193	FORCED FEE PATENT
	0116	COMES OUT BIRD (TSAKAKAADEE)	276	FORCED FEE PATENT
	0117	RABBIT HEAD	459	FORCED FEE PATENT
	0118	FREDERICKS	27AA	FORCED FEE PATENT
	0119	SMITH	331	FORCED FEE PATENT
	0120	MANDAN	514	FORCED FEE PATENT
	0121	MASON	541	FORCED FEE PATENT
	0122	MONTCLAIR	352	FORCED FEE PATENT
	0123	SHOWS BIRD STEPHEN	540	FORCED FEE PATENT
	0124	BAKER JAMES	565	FORCED FEE PATENT
	0125	SITTING BEAR	599A	FORCED FEE PATENT
	0126	DAWSON	654A	FORCED FEE PATENT
	0127	SITTING BEAR/BLOODY MOUTH	624	FORCED FEE PATENT
	0128	PERKINS	662	FORCED FEE PATENT
	0129	WILDE BYRON	712	FORCED FEE PATENT
	0130	PLENTY CHIEF	777	FORCED FEE PATENT
	0131	HOFFMAN	850	FORCED FEE PATENT
	0132	LOON/CLAIR	881	FORCED FEE PATENT
	0133	TWO CROWS	1015	FORCED FEE PATENT
	0134	CROWS HEART	840A	FORCED FEE PATENT
	0135	HEART	455	FORCED FEE PATENT
	0136	HALL	1031	FORCED FEE PATENT
	0137	BATEMAN EARL	1048A	FORCED FEE PATENT
	0138	BAKER GEORGE GRINNELL	1072	FORCED FEE PATENT
	0139	BEAUCHAMP PETER	113A	FORCED FEE PATENT
	0140	PACKINEAU KATE	218	FORCED FEE PATENT
	0141	SHELL ABBIE OR ENEMY CHIEF	123A	FORCED FEE PATENT
	0142	AMDLER	1400	FORCED FEE PATENT
	0143	DAWSON JAMES JR.	1487	FORCED FEE PATENT
	0144	DAWSON HAROLD	1423	FORCED FEE PATENT
	0145	BELL MARY G. OR MARY GILLETTE	1269	FORCED FEE PATENT
	0146	BLACK HAWK MINNIE	55	FORCED FEE PATENT

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A04301	0147	SHE IS WOMAN OR PLAIN VOICE	76	FORCED FEE PATENT
	0148	PACKINEAU JOSEPH SR.	194	FORCED FEE PATENT
	0149	BLACK BULL OR CECIL GRANT	292	FORCED FEE PATENT
	0150	HUDER CHARLES F. SR.	388	FORCED FEE PATENT
	0151	ERWIN JOSEPH	464	FORCED FEE PATENT
	0152	LITTLE SOLDIER CLARENCE	717	FORCED FEE PATENT
	0153	DUCKETT REUBEN OR SPRING COLT	726	FORCED FEE PATENT
	0154	WALKER JOHN OR SHORT BEAR	844	FORCED FEE PATENT
	0155	FOX FRED SR.	850	FORCED FEE PATENT
	0156	WILDE ANNA D. OR ANNA DAWSON	41A	FORCED FEE PATENT
	0157	DAWSON WILLIAM P.	1481	FORCED FEE PATENT
	0158	BAKER LEWIS W. SR.	623A	FORCED FEE PATENT
	0159	ROSS CHARLES D.	885	FORCED FEE PATENT
	0160	DIVING TURTLE OR WHITEBODY JULIUS	1403	FORCED FEE PATENT
	0161	HALL MATTIE OR PEASE MATTIE	1032	FORCED FEE PATENT
	0162	JOSEPH S. OR MILES S. FOX	932	FORCED FEE PATENT
	0163	YELLOWBIRD OR WATERS	895	FORCED FEE PATENT
	0164	YELLOW BEAR OR DEANE	892	FORCED FEE PATENT
	0165	BLACK WEASEL OR SHELL	872	FORCED FEE PATENT
	0166	SPOTTED TAIL OR SIMPSON	675	FORCED FEE PATENT
	0167	RABBIT	438	FORCED FEE PATENT
	0168	MATO	413	FORCED FEE PATENT
	0169	DICKENS	342	FORCED FEE PATENT
	0170	SMITH	331	FORCED FEE PATENT
	0171	HALL	245	FORCED FEE PATENT
	0172	FRANK PACKINEAU	722A	FORCED FEE PATENT
	0173	PEPPERMINT OR MRS. CELESTE HALL	NA	FORCED FEE PATENT
	0174	BULL GETTING UP OR GOOD BEAR	149	FORCED FEE PATENT
	0175	BURR	442	FORCED FEE PATENT
	0176	PARSHALL	116	FORCED FEE PATENT
	0177	HOPA	39A	FORCED FEE PATENT
A05303	0001	PSINPSINZAKUTEWIN (MRS GRANT)	381	RIGHT-OF-WAY
	0002	TAWAWASEWASTENA	387	RIGHT-OF-WAY
	0003	WOLINPI	507	RIGHT-OF-WAY
	0004	YOUNG PETER	42	RIGHT-OF-WAY
	0005	TUNKANICYOTANKEWIN (YOUNG HANNAH)	1148	RIGHT-OF-WAY
	0006	EHAKE HIYAYA	521A	RIGHT-OF-WAY
	0007	HUPAHASKA MORRIS	166	RIGHT-OF-WAY
	0008	AMPSI MANIWIN	758	RIGHT-OF-WAY
	0009	WAKANIYOWITOPAWIN	300	RIGHT-OF-WAY
	0010	ONUESAPAON	757	RIGHT-OF-WAY
	0011	TATANKASKA	312	RIGHT-OF-WAY
	0012	EHAKE HIYAYA	521A	RIGHT-OF-WAY
	0013	LINCOLN MORRIS	166	RIGHT-OF-WAY
	0014	WINONA ALLOTTE NO. 759	1021	RIGHT-OF-WAY
	0015	MAHPIWASTEWIN	522	RIGHT-OF-WAY
	0016	STANDING SOLOMON	6	RIGHT-OF-WAY
	0017	HDINAJIN	2	RIGHT-OF-WAY
	0018	HDINAJIN	2-B	RIGHT-OF-WAY
	0019	TUNKANPAHONZEWIN	13	RIGHT-OF-WAY
	0020	TUNKANPAHONZEWIN	13-A	RIGHT-OF-WAY
	0021	TUNKANICAGENA.	765	RIGHT-OF-WAY
	0022	TAJUNKEHOPA (DLS-294)	2002	RIGHT-OF-WAY
	0023	OKUTE	228	RIGHT-OF-WAY
	0024	MNIYODUTAWIN	474	RIGHT-OF-WAY
	0025	WICIBDEZA	788-C	RIGHT-OF-WAY
	0026	TAHEATOWIN	952	RIGHT-OF-WAY
	0027	TATANYANKANI	828	RIGHT-OF-WAY
	0028	IHANA	1046	RIGHT-OF-WAY
	0029	WINONA	1045	RIGHT-OF-WAY
	0030	WICIBDEZA	788-E	RIGHT-OF-WAY
	0031	ONCAYENA	692	RIGHT-OF-WAY
	0032	TIPIWASTEWIN	985-A	RIGHT-OF-WAY
	0033	ICADUZE	561	RIGHT-OF-WAY
	0034	HAKE	864	RIGHT-OF-WAY
	0035	TUNKANTIYOHANI	863	RIGHT-OF-WAY
	0036	TOPAINAJINWIN	472	RIGHT-OF-WAY
	0037	MNIYODUTAWIN	474	RIGHT-OF-WAY

ABERDEEN AREA STATUTE CLAIMS

ABERDEEN AREA STATUTE CLAIMS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
ASSINIBOINE	0106	JANICE EARLY PARALLE	184	OLD AGE ASSISTANCE
	0107	LONNIE ANTHONY (LANGER)	187	OLD AGE ASSISTANCE
	0108	EMLAND LOUISA (LANGER)	189	OLD AGE ASSISTANCE
	0109	AIPINICAPI ANTHONY	193	OLD AGE ASSISTANCE
	0110	WAHKPAHAHI JOHN	431	RIGHT-OF-WAY
	0111	TUWAHAHIYAGAHAHI	617	RIGHT-OF-WAY
	0112	TATEYPAHATAWIN	880	RIGHT-OF-WAY
	0113	TATEYPAHAZAWIN	90	RIGHT-OF-WAY
	0114	TOKAHWIN	908	RIGHT-OF-WAY
	0115	TAKANDESKAOTAWIN	907	RIGHT-OF-WAY
	0116	TEHIWIN	710	RIGHT-OF-WAY
	0117	WAHPIYAKAHANZEWIN	704	RIGHT-OF-WAY
	0118	AKICITAHANI BESSIE	611	RIGHT-OF-WAY
	0119	TATECTALENA	223	RIGHT-OF-WAY
	0120	KUDINAJIWIN	957	RIGHT-OF-WAY
	0121	EKTAUPI	1070	RIGHT-OF-WAY
	0122	WIYAKI	336	RIGHT-OF-WAY
	0123	WIYAKI	360	RIGHT-OF-WAY
	0124	TIKANYE	558	RIGHT-OF-WAY
	0125	HISANNA	363	RIGHT-OF-WAY
	0126	IPAGENAWI (GEORGE ALBERT)	73	RIGHT-OF-WAY
	0127	AKICITAOUTA	233	RIGHT-OF-WAY
	0128	CHASKE JAMES (CASKE)	167	RIGHT-OF-WAY
	0129	STRAIGHT JOHN	21	RIGHT-OF-WAY
	0130	CAMPOUTAWIN	988	RIGHT-OF-WAY
	0131	WINONA	759	RIGHT-OF-WAY
	0132	TATIYAPA SUSIE	505	RIGHT-OF-WAY
	0133	HOWASTEWIN OR AGNES	1136	RIGHT-OF-WAY
	0134	PAZI	365	RIGHT-OF-WAY
	0135	LANGI JOHN	1151A	RIGHT-OF-WAY
	0136	HAKINGHANKINZEWIN	178	RIGHT-OF-WAY
	0137	HAKAKTAWIN	851	RIGHT-OF-WAY
	0138	OYATEWAYAKINWINWIN	940	RIGHT-OF-WAY
	0139	ITANCAMAIN	654	RIGHT-OF-WAY
	0140	HEBEBIYA HENRY	649	RIGHT-OF-WAY
	0141	IOIPAMEHAWI	648	RIGHT-OF-WAY
	0142	LEE WILLIAM	271	RIGHT-OF-WAY
	0143	WAHPIYA WATEWIN	263	RIGHT-OF-WAY
	0144	WOZEWIN	262	RIGHT-OF-WAY
	0145	ZIWIN	627	RIGHT-OF-WAY
	0146	ZITKAHASTEWIN	344	RIGHT-OF-WAY
	0147	WINONA	341	RIGHT-OF-WAY
	0148	CHASKE JAMES (CASKE)	167	RIGHT-OF-WAY
	0149	TIYOTIYA	997	RIGHT-OF-WAY
	0150	KUDINAJIWIN	957	RIGHT-OF-WAY
	0151	KUSAWIN	698	RIGHT-OF-WAY
	0152	TAWAPIYAHASTEWIN	999	RIGHT-OF-WAY
	0153	SUNGINKSAPA	1161-A	RIGHT-OF-WAY
	0154	WICAKIYUSKA	1097	RIGHT-OF-WAY
	0155	PETAGAPA DAVID	727	RIGHT-OF-WAY
	0156	POITRA HOREST MICHAEL	2455	RIGHT-OF-WAY
	0157	PELTIER JOHN	TM-16	RIGHT-OF-WAY
	0160	TURNING EAGLE (SITTO JOHSON)	90	OLD AGE ASSISTANCE
	0161	MERRICK LOUIS	148	OLD AGE ASSISTANCE
	0162	GOURD HEAD PHILOMENE	405	OLD AGE ASSISTANCE
	0163	HOPKINS ANTHONY	500-A	OLD AGE ASSISTANCE
	0164	TOMAHAWK THOMAS	569	OLD AGE ASSISTANCE
	0165	CASKE ALBERT	396	OLD AGE ASSISTANCE
	0166	YOUNG ADELLE (LANGER)	195	OLD AGE ASSISTANCE
	0167	BRYAN JOSEPHINE	995	OLD AGE ASSISTANCE
	0168	HOKAHEYUHENA (FALLING GRAY)	856	OLD AGE ASSISTANCE
	0169	BROWN CLARA (MOON)	979	OLD AGE ASSISTANCE
	0170	TWO HEARTS MARY (KING)	1169	OLD AGE ASSISTANCE
	0171	STANDING JAMES	1110	OLD AGE ASSISTANCE
	0172	HIGH ELK ANNIE	62	OLD AGE ASSISTANCE
	0173	BLACKSMITH MARY	444	OLD AGE ASSISTANCE
	0174	MAYAY LUKE B.	27	OLD AGE ASSISTANCE
	0175	FALLING CLOUD RACHEL	49	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
ASSINIBOINE	0040	TAWAHAHIYAGA MINNIE	431	RIGHT-OF-WAY
	0041	CAMP-A-HOUSEWIN	781	RIGHT-OF-WAY
	0042	HEYUKA	984	RIGHT-OF-WAY
	0043	WAHTUWILIKO	1107	RIGHT-OF-WAY
	0044	WIYAKA	152	RIGHT-OF-WAY
	0045	WAHPIYAKI	785	RIGHT-OF-WAY
	0046	HEDONIWASTENA	178	RIGHT-OF-WAY
	0047	PETIHAZEWIN	195	RIGHT-OF-WAY
	0048	ZITKANSKAPI	796	RIGHT-OF-WAY
	0049	WAKPIYAKI	671	RIGHT-OF-WAY
	0050	HAKUTAWIN	915	RIGHT-OF-WAY
	0051	TOKAHINAWIN	124	RIGHT-OF-WAY
	0052	TUWAHAKAHANWIN	362	RIGHT-OF-WAY
	0053	DEMARTE ANNIE	606	RIGHT-OF-WAY
	0054	CANSER ROSALIE	394	RIGHT-OF-WAY
	0055	HINAJINWA	284	RIGHT-OF-WAY
	0056	PINSEINAHTEWIN	881-A	RIGHT-OF-WAY
	0057	TAWAKANSKENA	367	RIGHT-OF-WAY
	0058	HAWKINS ROBERT	1165-A	RIGHT-OF-WAY
	0059	ROSS KATIE HAZEL	1145	RIGHT-OF-WAY
	0060	PIYATAHINWIN	566-A	RIGHT-OF-WAY
	0061	OYEGNA ESTHER	1014	RIGHT-OF-WAY
	0062	OYEGNA ANNIE	1011	RIGHT-OF-WAY
	0063	OYEGNA ANNIE	997	RIGHT-OF-WAY
	0064	CANTINATA AGNES	804-A	RIGHT-OF-WAY
	0065	WICAHPIWICTA	410	RIGHT-OF-WAY
	0066	HENANA CEBEL DR HANNA	546	RIGHT-OF-WAY
	0067	ZITKANAKOYAP	742	RIGHT-OF-WAY
	0068	TATANKA INAHPAHAY	700	RIGHT-OF-WAY
	0069	HINAJINWA	394	RIGHT-OF-WAY
	0070	KINYANWAKITA	747	RIGHT-OF-WAY
	0071	TUWAKAPA JULIA	704	RIGHT-OF-WAY
	0072	TUWAKAPA	109	RIGHT-OF-WAY
	0073	PAHE PETE	135	RIGHT-OF-WAY
	0074	EHAINAPEWIN ANNIE	92	RIGHT-OF-WAY
	0075	TEHIWIN	711	RIGHT-OF-WAY
	0076	HATUKANUNA	767	RIGHT-OF-WAY
	0077	HAPAHANSKAKA	767	RIGHT-OF-WAY
	0078	TIYOKASTEWIN	711	RIGHT-OF-WAY
	0079	TIYOKASTE DAVID	211	RIGHT-OF-WAY
	0080	WAKANDAWASTE (ROSE A.	1052	RIGHT-OF-WAY
	0081	TATANKAHAWI	1255	RIGHT-OF-WAY
	0082	CANADAY	1262	RIGHT-OF-WAY
	0083	OYE MARTIN	1403	RIGHT-OF-WAY
	0084	ROSA	252-A	RIGHT-OF-WAY
	0085	HOKEENE PETER	696-A	RIGHT-OF-WAY
	0086	MNI HOTA	67	RIGHT-OF-WAY
	0087	CANDYAPA	413	RIGHT-OF-WAY
	0088	ITWATICIPI (HOSANNA DEMENT,	404	RIGHT-OF-WAY
	0089	CANKUTAWIN	965	RIGHT-OF-WAY
	0090	TIWASTE SAM	78	RIGHT-OF-WAY
	0091	EHANENA	134	RIGHT-OF-WAY
	0092	WAKINYANZEWIN	870-A	RIGHT-OF-WAY
	0093	DANIELS MARY	1095	RIGHT-OF-WAY
	0094	LANGER ROSALIE	184	RIGHT-OF-WAY
	0095	LONGE FRANK WILLIAM	1154	RIGHT-OF-WAY
	0096	LONGE (CASKE) DANIEL DELLE	1064	RIGHT-OF-WAY
	0097	LANGER ANNIE	490	RIGHT-OF-WAY
	0098	LANGER JOSEPH	10	RIGHT-OF-WAY
	0099	LANGER EUGENE	1044	RIGHT-OF-WAY
	0100	CHIEF TOMASITUS	1110	OLD AGE ASSISTANCE
	0101	RAVY JOSEPHINE ANNIE	401	OLD AGE ASSISTANCE
	0102	PETER PAUL WILFRED	1033-A	OLD AGE ASSISTANCE
	0103	WAHPEKAN MARY (HAY)	841	OLD AGE ASSISTANCE
	0104	KEEBLE VICTORIA (ONE BEAR	444	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A05303	0255	CADOTTE SELINE	392	FORCED FEE PATENT
	0256	HEPANZI M. LOUISA (MCKAY M. LOUISE)	991	FORCED FEE PATENT
	0257	HOMASTENA NANCY	996	FORCED FEE PATENT
	0258	THOMEARTS MARY (KING)	1169	FORCED FEE PATENT
	0259	BERRIS CLARINA	1192	FORCED FEE PATENT
	0260	LEAF NANCY	148	FORCED FEE PATENT
	0261	LITTLE CLOUD MARY (DEGAR MARY JANE)	180	FORCED FEE PATENT
	0262	DUNN RUPERT (TATANKAIYOTANKE)	641	FORCED FEE PATENT
	0263	BELLARD CHARLES (WAKANDITAYA)	303	FORCED FEE PATENT
	0264	CAVANAUGH LIZZIE (LAMOREAUX)	2664	FORCED FEE PATENT
	0265	BUISON HENRY (BUISSON)	319	FORCED FEE PATENT
	0266	PALMER INEZ C.	506	FORCED FEE PATENT
	0267	PALMER JEAN	507	FORCED FEE PATENT
	0268	WAYAGANI LOUISA	999	FORCED FEE PATENT
	0269	SWIFT EAGLE MR. (HAKTEHDAKINGANYANI)	1204	FORCED FEE PATENT
	0270	CHANTENOPA BERNARD (TWO HEARTS)	14	FORCED FEE PATENT
	0271	HOMASTENA MARTIN (0000 VOICE)	22	FORCED FEE PATENT
	0272	SUNGI SOLOMON (FOX)	25	FORCED FEE PATENT
	0273	MATOWANAPEYA BENEDICT	85	FORCED FEE PATENT
	0274	TASUNKEWANTUYA (WILLIAM LEAF)	254	FORCED FEE PATENT
	0275	CAVANAUGH MATT (WALTER)	270	FORCED FEE PATENT
	0276	SUNKOTINA ANDREW (SMITH)	309	FORCED FEE PATENT
	0277	GRANT MAGGIE (STRAIT MARY MARGARET)	383	FORCED FEE PATENT
	0278	LONES JOHN W.	397	FORCED FEE PATENT
	0279	LONES CLEMENT	402	FORCED FEE PATENT
	0280	CASE OR FREDERICK	593	FORCED FEE PATENT
	0281	PAHANI PAUL (CASE PAUL)	650	FORCED FEE PATENT
	0282	AKITENA (ROSS SAMUEL)	723	FORCED FEE PATENT
	0283	OYESAN JACOB A.	806	FORCED FEE PATENT
	0284	MATOWANAGTA LOUIE (BEAR LOUIS)	953	FORCED FEE PATENT
	0285	WINONA	1024	FORCED FEE PATENT
	0286	CAVANAUGH ROBERT	263	FORCED FEE PATENT
	0287	AKICITAQUTA (RED SOLDIER)	232	FORCED FEE PATENT
	0288	HEPAN (SECOND BORN SON)	421	FORCED FEE PATENT
	0289	MERRICK LOUIS (LATAWAKINAGIN)	148	FORCED FEE PATENT
	0290	DENARCE MARY	323	FORCED FEE PATENT
A06344	0001	ROAN EAGLE BESSIE	7994	OLD AGE ASSISTANCE
	0002	THUNDER CLUB PAUL	6991	OLD AGE ASSISTANCE
	0003	POOR ELK CLARINDA	10145	OLD AGE ASSISTANCE
	0004	IRON HAWK HOMER	6533	OLD AGE ASSISTANCE
	0005	STAND UP JULIA	2509	OLD AGE ASSISTANCE
	0006	JONES NANCY (YOUNG BEAR)	1907	OLD AGE ASSISTANCE
	0007	AQUILLARD JENNIE	6175	OLD AGE ASSISTANCE
	0008	BISSONETTE JOSEPH	3094	OLD AGE ASSISTANCE
	0009	MAGPIE PAUL (WHITE)	6182	OLD AGE ASSISTANCE
	0010	BROWN EAR NOSE GEORGE	6196	OLD AGE ASSISTANCE
	0011	LITTLE WOLF BESSIE	2670	OLD AGE ASSISTANCE
	0012	STIRK ANTHONY	2405	OLD AGE ASSISTANCE
	0013	HERON HIGH	5067	OLD AGE ASSISTANCE
	0014	RANDALL ROBERT	4931	OLD AGE ASSISTANCE
	0015	LITTLE DOG	6150	OLD AGE ASSISTANCE
	0016	FOOLISH WOMEN LEONARD	2854	OLD AGE ASSISTANCE
	0017	LITTLE FINGER JENNIE	2860	OLD AGE ASSISTANCE
	0018	TEN FINGERS ELLA	2835	OLD AGE ASSISTANCE
	0019	LIVING OUTSIDE ISABELLE	2882	OLD AGE ASSISTANCE
	0020	NOT HELP HIM JENNIE	2845	OLD AGE ASSISTANCE
	0021	RATTLING CHASE JOHN	2861	OLD AGE ASSISTANCE
	0022	LAYS HARD MILLIE	5930	OLD AGE ASSISTANCE
	0023	BELT LEVI	5896	OLD AGE ASSISTANCE
	0024	LITTLE SOLDIER AMELIA	6596	OLD AGE ASSISTANCE
	0025	GOOD VOICE IRON CHARLES	7854	OLD AGE ASSISTANCE
	0026	LITTLE BEAR JENNIE	8015	OLD AGE ASSISTANCE
	0027	COMES OUT JENNIE	4371	OLD AGE ASSISTANCE
	0028	VALANDRY VETAL	2460	OLD AGE ASSISTANCE
	0029	BLACK CROW AUSTIN	2373	OLD AGE ASSISTANCE
	0030	TWO STICKS HATTIE	2361	OLD AGE ASSISTANCE
	0031	WHITE BIRD JAMES	6570	OLD AGE ASSISTANCE
	0032	ROSE	6556	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A05303	0176	MATOHIN JOSEPH	6	OLD AGE ASSISTANCE
	0177	JOHNSON MARGARET	143	OLD AGE ASSISTANCE
	0178	LONCIE FRANCIS	300	OLD AGE ASSISTANCE
	0179	CROW ONE BEAR MARTHA	495	OLD AGE ASSISTANCE
	0180	PEDRIS THOMAS	536	OLD AGE ASSISTANCE
	0181	LAWRENCE CHARLES	546	OLD AGE ASSISTANCE
	0182	CASE FREDERICK	593	OLD AGE ASSISTANCE
	0183	PEOPLES CECELIA	791	OLD AGE ASSISTANCE
	0184	MARTIN ELITA	225	OLD AGE ASSISTANCE
	0185	GREYWIND JOSEPH	637	OLD AGE ASSISTANCE
	0186	HEAD MICHAEL	234	OLD AGE ASSISTANCE
	0187	WHITE HEAD NANCY	546	OLD AGE ASSISTANCE
	0188	LONG HORN MAGGIE	593	OLD AGE ASSISTANCE
	0189	TAWAPIYATIMIN HABIBE	1144	OLD AGE ASSISTANCE
	0190	LITTLE ADELE (LOUISE)	887	OLD AGE ASSISTANCE
	0191	HAWKSAW JOSEPH A.	859	OLD AGE ASSISTANCE
	0192	MCKAYMORY LOUISE	127	OLD AGE ASSISTANCE
	0193	JAMES JULIA (IRISH)	991	OLD AGE ASSISTANCE
	0194	RAINBOW CARRIE	679	OLD AGE ASSISTANCE
	0195	ROSS JULIA	691	OLD AGE ASSISTANCE
	0196	ALBERT JOSEPH	706	OLD AGE ASSISTANCE
	0197	HAWKSAW KATE (LAWRENCE)	77	OLD AGE ASSISTANCE
	0198	MERRICK JOSEPH	98	OLD AGE ASSISTANCE
	0199	BUISSON HENRY	150	OLD AGE ASSISTANCE
	0210	STRAIGHT NANCY	319	OLD AGE ASSISTANCE
	0211	BLACK WILLIAM	996	OLD AGE ASSISTANCE
	0212	CAVANAUGH WALTER	273	OLD AGE ASSISTANCE
	0213	CRAZY DOG JOHN	270	OLD AGE ASSISTANCE
	0214	PAHANI PAUL	221	OLD AGE ASSISTANCE
	0215	DUNN RUPERT	650	OLD AGE ASSISTANCE
	0216	IRON HAWK ANNIE	441	OLD AGE ASSISTANCE
	0217	DOUGLAS STEVEN	638	OLD AGE ASSISTANCE
	0218	LAWFER ISABELLE	244	OLD AGE ASSISTANCE
	0219	JAMESON JOSEPH	888	OLD AGE ASSISTANCE
	0221	SMITH MARY (HOPKINS)	812	OLD AGE ASSISTANCE
	0222	IRON HEART JOSEPH	1145	OLD AGE ASSISTANCE
	0223	BLACK CLOUD LOUISA	1177	OLD AGE ASSISTANCE
	0224	FALLING CLOUD FRANK	699	OLD AGE ASSISTANCE
	0225	YOUNG GEORGE	1102	OLD AGE ASSISTANCE
	0226	PEOPLES PETER	1135	OLD AGE ASSISTANCE
	0777	YOUNG PETER	H-2668	OLD AGE ASSISTANCE
	0228	ONEBEAR ANDREW	42	OLD AGE ASSISTANCE
	0229	BIG TRACY ANNIE	168	OLD AGE ASSISTANCE
	0230	LITTLE JOSEPH	1197	OLD AGE ASSISTANCE
	0231	HEAD WINONA	H-2479	OLD AGE ASSISTANCE
	0232	BEGAY MARY JANE	24	OLD AGE ASSISTANCE
	0233	FOX SOLOMON	NA	OLD AGE ASSISTANCE
	0234	MARTIN MOSES	65	OLD AGE ASSISTANCE
	0235	GRAY PAUL SR.	H-2795	OLD AGE ASSISTANCE
	0236	BEGAY LEO	856	OLD AGE ASSISTANCE
	0237	LAWRENCE CEDINA	16	OLD AGE ASSISTANCE
	0238	LAWFER ANTHONY	1143	OLD AGE ASSISTANCE
	0239	LEAF WILLIAM	H-2515	OLD AGE ASSISTANCE
	0240	ABRAHAM JAMES	254	OLD AGE ASSISTANCE
	0241	ABRAHAM HENRY	808	OLD AGE ASSISTANCE
	0242	DENARCE JAMES	246	OLD AGE ASSISTANCE
	0243	LAWRENCE FRED	322	OLD AGE ASSISTANCE
	0244	KEYA JOSEPH	543	OLD AGE ASSISTANCE
	0245	SMITH LAURA (LAINES)	461	OLD AGE ASSISTANCE
	0246	MERRICK JOSEPH	H-2593	OLD AGE ASSISTANCE
	0247	LONES GERTRUDE	150	FORCED FEE PATENT
	0248	MILLER MARY AGNES	399	FORCED FEE PATENT
	0249	COURT LOUISA (TTANCAWIN)	477	FORCED FEE PATENT
	0250	DEAGLE THOMAS (CETANYOTANKENA)	434	FORCED FEE PATENT
	0251	RAINBOW (JARRIE HINTUNWANSTEWIN	511	FORCED FEE PATENT
	0252	RAINBOW IPAPI	691	FORCED FEE PATENT
	0253	BROWN WILLIAM (EHANKENNA)	750	FORCED FEE PATENT
	0254	JEROME HARRY (KSINSINKA)	751	FORCED FEE PATENT
			254	FORCED FEE PATENT

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0033	DON'T THINK MARY	6641	OLD AGE ASSISTANCE
	0034	BLACK HAIR CATHERINE	6525	OLD AGE ASSISTANCE
	0035	THUNDER HAWK THOMAS	1890	OLD AGE ASSISTANCE
	0036	SMITH JULIA	1874	OLD AGE ASSISTANCE
	0037	YELLOW BOY JOSEPHINE	5699	OLD AGE ASSISTANCE
	0038	LITTLE SOLDIER HENRY	6203	OLD AGE ASSISTANCE
	0039	IRON HAWK	6445	OLD AGE ASSISTANCE
	0040	RUMP BONE	6450	OLD AGE ASSISTANCE
	0041	TWO STICKS THOMAS	2360	OLD AGE ASSISTANCE
	0042	CLINCHER GEORGE	4365	OLD AGE ASSISTANCE
	0043	BONE NECKLACE	9214	OLD AGE ASSISTANCE
	0044	HER HORSES	1879	OLD AGE ASSISTANCE
	0045	STABBER JULIA	6691	OLD AGE ASSISTANCE
	0046	LOUD VOICE HAWK MARY	6527	OLD AGE ASSISTANCE
	0047	POOR BEAR LIZZIE	4393	OLD AGE ASSISTANCE
	0048	LITTLE WAR BONNETT JESSIE	6528	OLD AGE ASSISTANCE
	0049	CHARGING CROW WILLIAM	2091	OLD AGE ASSISTANCE
	0050	CHARGING CROW NANCY	2092	OLD AGE ASSISTANCE
	0051	BITTERS PATRICK	2042	OLD AGE ASSISTANCE
	0052	JARVIS GRACE	6501	OLD AGE ASSISTANCE
	0053	CROOKED EYES THOMAS	2314	OLD AGE ASSISTANCE
	0054	MERRIVALL SUSIE	3592	OLD AGE ASSISTANCE
	0055	BENJAMIN RICHARD	2333	OLD AGE ASSISTANCE
	0056	MOUSSEAU JOSEPH	2326	OLD AGE ASSISTANCE
	0057	DULL KNIFE GEORGE	1884	OLD AGE ASSISTANCE
	0058	SWALLOW IDA	3256	OLD AGE ASSISTANCE
	0059	NO TWO HORNS HILDA	3271	OLD AGE ASSISTANCE
	0060	WHETSTONE JOSEPH	587	OLD AGE ASSISTANCE
	0061	BLUFFING BEAR SOPHIA	2313	OLD AGE ASSISTANCE
	0062	EAGLE BEAR	613	OLD AGE ASSISTANCE
	0063	WHISTLER JULIAN	4301	OLD AGE ASSISTANCE
	0064	LITTLE SOLDIER NANCY	4294	OLD AGE ASSISTANCE
	0065	BLACK BEAR HARRY	4264	OLD AGE ASSISTANCE
	0066	WOODEN GUN ALBERT	4219	OLD AGE ASSISTANCE
	0067	YELLOW SHIRT STELLA	6438	OLD AGE ASSISTANCE
	0068	BACK SIMON	6507	OLD AGE ASSISTANCE
	0069	LITTLE WAR BONNETT PETER	6517	OLD AGE ASSISTANCE
	0070	SANOVIA JAMES	4362	OLD AGE ASSISTANCE
	0071	LONG COMMANDER JOHN	4345	OLD AGE ASSISTANCE
	0072	USES BOW JULIA	2312	OLD AGE ASSISTANCE
	0073	BLACK BEAR	2295	OLD AGE ASSISTANCE
	0074	LITTLE KILLER JOHN	2047	OLD AGE ASSISTANCE
	0075	CHIEF BEAR WILLIAM	2001	OLD AGE ASSISTANCE
	0076	RANDALL WILLIAM	2037	OLD AGE ASSISTANCE
	0077	SHORT BULL JESSIE	4347	OLD AGE ASSISTANCE
	0078	EAGLE FOX MARY	4337	OLD AGE ASSISTANCE
	0079	LAST HORSE JOSEPH	2053	OLD AGE ASSISTANCE
	0080	SURROUNDED IN WOODS	2029	OLD AGE ASSISTANCE
	0081	SCOUT JASPER	1122	OLD AGE ASSISTANCE
	0082	BLACK BEAR EMMA	2299	OLD AGE ASSISTANCE
	0083	YOUNG IDA	2313	OLD AGE ASSISTANCE
	0084	SPIDER MACK	544	OLD AGE ASSISTANCE
	0085	TWISS ADELIA	2142	OLD AGE ASSISTANCE
	0086	HAWK WING LIKE	2162	OLD AGE ASSISTANCE
	0087	RED BREACH BEAR MILDRED	6430	OLD AGE ASSISTANCE
	0088	MEANS ALICE	2246	OLD AGE ASSISTANCE
	0089	FIRE THUNDER MARY	6427	OLD AGE ASSISTANCE
	0090	EAGLE PIPE	601	OLD AGE ASSISTANCE
	0091	DULL KNIFE MARY	2116	OLD AGE ASSISTANCE
	0092	FAST HORSE ANNA	2237	OLD AGE ASSISTANCE
	0093	LINGMAN CHARLES	2089	OLD AGE ASSISTANCE
	0094	MEARTH JOSEPH	2313	OLD AGE ASSISTANCE
	0095	RANDALL SUSIE	2038	OLD AGE ASSISTANCE
	0096	JUMPING BULL	4356	OLD AGE ASSISTANCE
	0097	YOUNG BEAR RACHEL	2250	OLD AGE ASSISTANCE
	0098	SWAN ON WATTIE	2141	OLD AGE ASSISTANCE
	0099	POOR BEAR ALBERT	2115	OLD AGE ASSISTANCE
	0100	BLACK EYES ANNIE	2105	OLD AGE ASSISTANCE

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0101	CLOUD	6649	OLD AGE ASSISTANCE
	0102	BAD WOUND ROBERT	2066	OLD AGE ASSISTANCE
	0103	CLINCHER LIZZIE	4366	OLD AGE ASSISTANCE
	0104	BELT FRANK	3274	OLD AGE ASSISTANCE
	0105	KINDLE BEN	3150	OLD AGE ASSISTANCE
	0106	LITTLE BULL MABEL	10793	OLD AGE ASSISTANCE
	0107	SMITH ALICE	2379	OLD AGE ASSISTANCE
	0108	STANDING BEAR DAVID	2415	OLD AGE ASSISTANCE
	0109	GOODMAN JANICE	9760	OLD AGE ASSISTANCE
	0110	BIG HEAD BRAVE JOHN	4170	OLD AGE ASSISTANCE
	0111	GAY NANCY	4179	OLD AGE ASSISTANCE
	0112	KILLS THE CHIEF JULIE	7612	OLD AGE ASSISTANCE
	0113	STANDS NELLIE	7613	OLD AGE ASSISTANCE
	0114	WHITE WHIRLWIND SUSIE	7611	OLD AGE ASSISTANCE
	0115	EAGLE HAWK AGNES	7614	OLD AGE ASSISTANCE
	0116	STINKING BEAR IDA	6611	OLD AGE ASSISTANCE
	0117	RED BEAR SUSIE	6610	OLD AGE ASSISTANCE
	0118	RED BEAR JOSEPH	6609	OLD AGE ASSISTANCE
	0119	BROKEN LEG LUCY	1862	OLD AGE ASSISTANCE
	0120	STRONG TALK	1148	OLD AGE ASSISTANCE
	0121	BLACK CROW JULIA	2274	OLD AGE ASSISTANCE
	0122	WAR BONNETT JOSEPH	2380	OLD AGE ASSISTANCE
	0123	EAGLE HAWK JOSEPH	3107	OLD AGE ASSISTANCE
	0124	PALMER LAURA	3791	OLD AGE ASSISTANCE
	0125	FROM AMONG THEM	3141	OLD AGE ASSISTANCE
	0126	COMES FROM AMONG THEM DONALD	3140	OLD AGE ASSISTANCE
	0127	NOT FAT EDNA	3112	OLD AGE ASSISTANCE
	0128	DOG CHIEF MARY	6661	OLD AGE ASSISTANCE
	0129	BROKEN NOSE FOX	6529	OLD AGE ASSISTANCE
	0130	HIGH CAT LEE	6582	OLD AGE ASSISTANCE
	0131	SHIELD LOUIS	957	OLD AGE ASSISTANCE
	0132	RUNS FOR HILL	1145	OLD AGE ASSISTANCE
	0133	YELLOW BEAR MARY	1043	OLD AGE ASSISTANCE
	0134	WHITE EAGLE ROBERT	1026	OLD AGE ASSISTANCE
	0135	WHIRLWIND	1024	OLD AGE ASSISTANCE
	0136	CONQUERING BEAR ABE	1014	OLD AGE ASSISTANCE
	0137	BLACK BEAR JOHN	998	OLD AGE ASSISTANCE
	0138	LARABEE NANCY	479	OLD AGE ASSISTANCE
	0139	KILLS ENEMY CHARLES	951	OLD AGE ASSISTANCE
	0140	FIRE THUNER WILLIAM	943	OLD AGE ASSISTANCE
	0141	WHITE THUNDER HARRISON	503	OLD AGE ASSISTANCE
	0142	WHITE BRINGS ELLA	898	OLD AGE ASSISTANCE
	0143	STABBER THOMAS	526	OLD AGE ASSISTANCE
	0144	BRINGS WHITE ANNIE	897	OLD AGE ASSISTANCE
	0145	WHITE BULL # 2	462	OLD AGE ASSISTANCE
	0146	ADAMS JOHN	459	OLD AGE ASSISTANCE
	0147	YOUNG VICTOR	2519	OLD AGE ASSISTANCE
	0148	HE DOG LUCY	3105	OLD AGE ASSISTANCE
	0149	WEASEL BEAR CHARLES	3065	OLD AGE ASSISTANCE
	0150	GARCIA LENA	8052	OLD AGE ASSISTANCE
	0151	IRON BULL ANNIE	8014	OLD AGE ASSISTANCE
	0152	WHITE HORSE GROVER	8039	OLD AGE ASSISTANCE
	0153	ROMERO KATE	8029	OLD AGE ASSISTANCE
	0154	GOOD HORSE BOB	8010	OLD AGE ASSISTANCE
	0155	GETS THERE FIRST SUSAN	7946	OLD AGE ASSISTANCE
	0156	POURIER JOSIE	7692	OLD AGE ASSISTANCE
	0157	PACHED JACOB	3746	OLD AGE ASSISTANCE
	0158	PROTECTOR ISAAC	862	OLD AGE ASSISTANCE
	0159	CHASES IN MORNING STANLEY	911	OLD AGE ASSISTANCE
	0160	SITTING UP ESTHER	1911	OLD AGE ASSISTANCE
	0161	WHITE WOMAN	1940	OLD AGE ASSISTANCE
	0162	FASTWOLF JENNIE	1926	OLD AGE ASSISTANCE
	0163	FIRE THUNDER MARY	1944	OLD AGE ASSISTANCE
	0164	RAIN ROW	2451	OLD AGE ASSISTANCE
	0165	YOUNG LOUISA	2924	OLD AGE ASSISTANCE
	0166	BETTLEYOUN JOSEPHINE	2181	OLD AGE ASSISTANCE
	0167	SWIMMER JOHN	2675	OLD AGE ASSISTANCE
	0168	YELLOW HORSE JOSEPH	2607	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0169	GOOD BUFFALO FRANK	5945	OLD AGE ASSISTANCE
	0170	KILLS ENEMY JOHN	[illegible]	OLD AGE ASSISTANCE
	0171	KILLS THE CHIEF	[illegible]	OLD AGE ASSISTANCE
	0172	YOUNG SOLDIER MILLIE	[illegible]	OLD AGE ASSISTANCE
	0173	HOLLOW HORN FANNIE	3815	OLD AGE ASSISTANCE
	0174	MESTETH WILLIAM	2432	OLD AGE ASSISTANCE
	0175	ROOKS CHARLES	2599	OLD AGE ASSISTANCE
	0176	SITTING EAGLE ALBERT	1425	OLD AGE ASSISTANCE
	0177	WOUNDED HEAD BROOK	1447	OLD AGE ASSISTANCE
	0178	CHEYENNE EFFIE	3044	OLD AGE ASSISTANCE
	0179	WHITE HAWK MATTIE	3048	OLD AGE ASSISTANCE
	0180	HORSE BESSIE	[illegible]	OLD AGE ASSISTANCE
	0181	BISSONETTE JOHN	[illegible]	OLD AGE ASSISTANCE
	0182	BLACK ELK NICK	[illegible]	OLD AGE ASSISTANCE
	0183	SHOULDER MARY	[illegible]	OLD AGE ASSISTANCE
	0184	POURIER JOSEPHINE	[illegible]	OLD AGE ASSISTANCE
	0185	BIRD EAGLE AUSTIN	[illegible]	OLD AGE ASSISTANCE
	0186	STANDING SOLDIER HENRY	2404	OLD AGE ASSISTANCE
	0187	BLUE HORSE OWNER MINNIE	[illegible]	OLD AGE ASSISTANCE
	0188	AMBROID MIM HOWARD	[illegible]	OLD AGE ASSISTANCE
	0189	FIRE THUNDER LOUISA	1350	OLD AGE ASSISTANCE
	0190	SPOTTED CROW EDWARD	3727	OLD AGE ASSISTANCE
	0191	COW HORN	2440	OLD AGE ASSISTANCE
	0192	RED EAGLE ANNIE	[illegible]	OLD AGE ASSISTANCE
	0193	CLIFF FRANK	[illegible]	OLD AGE ASSISTANCE
	0194	HOLY ELK LIZZIE	[illegible]	OLD AGE ASSISTANCE
	0195	PLENTY HORSES LIZZIE	[illegible]	OLD AGE ASSISTANCE
	0196	MOSES JAMES	[illegible]	OLD AGE ASSISTANCE
	0197	BLACK HORSE JAMES	[illegible]	OLD AGE ASSISTANCE
	0198	ARCHAMBAULT LUCY	[illegible]	OLD AGE ASSISTANCE
	0199	LAMONT MARY	[illegible]	OLD AGE ASSISTANCE
	0200	KILLS CLOSE TO LODGE PEET	[illegible]	OLD AGE ASSISTANCE
	0201	LITTLE KNIFE LOUISA [illegible]	[illegible]	OLD AGE ASSISTANCE
	0202	JEALOUS OF HIM LOUISA	[illegible]	OLD AGE ASSISTANCE
	0203	LOOKING CLOUD NANCY	[illegible]	OLD AGE ASSISTANCE
	0204	LONE WOLF IVANA	[illegible]	OLD AGE ASSISTANCE
	0205	GUNS MANY HORSES WILLIAM	[illegible]	OLD AGE ASSISTANCE
	0206	SHORT BEAR MILLIE	[illegible]	OLD AGE ASSISTANCE
	0207	KILLS ON HORSE BACK JAMES	[illegible]	OLD AGE ASSISTANCE
	0208	EAGLE LOUISE JOHN	[illegible]	OLD AGE ASSISTANCE
	0209	OLIFFORD JOHN H	[illegible]	OLD AGE ASSISTANCE
	0210	CLOSE FEATHER	[illegible]	OLD AGE ASSISTANCE
	0211	GILLESPIE ROBERT	[illegible]	OLD AGE ASSISTANCE
	0212	CANE WOMAN	[illegible]	OLD AGE ASSISTANCE
	0213	MARY ROUGH FEATHER	[illegible]	OLD AGE ASSISTANCE
	0214	LITTLE COMMANDER CECELIA	[illegible]	OLD AGE ASSISTANCE
	0215	YELLOW BOY	[illegible]	OLD AGE ASSISTANCE
	0216	KILLS CLOSE TO LODGE MOLLIE	[illegible]	OLD AGE ASSISTANCE
	0217	PRAIRIE ELK ELIZABETH	[illegible]	OLD AGE ASSISTANCE
	0218	LONE WOLF NATHAN	[illegible]	OLD AGE ASSISTANCE
	0219	HOLY CLOUD JULIA	[illegible]	OLD AGE ASSISTANCE
	0220	PRETTY EAGLE MARY	[illegible]	OLD AGE ASSISTANCE
	0221	HORSE ROBERT	[illegible]	OLD AGE ASSISTANCE
	0222	WATER MARTIE	[illegible]	OLD AGE ASSISTANCE
	0223	BLACK BEAR EDWARD	[illegible]	OLD AGE ASSISTANCE
	0224	GOES IN CENTER JOHN	[illegible]	OLD AGE ASSISTANCE
	0225	HIGH HORSE ANNA	[illegible]	OLD AGE ASSISTANCE
	0226	PLUME HUBART	[illegible]	OLD AGE ASSISTANCE
	0227	FLYING HORSE HOWARD	[illegible]	OLD AGE ASSISTANCE
	0228	RED OWL JESSIE	[illegible]	OLD AGE ASSISTANCE
	0229	SPOTTED EAGLE	[illegible]	OLD AGE ASSISTANCE
	0230	MORRISON LUCY	[illegible]	OLD AGE ASSISTANCE
	0231	ELK BOY JOSEPH	[illegible]	OLD AGE ASSISTANCE
	0232	ADAMS ALEX	[illegible]	OLD AGE ASSISTANCE
	0233	HAWKINS JAMES	[illegible]	OLD AGE ASSISTANCE
	0234	STANDS BEFORE	[illegible]	OLD AGE ASSISTANCE
	0235	BETTELYOUN LIZZIE	[illegible]	OLD AGE ASSISTANCE
	0236	PET HORSE	[illegible]	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0237	FAST WOLF JOHN	1981	OLD AGE ASSISTANCE
	0238	FIGHTS BEAR	178	OLD AGE ASSISTANCE
	0239	KILLS IN WATER SAMUEL	234	OLD AGE ASSISTANCE
	0240	JEALOUS OF HIM OSCAR	32	OLD AGE ASSISTANCE
	0241	LOOKING ELK SILVIA	5-3153	OLD AGE ASSISTANCE
	0242	LAYS BEAR MARY	3340	OLD AGE ASSISTANCE
	0243	RED PAINT LOUIS	3355	OLD AGE ASSISTANCE
	0244	LOOKING HORSE ROSA	3458	OLD AGE ASSISTANCE
	0245	KNIFE LUCY	4033	OLD AGE ASSISTANCE
	0246	MEANS FANNIE (FAST HORSE)	4078	OLD AGE ASSISTANCE
	0247	TWISS LIZZIE	5-2923	OLD AGE ASSISTANCE
	0248	STANDING SOLDIER WILLIAM JR.	242	OLD AGE ASSISTANCE
	0249	BIG CROW SUSIE	261	OLD AGE ASSISTANCE
	0250	SAVAGE EMMA	4921	OLD AGE ASSISTANCE
	0251	MAKES OVER	2423	OLD AGE ASSISTANCE
	0252	LITTLE ELK JEROME	2831	OLD AGE ASSISTANCE
	0253	SMITH JEANETTE	2736	OLD AGE ASSISTANCE
	0254	LOCKE JAMES	3951	OLD AGE ASSISTANCE
	0255	RED ELK PHILLIP	5618	OLD AGE ASSISTANCE
	0256	RED SHIRT ELLEN	6045	OLD AGE ASSISTANCE
	0257	GOINGS FRANK	2591	OLD AGE ASSISTANCE
	0258	TIBBITTS WILLIAM	2572	OLD AGE ASSISTANCE
	0259	YELLOW WOLF CHARLES	5113	OLD AGE ASSISTANCE
	0260	SHORT BEAR SILAS	5963	OLD AGE ASSISTANCE
	0261	HOLLOW HORN MAH SUSIE	4751	OLD AGE ASSISTANCE
	0262	LOCATION CHILI RED	3521	OLD AGE ASSISTANCE
	0263	HEART MAN THOMAS	3497	OLD AGE ASSISTANCE
	0264	KILLS A HUNDRED SUSIE	3492	OLD AGE ASSISTANCE
	0265	TWO BULLS MARY	3471	OLD AGE ASSISTANCE
	0266	GOES AFTER FANNIE	3513	OLD AGE ASSISTANCE
	0267	TWO BULLS AMOS	2452	OLD AGE ASSISTANCE
	0268	YELLOW THUNDER THOMAS	1382	OLD AGE ASSISTANCE
	0269	JANIS MALLIE	1783	OLD AGE ASSISTANCE
	0270	HOLLOWHEAD JOHNSON	1747	OLD AGE ASSISTANCE
	0271	FIRE PLACE WILLIAM	4128	OLD AGE ASSISTANCE
	0272	LITTLE CLOUD MILLIE	4124	OLD AGE ASSISTANCE
	0273	TWIN FRED	4115	OLD AGE ASSISTANCE
	0274	GHOST BEAR WILLIAM	30	OLD AGE ASSISTANCE
	0275	PAIN ON HIP CHARLES	1727	OLD AGE ASSISTANCE
	0276	YANKTON HELEN	1744	OLD AGE ASSISTANCE
	0277	WHITE DRESS LIZZIE	4082	OLD AGE ASSISTANCE
	0278	PEMICAN	2986	OLD AGE ASSISTANCE
	0279	TYON LUCY	3424	OLD AGE ASSISTANCE
	0280	WALKS UNDER GROUND JACOB	1677	OLD AGE ASSISTANCE
	0281	WALKING MAIL	3152	OLD AGE ASSISTANCE
	0282	BLUE LEG GEORGE	1850	OLD AGE ASSISTANCE
	0283	BROWN DAVID	4221	OLD AGE ASSISTANCE
	0284	QUIVER HARRY	4226	OLD AGE ASSISTANCE
	0285	IRON BEAR ALEC	677	OLD AGE ASSISTANCE
	0286	BROWN EYES LOUIS	660	OLD AGE ASSISTANCE
	0287	ROCK CHARLES	693	OLD AGE ASSISTANCE
	0288	GOOD VOICE IRON CHARLES	7854	OLD AGE ASSISTANCE
	0289	YANKTON SALLIE	1159	OLD AGE ASSISTANCE
	0290	TWISS WILLIAM	2922	OLD AGE ASSISTANCE
	0291	CUNY ANGELIQUE	2915	OLD AGE ASSISTANCE
	0292	O'ROURKE LIZZIE	2917	OLD AGE ASSISTANCE
	0293	PRAYS TO HER	5330	OLD AGE ASSISTANCE
	0294	YELLOW BUG	5276	OLD AGE ASSISTANCE
	0295	CONQUERING BEAR SUSIE	5244	OLD AGE ASSISTANCE
	0296	LONG SOLDIER ALBERT	1791	OLD AGE ASSISTANCE
	0297	LIP GEORGE	2906	OLD AGE ASSISTANCE
	0298	FILLS THE PIPE SOPHIA	3445	OLD AGE ASSISTANCE
	0299	RED PAINT ERNA	6076	OLD AGE ASSISTANCE
	0300	MORRISETTE LUCY	6102	OLD AGE ASSISTANCE
	0301	FOOLS CROW	1435	OLD AGE ASSISTANCE
	0302	ONE BEAR SAMUEL	1428	OLD AGE ASSISTANCE
	0303	KILLS PLENTY	1513	OLD AGE ASSISTANCE
	0304	HERNANDEZ REYS	1410	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0305	BLACK BEAR ELIZABETH	1411	OLD AGE ASSISTANCE
	0306	BLACK BEAR ELIZABETH	1412	OLD AGE ASSISTANCE
	0307	BLACK BEAR ELIZABETH	1413	OLD AGE ASSISTANCE

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0305	EAGLE ELK	6051	OLD AGE ASSISTANCE
	0306	WOUNDED HORSE JULIA	2899	OLD AGE ASSISTANCE
	0307	CUNY CHARLES	2907	OLD AGE ASSISTANCE
	0308	LITTLE DOG RUTH	2957	OLD AGE ASSISTANCE
	0309	RUNS AGAINST HIM SOPHIA	2975	OLD AGE ASSISTANCE
	0310	EAGLE TAIL FEATHER STELLA	4110	OLD AGE ASSISTANCE
	0311	MESTETH MABLE	6245	OLD AGE ASSISTANCE
	0312	GOOD WEASEL ETTA	6356	OLD AGE ASSISTANCE
	0313	BREAST JOHN	4195	OLD AGE ASSISTANCE
	0314	LONG WARRIOR ELLA	4083	OLD AGE ASSISTANCE
	0315	BREAST LUCY	4237	OLD AGE ASSISTANCE
	0316	TWISS FRANK	724	OLD AGE ASSISTANCE
	0317	YOUNG BEAR MARTIN	795	OLD AGE ASSISTANCE
	0318	PABLO ALEX	353	OLD AGE ASSISTANCE
	0319	RED BOW ANNIE	6231	OLD AGE ASSISTANCE
	0320	LITTLE HORSE ISAAC	632	OLD AGE ASSISTANCE
	0321	BEAR SHIELD NANCY	2571	OLD AGE ASSISTANCE
	0322	YELLOW HAWK #2	3982	OLD AGE ASSISTANCE
	0323	YOUMAN ALICE (BETTLEYOUN)	4072	OLD AGE ASSISTANCE
	0324	BETWEEN LODGES LUCY	3461	OLD AGE ASSISTANCE
	0325	DILLION EMILY (STANDING BEAR)	4511	OLD AGE ASSISTANCE
	0326	STOVER EDWARD	4636	OLD AGE ASSISTANCE
	0327	LONG WARRIOR JOHNSON	4037	OLD AGE ASSISTANCE
	0328	KILLS ABOVE	1246	OLD AGE ASSISTANCE
	0329	ROMERO PHILIP	3891	OLD AGE ASSISTANCE
	0330	FOOL HEAD JULIA	6010	OLD AGE ASSISTANCE
	0331	JONES JOHN	3747	OLD AGE ASSISTANCE
	0332	LADEAUX ELLA	2978	OLD AGE ASSISTANCE
	0333	TURNING BEAR LYDIA	6198	OLD AGE ASSISTANCE
	0334	RANDALL ALICE	1991	OLD AGE ASSISTANCE
	0335	CHIEF BEAR WILLIAM	2001	OLD AGE ASSISTANCE
	0336	CHIEF BEAR SUSIE	2002	OLD AGE ASSISTANCE
	0337	LITTLE SOLDIER HARRY	6384	OLD AGE ASSISTANCE
	0338	CHARGES ENEMY JAMES	6393	OLD AGE ASSISTANCE
	0339	LONG SKUNK	1969	OLD AGE ASSISTANCE
	0340	RATTLING HAWK	4310	OLD AGE ASSISTANCE
	0341	SPIDER BACKBONE JULIA	6260	OLD AGE ASSISTANCE
	0342	MESTETH DAVID	6357	OLD AGE ASSISTANCE
	0343	POOR BEAR BESSIE (TWO ELK)	4321	OLD AGE ASSISTANCE
	0345	HIGH EAGLE JOSEPH	3454	OLD AGE ASSISTANCE
	0346	POURIER JOHN	717	OLD AGE ASSISTANCE
	0347	TWIN RUBEN	4113	OLD AGE ASSISTANCE
	0348	FEATHERMAN JOHN	1330	OLD AGE ASSISTANCE
	0349	WHITE WHIRLWIND GILBERT	1237	OLD AGE ASSISTANCE
	0350	SHOUT AT JAMES	4815	OLD AGE ASSISTANCE
	0351	HOLY TRACK	4984	OLD AGE ASSISTANCE
	0352	LITTLE IRON WILLIAM ARNOLD	4831	OLD AGE ASSISTANCE
	0353	GARNIER JULIA	3568	OLD AGE ASSISTANCE
	0354	AMERICA HORSE DAWSON	42	OLD AGE ASSISTANCE
	0355	MAKES SHINE OLIVER	286	OLD AGE ASSISTANCE
	0356	RUNNING BEAR ALBERT	148	OLD AGE ASSISTANCE
	0357	RANDALL SALLIE	1849	OLD AGE ASSISTANCE
	0358	OLD HORSE JOSIE	1223	OLD AGE ASSISTANCE
	0359	FIRE THUNDER	3025	OLD AGE ASSISTANCE
	0360	CEDAR FACE WILLIAM	3044	OLD AGE ASSISTANCE
	0361	BULL BEAR PETE	1697	OLD AGE ASSISTANCE
	0362	HARD TO HIT	1716	OLD AGE ASSISTANCE
	0363	STEALS HORSES THOMAS	1683	OLD AGE ASSISTANCE
	0364	RED PAINT ROGER	2162	OLD AGE ASSISTANCE
	0365	RED WITH BLOOD (WEASA)	4424	OLD AGE ASSISTANCE
	0366	IRON HEART JOSEPHINE	5135	OLD AGE ASSISTANCE
	0367	POOR BEAR PHILIP	5114	OLD AGE ASSISTANCE
	0368	HOLY HAND	1467	OLD AGE ASSISTANCE
	0369	MUDSETH LILLIE	3364	OLD AGE ASSISTANCE
	0370	WAR BONNETT BJ	2954	OLD AGE ASSISTANCE
	0371	BRAVE HEART JOHN	3176	OLD AGE ASSISTANCE
	0372	BRAVEHEART JOSEPH	3177	OLD AGE ASSISTANCE
	0373	LONG BULL JOHN	5083	OLD AGE ASSISTANCE

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0374	BRINGS WHITE	5085	OLD AGE ASSISTANCE
	0375	HOLY HORSE SUSIE	5086	OLD AGE ASSISTANCE
	0376	BAD HEART BULL DOLLIE	3232	OLD AGE ASSISTANCE
	0377	SWALLOW OLIVER	3241	OLD AGE ASSISTANCE
	0378	HER DOOR MARY	6111	OLD AGE ASSISTANCE
	0379	SLEEP BETSY	6085	OLD AGE ASSISTANCE
	0380	LONE WOMAN	2647	OLD AGE ASSISTANCE
	0381	KING MARY	2648	OLD AGE ASSISTANCE
	0382	SHOULDER JAMES	3898	OLD AGE ASSISTANCE
	0383	SMOKE WOMAN	3237	OLD AGE ASSISTANCE
	0384	BAD BEAR NELLIE	3346	OLD AGE ASSISTANCE
	0385	GAY WILLIAM	1321	OLD AGE ASSISTANCE
	0386	FAST WOLF THOMAS	1925	OLD AGE ASSISTANCE
	0387	BRINGS HIM BACK HENRY	3264	OLD AGE ASSISTANCE
	0388	PULLIAM LUCINDA	3632	OLD AGE ASSISTANCE
	0389	FILLS THE PIPE SILAS	3444	OLD AGE ASSISTANCE
	0390	MEANS GEORGE	3959	OLD AGE ASSISTANCE
	0391	ELK BOY MARY	4419	OLD AGE ASSISTANCE
	0392	RUNS BETWEEN	6029	OLD AGE ASSISTANCE
	0393	RICHARDS EVA	4694	OLD AGE ASSISTANCE
	0394	PARTS HIS HAIR EPHRIM	1387	OLD AGE ASSISTANCE
	0395	SIX FEATHERS JOHN	4672	OLD AGE ASSISTANCE
	0396	STANDING BEAR	4645	OLD AGE ASSISTANCE
	0397	MARSHALL PHILLIP	4527	OLD AGE ASSISTANCE
	0398	BIG HAWK PETER	1182	OLD AGE ASSISTANCE
	0399	RED ELK	5648	OLD AGE ASSISTANCE
	0400	WALKS OUT	3295	OLD AGE ASSISTANCE
	0401	STAR COMES OUT LIZZIE	3348	OLD AGE ASSISTANCE
	0402	SITS POOR FRANK	2807	OLD AGE ASSISTANCE
	0403	MEXICAN MILLIE	2803	OLD AGE ASSISTANCE
	0404	RUNSON MAR	3645	OLD AGE ASSISTANCE
	0405	GARNETTE CHARLES	3734	OLD AGE ASSISTANCE
	0406	RED EYES MOLLIE	7818	OLD AGE ASSISTANCE
	0407	BAD YELLOW HAIR JOSEPH	8056	OLD AGE ASSISTANCE
	0408	SIOUX BOB HENRY	7891	OLD AGE ASSISTANCE
	0409	AROUND HIM VICTORIA	1967	OLD AGE ASSISTANCE
	0410	HIS ROAN HORSE	636	OLD AGE ASSISTANCE
	0411	WHITE MOUSE CHARLIE	366	OLD AGE ASSISTANCE
	0412	KNIGHT JOSEPH	399	OLD AGE ASSISTANCE
	0413	BEARD ALICE	3642	OLD AGE ASSISTANCE
	0414	PRETTY BIRD JOHN	2890	OLD AGE ASSISTANCE
	0415	MOSSEAU LOUIS JR.	1856	OLD AGE ASSISTANCE
	0416	LAKOTA ALEXANDER	3016	OLD AGE ASSISTANCE
	0417	QUIVER FANNIE	4207	OLD AGE ASSISTANCE
	0418	BACKBONE SPIDER	6259	OLD AGE ASSISTANCE
	0419	WALKS OUT EUREKA	6237	OLD AGE ASSISTANCE
	0420	WAR BONNET CONRAD	446	OLD AGE ASSISTANCE
	0421	CUT GRASS FRED	443	OLD AGE ASSISTANCE
	0422	PLENTY WOUNDS	421	OLD AGE ASSISTANCE
	0423	RED HORSE MARY	2023	OLD AGE ASSISTANCE
	0424	BREAST SILAS	4204	OLD AGE ASSISTANCE
	0425	APPLE ROSA	3579	OLD AGE ASSISTANCE
	0426	EAGLE HEART	1429	OLD AGE ASSISTANCE
	0427	SWARD LOUISA	4161	OLD AGE ASSISTANCE
	0428	SOUND SLEEPER JOSEPH	4144	OLD AGE ASSISTANCE
	0429	WHITE COW KILLER EMMA	4184	OLD AGE ASSISTANCE
	0430	GETS THERE FIRST GEORGE	1490	OLD AGE ASSISTANCE
	0431	LAYS HARD FRANK	1528	OLD AGE ASSISTANCE
	0432	FEATHER MARY	1535	OLD AGE ASSISTANCE
	0433	LEFT HAND JESSIE	5013	OLD AGE ASSISTANCE
	0434	LITTLE BEAR HENRY	3488	OLD AGE ASSISTANCE
	0435	EAGLE LOUISE LIZZIE	3410	OLD AGE ASSISTANCE
	0436	LONG BULL MARY	4549	OLD AGE ASSISTANCE
	0437	TALL WOMAN	4414	OLD AGE ASSISTANCE
	0438	KILLS AT LARGE BERTHA	3421	OLD AGE ASSISTANCE
	0439	RED EAR HORSE SALLIE	170	OLD AGE ASSISTANCE
	0440	LEDEAUX BESSIE	3942	OLD AGE ASSISTANCE
	0441	RANDALL CHARLES SR.	4469	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0442	RICHARD ALFRED	4674	OLD AGE ASSISTANCE
	0443	TURNING HOLY HENRY	4268	OLD AGE ASSISTANCE
	0444	YELLOW HAWK ELLEN	3927	OLD AGE ASSISTANCE
	0445	KILLS REE JOHN	7522	OLD AGE ASSISTANCE
	0446	RUNNING HAWK HARRY	4910	OLD AGE ASSISTANCE
	0447	SHANGREAUX LIZZIE	2596	OLD AGE ASSISTANCE
	0448	RED CLOUD JAMES	2675	OLD AGE ASSISTANCE
	0449	GOOD SOLDIER RICHARD	2869	OLD AGE ASSISTANCE
	0450	GOOD SOLDIER CORA	2870	OLD AGE ASSISTANCE
	0451	BELT	2871	OLD AGE ASSISTANCE
	0452	TWO TWO ALEXANDER	198	OLD AGE ASSISTANCE
	0453	ALLMAN LOUISE	207	OLD AGE ASSISTANCE
	0454	TURNING HEART PHILOMENA	5887	OLD AGE ASSISTANCE
	0455	LONG HORN	4339	OLD AGE ASSISTANCE
	0456	QUIVER THOMAS	4339	OLD AGE ASSISTANCE
	0457	LONG SKUNK MILLIE	1970	OLD AGE ASSISTANCE
	0458	HORN CHIPS	1975	OLD AGE ASSISTANCE
	0459	PLENTY WOUNDS IDA	8089	OLD AGE ASSISTANCE
	0460	LITTLE BOY CECILA	7968	OLD AGE ASSISTANCE
	0461	BLACK FEATHER WASHINGTON	3013	OLD AGE ASSISTANCE
	0462	BEAR COMES OUT	3011	OLD AGE ASSISTANCE
	0463	RANDALL ANTOINE	1907	OLD AGE ASSISTANCE
	0464	DEON WILLIAM	5591	OLD AGE ASSISTANCE
	0465	UNDERSTANDING CROW	5439	OLD AGE ASSISTANCE
	0466	SHORT BULL THOMAS	6580	OLD AGE ASSISTANCE
	0467	RANDALL GEORGE	5987	OLD AGE ASSISTANCE
	0468	SHOT TO PIECES ANNIE	5986	OLD AGE ASSISTANCE
	0469	YELLOW HORSE WOMAN	2987	OLD AGE ASSISTANCE
	0470	WHITE COW BULL	6476	OLD AGE ASSISTANCE
	0471	SALWAY ALEX	5223	OLD AGE ASSISTANCE
	0472	HOLY BEAR LUCY	5116	OLD AGE ASSISTANCE
	0473	HAT SALLIE	2966	OLD AGE ASSISTANCE
	0474	PRETTY WOMAN	5364	OLD AGE ASSISTANCE
	0475	GOOD VOICE CROW	3663	OLD AGE ASSISTANCE
	0476	WHITE BELLY MATTIE	3584	OLD AGE ASSISTANCE
	0477	NO FAT ROSA (DREAMER)	4127	OLD AGE ASSISTANCE
	0478	BULLMAN SALLIE	3474	OLD AGE ASSISTANCE
	0479	LITTLE BOY RACHAEL	3992	OLD AGE ASSISTANCE
	0480	ECOFFEY ALICE	6451	OLD AGE ASSISTANCE
	0481	GOOD SHIELD OLIVER	742	OLD AGE ASSISTANCE
	0482	BLACK BEAR THOMAS	726	OLD AGE ASSISTANCE
	0483	PARTS HIS HAIR MAGGIE	778	OLD AGE ASSISTANCE
	0484	KILLS CROW INDIAN	2[illegible]	OLD AGE ASSISTANCE
	0485	LITTLE ELK JOHN	6[illegible]	OLD AGE ASSISTANCE
	0486	JONES CHARLES	2696	OLD AGE ASSISTANCE
	0487	AFRAID OF HAWK MABEL	2781	OLD AGE ASSISTANCE
	0488	EAGLE SHIRT WILLIAM	5998	OLD AGE ASSISTANCE
	0489	STANDING SOLDIER PHILLIP	2554	OLD AGE ASSISTANCE
	0490	HAWK	2853	OLD AGE ASSISTANCE
	0491	HOLLOW WOOD MOLLIE	3267	OLD AGE ASSISTANCE
	0492	PLENTY HORSES	1828	OLD AGE ASSISTANCE
	0493	WHITE BEAR JENNIE	1793	OLD AGE ASSISTANCE
	0494	SPOTTED SNAKE	2647	OLD AGE ASSISTANCE
	0495	RUNS WITH THEM MINNIE	4[illegible]	OLD AGE ASSISTANCE
	0496	MILK HATTIE	4[illegible]	OLD AGE ASSISTANCE
	0509	LAST HORSE SUSIE	7[illegible]	ROAD IN TRESPASS
	0510	RUSS JAMES	4[illegible]	ROAD IN TRESPASS
	0511	ELBOW SHIELD DAISY	4[illegible]	ROAD IN TRESPASS
	0512	HIS ROAN HORSE	6[illegible]	ROAD IN TRESPASS
	0513	TOP BEAR & LAST HORSE GEORGIANNA	2[illegible]	ROAD IN TRESPASS
	0514	ROUBIDEAUX VERNIE	4[illegible]	ROAD IN TRESPASS
	0515	HAS NO HORSES JULIA	5[illegible]	ROAD IN TRESPASS
	0516	LITTLE HORSE ALEY & GEORGE	[illegible]	ROAD IN TRESPASS
	0517	LITTLE HORSE	[illegible]	ROAD IN TRESPASS
	0518	LITTLE CROW	1[illegible]	ROAD IN TRESPASS
	0519	HAS NO HORNS MORRIS	1[illegible]	ROAD IN TRESPASS
	0520	BROOKS LAND MOLLIE	[illegible]	ROAD IN TRESPASS
	0521	LONG HORN AARON	1[illegible]	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0522	WHIRLWIND HORSE JOHN	4957	ROAD IN TRESPASS
	0523	CONDELARIO MARGUERITE	2104	ROAD IN TRESPASS
	0524	TOP BEAR FRED	639	ROAD IN TRESPASS
	0525	CROOKED EYES	2314	ROAD IN TRESPASS
	0526	LAST HORSE SAM	2201	ROAD IN TRESPASS
	0527	WARRIOR WOMAN	1036	ROAD IN TRESPASS
	0528	RED BLANKET EDNA & CHARLES	654	ROAD IN TRESPASS
	0529	WHIRLWIND BEAR	648	ROAD IN TRESPASS
	0530	HIGH EAGLE JULIA	2426	ROAD IN TRESPASS
	0531	WHIRLWIND HORSE JAMES	4958	ROAD IN TRESPASS
	0532	MOUSSEAU ELLEN	2215	ROAD IN TRESPASS
	0533	NO NECK PETER	2259	ROAD IN TRESPASS
	0534	COWBOY LOUIS AND LENA	4575	ROAD IN TRESPASS
	0535	AMERICAN HORSE HERBERT & WILSON	2274	ROAD IN TRESPASS
	0536	BLUFFING BEAR FELIX & ADA	2392	ROAD IN TRESPASS
	0537	LITTLE CROW	1006	ROAD IN TRESPASS
	0538	WARRIOR WOMAN	1036	ROAD IN TRESPASS
	0539	CROOKED EYES	2314	ROAD IN TRESPASS
	0540	ANTOINE RICHARD	2336	ROAD IN TRESPASS
	0541	LAST HORSE SAM	2201	ROAD IN TRESPASS
	0542	BETTELYOUN AMOS	2185	ROAD IN TRESPASS
	0543	LAPOINTE JOSEPH	4515	ROAD IN TRESPASS
	0544	KILLS AT WIGHT	6071	ROAD IN TRESPASS
	0545	CROOKED EYES	2314	ROAD IN TRESPASS
	0546	EAGLE ELK	1005	ROAD IN TRESPASS
	0547	GRAY COW & WOMAN DRESS ALICE	1005	ROAD IN TRESPASS
	0548	RICHARD MOLLIE & ALFRED	5134	ROAD IN TRESPASS
	0549	WHITE BULL & WHITE BULL G.	434	ROAD IN TRESPASS
	0550	RED BLANKET	653	ROAD IN TRESPASS
	0551	SEARS RUTH	4759	ROAD IN TRESPASS
	0552	CHARGING CROW WILLIAM	2091	ROAD IN TRESPASS
	0553	RUFF WILLIAM	4506	ROAD IN TRESPASS
	0554	BAD WOUND OLIVER	2071	ROAD IN TRESPASS
	0555	WHIRLWIND HORSE SUSIE	4956	ROAD IN TRESPASS
	0556	KILLS BRAVE SAM	5418	ROAD IN TRESPASS
	0557	LABUFF GODFREY	2265	ROAD IN TRESPASS
	0558	RED FEATHER EVA	7288	ROAD IN TRESPASS
	0559	TWO EAGLES EMMA	4977	ROAD IN TRESPASS
	0560	LONE BEAR SAM	2386	ROAD IN TRESPASS
	0561	YELLOW BULL ELLA	4973	ROAD IN TRESPASS
	0562	ROPE NECKLACE CHARLES	4981	ROAD IN TRESPASS
	0563	WALKS UNDER THE GROUND ANGES	4900	ROAD IN TRESPASS
	0564	BAD WOUND ROBERT	2066	ROAD IN TRESPASS
	0565	EVANS JULIA	2254	ROAD IN TRESPASS
	0566	AMERICAN HORSE ALFRED	2297	ROAD IN TRESPASS
	0567	BULLARD NELLIE	5595	ROAD IN TRESPASS
	0568	RINGING SHIELD LUCY	2423	ROAD IN TRESPASS
	0569	BAD WOUND ROBERT	2066	ROAD IN TRESPASS
	0570	BAD HAIR	2188	ROAD IN TRESPASS
	0571	CEDAR JAMES	508	ROAD IN TRESPASS
	0572	YELLOW THUNDER WINNIE	7815	ROAD IN TRESPASS
	0573	HARD FOREHEAD WILLIAM	605	ROAD IN TRESPASS
	0574	YELLOW THUNDER THOMAS	1382	ROAD IN TRESPASS
	0575	SLEEPS ELI	3074	ROAD IN TRESPASS
	0576	WEASEL BEAR LUKE	6077	ROAD IN TRESPASS
	0577	BIRD HEAD JOHN	492	ROAD IN TRESPASS
	0578	EAGLE HORN	1314	ROAD IN TRESPASS
	0579	RED WOLF	1310	ROAD IN TRESPASS
	0580	LITTLE WARRIOR DOROTHY	7827	ROAD IN TRESPASS
	0581	PARTS HIS HAIR SUSIE	1386	ROAD IN TRESPASS
	0582	DOG EMMA C.	7926	ROAD IN TRESPASS
	0583	STABBER CRANDELL	642	ROAD IN TRESPASS
	0584	ADAMS VICTORIA	346	ROAD IN TRESPASS
	0585	KETTLE COAT JOE	6093	ROAD IN TRESPASS
	0586	SWANGREAU JESSIE M.	6116	ROAD IN TRESPASS
	0587	SPOTTED ELK ERNEST	7049	ROAD IN TRESPASS
	0588	SWALLOW OLIVER	3241	ROAD IN TRESPASS
	0589	SHE ELK WALKING VOICE EDWARD	3076	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0590	BLACK BEAR ELLEN	4[illegible]	ROAD IN TRESPASS
	0591	BLACK BEAR ELLEN	4[illegible]	ROAD IN TRESPASS
	0592	BLACK BEAR ELLEN	4[illegible]	ROAD IN TRESPASS

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0590	SLEEPS HARSLEY	6082	ROAD IN TRESPASS
	0591	DAY COMES OUT	4107	ROAD IN TRESPASS
	0592	OLD HAIR JOKIE	1223	ROAD IN TRESPASS
	0593	HARD FOREHEAD	659	ROAD IN TRESPAS
	0594	LAYS RAD THOMAS	464	ROAD IN TRESPASS
	0595	ROAD EASEMENT	463	ROAD IN TRESPASS
	0596	LAYS ON HIS BELLY	473	ROAD IN TRESPASS
	0597	LAYS, BAD EDWARD	561	ROAD IN TRESPASS
	0598	RESIST	3083	ROAD IN TRESPASS
	0599	SHE FLKD VOICE WALKING WAE	4081	ROAD IN TRESPASS
	0600	YANKTON SALLIE	1159	ROAD IN TRESPASS
	0601	CHANGREAU SARAH	1208	ROAD IN TRESPASS
	0602	SOLDIER HAWK HENRY	3099	ROAD IN TRESPASS
	0603	BIG CHEYENNE WOMAN	6070	ROAD IN TRESPASS
	0604	RUNNING HORSE PETER	4015	ROAD IN TRESPASS
	0605	SLEEPS RUTH	6087	ROAD IN TRESPASS
	0606	KILLS AT NIGHT	6071	ROAD IN TRESPASS
	0610	BAD WOUND ROBERT	2066	UTILITY IN TRESPASS
	0611	WOMAN DRESS ALICE	2234	UTILITY IN TRESPASS
	0612	GRAY COW	4874	UTILITY IN TRESPASS
	0613	HOLLOWHORN MARY SUSIE	4751	UTILITY IN TRESPASS
	0614	HER MANY HORSES BELLE	4717	UTILITY IN TRESPASS
	0615	ROUSSEAU ELLEN	2215	UTILITY IN TRESPASS
	0616	FAST HORSE SUSIE	2203	UTILITY IN TRESPASS
	0617	ADAMS ALOYSIUS	2349	UTILITY IN TRESPASS
	0618	SPIDER SALLIE	2346	UTILITY IN TRESPASS
	0619	RICHARD CHARLES	2602	UTILITY IN TRESPASS
	0620	BULLARD NELLIE	2595	UTILITY IN TRESPASS
	0621	PLENTY HOLES	5028	UTILITY IN TRESPASS
	0622	RANDALL NELLIE (RICHARD)	NA	UTILITY IN TRESPASS
	0623	PUFF WILLIAM	4506	UTILITY IN TRESPASS
	0624	CHARGING CROW WILLIAM	2091	UTILITY IN TRESPASS
	0625	CARLOW JENNIE	1070	UTILITY IN TRESPASS
	0626	CHERRY EYE	5136	UTILITY IN TRESPASS
	0627	FIRE THUNDER EMERSON	1954	UTILITY IN TRESPASS
	0628	UNDERSTANDING CROW	4389	UTILITY IN TRESPASS
	0629	WES IN SIGHT	5884	UTILITY IN TRESPASS
	0630	WOLV IN CENTER	5906	UTILITY IN TRESPASS
	0631	WAS NO HORNS JULIA	5896	UTILITY IN TRESPASS
	0632	EAGLE ELK	1064	UTILITY IN TRESPASS
	0633	WHITE EAGLE MARY	5345	UTILITY IN TRESPASS
	0634	WAR BONNET LIZZIE	447	UTILITY IN TRESPASS
	0635	PRUNOST OLIVER	1765	UTILITY IN TRESPASS
	0636	COMES AGAIN JOSEPH	1374	UTILITY IN TRESPASS
	0637	HER GOOD FEATHER	1012	UTILITY IN TRESPASS
	0638	RED EYES DANIEL	648	UTILITY IN TRESPASS
	0639	LITTLE CROW	1066	UTILITY IN TRESPASS
	0640	BULL TAIL MARY	604	UTILITY IN TRESPASS
	0641	CEDAR JAMES	508	UTILITY IN TRESPASS
	0642	GHOST BEAR CHARES	706	UTILITY IN TRESPASS
	0643	LEFT HAND	574	UTILITY IN TRESPASS
	0644	TWO TWO MORART	157	UTILITY IN TRESPASS
	0645	WARRIOR WOMAN ANNIE	1036	UTILITY IN TRESPASS
	0646	LITTLE CROW HALL	3841	UTILITY IN TRESPASS
	0647	COTTIER ISABELLE	7754	UTILITY IN TRESPASS
	0648	TRIMBLE GERTRUDE	7755	UTILITY IN TRESPASS
	0649	MAGES GOOD ANTOINE	7740	UTILITY IN TRESPASS
	0650	HER DOOR	7193	UTILITY IN TRESPASS
	0651	BREAST	7042	UTILITY IN TRESPASS
	0652	HER DOOR	7193	UTILITY IN TRESPASS
	0653	TRIBAL	NA	UTILITY IN TRESPASS
	0654	TRIBAL	NA	UTILITY IN TRESPASS
	0655	YELLOW BIRD	6901	UTILITY IN TRESPASS
	0656	WES IN CENTER	1911	UTILITY IN TRESPASS
	0657	RANDALL HAZEL	7202	UTILITY IN TRESPASS
	0658	TRIBAL	NA	UTILITY IN TRESPASS
	0659	RED ELK PHILLIP	5618	UTILITY IN TRESPASS
	0660	TWIST JOSEPH	5621	UTILITY IN TRESPASS

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0661	TWIST ANNIE	5622	UTILITY IN TRESPASS
	0662	SHOULDER MARY	5621	UTILITY IN TRESPASS
	0663	SPOTTED BEAR	41	UTILITY IN TRESPASS
	0664	HAWK PAUL	28	UTILITY IN TRESPASS
	0665	FAST HORSE WILLIAM	5	UTILITY IN TRESPASS
	0666	IRON CROW WILLIAM	10	UTILITY IN TRESPASS
	0667	RUNNING BEAR ALBERT	148	UTILITY IN TRESPASS
	0668	LONG, CAT GEORGE	149	UTILITY IN TRESPASS
	0669	BIG WOLF SAMUEL	6730	UTILITY IN TRESPASS
	0670	CEDAR MARY	6845	UTILITY IN TRESPASS
	0671	WHITE BULL ELLA	6958	UTILITY IN TRESPASS
	0672	GETS ANGRY	7140	UTILITY IN TRESPASS
	0673	WHITE BULL # 2	462	UTILITY IN TRESPASS
	0674	SHOT IN THE EYE SUSAN	666	UTILITY IN TRESPASS
	0675	HAWK GEORGE	664	UTILITY IN TRESPASS
	0676	HAWK CHARLES	665	UTILITY IN TRESPASS
	0677	WHITE BULL OLIVE	435	UTILITY IN TRESPASS
	0678	WHITE BULL SETH	436	UTILITY IN TRESPASS
	0679	STABBER MARY	644	UTILITY IN TRESPASS
	0680	MORRISETTE JOSEPH	7812	UTILITY IN TRESPASS
	0681	LITTLE KILLER LEON	7043	UTILITY IN TRESPASS
	0682	GOOD TEACHER IDA (BOYER WILLIAMS)	1817	UTILITY IN TRESPASS
	0683	RED HOOP FANNIE	5631	UTILITY IN TRESPASS
	0684	CHIPS AVENA M.	7054	UTILITY IN TRESPASS
	0685	STARR	3905	UTILITY IN TRESPASS
	0686	BREAKS LIMBS	4234	UTILITY IN TRESPASS
	0687	BROWN ANNA C.	3625	UTILITY IN TRESPASS
	0688	WHITE COW RIVER	5665	UTILITY IN TRESPASS
	0689	BROWN DAVID	4221	UTILITY IN TRESPASS
	0690	BROWN BENJAMIN	4389	UTILITY IN TRESPASS
	0691	BREAST JOHN	4195	UTILITY IN TRESPASS
	0692	LIP SUSIE	4200	UTILITY IN TRESPASS
	0693	JUMPING BULL THOMAS	4268	UTILITY IN TRESPASS
	0694	FAST THOMAS	7014	UTILITY IN TRESPASS
	0695	BLUE BIRD ANNIE	3981	UTILITY IN TRESPASS
	0696	RANDALL LUCY	3994	UTILITY IN TRESPASS
	0697	YELLOW HAWK LOTTIE	3983	UTILITY IN TRESPASS
	0698	OLIVER JAMES	4232	UTILITY IN TRESPASS
	0699	OLIVER DENNIS	4228	UTILITY IN TRESPASS
	0700	TRIBAL	NA	UTILITY IN TRESPASS
	0701	MORRISON EMMA	5499	UTILITY IN TRESPASS
	0702	ALLMAN LEROY	NA	UTILITY IN TRESPASS
	0703	CLINCHER JAMES	4411	UTILITY IN TRESPASS
	0704	HAWK WING NICHOLAS	7528	UTILITY IN TRESPASS
	0705	HER GOOD PIPE	3954	UTILITY IN TRESPASS
	0800	RED BOY GEORGE	6361	FORCED FEE PATENT
	0801	LAPOINT JACOB	7334	FORCED FEE PATENT
	0803	PALMER ALBERT & MINNIE	2707	FORCED FEE PATENT
	0804	POURIER JOSIE	7692	FORCED FEE PATENT
	0805	TWO CROWS CORA	NA	FORCED FEE PATENT
	0806	TWO TWO ALEX	200	FORCED FEE PATENT
	0807	POURIER CHARLES	NA	FORCED FEE PATENT
	0808	POURIER PETER	NA	FORCED FEE PATENT
	0810	COMES AGAIN JAMES	NA	FORCED FEE PATENT
	0811	POURIER THOMAS (LITTLE WOLF)	NA	FORCED FEE PATENT
	0812	HILL LIZZIE	NA	FORCED FEE PATENT
	0813	POURIER JOHN	717	FORCED FEE PATENT
	0814	CHASING HAWK HENRY	NA	FORCED FEE PATENT
	0815	MESTETH SOPHIA	7271	FORCED FEE PATENT
	0816	ROBINSON JAMES	7556	FORCED FEE PATENT
	0817	JANIS WILLIAM P.	1543	FORCED FEE PATENT
	0818	HERNANDEZ RAY	1410	FORCED FEE PATENT
	0819	MESTETH JOSEPH	7829	FORCED FEE PATENT
	0820	BIG CROW RAYMOND	7514	FORCED FEE PATENT
	0821	MESTETH DAVID	6[illegible]	FORCED FEE PATENT
	0822	BLACK HORSE CHARLES	751	FORCED FEE PATENT
	0823	RICHARDS CHARLES	413	FORCED FEE PATENT
	0824	RED WATER MARTHA	402	FORCED FEE PATENT

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0825	ROCK JOHN	831	FORCED FEE PATENT
	0826	STAR COMES OUT IVAN	2349	FORCED FEE PATENT
	0827	SEARS TRUE BLOOD LULA	377	FORCED FEE PATENT
	0828	WHITE JOHN H.	NA	FORCED FEE PATENT
	0829	YELLOW BEAR CHARLES	810	FORCED FEE PATENT
	0830	BRINGS JOSEPH & ALICE	1186	FORCED FEE PATENT
	0831	GUINGS FRANK C.	NA	FORCED FEE PATENT
	0832	TIBBITTS FLORENCE (POURIER)	720	FORCED FEE PATENT
	0833	STANDING SOLDIER WM. JR.	NA	FORCED FEE PATENT
	0835	HERNANDEZ CATALINA	1413	FORCED FEE PATENT
	0836	PULLIAM JAMES	1567	FORCED FEE PATENT
	0837	PALMIER EMILY	2712	FORCED FEE PATENT
	0838	BIG CROW THRESA	2745	FORCED FEE PATENT
	0839	CLIFFORD GEORGE	2756	FORCED FEE PATENT
	0840	CHASING HAWK HENRY	737	FORCED FEE PATENT
	0842	MESTETH JAMES	2430	FORCED FEE PATENT
	0843	HORNBECK JULIA	815	FORCED FEE PATENT
	0845	JANIS BENJAMIN	709	FORCED FEE PATENT
	0846	MESTETH JAMES	NA	FORCED FEE PATENT
	0847	LITTLE CHIEF ELVA	8024	FORCED FEE PATENT
	0848	JUMPING EAGLE MAMIE	762	FORCED FEE PATENT
	0849	BISSONETTE JULIA	7309	FORCED FEE PATENT
	0850	TWISS STELLA	2974	FORCED FEE PATENT
	0851	CUNY CHARLES	2907	FORCED FEE PATENT
	0852	STAND UP JULIA	2509	FORCED FEE PATENT
	0853	JONES LORENA	2699	FORCED FEE PATENT
	0854	RED WATER MARTHA	861	FORCED FEE PATENT
	0856	O ROURKE SAMUEL	141	FORCED FEE PATENT
	0857	ROAN EAGLE ISAAC	309	FORCED FEE PATENT
	0859	RED SHIRT HENRY	1447	FORCED FEE PATENT
	0861	GHOST BEAR JULIA	NA	FORCED FEE PATENT
	0862	TAPIO TALIS	NA	FORCED FEE PATENT
	0863	JANIS PETER	NA	FORCED FEE PATENT
	0865	BALD EAGLE FRANK	[illegible]	FORCED FEE PATENT
	0866	YOUNG FRANK	2771A	FORCED FEE PATENT
	0867	LIVERMONT PETER	[illegible]	FORCED FEE PATENT
	0868	YOUNG VICTORIA	[illegible]	FORCED FEE PATENT
	0869	YOUNG PHILLIP	[illegible]	FORCED FEE PATENT
	0870	YOUNG HENRY	[illegible]	FORCED FEE PATENT
	0871	YOUNG EDWARD	[illegible]	FORCED FEE PATENT
	0872	YOUNG JULIA (LIVERMONT)	[illegible]	FORCED FEE PATENT
	0873	LIVERMONT JOSEPH	[illegible]	FORCED FEE PATENT
	0874	LIVERMONT MARTHA	[illegible]	FORCED FEE PATENT
	0875	LIVERMONT CLARA M.	2504	FORCED FEE PATENT
	0876	LIVERMONT PETER ALFRED	254	FORCED FEE PATENT
	0877	LIVERMONT ANNA	2541	FORCED FEE PATENT
	0878	LIVERMONT HATTIE	2542	FORCED FEE PATENT
	0879	LIVERMONT FRANK	2544	FORCED FEE PATENT
	0880	LIVERMONT MARY	2549	FORCED FEE PATENT
	0881	SHANGREAU EMMA	2553	FORCED FEE PATENT
	0882	SANGRTAU MARY	2554	FORCED FEE PATENT
	0883	SHANGREAU WINNIE	2555	FORCED FEE PATENT
	0884	LAME BULE	2570	FORCED FEE PATENT
	0885	LAME SUSIE	2572	FORCED FEE PATENT
	0886	LAME ADOLPH	2576	FORCED FEE PATENT
	0887	AMIOTTE MAUD	2581	FORCED FEE PATENT
	0888	AMIOTTE EMERY	2584	FORCED FEE PATENT
	0889	BOWMAN THOMAS	2587	FORCED FEE PATENT
	0890	GUINGS FRANK C.	2591	FORCED FEE PATENT
	0891	BULLARD WALTER	2594	FORCED FEE PATENT
	0892	STIMA EMMA	2604	FORCED FEE PATENT
	0893	TIBBITS ROSA	2612	FORCED FEE PATENT
	0894	MESTETH FRANK	2645	FORCED FEE PATENT
	0895	MESTETH PETER	2647	FORCED FEE PATENT
	0896	STIMA ELLEN	2666	FORCED FEE PATENT
	0897	COOK WINIFRED	2675	FORCED FEE PATENT
	0898	GIBBONS ANNA	2677	FORCED FEE PATENT
	0899	GIBBONS AGNES	2679	FORCED FEE PATENT

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0900	GIBBONS MAGGIE	2681	FORCED FEE PATENT
	0901	JENSEN ROMENA	2689	FORCED FEE PATENT
	0902	JONES CHARLES	2696	FORCED FEE PATENT
	0903	JONES LIZZIE	2697	FORCED FEE PATENT
	0904	HARVEY GEORGE	2718	FORCED FEE PATENT
	0905	HARVEY JULIA	2720	FORCED FEE PATENT
	0906	HARVEY SUSIE	2723	FORCED FEE PATENT
	0907	HARVEY JOSEPH	2724	FORCED FEE PATENT
	0908	RUSSELL MARY	2738	FORCED FEE PATENT
	0909	WHITE FRANK	2739	FORCED FEE PATENT
	0910	CLIFFORD SUSIE MRS.	2740	FORCED FEE PATENT
	0911	RUSSELL JULIA	2745	FORCED FEE PATENT
	0912	RUSSELL ALBERT	2747	FORCED FEE PATENT
	0913	CLIFFORD JOHN M.	2749	FORCED FEE PATENT
	0914	CLIFFORD EMMA	2750	FORCED FEE PATENT
	0915	CLIFFORD GEORGE	2756	FORCED FEE PATENT
	0916	CLIFFORD HENRY	2757	FORCED FEE PATENT
	0917	GALLIGO FRANK	2785	FORCED FEE PATENT
	0918	CUNY CHARLES	2907	FORCED FEE PATENT
	0919	CUNY EDDIE	2908	FORCED FEE PATENT
	0920	CUNY CHARLES JR.	2909	FORCED FEE PATENT
	0921	CUNY LEROY	2910	FORCED FEE PATENT
	0922	CUNY WILSON	2911	FORCED FEE PATENT
	0923	O'ROURKE LIZZIE	2917	FORCED FEE PATENT
	0924	TWISSS WILLIAM	2922	FORCED FEE PATENT
	0925	PATTON JAMES	2929	FORCED FEE PATENT
	0926	MCGAA WILLIAM D.	2994	FORCED FEE PATENT
	0927	MCGAA MARY P.	2995	FORCED FEE PATENT
	0928	MCGAA ALBERT	2996	FORCED FEE PATENT
	0929	MCGAA GEORGE L.	2998	FORCED FEE PATENT
	0930	JANIS JOSEPH	65	FORCED FEE PATENT
	0931	ALLMAN ALONZO	212	FORCED FEE PATENT
	0932	CONROY MAGGIE	354	FORCED FEE PATENT
	0933	CONROY BENJAMIN	357	FORCED FEE PATENT
	0934	LESSERT SAMUEL	962	FORCED FEE PATENT
	0935	COTTIER EMMA	979	FORCED FEE PATENT
	0936	VALANDRY EMMA	1061	FORCED FEE PATENT
	0937	CLIFFORD JAMES	1587	FORCED FEE PATENT
	0938	DAVIDSON DAVID	1602	FORCED FEE PATENT
	0939	JANIS MILLIE	1783	FORCED FEE PATENT
	0940	GIRARD ETHEL	1865	FORCED FEE PATENT
	0941	JANIS EMMA	2199	FORCED FEE PATENT
	0942	NELSON LIZZIE	2216	FORCED FEE PATENT
	0943	PRIMOST MYRTLE	2299	FORCED FEE PATENT
	0944	EVANS JULIA	2254	FORCED FEE PATENT
	0945	GARCIA THERESA	2403	FORCED FEE PATENT
	0946	RICHARD JENNIE	2487	FORCED FEE PATENT
	0947	YOUNG GEORGE	2512	FORCED FEE PATENT
	0948	YOUNG IDA	2513	FORCED FEE PATENT
	0949	LIVERMONT CHARLOTTE	2518	FORCED FEE PATENT
	0951	BONGA LIZZIE	3788	FORCED FEE PATENT
	0952	RED KETTLE SALINA	3874	FORCED FEE PATENT
	0953	MIDKIFF LORRAIN	3921	FORCED FEE PATENT
	0954	GLICK RAPHAEL	3965	FORCED FEE PATENT
	0956	BROWN JOSEPH	4019	FORCED FEE PATENT
	0957	RANDALL ROBERT	4531	FORCED FEE PATENT
	0958	WILLIAMS JENNIE	4574	FORCED FEE PATENT
	0959	RANDALL CHARLES SR.	4669	FORCED FEE PATENT
	0960	SALWAY MILLIE	5234	FORCED FEE PATENT
	0961	GERRY WILLIAMS	5391	FORCED FEE PATENT
	0962	GREEN LLOYD	5429	FORCED FEE PATENT
	0963	LAME WOLF MARY	5659	FORCED FEE PATENT
	0964	GOINGS VIRGIE	5727	FORCED FEE PATENT
	0965	JANIS LOUISA	5755	FORCED FEE PATENT
	0966	ROLAND JENNIE R.	NA	FORCED FEE PATENT
	0967	HIGH BULL CHARLES	94	FORCED FEE PATENT
	0968	CALHOFF JOHN F.	391	FORCED FEE PATENT
	0969	RED STAR MARY	439	FORCED FEE PATENT

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0970	GOINGS ELLA	5760	FORCED FEE PATENT
	0971	GOINGS ALBERT	5761	FORCED FEE PATENT
	0972	GOINGS ALBERT	5762	FORCED FEE PATENT
	0973	GOINGS ALBERT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	0970	CENTER WILLIAM	444	FORCED FEE PATENT
	0971	OLD SHIELD ALBERT	483	FORCED FEE PATENT
	0972	AMERICAN HORSE CHARLES	619	FORCED FEE PATENT
	0973	BLACK BIRD FRANK	442	FORCED FEE PATENT
	0974	LITTLE HAWK CHARLES	917	FORCED FEE PATENT
	0975	CHIEF JOHN	3931	FORCED FEE PATENT
	0976	KILLS SMALL JAMES	4376	FORCED FEE PATENT
	0977	DILLON RIENZE	5015	FORCED FEE PATENT
	0978	LITTLE KILLER SOLOMON	5015	FORCED FEE PATENT
	0979	PRETTY SKY LILLIE	5063	FORCED FEE PATENT
	0980	CUT RAYMOND	5647	FORCED FEE PATENT
	0981	RED SHIRT WILLIAM	5694	FORCED FEE PATENT
	0982	RALY HELEN (LONE BULL)	6840	FORCED FEE PATENT
	0983	MERRIVALL LAURA	51	FORCED FEE PATENT
	0984	LEE JOHN	53	FORCED FEE PATENT
	0985	JANIS MARTHA	63	FORCED FEE PATENT
	0986	JANIS VIENNA	64	FORCED FEE PATENT
	0987	JANIS JOHN	66	FORCED FEE PATENT
	0988	JANIS ROSA	69	FORCED FEE PATENT
	0989	JANIS CHARLES	70	FORCED FEE PATENT
	0990	GIROUX CHARLES	84	FORCED FEE PATENT
	0991	GIROUX MARY	85	FORCED FEE PATENT
	0992	ALLMAN LOUISA	207	FORCED FEE PATENT
	0993	ALLMAN LILLIAN	208	FORCED FEE PATENT
	0994	ALLMAN NORA	209	FORCED FEE PATENT
	0995	ALLMAN MYRTLE	211	FORCED FEE PATENT
	0996	ALLMAN SAMUEL	213	FORCED FEE PATENT
	0997	SHANGREAU ROSE	214	FORCED FEE PATENT
	0998	ALLMAN CHARLES	216	FORCED FEE PATENT
	0999	MARTINEZ FRANK OR CARLO	244	FORCED FEE PATENT
	1000	BUCKMAN JAMES	257	FORCED FEE PATENT
	1001	NELSON JOHN	262	FORCED FEE PATENT
	1002	GARNETT SUSIE	286	FORCED FEE PATENT
	1003	COLHOFF WILLIAM	288	FORCED FEE PATENT
	1004	JANIS HERBERT	300	FORCED FEE PATENT
	1005	JANIS FANNIE	302	FORCED FEE PATENT
	1006	LIVERMONT CLARENCE	310	FORCED FEE PATENT
	1007	LIVERMONT MARY	311	FORCED FEE PATENT
	1008	THOMPSON SARAH	312	FORCED FEE PATENT
	1009	WHALEN MARY	317	FORCED FEE PATENT
	1010	WHALEN JAMES	318	FORCED FEE PATENT
	1011	ADAMS ALEX	345	FORCED FEE PATENT
	1012	BRINGS PLENTY [illegible]	351	FORCED FEE PATENT
	1013	PABLO ALEX	353	FORCED FEE PATENT
	1014	COWBOY MILLIE	426	FORCED FEE PATENT
	1015	COWBOY TAYLOR	463	FORCED FEE PATENT
	1016	COWBOY JOHN JR	561	FORCED FEE PATENT
	1017	SEARS SUSAN	375	FORCED FEE PATENT
	1018	SEARS VINCENT	376	FORCED FEE PATENT
	1019	SEARS LULU	377	FORCED FEE PATENT
	1020	SEARS CORA	379	FORCED FEE PATENT
	1021	SEARS PEARL	380	FORCED FEE PATENT
	1022	DIXON JAMES G.	408	FORCED FEE PATENT
	1023	KOTIE ROBERT	416	FORCED FEE PATENT
	1024	LIVERMONT EDWARD JR.	448	FORCED FEE PATENT
	1025	LEWIS RHODE	482	FORCED FEE PATENT
	1026	BADGER FRED	555	FORCED FEE PATENT
	1027	RICHARD MILLIE	594	FORCED FEE PATENT
	1028	MOUSSEAU ALEX	695	FORCED FEE PATENT
	1029	JANIS BENJAMIN JR	714	FORCED FEE PATENT
	1030	JANIS ANGIE	714	FORCED FEE PATENT
	1031	POURIER ELLEN	749	FORCED FEE PATENT
	1032	POURIER FLORENCE	750	FORCED FEE PATENT
	1033	CHASING HAWK HENRY	753	FORCED FEE PATENT
	1034	TWISS JAMES	317	FORCED FEE PATENT
	1035	TWISS FLORENCE	319	FORCED FEE PATENT
	1036	TWISS JESSIE	321	FORCED FEE PATENT
	1037	TWISS THOMAS	327	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	1038	TWISS FRANK	826	FORCED FEE PATENT
	1039	MARTINEZ NORA	834	FORCED FEE PATENT
	1040	HORNBECK JOSEPH	835	FORCED FEE PATENT
	1041	STANDING BEAR LILLIE	938	FORCED FEE PATENT
	1042	STANDING BEAR HATTIE	937	FORCED FEE PATENT
	1043	SEARS SUSAN	378	FORCED FEE PATENT
	1044	LESSERT SAMUEL JR.	967	FORCED FEE PATENT
	1045	LESSERT DAVID	971	FORCED FEE PATENT
	1046	LESSERT GARFIELD	973	FORCED FEE PATENT
	1047	COTTIER SAMUEL	981	FORCED FEE PATENT
	1048	COTTIER ELIZABETH	982	FORCED FEE PATENT
	1049	COTTIER FLORENCE	983	FORCED FEE PATENT
	1050	COTTIER JOHN	986	FORCED FEE PATENT
	1051	COTTIER LUCY	987	FORCED FEE PATENT
	1052	COTTIER JOHN JR.	988	FORCED FEE PATENT
	1053	COTTIER ESTHER	989	FORCED FEE PATENT
	1054	COTTIER EDDIE	990	FORCED FEE PATENT
	1055	BISSONETTE FRED	1021	FORCED FEE PATENT
	1056	JANIS WILLIAM	1022	FORCED FEE PATENT
	1057	CARLON ABRAHAM	1074	FORCED FEE PATENT
	1058	VALANDRY JENNIE	1082	FORCED FEE PATENT
	1059	VAVANDRY WILLIAM	1083	FORCED FEE PATENT
	1060	VALANDRY ROBERT	1084	FORCED FEE PATENT
	1061	VALANDRY HATTIE	1085	FORCED FEE PATENT
	1062	VALANDRY OWEN H.	1086	FORCED FEE PATENT
	1063	ALLEN EMMA	1102	FORCED FEE PATENT
	1064	ALLEN CHARLES	1103	FORCED FEE PATENT
	1065	ALLEN LIZZIE	1105	FORCED FEE PATENT
	1066	ALLEN JULIA	1107	FORCED FEE PATENT
	1067	STOVER LAURA	1116	FORCED FEE PATENT
	1068	STOVER GRACE	1117	FORCED FEE PATENT
	1069	STOVER GEORGE	1118	FORCED FEE PATENT
	1070	ALLEN SAMUEL	1119	FORCED FEE PATENT
	1071	BERRY MARTIN	1160	FORCED FEE PATENT
	1072	MORISETTE OLIVER	1175	FORCED FEE PATENT
	1073	LITTLE BEAR ZUZELLA	1181	FORCED FEE PATENT
	1074	SIERRA RENNET	1194	FORCED FEE PATENT
	1075	SIERRO ANTOINE	1195	FORCED FEE PATENT
	1076	SIERRO JOSEPH	1196	FORCED FEE PATENT
	1077	SIERRO HELLARIA	1197	FORCED FEE PATENT
	1078	MILLS THOMAS SR.	1199	FORCED FEE PATENT
	1079	SHANGREAU PETER	1205	FORCED FEE PATENT
	1080	SHANGREAU ANTOINE	1206	FORCED FEE PATENT
	1081	SHANGREAU MYRTLE	1210	FORCED FEE PATENT
	1082	BROOKS JOHN	1214	FORCED FEE PATENT
	1083	HENANDEZ REYS	1410	FORCED FEE PATENT
	1084	HENANDEZ VALENTINE	1411	FORCED FEE PATENT
	1085	GIAGO SOPHIA	1419	FORCED FEE PATENT
	1086	GAIGO TIMOTHY	1421	FORCED FEE PATENT
	1087	CLIFFORD MORTIMER	1589	FORCED FEE PATENT
	1088	GARNETT RICHARD	1602	FORCED FEE PATENT
	1089	O'ROURKE JOHN	1613	FORCED FEE PATENT
	1090	O'ROURKE GEORGIANNA	1611	FORCED FEE PATENT
	1091	DAVIDSON JULIA	1616	FORCED FEE PATENT
	1092	MOGAA ANNA (DAVIDSON)	1620	FORCED FEE PATENT
	1093	BRAFFORD ELI (DAVIDSON)	1621	FORCED FEE PATENT
	1094	BRAFFORD JULIA	1648	FORCED FEE PATENT
	1095	ROOKS JOSEPH JR.	1733	FORCED FEE PATENT
	1096	STAR PARDY JR.	1776	FORCED FEE PATENT
	1097	RANDALL ANTOINE	1807	FORCED FEE PATENT
	1098	BOYER MITCHELL	1816	FORCED FEE PATENT
	1099	RUNNING HORSE LILLIE	1837	FORCED FEE PATENT
	1101	CRAVIN ALICE	1853	FORCED FEE PATENT
	1102	MOUSSEAU LOUIS P	1854	FORCED FEE PATENT
	1103	MOUSSEAU JOSEPH	1856	FORCED FEE PATENT
	1104	MOUSSEAU LOUIS	1858	FORCED FEE PATENT
	1105	WHITE DEER MARGARET	1868	FORCED FEE PATENT
	1106	BROWN WILLIAM	1869	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	1175	SWALLOW IDA	3256	FORCED FEE PATENT
	1176	HUDSPETH OLIVER	3383	FORCED FEE PATENT
	1177	TIBBETS THOMAS	3628	FORCED FEE PATENT
	1178	PALMIER LAURA	3791	FORCED FEE PATENT
	1179	GARNIER JULIA	3568	FORCED FEE PATENT
	1180	MONTILEAUT JULIA	3571	FORCED FEE PATENT
	1181	LADEAUX MARY	3585	FORCED FEE PATENT
	1182	LEBEAUX MAGGIE	3586	FORCED FEE PATENT
	1183	SHANDREAU LIZZIE	3596	FORCED FEE PATENT
	1184	SHANDREAU MARTIN	3602	FORCED FEE PATENT
	1185	SHANDREAU PEARL	3604	FORCED FEE PATENT
	1186	JANIS ROSE	3606	FORCED FEE PATENT
	1187	JANIS KIVA	3607	FORCED FEE PATENT
	1188	JANIS LOUISE	3613	FORCED FEE PATENT
	1189	JANIS ELIZABETH	3614	FORCED FEE PATENT
	1190	JACOBS JULIA	3617	FORCED FEE PATENT
	1191	KELLY JOHN	3630	FORCED FEE PATENT
	1192	KELLY CORA	3631	FORCED FEE PATENT
	1193	HUNTER OLIVE	3635	FORCED FEE PATENT
	1194	SHERMAN LIZZIE D.	3661	FORCED FEE PATENT
	1195	BUSH ROSA	3689	FORCED FEE PATENT
	1196	GALLIDO JAMES	3722	FORCED FEE PATENT
	1197	GARNETT CHARLES	3734	FORCED FEE PATENT
	1198	GARNETT ALICE	3735	FORCED FEE PATENT
	1199	BOINOS JOHN N.	3744	FORCED FEE PATENT
	1200	WILDE JAMES	3759	FORCED FEE PATENT
	1201	CRAVEN JESSIE	3899	FORCED FEE PATENT
	1202	CRAVEN JESSIE I.	3819	FORCED FEE PATENT
	1203	HERLEY GRACE	3824	FORCED FEE PATENT
	1204	ANDREWS KATHERINE	3825	FORCED FEE PATENT
	1205	LITTLE CROW LIZZIE	3862	FORCED FEE PATENT
	1206	ROMERO PHILLIP	3891	FORCED FEE PATENT
	1207	CRAVEN JOHN	3899	FORCED FEE PATENT
	1208	GRIFFITH HATTIE	3900	FORCED FEE PATENT
	1209	WELLS PHILIP F.	3909	FORCED FEE PATENT
	1210	WELLS THOMAS H.	3910	FORCED FEE PATENT
	1211	WELLS MARK	3913	FORCED FEE PATENT
	1212	WELLS PATRICK F.	3914	FORCED FEE PATENT
	1213	MIKKIFF DELILAH	3920	FORCED FEE PATENT
	1214	TAPIO JOSEPH	3973	FORCED FEE PATENT
	1215	BROWN SUSIE	4017	FORCED FEE PATENT
	1216	CALLAHER PAUL	4042	FORCED FEE PATENT
	1217	ROOKS WILLIAM	4054	FORCED FEE PATENT
	1218	ROOKS JAMES	4055	FORCED FEE PATENT
	1219	BRUCE NORESTA	4056	FORCED FEE PATENT
	1220	ROOKS BRIDGET C.	4060	FORCED FEE PATENT
	1221	YOUMAN ALICE	4072	FORCED FEE PATENT
	1222	GODWIN JULIA	4084	FORCED FEE PATENT
	1223	LONE HILL SALLIE	4101	FORCED FEE PATENT
	1224	IRON HEART GEORGE	4103	FORCED FEE PATENT
	1225	JANIS SUSIE	4133	FORCED FEE PATENT
	1226	KELLY FRANK B.	4138	FORCED FEE PATENT
	1227	MCCABE CLARA	4141	FORCED FEE PATENT
	1228	BRAVE HEART MARY	4178	FORCED FEE PATENT
	1229	BERRY JOHN	4190	FORCED FEE PATENT
	1230	MONTO ENOCH	4191	FORCED FEE PATENT
	1231	YELLOW BIRD JOHN	4202	FORCED FEE PATENT
	1232	PECK HATTIE	4361	FORCED FEE PATENT
	1233	SAMOVIA JAMES	4362	FORCED FEE PATENT
	1234	BETTLEYOUN PEARL	4432	FORCED FEE PATENT
	1235	CLIFFORD ORLANDO	4438	FORCED FEE PATENT
	1236	BROWN JOSEPH	4446	FORCED FEE PATENT
	1237	BROWN ALICE	4447	FORCED FEE PATENT
	1238	BROWN JOSEPHINE LOUISE	4452	FORCED FEE PATENT
	1239	POURIER LOUIS	4471	FORCED FEE PATENT
	1240	POURIER ELLA	4472	FORCED FEE PATENT
	1241	PROVOST JACK	4482	FORCED FEE PATENT
	1242	DURRAY CHARLES	4485	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	1107	BROWN LIZZIE	1870	FORCED FEE PATENT
	1108	ROMERO MANUEL	1920	FORCED FEE PATENT
	1109	FIRE THUNDER LOUISA	1950	FORCED FEE PATENT
	1110	RANDALL FRANK	1990	FORCED FEE PATENT
	1111	RANDALL WILLIAM	2037	FORCED FEE PATENT
	1112	CONTRARD PETER	2100	FORCED FEE PATENT
	1113	ROSS CECELIA	2107	FORCED FEE PATENT
	1114	SMITH SOPHIA	2128	FORCED FEE PATENT
	1115	TWISS ADELIA	2142	FORCED FEE PATENT
	1116	RULEAU NICHOLAS	2143	FORCED FEE PATENT
	1117	RULEAU LETA	2144	FORCED FEE PATENT
	1118	RULEAU HOWART	2146	FORCED FEE PATENT
	1119	CUMINGS ALSA	2152	FORCED FEE PATENT
	1120	CUMINGS JENNIE M.	2153	FORCED FEE PATENT
	1121	SWALLOW JOHN	2160	FORCED FEE PATENT
	1122	SWALLOW HATTIE	2161	FORCED FEE PATENT
	1123	GIRARD BELL NORA	2164	FORCED FEE PATENT
	1124	LIVERMONT CHARLES	2169	FORCED FEE PATENT
	1125	BETTLEYOUN JOSEPHINE	2181	FORCED FEE PATENT
	1126	BETTLEYOUN ISAAC	2182	FORCED FEE PATENT
	1127	BETTLEYOUN LUCINDA	2184	FORCED FEE PATENT
	1128	PROVOST CHARLES	2189	FORCED FEE PATENT
	1129	PROVOST JOSEPHINE	2190	FORCED FEE PATENT
	1130	BETTLEYOUN GEORGE	2200	FORCED FEE PATENT
	1131	MOUSSEAU JAMES	2206	FORCED FEE PATENT
	1132	NELSON WILLIAM	2217	FORCED FEE PATENT
	1133	NELSON SAMUEL	2218	FORCED FEE PATENT
	1134	NELSON ROSA M.	2219	FORCED FEE PATENT
	1135	FAST HORSE ANNA	2237	FORCED FEE PATENT
	1136	HEMS ALICE	2246	FORCED FEE PATENT
	1137	HEMS EUGENE	2249	FORCED FEE PATENT
	1138	PETA NELLIE	2255	FORCED FEE PATENT
	1139	LARUFF ALEX	2260	FORCED FEE PATENT
	1140	LARUFF LOUIE	2262	FORCED FEE PATENT
	1141	AMIOTTE EDWARD	2271	FORCED FEE PATENT
	1142	SPOTTED BEAR CECELIA	2282	FORCED FEE PATENT
	1143	AMIOTTE MIRIAM	2308	FORCED FEE PATENT
	1144	MONROE JOHN	2318	FORCED FEE PATENT
	1145	MONROE SOPIA	2319	FORCED FEE PATENT
	1146	MONROE ALLOYSEUS	2320	FORCED FEE PATENT
	1147	MOUSSEAU JOSEPH	2326	FORCED FEE PATENT
	1148	RICHARD NETTIE	2334	FORCED FEE PATENT
	1149	GERRY BENJAMIN	2364	FORCED FEE PATENT
	1150	BROWN EVA	2394	FORCED FEE PATENT
	1151	BROWN ANGELINE	2396	FORCED FEE PATENT
	1152	HIGH EAGLE SOPHIA	2408	FORCED FEE PATENT
	1153	HILL ROBERT	2456	FORCED FEE PATENT
	1154	VALANDRY VETAL	2460	FORCED FEE PATENT
	1155	VALANDRY MARY IONA	2461	FORCED FEE PATENT
	1156	PECK LOUIS	2464	FORCED FEE PATENT
	1157	BETTLEYOUN HARRY M.	2481	FORCED FEE PATENT
	1158	BETTLEYOUN FRED W.	2482	FORCED FEE PATENT
	1159	BETTLEYOUN MARTHA L.	2483	FORCED FEE PATENT
	1160	BETTLEYOUN CHESTER	2485	FORCED FEE PATENT
	1161	BETTLEYOUN LORENZO	2486	FORCED FEE PATENT
	1162	MONROE HENRY	2499	FORCED FEE PATENT
	1163	MOORE MARY	3400	FORCED FEE PATENT
	1164	BLACK FEATHER EMMA	3034	FORCED FEE PATENT
	1165	HERMER CHARLOTTE	3037	FORCED FEE PATENT
	1166	WILSON JOHN	3433	FORCED FEE PATENT
	1167	BISSONETTE JOSEPH	3094	FORCED FEE PATENT
	1168	SWALLOW ELI	3217	FORCED FEE PATENT
	1169	CAMPBELL SUSAN	3227	FORCED FEE PATENT
	1170	SWALLOW WILLIS	3237	FORCED FEE PATENT
	1171	SWALLOW HELENA	3238	FORCED FEE PATENT
	1172	GILLISPIE GEORGE	3248	FORCED FEE PATENT
	1173	GILLISPIE EMMA	3249	FORCED FEE PATENT
	1174	GILLESPIE MAGGIE	3251	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	1311	HERMAN JACOB	5926	FORCED FEE PATENT
	1312	LITTLE BEAR LUCY	6017	FORCED FEE PATENT
	1313	SHANDREW LUCY	6094	FORCED FEE PATENT
	1314	HAIRY BIRD JENNIE	6104	FORCED FEE PATENT
	1315	GARNIER JOHN	6127	FORCED FEE PATENT
	1316	SHE ELK VOICE WALKING WOMAN SALLIE	6140	FORCED FEE PATENT
	1317	AMIOTTE DELIA	6218	FORCED FEE PATENT
	1318	HOLY ROCK POLLY	6417	FORCED FEE PATENT
	1319	MARROW BONE EMMA	6473	FORCED FEE PATENT
	1320	JARVIS ELLEN	6502	FORCED FEE PATENT
	1321	STANDING BEAR TOM	6611	FORCED FEE PATENT
	1322	RED BEAR JULIA	6753	FORCED FEE PATENT
	1323	PATTON WILLIAM	6801	FORCED FEE PATENT
	1324	WHITE DRESS MARY	6908	FORCED FEE PATENT
	1325	HIKE MARY	6984	FORCED FEE PATENT
	1326	HOLE ANGELIQUE	7044	FORCED FEE PATENT
	1327	MOREIL SARAH	7168	FORCED FEE PATENT
	1328	RUFF ROSA	7302	FORCED FEE PATENT
	1329	BISSONETTE HOART	7309	FORCED FEE PATENT
	1330	BISSONETTE JULIA	7313	FORCED FEE PATENT
	1331	HESTETH PHILIP	7390	FORCED FEE PATENT
	1332	POURIER JOSIF	7492	FORCED FEE PATENT
	1333	TWO TWO HELENA (GARCIA)	8052	FORCED FEE PATENT
	1334	SALWAY WINNIE	8071	FORCED FEE PATENT
	1335	CONSELMAN JOSEPH	8181	FORCED FEE PATENT
	1336	MARTIN SAMUEL	8191	FORCED FEE PATENT
	1337	CHIEF JAMES	226	FORCED FEE PATENT
	1338	BIRD NECKLACE FRANK	279	FORCED FEE PATENT
	1339	JANIS ANTOINE	299	FORCED FEE PATENT
	1340	JANIS JOE	303	FORCED FEE PATENT
	1341	MERRIVAL ALEX	313	FORCED FEE PATENT
	1342	MERRIVAL KEVA	314	FORCED FEE PATENT
	1343	MERRIVAL HERMUS	315	FORCED FEE PATENT
	1344	MILLS BEN	340	FORCED FEE PATENT
	1345	CONROY JOHN	365	FORCED FEE PATENT
	1346	KNIGHT JOSEPH	399	FORCED FEE PATENT
	1347	CORN EMMA	405	FORCED FEE PATENT
	1348	DIXON ELIZABETH	406	FORCED FEE PATENT
	1349	DIXON WILLIAM H.	407	FORCED FEE PATENT
	1350	LAPRAIRIE WILLIAM	478	FORCED FEE PATENT
	1351	JANIS BENJAMIN SR.	709	FORCED FEE PATENT
	1352	JANIS BESSIE	712	FORCED FEE PATENT
	1354	HESTETH JOHN	868	FORCED FEE PATENT
	1355	STANDING BEAR CHRISTINA	939	FORCED FEE PATENT
	1356	LESSERT RICHARD	972	FORCED FEE PATENT
	1357	NELSON JAMES	1146	FORCED FEE PATENT
	1358	CALLIGO JOHN SR	1178	FORCED FEE PATENT
	1359	FERGUSON LUCY	1219	FORCED FEE PATENT
	1360	GAY WILLIAM	1221	FORCED FEE PATENT
	1361	HERNANDEZ CATALINA	1413	FORCED FEE PATENT
	1362	JANIS WILLIAM	1563	FORCED FEE PATENT
	1363	CLIFFORD JULIA	1595	FORCED FEE PATENT
	1364	CLIFFORD JOSEPH	1598	FORCED FEE PATENT
	1365	CLIFFORD LILLIE	1590	FORCED FEE PATENT
	1366	HERNANDEZ FLORENDO	1591	FORCED FEE PATENT
	1367	GARNET WILLIAM SR.	1601	FORCED FEE PATENT
	1368	CLIFFORD MAGGIE	1639	FORCED FEE PATENT
	1369	CLIFFORD WILLIAM	1440	FORCED FEE PATENT
	1370	CLIFFORD ROBERT S.	1442	FORCED FEE PATENT
	1371	ROLAND NELLIE	1443	FORCED FEE PATENT
	1372	LAEHOT JENNIE	1903	FORCED FEE PATENT
	1373	FIRE THUNDER EDGAR	1955	FORCED FEE PATENT
	1374	LARUFF ALICE	2261	FORCED FEE PATENT
	1375	MONROE MARY	2221	FORCED FEE PATENT
	1376	SHANDREW WILLIAM	2352	FORCED FEE PATENT
	1377	LAWE MARY MINNIE	2400	FORCED FEE PATENT
	1378	BOWMAN THOMAS	2569	FORCED FEE PATENT
	1379	WILLARD NELLIE	2595	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A06344	1243	DURRAY ELIZABETH	4484	FORCED FEE PATENT
	1244	DURRAY EUGENE	4487	FORCED FEE PATENT
	1245	GERRY CYNTHIA	4494	FORCED FEE PATENT
	1246	GERRY ELDRIDGE	4495	FORCED FEE PATENT
	1247	RUFF ARTHUR	4498	FORCED FEE PATENT
	1248	SHALANDER MARY A.	4499	FORCED FEE PATENT
	1249	SHALANDER ARTHUR E.	4500	FORCED FEE PATENT
	1250	SHALANDER EDITH G.	4501	FORCED FEE PATENT
	1251	SHALANDER ELSIE M.	4502	FORCED FEE PATENT
	1252	RUFF GRACE	4505	FORCED FEE PATENT
	1253	RUFF EDNA	4507	FORCED FEE PATENT
	1254	RUFF VINA	4508	FORCED FEE PATENT
	1255	MARSHALL JOSEPH	4525	FORCED FEE PATENT
	1256	MARSHALL PHILIP	4527	FORCED FEE PATENT
	1257	MARSHALL CHARLES	4528	FORCED FEE PATENT
	1258	MARSHALL JENNIE	4529	FORCED FEE PATENT
	1259	WILLIAMS MINNIE	4572	FORCED FEE PATENT
	1260	WILLIAMS MAURICE	4573	FORCED FEE PATENT
	1261	DURRAY MINNIE	4580	FORCED FEE PATENT
	1262	CONROY FRANK	4584	FORCED FEE PATENT
	1263	RUSSELL ANDREW	4629	FORCED FEE PATENT
	1264	ECOFFEY ROSA	4634	FORCED FEE PATENT
	1265	STOVER EDWARD	4636	FORCED FEE PATENT
	1266	STANDING BEAR SALLIE	4645	FORCED FEE PATENT
	1267	COTTIER MAGGIE	4661	FORCED FEE PATENT
	1268	RICHARD ALFRED	4673	FORCED FEE PATENT
	1269	LITTLE LIZZIE	4683	FORCED FEE PATENT
	1270	SOUTHERLAND CLARA	4689	FORCED FEE PATENT
	1271	SOUTHERLAND GEORGE	4693	FORCED FEE PATENT
	1272	RICHARD JAMES #2	4696	FORCED FEE PATENT
	1273	RICHARD LOUIS	4696	FORCED FEE PATENT
	1274	YOUNGS AMELIA	4697	FORCED FEE PATENT
	1275	BETTLEYOUN LIZZIE	4701	FORCED FEE PATENT
	1276	YANKTON JENNIE	4702	FORCED FEE PATENT
	1277	BETTLEYOUN EDWARD C.	4704	FORCED FEE PATENT
	1278	IRVING JULIA	4718	FORCED FEE PATENT
	1279	YOUNG ALFRED	4791	FORCED FEE PATENT
	1280	TYNDALL LIZZIE	4802	FORCED FEE PATENT
	1281	IRON MAY	4837	FORCED FEE PATENT
	1282	JARVIS MICHAEL	5011	FORCED FEE PATENT
	1283	YOUNG LOUISE	5043	FORCED FEE PATENT
	1284	SCHURMAN ROSA	5064	FORCED FEE PATENT
	1285	CROSS DOG LUCY	5109	FORCED FEE PATENT
	1286	LAMONT JOHN	5141	FORCED FEE PATENT
	1287	LAMONT FRANCIS	5148	FORCED FEE PATENT
	1288	LAMONT GEORGE	5149	FORCED FEE PATENT
	1289	LAMONT MARY	5157	FORCED FEE PATENT
	1290	NELSON THOMAS	5188	FORCED FEE PATENT
	1291	COTTIER SUSIE	5328	FORCED FEE PATENT
	1292	BOWMAN NETTIE	5440	FORCED FEE PATENT
	1293	GREEN SUSIE	5453	FORCED FEE PATENT
	1294	GOINGS JULIA	5460	FORCED FEE PATENT
	1295	AMIOTTE LEVI BERT	5484	FORCED FEE PATENT
	1296	AMIOTTE ALBERT	5485	FORCED FEE PATENT
	1297	CRAIG HORSE ELLEN	5490	FORCED FEE PATENT
	1298	TWO THUMB	5493	FORCED FEE PATENT
	1299	GREEN TOM	5496	FORCED FEE PATENT
	1300	ALLARD SUSIE	5502	FORCED FEE PATENT
	1301	HAUETT ELIZABETH	5505	FORCED FEE PATENT
	1302	GIROUX LUCY	5544	FORCED FEE PATENT
	1303	BARTLETT GEORGE	5563	FORCED FEE PATENT
	1304	PICHARD ELLEN	5584	FORCED FEE PATENT
	1305	BROWN BILL JEMA	5684	FORCED FEE PATENT
	1306	DEON WILLIAM	5691	FORCED FEE PATENT
	1307	IRVING BENJAMIN	5712	FORCED FEE PATENT
	1308	GOINGS LOUIS	5728	FORCED FEE PATENT
	1309	GARNIER SOPHIA	5787	FORCED FEE PATENT
	1310	EDISON GLEN	5845	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A04344	1380	PEARTER JOSEPHINE	2609	FORCED FEE PATENT
	1381	STIRS EMMA	2665	FORCED FEE PATENT
	1382	STIRS RICHARD	2667	FORCED FEE PATENT
	1383	COLHOFF LOUISA	2668	FORCED FEE PATENT
	1384	STIRS GEORGE	2669	FORCED FEE PATENT
	1385	CLIFFORD HATTIE	2673	FORCED FEE PATENT
	1386	GIBBONS WINFIELD	2680	FORCED FEE PATENT
	1387	JONES LAURINA	2698	FORCED FEE PATENT
	1388	JONES LOUISA	2699	FORCED FEE PATENT
	1389	PALMIER ALBERT	2707	FORCED FEE PATENT
	1390	CLIFFORD GEORGE	2718	FORCED FEE PATENT
	1391	PATTON LOTTIE	2730	FORCED FEE PATENT
	1392	TWISS LIZZIE	2974	FORCED FEE PATENT
	1393	TWISS STELLA D.	2974	FORCED FEE PATENT
	1394	SHALLION BETTY	3247	FORCED FEE PATENT
	1395	GILLISPIE HENRY	3371	FORCED FEE PATENT
	1396	MURPHETH THELMA	3371	FORCED FEE PATENT
	1397	HUNTER JOHN S.	3674	FORCED FEE PATENT
	1398	LONG ANNIE	3703	FORCED FEE PATENT
	1399	LONG MYRNA EDNA	3705	FORCED FEE PATENT
	1400	LONG RAY EDWARD	3704	FORCED FEE PATENT
	1401	FISHER HATTIE	3745	FORCED FEE PATENT
	1402	CRAVEN ISABEL	3801	FORCED FEE PATENT
	1403	GREEN LUCY A.	3806	FORCED FEE PATENT
	1404	ROBB'S KATE	4054	FORCED FEE PATENT
	1405	ROBB'S REBECCA	4055	FORCED FEE PATENT
	1406	ROBB'S CLARA	4059	FORCED FEE PATENT
	1407	ROBB'S FRANK	4097	FORCED FEE PATENT
	1408	DAPSON ROSE (RYAN)	4279	FORCED FEE PATENT
	1409	MIFF EMMA	4412	FORCED FEE PATENT
	1410	BROWN CARL L.	4454	FORCED FEE PATENT
	1411	MIFF GEORGE	4479	FORCED FEE PATENT
	1412	DILLON PETER	4559	FORCED FEE PATENT
	1413	DUAN JULIA	[illegible]	FORCED FEE PATENT
	1414	ROSS ARE JR	[illegible]	FORCED FEE PATENT
	1415	BETTELYOUNG E.G. JR	1445	FORCED FEE PATENT
	1416	MORRISSEN PETER	[illegible]	FORCED FEE PATENT
	1417	GERNIE LIZZIE	[illegible]	FORCED FEE PATENT
	1418	MOUILLARD JENNIE	[illegible]	FORCED FEE PATENT
	1419	EAGLE BULL JENNIE	[illegible]	FORCED FEE PATENT
	1420	TOYLER JOHN Y.	[illegible]	FORCED FEE PATENT
	1421	TRIBAL	NA	UTILITY IN TRESPASS
	1424	SEARS IDA	[illegible]	FORCED FEE PATENT
	1425	O'MARRIE EMMA	[illegible]	FORCED FEE PATENT
	1426	HENDERSON [illegible]	[illegible]	FORCED FEE PATENT
	1427	GILLESPIE ROBERT	[illegible]	FORCED FEE PATENT
	1428	WATER ALEX	4925	FORCED FEE PATENT
A07345	0001	BIG MOCCASIN	[illegible]	OLD AGE ASSISTANCE
	0002	KNIFE SCABBARD OR HORN CLOUD	[illegible]	OLD AGE ASSISTANCE
	0003	YELLOW HAIR WOMAN	2541.5	OLD AGE ASSISTANCE
	0004	DURRAY JENNIE	2727.5	OLD AGE ASSISTANCE
	0005	KILLS HER ENEMY JOE	2825	OLD AGE ASSISTANCE
	0006	RATTLING HORSE JOHN	2971	OLD AGE ASSISTANCE
	0007	GOOD VOICE WOMAN	2980	OLD AGE ASSISTANCE
	0008	HER GOOD HORSE	2987.5	OLD AGE ASSISTANCE
	0009	AFRAID OF EAGLE	[illegible]	OLD AGE ASSISTANCE
	0010	GOOD ELK	[illegible]	OLD AGE ASSISTANCE
	0011	STANDS FOR THEM JAMES	[illegible]	OLD AGE ASSISTANCE
	0012	RED HAWK FRANK	[illegible]	OLD AGE ASSISTANCE
	0013	DAY PATTY	4070	OLD AGE ASSISTANCE
	0014	BLACK MOUNTAIN ALICE	[illegible]	OLD AGE ASSISTANCE
	0015	EAGLE FACE JAMES BATTLE	4161	OLD AGE ASSISTANCE
	0016	PRETTY VOICE EAGLE MARY	4175.5	OLD AGE ASSISTANCE
	0017	LITTLE CHIEF ALICE	4182	OLD AGE ASSISTANCE
	0018	DORIAN PHILLIP	4217	OLD AGE ASSISTANCE
	0019	LITTLE CROW NELLIE	4235.5	OLD AGE ASSISTANCE
	0020	LAROCHE EMMA (KAPPEN)	[illegible]	OLD AGE ASSISTANCE
	0021	CROW DOG JOHN	[illegible]	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0022	BLACK BEAR ANNIE	5140	OLD AGE ASSISTANCE
	0023	GOOD BOY	5208	OLD AGE ASSISTANCE
	0024	BLACK CROW MAY JACK	5257	OLD AGE ASSISTANCE
	0025	RUNNING BEAR	5976	OLD AGE ASSISTANCE
	0026	COULEE MARY MOCHEE	6481	OLD AGE ASSISTANCE
	0027	DRAPPEAU LEON	6488	OLD AGE ASSISTANCE
	0028	HUNTS HORSES BELLE	6076	OLD AGE ASSISTANCE
	0029	SCATTERS THEM MARY	6043	OLD AGE ASSISTANCE
	0030	WHITE CROW BRAVE HAWK	3728.5	OLD AGE ASSISTANCE
	0031	WHITE PIPE WARD	2925	OLD AGE ASSISTANCE
	0032	BEAR DOCTOR MOSES S	90	OLD AGE ASSISTANCE
	0033	BLANKETT PAUL	3727	OLD AGE ASSISTANCE
	0034	BULL NANCY	3739	OLD AGE ASSISTANCE
	0035	RED STAR LUCY	3737.5	OLD AGE ASSISTANCE
	0036	NO LEAD OR BIRD ANNIE	4694	OLD AGE ASSISTANCE
	0037	RED GOOSE JOHN	2709	OLD AGE ASSISTANCE
	0038	WHITE LANCE JOSEPH HOWARD	3687	OLD AGE ASSISTANCE
	0039	CROW GOOD VOICE WILLIAM	3682	OLD AGE ASSISTANCE
	0040	LONG WOMAN NELLIE	2904	OLD AGE ASSISTANCE
	0041	YELLOW CANE FAST BULL SUSIE	3351	OLD AGE ASSISTANCE
	0042	MAIL WOMAN EMILY	3335	OLD AGE ASSISTANCE
	0043	SHARP BUTTE WILLIAM	3248	OLD AGE ASSISTANCE
	0044	WHITE LANCE JOSEPH JESSE	2955	OLD AGE ASSISTANCE
	0045	FACE CHARLES	2952	OLD AGE ASSISTANCE
	0046	COFFEE NO. 2	3648	OLD AGE ASSISTANCE
	0047	BONE SHIRT DAVID	3647	OLD AGE ASSISTANCE
	0048	YELLOW ELK JOHN	3645	OLD AGE ASSISTANCE
	0049	GOOD BIRD	2986	OLD AGE ASSISTANCE
	0050	SWIFT CROCKERY BENJAMIN	2926	OLD AGE ASSISTANCE
	0051	WHITE BUFFALO LIZZIE	2929	OLD AGE ASSISTANCE
	0052	EAGLE BIRD WILLIAM	3674	OLD AGE ASSISTANCE
	0053	BONE SHIRT SUSAN YELLOW BULL	4579	OLD AGE ASSISTANCE
	0054	OWNS THE FIRE THOMAS	2998	OLD AGE ASSISTANCE
	0055	GOES AMONG AMOS	1105	OLD AGE ASSISTANCE
	0056	WHITE BEAR SAMUEL	3407	OLD AGE ASSISTANCE
	0057	YELLOW HAWK LORA HIGH ONE	NA	OLD AGE ASSISTANCE
	0058	CHASING HAWK AMOS	2811	OLD AGE ASSISTANCE
	0059	EAGLE HORN MOLLIE	200	OLD AGE ASSISTANCE
	0060	UNDER THE WATER THROWS JOHN	283	OLD AGE ASSISTANCE
	0061	JACKSON EDWARD	121	OLD AGE ASSISTANCE
	0062	QUICK BEAR MARY	127	OLD AGE ASSISTANCE
	0063	MENARD GEORGE	NA	OLD AGE ASSISTANCE
	0064	PANNET MARY	1283.5	OLD AGE ASSISTANCE
	0065	COUTIER GEORGE	497	OLD AGE ASSISTANCE
	0066	HAWKEN LEG LITTLE	600	OLD AGE ASSISTANCE
	0067	PIPE BOY JOHN	NAV	OLD AGE ASSISTANCE
	0068	BRAVE BOY GEORGE	2[illegible]	OLD AGE ASSISTANCE
	0069	BRAVE BOY MILLIE MARY	NA	OLD AGE ASSISTANCE
	0070	HICKMAN PHILLIP FELIOLD AGE	NA	OLD AGE ASSISTANCE
	0071	IRON SHELL PETER	1249	OLD AGE ASSISTANCE
	0072	EAGLE DOG LENA	1239	OLD AGE ASSISTANCE
	0073	BRAVE BIRD STEVEN	1453	OLD AGE ASSISTANCE
	0074	WHITE BEAR AMY	1550	OLD AGE ASSISTANCE
	0075	RED SHIRT NELLIE	1203.5	OLD AGE ASSISTANCE
	0076	MEIS ANNIE HER HOLY (CANE) RIDE CANE	1460	OLD AGE ASSISTANCE
	0077	BORDEAUX SUSAN	115	OLD AGE ASSISTANCE
	0078	SINGING WOMAN	190.5	OLD AGE ASSISTANCE
	0079	LITTLE THUNDER FRANK	1951	OLD AGE ASSISTANCE
	0080	RUNNING BEAR KATE	1400	OLD AGE ASSISTANCE
	0081	WALKER ANNIE	1405.5	OLD AGE ASSISTANCE
	0082	HAWKEN LEG JENNIE	1903.5	OLD AGE ASSISTANCE
	0084	HORNED EAGLE FRANK	1403	OLD AGE ASSISTANCE
	0085	DILLON GEORGE	460	OLD AGE ASSISTANCE
	0086	GOOD BREAST JOHN	1460	OLD AGE ASSISTANCE
	0087	IRON BOY EDWARD	1415	OLD AGE ASSISTANCE
	0088	STONE TYLER	1437	OLD AGE ASSISTANCE
	0089	MOORE CHARLES	1491	OLD AGE ASSISTANCE
	0090	NO HEART CHARLES	1492	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0091	BLACK BEAR JOHN	1494	OLD AGE ASSISTANCE
	0092	BLACK BEAR JOHN	1495	OLD AGE ASSISTANCE
	0093	BLACK BEAR JOHN	1496	OLD AGE ASSISTANCE
	0094	BLACK BEAR JOHN	1497	OLD AGE ASSISTANCE
	0095	BLACK BEAR JOHN	1498	OLD AGE ASSISTANCE
	0096	BLACK BEAR JOHN	1499	OLD AGE ASSISTANCE
	0097	BLACK BEAR JOHN	1500	OLD AGE ASSISTANCE
	0098	BLACK BEAR JOHN	1501	OLD AGE ASSISTANCE
	0099	BLACK BEAR JOHN	1502	OLD AGE ASSISTANCE
	0100	BLACK BEAR JOHN	1503	OLD AGE ASSISTANCE
	0101	BLACK BEAR JOHN	1504	OLD AGE ASSISTANCE
	0102	BLACK BEAR JOHN	1505	OLD AGE ASSISTANCE
	0103	BLACK BEAR JOHN	1506	OLD AGE ASSISTANCE
	0104	BLACK BEAR JOHN	1507	OLD AGE ASSISTANCE
	0105	BLACK BEAR JOHN	1508	OLD AGE ASSISTANCE
	0106	BLACK BEAR JOHN	1509	OLD AGE ASSISTANCE
	0107	BLACK BEAR JOHN	1510	OLD AGE ASSISTANCE
	0108	BLACK BEAR JOHN	1511	OLD AGE ASSISTANCE
	0109	BLACK BEAR JOHN	1512	OLD AGE ASSISTANCE
	0110	BLACK BEAR JOHN	1513	OLD AGE ASSISTANCE
	0111	BLACK BEAR JOHN	1514	OLD AGE ASSISTANCE
	0112	BLACK BEAR JOHN	1515	OLD AGE ASSISTANCE
	0113	BLACK BEAR JOHN	1516	OLD AGE ASSISTANCE
	0114	BLACK BEAR JOHN	1517	OLD AGE ASSISTANCE
	0115	BLACK BEAR JOHN	1518	OLD AGE ASSISTANCE
	0116	BLACK BEAR JOHN	1519	OLD AGE ASSISTANCE
	0117	BLACK BEAR JOHN	1520	OLD AGE ASSISTANCE
	0118	BLACK BEAR JOHN	1521	OLD AGE ASSISTANCE
	0119	BLACK BEAR JOHN	1522	OLD AGE ASSISTANCE
	0120	BLACK BEAR JOHN	1523	OLD AGE ASSISTANCE
	0121	BLACK BEAR JOHN	1524	OLD AGE ASSISTANCE
	0122	BLACK BEAR JOHN	1525	OLD AGE ASSISTANCE
	0123	BLACK BEAR JOHN	1526	OLD AGE ASSISTANCE
	0124	BLACK BEAR JOHN	1527	OLD AGE ASSISTANCE
	0125	BLACK BEAR JOHN	1528	OLD AGE ASSISTANCE
	0126	BLACK BEAR JOHN	1529	OLD AGE ASSISTANCE
	0127	BLACK BEAR JOHN	1530	OLD AGE ASSISTANCE
	0128	BLACK BEAR JOHN	1531	OLD AGE ASSISTANCE
	0129	BLACK BEAR JOHN	1532	OLD AGE ASSISTANCE
	0130	BLACK BEAR JOHN	1533	OLD AGE ASSISTANCE
	0131	BLACK BEAR JOHN	1534	OLD AGE ASSISTANCE
	0132	BLACK BEAR JOHN	1535	OLD AGE ASSISTANCE
	0133	BLACK BEAR JOHN	1536	OLD AGE ASSISTANCE
	0134	BLACK BEAR JOHN	1537	OLD AGE ASSISTANCE
	0135	BLACK BEAR JOHN	1538	OLD AGE ASSISTANCE
	0136	BLACK BEAR JOHN	1539	OLD AGE ASSISTANCE
	0137	BLACK BEAR JOHN	1540	OLD AGE ASSISTANCE
	0138	BLACK BEAR JOHN	1541	OLD AGE ASSISTANCE
	0139	BLACK BEAR JOHN	1542	OLD AGE ASSISTANCE
	0140	BLACK BEAR JOHN	1543	OLD AGE ASSISTANCE
	0141	BLACK BEAR JOHN	1544	OLD AGE ASSISTANCE
	0142	BLACK BEAR JOHN	1545	OLD AGE ASSISTANCE
	0143	BLACK BEAR JOHN	1546	OLD AGE ASSISTANCE
	0144	BLACK BEAR JOHN	1547	OLD AGE ASSISTANCE
	0145	BLACK BEAR JOHN	1548	OLD AGE ASSISTANCE
	0146	BLACK BEAR JOHN	1549	OLD AGE ASSISTANCE
	0147	BLACK BEAR JOHN	1550	OLD AGE ASSISTANCE
	0148	BLACK BEAR JOHN	1551	OLD AGE ASSISTANCE
	0149	BLACK BEAR JOHN	1552	OLD AGE ASSISTANCE
	0150	BLACK BEAR JOHN	1553	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0151	BLACK BEAR JOHN	1554	OLD AGE ASSISTANCE
	0152	BLACK BEAR JOHN	1555	OLD AGE ASSISTANCE
	0153	BLACK BEAR JOHN	1556	OLD AGE ASSISTANCE
	0154	BLACK BEAR JOHN	1557	OLD AGE ASSISTANCE
	0155	BLACK BEAR JOHN	1558	OLD AGE ASSISTANCE
	0156	BLACK BEAR JOHN	1559	OLD AGE ASSISTANCE
	0157	BLACK BEAR JOHN	1560	OLD AGE ASSISTANCE
	0158	BLACK BEAR JOHN	1561	OLD AGE ASSISTANCE
	0159	BLACK BEAR JOHN	1562	OLD AGE ASSISTANCE
	0160	BLACK BEAR JOHN	1563	OLD AGE ASSISTANCE
	0161	BLACK BEAR JOHN	1564	OLD AGE ASSISTANCE
	0162	BLACK BEAR JOHN	1565	OLD AGE ASSISTANCE
	0163	BLACK BEAR JOHN	1566	OLD AGE ASSISTANCE
	0164	BLACK BEAR JOHN	1567	OLD AGE ASSISTANCE
	0165	BLACK BEAR JOHN	1568	OLD AGE ASSISTANCE
	0166	BLACK BEAR JOHN	1569	OLD AGE ASSISTANCE
	0167	BLACK BEAR JOHN	1570	OLD AGE ASSISTANCE
	0168	BLACK BEAR JOHN	1571	OLD AGE ASSISTANCE
	0169	BLACK BEAR JOHN	1572	OLD AGE ASSISTANCE
	0170	BLACK BEAR JOHN	1573	OLD AGE ASSISTANCE
	0171	BLACK BEAR JOHN	1574	OLD AGE ASSISTANCE
	0172	BLACK BEAR JOHN	1575	OLD AGE ASSISTANCE
	0173	BLACK BEAR JOHN	1576	OLD AGE ASSISTANCE
	0174	BLACK BEAR JOHN	1577	OLD AGE ASSISTANCE
	0175	BLACK BEAR JOHN	1578	OLD AGE ASSISTANCE
	0176	BLACK BEAR JOHN	1579	OLD AGE ASSISTANCE
	0177	BLACK BEAR JOHN	1580	OLD AGE ASSISTANCE
	0178	BLACK BEAR JOHN	1581	OLD AGE ASSISTANCE
	0179	BLACK BEAR JOHN	1582	OLD AGE ASSISTANCE
	0180	BLACK BEAR JOHN	1583	OLD AGE ASSISTANCE
	0181	BLACK BEAR JOHN	1584	OLD AGE ASSISTANCE
	0182	BLACK BEAR JOHN	1585	OLD AGE ASSISTANCE
	0183	BLACK BEAR JOHN	1586	OLD AGE ASSISTANCE
	0184	BLACK BEAR JOHN	1587	OLD AGE ASSISTANCE
	0185	BLACK BEAR JOHN	1588	OLD AGE ASSISTANCE
	0186	BLACK BEAR JOHN	1589	OLD AGE ASSISTANCE
	0187	BLACK BEAR JOHN	1590	OLD AGE ASSISTANCE
	0188	BLACK BEAR JOHN	1591	OLD AGE ASSISTANCE
	0189	BLACK BEAR JOHN	1592	OLD AGE ASSISTANCE
	0190	BLACK BEAR JOHN	1593	OLD AGE ASSISTANCE
	0191	BLACK BEAR JOHN	1594	OLD AGE ASSISTANCE
	0192	BLACK BEAR JOHN	1595	OLD AGE ASSISTANCE
	0193	BLACK BEAR JOHN	1596	OLD AGE ASSISTANCE
	0194	BLACK BEAR JOHN	1597	OLD AGE ASSISTANCE
	0195	BLACK BEAR JOHN	1598	OLD AGE ASSISTANCE
	0196	BLACK BEAR JOHN	1599	OLD AGE ASSISTANCE
	0197	BLACK BEAR JOHN	1600	OLD AGE ASSISTANCE
	0198	BLACK BEAR JOHN	1601	OLD AGE ASSISTANCE
	0199	BLACK BEAR JOHN	1602	OLD AGE ASSISTANCE
	0200	BLACK BEAR JOHN	1603	OLD AGE ASSISTANCE

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0091	MAKES GOOD FRANCIS	1842	OLD AGE ASSISTANCE
	0092	GREYHOUND JENNIE FAST DOG	921	OLD AGE ASSISTANCE
	0093	GREYHOUND WILLIAM	922	OLD AGE ASSISTANCE
	0094	KILLS THE ENEMY COOL THOMAS	1152	OLD AGE ASSISTANCE
	0095	AHCOREN JOSEPHINE	1193.5	OLD AGE ASSISTANCE
	0096	HORNS HARRIS LEON	937	OLD AGE ASSISTANCE
	0097	RATTLING WOMAN	1152.5	OLD AGE ASSISTANCE
	0098	BRONCHO BILL HARRY	1158	OLD AGE ASSISTANCE
	0099	BLACK BUFFALO KATE	1017	OLD AGE ASSISTANCE
	0100	EAGLE FEATHER HATTIE	899	OLD AGE ASSISTANCE
	0101	BEAR LOOKS BEHIND JACK ISAAC	698	OLD AGE ASSISTANCE
	0102	PRATT HENRY	816	OLD AGE ASSISTANCE
	0103	BIGLER JOHN	650	OLD AGE ASSISTANCE
	0104	FAST HORSE JACOB	866	OLD AGE ASSISTANCE
	0105	CURLEY SHIELD GRACE	163.5	OLD AGE ASSISTANCE
	0106	ANDREWS JAMES	2038	OLD AGE ASSISTANCE
	0107	WALKING EAGLE WILLIAM	1088	OLD AGE ASSISTANCE
	0108	LITTLE ELK SADIE BIG CROW	1834	OLD AGE ASSISTANCE
	0109	MAKES ROOM FOR THEM LUCY WOUNDED	1692.5	OLD AGE ASSISTANCE
	0110	RED CROW SARAH	1702.5	OLD AGE ASSISTANCE
	0111	YELLOW EYES AMOS	1594	OLD AGE ASSISTANCE
	0112	MOCCASIN AMOS	1392	OLD AGE ASSISTANCE
	0113	SHIELDS MORRIS	163	OLD AGE ASSISTANCE
	0114	METCALF JENNIE	489	OLD AGE ASSISTANCE
	0115	FLY JAW MILLIE	536	OLD AGE ASSISTANCE
	0116	IRON SHOOTER CECELIA	310	OLD AGE ASSISTANCE
	0117	YELLOW FOX JESSIE	100.5	OLD AGE ASSISTANCE
	0118	WINTER PHILLIP	301	OLD AGE ASSISTANCE
	0119	PRUE SADIE	283	OLD AGE ASSISTANCE
	0120	DILLON MARY CUTFOOT JONES	481	OLD AGE ASSISTANCE
	0121	WRIGHT EMMA CORDIER	476	OLD AGE ASSISTANCE
	0122	IRON HEART JAMES	451	OLD AGE ASSISTANCE
	0123	HAWK LUKE	401	OLD AGE ASSISTANCE
	0124	MORAN IDA GARY	397	OLD AGE ASSISTANCE
	0125	STANDS AND LOOKS BACK MILLIE	159.5	OLD AGE ASSISTANCE
	0126	YELLOW FACE LUKE	244	OLD AGE ASSISTANCE
	0127	GARNEAUX JOSEPH	328	OLD AGE ASSISTANCE
	0128	MCLEAN ADDIE (LARVIE)	371	OLD AGE ASSISTANCE
	0129	MORAN EAGLE LIZZIE	161.5	OLD AGE ASSISTANCE
	0130	GARNEAUX KATE	380.5	OLD AGE ASSISTANCE
	0131	TIED HAIR WHOTTS	3978	OLD AGE ASSISTANCE
	0132	PLENTY HORSES JOSEPH	4001	OLD AGE ASSISTANCE
	0133	MIGHT PIPE ANDREW	176	OLD AGE ASSISTANCE
	0134	IRON SHOOTER CHARGER	154	OLD AGE ASSISTANCE
	0135	FIREHEART JOSEPH	3997	OLD AGE ASSISTANCE
	0136	LITTLE CROW STELLA	3814	OLD AGE ASSISTANCE
	0137	STRANGER HORSE EDWARD	129	OLD AGE ASSISTANCE
	0138	PRUE MILLIE NICHOLAS	121.5	OLD AGE ASSISTANCE
	0139	SLEEPING BEAR FRANK	3989	OLD AGE ASSISTANCE
	0140	SCISSORS ROSE E	58	OLD AGE ASSISTANCE
	0141	HIT HIM RUNNING MARY	3992	OLD AGE ASSISTANCE
	0142	WHITE COW GIRL RICH ELIZABETH	6026	OLD AGE ASSISTANCE
	0143	GIROUX LOUIS	1534	OLD AGE ASSISTANCE
	0144	BLACK BULL JENNIE	1475	OLD AGE ASSISTANCE
	0145	CHARGING CLOUD KATE	667	OLD AGE ASSISTANCE
	0146	RED FACE WOMAN ELLA	935	OLD AGE ASSISTANCE
	0147	STONE ARROW MARK	987	OLD AGE ASSISTANCE
	0148	DURRAY LOUISA FLOOD	1569.5	OLD AGE ASSISTANCE
	0149	LITTLE ELK GEORGE	1587	OLD AGE ASSISTANCE
	0150	MOUSE RICHARD	604	OLD AGE ASSISTANCE
	0151	WHITE JAMES	1422	OLD AGE ASSISTANCE
	0152	RUNNING HORSE RUSSELL	1299	OLD AGE ASSISTANCE
	0153	HIGH PINE DAVID	1330	OLD AGE ASSISTANCE
	0154	AFRAID OF EAGLE MAGGIE	1336	OLD AGE ASSISTANCE
	0155	THIN ELK SOPHIE	1340	OLD AGE ASSISTANCE
	0156	GALLINEAUX EMMA	1384.5	OLD AGE ASSISTANCE
	0157	LITTLE BALD EAGLE DINAH (GARY)	394	OLD AGE ASSISTANCE
	0158	CURTIS FELIOLD AGE	1986	OLD AGE ASSISTANCE

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A0734[illegible]	0159	WHITE WING EMMA	1585	OLD AGE ASSISTANCE
	0160	SIDE HILL AMOS	1562	OLD AGE ASSISTANCE
	0161	BLACK CROW CLINTON	1283	OLD AGE ASSISTANCE
	0162	BLACK CROW ARRON	1282	OLD AGE ASSISTANCE
	0163	POINTS AT HIM ALBERT	1236	OLD AGE ASSISTANCE
	0164	EAGLE ELK BUSHEL	1214.5	OLD AGE ASSISTANCE
	0165	EAGLE ELK JESSE	1214	OLD AGE ASSISTANCE
	0166	METCALF LOUIS WILLIAM	1207	OLD AGE ASSISTANCE
	0167	BEAR LOOKS BEHIND SOPHIA	697.5	OLD AGE ASSISTANCE
	0168	BORDEAUX ELLEN	713	OLD AGE ASSISTANCE
	0169	KILLS THE ENEMY COLD PAW	1232	OLD AGE ASSISTANCE
	0170	DOG SOLDIER LOUIE	201	OLD AGE ASSISTANCE
	0171	WEEDS FATHER	2029	OLD AGE ASSISTANCE
	0172	EAGLE BEAR EMMET	2024	OLD AGE ASSISTANCE
	0173	NEW HATRED HORSE STAMPEDE	1953	OLD AGE ASSISTANCE
	0174	OWNS THE BATTLE ELLEN	1980.5	OLD AGE ASSISTANCE
	0176	LOOKING WHITE BENJAMIN	2013	OLD AGE ASSISTANCE
	0177	BIG BELLE	2018.5	OLD AGE ASSISTANCE
	0178	WHITE BUFFALO CHIEF EMMA	1617	OLD AGE ASSISTANCE
	0179	GUN HAMMER AMY	995	OLD AGE ASSISTANCE
	0180	GUN HAMMER THEODORE	993	OLD AGE ASSISTANCE
	0181	BONE SHIRT ALFRED	3677	OLD AGE ASSISTANCE
	0182	OWNS THE BATTLE ANTHONY	3715	OLD AGE ASSISTANCE
	0183	BLACK BEAR ROSA MOCCASIN	3782	OLD AGE ASSISTANCE
	0184	BLACK BEAR CHARLES	3781	OLD AGE ASSISTANCE
	0185	BULL NATION CONRAD	4761	OLD AGE ASSISTANCE
	0186	HOLY WHITE WOMAN	1460	OLD AGE ASSISTANCE
	0187	BEAR JULIAN FIRE HEART	4139	OLD AGE ASSISTANCE
	0188	GOOD JOSEPH	4122	OLD AGE ASSISTANCE
	0189	RED GOOD ROAD	4122.5	OLD AGE ASSISTANCE
	0190	SLIDES OFF JAMES	4089	OLD AGE ASSISTANCE
	0191	BEAR SHIELD ANNA RUTH	4067	OLD AGE ASSISTANCE
	0192	RATTLING HAWK	4034	OLD AGE ASSISTANCE
	0193	BIG CROW JOHN OR JOSEPH	4073	OLD AGE ASSISTANCE
	0194	CRAZY BULL JULIA WALKER (RED HORSE)	1816	OLD AGE ASSISTANCE
	0195	RUNS ABOVE LOUIS OR GOOD DAY	1829	OLD AGE ASSISTANCE
	0196	LITTLE ELK FRANK	1840	OLD AGE ASSISTANCE
	0197	RED LAME OMAHA LIZZIE	1866.5	OLD AGE ASSISTANCE
	0198	FLOWER BRAVE BROWN LEAF	1597.5	OLD AGE ASSISTANCE
	0199	LANCE WILLIAM (YELLOW)	900	OLD AGE ASSISTANCE
	0200	YELLOW ROBE WILLIAM	1902	OLD AGE ASSISTANCE
	0201	MCLEAN JOHN MOORE	1592	OLD AGE ASSISTANCE
	0202	LEFT HAND BULL PETER	1744	OLD AGE ASSISTANCE
	0203	SCOTT TITUS	1752	OLD AGE ASSISTANCE
	0204	EAGLEMAN ALFRED	1791	OLD AGE ASSISTANCE
	0205	WALKING BULL ALICE	4041	OLD AGE ASSISTANCE
	0206	NOT GOOD CHARLES	1800	OLD AGE ASSISTANCE
	0207	CLOWNMAN LOUISE RED EYE	897	OLD AGE ASSISTANCE
	0208	HORN COMES OUT JULIA	924.5	OLD AGE ASSISTANCE
	0209	SWIFT HAWK JOSEPH	1810	OLD AGE ASSISTANCE
	0210	CHARGE ON HIM HARRY	1723	OLD AGE ASSISTANCE
	0211	BRIDGEMAN THOMAS	1778	OLD AGE ASSISTANCE
	0212	LEFT HAND BULL JACOB	1740	OLD AGE ASSISTANCE
	0213	LEFT HAND BULL LAWRENCE	1747	OLD AGE ASSISTANCE
	0214	LITTLE EAGLE JOSEPHINE	1587.5	OLD AGE ASSISTANCE
	0215	BORDEAUX CHARLES	664	OLD AGE ASSISTANCE
	0216	EAGLE DOG LEVI	1094	OLD AGE ASSISTANCE
	0217	ON THE GROUND MARY	1144	OLD AGE ASSISTANCE
	0218	CLOUD BOY	1147	OLD AGE ASSISTANCE
	0219	KNOCKS ADOLPH	1161	OLD AGE ASSISTANCE
	0220	CAMPBELL CHARLES	1190	OLD AGE ASSISTANCE
	0221	HIS BLUE HORSE CONRAD	1460	OLD AGE ASSISTANCE
	0222	BROKEN LEG SAMUEL	2202	OLD AGE ASSISTANCE
	0223	GRANT WILLIAM JOSEPH	2181	OLD AGE ASSISTANCE
	0224	ROBERTS ANGELINE (LARVIE)	2177	OLD AGE ASSISTANCE
	0225	LARVIE PHILLIP	2175	OLD AGE ASSISTANCE
	0226	RUNNING BIRD ARTHUR	2168	OLD AGE ASSISTANCE
	0227	BLACK SPOTTED HORSE JOSEPH	2937	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0228	STANDING BULL OWEN	3791	OLD AGE ASSISTANCE
	0229	MAID OWNS THE FIRE LUCY	3798.5	OLD AGE ASSISTANCE
	0230	PRETTY BOY FIRE BELLE	2150	OLD AGE ASSISTANCE
	0231	WALKING BULL THOMAS	2800	OLD AGE ASSISTANCE
	0232	CRAZY BULL MARY LITTLE QUEWE	2781	OLD AGE ASSISTANCE
	0233	YELLOW WOOTEN SAMUEL DAVID	2491	OLD AGE ASSISTANCE
	0234	LARVIE BENJAMIN	2425	OLD AGE ASSISTANCE
	0235	PONY BERTIE	3780	OLD AGE ASSISTANCE
	0236	HER NATION ALICE	2414	OLD AGE ASSISTANCE
	0237	CROOKED FOOT EDWARD	2772	OLD AGE ASSISTANCE
	0238	WHITE BIRD JOHN	3222	OLD AGE ASSISTANCE
	0239	BUFFALO LONE WOLF WILLARD	2924	OLD AGE ASSISTANCE
	0240	CASE KNIFE DAVID	3242	OLD AGE ASSISTANCE
	0241	RED BLANKET SALLIE HAIL BLACK CROW	3245	OLD AGE ASSISTANCE
	0242	HER PRETTY DOOR OR CROOKED FOOT	2801	OLD AGE ASSISTANCE
	0243	JONES HUGH	2767	OLD AGE ASSISTANCE
	0244	YELLOW EAGLE CLAY	2393	OLD AGE ASSISTANCE
	0245	GETTING AROUND LIZZIE GETTING ALONG	2365	OLD AGE ASSISTANCE
	0246	CROW JOHN OR TAYLOR	2724	OLD AGE ASSISTANCE
	0247	LONG ELK WILLIAM	1460	OLD AGE ASSISTANCE
	0248	KING JACK	2694	OLD AGE ASSISTANCE
	0249	WHITE CROW LIZZIE (KING)	2298	OLD AGE ASSISTANCE
	0250	DUBRAY JOHN BOYD	2338	OLD AGE ASSISTANCE
	0251	DUBRAY MARY	2354.5	OLD AGE ASSISTANCE
	0252	WRIGHT THOMAS	2357	OLD AGE ASSISTANCE
	0253	MURRAY STEPHEN	2098	OLD AGE ASSISTANCE
	0254	STANDS FOR THEM CORA	2079	OLD AGE ASSISTANCE
	0255	BEAR SHIELD WILLIAM DEAFT	2072	OLD AGE ASSISTANCE
	0256	CHARGING BEAR WHITE COW	2049.5	OLD AGE ASSISTANCE
	0257	HORNED ANTELOPE CHARLES	2043	OLD AGE ASSISTANCE
	0258	BLACK BULL PHILLIP	2048	OLD AGE ASSISTANCE
	0259	KILLS AT NIGHT RICHARD	2130	OLD AGE ASSISTANCE
	0260	CHERRY ROSE (LARVIE)	1604	OLD AGE ASSISTANCE
	0261	EAGLE CHIEF LEVI	1615	OLD AGE ASSISTANCE
	0262	FORGETS NOTHING	2076	OLD AGE ASSISTANCE
	0263	WILLIAMS MOLLIE (SKUNK)	2040	OLD AGE ASSISTANCE
	0264	DIDIER JULIA (WHITE WOMAN)	1892	OLD AGE ASSISTANCE
	0265	RUNNING HORSE BENJAMIN	1635	OLD AGE ASSISTANCE
	0266	LITTLE BULL PETER	1662	OLD AGE ASSISTANCE
	0267	HORSE LOOKING HENRY	1684	OLD AGE ASSISTANCE
	0268	MAKES ROOM FOR THEM MARTIN	1692	OLD AGE ASSISTANCE
	0269	KILLS THE ENEMY LUCILLE	3495	OLD AGE ASSISTANCE
	0270	BEAR LOOKS BEHIND PETER	3603	OLD AGE ASSISTANCE
	0271	SAWAT NANCY	3459	OLD AGE ASSISTANCE
	0272	BORDEAUX ARTHUR	3326	OLD AGE ASSISTANCE
	0273	NEVER MISSES A SHOT MAUDE	3337	OLD AGE ASSISTANCE
	0274	NOT AFRAID FRANCES	3343	OLD AGE ASSISTANCE
	0275	PRETTY VOICE	2682	OLD AGE ASSISTANCE
	0276	MOCCASIN FACE LUKE	3347	OLD AGE ASSISTANCE
	0277	PLUM MAN CHARLES	2541	OLD AGE ASSISTANCE
	0278	STANDING BULL JACOB	2885	OLD AGE ASSISTANCE
	0279	LEVER CHARLES	2667	OLD AGE ASSISTANCE
	0280	BEAR HEELS CHARLES	2539	OLD AGE ASSISTANCE
	0281	COLOMBE DAVID	2556	OLD AGE ASSISTANCE
	0282	BEAR WILLIAM	3230	OLD AGE ASSISTANCE
	0283	CROW HEAD PETER (THOMPSON)	2593	OLD AGE ASSISTANCE
	0284	BROKEN LEG CLARA (FARMER)	1901	OLD AGE ASSISTANCE
	0285	IRON DEER IRA (MCCLOSKEY)	412.5	OLD AGE ASSISTANCE
	0286	BORDEAUX JOHN	710	OLD AGE ASSISTANCE
	0287	DESERA JOSEPHINE	583.5	OLD AGE ASSISTANCE
	0288	WOOLEY HAIR FRED	590	OLD AGE ASSISTANCE
	0289	GREASE STELLA (SPOTTED ELK)	880	OLD AGE ASSISTANCE
	0290	WHITE BUFFALO WOMAN	885.5	OLD AGE ASSISTANCE
	0291	MEDICINE PIPE LOUISE	14.5	OLD AGE ASSISTANCE
	0292	IYOTTE JOSEPH JAMES	801	OLD AGE ASSISTANCE
	0293	BAD HAND HARRY	4012	OLD AGE ASSISTANCE
	0294	CLAIRMONT JESSE	18	OLD AGE ASSISTANCE
	0295	WHITE WASH IRON SHOOTER ALICE	153	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0316	CLAIRMONT JESSE	18	ROAD IN TRESPASS
	0317	CLAIRMONT ELIZABETH	16	ROAD IN TRESPASS
	0318	BARBED ARROW SPIKE	105.5	ROAD IN TRESPASS
	0319	BLACK MAN	39	ROAD IN TRESPASS
	0320	HER MEDICINE PIPE	14.5	ROAD IN TRESPASS
	0321	RED CANE WINNIE	3000	ROAD IN TRESPASS
	0322	WIGHT PIPE ALLEN	175	ROAD IN TRESPASS
	0323	COMES OUT MARY	184.5	ROAD IN TRESPASS
	0324	WIGHT PIPE ANDREW	176	ROAD IN TRESPASS
	0325	WIGHT PIPE MARY	176.5	ROAD IN TRESPASS
	0326	TRIBAL	5513	ROAD IN TRESPASS
	0327	TRIBAL	851	ROAD IN TRESPASS
	0328	PRETTY BOY ELSIE	NA	ROAD IN TRESPASS
	0329	WRIGHT BENJAMIN	NA	ROAD IN TRESPASS
	0330	ROAN EAGLE EVA	2977	ROAD IN TRESPASS
	0331	ROAN EAGLE ELLA	3627	ROAD IN TRESPASS
	0332	ONE STAR MARIE	1911-A	ROAD IN TRESPASS
	0333	WHITE FACE ELIZABETH	6795	ROAD IN TRESPASS
	0334	HICKS VIOLA MAUDE	6798	ROAD IN TRESPASS
	0335	BAIER THOMAS MORGAN	6794	ROAD IN TRESPASS
	0336	BRANDEN REBECCA	6622	ROAD IN TRESPASS
	0337	TWO FRAZIER VIOLET	6802	ROAD IN TRESPASS
	0338	COLOMBE WILLIAM	6806	ROAD IN TRESPASS
	0339	BLACK PIPE ELLA	6689	ROAD IN TRESPASS
	0340	TURNING BEAR FREDERICK	7622	ROAD IN TRESPASS
	0341	TURNING BEAR LUCILLE	7333	ROAD IN TRESPASS
	0342	PENEAUX ETHEL	7296	ROAD IN TRESPASS
	0343	LIGHT IN THE LODGE SUSAN	7264	ROAD IN TRESPASS
	0344	MINTEAUX MAXINE	7470	ROAD IN TRESPASS
	0345	EASTMAN ANTOINE	7605	ROAD IN TRESPASS
	0346	WHITE PIPE ESAU	7729	ROAD IN TRESPASS
	0347	RAYMOND MARJORIE	7829	ROAD IN TRESPASS
	0348	KILLS TWO SILAS	6297	ROAD IN TRESPASS
	0349	EAR RING SAMUEL	7736	ROAD IN TRESPASS
	0350	IRON SHELL FRANK	7711	ROAD IN TRESPASS
	0351	DESERIA R	7068	ROAD IN TRESPASS
	0352	MUDIN ANNIE	6858	ROAD IN TRESPASS
	0353	WHITING	7668	ROAD IN TRESPASS
	0354	EAGLE MAN	7738	ROAD IN TRESPASS
	0355	MAY STRIKE	7067	ROAD IN TRESPASS
	0356	FOTRESPASS	6739	ROAD IN TRESPASS
	0357	MEDICINE WOMAN	6235	ROAD IN TRESPASS
	0358	ASHES FACE	6734	ROAD IN TRESPASS
	0359	DESERIA CHARLES	6241	ROAD IN TRESPASS
	0360	YELLOW FACE JOSEPH	6226	ROAD IN TRESPASS
	0361	LEFT HAND BULL MARY	5024	ROAD IN TRESPASS
	0362	LEFT HAND BULL CHARLES	5025	ROAD IN TRESPASS
	0363	RED DOG ALLOTMENT	95.5	ROAD IN TRESPASS
	0364	NO HEART ROSE	6740	ROAD IN TRESPASS
	0365	MORRISON CHRISTINE H LONG WARRIOR	NA	ROAD IN TRESPASS
	0366	PRATT LOUIS	817	ROAD IN TRESPASS
	0367	EMERY CLARENCE	2995	ROAD IN TRESPASS
	0368	WILCOX LEON JR	NA	ROAD IN TRESPASS
	0369	GREENWOOD ALLOTMENT	NA	ROAD IN TRESPASS
	0370	HAWK JAMES	76	ROAD IN TRESPASS
	0371	THUNDER EDNA MAY	4818	ROAD IN TRESPASS
	0372	GREY BUFFALO	4057	ROAD IN TRESPASS
	0373	SULLY EVA VS RST	NA	ROAD IN TRESPASS
	0374	SULLY MILLIE VS RST	NA	ROAD IN TRESPASS
	0375	RATTLING HAWK	4034	ROAD IN TRESPASS
	0376	RATTLING HAWK	NA	ROAD IN TRESPASS
	0377	LITTLE CROW MARY	4038	ROAD IN TRESPASS
	0378	WHITE HORSE FRED	2198	ROAD IN TRESPASS
	0379	SHARP BUTTE BESSIE	1542.5	ROAD IN TRESPASS
	0380	SHARP BUTTE WILLIAM HOWARD	3248	ROAD IN TRESPASS
	0381	EAGLE MAN HAWK	4045	ROAD IN TRESPASS
	0382	WHITE HORSE	3906	ROAD IN TRESPASS
	0383	SHARP BUTTE BESSIE	NA	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0384	RUNNING HORSE MAGGIE	4015	ROAD IN TRESPASS
	0385	HOLY OWL	4008.5	ROAD IN TRESPASS
	0386	LARVIE ALBERT	3434	ROAD IN TRESPASS
	0387	KILLS FRANK	5923	ROAD IN TRESPASS
	0388	BEAR SHIRT FANNIE	NA	ROAD IN TRESPASS
	0389	RUNS CLOSE TO VILLAGE GRACE	2185	ROAD IN TRESPASS
	0390	RUNNING HORSE EVA MINNIE	4819	ROAD IN TRESPASS
	0391	RAMIS JULIA	2308	ROAD IN TRESPASS
	0392	BLACK BULL WILLIAM	2045	ROAD IN TRESPASS
	0393	GOOD THUNDER ANDREW	1970	ROAD IN TRESPASS
	0394	OTTERMAN MAGGIE	1379	ROAD IN TRESPASS
	0395	SEARCHES THE ENEMY JESSE	6064	ROAD IN TRESPASS
	0396	MOCCASIN MARTHA	5145	ROAD IN TRESPASS
	0397	MOCCASIN ANDREW	5144	ROAD IN TRESPASS
	0398	BIG OLD WOMAN	3243	ROAD IN TRESPASS
	0399	FORGETS NOTHING LEVI	3402	ROAD IN TRESPASS
	0400	YELLOW ELK JOHN	3638	ROAD IN TRESPASS
	0401	BAD MAN GEORGE F	6024	ROAD IN TRESPASS
	0402	LARVIE PHILLIP	2175	ROAD IN TRESPASS
	0403	LARVIE RICHARD	2056	ROAD IN TRESPASS
	0404	OGLALA FOOT	2209.5	ROAD IN TRESPASS
	0405	LEADER CHARGE LILLIAN	3458	ROAD IN TRESPASS
	0406	GOOD ELK STELLA	3404	ROAD IN TRESPASS
	0407	LEADER CHARGE GOOD BREAST	3459	ROAD IN TRESPASS
	0408	MEDICINE LEOPOLD	3400	ROAD IN TRESPASS
	0409	MEDICINE EMMA	3399	ROAD IN TRESPASS
	0410	RED SQUIRREL	1406	ROAD IN TRESPASS
	0411	LIAR LIAR	3957	ROAD IN TRESPASS
	0412	YELLOW CANE FAST BULL	3351	ROAD IN TRESPASS
	0413	RED ELK BESSIE	4190	ROAD IN TRESPASS
	0414	FOOT NELLIE	2210	ROAD IN TRESPASS
	0415	BROKEN LEG	1375	ROAD IN TRESPASS
	0416	ARM EDWARD PAUL	5158	ROAD IN TRESPASS
	0417	ARM GEORGE	5159	ROAD IN TRESPASS
	0418	ELK LOOKS BACK EDITH	5150	ROAD IN TRESPASS
	0419	ELK LOOKS BACK JOHN	2208	ROAD IN TRESPASS
	0420	BROKEN LEG JOSEPH	1376	ROAD IN TRESPASS
	0421	BURNETTE JOHN JR	5829	ROAD IN TRESPASS
	0422	BONE SHIRT	3676	ROAD IN TRESPASS
	0423	BONE SHIRT ALFRED	3677	ROAD IN TRESPASS
	0424	ROUBIDEAUX VIVIAN	6543	ROAD IN TRESPASS
	0425	ROUBIDEAUX CECELIA	6544	ROAD IN TRESPASS
	0426	LAPOINT ETHELYN ROSE	7714	ROAD IN TRESPASS
	0427	GOOD WOMEN RED FEATHER	1792	ROAD IN TRESPASS
	0428	KILLS SHARP	1798	ROAD IN TRESPASS
	0429	BULL DANIEL	3122	ROAD IN TRESPASS
	0430	BULL HENRY	3121	ROAD IN TRESPASS
	0431	LAYS ON THE GROUND	1678.5	ROAD IN TRESPASS
	0432	LONG PUMPKIN FANNIE	1429	ROAD IN TRESPASS
	0433	LONG PUMPKIN ALFRED	5091	ROAD IN TRESPASS
	0434	LONG PUMPKIN ALEXANDER	1434	ROAD IN TRESPASS
	0435	HOLLOW HORN BULL ANNIE	2256	ROAD IN TRESPASS
	0436	LAPOINT ETHELYN ROSE	7714	ROAD IN TRESPASS
	0437	REIFEL GEORGE WILLIAM	6455	ROAD IN TRESPASS
	0438	TRIBAL	3939	ROAD IN TRESPASS
	0439	WEARS THE OWL (NO LEAFE)	3889	ROAD IN TRESPASS
	0440	BIRD NO LEAFE	3694	ROAD IN TRESPASS
	0441	CROSS CROW DOG	3733	ROAD IN TRESPASS
	0442	RING BULL FRANK	7312	ROAD IN TRESPASS
	0443	IRON STAR RUFUS ISAAC	7538	ROAD IN TRESPASS
	0444	HUGH REE	3069	ROAD IN TRESPASS
	0445	LITTLE EAGLE	1587	ROAD IN TRESPASS
	0446	ONE STAR DORA	6515	ROAD IN TRESPASS
	0447	POOR MAN JOHN	6521	ROAD IN TRESPASS
	0448	BLACK BULL MARTIN	6527	ROAD IN TRESPASS
	0449	MARSHAL LOUIS	7555	ROAD IN TRESPASS
	0450	BLUE EYES PHILLIP	6519	ROAD IN TRESPASS
	0451	SNOW FLY CORINE	6520	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0452	AFTER BULL TAIL	3978	ROAD IN TRESPASS
	0453	OWNS THE FIRE CORA	7904	ROAD IN TRESPASS
	0454	CHASING IN THE TIMBER	3805	ROAD IN TRESPASS
	0455	GOOD VOICE MAY	6545	ROAD IN TRESPASS
	0456	BONE SHIRT	3676	ROAD IN TRESPASS
	0457	TRIBAL	2185	UTILITY IN TRESPASS
	0458	TRIBAL	2195	UTILITY IN TRESPASS
	0459	HIGH PIPE MARY	5818	UTILITY IN TRESPASS
	0460	TRIBAL	1537.5	UTILITY IN TRESPASS
	0461	TRIBAL	11310	UTILITY IN TRESPASS
	0462	TRIBAL	5857	UTILITY IN TRESPASS
	0463	TRIBAL	4017	UTILITY IN TRESPASS
	0464	TRIBAL	5858	UTILITY IN TRESPASS
	0465	TRIBAL	5918	UTILITY IN TRESPASS
	0466	HOLY OWL	4008.5	UTILITY IN TRESPASS
	0467	TRIBAL	2414	UTILITY IN TRESPASS
	0468	TRIBAL	11203	UTILITY IN TRESPASS
	0469	TRIBAL	11280	UTILITY IN TRESPASS
	0470	WALKS IN THE WOODS	1828	UTILITY IN TRESPASS
	0471	TRIBAL	3998	UTILITY IN TRESPASS
	0472	TRIBAL	3998	UTILITY IN TRESPASS
	0473	TRIBAL	1709.5	UTILITY IN TRESPASS
	0474	TRIBAL	T63	UTILITY IN TRESPASS
	0475	TRIBAL	T5990	UTILITY IN TRESPASS
	0476	CHARGING BEAR HATTIE	2053	UTILITY IN TRESPASS
	0477	TRIBAL	2004	UTILITY IN TRESPASS
	0478	TRIBAL	2134B	UTILITY IN TRESPASS
	0479	TRIBAL	2475	UTILITY IN TRESPASS
	0480	TRIBAL	5816	UTILITY IN TRESPASS
	0481	ARROW SPIKE OR HARROW	2164	UTILITY IN TRESPASS
	0482	BULL THE NATION	2164.5	UTILITY IN TRESPASS
	0483	TRIBAL	2168	UTILITY IN TRESPASS
	0484	PRETTY BOY GEORGE	2155	UTILITY IN TRESPASS
	0485	TRIBAL	11138	UTILITY IN TRESPASS
	0486	TRIBAL	T5876	UTILITY IN TRESPASS
	0487	TRIBAL	5960	UTILITY IN TRESPASS
	0488	TRIBAL	T2474	UTILITY IN TRESPASS
	0489	GOOD WEASEL WOMAN	1762.5	UTILITY IN TRESPASS
	0490	TRIBAL	11197	UTILITY IN TRESPASS
	0491	BULL TAIL	2146	UTILITY IN TRESPASS
	0492	PLENTY HOLES	2469	UTILITY IN TRESPASS
	0493	WHITE FINGER NAILS	1537	UTILITY IN TRESPASS
	0494	BORDEAUX MARY	712.5	UTILITY IN TRESPASS
	0495	STONEMAN WILLIAM TAFT	5920	UTILITY IN TRESPASS
	0496	LONG CRANE WILLIAM	5933	UTILITY IN TRESPASS
	0497	FACE DARKLING EDWARD	2117	UTILITY IN TRESPASS
	0498	FACE DARKLING JOSEPH	5952	UTILITY IN TRESPASS
	0499	FACE DARKLING LAURA	5954	UTILITY IN TRESPASS
	0500	HORSE BESSIE	5757	UTILITY IN TRESPASS
	0501	GARNEAUX RAMONA	5756	UTILITY IN TRESPASS
	0502	TRIBAL	11066	UTILITY IN TRESPASS
	0503	TRIBAL	11068	UTILITY IN TRESPASS
	0504	WHITE FEATHER TAIL JUSTIN	765	UTILITY IN TRESPASS
	0505	PLENTY HORSE	788	UTILITY IN TRESPASS
	0506	TURNING BEAR HENRY	785	UTILITY IN TRESPASS
	0507	GOOD SHIELD MOSES	5753	UTILITY IN TRESPASS
	0508	HAIR STRING AMOS	5751	UTILITY IN TRESPASS
	0509	TRIBAL	11066	UTILITY IN TRESPASS
	0510	TRIBAL	11070	UTILITY IN TRESPASS
	0511	SANTEE WOMAN	1766.5	UTILITY IN TRESPASS
	0512	SANTEE WOMAN	1766.5	UTILITY IN TRESPASS
	0513	BLACK WOLF LAWRENCE	1767	UTILITY IN TRESPASS
	0514	STAYS BY HIMSELF	772	UTILITY IN TRESPASS
	0515	STAYS BY HIMSELF	772	UTILITY IN TRESPASS
	0516	TRIBAL	11058	UTILITY IN TRESPASS
	0517	TRIBAL	11074	UTILITY IN TRESPASS
	0518	TRIBAL	11074	UTILITY IN TRESPASS
	0519	TRIBAL	REF40	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0589	TRIBAL	T991	UTILITY IN TRESPASS
	0590	CARS THE HAWK	39654	UTILITY IN TRESPASS
	0591	STRIKES SUSAN	598	UTILITY IN TRESPASS
	0592	TRIBAL	T5440	UTILITY IN TRESPASS
	0593	TRIBAL	T6639	UTILITY IN TRESPASS
	0594	BROTHERS THE HAWK	T5401	UTILITY IN TRESPASS
	0595	BILL WOMAN	T5725	UTILITY IN TRESPASS
	0596	TRIBAL	T5724	UTILITY IN TRESPASS
	0597	NO BELLY GEORGE	2528	UTILITY IN TRESPASS
	0598	WINTER JOSEPH	5712	UTILITY IN TRESPASS
	0599	TRIBAL	11044	UTILITY IN TRESPASS
	0600	TRIBAL	11173	UTILITY IN TRESPASS
	0601	BEATS WHITE BEAR	725.5	UTILITY IN TRESPASS
	0602	TRIBAL	T11069	UTILITY IN TRESPASS
	0603	TRIBAL	T726	UTILITY IN TRESPASS
	0604	TRIBAL	T5794	UTILITY IN TRESPASS
	0605	BILL CHIEF	669	UTILITY IN TRESPASS
	0606	TRIBAL	T11305	UTILITY IN TRESPASS
	0607	TRIBAL	T666	UTILITY IN TRESPASS
	0608	GOOD VOICE EAGLE	5799	UTILITY IN TRESPASS
	0609	TRIBAL	791C	UTILITY IN TRESPASS
	0610	BORDEAUX CHARLES	664	UTILITY IN TRESPASS
	0611	MILA OR KNIFE	15464	UTILITY IN TRESPASS
	0612	KNIFE JENNIE	1546.5	UTILITY IN TRESPASS
	0613	BEAR THUNDER (JAMES FLAT NOSE)	2920	UTILITY IN TRESPASS
	0614	TRIBAL	T11116	UTILITY IN TRESPASS
	0615	BIG FACE	703	UTILITY IN TRESPASS
	0616	BEAR LOOKS BEHIND SOPHIA	6975	UTILITY IN TRESPASS
	0617	BEAR LOOKS BEHIND	697	UTILITY IN TRESPASS
	0618	RED TOMAHAWK	736	UTILITY IN TRESPASS
	0619	SUGAR WOMAN	752.5	UTILITY IN TRESPASS
	0620	TRIBAL	T11043	UTILITY IN TRESPASS
	0621	IRON ROAD	5901	UTILITY IN TRESPASS
	0622	BORDEAUX SARAH	735.5	UTILITY IN TRESPASS
	0623	BORDEAUX ALEXANDER	732	UTILITY IN TRESPASS
	0624	BORDEAUX SARAH	732.5	UTILITY IN TRESPASS
	0625	WHITE BEAR KATE	15264	UTILITY IN TRESPASS
	0626	YELLOW FOX FANNIE	749	UTILITY IN TRESPASS
	0627	BORDEAUX ANTOINE	712	UTILITY IN TRESPASS
	0628	TRIBAL	T11261	UTILITY IN TRESPASS
	0629	TRIBAL	T11204	UTILITY IN TRESPASS
	0630	BORDEAUX MAGGIE	5797	UTILITY IN TRESPASS
	0631	TRIBAL	T11555	UTILITY IN TRESPASS
	0632	YELLOW BLANKET	1554.5	UTILITY IN TRESPASS
	0633	BEAR HEELS	1554	UTILITY IN TRESPASS
	0634	YELLOW FOX	748	UTILITY IN TRESPASS
	0635	YELLOW FOX	748	UTILITY IN TRESPASS
	0636	TRIBAL	T11338	UTILITY IN TRESPASS
	0637	TRIBAL	T11339	UTILITY IN TRESPASS
	0638	TRIBAL	T11340	UTILITY IN TRESPASS
	0639	TRIBAL	T11343	UTILITY IN TRESPASS
	0640	TRIBAL	T11286	UTILITY IN TRESPASS
	0641	BEAR COMES OUT	720.5	UTILITY IN TRESPASS
	0642	TRIBAL	881D	UTILITY IN TRESPASS
	0643	GETS OFF WIFE	881E	UTILITY IN TRESPASS
	0644	GETS OFF WIFE	881C	UTILITY IN TRESPASS
	0645	CATHAWAY	879	UTILITY IN TRESPASS
	0646	TRIBAL	T740	UTILITY IN TRESPASS
	0647	TRIBAL	T743	UTILITY IN TRESPASS
	0648	GOOD HORSE	744	UTILITY IN TRESPASS
	0649	GOOD HORSE	744A	UTILITY IN TRESPASS
	0650	TRIBAL	T11105	UTILITY IN TRESPASS
	0651	TRIBAL	T11402	UTILITY IN TRESPASS
	0652	TRIBAL	1402.5	UTILITY IN TRESPASS
	0653	TRIBAL	T15976	UTILITY IN TRESPASS
	0654	TRIBAL	T7122	UTILITY IN TRESPASS
	0655	BRAVE ERNEST	1597	UTILITY IN TRESPASS
	0656	YELLOW ELK WILLIAM	1095	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0520	TRIBAL	1525	UTILITY IN TRESPASS
	0521	TRIBAL	11110	UTILITY IN TRESPASS
	0522	TRIBAL	11057	UTILITY IN TRESPASS
	0523	TRIBAL	11062	UTILITY IN TRESPASS
	0524	TRIBAL	11063	UTILITY IN TRESPASS
	0525	JACKSON JOSEPH	818	UTILITY IN TRESPASS
	0526	TRIBAL	11064	UTILITY IN TRESPASS
	0527	TRIBAL	11296	UTILITY IN TRESPASS
	0528	TRIBAL	5680	UTILITY IN TRESPASS
	0529	JACKSON MARY	818.5A	UTILITY IN TRESPASS
	0530	PRATT MARY	815	UTILITY IN TRESPASS
	0531	PRATT HENRY	816A	UTILITY IN TRESPASS
	0532	COOKE MARTHA	840	UTILITY IN TRESPASS
	0533	TRIBAL	845	UTILITY IN TRESPASS
	0534	CUNNINGHAM MARY	843	UTILITY IN TRESPASS
	0535	BRAVE BOY MARY	852.5	UTILITY IN TRESPASS
	0536	STRANGER HORSE PAUL	5776	UTILITY IN TRESPASS
	0537	TRIBAL	11307	UTILITY IN TRESPASS
	0538	WOMAN LOIS	5777	UTILITY IN TRESPASS
	0539	WOMAN EMMA	11055	UTILITY IN TRESPASS
	0540	PIPE	865	UTILITY IN TRESPASS
	0541	TRIBAL	5673	UTILITY IN TRESPASS
	0542	WHITE CALF YELLOW EAGLE	831	UTILITY IN TRESPASS
	0543	YELLOW EAGLE JAMES T.	932	UTILITY IN TRESPASS
	0544	WHITE BLANKET MARY	2991.5	UTILITY IN TRESPASS
	0545	YELLOW EAGLE	828	UTILITY IN TRESPASS
	0546	TRIBAL	11191	UTILITY IN TRESPASS
	0547	MANY HORSES	779	UTILITY IN TRESPASS
	0548	GALLENEAUX LIZZIE ALICE	5764	UTILITY IN TRESPASS
	0549	TRIBAL	11054	UTILITY IN TRESPASS
	0550	TRIBAL	5765	UTILITY IN TRESPASS
	0551	TRIBAL	5748A	UTILITY IN TRESPASS
	0553	SIX SHOOTER SUSAN	837	UTILITY IN TRESPASS
	0554	PAINTS HER FACE	860.5	UTILITY IN TRESPASS
	0555	TRIBAL	1388	UTILITY IN TRESPASS
	0556	NATION WOMAN	580	UTILITY IN TRESPASS
	0557	MEDICINE WHIRLWIND	571	UTILITY IN TRESPASS
	0558	FAST HORSE OR RUNNING HORSE	8668	UTILITY IN TRESPASS
	0559	FAST HORSE ROSA	866.5B	UTILITY IN TRESPASS
	0560	FAST HORSE HOLY PIPE	867	UTILITY IN TRESPASS
	0561	TRIBAL	2387.5	UTILITY IN TRESPASS
	0562	THICK BREAD	2396	UTILITY IN TRESPASS
	0563	WHIRLWIND SOLOTER LIZZIE	2388.5	UTILITY IN TRESPASS
	0564	BAD WHIRLWIND BERTHA	5599	UTILITY IN TRESPASS
	0565	WHITE HAWK	73	UTILITY IN TRESPASS
	0566	BAD WHIRLWIND FLORENCE ELSIE	5590	UTILITY IN TRESPASS
	0567	TRIBAL	205	UTILITY IN TRESPASS
	0568	ONE FEATHER LEVI	5634	UTILITY IN TRESPASS
	0569	TRIBAL	5739	UTILITY IN TRESPASS
	0570	TRIBAL	11284	UTILITY IN TRESPASS
	0571	TRIBAL	11028	UTILITY IN TRESPASS
	0572	CAUGHT THE EAGLE SUSAN	349	UTILITY IN TRESPASS
	0573	SPELLS GOOD NELLIE	457.5	UTILITY IN TRESPASS
	0574	GOOGLE EYES HATTIE	5638	UTILITY IN TRESPASS
	0575	STRANGER HORSE JOSEPH	5632	UTILITY IN TRESPASS
	0576	PENEAUX PRESS HARD	24.5	UTILITY IN TRESPASS
	0577	PENEAUX PETER	24	UTILITY IN TRESPASS
	0578	CRAZY HAWK ALPHONSO	2888	UTILITY IN TRESPASS
	0579	TWO TWO LIZZIE	404.5	UTILITY IN TRESPASS
	0580	TRIBAL	404	UTILITY IN TRESPASS
	0581	TRIBAL	T565	UTILITY IN TRESPASS
	0582	TRIBAL	T11048	UTILITY IN TRESPASS
	0583	TRIBAL	158	UTILITY IN TRESPASS
	0584	TRIBAL	T5664	UTILITY IN TRESPASS
	0585	TRIBAL	T5665	UTILITY IN TRESPASS
	0586	TRIBAL	T11048	UTILITY IN TRESPASS
	0587	TRIBAL	T11635	UTILITY IN TRESPASS
	0588	ANN ANNIE (PENEAU)	381	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE CASE ALLOTTEE ALLOTMENT TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

ALLOTMENT TYPE OF CLAIM

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0657	YELLOW ELK WILLIAM	900A	UTILITY IN TRESPASS
	0658	TRIBAL	900B	UTILITY IN TRESPASS
	0659	YELLOW ELK WILLIAM	900C	UTILITY IN TRESPASS
	0660	YELLOW ELK WILLIAM	900E	UTILITY IN TRESPASS
	0661	YELLOW ELK WILLIAM	900F	UTILITY IN TRESPASS
	0662	YELLOW ELK WILLIAM	900G	UTILITY IN TRESPASS
	0663	TRIBAL	T6795	UTILITY IN TRESPASS
	0664	NEW WIDOW XEMNIE	1884G	UTILITY IN TRESPASS
	0665	TRIBAL	T936.5	UTILITY IN TRESPASS
	0666	BIG MISSOURI FRANK	5244	UTILITY IN TRESPASS
	0667	TRIBAL	T90002	UTILITY IN TRESPASS
	0668	TRIBAL	T11029	UTILITY IN TRESPASS
	0669	TRIBAL	T4182	UTILITY IN TRESPASS
	0670	SNOW FLY THOMAS	907	UTILITY IN TRESPASS
	0671	SNOW FLY COMES AFTER SPIRIT	908	UTILITY IN TRESPASS
	0672	TRIBAL	T11029	UTILITY IN TRESPASS
	0673	GRAYHOUND WILLIAM	922	UTILITY IN TRESPASS
	0674	TRIBAL	T11029	UTILITY IN TRESPASS
	0676	TRIBAL	T912.5	UTILITY IN TRESPASS
	0677	HUNTS ANTELOPE HORN	915	UTILITY IN TRESPASS
	0678	SHOT WITH TWO ARROWS	916	UTILITY IN TRESPASS
	0679	BAD HUMOR BLACK HORN	9145	UTILITY IN TRESPASS
	0680	TRIBAL	T11029	UTILITY IN TRESPASS
	0681	TRIBAL	T1599	UTILITY IN TRESPASS
	0682	TRIBAL	T11029	UTILITY IN TRESPASS
	0683	TRIBAL	T7749	UTILITY IN TRESPASS
	0684	HORNED EAGLE	1332A	UTILITY IN TRESPASS
	0685	SPOTTED TAIL WILLIAM	1697	UTILITY IN TRESPASS
	0686	CROCKERY (SPOTTED TAIL)	1697	UTILITY IN TRESPASS
	0687	CROCKERY	1A975E	UTILITY IN TRESPASS
	0688	CROCKERY	1A975B	UTILITY IN TRESPASS
	0689	TRIBAL	T1346B	UTILITY IN TRESPASS
	0690	HAND	134A	UTILITY IN TRESPASS
	0691	TRIBAL	T3422	UTILITY IN TRESPASS
	0692	HORNED EAGLE	1332D	UTILITY IN TRESPASS
	0693	TRIBAL	T1332B	UTILITY IN TRESPASS
	0694	TRIBAL	T7748	UTILITY IN TRESPASS
	0695	TED PIPE DOG TAIL	6057	UTILITY IN TRESPASS
	0696	YELLOW BEAR EUNICE	894	UTILITY IN TRESPASS
	0697	TRIBAL	T875	UTILITY IN TRESPASS
	0698	TRIBAL	T1994	UTILITY IN TRESPASS
	0699	TRIBAL	T11172	UTILITY IN TRESPASS
	0700	TRIBAL	T11216	UTILITY IN TRESPASS
	0701	TRIBAL	T1583	UTILITY IN TRESPASS
	0702	TRIBAL	T6387	UTILITY IN TRESPASS
	0703	EAGLE HAWK NAOMA VIOLA	5255	UTILITY IN TRESPASS
	0704	THIN ELK LYDIA	5256	UTILITY IN TRESPASS
	0705	TRIBAL	T5253	UTILITY IN TRESPASS
	0706	TRIBAL	T5254	UTILITY IN TRESPASS
	0707	THIN ELK PETER	1584A	UTILITY IN TRESPASS
	0708	THIN ELK PETER	1584	UTILITY IN TRESPASS
	0709	TRIBAL	6382	UTILITY IN TRESPASS
	0710	MENARD JULIA	T6564	UTILITY IN TRESPASS
	0711	ROTTEN PUMPKIN LILLIE	2454	UTILITY IN TRESPASS
	0712	NOT ENOUGH TO EAT	2451	UTILITY IN TRESPASS
	0713	ROTTEN PUMPKIN	2452	UTILITY IN TRESPASS
	0714	FROST JESSIE	6557	UTILITY IN TRESPASS
	0715	TRIBAL	T6395	UTILITY IN TRESPASS
	0716	TRIBAL	TA572	UTILITY IN TRESPASS
	0717	TRIBAL	TA571	UTILITY IN TRESPASS
	0718	TRIBAL	T6377	UTILITY IN TRESPASS
	0719	TRIBAL	T11006	UTILITY IN TRESPASS
	0720	TRIBAL	T510	UTILITY IN TRESPASS
	0721	TRIBAL	T31A	UTILITY IN TRESPASS
	0722	TRIBAL	345-10	UTILITY IN TRESPASS
	0723	TRIBAL	345-10	UTILITY IN TRESPASS
	0724	TRIBAL	345-10	UTILITY IN TRESPASS
	0725	CLAYMORE JOSEPH	697A	UTILITY IN TRESPASS

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0726	CLAIRMONT ALBERT	6938	UTILITY IN TRESPASS
	0727	TRIBAL	T3868	UTILITY IN TRESPASS
	0728	CLAYMORE CHARLES	5705	UTILITY IN TRESPASS
	0729	TRIBAL	T5237	UTILITY IN TRESPASS
	0730	TRIBAL	T11210	UTILITY IN TRESPASS
	0731	TRIBAL	T5233	UTILITY IN TRESPASS
	0732	TRIBAL	T5231	UTILITY IN TRESPASS
	0733	TRIBAL	T5232	UTILITY IN TRESPASS
	0734	TRIBAL	T659	UTILITY IN TRESPASS
	0735	CLAIRMONT FLORA	657A	UTILITY IN TRESPASS
	0736	CLAIRMONT FLORA	657	UTILITY IN TRESPASS
	0737	LARVIE MAUD	5242	UTILITY IN TRESPASS
	0738	TRIBAL	T11029	UTILITY IN TRESPASS
	0739	EAGLE FEATHER FREDERICK	6365B	UTILITY IN TRESPASS
	0740	TRIBAL	T11071	UTILITY IN TRESPASS
	0741	TRIBAL	885.5A	UTILITY IN TRESPASS
	0742	BLUE THUNDER	885B	UTILITY IN TRESPASS
	0743	BLUE THUNDER	5885A	UTILITY IN TRESPASS
	0744	BLUE THUNDER DAVID	887	UTILITY IN TRESPASS
	0745	BLUE THUNDER DAVID	887B	UTILITY IN TRESPASS
	0746	FEED HER FIRST	4079	UTILITY IN TRESPASS
	0747	TRIBAL	2008.5	UTILITY IN TRESPASS
	0748	LARVIE SALLIE	5223	UTILITY IN TRESPASS
	0749	TRIBAL	5226	UTILITY IN TRESPASS
	0750	TRIBAL	T57028	UTILITY IN TRESPASS
	0751	DEAFY WOMAN WIDOW	1948	UTILITY IN TRESPASS
	0752	TRIBAL	T11312	UTILITY IN TRESPASS
	0753	TRIBAL	5703	UTILITY IN TRESPASS
	0754	TRIBAL	7419A	UTILITY IN TRESPASS
	0755	BIG MISSOURI ANNIE	6113	UTILITY IN TRESPASS
	0756	LITTLE EAGLE	1587	UTILITY IN TRESPASS
	0757	LITTLE EAGLE JOSEPHINE	1587.5	UTILITY IN TRESPASS
	0758	LITTLE TAIL SARAH	7245	UTILITY IN TRESPASS
	0759	REE FELIX	5214	UTILITY IN TRESPASS
	0760	REE CARRIE	7067	UTILITY IN TRESPASS
	0761	LARVIE LILLY	7256	UTILITY IN TRESPASS
	0762	GOOD ELK LORRAINE	5285	UTILITY IN TRESPASS
	0763	CLAIRMONT ALICE	5284	UTILITY IN TRESPASS
	0764	TRIBAL	T5856	UTILITY IN TRESPASS
	0765	ARM JOSEPH	5498	UTILITY IN TRESPASS
	0766	TRIBAL	T154	UTILITY IN TRESPASS
	0767	CHIEF WOMAN	513.5	UTILITY IN TRESPASS
	0768	CROOKED LEG	513	UTILITY IN TRESPASS
	0769	THIN ELK GEORGE	1582	UTILITY IN TRESPASS
	0770	BEAR LOOKS BEHIND ISAAC	698	UTILITY IN TRESPASS
	0771	RINGS	3736	UTILITY IN TRESPASS
	0772	GOOD VOICE EAGLE FANNIE	5800	UTILITY IN TRESPASS
	0773	TRIBAL	T3070	UTILITY IN TRESPASS
	0774	EAGLE FEATHER	4099.5	UTILITY IN TRESPASS
	0775	RATTLING LEAF MOSES	3055	UTILITY IN TRESPASS
	0776	FROST JOHN	1956	UTILITY IN TRESPASS
	0777	PURE ELK	1957	UTILITY IN TRESPASS
	0778	BEAR LOOKS BEHIND LUCY	3604	UTILITY IN TRESPASS
	0779	YELLOW HAWK NANCY	4100B	UTILITY IN TRESPASS
	0780	YELLOW HAWK NANCY	4100A	UTILITY IN TRESPASS
	0781	YELLOW HAWK	4099	UTILITY IN TRESPASS
	0782	TRIBAL	T5249	UTILITY IN TRESPASS
	0783	TRIBAL	T5250	UTILITY IN TRESPASS
	0784	RINGS WILLIAM	5248	UTILITY IN TRESPASS
	0785	FROST SOPHIA	3072	UTILITY IN TRESPASS
	0786	TRIBAL	T2925	UTILITY IN TRESPASS
	0787	TRIBAL	T2928	UTILITY IN TRESPASS
	0788	TRIBAL	T3074	UTILITY IN TRESPASS
	0789	TRIBAL	T5251	UTILITY IN TRESPASS
	0799	TRIBAL	T5252	UTILITY IN TRESPASS
	0862	CANE NELLIE	939.5	ROAD IN TRESPASS
	0863	CANE URIAH	940	ROAD IN TRESPASS
	0864	CARRY CHERRY BUD	3178	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0933	RED FINGER WILLS	2336.5	ROAD IN TRESPASS
	0934	WALKING WHITE MARIE	4803	ROAD IN TRESPASS
	0935	WRIGHT GILBERT	4320	ROAD IN TRESPASS
	0936	BLACK ARCHIE MORRAL	4347	ROAD IN TRESPASS
	0937	SIT TOES JOSEPH	1969	ROAD IN TRESPASS
	0938	GERMAN GIRL JULIA	120	ROAD IN TRESPASS
	0939	RED HOOP JENNIE	118	ROAD IN TRESPASS
	0940	ROGERS ROBERT	4488	ROAD IN TRESPASS
	0941	BORDEAUX KIKA	4441	ROAD IN TRESPASS
	0942	MILLER ANNIE	4279	ROAD IN TRESPASS
	0943	MILLER RENA	4278	ROAD IN TRESPASS
	0944	WOUNDED FOOT NELLIE	3306	ROAD IN TRESPASS
	0945	DURRAY WILLIAM	2556	ROAD IN TRESPASS
	0946	RATTLER MAUDE	2614	ROAD IN TRESPASS
	0947	RICE HARRY	2369	ROAD IN TRESPASS
	0948	BRTODEMAN WILLIAM	11808	ROAD IN TRESPASS
	0949	LION	2686	ROAD IN TRESPASS
	0950	BULL BOY JESSIE	2642	ROAD IN TRESPASS
	0951	RED WHIRLWIND	2692	ROAD IN TRESPASS
	0952	FROM ABOVE	4453	ROAD IN TRESPASS
	0953	SCOTT FANNIE	4795	ROAD IN TRESPASS
	0954	TAKES A HORSE	2640	ROAD IN TRESPASS
	0955	MEETING	2598.5	ROAD IN TRESPASS
	0956	TALK	3775	ROAD IN TRESPASS
	0957	WOUNDED SHIELD STEPHEN	4743	ROAD IN TRESPASS
	0958	BAKED HAM LEONA	4570	ROAD IN TRESPASS
	0959	ELLISTON ERLINSON	4234	ROAD IN TRESPASS
	0960	MOUNTAIN MOBLE R.	4127	ROAD IN TRESPASS
	0961	STARS HELEN ELSIE	4229	ROAD IN TRESPASS
	0962	SCISSONS JAMES	4267	ROAD IN TRESPASS
	0963	HORSE LOOKING GEORGE	4256	ROAD IN TRESPASS
	0964	TRIBAL	4499	ROAD IN TRESPASS
	0965	RUNNING HORSE EDWARD	4189	ROAD IN TRESPASS
	0966	LONE PHEASANT MARY	3809	ROAD IN TRESPASS
	0967	RUNNING HORSE MARIE	4197	ROAD IN TRESPASS
	0968	TWO TEETH EMMA ETTA	4752	ROAD IN TRESPASS
	0969	HOLSTLAW IDA DOROTHY	4662	ROAD IN TRESPASS
	0970	RAYMOND SOLOMON	4611	ROAD IN TRESPASS
	0971	LONE DOG JESSIE	3933	ROAD IN TRESPASS
	0972	JACK LIZZIE	4105	ROAD IN TRESPASS
	0973	MISS SARAH	2558	ROAD IN TRESPASS
	0974	EAGLE THUNDER	1736	ROAD IN TRESPASS
	0975	BEAR SHIRT LIZZIE	4645	ROAD IN TRESPASS
	0976	HUGGINS ROBERT SAMUEL	2274	ROAD IN TRESPASS
	0977	ROBERTS IDA	4607	ROAD IN TRESPASS
	0978	BLACK RING	4403	ROAD IN TRESPASS
	0979	RAMIS JULIA	2308	ROAD IN TRESPASS
	0980	DIDIER ANN	2915	ROAD IN TRESPASS
	0981	IRON NEST MARTHA	4710	ROAD IN TRESPASS
	0982	TRIBAL	11282	ROAD IN TRESPASS
	0983	TRIBAL	111493	ROAD IN TRESPASS
	0995	ROSEBUD SIOUX TRIBE	6753	UTILITY IN TRESPASS
	0996	ROSEBUD SIOUX TRIBE	5463	UTILITY IN TRESPASS
	0997	ROSEBUD SIOUX TRIBE	1825	UTILITY IN TRESPASS
	0998	ROSEBUD SIOUX TRIBE	11023	UTILITY IN TRESPASS
	0999	ROSEBUD SIOUX TRIBE	108	UTILITY IN TRESPASS
	1000	DOG SOLDIER	199	UTILITY IN TRESPASS
	1001	RED OWL IRENE	1994-A	UTILITY IN TRESPASS
	1002	LITTLE HONEY	281-B	UTILITY IN TRESPASS
	1003	NO HEART	13-B	UTILITY IN TRESPASS
	1004	ROSEBUD SIOUX TRIBE	182	UTILITY IN TRESPASS
	1005	YELLOW HAWK	478-B	UTILITY IN TRESPASS
	1006	YELLOW HAWK	478-A	UTILITY IN TRESPASS
	1007	ROSEBUD SIOUX TRIBE	TRIBAL	UTILITY IN TRESPASS
	1008	ROSEBUD SIOUX TRIBE	290	UTILITY IN TRESPASS
	1009	DOG OR WHITE HAWK	372	UTILITY IN TRESPASS
	1010	PLENTY HORSE DELPHINE	6359	UTILITY IN TRESPASS
	1011	ROSEBUD SIOUX TRIBE	289-A	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	0865	MAD BEAR MARY	462.5	ROAD IN TRESPASS
	0866	RAIN WATER GEORGE	2704	ROAD IN TRESPASS
	0867	RAIN WATER MARY	2698	ROAD IN TRESPASS
	0868	VERY BEAR TO US MARY	268	ROAD IN TRESPASS
	0869	GERMAN GIRL JULIA	267.5	ROAD IN TRESPASS
	0870	SHOOTS AT THE HEAD	602	ROAD IN TRESPASS
	0871	TRIBAL	T11034	ROAD IN TRESPASS
	0872	TRIBAL	T9116	ROAD IN TRESPASS
	0873	TRAYS ESTHER (OVELA)	222.5	ROAD IN TRESPASS
	0874	TASUNKA HINZI	448	ROAD IN TRESPASS
	0875	LEADER MARY	448.5	ROAD IN TRESPASS
	0876	NO NAME	219.5	ROAD IN TRESPASS
	0877	HIN CIRCLE FOOL	679	ROAD IN TRESPASS
	0878	CIRCLE FOOL LUCY	630	ROAD IN TRESPASS
	0879	SWING AROUND BLUE BIRD	695.5	ROAD IN TRESPASS
	0880	SMALL STRANGER WOOD	624.5	ROAD IN TRESPASS
	0881	NO NAME	272.5	ROAD IN TRESPASS
	0882	LEAVING CATCH THE ENEMY	330.5	ROAD IN TRESPASS
	0883	BLUE EYES	221	ROAD IN TRESPASS
	0884	LEADING	270.5A	ROAD IN TRESPASS
	0885	PARKER ELSTON	6731	ROAD IN TRESPASS
	0886	TRIBAL	T11013	ROAD IN TRESPASS
	0887	ELLISTON LOUISA	240.5	ROAD IN TRESPASS
	0888	LINDEMAN FRED	631	ROAD IN TRESPASS
	0889	BRADLEY JOHN P.	11214	ROAD IN TRESPASS
	0890	WINONA EVA	2857	ROAD IN TRESPASS
	0891	SHAW BEAR JOHN	11041	ROAD IN TRESPASS
	0892	OWL MARKS IN MANE	3991	ROAD IN TRESPASS
	0893	OWL MARKS IN HOUSE	2184	ROAD IN TRESPASS
	0894	WHITE BOY	11011	ROAD IN TRESPASS
	0895	EAGLE PIPE	11012	ROAD IN TRESPASS
	0896	STONE ARROW FRANCIS	9488	ROAD IN TRESPASS
	0897	RABBIT	948	ROAD IN TRESPASS
	0898	LOOKING HORSE ESSIE	2858	ROAD IN TRESPASS
	0899	RUNNING HORSE LOUISE	4930	ROAD IN TRESPASS
	0900	RUNNING HORSE GENIE	4931	ROAD IN TRESPASS
	0901	KILLS ONAWA	3093	ROAD IN TRESPASS
	0902	USEFUL HEART	2710	ROAD IN TRESPASS
	0903	BLACKSTONE AMOS	2871	ROAD IN TRESPASS
	0904	HER RED HORSE	2739.5	ROAD IN TRESPASS
	0905	LONE PINE CEDAR	3097	ROAD IN TRESPASS
	0906	PRETTY TOUR LILY	2602	ROAD IN TRESPASS
	0907	GOOD EAGLE JOSHUA	2718	ROAD IN TRESPASS
	0908	RED WOOD PECKER	2801	ROAD IN TRESPASS
	0909	LONG ELK CELESTE	2721.5	ROAD IN TRESPASS
	0910	SITTING BEAR WILLIAM	4535	ROAD IN TRESPASS
	0911	SITTING BEAR MARY	4538	ROAD IN TRESPASS
	0912	KINCAID EFFIE	4299	ROAD IN TRESPASS
	0913	SILLY SAMUEL	6466	ROAD IN TRESPASS
	0914	HAIL CHIEF THOMAS	2617	ROAD IN TRESPASS
	0915	FOUR HORNS LINA	4758	ROAD IN TRESPASS
	0916	CROOKED FOOT JOHN	2798	ROAD IN TRESPASS
	0917	RED HORSE SAMUEL	4782	ROAD IN TRESPASS
	0918	WHITE BIRD SAMUEL	4783	ROAD IN TRESPASS
	0919	WHITE BIRD OLIVER	2607	ROAD IN TRESPASS
	0920	WHITE BIRD SALLIE	2784	ROAD IN TRESPASS
	0921	TRIBAL	2804	ROAD IN TRESPASS
	0922	WANAGI GEORGE	11267	ROAD IN TRESPASS
	0924	THUNDER EMMA MAE	2633	ROAD IN TRESPASS
	0925	THUNDER JOSEPH	4814	ROAD IN TRESPASS
	0926	CROWNHART DAVID	2641A	ROAD IN TRESPASS
	0927	CROWNHART MARY	2947	ROAD IN TRESPASS
	0928	LITTLE DOG EMMA	2947.5	ROAD IN TRESPASS
	0929	LITTLE HOOP JOSEPH	3299	ROAD IN TRESPASS
	0930	TOTT ALFRED	2623	ROAD IN TRESPASS
	0931	RISING PART	4854	ROAD IN TRESPASS
	0932	KILLS ALIVE	2742	ROAD IN TRESPASS
			2336	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

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ABERDEEN AREA STATUTE CLAIMS

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	1012	ROSEBUD SIOUX TRIBE	289-B	UTILITY IN TRESPASS
	1013	ROSEBUD SIOUX TRIBE	289.5	UTILITY IN TRESPASS
	1014	BLACK BULL	R1	UTILITY IN TRESPASS
	1015	HER CANE	81.5	UTILITY IN TRESPASS
	1016	ROSEBUD SIOUX TRIBE	6637	UTILITY IN TRESPASS
	1017	MENGEL FRANCIS	6701	UTILITY IN TRESPASS
	1018	ROSEBUD SIOUX TRIBE	5511	UTILITY IN TRESPASS
	1019	HAWKAAS JOHN HENRY	6696	UTILITY IN TRESPASS
	1020	PRUE THEODORE	4695	UTILITY IN TRESPASS
	1021	ROSEBUD SIOUX TRIBE	482-A	UTILITY IN TRESPASS
	1022	ROSEBUD SIOUX TRIBE	7214	UTILITY IN TRESPASS
	1023	ROSEBUD SIOUX TRIBE	6349	UTILITY IN TRESPASS
	1024	BLACK BULL ALBERT	6647	UTILITY IN TRESPASS
	1025	ARCORN EMMA	6347	UTILITY IN TRESPASS
	1026	UTTERBACK MELVIN JAMES	7535	UTILITY IN TRESPASS
	1027	HUSTON LEONA ETHEL	6729	UTILITY IN TRESPASS
	1028	GOOD BIRD	2930	UTILITY IN TRESPASS
	1029	SLOWLY	508.5A	UTILITY IN TRESPASS
	1030	OLD LODGE BENJAMIN	5728	UTILITY IN TRESPASS
	1031	RED BLANKET	458-C	UTILITY IN TRESPASS
	1032	WOLF WALKS IN LEAD	329	UTILITY IN TRESPASS
	1033	ROSEBUD SIOUX TRIBE	TRIBAL	UTILITY IN TRESPASS
	1034	ROSEBUD SIOUX TRIBE	6368	UTILITY IN TRESPASS
	1035	ROSEBUD SIOUX TRIBE	1354	UTILITY IN TRESPASS
	1036	ELK	187	UTILITY IN TRESPASS
	1037	ROSEBUD SIOUX TRIBE	6373	UTILITY IN TRESPASS
	1038	ROSEBUD SIOUX TRIBE	6634	UTILITY IN TRESPASS
	1039	ROSEBUD SIOUX TRIBE	6633	UTILITY IN TRESPASS
	1040	LEADING CLOUD AMANDA	7526	UTILITY IN TRESPASS
	1041	ROGERS MINERVA	6621	UTILITY IN TRESPASS
	1042	ROSEBUD SIOUX TRIBE	6620	UTILITY IN TRESPASS
	1043	HAND MARY	5303	UTILITY IN TRESPASS
	1044	ROSEBUD SIOUX TRIBE	7779	UTILITY IN TRESPASS
	1045	ROSEBUD SIOUX TRIBE	6414	UTILITY IN TRESPASS
	1046	CRAZY BULL FANNIE	6435	UTILITY IN TRESPASS
	1047	ROSEBUD SIOUX TRIBE	6436	UTILITY IN TRESPASS
	1048	ROSEBUD SIOUX TRIBE	6438	UTILITY IN TRESPASS
	1049	GOOD BIRD	2930	UTILITY IN TRESPASS
	1050	CORDIER JOSEPH	1931	UTILITY IN TRESPASS
	1051	ROSEBUD SIOUX TRIBE	383	UTILITY IN TRESPASS
	1052	CHUBBY HOLY	410.5	UTILITY IN TRESPASS
	1053	NIGHT PIPE EVA	5509	UTILITY IN TRESPASS
	1054	ROSEBUD SIOUX TRIBE	3016	UTILITY IN TRESPASS
	1055	ROSEBUD SIOUX TRIBE	5506	UTILITY IN TRESPASS
	1056	ROSEBUD SIOUX TRIBE	11281	UTILITY IN TRESPASS
	1057	CHASING HAWK AGNES PAULINE	7106	UTILITY IN TRESPASS
	1058	ROSEBUD SIOUX TRIBE	11214	UTILITY IN TRESPASS
	1059	ROSEBUD SIOUX TRIBE	11214	UTILITY IN TRESPASS
	1060	ROSEBUD SIOUX TRIBE	6703	UTILITY IN TRESPASS
	1061	ROSEBUD SIOUX TRIBE	6702	UTILITY IN TRESPASS
	1062	ROSEBUD SIOUX TRIBE	7505	UTILITY IN TRESPASS
	1063	PRUE ROSELINE	5478	UTILITY IN TRESPASS
	1064	NO HEART PETER	5486	UTILITY IN TRESPASS
	1065	ROSEBUD SIOUX TRIBE	95-A	UTILITY IN TRESPASS
	1066	LITTLE CROW	95-B	UTILITY IN TRESPASS
	1067	ROSEBUD SIOUX TRIBE	95.5	UTILITY IN TRESPASS
	1068	ROSEBUD SIOUX TRIBE	11184	UTILITY IN TRESPASS
	1069	ROSEBUD SIOUX TRIBE	18	UTILITY IN TRESPASS
	1070	ROSEBUD SIOUX TRIBE	16	UTILITY IN TRESPASS
	1071	ROSEBUD SIOUX TRIBE	14.5A	UTILITY IN TRESPASS
	1072	ROSEBUD SIOUX TRIBE	14.5D	UTILITY IN TRESPASS
	1073	ROSEBUD SIOUX TRIBE	336	UTILITY IN TRESPASS
	1074	COMES OUT MARY	1845	UTILITY IN TRESPASS
	1075	BORNEAUX ALVIN	6628	UTILITY IN TRESPASS
	1076	ROSEBUD SIOUX TRIBE	7744	UTILITY IN TRESPASS
	1077	BORNEAUX WILLIAM	723	UTILITY IN TRESPASS
	1078	ROSEBUD SIOUX TRIBE	5012	UTILITY IN TRESPASS
	1079	EAGLE BULL WIDOW	6319	UTILITY IN TRESPASS

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	1080	WRIGHT EVERDALE	7340	UTILITY IN TRESPASS
	1081	ROSEBUD SIOUX TRIBE	6072	UTILITY IN TRESPASS
	1082	ROSEBUD SIOUX TRIBE	6301	UTILITY IN TRESPASS
	1083	HOWLAW OLIVER LEROY	5015	UTILITY IN TRESPASS
	1084	ROSEBUD SIOUX TRIBE	6323	UTILITY IN TRESPASS
	1085	STURGEVENT PRESTON	6730	UTILITY IN TRESPASS
	1086	NIGHT PIPE ALFRED	31-A	UTILITY IN TRESPASS
	1087	NIGHT PIPE ALFRED	31-B	UTILITY IN TRESPASS
	1088	MOORE VEBULA	7805	UTILITY IN TRESPASS
	1089	ROSEBUD SIOUX TRIBE	6739	UTILITY IN TRESPASS
	1090	ROSEBUD SIOUX TRIBE	6795	UTILITY IN TRESPASS
	1091	ROSEBUD SIOUX TRIBE	6796	UTILITY IN TRESPASS
	1092	HICKS VIOLA MAUDE	6798	UTILITY IN TRESPASS
	1093	ROSEBUD SIOUX TRIBE	6794	UTILITY IN TRESPASS
	1094	WHITING LAWRENCE JACOB	6779	UTILITY IN TRESPASS
	1095	NIPPER LEON	6775	UTILITY IN TRESPASS
	1096	ROSEBUD SIOUX TRIBE	6782	UTILITY IN TRESPASS
	1097	ROSEBUD SIOUX TRIBE	6802	UTILITY IN TRESPASS
	1098	ROSEBUD SIOUX TRIBE	6806	UTILITY IN TRESPASS
	1099	ROSEBUD SIOUX TRIBE	7073	UTILITY IN TRESPASS
	1100	WHITING HELEN MARY	6807	UTILITY IN TRESPASS
	1101	LOOKS FOR HER	4112.5	UTILITY IN TRESPASS
	1102	CARRIL HERMAN EDWARD	7048	UTILITY IN TRESPASS
	1103	ROSEBUD SIOUX TRIBE	7080	UTILITY IN TRESPASS
	1104	HAUKAAS ALFRETA	7214	UTILITY IN TRESPASS
	1105	ROSEBUD SIOUX TRIBE	6654	UTILITY IN TRESPASS
	1106	ROSEBUD SIOUX TRIBE	7181	UTILITY IN TRESPASS
	1107	ROSEBUD SIOUX TRIBE	78	UTILITY IN TRESPASS
	1108	KIRIVAN FOLEN NEIL	7079	UTILITY IN TRESPASS
	1109	GORMEAUX ZENNETTE	6747	UTILITY IN TRESPASS
	1110	ROSEBUD SIOUX TRIBE	11112	UTILITY IN TRESPASS
	1111	ROSEBUD SIOUX TRIBE	1922R	UTILITY IN TRESPASS
	1112	WHITING THOMAS FRANCIS	7389A	UTILITY IN TRESPASS
	1113	WHITING THOMAS	7389	UTILITY IN TRESPASS
	1114	GARCIA THELMA	6312	UTILITY IN TRESPASS
	1115	ROSEBUD SIOUX TRIBE	6434	UTILITY IN TRESPASS
	1116	ROSEBUD SIOUX TRIBE	6415	UTILITY IN TRESPASS
	1117	ROSEBUD SIOUX TRIBE	5343	UTILITY IN TRESPASS
	1118	ROSEBUD SIOUX TRIBE	6416	UTILITY IN TRESPASS
	1119	ROSEBUD SIOUX TRIBE	388A	UTILITY IN TRESPASS
	1120	MARSHALL LOUIS	7555	UTILITY IN TRESPASS
	1121	GAYNEAU EDWARD	1932	UTILITY IN TRESPASS
	1122	ROSEBUD SIOUX TRIBE	11127	UTILITY IN TRESPASS
	1123	ROSEBUD SIOUX TRIBE	1911A	UTILITY IN TRESPASS
	1124	RUNS FORWARD JAMES	7314	UTILITY IN TRESPASS
	1125	RED OWL IRENE EVA	7099	UTILITY IN TRESPASS
	1126	ROSEBUD SIOUX TRIBE	7496	UTILITY IN TRESPASS
	1127	ROSEBUD SIOUX TRIBE	2423	UTILITY IN TRESPASS
	1128	ROSEBUD SIOUX TRIBE	11243	UTILITY IN TRESPASS
	1129	ROSEBUD SIOUX TRIBE	7103	UTILITY IN TRESPASS
	1130	ROSEBUD SIOUX TRIBE	7349	UTILITY IN TRESPASS
	1131	ATTACK HIM AUDREY	3901	UTILITY IN TRESPASS
	1132	MESTON ESTHER MARIE	7121	UTILITY IN TRESPASS
	1133	ROSEBUD SIOUX TRIBE	7238	UTILITY IN TRESPASS
	1134	ROSEBUD SIOUX TRIBE	3733	UTILITY IN TRESPASS
	1135	RING BULL FRANK (RST)	7312	UTILITY IN TRESPASS
	1136	REIFEL GEORGE WILLIAM	6455	UTILITY IN TRESPASS
	1137	IRON STAR RUFUS ISAAC	7538	UTILITY IN TRESPASS
	1138	CARROLL HERMAN EDWARD	7048	UTILITY IN TRESPASS
	1139	ROSEBUD SIOUX TRIBE	3930	UTILITY IN TRESPASS
	1140	CORDIER LEO	3567	UTILITY IN TRESPASS
	1141	CORDIER GEORGE	3476	UTILITY IN TRESPASS
	1142	SITTER ROSE	6191	UTILITY IN TRESPASS
	1143	ROSEBUD SIOUX TRIBE	3786B	UTILITY IN TRESPASS
	1144	ROSEBUD SIOUX TRIBE	6539	UTILITY IN TRESPASS
	1145	ROSEBUD SIOUX TRIBE	2548	UTILITY IN TRESPASS
	1146	BLUNT ARROW SAMUEL	1952	UTILITY IN TRESPASS
	1147	ROSEBUD SIOUX TRIBE	3678	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
407345	1216	BEAR DOG EDWARD	1773	UTILITY IN TRESPASS
	1217	ROSEBUD SIOUX TRIBE	11922	UTILITY IN TRESPASS
	1218	BAD MILK	1796.5	UTILITY IN TRESPASS
	1219	ROSEBUD SIOUX TRIBE	11320	UTILITY IN TRESPASS
	1220	ROSEBUD SIOUX TRIBE	998.5	UTILITY IN TRESPASS
	1221	ROSEBUD SIOUX TRIBE	11320	UTILITY IN TRESPASS
	1222	ROSEBUD SIOUX TRIBE	11320	UTILITY IN TRESPASS
	1223	ROSEBUD SIOUX TRIBE	11320	UTILITY IN TRESPASS
	1224	ONE STAR	32244	UTILITY IN TRESPASS
	1225	ROSEBUD SIOUX TRIBE	3613	UTILITY IN TRESPASS
	1226	THUNDER HAWK JULIA	1027A	UTILITY IN TRESPASS
	1227	ROSEBUD SIOUX TRIBE	11381	UTILITY IN TRESPASS
	1228	NO LEAF	3690	UTILITY IN TRESPASS
	1229	RING BULL	3744	UTILITY IN TRESPASS
	1230	JUMPING DIFFERENT WHITE LANCE	2688	UTILITY IN TRESPASS
	1231	HAWK CHASING IN DAYLIGHT	1717	UTILITY IN TRESPASS
	1232	RED STAR	1757	UTILITY IN TRESPASS
	1233	ROSEBUD SIOUX TRIBE	11480	UTILITY IN TRESPASS
	1234	ROSEBUD SIOUX TRIBE	1739.5	UTILITY IN TRESPASS
	1235	LEFT HAND BULL	1789	UTILITY IN TRESPASS
	1236	LEFT HAND BULL	17444	UTILITY IN TRESPASS
	1237	ROSEBUD SIOUX TRIBE	11121	UTILITY IN TRESPASS
	1238	COFFEE JOHN	944A	UTILITY IN TRESPASS
	1239	ROSEBUD SIOUX TRIBE	11120	UTILITY IN TRESPASS
	1240	LEFT HAND BULL BUSH	1743	UTILITY IN TRESPASS
	1241	ROSEBUD SIOUX TRIBE	1742	UTILITY IN TRESPASS
	1242	ROSEBUD SIOUX TRIBE	1749A	UTILITY IN TRESPASS
	1243	ROSEBUD SIOUX TRIBE	TRIBAL	UTILITY IN TRESPASS
	1244	ROSEBUD SIOUX TRIBE	1751	UTILITY IN TRESPASS
	1245	ROSEBUD SIOUX TRIBE	1747	UTILITY IN TRESPASS
	1246	ROSEBUD SIOUX TRIBE	11120	UTILITY IN TRESPASS
	1247	ROSEBUD SIOUX TRIBE	1108E	UTILITY IN TRESPASS
	1248	ROSEBUD SIOUX TRIBE	11080	UTILITY IN TRESPASS
	1249	ROSEBUD SIOUX TRIBE	1156	UTILITY IN TRESPASS
	1250	ROSEBUD SIOUX TRIBE	11079	UTILITY IN TRESPASS
	1251	ROSEBUD SIOUX TRIBE	11079	UTILITY IN TRESPASS
	1252	ROSEBUD SIOUX TRIBE	1976A	UTILITY IN TRESPASS
	1253	ROSEBUD SIOUX TRIBE	TRIBAL	UTILITY IN TRESPASS
	1254	ROSEBUD SIOUX TRIBE	11079	UTILITY IN TRESPASS
	1255	FAST BULL JOHN	812A	UTILITY IN TRESPASS
	1256	ROSEBUD SIOUX TRIBE	926.5	UTILITY IN TRESPASS
	1257	ROSEBUD SIOUX TRIBE	650E	UTILITY IN TRESPASS
	1258	HAWK GHOST	930	UTILITY IN TRESPASS
	1259	ROSEBUD SIOUX TRIBE	3695.5	UTILITY IN TRESPASS
	1260	OWNS THE BATTLE MARY	5204	UTILITY IN TRESPASS
	1261	OWNS THE BATTLE LIZZIE	5205	UTILITY IN TRESPASS
	1262	ROSEBUD SIOUX TRIBE	6123	UTILITY IN TRESPASS
	1263	KEEP THE MOUNTAIN JOHN	6287	UTILITY IN TRESPASS
	1264	CROW GOOD VOICE	3669	UTILITY IN TRESPASS
	1265	POOR BEAR KATIE	3834	UTILITY IN TRESPASS
	1266	ROSEBUD SIOUX TRIBE	11104	UTILITY IN TRESPASS
	1267	ROSEBUD SIOUX TRIBE	11109	UTILITY IN TRESPASS
	1268	HAWK GHOST TWICE	1341	UTILITY IN TRESPASS
	1269	ROSEBUD SIOUX TRIBE	11104	UTILITY IN TRESPASS
	1270	ROSEBUD SIOUX TRIBE	1331	UTILITY IN TRESPASS
	1271	RUNS AFTER HAWK GHOST	3761	UTILITY IN TRESPASS
	1272	ROSEBUD SIOUX TRIBE	6448	UTILITY IN TRESPASS
	1273	ENO NO 1 WIDOW	1343	UTILITY IN TRESPASS
	1274	A FALLING STAR	6448	UTILITY IN TRESPASS
	1275	ENO NO. 2 WIDOW	13668	UTILITY IN TRESPASS
	1276	IRON OLD HORN	1307	UTILITY IN TRESPASS
	1277	ROSEBUD SIOUX TRIBE	11115	UTILITY IN TRESPASS
	1278	ROSEBUD SIOUX TRIBE	1344	UTILITY IN TRESPASS
	1279	ROSEBUD SIOUX TRIBE	1319.5	UTILITY IN TRESPASS
	1280	AITCH & HIM	1326	UTILITY IN TRESPASS
	1281	ROSEBUD SIOUX TRIBE	TRIBAL	UTILITY IN TRESPASS
	1282	ROSEBUD SIOUX TRIBE	1329A	UTILITY IN TRESPASS
	1283	ROSEBUD SIOUX TRIBE	1329A	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
407345	1148	BONE SHIRT	3676	UTILITY IN TRESPASS
	1149	ROSEBUD SIOUX TRIBE	3677	UTILITY IN TRESPASS
	1150	ROSEBUD SIOUX TRIBE	7440	UTILITY IN TRESPASS
	1151	TURNING BEAR MARY	6546	UTILITY IN TRESPASS
	1152	BORDEAUX ELIZA	2948	UTILITY IN TRESPASS
	1153	HOLLOW HORN BEAR ON THE RANK	2888	UTILITY IN TRESPASS
	1154	ROSEBUD SIOUX TRIBE	11124	UTILITY IN TRESPASS
	1155	ROSEBUD SIOUX TRIBE	1820.5	UTILITY IN TRESPASS
	1156	ROSEBUD SIOUX TRIBE	11124	UTILITY IN TRESPASS
	1157	ROSEBUD SIOUX TRIBE	-0-	UTILITY IN TRESPASS
	1158	ROSEBUD SIOUX TRIBE	-0-	UTILITY IN TRESPASS
	1159	ROSEBUD SIOUX TRIBE	-0-	UTILITY IN TRESPASS
	1160	ROSEBUD SIOUX TRIBE	-0-	UTILITY IN TRESPASS
	1161	ROSEBUD SIOUX TRIBE	-0-	UTILITY IN TRESPASS
	1162	ROSEBUD SIOUX TRIBE	-0-	UTILITY IN TRESPASS
	1163	ROSEBUD SIOUX TRIBE	6401	UTILITY IN TRESPASS
	1164	CRAZY CAT RICHARD	6404	UTILITY IN TRESPASS
	1165	MARSHALL ELIZABETH	6669	UTILITY IN TRESPASS
	1166	ROSEBUD SIOUX TRIBE	6670	UTILITY IN TRESPASS
	1167	MARSHALL KATHERINE	7099	UTILITY IN TRESPASS
	1168	ROSEBUD SIOUX TRIBE	7093	UTILITY IN TRESPASS
	1169	ROSEBUD SIOUX TRIBE	7095	UTILITY IN TRESPASS
	1170	ROSEBUD SIOUX TRIBE	5416	UTILITY IN TRESPASS
	1171	ROSEBUD SIOUX TRIBE	5414	UTILITY IN TRESPASS
	1172	ROSEBUD SIOUX TRIBE	8951.5	UTILITY IN TRESPASS
	1173	WHITE BUFFALO ARELIA	7410	UTILITY IN TRESPASS
	1174	LITTLE TAIL MARTHA	7095	UTILITY IN TRESPASS
	1175	ROSEBUD SIOUX TRIBE	7095	UTILITY IN TRESPASS
	1176	SNOW FLY ALBERT	5208	UTILITY IN TRESPASS
	1177	KILLS PLENTY THOMAS	5207	UTILITY IN TRESPASS
	1178	ROSEBUD SIOUX TRIBE	4511	UTILITY IN TRESPASS
	1179	RAIN CLOSE TO VILLAGE VIRTUMIA	6412 A	UTILITY IN TRESPASS
	1180	ROSEBUD SIOUX TRIBE	11229	UTILITY IN TRESPASS
	1181	ROSEBUD SIOUX TRIBE	RES	UTILITY IN TRESPASS
	1182	ROSEBUD SIOUX TRIBE	RES	UTILITY IN TRESPASS
	1183	ROSEBUD SIOUX TRIBE	RES	UTILITY IN TRESPASS
	1184	ROSEBUD SIOUX TRIBE	1676A	UTILITY IN TRESPASS
	1185	ROSEBUD SIOUX TRIBE	11[illegible]	UTILITY IN TRESPASS
	1186	ROSEBUD SIOUX TRIBE	1834	UTILITY IN TRESPASS
	1187	HAWK MARTHA	1229	UTILITY IN TRESPASS
	1188	ROSEBUD SIOUX TRIBE	10[illegible]	UTILITY IN TRESPASS
	1189	ROSEBUD SIOUX TRIBE	2[illegible]	UTILITY IN TRESPASS
	1190	ARTHUR EVA	2[illegible]	UTILITY IN TRESPASS
	1191	ROSEBUD SIOUX TRIBE	065	UTILITY IN TRESPASS
	1192	SITTING BEAR MILDRED	6114	UTILITY IN TRESPASS
	1193	ROSEBUD SIOUX TRIBE	1131[illegible]	UTILITY IN TRESPASS
	1194	ROSEBUD SIOUX TRIBE	1102[illegible]	UTILITY IN TRESPASS
	1195	ROSEBUD SIOUX TRIBE	6117	UTILITY IN TRESPASS
	1196	POOR MAN BESSIE	6578	UTILITY IN TRESPASS
	1197	ROSEBUD SIOUX TRIBE	5613	UTILITY IN TRESPASS
	1198	LONE DOG JOHN RICHARD	7179	UTILITY IN TRESPASS
	1199	ROSEBUD SIOUX TRIBE	7406	UTILITY IN TRESPASS
	1200	CASSY	6447	UTILITY IN TRESPASS
	1201	PINE SHOOTER	6641B	UTILITY IN TRESPASS
	1202	PINE SHOOTER	6641A	UTILITY IN TRESPASS
	1203	TWO THUNDER JAMES	6641A	UTILITY IN TRESPASS
	1204	SEES RED	14465	UTILITY IN TRESPASS
	1205	ROSEBUD SIOUX TRIBE	11[illegible]	UTILITY IN TRESPASS
	1206	ROSEBUD SIOUX TRIBE	12470	UTILITY IN TRESPASS
	1207	TWO THUNDER	12[illegible]	UTILITY IN TRESPASS
	1208	OLD HAWK	1[illegible]	UTILITY IN TRESPASS
	1209	IRON SHELL ROY	1[illegible]	UTILITY IN TRESPASS
	1210	CHEYENNE WOMAN	1[illegible]	UTILITY IN TRESPASS
	1211	ROSEBUD SIOUX TRIBE	1[illegible]	UTILITY IN TRESPASS
	1212	ROSEBUD SIOUX TRIBE	14[illegible]	UTILITY IN TRESPASS
	1213	ROSEBUD SIOUX TRIBE	9[illegible]	UTILITY IN TRESPASS
	1214	YELLOW WOMAN ELLA	11[illegible]	UTILITY IN TRESPASS
	1215	ROSEBUD SIOUX TRIBE	11[illegible]	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE CASE ALLOTTEE ALLOTMENT TYPE OF CLAIM

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	1284	ROSEBUD SIOUX TRIBE	TRIBAL	UTILITY IN TRESPASS
	1285	ROSEBUD SIOUX TRIBE	7898	UTILITY IN TRESPASS
	1286	SHARP FISH WILLIAM	7785	UTILITY IN TRESPASS
	1287	SHOT HIM HIGH PIPE	1330	UTILITY IN TRESPASS
	1288	ROSEBUD SIOUX TRIBE	7541	UTILITY IN TRESPASS
	1289	BLACK BEAR THOMAS	6081	UTILITY IN TRESPASS
	1290	SLOW BEAR	4760	UTILITY IN TRESPASS
	1291	ROSEBUD SIOUX TRIBE	TRIBAL	UTILITY IN TRESPASS
	1292	ROSEBUD SIOUX TRIBE	1315	UTILITY IN TRESPASS
	1293	ROSEBUD SIOUX TRIBE	1317	UTILITY IN TRESPASS
	1294	EAGLE MAN	1356	UTILITY IN TRESPASS
	1295	ROSEBUD SIOUX TRIBE	1348D	UTILITY IN TRESPASS
	1296	ROSEBUD SIOUX TRIBE	1321	UTILITY IN TRESPASS
	1297	SHELL	1348B	UTILITY IN TRESPASS
	1298	ROSEBUD SIOUX TRIBE	1321.5	UTILITY IN TRESPASS
	1299	GOING OUT FIRST	3728	UTILITY IN TRESPASS
	1300	ROSEBUD SIOUX TRIBE	11194	UTILITY IN TRESPASS
	1301	ROSEBUD SIOUX TRIBE	3760	UTILITY IN TRESPASS
	1302	EVERY WHERE	3723	UTILITY IN TRESPASS
	1303	ROSEBUD SIOUX TRIBE	2520	UTILITY IN TRESPASS
	1304	ROSEBUD SIOUX TRIBE	11477	UTILITY IN TRESPASS
	1305	ROSEBUD SIOUX TRIBE	11143	UTILITY IN TRESPASS
	1306	ROSEBUD SIOUX TRIBE	11142	UTILITY IN TRESPASS
	1307	RING CLOUD	1371	UTILITY IN TRESPASS
	1308	TOUCHED	1370	UTILITY IN TRESPASS
	1309	ROSEBUD SIOUX TRIBE	3721A	UTILITY IN TRESPASS
	1310	CROW DOG	5212.8	UTILITY IN TRESPASS
	1311	CROW DOG EMMA	3732	UTILITY IN TRESPASS
	1312	ROSEBUD SIOUX TRIBE	3782	UTILITY IN TRESPASS
	1314	BLACK BEAR CHARLES	3781-A	UTILITY IN TRESPASS
	1315	HIT IT RED	3779.5	UTILITY IN TRESPASS
	1316	ROSEBUD SIOUX TRIBE	1650	UTILITY IN TRESPASS
	1317	HORN LIGHTNING	1650.5	UTILITY IN TRESPASS
	1318	ROSEBUD SIOUX TRIBE	3786	UTILITY IN TRESPASS
	1319	ROSEBUD SIOUX TRIBE	3785	UTILITY IN TRESPASS
	1320	MAKES ROOM FOR THEM CHARLES	5093	UTILITY IN TRESPASS
	1321	ROSEBUD SIOUX TRIBE	1692.5	UTILITY IN TRESPASS
	1322	ROSEBUD SIOUX TRIBE	1692	UTILITY IN TRESPASS
	1323	ROSEBUD SIOUX TRIBE	1691	UTILITY IN TRESPASS
	1324	SLOW THUNDER	1456	UTILITY IN TRESPASS
	1325	ROSEBUD SIOUX TRIBE	6142	UTILITY IN TRESPASS
	1326	ROSEBUD SIOUX TRIBE	1665.5	UTILITY IN TRESPASS
	1327	ROSEBUD SIOUX TRIBE	1688A	UTILITY IN TRESPASS
	1328	ROSEBUD SIOUX TRIBE	1688B	UTILITY IN TRESPASS
	1329	ROSEBUD SIOUX TRIBE	1840	UTILITY IN TRESPASS
	1330	LITTLE ELK	1833	UTILITY IN TRESPASS
	1331	KILLS	1833.5	UTILITY IN TRESPASS
	1332	ROSEBUD SIOUX TRIBE	6161	UTILITY IN TRESPASS
	1333	ROSEBUD SIOUX TRIBE	1690.5	UTILITY IN TRESPASS
	1334	ROSEBUD SIOUX TRIBE	NA	UTILITY IN TRESPASS
	1335	ROSEBUD SIOUX TRIBE	3109	UTILITY IN TRESPASS
	1336	GOOD ROAD WOMAN	1203	UTILITY IN TRESPASS
	1337	RED TOMAHAWK	1657	UTILITY IN TRESPASS
	1338	EAGLE ELK ERNEST	6146	UTILITY IN TRESPASS
	1339	EAGLE ELK ERNEST	6146	UTILITY IN TRESPASS
	1340	KILLS IN SIGHT ABRAHAM	5103	UTILITY IN TRESPASS
	1341	ROSEBUD SIOUX TRIBE	5085	UTILITY IN TRESPASS
	1342	ROSEBUD SIOUX TRIBE	1690.5	UTILITY IN TRESPASS
	1343	ROSEBUD SIOUX TRIBE	11029	UTILITY IN TRESPASS
	1344	ROSEBUD SIOUX TRIBE	5097	UTILITY IN TRESPASS
	1345	HOLLOW THE HAWK	1702	UTILITY IN TRESPASS
	1346	HOLLOW THE HAWK	1702A	UTILITY IN TRESPASS
	1347	ROSEBUD SIOUX TRIBE	5084	UTILITY IN TRESPASS
	1348	WALKING EAGLE FELIX	5082	UTILITY IN TRESPASS
	1349	WALKING EAGLE FELIX	5082	UTILITY IN TRESPASS
	1350	LOAFER LAWRENCE	7946	UTILITY IN TRESPASS
	1351	LONG HORN	1092	UTILITY IN TRESPASS
	1352	BLUE ELK	1118	UTILITY IN TRESPASS

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	1353	EAGLE DOG	1093	UTILITY IN TRESPASS
	1354	DORNVILLE EMILY	6167A	UTILITY IN TRESPASS
	1355	FOUR HORNS FRANK	2549	UTILITY IN TRESPASS
	1356	WOMAN WITH HER	1804	UTILITY IN TRESPASS
	1357	BIRD NECKLACE LUCY	1750	UTILITY IN TRESPASS
	1358	SHAVING WOMAN	1805	UTILITY IN TRESPASS
	1359	DOG FROM CAVE IVAN	1037	UTILITY IN TRESPASS
	1360	NOT GOOD SAMUEL	5049	UTILITY IN TRESPASS
	1361	ROSEBUD SIOUX TRIBE	999.5	UTILITY IN TRESPASS
	1362	ROSEBUD SIOUX TRIBE	3881A	UTILITY IN TRESPASS
	1363	ROSEBUD SIOUX TRIBE	3881	UTILITY IN TRESPASS
	1364	SUCKER	1694	UTILITY IN TRESPASS
	1365	SUCKER	1079.5	UTILITY IN TRESPASS
	1366	BIG SAGE	1079.5	UTILITY IN TRESPASS
	1367	SPOTTED EAGLE	1079	UTILITY IN TRESPASS
	1368	SPOTTED EAGLE WINNIE	1080	UTILITY IN TRESPASS
	1369	SHIELD HIM JULIA	3882	UTILITY IN TRESPASS
	1370	SHIELD HIM ANNIE	1007	UTILITY IN TRESPASS
	1371	SPOTTED EAGLE TRAVAIS	1082	UTILITY IN TRESPASS
	1372	ROSEBUD SIOUX TRIBE	11072	UTILITY IN TRESPASS
	1373	LITTLE HAWK ELIZABETH	1001	UTILITY IN TRESPASS
	1374	ROSEBUD SIOUX TRIBE	1086D	UTILITY IN TRESPASS
	1375	BUFFALO LOOK	1086B	UTILITY IN TRESPASS
	1376	ROSEBUD SIOUX TRIBE	1134A	UTILITY IN TRESPASS
	1377	ROSEBUD SIOUX TRIBE	1134B	UTILITY IN TRESPASS
	1378	ROSEBUD SIOUX TRIBE	1770	UTILITY IN TRESPASS
	1379	ROSEBUD SIOUX TRIBE	TRIBAL	UTILITY IN TRESPASS
	1380	SORE EYES HERBERT	6158	UTILITY IN TRESPASS
	1381	ROSEBUD SIOUX TRIBE	5089	UTILITY IN TRESPASS
	1382	WALKING EAGLE ROSCOE	7139	UTILITY IN TRESPASS
	1383	GETS OUT MANY	1694.5	UTILITY IN TRESPASS
	1384	WHITE HOLLOW HORN NORA	5087	UTILITY IN TRESPASS
	1385	FRIGHTEN ROSE	1951	UTILITY IN TRESPASS
	1386	ROSEBUD SIOUX TRIBE	6155	UTILITY IN TRESPASS
	1387	HIS BLUE HORSES WALTER	7135	UTILITY IN TRESPASS
	1388	BUFFALO LOOK WILLIAM	1088A	UTILITY IN TRESPASS
	1389	BUFFALO LOOK WILLIAM	1088	UTILITY IN TRESPASS
	1390	ROSEBUD SIOUX TRIBE	1171	UTILITY IN TRESPASS
	1391	ROSEBUD SIOUX TRIBE	4185	UTILITY IN TRESPASS
	1392	STONE	2964	UTILITY IN TRESPASS
	1393	RED BIRD NELLIE	1057	UTILITY IN TRESPASS
	1394	RED BIRCH MARY	1056.5	UTILITY IN TRESPASS
	1395	WALKING CROW	3683	UTILITY IN TRESPASS
	1396	RING THUNDER ANNIE	3754	UTILITY IN TRESPASS
	1397	HAIRY SHIRT REGINA	3562	UTILITY IN TRESPASS
	1398	ROSEBUD SIOUX TRIBE	3683B	UTILITY IN TRESPASS
	1399	BLACK TOMAHAWK	3572	UTILITY IN TRESPASS
	1400	GOOD BOY MARTHA	3143	UTILITY IN TRESPASS
	1401	WHITE HAT CHARLES	1888	UTILITY IN TRESPASS
	1402	ROSEBUD SIOUX TRIBE	1419	UTILITY IN TRESPASS
	1403	ROSEBUD SIOUX TRIBE	1180	UTILITY IN TRESPASS
	1404	LONG PUMPKIN FANNIE	1429	UTILITY IN TRESPASS
	1405	MILLER LOUISE	7504	UTILITY IN TRESPASS
	1406	MEDICINE KENNETH	6178	UTILITY IN TRESPASS
	1407	ROSEBUD SIOUX TRIBE	3264.5	UTILITY IN TRESPASS
	1408	THUNDER HORSE	3264	UTILITY IN TRESPASS
	1409	ROSEBUD SIOUX TRIBE	3244.5	UTILITY IN TRESPASS
	1410	ROSEBUD SIOUX TRIBE	11193	UTILITY IN TRESPASS
	1411	ROSEBUD SIOUX TRIBE	2250C	UTILITY IN TRESPASS
	1412	ROSEBUD SIOUX TRIBE	2250B	UTILITY IN TRESPASS
	1413	COMES FROM AMONG BLACKSPOTTED HORSE	3892	UTILITY IN TRESPASS
	1415	KILLS PLENTY OR HAIL ROAD	3344	UTILITY IN TRESPASS
	1416	PLENTY HORSE	2245	UTILITY IN TRESPASS
	1417	ROSEBUD SIOUX TRIBE	2257	UTILITY IN TRESPASS
	1418	ROSEBUD SIOUX TRIBE	3251	UTILITY IN TRESPASS
	1419	LAYS ON THE GROUND	790A	UTILITY IN TRESPASS
	1420	GROWLING RUNNING BEAR JOHN T	7265	UTILITY IN TRESPASS
	1421	GROWLING RUNNING BEAR	1678A	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
407345	1490	TRIBAL	NA	UTILITY IN TRESPASS
	1491	EAGLE BEAR	2023	UTILITY IN TRESPASS
	1492	WHITE FACED	2023.5	UTILITY IN TRESPASS
	1493	WOMAN LITTLE CHIEF	4065A	UTILITY IN TRESPASS
	1494	WOMAN LITTLE CHIEF	4065	UTILITY IN TRESPASS
	1495	OWNS THE BATTLE ELLA	1980.5	UTILITY IN TRESPASS
	1496	OWNS THE BATTLE ELLA	1980.5	UTILITY IN TRESPASS
	1497	DOG EYES	2106	UTILITY IN TRESPASS
	1498	TRIBAL	NA	UTILITY IN TRESPASS
	1499	DOG EYES	2106A	UTILITY IN TRESPASS
	1500	GOOD WOMAN	2106.5	UTILITY IN TRESPASS
	1501	DOG EYES CHARLES	2107	UTILITY IN TRESPASS
	1502	HAND LENA	5132	UTILITY IN TRESPASS
	1503	WALKING BULL MOLLY	6029	UTILITY IN TRESPASS
	1504	TRIBAL	16018	UTILITY IN TRESPASS
	1505	TRIBAL	145.10	UTILITY IN TRESPASS
	1506	PLENTY BULL ANDREW THOMAS	3423	UTILITY IN TRESPASS
	1507	BLUE HAIRED HORSE IDA	2444.5	UTILITY IN TRESPASS
	1508	RENNED ANTELOPE	7042	UTILITY IN TRESPASS
	1509	QUICK BEAR	1981	UTILITY IN TRESPASS
	1510	LOOT AT THE ROAD	1981.5	UTILITY IN TRESPASS
	1511	COMES OUT FIRST	4132	UTILITY IN TRESPASS
	1512	BIG OLD WOMAN	3237.5	UTILITY IN TRESPASS
	1513	BIG OLD WOMAN	3237.5	UTILITY IN TRESPASS
	1514	SHOT AT HIM CHARLIE (BLACK HORSE)	11140	UTILITY IN TRESPASS
	1515	LIGHT IN THE LODGE	1199	UTILITY IN TRESPASS
	1516	TWO LANCE	11150	UTILITY IN TRESPASS
	1517	SWIMMER HUGH	1270	UTILITY IN TRESPASS
	1518	SWIMMER HUGH	1118A	UTILITY IN TRESPASS
	1519	RUNNING BEAR JOHN	2508	UTILITY IN TRESPASS
	1520	ARROW POINT	20948	UTILITY IN TRESPASS
	1521	BEAR WILLIAM	3230	UTILITY IN TRESPASS
	1522	SWIMMER	1273	UTILITY IN TRESPASS
	1523	SWIMMER HER HORSES	3461	UTILITY IN TRESPASS
	1524	WALKER SILAS P.	1285	UTILITY IN TRESPASS
	1525	SWIMMER	1270	UTILITY IN TRESPASS
	1526	SWIMMER	1465.5	UTILITY IN TRESPASS
	1527	BLACK COW CLIMTON	1283A	UTILITY IN TRESPASS
	1528	RUNNING BREAST LILLY LUCY	1267	UTILITY IN TRESPASS
	1529	RUNNING HORSE OLIVER	6074	UTILITY IN TRESPASS
	1530	CHARGING CAT BENJAMIN	11167	UTILITY IN TRESPASS
	1531	BLACK COW WRIGHT	2216	UTILITY IN TRESPASS
	1532	CROW GOOD VOICE LIZZIE	6075	UTILITY IN TRESPASS
	1533	USES THE WORDS MINNIE	2074	UTILITY IN TRESPASS
	1534	PLENTY WHITE COW	11155	UTILITY IN TRESPASS
	1535	EAGLE BLANKET	2076.5	UTILITY IN TRESPASS
	1536	EAGLE BLANKET	2076.5	UTILITY IN TRESPASS
	1537	NOT STARTED	11161	UTILITY IN TRESPASS
	1538	LEADER CHARGER LILLIAN	3458	UTILITY IN TRESPASS
	1539	MEDICINE LEOPOLD	3400	UTILITY IN TRESPASS
	1540	MEDICINE EMMA	3399	UTILITY IN TRESPASS
	1541	TRIBAL	11164	UTILITY IN TRESPASS
	1542	TRIBAL	111163	UTILITY IN TRESPASS
	1543	TRIBAL	T1137	UTILITY IN TRESPASS
	1544	TRIBAL	T32418	UTILITY IN TRESPASS
	1545	BIG CROW MARY	6030	UTILITY IN TRESPASS
	1546	TRIBAL	T1100	UTILITY IN TRESPASS
	1547	TRIBAL	T2080	UTILITY IN TRESPASS
	1548	TRIBAL	T2056	UTILITY IN TRESPASS
	1549	TRIBAL	2175	UTILITY IN TRESPASS
	1550	LARVIE MARY	2175.5	UTILITY IN TRESPASS
	1551	LAKES THE RUN AWAY	2069.5	UTILITY IN TRESPASS
	1552	LAKES THE RUN AWAY	2069.5	UTILITY IN TRESPASS
	1553	TRIBAL	11151	UTILITY IN TRESPASS
	1554	TRIBAL	477	UTILITY IN TRESPASS
	1555	TRIBAL	2446	UTILITY IN TRESPASS
	1556	WHITE BIRD EUSTUS	6136	UTILITY IN TRESPASS
	1557	TRIBAL	11181	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
407345	1422	MARSHALL JENNIE	6174	UTILITY IN TRESPASS
	1423	LEFT HAND BULL AGNES	6945	UTILITY IN TRESPASS
	1424	ROSEBUD SIOUX TRIBE	11316	UTILITY IN TRESPASS
	1425	ROSEBUD SIOUX TRIBE	6272	UTILITY IN TRESPASS
	1426	HAIR ANNIE	6258	UTILITY IN TRESPASS
	1427	NO LEAF MARY KATHERINE	6281	UTILITY IN TRESPASS
	1428	ROSEBUD SIOUX TRIBE	6279	UTILITY IN TRESPASS
	1429	TAIL BEAR BENJAMIN BOB	6285	UTILITY IN TRESPASS
	1430	ROSEBUD SIOUX TRIBE	9074	UTILITY IN TRESPASS
	1431	PIERCE MARY ANN BARNES	6279	UTILITY IN TRESPASS
	1432	ROSEBUD SIOUX TRIBE	5037	UTILITY IN TRESPASS
	1433	ROSEBUD SIOUX TRIBE	6265	UTILITY IN TRESPASS
	1434	SWIMMER HAZEL MAY	6717	UTILITY IN TRESPASS
	1435	MARTIN ANNIE LOUISE	6858	UTILITY IN TRESPASS
	1436	ROSEBUD SIOUX TRIBE	6643	UTILITY IN TRESPASS
	1437	SPOTTED EAGLE ROSE	7699	UTILITY IN TRESPASS
	1438	BEAR LOOKS BEHIND MARY	7046	UTILITY IN TRESPASS
	1439	BULL EATER HATTIE	2945	UTILITY IN TRESPASS
	1440	ROBERTS FRANK	6995	UTILITY IN TRESPASS
	1441	CHARBONNEAU LETA ROSE	11234	UTILITY IN TRESPASS
	1442	ROSEBUD SIOUX TRIBE	6993	UTILITY IN TRESPASS
	1443	FAST BULL PAUL WILFORD	9015	UTILITY IN TRESPASS
	1444	ROSEBUD SIOUX TRIBE	7448	UTILITY IN TRESPASS
	1445	EAGLEMAN ALOYSIUS	7738	UTILITY IN TRESPASS
	1446	MAY STRIKE LUA	7067	UTILITY IN TRESPASS
	1447	MEDICINE WOMAN	6235	UTILITY IN TRESPASS
	1448	ROSEBUD SIOUX TRIBE	6934	UTILITY IN TRESPASS
	1449	ROSEBUD SIOUX TRIBE	7269	UTILITY IN TRESPASS
	1450	TIBBEON ROSALIE LORRAINE	7683	UTILITY IN TRESPASS
	1451	TIBBEON HERBERT MAURICE	NA	UTILITY IN TRESPASS
	1452	LAME DEWAN SWOLL BEAR	1886	UTILITY IN TRESPASS
	1453	ROSEBUD SIOUX TRIBE	6860	UTILITY IN TRESPASS
	1454	ROSEBUD SIOUX TRIBE	6198	UTILITY IN TRESPASS
	1455	ROSEBUD SIOUX TRIBE	7167	UTILITY IN TRESPASS
	1456	CROZIER MARVIN	6243	UTILITY IN TRESPASS
	1457	ROSEBUD SIOUX TRIBE	5781	UTILITY IN TRESPASS
	1458	IRON SHELL AGNES	6942	UTILITY IN TRESPASS
	1459	ROSEBUD SIOUX TRIBE	6880	UTILITY IN TRESPASS
	1460	ROSEBUD SIOUX TRIBE	5476	UTILITY IN TRESPASS
	1461	BEAR LOOKS BEHIND ABRAHAM	5472	UTILITY IN TRESPASS
	1462	STANDING THIGH SAMUEL	7483	UTILITY IN TRESPASS
	1463	ROSEBUD SIOUX TRIBE	6744	UTILITY IN TRESPASS
	1464	OLD LODGE ANDREW	7498	UTILITY IN TRESPASS
	1465	TRIBAL	11274	UTILITY IN TRESPASS
	1466	TRIBAL	T2118	UTILITY IN TRESPASS
	1467	LITTLE KNIFE MARY	2111.5	UTILITY IN TRESPASS
	1468	TRIBAL	6026	UTILITY IN TRESPASS
	1469	WOOD RING ELLEN	1986.5	UTILITY IN TRESPASS
	1470	LITTLE KNIFE	211	UTILITY IN TRESPASS
	1471	TRIBAL	11136	UTILITY IN TRESPASS
	1472	WOOD RING	1986.5	UTILITY IN TRESPASS
	1473	EAGLE HORSE	2102	UTILITY IN TRESPASS
	1474	RESEVE CHURCH	NA	UTILITY IN TRESPASS
	1475	TRIBAL	11029	UTILITY IN TRESPASS
	1476	HAIR RED BLANKET SALLIE	3245	UTILITY IN TRESPASS
	1477	TWO EAGLE JESSIE	3402	UTILITY IN TRESPASS
	1478	BELLE PAIL	3735	UTILITY IN TRESPASS
	1479	BELLE PAIL	3735	UTILITY IN TRESPASS
	1480	CRAZY BEAR ALBERT	2463	UTILITY IN TRESPASS
	1481	CHARGING BEAR JULIA	2406	UTILITY IN TRESPASS
	1482	CHARGING BEAR	2049	UTILITY IN TRESPASS
	1483	FACE DARKLING ELIZA	2490	UTILITY IN TRESPASS
	1484	QUICK BEAR SILAS	1992	UTILITY IN TRESPASS
	1485	CROW HEAD	4027	UTILITY IN TRESPASS
	1486	TRIBAL	11274	UTILITY IN TRESPASS
	1487	LARVIE JULIA	1401	UTILITY IN TRESPASS
	1488	LARVIE JULIA	1401.5	UTILITY IN TRESPASS
	1489	LARVIE JULIA	1401.1	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
407345	1490	TRIBAL	NA	UTILITY IN TRESPASS
	1491	EAGLE BEAR	2023	UTILITY IN TRESPASS
	1492	WHITE FACED	2023.5	UTILITY IN TRESPASS
	1493	WOMAN LITTLE CHIEF	4065A	UTILITY IN TRESPASS
	1494	WOMAN LITTLE CHIEF	4065	UTILITY IN TRESPASS
	1495	OWNS THE BATTLE ELLA	1980.5	UTILITY IN TRESPASS
	1496	OWNS THE BATTLE ELLA	1980.5	UTILITY IN TRESPASS
	1497	DOG EYES	2106	UTILITY IN TRESPASS
	1498	TRIBAL	NA	UTILITY IN TRESPASS
	1499	DOG EYES	2106A	UTILITY IN TRESPASS
	1500	GOOD WOMAN	2106.5	UTILITY IN TRESPASS
	1501	DOG EYES CHARLES	2107	UTILITY IN TRESPASS
	1502	HAND LENA	5132	UTILITY IN TRESPASS
	1503	WALKING BULL MOLLY	6029	UTILITY IN TRESPASS
	1504	TRIBAL	16018	UTILITY IN TRESPASS
	1505	TRIBAL	145.10	UTILITY IN TRESPASS
	1506	PLENTY BULL ANDREW THOMAS	3423	UTILITY IN TRESPASS
	1507	BLUE HAIRED HORSE IDA	2444.5	UTILITY IN TRESPASS
	1508	RENNED ANTELOPE	7042	UTILITY IN TRESPASS
	1509	QUICK BEAR	1981	UTILITY IN TRESPASS
	1510	LOOT AT THE ROAD	1981.5	UTILITY IN TRESPASS
	1511	COMES OUT FIRST	4132	UTILITY IN TRESPASS
	1512	BIG OLD WOMAN	3237.5	UTILITY IN TRESPASS
	1513	BIG OLD WOMAN	3237.5	UTILITY IN TRESPASS
	1514	SHOT AT HIM CHARLIE (BLACK HORSE)	11140	UTILITY IN TRESPASS
	1515	LIGHT IN THE LODGE	1199	UTILITY IN TRESPASS
	1516	TWO LANCE	11150	UTILITY IN TRESPASS
	1517	SWIMMER HUGH	1270	UTILITY IN TRESPASS
	1518	SWIMMER HUGH	1118A	UTILITY IN TRESPASS
	1519	RUNNING BEAR JOHN	2508	UTILITY IN TRESPASS
	1520	ARROW POINT	20948	UTILITY IN TRESPASS
	1521	BEAR WILLIAM	3230	UTILITY IN TRESPASS
	1522	SWIMMER	1273	UTILITY IN TRESPASS
	1523	SWIMMER HER HORSES	3461	UTILITY IN TRESPASS
	1524	WALKER SILAS P.	1285	UTILITY IN TRESPASS
	1525	SWIMMER	1270	UTILITY IN TRESPASS
	1526	SWIMMER	1465.5	UTILITY IN TRESPASS
	1527	BLACK COW CLIMTON	1283A	UTILITY IN TRESPASS
	1528	RUNNING BREAST LILLY LUCY	1267	UTILITY IN TRESPASS
	1529	RUNNING HORSE OLIVER	6074	UTILITY IN TRESPASS
	1530	CHARGING CAT BENJAMIN	11167	UTILITY IN TRESPASS
	1531	BLACK COW WRIGHT	2216	UTILITY IN TRESPASS
	1532	CROW GOOD VOICE LIZZIE	6075	UTILITY IN TRESPASS
	1533	USES THE WORDS MINNIE	2074	UTILITY IN TRESPASS
	1534	PLENTY WHITE COW	11155	UTILITY IN TRESPASS
	1535	EAGLE BLANKET	2076.5	UTILITY IN TRESPASS
	1536	EAGLE BLANKET	2076.5	UTILITY IN TRESPASS
	1537	NOT STARTED	11161	UTILITY IN TRESPASS
	1538	LEADER CHARGER LILLIAN	3458	UTILITY IN TRESPASS
	1539	MEDICINE LEOPOLD	3400	UTILITY IN TRESPASS
	1540	MEDICINE EMMA	3399	UTILITY IN TRESPASS
	1541	TRIBAL	11164	UTILITY IN TRESPASS
	1542	TRIBAL	111163	UTILITY IN TRESPASS
	1543	TRIBAL	T1137	UTILITY IN TRESPASS
	1544	TRIBAL	T32418	UTILITY IN TRESPASS
	1545	BIG CROW MARY	6030	UTILITY IN TRESPASS
	1546	TRIBAL	T1100	UTILITY IN TRESPASS
	1547	TRIBAL	T2080	UTILITY IN TRESPASS
	1548	TRIBAL	T2056	UTILITY IN TRESPASS
	1549	TRIBAL	2175	UTILITY IN TRESPASS
	1550	LARVIE MARY	2175.5	UTILITY IN TRESPASS
	1551	LAKES THE RUN AWAY	2069.5	UTILITY IN TRESPASS
	1552	LAKES THE RUN AWAY	2069.5	UTILITY IN TRESPASS
	1553	TRIBAL	11151	UTILITY IN TRESPASS
	1554	TRIBAL	477	UTILITY IN TRESPASS
	1555	TRIBAL	2446	UTILITY IN TRESPASS
	1556	WHITE BIRD EUSTUS	6136	UTILITY IN TRESPASS
	1557	TRIBAL	11181	UTILITY IN TRESPASS

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	1558	TRIBAL	6135	UTILITY IN TRESPASS
	1559	CLADS THE HORSE BIRDIE	1724	UTILITY IN TRESPASS
	1560	TRIBAL	1117	UTILITY IN TRESPASS
	1561	TRIBAL	1706	UTILITY IN TRESPASS
	1562	TRIBAL	2236	UTILITY IN TRESPASS
	1563	ROAN HORSE	1238	UTILITY IN TRESPASS
	1564	SORREL HORSE	2234.5	UTILITY IN TRESPASS
	1565	WALKING EAGLE THOMAS	2234	UTILITY IN TRESPASS
	1566	TRIBAL	1233	UTILITY IN TRESPASS
	1567	KILLS THE ENEMY	2332	UTILITY IN TRESPASS
	1568	STAND	1232.5	UTILITY IN TRESPASS
	1569	TRIBAL	1241	UTILITY IN TRESPASS
	1570	TRIBAL	345-10	UTILITY IN TRESPASS
	1571	GOOD ROBE	1637.5	UTILITY IN TRESPASS
	1572	STONE GRACE	6092	UTILITY IN TRESPASS
	1573	TRIBAL	6091	UTILITY IN TRESPASS
	1574	RED THUNDER	1872A	UTILITY IN TRESPASS
	1575	WHITE HORSE	1872.5	UTILITY IN TRESPASS
	1576	TRIBAL	1872.5	UTILITY IN TRESPASS
	1577	TRIBAL	2220.5	UTILITY IN TRESPASS
	1578	NEVER MISS A SHOT	2956	UTILITY IN TRESPASS
	1579	GOOD FACE	1860	UTILITY IN TRESPASS
	1580	HEAR TWICE	5903	UTILITY IN TRESPASS
	1581	TRIBAL	1861A	UTILITY IN TRESPASS
	1582	TRIBAL	1861C	UTILITY IN TRESPASS
	1583	LITTLE DRAGS NANCY	2222	UTILITY IN TRESPASS
	1584	FLY WIDOW	1731	UTILITY IN TRESPASS
	1585	KILLS THE ENEMY	1732	UTILITY IN TRESPASS
	1586	TRIBAL	T11029	UTILITY IN TRESPASS
	1587	TRIBAL	1772	UTILITY IN TRESPASS
	1588	RESERVES SCHOOL	MA	UTILITY IN TRESPASS
	1589	GOOD SHIELD	1249	UTILITY IN TRESPASS
	1590	SITTING OWL	1251A	UTILITY IN TRESPASS
	1591	TRIBAL	1251	UTILITY IN TRESPASS
	1592	TRIBAL	4116A	UTILITY IN TRESPASS
	1593	LEADING FIGHTER	5309	UTILITY IN TRESPASS
	1594	BIG FEATHER OR CLARENCE	1871A	UTILITY IN TRESPASS
	1595	DECORY MARGARET	3.5	FORCED FEE PATENT
	1596	DECORY BENJAMIN	8	FORCED FEE PATENT
	1597	PRUE MILLIE	121.5	FORCED FEE PATENT
	1598	PRUE ELIZABETH	125	FORCED FEE PATENT
	1599	PRUE VICTORIA	127	FORCED FEE PATENT
	1600	BONSER MATTIE	142.5	FORCED FEE PATENT
	1601	BONSER GRACE	145	FORCED FEE PATENT
	1602	MONTEAU CLARA	148	FORCED FEE PATENT
	1603	BUTLER SUSAN	185	FORCED FEE PATENT
	1604	ELLISTON JESSE	241	FORCED FEE PATENT
	1605	ELLISTON JASPER	243	FORCED FEE PATENT
	1606	MILLER KATE	262	FORCED FEE PATENT
	1607	MILLER JEFFREY	266	FORCED FEE PATENT
	1608	HUDSON LEO	275	FORCED FEE PATENT
	1609	LEIGHTON RICHARD	298	FORCED FEE PATENT
	1610	RUBIDEAU SILAS	351	FORCED FEE PATENT
	1611	RUBIDEAU WILLIAM	355	FORCED FEE PATENT
	1612	MCCLOSKY JAMES	412	FORCED FEE PATENT
	1613	MCCLOSKY ADA WHIPPLE	414	FORCED FEE PATENT
	1614	MCCLOSKY FRANK	415	FORCED FEE PATENT
	1615	PRUE ELLEN	421	FORCED FEE PATENT
	1616	PRUE SARAH	424	FORCED FEE PATENT
	1617	RED OWL MARY CORDIER	477	FORCED FEE PATENT
	1618	BEAUVAIS BENJAMIN JR	484	FORCED FEE PATENT
	1619	BEAUVAIS EDWARD	486	FORCED FEE PATENT
	1620	DYER ELIZA	502	FORCED FEE PATENT
	1621	HOLLOW HORN BEAR JOSEPHINE RUTH	521	FORCED FEE PATENT
	1622	MENARD GEORGE	544	FORCED FEE PATENT
	1623	SWALLOW EDWARD GARY	562	FORCED FEE PATENT
	1624	BEAUVAIS JOHN	576	FORCED FEE PATENT
	1625	NICHOLS AMELIA EVA HUSTON	592	FORCED FEE PATENT

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	1626	ROUBIDEAUX IDA HAYTON	594	FORCED FEE PATENT
	1627	LUNDERMAN CHARLES	620	FORCED FEE PATENT
	1628	LUNDERMAN MARY	622	FORCED FEE PATENT
	1629	HUDSON CLEMENTINE	647	FORCED FEE PATENT
	1630	SCHMIDT GEORGE	695	FORCED FEE PATENT
	1631	CLAIRMONT JOHN	699	FORCED FEE PATENT
	1632	MORAN SUSAN	809.5	FORCED FEE PATENT
	1633	MORAN HARRY	812	FORCED FEE PATENT
	1634	MORAN NARCISSE	813	FORCED FEE PATENT
	1635	WANIYELA TATANKA	938	FORCED FEE PATENT
	1636	THIBEON ARMINE	966	FORCED FEE PATENT
	1637	THIBEON FRANCIS	967	FORCED FEE PATENT
	1638	THIBEON MAGGIE	969	FORCED FEE PATENT
	1639	THIBEON ALVINA	972	FORCED FEE PATENT
	1640	EMERY ADELL	975	FORCED FEE PATENT
	1641	EMERY EFFIE	976	FORCED FEE PATENT
	1642	EMERY ANNIE	981	FORCED FEE PATENT
	1643	BORDEAUX ALFRED	1045	FORCED FEE PATENT
	1644	GUERUE MARTHA	1068	FORCED FEE PATENT
	1645	GUERUE OLIVER	1069	FORCED FEE PATENT
	1646	BRIDGEMAN WILLIAM	1070	FORCED FEE PATENT
	1647	BRIDGEMAN MARY	1070.5	FORCED FEE PATENT
	1648	FEMIN CELIA	1130	FORCED FEE PATENT
	1649	DONVILLE MORRIS JOSEPH	1158	FORCED FEE PATENT
	1650	ARCOREN LUTHER	1196	FORCED FEE PATENT
	1651	ARCOREN FRANK	1197	FORCED FEE PATENT
	1652	ARCOREN CHARLES	1198	FORCED FEE PATENT
	1653	WHIPPLE ALEXANDER	1258	FORCED FEE PATENT
	1654	WHIPPLE CHARLES	1259	FORCED FEE PATENT
	1655	WHIPPLE ALBERT	1260	FORCED FEE PATENT
	1656	ROUBIDEAUX EMMA	1846.5	FORCED FEE PATENT
	1657	SCHNEIDMAN VICTOR	1447	FORCED FEE PATENT
	1658	JANNIS JOSEPHINE	1459.5	FORCED FEE PATENT
	1659	NEISS MARY JULIA	1463	FORCED FEE PATENT
	1660	CHARBONNEAU DELIA	1467	FORCED FEE PATENT
	1661	DUBRAY MAGDALEN	1473	FORCED FEE PATENT
	1662	MCLEAN ROBERT	1487	FORCED FEE PATENT
	1663	MOORE CHARLES	1491	FORCED FEE PATENT
	1664	WRIGHT JESSE	1505	FORCED FEE PATENT
	1665	WRIGHT LUTHER	1506	FORCED FEE PATENT
	1666	WRIGHT SUSAN JANE	1510	FORCED FEE PATENT
	1667	WRIGHT GRACE	1511	FORCED FEE PATENT
	1668	WRIGHT JOHN	1516	FORCED FEE PATENT
	1669	BORDEAU ERNEST	1521	FORCED FEE PATENT
	1670	GIROUX LOUIS	1534	FORCED FEE PATENT
	1671	GIROUX EMILY	1534.5	FORCED FEE PATENT
	1672	GIROUX CHARLOTTE	1535	FORCED FEE PATENT
	1673	RUSSETTE JOHN SR	1538	FORCED FEE PATENT
	1674	BRIDGEMAN THOMAS	1728	FORCED FEE PATENT
	1675	TERRY JOSEPHINE	1882	FORCED FEE PATENT
	1676	WALKER FOSTER	1897	FORCED FEE PATENT
	1677	TWO HORSE JAMES OR QUIGLEY	1936	FORCED FEE PATENT
	1678	SCISSONS ANGELIQUE	1937	FORCED FEE PATENT
	1679	SCISSONS GROVER CLEVELAND	1938	FORCED FEE PATENT
	1680	ANDREWS JAMES	2038	FORCED FEE PATENT
	1681	MURRAY STEPHEN	2066	FORCED FEE PATENT
	1682	LARVIE ANGELINE	2177	FORCED FEE PATENT
	1683	LARVIE NELLIE	2178	FORCED FEE PATENT
	1684	GRANT WILLIAM	2181	FORCED FEE PATENT
	1685	BORDEAUX PETER	2266	FORCED FEE PATENT
	1686	BORDEAUX LEONA LIMA	2268	FORCED FEE PATENT
	1687	BORDEAUX PHOBE	2269	FORCED FEE PATENT
	1688	BORDEAUX LOUISE	2270	FORCED FEE PATENT
	1689	HUGGINS MARY LAURA	2278	FORCED FEE PATENT
	1690	HUGGINS WALLIS VIOLA	2279	FORCED FEE PATENT
	1691	HUGGINS JAMES	2280	FORCED FEE PATENT
	1692	RAYMOND ENOCH W	2285	FORCED FEE PATENT
	1694	COLOMB LOUISE	2300	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
	1763	MURRAY JOSEPHINE WHITEFORD	3494	FORTED FEE PATENT
	1764	COLOMA EMILY MILLER	4906	FORTED FEE PATENT
	1765	LAMBERSON PAUL	5518	FORTED FEE PATENT
	1766	BURGER DONALD	5521	FORTED FEE PATENT
	1767	GASSEN MAY	5522	FORTED FEE PATENT
	1768	WHITING MARY	NA	FORTED FEE PATENT
	1769	GIROUX VARNEY CLYDE	5588	FORTED FEE PATENT
	1770	ROSS LOUISA	5642	FORTED FEE PATENT
	1771	HUGGINS IRENE ROSS	5644	FORTED FEE PATENT
	1772	CHARBONNEAU SAMUEL	5646	FORTED FEE PATENT
	1773	CHARBONNEAU SUSAN	5647	FORTED FEE PATENT
	1774	RETTELLYON MARY ROSE GWENN	5645	FORTED FEE PATENT
	1775	ACORN ED	5649	FORTED FEE PATENT
	1776	VALANDRA LOUIS	5671	FORTED FEE PATENT
	1777	MCCORY PETER	5563	FORTED FEE PATENT
	1778	SCHMIDT JAMES EDWARD	3612	FORTED FEE PATENT
	1779	REID PATSEY MILANE	3625	FORTED FEE PATENT
	1780	LARVIE LILY	3820	FORTED FEE PATENT
	1781	LARVIE WINNIE BULL TAIL	3872	FORTED FEE PATENT
	1782	ELLISTON CORNELIUS	4025	FORTED FEE PATENT
	1783	ANDERSON CHRISTOPHER	4024	FORTED FEE PATENT
	1784	THOMPSON MADELINE L LEWIS	4068	FORTED FEE PATENT
	1786	BIGGINS ARTHUR L	4428	FORTED FEE PATENT
	1787	BIGGINS KATHERINE	4430	FORTED FEE PATENT
	1788	BIGGINS BIRDIE	4431	FORTED FEE PATENT
	1789	FERRIN LOUIS	4606	FORTED FEE PATENT
	1790	ANDERSON EVELINE MARY	5003	FORTED FEE PATENT
	1791	LAST MYRTLE	5406	FORTED FEE PATENT
	1792	FORTED FEE	5431	FORTED FEE PATENT
	1793	WRIGHT ALVENA	5462	FORTED FEE PATENT
	1794	DUTCHMAN FRANK	5630	FORTED FEE PATENT
	1795	WHITE TURTLE MARTHA	5940	FORTED FEE PATENT
	1796	SULLY CLAUDE	4467	FORTED FEE PATENT
	1797	SULLY MILLIE	4469	FORTED FEE PATENT
	1798	SULLY LOUISE MARCH	4477	FORTED FEE PATENT
	1799	GARREN MOLLIE SMITH	4484	FORTED FEE PATENT
	1800	DRAPEAU BENJAMIN	4490	FORTED FEE PATENT
	1801	PLUME IVAN	NA	FORTED FEE PATENT
	1802	OLIVER ANNA SHIRY	7794	FORTED FEE PATENT
	1803	MCKEE LOUIS	7796	FORTED FEE PATENT
	1804	MCKEE WILLIAM	7792	FORTED FEE PATENT
	1805	DETORY JOHN	3	FORTED FEE PATENT
	1806	ATKINSON ANNIE PIERRE	91-91A	FORTED FEE PATENT
	1807	PRIE JEAN (OTOES FOR HIM	122	FORTED FEE PATENT
	1808	PRIE FRANK (OR TALKS ABOUT HIM	126	FORTED FEE PATENT
	1809	STRANGER HORSE MOSES	133	FORTED FEE PATENT
	1810	KINSEL LUCY	138	FORTED FEE PATENT
	1811	KINSEL HATTIE	140	FORTED FEE PATENT
	1812	RUNNER DELMAR	149	FORTED FEE PATENT
	1813	RUNNER HARRY	150	FORTED FEE PATENT
	1814	ELLISTON RICHARD	240	FORTED FEE PATENT
	1815	LUNDERMAN BENJAMIN	252	FORTED FEE PATENT
	1816	MILLER SAMUEL	263	FORTED FEE PATENT
	1817	MILLER VIRGINIA	245	FORTED FEE PATENT
	1818	ROUND EYES	274.5	FORTED FEE PATENT
	1819	WITMAN JOSEPH	276	FORTED FEE PATENT
	1820	LITTLE MONEY JENETTE	281	FORTED FEE PATENT
	1821	LEIGHTON GEORGE	299	FORTED FEE PATENT
	1822	LEIGHTON MARIE	300	FORTED FEE PATENT
	1823	SWALLOW ELIAS	320	FORTED FEE PATENT
	1824	SWALLOW WILLIAM	321	FORTED FEE PATENT
	1825	AMIOTTE CHRIS	352	FORTED FEE PATENT
	1826	AMIOTTE JOSEPH	354	FORTED FEE PATENT
	1827	MCLEAN ADDIE	371	FORTED FEE PATENT
	1828	MCCLOSKEY ERNEST	416	FORTED FEE PATENT
	1829	LARVIE PETER	473	FORTED FEE PATENT
	1830	LARVIE LUCY	474	FORTED FEE PATENT
	1831	SCHWEIGMAN JOSEPH P	478	FORTED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	1695	COLOMA JOHN JR	NA	FORTED FEE PATENT
	1696	COLOMA JENNIE	2302	FORTED FEE PATENT
	1697	COLOMA CHRISTOPHER	2304	FORTED FEE PATENT
	1698	RAMIS JULIA JR	2309	FORTED FEE PATENT
	1699	RAMIS KATE	2311	FORTED FEE PATENT
	1700	CONVERSE JOHN	2316	FORTED FEE PATENT
	1701	CONVERSE CHARLES	2318	FORTED FEE PATENT
	1702	MCCLOSKEY WILLIAM DILLON	2331	FORTED FEE PATENT
	1703	GIRARD REVA	2335	FORTED FEE PATENT
	1704	MURRAY JOHN	2338	FORTED FEE PATENT
	1705	MURRAY LUCY	2341	FORTED FEE PATENT
	1706	RICE LILLY OR MRS MURRAY	2370	FORTED FEE PATENT
	1707	DIDIER HENRY	2374	FORTED FEE PATENT
	1708	DIDIER ALISSON	2376	FORTED FEE PATENT
	1709	WILLY JOHN	2378	FORTED FEE PATENT
	1710	BARNETT GRACE	NA	FORTED FEE PATENT
	1711	LARVIE LOUISE	2427	FORTED FEE PATENT
	1712	LARVINE ROSE ELIZABETH BREAST	2428	FORTED FEE PATENT
	1713	UTTERBACK JOE	2431	FORTED FEE PATENT
	1714	UTTERBACK SUSAN	2432	FORTED FEE PATENT
	1715	UTTERBACK ANNIE	2433	FORTED FEE PATENT
	1716	UTTERBACK BENJAMIN	2435	FORTED FEE PATENT
	1717	ROUVILLE JOHN	2461	FORTED FEE PATENT
	1718	ROSS ROSE	2559	FORTED FEE PATENT
	1719	ROSS EDWARD	2560	FORTED FEE PATENT
	1720	ROSS WILLIAM	2561	FORTED FEE PATENT
	1721	ROSS JESSE	2562	FORTED FEE PATENT
	1722	PIERRE WILLIAM A	2572	FORTED FEE PATENT
	1723	LAPOINTE VICTORIA	2678	FORTED FEE PATENT
	1724	LAPOINTE ROSE	2679	FORTED FEE PATENT
	1725	FARMER PETER	2896	FORTED FEE PATENT
	1726	EMERY JOSEPHINE	2900	FORTED FEE PATENT
	1727	EMERY MATILDA	2901	FORTED FEE PATENT
	1728	EMERY HENRY	2903	FORTED FEE PATENT
	1729	DEWITT MABEL JAMES	2907	FORTED FEE PATENT
	1730	DIDIER ELA	2914	FORTED FEE PATENT
	1731	DIDIER AVA	2915	FORTED FEE PATENT
	1732	FLOOD JOHN	2959	FORTED FEE PATENT
	1733	FLOOD LOUISE	2960	FORTED FEE PATENT
	1734	SMITH TODD HARDING	2974	FORTED FEE PATENT
	1735	BORDEAUX LEAH (MARY)	2980	FORTED FEE PATENT
	1736	SHALLOW EMILY	2992	FORTED FEE PATENT
	1737	EMERY EDITH	2996	FORTED FEE PATENT
	1738	EMERY ROBERT	2997	FORTED FEE PATENT
	1739	PRIE LILLIAN	3010	FORTED FEE PATENT
	1740	DESERSA JANNIE	3014	FORTED FEE PATENT
	1741	BOURDEAUX LEON	3028	FORTED FEE PATENT
	1742	DION CHARLES	3144	FORTED FEE PATENT
	1743	DION JOSEPH	3147	FORTED FEE PATENT
	1744	MILLIN JOHN	3152	FORTED FEE PATENT
	1745	EMERY VESTAL	3155	FORTED FEE PATENT
	1746	SUISSONS JOHN	3158	FORTED FEE PATENT
	1747	SUISSONS HOWARD	3159	FORTED FEE PATENT
	1748	SUISSONS WILLIAM JR	3160	FORTED FEE PATENT
	1749	MILLER CHARLES	3182	FORTED FEE PATENT
	1750	ANDERSON MYRTLE	3191	FORTED FEE PATENT
	1751	ANDERSON JACOB	3192	FORTED FEE PATENT
	1752	HUDSON CLARA	3196	FORTED FEE PATENT
	1753	MCCLOSKEY SUSIE	3211	FORTED FEE PATENT
	1754	BLACKSMITH MARY	3214	FORTED FEE PATENT
	1755	PARKER ARTHUR	3240	FORTED FEE PATENT
	1756	LAMBERSON LILLIAN	3300	FORTED FEE PATENT
	1757	MURRAY LAURA	3427	FORTED FEE PATENT
	1758	MURRAY WALLACE AARON	3428	FORTED FEE PATENT
	1759	LARVIE HELENA (HARRIETT PERRY	3432	FORTED FEE PATENT
	1760	LARVIE PETER	3433	FORTED FEE PATENT
	1761	MURRAY AMOS	3463	FORTED FEE PATENT
	1762	WALKER DOUGLAS J	3482	FORTED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	1763			
	1764			
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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	1832	BEAUVAIS SOPHIA BLUNT ARROW	485	FORCED FEE PATENT
	1833	BEAUVAIS PHILOMENA	488	FORCED FEE PATENT
	1834	DYER FANNIE	501	FORCED FEE PATENT
	1835	SMITH DELLA	524	FORCED FEE PATENT
	1836	DESERSA JOSEPHINE	543.5	FORCED FEE PATENT
	1837	HOUSTON DANIEL ELMER	595	FORCED FEE PATENT
	1838	HUDSON JOHN	648	FORCED FEE PATENT
	1839	CLAIRMONT JAMES	656	FORCED FEE PATENT
	1840	BORDEAUX ANTOINE	712	FORCED FEE PATENT
	1841	BORDEAUX ALEXANDER	732	FORCED FEE PATENT
	1842	BOURBEAUX CHARLES E	823	FORCED FEE PATENT
	1843	CUNNINGHAM ALICE	844	FORCED FEE PATENT
	1844	YOUNG LOUISE BEAUVAIS	1071	FORCED FEE PATENT
	1845	DIDIER JAMES	1132	FORCED FEE PATENT
	1846	IRON WING ARMENIA DOUVILLE	1169	FORCED FEE PATENT
	1847	DOUVILLE ANTONIA VICTORIA	1170	FORCED FEE PATENT
	1848	DOUVILLE EMMA	1171	FORCED FEE PATENT
	1849	WHIPPLE NELLIE MINNIE	1257	FORCED FEE PATENT
	1850	MARSHALL AGNES	1411	FORCED FEE PATENT
	1851	MARSHALL MATTHEW	1414	FORCED FEE PATENT
	1852	METSS MILLIE	1464	FORCED FEE PATENT
	1853	CHARRONNEAU ALPHONSE	1466	FORCED FEE PATENT
	1854	WRIGHT JAMES	1504	FORCED FEE PATENT
	1855	WRIGHT WILLIAM	1507	FORCED FEE PATENT
	1856	GIROUX MABEL	1536	FORCED FEE PATENT
	1857	IRWIN LEULA	1992	FORCED FEE PATENT
	1858	LARVIE JOSEPH	2180	FORCED FEE PATENT
	1859	DUBRAY LAURENA	2342	FORCED FEE PATENT
	1860	DUBRAY MAGGIE	2345	FORCED FEE PATENT
	1861	DUBRAY JOHN	2354	FORCED FEE PATENT
	1862	MCLANE LORENE	2397	FORCED FEE PATENT
	1863	EMERY ALBERT	2570	FORCED FEE PATENT
	1864	FARMER JOSEPH	2895	FORCED FEE PATENT
	1865	EMERY WILLIAM	2902	FORCED FEE PATENT
	1866	CORDIER ANNIE	2971	FORCED FEE PATENT
	1867	PRUE LEVI	3011	FORCED FEE PATENT
	1868	MENARD EDGAR	3025	FORCED FEE PATENT
	1869	ROUBIDEAUX FELIX	3027	FORCED FEE PATENT
	1870	ROUBIDEAUX JOHN	3029	FORCED FEE PATENT
	1871	BEAUVOIS ALVENA	3044	FORCED FEE PATENT
	1872	RONNER ORAL	3064	FORCED FEE PATENT
	1873	RONNER JASSAMINE	3065	FORCED FEE PATENT
	1874	DEMARCHE JOSEPH JAMES	3086	FORCED FEE PATENT
	1875	WHITE WOMAN GEORGE	3117	FORCED FEE PATENT
	1876	EMERY THOMAS WILLIAM	3149	FORCED FEE PATENT
	1877	COLOMB GRACE	3151	FORCED FEE PATENT
	1878	ELLSTON FREMONT C	3156	FORCED FEE PATENT
	1879	MILLER ELLEN	3182	FORCED FEE PATENT
	1880	BORDEAUX WILLIAM JR	3303	FORCED FEE PATENT
	1881	BORDEAUX ALEXANDER JR	3327	FORCED FEE PATENT
	1882	BORDEAUX PHILLIP	3329	FORCED FEE PATENT
	1883	ROGERS GILBERT	3474	FORCED FEE PATENT
	1884	DUBRAY ANTOINE	3493	FORCED FEE PATENT
	1885	ROUBIDEAUX CARRIE F	NA	FORCED FEE PATENT
	1886	JACKSON CLEVELAND	3505	FORCED FEE PATENT
	1887	BRANDON ROY	3509	FORCED FEE PATENT
	1888	MORAN AARON HENRY	3511	FORCED FEE PATENT
	1889	LAMOUREAUX CALVIN	3517	FORCED FEE PATENT
	1890	DIDIER OLIVER SMITH	3532	FORCED FEE PATENT
	1891	FERRIN ARTHUR	3542	FORCED FEE PATENT
	1892	DECORY DAVID	3562	FORCED FEE PATENT
	1893	SCHMIDT WILLIAM ANDREW	3611	FORCED FEE PATENT
	1894	HUNT [illegible] MYLANE	[illegible]	FORCED FEE PATENT
	1895	WHITTAL THOMAS FRANCIS	[illegible]	FORCED FEE PATENT
	1896	MC[illegible] CLEMENT	[illegible]	FORCED FEE PATENT
	1897	SPOTTED HORN BONNET THOMAS	[illegible]	FORCED FEE PATENT
	1898	ANDERSON [illegible]	[illegible]	FORCED FEE PATENT
	1899	BIGGINS JAMES M JR	[illegible]	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	1900	DECORY RICHARD	5197	FORCED FEE PATENT
	1901	DURAN THEODORE	5626	FORCED FEE PATENT
	1902	BORDEAUX EMMA SLOW EAGLE	6040	FORCED FEE PATENT
	1903	SULLY GEORGE	6465	FORCED FEE PATENT
	1904	SULLY EVA	6468	FORCED FEE PATENT
	1905	SULLY JOHN	6470	FORCED FEE PATENT
	1906	RENOT ANNA BLACKBIRD	6475	FORCED FEE PATENT
	1907	GAUMEN EMMET	6482	FORCED FEE PATENT
	1908	DRAPEAU LOUISE	6493	FORCED FEE PATENT
	1909	DECORY AMELIA	6762	FORCED FEE PATENT
	1910	EMERY JOSEPH	979	FORCED FEE PATENT
	1911	GUERUE DAVID	1064	FORCED FEE PATENT
	1912	WRIGHT CHARLES	1501	FORCED FEE PATENT
	1913	LARVINE ROSE	1606	FORCED FEE PATENT
	1914	LARVIE RICHARD	2056	FORCED FEE PATENT
	1915	LARVIE PHILLIP	2175	FORCED FEE PATENT
	1916	HUGGINS ROBERT	2274	FORCED FEE PATENT
	1917	HUGGINS CARRIE CLARA	2276	FORCED FEE PATENT
	1918	UTTERBACK MAUD ESTES	2434	FORCED FEE PATENT
	1919	DIDIER ADA	2915	FORCED FEE PATENT
	1920	TURGEON MARY LOUISE	3153	FORCED FEE PATENT
	1921	TURGEON JULIA	3154	FORCED FEE PATENT
	1922	LARVIE ALBERT	3434	FORCED FEE PATENT
	1923	LARVIE ALFRED OR ARTHUR	4411	FORCED FEE PATENT
	1924	GASSEN ANNA MAY BAMYER	3522	FORCED FEE PATENT
	1925	FALLON IDA DRAPEAU	6492	FORCED FEE PATENT
	1926	ROSEWUD ELECTRIC	NA	UTILITY IN TRESPASS
	1927	MOORE MILLE	1491.5	FORCED FEE PATENT
	1928	STANDING CLOUD ARTHUR	5537	FORCED FEE PATENT
	1929	SPELTS LOUISE DRAPEAU	6493	FORCED FEE PATENT
	1930	ROUBIDEAUX CARRIE	3503	FORCED FEE PATENT
	1932	ROGERS MARY HERMINE	NA	FORCED FEE PATENT
	1933	FLYNN DORA GORDON	4247	FORCED FEE PATENT
	1938	DORIAN PAUL	NA	FORCED FEE PATENT
	1939	CONNOYER SARAH	271.5	FORCED FEE PATENT
	1940	CHARRONNEAU ERNEST	2272	FORCED FEE PATENT
	1941	RAYMOND WILLIAM	2282	FORCED FEE PATENT
	1942	CONOYER PHILIP	2317	FORCED FEE PATENT
	1943	WRIGHT THOMAS	2357	FORCED FEE PATENT
	1944	LARVIE ANNIE	2423.5	FORCED FEE PATENT
	1945	COLLINS JOSEPHINE	2862.5	FORCED FEE PATENT
	1946	MORAN ANNIE DUBRAY	3512	FORCED FEE PATENT
	1947	PIERCE RICHARD	3536	FORCED FEE PATENT
	2000	ASHES FACE	6294	SECRETARIAL TRANSFER
	2001	ARAPAHOE WOMAN	6379	SECRETARIAL TRANSFER
	2002	ATTACK HIM ROSE	6501	SECRETARIAL TRANSFER
	2003	BAD GUN	4187	SECRETARIAL TRANSFER
	2004	BAD MAN	905	SECRETARIAL TRANSFER
	2005	BEAR SHIRT LIZZIE	4645	SECRETARIAL TRANSFER
	2006	BEAR STANDS UP	1511	SECRETARIAL TRANSFER
	2007	BLACK BEAR HATTIE	1284	SECRETARIAL TRANSFER
	2008	BORDEAUX WILLIAM	723	SECRETARIAL TRANSFER
	2009	BRAVE HEART	4115	SECRETARIAL TRANSFER
	2010	BROKEN LEG I. SIMON	U9353	SECRETARIAL TRANSFER
	2011	BUFFALO LOOK STEPHEN	1087	SECRETARIAL TRANSFER
	2012	BULL BAT	3232	SECRETARIAL TRANSFER
	2013	CANE PICKET PIN	1321.5	SECRETARIAL TRANSFER
	2014	CHARGING EAGLE	1197	SECRETARIAL TRANSFER
	2015	CHARGING EAGLE HARRY	2516	SECRETARIAL TRANSFER
	2016	CHARGING ELK CHARLES	6503	SECRETARIAL TRANSFER
	2017	COYOTE	2001	SECRETARIAL TRANSFER
	2018	CROSS CROW DOG	3733	SECRETARIAL TRANSFER
	2019	DORIAN MARY	107.5	SECRETARIAL TRANSFER
	2020	DORIAN PAUL	104	SECRETARIAL TRANSFER
	2021	DUCKS JOHN	2823	SECRETARIAL TRANSFER
	2022	EAGLE BULL WIDOW	4319	SECRETARIAL TRANSFER
	2023	EAGLE ELK	549	SECRETARIAL TRANSFER
	2024	EAGLE ROAD	1295.5	SECRETARIAL TRANSFER

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A07345	2025	FILLS THE PIPE WIDOW	1670	SECRETARIAL TRANSFER
	2026	FLYING EAGLE	2708	SECRETARIAL TRANSFER
	2027	FORST JULIA	5267	SECRETARIAL TRANSFER
	2028	FOX	6239	SECRETARIAL TRANSFER
	2029	GOOD SHIELD ALLAN	1252	SECRETARIAL TRANSFER
	2030	GOOD SHIELD WILLIE	560.5	SECRETARIAL TRANSFER
	2031	GOOD WOMAN	225.5	SECRETARIAL TRANSFER
	2032	GREASE TWO HORSE NELLIE	3831	SECRETARIAL TRANSFER
	2033	GROWLING	1745	SECRETARIAL TRANSFER
	2034	HE DOG	1187	SECRETARIAL TRANSFER
	2035	HER DAY MARY	177.5	SECRETARIAL TRANSFER
	2036	HER RELATION	1690.5	SECRETARIAL TRANSFER
	2037	IRON EAGLE FEATHER	918	SECRETARIAL TRANSFER
	2038	KILLS BEAR	909.5	SECRETARIAL TRANSFER
	2039	LEAF BAD MAN EMMA	905.5	SECRETARIAL TRANSFER
	2040	LIMBS	2634	SECRETARIAL TRANSFER
	2041	LONG LEGS	3359	SECRETARIAL TRANSFER
	2042	LUNDERMAN CHARLOTTE	NA	SECRETARIAL TRANSFER
	2043	MEAT OF TALO	4686	SECRETARIAL TRANSFER
	2044	MUTE	2489	SECRETARIAL TRANSFER
	2045	NOISY CREEK	923	SECRETARIAL TRANSFER
	2046	OLD COFFEE	2292	SECRETARIAL TRANSFER
	2047	PICKET PIN EAGLE BEAR	1321	SECRETARIAL TRANSFER
	2048	PROTECTS THEM	205	SECRETARIAL TRANSFER
	2049	QUICK BEAR	1981	SECRETARIAL TRANSFER
	2050	RED BLANKET	458	SECRETARIAL TRANSFER
	2051	RED BOY	2483	SECRETARIAL TRANSFER
	2052	RED KETTLE	1632	SECRETARIAL TRANSFER
	2053	RED TURTLE	1665.5	SECRETARIAL TRANSFER
	2054	RED WOMAN HORSE	1634.5	SECRETARIAL TRANSFER
	2055	RUNS CLOSE TO VILLAGE G.	NA	SECRETARIAL TRANSFER
	2056	RUNS CLOSE TO VILLAGE N.	5874	SECRETARIAL TRANSFER
	2057	SACK	3663	SECRETARIAL TRANSFER
	2058	SEARCH THE ENEMY LUCY	4448	SECRETARIAL TRANSFER
	2059	SINGER	4148.5	SECRETARIAL TRANSFER
	2060	SITTING WOL	3391	SECRETARIAL TRANSFER
	2061	SNAKE WEEDY	NA	SECRETARIAL TRANSFER
	2062	SNOW FLY MINNIE	906.5	SECRETARIAL TRANSFER
	2063	STUP	2324	SECRETARIAL TRANSFER
	2064	SPANIARD SAMUEL	498	SECRETARIAL TRANSFER
	2065	TACANUPE (PIPE)	1537.5	SECRETARIAL TRANSFER
	2066	TALL WOMAN	2067.5	SECRETARIAL TRANSFER
	2067	THUNDER HORSE SOPHIA	3264.5	SECRETARIAL TRANSFER
	2068	TWO STRIKE BROWN EYES	3667.5	SECRETARIAL TRANSFER
	2069	WALKING BULL	2800	SECRETARIAL TRANSFER
	2070	WALKING HOLY	1774-A	SECRETARIAL TRANSFER
	2071	WHITE WHIRLWIND	1802.5	SECRETARIAL TRANSFER
	2072	WHITE WOMAN	498.5	SECRETARIAL TRANSFER
	2073	WHITE WOMAN MARY	117.5	SECRETARIAL TRANSFER
	2074	WIFE COMES OUT	1876.5	SECRETARIAL TRANSFER
	2075	WINTER CHASER	2624	SECRETARIAL TRANSFER
	2076	WRIGHT BLACK CROW/COW	2216	SECRETARIAL TRANSFER
	2077	YELLOW OWN WOMAN	2631	SECRETARIAL TRANSFER
	2078	YELLOW WOLF JOHN	404	SECRETARIAL TRANSFER
	584	FLY WIDOW	1731	UTILITY IN TRESPASS
A08346	0001	IRVING FRANK	822	OLD AGE ASSISTANCE
	0002	PROVOST IDA	1061	OLD AGE ASSISTANCE
	0003	NECKLACE SAMUEL BAKER	179	OLD AGE ASSISTANCE
	0004	YELLOW-BROWN JANE	1234	OLD AGE ASSISTANCE
	0005	BULL MARY EUGENE	845	OLD AGE ASSISTANCE
	0006	PRIMEAU ROSE	996	OLD AGE ASSISTANCE
	0007	JOHNSTON HERBERT	50-15	OLD AGE ASSISTANCE
	0008	LONE JULIA WELLS	524	OLD AGE ASSISTANCE
	0009	DION JOSEPH ISAAC	1434	OLD AGE ASSISTANCE
	0010	COURNOYER ANNIE	236	OLD AGE ASSISTANCE
	0011	COOK LIZZIE HOPE	74	OLD AGE ASSISTANCE
	0012	KUTENA ANNA	397	OLD AGE ASSISTANCE
	0013	WAHCAHUNKA MARTIN	1026	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A08346	0014	GASSMAN MARY SARAH	311	OLD AGE ASSISTANCE
	0015	NIMROD WINNIE AGNES	616	OLD AGE ASSISTANCE
	0016	LAROCHE LOUISA	756	OLD AGE ASSISTANCE
	0017	THUNDER HORSE GEORGE MARSHALL	488	OLD AGE ASSISTANCE
	0018	BERNE JENNETTE MANY DOGS	988	OLD AGE ASSISTANCE
	0019	HIGH ROCK EUGENE	1343	OLD AGE ASSISTANCE
	0020	GOODTALKER LOUISA	318	OLD AGE ASSISTANCE
	0021	PRETTY VOICE CROW SUSIE	941	OLD AGE ASSISTANCE
	0022	FIELDER EMMA STANDING BULL	129	OLD AGE ASSISTANCE
	0023	LITTLE OWL SARAH WALTERS	1358	OLD AGE ASSISTANCE
	0024	YELLOW HAIR MARIE SWEENEY	780	OLD AGE ASSISTANCE
	0025	WOOD CHARLES (HEHAWE)	471	OLD AGE ASSISTANCE
	0026	WILLIAMS PETER (HEPANNA)	923	OLD AGE ASSISTANCE
	0027	WILLIAMS JAMES SR. (SANICHA)	949	OLD AGE ASSISTANCE
	0028	PATTERSON RACHEL	681	OLD AGE ASSISTANCE
	0029	THORNTON CORA COLLINS	608	OLD AGE ASSISTANCE
	0030	STRICKER GEORGE	820	OLD AGE ASSISTANCE
	0031	SPOTTED EAGLE ROBERT	1184	OLD AGE ASSISTANCE
	0032	SHUNK ADA WOOD	1131	OLD AGE ASSISTANCE
	0033	REDLIGHTENING MARION LOUISE	870	OLD AGE ASSISTANCE
	0034	REDLIGHTENING HOMER	1265	OLD AGE ASSISTANCE
	0035	VASSER EMMA WAHPEZI-WIN	476	OLD AGE ASSISTANCE
	0036	REE MCARLES LONGEAR	84	OLD AGE ASSISTANCE
	0037	RED HORSE ELIZA ARTHUR	303	OLD AGE ASSISTANCE
	0038	PROVOST WILLIAM	391	OLD AGE ASSISTANCE
	0039	PACKARD ORSON	1002	OLD AGE ASSISTANCE
	0040	OMAHA ISAAC	246	OLD AGE ASSISTANCE
	0041	LAGRANDE MARRY SITTING CLOUD	1174	OLD AGE ASSISTANCE
	0042	LAGRANDE PHILBRICK BENJAMIN	1399	OLD AGE ASSISTANCE
	0043	JUMPING THUNDER DAVID	179	OLD AGE ASSISTANCE
	0044	JANDREAU JULIA LONGEAR	83	OLD AGE ASSISTANCE
	0045	IRVING HOWARD	827	OLD AGE ASSISTANCE
	0046	IRONHAWK CHARLES	977	OLD AGE ASSISTANCE
	0047	IRONHAWK EMILY	956	OLD AGE ASSISTANCE
	0048	GRAYHAWK SOPHIA M.	267	OLD AGE ASSISTANCE
	0049	GRAY JOHN	257	OLD AGE ASSISTANCE
	0050	GRAY ALICE	69	OLD AGE ASSISTANCE
	0051	GOODTALKER ALBERT	90	OLD AGE ASSISTANCE
	0052	GASSMAN WILLIAM	891	OLD AGE ASSISTANCE
	0053	GASSMAN SAMUEL	1429	OLD AGE ASSISTANCE
	0054	FREDERICK FRED	98	OLD AGE ASSISTANCE
	0055	FLYING HAWK EDWARD	830	OLD AGE ASSISTANCE
	0056	COOK MARY HAWK EAGLE	273	OLD AGE ASSISTANCE
	0057	FELIX CHARLES	1371	OLD AGE ASSISTANCE
	0058	DRAPEAU LOUIS	1181	OLD AGE ASSISTANCE
	0059	CHINN HENRY	573	OLD AGE ASSISTANCE
	0060	CHAMBERLAIN EDWARD	815	OLD AGE ASSISTANCE
	0061	BLAINE STEPHEN	1086	OLD AGE ASSISTANCE
	0062	BLAINE JAMES G.	1083	OLD AGE ASSISTANCE
	0063	BATES THOMAS W.	224	OLD AGE ASSISTANCE
	0064	PATTERSON ANNIE RAINBOW	542	OLD AGE ASSISTANCE
	0065	BLACKMOON MAGGIE	409	OLD AGE ASSISTANCE
	0066	SPOTTED EAGLE-ZINA WILLIAM	181	OLD AGE ASSISTANCE
	0067	RUNNEY ANNIE MATO HARE	675	OLD AGE ASSISTANCE
	0068	STINGER FRANK REE	564	OLD AGE ASSISTANCE
	0069	ASHES SUSAN FEATHER	1068	OLD AGE ASSISTANCE
	0070	GARFIELD EDWIN	1262	FORCED FEE PATENT
	0071	GASSMAN WILLIAM	891	FORCED FEE PATENT
	0072	OBAGO ANNIE	448	FORCED FEE PATENT
	0073	KUTENA ANNA	397	FORCED FEE PATENT
	0074	PACK DEWITT HARE	309	FORCED FEE PATENT
	0075	OMAHA ISAAC	246	FORCED FEE PATENT
	0076	GOODTALKER ALBERT	90	FORCED FEE PATENT
	0077	ELROD MARY V. SELWYN	699	FORCED FEE PATENT
	0078	COOK LIZZIE HOPE	74	FORCED FEE PATENT
	0079	CHINN ELLEN HOPE	649	FORCED FEE PATENT
	0080	LITTLE DOG CLARA	1047	FORCED FEE PATENT
	0081	FREDERICK CHRISTOPHER	103	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A08346	0082	WHITE WOMAN MARY	117.5	FORCED FEE PATENT
	0083	WHITE WOMAN	498.5	FORCED FEE PATENT
	0084	WHITE WHIRLWIND	1802.5	FORCED FEE PATENT
	0085	WALKING HOLY	1774-A	FORCED FEE PATENT
	0086	WALKING BULL	2800	FORCED FEE PATENT
	0087	TWO STRIKE BROWN EYES	3667.5	FORCED FEE PATENT
	0088	THUNDER HORSE SOPHIA	3264.5	FORCED FEE PATENT
	0089	TALL WOMAN	2067.5	FORCED FEE PATENT
	0090	TACANUPE (PIPE)	1537.5	FORCED FEE PATENT
	0091	SPANIARD SAMUEL	498	FORCED FEE PATENT
	0092	STUP	2324	FORCED FEE PATENT
	0093	SNOW FLY MINNIE	906.5	FORCED FEE PATENT
	0094	SNAKE WEEDY	NA	FORCED FEE PATENT
	0095	SITTING WOL	3391	FORCED FEE PATENT
	0096	SINGER	4148.5	FORCED FEE PATENT
	0097	SEARCH THE ENEMY LUCY	4448	FORCED FEE PATENT
	0098	SACK	3663	FORCED FEE PATENT
	0099	RUNS CLOSE TO VILLAGE N.	5874	FORCED FEE PATENT
	0100	RUNS CLOSE TO VILLAGE G.	NA	FORCED FEE PATENT
	0101	RED WOMAN HORSE	1634.5	FORCED FEE PATENT
	0102	RED TURTLE	1665.5	FORCED FEE PATENT
	0103	RED KETTLE	1632	FORCED FEE PATENT
	0104	RED BOY	2483	FORCED FEE PATENT
	0105	RED BLANKET	458	FORCED FEE PATENT
	0106	QUICK BEAR	1981	FORCED FEE PATENT
	0107	PROTECTS THEM	205	FORCED FEE PATENT
	0108	PICKET PIN EAGLE BEAR	1321	FORCED FEE PATENT
	0109	OLD COFFEE	2292	FORCED FEE PATENT
	0110	NOISY CREEK	923	FORCED FEE PATENT
	0111	MUTE	2489	FORCED FEE PATENT
	0112	MEAT OF TALO	4686	FORCED FEE PATENT
	0113	LUNDERMAN CHARLOTTE	NA	FORCED FEE PATENT
	0114	LONG LEGS	3359	FORCED FEE PATENT
	0115	LIMBS	2634	FORCED FEE PATENT
	0116	LEAF BAD MAN EMMA	905.5	FORCED FEE PATENT
	0117	KILLS BEAR	909.5	FORCED FEE PATENT
	0118	IRON EAGLE FEATHER	918	FORCED FEE PATENT
	0119	HER RELATION	1690.5	FORCED FEE PATENT
	0120	HER DAY MARY	177.5	FORCED FEE PATENT
	0121	HE DOG	1187	FORCED FEE PATENT
	0122	GROWLING	1745	FORCED FEE PATENT
	0123	GOOD WOMAN	225.5	FORCED FEE PATENT
	0124	GOOD SHIELD WILLIE	560.5	FORCED FEE PATENT
	0125	GOOD SHIELD ALLAN	1252	FORCED FEE PATENT
	0126	GREASE TWO HORSE NELLIE	3831	FORCED FEE PATENT
	0127	FOX	6239	FORCED FEE PATENT
	0128	FORST JULIA	5267	FORCED FEE PATENT
	0129	FLYING EAGLE	2708	FORCED FEE PATENT
	0130	FILLS THE PIPE WIDOW	1670	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A08346	0131	WHITE WOMAN MARY	117.5	FORCED FEE PATENT
	0132	WHITE WOMAN	498.5	FORCED FEE PATENT
	0133	WHITE WHIRLWIND	1802.5	FORCED FEE PATENT
	0134	WALKING HOLY	1774-A	FORCED FEE PATENT
	0135	WALKING BULL	2800	FORCED FEE PATENT
	0136	TWO STRIKE BROWN EYES	3667.5	FORCED FEE PATENT
	0137	THUNDER HORSE SOPHIA	3264.5	FORCED FEE PATENT
	0138	TALL WOMAN	2067.5	FORCED FEE PATENT
	0139	TACANUPE (PIPE)	1537.5	FORCED FEE PATENT
	0140	SPANIARD SAMUEL	498	FORCED FEE PATENT
	0141	STUP	2324	FORCED FEE PATENT
	0142	SNOW FLY MINNIE	906.5	FORCED FEE PATENT
	0143	SNAKE WEEDY	NA	FORCED FEE PATENT
	0144	SITTING WOL	3391	FORCED FEE PATENT
	0145	SINGER	4148.5	FORCED FEE PATENT
	0146	SEARCH THE ENEMY LUCY	4448	FORCED FEE PATENT
	0147	SACK	3663	FORCED FEE PATENT
	0148	RUNS CLOSE TO VILLAGE N.	5874	FORCED FEE PATENT
	0149	RUNS CLOSE TO VILLAGE G.	NA	FORCED FEE PATENT
	0150	RED WOMAN HORSE	1634.5	FORCED FEE PATENT
	0151	RED TURTLE	1665.5	FORCED FEE PATENT
	0152	RED KETTLE	1632	FORCED FEE PATENT
	0153	RED BOY	2483	FORCED FEE PATENT
	0154	RED BLANKET	458	FORCED FEE PATENT
	0155	QUICK BEAR	1981	FORCED FEE PATENT
	0156	PROTECTS THEM	205	FORCED FEE PATENT
	0157	PICKET PIN EAGLE BEAR	1321	FORCED FEE PATENT
	0158	OLD COFFEE	2292	FORCED FEE PATENT
	0159	NOISY CREEK	923	FORCED FEE PATENT
	0160	MUTE	2489	FORCED FEE PATENT
	0161	MEAT OF TALO	4686	FORCED FEE PATENT
	0162	LUNDERMAN CHARLOTTE	NA	FORCED FEE PATENT
	0163	LONG LEGS	3359	FORCED FEE PATENT
	0164	LIMBS	2634	FORCED FEE PATENT
	0165	LEAF BAD MAN EMMA	905.5	FORCED FEE PATENT
	0166	KILLS BEAR	909.5	FORCED FEE PATENT
	0167	IRON EAGLE FEATHER	918	FORCED FEE PATENT
	0168	HER RELATION	1690.5	FORCED FEE PATENT
	0169	HER DAY MARY	177.5	FORCED FEE PATENT
	0170	HE DOG	1187	FORCED FEE PATENT
	0171	GROWLING	1745	FORCED FEE PATENT
	0172	GOOD WOMAN	225.5	FORCED FEE PATENT
	0173	GOOD SHIELD WILLIE	560.5	FORCED FEE PATENT
	0174	GOOD SHIELD ALLAN	1252	FORCED FEE PATENT
	0175	GREASE TWO HORSE NELLIE	3831	FORCED FEE PATENT
	0176	FOX	6239	FORCED FEE PATENT
	0177	FORST JULIA	5267	FORCED FEE PATENT
	0178	FLYING EAGLE	2708	FORCED FEE PATENT
	0179	FILLS THE PIPE WIDOW	1670	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A08346	0082	DUDLEY DAVID ISTAMAZA	465	FORCED FEE PATENT
	0083	ST. PIERRE EDWARD E.	1004	FORCED FEE PATENT
	0084	ST. PIERRE EDITH	1108	FORCED FEE PATENT
	0085	ST. PIERRE CYRUS	219	FORCED FEE PATENT
	0086	WAHCAHUNKA MARTIN	374	FORCED FEE PATENT
	0087	CHARGER JANE	451	FORCED FEE PATENT
	0088	CLARKSON ROBERT J.	468	FORCED FEE PATENT
	0089	IYAKECUNIPI WIN	505	FORCED FEE PATENT
	0090	ESTES JOSEPH F.	513	FORCED FEE PATENT
	0091	WAKUTA WILLIAM	515	FORCED FEE PATENT
	0092	BUTCHER JOHN	516	FORCED FEE PATENT
	0093	AHANTIYAMANI WIN	516	FORCED FEE PATENT
	0094	HECAHU SAPNI	572	FORCED FEE PATENT
	0095	BOMAIN GERTRUDE SIMMONS	594	FORCED FEE PATENT
	0096	BEANS WILLIAM JR.	605	FORCED FEE PATENT
	0097	THORNTON CORA COLLINS	608	FORCED FEE PATENT
	0098	THOMAS MARGARET	614	FORCED FEE PATENT
	0099	CAHOTA SADDIE	615	FORCED FEE PATENT
	0100	CAHOTA JESSIE ASHES	617	FORCED FEE PATENT
	0101	BORTAIL MARY HEART	624	FORCED FEE PATENT
	0102	VANDALL BENEDICT P.	882	FORCED FEE PATENT
	0103	UKEN CLARA LYMAN	1124	FORCED FEE PATENT
	0104	MOUND ALICE HOWARD	691	FORCED FEE PATENT
	0105	BAGO	693	FORCED FEE PATENT
	0106	FLYING HAWK EDWARD	694	FORCED FEE PATENT
	0107	GONDROW ANABELLA	287	FORCED FEE PATENT
	0108	CHIMN MARY	790	FORCED FEE PATENT
	0109	FREDERICK HENRY	96	FORCED FEE PATENT
	0110	BULL JULIA HUAPAPI	1034	FORCED FEE PATENT
	0111	HINHANCHIQU JOHN (LITTLE OWL)	1045	FORCED FEE PATENT
	0112	SONGHAWK MINNIE MAD BULL	1048	FORCED FEE PATENT
	0113	TIWAKAN WIN	1049	FORCED FEE PATENT
	0114	AUNGIE HOWARD	1052	FORCED FEE PATENT
	0115	AUNGIE SILAS	1053	FORCED FEE PATENT
	0116	GULLICKSON ELIZA RED BIRD	165	FORCED FEE PATENT
	0117	MCCLACE SAMUEL BAKER	139	FORCED FEE PATENT
	0118	STANDING BEAR SAMUEL	721	FORCED FEE PATENT
	0119	BLAINE JOHN	1085	FORCED FEE PATENT
	0120	LITTLE ELK JANE BLAINE	1087	FORCED FEE PATENT
	0121	TRAVERSIE LUCY BIG TABACCO	166	FORCED FEE PATENT
	0122	DELORIA GEORGE BLACK OWL	48	FORCED FEE PATENT
	0123	HEMO ELLEN	292	FORCED FEE PATENT
	0124	MCBRIDE JULIA JANDRON	153	FORCED FEE PATENT
	0125	PROVOST HATTIE	54	FORCED FEE PATENT
	0126	KASHMIA JOSEPH (GRABBING BEAR)	275	FORCED FEE PATENT
	0127	CROSS MAGGIE ROWAN	1099	FORCED FEE PATENT
	0128	WAGIKOYAKE WIN	1104	FORCED FEE PATENT
	0129	REE SUSAN	459	FORCED FEE PATENT
	0130	LECLAIRE IDA	1112	FORCED FEE PATENT
	0131	SHAFFNER BRIDGET BERZEY	1130	FORCED FEE PATENT
	0132	BROWN THERESA BERZEY	1132	FORCED FEE PATENT
	0133	REED KATHERINE BERZEY	1134	FORCED FEE PATENT
	0134	SPIDER SIMON	1141	FORCED FEE PATENT
	0135	LAPLANTE CHARLES	1440	FORCED FEE PATENT
	0136	PICOTTE IRENE SIMMONS	1172	FORCED FEE PATENT
	0137	LEEDS HELEN	1176	FORCED FEE PATENT
	0138	WHITESTONE MRS.	1186	FORCED FEE PATENT
	0139	PAINE	1369	FORCED FEE PATENT
	0140	ROSS LILLIE BROWN	1411	FORCED FEE PATENT
	0141	ARDALIA MINNIE RUNNING BULL	1432	FORCED FEE PATENT
	0142	FREDERICK ISABELLA COOK	1449	FORCED FEE PATENT
	0143	MEDICINE HORN ROBERT	1250	FORCED FEE PATENT
	0144	PRIMEAU ROSA COURNOYER	996	FORCED FEE PATENT
	0145	COOK JOSEPH T.	686	FORCED FEE PATENT
	0146	COURNOYER ANNIE	234	FORCED FEE PATENT
	0147	BONNIER EMILE	1168	FORCED FEE PATENT
	0148	COURNOYER FRANK REGINALD	493	FORCED FEE PATENT
	0149	BEARSHIELD	542	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A08346	0150	ARCHAMBEAU ANNIE	255	FORCED FEE PATENT
	0151	ARCHAMBEAU DAVID RAY	261	FORCED FEE PATENT
	0152	ANDERSON SARAH M.	834	FORCED FEE PATENT
	0153	ARROW EDNA G.	876	FORCED FEE PATENT
	0154	ANDERSON ANNA LAMONTE	933	FORCED FEE PATENT
	0155	BATES THOMAS W.	224	FORCED FEE PATENT
	0156	FRANKLIN BENJAMIN	660	FORCED FEE PATENT
	0157	FISHER SARAH	1208	FORCED FEE PATENT
	0158	DELORIA PHILIP J.	1009	FORCED FEE PATENT
	0159	CHAMBERLAIN EDWARD	813	FORCED FEE PATENT
	0160	SMITH HIRAM	377	FORCED FEE PATENT
	0161	HOPE OSCAR	79	FORCED FEE PATENT
	0162	HOPKINS ALFRED	1076	FORCED FEE PATENT
	0163	GASSMAN ALICE	892	FORCED FEE PATENT
	0164	HOPKINS JOHN	1075	FORCED FEE PATENT
	0165	GASSMAN ISAAC	341	FORCED FEE PATENT
	0166	HEART ALICE GRAY	69	FORCED FEE PATENT
	0167	GASSMAN SAMUEL	1429	FORCED FEE PATENT
	0168	GENERATIN ABRAHAM	1324	FORCED FEE PATENT
	0169	HOPKINS THERESA	397	FORCED FEE PATENT
	0170	HOPKINS PETER	910	FORCED FEE PATENT
	0171	HARE EDWARD	177	FORCED FEE PATENT
	0172	ALEXANDER HENRY	321	FORCED FEE PATENT
	0173	HARE MARY	548	FORCED FEE PATENT
	0174	HARE ASHLEY	550	FORCED FEE PATENT
	0175	TIYOWASTE WIN ANNA	365	FORCED FEE PATENT
	0176	ARTHUR JENNETTE	842	FORCED FEE PATENT
	0177	GRAY CANE JOHN	369	FORCED FEE PATENT
	0178	GRAY JOHN	257	FORCED FEE PATENT
	0179	RED HORSE ELIZA ARTHUR	303	FORCED FEE PATENT
	0180	HORNED EAGLE ALEXANDER	1219	FORCED FEE PATENT
	0181	DION ISAAC	1434	FORCED FEE PATENT
	0182	HUNTER THOMAS	863	FORCED FEE PATENT
	0183	ELI SAMUEL	728	FORCED FEE PATENT
	0184	FERRIS WILLIAM	906	FORCED FEE PATENT
	0185	DEZERA GEORGE	1002	FORCED FEE PATENT
	0186	EAGLESHOOTER ANNA	31	FORCED FEE PATENT
	0187	JEFFERSON JULIA HOPE	76	FORCED FEE PATENT
	0188	FREDERICK MAGGIE	804	FORCED FEE PATENT
	0189	GANDROW ALVINA SCISSONS	282	FORCED FEE PATENT
	0190	ELI LUCY IRON CLOUD	975	FORCED FEE PATENT
	0191	IPETA WIN SOPHIA	327	FORCED FEE PATENT
	0192	WELLS MARY SKANKIYA	412	FORCED FEE PATENT
	0193	IRONHAWK FRANK	978	FORCED FEE PATENT
	0194	IRONHAWK CHARLES	977	FORCED FEE PATENT
	0195	IRONCLOUD ANDREW	172	FORCED FEE PATENT
	0196	IRVING JAMES	908	FORCED FEE PATENT
	0197	IRVING ANNIE	909	FORCED FEE PATENT
	0198	KICITAMAZA OR IRON SOLDIER	146	FORCED FEE PATENT
	0199	FELIX SUSAN IRONHAWK	957	FORCED FEE PATENT
	0200	IRONHAWK HELEN	976	FORCED FEE PATENT
	0201	JONES CHARLES	1460	FORCED FEE PATENT
	0202	OMAHA LOUISA JONES	915	FORCED FEE PATENT
	0203	CLOUD ELK SUSAN	245	FORCED FEE PATENT
	0204	STINK ALICE KEITH	95	FORCED FEE PATENT
	0205	KEITH JESSE	794	FORCED FEE PATENT
	0206	LONE TITUS M.	1157	FORCED FEE PATENT
	0207	LACLAIRE CHARLES	1413	FORCED FEE PATENT
	0208	LACLAIRE DAVID	256	FORCED FEE PATENT
	0209	LAMBERT VICTORIA	1113	FORCED FEE PATENT
	0210	LAPOINTE SOLOMON	403	FORCED FEE PATENT
	0211	LEEDS MATTHEW S.	1169	FORCED FEE PATENT
	0212	LEAMIA JOSEPH	1147.5	FORCED FEE PATENT
	0213	LONGEAR LIZZIE	1051	FORCED FEE PATENT
	0214	LITTLE ELK JESSE	118	FORCED FEE PATENT
	0215	JOHNSON LOUISE	62	FORCED FEE PATENT
	0216	MAD BULL SAMUEL	389	FORCED FEE PATENT
	0217	RANDELL JOSEPH	1276	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A08346	0218	GARFIELD ANDREW	1300	FORCED FEE PATENT
	0219	ELIJAH MARTIN	274	FORCED FEE PATENT
	0220	BROADWAY EMMA JEFFREY	342	FORCED FEE PATENT
	0221	MCBRIDE HARRY (HENRY)	295	FORCED FEE PATENT
	0222	MEDICINE HORN CHARLES	475	FORCED FEE PATENT
	0223	ARROW JULIA	502	FORCED FEE PATENT
	0224	OBESHAW ELIZABETH	197	FORCED FEE PATENT
	0225	UGO JACOB	894	FORCED FEE PATENT
	0226	O'CONNOR JOHN	1066	FORCED FEE PATENT
	0227	OKESKA OLIVER	1107	FORCED FEE PATENT
	0228	OMAHA JOHN	400	FORCED FEE PATENT
	0229	OMAHA JONAS	244	FORCED FEE PATENT
	0230	ONE WING PHILIP	303	FORCED FEE PATENT
	0231	PAZHE HENRY	200	FORCED FEE PATENT
	0232	PICOTTE JOHN	269	FORCED FEE PATENT
	0233	PICOTTE EDWIN	192	FORCED FEE PATENT
	0234	PICOTTE HERBERT	442	FORCED FEE PATENT
	0235	HIGH ROCK EUGENE	1443	FORCED FEE PATENT
	0236	MEDICINE ROBERT	521	FORCED FEE PATENT
	0237	PICOTTE CHARLES	715	FORCED FEE PATENT
	0238	PICOTTE ANDREW OR GEORGE	203	FORCED FEE PATENT
	0239	REYNOLDS CHARLES N.	991	FORCED FEE PATENT
	0240	WILLIAMS JAMES SR	442	FORCED FEE PATENT
	0241	SELWYN JOSEPH	46	FORCED FEE PATENT
	0242	SHERMAN THOMAS	1422	FORCED FEE PATENT
	0243	SHIELL AMOS	943	FORCED FEE PATENT
	0244	SE WYN AMOS	414	FORCED FEE PATENT
	0245	SHIELD SAMUEL	298	FORCED FEE PATENT
	0246	SHUNK ALEXANDER	109	FORCED FEE PATENT
	0247	SHUNK MARIE	44	FORCED FEE PATENT
	0248	SITTING CROW SARAH	148	FORCED FEE PATENT
	0249	SMITH JULIA	72	FORCED FEE PATENT
	0250	STALFAR JULIA	288	FORCED FEE PATENT
	0251	SOLDIER STEPHEN	1264	FORCED FEE PATENT
	0252	SPOTTED SAW - ROBERT	1104	FORCED FEE PATENT
	0253	PICOTTE JOHN - STANDING ON	442	FORCED FEE PATENT
	0254	BULL EUGENE MRS.	45	FORCED FEE PATENT
	0255	DION ALFRED	1142	FORCED FEE PATENT
	0256	WELLS CHARLES	1042	FORCED FEE PATENT
	0257	HITIKA ALBION	156	FORCED FEE PATENT
	0258	MCBRIDE WALTER	114	FORCED FEE PATENT
	0259	COOK HERBERT	1431	FORCED FEE PATENT
	0260	DEPAND EMILY	1348	FORCED FEE PATENT
	0261	BUNYER THOMAS	1164	FORCED FEE PATENT
	0262	JANDREAU JULIA LONG EAR	53	FORCED FEE PATENT
	0263	ST. PIERRE HENRY LEE	1	FORCED FEE PATENT
	0264	BLAINE ALBERT W.	18	FORCED FEE PATENT
	0265	SHUNKANA ELLEN	42	FORCED FEE PATENT
	0266	FREDERICK AGNES	72	FORCED FEE PATENT
	0267	HOPE BATISTE	75	FORCED FEE PATENT
	0268	CHINN HELEN	78	FORCED FEE PATENT
	0269	LONGEAR CHARLES REE	84	FORCED FEE PATENT
	0270	FREDERICK CHARLES	97	FORCED FEE PATENT
	0271	PATTON LAWRENCE	1041	FORCED FEE PATENT
	0272	MCBRIDE JOHN	159	FORCED FEE PATENT
	0273	DRAPEAU ANNA JONES	172	FORCED FEE PATENT
	0274	HARE JOHN W.	125	FORCED FEE PATENT
	0275	HARE EUNICE	174	FORCED FEE PATENT
	0276	JONES ADELIA	210	FORCED FEE PATENT
	0277	HAWKINS AGNES COURNOYER	298	FORCED FEE PATENT
	0278	RAINBOW THOMAS	320	FORCED FEE PATENT
	0279	HART SARAH OMAHA	242	FORCED FEE PATENT
	0280	VASSER SIMON	792	FORCED FEE PATENT
	0281	THUNDER HORSE CHARLES	251	FORCED FEE PATENT
	0282	A-CHAMPEAU JOSEPHINE	254	FORCED FEE PATENT
	0283	ARCHAMBEAU EDWARD	42	FORCED FEE PATENT
	0284	PICOTTE ANNIE ARCHAMBEAU	45	FORCED FEE PATENT
	0285	REYNOLDS HATTIE ARCHAMBEAU	244	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A08346	0286	GOOD HOUSE ELLEN	314	FORCED FEE PATENT
	0287	GASSMAN JOSEPH	317	FORCED FEE PATENT
	0288	GASSMAN LOUIS	318	FORCED FEE PATENT
	0289	MEDICINE AMOS	322	FORCED FEE PATENT
	0290	KIRKIE KATIE DEZERA	332	FORCED FEE PATENT
	0291	REE PHILIP PRETTY OWL	338	FORCED FEE PATENT
	0292	REYNOLDS GARY	993	FORCED FEE PATENT
	0293	BLAINE NORA JENNIE	371	FORCED FEE PATENT
	0294	FEATHER JOSEPH	380	FORCED FEE PATENT
	0295	FEATHER SILAS	388	FORCED FEE PATENT
	0296	PROVOST THOMAS OR ELI	393	FORCED FEE PATENT
	0297	BORDEAUX ANNIE ST. PIERRE	396	FORCED FEE PATENT
	0298	BLACK CHICKEN JENNIE	421	FORCED FEE PATENT
	0299	MILLER GERTRUDE	431	FORCED FEE PATENT
	0300	OBESHAW FRANK	445A	FORCED FEE PATENT
	0301	SONGHAWK MOSES	458	FORCED FEE PATENT
	0302	HOWARD DAISEY	459	FORCED FEE PATENT
	0303	MEDICINE HORN JULIA	473	FORCED FEE PATENT
	0304	VASSER EMMA ROCK BOY DOILEY	476	FORCED FEE PATENT
	0305	SUNDAY MAGGIE	486	FORCED FEE PATENT
	0306	THUNDER HORSE GEORGE MARSHALL	488	FORCED FEE PATENT
	0307	BERRY JAMES REED	497	FORCED FEE PATENT
	0308	SPOTTED EAGLE ELLEN	511	FORCED FEE PATENT
	0309	WELLS JULIA	524	FORCED FEE PATENT
	0310	LITTLE DOG SOLOMON	551	FORCED FEE PATENT
	0311	LAPOINTE NANCY FEATHER	555	FORCED FEE PATENT
	0312	BLUE THOMAS	552	FORCED FEE PATENT
	0313	STANDISH MILES	553	FORCED FEE PATENT
	0314	RED HAWK MARY BRAVOUT	562	FORCED FEE PATENT
	0315	DRAGG EMILY	570	FORCED FEE PATENT
	0316	CHINN MARY BAKER NECKLACE	571	FORCED FEE PATENT
	0317	CHINN HENRY	573	FORCED FEE PATENT
	0318	BULL EUGENE	582	FORCED FEE PATENT
	0319	ASH JOSEPH	612	FORCED FEE PATENT
	0320	STANDISH ELIZABETH MAD BUL	621	FORCED FEE PATENT
	0321	RONDELL JOHN	623	FORCED FEE PATENT
	0322	LECLAIR SILAS	632	FORCED FEE PATENT
	0323	LYMAN CLARA	644	FORCED FEE PATENT
	0324	HOPE LOUISA	646	FORCED FEE PATENT
	0325	HODGKISS WINNIE HOPE	652	FORCED FEE PATENT
	0326	FREDERICK ANNIE CROW	678	FORCED FEE PATENT
	0327	SELWYN EMMA H.	697	FORCED FEE PATENT
	0328	PICOTTE JOSEPH	933	FORCED FEE PATENT
	0329	WESAPA JOSEPH	729	FORCED FEE PATENT
	0330	CANDREW LAWRENCE	749	FORCED FEE PATENT
	0331	MCBRIDE ANDREW	776	FORCED FEE PATENT
	0332	WILLIAMSON SOPHIA BARRIER	778	FORCED FEE PATENT
	0333	GOULETTE CHARLES	796	FORCED FEE PATENT
	0334	HOFFMAN JANE GOOD TEACHER	797	FORCED FEE PATENT
	0335	BATES ALMA	804	FORCED FEE PATENT
	0336	TATENA LEAH	814	FORCED FEE PATENT
	0337	IRVING FANNY	824	FORCED FEE PATENT
	0338	WILLIAMS BAZILE WAMBDI	833	FORCED FEE PATENT
	0339	GENERATION ABEL	844	FORCED FEE PATENT
	0340	DEZERA JULIA	855	FORCED FEE PATENT
	0341	ASHES JENNIE WASUSNA	871	FORCED FEE PATENT
	0342	VANDALL MARY L.	876	FORCED FEE PATENT
	0343	VANDALL LILLY D.	884	FORCED FEE PATENT
	0344	GOOD HORSE EDWARD	887	FORCED FEE PATENT
	0345	DRAPPEAU PHILLIP	900	FORCED FEE PATENT
	0346	IRVING FRANK	904	FORCED FEE PATENT
	0347	THUNDER HORSE JOHANA	927	FORCED FEE PATENT
	0348	HITCHCOCK WILLIAM H.	980	FORCED FEE PATENT
	0349	BARBIER HATTIE LAPOINTE	987	FORCED FEE PATENT
	0350	COURNOYER HERMINE	995	FORCED FEE PATENT
	0351	SHIELL PETER	998	FORCED FEE PATENT
	0352	PACKARD ORSON L	1002	FORCED FEE PATENT
	0353	LEROY FRED	1005	FORCED FEE PATENT

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A08346	0354	DELORIA ELLA	394	FORCED FEE PATENT
	0355	RED GOURD SUSAN	1020	FORCED FEE PATENT
	0356	YOUNG CHARLES	1100	FORCED FEE PATENT
	0357	YOUNG BENJAMIN	1101	FORCED FEE PATENT
	0358	ST. PIERRE OLIVER	1107	FORCED FEE PATENT
	0359	SHUNK IDA STANTON	1131	FORCED FEE PATENT
	0360	SIMMONS IRENE LYDIA	1136	FORCED FEE PATENT
	0361	WESTON LOUISA	1147	FORCED FEE PATENT
	0362	BROWNTHUNDER FITCH	1161	FORCED FEE PATENT
	0363	BOUVIER WILLIAM T.	1167	FORCED FEE PATENT
	0364	SPOTTED EAGLE WILLIAM	1181	FORCED FEE PATENT
	0365	SPOTTED EAGLE RUBEN	1182	FORCED FEE PATENT
	0366	MEDICINE HORN WILLIAM	1249	FORCED FEE PATENT
	0367	DEZERA BESSIE	856	FORCED FEE PATENT
	0368	SPOTTED EAGLE LIZZIE	1187	FORCED FEE PATENT
	0369	BEAN ALMA	607	FORCED FEE PATENT
	0370	GONDROW LOUISA	746	FORCED FEE PATENT
	0371	WINPAZI-WIN	1336	FORCED FEE PATENT
	0372	HUNTER IRENE	866	FORCED FEE PATENT
	0373	GLASS BESSIE	33	FORCED FEE PATENT
	0374	BURUNA DANIEL	47	FORCED FEE PATENT
	0375	WELLINGTON MERCY	107	FORCED FEE PATENT
	0376	LITTLE ELK JESSIE	118	FORCED FEE PATENT
	0377	COTE GEORGIANNA	154	FORCED FEE PATENT
	0378	SMITH LAURA A.	250	FORCED FEE PATENT
	0379	ARCHAMBEAU SUSAN	260	FORCED FEE PATENT
	0380	TATEKIYA JOSEPH DANIELS	312	FORCED FEE PATENT
	0381	DEZERA PETER	329	FORCED FEE PATENT
	0382	STINGER FRANK	564	FORCED FEE PATENT
	0383	CAHOTA WINNIE EASTMAN	616	FORCED FEE PATENT
	0384	PACKARD MARY LYMAN	725	FORCED FEE PATENT
	0385	CHINN NANCY	794	FORCED FEE PATENT
	0386	STRICKER LOUISA	821	FORCED FEE PATENT
	0387	HOFFMAN CHARLES WAMBDI	925	FORCED FEE PATENT
	0388	LITTLE OWL MINNIE	1048	FORCED FEE PATENT
	0389	ST. PIERRE ROSIE	141	FORCED FEE PATENT
	0390	COURNOYER ANGELIA	1000	FORCED FEE PATENT
	0391	OAKIYE IRENE	1022	FORCED FEE PATENT
	0392	LYMAN MAX	1123	FORCED FEE PATENT
	0393	TRIBAL	346-10	MINERAL
	0394	TRIBAL	346-10	WATER
	0395	TRIBAL	346-10	WATER
	0396	TRIBAL	346-10	WATER
	0397	TRIBAL	346-10	TRESPASS
	0398	TRIBAL	346-10	TRESPASS
	0400	TRIBAL	346-10	TITLE
	0401	TRIBAL	346-10	CONTRACT BREACH
A09347	0001	KEEBLE ISAAC	1249	OLD AGE ASSISTANCE
	0002	PAH, ADAM	95	OLD AGE ASSISTANCE
	0003	STANDFAST THOMAS	948	OLD AGE ASSISTANCE
	0004	GOODBIRD AMOS	889	OLD AGE ASSISTANCE
	0005	BIRD SUSAN	832	OLD AGE ASSISTANCE
	0006	MEMINGER THOMAS	656	OLD AGE ASSISTANCE
	0007	WILL CECILIA MEPI	368	OLD AGE ASSISTANCE
	0008	BEAR MARY	573	OLD AGE ASSISTANCE
	0009	STAFFORD CECELIA (BARTLETT)	606	OLD AGE ASSISTANCE
	0010	REDEARTH EMMA	632	OLD AGE ASSISTANCE
	0011	GRAY SAMUEL	423	OLD AGE ASSISTANCE
	0012	GRANT JENNIE	15	OLD AGE ASSISTANCE
	0013	DEMARRIAS MARY (WILLIAMS)	950	OLD AGE ASSISTANCE
	0014	AMOS, MARY	48	OLD AGE ASSISTANCE
	0015	RENVILL SAMUEL	1004	OLD AGE ASSISTANCE
	0016	OMEROAD CHARLES	396	OLD AGE ASSISTANCE
	0017	WICITEMAZA LOUISA	397	OLD AGE ASSISTANCE
	0018	WHITE KING ELLA	416	OLD AGE ASSISTANCE
	0019	HOPKINS SAMUEL	435	OLD AGE ASSISTANCE
	0020	WILLIAMS EDWARD R.	38	OLD AGE ASSISTANCE
	0021	DEMARRIAS JOHN	754	OLD AGE ASSISTANCE

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A09347	0022	DEMARRIAS NARCISSE	755	OLD AGE ASSISTANCE
	0023	WILLIAMS JOHN (SUNKA)	757	OLD AGE ASSISTANCE
	0024	ST. JOHN MOSES	790	OLD AGE ASSISTANCE
	0025	ROBERTSON HELEN (DUGGAN)	232	OLD AGE ASSISTANCE
	0026	PHILIP LOUIS	152	OLD AGE ASSISTANCE
	0027	BARSE SARAH (RENVILLE)	1081	OLD AGE ASSISTANCE
	0028	BEAR JOHN	634	OLD AGE ASSISTANCE
	0029	BIRD ALVIN	NA	OLD AGE ASSISTANCE
	0030	BLUECLOUD THOMAS	1184	OLD AGE ASSISTANCE
	0031	CROSS NANCY	469	OLD AGE ASSISTANCE
	0032	DERBY SAMUEL	1311	OLD AGE ASSISTANCE
	0033	DUMARCE BAPTISTE JR.	675	OLD AGE ASSISTANCE
	0034	ENOCH JAMES	498	OLD AGE ASSISTANCE
	0035	FOSTER MARY	447	OLD AGE ASSISTANCE
	0036	FRENIER AMOS	236	OLD AGE ASSISTANCE
	0037	FRENIER BAPTISTE	369	OLD AGE ASSISTANCE
	0038	GILBERT AMOS	1046	OLD AGE ASSISTANCE
	0039	GRAHAM ZENAS	NE-842	OLD AGE ASSISTANCE
	0040	HAYES DANIEL	323	OLD AGE ASSISTANCE
	0041	JOHNSON JOHN W.	551	OLD AGE ASSISTANCE
	0042	KEEBLE JOHN	1299	OLD AGE ASSISTANCE
	0043	LALELLE PETER	1236	OLD AGE ASSISTANCE
	0044	LAEROUX ALBERT	114	OLD AGE ASSISTANCE
	0045	LAFROMBOISE MOSES	180	OLD AGE ASSISTANCE
	0046	CAMPBELL LUCY (LOVEJOY)	166	OLD AGE ASSISTANCE
	0047	QUINN CHARLES	640	OLD AGE ASSISTANCE
	0048	RENVILLE DAVID	1008	OLD AGE ASSISTANCE
	0049	RENVILLE MASON	2159	OLD AGE ASSISTANCE
	0050	ROBERTSON WILLIAM M.	1093	OLD AGE ASSISTANCE
	0051	ROGERS JOSEPH	962	OLD AGE ASSISTANCE
	0052	SAUL PHOEBE (QUINN)	639	OLD AGE ASSISTANCE
	0053	SHEPHERD HANNAH T.	314	OLD AGE ASSISTANCE
	0054	STANDFAST CATHEPINE	612	OLD AGE ASSISTANCE
	0055	WAKEMAN SOLOMAN	291	OLD AGE ASSISTANCE
	0056	WHITE RAYMOND CLEMENT	1461	OLD AGE ASSISTANCE
	0057	CRAWFORD ABRAHAM	1000	OLD AGE ASSISTANCE
	0058	RENVILLE ROSE RICE	1304	OLD AGE ASSISTANCE
	0059	SHEPHERD MINNIE LAWRENCE	502	OLD AGE ASSISTANCE
	0060	WEATHERSTON WILLIAM M.	1300	OLD AGE ASSISTANCE
	0061	WHITE ELIZABETH	348	OLD AGE ASSISTANCE
	0062	SPIDER MARY (LOVEJOY)	168	OLD AGE ASSISTANCE
	0065	LAWRENCE JULIA	1211	ROAD IN TRESPASS
	0066	LAWRENCE ANNE J.	1182	ROAD IN TRESPASS
	0067	LAWRENCE THOMAS	1181	ROAD IN TRESPASS
	0068	SEVEN BROTHERS PETER	1013	ROAD IN TRESPASS
	0069	HADUTA EMMA	767	ROAD IN TRESPASS
	0070	EASTMAN BERTHA	713	FLOODING
	0071	EASTMAN OLIVER	712	FLOODING
	0073	ROBERTSON GARRIEL	NA	TITLE
	0074	GREY CLOUD JULIA	919	TITLE
	0075	JOHNSON JAMES	842	TITLE
	0076	DECOTEAU HELEN (DUGGAN)	917	TITLE
	0082	MEMINGER ALBERT	195	ROAD IN TRESPASS
	0083	AMOS JOHN	420	ROAD IN TRESPASS
	0084	BARKER BAPTISTE	1100	ROAD IN TRESPASS
	0085	DONNEL MARY RAE	NA	ROAD IN TRESPASS
	0086	DEMARRAIS JOSEPH	1359	ROAD IN TRESPASS
	0087	SIMONS MANNAH (GOODBIRD)	737	ROAD IN TRESPASS
	0088	WAPETO PATA	90214	ROAD IN TRESPASS
	0090	MEMINGER HELEN (STAFFORD)	193	ROAD IN TRESPASS
	0091	WARPIYAAKAWADINAJIN	90213	ROAD IN TRESPASS
	0092	TUNKANMANIWIN (SUSAN)	739	ROAD IN TRESPASS
	0096	KING FRANCHON	NA	TRESPASS
	0097	TRIBAL	347-10	TITLE
	0098	TUNKASAPICYE ANNA (OR AMOS	792	ROAD IN TRESPASS
	0099	ROBERTSON WILBERT	2226	ROAD IN TRESPASS
	0100	BERNARD AARON MRS.	NA	ROAD IN TRESPASS
	0101	CRAWFORD THEODORE	520	ROAD IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A09347	0102	THOMPSON JACOB	1219	TITLE
	0103	LAFROMBOISE VALESLCA	NA	TITLE
	0104	EASTMAN BERTHA	713	ROAD IN TRESPASS
	0105	CRAWFORD PANSY	NA	ROAD IN TRESPASS
	0106	GOOD BIRD TITUS	163	ROAD IN TRESPASS
	0107	RENVILLE FELIX SR.	2131	TITLE
	0108	ROBERTS AMOS	462	ROAD IN TRESPASS
	0109	HAYES JULIA	324	ROAD IN TRESPASS
	0110	HAYES ELIZABETH	325	ROAD IN TRESPASS
	0112	REDDAY SARAH	398	ROAD IN TRESPASS
	0113	UNKTOMSKAWIN	431	ROAD IN TRESPASS
	0114	TANKAHANI	629	ROAD IN TRESPASS
	0115	WAKSUKASKANSKAWIN	NA	ROAD IN TRESPASS
	0116	MARPIYAWAKTE	NA	ROAD IN TRESPASS
	0120	WILSON ROSE (REDDAY)	394	ROAD IN TRESPASS
	0121	TRIBAL	NONE	ROAD IN TRESPASS
	0122	CRAWFORD JOSEPH	253	ROAD IN TRESPASS
	0123	WYNDE MARTHA	742	ROAD IN TRESPASS
	0124	FOSTER LAURA	90450	UTILITY IN TRESPASS
	0125	BLACK THUNDER JOE	90223	UTILITY IN TRESPASS
	0126	TRIBAL	347-30	UTILITY IN TRESPASS
	0127	ORTLEY EMMA	80	UTILITY IN TRESPASS
	0128	ORTLEY ELI	84	UTILITY IN TRESPASS
	0129	GOODBOY SARAH	700	UTILITY IN TRESPASS
	0130	HAYES SUSAN	90329	UTILITY IN TRESPASS
	0131	GOODBOY SARAH	700	UTILITY IN TRESPASS
	0132	NOBLE ELIZABETH	444	UTILITY IN TRESPASS
	0133	RENCOUNTRE MARGARET ROSE	2086	UTILITY IN TRESPASS
	0134	TRIBAL	347-30	UTILITY IN TRESPASS
	0135	TRIBAL	91231	UTILITY IN TRESPASS
	0136	WOWINAKA ANDREW	90260	UTILITY IN TRESPASS
	0137	TRIBAL	347-30	UTILITY IN TRESPASS
	0138	BARSE BELLE (SHELDON)	564	UTILITY IN TRESPASS
	0139	HAYES DANIEL	90323	UTILITY IN TRESPASS
	0140	HAYES SAMPSON (WAY)	331	UTILITY IN TRESPASS
	0141	HAYES SAMPSON (WAY)	331	UTILITY IN TRESPASS
	0142	WHITE ROBERT	90962	UTILITY IN TRESPASS
	0143	WHITE ROBERT	90962	UTILITY IN TRESPASS
	0144	WHITE LOUISA	461	UTILITY IN TRESPASS
	0145	WHITE JOHN	90965	UTILITY IN TRESPASS
	0146	TRIBAL	347-30	UTILITY IN TRESPASS
	0147	HAIL GABRIEL	90408	UTILITY IN TRESPASS
	0148	HAIL GABRIELD	90408	UTILITY IN TRESPASS
	0149	HAIL ISAAC	90404	UTILITY IN TRESPASS
	0150	TRIBAL	347-30	UTILITY IN TRESPASS
	0151	TRIBAL	347-30	UTILITY IN TRESPASS
	0152	FOSTER SAMPSON	9194	UTILITY IN TRESPASS
	0153	BERNARD HENRY	446	UTILITY IN TRESPASS
	0154	TRIBAL	347-30	UTILITY IN TRESPASS
	0155	IRON STAR NANCY	798	UTILITY IN TRESPASS
	0156	MATO WANYANKAPI	90294	UTILITY IN TRESPASS
	0157	TAOYATEAUTAWIN	293	UTILITY IN TRESPASS
	0158	SHEPARD ABRAHAM (HEPANNA)	91324	UTILITY IN TRESPASS
	0159	IRON STAR WILLIAM	1266	UTILITY IN TRESPASS
	0160	IRON STAR WILLIAM	1266	UTILITY IN TRESPASS
	0161	IYAYURMANITYIN	91268	UTILITY IN TRESPASS
	0162	TIPIMAZAWIN	969	UTILITY IN TRESPASS
	0163	WICINHAN	91325	UTILITY IN TRESPASS
	0164	WICINHAN	91325	UTILITY IN TRESPASS
	0165	WICINHAN	91325	UTILITY IN TRESPASS
	0166	GIGIYENA	91376	UTILITY IN TRESPASS
	0167	SANFORD OTTO	593	UTILITY IN TRESPASS
	0168	SEABOY RUBY PEARL (OWEN)	2818	UTILITY IN TRESPASS
	0169	SANFORD OTTO	593	UTILITY IN TRESPASS
	0170	SANFORD OTTO	593	UTILITY IN TRESPASS
	0171	OWEN LEVERE	1859	UTILITY IN TRESPASS
	0172	GOOD ELK (UPANKOMASTA)	1145	UTILITY IN TRESPASS
	0173	WAOUTAKAYAKEWIN	90451	UTILITY IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A09347	0174	TATANKAMANI	347	UTILITY IN TRESPASS
	0175	TRIBAL	347-30	UTILITY IN TRESPASS
	0176	BIG FIRE PETER	1104	UTILITY IN TRESPASS
	0177	ONE ROAD NANCY	975	UTILITY IN TRESPASS
	0178	TIIYEPTEWIN	882	UTILITY IN TRESPASS
	0179	SUNKA REBECCA (HEPAN)	319	UTILITY IN TRESPASS
	0180	WAMNIKAWASTEWIN	701	UTILITY IN TRESPASS
	0181	HORN CHARLES (IZITA)	930	UTILITY IN TRESPASS
	0182	SHEPARD HEZAKIAH	91252	UTILITY IN TRESPASS
	0183	SUPANGI THOMAS	9[illegible]95	UTILITY IN TRESPASS
	0184	WANEYETUHIYAYEWIN	90[illegible]99	UTILITY IN TRESPASS
	0185	TUNKASARICIYA ANNA	7[illegible]3	UTILITY IN TRESPASS
	0186	GOOD ELK ELIZABETH	612	UTILITY IN TRESPASS
	0187	CAMPBELL HENRY F.	1[illegible]39	UTILITY IN TRESPASS
	0188	LEMON JULIA (CEKPA)	101	UTILITY IN TRESPASS
	0189	LEMON JULIA (CEKPA)	101	UTILITY IN TRESPASS
	0190	CEKPA SIMON	90094	UTILITY IN TRESPASS
	0191	WANIKA	363	UTILITY IN TRESPASS
	0192	LEAF MABLE F.	336	UTILITY IN TRESPASS
	0193	TRIBAL	347-30	UTILITY IN TRESPASS
	0194	LEAF RUFUS (JOHN)	1530	UTILITY IN TRESPASS
	0195	WIIYATA MARTHA	345	UTILITY IN TRESPASS
	0196	WOOP BETSY	1078	UTILITY IN TRESPASS
	0197	RICAHEWICAYA SARA	90419	UTILITY IN TRESPASS
	0198	RED EAGLE FEATHER	90[illegible]06	UTILITY IN TRESPASS
	0199	TRIPPER DANIEL	91[illegible]31	UTILITY IN TRESPASS
	0200	RED EAGLE FEATHER	90[illegible]06	UTILITY IN TRESPASS
	0201	FELIX ETTA	90197	UTILITY IN TRESPASS
	0202	FELIX ETTA	90197	UTILITY IN TRESPASS
	0203	FELIX ETTA	90320	UTILITY IN TRESPASS
	0204	PIYAYATAMKE SOLOMON	91280	UTILITY IN TRESPASS
	0205	PIYA SUSAN (MINIGAZEWIN)	1116	UTILITY IN TRESPASS
	0206	CRAWFORD FRANCIS (CLAYTON)	500	UTILITY IN TRESPASS
	0207	LABELLE EMMA (LIGHT)	5044	UTILITY IN TRESPASS
	0208	HINHANNA SUSAN	90665	UTILITY IN TRESPASS
	0209	MAX JULIA	531	UTILITY IN TRESPASS
	0210	SIMONS ISABELLA	535	UTILITY IN TRESPASS
	0211	SIMONS DEBRA	538	UTILITY IN TRESPASS
	0212	SIMONS MARY M.	539	UTILITY IN TRESPASS
	0213	SIMONS ANNA	90995	UTILITY IN TRESPASS
	0214	GRAY EVA (SINTE WASTEWIN)	90422	UTILITY IN TRESPASS
	0215	TRIBAL	347-22	UTILITY IN TRESPASS
	0216	TRIBAL	347-52	UTILITY IN TRESPASS
	0217	TRIBAL	347-52	UTILITY IN TRESPASS
	0218	MARLOWE ANNA	672	UTILITY IN TRESPASS
	0219	TRIBAL	347-30	UTILITY IN TRESPASS
	0220	JOHNSON SHIRLEY	2078	UTILITY IN TRESPASS
	0221	JOHNSON SHIRLEY	2078	UTILITY IN TRESPASS
	0222	WAXTEWIN	204	UTILITY IN TRESPASS
	0223	RED DAY JONAH	91333	UTILITY IN TRESPASS
	0224	WAXTEWIN	204	UTILITY IN TRESPASS
	0225	KING NANCY	541	UTILITY IN TRESPASS
	0226	PTE CAPE EMMA	340	UTILITY IN TRESPASS
	0227	KING JOHN	90182	UTILITY IN TRESPASS
	0228	SINTOMNI ELIZA	155	UTILITY IN TRESPASS
	0229	TRIBAL	347-30	UTILITY IN TRESPASS
	0230	WAXTEWIN	204	UTILITY IN TRESPASS
	0231	SDIYA	358	UTILITY IN TRESPASS
	0232	RED DAY JONAS (ANPETUKA)	91333	UTILITY IN TRESPASS
	0233	LITTLE THUNDER	1581	UTILITY IN TRESPASS
	0234	LIKE HIM ETTA	650	UTILITY IN TRESPASS
	0235	KING ELLA	94	UTILITY IN TRESPASS
	0236	BROWN JENNIE	170	UTILITY IN TRESPASS
	0237	WIKO	794	UTILITY IN TRESPASS
	0238	WIKO	794	UTILITY IN TRESPASS
	0239	ABEL MARY	90951	UTILITY IN TRESPASS
	0240	CANGITOPAWIN	956	UTILITY IN TRESPASS
	0241	TRIBAL	347-30	UTILITY IN TRESPASS

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A09347	0318	KEYLE JENNIE (BARSE)	354	FORCED FEE PATENT
	0319	DECOTEAU MOSES	497	FORCED FEE PATENT
	0320	RUE CATHERINE	612-2	FORCED FEE PATENT
	0321	REDEARTH KITTIE S. (SHELDON)	1208	FORCED FEE PATENT
	0322	LABELLE BAPTISTE	652	FORCED FEE PATENT
	0323	LAMOORE MARY E.	1141	FORCED FEE PATENT
	0324	HINES SUSAN E.	670	FORCED FEE PATENT
	0325	DEMARCE JULIA	480	FORCED FEE PATENT
	0326	DEMARRIAS MARY ROSE (HANNA)	789	FORCED FEE PATENT
	0327	HANNA MELVINA	852	FORCED FEE PATENT
	0328	HILL LOUIS	909-2	FORCED FEE PATENT
	0329	BARSE GEORGE	1139-2	FORCED FEE PATENT
	0330	BARSE JOHN	1164	FORCED FEE PATENT
	0331	OWENS AMOS	1144	FORCED FEE PATENT
	0332	OWENS BEHAN	1148	FORCED FEE PATENT
	0333	OWENS JENNIE	32-2	FORCED FEE PATENT
	0334	LACROIX MARGARET (LONGIE)	1240-2	FORCED FEE PATENT
	0335	LABELLE LOUIS	1284	FORCED FEE PATENT
	0336	FRENIER AUGUSTA	1373	FORCED FEE PATENT
	0337	ORTLEY WALLACE	1329	FORCED FEE PATENT
	0338	PARKER JOSEPH R.	1372	FORCED FEE PATENT
	0339	YANKE	354	FORCED FEE PATENT
	0340	QUINN ELLA L.	263	FORCED FEE PATENT
	0341	CLOUTIER MARY L	213	FORCED FEE PATENT
	0342	LACROIS AMELIA	120	FORCED FEE PATENT
	0343	MATE MYRTLE A.	76	FORCED FEE PATENT
	0344	DEMARRIAS LOUIE	748	FORCED FEE PATENT
	0345	GRAY SAMUEL	547	FORCED FEE PATENT
	0346	DEWOLF TONA (REDEARTH)	628	FORCED FEE PATENT
	0347	DUMARCE SAMUEL	678	FORCED FEE PATENT
	0348	DUMARCE PETER	1259	FORCED FEE PATENT
	0349	PHELPS ELLEN	21	FORCED FEE PATENT
	0350	BAILEY ELIZABETH V.	61	FORCED FEE PATENT
	0351	BAILEY SAMUEL A.	62	FORCED FEE PATENT
	0352	MATE ANNA C.	66	FORCED FEE PATENT
	0353	KING AMOS	67-68	FORCED FEE PATENT
	0354	MATE MARY E.	74	FORCED FEE PATENT
	0355	CRAWFORD PETER J.	355	FORCED FEE PATENT
	0356	MARLOW ESTHER O. (LAMOORE)	644	FORCED FEE PATENT
	0357	MARLOW LOUIS	645	FORCED FEE PATENT
	0358	MARLOW FRANCES	111	FORCED FEE PATENT
	0359	ROBERTSON FRANCIS F.	111	FORCED FEE PATENT
	0360	MARLOWE JOSEPH	112	FORCED FEE PATENT
	0362	ADAMS WILLIAM	798	FORCED FEE PATENT
	0363	DUMARCE MARY	175	FORCED FEE PATENT
	0364	CLOUTIER MARY	210	FORCED FEE PATENT
	0365	CLOUTIER GEORGE JR.	723	FORCED FEE PATENT
	0366	HOPKINS DAVID	231	FORCED FEE PATENT
	0367	MCLAIN MARY	251	FORCED FEE PATENT
	0368	QUINN SARAH	262	FORCED FEE PATENT
	0369	QUINN THOMAS	201	FORCED FEE PATENT
	0370	SANDERS MARY A.	290	FORCED FEE PATENT
	0371	SANDERS WILLIAM	291	FORCED FEE PATENT
	0372	MORAN JOHN	787	FORCED FEE PATENT
	0373	HARRIS GEORGE	442	FORCED FEE PATENT
	0374	HARRIS BENJAMIN (BUINYANA)	443	FORCED FEE PATENT
	0375	ROBERTSON WILLIAM M.	515	FORCED FEE PATENT
	0376	ROBERTSON ASA	516	FORCED FEE PATENT
	0377	CLOUTIER FREDERICK	695	FORCED FEE PATENT
	0378	CLOUTIER GEORGE SR.	722	FORCED FEE PATENT
	0379	ALLARDON ETHEL	829	FORCED FEE PATENT
	0380	ALLARDON GEORGE	830	FORCED FEE PATENT
	0381	ALLARDON ELLEN B.	831	FORCED FEE PATENT
	0382	BAILLY ABBIE C.	844	FORCED FEE PATENT
	0383	ROBERTSON NELLIE V.	879	FORCED FEE PATENT
	0384	EASTMAN FRANCIS	926	FORCED FEE PATENT
	0385	BAILLY CLYDE	970	FORCED FEE PATENT
	0386	BAILLY EDWARD	1090	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A09347	0242	NELSON ALBERT	818	UTILITY IN TRESPASS
	0243	NELSON JAMES	878	UTILITY IN TRESPASS
	0244	NELSON JAMES	878	UTILITY IN TRESPASS
	0245	TRIBAL	347-30	UTILITY IN TRESPASS
	0246	TRIBAL	347-30	UTILITY IN TRESPASS
	0247	NELSON MARY	875	UTILITY IN TRESPASS
	0248	NELSON MARY	875	UTILITY IN TRESPASS
	0249	NELSON MARY	875	UTILITY IN TRESPASS
	0250	LAFROMBOISE LUCY (NELSON)	1426	UTILITY IN TRESPASS
	0251	WIKO	796	UTILITY IN TRESPASS
	0252	BROWN JENNIE	170	UTILITY IN TRESPASS
	0253	DUMARCE MABEL (WIX)	172	UTILITY IN TRESPASS
	0254	DUMARCE JULIA (WIX)	176	UTILITY IN TRESPASS
	0255	LABLANCE PETER	1261	UTILITY IN TRESPASS
	0256	DUMARCE MABLE (WIX)	172	UTILITY IN TRESPASS
	0257	CHITTENAKA ENOS	90289	UTILITY IN TRESPASS
	0258	HONDOLWIN HELEN (SIYUKA)	90807	UTILITY IN TRESPASS
	0259	WALKER JOHN	90283	UTILITY IN TRESPASS
	0260	SHOOTER DAVID (WAZAHAKUTE)	736	UTILITY IN TRESPASS
	0261	TUKAWICARCA ADAM	765	UTILITY IN TRESPASS
	0262	BUFLE NANCY	762	UTILITY IN TRESPASS
	0263	BUFLE NANCY	762	UTILITY IN TRESPASS
	0264	BUFLE NANCY	762	UTILITY IN TRESPASS
	0265	WAKINYANAKESKA SAMUEL	90766	UTILITY IN TRESPASS
	0266	ROBERTSON SAM	512	UTILITY IN TRESPASS
	0267	DEMARRAIS JOSEPH	1359	UTILITY IN TRESPASS
	0268	LAFROMBOISE ALEXIS	755	UTILITY IN TRESPASS
	0269	LAFROMBOISE JOSEPHINE	181	UTILITY IN TRESPASS
	0270	LAFROMBOISE JOSEPH	91337	UTILITY IN TRESPASS
	0271	STAR HARRIET	684	UTILITY IN TRESPASS
	0272	WHITE AMOS	2624	UTILITY IN TRESPASS
	0273	LABELLE HOWARD	11	UTILITY IN TRESPASS
	0274	JAMES LILLY	90651	UTILITY IN TRESPASS
	0275	TRIBAL	347-30	UTILITY IN TRESPASS
	0276	LABELLE MAGGIE	1063	UTILITY IN TRESPASS
	0277	LABELLE STEPHAN	1064	UTILITY IN TRESPASS
	0278	KINAJEN MARY	735	UTILITY IN TRESPASS
	0279	RED DAY WILLIAM	699	UTILITY IN TRESPASS
	0280	MATE JULIA	770	UTILITY IN TRESPASS
	0281	CRAWFORD PANSY	NA	TRESPASS
	0282	ST. JOHN CATHERINE	NA	TRESPASS
	0284	WHITE MARY	1824	TRESPASS
	0285	EASTMAN BERTHA	713	TRESPASS
	0286	TITUS LOUIS	1281	ROAD IN TRESPASS
	0288	KNEELAND MARILYN	NA	ROAD IN TRESPASS
	0289	GOODBODY SARAH	700	ROAD IN TRESPASS
	0290	TRIBAL	NONE	ROAD IN TRESPASS
	0291	TRIBAL	347-10	TITLE
	0293	TRIBAL	347-10	TRESPASS
	0295	TUKAWANTWIN SUSAN	739	MINERAL
	0296	KEEBLE JENNIE	354	SECRETARIAL TRANSFER
	0297	ROBERTSON M.	NA	TITLE
	0298	WICIHAITE JOHN	609	TRESPASS
	0299	REDWING M.	12077	SECRETARIAL TRANSFER
	0301	SWETCORN JAMES	90380	MINERAL
	0305	GRAY EVA & SAM	90345	TRESPASS
	0306	STONE DAVID (TUKAWIHDAWA)	105	TAXATION
	0307	OWENS FRANK	1146	FORCED FEE PATENT
	0308	OWEN JAMES	36	FORCED FEE PATENT
	0309	ORTLEY ESTHER	85	FORCED FEE PATENT
	0310	ORTLEY STEPHEN	86	FORCED FEE PATENT
	0311	LACROIX ROBERT	663	FORCED FEE PATENT
	0312	LACROIX WILLIAM	127	FORCED FEE PATENT
	0313	DEMARCE HERMAN	177	FORCED FEE PATENT
	0314	ORTLEY SAMUEL	708	FORCED FEE PATENT
	0315	ORTLEY MARGARET	195	FORCED FEE PATENT
	0316	POWELL FELIX	277	FORCED FEE PATENT
	0317	AMOS ANGEL (BAGAH)	278	FORCED FEE PATENT

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A09347	0387	BROWN INE347-	1158	FORCED FEE PATENT
	0388	GRUE MARY ROSE (WHITE)	1256	FORCED FEE PATENT
	0389	WEATHERSTONE MARY I. (S. ROBERTSON)	1296	FORCED FEE PATENT
	0390	MARTIN JESSE (WEATHERSTONE)	1297	FORCED FEE PATENT
	0391	WEATHERSTONE WILLIAM M.	1300	FORCED FEE PATENT
	0392	WEATHERSTONE JAMES	1301	FORCED FEE PATENT
	0393	WEATHERSTONE ROBERT	1302-2	FORCED FEE PATENT
	0394	MARLOWE SOLOMON	1364	FORCED FEE PATENT
	0395	ORTLEY EMMA W.	41-241	FORCED FEE PATENT
	0396	ORTLEY DANIEL	188	FORCED FEE PATENT
	0397	BROWN IRENE	1157-2	FORCED FEE PATENT
	0398	FRENIER WINONA & AUGUSTA	91323	TRESPASS
	0399	TRIBAL	NONE	ROAD IN TRESPASS
	0400	TRIBAL	NONE	ROAD IN TRESPASS
	0401	TRIBAL	NONE	ROAD IN TRESPASS
	0402	TRIBAL	NONE	ROAD IN TRESPASS
	0403	TRIBAL	347-10	TITLE
	0404	TRIBAL	TRIBAL	UTILITY IN TRESPASS
	0405	TRIBAL	347-10	TITLE
	0406	WICIWASTE JOHN	609	TRESPASS
	0407	BUFFALO JOHN	90521	TRESPASS
	0408	TRIBAL	347-10	WATER RIGHTS
	0409	DEMARRIS GEORGE	1359	UTILITY IN TRESPASS
	0410	TRIBAL	347-10	TITLE
	0411	BUFFALO JOHN	581	TRESPASS
	0412	BUFFALO JOHN	581	UTILITY IN TRESPASS
	0413	TRIBAL	347-10	TRESPASS
	0414	EASTMAN MARY	31-920	TITLE
	0415	HOPKINS ABRAHAM	989	TITLE
	0416	CROSS ANDREW	472	MINERAL
A10302	0 76	SHOOT FIRST PIUS	1592	FORCED FEE PATENT
	0001	MANY HORSES CECELIA	3669	OLD AGE ASSISTANCE
	0002	BRUSH HORNS EMMA	3664	OLD AGE ASSISTANCE
	0003	WATER LOUISA	3458	OLD AGE ASSISTANCE
	0004	EAGLEBOY MRS.	3454	OLD AGE ASSISTANCE
	0005	IRON HORN ELK	3451	OLD AGE ASSISTANCE
	0006	CHASE ALONE JOSEPHINE	3445	OLD AGE ASSISTANCE
	0007	SWIFT CLOUD MARTIN	56	OLD AGE ASSISTANCE
	0008	RED EAGLE GUS MRS.	3613	OLD AGE ASSISTANCE
	0009	NO HEART	3402	OLD AGE ASSISTANCE
	0010	IRON NECKLACE LOUISA	3599	OLD AGE ASSISTANCE
	0011	LONGBULL SADIE	3597	OLD AGE ASSISTANCE
	0012	SLEEPS FROM HOME OLIVER MRS.	3584	OLD AGE ASSISTANCE
	0013	FEATHER EARRINGS AGNES	3577	OLD AGE ASSISTANCE
	0014	PRETTY ELK SARAH	3486	OLD AGE ASSISTANCE
	0015	WALKS IN THE WIND JULIA	3460	OLD AGE ASSISTANCE
	0016	CHASING HAWK ELIZABETH	3367	OLD AGE ASSISTANCE
	0017	LONG BULL JENNIE	3359	OLD AGE ASSISTANCE
	0018	RED BIRD	3244	OLD AGE ASSISTANCE
	0019	FASTHORSE LOUISA	3240	OLD AGE ASSISTANCE
	0020	EAGLE BOY MRS.	3389	OLD AGE ASSISTANCE
	0021	VILLAGE CENTER JULIA	3366	OLD AGE ASSISTANCE
	0022	RED TOMAHAWK FRANCES	3276	OLD AGE ASSISTANCE
	0023	HAND MAUD	3189	OLD AGE ASSISTANCE
	0024	GRINDSTONE STELLA OR LOUELLA	3174	OLD AGE ASSISTANCE
	0025	WHITE HORSE AGNES	3168	OLD AGE ASSISTANCE
	0026	WHITE EAGLE TASINA	3144	OLD AGE ASSISTANCE
	0027	TAKES THE SHIELD EDWARD	3574	OLD AGE ASSISTANCE
	0028	EAGLEMAN JOSEPH	2647	OLD AGE ASSISTANCE
	0029	WHITESELL JOHN	551	OLD AGE ASSISTANCE
	0030	WALKING ELK MARY	703	OLD AGE ASSISTANCE
	0031	IRON WING PAUL	31	OLD AGE ASSISTANCE
	0032	CROW FEATHER FRANCIS	805	OLD AGE ASSISTANCE
	0033	FEATHER EARRINGS MORRIS	808	OLD AGE ASSISTANCE
	0034	BADGER JUVITA	927	OLD AGE ASSISTANCE
	0035	LEFT HAND VERMUNT (HAND)	950	OLD AGE ASSISTANCE
	0036	JORDAN ANNIE	950	OLD AGE ASSISTANCE
	0037	WHITEBULL	869	OLD AGE ASSISTANCE

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0038	KILLS PRETTY ENEMY LEO	1024	OLD AGE ASSISTANCE
	0039	LOOKING HORSE LOUIS	1026	OLD AGE ASSISTANCE
	0040	USES HIS ARROWS SUIBERT	1029	OLD AGE ASSISTANCE
	0041	MANY ELKS LUKE	1034	OLD AGE ASSISTANCE
	0042	TAKE THE GUN REUBEN	1039	OLD AGE ASSISTANCE
	0043	MALE BEAR LUKE	1052	OLD AGE ASSISTANCE
	0044	SUNKAWANBLI JOHN (DOG EAGLE)	1057	OLD AGE ASSISTANCE
	0045	KILLS AT NIGHT SAMUEL	1061	OLD AGE ASSISTANCE
	0046	ELK JOHNSON (BROWN EAGLE)	1072	OLD AGE ASSISTANCE
	0047	KILLS CROW INDIAN JOHN	1077	OLD AGE ASSISTANCE
	0048	BUCKLEY ABRAHAM	1115	OLD AGE ASSISTANCE
	0049	EAGLE BOY GROVER	1213	OLD AGE ASSISTANCE
	0050	ROSEBUD JOSEPH	1234	OLD AGE ASSISTANCE
	0051	LITTLE BEAR JOHN	1243	OLD AGE ASSISTANCE
	0052	PRAYS TO HIM LAWRENCE	1274	OLD AGE ASSISTANCE
	0053	OTTER ROBE JOSEPH	1322	OLD AGE ASSISTANCE
	0054	WHITE COAT FREDERICK	1334	OLD AGE ASSISTANCE
	0055	HAS HORNS JENNIE	1339	OLD AGE ASSISTANCE
	0056	WHITE PAW FRANCIS	1350	OLD AGE ASSISTANCE
	0057	CRAZY BEAR JOHN	1374	OLD AGE ASSISTANCE
	0058	MIDDLE BULL PAUL	1406	OLD AGE ASSISTANCE
	0059	AGARD LOUIS	1420	OLD AGE ASSISTANCE
	0060	GRAYEAGLE GABRIEL MRS.	1473	OLD AGE ASSISTANCE
	0061	CEDAR BOY JAMES	1480	OLD AGE ASSISTANCE
	0062	FLYING HORSE ANTHONY	1483	OLD AGE ASSISTANCE
	0063	KILLS HAWK ROBERT	1500	OLD AGE ASSISTANCE
	0064	TWO FACE JOSEPH	1501	OLD AGE ASSISTANCE
	0065	ANTELOPE HERBERT (ALBERT)	1510	OLD AGE ASSISTANCE
	0066	MAKES TROUBLE AUGUSTUS	1526	OLD AGE ASSISTANCE
	0067	ELK NATION LOUIS	1535	OLD AGE ASSISTANCE
	0068	MARSHALL CHARLES (SR.)	1548	OLD AGE ASSISTANCE
	0069	GAYTON AMY	1725	OLD AGE ASSISTANCE
	0070	LECOMPTE EDWARD	2	OLD AGE ASSISTANCE
	0071	RED HORSE CIDDL	26	OLD AGE ASSISTANCE
	0072	IRON CLOUD SARAH	29	OLD AGE ASSISTANCE
	0073	LONG BULL PAUL	40	OLD AGE ASSISTANCE
	0074	LONG BULL DOMINIC)	41	OLD AGE ASSISTANCE
	0075	CHASE ALONE PETER (WEBSTER)	45	OLD AGE ASSISTANCE
	0076	SWIFT CLOUD MARTIN	56	OLD AGE ASSISTANCE
	0077	WHITE EAGLE SAM	58	OLD AGE ASSISTANCE
	0078	HORSE THIEF AMOS	73	OLD AGE ASSISTANCE
	0079	DISTRIBUTE JOHN (END OF CLOUD)	82	OLD AGE ASSISTANCE
	0080	SHOOT THE BEAR MAURICE	102	OLD AGE ASSISTANCE
	0081	END OF CLOUD IGNATIUS	103	OLD AGE ASSISTANCE
	0082	STANDING BEAR SAM HOWARD	154	OLD AGE ASSISTANCE
	0083	CADOTTE JOHN J. (SR.)	173	OLD AGE ASSISTANCE
	0084	YELLOW PROTEUS	195	OLD AGE ASSISTANCE
	0085	KICKING BEAR THOMAS (G. V. BULL)	208	OLD AGE ASSISTANCE
	0086	LITTLEMOON HENRY	213	OLD AGE ASSISTANCE
	0087	EAGLE SAMUEL OR FRANCIS	220	OLD AGE ASSISTANCE
	0088	BONECLUB MAUDE (TAKES THE GUN)	235	OLD AGE ASSISTANCE
	0089	RAWHIDE GUS	259	OLD AGE ASSISTANCE
	0090	TAYLOR MOLLIE MARSH	276	OLD AGE ASSISTANCE
	0091	TAKE THE GUN LOUIS (GUNNER)	297	OLD AGE ASSISTANCE
	0092	RED HAWK JOHN	305	OLD AGE ASSISTANCE
	0093	RED HORSE ANNIE DAVIS	320	OLD AGE ASSISTANCE
	0094	BLOODY KNIFE EMMA HOWARD	344	OLD AGE ASSISTANCE
	0095	LOOKING BABY CHARLES	366	OLD AGE ASSISTANCE
	0096	HAS HORNS OWENS	376	OLD AGE ASSISTANCE
	0097	TWO KILL JOSEPH	398	OLD AGE ASSISTANCE
	0098	KILLS CROW AARLEM	402	OLD AGE ASSISTANCE
	0099	THUNDERSHIELD ELLA	415	OLD AGE ASSISTANCE
	0100	THUNDERSHIELD JOSEPH	418	OLD AGE ASSISTANCE
	0101	LAFRAMBOISE FRANK	420	OLD AGE ASSISTANCE
	0102	GRINDSTONE STANTON	480	OLD AGE ASSISTANCE
	0103	GRINDSTONE PAUL	517	OLD AGE ASSISTANCE
	0104	WATERS ISADORE	519	OLD AGE ASSISTANCE
	0105	WHITESELL CHARLES	556	OLD AGE ASSISTANCE

ABERDEEN AREA STATUTE CLAIMS

ABERDEEN AREA STATUTE CLAIMS

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ANADARKO AREA STATUTE CLAIM

TRIBE	FAMILY	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0104	[illegible]	[illegible]	OLD AGE ASSISTANCE
	0107	WALKING ELK FRANCE	[illegible]	OLD AGE ASSISTANCE
	0108	END OF HORN WILLIAM	[illegible]	OLD AGE ASSISTANCE
	0109	HEP GOOD HORSE	[illegible]	OLD AGE ASSISTANCE
	0110	MANY HORSES FRANCIS	[illegible]	OLD AGE ASSISTANCE
	0111	SNOW MICHAEL	607	OLD AGE ASSISTANCE
	0112	IRONHORN CHARLES JR	[illegible]	OLD AGE ASSISTANCE
	0113	IRON HORSE CHARLES	[illegible]	OLD AGE ASSISTANCE
	0114	RED FISH JAMES	641	OLD AGE ASSISTANCE
	0115	FROWN REEL	658	OLD AGE ASSISTANCE
	0116	KILLS CROW INDIAN JULIA	[illegible]	OLD AGE ASSISTANCE
	0117	EAGLE ON HIGH ALMA	[illegible]	OLD AGE ASSISTANCE
	0118	TAKES THE GUN HANNAH	[illegible]	OLD AGE ASSISTANCE
	0119	LITTLE DOG AGNES	3245	OLD AGE ASSISTANCE
	0120	CRAZY HAWK JULIA	3257	OLD AGE ASSISTANCE
	0121	DOG EAGLE JOHN (MR.)	[illegible]	OLD AGE ASSISTANCE
	0122	SCHOLASTICS (MRS. BORTAH) BULL	[illegible]	OLD AGE ASSISTANCE
	0123	SHOT AT CATHERINE (MRS. LEE)	[illegible]	OLD AGE ASSISTANCE
	0124	SEE THE BEAR JULIA	[illegible]	OLD AGE ASSISTANCE
	0125	MANY DEEDS STANTON MRS.	[illegible]	OLD AGE ASSISTANCE
	0126	FROWN MAN MARY	[illegible]	OLD AGE ASSISTANCE
	0127	KILLS CROW INDIAN JULIA (MIDDLE)	[illegible]	OLD AGE ASSISTANCE
	0128	SPOTTED BEAR JULIA	[illegible]	OLD AGE ASSISTANCE
	0129	WHITETEMPLE FANNIE	[illegible]	OLD AGE ASSISTANCE
	0130	WHITE COAT HELEN	[illegible]	OLD AGE ASSISTANCE
	0131	PINE NANCY	[illegible]	OLD AGE ASSISTANCE
	0132	EAGLE FEATHER AUGUSTINE	[illegible]	OLD AGE ASSISTANCE
	0133	CARRY MOCCASIN MARTHA	[illegible]	OLD AGE ASSISTANCE
	0134	CLAYMORE ANTOINE	[illegible]	OLD AGE ASSISTANCE
	0135	ONE BULL OR WAHNTOHNTOHTA	[illegible]	OLD AGE ASSISTANCE
	0136	HAWK RIDE OR TAWACINWASTEWIN	[illegible]	OLD AGE ASSISTANCE
	0137	CROSS WILLIAM	[illegible]	OLD AGE ASSISTANCE
	0138	APCHAMBAULT SAM MR.	[illegible]	OLD AGE ASSISTANCE
	0139	OLD BULL OR WANTOHNTAWIN	[illegible]	OLD AGE ASSISTANCE
	0140	WHITE SHIELD LOTTIE OR WILSONE	[illegible]	OLD AGE ASSISTANCE
	0141	HAWK EAGLE SAMUEL MRS.	[illegible]	OLD AGE ASSISTANCE
	0142	[illegible] AGNES	[illegible]	OLD AGE ASSISTANCE
	0143	WALKS WHISTLY OR CATTAHWIN	[illegible]	OLD AGE ASSISTANCE
	0144	GOOD VOICE ELK	[illegible]	OLD AGE ASSISTANCE
	0145	SPOTTED HORSE THEKLA	[illegible]	OLD AGE ASSISTANCE
	0146	HOLY WHITE MAN SARAH	[illegible]	OLD AGE ASSISTANCE
	0147	MCLAUGHLIN ANNIE	[illegible]	OLD AGE ASSISTANCE
	0148	SPOTTED HORSE FELL	[illegible]	OLD AGE ASSISTANCE
	0149	EAGLE HORN PAUL ALLEN	[illegible]	OLD AGE ASSISTANCE
	0150	BEAR SOLDIER GEORGE (JOSEPH)	[illegible]	OLD AGE ASSISTANCE
	0151	BLACK BEAR WILLIAM (WALTER)	[illegible]	OLD AGE ASSISTANCE
	0152	ROUGH SURFACE SAMUEL	[illegible]	OLD AGE ASSISTANCE
	0153	FIRECLOUD JOSEPH SR.	[illegible]	OLD AGE ASSISTANCE
	0154	LONGSTEPS BERNADINE	767	OLD AGE ASSISTANCE
	0155	DRIVER GARFIELD	901	OLD AGE ASSISTANCE
	0156	FIRE CLOUD ALFRED	956	OLD AGE ASSISTANCE
	0157	WHITEHORSE LOUIS	964	OLD AGE ASSISTANCE
	0158	SHOT AT LEE	[illegible]	OLD AGE ASSISTANCE
	0159	HOKEYTE LAWRENCE	994	OLD AGE ASSISTANCE
	0160	ONE BULL HENRY	997	OLD AGE ASSISTANCE
	0161	CROSS JULIA (MRS. WILLIAM	[illegible]	OLD AGE ASSISTANCE
	0162	BEAR AT RAY JULIA	[illegible]	OLD AGE ASSISTANCE
	0163	YELLOW EARRINGS THOMAS	[illegible]	OLD AGE ASSISTANCE
	0164	ANTELOPE EDWIN OR EDWARD	[illegible]	OLD AGE ASSISTANCE
	0165	HONA GEORGE	[illegible]	OLD AGE ASSISTANCE
	0166	IRON BULL MARTIN	[illegible]	OLD AGE ASSISTANCE
	0167	VERMILION CHARLES	[illegible]	OLD AGE ASSISTANCE
	0168	SHOOTER EDWARD	[illegible]	OLD AGE ASSISTANCE
	0169	FLY JOHN	[illegible]	OLD AGE ASSISTANCE
	0170	HIGH CAT BERTHA (MRS. ROY)	[illegible]	OLD AGE ASSISTANCE
	0171	IRON LAURITA ANNIE	[illegible]	OLD AGE ASSISTANCE
	0172	MANY TROUBLE EMMA (MRS.)	[illegible]	OLD AGE ASSISTANCE
	0173	DOG EAGLE MARY	[illegible]	OLD AGE ASSISTANCE

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ANADARKO AREA STATUTE CLAIM

TRIBE	FAMILY	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0174	SHORT STRAW THOMAS	3871	OLD AGE ASSISTANCE
	0175	WHITESTONE LOWANCY (MRS.)	3880	OLD AGE ASSISTANCE
	0177	JONE BULL LIZZIE (WHITMAN)	4284	OLD AGE ASSISTANCE
	0178	RUNNING HAWK JOHN	178	OLD AGE ASSISTANCE
	0179	WEARS HORNS NELLIE	4587	OLD AGE ASSISTANCE
	0180	DUNCA ELLEN	2833	OLD AGE ASSISTANCE
	0181	FLY MARGARET	2892	OLD AGE ASSISTANCE
	0182	YELLOW EARRINGS HARRIET	2922	OLD AGE ASSISTANCE
	0183	FAST HORSE JOSEPH	2937	OLD AGE ASSISTANCE
	0184	CATCH BEAR BENEDICT	128	OLD AGE ASSISTANCE
	0185	WHITE HORSE THOMAS	350	OLD AGE ASSISTANCE
	0186	TWO RUNS STANDS EAGLE SHIELD THOMAS	459	OLD AGE ASSISTANCE
	0187	MAGPIE EAGLE LAWRENCE	774	OLD AGE ASSISTANCE
	0188	CRAZY HAWK BARNEY	1148	OLD AGE ASSISTANCE
	0189	CRAZY BEAR	2052	OLD AGE ASSISTANCE
	0190	RED PHEASANT SAM MR.	2082	OLD AGE ASSISTANCE
	0191	LONEMAN MARY	2413	OLD AGE ASSISTANCE
	0192	WARRIOR JEAN MRS. OR WINCINDALA	2445	OLD AGE ASSISTANCE
	0193	GOODIRON JOSEPH T.	2239	OLD AGE ASSISTANCE
	0194	RED FOX CHARLES	2673	OLD AGE ASSISTANCE
	0195	HUFF NELLIE (MORAIN)	2637	OLD AGE ASSISTANCE
	0196	LANIGAN MAMIE (MELVIN)	2591	OLD AGE ASSISTANCE
	0197	RUNS THE HOOPE AGNES	2555	OLD AGE ASSISTANCE
	0198	HALSEY LOUIS	2549	OLD AGE ASSISTANCE
	0199	ONE HORN DORA (PRETTY NEAK)	2474	OLD AGE ASSISTANCE
	0200	COLD HAND CLEMENT	2470	OLD AGE ASSISTANCE
	0201	OWNS MEDICINE HENRY	2450	OLD AGE ASSISTANCE
	0202	BIG SHIELD PIUS	2419	OLD AGE ASSISTANCE
	0203	WALKING CLOUD CHARLES	2415	OLD AGE ASSISTANCE
	0204	SHIELD NECKLACE LEO	2403	OLD AGE ASSISTANCE
	0205	RAMSEY CHARLES	2389	OLD AGE ASSISTANCE
	0206	HUFF JOSEPH	2339	OLD AGE ASSISTANCE
	0207	COLD HAND DANIEL	2312	OLD AGE ASSISTANCE
	0208	EAGLE BOY NELSON	2286	OLD AGE ASSISTANCE
	0209	EAGLE STAFF CHARLEY	2278	OLD AGE ASSISTANCE
	0210	IRELAND ANDREW	2266	OLD AGE ASSISTANCE
	0211	MANY HORSES FRANCIS	2254	OLD AGE ASSISTANCE
	0212	CHASE IN THE WATER	2253	OLD AGE ASSISTANCE
	0213	IRONSHIELD EDWARD	2250	OLD AGE ASSISTANCE
	0214	SHOOT THE BUFFALO LUKE	2247	OLD AGE ASSISTANCE
	0215	BLACKBEAR CHARLES OR SAUTTY BEAR	2221	OLD AGE ASSISTANCE
	0216	WHITE LIGHTNING JOE	2190	OLD AGE ASSISTANCE
	0217	BRAVE BULL CLAUDE	2189	OLD AGE ASSISTANCE
	0218	RUNS THE MIDDLE MRS	2160	OLD AGE ASSISTANCE
	0219	COMES LAST THOMAS (CHAKAKU)	2159	OLD AGE ASSISTANCE
	0220	LITTLE CROW JOHN	2068	OLD AGE ASSISTANCE
	0221	CRAZY WALKING PAUL	2067	OLD AGE ASSISTANCE
	0222	GOOD BOY OSCAR	2051	OLD AGE ASSISTANCE
	0223	ALL YELLOW JAMES	2020	OLD AGE ASSISTANCE
	0224	BUCKLEY JOHN	2012	OLD AGE ASSISTANCE
	0225	BLACK HOOP BENEDICT	1998	OLD AGE ASSISTANCE
	0226	LOVE JOY MARY (SMITH)	1994	OLD AGE ASSISTANCE
	0227	RIG BOY MARY (TWO SHIELDS)	1978	OLD AGE ASSISTANCE
	0228	YELLOW HAMMER EDWARD	1964	OLD AGE ASSISTANCE
	0229	HAS TRICKS MARY	1948	OLD AGE ASSISTANCE
	0230	HAS TRICKS JEROME	1943	OLD AGE ASSISTANCE
	0231	DWARF CLAUDE	1939	OLD AGE ASSISTANCE
	0232	SIWA CLARENCE	1894	OLD AGE ASSISTANCE
	0233	STANDING SOLDIER JEROME	1865	OLD AGE ASSISTANCE
	0234	STANDING SOLDIER LOUIE	1844	OLD AGE ASSISTANCE
	0235	CAGE DAVID SR.	1821	OLD AGE ASSISTANCE
	0236	NO HEART ALBERT SR	1784	OLD AGE ASSISTANCE
	0237	CHARGING EAGLE JOHN	1779	OLD AGE ASSISTANCE
	0238	WHITE BIRD PHILLIP	1730	OLD AGE ASSISTANCE
	0239	TWIN JOSEPH SR.	1695	OLD AGE ASSISTANCE
	0240	JORDON JACOB	1612	OLD AGE ASSISTANCE
	0241	FORTE EMMA (BRUDIER)	1095	OLD AGE ASSISTANCE

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0242	STRIPED CLOUD LOUISA (LONEMAN)	802	OLD AGE ASSISTANCE
	0243	STRIPED CLOUD CECELIA (BULLHEAD)	801	OLD AGE ASSISTANCE
	0244	HALSEY SAMUEL	793	OLD AGE ASSISTANCE
	0245	HALSEY JOSEPHINE (SILK)	788	OLD AGE ASSISTANCE
	0246	HALSEY JACOB	786	OLD AGE ASSISTANCE
	0247	BLACK CLOUD FELIX	620	OLD AGE ASSISTANCE
	0248	WHITESELL JOHN	551	OLD AGE ASSISTANCE
	0249	KILLS THE ENEMY MARY OR TOKA'TA	106	OLD AGE ASSISTANCE
	0250	CRAWS TWIN EMMA	3544	OLD AGE ASSISTANCE
	0251	WALKER LUCY	3540	OLD AGE ASSISTANCE
	0252	DIFFERENT TAIL (GOOD GENERATION)	3512	OLD AGE ASSISTANCE
	0253	GAYTON MAGGIE	3467	OLD AGE ASSISTANCE
	0254	LAFFERTY SALLY BAIN	3457	OLD AGE ASSISTANCE
	0255	YELLOW LODGE ELLA	3440	OLD AGE ASSISTANCE
	0256	YELLOW HAMMER FLORIA	3426	OLD AGE ASSISTANCE
	0257	BUFFALO BOY JOSEPHINE	3208	OLD AGE ASSISTANCE
	0258	EAGLE STAFF MRS. (CHIEF WOMAN)	3199	OLD AGE ASSISTANCE
	0259	BEAR PAW JULIA	3178	OLD AGE ASSISTANCE
	0260	TRACYRIDER MARGARET	3143	OLD AGE ASSISTANCE
	0262	GOODIRON LUCILLE	3094	OLD AGE ASSISTANCE
	0263	YOUNG BEAR BESSIE.	3092	OLD AGE ASSISTANCE
	0264	IRONROAD MARY	3090	OLD AGE ASSISTANCE
	0265	SEE THE BEAR REBECCA	3044	OLD AGE ASSISTANCE
	0266	TAKES THE HAT CATHERINE	3026	OLD AGE ASSISTANCE
	0267	LOAHS HIM ARROWS MRS. OR GRAY HORNS	3023	OLD AGE ASSISTANCE
	0268	AZURE HENRY	2958	OLD AGE ASSISTANCE
	0269	WHITE TWIN WILLIAM	2765	OLD AGE ASSISTANCE
	0270	EAGLEMAN JOSEPH	2647	OLD AGE ASSISTANCE
	0271	IRONBOULDER JOHN JACK	2616	OLD AGE ASSISTANCE
	0272	MOLASH READY (BUCKLEY)	2562	OLD AGE ASSISTANCE
	0273	NO TWO HORNS JOSEPH	2367	OLD AGE ASSISTANCE
	0274	IRONROAD ANDREW	2330	OLD AGE ASSISTANCE
	0275	EAGLE BOY NELSON	2295	OLD AGE ASSISTANCE
	0276	LEAN WARRIOR	2278	OLD AGE ASSISTANCE
	0277	BEARS HEART EUGENE	2269	OLD AGE ASSISTANCE
	0278	SHOOTS THE ENEMY JOSEPHINE	2265	OLD AGE ASSISTANCE
	0279	USES HIS ARROW BEDE	2119	OLD AGE ASSISTANCE
	0280	FOOL BEAR CHARLES SR.	2115	OLD AGE ASSISTANCE
	0281	PRETTY BEAR JOHN	2111	OLD AGE ASSISTANCE
	0282	SWIFT EAGLE ELI (WALKER)	2098	OLD AGE ASSISTANCE
	0283	GOOD FROM ARMS	2094	OLD AGE ASSISTANCE
	0284	KING SAMUEL	2083	OLD AGE ASSISTANCE
	0285	KEEPSEAGLE LOUISA	2069	OLD AGE ASSISTANCE
	0286	LAFFERTY-WISE LUCY (BROUGHT PLENTY)	1981	OLD AGE ASSISTANCE
	0287	TIOKASIN RICHARD	1694	OLD AGE ASSISTANCE
	0288	CALLOUS LEG AMOS	1679	OLD AGE ASSISTANCE
	0289	STRIPED CLOUD FRANCIS	1642	OLD AGE ASSISTANCE
	0290	CHASE RED HORSE	1629	OLD AGE ASSISTANCE
	0291	ANTELOPE EMMA	1590	OLD AGE ASSISTANCE
	0292	WHITE HORSE SEBASTIAN	1579	OLD AGE ASSISTANCE
	0293	SILK JOHN SR.	844	OLD AGE ASSISTANCE
	0294	MAGPIE EAGLE LAWRENCE	774	OLD AGE ASSISTANCE
	0295	YELLOW FAT JOSEPH	768	OLD AGE ASSISTANCE
	0296	ALVIRE JAMES	541	OLD AGE ASSISTANCE
	0297	BRISTLING SOPHIE (MRS LUCAS)	3057	OLD AGE ASSISTANCE
	0298	VAULTER MATILDA	3098	OLD AGE ASSISTANCE
	0299	IRONROAD HELEN	3111	OLD AGE ASSISTANCE
	0300	BLACKTONGUE VICTORIA	3116	OLD AGE ASSISTANCE
	0301	MANY HORSES MARY	3125	OLD AGE ASSISTANCE
	0302	BULL BEAR JULIA	3149	OLD AGE ASSISTANCE
	0303	BLUEBOY CLARA (WICIGA)	3155	OLD AGE ASSISTANCE
	0304	WHITE TWIN MARY	3225	OLD AGE ASSISTANCE
	0305	KIDDER JENNIE MRS.	3229	OLD AGE ASSISTANCE
	0306	SWIFT HAWK ANNA	3247	OLD AGE ASSISTANCE
	0307	COTTONWOOD LAURA	3247	OLD AGE ASSISTANCE
	0308	HIGH DOG STELLA	3438	OLD AGE ASSISTANCE
	0309	YELLOW BIRD MRS. (GOLD HAND)	3623	OLD AGE ASSISTANCE
	0310	YELLOW ELK MARY	3947	OLD AGE ASSISTANCE

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0311	BRINGS WATER EMMA	3541	OLD AGE ASSISTANCE
	0312	GRAYBULL ISABELLE	3564	OLD AGE ASSISTANCE
	0313	AZURE MARY ((LONGEE)	3559	OLD AGE ASSISTANCE
	0314	FOLLOWS THE ROAD	3561	OLD AGE ASSISTANCE
	0315	SHELL(SAC) MARY (GOOD WOMAN)	3562	OLD AGE ASSISTANCE
	0316	WHITE ABBIE (GAYTON)	3673	OLD AGE ASSISTANCE
	0317	IRELAND ANDREW MRS.	3689	OLD AGE ASSISTANCE
	0318	IRON HULL HARRIET	3692	OLD AGE ASSISTANCE
	0319	FAST HORSE JANE	3707	OLD AGE ASSISTANCE
	0320	WALKING THUNDER JOSEPHINE	3720	OLD AGE ASSISTANCE
	0321	BRINGS THEM MRS.	3726	OLD AGE ASSISTANCE
	0322	ELK EDWARD MRS.	3734	OLD AGE ASSISTANCE
	0323	FOUR YELLOW LODGE THERESA	3765	OLD AGE ASSISTANCE
	0324	BEAR BOY PETER	2560	OLD AGE ASSISTANCE
	0325	WHITE EAGLE JEROME	2187	OLD AGE ASSISTANCE
	0326	IRONWOOD IGNATIUS	2301	OLD AGE ASSISTANCE
	0327	IRON SHIELD HENRY	2412	OLD AGE ASSISTANCE
	0328	BULL BEAR FRANK	2791	OLD AGE ASSISTANCE
	0329	GABE JOSEPH	127	OLD AGE ASSISTANCE
	0330	TIOKETWIN	3040	OLD AGE ASSISTANCE
	0331	BEARSHEART NAPA MRS.	3239	OLD AGE ASSISTANCE
	0332	GAYTON AGNES OR INEZ	1711	OLD AGE ASSISTANCE
	0339	MRS.NAPA BEARSHEART	#3239	OLD AGE ASSISTANCE
	0340	EVA DEMARRIAS WILLIAM JONES	#658	OLD AGE ASSISTANCE
	0341	KATE TIOKETWIN	#3040	OLD AGE ASSISTANCE
	0350	KILLS CROW JULIA	442	ROAD IN TRESPASS
	0351	TRIBAL	T5474	ROAD IN TRESPASS
	0352	ELK NATION KATHERINE (KOGLIWIN)	3931	ROAD IN TRESPASS
	0353	WHITE THUNDER ANTHONY	6198	ROAD IN TRESPASS
	0354	TRIBAL	T5022	ROAD IN TRESPASS
	0355	GRAYEAGLE GABRIEL	1148	ROAD IN TRESPASS
	0356	LOOKING HORSE THOMAS	396	ROAD IN TRESPASS
	0357	IRON EYES HELEN CHRISTINE	192	ROAD IN TRESPASS
	0358	MAL BLANK IDA	1053	ROAD IN TRESPASS
	0359	TANNER	772	ROAD IN TRESPASS
	0360	TRIBAL	T4253	ROAD IN TRESPASS
	0361	BIG MAN MRS.	3881	ROAD IN TRESPASS
	0362	FOOL BULL	1016	ROAD IN TRESPASS
	0363	MA[illegible]NK CLARA	532	ROAD IN TRESPASS
	0364	HOWARE ROBERT	4276	ROAD IN TRESPASS
	0365	WINUNICALA	458	ROAD IN TRESPASS
	0366	SHAVE STRING ISABELLA	1494	ROAD IN TRESPASS
	0367	BEAR FACE	4180	ROAD IN TRESPASS
	0368	IRON WALTER MRS.	3392	ROAD IN TRESPASS
	0369	TIGER RAPHAEL	4333	ROAD IN TRESPASS
	0370	JORDAN MAGGIE	1614	ROAD IN TRESPASS
	0371	TRIBAL	T5757	ROAD IN TRESPASS
	0372	SHOOTS HOLY MRS.	3719	ROAD IN TRESPASS
	0373	TRIBAL	T5414	ROAD IN TRESPASS
	0374	WITZIELREN LEO	2876	ROAD IN TRESPASS
	0375	LEAF ANNIE	1198	ROAD IN TRESPASS
	0376	TRIBAL	T5346	ROAD IN TRESPASS
	0377	PTESANWAPEWIN	1124	ROAD IN TRESPASS
	0378	HAS HORNS FRANK	383	ROAD IN TRESPASS
	0379	BEAR FACE CHRISTINE	753	ROAD IN TRESPASS
	0380	CROSS NELLIE	193	ROAD IN TRESPASS
	0381	TRIBAL	T5?A	ROAD IN TRESPASS
	0382	BRAVE PAUL	1610	ROAD IN TRESPASS
	0383	YELLOW FAT MARTIN	770	ROAD IN TRESPASS
	0384	TRIBAL	T5031	ROAD IN TRESPASS
	0385	TRIBAL	T5608	ROAD IN TRESPASS
	0386	TRIBAL	T5543	ROAD IN TRESPASS
	0387	IRELAND ANDREW MRS.	3689B	ROAD IN TRESPASS
	0388	HOWARD LYDIA	4009	ROAD IN TRESPASS
	0389	TRIBAL	T5552	ROAD IN TRESPASS
	0390	TRIBAL	T5394	ROAD IN TRESPASS
	0391	TRIBAL	T5378	ROAD IN TRESPASS
	0392	GOOD VOICE BULL	98	ROAD IN TRESPASS

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0393	ANTELOPE AMBROSE	3406	ROAD IN TRESPASS
	0394	MALE BEAR ANNIE	3446	ROAD IN TRESPASS
	0395	BONECLUB JOSEPH	2318	ROAD IN TRESPASS
	0396	BLACK BEAR BESSIE	4338	ROAD IN TRESPASS
	0397	FIREC[illegible]D ALFRED	938C	ROAD IN TRESPASS
	0398	BLACKHOOP	2270	ROAD IN TRESPASS
	0399	WHITE COAT EMMA	1337	ROAD IN TRESPASS
	0400	TRIBAL	T5474	ROAD IN TRESPASS
	0401	TRIBAL	T5207	ROAD IN TRESPASS
	0402	RED HAWK IDA	2610	ROAD IN TRESPASS
	0403	GRINDSTONE STANTON	480	ROAD IN TRESPASS
	0404	AFRAID OF BEAR	1172	ROAD IN TRESPASS
	0405	KILLS CROW ANNIE	403	ROAD IN TRESPASS
	0406	TREETOP EDITH	2536	ROAD IN TRESPASS
	0407	WHITE BIRD & TRIBE	1731	ROAD IN TRESPASS
	0408	HUFF NORMAN	4305	ROAD IN TRESPASS
	0409	UMPHREY CLARA (HUMPHPEY)	4379	ROAD IN TRESPASS
	0410	HARRISON HENRY	3991	ROAD IN TRESPASS
	0411	GAYTON AGNES	1711	ROAD IN TRESPASS
	0412	RED FOX PHILOMINE	4684	ROAD IN TRESPASS
	0413	TRIBAL	T1628	ROAD IN TRESPASS
	0414	ENDRES BESSIE	1772	ROAD IN TRESPASS
	0415	HIS CHASE FIUS	1768	ROAD IN TRESPASS
	0416	HOLY EAGLE BEAR	3005	ROAD IN TRESPASS
	0417	BLACK TONGUE 'OUISA	1763	ROAD IN TRESPASS
	0418	BLACK TONGUE ADA	1764	ROAD IN TRESPASS
	0419	GRAY BEAR EMMA	2553	ROAD IN TRESPASS
	0420	BLACK TONGUE FRANK	1760	ROAD IN TRESPASS
	0421	MC LAUGHLIN ELLAR	4026	ROAD IN TRESPASS
	0422	GAYTON MAMIE	1706	ROAD IN TRESPASS
	0423	GAYTON ROBERT	1707	ROAD IN TRESPASS
	0424	STRIPED FACE MRS.	3600	ROAD IN TRESPASS
	0425	TWO BEARS BARNIE	3968	ROAD IN TRESPASS
	0426	OWENS GEORGE	2483	ROAD IN TRESPASS
	0427	CHASE THE BEAR	1869	ROAD IN TRESPASS
	0428	BLACK PLUME MARY	2733	ROAD IN TRESPASS
	0429	IRELAND ANNIE	2735	ROAD IN TRESPASS
	0430	FULMER KENNETH C. & SPURLOCK RAMONA	4521	ROAD IN TRESPASS
	0431	COTTON WOOD MARGARET	2644A	ROAD IN TRESPASS
	0432	COTTON WOOD ASA	2663	ROAD IN TRESPASS
	0433	MC LAUGHLIN JOHN	1776	ROAD IN TRESPASS
	0434	DOG LOUISE MRS.	3644	ROAD IN TRESPASS
	0435	MANY HORSES MARTHA	5245	ROAD IN TRESPASS
	0436	BIG HEAD GILBERT	2700	ROAD IN TRESPASS
	0437	RED EAGLE MRS.	3613	ROAD IN TRESPASS
	0438	HIS ROAD HENRY	4143	ROAD IN TRESPASS
	0439	TIOKASIN JOHN	2772	ROAD IN TRESPASS
	0440	RUNNING BEAR AGNES	2751	ROAD IN TRESPASS
	0441	YELLOW FAT MRS. SR.	3207	ROAD IN TRESPASS
	0442	FLY LUKE	2897	ROAD IN TRESPASS
	0443	PRETTY BIRD MRS.	3622	ROAD IN TRESPASS
	0444	WALKING THUNDER MRS.	3724	ROAD IN TRESPASS
	0445	CONIFA EUNICE	4610	ROAD IN TRESPASS
	0446	RED HORSE JOSEPH	3621	ROAD IN TRESPASS
	0447	GAYTON LILY M.	1726	ROAD IN TRESPASS
	0448	BLACK PLUME ALICE	3828	ROAD IN TRESPASS
	0449	GAYTON MARY & HENRY JR.	6450	ROAD IN TRESPASS
	0450	GAYTON HENRY	1717	ROAD IN TRESPASS
	0451	SIAKA CLARENCE MRS.	3[illegible]80	ROAD IN TRESPASS
	0452	CHIPPER FRANK	4475	ROAD IN TRESPASS
	0453	KARNIGA MRS.	3619	ROAD IN TRESPASS
	0454	JORDAN LUCIELLE	2725A	ROAD IN TRESPASS
	0455	TRIBAL	T5271	ROAD IN TRESPASS
	0456	FOUR CLAWS MRS.	3699	ROAD IN TRESPASS
	0457	CAROTTE MELDA (LOOKING BACK)	5276	ROAD IN TRESPASS
	0458	KARNIGA GILES	2537	ROAD IN TRESPASS
	0459	LOW BEAR ANNIE	1488	ROAD IN TRESPASS
	0460	GRAY BULL	2203	ROAD IN TRESPASS

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0461	TWIGGS SERENA	3985	ROAD IN TRESPASS
	0462	PANHICIYA	3981	ROAD IN TRESPASS
	0463	BRINGS THEM MRS	3726	ROAD IN TRESPASS
	0464	IRONSHIELDS THOMAS	2589	ROAD IN TRESPASS
	0465	TRIBAL	T5280	ROAD IN TRESPASS
	0466	FROST REDFISH MRS.	3714	ROAD IN TRESPASS
	0467	HIGH BEAR JOSEPH	2749	ROAD IN TRESPASS
	0468	PANHICIYA AARON LEVI	3981A	ROAD IN TRESPASS
	0469	RED HORN JOHN GEORGE	2747	ROAD IN TRESPASS
	0470	LAMBIE WILLIAM	4022	ROAD IN TRESPASS
	0471	TRIBAL	T2463	ROAD IN TRESPASS
	0472	TRIBAL	T5279	ROAD IN TRESPASS
	0473	IRON BULL SARAH	2105	ROAD IN TRESPASS
	0474	BELLAND CHARLES MRS.	3765	ROAD IN TRESPASS
	0475	BIGSHIELD ROBERT	2416	ROAD IN TRESPASS
	0476	RED ABOVE MRS.	3959	ROAD IN TRESPASS
	0477	NO TWO HORNS MRS.	3121	ROAD IN TRESPASS
	0478	TUSK REUBEN MRS.	2770	ROAD IN TRESPASS
	0479	TARONA HENRY MRS.	3120	ROAD IN TRESPASS
	0480	CLARK ALICE	2741	ROAD IN TRESPASS
	0481	PRETTY HAWK	5008	ROAD IN TRESPASS
	0482	OCANKITAWA	2546	ROAD IN TRESPASS
	0483	BIGBOY BUY	1974	ROAD IN TRESPASS
	0484	STRETCHES HIMSELF PAUL	2245	ROAD IN TRESPASS
	0485	CRAZY BEAR	2052	ROAD IN TRESPASS
	0486	BLACKPLUME MRS.	3722	ROAD IN TRESPASS
	0487	CRAZY BEAR	2052E	ROAD IN TRESPASS
	0488	BIGHEAD ALICE	2744	ROAD IN TRESPASS
	0489	GOOD LEFT HAND	1917	ROAD IN TRESPASS
	0490	KEMPTON AMY C.	2808	ROAD IN TRESPASS
	0491	GOOD DAY	2056	ROAD IN TRESPASS
	0492	BIGBOY MARY	1976	ROAD IN TRESPASS
	0493	BIGBOY MAUDE	1975	ROAD IN TRESPASS
	0494	BIGBOY MARTHA	1977	ROAD IN TRESPASS
	0495	BAD HORSE MAUDE	1972	ROAD IN TRESPASS
	0496	SWIFT ELK ABE	1855	ROAD IN TRESPASS
	0497	YELLOWHAMMER ESTHER	1967A	ROAD IN TRESPASS
	0498	YELLOWHAMMER ESTHER GREYBULL	1967B	ROAD IN TRESPASS
	0499	YELLOWHAMMER EDWARD	1966	ROAD IN TRESPASS
	0500	YELLOWHAMMER MARTIN	1965	ROAD IN TRESPASS
	0501	STANDING SOLDIER JEROME	1865	ROAD IN TRESPASS
	0502	GRAY BEAR WILLIAM	1861A	ROAD IN TRESPASS
	0503	STANDING SOLDIER BERNARD B.	1867	ROAD IN TRESPASS
	0504	STANDING SOLDIER MARGARET DUNN	1866	ROAD IN TRESPASS
	0505	YELLOW LODGE	1850	ROAD IN TRESPASS
	0506	MANY HORSES LOUISA	2257	ROAD IN TRESPASS
	0507	ONE HOOP PHILLIP	2398	ROAD IN TRESPASS
	0508	WALKING THUNDER CHARLES	2249	ROAD IN TRESPASS
	0509	TWO PARENT MRS.	2207	ROAD IN TRESPASS
	0510	TRIBAL	T5331	ROAD IN TRESPASS
	0511	SITOMNITOWIN MARTHA	2210	ROAD IN TRESPASS
	0512	TWO PARENT ALICE	2208	ROAD IN TRESPASS
	0513	TRIBAL	T3058	ROAD IN TRESPASS
	0514	CROWMAN JENNIE GOOD	2494	ROAD IN TRESPASS
	0515	ROCKY BUTTE	3764	ROAD IN TRESPASS
	0516	EAGLEBOY AMBROSE	2718	ROAD IN TRESPASS
	0517	FIRECLOUD ALGERNON	2727A	ROAD IN TRESPASS
	0518	TWO BEARS HENRIETTA	3205	ROAD IN TRESPASS
	0519	CHASE IN THE WOODS	2253	ROAD IN TRESPASS
	0520	SHOOT THE TIGER	3715	ROAD IN TRESPASS
	0529	LECOMPTE EDWARD	2	FORCED FEE PATENT
	0530	LECOMPTE LOUIS JR.	3	FORCED FEE PATENT
	0531	LECOMPTE CASPER	5	FORCED FEE PATENT
	0533	LECOMPTE BLANCHE	7	FORCED FEE PATENT
	0534	HOAG SHIELD HERBERT (WELSH) SR.	158	FORCED FEE PATENT
	0535	WHITE EAGLE SAM	54	FORCED FEE PATENT
	0536	GOOD SHOT AMOS	118	FORCED FEE PATENT
	0537	KILLS CROW AMSELM	402	FORCED FEE PATENT

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0538	MANNING MARY	537	FORCED FEE PATENT
	0539	ALMIRE JAMES	541	FORCED FEE PATENT
	0540	WHITE ABEL	547	FORCED FEE PATENT
	0541	WHITESELL JOHN	551	FORCED FEE PATENT
	0542	WALKING ELK FRANCIS	691	FORCED FEE PATENT
	0543	BALDHEAD BENEDICT	805	FORCED FEE PATENT
	0544	CROWSKIN LOUIS	343	FORCED FEE PATENT
	0545	HONA SALLIE	862	FORCED FEE PATENT
	0546	EAGLE SHIELD JOHN	898	FORCED FEE PATENT
	0547	ARCHAMBAULT CHARLEY JR.	1386	FORCED FEE PATENT
	0548	ARCHAMBAULT HARRY	1392	FORCED FEE PATENT
	0549	JORDAN JACOB	1612	FORCED FEE PATENT
	0550	JORDAN JOHN	1615	FORCED FEE PATENT
	0551	HALSEY GEORGE	1626	FORCED FEE PATENT
	0552	ALL YELLOW JAMES	2020	FORCED FEE PATENT
	0553	GRAY DAY JOSEPH	2407	FORCED FEE PATENT
	0554	MULHERN CATHERINE	2655	FORCED FEE PATENT
	0555	KEMPTON ESTHER E.	2804	FORCED FEE PATENT
	0556	KEMPTON BERNICE (INGERSALL)	2818	FORCED FEE PATENT
	0557	GILLAND BENJAMIN	2843	FORCED FEE PATENT
	0558	GILLAND ELIZABETH	2845	FORCED FEE PATENT
	0559	HOURIGAN LAWRENCE	2866	FORCED FEE PATENT
	0560	HOURIGAN MARY	2867	FORCED FEE PATENT
	0561	VERMILLION ALICE	2905	FORCED FEE PATENT
	0562	SILK RALPH	2954	FORCED FEE PATENT
	0563	BUCKLEY FRANCIS JAMES	2973	FORCED FEE PATENT
	0564	BUCKLEY HATTIE	2974	FORCED FEE PATENT
	0565	PARKHURST ALEXANDER	2976	FORCED FEE PATENT
	0566	MENTZ HENRY	3018	FORCED FEE PATENT
	0567	WHITESELL CLARA	3403	FORCED FEE PATENT
	0568	BRAVE CROW PHILLIPS EMMA	3698	FORCED FEE PATENT
	0569	HARRISON WILLIAM	4243	FORCED FEE PATENT
	0570	LECOMPTE CYRIL	4	FORCED FEE PATENT
	0571	SEE ROBERT	205	FORCED FEE PATENT
	0572	MARSH JOSEPH	560	FORCED FEE PATENT
	0573	BEAR KING ROSALINE	698	FORCED FEE PATENT
	0574	TWIGGS JESSE	790	FORCED FEE PATENT
	0575	PRIMEAU LOUIS L.	813	FORCED FEE PATENT
	0576	PRIMEAU OLIVE I.	814	FORCED FEE PATENT
	0577	ARCHAMBAULT CLARA	1410	FORCED FEE PATENT
	0578	AGARD MARY	1421	FORCED FEE PATENT
	0579	JORDAN MAGGIE	1614	FORCED FEE PATENT
	0580	JORDAN JOSEPH	1616	FORCED FEE PATENT
	0581	HALSEY MICHAEL	1627	FORCED FEE PATENT
	0582	ICE SLATER	1805	FORCED FEE PATENT
	0583	GATES JOSEPHINE	1937	FORCED FEE PATENT
	0584	DUNN CHARLES (BLACK CROW)	1982	FORCED FEE PATENT
	0585	TRAVERSIE ALEXANDER	2014	FORCED FEE PATENT
	0586	KEMPTON WESLEY	2805	FORCED FEE PATENT
	0587	KEMPTON SETH	2819	FORCED FEE PATENT
	0588	WAGGONER JOHN PAUL	2830	FORCED FEE PATENT
	0589	GILLAND ABRAHAM	2846	FORCED FEE PATENT
	0590	POWERS ALBERT	2852	FORCED FEE PATENT
	0591	HOURIGAN JOHN	2868	FORCED FEE PATENT
	0592	VERMILLION MARY	2904	FORCED FEE PATENT
	0593	SILK GRACE	2955	FORCED FEE PATENT
	0594	MENTZ WILLIAM	3019	FORCED FEE PATENT
	0595	DELORIA SUSAN MABEL	2755	FORCED FEE PATENT
	0596	SKYE ANNA	2780	FORCED FEE PATENT
	0597	BULLBEAR FRANK	2791	FORCED FEE PATENT
	0598	KEMPTON ASA S.	2811	FORCED FEE PATENT
	0599	WAGGONER JOSEPHINE	2822	FORCED FEE PATENT
	0600	WAGGONER RAMONA	2823	FORCED FEE PATENT
	0601	WAGGONER MAUD	2825	FORCED FEE PATENT
	0602	WAGGONER OWAY DAPHNE	2826	FORCED FEE PATENT
	0603	MELVIN JOHN	2832	FORCED FEE PATENT
	0604	DUNCAN ELLEN	2834	FORCED FEE PATENT
	0605	DUNCAN IMELDA	2835	FORCED FEE PATENT

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0606	GILLAND ELIZABETH	2844	FORCED FEE PATENT
	0607	POWERS ANNIE NELLIE	2850	FORCED FEE PATENT
	0608	POWERS MARY	2851	FORCED FEE PATENT
	0609	HODGKINSON ANNIE	2855	FORCED FEE PATENT
	0610	HODGKINSON LOUISA	2856	FORCED FEE PATENT
	0611	HODGKINSON ELLA	2857	FORCED FEE PATENT
	0612	HOURIGAN EMMA	2865	FORCED FEE PATENT
	0613	FARIBAULT ALEXANDER	2872	FORCED FEE PATENT
	0614	WITZELBEN JEAN	2874	FORCED FEE PATENT
	0615	WITZELBEN HERMINE	2875	FORCED FEE PATENT
	0616	VERMILLION ARTHUR	2881	FORCED FEE PATENT
	0617	SHOOTER EDWARD	2882	FORCED FEE PATENT
	0618	FLY ROSE	2893	FORCED FEE PATENT
	0619	YELLOW EARING DANIEL	2921	FORCED FEE PATENT
	0620	KNOCKS THEM DOWN WILLIAM	2931	FORCED FEE PATENT
	0621	HAWK BEDE	2944	FORCED FEE PATENT
	0622	SILK KID (HARRY)	2952	FORCED FEE PATENT
	0623	SILK EMMA	2953	FORCED FEE PATENT
	0624	SILK LOUISA	2957	FORCED FEE PATENT
	0625	AZURE JORDAN VERMILLION NANCY	2964	FORCED FEE PATENT
	0626	CULBERTSON JACK	2975	FORCED FEE PATENT
	0627	BUCKLEY THOMAS CHARLES	2973	FORCED FEE PATENT
	0628	MURPHY HENRY	2994	FORCED FEE PATENT
	0629	MURPHY JOSEPH	2995	FORCED FEE PATENT
	0630	MURPHY JAMES	2998	FORCED FEE PATENT
	0631	MC LAUGHLIN NELLIE	3082	FORCED FEE PATENT
	0632	ELY JOHN	3108	FORCED FEE PATENT
	0633	BEAR RIBS LUCY	3142	FORCED FEE PATENT
	0634	LE COMPTE MAUD	3161	FORCED FEE PATENT
	0635	BIG HEAD SUSAN (GILBERT)	3197	FORCED FEE PATENT
	0636	COTTONWOOD LAURA	3237	FORCED FEE PATENT
	0637	BUCKLEY MAUD	3263	FORCED FEE PATENT
	0638	LITTLE BEAR ANGELA	3278	FORCED FEE PATENT
	0639	GOOD EAGLE ANNA	3412	FORCED FEE PATENT
	0640	EAGLEMAN AMY	3415	FORCED FEE PATENT
	0641	FLY ALMA	3451	FORCED FEE PATENT
	0642	GAYTON MAGGIE	3467	FORCED FEE PATENT
	0643	IRON BOULDER EMMA	3617	FORCED FEE PATENT
	0644	CHASE ALONE JOSEPHINE	3645	FORCED FEE PATENT
	0645	TWO BEARS ANNIE	3688	FORCED FEE PATENT
	0646	LE COMPTE LE BEAU NANCY	3804	FORCED FEE PATENT
	0647	DOG EAGLE JAMES	3868	FORCED FEE PATENT
	0648	ANKLE HENRY	3892	FORCED FEE PATENT
	0649	HARRISON AMELIA	3989	FORCED FEE PATENT
	0650	REINHART SOPHIE	4318	FORCED FEE PATENT
	0651	RUNNING HAWK JOHN	4577	FORCED FEE PATENT
	0652	BLACKHOOP FRANK (DAVID)	1999	FORCED FEE PATENT
	0653	RED TOMAHAWK MARCELLUS	2001	FORCED FEE PATENT
	0654	RED TOMAHAWK BARNABUS	2003	FORCED FEE PATENT
	0655	BUCKLEY JOSEPH	2013	FORCED FEE PATENT
	0656	FOREHEAD JACOB (WHITE EAGLE)	2016	FORCED FEE PATENT
	0657	TIBBITS ARTHUR	2041	FORCED FEE PATENT
	0658	TWO HORSES EDWARD	2047	FORCED FEE PATENT
	0659	SNOW JAMES (TWO DOGS)	2050	FORCED FEE PATENT
	0660	LITTLE CROW JOHN	2063	FORCED FEE PATENT
	0661	KEEP EAGLE HERBERT JOHN	2065	FORCED FEE PATENT
	0662	KILLS SPOTTED CLAUDE	2068	FORCED FEE PATENT
	0663	DOG CLOUD BENEDICT	2081	FORCED FEE PATENT
	0664	BULL BEAR EUGENE	2140	FORCED FEE PATENT
	0665	YOUNG BEAR FRANK	2155	FORCED FEE PATENT
	0666	ASHLEY THOMAS P.	2162	FORCED FEE PATENT
	0667	REDSTONE ASA	2170	FORCED FEE PATENT
	0668	SPOTTED ELK JOHN	2177	FORCED FEE PATENT
	0669	MULHERN MAGGIE	2181	FORCED FEE PATENT
	0670	BRAVE BULL CLAUDE	2139	FORCED FEE PATENT
	0671	WHITE LIGHTNING PAUL	2192	FORCED FEE PATENT
	0672	LYON RAPHAEL	2194	FORCED FEE PATENT
	0673	WISESPIRIT ADOLPH	2211	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0674	MENTZ THOMAS	2214	FORCED FEE PATENT
	0675	TWO SHIELDS ANTOINE	2227	FORCED FEE PATENT
	0676	RED HAWK JESSE	2232	FORCED FEE PATENT
	0677	FAST HORSE PAUL	2241	FORCED FEE PATENT
	0678	IRON SHIELD BERNARD	2250	FORCED FEE PATENT
	0679	MANY HORSES FELIX	2252	FORCED FEE PATENT
	0680	IRELAND ANDREW	2260	FORCED FEE PATENT
	0681	IRON ROAD IGNATIUS	2301	FORCED FEE PATENT
	0682	ZAHN JOHN	2316	FORCED FEE PATENT
	0683	ZAHN HENRY	2317	FORCED FEE PATENT
	0684	STREAKED EYE	2304	FORCED FEE PATENT
	0685	LITTLE CHIEF CHARLES	2320	FORCED FEE PATENT
	0686	TRACYRIDER RICHARD (DOUBLE RIDER)	2320	FORCED FEE PATENT
	0687	IRON ROAD ANDREW	2330	FORCED FEE PATENT
	0688	IRON ROAD CECELIA (MANY HORSES)	2331	FORCED FEE PATENT
	0689	HUFF JOSEPH	2335	FORCED FEE PATENT
	0690	CROSS WILLIAM	2342	FORCED FEE PATENT
	0691	PRETTY FEATHER MARTIN (TAIL)	2352	FORCED FEE PATENT
	0692	COTTONWOOD JEROME	2361	FORCED FEE PATENT
	0693	GRAYSTONE ROGER	2370	FORCED FEE PATENT
	0694	GREENWOOD BENEDICT (TWO MOONS9	2380	FORCED FEE PATENT
	0695	BEARS HEART JOHN	2386	FORCED FEE PATENT
	0696	SPOTTED BIRD JOHN	2387	FORCED FEE PATENT
	0697	AFRAID OF HAWK EDWARD	2393	FORCED FEE PATENT
	0698	SHIELD NECKLACE LEO	2402	FORCED FEE PATENT
	0699	SMITE WILLIAM (SINTE)	2410	FORCED FEE PATENT
	0700	IRONSHIELD HENRY	2412	FORCED FEE PATENT
	0701	GOOD IRON PAUL	2413	FORCED FEE PATENT
	0702	BIGSHIELD PIUS	2415	FORCED FEE PATENT
	0703	OWNS MEDICINE PETER	2421	FORCED FEE PATENT
	0704	THUNDER JACOB MERRILL	2426	FORCED FEE PATENT
	0705	THUNDER JOHN CHARLES	2427	FORCED FEE PATENT
	0706	WALKER ALBERT	2443	FORCED FEE PATENT
	0707	BRINGS THEM JOSEPH (WICAKIOKI)	2451	FORCED FEE PATENT
	0708	MC LAUGHLIN CHARLES	2465	FORCED FEE PATENT
	0709	LANIGAN ANNIE (GOODREAU)	2477	FORCED FEE PATENT
	0710	CROWN NECKLACE THOMAS	2512	FORCED FEE PATENT
	0711	WALKER JOSEPH	2551	FORCED FEE PATENT
	0712	MELVIN MAMIE	2555	FORCED FEE PATENT
	0713	SHORT MANDY	2562	FORCED FEE PATENT
	0714	BLACK PRAIRIE DOG JAMES	2576	FORCED FEE PATENT
	0715	GRAY BULL GEORGE	2583	FORCED FEE PATENT
	0716	TWIGS MARY	2604	FORCED FEE PATENT
	0717	TWO BEARS BASIL	2608	FORCED FEE PATENT
	0718	TWO BEARS JOSEPH JR.	2612	FORCED FEE PATENT
	0719	IRON BOULDER JOHN	2616	FORCED FEE PATENT
	0720	SANTEE GEORGE	2623	FORCED FEE PATENT
	0721	RED FOX WILLIAM	2625	FORCED FEE PATENT
	0723	RED FOX GEORGE JAMES	2627	FORCED FEE PATENT
	0724	RED FOX CECELIA (SANTEE)	2628	FORCED FEE PATENT
	0725	RED FOX PAUL	2629	FORCED FEE PATENT
	0726	TWIGGS THOMAS	2631	FORCED FEE PATENT
	0727	PIERRE ROSA (FOGG)	2643	FORCED FEE PATENT
	0728	EAGLEMAN JOSEPH	247	FORCED FEE PATENT
	0729	MULHERN EMMA (GRAY BULL)	2656	FORCED FEE PATENT
	0730	DOUGLAS JACOB	2660	FORCED FEE PATENT
	0731	GOOD IRON JOSEPH THOMAS	2673	FORCED FEE PATENT
	0732	RETURNS LAST THOMAS	2694	FORCED FEE PATENT
	0733	BRAVE BULL JOHN	2708	FORCED FEE PATENT
	0734	TIOKASIN BRIDGET (BOBBIE)	2773	FORCED FEE PATENT
	0735	TIOKASIN MOSES	2774	FORCED FEE PATENT
	073A	HANLY GEORGE	2776	FORCED FEE PATENT
	0737	FOX ANDREW	1395	FORCED FEE PATENT
	0738	MIDDLE BULL PAUL	1404	FORCED FEE PATENT
	0739	MIDDLE BULL LOUIS	1408	FORCED FEE PATENT
	0740	ARCHAMBAULT LEO	1411	FORCED FEE PATENT
	0741	AGARD JAMES	1422	FORCED FEE PATENT
	0742	AGARD LOUIS JR.	1424	FORCED FEE PATENT

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0743	PRIMEAU MARGARET (DEMPSLY)	1430	FORCED FEE PATENT
	0744	WEASEL REAR JAMES	1436	FORCED FEE PATENT
	0745	SEVENTEEN PHILLIP	1444	FORCED FEE PATENT
	0746	HIGH CAT PAUL	1447	FORCED FEE PATENT
	0747	BIG MANE DAVID	1458	FORCED FEE PATENT
	0748	KELLY LOUISE (LEE)	1463	FORCED FEE PATENT
	0749	STANDING CLOUD JOHN	1475	FORCED FEE PATENT
	0750	FLYING HORSE ANTHONY	1483	FORCED FEE PATENT
	0751	SHOESTRING JAMES	1487	FORCED FEE PATENT
	0752	FLYING HORSE JAMES	1491	FORCED FEE PATENT
	0753	ANTELOPE HERBERT	1510	FORCED FEE PATENT
	0754	BROWN OTTER ALFRED	NA	FORCED FEE PATENT
	0755	THIEF DAVID	1525	FORCED FEE PATENT
	0756	WHITE BULL JACOB	1532	FORCED FEE PATENT
	0757	ELK NATION AMOS	1536	FORCED FEE PATENT
	0758	WHITE TEMPLE JOSEPH	1544	FORCED FEE PATENT
	0759	MARSHALL JOSEPH	1550	FORCED FEE PATENT
	0760	PLEETS MARY (MRS. OWEN LOOKING ELK)	1557	FORCED FEE PATENT
	0761	TREETOP JOHN	1574	FORCED FEE PATENT
	0762	RATTLING HAIL GEORGE	1586	FORCED FEE PATENT
	0764	SPOTTEDHORSE FRANCIS (LONG CHASE)	1597	FORCED FEE PATENT
	0765	FLY STBLEY	1618	FORCED FEE PATENT
	0766	BULL HEAD GEORGIA	1639	FORCED FEE PATENT
	0767	YELLOW JAMES	1655	FORCED FEE PATENT
	0768	TATTOOED JAMES	1661	FORCED FEE PATENT
	0769	CALLOUS LEG JOSHUA	1681	FORCED FEE PATENT
	0770	CALLOUS LEG EDWARD	1684	FORCED FEE PATENT
	0771	DOGSKIN CHARLES	1693	FORCED FEE PATENT
	0772	TIOKASIN RICHARD	1694	FORCED FEE PATENT
	0773	GAYTON JOHN SR.	1708	FORCED FEE PATENT
	0774	GAYTON SAM	1712	FORCED FEE PATENT
	0775	GAYTON JAMES (MRS. GEORGE MERRILL)	1713	FORCED FEE PATENT
	0776	GAYTON LOUISE	1715	FORCED FEE PATENT
	0778	REDBEARS JOHN	2684	FORCED FEE PATENT
	0779	GATON AMY (BRUCE)	1725	FORCED FEE PATENT
	0780	GAYTON JAMES SR.	1728	FORCED FEE PATENT
	0781	CHOPPER MARY	1743	FORCED FEE PATENT
	0782	NOMEART ALBERT	1746	FORCED FEE PATENT
	0783	MEDICINE STONE	1750	FORCED FEE PATENT
	0784	ENDRIS ADA	1771	FORCED FEE PATENT
	0785	WHITE EAGLE RICHARD	1775	FORCED FEE PATENT
	0786	BROUGHT PLENTY JOHN	1794	FORCED FEE PATENT
	0787	BROUGH PLENTY	1795	FORCED FEE PATENT
	0788	BEAR SHIELD JULTUS	1819	FORCED FEE PATENT
	0789	JORDAN WILLIAM	1843	FORCED FEE PATENT
	0790	STANDING SOLDIER PHILOMINE (BADGER)	1863	FORCED FEE PATENT
	0791	CHASE THE BEAR JOHN	1870	FORCED FEE PATENT
	0792	BUFFALOBOY HERBERT	1890	FORCED FEE PATENT
	0793	CROWN NECKLACE CHARLEY	1892	FORCED FEE PATENT
	0794	SIAKA CLARENCE	1896	FORCED FEE PATENT
	0795	WHITE CLOUD WILLIAM	1924	FORCED FEE PATENT
	0796	GATES JAMES	1938	FORCED FEE PATENT
	0797	GATES GEORGE	1939	FORCED FEE PATENT
	0798	TREE TOP JACK M.	1946	FORCED FEE PATENT
	0799	LITTLE CROW ASA	1973	FORCED FEE PATENT
	0800	SEE THE ELK LAWRENCE	1985	FORCED FEE PATENT
	0801	BROWN JOHN	1993	FORCED FEE PATENT
	0802	TREE TOP LOVE JOY MARY	1996	FORCED FEE PATENT
	0803	LOVE JOY EUGENE	1997	FORCED FEE PATENT
	0804	BLACKHOOP BENEDICT	1998	FORCED FEE PATENT
	0805	HAGER LOW DOG LOUISA	722	FORCED FEE PATENT
	0806	PRETENDS EAGLE PAUL	740	FORCED FEE PATENT
	0807	PRETENDS EAGLE SUSAN	741	FORCED FEE PATENT
	0808	LITTLE DOG MARTIN	747	FORCED FEE PATENT
	0809	YELLOW FAT JAMES	769	FORCED FEE PATENT
	0810	MAGPIE EAGLE LAWRENCE	774	FORCED FEE PATENT
	0811	LECOMPTE VITAL	780	FORCED FEE PATENT
	0812	HALSEY JACOB	786	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0861	LITTLE EAGLE JAMES ANTOINE	1367	FORCED FEE PATENT
	0862	ARCHAMBAULT JOHN	1391	FORCED FEE PATENT
	0863	HUTCHLER WILLIAM	1394	FORCED FEE PATENT
	0864	LONG BULL JOSEPH	39	FORCED FEE PATENT
	0865	LONG BULL DOMINICK	41	FORCED FEE PATENT
	0866	EAGLEMAN LUKE	52	FORCED FEE PATENT
	0867	HORSETHIEF JASPER (WALTER)	74	FORCED FEE PATENT
	0868	CADOTTE WILLIAM	83	FORCED FEE PATENT
	0869	CADOTTE JEROME	86	FORCED FEE PATENT
	0870	CADOTTE SUSAN (HOEHNER)	91	FORCED FEE PATENT
	0871	CADOTTE BENJAMIN	92	FORCED FEE PATENT
	0872	LAMONT EDWARD	95	FORCED FEE PATENT
	0873	RED FOX MARY (TWOMOTE)	106	FORCED FEE PATENT
	0874	GABE GEORGE	116	FORCED FEE PATENT
	0875	LONEMAN BENEDICT (BERNARD)	138	FORCED FEE PATENT
	0876	CADOTTE JOHN	173	FORCED FEE PATENT
	0877	MEDICINE MARTIN JR.	180	FORCED FEE PATENT
	0878	YELLOW PROTEUS (FAST HORSE)	185	FORCED FEE PATENT
	0879	SKINNER WILLIAM	217	FORCED FEE PATENT
	0900	LOVES THE WAR LEWIS	239	FORCED FEE PATENT
	0901	HOLEAN JAMES	274	FORCED FEE PATENT
	0902	TAYLOR MOLLIE	276	FORCED FEE PATENT
	0903	MCLAUGHLIN JAMES S.	281	FORCED FEE PATENT
	0904	MCLAUGHLIN HENRY	282	FORCED FEE PATENT
	0905	MCLAUGHLIN MARY THELDA	283	FORCED FEE PATENT
	0906	RED BIRD SAMUEL	286	FORCED FEE PATENT
	0907	IRON NECKLACE JEROME	294	FORCED FEE PATENT
	0908	RED HAWK JOHN	305	FORCED FEE PATENT
	0909	RED HAWK HOWARD	309	FORCED FEE PATENT
	0910	HOWARD RICHARD	318	FORCED FEE PATENT
	0911	HOWARD JAMES	321	FORCED FEE PATENT
	0912	SKUNK ISAAC (NAWAH)	324	FORCED FEE PATENT
	0913	CADOTTE SAMUEL	345	FORCED FEE PATENT
	0914	ARMSTRONG EDWARD	349	FORCED FEE PATENT
	0915	HALSEY DAVID	359	FORCED FEE PATENT
	0916	LOOKING BACK GEORGE	360	FORCED FEE PATENT
	0917	LOOKING BACK SIMON	364	FORCED FEE PATENT
	0918	LOOKING BACK CHARLES	366	FORCED FEE PATENT
	0919	SPOTTEDHORSE JAMES	377	FORCED FEE PATENT
	0920	HENRY CHARLES (HAS HORNS)	384	FORCED FEE PATENT
	0921	WALKING HUGH	393	FORCED FEE PATENT
	0922	HALSEY MARTHA	406	FORCED FEE PATENT
	0924	LAFRAMBOISE ROSE	424	FORCED FEE PATENT
	0925	CLAYMORE JOSEPH JR.	427	FORCED FEE PATENT
	0926	CLAYMORE MARTINA (SHERMOD)	428	FORCED FEE PATENT
	0927	CLAYMORE PAUL	429	FORCED FEE PATENT
	0928	GOOD ELK JOSEPH (GOOD VOICE ELK)	435	FORCED FEE PATENT
	0929	FLYING BY NATHAN	476	FORCED FEE PATENT
	0930	WHITE RALPH (JOHN LOOK HIM ARROW)	477	FORCED FEE PATENT
	0931	LONG ELK JULIAN	487	FORCED FEE PATENT
	0932	TAKE ALIVE CHARLES (HENDZA)	499	FORCED FEE PATENT
	0934	TAKEN ALIVE JESSE	506	FORCED FEE PATENT
	0935	WATERS ISADORE	519	FORCED FEE PATENT
	0936	WHITE EAGLE ELAINE (CATCH ENEMY)	529	FORCED FEE PATENT
	0937	MALNOR GERTRUDE	534	FORCED FEE PATENT
	0938	MALNOR BENEDICT	535	FORCED FEE PATENT
	0939	WHITESELL CHARLES	556	FORCED FEE PATENT
	0940	CALF MARY (MOCHESNEY)	561	FORCED FEE PATENT
	0941	WHITE FRANK	572	FORCED FEE PATENT
	0942	WHITE PETE	574	FORCED FEE PATENT
	0943	DOG JOSEPH	579	FORCED FEE PATENT
	0944	BLACK CLOUD FELIX	620	FORCED FEE PATENT
	0945	TROMAHOM CHARLES JR.	622	FORCED FEE PATENT
	0946	RED FISH JAMES	641	FORCED FEE PATENT
	0947	HOLEAN MARY	645	FORCED FEE PATENT
	0948	HOLEAN JULIA	646	FORCED FEE PATENT
	0949	MCLAUGHLIN MARY (MAD BEAR)	672	FORCED FEE PATENT
	0950	RED PHEASANT SAMUEL	704	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0813	HALSEY JOSEPHINE	788	FORCED FEE PATENT
	0814	HALSEY SAM	793	FORCED FEE PATENT
	0815	LOWDOG OR LOWDOG HENRY	799	FORCED FEE PATENT
	0816	STRIPED CLOUD LOUISA	802	FORCED FEE PATENT
	0817	PATHEAH HARTE L.	812	FORCED FEE PATENT
	0818	PRETENDS EAGLE	823	FORCED FEE PATENT
	0819	THIEF THOMAS (HANGMAN)	837	FORCED FEE PATENT
	0820	THIEF HENRY (HANGMAN)	838	FORCED FEE PATENT
	0821	HAIRYCHIN JOACHIM	854	FORCED FEE PATENT
	0822	SILK JOHN SR.	866	FORCED FEE PATENT
	0823	WHITE BULL GEORGE	869	FORCED FEE PATENT
	0824	ELK NATION JAMES	884	FORCED FEE PATENT
	0825	EAGLE SHIELD SAMUEL	897	FORCED FEE PATENT
	0826	BRAVE THUNDERR JOHN	898	FORCED FEE PATENT
	0827	FASTER SAMUEL	945	FORCED FEE PATENT
	0828	NOISY HAWK EDWARD	946	FORCED FEE PATENT
	0829	WHITE SHIELD JOHN	975	FORCED FEE PATENT
	0830	LOOKING ELK OLIVER JR.	980	FORCED FEE PATENT
	0831	HOKEYTE LAURENCE	986	FORCED FEE PATENT
	0832	LAURENCE JOSEPH (HOKEYTE)	987	FORCED FEE PATENT
	0833	LAURENCE HENRY (HOKEYTE)	988	FORCED FEE PATENT
	0834	TROMAHOM JOSEPH	989	FORCED FEE PATENT
	0835	RED BEAR JOSEPH	1010	FORCED FEE PATENT
	0836	DOG EAGLE AMOS	1040	FORCED FEE PATENT
	0837	BROWN EAGLE ELK JOHNSON	1072	FORCED FEE PATENT
	0838	SWIFT CLOUD LUCY	1081	FORCED FEE PATENT
	0839	COREAU LILLIE	1090	FORCED FEE PATENT
	0840	PROELICK FORTE GENEVIEVE	1096	FORCED FEE PATENT
	0841	FORTE EDWARD BRULE	1099	FORCED FEE PATENT
	0842	FORTE JOSEPH	1100	FORCED FEE PATENT
	0843	FORTE MYO	1101	FORCED FEE PATENT
	0844	HOWARD JOHN	1103	FORCED FEE PATENT
	0845	BUCKLEY ABRAHAM	1115	FORCED FEE PATENT
	0846	MARTIN MARIE	1118	FORCED FEE PATENT
	0847	BRAVE CROW SAM LOUIS	1130	FORCED FEE PATENT
	0848	BRAVE CROW WALTER (STEPHEN)	1131	FORCED FEE PATENT
	0849	MANY DEEDS STANTON	1137	FORCED FEE PATENT
	0850	MANY DEEDS EDMUND	1138	FORCED FEE PATENT
	0851	CRAZY HAWK MANNY	1145	FORCED FEE PATENT
	0852	YOUNGHAWK EUGENE	1150	FORCED FEE PATENT
	0853	GRAY EAGLE MITCHEL	1151	FORCED FEE PATENT
	0854	GRAY EAGLE JOHN	1153	FORCED FEE PATENT
	0855	GRAY EAGLE CLARENCE	1156	FORCED FEE PATENT
	0856	CROSS BEAR WALTER	1177	FORCED FEE PATENT
	0857	BULL HEAD FRANCIS BENEDICT	1179	FORCED FEE PATENT
	0858	VILLAGE CENTER JOSEPH	1182	FORCED FEE PATENT
	0859	LEAF JOSEPH	1194	FORCED FEE PATENT
	0860	TAKE THE HAT LUCY (GOOD IRON)	1203	FORCED FEE PATENT
	0861	RED LEGS BENEDICT EDWARD	1225	FORCED FEE PATENT
	0862	BRAVE THUNTER	1232	FORCED FEE PATENT
	0863	ASSEBUD JAMES	1235	FORCED FEE PATENT
	0864	DEROCHBRAIN CHARLES	1257	FORCED FEE PATENT
	0865	DEROCHBRAIN ANTOINE	1258	FORCED FEE PATENT
	0866	DEROCHBRAIN MARY ANNIE (GARTER)	1260	FORCED FEE PATENT
	0867	HAWK PAUL JR.	1272	FORCED FEE PATENT
	0868	GARTER JOHN	1270	FORCED FEE PATENT
	0869	PHEASANT THOMAS	1283	FORCED FEE PATENT
	0870	CROW GHOST BERNARD	1287	FORCED FEE PATENT
	0871	ONE FEATHER HENRY	1295	FORCED FEE PATENT
	0872	ONE FEATHER CHARLES	1298	FORCED FEE PATENT
	0873	IRON THUNDER JOHN	1301	FORCED FEE PATENT
	0874	LITTLE CROW BARBARA (WHITEBIRD)	1317	FORCED FEE PATENT
	0875	WHITEBIRD HENRY (LOUIS)	1319	FORCED FEE PATENT
	0876	GOODEAGLE WILLIAM	1329	FORCED FEE PATENT
	0877	GOODEAGLE JOSEPH	1330	FORCED FEE PATENT
	0878	WHITE PAW FRANCIS	1350	FORCED FEE PATENT
	0879	YELLOW EARRINGS MARTIN	1362	FORCED FEE PATENT
	0880	SHAKE BEAR JOHN ROGER	1365	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	0951	SLEEPS FROM HOME GEORGE	709	FORCED FEE PATENT
	0952	ROUGH SURFACE SAMUEL (ROUGH)	717	FORCED FEE PATENT
	0953	CLAYMORE PHILLIP	20	FORCED FEE PATENT
	0954	CLAYMORE ABBIE	24	FORCED FEE PATENT
	0955	GOOD FUR LUKE	36	FORCED FEE PATENT
	0956	LAFROMBOISE FRANK JR.	421	FORCED FEE PATENT
	0957	MARSH LIZZIE (JOSEPHINE)	559	FORCED FEE PATENT
	0958	SACK JOHN	711	FORCED FEE PATENT
	0959	HALSEY MARY (G. MANNY DEEDS)	795	FORCED FEE PATENT
	0960	SINEW	821	FORCED FEE PATENT
	0961	FORTE EMMA	1095	FORCED FEE PATENT
	0962	BLACK FOY WILLIAM	1123	FORCED FEE PATENT
	0963	TAKE THE HAT LOUISA	1202	FORCED FEE PATENT
	0964	GATES MARY (ZAHN)	1940	FORCED FEE PATENT
	0965	BAPTISTE PIERRE	2060	FORCED FEE PATENT
	0966	IRON SHIELD NELLIE	2590	FORCED FEE PATENT
	0967	HOLY ELK FACE JOHN	2599	FORCED FEE PATENT
	0968	PIERRE CLARA	2642	FORCED FEE PATENT
	0969	ZAHN FRANCIS	2721	FORCED FEE PATENT
	0970	KEMPTON JOSEPH E.	2801	FORCED FEE PATENT
	0971	KEMPTON SARAH A.	2802	FORCED FEE PATENT
	0972	KEMPTON HENRY K.	2814	FORCED FEE PATENT
	0973	DUNCAN EDWARD	2835	FORCED FEE PATENT
	0974	DUNCAN JEFFERSON	2836	FORCED FEE PATENT
	0975	GILLAND ROBERT	2844	FORCED FEE PATENT
	0976	OFTEN KILLS THE ENEMY JANE	2903	FORCED FEE PATENT
	0977	FAST HORSE JOSEPH	2937	FORCED FEE PATENT
	0978	SHIELDS HAWK JANE (MRS.)	3313	FORCED FEE PATENT
	0979	ARCHAMBAULT ANNIE	3342	FORCED FEE PATENT
	0980	SEES THE ELK GILES	3524	FORCED FEE PATENT
	0981	WHITE ABBIE	3673	FORCED FEE PATENT
	0982	DOUBLERIDER SARAH	7329	FORCED FEE PATENT
	0983	HAS KNIFE REGINA	3807	FORCED FEE PATENT
	0984	IRON WHITEMAN ANTOINE	3895	FORCED FEE PATENT
	0985	MORAIN NELLIE	2591	FORCED FEE PATENT
	0986	WOLF JULIA (BROWN WOLF)	136	FORCED FEE PATENT
	0987	CLAYMORE ANTOINE	426	FORCED FEE PATENT
	0988	GOODREAU JOSEPHINE	2437	FORCED FEE PATENT
	0989	FOOL BEAR CHARLES SR.	2115	FORCED FEE PATENT
	0990	PLEETS JOSEPH	1646	FORCED FEE PATENT
	0991	LONGSTEPS BERNADINE	767	FORCED FEE PATENT
	0992	DRIVER GARFILED	901	FORCED FEE PATENT
	0993	DEROCKBRAINE DONITA	3085	FORCED FEE PATENT
	0994	KING SAM	2083	FORCED FEE PATENT
	0995	HOWARD CHARLES	1105	FORCED FEE PATENT
	0996	MULHERN JOHN BERNEY	2793	FORCED FEE PATENT
	0997	CLAYMORE ROSE	21	FORCED FEE PATENT
	0998	CLAYMORE WILLIAM	22	FORCED FEE PATENT
	0999	FIRECLOUD ALICE	62	FORCED FEE PATENT
	1004	WILSON MARY L. (DEFENDER)	5634	DAM
	1005	IRONS LUZETTIE	3008	MINERAL
	1006	WILSON MARY L	2204	GRAZING TRESPASS
	1007	TRIBAL & SHERMAN JOHN	339	DUMP GROUND
	1008	TRIBAL	340-10	BUILDING TRESPASS
	1009	GOOD BOY PAUL	984	TITLE
	1011	WINYANEHAKE	1160	TITLE
	1012	TRIBAL	340-10	BUILDING TRESPASS
	1013	MARSHALL MARCELLA	706	GRAZING TRESPASS
	1014	SPOTTED HORSE DAVID	3492	GRAZING TRESPASS
	1015	TRIBAL	340-10	BUILDING TRESPASS
	350A	KILLS CROW LOUISE	443	ROAD IN TRESPASS
	350B	EDGAR LOUISE	447	ROAD IN TRESPASS
	350C	TRIBAL	T5031	ROAD IN TRESPASS
	350D	GONEAU EDWIN &GRAHAM MARK	513	ROAD IN TRESPASS
	351A	TRIBAL	T5488	ROAD IN TRESPASS
	351B	TRIBAL	T5613	ROAD IN TRESPASS
	353A	ELK FINTON	152	ROAD IN TRESPASS
	353B	REDHAWK JESSIE	311	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	353C	CADOTTE NICHOLAS	88	ROAD IN TRESPASS
	354A	TRIBAL	T5041	ROAD IN TRESPASS
	355A	HAWK JENNIE	1270	ROAD IN TRESPASS
	355B	OLD CROW MRS.	3322	ROAD IN TRESPASS
	354A	TRIBAL	T142	ROAD IN TRESPASS
	358A	MALE BEAR HERBERT	1054	ROAD IN TRESPASS
	358B	GROWLER SUSAN	1032	ROAD IN TRESPASS
	359A	TRIBAL	T5122	ROAD IN TRESPASS
	359B	TRIBAL	T5139	ROAD IN TRESPASS
	360A	TEWANIMA FORTE (CLYDE)	4259	ROAD IN TRESPASS
	360B	TRIBAL	T5825	ROAD IN TRESPASS
	360C	TWIGGS JESSE	790	ROAD IN TRESPASS
	361A	TRIBAL	T1252	ROAD IN TRESPASS
	361B	TRIBAL	T5072	ROAD IN TRESPASS
	361C	TRIBAL	T5071	ROAD IN TRESPASS
	361D	TRIBAL	T5065	ROAD IN TRESPASS
	361E	TRIBAL	T5792	ROAD IN TRESPASS
	362A	THUNDER SHIELD BEDE	3762	ROAD IN TRESPASS
	362B	HIGH BULL CANE MRS.	2634	ROAD IN TRESPASS
	363A	WALKING EAGLE MERLE	592	ROAD IN TRESPASS
	363B	GOOD VOICE BULL THOMAS	208	ROAD IN TRESPASS
	363C	YELLOW LAURA	190	ROAD IN TRESPASS
	363D	MCLEAN MARGARET	187	ROAD IN TRESPASS
	363E	BLACK CLOUD ALOYSIUS	6038	ROAD IN TRESPASS
	363F	BORTAIL BEAR PAUL	644	ROAD IN TRESPASS
	364A	TRIBAL	14423	ROAD IN TRESPASS
	364B	CHASING HAWK CYRELA	3954	ROAD IN TRESPASS
	364C	HOWARD HENRIETTA	3922	ROAD IN TRESPASS
	364D	TRIBAL	T3936	ROAD IN TRESPASS
	364E	TRIBAL	T3900	ROAD IN TRESPASS
	365A	WHITE BULL NANCY	925	ROAD IN TRESPASS
	365B	TRIBAL	T5121	ROAD IN TRESPASS
	365C	WHITE BULL LOUIS	665	ROAD IN TRESPASS
	365D	FORTE MARGARET	2545	ROAD IN TRESPASS
	365E	CAMEAN ORLIE	1091	ROAD IN TRESPASS
	365F	ONE BULL MRS.	3398	ROAD IN TRESPASS
	365G	FORTE ZELDA	1102	ROAD IN TRESPASS
	365H	CAMEAN MAUDE	1092	ROAD IN TRESPASS
	365I	MINNILOTA JAN.WANWIN	1785	ROAD IN TRESPASS
	366A	MOSES OLD BULL	1545	ROAD IN TRESPASS
	367A	CAMEAN VIRGIL	1093	ROAD IN TRESPASS
	368A	ONE FEATHER ANNIE	3140	ROAD IN TRESPASS
	368B	BRAVE CROW ALBERT (PIERPONT)	993	ROAD IN TRESPASS
	369A	HOWARD JAMES	4275	ROAD IN TRESPASS
	369B	MANY WOUNDS JOSEPHINE	3926	ROAD IN TRESPASS
	369C	LOOKING HORSE LEWIS	1026	ROAD IN TRESPASS
	369D	THUNDER HAWK LYDIA	4616	ROAD IN TRESPASS
	369E	HALSEY EMMA	1608	ROAD IN TRESPASS
	373A	TRIBAL	T5758	ROAD IN TRESPASS
	373B	BROWN JOHN MRS.	3071	ROAD IN TRESPASS
	375A	ELK NATION ELIZABETH	3915	ROAD IN TRESPASS
	375B	LOOKING HORSE AMY	4067	ROAD IN TRESPASS
	375C	RED HORSE MORA MARTINA	4446	ROAD IN TRESPASS
	375D	KEMPTON VIVIAN SOPHIA	4602	ROAD IN TRESPASS
	375E	LE COMPTE FLORENCE	8	ROAD IN TRESPASS
	375F	WHITE HORSE GEORGE	4222	ROAD IN TRESPASS
	375G	EYELASH ELLEN	633	ROAD IN TRESPASS
	375H	HOWARD ULLYSSES	4404	ROAD IN TRESPASS
	375I	REDBIRD CHARLES	4449	ROAD IN TRESPASS
	375J	LE COMPTE FRANK	5014	ROAD IN TRESPASS
	375K	HOLLOW BEATRICE	1313	ROAD IN TRESPASS
	375L	HOLLOW CLARA (MRS MICHAEL)	3101	ROAD IN TRESPASS
	375M	TRIBAL	T5817	ROAD IN TRESPASS
	375N	HOLLOW MICHAEL JR.	4038	ROAD IN TRESPASS
	375O	WANKICUM WILLIE	4631	ROAD IN TRESPASS
	375P	BEAR NECKLACE MRS.	3319B	ROAD IN TRESPASS
	375Q	NATION SHIELD MRS.	13470	ROAD IN TRESPASS
	375R	LEAF MARY (BEDE)	3259	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	375S	BRAVE CROW SARAH	1134	ROAD IN TRESPASS
	375T	TRIBAL	T4537	ROAD IN TRESPASS
	375U	PEJUTA SAPAWIN	1180	ROAD IN TRESPASS
	375V	MANY DEEDS THEODORE	1140	ROAD IN TRESPASS
	375W	MANY DEEDS ETHEL	1141	ROAD IN TRESPASS
	375X	KILLS PLENTY ENEMY	1024	ROAD IN TRESPASS
	376A	TRIBAL	T5351	ROAD IN TRESPASS
	376B	TRIBAL	T5350	ROAD IN TRESPASS
	376C	TRIBAL	T5349	ROAD IN TRESPASS
	376D	TRIBAL	T5374	ROAD IN TRESPASS
	376E	TRIBAL	T5382	ROAD IN TRESPASS
	376F	TRIBAL	T5414	ROAD IN TRESPASS
	376G	TRIBAL	T5348	ROAD IN TRESPASS
	376H	TRIBAL	T5347	ROAD IN TRESPASS
	378A	YELLOW EARRINGS ALVIN	376A	ROAD IN TRESPASS
	378B	TRIBAL	T376D	ROAD IN TRESPASS
	378C	LITTLE BEAR PHILLIP	18	ROAD IN TRESPASS
	378D	BAD HORSE LEON & TRIBAL	390	ROAD IN TRESPASS
	378E	CARRIER JOSEPH	167	ROAD IN TRESPASS
	380A	TAOPIOLI JOSHUA	78	ROAD IN TRESPASS
	380B	SWIFT CLOUD MILLIE	61	ROAD IN TRESPASS
	381A	SWIFT CLOUD DORA	58	ROAD IN TRESPASS
	381B	BLUE CLOUD JOSEPH	97	ROAD IN TRESPASS
	381C	BAD HAIR CHARLES (RED HAIR)	172	ROAD IN TRESPASS
	381D	LAMONT EMMA	96	ROAD IN TRESPASS
	381E	GABE ANNIE	124	ROAD IN TRESPASS
	381F	SWIFT CLOUD SAMUEL	59B	ROAD IN TRESPASS
	381G	SWIFT CLOUD SAMUEL	59A	ROAD IN TRESPASS
	382A	DIFFERENT TAIL CLEMENTINE	779	ROAD IN TRESPASS
	382B	HALSEY MELVIN	779A	ROAD IN TRESPASS
	382C	WHITESELL ERNESTINE	4615	ROAD IN TRESPASS
	383A	YELLOW FAT SENIOR	773	ROAD IN TRESPASS
	385A	TRIBAL	T5606	ROAD IN TRESPASS
	385B	TRIBAL	T5133	ROAD IN TRESPASS
	385C	TRIBAL	T5605	ROAD IN TRESPASS
	385D	TRIBAL	T5594	ROAD IN TRESPASS
	385E	TRIBAL	T5609	ROAD IN TRESPASS
	386A	TRIBAL	T5514	ROAD IN TRESPASS
	386B	TRIBAL	T5549	ROAD IN TRESPASS
	386C	TRIBAL	T5066	ROAD IN TRESPASS
	386D	TRIBAL	T5065	ROAD IN TRESPASS
	386E	TRIBAL	T5211	ROAD IN TRESPASS
	386F	TRIBAL	T5210	ROAD IN TRESPASS
	386G	WASICUINAPEWIN	118A	ROAD IN TRESPASS
	386H	TRIBAL	T578A	ROAD IN TRESPASS
	387A	WAKUTEMANI MRS.	3341	ROAD IN TRESPASS
	387B	STRIKE KETTLE	3030	ROAD IN TRESPASS
	387C	BOBTAIL BULL MRS.	3302	ROAD IN TRESPASS
	387D	SPOTTED ELK HUGH	2715A	ROAD IN TRESPASS
	387E	SPOTTED ELK HUGH	2715B	ROAD IN TRESPASS
	388A	SUDDEN BRAVE SARAH	4078	ROAD IN TRESPASS
	388B	RED CALF JULIA	1126	ROAD IN TRESPASS
	389C	SWIFT CLOUD MRS.	3219	ROAD IN TRESPASS
	389A	TRIBAL	T5518	ROAD IN TRESPASS
	389B	TRIBAL	T5523	ROAD IN TRESPASS
	389C	TRIBAL	T5524	ROAD IN TRESPASS
	389D	TRIBAL	T5521	ROAD IN TRESPASS
	389E	TRIBAL	T5525	ROAD IN TRESPASS
	389F	TRIBAL	T5398	ROAD IN TRESPASS
	389G	TRIBAL	T5539	ROAD IN TRESPASS
	389H	TRIBAL	T5538	ROAD IN TRESPASS
	391A	TRIBAL	T5380	ROAD IN TRESPASS
	391B	TRIBAL	T5386	ROAD IN TRESPASS
	391C	TRIBAL	T5392	ROAD IN TRESPASS
	391D	TAKEN ALIVE JESSE	5391	ROAD IN TRESPASS
	391E	TRIBAL	T4544	ROAD IN TRESPASS
	391F	TRIBAL	T5444	ROAD IN TRESPASS
	391G	TRIBAL	T5612	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	391H	TRIBAL	T5134	ROAD IN TRESPASS
	391I	TRIBAL	T5616	ROAD IN TRESPASS
	391J	TRIBAL	T5511	ROAD IN TRESPASS
	391K	TRIBAL	T5503	ROAD IN TRESPASS
	391L	TRIBAL	T5501	ROAD IN TRESPASS
	391M	TRIBAL	T5647	ROAD IN TRESPASS
	392A	BROWN FACE MRS.	3708	ROAD IN TRESPASS
	392B	RED HORN	2220	ROAD IN TRESPASS
	392C	BELLAND ROSA	4032	ROAD IN TRESPASS
	392D	SCRAPER ANNIE	707	ROAD IN TRESPASS
	392E	BARE FACE VITAL MRS.	3505	ROAD IN TRESPASS
	392F	CROW GHOST LOUISE	2130A	ROAD IN TRESPASS
	392G	FOOLISH THUNDER MRS.	1187	ROAD IN TRESPASS
	392H	GROWLER JOSEPHINE	4573	ROAD IN TRESPASS
	393A	TRIBAL	T5676	ROAD IN TRESPASS
	393B	TRIBAL	T5548	ROAD IN TRESPASS
	393C	TRIBAL	T5544	ROAD IN TRESPASS
	393D	TRIBAL	T1908A	ROAD IN TRESPASS
	393E	TRIBAL	T5677	ROAD IN TRESPASS
	394A	HER ROAD	3298	ROAD IN TRESPASS
	394B	KILLS PRETTY ENEMY	1024	ROAD IN TRESPASS
	394C	KILLS AT NIGHT SAMUEL JR.	2981	ROAD IN TRESPASS
	394D	HAWK'IYA SAUL	1066	ROAD IN TRESPASS
	394E	HAWK'IYA WALLACE	3371	ROAD IN TRESPASS
	394F	HAWK'IYA LEO	1065	ROAD IN TRESPASS
	394G	TRIBAL	T1000B	ROAD IN TRESPASS
	396A	TRIBAL	T4245	ROAD IN TRESPASS
	396B	HAWK'IYA MRS. (WINYAULA)	3316	ROAD IN TRESPASS
	396C	HAWK VICTORIA	163	ROAD IN TRESPASS
	396D	HAWK'IYA LUCY H.	4080	ROAD IN TRESPASS
	396E	NOISY HAWK (SHIELDS AMBROSE)	1113	ROAD IN TRESPASS
	396F	NOISY HAWK LIZZIE	1112	ROAD IN TRESPASS
	396G	WHITE BULL AGNES	4081A	ROAD IN TRESPASS
	396H	FLYING EARTH BESSIE	4156	ROAD IN TRESPASS
	396I	SHIELDS MATILDA	4155	ROAD IN TRESPASS
	396J	TRIBAL	T5161	ROAD IN TRESPASS
	396K	HOLY MEDICINE MRS.	2315	ROAD IN TRESPASS
	397A	LONG FEATHER CHARLES MRS.	3115B	ROAD IN TRESPASS
	397B	TRIBAL	T5719	ROAD IN TRESPASS
	397C	TRIBAL	T5205	ROAD IN TRESPASS
	397D	COURNOYER EMMA C.	1247	ROAD IN TRESPASS
	397E	FIRE CLOUD ALFRED	938D	ROAD IN TRESPASS
	397F	SPOTTED BEAR JOHN	930A	ROAD IN TRESPASS
	397G	IRON SAMUEL	948	ROAD IN TRESPASS
	397H	TRIBAL	T936A	ROAD IN TRESPASS
	397I	EAGLE SHIELD JOHN	898	ROAD IN TRESPASS
	398A	BIGHORN ELK LOUIS	2980	ROAD IN TRESPASS
	398B	BLACKBULL	3314	ROAD IN TRESPASS
	398C	KEMPTON JAMES BERNARD	4053	ROAD IN TRESPASS
	398D	KEMPTON GERALD	4346	ROAD IN TRESPASS
	398E	GOOD THUNDER MRS.	3649	ROAD IN TRESPASS
	399A	LONE ELK JOHN	1229	ROAD IN TRESPASS
	399B	LONE ELK ROBERT	1907C	ROAD IN TRESPASS
	399C	LONE ELK ADA	1309A	ROAD IN TRESPASS
	399D	WHITE BIRD KATE	1320	ROAD IN TRESPASS
	399E	WHITE BIRD JOSEPH	1315	ROAD IN TRESPASS
	399F	WHITE BIRD PIUS	1324	ROAD IN TRESPASS
	400A	TRIBAL	T5486	ROAD IN TRESPASS
	400B	TRIBAL	T5613	ROAD IN TRESPASS
	401A	TRIBAL	T5546	ROAD IN TRESPASS
	401B	BROUGHT PLENTY IRENE V.	4540	ROAD IN TRESPASS
	402A	MANY HORSES	2254	ROAD IN TRESPASS
	403A	YOUNG EAGLE ALBERT	493B	ROAD IN TRESPASS
	403B	CALF ALOYSA	666	ROAD IN TRESPASS
	403C	BOBTAIL BEAR JESSE	647	ROAD IN TRESPASS
	403D	PORCUPINE CREEK JENNIE	509A	ROAD IN TRESPASS
	403E	PORCUPINE CREEK JENNIE	509B	ROAD IN TRESPASS
	403F	DID NOT BUTCHER RICHARD	356	ROAD IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	403G	TRIBAL	T5614	ROAD IN TRESPASS
	403H	TRIBAL	T5615	ROAD IN TRESPASS
	404A	TRIBAL	T5617	ROAD IN TRESPASS
	404B	TRIBAL	T5618	ROAD IN TRESPASS
	404C	TRIBAL	T5619	ROAD IN TRESPASS
	404D	TRIBAL	T5620	ROAD IN TRESPASS
	404E	TRIBAL	T5621	ROAD IN TRESPASS
	404F	TRIBAL	T5622	ROAD IN TRESPASS
	404G	TRIBAL	T5623	ROAD IN TRESPASS
	404H	TRIBAL	T5624	ROAD IN TRESPASS
	405A	TRIBAL	T5625	ROAD IN TRESPASS
	405B	TRIBAL	T5626	ROAD IN TRESPASS
	405C	TRIBAL	T5627	ROAD IN TRESPASS
	405D	TRIBAL	T5628	ROAD IN TRESPASS
	405E	TRIBAL	T5629	ROAD IN TRESPASS
	405F	TRIBAL	T5630	ROAD IN TRESPASS
	405G	TRIBAL	T5631	ROAD IN TRESPASS
	405H	TRIBAL	T5632	ROAD IN TRESPASS
	406A	TRIBAL	T5633	ROAD IN TRESPASS
	406B	TRIBAL	T5634	ROAD IN TRESPASS
	406C	TRIBAL	T5635	ROAD IN TRESPASS
	406D	TRIBAL	T5636	ROAD IN TRESPASS
	406E	TRIBAL	T5637	ROAD IN TRESPASS
	406F	TRIBAL	T5638	ROAD IN TRESPASS
	406G	TRIBAL	T5639	ROAD IN TRESPASS
	406H	TRIBAL	T5640	ROAD IN TRESPASS
	407A	TRIBAL	T5641	ROAD IN TRESPASS
	407B	TRIBAL	T5642	ROAD IN TRESPASS
	407C	TRIBAL	T5643	ROAD IN TRESPASS
	407D	TRIBAL	T5644	ROAD IN TRESPASS
	407E	TRIBAL	T5645	ROAD IN TRESPASS
	407F	TRIBAL	T5646	ROAD IN TRESPASS
	407G	TRIBAL	T5648	ROAD IN TRESPASS
	407H	TRIBAL	T5649	ROAD IN TRESPASS
	408A	TRIBAL	T5650	ROAD IN TRESPASS
	408B	TRIBAL	T5651	ROAD IN TRESPASS
	408C	TRIBAL	T5652	ROAD IN TRESPASS
	408D	TRIBAL	T5653	ROAD IN TRESPASS
	408E	TRIBAL	T5654	ROAD IN TRESPASS
	408F	TRIBAL	T5655	ROAD IN TRESPASS
	408G	TRIBAL	T5656	ROAD IN TRESPASS
	408H	TRIBAL	T5657	ROAD IN TRESPASS
	409A	TRIBAL	T5658	ROAD IN TRESPASS
	409B	TRIBAL	T5659	ROAD IN TRESPASS
	409C	TRIBAL	T5660	ROAD IN TRESPASS
	409D	TRIBAL	T5661	ROAD IN TRESPASS
	409E	TRIBAL	T5662	ROAD IN TRESPASS
	409F	TRIBAL	T5663	ROAD IN TRESPASS
	409G	TRIBAL	T5664	ROAD IN TRESPASS
	409H	TRIBAL	T5665	ROAD IN TRESPASS
	410A	TRIBAL	T5666	ROAD IN TRESPASS
	410B	TRIBAL	T5667	ROAD IN TRESPASS
	410C	TRIBAL	T5668	ROAD IN TRESPASS
	410D	TRIBAL	T5669	ROAD IN TRESPASS
	410E	TRIBAL	T5670	ROAD IN TRESPASS
	410F	TRIBAL	T5671	ROAD IN TRESPASS
	410G	TRIBAL	T5672	ROAD IN TRESPASS
	410H	TRIBAL	T5673	ROAD IN TRESPASS
	411A	TRIBAL	T5674	ROAD IN TRESPASS
	411B	TRIBAL	T5675	ROAD IN TRESPASS
	411C	TRIBAL	T5678	ROAD IN TRESPASS
	411D	TRIBAL	T5679	ROAD IN TRESPASS
	411E	TRIBAL	T5680	ROAD IN TRESPASS
	411F	TRIBAL	T5681	ROAD IN TRESPASS
	411G	TRIBAL	T5682	ROAD IN TRESPASS
	411H	TRIBAL	T5683	ROAD IN TRESPASS
	412A	TRIBAL	T5684	ROAD IN TRESPASS
	412B	TRIBAL	T5685	ROAD IN TRESPASS
	412C	TRIBAL	T5686	ROAD IN TRESPASS
	412D	TRIBAL	T5687	ROAD IN TRESPASS
	412E	TRIBAL	T5688	ROAD IN TRESPASS
	412F	TRIBAL	T5689	ROAD IN TRESPASS
	412G	TRIBAL	T5690	ROAD IN TRESPASS
	412H	TRIBAL	T5691	ROAD IN TRESPASS
	413A	TRIBAL	T5692	ROAD IN TRESPASS
	413B	TRIBAL	T5693	ROAD IN TRESPASS
	413C	TRIBAL	T5694	ROAD IN TRESPASS
	413D	TRIBAL	T5695	ROAD IN TRESPASS
	413E	TRIBAL	T5696	ROAD IN TRESPASS
	413F	TRIBAL	T5697	ROAD IN TRESPASS
	413G	TRIBAL	T5698	ROAD IN TRESPASS
	413H	TRIBAL	T5699	ROAD IN TRESPASS
	414A	TRIBAL	T5700	ROAD IN TRESPASS
	414B	TRIBAL	T5701	ROAD IN TRESPASS
	414C	TRIBAL	T5702	ROAD IN TRESPASS
	414D	TRIBAL	T5703	ROAD IN TRESPASS
	414E	TRIBAL	T5704	ROAD IN TRESPASS
	414F	TRIBAL	T5705	ROAD IN TRESPASS
	414G	TRIBAL	T5706	ROAD IN TRESPASS
	414H	TRIBAL	T5707	ROAD IN TRESPASS
	415A	TRIBAL	T5708	ROAD IN TRESPASS
	415B	TRIBAL	T5709	ROAD IN TRESPASS
	415C	TRIBAL	T5710	ROAD IN TRESPASS
	415D	TRIBAL	T5711	ROAD IN TRESPASS
	415E	TRIBAL	T5712	ROAD IN TRESPASS
	415F	TRIBAL	T5713	ROAD IN TRESPASS
	415G	TRIBAL	T5714	ROAD IN TRESPASS
	415H	TRIBAL	T5715	ROAD IN TRESPASS
	416A	TRIBAL	T5716	ROAD IN TRESPASS
	416B	TRIBAL	T5717	ROAD IN TRESPASS
	416C	TRIBAL	T5718	ROAD IN TRESPASS
	416D	TRIBAL	T5719	ROAD IN TRESPASS
	416E	TRIBAL	T5720	ROAD IN TRESPASS
	416F	TRIBAL	T5721	ROAD IN TRESPASS
	416G	TRIBAL	T5722	ROAD IN TRESPASS
	416H	TRIBAL	T5723	ROAD IN TRESPASS
	417A	TRIBAL	T5724	ROAD IN TRESPASS
	417B	TRIBAL	T5725	ROAD IN TRESPASS
	417C	TRIBAL	T5726	ROAD IN TRESPASS
	417D	TRIBAL	T5727	ROAD IN TRESPASS
	417E	TRIBAL	T5728	ROAD IN TRESPASS
	417F	TRIBAL	T5729	ROAD IN TRESPASS
	417G	TRIBAL	T5730	ROAD IN TRESPASS
	417H	TRIBAL	T5731	ROAD IN TRESPASS
	418A	TRIBAL	T5732	ROAD IN TRESPASS
	418B	TRIBAL	T5733	ROAD IN TRESPASS
	418C	TRIBAL	T5734	ROAD IN TRESPASS
	418D	TRIBAL	T5735	ROAD IN TRESPASS
	418E	TRIBAL	T5736	ROAD IN TRESPASS
	418F	TRIBAL	T5737	ROAD IN TRESPASS
	418G	TRIBAL	T5738	ROAD IN TRESPASS
	418H	TRIBAL	T5739	ROAD IN TRESPASS
	419A	TRIBAL	T5740	ROAD IN TRESPASS
	419B	TRIBAL	T5741	ROAD IN TRESPASS
	419C	TRIBAL	T5742	ROAD IN TRESPASS
	419D	TRIBAL	T5743	ROAD IN TRESPASS
	419E	TRIBAL	T5744	ROAD IN TRESPASS
	419F	TRIBAL	T5745	ROAD IN TRESPASS
	419G	TRIBAL	T5746	ROAD IN TRESPASS
	419H	TRIBAL	T5747	ROAD IN TRESPASS
	420A	TRIBAL	T5748	ROAD IN TRESPASS
	420B	TRIBAL	T5749	ROAD IN TRESPASS
	420C	TRIBAL	T5750	ROAD IN TRESPASS
	420D	TRIBAL	T5751	ROAD IN TRESPASS
	420E	TRIBAL	T5752	ROAD IN TRESPASS
	420F	TRIBAL	T5753	ROAD IN TRESPASS
	420G	TRIBAL	T5754	ROAD IN TRESPASS
	420H	TRIBAL	T5755	ROAD IN TRESPASS
	421A	TRIBAL	T5756	ROAD IN TRESPASS
	421B	TRIBAL	T5757	ROAD IN TRESPASS
	421C	TRIBAL	T5758	ROAD IN TRESPASS
	421D	TRIBAL	T5759	ROAD IN TRESPASS
	421E	TRIBAL	T5760	ROAD IN TRESPASS
	421F	TRIBAL	T5761	ROAD IN TRESPASS
	421G	TRIBAL	T5762	ROAD IN TRESPASS
	421H	TRIBAL	T5763	ROAD IN TRESPASS
	422A	TRIBAL	T5764	ROAD IN TRESPASS
	422B	TRIBAL	T5765	ROAD IN TRESPASS
	422C	TRIBAL	T5766	ROAD IN TRESPASS
	422D	TRIBAL	T5767	ROAD IN TRESPASS
	422E	TRIBAL	T5768	ROAD IN TRESPASS
	422F	TRIBAL	T5769	ROAD IN TRESPASS
	422G	TRIBAL	T5770	ROAD IN TRESPASS
	422H	TRIBAL	T5771	ROAD IN TRESPASS
	423A	TRIBAL	T5772	ROAD IN TRESPASS
	423B	TRIBAL	T5773	ROAD IN TRESPASS
	423C	TRIBAL	T5774	ROAD IN TRESPASS
	423D	TRIBAL	T5775	ROAD IN TRESPASS
	423E	TRIBAL	T5776	ROAD IN TRESPASS
	423F	TRIBAL	T5777	ROAD IN TRESPASS
	423G	TRIBAL	T5778	ROAD IN TRESPASS
	423H	TRIBAL	T5779	ROAD IN TRESPASS
	424A	TRIBAL	T5780	ROAD IN TRESPASS
	424B	TRIBAL	T5781	ROAD IN TRESPASS
	424C	TRIBAL	T5782	ROAD IN TRESPASS
	424D	TRIBAL	T5783	ROAD IN TRESPASS
	424E	TRIBAL	T5784	ROAD IN TRESPASS
	424F	TRIBAL	T5785	ROAD IN TRESPASS
	424G	TRIBAL	T5786	ROAD IN TRESPASS
	424H	TRIBAL	T5787	ROAD IN TRESPASS
	425A	TRIBAL	T5788	ROAD IN TRESPASS
	425B	TRIBAL	T5789	ROAD IN TRESPASS
	425C	TRIBAL	T5790	ROAD IN TRESPASS
	425D	TRIBAL	T5791	ROAD IN TRESPASS
	425E	TRIBAL	T5792	ROAD IN TRESPASS
	425F	TRIBAL	T5793	ROAD IN TRESPASS
	425G	TRIBAL	T5794	ROAD IN TRESPASS
	425H	TRIBAL	T5795	ROAD IN TRESPASS
	426A	TRIBAL	T5796	ROAD IN TRESPASS
	426B	TRIBAL	T5797	ROAD IN TRESPASS
	426C	TRIBAL	T5798	ROAD IN TRESPASS
	426D	TRIBAL	T5799	ROAD IN TRESPASS
	426E	TRIBAL	T5800	ROAD IN TRESPASS
	426F	TRIBAL	T5801	ROAD IN TRESPASS
	426G	TRIBAL	T5802	ROAD IN TRESPASS
	426H	TRIBAL	T5803	ROAD IN TRESPASS
	427A	TRIBAL	T5804	ROAD IN TRESPASS
	427B	TRIBAL	T5805	ROAD IN TRESPASS
	427C	TRIBAL	T5806	ROAD IN TRESPASS
	427D	TRIBAL	T5807	ROAD IN TRESPASS
	427E	TRIBAL	T5808	ROAD IN TRESPASS
	427F	TRIBAL	T5809	ROAD IN TRESPASS
	427G	TRIBAL	T5810	ROAD IN TRESPASS
	427H	TRIBAL	T5811	ROAD IN TRESPASS
	428A	TRIBAL	T5812	ROAD IN TRESPASS
	428B	TRIBAL	T5813	ROAD IN TRESPASS
	428C	TRIBAL	T5814	ROAD IN TRESPASS
	428D	TRIBAL	T5815	ROAD IN TRESPASS
	428E	TRIBAL	T5816	ROAD IN TRESPASS
	428F	TRIBAL	T5817	ROAD IN TRESPASS
	428G	TRIBAL	T5818	ROAD IN TRESPASS
	428H	TRIBAL	T5819	ROAD IN TRESPASS
	429A	TRIBAL	T5820	ROAD IN TRESPASS
	429B	TRIBAL	T5821	ROAD IN TRESPASS
	429C	TRIBAL	T5822	ROAD IN TRESPASS
	429D	TRIBAL	T5823	ROAD IN TRESPASS
	429E	TRIBAL	T5824	ROAD IN TRESPASS
	429F	TRIBAL	T5825	ROAD IN TRESPASS
	429G	TRIBAL	T5826	ROAD IN TRESPASS
	429H	TRIBAL	T5827	ROAD IN TRESPASS
	430A	TRIBAL	T5828	ROAD IN TRESPASS
	430B	TRIBAL	T5829	ROAD IN TRESPASS
	430C	TRIBAL	T5830	ROAD IN TRESPASS
	430D	TRIBAL	T5831	ROAD IN TRESPASS
	430E	TRIBAL	T5832	ROAD IN TRESPASS
	430F	TRIBAL	T5833	ROAD IN TRESPASS
	430G	TRIBAL	T5834	ROAD IN TRESPASS
	430H	TRIBAL	T5835	ROAD IN TRESPASS
	431A	TRIBAL	T5836	ROAD IN TRESPASS
	431B	TRIBAL	T5837	ROAD IN TRESPASS
	431C	TRIBAL	T5838	ROAD IN TRESPASS
	431D	TRIBAL	T5839	ROAD IN TRESPASS
	431E	TRIBAL	T5840	ROAD IN TRESPASS
	431F	TRIBAL	T5841	ROAD IN TRESPASS
	431G	TRIBAL	T5842	ROAD IN TRESPASS
	431H	TRIBAL	T5843	ROAD IN TRESPASS
	432A	TRIBAL	T5844	ROAD IN TRESPASS
	432B	TRIBAL	T5845	ROAD IN TRESPASS
	432C	TRIBAL	T5846	ROAD IN TRESPASS
	432D	TRIBAL	T5847	ROAD IN TRESPASS
	432E	TRIBAL	T5848	ROAD IN TRESPASS
	432F	TRIBAL	T5849	ROAD IN TRESPASS
	432G	TRIBAL	T5850	ROAD IN TRESPASS
	432H	TRIBAL	T5851	ROAD IN TRESPASS
	433A	TRIBAL	T5852	ROAD IN TRESPASS
	433B	TRIBAL	T5853	ROAD IN TRESPASS
	433C	TRIBAL	T5854	ROAD IN TRESPASS
	433D	TRIBAL	T5855	ROAD IN TRESPASS
	433E	TRIBAL	T5856	ROAD IN TRESPASS
	433F	TRIBAL	T5857	ROAD IN TRESPASS
	433G	TRIBAL	T5858	ROAD IN TRESPASS
	433H	TRIBAL	T5859	ROAD IN TRESPASS
	434A	TRIBAL	T5860	ROAD IN TRESPASS
	434B	TRIBAL	T5861	ROAD IN TRESPASS
	434C	TRIBAL	T5862	ROAD IN TRESPASS
	434D	TRIBAL	T5863	ROAD IN TRESPASS
	434E	TRIBAL	T5864	ROAD IN TRESPASS
	434F	TRIBAL	T5865	ROAD IN TRESPASS
	434G	TRIBAL	T5866	ROAD IN TRESPASS
	434H	TRIBAL	T5867	ROAD IN TRESPASS
	435A	TRIBAL	T5868	ROAD IN TRESPASS
	435B	TRIBAL	T5869	ROAD IN TRESPASS
	435C	TRIBAL	T5870	ROAD IN TRESPASS
	435D	TRIBAL	T5871	ROAD IN TRESPASS
	435E	TRIBAL	T5872	ROAD IN TRESPASS
	435F	TRIBAL	T5873	ROAD IN TRESPASS
	435G	TRIBAL	T5874	ROAD IN TRESPASS
	435H	TRIBAL	T5875	ROAD IN TRESPASS
	436A	TRIBAL	T5876	ROAD IN TRESPASS
	436B	TRIBAL	T5877	ROAD IN TRESPASS
	436C	TRIBAL	T5878	ROAD IN TRESPASS
	436D	TRIBAL	T5879	ROAD IN TRESPASS
	436E	TRIBAL	T5880	ROAD IN TRESPASS
	436F	TRIBAL	T5881	ROAD IN TRESPASS
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	436H	TRIBAL	T5883	ROAD IN TRESPASS
	437A	TRIBAL	T5884	ROAD IN TRESPASS
	437B	TRIBAL	T5885	ROAD IN TRESPASS
	437C	TRIBAL	T5886	ROAD IN TRESPASS
	437D	TRIBAL	T5887	ROAD IN TRESPASS
	437E	TRIBAL	T5888	ROAD IN TRESPASS
	437F	TRIBAL	T5889	ROAD IN TRESPASS
	437G	TRIBAL	T5890	ROAD IN TRESPASS
	437H	TRIBAL	T5891	ROAD IN TRESPASS
	438A	TRIBAL	T5892	ROAD IN TRESPASS
	438B	TRIBAL	T5893	ROAD IN TRESPASS
	438C	TRIBAL	T5894	ROAD IN TRESPASS
	438D	TRIBAL	T5895	ROAD IN TRESPASS
	438E	TRIBAL	T5896	ROAD IN TRESPASS
	438F	TRIBAL	T5897	ROAD IN TRESPASS
	438G	TRIBAL	T5898	ROAD IN TRESPASS
	438H	TRIBAL	T5899	ROAD IN TRESPASS
	439A	TRIBAL	T5900	ROAD IN TRESPASS
	439B	TRIBAL	T5901	ROAD IN TRESPASS
	439C	TRIBAL	T5902	ROAD IN TRESPASS
	439D	TRIBAL	T5903	ROAD IN TRESPASS
	439E	TRIBAL	T5904	ROAD IN TRESPASS
	439F	TRIBAL	T5905	ROAD IN TRESPASS
	439G	TRIBAL	T5906	ROAD IN TRESPASS
	439H	TRIBAL	T5907	ROAD IN TRESPASS
	440A	TRIBAL	T5908	ROAD IN TRESPASS
	440B	TRIBAL	T5909	ROAD IN TRESPASS
	440C	TRIBAL	T5910	ROAD IN TRESPASS
	440D	TRIBAL	T5911	ROAD IN TRESPASS
	440E	TRIBAL	T5912	ROAD IN TRESPASS
	440F	TRIBAL	T5913	ROAD IN TRESPASS
	440G	TRIBAL	T5914	ROAD IN TRESPASS
	440H	TRIBAL	T5915	ROAD IN TRESPASS
	441A	TRIBAL	T5916	ROAD IN TRESPASS
	441B	TRIBAL	T5917	ROAD IN TRESPASS
	441C	TRIBAL	T5918	ROAD IN TRESPASS
	441D	TRIBAL	T5919	ROAD IN TRESPASS
	441E	TRIBAL	T5920	ROAD IN TRESPASS
	441F	TRIBAL	T5921	ROAD IN TRESPASS
	441G	TRIBAL	T5922	ROAD IN TRESPASS
	441H	TRIBAL	T5923	ROAD IN TRESPASS
	442A	TRIBAL	T5924	ROAD IN TRESPASS
	442B	TRIBAL	T5925	ROAD IN TRESPASS
	442C	TRIBAL	T5926	ROAD IN TRESPASS
	442D	TRIBAL	T5927	ROAD IN TRESPASS
	442E	TRIBAL	T5928	ROAD IN TRESPASS
	442F	TRIBAL	T5929	ROAD IN TRESPASS
	442G	TRIBAL	T5930	ROAD IN TRESPASS
	442H	TRIBAL	T5931	ROAD IN TRESPASS
	443A	TRIBAL	T5932	ROAD IN TRESPASS
	443B	TRIBAL	T5933	ROAD IN TRESPASS
	443C	TRIBAL	T5934	ROAD IN TRESPASS
	443D	TRIBAL	T5935	ROAD IN TRESPASS
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	443F	TRIBAL	T5937	ROAD IN TRESPASS
	443G	TRIBAL	T5938	ROAD IN TRESPASS
	443H	TRIBAL	T5939	ROAD IN TRESPASS
	444A	TRIBAL	T5940	ROAD IN TRESPASS
	444B	TRIBAL	T5941	ROAD IN TRESPASS
	444C	TRIBAL	T5942	ROAD IN TRESPASS
	444D	TRIBAL	T5943	ROAD IN TRESPASS
	444E	TRIBAL	T5944	ROAD IN TRESPASS
	444F	TRIBAL	T5945	ROAD IN TRESPASS
	444G	TRIBAL	T5946	ROAD IN TRESPASS
	444H	TRIBAL	T5947	ROAD IN TRESPASS
	445A	TRIBAL	T5948	ROAD IN TRESPASS
	445B	TRIBAL	T5949	ROAD IN TRESPASS
	445C	TRIBAL	T5950	ROAD IN TRESPASS
	445D	TRIBAL	T5951	ROAD IN TRESPASS
	445E	TRIBAL	T5952	ROAD IN TRESPASS
	445F	TRIBAL	T5953	ROAD IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A10302	4040	TRIBAL	[illegible]	ROAD IN TRESPASS
	4041	CRAZY HAWK LILY	1144	ROAD IN TRESPASS
	4041	CRAZY HAWK GEORGE	1144	ROAD IN TRESPASS
	4048	HAWK MARY	1144	ROAD IN TRESPASS
	404E	CRAZY HAWK JULIA	[illegible]	ROAD IN TRESPASS
	404F	HAWK PAUL MRS.	3100A	ROAD IN TRESPASS
	404G	HAWK CHARLES	4477	ROAD IN TRESPASS
	4058	KILLS ALIVE	[illegible]	ROAD IN TRESPASS
	405B	YELLOW LODGE MRS.	946	ROAD IN TRESPASS
	417A	CLAYMORE DUWAYNE	6394	ROAD IN TRESPASS
	410A	HARRISON JOHN	6794	ROAD IN TRESPASS
	483A	DUNN RAYMOND	4480	ROAD IN TRESPASS
A11304	0001	AKEWENSI	12	OLD AGE ASSISTANCE
	0004	AIKEN JOHN	191	OLD AGE ASSISTANCE
	0005	ALLERY JOSEPH	278	OLD AGE ASSISTANCE
	0006	AZURE ALEXANDER	299	OLD AGE ASSISTANCE
	0007	AZURE EMILY	305	OLD AGE ASSISTANCE
	0008	AZURE ELIE	319	OLD AGE ASSISTANCE
	0009	AZURE BERGER (GRAVELIN)	320	OLD AGE ASSISTANCE
	0010	AZURE JOSEPH	346	OLD AGE ASSISTANCE
	0011	BELGARDE VIRGINIA	460	OLD AGE ASSISTANCE
	0012	BELGARDE JACQUE	471	OLD AGE ASSISTANCE
	0013	BELGARDE VIGINIA (DAUPHAIN	489	OLD AGE ASSISTANCE
	0014	AZURE MARY (BELGARDE)	494	OLD AGE ASSISTANCE
	0015	BERGIER MARIE ROSE	561	OLD AGE ASSISTANCE
	0016	CHAMPAGNE MARIE	740	OLD AGE ASSISTANCE
	0017	CHARETTE SIMON	755	OLD AGE ASSISTANCE
	0019	DELORME PATRICE	1013	OLD AGE ASSISTANCE
	0020	DUCEPT CELINA (WILKIE)	1081	OLD AGE ASSISTANCE
	0021	ENNO MARY LELING	1120	OLD AGE ASSISTANCE
	0022	ENNO MARIE TISTIS (AZURE)	1137	OLD AGE ASSISTANCE
	0023	FAGUANT JULIA (LAFOUNTAIN	1147	OLD AGE ASSISTANCE
	0024	GIDEON	1240	OLD AGE ASSISTANCE
	0025	GOURNEAU JOSEPH JR.	1253	OLD AGE ASSISTANCE
	0026	GOURNEAU LEANDER SR	1265	OLD AGE ASSISTANCE
	0027	LAVENDURE LARAISE VANDA	1279	OLD AGE ASSISTANCE
	0028	GRANT CHARLES	1314	OLD AGE ASSISTANCE
	0029	GRANT SARAH JANE (PELICAN)	1350	OLD AGE ASSISTANCE
	0030	GRANT JOHN B.	1337	OLD AGE ASSISTANCE
	0031	GRANT MARY	1347	OLD AGE ASSISTANCE
	0032	GRANT WILLIAM	1355	OLD AGE ASSISTANCE
	0033	HOULE WILLIAM JOHN	1427	OLD AGE ASSISTANCE
	0034	HOULE JOSEPH	1451	OLD AGE ASSISTANCE
	0035	JAUQUEMART PETER	1470	OLD AGE ASSISTANCE
	0036	JEANOTTE PATRICE	1491	OLD AGE ASSISTANCE
	0037	JEROME FREDRIC	1502	OLD AGE ASSISTANCE
	0038	LAFROMBOISE PATRICK	1644	OLD AGE ASSISTANCE
	0039	LAFROMBOISE MARIE ROSE	1673	OLD AGE ASSISTANCE
	0040	LAFROMBOISE PATRICE	1693	OLD AGE ASSISTANCE
	0041	LATRILLE CLEMENCE	1769	OLD AGE ASSISTANCE
	0042	LAVALLIE FRANCIS	1789	OLD AGE ASSISTANCE
	0043	LAVALLIE ELIZA (HOULE)	1790	OLD AGE ASSISTANCE
	0044	LAVENDURE ISADORE	1812	OLD AGE ASSISTANCE
	0045	LAVENDURE WILLIAM	1831	OLD AGE ASSISTANCE
	0046	LEDEAUX ANTOINE	1869	OLD AGE ASSISTANCE
	0047	LENOIR MICHAEL	1894	OLD AGE ASSISTANCE
	0048	MALATERRE CECILIA	1930	OLD AGE ASSISTANCE
	0049	MALATERRE JOHN	1931	OLD AGE ASSISTANCE
	0050	MALATERRE EDWARD	1940	OLD AGE ASSISTANCE
	0051	MALATERRE JOSEPH	1943	OLD AGE ASSISTANCE
	0052	MALATERRE NAPOLEON	1947	OLD AGE ASSISTANCE
	0053	MALATERRE PHILLIP	1949	OLD AGE ASSISTANCE
	0054	AZURE MARY	1955	OLD AGE ASSISTANCE
	0055	MASON JOSEPH	2004	OLD AGE ASSISTANCE
	0056	MCCLOUD MARGARET	2036	OLD AGE ASSISTANCE
	0057	MCGILLIS STARR (MELTON	2055	OLD AGE ASSISTANCE
	0058	MONTREI FRANCIS	2081	OLD AGE ASSISTANCE
	0059	MORIN ALEXANDER	2094	OLD AGE ASSISTANCE

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A11304	0060	MORIN ISAIAH	2136	OLD AGE ASSISTANCE
	0061	NADEAU JOSEPH	2178	OLD AGE ASSISTANCE
	0062	PAGE JOHN B.	2212	OLD AGE ASSISTANCE
	0063	PAGE EZEAR	2216	OLD AGE ASSISTANCE
	0064	PAGE JOSETTE	2219	OLD AGE ASSISTANCE
	0065	PARISIEN JUSTINE CLAUDE	2235	OLD AGE ASSISTANCE
	0066	MATHAIDE SAMPSON	2244	OLD AGE ASSISTANCE
	0067	ANTOINE PAUL	2269	OLD AGE ASSISTANCE
	0068	PAYS PIERRE	NA	OLD AGE ASSISTANCE
	0069	PELTIER BARTHALOMEW	2287	OLD AGE ASSISTANCE
	0070	PERRINTEAU (ARASE (LAPIERRE)	2325	OLD AGE ASSISTANCE
	0071	POITRA ALFRED	2350	OLD AGE ASSISTANCE
	0072	POITRA CHARLES (NO. 1)	2356	OLD AGE ASSISTANCE
	0073	POUGHTY ANDLINE (POITRA)	2358	OLD AGE ASSISTANCE
	0074	POITRA (HARLES (NO.3)	2367	OLD AGE ASSISTANCE
	0075	PAGE JUDITH	2497	OLD AGE ASSISTANCE
	0076	ROUSSIN EUSTACHE	2515	OLD AGE ASSISTANCE
	0077	SMITH CHARLES	2554	OLD AGE ASSISTANCE
	0078	SMITH ARTHUR	2578	OLD AGE ASSISTANCE
	0079	ST.ARNAUD JOHN B.	2582	OLD AGE ASSISTANCE
	0080	ST.ARNAUD JULIA B.	2583	OLD AGE ASSISTANCE
	0081	ST.CLAIR ROBERT	2593	OLD AGE ASSISTANCE
	0082	ST.GERMAINE PAUL	2602	OLD AGE ASSISTANCE
	0083	ST.PIERRE MARTIN	2617	OLD AGE ASSISTANCE
	0084	THOMAS MARGARET (HERMAN	1660	OLD AGE ASSISTANCE
	0085	THOMAS WILLIAM J.	2662	OLD AGE ASSISTANCE
	0086	TURCOTTE MARGARET	2615	OLD AGE ASSISTANCE
	0087	VIVIER NAPOLEON	2740	OLD AGE ASSISTANCE
	0088	VIVIER ALEXANDER	2746	OLD AGE ASSISTANCE
	0089	WARREN MARY DUMNE	2776	OLD AGE ASSISTANCE
	0090	WILKIE JOSEPHINE (LAVENTURE)	2787	OLD AGE ASSISTANCE
	0091	GRANDBOIS LOUISE (BELGARDE)	512	OLD AGE ASSISTANCE
	0092	LONGIE LOUIS	1749	OLD AGE ASSISTANCE
	0093	REFLECTING MAN MAGGIE	8	OLD AGE ASSISTANCE
	0094	TORTMES MIKE MRS. (EKNEAS GIRL)	27	OLD AGE ASSISTANCE
	0095	OSKINE	134	OLD AGE ASSISTANCE
	0096	REFLECTING MAN JOHN	148	OLD AGE ASSISTANCE
	0097	BELGARDE ANTOINE JR.	456	OLD AGE ASSISTANCE
	0098	BONNEAU VICTORIA	579	OLD AGE ASSISTANCE
	0099	MORIN MARY JUSTINE	711	OLD AGE ASSISTANCE
	0100	DAUPHINAIS JOHN B.	784	OLD AGE ASSISTANCE
	0101	DAUPHINAIS DAVID	788	OLD AGE ASSISTANCE
	0102	DECOTEAU LAROSE (CHAMPAGNE)	901	OLD AGE ASSISTANCE
	0103	DEJARLAIS LOUIS	967	OLD AGE ASSISTANCE
	0104	TURCOTTE MARY LOUISE	968	OLD AGE ASSISTANCE
	0105	ENNO JOHN BAPTISTE	1136	OLD AGE ASSISTANCE
	0106	LANDRY MARGARET	1723	OLD AGE ASSISTANCE
	0107	LAFOUNTAIN SARAH (PRIMEAU)	2467	OLD AGE ASSISTANCE
	0108	VIVIER VIRGINIA	2785	OLD AGE ASSISTANCE
	0109	WILKIE ALBERT	2786	OLD AGE ASSISTANCE
	0110	ROTTINEAU MIKE	3380	OLD AGE ASSISTANCE
	0111	BERGIER FRANCOIS	5537	OLD AGE ASSISTANCE
	0112	RAFLAND ALEX SR.	5726	OLD AGE ASSISTANCE
	0113	DEMONTIGNY AMBROSE	6320	OLD AGE ASSISTANCE
	0114	GRANT VIRGINIA	6888	OLD AGE ASSISTANCE
	0115	LAFONTAIN ELIZABETH	7513	OLD AGE ASSISTANCE
	0116	LATTERGRASS SARAH DUANE	7847	OLD AGE ASSISTANCE
	0117	BERGIER ANTOINE	11660	OLD AGE ASSISTANCE
	0118	BELGARDE ADELE MARY	1194	OLD AGE ASSISTANCE
	0119	GRANDBOIS DAVID	1294	OLD AGE ASSISTANCE
	0121	ALLERY ABRAHAM	219	TRESPASS
	0122	DECOTEAU MOSES	90R	WATER RIGHTS
	0123	TRIBAL	304-10	UTILITY IN TRESPASS
	0124	TRIBAL	304-10	UTILITY IN TRESPASS
	0125	TRIBAL	304-10	UTILITY IN TRESPASS
	0126	TRIBAL	304-10	UTILITY IN TRESPASS
	0127	TRIBAL	304-10	UTILITY IN TRESPASS
	0128	TRIBAL	304-10	UTILITY IN TRESPASS

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A11304	0139	PAGE NANCY	2214	ROAD IN TRESPASS
	0140	MORAN EMILY (BELGARDE)	450	FORCED FEE PATENT
	0141	POITRA CHARLES E.	2407	FORCED FEE PATENT
	0142	LANGER JOHN R. JR.	DL-364A	FORCED FEE PATENT
	0143	LAFONTAIN PIERRE	185	FORCED FEE PATENT
	0144	AZURE ALEXANDER	04925	FORCED FEE PATENT
	0145	LAFROMBOISE GABRIEL	190	FORCED FEE PATENT
	0146	LANDRY MARGARET	154	FORCED FEE PATENT
	0147	WALLET MOSES	313	FORCED FEE PATENT
	0148	DE LAMLAIS FRANCOIS	R-91	FORCED FEE PATENT
	0149	PLANTE JOSEPHINE	2357	FORCED FEE PATENT
	0150	MORIN ISABEL	R-245	FORCED FEE PATENT
	0151	POITRA WILLIAM D.	R-251	FORCED FEE PATENT
	0152	BOYER ABRAHAM	R-44	FORCED FEE PATENT
	0153	GOURNEAU LOUIS	R-130	FORCED FEE PATENT
	0154	LAVALLIE PIERRE	R-105	FORCED FEE PATENT
	0155	DE LAMLAIS MOSES	DL-336	FORCED FEE PATENT
	0156	MCKAY ADELE	2054	FORCED FEE PATENT
	0157	LATRACE LIZETTE	1765	FORCED FEE PATENT
	0158	AZURE JOSEPH	386	FORCED FEE PATENT
	0159	PATNAUDE DONATIL E.	M-51	FORCED FEE PATENT
	0160	WALLET ISADORE	M-73	FORCED FEE PATENT
	0161	BENOTTE MARIE (SINCLAIR)	M-79	FORCED FEE PATENT
	0162	JEROME JOSEPH A.	M-87	FORCED FEE PATENT
	0163	JEROME FREDERICK	M-90	FORCED FEE PATENT
	0164	WILKIE MARIE DELLA	M-104	FORCED FEE PATENT
	0165	DE LAMLAIS ERNESTINE	M-177	FORCED FEE PATENT
	0166	BRIEN JOSEPH PHILLIP	M-187	FORCED FEE PATENT
	0167	BRIEN GEORGIANA	M-192	FORCED FEE PATENT
	0168	LAVALLIE LOUISE A.	M-198	FORCED FEE PATENT
	0169	ENNO RACHEL (MORIN)	M-200	FORCED FEE PATENT
	0170	ST. ARNAUD ALFRED N.	M-226	FORCED FEE PATENT
	0171	BELGARDE BAZIL JR.	M-242	FORCED FEE PATENT
	0172	AZURE FREDERICK	M-267	FORCED FEE PATENT
	0173	NADEAU PIERRE	M-277	FORCED FEE PATENT
	0174	WILKIE ELIZA (DECOTTEAU)	M-305	FORCED FEE PATENT
	0175	ST. PIERRE LOUIS (LAFONTAIN)	M-319	FORCED FEE PATENT
	0176	LADUCER JAMES	M-344	FORCED FEE PATENT
	0177	BASHIN MARY ROSE	387	FORCED FEE PATENT
	0178	ROUSSIN LOUIS BRUNO	M-392	FORCED FEE PATENT
	0179	MONTILEI JOHN	2-(M45	FORCED FEE PATENT
	0180	BAKER MOSES	M-[illegible]	FORCED FEE PATENT
	0181	LAMBERT ISRAEL M.	DL-39	FORCED FEE PATENT
	0182	POITRA MARY JANE	M-349	FORCED FEE PATENT
	0183	MARTELL ALFRED	M-2	FORCED FEE PATENT
	0184	HOLLE ERNESTINE (AZURE)	M-8	FORCED FEE PATENT
	0185	GAUTHIER VITALINE (GRANT)	M-24	FORCED FEE PATENT
	0186	BELGARDE CELESTINE	39	FORCED FEE PATENT
	0187	ROLETTE LOUIS L.	M-41	FORCED FEE PATENT
	0188	LATRAILLE MARGARET	DL-36	FORCED FEE PATENT
	0189	LAFROMBOISE EMILY	52	FORCED FEE PATENT
	0190	BERGIER JOSEPH	M-54	FORCED FEE PATENT
	0191	DAVIS MOSES	M-62	FORCED FEE PATENT
	0192	DAVIS WILLIAM	65	FORCED FEE PATENT
	0193	THIEFAULT LOUIS JR.	M-70	FORCED FEE PATENT
	0194	GRANGOIS MARY JANE	M-81	FORCED FEE PATENT
	0195	AZURE FLORESTINE	M-92	FORCED FEE PATENT
	0196	WILKIE FREDERICK	M-97	FORCED FEE PATENT
	0197	DE LAMLAIS LOUIS JOHN	M-98	FORCED FEE PATENT
	0198	DE LAMLAIS PAUL	M-99	FORCED FEE PATENT
	0199	GRANT MARY LOUISE	146	FORCED FEE PATENT
	0200	MARION JULES GIDEAN	M-159	FORCED FEE PATENT
	0201	MARTIN THEODORE JOSEPH	M-199	FORCED FEE PATENT
	0202	NICHOLAS GIDEON	207	FORCED FEE PATENT
	0203	JEANOTTE PATRICK	M-219	FORCED FEE PATENT
	0204	MALAISSARE JOHN LOUIS	281	FORCED FEE PATENT
	0205	GOURNEAU JOHN P.	M-302	FORCED FEE PATENT
	0206	BELGARDE EMORY	M-330	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A11304	0207	BAKER PATRICK	M-334	FORCED FEE PATENT
	0208	FREDERICK LOUIS	M-351	FORCED FEE PATENT
	0209	HOLLE PHILLIP	M-342	FORCED FEE PATENT
	0210	MONTRIEL SARAH	0440	FORCED FEE PATENT
	0211	NICHOLAS ALEXANDER	0910	FORCED FEE PATENT
	0212	VIVIER VIRGINIA	01745	FORCED FEE PATENT
	0213	THIEFAULT LOUIS	W-5667	FORCED FEE PATENT
	0214	THROTTE PIERRE	WI3094	FORCED FEE PATENT
	0215	TRIBAL	304-10	UTILITY IN TRESPASS
	0216	TRIBAL	304-10	UTILITY IN TRESPASS
	0217	VALLIE DOROTHY	NA	ROAD IN TRESPASS
	0218	TRIBAL	304-10	UTILITY IN TRESPASS
	0219	TRIBAL	304-10	UTILITY IN TRESPASS
	0220	BERGIER JULIA	360	TRESPASS
	0221	CHARBONEAU ANTHONY	747	TITLE
	0222	TRIBAL	304-10	UTILITY IN TRESPASS
	0229	CORNELIUS MARY ROSE	NA	FLOODING
	0230	DELORME JULIA GRANT	316	ROAD IN TRESPASS
	0232	SMITH ALEX A.	2479	MINERAL
	0234	PELTIER MARY	906	FLOODING
	0235	PELTIER MARY	908	ROAD IN TRESPASS
	0236	POITRA MODEST MICHAEL	2445	MINERAL
	0[illegible]7	LAFROMBOISE PIERRE	M-44	FORCED FEE PATENT
	0238	AZURE FABIAN	1214	NONPAYMENT FINE
A11350	0001	CHASE GERTRUDE	600-N	FORCED FEE PATENT
	0002	PRIMEAUX SARAH	965-0	FORCED FEE PATENT
	0003	FIELDS GEORGE	958-0	FORCED FEE PATENT
	0004	CHASE ISAAC E	845-0	FORCED FEE PATENT
	0005	FREMONT NETTIE	523-0	FORCED FEE PATENT
	0006	HALLOWELL ALFRED N.	54-0	FORCED FEE PATENT
	0007	FREMONT FRANCIS	504-0	FORCED FEE PATENT
	0008	BLACK ALVAN	553-0	FORCED FEE PATENT
	0009	TECUMSEH TICK	943-0	FORCED FEE PATENT
	0010	CARNEY FRANCIS	556-0	FORCED FEE PATENT
	0011	HASTINGS RICHARD	536-0	FORCED FEE PATENT
	0012	THOMAS OTTIE	400-0	FORCED FEE PATENT
	0013	PEABODY CHARLES	429-0	FORCED FEE PATENT
	0014	SPRINGER ELSIE (PILCHER)	44[illegible]-0	FORCED FEE PATENT
	0015	LYON HARRY	903-0	FORCED FEE PATENT
	0016	MOORE ANDREW	529-0	FORCED FEE PATENT
	0017	BAITER HARRY	454-0	FORCED FEE PATENT
	0018	FREEMONT BERTRUM	481-0	FORCED FEE PATENT
	0019	BLACKBIRD PETER	897-0	FORCED FEE PATENT
	0020	SHERMAN EDMUND	563-0	FORCED FEE PATENT
	0021	LIER SILAS	911-0	FORCED FEE PATENT
	0022	FARLEY MARY R.	545-0	FORCED FEE PATENT
	0023	COX RENA	648-N	FORCED FEE PATENT
	0024	SCOTT GEORGE THOMAS	841-0	FORCED FEE PATENT
	0025	BLACKBIRD ME AH QUN DA	579-N	FORCED FEE PATENT
	0026	SAUNSOCI LOUIS	534-N	FORCED FEE PATENT
	0027	PROVOST GERTRUDE B.	791-N	FORCED FEE PATENT
	0028	SAUNSOCI MITCHELL	392-N	FORCED FEE PATENT
	0029	WALKER ELVA	572-N	FORCED FEE PATENT
	0030	GRANT SAMUEL	425-0	FORCED FEE PATENT
	0031	FULLER SUSAN	372-0	FORCED FEE PATENT
	0032	FULLER ANNA	371-0	FORCED FEE PATENT
	0033	SAUNSOCI PARTSY	445-0	FORCED FEE PATENT
	0034	MERRICK BENJAMIN	453-0	FORCED FEE PATENT
	0035	GILPIN JAMES	819-N	FORCED FEE PATENT
	0036	FREEMONT MOBLE	402	FORCED FEE PATENT
	0037	LAFLESCHE LUCY	748-N	FORCED FEE PATENT
	0038	PRESTON NELLIE	734-0	FORCED FEE PATENT
	0039	TYNDALL VIRGINIA	638-N	FORCED FEE PATENT
	0040	TYNDALL MARGARET	669-N	FORCED FEE PATENT
	0041	PROVOST ARTHUR A.	790-N	FORCED FEE PATENT
	0042	MITCHELL EDITH (WEBSTER)	399-0	FORCED FEE PATENT
	0043	SOLOMON ALICE (LAFLESCHE)	21-N	FORCED FEE PATENT
	0044	WOODHULL SPAFFORD	499-0	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0114	BLACKBIRD PETER	720-H	FORCED FEE PATENT
	0115	REESE THOMAS	730-H	FORCED FEE PATENT
	0116	REESE ANNA (WEBSTER)	733-H	FORCED FEE PATENT
	0117	HALLOWELL SILAS	794-H	FORCED FEE PATENT
	0118	HALLOWELL THOMAS	777-O	FORCED FEE PATENT
	0119	STABLER LAURA	833-H	FORCED FEE PATENT
	0120	PENN JACOB	6-O	FORCED FEE PATENT
	0121	BRIAN JOHN	70	FORCED FEE PATENT
	0122	CAYOU FRANCIS M.	87	FORCED FEE PATENT
	0123	LAGLEY LUCY (PEARMAN)	145-O	FORCED FEE PATENT
	0124	BURT MAHPE	195	FORCED FEE PATENT
	0125	WHITE ANSLEY	300	FORCED FEE PATENT
	0126	MANE	442	FORCED FEE PATENT
	0127	WOOD CORA	490-O	FORCED FEE PATENT
	0128	SAINSOCI BERNICE	532	FORCED FEE PATENT
	0129	HENDERSON IPTON	678-O	FORCED FEE PATENT
	0130	TYNDALL MATTHEW	695-O	FORCED FEE PATENT
	0131	WEBSTER DANIEL	705-O	FORCED FEE PATENT
	0132	MEMATHA MORRIS (DICK)	714-O	FORCED FEE PATENT
	0133	STEPHENS MADELINE (PAUL OR SCOTT)	743-O	FORCED FEE PATENT
	0134	BAYLIS ELIZABETH (PAUL)	744-O	FORCED FEE PATENT
	0135	BAYLIS HARRISON	745-O	FORCED FEE PATENT
	0136	MERRICK URIAH	755-O	FORCED FEE PATENT
	0137	MITCHELL THOMAS	756-O	FORCED FEE PATENT
	0138	WOOD RICHARD	763-O	FORCED FEE PATENT
	0139	SHERIDAN JOHN	783-O	FORCED FEE PATENT
	0140	MCDONALL MINNIE	784-O	FORCED FEE PATENT
	0141	SPRINGER LOUIS	846-O	FORCED FEE PATENT
	0142	RUSH RUTH	864	FORCED FEE PATENT
	0143	WHEELER ELMER	879-O	FORCED FEE PATENT
	0144	WHEELER LAVARINIA	880-O	FORCED FEE PATENT
	0145	WHEELER PAUL	887-O	FORCED FEE PATENT
	0146	LIER MARY	910-O	FORCED FEE PATENT
	0147	TYNDALL WALTER	934-O	FORCED FEE PATENT
	0148	FOX GEORGE	966	FORCED FEE PATENT
	0149	WEBSTER NOAH	64	FORCED FEE PATENT
	0150	REESE ANNA	129	FORCED FEE PATENT
	0151	WEBSTER EDITH (MITCHELL)	399	FORCED FEE PATENT
	0152	PORTER PONCASON (CAYOU)	421	FORCED FEE PATENT
	0153	RUSH SUSANNA	562	FORCED FEE PATENT
	0154	CLINE TAINOMA (HALLOWELL JEANETTE)	648-O	FORCED FEE PATENT
	0155	FOX NETTIE (SOLOMON)	685	FORCED FEE PATENT
	0156	MORRIS CHARLES	39-H	FORCED FEE PATENT
	0157	BLACKBIRD ANNIE (WHITE)	66-H	FORCED FEE PATENT
	0158	PRESTON PATTY	92-H	FORCED FEE PATENT
	0159	HAMILTON JULIA	141-H	FORCED FEE PATENT
	0160	MITCHELL LUCY (MERRIDY)	231-H	FORCED FEE PATENT
	0161	PAPPAS MARGARET (GRANT)	259-H	FORCED FEE PATENT
	0162	MITCHELL OSCAR THOMAS	259-H	FORCED FEE PATENT
	0163	MITCHELL EDWARD	265-H	FORCED FEE PATENT
	0164	ROBINSON ELLA (WOLF)	288-H	FORCED FEE PATENT
	0165	WOLF OLIVER	377-H	FORCED FEE PATENT
	0166	HENDERSON HENRY (LONGWORTH)	517-H	FORCED FEE PATENT
	0167	PAHFER CHARLES	525-H	FORCED FEE PATENT
	0168	FREMONT THOMAS	537-H	FORCED FEE PATENT
	0169	WOLF LOTTIE (FREEMONT)	544-H	FORCED FEE PATENT
	0170	SPRINGER ISAAC	832-O	FORCED FEE PATENT
	0171	SCHLEPPENBACH ETHELYN	681-H	FORCED FEE PATENT
	0172	MORRIS JOHN JR.	718-H	FORCED FEE PATENT
	0173	REESE MABEL (TYNDALL)	131-O	FORCED FEE PATENT
	0174	THOMAS PAUL	737-O	FORCED FEE PATENT
	0175	FONTENELLE HENRY	751-H	FORCED FEE PATENT
	0176	MORRIS GEORGE	775-H	FORCED FEE PATENT
	0177	BRIAN ANNA	41	FORCED FEE PATENT
	0178	BLACKBIRD HENRY	81	FORCED FEE PATENT
	0179	WELLS ANNA	97-O	FORCED FEE PATENT
	0180	BUFFALO METAENA (JENNIE)	444	FORCED FEE PATENT
	0181	REECH GUSTAVAS	692	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13390	0045	CAYOU FRANCIS M.	179-H	FORCED FEE PATENT
	0046	KEMP JOHN	117-O	FORCED FEE PATENT
	0047	WALKER FANNIE (WHITE)	103-O	FORCED FEE PATENT
	0048	KEMP EDWARD	121-O	FORCED FEE PATENT
	0049	DAVIS WARREN	11-O	FORCED FEE PATENT
	0050	LYON ANDREW	112-O	FORCED FEE PATENT
	0051	DICK JAMES	49-O	FORCED FEE PATENT
	0052	ESAU MARY	106-O	FORCED FEE PATENT
	0053	GRANT CHARLES	3-O	FORCED FEE PATENT
	0055	KEECH	196	FORCED FEE PATENT
	0056	LYON JOHN	260	FORCED FEE PATENT
	0057	WALKER THEKAHKAIE	261	FORCED FEE PATENT
	0058	LOVE JOY AMELIA	302	FORCED FEE PATENT
	0059	TYNDALL MARELINE	303	FORCED FEE PATENT
	0060	TYNDALL CHRISTOPHER	304	FORCED FEE PATENT
	0061	WALKER ANSLEY	308	FORCED FEE PATENT
	0062	PORTER JAMES (NEMASKA)	330	FORCED FEE PATENT
	0063	BLACKBIRD ALFRED	407	FORCED FEE PATENT
	0064	WALKER AMOS	412	FORCED FEE PATENT
	0065	THOMAS THEODORE	470	FORCED FEE PATENT
	0066	BAXTER BERTIE	484	FORCED FEE PATENT
	0067	BLACKBIRD MARY	518	FORCED FEE PATENT
	0068	WALKER DANIEL	555	FORCED FEE PATENT
	0069	FREEMONT MABEL	569	FORCED FEE PATENT
	0070	FARLEY JOHN FRANCIS	570	FORCED FEE PATENT
	0071	FLEMAS HENRY	579	FORCED FEE PATENT
	0072	PARKER HENDSHUE	585	FORCED FEE PATENT
	0073	HAMILTON JOSEPH	609	FORCED FEE PATENT
	0074	PAPAN EUGENE	615	FORCED FEE PATENT
	0075	PARKER JACOB	632	FORCED FEE PATENT
	0076	CLINE PHOEBE	646	FORCED FEE PATENT
	0077	CLINE EDWARD	649	FORCED FEE PATENT
	0078	WEBSTER THOMAS	654	FORCED FEE PATENT
	0079	WELLS CHARLES	680	FORCED FEE PATENT
	0080	BLACKBIRD HENRY	34-H	FORCED FEE PATENT
	0081	STABLER LUCY (WALKER)	54-H	FORCED FEE PATENT
	0082	COOK TASAGE	59-H	FORCED FEE PATENT
	0083	WALKER DAISY (MITHCELL)	68-H	FORCED FEE PATENT
	0084	WELLS DAVID B.	132-H	FORCED FEE PATENT
	0085	MCDONALL EUNICE	156-H	FORCED FEE PATENT
	0086	PRESTON RALPH	192-H	FORCED FEE PATENT
	0087	WOLF HOWARD	215-H	FORCED FEE PATENT
	0088	HALLOWELL DAVID (COY)	229-H	FORCED FEE PATENT
	0089	RICE E. (GRANT)	238-H	FORCED FEE PATENT
	0090	SHERIDAN LOUIS	294-H	FORCED FEE PATENT
	0091	SHERIDAN CLYDE	296-H	FORCED FEE PATENT
	0092	SHERIDAN HENRY	299-H	FORCED FEE PATENT
	0093	MCBAILEY JOSEPHINE	309-H	FORCED FEE PATENT
	0094	MCBAILEY JEANETTE (SHERIDAN)	311-H	FORCED FEE PATENT
	0095	MCBAILEY ETTA (PARKER)	312-H	FORCED FEE PATENT
	0096	HARJAN HENRY (SNAKE)	384-O	FORCED FEE PATENT
	0097	SAINSOCI MINNIE	392-H	FORCED FEE PATENT
	0098	MITCHELL BERTRAM	399-H	FORCED FEE PATENT
	0099	MITCHELL AMOS	401-H	FORCED FEE PATENT
	0100	ROBINSON EDWARD	404-H	FORCED FEE PATENT
	0101	FARLEY FLETCHER	475-H	FORCED FEE PATENT
	0102	FARLEY MARGERITE (CONN)	474-H	FORCED FEE PATENT
	0103	MORGAN LARRY JAMES	502-H	FORCED FEE PATENT
	0104	PARKER NETAWA	524-H	FORCED FEE PATENT
	0105	HANIKA WILLIAM H.	541-H	FORCED FEE PATENT
	0106	HALL PHILLIS	543-H	FORCED FEE PATENT
	0107	SPRINGER WALLACE	RPA	FORCED FEE PATENT
	0108	SPRINGER CHARLES	449-H	FORCED FEE PATENT
	0109	LYON DON	655-H	FORCED FEE PATENT
	0110	MCBAILEY MARY ANN	691-H	FORCED FEE PATENT
	0111	MILLER WALLACE	694-H	FORCED FEE PATENT
	0112	TYNDALL FRANK	695-H	FORCED FEE PATENT
	0113	BLACKBIRD GEORGE	706-H	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0182	HEINRICH ANNA (WHEELER)	889-0	FORCED FEE PATENT
	0183	WOLF MATTIE	44-N	FORCED FEE PATENT
	0184	WOLF EDWARD	383	FORCED FEE PATENT
	0185	WALKER SARA	450-N	FORCED FEE PATENT
	0186	PENN LUCH	150-0	FORCED FEE PATENT
	0187	HEWITT EMILY	152	FORCED FEE PATENT
	0188	SMITH TAHAGO	558-N	FORCED FEE PATENT
	0189	PARKER MINNIE	576-N	FORCED FEE PATENT
	0190	DICK LUCY	677-N	FORCED FEE PATENT
	0191	MITCHELL EDWARD	757-N	FORCED FEE PATENT
	0192	MITCHELL LUCY (SAUNSOCI)	807-0	FORCED FEE PATENT
	0193	ROBINSON CHARLES	497	FORCED FEE PATENT
	0194	FREEMONT JACKSON	511	FORCED FEE PATENT
	0195	LAFLESCHE FRANK	517	FORCED FEE PATENT
	0196	PAPPAN LETTIE	540-0	FORCED FEE PATENT
	0197	MITCHELL IDA	542-0	FORCED FEE PATENT
	0198	LOVEJOY PAUL	643	FORCED FEE PATENT
	0199	HALLOWELL STELLA	551-N	FORCED FEE PATENT
	0200	LALAN ELMER (GROVER)	561-N	FORCED FEE PATENT
	0201	RUSH RICHARD	561	FORCED FEE PATENT
	0202	WOOD SILAS	583	FORCED FEE PATENT
	0203	GRANT DAVID	590	FORCED FEE PATENT
	0204	WARNER ROBERT	601	FORCED FEE PATENT
	0205	PAPPAN ALBERT	612	FORCED FEE PATENT
	0206	WEBSTER ETTA	616	FORCED FEE PATENT
	0207	GUITAR CHARLES	624-N	FORCED FEE PATENT
	0208	GUITAR FRANK	625-N	FORCED FEE PATENT
	0209	BURT JULIA (KANZAEWE)	627	FORCED FEE PATENT
	0210	LOVE JOY DAVID	630-0	FORCED FEE PATENT
	0211	CAMBY LOIS	642-N	FORCED FEE PATENT
	0212	FREEMONT MARGUERITE	652	FORCED FEE PATENT
	0213	WEBSTER GEORGE	656	FORCED FEE PATENT
	0214	TYNDALL CAROLINE	683-N	FORCED FEE PATENT
	0215	CHASE HIRAM	686-0	FORCED FEE PATENT
	0216	TYNDALL MARGUERITE	689-N	FORCED FEE PATENT
	0217	MOT AFRAID CLAY	690-0	FORCED FEE PATENT
	0218	MILLER ALICE (FREE)	696-N	FORCED FEE PATENT
	0219	SPRINGER JOHN	741-0	FORCED FEE PATENT
	0220	LOVE JOY NOAH	748-0	FORCED FEE PATENT
	0221	WOODHULL CHARLES	787-0	FORCED FEE PATENT
	0222	SHERIDAN RACHEL (GRANT)	791-0	FORCED FEE PATENT
	0223	SHERMAN DWIGHT	793-0	FORCED FEE PATENT
	0224	MERRICH ERNEST	795-0	FORCED FEE PATENT
	0225	GRAFF LEMING	800-0	FORCED FEE PATENT
	0226	PROVOST JULIET	809-0	FORCED FEE PATENT
	0227	CAMBY DAVID (KAETHEHE)	811-0	FORCED FEE PATENT
	0228	PILCHER WILLIAM H.	817	FORCED FEE PATENT
	0229	WOOD CHARLES	829	FORCED FEE PATENT
	0230	SLOAN THOMAS	837-N	FORCED FEE PATENT
	0231	SPRINGER HENRY	853-0	FORCED FEE PATENT
	0232	PEABODY ALLEN	857-0	FORCED FEE PATENT
	0233	WOODHULL EDWARD LOUIS	868-0	FORCED FEE PATENT
	0234	WOOD JOHN	871-0	FORCED FEE PATENT
	0235	FONTENELLE EUGENE	886-0	FORCED FEE PATENT
	0236	BLACKBIRD HENRICH	897-0	FORCED FEE PATENT
	0237	MITCHELL MARY	913-0	FORCED FEE PATENT
	0238	TYNDALL JOEL	934-0	FORCED FEE PATENT
	0239	SHERMAN JOHN	943	FORCED FEE PATENT
	0240	SHERMAN MINNIE (WALKER)	48-N	FORCED FEE PATENT
	0241	MCCAULEY MAGGIE	949	FORCED FEE PATENT
	0242	SHERIDAN NELLIE	954-0	FORCED FEE PATENT
	0243	BAXTER CHARLES	7-N	FORCED FEE PATENT
	0244	EDWARDS	19-N	FORCED FEE PATENT
	0245	MORRIS HENRY	41-0	FORCED FEE PATENT
	0246	PARKER SAMUEL	46-N	FORCED FEE PATENT
	0247	DICK JOSEPH	46-0	FORCED FEE PATENT
	0248	PITCHER HENRY	47-N	FORCED FEE PATENT
	0249	COOK MAGGIE	63-N	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0250	BROWN JOHN SR.	69	FORCED FEE PATENT
	0251	STABLER GEORGE	76-N	FORCED FEE PATENT
	0252	SAUNSOCI FRANK	79	FORCED FEE PATENT
	0253	WALKER HOMER	85-N	FORCED FEE PATENT
	0254	MITCHELL ORRIN	90	FORCED FEE PATENT
	0255	LIEB LIZZIE	93	FORCED FEE PATENT
	0256	ESAU JOSEPH	102	FORCED FEE PATENT
	0257	BLACKBIRD THERESA M.	104-0	FORCED FEE PATENT
	0258	MERRICK OLLIE MARY	123-N	FORCED FEE PATENT
	0259	BLACK BIRD JAMES	151	FORCED FEE PATENT
	0260	GRANT JAMES	155	FORCED FEE PATENT
	0261	GRANT ULYSSES	159	FORCED FEE PATENT
	0262	MORRIS JAMES	162	FORCED FEE PATENT
	0263	WOLF JEFFERSON	167	FORCED FEE PATENT
	0264	SAUNSOCI ARDENT	171	FORCED FEE PATENT
	0265	WEBSTER PETER	176	FORCED FEE PATENT
	0266	THOMAS CHARLEY	188	FORCED FEE PATENT
	0267	WOLF JACKSON	189	FORCED FEE PATENT
	0268	LYON LAURA	197-0	FORCED FEE PATENT
	0269	WHITE THOMAS	210-N	FORCED FEE PATENT
	0270	DUVALL HERBERT	217	FORCED FEE PATENT
	0271	MILTON HENRY	230	FORCED FEE PATENT
	0272	GRANT IRENE	235-N	FORCED FEE PATENT
	0273	GRANT WILLIE	237-N	FORCED FEE PATENT
	0274	MITCHELL NEAL	241	FORCED FEE PATENT
	0275	PAPPAS DORA	249-N	FORCED FEE PATENT
	0276	PAPPAS LUCY (WOLF)	251-N	FORCED FEE PATENT
	0277	WHITE MANA	262-N	FORCED FEE PATENT
	0278	WALKER TAMAHA (THOMAS F.)	263	FORCED FEE PATENT
	0279	BROWN JACOB	279	FORCED FEE PATENT
	0280	MCCAULEY THOMAS	289	FORCED FEE PATENT
	0281	MORRIS HARRIET	291-0	FORCED FEE PATENT
	0282	GRANT DANIEL	293	FORCED FEE PATENT
	0283	GRANT NAWAHEGA	295	FORCED FEE PATENT
	0284	LEVERING MILTON	299	FORCED FEE PATENT
	0285	TYNDALL THERESE	301	FORCED FEE PATENT
	0286	WALKER CLYDE	312	FORCED FEE PATENT
	0287	PILCHER MARY (RUSH)	317-N	FORCED FEE PATENT
	0288	BURT WATAWA	326-N	FORCED FEE PATENT
	0289	ROGER FLORENCE (FILSON)	344	FORCED FEE PATENT
	0290	LAMSON AMOS	345-N	FORCED FEE PATENT
	0291	LAMSON GRACE ANN (PETERS)	346-N	FORCED FEE PATENT
	0292	LAMSON ZOE	347-N	FORCED FEE PATENT
	0293	ESAU EDWARD	349	FORCED FEE PATENT
	0294	WALKER HORACE	364	FORCED FEE PATENT
	0295	GILPIN SAMUEL	394	FORCED FEE PATENT
	0296	BLACKBIRD JOHN	406	FORCED FEE PATENT
	0297	CLAY FRANCIS (GRANT)	407-N	FORCED FEE PATENT
	0298	WALKER PHILLIP	409	FORCED FEE PATENT
	0299	LITTLE COOK OHHAZHIN GA	417	FORCED FEE PATENT
	0300	GRANT ROSA	430	FORCED FEE PATENT
	0301	BLACKBIRD NAZAEINZAE	432	FORCED FEE PATENT
	0302	MARTIN MINNIE (PARKER)	459-N	FORCED FEE PATENT
	0303	PEABODY JANE (MITCHELL)	468-N	FORCED FEE PATENT
	0304	FARLEY LOUIS (LAFLESCHE)	474-N	FORCED FEE PATENT
	0305	PILCHER CHARLES	496	FORCED FEE PATENT
	0306	LAFLESCHE CAREY	516	FORCED FEE PATENT
	0307	CHASE CYNTHIA	678	FORCED FEE PATENT
	0308	FREEMONT SAMUEL	667	FORCED FEE PATENT
	0309	MILLER EDWARD	662	FORCED FEE PATENT
	0310	WOLF JOHN	147	FORCED FEE PATENT
	0311	FREEMONT LOGAN	127	FORCED FEE PATENT
	0312	FREEMONT ALICE	96-0	FORCED FEE PATENT
	0313	WALKER EMILY	525-N	FORCED FEE PATENT
	0314	SPRINGER CHARLES	832-0	FORCED FEE PATENT
	0315	MITHCELL THOMAS	758	OLD AGE ASSISTANCE
	0316	HARLAN RUEBEN	764	OLD AGE ASSISTANCE
	0317	BLACK LUCY	433	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0318	BLACKBIRD JOHN	769	OLD AGE ASSISTANCE
	0319	BLACKBIRD JOHN	770	OLD AGE ASSISTANCE
	0320	BLACKBIRD JOHN	771	OLD AGE ASSISTANCE

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0318	PORTER PHILLIP	750	OLD AGE ASSISTANCE
	0319	DICK JOSEPH	46-0	OLD AGE ASSISTANCE
	0320	SHERIDAN JULIA (WHITE H.)	141-N	OLD AGE ASSISTANCE
	0321	LOVEJOY JENNIE (BUFFALO)	444-0	OLD AGE ASSISTANCE
	0322	LASLEY JOHN	461	OLD AGE ASSISTANCE
	0323	CAYOU WILLIAM WEBSTER	112	OLD AGE ASSISTANCE
	0324	SOLOMON HARRY	363	OLD AGE ASSISTANCE
	0325	CANBY DAVID	R11	OLD AGE ASSISTANCE
	0326	BUTLER WILLIAM	1-0	TAXATION
	0327	FREEMONT JULIA	2-0	TAXATION
	0328	BAXTER RICHARD	3-0	TAXATION
	0329	GRANT MORGAN	5-0	TAXATION
	0330	PENN WAUMPAZE	7-0	TAXATION
	0331	PENN THINDAYTHESUN	8-0	TAXATION
	0332	PENN MAGRADAME	9-0	TAXATION
	0333	FREEMONT JESSIE	12-0	TAXATION
	0334	EDWARDS METAENA	13-0	TAXATION
	0335	FOX LUTHER	14-0	TAXATION
	0336	MOORE BENJAMIN	15-0	TAXATION
	0337	WOLF ARTHUR	17-0	TAXATION
	0338	HALLOWELL JOSEPH R.	18-0	TAXATION
	0339	HALLOWELL WILLIE	19-0	TAXATION
	0340	HALLOWELL CLYDE	20-0	TAXATION
	0341	SMITH MILTON	22-0	TAXATION
	0342	PETER CHARLES	24-0	TAXATION
	0344	PORTER DANIEL	26-0	TAXATION
	0345	THOMAS WILLIAM	28-0	TAXATION
	0346	EDWARDS WALTER	29-0	TAXATION
	0347	DICKSON JESSE	32-0	TAXATION
	0348	CLAY HENRY	33-0	TAXATION
	0349	WALKER METAE	34-0	TAXATION
	0350	RUSH WILLIE	38-0	TAXATION
	0351	THOMAS MEAHKUNDA	42-0	TAXATION
	0352	DICK LOUISA	45-0	TAXATION
	0353	DICK EMILY	47-0	TAXATION
	0354	DICK ALBERT	48-0	TAXATION
	0355	DICK JAMES	49-0	TAXATION
	0356	GILPIN MEGADETHE	50-0	TAXATION
	0357	MITCHELL CHARLES	51-0	TAXATION
	0358	MORRIS EDWARD	52-0	TAXATION
	0359	ROBINSON THOMAS	53-0	TAXATION
	0360	DICK LUCY	57-0	TAXATION
	0361	TOURNEY JOHN	58-0	TAXATION
	0362	ROBINSON LEWIS	61-0	TAXATION
	0363	DRUM PETER	62-0	TAXATION
	0364	CANBY THOMAS	63-0	TAXATION
	0365	WEBSTER NAWUNDAE	64-0	TAXATION
	0366	WEBSTER GEMPAGANGA	65-0	TAXATION
	0367	FREEMONT ALLEN	68-0	TAXATION
	0368	BROWN THONTEWATHAE	71-0	TAXATION
	0369	MATHEWS JOSEPH	74-0	TAXATION
	0370	KEMPT JOSEPH	113-0	TAXATION
	0371	DALE ROBERT	119-0	TAXATION
	0372	WOLF DANIEL	123-0	TAXATION
	0374	SMITH GIDEON	125-0	TAXATION
	0375	BLACKBIRD HIRAM	126-0	TAXATION
	0376	REESE EMILY	128-0	TAXATION
	0377	REESE ANNA	129-0	TAXATION
	0378	REESE FANNY	130-0	TAXATION
	0379	CALLON WILLIAM P.	132-0	TAXATION
	0380	REESE MARIE	133-0	TAXATION
	0381	WALKER DANIEL	133-0	TAXATION
	0382	JEWETT ANN	134-0	TAXATION
	0383	MORRIS DAVID	136-0	TAXATION
	0384	GRANT HELEN OLIVE (WEBSTER)	140-0	TAXATION
	0385	BAXTER WASHINGTON	141-0	TAXATION
	0386	CLINE ALBERT	142-0	TAXATION
	0387	WOLF JAMES	144-0	TAXATION

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0388	WEBSTER SAMUEL	146-0	TAXATION
	0389	BUTLER MARY	148-0	TAXATION
	0390	CLINE JOSEPHINE	149-0	TAXATION
	0391	HEWITT EMILY	152-0	TAXATION
	0392	GRANT ANNA	153-0	TAXATION
	0393	MCCAULEY EVA (GRANT)	156-0	TAXATION
	0394	WEBSTER GEDAAHBE	157-0	TAXATION
	0395	MORRIS JESSE	158-0	TAXATION
	0396	HARLAN JAMES	160-0	TAXATION
	0397	MORRIS FRANK	161-0	TAXATION
	0398	HALLOWELL JACOB	165-0	TAXATION
	0399	FREEMONT LOTTIE (WOLF)	166-0	TAXATION
	0400	WOLF GRAETOSTAEWE	168-0	TAXATION
	0401	WOLF PNCAWE	169-0	TAXATION
	0402	KEECH JAMES	170-0	TAXATION
	0403	KEECH GUSTAVUS	172-0	TAXATION
	0404	WALKER SARAH B.	174-0	TAXATION
	0405	FOX PONCASAN	175-0	TAXATION
	0406	HARLAN AETATA	178-0	TAXATION
	0407	HARLAN TAINWE	179-0	TAXATION
	0408	JEWETT JAMES	180-0	TAXATION
	0409	THOMAS HELEN (WOLF)	181-0	TAXATION
	0410	WOLF AMY	182-0	TAXATION
	0411	ROBINSON LUKE	184-0	TAXATION
	0412	LEVERING MEDOSHANE	189-0	TAXATION
	0413	WOLF IDA	191-0	TAXATION
	0414	KEECH WILLIAM	192-0	TAXATION
	0415	WRIGHT TIMOTHY	193-0	TAXATION
	0416	HARLAN JOHN	194-0	TAXATION
	0417	FREEMONT OSCAR	197-0	TAXATION
	0418	PARKER SUSAN	199-0	TAXATION
	0419	HARLAN ROBERT	200-0	TAXATION
	0420	WRIGHT JULIA (WOLF)	201-0	TAXATION
	0421	WOLF THINDASUMTERGRAE	202-0	TAXATION
	0422	WOLF MEGRAEDAME	203-0	TAXATION
	0423	SMITH NEWAIN	204-0	TAXATION
	0424	HARLAN JESSE	205-0	TAXATION
	0425	WALKER NOAH	206-0	TAXATION
	0426	TYNDALL WILLIAM	207-0	TAXATION
	0427	PHILLIP GRANT	208-0	TAXATION
	0428	WALKER GRACE	209-0	TAXATION
	0429	WOLF EMMA (PARKER)	210-0	TAXATION
	0430	FREEMONT EMILY	211-0	TAXATION
	0431	DUVALL BURKE	212-0	TAXATION
	0432	ROBINSON SARAH	213-0	TAXATION
	0433	EDWARDS DORA	214-0	TAXATION
	0434	EDWARDS MARIA	215-0	TAXATION
	0435	EDWARDS JOHN	216-0	TAXATION
	0436	PARKER HENRY	219-0	TAXATION
	0437	DRUM ELIZA (ROBINSON)	220-0	TAXATION
	0438	GRANT MARTHA (TOURNEY)	221-0	TAXATION
	0439	TORNEY THERESE	222-0	TAXATION
	0440	TORNEY LIZZIE	223-0	TAXATION
	0441	PARKER JAMES	224-0	TAXATION
	0442	PARKER ELLEN	225-0	TAXATION
	0443	PARKER SUSAN	226-0	TAXATION
	0444	PARKER JANE	227-0	TAXATION
	0445	TORNEY ISABELLA	228-0	TAXATION
	0446	FREEMONT RUFUS	231-0	TAXATION
	0447	TAEWAON WATSON	232-0	TAXATION
	0448	GRANT METAE (MITCHELL)	237-0	TAXATION
	0449	MITCHELL TAETTAEHE	239-0	TAXATION
	0450	MITCHELL AHSAEHUBAE	242-0	TAXATION
	0451	MITCHELL NANCY	243-0	TAXATION
	0452	WOLF THOMAS	244-0	TAXATION
	0453	WOLF ANNA	245-0	TAXATION
	0454	WOLF CAROLINE	246-0	TAXATION
	0455	PHILLIPS ALFRED	247-0	TAXATION

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0456	HARLAN CHARLES	248-0	TAXATION
	0457	HALLOWELL STELLA	250-0	TAXATION
	0458	BLACKBIRD FRANK	252-0	TAXATION
	0459	FOX GRACE	253-0	TAXATION
	0460	HALLOWELL INSTASONAE	254-0	TAXATION
	0461	LYON NATHAN	265-0	TAXATION
	0462	WATSON PHILLIP	269-0	TAXATION
	0463	KEMP HORACE	274-0	TAXATION
	0464	MILTON JAMES	276-0	TAXATION
	0465	MILTON FANNY	277-0	TAXATION
	0466	LOVEJOY SAMUEL	282-0	TAXATION
	0467	DRUM JOSEPH	283-0	TAXATION
	0468	DRUM LYDIA	284	TAXATION
	0469	PARKER WILLIAM	286-0	TAXATION
	0470	DRUM PAUL	285-0	TAXATION
	0471	LYON OSCAR	287-0	TAXATION
	0472	KEMP THOMAS	288-0	TAXATION
	0473	WALKER BENJAMIN	290-0	TAXATION
	0474	BLACKBIRD MARY (MERRICK)	292-0	TAXATION
	0475	LYON JOSEPH	294-0	TAXATION
	0476	CANBY WILLIAM	296-0	TAXATION
	0477	FROST WILLIAM	297-0	TAXATION
	0478	GUITAR STEPHEN	298-0	TAXATION
	0479	PARKER SAMUEL W.	305-0	TAXATION
	0480	PARKER SAMUEL	305-0	TAXATION
	0481	PARKER HUBERT	306-0	TAXATION
	0482	PARKER CHARITY	307-0	TAXATION
	0483	BLACK BIRD WILLIAM	310-0	TAXATION
	0484	PARKER GEORGE	313-0	TAXATION
	0485	GRANT HENRY	314-0	TAXATION
	0486	WALKER JACK	315-0	TAXATION
	0487	WELLS MARY (PARKER)	318-0	TAXATION
	0488	EDWARDS JONATHAN	320-0	TAXATION
	0489	WALKER GAHATAMUZZE	321-0	TAXATION
	0490	MORRIS MEMTAE (WALKER)	322-0	TAXATION
	0491	WALKER MANIANGAKA	323-0	TAXATION
	0492	LYON HORACE	324-0	TAXATION
	0493	PORTER BERTHA	328-0	TAXATION
	0494	CLARK JOHN	329-0	TAXATION
	0495	PORTER MARY	331-0	TAXATION
	0496	CLINE EDITH (DRUM)	332-0	TAXATION
	0497	COX WALTER	333-0	TAXATION
	0498	BLACKBIRD THAETAAEMMPATE	334-0	TAXATION
	0499	BLACKBIRD MEMETAEGA	335-0	TAXATION
	0500	WHITE MARY	336-0	TAXATION
	0501	BAXTER LOUISA (WHITE)	337-0	TAXATION
	0502	DICK LIZZIE (WHITE)	338-0	TAXATION
	0503	REESE HARVEY	340-0	TAXATION
	0504	REESE ALVIN	341-0	TAXATION
	0505	REESE HOMER	342-0	TAXATION
	0506	FOX HELEN	344-0	TAXATION
	0507	FOX SHUIMMA	345-0	TAXATION
	0508	FOX JOEL	346-0	TAXATION
	0509	DIXON CHARLES	347-0	TAXATION
	0510	REESE WILLIAM	348-0	TAXATION
	0511	ESAU EDWARD	349-0	TAXATION
	0512	MITCHELL ARTHUR	351-0	TAXATION
	0513	SOLOMON SIOUX	353-0	TAXATION
	0514	GREY MESHADETHE	357-0	TAXATION
	0515	SOLOMON HARRY	358-0	TAXATION
	0516	WOLF EDITH (COOK)	359-0	TAXATION
	0517	WALKER ONTHAEA-HUNNO	60-0	TAXATION
	0518	WALKER MEAHGANDA	361-0	TAXATION
	0519	WALKER TAOSAWIN	362-0	TAXATION
	0520	WALKER EDWIN	363-0	TAXATION
	0521	HARLAN WALTER	368-0	TAXATION
	0522	WALKER NEDAHE (WHITE)	378-0	TAXATION
	0523	WHITE CHARLES	379-0	TAXATION

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0524	HARLAN WILLIE	380-0	TAXATION
	0525	HARLAN TAESUNDABE	381-0	TAXATION
	0526	WOLF DAVID	382-0	TAXATION
	0527	WOLF EDWARD	383-0	TAXATION
	0528	HARLAN MEGANA	385-0	TAXATION
	0529	LOVEJOY MEGTHETAIN	386-0	TAXATION
	0530	HARLAN EMMA (WOLF)	388-0	TAXATION
	0531	SAUNSOCI HELEN	390-0	TAXATION
	0532	GILPIN SAMPSON	391-0	TAXATION
	0533	GILPIN NAHRADAEMONE	392-0	TAXATION
	0534	GILPIN TAINTHE	393-0	TAXATION
	0535	GILPIN DADALHENGAE	395-0	TAXATION
	0536	MARTIN GEORGE	398-0	TAXATION
	0537	MITCHELL EDITH (WEBSTER)	399-0	TAXATION
	0538	WEBSTER EMMA	400-0	TAXATION
	0539	PARKER MARTHA (STABLE)	402-0	TAXATION
	0540	HENDERSON JANE	408-0	TAXATION
	0541	CLINE HORACE	410-0	TAXATION
	0542	COX WILLIAM PEN	415-0	TAXATION
	0543	COX JOSEPH	418-0	TAXATION
	0544	PORTER TAINGENA	420-0	TAXATION
	0545	PORTER PHILLIP	422-0	TAXATION
	0546	HALLOWELL BENJAMIN	423-0	TAXATION
	0547	MILTON EMILY	424-0	TAXATION
	0548	COX OHBANE	426-0	TAXATION
	0549	PORTER MEMASHEHAME	427-0	TAXATION
	0550	BLACK LUCY	431-0	TAXATION
	0551	BLACKBIRD OUGUSHONZINGO	433-0	TAXATION
	0552	BLACKBIRD PONCAWA	434-0	TAXATION
	0553	SMITH GTHAEDAWEHAEHE	435-0	TAXATION
	0554	WALKER AHSATONGA	436-0	TAXATION
	0555	SMITH SHAGANINGA	437-0	TAXATION
	0556	GRANT GAETAWETACHE	440-0	TAXATION
	0557	WEBSTER SUSAN (SAUNSOCI)	442-0	TAXATION
	0558	BUFFALO AHSAHOMONAE	443-0	TAXATION
	0559	LOVEJOY JENNIE (BUFFALO)	444-0	TAXATION
	0560	LOVEJOY INSTAPAEDAE	445-0	TAXATION
	0561	HALLOWELL ARTHUR	448-0	TAXATION
	0562	MORGAN ALBERT	450-0	TAXATION
	0563	THOMAS ELIZA (MORGAN)	452-0	TAXATION
	0564	WOODHULL SPOFFORD	459-0	TAXATION
	0565	COOK MABEL	465-0	TAXATION
	0566	SHERIDAN ELI	475-0	TAXATION
	0567	LOVEJOY SUSAN	526-0	TAXATION
	0568	FURNAS RACHEL	572-0	TAXATION
	0569	MITCHELL MEMONNE	573-0	TAXATION
	0570	MORRIS WAETAEME	574-0	TAXATION
	0571	FREEMONT AGNES	575-0	TAXATION
	0572	FREEMONT HARRIET	576-0	TAXATION
	0573	FREEMONT CAROLINE	577-0	TAXATION
	0574	PARKER JONATHAN	584-0	TAXATION
	0575	PARKER METANA	586-0	TAXATION
	0576	MITCHELL TAINGRAHAE (PARKER)	587-0	TAXATION
	0577	GRANT TAEHAEGA	588-0	TAXATION
	0578	GRANT JOHN	589-0	TAXATION
	0579	PHILLIPS WILLIAM	591-0	TAXATION
	0580	LYON OLIVER	592-0	TAXATION
	0581	FREEMONT JOHN	593-0	TAXATION
	0582	WARNER ALBERT	596-0	TAXATION
	0583	BURT HEENHUDAEME	597-0	TAXATION
	0584	GRANT SOLOMON	599-0	TAXATION
	0585	LEVERING POLLY	600-0	TAXATION
	0586	MORRIS LYDIA	602-0	TAXATION
	0587	WHITE OMSHAGAHAE	604-0	TAXATION
	0588	MERRICK CHARLES	605-0	TAXATION
	0589	MERRICK SAMUEL	606-0	TAXATION
	0590	MERRICK PETER	607-0	TAXATION
	0591	FROST SUSAN (PAPPAN)	611-0	TAXATION

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ABERDEEN AREA STATUTE CLAIMS

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ABERDEEN AREA STATUTE CLAIMS

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0592	WHITE HOWARD	613-0	TAXATION
	0593	WELLS AGNES	618-0	TAXATION
	0594	WELLS STEPHEN	619-0	TAXATION
	0595	RAMSEY GEORGE	620-0	TAXATION
	0596	PARKER WATAIN	621-0	TAXATION
	0597	HAMILTON WILLIAM	623-0	TAXATION
	0598	WELLS SAMUEL	624-0	TAXATION
	0599	PARKER ABRAHAM	625-0	TAXATION
	0600	BURT MARY	626-0	TAXATION
	0601	LOVEJOY ELIZABETH	629-0	TAXATION
	0602	PARKER ELI S.	631-0	TAXATION
	0603	PARKER BENJAMIN	633-0	TAXATION
	0604	STABLER BENJAMIN	635-0	TAXATION
	0605	MORRIS EDWARD	636-0	TAXATION
	0606	STABLER JAMES	637-0	TAXATION
	0607	PRESTON EMILY	639-0	TAXATION
	0608	MCCAULEY HARRISON	644-0	TAXATION
	0609	RUSH JONATHAN	645-0	TAXATION
	0610	CLINE TAINKENA	648-0	TAXATION
	0611	FREEMONT MAUD	650-0	TAXATION
	0612	FREEMONT WEUMBATHE	651-0	TAXATION
	0613	FOX NETTIE	655-0	TAXATION
	0614	SHERIDAN WILLIAM	658-0	TAXATION
	0615	HAMILTON JAMES	660-0	TAXATION
	0616	FOX PACAME	661-0	TAXATION
	0617	WHITE MUNGAETHEAH	662-0	TAXATION
	0618	FREEMONT GEORGE	664-0	TAXATION
	0619	FREEMONT VIRGINIA	665-0	TAXATION
	0620	FREEMONT MINNIE	666-0	TAXATION
	0621	FREEMONT SAMUEL	667-0	TAXATION
	0622	FOX WALTER	668-0	TAXATION
	0623	MITCHELL SAMUEL	669-0	TAXATION
	0624	MCCAULEY ALFRED	670-0	TAXATION
	0625	WHITE RUFUS	671-0	TAXATION
	0626	MITCHELL WILLIAM	675-0	TAXATION
	0627	MCCAULEY COLUMBUS	676-0	TAXATION
	0628	PORTER LEVI	677-0	TAXATION
	0629	WHITE LUKE	679-0	TAXATION
	0630	BLACKBIRD CYRUS	680-0	TAXATION
	0631	MORRIS GILBERT	682-0	TAXATION
	0632	SHERMAN LUCY	683-0	TAXATION
	0633	SAUNSOCI LOUISE	684-0	TAXATION
	0634	ROBINSON RICHARD	687-0	TAXATION
	0635	WEBSTER FRANK	688-0	TAXATION
	0636	CLAY WAGASKA	691-0	TAXATION
	0637	BLACK ALEXANDER	692-0	TAXATION
	0638	BLACK SARAH	693-0	TAXATION
	0639	MORRIS MEGASONE	694-0	TAXATION
	0640	MORRIS AGGIE	695-0	TAXATION
	0641	MORRIS AHAWIN	696-0	TAXATION
	0642	MATTHEWS HENRY	697-0	TAXATION
	0643	WEBSTER SARAH	699-0	TAXATION
	0644	MORRIS ROBERT	701-0	TAXATION
	0645	MORRIS AGGIE	702-0	TAXATION
	0646	SHERIDAN MARY H.	703-0	TAXATION
	0647	WALKER MEGTHETAMIN	707-0	TAXATION
	0648	STABLER DANIEL	713-0	TAXATION
	0649	MORRIS MEGRETAIN	715-0	TAXATION
	0650	FREEMONT KHETHAZINA	716-0	TAXATION
	0651	HARLAN SAMUEL	717-0	TAXATION
	0652	WOLF ESTHER (STABLER)	718-0	TAXATION
	0653	MITCHELL TAEMAHMAMUZZE	719-0	TAXATION
	0654	WOOD WILLIAM	720-0	TAXATION
	0655	HEWITT DANIEL	721-0	TAXATION
	0656	PARKER THEODORE	722-0	TAXATION
	0657	MATHEWS PETER	724-0	TAXATION
	0658	BLACK MEMGHEHATHE (MATHEWS)	725-0	TAXATION
	0659	WEBSTER DAVID	726-0	TAXATION

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0660	HARLAN WILLIAM	727-0	TAXATION
	0661	WOOD NELLIE	728-0	TAXATION
	0662	FOX HOWARD	729-0	TAXATION
	0663	MILTON DANIEL	730-0	TAXATION
	0664	WALKER CALEB	731-0	TAXATION
	0665	PRESTON LUCY	732-0	TAXATION
	0666	PRESTON ANNA	733-0	TAXATION
	0667	PRESTON HATTIE	735-0	TAXATION
	0668	GRANT NELLIE	734-0	TAXATION
	0669	BLACKBIRD SARAH	736-0	TAXATION
	0670	THOMAS PAUL	737-0	TAXATION
	0671	WOOD HENRY	738-0	TAXATION
	0672	DALE EEGRAEDAWE	739-0	TAXATION
	0673	MERRICK ADELINE	740-0	TAXATION
	0674	MERRICK FREDERICK	742-0	TAXATION
	0675	WHEELER ELIZA PAUL	746-0	TAXATION
	0676	PAUL MARY JANE	749-0	TAXATION
	0677	JACKSON ANDREW	750-0	TAXATION
	0678	MERRICK ALFRED	751-0	TAXATION
	0679	MERRICK JOSEPH	56-0	TAXATION
	0680	MITCHELL EDWARD	757-0	TAXATION
	0681	MITCHELL ANNIE	759-0	TAXATION
	0682	WHITE RICHARD	760-0	TAXATION
	0683	PRESTON ISAAC	761-0	TAXATION
	0684	JOHNSON ANDREW	762-0	TAXATION
	0685	BLACK STEWART	764-0	TAXATION
	0686	FOX HATTIE	766-0	TAXATION
	0687	MERRICK WAMUNGAETHAE	768-0	TAXATION
	0688	MARTIN EMILY	777-0	TAXATION
	0689	SHERIDAN GRACE	772-0	TAXATION
	0690	LEAMING TASHAEWE	773-0	TAXATION
	0691	HALLOWELL GAKO	776-0	TAXATION
	0692	COX LUKE	778-0	TAXATION
	0693	CLAY HANNAH	780-0	TAXATION
	0694	LIER ALICE (WOODHULL)	786-0	TAXATION
	0695	WOODHULL MINNE	788-0	TAXATION
	0696	THOMAS LYDIA	794-0	TAXATION
	0697	WOODHULL SOLOMON	797-0	TAXATION
	0698	PARKER MUNGTHAEZAE	804-0	TAXATION
	0699	RUSH ALFRED	805-0	TAXATION
	0700	FURNAS OLIVER	806-0	TAXATION
	0701	FURNAS AESNAHAHA	807-0	TAXATION
	0702	CAMBY HORACE	810-0	TAXATION
	0703	WOLF RUEBEN	813-0	TAXATION
	0704	MITHCELL SUSIE	813-0	TAXATION
	0705	MITHCELL ANNIE	814-0	TAXATION
	0706	SAUNSOCI LUCY (MITCHELL)	815-0	TAXATION
	0707	PHILLIPS MARY V. (PILCHER)	816A-0	TAXATION
	0708	PILCHER MILLIE	818-0	TAXATION
	0709	ROBINSON KATE	821-0	TAXATION
	0710	REESE JAMES	822-0	TAXATION
	0711	REESE MEUMBATHE	924-0	TAXATION
	0712	ROBINSON THOMAS	826-0	TAXATION
	0713	DALE ELIZA	827-0	TAXATION
	0714	WOOD EMMA	831-0	TAXATION
	0715	SPRINGER MAMIE	832-0	TAXATION
	0716	MILTON AGNES (SPRINGER)	833-0	TAXATION
	0717	SPRINGER MATTIE	834-0	TAXATION
	0718	MORRIS HARRIET (COY)	840-0	TAXATION
	0719	SCOTT GEORGE THOMAS	841-0	TAXATION
	0720	SCOTT WESLEY	844-0	TAXATION
	0721	GRANT FRANK	851-0	TAXATION
	0722	SPRINGER HENRY	853-0	TAXATION
	0723	OLSON JULIA (CAMPBELL)	856-0	TAXATION
	0724	FOX GRACE (COY)	859-0	TAXATION
	0725	GRANT CHARLES	862-0	TAXATION
	0724	GRANT POWASA	863-0	TAXATION
	0727	MCCAWLEY ANNA	865-0	TAXATION

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0728	LEAMING GAHEZINGA	872-0	TAXATION
	0729	SOLOMON METAIN (MITCHELL)	874-0	TAXATION
	0730	WHEELER LAVARIA	880-0	TAXATION
	0731	LOVEJOY AMOS	881-0	TAXATION
	0732	TYNDALL LUCY (GUITAR)	884-0	TAXATION
	0733	WHEELER ANNA	889-0	TAXATION
	0734	CAYOU MEMBATHE	893-0	TAXATION
	0735	HULL VICTORIA F.	894-0	TAXATION
	0736	WELLS SCHUYLER	895-0	TAXATION
	0737	BROWN MEHUSA (MCCAULEY)	902-0	TAXATION
	0738	LONG EMMA	906-0	TAXATION
	0739	WELLS THINDAEWE	908-0	TAXATION
	0740	WHITE JAMES	909-0	TAXATION
	0741	FIELDS JOSIAH	915-0	TAXATION
	0742	CAMPBELL PEARLY	917-0	TAXATION
	0743	CLINE HENRY	919-0	TAXATION
	0744	IRVIN SAMUEL	926-0	TAXATION
	0745	MORRIS DEBORAH	928-0	TAXATION
	0746	MORRIS LEWIS	931-0	TAXATION
	0747	COX ALVIN	933-0	TAXATION
	0748	TYNDALL ISABELL	935-0	TAXATION
	0749	WELLS NELLIE	938-0	TAXATION
	0750	MILLER THOMAS	939-0	TAXATION
	0751	TYNDALL DAVID	940-0	TAXATION
	0752	NEALS SUSAN J.	941-0	TAXATION
	0753	MILLER MARY	947-0	TAXATION
	0754	MCCAULEY ALBERT	948-0	TAXATION
	0755	MCCAULEY LAURA	950-0	TAXATION
	0756	LEAMING LITTLE KAW INDIAN	957-0	TAXATION
	0757	SPRINGER JOB	961-0	TAXATION
	0758	EDWARDS SARAH	10-N	TAXATION
	0759	EDWARDS MEAHSTASTA	17-N	TAXATION
	0760	DICK METAHEA	26-N	TAXATION
	0761	DICK MITCHELL	28-N	TAXATION
	0762	BURT MARY	30-N	TAXATION
	0763	DICK SUSETTE	29-N	TAXATION
	0764	MERRICK TAINGRAHA	40-N	TAXATION
	0765	STABLER DANIEL	56-N	TAXATION
	0766	COOK TEGRAHHAT	61-N	TAXATION
	0767	COOK JOHN	62-N	TAXATION
	0768	STABLER TANEDRAHAN	71-N	TAXATION
	0769	WALKER MASHEDOTHE	84-N	TAXATION
	0770	WALKER HANNAH C.	86-N	TAXATION
	0771	ROBINSON FRANK	89-N	TAXATION
	0772	ROBINSON MARY	89-N	TAXATION
	0773	PRESTON TAHABEHA	92-N	TAXATION
	0774	MERRICK PETER	100-N	TAXATION
	0775	MERRICK FREDERICK	101-N	TAXATION
	0776	MERRICK METECHA	102-N	TAXATION
	0777	MERRICK CHARLES	103-N	TAXATION
	0778	BLACKBIRD FRANK	105-N	TAXATION
	0779	WHITE MATTIE	115-N	TAXATION
	0780	WHITE TAINGENA	116-N	TAXATION
	0781	WHITE FRANK	117-N	TAXATION
	0782	MERRICK ALBERT	130-N	TAXATION
	0783	WELLS EMILY (PRESTON)	133-N	TAXATION
	0784	WELLS MAD ELK	135-N	TAXATION
	0785	IRWIN METETA	142-N	TAXATION
	0786	COX METAENAH	144-N	TAXATION
	0787	SMITH MASHADAME	147-N	TAXATION
	0788	WOODHULL LUCY	154-N	TAXATION
	0789	FREEMONT MEHAZHINGA	158-N	TAXATION
	0790	FREEMONT PAUL	161-N	TAXATION
	0791	MCCAULEY LAURA	162-N	TAXATION
	0792	THOMAS HELEN (WOLF)	175-N	TAXATION
	0793	GRANT MEMETAE (SOPHIA MITCHELL)	176-N	TAXATION
	0794	MITCHELL MEGRADAME	181-N	TAXATION
	0795	PRESTON EMILY	190-N	TAXATION

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0796	MILTON CLEVELAND	202-N	TAXATION
	0797	MILTON AGNES (SPRINGER)	204-N	TAXATION
	0798	KEMP SAMUEL EDWARD	208-N	TAXATION
	0799	WHITE FRANK A.	212-N	TAXATION
	0800	WOLF METAE	214-N	TAXATION
	0801	CLINE LUCY	223-N	TAXATION
	0802	CLINE EDITH (DRUM)	228-N	TAXATION
	0803	WEBSTER BESSIE	242-N	TAXATION
	0804	WHITE EMMA	246-N	TAXATION
	0805	WARNER JOSEPH	253-N	TAXATION
	0806	WHITE MEAHCONDA	256-N	TAXATION
	0807	MITCHELL MUSHAHTHAE	258-N	TAXATION
	0808	MITCHELL OSCAR THOMAS	259-N	TAXATION
	0809	MITCHELL EDWARD	265-N	TAXATION
	0810	WALKER GRACE	267-N	TAXATION
	0811	WOLF ANNA	273-N	TAXATION
	0812	WOLF FANNY	274-N	TAXATION
	0813	WEBSTER TAINDANAH	280-N	TAXATION
	0814	STABLER MINNIE	288-N	TAXATION
	0815	SHERIDAN WILLIAM	300-N	TAXATION
	0816	SHERIDAN LAHTAMESAN	302-N	TAXATION
	0817	MORRIS GRADAME	323-N	TAXATION
	0818	BROWN MAHRAHAME	327-N	TAXATION
	0819	BROWN ZHOTNEWATHAE	329-N	TAXATION
	0820	BROWN MEHUSA (MCCAULEY)	330-N	TAXATION
	0821	BALLON KATE	333-N	TAXATION
	0822	BIG ELK POWCASON	342-N	TAXATION
	0823	WOLF MAGRAEDAME	375-N	TAXATION
	0824	PARKER OWARATA	381-N	TAXATION
	0825	MORRIS EDWARD	383-N	TAXATION
	0826	PARKER DAAHMAH	385-N	TAXATION
	0827	LYON MEMSHANE	387-N	TAXATION
	0828	MITCHELL AMOS	401-N	TAXATION
	0829	CLAY MEMSHEHONNE	406-N	TAXATION
	0830	PRESTON DAVID	411-N	TAXATION
	0831	PARKER BENJAMIN	423-N	TAXATION
	0832	PARKER WHITEWING	425-N	TAXATION
	0833	BLACK MINGGRADAME	427-N	TAXATION
	0834	SARAH BLACK	428-N	TAXATION
	0835	BLACK LUCY (SAUNSOCI)	433-N	TAXATION
	0836	MCCAULEY MANMADOGA	440-N	TAXATION
	0837	WALKER LIZZIE	446-N	TAXATION
	0838	MARTIN ALBERT	458-N	TAXATION
	0839	MARTIN CHARLES	461-N	TAXATION
	0840	PEABODY MARY	467-N	TAXATION
	0841	SHERIDAN MARY H. (SOLOMON)	485-N	TAXATION
	0842	SMITH TADAHAHOGGAN	504-N	TAXATION
	0843	BLACKBIRD PONCASA	507-N	TAXATION
	0844	BLACKBIRD TAGRANA	509-N	TAXATION
	0845	BLACKBIRD JAMES	510-N	TAXATION
	0846	HENDERSON MEHAMSAH	514-N	TAXATION
	0847	HENDERSON CHARLES	516-N	TAXATION
	0848	PARKER NEWAME	524-N	TAXATION
	0849	PARKER CHARLES	525-N	TAXATION
	0850	FREEMONT TAEGRAHU	535-N	TAXATION
	0851	PHILLIPS ANNA	549-N	TAXATION
	0852	SMITH SHAGAZINGA	556-N	TAXATION
	0853	PARKERR MONGTHAFTASKA	577-N	TAXATION
	0854	WEBSTER FANNY (SPRINER)	583-N	TAXATION
	0855	FIELDS JOSEPH	591-N	TAXATION
	0856	LIEB ARTHUR	594-N	TAXATION
	0857	WOLF EMMA (PARKER)	621-N	TAXATION
	0858	COOK EDITH (WOLF)	632-N	TAXATION
	0859	FREEMONT HIRAM	636-N	TAXATION
	0860	FREEMONT EMILY	638-N	TAXATION
	0861	DRUM LYDIA	639-N	TAXATION
	0862	DRUM LYDIA	639-N	TAXATION
	0863	COX WATAME	641-N	TAXATION

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0864	MCCAULEY ALBERT	642-N	TAXATION
	0865	MCCAULEY LAURA	643-N	TAXATION
	0866	MCCAULEY ALBERT	644-N	TAXATION
	0867	MCCAULEY LAURA	645-N	TAXATION
	0868	MCCAULEY ALBERT	646-N	TAXATION
	0869	MCCAULEY LAURA	647-N	TAXATION

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13382	0044	WEBSTER ANNA	342	FORCED FEE PATENT
	0045	HOLSEY JOSEPHINE	341	FORCED FEE PATENT
	0046	WASSEGIJIG LOUISA	203	FORCED FEE PATENT
	0047	TOPAWIN	394	FORCED FEE PATENT
	0048	ROSS JOHN	513	FORCED FEE PATENT
	0049	HAPSTIN	517	FORCED FEE PATENT
	0050	YOUNG FRANK H.	99	FORCED FEE PATENT
	0051	YOUNG BENJAMIN	94	FORCED FEE PATENT
	0052	ROCKWOOD THEODORE	181	FORCED FEE PATENT
	0053	ROCKWOOD LEROY	182	FORCED FEE PATENT
	0054	ROCKWOOD CHARLES	180	FORCED FEE PATENT
	0055	WALKER MOSES	244	FORCED FEE PATENT
	0056	ROCKWOOD MARY	179	FORCED FEE PATENT
	0057	TAUNKHAKA	385	FORCED FEE PATENT
	0058	ZUNAPIDAN	303	FORCED FEE PATENT
	0059	CAMPBELL JOSEPH M.	695	FORCED FEE PATENT
	0060	CAMPBELL ELLIS	699	FORCED FEE PATENT
	0061	CAMPBELL HENRY (JAMES)	697	FORCED FEE PATENT
	0062	CAMPBELL JOSEPH	698	FORCED FEE PATENT
	0063	JOHNSON JOSHUA	275	FORCED FEE PATENT
	0064	ZIMMERMAN VICTORIA	308	FORCED FEE PATENT
	0065	GOODTEACHER CORA	217	FORCED FEE PATENT
	0066	GRAHAM CLARA	7	FORCED FEE PATENT
	0067	THOMAS DAVID	427	FORCED FEE PATENT
	0068	GOODTEACHER GEORGE	100	FORCED FEE PATENT
	0069	MINETAKWA ALICE	320	FORCED FEE PATENT
	0070	WABASHAW JOHN	109	FORCED FEE PATENT
	0071	WABASHAW HARRY	93	FORCED FEE PATENT
	0072	TAPI ELIZABETH	313	FORCED FEE PATENT
	0073	FRAZIER FLORA	122	FORCED FEE PATENT
	0074	OLIMAN AMELIQUE	165	FORCED FEE PATENT
	0075	JONES HENRY	797	FORCED FEE PATENT
	0076	JONES WEBSTER	580	FORCED FEE PATENT
	0077	COURSOLL JOSEPH	53	FORCED FEE PATENT
	0078	COURSOLL MARY	74	FORCED FEE PATENT
	0079	ROGERS SOLOMON	336	FORCED FEE PATENT
	0080	JONES ELI	579	FORCED FEE PATENT
	0081	COON DANIEL	700	FORCED FEE PATENT
	0082	JONES JULIA	609	FORCED FEE PATENT
	0083	HENRY GEORGE	14	FORCED FEE PATENT
	0084	CAMPBELL WILLIAM	824	FORCED FEE PATENT
	0085	FELIX DENNIS	714	FORCED FEE PATENT
	0086	ROBINETT PAUL	753	FORCED FEE PATENT
	0087	ROBINETT LOUIS SR.	748	FORCED FEE PATENT
	0088	FELIX LILLIE E.	711	FORCED FEE PATENT
	0089	ABRAHAM ESTHER	702	FORCED FEE PATENT
	0090	FELIX HENRY	709	FORCED FEE PATENT
	0091	FELIX JOSEPH	717	FORCED FEE PATENT
	0092	ROBINETT HENRY	754	FORCED FEE PATENT
	0093	FELIX LOUIS	718	FORCED FEE PATENT
	0094	FELIX PETER JR.	708	FORCED FEE PATENT
	0095	JONES CHARLES M.	623	FORCED FEE PATENT
	0096	REDWING, JESSE	12	FORCED FEE PATENT
	0097	MOSE ESTHER	13	FORCED FEE PATENT
	0098	BROWN ROBERT	45	FORCED FEE PATENT
	0099	PHILBRICK FREDDIE	58	FORCED FEE PATENT
	0100	TRUDELL ANTOINE (AYATETAWA)	96	FORCED FEE PATENT
	0101	HUNTER THOMAS	176	FORCED FEE PATENT
	0102	TUTTLE HENRY	220	FORCED FEE PATENT
	0103	JOHNSON ROBBIE	260	FORCED FEE PATENT
	0104	SHERMAN TIM	382	FORCED FEE PATENT
	0105	TRUDELL RALPH	445	FORCED FEE PATENT
	0106	HAINES JOSEPH (JOHNSON)	470	FORCED FEE PATENT
	0107	RED OWL MOSES	479	FORCED FEE PATENT
	0108	ROSS JOSEPH	602	FORCED FEE PATENT
	0109	JONES STEPHEN	625	FORCED FEE PATENT
	0110	FELIX CHARLES	719	FORCED FEE PATENT
	0111	GARVIE JAMES	133	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13380	0044	SPRINGER LOUIS	646-H	TAXATION
	0045	WEBSTER JANE	650-H	TAXATION
	0046	FOX CANJANE	672-H	TAXATION
	0047	MCCAULEY DAGANE	690-H	TAXATION
	0048	DALE EGNEDAWE	701-H	TAXATION
	0049	HEWITT NAHALLETAH	709-H	TAXATION
	0050	HEWITT HOOTANE	711-H	TAXATION
	0051	MCCAULEY MENOSA	712-H	TAXATION
	0052	MCCAULEY MENOSHATHA	713-H	TAXATION
	0053	MCCAULEY JEREMIAH	714-H	TAXATION
	0054	MORRIS MIZZAMEHEWE	717-H	TAXATION
	0055	GRANT GRACE	725-H	TAXATION
	0056	WOLF AMY	737-H	TAXATION
	0057	COX CLOWER	742-H	TAXATION
	0058	DIXON HARRY	743-H	TAXATION
	0059	WELLS MARY (LYON)	749-H	TAXATION
	0060	TYNDALL SARAH	753-H	TAXATION
	0061	PARKER ADA	760-H	TAXATION
	0062	MORRIS AGGIE	801-H	TAXATION
	0063	HARLAN WATAEWE (MR. JOHN)	808-H	TAXATION
	0064	PARKER JAMES	811-H	TAXATION
	0065	WELLS MARY (WALKER)	812-H	TAXATION
	0066	MORRIS NEUMOTHER	814-H	TAXATION
	0067	WHITE JOSEPH	829-H	TAXATION
	0068	WHITE EDWARD	830-H	TAXATION
A13382	0001	CHAPMAN AMELIA	433	FORCED FEE PATENT
	0002	HIPOLAN KANJIN	319	FORCED FEE PATENT
	0003	WEBSTER SARAH	348	FORCED FEE PATENT
	0004	RED OWL GEORGE	476	FORCED FEE PATENT
	0005	SHARP JAMES	822	FORCED FEE PATENT
	0006	HAYTAYAGI	386	FORCED FEE PATENT
	0007	PTESANJIN	531	FORCED FEE PATENT
	0008	CHAPMAN NANCY	412	FORCED FEE PATENT
	0009	BONIER LUCY	102	FORCED FEE PATENT
	0010	RED OWL ISAAC	478	FORCED FEE PATENT
	0011	EASTMAN DENOS	837	FORCED FEE PATENT
	0012	FRAZIER GEORGE	619	FORCED FEE PATENT
	0013	THORNTON WILLIAM	566	FORCED FEE PATENT
	0014	COON MAY	4	FORCED FEE PATENT
	0015	WHIPPLE EUNICE	395	FORCED FEE PATENT
	0016	DUPUIS MAUD N.	196	FORCED FEE PATENT
	0017	JOHNSON FRANK	328	FORCED FEE PATENT
	0018	JOHNSON DAVID	841	FORCED FEE PATENT
	0019	HOPKINS ANDREW (ESTHER)	270	FORCED FEE PATENT
	0020	WHIPPLE WILLIAM	121	FORCED FEE PATENT
	0021	THOMPSON JOHN	136	FORCED FEE PATENT
	0022	HAMILTON HENRY	545	FORCED FEE PATENT
	0023	PHILBRICK NANCY (BROWN)	59	FORCED FEE PATENT
	0024	HEART JAMES	429	FORCED FEE PATENT
	0025	GODFREY JOSEPH	439	FORCED FEE PATENT
	0026	HOTTON LUCY	538	FORCED FEE PATENT
	0027	POITILLARD THOMAS	534	FORCED FEE PATENT
	0028	POITILLARD SILAS S.	536	FORCED FEE PATENT
	0029	ZIMMERMAN EUNICE	561	FORCED FEE PATENT
	0030	TRUDELL GEORGE	299	FORCED FEE PATENT
	0031	HALFIRON JOHN	204	FORCED FEE PATENT
	0032	WHIPPLE SMITH	562	FORCED FEE PATENT
	0033	HENRY CHARLES	474	FORCED FEE PATENT
	0034	POITILLARD JOHN	474	FORCED FEE PATENT
	0035	TRUDELL LEVI	454	FORCED FEE PATENT
	0036	TRUDELL MABEL	457	FORCED FEE PATENT
	0037	OLIMAN AMELIQUE	165	FORCED FEE PATENT
	0038	MOORE ESHTER	20	FORCED FEE PATENT
	0039	TRUDELL AUGUST	548	FORCED FEE PATENT
	0040	WATAZIDAN WILLIE	452	FORCED FEE PATENT
	0041	TRUDELL CORDELIA	454	FORCED FEE PATENT
	0042	WINONA	189	FORCED FEE PATENT
	0043	MAWASICA	801	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13383	0041	RIDE AIMA	371	FORCED FEE PATENT
	0042	RIFE DAN	419	FORCED FEE PATENT
	0043	LONG GEORGE	407	FORCED FEE PATENT
	0044	(GREYHAIR HEMAKAW (LUCY)	766	FORCED FEE PATENT
	0045	BLACKHAWK JOHN HUNTER	296	FORCED FEE PATENT
	0046	WALKER SARAH	291	FORCED FEE PATENT
	0047	DECORA THOMAS	904	FORCED FEE PATENT
	0048	RAYMOND JOHN	392	FORCED FEE PATENT
	0049	WHITE BEAR HAENLOKAW	492	FORCED FEE PATENT
	0050	DECORA GEORGE	522	FORCED FEE PATENT
	0051	SPOTTONAWAH	533	FORCED FEE PATENT
	0052	HILL GEORGE	986	FORCED FEE PATENT
	0053	SAMPSON GRACE	861	FORCED FEE PATENT
	0054	SHAPPAQUA PETER	781	FORCED FEE PATENT
	0055	ST. CYR ALINA	140	FORCED FEE PATENT
	0056	GREYHAIR JAMES	762	FORCED FEE PATENT
	0057	GRANT ROBERT	110	FORCED FEE PATENT
	0058	WHITE WING WOMAN	540	FORCED FEE PATENT
	0059	JOHNSON CHARLES (SOUTHWIND)	764	FORCED FEE PATENT
	0060	TWIN RUFUS ALEXANDER	733	FORCED FEE PATENT
	0061	DECORA CATHERINE	724	FORCED FEE PATENT
	0062	LOWRY BENJAMIN	543	FORCED FEE PATENT
	0063	LAFERE OLIVER	610	FORCED FEE PATENT
	0064	LAFERE WEMEN (JOSEPH)	611	FORCED FEE PATENT
	0065	ST. CRY MARY	56	FORCED FEE PATENT
	0066	SAMPSON JOSEPHINE	840	FORCED FEE PATENT
	0067	BIGFIRE WALTER	816	FORCED FEE PATENT
	0068	RAVE PETER	848	FORCED FEE PATENT
	0069	RAVE MARGUERITE	847	FORCED FEE PATENT
	0070	LAFERE ALEXANDER	826	FORCED FEE PATENT
	0071	LAFERE GEORGE	825	FORCED FEE PATENT
	0072	RIDE HILL GEORGE	59	FORCED FEE PATENT
	0073	BEAR JOHN (NO HAE KAW)	188	FORCED FEE PATENT
	0074	HOUTON CHARLES (NAZEEKIAKAW)	229	FORCED FEE PATENT
	0075	ST.CYR AGNES	243	FORCED FEE PATENT
	0076	SNAKE JOHN	262	FORCED FEE PATENT
	0077	RUSSELL JAMES	266	FORCED FEE PATENT
	0078	RUSSELL SUSAN	267	FORCED FEE PATENT
	0079	WHITE ISAAC JR.	281	FORCED FEE PATENT
	0080	CROSBY JOHN	292	FORCED FEE PATENT
	0081	PENN MARTHA	695	FORCED FEE PATENT
	0082	SMITH GEORGE	423	FORCED FEE PATENT
	0083	LAMERE JOSEPH	822	FORCED FEE PATENT
	0084	BIRD JACKSON	948	FORCED FEE PATENT
	0085	ST. CYR, ANNIE	246	FORCED FEE PATENT
	0086	ST. CYR, LEVI	242	FORCED FEE PATENT
	0087	SEYMOUR JAMES	75	FORCED FEE PATENT
	0088	LOGAN ANNIE (DECORA)	307	FORCED FEE PATENT
	0089	WASH JOSEPHINE	325	FORCED FEE PATENT
	0090	WASH LOUIS ANTHONY	326	FORCED FEE PATENT
	0091	RASDELL ELI	549	FORCED FEE PATENT
	0092	WHITE LIZZIE	546	FORCED FEE PATENT
	0093	SNAKE EDWARD	369	FORCED FEE PATENT
	0094	WALKER JOHN	344	FORCED FEE PATENT
	0095	WHITE BREAST (NOW SKA SKAW)	343	FORCED FEE PATENT
	0096	WHITE SPIRIT	308	FORCED FEE PATENT
	0097	WHITE GILL	299	FORCED FEE PATENT
	0098	BLACK HAWK JOHN (HUNTER)	297	FORCED FEE PATENT
	0099	BRIAN ANSON (CHANO KAW)	256	FORCED FEE PATENT
	0100	HARRISON JOHN HE KAW CHA HE DAE KAW	225	FORCED FEE PATENT
	0101	HARDCASTLE ETHEL	187	FORCED FEE PATENT
	0102	STEVENS ANNIE	88	FORCED FEE PATENT
	0103	ST.CYR AUGUSTUS	166	FORCED FEE PATENT
	0104	FREE JAMES (HE CHO KAW)	150	FORCED FEE PATENT
	0105	BLACK DEER (CHAR SEP HEN KAW)	32	FORCED FEE PATENT
	0106	SMITH ELLEN	870	FORCED FEE PATENT
	0107	HILL MRS. THOMAS	657	FORCED FEE PATENT
	0108	CLAYMORE MARY (MRS.)	439	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13382	0112	TUTTLE JOHN (CATAH)	218	FORCED FEE PATENT
	0113	TUTTLE ISAAC	300	FORCED FEE PATENT
	0114	KITTO JOSEPH	586	FORCED FEE PATENT
	0115	ROSS AMOS	600	FORCED FEE PATENT
	0116	ROSS OLIVER	603	FORCED FEE PATENT
	0117	ROSS OWEN	604	FORCED FEE PATENT
	0118	JONES GUY	624	FORCED FEE PATENT
	0119	FRAZIER FREDDIE	667	FORCED FEE PATENT
	0120	FELIX JANTIE JONES	707	FORCED FEE PATENT
	0121	FELIX EDMUND	716	FORCED FEE PATENT
	0122	FELIX FRANK	720	FORCED FEE PATENT
	0123	ROUILLARD JULIA	831	FORCED FEE PATENT
	0124	KITTO BEN	117	FORCED FEE PATENT
	0125	GLOODING GERRY (GRANVILLE)	144	FORCED FEE PATENT
	0126	CHASE JOSEPH	214	FORCED FEE PATENT
	0127	CAMPBELL WILLIAM	720/30	FORCED FEE PATENT
	0128	ROUILLARD JOSEPH	741	FORCED FEE PATENT
	0129	ROBINETT LOUIS JR.	750	FORCED FEE PATENT
	0130	ROBINETT JOSEPH	791	FORCED FEE PATENT
	0131	CENICK THOMAS (CENRICK)	786	FORCED FEE PATENT
	0132	CENICK ROSALIE	783	FORCED FEE PATENT
	0133	KITTO LILY	606	FORCED FEE PATENT
	0134	JOHNSON JOSEPH' (HAINES)	670	OLD AGE ASSISTANCE
	0135	HOFFMAN SARAH	390	OLD AGE ASSISTANCE
	0136	REDWING MARY ALLEN	793	OLD AGE ASSISTANCE
	0137	ST. CLAIRE ELIZABETH	131	OLD AGE ASSISTANCE
	0138	FLANDREAU NANCY (WEST)	456	OLD AGE ASSISTANCE
	0139	LECLAIRE CHARLES	NA	OLD AGE ASSISTANCE
	0140	HARPER CHARLES	382	OLD AGE ASSISTANCE
A13383	0001	HARDEN HE HAE HONKE KAW	004	FORCED FEE PATENT
	0002	STEVEN CLEVELAND	005	FORCED FEE PATENT
	0003	ROGUE SALLIE	012	FORCED FEE PATENT
	0004	LINCOLN ROBERT	879	FORCED FEE PATENT
	0005	BLACKHAWK SUSAN	876	FORCED FEE PATENT
	0006	HENRY ISAAC	21	FORCED FEE PATENT
	0007	TREE NEWTON	24	FORCED FEE PATENT
	0009	HENRY MARY	36	FORCED FEE PATENT
	0010	HENRY ARTHUR	40	FORCED FEE PATENT
	0011	PETERSON GEORGE	53	FORCED FEE PATENT
	0012	BLAKYDEER HENRY	34	FORCED FEE PATENT
	0013	THOMAS AMOS	78	FORCED FEE PATENT
	0014	FREEMAN LIZZIE	66	FORCED FEE PATENT
	0015	SMITH ELLEN (SEYMOUR)	77	FORCED FEE PATENT
	0016	LONG EMIL (LOGAN)	W-946	FORCED FEE PATENT
	0017	ARNELL JOHN	102	FORCED FEE PATENT
	0018	GRANT DORA	112	FORCED FEE PATENT
	0019	GRANT ALICE	109	FORCED FEE PATENT
	0020	STEVENS ANNIE	88	FORCED FEE PATENT
	0021	HORN BENJAMIN	176	FORCED FEE PATENT
	0022	SNOW HORACE	177	FORCED FEE PATENT
	0023	SMITH ELLEN	393	FORCED FEE PATENT
	0024	WALKER HARRY	193	FORCED FEE PATENT
	0025	TERO FRANK JR.	202	FORCED FEE PATENT
	0026	HARRISON HENRY	226	FORCED FEE PATENT
	0027	HARRISON WILLIAM	227	FORCED FEE PATENT
	0028	LOGAN NETTIE	345	FORCED FEE PATENT
	0029	BAPTISTE JOHN	212	FORCED FEE PATENT
	0030	HARRIS WILLIAM H.	214	FORCED FEE PATENT
	0031	BAPTISTE JEROME	211	FORCED FEE PATENT
	0032	FRENCH HEMAKAW (SMITH)	749.5	FORCED FEE PATENT
	0033	LEMON HENRY M.	136	FORCED FEE PATENT
	0034	BIG WAVE GEORGE	143	FORCED FEE PATENT
	0035	DECORA MRS. ROBERT	192	FORCED FEE PATENT
	0036	WOLF ROBERT	270	FORCED FEE PATENT
	0037	GREYCLOUD CHARLES	272	FORCED FEE PATENT
	0038	GREYHAIR CHANOKAW	767	FORCED FEE PATENT
	0039	WHITE MABEL	388	FORCED FEE PATENT
	0040	LOGAN RICHARD	354	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

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ABERDEEN AREA STATUTE CLAIMS

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13383	0109	RAISE WING PETER (NA NIC KAW)	505	FORCED FEE PATENT
	0110	SEYMOUR THOMAS (ZEE KAW)	562	FORCED FEE PATENT
	0111	TWIN JOHN	514	FORCED FEE PATENT
	0112	LIER JEANETTE (RICE)	368	OLD AGE ASSISTANCE
	0113	WHITE LEO C.	1170	OLD AGE ASSISTANCE
	0114	HENSLEY MARTHA (HENRY)	41	OLD AGE ASSISTANCE
	0115	MCKEE ANSON	271	OLD AGE ASSISTANCE
	0116	WHITE GROVER	942	OLD AGE ASSISTANCE
	0117	LAMERE MARGUERETTE (KITTLE)	826	OLD AGE ASSISTANCE
	0118	CLAY JOHN	443	OLD AGE ASSISTANCE
	0119	OWENS MARY (HOUGHTON)	217	OLD AGE ASSISTANCE
	0120	WHITE JAMES	941	OLD AGE ASSISTANCE
	0121	CROSBY JOHN SR.	282	OLD AGE ASSISTANCE
	0122	HUMPHREY HOMER	279	OLD AGE ASSISTANCE
	0123	WOLF DANIEL	573	OLD AGE ASSISTANCE
	0125	GRANT CHARLES	383	FORCED FEE PATENT
	0126	DAVIS WARREN	259	FORCED FEE PATENT
	0127	LYON ANDREW	260	FORCED FEE PATENT
	0128	DICK JAMES	261	FORCED FEE PATENT
	0129	ESAU MARY	262	FORCED FEE PATENT
	0130	FROST JACK	NA	FORCED FEE PATENT
	0131	SMITH MARY (TWIN)	NA	FORCED FEE PATENT
	0132	JOHNSON GEORGE	785	FORCED FEE PATENT
	0133	LOUIS HATCHET	1	TAXATION
	0134	HARTIEN HA HAE MONNE KAW	4	TAXATION
	0135	CLEVELAND STEPHEN	5	TAXATION
	0136	BLACKHAWK DANIEL	9	TAXATION
	0137	ROGUE YOUNG	13	TAXATION
	0138	ROGUE JOHN	16	TAXATION
	0139	HENRY ISAAC	21	TAXATION
	0140	HARDEN HENRY	22	TAXATION
	0141	WHITEHORSE JOHN	26	TAXATION
	0142	ELK SAMUEL	27	TAXATION
	0143	NICHOLS JOHN	30	TAXATION
	0144	DEER BLACK	32	TAXATION
	0145	BLACKDEER HENRY	34	TAXATION
	0146	COMING BACK HENRY	35	TAXATION
	0147	HENRY MARY	36	TAXATION
	0148	HENRY DAVID	38	TAXATION
	0149	HOUGHTON RUTH (HENRY)	39	TAXATION
	0150	HENRY ARTHUR	40	TAXATION
	0151	HENRY MARTHA	41	TAXATION
	0152	HENRY GRACE	42	TAXATION
	0153	HENRY KATE	43	TAXATION
	0154	JOHNSON ANDREW	44	TAXATION
	0155	FRENCH CHARLES	45	TAXATION
	0156	DECORA CHARLES SR.	46	TAXATION
	0157	DECORA CHARLES JR.	47	TAXATION
	0158	DECORA MARY (MRS. HENRY)	48	TAXATION
	0159	DAY WOMAN	49	TAXATION
	0160	GOODHEART JOHN	50	TAXATION
	0161	PETERSON LITTLETHUNDER	52	TAXATION
	0162	PETERSON JANE	54	TAXATION
	0163	WALKING OVER EARTH	55	TAXATION
	0164	PETERSON JOHN	55	TAXATION
	0165	BEARSKIN EDWARD	57	TAXATION
	0166	RIDEHILL GEORGE	59	TAXATION
	0167	HARDEN WE HAN E KAW	60	TAXATION
	0168	BLACK EAGLE (MRS.)	61	TAXATION
	0169	WALKING PRIEST	62	TAXATION
	0170	SEYMOUR GEORGE (WHITEWOOD)	73	TAXATION
	0171	SEYMOUR FRANK	74	TAXATION
	0172	SEYMOUR JAMES	75	TAXATION
	0173	SEYMOUR ELLEN (SMITH)	77	TAXATION
	0174	THOMAS HENRY	79	TAXATION
	0175	HOLT JOHN (CLOUD)	82	TAXATION
	0176	BUCHANAN LOUIS	84	TAXATION
	0177	BUCHANAN AMOS	85	TAXATION

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13383	0178	STEVENS ANNIE (BOUCHER)	88	TAXATION
	0179	LITTLE BEAR JOSEPH	89A	TAXATION
	0180	BRADFO?D JOHN	92	TAXATION
	0181	LITTLE THUNDER JOHN	93	TAXATION
	0182	LITTLE THUNDER RAIRD	94	TAXATION
	0183	MONEGAR HARRY (WHITE FLK)	9A	TAXATION
	0184	PRIEST EDWARD (ANNIE PRIEST)	97	TAXATION
	0185	GRANT U.S.	107	TAXATION
	0186	GRANT HIRAM	111	TAXATION
	0187	CLEVELAND ANNIE	113	TAXATION
	0188	BROWN LUCY (MRS. ALEX LONETREE)	121	TAXATION
	0189	RAINMAN EDWARD	123	TAXATION
	0190	BIG BEAR THOMAS	125	TAXATION
	0191	BIG BEAR ELLEN MRS.	129	TAXATION
	0192	ST. CYR ALEXANDER	139	TAXATION
	0193	ST. CYR ALLINA	140	TAXATION
	0194	SMITH JAMES	143	TAXATION
	0195	SMITH CHARLES	144	TAXATION
	0196	STREET LUCY	147	TAXATION
	0197	RAVE LATE	148	TAXATION
	0198	FREE MARY	151	TAXATION
	0199	BIG WAVE	152	TAXATION
	0200	WAVE GEORGE B.	153	TAXATION
	0201	GOOD OLD MAN	154	TAXATION
	0202	WHITE EAGLE	155	TAXATION
	0203	GOODMAN CLARA	157	TAXATION
	0204	RAVE JAMES	164	TAXATION
	0205	WHIRLING THUNDER JR.	166	TAXATION
	0206	BROWN ANNIE	167	TAXATION
	0207	DECORA GEORGE	168	TAXATION
	0208	DECORA MARY ANN	170	TAXATION
	0209	HITTLE WILLIE	173	TAXATION
	0210	TIEBAULT MY SOUL	184.5	TAXATION
	0211	TIEBAULT CLARA	185	TAXATION
	0212	WAGGONER ETHEL	187	TAXATION
	0213	BEAR JOHN	188	TAXATION
	0214	ENGLISH ANDREW JACKSON	189	TAXATION
	0215	ENGLISH CHARLES JR.	190	TAXATION
	0216	OLD ENGLISH	191	TAXATION
	0217	DECORA ROBERT MRS.	192	TAXATION
	0218	RAINBOW GEORGE	194	TAXATION
	0219	RAINBOW LILLY	195	TAXATION
	0220	RAINBOW THOMAS	196	TAXATION
	0221	LOWRY MARY ANN	197	TAXATION
	0222	TERO LIZZIE	199	TAXATION
	0223	PAYER ANNA (MIX)	206	TAXATION
	0224	OLD SUN MRS.	207	TAXATION
	0225	SUN GEORGE	208	TAXATION
	0226	SUN MAGGIE	209	TAXATION
	0227	SUN HENRY	210	TAXATION
	0228	BAPTISTE GEORGE JR.	213	TAXATION
	0229	HOUGHTON MARY	217	TAXATION
	0230	BAD THUNDER	218	TAXATION
	0231	BRADFORD LOTTIE (THUNDER)	219	TAXATION
	0232	BRADFORD GEORGE	220	TAXATION
	0233	BRADFORD GRACE (THUNDER)	221	TAXATION
	0234	BUCHANAN JAMES	224	TAXATION
	0235	HARRISON JOHN	225	TAXATION
	0236	HARRISON HELEN	228	TAXATION
	0237	HARRISON SARAH	233	TAXATION
	0238	PROSPER ARMELL	234	TAXATION
	0239	ST. CYR LEVI	242	TAXATION
	0240	ST. CYR ABNER	243	TAXATION
	0241	ST. CYR MINNIE	244	TAXATION
	0242	ST. CYR ANNIE	244A	TAXATION
	0243	WOLF HENRY	250	TAXATION
	0244	WOLF FANNY	251	TAXATION
	0245	NOBLE JAMES	258	TAXATION

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13383	0246	NOAH E SUSAN EWING	259	TAXATION
	0247	SNAKE PETER	261	TAXATION
	0248	SNAKE JOHN	262	TAXATION
	0249	RUSSELL JAMES	266	TAXATION
	0250	RUSSELL SUSAN	267	TAXATION
	0251	RUSSELL ETTA JOSEPHINE	268	TAXATION
	0252	WOLF ANDREW	269	TAXATION
	0253	WOLF WILLIAM	275	TAXATION
	0254	WOLF HELEN	276	TAXATION
	0255	WOLF EILEN	277	TAXATION
	0256	WHITE ISAAC SR.	280	TAXATION
	0257	WHITE ISAAC JR.	281	TAXATION
	0258	CROSBY JOHN	282	TAXATION
	0259	CROSBY HENRIAW	283	TAXATION
	0260	HITTLE NANCY MRS.	286	TAXATION
	0261	WIND WALKER	290	TAXATION
	0262	WALKER SARAH	291	TAXATION
	0263	PRIEST WILLIAM JR.	292	TAXATION
	0264	BLACKHAWK JAMES	295	TAXATION
	0265	WHITE GULL	299	TAXATION
	0266	GILBERT JUDITH	300	TAXATION
	0267	ARNELL MARY	303A	TAXATION
	0268	DECORA THOMAS	304	TAXATION
	0269	DECORA LUCY	306	TAXATION
	0270	DECORA ANNIE	307	TAXATION
	0271	WHITE SPIRIT	308	TAXATION
	0272	GREEN HAIR	311	TAXATION
	0273	GREENHAIR JESSIE (WHITE)	313	TAXATION
	0274	DAVIS MARY MRS.	314	TAXATION
	0275	PAWNEKAW ELLEN (WILSON)	316	TAXATION
	0276	BIGHEAD	318	TAXATION
	0277	BIGHEAD MRS.	318A	TAXATION
	0278	BIGHEAD FANNIE	319	TAXATION
	0279	BIGHEAD SARAH	320	TAXATION
	0280	BIGHEAD SILAS	321	TAXATION
	0281	BIGHEAD PAUL	322	TAXATION
	0282	WILSON MARY	324	TAXATION
	0283	NASH JOSEPHINE	325	TAXATION
	0284	RAYMOND JOHN	332	TAXATION
	0285	HUNTER ANDREW	340	TAXATION
	0286	HUNTER LIZZIE	341	TAXATION
	0287	HUNTER WILLIAM	346	TAXATION
	0288	HUNTER HUGH	347	TAXATION
	0289	DELORA WALTER	360	TAXATION
	0290	PARRISH PAUL	361	TAXATION
	0291	WHITE BREAST	363	TAXATION
	0292	WALKER JOHN	364	TAXATION
	0293	LITTLE THUNDER CARAMONY	365	TAXATION
	0294	RICE CHARLES	367	TAXATION
	0295	RICE EUNICE	369	TAXATION
	0296	RICE IDA (ADA)	371	TAXATION
	0297	DAVIS JAMES	373	TAXATION
	0298	BLACKFISH YOUNG	376	TAXATION
	0299	BAKER HENRY MRS.	394	TAXATION
	0300	RIDEHILL HENRY	397	TAXATION
	0301	LONGTAIL CYRUS	399	TAXATION
	0302	LONG TAIL (CORNELIA JEFFERSON)	402	TAXATION
	0303	SNOW LONG PETER	404	TAXATION
	0304	JEFFERSON CAPTAIN	408	TAXATION
	0305	JEFFERSON JOHN	409	TAXATION
	0306	JEFFERSON HENRY	411	TAXATION
	0307	JEFFERSON JAMES	412	TAXATION
	0308	WHITE LONG TAIL JOHN	413	TAXATION
	0309	LONG TAIL JOSEPH	414	TAXATION
	0310	RICE JOHN	417	TAXATION
	0311	RICE DORA	418	TAXATION
	0312	TURTLE JOSEPH MRS.	420	TAXATION
	0313	PORUETTE JAMES	421	TAXATION

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13383	0314	WALKER EDWARD	425	TAXATION
	0315	SWAN CHIEF	432	TAXATION
	0316	BROKEN TREETOP	433	TAXATION
	0317	FISHER JAMES	443	TAXATION
	0318	FISHER ANNIE	445	TAXATION
	0319	FISHER OSCEOLA	446	TAXATION
	0320	LITTLE JULIA MRS.	448	TAXATION
	0321	WHITE FRANK	450	TAXATION
	0322	SNOWBALL	451	TAXATION
	0323	SHARP EDWARD	452	TAXATION
	0324	SHARP CHONANEWINKAW	454	TAXATION
	0325	SNOWBALL JOHN	455	TAXATION
	0326	DECORA GRACE	458	TAXATION
	0327	CARAMONY JAMES	460	TAXATION
	0328	CHIEF JOHN	462	TAXATION
	0329	WEST JOHN	464	TAXATION
	0330	WHITE WING GEORGE	466	TAXATION
	0331	LINCOLN HENRY	468A	TAXATION
	0332	BEARSKIN BENJAMIN	469A	TAXATION
	0334	EARTH MARY MRS.	475	TAXATION
	0335	OX JAMES	476	TAXATION
	0336	OX TESSIE	478	TAXATION
	0337	OX JOHN	479	TAXATION
	0338	WHITE HATTIE	487	TAXATION
	0339	SNYDER JOHN MRS.	491	TAXATION
	0340	HINMAN WALKING SMOKE	496	TAXATION
	0341	HINMAN DAVID	500	TAXATION
	0342	WHITE CHARLES	503	TAXATION
	0343	HILL SOLOMON	504	TAXATION
	0344	SPIRIT ANNA	505	TAXATION
	0345	HILL MARY	506	TAXATION
	0346	HILL ALICE	507	TAXATION
	0347	TWIN JOHN	514	TAXATION
	0348	LEWIS FRANK	516	TAXATION
	0349	RHODES JAMES (ROGUE)	518	TAXATION
	0350	GOOD SPIRIT JACOB	520	TAXATION
	0351	GOOD SPIRIT MRS.	521	TAXATION
	0352	MITCHELL HENRY	523	TAXATION
	0353	MITCHELL ALONZO	524	TAXATION
	0354	HALL JOSEPH MRS.	525	TAXATION
	0355	HALL MARY	526	TAXATION
	0356	HENSLEY WILLIAM	528	TAXATION
	0357	HALL JOHN	527	TAXATION
	0358	HALL FANNY	528	TAXATION
	0359	EARTH CHARLES	529	TAXATION
	0360	YELLOWBACK JAMES	530	TAXATION
	0361	MEEHOKKON	534	TAXATION
	0362	WALKER CHIEF	535	TAXATION
	0363	TWO BUFFALO HEADS	538	TAXATION
	0364	WHITEBACK WOMAN	540	TAXATION
	0365	LOWRY DAVID	541	TAXATION
	0366	WHITE THOMAS	545	TAXATION
	0367	WHITE LIZZIE	546	TAXATION
	0368	WHITE CHARLES	547	TAXATION
	0369	WHITE NOAH	548	TAXATION
	0370	GILBERT CHARLES	556	TAXATION
	0371	WHITE WATER COWAKKON	558	TAXATION
	0372	WHITEWATER EDWARD	559	TAXATION
	0373	SEYMOUR THOMAS	562	TAXATION
	0374	FIGHTER PAWNEE	563	TAXATION
	0375	WHITE WING YELLOW CLOUD (ANSON)	566	TAXATION
	0376	HENSLEY GEORGE MRS.	567	TAXATION
	0377	CHUMPA KHAZOCHEWILKAW	570	TAXATION
	0378	WHITE WOLF	571	TAXATION
	0379	WOLF MARY	572	TAXATION
	0380	LITTLE WOLF	574	TAXATION
	0381	LINCOLN ED	57-	TAXATION
	0382	WOLF MRS.	579	TAXATION

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13383	0383	BUTLER SALLIE MRS. (FISHTAIL)	580	TAXATION
	0384	BUTLER SARAH	581	TAXATION
	0385	SNYDER SHOWINKOW	587	TAXATION
	0386	LITTLE OX	588	TAXATION
	0387	LILY OX	589	TAXATION
	0388	HILL MARY (RICE)	590	TAXATION
	0389	RAISE WING MRS.	592	TAXATION
	0390	RAISE WING JOHN	593	TAXATION
	0391	RAISE WING PETER	595	TAXATION
	0392	ELK	596	TAXATION
	0393	HAWK HAMTSON	597	TAXATION
	0394	LITTLE WALKER MRS.	600	TAXATION
	0395	LITTLE WALKER JOHN	601	TAXATION
	0396	LITTLE WALKER FRANK	603	TAXATION
	0397	LITTLE WALKER FANNIE	603	TAXATION
	0398	GREYWOLF GEORGE	604	TAXATION
	0399	GREYWOLF MARY	606	TAXATION
	0400	PATTAWATONIE JOHN	608	TAXATION
	0401	CALOUINI MRS.	612	TAXATION
	0402	GREEN HAWK	613	TAXATION
	0403	FREY BO	616	TAXATION
	0404	HOLSTON JAKE	617	TAXATION
	0405	SNOWBALL LUCY	618	TAXATION
	0406	MERONEKAW (MEONIKAW)	619	TAXATION
	0407	PENNYFACE	620	TAXATION
	0408	PENNYFACE (MARY SMITH)	622	TAXATION
	0409	HAENAGONKAW	623	TAXATION
	0410	WHITE BEAVER TAYLOR	624	TAXATION
	0411	HENNKAW	627	TAXATION
	0412	BAPTISTE JOHN JR.	628	TAXATION
	0413	MCCLOSKEY DAVID	632	TAXATION
	0414	MCCLASKA DAVID JR.	633	TAXATION
	0415	ARNELL JOSEPH JR.	637	TAXATION
	0416	CLAY MARY MRS.	639	TAXATION
	0417	CLAY THOMAS	640	TAXATION
	0418	CLAY DELLA	646	TAXATION
	0419	BALCOMB ANDREW	648	TAXATION
	0420	PRIEST PAUL	650	TAXATION
	0421	LINCOLN FISHTAIL	651	TAXATION
	0422	LINCOLN HELEN (FISHTAIL)	653	TAXATION
	0423	BIGHEAD SAM	656	TAXATION
	0424	EWING HENRY	664	TAXATION
	0425	HILL THOMAS MRS.	657	TAXATION
	0426	EWING ANNIE	665	TAXATION
	0427	EWING CORA	666	TAXATION
	0428	EWING CHARLES	667	TAXATION
	0429	EWING MAP	669	TAXATION
	0430	THUNDER GEORGE	670	TAXATION
	0431	ARNELL JOSEPH	672	TAXATION
	0432	SMITH JOHNSON	677	TAXATION
	0433	HENKAW DAVID	680	TAXATION
	0434	OAKWOMAN	682	TAXATION
	0435	WHITE OTTER	684	TAXATION
	0436	OTTER HANNAH	686	TAXATION
	0437	BLACKDEER HENKAW	691	TAXATION
	0438	BLACK DEER CON NO KAW	692	TAXATION
	0439	PENN WILLIAM	694	TAXATION
	0440	PENN MARTHA	695	TAXATION
	0441	GREEN CROW	700	TAXATION
	0442	GREEN CROW THOMAS	700A	TAXATION
	0443	GREEN CROW DORA	702	TAXATION
	0444	CROW IOWA	703	TAXATION
	0445	CROW MARY	704	TAXATION
	044A	RED CLOUD WOMAN	705	TAXATION
	0447	WILKINSON DAVID	707	TAXATION
	0448	PORTER BRADFORD C. MRS.	711	TAXATION
	0449	LARGEMAN FRITH	713	TAXATION
	0450	LARGEMAN EMMA	714	TAXATION

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13383	0451	SHORTY MIKE	715	TAXATION
	0452	SHORTY MARY	716	TAXATION
	0453	WEEN HATCH KAW HENNKAW	718	TAXATION
	0454	DECORA TALL MRS.	719	TAXATION
	0455	DECORA HENRY	720	TAXATION
	0456	JOHNSON JOE	727	TAXATION
	0457	JOHNSON JOE MRS.	728	TAXATION
	0458	KING SAMUEL	729	TAXATION
	0459	ALEXANDER JAMES	736	TAXATION
	0460	SAPP GEORGE	737	TAXATION
	0461	FRENCH HENRY SR.	741	TAXATION
	0462	FRENCH JOHN	742	TAXATION
	0463	WINKAW CHONE	744	TAXATION
	0464	MCKEE ROBERT	746	TAXATION
	0465	MCKEE JOSEPH	747	TAXATION
	0466	DECORA ANNA	747A	TAXATION
	0467	MCKEE HOWARD	748	TAXATION
	0468	FRENCH HENRY JR.	749	TAXATION
	0469	FRENCH CARLO	750	TAXATION
	0470	FRENCH SARA	751	TAXATION
	0471	DECORA JOHN	753	TAXATION
	0472	DECORA KENUKAW	754	TAXATION
	0473	JOHN HENRY	755	TAXATION
	0474	JOHN HENRY JR.	756	TAXATION
	0475	JOHN MARY	757	TAXATION
	0476	JOHN PETER	759	TAXATION
	0477	GREYHAIR JOHN	765	TAXATION
	0478	PETERSON MARRISON MRS. (HARVEY)	769	TAXATION
	0479	LAKE HOUSE	770	TAXATION
	0480	HOUSE JOHN	771	TAXATION
	0481	JOHNSON WILLIAM	772	TAXATION
	0482	ARNELL NANCY	774	TAXATION
	0483	BROWN JOHN MRS.	775	TAXATION
	0484	BROWN WILLIAM	776	TAXATION
	0485	BEAVER JOSHUA	777	TAXATION
	0486	ENGLISH CHARLES	778	TAXATION
	0487	CROSS JESSE (JEPO GEOFS)	779	TAXATION
	0488	SHARPBACK	780	TAXATION
	0489	SHARPBACK CORA	781	TAXATION
	0490	SHARPBACK PETER	783	TAXATION
	0491	JOHNSON GEORGE	785	TAXATION
	0492	JOHNSON GEORGE MRS.	785A	TAXATION
	0493	SNOWBALL HANKAW	786	TAXATION
	0494	BUCHANAN WILLIAM	792	TAXATION
	0495	CROW SARAH L.	794	TAXATION
	0496	LECROW JOHN (MRS. JOHN LITTLE CROW)	793	TAXATION
	0497	CROW MARY L	795	TAXATION
	0498	LITTLE CROW	796	TAXATION
	0499	BUCHANAN JANE MRS. (MARY)	NA	TAXATION
	0500	EWING BUCHANAN	798	TAXATION
	0501	CROW THOMAS	799	TAXATION
	0502	HILL THOMAS (RICE)	802	TAXATION
	0503	BAKER ANDREW (BIG THUNDER)	803	TAXATION
	0504	PROPHET JOSEPH	804	TAXATION
	0505	PROPHET WALTER	805	TAXATION
	0506	DAVIS JOHN MRS. (QUICK WOMAN)	806	TAXATION
	0507	PRIEST JOHN	807	TAXATION
	0508	WILKENSON HORACE	808	TAXATION
	0509	PRIEST FANNY	810	TAXATION
	0510	HILL JOHN (RICE)	812	TAXATION
	0511	HILL ALICE (RICE)	813	TAXATION
	0512	WHITE WATER H.	814	TAXATION
	0513	BIG FIRE WILLIAM	815	TAXATION
	0514	BIG FIRE HENRY	818	TAXATION
	0515	THUNDER TWIN	820	TAXATION
	051A	CROSS H.W. (THOMPSON)	830	TAXATION
	0517	LAMERE JOSEPH	822	TAXATION
	0518	HILL JAMES (RICE)	827	TAXATION

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A13383	0519	EATON GEORGE	829	TAXATION
	0520	GOOD FEATHER WOMAN	831	TAXATION
	0521	TRAVELS IN BRUSH	832	TAXATION
	0522	WOLF ABEL	833	TAXATION
	0523	MANEATER FANNY	838	TAXATION
	0524	BROWN GEORGE (MARY JEFFERSON)	839	TAXATION
	0525	KUHUS MATTIE	840	TAXATION
	0526	BEAR (KONNICH)	842	TAXATION
	0527	BAKER WILLIAM	850	TAXATION
	0528	BAKER JOHN	852	TAXATION
	0529	FOX JOHN	853	TAXATION
	0530	BAKER SALLY	854	TAXATION
	0531	FRENCH JAMES	855	TAXATION
	0532	SAMPSON PETER	857	TAXATION
	0533	WALKING SOLDIER	865	TAXATION
	0534	CLARK HENUKAW	872	TAXATION
	0535	CLARK GREENFEATHER	874	TAXATION
	0536	BLACKHAWK #1	875	TAXATION
	0537	BLACK HAWK MILLIE	877	TAXATION
	0538	LINCOLN ROBERT	879	TAXATION
	0539	WHITE FACE WOMAN	880	TAXATION
	0540	BUTLER JOHN	883	TAXATION
	0541	BUTLER JOHN JR.	884	TAXATION
	0542	BUTLER LUCY	885	TAXATION
	0543	COLEMAN ASA MRS.	886	TAXATION
	0544	WHITEWOOD CAPT.	889	TAXATION
	0545	GOOD THUNDER MRS.	891	TAXATION
	0546	BLACKHAWK #2	892	TAXATION
	0547	TWIN WOMAN	895	TAXATION
	0548	PRIEST MARY MRS.	896	TAXATION
	0549	GREY WOLF	897	TAXATION
	0550	SMITH JOHN (#2)	904	TAXATION
	0551	YANKEE	907	TAXATION
	0552	RISE UP JOHN	908	TAXATION
	0553	SWALLOW THOMAS	910	TAXATION
	0554	BOYD GEORGE MRS.	913	TAXATION
	0555	FIREMAN JOHN	916	TAXATION
	0556	PAYER LOUISA (JOHN JOHNSON)	918	TAXATION
	0557	THUNDER MARY	924	TAXATION
	0558	MOON EYE GEORGE	926	TAXATION
	0559	GREEN RAINBOW	928	TAXATION
	0560	SNYDER JOHN	934	TAXATION
	0561	WHITE TAIL	936	TAXATION
	0562	SNYDER JACOB	935	TAXATION
	0563	WHITE TAIL (LOTTIE) HENUKAEKAW	937	TAXATION
	0564	WHITE EDMUND	938	TAXATION
	0565	WHITE GROVER	942	TAXATION
	0566	WILLIAM ELI	943	TAXATION
	0567	MEAH HO PIN NE KAW (ELI WILLIAMS)	944	TAXATION
	0568	CARPENTER BROWN L	947	TAXATION
	0569	BIRD J.	948	TAXATION
	0570	BIRD FANNY	949	TAXATION
	0571	PAINTER D.	952	TAXATION
	0572	KELSEY SUSIE	955	TAXATION
	0573	FAIR CLOUD JOHN	956	TAXATION
	0574	FAIR CLOUD	962	TAXATION
	0575	PAYER MARY	969	TAXATION
	0576	SEYMOUR SUSAN (PAYER)	968	TAXATION
	0577	WALKING DAY CHARLES MRS.	977	TAXATION
	0578	WHITE JOSEPH	979	TAXATION
	0579	PROPHET	980	TAXATION
	0580	JUMP GE WAY RAY WIN KAW (HEIRS)	981	TAXATION
	0581	HENRY GEORGE	982	TAXATION
	0582	HENRY ROBERT	983	TAXATION
	0583	GREEN CROW D. (MS. A. HENRY)	984	TAXATION
	0584	MOMEGAN JOE	987	TAXATION
A14342	0001	BLAKE JENNIE	1163	OLD AGE ASSISTANCE
	0002	TWO ARROWS LILA	579	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A14342	0003	WILLIAMS EUNICE	701	OLD AGE ASSISTANCE
	0004	WALKER WILLIAM	18	OLD AGE ASSISTANCE
	0005	WHITE THOMAS	625	OLD AGE ASSISTANCE
	0006	SAUL THOMAS	279	OLD AGE ASSISTANCE
	0007	SKUNK GREGORY	1486	OLD AGE ASSISTANCE
	0008	OWN ELIZABETH (ASHLEY)	720	OLD AGE ASSISTANCE
	0009	YELLOW BIRD	359	OLD AGE ASSISTANCE
	0010	PARKHURST JOSEPHINE (LODGE)	353	OLD AGE ASSISTANCE
	0011	KEEBLE MAGGIE	361	OLD AGE ASSISTANCE
	0012	WHITE MOUSE	267	OLD AGE ASSISTANCE
	0013	WOUNDED KNEE PETER MRS. (SUGAR)	393	OLD AGE ASSISTANCE
	0014	BIG EAGLE LEVI	290	OLD AGE ASSISTANCE
	0015	MUSKRAT WALLCE (ASHLEY)	292	OLD AGE ASSISTANCE
	0016	BIG EAGLE SARAH	286	OLD AGE ASSISTANCE
	0017	WOOD PILER BLISS LEN	300	OLD AGE ASSISTANCE
	0018	MEDICINE CROW	32	OLD AGE ASSISTANCE
	0019	PLAYS WITH IRON	107	OLD AGE ASSISTANCE
	0020	DRIFTING GOOSE LENA	123	OLD AGE ASSISTANCE
	0021	IRVING JOSEPH	205	OLD AGE ASSISTANCE
	0022	WHITE JAMES	208	OLD AGE ASSISTANCE
	0023	ODD FACE GEORGE	250	OLD AGE ASSISTANCE
	0024	OLDEST CHILD LUKE	254	OLD AGE ASSISTANCE
	0025	EAR JOHN	270	OLD AGE ASSISTANCE
	0026	FLUERY ROSE	274	OLD AGE ASSISTANCE
	0027	CHUNKY WOMAN LOUISA	1218	OLD AGE ASSISTANCE
	0028	HOME SOPHIA	552	OLD AGE ASSISTANCE
	0029	STANDING CLOUD AGNES	529	OLD AGE ASSISTANCE
	0030	ST. JOHN JOSEPH	547	OLD AGE ASSISTANCE
	0031	AGARD ANNA (WOMAN)	560	OLD AGE ASSISTANCE
	0032	FIRE CLOUD JAMES	556	OLD AGE ASSISTANCE
	0033	FIRE CLOUD THOMAS	567	OLD AGE ASSISTANCE
	0034	MEDICINE CROW NELLIE	581	OLD AGE ASSISTANCE
	0035	SHIELD AMOS	611	OLD AGE ASSISTANCE
	0036	FOUR EAGLE BELLE	617	OLD AGE ASSISTANCE
	0037	BARRY MARY	622	OLD AGE ASSISTANCE
	0038	TREMBLING BLISS MAUD	313	OLD AGE ASSISTANCE
	0039	SANTEE OLIVER	317	OLD AGE ASSISTANCE
	0040	COMES UP FROM DIRT	342	OLD AGE ASSISTANCE
	0041	NOBLE WOMAN MARY	337	OLD AGE ASSISTANCE
	0042	CLARK SALLIE	344	OLD AGE ASSISTANCE
	0043	LODGE MELVIN	352	OLD AGE ASSISTANCE
	0044	ARROW WANNA	715	OLD AGE ASSISTANCE
	0045	GOOD EAGLE MARY (PRATT)	736	OLD AGE ASSISTANCE
	0046	STRONG BLANKET	794	OLD AGE ASSISTANCE
	0047	RUNNING BEAR FLORENCE	809	OLD AGE ASSISTANCE
	0048	WILGER MINNIE	810	OLD AGE ASSISTANCE
	0049	JACOBS HENRY	800	OLD AGE ASSISTANCE
	0050	KOSS THOMAS	846	OLD AGE ASSISTANCE
	0051	STEP EMILY	850	OLD AGE ASSISTANCE
	0052	ROSS PHILLIP	812	OLD AGE ASSISTANCE
	0053	SHIELDS GRACE	663	OLD AGE ASSISTANCE
	0054	OLD MAN CORA	677	OLD AGE ASSISTANCE
	0055	BADGER JOHN	695	OLD AGE ASSISTANCE
	0056	WHITE MOUSE EMMA	652	OLD AGE ASSISTANCE
	0057	LITTLE EAGLE EDWARD	404	OLD AGE ASSISTANCE
	0058	IRON NELLIE (SHIELD HELEN)	410	OLD AGE ASSISTANCE
	0059	SMELLS THE EARTH	423	OLD AGE ASSISTANCE
	0060	TRUST BENJAMIN	461	OLD AGE ASSISTANCE
	0061	SURROUNDED JENNIE	470	OLD AGE ASSISTANCE
	0062	MIDDLE TENT JOHN	511	OLD AGE ASSISTANCE
	0063	HOME GEORGE	764	OLD AGE ASSISTANCE
	0064	BIG EAGLE SAMUEL	287	OLD AGE ASSISTANCE
	0065	FLUERY SAMUEL	813	OLD AGE ASSISTANCE
	0066	FIRETAIL LOUIS	581	OLD AGE ASSISTANCE
	0067	STEP EMILY	850	OLD AGE ASSISTANCE
	0068	FLUERY WILLIAM	844	OLD AGE ASSISTANCE
	0069	SHORT BEAR SUSAN	666	OLD AGE ASSISTANCE
	0070	WHITE MARY	644	OLD AGE ASSISTANCE

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A14342	0071	WHITE MARY	1	OLD AGE ASSISTANCE
	0072	WHITE MARY	1	OLD AGE ASSISTANCE
	0073	WHITE MARY	1	OLD AGE ASSISTANCE

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A14342	0071	BARRY CATHERNINE	629	OLD AGE ASSISTANCE
	0072	JENNYS PETER	770	OLD AGE ASSISTANCE
	0073	MEDICINE CROW LIZZIE	757	OLD AGE ASSISTANCE
	0074	WALKING CRANE JOSEPH	1254	OLD AGE ASSISTANCE
	0075	PHILBRICK ROBERT	173	TRESPASS
	0076	PICKNER ELVIRA	211	ROAD IN TRESPASS
	0077	BAD MOCCASIN ELIZABETH	NA	WATER
	0078	SCOTT MARTHA	NA	WATER
	0079	COMES FLYING NATHAN	NA	FORCED FEE PATENT
	0081	CLOUD EAGLE SHIRLEY	1417	TRESPASS
	0082	PHILBRICK ROBERT	173	TRESPASS
	0083	STOLL LAURA	1015	FORCED FEE PATENT
	0084	DOUGHERTY DOLLY W.	1350	FORCED FEE PATENT
	0085	FLEURY EVELYN	1306	FORCED FEE PATENT
	0086	LOUDNER FRANCIS	951	FORCED FEE PATENT
	0087	RED HAIL MARY	1423	FORCED FEE PATENT
	0088	RENVILLE JOHN D.	1307	FORCED FEE PATENT
	0089	ST.JOHN OLIVER	550	FORCED FEE PATENT
	0090	KIRKIE LEON	538	FORCED FEE PATENT
	0091	TATIYOPA JAMES	1065	FORCED FEE PATENT
	0092	STOLL CARRIE	847	FORCED FEE PATENT
	0093	FLEURY GEORGE	1076	FORCED FEE PATENT
	0094	CARPENTER ALMA	880	FORCED FEE PATENT
	0095	BACEST LUKE C.	254	FORCED FEE PATENT
	0096	FLEURY JOSEPH	273	FORCED FEE PATENT
	0097	FLEURY ROSA	274	FORCED FEE PATENT
	0098	FLEURY HARVEY	275	FORCED FEE PATENT
	0099	LITTLE EAGLE EDWARD T.	404	FORCED FEE PATENT
	0100	JONES CHARLES E.	670	FORCED FEE PATENT
	0101	JENNYS PETER	770	FORCED FEE PATENT
	0102	JENNYS ADELIA	771	FORCED FEE PATENT
	0103	JENNYS JOHN	772	FORCED FEE PATENT
	0104	JACOBS HENRY	800	FORCED FEE PATENT
	0105	FLEURY WILLIAM	846	FORCED FEE PATENT
	0106	STOLL LOUIS	1016	FORCED FEE PATENT
	0107	STOLL JOHN	1017	FORCED FEE PATENT
	0108	PATTE SOPHIA	1025	FORCED FEE PATENT
	0109	FLEURY FRED	1140	FORCED FEE PATENT
	0110	FLEURY SOLOMON	1141	FORCED FEE PATENT
	0111	IRVING AMOS	1399	FORCED FEE PATENT
	0112	IRVING DANIEL	1400	FORCED FEE PATENT
	0113	LOUDNER FRED	950	FORCED FEE PATENT
	0114	TALIYOPA DAVID	779	FORCED FEE PATENT
	0115	WHIPPER ROSE (LAUGLING IRANA)	226	FORCED FEE PATENT
	0116	TRUTH TELLER HOBART	1258	FORCED FEE PATENT
	0117	SAUL WILLIAM	1142	FORCED FEE PATENT
	0118	MCBRIDE PERCY	876	FORCED FEE PATENT
	0119	MCBRIDE JESSE	875	FORCED FEE PATENT
	0120	BRIGGS CHARLES	765A	FORCED FEE PATENT
	0121	RILEY JAMES	607	FORCED FEE PATENT
	0122	GOOD DAY WOMAN (AGARD ANNA)	560	FORCED FEE PATENT
	0123	STOLL FLORENCE	1021	FORCED FEE PATENT
	0124	WELLS WALLACE (PETERSEN)	1535	FORCED FEE PATENT
	0125	KEMERY THEODORE	1199	FORCED FEE PATENT
	0126	CARPENTER VICTORIA	881	FORCED FEE PATENT
	0127	CARPENTER AMELIA	882	FORCED FEE PATENT
	0128	LACROIX SARAH W.	891	FORCED FEE PATENT
	0129	FLEURY DAVID	1022	FORCED FEE PATENT
	0130	WELLS MARY	1071	FORCED FEE PATENT
	0131	KEMERY SARAH	1197	FORCED FEE PATENT
	0132	EAGLEMAN BENJAMIN	1457	FORCED FEE PATENT
	0133	FLEURY JOSEPH JR.	1408	FORCED FEE PATENT
	0135	MORGAN PHYLISS (BERRY)	1147	TRESPASS
	0136	PICKNER ELVIRA	211	ROAD IN TRESPASS
	0138	ARROW ELLA	1222	SECRETARIAL TRANSFER
	0139	DRAPPEAU ANNIE	711	SECRETARIAL TRANSFER
	0140	COMES HOLY	485	SECRETARIAL TRANSFER
	0141	BLAKE JOHN	557	SECRETARIAL TRANSFER

ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A14342	0142	SPEAKS WHILE WALKING	683	SECRETARIAL TRANSFER
	0143	FLUTE AMEI P.S.	932	SECRETARIAL TRANSFER
	0144	CROWMAN NELLIE	330	SECRETARIAL TRANSFER
	0145	ROUND HEAD ALEX	1444	SECRETARIAL TRANSFER
	0146	ROSS JOSIAH	1416	SECRETARIAL TRANSFER
	0147	BANKS JESSIE	596	SECRETARIAL TRANSFER
	0148	KILLED DEAD	101	SECRETARIAL TRANSFER
	0149	JACOBS MARY	1132	SECRETARIAL TRANSFER
	0150	RED BULL	971	SECRETARIAL TRANSFER
	0151	COMES AFTER BEAR	584	SECRETARIAL TRANSFER
	0152	DAY WOMEN	483	SECRETARIAL TRANSFER
	0153	GRAY OWL	395	SECRETARIAL TRANSFER
	0154	RATTLING BIRD	329	SECRETARIAL TRANSFER
	0155	SANTEE WILLIAM	316	SECRETARIAL TRANSFER
	0156	MCBRIDE ROBERT	281	SECRETARIAL TRANSFER
	0157	IRON HORN	132	SECRETARIAL TRANSFER
	0158	RUNNING BEAR	97	SECRETARIAL TRANSFER
	0159	OWL HEAD	91	SECRETARIAL TRANSFER
	0160	WALKING WARRIOR	90	SECRETARIAL TRANSFER
	0161	LITTLE WOUNDED	78	SECRETARIAL TRANSFER
	0162	BEAR FACE	73	SECRETARIAL TRANSFER
	0163	SEEING ELK	68	SECRETARIAL TRANSFER
	0164	RED BULL	55	SECRETARIAL TRANSFER
	0165	LODGESMOKE	54	SECRETARIAL TRANSFER
	0166	LONG COYOTE	52	SECRETARIAL TRANSFER
	0167	HEART FISHER	39	SECRETARIAL TRANSFER
	0168	HURT ANOTHER	16	SECRETARIAL TRANSFER
	0169	CAMPBELL VERNA	866	SECRETARIAL TRANSFER
A15343	0001	MCDONALD THOMAS	550	OLD AGE ASSISTANCE
	0002	MEDICINE BIRD SAMUEL	64	OLD AGE ASSISTANCE
	0003	SMALL DANIEL	110	OLD AGE ASSISTANCE
	0004	LONG TURNKEY CHARLES	430	OLD AGE ASSISTANCE
	0005	GOOD FACE HENRY	246	OLD AGE ASSISTANCE
	0006	GRASS ROPE DANIEL	308	OLD AGE ASSISTANCE
	0007	THOMPSON JOSEPH	15	OLD AGE ASSISTANCE
	0008	FORKED BUTTE SOPHIA	235	OLD AGE ASSISTANCE
	0009	LAROCHE ANNIE	NA	OLD AGE ASSISTANCE
	0010	DRIVING HAWK	292	OLD AGE ASSISTANCE
	0011	SWIFT HAWK JOSEPH EUGENE	21	OLD AGE ASSISTANCE
	0012	IRON HAWK ROSIE	101	OLD AGE ASSISTANCE
	0013	ESTES RUEBEN	909	OLD AGE ASSISTANCE
	0014	THOMPSON MAR	16	OLD AGE ASSISTANCE
	0015	TWO HAWK PETER	130	OLD AGE ASSISTANCE
	0016	SPOTTED BULL MARGARET	479	OLD AGE ASSISTANCE
	0017	QUILT DANIEL	383	OLD AGE ASSISTANCE
	0018	TOMPKINS ESTER	304	OLD AGE ASSISTANCE
	0019	TOMPKINS GEORGE	305	OLD AGE ASSISTANCE
	0020	BYRNES JAMES	183	OLD AGE ASSISTANCE
	0021	HIGH ELK SAMUEL	355	OLD AGE ASSISTANCE
	0022	FORKED BUTTE MAR	26	OLD AGE ASSISTANCE
	0023	YELLOW GEORGE	27	OLD AGE ASSISTANCE
	0024	FALLIS GROVER	55	OLD AGE ASSISTANCE
	0025	YELLOW HELEN	269	OLD AGE ASSISTANCE
	0026	FIRECLOUD JOHN	201	OLD AGE ASSISTANCE
	0027	WALKING WOMAN	309	OLD AGE ASSISTANCE
	0028	LEGGS SOPHIA	12	OLD AGE ASSISTANCE
	0029	FIRE THUNDER	164	FORCED FEE PATENT
	0030	SMALL WAISTED BEAR GEORGE	824	FORCED FEE PATENT
	0031	REMCOUNTER JAMES	373	FORCED FEE PATENT
	0032	LONG FISH ARCHIE	100	FORCED FEE PATENT
	0033	BIG MANE PHILLIP	475	FORCED FEE PATENT
	0034	DEWITT SOPHIA	3	FORCED FEE PATENT
	0035	DEWITT JOHN	5	FORCED FEE PATENT
	0036	DEWITT CARRIE	6	FORCED FEE PATENT
	0037	DEWITT BEN A.	7	FORCED FEE PATENT
	0038	THOMPSON MARY	16	FORCED FEE PATENT
	0039	LAROCHE EMILY (KENDAID)	38	FORCED FEE PATENT
	0040	LAROCHE MARY	40	FORCED FEE PATENT

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ABERDEEN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A15343	0041	LAROCHE SOPHIA (GILLAND)	34	FORCED FEE PATENT
	0042	LAROCHER BENJAMIN H.	45	FORCED FEE PATENT
	0043	FALLIS FELECIAN JR.	60	FORCED FEE PATENT
	0044	LANGDEAU CARRIE	81	FORCED FEE PATENT
	0045	LANGDEAU ABRAHAM	82	FORCED FEE PATENT
	0046	JOHNSON JOSEPHINE (ARCHAMBEAU	174	FORCED FEE PATENT
	0047	LAROCHE ELIZABETH (ISABEL)	41	FORCED FEE PATENT
	0048	LAROCHE HERBERT	46	FORCED FEE PATENT
	0049	FALLIS ELIZABETH JR. (LENA DURKIN)	54	FORCED FEE PATENT
	0050	FALLIS JEANETTE	62	FORCED FEE PATENT
	0051	FALLIS EDWARD (ROBERT)	63	FORCED FEE PATENT
	0052	LANDREAU MAURICE MRS. (EMMA)	80	FORCED FEE PATENT
	0053	LANDEAU ROY	83	FORCED FEE PATENT
	0054	JOHNSON SUSAN (SUSIE)	171	FORCED FEE PATENT
	0055	LANGDEAU JOSEPH MRS.	179	FORCED FEE PATENT
	0056	JOHNSON LAURA (ZIEGLER)	175	FORCED FEE PATENT
	0057	SCHMIDT LEONA MRS. (DESHENQUETTE)	180	FORCED FEE PATENT
	0058	DESHENQUETTE SUSIE (LAMM)	181	FORCED FEE PATENT
	0059	LAROCHE FELIX	270	FORCED FEE PATENT
	0060	LAROCHE HOBBIN (HOBEIN)	289	FORCED FEE PATENT
	0061	DESHENQUETTE EVA (LAROCHE)	291	FORCED FEE PATENT
	0062	LAROCHE ANNIE (DRIVINGHAWK)	292	FORCED FEE PATENT
	0063	LONG TURKEY HERMINE MRS.	293	FORCED FEE PATENT
	0064	LAROCHE ALEX	294	FORCED FEE PATENT
	0065	LAROCHE JOHN	296	FORCED FEE PATENT
	0066	LAROCHE PETER	297	FORCED FEE PATENT
	0067	THOMPKINS GEORGE	305	FORCED FEE PATENT
	0068	CONTRE ALBERT REN	397	FORCED FEE PATENT
	0069	MORSEA CHARLES R.	654	FORCED FEE PATENT
	0070	HUNTSMAN FRANK	422	FORCED FEE PATENT
	0071	HUNTSMAN HERBERT	423	FORCED FEE PATENT
	0072	HUNTSMAN RUTH	424	FORCED FEE PATENT
	0073	HUNTSMAN WINONA (BARTON)	425	FORCED FEE PATENT
	0074	BAD FELIX (DAY BOY)	717	FORCED FEE PATENT
	0075	SWIFT HAWK ALBERT	674	FORCED FEE PATENT
	0076	YELLOW ANNIE	671	FORCED FEE PATENT
	0077	FORKED BUTTE EDWARD	657	FORCED FEE PATENT
	0078	HUNTSMAN WESLEY	421	FORCED FEE PATENT
	0079	SOUNDING FLUTE HERBERT	414	FORCED FEE PATENT
	0080	FORKED BUTTE ELI	233	FORCED FEE PATENT
	0081	SWIFT HAWK JOSEPH	21	FORCED FEE PATENT
	0082	LAROCHE CARRIE (LEBEAU)	35	FORCED FEE PATENT
	0083	LAROCHE MARRY (SHEATOEDT)	36	FORCED FEE PATENT
	0084	LAROCHE PHILLIP SR.	37	FORCED FEE PATENT
	0085	LANGDEAU JAMES	48	FORCED FEE PATENT
	0086	FALLIS GROVER C.	55	FORCED FEE PATENT
	0087	LONG FISH CHARLES	99	FORCED FEE PATENT
	0088	FIRE CLOUD GERTIE	221	FORCED FEE PATENT
	0089	FLYING IRON	246	FORCED FEE PATENT
	0090	BRAVE IDA	359	FORCED FEE PATENT
	0091	BRUCE ALEX	361	FORCED FEE PATENT
	0092	LONG TURKEY CHARLES	430	FORCED FEE PATENT
	0093	PHILLIPS STANLEY	779	FORCED FEE PATENT
	0094	JOHNSON THOMAS J.	173	FORCED FEE PATENT

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ANADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
A04434	190	JOSEPH M-DAW-CHE	WSP411	FORCED FEE PATENT
	191	KESHAO-QUAH	WSP427	FORCED FEE PATENT
	192	WARSKINNE	WSP259	FORCED FEE PATENT
	193	AH PUCK AH THAW	WSP05A	FORCED FEE PATENT
	194	OKNOYSAH	WSP135	FORCED FEE PATENT
	195	SHACKTO	WSP359	FORCED FEE PATENT
	196	NEMONAHEGHAT	WSP172	FORCED FEE PATENT
	197	JANE SHOUGHNAKONK	WSP377	FORCED FEE PATENT
	198	TENNONAH	WSP749	FORCED FEE PATENT
	199	MARTHA	WSP177	FORCED FEE PATENT
	200	NSOWAHONET	WSP293	FORCED FEE PATENT
A04860	079	EMMA WHITECLOUD	3	BREACH OF CONTRACT
	155	ROSELLA GREEN	UNALLTD	REPAYMENT TO WELFARE FROM ESTATE
	156	AMABLE DEROIN JR	9	RECOVERY OF TRUST OR RESTRICTED LAND
	157	JOSIE VETTER	10	RECOVERY OF TRUST OR RESTRICTED LAND
	158	VESTA RINEHART	13	RECOVERY OF TRUST OR RESTRICTED LAND
	159	DANIEL GODFREY JR	18	RECOVERY OF TRUST OR RESTRICTED LAND
	160	ABRAHAM BRIEN	28	RECOVERY OF TRUST OR RESTRICTED LAND
	161	JOSEPH DEROIN	34	RECOVERY OF TRUST OR RESTRICTED LAND
	162	PEARLY ROURTOOUX	35	RECOVERY OF TRUST OR RESTRICTED LAND
	163	LOUIS DEROIN	36	RECOVERY OF TRUST OR RESTRICTED LAND
	164	EMMA PARTFLOW	39	RECOVERY OF TRUST OR RESTRICTED LAND
	165	SARAH ROUBIDOUX	45	RECOVERY OF TRUST OR RESTRICTED LAND
	166	ANNIE FERRAN	46	RECOVERY OF TRUST OR RESTRICTED LAND
	167	AUGUSTUS ROURTOUX	48	RECOVERY OF TRUST OR RESTRICTED LAND
	168	CHARLEY ROURTOUX	49	RECOVERY OF TRUST OR RESTRICTED LAND
	169	ALICE ROURTOUX	51	RECOVERY OF TRUST OR RESTRICTED LAND
	170	FRANK WHITECLOUD	55	RECOVERY OF TRUST OR RESTRICTED LAND
	171	RESSIE R BANKS	65	RECOVERY OF TRUST OR RESTRICTED LAND
	172	ADA BANKS	66	RECOVERY OF TRUST OR RESTRICTED LAND
	173	DAVID W ROURTOOUX	97	RECOVERY OF TRUST OR RESTRICTED LAND
	174	LOUIS ROURTOOUX	98	RECOVERY OF TRUST OR RESTRICTED LAND
	175	PETER BRIEN	109	RECOVERY OF TRUST OR RESTRICTED LAND
	176	LAUNCELOT BRIEN	117	RECOVERY OF TRUST OR RESTRICTED LAND
	177	MARY LECLERE	117	RECOVERY OF TRUST OR RESTRICTED LAND
	178	MARY MURPHY	119	RECOVERY OF TRUST OR RESTRICTED LAND
	179	RALPH NATHANIMANE	126	RECOVERY OF TRUST OR RESTRICTED LAND
	180	JAMES MORRIS	136	RECOVERY OF TRUST OR RESTRICTED LAND
	181	UNKNOWN	169	RECOVERY OF TRUST OR RESTRICTED LAND
	182	UNKNOWN	178	RECOVERY OF TRUST OR RESTRICTED LAND
	183	UNKNOWN	197	RECOVERY OF TRUST OR RESTRICTED LAND
	184	UNKNOWN	188	RECOVERY OF TRUST OR RESTRICTED LAND
	185	UNKNOWN	189	RECOVERY OF TRUST OR RESTRICTED LAND
	186	UNKNOWN	216	RECOVERY OF TRUST OR RESTRICTED LAND
	187	UNKNOWN	226	RECOVERY OF TRUST OR RESTRICTED LAND
	188	UNKNOWN	227	RECOVERY OF TRUST OR RESTRICTED LAND
	189	LILLIAN ECKLEY	UNALLTD	RECOVERY OF TRUST OR RESTRICTED LAND
B04841	001	TEAHOOAH	11	AGRICULTURAL TRESPASS
	002	NAWSHETONTHAT	25	AGRICULTURAL TRESPASS
	003	FREDERICK CADDO	150	AGRICULTURAL TRESPASS
	004	MACKTAHENAH	204	AGRICULTURAL TRESPASS
	005	LEWAHWASSICK	181	AGRICULTURAL TRESPASS
	006	WAHWASSICK	182	AGRICULTURAL TRESPASS
	007	OPMESSAH	127	AGRICULTURAL TRESPASS
	008	ELI WAHWASSICK	60	AGRICULTURAL TRESPASS
	009	SWAKAHAH	62	AGRICULTURAL TRESPASS
	010	MENCHEKOFF	89	AGRICULTURAL TRESPASS
	011	WAHTHAWNAMOOAH	149	AGRICULTURAL TRESPASS
	012	WAHPAHOTHATOOAH	142	AGRICULTURAL TRESPASS
	013	PAMETHAHT	201	AGRICULTURAL TRESPASS
	014	MAHTAWAHSAH	205	AGRICULTURAL TRESPASS
	015	PEATCHETHAHT	224	AGRICULTURAL TRESPASS
	016	WAHPEAHKEAH	230	AGRICULTURAL TRESPASS
	017	QUAHTAHKAHMESHECK	232	AGRICULTURAL TRESPASS
	018	POHANKE	237	AGRICULTURAL TRESPASS
	019	TEATWAHTICK	166	AGRICULTURAL TRESPASS
	020	NAWKEYAH	95	AGRICULTURAL TRESPASS
	021	TAHRAHCHETHCH	203	AGRICULTURAL TRESPASS

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ANADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
B04841	022	TAHRAHCHETHCH	204	AGRICULTURAL TRESPASS
	023	TAHRAHCHETHCH	206	AGRICULTURAL TRESPASS
	024	TAHRAHCHETHCH	207	AGRICULTURAL TRESPASS
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	026	TAHRAHCHETHCH	209	AGRICULTURAL TRESPASS
	027	TAHRAHCHETHCH	210	AGRICULTURAL TRESPASS
	028	TAHRAHCHETHCH	211	AGRICULTURAL TRESPASS
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	031	TAHRAHCHETHCH	214	AGRICULTURAL TRESPASS
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	198	TAHRAHCHETHCH	381	AGRICULTURAL TRESPASS
	199	TAHRAHCHETHCH	382	AGRICULTURAL TRESPASS
	200	TAHRAHCHETHCH	383	AGRICULTURAL TRESPASS

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ANADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
B04841	201	TAHRAHCHETHCH	384	AGRICULTURAL TRESPASS
	202	TAHRAHCHETHCH	385	AGRICULTURAL TRESPASS
	203	TAHRAHCHETHCH	386	AGRICULTURAL TRESPASS
	204	TAHRAHCHETHCH	387	AGRICULTURAL TRESPASS
	205	TAHRAHCHETHCH	388	AGRICULTURAL TRESPASS
	206	TAHRAHCHETHCH	389	AGRICULTURAL TRESPASS
	207	TAHRAHCHETHCH	390	AGRICULTURAL TRESPASS
	208	TAHRAHCHETHCH	391	AGRICULTURAL TRESPASS
	209	TAHRAHCHETHCH	392	AGRICULTURAL TRESPASS
	210	TAHRAHCHETHCH	393	AGRICULTURAL TRESPASS
	211	TAHRAHCHETHCH	394	AGRICULTURAL TRESPASS
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	217	TAHRAHCHETHCH	400	AGRICULTURAL TRESPASS
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	220	TAHRAHCHETHCH	403	AGRICULTURAL TRESPASS
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	224	TAHRAHCHETHCH	407	AGRICULTURAL TRESPASS
	225	TAHRAHCHETHCH	408	AGRICULTURAL TRESPASS
	226	TAHRAHCHETHCH	409	AGRICULTURAL TRESPASS
	227	TAHRAHCHETHCH	410	AGRICULTURAL TRESPASS
	228	TAHRAHCHETHCH	411	AGRICULTURAL TRESPASS
	229	TAHRAHCHETHCH	412	AGRICULTURAL TRESPASS
	230	TAHRAHCHETHCH	413	AGRICULTURAL TRESPASS
	231	TAHRAHCHETHCH	414	AGRICULTURAL TRESPASS
	232	TAHRAHCHETHCH	415	AGRICULTURAL TRESPASS
	233	TAHRAHCHETHCH	416	AGRICULTURAL TRESPASS
	234	TAHRAHCHETHCH	417	AGRICULTURAL TRESPASS
	235	TAHRAHCHETHCH	418	AGRICULTURAL TRESPASS
	236	TAHRAHCHETHCH	419	AGRICULTURAL TRESPASS
	237	TAHRAHCHETHCH	420	AGRICULTURAL TRESPASS
	238	TAHRAHCHETHCH	421	AGRICULTURAL TRESPASS
	239	TAHRAHCHETHCH	422	AGRICULTURAL TRESPASS
	240	TAHRAHCHETHCH	423	AGRICULTURAL TRESPASS
	241	TAHRAHCHETHCH	424	AGRICULTURAL TRESPASS
	242	TAHRAHCHETHCH	425	AGRICULTURAL TRESPASS
	243	TAHRAHCHETHCH	426	AGRICULTURAL TRESPASS
	244	TAHRAHCHETHCH	427	AGRICULTURAL TRESPASS
	245	TAHRAHCHETHCH	428	AGRICULTURAL TRESPASS
	246	TAHRAHCHETHCH	429	AGRICULTURAL TRESPASS
	247	TAHRAHCHETHCH	430	AGRICULTURAL TRESPASS
	248	TAHRAHCHETHCH	431	AGRICULTURAL TRESPASS
	249	TAHRAHCHETHCH	432	AGRICULTURAL TRESPASS
	250	TAHRAHCHETHCH	433	AGRICULTURAL TRESPASS
	251	TAHRAHCHETHCH	434	AGRICULTURAL TRESPASS
	252	TAHRAHCHETHCH	435	AGRICULTURAL TRESPASS
	253	TAHRAHCHETHCH	436	AGRICULTURAL TRESPASS
	254	TAHRAHCHETHCH	437	AGRICULTURAL TRESPASS
	255	TAHRAHCHETHCH	438	AGRICULTURAL TRESPASS
	256	TAHRAHCHETHCH	439	AGRICULTURAL TRESPASS
	257	TAHRAHCHETHCH	440	AGRICULTURAL TRESPASS
	258	TAHRAHCHETHCH	441	AGRICULTURAL TRESPASS
	259	TAHRAHCHETHCH	442	AGRICULTURAL TRESPASS
	260	TAHRAHCHETHCH	443	AGRICULTURAL TRESPASS
	261	TAHRAHCHETHCH	444	AGRICULTURAL TRESPASS
	262	TAHRAHCHETHCH	445	AGRICULTURAL TRESPASS
	263	TAHRAHCHETHCH	446	AGRICULTURAL TRESPASS
	264	TAHRAHCHETHCH	447	AGRICULTURAL TRESPASS
	265	TAHRAHCHETHCH	448	AGRICULTURAL TRESPASS
	266	TAHRAHCHETHCH	449	AGRICULTURAL TRESPASS
	267	TAHRAHCHETHCH	450	AGRICULTURAL TRESPASS
	268	TAHRAHCHETHCH	451	AGRICULTURAL TRESPASS
	269	TAHRAHCHETHCH	452	AGRICULTURAL TRESPASS
	270	TAHRAHCHETHCH	453	AGRICULTURAL TRESPASS
	271	TAHRAHCHETHCH	454	AGRICULTURAL TRESPASS
	272	TAHRAHCHETHCH	455	AGRICULTURAL TRESPASS
	273	TAHRAHCHETHCH	456	AGRICULTURAL TRESPASS
	274	TAHRAHCHETHCH	457	AGRICULTURAL TRESPASS
	275	TAHRAHCHETHCH	458	AGRICULTURAL TRESPASS
	276	TAHRAHCHETHCH	459	AGRICULTURAL TRESPASS
	277	TAHRAHCHETHCH	460	AGRICULTURAL TRESPASS
	278	TAHRAHCHETHCH	461	AGRICULTURAL TRESPASS
	279	TAHRAHCHETHCH	462	AGRICULTURAL TRESPASS
	280	TAHRAHCHETHCH	463	AGRICULTURAL TRESPASS
	281	TAHRAHCHETHCH	464	AGRICULTURAL TRESPASS
	282	TAHRAHCHETHCH	465	AGRICULTURAL TRESPASS
	283	TAHRAHCHETHCH	466	AGRICULTURAL TRESPASS
	284	TAHRAHCHETHCH	467	AGRICULTURAL TRESPASS
	285	TAHRAH

ANADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
B04861	022	MENAHDWAH	236	AGRICULTURAL TRESPASS
	023	MARY ESKINACHE	232	AGRICULTURAL TRESPASS
	024	TAHPAHSHE	202	AGRICULTURAL TRESPASS
	025	PEATWAHTUCK	210	AGRICULTURAL TRESPASS
	026	TAHTAH	68	AGRICULTURAL TRESPASS
	027	DORA WILLIAMS(KEESIS)	221	AGRICULTURAL TRESPASS
	028	PAHWAHKAHTHO	223	AGRICULTURAL TRESPASS
	033	SHEPATHTHE	64	TIMBER REMOVED WRONGFULLY
	034	WANSUCK	72	BREACH OF CONTRACT
	035	ANNIE CADUE	14	RECOVERY OF TRUST OR RESTRICTED LAND
	036	JOSEPH MASQUAH	16	RECOVERY OF TRUST OR RESTRICTED LAND
	037	ANNA HERRICY	8	RECOVERY OF TRUST OR RESTRICTED LAND
	038	LULA ANDERSON	22	RECOVERY OF TRUST OR RESTRICTED LAND
	039	ANGELINE CADUE	118	RECOVERY OF TRUST OR RESTRICTED LAND
	040	REBECCA HERRICK	160	RECOVERY OF TRUST OR RESTRICTED LAND
	041	MILDRED ANDERSON	168	RECOVERY OF TRUST OR RESTRICTED LAND
	042	JAMES ANDERSON	167	RECOVERY OF TRUST OR RESTRICTED LAND
	043	DAVID RHODD	218	RECOVERY OF TRUST OR RESTRICTED LAND
	044	MAUD AHKENS	171	RECOVERY OF TRUST OR RESTRICTED LAND
	045	WAHBEZEZHUCK	95	RECOVERY OF TRUST OR RESTRICTED LAND
	046	NEBOMSOMT	96	RECOVERY OF TRUST OR RESTRICTED LAND
	047	MAGGIE GOSLIN	98	RECOVERY OF TRUST OR RESTRICTED LAND
	048	NECONLTHAT	24	RECOVERY OF TRUST OR RESTRICTED LAND
	049	PAHAHTHOAH	3	RECOVERY OF TRUST OR RESTRICTED LAND
	050	(NO NAME)	64	RECOVERY OF TRUST OR RESTRICTED LAND
	051	MINNEKAH (MASQUAH)	30	RECOVERY OF TRUST OR RESTRICTED LAND
	052	JOHN NEGONSOT	27	RECOVERY OF TRUST OR RESTRICTED LAND
	053	(NO NAME)	95	RECOVERY OF TRUST OR RESTRICTED LAND
	054	AHPUCKAHTHAT	56	RECOVERY OF TRUST OR RESTRICTED LAND
	055	MARY SPEAR	71	RECOVERY OF TRUST OR RESTRICTED LAND
	056	UNKNOWN	UNALTD	RECOVERY OF TRUST OR RESTRICTED LAND
	107	DOC LYON	40	FORCED FEE PATENT
	108	THOMAS OLIVER	59	FORCED FEE PATENT
	109	JOSE SECOUAH	139	FORCED FEE PATENT
	110	THOMAS MASQUAH	162	FORCED FEE PATENT
	111	GRACE ANDERSON	169	FORCED FEE PATENT
	112	MARY WHITEWATER	219	FORCED FEE PATENT
	113	DORA WILLIAMS	221	FORCED FEE PATENT
	114	PAHETHAHT	231	FORCED FEE PATENT
	115	AMABLE DEROIN	5	FORCED FEE PATENT
	116	DAVID K DEROIN	33	FORCED FEE PATENT
	117	SYLVNIA ROUBIDOUX	63	FORCED FEE PATENT
	118	CHARLES ROUBIDOUX	85	FORCED FEE PATENT
	119	FRANK DUPUIS SR	90	FORCED FEE PATENT
	120	FLOYD B RICHARDSON	94	FORCED FEE PATENT
	121	RALPH GREEN	123	FORCED FEE PATENT
	122	CELEST HALL	128	FORCED FEE PATENT
	123	ELISHA DORTAN(DEROIN)	137	FORCED FEE PATENT
	124	KAHBOTHAHQUAH	10	FORCED FEE PATENT
	125	ELIZABETH GOMASS	18	FORCED FEE PATENT
	126	WILLIAM BANKS	19A	FORCED FEE PATENT
	127	ANTOINE ROUBIDOUX	33	FORCED FEE PATENT
	128	WILLIAM A MARGRAVE	60	FORCED FEE PATENT
	129	JAMES T MARGRAVE THOMAS	63	FORCED FEE PATENT
	130	EARL I MARGRAVE	64	FORCED FEE PATENT
	131	MARGARET MURPHY	76	FORCED FEE PATENT
	150	NOKOMAAH(EUGENE MASQUAH)	7	REPAYMENT TO WELFARE FROM ESTATE
	151	WAHTONOMET(DUDLEY MASQUAH)	50	REPAYMENT TO WELFARE FROM ESTATE
	152	SHEPATHTHOQUAH	91	REPAYMENT TO WELFARE FROM ESTATE
	208	KICKAPOO	TRIBAL	HIGHWAY IN TRESPASS
B04862	058	LEROY SPEPPARD	2	FORCED FEE PATENT
	059	ALEXANDRIA DONNELLY	14	FORCED FEE PATENT
	060	JOHN V QUIRK	16	FORCED FEE PATENT
	061	ANTHONY C BOURDON	19	FORCED FEE PATENT
	062	PETER ROUBIDOUX	18	FORCED FEE PATENT
	063	JOSETTA JOSEPHINE LATRANCHE	22	FORCED FEE PATENT
	064	MAGGIE DARLING	28	FORCED FEE PATENT
	065	JULIA ANN CADUE	52	FORCED FEE PATENT

ANADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
B04862	066	JOHN SHEPSHE	76	FORCED FEE PATENT
	067	KISHWAHONAH	89	FORCED FEE PATENT
	068	ETTA CADUE	92	FORCED FEE PATENT
	069	ARTHUR WISHKENO	95	FORCED FEE PATENT
	070	ROSE ANN THOMPSON	96	FORCED FEE PATENT
	071	THOMAS E BOURBONNY	116	FORCED FEE PATENT
	072	FRANK GRINNELL	124	FORCED FEE PATENT
	073	ONA GRINNELL	125	FORCED FEE PATENT
	074	FRANK CADUE	128	FORCED FEE PATENT
	075	OBMAWSAH	155	FORCED FEE PATENT
	076	R L MILLER	160	FORCED FEE PATENT
	077	MARY LECLERE	170	FORCED FEE PATENT
	078	HENRY CLAYDEAR	175	FORCED FEE PATENT
	079	KISHKA	189	FORCED FEE PATENT
	080	MYOHAHWAH	193	FORCED FEE PATENT
	081	MARGARET WAUBAUNCE (COFFEE)	197	FORCED FEE PATENT
	082	NWAHKTOTE	199	FORCED FEE PATENT
	083	GEORGE WAHMASSUCK	200	FORCED FEE PATENT
	084	FRANK WAUBAUNSEE	253	FORCED FEE PATENT
	085	CLAY N MURRAY	274	FORCED FEE PATENT
	086	NEGONKUMGOQUAH	302	FORCED FEE PATENT
	087	NJOEWAS	312	FORCED FEE PATENT
	088	WAHMEACKMUCK	318	FORCED FEE PATENT
	089	WAHNOQUAH	319	FORCED FEE PATENT
	090	ARTHUR WISHKENO	330	FORCED FEE PATENT
	091	MKOIGIHMAH	350	FORCED FEE PATENT
	092	WISHAWKIASHUCK	364	FORCED FEE PATENT
	093	WASCHOWIN	380	FORCED FEE PATENT
	094	OKPEO	391	FORCED FEE PATENT
	095	WAH BAH	393	FORCED FEE PATENT
	096	WAB SHOG GIN	434	FORCED FEE PATENT
	097	CORA GRINNELL	540	FORCED FEE PATENT
	098	ABRAHAM KITCHKUMMEGUAH	620	FORCED FEE PATENT
	099	KAW BATCH EWAH	637	FORCED FEE PATENT
	100	MARY BLANDIN	676	FORCED FEE PATENT
	101	SNOUGHNESSEE(FRANK BLANDIN)	287	FORCED FEE PATENT
	102	JAMES V BLANDIN	166	FORCED FEE PATENT
	103	KEO TONGO	152	FORCED FEE PATENT
	104	PAW EE	754	FORCED FEE PATENT
	105	KON NO SEE	755	FORCED FEE PATENT
	106	WAH SHUCK UK	805	FORCED FEE PATENT
	132	JULIA ANN SOLDIER	119	REPAYMENT TO WELFARE FROM ESTATE
	133	M JOE E TAH	136	REPAYMENT TO WELFARE FROM ESTATE
	134	WE ZAH	214	REPAYMENT TO WELFARE FROM ESTATE
	135	JOE TURTLE	211	REPAYMENT TO WELFARE FROM ESTATE
	136	JOHN WAH WAS SUCK	208	REPAYMENT TO WELFARE FROM ESTATE
	137	KACK KACK	171	REPAYMENT TO WELFARE FROM ESTATE
	138	WAS CHO WIN	380	REPAYMENT TO WELFARE FROM ESTATE
	139	MEOUGH GEE	446	REPAYMENT TO WELFARE FROM ESTATE
	140	MRS MEXICO NORMACKUM	482	REPAYMENT TO WELFARE FROM ESTATE
	141	PO K TO	503	REPAYMENT TO WELFARE FROM ESTATE
	142	TAH BAH SUCK	558	REPAYMENT TO WELFARE FROM ESTATE
	143	FRANCIS SHOPTEESE	590	REPAYMENT TO WELFARE FROM ESTATE
	144	JOHN WAH WAS NO QUAH	654	REPAYMENT TO WELFARE FROM ESTATE
	145	N WACK TOE	679	REPAYMENT TO WELFARE FROM ESTATE
	146	MAGGIE WHITEFISH BARNEY	715	REPAYMENT TO WELFARE FROM ESTATE
	147	WAH PASSO	728	REPAYMENT TO WELFARE FROM ESTATE
	148	WILLIE SHEKONE NESS	739	REPAYMENT TO WELFARE FROM ESTATE
	149	SOVE GE ZHICK	740	REPAYMENT TO WELFARE FROM ESTATE
	154	JOHN COOK	UNALTD	REPAYMENT TO WELFARE FROM ESTATE
	214	P.B. POTAWATOMI	TRIBAL	WRONGFUL TAXATION OF TRUST/RESTRICTED LAND
	215	MEGAHN	559	AGRICULTURAL TRESPASS
B04863	030	MARY GREEN	17A	FENCE OR OTHER BOUNDARY IN TRESPASS
	031	ANNA ROUBIDOUX	21	BREACH OF CONTRACT
	032	LEO WAHPECONTAH	110	BREACH OF CONTRACT
	057	NO NAME	UNALTD	RECOVERY OF TRUST OR RESTRICTED LAND
	153	THOMAS GREEN GOMASS	4	REPAYMENT TO WELFARE FROM ESTATE
B04864	210	NEWTON MONEER	20A	RECOVERY OF TRUST/RESTRICTED LAND

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ANADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
ANA001	058	COUNTER (HARVEY GOODBEAR)	804	FORCED FEE PATENT
	059	OSCAR BULL HEAD	808	FORCED FEE PATENT
	060	WILLIAM PRAYER BLIND BEAR	814	FORCED FEE PATENT
	061	MEDICINE WOMEN	821	FORCED FEE PATENT
	062	MILLER BIGHOUSE	835	FORCED FEE PATENT
	063	WILLIAM TALL BIRD SR.	849	FORCED FEE PATENT
	064	MARY MORAN	914	FORCED FEE PATENT
	065	LITTLE CALF	955	FORCED FEE PATENT
	066	JOHN WHITEBUFFALO	969	FORCED FEE PATENT
	067	JOSEPH MIQUEL	993	FORCED FEE PATENT
	068	LEAH SANDS COOK	1004	FORCED FEE PATENT
	069	LIZZIE STIBOLT	1018	FORCED FEE PATENT
	070	ERNEST SIMPSON	1086	FORCED FEE PATENT
	071	PET SPOTTED CORN	1115	FORCED FEE PATENT
	072	RALPH MIDDLEMAN (BABY)	1137	FORCED FEE PATENT
	073	HARRY MONROE (MOSE)	1143	FORCED FEE PATENT
	074	SCOTT HAMILTON YOUNGMAN SR.	1149	FORCED FEE PATENT
	075	BLACK WHITEMAN	1173	FORCED FEE PATENT
	076	BENJAMIN MILES	1185	FORCED FEE PATENT
	077	ALEXANDER YELLOWMAN	1222	FORCED FEE PATENT
	078	BLACKMAN (BANKS SLEEPER)	1231	FORCED FEE PATENT
	079	BINFORD BIRDCHIEF	1244	FORCED FEE PATENT
	080	ANNA DYER PEDKO	1260	FORCED FEE PATENT
	081	CASPER EDISON	1267	FORCED FEE PATENT
	082	OLD MAN	1293	FORCED FEE PATENT
	083	SAND GIRL	1302	FORCED FEE PATENT
	084	PAINT BEAR	1324	FORCED FEE PATENT
	085	VIRGINIA LONEDOOG	1325	FORCED FEE PATENT
	086	JESSE ROW HOUSE	1358	FORCED FEE PATENT
	087	HENRY ROW OF LODGES	1359	FORCED FEE PATENT
	088	BLACK HORSE	1382	FORCED FEE PATENT
	089	NELSON SAGE HAWK	1395	FORCED FEE PATENT
	090	GROVER CLEVELAND	1399	FORCED FEE PATENT
	091	JOHN CHANEY	1447	FORCED FEE PATENT
	092	BEN FRANKLIN	1461	FORCED FEE PATENT
	093	MATTHEW HAIL	1472	FORCED FEE PATENT
	094	JOHN BLACK MAN	1484	FORCED FEE PATENT
	095	ELMER SAFELY	1546	FORCED FEE PATENT
	096	HARRY BENTON SR.	1658	FORCED FEE PATENT
	097	JOHN YOUNG BULL	1668	FORCED FEE PATENT
	098	LIMBER HEAD	1681	FORCED FEE PATENT
	099	ALFRED LITTLE BIRD	1733	FORCED FEE PATENT
	100	THEODORE HENRY	1747	FORCED FEE PATENT
	101	EVA ROTHERS	1750	FORCED FEE PATENT
	102	CARL SAFELY	1755	FORCED FEE PATENT
	103	LITTLE WOLF	1785	FORCED FEE PATENT
	104	BAD SQUAW	1790	FORCED FEE PATENT
	105	OTTO LITTLEMAN	1790	FORCED FEE PATENT
	106	MARY E. TODD	1837	FORCED FEE PATENT
	107	PHILIP COOK	1896	FORCED FEE PATENT
	108	BRICE COVE	1899	FORCED FEE PATENT
	109	HARVEY WHITE SHIELD	1977	FORCED FEE PATENT
	110	ROSE WHITESHIELD	1978	FORCED FEE PATENT
	111	RED TAIL	3079	UTILITY LINE/PIPELINE IN TRESPASS
	112	UNKNOWN	160	WATER QUALITY (DAMAGES)
BOX902	002	NO NAME	UNALTD	FORCED FEE PATENT
	003	NO NAME	UNALTD	UNPAID LEASE RENTALS
	009	DIKE TSOODLE	3958	CLAIMS TO TRUST/REST. LANDS CONDEMNED
	010	MONROE	UNALOT	ROAD/HIGHWAY IN TRESPASS
	012	TITTAH	872	CLAIMS TO TRUST REST. LANDS CONDEMNED
	014	MI YE VAH	441	GRAVEL/FILL/MINERAL S/OIL/GAS REMOVED
	015	MI YE VAH	481	TIMBER REMOVED UNLAWFULLY
	016	SUN AU QUAT	744	CLAIMS TO TRUST/REST. LANDS CONDEMNED
	017	NA HE (T)	868	UTILITY LINE/PIPELINE IN TRESPASS
	018	JOSHUA VALLALITY	1224	RECOVERY OF LAND (TAX FORFEITED)
	019	NO NE MAH AKER	1619	ROAD/HIGHWAY IN TRESPASS
	020	LARETTA CHADDLEKAHNY	3006	TRESPASS - DUMPING
	021	AUDLE PATE	2419	CLAIMS TO TRUST/REST. LANDS CONDEMNED

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ANADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
BOX924	201	ALFRED WELSH JR.	4	UNKNOWN TAXATION OF TRUST/RESTRICTED LAND
	202	LAWRENCE J. ZANE	150	UNKNOWN TAXATION OF TRUST/RESTRICTED LAND
	203	GRACIE ZANE	151	UNKNOWN TAXATION OF TRUST/RESTRICTED LAND
	204	GERTIE SWALLOW	153	UNKNOWN TAXATION OF TRUST/RESTRICTED LAND
	205	GEORGE D. ZANE	154	UNKNOWN TAXATION OF TRUST/RESTRICTED LAND
	206	BLANCHE (ZANE) THOMPSON	155	UNKNOWN TAXATION OF TRUST/RESTRICTED LAND
	207	CHARLES ZANE	157	UNKNOWN TAXATION OF TRUST/RESTRICTED LAND
	209	MARIA CHRISTIANO	NONE	RECOVERY OF TRUST/RESTRICTED LAND
	211	HALLIE (ANNETTE	NONE	RECOVERY OF TRUST/RESTRICTED LAND
	212	(HAPPINEOUA) MRS. HAROD	68	RECOVERY OF TRUST/RESTRICTED LAND
	213	(TEKOSE) EDWARD (LEXIAT	NONE	RECOVERY OF TRUST/RESTRICTED LAND
BOX901	001	CHUNKY FINGERNAILS	2406	ROAD/HIGHWAY IN TRESPASS
	002	ELK WOMAN	2964	FORCED FEE PATENT
	003	WIDOWS FAMILY	UNALOT	RECOVERY OF LAND (TAX FORFEITED)
	004	STELLA REDWOLF	3104	REFINERY OF LAND/HIGHWAY IN TRESPASS
	005	LOUISE HAUSER WHITE	3109	ROAD/HIGHWAY IN TRESPASS
	006	NO NAME	UNALTD	FORCED FEE PATENT
	007	GLENNIE BLOCK	165	FORCED FEE PATENT
	008	ANNIE HAUSER	3110	FORCED FEE PATENT
	009	JOSEPHINE WOLF BONE	243	FORCED FEE PATENT
	010	WALKING IN THE MIDDLE	504	FORCED FEE PATENT
	011	THOMAS CLOUD CHIEF	4	FORCED FEE PATENT
	012	KATE ZEMEALLEGER	72	FORCED FEE PATENT
	013	HOWLING IN CLOUD	44	FORCED FEE PATENT
	014	ALFRICH HEAD OF BIRDS	60	FORCED FEE PATENT
	015	UNDERSHIRT	77	FORCED FEE PATENT
	016	REDBIRD (NO YO)	99	FORCED FEE PATENT
	017	JOSEPH BLACKWOLF (HAWK)	155	FORCED FEE PATENT
	018	WHITEMAN PEARS GROUNDHOGE	161	FORCED FEE PATENT
	019	LITTLE WOMEN	167	FORCED FEE PATENT
	020	DO SELL	204	FORCED FEE PATENT
	021	FRANK HILL (RAMBLER)	205	FORCED FEE PATENT
	022	MAN A YOU	212	FORCED FEE PATENT
	023	WILLIAM BENT	229	FORCED FEE PATENT
	024	WILLIAM FLETCHER	235	FORCED FEE PATENT
	025	JOE FLETCHER	238	FORCED FEE PATENT
	026	HARRY SPARR	244	FORCED FEE PATENT
	027	TRAINING WOMAN	273	FORCED FEE PATENT
	028	EATING WOLF	277	FORCED FEE PATENT
	029	ALBERT SHORT TEETH	297	FORCED FEE PATENT
	030	HARRY HOUSER	302	FORCED FEE PATENT
	031	SAM CHAMBERLAIN	330	FORCED FEE PATENT
	032	RICHMOND CURTIS	374	FORCED FEE PATENT
	033	AMOS LEFTHAND	379	FORCED FEE PATENT
	034	MEDICINE STANDING	420	FORCED FEE PATENT
	035	PETER WHITEBEAR	431	FORCED FEE PATENT
	036	HOY VAN HORN	437	FORCED FEE PATENT
	037	YELLOW EYES	443	FORCED FEE PATENT
	038	THOMAS BLIND	480	FORCED FEE PATENT
	039	ANNA CURTIS EARLENEST	516	FORCED FEE PATENT
	040	INEZ MIDNIGHT BULL	520	FORCED FEE PATENT
	041	FATTY EYES	610	FORCED FEE PATENT
	042	FENTON ANTELOPE	619	FORCED FEE PATENT
	043	DEFOREST ANTELOPE	620	FORCED FEE PATENT
	044	REARING BULL	621	FORCED FEE PATENT
	045	WILLIAM GOODELL	628	FORCED FEE PATENT
	046	ROLLIN BLACKWOLF	633	FORCED FEE PATENT
	047	VAN HORN FLYING MAN	639	FORCED FEE PATENT
	048	NELLIE BURNS BENT	643	FORCED FEE PATENT
	049	NEAL BENT	644	FORCED FEE PATENT
	050	SIOUX LITTLE CALF	668	FORCED FEE PATENT
	051	RED LEGGINS	689	FORCED FEE PATENT
	052	BULL COMING UP	736	FORCED FEE PATENT
	053	JESSE H. SMITH	739	FORCED FEE PATENT
	054	ELMER WOLF TONGUE	754	FORCED FEE PATENT
	055	RALPH WILLIAMS	771	FORCED FEE PATENT
	056	RAY LITTLE HAND	773	FORCED FEE PATENT
	057	LAIRD COMETSEVAH	788	FORCED FEE PATENT

ANADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
B06802	024	ALICE TISSOYO	367	ROAD/HIGHWAY IN TRESPASS
	025	CODS CHO NAH	1984	DAMAGE TO WATER QUALITY
	026	OTAU (FANNIE MAUNKIN)	1716	RECOVERY OF LAND (TAX FORFEITED)
	027	ROSE CHEAPPY	1643	RAILROAD IN TRESPASS
	028	ANDREW PERDASOFPY	1658	GRAVEL/FILL/MINERALS/OIL/GAS REMOVED
	029	PAHVAT	1163	UNPAID LEASE RENTALS
	030	AGHOYOTE	1731	ROAD/HIGHWAY IN TRESPASS
	031	VICTORIA MERYACKME	874	ROAD/HIGHWAY IN TRESPASS
	032	ISABELLE CHEMTMEAH	1502	UNPAID LEASE RENTALS
	033	ROBERT BLACK HORSE	1558	ROAD/HIGHWAY IN TRESPASS
	034	CHE NAH	1472	UNPAID LEASE RENTALS
	036	HUGH HARRY	631	ROAD/HIGHWAY IN TRESPASS
	037	NO E TAH	1071	ROAD/HIGHWAY IN TRESPASS
	038	BAYARD LOOKINGGLASS	162	FENCE OR OTHER BOUNDARY IN TRESPASS
	039	NAH NAH VITA	1616	ROAD/HIGHWAY IN TRESPASS
	040	MACY MAHSETKY	1128	UTILITY LINE/PIPELINE IN TRESPASS
	042	BLANCHE MERVABITTY	1693	FORCED FEE PATENT
	043	RALPH JACKSON	2624	UTILITY LINE/PIPELINE IN TRESPASS
	044	CHARLIE KERCHEE	2329	GRAVEL/FILL/MINERALS/OIL/GAS REMOVED
	045	SAUTO PA TO	2615	CLAIMS TO TRUST/REST. LANDS CONDEMNED
	046	YAH KER	2426	ROAD/HIGHWAY IN TRESPASS
	047	CHOCKAWDOWARD	2444	ROAD/HIGHWAY IN TRESPASS
	050	SADIE AUMKOHAU	2527	ROAD/HIGHWAY IN TRESPASS
	051	TAU O MAH	2517	UNPAID LEASE RENTALS
	052	QUOLE PATE	2419	ROAD/HIGHWAY IN TRESPASS
	054	ANNIE SAHOUOODLEQUAD	1889	ROAD/HIGHWAY IN TRESPASS
	056	BELLE AUNDOOP	2211	ROAD/HIGHWAY IN TRESPASS
	057	AKONETO	1773	RECOVERY OF LAND SOLD/DISTRIBUTED ERRONEOUSLY
	058	JULIA MATTONDOAY	1801	UNPAID LEASE RENTALS
	059	ANOTASAU (ROSE SAUMTY)	1026	CLAIMS TO TRUST/REST. LANDS CONDEMNED
	060	JOE DOYETO	1841	BREACH OF CONTRACT
	061	FANNIE PEATMAH	1847	GRAVEL/FILL/MINERALS/OIL/GAS REMOVED
	062	DAVITOBI (MARK)	1766	BREACH OF CONTRACT
	063	GAPKAUDO	2203	WRONGFUL TAXATION ON LAND-TRUST/RESTRICTED
	071	WARREN POBKALOOUAD	2170	TIMBER REMOVED WRONGFULLY
	078	SI DO WIE	2018	GRAVEL/FILL/MINERALS/OIL/GAS REMOVED
	081	AMY SANKADOTA	3035	ROAD/HIGHWAY IN TRESPASS
	082	SARAH GWOOMPI	3038	BUILDING/OTHER STRUCTURE IN TRESPASS
	083	MARY SANKADOTA	3024	BUILDING/OTHER STRUCTURE IN TRESPASS
	084	FLORA SATEPEAHTAW	3294	ROAD/HIGHWAY IN TRESPASS
	085	RAY DOYAH	3303	UTILITY LINE/PIPELINE IN TRESPASS
	086	LAURA TOPI	3012	UTILITY LINE/PIPELINE IN TRESPASS
	087	JEANETTE SATEPEAH	3027	BUILDING/OTHER STRUCTURE IN TRESPASS
	088	EMMA TOPAUM	3032	BUILDING/OTHER STRUCTURE IN TRESPASS
	089	WILLIAM POOLAW	3015	UTILITY LINE/PIPELINE IN TRESPASS
	090	EDGAR GOOLADDLE	3076	FORCED FEE PATENT
	091	AMY SANKADOTA	3035	ROAD/HIGHWAY IN TRESPASS
	092	LAURETTA CHADDLEKAUNGY	3008	ROAD/HIGHWAY IN TRESPASS
	094	ELLA TOKDAH	3010	DITCH/CANAL IN TRESPASS
	095	EVAN SATEPAUMOODLE	2633	BUILDING/OTHER STRUCTURE IN TRESPASS
	099	EVA MAE TOMADDLE	2194	ROAD/HIGHWAY IN TRESPASS
	128	KAUTTSA	2532	ROAD/HIGHWAY IN TRESPASS
	130	HERBERT TSATSATIME	1041	BREACH OF CONTRACT
	131	A NATE SAU	1026	BUILDING/OTHER STRUCTURE IN TRESPASS
	132	MAUN NA KEI	712	ROAD/HIGHWAY IN TRESPASS
	134	TSOME TO KOY (FRANCIS)	1272	ROAD/HIGHWAY IN TRESPASS
	139	LYMAN WOODARD	2542	FORCED FEE PATENT
	141	HATTIE MCKENSIE	415	FORCED FEE PATENT
	145	EMMA BELLE WYATT	305	FORCED FEE PATENT
	146	LULA WYATT	303	FORCED FEE PATENT
	156	THOMAS WYATT	302	FORCED FEE PATENT
	157	FRANCES TAN HANE MAH	241A	FORCED FEE PATENT
	158	TOE PI	2?9	FORCED FEE PATENT
	159	EDWARD TOYEBO	440	FORCED FEE PATENT
	160	JOSHUA KAULAITY	1224	FORCED FEE PATENT
	161	KODASEET	1276	FORCED FEE PATENT
	162	TO GOME GAT TY	1277	FORCED FEE PATENT
	163	LEE KODASEET	127R	FORCED FEE PATENT

ANADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
B06802	164	KEAHTIAYKAV	1280	FORCED FEE PATENT
	165	YEAHOOPE(EALINE BOINTY)	963	FORCED FEE PATENT
	166	JACK BOINTY	961	FORCED FEE PATENT
	167	WUDECOPAK(WINFRED BOINTY)	964	FORCED FEE PATENT
	168	DAVID POOLAW	2695	FORCED FEE PATENT
	169	NEWTON QUOLADDLE	1013	FORCED FEE PATENT
	170	HENRY TSOODLE	1245	FORCED FEE PATENT
	171	MAREL SAUTAUKOY	1255	FORCED FEE PATENT
	172	EDWARD SAUTAKOY	1253	FORCED FEE PATENT
	173	ELLA SAUTAKOY(DOMETADDLE)	1254	FORCED FEE PATENT
	174	TSO NAH	2694	FORCED FEE PATENT
	175	SAINTOHOODLE	658	FORCED FEE PATENT
	176	KAUNTOOLE(MINNIE GOOMBY)	660	FORCED FEE PATENT
	177	JANE GOOMPY	662	FORCED FEE PATENT
	178	ELLEN GOOMBY(SATOF)	663	FORCED FEE PATENT
	179	LILLIAN MARIE GOOMBY	661	FORCED FEE PATENT
	180	A KAUM DO NAH	604	FORCED FEE PATENT
	181	QUETON	2727	FORCED FEE PATENT
	182	MARY LILLIAN GOOMBY	659	FORCED FEE PATENT
	183	NETTIE KAULAITY	2894	FORCED FEE PATENT
	184	JOHN QUETON	2730	FORCED FEE PATENT
	185	CHARLES LEBARRE	911	FORCED FEE PATENT
	186	HENRY LEBARRE	914	FORCED FEE PATENT
	187	ANNIE LEBARRE	906	FORCED FEE PATENT
	188	GROVER TIKSEY	1955	FORCED FEE PATENT
	189	THOMAS CLARY	2675	FORCED FEE PATENT
	190	JIM HOO (QUEDAYASSUNASISSUS)	158	FORCED FEE PATENT
	191	MAUDE KAYLEY(RAWELL)	2187	RECOVERY OF TRUST OR RESTRICTED LAND
	192	JOSEPH KAULAITY	2410	RECOVERY OF TRUST OR RESTRICTED LAND
	193	LAURA PARKER	2249	RECOVERY OF TRUST OR RESTRICTED LAND
	194	ORAN A GIVEN	2759	RECOVERY OF TRUST OR RESTRICTED LAND
	195	OTTO WELLS	102	RECOVERY OF TRUST OR RESTRICTED LAND
	196	AMY BEAR	332	RECOVERY OF TRUST OR RESTRICTED LAND
	203	JESSE LEE DEMPSEY	32	RECOVERY OF TRUST OR RESTRICTED LAND
	204	MAGGIE SMALL LOVE (JONES)	30	RECOVERY OF TRUST OR RESTRICTED LAND
	205	SUSAN MARY MELTON (JONES)	29	RECOVERY OF TRUST OR RESTRICTED LAND
	216	HERNASSY	2596	FORCED FEE PATENT
	217	HENRY EVERETT	18	FORCED FEE PATENT
	218	PERRY KEAHTIGH	20	FORCED FEE PATENT
	219	DENNIS WA PA WAT	40	FORCED FEE PATENT
	220	MARY P. WELLS	103	FORCED FEE PATENT
	221	HELEN ROSE MCVEY	125	FORCED FEE PATENT
	222	A SE TO YEN (GREY MOUNTAIN)	155	FORCED FEE PATENT
	223	HE NO WA KAH	156	FORCED FEE PATENT
	224	ETHEL MIKECOBY	173	FORCED FEE PATENT
	225	JOSEPH WALTER WYATT	306	FORCED FEE PATENT
	226	ALICE SEMOYA	524	FORCED FEE PATENT
	227	NAH V ATCH	757	FORCED FEE PATENT
	228	CHI WOON MY	758	FORCED FEE PATENT
	229	CHAH TIMME YACK QUE	743	FORCED FEE PATENT
	230	TAN NEE	744	FORCED FEE PATENT
	231	MAUDE CHATINNEYACKQUE	765	FORCED FEE PATENT
	232	RACHEL ACKERS	766	FORCED FEE PATENT
	233	RALPH CHATINNEYACKQUE	767	FORCED FEE PATENT
	234	HENRY WALLACE	839	FORCED FEE PATENT
	235	YACKY CHE BAH AH	1046	FORCED FEE PATENT
	236	NORTON TAHQUECHI	1117	FORCED FEE PATENT
	237	ROBERT CHAHTINNEYACKQUE	1489	FORCED FEE PATENT
	238	HERMAN NAH DAH TIS SO WAH	1664	FORCED FEE PATENT
	239	CONDAY MARTINEZ	2056	FORCED FEE PATENT
	240	HEIRS OF PETOIS	2069	FORCED FEE PATENT
	241	THEODORE TATENEQUER	2070	FORCED FEE PATENT
	242	JOHN M. CONVER JR.	2078	FORCED FEE PATENT
	243	WILLIAM CONOVER JR.	2079	FORCED FEE PATENT
	244	BONE PA TAH	2144	FORCED FEE PATENT
	245	LAWRENCE TOMAH	2298	FORCED FEE PATENT
	246	LENA MYERS	2585	FORCED FEE PATENT
	247	CRAGOS RAMOLETT MYERS	2587	FORCED FEE PATENT

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ANADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
B06802	248	PE AH MAH	2728	FORCED FEE PATENT
	268	KCA TRIBAL	UNALOT	BUILDING/OTHER STRUCTURE IN TRESPASS
	269	KCA TRIBAL	UNALOT	FENCE OR OTHER BOUNDARY IN TRESPASS
	270	KCA TRIBAL	UNALOT	BUILDING/OTHER STRUCTURE IN TRESPASS
	277	KCA	TRIBAL	CLAIM FOR UNPAID MONIES
	278	KCA	TRIBAL	TRESPASS (INUNDATION)
	279	BOEDA	2121	CONTRACT BREACH
B06803	096	CASPER CATLIS	48	RECOVERY OF LAND (TAX FORFEITED)
	097	MINNIE NICHOLS	55	ROAD/HIGHWAY IN TRESPASS
B06804	001	NO NAME	UNALTD	FORCED FEE PATENT
	004	FRANCIS LONGHAT	8	FORCED FEE PATENT
	005	FRANCIS LONGHAT	8	RAILROAD IN TRESPASS
	006	FRANCIS LONGHAT	8	DITCH/CANAL IN TRESPASS
	007	TSI NOON DO KISH	208	ROAD/HIGHWAY IN TRESPASS
	008	JENNIE ARNOLD	87	RAILROAD IN TRESPASS
	011	BERTHA CAMPBELL ROSE	555	BREACH OF CONTRACT
	013	LAU DASH	300	GRAVEL/FILL/MINERALS/OIL/GAS REMOVED
	023	CORNELIA STURM	717	ROAD/HIGHWAY IN TRESPASS
	197	MATTIE STURM	40	RECOVERY OF TRUST OR RESTRICTED LAND
	198	JESS JEPO STURM	39	RECOVERY OF TRUST OR RESTRICTED LAND
	199	TULITHE ARASPAR	942	RECOVERY OF TRUST OR RESTRICTED LAND
	200	HELEN ARASPAR	943	RECOVERY OF TRUST OR RESTRICTED LAND
	201	JOHN D. DOWNING	30	RECOVERY OF TRUST OR RESTRICTED LAND
	202	JOHN R. OSBORNE	49	RECOVERY OF TRUST OR RESTRICTED LAND
	206	CLAY J. BROWN	128	RECOVERY OF TRUST OR RESTRICTED LAND
	207	NANCY PARRISH	73	RECOVERY OF TRUST OR RESTRICTED LAND
	208	MAGGIE PARRISH	74	RECOVERY OF TRUST OR RESTRICTED LAND
	209	MARGARET CAMPBELL	57	RECOVERY OF TRUST OR RESTRICTED LAND
	210	ELLA STURM	7	RECOVERY OF TRUST OR RESTRICTED LAND
	211	LAURA BUTLER (WELLS)	269	RECOVERY OF TRUST OR RESTRICTED LAND
	212	ALICE INKANISH	12	RECOVERY OF TRUST OR RESTRICTED LAND
	213	RACHELE E. DOWNING	34	RECOVERY OF TRUST OR RESTRICTED LAND
	214	DOLLIE STILES	59	RECOVERY OF TRUST OR RESTRICTED LAND
	215	ALICE F. OSBORNE	945	RECOVERY OF TRUST OR RESTRICTED LAND
	249	TOPPAY	10	FORCED FEE PATENT
	250	WILLIAM PAH DOUG KEIKO CHAUDY	56	FORCED FEE PATENT
	251	BENNIE BURNS	59	FORCED FEE PATENT
	252	GENERAL MILES WARES	72	FORCED FEE PATENT
	253	A TAH PE SAH	76	FORCED FEE PATENT
	254	EMMA CO CO	77	FORCED FEE PATENT
	255	TI E BO	129	FORCED FEE PATENT
	256	JOHN NOKOTTCHER	229	FORCED FEE PATENT
	257	ROBERT TAHLEE	230	FORCED FEE PATENT
	258	TAY KAY E MAH	334	FORCED FEE PATENT
	259	TAPE SE UP	340	FORCED FEE PATENT
	260	MATHEW LONGHORN	642	FORCED FEE PATENT
	261	AU BO MAH	713	FORCED FEE PATENT
	262	ROACH (SAITARO)	886	FORCED FEE PATENT
	263	FRANK CROSS	927	FORCED FEE PATENT
	264	JOSEPH KO SOPE	940	FORCED FEE PATENT
	265	RUTH HENEALKAH	956	FORCED FEE PATENT
	266	KOMESATADDLE	960	FORCED FEE PATENT
	267	KCA TRIBAL	UNALOT	UNPAID LEASE RENTALS
	280	KATIE ROSS STEPHENS	288	RECOVERY OF TRUST/RESTRICTED LAND
B06806	112	DAVID WILLIAMS	874	FORCED FEE PATENT
	113	LOUISE CREED	751	FORCED FEE PATENT
	114	ELIZA JOEL	755	FORCED FEE PATENT
	115	IDA KIO TA TA	752	FORCED FEE PATENT
	116	SOW O TIN	821	FORCED FEE PATENT
	117	SAM WILLIAMS	929	FORCED FEE PATENT
	118	YUN HUNE	873	FORCED FEE PATENT
	119	LAURIE DUNLAP	877	FORCED FEE PATENT
	120	MINNIE COFFEE	826	FORCED FEE PATENT
	121	RUBY MOSS	754	FORCED FEE PATENT
	122	NELLIE FRENCH	740	FORCED FEE PATENT
	123	KI O TATA	750	FORCED FEE PATENT
	124	BERTHA PARTON	917	FORCED FEE PATENT
	125	NIN HOON	753	FORCED FEE PATENT

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ANADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
B06806	126	SADIE DUNLAP	878	FORCED FEE PATENT
	273	KATE THOMAS (STURM)	264	RECOVERY OF TRUST/RESTRICTED LAND
	274	JAMES THOMAS (STURM)	345	RECOVERY OF TRUST/RESTRICTED LAND
B06808	048	HERKEYYAREAH	2452	UNPAID LEASE RENTALS
	049	O TIP PO BY	2548	ROAD/HIGHWAY IN TRESPASS
	053	BENAH	1896	DAMAGE TO WATER QUALITY
	055	PETOIS	2069	ROAD/HIGHWAY IN TRESPASS
	064	DOHAHSON	2161	FORCED FEE PATENT
	065	WIMSEY	1958	DITCH/CANAL IN TRESPASS
	066	JUBERT FULLER	2058	DITCH/CANAL IN TRESPASS
	067	TISSYNIPICAH	1996	DITCH/CANAL IN TRESPASS
	068	MARY PAHTAHAHOTHTAKEQUO	1997	DITCH/CANAL IN TRESPASS
	069	EDWARD NAHQUADY	1956	DITCH/CANAL IN TRESPASS
	070	RACHEL POCO	2275	RECOVERY OF LANDS NOT RELINQUISHED
	072	NO BAH NUCK	2019	ROAD/HIGHWAY IN TRESPASS
	073	CORA PERMASEE	2028	ROAD/HIGHWAY IN TRESPASS
	074	SAHCHECKSAH	2046	AGRICULTURAL TRESPASS
	075	LOOKING GLASS	2047	UTILITY LINE/PIPELINE IN TRESPASS
	077	CLARA YOKESUITE	1947	UTILITY LINE/PIPELINE IN TRESPASS
	079	PE A WIPE AH	1979	UTILITY LINE/PIPELINE IN TRESPASS
	080	CHARLES HERCHEE	2329	GRAVEL/FILL/MINERALS/OIL/GAS REMOVED
	093	HENRY POEMOREAH	2978	GRAVEL/FILL/MINERALS/OIL/GAS REMOVED
	100	POE WAH	1079	UTILITY LINE/PIPELINE IN TRESPASS
	101	WERYACKWE	869	FENCE OR OTHER BOUNDARY IN TRESPASS
	102	NAHOEF	769	FENCE OR OTHER BOUNDARY IN TRESPASS
	103	VICTORIA WERYACKWE	974	ROAD/HIGHWAY IN TRESPASS
	104	MARKOVITZ	762	BUILDING/OTHER STRUCTURE IN TRESPASS
	105	MAHECO	868	ROAD/HIGHWAY IN TRESPASS
	106	RANDLETT QUITLAHMAN	528	FENCE OR OTHER BOUNDARY IN TRESPASS
	107	ONAHDY	501	UTILITY LINE/PIPELINE IN TRESPASS
	108	ERKAPITTY	512	FORCED FEE PATENT
	109	MOONOCKTAHCHI	777	UTILITY LINE/PIPELINE IN TRESPASS
	111	KERCHEE	2328	GRAVEL/FILL/MINERALS/OIL/GAS REMOVED
	127	PEAWITEAH	1929	ROAD/HIGHWAY IN TRESPASS
	129	MERDAHKE	1928	RECOVERY OF LAND (TAX FORFEITED)
	133	MARAHWADDI	3660	BREACH OF CONTRACT
	135	MARIE TIEYAH (CARR)	746	DAMAGE TO WATER QUALITY
	136	ANTONIO MARTINEZ	2305	FORCED FEE PATENT
	137	FRANCES E. WRIGHT	220	FORCED FEE PATENT
	138	JAMES SENOYA	518	FORCED FEE PATENT
	140	GEORGE CLARY	2674	FORCED FEE PATENT
	142	PAHDARDY	189	FORCED FEE PATENT
	143	MRS.ABALINE	195	FORCED FEE PATENT
	144	LOUISE MATILDA SENOYA	517	FORCED FEE PATENT
	147	NELLIE COX	2678	FORCED FEE PATENT
	148	MO MY ETE	2680	FORCED FEE PATENT
	149	LORENTZ BENTZ	199	FORCED FEE PATENT
	150	BERTIE ASERSAYNAH	1131	FORCED FEE PATENT
	151	MARY ASE WAY NAH BOSIN	1133	FORCED FEE PATENT
	152	CHASSEQUAN	2095	FORCED FEE PATENT
	153	MARGARET ASEQUAHNAH	1135	FORCED FEE PATENT
	154	HELEN FISHER (PARKER)	1137	FORCED FEE PATENT
	155	HENRY ASEWAYNAH	1132	FORCED FEE PATENT
	271	SAMUEL MULLEN	2333	ROAD/HIGHWAY IN TRESPASS
	272	SAMUEL MULLEN	2333	UTILITY LINE/PIPELINE IN TRESPASS
	275	SHARON ASETOYER	158	FORCED FEE PATENT
	276	TOM CADDO	1087	RECOVERY OF TRUST/RESTRICTED LAND
B06809	022	LEO WETSELLINE	923	UTILITY LINE/PIPELINE IN TRESPASS
	041	NEKIESH	2389	ROAD/HIGHWAY IN TRESPASS
	098	NEKIESH	2389	ROAD/HIGHWAY IN TRESPASS
	110	TSATAHSISKO	578	BUILDING/OTHER STRUCTURE IN TRESPASS
B07311	001	LIZZIE FAW FAW	211	ROAD/HIGHWAY IN TRESPASS
	002	RACHEL DEROIN	104	ROAD/HIGHWAY IN TRESPASS
	007	FRANCES TILLMAN	160	FORCED FEE PATENT
	008	LEONA COX (TILLMAN)	156	FORCED FEE PATENT
	009	MELVIN TILLMAN	161	FORCED FEE PATENT
	010	WARREN C. BARNES	438	FORCED FEE PATENT
	017	GRANT CLEGHORN	392	RECOVERY OF TRUST OR RESTRICTED LAND

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ANADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
B07311	018	ANNIE TILLMAN	159	FORCED FEE PATENT
	019	ANNIE TILLMAN	159	ROAD/HIGHWAY IN TRESPASS
	020	ANNIE TILLMAN	159	UTILITY LINE/PIPELINE IN TRESPASS
	021	ANNIE TILLMAN	159	GRAVEL/FILL/MINERALS/OIL/GAS REMOVED
	022	ANNIE TILLMAN	159	BUILDING/OTHER STRUCTURE IN TRESPASS
	023	ANNIE TILLMAN	159	FENCE OR OTHER BOUNDARY IN TRESPASS
	024	ANNIE TILLMAN	159	DAMAGE TO WATER QUALITY
	025	ANNIE TILLMAN	159	RECOVERY OF TRUST/RESTRICTED LAND
	026	ANNIE TILLMAN	159	RECOVERY OF LAND (TAX FORFEITED)
	027	ANNIE TILLMAN	159	BREACH OF CONTRACT
	028	ANNIE TILLMAN	159	AGRICULTURAL TRESPASS
	029	ANNIE TILLMAN	159	RECOVERY OF LANDS NOT RELINQUISHED
	030	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	031	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	032	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	033	ANNIE TILLMAN	159	CONTRACT BREACH
	034	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	035	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	036	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	037	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	038	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	039	ANNIE TILLMAN	159	CONTRACT BREACH
	040	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	041	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	042	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	043	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	044	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	045	ANNIE TILLMAN	159	CONTRACT BREACH
	046	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	047	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	048	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	049	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	050	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	051	ANNIE TILLMAN	159	CONTRACT BREACH
	052	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	053	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	054	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	055	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	056	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	057	ANNIE TILLMAN	159	CONTRACT BREACH
	058	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	059	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	060	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	061	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	062	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	063	ANNIE TILLMAN	159	CONTRACT BREACH
	064	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	065	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	066	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	067	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	068	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	069	ANNIE TILLMAN	159	CONTRACT BREACH
	070	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	071	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	072	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	073	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	074	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	075	ANNIE TILLMAN	159	CONTRACT BREACH
	076	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	077	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	078	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	079	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	080	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	081	ANNIE TILLMAN	159	CONTRACT BREACH
	082	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	083	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	084	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	085	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	086	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	087	ANNIE TILLMAN	159	CONTRACT BREACH
	088	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	089	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	090	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	091	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	092	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	093	ANNIE TILLMAN	159	CONTRACT BREACH
	094	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	095	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	096	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	097	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	098	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	099	ANNIE TILLMAN	159	CONTRACT BREACH
	100	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	101	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	102	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	103	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	104	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	105	ANNIE TILLMAN	159	CONTRACT BREACH
	106	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	107	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	108	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	109	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	110	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	111	ANNIE TILLMAN	159	CONTRACT BREACH
	112	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	113	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	114	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	115	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	116	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	117	ANNIE TILLMAN	159	CONTRACT BREACH
	118	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	119	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	120	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	121	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	122	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	123	ANNIE TILLMAN	159	CONTRACT BREACH
	124	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
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	126	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	127	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	128	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	129	ANNIE TILLMAN	159	CONTRACT BREACH
	130	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	131	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	132	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	133	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	134	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	135	ANNIE TILLMAN	159	CONTRACT BREACH
	136	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	137	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	138	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	139	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	140	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	141	ANNIE TILLMAN	159	CONTRACT BREACH
	142	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	143	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	144	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	145	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	146	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	147	ANNIE TILLMAN	159	CONTRACT BREACH
	148	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	149	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	150	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	151	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	152	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	153	ANNIE TILLMAN	159	CONTRACT BREACH
	154	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	155	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	156	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	157	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	158	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	159	ANNIE TILLMAN	159	CONTRACT BREACH
	160	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	161	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	162	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	163	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	164	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	165	ANNIE TILLMAN	159	CONTRACT BREACH
	166	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	167	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	168	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	169	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	170	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	171	ANNIE TILLMAN	159	CONTRACT BREACH
	172	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	173	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	174	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	175	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	176	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	177	ANNIE TILLMAN	159	CONTRACT BREACH
	178	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	179	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	180	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
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	182	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	183	ANNIE TILLMAN	159	CONTRACT BREACH
	184	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	185	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	186	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	187	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	188	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	189	ANNIE TILLMAN	159	CONTRACT BREACH
	190	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	191	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	192	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	193	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	194	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	195	ANNIE TILLMAN	159	CONTRACT BREACH
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	197	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	198	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	199	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	200	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	201	ANNIE TILLMAN	159	CONTRACT BREACH
	202	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	203	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	204	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	205	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	206	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	207	ANNIE TILLMAN	159	CONTRACT BREACH
	208	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	209	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	210	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	211	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	212	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	213	ANNIE TILLMAN	159	CONTRACT BREACH
	214	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	215	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	216	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	217	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	218	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	219	ANNIE TILLMAN	159	CONTRACT BREACH
	220	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	221	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	222	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	223	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	224	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	225	ANNIE TILLMAN	159	CONTRACT BREACH
	226	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	227	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	228	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	229	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	230	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	231	ANNIE TILLMAN	159	CONTRACT BREACH
	232	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	233	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	234	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	235	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	236	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	237	ANNIE TILLMAN	159	CONTRACT BREACH
	238	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	239	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	240	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	241	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	242	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	243	ANNIE TILLMAN	159	CONTRACT BREACH
	244	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	245	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	246	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	247	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	248	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	249	ANNIE TILLMAN	159	CONTRACT BREACH
	250	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	251	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	252	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	253	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	254	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	255	ANNIE TILLMAN	159	CONTRACT BREACH
	256	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	257	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	258	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	259	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	260	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	261	ANNIE TILLMAN	159	CONTRACT BREACH
	262	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	263	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	264	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	265	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	266	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	267	ANNIE TILLMAN	159	CONTRACT BREACH
	268	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	269	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	270	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	271	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	272	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	273	ANNIE TILLMAN	159	CONTRACT BREACH
	274	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	275	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	276	ANNIE TILLMAN	159	UNPAID LEASE RENTALS
	277	ANNIE TILLMAN	159	CLAIM FOR UNPAID MONIES
	278	ANNIE TILLMAN	159	TRESPASS (INUNDATION)
	279	ANNIE TILLMAN	159	CONTRACT BREACH
	280	ANNIE TILLMAN	159	RAILROAD IN TRESPASS
	281	ANNIE TILLMAN	159	DITCH/CANAL IN TRESPASS
	282	ANNIE TILLMAN	159	UNPAID LEAS

AWADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
B07811	018	HAROLD BARNES	436	RECOVERY OF TRUST OR RESTRICTED LAND
	019	MADELINE BARNES	437	RECOVERY OF TRUST OR RESTRICTED LAND
	020	E.F. BARNES	518	RECOVERY OF TRUST OR RESTRICTED LAND
B07812	003	BATTISTE BAYHYLLE	374	CLAIMS TO TRUST/REST. LANDS CONDEMNED
	004	SUSANNAH GOVER	101	ROAD/HIGHWAY IN TRESPASS
	005	VIOLA EAGLECHIEF	600	ROAD/HIGHWAY IN TRESPASS
	006	CHARLES RICHARDS	558	WRONGFUL WATER APPROPRIATION
	011	ALICE MORRIS	19	FORCED FEE PATENT
	012	SAMUEL WALKER	150	FORCED FEE PATENT
	013	MAUDE HAND	315	FORCED FEE PATENT
	014	JENNIE BAYHYLLE	377	FORCED FEE PATENT
	015	WILLIAM PAPPAN	442	FORCED FEE PATENT
	016	GERTIE WHITE	546	FORCED FEE PATENT
	021	RUTH BAYHYLLE	4	RECOVERY OF TRUST OR RESTRICTED LAND
	022	RUSH ROBERTS	29	RECOVERY OF TRUST OR RESTRICTED LAND
	023	DAVID GILLINGHAM	51	RECOVERY OF TRUST OR RESTRICTED LAND
	024	JAMES BOWMAN	80	RECOVERY OF TRUST OR RESTRICTED LAND
	025	ERNEST BOX	83	RECOVERY OF TRUST OR RESTRICTED LAND
	026	WILLIAM ALLEN	90	RECOVERY OF TRUST OR RESTRICTED LAND
	027	HENRY WHITE	93	RECOVERY OF TRUST OR RESTRICTED LAND
	028	GEORGE S. GOVER	102	RECOVERY OF TRUST OR RESTRICTED LAND
	029	JESSE HOWELL	113	RECOVERY OF TRUST OR RESTRICTED LAND
	030	ARTHUR COONS	141	RECOVERY OF TRUST OR RESTRICTED LAND
	031	JAMES R. MARTE	154	RECOVERY OF TRUST OR RESTRICTED LAND
	032	LOUIS M. WALKING BEAR	176	RECOVERY OF TRUST OR RESTRICTED LAND
	033	JOHN J. JAKE	201	RECOVERY OF TRUST OR RESTRICTED LAND
	034	HIRAM JAKE	204	RECOVERY OF TRUST OR RESTRICTED LAND
	035	HENRY GOOD FOX	240	RECOVERY OF TRUST OR RESTRICTED LAND
	036	EVA M. DUNCAN	251	RECOVERY OF TRUST OR RESTRICTED LAND
	037	JULIUS CAESAR	262	RECOVERY OF TRUST OR RESTRICTED LAND
	038	WILL BARKER	267	RECOVERY OF TRUST OR RESTRICTED LAND
	039	THOMAS MORGAN	278	RECOVERY OF TRUST OR RESTRICTED LAND
	040	HENRY MINTHORN	299	RECOVERY OF TRUST OR RESTRICTED LAND
	041	GERTIE ESAU	322	RECOVERY OF TRUST OR RESTRICTED LAND
	042	CHARLEY WOOD	384	RECOVERY OF TRUST OR RESTRICTED LAND
	043	MATTIE R. FOX	394	RECOVERY OF TRUST OR RESTRICTED LAND
	044	MARY NICHOLS LOCKLEY	414	RECOVERY OF TRUST OR RESTRICTED LAND
	045	MARY WILDE	437	RECOVERY OF TRUST OR RESTRICTED LAND
	046	JENNIE ROUMALK	469	RECOVERY OF TRUST OR RESTRICTED LAND
	047	PAUL LITTLE EAGLE	491	RECOVERY OF TRUST OR RESTRICTED LAND
	048	BLANCH MATLOCK	505	RECOVERY OF TRUST OR RESTRICTED LAND
	049	MOSES PLATT	508	RECOVERY OF TRUST OR RESTRICTED LAND
	050	JOHN MOSES	515	RECOVERY OF TRUST OR RESTRICTED LAND
	051	HENRY CHAPMAN	573	RECOVERY OF TRUST OR RESTRICTED LAND
	052	WILLIAM BROWN	583	RECOVERY OF TRUST OR RESTRICTED LAND
	053	MAGGIE CARRION	592	RECOVERY OF TRUST OR RESTRICTED LAND
	054	SAMUEL HORSECHIEF	609	RECOVERY OF TRUST OR RESTRICTED LAND
	055	GEORGE HAYMOND	612	RECOVERY OF TRUST OR RESTRICTED LAND
	056	JIM ST. ELMO	620	RECOVERY OF TRUST OR RESTRICTED LAND
	057	VIOLA H. WILDE	541	RECOVERY OF TRUST OR RESTRICTED LAND
	058	CECELIA RAPPUIE	665	RECOVERY OF TRUST OR RESTRICTED LAND
	059	LIZZIE CAPSTICK	666	RECOVERY OF TRUST OR RESTRICTED LAND
	060	WILBUR EAVES	694	RECOVERY OF TRUST OR RESTRICTED LAND
	061	BRAMET TAYLOR	707	RECOVERY OF TRUST OR RESTRICTED LAND
	062	ALEXANDER EAGLE	711	RECOVERY OF TRUST OR RESTRICTED LAND
	063	PETER GEORGE	728	RECOVERY OF TRUST OR RESTRICTED LAND
	064	WEBSTER HYSTIN	736	RECOVERY OF TRUST OR RESTRICTED LAND
	065	JOHN LITTLE SUN	742	RECOVERY OF TRUST OR RESTRICTED LAND
	066	THOMAS PRATT	749	RECOVERY OF TRUST OR RESTRICTED LAND
	067	WILLIAM LOUIS	762	RECOVERY OF TRUST OR RESTRICTED LAND
	068	MARY RIDE	769	RECOVERY OF TRUST OR RESTRICTED LAND
	069	MARY B. RICE	772	RECOVERY OF TRUST OR RESTRICTED LAND
	086	EFFIE BRAVECHIEF	10	RECOVERY OF TRUST OR RESTRICTED LAND
	087	EDWARD ROBERTS	35	RECOVERY OF TRUST OR RESTRICTED LAND
	088	DAVID ALLEN	89	RECOVERY OF TRUST OR RESTRICTED LAND
	089	SUSAN WHITE	216	RECOVERY OF TRUST OR RESTRICTED LAND
	090	LENA HAWK CHIEF	221	RECOVERY OF TRUST OR RESTRICTED LAND
	091	LOUISA BLACK EAGLE	266	RECOVERY OF TRUST OR RESTRICTED LAND

AWADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
B07812	092	HOWARD LUSHBAUGH	316	RECOVERY OF TRUST OR RESTRICTED LAND
	093	DARWIN PETERS	362	RECOVERY OF TRUST OR RESTRICTED LAND
	094	DAVID R. WOOD	385	RECOVERY OF TRUST OR RESTRICTED LAND
	095	WALTER SUNCHIEF	464	RECOVERY OF TRUST OR RESTRICTED LAND
	096	SUSIE HARRISON	472	RECOVERY OF TRUST OR RESTRICTED LAND
	097	EMMA RIGGS	511	RECOVERY OF TRUST OR RESTRICTED LAND
	098	CLAUDE RIGGS	512	RECOVERY OF TRUST OR RESTRICTED LAND
	099	HENRY FOX	523	RECOVERY OF TRUST OR RESTRICTED LAND
	100	SUSIE NORMAN	629	RECOVERY OF TRUST OR RESTRICTED LAND
	101	GILES SHERMAN	642	RECOVERY OF TRUST OR RESTRICTED LAND
	102	JULIE MORGAN	680	RECOVERY OF TRUST OR RESTRICTED LAND
	103	WILLIAM EAGLE	710	RECOVERY OF TRUST OR RESTRICTED LAND
	104	WALLACE/ROSA MATTHEWS	755	RECOVERY OF TRUST OR RESTRICTED LAND
	105	JENNIE TAYLOR	798	RECOVERY OF TRUST OR RESTRICTED LAND
B07813	072	CHARLES COLLINS	130	RECOVERY OF TRUST OR RESTRICTED LAND
	073	BAPTISTE PRIMEAUX	138	RECOVERY OF TRUST OR RESTRICTED LAND
	074	ROY FRANK	150	RECOVERY OF TRUST OR RESTRICTED LAND
	075	MIKE ROY	151	RECOVERY OF TRUST OR RESTRICTED LAND
	076	ALICE GIVES PAPPAN	186	RECOVERY OF TRUST OR RESTRICTED LAND
	077	SUZETTE MCDONALD MORGAN	196	RECOVERY OF TRUST OR RESTRICTED LAND
	078	DELIA POLLOCK	200	RECOVERY OF TRUST OR RESTRICTED LAND
	079	SUSANNA PRIMEAUX CRY	225	RECOVERY OF TRUST OR RESTRICTED LAND
	080	JOSEPHINE E. PAPPAN	262	RECOVERY OF TRUST OR RESTRICTED LAND
	081	ANDREW OVERLAND	368	RECOVERY OF TRUST OR RESTRICTED LAND
	082	JAMES WILLIAMS	407	RECOVERY OF TRUST OR RESTRICTED LAND
	083	CLYDE HINMAN	457	RECOVERY OF TRUST OR RESTRICTED LAND
	084	LOUIS MCDONALD	487	RECOVERY OF TRUST OR RESTRICTED LAND
	085	CHARLES MCDONALD	488	RECOVERY OF TRUST OR RESTRICTED LAND
B07814	070	DAVID WILLIAMS	16	RECOVERY OF TRUST OR RESTRICTED LAND
	071	PETER COLLINS	21	RECOVERY OF TRUST OR RESTRICTED LAND
B08820	056	STEELA SHAWNEEGO	173	FORCED FEE PATENT
B08821	010	MARY J. BERTRAND	194	FORCED FEE PATENT
	011	JAMES LECLAIR	1145	FORCED FEE PATENT
	012	ADDIE A. PAYNE	162	FORCED FEE PATENT
	013	JOHN T. HASKELL	1168	FORCED FEE PATENT
	014	RAYMOND HASKELL	1169	FORCED FEE PATENT
	015	JACOB HASKELL	1170	FORCED FEE PATENT
	016	CLARENCE DEGRAFF	1051	FORCED FEE PATENT
	017	LAURA DEAN	845	FORCED FEE PATENT
	018	ROSA VANDERPLOOM	313	FORCED FEE PATENT
	019	GRACE RIORDAN	877	FORCED FEE PATENT
	020	MAGGIE SCHROPFERED	366	FORCED FEE PATENT
	021	JULIA CORDER	1205	FORCED FEE PATENT
	022	MARY CORA CORDER	1206	FORCED FEE PATENT
	023	RACHEL THURBER	565	FORCED FEE PATENT
	024	JAMES YOTT	86	FORCED FEE PATENT
	025	ALLEN KENNEDY	1352	FORCED FEE PATENT
	026	CHARLES HENRY	33	FORCED FEE PATENT
	027	CLARENCE HENRY	32	FORCED FEE PATENT
	028	JULIA RILEY (BOURASSA)	1121	FORCED FEE PATENT
	029	JOSEPHINE ROBERTS	1122	FORCED FEE PATENT
	030	LOUISE REED (NEE HARDIN)	464	FORCED FEE PATENT
	031	KATIE BRADY	42	FORCED FEE PATENT
	032	CATHERINE PLOMONDON	532	FORCED FEE PATENT
	033	ELIZABETH MORGAN	54	FORCED FEE PATENT
	034	BARBARA BERTRAND	22	FORCED FEE PATENT
	035	STELLA M. NEE KERAN HANEY	441	FORCED FEE PATENT
	036	JAMES PAPPAN	1048	FORCED FEE PATENT
	037	OLIVE NEE OREE SHEPARD	862	FORCED FEE PATENT
	038	EDWARD HUTTON	863	FORCED FEE PATENT
	039	MADELINE NEE WELD	1011	FORCED FEE PATENT
	040	DENNIS A. MARS	453	FORCED FEE PATENT
	041	LIZZIE LEONARD	36	FORCED FEE PATENT
	042	BELLE BINIA BRUNO	110	FORCED FEE PATENT
	043	LIZZIE HARTMAN	765	FORCED FEE PATENT
	044	NETTIE HARTMAN	768	FORCED FEE PATENT
	045	JOSEPHINE BURNASSA	802	FORCED FEE PATENT
	046	ALBION OREE	1080	FORCED FEE PATENT

ANADARKO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
B08821	047	ALEXANDER WALLACE	1160	FORCED FEE PATENT
	048	VIOLA WALLACE	1159	FORCED FEE PATENT
	049	MARY A. WALLACE	1158	FORCED FEE PATENT
	050	JOSEPH H. CUMMINGS	812	FORCED FEE PATENT
	051	ANDREW J. CUMMINGS	811	FORCED FEE PATENT
	052	THEODORE A. PEARCE	265	FORCED FEE PATENT
	054	JAMES N. OGEE	726	FORCED FEE PATENT
	055	MARY SPENCER	794	FORCED FEE PATENT
B08822	009	IOWA TRIBAL	UNALOT	FORCED FEE PATENT
	057	IOWA TRIBAL	UNALOT	RECOVERY OF LANDS NOT RELINQUISHED
	058	IOWA TRIBAL	UNALOT	RECOVERY OF LANDS NOT RELINQUISHED
B08823	053	KAH KAH TO THE QUA	252	AGRICULTURAL TRESPASS
	059	CLYDE ALLEN	5	RECOVERY OF TRUST/RESTRICTED LAND
	060	METAMAHOTHA	154	RECOVERY OF TRUST/RESTRICTED LAND
B03824	001	SAC & FOX TRIBAL	UNALOT	DAMAGE TO HARVESTABLE NATURAL GROWTH
	002	SAC & FOX TRIBAL	UNALOT	DAMAGE TO WATER QUALITY
	003	SAC & FOX TRIBAL	UNALOT	ROAD/HIGHWAY IN TRESPASS
	004	SAC & FOX TRIBAL	UNALOT	GRAVEL/FILL/MINERALS/OIL/GAS REMOVED
	005	SAC & FOX TRIBAL	UNALOT	TRESPASS - DUMPING
	006	SAC & FOX TRIBAL	UNALOT	AGRICULTURAL TRESPASS
	007	SAC & FOX TRIBAL	UNALOT	AGRICULTURAL TRESPASS
	008	FLORA MCCLELLAN DAVIS	475	FORCED FEE PATENT
B08921	061	MARTHA PUNCHWATER	49	OLD AGE ASSISTANCE

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0008	ROBERT CRAWFORD	N/A	INVOLVES PROPERTY CONVERSION
	0009	MARY CHEWING BLACKBONES	791	TRESPASS TELEPHONE R.O.W
	0010	CECLIA GOBERT	781.5	TRESPASS-TELEPHONE R.O.W
	0011	MINNIE SPOTTED EAGLE	550	TRESPASS-TELEPHONE R.O.W
	0013	PETER MARCEAU	142	LAND LOST THROUGH MORTGAGE FORECLOSURE
	0014	JOSEPH MARCEAU	3104	CONVERSION OF PROPERTY
	0015	MARY RUNNING CRANE MORGAN	3277	TRESPASS-TELEPHONE R.O.W
	0016	TEARINGLODGE	1238	CONVERSION OF PROPERTY ALSO ALLOT 2339
	0019	AGNES FLATTAIL	833.5	PERSONAL TRUST PROPERTY ASSESSED/TAXED
	0020	JAMES EAGLEHEAD	514	QUESTIONS VALIDITY OF FEE PATENT
	0021	THOMAS PEMBROM GALLINEAU	2908	LAND EXCHANGE & TIMBER RIGHTS
	0022	HANDINHAND SPOTTEDEAGLE	289	FORCED FEE PATENT-ALL HEIRS APPLIED
	0023	ALFRED PEPION	3234	QUESTIONS LAND SALE TO TRIBE
	0024	JOSEPH THREEBEARS	1747	QUESTIONS FORCED FEE PATENT & R.O.W
	0025	WOLVERINE WALKING BACKWARDS	555	TRESPASS-TELEPHONE R.O.W & 556
	0026	DANIEL G & GERTRUDE CRAWFORD	1724	INVOLVES ALLOTMENT INUNDATION
	0028	GEORGE BULLCHILD	1731	OLD AGE ASSISTANCE
	0029	PETER WHITEMAN	484	OLD AGE ASSISTANCE
	0030	MARY OLDROCK	2488	OLD AGE ASSISTANCE
	0031	PETER BLACKFACE GRANT	884	OLD AGE ASSISTANCE
	0032	AGNES ROSE	316	OLD AGE ASSISTANCE
	0033	DOUBLE GUN,MAN,AFTR.BUFFALO	1089	OLD AGE ASSISTANCE
	0034	ARROWTOPKNOT	1732	OLD AGE ASSISTANCE
	0035	RAGGEDMAN,BEARMEDICINE	2012	OLD AGE ASSISTANCE
	0036	VIRGINIA BILLEDEAUX	1865	OLD AGE ASSISTANCE
	0037	DRESSEDLIKEWOMAN/BLACKBULL	1201	OLD AGE ASSISTANCE
	0038	FRED BLACKMAN	993	OLD AGE ASSISTANCE
	0039	BLACKWEASEL	984	OLD AGE ASSISTANCE
	0040	PERCY BULLCHILD	266	OLD AGE ASSISTANCE
	0041	BARNEY CALFROSSRIBS	324	OLD AGE ASSISTANCE
	0042	EMMA CALFROBE	189	OLD AGE ASSISTANCE
	0043	MARY CHEWINGBLACKBONES	791	OLD AGE ASSISTANCE
	0044	VICTOR CHIEFCOWARD	757	OLD AGE ASSISTANCE
	0045	THOMAS DAWSON	1016	OLD AGE ASSISTANCE
	0046	GEORGE DOGTAILGUN	1301	OLD AGE ASSISTANCE
	0047	HERMAN DUSTYBULL	1762	OLD AGE ASSISTANCE
	0048	GRETCHEN DUVALL	1364	OLD AGE ASSISTANCE

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0049	PETER EAGLE	111	OLD AGE ASSISTANCE
	0050	ELKYELLSINTHEWATERBEARCHIEF	784	OLD AGE ASSISTANCE
	0051	UNDERBEAVERFLINTSWATER	56	OLD AGE ASSISTANCE
	0052	CECEILE YOUNGMANCHIEF	1236	OLD AGE ASSISTANCE
	0053	DIRTYFACEWHITEMAN	1354	OLD AGE ASSISTANCE
	0054	ADAM WHITEMAN	429	OLD AGE ASSISTANCE
	0055	MARY SHORTYWHITEGRASS	1406	OLD AGE ASSISTANCE
	0056	THOMAS VIELLE	1675	OLD AGE ASSISTANCE
	0057	SUSAN VIELLE	116	OLD AGE ASSISTANCE
	0058	MARY WHITESHIELDVIELLE	1669	OLD AGE ASSISTANCE
	0059	JOSEPH NEQUETLE	1935	OLD AGE ASSISTANCE
	0060	MIDDLERIDER	989	OLD AGE ASSISTANCE
	0061	MIDDLEPERSONNOCOAT	838	OLD AGE ASSISTANCE
	0062	BABTISTE MERCERIER	1710	OLD AGE ASSISTANCE
	0063	MILLIE MAGEE	637	OLD AGE ASSISTANCE
	0064	ALBERT MADPLUME	279	OLD AGE ASSISTANCE
	0065	PETER LUKIN	1607	OLD AGE ASSISTANCE
	0066	TURTLE	1224	OLD AGE ASSISTANCE
	0067	ANNIE TATSY	24	OLD AGE ASSISTANCE
	0068	FRONTSTRIKE TAKESGUNUP	1060	OLD AGE ASSISTANCE
	0069	CHARLES POWELL	1787	OLD AGE ASSISTANCE
	0070	JOSEPH OLLINGER	96	OLD AGE ASSISTANCE
	0071	OLD ROCK	352	OLD AGE ASSISTANCE
	0072	TIM NORUNNER	1283	OLD AGE ASSISTANCE
	0073	WALLACE NIGHTGUN	1040	OLD AGE ASSISTANCE
	0074	GEORGE HORN	123	OLD AGE ASSISTANCE
	0075	MANYPINES HOMEGUN	1914	OLD AGE ASSISTANCE
	0076	HOMEGUN	1915	OLD AGE ASSISTANCE
	0077	HENRY HAGEN	617	OLD AGE ASSISTANCE
	0078	EMMA LAST STAR	1931	OLD AGE ASSISTANCE
	0079	IRENE GOSS	1395	OLD AGE ASSISTANCE
	0080	JAMES HOUSEMAN	2221	OLD AGE ASSISTANCE
	0081	GOODMEDICINELAZYBOY	1499	OLD AGE ASSISTANCE
	0082	GREENGRASSBULL	1373	OLD AGE ASSISTANCE
	0083	GOODLEADERMAN,HEAVYGUN	332	OLD AGE ASSISTANCE
	0084	GOINAFTERWATERSHORTROBE	1442	OLD AGE ASSISTANCE
	0085	MIKE BADOLDMAN	436	OLD AGE ASSISTANCE
	0086	ISABELLE BEARMEDICINE	1079	OLD AGE ASSISTANCE
	0087	WEASELHEAD	1738	OLD AGE ASSISTANCE
	0088	MINNIE WALTER	631	OLD AGE ASSISTANCE
	0089	JOHN WAGNER	2195	OLD AGE ASSISTANCE
	0090	JAPPY TAKESGUNONTOP	1743	OLD AGE ASSISTANCE
	0091	MARGARET SPANISH	658	OLD AGE ASSISTANCE
	0092	MARY SHORTY	1430	OLD AGE ASSISTANCE
	0093	SHORTFACE	1794	OLD AGE ASSISTANCE
	0094	SHOOTSFIRST	1432	OLD AGE ASSISTANCE
	0095	RUSHEALONE RUNNINGFISHER	89	OLD AGE ASSISTANCE
	0096	JOHN MORGAN	774	OLD AGE ASSISTANCE
	0097	ELIZABETH MONROE VAILE	3542	QUESTIONS FEE PATENT
	0099	GARRETT WHITE	1134	QUESTIONS CONCERNING HER WILL
	0101	MARY-IRENE SANDERVILLE	163	INVOLVES TRESPASS BY VOLK CONSTRUCTION-166
	0102	JOHN VEILLE	1668	QUESTIONS ABOUT FEE PATENT APPLICATION
	0103	JOHN MESTAS	3124	OLD AGE ASSISTANCE
	0104	CECILE CRE MEDICINEEAGLE HEAD	547	OLD AGE ASSISTANCE
	0105	FRANK GUARDIPEE	2370	OLD AGE ASSISTANCE
	0106	MAGGIE ROSE MARCEAU	143	OLD AGE ASSISTANCE
	0107	MARY WAGNER	2196	OLD AGE ASSISTANCE
	0108	FRANK MOUNTAINCHIEF	213	OLD AGE ASSISTANCE
	0109	MINNIE DUSTYBULL GUARDIPEE	1723	OLD AGE ASSISTANCE
	0110	BAPTISTE WEST WOLF	1107	OLD AGE ASSISTANCE
	0111	JOSEPH YOUNGEAGLE	1768	OLD AGE ASSISTANCE
	0112	JOSEPH WHITEGRASS	1405	OLD AGE ASSISTANCE
	0113	HAIRY COAT	964	OLD AGE ASSISTANCE
	0124	CHARLES F. THOMAS	5	FORCED FEE PATENT
	0125	JAMES EVANS	8	FORCED FEE PATENT
	0126	JOHN P. HALL NO.2	1	FORCED FEE PATENT
	0127	DAVID HALL	15	FORCED FEE PATENT
	0128	WILLIAM HALL	17	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0129	ROSE HALL	18	FORCED FEE PATENT
	0130	ROSE HALL	19	FORCED FEE PATENT
	0131	ROSE HALL	20	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0129	KATE PIAS	21	FORCED FEE PATENT
	0130	SUSAN PIAS	22	FORCED FEE PATENT
	0131	HATTIE TATSEY GUARDIPEE	26	FORCED FEE PATENT
	0132	JOHN TATSEY	27	FORCED FEE PATENT
	0133	JOSEPH TATSEY NO. 2	28	FORCED FEE PATENT
	0134	JOSEPH LAVARRO	37	FORCED FEE PATENT
	0135	LOUIS LAVARRO	39	FORCED FEE PATENT
	0136	WILLIAM METZEL	40	FORCED FEE PATENT
	0137	HOMER RUNNING WOLF	47	FORCED FEE PATENT
	0138	JAMES JOHNSON	48	FORCED FEE PATENT
	0139	IDA JOHNSON	49	FORCED FEE PATENT
	0140	MINNIE CRAWFORD	50	FORCED FEE PATENT
	0141	JOSEPH CRAWFORD	52	FORCED FEE PATENT
	0142	JANETTE COE FALLON	73	FORCED FEE PATENT
	0143	JAMES COE	74	FORCED FEE PATENT
	0144	AGNES COE EMBODY	75	FORCED FEE PATENT
	0145	MABEL PEPION	77	FORCED FEE PATENT
	0146	ELIZA RUTHERFORD	79	FORCED FEE PATENT
	0147	EDNA RUTHERFORD	80	FORCED FEE PATENT
	0148	WILLIAM RUTHERFORD	85	FORCED FEE PATENT
	0149	GEORGE CHOATE	86	FORCED FEE PATENT
	0150	FRANK CHOATE	89	FORCED FEE PATENT
	0151	SAMUEL CHOATE	95	FORCED FEE PATENT
	0152	JOSEPH OLLINGER	96	FORCED FEE PATENT
	0153	MARY DAVID RUTHERFORD	102	FORCED FEE PATENT
	0154	HATTIE REARCHILD JOHNSON	103	FORCED FEE PATENT
	0155	FRANK VIELLE	115	FORCED FEE PATENT
	0156	SUSAN VIELLE	116	FORCED FEE PATENT
	0157	GEORGE HORN NO. 1	123	FORCED FEE PATENT
	0158	MAGGIE CHAMPAGNE	129	FORCED FEE PATENT
	0159	LOUISE WALTERS	135	FORCED FEE PATENT
	0160	PETER MARCHAN	142	FORCED FEE PATENT
	0161	RICHARD SANDERVILLE	156	FORCED FEE PATENT
	0162	NANCY SANDERVILLE	157	FORCED FEE PATENT
	0163	OLIVER SANDERVILLE	159	FORCED FEE PATENT
	0164	THOMAS SANDERVILLE	162	FORCED FEE PATENT
	0165	ANNIE CALF RUBE NO. 2	195	FORCED FEE PATENT
	0166	AARON RIGBEAVER	202	FORCED FEE PATENT
	0167	EDWARD RIGBEAVER	205	FORCED FEE PATENT
	0168	WALTER MOUNTAIN CHIEF	215	FORCED FEE PATENT
	0169	LOUISE MOUNTAIN CHIEF	224	FORCED FEE PATENT
	0170	HARRY HORN	251	FORCED FEE PATENT
	0171	JOHN BIG LAKE	260	FORCED FEE PATENT
	0172	JOHN P. CROFF	261	FORCED FEE PATENT
	0173	LOUISE CROFF	262	FORCED FEE PATENT
	0174	ELMER MAD PLUME	274	FORCED FEE PATENT
	0175	RICHARD MAD PLUME	275	FORCED FEE PATENT
	0176	HELEN P. CLARK	283	FORCED FEE PATENT
	0177	MALCOLM W. CLARK	286	FORCED FEE PATENT
	0178	ELLA CLARY	287	FORCED FEE PATENT
	0179	EDWARD RUNNINGCRANE	301	FORCED FEE PATENT
	0180	ALICE ROSE JUNEAU	317	FORCED FEE PATENT
	0181	JOSEPH RUSSELL	404	FORCED FEE PATENT
	0182	THOMAS PEPION	409	FORCED FEE PATENT
	0183	ALOYSIUS PEPION	410	FORCED FEE PATENT
	0184	CECILE BULL SHOE	415	FORCED FEE PATENT
	0185	CHARLES JUNEAU	466	FORCED FEE PATENT
	0186	ANDREW SCHILDT	474	FORCED FEE PATENT
	0187	MARY SCHILDT MATT	475	FORCED FEE PATENT
	0188	IRENE SCHILDT	476	FORCED FEE PATENT
	0189	ELLA LOOMIS	478	FORCED FEE PATENT
	0190	MARY LORENA MEADE	479	FORCED FEE PATENT
	0191	PETER WHITE MAN	484	FORCED FEE PATENT
	0192	ALBERT EAST BUFFALO HORSE	492	FORCED FEE PATENT
	0193	CECILE THROMBLEY	497	FORCED FEE PATENT
	0194	OSCAR BOY	509	FORCED FEE PATENT
	0195	RAYMOND BOY	510	FORCED FEE PATENT
	0196	JENSEN BOY	511	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0197	NETTIE RACINE	519	FORCED FEE PATENT
	0198	OLIVER RACINE	524	FORCED FEE PATENT
	0199	JOSEPH THROMBLEY BOUTIER	531	FORCED FEE PATENT
	0200	STEVEN HENAULT	591	FORCED FEE PATENT
	0201	CAROLINE HENAULT	592	FORCED FEE PATENT
	0202	JOHN HENAULT	601	FORCED FEE PATENT
	0203	LOUISE HAGEN	613	FORCED FEE PATENT
	0204	ALICE HOGAN WELCH	614	FORCED FEE PATENT
	0205	EMMA CROFF	615	FORCED FEE PATENT
	0206	WILLIAM CROFF	616	FORCED FEE PATENT
	0207	HENRY HAGAN	617	FORCED FEE PATENT
	0208	ELLEN EDWARDS HALL	621	FORCED FEE PATENT
	0209	WILLIAM EDWARDS	622	FORCED FEE PATENT
	0210	THOMAS EDWARDS	623	FORCED FEE PATENT
	0211	FANNIE EDWARDS	624	FORCED FEE PATENT
	0212	LIZZIE EDWARDS	625	FORCED FEE PATENT
	0213	JOHN EDWARDS	626	FORCED FEE PATENT
	0214	MINNIE WALTER LAMOTT	631	FORCED FEE PATENT
	0215	EMILY LABRECHE	635	FORCED FEE PATENT
	0216	MILLIE MAGEE	637	FORCED FEE PATENT
	0217	PHILLIP LABREACHE	638	FORCED FEE PATENT
	0218	JESSIE HANBY	639	FORCED FEE PATENT
	0219	ELI GUARDIPEE	641	FORCED FEE PATENT
	0220	CHARLES GUARDIPEE	644	FORCED FEE PATENT
	0221	JOHN GOBERT	650	FORCED FEE PATENT
	0222	JOSEPH SPANISH	657	FORCED FEE PATENT
	0223	JULIA PENDERGRESS	661	FORCED FEE PATENT
	0224	EMILY MAGEE	662	FORCED FEE PATENT
	0225	HENRY LAHR	667	FORCED FEE PATENT
	0226	MAUD LAHR	669	FORCED FEE PATENT
	0227	JOHN MERCHANT	673	FORCED FEE PATENT
	0228	CAROLLINE MERCHANT	674	FORCED FEE PATENT
	0229	HENRY BURD DEGUIRE	686	FORCED FEE PATENT
	0230	LOUISE DEGUIRE	687	FORCED FEE PATENT
	0231	LIZZIE MAIN NO. 1 HENDERSON	695	FORCED FEE PATENT
	0232	HENRY MAIN	696	FORCED FEE PATENT
	0233	LIZZIE MAIN NO. 2	697	FORCED FEE PATENT
	0234	GENOVA STEWART	706	FORCED FEE PATENT
	0235	EARL STEWART	707	FORCED FEE PATENT
	0236	JAMES STEWART	708	FORCED FEE PATENT
	0237	VERA STEWART BARLOW	709	FORCED FEE PATENT
	0238	VIRGINIA STEWART	710	FORCED FEE PATENT
	0239	ROSE AUBREY SNOOK	712	FORCED FEE PATENT
	0240	THOMAS AUBREY	713	FORCED FEE PATENT
	0241	CORA W. AUBREY	715	FORCED FEE PATENT
	0242	PHILLIP AUBREY	716	FORCED FEE PATENT
	0243	MAY AUBREY STEWART	717	FORCED FEE PATENT
	0244	LAURA VAN SENDEN	720	FORCED FEE PATENT
	0245	HENRY RUTHERFORD	723	FORCED FEE PATENT
	0246	HENRY STEPHENSON	730	FORCED FEE PATENT
	0247	ORYELIA STEPHENSON	731	FORCED FEE PATENT
	0248	PHOEBE STEPHENSON WAGNER	732	FORCED FEE PATENT
	0249	JAMES GALLINEAU	733	FORCED FEE PATENT
	0250	JOSEPHINE ARNOUX	740	FORCED FEE PATENT
	0251	GEORGE C. ARNOUX	741	FORCED FEE PATENT
	0252	MONROE ARNOUX	742	FORCED FEE PATENT
	0253	MAGGIE ARNOUX	743	FORCED FEE PATENT
	0254	MARION ARNOUX	746	FORCED FEE PATENT
	0255	BELLE ARNOUX	747	FORCED FEE PATENT
	0256	LAVINE HALL CHATTIN	749	FORCED FEE PATENT
	0257	ELSIE HALL WRIGHT	750	FORCED FEE PATENT
	0258	DAVID BURDEAU	767	FORCED FEE PATENT
	0259	AGNES BURDEAU WHITE	768	FORCED FEE PATENT
	0260	BERT KINNERLY	771	FORCED FEE PATENT
	0261	PERRY KINNERLY	772	FORCED FEE PATENT
	0262	JOHN MORGAN	774	FORCED FEE PATENT
	0263	DAVID MORGAN	776	FORCED FEE PATENT
	0264	JOSEPH MORGAN	777	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0265	JOHN CHOUQUETTE	797	FORCED FEE PATENT
	0266	RICHARD GRANT	803	FORCED FEE PATENT
	0267	ROSE GRANT	804	FORCED FEE PATENT
	0268	GEORGE WALTERS	823	FORCED FEE PATENT
	0269	ARTHUR WALTERS	824	FORCED FEE PATENT
	0270	ROBERT ALBERTSON	825	FORCED FEE PATENT
	0271	MARY ALBERTSON	826	FORCED FEE PATENT
	0272	PETER CADOTTE	848	FORCED FEE PATENT
	0273	JULIA MAGEE	857	FORCED FEE PATENT
	0274	JOSEPH HOWLING	858	FORCED FEE PATENT
	0275	GEORGE MAGEE	860	FORCED FEE PATENT
	0276	DEWEY MAGEE	863	FORCED FEE PATENT
	0277	MARY KITTSON	864	FORCED FEE PATENT
	0278	MICHAEL YELLOW KIDNEY	925	FORCED FEE PATENT
	0279	JOSEPHINE LITTLE PLUME SALWAY	943	FORCED FEE PATENT
	0280	SAM SCABBY BONE	958	FORCED FEE PATENT
	0281	VIRGINIA LAPLANT NO. 1	965	FORCED FEE PATENT
	0282	BELLE BAKER	971	FORCED FEE PATENT
	0283	FRED BLACKMAN	993	FORCED FEE PATENT
	0284	MAGGIE BLACKMAN	994	FORCED FEE PATENT
	0285	THOMAS DAWSON	1016	FORCED FEE PATENT
	0286	ISABEL DAWSON	1017	FORCED FEE PATENT
	0287	MALCOLM DAWSON	1018	FORCED FEE PATENT
	0288	HELEN DAWSON	1019	FORCED FEE PATENT
	0289	MILDRED JACKSON MAGEE	1050	FORCED FEE PATENT
	0290	MAGGIE JACKSON	1052	FORCED FEE PATENT
	0291	ANNIE JACKSON	1053	FORCED FEE PATENT
	0292	ALICE MATT	1062	FORCED FEE PATENT
	0293	FRANCIS MATT	1063	FORCED FEE PATENT
	0294	MICHAEL MATT	1069	FORCED FEE PATENT
	0295	JAMES FISHER	1070	FORCED FEE PATENT
	0296	JOHN WREN	1072	FORCED FEE PATENT
	0297	ROBERT WREN	1073	FORCED FEE PATENT
	0298	WILLIAM WREN	1074	FORCED FEE PATENT
	0299	LILLIE WREN MONROE	1075	FORCED FEE PATENT
	0300	IDA WREN STONE	1076	FORCED FEE PATENT
	0301	CELINA WREN MUNROE	1077	FORCED FEE PATENT
	0302	GEORGE WREN	1078	FORCED FEE PATENT
	0303	ISABELLE WREN	1079	FORCED FEE PATENT
	0304	THOMAS BOGY	1094	FORCED FEE PATENT
	0305	SOPHIA POWELL CROFF	1098	FORCED FEE PATENT
	0306	GEORGE WEST WOLF	1109	FORCED FEE PATENT
	0307	MARGARET SCHULTZ	1120	FORCED FEE PATENT
	0308	WILLIAM MUNROE	1121	FORCED FEE PATENT
	0309	JOHN MONROE	1122	FORCED FEE PATENT
	0310	DONALD MUNROE	1123	FORCED FEE PATENT
	0311	LOUISE MUNROE KENNEDY	1130	FORCED FEE PATENT
	0312	JENNIE MUNROE	1142	FORCED FEE PATENT
	0313	HUGH MUNROE	1148	FORCED FEE PATENT
	0314	ANDREW MUNROE	1150	FORCED FEE PATENT
	0315	LORETTA COOK KIRKLAND	1152	FORCED FEE PATENT
	0316	GEORGE COOK	1153	FORCED FEE PATENT
	0317	JULIA COOK	1154	FORCED FEE PATENT
	0318	DAVID LABRECHE	1155	FORCED FEE PATENT
	0319	MINNIE LABRECHE	1156	FORCED FEE PATENT
	0320	CHARLES LABRECHE	1157	FORCED FEE PATENT
	0321	CLARENCE LABRECHE	1158	FORCED FEE PATENT
	0322	MARY HIGGINS NO. 1	1162	FORCED FEE PATENT
	0323	MARY HIGGINS NO. 2	1163	FORCED FEE PATENT
	0324	LOUISE PEPION	1169	FORCED FEE PATENT
	0325	DANIEL LONE CHIEF NO. 1	1207	FORCED FEE PATENT
	0326	ELLEN LONE CHIEF	1208	FORCED FEE PATENT
	0327	PHILOMENA ST.GODDARD	1230	FORCED FEE PATENT
	0328	AGNES ST.G.HAZLETT	1231	FORCED FEE PATENT
	0329	ALMINA ST.GODDARD	1232	FORCED FEE PATENT
	0330	ALICE MARTIN	1260	FORCED FEE PATENT
	0331	JAMES WILLIAMSON	1288	FORCED FEE PATENT
	0332	THEODORE LAST STAR	1290	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0333	LOUIS CHAMPAGNE	1355	FORCED FEE PATENT
	0334	GRETCHEN DUVALL	1364	FORCED FEE PATENT
	0335	MAGGIE GOSS NO. 1	1381	FORCED FEE PATENT
	0336	NATHAN GOSS	1382	FORCED FEE PATENT
	0337	SUSAN GOSS BURD	1383	FORCED FEE PATENT
	0338	MAGGIE GOSS NO. 2 BILLEDEAUX	1384	FORCED FEE PATENT
	0339	GEORGE GOSS	1385	FORCED FEE PATENT
	0340	ABBOTT GOSS JR.	1386	FORCED FEE PATENT
	0341	ALBERT GOSS NO. 1	1388	FORCED FEE PATENT
	0342	MARY J. GOSS	1389	FORCED FEE PATENT
	0343	ALBERT GOSS NO. 2	1390	FORCED FEE PATENT
	0344	WILLIAM K. GOSS	1394	FORCED FEE PATENT
	0345	IRENE GOSS NO. 1	1395	FORCED FEE PATENT
	0346	LOMIE GOSS	1399	FORCED FEE PATENT
	0347	AGNES C. GOSS	1400	FORCED FEE PATENT
	0348	HENRY MARCEAU	1419	FORCED FEE PATENT
	0349	ERNEST CUT FINGER	1450	FORCED FEE PATENT
	0350	ROSA SHARP	1456	FORCED FEE PATENT
	0351	GRACE JACKSON	1461	FORCED FEE PATENT
	0352	EMMA MILLER	1466	FORCED FEE PATENT
	0353	JACK UPHAM	1467	FORCED FEE PATENT
	0354	MYRTLE UPHAM GILHAM	1468	FORCED FEE PATENT
	0355	WILLIAM UPHAM	1470	FORCED FEE PATENT
	0356	GEORGE HEAVY RUNNER	1483	FORCED FEE PATENT
	0357	JOSEPH HEAVY RUNNER	1484	FORCED FEE PATENT
	0358	ROBERT SHERMAN	1502	FORCED FEE PATENT
	0359	HENRY R. WILLIAMSON	1503	FORCED FEE PATENT
	0360	MARY WILLIAMSON	1504	FORCED FEE PATENT
	0361	GERTRUDE WILLIAMSON	1505	FORCED FEE PATENT
	0362	JAMES CLARK	1507	FORCED FEE PATENT
	0363	GEORGE CLARK	1508	FORCED FEE PATENT
	0364	ROBERT CLARK	1510	FORCED FEE PATENT
	0365	ALEXANDER SHERMAN	1511	FORCED FEE PATENT
	0366	RENA SHERMAN	1512	FORCED FEE PATENT
	0367	WILLIAM SHERMAN	1513	FORCED FEE PATENT
	0368	JULIA HARRIS	1521	FORCED FEE PATENT
	0369	LOUIS MOMBERG	1522	FORCED FEE PATENT
	0370	GEORGE SCHMIDT	1528	FORCED FEE PATENT
	0371	ROSE SCHMIDT	1529	FORCED FEE PATENT
	0372	CARL SCHMIDT	1532	FORCED FEE PATENT
	0373	STUART T. HAZLETT	1536	FORCED FEE PATENT
	0374	ABBIE D. GOBERT	1538	FORCED FEE PATENT
	0375	JASON DEVEREAUX	1539	FORCED FEE PATENT
	0376	HENRY DEVEREAUX	1540	FORCED FEE PATENT
	0377	LENORA DEVEREAUX	1541	FORCED FEE PATENT
	0378	CHARLES DEVEREAUX	1545	FORCED FEE PATENT
	0379	THOMAS GUARDIPEE NO. 1	1549	FORCED FEE PATENT
	0380	CECILE GUARDIPEE	1550	FORCED FEE PATENT
	0381	JOHN KIPP	1557	FORCED FEE PATENT
	0382	WILLIAM KIPP	1559	FORCED FEE PATENT
	0383	MATTIE BIRD	1564	FORCED FEE PATENT
	0384	MARTHA BIRD	1565	FORCED FEE PATENT
	0385	SIMPSON BIRD	1566	FORCED FEE PATENT
	0386	CHARLES BIRD	1567	FORCED FEE PATENT
	0387	JOHNSON BIRD	1568	FORCED FEE PATENT
	0388	MILLIE BIRD	1569	FORCED FEE PATENT
	0389	HENRY BIRD	1570	FORCED FEE PATENT
	0390	GEORGE BIRD	1571	FORCED FEE PATENT
	0391	JAMES A. PERRINE	1575	FORCED FEE PATENT
	0392	MARY PERRINE	1576	FORCED FEE PATENT
	0393	WILLIAM A. SAMPLES	1580	FORCED FEE PATENT
	0394	FLORENCE SAMPLES	1581	FORCED FEE PATENT
	0395	JULIA SAMPLES	1582	FORCED FEE PATENT
	0396	STELLA M. SAMPLES	1583	FORCED FEE PATENT
	0397	JAMES COBELL	1584	FORCED FEE PATENT
	0398	GEORGE COBELL	1585	FORCED FEE PATENT
	0399	JOHN COBELL	1586	FORCED FEE PATENT
	0400	WILLIAM COBELL NO. 1	1587	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0401	BESSIE HALF	1590	FORCED FEE PATENT
	0402	MARY CONNELLY	1593	FORCED FEE PATENT
	0403	ROSE CONNELLY BROWN	1594	FORCED FEE PATENT
	0404	BRIAN CONNOLLY	1595	FORCED FEE PATENT
	0405	VICTOR CONNOLLY	1596	FORCED FEE PATENT
	0406	JOHN CONNOLLY	1597	FORCED FEE PATENT
	0407	MEDORE LABRECHE	1598	FORCED FEE PATENT
	0408	PIPE WOMAN HARRISON	1602	FORCED FEE PATENT
	0409	FRANK HARRISON JR.	1603	FORCED FEE PATENT
	0410	JOHN LUKIN	1606	FORCED FEE PATENT
	0411	PETER LUKIN	1607	FORCED FEE PATENT
	0412	DORA LUKIN	1608	FORCED FEE PATENT
	0413	LOUIS TROMBLEY	1610	FORCED FEE PATENT
	0414	ISAAC TROMBLEY	1611	FORCED FEE PATENT
	0415	JOSEPH TROMBLEY	1612	FORCED FEE PATENT
	0416	GRACE BROWN	1616	FORCED FEE PATENT
	0417	JAMES GRANT	1618	FORCED FEE PATENT
	0418	MARY KIPP NO. 2	1629	FORCED FEE PATENT
	0419	JAMES KIPP	1630	FORCED FEE PATENT
	0420	GEORGE KIPP NO. 1	1631	FORCED FEE PATENT
	0421	WILLIAM KIPP FITZPATRICK	1632	FORCED FEE PATENT
	0422	ELIZABETH KIPP FITZPATRICK	1633	FORCED FEE PATENT
	0423	URSULA FITZPATRICK	1634	FORCED FEE PATENT
	0424	MABEL H. MONROE	1641	FORCED FEE PATENT
	0425	JAMES MONROE	1642	FORCED FEE PATENT
	0426	JOSEPH MONROE	1643	FORCED FEE PATENT
	0427	RICHARD RIDES AT THE DOOR	1655	FORCED FEE PATENT
	0428	AMY RIDES AT THE DOOR	1656	FORCED FEE PATENT
	0429	EDWARD BURD	1658	FORCED FEE PATENT
	0430	PETER VIELLE	1672	FORCED FEE PATENT
	0431	MARY BAILEY	1694	FORCED FEE PATENT
	0432	DICK KIPP	1701	FORCED FEE PATENT
	0433	BARTISTE MERCIER	1710	FORCED FEE PATENT
	0434	SAMUEL BUSH	1716	FORCED FEE PATENT
	0435	RICHARD THOMAS	1717	FORCED FEE PATENT
	0436	JENNIE KERR	1720	FORCED FEE PATENT
	0437	CHARLES WEASELHEAD	1740	FORCED FEE PATENT
	0438	CHARLES CHOUQUETTE	1749	FORCED FEE PATENT
	0439	MAGGIE CHOUQUETTE	1750	FORCED FEE PATENT
	0440	GEORGE PABLE NO. 1	1751	FORCED FEE PATENT
	0441	CHRISTINE PABLO	1753	FORCED FEE PATENT
	0442	RICHARD CROFF	1771	FORCED FEE PATENT
	0443	ARTHUR CROFF	1773	FORCED FEE PATENT
	0444	EVA CROFF BROWN	1774	FORCED FEE PATENT
	0445	GEORGE A. CROFF	1775	FORCED FEE PATENT
	0446	KATIE U. CROFF	1776	FORCED FEE PATENT
	0447	MATHEW FITZPATRICK	1779	FORCED FEE PATENT
	0448	KATIE FITZPATRICK	1780	FORCED FEE PATENT
	0449	MATTHEW FITZPATRICK	1781	FORCED FEE PATENT
	0450	SUSIE P. AUBREY	1786	FORCED FEE PATENT
	0451	CHARLES POWELL	1787	FORCED FEE PATENT
	0452	MAGGIE PETERSON	1796	FORCED FEE PATENT
	0453	FRANK J. PETERSON	1797	FORCED FEE PATENT
	0454	MELVIN PETERSON	1798	FORCED FEE PATENT
	0455	WALTER PETERSON	1803	FORCED FEE PATENT
	0456	JAMES SAMPLES	1805	FORCED FEE PATENT
	0457	SARAH SAMPLES	1808.5	FORCED FEE PATENT
	0458	JOHN GALBREATH	1809	FORCED FEE PATENT
	0459	ANNIE S. LAPAGE	1812	FORCED FEE PATENT
	0460	ROSANA LINDELL	1815	FORCED FEE PATENT
	0461	RICHARD LUCERO	1816	FORCED FEE PATENT
	0462	LOUISE PAISLEY	1817	FORCED FEE PATENT
	0463	GEORGE PAISLEY	1821	FORCED FEE PATENT
	0464	WILLIAM BILLETEAUX	1828	FORCED FEE PATENT
	0465	MOLLIE BILLEDEAUX	1829	FORCED FEE PATENT
	0466	MOLLIE DAVIS	1831	FORCED FEE PATENT
	0467	BRYAN DAVIS	1834	FORCED FEE PATENT
	0468	EDWARD GOBERT	1836	FORCED FEE PATENT

RILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0469	MOLLIE SULLIVAN	1839	FORCED FEE PATENT
	0470	LAURA CONWAY	1847	FORCED FEE PATENT
	0471	SAM SMITH	1852	FORCED FEE PATENT
	0472	JOSEPHINE WRIGHT THORPE	1855	FORCED FEE PATENT
	0473	WILLIAM WRIGHT	1856	FORCED FEE PATENT
	0474	JOHN WRIGHT	1857	FORCED FEE PATENT
	0475	EDWARD BILLEDEAUX	1864	FORCED FEE PATENT
	0476	VIRGINIA BILLETEAUX	1865	FORCED FEE PATENT
	0477	CARL BILLEDEAUX	1866	FORCED FEE PATENT
	0478	GENEVIEVE BILLEDEAUX	1867	FORCED FEE PATENT
	0479	MARTHA BILLEDEAUX	1868	FORCED FEE PATENT
	0480	EDWARD BILLEDEAUX	1869	FORCED FEE PATENT
	0481	ROBERT J. HAMILTON	1872	FORCED FEE PATENT
	0482	ROSE HAMILTON	1873	FORCED FEE PATENT
	0483	HART SCHULTZ	1888	FORCED FEE PATENT
	0484	LOUIS MONROE	1898	FORCED FEE PATENT
	0485	HENRY MERCHANT	1930	FORCED FEE PATENT
	0486	JOSEPH MEQUETTE	1935	FORCED FEE PATENT
	0487	CLARA BUTTERBAUGH	1950	FORCED FEE PATENT
	0488	JOSEPHINE GILHAM	1962	FORCED FEE PATENT
	0489	ANTHONY GILHAM	1963	FORCED FEE PATENT
	0490	WILLIAM GILHAM	1964	FORCED FEE PATENT
	0491	MARY DUNBAR NO. 1	1966	FORCED FEE PATENT
	0492	JANE DUNBAR ANDERSON	1967	FORCED FEE PATENT
	0493	ANDREW W. DUNBAR	1968	FORCED FEE PATENT
	0494	FRANCES DUNBAR CLELAND	1969	FORCED FEE PATENT
	0495	ESTHER DUNBAR	1971	FORCED FEE PATENT
	0496	JAMES DUNBAR	1972	FORCED FEE PATENT
	0497	JEANETTE MCGOVERN COBELL	1980	FORCED FEE PATENT
	0498	SALLIE ALLISON	1984	FORCED FEE PATENT
	0499	WILLIAM ALLISON	1895	FORCED FEE PATENT
	0500	LAFE ALLISON	1986	FORCED FEE PATENT
	0501	WENDELL ALLISON	1987	FORCED FEE PATENT
	0502	PEARL W. HAGERTY	1991	FORCED FEE PATENT
	0503	OTIS KENNERLY	1997	FORCED FEE PATENT
	0504	PHOEBE BURD	2036	FORCED FEE PATENT
	0505	ORRIE HAGGERTY	2045	FORCED FEE PATENT
	0506	JOHN KENNEDY	2049	FORCED FEE PATENT
	0507	JULIUS CORELL	2054	FORCED FEE PATENT
	0508	DEWEY CORELL	2055	FORCED FEE PATENT
	0509	LOUIS COBELL	2056	FORCED FEE PATENT
	0510	CHARLES BUCK	2059	FORCED FEE PATENT
	0511	SPYNA DEVEREAUX	2060	FORCED FEE PATENT
	0512	AUGUSTA MURPHY	2063	FORCED FEE PATENT
	0513	HAMLIN MURPHY	2064	FORCED FEE PATENT
	0514	HARLAND MURPHY	2065	FORCED FEE PATENT
	0515	JOSEPH LIVERMORE	2067	FORCED FEE PATENT
	0516	LILLIE LIVERMORE	2069	FORCED FEE PATENT
	0517	MINNIE LIVERMORE	2070	FORCED FEE PATENT
	0518	EARL STEWART	2073	FORCED FEE PATENT
	0519	THOMAS D. STEWART	2074	FORCED FEE PATENT
	0520	VIVIAN STUART	2075	FORCED FEE PATENT
	0521	JESSIE WALTER STUART	2076	FORCED FEE PATENT
	0522	ALICE TUCKER STUART	2081	FORCED FEE PATENT
	0523	PERCY DENNIS	2087	FORCED FEE PATENT
	0524	DORA W. DENNIS	2088	FORCED FEE PATENT
	0525	CHARLES DELANEY	2089	FORCED FEE PATENT
	0526	VIOLA DELANEY	2090	FORCED FEE PATENT
	0527	MARY DELANEY	2091	FORCED FEE PATENT
	0528	NELLIE HAGAN	2096	FORCED FEE PATENT
	0529	SADIE HAGAN	2097	FORCED FEE PATENT
	0530	WALTER HOWARD	2103	FORCED FEE PATENT
	0531	ANNIE HOWARD	2105	FORCED FEE PATENT
	0532	HENRY STONE	2109	FORCED FEE PATENT
	0533	JOSEPH STONE	2110	FORCED FEE PATENT
	0534	FRANK STONE	2111	FORCED FEE PATENT
	0535	LEVI J. BURD	2114	FORCED FEE PATENT
	0536	DAISY BURD	2115	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0605	FIRSTONE RUSSELL	2295	FORCED FEE PATENT
	0606	ISABEL RUSSELL	2296	FORCED FEE PATENT
	0607	ALICE A. MARTIN	2302	FORCED FEE PATENT
	0608	CORA W. MURREY	2310	FORCED FEE PATENT
	0609	LOREMZO WHITE	2311	FORCED FEE PATENT
	0610	MELVINA MURRAY	2312	FORCED FEE PATENT
	0611	ANNIE FISHER	2314	FORCED FEE PATENT
	0612	EUGENE FISHER	2315	FORCED FEE PATENT
	0613	JOSEPH MOONLIGHT	2317	FORCED FEE PATENT
	0614	MARTHA KUKA	2322	FORCED FEE PATENT
	0615	DAN HILL	2327	FORCED FEE PATENT
	0616	MARY STEWART	2328	FORCED FEE PATENT
	0617	MOLLIE L. STEWART	2330	FORCED FEE PATENT
	0618	CECELIA S. SHILOH	2331	FORCED FEE PATENT
	0619	MABEL M. STEWART	2332	FORCED FEE PATENT
	0620	MINNIE BLAIR	2333	FORCED FEE PATENT
	0621	ANNIE PEPION	2339	FORCED FEE PATENT
	0622	JOHN PEPION	2352	FORCED FEE PATENT
	0623	CLARA LEMOIR STUART	2358	FORCED FEE PATENT
	0624	ELEANOR PARKER	2363	FORCED FEE PATENT
	0625	FRANK GUARDIPEE NO. 1	2370	FORCED FEE PATENT
	0626	MARY GUARDIPEE	2371	FORCED FEE PATENT
	0627	MARY HARRISON	2380	FORCED FEE PATENT
	0628	MAGGIE WILLIAMSON	2406	FORCED FEE PATENT
	0629	LIZZIE MORGAN	2412	FORCED FEE PATENT
	0630	ROBERT MORGAN	2414	FORCED FEE PATENT
	0631	WILBERT MORGAN	2415	FORCED FEE PATENT
	0632	CHARLES LABRECHE	2417	FORCED FEE PATENT
	0633	PHENA MARTIN ANDERSON	2423	FORCED FEE PATENT
	0634	HUNTER PUNCELL	2430	FORCED FEE PATENT
	0635	THOMAS HAWKWOOD	2431	FORCED FEE PATENT
	0636	WILLIE STEELE	2438	FORCED FEE PATENT
	0637	MAMIE SIMON	2448	FORCED FEE PATENT
	0638	CHARLES SIMON	2454	FORCED FEE PATENT
	0639	SUSAN MERCURE	2455	FORCED FEE PATENT
	0640	SUSAN H. GALBREATH	2456	FORCED FEE PATENT
	0641	EDITH M. DEVEREAU	2459	FORCED FEE PATENT
	0642	WILLIAM WARNER	2462	FORCED FEE PATENT
	0643	OLLIE CROWFORD	2469	FORCED FEE PATENT
	0644	MAGGIE NICHOLS FOX	2473	FORCED FEE PATENT
	0645	CECILE NICHOLAS	2474	FORCED FEE PATENT
	0646	MATILDA BUCKLEY	2479	FORCED FEE PATENT
	0647	JERRY BUCKLEY	2480	FORCED FEE PATENT
	0648	CHARLES BUCKLEY	2481	FORCED FEE PATENT
	0649	LOUISE PAUL	2482	FORCED FEE PATENT
	0650	ROSE MAHERTY	2483	FORCED FEE PATENT
	0651	JENNIE BOYLE	2484	FORCED FEE PATENT
	0652	SARAH KEWIS	2498	FORCED FEE PATENT
	0653	KENNETH GALBREATH	2559	FORCED FEE PATENT
	0654	JESSE ARMSTRONG	2578	FORCED FEE PATENT
	0655	ROBERT ARMSTRONG	2580	FORCED FEE PATENT
	0656	WESLEY ARMSTRONG	2581	FORCED FEE PATENT
	0657	ASA ARMSTRONG	2582	FORCED FEE PATENT
	0658	ORRIE ARMSTRONG	2583	FORCED FEE PATENT
	0659	LILA ARMSTRONG	2584	FORCED FEE PATENT
	0660	SOPHIA MCGOVERN	2585	FORCED FEE PATENT
	0661	MAGGIE MCGOVERN CHATTERTON	2586	FORCED FEE PATENT
	0662	JOHN MCGOVERN	2587	FORCED FEE PATENT
	0663	JAMES MCGOVERN	2588	FORCED FEE PATENT
	0664	JOSEPH HOUSEMAN	2603	FORCED FEE PATENT
	0665	PHILIP PAUL	2616	FORCED FEE PATENT
	0666	HENRIETTA METTEL	2620	FORCED FEE PATENT
	0667	SADIE SMITH JOHNSON	2624	FORCED FEE PATENT
	0668	SOLOMAN PAUL	2631	FORCED FEE PATENT
	0669	CELINA PAUL	2637	FORCED FEE PATENT
	1670	JULIAN BURD	2639	FORCED FEE PATENT
	0671	LOUISE BURD	2640	FORCED FEE PATENT
	0672	FANNIE CULBERTSON IRVIN	2641	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0537	DOROTHEA BURD	2116	FORCED FEE PATENT
	0538	ELOISE BURD	2117	FORCED FEE PATENT
	0539	SADIE KING	2118	FORCED FEE PATENT
	0540	JAMES KING	2119	FORCED FEE PATENT
	0541	CHARLES KING	2120	FORCED FEE PATENT
	0542	HENRY KING	2122	FORCED FEE PATENT
	0543	CHARLES MARTIN	2126	FORCED FEE PATENT
	0544	ROSS MARTIN	2127	FORCED FEE PATENT
	0545	OCTAVIA GILLIAM	2133	FORCED FEE PATENT
	0546	ALEI DURRAY	2134	FORCED FEE PATENT
	0547	JOSEPH DURRAY	2135	FORCED FEE PATENT
	0548	WILLIAM DOUGLAS	2141	FORCED FEE PATENT
	0549	CECILE HINSBERGER	2155	FORCED FEE PATENT
	0550	MARY NORMAN	2156	FORCED FEE PATENT
	0551	LENO NORMAN BERGER	2157	FORCED FEE PATENT
	0552	ADOLPH NORMAN	2158	FORCED FEE PATENT
	0553	JAMES DOUGLAS	2162	FORCED FEE PATENT
	0554	LYDIA DOUGLAS	2164	FORCED FEE PATENT
	0555	PETER CONELL	2172	FORCED FEE PATENT
	0556	MARY DOUGLAS NO. 1	2175	FORCED FEE PATENT
	0557	ROBERT DOUGLAS	2177	FORCED FEE PATENT
	0558	JULIA MURRAY	2178	FORCED FEE PATENT
	0559	THEODORE DOUGLAS	2179	FORCED FEE PATENT
	0560	CECILE MCFELVEY	2181	FORCED FEE PATENT
	0561	DORA WOODBURY	2182	FORCED FEE PATENT
	0562	FRANK MCFLVEY	2183	FORCED FEE PATENT
	0563	GEORGE MCKELVEY	2184	FORCED FEE PATENT
	0564	FLORA MCKELVEY BROWN	2185	FORCED FEE PATENT
	0565	JOHN MCKELVEY	2187	FORCED FEE PATENT
	0566	MOLLIE D. KOLOGIE	2188	FORCED FEE PATENT
	0567	FRED GERARD	2191	FORCED FEE PATENT
	0568	ROSE GERARD	2192	FORCED FEE PATENT
	0569	JOHN BARKER	2195	FORCED FEE PATENT
	0570	EMMETT AUDERE	2202	FORCED FEE PATENT
	0571	FRANCIS AUDERE	2203	FORCED FEE PATENT
	0572	AUGUST AUDERE	2204	FORCED FEE PATENT
	0573	WILLIAM SMITH	2206	FORCED FEE PATENT
	0574	EMMA SMITH	2207	FORCED FEE PATENT
	0575	WILLIAM HEMMEL	2219	FORCED FEE PATENT
	0576	JAMES HOUSEMAN	2221	FORCED FEE PATENT
	0577	MARY HOUSEMAN	2223	FORCED FEE PATENT
	0578	FRANK HOUSEMAN	2224	FORCED FEE PATENT
	0579	RACHEL MORRIS	2225	FORCED FEE PATENT
	0580	THOMAS JACKSON NO. 1	2229	FORCED FEE PATENT
	0581	JOSEPH BROWN NO. 1	2231	FORCED FEE PATENT
	0582	FRANCIS A. BROWN	2232	FORCED FEE PATENT
	0583	WESLEY BROWN	2233	FORCED FEE PATENT
	0584	WILLIAM CONWAY	2247	FORCED FEE PATENT
	0585	RACHEL CONWAY NO. 2	2247.5	FORCED FEE PATENT
	0586	PETER SMITH	2250	FORCED FEE PATENT
	0587	GEORGE BOSTWICK	2254	FORCED FEE PATENT
	0588	WILLIAM BOSTWICK	2255	FORCED FEE PATENT
	0589	JOHN BOSTWICK	2259	FORCED FEE PATENT
	0590	LEO BROWN	2261	FORCED FEE PATENT
	0591	WILLIAM BROWN	2262	FORCED FEE PATENT
	0592	VICTORIA BROWN	2263	FORCED FEE PATENT
	0593	JESSE J. BROWN	2269	FORCED FEE PATENT
	0594	CATHERINE G. BROWN	2270	FORCED FEE PATENT
	0595	MARGARET HOLK	2275	FORCED FEE PATENT
	0596	JOHN HINSBERGER	2277	FORCED FEE PATENT
	0597	MARY HINSBERGER	2278	FORCED FEE PATENT
	0598	XAVIER BILLEDEAUX	2284	FORCED FEE PATENT
	0599	CELINA BILLEDEAUX	2285	FORCED FEE PATENT
	0600	CHARLES BILLEDEAUX	2286	FORCED FEE PATENT
	0601	WARREN BILLEDEAUX	2287	FORCED FEE PATENT
	0602	GREELEY BILLEDEAUX	2288	FORCED FEE PATENT
	0603	MABEL BILLEDEAUX	2289	FORCED FEE PATENT
	0604	CELINA BILLEDEAUX NO. 2	2290	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0673	PHILIP BURD	2643	FORCED FEE PATENT
	0674	HENRY LABOEUFF	2645	FORCED FEE PATENT
	0675	MINNIE HENKEL BURNS	2653	FORCED FEE PATENT
	0676	EMEDY JUNEAU	2656	FORCED FEE PATENT
	0677	MARY TATSEY	32	FORCED FEE PATENT
	0678	MARY LAVARRO	38	FORCED FEE PATENT
	0679	MYLES RUNNING WOLF	41	FORCED FEE PATENT
	0680	GEORGE RUNNING WOLF	43	FORCED FEE PATENT
	0681	JAMES FASTBUFFALOWHORSE	45	FORCED FEE PATENT
	0682	PETER OLDROCK	69	FORCED FEE PATENT
	0683	ISABELLE STEWART	72	FORCED FEE PATENT
	0684	ELLEN WELCH	109	FORCED FEE PATENT
	0685	JACK VALLIE	117	FORCED FEE PATENT
	0686	JAMES VALLIE	118	FORCED FEE PATENT
	0687	THERESA BLACKROY	134	FORCED FEE PATENT
	0688	ROBERT BALDMAN	138A	FORCED FEE PATENT
	0689	BRIDGET SANDERVILLE	158	FORCED FEE PATENT
	0690	JOHN SANDERVILLE	161	FORCED FEE PATENT
	0691	MARY SANDERVILLE	163	FORCED FEE PATENT
	0692	WILLIAM SANDERVILLE	164	FORCED FEE PATENT
	0693	MARY MARCEAU	222	FORCED FEE PATENT
	0694	FRANCISCUS MARCEAU	222.5	FORCED FEE PATENT
	0695	JOHN MOUNTAINCHIEF	223	FORCED FEE PATENT
	0696	VINCENT SPOTTEDEAGLE	234	FORCED FEE PATENT
	0697	JOSEPH SPOTTEDEAGLE	236	FORCED FEE PATENT
	0698	ALEX FOX	248	FORCED FEE PATENT
	0699	GEORGE MADPLUME	276	FORCED FEE PATENT
	0700	HORACE J. CLARKE NO. 1	284	FORCED FEE PATENT
	0701	HORACE CLARK NO. 2	288.5	FORCED FEE PATENT
	0702	WANDINBACK SPOTTEDEAGLE	289	FORCED FEE PATENT
	0703	WILLIAM ROSE	318	FORCED FEE PATENT
	0704	IDA ROSE	323	FORCED FEE PATENT
	0705	MARTHA AIMSBACK	360	FORCED FEE PATENT
	0706	PETER TAILFEATHERS	367	FORCED FEE PATENT
	0707	THOMAS LAMEBEAR	370	FORCED FEE PATENT
	0708	CECILE BULLSHOE (THROMBLEY)	415	FORCED FEE PATENT
	0709	MARY PRAIRIECHICKENSHOE	427	FORCED FEE PATENT
	0710	LOUIS PRAIRIECHICKENSHOE	428	FORCED FEE PATENT
	0711	JACK DAYRIDER	450	FORCED FEE PATENT
	0712	CLARENCE AUSTIN	453	FORCED FEE PATENT
	0713	ALFRED TROMBLEY	496	FORCED FEE PATENT
	0714	IRENE SHOOTSANOTHER	500	FORCED FEE PATENT
	0715	JAMES EAGLE HEAD	514	FORCED FEE PATENT
	0716	ISABELLE TROMBLEY	530	FORCED FEE PATENT
	0717	BUFF,PETRI,ST.YOUNGRUNNINGCRANE	552	FORCED FEE PATENT
	0718	LOUISE EAGLERIBS	553	FORCED FEE PATENT
	0719	JOSEPH WOLVERINE	558	FORCED FEE PATENT
	0720	STELLA WIGHT GUN	570	FORCED FEE PATENT
	0721	JACK WIGHT GUN	573	FORCED FEE PATENT
	0722	CLARA HENAULT	590	FORCED FEE PATENT
	0723	MOSES HENAULT	598	FORCED FEE PATENT
	0724	THERESA HENAULT	599	FORCED FEE PATENT
	0725	NEW BREAST	604	FORCED FEE PATENT
	0726	MELVIN ROMSA	612	FORCED FEE PATENT
	0727	ELIZA HAGAN	618	FORCED FEE PATENT
	0728	FRANCIS X. GUARDIPEE	643	FORCED FEE PATENT
	0729	JOSEPH SPANISH	657	FORCED FEE PATENT
	0730	GEORGE PENDERGRASS	663	FORCED FEE PATENT
	0731	THEOPHILE PENDERGRESS	664	FORCED FEE PATENT
	0732	JOSEPH REEVIS	684	FORCED FEE PATENT
	0733	MARY OLDPERSON	691	FORCED FEE PATENT
	0734	ALICE MAIN	694	FORCED FEE PATENT
	0735	MARY MAIN	698	FORCED FEE PATENT
	0736	CECILE RIDER	704	FORCED FEE PATENT
	0737	SAM RIDER	704.5	FORCED FEE PATENT
	0738	JEANETTE AUDREY	718	FORCED FEE PATENT
	0739	KATE WOLFTAIL	726	FORCED FEE PATENT
	0740	AGNES WOLFTAIL	728	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0741	ANGELINE WOLF TAIL	729	FORCED FEE PATENT
	0742	FRANCES MORNINGPLUME	738	FORCED FEE PATENT
	0743	ABNER HALL (JOHNSON)	751	FORCED FEE PATENT
	0744	VICTOR CHIEFCOWARD	757	FORCED FEE PATENT
	0745	JEROME KENNERLY	773	FORCED FEE PATENT
	0746	VIRGINIA MORGAN	779	FORCED FEE PATENT
	0747	IRENE MORGAN	780	FORCED FEE PATENT
	0748	MARY TEESDALE	811	FORCED FEE PATENT
	0749	NORA THOMAS	818	FORCED FEE PATENT
	0750	LILLIE PRINCE	819	FORCED FEE PATENT
	0751	FELIX FLATTAIL	833	FORCED FEE PATENT
	0752	LUCY CADOTTE	849	FORCED FEE PATENT
	0753	HENRY MAGEE	862	FORCED FEE PATENT
	0754	EVA SHERMAN	877	FORCED FEE PATENT
	0755	ELIZA UHLING	878	FORCED FEE PATENT
	0756	MAGGIE RUSSELL	882	FORCED FEE PATENT
	0757	CECILE LITTLESSKUNK	883	FORCED FEE PATENT
	0758	JOSEPHINE BLACKFACE	885	FORCED FEE PATENT
	0759	HOLLERSATNIGHT CLEARSIP	889	FORCED FEE PATENT
	0760	MINKWOMAN RUNNINGRABBIT	903	FORCED FEE PATENT
	0761	WILLIAM BUFFALOHIDE	913	FORCED FEE PATENT
	0762	MARGARET YELLOWOWL	918	FORCED FEE PATENT
	0763	ANGELINE WOCHIEF	938.5	FORCED FEE PATENT
	0764	JOSEPH LITTLEPLUME	941	FORCED FEE PATENT
	0765	TALLOW MUDHEAD	955	FORCED FEE PATENT
	0766	MARYCOAT	964	FORCED FEE PATENT
	0767	FIRSTGUN HUNGRY	981	FORCED FEE PATENT
	0768	JOSEPH BERRYCHILD	998	FORCED FEE PATENT
	0769	PAUL OLDCHIEF	1013	FORCED FEE PATENT
	0770	THERESA OLDCHIEF	1015	FORCED FEE PATENT
	0771	JULIA MANYTAILFEATHER	1024	FORCED FEE PATENT
	0772	WALLACE NIGHTGUN	1040	FORCED FEE PATENT
	0773	MARTHA NIGHTGUN	1044	FORCED FEE PATENT
	0774	HUGH JACKSON	1051	FORCED FEE PATENT
	0775	MARY POWELL	1100	FORCED FEE PATENT
	0776	JAMES BIGTOP	1109	FORCED FEE PATENT
	0777	AGNES BIGTOP	1110	FORCED FEE PATENT
	0778	JOSEPHINE BIGTOP	1112	FORCED FEE PATENT
	0779	STRIKESINFRONT WOCHIEF	1113	FORCED FEE PATENT
	0780	GARRETT WHITE	1134	FORCED FEE PATENT
	0781	ANGUS MONROE	1137	FORCED FEE PATENT
	0782	AMELLA MUNROE	1145	FORCED FEE PATENT
	0783	ALICE MUNROE	1146	FORCED FEE PATENT
	0784	SARAH MUNROE	1147	FORCED FEE PATENT
	0785	CHARLES HIGGINS	1164	FORCED FEE PATENT
	0786	JOHN E. HIGGINS	1165	FORCED FEE PATENT
	0787	LONGTIMEGOODSUCCESSMANYWHITEHORSES	1175	FORCED FEE PATENT
	0788	BLANKETWOMAN WOLFEAGLE	1205	FORCED FEE PATENT
	0789	LUCY LITTLECOAL	1216.5	FORCED FEE PATENT
	0790	DAVID RIPLEY	1234	FORCED FEE PATENT
	0791	JOSEPH NEWROBE	1268	FORCED FEE PATENT
	0792	ALICE SHIELDS	1294	FORCED FEE PATENT
	0793	FISH	1295	FORCED FEE PATENT
	0794	WILLIAM CHAMPAGNE	1360.5	FORCED FEE PATENT
	0795	DAVID DUVALL	1363	FORCED FEE PATENT
	0796	CECILE MANYWHITEHORSE	1415	FORCED FEE PATENT
	0797	CHARLES CUTFINGER	1453	FORCED FEE PATENT
	0798	WINNEFRED UPHAM	1469	FORCED FEE PATENT
	0799	SUSAN SHERMAN	1501	FORCED FEE PATENT
	0800	ANNIE CLARY GELLERS	1509	FORCED FEE PATENT
	0801	CHARLES SHERMAN	1516	FORCED FEE PATENT
	0802	ANGELINE CONNOLLY	1592	FORCED FEE PATENT
	0803	GRINNELL MONROE	1644	FORCED FEE PATENT
	0804	GIFFORD MONROE	1646	FORCED FEE PATENT
	0805	IRENE RIDESATTHEDOOR	1657	FORCED FEE PATENT
	0806	ISABEL RIER	1661	FORCED FEE PATENT
	0807	JOHN VIELLE	1668	FORCED FEE PATENT
	0808	JOSEPHINE VIELLE	1676	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
051201	0809	CARRIE MONROE	1683	FORCED FEE PATENT
	0810	SHEEPWOMAN MEDICINEOWL	1691	FORCED FEE PATENT
	0811	JAMES STINGY	1700	FORCED FEE PATENT
	0812	LOUISE KIPP	1703	FORCED FEE PATENT
	0813	NANCY MERRIER	1713	FORCED FEE PATENT
	0814	SUSIE THOMAS	1718	FORCED FEE PATENT
	0815	JOSEPH BULLCHILD	1724	FORCED FEE PATENT
	0816	GEORGE BULLCHILD	1731	FORCED FEE PATENT
	0817	EMMA PABLO	1752	FORCED FEE PATENT
	0818	AGNES PABLO	1754	FORCED FEE PATENT
	0819	GEORGE PABLO NO. 2	1757	FORCED FEE PATENT
	0820	WILLIAM BEARCHILD	1760	FORCED FEE PATENT
	0821	RUSTY DUSTYBULL	1764	FORCED FEE PATENT
	0822	ANNIE POWELL NO. 2	1787.5	FORCED FEE PATENT
	0823	JESSEE POWELL	1789	FORCED FEE PATENT
	0824	MITCHELL PETERSON	1799	FORCED FEE PATENT
	0825	LIZZIE PETERSON	1801	FORCED FEE PATENT
	0826	CLARA PETERSON	1804	FORCED FEE PATENT
	0827	PHOEBE LAPAGE	1813	FORCED FEE PATENT
	0828	ANNE GALBREATH	1814	FORCED FEE PATENT
	0829	ALLEN PAISLEY	1818	FORCED FEE PATENT
	0830	MATTIE PAISLEY	1819	FORCED FEE PATENT
	0831	CHAUNCY PAISLEY	1820	FORCED FEE PATENT
	0832	NELLIE PAISLEY	1822	FORCED FEE PATENT
	0833	THOMAS DAVIS	1832	FORCED FEE PATENT
	0834	PEARL DAVIS	1833	FORCED FEE PATENT
	0835	JENNIE DEMOLFE	1840	FORCED FEE PATENT
	0836	CHARLES CONWAY	1846	FORCED FEE PATENT
	0837	PERRY SMITH	1853	FORCED FEE PATENT
	0838	GEORGE SMITH	1853.5	FORCED FEE PATENT
	0839	ANGELINE PERCIVAL	1854	FORCED FEE PATENT
	0840	FOREST BARLOW	1858	FORCED FEE PATENT
	0841	BERNICE PERCIVAL	1860	FORCED FEE PATENT
	0842	LOUIS BEARCHILD	1889	FORCED FEE PATENT
	0843	BENJAMAN BEARCHILD	1891	FORCED FEE PATENT
	0844	CECILE NANYHIDES	1913	FORCED FEE PATENT
	0845	MEDICINE BOSS RIBS	1942	FORCED FEE PATENT
	0846	EDWARD DOUBLERUNNER	1954	FORCED FEE PATENT
	0847	PAUL DOUBLERUNNER	1956	FORCED FEE PATENT
	0848	PETER OSLAR	2005	FORCED FEE PATENT
	0849	MARGARET GROUND	2031.5	FORCED FEE PATENT
	0850	WILLIAM J. KENNEDY	2050	FORCED FEE PATENT
	0851	LIZZIE KENNEDY	2052	FORCED FEE PATENT
	0852	EMMA COOPER	2061	FORCED FEE PATENT
	0853	CLARA LIVERMORE	2068	FORCED FEE PATENT
	0854	HELEN STUART	2072	FORCED FEE PATENT
	0855	FRED DELANEY	2092	FORCED FEE PATENT
	0856	RENA MARTIN	2128	FORCED FEE PATENT
	0857	ALFRED NORMAN	2159	FORCED FEE PATENT
	0858	ADELLA NORMAN	2160	FORCED FEE PATENT
	0859	MINNIE DOUGLAS	2162.5	FORCED FEE PATENT
	0860	FLORENCE DOUGLAS	2180	FORCED FEE PATENT
	0861	CHARLES GERARD	2194	FORCED FEE PATENT
	0862	LILLIE WAGNER	2197	FORCED FEE PATENT
	0863	THOMAS BURD	2213	FORCED FEE PATENT
	0864	MARY BURD	2214	FORCED FEE PATENT
	0865	ROSA BELLE NORRIS	2226	FORCED FEE PATENT
	0866	MARY NORRIS	2227	FORCED FEE PATENT
	0867	THOMAS JACKSON NO. 1	2229	FORCED FEE PATENT
	0868	THOMAS JACKSON NO. 2	2230	FORCED FEE PATENT
	0869	GEORGE CROSSGUNS	2239	FORCED FEE PATENT
	0870	BENJAMINE DEROCHE NO. 1	2241	FORCED FEE PATENT
	0871	SARAH BROWN NO. 1	2260	FORCED FEE PATENT
	0872	JOSEPH RUSSELL	2297	FORCED FEE PATENT
	0873	WILLIAM RUSSELL	2300	FORCED FEE PATENT
	0874	PAUL CALFLOOKING	2304	FORCED FEE PATENT
	0875	LUCY MONIGHT	2318	FORCED FEE PATENT
	0876	IRENE MONIGHT	2319	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
051201	0877	MARY KUKA	2323	FORCED FEE PATENT
	0878	MERREL KUKA	2325	FORCED FEE PATENT
	0879	JAMES FINEBULL	2351	FORCED FEE PATENT
	0880	FRANK GUARDIPEE	2372	FORCED FEE PATENT
	0881	JACK GUARDIPEE	2377	FORCED FEE PATENT
	0882	HERBERT HAWK	2379	FORCED FEE PATENT
	0883	IDA CADOTTE	2392	FORCED FEE PATENT
	0884	GUY WILLIAMSON	2404	FORCED FEE PATENT
	0885	MARY CORELL	2410	FORCED FEE PATENT
	0886	JAMES ARNOUX	2421	FORCED FEE PATENT
	0887	ANNA HOWARD	2450	FORCED FEE PATENT
	0888	ANNIE COBELL	2451	FORCED FEE PATENT
	0889	CLARENCE KING	2457	FORCED FEE PATENT
	0890	MARGUERITE KING	2458	FORCED FEE PATENT
	0891	ANNA WAGNER	2463	FORCED FEE PATENT
	0892	JOSEPH MCMULLEN	2467	FORCED FEE PATENT
	0893	MERLAND CRAWFORD	2470	FORCED FEE PATENT
	0894	EDWARD PAUL	2472	FORCED FEE PATENT
	0895	HEADINGOFF	2478	FORCED FEE PATENT
	0896	JERRY BUCKLEY	2480	FORCED FEE PATENT
	0897	JIMMIE POTTS	2492	FORCED FEE PATENT
	0898	GEORGE CALFTAIL	2501	FORCED FEE PATENT
	0899	CHARLES BLACKBOY	2571	FORCED FEE PATENT
	0900	ELLEN BULLSHOE	2604	FORCED FEE PATENT
	0901	EDITH MERCHANT	2613	FORCED FEE PATENT
	0902	IRVIN WREN	2617	FORCED FEE PATENT
	0903	BERNICE JOHNSON	2630	FORCED FEE PATENT
	0904	OLIVER PAUL	2635	FORCED FEE PATENT
	0905	WILLIE PAUL	2636	FORCED FEE PATENT
	0906	MARY ROBERTS	2642	FORCED FEE PATENT
	0907	AMY BULLCHILD	2647	FORCED FEE PATENT
	0908	VIOLET MARY ADAMS	2660	FORCED FEE PATENT
	0909	ARTHUR ALFRED BIRD	2783	FORCED FEE PATENT
	0910	JULIE CALFROBE	2797	FORCED FEE PATENT
	0911	HELEN THELMA CONWAY	2836	FORCED FEE PATENT
	0912	LYDIA ROSE GERARD	2911	FORCED FEE PATENT
	0913	GLADYS LUCERO	3069	FORCED FEE PATENT
	0914	THOMAS MCKAY	3114	FORCED FEE PATENT
	0915	JOHN MCKAY	3115	FORCED FEE PATENT
	0916	CARRIE BARBARA MONROE	3130	FORCED FEE PATENT
	0917	ERNEST LEONARD MUTCH	3174	FORCED FEE PATENT
	0918	FRANK SCIACCOTI	3306	FORCED FEE PATENT
	0919	LAVERNE STEELE	3349	FORCED FEE PATENT
	0920	DOROTHY STUART	3356	FORCED FEE PATENT
	0921	JAMES WILLIAM WELCH	3427	FORCED FEE PATENT
	0922	MARGARET SCHMIDT	1527	FORCED FEE PATENT
	0923	JAMES DOUGLAS NO. 2	2163	FORCED FEE PATENT
	0924	EMMA SHERMAN	2520	FORCED FEE PATENT
	0925	PHILIP BURD	2643	FORCED FEE PATENT
	0926	FRANCIS SPOTTED EAGLE	235	FORCED FEE PATENT
	0927	ALFRED SPEARSON	413	FORCED FEE PATENT
	0928	JOSEPH UPHAM (JOSEPH B. UPHAM)	1472	FORCED FEE PATENT
	0929	DOCTOR UPHAM (DONALD UPHAM)	1473	FORCED FEE PATENT
	0930	FRANK NORMAN	2161.5	FORCED FEE PATENT
	0931	ALFREDA LORRAINE MCKELVEY	2187.5	FORCED FEE PATENT
	0932	HARPER JOHNSON	2629	FORCED FEE PATENT
	0933	JEANNETTE RATTLER CHOATE	2810	FORCED FEE PATENT
	0934	GRANT MILTON	2980	FORCED FEE PATENT
	0935	BLACKFOOTWOMAN BIG LAKE	259	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0936	BLACKFOOTWOMAN BIG LAKE	259	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0937	GOODSUCCESS BIG LAKE	260.5	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0938	KILLFORNOTHING BITE	399	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0939	JACK COMES AT NIGHT	400	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0940	WILLIAM RUSSELL	402	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0941	MANYVICTORIES WHITEMAN(ROUTTIER)	422	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0942	LOUIS PRAIRIECHICKENSHOE	428	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0943	JULIA FASTBUFFALO HORSE	494	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0944	WILLIAM SHOOTSANOTHER	498	SECRETARIAL TRANSFERS-INHERITED INTERESTS

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
051201	1014	THOMAS MEDICINEBULL	I292-A	110-R ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	1014	THOMAS MEDICINEBULL	T292-A	110-B ROAD IN TRESPASS
	1015	CECILE MEDICINEBULL	T293-A	RP01-38 ROAD IN TRESPASS
	1016	HENRY MIREAR	294	GLACIER HEART BUTTE ROAD IN TRESPASS
	1017	LITTLEPETRIFIEDROCK RUNNINGCRANE	309-B	RP01-43 ROAD IN TRESPASS
	1018	CHARLES ROSE	315	RP01-38 ROAD IN TRESPASS
	1019	CHARLES ROSE	315	REAGAN ROAD IN TRESPASS
	1020	AGNES ROSE	316-A	RP01-36 ROAD IN TRESPASS
	1021	ANNA MEADE	T326	112 ROAD IN TRESPASS
	1022	ANNA MEADE	326	110-B ROAD IN TRESPASS
	1023	MARY HEAVYGUN	335-A	RP01-38 ROAD IN TRESPASS
	1024	MARY HEAVYGUN	335-A	RP01-38 ROAD IN TRESPASS
	1025	JACK HEAVYGUN	336-A	RP01-38 ROAD IN TRESPASS
	1026	WILLIAM HEAVYGUN	337-A	RP01-20 ROAD IN TRESPASS
	1027	WILLIAM HEAVYGUN	337	RP01-20 ROAD IN TRESPASS
	1028	JESSIE HEAVYGUN	338	RP01-20 ROAD IN TRESPASS
	1029	JESSIE HEAVYGUN	338-A	RP01-38 ROAD IN TRESPASS
	1030	OLDTOPFEATHERS	339	RP01-19 ROAD IN TRESPASS
	1031	BLACKSTRIPEDBACK OLDTOPFEATHERS	340	RP01-20 ROAD IN TRESPASS
	1032	LONECUT OLDTOPFEATHERS	342	RP01-20 ROAD IN TRESPASS
	1033	RAGGED OLDTOPFEATHERS	343	RP01-19 ROAD IN TRESPASS
	1034	AIMSBACK	358	109 ROAD IN TRESPASS
	1035	MINNIE AIMSBACK	359	109 ROAD IN TRESPASS
	1036	MARTHA AIMSBACK	360	110-A ROAD IN TRESPASS
	1037	MARTHA AIMSBACK	360	109 ROAD IN TRESPASS
	1038	THOMAS AIMSBACK	361	109 ROAD IN TRESPASS
	1039	MAGGIE AIMSBACK	362	110-B ROAD IN TRESPASS
	1040	CHARLES NIGHTGUN	377	110-B ROAD IN TRESPASS
	1041	GEORGE LONEHORN	T387-A	110(D) ROAD IN TRESPASS
	1042	MAGGIE COMESATNIGHT	398	110(D) ROAD IN TRESPASS
	1043	JACK COMESATNIGHT	400	112 ROAD IN TRESPASS
	1044	ISABEL MEADE	480	112 ROAD IN TRESPASS
	1045	JULIA FASTBUFFALOHORSE	494	PETERSON ROAD IN TRESPASS
	1046	WOVERINE	555	RP01-134 ROAD IN TRESPASS
	1047	WALKINGBACKWARDS WOLVERINE	556	RP01-134 ROAD IN TRESPASS
	1048	MARY WOLVERINE	559	RP01-20 ROAD IN TRESPASS
	1049	JACK WOLVERINE	561	116(C) ROAD IN TRESPASS
	1050	JOHN WOLVERINE	562	116(C) ROAD IN TRESPASS
	1051	JAMES WOLVERINE	563	116(C) ROAD IN TRESPASS
	1052	ALEXY QUADRUPEE	564	110-B ROAD IN TRESPASS
	1053	SURRENDERING CLIMBEYDEAR	578	RP01-19 ROAD IN TRESPASS
	1054	CHARLES CLIMBEYDEAR	587	RP01-22 ROAD IN TRESPASS
	1055	MAGGIE HENAULT	589	RP01-42 ROAD IN TRESPASS
	1056	MAGGIE HENAULT	590	RP01-43 ROAD IN TRESPASS
	1057	NELSON HENAULT	594	#116(C) ROAD IN TRESPASS
	1058	MARY HENAULT	595	#116(C) ROAD IN TRESPASS
	1059	PETER BEARLEGGINGS	596	#116(C) ROAD IN TRESPASS
	1060	MARY BEARLEGGINGS	597	#116(C) ROAD IN TRESPASS
	1061	JOHN EDWARDS	T626	RP01-42 ROAD IN TRESPASS
	1062	GEORGE EDWARDS	T630	RP01-42 ROAD IN TRESPASS
	1063	EDWARD GOBERT	656	NO.112 ROAD IN TRESPASS
	1064	HENRY LAHR	667	NO.112 ROAD IN TRESPASS
	1065	HENRY LAHR	667	#RP01-36 ROAD IN TRESPASS
	1066	MAUD LAHR	668	NO.112 ROAD IN TRESPASS
	1067	MAUD LAHR	668	#RP01-36 ROAD IN TRESPASS
	1068	ELOISE LAHR	669.5	NO.112 ROAD IN TRESPASS
	1069	CECILE REEVIS	T682	RP01-42 ROAD IN TRESPASS
	1070	LIZZIE MAIN	697	NO.112 ROAD IN TRESPASS
	1071	MARY RIDER	701A	RP01-9 ROAD IN TRESPASS
	1072	MARY RIDER	701A	REAGAN ROAD IN TRESPASS
	1073	JAMES RIDER	703	REAGAN ROAD IN TRESPASS
	1074	CECILE RIDER	704	RP01-9 ROAD IN TRESPASS
	1075	ROSE SNOOK	712	#RP01-36 ROAD IN TRESPASS
	1076	LAVINA HALL	749	#RP01-38 ROAD IN TRESPASS
	1077	ELSIE HALL	790	NO.110(D) ROAD IN TRESPASS
	1078	AGNES RIDEAU	768	#RP01-16 ROAD IN TRESPASS
	1079	BERT KENNEDY	771	#RP01-39 ROAD IN TRESPASS
	1080	ARTHUR WALTERS	824	RP01-42 ROAD IN TRESPASS
	1081	ARTHUR WALTERS	824	#116(C) ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	0945	NELLIE GOBERT	652	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0946	BEAVERHUMAN	677	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0947	MARY TEESDALE	811	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0948	MARY LITTLEPLUME	940	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0949	LOOKINGFORSMOKE	961	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0950	DIVINGATTHESHORE LOOKINGFORSMOKE	962	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0951	LUCY WESTWOLF (LUCILLE WESTWOLF)	1105 A	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0952	JOSEPH BUTTERFLY	1219	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0953	SAM MANYGUNS	1277	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0954	BLANKETUPMAN BIRDRATTLER	1308	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0955	WINNAMOROS	1310	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0956	MEDICINEBULL	1690	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0957	MEDICINEBULL	1690	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0958	SQUIRREL ARROWTOPKNOT	1733	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0959	JOHN KILLSACROSS THE WAY	1938	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0960	MARY ELL	2148	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0961	MARY MORRIS	2277	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0962	BENJAMIN HEROCHE	2345	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0963	JOHN WIPPERT	2396	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0964	COLLINS ANDERSON	2422	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0965	GEORGE RIGTOP	2449	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0966	MARY BADMARRIAGE	2690	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0967	VERONICA PEPION	3227	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0968	LAWRENCE RUNNINGWOLF	3280	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0969	MARY FLORENCE SCARRYMORE	3298	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0970	JOSEPH JAMES SCARRYMORE	3299	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0971	CECILE VIELLE #2 (GRANT)	3396	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0972	STELLA MARIE VIELLE	3398	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0973	FRANK WILLIAM WIPPERT	3440	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0974	MARY NELSON	610	FORCED FEE PATENT
	0975	LAURA VANSTEIN	720	FORCED FEE PATENT
	0976	WALTER MAGEE	861	FORCED FEE PATENT
	0977	LIZZIE VALLE	1144	FORCED FEE PATENT
	0978	MARGARET CHIEF	1772	FORCED FEE PATENT
	0979	SUSAN HARPER	1994	FORCED FEE PATENT
	0980	ALBERT PAUL	2448	FORCED FEE PATENT
	0981	NOBLE BENNETT	1500	FORCED FEE PATENT
	0983	LOUIS LAVARRO	39	NO.116(C) ROAD IN TRESPASS
	0984	UNDERBEAR FLINTSHOOTER	56	RP01-46 ROAD IN TRESPASS
	0985	MARY PRAIRIEDOG OLDROCK	70	PETERSON ROAD IN TRESPASS
	0986	CHESTER PEPION	76	RP01-20 ROAD IN TRESPASS
	0987	MARY OLLINGER	97	RP01-134 ROAD IN TRESPASS
	0988	MARY CAYTON	101	RP01-134 ROAD IN TRESPASS
	0989	MARY DAVIS	T102A	RP01-50 ROAD IN TRESPASS
	0990	LOUISE WALTERS	135	RP01-42 ROAD IN TRESPASS
	0991	ROSA MAREAU	141	RP01-20 ROAD IN TRESPASS
	0992	CHIPPINGTOODEEP NIGHTSHOOT	151	RP01-39 ROAD IN TRESPASS
	0993	JOSEPH NIGHTSHOOT	152	RP01-33 ROAD IN TRESPASS
	0994	HENRY NIGHTSHOOT	155	RP01-33 ROAD IN TRESPASS
	0995	RICHARD SANDERVILLE	156	RP01-49 ROAD IN TRESPASS
	0996	NELLIE SANDERVILLE	T158	RP01-11 ROAD IN TRESPASS
	0997	MARY NIGHTSHOOT	169	RP01-33 ROAD IN TRESPASS
	0998	LOUISE DOORSTAGRING	171	RP01-9 ROAD IN TRESPASS
	0999	LIZZIE MADPLUME	173	RP01-50 ROAD IN TRESPASS
	1000	FRANK CALFROBE	182	RP01-38 ROAD IN TRESPASS
	1001	JENNETTE CALFROBE	T183A	RP01-38 ROAD IN TRESPASS
	1002	ANNIE CALFROBE	185.5	RP01-43 ROAD IN TRESPASS
	1003	ROSA CALFROBE	190	RP01-49 ROAD IN TRESPASS
	1004	JOHN CALFROBE	T196C	RP01-49 ROAD IN TRESPASS
	1005	THOMAS STANDINGTALL	212	RP01-19 ROAD IN TRESPASS
	1006	CHARLES ABRAHAM MOUNTAINCHIEF	224A	NO.112 ROAD IN TRESPASS
	1007	DOUBLEFOUR SURECHIEF	227	NO.110B ROAD IN TRESPASS
	1008	HENRY BIGLAKE	256	RP01-39 ROAD IN TRESPASS
	1009	HENRY BIGLAKE	256	RP01-43 ROAD IN TRESPASS
	1010	MILLIE RIDLAKE	T284A	RP01-42 ROAD IN TRESPASS
	1011	MALCOLM CLARKE	286	RP01-20 ROAD IN TRESPASS
	1012	CHARDINGACROSS MEDICINEBULL	291	RP01-33 ROAD IN TRESPASS
	1013	CHARDINGACROSS MEDICINEBULL	T291	110-B ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	1150	RONTALK MANYWHITEHORSES	1314	GLACIER HEART BUTTE ROAD IN TRESPASS
	1151	MANYNECKLACES	1316	GLACIER HEART BUTTE ROAD IN TRESPASS
	1152	MEDICINESTAB	##P01-38	ROAD IN TRESPASS
	1153	JOSEPHINE WHITEOUTVER	#P01-42	ROAD IN TRESPASS
	1154	SWIMSUNDER	#P01-70	ROAD IN TRESPASS
	1155	JEANETTE GAMBLER	##P01-38	ROAD IN TRESPASS
	1156	MARY CHAMPAGNE	#P01-40	ROAD IN TRESPASS
	1157	DIFFERENTKILLS GREENGRASSBULL	#P01-2	ROAD IN TRESPASS
	1158	WHITEWEASEL RIDESBEHIND	#P01-40	ROAD IN TRESPASS
	1159	IRENE OSS	#P01-38	ROAD IN TRESPASS
	1160	KILLSAINTIGHT WHITEGRASS	#P01-53	ROAD IN TRESPASS
	1161	MARY WHITEGRASS	#P01-53	ROAD IN TRESPASS
	1162	JOSEPHINE WHITEGRASS	#P01-15	ROAD IN TRESPASS
	1163	SAM YOUNGMANNOCHANE	#P01-2	ROAD IN TRESPASS
	1164	SHORTROSE	#P01-2	ROAD IN TRESPASS
	1165	JOHN SHORTY	#P01-15	ROAD IN TRESPASS
	1166	MARY SHORTY	#P01-15	ROAD IN TRESPASS
	1167	JOHN EARRINGS	#P01-53	ROAD IN TRESPASS
	1168	JOHN EARRINGS	#P01-53	ROAD IN TRESPASS
	1169	GEORGE HEAVYRUNNER	#P01-15	ROAD IN TRESPASS
	1170	LOUISE COAT	#P01-40	ROAD IN TRESPASS
	1171	SUSAN SHERMAN	#P01-33	ROAD IN TRESPASS
	1172	ROBERT SHERMAN	#P01-33	ROAD IN TRESPASS
	1173	JOSEPH KIPP	#P01-37	ROAD IN TRESPASS
	1174	MATTIE BIRD	HIGGINS	ROAD IN TRESPASS
	1175	GEORGE PERRINE	#P01-39	ROAD IN TRESPASS
	1176	MINNIE PERRINE	#P01-39	ROAD IN TRESPASS
	1177	STELLA SAMPLES	HIGGINS	ROAD IN TRESPASS
	1178	MARY CONNALLY	593	PETERSON ROAD IN TRESPASS
	1179	LOUIS TROMBLEY	T1610A	112 ROAD IN TRESPASS
	1180	LOUIS TROMBLEY	16148	112 ROAD IN TRESPASS
	1181	LOUIS BURDEAU	1621	#P01-38 ROAD IN TRESPASS
	1182	CECILE VIELLE	1673	PETERSON ROAD IN TRESPASS
	1183	KILLSFIRST STINGY	AP1107-7-58	ROAD IN TRESPASS
	1184	JAMES STINGY	1700	112 ROAD IN TRESPASS
	1185	CECILE KIPP	1705	#P01-40 ROAD IN TRESPASS
	1186	ANNIE KIPP	1707	#P01-50 ROAD IN TRESPASS
	1187	GAMBLER	1758	1108 ROAD IN TRESPASS
	1188	CECILE GAMBLER	T1759	1108 ROAD IN TRESPASS
	1189	CECILE GAMBLER	17590	1108 ROAD IN TRESPASS
	1190	LOUISE DUSTYBULL	1763R	#P01-53 ROAD IN TRESPASS
	1191	JAMES FITZPATRICK	1782A	#P01-30 ROAD IN TRESPASS
	1192	HAZEL FITZPATRICK	1784	#P01-30 ROAD IN TRESPASS
	1193	HENRY POWELL	1788	#P01-19 ROAD IN TRESPASS
	1194	MAGGIE PETERSON	1796	#P01-12 ROAD IN TRESPASS
	1195	CHARLOTTE GOBERT	1837A	#P01-23 ROAD IN TRESPASS
	1196	MAUD GOBERT	T1838	#P01-23 ROAD IN TRESPASS
	1197	JENNIE DEMOLFE	1840	#P01-19 ROAD IN TRESPASS
	1198	MARY SMITH	1853.2	GLACIER HEART BUTTE ROAD IN TRESPASS
	1199	GEORGE SMITH	1853.5	GLACIER HEART BUTTE ROAD IN TRESPASS
	1200	DIVINGROUND	1862	#P01-134 ROAD IN TRESPASS
	1201	MELVIN BILLEDEAUX	NO110(D)	ROAD IN TRESPASS
	1202	THEO.HAMILTON	1874	NO112 ROAD IN TRESPASS
	1203	LOUIS MONROE	1898	#P01-20 ROAD IN TRESPASS
	1204	JOSEPH LAOTT	1904	#P01-40# ROAD IN TRESPASS
	1205	JAMES HOMEGUN	1920	REAGAN ROAD IN TRESPASS
	1206	JOSEPH HOMEGUN	1922	REAGAN ROAD IN TRESPASS
	1207	ISABEL HOMEGUN	1924	REAGAN ROAD IN TRESPASS
	1208	MARY MEDICETTE	1938	#P01-33# ROAD IN TRESPASS
	1209	CALVIN GILHAM	1945-A	CONNELLY ROAD IN TRESPASS
	1210	ANNIE ALLISON	#P01-39	ROAD IN TRESPASS
	1211	WILLIAM HAGERTY	NO131	ROAD IN TRESPASS
	1212	OTTIS KENNERLY	1997	LITTLE ROCK CROSSING ROAD IN TRESPASS
	1213	SINGS IN THE AIR	1999	PETERSON ROAD IN TRESPASS
	1214	THOMAS BEAR	2007	#P01-42 ROAD IN TRESPASS
	1215	ANNIE LAZYBOY	2008	AP1107-7-58 ROAD IN TRESPASS
	1216	BEARMEDICINE	2011	NO110(D) ROAD IN TRESPASS
	1217	RAGGEDWOMAN BEARMEDICINE	2012-A	##P01-33 ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	1062	LOUIS RANDALL	856.25	##P01-43 ROAD IN TRESPASS
	1063	LOUISE RANDALL	856.5	NO.1108 ROAD IN TRESPASS
	1064	HAZEL NEQUETTE	876	##P01-33 ROAD IN TRESPASS
	1065	RUNNING FISHER	895A	##P01-17 ROAD IN TRESPASS
	1066	JOHN RUNNING FISHER	T897A	##P01-17 ROAD IN TRESPASS
	1067	MAGGIE WIPESHISEYES	900A	##P01-38 ROAD IN TRESPASS
	1068	IRENE LITTLEDOG	905A	#P01-40 ROAD IN TRESPASS
	1069	RICHARD LITTLEDOG	T907B	##P01-40 ROAD IN TRESPASS
	1090	BUFFALOHIDE	911	P01-20 ROAD IN TRESPASS
	1091	BUFFALOHIDE	911A	##P01-38 ROAD IN TRESPASS
	1092	SPOTTED WOMAN BUFFALOHIDE	912A	##P01-38 ROAD IN TRESPASS
	1093	JOSEPH YELLOWOWL	921	NO.112 ROAD IN TRESPASS
	1094	JAMES WOOHIEF	T930A	NO.112 ROAD IN TRESPASS
	1095	HATTIE WOOHIEF	1937	#1164(C) ROAD IN TRESPASS
	1096	THOMAS LITTLEPLUME	952	GLACIER HEART BUTTE ROAD IN TRESPASS
	1097	VIRGINIA LA PLANT	967	##P01-31 ROAD IN TRESPASS
	1098	ANTOINE LEWIS	968	P01-8 ROAD IN TRESPASS
	1099	FRANCIS BAKER	972	##P01-48 ROAD IN TRESPASS
	1100	AGNES HUMARY	980.5	NO.112 ROAD IN TRESPASS
	1101	BLACKWEASEL	984	##P01-47 ROAD IN TRESPASS
	1102	MIDDLERIDER	989	P01-10 ROAD IN TRESPASS
	1103	KATE MORNINGSUN	1009	##P01-40 ROAD IN TRESPASS
	1104	HENRY MORNINGSUN	1010	##P01-40 ROAD IN TRESPASS
	1105	WALLACE WIGHTSUN	T1040	##P01-15 ROAD IN TRESPASS
	1106	JOSEPH STILLSMOKING	1054-B	##P01-47 ROAD IN TRESPASS
	1107	ANNIE STILLSMOKING	NO.116	ROAD IN TRESPASS
	1108	ALICE MATT	1062	##P01-25 ROAD IN TRESPASS
	1109	LENA MATT	1064	P01-50 ROAD IN TRESPASS
	1110	MELINDA WREN	1071	P01-20 ROAD IN TRESPASS
	1111	WILLIAM WREN	1074	#JOHNSON ROAD IN TRESPASS
	1112	WILLIAM WREN	1074-A	#JOHNSON ROAD IN TRESPASS
	1113	IDA WREN	1076	#P01-30 ROAD IN TRESPASS
	1114	GEORGIA WREN	1080.5	##P01-34 ROAD IN TRESPASS
	1115	ELLEN POWELL	1099	##P01-48 ROAD IN TRESPASS
	1116	ARTHUR WESTWOLF	1104	##P01-41 ROAD IN TRESPASS
	1117	JAMES WHITECALF	T1132A	#P01-134 ROAD IN TRESPASS
	1118	LOUISE WHITECALF	1133A	#P01-134 ROAD IN TRESPASS
	1119	LUCY DOGTAWINDIAN	1140	GLACIER HEART BUTTE ROAD IN TRESPASS
	1120	JOSEPH MONROE	1141A	##P01-48 ROAD IN TRESPASS
	1121	LITTLEDOG	1171A	REAGAN ROAD IN TRESPASS
	1122	ANNIE LITTLEDOG	1174A	REAGAN ROAD IN TRESPASS
	1123	LONGTIMEGOODSUCCESS MANYWHITEHORSES	1175A	REAGAN ROAD IN TRESPASS
	1124	BLANKETWOMAN HAIRYFACE	1194A	GLACIER HEART BUTTE ROAD IN TRESPASS
	1125	CROOKEDWOMANWOMAN HAIRYFACE	11968	GLACIER HEART BUTTE ROAD IN TRESPASS
	1126	KILLSAINTIGHT WOLFEAGLE	12068	GLACIER HEART BUTTE ROAD IN TRESPASS
	1127	ELMER BUTTERFLY	1217	P01-43 ROAD IN TRESPASS
	1128	JENNIE YOUNGMANCHIEF	1237.5	NO.112 ROAD IN TRESPASS
	1129	LONGTIMESLEEPING	1240	P01-20 ROAD IN TRESPASS
	1130	JOHN LONGTIMESLEEPING	1244	P01-20 ROAD IN TRESPASS
	1131	ROSA LONGTIMESLEEPING	1245	P01-20 ROAD IN TRESPASS
	1132	ROSE SPOTTED BEAR	1272	P01-46 ROAD IN TRESPASS
	1133	PHILLIP SPOTTED BEAR	1273	P01-46 ROAD IN TRESPASS
	1134	GEORGE SPOTTED BEAR	1274	P01-46 ROAD IN TRESPASS
	1135	KATE SPOTTED BEAR	1275	P01-46 ROAD IN TRESPASS
	1136	TIM MORIMMER	T1283	##P01-41 ROAD IN TRESPASS
	1137	TIM MORIMMER	T1283	NO.109 ROAD IN TRESPASS
	1138	JOHN MORIMMER	T1285	NO.109 ROAD IN TRESPASS
	1139	ELLEN LASTSTAR	1291	P01-43 ROAD IN TRESPASS
	1140	ELLEN LASTSTAR	1291A	GLACIER HEART BUTTE ROAD IN TRESPASS
	1141	THOMAS LASTSTAR	1292	P01-46 ROAD IN TRESPASS
	1142	CATHERINE BEARSHIELD	1293A	P01-43 ROAD IN TRESPASS
	1143	WILLIAM FISH	1294A	GLACIER HEART BUTTE ROAD IN TRESPASS
	1144	GOINGINLAST DRAGSBEHIND	1298	P01-46 ROAD IN TRESPASS
	1145	GOINGINLAST DRAGSBEHIND	1298	GLACIER HEART BUTTE ROAD IN TRESPASS
	1146	CECILE DOGTAWINDIAN	1302	GLACIER HEART BUTTE ROAD IN TRESPASS
	1147	RABBITTOLDWOMAN BIGSPRING	1312A	GLACIER HEART BUTTE ROAD IN TRESPASS
	1148	RABBITTOLDWOMAN BIGSPRING	1312A	#P01-9 ROAD IN TRESPASS
	1149	MOLLIE MANYWHITEHORSES	T1313A	GLACIER HEART BUTTE ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	1218	WILLIAM BEARMEDICINE	2013	NO110(D) ROAD IN TRESPASS
	1219	WILLIAM BEARMEDICINE	T2013	*RP01-17 ROAD IN TRESPASS
	1220	JOHN BEARMEDICINE	2014	RP01-33 ROAD IN TRESPASS
	1221	JOHN BEARMEDICINE	2014	APT107-7-5R ROAD IN TRESPASS
	1222	CECILE BEARMEDICINE	2015	NO110(D) ROAD IN TRESPASS
	1223	LOUISE BEARMEDICINE	2017	NO110(D) ROAD IN TRESPASS
	1224	MINNIE BEARMEDICINE	2019	NO110(D) ROAD IN TRESPASS
	1225	AMY GROUND	2029	*RP01-43 ROAD IN TRESPASS
	1226	SUSAN GROUND	2031	NO110-R ROAD IN TRESPASS
	1227	MARGARET GROUND	2031.5	NO110-R ROAD IN TRESPASS
	1228	CATCHESTWO	2037-A	NO112 ROAD IN TRESPASS
	1229	MARY TAKESGUN	2040-A	APT107-7-5R ROAD IN TRESPASS
	1230	CECILE TAKESGUN	2043-A	*RP01-37 ROAD IN TRESPASS
	1231	HARLAND MURPHY	T2065	RP01-42 ROAD IN TRESPASS
	1232	CHARLES DELANEY	T2089	*RP01-37 ROAD IN TRESPASS
	1233	SERAPHINE HAGAN	T2098	110-B ROAD IN TRESPASS
	1234	MARY NORMAN	2156	*RP01-25 ROAD IN TRESPASS
	1235	ADOLPH NORMAN	2158	*RP01-25 ROAD IN TRESPASS
	1236	ALFRED NORMAN	T2159	RP01-12 ROAD IN TRESPASS
	1237	ELIZABETH MCKELVEY	2186	RP01-12 ROAD IN TRESPASS
	1238	CHESTER WAGNER	2200	*RP01-13 ROAD IN TRESPASS
	1239	MARGARET DESCHAMPS	T2205	RP01-42 ROAD IN TRESPASS
	1240	EMMA SMITH	2208-C	*RP01-13 ROAD IN TRESPASS
	1241	EVELINE SMITH	2212-A	*RP01-13 ROAD IN TRESPASS
	1242	GEORGE HENKEL	2218	*RP01-19 ROAD IN TRESPASS
	1243	FRANCES GOODGUN	2228	RP01-10 ROAD IN TRESPASS
	1244	ALMA BROWN	T2237	*RP01-52 ROAD IN TRESPASS
	1245	CHARLES DEROCHE	2243-A	*RP01-25 ROAD IN TRESPASS
	1246	FRANK BOSTWICK	2251	*RP01-25 ROAD IN TRESPASS
	1247	ISABEL BOSTWICK	2258	*RP01-25 ROAD IN TRESPASS
	1248	SARAH BROWN	2260	*RP01-51 ROAD IN TRESPASS
	1249	VICTORIA BROWN	2263	*RP01-51 ROAD IN TRESPASS
	1250	ANGELINE BROWN	T2267	RP01-20 ROAD IN TRESPASS
	1251	AUGUSTUS HUNSBERGER	2282	137 ROAD IN TRESPASS
	1252	THEODORA HUNSBERGER	2283	137 ROAD IN TRESPASS
	1253	MARY MIDDLECHIEF	T2294	RP01-20 ROAD IN TRESPASS
	1254	ALICE MARTIN	2302-A	*RP01-36 ROAD IN TRESPASS
	1255	LORENZO WHITE	T2311	*RP01-16 ROAD IN TRESPASS
	1256	VICTORYBEFORETIME WARBONNET	2365	116(C) ROAD IN TRESPASS
	1257	JAMES WARBONNET	2366	116(C) ROAD IN TRESPASS
	1258	FRANK GUARDIPEE	2370	*RP01-40 ROAD IN TRESPASS
	1259	ELI GUARDIPEE	2373-A	116(C) ROAD IN TRESPASS
	1260	KATIE NEQUETTE	2393	*RP01-33 ROAD IN TRESPASS
	1261	MARTHA SANDERVILLE	2397	RP01-49 ROAD IN TRESPASS
	1262	MARGARET CROFF	2416	*RP01-31 ROAD IN TRESPASS
	1263	LAWRENCE RUNNINGWOLF	2419	*RP01-43 ROAD IN TRESPASS
	1264	THOMAS HARWOOD	2431	KEMMER ROAD IN TRESPASS
	1265	OLLIE CRAWFORD	2469	WELCH ROAD IN TRESPASS
	1266	AGNES CLARVE	2477	RP01-20 ROAD IN TRESPASS
	1267	PETER LEWIS	2497	RP01-12 ROAD IN TRESPASS
	1268	GEORGE HEAVYRUNNER	2505	*RP01-15 ROAD IN TRESPASS
	1269	IRVIN PETERSON	T2509	*RP01-26 ROAD IN TRESPASS
	1270	LEONA PAUL	T2512	*RP01-19 ROAD IN TRESPASS
	1271	GEORGE OLD ROCK	2533	PETERSON ROAD IN TRESPASS
	1272	ROSA LITTLEDOG	2537-A	REAGAN ROAD IN TRESPASS
	1273	MARY DEROCHE	2560	*RP01-25 ROAD IN TRESPASS
	1274	MARY THERESA MEADE	2569	112 ROAD IN TRESPASS
	1275	JOHN FISH	T2597	*RP01-39 ROAD IN TRESPASS
	1276	JOE FLATTAIL	T2606	*RP01-39 ROAD IN TRESPASS
	1277	CARL DUBRAY	2611	*RP01-28 ROAD IN TRESPASS
	1278	MARY BURDEAU	2615	*RP01-33 ROAD IN TRESPASS
	1279	LOUISE BURD	2640	WELCH ROAD IN TRESPASS
	1280	WILLIAM MCGOVERN FRAZIER	2657	*RP01-40 ROAD IN TRESPASS
	1281	VIOLET MARY ADAMS	T2660	RP01-20 ROAD IN TRESPASS
	1282	ELSIE VALENTINE ARNOUX	2680	PETERSON ROAD IN TRESPASS
	1283	CARROLL AUBREY	2687	JOHNSON ROAD IN TRESPASS
	1284	JOSEPHINE BAD OLD MAN	2694	RP01-134 ROAD IN TRESPASS
	1285	JOSEPHINE BAD OLD MAN	2694-I	RP01-134 ROAD IN TRESPASS

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	1286	MARTHA BAD OLD MAN	2695	REAGAN ROAD IN TRESPASS
	1287	MARY BEAR MEDICINE	2702	*RP01-33 ROAD IN TRESPASS
	1288	LAWRENCE HERBERT BERGER	2706	110-B ROAD IN TRESPASS
	1289	GRACE STELLA BERGER	2707	110-B ROAD IN TRESPASS
	1290	JOSEPH BIGREAVER	2708	RP01-42 ROAD IN TRESPASS
	1291	AGNES MORGAN BLEVENS	2741	*RP01-33 ROAD IN TRESPASS
	1292	MARY M BOY	2747	*RP01-19 ROAD IN TRESPASS
	1293	DOMINICIA BULLCALF	2762	RP01-42 ROAD IN TRESPASS
	1294	GEORGE JR BULLCHILD	2769	*RP01-31 ROAD IN TRESPASS
	1295	GEORGE JR BULLCHILD	2769-A	*RP01-31 ROAD IN TRESPASS
	1296	EARL BUTTERBAUGH	2789-A	*RP01-28 ROAD IN TRESPASS
	1297	JOHN CALFROBE	2794	*RP01-40 ROAD IN TRESPASS
	1298	SAMUEL CALFROBE	T2798	RP01-49 ROAD IN TRESPASS
	1299	STELLA CALFTAIL	T2799	RP01-42 ROAD IN TRESPASS
	1300	CATHERINE CHIEFALLOVER	2807	RP01-42 ROAD IN TRESPASS
	1301	MILDRED CHIEFALLOVER	2808	RP01-42 ROAD IN TRESPASS
	1302	MARTIN CHIEFALLOVER	2809-A	RP01-42 ROAD IN TRESPASS
	1303	ARNIE M CLARK	T2811	*RP01-33 ROAD IN TRESPASS
	1304	NORA CONNOLLY	2833	BRANVOLD ROAD IN TRESPASS
	1305	LOUISE CULBERTSON DARLING	2844	REAGAN ROAD IN TRESPASS
	1306	JOHN DEROCHE	2855	*RP01-23 ROAD IN TRESPASS
	1307	CECILE DOGTAKIMGGUN	2858	RP01-20 ROAD IN TRESPASS
	1308	LAURA DUNBAR	2867	116(C) ROAD IN TRESPASS
	1309	ANTHONY DUSTYBULL	2869	*RP01-27 ROAD IN TRESPASS
	1310	MARY EARRINGS	2873	REAGAN ROAD IN TRESPASS
	1311	VIRGINIA EDWARDS	2876	RP01-20 ROAD IN TRESPASS
	1312	VIRGINIA EDWARDS	2876	*RP01-31 ROAD IN TRESPASS
	1313	CHARLES EVERYBODY TALKS ABOUT	2883	RP01-42 ROAD IN TRESPASS
	1314	JOSEPHINE GAMBLER	2909	109 ROAD IN TRESPASS
	1315	HAZEL GERARD	T2910	*RP01-40 ROAD IN TRESPASS
	1316	HERBERT DANIEL GILHAM	2915-A	CONOLLY ROAD IN TRESPASS
	1317	HERBERT DANIEL GILHAM	2915-B	CONOLLY ROAD IN TRESPASS
	1318	ARBIE GROUND	T2930	RP01-42 ROAD IN TRESPASS
	1319	FRANCIS HEAVYRUNNER	2965	*RP01-15 ROAD IN TRESPASS
	1320	FRANCES IRVIN	2995	REAGAN ROAD IN TRESPASS
	1321	BERTRAND KENNERLY	3012	*RP01-29 ROAD IN TRESPASS
	1322	GENEVIEVE KIPP	3017	BRANVOLD ROAD IN TRESPASS
	1323	THOMAS LITTLEDOG	3052	*RP01-27 ROAD IN TRESPASS
	1324	THOMAS LITTLEDOG	3052	*RP01-40 ROAD IN TRESPASS
	1325	GERTRUME LUKIN	3072-A	*RP01-19 ROAD IN TRESPASS
	1326	FRANK MADPLUME	3082	RP01-50 ROAD IN TRESPASS
	1327	VICTOR MADPLUME	3083	RP01-50 ROAD IN TRESPASS
	1328	JOSEPHINE MADPLUME	3084	BRANVOLD ROAD IN TRESPASS
	1329	PAUL MANYHIDES	T3097	*RP01-15 ROAD IN TRESPASS
	1330	SUSAN CECILE MANYHIDES	T3099	*RP01-17 ROAD IN TRESPASS
	1331	DICK MORNINGGUN	3147-A	*RP01-38 ROAD IN TRESPASS
	1332	GREGORY ALLEN MORRIS	T3149	*RP01-43 ROAD IN TRESPASS
	1333	ROSE ANITA MURPHY	3168	*RP01-24 ROAD IN TRESPASS
	1334	ROBERT NEQUETTE	3177	*RP01-33 ROAD IN TRESPASS
	1335	BERTHA NIGHTGUN	3182	RP01-42 ROAD IN TRESPASS
	1336	WILLIAM OLD ROCK	3197	RP01-42 ROAD IN TRESPASS
	1337	JOSEPHINE OLD ROCK	3199	RP01-20 ROAD IN TRESPASS
	1338	MARIE ISABELL PIERRE	T3244	RP01-42 ROAD IN TRESPASS
	1339	MARIE ISABELL PIERRE	3244	RP01-50 ROAD IN TRESPASS
	1340	DEWEY ANTHONY RANDALL	3253	*RP01-43 ROAD IN TRESPASS
	1341	GEORGE RIDER	3262	131 ROAD IN TRESPASS
	1342	MARIAN RIDER	3263	131 ROAD IN TRESPASS
	1343	ALOYSIUS RIDES AT THE DOOR	3267	*RP01-21 ROAD IN TRESPASS
	1344	THERESA RUNNING CRANE	3278	RP01-42 ROAD IN TRESPASS
	1345	LAURA RUNNING WOLF	3279	RP01-20 ROAD IN TRESPASS
	1346	RICHARD RUNNING WOLF	3281	*116(C) ROAD IN TRESPASS
	1347	HORACE RUNNING WOLF	3282	*RP01-43 ROAD IN TRESPASS
	1348	GEORGE RUNNING WOLF	3284-A	*RP01-31 ROAD IN TRESPASS
	1349	PHILLIP SALWAY	3290	*RP01-43 ROAD IN TRESPASS
	1350	SAMUEL SALWAY	3291	*RP01-43 ROAD IN TRESPASS
	1351	EMILY LOUISE SAMPLES	3294-A	RP01-134 ROAD IN TRESPASS
	1352	JOSEPH SCARRY BOBE	3300	REAGAN ROAD IN TRESPASS
	1353	FLORENCE SCHILDT	T3302	RP01-20 ROAD IN TRESPASS

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C51201	1354	FRANK WOODROW SCIACCOTI	3306	NO.112 ROAD IN TRESPASS
	1355	LUCILLE SIMPSON	3315	PETERSON ROAD IN TRESPASS
	1356	MIKE SWIMS UNDER	3358-A	REAGAN ROAD IN TRESPASS
	1357	BEVERLY SWINGLEY	3362	*RP01-43 ROAD IN TRESPASS
	1358	MERLE SWINGLEY	T3363	*RP01-43 ROAD IN TRESPASS
	1359	MARGARET THOMAS	3381	RP01-20 ROAD IN TRESPASS
	1360	HELEN MARIE VIELLE	T3400	*RP01-43 ROAD IN TRESPASS
	1361	AGNES NORMAN WAGNER	3405	*RP01-15 ROAD IN TRESPASS
	1362	NADA CRESWELL WAGNER	3407	*RP01-17 ROAD IN TRESPASS
	1363	THOMAS FRANCIS WALL	T3409	RP01-20 ROAD IN TRESPASS
	1364	CORA WALTERS	3413	RP01-20 ROAD IN TRESPASS
	1365	JOSEPH WELLS	T3430	*RP01-16 ROAD IN TRESPASS
	1366	JENNIE WELLS	3431	*RP01-16 ROAD IN TRESPASS
	1367	JENNIE WELLS	T3431C	*RP01-16 ROAD IN TRESPASS
	1368	LORETTA MARIE WHITEFORD	3448	MELOY ROAD IN TRESPASS
	1369	ELEANOR MAY WILLIAMSON	3455	RP01-42 ROAD IN TRESPASS
	1370	MURRAY LEE WILLIAMSON	3456	*RP01-44 ROAD IN TRESPASS
	1371	JAMES THOMAS WILLIAMSON	3457	*RP01-44 ROAD IN TRESPASS
	1372	FRANCES BLOOD WOLF PLUME	T3461	GLACIER HEART BUTTE ROAD IN TRESPASS
	1373	MARY WOLVERINE	3464	NO.111A(C) ROAD IN TRESPASS
	1374	ANNIE WOLVERINE	3465	RP01-20 ROAD IN TRESPASS
	1375	JOSEPHINE WOLVERINE	3466	RP01-20 ROAD IN TRESPASS
	1376	ROBERT MORGAN	5012-A	BRANNTVILD ROAD IN TRESPASS
	1377	TRIBAL	5029-E	RP01-34 ROAD IN TRESPASS
	1378	TRIBAL	5040	*RP01-37 ROAD IN TRESPASS
	1379	TRIBAL	T5050	NO.112 ROAD IN TRESPASS
	1380	TRIBAL	T5054	*RP01-37 ROAD IN TRESPASS
	1381	TRIBAL	T5059	*RP01-38 ROAD IN TRESPASS
	1382	TRIBAL	5072	NO.112 ROAD IN TRESPASS
	1383	TRIBAL	5072	*RP01-39 ROAD IN TRESPASS
	1384	GARY W SMITH	5126	*RP01-13 ROAD IN TRESPASS
	1385	MERLIN CRAWFORD	5131	NO.109 ROAD IN TRESPASS
	1386	RODERICK PAISLEY	5152	*RP01-19 ROAD IN TRESPASS
	1387	TRIBAL	T5162	*RP01-43 ROAD IN TRESPASS
	1388	TRIBAL	T5163	RP01-20 ROAD IN TRESPASS
	1389	TRIBAL	T5164	*RP01-51 ROAD IN TRESPASS
	1390	TRIBAL	T5182	RP01-9 ROAD IN TRESPASS
	1391	TRIBAL	T5183	*RP01-41 ROAD IN TRESPASS
	1392	TRIBAL	TA0003	RP01-42 ROAD IN TRESPASS
	1393	TRIBAL	TA0009	RP01-20 ROAD IN TRESPASS
	1394	TRIBAL	TA0011	NO.112 ROAD IN TRESPASS
	1395	TRIBAL	TA0070	*RP01-16 ROAD IN TRESPASS
	1396	TRIBAL	TA0074	NO.110-B ROAD IN TRESPASS
	1397	TRIBAL	TA0082	NO.109 ROAD IN TRESPASS
	1398	TRIBAL	TA0099	*RP01-33 ROAD IN TRESPASS
	1399	TRIBAL	TA0100	NO.109 ROAD IN TRESPASS
	1400	TRIBAL	TA0140	NO.102 ROAD IN TRESPASS
	1401	TRIBAL	TA0142	*RP01-34 ROAD IN TRESPASS
	1402	TRIBAL	TRIBAL	112 ROAD IN TRESPASS
	1403	TRIBAL	TRIBAL	75-1 ROAD IN TRESPASS
	1404	TRIBAL	TRIBAL	APT 127-8-59 ROAD IN TRESPASS
	1405	TRIBAL	TRIBAL	RP01-42 ROAD IN TRESPASS
	1406	TRIBAL	TRIBAL	110(D) ROAD IN TRESPASS
	1407	TRIBAL	TRIBAL	RP01-39 ROAD IN TRESPASS
	1408	TRIBAL	TRIBAL	*RP01-39 ROAD IN TRESPASS
	1409	TRIBAL	TRIBAL	WEST REFINING CO. ROAD IN TRESPASS
	1410	TRIBAL	N/A	TAXES ON OIL & GAS LEASES
C52202	0010	JUANITA STANDOVERROLL MORNING	N/A	TRUST PRPTY.LOST FOR NON-PAY OF TAXES
	0015	CREDRICK GEISDORF	2334	SALE OF DEC. MINORS ALLOT. TO NON-INDIAN
	0016	CLARA WHITECHIP	1407	QUESTIONS WILL OF ALLOTEE
	0018	SAMPSON BIRDINGROUND	3303	TRESPASS BY MT BELL ON ALLOTS LAND
	0019	TRIBE	N/A	QUESTIONS RENEGOTIATION OF O&G CONTRACT
	0020	HAROLD MALE BEAR	3454	NON-PAY OF DAMAGES BY PEABODY COAL CO.
	0021	SANDRA STRAYCALF GRANT	170	INVOLVES ROAD IN TRESPASS ACROSS ALLOT.'S LAND
	0022	CLARENCE L STEVENS	1256	FEE LAND IN TRUST ESTATE OF ALLOTEE
	0023	MARGIET LEIDER LITTLE OWL	2533	INVOLVES GRAZING TRESPASS-ALLOT.2531
	0024	JOANNA SAGE STORES	797	QUESTIONS DISTRIBUTION OF ESTATE
	0025	JOANNA SAGE STORES	TM1842	QUESTIONS DISTRIBUT.OF ESTATE

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C52202	0028	ALICE GOODLUCK	502	QUESTIONS LEGALITY OF LEASE RENEWAL
	0033	BENEDICT JEFFERSON	1503	QUESTIONS NEGOTIATED LEASE
	0034	CARL LEIDER[1]&KATIE LEIDER	1221	CONDEMNATION & TIMBER RIGHTS
	0035	HARRIET LEIDER LITTLE OWL	2839	COMPENSATION FOR CONDEMNATION OF ALLOT.
	0036	GEORGE TAKES GUN	2442	QUESTIONS RO.BUILT ON OLD R.R. R.O.W.
	0038	WHITEARM	1495	QUESTIONS ABOUT TRIBAL CEMETERY
	0040	TRIBE	TRIBAL	O&G LEASE BETWEEN TRIBE & MCDERMOTT CO.
	0042	BEN PEASE	3932	QUESTION PIPELINE R.O.W.
	0046	WINONA YELLOWTAIL	832	TRESPASS BY R.R.SNOW FENCES
	0047	BULL WEASEL	1448	QUESTIONS VALIDITY OF WILL
	0048	PLAYS WITH HIMSELF	1725	QUESTIONS ON DISTRIBUT.OF WILL
	0049	JOHN FIGHTS WELL KNOWN	2766	QUESTIONS DISTRIBUT.OF WILL
	0050	CROW TRIBE	N/A	107TH BOUNDARY DISPUTE
	0052	SHELL CHILD	925	OLD AGE ASSISTANCE
	0053	TAKES ENEMY	1	OLD AGE ASSISTANCE
	0054	LUCY WILL TURNSBACKPLENTY	1831	OLD AGE ASSISTANCE
	0055	ELKIN STANDSOVERHILL	2114	OLD AGE ASSISTANCE
	0056	JOSEPHINE GOODHORSE HILL	282	OLD AGE ASSISTANCE
	0057	OTTO BEARCLOUD	1542	OLD AGE ASSISTANCE
	0058	JOSEPHINE SHANE WHITECLOUD BEARGRD	170	OLD AGE ASSISTANCE
	0059	OLIVER LIONSHOWS	1892	OLD AGE ASSISTANCE
	0060	ROSE DREAMER BEARCLOUD	2234	OLD AGE ASSISTANCE
	0061	CHARLES ROBINSON	347	OLD AGE ASSISTANCE
	0062	OLIVER RECORDBLADE VENNE	99	OLD AGE ASSISTANCE
	0063	WILLIAM SHANCE	155	OLD AGE ASSISTANCE
	0064	AUSTIN LIONSHOWS	2190	OLD AGE ASSISTANCE
	0065	DORA RECORD WHITMAN	98	OLD AGE ASSISTANCE
	0066	STANLEY RIDESHORSE	1763	OLD AGE ASSISTANCE
	0067	TAKESHORSEONTHEPRAIRIE	2070	OLD AGE ASSISTANCE
	0068	WOMANUNTOPOFTHEMOUNTAIN	1087	OLD AGE ASSISTANCE
	0069	BERNARD OLDCOYOTE	2031	OLD AGE ASSISTANCE
	0070	YELLOWARROW	1310	OLD AGE ASSISTANCE
	0071	BEATRICE SAGO	592	OLD AGE ASSISTANCE
	0072	RALPH SAGO	591	OLD AGE ASSISTANCE
	0073	WESLEY WILLKINS	146	OLD AGE ASSISTANCE
	0074	OLD MEDICINE COYOTE	2030	OLD AGE ASSISTANCE
	0075	THE WOMANMEDICINETOP	574	OLD AGE ASSISTANCE
	0076	JACOB WOODTICK	2362	OLD AGE ASSISTANCE
	0077	JACKSON STWART	966	OLD AGE ASSISTANCE
	0078	SARAH W. PEASE	1317	OLD AGE ASSISTANCE
	0079	PLAYS WITH HIMSELF	1225	OLD AGE ASSISTANCE
	0080	FRANK BETHUNE	2202	OLD AGE ASSISTANCE
	0081	OLD CROW	468	OLD AGE ASSISTANCE
	0082	MOUNTAIN SHEEP	1091	OLD AGE ASSISTANCE
	0083	JOSEPHINE LAFORGE	1254	OLD AGE ASSISTANCE
	0084	KATIE DREAMER LONGEPOLE	194	OLD AGE ASSISTANCE
	0085	ROSE PETERS	1289	OLD AGE ASSISTANCE
	0086	GETS DOWN	2029	OLD AGE ASSISTANCE
	0087	PLENTY HAWK	1747	OLD AGE ASSISTANCE
	0088	HARVEY RITLAKE	4021	OLD AGE ASSISTANCE
	0089	HARRY MEDICINE ROCK ABOVE	1798	OLD AGE ASSISTANCE
	0090	GEORGE PEASE	1323	QUESTIONS ISSUANCE OF FEE PATENT
	0091	WALLACE PEASE	N/A	TAKE OF TRAILER PURCHASE.WITH TRUST $
	0098	MARTIN SPOTTED HORSE	1334	QUESTIONS LAND CONVEY.&A DWELL.HOUSE
	0102	CROW TRIBE	N/A	QUESTIONS OPERAT.OF IRRIGAT.PROJECT
	0103	CROW TRIBE	N/A	COMPENSA.TO CROW TRIBE FOR HARDIN
	0105	JOE&NELLIE MOUNTAIN POCKET	465	VALIDITY OF LEASE ON ALLOT.S
	0107	WILLIAM STEAL BEAR	1031	ERRORS IN MINERAL RESERVATIONS
	0108	FRANCIS LAFORGE	1256	ERROR IN MINERAL RESERVATIONS
	0109	ALICE ROBINSON	351	FORCED FEE PATENT
	0110	ALICE CASHEN	2280	FORCED FEE PATENT
	0111	MARY TAKES GUN	43	FORCED FEE PATENT
	0112	MARGARET PICKETT	89	FORCED FEE PATENT
	0113	GEORGE THOMAS	94	FORCED FEE PATENT
	0114	DORA RECORD	98	FORCED FEE PATENT
	0115	ELLEN JACKSON	148	FORCED FEE PATENT
	0116	PATRICK C. SHANE	153	FORCED FEE PATENT
	0117	WILLIAM SHANE	155	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C52202	0181	JONATHAN TAKES GUN	44	FORCED FEE PATENT

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C52202	0118	EDWARD SHANE	154	FORCED FEE PATENT
	0119	JOSEPHINE SHANE	170 A	FORCED FEE PATENT
	0120	LIBBIE CHILD	337 A	FORCED FEE PATENT
	0121	CHARLES ROBINSON	347	FORCED FEE PATENT
	0122	JAMES ROBINSON	349	FORCED FEE PATENT
	0123	HENRY KIRK MAGER	375	FORCED FEE PATENT
	0124	THOMAS GARDNER	544	FORCED FEE PATENT
	0125	FRANK GARDNER	545	FORCED FEE PATENT
	0126	THOMAS ADA LAFORGE	687	FORCED FEE PATENT
	0127	BEN GARDNER	734	FORCED FEE PATENT
	0128	RICHARD CUMMINGS	907	FORCED FEE PATENT
	0129	EMA SCOTT	949	FORCED FEE PATENT
	0130	PEARL SCOTT	950	FORCED FEE PATENT
	0131	LOUIS BOMBARD	985	FORCED FEE PATENT
	0132	THOMAS STEWART	1018	FORCED FEE PATENT
	0133	PHOEBE ALDEN	1056	FORCED FEE PATENT
	0134	HATTIE SUCHER	1067	FORCED FEE PATENT
	0135	DEXTER WILLIAMSON	1162	FORCED FEE PATENT
	0136	JAMES LAFORGE	1253	FORCED FEE PATENT
	0137	JOSEPHINE LAFORGE	1254	FORCED FEE PATENT
	0138	KENT STEVENSON	1260	FORCED FEE PATENT
	0139	GEORGE PETERS	1293	FORCED FEE PATENT
	0140	GEORGE PEASE JR.	1323	FORCED FEE PATENT
	0141	JAMES BLAINE	1405	FORCED FEE PATENT
	0142	CHARLES WHITE	1444	FORCED FEE PATENT
	0143	MARY TOWNSEND	1565	FORCED FEE PATENT
	0144	FRED TOWNSEND	1566	FORCED FEE PATENT
	0145	FLORANCE DOYLE	1659	FORCED FEE PATENT
	0146	JENNIE DEPUTEE	1664	FORCED FEE PATENT
	0147	FLORA DEPUTEE	1665	FORCED FEE PATENT
	0148	KATIE STEWART	1694	FORCED FEE PATENT
	0149	GILBERT SCOTT	1766	FORCED FEE PATENT
	0150	JOSEPH HILL	1833	FORCED FEE PATENT
	0151	ELLA FARWELL OLDCRANE	1957	FORCED FEE PATENT
	0152	CHARLES CLAWSON	2066	FORCED FEE PATENT
	0153	EMMA PHELPS	2173	FORCED FEE PATENT
	0154	MARY HUMPHREY	2204	FORCED FEE PATENT
	0155	ELLA CASHEN BOMBO	2281	FORCED FEE PATENT
	0156	HANNAH MORRISON	2300	FORCED FEE PATENT
	0157	FRANK BETHUNE	2303	FORCED FEE PATENT
	0158	SMOKEY (CHARLES) WILSON	2309	FORCED FEE PATENT
	0159	CHARLES BROWN	2331	FORCED FEE PATENT
	0160	FLORANCE GEISDORFF	2334	FORCED FEE PATENT
	0161	FRANCES GEISDORFF	2335	FORCED FEE PATENT
	0162	ALVIN MORRISON	2348	FORCED FEE PATENT
	0163	GUT L HECKTNLIVELY	2374	FORCED FEE PATENT
	0164	JOSEPHINE WHITE	2381	FORCED FEE PATENT
	0165	TAKES ENEMY	1	FORCED FEE PATENT
	0166	TAKES QUICK TAKES ENEMY	2	FORCED FEE PATENT
	0167	RIVER CROW	3	FORCED FEE PATENT
	0168	NOT ALFRED FORT	4	FORCED FEE PATENT
	0169	EUGENIA LOOKSBACK	5	FORCED FEE PATENT
	0170	STRIKES NECKLACE YELLOWHEAD	6	FORCED FEE PATENT
	0171	THE FLY	7	FORCED FEE PATENT
	0172	RUTH FLY	8	FORCED FEE PATENT
	0173	MART MICHAUX	13	FORCED FEE PATENT
	0174	THE BOY	14	FORCED FEE PATENT
	0175	BUFFALO CALF	15	FORCED FEE PATENT
	0176	KILLS SIX MEN BLACKBIRD	17	FORCED FEE PATENT
	0177	MINT (MACHSOS)	18	FORCED FEE PATENT
	0178	MILLER BIG MEDICINE	20	FORCED FEE PATENT
	0179	DIGS WELL KNOWN	22	FORCED FEE PATENT
	0180	WOMAN CHIEF	25	FORCED FEE PATENT
	0181	GOES AHEAD EAGLE	27	FORCED FEE PATENT
	0182	STRIKES THE MAD ONE	30	FORCED FEE PATENT
	0183	WANTS GOING LITTLE IRON	36	FORCED FEE PATENT
	0184	OGDEN LITTLE IRON	37	FORCED FEE PATENT
	[illegible]	BOY GRABS	38	FORCED FEE PATENT

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C52202	018A	JONATHAN TAKES GUN	46	FORCED FEE PATENT
	0187	SINGS AROUND THE HOOP SHELL-NECK	48	FORCED FEE PATENT
	0188	STRIKES THE CHIEF	49	FORCED FEE PATENT
	0189	WHITE DOG	50	FORCED FEE PATENT
	0190	GIVES AWAY WHITE BUFFALO	51	FORCED FEE PATENT
	0191	HOLDS HIS TAIL	52	FORCED FEE PATENT
	0192	MEDICINE SNAKE	53	FORCED FEE PATENT
	0193	FIREBIRD	56	FORCED FEE PATENT
	0194	KILLS ONE WOMAN	57	FORCED FEE PATENT
	0195	BIG WOMAN	58	FORCED FEE PATENT
	0196	SITS DOWN WELL KNOWN YELLOW WOLF	61	FORCED FEE PATENT
	0197	JUMPS OVER BLACKHAIR	67	FORCED FEE PATENT
	0198	LEGGINS STRINGS	69	FORCED FEE PATENT
	0199	STRIKES THE SHELL ON THE NECK	70	FORCED FEE PATENT
	0200	HAT ABOVE	71	FORCED FEE PATENT
	0201	DIGGING ROOTS	72	FORCED FEE PATENT
	0202	STRIKES THE IRON	73	FORCED FEE PATENT
	0203	KNOWS TO TAKE A HORSE	74	FORCED FEE PATENT
	0204	FEMALE WOLF	80	FORCED FEE PATENT
	0205	CROOKED FACE EASTOSH	84	FORCED FEE PATENT
	0206	WILLIAM C. PICKETT	88	FORCED FEE PATENT
	0207	BERTHA SHEEP	91	FORCED FEE PATENT
	0208	SITS IN THE MIDDLE	93	FORCED FEE PATENT
	0209	OLIVE RECORD BLADE	99	FORCED FEE PATENT
	0210	CHARLES RECORD BLADE	100	FORCED FEE PATENT
	0211	JAMES HILL	101	FORCED FEE PATENT
	0212	TWO BARRELLED GUN	110	FORCED FEE PATENT
	0213	FIREHEART	107	FORCED FEE PATENT
	0214	MONTANA BETHUNE	125	FORCED FEE PATENT
	0215	SHOWS THE PIPE	132	FORCED FEE PATENT
	0216	HENRY STRONG	139	FORCED FEE PATENT
	0217	HOWARD REDSHIRT	148	FORCED FEE PATENT
	0218	SEES-IN-A-DAY	158	FORCED FEE PATENT
	0219	SHORTBULL	162	FORCED FEE PATENT
	0220	ELIZABETH HOWE	2808	FORCED FEE PATENT
	0221	GRACE LONG	165	FORCED FEE PATENT
	0222	ESTELLA LONG	166	FORCED FEE PATENT
	0223	IVAN LONG	167	FORCED FEE PATENT
	0224	STRIKES THE TOP	187	FORCED FEE PATENT
	0225	BLANE	193	FORCED FEE PATENT
	0226	STAYS-WITH-HER-MEDICINE ROCK	194	FORCED FEE PATENT
	0227	THE ROOT	195	FORCED FEE PATENT
	0228	LOOKS AT THE RISING SUN	196	FORCED FEE PATENT
	0229	MAKES HIS FORS TOP	197	FORCED FEE PATENT
	0230	IRON SHIELD	198	FORCED FEE PATENT
	0231	STRIKES THE ONE RIDING A HORSE	212	FORCED FEE PATENT
	0232	MOLLIE TWO BELLY	215	FORCED FEE PATENT
	0233	CORA SHIELD CHIEF	224	FORCED FEE PATENT
	0234	HIGHFISH	228	FORCED FEE PATENT
	0235	JESSIE CLOUD	249	FORCED FEE PATENT
	0236	KNOWS HER SCALP	253	FORCED FEE PATENT
	0237	ANGELA BULLHORSE	255	FORCED FEE PATENT
	0238	STRIKES ONE WITH A LANCE SUGAR	272	FORCED FEE PATENT
	0239	PAULINE GOODHORSE	284	FORCED FEE PATENT
	0240	PAUL CROOKEDFACE	292	FORCED FEE PATENT
	0241	DUMMY (EDIVEA)	304	FORCED FEE PATENT
	0242	EVA GUN	309	FORCED FEE PATENT
	0243	KILLS HIS GOOSE GUN	310	FORCED FEE PATENT
	0244	AMOS SPOTTED	312	FORCED FEE PATENT
	0245	VIRGINIA SPOTTED	313	FORCED FEE PATENT
	0246	CRAZY PEN D'OREILLE	317	FORCED FEE PATENT
	0247	ALEXANDER UPSHAW	319	FORCED FEE PATENT
	0248	SWAMP FLAG	320	FORCED FEE PATENT
	0249	ELI BLACKHAWK	321	FORCED FEE PATENT
	0250	STAR BLACKHAWK	322	FORCED FEE PATENT
	0251	BLACKHAWK	324	FORCED FEE PATENT
	0252	THE WOLF	328	FORCED FEE PATENT
	0253	GUN THAT SINGS	329	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C52202	0254	CUT LIP	331	FORCED FEE PATENT
	0255	IRVIN BIRD ABOVE	336	FORCED FEE PATENT
	0256	MARY K. REED	341	FORCED FEE PATENT
	0257	JACOB COMES FROM ABOVE	342	FORCED FEE PATENT
	0258	PRETTY TAIL	344	FORCED FEE PATENT
	0259	ONE CHILD WOMAN	345	FORCED FEE PATENT
	0260	ELLEN ROBINSON	348	FORCED FEE PATENT
	0261	ALLEN ROBINSON	350	FORCED FEE PATENT
	0262	RIDES HER SORREL HORSE	356	FORCED FEE PATENT
	0263	SOUND OF THE GUN	357	FORCED FEE PATENT
	0264	LIGHT COLORED MAN	358	FORCED FEE PATENT
	0265	LUCY HAWK SHIVELY	362	FORCED FEE PATENT
	0266	LITTLE LIGHT	363	FORCED FEE PATENT
	0267	STANDS AMONG	365	FORCED FEE PATENT
	0268	KILLS AT NIGHT STANDS AMONG	366	FORCED FEE PATENT
	0269	HIS HELLS	368	FORCED FEE PATENT
	0270	ROBERT A. PICKETT	371	FORCED FEE PATENT
	0271	HENRY KIRK MACER	375	FORCED FEE PATENT
	0272	FRANK KEISER	378	FORCED FEE PATENT
	0273	CALF THAT STRAYS	384	FORCED FEE PATENT
	0274	MRS. EDWARD REED	385	FORCED FEE PATENT
	0275	CORDELIA REED	387	FORCED FEE PATENT
	0276	NELLIE REED	388	FORCED FEE PATENT
	0277	CORA WILLIAMS SCHROEDER	393	FORCED FEE PATENT
	0278	TAKES THE LANCE	404	FORCED FEE PATENT
	0279	WELL KNOWN LANCE	406	FORCED FEE PATENT
	0280	YELLOW HOOSE	407	FORCED FEE PATENT
	0281	OLD WOLF	409	FORCED FEE PATENT
	0282	LONG NECK ANTELOPE CAP	411	FORCED FEE PATENT
	0283	SITS BEFORE A CLOUD	412	FORCED FEE PATENT
	0284	ROOT DIGGER	413	FORCED FEE PATENT
	0285	WOLF WOMAN	414	FORCED FEE PATENT
	0286	POOR ASSINNABOINE	418	FORCED FEE PATENT
	0287	LUCY HORN	422	FORCED FEE PATENT
	0288	WHITE GOOSE	423	FORCED FEE PATENT
	0289	HOLDS HER ENEMY	445	FORCED FEE PATENT
	0290	BRINGS PRETTY HORSES	446	FORCED FEE PATENT
	0291	DAVIS HOGDON	447	FORCED FEE PATENT
	0292	JOE M. MOUNTAIN POCKET	466	FORCED FEE PATENT
	0293	HENRY REED	484	FORCED FEE PATENT
	0294	WHITE MOUTH	495	FORCED FEE PATENT
	0295	ANGILA BRASS	500	FORCED FEE PATENT
	0296	JAMES BUFFALO	505	FORCED FEE PATENT
	0297	COO CHIEF	516	FORCED FEE PATENT
	0298	FLORENCE COO CHIEF	518	FORCED FEE PATENT
	0299	SHARP NOSE	531	FORCED FEE PATENT
	0300	STRIKES THREE	541	FORCED FEE PATENT
	0301	BEAR IN THE MOUNTAIN	555	FORCED FEE PATENT
	0302	PHILIP EAGLE TURNS	559	FORCED FEE PATENT
	0303	PHILIP AMONG FOG	568	FORCED FEE PATENT
	0304	THE MOUNTAIN	576	FORCED FEE PATENT
	0305	GOES TO DIG ROOTS	581	FORCED FEE PATENT
	0306	PLENTY BEAR	589	FORCED FEE PATENT
	0307	BIRD WOMAN	595	FORCED FEE PATENT
	0308	ERIC BIRDABOVE	607	FORCED FEE PATENT
	0309	JAMES HILL	609	FORCED FEE PATENT
	0310	ANTHONY FIVE	615	FORCED FEE PATENT
	0311	MEDICINE ROCK BIRDHORSE	618	FORCED FEE PATENT
	0312	JAMES PIEGAN	621	FORCED FEE PATENT
	0313	BLACKWOMAN PIEGAN	622	FORCED FEE PATENT
	0314	JAMES PIEGAN	623	FORCED FEE PATENT
	0315	KNOT BETWEEN THE EYES	624	FORCED FEE PATENT
	0316	KATE ADAMS	626	FORCED FEE PATENT
	0317	PLENTY HORSE	627	FORCED FEE PATENT
	0318	SITS WITH A STAR BADBOY	629	FORCED FEE PATENT
	0319	TEN BEAR	642	FORCED FEE PATENT
	0320	TAKES A PISTOL TEN BEAR	643	FORCED FEE PATENT
	0321	HIS COOS	646	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C52202	0322	ROUND	647	FORCED FEE PATENT
	0323	LEADS THE CAMP PRETTY BIGHAIR	652	FORCED FEE PATENT
	0324	MORNING STAR	661	FORCED FEE PATENT
	0325	EGG WOMAN	662	FORCED FEE PATENT
	0326	WRINKEL FACE BLAINE	663	FORCED FEE PATENT
	0327	BLACK FOOT	669	FORCED FEE PATENT
	0328	BEAR GETS UP	680	FORCED FEE PATENT
	0329	MRS. THOMAS LAFORGE WIND	685	FORCED FEE PATENT
	0330	ROSA LAFORGE	685	FORCED FEE PATENT
	0331	IRON NECKLACE	686	FORCED FEE PATENT
	0332	SHE IS A WOMAN	706	FORCED FEE PATENT
	0333	ROSA SPOTTED	710	FORCED FEE PATENT
	0334	TAKES THE WEASEL	717	FORCED FEE PATENT
	0335	CROOKED FACE CALF	724	FORCED FEE PATENT
	0336	RIDES BEHIND CALF	725	FORCED FEE PATENT
	0337	GIVES THINGS	729	FORCED FEE PATENT
	0338	BENJAMIN GARDNER	734	FORCED FEE PATENT
	0339	GEORGE W. HOGAN	744	FORCED FEE PATENT
	0340	SMALL HEART	745	FORCED FEE PATENT
	0341	SWEAT HSE WELL KWN RMS BTW	751	FORCED FEE PATENT
	0342	PRETTY FISH RIDES BEAR	755	FORCED FEE PATENT
	0343	HALF WHITE	764	FORCED FEE PATENT
	0344	IRON NECKLACE	798	FORCED FEE PATENT
	0345	JOSEPH STEWART	803	FORCED FEE PATENT
	0346	SLIDES DOWN WELL KWN DNT RN	807	FORCED FEE PATENT
	0347	RDS A GREY HORSE DNT RUN	808	FORCED FEE PATENT
	0348	MEDICINE ROPE	816	FORCED FEE PATENT
	0349	WHITEBEAR	819	FORCED FEE PATENT
	0350	HARRY WHITEBEAR	824	FORCED FEE PATENT
	0351	RACHEL STOPS	847	FORCED FEE PATENT
	0352	JENNIE STOPS	848	FORCED FEE PATENT
	0353	KNOX MEDICINETAIL	861	FORCED FEE PATENT
	0354	TAKES THE DEED	873	FORCED FEE PATENT
	0355	PLAIN SHIELD PLENTY WING	875	FORCED FEE PATENT
	0356	STANDS ON TOP	877	FORCED FEE PATENT
	0357	MORRIS SHAFFER	900	FORCED FEE PATENT
	0358	TAKES HOLD OF THECLOTHBOY	905	FORCED FEE PATENT
	0359	PRESCOTT FIREBEAR	942	FORCED FEE PATENT
	0360	STRIKE THE MAN	943	FORCED FEE PATENT
	0361	FIND THINGS WTH HER HORSE FIREBEAR	946	FORCED FEE PATENT
	0362	MRS. CATHERINE SCOTT	947	FORCED FEE PATENT
	0363	PAUL SCOTT	948	FORCED FEE PATENT
	0364	JACKSON STEWART	966	FORCED FEE PATENT
	0365	DAVID STEWART	969	FORCED FEE PATENT
	0366	FLATMOUTH	970	FORCED FEE PATENT
	0367	SARAH HIGHNOSE	972	FORCED FEE PATENT
	0368	COMESFROMAPRETTYHAIRWOLF	974	FORCED FEE PATENT
	0369	THE OTHER HEART	981	FORCED FEE PATENT
	0370	RUTH TEN BEAR	984	FORCED FEE PATENT
	0371	LOIS BOMPART	986	FORCED FEE PATENT
	0372	YNGMEDICINETOBACCOBIRDWELLKWN	994	FORCED FEE PATENT
	0373	OPISH	998	FORCED FEE PATENT
	0374	TWO OTTERS OPISH	999	FORCED FEE PATENT
	0375	TAKES A GUN DREAMER	1003	FORCED FEE PATENT
	0376	KILLS LONG HAIRED MAN	1010	FORCED FEE PATENT
	0377	TAILS FIRE THREE IRON	1011	FORCED FEE PATENT
	0378	TAKES HIMSELF	1013	FORCED FEE PATENT
	0379	MRS. THOS STEWARTPOINTSGUN	1016	FORCED FEE PATENT
	0380	HERBERT CROOKED ARM	1026	FORCED FEE PATENT
	0381	NEWBEAR	1039	FORCED FEE PATENT
	0382	SLOW RABBIT BIG MEDICINE	1045	FORCED FEE PATENT
	0383	TAKES THE GUN FIRST	1048	FORCED FEE PATENT
	0384	MEAN MUCH	1050	FORCED FEE PATENT
	0385	BULL TONGUE NO. 2	1051	FORCED FEE PATENT
	0386	STABS	1054	FORCED FEE PATENT
	0387	PHOEBE ALDEN	1056	FORCED FEE PATENT
	0388	BEAR CLAW	1069	FORCED FEE PATENT
	0389	HARFORD COMESFROMABOVE	1073	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C52202	0390	YOUNG BEAVER	1096	FORCED FEE PATENT
	0391	HOOPWOMANYOUNGBEAVER	1097	FORCED FEE PATENT
	0392	TAKESACROOKEDSTICK	1098	FORCED FEE PATENT
	0393	BIRD IN GROUND	1101	FORCED FEE PATENT
	0394	GRACE BIRDINGROUND	1104	FORCED FEE PATENT
	0395	LEADS A WOLF	1105	FORCED FEE PATENT
	0396	BUSY WOLF	1111	FORCED FEE PATENT
	0397	SWAMP FLAG BUSY WOLF	1112	FORCED FEE PATENT
	0398	FLAT BOY	1113	FORCED FEE PATENT
	0399	ENEMY HUNTER	1118	FORCED FEE PATENT
	0400	TAKES HORSE	1120	FORCED FEE PATENT
	0401	CORA HORSE	1123	FORCED FEE PATENT
	0402	KILLSBYTHEWOODSYELWFRINGE	1126	FORCED FEE PATENT
	0403	STOPS AROUND	1128	FORCED FEE PATENT
	0404	CHARLES YARLOTT	1129	FORCED FEE PATENT
	0405	KILLS AT NIGHT	1146	FORCED FEE PATENT
	0406	LONG OTTER	1147	FORCED FEE PATENT
	0407	LEDA WILLIAMSON	1164	FORCED FEE PATENT
	0408	JEROME WILLIAMSON	1165	FORCED FEE PATENT
	0409	CHARLES FIRE	1171	FORCED FEE PATENT
	0410	CRAZY SISTERINLAW	1175	FORCED FEE PATENT
	0411	CARRIES GOOD	1176	FORCED FEE PATENT
	0412	PRETTY LAND	1187	FORCED FEE PATENT
	0413	TAKES FIVE	1207	FORCED FEE PATENT
	0414	BULL TONGUE NO. 1	1222	FORCED FEE PATENT
	0415	CATCHESONTHEHORSBULTNG	1223	FORCED FEE PATENT
	0416	PLAYS	1225	FORCED FEE PATENT
	0417	ELISA RISEUP	1237	FORCED FEE PATENT
	0418	BULL NOSE	1239	FORCED FEE PATENT
	0419	PLENTY BUTTERFLY	1244	FORCED FEE PATENT
	0420	MARY KENT STEVENS	1258	FORCED FEE PATENT
	0421	CLARENCE L. STEVENS	1259	FORCED FEE PATENT
	0422	JOSEPHINE KENT WILLIAMS	1265	FORCED FEE PATENT
	0423	BULLTURTLEPLENTYHAWK	1272	FORCED FEE PATENT
	0424	KILLSWITHHISBROTHER	1279	FORCED FEE PATENT
	0425	TWO WOMAN	1280	FORCED FEE PATENT
	0426	MEDICINECOYOTEMOUNTSTHEARROW	1287	FORCED FEE PATENT
	0427	ELSIE PETERS	1291	FORCED FEE PATENT
	0428	JOSEPH MARTINEZ	1298	FORCED FEE PATENT
	0429	WELL KNOWN	1311	FORCED FEE PATENT
	0430	STRIKESINTHECAMP	1312	FORCED FEE PATENT
	0431	STANDSONACLOUD	1313	FORCED FEE PATENT
	0432	KNOWSTHEOTTER	1314	FORCED FEE PATENT
	0433	GOOD PUMPKIN	1315	FORCED FEE PATENT
	0434	GEORGE PEASE	1316	FORCED FEE PATENT
	0435	SARAH PEASE	1317	FORCED FEE PATENT
	0436	BENJAMINE PEASE	1320	FORCED FEE PATENT
	0437	EMERY PEASE	1321	FORCED FEE PATENT
	0438	OLIVER PEASE	1324	FORCED FEE PATENT
	0439	ASHARAH PEASE	1325	FORCED FEE PATENT
	0440	LEATUS PEASE	1327	FORCED FEE PATENT
	0441	VIRGINIA PEARSON	1328	FORCED FEE PATENT
	0442	HELEN E. PEARSON	1329	FORCED FEE PATENT
	0443	ETHEL M. PEARSON	1330	FORCED FEE PATENT
	0444	JOSEPH SCHENDERLINE	1339	FORCED FEE PATENT
	0445	EDWARD SCHENDERLINE	1340	FORCED FEE PATENT
	0446	RACHEL SCHENDERLINE	1342	FORCED FEE PATENT
	0447	MUSKRAT	1347	FORCED FEE PATENT
	0448	LITTLE FACE	1349	FORCED FEE PATENT
	0449	DEAF	1350	FORCED FEE PATENT
	0450	MEDICINE HORSE	1351	FORCED FEE PATENT
	0451	PRETTYROCKGRAYBULL	1368	FORCED FEE PATENT
	0452	RED PLUME	1381	FORCED FEE PATENT
	0453	CROW THAT SHOWS	1382	FORCED FEE PATENT
	0454	CATCHES THE ENEMY	1383	FORCED FEE PATENT
	0455	STOPSSAROVECOMESFROMABOVE	1385	FORCED FEE PATENT
	0456	HANNAHCOMESFROMABOVE	1386	FORCED FEE PATENT
	0457	HOLDSAFEATHER	1387	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C52202	0458	RED BUFFALO	1390	FORCED FEE PATENT
	0459	POUNDED MEAD	1391	FORCED FEE PATENT
	0460	STRIKESFEATHERSPOUNDEDMEAD	1392	FORCED FEE PATENT
	0461	ONE FEATHER	1429	FORCED FEE PATENT
	0462	KETTLETHATBOILS	1433	FORCED FEE PATENT
	0463	SWAMP FLAG	1434	FORCED FEE PATENT
	0464	GOES TOGETHER	1438	FORCED FEE PATENT
	0465	KITTIE GOES TOGETHER	1439	FORCED FEE PATENT
	0466	MINNIE E. WHITE	1441	FORCED FEE PATENT
	0467	MARY E. WHITE	1442	FORCED FEE PATENT
	0468	SARAH SPOTTED	1443	FORCED FEE PATENT
	0469	ADA M. WHITE	1445	FORCED FEE PATENT
	0470	STRIKESTWATONECHARGES	1447	FORCED FEE PATENT
	0471	STANLEY BULL WEASEL	1453	FORCED FEE PATENT
	0472	HISENEMYISDANGEROUSOLDCROW	1460	FORCED FEE PATENT
	0473	BEAVER FACE	1461	FORCED FEE PATENT
	0474	FIRE TAIL	1462	FORCED FEE PATENT
	0475	GEORGE HILL	1463	FORCED FEE PATENT
	0476	GOTAPIPESCOLDSBEAR	1473	FORCED FEE PATENT
	0477	MUSKRAT	1476	FORCED FEE PATENT
	0478	RIDESASPOTTEDHORSE	1477	FORCED FEE PATENT
	0479	STRONGMEDICINE DRIFTWOOD	1483	FORCED FEE PATENT
	0480	METTIE DRIFTWOOD	1484	FORCED FEE PATENT
	0481	SARAH KNOWS GUN	1488	FORCED FEE PATENT
	0482	ALICE KNOWS GUN	1491	FORCED FEE PATENT
	0483	HOWARD YELLOW WEASEL	1498	FORCED FEE PATENT
	0484	BESSIE YELLOW WEASEL	1499	FORCED FEE PATENT
	0485	YELLOW WEASEL	1502	FORCED FEE PATENT
	0486	YELLOW WHITEMAN	1503	FORCED FEE PATENT
	0487	WELL KNOWN HORSE	1504	FORCED FEE PATENT
	0488	PLENTYMEDICINEINSIDETHEMOUTH	1516	FORCED FEE PATENT
	0489	REDSHIRTGRAYBLANKET	1525	FORCED FEE PATENT
	0490	GRAY BLANKET	1527	FORCED FEE PATENT
	0491	KILLS CLOSE	1528	FORCED FEE PATENT
	0492	HENRY PRETTYONTOP	1531	FORCED FEE PATENT
	0493	HE SAYS	1533	FORCED FEE PATENT
	0494	MRS. FRANK GORDON	1538	FORCED FEE PATENT
	0495	WILLIAM LIGHTTON	1539	FORCED FEE PATENT
	0496	BIG LARK BEARCLOUD	1541	FORCED FEE PATENT
	0497	THOMAS MEDICINE HORSE	1543	FORCED FEE PATENT
	0498	ALBERT ANDERSON	1547	FORCED FEE PATENT
	0499	MRS. MARGARET ANN HOME	1553	FORCED FEE PATENT
	0500	SITS WITH THE ALLIGATOR	1561	FORCED FEE PATENT
	0501	SEES ALLOVERTHELAND	1562	FORCED FEE PATENT
	0502	FRANK SHANE	1568	FORCED FEE PATENT
	0503	JULIA SHANE	1569	FORCED FEE PATENT
	0504	LIZZIE FLATHEAD WOMAN	1585	FORCED FEE PATENT
	0505	MRS. C. HAGARTY	1591	FORCED FEE PATENT
	0506	SPOTTED HORSE	1595	FORCED FEE PATENT
	0507	BACCHUS	1606	FORCED FEE PATENT
	0508	BULLARD STRAY CALF	1610	FORCED FEE PATENT
	0509	BIG HAT COUTEAR	1614	FORCED FEE PATENT
	0510	STOPONTHEWATERGROSVENTRE	1619	FORCED FEE PATENT
	0511	HORSE	1620	FORCED FEE PATENT
	0512	GEORGIA HORSE	1622	FORCED FEE PATENT
	0513	EMMA FLIES AWAY	1623	FORCED FEE PATENT
	0514	CHARLES BRAVO	1627	FORCED FEE PATENT
	0515	MAN ALL OVER	1630	FORCED FEE PATENT
	0516	ONE GOOSE	1632	FORCED FEE PATENT
	0517	PAINTS PRETTY CRAZY HE[illegible]	1643	FORCED FEE PATENT
	0518	TWO LANCES	1645	FORCED FEE PATENT
	0519	MRS. THOMAS DOYLE	1657	FORCED FEE PATENT
	0520	ALBERT STEVENSON DEPUTEE	1666	FORCED FEE PATENT
	0521	ROSE DEPUTEE	1667	FORCED FEE PATENT
	0522	FRANCIS CUMMINS THOMAS	1672	FORCED FEE PATENT
	0523	MARY E. CUMMINS	1673	FORCED FEE PATENT
	0524	RED BRESTBIRDBADHEART	1682	FORCED FEE PATENT
	0525	CLARENCE BADHEART	1685	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
052202	0526	MRS. SILVANIA COOPERHARDY	1688	FORCED FEE PATENT
	0527	SYLVESTER HARDY	1689	FORCED FEE PATENT
	0528	DAVID YARLOTT	1696	FORCED FEE PATENT
	0529	FOUND THINGSWELLKNOWN	1697	FORCED FEE PATENT
	0530	GOES FOR WOOD	1698	FORCED FEE PATENT
	0531	THE MEAT	1700	FORCED FEE PATENT
	0532	THE BACK MEAT	1701	FORCED FEE PATENT
	0533	BUFFALOTHAT SINGSMEAT	1702	FORCED FEE PATENT
	0534	ELLA MEAT	1703	FORCED FEE PATENT
	0535	MAD BEAR WOLF	1704	FORCED FEE PATENT
	0536	YELLOWCOYOTEMADBEARWOLF	1705	FORCED FEE PATENT
	0537	FREDRICK MADBEARWOLF	1706	FORCED FEE PATENT
	0538	YOUNG DUCK	1707	FORCED FEE PATENT
	0539	HEIFER WOMAN	1708	FORCED FEE PATENT
	0540	URSULA BAD HORSE	1712	FORCED FEE PATENT
	0541	ROSE BADHORSE	1714	FORCED FEE PATENT
	0542	WRINKLE FACE	1722	FORCED FEE PATENT
	0543	NELLIE BUFFALO BULL	1726	FORCED FEE PATENT
	0544	PATRICK SPOTTED HORSE	1734	FORCED FEE PATENT
	0545	JOSEPH COOPER	1736	FORCED FEE PATENT
	0546	SUSIE COOPER	1737	FORCED FEE PATENT
	0547	EDWARD IRON	1759	FORCED FEE PATENT
	0548	ALBERT IRON	1761	FORCED FEE PATENT
	0549	MRS. AMY SCOTT	1764	FORCED FEE PATENT
	0550	GEORGE SCOTT	1765	FORCED FEE PATENT
	0551	IRENE SCOTT	1767	FORCED FEE PATENT
	0552	OLDMEDICINETOBACCOPRETTYMAN	1776	FORCED FEE PATENT
	0553	ALFRED KILLSAHORSE	1797	FORCED FEE PATENT
	0554	LONGMEDICINETOBACCOSMELLS	1822	FORCED FEE PATENT
	0555	PLAYSWITHTHEWEASELYOUNGSWALLOW	1825	FORCED FEE PATENT
	0556	PRETTY HAT	1828	FORCED FEE PATENT
	0557	TURNS PLENTY	1830	FORCED FEE PATENT
	0558	MARY MOCCASIN	1835	FORCED FEE PATENT
	0559	BEAR DOG ROCK	1839	FORCED FEE PATENT
	0560	CHARLES BULLSHOWS	1856	FORCED FEE PATENT
	0561	ARNOLD COSTA	1858	FORCED FEE PATENT
	0562	RACHEL SMALL	1860	FORCED FEE PATENT
	0563	CHARLES THE ENEMY	1866	FORCED FEE PATENT
	0564	ALBERT LINCOLN	1867	FORCED FEE PATENT
	0565	RUFUS LINCOLN	1870	FORCED FEE PATENT
	0566	ELK	1875	FORCED FEE PATENT
	0567	BIGHEADHIGHPELK	1876	FORCED FEE PATENT
	0568	OLIVE ELK	1877	FORCED FEE PATENT
	0569	LUCY PLAINBULL	1900	FORCED FEE PATENT
	0570	NOTCH	1906	FORCED FEE PATENT
	0571	LEADS THE WHITE	1910	FORCED FEE PATENT
	0572	MALE BEAR	1914	FORCED FEE PATENT
	0573	BIRDIE OVERGROUND	1925	FORCED FEE PATENT
	0574	PRETTYSWEETHOUSEBULLTAIL	1931	FORCED FEE PATENT
	0575	BELL ROCK	1934	FORCED FEE PATENT
	0576	KATE DREAMER MOUNTFACE	1943	FORCED FEE PATENT
	0577	LILLIE INSIDETHEMOUTH	1951	FORCED FEE PATENT
	0578	OLD CRANE	1956	FORCED FEE PATENT
	0579	MARY OLD CRANE	1958	FORCED FEE PATENT
	0580	DANIEL OTHERBLACKBIRD	1962	FORCED FEE PATENT
	0581	PLAIN CEDER BULL SNAKE	1969	FORCED FEE PATENT
	0582	FANNIE BIG DAY	1998	FORCED FEE PATENT
	0583	PRETTYCOYOTEBLUEMOCCASIN	2011	FORCED FEE PATENT
	0584	ALPHONSUSCHILDINTHEMOUTH	2015	FORCED FEE PATENT
	0585	LIZZIE GETS DOWN	2026	FORCED FEE PATENT
	0586	THOMAS GETS DOWN	2027	FORCED FEE PATENT
	0587	BERNARD OLD COYOTE	2031	FORCED FEE PATENT
	0588	WALKS PRETTYCRAZYCRANE	2035	FORCED FEE PATENT
	0589	ISAAC RUNSAGAINSTENEMY	2036	FORCED FEE PATENT
	0590	BAD BULL	2040	FORCED FEE PATENT
	0591	SITTING ELK	2041	FORCED FEE PATENT
	0592	HIDES	2043	FORCED FEE PATENT
	0593	GOESTHROUGHHERENEMIESHIDES	2044	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
052202	0594	MARTHA HIDES	2045	FORCED FEE PATENT
	0595	SWEET GRASS	2060	FORCED FEE PATENT
	0596	BAD DUCKMAN	2064	FORCED FEE PATENT
	0597	RICHARD HAWK	2069	FORCED FEE PATENT
	0598	GEORGE W. RUSSELL	2077	FORCED FEE PATENT
	0599	ROBERT SPOTTED ARM	2081	FORCED FEE PATENT
	0600	GOES ON	2087	FORCED FEE PATENT
	0601	JACOB STANDSOVERBULL	2113	FORCED FEE PATENT
	0602	DOG	2115	FORCED FEE PATENT
	0603	PHILLIP BIRD HAT	2117	FORCED FEE PATENT
	0604	ESTHER BIRDHAT	2119	FORCED FEE PATENT
	0605	SAMPSON BIRD HAT	2120	FORCED FEE PATENT
	0606	HUGH TEN BEAR	2123	FORCED FEE PATENT
	0607	SINGS THE LAST SONG	2132	FORCED FEE PATENT
	0608	GOESTOTHEHOUSESINGSTHELASTSONG	2133	FORCED FEE PATENT
	0609	CAMPBELL BIG HAIL	2137	FORCED FEE PATENT
	0610	BIG EYES	2148	FORCED FEE PATENT
	0611	AMELIA FROST	2155	FORCED FEE PATENT
	0612	DANIEL FROST	2156	FORCED FEE PATENT
	0613	PRETTYHAIRBEARCRANE	2163	FORCED FEE PATENT
	0614	B GEORGE BEARCRANE	2167	FORCED FEE PATENT
	0615	WEASEL GOES OUT WALLACE	2169	FORCED FEE PATENT
	0616	BOBTAILED BEAR	2178	FORCED FEE PATENT
	0617	MEDICINE CHICKEN	2180	FORCED FEE PATENT
	0618	BLACK BULL	2186	FORCED FEE PATENT
	0619	EFFIE N. DAVISLIONSHOWS	2191	FORCED FEE PATENT
	0620	DORA TRAVELS	2195	FORCED FEE PATENT
	0621	KNOWS HER MOTHER WET	2198	FORCED FEE PATENT
	0622	MATHEW WET	2199	FORCED FEE PATENT
	0623	BIRD HEAD	2200	FORCED FEE PATENT
	0624	CATHES ENEMY BAD BIRY	2211	FORCED FEE PATENT
	0625	MEDICINE BLANKET	2212	FORCED FEE PATENT
	0626	ABBIE LANDE	2215	FORCED FEE PATENT
	0627	GEORGE A. LANDE	2217	FORCED FEE PATENT
	0628	FRANK REED	2220	FORCED FEE PATENT
	0629	KATIE REED	2221	FORCED FEE PATENT
	0630	EDITH AGNES REED	2222	FORCED FEE PATENT
	0631	LOUISE COMES UP	2225	FORCED FEE PATENT
	0632	BOBTAIL CROW	2231	FORCED FEE PATENT
	0633	WORKS BOBTAIL CROW	2232	FORCED FEE PATENT
	0634	THE TWINS	2240	FORCED FEE PATENT
	0635	BEAVER BULL	2242	FORCED FEE PATENT
	0636	BEAROLDMANPLENTYHOOF	2254	FORCED FEE PATENT
	0637	THREE WOLVES	2256	FORCED FEE PATENT
	0638	OLD HORSE	2259	FORCED FEE PATENT
	0639	WILLIAM KENT CASHEN	2279	FORCED FEE PATENT
	0640	CECILIA J. CASHEN	2282	FORCED FEE PATENT
	0641	RUTH MORNING	2290	FORCED FEE PATENT
	0642	COVERS HIS NECK	2292	FORCED FEE PATENT
	0643	PRETTYSHIELDCOVERSHISNECK	2293	FORCED FEE PATENT
	0644	CROOKED FACE	2299	FORCED FEE PATENT
	0645	CALIFORNIA DUST	2306	FORCED FEE PATENT
	0646	HUMP BACK	2310	FORCED FEE PATENT
	0647	ESTELLA WOLFE	2312	FORCED FEE PATENT
	0648	MILDRED WOLFE	2314	FORCED FEE PATENT
	0649	SHOWS HIS EAR	2315	FORCED FEE PATENT
	0650	MARGARET CARRIGUS	2321	FORCED FEE PATENT
	0651	ARTHUR R. CARRIGUS	2322	FORCED FEE PATENT
	0652	BAD BELLY	2332	FORCED FEE PATENT
	0653	MILLARD L. DAVIS	2333	FORCED FEE PATENT
	0654	FRANCIS TIFFANY	2346	FORCED FEE PATENT
	0655	BIRD WOMAN	2347	FORCED FEE PATENT
	0656	LOUISA GEISDORFF	2351	FORCED FEE PATENT
	0657	RED WOOD	2352	FORCED FEE PATENT
	0658	HARRY THROSSELL	2354	FORCED FEE PATENT
	0659	MYRTLE THROSSELL	2355	FORCED FEE PATENT
	0660	RICHARD A. THROSSELL	2358	FORCED FEE PATENT
	0661	EMMA S. MILLER	2360	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C52202	0662	MRS. M. FLAHERTY	2365	FORCED FEE PATENT
	0663	MARGARET DAVIS	2366	FORCED FEE PATENT
	0664	EMMA BARRETT	2378	FORCED FEE PATENT
	0665	HAS A HAT	2467	FORCED FEE PATENT
	0666	HORSES GUARD	2480	FORCED FEE PATENT
	0667	HUNTSFORSOMETHINGGOODBADBOY	2481	FORCED FEE PATENT
	0668	HUNTSTHETRONHUNTERBULLTHATRAISESUP	2482	FORCED FEE PATENT
	0669	MARY SMITH	2512	FORCED FEE PATENT
	0670	NO NAME	2518	FORCED FEE PATENT
	0671	BIG NOSE	2584	FORCED FEE PATENT
	0672	THEOTHEROTTERALLIGATORSTANDSUP	2589	FORCED FEE PATENT
	0673	RUNS AGAINST THE ONE PRETTY BEAR	2590	FORCED FEE PATENT
	0674	BIGHEADCRAZYPENDOREILLE	2593	FORCED FEE PATENT
	0675	CROOKED FOOT	2616	FORCED FEE PATENT
	0676	GONE AFTERHERFIREWEASEL	2626	FORCED FEE PATENT
	0677	BRINGSTHINGSALWAYSSNAKEBULL	2640	FORCED FEE PATENT
	0678	THE SHEEPS CHILD	2641	FORCED FEE PATENT
	0679	RENO BIGMAN	2687	FORCED FEE PATENT
	0680	EDWIN C. DAVIS	2746	FORCED FEE PATENT
	0681	ESTHER MAY DAVIS	2747	FORCED FEE PATENT
	0682	MARY ELIZABETH GARDNER	2777	FORCED FEE PATENT
	0683	MATTIE HILL	2790	FORCED FEE PATENT
	0684	JUANITA HOWE	2811	FORCED FEE PATENT
	0685	ROSA LONG	2853	FORCED FEE PATENT
	0686	MARY FRANCES SACO	2925	FORCED FEE PATENT
	0687	FLOYD CECIL STEVENS	2952	FORCED FEE PATENT
	0688	ROBERT CHILDINMOUTH	3135	FORCED FEE PATENT
	0689	REBECCA WHITEFORD COLLINS	3138	FORCED FEE PATENT
	0690	KATHLEEN MONTANA DOYLE	3183	FORCED FEE PATENT
	0691	LAURENCE STANLEY DOYLE	3184	FORCED FEE PATENT
	0692	RICHARD JAY DOYLE	3186	FORCED FEE PATENT
	0693	THEODORE GARDNER	3228	FORCED FEE PATENT
	0694	LEO FARWELL GLENN	3234	FORCED FEE PATENT
	0695	ARTHUR HUMPHREY	3290	FORCED FEE PATENT
	0696	GERALD CECIL POWERS	3442	FORCED FEE PATENT
	0697	WILLIAM HENRY HOWE	2809	FORCED FEE PATENT
	0698	GERALDINE LUCY SHANE	3514	FORCED FEE PATENT
	0699	FRED STEWART	3553	FORCED FEE PATENT
	0700	JOHN TAKESGUN	3573	FORCED FEE PATENT
	0701	WILLIAM JOSEPH WHITE	3611	FORCED FEE PATENT
	0702	LILLIAN YARLOTT	3657	FORCED FEE PATENT
	0703	CHARLES EDWARD YARLOTT	3658	FORCED FEE PATENT
	0704	TWO PEOPLE	21	FORCED FEE PATENT
	0705	STRIKES THE RIDER	81	FORCED FEE PATENT
	0706	STRIKES THE PINE	334	FORCED FEE PATENT
	0707	STRONG WELL KNOWN	394	FORCED FEE PATENT
	0708	DUMMY	594	FORCED FEE PATENT
	0709	AUSTIN LIONSHOWS	2190	FORCED FEE PATENT
	0710	JESSIE WILSON	3638	FORCED FEE PATENT
	0711	PERA YARLOTT	3653	FORCED FEE PATENT
	0712	STRIKES THE PIPE (EEPCHEADICHIS)	334	FORCED FEE PATENT
	0713	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	FARMERS UNION CENTRAL EXCH.- OIL PIPELINE
	0714	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	OIL BASIN PIPELINE CO.- OIL PIPELINE
	0715	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	RANGE TELEPHONE CO-OP INC.- TELEPHONE LINE
	0716	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	ROTEMAN PIPELINE CO.- GAS LINE
	0717	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	YALE OIL PIPELINE CO.- OIL PIPELINE-EXP.1965
	0718	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	MONTANA POWER CO.- ELECTRIC TRANS. LINE
	0719	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	MONT. POWER CO.- RECTOX GROUNDBED-EXP. 1973
	0720	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	YELLOWS .VALLEY ELECT.CO-OP ELECT.TRANS.LINE
	0721	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	MONTANA POWER CO.- RECTOX GROUNDBED-EXP.1974
	0722	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	CONTINENTAL PIPELINE CO.- ELECT. TRANS. LINE
	0723	BESSIE SHANE	154	FORCED FEE PATENT
	0724	HENRY SCHENDERLINE	1341	FORCED FEE PATENT
	0725	MAMIE HUMPHREY	2201	FORCED FEE PATENT
	0726	HENRY D. LANDE	2214	FORCED FEE PATENT
	0727	FREDERIC COLSTRAND	2444	FORCED FEE PATENT
	0728	EFFIE NINA HOWE	2610	FORCED FEE PATENT
	0729	HILDA DAMES WHITEFOX	19	51A ROAD IN TRESPASS

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C52202	0730	WHITEARM	T29	290(C) ROAD IN TRESPASS
	0731	SMELLS	31	290(C) ROAD IN TRESPASS
	0732	YELLOWWOLF	59-D	46(C) ROAD IN TRESPASS
	0733	TAKESWELKN YELLOWWOLF	60-A	46(C) ROAD IN TRESPASS
	0734	FRANK BLACKHAIR	66	216(C) ROAD IN TRESPASS
	0735	GIVETOSUN BIGLAKE	78-A	216(C) ROAD IN TRESPASS
	0736	BIGMEDONRK BIGLAKE	79	216(C) ROAD IN TRESPASS
	0737	GEORGE THOMAS	94	216(C) ROAD IN TRESPASS
	0738	PLAINTRAIL MEDICINEBEAR	105	216(C) ROAD IN TRESPASS
	0739	INWATER PUTSMEDICINE	108-A	216(C) ROAD IN TRESPASS
	0740	FANNIE WHITECLAY	112	51A ROAD IN TRESPASS
	0741	WILLIAM STEWART	113-A	51A ROAD IN TRESPASS
	0742	WILLIAM STEWART	113-B	216(C) ROAD IN TRESPASS
	0743	STANDSAMONG MEDICINEHORSE	114-A	22(C) ROAD IN TRESPASS
	0744	ONFOREHEAD WHITECLAY	117	216(C) ROAD IN TRESPASS
	0745	VERNON WHITECLAY	119-E	216(C) ROAD IN TRESPASS
	0746	METTIE WHITECLAY	120	216(C) ROAD IN TRESPASS
	0747	COOS SHOWS	121	216(C) ROAD IN TRESPASS
	0748	DON LITTLELIGHT	126	216(C) ROAD IN TRESPASS
	0749	EDMOND LITTLELIGHT SR	127-A	216(C) ROAD IN TRESPASS
	0750	HENRY STRONG	139-A	51A ROAD IN TRESPASS
	0751	FROZE	157-C	216(C) ROAD IN TRESPASS
	0752	FRED FROZE	159	216(C) ROAD IN TRESPASS
	0753	MARY OWLABOVE STEWART	181	216(C) ROAD IN TRESPASS
	0754	AGNES DOWES OWLABOVE SINGER	182	216(C) ROAD IN TRESPASS
	0755	TOTHEBIRDS KILLSCOMING	185	216(C) ROAD IN TRESPASS
	0756	OTHERBULL	T189-A	216(C) ROAD IN TRESPASS
	0757	CLARY OTHERBULL	190	216(C) ROAD IN TRESPASS
	0758	TOP MAKESHISFORE	197	UNNUMBERED ROAD IN TRESPASS
	0759	JENNIE SMART ENEMY	234G	(C) ROAD IN TRESPASS
	0760	MARY HOLDS	242	46(C) ROAD IN TRESPASS
	0761	KNOWSHERSCALP	253	UNNUMBERED ROAD IN TRESPASS
	0762	FRANKLIN PRETTYEAGLE	260	46(C) ROAD IN TRESPASS
	0763	PRETTYWOMAN BIRD	T261	22(C) ROAD IN TRESPASS
	0764	TAKESGUN	265	46(C) ROAD IN TRESPASS
	0765	TOGETHER STRIKES	267	207(I) ROAD IN TRESPASS
	0766	RIDES PRETTY	277-C	366(C) ROAD IN TRESPASS
	0767	DAISY RIDES PRETTY	278	366(C) ROAD IN TRESPASS
	0768	MOREOFTEN GOODHORSE	281	46(C) ROAD IN TRESPASS
	0769	JOSEPHINE GOODHORSE MILL	282	46(C) ROAD IN TRESPASS
	0770	ALINE FIRETAIL	340-E	125C ROAD IN TRESPASS
	0771	KNOX LOOKSBACK	401-A	22(C) ROAD IN TRESPASS
	0772	OFTHEGROUND WALKSINMIDDLE	425B	46D(C) ROAD IN TRESPASS
	0773	HUGS	427-C	46D(C) ROAD IN TRESPASS
	0774	TAKEMNING INFOO HUOS	428-A	46D(C) ROAD IN TRESPASS
	0775	LEO HUGS	429B	46D(C) ROAD IN TRESPASS
	0776	AURELIA WHITEANTELOP	433A	46D(C) ROAD IN TRESPASS
	0777	DORTHEA CLOUD WHITEANTELOP	434	46D(C) ROAD IN TRESPASS
	0778	HAT STRIKERTHE	435	46D(C) ROAD IN TRESPASS
	0779	HEDOESIT	436-A	46D(C) ROAD IN TRESPASS
	0780	SHESHIGHUP HEDOESIT	437-A	46D(C) ROAD IN TRESPASS
	0781	PEOPLESHOW BIGTAIL	444	46D(C) ROAD IN TRESPASS
	0782	SITWISTARS HOGDEN	448	52(C) ROAD IN TRESPASS
	0783	PRETTYSNAKE	449	52(C) ROAD IN TRESPASS
	0784	KNOWN BIRDWELL II	456	46(C) ROAD IN TRESPASS
	0785	SUSIE SPOTTED WALLACE	462	52(C) ROAD IN TRESPASS
	0786	SHARPNOSE	468	46(C) ROAD IN TRESPASS
	0787	SHARPNOSE	468-A	52(C) ROAD IN TRESPASS
	0788	STRIKESAIN STRIKESAND	469A	46(C) ROAD IN TRESPASS
	0789	DELTA ONION	472	46(C) ROAD IN TRESPASS
	0790	BEARS OATPLENTY	479	46(C) ROAD IN TRESPASS
	0791	ZETA ALDEN REED	495	52(C) ROAD IN TRESPASS
	0792	GEORGE REED SR	496	52(C) ROAD IN TRESPASS
	0793	JAMES BUFFALO	505-G	52(C) ROAD IN TRESPASS
	0794	LITTLEOWL	511-A	46(C) ROAD IN TRESPASS
	0795	LITTLEOWL	511-F	52(C) ROAD IN TRESPASS
	0796	KNOWSENEMY LITTLEOWL	512	46(C) ROAD IN TRESPASS
	0797	CHARLIE LITTLEOWL WHITEAGLE	513	46(C) ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C52202	0798	THOMAS LITTLEDOG	514-A	52(C) ROAD IN TRESPASS
	0799	ROBERT HALF	519-B	52(C) ROAD IN TRESPASS
	0800	SEBASTIAN LONGBEAR	T525-A	4A(C) ROAD IN TRESPASS
	0801	LOTTIE LONG BEAR	526-A	46(C) ROAD IN TRESPASS
	0802	BIGPORCUPINE	538-B	46(C) ROAD IN TRESPASS
	0803	BIGPORCUPINE	538-C	46(C) ROAD IN TRESPASS
	0804	SCOLDS	542	4A(C) ROAD IN TRESPASS
	0805	MRS BEN SCOLDS	543	46(C) ROAD IN TRESPASS
	0806	FRANK GARDNER	545	365(C) ROAD IN TRESPASS
	0807	LOOKSATWATER	546	46(C) ROAD IN TRESPASS
	0808	BIRDHORSE	617-C	46D(C) ROAD IN TRESPASS
	0809	JACOB BIGHAIR	651	52(C) ROAD IN TRESPASS
	0810	FACE SEESHEREMEMY	653	52(C) ROAD IN TRESPASS
	0811	BIGHAIR	654	52(C) ROAD IN TRESPASS
	0812	GUNCHIEF	665-B	52(C) ROAD IN TRESPASS
	0813	JOSEPH GUNCHIEF	AA7-B	52(C) ROAD IN TRESPASS
	0814	MAY LAFORGE SUNGOESSLOW	689	68C ROAD IN TRESPASS
	0815	MAY LAFORGE SUNGOESSLOW	689	46D(C) ROAD IN TRESPASS
	0816	STRIKESTWICE	694	46(C) ROAD IN TRESPASS
	0817	MEGDALENE IRON	697	46(C) ROAD IN TRESPASS
	0818	OTTO RIDESHORSE	701	366(C) ROAD IN TRESPASS
	0819	IGNATIUS RIDESHORSE	702-A	(S) ROAD IN TRESPASS
	0820	JOSHUA BUFFALO	721	52(C) ROAD IN TRESPASS
	0821	SUNGOESSLOW	783A	46(C) ROAD IN TRESPASS
	0822	ANGELA SUN GOES SLOW	784-C	46(C) ROAD IN TRESPASS
	0823	STEPHEN SUN GOES SLOW	766-D	46(C) ROAD IN TRESPASS
	0824	STEPHEN SUN GOES SLOW	784-E	46(C) ROAD IN TRESPASS
	0825	FRANCIS STEWART	804	51A ROAD IN TRESPASS
	0826	PERCY BLACKHAIR	840-A	51A ROAD IN TRESPASS
	0827	MEDICINETAIL	857-A	(C) ROAD IN TRESPASS
	0828	HIGHKICKER MEDICINETAIL	860	(C) ROAD IN TRESPASS
	0829	MEDICINE SHEL	862	(C) ROAD IN TRESPASS
	0830	BULLALLTIME	869-A	UNNUMBERED ROAD IN TRESPASS
	0831	JOHN T HOUSE	883-C	51(C) ROAD IN TRESPASS
	0832	FLORIDA HOUSE	886-B	51(C) ROAD IN TRESPASS
	0833	SPOTTEDBUFLO	897-A	(C) ROAD IN TRESPASS
	0834	PLAINFACE	899	(C) ROAD IN TRESPASS
	0835	DAVID DAWES	982	51A ROAD IN TRESPASS
	0836	ALICE DAWES	983	51A ROAD IN TRESPASS
	0837	ROSE BOMPART	988	365(C) ROAD IN TRESPASS
	0838	CROOKED ARM	1024	51A ROAD IN TRESPASS
	0839	STRIKES CATCHUP CROOKED ARM	1025	51A ROAD IN TRESPASS
	0840	TIE CROOKED ARM	1027	51A ROAD IN TRESPASS
	0841	JAMES CROOKED ARM	1028	51A ROAD IN TRESPASS
	0842	COMES OUT OF THE WATER	1033	68-C ROAD IN TRESPASS
	0843	SHELL ONNECK	1034	68-C ROAD IN TRESPASS
	0844	GLENN BIRD OTTER	1037	68-C ROAD IN TRESPASS
	0845	JOHN ALDEN	1055-A	52(C) ROAD IN TRESPASS
	0846	HAIL	1063	46(C) ROAD IN TRESPASS
	0847	BEGSPLENTY BEARCLAW	1070	340-C ROAD IN TRESPASS
	0848	BIG AX	T1080	51A ROAD IN TRESPASS
	0849	LORENZO MOUNTAINSHIP	1095	51A ROAD IN TRESPASS
	0850	IRENE YARLOTT	1130	78-C ROAD IN TRESPASS
	0851	ELSIE YARLOTT	1133-A	78-C ROAD IN TRESPASS
	0852	BREAD	1203	340-C ROAD IN TRESPASS
	0853	WOMANONTOP BLOODMAN	1215-E	68C ROAD IN TRESPASS
	0854	PEARL BACKBONE	1216-A	68-C ROAD IN TRESPASS
	0855	PEARL BACKBONE	1216-B	68-C ROAD IN TRESPASS
	0856	ALBERTA BEARFELOW	1217	68C ROAD IN TRESPASS
	0857	FOLKA BLOODMAN	1218	83-C ROAD IN TRESPASS
	0858	BULLTHATRISE UP	1234	83-C ROAD IN TRESPASS
	0859	BULLTHATRISE UP	1234-B	83-C ROAD IN TRESPASS
	0860	ROBERT RISEUP	1235-A	83-C ROAD IN TRESPASS
	0861	BUTTERFLY TWOHORSES	1245-A	53-C ROAD IN TRESPASS
	0862	MAGGIE STEVENS STOVALL	1263	78-C ROAD IN TRESPASS
	0863	JOSEPHINE GOERING STEVENS	1264	78-C ROAD IN TRESPASS
	0864	BIRDINCLOUD	1268-D	329(C) ROAD IN TRESPASS
	0865	MEDICINETAIL	1270-A	52(C) ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C52202	0866	ARTHUR PETERS	1290	53C ROAD IN TRESPASS
	0867	AMOS MARTINEZ	1297	53C ROAD IN TRESPASS
	0868	SARAH PEASE	1317	52(C) ROAD IN TRESPASS
	0869	GEORGE PEASE SR	1323	52(C) ROAD IN TRESPASS
	0870	WALLACE PEASE	1326	329(C) ROAD IN TRESPASS
	0871	WHITEBULL	1348-A	68-C ROAD IN TRESPASS
	0872	BADBEAR	1359-A	207(I) ROAD IN TRESPASS
	0873	CROOKEDFACE BADBEAR	1360	207(I) ROAD IN TRESPASS
	0874	YOUNGCRANE	1373-B	329(C) ROAD IN TRESPASS
	0875	CHARLES F WHITE	1444	366(C) ROAD IN TRESPASS
	0876	BARBARA YELLOWHORSE	1500	116-C ROAD IN TRESPASS
	0877	GREYBEARVET	1527	68-C ROAD IN TRESPASS
	0878	PRETTYBACK OF THE NECK	1530A	68C ROAD IN TRESPASS
	0879	MUDWEASEL NOHORSE	1537	78-C ROAD IN TRESPASS
	0880	BEARCLOUD	1540	(C) ROAD IN TRESPASS
	0881	PRETTYFTHMN	1560A	340-C ROAD IN TRESPASS
	0882	CELIA	1573-B	68-C ROAD IN TRESPASS
	0883	JOSEPH NOTAFRAID	1575-A	68-C ROAD IN TRESPASS
	0884	JOSEPH NOTAFRAID	1575-B	68-C ROAD IN TRESPASS
	0885	COVERED UP	1579	125C ROAD IN TRESPASS
	0886	FRANK COVERSUP	1581	125C ROAD IN TRESPASS
	0887	MARY CARPENTER	1589	125A (C) ROAD IN TRESPASS
	0888	ANDREW WALLACE	1598	83-C ROAD IN TRESPASS
	0889	JENNIF WALLACE	1599	83-C ROAD IN TRESPASS
	0890	JOSIE WALLACE	1600	83C ROAD IN TRESPASS
	0891	BLAKE WHITEMAN SR	1605	329(C) ROAD IN TRESPASS
	0892	SINGSINWDS BACCHUS	1607-D	83-C ROAD IN TRESPASS
	0893	ELIZA BACCHUS	1608-A	83-C ROAD IN TRESPASS
	0894	ELIZA BACCHUS	1608-B	68C ROAD IN TRESPASS
	0895	LEE BLUEREAD	1669	83-C ROAD IN TRESPASS
	0896	RAY BLUEREAD	1671	83C ROAD IN TRESPASS
	0897	DOESTHINGS YELLOWCRANE	1677	78-C ROAD IN TRESPASS
	0898	BADHART	1681	78-C ROAD IN TRESPASS
	0899	FREDRICK BADHEART	1684	336-C ROAD IN TRESPASS
	0900	THREE BEARS	1690	78-C ROAD IN TRESPASS
	0901	SHIELDDOOR HORN	1733-B	207-I ROAD IN TRESPASS
	0902	URIAH P COOPER	1744-C	52(C) ROAD IN TRESPASS
	0903	STRONGHEART	1781-A	4AD(C) ROAD IN TRESPASS
	0904	STANDSSUN STRONGHEART	1782	46D(C) ROAD IN TRESPASS
	0905	TILLIE BEARWALKS HOME	1809	(C) ROAD IN TRESPASS
	0906	SMELLS	1819-D	(C) ROAD IN TRESPASS
	0907	SMELLS	1819-E	(C) ROAD IN TRESPASS
	0908	HARVEY YOUNGSWALLOW	1827	UNNUMBERED ROAD IN TRESPASS
	0909	HARVEY YOUNGSWALLOW	1827 A	10(C) ROAD IN TRESPASS
	0910	ARNOLD COSTE	1858-B	(C) ROAD IN TRESPASS
	0911	SINGER	1881	(C) ROAD IN TRESPASS
	0912	REDSTAR	1912	366(C) ROAD IN TRESPASS
	0913	GEORGE BULLTAIL	1973	(C) ROAD IN TRESPASS
	0914	DONTGETIN	1983-B	(C) ROAD IN TRESPASS
	0915	RIDES PRETTY HORSE	1949	UNNUMBERED ROAD IN TRESPASS
	0916	PLAINFEDER BULLSNAKE	1969-B	(C) ROAD IN TRESPASS
	0917	BARBARA BULLSNAKE	1970-A	(C) ROAD IN TRESPASS
	0918	LIVESEVRYW HIDES	2047	(C) ROAD IN TRESPASS
	0919	VICTOR SINGER	2052	51(C) ROAD IN TRESPASS
	0920	LUCKYHORSE SINGER	2053	51(C) ROAD IN TRESPASS
	0921	LUCKYHORSE SINGER	2053	51A ROAD IN TRESPASS
	0922	AMBROSE SINGER	2054	51A ROAD IN TRESPASS
	0923	AMBROSE SINGER	2054	51(C) ROAD IN TRESPASS
	0924	SPOTTEDARM	2079-B	(C) ROAD IN TRESPASS
	0925	WHERESHEST SPOTTEDARM	2080-C	(C) ROAD IN TRESPASS
	0926	ROBERT SPOTTEDARM	2081-A	(C) ROAD IN TRESPASS
	0927	BIGNOSE	2083-A	(C) ROAD IN TRESPASS
	0928	TAKESGOOD BIGNOSE	2084	(C) ROAD IN TRESPASS
	0929	AHEAD STEALSONCAMP	2085	(C) ROAD IN TRESPASS
	0930	SHIELDSHOW GOESON	2088	(C) ROAD IN TRESPASS
	0931	EVEN	2089	(C) ROAD IN TRESPASS
	0932	AMONGTHE ENEMY	2096	UNNUMBERED ROAD IN TRESPASS
	0933	SHOWSPLENTY	2104	(C) ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C52202	0934	ROSE BOMPART	2105	365(C) ROAD IN TRESPASS
	0935	ROSE BOMPART	2105	51A ROAD IN TRESPASS
	0936	ROSE BOMPART	2105	51(C) ROAD IN TRESPASS
	0937	ROSE BOMPART	2105	51A ROAD IN TRESPASS
	0938	ROSE BOMPART	2105	51(C) ROAD IN TRESPASS
	0939	ROSE BOMPART	2105	51A ROAD IN TRESPASS
	0940	ROSE BOMPART	2105	51(C) ROAD IN TRESPASS

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
052202	0934	PLAINFEATHER	2107	(C) ROAD IN TRESPASS
	0935	PLAINFEATHER	2107 B	(C) ROAD IN TRESPASS
	0936	LIVESHIGH PLAINFEATHER	2108-B	(C) ROAD IN TRESPASS
	0937	SARAH GOES AHEAD	2111-G	(C) ROAD IN TRESPASS
	0938	JACOB STANDSOVERBULL	2113-A	(C) ROAD IN TRESPASS
	0939	BIRDHAT	2116-A	(C) ROAD IN TRESPASS
	0940	PHILIP BIRDHAT	2117	(C) ROAD IN TRESPASS
	0941	ESTHER BIRDHAT	2119	(C) ROAD IN TRESPASS
	0942	WOLFLOOKSUP	2144	(C) ROAD IN TRESPASS
	0943	OSCAR BEARCRANE	2166	(S) ROAD IN TRESPASS
	0944	OSCAR BEARCRANE	2166-B	(S) ROAD IN TRESPASS
	0945	TRAVELS	2193	(C) ROAD IN TRESPASS
	0946	WET	2197	10(C) ROAD IN TRESPASS
	0947	WET	2197	(C) ROAD IN TRESPASS
	0948	KNOWSMOTHER WET	2198	10(C) ROAD IN TRESPASS
	0949	ROSA COOCHIEF	2202	(C) ROAD IN TRESPASS
	0950	BADBABY	2209	(C) ROAD IN TRESPASS
	0951	LIKEBEAVER BADBABY	2210	(C) ROAD IN TRESPASS
	0952	FIREWEASEL	2213	(C) ROAD IN TRESPASS
	0953	COMESUP	2223	(S) ROAD IN TRESPASS
	0954	OTTERWOMP COMESUP	2224	(C) ROAD IN TRESPASS
	0955	LOUISE COMESUP	2225	(C) ROAD IN TRESPASS
	0956	LITTLE FIRE	2228	(C) ROAD IN TRESPASS
	0957	OTTERBULL LITTLEFIRE	2230	(C) ROAD IN TRESPASS
	0958	WORKS BOBTAILCROW	2232	(C) ROAD IN TRESPASS
	0959	FELIX BEARCLOUD	2233A	51(C) ROAD IN TRESPASS
	0960	ROSE GARDNER	2234 A	51(C) ROAD IN TRESPASS
	0961	ROSE GARDNER	T2234B	51A ROAD IN TRESPASS
	0962	EZRA BEARCLOUD	2235	(C) ROAD IN TRESPASS
	0963	COMES OUT OF THE WATER	2237	(C) ROAD IN TRESPASS
	0964	EDITH CASHEN RAINES	2284	(C) ROAD IN TRESPASS
	0965	ROSE HE DOES IT PLENTYGOOD	T2301	346(C) ROAD IN TRESPASS
	0966	THOMAS STEALSONCAMP	2342	(C) ROAD IN TRESPASS
	0967	RUNSTHEWOLF	2410	UNNUMBERED ROAD IN TRESPASS
	0968	SHETSNTEOL RUNSTHEWOLF	2412-A	UNNUMBERED ROAD IN TRESPASS
	0969	WEASELWALK RUNSTHEWOLF	2413	UNNUMBERED ROAD IN TRESPASS
	0970	FEATHEREARING	2449	UNNUMBERED ROAD IN TRESPASS
	0971	FIREFISH	2451-A	125A(C) ROAD IN TRESPASS
	0972	DORA BLOODMAN	2704	68-C ROAD IN TRESPASS
	0973	WHITNEY HOLDS	2799	4A(C) ROAD IN TRESPASS
	0974	EDITH LAFORGE	283A	4AD(C) ROAD IN TRESPASS
	0975	EDITH LAFORGE	283A-A	68-C ROAD IN TRESPASS
	0976	HOPE LITTLELIGHT	2844	78-C ROAD IN TRESPASS
	0977	HENRY PLENTYBUFFAL	2902	4A(C) ROAD IN TRESPASS
	0978	LUCY STRONGWELLKW	2967	53C ROAD IN TRESPASS
	0979	FRANCES BACKBONE BENDS	3024	68-C ROAD IN TRESPASS
	0980	WILLIAM BACKBONE	3025	68-C ROAD IN TRESPASS
	0981	WILLIAM BACKBONE	3025-B	68-C ROAD IN TRESPASS
	0982	FRANK BACKBONE	T3026	68-C ROAD IN TRESPASS
	0983	ADAM BIRDINGROUND SR	3074	78-C ROAD IN TRESPASS
	0984	RICHARD BLACKHAIR	3078-B	125A(C) ROAD IN TRESPASS
	0985	EZRA BLANKETBULL	308A	(C) ROAD IN TRESPASS
	0986	MARY C BURNSLEE	311[illegible]	51A ROAD IN TRESPASS
	0987	JOSEPH CARPENTER	317[illegible]-A	125-A(C) ROAD IN TRESPASS
	0988	NORA KIPP	T3127A	(S) ROAD IN TRESPASS
	0989	NORA KIPP	T3127B	(S) ROAD IN TRESPASS
	0990	NORA KIPP	T3127D	(S) ROAD IN TRESPASS
	0991	SARAH COOPER LAVOIE	3147	52(C) ROAD IN TRESPASS
	0992	AGNES E LORDELL	3164	UNNUMBERED ROAD IN TRESPASS
	0993	FRANCES A CUMMINS QUIBELL	3165	UNNUMBERED ROAD IN TRESPASS
	0994	ANITA DOOR	3180	53C ROAD IN TRESPASS
	0995	BELINDA EAGLE LAFORGE	3194	51A ROAD IN TRESPASS
	0996	FRANK GARDNER JR	3224B	68C ROAD IN TRESPASS
	0997	FRANK GARDNER JR	3224B	83C ROAD IN TRESPASS
	0998	AGNES N GARDNER	3225	83C ROAD IN TRESPASS
	0999	GLADYS GROUND	3248	51A ROAD IN TRESPASS
	1000	JOSEPH LAFORGE	327[illegible]	ABC ROAD IN TRESPASS
	1001	ALICE LAFORGE	3[illegible]5	ABC ROAD IN TRESPASS

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
052202	1002	AURORA LITTLELIGHT SHEEP	3357	(S) ROAD IN TRESPASS
	1003	FRANK LITTLELIGHT	3356	(S) ROAD IN TRESPASS
	1004	JACK LITTLENEST	3359	336-C ROAD IN TRESPASS
	1005	EDITH REDWOLF	3360	336-C ROAD IN TRESPASS
	1006	LEO NOTAFRAID	3404	68-C ROAD IN TRESPASS
	1007	CEDRIC NOTAFRAID	3406	68-C ROAD IN TRESPASS
	1008	WALTER A PEASE	3452	329(C) ROAD IN TRESPASS
	1009	WOODROW PRETTYONTOP	3[illegible]AC	AB-C ROAD IN TRESPASS
	1010	EDWARD RED WOLF	3[illegible]B	116-C ROAD IN TRESPASS
	1011	EDWARD ROUNDFACE	3495	(C) ROAD IN TRESPASS
	1012	AGNES HOLDS SHAFFER	3506	(C) ROAD IN TRESPASS
	1013	AGNES SMARTENEMY	3525	(S) ROAD IN TRESPASS
	1014	FAITH STEWART	3543	51A ROAD IN TRESPASS
	1015	ELIZABETH REDDEN SNOWER	3568	22(C) ROAD IN TRESPASS
	1016	LUCY REALBIRD WALLACE	3602	52(C) ROAD IN TRESPASS
	1017	LAURA SINGER WALLACE	3603	52(C) ROAD IN TRESPASS
	1018	BLAKE WHITEMAN JR	3627	207(I) ROAD IN TRESPASS
	1019	LUELLA R JOHNNY WILLIAMS	3629	(S) ROAD IN TRESPASS
	1020	FLORENCE DOYLE	3654	51A ROAD IN TRESPASS
	1021	MILDRED N. OLD CROW	3667	116-C ROAD IN TRESPASS
	1022	JOHN ONION	4130	46(C) ROAD IN TRESPASS
	1023	ALVIN E NOTAFRAID	4014	51A ROAD IN TRESPASS
	1024	NO NAME	TRIBE	346(C) SEC21 T3S R33E ROAD IN TRESPASS
	1025	CYNTHIA COOPER	2155A	(C) ROAD IN TRESPASS
	1026	CYNTHIA COOPER	2155,A	FORCED FEE PATENT
	1027	MARY FRANCIS GARRICH	2195,A	FORCED FEE PATENT
	1028	MABEL BEATRICE COOPER	374	FORCED FEE PATENT
	1029	ARTHUR PETERS	1090	FORCED FEE PATENT
	1030	MARTHA CHATMAN	1338	FORCED FEE PATENT
	1031	ROBERT DOYLE	1458	FORCED FEE PATENT
	1032	JAMES COOPER	1741	FORCED FEE PATENT
	1033	LEE PHELPS	2175	FORCED FEE PATENT
	1034	MEDICINE EVERYWHERE	2294	FORCED FEE PATENT
053203	0019	REVAIS CREEK DISTRICT	TRIBAL	DAMAGES FOR IRRIGATION DITCH DIVERSION
	0020	LOUIS COURVILLE JR.	68	OLD AGE ASSISTANCE
	0021	EMILY FINELY COURVILLE	69	OLD AGE ASSISTANCE
	0022	MARY E. ASHLEY	89	OLD AGE ASSISTANCE
	0024	WILLIAM ASHELY	91	OLD AGE ASSISTANCE
	0025	MARY ANN LAROSE	111	OLD AGE ASSISTANCE
	0026	PIERRE PICHETTE	138	OLD AGE ASSISTANCE
	0027	HENRY CHALWAIN	231	OLD AGE ASSISTANCE
	0028	THERESA S. FELSMAN	246	OLD AGE ASSISTANCE
	0029	LOMAH MATT	292	OLD AGE ASSISTANCE
	0030	JULE MATT	311	OLD AGE ASSISTANCE
	0031	AGNES LUMPRY ANTOINE	340	OLD AGE ASSISTANCE
	0032	(FRANK) PELASSIE COCOWEE	347	OLD AGE ASSISTANCE
	0033	MELANDE COCOWEE	348	OLD AGE ASSISTANCE
	0034	ANNIE KING SORRELL	415	OLD AGE ASSISTANCE
	0035	JOHN W. FINLEY	419	OLD AGE ASSISTANCE
	0036	MARY INMEE (QUEQUESAH)	441	OLD AGE ASSISTANCE
	0037	JOSEPH SELPSTU	576	OLD AGE ASSISTANCE
	0038	FELIX GENDRON	578	OLD AGE ASSISTANCE
	0039	LUCY FINLEY CUMMAH	586	OLD AGE ASSISTANCE
	0040	THERESE LUMPRYSELOWASHLEY	648	OLD AGE ASSISTANCE
	0041	STEPHEN PEON	660	OLD AGE ASSISTANCE
	0042	HENRY MINESINGER	665	OLD AGE ASSISTANCE
	0043	EDWARD GIBSON LACOURSE	715	OLD AGE ASSISTANCE
	0044	EDWARD LOZEAU	746	OLD AGE ASSISTANCE
	0045	ENEAS MICHEL (COMCO)	796	OLD AGE ASSISTANCE
	0046	MARY BIGJOHN	834	OLD AGE ASSISTANCE
	0047	PHILIP ENEAS PIERRE	878	OLD AGE ASSISTANCE
	0048	MARTIN CHESHEW	894	OLD AGE ASSISTANCE
	0050	ALEXANDER CALOWAHCAN	903	OLD AGE ASSISTANCE
	0051	MARY CATHERINE WOODDUCK	982	OLD AGE ASSISTANCE
	0052	BABTISTE FINLEY	1212	OLD AGE ASSISTANCE
	0053	LOUISE FINLEY	1218	OLD AGE ASSISTANCE
	0054	WILLIAM FINLEY	1219	OLD AGE ASSISTANCE
	0055	JOHN LUMPRY	1259	OLD AGE ASSISTANCE

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	0056	MARY VANDERBURG	1271	OLD AGE ASSISTANCE
	0057	VICTOR VANDERBURG	1276	OLD AGE ASSISTANCE
	0058	CECILLE CHARLO VANDERBURG	1284	OLD AGE ASSISTANCE
	0059	JOSEPH FINLEY	1287	OLD AGE ASSISTANCE
	0060	CARRIE COUTURE	1481	OLD AGE ASSISTANCE
	0061	ANTOINE BARNABY	1486	OLD AGE ASSISTANCE
	0062	JOHN CHARLEY	1501	OLD AGE ASSISTANCE
	0063	MARY LOUIS	1561	OLD AGE ASSISTANCE
	0064	PETER CAYE	2112	OLD AGE ASSISTANCE
	0065	JOHN DELWARE	1023	OLD AGE ASSISTANCE
	0066	MARY WOODCOCK	1035	OLD AGE ASSISTANCE
	0067	ISAAC PLANT	1042	OLD AGE ASSISTANCE
	0068	ALEXANDER ASHLEY	1077	OLD AGE ASSISTANCE
	0069	JOHN ASHLEY	1082	OLD AGE ASSISTANCE
	0070	JOSEPH TALLMAN	1095	OLD AGE ASSISTANCE
	0071	JOSEPH HOULE JR.	1132	OLD AGE ASSISTANCE
	0072	CECILLE SLOANE	1177	OLD AGE ASSISTANCE
	0073	ANTOINE FELIX	1330	OLD AGE ASSISTANCE
	0074	CECILLE FELIX	1331	OLD AGE ASSISTANCE
	0075	JOSEPH POKERJAW	1537	OLD AGE ASSISTANCE
	0076	CATHERINE FINLY POKERJIM	1541	OLD AGE ASSISTANCE
	0077	PALCATNAH (PAUL) CHARLO	1544	OLD AGE ASSISTANCE
	0078	MARTIN VANDERBURG SIWAHSAH	1558	OLD AGE ASSISTANCE
	0079	MARY LOUIE	1566	OLD AGE ASSISTANCE
	0080	MARY COOPERPIERREYOSTSWEE	1586	OLD AGE ASSISTANCE
	0081	MARY LOUIE PIERRE	1600	OLD AGE ASSISTANCE
	0082	MOSES BIGSAM	1615	OLD AGE ASSISTANCE
	0083	ISIBEL WHITECOYOTE	1618	OLD AGE ASSISTANCE
	0084	GUS WHITE	1630	OLD AGE ASSISTANCE
	0085	SUSAN FISHER	1637	OLD AGE ASSISTANCE
	0086	LOUISE TSOOSE-PARKERSTOCKTAH	1642	OLD AGE ASSISTANCE
	0087	MARY RATTLESNAKE	1727	OLD AGE ASSISTANCE
	0088	ANTIONE STASSOO	1898	OLD AGE ASSISTANCE
	0089	FRANK BEAUVAIS	1904	OLD AGE ASSISTANCE
	0090	MARY LUCIER BEAUVAIS	1907	OLD AGE ASSISTANCE
	0091	ROSETTE BIGBEAR	1951	OLD AGE ASSISTANCE
	0092	ENEAS PAUL KOOSTAHTAH	2003	OLD AGE ASSISTANCE
	0093	SUSETTE ISAAC KOOSTAHTAH	2005	OLD AGE ASSISTANCE
	0094	ANTOINE JULIAN	2010	OLD AGE ASSISTANCE
	0095	JOSEPH ONICKCANILREET	2015	OLD AGE ASSISTANCE
	0096	ISABELL PIERRE	2027	OLD AGE ASSISTANCE
	0097	JOHN KALLOWAT	2074	OLD AGE ASSISTANCE
	0098	JOSEPHINE YOUSTAH	2150	OLD AGE ASSISTANCE
	0099	LOUISE BIGCRANE QUINTAH	2166	OLD AGE ASSISTANCE
	0100	THERESE PUFF	2229	OLD AGE ASSISTANCE
	0101	SUSEN BULLROBE	2280	OLD AGE ASSISTANCE
	0102	MARY CLODCLOLEE	2271	OLD AGE ASSISTANCE
	0103	MADELINE PAIN	2284	OLD AGE ASSISTANCE
	0104	MARY SUSTELL SELPAH	2307	OLD AGE ASSISTANCE
	0105	LOUIE ENEAS SCULKAH	2316	OLD AGE ASSISTANCE
	0106	JOHN COCONAH	2324	OLD AGE ASSISTANCE
	0107	ANN CHESCOOLAY	2393	OLD AGE ASSISTANCE
	0108	ANNIE RILEY	101	OLD AGE ASSISTANCE
	0109	MARY SMALLMOUTHCHAGALTHKAKH	2457	OLD AGE ASSISTANCE
	0110	RANDALL EUGENE TENES	007304	INDIAN HEALTH CARE
	0111	JULIA RUTH COURVILLE	2694	REJECTED ALLOTMENT-AND OTHERS
	0113	KERR SUBSTATION	TRIBAL	ACCESS PROBLEM S.11 T.22N R.21W
	0114	EDWARD C CLAIRMONT	964	INVOLVES A GIFT DEED OF TRUST LAND-966
	0117	TRIBAL	TRIBAL	S.17 T.15N R.19W TIMBER TRESPASS
	0173	AUGUST ASHLEY	5	FORCED FEE PATENT
	0174	EMILT ASHLEY	6	FORCED FEE PATENT
	0175	ALICE ASHLEY	9	FORCED FEE PATENT
	0176	ALPHONSINE SORRELL	14	FORCED FEE PATENT
	0177	FRANK SORRELL	15	FORCED FEE PATENT
	0178	JULIA SORRELL	16	FORCED FEE PATENT
	0179	FELICITE PEON	32	FORCED FEE PATENT
	0180	WILLIAM RIGHT	59	FORCED FEE PATENT
	0181	HARRY COURVILLE	62	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	0182	CLARA MCKINNEY	76	FORCED FEE PATENT
	0183	LUKE BOUCHARD	82	FORCED FEE PATENT
	0184	ELIZABETH ASHLEY	90	FORCED FEE PATENT
	0185	WILLIAM ASHLEY	91	FORCED FEE PATENT
	0186	ANTOINE ASHLEY	93	FORCED FEE PATENT
	0187	ELLEN ASHLEY	97	FORCED FEE PATENT
	0188	FRANK ASHLEY	101	FORCED FEE PATENT
	0189	ANTOINE LAROSE	110	FORCED FEE PATENT
	0190	ELEANOR LAROSE	120	FORCED FEE PATENT
	0191	LUCY LAROSE	121	FORCED FEE PATENT
	0192	JOSEPH DUCHARME	144	FORCED FEE PATENT
	0193	PETER DUCHARME	145	FORCED FEE PATENT
	0194	JOHN TROUT	148	FORCED FEE PATENT
	0195	ANNIE DUCHARME	157	FORCED FEE PATENT
	0196	CECILE DUCHARME	158	FORCED FEE PATENT
	0197	FLORENCE DUCHARME	159	FORCED FEE PATENT
	0198	ROSEALIE DUCHARME	163	FORCED FEE PATENT
	0199	EMILY MOSS	172	FORCED FEE PATENT
	0200	CLARENCE DUCHARME CRAMER	179	FORCED FEE PATENT
	0201	LAWRENCE A. FINLEY	180	FORCED FEE PATENT
	0202	MARCELLINE FINLEY	181	FORCED FEE PATENT
	0203	MARCELLINE PLUFFE	200	FORCED FEE PATENT
	0204	THERESA CURLEY	221	FORCED FEE PATENT
	0205	GEORGE MCCONNELL	232	FORCED FEE PATENT
	0206	CAROLINE FELLSMAN	247	FORCED FEE PATENT
	0207	OSWALD FELLSMAN	248	FORCED FEE PATENT
	0208	SOPHIA REVAIS	253	FORCED FEE PATENT
	0209	MARY F. NEWMAN	255	FORCED FEE PATENT
	0210	JOSEPHINE LEROUEF	260	FORCED FEE PATENT
	0211	JOSEPH MORIGEAU	261	FORCED FEE PATENT
	0212	MARY MORIGEAU	262	FORCED FEE PATENT
	0213	ANTOINE MORIGEAU	264	FORCED FEE PATENT
	0214	MARY LOUISE MORIGEAU	265	FORCED FEE PATENT
	0215	ARASTASIA MORIGEAU	268	FORCED FEE PATENT
	0216	PEARLE MORIGEAU	269	FORCED FEE PATENT
	0217	ELLEN MORIGEAU	270	FORCED FEE PATENT
	0218	NANCY MORIGEAU	277	FORCED FEE PATENT
	0219	MARY A. MORIGEAU	278	FORCED FEE PATENT
	0220	MATILDA MORIGEAU	284	FORCED FEE PATENT
	0221	ALFRED MATT	298	FORCED FEE PATENT
	0222	ROSE GARDIPE MATT	300	FORCED FEE PATENT
	0223	CHARLES GRINSLOUIS	374	FORCED FEE PATENT
	0224	ANTOINE MORRIN	380	FORCED FEE PATENT
	0225	FELIX MORIN	381	FORCED FEE PATENT
	0226	EDITH LAUDE	387	FORCED FEE PATENT
	0227	ELLEN G. LAMERY	388	FORCED FEE PATENT
	0228	SOLOMAN LEMERY	390	FORCED FEE PATENT
	0229	ALEXANDER LEMERY	392	FORCED FEE PATENT
	0230	SARAH LEMERY	393	FORCED FEE PATENT
	0231	LUKE LEMERY	394	FORCED FEE PATENT
	0232	PHOEBE BUTLER	395	FORCED FEE PATENT
	0233	MARY LEMERY	396	FORCED FEE PATENT
	0234	ALBERT LEMERY	397	FORCED FEE PATENT
	0235	IRENE LEMERY	398	FORCED FEE PATENT
	0236	MARY AGNESS CORELL	400	FORCED FEE PATENT
	0237	JOSEPHINE FABELL	402	FORCED FEE PATENT
	0238	LOUIS CARRON	407	FORCED FEE PATENT
	0239	LEON CARRON	410	FORCED FEE PATENT
	0240	MARY FINLEY	420	FORCED FEE PATENT
	0241	FRANK FINLEY	424	FORCED FEE PATENT
	0242	AGATE OGDEN	439	FORCED FEE PATENT
	0243	ARCHIE MCDONALD	468	FORCED FEE PATENT
	0244	THOMAS MCDONALD	469	FORCED FEE PATENT
	0245	ANGUS P. MCDONALD	474	FORCED FEE PATENT
	0246	MAGGIE MCDONALD	475	FORCED FEE PATENT
	0247	ANGUS MCDONALD JR.	476	FORCED FEE PATENT
	0248	NORA MCDONALD	478	FORCED FEE PATENT
	0249	EINA MAY MCDONALD	479	FORCED FEE PATENT

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	0250	MARY T. BEAUCHAMP	484	FORCED FEE PATENT
	0251	OLIVER M. BEAUCHAMP	485	FORCED FEE PATENT
	0252	CLEOFAS TELLIER	486	FORCED FEE PATENT
	0253	OSCAR LUDDINGTON	491	FORCED FEE PATENT
	0254	MINNIE LUDDINGTON	492	FORCED FEE PATENT
	0255	THEODORE TELLIER	495	FORCED FEE PATENT
	0256	ISAAC TELLIER	496	FORCED FEE PATENT
	0257	LOUIE PAUL	525	FORCED FEE PATENT
	0258	MARY GIRD MONEIL	530	FORCED FEE PATENT
	0259	WILLIAM D. MONEIL	531	FORCED FEE PATENT
	0260	ROSALIE LIRVINE	538	FORCED FEE PATENT
	0261	LEON BURDON JR.	542	FORCED FEE PATENT
	0262	MARY BLOOD	548	FORCED FEE PATENT
	0263	JOHN MCDONALD	558	FORCED FEE PATENT
	0264	FLORENCE MCDONALD	560	FORCED FEE PATENT
	0265	DUNCAN MCDONALD	561	FORCED FEE PATENT
	0266	SARAH OGDEN	604	FORCED FEE PATENT
	0267	LOUIE C. LANTON	611	FORCED FEE PATENT
	0268	JOSEPHINE LANTON	612	FORCED FEE PATENT
	0269	LENA PALIN HOGSON	633	FORCED FEE PATENT
	0270	WILLIAM PALIN	639	FORCED FEE PATENT
	0271	CELINE R. PALIN	641	FORCED FEE PATENT
	0272	NELLIE L. MILES	697	FORCED FEE PATENT
	0273	JOHN MENESINGER	690	FORCED FEE PATENT
	0274	CHARLES LUCIER	708	FORCED FEE PATENT
	0275	FRANK LUCIER	709	FORCED FEE PATENT
	0276	ROSIE LUCIER	710	FORCED FEE PATENT
	0277	ANGELIC LACOURSE	714	FORCED FEE PATENT
	0278	JOHN LOZEAU	744	FORCED FEE PATENT
	0279	EDWARD LOZEAU	746	FORCED FEE PATENT
	0280	LOUIE LOZEAU	750	FORCED FEE PATENT
	0281	THEODORE LOZEAU	753	FORCED FEE PATENT
	0282	ALMA LOZEAU GLOVER	756	FORCED FEE PATENT
	0283	EMILY GLOVER	759	FORCED FEE PATENT
	0284	ADALINE ALLARD	771	FORCED FEE PATENT
	0285	JOSEPH DESCHAMPS	779	FORCED FEE PATENT
	0286	JANE MICHEL	786	FORCED FEE PATENT
	0287	HELEN HAWK	821	FORCED FEE PATENT
	0288	MARY MCCLURE	825	FORCED FEE PATENT
	0289	JOSEPH MCCLURE	827	FORCED FEE PATENT
	0290	LILLIAN WELTY	860	FORCED FEE PATENT
	0291	ERMINE RIVERS	867	FORCED FEE PATENT
	0292	FRANK GENDRON	869	FORCED FEE PATENT
	0293	ALEY LAFLEMME	872	FORCED FEE PATENT
	0294	ARRAHAM BELL	927	FORCED FEE PATENT
	0295	JULIAN BELL	929	FORCED FEE PATENT
	0296	SYLVIA M. REDYMAN	932	FORCED FEE PATENT
	0297	ARMINE M. CLAIRMONT	943	FORCED FEE PATENT
	0298	ALICE CLAIRMONT	944	FORCED FEE PATENT
	0299	VICTOR CLAIRMONT	945	FORCED FEE PATENT
	0300	JOSEPH LARRIVEE	958	FORCED FEE PATENT
	0301	CAVILLE DUPUIS	1009	FORCED FEE PATENT
	0302	AGNES DUPUIS	1010	FORCED FEE PATENT
	0303	EDWIN DUPUIS	1011	FORCED FEE PATENT
	0304	WILLIE A. DUPUIS	1012	FORCED FEE PATENT
	0305	ALPHONSINE MCINTYRE	1017	FORCED FEE PATENT
	0306	ROSE DUPUIS	1020	FORCED FEE PATENT
	0307	ISABEL HULL	1027	FORCED FEE PATENT
	0308	SOPHIA PLANT	1043	FORCED FEE PATENT
	0309	CECILLE VALLEE	1049	FORCED FEE PATENT
	0310	ADALINE BURLAND	1073	FORCED FEE PATENT
	0311	ALEX ASHLEY	1077	FORCED FEE PATENT
	0312	HENRY ASHLEY	1079	FORCED FEE PATENT
	0313	JOSEPH ASHLEY	1080	FORCED FEE PATENT
	0314	MARCLAINE ASHLEY	1081	FORCED FEE PATENT
	0315	JOHN ASHLEY	1082	FORCED FEE PATENT
	0316	DAVID ASHLEY	1084	FORCED FEE PATENT
	0317	JOSEPHINE ASHLEY	1087	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	0318	LOUISON ASHLEY	1091	FORCED FEE PATENT
	0319	ALEX ASHLEY	1094	FORCED FEE PATENT
	0320	JULIA MCLEOD	1102	FORCED FEE PATENT
	0321	ALEX MCLEOD	1104	FORCED FEE PATENT
	0322	HENRY MCLEOD	1108	FORCED FEE PATENT
	0323	WILLIAM MURRAY	1129	FORCED FEE PATENT
	0324	ANNIE HOULE MARION	1130	FORCED FEE PATENT
	0325	JOSEPH HOULE	1132	FORCED FEE PATENT
	0326	DELPHINE HOULE	1133	FORCED FEE PATENT
	0327	FLORA HOULE	1135	FORCED FEE PATENT
	0328	LAWRENCE PABLO	1153	FORCED FEE PATENT
	0329	ELEANOR PABLO	1157	FORCED FEE PATENT
	0330	LAWRENCE E. PABLO	1158	FORCED FEE PATENT
	0331	ALLEN SLOANE	1176	FORCED FEE PATENT
	0332	WALTER A. SLOANE	1180	FORCED FEE PATENT
	0333	HATTIE ROSE SLOANE	1182	FORCED FEE PATENT
	0334	GRACE R. SLOANE	1184	FORCED FEE PATENT
	0335	STEPHEN HOWLETT	1198	FORCED FEE PATENT
	0336	MACK HOWLETT	1199	FORCED FEE PATENT
	0337	MARY PACHE	1208	FORCED FEE PATENT
	0338	WILLIAM FINLEY	1219	FORCED FEE PATENT
	0339	ZEB GEBEAU	1224	FORCED FEE PATENT
	0340	MARGARET LEWIS	1296	FORCED FEE PATENT
	0341	WILLIAM THREETAULT	1364	FORCED FEE PATENT
	0342	MARCELINE LADDEROUTE	1370	FORCED FEE PATENT
	0343	VICTORIA LADDEROUTE	1371	FORCED FEE PATENT
	0344	ISAAC LADDEROUTE	1376	FORCED FEE PATENT
	0345	DELIA G. LADDEROUTE	1377	FORCED FEE PATENT
	0346	ROSCOE MORAIS	1390	FORCED FEE PATENT
	0347	NORVILLE MORRAIS	1393	FORCED FEE PATENT
	0348	RICHARDETTE BRECHRILL	1414	FORCED FEE PATENT
	0349	WILLIAM TURNAGE JR.	1417	FORCED FEE PATENT
	0350	EDWARD TURNAGE	1419	FORCED FEE PATENT
	0351	CASSIE LEE TURNAGE	1422	FORCED FEE PATENT
	0352	NANCY MAY SANDERS	1425	FORCED FEE PATENT
	0353	EARL S. SANDERS	1426	FORCED FEE PATENT
	0354	ANNIE B. MARTIN	1469	FORCED FEE PATENT
	0355	LUCY BLODGETT	1471	FORCED FEE PATENT
	0356	JOSEPH BLODGETT	1472	FORCED FEE PATENT
	0357	LOUIS COUTURE	1477	FORCED FEE PATENT
	0358	ELLEN JONES	1485	FORCED FEE PATENT
	0359	ROSIE COUTURE	1493	FORCED FEE PATENT
	0360	OCTAVE COUTURE JR.	1494	FORCED FEE PATENT
	0361	CHARLES COUTURE	1495	FORCED FEE PATENT
	0362	MARY J. POKERJIM	1539	FORCED FEE PATENT
	0363	LOUIE TOPSSEH	1647	FORCED FEE PATENT
	0364	ALEXANDER ASHLEY	1683	FORCED FEE PATENT
	0365	CHARLES HUNTER	1690	FORCED FEE PATENT
	0366	ALICE ROBERTSSTINGER	1735	FORCED FEE PATENT
	0367	WILLIAM PARIZEAU	1747	FORCED FEE PATENT
	0368	JAMES RAYMOND	1763	FORCED FEE PATENT
	0369	LIZZIE KIERNAN	1770	FORCED FEE PATENT
	0370	ELIZABETH KIERNAN	1772	FORCED FEE PATENT
	0371	AGNES KIERNAN	1773	FORCED FEE PATENT
	0372	LEONARD PEONE	1781	FORCED FEE PATENT
	0373	ALICE DEMERS	1786	FORCED FEE PATENT
	0374	ANGELIC DEMERS	1791	FORCED FEE PATENT
	0375	NINA GARTEPY	1799	FORCED FEE PATENT
	0376	ALBERT ROEDER	1814	FORCED FEE PATENT
	0377	HENRY BISSON	1828	FORCED FEE PATENT
	0378	XAVIER BISSON	1831	FORCED FEE PATENT
	0379	LINA BONSQUET	1835	FORCED FEE PATENT
	0380	JANE BONSQUET	1836	FORCED FEE PATENT
	0381	MARY BONSQUET	1837	FORCED FEE PATENT
	0382	ADELLE BONSQUET	1838	FORCED FEE PATENT
	0383	MARY DUBAY	1845	FORCED FEE PATENT
	0384	CONRAD DUBAY	1848	FORCED FEE PATENT
	0385	CATHERINE DUBAY	1850	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	0454	ALBERT COURVILLE	57	FORFD FEE PATENT
	0455	GAETAVE WHITE	60	FORFD FEE PATENT
	0456	OLIVER COURVILLE	61	FORFD FEE PATENT
	0457	ALPHONSE COURVILLE	64	FORFED FEE PATENT
	0458	ROYAL COURVILLE	67	FORFED FEE PATENT
	0459	LOUIS COURVILLE	68	FORFD FEE PATENT
	0460	DENISE COURVILLE	72	FORFED FEE PATENT
	0461	DENISE C. RICHARD	77	FORFED FEE PATENT
	0462	ALMA RICHARD SMITH	79	FORFED FEE PATENT
	0463	GATOR GILLETTE	83	FORFED FEE PATENT
	0464	CHARLES PLUFFE	102	FORFED FEE PATENT
	0465	LOUIE EMERS	108	FORFED FEE PATENT
	0466	MARY LAROSE	109	FORFED FEE PATENT
	0467	ESTHER LAROSE	114	FORFED FEE PATENT
	0468	XAVIER LAROSE	117	FORFED FEE PATENT
	0469	JOHN LAROSE	122	FORFED FEE PATENT
	0470	JAMES PADETTE	130	FORFED FEE PATENT
	0471	EDWARD PICKETTE	131	FORFD FEE PATENT
	0472	PAUL PICKETTE	132	FORFED FEE PATENT
	0473	MARTEEN LAURA PHILLIPS	140	FORFD FEE PATENT
	0474	FRANK DUCHARM	141	FORCED FEE PATENT
	0475	JOSETTE DUCHARM	142	FORFD FEE PATENT
	0476	FRANK DUCHARME JR.	151	FORFD FEE PATENT
	0477	LUCY JAMIN DUCHARME	155	FORFD FEE PATENT
	0478	SAMUEL BELLMONT	160	FORFED FEE PATENT
	0479	WILLIAM DUCHARME	162	FORFD FEE PATENT
	0480	ISABEL GRAVELLE	164	FORFD FEE PATENT
	0481	PHILLIP MOSS	170	FORFED FEE PATENT
	0482	JOSEPH MOSS	173	FORFD FEE PATENT
	0483	CHARLES MICHEL	182	FORFD FEE PATENT
	0484	MARY C. MICHEL	183	FORFED FEE PATENT
	0485	AGNES MICHEL	184	FORFED FEE PATENT
	0486	ALEX MICHEL	186	FORFED FEE PATENT
	0487	CELESTINE QUITTO	188	FORFED FEE PATENT
	0488	ANN TELOSTAIR	190	FORFED FEE PATENT
	0489	JOSEPH STANDINGBEAR	192	FORFED FEE PATENT
	0490	LUCY STANDING BEAR	193	FORFED FEE PATENT
	0491	MERELL JASON	197	FORFED FEE PATENT
	0492	SUSAN KAKASHE	204	FORFED FEE PATENT
	0493	LAMMAY KAKASHE	205	FORFED FEE PATENT
	0494	PAUL KAKASHE	207	FORFED FEE PATENT
	0495	CATHERINE KAKASHE	208	FORFED FEE PATENT
	0496	VINCENT CURLEY	222	FORFED FEE PATENT
	0497	THERESE S. REVAISTELSMAN	246	FORFED FEE PATENT
	0498	JOSEPH H. FELLSMAN	250	FORFED FEE PATENT
	0499	HENRY FELLSMAN	251	FORFED FEE PATENT
	0500	WILLIAM NEMAN	254	FORFED FEE PATENT
	0501	PHILOMENE FAITE	259	FORFED FEE PATENT
	0502	OLIVE A. MORIGEAU	273	FORFED FEE PATENT
	0503	ANGELIC GABRIELLEMORIGEAU	274	FORFED FEE PATENT
	0504	GLADYS A. MORIGEAU	282	FORFED FEE PATENT
	0505	JOHN MORIGEAU	283	FORFED FEE PATENT
	0506	LORAH MATT	292	FORFD FEE PATENT
	0507	JOSEPH COUTURE	295	FORCED FEE PATENT
	0508	FRANK MATT	299	FORCED FEE PATENT
	0509	LILLIAN IMEZ MATT	301	FORCED FEE PATENT
	0510	PETER MATT	307	FORCED FEE PATENT
	0511	JULE MATT	311	FORCED FEE PATENT
	0512	MARTISSE MATT	314	FORCED FEE PATENT
	0513	ALEX MATT	316	FORFD FEE PATENT
	0514	THERESE MATT	319	FORCED FEE PATENT
	0515	VICTOR MATT	322	FORFED FEE PATENT
	0516	ANTOINE MATT	323	FORCED FEE PATENT
	0517	ADELAIDE MATT	324	FORCED FEE PATENT
	0518	HENRY MATT	325	FORCED FEE PATENT
	0519	MARGARITTE MATT	326	FORFD FEE PATENT
	0520	FRANK MATT	328	FORCED FEE PATENT
	0521	ALEX MATT	335	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	0386	WILFRED BURAY	1851	FORFD FEE PATENT
	0387	JOSEPH GARDIPE	1873	FORFD FEE PATENT
	0388	GEORGE W. GARDIPE	1874	FORFD FEE PATENT
	0389	JOSEPH KELLER	1879	FORFD FEE PATENT
	0390	RIMI BEAUVAIS	1905	FORFED FEE PATENT
	0391	CLARICE BEAUVAIS	1909	FORFED FEE PATENT
	0392	ALMA RINASELL	1970	FORFED FEE PATENT
	0393	CLARA LEDOUX	2047	FORFED FEE PATENT
	0394	MERCEDA MICHEL	2065	FORFED FEE PATENT
	0395	CHARLES MICHEL	2066	FORFED FEE PATENT
	0396	ANNIE MICHEL	2087	FORFED FEE PATENT
	0397	LESLIE VINSON	2092	FORFED FEE PATENT
	0398	SUSANNA MAILLET	2157	FORFED FEE PATENT
	0399	LOUIE MAILLET	2158	FORCED FEE PATENT
	0400	MICHEL DE MAILLET	2159	FORFED FEE PATENT
	0401	ALBERT MAILLET	2160	FORFED FEE PATENT
	0402	ROSA MARIEL	2254	FORFED FEE PATENT
	0403	LORENA MARIEL	2255	FORFED FEE PATENT
	0404	LUCINDA MARIEL	2257	FORFD FEE PATENT
	0405	WILLIAM MARIEL	2258	FORCED FEE PATENT
	0406	ALPHONSE GUTE	2314	FORFD FEE PATENT
	0407	ETHEL SANFORD	2345	FORFED FEE PATENT
	0408	RICHARD L. SANFORD	2346	FORFED FEE PATENT
	0409	CHARLES DUMONT	2349	FORCED FEE PATENT
	0410	MARY R. DUMONT	2350	FORFED FEE PATENT
	0411	BESSIE DUMONT	2351	FORFED FEE PATENT
	0412	ALEX DUMONT	2352	FORFD FEE PATENT
	0413	ELLEN MARIEL	2405	FORFED FEE PATENT
	0414	LUCY CAMILLE	2406	FORFED FEE PATENT
	0415	ARLINE MATT	2407	FORFED FEE PATENT
	0416	DELMA MORRIS	2409	FORFD FEE PATENT
	0417	ELLEN HOLE	2454	FORFED FEE PATENT
	0418	ANGELIC PARIS	2456	FORFED FEE PATENT
	0419	SEYMOUR KINNEYAH	2417	OLD AGE ASSISTANCE
	0420	ANDREW TOUSH	2053	OLD AGE ASSISTANCE
	0421	LOUIE KAPTAINE	2104	OLD AGE ASSISTANCE
	0422	MARY JUNEYAH	2072	OLD AGE ASSISTANCE
	0423	PHILLIP KAINOAT	2076	OLD AGE ASSISTANCE
	0424	NICOLAI GRAVELLE	2115	OLD AGE ASSISTANCE
	0425	MARY PACHE	2106	OLD AGE ASSISTANCE
	0426	SAMUALE (FINGER) LEFTHAND	2141	OLD AGE ASSISTANCE
	0427	MADELINE LEFTHAND	2140	OLD AGE ASSISTANCE
	0428	ROSALIE MICHEL	2124	OLD AGE ASSISTANCE
	0429	ANN MATHIAS	2155	OLD AGE ASSISTANCE
	0430	JOSEPH WILLSON	2163	OLD AGE ASSISTANCE
	0431	ANTOINE LAROSE	110	OLD AGE ASSISTANCE
	0432	ALEXANDER HEMINGTO	2197	OLD AGE ASSISTANCE
	0433	SUSAN MICHAH	2219	OLD AGE ASSISTANCE
	0434	LASSAW STASSO	2240	OLD AGE ASSISTANCE
	0435	PHILOMENE FINLEY	619	OLD AGE ASSISTANCE
	0436	ALEXANDER JOSEPH	487	OLD AGE ASSISTANCE
	0437	JANE MICHEL	786	OLD AGE ASSISTANCE
	0438	JOSEPH REDHORN	9225	PAID IN TRESPASS
	0439	TRIBAL	G.U.S:	TRESPASS-GRAZING IN RANGE UNIT 1
	0440	JOHN B. FINLEY	1	FORFD FEE PATENT
	0441	ANNIE ASHLEY	10	FORFD FEE PATENT
	0442	MARY CHAMPOUX	12	FORFED FEE PATENT
	0443	ISADORE STANFILL	13	FORFED FEE PATENT
	0444	JOSEPH GARNIER	23	FORFD FEE PATENT
	0445	MOSES GARNIER	28	FORFED FEE PATENT
	0446	MARY FRANCIS GARNIER	29	FORCED FEE PATENT
	0447	MARY LOUIS CORA GARNIER	30	FORFED FEE PATENT
	0448	WILLIAM PEON	31	FORFED FEE PATENT
	0449	VIRGINIA LANTON	37	FORFED FEE PATENT
	0450	JOSEPH NORANDIN	39	FORFD FEE PATENT
	0451	CAROLINE COUTURE	46	FORFED FEE PATENT
	0452	JULIAN COURVILLE	53	FORFED FEE PATENT
	0453	CLARA L. COURVILLE	54	FORFD FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	0522	JOHN MATT	340	FORCED FEE PATENT
	0523	FELICITE MATT	341	FORCED FEE PATENT
	0524	ELIZABETH MATT	343	FORCED FEE PATENT
	0525	STEPHEN MATT	349	FORCED FEE PATENT
	0526	LOUIE MATT	350	FORCED FEE PATENT
	0527	ROSALIE PERDUN MATT	351	FORCED FEE PATENT
	0528	MARTIN JOSEPH	369	FORCED FEE PATENT
	0529	LILLY G. BREWER	375	FORCED FEE PATENT
	0530	LENA N. FOISEY	377	FORCED FEE PATENT
	0531	FRANCES LADUE	385	FORCED FEE PATENT
	0532	NORA MILLER	401	FORCED FEE PATENT
	0533	MAGGIE KINGBEAUCHEMIN	413	FORCED FEE PATENT
	0534	LOUIE KING	414	FORCED FEE PATENT
	0535	ANNA FINLEY	417	FORCED FEE PATENT
	0536	ROBERT FINLEY	423	FORCED FEE PATENT
	0537	MARGARET FINLEY	425	FORCED FEE PATENT
	0538	WILLIAM FINLEY	427	FORCED FEE PATENT
	0539	PETER LAROSE	429	FORCED FEE PATENT
	0540	MICHEL REVAIS	444	FORCED FEE PATENT
	0541	SUSAN REVAIS	445	FORCED FEE PATENT
	0542	VETAL REVAIS	446	FORCED FEE PATENT
	0543	LOUIE SABINE	452	FORCED FEE PATENT
	0544	MARTIN YELLOWMOUNTAIN	454	FORCED FEE PATENT
	0545	DUNCAN MCDONALD	456	FORCED FEE PATENT
	0546	LOUISE MCDONALD	457	FORCED FEE PATENT
	0547	PETER COLL MCDONALD	458	FORCED FEE PATENT
	0548	DONALD MCDONALD	460	FORCED FEE PATENT
	0549	EMMA MCDONALD	462	FORCED FEE PATENT
	0550	JULIA MCDONALD	463	FORCED FEE PATENT
	0551	CHRISTINA MCDONALDMCHOST.	464	FORCED FEE PATENT
	0552	JULIA STEINSGAR	465	FORCED FEE PATENT
	0553	VICTORIA MCDONALD	481	FORCED FEE PATENT
	0554	THOMAS MCDONALD	482	FORCED FEE PATENT
	0555	ANGELIC TELLIER	483	FORCED FEE PATENT
	0556	NARCISSE TELLIER	487	FORCED FEE PATENT
	0557	ELSIE T. LUDDINGTON	488	FORCED FEE PATENT
	0558	LOUIS TELLIER	497	FORCED FEE PATENT
	0559	AGATE ALEXANDER	508	FORCED FEE PATENT
	0560	FRANCOIS SHSTEMOO	509	FORCED FEE PATENT
	0561	SUSAN SHSTEMOO	510	FORCED FEE PATENT
	0562	JEROME SHSTEMOO	511	FORCED FEE PATENT
	0563	THERESE SHSTEMOO	512	FORCED FEE PATENT
	0564	JOSEPH JEROME SHSTEMOO	513	FORCED FEE PATENT
	0565	JOHN CALTOMEE	515	FORCED FEE PATENT
	0566	LUCY COMOLUTHCO	516	FORCED FEE PATENT
	0567	JOHN TAHPE	517	FORCED FEE PATENT
	0568	SUSAN MANYBEAR	519	FORCED FEE PATENT
	0569	JOHN PETER PHILLIP	522	FORCED FEE PATENT
	0570	LUCY GIRD YOST	528	FORCED FEE PATENT
	0571	WILLIAM C. GIRD	529	FORCED FEE PATENT
	0572	WILLIAM IRVINE	532	FORCED FEE PATENT
	0573	EMILY IRVINE	533	FORCED FEE PATENT
	0574	EMMA MARION	535	FORCED FEE PATENT
	0575	PETER IRVINE	536	FORCED FEE PATENT
	0576	JENNIE IRVINEBOURDON	539	FORCED FEE PATENT
	0577	ANGELINE BOURDON	540	FORCED FEE PATENT
	0578	ARMINE BOURDON	544	FORCED FEE PATENT
	0579	EUGENIE BOURDONROULLIER	546	FORCED FEE PATENT
	0580	LUCY MCDONALD	557	FORCED FEE PATENT
	0581	MARY C. MCDONALD	559	FORCED FEE PATENT
	0582	MARY CLIPCHANCE	565	FORCED FEE PATENT
	0583	WILLIAM COURTOIS	566	FORCED FEE PATENT
	0584	CECILLE COURTOIS	567	FORCED FEE PATENT
	0585	EDWARD COURTOIS	568	FORCED FEE PATENT
	0586	ALICE COURTOIS	569	FORCED FEE PATENT
	0587	CATHERINE WANTEMME	571	FORCED FEE PATENT
	0588	JOSETTE SILPAH	572	FORCED FEE PATENT
	0589	GABRIEL BLACKHAIR	573	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	0590	EDWARD GENDRON	580	FORCED FEE PATENT
	0591	BABTISTE GENDRON	581	FORCED FEE PATENT
	0592	HENRY GENDRON	582	FORCED FEE PATENT
	0593	ANNIE GENDRONMATT	583	FORCED FEE PATENT
	0594	ANTOINE GRANJO	597	FORCED FEE PATENT
	0595	PETER OGDEN	606	FORCED FEE PATENT
	0596	LUCY LANTOWSELTICE	613	FORCED FEE PATENT
	0597	ISAAC LANTOW	614	FORCED FEE PATENT
	0598	SUSAN FINLEY	616	FORCED FEE PATENT
	0599	ALEX FINLEY	621	FORCED FEE PATENT
	0600	LOUIE FINLEY	623	FORCED FEE PATENT
	0601	ANGELIC FINLEY	624	FORCED FEE PATENT
	0602	WILLIAM FINLEY	627	FORCED FEE PATENT
	0603	ANGELIC PALIN	632	FORCED FEE PATENT
	0604	PETER PALIN	636	FORCED FEE PATENT
	0605	ISAAC PALIN	640	FORCED FEE PATENT
	0606	SOPHIE SMALLSALMON	653	FORCED FEE PATENT
	0607	ANGELIC PEONE	659	FORCED FEE PATENT
	0608	WILLIAM FINLEY	661	FORCED FEE PATENT
	0609	NELLIE M. FINLEY	664	FORCED FEE PATENT
	0610	JAMES WAYNACK	689	FORCED FEE PATENT
	0611	TENAS REDHORN	694	FORCED FEE PATENT
	0612	CATHERINE REDHORN	695	FORCED FEE PATENT
	0613	SAMUEL BELLMAN	702	FORCED FEE PATENT
	0614	PETER LUCIER	703	FORCED FEE PATENT
	0615	JOSEPH FRANCIS LUCIER	705	FORCED FEE PATENT
	0616	ALFRED LUCIER	711	FORCED FEE PATENT
	0617	ANTOINE LACOURSE	713	FORCED FEE PATENT
	0618	PENAHMEE PIERRE	729	FORCED FEE PATENT
	0619	FRANCIS INHOOSTAY	731	FORCED FEE PATENT
	0620	BABTISTE TIMELMEE	738	FORCED FEE PATENT
	0621	ADOLPH LOZEAU JR.	743	FORCED FEE PATENT
	0622	ALPHONSINE LOZEAU	749	FORCED FEE PATENT
	0623	HENRY W. GLOVER	758	FORCED FEE PATENT
	0624	LILLY B. GLOVERHANSEN	760	FORCED FEE PATENT
	0625	PIERRE ARLEE	766	FORCED FEE PATENT
	0626	MICHAEL ENHULUMTAH	769	FORCED FEE PATENT
	0627	IRVING ALLARD	772	FORCED FEE PATENT
	0628	ADNA ALLARD	773	FORCED FEE PATENT
	0629	WILLIAM DESCHAMPS	781	FORCED FEE PATENT
	0630	MARION DESCHAMPS	782	FORCED FEE PATENT
	0631	EDWARD DESCHAMPS	783	FORCED FEE PATENT
	0632	JAMES MCKEEVER	790	FORCED FEE PATENT
	0633	EMEAS MICHEL	796	FORCED FEE PATENT
	0634	PIERRE JOSEPH	815	FORCED FEE PATENT
	0635	WILLIAM J. MCCLURE	823	FORCED FEE PATENT
	0636	ROBERT MCCLURE	824	FORCED FEE PATENT
	0637	FRANK MCCLURE	828	FORCED FEE PATENT
	0638	MARY AGATE	832	FORCED FEE PATENT
	0639	CHARLO BIGJOHN (FINLEY)	836	FORCED FEE PATENT
	0640	ADELAIDE KICKINGHORSE	840	FORCED FEE PATENT
	0641	CATHERINE JOSEPH	850	FORCED FEE PATENT
	0642	FELICITE GOIN	857	FORCED FEE PATENT
	0643	ELEANOR WELTY	859	FORCED FEE PATENT
	0644	MARY GOIN RIVER	861	FORCED FEE PATENT
	0645	CHARLES RIVERS	862	FORCED FEE PATENT
	0646	HENRY RIVERS	864	FORCED FEE PATENT
	0647	CLARA RIVERS	866	FORCED FEE PATENT
	0648	ROSIE GENDRON	871	FORCED FEE PATENT
	0649	JOSEPH PIERRE	883	FORCED FEE PATENT
	0650	MARTIN CHESHESUE	884	FORCED FEE PATENT
	0651	PIERRE CALOWAHCAN	905	FORCED FEE PATENT
	0652	CHRISTINE CALOWAHCAN	906	FORCED FEE PATENT
	0653	AGATE REDHORN	911	FORCED FEE PATENT
	0654	ANTOINE FINLEY	913	FORCED FEE PATENT
	0655	PHILLIP MOTOBAC	924	FORCED FEE PATENT
	0656	ROSALIE M. BELL	925	FORCED FEE PATENT
	0657	WILLIAM BELL JR.	926	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
053203	0658	DELPHINE RICKEY	934	FORCED FEE PATENT
	0659	JOHN LAZOTT	935	FORCED FEE PATENT
	0660	ADDIE LAWSON	936	FORCED FEE PATENT
	0661	ROSALIE CLAIRMONT	941	FORCED FEE PATENT
	0662	ALPHONSE CLAIRMONT	942	FORCED FEE PATENT
	0663	LOUIS CLAIRMONT	950	FORCED FEE PATENT
	0664	EMERENCE C. CLAIRMONT	951	FORCED FEE PATENT
	0665	MARY LUCY CLAIRMONT	956	FORCED FEE PATENT
	0666	JOHN BOUCHARD	957	FORCED FEE PATENT
	0667	HENRY CLAIRMONT	959	FORCED FEE PATENT
	0668	EDWARD CLAIRMONT	964	FORCED FEE PATENT
	0669	EDWARD C. CLAIRMONT	966	FORCED FEE PATENT
	0670	JOHN CLAIRMONT	968	FORCED FEE PATENT
	0671	HAROLD CLAIRMONT	970	FORCED FEE PATENT
	0672	JOSEPH ISAAC	974	FORCED FEE PATENT
	0673	JOSEPH PIERRE	987	FORCED FEE PATENT
	0674	JAMES DUPUIS	1001	FORCED FEE PATENT
	0675	VICTOR DUPUIS	1019	FORCED FEE PATENT
	0676	ANDREW WOODCOCK	1034	FORCED FEE PATENT
	0677	MARY LUCY WOODCOCK	1037	FORCED FEE PATENT
	0678	MITCHEL PLANT	1041	FORCED FEE PATENT
	0679	ANTOINE VALLEE	1050	FORCED FEE PATENT
	0680	JOSEPHINE VALLEE	1053	FORCED FEE PATENT
	0681	ANDREW VALLEE	1054	FORCED FEE PATENT
	0682	MARY DUPLESIS	1059	FORCED FEE PATENT
	0683	ELEANOR SAWSER	1060	FORCED FEE PATENT
	0684	HENRY RUPLAND	1066	FORCED FEE PATENT
	0685	THOMAS RUPLAND	1072	FORCED FEE PATENT
	0686	JULIAN ASHLEY	1078	FORCED FEE PATENT
	0687	ALEX L. MCLEOD	1097	FORCED FEE PATENT
	0688	HECTOR MCLEOD	1098	FORCED FEE PATENT
	0689	FRANK MCLEOD	1101	FORCED FEE PATENT
	0690	ALEX MCLEOD	1104	FORCED FEE PATENT
	0691	CALVIN MCLEOD	1115	FORCED FEE PATENT
	0692	LILLY L. MCLEOD	1117	FORCED FEE PATENT
	0693	ROSE BRIGHAM HOULE	1123	FORCED FEE PATENT
	0694	CALLY HOULE	1124	FORCED FEE PATENT
	0695	JOSEPH HOULE	1132	FORCED FEE PATENT
	0696	FREDERICK HOULE	1134	FORCED FEE PATENT
	0697	JOHN HOULE	1138	FORCED FEE PATENT
	0698	MARY HOULE	1139	FORCED FEE PATENT
	0699	PELASSAWAY COOL-SHE	1145	FORCED FEE PATENT
	0700	MICHEL PABLO	1148	FORCED FEE PATENT
	0701	AGATE PABLO	1149	FORCED FEE PATENT
	0702	JOSEPH PABLO	1151	FORCED FEE PATENT
	0703	ALEX PABLO	1152	FORCED FEE PATENT
	0704	LOUIE PABLO	1158	FORCED FEE PATENT
	0705	AGNES PABLO	1159	FORCED FEE PATENT
	0706	CHARLES H. PABLO	1161	FORCED FEE PATENT
	0707	MARY AGNES DUPUIS	1165	FORCED FEE PATENT
	0708	THERESE E. DUPUIS	1168	FORCED FEE PATENT
	0709	DANIEL DUPUIS	1169	FORCED FEE PATENT
	0710	BAPTISTE MARENGO	1170	FORCED FEE PATENT
	0711	CAROLINE MARENGO	1171	FORCED FEE PATENT
	0712	NELLIE MAY SLOANE	1179	FORCED FEE PATENT
	0713	JOSEPHINE D. SLOANE	1185	FORCED FEE PATENT
	0714	LUCY BOURASSA	1189	FORCED FEE PATENT
	0715	DELIA POULTER	1192	FORCED FEE PATENT
	0716	HENRY POULTER	1196	FORCED FEE PATENT
	0717	PHILOMENE DUMONT,KRISTIN	1200	FORCED FEE PATENT
	0718	JOSEPH DUMONTIER	1204	FORCED FEE PATENT
	0719	MICHEL FINLEY	1223	FORCED FEE PATENT
	0720	ANTOINE FINLEY	1226	FORCED FEE PATENT
	0721	LOUIE FINLEY	1227	FORCED FEE PATENT
	0722	ENEAS PELLEW	1239	FORCED FEE PATENT
	0723	JOSEPH PELLEW(LUMPREY)	1240	FORCED FEE PATENT
	0724	ZER GEREAU	1242	FORCED FEE PATENT
	0725	ADEL GEREAU	1243	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
053203	0726	FRANCOIS LUMPRY	1248	FORCED FEE PATENT
	0727	PETER LAMOOSE	1253	FORCED FEE PATENT
	0728	ADELAIDE LUMPRY	1261	FORCED FEE PATENT
	0729	MICHAEL SPOKANE	1266	FORCED FEE PATENT
	0730	JOSEPH FINLEY	1287	FORCED FEE PATENT
	0731	PATRICK FINLEY	1288	FORCED FEE PATENT
	0732	CATHERINE FINLEY	1291	FORCED FEE PATENT
	0733	MADELINE FINLEY	1292	FORCED FEE PATENT
	0734	JENNIE FINLEY LEWIS	1295	FORCED FEE PATENT
	0735	MARGARET LEWIS	1296	FORCED FEE PATENT
	0736	OLIVER GEBEAU	1297	FORCED FEE PATENT
	0737	ROSALIE GEBEAU	1298	FORCED FEE PATENT
	0738	JAMES GEBEAU	1303	FORCED FEE PATENT
	0739	BASIL FINLEY	1307	FORCED FEE PATENT
	0740	NANCY FINLEY BEAUCHAINE	1313	FORCED FEE PATENT
	0741	PIERRE CANTSNAKE	1324	FORCED FEE PATENT
	0742	MAUD LARRIVEE	1326	FORCED FEE PATENT
	0743	FRANCIS KIZER	1334	FORCED FEE PATENT
	0744	MADELINE KIZER	1335	FORCED FEE PATENT
	0745	MARY KARLTOMEE	1345	FORCED FEE PATENT
	0746	ISADORE LADDEROUTE	1355	FORCED FEE PATENT
	0747	GENEVIEVE WILSON	1357	FORCED FEE PATENT
	0748	IDA M.W. LAMBERT	1358	FORCED FEE PATENT
	0749	BENJAMIN F. MURRAY	1360	FORCED FEE PATENT
	0750	GILBERT MURRAY	1362	FORCED FEE PATENT
	0751	AGNES T. MURRAY	1363	FORCED FEE PATENT
	0752	CECILLE LADDEROUTE	1372	FORCED FEE PATENT
	0753	ANTOINE MORAIS	1378	FORCED FEE PATENT
	0754	GEORGE D. MORIAS	1379	FORCED FEE PATENT
	0755	MARY VASHTI MORIAS	1380	FORCED FEE PATENT
	0756	AGNES MORAIS	1381	FORCED FEE PATENT
	0757	NETTIE MAREL MORAIS	1383	FORCED FEE PATENT
	0758	LULU BESSIE MORAIS	1385	FORCED FEE PATENT
	0759	NOEL MORAIS	1386	FORCED FEE PATENT
	0760	MAGGIE MORAIS	1387	FORCED FEE PATENT
	0761	FLORENCE MORAIS	1388	FORCED FEE PATENT
	0762	LOUIE AHOOKS	1398	FORCED FEE PATENT
	0763	ANNIE LAMOOSE	1403	FORCED FEE PATENT
	0764	JOHN LAMOOSE	1404	FORCED FEE PATENT
	0765	ADALINE LAMOOSE	1405	FORCED FEE PATENT
	0766	CECILLE LAMOOSE	1406	FORCED FEE PATENT
	0767	FELICITE LAMOOSE	1407	FORCED FEE PATENT
	0768	ELLEN LAMOOSE	1408	FORCED FEE PATENT
	0769	JEFF SILVERTHORN	1410	FORCED FEE PATENT
	0770	JOSEPH TURNAGE	1411	FORCED FEE PATENT
	0771	ELLEN BREECHBILL	1412	FORCED FEE PATENT
	0772	EUNICE M. BREECHBILL	1413	FORCED FEE PATENT
	0773	SAMUEL BREECHBILL	1415	FORCED FEE PATENT
	0774	ANNETTE S. TURNAGE	1416	FORCED FEE PATENT
	0775	ELMER TURNAGE	1421	FORCED FEE PATENT
	0776	ANNETTIE T. SANDERS	1423	FORCED FEE PATENT
	0777	JOSEPH BARNARY	1428	FORCED FEE PATENT
	0778	LIZETTE BARNARY	1429	FORCED FEE PATENT
	0779	ADOLPH BARNARY	1431	FORCED FEE PATENT
	0780	LEO BARNARY	1433	FORCED FEE PATENT
	0781	MICHEL ANTOINE	1435	FORCED FEE PATENT
	0782	FELIX BARNARY	1439	FORCED FEE PATENT
	0783	FRANCOIS TWOCROWS	1445	FORCED FEE PATENT
	0784	PAUL STEVENS	1450	FORCED FEE PATENT
	0785	SUSANNE ISAACS	1454	FORCED FEE PATENT
	0786	MADELINE M. ANDREWISAAC	1456	FORCED FEE PATENT
	0787	NEWMAN BLODGETT	1457	FORCED FEE PATENT
	0788	HORACE BLODGETT	1459	FORCED FEE PATENT
	0789	FLORENCE MARTIN	1470	FORCED FEE PATENT
	0790	SADIE BLODGETT	1473	FORCED FEE PATENT
	0791	VICTORIA GILESBLODGETT	1475	FORCED FEE PATENT
	0792	MAXIME COUTURE	1480	FORCED FEE PATENT
	0793	ANTOINE BARNARY	1486	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
053203	0794	ANTOINE BARNARY	1487	FORCED FEE PATENT
	0795	ANTOINE BARNARY	1488	FORCED FEE PATENT
	0796	ANTOINE BARNARY	1489	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	0794	JOHN COUTURE	1487	FORCED FEE PATENT
	0795	DAVID COUTURE	1491	FORCED FEE PATENT
	0796	OCTAVE COUTURE	1492	FORCED FEE PATENT
	0797	DELLA COUTURE	1496	FORCED FEE PATENT
	0798	STANLISLAW CHARLEY	1502	FORCED FEE PATENT
	0799	PAUL CHARLEY	1504	FORCED FEE PATENT
	0800	MARY ARLEE	1510	FORCED FEE PATENT
	0801	JOSEPH ARLEE	1512	FORCED FEE PATENT
	0802	WILLIAM MOSS	1514	FORCED FEE PATENT
	0803	EMMA MOSS	1515	FORCED FEE PATENT
	0804	JAMES MOSS	1516	FORCED FEE PATENT
	0805	HENRY MOSS	1517	FORCED FEE PATENT
	0806	MARY MOSS	1518	FORCED FEE PATENT
	0807	GEORGE MOSS	1519	FORCED FEE PATENT
	0808	DELLA MOSS	1520	FORCED FEE PATENT
	0809	PIERRE PIMPS	1521	FORCED FEE PATENT
	0810	JOSEPH POKERJIM	1544	FORCED FEE PATENT
	0811	MICHEL CHARLO	1550	FORCED FEE PATENT
	0812	MARY CHAIN	1562	FORCED FEE PATENT
	0813	MARCY REDCROW	1563	FORCED FEE PATENT
	0814	LOUISE REDCROW	1566	FORCED FEE PATENT
	0815	JEROME BIGHAWK	1570	FORCED FEE PATENT
	0816	PETER PIERRE	1578	FORCED FEE PATENT
	0817	LOUIE PIERRE	1589	FORCED FEE PATENT
	0818	MICHEL PIETTE	1590	FORCED FEE PATENT
	0819	PETER PAUL PIERRE	1591	FORCED FEE PATENT
	0820	FELICITE PIERRE	1592	FORCED FEE PATENT
	0821	SAM PIERRE (COH LOH)	1606	FORCED FEE PATENT
	0822	CELESTINE ONAMSO	1631	FORCED FEE PATENT
	0823	ANTOINE CULLOYAH	1666	FORCED FEE PATENT
	0824	SUSAN ARLEE	1670	FORCED FEE PATENT
	0825	FELICITE FIVECROWS	1682	FORCED FEE PATENT
	0826	LOUIE ASHLEY	1685	FORCED FEE PATENT
	0827	SOPHIA ASHLEY	1687	FORCED FEE PATENT
	0828	WILLIAM PIERRE PAUL	1700	FORCED FEE PATENT
	0829	FELICITE PAUL	1703	FORCED FEE PATENT
	0830	NICOLA LASSAW	1704	FORCED FEE PATENT
	0831	LOUISE LASSAW	1705	FORCED FEE PATENT
	0832	PIERRE PAUL	1706	FORCED FEE PATENT
	0833	PENUMFE KIYALK (CO-TO-SHE)	1731	FORCED FEE PATENT
	0834	LOUISE KING ROBERTS	1734	FORCED FEE PATENT
	0835	ANTOINE NENEMAY	1738	FORCED FEE PATENT
	0836	BAPTISTE NENEMAY	1742	FORCED FEE PATENT
	0837	SAMUEL NENEMAY	1744	FORCED FEE PATENT
	0838	ANTOINE PARIZEAU	1745	FORCED FEE PATENT
	0839	LOUIS PARIZEAU	1754	FORCED FEE PATENT
	0840	BENJAMIN RAYMOND	1755	FORCED FEE PATENT
	0841	HENRY RAYMOND	1762	FORCED FEE PATENT
	0842	JOSEPH TODD	1764	FORCED FEE PATENT
	0843	ELSIE MCLEOD TODD	1765	FORCED FEE PATENT
	0844	LIZZIE KIERNAN	1770	FORCED FEE PATENT
	0845	AGNES KIERNAN	1773	FORCED FEE PATENT
	0846	LEONARD PEONE	1781	FORCED FEE PATENT
	0847	CLARA PEONE	1782	FORCED FEE PATENT
	0848	ALBERT DEMERS	1788	FORCED FEE PATENT
	0849	JOSEPHINE DEMERS	1790	FORCED FEE PATENT
	0850	HERMINE DEMERS GARIEPY	1794	FORCED FEE PATENT
	0851	MARGUERITA GARIEPY	1796	FORCED FEE PATENT
	0852	FLORENCE GARIEPY	1800	FORCED FEE PATENT
	0853	ALICE DEMERS	1804	FORCED FEE PATENT
	0854	THOMAS ELOFSEN (BIGTOM)	1809	FORCED FEE PATENT
	0855	SOPHIE RAEDER DRAWATSKY	1812	FORCED FEE PATENT
	0856	PIERRE PAUL WOODCOCK	1813	FORCED FEE PATENT
	0857	MARY THERESE	1816	FORCED FEE PATENT
	0858	MARY THERESE ANTRY	1817	FORCED FEE PATENT
	0859	CAMILLE BISSON	1841	FORCED FEE PATENT
	0860	WALTER P. DUBRAY	1846	FORCED FEE PATENT
	0861	AMELIA KELT	1860	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	0862	MILLIE B. HULL	1861	FORCED FEE PATENT
	0863	TRACY/TRACEY HULL	1862	FORCED FEE PATENT
	0864	GEORGE GARDIPE	1869	FORCED FEE PATENT
	0865	ELEANOR GARDIPE	1870	FORCED FEE PATENT
	0866	BERTHA ANGELIC GARDIPE	1877	FORCED FEE PATENT
	0867	MINNIE KEELER	1880	FORCED FEE PATENT
	0868	BAPTISTE FINLEY	1884	FORCED FEE PATENT
	0869	LOUIE MARAGO	1889	FORCED FEE PATENT
	0870	ANNA FINLEY MARAGO	1890	FORCED FEE PATENT
	0871	THOMAS ANTISTE	1892	FORCED FEE PATENT
	0872	ANNEAS ANTISTE	1893	FORCED FEE PATENT
	0873	JOSEPH ANTISTE	1894	FORCED FEE PATENT
	0874	BASSOO JOCKO	1896	FORCED FEE PATENT
	0875	SUSAN OOSKAHT	1897	FORCED FEE PATENT
	0876	ANGELINE B. CYR	1903	FORCED FEE PATENT
	0877	FRANK BEAUVAIS	1904	FORCED FEE PATENT
	0878	ALEX BEAUVAIS	1906	FORCED FEE PATENT
	0879	BAPTISTE ENEAS	1911	FORCED FEE PATENT
	0880	MARY ENEAS	1912	FORCED FEE PATENT
	0881	ANGELINE MICHEL	1914	FORCED FEE PATENT
	0882	ANNIE MICHEL	1916	FORCED FEE PATENT
	0883	MITCH MICHEL	1923	FORCED FEE PATENT
	0884	SOPHIE MICHEL	1924	FORCED FEE PATENT
	0885	MOLLIE MICHEL	1925	FORCED FEE PATENT
	0886	GEORGE MICHEL	1926	FORCED FEE PATENT
	0887	JOHN DECKER	1931	FORCED FEE PATENT
	0888	ELIZA MATT DECKER	1932	FORCED FEE PATENT
	0889	ALEXANDER ANDREW	1936	FORCED FEE PATENT
	0890	ELI SEYMOUR	1938	FORCED FEE PATENT
	0891	ISABEL RILEY	1943	FORCED FEE PATENT
	0892	MARY TILLEAS	1945	FORCED FEE PATENT
	0893	MARY ANN AULD	1961	FORCED FEE PATENT
	0894	LOUISE BAPTISTE	1968	FORCED FEE PATENT
	0895	GEORGE JETTE	1976	FORCED FEE PATENT
	0896	ELEANOR VINSON	1978	FORCED FEE PATENT
	0897	ALEX POURRIER	1984	FORCED FEE PATENT
	0898	ANNIE TRIPP	1987	FORCED FEE PATENT
	0899	OCTAVE GINGRAS	1988	FORCED FEE PATENT
	0900	ALMA GINGRAS	1996	FORCED FEE PATENT
	0901	MADALINE KENNILL	2000	FORCED FEE PATENT
	0902	THERESE KOOSTAHTAH	2004	FORCED FEE PATENT
	0903	MARY ONICKCANILSEETSINAPARTY	2016	FORCED FEE PATENT
	0904	ANDREW MEETO	2019	FORCED FEE PATENT
	0905	MARTIN CONCLOMCONCOMMECLOW	2037	FORCED FEE PATENT
	0906	ANDREW COUTURE	2046	FORCED FEE PATENT
	0907	FRANCOIS DAVID	2056	FORCED FEE PATENT
	0908	ALICE WHITECROW	2062	FORCED FEE PATENT
	0909	ADELAIDE G. LEDOUX	2063	FORCED FEE PATENT
	0910	ROSALIE G. FINLEY	2069	FORCED FEE PATENT
	0911	JAMES MICHEL	2083	FORCED FEE PATENT
	0912	CLARENCE MICHEL	2088	FORCED FEE PATENT
	0913	PETER MICHEL	2090	FORCED FEE PATENT
	0914	MATHIAS MATEAS	2116	FORCED FEE PATENT
	0915	CAMILLE KAHKAH	2130	FORCED FEE PATENT
	0916	PAUL MAHSEELAH	2131	FORCED FEE PATENT
	0917	SAHKALE LEFTHAND	2141	FORCED FEE PATENT
	0918	MARY ANN PATEFNITZ	2154	FORCED FEE PATENT
	0919	ANDREW BEARCRANE	2165	FORCED FEE PATENT
	0920	FRANCOIS BIGCRANE	2167	FORCED FEE PATENT
	0921	ISAAC MOIESE	2176	FORCED FEE PATENT
	0922	MARY THERESE STOCKTAH	2179	FORCED FEE PATENT
	0923	ANGELINE NICOLA	2182	FORCED FEE PATENT
	0924	LOUIE CHINKOMEE	2183	FORCED FEE PATENT
	0925	ABEL P. HOMINSTO	2189	FORCED FEE PATENT
	0926	MARY KALPSHEENAH	2195	FORCED FEE PATENT
	0927	DAVID SHEAMA	2196	FORCED FEE PATENT
	0928	THERESA SHEAMA	2197	FORCED FEE PATENT
	0929	PIERRE INCASMOLA	2198	FORCED FEE PATENT

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	0930	ANN INCASHOLA	2200	FORCED FEE PATENT
	0931	JOSEPH INCASHOLA	2201	FORCED FEE PATENT
	0932	AGATE BIGWOLF	2207	FORCED FEE PATENT
	0933	LEON BROKENPOLE	2220	FORCED FEE PATENT
	0934	PAPEAN STASSO	2241	FORCED FEE PATENT
	0935	ISABEL STASSOO	2245	FORCED FEE PATENT
	0936	FRANK MARKLE	2256	FORCED FEE PATENT
	0937	SUSAN ORDEN MAGPIE	2276	FORCED FEE PATENT
	0938	MAXIME MOSES	2277	FORCED FEE PATENT
	0939	ENEAS STOCKUNTICK	2279	FORCED FEE PATENT
	0940	MARY LOUISE DANDYJIM	2292	FORCED FEE PATENT
	0941	AGNES DANDYJIM	2293	FORCED FEE PATENT
	0942	KATHERINE RAYMOND	2295	FORCED FEE PATENT
	0943	ROSA KNOLL	2297	FORCED FEE PATENT
	0944	JOSEPH TEM LEYU	2319	FORCED FEE PATENT
	0945	MICHAEL LOUIS TELPAH	2332	FORCED FEE PATENT
	0946	LOUIS GIRD SANFORD	2343	FORCED FEE PATENT
	0947	JAMES DUPUIS	2363	FORCED FEE PATENT
	0948	SUSAN ADAMS	2381	FORCED FEE PATENT
	0949	MARY MADALINE ANDREW	2382	FORCED FEE PATENT
	0950	CARRIE BERGEVIN	2387	FORCED FEE PATENT
	0951	DUNCAN CAMPBELL	2391	FORCED FEE PATENT
	0952	RENEWAY CHESCOOLAY	2392	FORCED FEE PATENT
	0953	FRANK DUPUIS	2399	FORCED FEE PATENT
	0954	MAGGIE DUPUIS	2400	FORCED FEE PATENT
	0955	JAMES BUCKMAN	2424	FORCED FEE PATENT
	0956	JULIA GRANT HIGGIN	2436	FORCED FEE PATENT
	0957	MARY TILTHMAROO	2450	FORCED FEE PATENT
	0958	ROY JAMES MCDONALD	2452	FORCED FEE PATENT
	0959	ADELAIDE ADAMS	2465	FORCED FEE PATENT
	0960	EUGENE AVERY	2503	FORCED FEE PATENT
	0961	MARY J. COTE OLIVER	2627	FORCED FEE PATENT
	0962	VIVIAN LAROSE	2856	FORCED FEE PATENT
	0963	JOSEPH MATHIAS	2978	FORCED FEE PATENT
	0964	WOODROW MATT	3004	FORCED FEE PATENT
	0965	EMMA PABLO	3130	FORCED FEE PATENT
	0966	MARY CARMELITA SALISBURY	3237	FORCED FEE PATENT
	0967	MARY LOUIS LAROSE	116	SECRETARIAL TRANSFERS
	0968	LUCY PICHETTE	133	SECRETARIAL TRANSFERS
	0969	CATHERINE CHOUTEH	218	SECRETARIAL TRANSFERS
	0970	LOUIE P CHOUTEH	219	SECRETARIAL TRANSFERS
	0971	ANN MARY PAUL	357	SECRETARIAL TRANSFERS
	0972	PAUL ANTOINE	359	SECRETARIAL TRANSFERS
	0973	MICHEL ANTOINE	363	SECRETARIAL TRANSFERS
	0974	MARGARET MORIN	376	SECRETARIAL TRANSFERS
	0975	JOSEPH FINLEY QUEL TOOM	587	SECRETARIAL TRANSFERS
	0976	ANNE FINLEY	588	SECRETARIAL TRANSFERS
	0977	LUCY FINLEY MOODY	589	SECRETARIAL TRANSFERS
	0978	JOSEPH FINLEY TE-NUM	625	SECRETARIAL TRANSFERS
	0979	PHILOMENE FINLEY	626	SECRETARIAL TRANSFERS
	0980	ENEAS SMALLSALMON	649	SECRETARIAL TRANSFERS
	0981	JOHN SMALLASLMON	651	SECRETARIAL TRANSFERS
	0982	MARIETTE REDHEAD	693	SECRETARIAL TRANSFERS
	0983	ANTOINE REDHORN	696	SECRETARIAL TRANSFERS
	0984	COLLETTE REDHORN	697	SECRETARIAL TRANSFERS
	0985	CHRISTINE REDHORN	698	SECRETARIAL TRANSFERS
	0986	AGNES REDHORN	699	SECRETARIAL TRANSFERS
	0987	MADELINE VALLEE	809	SECRETARIAL TRANSFERS
	0988	MARCEAL ANTOINE	724	SECRETARIAL TRANSFERS
	0989	ALEXANDER CA-LOW-AH-CAN	903	SECRETARIAL TRANSFERS
	0990	ANTOINE HAMMER	916	SECRETARIAL TRANSFERS
	0991	LUCY HAMMER	917	SECRETARIAL TRANSFERS
	0992	ANN FELIX	1341	SECRETARIAL TRANSFERS
	0993	CHARLES COOPER	1343	SECRETARIAL TRANSFERS
	0994	FRANCOIS LAROOSE	1396	SECRETARIAL TRANSFERS
	0995	ANN THREEHEADS	1508	SECRETARIAL TRANSFERS
	0996	THERESE BIGCANE	1509	SECRETARIAL TRANSFERS
	0997	CAROLINE POWERJIM	1536	SECRETARIAL TRANSFERS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	0998	JOSEPH POKERJIM SUM NUPTUM LAH RAVE	1537	SECRETARIAL TRANSFERS
	0999	ANGELIC CHARLO	1548	SECRETARIAL TRANSFERS
	1000	SUSETTE CHARLO	1549	SECRETARIAL TRANSFERS
	1001	MICHEL ONAMO	1628	SECRETARIAL TRANSFERS
	1002	MARY ONAMO	1629	SECRETARIAL TRANSFERS
	1003	MARY ASHLEY	1684	SECRETARIAL TRANSFERS
	1004	BENOIT WHITERABBIT	1688	SECRETARIAL TRANSFERS
	1005	MARY CLLEOLOOLEE	1709	SECRETARIAL TRANSFERS
	1006	PAUL HALUKES	1718	SECRETARIAL TRANSFERS
	1007	MAY HALUKES	1719	SECRETARIAL TRANSFERS
	1008	DOMINICK RATTLESNAKE	1726	SECRETARIAL TRANSFERS
	1009	MARY RATTLESNAKE	1727	SECRETARIAL TRANSFERS
	1010	FRANCOIS MARTIN	2145	SECRETARIAL TRANSFERS
	1011	TILLEAS MARTIN	2146	SECRETARIAL TRANSFERS
	1012	ANTOINE MARTIN	2147	SECRETARIAL TRANSFERS
	1013	JOSEPHINE ENEAS	2150	SECRETARIAL TRANSFERS
	1014	LUCY ENEAS	2151	SECRETARIAL TRANSFERS
	1015	MODESTE ENEAS	2152	SECRETARIAL TRANSFERS
	1016	ANN MATHIAS	2193	SECRETARIAL TRANSFERS
	1017	BENWAY HOMINISTO	2191	SECRETARIAL TRANSFERS
	1018	FRANCIS CHESSAH	2202	SECRETARIAL TRANSFERS
	1019	MARY SUSAN CHESSAH	2203	SECRETARIAL TRANSFERS
	1020	JOHN CHESSAH	2204	SECRETARIAL TRANSFERS
	1021	ABEL CHESSAH	2205	SECRETARIAL TRANSFERS
	1022	MARY W ANDREW	2477	SECRETARIAL TRANSFERS
	1023	ANDREW ANDREW	2478	SECRETARIAL TRANSFERS
	1024	THERESE ANDREW	2479	SECRETARIAL TRANSFERS
	1025	EMILINEA ANDREW	2480	SECRETARIAL TRANSFERS
	1026	MARY SOPHIE CALOWANCAN	2591	SECRETARIAL TRANSFERS
	1027	MARY LOUISE CALOWANCAN	2592	SECRETARIAL TRANSFERS
	1028	MOISE CULLOOYAH	2652	SECRETARIAL TRANSFERS
	1029	MARY AGNES FINLEY	2715	SECRETARIAL TRANSFERS
	1030	ENEAS FINLEY	2716	SECRETARIAL TRANSFERS
	1031	MICHEL FINLEY	2729	SECRETARIAL TRANSFERS
	1032	CAMILLE FINLEY	2730	SECRETARIAL TRANSFERS
	1033	ELIZABETH GENDRON	2749	SECRETARIAL TRANSFERS
	1034	ANGELIC INCASHOLA	2817	SECRETARIAL TRANSFERS
	1035	MARY MARGARET JOSCUM	2826	SECRETARIAL TRANSFERS
	1036	ANTOINE KEEPER	2843	SECRETARIAL TRANSFERS
	1037	NORBERT MARAGO	2966	SECRETARIAL TRANSFERS
	1038	VIOLA MATT	3010	SECRETARIAL TRANSFERS
	1039	ELIZABETH MATT	3021	SECRETARIAL TRANSFERS
	1040	CARL AMBROSE MORIGEAU	3075	SECRETARIAL TRANSFERS
	1041	CECILE NOMEE	3108	SECRETARIAL TRANSFERS
	1042	ELEANOR NINEPIPE	3109	SECRETARIAL TRANSFERS
	1043	JOSEPH CLARENCE PABLO	3135	SECRETARIAL TRANSFERS
	1044	CATHERINE PAPIN	3143	SECRETARIAL TRANSFERS
	1045	MARY DOROTHY PELLEW	3158	SECRETARIAL TRANSFERS
	1046	LOUISE PIERRE	3184	SECRETARIAL TRANSFERS
	1047	IVA ELIZABETH SLOAN	3264	SECRETARIAL TRANSFERS
	1048	JOSEPH REDHORN	3225	IMPROPER CONVEYANCE OF LAND
	1049	ROBERT MCCLURE	N/A	ILLEGALLY OPENING MAIL ADDRESSED TO PLAINTIFF
	1051	ALEXANDER CURLEY	223	FORCED FEE PATENT
	1052	RICHARD R. DUPUIS	1013	FORCED FEE PATENT
	1053	LOUIE PELLOW	1233	FORCED FEE PATENT
	1054	BENJAMIN RAYMOND JR.	1757	FORCED FEE PATENT
	1055	BERNARD MCLEOD	1113	FORCED FEE PATENT
	1069	ALFRED PETER NORMANALIN	41	RP03-1478 ROAD IN TRESPASS
	1070	MARY ASHLEY	89	RP03-1582 ROAD IN TRESPASS
	1071	MARY ASHLEY	89	RP03-1478 ROAD IN TRESPASS
	1072	MARY A. ASHLEY	92	RP03-1566 ROAD IN TRESPASS
	1073	JOSEPH ASHLEY	95	RP03-1582 ROAD IN TRESPASS
	1074	JAMES ASHLEY	98	RP03-1582 ROAD IN TRESPASS
	1075	JEANNE ASHLEY	99	RP03-1582 ROAD IN TRESPASS
	1076	ANTOINE LAROSE	110	RP03-1479 ROAD IN TRESPASS
	1077	LUCY LAROSE	121	RP03-1478 ROAD IN TRESPASS
	1078	LUCY PICHETTE	133	RP03-1590 ROAD IN TRESPASS
	1079	MARUS PICHETTE	137	RP03-1585 ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	1080	ANNIE MARIE MCDONALD	138	RP03-1582 ROAD IN TRESPASS
	1081	ANNIE MARIE MCDONALD	138	RP03-1478 ROAD IN TRESPASS
	1082	ANNIE MARIE MCDONALD	138	RP03-1590 ROAD IN TRESPASS
	1083	ANNIE MARIE MCDONALD	138	RP03-1585 ROAD IN TRESPASS
	1084	ANNIE MARIE MCDONALD	138	RP03-1566 ROAD IN TRESPASS
	1085	ANNIE MARIE MCDONALD	138	RP03-1479 ROAD IN TRESPASS
	1086	ANNIE MARIE MCDONALD	138	RP03-1586 ROAD IN TRESPASS
	1087	ANNIE MARIE MCDONALD	138	RP03-1587 ROAD IN TRESPASS
	1088	ANNIE MARIE MCDONALD	138	RP03-1588 ROAD IN TRESPASS
	1089	ANNIE MARIE MCDONALD	138	RP03-1589 ROAD IN TRESPASS
	1090	ANNIE MARIE MCDONALD	138	RP03-1591 ROAD IN TRESPASS
	1091	ANNIE MARIE MCDONALD	138	RP03-1592 ROAD IN TRESPASS
	1092	ANNIE MARIE MCDONALD	138	RP03-1593 ROAD IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	1080	BASEL DUCHARME	153-A	RP03-1506 ROAD IN TRESPASS
	1081	JOHN MICHEL	185	RP03-1566 ROAD IN TRESPASS
	1082	ROMAINE JOSCUM	194	RP03-1112 ROAD IN TRESPASS
	1083	ROMAINE JOSCUM	194-A	RP03-1112 ROAD IN TRESPASS
	1084	FRANCOIS JOSCUM	198	RP03-1112 ROAD IN TRESPASS
	1085	FRANCOIS JOSCUM	198-A	RP03-1112 ROAD IN TRESPASS
	1086	NAPOLEON PLUFFE	201	RP03-1590 & ROAD IN TRESPASS
	1087	THEODON PLUFFE	202-B	RP03-1274 ROAD IN TRESPASS
	1088	THEODON PLUFFE	T202-C	RP03-1274 ROAD IN TRESPASS
	1089	MARY CATHERINE KAKASHE	206-A	RP03-1590 ROAD IN TRESPASS
	1090	MARY CATHERINE KAKASHE	206-B	RP03-1590 ROAD IN TRESPASS
	1091	ANTOINE STOUSEE	210	RP03-1590 ROAD IN TRESPASS
	1092	LOUIE CHOUTEH	215	RP03-1590 ROAD IN TRESPASS
	1093	NANCY CHOUTEH	216	RP03-1590 ROAD IN TRESPASS
	1094	MOSES CHOUTEH	217	RP03-1590 ROAD IN TRESPASS
	1095	MOSES CHOUTEH	T217-A	RP03-1590 ROAD IN TRESPASS
	1096	CATHERINE CHOUTEH	T218	RP03-1590 ROAD IN TRESPASS
	1097	MANUEL CURLEY	220	RP03-1590 ROAD IN TRESPASS
	1098	THERESE CURLEY	222	RP03-1590 ROAD IN TRESPASS
	1099	SAMUEL CURLEY	226	RP03-1590 ROAD IN TRESPASS
	1100	JOSEPH E. B. MCCONNELL	235	RP03-1590 ROAD IN TRESPASS
	1101	SOPHIA REVAIS	253	RP03-1590 ROAD IN TRESPASS
	1102	MARY C. A. MATT	352	RP03-1566 ROAD IN TRESPASS
	1103	ISAAC LOMPEYEH	353	RP03-1228 ROAD IN TRESPASS
	1104	MARY LOUISE LOMPEYEH	T354	RP03-1228 ROAD IN TRESPASS
	1105	PIERRE PAUL	355	RP03-1228 ROAD IN TRESPASS
	1106	ANN MARY PAUL	357	RP03-1566 ROAD IN TRESPASS
	1107	MELANE COCHEE	T368	RP03-1566 ROAD IN TRESPASS
	1108	ELIEN RADROAD	404	RP03-1228 ROAD IN TRESPASS
	1109	LUMAY RADROAD	405	RP03-1228 ROAD IN TRESPASS
	1110	ENEAS RADROAD	406	RP03-1228 ROAD IN TRESPASS
	1111	FRANK LELLACELL	409-R	RP03-1485 ROAD IN TRESPASS
	1112	AGATE ALEXANDER	508	RP03-1447 ROAD IN TRESPASS
	1113	ANN PACHE	T514	RP03-1225 ROAD IN TRESPASS
	1114	PETER BLOOD	549	RP03-1481 ROAD IN TRESPASS
	1115	MARY ANGELICA BLOOD	550-A	RP03-1481 ROAD IN TRESPASS
	1116	MARY ANGELICA BLOOD	550-B	RP03-1481 ROAD IN TRESPASS
	1117	MARY ANGELICA BLOOD	550-C	RP03-1481 ROAD IN TRESPASS
	1118	EDWARD REYNOLD MCDONALD	564	RP03-1284 ROAD IN TRESPASS
	1119	EMILY LANDERGREEN	T599	RP03-1357 ROAD IN TRESPASS
	1120	ROSALIE CECILLE LANDIGREEN	602	RP03-1484 ROAD IN TRESPASS
	1121	ROSALIE CECILLE LANDIGREEN	602-C	RP03-1484 ROAD IN TRESPASS
	1122	CHARLES FELI PALIN	644-A	RP03-1343 ROAD IN TRESPASS
	1123	JOSEPH ADRIASD PALIN	645	RP03-1343 ROAD IN TRESPASS
	1124	ANGELIC LOUISE PALIN	646	RP03-1343 ROAD IN TRESPASS
	1125	THERESSE SELOW	648	RP03-1484 ROAD IN TRESPASS
	1126	EENOD SMALLALLSALMON	T649	RP03-1225 ROAD IN TRESPASS
	1127	AGATE KAMTTE	655	RP03-1360 ROAD IN TRESPASS
	1128	PAUL ANDREW	656	RP03-1484 ROAD IN TRESPASS
	1129	EVA MICHEL	789	RP03-1279 ROAD IN TRESPASS
	1130	WILLIE INNOMSTARY	T793	RP03-1295 ROAD IN TRESPASS
	1131	ANDREY INNOMSTARY	726	RP03-1295 ROAD IN TRESPASS
	1132	ANNIE MCKEEVER	793	RP03-1566 ROAD IN TRESPASS
	1133	EMEAS MICHEL	T798	RP03-1179 ROAD IN TRESPASS
	1134	NANCY FINLEY	808-C	RP03-1276 ROAD IN TRESPASS
	1135	NANCY FINLEY	808-D	RP03-1276 ROAD IN TRESPASS
	1136	CLARA MCCLURE	829	RP03-1598 ROAD IN TRESPASS
	1137	CECILLE FINLEY	842	RP03-1479 ROAD IN TRESPASS
	1138	CECILLE FINLEY	842-A	RP03-1479 ROAD IN TRESPASS
	1139	CLARICE PAUL	T898	RP03-1295 ROAD IN TRESPASS
	1140	MASSALINE LASSAW REDHORN	909	RP03-1083 ROAD IN TRESPASS
	1141	CHARLES SEEMOO	915	RP03-1083 ROAD IN TRESPASS
	1142	MARY SOPHIA REDHORN	910	RP03-1083 ROAD IN TRESPASS
	1143	LOUIE HAMMER	T918	RP03-1225 ROAD IN TRESPASS
	1144	PASCAL HAMMER	T919	RP03-1225 ROAD IN TRESPASS
	1145	LUCY MATOBAH	T923	RP03-1225 ROAD IN TRESPASS
	1146	ARMINE M. CLAIRMONT	943	RP03-1241 ROAD IN TRESPASS
	1147	DORTHA TAHLAHTEE	T973	RP03-1225 ROAD IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	1148	ANNIE ISSAC	T976	RP03-1225 ROAD IN TRESPASS
	1149	JOSEPH QUEQUESAH	991	RP03-1225 ROAD IN TRESPASS
	1150	MARY QUEQUESAH	992	RP03-1225 ROAD IN TRESPASS
	1151	IGNACO QUEQUESAH	994	RP03-1225 ROAD IN TRESPASS
	1152	ANTOINE QUEQUESAH	995	RP03-1225 ROAD IN TRESPASS
	1153	ANTOINE QUEQUESAH	T995-A	RP03-1225 ROAD IN TRESPASS
	1154	JOSEPH O. DUPUIS	997	RP03-1087 ROAD IN TRESPASS
	1155	CAMILLO DUPUIS	1009-D	RP03-1508 ROAD IN TRESPASS
	1156	RUSE DUPUIS	1020	RP03-1508 ROAD IN TRESPASS
	1157	MARY WOODCOCK	1035	RP03-1225 ROAD IN TRESPASS
	1158	ISABEL WOODCOCK	1036-C	RP03-1225 ROAD IN TRESPASS
	1159	MICHEL PLANT	1041	RP03-1174 ROAD IN TRESPASS
	1160	ISAAC PLANT	T1042	RP03-1270 ROAD IN TRESPASS
	1161	SOPHIA PLANT	T1043A	RP03-1270 ROAD IN TRESPASS
	1162	SOPHIA PLANT	T1043B	RP03-1270 ROAD IN TRESPASS
	1163	ANTOINE VALLEE	T1056	RP03-1399 ROAD IN TRESPASS
	1164	DAVID ANTOINE ASHLEY	1089	RP03-1541 ROAD IN TRESPASS
	1165	ANNA EVALINE SLOANE	1187	RP03-1085 ROAD IN TRESPASS
	1166	BATISTE FINLEY	1212	RP03-1473 ROAD IN TRESPASS
	1167	BATTISTE FINLEY	1212	RP03-1261 ROAD IN TRESPASS
	1168	WILLIAM FINLEY	T1219	RP03-1087 ROAD IN TRESPASS
	1169	ADOPH LUMPRY	1249	RP03-1476 ROAD IN TRESPASS
	1170	SUSAN LUMPRY SPOKANE	1264-B	RP03-1474 ROAD IN TRESPASS
	1171	JOHN BEAUCHAINE	1312-A	RP03-1541 ROAD IN TRESPASS
	1172	JOSEPH FINLEY	1321	RP03-1521 ROAD IN TRESPASS
	1173	ENEAS KYSER	1327	RP03-1474 ROAD IN TRESPASS
	1174	FELICITE KYSER	1328	RP03-1474 ROAD IN TRESPASS
	1175	ISABEL KITZER	T1339	RP03-1475 ROAD IN TRESPASS
	1176	CECILLE KALTOMEE	1346	RP03-1485 ROAD IN TRESPASS
	1177	LOUISE KALTOMEE	1348	RP03-1485 ROAD IN TRESPASS
	1178	CECILLE LADDEROUTE	T1372	RP03-1474 ROAD IN TRESPASS
	1179	AGNES LADDEROUTE	1373	RP03-1474 ROAD IN TRESPASS
	1180	SAPHINE COUTURE	T1488	RP03-1109 ROAD IN TRESPASS
	1181	EMEAS THREEHEADS	1507	RP03-1598 ROAD IN TRESPASS
	1182	ROSALIA CHARLO	T1555	RP03-1594 ROAD IN TRESPASS
	1183	ISABEL BIGHORN	1606	RP03-1265 ROAD IN TRESPASS
	1184	MADALINE TRAMPE	1609-A	RP03-1078 ROAD IN TRESPASS
	1185	MARYANN TOPSSEH	1648	RP03-1476 ROAD IN TRESPASS
	1186	PAUL CULFOOGAN	1661	RP03-1278 ROAD IN TRESPASS
	1187	CECILLE CULLOOYAH	1667	RP03-1233 ROAD IN TRESPASS
	1188	FELICITE FAYANT	1713-A	RP03-1268 ROAD IN TRESPASS
	1189	FELICITE FAYANT	1713-B	RP03-1268 ROAD IN TRESPASS
	1190	FELICITE FAYANT	1713-C	RP03-1268 ROAD IN TRESPASS
	1191	FELICITE FAYANT	1713-E	RP03-1268 ROAD IN TRESPASS
	1192	CAROLINE FYANT	1714-A	RP03-1268 ROAD IN TRESPASS
	1193	CAROLINE FYANT	1714-D	RP03-1268 ROAD IN TRESPASS
	1194	ROSE ELLEN FYANT	1715	RP03-1268 ROAD IN TRESPASS
	1195	ROSE ELLEN FYANT	1715-A	RP03-1268 ROAD IN TRESPASS
	1196	PAUL MALUKES	T1718	RP03-1268 ROAD IN TRESPASS
	1197	MARY MALUKES	T1719	RP03-1268 ROAD IN TRESPASS
	1198	BATTISTE PERRISH	1720	RP03-1474 ROAD IN TRESPASS
	1199	PHILIP CHEMSTOO	T1857	RP03-1225 ROAD IN TRESPASS
	1200	PHILIP CHEMSTOO	1853-A	RP03-1225 ROAD IN TRESPASS
	1201	RALPH ROUSSELL	T192LA	RP03-1225 ROAD IN TRESPASS
	1202	JANE FINLEY GOUCHER	1941	RP03-1124 ROAD IN TRESPASS
	1203	PIERRE FINLEY	1948	RP03-1108 ROAD IN TRESPASS
	1204	ANGELIC FINLEY	T1949	RP03-1108 ROAD IN TRESPASS
	1205	MARY MEWANDORN	T1955	RP03-1118 ROAD IN TRESPASS
	1206	EMEAS PIERRE KENNILL	T2001	RP03-1106 ROAD IN TRESPASS
	1207	EMEAS PIERRE KENNILL	T2001	RP03-1185 ROAD IN TRESPASS
	1208	EMEAS PIERRE KENNILL	T2001	RP03-1185 ROAD IN TRESPASS
	1209	SUSETTE ISAAC KOOSTAHTAH	2005-C	RP03-1102 ROAD IN TRESPASS
	1210	MARY MADALINE ISAAC	2006-B	RP03-1102 ROAD IN TRESPASS
	1211	CASIMER GUSTAH	2008	RP03-1108 ROAD IN TRESPASS
	1212	MARY GUSTAH	2009	RP03-1108 ROAD IN TRESPASS
	1213	FELICITE PIERRE	2024	RP03-1102 ROAD IN TRESPASS
	1214	BAPTISTE MATHIAS	2031	RP03-1165 ROAD IN TRESPASS
	1215	AMELIA ABRAHAM	T2048	RP03-1108 ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	1216	TILLEAS ABRAHAM	T2049	RP03-1108 ROAD IN TRESPASS
	1217	PIERRE PAUL ABRAHAM	T2050	RP03-1108 ROAD IN TRESPASS
	1218	CATHERINE DAVID	2057B	RP03-1108 ROAD IN TRESPASS
	1219	FRANCOIS MARTIN	2110	RP03-1372 ROAD IN TRESPASS
	1220	MARY MATEAS	2117	RP03-1372 ROAD IN TRESPASS
	1221	MARY PAUL MARTIN	T2148	RP03-1375 ROAD IN TRESPASS
	1222	LUCY ENEAS	G2151	RP03-1375 ROAD IN TRESPASS
	1223	MODESTE ENEAS	G2152	RP03-1375 ROAD IN TRESPASS
	1224	ANN MATHIAS	T2153	RP03-1375 ROAD IN TRESPASS
	1225	CATHERINE CAVE	T216RA	RP03-1375 ROAD IN TRESPASS
	1226	MARY SUSAN CHESSAH	T2203	RP03-1531 ROAD IN TRESPASS
	1227	JOHN CHESSAH	T2204	RP03-1531 ROAD IN TRESPASS
	1228	ABEL CHESSAH	T2205	RP03-1531 ROAD IN TRESPASS
	1229	ANTOINE PETCHE	T2226	RP03-1561 ROAD IN TRESPASS
	1230	CATHERINE PETCHE	T2227	RP03-1561 ROAD IN TRESPASS
	1231	ABEL PLUFF	2230	RP03-1369 ROAD IN TRESPASS
	1232	MARY LOUISE PLUFF	2231	RP03-1369 ROAD IN TRESPASS
	1233	CALVIN MARKLE	2260	RP03-1071 ROAD IN TRESPASS
	1234	SARAH MAGPIE	2275	RP03-1594 ROAD IN TRESPASS
	1235	LOUIE PIERRE	T228B1	RP03-1358 ROAD IN TRESPASS
	1236	LOUIE PIERRE	T228B1R	RP03-1363 ROAD IN TRESPASS
	1237	SOPHIE TEFESHE	2301	RP03-1185 ROAD IN TRESPASS
	1238	SISTEEL MARY SELPAH	2307	RP03-1349 ROAD IN TRESPASS
	1239	PHILLIP CONTESTO	2310	RP03-1349 ROAD IN TRESPASS
	1240	ROSALIE SUNDOWN	2314	RP03-1483 ROAD IN TRESPASS
	1241	JOSEPH TELPAH	2329	RP03-1485 ROAD IN TRESPASS
	1242	MARY ANN TELPAH	2330	RP03-1485 ROAD IN TRESPASS
	1243	FELICITE TELPAH	2331	RP03-1485 ROAD IN TRESPASS
	1244	ISABEL INCASHOLA	T2377	RP03-1233 ROAD IN TRESPASS
	1245	LUCY REDHORN	2378	RP03-1233 ROAD IN TRESPASS
	1246	ROBERT C. MCLEOD	2379	RP03-1485 ROAD IN TRESPASS
	1247	ROBERT C. MCLEOD	2379	RP03-1233 ROAD IN TRESPASS
	1248	CECILLE C. BESCOOLAY	2394	RP03-1485 ROAD IN TRESPASS
	1249	ROSALIE FINLEY	T2451	RP03-1179 ROAD IN TRESPASS
	1250	ROSALIE FINLEY	2451-B	RP03-1179 ROAD IN TRESPASS
	1251	OCTAVE FINLEY	2455	RP03-1354 ROAD IN TRESPASS
	1252	ANTOINE ADAMS	T244A	RP03-1359 ROAD IN TRESPASS
	1253	FRANK LESTER BIRD	T2550	RP03-1475 ROAD IN TRESPASS
	1254	ELSIE GERTRUDE BISSON	T2556	RP03-1080 ROAD IN TRESPASS
	1255	MAY BURLAND	T2577	RP03-1118 ROAD IN TRESPASS
	1256	DELILAH MARIE BURLAND	T2578	RP03-1118 ROAD IN TRESPASS
	1257	MARGARET JANE DECKER	2665	RP03-1075 ROAD IN TRESPASS
	1258	MARGARET JANE DECKER	2665	RP03-1075 ROAD IN TRESPASS
	1259	THOMAS ALFRED FARRELL	T2704	RP03-1574 ROAD IN TRESPASS
	1260	CHRISTINE FINLEY	2717	RP03-1473 ROAD IN TRESPASS
	1261	ROSS R. HOLLOWAY	2806	RP03-1100 ROAD IN TRESPASS
	1262	ELIZABETH LANDTGREEN	2963	RP03-1324 ROAD IN TRESPASS
	1263	LOUISE LEMERY	2974	RP03-1194 ROAD IN TRESPASS
	1264	AGNES LIBERTY	T2984	RP03-1366 ROAD IN TRESPASS
	1265	JAMES LOZEAU	T2997	RP03-1366 ROAD IN TRESPASS
	1266	ALICE LOZEAU	T2890	RP03-1470 ROAD IN TRESPASS
	1267	ALEXANDER LOZEAU	T2891	RP03-1470 ROAD IN TRESPASS
	1268	GEORGE ARTHUR LOZEAU	T2899	RP03-1480 ROAD IN TRESPASS
	1269	ROBERT ARTHUR MCCREA	2915	RP03-1155 ROAD IN TRESPASS
	1270	JOHN ALEXANDER MCDONALD	T2923	RP03-1576 ROAD IN TRESPASS
	1271	ROY MCDONALD	T2924	RP03-1576 ROAD IN TRESPASS
	1272	INEZ MARIE MCLEOD	2955	RP03-1295 ROAD IN TRESPASS
	1273	ANNIE MATHIAS	T2980	RP03-1228 ROAD IN TRESPASS
	1274	GLOVER MATT	3014	RP03-1579 ROAD IN TRESPASS
	1275	JULIA MATT	3095	RP03-1266 ROAD IN TRESPASS
	1276	DONALD MICHEL	T3048	RP03-1107 ROAD IN TRESPASS
	1277	WINNIFRED RAYMOND MINTZ	3216	RP03-1100 ROAD IN TRESPASS
	1278	PHILLIP ALFRED ROBILLER	3230	RP03-1095 ROAD IN TRESPASS
	1279	PHILLIP ALFRED ROBILLER	3260	RP03-1143 ROAD IN TRESPASS
	1280	MAYME LUCILLE SULLIVAN	T3299	RP03-1475 ROAD IN TRESPASS
	1281	THERESA LOUISE TELPAH	T3300	RP03-1123 ROAD IN TRESPASS
	1282	THURMAN HOWARD TROSPER	3314	RP03-1483 ROAD IN TRESPASS
	1283	TRIBAL	T4000	RP03-1108 ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C53203	1284	TRIBAL	T4022	RP03-1358 ROAD IN TRESPASS
	1285	TRIBAL	T4019A	RP03-1475 ROAD IN TRESPASS
	1286	TRIBAL	T4019	RP03-1475 ROAD IN TRESPASS
	1287	TRIBAL	T4012	RP03-1270 ROAD IN TRESPASS
	1288	TRIBAL	T4023	RP03-1077 ROAD IN TRESPASS
	1289	TRIBAL	T4024	RP03-1077 ROAD IN TRESPASS
	1290	TRIBAL	T4026	RP03-1475 ROAD IN TRESPASS
	1291	TRIBAL	T4040	RP03-1485 ROAD IN TRESPASS
	1292	ALICE T. ORR MITCHELL	4065	RP03-1590 ROAD IN TRESPASS
	1293	FRANCOIS LUMPRY	4076	RP03-1474 ROAD IN TRESPASS
	1294	TERRY LEO PITTS	4089	RP03-1485 ROAD IN TRESPASS
	1295	TRIBAL	T4116	RP03-1341 ROAD IN TRESPASS
	1296	TRIBAL	T4142	RP03-1454 ROAD IN TRESPASS
	1297	TRIBAL	G4169	RP03-1485 ROAD IN TRESPASS
	1298	TRIBAL	T4177	RP03-1198 ROAD IN TRESPASS
	1299	TRIBAL	T4178	RP03-1429 ROAD IN TRESPASS
	1300	TRIBAL	T4184	RP03-1566 ROAD IN TRESPASS
	1301	TRIBAL	T417R	RP03-1428 ROAD IN TRESPASS
	1302	LEE ANN SHERIDAN CUTFINGER	4219	RP03-1476 ROAD IN TRESPASS
	1303	ALFRED CHARLES DUMONTIER	4239	RP03-1474 ROAD IN TRESPASS
	1304	TRIBAL	TRIBAL	RP03-1138 ROAD IN TRESPASS
	1305	TRIBAL	TRIBAL	RP03-1138 ROAD IN TRESPASS
	1306	INDIAN TIMBER RESERVE-TRIBAL	TRIBAL	RP03-1475 ROAD IN TRESPASS
	1307	MARALINE PAIN	TRIBAL	RP03-1484 ROAD IN TRESPASS
	1308	MELANE COCOMEE	TRIBAL	RP03-1590 ROAD IN TRESPASS
	1309	BENJAMIN F. CLIFTON	TRIBAL	RP03-1576 ROAD IN TRESPASS
	1310	TRIBAL	TRIBAL	RP03-1093 ROAD IN TRESPASS
	1311	TRIBAL	TRIBAL	RP03-1096 ROAD IN TRESPASS
	1312	TRIBAL	TRIBAL	RP03-1460 ROAD IN TRESPASS
	1313	FED POWER COM-ROCKY MT POWER CO	TRIBAL	RP03-1487 ROAD IN TRESPASS
	1314	TRIBAL	TRIBAL	RP03-1490 ROAD IN TRESPASS
	1315	TRIBAL	TRIBAL	RP03-1575 ROAD IN TRESPASS
	1316	ROBERT L. MANAGHAN	TRIBAL	RP03-1370 ROAD IN TRESPASS
	1317	TRIBAL	TRIBAL	RP03-1075 ROAD IN TRESPASS
	1318	TRIBAL	TRIBAL	RP03-1111 ROAD IN TRESPASS
	1319	TRIBAL	TRIBAL	RP03-1075 ROAD IN TRESPASS
	1320	TRIBAL	TRIBAL	RP03-1109 ROAD IN TRESPASS
	1321	TRIBAL	TRIBAL	RP03-1322 ROAD IN TRESPASS
	1322	TRIBAL	TRIBAL	RP03-1200 ROAD IN TRESPASS
	1323	TRIBAL	TRIBAL	RP03-1322 ROAD IN TRESPASS
	1324	TRIBAL	TRIBAL	RP03-1115 ROAD IN TRESPASS
	1325	TRIBAL	TRIBAL	RP03-1219 ROAD IN TRESPASS
	1326	TRIBAL	TRIBAL	RP03-1375 ROAD IN TRESPASS
	1327	TRIBAL	TRIBAL	RP03-1375 ROAD IN TRESPASS
	1328	TRIBAL	TRIBAL	RP03-1366 ROAD IN TRESPASS
	1329	TRIBAL	TRIBAL	RP03-1108 ROAD IN TRESPASS
	1330	TRIBAL	TRIBAL	RP03-1341 ROAD IN TRESPASS
	1331	TRIBAL	TRIBAL	RP03-1366 ROAD IN TRESPASS
	1332	TRIBAL	TRIBAL	RP03-1185 ROAD IN TRESPASS
	1333	TRIBAL	TRIBAL	RP03-1078 ROAD IN TRESPASS
	1334	TRIBAL	TRIBAL	RP03-1245 ROAD IN TRESPASS
C55204	0010	GRANVILLE HAWLEY SR	N/A	PRO-RATA SHARE OF SWEET GRASS HILLS CLAIM
	0011	DANIEL WILKIE FLYING	489	REOPEN HER FATHERS PROBATE
	0012	ALFRED LODGE	477	TRESPASS-CEMETERY
	0013	ALFRED MCKINLEY MINUGH ET AL.	1093	TRESPASS-DITCH EROSION
	0014	WILLIAM COCHRAN JR	1109	RAILROAD R.O.W.
	0015	BYRAN COCHRAN	1101	NO COMPEN. FOR UTILITY R.O.W.
	0016	EMILY BELGARDE MORIN	265	QUESTIONS FEE PATENT APPLIC.
	0017	ROBERT PATRICE LENOIR	N/A	S.21 T34N R22E REJECT.ALLOT.SELECT.
	0018	FLORESTINE BORNEAU MARTIN	N/A	S.34 T35N R22E REJECT.ALLOT.SELECT.
	0019	LOUISE HERMAN	132TM	HAS NOT RECVD.MINERAL LEASE MONEY
	0021	JOSEPH ALBERT ALLERY	N/A	S.20 T34N R22E REJECT ALLOT.SLECT.
	0022	EAGLE CHIEF	668	TRESPASS-INUNDATION
	0023	CATHERINE SNELL WEIGAND BURTCH	690	NEVER COMPENSAT.FOR INUNDATION OF ALLOT.
	0024	AUDREY NORMA SNELSON	695	INUNDATION NO COMPENSATION
	0025	ESTER BOY CHIEF	875	INUNDATION NO COMPENSATION
	0026	FRANK HAWLEY	449	TRESPASS-PIPELINE
	0027	MARY A KIRKALDIE	239	INUNDATION NO COMPENSATION

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C55204	0028	ROBERT L. MANAGHAN	1	TRESPASS-INUNDATION
	0029	ROBERT L. MANAGHAN	1	TRESPASS-INUNDATION
	0030	ROBERT L. MANAGHAN	1	TRESPASS-INUNDATION

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C55204	0028	LUELLA MAY WEIGAND	693	INUNDATION NO COMPENSATION
	0029	FRANK OVERLOOKING	N/A	TAXES PD.ON CATTLE&MACHINERY(TRUST)
	0030	HERBERT FISH&LUKE SHORTMAN	N/A	QUESTION-TREATY HUNT&FISH RIGHTS
	0031	JOSEPHINE LONG KNIFE	227	PAYMNT FOR A LOT,NEVER COMPLETED
	0035	TRIBAL	N/A	OIL&GAS LEASES BY THE TRIBES
	0037	CHARLES RED HIP	167	TRESPASS-ROAD R.O.W.
	0038	KILLED IN LINE LITTLE SHIELD	136	OLD AGE ASSISTANCE
	0039	ROUND HEAD	29	OLD AGE ASSISTANCE
	0040	CHIEF WOMAN	1144	OLD AGE ASSISTANCE
	0041	FIRSTKILLHEADDRESS	28	OLD AGE ASSISTANCE
	0042	JOHN SHORTMAN	25	OLD AGE ASSISTANCE
	0043	DANCING DOG MOCCASIN	469	OLD AGE ASSISTANCE
	0044	BULL CAP	665	OLD AGE ASSISTANCE
	0045	FOUR NATIONS STRIKE	1146	OLD AGE ASSISTANCE
	0046	STANDING CHIEF	528	OLD AGE ASSISTANCE
	0047	JAMES SNOW 1	85	OLD AGE ASSISTANCE
	0048	STANDING BEAR	1142	OLD AGE ASSISTANCE
	0049	RAISING DAY	336	OLD AGE ASSISTANCE
	0050	PAUL MEDICINE BOY	447	OLD AGE ASSISTANCE
	0051	LAME CHICKEN	617	OLD AGE ASSISTANCE
	0052	LOOKING WALKING	384	OLD AGE ASSISTANCE
	0053	BELKNAP FOX	207	OLD AGE ASSISTANCE
	0054	BULL HEAD	564	OLD AGE ASSISTANCE
	0055	SINGER	295	OLD AGE ASSISTANCE
	0056	LOUIS SPEAKSTHUNDER	281	OLD AGE ASSISTANCE
	0057	SPEAK THUNDER	279	OLD AGE ASSISTANCE
	0058	IRONWINGS REDELK	764	OLD AGE ASSISTANCE
	0059	KILLEDINTHEBRUSH	598	OLD AGE ASSISTANCE
	0060	TURN TOES	912	OLD AGE ASSISTANCE
	0061	LOUIS STRIKE	470	OLD AGE ASSISTANCE
	0062	TAKES THE BOW	47	OLD AGE ASSISTANCE
	0063	HOLY TREE	670	OLD AGE ASSISTANCE
	0064	CHARLES J BUCKMAN	101	OLD AGE ASSISTANCE
	0065	ATTACKS	712	OLD AGE ASSISTANCE
	0066	TAKEAPRISONER WARRIOR	544	OLD AGE ASSISTANCE
	0067	THE GIRL	291	OLD AGE ASSISTANCE
	0068	MEDICINEROBE	597	OLD AGE ASSISTANCE
	0069	AMY BLACKBEAR WHITE	1081	OLD AGE ASSISTANCE
	0070	IRON MAN 1	92	OLD AGE ASSISTANCE
	0071	MRS J B DORRITY	1169	OLD AGE ASSISTANCE
	0072	GROWING WHITEWOMAN	392	OLD AGE ASSISTANCE
	0073	RETURNING HUNTER	673	OLD AGE ASSISTANCE
	0074	MARK FISH GUTS	601	OLD AGE ASSISTANCE
	0075	HIRAM FACING	495	OLD AGE ASSISTANCE
	0076	ONE WOMAN BUCK	250	OLD AGE ASSISTANCE
	0077	WIND CHIEF	241	OLD AGE ASSISTANCE
	0078	EMMA TRAIL LODGE	416	OLD AGE ASSISTANCE
	0079	FELICITAS TWO KILL	822	OLD AGE ASSISTANCE
	0080	GEORGE ROCK	525	OLD AGE ASSISTANCE
	0081	BROWN BEAR WOMAN	532	OLD AGE ASSISTANCE
	0082	SAM KING	171	OLD AGE ASSISTANCE
	0083	JULIA SHANE	420	OLD AGE ASSISTANCE
	0084	GARTER SNAKE	60	OLD AGE ASSISTANCE
	0085	BOB TAILBEAR	141	OLD AGE ASSISTANCE
	0086	JULIA TURCOTTE	1195	OLD AGE ASSISTANCE
	0087	MARY MATT HAWLEY	1072	OLD AGE ASSISTANCE
	0088	HERBERT SOLDIER	750	OLD AGE ASSISTANCE
	0089	THERESA BLACKBULL LONGFOX	79	OLD AGE ASSISTANCE
	0090	THE BOY	567	OLD AGE ASSISTANCE
	0091	DEAF WOMAN	247	OLD AGE ASSISTANCE
	0092	MARY KIRKALDIE	625	OLD AGE ASSISTANCE
	0093	CAROLIEN BIG BEAVER	923	OLD AGE ASSISTANCE
	0094	EFFIE TALKSDIFFERENT	482	OLD AGE ASSISTANCE
	0095	JOHN SANBORN	842	OLD AGE ASSISTANCE
	0096	FIRST CHIEF	363	OLD AGE ASSISTANCE
	0097	PAUL SLEEPINGBEAR	24	OLD AGE ASSISTANCE
	0098	ALOYSIUS CHANDLER	1	OLD AGE ASSISTANCE
	0099	RUSSELL YOUNG	1056	OLD AGE ASSISTANCE

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C55204	0100	GERTRUDE HAWLEY	110	OLD AGE ASSISTANCE
	0101	FRANK WHEELER	296	OLD AGE ASSISTANCE
	0102	WOUNDED FOOT	290	OLD AGE ASSISTANCE
	0103	HELEN EARTHBOY	429	OLD AGE ASSISTANCE
	0104	FRED V LODGE	1059	OLD AGE ASSISTANCE
	0105	PETER WETAN	260	OLD AGE ASSISTANCE
	0106	SPIRIT BOY	623	OLD AGE ASSISTANCE
	0107	LESLIE KILLEAGLE	887	OLD AGE ASSISTANCE
	0108	WILLIAM KILLEAGLE	989	OLD AGE ASSISTANCE
	0109	TRIBAL	N/A	RESTORATION OF ST LANDS
	0116	GROWING NEST	615	FORCED FEE PATENT
	0117	MARTHA POND	725	FORCED FEE PATENT
	0118	PARIS HELGESON	731	FORCED FEE PATENT
	0119	LOULIN D. CHAMBERLIN	856	FORCED FEE PATENT
	0120	ROY E. DAVIS	1004	FORCED FEE PATENT
	0121	RICHARD JONES	308	SECRETARIAL TRANSFER
	0122	SAVE FEATHER	342	SECRETARIAL TRANSFER
	0123	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	MONT.POWER CO.-POWER LINE
	0124	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	MONT.POWER CO.-50000 VOLT TRAN. LINE
	0126	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	BIG FLAT ELECT.CO-OP-POWER DIST.LINE
	0129	FRANK HAWLEY	449	4" GAS PIPELINE ACROSS ALLOT.
	0131	FRANK B HAWLEY	449	*RP04-1 ROAD IN TRESPASS
	0132	PHYLLIS HAWLEY	1152	*RP04-1 ROAD IN TRESPASS
	0133	ELIZABETH(MRS.WM.)BENT	1153-B	*RP04-1 ROAD IN TRESPASS
	0134	ELIZABETH(MRS.WM.)BENT	1153-C	*RP04-1 ROAD IN TRESPASS
	0135	LOUIS BENT	1154	*RP04-1 ROAD IN TRESPASS
	0136	EMMA BENT	1155	*RP04-1 ROAD IN TRESPASS
	0137	FLORENCE BENT	1157-A	*RP04-1 ROAD IN TRESPASS
	0138	EVA BROCKIE	T1010A	*RP04-2 ROAD IN TRESPASS
	0139	MARGARET SKUNK BRADLEY	T144-R	*RP04-2 ROAD IN TRESPASS
	0140	JOHN JOSEPH MOUNT	T134-R	*RP04-2 ROAD IN TRESPASS
	0141	DAVID HAWLEY	T118-A	*RP04-2 ROAD IN TRESPASS
	0142	JULIUS HICKOX	1054	*RP04-2 ROAD IN TRESPASS
	0143	MARY MARGARET HICKOX	1053	*RP04-2 ROAD IN TRESPASS
	0144	LEONA BROCKIE	T1013	*RP04-2 ROAD IN TRESPASS
C55224	0145	NORBERT DELONAIS(TMB)	933	CO. ROAD IN TRESPASS ON S. BOUNDARY
	0146	ALLENE MARION(TMR)	1995	CO. ROAD IN TRESPASS NO.AND E BOUNDARY
	0147	ALLENE MARION(TMR)	1985	FARM SERVICE ROAD IN TRESPASS ON NO.OF ALLOT
	0148	MERRILL E. MARION(TMR)	1986	CO. ROAD IN TRESPASS ON W
	0149	MERRILL E. MARION(TMB)	1986	FARM SERVICE ROAD IN TRESPASS
	0150	MARY YILDA BRUNNELL(TMB)	692	CO. ROAD IN TRESPASS ON E BOUNDARY
	0151	JOSEPH DECOTEAU(TMR)	923	CO. ROAD IN TRESPASS ON W BOUNDARY
	0152	MARY JANE DEJARVAIS(TMB)	974	CO. ROAD IN TRESPASS ON W BOUNDARY
	0153	DELIA HOULE(TMB)	1448	FARM SERVICE ROAD IN TRESPASS
	0154	MARGARET LATRAIL(TMR)	1776	CO. ROAD IN TRESPASS ON W BOUNDARY
	0155	MARY D. MORIN(TMB)	2177	CO. ROAD IN TRESPASS ALONG E BOUNDARY
	0156	METMEYASING(PASS BY WIND)TMB	102	GRADED ROAD IN TRESPASS ON ALLOT.
	0157	JOHN MEKWAM(TMR)	118	FARM TRAILS IN TRESPASS CROSS ALLOT
	0158	FRANK AMYOTT(TMR)	269	FARM SERVICE ROAD IN TRESPASS ON ALLOT.
	0159	LAGLOIRE BONNEAU(TMB)	578	FARM SERVICE ROAD IN TRESPASS ON ALLOT.
	0160	MARIE DEJARLAIS(TMR)	985	WELL USED PLOWED ROAD IN TRESPASS
	0161	JAME FAGUANT(TMB)	1149	CO. ROAD IN TRESPASS ON ALLOT.
	0162	JOSEPH FALCON(TMB)	1156	CO. ROAD IN TRESPASS ON E BOUNDARY
	0163	LEROY JAST(TMB)	1475	FARM TRAIL FENCES IN TRESPASS ON ALLOT
	0164	JOHN LOUIS JAST(TMB)	1477	FARM TRAILS IN TRESPASS ON ALLOT.
	0165	MARIE JOLIBOIS(TMB)	1533	CO. ROAD IN TRESPASS ON N.SECT.OF ALLOT
	0166	CHARLOTTE LAFONTAIN(TMB)	1585	FARM SERVICE ROAD IN TRESPASS ON ALLOT
	0167	ALFRED LAFOURNAIS(TMB)	1645	IMPROVED ROAD IN TRESPASS ON ALLOT.
	0168	JOSEPH LAFROMBOIS(TMB)	1672	IMPROVED ROAD IN TRESPASS ON ALLOT.
	0169	PETE LAMBERT(TMB)	1714	UNIMPROV. ROAD IN TRESPASS ON ALLOT.
	0170	JOSEPH L. LATERGRASS(TMR)	1762	GRADED ROAD IN TRESPASS ON ALLOT.
	0171	CAROLINE G. MONETTE(TMR)	2059	GRADED ROAD IN TRESPASS ON W OF ALLOT.
	0172	THOMAS AKEWENSI(TMB)	13	GRADED ROAD IN TRESPASS ON SW CORNER OF ALLOT
	0173	ANAMEAKOKAK(TMB)	20	GRADED ROAD IN TRESPASS
	0174	KAPAKEMOT(GOOD COUNT)(TMB)	38	GRADED ROAD IN TRESPASS (GRAVEL)
	0175	STRONG FEATHER(TMB)	64	GRADED ROAD IN TRESPASS
	0176	SPARROW HAWK(TMB)	66	BLADED SEISMIC ROAD IN TRESPASS
	0177	KIJIKEINWIN(TMB)	83	GRADED GRAVELED ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
035224	0246	PIERRE LITTLE SHELL (TMB)	81	GRAZE NO VALID LEASE
	0247	NASHAWAJIMOW (TMB)	122	GRAZE NO VALID LEASE
	0248	PAPANASIX (TMB)	147	GRAZE NO VALID LEASE
	0249	WAPPEMENDON (TMB)	172	GRAZE NO VALID LEASE
	0250	AYANASHEESHOW (TMB)	180	GRAZE NO VALID LEASE
	0251	ISABEL A GREEN (TMB)	186	GRAZE NO VALID LEASE
	0252	JOSETTE ALLERY (TMB)	225	GRAZE NO VALID LEASE
	0253	ALEXANDER ALLERY (TMB)	246	GRAZE NO VALID LEASE
	0254	FRANK ALLERY (TMB)	248	GRAZE NO VALID LEASE
	0255	MARY L. BELGARDE (TMB)	498	GRAZING NO VALID LEASE
	0256	JULIA BOYER (TMB)	615	GRAZING NO VALID LEASE
	0257	ANNA BRIERRE (TMB)	667	GRAZING NO VALID LEASE
	0258	ROBERT L DEMARAIS (TMB)	1032	GRAZING NO VALID LEASE
	0259	JOSEPH DEMARAIS (TMB)	1033	GRAZING NO VALID LEASE
	0260	MARY ROSE DIONNE (TMB)	1065	GRAZING NO VALID LEASE
	0261	MARY ALICE DUNEY (TMB)	1067	GRAZING NO VALID LEASE
	0262	JOSEPHINE GRANT (TMB)	1318	GRAZING NO VALID LEASE
	0263	CLARA JEROME (TMB)	1514	GRAZING NO VALID LEASE
	0264	MARY LOUISE JEROME (TMB)	1515	GRAZING NO VALID LEASE
	0265	ELIZABETH WILKIE (TMB)	1635	GRAZING NO VALID LEASE
	0266	THERSA LAFRAMBOISE (TMB)	1661	GRAZING NO VALID LEASE
	0267	CECILIA LENOIR (TMB)	1995	GRAZING NO VALID LEASE
	0268	ALEXANDER LESPERANCE (TMB)	1901	GRAZING NO VALID LEASE
	0269	CLEMENCE MCLESTER (TMB)	2057	GRAZING NO VALID LEASE
	0270	ALFRED POITRA (TMB)	2350	GRAZING NO VALID LEASE
	0271	NORMAN POITRA (TMB)	2446	GRAZING NO VALID LEASE
	0272	EMMA SMITH (TMB)	2576	GRAZING NO VALID LEASE
	0273	ANGELINE SMITH (TMB)	2577	GRAZING NO VALID LEASE
	0274	ROBERT ST.CLAIR (TMB)	2592	GRAZING NO VALID LEASE
	0275	MARGARY TIBBOTT (TMB)	2695	GRAZING NO VALID LEASE
	0276	DELIA L ESPERANCE (TMB)	2764	GRAZING NO VALID LEASE
	0277	DAVID LAVERDURE (TMB)	1805	GRAZING NO VALID LEASE
	0278	EMMA SMITH (TMB)	1805	FARMING NO VALID LEASE
	0279	LITTLE BIRD (TMB)	31	DRY FARM NO VALID LEASE
	0280	THOMAS CREE (TMB)	34	DRY FARM NO VALID LEASE
	0281	CHARLES CREE JR. (TMB)	35	DRY FARM NO VALID LEASE
	0282	JOSEPH DECOTEAU (TMB)	923	DRY FARM NO VALID LEASE
	0283	MARTIN FIDDLER (TMB)	1163	DRY FARM NO VALID LEASE
	0284	MARY ROSE ROSSLING (TMB)	1245	DRY FARM NO VALID LEASE
	0285	ALEX DORSHIMER (TMB)	1246	DRY FARM NO VALID LEASE
	0286	JOHN HOLE (TMB)	1423	DRY FARM NO VALID LEASE
	0287	DELIA HOLE (TMB)	1448	DRY FARM NO VALID LEASE
	0288	MARY ISABEL LAFRAI (TMB)	1625	DRY FARM NO VALID LEASE
	0289	MARGARET LAFRAI (TMB)	1776	DRY FARM NO VALID LEASE
	0290	ALEXIS MCATEER (TMB)	1956	DRY FARM NO VALID LEASE
	0291	ANGELIQUE GREEN (TMB)	70	FARMING NO VALID LEASE
	0292	ISABEL A. GREEN (TMB)	186	FARMING NO VALID LEASE
	0293	ROBERT L. DEMARAIS (TMB)	1032	FARMING NO VALID LEASE
	0294	JOSEPH DEMARAIS (TMB)	1033	FARMING NO VALID LEASE
	0295	LOUIS J. JEROME (TMB)	1529	FARMING NO VALID LEASE
	0296	MICHAEL LENOIR (TMB)	1890	DRY FARM NO VALID LEASE
	0297	MARY E DELORME (TMB)	1023	7 ACRES DEVELOPED-IRRIGATION NO LEASE
	0298	EMMA DECOTEAU (TMB)	1275	DOMESTIC AIRLINE ON W BNDRY.
	0299	MERRILL E. MARTIN (TMB)	1996	2 AIR STRIPS ON W AND NW
	0300	ANTOINE PAUL (TMB)	2269	DEVELOPED HAY LAND NO PERMIT
	0301	MERRILL E. MARTIN (TMB)	1996	GARBAGE DUMP NO PERMIT
	0302	MATILDA DAVIS (TMB)	1512	GRAVEL REMOVED NO PERMIT
	0303	MIKE TOBINESS (TMB)	42	WTR RIGHT ONTO ALLOT FR ALLOT 182
	0304	MARGARET L. PEPLIN (TMB)	1562	SEISMIC EXP. NO PERMIT/AGN. (NW Y)
	0305	JULIA BOYER (TMB)	615	TIMBER CUTTING NO PERMIT
	0306	THERSA LAFRAMBOISE (TMB)	1661	TIMBER CUT NO PERMIT
	0307	ANTOINE PAUL (TMB)	2269	WATER DIVERT OFF ALLOT. NO PERMIT
	0308	PATRICK ALLERY	2541	FORCED FEE PATENT TMB
	0309	ROSALIE ALLERY	263	FORCED FEE PATENT TMB
	0310	JOHN AMYOTT	275	FORCED FEE PATENT TMB
	0311	LOUIS AMYOTT JR.	280	FORCED FEE PATENT TMB
	0312	ALEXANDER AZURE	295	FORCED FEE PATENT TMB
	0313	CLAUDE AZURE	315	FORCED FEE PATENT TMB

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
035224	0178	RAINE DAHSE (TMB)	86	GRADED DIRT ROAD IN TRESPASS ON W AND S
	0179	NASHAWAJIMOT (TMB)	112	GRADED ROAD IN TRESPASS ON W BOUNDARY
	0180	MERRI PAPINEAU (TMB)	123	FARM SERVICE ROAD IN TRESPASS ON ALLOT.
	0181	OSSINE (TMB)	134	GRADED FARM ROAD IN TRESPASS ON W BOUND.
	0182	JOSEPH GREAT WALKER (TMB)	181	FARM SERVICE ROAD IN TRESPASS
	0183	MARGARET ALLERY (TMB)	244	IMPROVED ROAD IN TRESPASS ON E BOUND.
	0184	SAMUEL ALLERY (TMB)	249	OIL ROAD IN TRESPASS ON E BOUND.
	0185	SAMUEL ALLERY (TMB)	249	GAS FIELD SERVICE ROAD IN TRESPASS
	0186	CHARLES ALLERY (TMB)	254	OIL ROAD IN TRESPASS ON W BOUND
	0187	EDWARD (DENAP) (TMB)	311	FARM TRAIL IN TRESPASS
	0188	IDA ROSE BELGARDE (TMB)	449	GRADED TRAIL IN TRESPASS
	0189	ANNA BRIERRE (TMB)	667	ROAD IN TRESPASS AND BRIDGE
	0190	MARTIN J. DELORME (TMB)	1022	GRADED ROAD IN TRESPASS ON ALLOT
	0191	ROBERT L. DEMARAIS (TMB)	1032	FARM ROAD IN TRESPASS ON N BNDRY
	0192	JOSEPH DEMARAIS (TMB)	1033	ROAD IN TRESPASS ON W BNDRY
	0193	MARY ROSE DIONNE (TMB)	1065	GRADED ROAD IN TRESPASS
	0194	JOHN DUCEPT (TMB)	1084	GRADED ROAD IN TRESPASS
	0195	WAHASH (TMB)	1151	GRADED ROAD IN TRESPASS ON N & E BNDY
	0196	JOSEPHINE GRANT (TMB)	1318	IMPROVED ROAD IN TRESPASS ON N BNDY
	0197	WILLIAM JOHN HOLE (TMB)	1447	GRADED ROAD IN TRESPASS ON E BNDY,
	0198	HYACINTH HOLE (TMB)	1449	GRADED ROAD IN TRESPASS ON S BNDY
	0199	CLARA JEROME (TMB)	1514	ROAD IN TRESPASS ON E BNDY
	0200	MARY LOUISE JEROME (TMB)	1515	ST HWY IN TRESPASS ON ALLOT
	0201	THERSA LAFRAMBOISE (TMB)	1661	DIRT ROAD IN TRESPASS ON ALLOT
	0202	MARY LOUISE LENOIR (TMB)	1908	ROAD IN TRESPASS ON S BNDY
	0203	ALEXANDER LESPERANCE (TMB)	1901	GRADED ROAD IN TRESPASS (GRAVEL)
	0204	JOSEPHINE LAFOUNTAIN (TMB)	2186	ROAD IN TRESPASS ON ALLOT
	0205	ANTOINE PAUL (TMB)	2269	IMPROVED ROAD IN TRESPASS
	0206	COLLIN POITRA (TMB)	2443	GRADED ROAD IN TRESPASS
	0207	NORMAN POITRA (TMB)	2446	GRADED ROAD IN TRESPASS ON S OF ALLOT
	0208	JOHN BAPTISTE WARREN (TMB)	2780	GRAVEL ROAD IN TRESPASS ON S BNDY
	0209	PASSING CLOUD (TMB)	6	BURIED TELEPHONE LINE NO RW
	0210	JANE FAGNANT (TMB)	1149	PWR LINE CROSSES ALLOT NO RW
	0211	JOSEPH FALCON (TMB)	1156	PWR LINE ON W ALLOT. NO RW
	0212	CAROLINE G. NANETTE (TMB)	2059	BURIED TELEPHONE LINE IN PWR LINE RW
	0213	THOMAS SPOTTED FEATHER (TMB)	13	BURIED TELEPHONE ON SW OF ALLOT
	0214	STRONG FEATHER (TMB)	64	BURIED TELEPHONE NO RW
	0215	JOSEPH ANDREW ALLERY (TMB)	226	PWR TRANS. LINE ON CORNER NO RW
	0216	ALFRED ALLERY (TMB)	264	GAS PIPELINE NO RW
	0217	ROBERT L. DEMARAIS (TMB)	1032	PWR TRANS. NO RW
	0218	JOHN DUCEPT (TMB)	1084	TELEPHONE LINE ON S BNDY NO RW
	0219	CLARA JEROME (TMB)	1514	PWR LINE ON E BNDY NO RW
	0220	MARY LOUISE JEROME (TMB)	1515	BRI TELEPHONE IN ALLOT. NO RW
	0221	CLEMENCE LENOIR (TMB)	1995	PWR TRANS. LINE ON W BNDY NO RW
	0222	CECELIA LENOIR (TMB)	1995	PIPELINE CROSSES ALLOT NO RW
	0223	MARY LOUISE LENOIR (TMB)	1908	PWR TRANS. LINE ON E BNDY NO RW
	0224	ALEXANDER LESPERANCE (TMB)	1901	BURIED TELEPHONE NO RW
	0225	ALEXANDER LESPERANCE (TMB)	1901	PWR TRANS. LINE NO RW
	0226	COLLIN POITRA (TMB)	2443	BURIED TELEPHONE NO RW
	0227	COLLIN POITRA (TMB)	2443	ABOVE GROUND TELE. NO RW
	0228	COLLIN POITRA (TMB)	2446	TELE. LINE NO RW
	0229	NORMAN POITRA (TMB)	2790	GRAZE NO VALID LEASE
	0230	HORACE PELTIER (TMB)	42	GRAZE NO VALID LEASE
	0231	MIKE TOBINESS (TMB)	699	GRAZE NO VALID LEASE
	0232	ROBERT J RAINABLE (TMB)	1133	GRAZE NO VALID LEASE
	0233	ALBANY END (TMB)	1149	GRAZE NO VALID LEASE
	0234	JANE FAGNANT (TMB)	1477	GRAZE NO VALID LEASE
	0235	JOHN LOUIS AMYOTT (TMB)	1478	GRAZE NO VALID LEASE
	0236	MARY J. AMYOTT (TMB)	1676	GRAZE NO VALID LEASE
	0237	JOSEPH LAFRAMBOISE (TMB)	1661	GRAZE NO VALID LEASE
	0238	CHARLES E MONTPETIT (TMB)	1721	GRAZE NO VALID LEASE
	0239	ROBERT W MORROW (TMB)	1996	GRAZE NO VALID LEASE
	0240	JOSEPH PELTIER (TMB)	2041	GRAZE NO VALID LEASE
	0241	MICHAEL PELTIER (TMB)	2443	GRAZE NO VALID LEASE
	0242	CHARLES SMITH (TMB)	1115 & 4	GRAZE NO VALID LEASE ON SHARES.
	0243	ALICE P TENNIS (TMB)	7	GRAZE NO VALID LEASE
	0244	ANGELINE W (TMB)	26	GRAZE NO VALID LEASE
	0245	EMERS (TMB)	27	GRAZE NO VALID LEASE

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C55224	0314	JOSEPH AZURE	404	FORCED FEE PATENT TMR
	0315	SARAH BEAUCHMAN	431	FORCED FEE PATENT TMR
	0316	KAMINOMAHPITTIK	538	FORCED FEE PATENT TMR
	0317	NORMAN BERGIER	570	FORCED FEE PATENT TMR
	0318	ROSE MCGILLIS BRIEN	664	FORCED FEE PATENT TMR
	0319	EMMA CLARY	767	FORCED FEE PATENT TMR
	0320	NORMAN DAUPHINAIS	797	FORCED FEE PATENT TMR
	0321	JOSEPHINE DAVIS	898	FORCED FEE PATENT TMR
	0322	PATRICE DEJARLAIS	937	FORCED FEE PATENT TMR
	0323	ANJELIQUE DELORME	1007	FORCED FEE PATENT TMR
	0324	ADELE DOUGLAS	1070	FORCED FEE PATENT TMR
	0325	VIRGINIA DUCEPT	1083	FORCED FEE PATENT TMR
	0326	ALPHONSE DUCEPT	1085	FORCED FEE PATENT TMR
	0327	VIRGINIA DUMONT	1101	FORCED FEE PATENT TMR
	0328	VICTOR FAGANT	1150	FORCED FEE PATENT TMR
	0329	JOSEPH FINDLER	1184	FORCED FEE PATENT TMR
	0330	GEORGE P. GARDNER	1200	FORCED FEE PATENT TMR
	0331	ELIZABETH POITRA	1230	FORCED FEE PATENT TMR
	0332	MOSES GODDIN	1239	FORCED FEE PATENT TMR
	0333	LUCY GODDIN	1240	FORCED FEE PATENT TMR
	0334	MARY VITALINE GRANT	1317	FORCED FEE PATENT TMR
	0335	MARGARET GRANT	1328	FORCED FEE PATENT TMR
	0336	ADELINE ST. CLAIRE	1360	FORCED FEE PATENT TMR
	0337	ABRAHAM HOULE	1445	FORCED FEE PATENT TMR
	0338	EMILY CAPPLETTE	1464	FORCED FEE PATENT TMR
	0339	PATRICK JEROME	1516	FORCED FEE PATENT TMR
	0340	ANGELIQUE JEROME	1517	FORCED FEE PATENT TMR
	0341	COLLIN LAFONTAIN	1598	FORCED FEE PATENT TMR
	0342	ISAREL LAFROMBOIS	1664	FORCED FEE PATENT TMR
	0343	CELINA LAFROMBOIS	1665	FORCED FEE PATENT TMR
	0344	JOHN BAPTISTE	1668	FORCED FEE PATENT TMR
	0345	MARGARET LANDRY	1723	FORCED FEE PATENT TMR
	0346	CLEMENTE LATRAIL	1775	FORCED FEE PATENT TMR
	0347	ST. PIERRELEMOIR	1889	FORCED FEE PATENT TMR
	0348	JOHN MALATERRE	1936	FORCED FEE PATENT TMR
	0349	ELGINA EMMA MARCIL	1961	FORCED FEE PATENT TMR
	0350	LOUIS MARION	1964	FORCED FEE PATENT TMR
	0351	MARY JOSEPHINE MARTELL	1989	FORCED FEE PATENT TMR
	0352	MARY ELISE MCGILLIS	2041	FORCED FEE PATENT TMR
	0353	FRANK MCGILLIS	2048	FORCED FEE PATENT TMR
	0354	SAMPSON PAQUIN	2210	FORCED FEE PATENT TMR
	0355	FRANCES PAGE	2213	FORCED FEE PATENT TMR
	0356	JUSTINE PARISIEN	2225	FORCED FEE PATENT TMR
	0357	FRED PARISIER	2227	FORCED FEE PATENT TMR
	0358	MARTIN JOSEPH PARISIEN	2241	FORCED FEE PATENT TMR
	0359	VERONICA RENAULT	2327	FORCED FEE PATENT TMR
	0360	ALFRED POITRA	2343	FORCED FEE PATENT TMR
	0361	MARY MATILDA PARISEN	2344	FORCED FEE PATENT TMR
	0362	JOSEPH ALFRED POITRA	2380	FORCED FEE PATENT TMR
	0363	WILLIAM POITRA	2429	FORCED FEE PATENT TMR
	0364	ZACHERY POITRA JR.	2444	FORCED FEE PATENT TMR
	0365	CELINA SAN GRAIT	2524	FORCED FEE PATENT TMR
	0366	CAROLINE SMITH	2559	FORCED FEE PATENT TMR
	0367	WILLIAM ST.CLAIRE	2591	FORCED FEE PATENT TMR
	0368	EMERY ST.CLAIRE	2594	FORCED FEE PATENT TMR
	0369	MARGARET FAVILL SWAIN	2628	FORCED FEE PATENT TMR
	0370	CLEMENT THOMAS	2641	FORCED FEE PATENT TMR
	0371	MARY THOMAS	2642	FORCED FEE PATENT TMR
	0372	CLEMENCE THOMAS	2647	FORCED FEE PATENT TMR
	0373	FRANCOIS VIVIER NO.2	2732	FORCED FEE PATENT TMR
	0374	ROSINE VIVIER	2753	FORCED FEE PATENT TMR
	0375	MOSES WALLETT	2757	FORCED FEE PATENT TMR
	0376	JOSEPH WARREN	2777	FORCED FEE PATENT TMR
	0377	CLARA WILKIE	2792	FORCED FEE PATENT TMR
	0378	MARY JANE WILKIE	2805	FORCED FEE PATENT TMR
	0379	GABRIEL BEAUCHMAN JR.	426	FORCED FEE PATENT TMR
	0380	JOSEPHINE AZURE	459	FORCED FEE PATENT TMR
	0381	ALFRED BRIEN	457	FORCED FEE PATENT TMR

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C55224	0382	MODESTE CAPLETTE	710	FORCED FEE PATENT TMR
	0383	JOSEPHINE CHAMPAGNE	725	FORCED FEE PATENT TMR
	0384	JOSEPH DECOUTEAU	917	FORCED FEE PATENT TMR
	0385	ADELE DELORM	1003	FORCED FEE PATENT TMR
	0386	NORMAN EMMO	1142	FORCED FEE PATENT TMR
	0387	FREDERICK HENRY	1397	FORCED FEE PATENT TMR
	0388	JOHN HOULE	1417	FORCED FEE PATENT TMR
	0389	MARY MATILDA	1614	FORCED FEE PATENT TMR
	0390	MARIE ROSE LAFROMBOIS	1673	FORCED FEE PATENT TMR
	0391	MARY VITALINE LAFROMBOIS	1698	FORCED FEE PATENT TMR
	0392	FRANCOIS LANGER	1737	FORCED FEE PATENT TMR
	0393	MARY FLORESTINE	1811	FORCED FEE PATENT TMR
	0394	WILLIAM LAVERDURE JR.	1836	FORCED FEE PATENT TMR
	0395	JULIAN LAVIOLETTE	1851	FORCED FEE PATENT TMR
	0396	MARY JANE MORIN	2137	FORCED FEE PATENT TMR
	0397	PETER MORIN	2147	FORCED FEE PATENT TMR
	0398	CHARLES VIVIER	2752	FORCED FEE PATENT TMR
	0399	JOHN BAPTISTE WALLETT	2763	FORCED FEE PATENT TMR
	0400	LOUIS WILKIE	2788	FORCED FEE PATENT TMR
	0401	MICHEAL WILKIE	2821	FORCED FEE PATENT TMR
	0402	RAPHAEL WILKIE	2823	FORCED FEE PATENT TMR
	0403	BARTHOLMEN PELTIER	2287	FORCED FEE PATENT TMR
	0404	ANTOINE TURCOTT	2693	FORCED FEE PATENT TMR
	0406	WILLIAM ALLERY	#227	OLD AGE ASSISTANCE
	0407	LOUIS DELORME	#1019	OLD AGE ASSISTANCE
	0408	JOSEPH ALFRED POITRA	#2380	OLD AGE ASSISTANCE
	0409	MARY LEMERE ALLERY	#5177	OLD AGE ASSISTANCE
	0410	GLADYS MAKES IT RAIN DAY	#3229	CLOSED OLD AGE ASSISTANCE
C56206	0001	TRIBE	TRIBAL	S.11 T.29N, R.42E, ROAD IN TRESPASS
	0002	TRIBE	TRIBAL	S.29 T.33N, R.43E, BUILDING & FARM TRESPASS
	0003	ROSEMARY LAMB	4103	FARMING TRESPASS
	0004	TRIBAL	TRIBAL	T.29N R.46E QUIET TITLE ON MISSOURI RIVER
	0005	WONIE WINN MITCHELL	1066	MISSURVEY OF TRACT
	0006	TRIBE	TRIBAL	S.15 T.29N, R.45E, FARMING TRESPASS
	0008	TRIBE	TRIBAL	LOT 6 BLK 45 1ST ADD W.P. TRESPASS
	0009	CATHERINE EDER	2957	ROAD IN TRESPASS
	0010	JOSHUA METSIT	1719	TR. LAND INC. ON FEE PATENT-ERRONEOUSLY
	0011	CLARENCE ROW	3227	FARM TRESPASS ALSO ALLOT.2595&2764
	0012	TRIBE	TRIBAL	S.21 T.33N, R.45E, ROAD IN TRESPASS
	0013	THOMAS RYAN NO. 2	1628	DELINQUENT O&M CHARGES
	0014	ROSE SHIPSTEAD	1683	QUESTIONS COMPENSATION FOR RD. R.O.W.
	0015	GRANDCHAMPS	3248	ROAD IN TRESPASS
	0016	YVONNE REDDOR RYAN	164	FARMING TRESPASS
	0017	BESSIE SHIELDS	88A	QUESTION OWNERSHIP ON ACCRETED LAND
	0018	TRIBE	TRIBAL	S.6 T.29N, R.42E, GRAZING & FARMING TRESPASS
	0019	TRIBE	TRIBAL	S.6 T.29N, R.42E, DUMP & GRAZING TRESPASS
	0020	ALBERT CLEVELAND	1973	DUMP GROUND TRESPASS
	0021	MARY JANE KEPPIN	1553	QUESTION ON SALE OF MINERAL RIGHTS
	0022	BEATRICE DAVIS POITRA	810	GRAZING TRESPASS
	0023	MARY AGNES WILKIE	UNNUM.	S.12 T.29N, R.42E, REJ. TR. ALLOT.
	0024	ERNEST WILKIE	UNNUM.	S.28 T.3S, R.49E, REJ. TR. ALLOT.
	0025	TRIBE	TRIBAL	S.24 T.33N, R.54E, GRAZING TRESPASS
	0026	MARGARET A. WINN LOZAR	3321	POTENTIAL OIL DRAINAGE
	0031	LOUIS ALLERY	234	ROAD IN TRESPASS
	0032	MARY AGNES VILLENEAUVE	2725	CLAIM FOR RECOVERY OF ALLOT.
	0033	FRANK DAVIS	1315TM	QUESTION ON MINERAL RIGHTS
	0034	ELIZA SMITH	881TM	QUESTION ON MINERAL RIGHTS
	0035	LOUIS DELORME	UNNUM	10-16N-44E QUESTION ON REJECTED ALLOTMENT
	0037	LIGHTENING WOMAN BEARNOSE	54	OLD AGE ASSISTANCE
	0038	SAMUEL ALLISON	11	OLD AGE ASSISTANCE
	0039	BEGS HIS OWN	59	OLD AGE ASSISTANCE
	0040	HANNAH BOWSHIELDS	82	OLD AGE ASSISTANCE
	0041	SAMUEL CONGER	185	OLD AGE ASSISTANCE
	0042	ROSE CHASER CLEVELAND	161	OLD AGE ASSISTANCE
	0043	SOPHIA BURSHIA	145	OLD AGE ASSISTANCE
	0044	JOSEPH CLOUD HAIR	173	OLD AGE ASSISTANCE
	0045	FANNIE CONGER	186	OLD AGE ASSISTANCE
	0046	COUNTER	204	OLD AGE ASSISTANCE

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56206	0047	GOODHAND CROW	215	OLD AGE ASSISTANCE
	0048	GOOD NEST DRUM	280	OLD AGE ASSISTANCE
	0049	MARLE C DUPREE	290	OLD AGE ASSISTANCE
	0050	HIGH EAGLEBEAR	295	OLD AGE ASSISTANCE
	0051	GOODWOMAN EAGLEMAN	303	OLD AGE ASSISTANCE
	0052	JOHN FOOTE	338	OLD AGE ASSISTANCE
	0053	MARY FOOTE	339	OLD AGE ASSISTANCE
	0054	ALBERT FOOTE	348	OLD AGE ASSISTANCE
	0055	SANTEE IRON IRON	450	OLD AGE ASSISTANCE
	0056	EUNICE GREY BEAR	379	OLD AGE ASSISTANCE
	0057	WILLS SPOTTED	482	OLD AGE ASSISTANCE
	0058	EDWARD LAMBERT	511	OLD AGE ASSISTANCE
	0059	LIZZIE LAMBERT	518	OLD AGE ASSISTANCE
	0060	LOUIS L LAVATTA	529	OLD AGE ASSISTANCE
	0061	LUCY LONG DOG	571	OLD AGE ASSISTANCE
	0062	FRANK LONGEE	574	OLD AGE ASSISTANCE
	0063	ELLA LONGEE	575	OLD AGE ASSISTANCE
	0064	WILBUR LOVES HIM	594	OLD AGE ASSISTANCE
	0065	JOHN LONGTREE	597	OLD AGE ASSISTANCE
	0066	MEDICINE EAGLE	634	OLD AGE ASSISTANCE
	0067	JAMES MELBOURNE 1	648	OLD AGE ASSISTANCE
	0068	RATTLING IRON	727	OLD AGE ASSISTANCE
	0069	LULU RENZ LESTER	787	OLD AGE ASSISTANCE
	0070	MATT RING	803	OLD AGE ASSISTANCE
	0071	RAY SCOTT	836	OLD AGE ASSISTANCE
	0072	SCOUT	840	OLD AGE ASSISTANCE
	0073	FOUR CLOUD SHARP EYES	853	OLD AGE ASSISTANCE
	0074	RED BIRD SHARP EYES	854	OLD AGE ASSISTANCE
	0075	CHARLES TAKES THEM	931	OLD AGE ASSISTANCE
	0076	SHADOW TAKES THEM	932	OLD AGE ASSISTANCE
	0077	WILLIS TAYLOR	937	OLD AGE ASSISTANCE
	0078	CHARLES THOMPSON	942	OLD AGE ASSISTANCE
	0079	ELLEN TURNING PINE	961	OLD AGE ASSISTANCE
	0080	SUSEN TWO FACE SMALL	970	OLD AGE ASSISTANCE
	0081	FRED WALKING EAGLE	980	OLD AGE ASSISTANCE
	0082	JAMES TWO EAGLE	983	OLD AGE ASSISTANCE
	0083	JOHN WHITEHAWK	1034	OLD AGE ASSISTANCE
	0084	OWL SHIELD WOMAN	1039	OLD AGE ASSISTANCE
	0085	MARIANNA WHITEHAWK	1045	OLD AGE ASSISTANCE
	0086	YELLOW HAWK	1081	OLD AGE ASSISTANCE
	0087	SVEDANA YOUNGMAN	1091	OLD AGE ASSISTANCE
	0088	CHESTER ARTHUR	1129	OLD AGE ASSISTANCE
	0089	RED HAWK ADAM	1132	OLD AGE ASSISTANCE
	0090	BEARCUB	1142	OLD AGE ASSISTANCE
	0091	JAMES BEAR HILL	1147	OLD AGE ASSISTANCE
	0092	BLACKEAGLE	1161	OLD AGE ASSISTANCE
	0093	HER BLANKET BEARSKIN	1173	OLD AGE ASSISTANCE
	0094	GOOD BLACKBACK	1182	OLD AGE ASSISTANCE
	0095	ALLEN CLANCY	1238	OLD AGE ASSISTANCE
	0096	WALTER CLARK 1	1244	OLD AGE ASSISTANCE
	0097	CLAUD BIRD 1	1251	OLD AGE ASSISTANCE
	0098	CLOUD	1257	OLD AGE ASSISTANCE
	0099	GEORGE CONNORS 1	1264	OLD AGE ASSISTANCE
	0100	GRAY MANE CRAZY BULL	1277	OLD AGE ASSISTANCE
	0101	HSES JAW DIGS THE GROUND	179	OLD AGE ASSISTANCE
	0102	THOMAS DUCK	1291	OLD AGE ASSISTANCE
	0103	MARGARET LAPLANTE	1300	OLD AGE ASSISTANCE
	0104	THOMAS FIRE MOON 1	1319	OLD AGE ASSISTANCE
	0105	HAIL FISK ROSEBUD	1326	OLD AGE ASSISTANCE
	0106	EUGENE GRANDCHAMP 1	1368	OLD AGE ASSISTANCE
	0107	NANCY GROWING THUNDER	1379	OLD AGE ASSISTANCE
	0108	HATCHET WOMAN	1399	OLD AGE ASSISTANCE
	0109	WING WOMAN KNAPP	1443	OLD AGE ASSISTANCE
	0110	CHARLES LAMBERT 1	1450	OLD AGE ASSISTANCE
	0111	CAROLINE LARAQUE	1458	OLD AGE ASSISTANCE
	0112	JACKSON LOOKING	1484	OLD AGE ASSISTANCE
	0113	JOHN LONG FOX	1489	OLD AGE ASSISTANCE
	0114	SPOTTED BLANKET LUCKY	1496	OLD AGE ASSISTANCE

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56206	0115	MAKES CLOUD FIGHTER	1506	OLD AGE ASSISTANCE
	0116	JOSEPH MARTIN	1514	OLD AGE ASSISTANCE
	0117	MEDICINE HEAD NIGHT	1560	OLD AGE ASSISTANCE
	0118	RED FEATHER 2	1596	OLD AGE ASSISTANCE
	0119	JOSEPH ROSEBUD	1620	OLD AGE ASSISTANCE
	0120	STEPHEN STANDING	1677	OLD AGE ASSISTANCE
	0121	POINTING IRON	1741	OLD AGE ASSISTANCE
	0122	RALIEGH FOUR STAR	1839	OLD AGE ASSISTANCE
	0123	NELLIE KING	2026	OLD AGE ASSISTANCE
	0124	GILBERT WALKER	2027	OLD AGE ASSISTANCE
	0125	PEARL STANDING	2176	OLD AGE ASSISTANCE
	0126	BRANCH WOMAN THUNDER HORSE	2802	OLD AGE ASSISTANCE
	0127	HELEN SILVER	2803	OLD AGE ASSISTANCE
	0128	TWO BONNETS HIGH RACK	2805	OLD AGE ASSISTANCE
	0129	BLANCH REDDOOR	40	OLD AGE ASSISTANCE
	0130	BUFFALO COMES OUT	119	OLD AGE ASSISTANCE
	0131	ROBERT BUCK ELK	120	OLD AGE ASSISTANCE
	0132	GOOD HOWLING BIG FOOT	125	OLD AGE ASSISTANCE
	0133	MAUDE GOOD BOY	362	OLD AGE ASSISTANCE
	0134	WALKING CLOUD HALF RED	385	OLD AGE ASSISTANCE
	0135	HOWARD IRON LEGGING	445	OLD AGE ASSISTANCE
	0136	NANCY MUSKRAT	679	OLD AGE ASSISTANCE
	0137	JOHNSON PORCUPINE QUILLS	708	OLD AGE ASSISTANCE
	0138	RED	751	OLD AGE ASSISTANCE
	0139	AGNES RED BOY	811	OLD AGE ASSISTANCE
	0140	ANDREW SHIELDS	856	OLD AGE ASSISTANCE
	0141	HENRY SHIELDS	864	OLD AGE ASSISTANCE
	0142	GOOD CLOUD EAGLE	956	OLD AGE ASSISTANCE
	0143	RED ROAD WALKING	978	OLD AGE ASSISTANCE
	0144	WHITE SHIELD	1062	OLD AGE ASSISTANCE
	0145	ROSE ADAMS YELLOW EAGLE	1102	OLD AGE ASSISTANCE
	0146	CHARLES BLACK DOG	1154	OLD AGE ASSISTANCE
	0147	TESSA BLOUNT	1191	OLD AGE ASSISTANCE
	0148	GEORGE BLUE TALK	1197	OLD AGE ASSISTANCE
	0149	CHASING HAWK	1236	OLD AGE ASSISTANCE
	0150	VICTORIA BIRD	1252	OLD AGE ASSISTANCE
	0151	CRAZY BULL 2	1276	OLD AGE ASSISTANCE
	0152	EAGLE FEATHER 2	1293	OLD AGE ASSISTANCE
	0153	THE GIRL EAGLEFEATHER	1294	OLD AGE ASSISTANCE
	0154	BEDFORD FOREST SR	1345	OLD AGE ASSISTANCE
	0155	LODGEPOLE FOURSTAR RUNS THROUGH	1352	OLD AGE ASSISTANCE
	0156	HARVEY HAMILTON	1388	OLD AGE ASSISTANCE
	0157	MARY HAMMOND MATHEWS	1394	OLD AGE ASSISTANCE
	0158	THOMAS HANCOCK	1395	OLD AGE ASSISTANCE
	0159	STONEWALL JACKSON 1	1438	OLD AGE ASSISTANCE
	0160	LAST	1447	OLD AGE ASSISTANCE
	0161	WHITEWOMAN ONE CLAW	1562	OLD AGE ASSISTANCE
	0162	JIM OLD ROCK	1563	OLD AGE ASSISTANCE
	0163	CHARLES PARNELL	1574	OLD AGE ASSISTANCE
	0164	RED DOG THUNDERWOMAN	1594	OLD AGE ASSISTANCE
	0165	JAMES ROBERTS	1615	OLD AGE ASSISTANCE
	0166	RUNS THROUGH	1622	OLD AGE ASSISTANCE
	0167	WHITEMAN	1727	OLD AGE ASSISTANCE
	0168	MECK WALKINGBULL	1745	OLD AGE ASSISTANCE
	0169	JOHN HUNTER	1863	OLD AGE ASSISTANCE
	0170	SAMUEL SMALL	1881	OLD AGE ASSISTANCE
	0171	SUSIE MYRICK	2806	OLD AGE ASSISTANCE
	0172	JOHN LEFT HAND THUNDER	534	OLD AGE ASSISTANCE
	0173	ROBERT WAR CLUB	998	OLD AGE ASSISTANCE
	0174	JESSIE WETSIT BEAR SKIN	1718	OLD AGE ASSISTANCE
	0175	GUY LOW DOG	1494	OLD AGE ASSISTANCE
	0176	JULIAN RED THUNDER	178	OLD AGE ASSISTANCE
	0177	CHARLES SEEDS	906	OLD AGE ASSISTANCE
	0178	EDWARD BEAR	47	OLD AGE ASSISTANCE
	0179	GIDEON BUCK ELK	3251	OLD AGE ASSISTANCE
	0180	GOOD NIGHT DOG WASHINGTON	66	OLD AGE ASSISTANCE
	0181	ISABELLE HOLLOW	898	OLD AGE ASSISTANCE
	0182	LILLIAN ESCARCEGA BLUETALK	1296	OLD AGE ASSISTANCE

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56206	0183	MARY LOOKING	1497	OLD AGE ASSISTANCE
	0184	MARY LOOKING	1498	OLD AGE ASSISTANCE
	0185	MARY LOOKING	1499	OLD AGE ASSISTANCE

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56206	0183	ESTER WALKING EAGLE	2674	QUESTION ON ROYALTY INTEREST
	0184	JAMES YELLOWOWL	1068TM	GRAZING TRESPASS
	0185	TRIBE	T-1AR	GRAZING TRESPASS
	0187	GERALD COLLINS	UNNUM.	REJECTED TRUST ALLOTMENT
	0188	LAWRENCE YOUNGMAN	UNNUM.	REJECTED TRUST ALLOTMENT
	0189	JOHN EAGLEMAN	304	QUESTION ON TOWER RIGHTS
	0207	SARAH MITCHELL COURCHENE	1280	QUESTION ON MINERAL RIGHTS
	0213	ESTELLE AKERS	4	FORCED FEE PATENT
	0214	PEARL G ALLEN	8	FORCED FEE PATENT
	0215	MANDANA ARMSTRONG	14	FORCED FEE PATENT
	0216	FREDRICK BAUER	22	FORCED FEE PATENT
	0217	JOHN BAUER	23	FORCED FEE PATENT
	0218	LYDIE BAUER	27	FORCED FEE PATENT
	0219	WILLIAM BOYD	87	FORCED FEE PATENT
	0220	AUGUST DURAND	88	FORCED FEE PATENT
	0221	DAVID BUCKLES	135	FORCED FEE PATENT
	0222	FLORENCE BURSHIA	142	FORCED FEE PATENT
	0223	SOPHIA BURSHIA	145	FORCED FEE PATENT
	0224	VINA BURSHIA	146	FORCED FEE PATENT
	0225	JOSEPH BURSHIA	147	FORCED FEE PATENT
	0226	LEONA GILLETTE	194	FORCED FEE PATENT
	0227	PETER COURCHENE	212	FORCED FEE PATENT
	0228	CLARENCE KNIGHT	258	FORCED FEE PATENT
	0229	MOSES DUPREE	286	FORCED FEE PATENT
	0230	LEONORA DUPREE	287	FORCED FEE PATENT
	0231	LOUISA DUPREE	288	FORCED FEE PATENT
	0232	MABLE C DUPREE	290	FORCED FEE PATENT
	0233	MARY EDER	309	FORCED FEE PATENT
	0234	JESSIE ENG	316	FORCED FEE PATENT
	0235	BERNICE GILLETTE	354	FORCED FEE PATENT
	0236	FLORENCE H GOING	360	FORCED FEE PATENT
	0237	FRANK KNIGHT	472	FORCED FEE PATENT
	0238	MAGGIE KIRN	474	FORCED FEE PATENT
	0239	JOHN KOON	501	FORCED FEE PATENT
	0240	LILLIAN KOLLENBAUM	504	FORCED FEE PATENT
	0241	JOSEPHINE KOLLENBAUM	505	FORCED FEE PATENT
	0242	LOUIE L. LAVATTA	529	FORCED FEE PATENT
	0243	BESSIE MANNING	609	FORCED FEE PATENT
	0244	MAUD MANNING JONES	613	FORCED FEE PATENT
	0245	SARAH MANNING	616	FORCED FEE PATENT
	0246	LUCY SEARS MASON	619	FORCED FEE PATENT
	0247	FRANK MCDONALD	62	FORCED FEE PATENT
	0248	JAMES MCDONALD JR	623	FORCED FEE PATENT
	0249	ANNIE MCDONALD	624	FORCED FEE PATENT
	0250	LIZZIE SCOTT MARTEL	642	FORCED FEE PATENT
	0251	MARY MITCHELL	657	FORCED FEE PATENT
	0252	VINA MITCHELL	658	FORCED FEE PATENT
	0253	LOUISE B MILLER	664	FORCED FEE PATENT
	0254	FRANCIS MURRAY	670	FORCED FEE PATENT
	0255	JOHN MURRAY	671	FORCED FEE PATENT
	0256	MARGARET ELLEN MURRAY	674	FORCED FEE PATENT
	0257	JOSEPH OBERSHAW	694	FORCED FEE PATENT
	0258	CHARLES PARSHALL	701	FORCED FEE PATENT
	0259	EMMA L PARSHALL	702	FORCED FEE PATENT
	0260	ADELINE PIPHER	707	FORCED FEE PATENT
	0261	JOHN PROCTOR	724	FORCED FEE PATENT
	0262	CHARLES RENZ	788	FORCED FEE PATENT
	0263	CLARA ROBINS	820	FORCED FEE PATENT
	0264	ANNA SCOTT	831	FORCED FEE PATENT
	0265	ROY SCOTT	838	FORCED FEE PATENT
	0266	CHARLES SMITH	877	FORCED FEE PATENT
	0267	MARY B SOMERS	889	FORCED FEE PATENT
	0268	CHARLES SEEDS	904	FORCED FEE PATENT
	0269	MARY SEEDS	907	FORCED FEE PATENT
	0270	GEORGE WETTLIN	1010	FORCED FEE PATENT
	0271	LIZZIE WHITEBEAR	1011	FORCED FEE PATENT
	0272	MONIE WINN	1066	FORCED FEE PATENT
	0273	GEORGE HENERY WINN	1068	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56206	0274	NETTIE WIRTH	1075	FORCED FEE PATENT
	0275	ALMA DERAND	1100	FORCED FEE PATENT
	0276	MANLEY BACON	1131	FORCED FEE PATENT
	0277	BESSIE BURGER	1202	FORCED FEE PATENT
	0278	ROSE BROCKSMITH	1207	FORCED FEE PATENT
	0279	MED CANTRELL	1217	FORCED FEE PATENT
	0280	LIZZIE CANTRELL	1218	FORCED FEE PATENT
	0281	LOUISE CHASE	1223	FORCED FEE PATENT
	0282	ELIZABETH CHASE	1224	FORCED FEE PATENT
	0283	MARY F CHESNUT	1229	FORCED FEE PATENT
	0284	MARION CHESNUT	1230	FORCED FEE PATENT
	0285	MARGARET E LAPLANT	1301	FORCED FEE PATENT
	0286	ANNA J MORGAN	1301	FORCED FEE PATENT
	0287	MARTIN ESCACERGA	1302	FORCED FEE PATENT
	0288	CHARLES ESCACERGA	1303	FORCED FEE PATENT
	0289	ROSE FLYNN	1333	FORCED FEE PATENT
	0290	EUGENE GRANDSCHAMPS	1368	FORCED FEE PATENT
	0291	MAGGIE GRANDSCHAMPS	1369	FORCED FEE PATENT
	0292	NELSON GRANDSCHAMPS	1372	FORCED FEE PATENT
	0293	CHARLES HALL 1	1385	FORCED FEE PATENT
	0294	LILLIAN RANDALL	1400	FORCED FEE PATENT
	0295	LEWIS HAWLEY	1402	FORCED FEE PATENT
	0296	NELLIE ANN HAWLEY	1403	FORCED FEE PATENT
	0297	ALVIN HAWLEY	1405	FORCED FEE PATENT
	0298	CHESTER HAWLEY	1406	FORCED FEE PATENT
	0299	ARDIE M HEMERMAIL	1420	FORCED FEE PATENT
	0300	STELLA CUSKER	1425	FORCED FEE PATENT
	0301	LOUISE IVEY	1429	FORCED FEE PATENT
	0302	DORA JACKSON	1435	FORCED FEE PATENT
	0303	NANCY KNORR	1447	FORCED FEE PATENT
	0304	JOSEPH LAROQUE	1461	FORCED FEE PATENT
	0305	ALFRED LAROQUE	1462	FORCED FEE PATENT
	0306	FLORENCE LAROQUE	1463	FORCED FEE PATENT
	0307	THOMAS MAIL	1504	FORCED FEE PATENT
	0308	JOHN MAIL	1505	FORCED FEE PATENT
	0309	LAURA MARTIN	1508	FORCED FEE PATENT
	0310	JENNIE MARTIN	1516	FORCED FEE PATENT
	0311	CLEVELAND OWENS	1567	FORCED FEE PATENT
	0312	CHARLES OWENS	1568	FORCED FEE PATENT
	0313	LOTTIE PAESHALL	1578	FORCED FEE PATENT
	0314	REGINE A PEREAU	1587	FORCED FEE PATENT
	0315	ANGELINE T BROUGH	1589	FORCED FEE PATENT
	0316	MARTHA L PERMEAU	1590	FORCED FEE PATENT
	0317	MARY P HANSON	1591	FORCED FEE PATENT
	0318	WILLIAM H PEREAU	1592	FORCED FEE PATENT
	0319	AGNES REDFEATHER	1597	FORCED FEE PATENT
	0320	IVA L REYNOLDS	1634	FORCED FEE PATENT
	0321	MINNIE SIBRITTS	1662	FORCED FEE PATENT
	0322	EDWARD SMITH	1668	FORCED FEE PATENT
	0323	NELLY SMITH	1670	FORCED FEE PATENT
	0324	MARY C SANSAVER	1690	FORCED FEE PATENT
	0325	DAVID AKERS	5	FORCED FEE PATENT
	0326	CECILA AKERS	6	FORCED FEE PATENT
	0327	JOHN ANDERSON	16	FORCED FEE PATENT
	0328	MARY BAUER	26	FORCED FEE PATENT
	0329	TIMOTHY REDDOOR	44	FORCED FEE PATENT
	0330	EDWARD BEAR	47	FORCED FEE PATENT
	0331	BEARHORN	49	FORCED FEE PATENT
	0332	LEROY BEARNOSE	55	FORCED FEE PATENT
	0333	PRAYING ROCK BEF	57	FORCED FEE PATENT
	0334	WHITE MOUNTAIN BEGS HIS OWN	60	FORCED FEE PATENT
	0335	BETS HIS MEDICINE	65	FORCED FEE PATENT
	0336	BLACK CROW	73	FORCED FEE PATENT
	0337	HANNAH BOW	82	FORCED FEE PATENT
	0338	PAUL C BOW	84	FORCED FEE PATENT
	0339	JENNIE BOYD	86	FORCED FEE PATENT
	0340	EMMA BROKEN	96	FORCED FEE PATENT
	0341	VERN BROKEN	97	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56206	0342	JOHN BOYD	98	FORCED FEE PATENT
	0343	BLUE LIGHTENING BROWN	100	FORCED FEE PATENT
	0344	MAGE BROWN	101	FORCED FEE PATENT
	0345	NANCY BROWN	102	FORCED FEE PATENT
	0346	ADA BROWNING HIGH CRANE	106	FORCED FEE PATENT
	0347	JOHN BROUGHIER	111	FORCED FEE PATENT
	0348	LIZZIE BROUGHIER	112	FORCED FEE PATENT
	0349	THOMAS BUCKLES	130	FORCED FEE PATENT
	0350	CATHERINE BURSHIA	139	FORCED FEE PATENT
	0351	LEWIS BURSHIA	141	FORCED FEE PATENT
	0352	FRANCES CHARLES BURSHIA	143	FORCED FEE PATENT
	0353	NOEL BURSHIA	144	FORCED FEE PATENT
	0354	BENJAMINE BURSHIA	148	FORCED FEE PATENT
	0355	DANIEL BURSHIA	149	FORCED FEE PATENT
	0356	HENRY BURSHIA	150	FORCED FEE PATENT
	0357	LOUISE M CANE	152	FORCED FEE PATENT
	0358	EDWARD CHASER	160	FORCED FEE PATENT
	0359	ROSE COOLEY	169	FORCED FEE PATENT
	0360	AMELIA CASPER	190	FORCED FEE PATENT
	0361	LULU COULTER	199	FORCED FEE PATENT
	0362	RICHARD COULTER	200	FORCED FEE PATENT
	0363	ALICE CLOTER	203	FORCED FEE PATENT
	0364	GOODHAND CROW	[illegible]	FORCED FEE PATENT
	0365	ISABELLE CULBERTSON	222	FORCED FEE PATENT
	0366	SAMUEL CULBERTSON	224	FORCED FEE PATENT
	0367	EMMA CULBERTSON	225	FORCED FEE PATENT
	0368	MAGGIE CULBERTSON	227	FORCED FEE PATENT
	0369	MATHILDA CULBERTSON	229	FORCED FEE PATENT
	0370	ALBERTSON H CULBERTSON	233	FORCED FEE PATENT
	0371	VINA CUSHER	234	FORCED FEE PATENT
	0372	TAIL CHARGING DOG	236	FORCED FEE PATENT
	0373	EFFIE IRON BEAR	240	FORCED FEE PATENT
	0374	STANDS ON LAND CHOTOWIZI	245	FORCED FEE PATENT
	0375	WEARS CLOUD CRAZY DOG	[illegible]	FORCED FEE PATENT
	0376	CHRISTINA DAVIS	[illegible]	FORCED FEE PATENT
	0377	LULU DAVIS SMALL	[illegible]	FORCED FEE PATENT
	0378	SUSAN DAVIS	244	FORCED FEE PATENT
	0379	CHARLES DERRY	223	FORCED FEE PATENT
	0380	DAVID DURFEE	245	FORCED FEE PATENT
	0381	PETER DURFEE	246	FORCED FEE PATENT
	0382	LENA DENNY	247	FORCED FEE PATENT
	0383	FRANCIS EAGLE BEAR	248	FORCED FEE PATENT
	0384	JOHN FOOTE	323	FORCED FEE PATENT
	0385	HENRY FAST HORSE	324	FORCED FEE PATENT
	0386	LUCY FAST HORSE	326	FORCED FEE PATENT
	0387	FEATHER EARRING	331	FORCED FEE PATENT
	0388	WILLIAM FLYING SHIELD	336	FORCED FEE PATENT
	0389	MARGARET GILLETTE MURRAY	353	FORCED FEE PATENT
	0390	GOES IN HORSE	354	FORCED FEE PATENT
	0391	LAURA GRAY EAR	381	FORCED FEE PATENT
	0392	ANNA HELMER	407	FORCED FEE PATENT
	0393	EMILY HORSE	408	FORCED FEE PATENT
	0394	HIGH CRANE	415	FORCED FEE PATENT
	0395	WILLIAM HUNT	427	FORCED FEE PATENT
	0396	GREY ELK IRON BEAR LITTLE BULL	430	FORCED FEE PATENT
	0397	HOWARD IRONBEAR	434	FORCED FEE PATENT
	0398	CHARLES JONES SR	459	FORCED FEE PATENT
	0399	ELIZABETH H JONES 1	461	FORCED FEE PATENT
	0400	GEORGE KIRN	476	FORCED FEE PATENT
	0401	LIZZIE KIRN	477	FORCED FEE PATENT
	0402	ALBERT KIRN	478	FORCED FEE PATENT
	0403	AMOS KILLS SPOTTED	494	FORCED FEE PATENT
	0404	KILLS THUNDER	496	FORCED FEE PATENT
	0405	EMMA KILLS THUNDER	497	FORCED FEE PATENT
	0406	BENJAMIN KILLS THUNDER	498	FORCED FEE PATENT
	0407	ELSIE KILLS THUNDER	499	FORCED FEE PATENT
	0408	JOSEPH KNORR	498	FORCED FEE PATENT
	0409	WILLIAM KNORR NO. 2	499	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56206	0410	CLARA KOLLENRAUM HELLE	503	FORCED FEE PATENT
	0411	LEWIS LAMBERT 1	517	FORCED FEE PATENT
	0412	EVALINE LAMBERT	523	FORCED FEE PATENT
	0413	LUCY MAIL	604	FORCED FEE PATENT
	0414	DAVID MANNING	608	FORCED FEE PATENT
	0415	WILLIAM MANNING 1	615	FORCED FEE PATENT
	0416	ESTELLE MCLAUGHLIN	629	FORCED FEE PATENT
	0417	MEDICINE BEAR TRACK	633	FORCED FEE PATENT
	0418	JAMES MELBOURNE 1	648	FORCED FEE PATENT
	0419	MARY MELBOURNE	649	FORCED FEE PATENT
	0420	DANIEL MITCHELL 1	656	FORCED FEE PATENT
	0421	URSULA MITCHELL	660	FORCED FEE PATENT
	0422	ALBERT MULLIGAN	665	FORCED FEE PATENT
	0423	MAME MULLIGAN	666	FORCED FEE PATENT
	0424	MARY A MULLIGAN	668	FORCED FEE PATENT
	0425	MARY MURRAY	669	FORCED FEE PATENT
	0426	ARTHUR MURRAY	672	FORCED FEE PATENT
	0427	GRAY NO BREAST	684	FORCED FEE PATENT
	0428	MARY NO EYES	691	FORCED FEE PATENT
	0429	BAD WOMAN PLENTY HOLES	704	FORCED FEE PATENT
	0430	STEPHEN PROCTOR	720	FORCED FEE PATENT
	0431	JAMES PROCTOR	721	FORCED FEE PATENT
	0432	PETER PROCTOR JR	725	FORCED FEE PATENT
	0433	JAMES FRANK RED CROW	745	FORCED FEE PATENT
	0434	SARAH REDDOOR MARTIN 2	750	FORCED FEE PATENT
	0435	IRON WING RED	752	FORCED FEE PATENT
	0436	HERMAN RED ELK	770	FORCED FEE PATENT
	0437	MEDICINE DOOR REDSTONE	783	FORCED FEE PATENT
	0438	LIZZIE RENZ PROCTOR	789	FORCED FEE PATENT
	0439	RUFUS RICKER	798	FORCED FEE PATENT
	0440	VESTA RING	805	FORCED FEE PATENT
	0441	AGNES RED BOY	811	FORCED FEE PATENT
	0442	HARRY RED BOY	812	FORCED FEE PATENT
	0443	VERA RUNNING	822	FORCED FEE PATENT
	0444	BRAID SANTEE	826	FORCED FEE PATENT
	0445	SOPHIA SCOTT	830	FORCED FEE PATENT
	0446	JOSEPH SCOTT	832	FORCED FEE PATENT
	0447	RAY SCOTT	836	FORCED FEE PATENT
	0448	ROY SCOTT	838	FORCED FEE PATENT
	0449	HENRY SEARS	843	FORCED FEE PATENT
	0450	TRAFFLE SEARS	845	FORCED FEE PATENT
	0451	CLYDE EAGLE	847	FORCED FEE PATENT
	0452	PETER EAGLE	851	FORCED FEE PATENT
	0453	HENRY SHIELDS	864	FORCED FEE PATENT
	0454	STANDS BY WATER	914	FORCED FEE PATENT
	0455	JOSEPH TAYLOR	935	FORCED FEE PATENT
	0456	CHARLES THOMPSON 2	946	FORCED FEE PATENT
	0457	JOSEPHINE TRINTER	953	FORCED FEE PATENT
	0458	GOOD CLOUD EAGLE BEAR	956	FORCED FEE PATENT
	0459	ELLA TWO FACE	971	FORCED FEE PATENT
	0460	MARY TWO FACE	972	FORCED FEE PATENT
	0461	WALKING HOLY PRETTY BEAR	987	FORCED FEE PATENT
	0462	INEZ PRETTY BEAR	988	FORCED FEE PATENT
	0463	MARGARET WARRIOR	1000	FORCED FEE PATENT
	0464	CHRISTINA WEST	1007	FORCED FEE PATENT
	0465	LUCY WHITE FEATHER	1031	FORCED FEE PATENT
	0466	PETER WHITE HAWK	1038	FORCED FEE PATENT
	0467	OWL SHIELD WOMAN	1039	FORCED FEE PATENT
	0468	FREDERICK WHITE HAWK	1044	FORCED FEE PATENT
	0469	WHITE MANE	1047	FORCED FEE PATENT
	0470	ANGELINE WHITE THUNDER	1051	FORCED FEE PATENT
	0471	ROBERT WHITRIGHT	1054	FORCED FEE PATENT
	0472	WILLIAM WHITRIGHT	1055	FORCED FEE PATENT
	0473	VIRGINIA WHITRIGHT 1	1056	FORCED FEE PATENT
	0474	GEORGE HENRY WINN	1068	FORCED FEE PATENT
	0475	HERMAN WINN	1069	FORCED FEE PATENT
	0476	ALICE WINN	1072	FORCED FEE PATENT
	0477	LIDIA K WIRTH	1074	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56206	0478	ANNIE WOLF	1076	FORCED FEE PATENT
	0479	CHARLES WOLF	1077	FORCED FEE PATENT
	0480	JOSEPH WOLF	1078	FORCED FEE PATENT
	0481	MARY WOLF	1079	FORCED FEE PATENT
	0482	ROSE WOLF	1080	FORCED FEE PATENT
	0483	WILLIAM WOLF	1081	FORCED FEE PATENT
	0484	WILLIAM WOLF JR	1082	FORCED FEE PATENT
	0485	ALBERT WOOD	1083	FORCED FEE PATENT
	0486	ALBERT WOOD JR	1084	FORCED FEE PATENT
	0487	ANNIE WOOD	1085	FORCED FEE PATENT
	0488	CHARLES WOOD	1086	FORCED FEE PATENT
	0489	CHARLES WOOD JR	1087	FORCED FEE PATENT
	0490	EDWARD WOOD	1088	FORCED FEE PATENT
	0491	EDWARD WOOD JR	1089	FORCED FEE PATENT
	0492	ELIZABETH WOOD	1090	FORCED FEE PATENT
	0493	FRANCIS WOOD	1091	FORCED FEE PATENT
	0494	FRANCIS WOOD JR	1092	FORCED FEE PATENT
	0495	GEORGE WOOD	1093	FORCED FEE PATENT
	0496	GEORGE WOOD JR	1094	FORCED FEE PATENT
	0497	HENRY WOOD	1095	FORCED FEE PATENT
	0498	HENRY WOOD JR	1096	FORCED FEE PATENT
	0499	JOSEPH WOOD	1097	FORCED FEE PATENT
	0500	JOSEPH WOOD JR	1098	FORCED FEE PATENT
	0501	LOUIS WOOD	1099	FORCED FEE PATENT
	0502	LOUIS WOOD JR	1100	FORCED FEE PATENT
	0503	MARY WOOD	1101	FORCED FEE PATENT
	0504	MARY WOOD JR	1102	FORCED FEE PATENT
	0505	MATTHEW WOOD	1103	FORCED FEE PATENT
	0506	MATTHEW WOOD JR	1104	FORCED FEE PATENT
	0507	PETER WOOD	1105	FORCED FEE PATENT
	0508	PETER WOOD JR	1106	FORCED FEE PATENT
	0509	ROSE WOOD	1107	FORCED FEE PATENT
	0510	ROSE WOOD JR	1108	FORCED FEE PATENT
	0511	WILLIAM WOOD	1109	FORCED FEE PATENT
	0512	WILLIAM WOOD JR	1110	FORCED FEE PATENT
	0513	ANNIE WOOD	1111	FORCED FEE PATENT
	0514	CHARLES WOOD	1112	FORCED FEE PATENT
	0515	CHARLES WOOD JR	1113	FORCED FEE PATENT
	0516	EDWARD WOOD	1114	FORCED FEE PATENT
	0517	EDWARD WOOD JR	1115	FORCED FEE PATENT
	0518	ELIZABETH WOOD	1116	FORCED FEE PATENT
	0519	FRANCIS WOOD	1117	FORCED FEE PATENT
	0520	FRANCIS WOOD JR	1118	FORCED FEE PATENT
	0521	GEORGE WOOD	1119	FORCED FEE PATENT
	0522	GEORGE WOOD JR	1120	FORCED FEE PATENT
	0523	HENRY WOOD	1121	FORCED FEE PATENT
	0524	HENRY WOOD JR	1122	FORCED FEE PATENT
	0525	JOSEPH WOOD	1123	FORCED FEE PATENT
	0526	JOSEPH WOOD JR	1124	FORCED FEE PATENT
	0527	LOUIS WOOD	1125	FORCED FEE PATENT
	0528	LOUIS WOOD JR	1126	FORCED FEE PATENT
	0529	MARY WOOD	1127	FORCED FEE PATENT
	0530	MARY WOOD JR	1128	FORCED FEE PATENT
	0531	MATTHEW WOOD	1129	FORCED FEE PATENT
	0532	MATTHEW WOOD JR	1130	FORCED FEE PATENT
	0533	PETER WOOD	1131	FORCED FEE PATENT
	0534	PETER WOOD JR	1132	FORCED FEE PATENT
	0535	ROSE WOOD	1133	FORCED FEE PATENT
	0536	ROSE WOOD JR	1134	FORCED FEE PATENT
	0537	WILLIAM WOOD	1135	FORCED FEE PATENT
	0538	WILLIAM WOOD JR	1136	FORCED FEE PATENT
	0539	ANNIE WOOD	1137	FORCED FEE PATENT
	0540	CHARLES WOOD	1138	FORCED FEE PATENT
	0541	CHARLES WOOD JR	1139	FORCED FEE PATENT
	0542	EDWARD WOOD	1140	FORCED FEE PATENT
	0543	EDWARD WOOD JR	1141	FORCED FEE PATENT
	0544	ELIZABETH WOOD	1142	FORCED FEE PATENT
	0545	FRANCIS WOOD	1143	FORCED FEE PATENT
	0546	FRANCIS WOOD JR	1144	FORCED FEE PATENT
	0547	GEORGE WOOD	1145	FORCED FEE PATENT
	0548	GEORGE WOOD JR	1146	FORCED FEE PATENT
	0549	HENRY WOOD	1147	FORCED FEE PATENT
	0550	HENRY WOOD JR	1148	FORCED FEE PATENT
	0551	JOSEPH WOOD	1149	FORCED FEE PATENT
	0552	JOSEPH WOOD JR	1150	FORCED FEE PATENT
	0553	LOUIS WOOD	1151	FORCED FEE PATENT
	0554	LOUIS WOOD JR	1152	FORCED FEE PATENT
	0555	MARY WOOD	1153	FORCED FEE PATENT
	0556	MARY WOOD JR	1154	FORCED FEE PATENT
	0557	MATTHEW WOOD	1155	FORCED FEE PATENT
	0558	MATTHEW WOOD JR	1156	FORCED FEE PATENT
	0559	PETER WOOD	1157	FORCED FEE PATENT
	0560	PETER WOOD JR	1158	FORCED FEE PATENT
	0561	ROSE WOOD	1159	FORCED FEE PATENT
	0562	ROSE WOOD JR	1160	FORCED FEE PATENT
	0563	WILLIAM WOOD	1161	FORCED FEE PATENT
	0564	WILLIAM WOOD JR	1162	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56206	0565	ANNIE WOOD	1163	FORCED FEE PATENT
	0566	CHARLES WOOD	1164	FORCED FEE PATENT
	0567	CHARLES WOOD JR	1165	FORCED FEE PATENT
	0568	EDWARD WOOD	1166	FORCED FEE PATENT
	0569	EDWARD WOOD JR	1167	FORCED FEE PATENT
	0570	ELIZABETH WOOD	1168	FORCED FEE PATENT
	0571	FRANCIS WOOD	1169	FORCED FEE PATENT
	0572	FRANCIS WOOD JR	1170	FORCED FEE PATENT
	0573	GEORGE WOOD	1171	FORCED FEE PATENT
	0574	GEORGE WOOD JR	1172	FORCED FEE PATENT
	0575	HENRY WOOD	1173	FORCED FEE PATENT
	0576	HENRY WOOD JR	1174	FORCED FEE PATENT
	0577	JOSEPH WOOD	1175	FORCED FEE PATENT
	0578	JOSEPH WOOD JR	1176	FORCED FEE PATENT
	0579	LOUIS WOOD	1177	FORCED FEE PATENT
	0580	LOUIS WOOD JR	1178	FORCED FEE PATENT
	0581	MARY WOOD	1179	FORCED FEE PATENT
	0582	MARY WOOD JR	1180	FORCED FEE PATENT
	0583	MATTHEW WOOD	1181	FORCED FEE PATENT
	0584	MATTHEW WOOD JR	1182	FORCED FEE PATENT
	0585	PETER WOOD	1183	FORCED FEE PATENT
	0586	PETER WOOD JR	1184	FORCED FEE PATENT
	0587	ROSE WOOD	1185	FORCED FEE PATENT
	0588	ROSE WOOD JR	1186	FORCED FEE PATENT
	0589	WILLIAM WOOD	1187	FORCED FEE PATENT
	0590	WILLIAM WOOD JR	1188	FORCED FEE PATENT
	0591	ANNIE WOOD	1189	FORCED FEE PATENT
	0592	CHARLES WOOD	1190	FORCED FEE PATENT
	0593	CHARLES WOOD JR	1191	FORCED FEE PATENT
	0594	EDWARD WOOD	1192	FORCED FEE PATENT
	0595	EDWARD WOOD JR	1193	FORCED FEE PATENT
	0596	ELIZABETH WOOD	1194	FORCED FEE PATENT
	0597	FRANCIS WOOD	1195	FORCED FEE PATENT
	0598	FRANCIS WOOD JR	1196	FORCED FEE PATENT
	0599	GEORGE WOOD	1197	FORCED FEE PATENT
	0600	GEORGE WOOD JR	1198	FORCED FEE PATENT
	0601	HENRY WOOD	1199	FORCED FEE PATENT
	0602	HENRY WOOD JR	1200	FORCED FEE PATENT
	0603	JOSEPH WOOD	1201	FORCED FEE PATENT
	0604	JOSEPH WOOD JR	1202	FORCED FEE PATENT
	0605	LOUIS WOOD	1203	FORCED FEE PATENT
	0606	LOUIS WOOD JR	1204	FORCED FEE PATENT
	0607	MARY WOOD	1205	FORCED FEE PATENT
	0608	MARY WOOD JR	1206	FORCED FEE PATENT
	0609	MATTHEW WOOD	1207	FORCED FEE PATENT
	0610	MATTHEW WOOD JR	1208	FORCED FEE PATENT
	0611	PETER WOOD	1209	FORCED FEE PATENT
	0612	PETER WOOD JR	1210	FORCED FEE PATENT
	0613	ROSE WOOD	1211	FORCED FEE PATENT
	0614	ROSE WOOD JR	1212	FORCED FEE PATENT
	0615	WILLIAM WOOD	1213	FORCED FEE PATENT
	0616	WILLIAM WOOD JR	1214	FORCED FEE PATENT
	0617	ANNIE WOOD	1215	FORCED FEE PATENT
	0618	CHARLES WOOD	1216	FORCED FEE PATENT
	0619	CHARLES WOOD JR	1217	FORCED FEE PATENT
	0620	EDWARD WOOD	1218	FORCED FEE PATENT
	0621	EDWARD WOOD JR	1219	FORCED FEE PATENT
	0622	ELIZABETH WOOD	1220	FORCED FEE PATENT
	0623	FRANCIS WOOD	1221	FORCED FEE PATENT
	0624	FRANCIS WOOD JR	1222	FORCED FEE PATENT
	0625	GEORGE WOOD	1223	FORCED FEE PATENT
	0626	GEORGE WOOD JR	1224	FORCED FEE PATENT
	0627	HENRY WOOD	1225	FORCED FEE PATENT
	0628	HENRY WOOD JR	1226	FORCED FEE PATENT
	0629	JOSEPH WOOD	1227	FORCED FEE PATENT
	0630	JOSEPH WOOD JR	1228	FORCED FEE PATENT
	0631	LOUIS WOOD	1229	FORCED FEE PATENT
	0632	LOUIS WOOD JR	1230	FORCED FEE PATENT
	0633	MARY WOOD	1231	FORCED FEE PATENT
	0634	MARY WOOD JR	1232	FORCED FEE PATENT
	0635	MATTHEW WOOD	1233	FORCED FEE PATENT
	0636	MATTHEW WOOD JR	1234	FORCED FEE PATENT
	0637	PETER WOOD	1235	FORCED FEE PATENT
	0638	PETER WOOD JR	1236	FORCED FEE PATENT
	0639	ROSE WOOD	1237	FORCED FEE PATENT
	0640	ROSE WOOD JR	1238	FORCED FEE PATENT
	0641	WILLIAM WOOD	1239	FORCED FEE PATENT
	0642	WILLIAM WOOD JR	1240	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
056206	0478	YANKTON	1078	FORCED FEE PATENT
	0479	JOSEPH YELLOW EAGLE	1080	FORCED FEE PATENT
	0480	YELLOW HAWK	1081	FORCED FEE PATENT
	0481	LUCY ALVARES DAVIS	1111	FORCED FEE PATENT
	0482	NICK ALVERS 2	1112	FORCED FEE PATENT
	0483	HENRY ARCHDALE 1	1115	FORCED FEE PATENT
	0484	NELLIE ARCHDALE	1116	FORCED~ FEE PATENT
	0485	JAMES ARCHDALE	1119	FORCED~ FEE PATENT
	0486	BUN ARMSTRONG	1125	FORCED FEE PATENT
	0487	LIZZIE ARTHUR PACEING	1130	FORCED FEE PATENT
	0488	GROWING ROCK BAD HAWK	1133	FORCED FEE PATENT
	0489	MABLE BAD HAWK	1135	FORCED FEE PATENT
	0490	HANNAH BAD HAWK	1137	FORCED FEE PATENT
	0491	CATHERINE BLACKDOG	1156	FORCED FEE PATENT
	0492	HELEN BLACKDOG	1158	FORCED FEE PATENT
	0493	JAMES BLACKTING	1160	FORCED FEE PATENT
	0494	HENRY BLACKTAIL NO. 2	1179	FORCED~ FEE PATENT
	0495	BIRD DOG	1185	FORCED FEE PATENT
	0496	ALICE BLOUNT	1187	FORCED FEE PATENT
	0497	EMMA BROCKIE	1189	FORCED~ FEE PATENT
	0498	ISSAC BLOUNT	1190	FORCED FEE PATENT
	0499	GEORGE BLUETALK	1197	FORCED FEE PATENT
	0500	BLUE HORN	1199	FORCED FEE PATENT
	0501	WOMAN BLUE HORN	1200	FORCED FEE PATENT
	0502	FLORENCE CHASE	1225	FORCED FEE PATENT
	0503	CIRCLING EAGLE NO. 2	1234	FORCED~ FEE PATENT
	0504	CHARLES CLANCY	1241	FORCED FEE PATENT
	0505	WALTER CLARK 1	1244	FORCED FEE PATENT
	0506	RAYMOND CLARK	1250	FORCED FEE PATENT
	0507	CLAUDE BIRD 1	1251	FORCED FEE PATENT
	0508	ELSIE BIRD	1256	FORCED FEE PATENT
	0509	ISAAC COX 1	1267	FORCED FEE PATENT
	0510	CORA COX	1268	FORCED FEE PATENT
	0511	ISSAC COX 2	1269	FORCED FEE PATENT
	0512	JOHN COX	1272	FORCED FEE PATENT
	0513	STEPHAN CRAMER	1273	FORCED~ FEE PATENT
	0514	HER LODGE CRAMER	1274	FORCED FEE PATENT
	0515	CLAY CRAMER	1275	FORCED FEE PATENT
	0516	CROOKED	1278	FORCED FEE PATENT
	0517	LILLIAN ESCACERGA	1296	FORCED FEE PATENT
	0518	CLARENCE FEAR BEAR	1306	FORCED FEE PATENT
	0519	FINE FISH	1312	FORCED FEE PATENT
	0520	THOMAS FIRE MOON 1	1319	FORCED FEE PATENT
	0521	KENNETH FIRE MOON	1324	FORCED FEE PATENT
	0522	HAIL FISK ROSEBUD	1326	FORCED FEE PATENT
	0523	THOMAS FLYNN 1	1331	FORCED FEE PATENT
	0524	ROSE FLYNN LOOKING	1333	FORCED FEE PATENT
	0525	SARAH FOLLET FIREMOON	1340	FORCED FEE PATENT
	0526	THEODORE FOUR EAGLE BOY	1349	FORCED FEE PATENT
	0527	LODGEPOLE FOUR STAR RUNS THROUGH	1352	FORCED FEE PATENT
	0528	RIDES GRAY IRENE FOUR STAR	1353	FORCED FEE PATENT
	0529	JAMES GARFIELD 1	1358	FORCED FEE PATENT
	0530	GOOD PACKER	1367	FORCED FEE PATENT
	0531	LEWIS CLARK GREGG	1373	FORCED FEE PATENT
	0532	GROWING FOUR TIMES	1375	FORCED FEE PATENT
	0533	MAY GROWING FOUR TIMES	1376	FORCED FEE PATENT
	0534	CHARLES HALL NO. 2	1388	FORCED FEE PATENT
	0535	MARY HAMMOND MATHEWS	1394	FORCED FEE PATENT
	0536	ISSAC J HAWLEY	1404	FORCED FEE PATENT
	0537	NORA JACKSON	1434	FORCED FEE PATENT
	0538	PHILIPPENA K MCCLAMMY	1444	FORCED FEE PATENT
	0539	WILLIAM KNORR 1	1446	FORCED FEE PATENT
	0540	LUCY M MITCHELL	1454	FORCED FEE PATENT
	0541	MARY LAROQUE	1455	FORCED FEE PATENT
	0542	JAMES LONG	1466	FORCED FEE PATENT
	0543	LOOKING	1494	FORCED FEE PATENT
	0544	DANIEL MARTIN 1	1515	FORCED FEE PATENT
	0545	DANIEL MARTIN 2	1517	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
056206	0546	LOUISE MARTIN GALWAY	1518	FORCED FEE PATENT
	0547	JOSEPHINE MATTHEWS	1521	FORCED FEE PATENT
	0548	MINNIE MCCLAMMY	1524	FORCED FEE PATENT
	0549	LAVINA MEDICINE CLOUD	1529	FORCED FEE PATENT
	0550	CHARLES MITCHELL	1542	FORCED FEE PATENT
	0551	MARTIN MITCHELL	1543	FORCED FEE PATENT
	0552	AMELIA MITCHELL WEEKS	1545	FORCED FEE PATENT
	0553	JENNIE MORRIS WILSON MARIN	1558	FORCED FEE PATENT
	0554	NIGHT	1559	FORCED FEE PATENT
	0555	ALPHENA OLD ROCK	1566	FORCED FEE PATENT
	0556	PIPE	1579	FORCED FEE PATENT
	0557	AGNES C PEARSON	1585	FORCED FEE PATENT
	0558	CHRISTINE RED STONE	1601	FORCED FEE PATENT
	0559	ANNIE ROBERTS	1616	FORCED FEE PATENT
	0560	JOSEPH ROSEBUD	1620	FORCED FEE PATENT
	0561	SUSAN RYAN	1627	FORCED FEE PATENT
	0562	THERESA R BRIDGES	1632	FORCED FEE PATENT
	0563	MARY SAILING HAWK	1638	FORCED FEE PATENT
	0564	PILLOW SHOOTER	1648	FORCED FEE PATENT
	0565	ROSE SHIPSTEAD	1663	FORCED FEE PATENT
	0566	NELLIE SMITH 1	1667	FORCED FEE PATENT
	0567	JAMES SWEENY	1668	FORCED FEE PATENT
	0568	LENORA P TODD	1699	FORCED FEE PATENT
	0569	JINGLING IRON TOM	1701	FORCED FEE PATENT
	0570	TWIN	1704	FORCED FEE PATENT
	0571	EDWARD WELCH	1711	FORCED FEE PATENT
	0572	JOSHUA WETS IT NO. 2	1721	FORCED FEE PATENT
	0573	WHITE CALF	1722	FORCED FEE PATENT
	0574	THE GIRL WHITE CALF	1723	FORCED FEE PATENT
	0575	GROWING WHITE	1725	FORCED FEE PATENT
	0576	LOUISE SHIELDS WHITE CALF	1750	FORCED FEE PATENT
	0577	RICHARD RICKER	1791	FORCED FEE PATENT
	0578	CHESTER RICKER -	1792	FORCED FEE PATENT
	0579	THOMAS TRINDER	1797	FORCED FEE PATENT
	0580	FANNY TAKES PLENTY	1942	FORCED FEE PATENT
	0581	JAMES KING	1864	FORCED FEE PATENT
	0582	ALICE KING ANDERSON	1865	FORCED FEE PATENT
	0583	PATRICK LEONARD BURSHIA	1934	FORCED FEE PATENT
	0584	IVA CATHERINE MCCLAMMY	1936	FORCED FEE PATENT
	0585	CATHERINE WALKING EAGLE	1937	FORCED FEE PATENT
	0586	FLORENCE WHITE EAGLE	1938	FORCED FEE PATENT
	0587	ANNIE KILLS SPOTTED	1957	FORCED FEE PATENT
	0588	ELLEN JOHNSON	1978	FORCED FEE PATENT
	0589	ISABEL ALVAEZ	2002	FORCED FEE PATENT
	0590	NELLIE RED BULL	2006	FORCED FEE PATENT
	0591	SARAH E JOHNSON	2008	FORCED FEE PATENT
	0592	RUTH FELICITE SEARS	2012	FORCED FEE PATENT
	0593	RACHEL HOLLOW	2013	FORCED FEE PATENT
	0594	JOSEPH BLOUNT	2042	FORCED FEE PATENT
	0595	NELLIE POINTING IRON VASSAR	2118	FORCED FEE PATENT
	0596	GRANT EUGENE BAUER	2147	FORCED FEE PATENT
	0597	IRENE OBERSHAW	2159	FORCED FEE PATENT
	0598	SARAH E JOHNSON	2208	FORCED FEE PATENT
	0599	ETHEL BUCKLES WHITE HAWK LONGEE	2229	FORCED FEE PATENT
	0600	JOSEPH MEDICINE BEAR	2242	FORCED FEE PATENT
	0601	PEARL BOYD	2247	FORCED FEE PATENT
	0602	CHRISTINA E CAIN WEST BRAINE	2252	FORCED FEE PATENT
	0603	GEORGE K WINN	2277	FORCED FEE PATENT
	0604	SADIE ANDERSON CANTRELL MENZ	2279	FORCED FEE PATENT
	0605	WILLARD MATHEW SEARS	2284	FORCED FEE PATENT
	0606	FRED REDSTONE JR	2287	FORCED FEE PATENT
	0607	MERLE DAVIS	2297	FORCED FEE PATENT
	0608	AMBROSE PETER DUPREE	2352	FORCED FEE PATENT
	0609	JAMES WHITE EAGLE	2361	FORCED FEE PATENT
	0610	LAVINA FINE FISH	2442	FORCED FEE PATENT
	0611	DANIEL LOOKING	2477	FORCED FEE PATENT
	0612	QUIN RED ELK	2510	FORCED FEE PATENT
	0613	WILLIAM BROWNING	2521	FORCED FEE PATENT

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
056206	0614	ROCCO GRAY EAR	2571	FORCED FEE PATENT
	0615	MELDA MARTELL LAROQUE	2581	FORCED FEE PATENT
	0616	KENNETH LANCE RYAN	2624	FORCED FEE PATENT
	0617	LYDIA STANDING	2661	FORCED FEE PATENT
	0618	JAMES WALLACE CARRIER	2683	FORCED FEE PATENT
	0619	MARIAN MCEACHEREN BUCKLES	2698	FORCED FEE PATENT
	0620	ELWOOD ELMER RED EAGLE	2743	FORCED FEE PATENT
	0621	MAVIS SYVIA SMITH BERNICK	2758	FORCED FEE PATENT
	0622	WILLIAM LOW DOG	2778	FORCED FEE PATENT
	0623	EVALINE LIZZIE LAMBERT	2830	FORCED FEE PATENT
	0624	EDITH DUMONT	2998	FORCED FEE PATENT
	0625	LOTTIE OLD ROCK GRAY BEAR	3001	FORCED FEE PATENT
	0626	ARCHIE M CANTRELL	3017	FORCED FEE PATENT
	0627	MEADE STEELE JR	3018	FORCED FEE PATENT
	0628	CHRISTINE GIBBS	3026	FORCED FEE PATENT
	0629	IRENE YELLOW HAWK	3125	FORCED FEE PATENT
	0630	MYRTLE PETERSON	3228	FORCED FEE PATENT
	0631	ROBERT JOHN JOHNSTON	3268	FORCED FEE PATENT
	0632	VIOLET LOUISE	3327	FORCED FEE PATENT
	0633	ANNIE LAURIE MCEACHERN TORGERSON	3345	FORCED FEE PATENT
	0634	ALTA ONA LANDON	3427	FORCED FEE PATENT
	0635	DORTHY MAXINE GREGG	3742	FORCED FEE PATENT
	0636	LEWIS CLARKE GREGG JR	3940	FORCED FEE PATENT
	0637	HORSES GHOST	424	FORCED FEE PATENT
	0638	KNIFE GOT	492	FORCED FEE PATENT
	0639	LAME SOLDIER	528	FORCED FEE PATENT
	0640	ROSA SEARS BOOTH	844	FORCED FEE PATENT
	0641	ADELINE BURSHIA WALKER	992	FORCED FEE PATENT
	0642	THOMAS FLYNN 1	1332	FORCED FEE PATENT
	0643	JOHN DUM	1364	FORCED FEE PATENT
	0644	ARTHUR JACKSON	1436	FORCED FEE PATENT
	0645	LIGHTS WITH IT MAN	1502	FORCED FEE PATENT
	0646	HATTIE MILLER	1533	FORCED FEE PATENT
	0647	SUSAN OLD ROCK	1544	FORCED FEE PATENT
	0648	DORTHY MAXINE GREGG	3742	FORCED FEE PATENT
	0649	LEWIS CLARK GREGG JR	3920	FORCED FEE PATENT
	0650	JOHN WETS IT	1717	FORCED FEE PATENT
	0651	MARY TURTLE	2032	FORCED FEE PATENT
	0652	LILLIAN ESTHER MCEACHEN	2035	FORCED FEE PATENT
	0653	MONTANA ORA MCCLAMMY	2060	FORCED FEE PATENT
	0654	OLIVE W KENNEDY	2098	FORCED FEE PATENT
	0655	LENA FIRST EAGLE DEMARRIS	2258	FORCED FEE PATENT
	065A	LESLIE AMOS FOUR STAR	2274	FORCED FEE PATENT
	0657	WALTER ALLEN BUCKLES	2419	FORCED FEE PATENT
	0658	RUBY MARTIN	2579	FORCED FEE PATENT
	0659	ELIZA JOHNSTON	2668	FORCED FEE PATENT
	0660	ZELMA ROBSON HEREFORD CORINNE	2691	FORCED FEE PATENT
	0661	ADELINE R EAGLE EMMA	2945	FORCED FEE PATENT
	0662	WILLIAM R MURRAY	2956	FORCED FEE PATENT
	0663	DOROTHY MACDONALD CROWLEY	2955	FORCED FEE PATENT
	0664	INEZ C MARTIN JAMESON CAIN	3190	FORCED FEE PATENT
	0665	BETTY JEAN ROBSON HOVEY	2995	FORCED FEE PATENT
	066A	ANNA MAE SMITH ARNDT	2474	FORCED FEE PATENT
	0667	BURTON K WHEELER WHITE HORSE	3540	FORCED FEE PATENT
	0668	PATRICIA ANN ATKINSON	2599	FORCED FEE PATENT
	0669	ELAINE MADELINE WHITE HAWK	274A	FORCED FEE PATENT
	0670	RUTH AGNES ESTABROOKS	3811	FORCED FEE PATENT
	0671	NORMA JEAN SANSAVER JAMES	364A	FORCED FEE PATENT
	0672	TRIBE & VAR. UNDETER. ALLOTEES	UNDET.	SUPR. CO.ELECT.CO-OP-ELECT.TRANS.&DIST.LINE
	0673	EVERETT ALLEN REDSTONE	2945	TELEVISION TRANS. CREATED ON ALLOT.
	0674	TRIBE	TRIBAL	NORTHERN ELECT.CO-OP-ELECT.TRANS.LINE
	0675	TRIBE	2700	NORTHERN ELECT.CO-OP-ELECT.TRANS.LINE
	067A	HAROLD BOYD	2550	NORTHERN ELECT.CO-OP-ELECT.TRANS.LINE
	0677	LAWERENCE SEARS	UNDET.	MONT.DAK.UTILITIES-ELECTRIC TRANS.LINE
	0678	TRIBE & VAR. UNDETER. ALLOTEES	2674	QUESTION ON MINERAL RIGHTS
	0679	MARGARET MARTIN SCHINDLER	7	RP06-52 ROAD IN TRESPASS
	0792	RUBY AYERS	11	RP06-43 ROAD IN TRESPASS
	0793	SAMUEL ALLISON	17	UNNUMBERED ROAD IN TRESPASS
	0794	NANCY ANDERSON		

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
056206	0795	JAMES BAUER	25	UNNUMBERED ROAD IN TRESPASS
	079A	BADGER CLAW NECKLACE	29A	RP06-38 ROAD IN TRESPASS
	0797	BASIL BENDOR	T-39-A	RP06-40 ROAD IN TRESPASS
	0798	BEAVER TAIL	T-50	RP06-14 ROAD IN TRESPASS
	0799	BETS HIS MEDICINE	65	RP06-38 ROAD IN TRESPASS
	0800	GOODNIGHT BETS HIS MEDICINE	66	UNNUMBERED ROAD IN TRESPASS
	0801	DEPENDSONHIMRETSHISMEDICINE	68	UNNUMBERED ROAD IN TRESPASS
	0802	BIG BLANKET	72-A	RP06-43 ROAD IN TRESPASS
	0803	NANCY BLACK DUCK	T76-A	RP06-36 ROAD IN TRESPASS
	0804	IDA BARREL	T78A	RP06-22 ROAD IN TRESPASS
	0805	ALEX BROWN	99	RP06-43 ROAD IN TRESPASS
	0806	MADGE BROWN	101	UNNUMBERED ROAD IN TRESPASS
	0807	NANCY BROWN	102	UNNUMBERED ROAD IN TRESPASS
	0808	STELLA BLACKEYEBULLEAGLE	123	RP06-24 ROAD IN TRESPASS
	0809	LAURA CLEVELAND	177	RP06-38 ROAD IN TRESPASS
	0810	NANCY CLEVELAND	T178-A	RP06-38 ROAD IN TRESPASS
	0811	ALBERT COMESLAST	182-A	RP06-22 ROAD IN TRESPASS
	0812	JAMES H. CASPER	191	605 ROAD IN TRESPASS
	0813	ETHEL CASPER	193	605 ROAD IN TRESPASS
	0814	LETHA COULTER	201	UNNUMBERED ROAD IN TRESPASS
	0815	MARY COULTER	202	UNNUMBERED ROAD IN TRESPASS
	0816	JULIUS CHARGINGDOG	241	757 ROAD IN TRESPASS
	0817	JAMES CRAZY BULL	251-B	RP06-24 ROAD IN TRESPASS
	0818	CRAZY DOG WEARSCLOTH	255	RP06-28 ROAD IN TRESPASS
	0819	JOHN CRAZY DOG	256	RP06-28 ROAD IN TRESPASS
	0820	FRANK DERBY	269	RP06-43 ROAD IN TRESPASS
	0821	VIRGINIA DERBY	270	RP06-43 ROAD IN TRESPASS
	0822	CYPRIAN DOG	T275-A	RP06-38 ROAD IN TRESPASS
	0823	LEONORA DUPREE	287	RP06-20 ROAD IN TRESPASS
	0824	HISCLOUDBEARLEFEAR	298	UNNUMBERED ROAD IN TRESPASS
	0825	ROBERT OLD ROCK	299	UNNUMBERED ROAD IN TRESPASS
	0826	MARY EARLEMAN	305	RP06-43 ROAD IN TRESPASS
	0827	STRIKING EAST	T322-A	RP06-28 ROAD IN TRESPASS
	0828	MARY TWO BULLS	T-335	41 ROAD IN TRESPASS
	0829	JOHN G. FOOTE	338	139 ROAD IN TRESPASS
	0830	JOHN G. FOOTE	338	093 ROAD IN TRESPASS
	0831	GOODALOVERFOURBEAR	343	RP06-14 ROAD IN TRESPASS
	0832	MAGGIE DUMB	347	UNNUMBERED ROAD IN TRESPASS
	0833	ELIZABETH DUMB	375	UNNUMBERED ROAD IN TRESPASS
	0834	BERTHA GOODMOTCEHAWK	376	RP06-38 ROAD IN TRESPASS
	0835	STELLA H. DENNY	387-A	RP06-53 ROAD IN TRESPASS
	0836	BENJAMIN HARRISON	395-A	RP06-43 ROAD IN TRESPASS
	0837	BENJAMIN HARRISON	395-D	RP06-43 ROAD IN TRESPASS
	0838	ELIZABETH HARRISON	399	748 ROAD IN TRESPASS
	0839	PAUL HAYNE	400	RP06-43 ROAD IN TRESPASS
	0840	EARLE HEDRICK	404	RP06-43 ROAD IN TRESPASS
	0841	EARLE HEDRICK	406-A	RP06-43 ROAD IN TRESPASS
	0842	EARLE HEDRICK	406-R	RP06-43 ROAD IN TRESPASS
	0843	JOHN HELMER	409-A	605 ROAD IN TRESPASS
	0844	MARTIN HIGHRACKBONE	417	RP06-22 ROAD IN TRESPASS
	0845	GOOD WOMAN HUNTER	439	RP06-22 ROAD IN TRESPASS
	0846	THOMAS IRONCLOUD	440-A	RP06-40 ROAD IN TRESPASS
	0847	ISAAC IRONCLOUD	441	RP06-38 ROAD IN TRESPASS
	0848	JENNETTE JONES	459-B	RP06-12 ROAD IN TRESPASS
	0849	FRANK KIRN	474A	UNNUMBERED ROAD IN TRESPASS
	0850	KILLS THEM IN THE WATER	T484-A	RP06-14 ROAD IN TRESPASS
	0851	LEWIS LAMBERT NO.2	526-A	RP06-25 ROAD IN TRESPASS
	0852	LEWIS LAMBERT NO.2	526-B	RP06-54 ROAD IN TRESPASS
	0853	LAME SOLDIER	528	RP06-38 ROAD IN TRESPASS
	0854	GOOD CEDAR LEAN	532-A	605 ROAD IN TRESPASS
	0855	RUTH LESTER	542	RP06-24 ROAD IN TRESPASS
	0856	ELMER LESTER	543-C	RP06-24 ROAD IN TRESPASS
	0857	BLACKNECKLITTLEEAGLE	545	RP06-43 ROAD IN TRESPASS
	0858	BLACKNECKGOODEAGLE	545-R	RP06-43 ROAD IN TRESPASS
	0859	GOOD LITTLE HAWK	547	RP06-31 ROAD IN TRESPASS
	0860	ALICE LONE DOG	T572-R	122 ROAD IN TRESPASS
	0861	ALICE LONE DOG	T572-R	RP06-22 ROAD IN TRESPASS
	0862	FRANK LONGEE	T574-R	RP06-38 ROAD IN TRESPASS

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C5A20A	0863	MAGGIE LONGEE NO.1	T581-A	UNNUMBERED ROAD IN TRESPASS
	0864	LOUISE LONGEE	584	UNNUMBERED ROAD IN TRESPASS
	0865	BESSIE MANNING	609	UNNUMBERED ROAD IN TRESPASS
	0866	BESSIE MANNING	609-A	UNNUMBERED ROAD IN TRESPASS
	0867	SARAH MANNING	616	RP06-55 ROAD IN TRESPASS
	0868	LEROY MANNING	617	RP06-55 ROAD IN TRESPASS
	0869	WILLIAM MANNING NO.2	618	RP06-55 ROAD IN TRESPASS
	0870	JAMES MCDONALD JR.	623	RP06-19 ROAD IN TRESPASS
	0871	EDWARD MEDICINEBEAR	TA26-A	RP06-3A ROAD IN TRESPASS
	0872	ADA MEDICINEBEAR	627	RP06-3A ROAD IN TRESPASS
	0873	RALPH MEDICINEBEAR	628	RP06-3A ROAD IN TRESPASS
	0874	MATILDA MARTELL	643	RP06-54 ROAD IN TRESPASS
	0875	ALICE MELBOURNE	TA45	SEC 10 T27N R51E ROAD IN TRESPASS
	0876	ETHEL MURRAY	673	605 ROAD IN TRESPASS
	0877	MICHAEL L. MURRAY	675	605 ROAD IN TRESPASS
	0878	JAMES NOBREAST	68A-A	RP06-28 ROAD IN TRESPASS
	0879	CORA OAKS PIPE	698	RP06-3A ROAD IN TRESPASS
	0880	EUNICE OAKS PIPE	T699	RP06-22 ROAD IN TRESPASS
	0881	BRINGS YELLOW HORSE RED	T753	UNNUMBERED ROAD IN TRESPASS
	0882	DAISY RED	756	UNNUMBERED ROAD IN TRESPASS
	0883	LUCY RED EAGLE	762	RP06-55 ROAD IN TRESPASS
	0884	YELLOW ELKWALKINGEAGLE	775-A	RP06-40 ROAD IN TRESPASS
	0885	PHILIP REDBOY	810	RP06-38 ROAD IN TRESPASS
	0886	FLORENCE SHIELDS NO.1	857	RP0-38 ROAD IN TRESPASS
	0887	BESSIE SHIELDS	TA6A-A	RP06-22 ROAD IN TRESPASS
	0888	MEDICINE WOMAN	8A8-A	RP06-22 ROAD IN TRESPASS
	0889	FRITZ SMALL	871-R	RP06-54 ROAD IN TRESPASS
	0890	ESTHER SMALL	872-A	RP06-54 ROAD IN TRESPASS
	0891	KIRKWOOD SMITH	884	RP06-20 ROAD IN TRESPASS
	0892	LIZZIE SMITH	885-A	RP06-55 ROAD IN TRESPASS
	0893	FINLEY SMITH	886	RP06-55 ROAD IN TRESPASS
	0894	THOMAS SMITH	887	RP06-55 ROAD IN TRESPASS
	0895	MARY B. SOMERS	889	707 ROAD IN TRESPASS
	0896	DAVID SOMERS	890	707 ROAD IN TRESPASS
	0897	DAVID SOMERS	890	748 ROAD IN TRESPASS
	0898	SPEAKERSPOTTEDDOG	902	UNNUMBERED ROAD IN TRESPASS
	0899	THOMAS SPOTTEDDOG	T905-R	UNNUMBERED ROAD IN TRESPASS
	0900	STANDS BY WATER	914-A	RP06-43 ROAD IN TRESPASS
	0901	CHASINGWHITEBUF.COWSTANDINGELK	917	RP06-54 ROAD IN TRESPASS
	0902	STAR WOMAN	T921-R	UNNUMBERED ROAD IN TRESPASS
	0903	STORMY	T923	UNNUMBERED ROAD IN TRESPASS
	0904	JOHN TAKES PLENTY	T928A	RP06-52 ROAD IN TRESPASS
	0905	STONEWALKER CHICKEN TAKES PLENTY	T929	UNNUMBERED ROAD IN TRESPASS
	090A	STONEWALKER CHICKEN TAKES PLENTY	T929	707 ROAD IN TRESPASS
	0907	SHADOW TAKES THEM	T932	RP06-38 ROAD IN TRESPASS
	0908	GEORGE THOMPSON	945	UNNUMBERED ROAD IN TRESPASS
	0909	GEORGE THOMPSON	945	747 ROAD IN TRESPASS
	0910	ELLEN TURNING PINE	961	RP06-30 ROAD IN TRESPASS
	0911	ELSIE WEST	1008	RP06-55 ROAD IN TRESPASS
	0912	JESSE WEST	1009A	RP06-55 ROAD IN TRESPASS
	0913	NELLIE WHITE HAWK	1040	RP06-22 ROAD IN TRESPASS
	0914	TWO BONNET WHITE HAWK	T1041	RP06-22 ROAD IN TRESPASS
	0915	TWO BONNET WHITE HAWK	T1041A	RP06-22 ROAD IN TRESPASS
	0916	YOUNGMAN	1090A	RP06-43 ROAD IN TRESPASS
	0917	LEWIS S ADAMS	1105	UNNUMBERED ROAD IN TRESPASS
	0918	CHESTER ARTHUR	1129	RP06-14 ROAD IN TRESPASS
	0919	BEAR CAR	1142A	RP06-6A ROAD IN TRESPASS
	0920	HARVEY BEAR CATH	1144	RP06-6A ROAD IN TRESPASS
	0921	BEATS HIS WIFE	1150	UNNUMBERED ROAD IN TRESPASS
	0922	CREE WOMAN BEATS HIS WIFE	1151	UNNUMBERED ROAD IN TRESPASS
	0923	TESSA BENOIT	1191	UNNUMBERED ROAD IN TRESPASS
	0924	PHOEBE BROWNSMITH	1210	450 ROAD IN TRESPASS
	0925	EARL CLARK	1249	995 ROAD IN TRESPASS
	092A	RAYMOND CLARK	1250	995 ROAD IN TRESPASS
	0927	RAYMOND CLARK	1250A	995 ROAD IN TRESPASS
	0928	VICTORIA BIRD	1252	RP06-21 ROAD IN TRESPASS
	0929	ROSEMARY COURCHENE	1321	71 ROAD IN TRESPASS
	0930	JOSEPHINE MATTHEWS	1521	995 ROAD IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56206	0931	JAMES OWENS	1573	895 ROAD IN TRESPASS
	0932	ERNEST PIPE	1581	UNNUMBERED ROAD IN TRESPASS
	0933	FRANK PIPE	1583	UNNUMBERED ROAD IN TRESPASS
	0934	AMELIA REMDER	1630	RP06-22 ROAD IN TRESPASS
	0935	ETNA M ROOTS	1633	959 ROAD IN TRESPASS
	0936	NORMA C RENDER	1635	RP06-22 ROAD IN TRESPASS
	0937	DIFFERENT CLOUD SCARRY BEAR	1640	RP06-27 ROAD IN TRESPASS
	0938	WOUNDED BY WHITEMAN	1733	UNNUMBERED ROAD IN TRESPASS
	0939	MAGGIE HICKMAN PEREAU	1749	RP06-5 ROAD IN TRESPASS
	0940	ZELMA REMDER	1755	RP06-22 ROAD IN TRESPASS
	0941	JACOB BIGHORN	1762	UNNUMBERED ROAD IN TRESPASS
	0942	NELLIE CLEVELAND	1766	RP06-22 ROAD IN TRESPASS
	0943	LITTLECHIEFWOMAN FOURBEAR	1773	RP06-14 ROAD IN TRESPASS
	0944	SUSIE GRAYEAR	1775	RP06-22 ROAD IN TRESPASS
	0945	ALVA BARNARD CASPER	1785	RP06-25 ROAD IN TRESPASS
	0946	ANNIE MEDICINEBEAR	178A	RP06-36 ROAD IN TRESPASS
	0947	JAMES MEDICINE	1787	RP06-55 ROAD IN TRESPASS
	0948	JAMES MEDICINE	1787	RP06-36 ROAD IN TRESPASS
	0949	RICHARD RICKER	1791	RP06-14 ROAD IN TRESPASS
	0950	FLORENCE CHASER	T1837A	RP06-19 ROAD IN TRESPASS
	0951	FIVE STAR WHITE HAWK	1835	RP06-22 ROAD IN TRESPASS
	0952	FANNY TAKES PLENTY	T1842A	707 ROAD IN TRESPASS
	0953	GRANT OLLIE SMITH	1848	RP06-55 ROAD IN TRESPASS
	0954	DUMB	1859	UNNUMBERED ROAD IN TRESPASS
	0955	RUNNING CLOUD DUMB	1860	UNNUMBERED ROAD IN TRESPASS
	0956	EMMA MEDICINE	1870	RP06-3A ROAD IN TRESPASS
	0957	EMMA MEDICINE	1870	RP06-55 ROAD IN TRESPASS
	0958	SAMUEL SMALL	1881	RP06-23 ROAD IN TRESPASS
	0959	MARY LOUISE SOMERS	1908	748 ROAD IN TRESPASS
	0960	MARY LOUISE SOMERS	1908	707 ROAD IN TRESPASS
	0961	LOUISE COURCHENE	1913	71 ROAD IN TRESPASS
	0962	ALOYSIUS JAMES BURSHIA	1919	UNNUMBERED ROAD IN TRESPASS
	0963	WILLIAM BRADLEY BRIDGES	1926	RP06-22 ROAD IN TRESPASS
	0964	IVA CATHERINE MCCLAMMY	1936	59 ROAD IN TRESPASS
	0965	FLORENCE SHIELDS 2	1952	RP06-38 ROAD IN TRESPASS
	0966	MARY LONG TREE	1966	RP06-43 ROAD IN TRESPASS
	0967	VINA SHIELDS	1970	UNNUMBERED ROAD IN TRESPASS
	0968	GEORGE CHARLES MILLER JR	1972	RP06-23 ROAD IN TRESPASS
	0969	ALBERT CLEVELAND	1973	707 ROAD IN TRESPASS
	0970	VIRL DENNY	1992	RP06-25 ROAD IN TRESPASS
	0971	AUGUSTINE MULLIGAN	T1995	UNNUMBERED ROAD IN TRESPASS
	0972	AGNES SCOTT	2015	UNNUMBERED ROAD IN TRESPASS
	0973	MARY L CHESTNUT	2017	895 ROAD IN TRESPASS
	0974	CHARLOTTE ROYD	2023	RP06-22 ROAD IN TRESPASS
	0975	RUFUS RICKEE JR	2045	UNNUMBERED ROAD IN TRESPASS
	0976	RUFUS RICKEE JR	2045	RP06-11 ROAD IN TRESPASS
	0977	FRED CONNORS	T2051A	1028 ROAD IN TRESPASS
	0978	ANNIE MANNING	2082	RP06-55 ROAD IN TRESPASS
	0979	AUDREY ELIZABETH MCNEIL	2099	RP06-21 ROAD IN TRESPASS
	0980	VERNA FRANCES ABBOTT	T2140	RP06-6A ROAD IN TRESPASS
	0981	LOUISE V K BURGE	2148	748 ROAD IN TRESPASS
	0982	WILLIAM YOUPEE	2152	RP06-42 ROAD IN TRESPASS
	0983	ANNIE TAKES PLENTY	2175	UNNUMBERED ROAD IN TRESPASS
	0984	ANNIE TAKES PLENTY	2175	RP06-6A ROAD IN TRESPASS
	0985	PETER SHIELDS	T2183	6A0 ROAD IN TRESPASS
	0986	GERALD SMITH	T2195	RP06-36 ROAD IN TRESPASS
	0987	HAROLD SMITH	219A	RP06-36 ROAD IN TRESPASS
	0988	LEVI WEST	2258	RP06-1 ROAD IN TRESPASS
	0989	DALLAS B MCNEIL	2273	RP06-25 ROAD IN TRESPASS
	0990	RICHARD COURCHENE	2305A	71 ROAD IN TRESPASS
	0991	LITTIE MAY DERAND	2313	100 ROAD IN TRESPASS
	0992	CLAY KEYS	2322	RP06-9 ROAD IN TRESPASS
	0993	MERSELLINE EAGLEBEAR	2341	UNNUMBERED ROAD IN TRESPASS
	0994	ALPHEUS MELVIN BIGHORN	T2348A	UNNUMBERED ROAD IN TRESPASS
	0995	EDWARD BAHER	T2372A	RP06-41 ROAD IN TRESPASS
	0996	MATT D ADAMS	2391	RP06-14 ROAD IN TRESPASS
	0997	EARL W SEEDS	2400	RP06-19 ROAD IN TRESPASS
	0998	JOHN LONGEE JR	240A	UNNUMBERED ROAD IN TRESPASS

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56204	0999	ANDREW CONRAD MAIL	2429	1027 ROAD IN TRESPASS
	1000	LUCILLE FIRST EAGLE	2443	1027 ROAD IN TRESPASS
	1001	RICHARD CROW JR	2467	RP06-19 ROAD IN TRESPASS
	1002	RICHARD CROWJR	T2467A	UNNUMBERED ROAD IN TRESPASS
	1003	AMELIA KEYS	2476	RP06-13 ROAD IN TRESPASS
	1004	AMELIA KEYS	2476	UNNUMBERED ROAD IN TRESPASS
	1005	JOSPHINE WHITE BEAR	2490	RP06-13 ROAD IN TRESPASS
	1006	ROBERT F LAROQUE	2491A	655 ROAD IN TRESPASS
	1007	JOSEPHINE SMITH	2490	RP06-42 ROAD IN TRESPASS
	1008	SAMUEL BOYD	2492	RP06-59 ROAD IN TRESPASS
	1009	THOMAS SHAW	2497	UNNUMBERED ROAD IN TRESPASS
	1010	AMOS HENRY KENNETY	2505	UNNUMBERED ROAD IN TRESPASS
	1011	LESLIE ROBERT GRAINGER	2532	RP06-21 ROAD IN TRESPASS
	1012	JAMES BAUER	2565	53 ROAD IN TRESPASS
	1013	CLARENCE ABBOT	2587	15 ROAD IN TRESPASS
	1014	CLARENCE BIRTHMARY	T2602C	1028 ROAD IN TRESPASS
	1015	QUENTIN ROSEVELT CROW	2610 .	RP06-19 ROAD IN TRESPASS
	1016	WILLIAM WHITE EAGLE	2640	772 ROAD IN TRESPASS
	1017	VERNON BOYD	T2660A	RP06-58 ROAD IN TRESPASS
	1018	EDWARD BEAR SKIN	2665	1027 ROAD IN TRESPASS
	1019	FRANCIS WILLIAM MURRAY	2670A	RP06-24 ROAD IN TRESPASS
	1020	MARY WILMA MURRAY	2671	RP06-24 ROAD IN TRESPASS
	1021	WILLIAM YOUNGMAN	T2672A	117 ROAD IN TRESPASS
	1022	MARJORIE WEEKS	T2685A	RP06-61 ROAD IN TRESPASS
	1023	ELIZABETH MEDICINEHORSE	2798	RP06-55 ROAD IN TRESPASS
	1024	JOSEPH WILLIAMS COMESLAST	2720	RP06-20 ROAD IN TRESPASS
	1025	PAUL WILFRED GOINGS	2723	UNNUMBERED ROAD IN TRESPASS
	1026	EVELYN CYNTHIA FOURSTAR	2725	RP06-64 ROAD IN TRESPASS
	1027	GLADYS WAR CLUB	L2730A	RP06-34 ROAD IN TRESPASS
	1028	VICTOR EAGLE BEAR	2759	RP06-65 ROAD IN TRESPASS
	1029	VICTOR EAGLE BEAR	2759	UNNUMBERED ROAD IN TRESPASS
	1030	DORIS ROSALIE SHIPSTEAD	2780	RP06-5 ROAD IN TRESPASS
	1031	EUGENE LEONARD DUPREE	2789	UNNUMBERED ROAD IN TRESPASS
	1032	LOUISE SHARP EYES	2793	RP06-38 ROAD IN TRESPASS
	1033	JOHN NECKLACE	2794A	RP06-34 ROAD IN TRESPASS
	1034	RUBY ELEANOR ACKERMAN	2811	RP06-58 ROAD IN TRESPASS
	1035	EVALINE LIZZIE LAMBERT	T2830	UNNUMBERED ROAD IN TRESPASS
	1036	AMOS DENNY	2849	RP06-53 ROAD IN TRESPASS
	1037	CARROLL BOYD	2864	RP06-59 ROAD IN TRESPASS
	1038	SARAH TAYLOR	2872	RP06-55 ROAD IN TRESPASS
	1039	ROSE FONTAINE	T2879A	RP06-22 ROAD IN TRESPASS
	1040	LUCILE PROCTOR	2888	RP06-24 ROAD IN TRESPASS
	1041	JAMES ATHKINSON SMITH	2892	RP06-36 ROAD IN TRESPASS
	1042	WILLIAM LESTER JR	T2895A	RP06-65 ROAD IN TRESPASS
	1043	EVALINE ARCHDALE	2913	NO. 685 ROAD IN TRESPASS
	1044	SHIRLEY RED BOY	2920A	RP06-55 ROAD IN TRESPASS
	1045	ALTA RUTH THUNDERING BEAR	2926	NO. 53 ROAD IN TRESPASS
	1046	MAUDE CAROLINE BOYD	2936	UNNUMBERED ROAD IN TRESPASS
	1047	MARTHI SMALL	2942B	RP06-55 ROAD IN TRESPASS
	1048	FRANK SPINDLER JR	2954	RP06-36 ROAD IN TRESPASS
	1049	JOHN YOUNGMAN	2968A	RP06-55 ROAD IN TRESPASS
	1050	FRANK DISHERLY JR	2996	NO. 283 ROAD IN TRESPASS
	1051	CAROL M MCNEIL	3039	RP06-52 ROAD IN TRESPASS
	1052	LUELLA LESTER	3047	UNNUMBERED ROAD IN TRESPASS
	1053	HUGH RUNNING BEAR	3051	NO. 660 ROAD IN TRESPASS
	1054	TONE DOROTHY MCDONALD	3055A	RP06-19 ROAD IN TRESPASS
	1055	ALBERT SILVAS JR	3056	RP06-41 ROAD IN TRESPASS
	1056	LUCILLE BIGHORN	T3076A	RP06-21 ROAD IN TRESPASS
	1057	RICHARD LEFT HAND THUNDER	3113	RP06-5 ROAD IN TRESPASS
	1058	WILLIAM C BROWN	3118	RP06-13 ROAD IN TRESPASS
	1059	MARION LEFT HAND THUNDER	3130	NO. 102R ROAD IN TRESPASS
	1060	PHILIP MAGNAM	3143	NO. 120 ROAD IN TRESPASS
	1061	WINIFRED RED EAGLE	3174	RP06-13 ROAD IN TRESPASS
	1062	CARSON TAYLOR	3175	UNNUMBERED ROAD IN TRESPASS
	1063	DOUGLAS ROBERT TODD	3277	NO. 1077 ROAD IN TRESPASS
	1064	ISABELLE YOUNGMAN	T3290A	NO. 100 ROAD IN TRESPASS
	1065	ISABELLE YOUNGMAN	3290B	NO. 100 ROAD IN TRESPASS
	1066	HENRY TAYLOR	329A	NO. 660 ROAD IN TRESPASS

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56206	1067	HENRY TAYLOR	3296	UNNUMBERED ROAD IN TRESPASS
	1068	VIVIAN WEEKS	T3306A	NO. 41 ROAD IN TRESPASS
	1069	JUSTIN SMALL	3320	UNNUMBERED ROAD IN TRESPASS
	1070	SHIRLEY K HELMER	3329	UNNUMBERED ROAD IN TRESPASS
	1071	SHIRLEY K HELMER	3329	RP06-22 ROAD IN TRESPASS
	1072	LOUIS DALE YOUNGMAN	3333	UNNUMBERED ROAD IN TRESPASS
	1073	ROY BEAR CUB	3344	RP06-64 ROAD IN TRESPASS
	1074	HERBERT ENOCH ROWE	3360	RP06-36 ROAD IN TRESPASS
	1075	COLMA DUPREE	3368A	RP06-24 ROAD IN TRESPASS
	1076	ANGELINE LESTER	3371	UNNUMBERED ROAD IN TRESPASS
	1077	CHARLOTTE RED BOY	3378	RP06-56 ROAD IN TRESPASS
	1078	MITTON JEFFERSON RED EAGLE	3379	RP06-57 ROAD IN TRESPASS
	1079	TRIVCAN I BROWNING	3399	RP06-3 ROAD IN TRESPASS
	1080	JESSE J KIRN	3401	RP06-36 ROAD IN TRESPASS
	1081	ISADORE BENJAMINA JOHNSON	3419	UNNUMBERED ROAD IN TRESPASS
	1082	FLOREEN AGNES PROCTOR	3430	RP06-19 ROAD IN TRESPASS
	1083	FRANK TOMAHAWK	3456	NO. 74 ROAD IN TRESPASS
	1084	IYLEEN ROSE BROPHY	3469	UNNUMBERED ROAD IN TRESPASS
	1085	RICHARD OWNS MEDICINE	3488	NO. 53 ROAD IN TRESPASS
	1086	ARLINE ROSE LANDON	3508	RP06-45 ROAD IN TRESPASS
	1087	GENEVIEVE SMALL	3496A	UNNUMBERED ROAD IN TRESPASS
	1088	SHERMAN T RICKER	3511	RP06-9 ROAD IN TRESPASS
	1089	CHARLES MALCOLM OLD ROCK	3521	NO. 707 ROAD IN TRESPASS
	1090	VIOLIA MARIE SPOTTED BIRD	3536	RP06-21 ROAD IN TRESPASS
	1091	DAVID HAMILTON	3554	UNNUMBERED ROAD IN TRESPASS
	1092	GERALDINE DAVIS	3561	RP06-9 ROAD IN TRESPASS
	1093	BELLE ANGELINE LESTER	T3562A	RP06-58 ROAD IN TRESPASS
	1094	LOIS GOINGS	3569	RP06-63 ROAD IN TRESPASS
	1095	MYRTLE AMELIA DISERLY	3586B	RP06-36 ROAD IN TRESPASS
	1096	MALCOLM MANNING	3591	RP06-55 ROAD IN TRESPASS
	1097	GEORGE THOMAS RED	3594	NO. 15 ROAD IN TRESPASS
	1098	PETER COLLINS JR	3608	NO. 1027 ROAD IN TRESPASS
	1099	CLARENCE DALE WALKER	3647	RP06-13 ROAD IN TRESPASS
	1100	RITA BROWNING	3650	RP06-58 ROAD IN TRESPASS
	1101	MARJORIE ROSE AFRAID OF HIS TRACK	3636	UNNUMBERED ROAD IN TRESPASS
	1102	IRWIN ROBINSON	3655	NO. 120 ROAD IN TRESPASS
	1103	MARGARET BOW	3690	NO. 100 ROAD IN TRESPASS
	1104	MELVIN LEROY EAGLEMAN	3692	RP06-30 ROAD IN TRESPASS
	1105	MELVIN LEROY EAGLEMAN	3692	RP06-65 ROAD IN TRESPASS
	1106	SUSAN LONE WARRIOR	T3700	NO. 650 ROAD IN TRESPASS
	1107	HAROLD BOYD	3703	NO. 41 ROAD IN TRESPASS
	1108	WILLIAM DAVID BUCKLES	T3708A	RP06-19 ROAD IN TRESPASS
	1109	ALBERT FRANCIS KENNEDY	3716	NO. 120 ROAD IN TRESPASS
	1110	CATHERINE MAREL RICKER	3718	UNNUMBERED ROAD IN TRESPASS
	1111	REBA YVONNE RED EAGLE	T3720	RP06-64 ROAD IN TRESPASS
	1112	WILLIAM TAYLOR ROWE	3724	NO. 53 ROAD IN TRESPASS
	1113	ANGELINE IRON CLOUD	3734	1027 ROAD IN TRESPASS
	1114	THERESA LAMBERT	3736	RP06-64 ROAD IN TRESPASS
	1115	MARTIN MELTON MARTELL	3780	RP06-63 ROAD IN TRESPASS
	1116	ERNEST THEODORE BUSHMAN	T3790	UNNUMBERED ROAD IN TRESPASS
	1117	WANITA MAE REDSTONE	3815	41 ROAD IN TRESPASS
	1118	MYRNA BELLE ARCHDALE	3818	685 ROAD IN TRESPASS
	1119	RICHARD PHILIP IRONBEAR	3820	RP06-13 ROAD IN TRESPASS
	1120	THELMA MELBOURNE	3836	RP06-65 ROAD IN TRESPASS
	1121	GENEVIEVE BOW	3841	660 ROAD IN TRESPASS
	1122	BEVERLY JOY BLACKTAIL	3850	660 ROAD IN TRESPASS
	1123	CARROL FAYE WING	T3863	117 ROAD IN TRESPASS
	1124	REBERTA JOAN BOYD	3876	RP06-60 ROAD IN TRESPASS
	1125	ROBERTA JOAN BOYD	3876	RP06-23 ROAD IN TRESPASS
	1126	CHRISTINE ANN RANDOLPH	3886	RP06-24 ROAD IN TRESPASS
	1127	IDA JANET ROWE	3891	53 ROAD IN TRESPASS
	1128	ROBERT LEWIS BURSHIA	3910	RP06-59 ROAD IN TRESPASS
	1129	EDNA PRISCILLA CHASER	3931	RP06-58 ROAD IN TRESPASS
	1130	OTTO CANTRELL JR	T3937	RP06-14 ROAD IN TRESPASS
	1131	BUDDY LONEL CAMPBELL	3942	RP06-39 ROAD IN TRESPASS
	1132	DELMAR DALE BROWN	3972	120 ROAD IN TRESPASS
	1133	AARON CLEVELAND	3975	71 ROAD IN TRESPASS
	1134	ANNA LEE PICKETT	3983	53 ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56206	1135	ELAINE ROSE SPOTTED BIRD	3962A	UNNUMBERED ROAD IN TRESPASS
	1136	AARON CLEVELAND	3975	UNNUMBERED ROAD IN TRESPASS
	1137	VILNA IRONCLOUD	3985	RP06-2 ROAD IN TRESPASS
	1138	VILNA IRONCLOUD	3985	687 ROAD IN TRESPASS
	1139	VILNA IRONCLOUD	3985	RP06-7 ROAD IN TRESPASS
	1140	EVERETT GLEN ROBINSON	3992	1026 ROAD IN TRESPASS
	1141	ELIZABETH CANTRELL	3996	UNNUMBERED ROAD IN TRESPASS
	1142	ELAINE ROSE OLSON	4002	UNNUMBERED ROAD IN TRESPASS
	1143	NORMAN FRANKLIN LAMBERT	4014	1028 ROAD IN TRESPASS
	1144	EVERETTE LONGTAKE	4029	RP06-11 ROAD IN TRESPASS
	1145	CHARLOTTE ELIZABETH BLACKHORSE	4034	UNNUMBERED ROAD IN TRESPASS
	1146	JOSEPH ROBERT GILBERTSON	4041	71 ROAD IN TRESPASS
	1147	WILLARD WALTER LEFTHAND THUNDER	4046	71 ROAD IN TRESPASS
	1148	MERLE ANNIE ROWE	T4058	RP06 11 ROAD IN TRESPASS
	1149	HELEN MARIE BAUER	4071	RP06-3 ROAD IN TRESPASS
	1150	MAY WHITE HAWK	4083	RP06-8 ROAD IN TRESPASS
	1151	IRIS FAYE RED BEAR	T4085	100 ROAD IN TRESPASS
	1152	MARIETTA JADE BLOUNT	4090	71 ROAD IN TRESPASS
	1153	MARIETTA JUDY BLOUNT	T4090A	661 ROAD IN TRESPASS
	1154	JOSEPH JONES	4102	RP06-36 ROAD IN TRESPASS
	1155	WILLIAM MARK BLANKENSHIP	4117	RP06-3 ROAD IN TRESPASS
	1156	ARLYS ECHO HELMER	4121	RP06-63 ROAD IN TRESPASS
	1157	EMMETTE ALFRED BUCKLES	4122	RP06-5 ROAD IN TRESPASS
	1158	IMOGENE FAITH FOUR EAGLERAY	4126	650 ROAD IN TRESPASS
	1159	RICHARD LEE PEE	T4133	1027 ROAD IN TRESPASS
	1160	GERALDINE SCOTT	4141	100 ROAD IN TRESPASS
	1161	GERALD SCOTT	4142	53 ROAD IN TRESPASS
	1162	GERALD SCOTT	4142	RP06-3 ROAD IN TRESPASS
	1163	TRIBAL	T5090	UNNUMBERED ROAD IN TRESPASS
	1164	TRIBAL	T5090	UNNUMBERED ROAD IN TRESPASS
	1165	TRIBAL	T5090	UNNUMBERED ROAD IN TRESPASS
	1166	TRIBAL	T5090	UNNUMBERED ROAD IN TRESPASS
	1167	TRIBAL	T5090	542 ROAD IN TRESPASS
	1168	TRIBAL	T5090	RP06-37 ROAD IN TRESPASS
	1169	TRIBAL	T5090	RP06-7 ROAD IN TRESPASS
	1170	TRIBAL	T5090	RP06-4 ROAD IN TRESPASS
	1171	TRIBAL	T5090	RP06-55 ROAD IN TRESPASS
	1172	TRIBAL	T5090	100 ROAD IN TRESPASS
	1173	TRIBAL	T5090	757 ROAD IN TRESPASS
	1174	TRIBAL	T5090	RP06-14 ROAD IN TRESPASS
	1175	TRIBAL	T5090	RP06-16 ROAD IN TRESPASS
	1176	TRIBAL	T5090	RP06-10 ROAD IN TRESPASS
	1177	TRIBAL	T5090	457 ROAD IN TRESPASS
	1178	TRIBAL	T5090	RP06-5 ROAD IN TRESPASS
	1179	TRIBAL	TRIBAL	S24 T30N R45E ROAD IN TRESPASS
	1180	TRIBAL	TRIBAL	S25 T29N R46E ROAD IN TRESPASS
	1181	TRIBAL	TRIBAL	S6 T29N R46E ROAD IN TRESPASS
	1182	TRIBAL	TRIBAL	S35 T29N R46E ROAD IN TRESPASS
	1183	TRIBAL	TRIBAL	S34 T30N R46E ROAD IN TRESPASS
	1184	TRIBAL	TRIBAL	S35 T37N R46E ROAD IN TRESPASS
	1185	TRIBAL	TRIBAL	S33 T30N R47E ROAD IN TRESPASS
	1186	TRIBAL	TRIBAL	S.19-20-29 T.32N. R47E. ROAD IN TRESPASS
	1187	TRIBAL	TRIBAL	S.16 T.31N R.48E. ROAD IN TRESPASS
	1188	TRIBAL	TRIBAL	S.2 T.30N. R.49E. ROAD IN TRESPASS
	1189	TRIBAL	TRIBAL	S.4-5-8 T.31N. R.49E. ROAD IN TRESPASS
	1190	TRIBAL	TRIBAL	S.4 T.31W. R.50E. ROAD IN TRESPASS
	1191	TRIBAL	TRIBAL	S.6 T.31N. R.50E. ROAD IN TRESPASS
	1192	TRIBAL	TRIBAL	S.12 T.31N. R.50E ROAD IN TRESPASS
	1193	TRIBAL	TRIBAL	S.13 T.29N. R.51E ROAD IN TRESPASS
	1194	TRIBAL	TRIBAL	S.4-9 T.30N. R.52E ROAD IN TRESPASS
	1195	TRIBAL	TRIBAL	S.19 T.30N. R.52E ROAD IN TRESPASS
	1196	TRIBAL	TRIBAL	S.29 T.30N. R.52E ROAD IN TRESPASS
	1197	TRIBAL	TRIBAL	S.13 T.33N. R.52E ROAD IN TRESPASS
	1198	TRIBAL	TRIBAL	S.15 T.33N. R.52E ROAD IN TRESPASS
	1199	TRIBAL	TRIBAL	S.29 T.33N. R.55E ROAD IN TRESPASS
	1200	TRIBAL	TRIBAL	S.31 T.33N. R.55E ROAD IN TRESPASS
	1201	TRIBAL	TRIBAL	S.2 T.33N. R.56E ROAD IN TRESPASS
	1202	TRIBAL	TRIBAL	RP06-3 ROAD IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56206	1203	TRIBAL	TRIBAL	RP06-3 ROAD IN TRESPASS
	1204	TRIBAL	TRIBAL	RP06-5 ROAD IN TRESPASS
	1205	TRIBAL	TRIBAL	RP06-5 ROAD IN TRESPASS
	1206	TRIBAL	TRIBAL	RP06-11 ROAD IN TRESPASS
	1207	TRIBAL	TRIBAL	RP06-19 ROAD IN TRESPASS
	1208	TRIBAL	TRIBAL	RP06-20 ROAD IN TRESPASS
	1209	TRIBAL	TRIBAL	RP06-23 ROAD IN TRESPASS
	1210	TRIBAL	TRIBAL	RP06-24 ROAD IN TRESPASS
	1211	TRIBAL	TRIBAL	RP06-28 ROAD IN TRESPASS
	1212	TRIBAL	TRIBAL	NO.41 ROAD IN TRESPASS
	1213	TRIBAL	TRIBAL	RP06-43 ROAD IN TRESPASS
	1214	TRIBAL	TRIBAL	RP06-46 ROAD IN TRESPASS
	1215	TRIBAL	TRIBAL	RP06-46 ROAD IN TRESPASS
	1216	TRIBAL	TRIBAL	NO.047 ROAD IN TRESPASS
	1217	TRIBAL	TRIBAL	NO.53 ROAD IN TRESPASS
	1218	TRIBAL	TRIBAL	NO.53 ROAD IN TRESPASS
	1219	TRIBAL	TRIBAL	RP06-54 ROAD IN TRESPASS
	1220	TRIBAL	TRIBAL	RP06-64 ROAD IN TRESPASS
	1221	TRIBAL	TRIBAL	RP06-65 ROAD IN TRESPASS
	1222	TRIBAL	TRIBAL	NO.15 ROAD IN TRESPASS
	1223	TRIBAL	TRIBAL	NO.71 ROAD IN TRESPASS
	1224	TRIBAL	TRIBAL	NO.71 ROAD IN TRESPASS
	1225	TRIBAL	TRIBAL	NO.089 ROAD IN TRESPASS
	1226	TRIBAL	TRIBAL	NO.117 ROAD IN TRESPASS
	1227	TRIBAL	TRIBAL	NO.120 ROAD IN TRESPASS
	1228	TRIBAL	TRIBAL	NO.120 ROAD IN TRESPASS
	1229	TRIBAL	TRIBAL	NO.120 ROAD IN TRESPASS
	1230	TRIBAL	TRIBAL	NO.120 ROAD IN TRESPASS
	1231	TRIBAL	TRIBAL	NO.283 ROAD IN TRESPASS
	1232	TRIBAL	TRIBAL	NO.651 ROAD IN TRESPASS
	1233	TRIBAL	TRIBAL	NO.660 ROAD IN TRESPASS
	1234	TRIBAL	TRIBAL	NO.661 ROAD IN TRESPASS
	1235	TRIBAL	TRIBAL	NO.661 ROAD IN TRESPASS
	1236	TRIBAL	TRIBAL	NO.686 ROAD IN TRESPASS
	1237	TRIBAL	TRIBAL	NO.687 ROAD IN TRESPASS
	1238	TRIBAL	TRIBAL	NO.707 ROAD IN TRESPASS
	1239	TRIBAL	TRIBAL	NO.707 ROAD IN TRESPASS
	1240	TRIBAL	TRIBAL	NO.947 ROAD IN TRESPASS
	1241	TRIBAL	TRIBAL	NO.1027 ROAD IN TRESPASS
	1242	TRIBAL	TRIBAL	NO.1027 ROAD IN TRESPASS
	1243	TRIBAL	TRIBAL	NO.1028 ROAD IN TRESPASS
	1244	TRIBAL	TRIBAL	NO.1028 ROAD IN TRESPASS
	1245	TRIBAL	TRIBAL	NO.1028 ROAD IN TRESPASS
	1246	TRIBAL	TRIBAL	NO.1028 ROAD IN TRESPASS
	1247	DAISY PIPE	T1962A	UNNUMBERED ROAD IN TRESPASS
	1248	TRIBAL	T5090	S.32 T.29N. R.50E ROAD IN TRESPASS
C56226	1249	FREDERICK AZURE (TMP)	343	CO. ROAD IN TRESPASS ON W. BOUND
	1250	FREDERICK AZURE (TMP)	343	IMPROVED FARM ROAD IN TRESPASS
	1251	MARY C BOYER (TMP)	609	IMPROVED ROAD IN TRESPASS ON E BOUND
	1252	LOUISE ANN CHAMPAGNE (TMP)	823	IMPROVED ROAD IN TRESPASS ON N W BDRY
	1253	JOSEPH DECONTEAH JR (TMP)	918	CO. ROAD IN TRESPASS ON N BOUND
	1254	FRANCAIS DELONAIS (TMP)	987	IMPROVED TRAIL IN TRESPASS ON ALLOT.
	1255	ANTOINE EMND (TMP)	1122	CO. ROAD IN TRESPASS ON S. & W.
	1256	ANNA LAURA GLADUE (TMP)	1206	CO. ROAD IN TRESPASS ON S. BDRY
	1257	MARGARET GOURNEAU (TMP)	1256	IMPROVED ROAD IN TRESPASS ON S. BDRY
	1258	JUSTINE GOURNEAU (TMP)	1260	CO. ROAD IN TRESPASS ON W. & W. BDRY
	1259	MARY C. LAFROMBOIS (TMP)	1697	IMPROVED ROAD IN TRESPASS ON W. & W. BDRY
	1260	EMMA LAFROMBOIS (TMP)	1699	CO. ROAD IN TRESPASS ON N. & E. BDRY
	1261	ERNST LECOMPT (TMP)	1843	IMPROVED ROAD IN TRESPASS ON E. BDRY
	1262	JOHN MORIN (TMP)	2094	CO. ROAD IN TRESPASS ON E. BDRY
	1263	ROSIN PELTIER (TMP)	2292	CO. ROAD IN TRESPASS ON ALLOT.
	1264	ADELINE POITRA (TMP)	2358	CO. ROAD IN TRESPASS ON N. BDRY
	1265	ALRINA RENAULT (TMP)	2472	IMPROVED ROAD IN TRESPASS ON NWLY. BDRY
	1266	GEORGINA SMITH (TMP)	2565	IMPROVED ROAD IN TRESPASS ON N. BDRY
	1267	JOSEPH ALLERY (TMP)	235	IMPROVED ROAD IN TRESPASS
	1268	BENOIT AZURE (TMP)	378	CO. ROAD IN TRESPASS ON N. BDRY
	1269	VERONICA AZURE (TMP)	382	CO. ROAD IN TRESPASS ON S. BDRY
	1270	EDMUND BERCIER (TMP)	572	GRADED ROAD IN TRESPASS ON 3 SIDES

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56226	1271	ELVINA CRISSLER (TMP)	776	IMPROVED ROAD IN TRESPASS ON S. BOND
	1272	ALFRED CRISSLER (TMP)	777	ROAD IN TRESPASS ON E. & S. BDRY
	1273	JULIA DAVIS (TMP)	805	GRADED ROAD IN TRESPASS ON W. BDRY
	1274	ADELE DELIA DAVIS (TMP)	820	SERVICE ROAD IN TRESPASS TO WELL IN SE
	1275	GEORGE E. DELONAIS (TMP)	992	ROAD IN TRESPASS ON N. BDRY
	1276	COLLIS DUCEPT (TMP)	1077	CO HWY NO. 5 IN TRESPASS
	1277	MADELAIN DUCEPT (TMP)	1088	GRADED ROAD IN TRESPASS
	1278	LOUIS GOURNEAU (TMP)	1271	CO. ROAD IN TRESPASS ON N. & E. BDRYS
	1279	MARGARET HOULE (TMP)	1433	GRAVELED ROAD IN TRESPASS
	1280	BETSY JEROME (TMP)	1506	ROAD IN TRESPASS ON W. BDRY
	1281	MARTIN JEROME (TMP)	1507	GRADED ROAD IN TRESPASS ON W. BDRY
	1282	PHILOMENE A LAVALLIE (TMP)	1784	IMPROVED ROAD IN TRESPASS ON N. BDRY
	1283	JULIUS MALATERRE (TMP)	1934	FARM SERVICE ROAD IN TRESPASS ON N. BDRY
	1284	MARIE MCCLOUD (TMP)	2028	OIL WELL SERVICE ROAD IN TRESPASS
	1285	MARIE MCCLOUD (TMP)	2028	CO. ROAD IN TRESPASS ON ALLOT.
	1286	ELVINA LAVERDURE (TMP)	2175	IMPROVED ROAD IN TRESPASS ON N. BDRY
	1287	JOHN ALFRED PATNAUD (TMP)	2250	GRADED ROAD IN TRESPASS ON E. BDRY
	1288	JULIAN JEROME (TMP)	2344	IMPROVED ROAD IN TRESPASS ON N. BDRY
	1289	ALFRED PLANT (TMP)	2348	IMPROVED ROAD IN TRESPASS ON ALLOT.
	1290	JUSTINE SAYERS (TMP)	2533	IMPROVED ROAD IN TRESPASS ON E. BDRY
	1291	ALEXIS BONNEAU (TMP)	582	IMPROVED ROAD IN TRESPASS ON S. & E.
	1292	EMILY BONNEAU (TMP)	583	IMPROVED ROAD IN TRESPASS ON S. BDRY
	1293	LOUIS LAFRAMBOIS (TMP).	1684	IMPROVED ROAD IN TRESPASS ON S. & N. BDRY
	1294	MAXIM LANDRY (TMP)	1722	IMPROVED ROAD IN TRESPASS ON E. BDRY
	1295	ALEXANDER MEKWAM (TMP)	97	CO. ROAD IN TRESPASS ON W. BDRY
	1296	ALEXANDER MEKWAM (TMP)	97	GRADED ROAD IN TRESPASS ON S. BDRY
	1297	LOUIS ERNEST CAPLETTE (TMP)	717	IMPROVED ROAD IN TRESPASS ON W&S BDRY
	1298	ERNEST WILFRED HOULE (TMP)	1429	IMPROVED ROAD IN TRESPASS
	1299	GEORGINNA HOULE (TMP)	1439	IMPROVED ROAD IN TRESPASS ON S&E BDRY
	1300	FREDERICK AZURE(TMP)	343	BURIED TELE.CABLE ON N BDRY WO RW
	1301	LOUISE CHAMPAGNE(TMP)	823	PWR.LINE ON N & W BDRY WO RW
	1302	BEATRICE ENNO(TMP)	1131	PWR LINE ON E BDRY WO RW
	1303	ANNA LAURA GLADUE	1206	BURIED TELE.CABLE WO RW
	1304	ANNA LAURA GLADUE(TMP)	1206	PWR LINE ON S BDRY WO RW
	1305	ERNST LECOMPT(TMP)	1843	PWR LINE ON SE OF ALLOT. WO RW
	1306	ROSIN MORIN(TMP)	2112	PWR LINE ON N BDRY WO RW
	1307	ROSIN PELTIER(TMP)	2292	POWERLINE WO RW
	1308	ROSIN PELTIER(TMP)	2292	TELE.LINE WO RW
	1309	ADELINE POITRA(TMP)	2358	BURIED TELE.LINE ON N BDRY WO RW
	1310	JEROME POITRA(TMP)	2454	PWR.LINE ON NW OF ALLOT.WO RW
	1311	ALBINA RENAULT(TMP)	2472	PWR.LINE ON ALLOT.WO RW
	1312	ALBINA RENAULT(TMP)	2472	BURIED TELE.CABLE WO RW
	1313	VERONICA AZURE(TMP)	383	PWR.LINE ACROSS ALLOT.WO RW
	1314	ELVINA CRISSLER(TMP)	776	PIPELINE ON SE CORNER WO RW
	1315	JULIA DAVIS(TMP)	805	PWR.LINE ON W BDRY WO RW
	1316	COLLIS DUCEPT(TMP)	1077	PWRLINE WO RW
	1317	ANDREW GRANBOIS(TMP)	1310	BURIED TELE.CABLE WO RW
	1318	ALICE GRANT(TMP)	1351	PWR.LINE ON W BDRY WO RW
	1319	ROSALIE CLORIS GRANT(TMP)	1352	PWR.LINE WO RW
	1320	LAROSE LAVERDURE(TMP)	1928	PWRLINE ON S BDRY WO RW
	1321	JULIUS MALATERRE(TMP)	1934	PWR.LINE WO RW
	1322	MARIE MCCLOUD(TMP)	2028	BURIED TELE.ON ALLOT. WO RW
	1323	ARTHUR MORIN(TMP)	2106	TELE.LINE ON W BDRY WO RW
	1324	JOSEPH MORIN(TMP)	2174	PWR.LINE ON E & S BDRY WO RW
	1325	JOHN ALFRED PATNAUD(TMP)	2250	PWR.LINE ON E BDRY WO RW
	1326	PERRONTEAU(TMP)	2329	PWR.LINE ON E BDRY WO RW
	1327	PERRONTEAU(TMP)	2329	BURIED TELE.CABLE E BDRY WO RW
	1328	JULIAN JEROME(TMP)	2344	OIL & GAS PIPE SW OF ALLOT.WO RW
	1329	ALFRED PLANT(TMP)	2346	PWRLINE CROSSES ALLOT.WO RW
	1330	FLORENCE POITRA(TMP)	2369	PWRLINE ON W BDRY WO RW
	1331	VIRGINIA BELGARDE(TMP)	442	PWRLINE ON E BDRY WO RW
	1332	ALEXIS BONNEAU(TMP)	582	PWRLINE ON E BDRY WO RW
	1333	ALEXIS BONNEAU(TMP)	582	BURIED TELE.CABLE WO RW
	1334	JULIA BRUNNELL(TMP)	681	PWRLINE ON S BDRY WO RW
	1335	PHILOMEN BRUNNELL(TMP)	683	PWRLINE WO RW
	1336	MARY A.THOMAS(TMP)	2468	PWRLINE ON W BDRY WO RW
	1337	MARY A.THOMAS(TMP)	2468	BURIED TELE.ON E SIDE WO RW
	1338	GEORGINNA HOULE(TMP)	1439	PWRLINE ON N BDRY WO RW

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56226	1339	CHARLES R. CHAMPAGNE(TMP)	U11390	PWR LINE ON S BDRY WO RW
	1340	CLAUDE AZURE(TMP)	403	GRAZE WO VALID LEASE
	1341	FLORA PAYS(TMP)	414	GRAZE WO VALID LEASE
	1342	MATHILDA DELARLAIS(TMP)	969	GRAZE WO VALID LEASE
	1343	FRANCAIS DELONAIS(TMP)	987	GRAZE WO VALID LEASE
	1344	ST. ANN DELONAIS(TMP)	991	GRAZE WO VALID LEASE
	1345	BEATRICE ENNO(TMP)	1131	GRAZE WO VALID LEASE
	1346	JUSTINE GOURNEAU(TMP)	1260	GRAZE WO VALID LEASE
	1347	ALEXANDRIA ST.PIERRE(TMP)	1398	GRAZE WO VALID LEASE
	1348	FREDERIC HOULE(TMP)	1462	GRAZE WO VALID LEASE
	1349	ROSIN MORIN(TMP)	2112	GRAZE WO VALID LEASE
	1350	VIRGINIA PAYS(TMP)	2276	GRAZE WO VALID LEASE
	1351	ELLEN PAYS(TMP)	2277	GRAZE WO VALID LEASE
	1352	ALFRED PAYS(TMP)	2279	GRAZE WO VALID LEASE
	1353	ROSIN PELTIER(TMP)	2292	GRAZE WO VALID LEASE
	1354	ADELINE POITRA(TMP)	2358	GRAZE WO VALID LEASE
	1355	LECOMPTE(TMP)	2451	GRAZE WO VALID LEASE
	1356	CECELIA POITRA	2452	GRAZE WO VALID LEASE
	1357	JEROME POITRA(TMP)	2454	GRAZE WO VALID LEASE
	1358	CLARA PREMEAU(TMP)	2468	GRAZE WO VALID LEASE
	1359	JOHN B PREMEAU(TMP)	2470	GRAZE WO VALID LEASE
	1360	ALBINA RENAULT(TMP)	2472	GRAZE WO VALID LEASE
	1361	GEORGINA SMITH(TMP)	2565	GRAZE WO VALID LEASE
	1362	ALEXANDER ST.PIERRE(TMP)	2618	GRAZE WO VALID LEASE
	1363	JOSHUA ST.PIERRE(TMP)	2619	GRAZE WO VALID LEASE
	1364	LOUIS ALLERY(TMP)	234	GRAZE WO VALID LEASE
	1365	JOSEPH ALLERY(TMP)	235	GRAZE WO VALID LEASE
	1366	EMERY DECOTEAU(TMP)	274	GRAZE WO VALID LEASE
	1367	MARGARET AZURE(TMP)	332	GRAZE WO VALID LEASE
	1368	MADELAIN BELGARDE(TMP)	508	GRAZE WO VALID LEASE
	1369	EMIL BELGARDE(TMP)	535	GRAZE WO VALID LEASE
	1370	MADELAIN DECEPT(TMP)	1088	GRAZE WO VALID LEASE
	1371	PIERRE LACERTE(TMP)	1565	GRAZE WO VALID LEASE
	1372	FRED LAVERDURE(TMP)	1823	GRAZE WO VALID LEASE
	1373	DELIA LAVERDURE(TMP)	1841	GRAZE WO VALID LEASE
	1374	JOHN MARTELL(TMP)	1999	GRAZE WO VALID LEASE
	1375	MARIE MCCLOUD(TMP)	2028	GRAZE WO VALID LEASE
	1376	JOHN ALFRED PATNAUD(TMP)	2250	GRAZE WO VALID LEASE
	1377	ELIZA VALLIE(TMP)	887	GRAZE WO VALID LEASE
	1378	JULIE VALLIE(TMP)	2698	GRAZE WO VALID LEASE
	1379	EMMA VALLIE RENAULT(TMP)	2699	GRAZE WO VALID LEASE
	1380	ALEXANDER MEKWAM(TMP)	97	GRAZE WO VALID LEASE
	1381	LOUIS E.CAPLETTE(TMP)	717	GRAZE-FEEDAREA-MISUSE
	1382	GEORGINNA HOULE(TMP)	1439	GRAZE WO VALID LEASE
	1383	ONSETN HOULE(TMP)	1459	GRAZE WO VALID LEASE
	1384	CHARLES R CHAMPAGNE(TMP)	U11390	GRAZE WO VALID LEASE
	1385	MAXIM HOULE(TMP)	1438	GRAZE WO VALID LEASE
	1386	FREDERICK AZURE(TMP)	343	DRY FARM WO VALID LEASE
	1387	ANNA LAURA GLADUE(TMP)	1206	DRY FARM WO VALID LEASE
	1388	JOSEPHINE LAFONTAIN(TMP)	1244	DRY FARM WO VALID LEASE
	1389	ERNST LECOMPT(TMP)	1843	DRY FARM WO VALID LEASE
	1390	ROSIN MORIN(TMP)	2112	FARM WO VALID LEASE
	1391	THERSA P LECOMPTE(TMP)	2451	FARM WO VALID LEASE
	1392	CELINA P.NELSON(TMP)	2453	FARM WO VALID LEASE
	1393	JEROME POITRA(TMP)	2454	FARM WO VALID LEASE
	1394	ALBINA RENAULT(TMP)	2472	FARM WO VALID LEASE
	1395	GEORGINA SMITH(TMP)	2565	FARM WO VALID LEASE
	1396	LOUIS ALLERY(TMP)	234	FARM WO VALID LEASE
	1397	JOSEPH ALLERY(TMP)	235	FARM WO VALID LEASE
	1398	MARGARET AZURE(TMP)	332	FARM WO VALID LEASE
	1399	BENOIT AZURE(TMP)	378	FARM WO VALID LEASE
	1400	EMIL BELGARDE(TMP)	535	FARM WO VALID LEASE
	1401	EDMUND BERGIER(TMP)	572	FARM WO VALID LEASE
	1402	JULIA ALLERY(TMP)	595	FARM WO VALID LEASE
	1403	MARY LOUISE HENRY(TMP)	1393	DRY FARM WO VALID LEASE
	1404	PIERRE LACERTE(TMP)	1565	FARM WO VALID LEASE
	1405	MARY LANGER(TMP)	1742	DRY FARM WO VALID LEASE
	1406	JOHN LANGER(TMP)	1744	DRY FARM WO VALID LEASE

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56226	1407	MARY LOUISE LANGER(TMP)	1744	DRY FARM WO VALID LEASE
	1408	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1409	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1410	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1411	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1412	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1413	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1414	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1415	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1416	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1417	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1418	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1419	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1420	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1421	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1422	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1423	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1424	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1425	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1426	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1427	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1428	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1429	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1430	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1431	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1432	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1433	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1434	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1435	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1436	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1437	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1438	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1439	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1440	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1441	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1442	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1443	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1444	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1445	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1446	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1447	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1448	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1449	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1450	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56226	1451	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1452	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1453	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1454	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1455	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1456	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1457	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1458	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1459	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1460	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1461	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1462	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1463	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1464	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1465	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1466	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1467	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1468	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1469	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1470	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1471	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1472	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1473	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1474	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1475	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1476	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1477	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1478	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1479	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1480	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1481	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1482	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1483	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1484	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1485	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1486	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1487	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1488	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1489	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1490	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1491	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1492	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1493	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1494	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1495	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1496	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1497	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1498	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE
	1499	JOHN LANGER(TMP)	1744	FARM WO VALID LEASE
	1500	MARY LOUISE LANGER(TMP)	1744	FARM WO VALID LEASE

RILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56226	1407	IRA LATRACE(TMP)	1766	DRY FARM WO VALID LEASE
	1408	PHILOMENE A LAVALLIE(TMP)	1784	DRY FARM WO VALID LEASE
	1409	FRED LAVERDURE(TMP)	1823	FARM WO VALID LEASE
	1410	MARIE MCCLOUD(TMP)	2028	FARM WO VALID LEASE
	1411	DAVLAIN MORIN(TMP)	2089	DRY FARM WO VALID LEASE
	1412	LOUIS MORIN(TMP)	2105	DRY FARM WO VALID LEASE
	1413	ARTHUR MORIN(TMP)	2106	DRY FARM WO VALID LEASE
	1414	DAVID MORIN(TMP)	2149	DRY FARM WO VALID LEASE
	1415	ISABELLE MORIN(TMP)	2150	DRY FARM WO VALID LEASE
	1416	JOHN ALFRED PATNAUD(TMP)	2250	FARM WO VALID LEASE
	1417	MARGARET SAYERS(TMP)	2530	DRY FARM WO VALID LEASE
	1418	MARY JOSEPHINE SAYERS(TMP)	2531	DRY FARM WO VALID LEASE
	1419	EMILY BONNEAU(TMP)	583	DRY FARM WO VALID LEASE
	1420	PHILOMEN BRUNNELL(TMP)	683	FARM PART OF ALLOT.WO VAL.LEASE
	1421	GEORGINNA SMITH(TMP)	2565	ACTIVE GRAVEL PIT WO PERMIT
	1422	EMIL BELGARDE(TMP)	482	GRAVEL PIT WO PERMIT
	1423	IRA LATRACE(TMP)	1766	PROBATED ST CRT TRST TITLE NOT EXTG
	1424	VIRGINIA BELGARD(TMP)	442	WTRLINE ON ALLOT-ABV.GRD.WO RW
	1425	PETER WM.CHARETTE(TMP)	766	SEISMIC EXPL.WO PERMIT
	1426	FRED FRASER(TMP)	1178	OWNED BY ALLOTTEE HEIRS
	1427	GEORGINA HOULE(TMP)	1439	GEN.MISUSE-DEAD ANIMAL-TRASH
	1428	CALLING AROUND	77	FORCED FEE PATENT TMP
	1429	I HEAR	129	FORCED FEE PATENT TMP
	1430	ELIZA AIKEN	193	FORCED FEE PATENT TMP
	1431	LOUISE ANN AIKEN	194	FORCED FEE PATENT TMP
	1432	ST. ANN AIKEN	195	FORCED FEE PATENT TMP
	1433	MARIE AIKEN	200	FORCED FEE PATENT TMP
	1434	MARY . ALLERY	233	FORCED FEE PATENT TMP
	1435	LAURA D. AMYOTT	276	FORCED FEE PATENT TMP
	1436	FLORENCE A. AMYOTT	284	FORCED FEE PATENT TMP
	1437	FRANCOIS AMYOTT	286	FORCED FEE PATENT TMP
	1438	FLORESTINE BRIEN	290	FORCED FEE PATENT TMP
	1439	VIRGINIA AZURE	293	FORCED FEE PATENT TMP
	1440	FREDERICK D. AZURE	294	FORCED FEE PATENT TMP
	1441	CLEMENCE AZURE	327	FORCED FEE PATENT TMP
	1442	ALPHONSIN AZURE	328	FORCED FEE PATENT TMP
	1443	CAROLINE AZURE	333	FORCED FEE PATENT TMP
	1444	FREDERICK AZURE	336	FORCED FEE PATENT TMP
	1445	AVILLA AZURE	345	FORCED FEE PATENT TMP
	1446	GEORGE AZURE	349	FORCED FEE PATENT TMP
	1447	XAIVER AZURE	352	FORCED FEE PATENT TMP
	1448	ALVINA M. AZURE	355	FORCED FEE PATENT TMP
	1449	CATHERINE AZURE	362	FORCED FEE PATENT TMP
	1450	MARY AZURE	363	FORCED FEE PATENT TMP
	1451	JOSEPHINE P. AZURE	367	FORCED FEE PATENT TMP
	1452	JOHN B. AZURE II	369	FORCED FEE PATENT TMP
	1453	MARY JANE AZURE	373	FORCED FEE PATENT TMP
	1454	MARY A. AZURE	379	FORCED FEE PATENT TMP
	1455	EVA AZURE	380	FORCED FEE PATENT TMP
	1456	MOSES AZURE	381	FORCED FEE PATENT TMP
	1457	MARY ST. ANN AZURE	387	FORCED FEE PATENT TMP
	1458	ALICE AZURE	388	FORCED FEE PATENT TMP
	1459	FLORA AZURE	389	FORCED FEE PATENT TMP
	1460	JOSEPH AZURE	399	FORCED FEE PATENT TMP
	1461	STANILAUS AZURE	401	FORCED FEE PATENT TMP
	1462	OMAR AZURE	402	FORCED FEE PATENT TMP
	1463	VIVIAN S. AZURE	407	FORCED FEE PATENT TMP
	1464	ISABELLE BAKER	414	FORCED FEE PATENT TMP
	1465	ST. ANN LAPOINTE	434	FORCED FEE PATENT TMP
	1466	RAPHAEL BEAUCHMAN	436	FORCED FEE PATENT TMP
	1467	JOSEPH BELGARDE	441	FORCED FEE PATENT TMP
	1468	ELIF O. AZURE	470	FORCED FEE PATENT TMP
	1469	JOSEPH BELGARDE	474	FORCED FEE PATENT TMP
	1470	ALFRED BELGARDE	475	FORCED FEE PATENT TMP
	1471	ALEXANDER BELGARDE	476	FORCED FEE PATENT TMP
	1472	MARTIN BELGARDE	477	FORCED FEE PATENT TMP
	1473	RACHAEL BELGARDE	479	FORCED FEE PATENT TMP
	1474	EMIL BELGARDE	482	FORCED FEE PATENT TMP

RILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56226	1475	ROBERT BELGARDE	496	FORCED FEE PATENT TMP
	1476	MARY C. WILKE	501	FORCED FEE PATENT TMP
	1477	SUSAN BELGARDE	507	FORCED FEE PATENT TMP
	1478	ELIE BELGARDE	513	FORCED FEE PATENT TMP
	1479	EDWARD BELGARDE	515	FORCED FEE PATENT TMP
	1480	MARIA R. BELGARDE	530	FORCED FEE PATENT TMP
	1481	PATRICE BERCIER	546	FORCED FEE PATENT TMP
	1482	VIRGINIA B. CARTER	547	FORCED FEE PATENT TMP
	1483	ROSALIE BERCIER	548	FORCED FEE PATENT TMP
	1484	SIMEON BERCIER	549	FORCED FEE PATENT TMP
	1485	JOHN B. BERCIER	551	FORCED FEE PATENT TMP
	1486	THEODORE BERCIER	552	FORCED FEE PATENT TMP
	1487	DAVID BERCIER	557	FORCED FEE PATENT TMP
	1488	JOSEPH A. BERCIER	558	FORCED FEE PATENT TMP
	1489	CELINA GRANBOIS	568	FORCED FEE PATENT TMP
	1490	VIRGINIA T. BLUE	577	FORCED FEE PATENT TMP
	1491	HELEN SAYERS	586	FORCED FEE PATENT TMP
	1492	MARY R. BOTTINEAU	588	FORCED FEE PATENT TMP
	1493	FREDERICK BOTTINEAU	589	FORCED FEE PATENT TMP
	1494	MARY J. BOTTINEAU	590	FORCED FEE PATENT TMP
	1495	EDWARD BOTTINEAU	592	FORCED FEE PATENT TMP
	1496	PHILLIP BOTTINEAU	594	FORCED FEE PATENT TMP
	1497	PETER BOYER	604	FORCED FEE PATENT TMP
	1498	ALEXANDER BOYER	606	FORCED FEE PATENT TMP
	1499	JOSEPHINE B. MCCOY	608	FORCED FEE PATENT TMP
	1500	SARAH AZURE	618	FORCED FEE PATENT TMP
	1501	FRANK BRADFORD	621	FORCED FEE PATENT TMP
	1502	MARY M. BRIEN	632	FORCED FEE PATENT TMP
	1503	ALEXANDER BRIEN JR.	642	FORCED FEE PATENT TMP
	1504	ALICE BRIEN	644	FORCED FEE PATENT TMP
	1505	MARCELLINE BRIEN	645	FORCED FEE PATENT TMP
	1506	PIERRE BRIEN	652	FORCED FEE PATENT TMP
	1507	ERNEST BRIEN	662	FORCED FEE PATENT TMP
	1508	ROSALIE BRUCE	671	FORCED FEE PATENT TMP
	1509	ROBERT E. BRUCE	672	FORCED FEE PATENT TMP
	1510	LAURA BRUCE	676	FORCED FEE PATENT TMP
	1511	ALFRED N. BRUCE	677	FORCED FEE PATENT TMP
	1512	PATRICE BRUNELL	694	FORCED FEE PATENT TMP
	1513	SOPHIE BRUNELL	694	FORCED FEE PATENT TMP
	1514	CLAUDIA BRUNELL	696	FORCED FEE PATENT TMP
	1515	WINNIFRED SCHINDLER	708	FORCED FEE PATENT TMP
	1516	WILLIAM J. CHAMPAGNE	727	FORCED FEE PATENT TMP
	1517	PAULINE B. CHAMPAGNE	728	FORCED FEE PATENT TMP
	1518	CHARLES CHAMPAGNE	737	FORCED FEE PATENT TMP
	1519	TELESPHORE CHARETTE	753	FORCED FEE PATENT TMP
	1520	ALEXANDER CHARETTE	760	FORCED FEE PATENT TMP
	1521	LOUIS J. CHARETTE	764	FORCED FEE PATENT TMP
	1522	THOMAS F. CHARETTE	765	FORCED FEE PATENT TMP
	1523	EVA CRISSLER	770	FORCED FEE PATENT TMP
	1524	EMILY CRISSLER	771	FORCED FEE PATENT TMP
	1525	MARY F. DAUPHINAIS	786	FORCED FEE PATENT TMP
	1526	ADELE DAVIS	804	FORCED FEE PATENT TMP
	1527	ANGELIQUE DAVIS	809	FORCED FEE PATENT TMP
	1528	LUCY DAVIS	811	FORCED FEE PATENT TMP
	1529	ELVINA DAVIS	812	FORCED FEE PATENT TMP
	1530	FLORISTINE PELTIER	813	FORCED FEE PATENT TMP
	1531	J. ELIF DAVIS	814	FORCED FEE PATENT TMP
	1532	ROSALIE DAVIS	831	FORCED FEE PATENT TMP
	1533	GREGORY R. DAVIS	833	FORCED FEE PATENT TMP
	1534	LAURA DAVIS	845	FORCED FEE PATENT TMP
	1535	FRANK P. DAVIS	846	FORCED FEE PATENT TMP
	1536	DELIA DAVIS	852	FORCED FEE PATENT TMP
	1537	HENERETTA DAVIS	853	FORCED FEE PATENT TMP
	1538	MAYIN DAVIS	854	FORCED FEE PATENT TMP
	1539	MARY A. DECOUTEAU	859	FORCED FEE PATENT TMP
	1540	WILFRED DECOUTEAU	864	FORCED FEE PATENT TMP
	1541	MARY P. LANIER	866	FORCED FEE PATENT TMP
	1542	MARY S. DECOUTEAU	868	FORCED FEE PATENT (TMP)

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56226	1543	STELLA DECOUTEAU	870	FORCED FEE PATENT (TMP)
	1544	ALFRED DECOUTEAU	879	FORCED FEE PATENT (TMP)
	1545	JOSEPH A. DECOUTEAU	880	FORCED FEE PATENT (TMP)
	1546	ELIZA DECOUTEAU	881	FORCED FEE PATENT (TMP)
	1547	FRANK DECOUTEAU JR.	889	FORCED FEE PATENT (TMP)
	1548	MARIE R. DECOUTEAU	890	FORCED FEE PATENT (TMP)
	1549	EMILY DECOUTEAU	892	FORCED FEE PATENT (TMP)
	1550	JOSEPHINE DECOUTEAU	893	FORCED FEE PATENT (TMP)
	1551	JOHN B. DECOUTEAU	897	FORCED FEE PATENT (TMP)
	1552	MARGARET DECOUTEAU	898	FORCED FEE PATENT (TMP)
	1553	EUSTACHE DECOUTEAU	915	FORCED FEE PATENT (TMP)
	1554	LA ROSE DECOUTEAU	916	FORCED FEE PATENT (TMP)
	1555	HELEN DECOUTEAU	921	FORCED FEE PATENT (TMP)
	1556	MARY A. DECOUTEAU	926	FORCED FEE PATENT (TMP)
	1557	MARY E. DECOUTEAU	930	FORCED FEE PATENT (TMP)
	1558	PETER J. DECOUTEAU	932	FORCED FEE PATENT (TMP)
	1559	WILLIAM DECOUTEAU	933	FORCED FEE PATENT (TMP)
	1560	ZILDA P. DECOUTEAU	934	FORCED FEE PATENT (TMP)
	1561	CHARLES DESJARLAIS	947	FORCED FEE PATENT (TMP)
	1562	VICTOR DESJARLAIS	948	FORCED FEE PATENT (TMP)
	1563	JAMES DESJARLAIS	956	FORCED FEE PATENT (TMP)
	1564	CLEOPHILE DELORME	1002	FORCED FEE PATENT (TMP)
	1565	ADELE DELORME	1003	FORCED FEE PATENT (TMP)
	1566	MARY J. DELORME	1014	FORCED FEE PATENT (TMP)
	1567	PETER DELORME	1016	FORCED FEE PATENT (TMP)
	1568	JOHN L. DEMONTIGNY	1040	FORCED FEE PATENT (TMP)
	1569	ELIZABETH DEMONTIGNY	1041	FORCED FEE PATENT (TMP)
	1570	RAPHAEL DEMONTIGNY	1042	FORCED FEE PATENT (TMP)
	1571	ALFRED DEMONTIGNY	1049	FORCED FEE PATENT (TMP)
	1572	EMMA DEMONTIGNY	1051	FORCED FEE PATENT (TMP)
	1573	MARGARET DEMONTIGNY	1052	FORCED FEE PATENT (TMP)
	1574	SIMON DIONNE	1055	FORCED FEE PATENT (TMP)
	1575	MARIE DUCEPT	1079	FORCED FEE PATENT (TMP)
	1576	MARY R. DUCHAIN	1093	FORCED FEE PATENT (TMP)
	1577	JOSEPH DUMONT	1100	FORCED FEE PATENT (TMP)
	1578	ALEXANDER DUMONT	1105	FORCED FEE PATENT (TMP)
	1579	ELVINA DUMONT	1108	FORCED FEE PATENT (TMP)
	1580	ALICE DUMONT	1109	FORCED FEE PATENT (TMP)
	1581	JOSEPHINE DUMONT	1111	FORCED FEE PATENT (TMP)
	1582	MARY E. HAYES	1113	FORCED FEE PATENT (TMP)
	1583	VIRGINIA ENNO	1118	FORCED FEE PATENT (TMP)
	1584	CLEMENCE ENNO	1119	FORCED FEE PATENT (TMP)
	1585	MARY ENNO	1121	FORCED FEE PATENT (TMP)
	1586	CATHERINE ENNO	1126	FORCED FEE PATENT (TMP)
	1587	ALFRED ENNO	1129	FORCED FEE PATENT (TMP)
	1588	ALBANY ENNO	1133	FORCED FEE PATENT (TMP)
	1589	JOSEPHINE E. ENNO	1138	FORCED FEE PATENT (TMP)
	1590	LOUIS ENNO	1143	FORCED FEE PATENT (TMP)
	1591	AGNES FALCON	1154	FORCED FEE PATENT (TMP)
	1592	RACHAEL FREDERICK	1187	FORCED FEE PATENT (TMP)
	1593	HENRY W. FREDERICK	1190	FORCED FEE PATENT (TMP)
	1594	JOHN FREDERICK	1191	FORCED FEE PATENT (TMP)
	1595	GEORGE E. FREDERICK	1193	FORCED FEE PATENT (TMP)
	1596	FRANK FREDERICK	1194	FORCED FEE PATENT (TMP)
	1597	ROBERT FREDERICK	1195	FORCED FEE PATENT (TMP)
	1598	CHRISTINE FREDERICK	1198	FORCED FEE PATENT (TMP)
	1599	ELIZABETH GLADUE	1207	FORCED FEE PATENT (TMP)
	1600	VICTORIA GLADUE	1214	FORCED FEE PATENT (TMP)
	1601	WILLIAM GLADUE	1216	FORCED FEE PATENT (TMP)
	1602	MARY GLADUE	1224	FORCED FEE PATENT (TMP)
	1603	MARY R. DAVIS	1226	FORCED FEE PATENT (TMP)
	1604	ISABEL GLADUE	1228	FORCED FEE PATENT (TMP)
	1605	MARGARET GOURNEAU	1251	FORCED FEE PATENT (TMP)
	1606	JOSEPH GOURNEAU JR.	1253	FORCED FEE PATENT (TMP)
	1607	BEN GORNEAU	1272	FORCED FEE PATENT (TMP)
	1608	WILFRED GOURNEAU	1277	FORCED FEE PATENT (TMP)
	1609	MARY MARTON	1285	FORCED FEE PATENT (TMP)
	1610	ADELE GRANBOIS	1294	FORCED FEE PATENT (TMP)

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56226	1611	ISADORE GRANBOIS	1295	FORCED FEE PATENT (TMP)
	1612	SARAH GRANBOIS	1298	FORCED FEE PATENT (TMP)
	1613	JOSEPH A. GRANBOIS	1299	FORCED FEE PATENT (TMP)
	1614	PATRICE GRANBOIS	1301	FORCED FEE PATENT (TMP)
	1615	PATRICE GANBOIS	1304	FORCED FEE PATENT (TMP)
	1616	MARY GRANBOIS	1305	FORCED FEE PATENT (TMP)
	1617	JOSEPH GRANBOIS	1308	FORCED FEE PATENT (TMP)
	1618	ROSALIE GRANBOIS	1309	FORCED FEE PATENT (TMP)
	1619	MICHAEL GRANBOIS	1312	FORCED FEE PATENT (TMP)
	1620	MARIE VALLIE	1314	FORCED FEE PATENT (TMP)
	1621	FRANK M. DAVIS	1315	FORCED FEE PATENT (TMP)
	1622	JAMES GRANT	1325	FORCED FEE PATENT (TMP)
	1623	MARY E. GRANT	1326	FORCED FEE PATENT (TMP)
	1624	ANDRE GRANT	1341	FORCED FEE PATENT (TMP)
	1625	ROSALIE GRANT	1343	FORCED FEE PATENT (TMP)
	1626	AGNES GRANT	1358	FORCED FEE PATENT (TMP)
	1627	RACHEL GUNDERSON	1365	FORCED FEE PATENT (TMP)
	1628	ST ANN BOTTINEAU	1367	FORCED FEE PATENT (TMP)
	1629	LEONARD HAWLEY	1369	FORCED FEE PATENT (TMP)
	1630	PATRICK HAWLEY	1370	FORCED FEE PATENT (TMP)
	1631	JOHN HAYES JR.	1377	FORCED FEE PATENT (TMP)
	1632	VERONICA HAYES	1378	FORCED FEE PATENT (TMP)
	1633	EDWARD HENRY	1387	FORCED FEE PATENT (TMP)
	1634	PHILLIP HENRY	1389	FORCED FEE PATENT (TMP)
	1635	PETER HENRY	1392	FORCED FEE PATENT (TMP)
	1636	ERNEST HERMAN	1405	FORCED FEE PATENT (TMP)
	1637	VIRGINIA HOULE	1424	FORCED FEE PATENT (TMP)
	1638	PHILOMENE HOULE	1432	FORCED FEE PATENT (TMP)
	1639	CHARLES HOULE	1434	FORCED FEE PATENT (TMP)
	1640	LOUIS HOULE	1440	FORCED FEE PATENT (TMP)
	1641	MARY C. HOULE	1468	FORCED FEE PATENT (TMP)
	1642	LEON JEANNOTT	1493	FORCED FEE PATENT (TMP)
	1643	WALLACE G. JEROME	1502	FORCED FEE PATENT (TMP)
	1644	RUTH JOLLIE	1537	FORCED FEE PATENT (TMP)
	1645	BLANCHE JOLLIE	1541	FORCED FEE PATENT (TMP)
	1646	JOHN B KEPLIN	1554	FORCED FEE PATENT (TMP)
	1647	ALICE KEPLIN	1555	FORCED FEE PATENT (TMP)
	1648	MARGARET KEPLIN	1559	FORCED FEE PATENT (TMP)
	1649	MARY R. LADOUCER	1570	FORCED FEE PATENT (TMP)
	1650	ALPHONSIN PARISIEN	1573	FORCED FEE PATENT (TMP)
	1651	JOSEPH M. LADOUCER	1582	FORCED FEE PATENT (TMP)
	1652	EZEAR LAFOUNTAIN	1586	FORCED FEE PATENT (TMP)
	1653	CATHBERT LAFOUNTAIN	1587	FORCED FEE PATENT (TMP)
	1654	MARY J. LAFOUNTAIN	1604	FORCED FEE PATENT (TMP)
	1655	MARY M. LAFOUNTAIN	1614	FORCED FEE PATENT (TMP)
	1656	VIRGINIA V. GRANT	1630	FORCED FEE PATENT (TMP)
	1657	VERONICA LAFRANCE	1651	FORCED FEE PATENT (TMP)
	1658	CECIL LAFROMBOIS	1656	FORCED FEE PATENT (TMP)
	1659	LARUSE LAFROMBOIS	1657	FORCED FEE PATENT (TMP)
	1660	MARIN LAFROMBOIS	1658	FORCED FEE PATENT (TMP)
	1661	PASCHAL LAFROMBOIS	1670	FORCED FEE PATENT (TMP)
	1662	ALFRED LAFROMBOIS	1674	FORCED FEE PATENT (TMP)
	1663	MARY M. LAFROMBOIS	1675	FORCED FEE PATENT (TMP)
	1664	PAPICE LAFROMBOIS	1676	FORCED FEE PATENT (TMP)
	1665	ADELINE LAFROMBOIS	1677	FORCED FEE PATENT (TMP)
	1666	ELIZA LAFROMBOIS	1678	FORCED FEE PATENT (TMP)
	1667	MARY F. LAFROMBOIS	1679	FORCED FEE PATENT (TMP)
	1668	SARAH LAFROMBOIS	1680	FORCED FEE PATENT (TMP)
	1669	RIEL LAFROMBOIS	1683	FORCED FEE PATENT (TMP)
	1670	MARY V. LAFROMBOIS	1688	FORCED FEE PATENT (TMP)
	1671	FRANK LAFROMBOIS	1689	FORCED FEE PATENT (TMP)
	1672	JOSSETT LAFROMBOIS	1692	FORCED FEE PATENT (TMP)
	1673	ROSINA LAFROMBOIS	1695	FORCED FEE PATENT (TMP)
	1674	JOHN R. LAFROMBOIS	1696	FORCED FEE PATENT (TMP)
	1675	THEODORE LAFROMBOIS	1698	FORCED FEE PATENT (TMP)
	1676	MARY ST. ANN LAMBERT	1718	FORCED FEE PATENT (TMP)
	1677	LYMAN H. LAMBERT	1719	FORCED FEE PATENT (TMP)
	1678	JOHN LANDRY	1721	FORCED FEE PATENT TMP

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56226	1679	JEAN B. LANDRY	1724	FORCED FEE PATENT TMP
	1680	ELEANOR LANDRY	1726	FORCED FEE PATENT TMP
	1681	NORBERT LANDRY	1729	FORCED FEE PATENT TMP
	1682	SARAPHINE LANDRY	1730	FORCED FEE PATENT TMP
	1683	ROSINA LANGER	1733	FORCED FEE PATENT TMP
	1684	DELINA LANGER	1734	FORCED FEE PATENT TMP
	1685	FRANCAIS LANGER	1737	FORCED FEE PATENT TMP
	1686	JOHN LANGER III	1744	FORCED FEE PATENT TMP
	1687	ALICE LANGER	1745	FORCED FEE PATENT TMP
	1688	ROSALIE LANGER	1748	FORCED FEE PATENT TMP
	1689	RIEL LAQUETTE	1751	FORCED FEE PATENT TMP
	1690	ELIZA LATRACE	1764	FORCED FEE PATENT TMP
	1691	CLEMENCE LATRAILLE	1769	FORCED FEE PATENT TMP
	1692	FRANCOIS LATRAILLE	1770	FORCED FEE PATENT TMP
	1693	ANTOINE LAVALLIE	1780	FORCED FEE PATENT TMP
	1694	JOSEPH T. LAVALLIE	1783	FORCED FEE PATENT TMP
	1695	ROSE LAVALLIE	1785	FORCED FEE PATENT TMP
	1696	NOEL LAVALLIE	1786	FORCED FEE PATENT TMP
	1697	MARGARET LAVALLIE	1791	FORCED FEE PATENT TMP
	1698	CLARA LAVALLIE	1792	FORCED FEE PATENT TMP
	1699	ALFRED LAVALLIE	1793	FORCED FEE PATENT TMP
	1700	MARIE LAVALLIE	1794	FORCED FEE PATENT TMP
	1701	ELISE LAVERDURE	1806	FORCED FEE PATENT TMP
	1702	JOSEPH LAVERDURE	1807	FORCED FEE PATENT TMP
	1703	WILLIAM J. LAVERDURE	1808	FORCED FEE PATENT TMP
	1704	RAPHAEL LAVERDURE	1818	FORCED FEE PATENT TMP
	1705	WILLIAM LAVERDURE	1831	FORCED FEE PATENT TMP
	1706	MARY LAVERDURE	1832	FORCED FEE PATENT TMP
	1707	MARTIAL F. LAVERDURE	1834	FORCED FEE PATENT TMP
	1708	ROSINA LAVERDURE	1838	FORCED FEE PATENT TMP
	1709	JOSEPH LAVERDURE	1839	FORCED FEE PATENT TMP
	1710	AGNES LAVERDURE	1840	FORCED FEE PATENT TMP
	1711	EMMA GRANBOIS	1846	FORCED FEE PATENT TMP
	1712	JOSEPH LAVIOLETTE	1852	FORCED FEE PATENT TMP
	1713	JOSEPH LEFORT	1871	FORCED FEE PATENT TMP
	1714	ISABEL F. LAFORT	1872	FORCED FEE PATENT TMP
	1715	WILFRED LEFORT	1875	FORCED FEE PATENT TMP
	1716	MARY C. SAYER	1878	FORCED FEE PATENT TMP
	1717	ROSALIE LIZOTTE	1911	FORCED FEE PATENT TMP
	1718	JOSEPHINE LIZOTTE	1912	FORCED FEE PATENT TMP
	1719	MARY C. MALATERRE	1932	FORCED FEE PATENT TMP
	1720	RIEL MALATERRE	1937	FORCED FEE PATENT TMP
	1721	MARTIN MALATERRE	1961	FORCED FEE PATENT TMP
	1722	MAXIM L. MARION	1966	FORCED FEE PATENT TMP
	1723	ADELPHINE MARION	1972	FORCED FEE PATENT TMP
	1724	ELSIE MARION	1975	FORCED FEE PATENT TMP
	1725	ELISE MARION	1978	FORCED FEE PATENT TMP
	1726	RODERICK MARION	1984	FORCED FEE PATENT TMP
	1727	JOHN B. MARTELL	2002	FORCED FEE PATENT TMP
	1728	EMME MARTELL	2004	FORCED FEE PATENT TMP
	1729	HELEN MARTELL	2006	FORCED FEE PATENT TMP
	1730	MICHAEL MARTELL	2009	FORCED FEE PATENT TMP
	1731	JOSEPHINE MALLETT	2020	FORCED FEE PATENT TMP
	1732	ELISE MARTIN	2021	FORCED FEE PATENT TMP
	1733	ST. FIDELE MCCLOUD	2027	FORCED FEE PATENT TMP
	1734	EZFAR MCCLOUD	2035	FORCED FEE PATENT TMP
	1735	JOSEPH MCKAY	2054	FORCED FEE PATENT TMP
	1736	MARY J. MCKAY	2056	FORCED FEE PATENT TMP
	1737	PHILLIP MORIN	2082	FORCED FEE PATENT TMP
	1738	JOSEPH MORIN	2083	FORCED FEE PATENT TMP
	1739	ALEXANDER MORIN	2084	FORCED FEE PATENT TMP
	1740	JOSEPHINE MORIN	2090	FORCED FEE PATENT TMP
	1741	SARAH MORIN	2092	FORCED FEE PATENT TMP
	1742	ANGELIQUE MORIN	2093	FORCED FEE PATENT TMP
	1743	FRANK MORIN	2097	FORCED FEE PATENT TMP
	1744	ANTOINE MORIN	2099	FORCED FEE PATENT TMP
	1745	ANASTASIA MORIN	2111	FORCED FEE PATENT TMP
	1746	ALEXANDER MORIN II	2132	FORCED FEE PATENT TMP

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56226	1747	MARY L. VANDALL	2143	FORCED FEE PATENT TMP
	1748	FRANK MORIN	2162	FORCED FEE PATENT TMP
	1749	FREDERICK MORIN	2170	FORCED FEE PATENT TMP
	1750	JOSEPHINE VILLENEUVE	2199	FORCED FEE PATENT TMP
	1751	ST. ANN BRUNNELL	2208	FORCED FEE PATENT TMP
	1752	BONIFACE PARISIEN	2220	FORCED FEE PATENT TMP
	1753	NATALIE R. PARISIEN	2226	FORCED FEE PATENT TMP
	1754	MARGARET PARISIEN	2233	FORCED FEE PATENT TMP
	1755	COLLIS PATNAUD	2248	FORCED FEE PATENT TMP
	1756	VIRGINIA PATNAUD	2249	FORCED FEE PATENT TMP
	1757	ELVINA MAYES	2257	FORCED FEE PATENT TMP
	1758	ALFRED PAUL	2266	FORCED FEE PATENT TMP
	1759	MARY PAUL	2268	FORCED FEE PATENT TMP
	1760	ANGELIQUE PELTIER	2280	FORCED FEE PATENT TMP
	1761	MARY M. ST. PIERRE	2283	FORCED FEE PATENT TMP
	1762	CORICE PELTIER	2294	FORCED FEE PATENT TMP
	1763	FRED PELTIER	2295	FORCED FEE PATENT TMP
	1764	JOSEPH PELTIER	2317	FORCED FEE PATENT TMP
	1765	NORBERT PELTIER	2320	FORCED FEE PATENT TMP
	1766	MARY J. PERRANTEAU	2326	FORCED FEE PATENT TMP
	1767	JOSEPHINE PLANTE	2335	FORCED FEE PATENT TMP
	1768	NORMAN PLANTE	2337	FORCED FEE PATENT TMP
	1769	LOUIS PLANTE	2338	FORCED FEE PATENT TMP
	1770	EUGINE PLANTE	2345	FORCED FEE PATENT TMP
	1771	DORA PLANTE	2347	FORCED FEE PATENT TMP
	1772	MARGARET PLANTE	2349	FORCED FEE PATENT TMP
	1773	ALBERT L. POITRAS	2352	FORCED FEE PATENT TMP
	1774	MARY J. POITRAS	2353	FORCED FEE PATENT TMP
	1775	GEORGE G. POITRAS	2355	FORCED FEE PATENT TMP
	1776	ADELINE POITRAS	2358	FORCED FEE PATENT TMP
	1777	ISRAEL POITRAS	2367	FORCED FEE PATENT TMP
	1778	EMILY A. POITRAS	2370	FORCED FEE PATENT TMP
	1779	FRANCIS S. POITRAS	2371	FORCED FEE PATENT TMP
	1780	ALPHONSINE POITRAS	2375	FORCED FEE PATENT TMP
	1781	ALBERT POITRAS	2376	FORCED FEE PATENT TMP
	1782	BLANCHE DAVIS	2379	FORCED FEE PATENT TMP
	1783	MARY ANN POITRAS	2385	FORCED FEE PATENT TMP
	1784	ST. ANN POITRAS	2401	FORCED FEE PATENT TMP
	1785	MARIE L. POITRAS	2402	FORCED FEE PATENT TMP
	1786	CHARLES F. POITRAS	2407	FORCED FEE PATENT TMP
	1787	MOSES POITRA	2408	FORCED FEE PATENT TMP
	1788	MARY E. POITRA	2431	FORCED FEE PATENT TMP
	1789	EMMA POITRA	2432	FORCED FEE PATENT TMP
	1790	FLORA POITRA	2434	FORCED FEE PATENT TMP
	1791	ELIZABETH POITRA	2450	FORCED FEE PATENT TMP
	1792	ROSALIE POITRA	2456	FORCED FEE PATENT TMP
	1793	CLARA PREMEAU	2468	FORCED FEE PATENT TMP
	1794	JUSTIN PREMEAU	2469	FORCED FEE PATENT TMP
	1795	MARY RENAULT	2477	FORCED FEE PATENT TMP
	1796	JOHN B.T. RENAULT	2478	FORCED FEE PATENT TMP
	1797	MARY T. RENAULT	2480	FORCED FEE PATENT TMP
	1798	PHILOMENE RICHARD	2491	FORCED FEE PATENT TMP
	1799	JOACHIM RICHARD	2492	FORCED FEE PATENT TMP
	1800	FLORESTINE RICHARD	2493	FORCED FEE PATENT TMP
	1801	ALPHONSE SAN GRAIT	2521	FORCED FEE PATENT TMP
	1802	ANNA SAYERS	2526	FORCED FEE PATENT TMP
	1803	MARY A. SAYERS	2528	FORCED FEE PATENT TMP
	1804	MARGARET SAYERS	2530	FORCED FEE PATENT TMP
	1805	JUSTINE SAYERS	2533	FORCED FEE PATENT TMP
	1806	FREDERICK S. LATRACE	2538	FORCED FEE PATENT TMP
	1807	LOUIS I. SMITH	2567	FORCED FEE PATENT TMP
	1808	JOSEPHINE B. SMITH	2568	FORCED FEE PATENT TMP
	1809	JULIA ST. ARNAUD	2583	FORCED FEE PATENT TMP
	1810	PHILLIP ST. GERMAIN	2610	FORCED FEE PATENT TMP
	1811	ADELLE ST. PIERRE	2615	FORCED FEE PATENT TMP
	1812	DELIA ST. PIERRE	2624	FORCED FEE PATENT TMP
	1813	NORMAN B. THOMAS	2657	FORCED FEE PATENT TMP
	1814	THOMAS THOMAS	2659	FORCED FEE PATENT TMP

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C56226	1815	ST. ANN THOMAS	2641	FORCED FEE PATENT TMP
	1816	VICTORIA VALLIE	2701	FORCED FEE PATENT TMP
	1817	EDMUND VANDALL	2709	FORCED FEE PATENT TMP
	1818	JOSEPH VANDALL	2717	FORCED FEE PATENT TMP
	1819	JOHN VANDALL	2720	FORCED FEE PATENT TMP
	1820	EDDIE VILLENEUVE	2726	FORCED FEE PATENT TMP
	1821	JOSEPH A. VILLENEUVE	2728	FORCED FEE PATENT TMP
	1822	MARY C. VILLENEUVE	2729	FORCED FEE PATENT TMP
	1823	ALEXANDER VIVIER	2746	FORCED FEE PATENT TMP
	1824	PHILLIP VIVIER	2747	FORCED FEE PATENT TMP
	1825	ST. ANN VIVIER	2749	FORCED FEE PATENT TMP
	1826	JAMES WALLETT	2759	FORCED FEE PATENT TMP
	1827	GREGORY WALLETT	2761	FORCED FEE PATENT TMP
	1829	ANATASIA GLADUE MORIN	#2111	OLD AGE ASSISTANCE
	1830	MARY JUSTIN PERREAU	#2469	CLOSED OLD AGE ASSISTANCE
	1831	MARY ALPHONSINE BERTERRE	#685	OLD AGE ASSISTANCE
	1832	LOUIS BRUNELLE	#688	OLD AGE ASSISTANCE
	1833	MARYROSE GLADUE MARTELL	#2003	OLD AGE ASSISTANCE
	1834	MARIE BEAUCHMAN MORIN	#2155	OLD AGE ASSISTANCE
	1835	BRUNO MORIN	2095TH	ILLEGAL SALE OF MINERALS
	1836	CHARLOTTE PATNAUDE SAYERS	#9156	OLD AGE ASSISTANCE
	1838	JAMES K. RUSSELL	5	FORCED FEE PATENT PD300 TMP
	1839	CLARA RUSSELL	10	FORCED FEE PATENT PD300 TMP
	1840	OLIVER RUSSELL	36	FORCED FEE PATENT PD300 TMP
	1841	WILLIAM LAMBERT	39	FORCED FEE PATENT PD300 TMP
C57207	0008	PIUS COMESOUT	39	TRESPASS TONGUE RIVER
	0009	PIUS BEAR COMESOUT	42	TRESPASS TONGUE RIVER
	0010	LOUISE BIGFOOT	84	TRESPASS TONGUE RIVER
	0011	NELLIE WHITEFROG FLYING	349	TRESPASS TONGUE RIVER
	0012	JOHN REDHEADS	904	TRESPASS TONGUE RIVER
	0013	LOUIS JAMES TWIN	1210	TRESPASS TONGUE RIVER
	0014	BESSIE TWIN	1211	TRESPASS-TONGUE RIVER
	0015	EDNA TWIN	1213	TRESPASS TONGUE RIVER
	0016	ALICE CROOK WHITEHAWK	1303	TRESPASS TONGUE RIVER
	0017	FRANK YELLOWFOX	1476	TRESPASS-TIMBER
	0018	JOHN THOFFATHERS	1221	TRESPASS TONGUE RIVER
	0019	JOSIE REDNECK	847	TRESPASS TONGUE RIVER
	0020	HENRY LITTLE COYOTE ET AL	571	OTHER ALLOTMENTS-TRESPASS- ROAD IN TRESPASS
	0021	LEORIS MEDICINE FLYING ET.AL.	736	TRESPASS FENCES & GRAIN
	0024	MARTIN THORULLS	1218	OTHER ALLOTMENTS-DITCH TRESPASS
	0025	TRIBAL	TRIBAL	S.9-107;SR44F TRESPASS BARRINGER DITCH
	0029	ALFRED YEPLIN	1550	ILLEGAL SALE OF MINERAL RIGHTS
	0031	GEORGE BIGNOSE ET.AL.	117	TRESPASS POWER POLES
	0035	DANIEL EUGENE LITTLECOYOTE	572	REMOVAL OF GRAVEL FROM ALLOTMENT
	0036	JOHN LITTLEHEAD	581	TRESPASS IRRIGATION DITCH
	0037	WILLIS MEDICINE BULL	716	ALLOTTEE COERCED INTO SELL HIS LAND
	0038	ANNIE SPOTTED WOLF	130	TRESPASS CANAL HEADWORKS
	0039	THELMA TWOTWO	1321	TRESPASS TONGUE RIVER
	0040	MARGARET RISINGSUN	20	OLD AGE ASSISTANCE
	0041	AUSTIN AMERICANHORSE	5	OLD AGE ASSISTANCE
	0042	WALTER ANT	23	OLD AGE ASSISTANCE
	0043	HELEN ANT	24	OLD AGE ASSISTANCE
	0044	MINNIE BEARDRIVER	49	OLD AGE ASSISTANCE
	0046	LAURA BOYELDER	58	OLD AGE ASSISTANCE
	0047	DAVID BEAVERHEART	61	OLD AGE ASSISTANCE
	0048	WHITE BIGFOOT	83	OLD AGE ASSISTANCE
	0050	SAMUEL BIGNOSE	114	OLD AGE ASSISTANCE
	0051	PAUL BLACKBEE	144	OLD AGE ASSISTANCE
	0052	ARTHUR BLINDMAN	163	OLD AGE ASSISTANCE
	0053	ELLEN BRADY	170	OLD AGE ASSISTANCE
	0054	JOSEPH BROWNBIRD	197	OLD AGE ASSISTANCE
	0055	ANNA BROWNBIRD	198	OLD AGE ASSISTANCE
	0056	MINNIE CLUBFOOT	214	OLD AGE ASSISTANCE
	0057	JENNIE CRAZYMULE	244	OLD AGE ASSISTANCE
	0058	SARAH CRAZYMULE	244	OLD AGE ASSISTANCE
	0059	THERESA COOK	251	OLD AGE ASSISTANCE
	0060	ROSA CROOK	252	OLD AGE ASSISTANCE
	0061	DAVID DEAFY	261	OLD AGE ASSISTANCE

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C57207	0062	JOHN DIVESBACKWARDS	265	OLD AGE ASSISTANCE
	0063	BESSIE DULL KNIFE	274	OLD AGE ASSISTANCE
	0064	JACOB EAGLEFEATHERS	280	OLD AGE ASSISTANCE
	0065	PERRY EASTMAN	293	OLD AGE ASSISTANCE
	0066	EDGAR FIGHTINGBEAR	308	OLD AGE ASSISTANCE
	0067	OTIS FINGERS	316	OLD AGE ASSISTANCE
	0068	PETER FIRECROW	318	OLD AGE ASSISTANCE
	0069	EUGENE FISHER	322	OLD AGE ASSISTANCE
	0070	KITTY BELL SPANGFISHER	323	OLD AGE ASSISTANCE
	0071	CALLEAUS FISHER	328	OLD AGE ASSISTANCE
	0072	MYRA FLYING	342	OLD AGE ASSISTANCE
	0073	THOMAS FLYING	347	OLD AGE ASSISTANCE
	0074	NELLIE WHITEFROGFLYING	349	OLD AGE ASSISTANCE
	0075	EDWARD GRAY	366	OLD AGE ASSISTANCE
	0076	NELLIE GRAY	367	OLD AGE ASSISTANCE
	0077	BRYAN J. HARRIS	412	OLD AGE ASSISTANCE
	0078	ROSE ALICE HAIRLESSBEARHART	421	OLD AGE ASSISTANCE
	0079	CHARLES HEADSWIFT	422	OLD AGE ASSISTANCE
	0080	HUBERT HOLLOWBREAST	439	OLD AGE ASSISTANCE
	0081	THOMAS HORSEHEADS	450	OLD AGE ASSISTANCE
	0082	CORA KILLSNIGHT	477	OLD AGE ASSISTANCE
	0083	CHARLES KILLSNIGHT	480	OLD AGE ASSISTANCE
	0084	ROSA BLK.MED.LONEWLF.KILSNGHT.	487	OLD AGE ASSISTANCE
	0085	HUGH KILLSNIGHT	497	OLD AGE ASSISTANCE
	0086	STANLEY LAMEWOMAN	524	OLD AGE ASSISTANCE
	0087	AUGUSTA LAMEWOMAN	525	OLD AGE ASSISTANCE
	0088	FRED LASTBULL	532	OLD AGE ASSISTANCE
	0089	ARTIE LIMBERHAND	536	OLD AGE ASSISTANCE
	0090	VICTOR LITTLECHIEF	549	OLD AGE ASSISTANCE
	0091	DORA LITTLEHAWK	576	OLD AGE ASSISTANCE
	0092	MILTON LITTLEWHITEMAN	613	OLD AGE ASSISTANCE
	0093	ROSA LITTLEWHITEMAN	616	OLD AGE ASSISTANCE
	0094	FRANK LITTLEWOLF	633	OLD AGE ASSISTANCE
	0095	WILLIAM LITTLEWOLF	642	OLD AGE ASSISTANCE
	0096	MARY WOMANGINS.LTLWLF.	643	OLD AGE ASSISTANCE
	0097	ANNA MEDICINE	708	OLD AGE ASSISTANCE
	0098	NELSON MEDICINEBIRD	711	OLD AGE ASSISTANCE
	0099	BASIL MEDICINEFLY	724	OLD AGE ASSISTANCE
	0100	JENNIE EGLETHS.MDCELK.WLKSLAST	726	OLD AGE ASSISTANCE
	0101	JOHN MEDICINEFLYING	772	OLD AGE ASSISTANCE
	0102	JOHN MEDICINETOP	739	OLD AGE ASSISTANCE
	0103	JOSIE MERITT	746	OLD AGE ASSISTANCE
	0104	DANIEL OLDBULL	760	OLD AGE ASSISTANCE
	0105	NORA WALKSEASYPINE	779	OLD AGE ASSISTANCE
	0106	NORA BIGNOSEPINE	785	OLD AGE ASSISTANCE
	0107	ALBERT MAGPIE	699	OLD AGE ASSISTANCE
	0108	NANCY SLEEPINGWOLFREDHEADS	805	OLD AGE ASSISTANCE
	0109	SUSIE REDBEAR(HARDGROUND	80	OLD AGE ASSISTANCE
	0110	TEDDY REDCHERRIES	823	OLD AGE ASSISTANCE
	0111	JAMES REDFOX	834	OLD AGE ASSISTANCE
	0112	HENRY REDNECK	840	OLD AGE ASSISTANCE
	0113	PAUL RETAKISE	851	OLD AGE ASSISTANCE
	0114	LUCY RETAKISE	852	OLD AGE ASSISTANCE
	0115	NORA NIETALKER	855	OLD AGE ASSISTANCE
	0116	JOHN SANDCRANE	943	OLD AGE ASSISTANCE
	0117	HENRY MEDICINEBULL SANDCRANE	944	OLD AGE ASSISTANCE
	0118	JOHN SEMINOLE	986	OLD AGE ASSISTANCE
	0119	CHARLES SITTINGMAN	1034	OLD AGE ASSISTANCE
	0120	BLANCHE SHEBEARSMITHSION.	1046	OLD AGE ASSISTANCE
	0121	MAY B ACREE STAR	1125	OLD AGE ASSISTANCE
	0122	JOHN STRANGEHAIR	1133	OLD AGE ASSISTANCE
	0123	GERTIE STRANGEHAIR	1129	OLD AGE ASSISTANCE
	0124	MICHAEL SUNREAR	1136	OLD AGE ASSISTANCE
	0125	LENA SUNROADS	1139	OLD AGE ASSISTANCE
	0126	DAVID SUNROADS	1140	OLD AGE ASSISTANCE
	0127	HENRY WM. SWEETMEDICINE	1152	OLD AGE ASSISTANCE
	0128	NELLIE TANGLEHORNELK	1179	OLD AGE ASSISTANCE
	0129	CHARLES EUGENE TANGLEYELLOWHAIR	1183	OLD AGE ASSISTANCE

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C57207	0130	FANNIE HARDROBE TEETH	1192	OLD AGE ASSISTANCE
	0131	BESSIE BIGREAVERTWIN	1211	OLD AGE ASSISTANCE
	0132	PETER TWOBIRDS	1214	OLD AGE ASSISTANCE
	0133	LENORA ARAPAHOECHIEF.	1215	OLD AGE ASSISTANCE
	0134	CLARA TWOFEATHERS	1222	OLD AGE ASSISTANCE
	0135	WILLIAM TWMOONS	1226	OLD AGE ASSISTANCE
	0136	CHARLES WALKINGBEAR	1232	OLD AGE ASSISTANCE
	0137	JENNIE WALKINGBEAR	1233	OLD AGE ASSISTANCE
	0138	ADOLPH WALKNICE	1247	OLD AGE ASSISTANCE
	0139	LENA WHITEBIRD	1282	OLD AGE ASSISTANCE
	0140	LEO LEONARD WHITECRANE	1288	OLD AGE ASSISTANCE
	0141	MAGGIE WHITEDIRT	1293	OLD AGE ASSISTANCE
	0142	HUGH WHITEMOON	1307	OLD AGE ASSISTANCE
	0143	DALLAS WOLFBLACK	1347	OLD AGE ASSISTANCE
	0144	PAUL WOLFCHIEF	1359	OLD AGE ASSISTANCE
	0145	CHESTER WOODENTHIGH	1398	OLD AGE ASSISTANCE
	0146	DAVIS WOUNDEDEYE	1414	OLD AGE ASSISTANCE
	0147	ROBERT YELLOWNOSE	1434	OLD AGE ASSISTANCE
	0148	JOHN (BEANS) YOUNGBIRD	1455	OLD AGE ASSISTANCE
	0149	ANDREW ANDY LARANCE	N5027	OLD AGE ASSISTANCE
	0170	CHESTER WOODENTHIGH	1398	TRESPASS FARMING
	0171	LUCY MAY AMERICANHORSELITTLEWOLF	7	FORCED FEE PATENT
	0172	GERTRUDE BIXBY	123	FORCED FEE PATENT
	0173	GERTRUDE BOBTAIL HORSE	166	FORCED FEE PATENT
	0174	ELMORE BRADY	173	FORCED FEE PATENT
	0175	JAMES HENRY BRADY	174	FORCED FEE PATENT
	0176	ROBERT EASTMAN	289	FORCED FEE PATENT
	0177	LONGMAN FISHER	325	FORCED FEE PATENT
	0178	MAY PARKER GILLESPIE	342	FORCED FEE PATENT
	0179	AMELIA KILLSBACK	475	FORCED FEE PATENT
	0180	KILLSNIGHTWOMAN	499	FORCED FEE PATENT
	0181	HOWARD POWELL	800	FORCED FEE PATENT
	0182	NELLIE REDEAGLE	882	FORCED FEE PATENT
	0183	MARY GRASSHOPPERROUNDSTONE	920	FORCED FEE PATENT
	0184	JOE ROWLAND	941	FORCED FEE PATENT
	0185	FRED RUSSELL	951	FORCED FEE PATENT
	0186	HANNAH SEMINOLEHAWK	988	FORCED FEE PATENT
	0187	VETA BURNSSTILLWYYOUNG	1029	FORCED FEE PATENT
	0188	PATRICK SPOTTEDWOLF	1090	FORCED FEE PATENT
	0189	JEAN SPOTTEDWOLF	1091	FORCED FEE PATENT
	0190	JOSEPH TALL BULL	1159	FORCED FEE PATENT
	0191	JENNIE WALKINGBEAR	1233	FORCED FEE PATENT
	0192	EVERETT WHITEWOLF	1320	FORCED FEE PATENT
	0193	JOSIE WOLF CHIEF	1353	FORCED FEE PATENT
	0194	WILLIAM BRAIDEDLOCKS	194	SECRETARIAL TRANSFERS
	0195	SARAH GHOSECRETARIAL TRANSFERSBULL	340	SECRETARIAL TRANSFERS
	0196	SALLY IRONHAND AMERICANHORSE	459	SECRETARIAL TRANSFERS
	0197	WILLIAM KILLSNIGHT SR	476	SECRETARIAL TRANSFERS
	0198	CORA KILLSNIGHT	477	SECRETARIAL TRANSFERS
	0199	CARRIE KINGFISHER	504	SECRETARIAL TRANSFERS
	0200	WILLIE AMERICANHORSE	15	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0201	JEROME BEARTUSK SR	88	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0202	RACHEL BIGHORSE	115	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0203	CHARLES BLACKSTONE	147	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0204	GERTRUDE BOBTAIL HORSE	166	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0205	WILLIAM BRAIDEDLOCKS	194	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0206	SARAH GHOSTBULL	340	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0207	SALLY IRONHAND AMERICANHORSE	459	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0208	WILLIAM KILLSKNIGHT SR	476	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0209	CORA KILLSNIGHT	477	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0210	CARRIE KINGFISHER	504	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0211	CHARLES LIMPY	543	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0212	PAUL LITTLEBEAR	554	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0213	PETER LITTLEBIRD	562	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0214	ROSA JENNIE LITTLEBIRD	563	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0215	JOSEPH LITTLEBIRD	564	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0216	CHARLES LITTLEEAGLE	574	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0217	MARY LITTLEEAGLE	575	SECRETARIAL TRANSFERS-INHERITED INTERESTS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C57207	0218	GEORGE LITTLEWHIRLWIND	897	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0219	OLIVE WALKINGHORSE SEMINOLE	943	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0220	FRED RUSSELL	951	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0221	HANNAH SEMINOLE HAWK	988	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0222	MARY SHAVEHEAD	999	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0223	NELLIE TEETH SPOTTED ELK	1088	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0224	LIZZIE SUNROADS	1141	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0225	WILLIAM WOLFNAME	1264	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0226	TOM WOODENLEGS SEMINOLE	1288	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0227	TOM WOODENLEGS	1288	SECRETARIAL TRANSFERS-INHERITED INTERESTS
	0228	WALTER ANT	23	NO.203 ROAD IN TRESPASS
	0229	JAMES ATWOOD	T30	NO. 211 ROAD IN TRESPASS
	0230	MARY LUCY ATWOOD	32	NO.29N ROAD IN TRESPASS
	0231	HERBERT WALDO ATWOOD	33	NO.201 ROAD IN TRESPASS
	0232	HAROLD BEAR COME OUT	41	NO.223 ROAD IN TRESPASS
	0233	PIUS BEAR COMES OUT	42	NO.223 ROAD IN TRESPASS
	0234	PIUS BEAR COMES OUT	42	NO.217 ROAD IN TRESPASS
	0235	MARY STARVING BEAR BEAR COMES OUT	T43	NO.223 ROAD IN TRESPASS
	0236	MARY STARVING BEAR BEAR COMES OUT	T43	NO.29J ROAD IN TRESPASS
	0237	EDITH BEARTUSK	51	NO.29G ROAD IN TRESPASS
	0238	THOMAS BEAVERHEART	T59	NO.212 ROAD IN TRESPASS
	0239	MAY HARRIS BECKMAN	T62	NO.207 ROAD IN TRESPASS
	0240	BETTY BELLE BETRONEAU	64	NO.202 ROAD IN TRESPASS
	0241	BARBARA MARIE BETRONEAU	65	NO.202 ROAD IN TRESPASS
	0242	EMMA BURNS BEMENT	66	NO.202 ROAD IN TRESPASS
	0243	JACQUELINE BEMENT	67	NO.202 ROAD IN TRESPASS
	0244	JACQUELINE BEMENT	67-A	NO.212 ROAD IN TRESPASS
	0245	CLARENCE JR. BEMENT	68	NO.217 ROAD IN TRESPASS
	0246	JESSE BEMENT	69	NO.202 ROAD IN TRESPASS
	0247	JENNIE BIGBACK	74	NO.29C ROAD IN TRESPASS
	0248	AUGUST BIGBEAVER	79	NO.224 ROAD IN TRESPASS
	0249	DAVID BIGFOOT	87	NO.211 ROAD IN TRESPASS
	0250	DAVID BIGFOOT	T87-A	NO.211 ROAD IN TRESPASS
	0251	LUCY BIGFOOT	T88	NO.211 ROAD IN TRESPASS
	0252	ALICE BIGFOOT	89	NO.211 ROAD IN TRESPASS
	0253	MARY BIGFOOT	90	NO.211 ROAD IN TRESPASS
	0254	WILLIAM BIGHEAD MAN	94	NO.203 ROAD IN TRESPASS
	0255	RICHARD BIGHEAD MAN	T94	NO.203 ROAD IN TRESPASS
	0256	JAMES BIGNOSE	T114	NO.204 ROAD IN TRESPASS
	0257	RACHEL BIGNOSE	T115	NO.204 ROAD IN TRESPASS
	0258	SAMUEL BIGNOSE	T116	NO.204 ROAD IN TRESPASS
	0259	GEORGE BIGNOSE	117	NO.204 ROAD IN TRESPASS
	0260	JAMES BITES	119	NO.29C ROAD IN TRESPASS
	0261	SALLY BITES	120	NO.29C ROAD IN TRESPASS
	0262	CHARLES BLACKCRANE	132	NO.209 ROAD IN TRESPASS
	0263	CLARA BLACKCRANE	133	NO.209 ROAD IN TRESPASS
	0264	WILLIAM BLACKEAGLE	134	NO.29J ROAD IN TRESPASS
	0265	CARL BLACKEAGLE	135	NO.29J ROAD IN TRESPASS
	0266	RUFREN BLACKHORSE	137	NO.213 ROAD IN TRESPASS
	0267	LENA BLACKHORSE	138	NO.213 ROAD IN TRESPASS
	0268	ALEX BLACKHORSE	139	NO.213 ROAD IN TRESPASS
	0269	MARY BLACKHORSE	140	NO.213 ROAD IN TRESPASS
	0270	CHARLES BLACKSTONE	T147A	NO.225 ROAD IN TRESPASS
	0271	CHARLES BLACKSTONE	T147-1	NO.226 ROAD IN TRESPASS
	0272	LENA BLACKSTONE	148	NO.226 ROAD IN TRESPASS
	0273	LENA BLACKSTONE	148	NO.226-1 ROAD IN TRESPASS
	0274	JOHN BLACKWOLF	156	NO.209 ROAD IN TRESPASS
	0275	REN BLACKWOLF	159	NO.213 ROAD IN TRESPASS
	0276	NELLIE BLACKWOLF	157	NO.209 ROAD IN TRESPASS
	0277	HENRY BLACKWOLF	161	NO.213 ROAD IN TRESPASS
	0278	JAMES BLACKWOLF	162	NO.213 ROAD IN TRESPASS
	0279	THOMAS BOBTAILHORSE	T165	NO.203 ROAD IN TRESPASS
	0280	FRANK BOLSON	167	NO.218 ROAD IN TRESPASS
	0281	FRANK BOLSON	167	NO.230 ROAD IN TRESPASS
	0282	ROY GUY BOLSON	168	NO.29G ROAD IN TRESPASS
	0283	ROMANA LUCY BRADY	T176	NO.210 ROAD IN TRESPASS
	0284	MARTHA BRADY	178	NO.210 ROAD IN TRESPASS
	0285	ROY BRADY	179	NO.210 ROAD IN TRESPASS

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
057207	0284	JANE HARDGROUND	384-A	NO. 214 ROAD IN TRESPASS
	0285	ALBERT HARDGROUND	390	NO. 211 ROAD IN TRESPASS
	0286	RUTH HARDGROUND	391	NO. 211 ROAD IN TRESPASS
	0287	GEORGE HARDGROUND	T392	NO. 291 ROAD IN TRESPASS
	0288	COLONEL HARDGROUND	393-2	NO. 210 ROAD IN TRESPASS
	0289	COLONEL HARDGROUND	393-4	NO. 210 ROAD IN TRESPASS
	0290	ALBERT HARDRIDE	394	NO. 210 ROAD IN TRESPASS
	0291	JULIA HARRIS	T400	NO. 214 ROAD IN TRESPASS
	0292	AMES HARRIS	401	NO. 211 ROAD IN TRESPASS
	0293	EDWARD HARRIS	407	NO. 226 ROAD IN TRESPASS
	0294	NELLIE HARRIS	T409-A	NO. 204 ROAD IN TRESPASS
	0295	NELLIE HARRIS	T409-B	NO. 204 ROAD IN TRESPASS
	0296	DOROTHY HARRIS	410	NO. 207 ROAD IN TRESPASS
	0297	DOROTHY HARRIS	410	NO. 208 ROAD IN TRESPASS
	0298	HERBERT GEORGE HARRIS	T411	NO. 207 ROAD IN TRESPASS
	0299	BRYAN HARRIS	412	NO. 219 ROAD IN TRESPASS
	0300	AMY HARRIS	413	NO. 219 ROAD IN TRESPASS
	0301	ROBERT HARRIS	414	NO. 219 ROAD IN TRESPASS
	0302	RUTH SPOTTEDHAWK HARRIS	415	NO. 219 ROAD IN TRESPASS
	0303	BELLE HITCHAN KING	T429	NO. 225 ROAD IN TRESPASS
	0304	GEORGE HITCHAN KING	T439	NO. 227 ROAD IN TRESPASS
	0305	MARY BITES HOLLOWBREAST	439	NO. 211 ROAD IN TRESPASS
	0306	DANA D HOLLOWBREAST	440	NO. 211 ROAD IN TRESPASS
	0307	RICHARD JACK HOLLOWBREAST	441	NO. 211 ROAD IN TRESPASS
	0308	WILLIAM HOLLOWBREAST	442	NO. 202 ROAD IN TRESPASS
	0309	MARYMAY LITTLEMAN CHIEF HOLLOWBREAST	443	NO. 202 ROAD IN TRESPASS
	0310	JENNIE IRONSHIRT	T443	NO. 202 ROAD IN TRESPASS
	0311	JOHN ISSUES	445	NO. 225 ROAD IN TRESPASS
	0312	JOHN ISSUES	447	NO. 219 ROAD IN TRESPASS
	0313	CLARA ISSUES	467	NO. 208 ROAD IN TRESPASS
	0314	IRA ISSUES	468	NO. 219 ROAD IN TRESPASS
	0315	MARIE LIMPY ISSUES	471	NO. 217 ROAD IN TRESPASS
	0316	CORA KILLS NIGHT	473	NO. 210 ROAD IN TRESPASS
	0317	WILLIAM JR. KILLSNIGHT	477	NO. 228 ROAD IN TRESPASS
	0318	CHARLES KILLS NIGHT	479	NO. 210 ROAD IN TRESPASS
	0319	ROSA KILLS NIGHT	480	NO. 228 ROAD IN TRESPASS
	0320	SUSAN MARY KILLSNIGHT	482	NO. 228 ROAD IN TRESPASS
	0321	WILLIE KILLS NIGHT	483	NO. 278 ROAD IN TRESPASS
	0322	FLORSIEA KILLS NIGHT	488	NO. 211 ROAD IN TRESPASS
	0323	JAMES KILLS NIGHT	490	NO. 211 ROAD IN TRESPASS
	0324	MARTIN KILLS NIGHT	491	NO. 211 ROAD IN TRESPASS
	0325	FLORSIEA TOERTHAHAN KILLS NIGHT	494	NO. 210 ROAD IN TRESPASS
	0326	JOHN KILLS ON TOP	496	NO. 210 ROAD IN TRESPASS
	0327	ALICE KINZEL	500	NO. 296 ROAD IN TRESPASS
	0328	EMMA LOAH KINZEL	510	NO. 226 ROAD IN TRESPASS
	0329	IRENE EASTMAN LAFEVER	511	NO. 204 ROAD IN TRESPASS
	0330	CORA LAMEBEAR	515	NO. 246 ROAD IN TRESPASS
	0331	CORA LAMEBEAR	520	NO. 290 ROAD IN TRESPASS
	0332	ALICE ROAN AND LAMEHAHAN	529	NO. 231 ROAD IN TRESPASS
	0333	RICHARD LIMBERHAND	530	NO. 290 ROAD IN TRESPASS
	0334	JESSIE RUSSELL LIMBERHAND	541	NO. 211 ROAD IN TRESPASS
	0335	HATTIE LIMPY	T542	NO. 211 ROAD IN TRESPASS
	0336	PETER LITTLEBIRD	552	NO. 206 ROAD IN TRESPASS
	0337	ROSA JENNIE LITTLE BIRD	T562	NO. 213 ROAD IN TRESPASS
	0338	JOSEPH LITTLEBIRD	T563	NO. 203 ROAD IN TRESPASS
	0339	JULIA LITTLEBIRD	T564	NO. 203 ROAD IN TRESPASS
	0340	JAMES WILLIAM LITTLEBIRD	T565	NO. 203 ROAD IN TRESPASS
	0341	SADIE LITTLE WHITEMAN	566	NO. 290 ROAD IN TRESPASS
	0342	WESLEY LITTLE WHITEMAN	600	NO. 217 ROAD IN TRESPASS
	0343	MARY LITTLE WHITEMAN	601	NO. 227 ROAD IN TRESPASS
	0344	MILTON LITTLE WHITEMAN	612	NO. 223 ROAD IN TRESPASS
	0345	CHARLES LITTLE WHITEMAN	613	NO. 102 ROAD IN TRESPASS
	0346	CHARLES LITTLE WHITEMAN	614	NO. 228 ROAD IN TRESPASS
	0347	AMES LITTLE WHITEMAN	621	NO. 228 ROAD IN TRESPASS
	0348	PETER LITTLE WHITEMAN	628	NO. 227 ROAD IN TRESPASS
	0349	LARAM LITTLE WOLF	629	NO. 212 ROAD IN TRESPASS
	0350	LAURA LITTLE WOLF	630	NO. 212 ROAD IN TRESPASS
	0351		631	

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
057207	0286	ALEX BRADY	T180	NO. 212 ROAD IN TRESPASS
	0287	JAMES P. BRADY	183	NO. 212 ROAD IN TRESPASS
	0288	MARGARET EASTMAN BRTEN	186	NO. 212 ROAD IN TRESPASS
	0289	MARTIN BULLSHEEP	T193	NO. 290 ROAD IN TRESPASS
	0290	JAMES C. JR. BURNS	196	NO. 217 ROAD IN TRESPASS
	0291	ANNA GRACE BURNS	198	NO. 217 ROAD IN TRESPASS
	0292	ANNA GRACE BURNS	198-B	NO. 217 ROAD IN TRESPASS
	0293	PHYLLIS ROBERTA BURNS	201	NO. 207 ROAD IN TRESPASS
	0294	LIZZIE BURNS	202	NO. 214 ROAD IN TRESPASS
	0295	JOSEPHINE BURNS	203	NO. 211 ROAD IN TRESPASS
	0296	JOSEPHINE BURNS	203	NO. 214 ROAD IN TRESPASS
	0297	JOSEPH CLUBFOOT	217	NO. 211 ROAD IN TRESPASS
	0298	NORMAN CLUBFOOT	T219	NO. 211 ROAD IN TRESPASS
	0299	FLORSIE CLUBFOOT	221	NO. 211 ROAD IN TRESPASS
	0300	FRANK CLUBFOOT	224	NO. 211 ROAD IN TRESPASS
	0301	LUCY ALICE CLUBFOOT	225	NO. 211 ROAD IN TRESPASS
	0302	IDA COMES TOGETHER	T232	NO. 225 ROAD IN TRESPASS
	0303	FRANCIS COOLEY	236	NO. 204 ROAD IN TRESPASS
	0304	RACHEL VERA COOLEY	T237	NO. 204 ROAD IN TRESPASS
	0305	CHARLES CRAWLING	240	NO. 224 ROAD IN TRESPASS
	0306	MARTHA CRAWLING	241	NO. 290 ROAD IN TRESPASS
	0307	JOHN CRAZY MULE	242	NO. 224 ROAD IN TRESPASS
	0308	JOHN CRAZY MULE	243	NO. 211 ROAD IN TRESPASS
	0309	JAMES PAUL CRAZY MULE	245	NO. 213 ROAD IN TRESPASS
	0310	CHARLES RAY CRAZY MULE	247	NO. 224 ROAD IN TRESPASS
	0311	GEORGE CROTY	248	NO. 224 ROAD IN TRESPASS
	0312	NICHOLAS CROWED NOSE	250	NO. 229 ROAD IN TRESPASS
	0313	NICHOLAS CROWED NOSE	254	NO. 211 ROAD IN TRESPASS
	0314	SUSIE CROWED NOSE	254	NO. 275 ROAD IN TRESPASS
	0315	THOMAS CURLEY	T255	NO. 275 ROAD IN TRESPASS
	0316	ELLA CURLEY	T256	NO. 203 ROAD IN TRESPASS
	0317	MARY DEAFY	T258	NO. 203 ROAD IN TRESPASS
	0318	DAVID DEAFY	260	NO. 202 ROAD IN TRESPASS
	0319	ELSIE DEAFY	261	NO. 228 ROAD IN TRESPASS
	0320	NANCY DIVES BACKWARDS	T264	NO. 228 ROAD IN TRESPASS
	0321	SAM DIVES BACKWARDS	267	NO. 202 ROAD IN TRESPASS
	0322	GRACE DIVES BACKWARDS	T268	NO. 202 ROAD IN TRESPASS
	0323	LOUISE DIVES BACKWARDS	270	NO. 296 ROAD IN TRESPASS
	0324	LOUIS DOG	271	NO. 296 ROAD IN TRESPASS
	0325	PERRY EASTMAN	272	NO. 296 ROAD IN TRESPASS
	0326	MARY EASTMAN	293	NO. 296 ROAD IN TRESPASS
	0327	WILBUR EYES YELLOW	294	NO. 296 ROAD IN TRESPASS
	0328	DORA FIGHTING BEAR	T303	NO. 211 ROAD IN TRESPASS
	0329	ELMER FIGHTING BEAR	312	NO. 211 ROAD IN TRESPASS
	0330	HERBERT FIGHTING BEAR	313	NO. 211 ROAD IN TRESPASS
	0331	EMMA FIGHTING BEAR	314	NO. 211 ROAD IN TRESPASS
	0332	OTIS FINGER	315	NO. 211 ROAD IN TRESPASS
	0333	JOSEPH FINGERS	T316	NO. 219 ROAD IN TRESPASS
	0334	PETER FIRE CROW	T317-A	NO. 223 ROAD IN TRESPASS
	0335	EUGENE FISHER	318	NO. 203 ROAD IN TRESPASS
	0336	ALICE FISHER	322	NO. 223 ROAD IN TRESPASS
	0337	JOHN FISHER	331	NO. 290 ROAD IN TRESPASS
	0338	RUTH FLYING	335	NO. 290 ROAD IN TRESPASS
	0339	THOMAS FLYING	343	NO. 290 ROAD IN TRESPASS
	0340	RUTH YELLOWNOSE FOOT	347	NO. 290 ROAD IN TRESPASS
	0341	JESSIE MARGARET FOX	356	NO. 224 ROAD IN TRESPASS
	0342	SARAH GHOST BULL	357	NO. 203 ROAD IN TRESPASS
	0343	HENRY HAIRYHAND	360	NO. 212 ROAD IN TRESPASS
	0344	ROBERT HARD GROUND	T375	NO. 204 ROAD IN TRESPASS
	0345	EMMA HARDGROUND	378	NO. 211 ROAD IN TRESPASS
	0346	THOMAS HARD GROUND	379	NO. 211 ROAD IN TRESPASS
	0347	LYLA HARDGROUND	380	NO. 211 ROAD IN TRESPASS
	0348	PATTY BIGLEFTHAND HARDGROUND	382	NO. 211 ROAD IN TRESPASS
	0349	MARY HARD GROUND	383	NO. 211 ROAD IN TRESPASS
	0350	KATIE HARDGROUND	385	NO. 211 ROAD IN TRESPASS
	0351	JANE HARDGROUND	387	NO. 211 ROAD IN TRESPASS
	0352	JANE HARDGROUND	389	NO. 211 ROAD IN TRESPASS
	0353		389-A	

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C57207	0422	WILLIAM MIKE LITTLE WOLF	644	NO.214 ROAD IN TRESPASS
	0423	JAKE LITTLE YELLOWMAN	645	NO.231 ROAD IN TRESPASS
	0424	LENA FISHER LITTLE YELLOWMAN	647	NO.231 ROAD IN TRESPASS
	0425	RICHARD LITTLE YELLOWMAN	648	NO.231 ROAD IN TRESPASS
	0426	LOUIS LONE BULL	655	NO.296 ROAD IN TRESPASS
	0427	CHARLES LONE WOLF	658	NO.228 ROAD IN TRESPASS
	0428	JAMES LONE WOLF	659	NO.228 ROAD IN TRESPASS
	0429	ELLA LONE WOLF	660	NO.228 ROAD IN TRESPASS
	0430	CLARA LONG JAW	662	NO.214 ROAD IN TRESPASS
	0431	JAMES LONG JAW	663	NO.214 ROAD IN TRESPASS
	0432	THOMAS LONG JAW	666	NO.211 ROAD IN TRESPASS
	0433	FRANK LONG JAW	674	NO.214 ROAD IN TRESPASS
	0434	JULIA LOOKSATTHEBAREGROUND	686	NO.230 ROAD IN TRESPASS
	0435	GEORGE CHARLES LOOKSBEHIND	687	NO.211 ROAD IN TRESPASS
	0436	EDDIE MAGPIE	698	NO.202 ROAD IN TRESPASS
	0437	ALBERT MAGPIE	699	NO.224 ROAD IN TRESPASS
	0438	ANNA MAGPIE	700	NO.224 ROAD IN TRESPASS
	0439	ANNAMARY(MINNIE)MAGPIE	701	NO.224 ROAD IN TRESPASS
	0440	GILBERT MAGPIE	702	NO.223 ROAD IN TRESPASS
	0441	ROSE MAGPIE	703	NO.224 ROAD IN TRESPASS
	0442	ROSE MAGPIE	703	NO.225 ROAD IN TRESPASS
	0443	ELLA MAY MEDICINE BIRD	712	NO.224 ROAD IN TRESPASS
	0444	JAMES MEDICINE ELK	1722	NO.214 ROAD IN TRESPASS
	0445	SPENCER MEDICINE ELK	725	NO.213 ROAD IN TRESPASS
	0446	LEORIS MEDICINE FLYING	736	NO.294 ROAD IN TRESPASS
	0447	ROY MEDICINE TOP	744	NO.294 ROAD IN TRESPASS
	0448	ROSE MEXICAN CHEYENNE	750	NO.225 ROAD IN TRESPASS
	0449	ERNEST MEXICAN CHEYENNE	T753-B	NO.223 ROAD IN TRESPASS
	0450	MARY MEXICAN CHEYENNE	754	NO.223 ROAD IN TRESPASS
	0451	RUDOLPH MEXICAN CHEYENNE	T757	NO.224 ROAD IN TRESPASS
	0452	DANIEL OLD BULL	760	NO.294 ROAD IN TRESPASS
	0453	GERTRUDE OLD BULL	762	NO.294 ROAD IN TRESPASS
	0454	ALVIN O.PARKER	T766	NO.203 ROAD IN TRESPASS
	0455	CLYDE SPENCER PARKER	T767	NO.203 ROAD IN TRESPASS
	0456	VERDA FAYE PARKER	768	NO.203 ROAD IN TRESPASS
	0457	GUY PARKER	T771	NO.203 ROAD IN TRESPASS
	0458	WINIFRED PARKER	T772	NO.203 ROAD IN TRESPASS
	0459	ALICE PAWNEE	T773	NO.205 ROAD IN TRESPASS
	0460	STELLA PAWNEE	T774	NO.203 ROAD IN TRESPASS
	0461	VINCENT PAWNEE	T775	NO.215 ROAD IN TRESPASS
	0462	VINCENT PAWNEE	T775	NO.203 ROAD IN TRESPASS
	0463	WILSON PINE	784	NO.210 ROAD IN TRESPASS
	0464	WILSON PINE	784	NO.211 ROAD IN TRESPASS
	0465	NORA PINE	785	NO.211 ROAD IN TRESPASS
	0466	JOHN PINE	T787	NO.210 ROAD IN TRESPASS
	0467	SARAH PINE	788	NO.210 ROAD IN TRESPASS
	0468	FERN POWDER FACE	797	NO.212 ROAD IN TRESPASS
	0469	WILLIAM RED BIRD	809	NO.203 ROAD IN TRESPASS
	0470	FLORENCE RED BIRD	810	NO.203 ROAD IN TRESPASS
	0471	LENA RED BIRD	811	NO.203 ROAD IN TRESPASS
	0472	FRED CAMPBELL RED BIRD	812	NO.205 ROAD IN TRESPASS
	0473	JOSEPH RED BIRD	813	NO.296 ROAD IN TRESPASS
	0474	JOSEPH RED BIRD	813	NO.228 ROAD IN TRESPASS
	0475	WILLIAM RED BIRD	T815-A	NO.228 ROAD IN TRESPASS
	0476	ELLEN RED BIRD	819	NO.201 ROAD IN TRESPASS
	0477	WILLIAM RED CHERRIES	825	NO.204 ROAD IN TRESPASS
	0478	WILLIAM RED CHERRIES	825	NO.225 ROAD IN TRESPASS
	0479	JAMES RED FOX	834	NO.201 ROAD IN TRESPASS
	0480	COWA RED FOX	835	NO.201 ROAD IN TRESPASS
	0481	DORA RED NECK	842	NO.204 ROAD IN TRESPASS
	0482	DORA RED NECK	842	NO.211 ROAD IN TRESPASS
	0483	HOMER RED NECK	843	NO.294 ROAD IN TRESPASS
	0484	ALICE RED PORE	859	NO.211 ROAD IN TRESPASS
	0485	THADDEUS RED WATER	860	NO.203 ROAD IN TRESPASS
	0486	CECILIA RED WATER	861	NO.203 ROAD IN TRESPASS
	0487	ELIZABETH RISING SUN	887	NO.296 ROAD IN TRESPASS
	0488	DAVID ROBINSON	891	NO.210 ROAD IN TRESPASS
	0489	BERT ROCKROADS	900	NO.296 ROAD IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C57207	0490	ANTOINE RONDEAU	912	NO.230 ROAD IN TRESPASS
	0491	LOUISA RONDEAU	913	NO.230 ROAD IN TRESPASS
	0492	CLARA RONDEAU	T914	NO.230 ROAD IN TRESPASS
	0493	CHARLES RONDEAU	915	NO.230 ROAD IN TRESPASS
	0494	MARY GRASSHOPPER ROUNDSTONE	920	NO.296 ROAD IN TRESPASS
	0495	CLAUDE ROWLAND	T922	NO.212 ROAD IN TRESPASS
	0496	HELEN ROWLAND	T925	NO.210 ROAD IN TRESPASS
	0497	GRACE ROWLAND	926	NO.210 ROAD IN TRESPASS
	0498	ELIZABETH ROWLAND	928	NO.203 ROAD IN TRESPASS
	0499	LILLIAN R ROWLAND	929	NO.203 ROAD IN TRESPASS
	0500	BLANCHE ROWLAND	931	NO.210 ROAD IN TRESPASS
	0501	WILLIAM ROWLAND	932	NO.296 ROAD IN TRESPASS
	0502	CHESTER CLAY ROWLAND	T933	NO.210 ROAD IN TRESPASS
	0503	GEORGE ROWLAND	T935	NO.210 ROAD IN TRESPASS
	0504	FRANK ROWLAND	936	NO.210 ROAD IN TRESPASS
	0505	MARIE ROWLAND	T940	NO.211 ROAD IN TRESPASS
	0506	EARL RUSSELL	947	NO.211 ROAD IN TRESPASS
	0507	FRED RUSSELL	951	NO.211 ROAD IN TRESPASS
	0508	HENRY SANDCRANE(MEDICINEBULL)	966	NO.231 ROAD IN TRESPASS
	0509	MILES SEMINOLE	976	NO.102 ROAD IN TRESPASS
	0510	LORRAINE SEMINOLE	977	NO.203 ROAD IN TRESPASS
	0511	DAVID SEMINOLE	T978	NO.102 ROAD IN TRESPASS
	0512	MARY REDFIRE SEMINOLE	982	NO.203 ROAD IN TRESPASS
	0513	MAY SEMINOLE	983	NO.203 ROAD IN TRESPASS
	0514	LOUIS SEMINOLE	986	NO.213 ROAD IN TRESPASS
	0515	HANNAH SEMINOLE	T988	NO.213 ROAD IN TRESPASS
	0516	JAMES SHAVED HEAD	T1000	NO.296 ROAD IN TRESPASS
	0517	ALICE SHAVED HEAD	1001	NO.296 ROAD IN TRESPASS
	0518	ANNA MARTHA SHAVED HEAD	1002	NO.296 ROAD IN TRESPASS
	0519	MOLLIE SHEPHERD	T1009A	NO.219 ROAD IN TRESPASS
	0520	THOMAS SHOULDERBLADE	1024	NO.203 ROAD IN TRESPASS
	0521	FRANCIS SHOULDERBLADE	1025	NO.203 ROAD IN TRESPASS
	0522	FRANCIS SHOULDERBLADE	1025	NO.102 ROAD IN TRESPASS
	0523	WENDELL SHOULDERBLADE	1026	NO.203 ROAD IN TRESPASS
	0524	THOMAS SIOUX	1030	NO.212 ROAD IN TRESPASS
	0525	BESSIE SIOUX	1031	NO.212 ROAD IN TRESPASS
	0526	HENRY SIOUX	1032	NO.212 ROAD IN TRESPASS
	0527	JOSEPHINE SMALL	1037	NO.230 ROAD IN TRESPASS
	0528	VICTOR SMALL	1038	NO.230 ROAD IN TRESPASS
	0529	EDWARD SMALL	1039	NO.230 ROAD IN TRESPASS
	0530	MAY JOE SMALL	1040	NO.230 ROAD IN TRESPASS
	0531	THOMAS SMALL	1042	NO.230 ROAD IN TRESPASS
	0532	HORACE SMALL	T1043	NO.230 ROAD IN TRESPASS
	0533	MARY SOLDIERWOLF	1048	NO.210 ROAD IN TRESPASS
	0534	JAMES KENNETH SOLDIERWOLF	1052	NO.210 ROAD IN TRESPASS
	0535	VITA SOLDIERWOLF	1054	NO.210 ROAD IN TRESPASS
	0536	DEVO SPANG	1061	NO.214 ROAD IN TRESPASS
	0537	BRUCE S SPANG	1062	NO.214 ROAD IN TRESPASS
	0538	ROY SPANG	1064-B	NO.213 ROAD IN TRESPASS
	0539	REGINA S. SPANG	1065-A	NO.213 ROAD IN TRESPASS
	0540	HUGH SPOTTED HAWK	1089	NO.224 ROAD IN TRESPASS
	0541	PATRICK SPOTTEDWOLF	1090	NO.224 ROAD IN TRESPASS
	0542	JEAN SPOTTED WOLF	1091	NO.224 ROAD IN TRESPASS
	0543	ROBERT STANDINGELK	1102	NO.201 ROAD IN TRESPASS
	0544	ELLA J STANDINGELK	1104	NO.201 ROAD IN TRESPASS
	0545	FANNIE STAND	1106	NO.201 ROAD IN TRESPASS
	0546	GEORGE STANDING ELK	1107	NO.201 ROAD IN TRESPASS
	0547	HENRY STANDING ELK	1110	NO.223 ROAD IN TRESPASS
	0548	MARY S. STANDING ELK	1111	NO.223 ROAD IN TRESPASS
	0549	NORA STANDING ELK	1113	NO.211 ROAD IN TRESPASS
	0550	GENEVA S.STANDING ELK	1114	NO.211 ROAD IN TRESPASS
	0551	MARGARET STANDING ELK	1115	NO.211 ROAD IN TRESPASS
	0552	FRANCIS STANDING ELK	T1116	NO.201 ROAD IN TRESPASS
	0553	RUTH MEDICINE B.STANDING ELK	1118	NO.211 ROAD IN TRESPASS
	0554	RUTH MEDICINE B.STANDING ELK	1118	NO.201 ROAD IN TRESPASS
	0555	JAMES STARVING BEAR	1126	NO.294 ROAD IN TRESPASS
	0556	JACK STARVING BEAR	1127	NO.294 ROAD IN TRESPASS
	0557	FRANK STUMPHORN	1132	NO.225 ROAD IN TRESPASS

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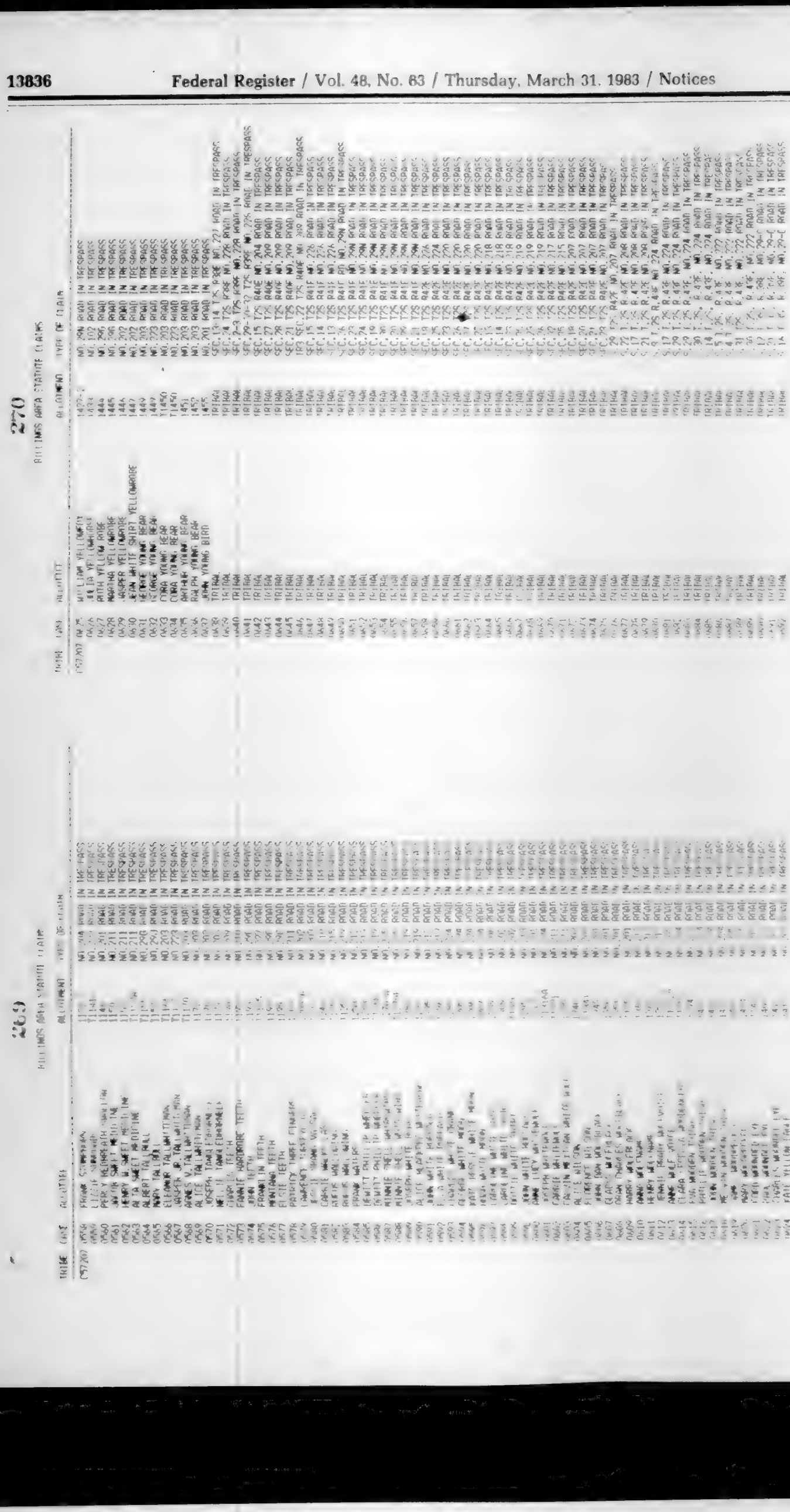

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
057207	0693	TRIBAL	TRIBAL	S. 1 T9S R39E NO.207 ROAD IN TRESPASS
	0694	TRIBAL	TRIBAL	S. 36 T8S R39E NO.214 ROAD IN TRESPASS
	0695	TRIBAL	TRIBAL	S. 2 T9S R39E NO.217 ROAD IN TRESPASS
	0696	TRIBAL	TRIBAL	S. 4 T9S R39E NO.217 ROAD IN TRESPASS
	0697	TRIBAL	TRIBAL	S. 5 T9S R39E NO.217 ROAD IN TRESPASS
	0698	TRIBAL	TRIBAL	S. 12 T9S R39E NO.215 ROAD IN TRESPASS
	0699	TRIBAL	TRIBAL	S. 2 T9S R39E NO.215 ROAD IN TRESPASS
	0700	TRIBAL	TRIBAL	S. 11 T. 9S., R.40E., NO.215 ROAD IN TRESPASS
	0701	TRIBAL	TRIBAL	S. 19 T. 9S., R.40E., NO.102 ROAD IN TRESPASS
	0702	TRIBAL	TRIBAL	S. 17 T. 9S., R.40E., NO.102 ROAD IN TRESPASS
	0703	TRIBAL	TRIBAL	S. 18 T. 9S., R.40E., NO.203 ROAD IN TRESPASS
	0704	TRIBAL	TRIBAL	S. 15 T. 9S., R.40E., NO.203 ROAD IN TRESPASS
	0705	TRIBAL	TRIBAL	S. 9 T. 9S., R.40E., NO.203 ROAD IN TRESPASS
	0706	TRIBAL	TRIBAL	S. 34 T. 9S., R.40E., NO.211 ROAD IN TRESPASS
	0707	TRIBAL	TRIBAL	S. 26 T. 9S., R.40E., NO.211 ROAD IN TRESPASS
	0708	TRIBAL	TRIBAL	S. 24 T. 9S., R.40E., NO.223 ROAD IN TRESPASS
	0709	TRIBAL	TRIBAL	S. 22 T. 9S., R.40E., NO.223 ROAD IN TRESPASS
	0710	TRIBAL	TRIBAL	S. 22 T. 9S., R.40E., NO.223 ROAD IN TRESPASS
	0711	TRIBAL	TRIBAL	S. 18 T. 9S., R.40E., NO.203 ROAD IN TRESPASS
	0712	TRIBAL	TRIBAL	S. 9 T. 9S., R.40E., NO.203 ROAD IN TRESPASS
	0713	TRIBAL	TRIBAL	S. 24 T. 9S., R.40E., NO.223 ROAD IN TRESPASS
	0714	TRIBAL	TRIBAL	S. 7 T. 9S., R.40E., NO.223 ROAD IN TRESPASS
	0715	TRIBAL	TRIBAL	S. 29 T. 9S., R.40E., NO.223 ROAD IN TRESPASS
	0716	TRIBAL	TRIBAL	S. 29 T. 9S., R.40E., NO.223 ROAD IN TRESPASS
	0717	TRIBAL	TRIBAL	S. 30 T9S R40E NO.223 ROAD IN TRESPASS
	0718	TRIBAL	TRIBAL	S. 32 T9S R39E NO.204 ROAD IN TRESPASS
	0719	TRIBAL	TRIBAL	S. 7 T4S R41E NO.206 ROAD IN TRESPASS
	0720	TRIBAL	TRIBAL	S. 8 T4S R41E NO.214 ROAD IN TRESPASS
	0721	TRIBAL	TRIBAL	S. 16 T4S R41E NO.214 ROAD IN TRESPASS
	0722	TRIBAL	TRIBAL	S. 28 T4S R41E NO.29 ROAD IN TRESPASS
	0723	TRIBAL	TRIBAL	S. 32 T4S R41E NO. [illegible] ROAD IN TRESPASS
	0724	TRIBAL	TRIBAL	S. 27 T4S R41E NO. [illegible] ROAD IN TRESPASS
	0725	TRIBAL	TRIBAL	S. 28 T4S R41E NO.211 ROAD IN TRESPASS
	0726	TRIBAL	TRIBAL	S. 1 T4S R42E NO.211 ROAD IN TRESPASS
	0727	TRIBAL	TRIBAL	S. 4 T4S R41E NO.211 ROAD IN TRESPASS
	0728	TRIBAL	TRIBAL	S. 5 T4S R41E NO.211 ROAD IN TRESPASS
	0729	TRIBAL	TRIBAL	S. 21 T4S R41E NO.201 ROAD IN TRESPASS
	0730	TRIBAL	TRIBAL	S. 7 T4S R41E NO.211 ROAD IN TRESPASS
	0731	TRIBAL	TRIBAL	S. 6 T4S R41E NO.211 ROAD IN TRESPASS
	0732	TRIBAL	TRIBAL	S. 12 T5S R40E NO.203 ROAD IN TRESPASS
	0733	TRIBAL	TRIBAL	S. 20 T5S R40E NO.203 ROAD IN TRESPASS
	0734	TRIBAL	TRIBAL	S. 2 T5S R40E NO.220 ROAD IN TRESPASS
	0735	TRIBAL	TRIBAL	S. 17-14 T5S R40E NO.215 ROAD IN TRESPASS
	0736	TRIBAL	TRIBAL	S. 10 T5S R40E NO.220 ROAD IN TRESPASS
	0737	TRIBAL	TRIBAL	S. 1 T5S R40E NO.211 ROAD IN TRESPASS
	0738	TRIBAL	TRIBAL	S. 3 T5S R40E NO. 11 ROAD IN TRESPASS
	0739	TRIBAL	TRIBAL	S. 4 T5S R40E NO. [illegible] ROAD IN TRESPASS
	0740	TRIBAL	TRIBAL	S. 25 T5S R40E NO. [illegible] ROAD IN TRESPASS
	0741	TRIBAL	TRIBAL	S. 17 T5S R40E NO.201 ROAD IN TRESPASS
	0742	TRIBAL	TRIBAL	S. 8 T5S R40E NO.201 ROAD IN TRESPASS
	0743	TRIBAL	TRIBAL	S. 7 T5S R40E NO.201 ROAD IN TRESPASS
	0744	TRIBAL	TRIBAL	S. 7 T5S R40E NO.201 ROAD IN TRESPASS
057277	0745	ALEXANDER DECOTEAU JR(TMN)	RAZ	IMPROVED ROAD IN TRESPASS ON ALLOT.
	0746	ALEXANDER DECOTEAU JR(TMN)	RAZ	[illegible] OF VALID LEASE
	0747	ALEXANDER E GORNEAU(TMN)	1250	[illegible] OF VALID LEASE
	0748	LOUIS DECOTEAU(TMN)	RAZ	[illegible] OF VALID LEASE
	0749	PIERRE NADEAU(TMN)	2185	GRAZ E OF VALID LEASE
	0750	ELIZA PELTIER(TMN)	2256	GRAZ E OF VALID LEASE
	0751	LOUIS DECOTEAU(TMN)	[illegible]	GRAZ E OF VALID LEASE
058281	0003	TRIBAL	TRIBAL	TWO ROAD TRESPASS GRAZE & RECREATION.
	0004	TRIBAL	TRIBAL	[illegible] TRESPASS-HOME ON WRONG TRACT
	0009	TRIBAL	TRIBAL	[illegible] TRESPASS GRAZE ETC
	0010	TRIBAL	TRIBAL	[illegible]
	0011	TRIBAL	TRIBAL	[illegible]
	0012	TRIBAL	TRIBAL	[illegible]
	0014	TRIBAL	TRIBAL	[illegible]
	0016	TRIBAL	TRIBAL	[illegible]
	0017	TRIBAL	TRIBAL	[illegible]

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
058281	0022	MAGGIE IRIS MCADAMS	5	FORCED FEE PATENT
	0023	LUCILLA BOYD	19	FORCED FEE PATENT
	0024	MAGGIE TIMPANA	22	FORCED FEE PATENT
	0025	RAY ROBERTSON	33	FORCED FEE PATENT
	0026	JOHN ROBERTSON	34	FORCED FEE PATENT
	0027	JOSEPHINE WASHAKIE	45	FORCED FEE PATENT
	0028	MARY ENES	76	FORCED FEE PATENT
	0029	SANSHA LAN DAYWEED	86	FORCED FEE PATENT
	0030	BEATRICE WO CHANG PACHECO	127C	FORCED FEE PATENT
	0031	CHARLES MEYERS	173	FORCED FEE PATENT
	0032	LIZETTE LECLAIR	184	FORCED FEE PATENT
	0033	MINNIE BOYD	189	FORCED FEE PATENT
	0034	BEAT BIG EYES	199	FORCED FEE PATENT
	0035	EMMA LAFRENIERE	231	FORCED FEE PATENT
	0036	BEN LAFRENIERE	232	FORCED FEE PATENT
	0037	ELIZABETH LAFRENIERE	237	FORCED FEE PATENT
	0038	GERALD HOLLAND	244	FORCED FEE PATENT
	0039	ERENEST FRANCIS POSEY	284 C	FORCED FEE PATENT
	0040	AGNES POSEY BELL	285 C	FORCED FEE PATENT
	0041	JOHN WHITMAN	289 C	FORCED FEE PATENT
	0042	MOLLIE ST. CLAIR	310	FORCED FEE PATENT
	0043	PAUL B. HANWAY	339 C	FORCED FEE PATENT
	0044	MARY ROSE LARGE HANWAY	340 C	FORCED FEE PATENT
	0045	JESSE DAY	349	FORCED FEE PATENT
	004A	CHARLES LAFRENIERE	447	FORCED FEE PATENT
	0047	WHITE ST. CLAIR	644	FORCED FEE PATENT
	0048	JOSEPH CALHOUNE	713	FORCED FEE PATENT
	0049	BENJAMIN ST. CLAIR	774	FORCED FEE PATENT
	0050	JOHN ST. CLAIR JR.	780	FORCED FEE PATENT
	0051	LOUIS ARAGON	825	FORCED FEE PATENT
	0052	THERESA PELTIER	888	FORCED FEE PATENT
	0053	ARRIE WESAW	963	FORCED FEE PATENT
	0054	ANNIE ARCHER	1024	FORCED FEE PATENT
	0055	BESSIE BEHAN	1119	FORCED FEE PATENT
	0056	REUBAN P. WHITRANG	1140	FORCED FEE PATENT
	0057	BUFFALO CHIEF	1171	FORCED FEE PATENT
	0058	LUCILLE DUNCAN	1435	FORCED FEE PATENT
	0059	MARGIE TROSPER	1440	FORCED FEE PATENT
	0060	FANNIE L. WILSON	1444	FORCED FEE PATENT
	0061	LILY REED POTTER	1500	FORCED FEE PATENT
	0062	THOMAS DURAN	1548	FORCED FEE PATENT
	0063	CHARLES R. PLUMMER	1622	FORCED FEE PATENT
	0064	CASSIE FRIDAY HANWAY	1804	FORCED FEE PATENT
	0065	ORPHEUS ARGON	1816	FORCED FEE PATENT
	0066	LON BEHAN	1837	FORCED FEE PATENT
	0067	WILMA HOWER	1852	FORCED FEE PATENT
	0068	WILLIAM BROWN	2091	FORCED FEE PATENT
	0070	TRIBAL	TRIBAL	STATEWIDE TRESPASS-ROADS,ETC.
	0071	GERTRUDE BURNAWAY	250-C	CONDEMNATION FOR IRRIGATION DITCH
	0072	LOUISA ANN CANTIGAN	C-3	FORCED FEE PATENT
	0073	MYRTLE MOSEEP	C-12	FORCED FEE PATENT
	0074	NANCY MORAN	C-14	FORCED FEE PATENT
	0075	TEAN MORAN	C-15	FORCED FEE PATENT
	0076	JOHN LAFRENIERE	C-21	FORCED FEE PATENT
	0077	LOUIS ENOS	C-71	FORCED FEE PATENT
	0078	ANTOINE LEWIS	C-80	FORCED FEE PATENT
	0079	EUNICE DAY MCADAMS	85	FORCED FEE PATENT
	0080	SEQUIEL HURTADO	C-94	FORCED FEE PATENT
	0081	SO-NE-VAH	98	FORCED FEE PATENT
	0082	LUCY E. MCADAMS	99	FORCED FEE PATENT
	0083	TILLIE TROSPER	C-124	FORCED FEE PATENT
	0084	MARY E. LAFRENIERE	C-144	FORCED FEE PATENT
	0085	[illegible]	C-149	FORCED FEE PATENT
	008A	LIZETTE [illegible]	C-4	FORCED FEE PATENT
	0087	ELLA [illegible]	120-C	FORCED FEE PATENT
	0088	FRANCINE MURRY	C-125	FORCED FEE PATENT
	0089	NE-WA-SA-WAY	C-204	FORCED FEE PATENT
	0090	MAUD (COLLINS) PORTWOOD	C-207	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
CHEYENNE	0091	MYRTLE (FOX) DE PRIEST	E-224	FORCED FEE PATENT
	0092	EDWARD LEFTHAND	E-227	FORCED FEE PATENT
	0093	WALLIE ST.CLAIR	410	FORCED FEE PATENT
	0094	BENJAMIN ST.CLAIR	774	FORCED FEE PATENT
	0095	JOHN ST.CLAIR JR	780	FORCED FEE PATENT
	0096	LOUIS ARAPOON	525	FORCED FEE PATENT
	0097	ANNIE AK VAN	1034	FORCED FEE PATENT
	0098	ZENA PERRIN	667	FORCED FEE PATENT
	0099	FRANK RAY	701	FORCED FEE PATENT
	0100	JENNIE LITE	775	FORCED FEE PATENT
	0101	PAUL LARUSE	774	FORCED FEE PATENT
	0102	RUFFY (RUTHEY) ST.CLAIR	775	FORCED FEE PATENT
	0103	SADIE ENOS	780	FORCED FEE PATENT
	0104	ZEBULON TAYLOR	781	FORCED FEE PATENT
	0105	OLIVER LAMBREAUX	784	FORCED FEE PATENT
	0106	FAUSTINUS ANTELOPE	1017	FORCED FEE PATENT
	0107	SPEAR OR JAMES COLBY	1107	FORCED FEE PATENT
	0108	EARNEST BONNASUN	1111	FORCED FEE PATENT
	0109	MARTIN C.HAIR	1114	FORCED FEE PATENT
	0110	TRIBAL	TRIBAL	TIMBER TRESPASS DAMAGE
	0113	ALTA ENOS	774-A	ORIGINAL ALLOTMENT IN TRUST
	0114	EMMA LEWIS	774-B	ORIGINAL ALLOTMENT IN TRUST
	0115	AVERY BEARING	774	ORIGINAL ALLOTMENT IN TRUST
	0116	FRANK ISAAC	774	ORIGINAL ALLOTMENT IN TRUST
	0117	SUSIE HEADLEY TWO TROTS	780	NOW [illegible] IN TRUST
	0118	HAZEL HEADLY	780	ORIGINAL ALLOTMENT IN TRUST
	0119	MARTIN HEADLY	814	ORIGINAL ALLOTMENT IN TRUST
	0120	SUSIE ANN LONE	1017	ORIGINAL ALLOTMENT IN TRUST
	0121	QUINN BUTTON	1026	ORIGINAL ALLOTMENT IN TRUST
	0122	MARY BUTTON NOW INDIAN	1026	ORIGINAL ALLOTMENT IN TRUST
	0123	MARY BUTTON NOW INDIAN	1026	ORIGINAL ALLOTMENT IN TRUST
	0124	CHANEY BUTTON	1026	ORIGINAL ALLOTMENT IN TRUST
	0125	FRANK BUTTON	1026	ORIGINAL ALLOTMENT IN TRUST
	0126	NANNIE ROWLEY	447	ORIGINAL ALLOTMENT IN TRUST
	0127	MARY MANDERSON	1	ORIGINAL ALLOTMENT IN TRUST
	0128	HERBERT SUMMER	541	ORIGINAL ALLOTMENT IN TRUST
	0129	ANGELINE [illegible]	772	ORIGINAL ALLOTMENT IN TRUST
	0130	JOHN TIGER	1	ORIGINAL ALLOTMENT IN TRUST
	0131	MARY MEDICINE	1026	ORIGINAL ALLOTMENT IN TRUST
	0132	MARY MEDICINE	1026	ORIGINAL ALLOTMENT IN TRUST
	0133	KING FISHER	1026	ORIGINAL ALLOTMENT IN TRUST
	0134	KING FISHER	1026	ORIGINAL ALLOTMENT IN TRUST
	0135	FRANK BEAR	1026	ORIGINAL ALLOTMENT IN TRUST
	0136	MARTIN ALLEN	1026	ORIGINAL ALLOTMENT IN TRUST
	0137	DORA ENOS	1026	ORIGINAL ALLOTMENT IN TRUST
	0138	JOHNNY TIGERTAIL	1026	ORIGINAL ALLOTMENT IN TRUST
	0139	BERTHA TORTE	1026	ORIGINAL ALLOTMENT IN TRUST
	0140	TILLIE ROBERTS (NOW INDIAN)	1026	ORIGINAL ALLOTMENT IN TRUST
	0141	CAREY SUNNICHAN	1026	ORIGINAL ALLOTMENT IN TRUST
	0142	JOYCE MARIE ROBERTSON	1026	ORIGINAL ALLOTMENT IN TRUST
	0143	TIGERTAIL TAMER	1026	ORIGINAL ALLOTMENT IN TRUST
	0144	THERESA NEWMAN	1026	ORIGINAL ALLOTMENT IN TRUST
	0145	STELLA WILSON	1026	ORIGINAL ALLOTMENT IN TRUST
	0146	JEROME BIGMAN	1026	ORIGINAL ALLOTMENT IN TRUST
	0147	FANNY PINE	1026	ORIGINAL ALLOTMENT IN TRUST
	0148	LUKE ANTELOPE	1026	ORIGINAL ALLOTMENT IN TRUST
	0149	MAY P. WHITMAN	1026	ORIGINAL ALLOTMENT IN TRUST
	0150	ALTA [illegible] BROWN	1026	ORIGINAL ALLOTMENT IN TRUST
	0151	MARTHA ARTHUR	1026	ORIGINAL ALLOTMENT IN TRUST
	0152	LAURA ARMOUR	1026	ORIGINAL ALLOTMENT IN TRUST
	0153	JANE W WILLIAMS	1026	ORIGINAL ALLOTMENT IN TRUST
	0154	DARNEY FIRST (A STONEY CHIEF)	1026	ORIGINAL ALLOTMENT IN TRUST
	0155	LAURALINE F WHITE	1026	ORIGINAL ALLOTMENT IN TRUST
	0156	MARY W WILLIAMS	1026	ORIGINAL ALLOTMENT IN TRUST
	0157	MARGIE W WILLIAMS	1026	ORIGINAL ALLOTMENT IN TRUST
	0158	HATTY FOX	1026	ORIGINAL ALLOTMENT IN TRUST
	0159	PAUL BRUNEAU	1026	ORIGINAL ALLOTMENT IN TRUST
	0160	NANCY BRUNEAU	1026	ORIGINAL ALLOTMENT IN TRUST

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
CHEYENNE	0161	NELLIE TWIST	1197	FORCED FEE PATENT
	0162	MINT NURSE (WITHHELD)	1145	FORCED FEE PATENT
	0163	ANNIE JESUS LEWIS	1148	FORCED FEE PATENT
	0164	BAZIL PINE	1339	FORCED FEE PATENT
	0165	ALVA TWING IRON	1353	FORCED FEE PATENT
	0166	WINNIE IRON	1359	FORCED FEE PATENT
	0167	HIRAM ADDISON	1441	FORCED FEE PATENT
	0168	PIPE WOMAN	1633	FORCED FEE PATENT
	0169	LANDIS STOLL	1953	FORCED FEE PATENT
	0170	LINCOLN JACKSON	1986	FORCED FEE PATENT
	0171	JOHN D. JACKSON	1989	FORCED FEE PATENT
	0172	WILLIAM HAMILTON	2100	FORCED FEE PATENT
	0173	COAL BEARING	E-215	FORCED FEE PATENT
	0174	EDITH COLLINS	E-225	FORCED FEE PATENT
	0175	LULU REAGAN	E-67	FORCED FEE PATENT
	0176	NORMAN REAGAN	675	FORCED FEE PATENT
	0177	PHOEBE LE BEAU	E-6	FORCED FEE PATENT
	0178	ROSALIA HURTADO	E-93	FORCED FEE PATENT
	0179	DELFINO HURTADO	E-94	FORCED FEE PATENT
	0180	CATHARINA CHAVEZ	E-103	FORCED FEE PATENT
	0181	HESTER N. SKIDMORE (CLARKE)	E-146	FORCED FEE PATENT
	0182	ISABELLE KINNEAR	E-167	FORCED FEE PATENT
	0183	PETER ARAPOON	E-171	FORCED FEE PATENT
	0184	[illegible] HARRIS	E-192	FORCED FEE PATENT
	0185	JOSEPH LAFERTY	753	FORCED FEE PATENT
	0186	PEARL LAJEUNESSE (MILLER)	E-77	FORCED FEE PATENT
	0187	JOSEF STAUNER	E-482	FORCED FEE PATENT
	0188	ANN MARIE TRUMBLY	1042	FORCED FEE PATENT
	0189	FRANK CAMPBELL	1051	FORCED FEE PATENT
	0190	LAWRENCE HEREFORD	478	FORCED FEE PATENT
	0191	EMMA O NEAL	1060	FORCED FEE PATENT
	0192	KATIE BROWN	1115	FORCED FEE PATENT
	0193	TONY LAJEUNESSE	1119	FORCED FEE PATENT
	0194	[illegible] [illegible]	714	FORCED FEE PATENT
	0195	ANNIE BESCHA	961	FORCED FEE PATENT
	0196	MARY B. [illegible]	1167	FORCED FEE PATENT
	0197	JOHN C. BESCHA	1167	FORCED FEE PATENT
	0198	LITTA GRACE [illegible]	1167	FORCED FEE PATENT
	0199	MARY E. ADAMS	1167	FORCED FEE PATENT
	0200	JOHN C. ADAMS	1167	FORCED FEE PATENT
	0201	WILLIAM BRADEN SR	1204	FORCED FEE PATENT
	0202	LIZZIE DARLIN	1204	FORCED FEE PATENT
	0203	LILLY MARSHBURN	1204	FORCED FEE PATENT
	0204	MIRIAM ADDISON	1204	FORCED FEE PATENT
	0205	[illegible] HUNGARY	1204	FORCED FEE PATENT
	0206	MARY MOORE	1204	FORCED FEE PATENT
	0207	ARCHIE DEER	1207	FORCED FEE PATENT
	0208	SHAYNEAUP	1220	FORCED FEE PATENT
	0209	CHERRIES	1244	FORCED FEE PATENT
	0210	DIANA WHITE	1248	FORCED FEE PATENT
	0211	WILLIAM PAGE	1248	FORCED FEE PATENT
	0212	BEAR ROBE	1251	FORCED FEE PATENT
	0213	BESSIE BREAD HEHAN	1119	FORCED FEE PATENT
	0214	WILLIAM ARAGON	274	FORCED FEE PATENT
	0215	HETTY STOLL	1-1	FORCED FEE PATENT
	0216	AGNES LANIGAN	1-2	FORCED FEE PATENT
	0217	MAGGIE MAY LANIGAN	1-3	FORCED FEE PATENT
	0218	LOANA ELIZABETH LANIGAN	1-4	FORCED FEE PATENT
	0219	LORA LANIGAN	1-7	FORCED FEE PATENT
	0220	MARIE LAMBREAUX (FISHER)	1-71	FORCED FEE PATENT
	0221	JUAN JOSE NARVAEZ	1-62	FORCED FEE PATENT
	0222	EMMA NILES DUMONTIER	1-114	FORCED FEE PATENT
	0223	MARTIN N.LODGE SKIDMORE	1-146	FORCED FEE PATENT
	0224	ISABELLE KINNEAR	1-165	FORCED FEE PATENT
	0225	IRENE KINNEAR MEADE	1-164	FORCED FEE PATENT
	0226	KATIE KINNEAR ERICKSON	1-167	FORCED FEE PATENT
	0227	LENORA HARRIS	1-191	FORCED FEE PATENT
	0228	DORA DOLLARD	1-58	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
CHEYENNE	0229	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0230	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0231	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0232	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0233	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0234	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0235	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0236	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0237	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0238	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0239	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0240	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0241	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0242	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0243	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0244	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0245	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0246	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0247	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0248	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0249	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0250	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0251	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0252	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0253	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0254	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0255	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0256	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0257	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0258	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0259	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0260	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0261	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0262	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0263	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0264	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0265	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0266	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0267	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0268	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0269	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0270	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0271	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0272	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0273	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0274	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0275	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0276	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0277	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0278	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0279	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0280	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0281	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0282	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0283	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0284	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0285	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0286	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0287	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0288	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0289	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0290	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0291	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0292	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0293	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0294	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0295	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0296	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0297	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0298	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0299	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0300	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
CHEYENNE	0301	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0302	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0303	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0304	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0305	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0306	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0307	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0308	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0309	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0310	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0311	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0312	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0313	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0314	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0315	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0316	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0317	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0318	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0319	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0320	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0321	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0322	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0323	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0324	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0325	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0326	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0327	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0328	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0329	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0330	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0331	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0332	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0333	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0334	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0335	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0336	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0337	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0338	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0339	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0340	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0341	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0342	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0343	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0344	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0345	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0346	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0347	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0348	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0349	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0350	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0351	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0352	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0353	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0354	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0355	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0356	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0357	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0358	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0359	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT
	0360	ANNIE BIG MEDICINE	1-1	FORCED FEE PATENT

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BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C58281	0229	MARTHA LAJEUNESSE BROWN	[illegible]	FORCED FEE PATENT
	0230	SUSAN L. WARD	[illegible]	FORCED FEE PATENT
	0231	NORAH BURNSIDE FARLOW	[illegible]	FORCED FEE PATENT
	0232	WILLIAM E. DUNCAN	C-258	FORCED FEE PATENT
	0233	CLYDE DUNCAN	C-260	FORCED FEE PATENT
	0234	ROBERT L. DUNCAN	C-261	FORCED FEE PATENT
	0235	JOHN F. JOHNSON	C-266	FORCED FEE PATENT
	0236	ANNIE DUNCAN	C-360	FORCED FEE PATENT
	0237	LAWRENCE HEREFORD	428	FORCED FEE PATENT
	0238	KATIE MANN	615	FORCED FEE PATENT
	0239	JENNIE RESCHKE	811	FORCED FEE PATENT
	0240	JAMES B. RESCHKE	812	FORCED FEE PATENT
	0241	JOHN C. RESCHKE	813	FORCED FEE PATENT
	0242	MADALINE ADAMS	815	FORCED FEE PATENT
	0243	ETTIE GRACE ADAMS	816	FORCED FEE PATENT
	0244	RODIE E. ADAMS BRYAN	817	FORCED FEE PATENT
	0245	JOHN C. ADAMS	818	FORCED FEE PATENT
	0246	WILLIAM J. ADAMS	819	FORCED FEE PATENT
	0247	WILLARD W. RUNNELLS	820	FORCED FEE PATENT
	0248	SHERMAN COOLIDGE	1398	FORCED FEE PATENT
	0249	JOSEPH LAJEUNESSE	226	FORCED FEE PATENT
	0250	QUASHADDICA	224	FORCED FEE PATENT
	0251	TRIBAL	T3021	*NO.4-23 ROAD RIGHT OF WAY
	0252	TRIBAL	T3021	NO.3-10 ROAD RIGHT OF WAY
	0253	HERMAN LAJEUNESSE	649	FORCED FEE PATENT
	0254	ANGELINE LAJEUNESSE	124	FORCED FEE PATENT
	0255	MARY ROYD	134	FORCED FEE PATENT
	0256	KATE TERRY	134	FORCED FEE PATENT
	0257	GEORGE TERRY	147	FORCED FEE PATENT
	0258	SHO-NED-GE-NA-YAH	152	FORCED FEE PATENT
	0259	MICHAEL ENOS	249	FORCED FEE PATENT
	0260	JACOB HEMEN	244	FORCED FEE PATENT
	0261	KEEGEE MCGEE	291	FORCED FEE PATENT
	0262	SE-WAH-PITCHIE	307	FORCED FEE PATENT
	0263	JULIUS NAGOTA	412	FORCED FEE PATENT
	0264	TINNIE NORMAN	588	FORCED FEE PATENT
	0265	LOUISE NORMAN	590	FORCED FEE PATENT
	0266	EFFIE STAGNER	601	FORCED FEE PATENT
	0267	DOLLIE LAHOE COMPTON	929	FORCED FEE PATENT
	0268	ADELAIDE SHAKESPEARE	1005	FORCED FEE PATENT
	0269	ADELLA BLACKBURN	1111	FORCED FEE PATENT
	0270	MAGGIE RICHARDS	1400	FORCED FEE PATENT
	0271	BEAVER DODGER	1454	FORCED FEE PATENT
	0272	DELIDAH SNYDER	1999	FORCED FEE PATENT
	0273	DOLLY M. SNYDER	2001	FORCED FEE PATENT
	0274	ELIZABETH LAMORAUX	C-30	FORCED FEE PATENT
	0275	FANNIE WELCH	1455	*NO.4-8 ROAD IN TRESPASS
	0276	EDWARD WANSTALL	1457	*NO.4-8 ROAD IN TRESPASS
	0277	RENA WANSTALL	1458	*NO.4-8 ROAD IN TRESPASS
	0278	SARAH GOGGLES	2118	*NO.6-14 ROAD IN TRESPASS
	0279	TRIBAL	T2144	*NO.6-14 ROAD IN TRESPASS
	0280	TRIBAL	T3000	*NO.4-4R ROAD IN TRESPASS
	0281	TRIBAL	T3000	*NO.4-5 ROAD IN TRESPASS
	0282	TRIBAL	T3000	*NO.4-1 ROAD IN TRESPASS
	0283	TRIBAL	T3000	*NO.4-7 ROAD IN TRESPASS
	0284	TRIBAL	T3000	*NO.4-4 ROAD IN TRESPASS
	0285	TRIBAL	T3000	*NO.4-4A ROAD IN TRESPASS
	0286	TRIBAL	T3001	*NO.1-4&3-1-4 ROAD IN TRESPASS
	0287	TRIBAL	T3001	*NO.1-3 ROAD IN TRESPASS
	0288	TRIBAL	T3003	*NO.1-2 ROAD IN TRESPASS
	0289	TRIBAL	T3003	*NO.3-17 ROAD IN TRESPASS
	0290	TRIBAL	T3003	*NO.3-11 ROAD IN TRESPASS
	0291	TRIBAL	T3003	*NO.6-12-4 ROAD IN TRESPASS
	0292	TRIBAL	T3003	NO.4-19 ROAD IN TRESPASS
	0293	TRIBAL	T3003	NO. *NO.4-5A ROAD IN TRESPASS
	0294	TRIBAL	T3003	NO.4-15 ROAD IN TRESPASS
	0295	TRIBAL	T3003	NO.4-15D ROAD IN TRESPASS
	0296	TRIBAL	T3003	NO.6-15C ROAD IN TRESPASS

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C58281	0297	TRIBAL	T3003	*NO.6-17A ROAD IN TRESPASS
	0298	TRIBAL	T3003	*NO.4-17 ROAD IN TRESPASS
	0299	TRIBAL	T3009	*NO.3-11 ROAD IN TRESPASS
	0300	TRIBAL	T3021	*NO.1-4&3-1-4 ROAD IN TRESPASS
	0301	TRIBAL	T3021	*NO.3-1 ROAD IN TRESPASS
	0302	TRIBAL	T3021	*NO.1-5&3-1-5 ROAD IN TRESPASS
	0303	TRIBAL	T3021	NO.2-1 ROAD IN TRESPASS
	0304	TRIBAL	T3021	*NO.2-1 ROAD IN TRESPASS
	0305	TRIBAL	T3021	*NO.1-3 ROAD IN TRESPASS
	0306	TRIBAL	T3021	NO.1-6 BIA ROUTE NO.13 IN TRESPASS
	0307	TRIBAL	T3021	*NO.1-11 ROAD IN TRESPASS
	0308	TRIBAL	T3021	*NO.6-12-4 ROAD IN TRESPASS
	0309	TRIBAL	T3021	*NO.4-25 ROAD IN TRESPASS
	0310	TRIBAL	T3021	*NO.4-5A ROAD IN TRESPASS
	0311	TRIBAL	T3021	*NO.4-5 ROAD IN TRESPASS
	0312	TRIBAL	T3021	*NO.4-2 ROAD IN TRESPASS
	0313	TRIBAL	T3021	*NO.6-13B ROAD IN TRESPASS
	0314	TRIBAL	T3021	*NO.6-13 ROAD IN TRESPASS
	0315	TRIBAL	T3021	NO.6-15 ROAD IN TRESPASS
	0316	TRIBAL	T3021	*NO.6-16 ROAD IN TRESPASS
	0317	TRIBAL	T3024	*NO.6-16 ROAD IN TRESPASS
	0318	TRIBAL	T3024	NO.6-15D ROAD IN TRESPASS
	0319	TRIBAL	T3030	*NO.3-11 ROAD IN TRESPASS
	0320	TRIBAL	T3042	NO.2-1 ROAD IN TRESPASS
	0321	TRIBAL	T3048	*NO.3-11 ROAD IN TRESPASS
	0322	TRIBAL	T3107	*NO.6-2B ROAD IN TRESPASS
	0323	TRIBAL	T3107	*NO.6-2B ROAD IN TRESPASS
	0324	TRIBAL	T3110	*NO.3-5 ROAD IN TRESPASS
	0325	TRIBAL	T3124	*NO.1-3 ROAD IN TRESPASS
	0326	TRIBAL	T3124	*NO.1-4&3-1-4 ROAD IN TRESPASS
	0327	TRIBAL	T3144	*NO.1-4&3-1-4 ROAD IN TRESPASS
	0328	TRIBAL	T3148	NO.2-1&HOT SPGS.CO.RD NO.1 ROAD IN TRESPAS
	0329	TRIBAL	T3148	NO.2-4 ROAD IN TRESPASS
	0330	TRIBAL	T3148	NO.2-4 ROAD IN TRESPASS
	0331	TRIBAL	T3153	NO.2-1 ROAD IN TRESPASS
	0332	TRIBAL	T3161	NO.2-1 ROAD IN TRESPASS
	0333	TRIBAL	T3163	NO.2-4 ROAD IN TRESPASS
	0334	TRIBAL	T3164	NO.2-4 ROAD IN TRESPASS
	0335	TRIBAL	T3165	NO.2-4 ROAD IN TRESPASS
	0336	TRIBAL	T3167	NO.2-4 ROAD IN TRESPASS
	0337	GEORGE S YANT	3171	*NO.3-5 ROAD IN TRESPASS
	0338	HARRY NOSEEP	63174	*NO.3-5 ROAD IN TRESPASS
	0340	TRIBAL	T3180	*NO.1-3 ROAD IN TRESPASS
	0341	TRIBAL	T3191	*NO.1-1 ROAD IN TRESPASS
	0342	TRIBAL	T3201	*NO.6-12-4 ROAD IN TRESPASS
	0343	TRIBAL	T3203	*NO.6-12-4 ROAD IN TRESPASS
	0344	TRIBAL	T3206	*NO.6-12-4 ROAD IN TRESPASS
	0345	TRIBAL	T3220	*NO.3-5 ROAD IN TRESPASS
	0346	TRIBAL	T4044	*NO.4-8 ROAD IN TRESPASS
	0347	TRIBAL	TRIBAL	S.23 T1S R3 *NO.6-14 ROAD IN TRESPASS
	0348	TRIBAL	TRIBAL	S.13 T2N R2W *NO.3-18A ROAD IN TRESPASS
	0349	TRIBAL	TRIBAL	S.13 T2N R2W*NO.3-1R ROAD IN TRESPASS
	0350	TRIBAL	TRIBAL	S.26 T5N R4W NO.3-1R ROAD IN TRESPASS
	0351	TRIBAL	TRIBAL	S.35 T5N R4W NO.3-1R ROAD IN TRESPASS
	0352	TRIBAL	TRIBAL	S.8 T5N T5W *NO.1-1 ROAD IN TRESPASS
	0353	TRIBAL	TRIBAL	S.16 T5N R5W *NO.3-2 ROAD IN TRESPASS
	0354	TRIBAL	TRIBAL	S.28 T5N R5W*NO.3-2 ROAD IN TRESPASS
	0355	TRIBAL	TRIBAL	S.33 T5N R5W*NO.3-2 ROAD IN TRESPASS
	0356	EVA ELLIS	T47	*NO.6-14 ROAD IN TRESPASS
	0357	MO-GA-HA	T63	*NO.3-2 ROAD IN TRESPASS
	0358	JOHN SOMNICANT	T741	*NO.3-5 ROAD IN TRESPASS
	0359	WITT WESAN	T850	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0360	MARTHA MAWAY	C5A-R	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0361	JUANITA WASHAKIE	T101	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0362	ANNAKIE SHANGAITSIE	T454	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0363	MEDICINE BORE	1012	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0364	HARRIET LEE	T1025	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0365	THROWS IN WATER	1035	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW

BILLINGS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
C5A281	0366	BLACK MANTERSON	1036	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0367	STELLA W PLUME	1082	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0368	WALKING CROW	1083	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0369	ANNIE WOLF	1547	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0370	LACE JENKINS WOLF	1549	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0371	JOHN L. BROWN	1555	PACIFIC PWR & LIGHT CO.-TRAN.LINE RW
	0372	SITS ON THE SIDE	1559	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0373	YELLOW STAND	1560	PACIFIC PWR & LIGHT CO.TRANS.LINE RW
	0374	JOHN PLUME	1564	PACIFIC PWR & LIGHT CO.TRANS.LINE RW
	0375	MEDICINE WOMAN	1565	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0376	HATTIE C.HAIR	1442	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0377	PALMER BLAIR	1445-A	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0378	BULL GUNNISON	1446	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0379	SUSAN GUNNISON	1447	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0380	JEFFREY HEAD	T1449	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0381	BESSIE DRESS BEHAN	1450	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0382	BIRDIE DRESS	1452	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0383	TRIBAL	T2144	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0384	TRIBAL	T4583	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
	0385	TRIBAL	TRIBAL	SATPSRSE PAC.PURLIGHT CO.-TR.LN.RW
	0386	TRIBAL	T3003	PACIFIC PWR & LIGHT CO.-TRANS.LINE RW
C59205	0004	TRIBAL	TRIBAL	S.23-24T30NR14E LAND EXCHANGE
	0005	BEAVER CREEK PAR*	TRIBAL	LAND DISPUTE OVER 9250 AC.
	0007	TRIBAL	TRIBAL	TRIN R14E QUESTIONS LAND PURCHASE BY U.S
	0009	TRIBE	TRIBAL	ELECTRIC TRAN. LINE-MONT. POWER CO.
	0010	TRIBE	TRIBAL	HILL COUNTY R.E.A.-POWERLINES
	0011	TRIBE	TRIBAL	HILL COUNTY R.E.A.-POWERLINES
	0012	TRIBE	TRIBAL	HILL COUNTY R.E.A.-POWERLINES
	0013	TRIBE	TRIBAL	HILL COUNTY R.E.A.-POWERLINES
	0014	TRIBE	TRIBAL	HILL COUNTY R.E.A.-POWERLINES
	0015	TRIBE	TRIBAL	HILL COUNTY R.E.A.-POWERLINES
	0016	TRIBE	TRIBAL	HILL COUNTY R.E.A.-POWERLINES
	0017	TRIBAL	T53	RR05-1 ROAD IN TRESPASS
	0018	TRIBAL	T72	RR05-1 ROAD IN TRESPASS
	0019	TRIBAL	T39	RR05-1 ROAD IN TRESPASS
	0020	TRIBAL	T54	RR05-2 ROAD IN TRESPASS
	0021	TRIBAL	T64	RR05-2 ROAD IN TRESPASS
	0022	TRIBAL	T29	RR05-3 ROAD IN TRESPASS
	0023	TRIBAL	T57	RR05-3 ROAD IN TRESPASS
	0024	TRIBAL	T75	RR05-3 ROAD IN TRESPASS
	0025	TRIBAL	T41	RR05-3 ROAD IN TRESPASS
	0026	TRIBAL	T39	RR05-3 ROAD IN TRESPASS
	0027	TRIBAL	T71	RR05-4 ROAD IN TRESPASS
	0028	TRIBAL	T24	RR05-4 ROAD IN TRESPASS
	0029	TRIBAL	T22	RR05-4 ROAD IN TRESPASS
	0030	TRIBAL	T46	RR05-4 ROAD IN TRESPASS
	0031	TRIBAL	T71	RR05-4 ROAD IN TRESPASS
	0032	TRIBAL	T70	RR05-4 ROAD IN TRESPASS
	0033	TRIBAL	T71	RR05-5 ROAD IN TRESPASS
	0034	TRIBAL	T46	RR05-5 ROAD IN TRESPASS

HINEAU AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F00000	004	PORT GRAHAM	TRIBAL	TIMBER REMOVAL
	005	WRANGELL	TRIBAL	NAVAL AMMUNITION
	008	FRANCIS RYDER	A-44	ROAD RIGHT OF WAY TRESPASS
	010	FRANK STANDIFER	A-57	TIMBER REMOVAL
	011	T & H INDIAN - ANGOON	TRIBAL	TRIBAL PROPERTY TAKEN
	012	T & H INDIANS - ANGOON	TRIBAL	ARTIFACTS TAKEN
	013	T & H - ANGOON	TRIBAL	TRESPASS ON LANDS
	014	T & H - SITKA	TRIBAL	TIDELANDS TAKEN
	015	CHILKAT TRIBE	TRIBAL	TIMBER REMOVED
	017	KAKTOVIK	TRIBAL	VILLAGE RELOCATION

HINEAU AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F00000	018	KUSKOKWIM NATIVE ASSOCIATION	TRIBAL	RIGHT OF WAY
	019	PETER EWAN	AA5854	STATE TRESPASS
	020	MASSANISTA JOHNSON	054441	GRAVEL REMOVAL
	021	BUD CARLSON	037684	TRESPASS DAMAGES
	025	ANDREW DENGA	14A32A	TRESPASS DAMAGES
	026	EVELYN ALEXANDER	034694	CABIN ON ALLOTMENT
	027	CHARLIE JAMES	F-1454	STATE CAMPSITE
	029	EAGGIK TOWNSITE	TRIBAL	TRESPASS
	030	KENAITZE CLAIMS	TRIBAL	MINERAL TRESPASS
	037	JIM WARD	F14814	BUILDING TRESPASS
	038	PALAKIA MELGENAK	AA7404	N.P.S. BUILDINGS
	042	STEVE PROKOPEUFF	054743	ROAD CONSTRUCTION
	043	JOE SECONDCHIEF	A-6	ROAD CONSTRUCTION
	044	LUCY CASEY	A-54	TRESPASS - FLOODING
	045	ELENA BARTMAN	AA7793	BUILDING ON ALLOTMENT + ROAD
	047	LUCY ARVAKANA	F-3595	DAMAGE TO TRACT
	048	WALTON AHMAOGAK	F11322	ROAD CONSTRUCTION
	049	MARY ANDOTCHOOK	F13790	BUILDING TRESPASS
	060	MARY WHITTAKER	010296	MINING LEASE
	061	MARY WHITTAKER	010296	ARMY ROAD CONSTRUCTION
	062	NELS ANDERSON	057915	AIRPORT ON LOT
	063	WILLIAM MOSES	001019	UNAPPROVED LEASE

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F50440	0001	JOHN BAPTISTE DUBAY	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0002	WOLF RIVER FISHERY	N/A	DAMAGE TO FISHERY RESOURCES
F52409	0001	RED LAKE TRIBE	N/A	GRAZING TRESPASS
	0002	RED LAKE TRIBE	N/A	DAMAGE TO WILDRICE & OTHER HARVESTABLE GROWTH
	0003	MA KEE KA KE SICK	3	INUNDATION/FLOODING/SEEPAGE IN TRESPASS
	0004	RED LAKE TRIBE	N/A	RAILROAD IN TRESPASS
	0005	RED LAKE TRIBE	N/A	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0006	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS
	0007	RED LAKE TRIBE	N/A	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0008	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS
	0009	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS
	0010	RED LAKE TRIBE	N/A	GRAVEL/FILL/MINERALS OR OIL AND GAS REMOVED
	0011	NA WAY POCK	?	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0012	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS
	0013	RED LAKE TRIBE	N/A	ROAD OR HIGHWAY IN TRESPASS
	0014	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS
	0015	RED LAKE TRIBE	N/A	GRAZING TRESPASS
	0016	RED LAKE TRIBE	N/A	INUNDATION/FLOODING/SEEPAGE IN TRESPASS
	0017	RED LAKE TRIBE	N/A	GRAZING TRESPASS
	0018	RED LAKE TRIBE	N/A	ROAD OR HIGHWAY IN TRESPASS
	0019	RED LAKE TRIBE	N/A	LANDS CONDEMNED IN STATE COURT
	0020	RED LAKE TRIBE	N/A	LANDS CONDEMNED IN STATE COURT
	0021	RED LAKE TRIBE	N/A	TIMBER REMOVED WRONGFULLY
	0022	RED LAKE TRIBE	N/A	GRAVEL/FILL/MINERALS OR OIL AND GAS REMOVED
	0023	RED LAKE TRIBE	N/A	TIMBER REMOVED WRONGFULLY
	0024	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS
	0025	RED LAKE TRIBE	N/A	TIMBER REMOVED WRONGFULLY
	0026	RED LAKE TRIBE	N/A	TIMBER REMOVED WRONGFULLY
	0027	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS
	0028	RED LAKE TRIBE	N/A	DITCH OR CANAL IN TRESPASS
	0029	RED LAKE TRIBE	N/A	GRAZING TRESPASS
	0030	RED LAKE TRIBE	N/A	TIMBER REMOVED WRONGFULLY
	0031	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS
	0032	RED LAKE TRIBE	N/A	DITCH OR CANAL IN TRESPASS
	0033	RED LAKE TRIBE	N/A	TIMBER REMOVED WRONGFULLY
	0034	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS
	0035	RED LAKE TRIBE	N/A	INUNDATION/FLOODING/SEEPAGE IN TRESPASS
	0036	RED LAKE TRIBE	N/A	INUNDATION/FLOODING/SEEPAGE IN TRESPASS
	0037	RED LAKE TRIBE	N/A	ROAD OR HIGHWAY IN TRESPASS

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F52409	0038	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS
	0039	RED LAKE TRIBE	N/A	GRAZING TRESPASS
	0040	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS
	0041	RED LAKE TRIBE	N/A	GRAZING TRESPASS
	0042	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS
	0043	RED LAKE TRIBE	N/A	GRAZING TRESPASS

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F52409	0038	RED LAKE TRIBE	N/A	ROAD OR HIGHWAY IN TRESPASS
	0039	RED LAKE TRIBE	N/A	ROAD OR HIGHWAY IN TRESPASS
	0040	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS
	0041	RED LAKE TRIBE	N/A	TIMBER REMOVED WRONGFULLY
	0042	RED LAKE TRIBE	N/A	DUMPING WRONGFULLY
	0043	RED LAKE TRIBE	N/A	RAILROAD IN TRESPASS
	0044	RED LAKE TRIBE	N/A	RELINQUISHED ON ABANDONMENT/REVERTER
	0045	RED LAKE TRIBE	N/A	UTILITY LINE/PIPELINE TRESPASS
	0046	RED LAKE TRIBE	N/A	TIMBER REMOVED WRONGFULLY
	0047	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS RE 0001
	0048	RED LAKE TRIBE	N/A	DUMPING WRONGFULLY RE 0007
	0049	RED LAKE TRIBE	N/A	GRAVEL/FILL/MINERALS REMOVED RE 0013
	0050	RED LAKE TRIBE	N/A	INUNDATION/FLOODING/ IN TRESPASS RE 0015
	0051	RED LAKE TRIBE	N/A	TIMBER REMOVED WRONGFULLY RE 0016
	0052	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS RE 0017
	0053	RED LAKE TRIBE	N/A	DITCH OR CANAL IN TRESPASS RE 0019
	0054	RED LAKE TRIBE	N/A	ROAD IN TRESPASS RE 0021
	0055	RED LAKE TRIBE	N/A	AGRICULTURAL TRESPASS RE 0022
	0056	RED LAKE TRIBE	N/A	ROAD IN TRESPASS RE 0023
	0057	RED LAKE TRIBE	N/A	ROAD IN TRESPASS RE 0024
	0058	RED LAKE TRIBE	N/A	GRAVEL/FILL/MINERALS REMOVED RE 0029
	0059	RED LAKE TRIBE	N/A	ROAD IN TRESPASS RE 0022
	0060	RED LAKE TRIBE	N/A	DITCH OR CANAL IN TRESPASS
	0061	RED LAKE TRIBE	N/A	TIMBER REMOVED WRONGFULLY RE 0038
	0062	RED LAKE TRIBE	N/A	LANDS CONDEMNED IN STATE COURT RE 0039
	0063	RED LAKE TRIBE	N/A	ROAD IN TRESPASS RE 0042
	0064	RED LAKE TRIBE	N/A	BELTRAMI ELECTRIC COOP TRESPASS
	0065	RED LAKE TRIBE	N/A	BELTRAMI ELECTRIC COOP TRESPASS
	0066	RED LAKE TRIBE	N/A	BELTRAMI ELECTRIC COOP TRESPASS
	0067	RED LAKE TRIBE	N/A	BELTRAMI ELECTRIC COOP TRESPASS
	0068	RED LAKE TRIBE	N/A	BELTRAMI ELECTRIC COOP TRESPASS
	0069	RED LAKE TRIBE	N/A	BELTRAMI ELECTRIC COOP TRESPASS
	0070	RED LAKE TRIBE	N/A	BELTRAMI ELECTRIC COOP TRESPASS
	0071	RED LAKE TRIBE	N/A	BELTRAMI ELECTRIC COOP TRESPASS
	0072	RED LAKE TRIBE	N/A	BELTRAMI ELECTRIC COOP TRESPASS
	0073	RED LAKE TRIBE	N/A	BELTRAMI ELECTRIC COOP TRESPASS
	0074	RED LAKE TRIBE	N/A	BELTRAMI ELECTRIC COOP TRESPASS
	0075	RED LAKE TRIBE	N/A	BELTRAMI ELECTRIC COOP TRESPASS
F53404	0001	PETER ADAMS SON OF MARY ADAMS	611	FORCED FEE PATENT
	0002	ME ME NO GI SHE GOER	350	FENCE OR OTHER BOUNDARY ENCROACHMENT
	0003	JOE RAMBLE DRIFT	101	SECRETARIAL TRANSFERS
	0004	NING WAY BAUSH	100	SECRETARIAL TRANSFERS
	0005	MAY MAUSH KAH WAY WE DUNG	30	SECRETARIAL TRANSFERS
	0006	ONDA GAMBEK E SHIGOKE	4	SECRETARIAL TRANSFERS
	0007	KENEWANCE	3	SECRETARIAL TRANSFERS
	0008	BAY BAUM WAY CHE WAISH KING	1	SECRETARIAL TRANSFERS
	0009	MAY MAUSH KAH WAY NAH QUOD OKE	2	SECRETARIAL TRANSFERS
	0010	BAH GWAH NAY AH NAH QUOD OKE	45	OLD AGE ASSISTANCE CLAIM
	0011	MIS SA BAIK	98	SECRETARIAL TRANSFERS
	0012	PIN GWAH DAH KIM EG WAIBE	38	SECRETARIAL TRANSFERS
	0013	AH GAH MAH KE WAY WE DUNG	134	SECRETARIAL TRANSFERS
	0014	JOHN JOHNSON	49	SECRETARIAL TRANSFERS
	0015	SHE NOW WE WE DUNG	52	SECRETARIAL TRANSFERS
	0016	BAH GWAY WE KE SHIG OKE	68	SECRETARIAL TRANSFERS
	0017	AI MONIGT ROAD	N/A	ROAD OR HIGHWAY IN TRESPASS
	0018	GENERAL LOGGING CO RAILROAD	N/A	RAILROAD IN TRESPASS
	0019	MYRTLAND WOOD ROAD	N/A	ROAD OR HIGHWAY IN TRESPASS
	0020	STATE HIGHWAY 45 STATE OF MINN	40	ROAD OR HIGHWAY IN TRESPASS
	0021	NORTHERN ELECTRIC COOP	N/A	UTILITY LINE/PIPELINE TRESPASS
	0022	MAY MIN WAH GWAI SHUNG	301	SECRETARIAL TRANSFERS
	0023	WAH BUN E TAH GOO	73	SECRETARIAL TRANSFERS
	0024	NEG BAH BOW EAKE	313	SECRETARIAL TRANSFERS
	0025	KA GI GAY AUSH PETER DRIFT	141	TIMBER REMOVED WRONGFULLY
	0026	BAH ZHE DWAY WE GUM OKE	140	TIMBER REMOVED WRONGFULLY
	0027	KAY BAY BE SIN TO MOKE	133	SECRETARIAL TRANSFERS
	0028	GY WIN E BENAIS	154	SECRETARIAL TRANSFERS
	0029	ANNIE DRIFTING GUN AH BEKE	151	CLAIM FOR UNPAID LEASE RENTALS
	0030	MOUNE DRIND BOW EKE	142	SECRETARIAL TRANSFERS

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53404	0031	KE WE TAH KE SHIG OKE	175	SECRETARIAL TRANSFERS
	0032	WAU O ZHAU BAN WAISH KING	168	SECRETARIAL TRANSFERS
	0033	MAY ZHAU KO AH WUN OKE	184	SECRETARIAL TRANSFERS
	0034	OUN JE KE SHIG O QUAY	161	SECRETARIAL TRANSFERS
	0035	KAY BONCE	166	SECRETARIAL TRANSFERS
	0036	TOM ROY FARMER	163	SECRETARIAL TRANSFERS
	0037	MAISH KOW WAY WE DUNG	83	FORCED FEE PATENTS
	0038	PAH GAH MI BENAIS JOE LIGHTFEATHER	44	FORCED FEE PATENTS
	0039	AY NIN WAY WAY KE SHIG OKE	98	SECRETARIAL TRANSFERS
	0040	WAH KAY BE NAIS	194	SECRETARIAL TRANSFERS
	0041	KNOCHICHING COUNTY WELFARE BOARD	N/A	OLD AGE ASSISTANCE CLAIM
	0042	ETHEL LOU SULLIVAN	553	FORCED FEE PATENTS
	0043	DAN KEQUETCH	452	FORCED FEE PATENTS
	0044	O GAH BAY OUS SAUCE	453	FORCED FEE PATENTS
	0045	MAY MIN O GWAN AY AUSH	660	FORCED FEE PATENTS
	0046	SANG WAY WAY AUSH EAKE	537	FORCED FEE PATENTS
	0047	AISH QWAY BE NAIS MCT	8	SECRETARIAL TRANSFERS
	0048	KAH GE GAY BE NAIS MCT	9	SECRETARIAL TRANSFERS
	0049	BAH GWAH NAY AH WAY QUOD OKE	45	SECRETARIAL TRANSFERS
	0050	MAY ZE WAY BE QUAY	119	SECRETARIAL TRANSFERS
	0051	SHAW BOW KE GAH BOW	128	SECRETARIAL TRANSFERS
	0052	SHAY WAY	253	SECRETARIAL TRANSFERS
	0053	MIS GWAH QUOD	254	SECRETARIAL TRANSFERS
	0054	WAH SAIN GAWN	255	SECRETARIAL TRANSFERS
	0055	MAISH AH KE BE NAIS	256	SECRETARIAL TRANSFERS
	0056	MIS SAH BAY	262	SECRETARIAL TRANSFERS
	0057	WAY SAH WAUSH EKE	270	SECRETARIAL TRANSFERS
	0058	WAH SO KO WAY	271	SECRETARIAL TRANSFERS
	0059	MAY ZHAW KEKE SHIG OKE	276	SECRETARIAL TRANSFERS
	0060	MINI SHE NAH WAY GAH BOW	288	SECRETARIAL TRANSFERS
	0061	MUKE DE WAN DIB	294	SECRETARIAL TRANSFERS
	0062	AY YAH SHAW WAH BEAKE	296	SECRETARIAL TRANSFERS
	0063	BAY BAH BAH KE GIT	297	SECRETARIAL TRANSFERS
	0064	PE QUAH KOONCE	301	SECRETARIAL TRANSFERS
	0065	MAY SHAW KE UGH TAY BID	302	SECRETARIAL TRANSFERS
	0066	SAH KE OMGH MAY BEAKE	303	SECRETARIAL TRANSFERS
	0067	PE NOW WAH NE GESHIG	308	SECRETARIAL TRANSFERS
	0068	MAY WAY WAY CUMIG OKE MCT	330	SECRETARIAL TRANSFERS
	0069	TAY ROSE GE SHIG WARE MCT	356	SECRETARIAL TRANSFERS
	0070	MAY MIN WAH BEAKE MCT	357	SECRETARIAL TRANSFERS
	0071	MAY ISH WE GAH BOW EAKE	363	SECRETARIAL TRANSFERS
	0072	MAH JI CUM IG OKE	367	SECRETARIAL TRANSFERS
	0073	MAH JI KE SHIG OKE	372	SECRETARIAL TRANSFERS
	0074	BAY BAUM E GESHIG	375	SECRETARIAL TRANSFERS
	0075	NAH QUAY GE SHIG OKE	376	SECRETARIAL TRANSFERS
	0076	DAYBAY WE ME MUNG	379	SECRETARIAL TRANSFERS
	0077	KAH YAH KE WAY BID	380	SECRETARIAL TRANSFERS
	0078	KWE SENS	420	SECRETARIAL TRANSFERS
	0079	WE SAH KO DAY ME N O NEE	499	SECRETARIAL TRANSFERS
	0080	KAY CHE WAY YAY AUSH EAKE	509	SECRETARIAL TRANSFERS
	0081	BO AUN ANCE	602	SECRETARIAL TRANSFERS
	0082	MRS OM BONESS	604	SECRETARIAL TRANSFERS
	0083	BAY BAUM SHE WAISH KING	1	SECRETARIAL TRANSFERS
	0084	JOHN WAKEMUP SR	45	SECRETARIAL TRANSFERS
	0085	WASH ASH O GE QUAY	120	SECRETARIAL TRANSFERS
	0086	MARY WAVENNA	129	SECRETARIAL TRANSFERS
	0087	JOHN FARMER	195	SECRETARIAL TRANSFERS
	0088	BE SHE WI SED	242	SECRETARIAL TRANSFERS
	0089	KE BE DWAY YE SHIG WAIB	243	SECRETARIAL TRANSFERS
	0090	GI CHI GE JI QUAPE	245	SECRETARIAL TRANSFERS
	0091	MIN WA WA GIS IC	246	SECRETARIAL TRANSFERS
	0092	MIN NO WA QUAKE	256	SECRETARIAL TRANSFERS
	0093	O GE MAH NOB E TUNG	544	SECRETARIAL TRANSFERS
	0094	ANN DEE QU	545	SECRETARIAL TRANSFERS
	0095	PETER WHITEMAN	546	SECRETARIAL TRANSFERS
	0096	JOHN ROTTENWOOD	547	SECRETARIAL TRANSFERS
	0097	SHAY WE BIN ES SEE	548	SECRETARIAL TRANSFERS
	0098	SAM WHITEMAN	549	SECRETARIAL TRANSFERS

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53404	0099	BEGOO	394	SECRETARIAL TRANSFERS
	0100	TIM GAY GESHIG OKE	397	SECRETARIAL TRANSFERS
	0101	TA T GAM PINES	398	SECRETARIAL TRANSFERS
	0102	MAISH KAH WAH BEAKE	399	SECRETARIAL TRANSFERS
	0103	KIP IT WAGISH I OG WAP	400	SECRETARIAL TRANSFERS
	0104	BEGO	402	SECRETARIAL TRANSFERS
	0105	MAH JE WAY MAISH KUNG	405	SECRETARIAL TRANSFERS
	0106	JOHN WAKEMUP JR	994	SECRETARIAL TRANSFERS
	0107	WAY MAUSH KAH WAY WE DUNG	531	SECRETARIAL TRANSFERS
	0108	ANNE MCKOY	396	FORCED FEE PATENTS
	0109	GAME VIOLATIONS	N/A	WRONGFUL DIMINUTION OF GAME SUPPLIES
	0110	NED GAH BUN EAKE	N/A	TIMBER REMOVED WRONGFULLY (SEE -0024)
	0111	ANNE MCKAY	N/A	TAX FORFEITURE (SEE -0108)
	0112	WAY ON JE KE SHIG OKE	574	STATE HIGHWAY 65 IN TRESPASS
	0113	CHE GWAY WAY WAY CUMIG OKE	609	STATE HIGHWAY 65 IN TRESPASS
	0114	MAGGIE SKY	612	STATE HIGHWAY 65 IN TRESPASS
	0115	JOHN JACKSON	614	STATE HIGHWAY 65 IN TRESPASS
	0116	IAH ZHAH WAY CUMIG WABE	613	STATE HIGHWAY 65 IN TRESPASS
	0117	PADDY BROWN	646	STATE HIGHWAY 65 IN TRESPASS
	0118	MARY JOHNSON	41	STATE HIGHWAY 65 IN TRESPASS
	0119	MRS HENRY BENNER	406	STATE HIGHWAY 65 IN TRESPASS
	0120	NE BE DAY AUSH EAKE	422	STATE HIGHWAY 65 IN TRESPASS
	0121	MOSES DAY	73	STATE HIGHWAY 65 IN TRESPASS
	0122	DUN JE KE SHIG ODWAY	161	STATE HIGHWAY 65 IN TRESPASS
	0123	TAY DOSH SE IE SHIG WABE	356	STATE HIGHWAY 65 IN TRESPASS
	0124	TIM GAY FARMER	163	STATE HIGHWAY 65 IN TRESPASS
	0125	WABOOSE	389	STATE HIGHWAY 65 IN TRESPASS
	0126	PIN GWAH DAH CUMIG WABE	38	STATE HIGHWAY 65 IN TRESPASS
	0127	GWAY KE KAH ON SABE	10	STATE HIGHWAY 65 IN TRESPASS
	0128	MRS DAY	3	STATE HIGHWAY 65 IN TRESPASS
	0129	KE WAY AH BUNDKE	87	STATE HIGHWAY 65 IN TRESPASS
	0130	AH WAH WAH NA SHIG	32	STATE HIGHWAY 65 IN TRESPASS
	0131	BAH ON GWAY WAY KE SHIG OKE	68	STATE HIGHWAY 65 IN TRESPASS
	0132	PAH GUN WAY WE DUNG	540	STATE HIGHWAY 65 IN TRESPASS
	0133	TOM BIRD	543	STATE HIGHWAY 65 IN TRESPASS
	0134	OWAH BAH CUMIG OKE	48	STATE HIGHWAY 65 IN TRESPASS
	0135	NAH BUN AY KE SHIG	92	STATE HIGHWAY 65 IN TRESPASS
	0136	SOPHIA WEIN GOGGLEYE	720	STATE HIGHWAY 65 IN TRESPASS
	0137	WAY ZHE O TAH GIS	508	STATE HIGHWAY 65 IN TRESPASS
	0138	KE WAY KE SHIG WABE	501	STATE HIGHWAY 65 IN TRESPASS
	0139	BAH ZHE DAH JE WAY AUSH	502	STATE HIGHWAY 65 IN TRESPASS
	0140	PETER ADAMS (SON OF MARY ADAMS)	578	FORCED FEE PATENT
	0141	PETER ADAMS (SON OF MARY ADAMS)	609	FORCED FEE PATENT
	0142	PETER ADAMS (SON OF MARY ADAMS)	612	FORCED FEE PATENT
	0143	PETER ADAMS (SON OF MARY ADAMS)	613	FORCED FEE PATENT
	0144	PETER ADAMS (SON OF MARY ADAMS)	614	FORCED FEE PATENT
	0145	PETER ADAMS (SON OF MARY ADAMS)	646	FORCED FEE PATENT
F53405	0001	DAVID AY NE MAH SING	42	UTILITY TRESPASS
	0002	TRIBAL	281	FENCE OR OTHER BOUNDARY ENCROACHMENT
	0003	MICHAEL PETTI	207	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0004	LOUIS LAPRAIRIE	417	UTILITYLINE/PIPELINE TRESPASS
	0005	JOSEPH BLAIR	164	PROBATED BY COURT WITHOUT JURISDICTION
	0006	TRIBAL	144	FORCED FEE PATENTS
	0007	CELIN DUPREE JACKSON	458	CLAIM FOR UNPAID LEASE RENTALS
	0008	ANNIE DREDE	128	FORCED FEE PATENTS
	0009	SUSETTE HOULE	N/A	UTILITYLINE/PIPELINE TRESPASS
	0010	CHARLES JACKSON	47	FORCED FEE PATENTS
	0011	JOHN ST JOHN	140	SECRETARIAL TRANSFERS
	0012	JOSEPH KEGAUT	64A	SECRETARIAL TRANSFERS
	0013	HENRY COLBURNE	181	TAX FORFEITURE
	0014	THOMAS JACKSON	N/A	FORCED FEE PATENTS
	0015	KIVE SANCE MARY MARTIN	N/A	FORCED FEE PATENTS
	0016	CHARLES LAUNDRY	170	FORCED FEE PATENTS
	0017	JOSETTE LAUNDRY	140	FORCED FEE PATENTS
	0018	MAGGIE POSEY	148	FORCED FEE PATENTS
	0019	JOHN OJIBWAY	21	FORCED FEE PATENTS
	0020	JOHN GRASSHOPPER	244	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0021	PETER FAY COLLINGS	50	FORCED FEE PATENTS

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53405	0022	JAMES SQUADES	87	SECRETARIAL TRANSFERS
	0023	MARY BATISTE	14F	SECRETARIAL TRANSFERS
	0024	KE WE TAH O SAY GWAY	140	ROAD OR HIGHWAY IN TRESPASS
	0025	DAVE RUTTLE	78	FORCED FEE PATENTS
	0026	JOHN PORTER	117	SECRETARIAL TRANSFERS
	0027	ADELAIDE CLARK	6C	SECRETARIAL TRANSFERS
	0028	JOSEPH PETIT	72	SECRETARIAL TRANSFERS
	0029	ALEXANDER SHOTLEIN	60	SECRETARIAL TRANSFERS
	0030	MAGGIE THOMPSON	1C	TIMBER REMOVED WRONGFULLY
	0031	PETER DUFAULT	198	TIMBER REMOVED WRONGFULLY
	0032	NEGUMEQUAY	295	SECRETARIAL TRANSFERS
	0033	TIM DRIFT OGAH BAY AH NAH QUOD	139	OLD AGE ASSISTANCE CLAIM
	0034	CARLTON COUNTY WELFARE BOARD	N/A	OLD AGE ASSISTANCE CLAIM
	0035	BONEY MAISH KE WAY ME DUNG	83	OLD AGE ASSISTANCE CLAIM
	0036	CHARLES GOODSKY	120	OLD AGE ASSISTANCE CLAIM
	0037	JESSIE DRIFT SOREYES	148	OLD AGE ASSISTANCE CLAIM
	0038	JOHN WAH WE GON WAH WE WAY GWON	325	OLD AGE ASSISTANCE CLAIM
	0039	MRS CHARLES GOODSKY	121	OLD AGE ASSISTANCE CLAIM
	0040	MAISH KOW WAY WE DUNG KINGFISHER	224	OLD AGE ASSISTANCE CLAIM
	0041	WISH E BAW AH MIG OKE FIELDS	424	OLD AGE ASSISTANCE CLAIM
	0042	NAH NAH E GWAY MRS FRED GESHICK	493	OLD AGE ASSISTANCE CLAIM
	0043	CHAS E GESHICK	494	OLD AGE ASSISTANCE CLAIM
	0044	WM BURNSIDE	488	OLD AGE ASSISTANCE CLAIM
	0045	JOHN WAH WE GON	325	OLD AGE ASSISTANCE CLAIM
	0046	ROY BUNESS	UNAV	OLD AGE ASSISTANCE CLAIM
	0047	MAGGIE GOODSKY PATERSON	UNAV	OLD AGE ASSISTANCE CLAIM
	0048	ELIZABETH OTTER	548	OLD AGE ASSISTANCE CLAIM
	0049	WM SAM JR	550	OLD AGE ASSISTANCE CLAIM
	0050	PED WAY WAY GWON	483	OLD AGE ASSISTANCE CLAIM
	0051	CHIEF NAH GAH NUB	1	SECRETARIAL TRANSFERS
	0052	MARY JACKSON	4A	SECRETARIAL TRANSFERS
	0053	MIN WAY WAY OSHI GWAY	4A	SECRETARIAL TRANSFERS
	0054	JOHN JOSEPH BAPTISTE	6E	SECRETARIAL TRANSFERS
	0055	MARGARET LAUNDRY LAPRAIRIE	11F	SECRETARIAL TRANSFERS
	0056	MI KWU AN MAH SUNG	12F	SECRETARIAL TRANSFERS
	0057	LOUIS BELLANGER BAGA O KO KWE	14B	SECRETARIAL TRANSFERS
	0058	MRS EDWARD PORTER AGNES LIVINGSTON	33	SECRETARIAL TRANSFERS
	0059	SOPHIA BAPIO DEPERRY	A50	SECRETARIAL TRANSFERS
	0060	SOPHIA BAPIO DEPERRY	7A	SECRETARIAL TRANSFERS
	0061	MARY SKY SANG WAY WAY JE WON OKE	79	SECRETARIAL TRANSFERS
	0062	MAGGIE LAROSE OGE MAHUE SHIG O GWAY	89	SECRETARIAL TRANSFERS
	0063	JOS PETIT SONG GAH CUMIG	138	SECRETARIAL TRANSFERS
	0064	PAUL CHATELAINE	158	SECRETARIAL TRANSFERS
	0065	JOS CHATELAINE JR	159	SECRETARIAL TRANSFERS
	0066	CHARLOTTE MARTIN O ZAY WE GE SHIG	164	SECRETARIAL TRANSFERS
	0067	MARGARET HOULE COLBURNE	173	SECRETARIAL TRANSFERS
	0068	CECELIA DU FAULT	202	SECRETARIAL TRANSFERS
	0069	JOHN DU FAULT	203	SECRETARIAL TRANSFERS
	0070	CECILE WHITEBIRD MCT	248	SECRETARIAL TRANSFERS
	0071	PETER BEAVER	251	SECRETARIAL TRANSFERS
	0072	ALEXIS HOULE	175	FORCED FEE PATENTS
	0073	JOSEPH PETIT SONG AH CUMIG	138	LANDS CONDEMNED IN STATE COURT
	0074	OPE E ENCE MRS JOHN GRASS HOPPER	97	SECRETARIAL TRANSFERS
	0075	TOMEY GRASSHOPPER	423	CLAIM FOR UNPAID LEASE RENTALS
	0076	MARY ANN NAH GA H NUB	359	TIMBER REMOVED WRONGFULLY
	0077	TI TET PETER LEMIEUX	301	FORCED FEE PATENTS
	0078	EDWARD L SMITH	3AB	FORCED FEE PATENTS
	0079	TRIBAL	N/A	GRAZING TRESPASS (SEE -0002)
	0080	MICHAEL PETTI	N/A	DUMPING WRONGFULLY (SEE -0003)
	0081	MICHAEL PETTI	N/A	AGRICULTURAL TRESPASS (SEE -0003)
	0082	SUSETTE HOULE	N/A	ROAD IN TRESPASS RE 0009
	0083	PETER LEMIEUX	N/A	TAX FORFEITURE (SEE -0077)
	0084	RA SHA WA KWA DOKWE	4B	LANDS CONDEMNED IN STATE COURT
	0085	JOHN AYNEMAH SUNG	AA	UTILITYLINE TRESPASS
	0086	SUSAN HOULE	170	UTILITYLINE TRESPASS
	0087	JOSEPH BAPIO	7A	UTILITYLINE TRESPASS
	0088	SNOWBALL	303	UTILITYLINE TRESPASS
	0089	MUKKOONCE	95	0

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53405	0090	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0091	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0092	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0093	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0094	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0095	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0096	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0097	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0098	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0099	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0100	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0101	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0102	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0103	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0104	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0105	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0106	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0107	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0108	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0109	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0110	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0111	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0112	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0113	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0114	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0115	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0116	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0117	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0118	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0119	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0120	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0121	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0122	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0123	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0124	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0125	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0126	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0127	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0128	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0129	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0130	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0131	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0132	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0133	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0134	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0135	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0136	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0137	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0138	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0139	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0140	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0141	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0142	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0143	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0144	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0145	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53405	0146	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0147	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0148	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0149	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0150	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0151	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0152	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0153	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0154	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0155	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0156	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0157	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0158	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0159	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0160	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0161	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0162	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0163	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0164	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0165	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0166	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0167	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0168	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0169	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0170	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0171	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
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	0200	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0201	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0202	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
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	0220	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0221	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0222	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0223	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0224	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0225	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0226	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0227	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0228	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0229	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0230	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0231	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0232	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0233	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0234	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0235	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0236	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0237	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0238	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0239	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0240	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0241	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0242	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0243	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0244	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0245	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0246	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0247	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0248	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0249	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0250	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0251	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0252	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0253	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0254	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0255	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0256	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0257	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0258	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0259	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0260	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0261	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0262	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0263	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0264	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0265	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0266	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0267	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0268	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0269	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0270	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0271	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0272	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0273	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0274	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0275	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0276	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0277	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0278	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0279	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0280	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0281	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0282	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0283	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0284	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0285	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0286	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0287	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0288	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0289	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0290	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0291	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0292	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0293	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0294	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0295	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0296	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0297	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0298	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0299	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0300	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0301	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0302	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0303	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0304	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0305	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0306	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0307	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0308	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0309	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0310	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0311	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0312	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0313	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0314	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0315	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0316	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0317	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0318	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0319	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0320	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0321	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0322	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0323	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0324	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0325	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS
	0326	JOHN BAPTISTE	6E	SECRETARIAL TRANSFERS

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53405	0090	DAVID AYNEMAHSUNG	42	UTILITY LINE TRESPASS
	0091	MCT	44	UTILITY LINE TRESPASS
	0092	EMMA AYNEMAHSUNG	44	UTILITY LINE TRESPASS
	0093	ELIZA SCOTT	70	UTILITY LINE TRESPASS
	0094	MRS. RAZOR	133	UTILITY LINE TRESPASS
	0095	MARY RAZOR	136	UTILITY LINE TRESPASS
	0096	MARY JACKSON	38	UTILITY LINE TRESPASS
	0097	FLORA PADDEN	50	UTILITY LINE TRESPASS
	0098	BAY SHE GO GAH BOW	102	UTILITY LINE TRESPASS
	0099	MCT	13	UTILITY LINE TRESPASS
	0100	JOSEPH RAPID	74	FORCED FEE PATENT
	0101	LIZZIE SCOTT	69	FORCED FEE PATENT
	0102	MRS SUSAN RAZOR SHARLOW	133	FORCED FEE PATENT
	0103	MARY RAZOR	136	FORCED FEE PATENT
	0104	SUSAN HOULE	170	FORCED FEE PATENT
	0105	MAGGIE POSEY	141	FORCED FEE PATENT
F53406	0001	BA BI DOSH	104	TIMBER REMOVED WRONGFULLY
	0002	MOW WAY GAINS	53	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0003	MINNESOTA CHIPPEWA TRIBE	N/A	DUMPING WRONGFULLY
	0004	SA YAE ME GE JIG OKE	300	ROAD OR HIGHWAY IN TRESPASS
	0005	JOHN AHWAWAINS	297	DUMPING WRONGFULLY
	0006	GRAND PORTAGE BAND	N/A	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0007	GRAND PORTAGE BAND	N/A	ROAD OR HIGHWAY IN TRESPASS
	0008	MRS GEORGE MORRISON	56	ROAD OR HIGHWAY IN TRESPASS
	0009	GRAND PORTAGE BAND	N/A	DUMPING WRONGFULLY
	0010	GRAND PORTAGE BAND	N/A	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0011	WAY MIN WAUN DAH YAW SH EAYE	495	OLD AGE ASSISTANCE CLAIM
	0012	LEANDE CARRIBOO	131	FORCED FEE PATENTS
	0013	ONUN WAY SE NO QWAY	132	FORCED FEE PATENTS
	0014	MARY SCOTT MCLAREY	133	FORCED FEE PATENTS
	0015	PAUL MAY MAUSH KOW AUSH	148	FORCED FEE PATENTS
	0016	LOUISE MAY MAUSH KOW AUSH	150	FORCED FEE PATENTS
	0017	MADELAINE MAY MAUSH KOW AUSH	151	FORCED FEE PATENTS
	0018	DANA WAISH	176	FORCED FEE PATENTS
	0019	JOHN B LESAGE	183	FORCED FEE PATENTS
	0020	JEROME MAH GAH NUB	200	FORCED FEE PATENTS
	0021	JOHN R MCMILLEN	205	FORCED FEE PATENTS
	0022	PIN ROUSH	245	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0023	LOUISAN BAH GWOT CH E NE NEE	248	FORCED FEE PATENTS
	0024	ANTOINE FILISON	270	FORCED FEE PATENTS
	0025	MARIE AH NA H QUOD	283	CLAIM FOR UNPAID LEASE RENTALS
	0026	DOMINIQUE AH NAH QUOD	285	TIMBER REMOVED WRONGFULLY
	0027	CATHERINE CADATTE SALT	310	FORCED FEE PATENTS
	0028	SKINGE BIS	55	SECRETARIAL TRANSFERS
	0029	PE DAWN AH QUOD OKE	78	SECRETARIAL TRANSFERS
	0030	PAUL MORRISON	126	SECRETARIAL TRANSFERS
	0031	LOUIS MAY MAUSH KOW AUSH	138	SECRETARIAL TRANSFERS
	0032	PETER MAY MAUSH KOW AUSH	157	SECRETARIAL TRANSFERS
	0033	SUSAN MAY MAUSH KOW AUSH	158	SECRETARIAL TRANSFERS
	0034	MUN D MI NE QUICE	196	SECRETARIAL TRANSFERS
	0035	GEORGE MUKKOTO	230	SECRETARIAL TRANSFERS
	0036	EUSTACHE THOMAS	241	SECRETARIAL TRANSFERS
	0037	JULIE MONTFERRAND	177	GRAVEL/FILL/MINERALS OR OIL AND GAS REMOVED
	0038	GRAND PORTAGE BAND HWY 61	N/A	ROAD OR HIGHWAY IN TRESPASS
	0039	MOW WAY GAINS	N/A	UTILITY LINE/PIPELINE TRESPASS RE 0002
	0040	GRAND PORTAGE BAND	N/A	GRAVEL/FILL/MINERALS REMOVED RE 0007
	0041	MINNESOTA CHIPPEWA TRIBE	N/A	UTILITY LINE TRESPASS
	0042	MINNESOTA CHIPPEWA TRIBE	N/A	UTILITY LINE TRESPASS
	0043	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0044	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0045	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0046	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0047	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0048	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0049	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0050	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0051	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0052	MINNESOTA CHIPPEWA TRIBE	N/A	UTILITY LINE TRESPASS

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53406	0053	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0054	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0055	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0056	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0057	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0058	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0059	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0060	MINNESOTA CHIPPEWA TRIBE	N/A	UTILITY LINE TRESPASS
	0061	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0062	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0063	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0064	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0065	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0066	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0067	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0068	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0069	MINNESOTA CHIPPEWA TRIBE	N/A	UTILITY LINE TRESPASS
	0070	MINNESOTA CHIPPEWA TRIBE	N/A	UTILITY LINE TRESPASS
	0071	MINNESOTA CHIPPEWA TRIBE	N/A	UTILITY LINE TRESPASS
	0072	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0073	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0074	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
	0075	GRAND PORTAGE BAND	N/A	UTILITY LINE TRESPASS
F53407	0001	JOHN SMITH (ZHUNZ WAY)	630	FORCED FEE PATENTS
	0002	AYSH QUAY BIN AIS EAK	52	SECRETARIAL TRANSFERS
	0003	ME ZHAH GAH WAY GE SHIG	49	SECRETARIAL TRANSFERS
	0004	WAY ZHUC YAUSH	53	SECRETARIAL TRANSFERS
	0005	NA BUN AUSH CUMIG OKE	50	SECRETARIAL TRANSFERS
	0006	NAUZHO ME MIND MAGGIE SIMON	142	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0007	TRIBAL ROAD #8	N/A	ROAD OR HIGHWAY IN TRESPASS
	0008	KAY QUAY DO WAY	392	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0009	PAH GWATCH E ME NE	39	DUMPING WRONGFULLY
	0010	PAY WAY GWAN ABE	339	ROAD OR HIGHWAY IN TRESPASS
	0011	KAH GAW GEENCE	351	ROAD OR HIGHWAY IN TRESPASS
	0012	EMMA BRUCE JOHNSON	1595	GRAVEL/FILL/MINERALS OR OIL AND GAS REMOVED
	0013	SHAW WUN E GWON ABE CASS CO	1716	TAX FORFEITURE
	0014	LEECH LAKE RESERVATION	TRIBAL	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0015	QUE ME ZAINCE CASS COUNTY	1682	FORCED FEE PATENTS
	0016	PENAIS E QUAY CASS COUNTY	1594	TAX FORFEITURE
	0017	JOSEPH GILMAN	1553	FORCED FEE PATENTS
	0018	MILLIE TIBBETTS	842	FORCED FEE PATENTS
	0019	QUAY KE DE SHIG OKE ITASCA COUNTY	311	SECRETARIAL TRANSFERS
	0020	MYRTLE E CARSON CASS CO	967	FORCED FEE PATENTS
	0021	PAH OH BE BIN AIS	241	SECRETARIAL TRANSFERS
	0022	PE SHIG O QUAY	129	SECRETARIAL TRANSFERS
	0023	KE DE QUAY ME WAUN	212	SECRETARIAL TRANSFERS
	0024	BEATRICE DEFOE BELTRAMI CO	72	FORCED FEE PATENTS
	0025	KE CHE MAH EEN GUN	261	SECRETARIAL TRANSFERS
	0026	PIN DE GAY GAH BOW	1687	SECRETARIAL TRANSFERS
	0027	MAYS GWON E QUAY	833	TAX FORFEITURE
	0028	MAH GAH NUB	1546	TAX FORFEITURE
	0029	MUN E DO BE JIKE	1956	SECRETARIAL TRANSFERS
	0030	AY NE WAWISH CASS CTY	362	OLD AGE ASSISTANCE CLAIM
	0031	PAYSHIGO BIN AIS EAK	155	UTILITY LINE/PIPELINE TRESPASS
	0032	MAYS CHWAS O GAH BOW EAK	186	SECRETARIAL TRANSFERS
	0033	JENNIE KING DRUMBEATER	336	FORCED FEE PATENTS
	0034	O DISH QUAY GE SHIG O QUAY	294	ROAD OR HIGHWAY IN TRESPASS
	0035	SAH GA CHEW	229	SECRETARIAL TRANSFERS
	0036	HATTIE GILBERT ARTES ME GON O DOKE	629	AGRICULTURAL TRESPASS
	0037	DORA STURGEON CASS CTY	363	OLD AGE ASSISTANCE CLAIM
	0038	SMO ME YAH WUB EAK	185	SECRETARIAL TRANSFERS
	0039	LILLIE CHATFIELD WAU ZUSH	200	SECRETARIAL TRANSFERS
	0040	WAY TUM E GE GID OKE	1169	SECRETARIAL TRANSFERS
	0041	WAH BISH KE QUAN	763	SECRETARIAL TRANSFERS
	0042	KO TAH WAUSH JOHN MONMELL	1261	TAX FORFEITURE
	0043	OBE SAN EGE SHIG	1364	TAX FORFEITURE
	0044	KAY ZHE AUSH	1372	TAX FORFEITURE
	0045	GEORGE BRUNETTE	1375	TAX FORFEITURE

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MINEOGRAPH IS AREA STATUTE CLAIMS,

TRIBE	ROLL	NAME	ALLOTMENT	TYPE OF CLAIM
FEB 1907	0114	RAY RAY DE WAIC	910	TAX FORFEITURE
	0115	MRS NELLIE LYDICK	904	TAX FORFEITURE
	0116	MRS ANNA FROST	11564	TAX FORFEITURE
	0117	ESTHER SHINGOBEE	974	TAX FORFEITURE
	0118	SAM SHOEMAKER	1109	TAX FORFEITURE
	0119	BENJAMIN FAIRBANKS	1195	TAX FORFEITURE
	0120	JOHN FOX	1167	TAX FORFEITURE
	0121	MARGARET KING	1312	TAX FORFEITURE
	0122	MRS CAS JUTTLE	1199	TAX FORFEITURE
	0123	PETWAY (WINAY PEKE SARAH NAH QUOT	1212	TAX FORFEITURE
	0124	MITISH (WAY GAH BOWE	1223	TAX FORFEITURE
	0125	WAY SHUE E AIN AH QUAN	1287	TAX FORFEITURE
	0126	CHARLES LYONS	568	TAX FORFEITURE
	0127	NANCY OZHE NE NEE	574	TAX FORFEITURE
	0128	MOUTE MOSIE RUNNELL	691	TAX FORFEITURE
	0129	WE ME TAH QUA AY BEAM	827	TAX FORFEITURE
	0130	WAY YUN QUS	503	TAX FORFEITURE
	0131	AGNES WRIGHT CAMPBELL	478	TAX FORFEITURE
	0132	MA IND THOMPSON	612	TAX FORFEITURE
	0133	WAH NOTE REO LYONS	926	FORFEITURE PATENTS
	0134	MOUNTE	1017	SECRETARIAL TRANSFERS
	0135	CHARLES FOURNIER JOHN HOWARD	N/A	FORCED FEE PATENTS
	0136	FRANK BENCHAM	1345	FORCED FEE PATENTS
	0137	JOHN JOSEPH BENEAU	N/A	FORCED FEE PATENTS
	0138	WILLIE AITKEN (SEE WAH YA HO	1464	FORCED FEE PATENTS
	0139	CHARLES CHARETTE	771	SECRETARIAL TRANSFERS
	0140	CHARLIE AITKINS	1313	FORCED FEE PATENTS
	0141	ROBERT M ARRY PASS, JOHE	295	IN ID AM ASSISTANCE CLAIM
	0142	RAH BE WISH KEEN SHIP	1382	SHAWN LAND (MISAPPERLY PATENTED AS SWAMP
	0143	KAY TE (IMIG (WE	236	SECRETARIAL TRANSFERS
	0144	(I MICH (WAY QUANTE	438	(MADE REMOVED WRONGFULLY
	0145	FRANCES MUNNELL SAH SE WAH YA HO	1763	FORCED FEE PATENTS
	0146	RAY SHE GO JAY	287	PROHIBITED BY COURT WITHOUT JURISDICTION
	0147	KEN KIN AH WAH SE KING	996	FORCED FEE PATENTS
	0148	WAY TAH WOPE TING	467	(THER REMOVED WRONGFULLY
	0149	Eunice	247	SECRETARIAL TRANSFERS
	0150	MARGARET MINNIE RANGA	201	FORCED FEE PATENTS
	0151	NAN NAH E GE SHIG	1544	SECRETARIAL TRANSFERS
	0152	JOSEPH AH BAH ZHEENE	482	CLAIM FOR UNPAID LEASE RENTALS
	0153	THOMAS TIBBETTS	844	FORCED FEE PATENTS
	0154	LILLIE LYONS	531	FORCED FEE PATENTS
	0155	EMMA LYONS	579	FORCED FEE PATENTS
	0156	MRS DAWN DAIS, JAYOR MONROE	1268	FORCED FEE PATENTS
	0157	SAH TAH E WAY E GAY GWAY	376	CLAIM FOR UNPAID LEASE RENTALS
	0158	KEITHE WAY WAYWAYASH	204	SECRETARIAL TRANSFERS
	0159	MARY KEWAY DAY	1343	FORCED FEE PATENTS
	0160	AH SINE WAH (IMIG (WE	1424	SECRETARIAL TRANSFERS
	0161	(TIS ABRAHAM	940	SECRETARIAL TRANSFERS
	0162	SAH GI BAH (IMIG (WE	295	SECRETARIAL TRANSFERS
	0163	BEN WAY WAY (IMIG (WE	279	SECRETARIAL TRANSFERS
	0164	MARTHE AITKEN ANTOSH (IMIG	1467	FORCED FEE PATENTS
	0165	JOSIE LYONS RANGA	928	FORCED FEE PATENTS
	0166	JOSIE LYONS JACKSON	328	FORCED FEE PATENTS
	0167	ANNIE LYONS	548	FORCED FEE PATENTS
	0168	GAY GI NAMBE GWAY	540	FORCED FEE PATENTS
	0169	NAH NAH NE WIN	483	SECRETARIAL TRANSFERS
	0170	JOHN LYONS ZAH ZWAY	539	FORCED FEE PATENTS
	0171	SEBASTIAN DIWAY QUAY	427	IN ID AM ASSISTANCE CLAIM
	0172	WAY-WAY (IMIG (WE	310	SECRETARIAL TRANSFERS
	0173	(GARY CHARETTE WAY WAY	196	SECRETARIAL TRANSFERS
	0174	NE ME WIN AIN AH QUAN	193	SECRETARIAL TRANSFERS
	0175	CHARLES SINETTA	132	FORCED FEE PATENTS
	0176	(WAY (WAY AH WAH N QUAH	139	SECRETARIAL TRANSFERS
	0177	NE GAH GI DAH WE (MIGWAM	270	SECRETARIAL TRANSFERS
	0178	SHAH AWAY (IMIG (WE	304	ROAD ON HIGHWAY IN TRESPASS
	0179	WAH WAH GWAN	295	SECRETARIAL TRANSFERS
	0180	MED WAY WAY WAH GY NE	492	SECRETARIAL TRANSFERS
	0181	LIZZIE WAGE KING	34	ROAD ON HIGHWAY IN TRESPASS

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MINEOGRAPH IS AREA STATUTE CLAIMS

TRIBE	ROLL	NAME	ALLOTMENT	TYPE OF CLAIM
FEB 1907	0004	NAH NE NE SAH WAH	1176	TAX FORFEITURE
	0005	NAH SAH WAWAH E WAY	1	TAX FORFEITURE
	0006	ANNIE E	1	TAX FORFEITURE
	0007	SAY WAY SE (WIN	1	TAX FORFEITURE
	0008	NE SHO NE QUAY	1	TAX FORFEITURE
	0009	SAY WAY SE (WIN	1	TAX FORFEITURE
	0010	NE SHO NE QUAY	1	TAX FORFEITURE
	0011	BAY BALEN E GAH BOW KWE (NO MOW GWAY	94	TAX FORFEITURE
	0012	NE O NE SHIG (WE NAH NE NAWA	1	TAX FORFEITURE
	0013	(AY DAH NAWA NE QUAY	1	TAX FORFEITURE
	0014	WAH WAY E SAH (WIN	1194	TAX FORFEITURE
	0015	AYSH QUAY BOW AY BOWE	1	TAX FORFEITURE
	0016	NE SHO NE QUAY	1	TAX FORFEITURE
	0017	(OISH QUAY GE SHIG (WE	94	TAX FORFEITURE
	0018	(IS (O (O (WAY	451	TAX FORFEITURE
	0019	MARGARET MINNIE (WAY WAH WAH	1	TAX FORFEITURE
	0020	JOSEPH BE (WAWAH E	1	TAX FORFEITURE
	0021	ZAAZ WAH BENNETT NE (WIN	N/A	FORCED FEE PATENTS
	0022	BAY BAH WAH NE NE (WAWAH E	167	TAX FORFEITURE
	0023	SAH NAH E	1	TAX FORFEITURE
	0024	SAY WAY	1	TAX FORFEITURE
	0025	WAH WAH	1	TAX FORFEITURE
	0026	NE SHO NE QUAY	1	TAX FORFEITURE
	0027	MARGARET (SHIG	1	TAX FORFEITURE
	0028	(O (WE NE	1	TAX FORFEITURE
	0029	NAY WIN E GE SHIG	1	TAX FORFEITURE
	0030	NE ZHE WAY WAH E (WIN	1	TAX FORFEITURE
	0031	(WAY (WAY	1	TAX FORFEITURE
	0032	(WAY (WAY	1	TAX FORFEITURE
	0033	(WAY (WAY	1	TAX FORFEITURE
	0034	(WAY (WAY	1	TAX FORFEITURE
	0035	(WAY (WAY	1	TAX FORFEITURE
	0036	(WAY (WAY	1	TAX FORFEITURE
	0037	(WAY (WAY	1	TAX FORFEITURE
	0038	(WAY (WAY	1	TAX FORFEITURE
	0039	(WAY (WAY	1	TAX FORFEITURE
	0040	(WAY (WAY	1	TAX FORFEITURE
	0041	(WAY (WAY	1	TAX FORFEITURE
	0042	(WAY (WAY	1	TAX FORFEITURE
	0043	(WAY (WAY	1	TAX FORFEITURE
	0044	(WAY (WAY	1	TAX FORFEITURE
	0045	(WAY (WAY	1	TAX FORFEITURE
	0046	(WAY (WAY	1	TAX FORFEITURE
	0047	(WAY (WAY	1	TAX FORFEITURE
	0048	(WAY (WAY	1	TAX FORFEITURE
	0049	(WAY (WAY	1	TAX FORFEITURE
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MINEOGRAPH IS AREA STATUTE CLAIMS

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MINEOGRAPH IS AREA STATUTE CLAIMS

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53407	0182	JOHN HEADBIRD NEGONE BIN AIS	95	TIMBER REMOVED WRONGFULLY
	0183	JACOB/JOHN MORRIS	98	LITIGATION/TRESPASS
	0184	AMSH E GON	431	SECRETARIAL TRANSFERS
	0185	JENNIE SMITH	437	SECRETARIAL TRANSFERS
	0186	MARGARET SMITH	436	SECRETARIAL TRANSFERS
	0187	AGBAH ZHEENCE	480	SECRETARIAL TRANSFERS
	0188	AH NIM AH CUMIG OKE	441	SECRETARIAL TRANSFERS
	0189	SAH QUAH DIG	442	SECRETARIAL TRANSFERS
	0190	KAH GE GAY AMAH GNOD	417	SECRETARIAL TRANSFERS
	0191	ROBERT CLOUD	420	SECRETARIAL TRANSFERS
	0192	MAY NAH WABE DWAY	431	SECRETARIAL TRANSFERS
	0193	PAH OZ HE RAH BOW	432	SECRETARIAL TRANSFERS
	0194	MIS CO GINIEW	511	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0195	NOW BEEN	484	SECRETARIAL TRANSFERS
	0196	JOHN MONELL KO TAH MAWSH	1251	FORCED FEE PATENTS
	0197	NELLIE THOMPSON	610	FORCED FEE PATENTS
	0198	GEORGE FAIRBANKS	426	OLD AGE ASSISTANCE CLAIM
	0199	AGNES J STEPHENS	1760	FORCED FEE PATENTS
	0200	FRANK SMITH MARSHALL	997	FORCED FEE PATENTS
	0201	TE BE GE WE ZAINCE	388	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0202	JAMES LYONS	532	FORCED FEE PATENTS
	0203	CHARLES THOMPSON	607	FORCED FEE PATENTS
	0204	MAGGIE BEBEAU	548	ROAD OR HIGHWAY IN TRESPASS
	0205	SAM WILLIAMS	443	ROAD OR HIGHWAY IN TRESPASS
	0206	PETER WAKANABO	N/A	FORCED FEE PATENTS
	0207	FRED MASON	456	FORCED FEE PATENTS
	0208	KE CHE MAY DWAY AMSH	204	SECRETARIAL TRANSFERS
	0209	JAMES FISHER	47	SECRETARIAL TRANSFERS
	0210	MAH JE CUMIG OKE	45	TIMBER REMOVED WRONGFULLY
	0211	O BIN WAY GE SHIG	673	SECRETARIAL TRANSFERS
	0212	KAH CUD UR EQUAY	62	CLAIM FOR UNPAID LEASE RENTALS
	0213	WAY ZHAH WASH KO JE WABE	633	SECRETARIAL TRANSFERS
	0214	JOHN CLOUD NE SHE CUMIG CASS CTY	647	OLD AGE ASSISTANCE CLAIM
	0215	DORA BELLANGER	1264	SECRETARIAL TRANSFERS
	0216	AY PWAY	596	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0217	MAY DWAY GE GI GOOD	490	SECRETARIAL TRANSFERS
	0218	WILLIAM BELLANGER	934	SECRETARIAL TRANSFERS
	0219	O ZHE BE E GAIWE	475	SECRETARIAL TRANSFERS
	0220	JOHN TITTLE	614	SECRETARIAL TRANSFERS
	0221	KAY QWAY JE WAY BE	1175	SECRETARIAL TRANSFERS
	0222	WAY BISH CUB E QUAY	476	FORCED FEE PATENTS
	0223	SAM LYONS O CUB AY QUA WAY AMSH	460	FORCED FEE PATENTS
	0224	TRACIE LYONS	557	SECRETARIAL TRANSFERS
	0225	KAH GAY KE ZHE GO QUAY	513	RAT ROAD IN TRESPASS
	0226	MOSH KIN O YAWSH	272	TIMBER REMOVED WRONGFULLY
	0227	MARGARET WIGGINS MAH KOONCE EQUAY	1691	OLD AGE ASSISTANCE CLAIM
	0228	JOHN MORRISON PATCHEGON BELTRAMI	106	OLD AGE ASSISTANCE CLAIM
	0229	PAWSH IE WAY WESHIG OKE	789	OLD AGE ASSISTANCE CLAIM
	0230	JAMES BUREAU	1119	OLD AGE ASSISTANCE CLAIM
	0231	LINEY CARIBOU MOUTS	137	OLD AGE ASSISTANCE CLAIM
	0232	KAM DAH KING O QUAY MRS NORTHBIRD	1166	ROAD OR HIGHWAY IN TRESPASS
	0233	KE WAY JE WOUN O QUAY	1549	FORCED FEE PATENTS
	0234	CHARLES JENKINS	569	FORCED FEE PATENTS
	0235	ME ZHO BENAIS BE CRANBERRY GOULD	1668	OLD AGE ASSISTANCE CLAIM
	0236	MAGGIE DAY HAWKER	N/A	OLD AGE ASSISTANCE CLAIM
	0237	MRS BEN MOOSE CASS CO	FINAL	OLD AGE ASSISTANCE CLAIM
	0238	EMMA STURGEON	343	OLD AGE ASSISTANCE CLAIM
	0239	JAMES L SAYERS	933	OLD AGE ASSISTANCE CLAIM
	0240	MAGGIE MCCABE BURNS	732	OLD AGE ASSISTANCE CLAIM
	0241	TOM LEE	1209	OLD AGE ASSISTANCE CLAIM
	0242	RICHARD DAY	1577	OLD AGE ASSISTANCE CLAIM
	0243	MRS JOHN JACKSON	1500	OLD AGE ASSISTANCE CLAIM
	0244	MRS JOHN TIMEDAY	979	OLD AGE ASSISTANCE CLAIM
	0245	JOHN MOOSE SR	513	OLD AGE ASSISTANCE CLAIM
	0246	MRS JOHN MONIS	419	OLD AGE ASSISTANCE CLAIM
	0247	DAN E WAWSH	342	OLD AGE ASSISTANCE CLAIM
	0248	JOHN WOOD	1612	OLD AGE ASSISTANCE CLAIM
	0249	JOHN WHITECLOUD	1510	OLD AGE ASSISTANCE CLAIM

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53407	0250	ROBERT BLAKELY	255	OLD AGE ASSISTANCE CLAIM
	0251	JOHN KINK	969	OLD AGE ASSISTANCE CLAIM
	0252	WAY WAH TIG OSH E QUAY	15	OLD AGE ASSISTANCE CLAIM
	0253	MAGGIE THOMPSON	585	OLD AGE ASSISTANCE CLAIM
	0254	MARY JANE RICE	WE1960	OLD AGE ASSISTANCE CLAIM
	0255	ROBERT I FAIRBANKS	FINAL	OLD AGE ASSISTANCE CLAIM
	0256	QWAY GWAY QUE ITASCA CTY	2174	OLD AGE ASSISTANCE CLAIM
	0257	MRS CHARLES RABBITT ITASCA CTY	1024	OLD AGE ASSISTANCE CLAIM
	0258	MARY DRUMBEATER	778	OLD AGE ASSISTANCE CLAIM
	0259	BOB MORGAN	721	OLD AGE ASSISTANCE CLAIM
	0260	MRS BOB MORGAN	1046	OLD AGE ASSISTANCE CLAIM
	0261	ROBERT E JOHNSON	1047	OLD AGE ASSISTANCE CLAIM
	0262	JAMES SAYERS	1073	OLD AGE ASSISTANCE CLAIM
	0263	MRS JAMES SAYERS	983	OLD AGE ASSISTANCE CLAIM
	0264	MRS JAMES WAKANABO	904	OLD AGE ASSISTANCE CLAIM
	0265	MRS JOHN MORGAN	1017	OLD AGE ASSISTANCE CLAIM
	0266	LANA JACKSON	134	OLD AGE ASSISTANCE CLAIM
	0267	MRS JOHN HEADBIRD	36	OLD AGE ASSISTANCE CLAIM
	0268	OSCAR WHITEFEATHER BELTRAMI CO	FINAL	OLD AGE ASSISTANCE CLAIM
	0269	JAMES THOMAS BELTRAMI CO	FINAL	OLD AGE ASSISTANCE CLAIM
	0270	MARY MADELL MORSE BELTRAMI CO	FINAL	OLD AGE ASSISTANCE CLAIM
	0271	MARY SOPHIE FISHER	194	OLD AGE ASSISTANCE CLAIM
	0272	MICHAEL FLATT NAH BAH GAH DO WAY	GP234	OLD AGE ASSISTANCE CLAIM
	0273	CARLOS LE AGE CASS CTY	FINAL	OLD AGE ASSISTANCE CLAIM
	0274	THERESA MORRISON	GP81	OLD AGE ASSISTANCE CLAIM
	0275	NAH ME WON AMSH EQUAY	5	SECRETARIAL TRANSFERS
	0276	WAY MET TES OSH EQUAY	15	SECRETARIAL TRANSFERS
	0277	WAY BISH CAH NAH QUOD	19	SECRETARIAL TRANSFERS
	0278	MAGEED	27	SECRETARIAL TRANSFERS
	0279	KE WAY GIN EWE	28	SECRETARIAL TRANSFERS
	0280	MEO BE QWAY	29	SECRETARIAL TRANSFERS
	0281	O SHAW WAWSH CO OWAN	33	SECRETARIAL TRANSFERS
	0282	WAIN DE GO WOUB	41	SECRETARIAL TRANSFERS
	0283	ME GON AUSH	43	SECRETARIAL TRANSFERS
	0284	NA TE CUMIG ISH KING	44	SECRETARIAL TRANSFERS
	0285	MAH JE CUMIG OKE	45	SECRETARIAL TRANSFERS
	0286	TE BISH CO CUMIG OKE	46	SECRETARIAL TRANSFERS
	0287	JOHN FISHER	48	SECRETARIAL TRANSFERS
	0288	MAN IND MAH KOUNCE	51	SECRETARIAL TRANSFERS
	0289	MAH GO ZE AY	59	SECRETARIAL TRANSFERS
	0290	SHO QUAW DUC AH WE QWAY	61	SECRETARIAL TRANSFERS
	0291	SHAY MAW ISH KING	73	SECRETARIAL TRANSFERS
	0292	MAH JE CUMIG OKE	74	SECRETARIAL TRANSFERS
	0293	AH BE TAH AH NAH QUOD	77	SECRETARIAL TRANSFERS
	0294	KAH JI WAY JOSEPH PINE CRITT	78	SECRETARIAL TRANSFERS
	0295	MAH JE WAY QWAY	94	SECRETARIAL TRANSFERS
	0296	WAY ZHOW WSH CO GAH BOW	95	SECRETARIAL TRANSFERS
	0297	PAWSH E QUAW SAM MORRIS	99	SECRETARIAL TRANSFERS
	0298	PUCK E NAW WAY QWAY	103	SECRETARIAL TRANSFERS
	0299	MAY TAH WISH COW OKE	105	SECRETARIAL TRANSFERS
	0300	KAY ZHE O SAY	107	SECRETARIAL TRANSFERS
	0301	EQUAY ZAINE	125	SECRETARIAL TRANSFERS
	0302	MI NEW AWN EGO GE SHIG	128	SECRETARIAL TRANSFERS
	0303	PE SHIG O QWAY	129	SECRETARIAL TRANSFERS
	0304	KOW IT AH WAY DUNG	N/A	SECRETARIAL TRANSFERS
	0305	TAH CO QUOD	154	SECRETARIAL TRANSFERS
	0306	TERESH CO GE SHIG	156	SECRETARIAL TRANSFERS
	0307	NO NE GWAN OG BE QUAG	157	SECRETARIAL TRANSFERS
	0308	WAY TAH WAWSH	161	SECRETARIAL TRANSFERS
	0309	SAY BE GE SHIG OKE	162	SECRETARIAL TRANSFERS
	0310	SHAH EQ GAH BOW	164	SECRETARIAL TRANSFERS
	0311	PED WAY BEN AIS EAW	165	SECRETARIAL TRANSFERS
	0312	WAY ME GWON AY BOW	167	SECRETARIAL TRANSFERS
	0313	SAWYER E [redacted] GWEBEN	169	SECRETARIAL TRANSFERS
	0314	KAH GE QWAY KAW BOW	183	SECRETARIAL TRANSFER
	0315	WAY WAY ZHE GAWE OW EKE	184	SECRETARIAL TRANSFERS
	0316	SHO NEY AH WEB EAW	185	SECRETARIAL TRANSFERS
	0317	OKE SAUNE GE SHIG	192	SECRETARIAL TRANSFERS

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	DATE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS3407	0386	RE MII HOE QUAY	452	SECRETARIAL TRANSFERS
	0387	KAY TAH YE WAKE TUNG	455	SECRETARIAL TRANSFERS
	0388	HENRY O'HE HE E GAHNIE	479	SECRETARIAL TRANSFERS
	0389	ANN JR DE SHIG DYE	501	SECRETARIAL TRANSFERS
	0390	MRS GEORGE WHITE	501	SECRETARIAL TRANSFERS
	0391	AH KO QUAY AH BE QUAY	504	SECRETARIAL TRANSFERS
	0392	AH ZHUN ME DE SHIG	504	SECRETARIAL TRANSFERS
	0393	NAH ZHAH ME MAH	514	SECRETARIAL TRANSFERS
	0394	NIN GO WAY BEAK	523	SECRETARIAL TRANSFERS
	0395	SHAH GAH KO TAY WAKE	540	SECRETARIAL TRANSFERS
	0396	NAH MIN ON ZITH	544	SECRETARIAL TRANSFERS
	0397	SAH NAH E QUAY	580	SECRETARIAL TRANSFERS
	0398	MASH KEH WAHN AH QUOT	581	SECRETARIAL TRANSFERS
	0399	MASH KEH WAHN AH QUOT	581	SECRETARIAL TRANSFERS
	0400	AH MA JR WAIB E QUAY	584	SECRETARIAL TRANSFERS
	0401	O BIN WAY WAY DE SHIG	671	SECRETARIAL TRANSFERS
	0402	KAY DE GAY WAY ME TIG OSH EENTE	672	SECRETARIAL TRANSFERS
	0403	QUE ME ZAHNE	673	SECRETARIAL TRANSFERS
	0404	KAY ME WAHN AH BEAK	675	SECRETARIAL TRANSFERS
	0405	O BIN WAY	678	SECRETARIAL TRANSFERS
	0406	CARS KO TAY QUAY	680	SECRETARIAL TRANSFERS
	0407	OSH KO NAH MENCE	684	SECRETARIAL TRANSFERS
	0408	QUE NAH WAH JR WAIB E QUAY	685	SECRETARIAL TRANSFERS
	0409	O BIN WAY WAH GE SHIG	686	SECRETARIAL TRANSFERS
	0410	O BIN WAY QAH BOW EYE	688	SECRETARIAL TRANSFERS
	0411	NIN IO QAH BOW	776	SECRETARIAL TRANSFERS
	0412	O DE NAH WAH CUNIG DYE	749	SECRETARIAL TRANSFERS
	0413	NAY TAH WAIB E QUAY MRS JOHN RYAN	751	SECRETARIAL TRANSFERS
	0414	TANG WAY WAY QAH BOW EYE	778	SECRETARIAL TRANSFERS
	0415	NAY TAH WAIB E TUNG	825	SECRETARIAL TRANSFERS
	0416	GEORGE WILSON	690	SECRETARIAL TRANSFERS
	0417	SHAH BENTE	804	SECRETARIAL TRANSFERS
	0418	MARY KNICKERBOCKER	805	SECRETARIAL TRANSFERS
	0419	NAY ZE WAY NIN QAY JOE SMITH	664	SECRETARIAL TRANSFERS
	0420	MRS CHA PARRIS	696	SECRETARIAL TRANSFERS
	0421	NE HAHE BENAIS	698	SECRETARIAL TRANSFERS
	0422	GU IE	709	SECRETARIAL TRANSFERS
	0424	NAH QUAH JE QAY	710	SECRETARIAL TRANSFERS
	0425	HE ZHAIN E QUAY	718	SECRETARIAL TRANSFERS
	0426	AH NE DAH NAH QUOT	730	SECRETARIAL TRANSFERS
	0427	HARRY DENNEBAKER	N/A	SECRETARIAL TRANSFERS
	0428	O WAIB AY AH NAH JR WAITE ERWAY	741	SECRETARIAL TRANSFERS
	0429	MRS SUSAN CHARWOOD	744	SECRETARIAL TRANSFERS
	0430	KO WAH	747	SECRETARIAL TRANSFERS
	0431	KAY ZHE BAH QAH EYE	794	SECRETARIAL TRANSFERS
	0432	KAY JAY NAH ENO	796	SECRETARIAL TRANSFERS
	0433	O DAH NEW	797	SECRETARIAL TRANSFERS
	0434	CHE ZHANKE	802	SECRETARIAL TRANSFERS
	0435	NA ZHAH KE BIN AIS	804	SECRETARIAL TRANSFERS
	0436	KAY SHE BAH O SAY	817	SECRETARIAL TRANSFERS
	0437	KAH KE QUAY	813	SECRETARIAL TRANSFERS
	0438	FRANK SHE QUAY MAIG LANZ WAY	814	SECRETARIAL TRANSFERS
	0439	O DE MAYQUAY	815	SECRETARIAL TRANSFERS
	0440	DAVID KNICKERBOCKER	856	SECRETARIAL TRANSFERS
	0441	ESTHER TAYLOR	857	SECRETARIAL TRANSFERS
	0442	JAMES TAYLOR JR	858	SECRETARIAL TRANSFERS
	0443	KAY BAY AUN TO WAY QUAY	859	SECRETARIAL TRANSFERS
	0444	MAY ZHUCH EAH NUNG	866	SECRETARIAL TRANSFERS
	0445	O MUD 17	873	SECRETARIAL TRANSFERS
	0446	PAH CHATTCH E NE MEE	874	SECRETARIAL TRANSFERS
	0447	O DE MAY WIP	897	SECRETARIAL TRANSFERS
	0448	O DUSH QUAY CUNIG DYE	898	SECRETARIAL TRANSFERS
	0449	NE YAHN HOSE	910	SECRETARIAL TRANSFERS
	0450	KAY QUAY PAH CUNIG DYE	913	SECRETARIAL TRANSFERS
	0451	KAY QAY CUNIG DYE	913	SECRETARIAL TRANSFERS
	0452	KAY BEH WAY ME TUNG	914	SECRETARIAL TRANSFERS
	0453	NOR HAH NE HAH HOW	915	SECRETARIAL TRANSFERS
	0454	UNDER KNICK EENDE JOE SAY	970	SECRETARIAL TRANSFERS

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	DATE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS3407	0318	AH ZHUN ME QUAH	194	SECRETARIAL TRANSFERS
	0319	NAH ZAHSH	200	SECRETARIAL TRANSFERS
	0320	CHING WAHSH CUN DYE	208	SECRETARIAL TRANSFERS
	0321	CHING WAHSH CUN DYE	208	SECRETARIAL TRANSFERS
	0322	MAY QUAH E ME DE SHIG	210	SECRETARIAL TRANSFERS
	0323	KE DE QUAY ME MAHN	212	SECRETARIAL TRANSFERS
	0324	AH ME ME KEE WAIB EENTE	213	SECRETARIAL TRANSFERS
	0325	ME QUN E BI NAIS	214	SECRETARIAL TRANSFERS
	0326	NAH KONE E QUANCE	215	SECRETARIAL TRANSFERS
	0327	PATSH KIN AH NAH BOW	216	SECRETARIAL TRANSFERS
	0328	O WI OB WANTCE	217	SECRETARIAL TRANSFERS
	0329	SAH NAH CHEW	229	SECRETARIAL TRANSFERS
	0330	SAH NAH CHEW	229	SECRETARIAL TRANSFERS
	0331	SAH NAH CHEW	229	SECRETARIAL TRANSFERS
	0332	ME (E) NE BINAIS	233	SECRETARIAL TRANSFERS
	0333	O ZHE ME QUAY	239	SECRETARIAL TRANSFERS
	0334	O ZHE ME QUAY	240	SECRETARIAL TRANSFERS
	0335	KEEN AWAY WIDUM DYE	240	SECRETARIAL TRANSFERS
	0336	NAY ZHUCK EE	247	SECRETARIAL TRANSFERS
	0337	O QUA AY OIS	252	SECRETARIAL TRANSFERS
	0338	MUN ZAUN	254	SECRETARIAL TRANSFERS
	0339	AY ME ME QAH BOW	257	SECRETARIAL TRANSFERS
	0340	PAY QAH SWAY ME DUNG	275	SECRETARIAL TRANSFERS
	0341	KAY WAY OO SUNG	276	SECRETARIAL TRANSFERS
	0342	SAH DE AUNCE	287	SECRETARIAL TRANSFERS
	0343	NAY YAHSH KONNCE	289	SECRETARIAL TRANSFERS
	0344	ME QUN E BINAIS	300	SECRETARIAL TRANSFERS
	0345	MIN E DE SHIG	309	SECRETARIAL TRANSFERS
	0346	NAY SWAY CUNIG DYE	310	SECRETARIAL TRANSFERS
	0347	QUAY KE DE SHIG DYE	313	SECRETARIAL TRANSFERS
	0348	NO DIN O QUAY	311	SECRETARIAL TRANSFERS
	0349	PAY SHIG WAY ME HAHN	314	SECRETARIAL TRANSFERS
	0350	AUNE TU JE	315	SECRETARIAL TRANSFERS
	0351	KAY BE BON O NAY	319	SECRETARIAL TRANSFERS
	0352	WAY ME ZHE NAY BE QUAY	320	SECRETARIAL TRANSFERS
	0353	KE SHIG DE SHE	N/A	SECRETARIAL TRANSFERS
	0354	TE BISH CU DE SHIG O QUAY	330	SECRETARIAL TRANSFERS
	0355	ONE TIME DE SHIG E QUAY	338	SECRETARIAL TRANSFERS
	0356	NAH KONEE	N/A	SECRETARIAL TRANSFERS
	0357	AH ZHUN E QUAH AHK	356	SECRETARIAL TRANSFERS
	0358	AH ZHUN E QUAH AHK	357	SECRETARIAL TRANSFERS
	0359	AY SIN QUAIB E QUAY	359	SECRETARIAL TRANSFERS
	0360	KAY QUAY JE WAY MIN IMA	360	SECRETARIAL TRANSFERS
	0361	WAY ME ZHE BINAIS	364	SECRETARIAL TRANSFERS
	0362	WAY ZIN AH BIN QUAH	371	SECRETARIAL TRANSFERS
	0363	KE WAY DIN O QUAY	373	SECRETARIAL TRANSFERS
	0364	O MIN QUN E QUAY AUSH E QUAY	374	SECRETARIAL TRANSFERS
	0365	QUAY QUAY DE NE WUN DYE	382	SECRETARIAL TRANSFERS
	0366	AY ME ME QUAN ARE	382	SECRETARIAL TRANSFERS
	0367	AY ME ME QUAN ARE	382	SECRETARIAL TRANSFERS
	0368	KAY QUAY QAH CUNIG O QUAY	383	SECRETARIAL TRANSFERS
	0369	LONG GAY GE SHIG	385	SECRETARIAL TRANSFERS
	0370	QUAY QUAY RE JE WAN O QUAY	386	SECRETARIAL TRANSFERS
	0371	KAY HAY AH BUN DUNG	N/A	SECRETARIAL TRANSFERS
	0372	KAY QUAY DO SAY QUAY	392	SECRETARIAL TRANSFERS
	0373	NEZ KAH KE AUSH E QUAY	393	SECRETARIAL TRANSFERS
	0374	SHE WAHN DUC	394	SECRETARIAL TRANSFERS
	0375	MIN AH QUOD	396	SECRETARIAL TRANSFERS
	0376	ME KAINCE	401	SECRETARIAL TRANSFERS
	0377	KAH GE SHIG QAH BOW E QUAY	407	SECRETARIAL TRANSFERS
	0378	YE NEW AINCE	408	SECRETARIAL TRANSFERS
	0379	IN DE BAY ME ME	410	SECRETARIAL TRANSFERS
	0380	QUEN O QUAY	411	SECRETARIAL TRANSFERS
	0381	AH TAH QUN	415	SECRETARIAL TRANSFERS
	0382	KE ME TAH WO DUNE QUAY	427	SECRETARIAL TRANSFERS
	0383	O DAH MAH JE WAY GE SHIG	434	SECRETARIAL TRANSFERS
	0384	NED CUNIG	440	SECRETARIAL TRANSFERS
	0385	BE ZHE QUAY	444	SECRETARIAL TRANSFERS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53407	0454	WAH NEE MARY JOHNSON	972	SECRETARIAL TRANSFERS
	0455	WILLIAM JOHNSON	973	SECRETARIAL TRANSFERS
	0456	KE CHE OKE MAH	973	SECRETARIAL TRANSFERS
	0457	WAY GE MAH WAH BE TUNG	982	SECRETARIAL TRANSFERS
	0458	KAY KAY GO GAUN	986	SECRETARIAL TRANSFERS
	0459	PE QUAH QUOD ONCE	991	SECRETARIAL TRANSFERS
	0460	O GAH BAY AH JE WAUN OKE	1002	SECRETARIAL TRANSFERS
	0461	PAH ZHE TE GO SHIG OKE	1003	SECRETARIAL TRANSFERS
	0462	O GE ZHE BE WAY SEAK	1008	SECRETARIAL TRANSFERS
	0463	WAH BE GAH BOM EAK	1009	SECRETARIAL TRANSFERS
	0464	ME ZHO BEAK	1010	SECRETARIAL TRANSFERS
	0465	KE DE QUAY	1049	SECRETARIAL TRANSFERS
	0466	JACK KENISTINE	1050	SECRETARIAL TRANSFERS
	0467	MIS CO GAH GE GID	1051	SECRETARIAL TRANSFERS
	0468	BAH GAH GE GID	1053	SECRETARIAL TRANSFERS
	0469	MIN DE MO YAIN SHISH	1058	SECRETARIAL TRANSFERS
	0470	JOHNNY SPIKE	1065	SECRETARIAL TRANSFERS
	0471	QUAY BE QUAN AY BEKE	1070	SECRETARIAL TRANSFERS
	0472	NO WAH CUMIG OKE	1076	SECRETARIAL TRANSFERS
	0473	FRANK HUMPHREY	1077	SECRETARIAL TRANSFERS
	0474	QUAY KAH CUMIG OKE	1080	SECRETARIAL TRANSFERS
	0475	KAH GE GAY WAY ME TI GOSHE	1082	SECRETARIAL TRANSFERS
	0476	SAH GAH CUMIG ISH KUNG	1093	SECRETARIAL TRANSFERS
	0477	ME SHO GE SHIG OKE	1094	SECRETARIAL TRANSFERS
	0478	MAY LMUC BI WAIS	1100	SECRETARIAL TRANSFERS
	0479	TA IS SE ME SHIG WAY EKE	1113	SECRETARIAL TRANSFERS
	0480	TA IS SE ME SHIG WAY BEKE	1113	SECRETARIAL TRANSFERS
	0481	CHY AH GAH SUNG	1115	SECRETARIAL TRANSFERS
	0482	WAY ME GE WAUN	1117	SECRETARIAL TRANSFERS
	0483	PE WAY SE SE QESHIG	1118	SECRETARIAL TRANSFERS
	0484	ME SHO BE WAIS OE AK	1120	SECRETARIAL TRANSFERS
	0485	ME SHO BE WAISE AK	1126	SECRETARIAL TRANSFERS
	0486	SARAH FAIRBANKS	1136	SECRETARIAL TRANSFERS
	0487	SHAB ONE QUANCE	1141	SECRETARIAL TRANSFERS
	0488	TO GAINCE	1148	SECRETARIAL TRANSFERS
	0489	O DI ME GUN	1150	SECRETARIAL TRANSFERS
	0490	MIS KO KE SHIG OKE	1191	SECRETARIAL TRANSFERS
	0491	MIS KO KE SHIG OKE	1191	SECRETARIAL TRANSFERS
	0492	MIN DU WAY	1195	SECRETARIAL TRANSFERS
	0493	KAH KU G EME QUANCE	1197	SECRETARIAL TRANSFERS
	0494	CHING WAH NAH QUOD	1206	SECRETARIAL TRANSFERS
	0495	CHING WAH NAH QUOD	1206	SECRETARIAL TRANSFERS
	0496	PAISH EGE SHIG	1207	SECRETARIAL TRANSFERS
	0497	AH ZHOW ME GWON ABE	1209	SECRETARIAL TRANSFERS
	0498	JACK BONGA	1716	SECRETARIAL TRANSFERS
	0499	WAY WAY WAY AUBN	1229	SECRETARIAL TRANSFERS
	0500	AH KE WEN ZIE	1237	SECRETARIAL TRANSFERS
	0501	KAH GWAY JE GE SHIG O QUAY	1238	SECRETARIAL TRANSFERS
	0502	JOSEPH MONROE	1302	SECRETARIAL TRANSFERS
	0503	JOSEPH MONROE	1302	SECRETARIAL TRANSFERS
	0504	KE JE JE WE ME MEE	1365	SECRETARIAL TRANSFERS
	0505	KE JE JE WE ME MEE	1365	SECRETARIAL TRANSFERS
	0506	KAY BAY AH SHAM GAH WAH QUAY	1366	SECRETARIAL TRANSFERS
	0507	BAY GUON AUSE EQUAY	1367	SECRETARIAL TRANSFERS
	0508	MAH DO DOONCE	1368	SECRETARIAL TRANSFERS
	0509	MAH DO DOONCE	1368	SECRETARIAL TRANSFERS
	0510	MAY DO DOONCE	1368	SECRETARIAL TRANSFERS
	0511	DUE WIS	1370	SECRETARIAL TRANSFERS
	0512	PAH BE WISH KEE SHIG	1393	SECRETARIAL TRANSFERS
	0513	PAH BE WISH KEE SHIG	N/A	SECRETARIAL TRANSFERS
	0514	MO DO DOONCE USES	1394	SECRETARIAL TRANSFERS
	0515	MOH DO DOONCE H TORIASON	1394	SECRETARIAL TRANSFERS
	0516	CHEENG WAWSH E QUAY	1455	SECRETARIAL TRANSFERS
	0517	CHEENG WAWSH E QUAY	1455	SECRETARIAL TRANSFERS
	0518	ME SAH BAY	1456	SECRETARIAL TRANSFERS
	0519	PEP WAY WAY AUSH EQUAY	1457	SECRETARIAL TRANSFERS
	0520	MAY EWAY GUN E NING	1470	SECRETARIAL TRANSFERS
	0521	WE ME WAH NAH QUOD	1471	SECRETARIAL TRANSFERS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53407	0522	SHOW UN UB E QUAY	1475	SECRETARIAL TRANSFERS
	0523	SHOW UN UB E QUAY	1475	SECRETARIAL TRANSFERS
	0524	SHOW UN UB E QUAY	1475	SECRETARIAL TRANSFERS
	0525	MIN DE MO NIEN	1478	SECRETARIAL TRANSFERS
	0526	AH MAH JE WAINCE	1480	SECRETARIAL TRANSFERS
	0527	AH MAH JE WAINCE	1480	SECRETARIAL TRANSFERS
	0528	KAY ZHE BAH GAH BOW	1484	SECRETARIAL TRANSFERS
	0529	NO WAH QUAY GAN BOW	1485	SECRETARIAL TRANSFERS
	0530	PAY SHIG E SHIG O QUAY	1492	SECRETARIAL TRANSFERS
	0531	PAY SHIG E SHIG O QUAY	1492	SECRETARIAL TRANSFERS
	0532	SAH GAH GUD GHIEN	1493	SECRETARIAL TRANSFERS
	0533	NE GONE GUAN ABE	1498	SECRETARIAL TRANSFERS
	0534	AUN AY WE QUAY	1504	SECRETARIAL TRANSFERS
	0535	WAH BISH KAH MAH QUOD	1505	SECRETARIAL TRANSFERS
	0536	NAY TAH WUB E TUNG	1507	SECRETARIAL TRANSFERS
	0537	O BAUN BAHM WAY WAINCE	1509	SECRETARIAL TRANSFERS
	0538	KAY NAUNG IZ	1510	SECRETARIAL TRANSFERS
	0539	PAY BAH NA OH GOOB	1514	SECRETARIAL TRANSFERS
	0540	SHA GAH CUMIG UB	1522	SECRETARIAL TRANSFERS
	0541	SAH GAH CUMIG UB	1522	SECRETARIAL TRANSFERS
	0542	AIN DUS O GE SHIG OKE	1523	SECRETARIAL TRANSFERS
	0543	AIN DUS O GE SHIG OKE	1523	SECRETARIAL TRANSFERS
	0544	WAME TI GO ZHEENCE	1524	SECRETARIAL TRANSFERS
	0545	WAME TI GO ZHEENCE	1524	SECRETARIAL TRANSFERS
	0546	PE DAUSE GAY QUAY	1525	SECRETARIAL TRANSFERS
	0547	ME BAH GESIS O QUAY	1526	SECRETARIAL TRANSFERS
	0548	ME BAH GE OSIS	1526	SECRETARIAL TRANSFERS
	0549	KAY Z UG AINCE	1530	SECRETARIAL TRANSFERS
	0550	KO JEENCE	1534	SECRETARIAL TRANSFERS
	0551	KO JEENCE	N/A	SECRETARIAL TRANSFERS
	0552	KAY BAY AH NAH QUOD	1547	SECRETARIAL TRANSFERS
	0553	MAY GUON	N/A	SECRETARIAL TRANSFERS
	0554	PUCK END GAY QUAY	1565	SECRETARIAL TRANSFERS
	0555	SHAY SHE BAH JE WAY BE QUAY	1571	SECRETARIAL TRANSFERS
	0556	SHAY SHE BAH JE WAY BE QUAY	1571	SECRETARIAL TRANSFERS
	0557	O ME TAH WAH CUMIG O QUAY	1574	SECRETARIAL TRANSFERS
	0558	OH ME ME KEENCE	1575	SECRETARIAL TRANSFERS
	0559	OH ME ME KEENCE	1575	SECRETARIAL TRANSFERS
	0560	OH ME ME KEENCE	1575	SECRETARIAL TRANSFERS
	0561	PUG O NAY GE SHIG	1578	SECRETARIAL TRANSFERS
	0562	MAY SKE WE GAH BOW	1583	SECRETARIAL TRANSFERS
	0563	OSH KIN OWAY	1584	SECRETARIAL TRANSFERS
	0564	SEE BING WAY	1585	SECRETARIAL TRANSFERS
	0565	KAY BAU GAH BOW	1586	SECRETARIAL TRANSFERS
	0566	O ZHEW USH RE GE SHIG E QUAY	1588	SECRETARIAL TRANSFERS
	0567	AUSH QUAY GAH BOW E QUAY	1590	SECRETARIAL TRANSFERS
	0568	AUSH QUAY GAH BOW E QUAY	1590	SECRETARIAL TRANSFERS
	0569	WAY ZON WE CON GAY JOHN JACKSON	1598	SECRETARIAL TRANSFERS
	0570	ME GO ME GE SHIG	1628	SECRETARIAL TRANSFERS
	0571	O DI ME GOW	1629	SECRETARIAL TRANSFERS
	0572	O DI ME GOW	1629	SECRETARIAL TRANSFERS
	0573	MAH QUAH	1631	SECRETARIAL TRANSFERS
	0574	WAH BA	1632	SECRETARIAL TRANSFERS
	0575	SHAM BOME DAYS KONG TOM GAH BOW	1635	SECRETARIAL TRANSFERS
	0576	ME TI GO WISH	1643	SECRETARIAL TRANSFERS
	0577	MUR ON AY AH NAH QUOD OKE	1645	SECRETARIAL TRANSFERS
	0578	KAH BE BONE OKAY USES	1647	SECRETARIAL TRANSFERS
	0579	ME BIG AH GAH BOW FRED FINN USES	1649	SECRETARIAL TRANSFERS
	0580	TAH CO QUOD USES	1657	SECRETARIAL TRANSFERS
	0581	BY ME ME BOW T H BERGLAND	1658	SECRETARIAL TRANSFERS
	0582	MAY SO SUG IN DE BAY	1659	SECRETARIAL TRANSFERS
	0583	MAY SO SUG IN DE BAY	1659	SECRETARIAL TRANSFERS
	0584	NAY TAH WAWSH E QUAY	1660	SECRETARIAL TRANSFERS
	0585	THOMAS BUTCHER	1664	SECRETARIAL TRANSFERS
	0586	THOMAS BUTCHER	1664	SECRETARIAL TRANSFERS
	0587	KO WIT AH YAUSH	1667	SECRETARIAL TRANSFERS
	0588	WE MEES EQUAY	1668	SECRETARIAL TRANSFERS
	0589	T EEN DUB E QUAY	1669	SECRETARIAL TRANSFERS

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
553407	0590	AYSH QUAY BINAIS	1672	SECRETARIAL TRANSFERS
	0591	AYSH QUAY BINAIS	1672	SECRETARIAL TRANSFERS
	0592	RAH AUN WAICOLVIN	1673	SECRETARIAL TRANSFERS
	0593	RAH AUN	1673	SECRETARIAL TRANSFERS
	0594	QUAY WUD JEENCE	1674	SECRETARIAL TRANSFERS
	0595	MAY N WAY WAY GWON AY BE QUAY	1675	SECRETARIAL TRANSFERS
	0596	MAY N WAY WAY GWON AY BE QUAY	1675	SECRETARIAL TRANSFERS
	0597	O MAH YAH WOWB EQUAY	1685	SECRETARIAL TRANSFERS
	0598	PE WAIS E QUAY	1688	SECRETARIAL TRANSFERS
	0599	SHO NE YAH WAH CUMIG	1689	SECRETARIAL TRANSFERS
	0600	SHAY NE WUB E QUAY	1690	SECRETARIAL TRANSFERS
	0601	AUN TE CO JE	1692	SECRETARIAL TRANSFERS
	0602	TAH DAH CU MAH TE WABE	1693	SECRETARIAL TRANSFERS
	0603	PE DA AN AH QUOT	1694	SECRETARIAL TRANSFERS
	0604	WUB UN AY CUMIG OKE	1695	SECRETARIAL TRANSFERS
	0605	MAY WAY CUMIG ISH KING	1696	SECRETARIAL TRANSFERS
	0606	TAY DAH CUM AH JE WABE	1697	SECRETARIAL TRANSFERS
	0607	KE SHIG DOWCE	1699	SECRETARIAL TRANSFERS
	0608	O ZAW WUN E QUAY	1701	SECRETARIAL TRANSFERS
	0609	TAH GE SHIG	1702	SECRETARIAL TRANSFERS
	0610	AUN E CO JE	1704	SECRETARIAL TRANSFERS
	0611	NE SHO BE QUAY	1705	SECRETARIAL TRANSFERS
	0612	MAYSH KOU EENCE	1708	SECRETARIAL TRANSFERS
	0613	KAY DUG E GWON	1709	SECRETARIAL TRANSFERS
	0614	PED WAY WAY CUMIG OKE	1710	SECRETARIAL TRANSFERS
	0615	AH KE WENZIE	1711	SECRETARIAL TRANSFERS
	0616	WAY WAH DO GAH BOW EQUAY	1712	SECRETARIAL TRANSFERS
	0617	KE WAH E BINAIS	1717	SECRETARIAL TRANSFERS
	0618	HENRY T THEODORE T TOBIASON	1718	SECRETARIAL TRANSFERS
	0619	NE BID O SAY QUAY	1719	SECRETARIAL TRANSFERS
	0620	NUM AY WE NE NEE	1720	SECRETARIAL TRANSFERS
	0621	QUE WE ZAINCE	1721	SECRETARIAL TRANSFERS
	0622	NE ZHE KA OY GESHIG O QUAY	1724	SECRETARIAL TRANSFERS
	0623	NUN AY WE NE NEENCE	1725	SECRETARIAL TRANSFERS
	0624	SHY AH GO SAY	1726	SECRETARIAL TRANSFERS
	0625	SHY AH GO SAY	1726	SECRETARIAL TRANSFERS
	0626	JAMES BAY BAH OH BE	1729	SECRETARIAL TRANSFERS
	0627	O BIN WAY WAY GESHIG	1738	SECRETARIAL TRANSFERS
	0628	O GAH BAY GWON	1741	SECRETARIAL TRANSFERS
	0629	CHARLES MITCHELL	1744	SECRETARIAL TRANSFERS
	0630	CHARLES MITCHELL	1744	SECRETARIAL TRANSFERS
	0631	E QUAY ZAINCE	1745	SECRETARIAL TRANSFERS
	0632	O GAH	1746	SECRETARIAL TRANSFERS
	0633	WAH WAH QUAY GAH BOW	1748	SECRETARIAL TRANSFERS
	0634	WAH WAH CUMIG O QUAY	1749	SECRETARIAL TRANSFERS
	0635	JOHN L MORRISEY	1957	FORCED FEE PATENTS
	0636	IP-ACR OH WE ZAINCE ROBERT BIRD	742	ARBITRARY TRESPASS
	0637	JAMES FISHER	47	SECRETARIAL TRANSFERS
	0638	SAH GWAN DIG	442	SECRETARIAL TRANSFERS
	0639	SAH GWAN DIG	442	SECRETARIAL TRANSFERS
	0640	AUSH E GAH MRS JOHN SMITH	431	SECRETARIAL TRANSFERS
	0641	WAH BISH OTH E QUAY	476	SECRETARIAL TRANSFERS
	0642	WAYZHAW WAUSH WABE GAHRAY GWON AUSH	439	SECRETARIAL TRANSFERS
	0643	JENNIE SMITH	437	SECRETARIAL TRANSFERS
	0644	MARGARET SMITH	436	SECRETARIAL TRANSFERS
	0645	WILLIAM BELLANGER	934	SECRETARIAL TRANSFERS
	0646	ME ZHAW WE BENAIS JOHN TITT E	416	SECRETARIAL TRANSFERS
	0647	DORA BELLANGER	1264	SECRETARIAL TRANSFERS
	0648	CHARLES CHANETTE	771	SECRETARIAL TRANSFERS
	0649	WINNIE MRS JAMES WAKANAGO	1017	SECRETARIAL TRANSFERS
	0650	KAY QUAY TE WAY BE MINIC	982	SECRETARIAL TRANSFERS
	0651	MAY WAH E GESHIG	1584	SECRETARIAL TRANSFERS
	0652	MINNEAPOLIS ST PAUL [illegible] E MOS E	TRIBAL	RAILROAD IN TRESPASS
	0653	LEECH LAKE BAND	TRIBAL	SCHOOL AND IMPROVED V PATENTED AS SWAMP
	0654	MARRIE ALEXANDER	429	TAX FORFEITURE
	0655	TO NATINCE MRS JOHN JONE	46	ROAD OR HIGHWAY IN TRESPASS
	0656	TRIBAL	N/A	WRONGFUL DIMINUTION OF GAME SUBS IF
	0657	PAY SHIG O BIN AIS EE	N/A	ROAD IN TRESPASS RE 0031

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
553407	0658	JOHN JOSEPH BEDEAU	N/A	OLD AGE ASSISTANCE CLAIM (SEE -0137)
	0659	PAH BE WISH KEEN SHIG	N/A	SECRETARIAL TRANSFERS (SEE -0142)
	0660	JOHN MORRIS	N/A	OLD AGE ASSISTANCE CLAIM (SEE -0183)
	0661	PETER WAKENABO	N/A	RAILROAD IN TRESPASS (SEE -0206)
	0662	KAM BAH KUNG O QUAY (NORTHBIRD)	N/A	STRUCTURE IN TRESPASS RE 0232
	0663	QUI NE ZAINCE ROBERT BIRD	N/A	AGRICULTURAL TRESPASS (SEE -0476)
	0664	TO NATINCE MRS JOHN JONES	N/A	STRUCTURE IN TRESPASS RE 0655
	0665	TO NATINCE MRS JOHN JONES	N/A	UTILITY LINE/PIPELINE TRESPASS RE 0655
	0666	INDE BAY WE NE NEE	1279	TOWNSHIP ROAD IN TRESPASS
	0667	AUN E CO JE	1704	TOWNSHIP ROAD IN TRESPASS
	0668	TYHGE SHIG MESHE DON SHE	1702	TOWNSHIP ROAD IN TRESPASS
	0669	MARGARET WIGGINS	1681	TOWNSHIP ROAD IN TRESPASS
	0670	TEEN DAH E QUAY	1449	COUNTY ROAD 124 IN TRESPASS
	0671	KAY BAY GAH BOW	1566	COUNTY ROAD 124 IN TRESPASS
	0672	TAH CO GWOD	1457	COUNTY ROAD 124 IN TRESPASS
	0673	CHEEN GO GE SHIG O QUAY	1449	COUNTY ROAD 124 IN TRESPASS
	0674	WAH BE SHE SHE	1477	COUNTY ROAD 124 IN TRESPASS
	0675	ALBERT WHIPPLE	1210	COUNTY ROAD 124 IN TRESPASS
	0676	JAMES AITKIN	1215	COUNTY ROAD 124 IN TRESPASS
	0677	TAH DAH CUMAH JE WABE	1693	COUNTY ROAD 124 IN TRESPASS
	0678	NE GUNE QUAN AY BEAK	1435	COUNTY ROAD 39 IN TRESPASS
	0679	KAY DUG E GWON	1709	COUNTY ROAD 39 IN TRESPASS
	0680	SHE MAH GWA ISH	1238	COUNTY ROAD 53 IN TRESPASS
	0681	KE ZHE JI WOWN O QUAY	1744	COUNTY ROAD 53 IN TRESPASS
	0682	NE RAH GESIS	1537	COUNTY ROAD 53 IN TRESPASS
	0683	O ZHOW USH KO GE SHIG	1237	COUNTY ROAD 53 IN TRESPASS
	0684	MAY QWAY WE WIND	1237	FORESTRY ROAD 2894 IN TRESPASS
	0685	MINNESOTA CHIPPEW TRIBE	N/A	FORESTRY ROAD 2894 IN TRESPASS
	0686	SAWN WAY WAY GESHIG OKE	1497	COUNTY ROAD 126 IN TRESPASS
	0687	KAY ZHE GAH BOW JE QUAY	1494	COUNTY ROAD 126 IN TRESPASS
	0688	NE QUAN E GWAN ARE	1499	COUNTY ROAD 126 IN TRESPASS
	0689	WAH RAUM E QUAY BE TUNG	1432	COUNTY ROAD 126 IN TRESPASS
	0690	MUH QUAH	1431	COUNTY ROAD 126 IN TRESPASS
	0691	PED WAY WAY WUSH E QUAY	1457	COUNTY ROAD 126 IN TRESPASS
	0692	ME SAH BAY	1455	COUNTY ROAD 126 IN TRESPASS
	0693	AUN DAH CUMIG OKE	1431	FORESTRY ROAD 2555 IN TRESPASS
	0694	NE BID O SAY QUAY	1719	COUNTY ROAD 127 IN TRESPASS
	0695	WILLIAM RUSSELL	1566	COUNTY ROAD 13 IN TRESPASS
	0696	DORA BELLANGER	1264	COUNTY ROAD 13 IN TRESPASS
	0697	WILLIAM REYNOLDS	1183	COUNTY ROAD 13 IN TRESPASS
	0698	MIS CO MAH QUAH	1337	COUNTY ROAD 13 IN TRESPASS
	0699	O ZO WE GE SHIG	1564	COUNTY ROAD 13 IN TRESPASS
	0700	KUY CHE WAY BE QUAY	1480	COUNTY ROAD 53 IN TRESPASS
	0701	KOW ITAH YAUSH	1665	COUNTY ROAD 53 IN TRESPASS
	0702	SHAW WUN EGWAN ARE	1716	COUNTY ROAD 53 IN TRESPASS
	0703	O GIB AY AU BUN OKE	1250	COUNTY ROAD 53 IN TRESPASS
	0704	UN MING	245	COUNTY ROAD 62 IN TRESPASS
	0705	MARGARET KNIGHT	831	COUNTY ROAD 61 IN TRESPASS
	0706	TAY DAH DUM AY GE QUAY	1355	COUNTY ROAD 157 IN TRESPASS
	0707	JAMES KING	1296	COUNTY ROAD 157 IN TRESPASS
	0708	NAH ME GE QUAY	1274	COUNTY ROAD 157 IN TRESPASS
	0709	ALLEN JOHNSON	1422	COUNTY ROAD 157 IN TRESPASS
	0710	MIN DE MANTEN	1622	COUNTY ROAD 157 IN TRESPASS
	0711	AH KO KE DUKE GWON AY AUSH	1620	COUNTY ROAD 157 IN TRESPASS
	0712	AH KE WENZIE	1621	COUNTY ROAD 157 IN TRESPASS
	0713	KAY GAH BAY GWAH UNG	1618	COUNTY ROAD 157 IN TRESPASS
	0714	NAY WUN JEENCE	1491	COUNTY ROAD 128 IN TRESPASS
	0715	O ZAU WUN UN EQUAY	1701	FORESTRY ROAD 2894 IN TRESPASS
	0716	NO CO MOWE QUAY	1458	FORESTRY ROAD 2894 IN TRESPASS
	0717	TE BISH CO GAH BOW EQUAY	1346	FORESTRY ROAD 2875 IN TRESPASS
	0718	KE CHE MAH DO SAY QUAY	1397	FORESTRY ROAD 2875 IN TRESPASS
	0719	NAH WAH CUMIG OQUAY	1749	FORESTRY ROAD 2875 IN TRESPASS
	0720	NAH WAH CUMIG O QUAY	1749	COUNTY ROAD 53 IN TRESPASS
	0721	NUM AY WE NE NEENCE	1725	FORESTRY ROAD 2839 IN TRESPASS
	0722	WILLIAM RUSSELL	1566	COUNTY ROAD 72 IN TRESPASS
	0723	DORA BELLANGER	1264	COUNTY ROAD 72 IN TRESPASS
	0724	ME TI GO MISH	1443	COUNTY ROAD 72 IN TRESPASS
	0725	WILLIAM REYNOLDS	1183	COUNTY ROAD 72 IN TRESPASS

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53407	0726	AH WAUS EQUAY	1230	COUNTY ROAD 136 IN TRESPASS
	0727	MAGGIE TAYLOR	1735	COUNTY ROAD 136 IN TRESPASS
	0728	PAH DAH SE GAY	1511	COUNTY ROAD 136 IN TRESPASS
	0729	ISH QUAY AUSH	1516	COUNTY ROAD 136 IN TRESPASS
	0730	TAY CUM IG ESHIG OKE	1427	COUNTY ROAD 136 IN TRESPASS
	0731	GOMO O SAY QUAY	1518	COUNTY ROAD 136 IN TRESPASS
	0732	MUSH OMID	1393	COUNTY ROAD 136 IN TRESPASS
	0733	WAY DU BISH QUAY JEENCE	1576	COUNTY ROAD 136 IN TRESPASS
	0734	KAY SHE PO GAH BOW	1392	COUNTY ROAD 136 IN TRESPASS
	0735	QUAY QUAY KE JE WAWN OKE	374	COUNTY ROAD 136 IN TRESPASS
	0736	QWAY WID JEENCE	1674	COUNTY ROAD 39 IN TRESPASS
	0737	AWN DAH CUMIG OKE	1431	COUNTY ROAD 39 IN TRESPASS
	0738	WAH YAH BE GUN ZHE BID	1420	COUNTY ROAD 39 IN TRESPASS
	0739	MAH JE GAH BOW	1416	COUNTY ROAD 39 IN TRESPASS
	0740	OZHAW USH KANG ESHIG	1429	COUNTY ROAD 39 IN TRESPASS
	0741	NU MAY WE ME NEE	1720	COUNTY ROAD 127 IN TRESPASS
	0742	AH KAH KUN AUNA WAINCE	1686	COUNTY ROAD 8 IN TRESPASS
	0743	TAY CUM UD JE WABE	1315	COUNTY ROAD 8 IN TRESPASS
	0744	PAY SHIGE SHIG QUAY	1492	COUNTY ROAD 8 IN TRESPASS
	0745	MINNESOTA CHIPPEWA TRIBE	N/A	COUNTY ROAD 8 IN TRESPASS
	0746	WAH BISH KAH WAH QUOD	1505	FORESTRY ROAD 2655 IN TRESPASS
	0747	CARRIE TAYLOR	1733	FORESTRY ROAD 2655 IN TRESPASS
	0748	O MUSH KAUSH	1605	FORESTRY ROAD 2655 IN TRESPASS
	0749	CARRIE TAYLOR	1733	FORESTRY ROAD 2655 IN TRESPASS
	0750	MINNESOTA CHIPPEWA TRIBE	N/A	FORESTRY ROAD 2655 IN TRESPASS
	0751	WAH WE GE QUAY	1274	COUNTY ROAD 124 IN TRESPASS
	0752	IDAH FAIRBANKS	1294	COUNTY ROAD 124 IN TRESPASS
	0753	WE BID O SAY QUAY	1719	COUNTY ROAD 124 IN TRESPASS
	0754	MAH KID AY BIN GIS EAY	1715	COUNTY ROAD 124 IN TRESPASS
	0755	KAH GE GAY BIN GIS	1286	COUNTY ROAD 124 IN TRESPASS
	0756	O GUB AY AWN DO WAKE	1374	COUNTY ROAD 39 IN TRESPASS
	0757	WAY ZHOC E QUAN AY RE QUAY	1595	COUNTY ROAD IN TRESPASS
	0758	PE WAIS O QUAY	1594	COUNTY ROAD IN TRESPASS
	0759	JACK RANGA	1216	COUNTY ROAD IN TRESPASS
	0760	TE BISH KO CUMIG OKE	1625	COUNTY/STATE ROAD 200
	0761	PUH NEEZ WOB EQUAY	1255	FORESTRY ROAD 2655
	0762	SEE RING WAY	1585	COUNTY ROAD 11 IN TRESPASS
	0763	MINNESOTA CHIPPEWA TRIBE	N/A	COUNTY ROAD 13 IN TRESPASS
	0764	MINNESOTA CHIPPEWA TRIBE	N/A	COUNTY ROAD 13 IN TRESPASS
	0765	MINNESOTA CHIPPEWA TRIBE	N/A	COUNTY ROAD 13 IN TRESPASS
	0766	WAH BISH KE GAH BOW EAY	434	COUNTY ROAD 13A IN TRESPASS
	0767	GAY BAH MAUSH	1371	COUNTY ROAD 13A IN TRESPASS
	0768	OKE MAH WE MIND OKE	1425	COUNTY ROAD 13A IN TRESPASS
	0769	MRS CHARLES WAKEFIELD	LL340	COUNTY ROAD 146 IN TRESPASS
	0770	JAMES DAN WAKEFIELD	LL342	COUNTY ROAD 146 IN TRESPASS
	0771	MINOGESHIG	LL309	COUNTY ROAD 147 IN TRESPASS
	0772	ANNEMEKEWEGWAN	LL583	COUNTY ROAD 147 IN TRESPASS
	0773	ALBERT WHIPPLE	1210	COUNTY ROAD IN TRESPASS
	0774	MINNESOTA CHIPPEWA TRIBE	N/A	COUNTY ROAD IN TRESPASS
	0775	MINNESOTA CHIPPEWA TRIBE	N/A	COUNTY ROAD IN TRESPASS
	0776	MINNESOTA CHIPPEWA TRIBE	N/A	COUNTY ROAD IN TRESPASS
	0777	O ZHE WE NEE	LL515	COUNTY ROAD 155 IN TRESPASS
	0778	O NAN NEW	LL797	COUNTY ROAD 36 IN TRESPASS
	0779	WAH BE SHAW SWENCE	LL1079	COUNTY ROAD 149 IN TRESPASS
	0780	EQUAY AH ZHE BIN OKE	LL1079	COUNTY ROAD IN TRESPASS
	0781	PEG WAY WAY GAH BOW	LL736	COUNTY ROAD IN TRESPASS
	0782	O NAN BAY AH MAH JE WAUB EQUAY	LL741	COUNTY ROAD IN TRESPASS
	0783	CLEMENT SMITH	LL119	COUNTY ROAD IN TRESPASS
	0784	EQUAY ZAINCE	LL1745	COUNTY ROAD IN TRESPASS
	0785	AY WE WE GESHIG OKE	LL667	COUNTY ROAD IN TRESPASS
	0786	HENRY TAYLOR	LL760	COUNTY ROAD IN TRESPASS
	0787	WAY MAH BO JAG	LL782	COUNTY ROAD IN TRESPASS
	0788	WILLIAM SMITH	LL119	COUNTY ROAD IN TRESPASS
	0789	SHAW WISH	LL214	COUNTY ROAD IN TRESPASS
	0790	ROBERT SMITH	LL117	COUNTY ROAD IN TRESPASS
	0791	TRIBAL	3937	COUNTY ROAD 154 IN TRESPASS
	0792	TRIBAL	787	COUNTY ROAD IN TRESPASS
	0793	LOUIS FRENCHMAN	LL458	COUNTY ROAD 44 IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53407	0794	BENJAMIN TIBBETTS	LL809	COUNTY ROAD IN TRESPASS
	0795	JAMES TIBBETTS	LL841	COUNTY ROAD IN TRESPASS
	0796	MARY RABBIT	LL781	COUNTY ROAD 13 IN TRESPASS
	0797	MAGGIE RABBIT	LL780	COUNTY ROAD IN TRESPASS
	0798	WILLIAM LYONS	LL547	COUNTY ROAD 36 IN TRESPASS
	0799	NAH WAH JE WON	LL483	COUNTY ROAD 36 IN TRESPASS
	0800	BAY SHE GO BE TUNG	LL42	COUNTY ROAD 163 IN TRESPASS
	0801	BESSIE CROW	LL582	COUNTY ROAD 163 IN TRESPASS
	0802	SHAW SHAW WON E GESHIG	LL1107	COUNTY ROAD 4 IN TRESPASS
	0803	QUAH YAH KO WE DO	LL1110	COUNTY ROAD 4 IN TRESPASS
	0804	TAY BO WAY GESHIG	LL1111	COUNTY ROAD 4 IN TRESPASS
	0805	PAH ZHE JE GESHIG OKE	LL1003	COUNTY ROAD 4 IN TRESPASS
	0806	O NAH NAH E GESHIG	LL1046	COUNTY ROAD 4 IN TRESPASS
	0807	AH ZHA WAH JE WAY GAH BOW	LL1048	COUNTY ROAD 4 IN TRESPASS
	0808	PU GO NAY CUMIG WABO	LL1103	COUNTY ROAD 4 IN TRESPASS
	0809	MIS SAH BOY	LL1124	COUNTY ROAD 4 IN TRESPASS
	0810	CLEMENT BELLANGER	LL1033	COUNTY ROAD 4 IN TRESPASS
	0811	AISH QUAY GAH BOW	LL1158	COUNTY ROAD 126 IN TRESPASS
	0812	WAH BISH KE BIN AIS	LL1160	COUNTY ROAD 126 IN TRESPASS
	0813	KAY WE CUMIG E WANG	LL1159	COUNTY ROAD 126 IN TRESPASS
	0814	OKE WE ZAINCE	LL742	COUNTY ROAD 126 IN TRESPASS
	0815	SHO BOW E GAUNCE	LL1161	COUNTY ROAD 126 IN TRESPASS
	0816	O BIN WAY WAY GESHIG	LL671	COUNTY ROAD 32 IN TRESPASS
	0817	BAPTISTE	LL1102	COUNTY ROAD 32 IN TRESPASS
	0818	NAH ZHO BE TUNG	LL1061	COUNTY ROAD 32 IN TRESPASS
	0819	PED WAY WAY GAH BOW	LL744	COUNTY ROAD 32 IN TRESPASS
	0820	WAY O WAY WAY GESHIG	LL1104	COUNTY ROAD 32 IN TRESPASS
	0821	WAY TAH RAH KI WAH WAH GE WINE	LL1029	COUNTY ROAD 35 IN TRESPASS
	0822	KATE SHE QUAH MAIG	LL815	COUNTY ROAD IN TRESPASS
	0823	RAH GAH GE GID	LL1053	COUNTY ROAD IN TRESPASS
	0824	MARY WILSON	LL943	COUNTY ROAD IN TRESPASS
	0825	KAH KANG FENCE	LL492	COUNTY ROAD IN TRESPASS
	0826	JOHN WILSON	LL944	COUNTY ROAD IN TRESPASS
	0827	FRANCIS PARTRIDGE LOVELACE	307	COUNTY ROAD 141 IN TRESPASS
	0828	DAH BAH SAH UM	795	COUNTY ROAD 141 IN TRESPASS
	0829	AH TAH GUN	415	COUNTY ROAD IN TRESPASS
	0830	MARTHA MAUD WEAVER	198	COUNTY ROAD 143 IN TRESPASS
	0831	KE WAY DIN OKE	143	COUNTY ROAD 144 IN TRESPASS
	0832	MARTHA MAUD WEAVER	198	COUNTY ROAD 144 IN TRESPASS
	0833	JAMES WAKEFIELD	342	COUNTY ROAD 144 IN TRESPASS
	0834	NAY TAH WOWBE TING	1507	COUNTY ROAD 144 IN TRESPASS
	0835	THOMAS GEORGE WEAVER	197	COUNTY ROAD 144 IN TRESPASS
	0836	PARTISH AH CUMIG	951	COUNTY ROAD 144 IN TRESPASS
	0837	DE KAINCE	870	COUNTY ROAD 44 IN TRESPASS
	0838	SHO NE YAH WE GE SHI GOKE	842	COUNTY ROAD 144 IN TRESPASS
	0839	OM BE BE WON O QUAY	349	COUNTY ROAD IN 144 IN TRESPASS
	0840	WAH BISK KE SIT	960	COUNTY ROAD 144 IN TRESPASS
	0841	MRS FRANK DAY	766	COUNTY ROAD 144 IN TRESPASS
	0842	WAH JI BE WAIS	898	COUNTY ROAD 144 IN TRESPASS
	0843	WAH BE SH KAH WAH QUOD	895	COUNTY ROAD 144 IN TRESPASS
	0844	AH MAH JE WAI BE QUAY	594	COUNTY ROAD 146 IN TRESPASS
	0845	CHIEF AH NE ME KE WE GWAN	583	COUNTY ROAD 146 IN TRESPASS
	0846	NEO GESHIG O QUAY	335	COUNTY ROAD 146 IN TRESPASS
	0847	DANIEL WAKEFIELD	600	COUNTY ROAD 144 IN TRESPASS
	0848	KE NE WOND GE	1142	COUNTY ROAD 4 IN TRESPASS
	0849	PE TUD	1004	COUNTY ROAD 4 IN TRESPASS
	0850	WAY MUH NEE	1005	COUNTY ROAD 4 IN TRESPASS
	0851	KAH GE SHIG	1109	COUNTY ROAD 4 IN TRESPASS
	0852	JAMES WASHINGTON	951	COUNTY ROAD 142 IN TRESPASS
	0853	O GAN BAY AH JE WAWN OKE	1002	COUNTY ROAD 142 IN TRESPASS
	0854	NAY TAH PAH KE NAH WAH SE WIND	1095	COUNTY ROAD 142 IN TRESPASS
	0855	PERCY LYONS	954	COUNTY ROAD 139 IN TRESPASS
	0856	CHARLES FAIRBANKS	1137	COUNTY ROAD 97 IN TRESPASS
	0857	BIN DE GAY WAY WAY QUAY	1123	COUNTY ROAD 157 IN TRESPASS
	0858	O GE MAH GE SHIG OKE	1116	COUNTY ROAD 157 IN TRESPASS
	0859	WAY WE GE WAWM	1117	COUNTY ROAD 157 IN TRESPASS
	0860	PE NAY SE WE GESHIG	1118	COUNTY ROAD 157 IN TRESPASS
	0861	DAD DEESE	1119	COUNTY ROAD 157 IN TRESPASS

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53407	0862	WAY TAH WE GESHIG COWCE	995	COUNTY ROAD 156 IN TRESPASS
	0863	WINDE GE BE WAY SHIEN	1088	COUNTY ROAD 156 IN TRESPASS
	0864	MAH JE AH WA QUOD OKE	1032	COUNTY ROAD 146 IN TRESPASS
	0865	KE WE YO BEKE	1114	COUNTY ROAD 146 IN TRESPASS
	0866	O GE MAH GESHIG O QUAY	1066	COUNTY ROAD 146 IN TRESPASS
	0867	O GAH BAY AUN DUB EKE	1064	COUNTY ROAD 146 IN TRESPASS
	0868	WAY WAY	1028	COUNTY ROAD 146 IN TRESPASS
	0869	JACK ROY	492	COUNTY ROAD 146 IN TRESPASS
	0870	MRS CHARLES WAKEFIELD	340	COUNTY ROAD 14A IN TRESPASS
	0871	JAMES DAN WAKEFIELD	342	COUNTY ROAD 14A IN TRESPASS
	0872	MI NEO GESHIG	309	COUNTY ROAD 147 IN TRESPASS
	0873	AH NE NE KE WA GWON	583	COUNTY ROAD 147 IN TRESPASS
F53408	0001	CLARA ROSSMAN	5175	TAX FORFEITURE
	0002	TOM HILL/AH ME KAY BEE	5020	TAX FORFEITURE
	0003	PETER PARKER	819	TAX FORFEITURE
	0004	AH ZHO AH CUMMING ISH KUNG	4267	TAX FORFEITURE
	0005	MRS DAVE LITTLEWOLF	5149	TAX FORFEITURE
	0006	SHAY WAH WE WAH	2294	TAX FORFEITURE
	0007	GEORGE PERCIVAL ANDREWS	1888	TAX FORFEITURE
	0008	TE BE KEENCE MARY MITCHELL	4547	TAX FORFEITURE
	0009	AY DAH WAH WIN IG O QUAY	1711	TAX FORFEITURE
	0010	CATHERINE LAROQUE	453	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0011	MARY ANNE LAROQUE	457	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0012	JANE E BISSON	488	TAX FORFEITURE
	0013	KE NE WOUR E QUAY	1049	TAX FORFEITURE
	0014	CHARLES CASSAWAY	2047	TAX FORFEITURE
	0015	WAY JE CHAH GOOB E O	4757	FORCED FEE PATENTS
	0016	FELIA DOUETTE	212	TAX FORFEITURE
	0017	GRACIE FAIRBANKS	1163	TAX FORFEITURE
	0018	PENAY NANCY SOD	4290	TAX FORFEITURE
	0019	KE SIS O QUAY	2524	TAX FORFEITURE
	0020	AY NE MAH SUNG	5063	TAX FORFEITURE
	0021	CHARLES H ANYWAUSH	3524	PROBATED BY COURT WITHOUT JURISDICTION
	0022	WILLIAM REDBOY	1045	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0023	MELINDA LACHAPELLE HOLMES	1317	TAX FORFEITURE
	0024	AGGIE MORRIS	5119	TAX FORFEITURE
	0025	JANE B JONES	5156	TAX FORFEITURE
	0026	KAH BID AM	4027	TAX FORFEITURE
	0027	NO DIN	4956	TAX FORFEITURE
	0028	KEESH KE DIE	2018	TAX FORFEITURE
	0029	MRS JOE ANGENAUSH	4928	TAX FORFEITURE
	0030	MRS JOE BEAUPRE	2156	TAX FORFEITURE
	0031	MAH JE AUSH E QUAY	4957	TAX FORFEITURE
	0032	MAH WISH O BE QUAY	702	TAX FORFEITURE
	0033	ANGELINE MANYPENNY	155	TAX FORFEITURE
	0034	MRS PETER PAY	4637	TAX FORFEITURE
	0035	J WARREW/E MEDDLE	140	TAX FORFEITURE
	0036	KAY KAH BE GWON AY YAUSH	1688	TAX FORFEITURE
	0037	MRS MORGAN/KE NEEG	3870	TAX FORFEITURE
	0038	SUSAN MCDOUGAL	301	TAX FORFEITURE
	0039	MIN DE MON TEW	2244	TAX FORFEITURE
	0040	OLIVE MORSE	3008	TAX FORFEITURE
	0041	LIZZIE LYONS	443	FORCED FEE PATENTS
	0042	LOUISA MUNCH NEE SLOAN	3978	TAX FORFEITURE
	0043	ME ZHAW KE GAH BE	4171	TAX FORFEITURE
	0044	DICK TAYLOR/WAY TAH WAUSH	1974	TAX FORFEITURE
	0045	WAY TAH WAY WAY AUSH	4463	TAX FORFEITURE
	0046	WAY TUM AH MUH GE WAY QUAY	2001	TAX FORFEITURE
	0047	ME BIN AY GE SHIG	2174	TAX FORFEITURE
	0048	NEEZETTE MAGGIE ROCK	1813	TAX FORFEITURE
	0049	D B KNICKERBOCKER	1199	TAX FORFEITURE
	0050	O BE ZAUN	4501	TAX FORFEITURE
	0051	MIN JE WAINCE	4575	TAX FORFEITURE
	0052	O MIN AUN AH QUAD O QUAY	4062	TAX FORFEITURE
	0053	THOMAS SHINGOBEE	5176	TAX FORFEITURE
	0054	JOHN CHARLES DAY	4803	TAX FORFEITURE
	0055	IE BISH KO GAH BOW E QUAY	2296	TAX FORFEITURE
	0056	NOW WAH KE GAH BOW E QUAY	1906	TAX FORFEITURE

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53408	0057	MAY QWAY AUN GAY	3573	PROBATED BY COURT WITHOUT JURISDICTION
	0058	GEORGIANNA PEMBERTON	3422	TAX FORFEITURE
	0059	CHARLOTTE MCGILLIS	4874	TAX FORFEITURE
	0060	PE KAUN AH QUOD	4007	TAX FORFEITURE
	0061	PEEN DE GAY O SAY QUAY	1698	TAX FORFEITURE
	0062	QUAY KE GAH ROW E QUAY	4052	PROBATED BY COURT WITHOUT JURISDICTION
	0063	AH ROW E GE SHIG	2519	TAX FORFEITURE
	0064	WAH BE SISHE	2077	PROBATED BY COURT WITHOUT JURISDICTION
	0065	BE SHEW AINCE	4924	TAX FORFEITURE
	0066	AH GWAH DAWSH GE	4923	TAX FORFEITURE
	0067	JANE BLAIR	1355	PROBATED BY COURT WITHOUT JURISDICTION
	0068	ARCHANGE BRANCHAUD	157	PROBATED BY COURT WITHOUT JURISDICTION
	0069	LOUISA BUNKER	4190	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0070	SHAH GO JE	4058	TAX FORFEITURE
	0071	MABEL SNETZINGER	4736	TAX FORFEITURE
	0072	KAY BAY GWON	1700	TAX FORFEITURE
	0073	WAY SHA KE BE NAIS	2293	TAX FORFEITURE
	0074	NE TUM O GE SIS O QUAY	3410	PROBATED BY COURT WITHOUT JURISDICTION
	0075	WE WAH BO GEAG	3977	TAX FORFEITURE
	0076	OLIVER GLASS	3009	TAX FORFEITURE
	0077	WM SMITH	1593	TAX FORFEITURE
	0078	JOSEPHINE VILLERMIN	1020	TAX FORFEITURE
	0079	MRS R L NEE LEGNERA GLASS	3007	TAX FORFEITURE
	0080	WALTER WAKEFIELD	4780	TAX FORFEITURE
	0081	WAH BO GEAG	3977	TAX FORFEITURE
	0082	WAH WAY YAY GE SHIG	3809	TAX FORFEITURE
	0083	JESSI WARREN	142	TAX FORFEITURE
	0084	EMMA MCDOUGALL	290	TAX FORFEITURE
	0085	WAUS AH WE QUEEN	2492	TAX FORFEITURE
	0086	JOSEPH CARROLL WEBSTER	236	TAX FORFEITURE
	0087	NAH ZHAH CUMIG OKE	1746	TAX FORFEITURE
	0088	HENRY KEEZER	3860	TAX FORFEITURE
	0089	WAH YAY QUAH KE SHIG	3784	TAX FORFEITURE
	0090	ONUS QUAH WE BE SHIG O QUAY	4350	TAX FORFEITURE
	0091	WILLIAM MITCHELL	4917	TAX FORFEITURE
	0092	JOHN MONDAY	5044	TAX FORFEITURE
	0093	CHRISTINA FAIRBANKS BEAULIEU	998	TAX FORFEITURE
	0094	PEEN DE GAY GAH ROW E QUAY	4891	TAX FORFEITURE
	0095	SARAH OPPEGARD	4605	TAX FORFEITURE
	0096	NELLIE LIRRY WAKEFIELD	5054	TAX FORFEITURE
	0097	NINA E MCARTHUR	56	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0098	GERTIE C DUNNELL	108	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0099	OMAH QWAY AUSH EQUAY	4893	TAX FORFEITURE
	0100	SUSAN LUCAS	4835	TAX FORFEITURE
	0101	JOSEPH CARROLL	236	TAX FORFEITURE
	0102	JESSIE G MCARHTUR DAWLEY	55	TAX FORFEITURE
	0103	CLARA MONOMANIE	5175	TAX FORFEITURE
	0104	PEARL IRENE FUNK	1387	TAX FORFEITURE
	0105	JOSIE BULL	3858	PROBATED BY COURT WITHOUT JURISDICTION
	0106	MRS TOM SKINAWAY	4954	TAX FORFEITURE
	0107	KAY BAY O NUB EAK	2821	FORCED FEE PATENTS
	0108	WAH BO GEAG	3977	TAX FORFEITURE
	0109	FRANCIS STRAND	4004	TAX FORFEITURE
	0110	EDDIE MCGILLIS	4834	TAX FORFEITURE
	0111	I EEN DAH CUMIG O QUAY	1862	TAX FORFEITURE
	0112	JOHN HUTCHINSON	5008	TAX FORFEITURE
	0113	MARY M CRAWID	384A	TAX FORFEITURE
	0114	PETER SMITH	5152	TAX FORFEITURE
	0115	WAH PAH GAIS BAZIL	5060	TAX FORFEITURE
	0116	MAREL DARCO EGAN	69	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0117	MIS CO GE SHIG	2157	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0118	MAGGIE MORRISON	2477	TAX FORFEITURE
	0119	MINNESOTA CHIPPEWA TRIBE	N/A	TAX FORFEITURE
	0120	AH JE JAUK E QUAY	113	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0121	SHE BAH KE SHIG O QUAY	3342	TAX FORFEITURE
	0122	LUCY SUTTON	5018	TAX FORFEITURE
	0123	O GICK AUNCE	389	FORCED FEE PATENTS
	0124	O DAH WAH QUAY	2819	TAX FORFEITURE

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53408	0125	AH ZHE TAY KE SHIG O QUAY	3331	PROBATED BY COURT WITHOUT JURISDICTION
	0126	MAY MIS GAWN O WAY	2295	TAX FORFEITURE
	0127	NO ME GAWN AY BE QUAY	2764	FORCED FEE PATENTS
	0128	WAY ME YAY BE SHIG	2044	TAX FORFEITURE
	0129	KAY ZHE WAY ME DUNG	1554	FORCED FEE PATENTS
	0130	MAH JE DE SHIG	1022	FORCED FEE PATENTS
	0131	DAY DODGE	2080	TAX FORFEITURE
	0132	WAH ROUZE #2079	2079	TAX FORFEITURE
	0133	KAH ME TAH WAUSH	59A	FORCED FEE PATENTS
	0134	NO CUD JU WAINCE	134	FORCED FEE PATENTS
	0135	KE WAY GAH BOWE QUAY	612	FORCED FEE PATENTS
	0136	ANNA DOORWISE	3391	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0137	WAY TAH WAH E QUAY	3358	PROBATED BY COURT WITHOUT JURISDICTION
	0138	ONE MAH WUR	1422	TAX FORFEITURE
	0139	MARY JANE MCDONALD	53	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0140	TE BISH CO YAUSH E QUAY	2390	FORCED FEE PATENTS
	0141	MRS SOPHIA/JACK MCLEAN	2802	TAX FORFEITURE
	0142	KAH ME TAH O NUR EAH	1149	TAX FORFEITURE
	0143	EMMA DURANT	4579	TAX FORFEITURE
	0144	JOHN LEECY	4416	FORCED FEE PATENTS
	0145	JIM KAY BAY BE TUNG	2921	FORCED FEE PATENTS
	0146	EVA A BRUNETTE MANYPENNY	1541	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0147	DAVID FISHER	2930	FORCED FEE PATENTS
	0148	NOW AH CUMIG	2869	FORCED FEE PATENTS
	0149	ZAY ZAH	5075	TAX FORFEITURE
	0150	HAZEL RUTH PERRY	440	TAX FORFEITURE
	0151	WAY ME ZHE O QUAY	2078	TAX FORFEITURE
	0152	MAGUTE SAILOR ABRAHAM	1877	FORCED FEE PATENTS
	0153	MARY BEAULIEU RUE	511	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0154	TE BISH CO YAUSH EAKE	2516	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0155	AH BE TAH WISH CUD	2054	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0156	WHITE EARTH BAND	N/A	GRAZING TRESPASS
	0157	GLADYS WOODBURY	254	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0158	AH JO DOW ME	3361	FORCED FEE PATENTS
	0159	AH WAH NAH QUOD OKE	2919	FORCED FEE PATENTS
	0160	CLARA BELLEFEVILLE	312	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0161	MRS HENRY PEMBERTON	3457	TAX FORFEITURE
	0162	JOHN KAH AID AIN	4027	TAX FORFEITURE
	0163	MIS QUAN AH QUOD	2245	ROAD OR HIGHWAY IN TRESPASS
	0164	MINEHAMP ISABELLE	352	PROBATED BY COURT WITHOUT JURISDICTION
	0165	MARIA BLAIR DESAUTEL	1325	FORCED FEE PATENTS
	0166	JEREMIAH SELFAW	477	TAX FORFEITURE
	0167	JEREMIAH PEMBERTON	3448	FORCED FEE PATENTS
	0168	JOSEPH DUNNELL	104	FORCED FEE PATENTS
	0169	MARGARET MASON	737	FORCED FEE PATENTS
	0170	PATRICK L PERRAULT	2057	FORCED FEE PATENTS
	0171	EMMA HILL/MAH KAH TAH GWIN	2477	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0172	MIS CO BEN AIS	1799	PROBATED BY COURT WITHOUT JURISDICTION
	0173	ME BE DAY DE SHIG	2549	PROBATED BY COURT WITHOUT JURISDICTION
	0174	WAH BON AH QUOD	1	TAX FORFEITURE
	0175	PAY MIS WIS	2885	PROBATED BY COURT WITHOUT JURISDICTION
	0176	PE ZHE KEE	2527	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0177	MICHAEL PARKER	895	TAX FORFEITURE
	0178	WAY ZUSH	2489	TAX FORFEITURE
	0179	SARAH BISSON WELTZIN	345	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0180	JOSEPH WOODBURY HOLE/DAY	347	PROBATED BY COURT WITHOUT JURISDICTION
	0181	AH ZHO AH CUMMING ISH KUNG	4247	FORCED FEE PATENTS
	0182	AUNDO BUNE QUAY	2406	FORCED FEE PATENTS
	0183	THOMAS GEORGE ANTELL	4750	FORCED FEE PATENTS
	0184	ELLEN J DENCE	2486	FORCED FEE PATENTS
	0185	CLARENCE ISADORE SWEENEY	4214	FORCED FEE PATENTS
	0186	CHARLES WAKEFIELD	5057	FORCED FEE PATENTS
	0187	ISADORE HAMLINE	2178	FORCED FEE PATENTS
	0188	LEO HERBERT SNETSINGER	4827	FORCED FEE PATENTS
	0189	IRENE DOUGLAS	2342	FORCED FEE PATENTS
	0190	ARCHIE CHURCH	4436	FORCED FEE PATENTS
	0191	JOHN B PEMBERTON	3434	FORCED FEE PATENTS
	0192	GABRIEL PETE LADUKE	1304	FORCED FEE PATENTS

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53408	0193	KATHERINE OMALLEY BULLICK	4763	FORCED FEE PATENTS
	0194	LUCY LOUISA RAZOR BEAUPRE	5108	FORCED FEE PATENTS
	0195	JOHN WAHDUNE JR	4756	FORCED FEE PATENTS
	0196	AH WON AH QUOD OKE	3249	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0197	AH ME KAY GAH BOW	3434	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0198	KAH CHE GAINCE	108	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0199	MINO KE SHIG N1/2 SW1/4 15 142 41	4175	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0200	MARGARET CASEY	3692	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0201	TAY CUM E KE SHIG	684	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0202	WM EDWIN ANDREWS	4456	TAX FORFEITURE
	0203	JAMES DEJARDON	2936	TAX FORFEITURE
	0204	JOHN DEJARDON	2939	TAX FORFEITURE
	0205	PE TAW AH WAH QUOD OQUAY	2838	TAX FORFEITURE
	0206	JULIA KAY BAY BE TUNG	4516	TAX FORFEITURE
	0207	MARY MARCHAND	2055	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0208	JANE BURDESE TAYLOR	3625	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0209	FRANK BURDESE	3624	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0210	MRS JOHN FRANKS	2001	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0211	EVA SHAY DAY	1029	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0212	AH DICK WM B RICE	4916	TAX FORFEITURE
	0213	NELLEI SULLIVAN	3693	TAX FORFEITURE
	0214	DELIA WARD RIESENTER	3952	TAX FORFEITURE
	0215	FELIX BISSON	483	TAX FORFEITURE
	0216	MARY M BON NIN	1671	TAX FORFEITURE
	0217	SARAH MARTIN BRUNELL	3165	TAX FORFEITURE
	0218	CELINA GAIRD CASWELL	509A	TAX FORFEITURE
	0219	FRANCES FOLSTRUM	4065	TAX FORFEITURE
	0220	STELLA GREGOIRE	1596	TAX FORFEITURE
	0221	JANE METSLER NEE PARKER	896	TAX FORFEITURE
	0222	RAYMOND HERBERT MCARTHUR	1185	TAX FORFEITURE
	0223	DORA MCCAULEY	3894	TAX FORFEITURE
	0224	AUTHER WM MCDOUGALL	4382	TAX FORFEITURE
	0225	CHARLES MCDOUGALL	300	TAX FORFEITURE
	0226	CLARA MOKAMANIC MOSSMAN	5175	TAX FORFEITURE
	0227	ZENNIE TIBBETS	3778	TAX FORFEITURE
	0228	ALICE PARKER	821	TAX FORFEITURE
	0229	EYILDA ESTEY PETERSON	4135	TAX FORFEITURE
	0230	HAZEL AGNES QUINN	4837	TAX FORFEITURE
	0231	WALTER RICHARDSON	5089	TAX FORFEITURE
	0232	EMMA FLORENCE ROY	1551	TAX FORFEITURE
	0233	MARY JANE ROY	441	TAX FORFEITURE
	0234	MARY SEAVEY	4797	TAX FORFEITURE
	0235	JOSEPH F PEAKE	905	TAX FORFEITURE
	0236	JOSETTE ROSS	3574	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0237	MARY RICHARDSON	87	TAX FORFEITURE
	0238	GEORGE P LEFEVRE	944	TAX FORFEITURE
	0239	OLIVE INNA SNETZINGER	4928	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0240	SARAH BEAULIEU	38	TAX FORFEITURE
	0241	BENJAMIN ROY	527	TAX FORFEITURE
	0242	GRACIE SARAH PERSON	42	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0243	JUDSON CHURCH	1437	TAX FORFEITURE
	0244	SUSAN SNETZINGER	4824	TAX FORFEITURE
	0245	RUTH DOUGLAS	3340	TAX FORFEITURE
	0246	EQUAY JANICE	4009	FORCED FEE PATENTS
	0247	ODE MAH WAY WISH	2278	FORCED FEE PATENTS
	0248	BOIN AINCE SHISH	1942	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0249	KAY ME WIN ISH KUNG	2402	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0250	KE ZHE AY ME WAUSH	2424	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0251	ISABELLE BLAIR	4099	FORCED FEE PATENTS
	0252	PAY SHE QE SHIG	2227	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0253	ME JO MAH NEE KOG GOGNCE	1494	PROBATED BY COURT WITHOUT JURISDICTION
	0254	ANNIE ROY NEE IVER MINEHAMP	2172	FORCED FEE PATENTS
	0255	NAN FAIRBANKS	1414	TAX FORFEITURE
	0256	O WISH QUAY GWON AY BE QUAY	1902	TAX FORFEITURE
	0257	PAUL BINAIS	2411	TAX FORFEITURE
	0258	JAMES BINAIS	2612	TAX FORFEITURE
	0259	GEORGIANNA SCOVILLE	4540	TAX FORFEITURE
	0260	WILLIE ST PIERRE	4121	TAX FORFEITURE

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS340A	0261	ME ME TAH JE WAIN	4034	TAX FORFEITURE
	0262	BETSY FOSTER	1563	TAX FORFEITURE
	0263	GEORGIANA STEAD	3981	TAX FORFEITURE
	0264	EMILY E ROTAILLE	4536	TAX FORFEITURE
	0265	WM GLADSTONE	2610	TAX FORFEITURE
	0266	MARY ANDERSON	4723	TAX FORFEITURE
	0267	EDWIN W /WILLIE W/ ANDREWS	1883	TAX FORFEITURE
	0268	ELNA M WRIGHT	4868	TAX FORFEITURE
	0269	LUCY TURNER	3691	TAX FORFEITURE
	0270	MAH GEED	2328	TAX FORFEITURE
	0271	ME ZHO DAIN	666	FORCED FEE PATENTS
	0272	AYSH QUAY O SAY QUAY	2024	FORCED FEE PATENTS
	0273	JOHN PHILIP TURPIN	308	FORCED FEE PATENTS
	0274	BETSY PEMBERTON MURRAY	3647	TAX FORFEITURE
	0275	HARRY MURRAY	3633	TAX FORFEITURE
	0276	OZHE NE MEE	2143	TAX FORFEITURE
	0277	AH SAH WAINCE WAY	1662	FORCED FEE PATENTS
	0278	MINNIE FINEWAY	2622	FORCED FEE PATENTS
	0279	MAGGIE FISHER	4517	TAX FORFEITURE
	0280	PAUL G PERSON	41	TAX FORFEITURE
	0281	MARY RICHARDSON	4588	TAX FORFEITURE
	0282	WE SHG	4423	PROBATED BY COURT WITHOUT JURISDICTION
	0283	LENA BISSON HARLETT	321	PROBATED BY COURT WITHOUT JURISDICTION
	0284	KE WE ZAW WOAN TE [illegible]	2051	TAX FORFEITURE
	0285	PAUL BISSON	490	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0286	SOPHIA BRUNETTE	191	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0287	[illegible]	39	FORCED FEE PATENTS
	0288	AGNES BELLEFEUILLE	311	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0289	CLARA ROY MATTISON	542	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0290	JOSEPH THOMPSON	3757	FORCED FEE PATENTS
	0291	ROGER C [illegible]	134	TAX FORFEITURE
	0292	EVA ROY WITKOP	116	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0293	GRACE GENEVIEVE BEGNOCHE	499	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0294	CATHERINE MCDONNELL	385	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0295	O ZHA WIN E ME GEE	115	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0296	MARIA ELLEN PERSON	40	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0297	DENNIS BELLEFEUILLE	334	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0298	JOHN CHEEMAN	610	PROBATED BY COURT WITHOUT JURISDICTION
	0299	MATILDA LOUZON LEE	519	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0300	DANIEL HEMLIN	331	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0301	AISH E GAH SON	3570	PROBATED BY COURT WITHOUT JURISDICTION
	0302	BENJAMIN MANYPENNY	156	TAX FORFEITURE
	0303	MED WAY WAY GAH BOW EE	2512	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0304	G GIT UR	4927	TAX FORFEITURE
	0305	MAH DE NAH	4696	TAX FORFEITURE
	0306	CLIFFORD S MCARTHUR	57	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0307	FANNIE SONEWAYWAY	226	PROBATED BY COURT WITHOUT JURISDICTION
	0308	SHIN GOOB	2475	PROBATED BY COURT WITHOUT JURISDICTION
	0309	ANGELINE TRO TO CHAND	1225	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0310	QUAY KE GAH BOW EQUAY	4052	FORCED FEE PATENTS
	0311	EVA VAN WERT SWART	573	PROBATED BY COURT WITHOUT JURISDICTION
	0312	EUGENIE DORA BISSON KOLB	675	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0313	JANE WILSON JOHNSON	607	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0314	SHA BAUSH KING TUM DOSH	4920	TAX FORFEITURE
	0315	ELLEN BUNKER	3449	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0316	JANE SAUFF	278	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0317	CHARLOTTE MORRISON	71	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0318	SHAH GO BOY QUAY	4892	TAX FORFEITURE
	0319	NAY TUM SAH KING	2276	TAX FORFEITURE
	0320	BE SHEW	3785	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0321	ANGELINE VILLEBRUN	1018	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0322	NE ZHE QAY WE GAH BOW	2041	TAX FORFEITURE
	0323	SAH GITCH E WAY BE QUAY	2042	TAX FORFEITURE
	0324	MANE BUSH	702	TAX FORFEITURE
	0325	MARY JANE ROY MCCLOSKEY	411	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0326	JOSEPHINE GAGON	261	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0327	JOSEPHINE MANYJAW	396	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0328	EVANGELINE CADREAU	373	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS340A	0329	JESSIE WARREN	142	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0330	CLARA VEZINA	522	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0331	SAH GAH GE WAY BE QUAY	2277	PROBATED BY COURT WITHOUT JURISDICTION
	0332	CHARLES PO GO WAY CUMIG WARE	436	TAX FORFEITURE
	0333	IDA HOWARD	74	TAX FORFEITURE
	0334	W W BROWN BAY BAH AH TAH GAY	615	PROBATED BY COURT WITHOUT JURISDICTION
	0335	ROSE BISSON	323	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0336	ALICE MORTANCE MEE	675	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0337	E NE MEE	1754	TAX FORFEITURE
	0338	IDA BEAULIEU REAM	37	TAX FORFEITURE
	0339	PUH NE ZHO NUB EAK	1914	TAX FORFEITURE
	0340	CLARA THOMAS	283	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0341	KAY BAY GAH BOW E QUAY	485	TAX FORFEITURE
	0342	ANTOINE BISSON SR	455	PROBATED BY COURT WITHOUT JURISDICTION
	0343	NANCY BELLANGER CAMPBELL	640	PROBATED BY COURT WITHOUT JURISDICTION
	0344	MARGARET BISSON	544	PROBATED BY COURT WITHOUT JURISDICTION
	0345	JOHN BEAULIEU	98	FORCED FEE PATENTS
	0346	BETSY MCDOUGALL	1543	PROBATED BY COURT WITHOUT JURISDICTION
	0347	ISABELLE MONCHAMP	197	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0348	MAGGIE FAIRBANKS	1417	PROBATED BY COURT WITHOUT JURISDICTION
	0349	PAH YAY JIK	2187	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0350	ME KIN AWKO ZID	431[illegible]	TAX FORFEITURE
	0351	KAH GE GAY WON E QUOD O QUAY	2070	TAX FORFEITURE
	0352	VE WAY GE SHIG QUAY	5[illegible]0	TAX FORFEITURE
	0353	EVA CARRIE BELL	484[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0354	MARY TRUDEAU	1241	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0355	JOSEPH FOSTER	52	TAX FORFEITURE
	0356	JOHN JONES	1[illegible]01	CONSENT DECREE
	0357	HENRY CASWELL	588	FORCED FEE PATENT
	0358	MIN DE MONIEN	598	TAX FORFEITURE
	0359	BERTIE BUNKER	1490	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0360	RACHAEL BISSON VEZINA	472	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0361	LEOVA DONNELL LACHAPELLE	167	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0362	BERTHA ROY STOLAIS	542	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0363	SARAH BEAULIEU	98	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0364	ANNIE BELLANGER	448	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0365	JOHN H FAIRBANKS	432	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0366	OLIVE E BISSON	469	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0367	FLORENCE WILSON	408	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0368	IDA SARAH FAIRBANKS	713	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0369	SOPHIA C DONNELL	771	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0370	IZOLA WARREN	143	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0371	LILLIE MCDOUGALL PERRY	368	TAX FORFEITURE
	0372	EMMA J BRANCHAUD V[illegible]	1[illegible]3	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0373	MARY ASPINWALL	586	TAX FORFEITURE
	0374	AH ZHOW AUS IN O QUAY	4620	TAX FORFEITURE
	0375	NE BIN AY GE SHIG	2134	TAX FORFEITURE
	0376	CATHERINE ROY FINN	449	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0377	ETHEL PICE	298	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0378	MARY BISSON FREDRICKSON	492	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0379	CATHERINE L FAIRBANKS	681	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0380	MARY VEZINA HAMLIN THAYER	521	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0381	CAROLINE FLEAMOR MEE	676	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0382	NANCY ROY	534	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0383	SUSAN BONGO	2677	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0384	MARY BONGO	3395	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0385	MARIA E BISSON AITKINS	1421	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0386	TE BISH CO CUMIG O [illegible]	691	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0387	FRANK D ROY	508	TAX FORFEITURE
	0388	LILLY BELLECOURT	98	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0389	PINDE GAY GE SHIG	4017	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0390	CO EEN GUN	3347	TAX FORFEITURE
	0391	MARIA LACHAPELLE	112	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0392	AIN BUN O GESHIG O QUAY	477	FORCED FEE PATENTS
	0393	JULIAN LAPRAIRIE	2683	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0394	MAY ZHUSH BIN AIS	2331	FORCED FEE PATENTS
	0395	KAU BAY GWON	1567	FORCED FEE PATENTS
	0396	KO WAY DUN O QUAY	3531	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS340A	0397	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0398	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0399	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0400	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0401	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0402	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0403	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0404	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0405	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0406	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0407	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0408	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0409	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0410	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0411	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0412	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0413	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0414	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0415	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0416	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0417	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0418	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0419	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0420	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0421	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0422	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0423	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0424	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0425	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0426	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0427	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0428	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0429	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0430	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0431	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0432	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0433	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0434	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0435	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0436	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0437	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0438	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0439	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0440	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0441	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0442	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0443	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0444	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0445	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0446	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0447	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0448	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0449	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0450	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0451	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0452	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0453	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0454	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0455	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0456	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0457	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0458	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0459	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0460	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0461	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0462	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0463	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0464	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0465	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0466	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0467	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0468	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0469	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0470	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0471	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0472	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0473	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0474	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0475	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0476	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0477	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0478	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0479	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0480	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0481	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0482	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0483	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0484	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0485	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0486	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0487	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0488	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0489	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0490	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0491	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0492	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0493	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0494	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0495	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0496	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS340A	0497	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0498	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0499	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0500	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0501	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0502	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0503	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0504	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0505	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0506	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0507	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0508	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0509	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0510	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0511	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0512	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0513	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0514	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0515	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0516	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0517	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0518	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0519	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0520	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0521	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0522	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0523	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0524	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0525	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0526	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0527	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0528	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0529	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0530	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0531	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0532	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0533	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0534	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0535	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0536	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0537	MARY ANN BOWSTRING	1[illegible]0	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS3408	0397	ROBERT W BEAULIEU	422	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0398	JOHN PARKER	589	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0399	ME GAUN E BIN AIS E QUAY	2351	FORCED FEE PATENTS
	0400	SOPHIA BROWN	599	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0401	JENNIE KING	617	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0402	LAURA BISSON	482	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0403	BAY BAH DUANG AY AUSH	2141	TAX FORFEITURE
	0404	SHIN WAUK	5024	FORCED FEE PATENTS
	0405	BE WAH BE WE GO ZHE QUAY	2729	FORCED FEE PATENTS
	0406	ELLA LEONA BELLEFEVILLE	377	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0407	FLORE LEITH	990	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0408	PHILLIP SANTWIER	841	PRORATED BY COURT WITHOUT JURISDICTION
	0409	JOHN DUPREE	409	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0410	LUCY SUTTON	5018	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0411	LUCY SANTWIER	843	PRORATED BY COURT WITHOUT JURISDICTION
	0412	MARY ROY	444	PRORATED BY COURT WITHOUT JURISDICTION
	0413	MARY SAICE VANOSS	290	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0414	JULIA BELLECOURT	99	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0415	PRISCILLA BELLECOURT	51	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0416	MARY BELLECOURT RICHARDSON	87	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0417	GERTIE BELLECOURT A	88	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0418	GERTIE BELLECOURT B	88	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0419	LILLIAN KING JACKSON	638	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0420	JULIA WILLIAMS PHILIPS	899	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0421	CARRIE BROWN OWEN	583	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0422	LEWELLYN M MORRISON	815	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0423	MINNIE C WILLIAMS	889	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0424	AYN DUK	687	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0425	KAY BAY GE SHIG O QUAY	2022	TAX FORFEITURE
	0426	KAH WE TAH YAUSH E QUAY	2022	TAX FORFEITURE
	0427	HENRY W BELLANGER	637	FORCED FEE PATENTS
	0428	ANGELIQUE MORRISSOW BONGA	920	TAX FORFEITURE
	0429	HENRY ASPINWALL	920	PRORATED BY COURT WITHOUT JURISDICTION
	0430	ALICE CATHERINE HEISLER	999	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0431	SUSAN ROSWELL	4673	PRORATED BY COURT WITHOUT JURISDICTION
	0432	LENRA PARISIEN	899	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0433	MARTHA C ROGERS	843	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0434	MELINA BELLECOURT DYLKOWSKI	953	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0435	JULIA IRENE GAGNON	243	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0436	TAY BAUSH E GAY QUAY	2	PRORATED BY COURT WITHOUT JURISDICTION
	0437	MARTHA LEECY	940	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0438	RUTH LEECY	943	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0439	ANE MAH GAH BOW MAH NETO ONE NAINCE	981	PRORATED BY COURT WITHOUT JURISDICTION
	0440	O GE GAH BOW EQUAY	979	FORCED FEE PATENTS
	0441	MABEL BERRY	97A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0442	LIZZIE BRUNETTE MAGNON	963	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0443	SOPHIA BELLECOURT	950	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0444	DANIEL ANDERSON	985	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0445	EMMA LINDA FAIRBANKS	770	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0446	JANE STCLAIR	77A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0447	LOUISE DEGAN PEMBERTON	3AAA	PRORATED BY COURT WITHOUT JURISDICTION
	0448	I EEN DUA	2037	TAX FORFEITURE
	0449	O DUKE MAUN EQUAY	1047	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0450	MARY SARAH FAIRBANKS	A80	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0451	MADELINE VANOSS BERRY	79A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0452	MARY PARKER	991	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0453	MARY RICE	79A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0454	MAGGIE BELLECOURT VAN VERT	5A9	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0455	MINNESOTA CHIPPEWA TRIBE	N/A	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0456	MINNESOTA CHIPPEWA TRIBE	N/A	GRAVEL/FILL/MINERALS OR OIL AND GAS REMOVED
	0457	MINNESOTA CHIPPEWA TRIBE	N/A	AGRICULTURAL TRESPASS
	0458	MINNESOTA CHIPPEWA TRIBE	N/A	FENCE OR OTHER BOUNDARY ENCROACHMENT
	0459	MINNESOTA CHIPPEWA TRIBE	N/A	AGRICULTURAL TRESPASS
	0460	MINNESOTA CHIPPEWA TRIBE	N/A	FENCE OR OTHER BOUNDARY ENCROACHMENT
	0461	MINNESOTA CHIPPEWA TRIBE	N/A	UTILITY LINE/PIPELINE TRESPASS
	0462	MINNESOTA CHIPPEWA TRIBE	N/A	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0463	MINNESOTA CHIPPEWA TRIBE	N/A	FENCE OR OTHER BOUNDARY ENCROACHMENT
	0464	MINNESOTA CHIPPEWA TRIBE	N/A	FENCE OR OTHER BOUNDARY ENCROACHMENT

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS3408	0465	MINNESOTA CHIPPEWA TRIBE	N/A	UTILITY LINE/PIPELINE TRESPASS
	0466	MAGGIE WILSON RED CLOUD	4725	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0467	MAGGIE FAIRBANKS	634	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0468	ONE WE ZAINCE	2237	TAX FORFEITURE
	0469	ELLEN SONGWAYWAY	229	TAX FORFEITURE
	0470	SONG AH OMIG	1056	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0471	WAY GWON ABE I	4936	TAX FORFEITURE
	0472	HENRY MARTIN	2897	FORCED FEE PATENTS
	0473	FLORENCE H MORRISON	766	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0474	PAN OOM BAH GHOG ING	2063	PRORATED BY COURT WITHOUT JURISDICTION
	0475	SARAH STCLAIR	777	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0476	LEO SANTWIER	844	PRORATED BY COURT WITHOUT JURISDICTION
	0477	WILLIAM SANTWIER	836	PRORATED BY COURT WITHOUT JURISDICTION
	0478	ALICE PARKER JOHNSON	901	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0479	SUSAN NASON	4540	TAX FORFEITURE
	0480	WILLIAM STCLAIR	789	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0481	O GE WAH WUR E QUAY	2142	TAX FORFEITURE
	0482	AYSH QUAY BE TUNG	1708	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0483	ME AHO BENAIS	2865	PRORATED BY COURT WITHOUT JURISDICTION
	0484	JANE STCLAIR	776	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0485	EMMA LINDA FAIRBANKS	770	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0486	MARIA SANTWIER TURPIN	865	PRORATED BY COURT WITHOUT JURISDICTION
	0487	WM KNICKERBOCKER FAIRBANKS	1193	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0488	TAY CUM E WE SHIG	684	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0489	BETSY SMITH JACKSON STATELER	4200	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0490	ROSE ALMA BISSON	471	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0491	EMMA BISSON	324	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0492	MRS JOSEPH CHARETTE	977	TAX FORFEITURE
	0493	SOPHIA BELLANGER	649	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0494	WAH BOZE	4706	TAX FORFEITURE
	0495	PAY SHE QUE UC ZAINCE	4704	FORCED FEE PATENTS
	0496	OLD AGE ASSISTANCE	N/A	OLD AGE ASSISTANCE CLAIM
	0497	OLD AGE ASSISTANCE	N/A	OLD AGE ASSISTANCE CLAIM
	0498	BAY TAH O WUB EQUAY	685	FORCED FEE PATENTS
	0499	BENJAMIN LAFOND	3174	PRORATED BY COURT WITHOUT JURISDICTION
	0500	LOUISA MASON	745	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0501	ROSE BELLANGER BEADREAU	2119	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0502	GEORGE WICKSON	1349	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0503	ROSA PEMBERTON ALM	3423	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0504	EDWARD BLAIR	1354	TAX FORFEITURE
	0505	WAY WE ZHE GE SHIG	5040	TAX FORFEITURE
	0506	O MAH DWAY AUSHE QUAY	4893	TAX FORFEITURE
	0507	MARY ROSE VIVIER VANPOOL	1021	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0508	JULIA VIVIER MORRISON BANKS	1019	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0509	MADELINE VILLERMIN SCOTT	1013	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0510	SUSAN STCLAIR MORGAN	1004	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0511	GERTRUDE LERCHE SWEET	575	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0512	ANGELIQUE BRUNETTE	955	PRORATED BY COURT WITHOUT JURISDICTION
	0513	LOUIS BRUNETTE	954	PRORATED BY COURT WITHOUT JURISDICTION
	0514	E QUAY ZAINCE	2710	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0515	HARRY PEMBERTON	3421	TAX FORFEITURE
	0516	MARGARET MCARTHUR	657	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0517	AH BID QUS IN EQUAY	2322	TAX FORFEITURE
	0518	I EEN DUR E QUAY	2301	PRORATED BY COURT WITHOUT JURISDICTION
	0519	SHE NOW NAINCE	388A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0520	SHO BO KESHIG	3550	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0521	SAPHRONIA LUCIERE REVIERE	4836	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0522	ELIZABETH WOLSTEIN	1483	FORCED FEE PATENTS
	0523	ALEX AUGUSTIN	3210	FORCED FEE PATENTS
	0524	DANIEL DARCO	908	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0525	FRANK PIKE	5021	FORCED FEE PATENTS
	0526	O ZAH WISH KE BE WAY	4981	FORCED FEE PATENTS
	0527	JOHN PE BAWS E GAY	2292	TAX FORFEITURE
	0528	LIZZIE KNICKERBOCKER	1197	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0529	WAH GE GAH BOW EAKE	3211	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0530	MARGARET AUGUSTIN GRAVES	3217	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0531	LOUISA CORA BISSON	480	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0532	MOSES BLUE	207	PRORATED BY COURT WITHOUT JURISDICTION

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FND408	0533	ROSA PEMBERTON ALM	2423	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0534	PAULINE BONGO	2566	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0535	SARAH BRUNELL CHILTON	3165	TAX FORFEITURE
	0536	LEO CHILTON	3167	TAX FORFEITURE
	0537	JENNIE KAY BAY AIN DO WAY QUAY	3794	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0538	PETER LOUIS TIBBITT	868	TAX FORFEITURE
	0539	JULIA TROTOCHAUD MAYRAND DOUCETTE	847	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0540	PETER MOUSE	4998	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0541	FABIAN HOLSTEIN	1489	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0542	ME DE ZEENIE	369	TAX FORFEITURE
	0543	PETER MOUSE	5043	TAX FORFEITURE
	0544	AGNES PERRAULT	4530	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0545	ANDREW VILLEBRUN	2529	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0546	CATHERINE PARTISEN	806	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0547	MATTIE BERRY	972	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0548	SADIE MONETTE	966	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0549	MARY FAIRBANKS	995	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0550	O MY OW MAS D O ROOT	494	TAX FORFEITURE
	0551	LOUISA PIKE	5023	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0552	O DISH QUAY GE SHIG	1107	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0553	QUAY AH QUAH SIN QUAY	3571	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0554	AGNES LADOUX BRUNELLE	1362	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0555	LOUISA MATTIE HUNTER FRENCH	1451	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0556	DELIA RUSSELL LADOUX	1291	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0557	SARAH CHARLOTTE WRIGHT	1511	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0558	ANGELINE THORP SPRY	1256	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0559	CELINA AGNES THOMAS DONNELL	3147	FORCED FEE PATENTS
	0560	SIMON	1390	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0561	ANGELINE BLAIR	1272	PROBATED BY COURT WITHOUT JURISDICTION
	0562	CHENG WAH LUNG UN EAP	2743	FORCED FEE PATENTS
	0563	SHAY WAY	1027	FORCED FEE PATENTS
	0564	CARRIE FAIRBANKS	937	FORCED FEE PATENTS
	0565	ANNIE ANDERSON	986	FORCED FEE PATENTS
	0566	CHARLOTTE BELLANGER	8451	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0567	SUSAN LAVY	1137	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0568	MIN DE MO YAHN	1115	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0569	WAH RUN IN NUNG	367	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0570	MARY ROBERTS JOHNSON	912	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0571	JOSEPHINE SMITH	1131	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0572	HATTIE HILL	4421	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0573	ELIZA ROSS MORGAN	3572	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0574	GUSTAVE CHAPIN	107	FORCED FEE PATENTS
	0575	WILLIAM V WARREN	135	PROBATED BY COURT WITHOUT JURISDICTION
	0576	ALEXANDER BUSH	1207	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0577	JOSEPHINE WAH KE WAY AUSH	1779	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0578	ISABELLA CHURCH JOHNSON	1435	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0579	HERBERT KAY	5157	UTILITY LINE/PIPELINE TRESPASS
	0580	FRANCES LUFKIN	1605	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0581	IDA ROSE VIZNOR	1424	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0582	NELLIE ROGERS	1527	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0583	EMMA WARREN	1410	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0584	PE DAH RUN O QUAY	1109	PROBATED BY COURT WITHOUT JURISDICTION
	0585	MAGGIE LAURA MCARTHUR	1171	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0586	AMELIA SPRY	1261	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0587	MARY SPRY	1262	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0588	STELLA WARREN	1375	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0589	MARY ROSS	2512	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0590	ALFRED WARREN	1455	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0591	SARAH VESINA DALVE	1473	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0592	LOUISA STOLAIR WASHON	1444	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0593	MARGARET BELLANGER	2071	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0594	CHARLOTTE JOHNSON FAIRBANKS	4475	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0595	JULIA BRUNETTE BELLAND	1417	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0596	GRACIE FRANCE MCCAULEY	1480	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0597	MARY FRENCH	1417	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0598	IDA WARREN MERN BACK	1423	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0599	ISABELLA VIZNOR TROTTIERAUX	1441	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0600	DORA FRENCH	1450	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FND408	0601	ANDREW JOURDAIN	1539	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0602	EDWARD BLAIR	1335	PROBATED BY COURT WITHOUT JURISDICTION
	0603	IVER MCARTHUR CLEVELAND SPRY	1613	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0604	LOUISA BELLECOURT BEAULIEU	1402	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0605	JAMES BENJAMIN WARREN	1389	TAX FORFEITURE
	0606	SHAH BOONIE	1953	FORCED FEE PATENTS
	0607	MARY CONGER	1336	PROBATED BY COURT WITHOUT JURISDICTION
	0608	EMMA BELLEFEUILLE DOUCETTE	1091	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0609	MARY SMITH	1217	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0610	JOSEPHINE JOHNSON BEAUDREAU	1207	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0611	MARY CAMPBELL	1611	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0612	SUSAN JACKSON BELLAND	1368	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0613	ISABELLE BISBOIS	1361	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0614	AUGUSTINE BELLANGER	4177	TAX FORFEITURE
	0615	MARGARET FAIRBANKS BLAIR	1281	TAX FORFEITURE
	0616	ANGELINE VEZINA HANSON	1073	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0617	SOPHIA VEZINA FAIRBANKS	1071	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0618	WAY WANS ING	1772	FORCED FEE PATENT
	0619	SAY QUS E WAY	1293	PROBATED BY COURT WITHOUT JURISDICTION
	0620	GERTIE MCDONGALL PORSCHE	343	FORCED FEE PATENTS
	0621	ANNIE FAIRBANKS BRAVELLE WILLIAMS	1161	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0622	SOPHIA DIBERD	1121	PROBATED BY COURT WITHOUT JURISDICTION
	0623	ROBERT CAMPBELL	1608	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0624	PO GO NOY CUMIG WABE	436	FORCED FEE PA
	0625	AMELIA BLAIR BELLEFEUILLE	1274	PROBATED BY COURT WITHOUT JURISDICTION
	0626	VIRGINIA LADOUX	1285	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0627	MARY BLAIR	1271	PROBATED BY COURT WITHOUT JURISDICTION
	0628	JOHN GEORGE FAIRBANKS	678	FORCED FEE PATENT
	0629	MEZETTE LATOKE PRESCOTT BELLANGER	1798	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0630	ALICE BELLANGER GARVIE	1797	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0631	CHARLOTTE DEFAULT	2985	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0632	WAH SAY YAY	1222	FORCED FEE PATENTS
	0633	MILDRED B HAZELTON	1679	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0634	MARD ASENEATH SWEET	1684	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0635	LEILA ESTELL SWEET	1685	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0636	JULIA BRANCHAUD JAMES	1538	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0637	MARY ROY FAIRBANKS BRANCHAUD	1549	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0638	HENRIETTA CAMPBELL DOUCETTE	1610	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0639	SOPHIA BISSON ROGERS	1526	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0640	ROSE BEAULIEU FRUNK	1444	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0641	MARIA WILSON	438	FORCED FEE PATENTS
	0642	JOHN SLOAN SR	1309	FORCED FEE PATENTS
	0643	WEISS	307	PROBATED BY COURT WITHOUT JURISDICTION
	0644	AH CHOW	4885	TAX FORFEITURE
	0645	JAMES BIBEAU	1907	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0646	CARRIE BROWN	2334	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0647	MOSES TROTOCHAUD	1280	TAX FORFEITURE
	0648	GEORGE COLEMEN	2159	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0649	NE GAH NAH CUMIG O QUAY	1916	TAX FORFEITURE
	0650	MAH NOW O WAH BOW	4927	TAX FORFEITURE
	0651	ELIZA PEMBERTON	3441	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0652	MARGARET SAICE THOMPSON	3117	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0653	LENA DOUCETTE	214	FORCED FEE PATENTS
	0654	JOSETTE LAROCK	2997	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0655	PE SHEENCE	2840	FORCED FEE PATENTS
	0656	DUID O QUAY	2040	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0657	SHO BON DAY GE WOUN DAE	2039	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0658	WAY WE QUANCE	1355	PROBATED BY COURT WITHOUT JURISDICTION
	0659	EVA MITCHER BREIT	1120	TAX FORFEITURE
	0660	FRED SMITH	705	TAX FORFEITURE
	0661	PAY SHE GO BE QUAY	1078	TAX FORFEITURE
	0662	MARY COLOMAQUOT HOLSTEIN	1490	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0663	MAGGIE MONROE HAMLIN	1475	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0664	CLEMENT R MCARTHUR	1443	FORCED FEE PATENTS
	0665	SHAW WUN E GE SHIG O QUAY	1321	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0666	MARY WILLIAMS LEVIER	1024	PROBATED BY COURT WITHOUT JURISDICTION
	0667	MRS JOHN AH BIT	5078	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0668	BE SHEW EQUAY	2254	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND

ALLOTMENT TYPE OF CLAIM

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	ROLL	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53408	0669	SUNAN PEAKE	1951	FORCED FEE PATENTS
	0670	JULIA PEAKE	1787	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0671	ALEXANDER ROY	11	FORCED FEE PATENTS
	0672	B H BEAULIEU	494	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0673	SHAY MON E GWON ABE	751	TAX FORFEITURE
	0674	KE CHE O SY ION	497	TAX FORFEITURE
	0675	RITA DIXON WOODMAN	4151	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0676	MAGGIE GAGNON	358	TAX FORFEITURE
	0677	CHARLOTTE JOHNSON	1249	FORCED FEE PATENTS
	0678	MARGARET JORDAN BEAUDREAU	1496	FORCED FEE PATENTS
	0679	WILLIAM H VIZENOR	1487	TAX FORFEITURE
	0680	ROBERT FAIRBANKS	1512	FORCED FEE PATENTS
	0681	CATHERINE FAIRBANKS	1514	FORCED FEE PATENTS
	0682	MARY CATHERINE MOUSEAU	1505	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0683	MAY MAUSH KO WE BENAIS KAY	1786	TAX FORFEITURE
	0684	NANCY BELLANGER	1484	TAX FORFEITURE
	0685	ONE TUM	1937	TAX FORFEITURE
	0686	OBE QUOD AINCE	1910	TAX FORFEITURE
	0687	KAY SHE WAY WAY AUSH	1915	FORCED FEE PATENTS
	0688	LEO CHARBONNEAU	79	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0689	OH MAH ME QUAINCE	114	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0690	ANNIE KING	416	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0691	MARY BELLANGER PARKER	426	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0692	MATILDA BELLEFEUILLE	1777	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0693	JOHN BRUNETTE	1570	TAX FORFEITURE
	0694	LIZZETTE JACKSON FOSTER	1600	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0695	RACHEL RARIT AYMERERE MAKE	1305	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0696	KO ME WUB FONAG	1974	TAX FORFEITURE
	0697	WAY SAY GESHIG	1977	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0698	MAY SHOW KE NO DIN O QUAY	2521	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0699	MARY JUNG	4345	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0700	LIZZIE FAIRBANKS	4551	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0701	MAMIE CHARBONNEAU	78	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0702	MRS MARY MARCHAND	4229	OLD AGE ASSISTANCE CLAIM
	0703	CLARENCE MCARTHUR	640	OLD AGE ASSISTANCE CLAIM
	0704	FRANK KAY	5122	TAX FORFEITURE
	0705	ISABEL STCLAIR BRUNETTE	1594	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0706	MUN NEE	1992	TAX FORFEITURE
	0707	AH BE IE GE SHIG O QUAY	1290	FORCED FEE PATENTS
	0708	ME ZHUC EA	1942	FORCED FEE PATENTS
	0709	TAY BOIS ABE QUAY	1704	FORCED FEE PATENTS
	0710	CHE BID WAY	1748	FORCED FEE PATENTS
	0711	KAY WOSH E QUAY	1979	PROBATED BY COURT WITHOUT JURISDICTION
	0712	MAH CAH DAY AUN AH QUOD	1957	FORCED FEE PATENTS
	0713	WAY TAN O SAY UNK	1951	FORCED FEE PATENTS
	0714	KAY BAY AH MAH DE WAY	970	FORCED FEE PATENTS
	0715	SOPHIA AGNES BRUNETTE	1961	TAX FORFEITURE
	0716	EQUAY ZAINCE ISH	1724	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0717	CHARLOTTE BRUNETTE MATRAKER	1567	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0718	SARAH SUMMERS	1696	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0719	MARY BONGA	1117	TAX FORFEITURE
	0720	GEORGE LIBBY	4901	TAX FORFEITURE
	0721	MIN DE MO TEN	1971	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0722	WAY SAY GI SHIG	1950	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0723	ELIZA KEEZER	4748	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0724	MIN DI MO SIN	2015	FORCED FEE PATENTS
	0725	JOSEPH BRUNETTE	1566	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0726	ISABEL	1327	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0727	EMILY BROWN	1938	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0728	EMILY FINEDAY	2113	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0729	OOO DAIMUN	1324	TAX FORFEITURE
	0730	AH ZHOW WE AH CUNIG	1222	TAX FORFEITURE
	0731	MARY PEABODY SARGENT	245	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0732	KAY BAY AH MUH DE WAKE	1205	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0733	ELLEN LAJEUNESSE	1224	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0734	AY ZHE BE CAH ZOND	1201	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0735	MAGGIE ROBERTS	1286	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0736	AY NE WE GWUN AUSH EQUAY	1214	PROBATED BY COURT WITHOUT JURISDICTION

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	ROLL	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53408	0737	TAY BUS WAUSH QUAY	2011	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0738	VIRGINIA MANGANA	2005	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0739	CATHERINE EUGENIE BOUTHILL	1630	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0740	SOPHIA SAICE	201	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0741	BE BE AINCE	5027	TAX FORFEITURE
	0742	OLIVE BRISBOIS	1483	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0743	JULIA JOHNSON MITCHELL	2305	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0744	ROBERT CHARLES VIZENOR	1639	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0745	O GWA AT SHAWM O QUAY	2081	FORCED FEE PATENTS
	0746	DAY BUB E GWON AY E QUAY	2052	TAX FORFEITURE
	0747	PETER VIZENOR SR	1436	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0748	MARY ANN FRENCH VIZENOR	1442	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0749	ROSALIE MCARTHUR	1144	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0750	MRS JOE RAZOR	4361	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0751	CATHERINE SANTWEIR	864	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0752	DANIEL BELLECOURT	4373	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0753	MADELINE TRAN	131	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0754	ALBERT FAIRBANKS	746	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0755	SOPHIA VIZENOR PELLAND	1426	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0756	AMELIA GRAY	1251	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0757	CHARLOTTE QUINLAN	2097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0758	AUGUSTINE BELLEMORE	4177	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0759	RAY BAUM	417[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0760	MIN DE SHIG	4175	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0761	[illegible]	545	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0762	[illegible]	1701	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0763	[illegible]	526	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0764	TRUMAN A WARREN	4174	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0765	ALEXIS ROY	2196	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0766	ELIZABETH MANCHAMP	193	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0767	MAGGIE SMITH MCARTHUR	1445	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0768	MARY BEMENT	948	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0769	JULIA MCARTHUR SELKIRK	622	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0770	ANGELINE MORRISON	1396	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0771	MO DIP AT WAINCE	693	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0772	GEORGE FAIRBANKS	467	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0773	MARY DUNNELL	101	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0774	JOHN COLEMAN	630	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0775	[illegible] H SCOTT	4172	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0776	PETER MITCHELL	268	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0777	MARY MITCHELL	357	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0778	JOHN GEORGE MORRISON	778	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0779	SAM G MCARTHUR	1643	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0780	WILLIAM MORRISON	1395	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0781	ROBERT G BEAULIEU	43	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0782	CLEMENT BEAULIEU	40	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0783	[illegible]	129	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0784	EDWARD WARREN	40	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0785	MARGARITTE BELLAND	1140	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0786	TRUMAN BEAULIEU	417	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0787	MARY BUNNEL	105	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0788	JOSEPH QUINLAN	2099	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0789	KATE PEMBERTON	8477	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0790	VIRGINIA MARTIN	2087	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0791	JOSEPH BRAVER	2041	TAX FORFEITURE
	0792	GEE PUKE BRAVER MOOSE A	2264	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0793	CHARLES BISHOP SR	2208	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0794	JAN ME YAH WUB E QUAY	1132	FORCED FEE PATENTS
	0795	MAYSH KO WUSH BOW	2214	FORCED FEE PATENTS
	0796	ZOTAY BELLANGER	2126	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0797	ELIZA SCHILLER VIVIER	2063	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0798	RACHAEL BELLANGER	2115	PROBATED BY COURT WITHOUT JURISDICTION
	0799	WILLIE BELCOURT	2404	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0800	LIZZIE GAUTIN	756	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0801	LIZZIE ROBERTS	2416	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0802	SHAW WUN AUN AH UNDIE	2221	PROBATED BY COURT WITHOUT JURISDICTION
	0803	ANNIE KING	2089	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0804	AE BID WAY O SAY UWAY	2143	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FB2408	0805	CHIEF AH ZHOW E GE SHIG	2 39	TAX FORFEITURE
	0806	HATTIE MURRAY THOMPSON	2454	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0807	PED WAY WAY RINAIS	2403	TAX FORFEITURE
	0808	AH ZHOW AIM AH OWOD	2445	PROBATED BY COURT WITHOUT JURISDICTION
	0809	EDWAY ZAINCE SHISH	2444	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0810	O GE MAH GE PID OKE	2413	TAX FORFEITURE
	0811	MAGGIE BUNTER PAULSON	2403	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0812	PIN E WAY GE SHIG O DWAY	2412	TAX FORFEITURE
	0813	SUSAN BELLANGER	2434	FORCED FEE PATENTS
	0814	AH NOME AY GAH BOW	2454	TAX FORFEITURE
	0815	DAVID BELLANGER	2434	PROBATED BY COURT WITHOUT JURISDICTION
	0816	MINAH GWOD	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0817	MO KAH JE WAY	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0818	JANE BEAUCHAMP	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0819	DELIA QUINLAN FREDERICKSON	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0820	SIMON BRUNETTE	4[illegible]	CLAIM FOR UNPAID LEASE RENTALS
	0821	HENRY MAY TIG WE	244	PROBATED BY COURT WITHOUT JURISDICTION
	0822	CHARLOTTE BELLANGER	244	PROBATED BY COURT WITHOUT JURISDICTION
	0823	MARY HARVEY	2[illegible]	FORCED FEE PATENTS
	0824	ALFRED HARVEY	2410	FORCED FEE PATENTS
	0825	ELMER LETH BELANGER	2417	PROBATED BY COURT WITHOUT JURISDICTION
	0826	CHARLOTTE BELLANGER LEMIEUX	2416	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0827	ISABELLE DECORA	2417	PROBATED BY COURT WITHOUT JURISDICTION
	0828	O MAH MAH JE WIN	2427	TAX FORFEITURE
	0829	CLARA DUNLAN BELLEFEUIL	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0830	AH SHE DAH EWAY	2454	FORCED FEE PATENTS
	0831	ALICE W[illegible]	249	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0832	KAY SHE WAY WE DAWA	2[illegible]	FORCED FEE PATENTS
	0833	DAVID OU WAY	2456	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0834	EMMA RALPH STATELY	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0835	BILL NIGGABONE	5092	TAX FORFEITURE
	0836	ANNA ROY	2425	PROBATED BY COURT WITHOUT JURISDICTION
	0837	KE WAY DIN ODWAY	2402	FORCED FEE PATENTS
	0838	ODAH WE WASH OU RE NA!	2406	TAX FORFEITURE
	0839	NAY NAH GE WAH RE ODWA	2442	TAX FORFEITURE
	0840	MARY ROSE TE NAGEAU	2454	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0841	AY WO GE BINET	2456	FORCED FEE PATENTS
	0842	SERAFTA BEAULIEU	2290	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0843	MAGGIE BEAULIEU GE KIN	2215	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0844	MARY RE. ANGE BE[illegible]	2230	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0845	LIZETTE DAH GISAWAY	2212	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0846	FREDERICK JE MAN	212	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0847	PAY WIN AH WE D-	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0848	POW H BEAULIEU	207	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0849	ANGELINE BELLANGER	2451	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0850	MAH MONAGE	2443	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0851	SHO NE YAH WE GE [illegible]	2455	FORCED FEE PATENTS
	0852	MARY BERNETTE	2460	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0853	EDWAY ZAINCE MRS WM THOMPSON	2444	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0854	MRS JOHN I O MAN	2232	PROBATED BY COURT WITHOUT JURISDICTION
	0855	MARY NE[illegible]E FAIRBANKS	2454	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0856	IDA S SWEEZEA [illegible]EL	2409	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0857	MARGARETTE PERRAULT	2451	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0858	SERAPHINE A PERRAULT	2454	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0859	MARY PERRAULT PE WEE	2456	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0860	MONIE	2215	PROBATED BY COURT WITHOUT JURISDICTION
	0861	TERRIE NORTON BRUNETTE [illegible]	2245	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0862	WAY WAH WASH [illegible]	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0863	ANGELINE BELL[illegible]	4232	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0864	MARY ANN RICE	2240	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0865	WILLIAM PARK	255	[illegible]
	0866	MARGARET MCARTHUR	257	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0867	PAH HOM DE BOW AY BE [illegible]	4[illegible]	TAX FORFEITURE
	0868	FRANCIS BELLANGER	4[illegible]	PROBATED BY COURT WITHOUT JURISDICTION
	[illegible]	CATHERINE FAIRBANKS	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0870	SARAH FAIRBANKS [illegible]	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0871	AH SHE DIN E O WAY BIND [illegible]	220	FORCED FEE PATENTS
	0872	LILLIE FINEDAY	217	PROBATED BY COURT WITHOUT JURISDICTION

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FB2408	0873	JENNIE STOKE	2249	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0874	MARY ANNIE BROKER HOFFMAN	2260	TAX FORFEITURE
	0875	MAY TIG OWE	2437	FORCED FEE PATENTS
	0876	JULIA PETTER	2566	FORCED FEE PATENTS
	0877	GUERNE AITKENS	255[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0878	CHARLES JOHNSON	2574	FORCED FEE PATENTS
	0879	MRS JOHN FINEDAY	2418	FORCED FEE PATENTS
	0880	SYLVESTER MELVIN MCDONOUGH	4544	LANDS CONDEMNED IN STATE COURT
	0881	ELIZABETH BEAULIEU HAGEN	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0882	ALICE DEWAY LINE PRICE	4407	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0883	SHO NE YAH DWAY	4226	PROBATED BY COURT WITHOUT JURISDICTION
	0884	EMILY SARGENT PEABODY	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0885	LILLIAN PIERCE	4415	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0886	NAY NAH GO WAH GE DWAY	244[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0887	LUELLA B MORRISON HUBBERT	4417	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0888	JOSEPHINE STANLEY	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0889	IRENE SMITH DIXON	442[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0890	JOHN ADAMS	44[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0891	EDITH BRUNETTE HEINSEN [illegible]	4419	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0892	LAURA LEITH PRATT	44[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0893	DOROTHY GIRARD	4422	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0894	ALICE HUTCHINSON	4452	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0895	MAH KO GAI	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0896	WAY ME ZHE DAH BOW EWAY	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0897	CHI YE SHIG GAH BOWE	4[illegible]	TAX FORFEITURE
	0898	KE ZHE [illegible]	4[illegible]	TAX FORFEITURE
	0899	NANCY [illegible]	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0900	LIZZIE SHERE [illegible]	4515	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0901	LOUISA DUFFY	4545	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0902	GRACE MURRAY	4526	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0903	JOE'S MINK PAUL E NO GAIN	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0904	NE[illegible]IE TAB FINEDAY	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0905	EMILY WINN VINTER	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0906	CLARENCE [illegible]	4[illegible]	TAX FORFEITURE
	0907	MARY HARRIET [illegible]	3[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0908	PEE WAH NAH INE CHARRONEAU	[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0909	ADAM [illegible] INE VILLEBRUN	3[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0910	JE [illegible] INE WILLIAMS	[illegible]	PROBATED BY COURT WITHOUT JURISDICTION
	0911	WAH ME TIN OSH	[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0912	ELLEN ROSE	4[illegible]	CLAIM FOR UNPAID LEASE RENTALS
	0913	A NA SUSAN HUTCHINSON	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0914	WAH BE [illegible]	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0915	MAY E [illegible] E BELLEFEUIL E	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0916	GEORGE BUNKER	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0917	SAH MAKEH E DWAY	425[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0918	ISABELLE BELLANGER MURRAY	44[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0919	AMOS [illegible] TEU SAUENGWAW	443[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0920	FLORENCE WHITE	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0921	JAKE B [illegible]	5[illegible]	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0922	ELIZA MORGAN	2443	TAX FORFEITURE
	0923	KAY GWAY BUR E DWAY	2409	PROBATED BY COURT WITHOUT JURISDICTION
	0924	JOSEPH [illegible] BURNS JR	2453	FORCED FEE PATENTS
	0925	CHARLES COLBURNE	2[illegible]	PROBATED BY COURT WITHOUT JURISDICTION
	0926	JAS ROBERT EMERSON	2[illegible]	PROBATED BY COURT WITHOUT JURISDICTION
	0927	JOHN WILLIAMS	2448	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0928	ISH [illegible] SHIN ABE	44[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0929	CH[illegible] IA [illegible]LLIGMEN BEAULIEU	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0930	PE NAIS E DWAY	2[illegible]	FORCED FEE PATENTS
	0931	JANE VINTER STARKEY	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0932	WILLIAM W MCARTHUR	1[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0933	MO KO MAH -DWAY	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0934	JAMES BRUNO	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0935	ANGELINE BEAULIEU	220[illegible]	FORCED FEE PATENTS
	0936	LE O LE [illegible]	240[illegible]	LANDS CONDEMNED IN STATE COURT
	0937	ETHEL MORGAN	4[illegible]	PROBATED BY COURT WITHOUT JURISDICTION
	0938	PEE NE TAH E	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0939	OSH KIN E WAY	2[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0940	JEANIE BISEAU	4[illegible]	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND

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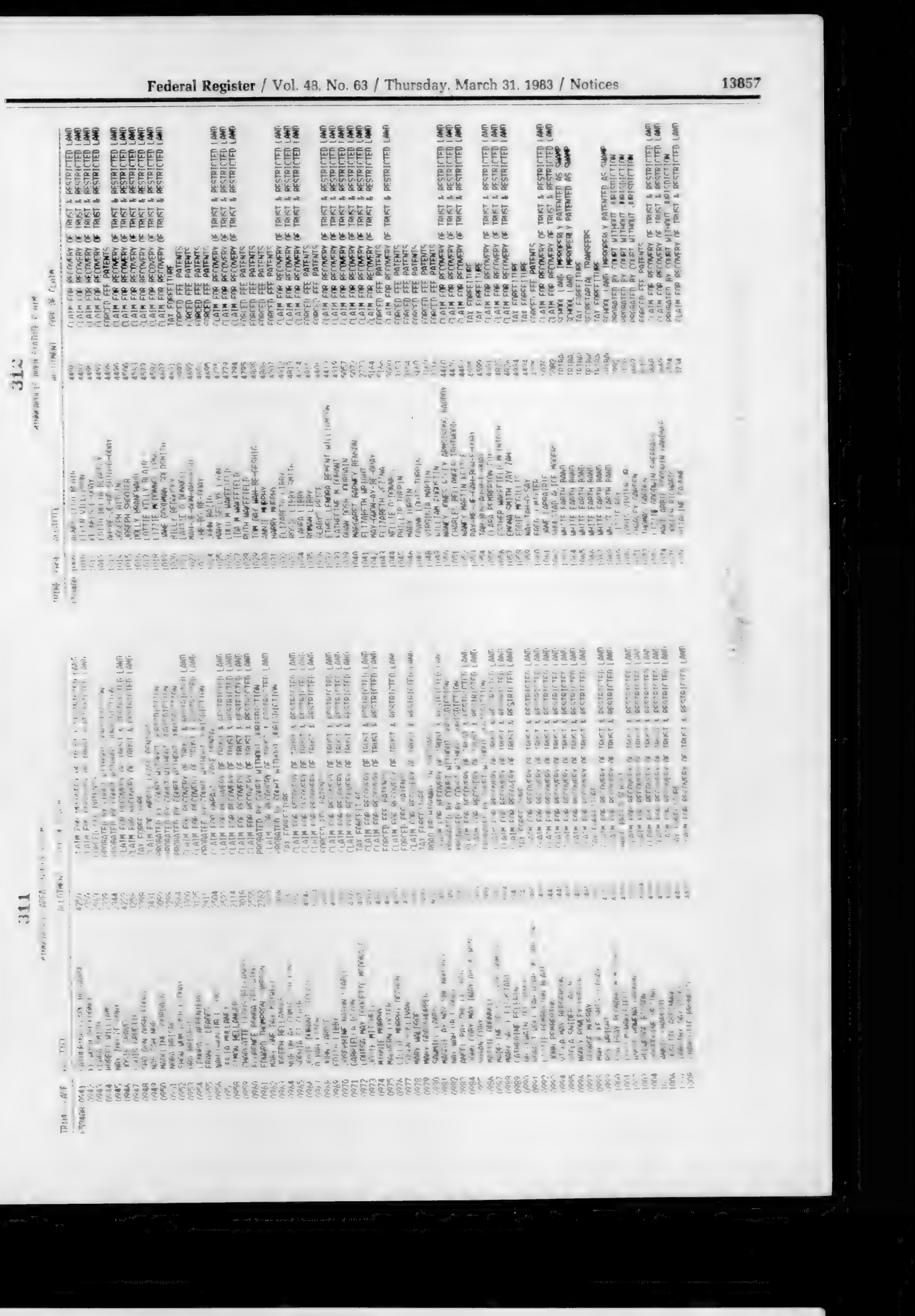

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53408	1077	NELLIE MADISON GALLAGHER	3862	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1078	SHE NOW-AINCE	3869	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1079	EURENE WARREN TOBIN MOORE	4214	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1080	EARL BRANCHAUD	4375	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1081	O-GAH-BAY-GAH-BOW-E-QUAY	4425	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1082	MARGARET KEEZER	4839	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1083	CECELIA VORNWALD WALDORF	4841	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1084	MARY E BEAN HUSEMAN	4845	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1085	ELLA MARTINEAU	4967	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1086	NAH-WAH CHIC-QUAY	4988	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1087	PE-WAY AY-SE-BIN	5003	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1088	MAMIE RICHARDSON	5090	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1089	E-QUAY-ZAINCE	1890	TAX FORFEITURE
	1090	JENNIE KAY-CHE-YAINCE	1892	TAX FORFEITURE
	1091	PETER DOUCETTE	3713	PROBATED BY COURT WITHOUT JURISDICTION
	1092	ELLEN DAIGLE	3741	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1093	CORA BELLE LUCIER HOOVER	3860	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1094	WAY AH GEN-AUSH	4429	TAX FORFEITURE
	1095	OGEMAH WE-GAH-BOW-E-QUAY	4925	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1096	CHARLES NODIN JOHN KEGG	4-R[illegible]	TAX FORFEITURE
	1097	EQUAY MOLY	1857	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1098	PAUL TI-BE-WAIS	1896	PROBATED BY COURT WITHOUT JURISDICTION
	1099	SARAH VAN NETT	2555	TAX FORFEITURE
	1100	O-QUAY-GUN	2569	FORCED FEE PATENTS
	1101	LILLY GARDEN E-QUAY-ZAINCE	2610	FORCED FEE PATENTS
	1102	AGNES GARDEN SCHOENBORN	2615	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1103	MARY WITCHIN-IN	2621	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1104	ADA PEAVY BAKER	2641	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1105	SUSAN ROWLEY	2657	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1106	ELIZA RICHARDS GOODIN	2[illegible]6	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1107	AYSH-QUAY (WON-AH-BE-QUAY	4274	TAX FORFEITURE
	1108	O-WAY-UH-AH BIK-O-QUAY	4302	TAX FORFEITURE
	1109	MARY BUSINESS WARREN	4748	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1110	CATHERINE [illegible]AVY BRADY	4799	TAX FORFEITURE
	1111	ESTHER SHAVEY	4799	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1112	MIKE BUFFALO MEZHAIN	4876	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	1113	KE-WE-TAH-WON-AB	5041	TAX FORFEITURE
	1114	KE-CHE GAH-BAY-QUAY-ZAINCE	5080	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1115	MICHAEL PETER DUNNELL	3107	FORCED FEE PATENTS
	1116	MAYME FRANK DUNNELL	3108	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1117	(4165-4166) T/M/F CONNERS	4[illegible]4	FORCED FEE PATENTS
	1118	SUSAN KELLY	4574	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1119	MARY SHINGOBE	4912	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1120	JAMES PEMBERTON	4[illegible]79	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1121	AH-BE-E-BENAIS	TRIBAL	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	1122	AH-THOW-AH-QE-WAY-AUSH	TRIBAL	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	1123	O-MY-MID	3971	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1124	PIN-O-WAY	3978	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1125	PETER ROY O-DAH-KAY	3982	FORCED FEE PATENTS
	1126	ANNA MADENA QUINN	4023	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1127	MARY SUSAN MEECH	4044	PROBATED BY COURT WITHOUT JURISDICTION
	1128	LARA FOUSTAIN SHOENBORN	4083	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1129	VIOLA FOUSTAIN FISTLE	4084	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1130	SIMON LAROQUE	454	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	1131	LOUISA DURANT	4545	PROBATED BY COURT WITHOUT JURISDICTION
	1132	JESSIE MCDONNELL BESHEW	4579	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1133	WILLIAM CHARLES PEMBERTON	4[illegible]73	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1134	TAH WIR	4661	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1135	KO-QE-QUAH-KO-JEENCE	4994	PROBATED BY COURT WITHOUT JURISDICTION
	1136	SHINGOBE	2363	PROBATED BY COURT WITHOUT JURISDICTION
	1137	KAY-TAH-KE-GWON	2[illegible]4	FORCED FEE PATENTS
	1138	JAMES BEAR	3511	TAX FORFEITURE
	1139	NE-THO-AH-SE-WAY-QUAY	2545	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1140	LUCY PERRAULT ROSSETER	2547	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1141	NANCY GARDEN	2608	FORCED FEE PATENTS
	1142	EMMA RAILEY SULLIVAN	2654	PROBATED BY COURT WITHOUT JURISDICTION
	1143	BESSY GOODWIN LEGO	2[illegible]72	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1144	FANNY GOODWIN NAGUN	2573	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53408	1145	WAYE-MIN-EQUAY	3775	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1146	NELLIE KEEZER KE-ZHE-BAUNCE	3878	TAX FORFEITURE
	1147	GUY LEECY	4417	FORCED FEE PATENTS
	1148	MARY GOODMAN STIGER	4609	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1149	FLORENCE ANTELL TURNER	4753	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1150	ELIZABETH ANTELL RICE	4755	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1151	WHITE EARTH TRIBE	TRIBAL	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	1152	FRANK GLASS	3005	TAX FORFEITURE
	1153	JENNIE LAPRAIRIE PEMBERTON	3684	PROBATED BY COURT WITHOUT JURISDICTION
	1154	WHITE EARTH TRIBE	TRIBAL	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	1155	ARTHUR GRAY	2481	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1156	MAH-JE-GEE-QUAY-WISH	2778	FORCED FEE PATENTS
	1157	LOUIS VIVIER SR	3133	FORCED FEE PATENTS
	1158	GENEVIEVE VIVIER	3134	PROBATED BY COURT WITHOUT JURISDICTION
	1159	JOACHIM VIVIER	3136	PROBATED BY COURT WITHOUT JURISDICTION
	1160	LIZZIE ROY BUCK CHENEY	3902	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1161	SUSAN ROY SCHOENBORN	2903	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1162	MARY MCDONNELL	4581	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1163	ANNE INE PROUETTE SHANDOD	4597	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1164	ANNIE LIPPINS	4600	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1165	CHIEF WHITE	4694	FORCED FEE PATENTS
	1166	NAY-GAH-BOW-E-QUAY	4697	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1167	FRED PEETER	4[illegible]39	TAX FORFEITURE
	1168	RAYMOND BEANE SR	4744	TAX FORFEITURE
	1169	HAZEL E STILLWELL	4863	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1170	ELLEN STILLWELL ALBERTSON	4865	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1171	GRACE MAY MEECH	4870	TIMBER REMOVED WRONGFULLY
	1172	MAMIE MEECH	4871	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1173	KATE ST JOHN KINDLEY HENRY	4881	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1174	EMMA FOUTHELL WILSON	1424	FORCED FEE PATENTS
	1175	ANNIE AYNE-WAUSH	4952	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1176	MO-MO-WAY	4995	FORCED FEE PATENTS
	1177	ELIZABETH ESTES ROACH BORST	5170	PROBATED BY COURT WITHOUT JURISDICTION
	1178	SARAH KING ROGERS	3698	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1179	WAH-WAY	3748	PROBATED BY COURT WITHOUT JURISDICTION
	1180	RUTH BELL	3918	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1181	MABEL BELL	3919	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1182	JOSEPHINE SLOAN ARMSTRONG	3926	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1183	ANNIE SLOAN	3927	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1184	TUH-E-GUN	3936	PROBATED BY COURT WITHOUT JURISDICTION
	1185	PETER ROY TAH-GEE	3943	FORCED FEE PATENTS
	1186	MARY HELEN OTTO GROVETTE	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1187	ME KE RAUN E QUAY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1188	TAY BUS E GE SHIG	4316	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1189	ANNIE BONNESS PEAKE	4765	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1190	MRS HAMLINE CURTIS	4820	PROBATED BY COURT WITHOUT JURISDICTION
	1191	MRS JOHN SINAWAY	4950	FORCED FEE PATENTS
	1192	SHAW AWAY WAY GE SHIG	4989	TAX FORFEITURE
	1193	CHARLES MOOSE	4992	TAX FORFEITURE
	1194	KE CHE IN NUG	2900	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1195	O ZAH WIN NUN NEE QUAY	3895	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1196	O KE MAH KE SHIG	3552	FORCED FEE PATENTS
	1197	CHING-WAUSH	3591	PROBATED BY COURT WITHOUT JURISDICTION
	1198	SHAW KE GWAN ABE QUAY	3766	PROBATED BY COURT WITHOUT JURISDICTION
	1199	MAY-QUAY-BIN	3912	PROBATED BY COURT WITHOUT JURISDICTION
	1200	GEORGE WEAVER	3913	PROBATED BY COURT WITHOUT JURISDICTION
	1201	CHE O GE MAH	3914	FORCED FEE PATENTS
	1202	NORA BRUNETTE	3962	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1203	MARY ROY	3987	FORCED FEE PATENTS
	1204	CAMPBELL COOPER	4073	TAX FORFEITURE
	1205	LILY COOPER	4074	TAX FORFEITURE
	1206	CLAUDE COOPER	4075	TAX FORFEITURE
	1207	KATHERINE HAYDEN REED STONE	4078	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1208	NAPOLEON ROY	4110	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1209	NAH BE GWAN	4182	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1210	WAY SHE WE GE GAH BOW	4472	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1211	AH KAH WAUN JIG LIZZIE KEG	4984	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1212	NEO GAH BOW SAM CLARK	5010	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53408	1213	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1214	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1215	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1216	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1217	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1218	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1219	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1220	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1221	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1222	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1223	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1224	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1225	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1226	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1227	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1228	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1229	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1230	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1231	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1232	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1233	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1234	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1235	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1236	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1237	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1238	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1239	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1240	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1241	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1242	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1243	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1244	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1245	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1246	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1247	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1248	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1249	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1250	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
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	1371	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1372	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1373	MARY ROY	4097	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LA

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53408	1213	MO QUAY ME DUM O QUAY	5017	FORCED FEE PATENTS
	1214	MABEL WRIGHT	4158	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1216	PAY SHAH CUMIG	4997	FORCED FEE PATENTS
	1217	A GUNG GOUS T B BEAULIEU	1577	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1218	CATHERINE ST JOHN DUNKLEY	3975	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1219	EILEN AITKENS	2550	FORCED FEE PATENTS
	1220	NAY GO WAUN A BE QUAY	2537	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1221	CHIEF NOW E GE SHIG	2587	FORCED FEE PATENTS
	1222	MAY MIS CO NO WAY	2687	PROBATED BY COURT WITHOUT JURISDICTION
	1223	JACK BAPTO IN DE BAINCA	2945	PROBATED BY COURT WITHOUT JURISDICTION
	1224	AH WAUSE GAY	2946	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1225	O ZHEE ME QUAY	3372	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1226	ANNA WHITE FOX	3385	TAX FORFEITURE
	1227	FRANK MICHAUD	3974	TAX FORFEITURE
	1228	FRANK SLOAN	3997	FORCED FEE PATENTS
	1229	EVA SLOAN	3988	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1230	MARIE SLOAN HUGHES	3989	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1231	CHARLOTTE GRANDELMEYER	3992	FORCED FEE PATENTS
	1232	LOUISA BRANLEY	3996	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1233	MO ZAINCE ALFRED WARREN	4044	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1234	WAH BAUN E QUAY JOHN BADBOY	4045	TAX FORFEITURE
	1235	ROSE BADBOY	4048	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1236	GRAVE E. SCHRAM	4715	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1237	NE GAUM E BE NAIS	4730	TAX FORFEITURE
	1238	DICK GAHBOW	4988	FORCED FEE PATENTS
	1239	OKE ZHE AUN AH QUOD QQUAY	5139	TAX FORFEITURE
	1240	JOHN SMITH	619	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1241	THOMAS MOUNTAIN	1278	FORCED FEE PATENTS
	1242	KAH GE GAY AH NAH QUNT	2491	PROBATED BY COURT WITHOUT JURISDICTION
	1243	AH NAH ME AUNCE	3365	TAX FORFEITURE
	1244	EVA FOX SUCKER DAY DODGE	3389	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1245	DAVID WOLF	3400	PROBATED BY COURT WITHOUT JURISDICTION
	1246	ANTOINE SMITH	4479	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1247	GEORGE R. SLOAN	4848	ROAD OR HIGHWAY IN TRESPASS
	1248	CLARENCE A. JACOBSON	4861	TAX FORFEITURE
	1249	CATHERINE BARRETT JOHNSON	4862	TAX FORFEITURE
	1250	ANNA MEECH JANSSEN	4872	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1251	MAGGIE ARMSTRONG SAM	4900	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1252	NELLIE LEGARDE FITZPATRICK	5126	TAX FORFEITURE
	1253	EDWIN ESTES	5172	CLAIM FOR UNPAID LEASE RENTALS
	1254	WHITE EARTH TRIBE	TRIBAL	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	1255	MAY ZHUC E YAUSH E QUAY	1793	TAX FORFEITURE
	1256	KE CHE NO DIN BIG WIND TANNER	3366	TAX FORFEITURE
	1257	MARY EQUAY ZAINCE ISH	3924	FORCED FEE PATENTS
	1258	JULIA BEAULIEU SLOAN	4045	TAX FORFEITURE
	1259	LENA FOLSTRUM DESIZLETS	4105	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1260	HAZEL HOLDEN	4125	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1261	MARY ESTEY FAIRBANKS	4136	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1262	CLARA J ESTEY NEWBERT	4137	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1263	ROSE ESTEY KLABOE	4139	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1264	ABBIE KING	4144	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1265	MARGARET KING MEYERS	4145	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1266	CLARA PEARL BAKER MEDWIS	4148	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1267	O MAH KE ZHEENCE	4521	PROBATED BY COURT WITHOUT JURISDICTION
	1268	WAH DE MAH	4957	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1269	NE ZHO BE QUAY	4971	TAX FORFEITURE
	1270	QUOD AINCE	4978	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1271	LAURA DAILEY	5140	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1272	MARGARET RAY WHITE	746	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1273	JOSETTE MORRISON	2273	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1274	ANNIE TANNER	2588	FORCED FEE PATENTS
	1275	JACOB REDBIRD	2672	PROBATED BY COURT WITHOUT JURISDICTION
	1276	KE KE TAH JE WARE EQUAY	2677	PROBATED BY COURT WITHOUT JURISDICTION
	1277	MARY STEAD	2980	TAX FORFEITURE
	1278	NANCY FOLSTRUM	4107	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1279	JAMES BURESS	4708	TAX FORFEITURE
	1280	RAY BAUM E GE SHIG O QUAY	4771	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1281	WILLIS PORTER	4772	PROBATED BY COURT WITHOUT JURISDICTION

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53408	1282	PE YEN	4748	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1283	NAY AUN AH QUOD QQUAY	4508	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1284	JOSEPH WALDROP ST JOHN	5051	PROBATED BY COURT WITHOUT JURISDICTION
	1285	MARY IRENE BRANLEY	3999	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1286	PAY MAY WAY GWON ABE	4712	PROBATED BY COURT WITHOUT JURISDICTION
	1287	EMMA GARDEN BOSWELL	4731	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1288	IDA BLUE MCDOUGALL LAUREDSEN	211	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1289	MARY LEQUIER STARKEY GENUNG	2094	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1290	SUSAN WRIGHT	2538	TAX FORFEITURE
	1291	O ZHIN GW ER GE SHIG O QUAY	2822	PROBATED BY COURT WITHOUT JURISDICTION
	1292	CHARLES BUCHANAN	2362	FORCED FEE PATENTS
	1293	EDWARD FOLSTRUM	4147	CLAIM FOR UNPAID LEASE RENTALS
	1294	LOUISA SMITH	4408	TAX FORFEITURE
	1295	NAPOLEON B LADUKE	1311	PROBATED BY COURT WITHOUT JURISDICTION
	1296	ELIZA V SWEET	1660	FORCED FEE PATENTS
	1297	JOHN LEGOS	3123	FORCED FEE PATENTS
	1298	FRANK DEMARAIS	3276	FORCED FEE PATENTS
	1299	ISABELLE CHESLEY	3527	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1300	NATHAN PEMBERTON	3629	TAX FORFEITURE
	1301	NELLIE THOMPSON BENSON MARTINSON	3757	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1302	ROSINA BARREL	1454	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1303	WAH ME AY CUMIG OKE	2852	PROBATED BY COURT WITHOUT JURISDICTION
	1304	ROBERT QUINN	2357	PROBATED BY COURT WITHOUT JURISDICTION
	1305	PHILOMENE LANNELL TAYLOR	3308	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	1306	WHITE EARTH TRIBE	N/A	CLAIM FOR UNPAID LEASE RENTALS
	1307	KA DAH WAH BE NAY	2175	FORCED FEE PATENTS
	1308	JOHN CHARLES ESTES	5178	TAX FORFEITURE
	1309	WHITE EARTH TRIBE	N/A	WRONGFUL DIMINUTION OF GAME SUPPLIES
	1310	JOHN DUPREE	N/A	IMPROPER PRORATE RE 0409
	1311	MINNESOTA CHIPPEWA TRIBE	N/A	AGRICULTURAL TRESPASS (SEE -0460)
	1312	MINNESOTA CHIPPEWA TRIBE	N/A	AGRICULTURAL TRESPASS (SEE -0461)
	1313	MINNESOTA CHIPPEWA TRIBE	N/A	AGRICULTURAL TRESPASS (SEE -0462)
	1314	MINNESOTA CHIPPEWA TRIBE	N/A	AGRICULTURAL TRESPASS (SEE -0464)
	1315	MINNESOTA CHIPPEWA TRIBE	N/A	AGRICULTURAL TRESPASS (SEE -0465)
	1316	WAH BOZE	N/A	IMPROPER PRORATE RE 0494
	1317	AMELIA BLAIR BELLEFEUILLE	N/A	FORCED FEE PATENTS (SEE -0625)
	1318	MARY BLAIR	N/A	FORCED FEE PATENTS (SEE -0627)
	1319	ELIZA PEMBERTON	N/A	TAX FORFEITURE (SEE -0651)
	1320	SUSAN PEAKE	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0669
	1321	CHARLOTTE JOHNSON	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0677
	1322	NAY TAN O SAY QUAY	N/A	IMPROPER PRORATE RE 0713
	1323	E QUAY ZAINCE ISH	N/A	FORCED FEE PATENTS (SEE -0716)
	1324	WAY SAY GI SHIG	N/A	IMPROPER PRORATE RE 0722
	1325	JOSEPH BRUNETTE	N/A	TAX FORFEITURE (SEE -0725)
	1326	KAY BAY AH NUB GE WARE	N/A	IMPROPER PRORATE RE 0732
	1327	KAY BAY AH NUB GE WARE	N/A	FORCED FEE PATENTS (SEE -0732)
	1328	AH ZHE BE CAH ZOOD	N/A	IMPROPER PRORATE RE 0734
	1329	BE BE AINCE	N/A	IMPROPER PRORATE RE 0741
	1330	O GUN AT SHAUN O QUAY	N/A	TAX FORFEITURE (SEE -0745)
	1331	KE WAY DIN QQUAY	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0837
	1332	NAY NAH CO WAH BE QQUAY	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0839
	1333	NAY NAH CO WAH BE QQUAY	N/A	IMPROPER PRORATE RE 0839
	1334	AY GO GE BINAIS	N/A	IMPROPER PRORATE RE 0841
	1335	MRS JOHN COLEMAN	N/A	FORCED FEE PATENTS (SEE -0854)
	1336	MOONZE	N/A	FORCED FEE PATENTS (SEE -0860)
	1337	WILLIAM PAH	N/A	STRUCTURE IN TRESPASS RE 0865
	1338	PAH QUM BE GWON AY BE QUAY	N/A	TIMBER REMOVED WRONGFULLY (SEE -0867)
	1339	FRANCIS BELLANGER	N/A	FORCED FEE PATENTS (SEE -0868)
	1340	AH SHE GUN E QUAY BINA BISHOP	N/A	IMPROPER PRORATE RE 0871
	1341	LILLIE FINEDAY	N/A	FORCED FEE PATENTS (SEE -0872)
	1342	NAY NAH CO WAH BE QUAY	N/A	IMPROPER PRORATE RE 0886
	1343	NAY NAH CO WAH BE QUAY	N/A	TAX FORFEITURE (SEE -0886)
	1344	LUELLA R MORRISON HILBERT	N/A	TAX FORFEITURE (SEE -0887)
	1345	CHE KE SHIG SAM ANGIE	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0897
	1346	ELIZA BUGG	N/A	AGRICULTURAL TRESPASS (SEE -0912)
	1347	WAH BE GWON	N/A	FORCED FEE PATENTS (SEE -0914)
	1348	KAY QWAY DUR E QUAY	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0923
	1349	KAY QWAY DUR E QUAY	N/A	FORCED FEE PATENTS (SEE -0923)

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FSKIABR	1410	ELIZABETH BELLEFEUILLE	327	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1419	CLIFFORD BELLEFEUILLE	810	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1420	RAE BELLEFEUILLE	814	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1421	PHILLIP BELLEFEUILLE	817	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1422	ALVAIN/MANUEL BELLEFEUILLE	818	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1423	GERMAINE BELLEFEUILLE	819	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1424	ADA BELLEFEUILLE	827	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1425	ZEPHINE BELLEFEUILLE	828	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1426	LEONIE BELLEFEUILLE	829	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1427	ANNA BELLEFEUILLE	830	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1428	EMILD BELLEFEUILLE	832	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1429	LENA BELLEFEUILLE	831	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1430	TELEPHONE BELLEFEUILLE	833	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1431	OLIVE BELLEFEUILLE	834	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1432	JOHN BELLEFEUILLE	835	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1433	EUGENE BELLEFEUILLE	836	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1434	ELLA BELLEFEUILLE	837	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1435	EMMANUEL BELLEFEUILLE	1638	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1436	FELIMA BELLEFEUILLE	1087	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1437	RITA BELLEFEUILLE	1088	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1438	LENA BELLEFEUILLE	1089	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1439	ARELIME BELLEFEUILLE	1090	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1440	EMMA BELLEFEUILLE	1091	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1441	JOSEPH BELLEFEUILLE	1092	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1442	THEODORE BELLEFEUILLE	1093	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1443	LEON BELLEFEUILLE	1094	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1444	MARY ANN BELLEFEUILLE	1095	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1445	EMMA BISSON	324	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1446	SARAH BISSON	325	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1447	HENRY BISSON	4384	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1448	LEWIS BISSON	4385	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1449	ROSE BISSON	322	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1450	THEODORE BISSON	320	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1451	LENA BISSON WHITE	321	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1452	MARIE LOUISE BELLEFEUILLE	4387	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1453	MARTIN BISSON	879	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1454	ALBERT BISSON	466	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1455	EUGENIA BISSON BRAY	467	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1456	ROSE BISSON	468	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1457	EDWARD BISSON	473	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1458	MARTINE BISSON	477	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1459	FELIX BISSON	483	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1460	MARTIE BISSON SEE 96	178	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1461	FELIX BISSON (BRUNETTE	212	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1462	IRVING BISSON	479	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1463	LUCINDA CORA BISSON	480	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1464	FRANKLIN S BISSON	481	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1465	LAIMA BISSON	482	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1466	RACHEL BISSON	472	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1467	MARY STELLA BRAY	470	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1468	EVA BRAY	4388	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1469	ROSE ANNA BISSON	471	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1470	EMANUEL BISSON	469	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1471	MARY AMELIA BISSON	474	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1472	EUGENIA MARA BISSON	475	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1473	ANTOINE EDWARD BISSON	476	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1474	EDWARD J BISSON	4389	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1475	EDNA BISSON	4.4	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1476	WILLIE BISSON	465	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1477	ERNEST BISSON	464	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1478	MARTIN BISSON	4.7	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1479	JANE E BISSON	4.8	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1480	PAUL BISSON	4.6	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1481	OLIVE E BISSON	4.9	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1482	HOMER BISSON	491	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1483	MARY BISSON	492	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1484	ARTHUR BISSON	4.2	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1485	ALICE LEFEVRE KETTEN	176	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FSKIABR	1350	BE WUSH AH WINAKE	N/A	FARMER CUT PATENTS (SEE -1042)
	1351	SIMON BELLANGER	N/A	IMPROPER PROBATE RE 1058
	1352	EDITH LIBBY	N/A	FORCED FEE PATENTS (SEE -09/01)
	1353	EDITH LIBBY	N/A	ADDITIONAL TRESPASS (SEE -09/01)
	1354	ROY WRIGHT	415A	IMPROPER PROBATE RE 0000
	1355	GLADYS PRICE	44UA	ADDITIONAL TRESPASS (SEE -1034)
	1356	GLADYS PRICE	44UA	FENCE OR OTHER BOUNDARY ENCROACHMENT RE 1034
	1357	GLADYS PRICE	44UA	ROAD IN TRESPASS RE 1034
	1358	GLADYS PRICE	44UA	UTILITY OR PIPELINE TRESPASS RE 1034
	1359	ETHEL LENORA BENOIT WILLIAMSON	4413	TAX FORFEITURE (SEE -1037)
	1360	ETHEL LENORA BENOIT WILLIAMSON	4412	IMPROPER PROBATE
	1361	SUSAN DUSH MORRISON	4407	FORCED FEE PATENTS (SEE -10/99)
	1362	WILLIAM AUGUSTIN	3016	RECOVERY OF TRUST & RESTRICTED LAND RE 1049
	1363	CHARLEY GARDEN	3019	FORCED FEE PATENTS (SEE - 1071)
	1364	THOMAS GARDEN	3013	IMPROPER PROBATE RE 1072
	1365	SHE NOW AH-E	3009	FARMER FEE PATENTS (SEE -1078)
	1366	A GAH BAY GAH NOW E-NAH	4.06	IMPROPER PROBATE RE 1081
	1367	LILLY HARDEN	3011	IMPROPER PROBATE RE 1101
	1368	MARY WHITEMAN	3.01	INDIVIDUAL/FLORIDA/ IN TRESPASS RE 1105
	1369	A GWAY WE AH DIP AH GWAY	4.11	RECOVERY OF TRUST & RESTRICTED LAND RE 1107
	1370	LOUISA BRUNET	4.45	RECOVERY OF TRUST & RESTRICTED LAND RE 1121
	1371	TAH-WIN	4011	IMPROPER PROBATE RE 1138
	1372	NELLIE BEATTY	3.08	IMPROPER PROBATE RE 1148
	1373	ARTHUR GRAY	3.01	INDIVIDUAL/FLORIDA/ IN TRESPASS RE 1155
	1374	IRA LOUISE SR	3.04	RECOVERY OF TRUST & RESTRICTED LAND RE 1157
	1375	IRA LOUISE SR	3.05	IMPROPER PROBATE RE 1159
	1376	ANDREW VIVIER	3.06	RECOVERY OF TRUST & RESTRICTED LAND RE 1165
	1377	EARL BEAVER	4.07	IMPROPER PROBATE RE 1167
	1378	CHING-WARSH	4.08	RECOVERY OF TRUST & RESTRICTED LAND RE 1197
	1379	SAM TLAMA	4.01	TAX FORFEITURE (SEE -1211)
	1380	AH WUSE HAH	4.04	IMPROPER PROBATE RE 1234
	1381	TRIBAL	4.05	COUNTY ROAD IN TRESPASS
	1382	TRIBAL	3.04	TOWNSHIP ROAD IN TRESPASS
	1383	TRIBAL	3.07	COUNTY ROAD IN TRESPASS
	1384	TRIBAL	3.08	TOWNSHIP ROAD IN TRESPASS
	1385	TRIBAL	3.09	COUNTY ROAD IN TRESPASS
	1386	TRIBAL	3.10	TOWNSHIP ROAD IN TRESPASS
	1387	TRIBAL	3.11	TOWNSHIP ROAD IN TRESPASS
	1388	TRIBAL	N/A	TOWNSHIP ROAD IN TRESPASS
	1389	TRIBAL	3.13	TOWNSHIP ROAD IN TRESPASS
	1390	TRIBAL	3.14	TOWNSHIP ROAD IN TRESPASS
	1391	TRIBAL	3.15	TOWNSHIP ROAD IN TRESPASS
	1392	TRIBAL	3.16	TOWNSHIP ROAD IN TRESPASS
	1393	TRIBAL	N/A	TOWNSHIP ROAD IN TRESPASS
	1394	TRIBAL	N/A	TOWNSHIP ROAD IN TRESPASS
	1395	TRIBAL	N/A	TOWNSHIP ROAD IN TRESPASS
	1396	TRIBAL	1.15	COUNTY ROAD IN TRESPASS
	1397	TRIBAL	1.16	COUNTY ROAD IN TRESPASS
	1398	TRIBAL	1.17	TOWNSHIP ROAD IN TRESPASS
	1399	TRIBAL	1.18	TOWNSHIP ROAD IN TRESPASS
	1400	TRIBAL	1.19	TOWNSHIP ROAD IN TRESPASS
	1401	TRIBAL	1.20	TOWNSHIP ROAD IN TRESPASS
	1402	TRIBAL	N/A	COUNTY ROAD IN TRESPASS
	1403	TRIBAL	N/A	TOWNSHIP ROAD IN TRESPASS
	1404	TRIBAL	N/A	TOWNSHIP ROAD IN TRESPASS
	1405	TRIBAL	1.13	CITY ROAD IN TRESPASS
	1406	TRIBAL	1.14	CITY ROAD IN TRESPASS
	1407	MARGARET BEAULIEU BISSON	444	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1408	CLEMENT H. BEAULIEU	445	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1409	PAUL H. BEAULIEU	447	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1410	CATHERINE BEAULIEU FONTAINE	451	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1411	HENRY H BEAULIEU	44	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1412	SOPHIA BEAULIEU	515	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1413	ANTOINE BISSON	454	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1414	BENJAMIN BRANDYWINE	453	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1415	ANTOINE BEAULIEU JR	7.4	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1416	GEORGE BEAULIEU	1014	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP
	1417	FLORIMOND BEAULIEU DESCHAMPS	306	ALLOTMENT NEVER ISSUED (W HALF BDED SCRIP

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53408	1486	MABEL LEFEVRE MEYERS	180	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1487	ORIN LEFEVRE SCOTT	181	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1488	EMANUEL WILLIAM LEFEVRE	182	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1489	ARTHUR E LEFEVRE	183	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1490	JOSEPH E LEFEVRE	184	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1491	JOSEPH L DOUCETTE	213	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1492	LENA DOUCETTE	214	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1493	ALMA DOUCETTE	215	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1494	EARL DOUCETTE	216	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1495	GEORGIANNA BRANCHAUD	158	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1496	MAGGIE BRANCHAUD	4204	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1497	JULIA BRANCHAUD CHANDONNETTE	174	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1498	CLARA BRANCHAUD DOUCETTE	167	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1499	THEODORE BRANCHAUD	1655	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1500	MARTIN BRANCHAUD	170	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1501	WILLIAM BRANCHAUD	159	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1502	OMAR R GRAVELLE	160	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1503	ADELORE GEORGE GRAVELLE	161	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1504	JANE GRAVELLE	162	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1505	ELLA GRAVELLE	163	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1506	MARTIN GRAVELLE	164	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1507	JAMES G. FAIRBANKS	165	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1508	ROMAN ALVY FAIRBANKS	166	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1509	ELIM ZOLA FAIRBANKS	4206	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1510	HADLEY FAIRBANKS	4205	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1511	CLARA FAIRBANKS	4207	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1512	THOMAS CHANDONNETTE	175	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1513	METHUSE CHANDONNETTE	176	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1514	MARY JANE CHANDONNETTE	177	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1515	ALVA DOUCETTE	178	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1516	JOSEPH R DOUCETTE	179	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1517	ARTHUR BRANCHAUD	171	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1518	IRVING BRANCHAUD	172	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1519	EMMA BRANCHAUD	173	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1520	CHARLES H BEAULIEU	4443	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1521	CLEMENT H BEAULIEU JR	129	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1522	JULIA ELIZABETH BEAULIEU	123	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1523	GUS H BEAULIEU	62	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1524	THEODORE CIFFY BEAULIEU	1397	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1525	ROBERT G BEAULIEU	63	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1526	RICHARD L BEAULIEU	3322	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1527	CLARENCE P BEAULIEU	124	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1528	FRANCIS D BEAULIEU	125	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1529	FLORENCE E BEAULIEU	126	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1530	ELLA M BEAULIEU	127	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	531	TRUMAN BEAULIEU	417	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1532	MRS LIZZIE MC INTOSH	535	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1533	MRS JEANIE LEDERGER	545	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1534	JOHN BASILIS BEAULIEU	28	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1535	JENNIE MC INTOSH ROY	536	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1536	DAISY MC INTOSH LAMBERT	537	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1537	ALICE MC INTOSH LAMB	538	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1538	MARY MC INTOSH LAMB	539	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1539	JAMES MC INTOSH	540	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1540	GRACE MC INTOSH	541	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1541	BERTHA ROY	542	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1542	CLARA ROY	543	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1543	AARON R ROY	4208	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1544	WILLIE [illegible]	544	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1545	ROBERT LEDERGER	547	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1546	GEORGE LEDERGER	548	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1547	ALICE W LEDERGER	549	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1548	MARGARET M E FAIRBANKS	788	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1549	CLEMENT FAIRBANKS	786	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1550	SOPHIA FAIRBANKS	158	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1551	ROBERT E FAIRBANKS	800	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1552	JOHN R EA PREAU	931	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1553	JULIA FAIRBANKS	1536	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53408	1554	CHARLES W FAIRBANKS	1519	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1555	HENRY PAUL FAIRBANKS	1514	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1556	IDA ROGERS	1521	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1557	ROBERT JOHN ROGERS OR CHARLES	1522	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1558	CEFESTINA ROGERS	1523	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1559	JOHN CLEMENT ROGERS	1524	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1560	MARY CATHERINE ROGERS	1525	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1561	SOPHIA ELIZABETH ROGERS	1526	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1562	MELLIE ROGERS	1527	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1563	ELIZA V SWEET	1660	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1564	GEORGE A SWEET	1661	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1565	BLANCHE SWEET	574	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1566	BERTRICE SWEET	575	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1567	WALTER C SWEET	1681	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1568	HAROLD C SWEET	1682	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1569	RAYMOND H SWEET	1683	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1570	MAUD A SWEET LACHAPELLE	1684	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1571	LELIA SWEET WARREN	1685	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1572	GEORGE W SWEET	1686	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1573	JAMES BIG BEAU SWEER	1687	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1574	ROBERT P FAIRBANKS	1512	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1575	MARIA FAIRBANKS	398	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1576	TRUMAN A WARREN	4174	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1577	JULIA A SPEARS	1059	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1578	MARY W ENGLISH	650	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1579	SOPHIA WARREN	1856	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1580	ALICE J MEE	668	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1581	MARY E LAMBERT	4089	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1582	CHARLES B MEE	674	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1583	ALICE M MEE	675	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1584	CAROLINE E MEE	676	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1585	FRANCIS J MEE	677	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1586	ALICE LAMBERT OTTO	4090	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1587	EUGEN LAMBERT	4091	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1588	MABEL LAMBERT	4092	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1589	LAURA LAMBERT	4093	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1590	JOHN LAMBERT	4094	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1591	JULIA LAMBERT	4095	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1592	HENRY L OTTO	4096	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1593	MARY HELEN OTTO	4097	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1594	EARL LOUIS OTTO	4098	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1595	CHARLOTTE MAGGRAH	1080	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1596	FRANKLIN WARREN	1374	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1597	EDWARD WARREN	1379	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1598	ALFRED WARREN	1382	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1599	JULIA WARREN FINK	1385	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1600	WILLIAM T WARREN	1404	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1601	HENRY WARREN	1457	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1602	JOHN B WARREN	1495	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1603	EUGENE WARREN	1459	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1604	ELIZABETH WARREN	1460	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1605	IDA WARREN TABIN	1461	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1606	GEORGE WARREN	1462	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1607	ROLAND D DAVIS	1085	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1608	OSCAR DAVIS	1081	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1609	SUSAN DAVIS POOLE	1082	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1610	THEODORE DAVIS POOLE	1083	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1611	VERNON DAVIS	1084	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1612	GUY L WARREN	1391	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1613	HOWARD L WARREN	1394	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1614	EDWARD R FINK	1396	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1615	PEARL L FINK	1397	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1616	FREDERICK WARREN	1406	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1617	GEORGE WARREN	1407	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1618	SOPHIA WARREN	1408	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1619	WILLIE WARREN	1409	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1620	EMMA WARREN	1410	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1621	FRANK WARREN	1411	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS3408	1622	CLARENCE WARREN	1412	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1623	IDA MAY WARREN	1413	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1624	EUGENE TOBIN	4214	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1625	MARGARET NEVEAUX FAIRBANKS	1069	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1626	GEORGE A FAIRBANKS	447	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1627	BENJAMIN L FAIRBANKS	1154	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1628	ROBERT L FAIRBANKS	1414	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1629	HENRY FAIRBANKS	469	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1630	MARGUERITTE FAIRBANKS	470	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1631	GEORGE A FAIRBANKS JR	671	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1632	EDWARD J FAIRBANKS	472	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1633	DELEY E FAIRBANKS	473	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1634	SOPHIA DUPONT	1155	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1635	SOPHIA SARAH FAIRBANKS	1156	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1636	BENJAMIN FAIRBANKS JR	1157	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1637	SHERMAN FAIRBANKS	1158	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1638	ALICE FAIRBANKS LEND	1159	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1639	GUSTAVE FAIRBANKS	1160	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1640	ANNIE FAIRBANKS GRAVELLE	1161	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1641	EVERETT W FAIRBANKS	1162	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1642	GRACEY FAIRBANKS	1163	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1643	FRANCINE BELLECOURT	75	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1644	JOHN B TOBIN	76	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1645	EDWARD BELLECOURT	77	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1646	CECILE LAMONTAGNE	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1647	FRANCINE BELLECOURT	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1648	[illegible]	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1649	[illegible]	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1650	[illegible]	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1651	[illegible]	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1652	[illegible]	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1653	[illegible]	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1654	[illegible]	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1655	[illegible]	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1656	[illegible]	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1657	[illegible]	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1658	[illegible]	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1659	[illegible]	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1660	[illegible]	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1661	IDA MC TAVISH	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1662	RICHARD E WHEELOCK	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1663	MARY LA DUKE	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1664	GABRIEL B LA DUKE	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1665	LOUIS LA DUKE	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1666	ALBERT LA DUKE	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1667	PHILLIP O LA DUKE	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1668	NAPOLEON B LA DUKE	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1669	WILLIE BRUNETTE	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1670	FRANK BRUNETTE	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1671	PETER BRUNETTE	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1672	JOSEPH MARTIN	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1673	HENRY B LA DUKE	44[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1674	FRANK BRISBOIS	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1675	LOUISA BRISBOIS	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1676	ANGELIQUE BRISBOIS	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1677	MARGARET BRISBOIS	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1678	ISABELLE BRISBOIS	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1679	AGNES BRISBOIS	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1680	OLIVE BRISBOIS	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1681	PETER BRISBOIS	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1682	OLIVE BELLECOURT	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1683	ANTOINE BELLECOURT	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1684	PETER BELLECOURT	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1685	MATILDA BELLECOURT	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1686	GERTIE BELLECOURT	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1687	LIBBY BELLECOURT	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1688	MELINE BELLECOURT	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1689	GABRIEL BELLECOURT	[illegible]	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS3408	1690	TRISTELLA BELLECOURT	81	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1691	GEORGE BELLECOURT	82	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1692	DON H. BELLECOURT	4272	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1693	PHILOMEN ROY	4107	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1694	MARY J. ROY TERWAY	4108	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1695	FLORA ROY	4109	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1696	NAPOLEON ROY	4110	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1697	SERAPHIN ROY	4111	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1698	JOHN ROY	4112	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1699	PHILOMENE ST. PIERRE	4114	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1700	VICTORIA ROSS	4129	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1701	EXILDA ESTEY	4135	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1702	CLARA ROY	4141	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1703	LLOYD ROY	4113	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1704	FLORA ST. PIERRE	4115	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1705	MARY ST. PIERRE	4116	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1706	RUSA ST. PIERRE	4117	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1707	MABEL ST. PIERRE	4118	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1708	CLARA ST. PIERRE	4119	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1709	SAMUEL ST. PIERRE	4120	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1710	WILLIE ST. PIERRE	4121	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1711	MARY HOLDEN ROLWELL	4122	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1712	ELLA HOLDEN	4124	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1713	HAZEL GENEVIEVE HOLDEN	4125	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1714	PETER V. HOLDEN	4126	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1715	ANNIE F. HOLDEN	4127	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1716	JAMES JOHN VICTOR HOLDEN	4128	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1717	IRENE ROSS LEDEBUHN	4130	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1718	ELLA ROSS	4131	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1719	WILLIAM ROSS	4132	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1720	EDNA ROSS	4133	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1721	EDWARD V. ROSS	4134	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1722	MARY E. ESTEY	4136	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1723	CLARA J. ESTEY	4137	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1724	FRANK ESTEY	4138	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1725	ROSE ESTEY	4139	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1726	WILLIAM ESTEY	4140	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1727	BAZILE BEAULIEU	494	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1728	NORBERT BEAULIEU (AKA JOSEPH LEMAY)	495	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1729	ALEXANDER BEAULIEU (AKA LEMAY)	502	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1730	THEODORE BEAULIEU (AKA LEMAY)	122	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1731	SOPHIA BEAULIEU LOUZON	512	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1732	MARGARET BEAULIEU VAN WERT	562	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1733	ELIZABETH BEAULIEU MILLER	64	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1734	JAMES VAN WERT	565	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1735	MARTHA VAN WERT	566	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1736	ROBERT VAN WERT	567	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1737	JULIA VAN WERT	568	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1738	DAVID VAN WERT	572	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1739	EVA VAN WERT SWEET	573	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1740	ELIZABETH BEAULIEU	4236	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1741	MINA BEAULIEU MILLER	496	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1742	ELIZABETH LIBBY BEAULIEU	497	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1743	IDA BEAULIEU	498	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1744	GRACE G BEAULIEU	499	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1745	W G H BEAULIEU	500	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1746	RAYMOND H BEAULIEU	501	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1747	AGNES BEAULIEU	514	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1748	JOSEPH BEAULIEU	503	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1749	EDWARD PAUL BEAULIEU	504	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1750	LENNIA BEAULIEU	505	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1751	MADELINE BEAULIEU	506	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1752	JOSEPHINE BEAULIEU	507	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1753	THERESA BEAULIEU	508	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1754	BAZIL/JOHN BEAULIEU	509	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1755	FELIX BEAULIEU	510	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1756	MARY BEAULIEU	511	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP
	1757	THEODORE LOUZON	513	ALLOTMENT NEVER ISSUED ON HALF BREED SCRIP

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
		[illegible]		

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
		[illegible]		

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS3406	1758	MARY LOUZON VEZINA	514	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1759	NAPOLEON LOUZON	516	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1760	GEMENA LOUZON	505	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1761	GEORGE LOUZON	518	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1762	MATILDA LOUZON (FOX)	519	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1763	GEORGIANNA LOUZON	520	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1764	JOSEPH LOUZON	523	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1765	LOUISA LOUZON LYNCH	524	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1766	MARCELINE LOUZON WARREN	526	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1767	ANGELINE LOUZON PEAKE	4391	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1768	MARY LORENE VEZINA	521	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1769	CLARA VEZINA	522	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1770	JOSEPHINE VEZINA	4390	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1771	MARGARET SOPHIA LYNCH	525	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1772	DORCAS WARREN	1375	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1773	EDWARD J WARREN	1376	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1774	BERTHA WARREN	1377	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1775	OFELIA WARREN	1378	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1776	FREDERICK VAN WERT	563	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1777	ARTHUR VAN WERT	564	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1778	MAGGIE VAN WERT	569	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1779	SYLVESTER VAN WERT	570	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1780	LAWRENCE VAN WERT	571	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1781	BENJAMIN LAFOND	3174	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1782	VICTORIA LAMBERT	3175	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1783	JOSEPH LAFOND	3301	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1784	DELIA BURBANS	3302	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
	1785	LIZZIE LATOURELLE ST. CLAIR	3303	ALLOTMENT NEVER ISSUED ON HALE PATENT SCRIP
FS3410	0001	MILLE LACS TRIBAL	N/A	GRAZING PRIVILEGES
	0002	TRIBAL TRACT	61	DAMAGE TO WILDRICE & OTHER HARVESTABLE CROPS
	0003	MILLE LACS CEMETARY	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0004	ROBERT L BOYD	29	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0005	MILLE LAC BAND ROLL IN RESERVE	N/A	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0006	MILLER FARM TRESPASS	N/A	FENCE OR OTHER BOUNDARY ENCROACHMENT
	0007	OLD LADY NICKABOINE	205	SECRETARIAL TRANSFERS
	0008	MRS H D AYER	N/A	CLAIM FOR WRONGFUL USE OF LAND
	0011	SUSAN BENJAMIN	181	MINOR PAT PATENT CANCELLED OR TERMINATED
	0012	MR BILLY MCDANIEL	1	SECRETARIAL TRANSFERS
	0013	MILLER MCDANIEL MAY WAY (FOX)	2	SECRETARIAL TRANSFERS
	0014	JANE MCDANIEL KEWAYSHKUNG (FOX)	5	SECRETARIAL TRANSFERS
	0015	JOHN MCDANIEL CHE NO DIN	6	SECRETARIAL TRANSFERS
	0016	JOHN BENJAMIN	9	SECRETARIAL TRANSFERS
	0017	JACK BENJAMIN	11	SECRETARIAL TRANSFERS
	0018	MRS ROSE BOYD (MO CO MO NOT	19	SECRETARIAL TRANSFERS
	0019	JOHN DOOR (WAH NE NAH)	30	SECRETARIAL TRANSFERS
	0020	MRS JOHN DOOR (WAH NE	31	SECRETARIAL TRANSFERS
	0021	JOHN DOOR JR (BIG RAT	35	SECRETARIAL TRANSFERS
	0022	JOHN CHARLE REYNOLDS	37	SECRETARIAL TRANSFERS
	0023	MRS SUSAN GOODMAN	51	SECRETARIAL TRANSFERS
	0024	MAGGIE SKINAWAY (AH MICK)	54	SECRETARIAL TRANSFERS
	0025	MRS JIM HANKS	57	SECRETARIAL TRANSFERS
	0026	MRS SAM VEZINA (WAY ZAINCE	68	SECRETARIAL TRANSFERS
	0027	MRS YOUND VEZINA	60	SECRETARIAL TRANSFERS
	0028	GLADYS VEZINA (WAH NO DA	62	SECRETARIAL TRANSFERS
	0029	NE ENE WAY NAH NE	71	SECRETARIAL TRANSFERS
	0030	O NON NEW	72	SECRETARIAL TRANSFERS
	0031	RE AIN AINCE	74	SECRETARIAL TRANSFERS
	003.	MRS WM VEZ (NAH BAW	82	SECRETARIAL TRANSFERS
	003.	QUE NE ZAINCE	93	SECRETARIAL TRANSFERS
	0034	MRS SAM NICKABOINE	84	SECRETARIAL TRANSFERS
	0035	MILLIE NICKABOINE	86	SECRETARIAL TRANSFERS
	003.	MRS JEAN OR IS RAY BUSH	92	SECRETARIAL TRANSFERS
	003.	JANA PINE (DAYWAY	93	SECRETARIAL TRANSFERS
	003.	NE SAWA E NE (WAY	100	SECRETARIAL TRANSFERS
	003.	JOHN RE (BIG O WAY	105	SECRETARIAL TRANSFERS
	004.	[illegible] JANE NA	111	SECRETARIAL TRANSFERS
	004.	MRS WINE WINE	122	SECRETARIAL TRANSFERS
	004.	NE NE ZAINCE	124	SECRETARIAL TRANSFERS

MINNEAPOLIS AREA STATUTE CLAIM

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS3410	0043	MISS JOHNNY (NAH BOMAY	17	SECRETARIAL TRANSFERS
	0044	NAH J ANN BENJAMIN	13	SECRETARIAL TRANSFERS
	0045	MRS PETER ANTHONY	140	SECRETARIAL TRANSFERS
	004A	ESTER JEKEY (WA BOTE)	144	SECRETARIAL TRANSFERS
	0047	NAH O SAY OWAY	149	SECRETARIAL TRANSFERS
	0048	MRS CHARLES RAZOR	152	SECRETARIAL TRANSFERS
	0049	MIKE SAM (WAN BE NOON)	158	SECRETARIAL TRANSFERS
	0050	WAH NO NAH	166	SECRETARIAL TRANSFERS
	0051	NANCY WAHTENAH	167	SECRETARIAL TRANSFERS
	0052	JAKE WAHTENAH	170	SECRETARIAL TRANSFERS
	0053	JENNIE WAHTENAH	171	SECRETARIAL TRANSFERS
	0054	ROSE MAY WAHTENAH	172	SECRETARIAL TRANSFERS
	0055	MAGGIE WAHTENAH	173	SECRETARIAL TRANSFERS
	0056	MIKE WAHTENAH	174	SECRETARIAL TRANSFERS
	0057	O MAY O NE SHIG O DAY	178	SECRETARIAL TRANSFERS
	0058	JOHN BENJAMIN	182	SECRETARIAL TRANSFERS
	0059	MARY BENJAMIN	186	SECRETARIAL TRANSFERS
	0060	MRS JOHN CLARK (TOO SAY	199	SECRETARIAL TRANSFERS
	0061	(OLD MOOSE (AY NAH BE [illegible]	205	SECRETARIAL TRANSFERS
	0062	THEODORE LOWE	222	SECRETARIAL TRANSFERS
	0063	BE ZHE KEENE	228	SECRETARIAL TRANSFERS
	0064	MRS TOM ROGERS SR	245	SECRETARIAL TRANSFERS
	0065	THOMAS ROGERS	247	SECRETARIAL TRANSFERS
	0066	HENRY ROGERS (OKE WE JAINCE	248	SECRETARIAL TRANSFERS
	0067	O JAH WAUSH KO BE NAY	250	SECRETARIAL TRANSFERS
	0068	GAH ROW BE SHIG O DWAY	255	SECRETARIAL TRANSFERS
	0069	NE BAH GE SHIG	256	SECRETARIAL TRANSFERS
	0070	MARY STEVENS	257	SECRETARIAL TRANSFERS
	0071	JAMES FOOL	259	SECRETARIAL TRANSFERS
	0072	SUSAN STEVENS	260	SECRETARIAL TRANSFERS
	0073	FRANK WIND (KAY BAH BUSH)	272	SECRETARIAL TRANSFERS
	0074	ANNA WIND (OKE GAH WAINCE	273	SECRETARIAL TRANSFERS
	0075	(OM WIND (NE ZHUK E (WON ABE	274	SECRETARIAL TRANSFERS
	0076	MARY WIND (WAHBOSH)	276	SECRETARIAL TRANSFERS
	0077	OLD LADY NICKABOINE	286	SECRETARIAL TRANSFERS
	0078	GAME VIOLATIONS	N/A	WRONGFUL DIMINUTION OF GAME & SUPPLIES
	0079	GEORGE BOYD	6	STATE ROAD 35 IN TRESPASS
	0080	MRS GEORGE BOYD	5	STATE ROAD 35 IN TRESPASS
	0081	CHARLES BOYD	24	STATE ROAD 35 IN TRESPASS
	0082	JESSE BOYD	29	STATE ROAD 35 IN TRESPASS
	0083	WAH BUSH (JOHN GAWKON)	41	STATE ROAD 35 IN TRESPASS
	0084	MRS JOHN GAWKON	42	STATE ROAD 35 IN TRESPASS
	0085	JENNIE GAWKON	44	STATE ROAD 35 IN TRESPASS
	0086	FRANK GAWKON	48	STATE ROAD 35 IN TRESPASS
	0087	SHE KANG	104	STATE ROAD 35 IN TRESPASS
	0088	(ATTI WAH BISH KO BE (AWK	111	STATE ROAD 35 IN TRESPASS
	0089	JOSEPH WAKENA	122	STATE ROAD 35 IN TRESPASS
	0090	JESSIE NICKABOINE	68	STATE ROAD 35 IN TRESPASS
	0091	TRIBAL TRACT	16	STATE ROAD 35 IN TRESPASS
	0092	TRIBAL TRACT	N/A	STATE ROAD 35 IN TRESPASS
	0093	TRIBAL TRACT	N/A	STATE ROAD 35 IN TRESPASS
	0094	TRIBAL TRACT	7	STATE ROAD 35 IN TRESPASS
	0095	INDIAN BURIAL LAND	N/A	STATE ROAD 35 IN TRESPASS
	0096	CHESTER D MERRELL	21	STATE ROAD 38 IN TRESPASS
	0097	WILBERT MERRELL	22	STATE ROAD 38 IN TRESPASS
	0098	JOSEPH MERRELL	24	STATE ROAD 38 IN TRESPASS
FS3420	0001	CORA LAPOINTE	48	TAX FORFEITURE
	0002	EUGENE LAMARCHE	1	TAX FORFEITURE
	0003	JOE LAMARCHE	2	TAX FORFEITURE
	0004	MARIE A BOUTAIN	70	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0005	CHARLOTTE LAPOINTE	142	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0006	BENJAMIN LAFOND	54	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0007	CATHERINE O'CONNOR	248	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0008	FRANCIS ROBINSON SR	142	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0009	FRANCIS ROY	2	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0010	ANTOINE ROBINSON	142	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0011	MINNESOTA VALLEY [illegible]	N/A	ALLOTMENT CANCELLED (WASHINGTON)
	0012	FREEBORN CTY WELFARE DEPARTMENT	N/A	ALL OTHER ASSISTANCE CLAIM

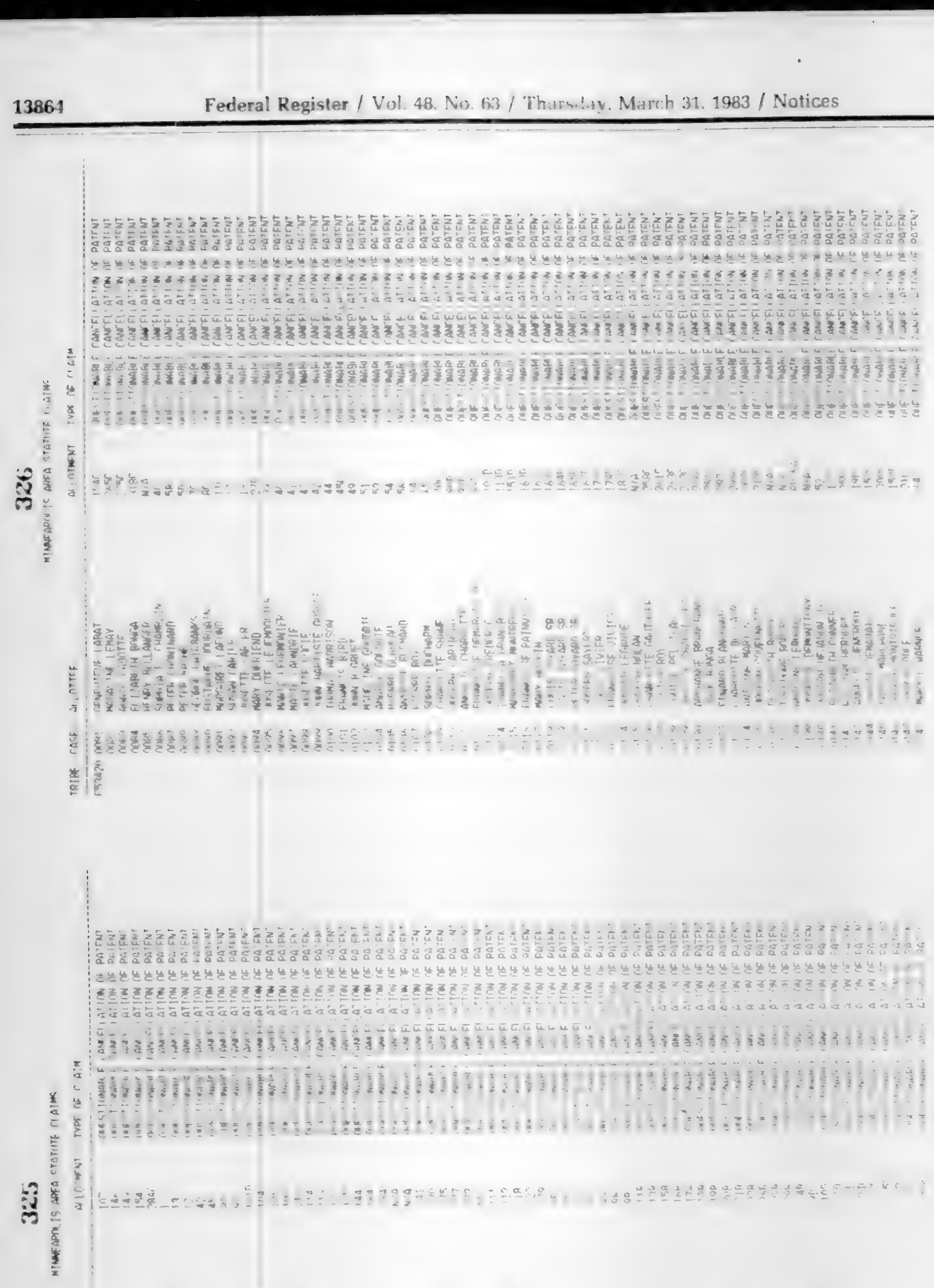

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FOND DU LAC	0004	BENEDICTUS LARAT	1147	CANCELLATION OF PATENT
	0005	MICHAEL LEMAY	1456	CANCELLATION OF PATENT
	0006	ANGELINE CHARETTE	1457	CANCELLATION OF PATENT
	0007	ANTOINE GOURNEAU	1458	CANCELLATION OF PATENT
	0008	ELIZABETH BOWSER	1459	CANCELLATION OF PATENT
	0009	HENRY BELLANGER	N/A	CANCELLATION OF PATENT
	0010	SUSANNE CHOMOS	41	CANCELLATION OF PATENT
	0011	MARTIN LAFOND	58	CANCELLATION OF PATENT
	0012	MARIE LEMAY	59	CANCELLATION OF PATENT
	0013	ANGELINE BARRETTE	1457	CANCELLATION OF PATENT
	0014	MARY DUNSTEAD	1457	CANCELLATION OF PATENT
	0015	MARIE LEMAY	1457	CANCELLATION OF PATENT
	0016	MICHAEL LEMAY	47	CANCELLATION OF PATENT
	0017	ANGELINE BARRETTE	41	CANCELLATION OF PATENT
	0018	MARY DUNSTEAD	44	CANCELLATION OF PATENT
	0019	THOMAS HARRISON	44	CANCELLATION OF PATENT
	0020	EDWARD C. BOYD	454	CANCELLATION OF PATENT
	0021	JOHN H. CROSS	49	CANCELLATION OF PATENT
	0022	MARIE LAFOND	51	CANCELLATION OF PATENT
	0023	JOSEPH CHOMOS	52	CANCELLATION OF PATENT
	0024	MARIE LAFOND	54	CANCELLATION OF PATENT
	0025	ANGELINE BOYD	56	CANCELLATION OF PATENT
	0026	[illegible]	58	CANCELLATION OF PATENT
	0027	[illegible]	59	CANCELLATION OF PATENT
	0028	[illegible]	60	CANCELLATION OF PATENT
	0029	[illegible]	61	CANCELLATION OF PATENT
	0030	[illegible]	62	CANCELLATION OF PATENT
	0031	[illegible]	63	CANCELLATION OF PATENT
	0032	[illegible]	64	CANCELLATION OF PATENT
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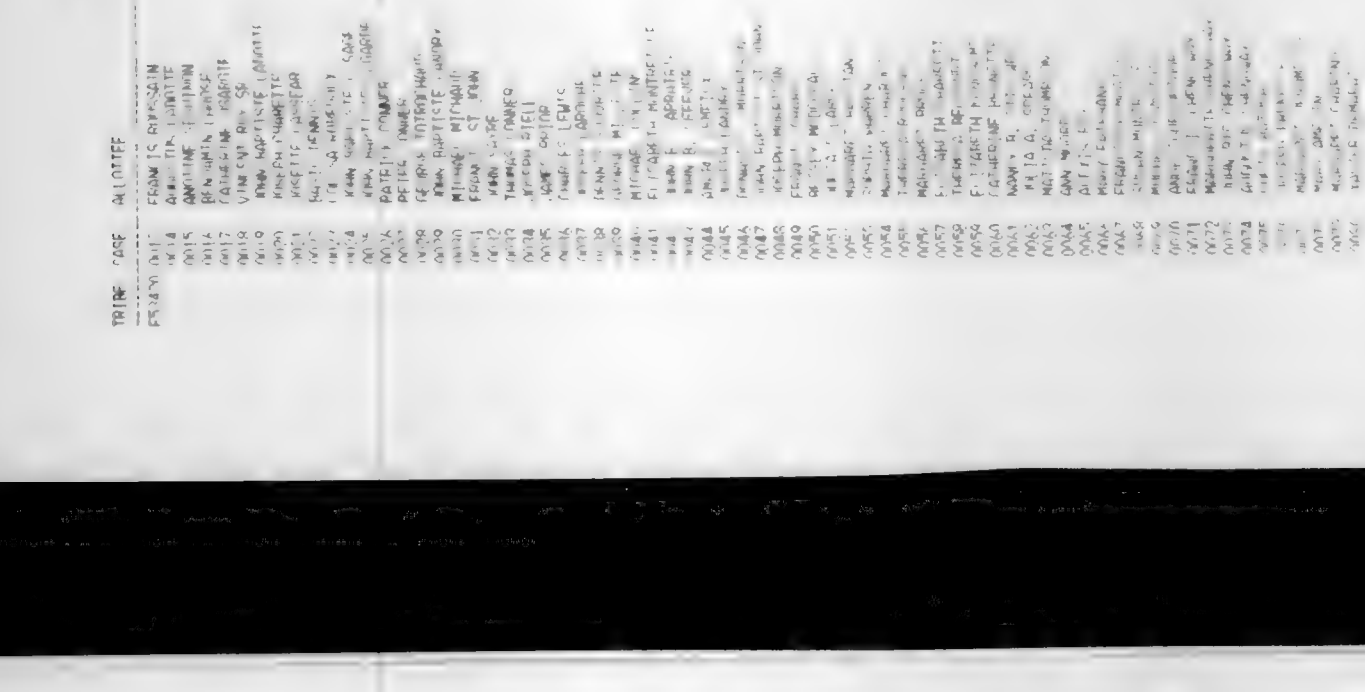

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FOND DU LAC	0001	FRANCIS RAMSDELL	107	CANCELLATION OF PATENT
	0002	ANGELINE CHARETTE	1457	CANCELLATION OF PATENT
	0003	ANTOINE GOURNEAU	1458	CANCELLATION OF PATENT
	0004	BENJAMIN MONROE	154	CANCELLATION OF PATENT
	0005	CATHERINE CHARETTE	2846	CANCELLATION OF PATENT
	0006	VINCENT ROY SR	1	CANCELLATION OF PATENT
	0007	MARY CHARETTE LAFOND	113	CANCELLATION OF PATENT
	0008	MARY CHARETTE	113	CANCELLATION OF PATENT
	0009	MARIE LAFOND	113	CANCELLATION OF PATENT
	0010	PETER CHOMOS	42	CANCELLATION OF PATENT
	0011	CATHERINE BARRETTE	43	CANCELLATION OF PATENT
	0012	MARY BARRETTE LAFOND	113	CANCELLATION OF PATENT
	0013	MARY MITCHELL	113	CANCELLATION OF PATENT
	0014	FRANK ST JOHN	113	CANCELLATION OF PATENT
	0015	MARY MORSE	113	CANCELLATION OF PATENT
	0016	THOMAS MANEO	113	CANCELLATION OF PATENT
	0017	AGNES STELL	144	CANCELLATION OF PATENT
	0018	JOHN OSHIPO	144	CANCELLATION OF PATENT
	0019	FRANCIS LEMIC	144	CANCELLATION OF PATENT
	0020	[illegible]	N/A	CANCELLATION OF PATENT
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MINNEAPOLIS AREA STATION CLAIM

ITEM	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
0150	JOHN BAPTISTE LORAINE	117	QUESTIONABLE CANCELLATION OF PATENT
0151	JOHN BLAIR	1B	QUESTIONABLE CANCELLATION OF PATENT
0152	LUCY KING	9C	QUESTIONABLE CANCELLATION OF PATENT
0153	PETER ROY	10A	QUESTIONABLE CANCELLATION OF PATENT
0154	ELIZA V SWEET	16C	QUESTIONABLE CANCELLATION OF PATENT
0155	MARIA REGAIEN	24B	QUESTIONABLE CANCELLATION OF PATENT
0156	NANCY MCARTHUR	25A	QUESTIONABLE CANCELLATION OF PATENT
0157	HENRY CATLE	2AC	QUESTIONABLE CANCELLATION OF PATENT
0158	MARY DONNELL	42D	QUESTIONABLE CANCELLATION OF PATENT
0159	ALEXANDER SUTTER	41D	QUESTIONABLE CANCELLATION OF PATENT
0160	JOSEPH HERBERT	82C	QUESTIONABLE CANCELLATION OF PATENT
0161	PAUL H. BEAULIEU	104C	QUESTIONABLE CANCELLATION OF PATENT
0162	ANN MOORE	114C	QUESTIONABLE CANCELLATION OF PATENT
0163	MARY F CARISSINA	120C	QUESTIONABLE CANCELLATION OF PATENT
0164	JOSEPH PEPIN	140C	QUESTIONABLE CANCELLATION OF PATENT
0165	JOSEPH LOUISIGNANT	N/A	QUESTIONABLE CANCELLATION OF PATENT
0166	ALICE CARDOTTE	274C	QUESTIONABLE CANCELLATION OF PATENT
0167	ANGELIUS BELLANGER	283C	QUESTIONABLE CANCELLATION OF PATENT
0168	CHARLES F ROSSIN	295C	QUESTIONABLE CANCELLATION OF PATENT
0169	MICHAEL MENICHIER	310C	QUESTIONABLE CANCELLATION OF PATENT
0170	CHARLES MENICHIER	311C	QUESTIONABLE CANCELLATION OF PATENT
0171	LOUIS MOLIN	313C	QUESTIONABLE CANCELLATION OF PATENT
0172	DAVID CHAMPAIGNE	N/A	QUESTIONABLE CANCELLATION OF PATENT
0173	FRANCIS MARISETTE	N/A	QUESTIONABLE CANCELLATION OF PATENT
0174	EDWARD WELLS	N/A	QUESTIONABLE CANCELLATION OF PATENT
0175	CHARLES DEMONTIGNY	N/A	QUESTIONABLE CANCELLATION OF PATENT
0176	OLIVIA B GOKEY	7A	QUESTIONABLE CANCELLATION OF PATENT
0177	ANDREW CHENG WAY	8B	QUESTIONABLE CANCELLATION OF PATENT
0178	TRUMAN A WARREN	19C	QUESTIONABLE CANCELLATION OF PATENT
0179	ILEEN KENETANY	13B	QUESTIONABLE CANCELLATION OF PATENT
0180	ROLFAN MACHANDE	20C	QUESTIONABLE CANCELLATION OF PATENT
0181	DUANE PORTER	22D	QUESTIONABLE CANCELLATION OF PATENT
0182	LOUIS PERRAULT	27	QUESTIONABLE CANCELLATION OF PATENT
0183	CHARLOTTE F MORRISON	29A	QUESTIONABLE CANCELLATION OF PATENT
0184	LOUIS MARBAU	2D	QUESTIONABLE CANCELLATION OF PATENT
0185	JOHN CHANY	32C	QUESTIONABLE CANCELLATION OF PATENT
0186	ALEX LAPOINTE	33C	QUESTIONABLE CANCELLATION OF PATENT
0187	MARGARET ANTOINE	35D	QUESTIONABLE CANCELLATION OF PATENT
0188	JEAN BAPTISTE BRUNETTE	36D	QUESTIONABLE CANCELLATION OF PATENT
0189	MARGARET BRUNETTE	38C	QUESTIONABLE CANCELLATION OF PATENT
0190	FRANCIS CHEVALIER	40A	QUESTIONABLE CANCELLATION OF PATENT
0191	FRANCIS BERVAIS	4C	QUESTIONABLE CANCELLATION OF PATENT
0192	ERLINE GRANT	47	QUESTIONABLE CANCELLATION OF PATENT
0193	JOHN B GOKEY SR	48C	QUESTIONABLE CANCELLATION OF PATENT
0194	CELIA SWEET	52C	QUESTIONABLE CANCELLATION OF PATENT
0195	MARGARET EMAY	53D	QUESTIONABLE CANCELLATION OF PATENT
0196	LOUIS PONT	55A	QUESTIONABLE CANCELLATION OF PATENT
0197	VITTORIA PELKY	5A	QUESTIONABLE CANCELLATION OF PATENT
0198	ROSELIE RICE	5C	QUESTIONABLE CANCELLATION OF PATENT
0199	MARY RICOLLET	5B	QUESTIONABLE CANCELLATION OF PATENT
0200	MICHAEL BATES	6A	QUESTIONABLE CANCELLATION OF PATENT
0201	PAUL BRUNEAU	6B	QUESTIONABLE CANCELLATION OF PATENT
0202	LOUIS BELGARD	6C	QUESTIONABLE CANCELLATION OF PATENT
0203	MARGARET BELGARD	6D	QUESTIONABLE CANCELLATION OF PATENT
0204	JOHN B BLOW	7A	QUESTIONABLE CANCELLATION OF PATENT
0205	ANTOINE BLOW	7B	QUESTIONABLE CANCELLATION OF PATENT
0206	SIMON BERNDT	7C	QUESTIONABLE CANCELLATION OF PATENT
0207	MARY ANN [illegible]	7D	QUESTIONABLE CANCELLATION OF PATENT
0208	ED M HATCH	8A	QUESTIONABLE CANCELLATION OF PATENT
0209	BISTINE ROUSAIN	8C	QUESTIONABLE CANCELLATION OF PATENT
0210	FRANCOISE BROWN	8D	QUESTIONABLE CANCELLATION OF PATENT
0211	SARA CHAMPAIGNE	9A	QUESTIONABLE CANCELLATION OF PATENT
0212	MARIE MARION	9B	QUESTIONABLE CANCELLATION OF PATENT
0213	ODETTE MARTEL	9D	QUESTIONABLE CANCELLATION OF PATENT
0214	MARGARET BENTIAN	10D	QUESTIONABLE CANCELLATION OF PATENT

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MINNEAPOLIS AREA STATION CLAIM

ITEM	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
0216	ANGELIC MARTIN	86	QUESTIONABLE CANCELLATION OF PATENT
0217	MARY E MARTIN	87	QUESTIONABLE CANCELLATION OF PATENT
0218	BENJAMIN NOLIN	88	QUESTIONABLE CANCELLATION OF PATENT
0219	XAVIER NOLIN	89C	QUESTIONABLE CANCELLATION OF PATENT
0220	MARY SIRE	95	QUESTIONABLE CANCELLATION OF PATENT
0221	GEORGE SIRE	96	QUESTIONABLE CANCELLATION OF PATENT
0222	MARGARET DEMARAIS SR	97D	QUESTIONABLE CANCELLATION OF PATENT
0223	NARCISSE GRANT	104D	QUESTIONABLE CANCELLATION OF PATENT
0224	MARIE CHAPMAN	109C	QUESTIONABLE CANCELLATION OF PATENT
0225	MARY CHAPMAN	110C	QUESTIONABLE CANCELLATION OF PATENT
0226	JOHN R CRANE	112C	QUESTIONABLE CANCELLATION OF PATENT
0227	THERESA SHEAVER	116C	QUESTIONABLE CANCELLATION OF PATENT
0228	JEROME JEROME	122D	QUESTIONABLE CANCELLATION OF PATENT
0229	DAVID JEROME	124D	QUESTIONABLE CANCELLATION OF PATENT
0230	ANGELIC JEROME	127D	QUESTIONABLE CANCELLATION OF PATENT
0231	ELIZA WITTMAN	129D	QUESTIONABLE CANCELLATION OF PATENT
0232	ANDREW A ROCK	130D	QUESTIONABLE CANCELLATION OF PATENT
0233	NARCISSE LE FRANCOISE	139D	QUESTIONABLE CANCELLATION OF PATENT
0234	LOUIS LE FRANCOISE	139D	QUESTIONABLE CANCELLATION OF PATENT
0235	JOSEPH LEROUX	143D	QUESTIONABLE CANCELLATION OF PATENT
0236	MARY DUPIN	146C	QUESTIONABLE CANCELLATION OF PATENT
0237	GABRIEL DEMARAIS	149C	QUESTIONABLE CANCELLATION OF PATENT
0238	ISABELLA MONTPELIER	149D	QUESTIONABLE CANCELLATION OF PATENT
0239	JOHN B MONTPELIER	150D	QUESTIONABLE CANCELLATION OF PATENT
0240	JOSETTE BRUNETTE	165C	QUESTIONABLE CANCELLATION OF PATENT
0241	PETER SOYARD JR	166D	QUESTIONABLE CANCELLATION OF PATENT
0242	SOPHIE A LAMBERT	173C	QUESTIONABLE CANCELLATION OF PATENT
0243	FRANCIS BAPTISTE	177D	QUESTIONABLE CANCELLATION OF PATENT
0244	SOPHIE ROY	179D	QUESTIONABLE CANCELLATION OF PATENT
0245	AUGUSTINE SANSCHAGRIN	180D	QUESTIONABLE CANCELLATION OF PATENT
0246	PIERRE SANSCHAGRIN	181D	QUESTIONABLE CANCELLATION OF PATENT
0247	MICHAEL SANSCHAGRIN	182D	QUESTIONABLE CANCELLATION OF PATENT
0248	JAMES ROGERS	183D	QUESTIONABLE CANCELLATION OF PATENT
0249	FRANCIS CHAINIER	184D	QUESTIONABLE CANCELLATION OF PATENT
0250	ODETTE CHAINIER	185D	QUESTIONABLE CANCELLATION OF PATENT
0251	MARGARET CHAINIER	186D	QUESTIONABLE CANCELLATION OF PATENT
0252	MARY CHICKASAW	187	QUESTIONABLE CANCELLATION OF PATENT
0253	JEAN BAPTISTE BUNION	N/A	QUESTIONABLE CANCELLATION OF PATENT
0254	LOUIS DESJERLOIS	245C	QUESTIONABLE CANCELLATION OF PATENT
0255	LOUIS WREN	252C	QUESTIONABLE CANCELLATION OF PATENT
0256	MARGARET BURCHERAN	253C	QUESTIONABLE CANCELLATION OF PATENT
0257	ROBERT FAIRBANKS	262C	QUESTIONABLE CANCELLATION OF PATENT
0258	SOPHIA BELLEFEUILLE	284C	QUESTIONABLE CANCELLATION OF PATENT
0259	CHARLOTTE BARON	289C	QUESTIONABLE CANCELLATION OF PATENT
0260	SUSAN CARDOTTE	299C	QUESTIONABLE CANCELLATION OF PATENT
0261	PETER MCFARLAIN	305C	QUESTIONABLE CANCELLATION OF PATENT
0262	CHARLOTTE MCFARLAIN	306C	QUESTIONABLE CANCELLATION OF PATENT
0263	ANGELIC MARTIN	308C	QUESTIONABLE CANCELLATION OF PATENT
0264	MARY ANN WARNER	317C	QUESTIONABLE CANCELLATION OF PATENT
0265	MARY E L EVERUE	320C	QUESTIONABLE CANCELLATION OF PATENT
0266	BETSEY MICKLEY	322C	QUESTIONABLE CANCELLATION OF PATENT
0267	WILLIAM ATKINS	325C	QUESTIONABLE CANCELLATION OF PATENT
0268	FRANCIS BRUNETTE	327C	QUESTIONABLE CANCELLATION OF PATENT
0269	BATIST BRUNETTE	328C	QUESTIONABLE CANCELLATION OF PATENT
0270	JOHN B BLANCHER	330C	QUESTIONABLE CANCELLATION OF PATENT
0271	ROBERT DESJARLAIS	333C	QUESTIONABLE CANCELLATION OF PATENT
0272	JOSEPH DESJARLAIS	334C	QUESTIONABLE CANCELLATION OF PATENT
0273	JOHN LA CHAPELLE	336C	QUESTIONABLE CANCELLATION OF PATENT
0274	ELIZA MEYON	337C	QUESTIONABLE CANCELLATION OF PATENT
0275	STEPHEN KING	N/A	QUESTIONABLE CANCELLATION OF PATENT
0276	A GIN WA NA QUA TO	401	QUESTIONABLE CANCELLATION OF PATENT
0277	CHARLIE GRASSHOPPER	402	QUESTIONABLE CANCELLATION OF PATENT
0278	TOMEY GRASSHOPPER	403	QUESTIONABLE CANCELLATION OF PATENT
0279	BA MAN A QUEB	500	QUESTIONABLE CANCELLATION OF PATENT
0280	PAUL MORRISON	505	QUESTIONABLE CANCELLATION OF PATENT
0281	LIZZIE MCDUFFEE	70	QUESTIONABLE CANCELLATION OF PATENT
0282	HELENE BAMAR	A1	QUESTIONABLE CANCELLATION OF PATENT
0283	DORA BAMAR	A2	QUESTIONABLE CANCELLATION OF PATENT

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53420	0285	ME GEE SEE	48	QUESTIONABLE CANCELLATION OF PATENT
	0286	EUGENE LA PICHE	1	QUESTIONABLE CANCELLATION OF PATENT
	0287	IDA LA PICHE	2	QUESTIONABLE CANCELLATION OF PATENT
	0288	LOUIS MARTELL	23	QUESTIONABLE CANCELLATION OF PATENT
	0289	LEON MARTELL	24	QUESTIONABLE CANCELLATION OF PATENT
	0290	CORA LAFOUTE	44	QUESTIONABLE CANCELLATION OF PATENT
	0291	EVELENE CANE	45	QUESTIONABLE CANCELLATION OF PATENT
	0292	JOHN [illegible]ABE	70	QUESTIONABLE CANCELLATION OF PATENT
	0293	JOHNNY SKY	244	QUESTIONABLE CANCELLATION OF PATENT
	0294	PE NAY SHE	199	QUESTIONABLE CANCELLATION OF PATENT
	0295	LIZZIE METEWASH	20	QUESTIONABLE CANCELLATION OF PATENT
	0296	CORA LAFOUTE	44	QUESTIONABLE CANCELLATION OF PATENT
	0297	HELEN LA LUNE	47	QUESTIONABLE CANCELLATION OF PATENT
	0298	TOMEY GRASSHOPPER	423	QUESTIONABLE CANCELLATION OF PATENT
	0299	CHARLES GRASSHOPPER	422	QUESTIONABLE CANCELLATION OF PATENT
	0300	MRS. JOHN GRASSHOPPER	465	QUESTIONABLE CANCELLATION OF PATENT
	0301	PENAY SEE	199	QUESTIONABLE CANCELLATION OF PATENT
	0302	CY SHINE	200	QUESTIONABLE CANCELLATION OF PATENT
	0303	SUSAN PORTER	2950	QUESTIONABLE CANCELLATION OF PATENT
	0304	KE BI DWAY (FEE	243	QUESTIONABLE CANCELLATION OF PATENT
	0305	JOHN SKY (GRAY BAY >E SHIG)	244	QUESTIONABLE CANCELLATION OF PATENT
	0306	MIN WA WA GISIC (GOOD SOUNDING SKY	246	QUESTIONABLE CANCELLATION OF PATENT
	0307	ANN DE[illegible] WINDEGO	245	QUESTIONABLE CANCELLATION OF PATENT
	0308	PETER [illegible]MAN	46	QUESTIONABLE CANCELLATION OF PATENT
	0309	JOHN WHITEHEAD	247	QUESTIONABLE CANCELLATION OF PATENT
	0310	SHAY ME MIN EG SEE	249	QUESTIONABLE CANCELLATION OF PATENT
	0311	SAM WHITEMAN	249	QUESTIONABLE CANCELLATION OF PATENT
	0312	GE CHI GE JI QUABE O M SKY	245	QUESTIONABLE CANCELLATION OF PATENT
	0313	WAY WE ZHE QUAN AISH PATT	247	QUESTIONABLE CANCELLATION OF PATENT
	0314	MIN WAY WAY QUAN ER-MIN WAWA QUABE	256	QUESTIONABLE CANCELLATION OF PATENT
	0315	UGE MAH WAWE TUNG-QUE MA ABE TON	304	QUESTIONABLE CANCELLATION OF PATENT
	0316	KA ME WA BA DAW	205	QUESTIONABLE CANCELLATION OF PATENT
	0317	MEN IND GISH E GOER	250	QUESTIONABLE CANCELLATION OF PATENT
	0318	PET AWA PIM IN I GOER	251	QUESTIONABLE CANCELLATION OF PATENT
	0319	WANA SHA BUKE	252	QUESTIONABLE CANCELLATION OF PATENT
	0320	JANE DOWAN	253	QUESTIONABLE CANCELLATION OF PATENT
	0321	WE WAY TE ME QUOM ABE	255	QUESTIONABLE CANCELLATION OF PATENT
	0322	BEGO [illegible]OO	294	QUESTIONABLE CANCELLATION OF PATENT
	0323	JOHN BEGO (STRONGFEATHER)	295	QUESTIONABLE CANCELLATION OF PATENT
	0324	BIN DAYE SHING TIM (GAYGE SHIG AKE	297	QUESTIONABLE CANCELLATION OF PATENT
	0325	JAMES GAWAY (PIN NA WAINSE)	396	QUESTIONABLE CANCELLATION OF PATENT
	0326	TA TA PANPINES	398	QUESTIONABLE CANCELLATION OF PATENT
	0327	KE PIT MAH ISH IT WOP	400	QUESTIONABLE CANCELLATION OF PATENT
	0328	OGI MA WA NA GWA TOG	402	QUESTIONABLE CANCELLATION OF PATENT
	0329	MAH JE QUON AY BEAP	403	QUESTIONABLE CANCELLATION OF PATENT
	0330	MAH JE WAY WAISH KING DR DRIFT	405	QUESTIONABLE CANCELLATION OF PATENT
	0331	KING WILLIAMS	596	QUESTIONABLE CANCELLATION OF PATENT
	0332	JOHN MAKEMUP JR	994	QUESTIONABLE CANCELLATION OF PATENT
	0333	BEN BRAINEASE	1791	QUESTIONABLE CANCELLATION OF PATENT
	0334	WASH ACH A GE QUAH	120	QUESTIONABLE CANCELLATION OF PATENT
	0335	MARY WAINA	129	QUESTIONABLE CANCELLATION OF PATENT
	0336	JOHN FARMER	157	QUESTIONABLE CANCELLATION OF PATENT
	0337	MAY QUAH WE GE SHIG	207	QUESTIONABLE CANCELLATION OF PATENT
	0338	BE SHE WIN ED	242	QUESTIONABLE CANCELLATION OF PATENT
	0339	SHE WI ID SEG	402	QUESTIONABLE CANCELLATION OF PATENT
	0340	JOHN MAKEUP SR	45	QUESTIONABLE CANCELLATION OF PATENT
	0341	BE SHE WI E SHE GWA	134	QUESTIONABLE CANCELLATION OF PATENT
	0342	JOHN FARMER	8A8	QUESTIONABLE CANCELLATION OF PATENT
	0343	NI ASH GAH WEH PEG	399	QUESTIONABLE CANCELLATION OF PATENT
	0344	KE BI GWA GE SIC	243	QUESTIONABLE CANCELLATION OF PATENT
	0345	MIN WA WA GE SIC	246	QUESTIONABLE CANCELLATION OF PATENT
	0346	KE BE GI SHIG	244	QUESTIONABLE CANCELLATION OF PATENT
	0347	ANN DUES 0	245	QUESTIONABLE CANCELLATION OF PATENT
	0348	KA GI GE TA NO QUAT	249	QUESTIONABLE CANCELLATION OF PATENT
	0349	AH WAS SE ZUMIG AWE NE NEE	247	QUESTIONABLE CANCELLATION OF PATENT
	0350	MAY ZHU KI ANN E QUAIB	248	QUESTIONABLE CANCELLATION OF PATENT
	0351	SHAY WEIBEN FS SGE	248	QUESTIONABLE CANCELLATION OF PATENT
	0352	WIT AN I GA BA	N/A	QUESTIONABLE CANCELLATION OF PATENT

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53420	0353	WAN GI TENS TAYLOR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0354	HERMAN TAYLOR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0355	JOHN TAYLOR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0356	SAY SINCHE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0357	WAS LAS I OG QUA	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0358	O SOAK ON AY QUA	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0359	PETTER BY SAY SINCHE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0360	MEK ACH WE GASHIK	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0361	WIG AN AS LAK WA	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0362	WING WENSIE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0363	ASH TENS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0364	MANET	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0365	KENOCHIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0366	MARY WAVENMAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0367	EDWARD PORTER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0368	ALEXS PORTER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0369	MARY MORRISY	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0370	JOHN PORTER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0371	MARY JANE GUYETTE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0372	LOUIS GUYETTE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0373	JOSEPH GUYETTE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0374	GEORGIANNA GUYETTE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0375	JOSIE MULLIGAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0376	CHARLES PORTER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0377	ESTELLA ROBERTS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0378	JOSEPH ROBERTS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0379	GRACE SUTHERLAND	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0380	JOSEPH GOUGE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0381	GEORGE GOUGE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0382	ADELE MORRISSETTE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0383	MADELINE LEGROW	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0384	ELIZABETH GOUGE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0385	PETER GOUGE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0386	BASIL GOUGE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0387	ALEXANDER GOUGE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0388	JOSEPH FRAVIER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0389	MARGARET PRICE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0390	MARGARET LA MATTE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0391	HATTIE LA CLAIR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0392	SUSAN PORTER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0393	CHARLES WEBER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0394	FREDERICK WEBER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0395	ANNIE WEBER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0396	BUXTON WEBER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0397	ELIZA WEBER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0398	GABRIEL WEBER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0399	CALVIN DANIELSON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0400	BENJAMIN DANIELSON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0401	ANGELIC DANIELSON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0402	JOHN DANIELSON	PD NA	MINNESOTA PUBLIC DOMAIN ALLOTMENT
	0403	MARY DEMEULE	PD NA	MINNESOTA PUBLIC DOMAIN ALLOTMENT
	0404	PHILOMEN DEMEULE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0405	MADELINE DEMEULE	PD NA	MINNESOTA PUBLIC DOMAIN ALLOTMENT
	0406	CHARLES DEMEULE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0407	CYPREM DEMEULE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0408	LOUIS DEMEULE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0409	GENEVIEVE DEMEULE	PD NA	MINNESOTA PUBLIC DOMAIN ALLOTMENT
	0410	BE SHI WE SED	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0411	KE BE AWA GE SIC	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0412	KAY BAY GE SHIG	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0413	GI CHI GE JI QUABE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0414	MIN WA WA GESIC	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0415	WAY WE ZHE QUAN AISH	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0416	MARTHA CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0417	LOUISA CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0418	WINNIFRED CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0419	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0420	WALTER DAVIS CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53420	0421	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0422	ANNIE CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0423	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0424	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0425	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0426	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0427	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0428	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0429	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0430	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0431	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0432	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0433	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0434	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0435	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0436	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0437	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0438	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0439	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0440	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0441	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0442	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0443	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0444	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0445	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0446	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0447	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0448	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0449	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0450	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0451	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0452	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0453	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0454	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0455	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0456	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0457	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0458	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0459	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0460	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0461	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0462	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0463	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0464	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0465	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0466	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0467	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0468	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0469	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0470	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0471	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0472	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0473	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0474	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0475	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0476	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0477	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0478	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0479	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0480	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0481	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0482	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0483	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0484	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0485	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0486	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0487	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0488	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0489	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0490	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0491	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0492	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0493	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0494	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0495	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0496	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0497	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0498	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0499	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0500	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53420	0501	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0502	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0503	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0504	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0505	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0506	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0507	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0508	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0509	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0510	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0511	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0512	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0513	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0514	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0515	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0516	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0517	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0518	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0519	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0520	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0521	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0522	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0523	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0524	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0525	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0526	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0527	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0528	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0529	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0530	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0531	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0532	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0533	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0534	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0535	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0536	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0537	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0538	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0539	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0540	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0541	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0542	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0543	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0544	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0545	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0546	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0547	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0548	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0549	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0550	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0551	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0552	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0553	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0554	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0555	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0556	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0557	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0558	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0559	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0560	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0561	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0562	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0563	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0564	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0565	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0566	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0567	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0568	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0569	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0570	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0571	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0572	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0573	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0574	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0575	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0576	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0577	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0578	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0579	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0580	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0581	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0582	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0583	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0584	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0585	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0586	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0587	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0588	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0589	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0590	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0591	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0592	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0593	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0594	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0595	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0596	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0597	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0598	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0599	JOHN CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0600	MARY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53420	0421	JANE CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0422	FLORA CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0423	HENRY CHRISTIAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0424	MIN WA WA QUAM ABE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0425	CHARLES TOURNANCOUR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0426	ELVA ROCK TOURNANCOUR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0427	SUSIE TOURNANCOUR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0428	WILLIAM DIAMOND	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0429	LOUIE NAY WAHGO	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0430	FRANK FRAYIER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0431	PETER FRAYIER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0432	EDWARD COURNAYER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0433	VIRGINIA COURNAYER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0434	DELIA COURNAYER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0435	LENA COURNAYER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0436	MARGARET MARTELL	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0437	CELIA MARTELL	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0438	JOSEPH MARTELL	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0439	IRENE DANIELSON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0440	GEORGE DANIELSON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0441	WILLIAM DANIELSON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0442	LUCY ANN DANIELSON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0443	PETER JOHN LEMIEUX	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0444	ISABELL LEMIEUX	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0445	FRANK W. LEMIEUX	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0446	MAGGIE LEMIEUX	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0447	MARY ANN T LEMIEUX	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0448	ELIE JOSEPH LEMIEUX	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0449	LIZZIE LAUNDRIE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0450	JANIE LAUNDRIE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0451	JOESEPH LAUNDRIE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0452	CHARLOTTE SMITH	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0453	JOSEPH LA POINTE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0454	JULIA ZIMMERMAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0455	MAGGIE NICKET	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0456	THERESA LEMIEUX	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0457	MARY SWEET	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0458	JOHNNY PERRON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0459	JOSEPHINE PERRON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0460	HATTY PERRON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0461	CHARLEY PERRON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0462	AUGUST PERRON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0463	AIDLA PERRON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0464	ALPHONSINE PERRON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0465	ANNA CARIFIEL	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0466	MAGGIE CARIFIEL	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0467	EDWARD CARIFIEL	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0468	LOUISA CARIFIEL	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0469	LENA CARIFIEL	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0470	JULIA CARIFIEL	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0471	MARY CARIFIEL	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0472	OWE MA GRETON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0473	KAME WABADAN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0474	EVA MC KAY	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0475	FRANCIS MC KAY	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0476	WILLIAM MC KAY	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0477	MILDRED MC KAY	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0478	ALICE MONPAS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0479	GEORGIN MONPAS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0480	MARGARET MONPAS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0481	JOSEPH MONPAS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0482	HATTIE MONPAS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0483	ELIZABETH MONPAS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0484	MARGARET MC KAY	[illegible] NA	QUESTIONABLE CANCELLATION OF PATENT
	0485	ANNA BARRINGTON	[illegible] NA	QUESTIONABLE CANCELLATION OF PATENT
	0486	ESTELLA COURNAYER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0487	LIZZIE COURNAYER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0488	LIZZIE LARASH	PD NA	QUESTIONABLE CANCELLATION OF PATENT

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53420	0489	JOHN LARASH	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0490	GEORGE A COURNAYER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0491	ISABELLA LAVEARSH	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0492	CHARLES FRAYIER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0493	ANGELIC FRAYIER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0494	GEORGE NEWAGON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0495	CHARLOTTE NEWAGON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0496	ALEX NEWAGON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0497	JOHN LEMIEUX	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0498	MARY SMITH	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0499	DANIEL SMITH	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0500	EMMA SMITH	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0501	THOMAS HARVEY SMITH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0502	SARAH SMITH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0503	HENRY MARTINEAU	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0504	MAGGIE MARTINEAU	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0505	MARY LANGLOIS	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0506	MARGARET VASSEUR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0507	MARTIN WALTER VASSEUR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0508	OLIVER WM VASSEUR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0509	CHARLES JAY VASSEUR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0510	MARY ADDIE VASSEUR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0511	JOSEPH THOMAS VASSEUR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0512	CYRIL DAVID VASSEUR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0513	OGEMA WAH SHICK	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0514	ANNA DEESO	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0515	MAY ZHUC KI ANN EQUAIR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0516	AH MAS SE CUMIG AME MEE NEE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0517	SHAY WET BEN ESSE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0518	KA GI GE IA WAQUAT	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0519	ME ANI MO GI SHE QUEB	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0520	PE TA WA KUM INI QUEB	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0521	WA ME SHA BEV	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0522	WA MON WA GO DO QUA	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0523	ME SHE WA GESIC	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0524	KE GA DEN ME QUAN ABE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0525	MARY J. ROBB	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0526	MAUDE M ROBB	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0527	NELLIE RICHARDS	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0528	NIBAN RICHARDS	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0529	JOSEPH RICHARDS	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0530	AMANUAL RICHARDS	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0531	ELI RICHARDS	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0532	EDWARD PATMEANDE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0533	MELVINA PATMEANDE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0534	MARY PATMEANDE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0535	DELIA PATMEANDE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0536	ROSA PATMEANDE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0537	ALBERT BOVERT	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0538	HELERTON BOVERT	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0539	MARY BOVERT	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0540	PAUL LEMIEUX	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0541	JOSEPH PHILLIP LEMIEUX	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0542	ARTHUR MCCANN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0543	JULIA PETITTE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0544	MARY PETITTE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0545	ADDIELINE MYRE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0546	MAUD MYRE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0547	ANNIE LEMIEUX	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0548	VIRGINIA LEMIEUX	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0549	PHILOMEN LEMIEUX	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0550	MARY LEMIEUX	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0551	HANNAH BUELL	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0552	HERMAN ALLEN BUELL	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0553	MARY HENRIETTA BUELL	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0554	ANGELINE LORD	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0555	CLAYTON M LORD	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0556	MAGGIE PECOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS7420	0557	WILLIAM PECOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0558	MALO PECOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0559	CHARLES PECOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0560	EDWARD PECOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0561	FRANK PECOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0562	ISRAEL LARIVER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0563	PECO	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0564	MISH GAW IG WAN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0565	BI NA WA NISE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0566	BIN DI SHE SHI SHIG OK	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0567	TA TA GA MIP INES	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0568	NI ASH GOK WON PEG	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0569	KIP IT WA GISH IG WAS	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0570	OGEMA WA NA GWA IGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0571	SHE WE IS ARG	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0572	MAT CHE GWA NE BIG	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0573	WILLIAM CHURCH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0574	JULIUS CHURCH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0575	MARY ROUSSIN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0576	JOHN LAGARDE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0577	PAUL LAGARDE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0578	JOSEPH BAPTISTE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0579	WE DAH NAH WAY BAPTISTE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0580	MARGIE MO WA ANN EDWAY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0581	MAH ZHA GA WA GASH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0582	FRANCIS LAUNDRY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0583	MARGARET LAUNDRY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0584	MI KWE AN MAH SUNG	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0585	JOHN DUPE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0586	MRS MARY BATTISE/BAPTISTE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0587	BEN LAVEASH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0588	GEORGE LAVEASH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0589	FRANK L LAVEASH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0590	EFFIE WAKEFIELD	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0591	CHARLES GRASSHOPPER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0592	TOMEY GRASSHOPPER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0593	EUGENE LAROCHE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0594	LINA LAROCHE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0595	JOSEPH LAROCHE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0596	GEORGE PEGUSE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0597	JOSEPH PEGUSE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0598	GEORGE WARREN PRICE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0599	JAMES MCCAIN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0600	KATE MCCAIN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0601	CHARLES ROUSSEAU	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0602	JOHN MISHLER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0603	JOHN MISHLER JR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0604	STELLA MISHLER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0605	GEORGE MISHLER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0606	IDA MISHLER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0607	JAMES MISHLER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0608	MARY MISHLER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0609	PETER ROUSSEAU	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0610	LOUIS MISHLER JR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0611	LOUIS MISHLER SR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0612	CHARLEY MISHLER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0613	HARRY MISHLER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0614	HARRISON MISHLER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0615	LOUIS MARTELL	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0616	LEON MARTELL	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0617	WILLIAM GREEN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0618	THOMAS GREEN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0619	JOHN DURANT	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0620	STEPHEN GREEN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0621	NANCY GREEN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0622	ELLEN FISH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0623	ROSIE BROWN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0624	ROBERT BROWN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FS7420	0625	STEPHEN BROWN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0626	WILLIAM BROWN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0627	DORA BROWN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0628	CORA CADOTTE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0629	IDA MCKANE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0630	FLORENCE MCKANE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0631	JAMES W MEAD	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0632	JAMES W MEAD	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0633	ANNIE MEAD	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0634	JAMES W MEAD	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0635	FRANCIS MEAD	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0636	MERRIL DANIELSON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0637	CHARLES W DANIELSON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0638	LILY DANIELSON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0639	CORA CADOTTE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0640	EVEALINE CASE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0641	THOMAS QUARDERER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0642	JOHN QUARDERER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0643	LAWRENCE QUARDERER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0644	SARAH QUARDERER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0645	JOHN N QUARDERER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0646	JOSEPH QUARDERER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0647	WILLIAM QUARDERER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0648	JACOB QUARDERER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0649	GEORGE QUARDERER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0650	JULIA SUTHERLAND	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0651	HOWARD SUTHERLAND	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0652	GRACE SUTHERLAND	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0653	ERNEST SUTHERLAND	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0654	EVA SUTHERLAND	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0655	JULIA SUTHERLAND	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0656	ALICE SUTHERLAND	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0657	WALTER RAMAR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0658	DORA RAMAR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0659	MARY RAMAR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0660	ALBERT RAMAR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0661	SUSIE RAMAR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0662	HELEN HOLIDAY	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0663	MARY SUTHERLAND	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0664	ADELIA HOLIDAY	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0665	HENRY RAMAR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0666	JOHN BEARGREASE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0667	NE WE TIDA	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0668	O SHE NA NE GISIG	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0669	GI BE TO AS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0670	MARGARETTE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0671	BI GI KIK	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0672	WO I OSH	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0673	LO SH ZAS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0674	BI JI KIK	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0675	NE NA TA WA INOO KWE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0676	WA BIS WA	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0677	O SWA NA	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0678	BI ZAIS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0679	A KI DIS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0680	WA BE GE GO WO	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0681	NE NA TIN	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0682	NE BA NI KWE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0683	O GOT GOSH	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0684	C SHA AS NO GO N GOH	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0685	IA- AIS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0686	MI SHA WOOT	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0687	MILLIKEN CONNIE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0688	WM CONNIE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0689	SARAH M CONNIE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0690	NELLIE H BE MARC	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0691	CHARLES BE MARC	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0692	DORA DE MARC	PD NA	QUESTIONABLE CANCELLATION OF PATENT

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53420	0693	EDNA DE MARS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0694	THERESA CONNOR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0695	FRANK CONNOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0696	HENRY S CONNOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0697	MOD OSH JOS	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0698	SON KI TA	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0699	JOHN METMETIASH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0700	KI BIT WAS GES HECY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0701	MED AW ASH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0702	OMAI AWI GA JIG	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0703	JOHN METMETIASH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0704	CHARLOTTE BOWRY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0705	PETER BOWRY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0706	THOMAS BOWRY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0707	EMMA MICHAND	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0708	ADELE MICHAND	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0709	MARY BOWRY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0710	DARIUS CONNOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0711	WILLIAM MORRIS	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0712	ROSE PORTER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0713	SCOTT PORTER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0714	SHARLOT PORTER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0715	ELIZY PORTER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0716	MARY JANE GUYETTE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0717	LOUISE GUYETTE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0718	JOSEPH GUYETTE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0719	GEORGIANNA GUYETTE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0720	JOSIE MULLIGAN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0721	CHARLES PORTER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0722	LOUIS GOUGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0723	JOHN FRAZIER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0724	PETER GOUGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0725	ANNIE FRAZIER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0726	ESTELLA ROBERTS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0727	JOSEPH ROBERTS	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0728	CHARLOTTE PORTER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0729	GRACE SUTHERLAND	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0730	JOSEPH GOUGE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0731	GEORGE GOUGE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0732	ADELE MORRISETTE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0733	MADELINE LAGREW	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0734	ELIZABETH GOUGE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0735	PETER GOUGE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0736	BASIL GOUGE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0737	ALEXANDER GOUGE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0738	JOSEPH FRAZIER	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0739	WILLIE ROUSSEAU	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0740	LILLIAN ROUSSEAU	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0741	MARGARET PRICE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0742	MARGARET LAMOTTE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0743	HATTIE LECLAIR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0744	ELMER LECLAIR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0745	EUGENE ROUSSEAU	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0746	ELVIRA LECLAIR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0747	ALBERT LECLAIR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0748	JOSEPH DE LAMOTTE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0749	MARY LECLAIR	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0750	EVA PETERSON	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0751	JOSEPH G LAMOTTE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0752	MARY JAMES	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0753	PETER ROUSSEAU	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0754	LOUIS A GOUGE	PD NA	QUESTIONABLE CANCELLATION OF PATENT
	0755	MAUD FERGUSON	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0756	RETTIE MAY FERGUSON	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0757	MARY FERGUSON	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0758	WILLIAM FERGUSON	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0759	JOSEPHINE ROBERT	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0760	CHARLES ROBERT	PD N/A	QUESTIONABLE CANCELLATION OF PATENT

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53420	0761	LOUIS ROBERT	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0762	MARY ROBERT	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0763	HENRY ROBERT	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0764	IRA MARTIN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0765	SOPHIA MARTIN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0766	EDWARD MARTIN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0767	WINFIELD MARTIN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0768	MABLE MARTIN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0769	MILO MARTIN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0770	MARGARET MARTIN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0771	PHENA MARTIN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0772	SUSIE MARTIN	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0773	OPITCHIUS	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0774	WAH BAH WAY AUSH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0775	PE MAY SU	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0776	SUSAN PORTER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0777	WILLIE ERMITINGER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0778	MARY ERMITINGER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0779	ANNIE JULIA ERMITINGER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0780	CHARLEY ERMITINGER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0781	JIMMIE ERMITINGER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0782	ISAAC ERMITINGER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0783	MAYSQUAH WE KE SHIG	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0784	ANGELINE SETTER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0785	JACOB SETTER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0786	MAMIE SETTER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0787	FRANK SETTER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0788	JULY VALEY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0789	LENA VALEY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0790	EDWARD VALEY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0791	JOHN VALEY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0792	OLIVE VALEY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0793	WILLIS VALEY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0794	ELIZABETH WHITE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0795	MARY M DREW	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0796	GEORGE G DREW	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0797	CHARLEY E DREW	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0798	FRANK DREW	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0799	JOSEPH DREW	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0800	MARTIN V DREW	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0801	OMAR OGOMAREEK	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0802	KA KA KEESE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0803	KA WEE KA KEESICK	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0804	WA MAY POCK	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0805	MARY HUNT	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0806	JOSEPHINE MCCOY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0807	GEORGE CADOTT	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0808	JOHN-GUS LAGREW	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0809	ADELINE LAGREW	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0810	JOSEPH & HENRY LAGREW	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0811	JAMES LAGREW	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0812	FRANCIS LAGREW	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0813	NI RA WE KWE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0814	NHER ZHI NA KWE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0815	MO KA MO KWE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0816	WILLIAM TAYLOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0817	OTIS TAYLOR JR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0818	MAYFIELD TAYLOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0819	CHARLES TAYLOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0820	GEORGE TAYLOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0821	WINFIELD TAYLOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0822	LEVINCE TAYLOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0823	LUCY TAYLOR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0824	LIZZIE METMEASH	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0825	ESTELLA GOUGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0826	JAMES GOUGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0827	EDWIN GOUGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0828	JAMES FRAZIER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F53420	0829	HENRY LAVIERGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0830	ANTOINE (B)PERRAND	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0831	MARY JULIA LAVIERGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0832	JOSEPH (B)PERRAND	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0833	IDA A BOURDON	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0834	JOHN GOUGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0835	JOSEPH GOUGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0836	FRANCIS A BOURDON	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0837	JOSEPH EUSTACE PETITTE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0838	DELINA GOUGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0839	NANCY GOUGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0840	DEMOISE GOUGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0841	ESTHER DUFAULD	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0842	MARGARET ELIZABETH BOURDON	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0843	PHILIP MCDONNELL	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0844	MAGGIE ALEXANDER	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0845	HENRY LAVIERGE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0846	JAMES HOULE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0847	CHARLES CADOTTE JR	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0848	BENJAMIN CADOTTE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0849	BASIL LORD	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0850	JOSEPH MARTINEAU	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0851	HELEN CADOTTE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0852	HAROLD BORUP	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0853	WARREN OR BORUP	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0854	ROSALIE BRUCE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0855	LOUIS MARN ROBERT	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0856	KI CHI IN MUNG	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0857	BA KI NAY BA MIG AKE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0858	HAROLD BORUP	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0859	MINEA WILSON	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0860	TEEN DUB E TUNG	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0861	KE CHE E QUAY	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0862	ME GEE SEE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0863	MA GEE SEE	PD N/A	QUESTIONABLE CANCELLATION OF PATENT
	0864	FRANCIS ROY	3	QUESTIONABLE CANCELLATION OF PATENT
	0865	MARIE A BOUDOIN	370	QUESTIONABLE CANCELLATION OF PATENT
F55430	0001	THOMAS BISON	602	TAX FORFEITURE
	0002	TOM CLOUD	13	TAX FORFEITURE
	0003	IDA DENNIS	152	TAX FORFEITURE
	0004	SAMUEL GREEN	13	TAX FORFEITURE
	0005	OGAB OE ZHIG O QUAY	27	TAX FORFEITURE
	0006	GEORGE RUFUS	146	TAX FORFEITURE
	0007	JOSEPHINE RAPIDEAU	46	TAX FORFEITURE
	0008	EDWARD WESLEY	66	TAX FORFEITURE
	0009	AGNES CHINGWAY	90	TAX FORFEITURE
	0010	MARY STODDARD	27	TAX FORFEITURE
	0011	BENARD C VANDERVENTER	188	TAX FORFEITURE
	0012	IRENE VANDERVENTER	191	TAX FORFEITURE
	0013	RENA WHITE	381	TAX FORFEITURE
	0014	GEORGE MORRISON	114	TAX FORFEITURE
	0015	MAGGIE MCGRINESS	194	TAX FORFEITURE
	0016	LIZZIE OBERN	12	TAX FORFEITURE
	0017	MARGARET OBERN	16	TAX FORFEITURE
	0018	O GA MA KWE SHA DA MA	52	TAX FORFEITURE
	0019	ALEX L OSIOS	447	TAX FORFEITURE
	0020	CARRIE COUTURE	419	TAX FORFEITURE
	0021	JEROME ARBUCKLE	96	TAX FORFEITURE
	0022	HENRY W DENOMIE	439	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0023	FRANCIES MORRISON	288	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0024	WILLIAM KNIGHT	435	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0025	CHARLOTTE VANDERVENTER LEMIEUX	182	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0026	GA GWA JI SO HORGA GWA JI SAH	10	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0027	HORACE GREELEY	20	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0028	CAROLINE CONDECON HALL	124	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0029	MARY TWO BIRDS	30	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0030	GEORGE HUGHS	98	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0031	THERESA DECOTEAU JOHNSON	41	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F55430	0032	JOSEPH KNIGHT	315	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0033	AUGUSTA MARIE CHINGWAY	19	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0034	ANNA V DENOMIE	124	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0035	JULIA M DONOMIE	441	TAX FORFEITURE
	0036	MAGGIE J. DENOMIE	217	TAX FORFEITURE
	0037	ROSE DUFAULT	170	TAX FORFEITURE
	0038	CECILIA BELONGER BERGEN	518	TAX FORFEITURE
	0039	FRANK BLATCHFORD	21	TAX FORFEITURE
	0040	WA MIT TI GO SHI FRANK SCOTT	213	TAX FORFEITURE
	0041	LAWRENCE AUGE PARKER	764	TAX FORFEITURE
	0042	MADELINE BONGO CAMPBELL	226	TAX FORFEITURE
	0043	GEORGE H BEAUREGARD	80	TAX FORFEITURE
	0044	MERLE C SEVALLER	492	TAX FORFEITURE
	0045	MARY MAYOTTE	12	TAX FORFEITURE
	0046	FRED NEY	71	TAX FORFEITURE
	0047	JOSEPH LAMOREAUX	407	TAX FORFEITURE
	0048	SOPHIA MAUGE	206	TAX FORFEITURE
	0049	JOHN DAVIDSON	36	TAX FORFEITURE
	0050	O GA BE A DO KNE MARY COURTNAY	1	TAX FORFEITURE
	0051	HENRY O DENOMIE	87	TAX FORFEITURE
	0052	BLANCHE SERO GAULT	64	TAX FORFEITURE
	0053	ALICE DENOMIE	45	TAX FORFEITURE
	0054	MARY DECOTEAU	6	TAX FORFEITURE
	0055	MIKE DEVEAUX	360	TAX FORFEITURE
	0056	JACK MARTIN	14	TAX FORFEITURE
	0057	ROBERT CHARETTE	39	TAX FORFEITURE
	0058	JOHN RUFUS	116	TAX FORFEITURE
	0059	MADELINE DOOLITTLE	34	TAX FORFEITURE
	0060	ELIZABETH J DENOMIE	55	TAX FORFEITURE
	0061	ELIZABETH ROSE JENKINS HOLIDAY	79	TIMBER REMOVED WRONGFULLY
	0062	GEORGE A HOULE	4	TAX FORFEITURE
	0063	CATHERINE SEVALTER BOURASSA	493	TAX FORFEITURE
	0064	JULIA C GORDON	74	TAX FORFEITURE
	0065	MA KA LE NI KONATE	16	TAX FORFEITURE
	0066	JULIA HASKINS	134	TAX FORFEITURE
	0067	GEORGE M GORDON	180	TAX FORFEITURE
	0068	JOSEPH O STARR	128	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0069	PETER GORDON NE JO RE NESS	103	TAX FORFEITURE
	0070	CHARLOTTE CLAUD	26	TAX FORFEITURE
	0071	JULIA HASKINS (A)	134	TAX FORFEITURE
	0072	GEORGE M GORDON (A)	180	TAX FORFEITURE
	0073	LIZZIE STODDARD	18	TAX FORFEITURE
	0074	ALBERT G MOORE	53	TAX FORFEITURE
	0075	CLARA M MORRISON	149	TAX FORFEITURE
	0076	GEORGE BLAKER BA MAA MEE YUSH	29	TAX FORFEITURE
	0077	FRANK J LAPOINTE	195	TAX FORFEITURE
	0078	MAGGIE SMART	457	TAX FORFEITURE
	0079	LOUIS REIL	344	TAX FORFEITURE
	0080	CLARA PERO HILL	235	FORCED FEE PATENTS
	0081	OLIVE I OSIOS	446	TAX FORFEITURE
	0082	PAULINA P HOULE	225	TAX FORFEITURE
	0083	MARY GORDON	50	TAX FORFEITURE
	0084	HENRY MANYPENNY JR	61	TAX FORFEITURE
	0085	DELIA C BENESAY BUTLER	139	TAX FORFEITURE
	0086	ANTOINE PERO	6	TAX FORFEITURE
	0087	MARGARET GREELEY	137	TAX FORFEITURE
	0088	MARY S GREEN BRESETTE	132	OLD AGE ASSISTANCE CLAIM
	0089	DAVID MAWSMAN	4	OLD AGE ASSISTANCE CLAIM
	0090	CHARLOTTE MESSENGER	38	OLD AGE ASSISTANCE CLAIM
F55431	0001	JULIA CORRINE	111	ROAD OR HIGHWAY IN TRESPASS
	0002	PETER CROW BANTION	4	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0003	CATHERINE BOSTON	13	TAX FORFEITURE
	0004	WILLIAM CARFFELT	42	TAX FORFEITURE
	0005	MAGGIE ROMAINE OF RE OSE AYE	18	TAX FORFEITURE
	0006	LOUIS MARTIN	54	TAX FORFEITURE
	0007	GA GO TA A KWE JOSEPH CROOKADUCK	373	TAX FORFEITURE
	0008	JOHN LAFAVER	534	TAX FORFEITURE
	0010	GWI WIS GA JIOS	436	UTILITYLINE/PIPELINE TRESPASS

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F55431	0011	ELLA WOODING KING	40	TAX FORFEITURE
	0012	KWE SENS GAUTHIER	386	TAX FORFEITURE
	0013	KI MO SE KWE MARY GOKEY	73	TAX FORFEITURE
	0014	FRANK O SETTER	27	TAX FORFEITURE
	0015	JOHN WHITEFEATHER	47	TAX FORFEITURE
	0016	TOM GUARDERS	81	TAX FORFEITURE
	0017	GERTRUDE PATRICK	98	TAX FORFEITURE
	0018	WILLIAM O SHA GE	67	TAX FORFEITURE
	0019	MEDWE O SHI KWE	31	TAX FORFEITURE
	0020	JOE GORDON	8	TAX FORFEITURE
	0021	NELLIE FARR	54	TAX FORFEITURE
	0022	MARTIN FARR	40	TAX FORFEITURE
	0023	JOHN KWE WE SENS	57	TAX FORFEITURE
	0024	LOUISA BEAUREGARD	66	TAX FORFEITURE
	0025	A LA GE KWE SARAH GORDON	335	TAX FORFEITURE
	0026	HATTIE JOHNSON	10	TAX FORFEITURE
	0027	ANNA SMITH GUIBORD	22	TAX FORFEITURE
	0028	BAZIL CORBINE	40	TAX FORFEITURE
	0029	MAGGIE LARONGER BERGEN	19	TAX FORFEITURE
	0030	SHI MA GA WISH	52	TAX FORFEITURE
	0031	BAZIL DAVIS	191	TAX FORFEITURE
	0032	LAURA ISHAM WHITE	56	TAX FORFEITURE
	0033	BOSH KING	160	TAX FORFEITURE
	0034	ALICE BELL	34	TAX FORFEITURE
	0035	IRA O ISHAM GUI-WI SENS GA NA MANJ	38	TAX FORFEITURE
	0036	THOMAS BATTICE	25	TAX FORFEITURE
	0037	MARY COOK STEWART	49	TAX FORFEITURE
	0038	BE MO SI GI TIK	131	TAX FORFEITURE
	0039	GERTUDE LA RONGE	29	TAX FORFEITURE
	0040	BISONI GA BON I KEW BOKAWAY	20	TAX FORFEITURE
	0041	PI MO SE GI JIG	69	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0042	GWI AKWA SAKTWENG	10	TAX FORFEITURE
	0043	AIN JI GA BOW JOHN FRIDAY	25	TAX FORFEITURE
	0044	CHARLES SMITH	101	TAX FORFEITURE
	0045	JOHN ALLEN	8	TAX FORFEITURE
	0046	BAPTISTE SHEFF	5	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0047	THERESA OBELILLA	10	RELINQUISHED OR ABANDONMENT/REVERTER
	0048	LOUIS MARTELL	23	TAX FORFEITURE
	0049	LEON MARTELL	24	TAX FORFEITURE
	0050	BI JI KIN	239	ROAD OR HIGHWAY IN TRESPASS
	0052	MO DIN I BO MENS	175	ROAD OR HIGHWAY IN TRESPASS
	0053	PAUSH KWET DIA MO	1	ROAD OR HIGHWAY IN TRESPASS
	0054	WA SHAS QUET	281	ROAD OR HIGHWAY IN TRESPASS
	0055	BA QUID JI NI NI	176	ROAD OR HIGHWAY IN TRESPASS
	0056	CHING WE WE	20	ROAD OR HIGHWAY IN TRESPASS
	0057	CHARLES SHOGAV 2	112	ROAD OR HIGHWAY IN TRESPASS
	0058	MA MA AN GO BE EN	227	ROAD OR HIGHWAY IN TRESPASS
	0059	WE ZE GAW	144	ROAD OR HIGHWAY IN TRESPASS
	0060	MA KINS	136	ROAD OR HIGHWAY IN TRESPASS
	0061	BILLY BOY DAGIOSE	104	ROAD OR HIGHWAY IN TRESPASS
	0062	GA GA JI GWAN O	103	ROAD OR HIGHWAY IN TRESPASS
	0063	WE ZON	101	ROAD OR HIGHWAY IN TRESPASS
	0064	JOHN NUNGO WENSIE	539	ROAD OR HIGHWAY IN TRESPASS
	0065	MIS KWA DIS SHA BO GE JIG	59	ROAD OR HIGHWAY IN TRESPASS
	0066	SHAW BO GE ZHIG	40	ROAD OR HIGHWAY IN TRESPASS
	0067	KOW JI GI CHI GO KWE	48	ROAD OR HIGHWAY IN TRESPASS
	0068	DA JI GUN	50	ROAD OR HIGHWAY IN TRESPASS
	0069	MIS KO KWI WI SINS GE WEY	15	ROAD OR HIGHWAY IN TRESPASS
	0070	NAW WA KWA GAW BOW	43	ROAD OR HIGHWAY IN TRESPASS
	0071	GE WA IAN SHE KWAY	44	ROAD OR HIGHWAY IN TRESPASS
	0072	FRANK DEMARAH	1	ROAD OR HIGHWAY IN TRESPASS
	0073	MIS KA A GI JIG	51	ROAD OR HIGHWAY IN TRESPASS
	0074	O MA MA MEG SAM CARROLL	33	ROAD OR HIGHWAY IN TRESPASS
	0075	FLORENCE LARONGE	95	ROAD OR HIGHWAY IN TRESPASS
	0085	W H L B SAWYER CO WELF	N/A	OLD AGE ASSISTANCE CLAIM
	0086	WLM BILLY BOY SAWYER CO WELF	N/A	OLD AGE ASSISTANCE CLAIM
	0087	E.J.AM SAWYER CO WELFARE	N/A	OLD AGE ASSISTANCE CLAIM
	0088	CHIPPEWA FLOWAGE RICE	N/A	DAMAGE TO WILD RICE & OTHER HARVESTABLE GROWTH

MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F55431	0089	NELLIE FORD	82	ROAD OR HIGHWAY IN TRESPASS
	0090	JOSEPH D GURNOE	13	ROAD OR HIGHWAY IN TRESPASS
	0091	OM LA WE GI JIG	91	ROAD OR HIGHWAY IN TRESPASS
	0092	POWER SITE RESERVE	N/A	ROAD OR HIGHWAY IN TRESPASS
	0093	BE NA SHA	5	ROAD OR HIGHWAY IN TRESPASS
	0094	NA MENSE	163	ROAD OR HIGHWAY IN TRESPASS
	0095	MAW NA MEG	162	ROAD OR HIGHWAY IN TRESPASS
	0096	BO QUA MESS	30	ROAD OR HIGHWAY IN TRESPASS
	0097	PETER WOLF MA IN GAN	20	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0098	LAC COURTE ORIELLES TRIBE	N/A	INUNDATION/FLOODING IN TRESPASS
	0099	MAGGIE ROMAINE GE BE USE KWE	18	TIMBER REMOVED WRONGFULLY RE 0005
	0100	JOHN LAFAVOR	534	TIMBER REMOVED WRONGFULLY RE 0008
F55432	0001	PIN WEWE OS NO KWE MARYROY	120	TAX FORFEITURE
	0002	NELLIE FELLOWS	5	TAX FORFEITURE
	0003	JAMES DEVINE	80	TAX FORFEITURE
	0004	BI DA NA KWA DO KWE	22	TAX FORFEITURE
	0005	AH KI WIN SI FRED LA CASS	55	TAX FORFEITURE
	0006	JOHN ATCHINSON/JOE ARTHICHO	59	TAX FORFEITURE
	0007	JOHN DEVINE	71	TAX FORFEITURE
	0008	CHARLOTTE CATFISH VETTERNECK	28	TAX FORFEITURE
	0009	OM NA GOMS ED POUPART	107	TAX FORFEITURE
	0010	HAZEL GUATHIER	191	TAX FORFEITURE
	0011	MARY DEVINE	3	TAX FORFEITURE
	0012	GEORGE VEDERNECK	37	TAX FORFEITURE
	0013	RAMONA ST JERMAINE	93	TAX FORFEITURE
	0014	PI NI SI KWE MARY CARLE	47	TAX FORFEITURE
	0015	AI IAN JI GO KWE MARY POUPART	121	TAX FORFEITURE
	0016	A AI KWE	78	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0017	LAC DU FLAMBEAU TRIBE	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0018	JO WILDCAT	28	ROAD OR HIGHWAY IN TRESPASS
	0019	MA JI AN O KWED JOHN THOMPSON	94	TAX FORFEITURE
	0020	LAC DU FLAMBEAU TRIBE	N/A	CLAIM FOR UNPAID LEASE RENTALS
	0021	LAC DU FLAMBEAU TRIBE	N/A	WRONGFUL TAXATION OF LAND
	0022	HENRY LYNCH	85	TAX FORFEITURE
	0023	SHI BI A BI GO KWE	79	TAX FORFEITURE
	0024	NI GA NI GA BO E KWE	13	TAX FORFEITURE
	0025	ME WASH I KWE	50	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0026	ME GAN I BI MES	67	ROAD OR HIGHWAY IN TRESPASS
	0027	SHI BI AS I NO KWE	18	ROAD OR HIGHWAY IN TRESPASS
	0028	WA GA GI WASH	92	ROAD OR HIGHWAY IN TRESPASS
	0029	TEA BISH KO GI JIG	359	ROAD OR HIGHWAY IN TRESPASS
	0030	AKI WEN SIE	117	ROAD OR HIGHWAY IN TRESPASS
	0031	SHO MIN TO TO	373	ROAD OR HIGHWAY IN TRESPASS
	0032	JOSEPH DOUD	50	ROAD OR HIGHWAY IN TRESPASS
	0033	TRIBAL LAND 28-40-5	N/A	ROAD OR HIGHWAY IN TRESPASS
	0034	WA SHINS	372	ROAD OR HIGHWAY IN TRESPASS
	0035	JOHN DOUD JR	49	ROAD OR HIGHWAY IN TRESPASS
	0036	CHING WA SI NO KWE	42	ROAD OR HIGHWAY IN TRESPASS
	0037	WA GA GI WASH	92	ROAD OR HIGHWAY IN TRESPASS
	0038	SHIN GWAK	163	ROAD OR HIGHWAY IN TRESPASS
	0039	ME DWE GWA NI AUSH	377	ROAD OR HIGHWAY IN TRESPASS
	0040	PINESIWIGIJIG	106	ROAD OR HIGHWAY IN TRESPASS
	0041	GIGIG	103	ROAD OR HIGHWAY IN TRESPASS
	0042	WA CUT E QWEN BI	104	ROAD OR HIGHWAY IN TRESPASS
	0043	TRIBAL LAND 1-40-5 7-40-6	N/A	ROAD OR HIGHWAY IN TRESPASS
	0044	TA KA MI GI JI GO KEW	327	ROAD OR HIGHWAY IN TRESPASS
	0045	ANGELINE ATCHISON	94	ROAD OR HIGHWAY IN TRESPASS
	0046	CHIEF IN I GWEN	99	ROAD OR HIGHWAY IN TRESPASS
	0047	PI TA BA NO KWE	44	ROAD OR HIGHWAY IN TRESPASS
	0048	TRIBAL LAND 18-40-6	N/A	ROAD OR HIGHWAY IN TRESPASS
	0049	SHAWANO CITY HEALTH DEPT	N/A	OLD AGE ASSISTANCE CLAIM
	0050	LINCOLN CITY WELFARE DEPT	N/A	OLD AGE ASSISTANCE CLAIM
	0051	ONEIDA CITY WELF DEPT	N/A	OLD AGE ASSISTANCE CLAIM
	0052	VILAS CITY WELFARE DEPT	N/A	OLD AGE ASSISTANCE CLAIM
	0053	SHIS KWET E DWE	130	SECRETARIAL TRANSFERS
	0054	MAU TWA JI NO KWE	7	FORCED FEE PATENTS
	0055	MARS POINT ROAD	N/A	ROAD OR HIGHWAY IN TRESPASS
	0056	LOUISE ROY CLOUD-VILAS CO	N/A	OLD AGE ASSISTANCE CLAIM

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F55432	0057	JAMES GRAY SR-VILAS CO	N/A	OLD AGE ASSISTANCE CLAIM
	0058	A W A PINE-VILAS CO	N/A	OLD AGE ASSISTANCE CLAIM
	0059	JOHN WHITE FISH	74	OLD AGE ASSISTANCE CLAIM
	0060	MAJI OS I NO KWE	49	UTILITY LINE/PIPELINE TRESPASS
	0061	JO WILDCAT	28	UTILITY LINE/PIPELINE TRESPASS RE 0018
	0062	SHOS KWET E DWE	N/A	TIMBER REMOVED WRONGFULLY RE 0053
	0063	CHARLES MESHO	14	UTILITY LINE/PIPELINE TRESPASS
	0064	CHIN GWA SI NO KWE	147	UTILITY LINE/PIPELINE TRESPASS
F55433	0001	MARGARET FURN	512	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0002	GREEN BAY & WESTERN RAILROAD	N/A	RAILROAD IN TRESPASS
	0003	AARON HILL	215	TAX FORFEITURE
	0004	LAWRENCE E PETERS	597	PROBATED BY COURT WITHOUT JURISDICTION
	0005	JOHN HOUSE	190	FORCED FEE PATENTS
	0006	LIZZIE CORNELIUS	1023	FORCED FEE PATENTS
	0007	LEONARD SMITH	733	TAX FORFEITURE
	0008	SHILSTAD SACRED HEART SEMINARY	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0009	IRENE ARCHIQUETTE	9	FORCED FEE PATENTS
	0010	ULYSSES WEBSTER	1012	FORCED FEE PATENTS
	0011	EDWARD WILLIAMS	355	FORCED FEE PATENTS
	0012	WILLIAM CORNELIOUS	727	ROAD OR HIGHWAY IN TRESPASS
	0013	JEWAIT DOYTATOR	1378	FORCED FEE PATENTS
	0014	THOMAS METOXEN	560	FORCED FEE PATENTS
	0015	SERENA SUMMERS SCHNYLER	1284	SECRETARIAL TRANSFERS
	0016	NORA ADAMS DENNY	1284	SECRETARIAL TRANSFERS
F55434	0001	TRIBAL	82112	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0002	JOHN THUNDER	4058	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0003	JAMES ASHLEY	N/A	OLD AGE ASSISTANCE CLAIM
	0004	WM BILLY KENNICK	N/A	OLD AGE ASSISTANCE CLAIM
	0005	CHARLES TECUMSEH	N/A	OLD AGE ASSISTANCE CLAIM
	0006	WAUBONKIM ANDERSON	N/A	WRONGFUL TAXATION OF LAND
F55435	0001	JOHN R GAUDIN	9	TAX FORFEITURE
	0002	SUSAN RAVER	7	TAX FORFEITURE
	0003	JOE BOSTO BUFFALO	2	TAX FORFEITURE
	0004	SUSAN BUFFALO	25	TAX FORFEITURE
	0005	WILLIAM DEPERRY	164	TAX FORFEITURE
	0006	MARY ROY	58	TAX FORFEITURE
	0007	JAMES MORRIN	N/A	TAX FORFEITURE
	0008	DELIA LEMIEUX	133	TAX FORFEITURE
	0009	THERESA S BASINA & FRANK BASINA	N/A	TAX FORFEITURE
	0010	JOSEPH BAKER	144	TAX FORFEITURE
	0011	CHARLOTTE BAKER	85	TAX FORFEITURE
	0012	ELIZABETH GORDON	103	TAX FORFEITURE
	0013	SUSAN SOULIER	125	TAX FORFEITURE
	0014	GERTIE DENOMIE VANDERVENTER	N/A	TAX FORFEITURE
	0015	ANTOINE BUFFALO	30	TAX FORFEITURE
	0016	JOSEPHINE CADOTTE MC ELROY	32	TAX FORFEITURE
	0017	JOSEPH ARTICHOKE DJORDAN	N/A	TAX FORFEITURE
	0018	MARY BONGO	50	TAX FORFEITURE
	0019	JOHN BUFFALO SR	6	TAX FORFEITURE
	0020	ERNEST PADUETTE	38	TAX FORFEITURE
	0021	LIZETTE ARTIOSH	82	TAX FORFEITURE
	0022	JOHN BUFFALO SR KITONS	6	RELINQUISHED ON ABANDONMENT/REVERTER
	0023	MADELINE ISLAND FISHING GROUNDS	N/A	DAMAGE TO FISHERY RESOURCES
	0024	SUSAN PRESSETTE	49	TAX FORFEITURE
	0025	WI STATE HWY 13 BUFFALO SUBD	N/A	ROAD OR HIGHWAY IN TRESPASS
	0026	BAPTISTE ARTICHOKE	42	TAX FORFEITURE
	0027	FRANK BEAR	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0028	SOPHIE O JIBWAY	158	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0029	JOHN L BUFFALO	157	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0030	MAGGIE WILLIAMS	N/A	TAX FORFEITURE
	0031	MICHAEL A BUFFALO	28	FORCED FEE PATENTS
	0032	ANTOINE RAY OZ HO GAY	17	FORCED FEE PATENTS
	0033	MARY BUFFALO MINT	18	TAX FORFEITURE
	0034	MICHAEL A BUFFALO	28	TIMBER REMOVED WRONGFULLY RE 0031
F55434	0001	JOHN A LAGREW	N/A	OLD AGE ASSISTANCE CLAIM
F55439	0001	TRIBAL	N/A	UTILITY LINE/PIPELINE TRESPASS
F55439	0001	FRANK CLIMER	N/A	OLD AGE ASSISTANCE CLAIM
	0002	SUSAN WHITE EAGLE	N/A	TAX FORFEITURE

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F55439	0003	FRANK DECORAH	293	TAX FORFEITURE
	0004	WILLIAM A DECORAH	276	TAX FORFEITURE
	0005	MALINDA RUTH WALKER	N/A	TAX FORFEITURE
	0006	ROBERTA TROUT & MRS LIOLA OX	N/A	TAX FORFEITURE
	0007	CUDIE A DECORAH & OLINA DECORAH	N/A	TAX FORFEITURE
	0008	SAM THUNDERCLOUD R-N-A LITTLEJOHN	N/A	TAX FORFEITURE
	0009	EDWARD - BERNICE CLOUD	N/A	TAX FORFEITURE
	0010	ELLEN WHITE DOG	N/A	TAX FORFEITURE
	0011	ANNIE & RUTH WARBON	N/A	TAX FORFEITURE
	0012	EMMA BROWN	N/A	TAX FORFEITURE
	0013	RIO & THEODORE DECORAH	N/A	TAX FORFEITURE
	0014	LILLIE & MATTIE DECORAH	N/A	TAX FORFEITURE
	0015	GEO CANDE & MINNIE GILBERT	N/A	TAX FORFEITURE
	0016	AGNES MIKE	N/A	TAX FORFEITURE
	0017	WILLIAM HOPKINAH	N/A	TAX FORFEITURE
	0018	HUBERS-WHITE EAGLES-B ACKHAWK	N/A	TAX FORFEITURE
	0019	T LITTLEBIRD-G MINER-F GOODBEAR	N/A	TAX FORFEITURE
	0020	ARTHUR & MICHAEL DECORAH	N/A	TAX FORFEITURE
	0021	JOHN LITTLEJOHN	N/A	TAX FORFEITURE
	0022	OTTO STAND STRAIGHT	N/A	TAX FORFEITURE
	0023	HARRY THOMPSON	N/A	TAX FORFEITURE
	0024	LUTE & MARY WHITERABBIT	N/A	TAX FORFEITURE
	0025	GEORGE BEAR	N/A	TAX FORFEITURE
	0026	GEORGE R BLACKDEER	N/A	TAX FORFEITURE
	0027	MRS JOSEPH WHITE	N/A	TAX FORFEITURE
	0028	EDITH & MRS JOSEPH WHITE	N/A	TAX FORFEITURE
	0029	ALICE & MINNIE DECORAH	N/A	TAX FORFEITURE
	0030	ANNIE WINDRIDW	N/A	TAX FORFEITURE
	0031	JAMES & DAVID & STELLA SMOKE	N/A	TAX FORFEITURE
	0032	WILLIAM & HOWARD & MARY DECORAH	N/A	TAX FORFEITURE
	0033	TOM R THUNDER	N/A	TAX FORFEITURE
	0034	ALICE BEAR	N/A	TAX FORFEITURE
	0035	WILLIAM DAVIS	N/A	TAX FORFEITURE
	0036	D BLOWSNAKE+M-A DAVIS	N/A	TAX FORFEITURE
	0037	MINNIE-FRANK-GINA MARTHA CLOUD	N/A	TAX FORFEITURE
	0038	C BLACKDEER G-D BLACKDEER	N/A	TAX FORFEITURE
	0039	DOT+VERNA DEER	N/A	TAX FORFEITURE
	0040	RALPH MANN	N/A	TAX FORFEITURE
	0041	FRANK-NINA-HENRY THUNDER	N/A	TAX FORFEITURE
	0042	GEORGE-HESTER-ARTHUR JOHNSON	N/A	TAX FORFEITURE
	0043	H-A-R-S JOHNSON	N/A	TAX FORFEITURE
	0044	H-E-A DECORAH	N/A	TAX FORFEITURE
	0045	P SPEAR-SMITH+J-L-S BROWN	N/A	TAX FORFEITURE
	0046	HENRY+DOLLY SMITH	N/A	TAX FORFEITURE
	0047	GEORGE JOHNSON	N/A	TAX FORFEITURE
	0048	W BLACKDEER+W EDWARDS	N/A	TAX FORFEITURE
	0049	GEO-MELVIN-WM MINER	N/A	TAX FORFEITURE
	0050	EDWARD GOODBEAR	N/A	TAX FORFEITURE
	0051	LESLIE-ART-MATTIE DECORAH	N/A	TAX FORFEITURE
	0052	LUCY BROWN	N/A	TAX FORFEITURE
	0053	FRANK+STELLA JOHNSON	N/A	TAX FORFEITURE
	0054	BENARD+DORA LITTLEGEORGE	N/A	TAX FORFEITURE
	0055	RAY WHITE	N/A	TAX FORFEITURE
	0056	FRANK WHITE	N/A	TAX FORFEITURE
	0057	JAMES WHITE	N/A	TAX FORFEITURE
	0058	DORA-MINNIE-THEO LOWE	N/A	TAX FORFEITURE
	0059	CHESTER+RUTH MANY	N/A	TAX FORFEITURE
	0060	MRS DECORAH	292	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0061	ELO-MARY-LAWRENCE LITTLEJOHN	N/A	TAX FORFEITURE
	0062	REBECCA WILSON-J GREENGRASS	N/A	TAX FORFEITURE
	0063	JOHN&VICTOR MINER	N/A	TAX FORFEITURE
	0064	CHARLEY DECORA	193	UTILITY LINE/PIPELINE TRESPASS
	0065	MIKE STANDING WATER	N/A	TAX FORFEITURE
	0067	PAUL RAMNIE&FANNIE GREENGRASS	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0068	JOHN WHITE BOY	N/A	TAX FORFEITURE
	0069	JOHN MOONEY	371	ROAD OR HIGHWAY IN TRESPASS
	0070	MARK WYMIE	210	ROAD OR HIGHWAY IN TRESPASS
	0071	E NO NE KAY GOODVILLAGE	200	ROAD OR HIGHWAY IN TRESPASS

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F55439	0072	JOSEPH WHITE EAGLE	N/A	TAX FORFEITURE
	0073	JOSEPH WHITE EAGLE	N/A	TAX FORFEITURE
	0074	JOSEPH WHITE EAGLE	N/A	TAX FORFEITURE

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F55439	0072	JACK PRETTYMAN	311	ROAD OR HIGHWAY IN TRESPASS
	0073	JOHN MAN	24R	ROAD OR HIGHWAY IN TRESPASS
	0074	LILY GREENGRASS PETITIONE	190	ROAD OR HIGHWAY IN TRESPASS
	0075	AMONA CLOUD	N/A	TAX FORFEITURE
	0076	GEO-ED-MINNIE-MAUD- JENNIE REDEAGLE	N/A	TAX FORFEITURE
	0077	TAMARACK GOODBEAR	N/A	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0078	ANDREW DECORA	N/A	ROAD OR HIGHWAY IN TRESPASS
	0079	ROSS THUNDER	278	ROAD OR HIGHWAY IN TRESPASS
	0080	JACK MOONEY	N/A	ROAD OR HIGHWAY IN TRESPASS
	0081	WILL DECORA	276	ROAD OR HIGHWAY IN TRESPASS
	0082	CHARLEY SMOKE	247	ROAD OR HIGHWAY IN TRESPASS
	0083	JENNIE-JANE REDEAGLE	239	ROAD OR HIGHWAY IN TRESPASS
	0084	PAUL SPEAR SMITH	246	ROAD OR HIGHWAY IN TRESPASS
	0085	FRANK BROWN EAGLE	N/A	ROAD OR HIGHWAY IN TRESPASS
	0086	LITTLE WINNO SHIEK	140	ROAD OR HIGHWAY IN TRESPASS
	0087	RACHEL FLYMOKER	140	ROAD OR HIGHWAY IN TRESPASS
	0088	JOHN WINNESHIEK	142	ROAD OR HIGHWAY IN TRESPASS
	0089	TRIBAL LAND 28-22-3	N/A	ROAD OR HIGHWAY IN TRESPASS
	0090	JAMES WILSON	200	ROAD OR HIGHWAY IN TRESPASS
	0091	WHITE BREAST	202	ROAD OR HIGHWAY IN TRESPASS
	0092	MEAS TOMETA ME KAH	207	ROAD OR HIGHWAY IN TRESPASS
	0093	TALL DECORA	199	ROAD OR HIGHWAY IN TRESPASS
	0094	TRIBAL LAND 28-22-3(2)	156	ROAD OR HIGHWAY IN TRESPASS
	0095	NAH HER ZEE ME KAH	430	UTILITY LINE/PIPELINE TRESPASS
	0097	JACKSON CITY WELFARE DEPT	N/A	OLD AGE ASSISTANCE CLAIM
	0098	CLARK CITY WELFARE DEPT	N/A	OLD AGE ASSISTANCE CLAIM
	0099	MONROE CITY WELFARE DEPT	N/A	OLD AGE ASSISTANCE CLAIM
	0100	LACROSS CITY WELFARE DEPT	N/A	OLD AGE ASSISTANCE CLAIM
	0101	DAVID DECORA	14	RAILROAD IN TRESPASS
	0102	STATE DEPT OF PUB WELFARE	N/A	OLD AGE ASSISTANCE CLAIM
	0103	MOO KOO KE WINKH KAW	181	FORCED FEE PATENTS
	0104	STAND STRAIGHT	84	FORCED FEE PATENTS
	0105	BILL DAVIS	249	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0106	JAMES S BROWN	N/A	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0107	DAN BEARHEART/FRANK RIGHTMEIR	N/A	OLD AGE ASSISTANCE CLAIM
	0108	EMMA BLOWSNAKE GOODBEAR MIKE	N/A	OLD AGE ASSISTANCE CLAIM
	0109	HENRY THUNDER	N/A	OLD AGE ASSISTANCE CLAIM
	0110	JOHN MOONEY	271	UTILITY LINE/PIPELINE TRESPASS RE 0065
	0111	TAMARACK GOODBEAR	N/A	FENCE OR OTHER BOUNDARY ENCROACHMENT RE 0077
	0112	NAH HER ZEE ME KAH	430	ROAD IN TRESPASS RE 0095
	0113	DAVID DECORA	14	ROAD TRESPASS 18-20-7W
	0114	DAVID DECORA	14	RAILROAD TRESPASS
	0115	DAVID DECORA	14	ROAD TRESPASS HWY 12
	0116	JAMES S BROWN	N/A	AGRICULTURAL TRESPASS
	0117	MOSES DECORAH	282	UNAUTHORIZED USE OF LAND
F55441	0001	FRANK YOUNG	N/A	TAX FORFEITURE
	0002	M DAW CHE	N/A	TAX FORFEITURE
	0003	WAY HE YAH KESH KATE	N/A	TAX FORFEITURE
	0004	SHE KANE NEE	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0005	JOHN ANWASH MEKO-MEESE	N/A	TAX FORFEITURE
	0006	JOHN CHARLES BAKER	104	FENCE OR OTHER BOUNDARY ENCROACHMENT
	0007	CARRI ANNISTA LARD	148	TAX FORFEITURE
	0008	FRANK SKYE	137	ROAD OR HIGHWAY IN TRESPASS
	0009	FRANK SKYE	137	TAX FORFEITURE RE 0008
F57401	0001	JOE IRONHEART	N/A	TAX FORFEITURE
	0002	WESLEY BLUE	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0003	YELLOW MEDICINE CTY WELFARE BD	N/A	OLD AGE ASSISTANCE CLAIM
F57402	0001	COUNTY ROADS 2 12 14	N/A	ROAD OR HIGHWAY IN TRESPASS
	0002	NORTHERN STATES POWER CO	N/A	UTILITY LINE/PIPELINE TRESPASS
	0003	NORTHWESTERN BELL TELEPHONE CO	N/A	UTILITY LINE/PIPELINE TRESPASS
F57403	0001	NORTHERN STATE POWER CO	N/A	UTILITY LINE/PIPELINE TRESPASS
F57404	0001	NORTHERN STATE POWER CO	N/A	ROAD OR HIGHWAY IN TRESPASS
	0002	COUNTY ROAD TRESPASS	N/A	ROAD OR HIGHWAY IN TRESPASS
F57842	0001	JOHN T STILLMAKER ESTATE	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0002	HENRY DECORAH	N/A	FORCED FEE PATENTS
	0003	KESHENA ANDREW	N/A	FORCED FEE PATENTS
	0004	HENRY WAY SAW WAY MAKE	N/A	FORCED FEE PATENTS
	0005	ANGELINE PERSON	N/A	FORCED FEE PATENTS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F60469	0006	DAVID MENDOSHKONG	N/A	TAX FORFEITURE
	0007	GEORGE A ANTHONY	N/A	TAX FORFEITURE
	0008	VIOLET A ROBINSON	N/A	TAX FORFEITURE
	0009	GLENN RYAN	N/A	TAX FORFEITURE
	0010	O SHAW WAW NOS	N/A	TAX FORFEITURE
	0011	JOHN VINCENT	N/A	TAX FORFEITURE
	0012	WILLIAM NAW O QUAW UNE	N/A	TAX FORFEITURE
	0013	LOUIS MAY NE GWANCE	N/A	TAX FORFEITURE
	0014	JANE SHAW WAN NO	N/A	TAX FORFEITURE
	0015	JOHN B GON NE GE ZHIC	N/A	TAX FORFEITURE
	0016	BASIL BLACKBIRD	N/A	TAX FORFEITURE
	0017	JOHN PAUL	N/A	TAX FORFEITURE
	0018	MOSES PA ME SAW	N/A	TAX FORFEITURE
	0019	WILLIAM MICK SAW BAY	N/A	TAX FORFEITURE
	0020	JOHN PA SHE GE ZHIC	N/A	TAX FORFEITURE
	0021	PAUL KAY NAW BE KISSE	N/A	TAX FORFEITURE
	0022	WILLIAM WASHAGERTICK	N/A	TAX FORFEITURE
	0023	ELI NEVERSORRY	N/A	TAX FORFEITURE
	0024	GEORGE A ANTHONY	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0007
	0025	JOHN VINCENT	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0011
	0026	WILLIAM NAW O QUAW UNE	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0012
	0027	LOUIS MAY NE GWANCE	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0013
	0028	JANE SHAW WAN NO	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0014
	0029	JOHN B GON NE GE ZHIC	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0015
	0030	BASIL BLACKBIRD	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0016
	0031	JOHN PAUL	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0017
	0032	MOSES PA ME SAW	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0018
	0033	WILLIAM MICK SAW BAY	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0019
	0034	JOHN PA SHE GE ZHIC	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0020
	0035	PAUL KAY NAW BE KISSE	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0021
	0036	WILLIAM WASHAGERTICK	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0022
	0037	ELI NEVERSORRY	N/A	RECOVERY OF TRUST & RESTRICTED LAND RE 0023
F60470	0001	CHIPPEWA COUNTY TELEPHONE	N/A	ROAD OR HIGHWAY IN TRESPASS
	0002	CHIPPEWA CO LAKESHORE DRIVE	N/A	ROAD OR HIGHWAY IN TRESPASS
	0003	SPECTACLE LAKE ROAD	N/A	UTILITY LINE/PIPELINE TRESPASS
	0004	BEACH HOUSES	N/A	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0005	C O BROWN ROAD	N/A	ROAD OR HIGHWAY IN TRESPASS
	0006	U S NAVY POWER LINE	N/A	UTILITY LINE/PIPELINE TRESPASS
	0007	CLOVERLAND ELECTRIC COOP #1	N/A	UTILITY LINE/PIPELINE TRESPASS
	0008	ST CATHERINE CATHOLIC CHURCH	N/A	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0009	CLOVERLAND ELECTRIC 2	N/A	UTILITY LINE/PIPELINE TRESPASS
	0010	CHIPPEWA CTY LAKESHORE DRIVE 2	N/A	ROAD OR HIGHWAY IN TRESPASS
	0011	CLOVERLAND ELECTRIC COOP 3	N/A	UTILITY LINE/PIPELINE TRESPASS
	0012	RAY MILLS TRIBE	N/A	UTILITY LINE TRESPASS
	0013	RAY MILLS TRIBE	N/A	ROAD TRESPASS
	0014	RAY MILLS TRIBE	N/A	ROAD TRESPASS
	0015	RAY MILLS TRIBE	N/A	ROAD TRESPASS
	0016	RAY MILLS TRIBE	N/A	ROAD TRESPASS
	0017	RAY MILLS TRIBE	N/A	UTILITY LINE TRESPASS
	0018	RAY MILLS TRIBE	N/A	UTILITY LINE TRESPASS
	0019	RAY MILLS TRIBE	N/A	UTILITY LINE TRESPASS
	0020	RAY MILLS TRIBE	N/A	UTILITY LINE TRESPASS
	0021	RAY MILLS TRIBE	N/A	UTILITY LINE TRESPASS
F60471	0001	TRIBAL LAND	N/A	ROAD OR HIGHWAY IN TRESPASS
	0002	TRIBAL LAND	N/A	ROAD OR HIGHWAY IN TRESPASS
	0003	TRIBAL LAND	N/A	ROAD OR HIGHWAY IN TRESPASS
	0004	TRIBAL LAND	N/A	ROAD OR HIGHWAY IN TRESPASS
	0005	TRIBAL LAND	N/A	ROAD OR HIGHWAY IN TRESPASS
	0006	TRIBAL LAND	N/A	ROAD OR HIGHWAY IN TRESPASS
	0007	TRIBAL LAND	N/A	ROAD OR HIGHWAY IN TRESPASS
	0008	TRIBAL LAND	N/A	ROAD OR HIGHWAY IN TRESPASS
	0009	TRIBAL LAND	N/A	ROAD OR HIGHWAY IN TRESPASS
	0010	TRIBAL LAND	N/A	ROAD OR HIGHWAY IN TRESPASS
	0011	TRIBAL LAND	N/A	UTILITY LINE/PIPELINE TRESPASS
	0012	TRIBAL LAND	N/A	UTILITY LINE/PIPELINE TRESPASS
	0013	TRIBAL LAND	N/A	ROAD OR HIGHWAY IN TRESPASS
	0014	TRIBAL LAND	N/A	ROAD OR HIGHWAY IN TRESPASS
	0015	NORTH WESTERN RAILROAD	N/A	RAILROAD IN TRESPASS

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F60471	0016	HANNAHVILLE LAND SWSE 6-39-25	N/A	ROAD OR HIGHWAY IN TRESPASS
	0017	FENCE/TRESPASS	N/A	TIMBER REMOVED WRONGFULLY
	0018	EDWARD PULKA TRESPASS	N/A	TIMBER REMOVED WRONGFULLY
	0019	NORTH WESTERN RAILWAY	N/A	RELINQUISHED ON ABANDONMENT/REVERTER RE 0015
	0020	HANNAHVILLE LAND	N/A	TIMBER REMOVED WRONGFULLY
F60472	0001	NANCY WAYNEE	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0002	MARGARET MARSH	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0003	JOHNSON JACKSON	N/A	CONTRACT BREACH
	0004	ALICE SHAWNASHY	N/A	UTILITY LINE/PIPELINE TRESPASS
	0005	ELIZA A NAH GO SI HAY DAVIS	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0006	ELIZABETH GROSS	N/A	CLAIM FOR UNPAID LEASE RENTALS
	0007	KE ME TAH KE CHE GO QUAY EMMA	N/A	FENCE OR OTHER BOUNDARY ENCROACHMENT
	0008	RICHMOND HART	N/A	TAX FORFEITURE
	0009	DAVID SHAY-KOW	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0010	ADELIA M MCDONALD	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0011	SHAW WAH NE ZHICK GO QUAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0012	MT PLEASANT INDIAN SCHOOL	N/A	SWAMP LAND IMPROPERLY PATENTED AS SWAMP
	0013	CHITTIE MI WAY BAS SI QUAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0014	WAH BO NEE 2	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0015	GEORGE BRADLEY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0016	BETSY AISH QUA WAY CHATFIELD	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0017	THERESA CUB MO SAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0018	JACOBSON KAH GAY YAW GO WAH NO QUAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0019	WAH O GAY GE QUE GO QUAY O	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0020	MARY AITKEN BELL	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0021	WAY GAH WAH QUAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0022	JOHN NE SO NAT	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0023	CHARLES GREENLAWS	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0024	CHARLES MARSH	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0025	TRIBAL TRACT FAY ME SAH AH JOSEPH	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0026	MARTHA BENJAMIN	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0027	MARY CHATFIELD JACKSON	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0028	JAMES WAY SAW WAH NE QUAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0029	HELEN F WAH BAH SO WAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0030	WAY GAY AH TE NO QUAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0031	DANIEL MIS CO PEW AIS	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0032	WAH BO GE MAH JAMES	N/A	ROAD OR HIGHWAY IN TRESPASS
	0033	TRIBAL LAND 35-15-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0034	MARY ANN ADAMS GEORGE STRONG	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0035	WAH WAH SUNG	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0036	TRIBAL LAND 21-15-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0037	TRIBAL LAND 34-14-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0038	TRIBAL LAND 10-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0039	MARY SE TE WAY O SO NO QUAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0040	TRIBAL LAND 28-14-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0041	TRIBAL LAND 10-14-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0042	TRIBAL LAND 3-15-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0043	PAY SHE NINE ME ME GAY KAUS	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0044	MARY ISAAC	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0045	TRIBAL LAND 33-14-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0046	SAGINAW CHIPPEWA TRIBE 35-14-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0047	TRIBAL LAND 20-14-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0048	TRIBAL LAND 33-14-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0049	TRIBAL LAND 4-14-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0050	TRIBAL LAND 25-15-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0051	AISH TAH NO SHOT	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0052	TRIBAL LAND 13-14-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0053	TRIBAL LAND 22-14-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0054	AH KE WAH PAH ME	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0055	TRIBAL LAND 5-14-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0056	ME TAH KO TO QUAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0057	TRIBAL LAND 4-15-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0058	ADAM HART	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0059	TRIBAL LAND 35-15-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0060	SI TAH O SHAW WAH SKO WAH BE	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0061	O GET SUM WA QUAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0062	BETSY JOHNSON	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0063	O TAH KAUS SO GOT	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F60472	0064	WILLIAM STRONG	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0065	WAIN E TAH KAH	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0066	TRIBAL LAND 18-14-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0067	WAH KAH O SAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0068	GEORGE CORBIN	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0069	PETER JACKSON ELIJAH DAVIS	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0070	WAY DAW OSH WAY BAY O SAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0071	SAY SAY OON NAW WE GAW AW NO QUAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0072	JOHN BATTISTE	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0073	MOSES SMITH	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0074	WAH NE AW GE NO QUAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0075	TRIBAL LAND 36-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0076	TRIBAL LAND 19-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0077	TRIBAL LAND 22-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0078	JAMES WAH BO GE MAW	N/A	ROAD OR HIGHWAY IN TRESPASS
	0079	MARY SHAW WON NE GE ZHE GO QUAY	N/A	ROAD OR HIGHWAY IN TRESPASS
	0080	NANCY TAH BAY	N/A	ROAD OR HIGHWAY IN TRESPASS
	0081	MARTHA BRADLEY	N/A	ROAD OR HIGHWAY IN TRESPASS
	0082	MARTHA COLLINS	N/A	ROAD OR HIGHWAY IN TRESPASS
	0083	LILY BELTHER	N/A	ROAD OR HIGHWAY IN TRESPASS
	0084	JOSEPH COLLINS	N/A	ROAD OR HIGHWAY IN TRESPASS
	0085	ELIZA MARSH	N/A	ROAD OR HIGHWAY IN TRESPASS
	0086	MARY CHATFIELD JACKSON	N/A	ROAD OR HIGHWAY IN TRESPASS
	0087	SIMON CHATFIELD AISHOMAS	N/A	ROAD OR HIGHWAY IN TRESPASS
	0088	MARIA PETERS	N/A	ROAD OR HIGHWAY IN TRESPASS
	0089	EMMA MITCHELL CAMPAU WARNER	N/A	ROAD OR HIGHWAY IN TRESPASS
	0090	JANE WAY MA DRUNE	N/A	ROAD OR HIGHWAY IN TRESPASS
	0091	MARIA LARGUM	N/A	ROAD OR HIGHWAY IN TRESPASS
	0092	JOHN MOTTAWA	N/A	ROAD OR HIGHWAY IN TRESPASS
	0093	JOSEPH WA BE NOO 2	N/A	ROAD OR HIGHWAY IN TRESPASS
	0094	JOHNSON JACKSON SHAW WE DAINS	N/A	ROAD OR HIGHWAY IN TRESPASS
	0095	CHIPPEWA TRIBE NWNE 25-14-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0096	SAGINAW CHIPPEWA TRIBE NWSW 35-14-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0097	TRIBAL LAND 24-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0098	TRIBAL LAND 27-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0099	TRIBAL LAND 27-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0100	TRIBAL LAND 20-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0101	TRIBAL LAND 31-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0102	NANCY WAH YEA TOE	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0103	PE DAH WAH QUEN O QUAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0104	NANCY WAH YEA TOE	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0105	PE DAH QUEN O QUAY	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0106	TRIBAL LAND 26-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0107	TRIBAL LAND 35-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0108	WAH YAH WAH QUET COLLINS	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0109	TRIBAL LAND 21-15-5	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0110	TRIBAL LAND 25-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0111	TRIBAL LAND 33-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0112	TRIBAL LAND 25-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0113	TRIBAL LAND 12-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0114	TRIBAL LAND 14-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0115	DANIEL SHA BAW	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0116	BENJAMIN T YOUK	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0117	TRIBAL LAND 20-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0118	TRIBAL LAND SESW 9-1A-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0119	TRIBAL LAND SESW 23-15-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0120	TRIBAL LAND NESW 21-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0121	TRIBAL LAND NENE 2-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0122	TRIBAL LAND SENE 2-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0123	TRIBAL LAND SWNE 29-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0124	TRIBAL LAND NENE 22-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0125	TRIBAL LAND NWNE 4-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0126	SAGINAW MT PLEASANT RAILROAD CO	N/A	RAILROAD IN TRESPASS
	0127	TRIBAL LAND SWNE 25-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0128	TRIBAL LAND W SW 9-15-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0129	TRIBAL LAND NENE 5-15-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0130	SAGANING ENCROACHMENT	N/A	FENCE OR OTHER BOUNDARY ENCROACHMENT
	0131	PE EAW GE WUN	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F60472	0132	TRIBAL LAND 34-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0133	TRIBAL LAND 35-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0134	TRIBAL LAND 2-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0135	TRIBAL LAND 11-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0136	TRIBAL LAND 14-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0137	TRIBAL LAND 23-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0138	TRIBAL LAND 26-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0139	TRIBAL LAND 35-16-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0140	TRIBAL LAND 2-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0141	TRIBAL LAND 11-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0142	TRIBAL LAND 14-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0143	TRIBAL LAND 23-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0144	TRIBAL LAND 26-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0145	TRIBAL LAND 35-15-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0146	TRIBAL LAND 2-14-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0147	TRIBAL LAND 11-14-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0148	TRIBAL LAND 14-14-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0149	TRIBAL LAND 23-14-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0150	TRIBAL LAND 26-14-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0151	TRIBAL LAND 35-14-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0152	TRIBAL LAND 2-13-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0153	TRIBAL LAND 11-13-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0154	TRIBAL LAND 14-13-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0155	TRIBAL LAND 23-13-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0156	TRIBAL LAND 26-13-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0157	TRIBAL LAND 35-13-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0158	TRIBAL LAND 2-12-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0159	TRIBAL LAND 11-12-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0160	TRIBAL LAND 14-12-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0161	TRIBAL LAND 23-12-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0162	TRIBAL LAND 26-12-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0163	TRIBAL LAND 35-12-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0164	TRIBAL LAND 2-11-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0165	TRIBAL LAND 11-11-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0166	TRIBAL LAND 14-11-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0167	TRIBAL LAND 23-11-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0168	TRIBAL LAND 26-11-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0169	TRIBAL LAND 35-11-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0170	TRIBAL LAND 2-10-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0171	TRIBAL LAND 11-10-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0172	TRIBAL LAND 14-10-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0173	TRIBAL LAND 23-10-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0174	TRIBAL LAND 26-10-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0175	TRIBAL LAND 35-10-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0176	TRIBAL LAND 2-9-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0177	TRIBAL LAND 11-9-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0178	TRIBAL LAND 14-9-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0179	TRIBAL LAND 23-9-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0180	TRIBAL LAND 26-9-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0181	TRIBAL LAND 35-9-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0182	TRIBAL LAND 2-8-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0183	TRIBAL LAND 11-8-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0184	TRIBAL LAND 14-8-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0185	TRIBAL LAND 23-8-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0186	TRIBAL LAND 26-8-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0187	TRIBAL LAND 35-8-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0188	TRIBAL LAND 2-7-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0189	TRIBAL LAND 11-7-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0190	TRIBAL LAND 14-7-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0191	TRIBAL LAND 23-7-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0192	TRIBAL LAND 26-7-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0193	TRIBAL LAND 35-7-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0194	TRIBAL LAND 2-6-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0195	TRIBAL LAND 11-6-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0196	TRIBAL LAND 14-6-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0197	TRIBAL LAND 23-6-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0198	TRIBAL LAND 26-6-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0199	TRIBAL LAND 35-6-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0200	TRIBAL LAND 2-5-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0201	TRIBAL LAND 11-5-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0202	TRIBAL LAND 14-5-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0203	TRIBAL LAND 23-5-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0204	TRIBAL LAND 26-5-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0205	TRIBAL LAND 35-5-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0206	TRIBAL LAND 2-4-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0207	TRIBAL LAND 11-4-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0208	TRIBAL LAND 14-4-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0209	TRIBAL LAND 23-4-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0210	TRIBAL LAND 26-4-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0211	TRIBAL LAND 35-4-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0212	TRIBAL LAND 2-3-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0213	TRIBAL LAND 11-3-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0214	TRIBAL LAND 14-3-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0215	TRIBAL LAND 23-3-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0216	TRIBAL LAND 26-3-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0217	TRIBAL LAND 35-3-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0218	TRIBAL LAND 2-2-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0219	TRIBAL LAND 11-2-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0220	TRIBAL LAND 14-2-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0221	TRIBAL LAND 23-2-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0222	TRIBAL LAND 26-2-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0223	TRIBAL LAND 35-2-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0224	TRIBAL LAND 2-1-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0225	TRIBAL LAND 11-1-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0226	TRIBAL LAND 14-1-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0227	TRIBAL LAND 23-1-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0228	TRIBAL LAND 26-1-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0229	TRIBAL LAND 35-1-3	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0230	TRIBAL LAND 2-1-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0231	TRIBAL LAND 11-1-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0232	TRIBAL LAND 14-1-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0233	TRIBAL LAND 23-1-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0234	TRIBAL LAND 26-1-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0235	TRIBAL LAND 35-1-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0236	TRIBAL LAND 2-2-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0237	TRIBAL LAND 11-2-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0238	TRIBAL LAND 14-2-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0239	TRIBAL LAND 23-2-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0240	TRIBAL LAND 26-2-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0241	TRIBAL LAND 35-2-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0242	TRIBAL LAND 2-3-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0243	TRIBAL LAND 11-3-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0244	TRIBAL LAND 14-3-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0245	TRIBAL LAND 23-3-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0246	TRIBAL LAND 26-3-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0247	TRIBAL LAND 35-3-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0248	TRIBAL LAND 2-4-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0249	TRIBAL LAND 11-4-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0250	TRIBAL LAND 14-4-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0251	TRIBAL LAND 23-4-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0252	TRIBAL LAND 26-4-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0253	TRIBAL LAND 35-4-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0254	TRIBAL LAND 2-5-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0255	TRIBAL LAND 11-5-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0256	TRIBAL LAND 14-5-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0257	TRIBAL LAND 23-5-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0258	TRIBAL LAND 26-5-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0259	TRIBAL LAND 35-5-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0260	TRIBAL LAND 2-6-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0261	TRIBAL LAND 11-6-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0262	TRIBAL LAND 14-6-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0263	TRIBAL LAND 23-6-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0264	TRIBAL LAND 26-6-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0265	TRIBAL LAND 35-6-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0266	TRIBAL LAND 2-7-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0267	TRIBAL LAND 11-7-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0268	TRIBAL LAND 14-7-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0269	TRIBAL LAND 23-7-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0270	TRIBAL LAND 26-7-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0271	TRIBAL LAND 35-7-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0272	TRIBAL LAND 2-8-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0273	TRIBAL LAND 11-8-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0274	TRIBAL LAND 14-8-4	N/A	PRIOR FEE PATENT CANCELLED QUESTIONABLE
	0275	TRIBAL LAND 23-8-4	N/A	PRIOR FEE PATENT CANCELLED QUESTI

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F60472	0132	SAGINAW POWER LINE NESW 29-28-5	N/A	UTILITY LINE/PIPELINE TRESPASS
	0133	MARIA PETERS	N/A	TIMBER REMOVED WRONGFULLY RE 0082
	0134	MARIA PETERS	N/A	UTILITY LINE/PIPELINE TRESPASS RE 0082
	0135	MARIA PETERS	N/A	INUNDATION/FLOODING/ IN TRESPASS RE 0083
	0136	SAGAMING ENCROACHMENT	N/A	GRAZING TRESPASS RE 0130
	0137	SAGAMING ENCROACHMENT	N/A	STRUCTURE IN TRESPASS RE 0130
F60473	0001	JAMES J CHOSA	G-7	TAX FORFEITURE
	0002	DANIEL CURTIS	4	TAX FORFEITURE
	0003	FRANK HALL	7	TAX FORFEITURE
	0004	MARY BARRETT	41	TAX FORFEITURE
	0005	BENJAMIN GEORGE	95	TAX FORFEITURE
	0006	MAGGIE FERGUSON	G-8	TAX FORFEITURE
	0007	O BAH ME GE SHE GOO QUA	47	PROBATED BY COURT WITHOUT JURISDICTION
	0008	KAW BE BO NO KA	28	ROAD OR HIGHWAY IN TRESPASS
	0009	MARY JANE EMERIE	12	ROAD OR HIGHWAY IN TRESPASS
	0010	JOHN WAU TIP	210	AGRICULTURAL TRESPASS
	0011	CHARLES MARKSMAN	38	ROAD OR HIGHWAY IN TRESPASS
	0012	REGINA DEMARIE	6	ROAD OR HIGHWAY IN TRESPASS
	0013	JULIA MARKSMAN	259	ROAD OR HIGHWAY IN TRESPASS
	0014	NAH DWAY AW SE NO QUAY	172	ROAD OR HIGHWAY IN TRESPASS
	0015	LOUIS CARTWRIGHT	91	ROAD OR HIGHWAY IN TRESPASS
	0016	LUCY JACKER	18	ROAD OR HIGHWAY IN TRESPASS
	0017	JOHN EDGERTON	9	ROAD OR HIGHWAY IN TRESPASS
	0018	AMOS CRANE	103	UTILITY LINE/PIPELINE TRESPASS
	0019	ROBERT ME GAN NE GE ZHICK	102	ROAD OR HIGHWAY IN TRESPASS
	0020	ROSA BURNS	8	ROAD OR HIGHWAY IN TRESPASS
	0021	CHARLOTTE PINE	G-16	ROAD OR HIGHWAY IN TRESPASS
	0022	ROSE E CARDINAL	G-5	ROAD OR HIGHWAY IN TRESPASS
	0023	MARY CARDINAL	G-3	ROAD OR HIGHWAY IN TRESPASS
	0024	STELLA MAGNATE	G-23	ROAD OR HIGHWAY IN TRESPASS
	0025	THOMAS TAY YOSH	107	ROAD OR HIGHWAY IN TRESPASS
	0026	NEWTON CURTIS	109	ROAD OR HIGHWAY IN TRESPASS
	0027	EUNICE PINE	180	UTILITY LINE/PIPELINE TRESPASS
	0028	LOUISA MILLER	268	ROAD OR HIGHWAY IN TRESPASS
	0029	MICHAEL MONTGOMERY	65	ROAD OR HIGHWAY IN TRESPASS
	0030	JOSEPHINE MAY ZAW	266	UTILITY LINE/PIPELINE TRESPASS
	0031	EMMA DESCHAINE	1	ROAD OR HIGHWAY IN TRESPASS
	0032	GREGORY REDELL	265	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0033	PETER CREPASSA	197	UTILITY LINE/PIPELINE TRESPASS
	0034	AGATHA KEMET AUMEGO QUA	248	ROAD OR HIGHWAY IN TRESPASS
	0035	JOHN PE TAW EGE ZHICK	257	ROAD OR HIGHWAY IN TRESPASS
	0036	ASA SPRUCE	178	ROAD OR HIGHWAY IN TRESPASS
	0037	AGNES AYERS	39	RAILROAD IN TRESPASS
	0038	NANCY CHITA	173	RAILROAD IN TRESPASS
	0039	MARY SPRUCE	N/A	RAILROAD IN TRESPASS
	0040	MALENA ROBILLARD	G-24	ROAD OR HIGHWAY IN TRESPASS
	0041	PHILOMENA [illegible]FOOT	184	ROAD OR HIGHWAY IN TRESPASS
	0042	WILLIAM MONTOYSE	183	ROAD OR HIGHWAY IN TRESPASS
	0043	JOSEPH PAW WAW GE MINNE	185	ROAD OR HIGHWAY IN TRESPASS
	0044	KAY BAY O SAW INING	225	RAILROAD IN TRESPASS
	0045	JOSEPHINE MAGNANT	G-10	ROAD OR HIGHWAY IN TRESPASS
	0046	NANCY MARKSMAN	106	ROAD OR HIGHWAY IN TRESPASS
	0047	HENRY MAGNANT JR	G-25	ROAD OR HIGHWAY IN TRESPASS
	0048	UGE ZHAW SE NO QUAY	31	BUILDING OR OTHER STRUCTURE IN TRESPASS
	0049	PUSH QUA GIN	33	ROAD OR HIGHWAY IN TRESPASS
	0050	ONE MAW GE QUAY	77	ROAD OR HIGHWAY IN TRESPASS
	0051	ONE SQUAW BE NO QUAY	48	ROAD OR HIGHWAY IN TRESPASS
	0052	O SAC	78	ROAD OR HIGHWAY IN TRESPASS
	0053	JOSEPHINE AYERS	49	UTILITY LINE/PIPELINE TRESPASS
	0054	MARGARET MORRISON	120	RAILROAD IN TRESPASS
	0055	PAY SHE GE THE GO QUAY	122	RAILROAD IN TRESPASS
	0056	NELSON MAGNANT JR	1	ROAD OR HIGHWAY IN TRESPASS
	0057	JOSEPH PECORD JR	40	UTILITY LINE/PIPELINE TRESPASS
	0058	SARAH MARKSMAN	135	ROAD OR HIGHWAY IN TRESPASS
	0059	HENRY PETAUKIN	272	ROAD OR HIGHWAY IN TRESPASS
	0060	ANNIE GISHEPAWAG	41	ROAD OR HIGHWAY IN TRESPASS
	0061	SOPHIA RICARD	79	UTILITY LINE/PIPELINE TRESPASS
	0062	CAN GE WA BE	193	ROAD OR HIGHWAY IN TRESPASS

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
F60473	0063	TRIBAL TRACT 50N 33W SEC 24	N/A	ROAD OR HIGHWAY IN TRESPASS
	0064	TRIBAL TRACT 19-51-32	N/A	UTILITY LINE/PIPELINE TRESPASS
	0065	TRIBAL TRACT 51N 32W SEC 15	N/A	ROAD OR HIGHWAY IN TRESPASS
	0066	TRIBAL TRACT 50N 33W SEC 10	N/A	ROAD OR HIGHWAY IN TRESPASS
	0067	TRIBAL TRACT 22-51-33	N/A	UTILITY LINE/PIPELINE TRESPASS
	0068	TRIBAL TRACT 51N 33W SEC 20	N/A	ROAD OR HIGHWAY IN TRESPASS
	0069	TRIBAL LAND 35-36-51-33	N/A	UTILITY LINE/PIPELINE TRESPASS
	0070	TRIBAL TRACT 51N 32W SEC 2	N/A	ROAD OR HIGHWAY IN TRESPASS
	0071	TRIBAL TRACT 51N 32W SEC 4	N/A	ROAD OR HIGHWAY IN TRESPASS
	0072	TRIBAL TRACT 51N 32W SEC 32	N/A	ROAD OR HIGHWAY IN TRESPASS
	0073	TRIBAL TRACT 51N 32W SEC 16	N/A	ROAD OR HIGHWAY IN TRESPASS
	0074	TRIBAL LAND 21-51-32	N/A	UTILITY LINE/PIPELINE TRESPASS
	0075	TRIBAL TRACT 50N 33W SEC 3	N/A	ROAD OR HIGHWAY IN TRESPASS
	0076	TRIBAL LAND 23-51-32	N/A	ROAD OR HIGHWAY IN TRESPASS
	0077	TRIBAL TRACT 50N 33W SEC 27	N/A	ROAD OR HIGHWAY IN TRESPASS
	0078	TRIBAL TRACT 51N 33W SEC 21	N/A	ROAD OR HIGHWAY IN TRESPASS
	0079	TRIBAL TRACT 51N 32W SEC 11	N/A	ROAD OR HIGHWAY IN TRESPASS
	0080	TRIBAL TRACT 51N 33W SEC 28	N/A	ROAD OR HIGHWAY IN TRESPASS
	0081	CHARLOTTE EUNICE PINE	16	SECRETARIAL TRANSFERS
	0082	DELIA SEMANSKY (PUR PESTR)	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0083	CHRISTINE RAY SHAW (WAN DO QUA	211	ROAD OR HIGHWAY IN TRESPASS
	0084	AGNES GRACE HUGO	20	TIMBER REMOVED WRONGFULLY
	0085	EDWARD JOHNS	168	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0086	L'ANSE SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0087	PETER C MARKSMAN SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0088	PETER MAGNANT SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0089	ROSE MAGNANT	14	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0090	HENRY MAGNANT JR SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0091	JOSEPHINE MAGNANT SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0092	NANCY MARKSMAN SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0093	MALENA ROBILLARD SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0094	JAMES BENNETT SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0095	MARTHA SHANK	131	PROBATED BY COURT WITHOUT JURISDICTION
	0096	CHARLOTTE CHOSA SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0097	PHILLIP CURTIS SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0098	JULIA CURTIS SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0099	NANCY CARDINAL SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0100	MARY CARDINAL SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0101	ELI CURTIS SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0102	STELLA MAGNANT SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0103	ROSE E CARDINAL SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0104	HELEN EUNICE SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0105	WAY QUAY (WAW WAY YOSH	154	PROBATED BY COURT WITHOUT JURISDICTION
	0106	MIN QUAN DIS	159	PROBATED BY COURT WITHOUT JURISDICTION
	0107	JAFOR HENRY TIMBER TRESPASS	N/A	TIMBER REMOVED WRONGFULLY
	0108	CHARLES BENEFIE	247	OIL AGE ASSISTANCE CLAIM
	0109	PUSH QUA GIN/ADAM MANGO	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0110	L'ANSE BAND ESE 22-51-32	N/A	RAILROAD IN TRESPASS
	0111	L'ANSE BAND LOT 4 22-51-33	N/A	RAILROAD IN TRESPASS
	0112	DELIA PIDOKE	57	RAILROAD IN TRESPASS
	0113	CHARLOTTE PINE SCHOOL LANDS	N/A	SCHOOL LAND IMPROPERLY PATENTED AS SWAMP
	0114	FRANCIS CHOSA	37	TIMBER REMOVED WRONGFULLY
	0115	JOHN DANGERAME	182	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0116	JOHN BENORY	54	TIMBER REMOVED WRONGFULLY
	0117	DOMINIC COUTTER	236	ROAD OR HIGHWAY IN TRESPASS
	0118	PUSH QUA GIN	33	TIMBER REMOVED WRONGFULLY
	0119	PAW QUAN GE MIN NE	189	TIMBER REMOVED WRONGFULLY
	0120	SHAW WAW NAW QUAW (N) QUAY	70	TAX FORFEITURE
	0121	ALICE H CROWER	1	TIMBER REMOVED WRONGFULLY
	0122	ROSALIE RUBELARD	66	TIMBER REMOVED WRONGFULLY
	0123	AWGOSE	34	TIMBER REMOVED WRONGFULLY
	0124	PETER MARKSMAN JR	88	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0125	GED ME NE TU GE ZHICK	279	TAX FORFEITURE
	0126	WILLIAM OWEN	262	PROBATED BY COURT WITHOUT JURISDICTION
	0127	JAMES RAINARD	44	TAX FORFEITURE
	0128	PETER MARKSMAN	9	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0129	ROBERT J GRAVERAET	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0130	ALBERT GRAVERAET	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
FA0473	0121	GENEVIEVE BELANGER	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0122	JOHN BOUSQUAIN	N/A	CLAIM FOR RECOVERY OF TRUST & RESTRICTED LAND
	0123	EUNICE PINE	N/A	ROAD IN TRESPASS RE 0027
	0124	EUNICE PINE	160	STRUCTURE IN TRESPASS RE 0030
	0135	KEWEENAW BAY TRIBE	N/A	RAILROAD IN TRESPASS RE 0067
	0136	KEWEENAW BAY TRIBE	N/A	ROAD IN TRESPASS RE 0067
	0137	KEWEENAW BAY TRIBE	N/A	STRUCTURE IN TRESPASS RE 0076
	0138	CHARLOTTE EUNICE PINE	N/A	TIMBER REMOVED WRONGFULLY RE 0081
	0139	DELIA SEMANSKY	N/A	CONTRACT BREACH RE 0092
	0140	ANGES GRACE HUGO	N/A	SCHOOL LAND IMPROPERLY PATENTED RE 0084
	0141	SHAW WAW NAW QUAY DO QUAY	N/A	TIMBER REMOVED WRONGFULLY RE 0120
FA0474	0001	LEELANAU RESERVE	N/A	TAX FORFEITURE
	0002	JOSETTE SHAW WAW NE QUAY	N/A	TAX FORFEITURE
	0003	CHEBOYGAN BAND LAND	N/A	TAX FORFEITURE
FA0476	0001	HENRY BLACKWOOD	4	TRAZING TRESPASS
	0002	LUCY L ROMEAU	14	WRONGFUL TAXATION OF LAND
	0003	MARGARET VASSEUR	11	WRONGFUL TAXATION OF LAND
	0004	EDWARD BLACKWOOD	12	TIMBER REMOVED WRONGFULLY
FA0477	0001	ARRIE AUCE	15	SECRETARIAL TRANSFERS
	0002	JASPER ANCE	17	SECRETARIAL TRANSFERS
	0003	JOSEPHINE CHIPPEWA	27	SECRETARIAL TRANSFERS
	0004	ELIZABETH CHIPPEWA	28	SECRETARIAL TRANSFERS
	0005	JENNIE CHIPPEWA	40	SECRETARIAL TRANSFERS
	000A	THOMAS BIRD	43	SECRETARIAL TRANSFER
	0007	LUCY CHIPPEWA	41	SECRETARIAL TRANSFERS
	0008	LORRAND CHIPPEWA	42	SECRETARIAL TRANSFERS
	0009	GEORGE SANDS	45	SECRETARIAL TRANSFERS
	0010	PETER CHIPPEWA	7	SECRETARIAL TRANSFERS
	0011	JOSEPH WARNIMONT	8	SECRETARIAL TRANSFERS
	0012	MAGGIE LOUIS	N/A	SECRETARIAL TRANSFERS
	0013	JOHN JACOBS	N/A	SECRETARIAL TRANSFERS
	0014	MARY SHAWANANCE	N/A	SECRETARIAL TRANSFERS
	0015	JOHN WASHBURN	N/A	SECRETARIAL TRANSFERS
	001A	ANGELINE WARNIMONT	50	SECRETARIAL TRANSFERS
	0017	JOHN JACHETWITEN	N/A	SECRETARIAL TRANSFERS
	0018	JOSEPH ANCE	N/A	SECRETARIAL TRANSFERS
	0019	ANCE WABASHA	N/A	SECRETARIAL TRANSFERS
	0020	JOSEPH PINO	N/A	SECRETARIAL TRANSFERS
	0021	HANNAH SHAWANAW (DECEASED)	1	FORCED FEE PATENTS
	0022	JOHN SHAWANAW (DECEASED)	1	FORCED FEE PATENTS
	0023	MARY LITTLEJOHN	1	FORCED FEE PATENTS
FA0477	0001	LAURENT	N/A	DAMAGE TO WILDLIFE & OTHER RIGHTS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
OKMSKA	001	L. MCCARTY	706	IMPROPER CONDEMNATION OR FORECLOSURE
	002	T. MATHEWS	4502	TAX FORFEITED WHILE IN RESTRICTED STATUS
	003	N. MILLER	640	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	004	R. LOVE	1119	FORCED FEE PATENTS
	004A	R. LOVE	1119	FORCED FEE PATENTS
	004B	R. LOVE	1119	FORCED FEE PATENTS
	004C	R. LOVE	1119	FORCED FEE PATENTS
	004D	R. LOVE	1119	FORCED FEE PATENTS
	004E	R. LOVE	1119	FORCED FEE PATENTS
	004F	R. LOVE	1119	FORCED FEE PATENTS
	005	F. VANDERS (DECEASED)	1133	UNAPPROVED RESTRICTED LAND SALE
	006	J. WARNER	1166	UNAPPROVED RESTRICTED LAND SALE
	007	L. MALTEN	1167	UNAPPROVED RESTRICTED LAND SALE
	008	F. COVEY	1168	UNAPPROVED RESTRICTED LAND SALE
	009	A. WILLIS	1169	FORCED FEE PATENTS
	00A	L. BOB JR	1170	CORRECTION DEED OR AGREEMENT IN ERROR
	00B	L. BOB JR	1171	CORRECTION DEED OR AGREEMENT IN ERROR
	00C	TENSKWA	1172	UNPAID RENTALS - FEES OR EASEMENT
	00D	L. NEGA	1173	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	013	W. WEBSTER	1	UNAPPROVED RESTRICTED LAND SALE

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
OKMSKA	014	R. PALMER	774	FORCED FEE PATENTS
	017	M. PERRY	1201	UNAPPROVED RESTRICTED LAND SALE
	018	V. JOHN	2455	UNPAID RENTALS - FEES OR EASEMENT
	019	C. BOB	2455	UNPAID RENTALS - FEES OR EASEMENT
	020	S. THOMPSON	2455	UNPAID RENTALS - FEES OR EASEMENT
	021	R. PRATT	2913	TAX FORFEITED WHILE IN RESTRICTED STATUS
	022	V. JOYCE	2939	DAMAGING DITCH OR CANAL IN TRESPASS
	023	E. CHANEY	272	FORCED FEE PATENTS
	024	O. TIMS	298	FORCED FEE PATENTS
	025	E. NELSON	435	TAX FORFEITED WHILE IN RESTRICTED STATUS
	026	L. MCCARTY	788	UNAPPROVED RESTRICTED LAND SALE
	027	A. MATTHEWS	2314	UNAPPROVED RESTRICTED LAND SALE
	027A	A. MATTHEWS	2317	UNAPPROVED RESTRICTED LAND SALE
	027B	A. MATTHEWS	2318	UNAPPROVED RESTRICTED LAND SALE
	027C	A. MATTHEWS	2319	UNAPPROVED RESTRICTED LAND SALE
	027D	A. MATTHEWS	2320	UNAPPROVED RESTRICTED LAND SALE
	028	L. MCCARTY	475	DAMAGE TO WATER QUALITY
	029	R. CARNEY	2084	UNAPPROVED RESTRICTED LAND SALE
	030	L. LINDSEY	403	UNAPPROVED RESTRICTED LAND SALE
	031	R. WYERS	1274	UNAPPROVED RESTRICTED LAND SALE
	031A	R. WYERS	1W207	UNAPPROVED RESTRICTED LAND SALE
	032	L. MCCARTY	727	UNAPPROVED RESTRICTED LAND SALE
	033	L. CATHCART	1W440	UNAPPROVED RESTRICTED LAND SALE
	034	F. ROCHESTER	2415	UNAPPROVED RESTRICTED LAND SALE
	035	P. COLE	1179	UNAPPROVED RESTRICTED LAND SALE
	036	B. FILLMORE	794	UNAPPROVED RESTRICTED LAND SALE
OKMSKA	001	F. GREENWOOD	94	UNAPPROVED RESTRICTED LAND SALE
	002	J. MCWATTERS	755	DAMAGING LINE IN TRESPASS
	003	H. MCKENNEY	447	TIMBER REMOVED WRONGFULLY
	003A	A. GREENWOOD	1W9	TIMBER REMOVED WRONGFULLY
	003B	A. GREENBACK	1W9	TIMBER REMOVED WRONGFULLY
	004	P. PERRY	94	WRONGFUL TAXATION OF LAND
OKMSKA	011	E. MORRIS	75	UNAPPROVED RESTRICTED LAND SALE
	012	E. MORRIS	75	UNAPPROVED RESTRICTED LAND SALE
	013	E. MORRIS	75	UNAPPROVED RESTRICTED LAND SALE
	014	E. MORRIS	75	UNAPPROVED RESTRICTED LAND SALE
	015	E. SPRIGGS	1W4	DAMAGING ROAD OR HIGHWAY IN TRESPASS
	016	H. MILEY	419	UNAPPROVED RESTRICTED LAND SALE
	017	H. MILEY	419	UNAPPROVED RESTRICTED LAND SALE
	018	E. MORRIS	75	UNAPPROVED RESTRICTED LAND SALE
	019	I. HAMMAT	14	FORCED FEE PATENTS
	020	L. MOORE	282	DESIGNATED SWAMP OR PATENTED SWAMP LANDS
	021	L. LYMAN JR.	199	FORCED FEE PATENTS
	049	M. THOMPSON	16	TIMBER REMOVED WRONGFULLY
	049A	L. ROW	1W5	BOUNDARY ENCROACHMENT
OKMSKA	001	M. BRYANT	15	FORCED FEE PATENTS
OKMSKA	001	F. OAKEY	52	UNAPPROVED RESTRICTED LAND SALE
OKMSKA	001	L. ROSSART	52	UNAPPROVED RESTRICTED LAND SALE
	002	W. MCNAUGHTON	143	UNAPPROVED RESTRICTED LAND SALE
OKMSKO	001	R. REDCORN	473	IMPROPER CONDEMNATION OR FORECLOSURE
	002	C. SELLERS	424	GRAZING TRESPASS
	003	M. ROWHAN	964	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	005	L. GRAVES	NE	GRAZING TRESPASS
	006	S. AMOTEO	2003	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	007	E. THOMPSON	1059	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	008	G. FALLIN	1372	UNAPPROVED RESTRICTED LAND SALE
	009	J. ANDERSON	961	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	010	J. STILWELL	152	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	011	F. MORRELL	424	UNAPPROVED RESTRICTED LAND SALE
	012	L. LOGAN	NE	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	013	G. PEARSE JR	1754	IMPROPER CONDEMNATION OR FORECLOSURE
	014	M. JONES	447	UNAPPROVED RESTRICTED LAND SALE
	015	I. FRANKLIN	NE	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	016	L. TALLCHIEF	740	FORCED FEE PATENTS
	017	H. DANIEL	175	TAX FORFEITED WHILE IN RESTRICTED STATUS
	017	SAMUAGHHAGE	741	CONTRACT BREACH
	018	E. MCDERMEN	402	CANCELLED FEE PATENT
	019	BRAVE	1W5	UNAUTHORIZED TRESPASS

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
G07908	001	L. COX	422	UNAPPROVED RESTRICTED LAND SALE
	002	T. HARJO	8183	UNAPPROVED RESTRICTED LAND SALE
	003	N. GRAY	7497	TAX FORFEITED WHILE IN RESTRICTED STATUS
	004	M. KELLY	3108	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	005	M. KELLY	3108	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	006	S. MCINTOSH	2930	TAX FORFEITED WHILE IN RESTRICTED STATUS
	007	G. BUCKNER	4250	FORCED FEE PATENTS
	008	R. RANDALL	4582	UNAPPROVED RESTRICTED LAND SALE
	009	V. GIVENS	7908	UNAPPROVED RESTRICTED LAND SALE
	010	M. DAVIS	7185	IMPROPER CONDEMNATION OR FORECLOSURE
	011	C. DAVIS	9409	UNAPPROVED RESTRICTED LAND SALE
	012	M. SORTY JR	1222	CONTRACT BREACH
	013	A. DEO	9301	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	014	C. GIVENS	9726	BENEFICIAL LINE IN TRESPASS
	015	S. WILLITS	5403	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	016	A. JACKSON	7815	UNAPPROVED RESTRICTED LAND SALE
	017	E. PARKER	NR104A	DAMAGING ROAD OR HIGHWAY IN TRESPASS
	018	G. BEAR	7748	IMPROPER CONDEMNATION OR FORECLOSURE
	019	E. PICKERING	5468	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	019A	E. PICKERING	1704	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	020	J. BURGESS	7571	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	021	I. BRUNER	2094	DAMAGING LINE IN TRESPASS
	022	J. FREEMAN	1471	TAX FORFEITED WHILE IN RESTRICTED STATUS
	023	J. FREEMAN	1469	TAX FORFEITED WHILE IN RESTRICTED STATUS
	024	J. FREEMAN	NR869	TAX FORFEITED WHILE IN RESTRICTED STATUS
	025	A. ROBISON	4467	BOUNDARY ENCROACHMENT
	026	D. BEAVER	5054	UNAPPROVED RESTRICTED LAND SALE
	027	A. PERRYMAN	FR3405	UNAPPROVED RESTRICTED LAND SALE
	028	S. ANDERSON JR.	NR991	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	029	N. MCGERTT	M480	UNAPPROVED RESTRICTED LAND SALE
	030	L. GIVENS	5366	FORCED FEE PATENTS
	031	M. CHALAKEE	71	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	032	E. DECKARD	331	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	032A	E. DECKARD	332	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	033	E. MOFFER	8124	TAX FORFEITED WHILE IN RESTRICTED STATUS
	034	E. MOFFER	8124	UNAPPROVED RESTRICTED LAND SALE
	035	E. MOFFER	8124	TAX FORFEITED WHILE IN RESTRICTED STATUS
	036	E. MOFFER	8124	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	037	E. MOFFER	8124	TAX FORFEITED WHILE IN RESTRICTED STATUS
	038	M. LOWE	1544	UNAPPROVED RESTRICTED LAND SALE
	039	M. LOWE	FR2979	UNAPPROVED RESTRICTED LAND SALE
	040	B. MONDAY	FR4482	UNAPPROVED RESTRICTED LAND SALE
	040A	B. MONDAY	FR4483	UNAPPROVED RESTRICTED LAND SALE
	040B	B. MONDAY	FR4484	UNAPPROVED RESTRICTED LAND SALE
	041	N. FRANCIS	7763	UNAPPROVED RESTRICTED LAND SALE
	042	J. SMITH	4034	UNAPPROVED RESTRICTED LAND SALE
	043	J. MARSHALL	FR328	UNAPPROVED RESTRICTED LAND SALE
	044	B. BROWN	8136	BOUNDARY ENCROACHMENT
	045	L. BUSH	FR29	UNAPPROVED RESTRICTED LAND SALE
	046	T. LUCAS	NR924	IMPROPER CONDEMNATION OR FORECLOSURE
	047	F. COMBS	4582	FORCED FEE PATENTS
	048	R. FREEMAN	3370	TAX FORFEITED WHILE IN RESTRICTED STATUS
	049	E. MITCHELL	M442	UNAPPROVED RESTRICTED LAND SALE
	050	H. WILLS	NR922	UNAPPROVED RESTRICTED LAND SALE
	051	D. SMITH	4121	FORCED FEE PATENTS
	052	D. MCLEAN	M323	UNAPPROVED RESTRICTED LAND SALE
	055	B. FACTOR	2292	TAX FORFEITED WHILE IN RESTRICTED STATUS
	056	C. SAM	A433	UNAPPROVED RESTRICTED LAND SALE
	057	J. HAWKINS	AR94	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	058	W. JONES	931	TAX FORFEITED WHILE IN RESTRICTED STATUS
	059	J. HAWKINS	AR94	UNAPPROVED RESTRICTED LAND SALE
	060	C. PALMER	NR713	UNAPPROVED RESTRICTED LAND SALE
	061	M. CHECOTE	3903	TAX FORFEITED WHILE IN RESTRICTED STATUS
	062	P. BILLY	5703	BOUNDARY ENCROACHMENT
	063	W. DOUGLAS	AA48	IMPROPER CONDEMNATION OR FORECLOSURE
	064	E. FREEMAN	NR1114	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	065	R. TUCKER	FR4484	UNAPPROVED RESTRICTED LAND SALE
	065A	R. TUCKER	FR4487	UNAPPROVED RESTRICTED LAND SALE

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
G07908	065R	R. TUCKER	FR1242	UNAPPROVED RESTRICTED LAND SALE
	066	A. WASHINGTON	M237	IMPROPER CONDEMNATION OR FORECLOSURE
	067	B. WILSON	NR810	DAMAGING ROAD OR HIGHWAY IN TRESPASS
	068	P. WASHINGTON	390	IMPROPER CONDEMNATION OR FORECLOSURE
	069	P. COSAR	M58	TAX FORFEITED WHILE IN RESTRICTED STATUS
	070	W. COSAR	7362	TAX FORFEITED WHILE IN RESTRICTED STATUS
	071	M. CHUPCO	7714	UNAPPROVED RESTRICTED LAND SALE
	072	N. HARJO	8498	FORCED FEE PATENTS
	073	J. KING	8771	UNAPPROVED RESTRICTED LAND SALE
	074	M. GILBERT	8737	UNAPPROVED RESTRICTED LAND SALE
	075	C. KINNEY	8251	IMPROPER CONDEMNATION OR FORECLOSURE
	076	L. SOWEKA	4638	UNAPPROVED RESTRICTED LAND SALE
	077	R. MORTEGA	7891	UNAPPROVED RESTRICTED LAND SALE
	078	C. DAVIS	NR709	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	079	M. DAVIS	7335	UNAPPROVED RESTRICTED LAND SALE
	080	H. TIGER	1783	TAX FORFEITED WHILE IN RESTRICTED STATUS
	081	H. TIGER	8535	TAX FORFEITED WHILE IN RESTRICTED STATUS
	082	T. WILLIAMS	9772	IMPROPER CONDEMNATION OR FORECLOSURE
	083	M. MADRID	943	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	084	H. FORD	FR5434	UNAPPROVED RESTRICTED LAND SALE
	085	C. COON	4335	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	086	B. FOX	M282	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	087	L. FISHER	4517	WRONGFUL TAXATION OF LAND
	088	G. FOX	8535	UNAPPROVED RESTRICTED LAND SALE
	088A	G. FOX	8536	UNAPPROVED RESTRICTED LAND SALE
	088B	G. FOX	8537	UNAPPROVED RESTRICTED LAND SALE
	089	O. MARSHALL	7109	UNAPPROVED RESTRICTED LAND SALE
	089A	O. MARSHALL	7110	UNAPPROVED RESTRICTED LAND SALE
	090	W. DUNN	NR931	WELFARE PAYMENTS MADE FROM TRUST ESTATES
	091	J. TORTE	FR1795	UNAPPROVED RESTRICTED LAND SALE
	092	J. TORTE	FR1797	UNAPPROVED RESTRICTED LAND SALE
	093	L. LINDSEY	NR497	WELFARE PAYMENTS MADE FROM TRUST ESTATES
	094	A. JACKSON	9380	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	095	L. YARMOLA	4223	UNAPPROVED RESTRICTED LAND SALE
	095A	L. YARMOLA	4213	UNAPPROVED RESTRICTED LAND SALE
	096	H. BROWN	1030	UNAPPROVED RESTRICTED LAND SALE
	097	S. MCINTOSH	6533	AGRICULTURAL TRESPASS
	098	M. LUNDSFORD	2908	UNAPPROVED RESTRICTED LAND SALE
	099	M. LUNDSFORD	2909	UNAPPROVED RESTRICTED LAND SALE
	100	J. MENAC	7125	UNAPPROVED RESTRICTED LAND SALE
	101	M. YARDY	7939	WELFARE PAYMENTS MADE FROM TRUST ESTATES
	102	W. THORNBERRY	9882	UNAPPROVED RESTRICTED LAND SALE
	103	HEIRS OF L. PICKETT	1803	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	104	W. CLINTON	9425	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	105	S. WOLF	7414	UNAPPROVED RESTRICTED LAND SALE
	106	J. HARJO	8272	TAX FORFEITED WHILE IN RESTRICTED STATUS
G09905	001	L. FISHER	M485G	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	002	J. GORDON	2412	UNAPPROVED RESTRICTED LAND SALE
	003	M. GRAHAM	30790	UNAPPROVED RESTRICTED LAND SALE
	004	C. HARRIS	6051	UNAPPROVED RESTRICTED LAND SALE
	005	T. HATHCOAT	NB1154	UNAPPROVED RESTRICTED LAND SALE
	006	G. KEENER	4039	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	006A	G. KEENER	2600A	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	007	V. RAINWATER	17045	UNAPPROVED RESTRICTED LAND SALE
	008	R. WEST	17044	UNAPPROVED RESTRICTED LAND SALE
	009	S. SOURJOHN	22456	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	010	J. LOUDEN	2622A	UNAPPROVED RESTRICTED LAND SALE
	011	R. STEWARD	26599	UNAPPROVED RESTRICTED LAND SALE
	012	O. STRANGE	28668	UNAPPROVED RESTRICTED LAND SALE
	012A	O. STRANGE	28669	UNAPPROVED RESTRICTED LAND SALE
	013	F. TUCKER	2030	UNAPPROVED RESTRICTED LAND SALE
	014	J. ANTHONY	24490	UNAPPROVED RESTRICTED LAND SALE
	014A	R. HENRY	24480	UNAPPROVED RESTRICTED LAND SALE
	015	G. FIREMAN	7309	UNAPPROVED RESTRICTED LAND SALE
	016	F. WOLF	7495	UNAPPROVED RESTRICTED LAND SALE
	017	D. MCELREATH	M497	UNAPPROVED RESTRICTED LAND SALE
	018	W. KEITH	1197	UNAPPROVED RESTRICTED LAND SALE
	019	F. BLEVINS	NR1400	UNAPPROVED RESTRICTED LAND SALE

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MUSKOGEE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
OKR905	020	S. HALL	27706	UNAPPROVED RESTRICTED LAND SALE
	021	R. EVANS	MA1927	UNAPPROVED RESTRICTED LAND SALE
	022	L. CHISHOLM	31272	UNAPPROVED RESTRICTED LAND SALE
	023	W. SCOTT	15880	UNAPPROVED RESTRICTED LAND SALE
	023A	W. SCOTT	15883	UNAPPROVED RESTRICTED LAND SALE
	024	R. RICHARDS	16891	UNAPPROVED RESTRICTED LAND SALE
	025	F. WOODY	28079	UNAPPROVED RESTRICTED LAND SALE
	026	M. ALSOBROOK	32208	UNAPPROVED RESTRICTED LAND SALE
	027	H. LINROTH	12199	UNAPPROVED RESTRICTED LAND SALE
	028	S. ROBERTS	8900	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	029	W. ELLICK	13567	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	029A	A. GREENFEATHER	13545	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	030	W. ELLICK	13545	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	030A	A. GREENFEATHER	13567	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	031	M. THOMAS	NE	DUMPING WRONGFULLY
	032	A. THOMASON	1116	UNAPPROVED RESTRICTED LAND SALE
	033	J. SANDERS	18268	TAX FORFEITED WHILE IN RESTRICTED STATUS
	034	W. HALEY	4778	UNAPPROVED RESTRICTED LAND SALE
	035	E. HORTZ	3334	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	036	J. FLEETWOOD	1523	UNAPPROVED RESTRICTED LAND SALE
	037	S. CORNSTOCK	2394	UNAPPROVED RESTRICTED LAND SALE
	038	W. DAVIS	691	UNAPPROVED RESTRICTED LAND SALE
	039	J. COWART	1429	UNAPPROVED RESTRICTED LAND SALE
	040	M. ROSS	214	UNAPPROVED RESTRICTED LAND SALE
	041	O. FALLING	M3423	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	042	B. FARGO	M426	UNAPPROVED RESTRICTED LAND SALE
	043	W. TERRAPIN	M1372	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	044	B. VANN	20311	UNAPPROVED RESTRICTED LAND SALE
	045	B. VANN	20783	TAX FORFEITED WHILE IN RESTRICTED STATUS
	046	J. PHILLIPS	21033	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	047	G. CALDWELL	11949	TAX FORFEITED WHILE IN RESTRICTED STATUS
	048	E. SHELL	18909	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	049	I. HAIR	29112	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	050	M. COREY	MR2	UNAPPROVED RESTRICTED LAND SALE
	051	O. PRATHER	M1292	UNAPPROVED RESTRICTED LAND SALE
	052	C. DEMPSEY	5813	TAX FORFEITED WHILE IN RESTRICTED STATUS
	053	WARD, ALBERTY	40418	FORCED FEE PATENTS
	054	U. COLLINS	4420	UNAPPROVED RESTRICTED LAND SALE
	055	B. CLEMENTS	4890	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	056	M. SCRAPER	18999	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	057	J. LEE	M52	UNAPPROVED RESTRICTED LAND SALE
	058	V. BAKER	M1419	UNAPPROVED RESTRICTED LAND SALE
	059	V. BAKER	4772	UNAPPROVED RESTRICTED LAND SALE
	060	V. BAKER	4775	UNAPPROVED RESTRICTED LAND SALE
	061	V. BAKER	4774	UNAPPROVED RESTRICTED LAND SALE
	062	V. BAKER	4771	UNAPPROVED RESTRICTED LAND SALE
	063	F. BROWN	1269	UNAPPROVED RESTRICTED LAND SALE
	064	W. THORNTON	M414	UNAPPROVED RESTRICTED LAND SALE
	065	G. SHADELL	3559	UNAPPROVED RESTRICTED LAND SALE
	066	J. STARR	NB3826	UNAPPROVED RESTRICTED LAND SALE
	067	T. BROWNFIELD	7157	UNAPPROVED RESTRICTED LAND SALE
	068	E. HILL	28642	UNAPPROVED RESTRICTED LAND SALE
	069	E. HILL	28642	UNAPPROVED RESTRICTED LAND SALE
	070	M. SWIMMER	M2355	UNAPPROVED RESTRICTED LAND SALE
	071	J. RAPER	21350	UNAPPROVED RESTRICTED LAND SALE
	071A	J. RAPER	24405	UNAPPROVED RESTRICTED LAND SALE
	072	V. ZINN	30206	UNAPPROVED RESTRICTED LAND SALE
	073	A. HENSON	19156	FORCED FEE PATENTS
	074	N. MORRIS	22990	TAX FORFEITED WHILE IN RESTRICTED STATUS
	075	W. SCOTT	26866	UNAPPROVED RESTRICTED LAND SALE
	076	B. SCRAPER	28891	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	077	D. NEWTON	11479	UNAPPROVED RESTRICTED LAND SALE
	078	M. JACKSON	7209	UNAPPROVED RESTRICTED LAND SALE
	079	R. BENGE	3017	UNAPPROVED RESTRICTED LAND SALE
	080	M. SMITH	7235	UNAPPROVED RESTRICTED LAND SALE
	081	J. RIDDLE	4227	UNAPPROVED RESTRICTED LAND SALE
	082	O. TAYLOR	M1781	UNAPPROVED RESTRICTED LAND SALE
	083	M. SHERRICK	9847	UNAPPROVED RESTRICTED LAND SALE

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MUSKOGEE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
OKR905	084	S. THORTON	M415	UNAPPROVED RESTRICTED LAND SALE
	085	R. FAVERS	M1935	UNAPPROVED RESTRICTED LAND SALE
	086	F. LEATHERS	15788	UNAPPROVED RESTRICTED LAND SALE
	087	S. HEDRICK	5746	UNAPPROVED RESTRICTED LAND SALE
	088	J. MARTIN	27131	UNAPPROVED RESTRICTED LAND SALE
	089	R. DAVIS	M3712	UNAPPROVED RESTRICTED LAND SALE
	090	B. SMITH	4389	UNAPPROVED RESTRICTED LAND SALE
	091	J. HARMAN	29636	UNAPPROVED RESTRICTED LAND SALE
	092	J. SMITH	28675	UNAPPROVED RESTRICTED LAND SALE
	093	E. SHUCK	27012	UNAPPROVED RESTRICTED LAND SALE
	094	P. GREEN	1062	UNAPPROVED RESTRICTED LAND SALE
	095	M. WEAVER	29823	UNAPPROVED RESTRICTED LAND SALE
	096	T. PARRIAH	1585	IMPROPER CONDEMNATION OR FORECLOSURE
	097	W. BIRD	19750	UNAPPROVED RESTRICTED LAND SALE
	098	E. SHORT	M4198	UNAPPROVED RESTRICTED LAND SALE
	099	W. NEWMAN	1458	UNAPPROVED RESTRICTED LAND SALE
	100	L. STILL	M3291	UNAPPROVED RESTRICTED LAND SALE
	101	J. HIX	M2631	UNAPPROVED RESTRICTED LAND SALE
	102	J. BUSH	19835	UNAPPROVED RESTRICTED LAND SALE
	103	C. TOOTLE	25155	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	104	A. MOUSE	29899	UNAPPROVED RESTRICTED LAND SALE
	105	G. HAIDEN	886	UNAPPROVED RESTRICTED LAND SALE
	106	H. HUGHES	1451	UNAPPROVED RESTRICTED LAND SALE
	107	V. LOWER	9591	UNAPPROVED RESTRICTED LAND SALE
	108	E. MANUS	26924	BOUNDARY ENCROACHMENT
	109	S. DAVIS	17014	DAMAGING ROAD OR HIGHWAY IN TRESPASS
	110	C. CAIN	15504	UNAPPROVED RESTRICTED LAND SALE
	111	M. HUGHES	M4135	UNAPPROVED RESTRICTED LAND SALE
	112	L. GREENFEATHER	M2776	UNAPPROVED RESTRICTED LAND SALE
	113	O. CARLILE	14704	UNAPPROVED RESTRICTED LAND SALE
	114	O. DAWSON	4719	UNAPPROVED RESTRICTED LAND SALE
	115	B. THURSTON	9200	UNAPPROVED RESTRICTED LAND SALE
	116	J. STAYHORN	19198	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	117	J. STAYHORN	19195	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	118	S. SANDERS	11012	GRAZING TRESPASS
	119	R. ANDERSON	26848	UNAPPROVED RESTRICTED LAND SALE
	120	J. SMART	25470	UNAPPROVED RESTRICTED LAND SALE
	121	E. MCVICKER	4438	UNAPPROVED RESTRICTED LAND SALE
	122	P. CLARK	4771	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	123	G. LEWIS	MR2246	UNAPPROVED RESTRICTED LAND SALE
	124	J. VANN	29962	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	125	M. STILL	29492	TAX FORFEITED WHILE IN RESTRICTED STATUS
	126	M. DEERINWATER	16093	UNAPPROVED RESTRICTED LAND SALE
	127	G. SCOTT	4798	UNAPPROVED RESTRICTED LAND SALE
	128	A. SANDERS	M1147	UNAPPROVED RESTRICTED LAND SALE
	129	N. TAYLOR	M1181	UNAPPROVED RESTRICTED LAND SALE
	130	E. HILL	28642	UNAPPROVED RESTRICTED LAND SALE
	131	A. THOMPSON	14510	UNAPPROVED RESTRICTED LAND SALE
	132	E. BITTING	32937	UNAPPROVED RESTRICTED LAND SALE
	133	C. BUSSEY	MA77	UNAPPROVED RESTRICTED LAND SALE
	134	B. CRITTENDEN	11538	UNAPPROVED RESTRICTED LAND SALE
	135	R. HOWARD	17013	TAX FORFEITED WHILE IN RESTRICTED STATUS
	136	S. BAILEY	4772	TAX FORFEITED WHILE IN RESTRICTED STATUS
	138	D. ALBERTY	27987	UNAPPROVED RESTRICTED LAND SALE
	139	K. COOK	29262	UNAPPROVED RESTRICTED LAND SALE
	140	H. WHEATLEY	M131	UNAPPROVED RESTRICTED LAND SALE
	141	M. FISHER	M4128	UNAPPROVED RESTRICTED LAND SALE
	142	K. ALEXANDER	20834	TAX FORFEITED WHILE IN RESTRICTED STATUS
	143	F. GRAVES	10879	UNAPPROVED RESTRICTED LAND SALE
	144	J. MILLICAN	3472	TAX FORFEITED WHILE IN RESTRICTED STATUS
	145	S. LITTLEJOHN	25837	TAX FORFEITED WHILE IN RESTRICTED STATUS
	146	E. HILL	10067	UNAPPROVED RESTRICTED LAND SALE
	147	J. PRATT	29649	FORCED FEE PATENTS
	148	M. TERRY	26855	UNAPPROVED RESTRICTED LAND SALE
	149	N. DAVIS	M2185	UNAPPROVED RESTRICTED LAND SALE
	150	B. BRADFORD	14449	UNAPPROVED RESTRICTED LAND SALE
	151	T. MARTIN	25488	UNAPPROVED RESTRICTED LAND SALE
	152	R. BROWN	M765	UNAPPROVED RESTRICTED LAND SALE

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MUSKOGEE AREA STATUTE CLAIMS

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MUSKOGEE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
608905	153	L. STITES	27279	TAX FORFEITED WHILE IN RESTRICTED STATUS
	154	R. JACKSON	16246	UNAPPROVED RESTRICTED LAND SALE
	155	P. HAWK	12508	UNAPPROVED RESTRICTED LAND SALE
	156	D. BIGBEY	27123	UNAPPROVED RESTRICTED LAND SALE
	157	F. REESE	16931	UNAPPROVED RESTRICTED LAND SALE
	158	L. STITES	27277	UNAPPROVED RESTRICTED LAND SALE
	159	E. PHILLIPS	10254	UNAPPROVED RESTRICTED LAND SALE
	160	G. THOMPSON	3355	UNAPPROVED RESTRICTED LAND SALE
	161	V. LEWIS	27512	UNAPPROVED RESTRICTED LAND SALE
	162	T. SEABOLT	22953	UNAPPROVED RESTRICTED LAND SALE
	163	U. NEWTON	16796	UNAPPROVED RESTRICTED LAND SALE
	164	D. BROMLEY	24382	UNAPPROVED RESTRICTED LAND SALE
	165	K. DUVALL	27376	UNAPPROVED RESTRICTED LAND SALE
	166	A. WILSON	10540	UNAPPROVED RESTRICTED LAND SALE
	167	G. ARROWOOD	6457	UNAPPROVED RESTRICTED LAND SALE
	168	L. MONROE	M4024	UNAPPROVED RESTRICTED LAND SALE
	169	S. WILSON	30470	UNAPPROVED RESTRICTED LAND SALE
	170	W. CHINESTUDY	30625	UNAPPROVED RESTRICTED LAND SALE
	171	D. RAPER	32462	UNAPPROVED RESTRICTED LAND SALE
	172	R. CHRISMON	26938	UNAPPROVED RESTRICTED LAND SALE
	173	L. SCHUENKER	31510	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	174	A. MALONE	12057	UNAPPROVED RESTRICTED LAND SALE
	175	G. SALLEY	11609	UNAPPROVED RESTRICTED LAND SALE
	176	M. BLACKWELL	6601	UNAPPROVED RESTRICTED LAND SALE
	177	F. WRIGHT	M3956	UNAPPROVED RESTRICTED LAND SALE
	178	C. GRAVES	10877	UNAPPROVED RESTRICTED LAND SALE
	179	A. PICHARD	M2598	UNAPPROVED RESTRICTED LAND SALE
	180	E. HAMILTON	M1209	UNAPPROVED RESTRICTED LAND SALE
	181	M. BLAIR	29189	UNAPPROVED RESTRICTED LAND SALE
	182	D. SNIDER	3582	UNAPPROVED RESTRICTED LAND SALE
	183	W. KERR	9408	UNAPPROVED RESTRICTED LAND SALE
	184	H. CAPPS	19596	UNAPPROVED RESTRICTED LAND SALE
	185	G. SMITH	M3418	UNAPPROVED RESTRICTED LAND SALE
	186	M. POOLE	13073	UNAPPROVED RESTRICTED LAND SALE
	187	C. POTTER	M4383	UNAPPROVED RESTRICTED LAND SALE
	188	J. LEE	M3945	UNAPPROVED RESTRICTED LAND SALE
	189	N. GABRIEL	5499	UNAPPROVED RESTRICTED LAND SALE
	190	C. DOUGLAS	11343	UNAPPROVED RESTRICTED LAND SALE
	191	A. LEWIS	M3489	UNAPPROVED RESTRICTED LAND SALE
	192	J. ALBERTY	22386	UNAPPROVED RESTRICTED LAND SALE
	193	V. COMBS	29772	UNAPPROVED RESTRICTED LAND SALE
	194	M. GRIFFIN	28375	UNAPPROVED RESTRICTED LAND SALE
	194A	M. GRIFFIN	28477	UNAPPROVED RESTRICTED LAND SALE
	195	P. MOORE	2833	UNAPPROVED RESTRICTED LAND SALE
	196	A. HALLMARK	M4132	UNAPPROVED RESTRICTED LAND SALE
	197	E. LOFTIN	3649	UNAPPROVED RESTRICTED LAND SALE
	198	W. BOOK	23477	UNAPPROVED RESTRICTED LAND SALE
	199	J. SPARKS	3193	UNAPPROVED RESTRICTED LAND SALE
	200	N. HICKS	M3422	UNAPPROVED RESTRICTED LAND SALE
	201	E. PATTERSON	4323	UNAPPROVED RESTRICTED LAND SALE
	202	B. LISTON	95	UNAPPROVED RESTRICTED LAND SALE
	203	A. PATTON	10900	UNAPPROVED RESTRICTED LAND SALE
	204	O. SEABOLT	3955	UNAPPROVED RESTRICTED LAND SALE
	205	L. FULTON	17574	UNAPPROVED RESTRICTED LAND SALE
	206	W. RAWLS	801	UNAPPROVED RESTRICTED LAND SALE
	207	H. COWARD	23047	UNAPPROVED RESTRICTED LAND SALE
	208	C. ROGERS	26217	UNAPPROVED RESTRICTED LAND SALE
	209	J. ARCHER	11905	UNAPPROVED RESTRICTED LAND SALE
	210	O. KENNICUTT	14766	UNAPPROVED RESTRICTED LAND SALE
	211	A. GRIFFIN	5089	UNAPPROVED RESTRICTED LAND SALE
	212	C. RENISH	24728	UNAPPROVED RESTRICTED LAND SALE
	213	R. PRICHARD	14044	UNAPPROVED RESTRICTED LAND SALE
	214	G. PANNELL	21759	UNAPPROVED RESTRICTED LAND SALE
	215	R. MORSE	29230	UNAPPROVED RESTRICTED LAND SALE
	216	P. BROWN	M1429	UNAPPROVED RESTRICTED LAND SALE
	217	M. WALLACE	M3949	UNAPPROVED RESTRICTED LAND SALE
	218	V. LAUDERMILK	12497	UNAPPROVED RESTRICTED LAND SALE
	219	L. ODOM	M1400	UNAPPROVED RESTRICTED LAND SALE

MUSKOGEE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
608905	220	C. TRAINOR	11654	UNAPPROVED RESTRICTED LAND SALE
	221	B. BRYANT	21418	UNAPPROVED RESTRICTED LAND SALE
	222	R. WYLY	22340	UNAPPROVED RESTRICTED LAND SALE
	223	P. MERRELL	M1037	UNAPPROVED RESTRICTED LAND SALE
	224	E. PARRIS	21775	UNAPPROVED RESTRICTED LAND SALE
	225	M. SLAGLE	25067	UNAPPROVED RESTRICTED LAND SALE
	226	A. DEARMON	29414	UNAPPROVED RESTRICTED LAND SALE
	227	W. DAVIS	17690	UNAPPROVED RESTRICTED LAND SALE
	228	W. HENDRIX	M1022	UNAPPROVED RESTRICTED LAND SALE
	229	M. WILSON	28024	UNAPPROVED RESTRICTED LAND SALE
	230	J. DOTSON	3033	TAX FORFEITED WHILE IN RESTRICTED STATUS
	231	W. FLESHER	29260	UNAPPROVED RESTRICTED LAND SALE
	232	M. HAMILTON	15120	UNAPPROVED RESTRICTED LAND SALE
	233	C. FERGUSON	M2593	UNAPPROVED RESTRICTED LAND SALE
	234	B. GARRISON	28265	UNAPPROVED RESTRICTED LAND SALE
	235	M. CAREY	22030	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	236	G. CHRISTIE	M4936	DAMAGING ROAD OR HIGHWAY IN TRESPASS
	237	M. GRITTS	M4031	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	238	M. HOGSHOOTER	32062	UNAPPROVED RESTRICTED LAND SALE
	239	M. ADAIR	15561	UNAPPROVED RESTRICTED LAND SALE
	240	L. HIGGINS	3912	UNAPPROVED RESTRICTED LAND SALE
	241	D. SLAGLE	24377	UNAPPROVED RESTRICTED LAND SALE
	242	B. WEST	8774	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	243	O. BAKER	9064	UNAPPROVED RESTRICTED LAND SALE
	244	R. LAIN	29927	UNAPPROVED RESTRICTED LAND SALE
	245	C. MURPHY	21157	IMPROPER CONDEMNATION OR FORECLOSURE
	246	T. GRITTS	26708	TAX FORFEITED WHILE IN RESTRICTED STATUS
	246A	T. GRITTS	18449	TAX FORFEITED WHILE IN RESTRICTED STATUS
	247	L. ALLEN	28924	BOUNDARY ENCROACHMENT
	248	N. COON	13944	UNAPPROVED RESTRICTED LAND SALE
	249	W. DUFFIELD	16051	TAX FORFEITED WHILE IN RESTRICTED STATUS
	250	C. ROBERSON	4249	UNAPPROVED RESTRICTED LAND SALE
	251	J. CHULIO	19220	UNAPPROVED RESTRICTED LAND SALE
	251A	J. CHULIO	16917	UNAPPROVED RESTRICTED LAND SALE
	252	T. WOODALL	16515	UNAPPROVED RESTRICTED LAND SALE
	253	B. VANN	20312	BOUNDARY ENCROACHMENT
	254	M. WALKINGSTICK	29847	UNAPPROVED RESTRICTED LAND SALE
	255	M. ADAIR	18951	UNAPPROVED RESTRICTED LAND SALE
	256	J. PORTER	27247	UNAPPROVED RESTRICTED LAND SALE
	257	I. WHITE	9443	UNAPPROVED RESTRICTED LAND SALE
	258	O. BARNES	24938	UNAPPROVED RESTRICTED LAND SALE
	259	N. WALKINGSTICK	25759	TAX FORFEITED WHILE IN RESTRICTED STATUS
	260	C. RYERS	21136	TAX FORFEITED WHILE IN RESTRICTED STATUS
	261	E. BLACKBEAR	30512	UNAPPROVED RESTRICTED LAND SALE
	262	T. SWIMMER	28487	IMPROPER CONDEMNATION OR FORECLOSURE
	262A	T. SWIMMER	28488	IMPROPER CONDEMNATION OR FORECLOSURE
	263	J. SULLATESKEE	20178	UNAPPROVED RESTRICTED LAND SALE
	264	L. KENNEDY	27178	UNAPPROVED RESTRICTED LAND SALE
	265	F. GIRTY	25388	UNAPPROVED RESTRICTED LAND SALE
	266	R. LEMASTER	12710	UNAPPROVED RESTRICTED LAND SALE
	267	N. RUNABOUT	20419	UNAPPROVED RESTRICTED LAND SALE
	268	J. WATT	29009	UNAPPROVED RESTRICTED LAND SALE
	269	T. BEARPAW	26086	UNAPPROVED RESTRICTED LAND SALE
	270	S. TANNER	19729	TAX FORFEITED WHILE IN RESTRICTED STATUS
	271	I. WHITE	10618	UNAPPROVED RESTRICTED LAND SALE
	272	I. WHITE	10604	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	273	W. PENN	M2780	TAX FORFEITED WHILE IN RESTRICTED STATUS
	274	J. AMMONS	13088	UNAPPROVED RESTRICTED LAND SALE
	275	R. HOOPER	M1295	UNAPPROVED RESTRICTED LAND SALE
	276	M. GRITTS	21142	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	277	S. WILDCAT	19932	IMPROPER CONDEMNATION OR FORECLOSURE
	278	S. HENSON	21418	UNAPPROVED RESTRICTED LAND SALE
	279	U. STRINGER	M2269	UNAPPROVED RESTRICTED LAND SALE
	280	J. HOGSHOOTER	15962	UNAPPROVED RESTRICTED LAND SALE
	281	L. PADGETT	14377	UNAPPROVED RESTRICTED LAND SALE
	282	B. CARTER	16158	UNAPPROVED RESTRICTED LAND SALE
	283	C. CHULTIE	21002	UNAPPROVED RESTRICTED LAND SALE
	284	J. TADPOLE	22359	UNAPPROVED RESTRICTED LAND SALE

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MUSKOGEE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
OKR905	285	L. ISAAC	28487	TAX FORFEITED WHILE IN RESTRICTED STATUS
	286	W. BERGENHOLTZ	21731	UNAPPROVED RESTRICTED LAND SALE
	287	C. CATCHER	27215	FORCED FEE PATENTS
	288	C. CATCHER	27216	FORCED FEE PATENTS
	289	L. STOCKDILL	28010	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	290	B. SPADE	20798	UNAPPROVED RESTRICTED LAND SALE
	291	A. TURNER	32044	UNAPPROVED RESTRICTED LAND SALE
	292	W. FODDER	M4221	UNAPPROVED RESTRICTED LAND SALE
	293	N. HOLEMAN	2771	UNAPPROVED RESTRICTED LAND SALE
	294	L. CUNNINGHAM	M3268	UNAPPROVED RESTRICTED LAND SALE
	295	G. HICKS	29076	UNAPPROVED RESTRICTED LAND SALE
	296	M. PITT	24514	UNAPPROVED RESTRICTED LAND SALE
	297	B. COODEY	5018	UNAPPROVED RESTRICTED LAND SALE
	298	R. MEEKER	5418	UNAPPROVED RESTRICTED LAND SALE
	299	M. KNIGHT	M3812	UNAPPROVED RESTRICTED LAND SALE
	300	R. OSBORNE	3614	UNAPPROVED RESTRICTED LAND SALE
	301	W. LOWERMORE	11031	UNAPPROVED RESTRICTED LAND SALE
	302	S. HALL	27308	UNAPPROVED RESTRICTED LAND SALE
	303	L. TIMO	29530	UNAPPROVED RESTRICTED LAND SALE
	304	L. MCELMORE	18040	UNAPPROVED RESTRICTED LAND SALE
	305	E. GOURD	19443	UNAPPROVED RESTRICTED LAND SALE
	306	D. GROCE	M4776	UNAPPROVED RESTRICTED LAND SALE
	307	W. BROWN	18048	UNAPPROVED RESTRICTED LAND SALE
	308	J. JACKSON	2790	UNAPPROVED RESTRICTED LAND SALE
	309	P. SMITH	M1918	UNAPPROVED RESTRICTED LAND SALE
	310	J. SPIGGIN	6193	UNAPPROVED RESTRICTED LAND SALE
	310A	J. SPIGGINS	6194	UNAPPROVED RESTRICTED LAND SALE
	311	C. CHRISTIE	21001	UNAPPROVED RESTRICTED LAND SALE
	312	R. MEEKER	5418	UNAPPROVED RESTRICTED LAND SALE
	313	R. KETCHER	29240	UNAPPROVED RESTRICTED LAND SALE
	314	T. GREENWOOD	225	UNAPPROVED RESTRICTED LAND SALE
	315	L. HOLLOWAY	18057	UNAPPROVED RESTRICTED LAND SALE
	316	A. CORFEL	12549	UNAPPROVED RESTRICTED LAND SALE
	317	L. KNIES	M2472	IMPROPER CONDEMNATION OR FORECLOSURE
	318	F. GRAF	20290	UNAPPROVED RESTRICTED LAND SALE
	319	T. WHITE	10619	UNAPPROVED RESTRICTED LAND SALE
	320	E. TRIPLETT	21431	UNAPPROVED RESTRICTED LAND SALE
	321	W. HORSHOOTER	32910	FORCED FEE PATENTS
	322	K. SAM	21102	UNAPPROVED RESTRICTED LAND SALE
	323	E. PAYTON	M3369	UNAPPROVED RESTRICTED LAND SALE
	324	J. FOUR	4780	UNAPPROVED RESTRICTED LAND SALE
	325	M. PITTS	3044	UNAPPROVED RESTRICTED LAND SALE
	325A	M. PITTS	27837	UNAPPROVED RESTRICTED LAND SALE
	326	M. HOLLIBURTON	5818	UNAPPROVED RESTRICTED LAND SALE
	326A	M. HOLLIBURTON	32141	UNAPPROVED RESTRICTED LAND SALE
	327	C. HANTLE	30424	TAX FORFEITED WHILE IN RESTRICTED STATUS
	328	M. BARR	30487	UNAPPROVED RESTRICTED LAND SALE
	329	C. PROCTOR	26455	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	329A	C. PROCTOR	26456	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	330	J. THOMPSON	30752	UNAPPROVED RESTRICTED LAND SALE
	331	W. BALLARD	478	UNAPPROVED RESTRICTED LAND SALE
	332	J. BALLARD	M3191	UNAPPROVED RESTRICTED LAND SALE
	333	O. BURTLE	4449	UNAPPROVED RESTRICTED LAND SALE
	334	C. TEEHEE	21928	UNAPPROVED RESTRICTED LAND SALE
	335	R. TEEHEE	20485	UNAPPROVED RESTRICTED LAND SALE
	336	S. CHARLES	14601A	UNAPPROVED RESTRICTED LAND SALE
	337	E. MCKEE	29044	UNAPPROVED RESTRICTED LAND SALE
	338	E. MCKEE	M4934	TAX FORFEITED WHILE IN RESTRICTED STATUS
	339	W. PROFFAT	24259	TAX FORFEITED WHILE IN RESTRICTED STATUS
	339A	W. PROFFAT	29441	TAX FORFEITED WHILE IN RESTRICTED STATUS
	340	C. CHRISTIE	21002	UNAPPROVED RESTRICTED LAND SALE
	341	G. TURNER	17492	UNAPPROVED RESTRICTED LAND SALE
	342	R. BROWLEY	7516	UNAPPROVED RESTRICTED LAND SALE
	343	E. PAYTON	7504	UNAPPROVED RESTRICTED LAND SALE
	344	R. SPRINGS	7504	UNAPPROVED RESTRICTED LAND SALE
	345	L. STILES	M2106	UNAPPROVED RESTRICTED LAND SALE
	346	S. HARTLEY	M483	UNAPPROVED RESTRICTED LAND SALE
	346A	S. HARTLEY	M484	UNAPPROVED RESTRICTED LAND SALE

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MUSKOGEE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
OKR905	346B	S. HARTLEY	3527	UNAPPROVED RESTRICTED LAND SALE
	346C	S. HARTLEY	3528	UNAPPROVED RESTRICTED LAND SALE
	346D	S. HARTLEY	3529	UNAPPROVED RESTRICTED LAND SALE
	346E	S. HARTLEY	3530	UNAPPROVED RESTRICTED LAND SALE
	346F	S. HARTLEY	3531	UNAPPROVED RESTRICTED LAND SALE
	346G	S. HARTLEY	3532	UNAPPROVED RESTRICTED LAND SALE
	346H	S. HARTLEY	3533	UNAPPROVED RESTRICTED LAND SALE
	346I	S. HARTLEY	3534	UNAPPROVED RESTRICTED LAND SALE
	346J	S. HARTLEY	3535	UNAPPROVED RESTRICTED LAND SALE
	346K	S. HARTLEY	3536	UNAPPROVED RESTRICTED LAND SALE
	346L	S. HARTLEY	3537	UNAPPROVED RESTRICTED LAND SALE
	347	A. KETCHER	19417	BOUNDARY ENCROACHMENT
	348	H. BRIMAGE	M2257	UNAPPROVED RESTRICTED LAND SALE
	349	B. FLETCHER	M4048	UNAPPROVED RESTRICTED LAND SALE
	350	S. ROBINSON	17470	UNAPPROVED RESTRICTED LAND SALE
	351	L. MARTIN	M2152	UNAPPROVED RESTRICTED LAND SALE
	352	M. RAMEY	M248	UNAPPROVED RESTRICTED LAND SALE
	353	S. KINCAIDE	10911	UNAPPROVED RESTRICTED LAND SALE
	354	D. BIGBY	2495	UNAPPROVED RESTRICTED LAND SALE
	355	F. ADKISSON	404	UNAPPROVED RESTRICTED LAND SALE
	356	E. SHORT	M4199	UNAPPROVED RESTRICTED LAND SALE
	357	J. TEHEE	29632	UNAPPROVED RESTRICTED LAND SALE
	358	R. QUINTON	17827	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	359	A. DOWNING	14477	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	360	C. JOHNSTON	25749	UNAPPROVED RESTRICTED LAND SALE
	361	E. COURT	30235	TAX FORFEITED WHILE IN RESTRICTED STATUS
	362	D. JONES	24547	TAX FORFEITED WHILE IN RESTRICTED STATUS
	363	M. DOWNING	30713	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	364	S. TEEHEE	25393	UNAPPROVED RESTRICTED LAND SALE
	365	N. LOSSIE	17112	WELFARE PAYMENTS MADE FROM TRUST ESTATES
	366	J. MATHIS	M139	UNAPPROVED RESTRICTED LAND SALE
	367	W. STANSTILL	1456	UNAPPROVED RESTRICTED LAND SALE
	368	D. FOUTS	7170	UNAPPROVED RESTRICTED LAND SALE
	369	W. HUGGINS	30491A	UNAPPROVED RESTRICTED LAND SALE
	370	W. HUGGINS	30313	UNAPPROVED RESTRICTED LAND SALE
	371	R. ROWNER	30474	UNAPPROVED RESTRICTED LAND SALE
	371A	R. ROWNER	25914	UNAPPROVED RESTRICTED LAND SALE
	371B	R. ROWNER	M1454	UNAPPROVED RESTRICTED LAND SALE
	372	T. KERNER	21377	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	373	T. KERNER	32691	FORCED FEE PATENTS
	374	E. SANDERS	17412	FORCED FEE PATENTS
	374A	E. SANDERS	32091	FORCED FEE PATENTS
	375	D. HOUSTON	21337	FORCED FEE PATENTS
	376	L. ROBERTT	9034	UNAPPROVED RESTRICTED LAND SALE
	377	V. COCHRAN	29407	UNAPPROVED RESTRICTED LAND SALE
	378	D. DILLAND	27995	UNAPPROVED RESTRICTED LAND SALE
	379	C. BURSEY	M477	UNAPPROVED RESTRICTED LAND SALE
	380	O. OWENS	19727	TRESPASSING ROAD OR RIGHTWAY IN TRESPASS
	381	M. WEST	27112	IMPROPER CONTEMNATION OR FORECLOSURE
	382	E. CHURCHILATE	27544	UNAPPROVED RESTRICTED LAND SALE
	383	D. ANOATR	30443	UNAPPROVED RESTRICTED LAND SALE
	383D	D. ANOATR	30444	UNAPPROVED RESTRICTED LAND SALE
	384	H. KEYS	21424	UNAPPROVED RESTRICTED LAND SALE
	385	J. SOAP	19154	FORCED FEE PATENTS
	386	R. STARR	19950	TAX FORFEITED WHILE IN RESTRICTED STATUS
	387	J. VANN	29642	UNAPPROVED RESTRICTED LAND SALE
	389	T. BURGESS	30082	UNPAID RENTALS - FEES OR EASEMENT
	389	J. SHOEMAKER	32147	UNAPPROVED RESTRICTED LAND SALE
	390	T. JOHNSTON	32005	UNAPPROVED RESTRICTED LAND SALE
	391	J. WILKINS	FR4749	UNAPPROVED RESTRICTED LAND SALE
	391A	L. WILKINS	M594	UNAPPROVED RESTRICTED LAND SALE
	391B	L. WILKINS	4751	UNAPPROVED RESTRICTED LAND SALE
	391C	L. WILKINS	4748	UNAPPROVED RESTRICTED LAND SALE
	392	J. ROPER	1495	UNAPPROVED RESTRICTED LAND SALE
	393	C. CRAIN	10715	UNAPPROVED RESTRICTED LAND SALE
	394	E. WOODY	29054	UNAPPROVED RESTRICTED LAND SALE
	395	J. KELLY	M6499	UNAPPROVED RESTRICTED LAND SALE
	396	W. WEST	17005	UNAPPROVED RESTRICTED LAND SALE

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MUSKOGEE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
OKR905	397	J. BRADLEY	29443	UNAPPROVED RESTRICTED LAND SALE
	398	J. BRADLEY	29444	UNAPPROVED RESTRICTED LAND SALE
	399	J. BRADLEY	29445	UNAPPROVED RESTRICTED LAND SALE

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
608905	397	G. BOWKER	2752	UNAPPROVED RESTRICTED LAND SALE
	398	V. DIXSON	M4A20	UNAPPROVED RESTRICTED LAND SALE
	399	L. TOLBERT	2974	UNAPPROVED RESTRICTED LAND SALE
	400	J. VANN	11242	UNAPPROVED RESTRICTED LAND SALE
	401	S. MCKIBBEN	14007	UNAPPROVED RESTRICTED LAND SALE
	402	D. CAREY	29570	UNAPPROVED RESTRICTED LAND SALE
	402A	D. CAREY	29571	UNAPPROVED RESTRICTED LAND SALE
	403	L. TOMS	FR4271	UNAPPROVED RESTRICTED LAND SALE
	404	C. JOHNSON	15791	TAX FORFEITED WHILE IN RESTRICTED STATUS
	405	G. BOWKER	12210	UNAPPROVED RESTRICTED LAND SALE
	406	J. WOLFE	NF	BOUNDARY ENCROACHMENT
	407	J. CREWS	4957	UNAPPROVED RESTRICTED LAND SALE
	408	R. WASHINGTON	21149	IMPROPER CONDEMNATION OR FORECLOSURE
	409	C. CHRISTIE	31002	UNAPPROVED RESTRICTED LAND SALE
	410	W. TOMBLEHEAD	20950	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	412	D. MCELMORE	28076	TAX FORFEITED WHILE IN RESTRICTED STATUS
	413	K. MADOME	19079	TAX FORFEITED WHILE IN RESTRICTED STATUS
	414	R. WAYNE	20484	BOUNDARY ENCROACHMENT
	415	R. GIFFORD	26977	UNAPPROVED RESTRICTED LAND SALE
	416	J. MOORE	19787	CANCELLED FEE PATENT
	417	S. MOORE	19790	CANCELLED FEE PATENT
	418	E. STEPP	29431	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	419	P. OWLETT	26919	UNPAID RENTALS - FEES OR EASEMENT
609907	001	V. KNIGHT	M7A8	FORCED FEE PATENTS
	002	E. SIMPSON	FR4759	TIMBERING LINE IN TRESPASS
	002	M. DAVIDSON	471	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	002A	M. DAVIDSON	M13	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	002B	M. DAVIDSON	MC470	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	002C	M. DAVIDSON	MC09	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	004	J. CLAY	5344	TAX FORFEITED WHILE IN RESTRICTED STATUS
	005	R. BROOKE	12449	UNAPPROVED RESTRICTED LAND SALE
	006A	A. NELSON	5900	TAX FORFEITED WHILE IN RESTRICTED STATUS
	007	L. JAMES	NE30	UNAPPROVED RESTRICTED LAND SALE
	007A	L. JAMES	197	UNAPPROVED RESTRICTED LAND SALE
	009	A. SAMPSON	MC12A	UNAPPROVED RESTRICTED LAND SALE
	009	S. JAMES	5344	TAX FORFEITED WHILE IN RESTRICTED STATUS
	010	E. GOMEZ	727	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	011	E. MILLER	4431	TAX FORFEITED WHILE IN RESTRICTED STATUS
	012	M. BROWN	14791	TAX FORFEITED WHILE IN RESTRICTED STATUS
	013	S. SCOTT	2414	TAX FORFEITED WHILE IN RESTRICTED STATUS
	014	R. STEPHENS	IW1747	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	015	S. WILKERSON	MC984	TAX FORFEITED WHILE IN RESTRICTED STATUS
	016	G. BOB	MC1035	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	017	B. SULLIVAN	MC442	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	018	T. HUNT	FR12A1	UNAPPROVED RESTRICTED LAND SALE
	019	C. JONES	5015	UNAPPROVED RESTRICTED LAND SALE
	020	D. CHRISTIE	MC992	UNAPPROVED RESTRICTED LAND SALE
	021	H. WILLISTON	1471	UNAPPROVED RESTRICTED LAND SALE
	022	H. WRIGHT	4640	UNAPPROVED RESTRICTED LAND SALE
	023	J. BILLY	5240	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	024	F. HARRIS	13547	UNAPPROVED RESTRICTED LAND SALE
	025	F. SMITH	15521	UNAPPROVED RESTRICTED LAND SALE
	026	M. LEFLORE	9824	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	027	M. LOUIS	11272	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	027A	M. LOUIS	2982	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	028	M. LEWIS	11340	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	029	C. DOCTOR	1050	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	030	C. TAYLOR	1050	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	031	V. RYAN	1050	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	032	A. WALLEN	9978	BOUNDARY ENCROACHMENT
	033	D. TROPER	4764	UNAPPROVED RESTRICTED LAND SALE
	034	M. CORBIN	MC1040	UNAPPROVED RESTRICTED LAND SALE
	035	M. WESLEY	1981	TAX FORFEITED WHILE IN RESTRICTED STATUS
	036	N. PORTER	4195	TAX FORFEITED WHILE IN RESTRICTED STATUS
	037	T. REDDING	MC 47	FORCED FEE PATENTS
	039	R. HALL	11552	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	039	R. HALL	11552	UNAPPROVED RESTRICTED LAND SALE
	040	T. JAMES	1474	UNAPPROVED RESTRICTED LAND SALE

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
609907	041	E. ANTHERSON	NE1470	TAX FORFEITED WHILE IN RESTRICTED STATUS
	042	M. SHILLING	14929	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	043	A. HALCOMB	2580	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	044	A. HALCOMB	NR571	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	045	A. HALCOMB	14419	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	046	A. HALCOMB	M259	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	047	A. WOTHREE	5782	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	048	M. BALES	14119	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	049	M. BALES	IW804	UNAPPROVED RESTRICTED LAND SALE
	050	D. KEMP	9249	WRONGFUL TAXATION OF LAND
	051	D. KEMP	9252	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	052	G. KLINE	5423	FORCED FEE PATENTS
	053	B. JOHNSTON	MC927	FORCED FEE PATENTS
	054	R. JOHNSTON	MC927	FORCED FEE PATENTS
	055	M. WEBB	12337	UNAPPROVED RESTRICTED LAND SALE
	056	N. REMICK	13489	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	057	N. REMICK	892	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	058	R. TAYLOR	MC70	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	059	R. TAYLOR	MC682	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	060	E. CHRISTIE	729	FORCED FEE PATENTS
	061	G. SEWELL	MC611	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	062	M. WALL	MC611	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	063	E. WYNAND	15454	UNAPPROVED RESTRICTED LAND SALE
	064	O. COPLEN	1191	UNAPPROVED RESTRICTED LAND SALE
	065	C. TAYLOR	MC1075	FORCED FEE PATENTS
	065A	C. TAYLOR	MC107A	FORCED FEE PATENTS
	066	S. POLLOCK	2455	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	067	L. NOLEY	M992	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	068	L. NOLEY	1298	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	069	C. COLEY	8303	FORCED FEE PATENTS
	070	L. YOUNGDEER	MC1075	FORCED FEE PATENTS
	070A	L. YOUNGDEER	MC107A	FORCED FEE PATENTS
	071	R. SCHLAIDROFF	MC1075	FORCED FEE PATENTS
	071A	R. SCHLAIDROFF	MC107A	FORCED FEE PATENTS
	072	A. TRAMEL	512	TAX FORFEITED WHILE IN RESTRICTED STATUS
	073	G. KLINE	5425	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	074	J. JACK	MC37	FORCED FEE PATENTS
	075	J. MOTE	7334	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	076	S. CORN	M995	UNAPPROVED RESTRICTED LAND SALE
	077	I. BAKER	2041	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	078	E. TAYLOR	2727	UNAPPROVED RESTRICTED LAND SALE
	079	E. LUTHOW	[illegible]	TAX FORFEITED WHILE IN RESTRICTED STATUS
	080	N. MILLER	11745	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	081	W. SHIELDS	253	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	082	S. AMOS	9004	FORCED FEE PATENTS
	083	S. AMOS	MC786	UNAPPROVED RESTRICTED LAND SALE
	084	A. AGUIRRE	13779	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	085	D. WILCOX	NR1466	FORCED FEE PATENTS
	086	A. CALHOUN	4711	TAX FORFEITED WHILE IN RESTRICTED STATUS
	087	W. PALMER	4711	TAX FORFEITED WHILE IN RESTRICTED STATUS
	088	B. JAMES	8442	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	089	V. WALKER	2386	TAX FORFEITED WHILE IN RESTRICTED STATUS
	090	B. JAMES	8436	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	091	M. GARDNER	MC1038	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	092	A. MCINTOSH	5900	TAX FORFEITED WHILE IN RESTRICTED STATUS
	093	M. COOPER	MC1371	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	094	H. LEFLORE	IW1092	UNAPPROVED RESTRICTED LAND SALE
	095	W. TAYLOR	2727	TAX FORFEITED WHILE IN RESTRICTED STATUS
	096	B. KIMBROUGH	10256	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	097	J. JACK	MC25	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	098	E. ISHOMER	2064	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	098A	E. ISHOMER	3152	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	098B	F. ISHOMER	M428	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	099	R. SAM	MC1022	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	100	I. TAYLOR	MC182	FORCED FEE PATENTS
	101	H. TOM	9084	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	102	A. HARVEY	2841	FORCED FEE PATENTS
	103	M. GIPSON	2757	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION

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MUSKOGEE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
G09907	104	M. GARTNER	MC134A	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	105	J. PATE	13931	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	106	C. JONES	2585	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	107	B. JAMES	8442	TAX FORFEITED WHILE IN RESTRICTED STATUS
	108	B. JAMES	NB597	TAX FORFEITED WHILE IN RESTRICTED STATUS
	109	B. JAMES	8437	TAX FORFEITED WHILE IN RESTRICTED STATUS
	110	S. WHITE	6991	UNAPPROVED RESTRICTED LAND SALE
	111	J. WEBSTER	11608	FORGED FEE PATENTS
	112	A. NELSON	8524	TAX FORFEITED WHILE IN RESTRICTED STATUS
	113	R. MCCLISH	9356	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	114	E. TIMS	15412	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	115	C. COOPER	NR4480	UNAPPROVED RESTRICTED LAND SALE
	116	J. TOBIE	5707	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	117	F. CHUCULATE	5919	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	118	J. MOTE	IW246	UNAPPROVED RESTRICTED LAND SALE
	119	S. LOUIS	1753	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	120	B. WASHINGTON	1460	FORGED FEE PATENTS
	121	D. BATES	1145	TAX FORFEITED WHILE IN RESTRICTED STATUS
	122	J. PORTMAN	1145	TAX FORFEITED WHILE IN RESTRICTED STATUS
	123	B. VERDER	1145	TAX FORFEITED WHILE IN RESTRICTED STATUS
	124	D. PALMER	MC1044	UNAPPROVED RESTRICTED LAND SALE
	124A	D. PALMER	426	UNAPPROVED RESTRICTED LAND SALE
	125	J. WEBSTER	11740	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	126	M. EATMAN	1145	TAX FORFEITED WHILE IN RESTRICTED STATUS
	127	J. CARR	NR485	AGRICULTURAL TRESPASS
	128	T. ROGERS	7294	UNAPPROVED RESTRICTED LAND SALE
	128A	I. ROGERS	FR1545	UNAPPROVED RESTRICTED LAND SALE
	129	M. COOPER	MC1371	UNAPPROVED RESTRICTED LAND SALE
	130	J. WARD	1540	AGRICULTURAL TRESPASS
	131	A. DEWBERRY	9203	UNAPPROVED RESTRICTED LAND SALE
	132	R. LUMAN	5895	TAX FORFEITED WHILE IN RESTRICTED STATUS
	133	S. NORMAN	NE	UNAPPROVED RESTRICTED LAND SALE
	134	J. WATSON	NE	UNAPPROVED RESTRICTED LAND SALE
	135	J. HILL	11524	UNAPPROVED RESTRICTED LAND SALE
	136	R. PATTERSON	NA52	UNAPPROVED RESTRICTED LAND SALE
	137	S. HESTER	MC130A	UNAPPROVED RESTRICTED LAND SALE
	138	G. THOMPSON	M33	TAX FORFEITED WHILE IN RESTRICTED STATUS
	139	M. JONES	7997	UNAPPROVED RESTRICTED LAND SALE
	140	M. LUMAN	IW140	UNAPPROVED RESTRICTED LAND SALE
	140A	M. LUMAN	A38	UNAPPROVED RESTRICTED LAND SALE
	141	S. POSTOAK	MC143	DAMAGING ROAD OR RIGHTWAY IN TRESPASS
	142	M. GARDNER	MC1038	TAX FORFEITED WHILE IN RESTRICTED STATUS
	142A	M. GARDNER	MC1039	TAX FORFEITED WHILE IN RESTRICTED STATUS
	142B	M. GARDNER	MC134A	TAX FORFEITED WHILE IN RESTRICTED STATUS
	142C	M. GARDNER	MC1209	TAX FORFEITED WHILE IN RESTRICTED STATUS
	142D	M. GARDNER	MC1037	TAX FORFEITED WHILE IN RESTRICTED STATUS
	143	I. TOMLIN	14119	TAX FORFEITED WHILE IN RESTRICTED STATUS
	144	M. WALL	608	UNAPPROVED RESTRICTED LAND SALE
	145	J. KANTATBE	NR1276	TAX FORFEITED WHILE IN RESTRICTED STATUS
	146	I. MCRAE	15720	UNAPPROVED RESTRICTED LAND SALE
	147	HEIRS OF F. BIRLEW	3250	UNAPPROVED RESTRICTED LAND SALE
	148	L. YORK	10889	UNAPPROVED RESTRICTED LAND SALE
	149	W. STATON	IW428	UNAPPROVED RESTRICTED LAND SALE
	149A	W. STATON	17731	UNAPPROVED RESTRICTED LAND SALE
	150	B. SHIFLOT	9864	IMPROPER CONDEMNATION OR FORECLOSURE
	150A	B. SHIFLOT	10998	IMPROPER CONDEMNATION OR FORECLOSURE
	151	R. WIMBERLY	12994	UNAPPROVED RESTRICTED LAND SALE
	152	O. MOORE	FR5488	UNAPPROVED RESTRICTED LAND SALE
	153	O. MOORE	FR4448	UNAPPROVED RESTRICTED LAND SALE
	154	O. MOORE	FR5489	UNAPPROVED RESTRICTED LAND SALE
	155	M. KING	11738	UNAPPROVED RESTRICTED LAND SALE
	155A	M. KING	11738	UNAPPROVED RESTRICTED LAND SALE
	156	W. WALLACE	MC112	UNAPPROVED RESTRICTED LAND SALE
	157	H. HORTON	7016	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	158	C. JONES	1268	WRONGFUL TAXATION OF NATURAL RESOURCES
	159	C. JONES	1269	GRAVEL-FILL-MINERALS OR OIL AND GAS REMOVED
	160	W. EPLEY	M515	UNAPPROVED RESTRICTED LAND SALE
	161	T. COLBERT	6087	TAX FORFEITED WHILE IN RESTRICTED STATUS

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MUSKOGEE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
G10909	001	C. HARJO	868	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	002	B. POWELL	224	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	003	B. POWELL	229	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	004	T. LEWIS	1877	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	005	I. BEMO	1791	CANCELLED FEE PATENT
	006	T. BILEY	546	IMPROPER CONDEMNATION OR FORECLOSURE
	007	R. LONG	180	TRESPASS
	008	H. MANNEY	896	UNAPPROVED RESTRICTED LAND SALE
	009	F. HARJOCHE	990	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	010	L. HARJOCHE	488	UNAPPROVED RESTRICTED LAND SALE
	011	H. COWER	360	UNAPPROVED RESTRICTED LAND SALE
	011A	H. COWER	359	UNAPPROVED RESTRICTED LAND SALE
	012	L. LENA	1231	CONTRACT BREACH
	013	C. LENA	2763	TITLE LANDS - ACCRETED OR RELICTED LANDS
	014	J. MALBUTTA	78	UNAPPROVED RESTRICTED LAND SALE
	015	J. MALBUTTA	865	UNAPPROVED RESTRICTED LAND SALE
	016	J. MALBUTTA	1193	UNAPPROVED RESTRICTED LAND SALE
	017	J. MALBUTTA	867	UNAPPROVED RESTRICTED LAND SALE
	018	J. MALBUTTA	1521	UNAPPROVED RESTRICTED LAND SALE
	019	M. COLE	359	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	019A	M. COLE	360	LAND LOST BY LOCAL COURT WITHOUT JURISDICTION
	020	T. COWER	1243	UNAPPROVED RESTRICTED LAND SALE
	021	T. COWER	1243	UNAPPROVED RESTRICTED LAND SALE
	022	T. COWER	1243	UNAPPROVED RESTRICTED LAND SALE
	023	T. LONG	1370	UNAPPROVED RESTRICTED LAND SALE
	024	M. DAVIS	898	UNAPPROVED RESTRICTED LAND SALE
	025	L. GEORGE	451	UNAPPROVED RESTRICTED LAND SALE

PHOENIX AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
H51603	041	COLORADO RIVER TRIBE	TRIBAL	BOUNDARY ENCROACHMENT
H51604	034	FT. MOJAVE TRIBE	TRIBAL	BOUNDARY ENCROACHMENT
	035	FT. MOJAVE TRIBE	TRIBAL	ROAD TRESPASS
	036	FT. MOJAVE TRIBES	TRIBAL	BOUNDARY ENCROACHMENT
	043	FT. MOJAVE TRIBES	TRIBAL	TRESPASS-ACCRETION LAND
H52607	037	WHITE MOUNTAIN APPACHE	TRIBAL	BOUNDARY ENCROACHMENT
H53642	001	DUCK VALLEY	TRIBAL	GROUND WATER DECLINE
H53652	001	TE-MOAK	TRIBAL	GROUND WATER DECLINE
H54610	038	PAPAGO TRIBE	TRIBAL	GROUND WATER DECLINE
H55615	001	SALT RIVER TRIBE	TRIBAL	GROUND WATER DECLINE
	045	HARVY COLLINS	167	SECRETARIAL TRANSFER
	046	HENRY JOHNSON	248	SECRETARIAL TRANSFER
H57614	039	GILA RIVER PMIC	TRIBAL	FLOOD DAMAGE
	040	GILA RIVER PMIC	TRIBAL	WATER DIVERSION
	042	GILA RIVER PMIC	TRIBAL	GROUND WATER DECLINE
H58616	001	SAN CARLOS APACHE TRIBE	TRIBAL	GROUND WATER DECLINE
H61651	044	FRANK NORTHROP	UNALLOT	OLD AGE ASSISTANCE
H62655	048	UINTAH & OURAY	TRIBAL	EROSION
H64654	047	RUBY VALLEY PO ALLOT	454	ROAD TRESPASS

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SACRAMENTO AREA STATUTE CLAIMS

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SACRAMENTO AREA STATUTE CLAIMS

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SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
J50500	001	DICK GREGORY	RED6	LAND SOLD WITHOUT APPROVAL
	002	SARAH CROOKS	RED7	WRONGFUL WATER APPROPRIATION
	003	WILLIAM CURL	RED8	GRAZING TRESPASS
	004	MARY HAYS	RED11	LAND SOLD WITHOUT APPROVAL
	005	BIG FRANK	RED12	WRONGFUL WATER APPROPRIATION
	006	SETMAN SALEE	RED14	FORCED FEE PATENT
	007	DAVE BROWN	RED15	AGRICULTURAL TRESPASS
	008	WILLIAM HULSEY	RED21	DITCH OR CANAL IN TRESPASS
	009	JIM WRIGHT	RED22	LAND SOLD WITHOUT APPROVAL
	010	TOMMY MIKE	RED24	FEE PATENT CANCELLED
	011	MIKE	RED25	FEE PATENT CANCELLED
	012	RICHARD GREER	RED27	FORCED FEE PATENT
	013	ANNIE WALLACE	RED28	FORCED FEE PATENT
	014	LAURA WATSON	RED30	FORCED FEE PATENT
	015	DICK WATSON	RED31	FORCED FEE PATENT
	016	FRANK FAN	RED39	FORCED FEE PATENT
	017	IDA FAN	RED40	FORCED FEE PATENT
	018	DICK RICHARDS	RED52	FORCED FEE PATENT
	019	LANIZIE JOE	RED62	FORCED FEE PATENT
	020	LIZZIE GREGORY	RED65	FORCED FEE PATENT
	021	JERRY GREGORY	RED69	FORCED FEE PATENT
	022	WILLIE GREEN	RED76	LAND SOLD WITHOUT APPROVAL
	023	BEN MUCHACO	RED77	FORCED FEE PATENT
	024	JULIA CRAIG	RED80	FORCED FEE PATENT
	025	SIMMA CRAIG	RED81	FORCED FEE PATENT
	026	LUCINDA FRANK	RED94	FORCED FEE PATENT
	027	WILLIE DIXON	RED105	LAND SOLD WITHOUT APPROVAL
	028	LOUIZA FAN	RED106	FORCED FEE PATENT
	029	ROMY GUS FAN	RED107	FORCED FEE PATENT
	030	HAZEL C ANDERSON	RED108	FORCED FEE PATENT
	031	LILLIE ANDERSON	RED109	FORCED FEE PATENT
	032	EUGENE L ANDERSON	RED110	FORCED FEE PATENT
	033	VIOLA ANDERSON	RED111	FORCED FEE PATENT
	034	OLD JIM	RED114	TIMBER REMOVED WRONGFULLY
	035	SULLIVAN GRANT	RED118	LAND SOLD WITHOUT APPROVAL
	036	OSCAR FRANT	RED119	WRONGFUL WATER APPROPRIATION
	037	MARY GRANT JR	RED120	LAND SOLD WITHOUT APPROVAL
	038	MARY GRANT SR	RED121	LAND SOLD WITHOUT APPROVAL
	039	JENNIE ANDREWS	RED123	LAND SOLD WITHOUT APPROVAL
	040	TILDA JACKSON	RED125	LAND SOLD WITHOUT APPROVAL
	041	EDDIE DAVIS	RED131	CLAIM FOR UNPAID LEASE RENTALS
	042	LUCINDA DAVIS	RED132	FORCED FEE PATENT
	043	IDA DAVIS	RED133	FORCED FEE PATENT
	044	CARIE RADCLIFF	RED135	LAND SOLD WITHOUT APPROVAL
	045	MARSHALL RADCLIFF	RED136	LAND SOLD WITHOUT APPROVAL
	046	LUCINDA DIXON	RED137	LAND SOLD WITHOUT APPROVAL
	047	JANE INGLE	RED138	LAND SOLD WITHOUT APPROVAL
	048	JOHN W INGLE	RED139	LAND SOLD WITHOUT APPROVAL
	049	SARAH T INGLE	RED140	LAND SOLD WITHOUT APPROVAL
	050	EVEY INGLE	RED141	LAND SOLD WITHOUT APPROVAL
	051	FRANK INGLE	RED142	LAND SOLD WITHOUT APPROVAL
	052	ROBERT INGLE	RED143	LAND SOLD WITHOUT APPROVAL
	053	ROSEY INGLE	RED144	LAND SOLD WITHOUT APPROVAL
	054	ANNIE INGLE	RED145	LAND SOLD WITHOUT APPROVAL
	055	MARY EDLER	RED146	FORCED FEE PATENT
	056	GUSTAV EDLER	RED149	FORCED FEE PATENT
	057	THERESA BOYER	RED150	FORCED FEE PATENT
	058	CHRISTIAN EDLER	RED153	FORCED FEE PATENT
	059	LIDA CLOTCHE	RED157	FORCED FEE PATENT
	060	LITTLE CONSTANT	RED160	LAND SOLD WITHOUT APPROVAL
	061	NETTIE BUTTON	RED162	LAND SOLD WITHOUT APPROVAL
	062	TOM BENNETT	RED164	LAND SOLD WITHOUT APPROVAL
	063	CHARLES BENNETT	RED165	LAND SOLD WITHOUT APPROVAL
	064	WILLIAM BENNETT	RED166	LAND SOLD WITHOUT APPROVAL
	065	AMANDA BENNETT	RED167	LAND SOLD WITHOUT APPROVAL
	066	TOM TINA	RED168	LAND SOLD WITHOUT APPROVAL
	067	LIDDIE TINA	RED169	LAND SOLD WITHOUT APPROVAL
	068	MUCY ANDREWS	RED175	FORCED FEE PATENT

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SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
J50500	069	EMMA MILLER	RED176	LAND SOLD WITHOUT APPROVAL
	070	WILLIAM F MILLER	RED177	LAND SOLD WITHOUT APPROVAL
	071	ALICE MILLER	RED178	LAND SOLD WITHOUT APPROVAL
	072	EMMA SAMPSON	RED184	ROAD RIGHT OF WAY TRESPASS
	073	OLD SAMPSON	RED185	LAND SOLD WITHOUT APPROVAL
	074	MARY CAMPBELL	RED186	LAND SOLD WITHOUT APPROVAL
	075	CLAY HAYES	RED191	TIMBER REMOVED WRONGFULLY
	076	JOE CHARLEY	RED194	FORCED FEE PATENT
	077	MARY BARBER	RED195	LAND SOLD WITHOUT APPROVAL
	078	MARY DETHL	RED196	LAND SOLD WITHOUT APPROVAL
	079	ELWOOD DETHL	RED200	CLAIM TO TIDELANDS
	080	LEE DETHL	RED201	FORCED FEE PATENT
	081	SALLY ANN LOWE	RED204	LAND SOLD WITHOUT APPROVAL
	082	ANNIE LOW	RED207	LAND SOLD WITHOUT APPROVAL
	083	KITTY GEER	RED210	LAND SOLD WITHOUT APPROVAL
	084	ROSIE CONDOLA	RED214	LAND SOLD WITHOUT APPROVAL
	085	THOMAS CALLAS	RED217	LAND SOLD WITHOUT APPROVAL
	086	AMMY CALLAS	RED218	LAND SOLD WITHOUT APPROVAL
	087	RAYMOND CALLAS	RED219	LAND SOLD WITHOUT APPROVAL
	088	LIZZIE CALLAS	RED220	LAND SOLD WITHOUT APPROVAL
	089	LILLIE HUNT	RED223	FORCED FEE PATENT
	090	TILLIE WALKER	RED228	LAND SOLD WITHOUT APPROVAL
	091	REECHER WALKER	RED229	LAND SOLD WITHOUT APPROVAL
	092	SAM GREEN	RED234	LAND SOLD WITHOUT APPROVAL
	093	SARAH GREEN	RED235	OLD AGE ASSISTANT CLAIM
	094	MURRAY GREEN	RED236	LAND SOLD WITHOUT APPROVAL
	095	MARY ALEXANDER	RED238	LAND SOLD WITHOUT APPROVAL
	096	EDWARD ALEXANDER	RED239	LAND SOLD WITHOUT APPROVAL
	097	MAURICE ALEXANDER	RED240	LAND SOLD WITHOUT APPROVAL
	098	TOM DELTA	RED242	LAND SOLD WITHOUT APPROVAL
	099	LIDDIE DELTA	RED243	LAND SOLD WITHOUT APPROVAL
	100	HANK HEALEY	RED244	LAND SOLD WITHOUT APPROVAL
	101	JAMES JOHNSON	RED253	LAND SOLD WITHOUT APPROVAL
	102	WESTON MUCHACHE	RED259	LAND SOLD WITHOUT APPROVAL
	103	WILLIE MUCHACHE	RED262	TAX FORECLOSURE OF TRUST LAND
	104	GIBSON WALTSON	RED265	FORCED FEE PATENT
	105	MOKENNY WALTSON	RED266	FORCED FEE PATENT
	106	FANIS WALTSON	RED267	LAND SOLD WITHOUT APPROVAL
	107	NEDDIE WALTSON	RED268	LAND SOLD WITHOUT APPROVAL
	108	SIDDIE WALTSON	RED270	LAND SOLD WITHOUT APPROVAL
	109	JACK BROWN	RED273	LAND SOLD WITHOUT APPROVAL
	110	NANCY BROWN	RED274	LAND SOLD WITHOUT APPROVAL
	111	JOHN TOMMOLLY	RED281	LAND SOLD WITHOUT APPROVAL
	112	JOSSIE TOMMOLLY	RED282	LAND SOLD WITHOUT APPROVAL
	113	EGGIE TOMMOLLY	RED286	LAND SOLD WITHOUT APPROVAL
	114	HENRY MILES	RED287	LAND SOLD WITHOUT APPROVAL
	115	GEORGE A WESLEY	RED293	LAND SOLD WITHOUT APPROVAL
	116	SARAH WESLEY	RED294	FORCED FEE PATENT
	117	LEE WESLEY	RED295	LAND SOLD WITHOUT APPROVAL
	118	WILLIAM HUNT	RED29A	FORCED FEE PATENT
	119	ANA ROGERS	RED298	FORCED FEE PATENT
	120	MABLE ROGERS	RED299	FORCED FEE PATENT
	121	TOM MOVE	RED310	LAND SOLD WITHOUT APPROVAL
	122	PRESTON MOVE	RED311	LAND SOLD WITHOUT APPROVAL
	123	JOY JOHNSON	RED313	LAND SOLD WITHOUT APPROVAL
	124	JACK JOHNSON	RED318	LAND SOLD WITHOUT APPROVAL
	125	JUNA GREEN	RED320	LAND SOLD WITHOUT APPROVAL
	126	LIDDIE GREEN	RED321	UTILITY LINE IN TRESPASS
	127	IDA PATTERSON	RED32A	LAND SOLD WITHOUT APPROVAL
	128	GEORGE JONES	RED331	LAND SOLD WITHOUT APPROVAL
	129	LIDDIE THOMAS	RED344	LAND SOLD WITHOUT APPROVAL
	130	MOSE MORLEY	RED346	LAND SOLD WITHOUT APPROVAL
	131	JANE MORLEY	RED347	LAND SOLD WITHOUT APPROVAL
	132	DICK WILLIAMS	RED348	LAND SOLD WITHOUT APPROVAL
	133	ALICE WILLIAMS	RED349	LAND SOLD WITHOUT APPROVAL
	134	ELLA YOUNG	RED352	CLAIM TO TIDELANDS
	135	ALEEK YOUNG	RED353	FORCED FEE PATENT
	13A	ROSIE YOUNG	RED354	FORCED FEE PATENT

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
.50500	137	LUCY SALA	RED358	LAND SOLD WITHOUT APPROVAL
	138	ELLIE POPE IDY	RED359	LAND SOLD WITHOUT APPROVAL
	139	LEVI POPE IDY	RED360	LAND SOLD WITHOUT APPROVAL
	140	MARGARITE POPE IDY	RED361	LAND SOLD WITHOUT APPROVAL
	141	BOB JUNIOR	RED362	DITCH OR CANAL IN TRESPASS
	142	ANNIE JUNIOR	RED363	DITCH OR CANAL IN TRESPASS
	143	TINA JUNIOR	RED364	DITCH OR CANAL IN TRESPASS
	144	GOULD P JUNIOR	RED365	DITCH OR CANAL IN TRESPASS
	145	MASTEN JUNIOR	RED366	LAND SOLD WITHOUT APPROVAL
	146	LACY JUNIOR	RED367	LAND SOLD WITHOUT APPROVAL
	147	JOHN KALOPULE	RED368	LAND SOLD WITHOUT APPROVAL
	148	DOCTOR JOHN	RED370	TIMBER REMOVED WRONGFULLY
	149	KITTIE MCKENZIE	RED375	TIMBER REMOVED WRONGFULLY
	151	TOM GIBSON	RED376	UTILITY LINE IN TRESPASS
	152	FRED MORTON	RED378	LAND SOLD WITHOUT APPROVAL
	153	CHARLEY PITT	RED379	LAND SOLD WITHOUT APPROVAL
	154	MARY PITT	RED380	LAND SOLD WITHOUT APPROVAL
	155	JAMES MCKENZIE	RED381	LAND SOLD WITHOUT APPROVAL
	156	IDA MCKENZIE	RED382	LAND SOLD WITHOUT APPROVAL
	157	ALECK MCKENZIE	RED383	LAND SOLD WITHOUT APPROVAL
	158	ANDREW HEALY	RED384	LAND SOLD WITHOUT APPROVAL
	159	MARENA HEALY	RED385	LAND SOLD WITHOUT APPROVAL
	160	DAN HARDEN	RED387	DITCH OR CANAL IN TRESPASS
	161	DORA PATTERSON	RED392	LAND SOLD WITHOUT APPROVAL
	162	CLEVELAND MINT	RED394	FORCED FEE PATENT
	163	FRANK BAN	RED400	FORCED FEE PATENT
	164	FRANK BAN	RED402	DITCH OR CANAL IN TRESPASS
	165	WALLOWAY BROWN	RED416	REMOVAL OF MINERALS
	166	HARRY MARSH	RED418	FORCED FEE PATENT
	167	ANTIA J SAWYERS	RED419	LAND SOLD WITHOUT APPROVAL
	168	STEVE SAWYERS	RED420	LAND SOLD WITHOUT APPROVAL
	169	LITTLE SAWYERS	RED421	LAND SOLD WITHOUT APPROVAL
	170	MATTIE SAWYERS	RED422	LAND SOLD WITHOUT APPROVAL
	171	MARY PATCH	RED424	LAND SOLD WITHOUT APPROVAL
	172	GEORGE A SETTLE	RED425	LAND SOLD WITHOUT APPROVAL
	173	WALTER SETTLE	RED426	LAND SOLD WITHOUT APPROVAL
	174	ARTHUR SETTLE	RED427	LAND SOLD WITHOUT APPROVAL
	175	MAGGIE MOORE	RED428	LAND SOLD WITHOUT APPROVAL
	176	LUCY SAWYERS	RED429	LAND SOLD WITHOUT APPROVAL
	177	ELIJAH TIMMONS	RED430	LAND SOLD WITHOUT APPROVAL
	178	DOLLY NAUTIN	RED431	FORCED FEE PATENT
	179	MARTIN NAUTIN	RED432	LAND SOLD WITHOUT APPROVAL
	180	ANN GEORGE	RED434	FORCED FEE PATENT
	181	MARY GEORGE	RED435	LAND SOLD WITHOUT APPROVAL
	182	HENRY GEORGE	RED436	FORCED FEE PATENT
	183	KATE RAGAN	RED438	FORCED FEE PATENT
	184	SIPE	RED440	FORCED FEE PATENT
	185	LAME JACK	RED442	WRONGFUL WATER APPROPRIATION
	186	LIZZIE MURRAY	RED443	FORCED FEE PATENT
	187	CHARLIE ANDREWS	RED444	FORCED FEE PATENT
	188	RILEY ONEAL	RED445	FORCED FEE PATENT
	189	JOE WILSON	RED448	LAND SOLD WITHOUT APPROVAL
	190	BILLY GIBSON	RED450	FORCED FEE PATENT
	191	CHIP CRAIG	RED451	LAND SOLD WITHOUT APPROVAL
	192	EDWARD MIKE	RED452	ROAD RIGHT OF WAY TRESPASS
	193	JACK WALLACE	RED453	LAND SOLD WITHOUT APPROVAL
	194	WILLIAM CAYTON	RED454	FORCED FEE PATENT
	195	TOM OLIVER	RED455	FORCED FEE PATENT
	196	ELSIE NICHOLS	RED456	FORCED FEE PATENT
	197	KATY RICE	RED457	FORCED FEE PATENT
	198	SARAH CHARMAN	RED458	FORCED FEE PATENT
	199	SOPHY RENTER	RED460	FORCED FEE PATENT
	200	TOM BAKER	RED462	TIMBER REMOVED WRONGFULLY
	201	SAMANTHA RENTEE	RED464	FORCED FEE PATENT
	202	MARTHA CHAMBERLAIN	RED466	LAND SOLD WITHOUT APPROVAL
	203	BOGUS TOM	RED471	LAND SOLD WITHOUT APPROVAL
	204	NETTIE MUNCHAME	RED472	TAX SALE LICENSE OF TRUST LAND
	205	SARAH KELL	RED570	FORCED FEE PATENT

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
.50500	206	JOHN HUNT	RED591	FORCED FEE PATENT
	207	GARFIELD TOWINDOLA	RED595	FORCED FEE PATENT
	208	GEORGE TUNA	RED596	FORCED FEE PATENT
	209	FRAZIER MURRARD	RED589	FORCED FEE PATENT
	210	JACK HAZLETT	RED590	FORCED FEE PATENT
	211	JOE WILLIAMS	RED591	FORCED FEE PATENT
	212	NANCY PETE	RED594	FORCED FEE PATENT
	213	LITTLE JIM THOMAS	RED595	FORCED FEE PATENT
	214	BIEBER QUINN	RED597	FORCED FEE PATENT
	215	KELLOGG WILLIAMS	RED599	DITCH OR CANAL IN TRESPASS
	216	JIM HUNT	RED599	FORCED FEE PATENT
	217	JIM TYEE	RED601	FORCED FEE PATENT
	218	AGNES QUINN	RED603	TIMBER REMOVED WRONGFULLY
	219	JAMES SISSON	RED604	FORCED FEE PATENT
	220	LUCINDA WILLIAMS	RED607	TIMBER REMOVED WRONGFULLY
	221	FRANK JIM	RED608	FORCED FEE PATENT
	222	FLORENCE RENTEW	RED609	LAND SOLD WITHOUT APPROVAL
	223	BILL HOSEMOLLY	RED611	FORCED FEE PATENT
	224	PAT SILVERHORN	RED612	FORCED FEE PATENT
	225	THOMAS RYAN	RED614	BREACH OF CONTRACT
	226	BROWN WOLFIN	RED618	FORCED FEE PATENT
	227	ARTHUR JACKSON	RED619	FORCED FEE PATENT
	228	ALLEN MELE	RED623	FORCED FEE PATENT
	229	NANCY MELE	RED624	LAND SOLD WITHOUT APPROVAL
	230	AMOS BROWN	RED627	LAND SOLD WITHOUT APPROVAL
	231	PETER (JAMES) ORTA	IND1	LAND SOLD WITHOUT APPROVAL
	232	JOE CHICO	IND2	UTILITY LINE IN TRESPASS
	233	MARTHA CHICO	IND3	LAND SOLD WITHOUT APPROVAL
	234	HATTIE LEONARD	IND4	LAND SOLD WITHOUT APPROVAL
	235	NANCY LEONARD	IND5	WRONGFUL TAXATION OF TRUST LAND
	236	JANETO PABLO	IND6	WRONGFUL TAXATION OF TRUST LAND
	237	EMANUEL PABLO	IND7	LAND SOLD WITHOUT APPROVAL
	238	HENRY MARTIN	IND8	LAND SOLD WITHOUT APPROVAL
	239	LOUISA MARTIN	IND9	LAND NOT RELINQUISHED ON ABANDONMENT
	240	CHARLES LEONARD	IND10	LAND SOLD WITHOUT APPROVAL
	241	MARY LEONARD	IND11	LAND SOLD WITHOUT APPROVAL
	242	JENNIE LEONARD	IND12	LAND SOLD WITHOUT APPROVAL
	243	THOMAS MIRANDA	IND13	LAND SOLD WITHOUT APPROVAL
	244	STEPHEN MIRANDA	IND14	GRAZING TRESPASS
	245	ROSETTA MISANTE	IND15	LAND SOLD WITHOUT APPROVAL
	246	ROBERT ROBERTS	IND16	LAND SOLD WITHOUT APPROVAL
	247	OLD BILL CHICO	IND17	LAND SOLD WITHOUT APPROVAL
	248	BILL CHICO	IND18	ROAD RIGHT OF WAY TRESPASS
	249	SAMUEL HARRISON	IND19	LAND SOLD WITHOUT APPROVAL
	250	WHITE BLANKET	IND20	ROAD RIGHT OF WAY TRESPASS
	251	LEFT HAND	IND21	ROAD RIGHT OF WAY TRESPASS
	252	MARY HAND	IND22	ROAD RIGHT OF WAY TRESPASS
	253	PEARL HAND	IND23	ROAD RIGHT OF WAY TRESPASS
	254	FANNIE HAND	IND24	ROAD RIGHT OF WAY TRESPASS
	255	ROMAINE HAND	IND25	ROAD RIGHT OF WAY TRESPASS
	256	JOHNNIE SPRATT	IND26	LAND NOT RELINQUISHED ON ABANDONMENT
	257	JIMMIE SPRATT	IND27	LAND NOT RELINQUISHED ON ABANDONMENT
	258	NANCY SPRATT	IND28	LAND NOT RELINQUISHED ON ABANDONMENT
	259	PEDRO BARTON	IND29	LAND NOT RELINQUISHED ON ABANDONMENT
	260	ETTA BARTON	IND30	LAND NOT RELINQUISHED ON ABANDONMENT
	261	SUSAN WILLIAMS	IND31	LAND NOT RELINQUISHED ON ABANDONMENT
	262	MIKE WILLIAMS	IND32	LAND NOT RELINQUISHED ON ABANDONMENT
	263	THOMAS SPRATT	IND33	LAND SOLD WITHOUT APPROVAL
	264	ANNIE SPRATT	IND34	LAND SOLD WITHOUT APPROVAL
	265	LITTIE NICHOLAS	IND35	FORCED FEE PATENT
	266	IDA NICHOLAS	IND36	FORCED FEE PATENT
	267	CHARLES MERIANE	IND37	FORCED FEE PATENT
	268	LOUIS TIERNO	IND38	CLAIM FOR UNPAID LEASE RENTALS
	269	MIKE MARTIN	IND39	LAND SOLD WITHOUT APPROVAL
	270	LOUISA CURTIS	IND40	GRAZING TRESPASS
	271	GEORGE ROMAN	IND41	GRAZING TRESPASS
	272	ROSA ROMAN	IND42	GRAZING TRESPASS
	273	WANNA ROMAN	IND43	GRAZING TRESPASS

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SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
150500	274	PATRICA ROMAN	IND45	GRAZING TRESPASS
	275	PADRO ROMAN	IND46	LAND SOLD WITHOUT APPROVAL
	276	THOMAS BITTERBREAD	IND47	LAND SOLD WITHOUT APPROVAL
	277	CHARLES BITTERBREAD	IND48	LAND SOLD WITHOUT APPROVAL
	278	ROSA HASLEM	IND49	LAND SOLD WITHOUT APPROVAL
	279	JENNY HSLEM	IND50	LAND SOLD WITHOUT APPROVAL
	280	AMANDA A WILLY	IND51	GRAZING TRESPASS
	281	REFUGIA WILLIAMS	IND52	LAND SOLD WITHOUT APPROVAL
	282	ANN E WILLIAMS	IND53	LAND SOLD WITHOUT APPROVAL
	283	ROBERT WILLIAMS	IND55	LAND SOLD WITHOUT APPROVAL
	284	EMMA WILLIAMS	IND56	UTILITY LINE IN TRESPASS
	285	JACK JELESPIA	IND57	GRAZING TRESPASS
	286	MARIANO PHILLIPS	IND58	GRAZING TRESPASS
	287	SANTOS JELESPIA	IND59	LAND SOLD WITHOUT APPROVAL
	288	JOSEPH HEMTA	IND60	LAND SOLD WITHOUT APPROVAL
	289	ROMAN COMA	IND62	LAND SOLD WITHOUT APPROVAL
	290	DICK COMA	IND63	LAND SOLD WITHOUT APPROVAL
	291	PETER CONNELLY	IND63	FORCED FEE PATENT
	292	DICK FREE	IND64	TAX FORECLOSURE OF TRUST LAND
	293	GEORGE JOHNSON	IND65	FORCED FEE PATENT
	294	WILLIE HARRISON	IND66	FORCED FEE PATENT
	295	FLORA CORNWALL	IND67	FORCED FEE PATENT
	296	TONY JESUS	IND68	FORCED FEE PATENT
	297	JERRY ROGERS	IND69	FORCED FEE PATENT
	298	FRANK BRODER	IND70	FORCED FEE PATENT
	299	TOM PAINE	IND71	FORCED FEE PATENT
	300	TOM SCOTT	IND72	FORCED FEE PATENT
	301	BILLY BARLOW	IND73	FORCED FEE PATENT
	302	JACK SERSEY	IND74	FORCED FEE PATENT
	303	JIM WESTERVELT	IND75	FORCED FEE PATENT
	304	SAM WATTERSON	IND76	FORCED FEE PATENT
	305	CHARLES SYMES	IND77	FORCED FEE PATENT
	306	JOHNNY WESTERVELT	IND78	FORCED FEE PATENT
	307	HENRY JAMESON	IND79	FORCED FEE PATENT
	308	GEORGE RAMSHOW	IND80	FORCED FEE PATENT
	309	BILLY EVANS	IND81	FORCED FEE PATENT
	310	JOHN JACKSON	IND82	FORCED FEE PATENT
	311	EDDIE RURE	IND84	FORCED FEE PATENT
	312	HENRY RURE	IND85	FORCED FEE PATENT
	313	TONY BARRELAND	IND86	FORCED FEE PATENT
	314	JAMES HILL	IND88	FORCED FEE PATENT
	315	INDIAN GEORGE	IND89	FORCED FEE PATENT
	316	TOM BRIDGEPORT	IND90	FORCED FEE PATENT
	317	DICK MALLORY	IND91	FORCED FEE PATENT
	318	JOHN CLOVETTE	IND92	FORCED FEE PATENT
	319	FEE FOSTER	IND93	FORCED FEE PATENT
	320	JOE MCLAUGHLIN	IND94	FORCED FEE PATENT
	321	LEWIS B MURPHY	IND95	FORCED FEE PATENT
	322	JAKE HARRISON	IND96	FORCED FEE PATENT
	323	JACK NEWLAND	IND97	FORCED FEE PATENT
	324	JACK SHAW	IND98	FORCED FEE PATENT
	325	MARIE SETAMORE	IND99	FEE PATENT CANCELLED
	326	JIM T. JONES	IND100	FORCED FEE PATENT
	327	CHARLES HASLEM	IND101	LAND SOLD WITHOUT APPROVAL
	328	NETTIE JONES	IND102	FORCED FEE PATENT
	329	BILLY BROWN	IND103	FORCED FEE PATENT
	330	TOM B LONGLEY	IND104	FORCED FEE PATENT
	331	QUEEN DICK	IND105	GRAZING TRESPASS
	332	MARY GIRARD	IND106	CLAIM FOR UNPAID LEASE RENTALS
	333	MARY MALLORY	IND107	FORCED FEE PATENT
	334	HENRY GARRETSON	IND108	FORCED FEE PATENT
	335	CAPTAIN JOHN	IND109	GRAZING TRESPASS
	336	JOHN COLLINS	IND110	FORCED FEE PATENT
	337	JAKE SHAW	IND111	FORCED FEE PATENT
	338	FRANK MOSEE	IND112	FORCED FEE PATENT
	339	MIKE WILLIAMS	IND113	FORCED FEE PATENT
	340	ANTONES BROWN	IND114	FORCED FEE PATENT
	341	JOHN NICHOLAS	IND115	FORCED FEE PATENT

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SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
150500	342	JIMMIE MANWELL	IND115	LAND SOLD WITHOUT APPROVAL
	343	YOUNG CHARLIE	IND117	FORCED FEE PATENT
	344	MANUEL CALSETTO	IND118	FORCED FEE PATENT
	345	GEORGE WASHINGTON	IND119	GRAZING TRESPASS
	346	MANNIE BIRCHAM	IND120	FORCED FEE PATENT
	347	JOE PETERSON	IND121	WRONGFUL WATER APPROPRIATION
	348	PANAMINT BILL	IND122	FORCED FEE PATENT
	349	DAISY BROWN	IND123	FORCED FEE PATENT
	350	FRANK CHICO	IND124	LAND SOLD WITHOUT APPROVAL
	351	JOHN KEITH	IND125	FORCED FEE PATENT
	352	JOHN WILDASIN	IND1025	FORCED FEE PATENT
	353	DAISY JACOBS	FH4105	UTILITY LINE IN TRESPASS
	354	CAROLINE HAUSER	1A4290	WRONGFUL WATER APPROPRIATION
	355	CHARLEY GOULD	PHRR0	TAX FORECLOSURE OF TRUST LAND
	356	SUSIE RILEY	RNR24	TIMBER REMOVED WRONGFULLY
	357	JOHN B GEORGE	RNR29	WRONGFUL WATER APPROPRIATION
	358	JESSIE JAMES	RNR35	TIMBER REMOVED WRONGFULLY
	359	LONGHAIR BOB	RNR40	LAND SOLD WITHOUT APPROVAL
	360	JOHN KOACHITTY	STK1	GRAZING TRESPASS
	361	JIM TPOENO	VIS19	WRONGFUL TAXATION OF TRUST LAND
	362	LUCKETT	VIS23	ROAD RIGHT OF WAY TRESPASS
	363	CHARLEY	VIS28	ROAD RIGHT OF WAY TRESPASS
	364	TOM TYNER	VIS51	BREACH OF CONTRACT
	365	CHARLIE SARTE	VIS55	GRAZING TRESPASS
	366	ALEXANDER VALLEY	TRIBAL	LAND SOLD WITHOUT APPROVAL
	367	BIG VALLEY	T-368	CLAIM TO TIDELANDS
	368	HOPLAND RANCHERIA	TRIBAL	CLAIM TO TIDELANDS
	369	PAIUTE NATION	TRIBAL	CLAIM TO TIDELANDS
	370	WAPA TIKA BAND	PAIUTE	CLAIM TO TIDELANDS
	371	PINOLEVILLE RANCHERIA	TRIBAL	ROAD RIGHT OF WAY TRESPASS
	372	PIT RIVER TRIBE	TRIBAL	CLAIM TO TIDELANDS
	373	QUARTZ VALLEY	TRIBAL	DAMAGE TO FISHERY RESOURCES
	374	KASHIA BAND	TRIBAL	CLAIM TO TIDELANDS
	375	TABLE MOUNTAIN	TRIBAL	FENCE OR BOUNDARY ENCROACHMENT
	376	TABLE MOUNTAIN	TRIBAL	CLAIM TO TIDELANDS
	377	TABLE MOUNTAIN	TRIBAL	CLAIM TO TIDELANDS
	378	TABLE MOUNTAIN	TRIBAL	CLAIM TO TIDELANDS
	379	UPPER LAKE	TRIBAL	CLAIM TO TIDELANDS
	380	UPPER LAKE	ALLOT	CLAIM TO TIDELANDS
	381	COLEMAN	ALLOT	CLAIM TO TIDELANDS
	382	LILLIAN GALE	ALLOT	CLAIM TO TIDELANDS
	383	JOHN KELSEY	ALLOT	CLAIM TO TIDELANDS
	384	ART NIETO	ALLOT	CLAIM TO TIDELANDS
	385	ART PHELAND	ALLOT	CLAIM TO TIDELANDS
	386	S SMITH	ALLOT	CLAIM TO TIDELANDS
	387	C STANLEY	ALLOT	CLAIM TO TIDELANDS
	388	ELIZABETH SUPER	ALLOT	CLAIM TO TIDELANDS
	389	CECELIA WESLEY	ALLOT	CLAIM TO TIDELANDS
	390	FRANCIE WHITE	ALLOT	CLAIM TO TIDELANDS
	391	SYLVIA WHITE	ALLOT	LAND SOLD WITHOUT APPROVAL
	392	GEORGE WASHOE	PHRR0	WRONGFUL TAXATION OF TRUST LAND
	393	MICHAEL BERRYAH	PHRR0	ROAD RIGHT OF WAY TRESPASS
	394	MOSE WEYLAND	SAC13	GRAZING TRESPASS
	395	CAPTAIN PETE MAYO	SAC27	ROAD RIGHT OF WAY TRESPASS
	396	MOLLY PIACCO	SAC28	BUILDING IN TRESPASS
	397	SALLEY SHEALL	SAC44	FORCED FEE PATENT
	398	FANNIE HALL	SAC48	TIMBER REMOVED WRONGFULLY
	399	LOUISA PALOMA	S7C001	ROAD RIGHT OF WAY TRESPASS
	400	FRANK FISHER	SAC 9A	WRONGFUL WATER APPROPRIATION
	401	BILLY MAJOR	SAC89	RAILROAD IN TRESPASS
	402	BILL HUTCHINS	SAC107	ROAD RIGHT OF WAY TRESPASS
	403	FRANK NORMANT	SAC107	TIMBER REMOVED WRONGFULLY
	404	FRANK NORMANT	SAC1 9	FENCE OR BOUNDARY ENCROACHMENT
	405	SARAH PRIEST	SAC120	FENCE OR BOUNDARY ENCROACHMENT
	406	MARY MCCABE	SAC129	FENCE OR BOUNDARY ENCROACHMENT
	407	DICK NEAL	SAC144	GRAZING TRESPASS
	408	ROSE EVANS	SAC149	LAND NOT RELINQUISHED ON ABANDONMENT
	409	MAGGIE AHEC		

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SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
50500	410	MARIA WILSON	SAC154	LAND NOT RELINQUISHED ON ARRANGEMENT
	411	JOHN CHARLEY	SAC171	GRAZING TRESPASS
	412	ANDREW GLENN	SAC185	DITCH OR CANAL IN TRESPASS
	413	JENNIE DONAHUE	SAC222	LAND SOLD WITHOUT APPROVAL
	414	EDDIE POLKENHORN	SAC235	ROAD RIGHT OF WAY TRESPASS
	415	DAN MULLINS	345721	LAND SOLD WITHOUT APPROVAL
	416	JOHN PERCHUM	SUSA	LAND SOLD WITHOUT APPROVAL
	417	JOHN DOKESTIN	SUS18	LAND SOLD WITHOUT APPROVAL
	418	BEN WILLIAMS	SUS20	LAND SOLD WITHOUT APPROVAL
	419	ROBERT ROY	SUS42	LAND SOLD WITHOUT APPROVAL
	420	HENRY JENKINS	SUS33	LAND SOLD WITHOUT APPROVAL
	421	GEORGE PERCONTM	SUS34	LAND SOLD WITHOUT APPROVAL
	422	BOB MACK	SUS35	LAND SOLD WITHOUT APPROVAL
	423	ERNEST JACK	SUS36	LAND SOLD WITHOUT APPROVAL
	424	FRANK BOWEN	SUS51	LAND SOLD WITHOUT APPROVAL
	425	FRANK BILLY	SUS53	LAND SOLD WITHOUT APPROVAL
	426	CAPTAIN HAVEN	SUS 58	LAND SOLD WITHOUT APPROVAL
	427	SUSIE JACKSON	SUS110	LAND SOLD WITHOUT APPROVAL
	428	ALBERT JACKSON	SUS114	LAND SOLD WITHOUT APPROVAL
	429	LITTLE SAM AKA JOHN	SUS11A	LAND SOLD WITHOUT APPROVAL
	430	MARY DAVESON	SUS122	LAND SOLD WITHOUT APPROVAL
	431	NELLIE MACK	SUS127	LAND SOLD WITHOUT APPROVAL
	432	PANCHIE BILL	SUS 6	LAND SOLD WITHOUT APPROVAL
	433	ELLEN JENKINS	SUS1A7	LAND SOLD WITHOUT APPROVAL
	434	HOSLER JENKINS	SUS1AA	LAND SOLD WITHOUT APPROVAL
	435	JACK JENKINS	SUS1AA	LAND SOLD WITHOUT APPROVAL
	436	ROBERT JENKINS	SUS1A7	LAND SOLD WITHOUT APPROVAL
	437	PHILLIP	SUS171	LAND SOLD WITHOUT APPROVAL
	438	LINCOLN WILLIAMS	SUS[illegible]	LAND SOLD WITHOUT APPROVAL
	439	INEZ PERCONNAM	SUS[illegible]	LAND SOLD WITHOUT APPROVAL
	440	DOKIE JOHNSTIN	SUS[illegible]	LAND SOLD WITHOUT APPROVAL
	441	HELEN JOHNSTIN	SUS[illegible]	LAND SOLD WITHOUT APPROVAL
	442	ROWIN [illegible]	[illegible]	LAND SOLD WITHOUT APPROVAL
	443	[illegible]	[illegible]	LAND SOLD WITHOUT APPROVAL
	444	HIAWATHA GOULD	[illegible]	LAND SOLD WITHOUT APPROVAL
	445	CHARLIE BUTLER	SUS421	LAND SOLD WITHOUT APPROVAL
	446	JIM BILL SPRINGS	SUS[illegible]	LAND SOLD WITHOUT APPROVAL
	447	SAM MARTIN	SUS421	REMOVAL OF MINERALS
	448	EMMA QUINN	SUS43A	LAND SOLD WITHOUT APPROVAL
	449	SPENCER WILSON	SUS492	LAND SOLD WITHOUT APPROVAL
	450	SUSIE JOE	SUS75[illegible]	LAND SOLD WITHOUT APPROVAL
	451	JIM DAVEN	SUS7A3	LAND SOLD WITHOUT APPROVAL
	452	HARRY JENKINS	SUS7A7	CLAIM TO TIDELANDS
	453	JIMMY FINSON	SUS7A9	LAND SOLD WITHOUT APPROVAL
	454	SAM SUSIE	SUS709	LAND SOLD WITHOUT APPROVAL
	455	TOMMIE OCHIHO	SUS70A	LAND SOLD WITHOUT APPROVAL
	456	BLACK JACK	SUS807	LAND SOLD WITHOUT APPROVAL
	457	DOLLY JACK	SUS809	LAND SOLD WITHOUT APPROVAL
	458	NILLY JACK	SUS810	LAND SOLD WITHOUT APPROVAL
	459	INDIAN SUSIE	SUS817	LAND SOLD WITHOUT APPROVAL
	460	INA JACK	SUS818	LAND SOLD WITHOUT APPROVAL
	461	CATO TEEMAN	SUS82A	LAND SOLD WITHOUT APPROVAL
	462	ANNIE ARCHIE	SUSE72	LAND SOLD WITHOUT APPROVAL
	463	JOHN HAMILTON	SUS917	LAND SOLD WITHOUT APPROVAL
	464	MOLLIE KNOX	SUS95A	GRAZING TRESPASS
	465	WANT KELLEY	SUS957	ROAD RIGHT OF WAY TRESPASS
	466	HANY HENDRICK	SUS979	FENCE OR BOUNDARY ENCROACHMENT
	467	BOB HEDRICK	SUS[illegible]	TIMBER REMOVED WRONGFULLY
	468	PAIUTE CHARLIE	SUS[illegible]	FENCE OR BOUNDARY ENCROACHMENT
	469	LELAND DONAHUE	SAC[illegible]	ROAD RIGHT OF WAY TRESPASS
	470	CHARLEY BOWE	REL[illegible]	REMOVAL OF HARVESTABLE NATURAL GROWTH
	471	HARRY WILSON	RED[illegible]	ROAD RIGHT OF WAY TRESPASS
	472	BILLY WILLIAMS	IND54	CLAIM TO TIDELANDS
	473	JOHN GREEN	IND[illegible]	FENCE OR BOUNDARY ENCROACHMENT
	474	HENRY FRANK	IH[illegible]	DITCH OR CANAL IN TRESPASS
	475	WILLIAM MILLER	IND[illegible]	DITCH OR CANAL IN TRESPASS
	476	INDIAN RANCH	TRIBAL	CLAIM TO TIDELANDS
	477	NED ROMERAH	ALLOT	CLAIM TO TIDELANDS

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SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
50500	478	INDIAN	ALLOT	CLAIM TO TIDELANDS
	479	JOSEPHINE MARTINEZ	024	FORCED FEE PATENT
	480	ARTHUR MULLEEN	SUS[illegible]	FORCED FEE PATENT
	481	FANNIE WOODIN	SUS[illegible]	FORCED FEE PATENT
	482	NANNIE DICK	SUS79[illegible]	ROAD RIGHT OF WAY TRESPASS
	483	IDA GREEN	RED[illegible]19	FORCED FEE PATENT
	484	HENRY FRANK	RED9A	LAND SOLD WITHOUT APPROVAL
	485	FRED SETTIE	RED[illegible]47	FORCED FEE PATENT
	486	BILLY BUTTON	TH[illegible]25	FORCED FEE PATENT
	487	OLD TOM SCOTT	TH[illegible]3?	FORCED FEE PATENT
	488	BEADACURE HUNTER	TAS[illegible]2	WITHDRAWN WATER APPROPRIATION
	489	ROBERT DUNCAN	WIM[illegible]7	FORCED FEE PATENT
	490	NANCY WITHERBURN	WIM[illegible]5	FORCED FEE PATENT
	491	FANNIE JOHNSON	WIM[illegible]5	FORCED FEE PATENT
	492	FRANK HOSLER	WIM[illegible]6?	FORCED FEE PATENT
	493	DONNIE FLANNERY	WIM[illegible]A	FORCED FEE PATENT
	494	ELIZA ALEOK	WIM[illegible]9	FORCED FEE PATENT
	495	PETE SONTASH	WIM[illegible]A	FORCED FEE PATENT
	496	JENNIE DENMAN	WIM[illegible]3	FORCED FEE PATENT
	497	JIM CAMPBELL	SAC[illegible]2	FORCED FEE PATENT
	498	ELIZA FRATES	REL[illegible]9	FORCED FEE PATENT
	499	FRANK FRATES	RED[illegible]00	FORCED FEE PATENT
	500	JOHN SAMSON	RED[illegible]3	FORCED FEE PATENT
	501	ALICE BOYER	RED[illegible]51	FORCED FEE PATENT
	502	MIKE REID	WAD[illegible]4	FORCED FEE PATENT
	503	POLLY REID	RED[illegible]5	FORCED FEE PATENT
	504	JAMES REID	RED[illegible]6	FORCED FEE PATENT
	505	JACK MELINDA	RED[illegible]7	FORCED FEE PATENT
	[illegible]	TOM YOUNG	RED[illegible]10	FORCED FEE PATENT
	507	COCKEYE TIM	RED[illegible]4	FORCED FEE PATENT
	508	WILLIAM SISK	RED[illegible]A	FORCED FEE PATENT
	509	MRS JOHN MOLDAY	[illegible]1A5?	FORCED FEE PATENT
	510	BELLE SHELTON	RED[illegible]3	FORCED FEE PATENT
	511	JOE ROGERS	RED[illegible]4	FORCED FEE PATENT
	512	ISIAH HUNT	RED[illegible]5	FORCED FEE PATENT
	513	RICHARD MCFEIN	RED[illegible]15	FORCED FEE PATENT
	514	MARY TAVIS	[illegible]HASTD	FORCED FEE PATENT
	515	ELLA BRACHETTA	RED[illegible]57	FORCED FEE PATENT
	516	JAMES GREEN	IH[illegible]A1	FORCED FEE PATENT
	517	ALICE BOYER	RED[illegible]51	FORCED FEE PATENT
	518	WILLIAM HUNT	RED[illegible]A	FORCED FEE PATENT
	[illegible]	JIM HUNT	RED[illegible]59	FORCED FEE PATENT
	520	ADAM GALT	STK17	FORCED FEE PATENT
	521	QUEEN BILLY	SUS58	FORCED FEE PATENT
	522	CHARLEY ROWEN	SUS52	FORCED FEE PATENT
	523	TOMMY YOUNG	SUS94	FORCED FEE PATENT
	524	MARTHA BAKER	SUS[illegible]A4	FORCED FEE PATENT
	525	GRANT WASHOE	SUS[illegible]94	FORCED FEE PATENT
	526	AGNES WILSON	SUS949	FORCED FEE PATENT
	527	MARTIN WILSON	SUS950	FORCED FEE PATENT
	528	JACK DAVIS	STK10	FORCED FEE PATENT
	529	IDA BARLTON	STK3	FORCED FEE PATENT
	530	MARTIN BOLTON	STK5	FORCED FEE PATENT
	531	JOHN GALTJR	STK16	FORCED FEE PATENT
	532	ADAM GALT JR	STK1A	FORCED FEE PATENT
	533	MARY ROWTIN	STK3A	FORCED FEE PATENT
	534	JOHN BUFFALO	TH[illegible]04	FORCED FEE PATENT
	535	BILL OF ESHAM VALLEY	TH[illegible]527	FORCED FEE PATENT
	536	JAMES CROSSMORE	TH[illegible]42	FORCED FEE PATENT
	537	SAMPSON GRANT	TH[illegible]43	FORCED FEE PATENT
	538	CAPTAIN JACK	TH[illegible]44	FORCED FEE PATENT
	539	BOB JOE	TH[illegible]45	FORCED FEE PATENT
	540	BUCKSKIN JACK	TH[illegible]5?	FORCED FEE PATENT
	541	STONEWALL JACKSON	TH[illegible]50	FORCED FEE PATENT
	542	DICK RICHARDS	TH[illegible]52	FORCED FEE PATENT
	543	BILL TYNER	TH[illegible]7A	FORCED FEE PATENT
	544	JACK DAVIS	TH[illegible]75	FORCED FEE PATENT
	545 001	HANY HUNTER	IND??	CLAIM TO TIDELANDS

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SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
50500	546	JOHN BOWEN	SUS[illegible]	FORCED FEE PATENT
	547	JOHN BOWEN	SUS[illegible]	FORCED FEE PATENT
	548	JOHN BOWEN	SUS[illegible]	FORCED FEE PATENT

SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
51525	002	CHAPO MILLER	IND38	BUILDING IN TRESPASS
	003	HENRY FRANK	ETIN40	CLAIM TO TIMBLANDS
51540	001	JACK ANDERSON	RV1	FORCED FEE PATENT
	002	MARY ANDERSON	RV2	FORCED FEE PATENT
	003	SARAH M CARD	RV4	FORCED FEE PATENT
	004	LAWSON ANDERSON	RV5	FORCED FEE PATENT
	005	POLLY ANDERSON	RV6	FORCED FEE PATENT
	006	MARIA ANDERSON	RV9	FORCED FEE PATENT
	007	DOLLY ANDERSON	RV10	FORCED FEE PATENT
	008	HERBERT JOHNSON	RV11	LAND SOLD WITHOUT APPROVAL
	009	CARRIE AZRILL	RV14	FORCED FEE PATENT
	010	PERCY ASBILL	R1A	FORCED FEE PATENT
	011	MARTHA AYALA	RV20	FORCED FEE PATENT
	012	VIVIANA AYALA	RV21	FORCED FEE PATENT
	013	CHARLES GOODWIN	RV22	FORCED FEE PATENT
	014	GEORGE GOODWIN	RV23	FORCED FEE PATENT
	015	LARRY GOODWIN	RV24	FORCED FEE PATENT
	016	PACENTALEON MARIA	RV27	FORCED FEE PATENT
	017	DAVIS BERCIER	RV31	FORCED FEE PATENT
	018	MINNIE BERCIER	RV32	FORCED FEE PATENT
	01	ALMA BERCIER	RV33	FORCED FEE PATENT
	020	ROSA BERCIER	RV34	FORCED FEE PATENT
	021	RAYMOND BROWN	RV40	FORCED FEE PATENT
	022	CHARLES CARD	RV46	FORCED FEE PATENT
	023	NANCY CARD	RV47	FORCED FEE PATENT
	024	WALTER CARD	RV48	FORCED FEE PATENT
	025	PHENIA CLEMENTS	RV50	FORCED FEE PATENT
	026	TOM CLARK	RV51	FORCED FEE PATENT
	027	SALLIE CLARK	RV52	FORCED FEE PATENT
	028	CHARLES DORMAN	RV59	FORCED FEE PATENT
	029	MAGGIE DORMAN	RV60	FORCED FEE PATENT
	030	DAN DURMAN	RV61	FORCED FEE PATENT
	031	ELLEN DORMAN	RV63	FORCED FEE PATENT
	032	EBEN DORMAN	RV64	FORCED FEE PATENT
	033	HENRY DOWNS	RV65	FORCED FEE PATENT
	034	RINEY DOWNS	RV67	FORCED FEE PATENT
	035	FRANK FELIZE	RV73	FORCED FEE PATENT
	036	ANNIE FELIZE	RV74	FORCED FEE PATENT
	037	LUPY FLEIZE	RV75	FORCED FEE PATENT
	038	FLORENCE PHILLIPS	RV77	FORCED FEE PATENT
	039	HENRY HEMLEY	RV82	FORCED FEE PATENT
	040	HIRAM VALLEY	RV85	FORCED FEE PATENT
	041	CARLINO LEDGER	RV88	FORCED FEE PATENT
	042	EMMA LEDGER	RV89	FORCED FEE PATENT
	043	MARIMETA LEDGER	RV90	FORCED FEE PATENT
	044	NANCY RAY	RV92	FORCED FEE PATENT
	045	HENRY MURPHY	RV106	FORCED FEE PATENT
	046	FRANK PERRY	RV110	FORCED FEE PATENT
	047	WILLIE PERRY	RV112	FORCED FEE PATENT
	048	CARRIE PERRY	RV113	FORCED FEE PATENT
	049	MARY E PERRY	RV115	FORCED FEE PATENT
	050	JOHN STRANGET	RV119	FORCED FEE PATENT
	051	FRANKIE WESLEY	RV130	FORCED FEE PATENT
	052	MINNIE WILSEY	RV137	FORCED FEE PATENT
	053	JOHN WILSEY	RV138	FORCED FEE PATENT
	054	ARELINE WILSEY	RV142	FORCED FEE PATENT
	055	JACK WRIGHT	RV152	FORCED FEE PATENT
	056	LIZZIE DIAN	RV159	FORCED FEE PATENT
	057	GEORGE BRITTON	RV160	FORCED FEE PATENT
	058	FRANK BRITTON	RV161	FORCED FEE PATENT
	059	BELLE HAYES	RV164	FORCED FEE PATENT
	060	TOM PIKE	RV167	FORCED FEE PATENT
	061	WESLEY HOXIE	RV173	FORCED FEE PATENT
	062	MAGGIE HOXIE	RV174	FORCED FEE PATENT
	063	ALICE HOXIE	RV175	FORCED FEE PATENT
	064	WILLIAM HOXIE	RV176	FORCED FEE PATENT
	065	MAMIE HOXIE	RV177	FORCED FEE PATENT
	066	ANNIE STEELE	RV179	FORCED FEE PATENT

SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
51540	067	CALLIE HAYES	RV181	FORCED FEE PATENT
	068	DELROY STEELE	RV182	FORCED FEE PATENT
	069	FRANK POTTER	RV185	DAMAGE TO HARVESTABLE NATURAL GROWTH
	070	REBECCA POTTER	RV186	FORCED FEE PATENT
	071	TOM POTTER	RV187	FORCED FEE PATENT
	072	SAM POTTER	RV188	FORCED FEE PATENT
	073	EDWARD SMITH	RV190	FORCED FEE PATENT
	074	JESSE SMITH	RV191	FORCED FEE PATENT
	075	CYRUS SMITH	RV193	FORCED FEE PATENT
	076	MARY STEELE	RV195	FORCED FEE PATENT
	077	MARY ANN STEELE	RV196	FORCED FEE PATENT
	078	BERT STEELE	RV197	FORCED FEE PATENT
	079	LORENZO MUCKOLLS	RV198	FORCED FEE PATENT
	080	WILLIAM H WILLIAMS	RV206	FORCED FEE PATENT
	081	ANNIE WILLIAMS	RV207	FORCED FEE PATENT
	082	JOHN BELL	RV221	FORCED FEE PATENT
	083	TOM CRABTREE	RV239	FORCED FEE PATENT
	084	MARY CRAINE	RV243	FORCED FEE PATENT
	085	EMMA EDGAL	RV250	FORCED FEE PATENT
	086	ALEXANDER FRAZIER	RV255	FORCED FEE PATENT
	087	ROBERT FRAZIER	RV257	FORCED FEE PATENT
	088	ANNIE FULWILDER	RV269	FORCED FEE PATENT
	089	EMMA GRAVES	RV273	FORCED FEE PATENT
	090	BAN GRAVES	RV274	FORCED FEE PATENT
	091	HENRY GRAVES	RV276	FORCED FEE PATENT
	092	JIM HOWARD	RV279	FORCED FEE PATENT
	093	HENRY JENKS	RV292	FORCED FEE PATENT
	094	BELLE SMITH	RV303	FORCED FEE PATENT
	095	LENA SMITH	RV304	FORCED FEE PATENT
	096	ENA SMITH	RV307	FORCED FEE PATENT
	097	JOSEPHINE SMITH	RV309	FORCED FEE PATENT
	098	HENRY E SMITH	RV312	FORCED FEE PATENT
	099	MARY STONE	RV318	FORCED FEE PATENT
	100	FRANK WHIPPLE	RV327	FORCED FEE PATENT
	101	ALBERT ANDERSON	RV343	FORCED FEE PATENT
	102	ALFRED BROWN	RV359	FORCED FEE PATENT
	103	SALLIE BRIGHAM	RV365	FENCE OR BOUNDARY ENCROACHMENT
	104	MARY CAMERON	RV386	FORCED FEE PATENT
	105	JEFF DAVIS	RV389	FORCED FEE PATENT
	106	WILLIAM D DAVIS	RV393	FORCED FEE PATENT
	107	OTTAWELL DOOLITTLE	RV397	FORCED FEE PATENT
	108	REATUS DOOLITTLE	RV398	FORCED FEE PATENT
	109	MYRTLE DUNCAN	RV409	FORCED FEE PATENT
	110	JOHN FRANK	RV425	FORCED FEE PATENT
	111	SUSANNA HEMLEY	RV442	FORCED FEE PATENT
	112	JOHN LAWLEY	RV485	FORCED FEE PATENT
	113	JAMES C LEGGETT	RV488	FORCED FEE PATENT
	114	BERT C LEGGETT	RV491	FORCED FEE PATENT
	115	MARY C LEGGETT	RV493	FORCED FEE PATENT
	116	RALPH LEGGETT	RV494	FORCED FEE PATENT
	117	JIM MCKAY	RV512	FORCED FEE PATENT
	118	ANNIE MOORE	RV518	FORCED FEE PATENT
	119	GEORGE MOORE	RV524	FORCED FEE PATENT
	120	FLORA ELLIOTT	RV531	FORCED FEE PATENT
	121	OX PETE	RV535	FORCED FEE PATENT
	122	NANCY IDA REEVES	RV539	FORCED FEE PATENT
	123	ELIJAH H REEVES	RV540	FORCED FEE PATENT
	124	JULIA SAM	RV545	ROAD RIGHT OF WAY TRESPASS
	125	ANDREW SCOTT	RV550	WATER IN TRESPASS
	126	SUSIE SPENCER	RV552	FORCED FEE PATENT
	127	ANNIE SIMONIN	RV559	FORCED FEE PATENT
	128	MARION SIMONIN	RV560	FORCED FEE PATENT
	129	JAMES SIMONIN	RV561	FORCED FEE PATENT
	130	CHARLES SIMONIN	RV564	FORCED FEE PATENT
	131	REBECCA SIMONIN	RV568	FORCED FEE PATENT
	132	CHARLES THOMAS	RV574	FORCED FEE PATENT
	133	EBEN TILLOTSON	RV577	FORCED FEE PATENT
	134	SIDNEY WILLIAMS	RV584	FORCED FEE PATENT

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SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
51540	135	ANNIE WILLBURN	RV597	FORCED FEE PATENT
	136	MIRANDA WILLBURN	RV598	FORCED FEE PATENT
	137	CHURCH WILLBURN	RV599	FORCED FEE PATENT
	138	THOMAS AYALLA	RVA05	FORCED FEE PATENT
	139	ANNIE COOK	RVA07	FORCED FEE PATENT
	140	LULU COOK	RV609	FORCED FEE PATENT
	141	MINERVA MCDANIEL	RVA10	FORCED FEE PATENT
	142	WILLIAM DOBBINS	RVA14	FORCED FEE PATENT
	143	MINERVA ALLEN	RVA27	FORCED FEE PATENT
	144	ALBERT ANDERSON	RVA28	FORCED FEE PATENT
	145	NANCY ANDERSON	RV629	FORCED FEE PATENT
	146	FRANKIE ANDERSON	RVA34	FORCED FEE PATENT
	147	JACK ANDERSON	RVA36	FORCED FEE PATENT
	148	MARY ANDERSON	RVA37	FORCED FEE PATENT
	149	PHENIA ANDERSON	RVA38	FORCED FEE PATENT
	150	JANE AYERS	RVA52	FORCED FEE PATENT
	151	THOMAS AYALLA	RVA5A	FORCED FEE PATENT
	152	MARY AYALLA	RVA57	FORCED FEE PATENT
	153	JOHN BELL	RVA60	FORCED FEE PATENT
	154	DAVID BERCIER	RVA63	FORCED FEE PATENT
	155	FRANK BRITTON	RVA69	FORCED FEE PATENT
	156	GEORGE BRITTON	RVA70	FORCED FEE PATENT
	157	ALFRED BROWN	RVA72	FORCED FEE PATENT
	158	MANUEL BROWN	RVA77	FORCED FEE PATENT
	159	RAYMOND BROWN	RVA87	FORCED FEE PATENT
	160	MARY CAMERON	RVA95	FORCED FEE PATENT
	161	CHARLES CARD	RV700	FORCED FEE PATENT
	162	MINNIE CARD	RV701	FORCED FEE PATENT
	163	CHRISTIANA CARD	RV702	TIMBER REMOVED WRONGFULLY
	164	SARAH CARD	RV70A	FORCED FEE PATENT
	165	WALTER CARD	RV707	FORCED FEE PATENT
	166	BELL CARD	RV709	FORCED FEE PATENT
	167	LIZZIE CARPENTER	RV714	FORCED FEE PATENT
	168	SALLIE CLARK	RV720	FORCED FEE PATENT
	169	WALTER CLARK	RV721	FORCED FEE PATENT
	170	LULU COOK	RV729	FORCED FEE PATENT
	171	TOMACITO COSTELLO	RV732	FORCED FEE PATENT
	172	FLORENCE COSTELLO	RV733	FORCED FEE PATENT
	173	ALVIRA COSTELO	RV734	FORCED FEE PATENT
	174	TOM CRABTREE	RV737	FORCED FEE PATENT
	175	MARY CRANE	RV741	FORCED FEE PATENT
	176	GEORGE DAVIS	RV742	FORCED FEE PATENT
	177	JEFF DAVIS	RV750	FORCED FEE PATENT
	178	WILLIAM D DAVIS	RV755	FORCED FEE PATENT
	179	ROSA DAVIS	RV756	FORCED FEE PATENT
	180	WILLIAM DOBBINS	RV7A8	FORCED FEE PATENT
	181	OTTOWELL DOOLITTLE	RV7A9	FORCED FEE PATENT
	182	MABEL DOOLITTLE	RV749	FORCED FEE PATENT
	183	BEATUS DOOLITTLE	RV770	FORCED FEE PATENT
	184	REBECCA DOOLITTLE	RV771	FORCED FEE PATENT
	185	CHARLES DORMAN	RV772	FORCED FEE PATENT
	186	MAGGIE DORMAN	RV773	FORCED FEE PATENT
	187	EREN DORMAN	RV774	FORCED FEE PATENT
	188	ELLEN DORMAN	RV775	FORCED FEE PATENT
	189	DAN DORMAN	RV778	FORCED FEE PATENT
	190	LIBY DORMAN	RV779	FORCED FEE PATENT
	191	HENRY DOWNS	RV784	FORCED FEE PATENT
	192	JOHN DOWNS	RV789	FORCED FEE PATENT
	193	MYRTLE DUNCAN	RV79A	FORCED FEE PATENT
	194	JOHN F DUNCAN	RV797	FORCED FEE PATENT
	195	VICTORIA DUNCAN	RV798	FORCED FEE PATENT
	196	ALMA DUNCAN	RV7A0	FORCED FEE PATENT
	197	MINNIE DUNCAN	RV7B2	FORCED FEE PATENT
	198	EMMA EDSAL	RV813	FORCED FEE PATENT
	199	FRANK FELTZ	RV817	FORCED FEE PATENT
	200	ANNIE FELTZ	RV818	FORCED FEE PATENT
	201	HARRY FELTZ	RV82?	FORCED FEE PATENT
	202	MAUD FELTZ	RV823	FORCED FEE PATENT

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SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
51540	203	JOHN FRANK	RV831	FORCED FEE PATENT
	204	ALEXANDER FRAZIER	RV834	FORCED FEE PATENT
	205	FRANKIE FRAZIER	RV83?	FORCED FEE PATENT
	206	ROBERT FRAZIER	RV836	FORCED FEE PATENT
	207	CHARLES GOODWIN	RV851	FORCED FEE PATENT
	208	TOBA GOODWIN	RV852	FORCED FEE PATENT
	209	GEORGE GOODWIN	RV857	FORCED FEE PATENT
	210	BEN GRAVES	RV860	FORCED FEE PATENT
	211	MINNIE GRAVES	RV861	FORCED FEE PATENT
	212	JESSE GREGORY	RV86A	FORCED FEE PATENT
	213	LOUIS HART	RV871	FORCED FEE PATENT
	214	MARTHA HAYES	RV879	FORCED FEE PATENT
	215	CHARLES HEATH	RV881	FORCED FEE PATENT
	216	AMANDA HEATH	RV884	FORCED FEE PATENT
	217	HENRY HENLEY	39321R	FORCED FEE PATENT
	218	BEN HENTHORNE	RV-896	FORCED FEE PATENT
	219	LENA HENTHORNE	RV-897	FORCED FEE PATENT
	220	THOMAS HENTHORNE	RV-898	FORCED FEE PATENT
	221	MARY HENTHORNE	RV-899	FORCED FEE PATENT
	222	WALTER HENTHORNE	RV-901	FORCED FEE PATENT
	223	ALMA HENTHORNE	RV-902	FORCED FEE PATENT
	224	FLORENCE HOAGLIN	RV-907	FORCED FEE PATENT
	225	WESLEY HOL15140IF	RV-914	FORCED FEE PATENT
	226	MAGGIE HOL15140IF	RV-915	FORCED FEE PATENT
	227	ALICE HOL15140IF	RV-916	FORCED FEE PATENT
	228	WILLIAM HOL15140IF	RV-917	FORCED FEE PATENT
	229	MAMIE HOL15140IF	RV-918	FORCED FEE PATENT
	230	HENRY JINKS	RV-941	FORCED FEE PATENT
	231	MARTIN JOHNS	RV-947	FORCED FEE PATENT
	232	CHARLES JOHNS	RV-948	FORCED FEE PATENT
	233	ANNIE KIRK	RV-955	FORCED FEE PATENT
	234	COLINA LENGER	RV-961	FORCED FEE PATENT
	235	EMMA LENGER	RV-963	FORCED FEE PATENT
	236	JAMES C. LEGGETT	RV-964	FORCED FEE PATENT
	237	ISABELLE LEGGETT	RV-965	FORCED FEE PATENT
	238	ROBT C. LEGGETT	RV-967	FORCED FEE PATENT
	239	MARY E. LEGGETT	RV-968	FORCED FEE PATENT
	240	JESSE LEGGETT	RV-969	FORCED FEE PATENT
	241	RALPH LEGGETT	RV-970	FORCED FEE PATENT
	242	FRANCISCO FIN MARIA	RV1000	FORCED FEE PATENT
	243	JOHN M DERMITT	RV1001	FORCED FEE PATENT
	244	JAMES MCGETTRICK	RV1002	FORCED FEE PATENT
	245	ANNIE MCGETTRICK	RV1003	FORCED FEE PATENT
	246	TIM MCKAY	RV1013	FORCED FEE PATENT
	247	GEORGE MOORE	RV1017	FORCED FEE PATENT
	248	AURELIA MORAN	RV1018	FORCED FEE PATENT
	249	EMILY MORAN	RV1019	FORCED FEE PATENT
	250	MERCEDES MORAN	RV1021	FORCED FEE PATENT
	251	ERNEST MOSIER	RV1025	FORCED FEE PATENT
	252	HENRY MURPHY	RV1027	FORCED FEE PATENT
	253	LORENZO NICKOLLS	RV1032	FORCED FEE PATENT
	254	FRANK PERRY	RV1033	FORCED FEE PATENT
	255	MINNIE PERRY	RV1035	FORCED FEE PATENT
	256	MARY E. PERRY	RV1036	FORCED FEE PATENT
	257	MARY PERRY	RV1039	FORCED FEE PATENT
	258	WILLIE PERRY	RV104A	FORCED FEE PATENT
	259	SANDY PETERS	RV1051	FORCED FEE PATENT
	260	TOM PIKE	RV1052	FORCED FEE PATENT
	261	ANNIE PINE	RV1062	FORCED FEE PATENT
	262	JUANITA POLLARD	RV1063	FORCED FEE PATENT
	263	FRANK POLLARD	RV1064	FORCED FEE PATENT
	264	NANCY POLLARD	RV1065	FORCED FEE PATENT
	265	SAM POTTER	RV1074	FORCED FEE PATENT
	266	OLLIE HAYES	RV1075	FORCED FEE PATENT
	267	TOM POTTER	RV1080	FORCED FEE PATENT
	268	ELIJAH H. REED	RV1083	FORCED FEE PATENT
	269	FLORA REEVES	RV108A	FORCED FEE PATENT
	270	ANNIE RISE	RV1092	FORCED FEE PATENT

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SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

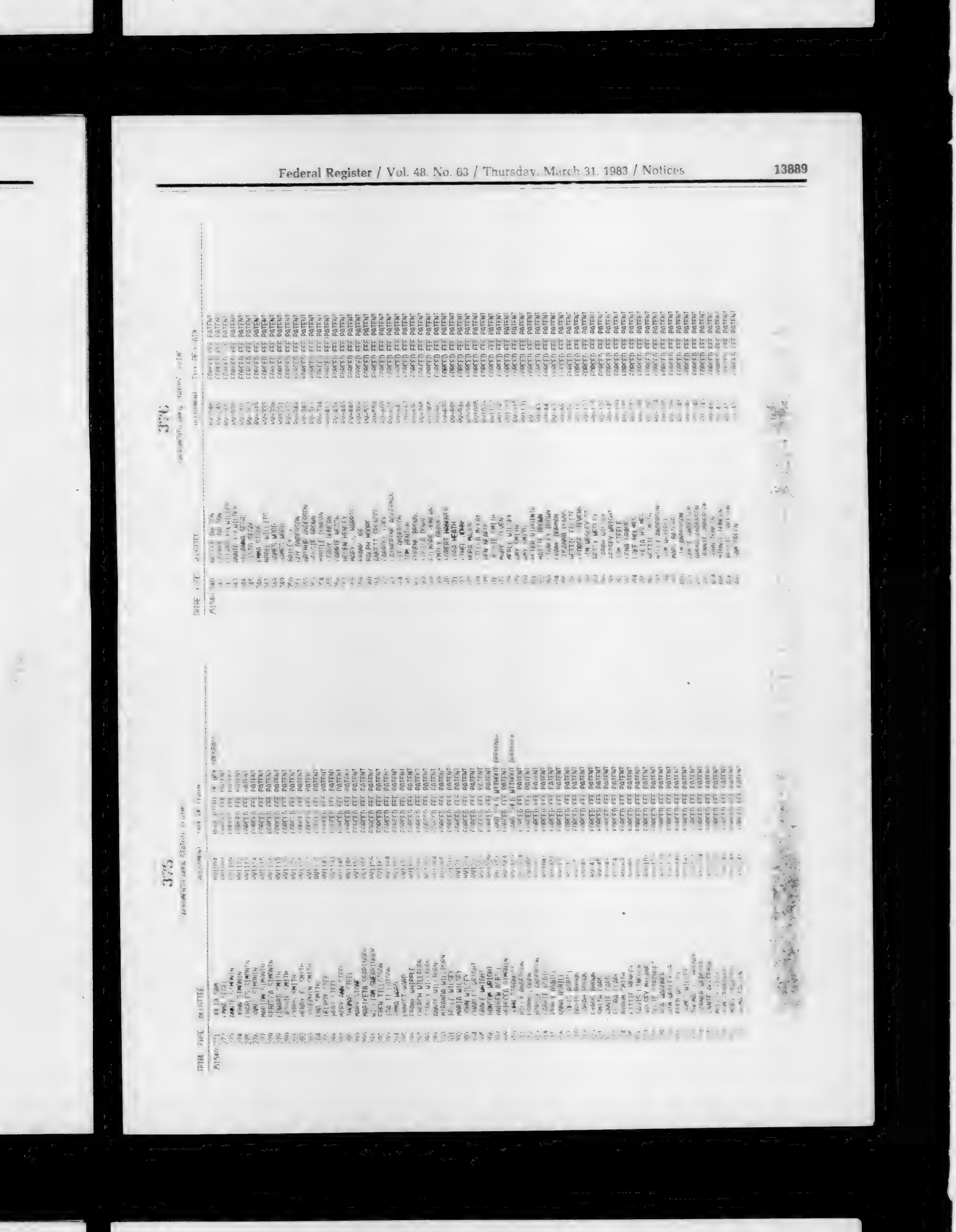

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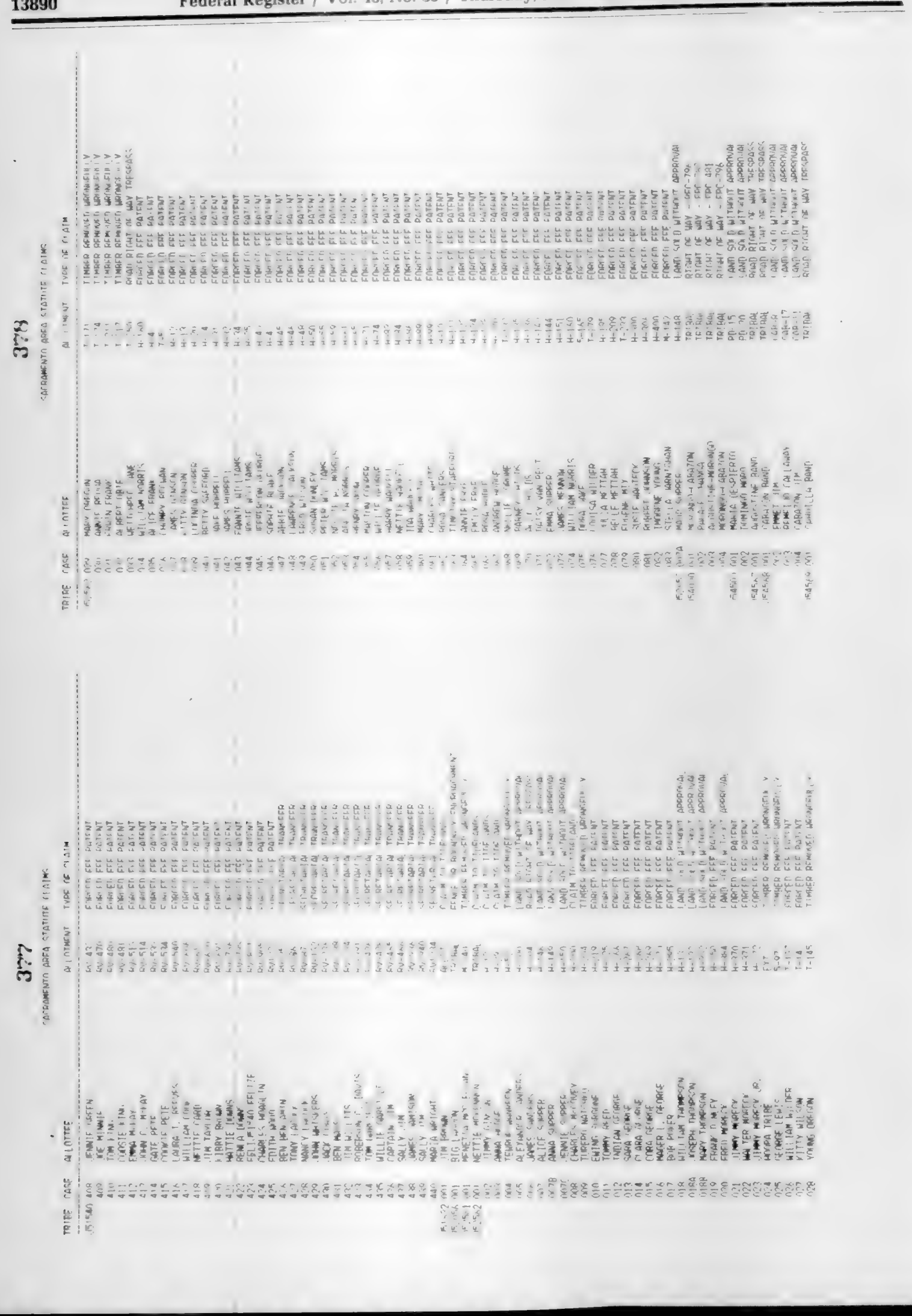

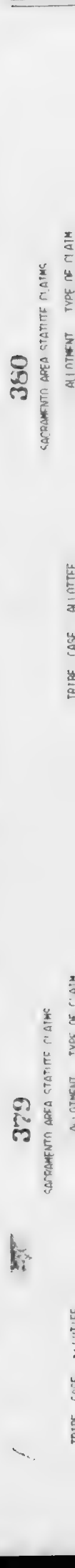

SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
54569	003	CAHUILLA BAND	TRIBAL	ROAD RIGHT OF WAY TRESPASS
54570	001	CAMPO BAND	TRIBAL	RIGHT OF WAY - POWERLINE
	002	CAMPO BAND	TRIBAL	RIGHT OF WAY - WATERLINE
	003	CAMPO BAND	TRIBAL	TRESPASS - RAILROAD
54571	001	RUBINO CUITAL	PURPAS	LAND SOLD WITHOUT APPROVAL
	002	JOHN DOE	PURPAS	FORCED FEE PATENT
54576	001	LA JOLLA BAND	TRIBAL	RIGHT OF WAY - PIPELINE
	002	FRANK R. RODRIGUEZ	LA-A18	LAND SOLD WITHOUT APPROVAL
54577	001	LA POSTA BAND	TRIBAL	RIGHT OF WAY - POWERLINE
	002	LA POSTA BAND	TRIBAL	TRESPASS - FLOODING
54579	001	MANZANITA BAND	MORAIN	ROAD RIGHT OF WAY TRESPASS
54580	001	MESA GRANDE BAND	TRIBAL	ROAD RIGHT OF WAY TRESPASS
54582	001	MORONGO BAND	TRIBAL	RIGHT OF WAY - FPC-1008
	002	MORONGO BAND	TRIBAL	ROAD RIGHT OF WAY TRESPASS
	003	JOSEPHINE MORONGO	MOR271	LAND SOLD WITHOUT APPROVAL
	004	THOMAS MORONGO	MOR273	FORCED FEE PATENT
	005	JOHN MESERVE	MOR215	FORCED FEE PATENT
	006	MARTHA ANTONIO	MOR193	FORCED FEE PATENT
54583	001	JESUS ESCALANTE	PALA	CLAIM TO TITLE ANTS
	002	PALA BAND	TRIBAL	RIGHT OF WAY - FPC-1411
	003	PALA BAND	TRIBAL	RIGHT OF WAY - LINE ROAD
	004	PALA BAND	TRIBAL	RIGHT OF WAY - TELEPHONE
	005	PALA BAND	TRIBAL	ROAD RIGHT OF WAY TRESPASS
	006	PALA BAND	TRIBAL	RIGHT OF WAY TRESPASS
	007	FLORENCE PUBLICO TH	PAL-73	LAND SOLD WITHOUT APPROVAL
	008	MARIANO F [illegible]	PAL-71	LAND SOLD WITHOUT APPROVAL
	009	VIRGINIA [illegible]	PAL14A	LAND SOLD WITHOUT APPROVAL
	010	JAMES YORBA	ALLOT	LAND SOLD WITHOUT APPROVAL
	011	JAMES YORBA	ALLOT	LAND SOLD WITHOUT APPROVAL
	012	JULIANA DIAZ	ALLOT	LAND SOLD WITHOUT APPROVAL
	013	JULIANA DIAZ	ALLOT	LAND SOLD WITHOUT APPROVAL
	014	FRANCIS MYERS	ALLOT	LAND SOLD WITHOUT APPROVAL
	015	JULIANA DIAZ	ALLOT	LAND SOLD WITHOUT APPROVAL
	016	MARCOS MICHOR	PAL-A4	LAND SOLD WITHOUT APPROVAL
	017	ANTONIO CHAVEZ	PAL-45	LAND SOLD WITHOUT APPROVAL
54585	001	PALMA BAND	TRIBAL	TRESPASS - FENCE
	002	PALMA BAND	TRIBAL	RIGHT OF WAY - UTILITY
54589	001	PECHANGA BAND	TRIBAL	LAND NOT RELINQUISHED ON ABANDONMENT
54587	001	RINCON BAND	TRIBAL	RIGHT OF WAY - FPC-548
	002	RINCON BAND	TRIBAL	RIGHT OF WAY - FPC-555
	003	RINCON BAND	S-A	ROAD RIGHT OF WAY TRESPASS
	004	RINCON BAND	TRIBAL	RIGHT OF WAY - RIA ROAD
	005	RINCON BAND	TRIBAL	RIGHT OF WAY - FPC-490
	006	BENICIO CHORRE	RIN-A9	FORCED FEE PATENT
54592	001	SANTA YSABEL BAND	TRIBAL	UTILITY LINE IN TRESPASS
54593	001	SOBOBA BAND	TRIBAL	RIGHT OF WAY - FPC-711
	002	SOBOBA BAND	TRIBAL	WRONGFUL WATER APPROPRIATION
54595	001	TORRES-MARTINEZ	TRIBAL	RIGHT OF WAY - CVCWD LINE
	002	TORRES-MARTINEZ	TRIBAL	RIGHT OF WAY - CVCWD LINE
	003	TORRES-MARTINEZ	TRIBAL	RIGHT OF WAY - CVCWD LINE
	004	TORRES-MARTINEZ	TRIBAL	RIGHT OF WAY - CVCWD LINE
	005	TORRES-MARTINEZ	TRIBAL	RIGHT OF WAY - CVCWD LINE
	006	TORRES-MARTINEZ	TRIBAL	RIGHT OF WAY - CVCWD LINE
	007	TORRES-MARTINEZ	TRIBAL	RIGHT OF WAY - CVCWD LINE
	008	TORRES-MARTINEZ	TRIBAL	RIGHT OF WAY - CVCWD LINE
	009	TORRES-MARTINEZ	TRIBAL	RIGHT OF WAY - CVCWD LINE
	010	TORRES-MARTINEZ	TRIBAL	ROAD RIGHT OF WAY TRESPASS
	011	TORRES-MARTINEZ	TRIBAL	RIGHT OF WAY - TELEPHONE
	012	TORRES-MARTINEZ	TRIBAL	CLAIM TO LAND
	013	TORRES-MARTINEZ	TRIBAL	UTILITY LINE IN TRESPASS
	014	TORRES-MARTINEZ	TRIBAL	ROAD RIGHT OF WAY TRESPASS
	015	TORRES-MARTINEZ	TRIBAL	WATER IN TRESPASS
	016	JOHN DATSON	TM-[illegible]	FORCED FEE PATENT
	017	BENJAMIN LEVI	TM-[illegible]	FORCED FEE PATENT
	018	MERWIN TORRES	TM-[illegible]	LAND SOLD WITHOUT APPROVAL
	019	AUGUSTA MATIAS	TM-147	LAND SOLD WITHOUT APPROVAL
	020	ALBERT [illegible]	TM-A	LAND SOLD WITHOUT APPROVAL
	021	MARIA [illegible]	TM-105	FORCED FEE PATENT

SACRAMENTO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
54595	022	IONE F. LOMAS	TM-15	LAND SOLD WITHOUT APPROVAL
	023	HAROLD WARD	TM-348	LAND SOLD WITHOUT APPROVAL
	024	ERNEST MORENO	TM-303	LAND SOLD WITHOUT APPROVAL
	025	LESTER R. LOPEZ	TM-287	LAND SOLD WITHOUT APPROVAL
	026	VIOLET MIRELEZ	TM-297	LAND SOLD WITHOUT APPROVAL
	027	VIRGINIA LOPEZ	TM-288	LAND SOLD WITHOUT APPROVAL
	028	CARL LAWSON	TM000	LAND SOLD WITHOUT APPROVAL
	029	NENANCIO TORO	TM-209	LAND SOLD WITHOUT APPROVAL
	030	THEODORE SEGUNDO	TM-188	LAND SOLD WITHOUT APPROVAL
	031	LELA ARENAS	TM-152	LAND SOLD WITHOUT APPROVAL
	032	HENRY M. ARENAS	TM-82	FORCED FEE PATENT
	033	ELEANOR NOMBRIE	TM-160	LAND SOLD WITHOUT APPROVAL
	034	MADELINE NOMBRIE	TM-164	LAND SOLD WITHOUT APPROVAL
	035	AILEF TORO	TM-202	LAND SOLD WITHOUT APPROVAL
	036	BERT T. DENHAM	TM-243	LAND SOLD WITHOUT APPROVAL
	037	RANDOLPH DORO	TM-260	LAND SOLD WITHOUT APPROVAL
	038	LAURA HOLMES	TM-267	LAND SOLD WITHOUT APPROVAL
	039	HELEN NOMBRIE	TM-157	LAND SOLD WITHOUT APPROVAL
	040	ARTHUR KINTANO	TM-47	LAND SOLD WITHOUT APPROVAL
	041	MARTIN MATIAS	TM-146	LAND SOLD WITHOUT APPROVAL
	042	VENTURA LEVI	TM-129	LAND SOLD WITHOUT APPROVAL
	043	BARISTO LEVI	TM-127	LAND SOLD WITHOUT APPROVAL
	044	TIMETEO ARENAS	TM-85	IMPROPER DESIGNATION OF TRUST LAND
	045	JOE MENTINE?	TM-61	LAND SOLD WITHOUT APPROVAL
	046	FRANCIS WARD	TM-58	LAND SOLD WITHOUT APPROVAL
	047	SARAH WARD	TM-56	LAND SOLD WITHOUT APPROVAL
	048	MINNIE PAZON	TM-5	LAND SOLD WITHOUT APPROVAL
	049	EMILY KINTANO	TM-50	LAND SOLD WITHOUT APPROVAL
	050	MASON KINTANO	TM-49	LAND SOLD WITHOUT APPROVAL
	051	NINA KINTANO	TM-43	LAND SOLD WITHOUT APPROVAL
54599	001	BARON LONG	TRIBAL	RIGHT OF WAY - FPC-1598

ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M00000	001	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	002	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	003	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
M10000	002	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
M20000	001	TRIBAL	NONE	FENCE ENCROACHMENT
M20703	001	TRIBAL	NONE	RAILROAD TRESPASS NO ROW-ATSERY
	002	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	003	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	004	TRIBAL	NONE	DAMAGE TO WATER QUALITY
	005	TRIBAL	NONE	RAILROAD TRESPASS
	006	TRIBAL	NONE	UTILITY TRESPASS NO ROW-EL PASO GAS CO
	007	TRIBAL	NONE	UTILITY TRESPASS
	008	TRIBAL	NONE	UTILITY TRESPASS
	009	TRIBAL	NONE	UTILITY TRESPASS NO ROW-EL PASO GAS CO
	010	TRIBAL	NONE	BREACH OF CONTRACT
	011	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	012	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	013	TRIBAL	NONE	UTILITY TRESPASS NO ROW-WI GAS
	014	TRIBAL	NONE	ROAD TRESPASS LAND HELD BEYOND REVERSION DATE
	015	TRIBAL	NONE	BREACH OF CONTRACT
	016	TRIBAL	NONE	DAMAGE TO HARVESTABLE RESOURCES
	017	TRIBAL	NONE	LAND HELD BEYOND REVERSION DATE
	018	TRIBAL	NONE	DAMAGE TO HARVESTABLE RESOURCES
	019	TRIBAL	NONE	RAILROAD TRESPASS S.17-ATSERY
	020	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	021	TRIBAL	NONE	UTILITY TRESPASS-SEC 17-WI
	022	TRIBAL	NONE	UTILITY TRESPASS-SEC 17-MT BELL
	023	TRIBAL	NONE	FENCE ENCROACHMENT
M20704	001	TRIBAL		

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M20704	002	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	003	TRIBAL	NONE	GRAZING TRESPASS
	004	TRIBAL	NONE	ROAD TRESPASS SR 20-NO ROW-NMSHD
	005	TRIBAL	NONE	ROAD TRESPASS
	006	TRIBAL	NONE	RAILROAD TRESPASS NO ROW-ATSFRY
	007	TRIBAL	NONE	UTILITY TRESPASS NO ROW-SJ GAS CO
	008	TRIBAL	NONE	DAMAGE TO TIMBER
	009	TRIBAL	NONE	DAMAGE TO GAME RESOURCES
	010	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	011	TRIBAL	NONE	DITCH TRESPASS NO ROW-NMSHD
	012	TRIBAL	NONE	FENCE ENCROACHMENT
	013	TRIBAL	NONE	FLOOD DAMAGE
	014	TRIBAL	NONE	DITCH TRESPASS
	015	TRIBAL	NONE	BUILDING ENCROACHMENT
	016	TRIBAL	NONE	BUILDING ENCROACHMENT
	017	TRIBAL	NONE	BUILDING ENCROACHMENT
	018	TRIBAL	NONE	BUILDING ENCROACHMENT
	019	TRIBAL	NONE	BUILDING ENCROACHMENT
	020	TRIBAL	NONE	BUILDING ENCROACHMENT
	021	TRIBAL	NONE	BUILDING ENCROACHMENT
	022	TRIBAL	NONE	BUILDING ENCROACHMENT
	023	TRIBAL	NONE	BUILDING ENCROACHMENT
	024	TRIBAL	NONE	BUILDING ENCROACHMENT
	025	TRIBAL	NONE	ROAD TRESPASS
	026	TRIBAL	NONE	ROAD TRESPASS
	027	TRIBAL	NONE	FENCE ENCROACHMENT
	028	TRIBAL	NONE	FENCE ENCROACHMENT
	029	TRIBAL	NONE	FENCE ENCROACHMENT
	030	TRIBAL	NONE	FENCE ENCROACHMENT
	031	TRIBAL	NONE	FENCE ENCROACHMENT
	032	TRIBAL	NONE	FENCE ENCROACHMENT
	033	TRIBAL	NONE	FENCE ENCROACHMENT
	034	TRIBAL	NONE	BUILDING ENCROACHMENT
	035	TRIBAL	NONE	FENCE ENCROACHMENT
	036	TRIBAL	NONE	FENCE ENCROACHMENT
	037	TRIBAL	NONE	ROAD TRESPASS
	038	TRIBAL	NONE	ROAD TRESPASS
	039	TRIBAL	NONE	ROAD TRESPASS
	040	TRIBAL	NONE	BUILDING ENCROACHMENT
	041	TRIBAL	NONE	UTILITY TRESPASS S.17-MT BELL
	042	TRIBAL	NONE	FENCE ENCROACHMENT
M20705	001	TRIBAL	NONE	UNAUTHORIZED DEPOSIT OF SILT
	002	TRIBAL	NONE	FLOOD DAMAGE
	003	TRIBAL	NONE	BREACH OF CONTRACT
	004	TRIBAL	NONE	UNAUTHORIZED DEPOSIT OF SILT
	005	TRIBAL	NONE	BREACH OF CONTRACT
	006	TRIBAL	NONE	DAMAGE TO HARVESTABLE RESOURCES
	007	TRIBAL	NONE	BUILDING ENCROACHMENT
	008	TRIBAL	NONE	BREACH OF CONTRACT BREACH OF CONTRACT-MRGCD
	009	TRIBAL	NONE	UNAUTHORIZED DEPOSIT OF SILT
	010	TRIBAL	NONE	FENCE ENCROACHMENT
	011	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	012	TRIBAL	NONE	FENCE ENCROACHMENT
	013	TRIBAL	NONE	UTILITY TRESPASS NO ROW-NM GAS CO
	014	TRIBAL	NONE	UTILITY TRESPASS NO ROW-SJ GAS CO
	015	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	016	TRIBAL	NONE	ILLEGAL CONDEMNATION OF TRUST LANDS
	017	TRIBAL	NONE	ILLEGAL CONDEMNATION OF TRUST LANDS
	018	TRIBAL	NONE	DITCH TRESPASS NO ROW-MRGCD
	019	TRIBAL	NONE	LAND HELD BEYOND REVERSION DATE
	020	TRIBAL	NONE	UNAUTHORIZED DEPOSIT OF SILT
	021	TRIBAL	NONE	BUILDING ENCROACHMENT
	022	TRIBAL	NONE	FENCE ENCROACHMENT
	023	TRIBAL	NONE	FENCE ENCROACHMENT
	024	TRIBAL	NONE	FENCE ENCROACHMENT
	025	TRIBAL	NONE	FENCE ENCROACHMENT
	026	TRIBAL	NONE	FENCE ENCROACHMENT
	027	TRIBAL	NONE	FENCE ENCROACHMENT

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M20705	028	TRIBAL	NONE	FENCE ENCROACHMENT
	029	TRIBAL	NONE	FENCE ENCROACHMENT
	030	TRIBAL	NONE	RAILROAD TRESPASS S.17-MT BELL
	031	TRIBAL	NONE	UNAUTHORIZED SALE OF TRUST LANDS
	032	TRIBAL	NONE	ROAD TRESPASS
	033	TRIBAL	NONE	BUILDING ENCROACHMENT
	034	TRIBAL	NONE	UTILITY TRESPASS-SEC 17-NM CO
	035	TRIBAL	NONE	UTILITY TRESPASS-SEC 17-PNM
	036	TRIBAL	NONE	RAILROAD TRESPASS-SEC 17-ATSFRY
M20706	001	TRIBAL	NONE	FENCE ENCROACHMENT
	002	TRIBAL	NONE	FENCE ENCROACHMENT
	003	TRIBAL	NONE	FENCE ENCROACHMENT
	004	TRIBAL	NONE	FENCE ENCROACHMENT
	005	TRIBAL	NONE	FENCE ENCROACHMENT
	006	TRIBAL	NONE	FENCE ENCROACHMENT
	007	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	008	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MEC
	009	TRIBAL	NONE	ROAD TRESPASS
	010	TRIBAL	NONE	UTILITY TRESPASS NO ROW-CONT TEL CO
	011	TRIBAL	NONE	RAILROAD TRESPASS NO ROW-SFENNR
	012	TRIBAL	NONE	ILLEGAL CONDEMNATION OF TRUST LANDS
	013	TRIBAL	NONE	ROAD TRESPASS SR 209-NMSHD
	014	TRIBAL	NONE	ROAD TRESPASS ILLEGAL TAKING OF LANDSCR
	015	TRIBAL	NONE	UTILITY TRESPASS S.17-CONT TEL CO
	016	TRIBAL	NONE	UNAUTHORIZED SALE OF TRUST LANDS
M20707	001	TRIBAL	NONE	FENCE ENCROACHMENT
	002	TRIBAL	NONE	FENCE ENCROACHMENT
	003	TRIBAL	NONE	FENCE ENCROACHMENT
	004	TRIBAL	NONE	FENCE ENCROACHMENT
	005	TRIBAL	NONE	FENCE ENCROACHMENT
	006	TRIBAL	NONE	FENCE ENCROACHMENT
	007	TRIBAL	NONE	FENCE ENCROACHMENT
	008	TRIBAL	NONE	FENCE ENCROACHMENT
	009	TRIBAL	NONE	FENCE ENCROACHMENT
	010	TRIBAL	NONE	FENCE ENCROACHMENT
	011	TRIBAL	NONE	FENCE ENCROACHMENT
	012	TRIBAL	NONE	ROAD TRESPASS
	013	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	014	TRIBAL	NONE	FENCE ENCROACHMENT
	015	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	016	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	017	TRIBAL	NONE	FENCE ENCROACHMENT
	018	TRIBAL	NONE	ROAD TRESPASS
	019	TRIBAL	NONE	ROAD TRESPASS
	020	TRIBAL	NONE	UTILITY TRESPASS MISCELLANEOUS
	021	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	022	TRIBAL	NONE	RAILROAD TRESPASS MISCELLANEOUS
	023	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	024	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	025	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	026	TRIBAL	NONE	ILLEGAL CONDEMNATION OF TRUST LANDS
	027	TRIBAL	NONE	ILLEGAL CONDEMNATION OF TRUST LANDS
	028	TRIBAL	NONE	BREACH OF CONTRACT
	029	TRIBAL	NONE	ILLEGAL CONDEMNATION OF TRUST LANDS
	030	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	031	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	032	TRIBAL	NONE	RAILROAD TRESPASS S.17-MT BELL
	033	TRIBAL	NONE	TRUST LAND LOST THROUGH TAX FORFEITURE
	034	TRIBAL	NONE	UNAUTHORIZED SALE OF TRUST LANDS-SFERR
	035	TRIBAL	NONE	RAILROAD TRESPASS-SEC 17-ATSFRY
	036	TRIBAL	NONE	UTILITY TRESPASS-SEC 17-WU
M20711	001	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	002	TRIBAL	NONE	RAILROAD TRESPASS NO ROW-ATSFRY
	003	TRIBAL	NONE	UTILITY TRESPASS NO ROW-NM GAS
	004	TRIBAL	NONE	LAND HELD BEYOND REVERSION DATE
	005	TRIBAL	NONE	ROAD TRESPASS NO ROW-BERN CTY
	006	TRIBAL	NONE	UNAUTHORIZED DEPOSIT OF SILT
	007	TRIBAL	NONE	ROAD TRESPASS

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M20711	008	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	009	TRIBAL	NONE	BREACH OF CONTRACT
	010	TRIBAL	NONE	BUILDING ENCROACHMENT
	011	TRIBAL	NONE	BUILDING ENCROACHMENT
	012	TRIBAL	NONE	BUILDING ENCROACHMENT
	013	TRIBAL	NONE	ROAD TRESPASS
	014	TRIBAL	NONE	BREACH OF CONTRACT
	015	TRIBAL	NONE	FLOOD DAMAGE
	016	TRIBAL	NONE	BUILDING ENCROACHMENT
	017	TRIBAL	NONE	GRAZING TRESPASS
	018	TRIBAL	NONE	UNAUTHORIZED DEPOSIT OF SILT
	019	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	020	TRIBAL	NONE	ROAD TRESPASS BENEFICIAL-HWY 85-NMSHD
	021	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	022	TRIBAL	NONE	BREACH OF CONTRACT
	023	TRIBAL	NONE	ROAD TRESPASS NO ROW-AMAFCA
	024	TRIBAL	NONE	FENCE ENCROACHMENT
	025	TRIBAL	NONE	ROAD TRESPASS NO ROW-US FOREST SVC
	026	TRIBAL	NONE	FENCE ENCROACHMENT
	027	TRIBAL	NONE	FENCE ENCROACHMENT
	028	TRIBAL	NONE	UNAUTHORIZED SALE OF TRUST LANDS
	029	TRIBAL	NONE	ILLEGAL CONDEMNATION OF TRUST LANDS
	030	TRIBAL	NONE	ILLEGAL CONDEMNATION OF TRUST LANDS
	031	TRIBAL	NONE	ILLEGAL CONDEMNATION OF TRUST LANDS
	032	TRIBAL	NONE	UTILITY TRESPASS NO ROW-PNM
	033	TRIBAL	NONE	FENCE ENCROACHMENT
	034	TRIBAL	NONE	UTILITY TRESPASS NO ROW-PNM
	035	TRIBAL	NONE	BREACH OF CONTRACT
	036	TRIBAL	NONE	UTILITY TRESPASS NO ROW-PNM
	037	TRIBAL	NONE	BREACH OF CONTRACT
	038	TRIBAL	NONE	BREACH OF CONTRACT
	039	TRIBAL	NONE	BREACH OF CONTRACT
	040	TRIBAL	NONE	BREACH OF CONTRACT
	041	TRIBAL	NONE	BREACH OF CONTRACT
	042	TRIBAL	NONE	ROAD TRESPASS NO ROW-NMSHD
	043	TRIBAL	NONE	BREACH OF CONTRACT
	044	TRIBAL	NONE	FENCE ENCROACHMENT
	045	TRIBAL	NONE	BREACH OF CONTRACT
	046	TRIBAL	NONE	BREACH OF CONTRACT
	047	TRIBAL	NONE	BREACH OF CONTRACT
	048	TRIBAL	NONE	BUILDING ENCROACHMENT
	049	TRIBAL	NONE	BUILDING ENCROACHMENT
	050	TRIBAL	NONE	BREACH OF CONTRACT
	051	TRIBAL	NONE	BREACH OF CONTRACT
	052	TRIBAL	NONE	BREACH OF CONTRACT
	053	TRIBAL	NONE	LAND HELD BEYOND REVERSION DATE
	054	TRIBAL	NONE	BREACH OF CONTRACT
	055	TRIBAL	NONE	ROAD TRESPASS
	056	TRIBAL	NONE	BUILDING ENCROACHMENT
	057	TRIBAL	NONE	ROAD TRESPASS
	058	TRIBAL	NONE	BREACH OF CONTRACT
	059	TRIBAL	NONE	FENCE ENCROACHMENT
	060	TRIBAL	NONE	DAMAGE TO HARVESTABLE RESOURCES
	061	TRIBAL	NONE	FENCE ENCROACHMENT
	062	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	063	TRIBAL	NONE	FENCE ENCROACHMENT
	064	TRIBAL	NONE	BREACH OF CONTRACT
	065	TRIBAL	NONE	UNAUTHORIZED SALE OF TRUST LANDS
	066	TRIBAL	NONE	UNAUTHORIZED SALE OF TRUST LANDS
	067	TRIBAL	NONE	UNAUTHORIZED SALE OF TRUST LANDS
	068	TRIBAL	NONE	UNAUTHORIZED SALE OF TRUST LANDS
	069	TRIBAL	NONE	UNAUTHORIZED SALE OF TRUST LANDS
	070	TRIBAL	NONE	FENCE ENCROACHMENT
	071	TRIBAL	NONE	BUILDING ENCROACHMENT
	072	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	073	TRIBAL	NONE	FENCE ENCROACHMENT
	074	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	075	TRIBAL	NONE	DITCH TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M20711	076	TRIBAL	NONE	DITCH TRESPASS NO ROW-MRGCD
	077	TRIBAL	NONE	DITCH TRESPASS NO ROW-MRGCD
	078	TRIBAL	NONE	FLOOD DAMAGE
	079	TRIBAL	NONE	ROAD TRESPASS
	080	TRIBAL	NONE	BREACH OF CONTRACT
	081	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	082	TRIBAL	NONE	BREACH OF CONTRACT
	083	TRIBAL	NONE	RAILROAD TRESPASS
	084	TRIBAL	NONE	BREACH OF CONTRACT
	085	TRIBAL	NONE	UTILITY TRESPASS NO ROW-NM GAS CO
	086	TRIBAL	NONE	BREACH OF CONTRACT
	087	TRIBAL	NONE	DITCH TRESPASS NO ROW-MRGCD
	088	TRIBAL	NONE	BUILDING ENCROACHMENT
	089	TRIBAL	NONE	FENCE ENCROACHMENT
	090	TRIBAL	NONE	FENCE ENCROACHMENT
	091	TRIBAL	NONE	FENCE ENCROACHMENT
	092	TRIBAL	NONE	FENCE ENCROACHMENT
	093	TRIBAL	NONE	FENCE ENCROACHMENT
	094	TRIBAL	NONE	FENCE ENCROACHMENT NO ROW-MRGCD
	095	TRIBAL	NONE	FENCE ENCROACHMENT
	096	TRIBAL	NONE	FENCE ENCROACHMENT
	097	TRIBAL	NONE	FENCE ENCROACHMENT
	098	TRIBAL	NONE	BUILDING ENCROACHMENT
	099	TRIBAL	NONE	BUILDING ENCROACHMENT
	100	TRIBAL	NONE	FENCE ENCROACHMENT
	101	TRIBAL	NONE	UNAUTHORIZED SALE OF TRUST LANDS
	102	TRIBAL	NONE	UTILITY TRESPASS S.17-MT REU
	103	TRIBAL	NONE	ROAD TRESPASS
	104	TRIBAL	NONE	DITCH TRESPASS
	105	TRIBAL	NONE	LAND HELD BEYOND REVERSION DATE
	106	TRIBAL	NONE	FENCE ENCROACHMENT
	107	TRIBAL	NONE	FENCE ENCROACHMENT
	108	TRIBAL	NONE	UTILITY TRESPASS
	109	TRIBAL	NONE	FENCE ENCROACHMENT
	110	TRIBAL	NONE	BUILDING ENCROACHMENT-SIGNBOARD
	111	TRIBAL	NONE	UTILITY TRESPASS-SEC 17-PNM
	112	TRIBAL	NONE	ROAD TRESPASS-SEC 17-NMSHD
M20712	001	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT REU
	002	TRIBAL	NONE	RAILROAD TRESPASS NO ROW-ATSFRY
	003	TRIBAL	NONE	UTILITY TRESPASS NO ROW-WI GAS
	004	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	005	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	006	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT REU
	007	TRIBAL	NONE	FENCE ENCROACHMENT
	008	TRIBAL	NONE	FENCE ENCROACHMENT
	009	TRIBAL	NONE	DITCH TRESPASS NO ROW-MRGCD
	010	TRIBAL	NONE	ROAD TRESPASS MISCELLANEOUS
	011	TRIBAL	NONE	UTILITY TRESPASS MISCELLANEOUS
	012	TRIBAL	NONE	UTILITY TRESPASS MISCELLANEOUS
	013	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	014	TRIBAL	NONE	UNAUTHORIZED DEPOSIT OF SILT
	015	TRIBAL	NONE	UTILITY TRESPASS
	016	TRIBAL	NONE	UTILITY TRESPASS S.17-MT REU
	017	TRIBAL	NONE	FENCE ENCROACHMENT
	018	TRIBAL	NONE	UNAUTHORIZED DEPOSIT OF SILT
	019	TRIBAL	NONE	FENCE ENCROACHMENT
	020	TRIBAL	NONE	UTILITY TRESPASS-SEC 17-PNM
	021	TRIBAL	NONE	UTILITY TRESPASS-SEC 17-GAS CO
	022	TRIBAL	NONE	RAILROAD TRESPASS-SEC 17-ATSFRY
	023	TRIBAL	NONE	ROAD TRESPASS-SEC 17-NMSHD
M20715	001	TRIBAL	NONE	UNAUTHORIZED DEPOSIT OF SILT
	002	TRIBAL	NONE	FLOOD DAMAGE
	003	TRIBAL	NONE	FLOOD DAMAGE
	004	TRIBAL	NONE	ILLEGAL CONDEMNATION OF TRUST LANDS
	005	TRIBAL	NONE	ROAD TRESPASS NO ROW-HWY 66 NMSHD-NEW
	006	TRIBAL	NONE	ROAD TRESPASS NO ROW-HWY 66 NMSHD-OLD
	007	TRIBAL	NONE	ROAD TRESPASS NO ROW-SR 44-NMSHD-NEW
	008	TRIBAL	NONE	ROAD TRESPASS NO ROW-SR 44-NMSHD-OLD

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M20715	009	TRIBAL	NONE	ROAD TRESPASS
	010	TRIBAL	NONE	BUILDING ENCROACHMENT
	011	TRIBAL	NONE	RAILROAD TRESPASS NO ROW-SFNWR
	012	TRIBAL	NONE	FENCE ENCROACHMENT
	013	TRIBAL	NONE	FENCE ENCROACHMENT
	014	TRIBAL	NONE	FENCE ENCROACHMENT
	015	TRIBAL	NONE	FENCE ENCROACHMENT
	016	TRIBAL	NONE	FENCE ENCROACHMENT
	017	TRIBAL	NONE	GRAZING TRESPASS
	018	TRIBAL	NONE	GRAZING TRESPASS
	019	TRIBAL	NONE	GRAZING TRESPASS
	020	TRIBAL	NONE	GRAZING TRESPASS
	021	TRIBAL	NONE	FENCE ENCROACHMENT
	022	TRIBAL	NONE	FENCE ENCROACHMENT
	023	TRIBAL	NONE	UTILITY TRESPASS, NO ROW-PNM
	024	TRIBAL	NONE	UTILITY TRESPASS NO ROW-NM GAS CO
	025	TRIBAL	NONE	UTILITY TRESPASS
	026	TRIBAL	NONE	UTILITY TRESPASS
	027	TRIBAL	NONE	FENCE ENCROACHMENT
	028	TRIBAL	NONE	BREACH OF CONTRACT
	029	TRIBAL	NONE	DAMAGE TO FISHING RESOURCES
	030	TRIBAL	NONE	FENCE ENCROACHMENT
	031	TRIBAL	NONE	FENCE ENCROACHMENT
	032	TRIBAL	NONE	FENCE ENCROACHMENT
	033	TRIBAL	NONE	UTILITY TRESPASS
	034	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	035	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	036	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	037	TRIBAL	NONE	DITCH TRESPASS NO ROW-MRGCD
	038	TRIBAL	NONE	GRAZING TRESPASS
	039	TRIBAL	NONE	FENCE ENCROACHMENT
	040	TRIBAL	NONE	FLOOD DAMAGE
	041	TRIBAL	NONE	FENCE ENCROACHMENT
	042	TRIBAL	NONE	DITCH TRESPASS NO ROW-MRGCD
	043	TRIBAL	NONE	DITCH TRESPASS NO ROW-MRGCD
	044	TRIBAL	NONE	DITCH TRESPASS NO ROW-MRGCD
	045	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	046	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	047	TRIBAL	NONE	BREACH OF CONTRACT
	048	TRIBAL	NONE	BREACH OF CONTRACT
	049	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	050	TRIBAL	NONE	RAILROAD TRESPASS NO ROW-ATSFRY
	051	TRIBAL	NONE	UTILITY TRESPASS NO ROW-WU GAS
	052	TRIBAL	NONE	ROAD TRESPASS
	053	TRIBAL	NONE	RAILROAD TRESPASS S.17-ATSFRY
	054	TRIBAL	NONE	UTILITY TRESPASS NO ROW-SU GAS CO
	055	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	056	TRIBAL	NONE	FENCE ENCROACHMENT
	057	TRIBAL	NONE	UTILITY TRESPASS-SEC 17-GAS CO
	058	TRIBAL	NONE	UTILITY TRESPASS-SEC 17-PNM
	059	TRIBAL	NONE	ROAD TRESPASS-SEC 17-NMSHD
M20717	001	TRIBAL	NONE	FENCE ENCROACHMENT
	002	TRIBAL	NONE	DITCH TRESPASS
	003	TRIBAL	NONE	FENCE ENCROACHMENT
	004	TRIBAL	NONE	DITCH TRESPASS
	005	TRIBAL	NONE	ROAD TRESPASS NO ROW-SR 22-UP RD-NMSHD
	006	TRIBAL	NONE	ROAD TRESPASS NO ROW-SR 22-NMSHD
	007	TRIBAL	NONE	ROAD TRESPASS NO ROW-SR 22-NMSHD
	008	TRIBAL	NONE	ROAD TRESPASS NO ROW-HWY 85-NMSHD-OLD
	009	TRIBAL	NONE	ROAD TRESPASS NO ROW-HWY 85-NMSHD-NEW
	010	TRIBAL	NONE	RAILROAD TRESPASS NO ROW-ATSFRY
	011	TRIBAL	NONE	LAND HELD BEYOND REVERSION DATE
	012	TRIBAL	NONE	RAILROAD TRESPASS NO ROW-ATSFRY
	013	TRIBAL	NONE	RAILROAD TRESPASS
	014	TRIBAL	NONE	RAILROAD TRESPASS NO ROW-ATSFRY
	015	TRIBAL	NONE	FENCE ENCROACHMENT
	016	TRIBAL	NONE	FENCE ENCROACHMENT
	017	TRIBAL	NONE	FENCE ENCROACHMENT

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M20717	018	TRIBAL	NONE	FENCE ENCROACHMENT
	019	TRIBAL	NONE	FENCE ENCROACHMENT
	020	TRIBAL	NONE	DITCH TRESPASS NO ROW-MRGCD
	021	TRIBAL	NONE	FENCE ENCROACHMENT
	022	TRIBAL	NONE	BUILDING ENCROACHMENT
	023	TRIBAL	NONE	BUILDING ENCROACHMENT
	024	TRIBAL	NONE	ROAD TRESPASS
	025	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	026	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	027	TRIBAL	NONE	ROAD TRESPASS
	028	TRIBAL	NONE	UTILITY TRESPASS
	029	TRIBAL	NONE	UTILITY TRESPASS NO ROW-PT
	030	TRIBAL	NONE	FENCE ENCROACHMENT
	031	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	032	TRIBAL	NONE	UTILITY TRESPASS
	033	TRIBAL	NONE	UTILITY TRESPASS
	034	TRIBAL	NONE	UTILITY TRESPASS
	035	TRIBAL	NONE	UTILITY TRESPASS
	036	TRIBAL	NONE	UTILITY TRESPASS
	037	TRIBAL	NONE	UTILITY TRESPASS
	038	TRIBAL	NONE	UTILITY TRESPASS
	039	TRIBAL	NONE	REMOVAL OF MINERAL RESOURCES
	040	TRIBAL	NONE	TRESPASS TO WATER RIGHTS NO ROW-KAISER
	041	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	042	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	043	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	044	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	045	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	046	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	047	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	048	TRIBAL	NONE	RAILROAD TRESPASS NO ROW-ATSFRY
	049	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	050	TRIBAL	NONE	BREACH OF CONTRACT
	051	TRIBAL	NONE	UTILITY TRESPASS NO ROW-WU GAS
	052	TRIBAL	NONE	ROAD TRESPASS NO ROW-MTSC
	053	TRIBAL	NONE	FENCE ENCROACHMENT
	054	TRIBAL	NONE	FENCE ENCROACHMENT
	055	TRIBAL	NONE	UTILITY TRESPASS S.17-MT BELL
	056	TRIBAL	NONE	UTILITY TRESPASS-SEC 17-PNM
	057	TRIBAL	NONE	UTILITY TRESPASS-SEC17-GAS CO
	058	TRIBAL	NONE	RAILROAD TRESPASS-SEC 17-ATSFRY
M20720	001	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	002	TRIBAL	NONE	FENCE ENCROACHMENT
	003	TRIBAL	NONE	FENCE ENCROACHMENT
	004	TRIBAL	NONE	FENCE ENCROACHMENT
	005	TRIBAL	NONE	FENCE ENCROACHMENT
	006	TRIBAL	NONE	FENCE ENCROACHMENT
	007	TRIBAL	NONE	UTILITY TRESPASS
	008	TRIBAL	NONE	UNAUTHORIZED SALE OF TRUST LANDS
M25000	001	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	002	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
M2570R	001	TRIBAL	NONE	FENCE ENCROACHMENT
	002	TRIBAL	NONE	FENCE ENCROACHMENT
	004	TRIBAL	NONE	FENCE ENCROACHMENT
	005	TRIBAL	NONE	FENCE ENCROACHMENT
	006	TRIBAL	NONE	FENCE ENCROACHMENT
	007	TRIBAL	NONE	FENCE ENCROACHMENT
	008	TRIBAL	NONE	FENCE ENCROACHMENT
	009	TRIBAL	NONE	FENCE ENCROACHMENT
	010	TRIBAL	NONE	FENCE ENCROACHMENT
	011	TRIBAL	NONE	FENCE ENCROACHMENT
	012	TRIBAL	NONE	FENCE ENCROACHMENT
	013	TRIBAL	NONE	FENCE ENCROACHMENT
	014	TRIBAL	NONE	FENCE ENCROACHMENT
	015	TRIBAL	NONE	FENCE ENCROACHMENT
	016	TRIBAL	NONE	FENCE ENCROACHMENT
	017	TRIBAL	NONE	FENCE ENCROACHMENT
	018	TRIBAL	NONE	FENCE ENCROACHMENT

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M25709	019	TRIBAL	NONE	FENCE ENCROACHMENT
	020	TRIBAL	NONE	FENCE ENCROACHMENT
	021	TRIBAL	NONE	FENCE ENCROACHMENT
	022	TRIBAL	NONE	FENCE ENCROACHMENT
	023	TRIBAL	NONE	FENCE ENCROACHMENT
	024	TRIBAL	NONE	FENCE ENCROACHMENT
	025	TRIBAL	NONE	FENCE ENCROACHMENT
	026	TRIBAL	NONE	FENCE ENCROACHMENT
	027	TRIBAL	NONE	FENCE ENCROACHMENT
	028	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	029	TRIBAL	NONE	FENCE ENCROACHMENT
	030	TRIBAL	NONE	FENCE ENCROACHMENT
	031	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	032	TRIBAL	NONE	BUILDING ENCROACHMENT
	033	TRIBAL	NONE	UTILITY TRESPASS
	034	TRIBAL	NONE	UTILITY TRESPASS NO ROW-REC
	035	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	036	TRIBAL	NONE	UTILITY TRESPASS
	037	TRIBAL	NONE	DITCH TRESPASS-BURIED
M25709	001	TRIBAL	NONE	QUESTIONABLE FEE PATIENT
	002	TRIBAL	NONE	FENCE ENCROACHMENT
	003	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	004	TRIBAL	NONE	FENCE ENCROACHMENT
	005	TRIBAL	NONE	FENCE ENCROACHMENT
	006	TRIBAL	NONE	FENCE ENCROACHMENT
	007	TRIBAL	NONE	FENCE ENCROACHMENT
	008	TRIBAL	NONE	FENCE ENCROACHMENT
	009	TRIBAL	NONE	FENCE ENCROACHMENT
	010	TRIBAL	NONE	FENCE ENCROACHMENT
	011	TRIBAL	NONE	FENCE ENCROACHMENT
	012	TRIBAL	NONE	FENCE ENCROACHMENT
	013	TRIBAL	NONE	FENCE ENCROACHMENT
	014	TRIBAL	NONE	FENCE ENCROACHMENT
	015	TRIBAL	NONE	FENCE ENCROACHMENT
	016	TRIBAL	NONE	FENCE ENCROACHMENT
	017	TRIBAL	NONE	FENCE ENCROACHMENT
	018	TRIBAL	NONE	FENCE ENCROACHMENT
	019	TRIBAL	NONE	FENCE ENCROACHMENT
	020	TRIBAL	NONE	FENCE ENCROACHMENT
	021	TRIBAL	NONE	FENCE ENCROACHMENT
	022	TRIBAL	NONE	FENCE ENCROACHMENT
	023	TRIBAL	NONE	FENCE ENCROACHMENT
	024	TRIBAL	NONE	FENCE ENCROACHMENT
	025	TRIBAL	NONE	FENCE ENCROACHMENT
	026	TRIBAL	NONE	FENCE ENCROACHMENT
	027	TRIBAL	NONE	FENCE ENCROACHMENT
	028	TRIBAL	NONE	FENCE ENCROACHMENT
	029	TRIBAL	NONE	FENCE ENCROACHMENT
	030	TRIBAL	NONE	FENCE ENCROACHMENT
	031	TRIBAL	NONE	FENCE ENCROACHMENT
	032	TRIBAL	NONE	FENCE ENCROACHMENT
	033	TRIBAL	NONE	FENCE ENCROACHMENT
	034	TRIBAL	NONE	FENCE ENCROACHMENT
	035	TRIBAL	NONE	FENCE ENCROACHMENT
	036	TRIBAL	NONE	FENCE ENCROACHMENT
	037	TRIBAL	NONE	UTILITY TRESPASS
	038	TRIBAL	NONE	UTILITY TRESPASS S.17-MT BELL
	039	TRIBAL	NONE	FENCE ENCROACHMENT NO ROW-MT BELL
	040	TRIBAL	NONE	FENCE ENCROACHMENT NO ROW-KIT CARSON
	041	TRIBAL	NONE	UTILITY TRESPASS NO ROW-KIT CARSON
M25710	002	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	003	TRIBAL	NONE	FENCE ENCROACHMENT
	004	TRIBAL	NONE	FENCE ENCROACHMENT
	005	TRIBAL	NONE	FENCE ENCROACHMENT
	006	TRIBAL	NONE	FENCE ENCROACHMENT
	007	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	008	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	009	TRIBAL	NONE	BUILDING ENCROACHMENT

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M25710	010	TRIBAL	NONE	GRAZING TRESPASS
	011	TRIBAL	NONE	GRAZING TRESPASS
	012	TRIBAL	NONE	FENCE ENCROACHMENT
	013	TRIBAL	NONE	FENCE ENCROACHMENT
	014	TRIBAL	NONE	AGRICULTURAL TRESPASS
	015	TRIBAL	NONE	AGRICULTURAL TRESPASS
	016	TRIBAL	NONE	BUILDING ENCROACHMENT
	017	TRIBAL	NONE	FENCE ENCROACHMENT
	018	TRIBAL	NONE	FENCE ENCROACHMENT
	019	TRIBAL	NONE	FENCE ENCROACHMENT
	020	TRIBAL	NONE	AGRICULTURAL TRESPASS
	021	TRIBAL	NONE	ROAD TRESPASS
	022	TRIBAL	NONE	BUILDING ENCROACHMENT
	023	TRIBAL	NONE	ROAD TRESPASS
	024	TRIBAL	NONE	ROAD TRESPASS
	025	TRIBAL	NONE	ROAD TRESPASS
	026	TRIBAL	NONE	ROAD TRESPASS
	027	TRIBAL	NONE	BUILDING ENCROACHMENT
	028	TRIBAL	NONE	BUILDING ENCROACHMENT
	029	TRIBAL	NONE	BUILDING ENCROACHMENT
	030	TRIBAL	NONE	AGRICULTURAL TRESPASS
	031	TRIBAL	NONE	AGRICULTURAL TRESPASS
	032	TRIBAL	NONE	AGRICULTURAL TRESPASS
	033	TRIBAL	NONE	AGRICULTURAL TRESPASS
	034	TRIBAL	NONE	AGRICULTURAL TRESPASS
	035	TRIBAL	NONE	AGRICULTURAL TRESPASS
	036	TRIBAL	NONE	AGRICULTURAL TRESPASS
	037	TRIBAL	NONE	AGRICULTURAL TRESPASS
	038	TRIBAL	NONE	BUILDING ENCROACHMENT
	039	TRIBAL	NONE	BUILDING ENCROACHMENT
	040	TRIBAL	NONE	BUILDING ENCROACHMENT
	041	TRIBAL	NONE	AGRICULTURAL TRESPASS
	042	TRIBAL	NONE	AGRICULTURAL TRESPASS
	043	TRIBAL	NONE	AGRICULTURAL TRESPASS
	044	TRIBAL	NONE	AGRICULTURAL TRESPASS
	045	TRIBAL	NONE	FENCE ENCROACHMENT
	046	TRIBAL	NONE	FENCE ENCROACHMENT
	047	TRIBAL	NONE	FENCE ENCROACHMENT
	048	TRIBAL	NONE	FENCE ENCROACHMENT
	049	TRIBAL	NONE	FENCE ENCROACHMENT
	050	TRIBAL	NONE	FENCE ENCROACHMENT
	051	TRIBAL	NONE	FENCE ENCROACHMENT
	052	TRIBAL	NONE	FENCE ENCROACHMENT
	053	TRIBAL	NONE	FENCE ENCROACHMENT
	054	TRIBAL	NONE	FENCE ENCROACHMENT
	055	TRIBAL	NONE	FENCE ENCROACHMENT
	056	TRIBAL	NONE	FENCE ENCROACHMENT
	057	TRIBAL	NONE	FENCE ENCROACHMENT
	058	TRIBAL	NONE	FENCE ENCROACHMENT
	059	TRIBAL	NONE	FENCE ENCROACHMENT
	060	TRIBAL	NONE	FENCE ENCROACHMENT
	061	TRIBAL	NONE	FENCE ENCROACHMENT
	062	TRIBAL	NONE	FENCE ENCROACHMENT
	063	TRIBAL	NONE	FENCE ENCROACHMENT
	064	TRIBAL	NONE	FENCE ENCROACHMENT
	065	TRIBAL	NONE	FENCE ENCROACHMENT
	066	TRIBAL	NONE	FENCE ENCROACHMENT
	067	TRIBAL	NONE	FENCE ENCROACHMENT
	068	TRIBAL	NONE	FENCE ENCROACHMENT
	069	TRIBAL	NONE	FENCE ENCROACHMENT
	070	TRIBAL	NONE	FENCE ENCROACHMENT
	071	TRIBAL	NONE	FENCE ENCROACHMENT
	072	TRIBAL	NONE	FENCE ENCROACHMENT
	073	TRIBAL	NONE	FENCE ENCROACHMENT
	074	TRIBAL	NONE	FENCE ENCROACHMENT
	075	TRIBAL	NONE	FENCE ENCROACHMENT
	076	TRIBAL	NONE	FENCE ENCROACHMENT
	077	TRIBAL	NONE	FENCE ENCROACHMENT

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M25710	146	TRIBAL	NONE	UTILITY TRESPASS NO RNL-HM OAK CC
	147	TRIBAL	NONE	UTILITY TRESPASS NO RNL-MEF
	148	TRIBAL	NONE	UTILITY TRESPASS NO RNL-MT BRIT
M25712	003	TRIBAL	NONE	FENCE ENFORCEMENT
M25713	001	TRIBAL	NONE	FENCE ENFORCEMENT
	002	TRIBAL	NONE	FENCE ENFORCEMENT
	003	TRIBAL	NONE	FENCE ENFORCEMENT
	004	TRIBAL	NONE	FENCE ENFORCEMENT
	005	TRIBAL	NONE	BREACH OF CONTRACT
	006	TRIBAL	NONE	FENCE ENFORCEMENT
	007	TRIBAL	NONE	FENCE ENFORCEMENT
	008	TRIBAL	NONE	FENCE ENFORCEMENT
	010	TRIBAL	NONE	FENCE ENFORCEMENT
	011	TRIBAL	NONE	FENCE ENFORCEMENT
	012	TRIBAL	NONE	FENCE ENFORCEMENT
	013	TRIBAL	NONE	FENCE ENFORCEMENT
	014	TRIBAL	NONE	FENCE ENFORCEMENT
	015	TRIBAL	NONE	FENCE ENFORCEMENT
	016	TRIBAL	NONE	FENCE ENFORCEMENT
	017	TRIBAL	NONE	BREACH OF CONTRACT
	018	TRIBAL	NONE	FENCE ENFORCEMENT
	019	TRIBAL	NONE	FENCE ENFORCEMENT
	020	TRIBAL	NONE	FENCE ENFORCEMENT
	021	TRIBAL	NONE	FENCE ENFORCEMENT
	022	TRIBAL	NONE	FENCE ENFORCEMENT
	023	TRIBAL	NONE	FENCE ENFORCEMENT
	024	TRIBAL	NONE	FENCE ENFORCEMENT
	025	TRIBAL	NONE	FENCE ENFORCEMENT
	026	TRIBAL	NONE	FENCE ENFORCEMENT
	027	TRIBAL	NONE	FENCE ENFORCEMENT
	028	TRIBAL	NONE	FENCE ENFORCEMENT
	029	TRIBAL	NONE	FENCE ENFORCEMENT
	030	TRIBAL	NONE	FENCE ENFORCEMENT
	031	TRIBAL	NONE	FENCE ENFORCEMENT
	032	TRIBAL	NONE	FENCE ENFORCEMENT
	034	TRIBAL	NONE	FENCE ENFORCEMENT
	035	TRIBAL	NONE	FENCE ENFORCEMENT
	036	TRIBAL	NONE	FENCE ENFORCEMENT
	037	TRIBAL	NONE	FENCE ENFORCEMENT
	038	TRIBAL	NONE	FENCE ENFORCEMENT
	039	TRIBAL	NONE	FENCE ENFORCEMENT
	040	TRIBAL	NONE	FENCE ENFORCEMENT
	041	TRIBAL	NONE	FENCE ENFORCEMENT
	042	TRIBAL	NONE	FENCE ENFORCEMENT
	043	TRIBAL	NONE	FENCE ENFORCEMENT
	044	TRIBAL	NONE	FENCE ENFORCEMENT
	045	TRIBAL	NONE	FENCE ENFORCEMENT
	046	TRIBAL	NONE	FENCE ENFORCEMENT
	047	TRIBAL	NONE	FENCE ENFORCEMENT
	048	TRIBAL	NONE	FENCE ENFORCEMENT
	049	TRIBAL	NONE	FENCE ENFORCEMENT
	050	TRIBAL	NONE	FENCE ENFORCEMENT
	051	TRIBAL	NONE	FENCE ENFORCEMENT
	052	TRIBAL	NONE	FENCE ENFORCEMENT
	053	TRIBAL	NONE	FENCE ENFORCEMENT
	054	TRIBAL	NONE	FENCE ENFORCEMENT
	055	TRIBAL	NONE	FENCE ENFORCEMENT
	056	TRIBAL	NONE	FENCE ENFORCEMENT
	057	TRIBAL	NONE	FENCE ENFORCEMENT
	058	TRIBAL	NONE	FENCE ENFORCEMENT
	059	TRIBAL	NONE	FENCE ENFORCEMENT
	060	TRIBAL	NONE	FENCE ENFORCEMENT
	061	TRIBAL	NONE	FENCE ENFORCEMENT
	062	TRIBAL	NONE	FENCE ENFORCEMENT
	063	TRIBAL	NONE	FENCE ENFORCEMENT
	064	TRIBAL	NONE	FENCE ENFORCEMENT
	065	TRIBAL	NONE	UTILITY TRESPASS- S.17- 1984

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M25710	078	TRIBAL	NONE	FENCE ENFORCEMENT
	079	TRIBAL	NONE	FENCE ENFORCEMENT
	080	TRIBAL	NONE	FENCE ENFORCEMENT
	081	TRIBAL	NONE	FENCE ENFORCEMENT
	082	TRIBAL	NONE	FENCE ENFORCEMENT
	083	TRIBAL	NONE	FENCE ENFORCEMENT
	084	TRIBAL	NONE	FENCE ENFORCEMENT
	085	TRIBAL	NONE	FENCE ENFORCEMENT
	086	TRIBAL	NONE	FENCE ENFORCEMENT
	087	TRIBAL	NONE	FENCE ENFORCEMENT
	088	TRIBAL	NONE	FENCE ENFORCEMENT
	089	TRIBAL	NONE	FENCE ENFORCEMENT
	090	TRIBAL	NONE	FENCE ENFORCEMENT
	091	TRIBAL	NONE	FENCE ENFORCEMENT
	092	TRIBAL	NONE	FENCE ENFORCEMENT
	093	TRIBAL	NONE	FENCE ENFORCEMENT
	094	TRIBAL	NONE	FENCE ENFORCEMENT
	095	TRIBAL	NONE	FENCE ENFORCEMENT
	096	TRIBAL	NONE	FENCE ENFORCEMENT
	097	TRIBAL	NONE	FENCE ENFORCEMENT
	098	TRIBAL	NONE	FENCE ENFORCEMENT
	099	TRIBAL	NONE	FENCE ENFORCEMENT
	100	TRIBAL	NONE	FENCE ENFORCEMENT
	101	TRIBAL	NONE	FENCE ENFORCEMENT
	102	TRIBAL	NONE	FENCE ENFORCEMENT
	103	TRIBAL	NONE	FENCE ENFORCEMENT
	104	TRIBAL	NONE	FENCE ENFORCEMENT
	105	TRIBAL	NONE	FENCE ENFORCEMENT
	106	TRIBAL	NONE	FENCE ENFORCEMENT
	107	TRIBAL	NONE	FENCE ENFORCEMENT
	108	TRIBAL	NONE	FENCE ENFORCEMENT
	109	TRIBAL	NONE	FENCE ENFORCEMENT
	110	TRIBAL	NONE	FENCE ENFORCEMENT
	111	TRIBAL	NONE	FENCE ENFORCEMENT
	112	TRIBAL	NONE	FENCE ENFORCEMENT
	113	TRIBAL	NONE	FENCE ENFORCEMENT
	114	TRIBAL	NONE	FENCE ENFORCEMENT
	115	TRIBAL	NONE	FENCE ENFORCEMENT
	116	TRIBAL	NONE	FENCE ENFORCEMENT
	117	TRIBAL	NONE	FENCE ENFORCEMENT
	118	TRIBAL	NONE	FENCE ENFORCEMENT
	119	TRIBAL	NONE	FENCE ENFORCEMENT
	120	TRIBAL	NONE	FENCE ENFORCEMENT
	121	TRIBAL	NONE	FENCE ENFORCEMENT
	122	TRIBAL	NONE	FENCE ENFORCEMENT
	123	TRIBAL	NONE	FENCE ENFORCEMENT
	124	TRIBAL	NONE	FENCE ENFORCEMENT
	125	TRIBAL	NONE	FENCE ENFORCEMENT
	126	TRIBAL	NONE	FENCE ENFORCEMENT
	127	TRIBAL	NONE	FENCE ENFORCEMENT
	128	TRIBAL	NONE	FENCE ENFORCEMENT
	129	TRIBAL	NONE	FENCE ENFORCEMENT
	130	TRIBAL	NONE	FENCE ENFORCEMENT
	131	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	132	TRIBAL	NONE	BUILDING ENFORCEMENT
	133	TRIBAL	NONE	FENCE ENFORCEMENT
	134	TRIBAL	NONE	FENCE ENFORCEMENT
	135	TRIBAL	NONE	FENCE ENFORCEMENT
	136	TRIBAL	NONE	FENCE ENFORCEMENT
	137	TRIBAL	NONE	FENCE ENFORCEMENT
	138	TRIBAL	NONE	FENCE ENFORCEMENT
	139	TRIBAL	NONE	BUILDING ENFORCEMENT
	140	TRIBAL	NONE	BUILDING ENFORCEMENT
	141	TRIBAL	NONE	BUILDING ENFORCEMENT
	142	TRIBAL	NONE	GRAZING TRESPASS
	143	TRIBAL	NONE	GRAZING TRESPASS
	144	TRIBAL	NONE	GRAZING TRESPASS
	145	TRIBAL	NONE	UTILITY TRESPASS S.17-MT BRIT

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M25711	066	TRIBAL	NONE	UTILITY TRESPASS - S.17 S.E.N.D. PERMIT
	067	TRIBAL	NONE	UTILITY TRESPASS S.17-WPC
	068	TRIBAL	NONE	UTILITY TRESPASS S.17-NO PERM
	069	TRIBAL	NONE	UTILITY TRESPASS NO ROW-CONT TRES OK
	070	TRIBAL	NONE	UTILITY TRESPASS NO ROW-NW GAS CO
	133	TRIBAL	NONE	FENCE ENCROACHMENT
	134	TRIBAL	NONE	FENCE ENCROACHMENT
	135	TRIBAL	NONE	FENCE ENCROACHMENT S.17-NT REM.
	136	TRIBAL	NONE	FENCE ENCROACHMENT
	137	TRIBAL	NONE	FENCE ENCROACHMENT
M25714	001	TRIBAL	NONE	GRAZING TRESPASS
	002	TRIBAL	NONE	GRAZING TRESPASS
	003	TRIBAL	NONE	GRAZING TRESPASS
	004	TRIBAL	NONE	GRAZING TRESPASS
	005	TRIBAL	NONE	GRAZING TRESPASS
	006	TRIBAL	NONE	GRAZING TRESPASS
	007	TRIBAL	NONE	GRAZING TRESPASS
	008	TRIBAL	NONE	GRAZING TRESPASS
	009	TRIBAL	NONE	GRAZING TRESPASS
	010	TRIBAL	NONE	GRAZING TRESPASS
	011	TRIBAL	NONE	GRAZING TRESPASS
	012	TRIBAL	NONE	AGRICULTURAL TRESPASS
	013	TRIBAL	NONE	AGRICULTURAL TRESPASS
	014	TRIBAL	NONE	AGRICULTURAL TRESPASS
	015	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	016	TRIBAL	NONE	GRAZING TRESPASS
	017	TRIBAL	NONE	GRAZING TRESPASS
	018	TRIBAL	NONE	AGRICULTURAL TRESPASS
	019	TRIBAL	NONE	GRAZING TRESPASS
	020	TRIBAL	NONE	GRAZING TRESPASS
	021	TRIBAL	NONE	GRAZING TRESPASS
	022	TRIBAL	NONE	GRAZING TRESPASS
	023	TRIBAL	NONE	GRAZING TRESPASS
	024	TRIBAL	NONE	GRAZING TRESPASS
	025	TRIBAL	NONE	GRAZING TRESPASS
	026	TRIBAL	NONE	GRAZING TRESPASS
	027	TRIBAL	NONE	GRAZING TRESPASS
	028	TRIBAL	NONE	GRAZING TRESPASS
	029	TRIBAL	NONE	GRAZING TRESPASS
	030	TRIBAL	NONE	GRAZING TRESPASS
	031	TRIBAL	NONE	GRAZING TRESPASS
	032	TRIBAL	NONE	GRAZING TRESPASS
	033	TRIBAL	NONE	GRAZING TRESPASS
	034	TRIBAL	NONE	GRAZING TRESPASS
	035	TRIBAL	NONE	GRAZING TRESPASS
	036	TRIBAL	NONE	GRAZING TRESPASS
	037	TRIBAL	NONE	GRAZING TRESPASS
	038	TRIBAL	NONE	GRAZING TRESPASS
	039	TRIBAL	NONE	GRAZING TRESPASS
	040	TRIBAL	NONE	GRAZING TRESPASS
	041	TRIBAL	NONE	GRAZING TRESPASS
	042	TRIBAL	NONE	GRAZING TRESPASS
	043	TRIBAL	NONE	GRAZING TRESPASS
	044	TRIBAL	NONE	GRAZING TRESPASS
	045	TRIBAL	NONE	GRAZING TRESPASS
	046	TRIBAL	NONE	GRAZING TRESPASS
	047	TRIBAL	NONE	GRAZING TRESPASS
	048	TRIBAL	NONE	GRAZING TRESPASS
	049	TRIBAL	NONE	GRAZING TRESPASS
	050	TRIBAL	NONE	GRAZING TRESPASS
	051	TRIBAL	NONE	GRAZING TRESPASS
	052	TRIBAL	NONE	GRAZING TRESPASS
	053	TRIBAL	NONE	GRAZING TRESPASS
	054	TRIBAL	NONE	GRAZING TRESPASS
	055	TRIBAL	NONE	GRAZING TRESPASS
	056	TRIBAL	NONE	GRAZING TRESPASS
	057	TRIBAL	NONE	GRAZING TRESPASS
	058	TRIBAL	NONE	GRAZING TRESPASS

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MINNEAPOLIS AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M25714	059	TRIBAL	NONE	GRAZING TRESPASS
	060	TRIBAL	NONE	GRAZING TRESPASS
	061	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	062	TRIBAL	NONE	GRAZING TRESPASS
	063	TRIBAL	NONE	GRAZING TRESPASS
	064	TRIBAL	NONE	GRAZING TRESPASS
	065	TRIBAL	NONE	GRAZING TRESPASS
	066	TRIBAL	NONE	GRAZING TRESPASS
	067	TRIBAL	NONE	GRAZING TRESPASS
	068	TRIBAL	NONE	GRAZING TRESPASS
	069	TRIBAL	NONE	GRAZING TRESPASS
	070	TRIBAL	NONE	GRAZING TRESPASS
	071	TRIBAL	NONE	GRAZING TRESPASS
	072	TRIBAL	NONE	UTILITY TRESPASS
	073	TRIBAL	NONE	UTILITY TRESPASS
	074	TRIBAL	NONE	UTILITY TRESPASS
	075	TRIBAL	NONE	UTILITY TRESPASS
	077	TRIBAL	NONE	UTILITY TRESPASS NO ROW-NW GAS CO
	078	TRIBAL	NONE	GRAZING TRESPASS
	079	TRIBAL	NONE	UTILITY TRESPASS
	080	TRIBAL	NONE	UTILITY TRESPASS
	138	TRIBAL	NONE	FENCE ENCROACHMENT
	300	TRIBAL	NONE	GRAZING TRESPASS
	301	TRIBAL	NONE	GRAZING TRESPASS
	302	TRIBAL	NONE	GRAZING TRESPASS
	303	TRIBAL	NONE	GRAZING TRESPASS
	304	TRIBAL	NONE	GRAZING TRESPASS
	305	TRIBAL	NONE	GRAZING TRESPASS
	306	TRIBAL	NONE	GRAZING TRESPASS
	307	TRIBAL	NONE	GRAZING TRESPASS
	308	TRIBAL	NONE	GRAZING TRESPASS
	309	TRIBAL	NONE	GRAZING TRESPASS
	310	TRIBAL	NONE	GRAZING TRESPASS
	311	TRIBAL	NONE	GRAZING TRESPASS
	312	TRIBAL	NONE	GRAZING TRESPASS
	313	TRIBAL	NONE	GRAZING TRESPASS
	314	TRIBAL	NONE	GRAZING TRESPASS
	315	TRIBAL	NONE	GRAZING TRESPASS
	316	TRIBAL	NONE	GRAZING TRESPASS
	317	TRIBAL	NONE	GRAZING TRESPASS
	318	TRIBAL	NONE	GRAZING TRESPASS
	319	TRIBAL	NONE	GRAZING TRESPASS
	320	TRIBAL	NONE	GRAZING TRESPASS
	321	TRIBAL	NONE	GRAZING TRESPASS
	322	TRIBAL	NONE	GRAZING TRESPASS
	323	TRIBAL	NONE	GRAZING TRESPASS
	324	TRIBAL	NONE	GRAZING TRESPASS
	325	TRIBAL	NONE	GRAZING TRESPASS
	326	TRIBAL	NONE	GRAZING TRESPASS
	327	TRIBAL	NONE	GRAZING TRESPASS
	328	TRIBAL	NONE	GRAZING TRESPASS
	329	TRIBAL	NONE	GRAZING TRESPASS
	330	TRIBAL	NONE	GRAZING TRESPASS
	331	TRIBAL	NONE	GRAZING TRESPASS
	332	TRIBAL	NONE	GRAZING TRESPASS
	333	TRIBAL	NONE	GRAZING TRESPASS
	334	TRIBAL	NONE	GRAZING TRESPASS
	335	TRIBAL	NONE	GRAZING TRESPASS
	336	TRIBAL	NONE	GRAZING TRESPASS
	337	TRIBAL	NONE	GRAZING TRESPASS
	338	TRIBAL	NONE	GRAZING TRESPASS
	339	TRIBAL	NONE	GRAZING TRESPASS
	340	TRIBAL	NONE	GRAZING TRESPASS
	341	TRIBAL	NONE	GRAZING TRESPASS
	342	TRIBAL	NONE	GRAZING TRESPASS
	343	TRIBAL	NONE	GRAZING TRESPASS
	344	TRIBAL	NONE	GRAZING TRESPASS

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M25716	016	TRIBAL	NONE	TILCOA CONDEMNATION OF TRUST LANDS
	017	TRIBAL	NONE	TILCOA CONDEMNATION OF TRUST LANDS
	018	TRIBAL	NONE	FENCE ENFORCEMENT
	019	TRIBAL	NONE	FENCE ENFORCEMENT
	020	TRIBAL	NONE	FENCE ENFORCEMENT
	021	TRIBAL	NONE	FENCE ENFORCEMENT
	022	TRIBAL	NONE	FENCE ENFORCEMENT
	023	TRIBAL	NONE	FENCE ENFORCEMENT
	024	TRIBAL	NONE	FENCE ENFORCEMENT
	025	TRIBAL	NONE	FENCE ENFORCEMENT
	026	TRIBAL	NONE	FENCE ENFORCEMENT
	027	TRIBAL	NONE	FENCE ENFORCEMENT
	028	TRIBAL	NONE	FENCE ENFORCEMENT
	029	TRIBAL	NONE	FENCE ENFORCEMENT
	030	TRIBAL	NONE	FENCE ENFORCEMENT
	031	TRIBAL	NONE	FENCE ENFORCEMENT
	032	TRIBAL	NONE	FENCE ENFORCEMENT
	033	TRIBAL	NONE	FENCE ENFORCEMENT
	034	TRIBAL	NONE	BOUNDARY ENFORCEMENT
	035	TRIBAL	NONE	BOUNDARY ENFORCEMENT
	036	TRIBAL	NONE	FENCE ENFORCEMENT
	037	TRIBAL	NONE	FENCE ENFORCEMENT
	038	TRIBAL	NONE	FENCE ENFORCEMENT
	039	TRIBAL	NONE	FENCE ENFORCEMENT
	040	TRIBAL	NONE	FENCE ENFORCEMENT
	041	TRIBAL	NONE	FENCE ENFORCEMENT
	042	TRIBAL	NONE	FENCE ENFORCEMENT
	043	TRIBAL	NONE	FENCE ENFORCEMENT
	044	TRIBAL	NONE	FENCE ENFORCEMENT
	045	TRIBAL	NONE	FENCE ENFORCEMENT
	046	TRIBAL	NONE	FENCE ENFORCEMENT
	047	TRIBAL	NONE	FENCE ENFORCEMENT
	048	TRIBAL	NONE	FENCE ENFORCEMENT
	049	TRIBAL	NONE	FENCE ENFORCEMENT
	050	TRIBAL	NONE	FENCE ENFORCEMENT
	051	TRIBAL	NONE	FENCE ENFORCEMENT
	052	TRIBAL	NONE	FENCE ENFORCEMENT
	053	TRIBAL	NONE	FENCE ENFORCEMENT
	054	TRIBAL	NONE	FENCE ENFORCEMENT
	055	TRIBAL	NONE	FENCE ENFORCEMENT
	056	TRIBAL	NONE	FENCE ENFORCEMENT
	057	TRIBAL	NONE	FENCE ENFORCEMENT
	058	TRIBAL	NONE	FENCE ENFORCEMENT
	059	TRIBAL	NONE	FENCE ENFORCEMENT
	060	TRIBAL	NONE	FENCE ENFORCEMENT
	061	TRIBAL	NONE	FENCE ENFORCEMENT
	062	TRIBAL	NONE	FENCE ENFORCEMENT
	063	TRIBAL	NONE	FENCE ENFORCEMENT
	064	TRIBAL	NONE	FENCE ENFORCEMENT
	065	TRIBAL	NONE	FENCE ENFORCEMENT
	066	TRIBAL	NONE	FENCE ENFORCEMENT
	067	TRIBAL	NONE	FENCE ENFORCEMENT
	068	TRIBAL	NONE	FENCE ENFORCEMENT
	069	TRIBAL	NONE	FENCE ENFORCEMENT
	070	TRIBAL	NONE	FENCE ENFORCEMENT
	071	TRIBAL	NONE	FENCE ENFORCEMENT
	072	TRIBAL	NONE	FENCE ENFORCEMENT
	073	TRIBAL	NONE	FENCE ENFORCEMENT
	074	TRIBAL	NONE	FENCE ENFORCEMENT
	075	TRIBAL	NONE	FENCE ENFORCEMENT
	076	TRIBAL	NONE	FENCE ENFORCEMENT
	077	TRIBAL	NONE	FENCE ENFORCEMENT
	078	TRIBAL	NONE	FENCE ENFORCEMENT
	079	TRIBAL	NONE	FENCE ENFORCEMENT
	080	TRIBAL	NONE	FENCE ENFORCEMENT
	081	TRIBAL	NONE	FENCE ENFORCEMENT
	082	TRIBAL	NONE	FENCE ENFORCEMENT
	083	TRIBAL	NONE	FENCE ENFORCEMENT

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M25716	346	TRIBAL	NONE	GRAZING TRESPASS
	347	TRIBAL	NONE	GRAZING TRESPASS
	348	TRIBAL	NONE	GRAZING TRESPASS
	349	TRIBAL	NONE	FENCE ENFORCEMENT
	350	TRIBAL	NONE	FENCE ENFORCEMENT
	351	TRIBAL	NONE	FENCE ENFORCEMENT
	352	TRIBAL	NONE	FENCE ENFORCEMENT
	353	TRIBAL	NONE	FENCE ENFORCEMENT
	354	TRIBAL	NONE	FENCE ENFORCEMENT
	355	TRIBAL	NONE	FENCE ENFORCEMENT
	356	TRIBAL	NONE	FENCE ENFORCEMENT
	357	TRIBAL	NONE	FENCE ENFORCEMENT
	358	TRIBAL	NONE	FENCE ENFORCEMENT
	359	TRIBAL	NONE	FENCE ENFORCEMENT
	360	TRIBAL	NONE	FENCE ENFORCEMENT
	361	TRIBAL	NONE	FENCE ENFORCEMENT
	362	TRIBAL	NONE	FENCE ENFORCEMENT
	363	TRIBAL	NONE	FENCE ENFORCEMENT
	364	TRIBAL	NONE	FENCE ENFORCEMENT
	365	TRIBAL	NONE	FENCE ENFORCEMENT
	366	TRIBAL	NONE	FENCE ENFORCEMENT
	367	TRIBAL	NONE	FENCE ENFORCEMENT
	368	TRIBAL	NONE	FENCE ENFORCEMENT
	369	TRIBAL	NONE	FENCE ENFORCEMENT
	370	TRIBAL	NONE	FENCE ENFORCEMENT
	371	TRIBAL	NONE	FENCE ENFORCEMENT
	372	TRIBAL	NONE	FENCE ENFORCEMENT
	373	TRIBAL	NONE	FENCE ENFORCEMENT
	374	TRIBAL	NONE	FENCE ENFORCEMENT
	375	TRIBAL	NONE	FENCE ENFORCEMENT
	376	TRIBAL	NONE	FENCE ENFORCEMENT
	377	TRIBAL	NONE	FENCE ENFORCEMENT
	378	TRIBAL	NONE	FENCE ENFORCEMENT
	379	TRIBAL	NONE	FENCE ENFORCEMENT
	380	TRIBAL	NONE	FENCE ENFORCEMENT
	381	TRIBAL	NONE	FENCE ENFORCEMENT
	382	TRIBAL	NONE	FENCE ENFORCEMENT
	383	TRIBAL	NONE	FENCE ENFORCEMENT
	384	TRIBAL	NONE	FENCE ENFORCEMENT
	385	TRIBAL	NONE	FENCE ENFORCEMENT
	386	TRIBAL	NONE	FENCE ENFORCEMENT
	387	TRIBAL	NONE	FENCE ENFORCEMENT
	388	TRIBAL	NONE	FENCE ENFORCEMENT
	389	TRIBAL	NONE	FENCE ENFORCEMENT
	390	TRIBAL	NONE	FENCE ENFORCEMENT
	391	TRIBAL	NONE	FENCE ENFORCEMENT
	392	TRIBAL	NONE	FENCE ENFORCEMENT
	393	TRIBAL	NONE	FENCE ENFORCEMENT
	394	TRIBAL	NONE	FENCE ENFORCEMENT
	395	TRIBAL	NONE	FENCE ENFORCEMENT
	396	TRIBAL	NONE	FENCE ENFORCEMENT
	397	TRIBAL	NONE	FENCE ENFORCEMENT
	398	TRIBAL	NONE	FENCE ENFORCEMENT
	399	TRIBAL	NONE	FENCE ENFORCEMENT
M25716	001	TRIBAL	NONE	BOUNDARY ENFORCEMENT
	002	TRIBAL	NONE	FENCE ENFORCEMENT
	003	TRIBAL	NONE	FENCE ENFORCEMENT
	004	TRIBAL	NONE	FENCE ENFORCEMENT
	005	TRIBAL	NONE	FENCE ENFORCEMENT
	006	TRIBAL	NONE	FENCE ENFORCEMENT
	007	TRIBAL	NONE	FENCE ENFORCEMENT
	008	TRIBAL	NONE	FENCE ENFORCEMENT
	009	TRIBAL	NONE	FENCE ENFORCEMENT
	010	TRIBAL	NONE	FENCE ENFORCEMENT
	011	TRIBAL	NONE	FENCE ENFORCEMENT
	012	TRIBAL	NONE	FENCE ENFORCEMENT
	013	TRIBAL	NONE	TILCOA CONDEMNATION OF TRUST LANDS
	014	TRIBAL	NONE	TILCOA CONDEMNATION OF TRUST LANDS
	015	TRIBAL	NONE	TILCOA CONDEMNATION OF TRUST LANDS

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M25716	084	TRIBAL	NONE	FENCE ENCROACHMENT
	085	TRIBAL	NONE	FENCE ENCROACHMENT
	086	TRIBAL	NONE	FENCE ENCROACHMENT
	087	TRIBAL	NONE	FENCE ENCROACHMENT
	088	TRIBAL	NONE	FENCE ENCROACHMENT
	089	TRIBAL	NONE	FENCE ENCROACHMENT
	090	TRIBAL	NONE	FENCE ENCROACHMENT
	091	TRIBAL	NONE	FENCE ENCROACHMENT
	092	TRIBAL	NONE	FENCE ENCROACHMENT
	093	TRIBAL	NONE	FENCE ENCROACHMENT
	094	TRIBAL	NONE	BUILDING ENCROACHMENT
	095	TRIBAL	NONE	BUILDING ENCROACHMENT
	096	TRIBAL	NONE	DITCH TRESPASS- S.17- USBR
	097	TRIBAL	NONE	DITCH TRESPASS- S.17- STATE ENG.
	098	TRIBAL	NONE	UTILITY TRESPASS S.17-MT BELL
	099	TRIBAL	NONE	UTILITY TRESPASS S.17-MEC
	100	TRIBAL	NONE	UTILITY TRESPASS S.17-SF NATL FOREST
	101	TRIBAL	NONE	UTILITY TRESPASS S.17-SF NATL FOREST
	102	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MEC
	103	TRIBAL	NONE	UTILITY TRESPASS NO ROW-NM GAS CO
	104	TRIBAL	NONE	FENCE ENCROACHMENT
	139	TRIBAL	NONE	FENCE ENCROACHMENT
	140	TRIBAL	NONE	FENCE ENCROACHMENT
	141	TRIBAL	NONE	FENCE ENCROACHMENT
	142	TRIBAL	NONE	FENCE ENCROACHMENT
	143	TRIBAL	NONE	FENCE ENCROACHMENT
	144	TRIBAL	NONE	FENCE ENCROACHMENT
	145	TRIBAL	NONE	FENCE ENCROACHMENT
	146	TRIBAL	NONE	FENCE ENCROACHMENT
M25718	001	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
	002	TRIBAL	NONE	FENCE ENCROACHMENT
	003	TRIBAL	NONE	FENCE ENCROACHMENT
	004	TRIBAL	NONE	FENCE ENCROACHMENT
	005	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	006	TRIBAL	NONE	FENCE ENCROACHMENT
	007	TRIBAL	NONE	UTILITY TRESPASS NO ROW-SJ GAS CO
	008	TRIBAL	NONE	UTILITY TRESPASS NO ROW-TAOS CABLE TV
	009	TRIBAL	NONE	UTILITY TRESPASS NO ROW-KIT CARSON
	010	TRIBAL	NONE	ROAD TRESPASS NO ROW-TAOS CTY
	011	TRIBAL	NONE	ROAD TRESPASS NO ROW-MISC
	012	TRIBAL	NONE	ROAD TRESPASS NO ROW-MISC
	013	TRIBAL	NONE	DITCH TRESPASS
	014	TRIBAL	NONE	UTILITY TRESPASS
	015	TRIBAL	NONE	FENCE ENCROACHMENT
	016	TRIBAL	NONE	ROAD TRESPASS (BENEFICIAL)
	017	TRIBAL	NONE	UTILITY TRESPASS
	018	TRIBAL	NONE	FENCE ENCROACHMENT
	019	TRIBAL	NONE	FENCE ENCROACHMENT
	020	TRIBAL	NONE	FENCE ENCROACHMENT
	021	TRIBAL	NONE	UTILITY TRESPASS
	022	TRIBAL	NONE	FENCE ENCROACHMENT
	023	TRIBAL	NONE	FENCE ENCROACHMENT
	024	TRIBAL	NONE	FENCE ENCROACHMENT
	025	TRIBAL	NONE	FENCE ENCROACHMENT
	026	TRIBAL	NONE	FENCE ENCROACHMENT
	027	TRIBAL	NONE	FENCE ENCROACHMENT
	028	TRIBAL	NONE	FENCE ENCROACHMENT
	029	TRIBAL	NONE	FENCE ENCROACHMENT
	030	TRIBAL	NONE	FENCE ENCROACHMENT
	031	TRIBAL	NONE	FENCE ENCROACHMENT
	032	TRIBAL	NONE	FENCE ENCROACHMENT
	033	TRIBAL	NONE	FENCE ENCROACHMENT
	034	TRIBAL	NONE	ROAD TRESPASS
	131	TRIBAL	NONE	ROAD TRESPASS
	132	TRIBAL	NONE	ROAD TRESPASS
	133	TRIBAL	NONE	ROAD TRESPASS
	134	TRIBAL	NONE	ROAD TRESPASS
	135	TRIBAL	NONE	ROAD TRESPASS NO ROW-TRACT B

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ALBUQUERQUE AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
M25718	136	TRIBAL	NONE	FENCE ENCROACHMENT
	137	TRIBAL	NONE	FENCE ENCROACHMENT
	138	TRIBAL	NONE	FENCE ENCROACHMENT
	139	TRIBAL	NONE	FENCE ENCROACHMENT
	140	TRIBAL	NONE	FENCE ENCROACHMENT
	141	TRIBAL	NONE	FENCE ENCROACHMENT
	142	TRIBAL	NONE	FENCE ENCROACHMENT
	143	TRIBAL	NONE	FENCE ENCROACHMENT
	144	TRIBAL	NONE	FENCE ENCROACHMENT
	145	TRIBAL	NONE	FENCE ENCROACHMENT
	146	TRIBAL	NONE	FENCE ENCROACHMENT
	147	TRIBAL	NONE	FENCE ENCROACHMENT
	148	TRIBAL	NONE	FENCE ENCROACHMENT
	149	TRIBAL	NONE	FENCE ENCROACHMENT
	150	TRIBAL	NONE	FENCE ENCROACHMENT
	151	TRIBAL	NONE	FENCE ENCROACHMENT
	152	TRIBAL	NONE	BUILDING ENCROACHMENT
	153	TRIBAL	NONE	BUILDING ENCROACHMENT
	154	TRIBAL	NONE	BUILDING ENCROACHMENT
	155	TRIBAL	NONE	BUILDING ENCROACHMENT
	156	TRIBAL	NONE	BUILDING ENCROACHMENT
	157	TRIBAL	NONE	BUILDING ENCROACHMENT
	158	TRIBAL	NONE	BUILDING ENCROACHMENT
	159	TRIBAL	NONE	BUILDING ENCROACHMENT
	160	TRIBAL	NONE	BUILDING ENCROACHMENT
	161	TRIBAL	NONE	BUILDING ENCROACHMENT
	162	TRIBAL	NONE	BUILDING ENCROACHMENT
	163	TRIBAL	NONE	BUILDING ENCROACHMENT
	164	TRIBAL	NONE	BUILDING ENCROACHMENT
	165	TRIBAL	NONE	BUILDING ENCROACHMENT
	166	TRIBAL	NONE	BUILDING ENCROACHMENT
	167	TRIBAL	NONE	BUILDING ENCROACHMENT
	168	TRIBAL	NONE	BUILDING ENCROACHMENT
	169	TRIBAL	NONE	BUILDING ENCROACHMENT
	170	TRIBAL	NONE	BUILDING ENCROACHMENT
	242	TRIBAL	NONE	UTILITY TRESPASS
	243	TRIBAL	NONE	UTILITY TRESPASS
	244	TRIBAL	NONE	UTILITY TRESPASS
	245	TRIBAL	NONE	UTILITY TRESPASS
	246	TRIBAL	NONE	UTILITY TRESPASS S.17-MT BELL
	247	TRIBAL	NONE	ROAD TRESPASS
	248	TRIBAL	NONE	UTILITY TRESPASS NO ROW-NM GAS CO
	249	TRIBAL	NONE	UTILITY TRESPASS NO ROW-KIT CARSON
	250	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	251	TRIBAL	NONE	ROAD TRESPASS
	252	TRIBAL	NONE	ROAD TRESPASS
	253	TRIBAL	NONE	ROAD TRESPASS
	254	TRIBAL	NONE	FENCE ENCROACHMENT
	255	TRIBAL	NONE	FENCE ENCROACHMENT
M25719	001	TRIBAL	NONE	UTILITY TRESPASS
	002	TRIBAL	NONE	UTILITY TRESPASS
	003	TRIBAL	NONE	UTILITY TRESPASS
	004	TRIBAL	NONE	ROAD TRESPASS
	005	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	006	TRIBAL	NONE	UTILITY TRESPASS
	007	TRIBAL	NONE	UTILITY TRESPASS NO ROW-PNM
	008	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	009	TRIBAL	NONE	UTILITY TRESPASS NO ROW-MT BELL
	010	TRIBAL	NONE	FENCE ENCROACHMENT
	011	TRIBAL	NONE	FENCE ENCROACHMENT
M45751	001	TRIBAL	NONE	TRESPASS TO WATER RIGHTS
M60702	001	TRIBAL	NONE	TRESPASS TO WATER RIGHTS

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NAVAJO AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
N00780	001	MONTE CLEHAPAHAH	019000	GRAZING TRESPASS
	002	PEREIRO WARIO	019021	GRAZING TRESPASS
	003	AH DA CHI	019022	GRAZING TRESPASS
	004	TE-NA	019023	GRAZING TRESPASS
	005	PEDRO APACHE HEIRS	019024	GRAZING TRESPASS
	006	CASAMERE BACA	019371	GRAZING TRESPASS
	007	JOSEPHIA MONTE	019377	GRAZING TRESPASS
	008	THAN-DES-PAH	019378	GRAZING TRESPASS
	009	PAHAH BACA	019379	GRAZING TRESPASS
	010	ENGANOR MONTE	019379	GRAZING TRESPASS
	011	GO-HE APICHETA	019382	GRAZING TRESPASS
	012	DENNISPAH APICHETA	019383	GRAZING TRESPASS
	013	TH-DES-PAH	019384	GRAZING TRESPASS
	014	PAH-SUN-NIE	019384	GRAZING TRESPASS
	015	JUAN APICHETA	019384	GRAZING TRESPASS
	016	NAHPAHHEY APICHETA	019380	GRAZING TRESPASS
	017	THAN-DES-PAH	019378	GRAZING TRESPASS
	018	VALENTINE MONTE HEIRS	019158	GRAZING TRESPASS
	019	YAHNIPAH	019162	GRAZING TRESPASS
	020	HO-DOS-PAH	019163	GRAZING TRESPASS
	021	ZACATERO HEIRS	019379	GRAZING TRESPASS
	022	NARSISO AREYTA	019379	GRAZING TRESPASS
	023	CLEOPATRA ANTHONY	02933	GRAZING TRESPASS
	024	IRENE C FOLEY	011091	GRAZING TRESPASS
	025	LEONARD CURTIS	011090	GRAZING TRESPASS
	026	HELEN R. MORRIS	011090	GRAZING TRESPASS
	027	MARIE ANN TSOSIE	011101	GRAZING TRESPASS
	028	MARIE ANN TSOSIE	011105	GRAZING TRESPASS
	029	SEEME P. DIXON	NONE	GRAZING TRESPASS
	030	ADA E. BEGAY	011096	GRAZING TRESPASS
	031	TOM FRANKLIN	011095	GRAZING TRESPASS
	032	HARRY CHASE	011098	GRAZING TRESPASS
	033	JOE BENALLY	011099	GRAZING TRESPASS
	034	MARY TSOSIE	011099	GRAZING TRESPASS
	035	MAE CHASE	010040	GRAZING TRESPASS

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P00000	008	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-FOUR DAMS ON MID-COLUMBIA
	009	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-COPCO DAM ON KLAMATH RIVER
	011	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-ENLOE DAM ON OKANOGAN R.
	012	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WELLS DAM ON COLUMBIA RIVER
	013	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNAKE RIVER AND TRIBUTARIES
	014	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNAKE RIVER DRAINAGE
	015	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SALMON RIVER-E. OF STANLEY
	016	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-YAKIMA RIVER-SUNNYSIDE DIV
	017	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-YAKIMA RIVER-WAPATO DIVERSION
	018	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BLACK RIVER - KING COUNTY
	019	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-YAKIMA RIVER-ROZA DIVERSION
	020	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SILVER CREEK-GLENWOOD-SKAGIT
	021	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BIG QUILCENE-JEFFERSON COUNTY
	022	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PENNY CREEK - JEFFERSON COUNTY
	023	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CAMPBELL CREEK-TIMBERLANDS INC
	024	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LUMMI CREEK HATCHERY DIVERSION
	025	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CHAMBERS CREEK NEAR STEILACOOM
	026	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNIONS CREEK-WEST SQUAXIN WATER
	027	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BOWMAN CREEK - KING COUNTY
	028	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM INLET
	029	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MEADOW CREEK - NEAR BAINBRIDGE ISL
	030	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-ISSAQUAH CREEK NEAR HATCHERY
	031	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-THORNTON CREEK-BOTH TRIBUTARIES
	032	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-THORNTON CREEK-UNDER 3RD AVE S
	033	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-THORNTON CREEK UNDER 25TH AVENUE
	034	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-EDDY CREEK W.F.G.

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P00000	035	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-AMES RIVER - SNOHOMISH COUNTY
	036	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-AMES CREEK - SNOHOMISH COUNTY
	037	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-VAN WINKLE CREEK-ELLIOTT BL. TRIB
	038	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY- UNION RIVER
	039	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N F. NEWAUKUM
	040	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MARVEL PIERCE COUNTY
	041	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MCKENNA CREEK THURSTON COUNTY
	042	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MUCK CREEK PIERCE COUNTY
	043	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-FLUME CREEK MASON COUNTY
	044	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TAHUYA RIVER KITSAP COUNTY
	045	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MCDONNELL CREEK MASON COUNTY
	046	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED MASON COUNTY
	047	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SAMISH SKAGIT COUNTY
	048	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LEWIS RIVER TRIB LEWIS COUNTY
	049	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-YAKIMA RIVER TRIBUTARY AREAS
	050	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MUDDY CREEK TRIBUTARY - YAKIMA CTY
	051	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PGE ROUND BUTTE DAM - DESCHUTES
	052	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-1ST MILE CREEK & TRIB/3RD MILE CR.
	053	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SAW RIVER TRIBUTARY SNOHOMISH
	054	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED F. SILVERDALE - KITSAP
	055	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-FLETCHER BAY TRIB -BAINBRIDGE ISL
	056	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PILCHUCK TRIBUTARY - SNOHOMISH CO
	057	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-EDISON SLOUGH SKAGIT COUNTY
	058	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BOSS CREEK W. PORT ANGELES
	059	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-KITSAP CREEK/CHILD CREEK BASIN
	060	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-REARDREEK E. ALLAM COUNTY
	061	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LEland CREEK JEFFERSON COUNTY
	062	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED THORN LEWIS MASON CO
	063	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED OFF HIWAY 99 PIERCE CO
	064	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED OFF HIWAY 99 PIERCE CO
	065	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CHAMBERS CREEK PIERCE CO
	066	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-ELLIS CREEK THURSTON CO
	067	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BOWMAN CREEK AUBURN KING CO
	068	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED KING CO
	069	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MOUNTS CREEK PIERCE CO
	070	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED KING CO
	071	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PENNY CREEK QUILCENE BAY
	072	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY- JIM CREEK-HWY 112 - SILVER KING RD
	073	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-DOE CREEK CLALLUM CO
	074	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-S. FORK CLEARWATER R. NEAR MICA CR
	075	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LITTLE CREEK UNDER HWY 101 MASON
	076	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-DESCHUTES TRIBUTARY THURSTON CO
	077	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-THORNTON CREEK - NE 23RD ST KING
	078	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MINERAL CREEK - TOWN OF MINERAL
	079	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-FRENCH CREEK TRIBUTARY SNOHOMISH
	080	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	RAGING RIVER TRIBUTARY KING CO
	081	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LAKEMEAD CREEK SNOHOMISH CO
	082	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CRAIGMONT RIVER IDAHO CO
	083	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-AMERICAN RIVER IDAHO CO
	084	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-RED RIVER/RED HORSE CREEK IDAHO CO
	085	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LOCHSA RIVER IDAHO CO
	086	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-S. FORK CLEARWATER RIVER IDAHO CO
	087	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LOLO CREEK CLEARWATER R IDAHO CO
	088	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LARRAMOS CREEK PIERCE CO
	089	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-REAR VALLEY CREEK VALLEY CO
	090	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-NORTH FORK SALMON RIVER LEMHI CO
	091	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-COWLITZ RIVER-MAYFIELD DAM
	092	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-COWLITZ RIVER - MOSSYROCK DAM
	093	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TUCANNON RIVER - C ARMENT DAM
	094	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TOPPENISH CREEK YAKIMA CO
	095	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-REAR CREEK SKAGIT CO
	096	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY PUGET SOUND JEFFERSON CO
	097	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-ROCKY CREEK SPOKANE CO
	098	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-GRANDY CREEK-LANTZ WEST INT.
	099	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED SKAGIT CO
	100	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CRISP CREEK KING CO
	101	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-RITCHERT SPRING MASON CO
	102	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-RAGLEY CREEK CLALLAM CO

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P00000	103	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	104	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	105	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	106	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	107	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	108	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	109	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	110	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	111	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	112	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	113	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	114	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	115	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	116	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	117	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	118	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	119	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	120	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	121	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	122	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	123	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	124	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	125	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	126	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	127	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	128	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	129	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	130	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	131	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	132	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	133	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	134	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	135	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	136	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	137	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	138	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	139	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	140	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	141	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	142	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	143	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	144	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	145	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	146	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	147	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	148	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	149	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	150	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	151	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	152	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	153	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	154	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	155	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	156	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	157	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	158	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	159	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	160	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	161	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	162	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	163	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	164	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	165	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	166	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	167	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	168	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	169	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	170	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	171	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	172	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	173	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	174	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	175	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	176	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	177	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	178	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	179	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	180	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	181	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	182	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	183	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	184	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	185	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	186	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	187	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	188	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	189	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	190	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	191	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	192	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	193	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	194	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	195	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	196	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	197	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	198	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	199	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	200	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	201	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	202	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	203	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	204	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	205	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	206	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	207	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	208	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	209	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	210	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	211	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	212	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	213	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	214	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	215	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	216	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	217	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	218	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	219	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	220	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	221	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	222	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	223	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	224	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	225	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	226	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	227	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	228	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	229	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	230	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	231	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	232	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	233	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOOKUM CREEK WHATCOM CO
	234	NO TRIBES OR ALLOTTEES IDENTIFIED

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P00000	103	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED - CROWN 7 1900 LINE
	104	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PILCHUCK CREEK - CROWN 7 LOG ROAD
	105	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N. FORK ISSAQUAH CREEK I-90 RAMP
	106	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N. FORK ISSAQUAH CREEK/SAMMAMISH RI
	107	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-DOWNS CREEK HWY 12 KING CO
	108	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TWINS CREEK JEFFERSON CO
	109	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CANYON CREEK JEFFERSON CO
	110	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED KING CO
	111	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED JEFFERSON CO
	112	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TARBOO CREEK JEFFERSON CO
	113	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-E. BRANCH UMBRELLA CREEK CLALLAM
	114	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N. FORK CALAWAH RIVER - USFS ROAD
	115	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-ELK CREEK CLALLAM CO
	116	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED SEAL ROCK JEFFERSON CO
	117	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SANDY CREEK CLALLAM CO
	118	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-NELSON CREEK/LYLE RIVER CLALLAM CO
	119	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-REED CREEK/PYSHT TREE F RD/CLALLAM
	120	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-HAMMERSLY INLET TRIB/TIMBER LAKES
	121	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PETERSON CREEK KING CO
	122	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PILCHUCK TRIB L. SWIFT SNOHOMISH
	123	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-STEVENS CREEK TRIB SNOHOMISH
	124	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-DOUGALING CREEK/TRIB TO CLEARWATER
	125	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-DEEP CREEK GRAYS HARBOR CO
	126	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SYLVIA CREEK TRIB GRAYS HARBOR CO
	127	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MASHEL WEYERHAEUSER PIERCE CO
	128	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CAREY CREEK TRIB HOLMES KING CO
	129	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-HOLDER CREEK TRIB KING CO
	130	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WYLEROS CREEK TRIB WEYERHAEUSER
	131	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PUGET SOUND TRIB TACOMA PIERCE CO
	132	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PUGET SOUND TRIB TACOMA PIERCE CO
	133	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PUYALLUP TRIB W.BRADLEY PIERCE CO
	134	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WILKESON CREEK TRIBUTARY PIERCE CO
	135	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-DRAINS TO PUYALLUP PIERCE CO
	136	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BOISE CREEK WEYERHAEUSER KING CO
	137	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-GORST CREEK BREMERTON KITSAP CO
	138	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-KEINS CREEK BREMERTON KITSAP CO
	139	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PUGET SOUND TRIBUTARY KITSAP CO
	140	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-NISQUALLY TRIBUTARY PIERCE CO
	141	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-NISQUALLY TRIBUTARY PIERCE CO
	142	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-NISQUALLY RIVER PIERCE CO
	143	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-KENNETY CREEK THURSTON CO
	144	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-STEEL CREEK KITSAP CO
	145	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PUGET SOUND SEATTLE KING CO
	146	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-ENNIS CREEK TRIBUTARY CLALLAM CO
	147	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TIMMATER CREEK TRIB. CLALLAM CO
	148	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PEABODY CREEK CLALLAM CO
	149	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MCDONALD CREEK TRIB. CLALLAM CO
	150	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LIBERTY BAY TRIBUTARY KITSAP CO
	151	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MANZANITA BAY TRIB. KITSAP CO
	152	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-STRAIT JUAN DE FUCA TR. CLALLAM CO
	153	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WHATCOM CREEK WHATCOM CO
	154	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TILALIP CREEK TRIB SNOHOMISH CO
	155	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-NORTH FORK NOOKSACK WHATCOM CO
	156	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-EAGLE CREEK TRIBUTARY MASON CO
	157	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SKOKOMISH TRIBUTARY MASON CO
	158	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PUGET SOUND/R. WITTER- JEFFERSON CO
	159	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LITTLE QUILCENE TRIB. JEFFERSON CO
	160	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PADDEN CREEK WHATCOM CO
	161	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LAKE WHATCOM TR /SUMDEN VALLEY TRI
	162	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TERRELL CREEK TRIBUTARY- WHATCOM CO
	163	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LIBBY RIVER TRIBUTARY WHATCOM CO
	164	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LIBBY RIVER TRIBUTARY WHATCOM CO
	165	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-DAKOTA CREEK TRIBUTARY WHATCOM CO
	166	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-GOLDER CREEK WHATCOM CO
	167	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SOUTH FORK NOOKSACK TR WHATCOM C
	168	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BAY CREEK TRIBUTARY SKAGIT CO
	169	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SKAGIT RIVER TRIBUTARY SKAGIT CO
	170	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SAUK RIVER TRIBUTARY SKAGIT CO

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P00000	171	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SKEMES CREEK TRIBUTARY SKAGIT CO
	172	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BAKER RIVER PSPL CO. WHATCOM CO
	173	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N. FORK STILLAGUAMISH-SNOHOMISH CO
	174	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CHERRY CREEK TRIB. SNOHOMISH CO
	175	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-ICY CREEK KING CO
	176	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WORLEY'S CREEK SNOHOMISH CO
	177	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CHAPLAIN CREEK SNOHOMISH CO
	178	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOQUALMIE TRIBUTARY KING CO
	179	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MOODY CREEK PSPL CO. SNOHOMISH CO
	180	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WALLACE RIVER TRIB SNOHOMISH CO
	181	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SNOQUALMIE RIVER-PSPL CO KING CO
	182	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MARGARET CREEK TRIB. SNOHOMISH CO
	183	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MOODY CREEK TRIB/PSPL/SNOHOMISH CO
	184	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LAKE CREEK/TROUT PERCH KING CO
	185	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WOODS CREEK TRIBUTARY SNOHOMISH CO
	186	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PUGET SOUND SEATTLE KING CO
	187	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MILLER CREEK HARRINGTON ROAD
	188	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED UNDER LOGGING ROAD
	189	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED UNDER LOGGING ROAD
	190	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CEDAR RIVER SEATTLE KING CO
	191	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UNNAMED MASON CO
	192	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-DESCHUTES RIVER TRIB. THURSTON CO
	193	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LEGETT CREEK TRIB/S.F. CLEARWATER
	194	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-HAHNEMEGA CREEK/LEMHI TR.-LEMHI CO
	195	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MANN CREEK IRRIGATION DIV-WASH. CO
	196	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LAPWAI CREEK-CLEARWATER TRIBUTARY
	197	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LAWYERS CREEK-CLEARWATER TRIBUTARY
	198	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BLOOM CREEK POTLATCH TRIBUTARY
	199	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-ROBBS CREEK POTLATCH TRIBUTARY
	200	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MALLORY CREEK POTLATCH TRIBUTARY
	201	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-ORTETAN CREEK CLEARWATER TRIBUT.
	202	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MAGGIE CREEK CLEARWATER TRIBUT.
	203	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BIG CEDAR CREEK/CLEAR CREEK
	204	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-RANGER CREEK LOCHSA TRIBUTARY
	205	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SLATE CREEK ABOVE DIVERSION DITCH
	206	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PETE KING CREEK LOCHSA TRIBUTARY
	207	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MOOSE CREEK RED RIVER TRIBUTARY
	208	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TIMBER TIKE CREEK/AMERICAN RIVER
	209	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SOLAR CREEK LOCHSA TRIBUTARY
	210	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-RACKLIFF CREEK SELWAY TRIBUTARY
	211	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CARIN CREEK-3 DIVERTS AT MOUTH
	212	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LAKE FORK CREEK/N.F.PAYETTE TRIB.
	213	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N. FORK PAYETTE/PAYETTE LAKE DAM
	214	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N.FORK MOOSE CREEK/HYDRO DAM
	215	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-YANKS CREEK/DEAD CREEK-CLEARWATER
	216	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BURY CREEK-E FORK POTLATCH TRIB.
	217	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BROWNS CREEK/DEAD CREEK-CLEARWATER
	218	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-FERY CREEK/EAST FORK POTLATCH TRIB.
	219	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MISSION CREEK - LAPWAI TRIBUTARY
	220	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WEIR CREEK - SWEETWATER TRIBUTARY
	221	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-ELY CREEK - SELWAY TRIBUTARY
	222	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WEISER RIVER ABOVE TAMARACK
	223	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LEMHI RIVER CHANNEL STRAIGHTENED
	224	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WARM SPRINGS BOR D DAM-WISTER CR
	225	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-S. FORK SPRUCE CREEK/CRANED FORK
	226	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SHORT CREEK/SPRUCE CREEK TRIBUTARY
	227	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MORTON DRAIN-CHEEK DAM/HWY 22
	228	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TOPPENISH CR. DIV. TO MORTON DRAIN
	229	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WAGNER - YAKIMA CITY INTAKE
	230	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CLEAR CR-MIDDLE FORK HAHN RIVER DRER.
	231	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CHENOWITH CR-CENTERS CONTRACT RIVER
	232	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SOLAR CR-IRRIGATION DISTRICT DAM
	233	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PHILLIPS CREEK DIVERSION DAM
	234	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SHEEP CREEK DIV. DAM WA-OWA CO
	235	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WA-OWA RIVER DIV DAM WA-OWA CO.
	236	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MINAM RIVER-UNNAMED DAM WA-OWA CO
	237	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY- WILLOW CR-UNNAMED DAM UMATILLA CO
	238	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MC KAY CREEK POWER DAM UMATILLA CO

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P00000	239	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N. POWDER RIVER IRR. DIVERSION DAM
	240	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N.POWDER RIVER BIG BUGER DIV. DAM
	241	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-RACHER CREEK/POWDER RIVER/BAKER CO
	242	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-POWDER R.-THIEF VALLEY CANYON
	243	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-POWDER RIVER-ESTES IRR. DIV. DAM
	244	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-POWDER RIVER-SMITHS IRR. DIV. DAM
	245	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-POWDER RIVER-STEWARD SHAW DAM
	246	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MALHEUR RIVER MALHEUR CO
	247	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CANYON CR. MEADOWS DAM GRANT CO
	248	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TRIB. STILLY MANSHM-SNOHOMISH CO
	249	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TRIBUTARY S. FORK STILLAGUAMISH R.
	250	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TRIBUTARY S. FORK STILLY 05-0347
	251	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TRIB S.F. STILY-STILLAGUAMISH CO
	252	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MUCK CR-CRACK IN REDROCK ROCKFILL
	253	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY PENNY CREEK KING CO
	254	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-DEER CREEK TRIBUTARY F. A. CLARK
	255	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CHEHALIS RIVER NEAR CENTRALIA
	256	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SPANAWAY CREEK GUS BRESEMAN
	257	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-FISHTRAP CALIFORNIA TEN MILE
	258	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CHEHALIS RIVER NEAR CENTRALIA
	259	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-COLUMBIA RIVER-CHELAN PUD FISH
	260	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-TWANTIM R.-LAKE OSWEGO DIV.CANAL
	261	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SILETZ VALSETZ DAM POLK CO
	262	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CALAPOOLA R. SODOM DITCH HEADGATE
	263	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N. SANTIAM PRWL DAM LINN CO
	264	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-S. SANTIAM LEBANON AL BANY DAM
	265	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MCKENZIE RIVER LEABURG DAM
	266	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-ROGUE RIVER GOLD RAY DAM
	267	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LITTLE SANDY RIVER DIVERSION DAM
	268	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WILLAMETTE RIVER-PGE POWER TURBINE
	269	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WILLAMETTE RIVER-PUBLISHERS PAPER
	270	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-EVANS CREEK-FIELDER DAM JACKSON CO
	271	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-S. FORK LITTLE BUTTE CREEK - DAM
	272	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CLACKAMAS RIVER MILL DAM
	273	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-EVANS CREEK WIMER DAM JACKSON CO
	274	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BEAR CREEK JACKSON STREET DAM
	275	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BEAR CREEK OAK STREET DAM
	276	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BEAR CREEK MEDFORD IRRIGATION DAM
	277	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CLACKAMAS RIVER FARADAY DAM
	278	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SANDY RIVER MARMOT DAM
	279	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CLACKAMAS RIVER-NORTH FORK DAM
	280	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MILL CREEK SALEM POWER CANAL
	281	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BAY CREEK JACKSON CO
	282	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SARDINE CREEK-IRRIGATION DIVER DAM
	283	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BEAVER CREEK JACKSON CO
	284	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-PALMER CREEK JACKSON CO
	285	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-FOOTS CREEK-A JACKSON CO
	286	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-ANTELOPE CREEK IRRIGATION DIST DAM
	287	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-STEVE FORK OF CARBERRY CREEK DAM
	288	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-EVANS CREEK ALENKSO DAM- JACKSON CO
	289	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-STURGIS FORK OF CARBERRY CREEK DAM
	290	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-APPLEGATE RIVER MCKEE DIVERS DAM
	291	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-QUEENS CREEK JACKSON CO
	292	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-YALE CREEK JACKSON CO
	293	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LITTLE APPLEGATE RIVER DIVERSION
	294	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LITTLE BUTTE CREEK JACKSON CO
	295	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N.SANTIAM STAYTON DITCH DAM MARION
	296	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N.SANTIAM LOWER BENNETT MARION CO
	297	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N.SANTIAM-UPPER BENNETT MARION CO
	298	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N.UMPQUA-WINCHESTER DAM DOUGLAS CO
	299	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N.UMPQUA-SODA SPRINGS DAM DOUG. CO
	300	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BULL RUN-PORTLAND HEADWORKS DAM
	301	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WHISKEY CREEK BENTON MINE DIV. DAM
	302	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-GRAYS CREEK JOSEPHINE CO
	303	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-N.FORK GALICE CR.-WESLEY RIFFIN DIV
	304	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-JUMPOFF JOE CR.DIV.DAM- JOSEPHINE CO
	305	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-ROGUE RIVER SAVAGE RAPIDS DAM
	306	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-SLATE CREEK SANTILLA FISH FARM DAM

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P00000	307	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-APPLEGATE RIVER MURPHY DAM
	308	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WILLIAMS CREEK LAURENCE DAM
	309	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WILLIAMS CREEK WATTS TOPIN DAM
	310	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-FRUITDALE CREEK UNDER HWY 99
	311	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MCKENZIE RIVER WALTERVILLE DAM
	312	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CALAPOOLA RIVER THOMPSON DAM
	313	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MCKENZIE RIVER TRAIL BRIDGE DAM
	314	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CRABTREE CREEK LACOMA DAM
	315	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CALAPOOLA RIVER THOMPSON DAM
	316	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MCKENZIE RIVER LEABURG DAM
	317	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-S. SANTIAM RIVER POWER CANAL DAM
	318	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CALAPOOLA RIVER SODOM DITCH DIV
	319	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UMATILLA RIVER IRRIG DIST PUMPS
	320	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LOGGING FISHERY DAM-LOGGING PRACTICE
	321	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BAKER RIVER DAMS PSPL CO.
	322	JOHN BROWN	101	FORCED SALE
	323	ELIZA JIM	242	CANCELLED APPLICATION
	324	LONG HAIR BOB	225	CANCELLED APPLICATION
	325	PAIUTE NATION	N/A	UNAUTHORIZED LAND SALE
	326	DANIELLE EDRIS CHEW	N/A.	NO ACTUAL CLAIM STATED
	327	MARY PETERS	558	SALE WITHOUT CONSENT
	328	MARY PETERS	558	INVALID WELFARE PAYMENTS
	329	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CANYON CREEK CULVERT
	330	DAVE JOHNSON	10	SALE WITHOUT FULL CONSENT(80 ACRES)
	331	BEN JOHNSON	252	SALE WITHOUT FULL CONSENT
P00140	001	SISSY ALLEN	4	SALE WITHOUT FULL CONSENT(40 ACRES)
	002	SAM ALLEN	3	SALE WITHOUT FULL CONSENT(84 ACRES)
	003	SAM ALLEN	?	FORCED FEE PATENT
	004	FRANK COBURN	705	FORCED FEE PATENT
	005	GRACE CLAPTAN COBURN	703	FORCED FEE PATENT
	006	WILLIAM COBURN	707	FORCED FEE PATENT
	007	KAY DAVIS	947	FORCED FEE PATENT
	008	FRANCES DOUGLAS	403	FORCED FEE PATENT
	009	LILLIE LANE	578	FORCED FEE PATENT
	010	THOMAS LANG	577	FORCED FEE PATENT
	011	SHAKESPEARE HICKS	70	FORCED FEE PATENT
	012	WILLIAM MOORE	560	FORCED FEE PATENT
	013	ANNA SKEEN	371	FORCED FEE PATENT
	014	EFFIE SKEEN	368	FORCED FEE PATENT
	015	GEORGE SKEEN	370	FORCED FEE PATENT
	016	NETTIE SKEEN	369	FORCED FEE PATENT
	01	THOMAS SKELLACK	74	FORCED FEE PATENT
	018	HARRY WRIGHT	1339	FORCED FEE PATENT
	019	OSBERT BALL	961	SALE WITHOUT FULL CONSENT
	020	MONROE BALL	958	SALE WITHOUT FULL CONSENT
	021	DOROTE BEAL	83	SALE WITHOUT FULL CONSENT
	022	ISABEL BEAL	970	SALE WITHOUT FULL CONSENT(80 ACRES)
	023	ISABEL BEAL	970	SALE WITHOUT FULL CONSENT(40 ACRES)
	024	THOMAS BLOW	1361	SALE WITHOUT FULL CONSENT(80 ACRES)
	025	THOMAS BLOW	1361	FORCED FEE PATENT(40 ACRES
P00148	001	JOHN SMITH	207	FORCED FEE PATENT
	002	THOMAS TYEE	224	FORCED FEE PATENT
	003	STEPHANIE ALLEN	?	FORCED FEE PATENT
	004	MARY BARKER	270	FORCED FEE PATENT
	005	JUDITA DOWD	40	FORCED FEE PATENT
	006	LOUISA MENARD	120	FORCED FEE PATENT
	007	MARY ANN PETITE	158	FORCED FEE PATENT
	008	PETER PETITE	156	FORCED FEE PATENT
P03101	006	MARY JIM	S-130	FORCED FEE PATENT
	007	COLVILLE TRIBE	N/A	FISHERY-COLVILLE RIVER-MEYERS FALLS DAM
	008	COLVILLE TRIBE	N/A	MENACHEE-ENTIAT-METHOW&OKANOGAN RIVER DIVERSN
	010	JOSEPHINE SAM	S-585	FORCED FEE PATENT
	010A	KAMI SAM	S-727	FORCED FEE PATENT
	011	FLORA MCDONALD	S-721	FORCED FEE PATENT
	012	CAROLINE JOSEPH (GALLER)(AGUILAR)	C-51	FORCED FEE PATENT
	013	WM BENJAMIN NELSON	C-3	FORCED FEE PATENT
	014	HENRY T. NELSON	C-2	FORCED FEE PATENT
	015	ELLEN IRWIN	C-130	FORCED FEE PATENT

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P00000	307	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-APPLEGATE RIVER MURPHY DAM
	308	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WILLIAMS CREEK LAURENCE DAM
	309	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-WILLIAMS CREEK WATTS TOPIN DAM
	310	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-FRUITDALE CREEK UNDER HWY 99
	311	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MCKENZIE RIVER WALTERVILLE DAM
	312	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CALAPOOLA RIVER THOMPSON DAM
	313	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MCKENZIE RIVER TRAIL BRIDGE DAM
	314	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CRABTREE CREEK LACOMA DAM
	315	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CALAPOOLA RIVER THOMPSON DAM
	316	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-MCKENZIE RIVER LEABURG DAM
	317	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-S. SANTIAM RIVER POWER CANAL DAM
	318	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CALAPOOLA RIVER SODOM DITCH DIV
	319	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-UMATILLA RIVER IRRIG DIST PUMPS
	320	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-LOGGING FISHERY DAM-LOGGING PRACTICE
	321	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-BAKER RIVER DAMS PSPL CO.
	322	JOHN BROWN	101	FORCED SALE
	323	ELIZA JIM	242	CANCELLED APPLICATION
	324	LONG HAIR BOB	225	CANCELLED APPLICATION
	325	PAIUTE NATION	N/A	UNAUTHORIZED LAND SALE
	326	DANIELLE EDRIS CHEW	N/A.	NO ACTUAL CLAIM STATED
	327	MARY PETERS	558	SALE WITHOUT CONSENT
	328	MARY PETERS	558	INVALID WELFARE PAYMENTS
	329	NO TRIBES OR ALLOTTEES IDENTIFIED	N/A	FISHERY-CANYON CREEK CULVERT
	330	DAVE JOHNSON	10	SALE WITHOUT FULL CONSENT(80 ACRES)
	331	BEN JOHNSON	252	SALE WITHOUT FULL CONSENT
P00140	001	SISSY ALLEN	4	SALE WITHOUT FULL CONSENT(40 ACRES)
	002	SAM ALLEN	3	SALE WITHOUT FULL CONSENT(84 ACRES)
	003	SAM ALLEN	?	FORCED FEE PATENT
	004	FRANK COBURN	705	FORCED FEE PATENT
	005	GRACE CLAPTAN COBURN	703	FORCED FEE PATENT
	006	WILLIAM COBURN	707	FORCED FEE PATENT
	007	KAY DAVIS	947	FORCED FEE PATENT
	008	FRANCES DOUGLAS	403	FORCED FEE PATENT
	009	LILLIE LANE	578	FORCED FEE PATENT
	010	THOMAS LANG	577	FORCED FEE PATENT
	011	SHAKESPEARE HICKS	70	FORCED FEE PATENT
	012	WILLIAM MOORE	560	FORCED FEE PATENT
	013	ANNA SKEEN	371	FORCED FEE PATENT
	014	EFFIE SKEEN	368	FORCED FEE PATENT
	015	GEORGE SKEEN	370	FORCED FEE PATENT
	016	NETTIE SKEEN	369	FORCED FEE PATENT
	01	THOMAS SKELLACK	74	FORCED FEE PATENT
	018	HARRY WRIGHT	1339	FORCED FEE PATENT
	019	OSBERT BALL	961	SALE WITHOUT FULL CONSENT
	020	MONROE BALL	958	SALE WITHOUT FULL CONSENT
	021	DORITE BEAL	83	SALE WITHOUT FULL CONSENT
	022	ISABEL BEAL	970	SALE WITHOUT FULL CONSENT(80 ACRES)
	023	ISABEL BEAL	970	SALE WITHOUT FULL CONSENT(40 ACRES)
	024	THOMAS BLOW	1361	SALE WITHOUT FULL CONSENT(80 ACRES)
	025	THOMAS BLOW	1361	FORCED FEE PATENT(40 ACRES
P00148	001	JOHN SMITH	207	FORCED FEE PATENT
	002	THOMAS TYEE	224	FORCED FEE PATENT
	003	STEPHANIE ALLEN	?	FORCED FEE PATENT
	004	MARY BARKER	270	FORCED FEE PATENT
	005	JUDITA DOWD	40	FORCED FEE PATENT
	006	LOUISA MENARD	120	FORCED FEE PATENT
	007	MARY ANN PETITE	158	FORCED FEE PATENT
	008	PETER PETITE	156	FORCED FEE PATENT
P03101	006	MARY JIM	S-130	FORCED FEE PATENT
	007	COLVILLE TRIBE	N/A	FISHERY-COLVILLE RIVER-MEYERS FALLS DAM
	008	COLVILLE TRIBE	N/A	MENACHEE-ENTIAT-METHOW&OKANOGAN RIVER DIVERSN
	010	JOSEPHINE SAM	S-585	FORCED FEE PATENT
	010A	KAMI SAM	S-727	FORCED FEE PATENT
	011	FLORA MCDONALD	S-721	FORCED FEE PATENT
	012	CAROLINE JOSEPH (GALLER)(AGUILAR)	C-51	FORCED FEE PATENT
	013	WM BENJAMIN NELSON	C-3	FORCED FEE PATENT
	014	HENRY T. NELSON	C-2	FORCED FEE PATENT
	015	ELLEN IRWIN	C-130	FORCED FEE PATENT

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P03101	016	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	017	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	018	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	019	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	020	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	021	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	022	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	023	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	024	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	025	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	026	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	027	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	028	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	029	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	030	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	031	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	032	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	033	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	034	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	035	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	036	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	037	ANNIE MINTHORN	S-1	FORCED FEE PATENT
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	046	ANNIE MINTHORN	S-1	FORCED FEE PATENT
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	156	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	157	ANNIE MINTHORN	S-1	FORCED FEE PATENT
	158	ANNIE MINTHORN	S-1	FORCED FEE PATENT
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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P03101	016	FRED STENSGAR	C-1412	FORCED FEE PATENT
	017	CHAS. STENSGAR	S-1406	FORCED FEE PATENT
	018	WALTER MCCLUNG	S-1456	FORCED FEE PATENT
	019	DON CONDON	S-392	FORCED FEE PATENT
	020	IVY W. SHAW	S-1497	FORCED FEE PATENT
	021	RUTH CAIN	S-406	FORCED FEE PATENT
	022	JOSEPHINE ABRAHAMSON	S-410	FORCED FEE PATENT
	023	LIZZIE MARTIN	S-419	FORCED FEE PATENT
	024	PHILOMESE HALEN	S-449	FORCED FEE PATENT
	025	MABEL MCCLUNG	S-1454	FORCED FEE PATENT
	02A	JOSEPH BOURDEAU	S-149A	FORCED FEE PATENT
	027	VICTOR DUPUIS	S-147A	FORCED FEE PATENT
	028	JULIA MCDONALD	S-728	FORCED FEE PATENT
	029	MARY MCDONALD	S-730	FORCED FEE PATENT
	030	HARRIET COWAN	S-324	FORCED FEE PATENT
	031	E. LAFRAMBOYS	S-389	FORCED FEE PATENT
	032	A. MARCHAND	S-1479	FORCED FEE PATENT
	033	MARY S. MCDONALD	S-1473	FORCED FEE PATENT
	034	JESSE MCCLUNG	S-1440	FORCED FEE PATENT
	035	MILO JACOBS	S-1923	FORCED FEE PATENT
	036	MARY PARSONS	S-259	FORCED FEE PATENT
	037	BEN MARCHAND	S-1158	FORCED FEE PATENT
	038	MARY MEISY	S-142A	FORCED FEE PATENT
	03[illegible]	ANNA OSTENBERG	S-91A	FORCED FEE PATENT
	040	HUNTER CAMP	S-1351	FORCED FEE PATENT
	041	ELIZA BELL HALL	S-2099	FORCED FEE PATENT
	042	NANCY MOORE	S-1414	FORCED FEE PATENT
	043	CLARA RENNIE	S-1527	FORCED FEE PATENT
	044	HAZEL BOURGEAU	1511	FORCED FEE PATENT
	045	HERMAN BOURGEAU	S-1510	FORCED FEE PATENT
	046	JULIA MAHGHAN	S-1417	FORCED FEE PATENT
	047	MARY BOYD	S-1412	FORCED FEE PATENT
	048	PHOEBE BERNIER	S-622	FORCED FEE PATENT
	049	MARY PERRAS	S-2089	FORCED FEE PATENT
	050	MAGGIE HART	S-1418	FORCED FEE PATENT
	051	L. ENOCH MORRIS	S-1081	FORCED FEE PATENT
	052	FLORENCE HIGHTOWER	S-1713	FORCED FEE PATENT
	053	LOUIS PEONE	S-1599	FORCED FEE PATENT
	054	ELI RAYMOND	S-1085	FORCED FEE PATENT
	055	JOHN BANNING	S-1420	FORCED FEE PATENT
	056	GEORGE DOOLITTLE	1354	FORCED FEE PATENT
	057	OLD JOSEPH	S-1223	FORCED FEE PATENT
	058	GEORGE SMITH	1394	FORCED FEE PATENT
	059	WILLIE FERGUSON	2043	FORCED FEE PATENT
	060	FRANCIS ORRIEN	2369	FORCED FEE PATENT
	061	SAM BANNING	1621	FORCED FEE PATENT
	062	MARY BANNING	1623	FORCED FEE PATENT
	063	OLIVE BANNING	1624	FORCED FEE PATENT
	064	LENA BEDARD	1161	FORCED FEE PATENT
	065	MARY STENSGAR	1410	FORCED FEE PATENT
	066	CHRISTINE BOYD	1414	FORCED FEE PATENT
	067	LUCY BRANT	1934	FORCED FEE PATENT
	068	DANIEL HERRON	M-249	FORCED FEE PATENT
	069	CLARA BEST	C-30	FORCED FEE PATENT
	070	FITZHUGH BRANT	S-1937	FORCED FEE PATENT
	071	MARY BUTLER	S-1461	FORCED FEE PATENT
	072	BERT PICARD	S-248	FORCED FEE PATENT
	073	HENRY HART	S-1939	FORCED FEE PATENT
	074	CATHERINE JENSEN	1401	FORCED FEE PATENT
	075	IDA JEFFREY	S-[illegible]746	FORCED FEE PATENT
	07A	JAMES FRIEDLANDER	785	FORCED FEE PATENT
	077	PAUL WAPATO	S-[illegible]27A	FORCED FEE PATENT
	078	LILLIAN BRADY	S-[illegible]4A	FORCED FEE PATENT
	079	JOHN GRENGO	S-[illegible]497	FORCED FEE PATENT
	080	SARAH DANIELS	S-1310	FORCED FEE PATENT
	081	WINAMIT TIMENTWA	S-1110	WELFARE FORCED FEE
	082	JAMES VANCUT	S-[illegible]372	WILL & PROBATE IRREGULARITIES
	083	ALEX (DICK OWL/NEL-YOU-LA-NA)	S-745	FORCED FEE PATENT

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P03101	084	MARY BRUDER	S-[illegible]75	FORCED FEE PATENT
	085	ISABEL MCDONALD	S-[illegible]7A	FORCED FEE PATENT
	086	LUCY JOE	S-[illegible]75	FORCED FEE PATENT
	087	COYOTE DOCTOR	S-[illegible]A2	FORCED FEE PATENT
	088	EDWARD GORR	S-924	FORCED FEE PATENT
	089	MARY JOSEPH	C-58	FORCED FEE PATENT
	090	NATHAN NELSON	C-4	FORCED FEE PATENT
	091	LOUIS NICHOLSON	C-41	FORCED FEE PATENT
	092	MARGARET HAYWARD	C-135	FORCED FEE PATENT
	093	ARTHUR HAYWARD	C-134	FORCED FEE PATENT
	094	THADDEUS MOORE	C-162	FORCED FEE PATENT
	095	ISAAC STENSGAR	C-1409	FORCED FEE PATENT
	09A	ALBERT STONE	S-1404	FORCED FEE PATENT
	097	THERESA MOSES	S-1403	FORCED FEE PATENT
	098	CLARENCE STRONG	S1418	FORCED FEE PATENT
	099	FRANK RAYMOND	S-1067	FORCED FEE PATENT
	100	POKER JOE	8276	FORCED FEE PATENT
	101	MARY JOSEPH	S-1527	WELFARE FORCED FEE
	102	LORIN BOURNE	S-2087	FORCED FEE PATENT
	103	HENRY PICHETTE	S-2403	FORCED FEE PATENT
	104	CLARK MCCREA	S-1655	FORCED FEE PATENT
	105	JOHN F. BUTLER	S-1440	FORCED FEE PATENT
	106	CLARENCE MCCREA	S-1657	FORCED FEE PATENT
	107	SARAH FINLEY	S-1441	FORCED FEE PATENT
	108	JOHN WAPATO	S-236	FORCED FEE PATENT
	109	WALLIE PROFFOT	S-1058	FORCED FEE PATENT
	110	PASCHAL PARADIS	S-603	FORCED FEE PATENT
	111	ALPHONSE PARADIS	S-608	FORCED FEE PATENT
	112	JOHN PARADIS	S-607	FORCED FEE PATENT
	113	ELMIRA FITZ-GERALD	S-611	FORCED FEE PATENT
	114	ALEX PARADIS	S-612	FORCED FEE PATENT
	115	EMMA PARADIS	S-615	FORCED FEE PATENT
	116	ROSA PARADIS	S-614	FORCED FEE PATENT
	117	JOSEPH LOUIE	S-67A	FORCED FEE PATENT
	118	OSCAR MACKTON	S-750	FORCED FEE PATENT
	119	MATILDA MEISY	S-1425	FORCED FEE PATENT
	120	JOSEPH D. MEISY	S-1427	FORCED FEE PATENT
	121	JAMES MEISY	S-1430	FORCED FEE PATENT
	122	ANNIE O'BRIEN	S1438	FORCED FEE PATENT
	123	JOSEPH PICHETTE	S-1442	FORCED FEE PATENT
	124	CAROLINE	S1495	FORCED FEE PATENT
	125	OLIVER PEONE	S1483	FORCED FEE PATENT
	126	PHOEBE MCDONALD	S-727	FORCED FEE PATENT
	127	MAMIE INGRAM	S-708	FORCED FEE PATENT
	128	DAVID COWAN	S-324	FORCED FEE PATENT
	129	LOUISA G. ORR	S-781	FORCED FEE PATENT
	130	EDWARD GUA	S	FORCED FEE PATENT
	131	ESTER JACKSON	S-327	FORCED FEE PATENT
	132	SA HA HALY	S-791	FORCED FEE PATENT
	133	PAULINE MCCLUNG	S1459	FORCED FEE PATENT
	134	RUTH F. MCCLUNG	S1457	FORCED FEE PATENT
	135	CLESTE PICHETTE	S-148A	FORCED FEE PATENT
	136	CHARLES NUGENT	S-1747	FORCED FEE PATENT
	137	BASIL DESERTELLE	M-207	FORCED FEE PATENT
	138	ABRAHAM SOMPMT	S-2426	FORCED FEE PATENT
	139	MARY MARCHAND	S-2451	FORCED FEE PATENT
	140	NONA TONASKET	S-822	FORCED FEE PATENT
	141	KATHERINE CAMPOBASSO	S-1914	FORCED FEE PATENT
	142	SUSAN	S-[illegible]11	FORCED FEE PATENT
	143	ANNIE MCDONALD	S-1197	FORCED FEE PATENT
	144	ANNIE FERGUSON	S-1302	FORCED FEE PATENT
	145	GEORGE STENSGAR	S-1405	FORCED FEE PATENT
	146	SARAH ARMSTRONG WILLIAMS	S-94	FORCED FEE PATENT
	147	MIKE MICHEL WAPATO	S-12	FORCED FEE PATENT
	148	BLANCHE HIGHTOWER	S-1531	FORCED FEE PATENT
	149	LUCY PAHOTAS	S-92	FORCED FEE PATENT
	150	MARGRET DUPUIS	S-1477	FORCED FEE PATENT
	151	GERALD MAMIEL	S-2404	FORCED FEE PATENT

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
PORTLAND	220	SAMUEL ENWARD	W-179	FORCED FEE PATENT
	221	JOSEPH LAFLEUR	W-257	FORCED FEE PATENT
	222	JOSEPHIN LAFLEUR	W-256	FORCED FEE PATENT
	223	JOSEPH AMYOW	W-240	FORCED FEE PATENT
	224	MARCELINE LAFLEUR	W-213	FORCED FEE PATENT
	225	NICHOLAS JEROME	W-190	FORCED FEE PATENT
	226	JOHN LOUIE	W-193	FORCED FEE PATENT
	227	HERMAN ALPHONSE STONE	W-119	FORCED FEE PATENT
	228	LOUISA MILLER	W-3	FORCED FEE PATENT
	229	ELLEN ARTAGA	W-180	FORCED FEE PATENT
	230	MARY LOUISE JEROME	W-189	FORCED FEE PATENT
	231	ROBERT BAILEY	W-256	FORCED FEE PATENT
	232	SOPHIA BAILEY	W-1	FORCED FEE PATENT
	233	WILLIAM MILLER	W-327	FORCED FEE PATENT
	234	MARTHOSE MARTIN	S-894	FORCED FEE PATENT
	235	JOHN FREER	S-776	FORCED FEE PATENT
	236	WILLIAM GALLER	S-240	FORCED FEE PATENT
	237	MARTHA PHILLIPS	S-30	FORCED FEE PATENT
	238	ALICE NICHOLSON	S-49	FORCED FEE PATENT
	239	PAULINE LOUISE ZACHERLE	C-1	FORCED FEE PATENT
	240	JENNIE LYNCH	C-24	FORCED FEE PATENT
	241	THOMAS ADOLPH SR	C-38	FORCED FEE PATENT
	242	ALEXANDER NICHOLSON	S-2475	FORCED FEE PATENT
	243	JAMES DESQUITEL	S-1067	FORCED FEE PATENT
	244	NETTIE WHITELOW	S-1648	FORCED FEE PATENT
	245	MARY A. WALKER	W-298	GENE ON ACCR CLAIM IN TRESPASS
	246	JOHN MCDONALD	S-247	FORCED FEE PATENT
	247	PATSY MYERS (SOMEFALK)	S-731	FORCED FEE PATENT
	248	JENNIFER ANN SIMON	S-2007	FORCED FEE PATENT
	249	ALBERT WILLIAMS	S-111	IND AGR ASSISTANCE
	250	LUCY TIMENTWA	S-310	WELFARE FORCED FEE
	251	FREDERICK RANGELS	S-245	FORCED FEE PATENT
	252	WILLIAM PITMAN	S-2128	FORCED FEE PATENT
	253	KATIE MINNOW STRONG	S-405	FORCED FEE PATENT
	254	AGNES PARRISH	RO-39	ROAD RIGHT OF WAY IN TRESPASS
	255	TIMOTHY JIM	S-1247	FORCED FEE PATENT
	256	FRANCIS WILSON	S-74	WELFARE FORCED FEE
	257	MOSES	S-484	WELFARE FORCED FEE
	258	SALLY WILLIAMS	S-359	WELFARE FORCED FEE
	259	ALICE MITCHELL PO	S-2099	WELFARE FORCED FEE
	260	TIM FRIEND AMOS/AGNES NORMAN TR	S-471	WELFARE FORCED FEE
	261	TE-GA-NIT	NONE	WELFARE FORCED FEE
	262	SHARON JOSEPH	100	WELFARE FORCED FEE
	263	HARRIET JANE JAMES	NONE	FOSTER CARE PAYMENT
	264	ANNA BETTA ROWEN	C-222	FORCED FEE PATENT
	265	ROSE MARY R. OSCENE (MARY ANN)	198	WELFARE FORCED FEE
	266	MATTHEW PERRY MOWITAN	199	WELFARE FORCED FEE
	267	REGINA C. MOWITAN WHITECE	140	WELFARE FORCED FEE
	268	ROBERT JOSEPH MOWITAN	144	WELFARE FORCED FEE
	269	(ROBERT) ALLEN MOWITAN	042	WELFARE FORCED FEE
	270	WILLIAM IRA TIMPKA	126	WELFARE FORCED FEE
	271	JAMES E. WILLIAM (SR) SCA	S-96	WELFARE FORCED FEE
	272	RANAE REBECCA THOMAS	240	WELFARE FORCED FEE
	273	SHEA MAE THOMAS GUEST	241	FORCED FEE PATENT
	274	LITTLE WOMEN	001	FORCED FEE PATENT
	275	JOYCE CHARLE MOSES	033	WELFARE FORCED FEE
	276	AUDREY THORP ANDERSON	837	FORCED FEE PATENT
	277	AUDREY MOTLING	RO-5	FORCED FEE PATENT
	278	RANAE ROBERTA & RHEA MAE THOMAS	NONE	CHILD SUPPORT
	279	DANNY MORROW	NONE	FOSTER CARE
	280	PETER HARRY JAMES	NONE	FOSTER CARE
	281	BETTY PARTRIDGE	NONE	FOSTER CARE
	282	VIOLET MEIKLY	NONE	FOSTER CARE
	283	RAE ANN THOMAS CHEWEAH	NONE	FOSTER CARE
	284	ROBERTA ALLEN THOMAS	NONE	FOSTER CARE
	285	MINNIE I. PAI MONTEER	NONE	FOSTER CARE
	286	DONNA I. PAI MONTEER	NONE	FOSTER CARE
	287	PATRICIA R. MARRIED AT PRESENT	NONE	FOSTER CARE

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
PORTLAND	152	EDWARD JIM	S-2291	FORCED FEE PATENT
	153	MOSES DAVIS	S-2295	WELFARE FORCED FEE
	154	MARY ANN LOUIS	S-2174	FORCED FEE PATENT
	155	ALEX SIMPSON	S-1545	FORCED FEE PATENT
	156	MARGARET NELLIE MOSES	S-0	FORCED FEE PATENT
	157	HARRY HYDE	S-1	FORCED FEE PATENT
	158	ISABEL BRADSHAW	S-717	FORCED FEE PATENT
	159	JIMMY MARCELLE	W-267	FORCED FEE PATENT
	160	TEWITT LEWIS	S-1079	FORCED FEE PATENT
	161	FLORENCE HATTIE MORRIS	S-1093	FORCED FEE PATENT
	162	FRANK RAYMOND	S-1087	FORCED FEE PATENT
	163	MARTISSE WANAMIN	S-1034	FORCED FEE PATENT
	164	JAMES FINLEY	S-1640	FORCED FEE PATENT
	165	MARLAND DAVID	S-1393	FORCED FEE PATENT
	166	HUBERT DAVID	S-1393	FORCED FEE PATENT
	167	OLD JOSEPH	S-1229	FORCED FEE PATENT
	168	SARAH JAMES		FORCED FEE PATENT
	169	LILY JAMES	S-1227	FORCED FEE PATENT
	170	ABRAHAM EDWARDS	S-1324	FORCED FEE PATENT
	171	CATHERINE PAYNE	S-1307	FORCED FEE PATENT
	172	ELSIE KREIDER	S-1048	FORCED FEE PATENT
	173	ELIZA HALL	S-1445	FORCED FEE PATENT
	174	WILLIAM CRAWFORD	S-2991	FORCED FEE PATENT
	175	THOMAS MCKAY	S-1063	FORCED FEE PATENT
	176	CHRISTINE JOSEPH BUNTING	S-1222	FORCED FEE PATENT
	177	WALTER FLAVEL	C-219	FORCED FEE PATENT
	178	LUCY PAPPAS	S-1117	FORCED FEE PATENT
	179	LUCY E. SNIDER	S-1104	FORCED FEE PATENT
	180	MARY G. QUINEY	S-094	FORCED FEE PATENT
	181	THOMAS LEIGHTON	S-1196	FORCED FEE PATENT
	182	MARGARET DESERTELLE RAMONA	W-305	FORCED FEE PATENT
	183	FLORENCE DAWSON (WILL	S-1076	FORCED FEE PATENT
	184	(WILLIAM (SR) EMERY	RO-40	FORCED FEE PATENT
	185	FRANK GIBBONS AMBROSE	S-090	FORCED FEE PATENT
	186	JAMES EDWARDS	S-1604	FORCED FEE PATENT
	187	STANISLAUS (GRANT) DAVIS	S-1610	FORCED FEE PATENT
	188	JOHN HARRETT	W47	FORCED FEE PATENT
	189	LOUISE SMITH	S-1774	FORCED FEE PATENT
	190	ALVIN HART	S-1417	FORCED FEE PATENT
	191	JOSEPH JIM	S-1004	FORCED FEE PATENT
	192	DON TIMENTWA	S-1031	FORCED FEE PATENT
	193	THOMAS STEPHENSON	S-1759	FORCED FEE PATENT
	194	MARTHA DENNISH	W-240	FORCED FEE PATENT
	195	EDWARD PAYNE	S-2072	FORCED FEE PATENT
	196	SUSIE MITCHELL	S-2000	FORCED FEE PATENT
	197	DAVID SAFELY	S-2032	FORCED FEE PATENT
	198	JENNIE LEIGHTON	S-1185	FORCED FEE PATENT
	199	JOSEPH RAINE	S-2064	FORCED FEE PATENT
	200	ANNIE RAINE	S-1997	FORCED FEE PATENT
	201	OLIVE WHITE	S-1501	FORCED FEE PATENT
	202	JOSEPH WHITEWOLF	S-96	FORCED FEE PATENT
	203	WILLIAM STEPHENS	S-1651	FORCED FEE PATENT
	204	KATIE ENYEDY	S-1645	FORCED FEE PATENT
	205	RODNEY RICHARD	S-1919	FORCED FEE PATENT
	206	LIMA REED	S-1585	FORCED FEE PATENT
	207	MAGGIE MITCHELL	S-1931	FORCED FEE PATENT
	208	ALBERT MOTLING	S-1852	FORCED FEE PATENT
	209	JENNIFER LA FLEUR	S-1500	FORCED FEE PATENT
	210	CHARLES HALL	S-1547	FORCED FEE PATENT
	211	JOSEPH FERNANDEZ	S-1401	FORCED FEE PATENT
	212	JOHN BUTLER	S-1450	FORCED FEE PATENT
	213	JEFF RAYMOND	S-1150	FORCED FEE PATENT
	214	JAMES RAYMOND	S-1088	FORCED FEE PATENT
	215	MARIE RAYMOND	S-965	FORCED FEE PATENT
	216	JOHN THOMAS DECKINK	S-1704	FORCED FEE PATENT
	217	ROSE MORMAN	S-969	FORCED FEE PATENT
	218	MARTHA QUINEY	S-994	FORCED FEE PATENT
	219	MARY BERRET	S-2212	FORCED FEE PATENT

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
PO3161	288	CARMELITA METCALF	NONE	FOSTER CARE
	289	DAN RAY PALMANTEER	NONE	FOSTER CARE
	290	ANNETTE SQUETIMKIN	NONE	FOSTER CARE
	291	LAURA L. SQUETIMKIN	NONE	FOSTER CARE
	292	ADAM MCDONALD	S-448	WELFARE FORCED FEE
	293	MOSES ALEX	S-1745	OLD AGE ASSISTANCE
	294	DAVID ISWALD CONDON	S-548	WELFARE FORCED FEE
	295	KATHLEEN D. SMITH	NONE	FOSTER CARE
	296	DONOVAN M. ADOLF BALLESTROS	NONE	FOSTER CARE
	297	JOHN ALBERT NICHOLS	S-148	OLD AGE ASSISTANCE
	298	ARLENE B. ADOLPH ZACHERLE	NONE	FOSTER CARE
	299	LUCY JAMES	S-226	OLD AGE ASSISTANCE
	300	JASPER ANDREWS	S-221	WELFARE FORCED FEE
	301	LISSIE MCCREA	S-2081	LAND DEED RECORDS
	302	ACH-MUCH-LA-PO	S-49	WELFARE FORCED FEE
	303	HAZEL ABRAHAMSON BURKE (CLAIMANT)	S-973	ILLEGAL PURCHASE BY DOUGLAS COUNTY PUD
	304	CHRISTINE STANISLAUS V. AGARITH	S-508	OLD AGE ASSISTANCE
	305	RUTH A. DARDIS CAIN	S-2164	OLD AGE ASSISTANCE
	306	ANNIE JIM (WASH-WE)	S-958	OLD AGE ASSISTANCE
	307	ELIZA LAWSON (CHARLEY)	S-1784	OLD AGE ASSISTANCE
	308	JOHN (ALBERT) NICHOLS	S-148	OLD AGE ASSISTANCE
	309	WILLIAM SKOLASKIN	S-172R	OLD AGE ASSISTANCE
	310	KIST SAHALA	S-223	OLD AGE ASSISTANCE
	311	GEORGE TILLETSON	S-118	OLD AGE ASSISTANCE
	312	JOHN WALLS	S-91	OLD AGE ASSISTANCE
	313	MINNIE MCGINNIS WILLIAMS BAKER	S-187	OLD AGE ASSISTANCE
	314	RUTH A. CAIN	S-2165	OLD AGE ASSISTANCE
	315	ALICE ANTONIA WILLIAMS	NONE	OLD AGE ASSISTANCE
	316	JOHN AENEAS	F-209	FORCED FEE PATENT
	317	LUCY JAMES	S-226	OLD AGE ASSISTANCE
	318	ALICE SEYLOR (STENSGAR)	S-1758	FORCED FEE PATENT
	319	JOHN MANUEL ALLOT.	M-147	FORCED FEE PATENT
	320	WILLIAM E. HALL	S-1634	FORCED FEE PATENT
	321	HENRY BAILEY	M-357	FORCED FEE PATENT
	322	XAVIER ARCASA	M-150	FORCED FEE PATENT
	323	MAGGIE THOMAS	M-318	FORCED FEE PATENT
	324	GEORGE FRY	S-1378	FORCED FEE PATENT
	325	GEORGE JACOBS	S-1925	FORCED FEE PATENT
	326	N/A	N/A	ROAD RIGHT OF WAY IN TRESPASS - NO TRUST LAND
	327	SAM YAKEN	954	ROAD RIGHT OF WAY IN TRESPASS
	327A	SAM WATSON	987	ROAD RIGHT OF WAY IN TRESPASS
	327B	SKAPOLKS	949	ROAD RIGHT OF WAY IN TRESPASS
	327C	JIM SIMON	998	ROAD RIGHT OF WAY IN TRESPASS
	328	PHILIP BERARD JR.	1143	ROAD RIGHT OF WAY IN TRESPASS
	328A	PEARLIE I. BERA	2020	ROAD RIGHT OF WAY IN TRESPASS
	329	MATILDA THOMAS	457	ROAD RIGHT OF WAY IN TRESPASS
	329A	COLVILLE TRIBES	T-4410	ROAD RIGHT OF WAY IN TRESPASS
	330	COLVILLE TRIBE	T-4189	LIME CREEK ROAD RIGHT OF WAY IN TRESPASS
	331	COLVILLE TRIBE	T-5264	EMPIRE CREEK ROAD RIGHT OF WAY IN TRESPASS
	331A	COLVILLE TRIBE	T-5243	EMPIRE CREEK ROAD RIGHT OF WAY IN TRESPASS
	332	COLVILLE TRIBE	T-4226	MEADOW CREEK ROAD RIGHT OF WAY IN TRESPASS
	332A	COLVILLE TRIBE	T-4227	MEADOW CREEK ROAD RIGHT OF WAY IN TRESPASS
	332B	COLVILLE TRIBE	T-4312	MEADOW CREEK ROAD RIGHT OF WAY IN TRESPASS
	332C	COLVILLE TRIBE	T-4325	MEADOW CREEK ROAD RIGHT OF WAY IN TRESPASS
	333	PETER NO. 1	MA-21	OMINA DITCH RECLAMATION DISTRICT RIGHT OF WAY
	333A	CAPTAIN JOE	MA-24	OMINA DITCH RECLAMATION DISTRICT RIGHT OF WAY
	333B	NARTISSE	MA-25	OMINA DITCH RECLAMATION DISTRICT RIGHT OF WAY
	333C	MARY	MA-27	OMINA DITCH RECLAMATION DISTRICT RIGHT OF WAY
	333D	TOM	MA-29	OMINA DITCH RECLAMATION DISTRICT RIGHT OF WAY
[illegible]	004	FT. HALL TRIBE	NONE	PORTNEUF RESERVOIR FLOODING INDIAN LAND
	006	NELLIE DIGGE	1062	BLACKFOOT RIVER CHANNEL ISOLATES LAND
	006A	NETTIE DIGGE	1062	BLACKFOOT RIVER CHANNEL ISOLATES LAND
	006B	PETER JIM	721	BLACKFOOT RIVER CHANNEL ISOLATES LAND
	006C	ELLA TETON JIM	722B	BLACKFOOT RIVER CHANNEL ISOLATES LAND
	006D	HEIR	72A	BLACKFOOT RIVER CHANNEL ISOLATES LAND
	006E	HEIR CHEVENNE	1050	BLACKFOOT RIVER CHANNEL ISOLATES LAND
	006F	HOMROT WATER	1298	BLACKFOOT RIVER CHANNEL ISOLATES LAND
	006G	RALPH W. TITUS	1311	BLACKFOOT RIVER CHANNEL ISOLATES LAND

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
PO4180	006H	NELLIE DIGGE	1062	BLACKFOOT RIVER CHANNEL ISOLATES LAND
	006I	LUCY TAVASHEE	1812	BLACKFOOT RIVER CHANNEL ISOLATES LAND
	009	SHOSHONE-BANNOCK TRIBES	N/A	38 POCATELLO HOMESITES
	013	FT. HALL TRIBE	NONE	FISHERY-SNAKE RIVER-SWAN FALLS DAM
	014	FT. HALL TRIBE	NONE	FISHERY-LEMHI RIVER-LEMHI DAM-IDAHO POWER CO
	015	FT. HALL TRIBE	NONE	FISHERY-CHALLIS CREEK-CUSTER COUNTY
	016	FT. HALL TRIBE	NONE	FISHERY-BRUNEAU RIVER-IRRIGATION DIVERSION
	017	FT. HALL TRIBE	NONE	FISHERY-PANTHER CREEK-BLACKBIRD CREEK
	018	FT. HALL TRIBE	NONE	FISHERY-M.F. WEISER-DIVERSION DAM
	019	FT. HALL TRIBE	NONE	FISHERY-F.F. SALMON-IRRIGATION DIVERSION
	020	FT. HALL TRIBE	NONE	FISHERY-LITTLE WEISER DIVERSION DAM
	021	FT. HALL TRIBE	NONE	FISHERY-S.F. SALMON - MINE POLLUTION
	022	FT. HALL TRIBE	NONE	FISHERY-VALLEY CREEK-IRRIGATION DIVERSION
	023	FT. HALL TRIBE	NONE	FISHERY-HORNET CREEK-IRRIGATION DIVERSION
	024	FT. HALL TRIBE	NONE	FISHERY-ALTURAS LAKE CREEK IRR. DIVERSION
	025	FT. HALL TRIBE	NONE	FISHERY-CARMEN CREEK-IRRIGATION DIVERSION
	026	FT. HALL TRIBE	NONE	FISHERY-HAYDEN CREEK-IRRIGATION DIVERSION
	027	GENEVIEVE EDMO	N/A	RAILROAD ACCIDENT
	028	SHOSHONE-BANNOCK TRIBES	N/A	UNION PACIFIC RAILROAD ROW
	029	CHARLES&SUSAN EVENING	1224	LAND TRADE WITH TRIBE
	029A	CHARLES&SUSAN EVENING	1225	LAND TRADE WITH TRIBE
	030	REFUMP	MC5252	TAX SALE
	031	VELMA RACEHORSE	N/A	COMPENSATION DUE FROM BIA CLAIM
	032	FT. HALL TRIBE	N/A	TRESPASS-STATE FISH HATCHERY
	033	PAT JOHNNY DOLLY JACKSON	N2A90	OLD AGE ASSISTANCE
	034	JULIA GRANT (HOLBROOK)	568	OLD AGE ASSISTANCE
	035	MINNIE GUNN (HOO-SHE-DOAH)	286	OLD AGE ASSISTANCE
	036	MINNIE V. LE SIEUR	91	OLD AGE ASSISTANCE
	037	WILSON MILLER	443	OLD AGE ASSISTANCE
	038	EMRY POCATELLO	1654	OLD AGE ASSISTANCE
	039	SEEDNYAH SOYOUMA WOODARAGAN	208	OLD AGE ASSISTANCE
	040	MEGONAH TINDORE	12	OLD AGE ASSISTANCE
	041	SEDDA JOHNSON WARJACK	903	OLD AGE ASSISTANCE
	042	CHESTER OTTOWAY	2584	LOSS OF TRUST LAND
	044	NETTIE SMART	871	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044A	JIMMIE SMART	848	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044B	BESSIE CAWSON JOHNSON	1024	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044C	EUGENE GEORGE	857	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044D	RUTH JACKSON GEORGE	854	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044E	HORACE JOHNSON	1025	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044F	ANDREW JOHNSON	1023	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044G	GENERAL S. GEORGE	855	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044H	MARY JANE (YAMBAME) GEORGE	854	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044I	JAMES HOOCHOO	1021	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044J	JOE SAMUEL WHEELER	979	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044K	DON ANNIS	993	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044L	ALICE ANNIS	990	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044M	ANTOINE (WALTER) WHEELER	878	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044N	NINA PINGNAH	877	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	044O	GEORGE ANNIS	930	RIVERTON ROAD RIGHT OF WAY IN TRESPASS
	047	ELIZABETH YANDELL	1744	INMP ROAD RIGHT OF WAY IN TRESPASS
	047A	JAMES ANDY	1801	INMP ROAD RIGHT OF WAY IN TRESPASS
	047B	WASHINGTON POCATELLO	1578	INMP ROAD RIGHT OF WAY IN TRESPASS
	047C	JOSEPHINE POCATELLO	1580	INMP ROAD RIGHT OF WAY IN TRESPASS
	047D	LOUIE SHOSHONTSE	1777	INMP ROAD RIGHT OF WAY IN TRESPASS
	047E	SHOSHONE-BANNOCK TRIBES	T-2118	INMP ROAD RIGHT OF WAY IN TRESPASS
	048	SHOSHONE-BANNOCK TRIBES	T-2050	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048A	SHOSHONE-BANNOCK TRIBES	TR14	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048B	SHOSHONE-BANNOCK TRIBES	T-F	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048C	SHOSHONE-BANNOCK TRIBES	T-D	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048D	SHOSHONE-BANNOCK TRIBES	T-2229	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048E	SHOSHONE-BANNOCK TRIBES	T-2049	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048F	JOHN BEAR	171	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048G	BESSIE EDMO BEAR	171.5	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048H	RALPH NAGTTSV	174	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048I	EDWARD LAVATTA	220	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048J	BENTON LAVATTA	220	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048K	EFFIE LAVATTA	504	MISSION ROAD RIGHT OF WAY IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
PO4190	048	ALPHONSO WITCH	591	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048M	CHARLES FAULKNER	1A0	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048N	CLARINDA WITCH FAULKNER	1A1	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048O	CHARLES E. FAULKNER	1A3	MISSION ROAD RIGHT OF WAY IN TRESPASS
	048P	DOLLIE ANGELINE JACKSON	1A6	MISSION ROAD RIGHT OF WAY IN TRESPASS
	049	N/A	N/A	CHANGED TO PO4-190-04A AND PO4-190-04F
	050	CHANGED TO PO4-190-04R AND -04S	N/A	N/A
	051	N/A	N/A	CHANGED TO PO4-190-04A AND -04J
	052	SHOSHONE-BANNOCK TRIBES	T-3139	CLEARWATER RIVER-SIN RD RIGHT OF WAY IN TRESPASS
	052A	CLARENCE SUMNER	702	CLEARWATER RIVER-SIN RD RIGHT OF WAY IN TRESPASS
	052B	JIM PATTERSON	1104	CLEARWATER RIVER-SIN RD RIGHT OF WAY IN TRESPASS
	052F	TOM WATERHOUSE	39A	CLEARWATER RIVER-SIN RD RIGHT OF WAY IN TRESPASS
	052O	FANNIE NORRINE WATERHOUSE	32A	CLEARWATER RIVER-SIN RD RIGHT OF WAY IN TRESPASS
	052S	SHERMAN WATERHOUSE	33A	CLEARWATER RIVER-SIN RD RIGHT OF WAY IN TRESPASS
	052F	YAM-BA-GO-PY WATERHOUSE	29A	CLEARWATER RIVER-SIN RD RIGHT OF WAY IN TRESPASS
	052G	MR CORINNE POOR	1771	CLEARWATER RIVER-SIN RD RIGHT OF WAY IN TRESPASS
	053	ELLEN TRAHANT	63A	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053A	FRED TRAHANT	63A	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053B	HOMER MARTIN CUTLER	A1A	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053C	SHOSHONE-BANNOCK TRIBES	T-3139	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053D	JIMMIE CHICKEN	1412	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053E	EARL E. CUTLER	95A	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053F	MARTIN THOMAS TRAHANT	A8A	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053G	[illegible]LIAN PONZO	1815	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053H	TOM WATERHOUSE	39A	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053I	MR CORINNE POOR	1771	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053J	WILLIAM E. TRAHANT	77A	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053K	GEORGE MARSHALL	85A	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053L	JAMES MARSHALL	87	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053M	MARY PHILLIS LAVATTA	1429	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	053N	TOM WATERHOUSE	39A	POLELINE EXT. ROAD RIGHT OF WAY IN TRESPASS
	054	SHOSHONE-BANNOCK TRIBES	T-3139	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054A	TOO-HO-VE-AH	1212	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054B	TARETTA MORRIS	1434	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054C	JESSIE MORRIS	1433	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054D	LEVI JR. LEVERING	73A	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054E	HERBERT P. LEVERING	74A	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054F	SLIM JIM CROSING	124I	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054G	EARL GIBSON	36A	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054H	ANTOINE E CLAIRE	223	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054I	AGNES CAMAS LE CLAIRE	224	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054J	EARL HENEE	89	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054K	CESAR CRUDY	1409	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054L	DINA BOON TOANE	1593	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054M	NINIP TOANE	1593	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054N	ELLA MITT	132.[illegible]	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	054O	CHARLEY (PEAMRIVISH) ROY	1137	HAWTHORNE ROAD RIGHT OF WAY IN TRESPASS
	055	OLLIE AUCK	1417	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055A	TO-NITT	569	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055B	YAM-BE-SHIA-IT-SE POOR	577	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055C	WOODACUP	1803	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055D	RA-PA SHAY	251	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055E	GEORGE SHAY	244	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055F	NELIA YELLOW	141[illegible]	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055G	SISSIE BUTTERMILK	28A	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055H	TO-VAH	700	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055I	PISH-E-VOOE	A30	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055J	THOMAS JAKE	1097	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055K	TAHMANHAVID NEMEDA	1[illegible]	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055L	FRANK POWELL	1790	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055M	TEDDIE MARTIN	499	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055N	ARTHUR WASHINGTON	705	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	055O	GEORGE WASHINGTON	704	PWT-RIN ROAD RIGHT OF WAY IN TRESPASS
	05A	JOHN HAMMER	473	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05AA	JOHN EAGLE	490	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05AB	JIMMIE BEAVER	441	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05AC	BEEBE TINMAHAY	1254	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05AD	JENNIE NEVADA	443	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
PO4190	05AE	SAMUEL NEVADA	445	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05AF	HARRY PONZO	440	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05AG	THOMAS BOLLARD	429	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05AH	VIDAL BOLLARD	429.[illegible]	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05AI	WAH-POO-E OH-NAY-SY	1103	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05AJ	JANE EAGLE	1392	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05AK	JAKE MEEKS	546	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05AL	TAHM PAMBROAH	1779	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05AM	SHOSHONE-BANNOCK TRIBES	T-3139	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05AN	PAH-VIH-SE BOLLARD	428	RIO VISTA ROAD RIGHT OF WAY IN TRESPASS
	05B	ARTHUR WASHINGTON	705	CUTSHALTS ROAD RIGHT OF WAY IN TRESPASS
	05BA	MRS. CHARLES WASHINGTON AGNES	703	CUTSHALTS ROAD RIGHT OF WAY IN TRESPASS
	05BB	FLORENCE PEARL OSBORNE	1492	CUTSHALTS ROAD RIGHT OF WAY IN TRESPASS
	05BC	PHILLIP JR. LAVATTA	487	CUTSHALTS ROAD RIGHT OF WAY IN TRESPASS
	05BD	JOSEPHINE LAVATTA	488	CUTSHALTS ROAD RIGHT OF WAY IN TRESPASS
	05BE	EDNA LAVATTA	489	CUTSHALTS ROAD RIGHT OF WAY IN TRESPASS
	05BF	TARETTA MORRIS	1434	CUTSHALTS ROAD RIGHT OF WAY IN TRESPASS
	05BG	TOO-HO-VE-AH	1212	CUTSHALTS ROAD RIGHT OF WAY IN TRESPASS
	05BH	HE-GAH	1388	CUTSHALTS ROAD RIGHT OF WAY IN TRESPASS
	05BI	MARY WILLIAMS	1387	CUTSHALTS ROAD RIGHT OF WAY IN TRESPASS
	05BJ	FANNIE SCHAEFER	496	CUTSHALTS ROAD RIGHT OF WAY IN TRESPASS
	05BK	JOHN WILLIAM SCHAEFER	498	(T-3018, CUTSHALTS ROAD ROW IN TRESPASS
	05BL	FRANK SCHAEFER	497	CUTSHALTS ROAD RIGHT OF WAY IN TRESPASS
	05BM	TEDDIE MARTIN	499	CUTSHALTS ROAD RIGHT OF WAY IN TRESPASS
	05BN	SHERMAN WATERHOUSE	33A	SILER EXT. ROAD RIGHT OF WAY IN TRESPASS
	05BO	WILLIE WATERHOUSE	34A	SILER EXT. ROAD RIGHT OF WAY IN TRESPASS
	05BP	TOM WATERHOUSE	39A	SILER EXT. ROAD RIGHT OF WAY IN TRESPASS
	05BQ	MARY WATERHOUSE	30A	SILER EXT. ROAD RIGHT OF WAY IN TRESPASS
	05BR	AMY POLLY WATERHOUSE	31A	SILER EXT. ROAD RIGHT OF WAY IN TRESPASS
	05BS	FANNIE NORRINE WATERHOUSE	32A	SILER EXT. ROAD RIGHT OF WAY IN TRESPASS
	05C	WALKER FARMER	691.5	MORGAN ROAD RIGHT OF WAY IN TRESPASS
	05CA	OLLIE FARMER JR.	690	MORGAN ROAD RIGHT OF WAY IN TRESPASS
	05D	SHOSHONE-BANNOCK TRIBES	T-309A	SYPHON ROAD RIGHT OF WAY IN TRESPASS
	05DA	EUNICE BARTLETT	145	SYPHON ROAD RIGHT OF WAY IN TRESPASS
	05DB	GEORGENA BARTLETT	144	SYPHON ROAD RIGHT OF WAY IN TRESPASS
	05DC	PENNINGTON POWELL	141	SYPHON ROAD RIGHT OF WAY IN TRESPASS
	05E	TOM DRINK	1455	LAUGHRAN ROAD RIGHT OF WAY IN TRESPASS
	05EA	SHOSHONE-BANNOCK TRIBES	T-3090	LAUGHRAN ROAD RIGHT OF WAY IN TRESPASS
	05EB	AMY EMMA DRINK	1449	LAUGHRAN ROAD RIGHT OF WAY IN TRESPASS
	05EC	CHARLEY BARTLETT	1413	LAUGHRAN ROAD RIGHT OF WAY IN TRESPASS
	05ED	JOHN SORRELL	1365	LAUGHRAN ROAD RIGHT OF WAY IN TRESPASS
	05EE	EUNICE BARTLETT	145	LAUGHRAN ROAD RIGHT OF WAY IN TRESPASS
	05EF	CHARLEY LEE SORRELL	1364	LAUGHRAN ROAD RIGHT OF WAY IN TRESPASS
	05EG	SHOSHONE-BANNOCK TRIBES	N/A	LAUGHRAN ROAD RIGHT OF WAY IN TRESPASS
	05F	SHOSHONE-BANNOCK TRIBES	T-3090	TYHEE-RESERVATION LOOP ROAD ROW IN TRESPASS
	05FA	BLACK CAM	1472	TYHEE-RESERVATION LOOP ROAD ROW IN TRESPASS
	05FB	ANNIE DRINK	1451	TYHEE-RESERVATION LOOP ROAD ROW IN TRESPASS
	05FC	EDDIE DRINK	1450	TYHEE-RESERVATION LOOP ROAD ROW IN TRESPASS
	05FD	CHARLEY LEE SORRELL	1364	TYHEE-RESERVATION LOOP ROAD ROW IN TRESPASS
	05FE	NELSON BARTLETT	1414	TYHEE-RESERVATION LOOP ROAD ROW IN TRESPASS
	05FF	CHARLEY BARTLETT	1413	TYHEE-RESERVATION LOOP ROAD ROW IN TRESPASS
	05FG	HATTIE SORRELL	1362	TYHEE-RESERVATION LOOP ROAD ROW IN TRESPASS
	05FH	SHOSHONE BANNOCK TRIBES	T-309A	TYHEE-RESERVATION LOOP ROAD ROW IN TRESPASS
	05G	HARRY FRANKLIN LAVATTA	492	MICHAUD CREEK ROAD RIGHT OF WAY IN TRESPASS
	05GA	THOMAS LAVATTA JR.	485	MICHAUD CREEK ROAD RIGHT OF WAY IN TRESPASS
	05GB	PHILLIP LAVATTA	142A	MICHAUD CREEK ROAD RIGHT OF WAY IN TRESPASS
	05GC	EDWARD LAVATTA	230	MICHAUD CREEK ROAD RIGHT OF WAY IN TRESPASS
	05GD	MRS. (POOR-OH-GE) LAVATTA	493	MICHAUD CREEK ROAD RIGHT OF WAY IN TRESPASS
	05GE	ELLEN LAVATTA	484	MICHAUD CREEK ROAD RIGHT OF WAY IN TRESPASS
	05GF	SHOSHONE BANNOCK TRIBES	T3023	MICHAUD CREEK ROAD RIGHT OF WAY IN TRESPASS
	05H	TAHM PAMBROAH	1779	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	05HA	JIM PAMBROAH	1779	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	05HB	TOM ETOO	502	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	05HC	LOUISE VENUS VILLETT	582	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	05HD	SIWY POOR	575	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	05HE	PARK POOR	580	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	05HF	TIVO POOR	574	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	05HG	WOODACUP	1803	CEMETARY ROAD RIGHT OF WAY IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
PO4190	05HH	SHOSHONE-BANNOCK TRIBES	T-3090	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	05HI	SHOSHONE-BANNOCK TRIBES	T-309A	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	05HJ	SHOSHONE-BANNOCK TRIBES	T-3139	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	05I	SHOSHONE-BANNOCK TRIBES	T-3090	PARK ROAD RIGHT OF WAY IN TRESPASS
	05IA	SHOSHONE-BANNOCK TRIBES	T-309A	PARK ROAD RIGHT OF WAY IN TRESPASS
	05IB	SHOSHONE-BANNOCK TRIBES	T-3139	PARK ROAD RIGHT OF WAY IN TRESPASS
	05J	SHOSHONE-BANNOCK TRIBES	T-3090	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05JA	SHOSHONE-BANNOCK TRIBES	T-309A	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05JB	SHOSHONE-BANNOCK TRIBES	T-3139	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05K	SHOSHONE-BANNOCK TRIBES	T-3090	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	05KA	SHOSHONE-BANNOCK TRIBES	T-309A	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	05KB	SHOSHONE-BANNOCK TRIBES	T-3139	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	05L	SHOSHONE-BANNOCK TRIBES	T-3090	SIWY ROAD RIGHT OF WAY IN TRESPASS
	05LA	SHOSHONE-BANNOCK TRIBES	T-309A	SIWY ROAD RIGHT OF WAY IN TRESPASS
	05LB	SHOSHONE-BANNOCK TRIBES	T-3139	SIWY ROAD RIGHT OF WAY IN TRESPASS
	05M	SHOSHONE-BANNOCK TRIBES	T-3090	PARK ROAD RIGHT OF WAY IN TRESPASS
	05MA	SHOSHONE-BANNOCK TRIBES	T-309A	PARK ROAD RIGHT OF WAY IN TRESPASS
	05MB	SHOSHONE-BANNOCK TRIBES	T-3139	PARK ROAD RIGHT OF WAY IN TRESPASS
	05N	SHOSHONE-BANNOCK TRIBES	T-3090	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05NA	SHOSHONE-BANNOCK TRIBES	T-309A	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05NB	SHOSHONE-BANNOCK TRIBES	T-3139	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05O	SHOSHONE-BANNOCK TRIBES	T-3090	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	05OA	SHOSHONE-BANNOCK TRIBES	T-309A	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	05OB	SHOSHONE-BANNOCK TRIBES	T-3139	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	05P	SHOSHONE-BANNOCK TRIBES	T-3090	SIWY ROAD RIGHT OF WAY IN TRESPASS
	05PA	SHOSHONE-BANNOCK TRIBES	T-309A	SIWY ROAD RIGHT OF WAY IN TRESPASS
	05PB	SHOSHONE-BANNOCK TRIBES	T-3139	SIWY ROAD RIGHT OF WAY IN TRESPASS
	05Q	SHOSHONE-BANNOCK TRIBES	T-3090	PARK ROAD RIGHT OF WAY IN TRESPASS
	05QA	SHOSHONE-BANNOCK TRIBES	T-309A	PARK ROAD RIGHT OF WAY IN TRESPASS
	05QB	SHOSHONE-BANNOCK TRIBES	T-3139	PARK ROAD RIGHT OF WAY IN TRESPASS
	05R	SHOSHONE-BANNOCK TRIBES	T-3090	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05RA	SHOSHONE-BANNOCK TRIBES	T-309A	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05RB	SHOSHONE-BANNOCK TRIBES	T-3139	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05S	SHOSHONE-BANNOCK TRIBES	T-3090	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	05SA	SHOSHONE-BANNOCK TRIBES	T-309A	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	05SB	SHOSHONE-BANNOCK TRIBES	T-3139	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	05T	SHOSHONE-BANNOCK TRIBES	T-3090	SIWY ROAD RIGHT OF WAY IN TRESPASS
	05TA	SHOSHONE-BANNOCK TRIBES	T-309A	SIWY ROAD RIGHT OF WAY IN TRESPASS
	05TB	SHOSHONE-BANNOCK TRIBES	T-3139	SIWY ROAD RIGHT OF WAY IN TRESPASS
	05U	SHOSHONE-BANNOCK TRIBES	T-3090	PARK ROAD RIGHT OF WAY IN TRESPASS
	05UA	SHOSHONE-BANNOCK TRIBES	T-309A	PARK ROAD RIGHT OF WAY IN TRESPASS
	05UB	SHOSHONE-BANNOCK TRIBES	T-3139	PARK ROAD RIGHT OF WAY IN TRESPASS
	05V	SHOSHONE-BANNOCK TRIBES	T-3090	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05VA	SHOSHONE-BANNOCK TRIBES	T-309A	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05VB	SHOSHONE-BANNOCK TRIBES	T-3139	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05W	SHOSHONE-BANNOCK TRIBES	T-3090	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	05WA	SHOSHONE-BANNOCK TRIBES	T-309A	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	05WB	SHOSHONE-BANNOCK TRIBES	T-3139	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	05X	SHOSHONE-BANNOCK TRIBES	T-3090	SIWY ROAD RIGHT OF WAY IN TRESPASS
	05XA	SHOSHONE-BANNOCK TRIBES	T-309A	SIWY ROAD RIGHT OF WAY IN TRESPASS
	05XB	SHOSHONE-BANNOCK TRIBES	T-3139	SIWY ROAD RIGHT OF WAY IN TRESPASS
	05Y	SHOSHONE-BANNOCK TRIBES	T-3090	PARK ROAD RIGHT OF WAY IN TRESPASS
	05YA	SHOSHONE-BANNOCK TRIBES	T-309A	PARK ROAD RIGHT OF WAY IN TRESPASS
	05YB	SHOSHONE-BANNOCK TRIBES	T-3139	PARK ROAD RIGHT OF WAY IN TRESPASS
	05Z	SHOSHONE-BANNOCK TRIBES	T-3090	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05ZA	SHOSHONE-BANNOCK TRIBES	T-309A	TIVO ROAD RIGHT OF WAY IN TRESPASS
	05ZB	SHOSHONE-BANNOCK TRIBES	T-3139	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06	SHOSHONE-BANNOCK TRIBES	T-3090	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06A	SHOSHONE-BANNOCK TRIBES	T-309A	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06B	SHOSHONE-BANNOCK TRIBES	T-3139	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06C	SHOSHONE-BANNOCK TRIBES	T-3090	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06CA	SHOSHONE-BANNOCK TRIBES	T-309A	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06CB	SHOSHONE-BANNOCK TRIBES	T-3139	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06D	SHOSHONE-BANNOCK TRIBES	T-3090	PARK ROAD RIGHT OF WAY IN TRESPASS
	06DA	SHOSHONE-BANNOCK TRIBES	T-309A	PARK ROAD RIGHT OF WAY IN TRESPASS
	06DB	SHOSHONE-BANNOCK TRIBES	T-3139	PARK ROAD RIGHT OF WAY IN TRESPASS
	06E	SHOSHONE-BANNOCK TRIBES	T-3090	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06EA	SHOSHONE-BANNOCK TRIBES	T-309A	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06EB	SHOSHONE-BANNOCK TRIBES	T-3139	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06F	SHOSHONE-BANNOCK TRIBES	T-3090	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06FA	SHOSHONE-BANNOCK TRIBES	T-309A	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06FB	SHOSHONE-BANNOCK TRIBES	T-3139	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06G	SHOSHONE-BANNOCK TRIBES	T-3090	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06GA	SHOSHONE-BANNOCK TRIBES	T-309A	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06GB	SHOSHONE-BANNOCK TRIBES	T-3139	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06H	SHOSHONE-BANNOCK TRIBES	T-3090	PARK ROAD RIGHT OF WAY IN TRESPASS
	06HA	SHOSHONE-BANNOCK TRIBES	T-309A	PARK ROAD RIGHT OF WAY IN TRESPASS
	06HB	SHOSHONE-BANNOCK TRIBES	T-3139	PARK ROAD RIGHT OF WAY IN TRESPASS
	06I	SHOSHONE-BANNOCK TRIBES	T-3090	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06IA	SHOSHONE-BANNOCK TRIBES	T-309A	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06IB	SHOSHONE-BANNOCK TRIBES	T-3139	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06J	SHOSHONE-BANNOCK TRIBES	T-3090	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06JA	SHOSHONE-BANNOCK TRIBES	T-309A	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06JB	SHOSHONE-BANNOCK TRIBES	T-3139	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06K	SHOSHONE-BANNOCK TRIBES	T-3090	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06KA	SHOSHONE-BANNOCK TRIBES	T-309A	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06KB	SHOSHONE-BANNOCK TRIBES	T-3139	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06L	SHOSHONE-BANNOCK TRIBES	T-3090	PARK ROAD RIGHT OF WAY IN TRESPASS
	06LA	SHOSHONE-BANNOCK TRIBES	T-309A	PARK ROAD RIGHT OF WAY IN TRESPASS
	06LB	SHOSHONE-BANNOCK TRIBES	T-3139	PARK ROAD RIGHT OF WAY IN TRESPASS
	06M	SHOSHONE-BANNOCK TRIBES	T-3090	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06MA	SHOSHONE-BANNOCK TRIBES	T-309A	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06MB	SHOSHONE-BANNOCK TRIBES	T-3139	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06N	SHOSHONE-BANNOCK TRIBES	T-3090	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06NA	SHOSHONE-BANNOCK TRIBES	T-309A	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06NB	SHOSHONE-BANNOCK TRIBES	T-3139	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
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	06Q	SHOSHONE-BANNOCK TRIBES	T-3090	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06QA	SHOSHONE-BANNOCK TRIBES	T-309A	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06QB	SHOSHONE-BANNOCK TRIBES	T-3139	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06R	SHOSHONE-BANNOCK TRIBES	T-3090	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06RA	SHOSHONE-BANNOCK TRIBES	T-309A	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06RB	SHOSHONE-BANNOCK TRIBES	T-3139	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06S	SHOSHONE-BANNOCK TRIBES	T-3090	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06SA	SHOSHONE-BANNOCK TRIBES	T-309A	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06SB	SHOSHONE-BANNOCK TRIBES	T-3139	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06T	SHOSHONE-BANNOCK TRIBES	T-3090	PARK ROAD RIGHT OF WAY IN TRESPASS
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	06TB	SHOSHONE-BANNOCK TRIBES	T-3139	PARK ROAD RIGHT OF WAY IN TRESPASS
	06U	SHOSHONE-BANNOCK TRIBES	T-3090	TIVO ROAD RIGHT OF WAY IN TRESPASS
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	06V	SHOSHONE-BANNOCK TRIBES	T-3090	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
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	06VB	SHOSHONE-BANNOCK TRIBES	T-3139	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06W	SHOSHONE-BANNOCK TRIBES	T-3090	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06WA	SHOSHONE-BANNOCK TRIBES	T-309A	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06WB	SHOSHONE-BANNOCK TRIBES	T-3139	SIWY ROAD RIGHT OF WAY IN TRESPASS
	06X	SHOSHONE-BANNOCK TRIBES	T-3090	PARK ROAD RIGHT OF WAY IN TRESPASS
	06XA	SHOSHONE-BANNOCK TRIBES	T-309A	PARK ROAD RIGHT OF WAY IN TRESPASS
	06XB	SHOSHONE-BANNOCK TRIBES	T-3139	PARK ROAD RIGHT OF WAY IN TRESPASS
	06Y	SHOSHONE-BANNOCK TRIBES	T-3090	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06YA	SHOSHONE-BANNOCK TRIBES	T-309A	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06YB	SHOSHONE-BANNOCK TRIBES	T-3139	TIVO ROAD RIGHT OF WAY IN TRESPASS
	06Z	SHOSHONE-BANNOCK TRIBES	T-3090	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06ZA	SHOSHONE-BANNOCK TRIBES	T-309A	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	06ZB	SHOSHONE-BANNOCK TRIBES	T-3139	WOODACUP ROAD RIGHT OF WAY IN TRESPASS
	07	SHOSHONE-BANNOCK TRIBES	T-3090	SIWY

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P04180	064H	CAPITE BURT	1814	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064I	GIDDEON ETMO	50A	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064J	BILLY GIBSON	50B	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064K	RED ROCK (INGATIMP)	50C	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064L	SAM (TIMRAHNAH) POO-EN-GE-RAH	14A2	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064M	CLARENCE POO-EN-GE-RAH	1470	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064N	FLORA (MUZAMBEATSE) POO-EN-GE-RAH	14A3	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064O	MARY POO-EN-GE-RAH	1471	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064P	RALPH SHAY	250	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064Q	DAISY SHAY	247	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064R	PORTSY SHAY	24A	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064S	YAH-GWAT-SAY DEVINNEY	24A	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064T	WIP-WIPE JANE DEVINNEY	138	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064U	RALPH TOANE (NOVIP)	1460	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064V	ROY ROBINSON	1463	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064W	DINA ROON TOANE	1593	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064X	EDNA SHAY	240	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064Y	JENNIE SHAY	239	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	064Z	TOCHIGAY SHAY	238	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065	APP HORN	251	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065Z	JAMES COMPTON	4A	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065L	JANE WITCH COMPTON	7A	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065e	MILLIE THOMPSON	1371	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065+	JOHN W. PARKER	4A	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065A	MAGGIE HORN	252	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065B	MARY HORN	253	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065C	TSE/ENIMID HORN	254	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065D	MARY JR. HORN	255	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065E	STAR STUMY	1402	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065F	LELAND MARSHALL	87	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065G	JESSIE MARSHALL	86	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065H	GEORGE MARSHALL	85	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065I	WILLIAM E. TRAHANT	77	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065J	EDWARD TRAHANT	79	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065K	LUCY ORTIZ TRAHANT	7A	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065L	CHARLIE PORTMETIE	3A	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065M	SUSAN COMPTON	90	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065N	THOMAS COMPTON	81	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065O	LAMAR POKIRRO	120	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065P	CAN-A-WE-YU POKIRRO	121	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065Q	NO-VO-ET-SE	122	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065R	WANGNAIANPONG NO-VO-ET-SE	123	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065S	LIZZIE (EGARMARE) NO-VO-ET-SE	125	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065T	SALLIE NO-VO-ET-SE	124	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065U	TOM WATERHOUSE	24A	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065V	INGWE-ROO	29	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065W	SUSIE WATERHOUSE	1817	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065X	LEONARD LA ROSE	27A	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065Y	FRED LA ROSE	23A	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	065Z	FRANK PARKER	5A	CEMETARY ROAD RIGHT OF WAY IN TRESPASS
	066	ESTELLE REEL BROWNING	49A	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066A	FRANK BROWNING	48A	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066B	JEAN L. CUTLER	A1.5A	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066C	MARY HAZEL CUTLER	58A	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066D	MAGGIE MAY CUTLER	57A	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066E	MARION THOMAS TRAHANT	A8A	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066F	ELLEN TRAHANT	A9A	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066G	HARRY LEE TRAHANT	A7A	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066H	EARL GIBSON	36A	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066I	SHOSHONE BANNOCK TRIBES	T-3138	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066J	JAMES COMPOOSE	125A	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066K	HOMER COMPOOSE	1257	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066L	PANSY AUREE ROBINSON	14A1	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066M	PAHAYSE SARGENT	1150	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066N	WONGO COOKMAN	1141	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066O	WYPITSE LILLIE COOKMAN	1142	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066P	FRANK POWELL	1792	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066Q	TAMMAHAVID MEMEDA	108A	RESERVATION ROAD RIGHT OF WAY IN TRESPASS

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P04180	066R	MOO-MOO	1088	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066S	WALKER FARMER	691.5	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066T	ALBERT SCORBY	1368	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066U	PETER ASHINDIVD	670	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066V	MARY COOKE	672	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066W	CHARLES COOEE	671	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066X	JENNIE NEVADA	663	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066Y	REEBE TINDAHAY	1254	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	066Z	NAPP TINDAHAY	1255	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067	TINDAHAY	1253	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067A	SHOSHONE-BANNOCK TRIBES	T-3137	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067B	MARTHA CAWSON	658	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067C	DORA PONZO	653	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067D	JOHN PONZO	655	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067E	FRANK PONZO	652	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067F	CAMAS JIM	1263	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067G	MARGARET JIM (TSEWINTOGO)	1264	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067H	ANNIE WORKBOY	1222	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067I	AH-TAH-A-GY	1044	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067J	WALTER JACK	1391	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067K	MRS. MORMON JACK POOSEE	1389	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067L	IN NOOTSE (MOON)	1374	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067M	NOOSEETZE (HOOSEA) IN.NOOTSE	1375	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067N	POH-WIT-E-GWAH	1376	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067O	MOPA (MAGGIE) LEWIS	463	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067P	CASH VALLEY JOHN (TPO-E-VIT-SE)	1463	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067Q	YAM-RA-ZE-WEPP JOHN	1464	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	067R	TOM DRINK	1455	RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	068	VIDAL BALLARD	628.5	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068A	ANNIE MUSAYAW	637	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068B	TAR-I-YAH BAKER	636	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068C	ANDREW WIVENSAW	631	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068D	IDAHO WIVENSAW	632	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068E	JAMES MACKI	701	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068F	TO-YAH	700	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068G	OLLIE AUCK	1417	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068H	LOUIS AUCK	1418	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068I	NYVITSE	1497	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068J	SILVER BALLARD	648	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068K	JULIA BAKER BALLARD	626	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068L	MINNIE DAISY BALLARD	627	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068M	JOHN ROOK BALLARD	625	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068N	PAH-VID-SE BALLARD	624	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068O	GEORGE WASHINGTON	704	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068P	ROGER WILLIAMS	501	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068Q	POZAP WILLIAMS	500	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068R	WILLIE WILLIAMS	499	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068S	LAURA ORTIZ GILDERSLEEVE	126	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068T	JOHN B. RILEY	128	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068U	HECTOR EUGENE RILEY	127	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068V	JESSIE MORRIS	1433	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068W	CHARLEY BOX (PEAHRIVISH)	1137	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068X	ROSE BRADY	1432	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	068Y	JAMES BUTTERMILK	365	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	0687	GUSSIE BUTTERMILK	366	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069	LEVI JR. LEVERING	730	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069A	ETTA MARGARET LEVERING	3005	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069B	EDNA LEVERING	709	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069C	JIMMIE CHICKEN	1412	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069D	SAM ANTELOPE	551	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069E	JENNIE WATSON	754	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069F	SO-E GAV-E AH	714	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069G	TOM WATERHOUSE	29A	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069H	LILLIAN POWZO	1815	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069I	CHARLES E. LAVATTA	1429	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069J	AGNES CAMAS LECLAIRE	324	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069K	CHARLEY BUCK (CHATTAWATSE)	42.5	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069L	ZURICH (KORITSE) BUCK	43A	BALLARD ROAD RIGHT OF WAY IN TRESPASS

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P04180	069M	MAMIE NAH-SEE BUCK	44A	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069N	JOHNNIE WATERHOUSE	25Q	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069O	LOUISE WATERHOUSE	27A	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069P	SHOSHONE-BANNOCK TRIBES	T-3133	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069Q	SHOSHONE-BANNOCK TRIBES	T-3140	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069R	SHOSHONE-BANNOCK TRIBES	T-3139	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069S	SHOSHONE-BANNOCK TRIBES	T-3134	BALLARD ROAD RIGHT OF WAY IN TRESPASS
	069T	JIMMIE CHICKEN	141?	BALLARD ROAD RIGHT OF WAY IN TRESPASS
P05181	007	COEUR D ALENE TRIBE	NONE	POST FALLS DEVELOPMENT-FPC#3574
	009	LOUIS ALVIN DENO	585	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009A	HILDEGARD NIXON	58A	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009B	RITA NIXON	58B	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009C	MARY AGATHA ANTELOPE	602	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009D	ANN ANTELOPE	603	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009E	JOSEPH LLOYD DENO	592	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009F	LEWARD BOUTELIER	582	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009G	LAWRENCE NIXON	587	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009H	ANN NOZER	57A	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009I	BAPTISTE MESHELL	573	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009J	PETER LOUIS MESHELL	574	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009K	CHRISTENE NOZER	577	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009L	JOHN MESHELL	5A?	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009M	MARY SILAS	579	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009N	MARY BROWN	479	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009O	IGNACE BROWN	481	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009P	NICHOLAS PFEIL	477	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009Q	MARY CHEMPEKIN	554	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009R	MARY WILDHOE	507	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009S	AMOS PICHETTE	521	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009T	JAMES WILBURN	509	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009U	HARRY WILBURN	580	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009V	JOHN WILBURN	541	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009W	ALICE LA FLEUR	583	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009X	ROSALIA GEORGE	594	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	009Y	NANCY LA FLEUR	544	WASHINGTON WATER POWER CO. ROW IN TRESPASS
	010	JOSEPH SELTICE	121	FORCED FEE PATENT
	011	LOUIS LUKE	221	FORCED FEE PATENT
	012	JAMES NICODEMUS	222	FORCED FEE PATENT
	013	AGNES LUKE	225	FORCED FEE PATENT
	014	JULIE STENGAR	250	FORCED FEE PATENT
	015	ELIZA BOUTELIER	441	FORCED FEE PATENT
	01A	ELIZA STENGAR	195	FORCED FEE PATENT
	017	THOMAS STENGAR	198	FORCED FEE PATENT
	018	ANGUS STENGAR	19A	FORCED FEE PATENT
	019	ROBERT STENGAR	197	FORCED FEE PATENT
	020	STANISLAU ARAPA	279	FORCED FEE PATENT
	021	EMMIE ARAPA	280	FORCED FEE PATENT
	022	MIKE HEAT	224	FORCED FEE PATENT
	023	CHRISTINE MULLEN HEAT	225	FORCED FEE PATENT
	024	AGNES LOUIE	350	FORCED FEE PATENT
	025	CATHERINE MULCAPSEE	252	COURT V. HAAS-INVALID LEASE)
	026	CATHERINE MULCAPSEE	25?	WILBURN V. HAAS-INVALID LEASE
	027	CHARLES WILBURN	54?	FORCED FEE PATENT
	028	PETER CHARLIE	2A	FORCED FEE PATENT
	029	LAWRENCE NIXON	597	FORCED FEE PATENT
	030	BASIL PEONE	448	FORCED FEE PATENT
	031	CHRISTINE AUGUSTA	435	FORCED FEE PATENT
	032	MARSHALL CAMELI	95	FORCED FEE PATENT
	033	PETER FRANK GATES	495	FORCED FEE PATENT
	034	CHRISTINE LIBERTY	114	FORCED FEE PATENT
	035	GEORGE NIXON	590	FORCED FEE PATENT
	036	AGNES NIXON	493	FORCED FEE PATENT
	037	GEORGE PARCHAL	440	FORCED FEE PATENT
	038	LOUIS PIERRE PE-ELI	435	FORCED FEE PATENT
	039	MARY PEONE	42	FORCED FEE PATENT
	040	LOUIS PIERRE	120	FORCED FEE PATENT
	041	THOMAS PROSPER	442	FORCED FEE PATENT
	042	ALPHONSO ALEXIE	44A	FORCED FEE PATENT

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P05181	043	JOSEPH PE-ELI	459	FORCED FEE PATENT
	044	DANIEL STENGAR	449	FORCED FEE PATENT
	045	BAPTISTE VALLEE	534	FORCED FEE PATENT
	046	JOHN PEONE	438	FORCED FEE PATENT
	047	THOMAS PEONE	439	FORCED FEE PATENT
	048	SAMUEL CAMILLE	417	FORCED FEE PATENT
	049	GIDEON CAMELI	312	FORCED FEE PATENT
	050	CECILIA ABRAHAMSON	48A	CITY OF WORLEY REMOVED GRAVEL
	051	VICTOR LEO	12	FORCED FEE PATENT
	052	XAVIER FRANCIS	45	FORCED FEE PATENT
	053	BERNARD CAMELI	97	FORCED FEE PATENT
	054	LAWRENCE NICODEMUS	80	WASHINGTON WATER POWER CO TRESPASS
	055	SHERMAN ALEXIE	391	WASHINGTON WATER POWER CO TRESPASS
	056	AGNES SLICKAN	119	ROAD RIGHT OF WAY IN TRESPASS
	056A	NELLIE GEARY	169	ROAD RIGHT OF WAY IN TRESPASS
	057	SERAPHIE E. CHERRAPKIN	316	PACIFIC CROWN TIMBER PAYMENTS
	057A	SERAPHIE E. CHERRAPKIN	359	PACIFIC CROWN TIMBER PAYMENTS
	058	PEARL S. TREVINO	173	PRORATE MATTER
	059	JOSEPH NOZER	478	ROAD RIGHT OF WAY IN TRESPASS
	05A	DELBERT PAYNE	13-B05	LAND TRESPASS BY MARCELINE LEO
	061	EVERETT WHITSTOCKEN	93	LEASE VIOLATION BY RAY WISE
	062	MILDRED IYAH	578	ROAD RIGHT OF WAY TRESPASS
	063	CECILIA ABRAHAMSON	485	COL BUILDINGS NOT LEFT
	064	CECELIA ABRAHAMSON	485	LAND SOLE TO WORLEY SCHOOL DISTRICT
	065	CECELIA ABRAHAMSON	485	KOOTENAI COUNTY RIGHT OF WAY IN TRESPASS
	066	CECELIA ABRAHAMSON	487	ST.PAUL RAILROAD RIGHT OF WAY
	067	MARY LOUISE PAUL REGIS	331	MARY MICHAEL ANTELOPE QUESTIONED PRORATE
	068	MARCELINE LEWIS	N/A	WRONGFUL TAKING OF JULIA SELTICE'S HOUSE
	069	MARY TERESA WHATKIN	414	ROAD RIGHT OF WAY IN TRESPASS
	070	FELIX ARAPA	291	MINING TRESPASS
	071	MABEL DUBREE RUSSELL	625	ROAD TRESPASS
	072	STANISLAU ARAPA	278	FORCED FEE PATENT
	073	EVANGELINE PEONE TINNEY	104	FORCED FEE PATENT
	074	LOUIS PEONE	174	FORCED FEE PATENT
	075	JOHN GATES	176	FORCED FEE PATENT
	076	PHILIP WEYWICK	298	FORCED FEE PATENT
	077	LOUIE	254	FORCED FEE PATENT
	078	STANISLAU TOTO	264	FORCED FEE PATENT
	079	JOSEPH SCAN	296	FORCED FEE PATENT
	080	LOUIS JOSEPH	306	FORCED FEE PATENT
	081	JAMES NICODEMUS	220	FORCED FEE PATENT
	082	PICHETTE	287	FORCED FEE PATENT
	083	JULIE STENGAR	253	FORCED FEE PATENT
	084	JOHN LOUIE	279	FORCED FEE PATENT
	085	AUGUSTA	382	FORCED FEE PATENT
	086	ERNEST WILLIAMS	411	FORCED FEE PATENT
	087	JOHN DUBREE	623	FORCED FEE PATENT
	088	LOUIE DUBREE	630	FORCED FEE PATENT
	089	MARY BOUTELIER	387	FORCED FEE PATENT
	090	JOSEPHINE BOUTELIER	389	FORCED FEE PATENT
	091	ROSELDA MONDOMIN BOUTELIER	393	FORCED FEE PATENT
	092	EDWARD MONDOMIN	395	FORCED FEE PATENT
	093	CHERY BEAUV DENO	217	FORCED FEE PATENT
	098	CLOTILDA MANN	419	FORCED FEE PATENT
	095	CHARLES CHEMPEKIN	67	FORCED FEE PATENT
	09A	NELLIE GEARY	579	FORCED FEE PATENT
	097	JAMES WILBURN	599	FORCED FEE PATENT
	098	DOMINICK TIMOTHY	275	FORCED FEE PATENT
	099	NICHOLAS CAMPBELL	117	FORCED FEE PATENT
	100	COEUR D'ALENE TRIBE	N/A	GRASSY MOUNTAIN TIMBER TRESPASS
	101	ELIZABETH DUBREE	553	COUNTY ROAD RIGHT OF WAY IN TRESPASS
	102	BAZIL PEONE	434	OLD AGE ASSISTANCE
	103	STANISLAUEMMIE ARAPA	520	FORCED FEE PATENT
	104	MOSES IGNACE	299	ROAD RIGHT OF WAY IN TRESPASS
	104A	IGNACE	289	ROAD RIGHT OF WAY IN TRESPASS
	104B	LOUIS SAMESCHAW	312	ROAD RIGHT OF WAY IN TRESPASS
	104C	SOL LOUIE	311	ROAD RIGHT OF WAY IN TRESPASS
	104D	LOUIS MULCAPSEE	313	ROAD RIGHT OF WAY IN TRESPASS

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P05181	104E	ANDREW ARAPA	309	ROAD RIGHT OF WAY IN TRESPASS
	105	CHARLOTTE IGNACE	287	ROAD RIGHT OF WAY IN TRESPASS
	105A	MOSES IGNACE	288	ROAD RIGHT OF WAY IN TRESPASS
	106	MARY AGNES MOSES	47	JACK RABBIT ROAD RIGHT OF WAY IN TRESPASS
	106A	MARTINE VICTOR	194	JACK RABBIT ROAD RIGHT OF WAY IN TRESPASS
	106B	LOUISE CAMELL	86	JACK RABBIT ROAD RIGHT OF WAY IN TRESPASS
	107	FELICITY PAUL	133	ROAD RIGHT OF WAY IN TRESPASS
	107A	MARY SUSAN PAUL	134	ROAD RIGHT OF WAY IN TRESPASS
	108	MARY SILAS	522	ROAD RIGHT OF WAY IN TRESPASS
	109	N/A	N/A	DUPLICATE-SEE P05-181-101
P05182	004	NEZ PERCE TRIBE	NONE	OWNERSHIP OF CLEARWATER RIVERBED
	007	NEZ PERCE TRIBE	NONE	CLEARWATER RIVER WATER POWER DAM
	008	NEZ PERCE TRIBE	NONE	SNAKE RIVER BROWNLEE/OXBOW DAM
	009	NEZ PERCE TRIBE	NONE	WALLOWA RIVER WALLOWA LAKE DAM
	010	NEZ PERCE TRIBE	NONE	NEZ PERCE V. WA WATER POWER CO DAM
	011	NEZ PERCE TRIBE	NONE	SO FORK SALMON R. MINE/RD/LOG/SILT
	012	NEZ PERCE TRIBE	NONE	BOISE R. DAM+DIVERSIONS
	013	NEZ PERCE TRIBE	NONE	S.F.CLEARWATER R. RD CONSTRUCTION IN TRESPASS
	014	NEZ PERCE TRIBE	NONE	WEISER R. GALLOWAY DIVERSION DAM
	015	NEZ PERCE TRIBE	NONE	CRANE CREEK DAM WA. CO. IDAHO
	016	NEZ PERCE TRIBE	NONE	S.F.CLEARWATER R. RD CONSTRUCTION
	017	NEZ PERCE TRIBE	NONE	TEN MI. CR.&REED CR.DIVERSION DAM
	018	NEZ PERCE TRIBE	NONE	NEWSOME CREEK DREDGED IDAHO CO.
	019	NEZ PERCE TRIBE	NONE	JOHN DAY CREEK DIV. IDAHO CO.
	020	NEZ PERCE TRIBE	NONE	PINK CREEK DIVERSION WA. CO.
	021	NEZ PERCE TRIBE	NONE	RACE CREEK DIV. IDAHO CO.
	022	NEZ PERCE TRIBE	NONE	LITTLE BEAR CREEK POTLATCH HEADWATER
	023	NEZ PERCE TRIBE	NONE	SWEETWATER CREEK LAPWAI TRIB.DIV.DAM
	024	NEZ PERCE TRIBE	NONE	DITCH CREEK SELWAY TRIBUTARY DIV.
	025	NEZ PERCE TRIBE	NONE	KEITHLY CREEK IRRIGATION DIVERSION
	026	NEZ PERCE TRIBE	NONE	WALLOWA R. DIV. DAM-DOWN FROM JOS.
	027	NEZ PERCE TRIBE	NONE	LOSTINE R. SHEEP RIDGE DAM WALLOWA
	028	NEZ PERCE TRIBE	NONE	HURRICANE CR. IRRIGATION DIVERSION
	029	NEZ PERCE TRIBE	NONE	LOSTINE RIVER WATER SUPPLY DAM
	030	NEZ PERCE TRIBE	NONE	PAYETTE IRRIGATION DIVERSION
	031	VERA ROGERS BROOKS	18-R17	ILLEGAL FORECLOSURE
	032	GIBSON POWAKE(STARKSPOO)	248	MANN LAKE RESERVOIR CONDEMNATION
	032A	LUCY POWAKE	247	MANN LAKE RESERVOIR CONDEMNATION
	032B	HATTIE POWAKE	243	MANN LAKE RESERVOIR CONDEMNATION
	032C	TIKARSAHIYET	249	MANN LAKE RESERVOIR CONDEMNATION
	032D	ABRAHAM BREDELL	335	MANN LAKE RESERVOIR CONDEMNATION
	032E	JAMES TYPES	1948	MANN LAKE RESERVOIR CONDEMNATION
	032F	MARTHA MOSES	302	MANN LAKE RESERVOIR CONDEMNATION
	032G	ABRAHAM BREDELL	335	MANN LAKE OUTLET PIPE CONDEMNATION
	032H	JOHN DOGITSEHOMOL)	475	MANN LAKE CANAL ROW CONDEMNATION
	032I	JEANETTE TARAHOO	330	MANN LAKE CANAL ROW CONDEMNATION
	032J	JOHN TARAHOO(TSEHEGAL)	332	MANN LAKE CANAL ROW CONDEMNATION
	032K	WAWINTALEKARTSAT	381	MANN LAKE CANAL ROW CONDEMNATION
	032L	JOHN ALFREY LEITCH	1810	MANN LAKE CANAL ROW CONDEMNATION
	032M	VIOLA ALLEN	85	MANN LAKE CANAL ROW CONDEMNATION
	032N	JOHN ALLEN(TAWICH)	339	MANN LAKE CANAL ROW CONDEMNATION
	032O	THOMAS ALLEN(TAMAHYATSA)	341	MANN LAKE CANAL ROW CONDEMNATION
	032P	FANNIE ALLEN	340	MANN LAKE CANAL ROW CONDEMNATION
	032Q	HATTIE POWAKE	243	MANN LAKE CANAL ROW CONDEMNATION
	033	ELLEN JACKSON	1138	HENDERSON LEASE (PROBATE MATTER)
	034	JESSIE WILSON	1431	STATE ROAD RIGHT OF WAY IN TRESPASS
	035	HARRIET AMERA (MARY CARTER)	1068	FORCED FEE PATENT
	036	BENJAMIN WHITMAN	245	AGRICULTURE & ROAD TRESPASS BY LAWRENCE KRESS
	037	ANDREA AITELL-IDAHO RD	1399	TRESPASS
	038	CALEB CARTER	655	FORCED FEE PATENT
	039	CALEB CARTER	653	FORCED FEE PATENT
	040	JOSEPH SAMUELS	1941	RAILROAD TRESPASS
	041	MARION ROHANON	1954	SIGURD GROVE-TRESPASS
	042	ESTHER JACKSON MCATTY	1990	ISAAC BONAPARTE-REVOCABLE ROAD PERMITS
	043	KATHERINE CLOUD	1931	WAGNER BROTHERS TRESPASS
	044	SHIRLEY RISREE	342-D	CLEARWATER POWER CO. AUTOTRANSFORMER
	045	VERA ROGERS BROOKS	200	WRONGFUL DISTRIBUTION-RENTAL PROCEEDS
	046	MARGARET BRONCHE	440	FORCED FEE PATENT

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P05182	047	ELIZABETH BRONCHE	627	FORCED FEE PATENT
	048	SOPHIE THOMAS	605	FORCED FEE PATENT
	049	HARRY ASTOR MOFFET	1493	FORCED FEE PATENT
	050	WILLIAM OTS ME AH	19	FORCED FEE PATENT
	051	YAH YAHKT WA TSON MY	1465	FORCED FEE PATENT
	052	ALBERT MOORE	281	FORCED FEE PATENT
	053	TAH HARTS	941	FORCED FEE PATENT
	054	WILLIAM MOODY (WISH WE YAL WIT)	972	FORCED FEE PATENT
	055	AMELIA LINDSLEY	1586	FORCED FEE PATENT
	056	JESSE WILLIAMS	1683	FORCED FEE PATENT
	057	PETER CORBETT	41	FORCED FEE PATENT
	058	GEORGE MOODY (WAP SHE LI)	1097	FORCED FEE PATENT
	059	TOM TA LAH HATS WOL	1110	FORCED FEE PATENT
	060	HARRY WHEELER	1857	FORCED FEE PATENT
	061	JEANETTE WILLIAMS JONAS	1091	FORCED FEE PATENT
	062	GEORGE GUTHRIE	794	FORCED FEE PATENT
	063	JESSE PAUL	777	FORCED FEE PATENT
	064	EDWARD PAH KAR LA PYKT	317	FORCED FEE PATENT
	065	N/A	N/A	NUMBER CHANGED TO P05-182-180 & - 181
	066	JESSE PAUL	776	FORCED FEE PATENT
	067	JESSE PAUL	776	SALE WITHOUT FULL CONSENT
	068	JESSE PAUL	776	IMPROPER SALE PROCEDURES
	070	JOHNSON LOWRY	1421	SALE WITHOUT FULL CONSENT
	071	ANDREW RED DUCK	539	OLD AGE ASSISTANCE
	072	SOLOMON MOMAH	1017	FORCED FEE PATENT
	073	FRED LOTT	540	FORCED FEE PATENT
	074	EILEN COMPO	323	FORCED FEE PATENT
	075	MARY ANN BRONCHE	596	FORCED FEE PATENT
	076	FRANK BRONCHE	595	FORCED FEE PATENT
	077	CAPTAIN PIERCE	1999	SALE WITHOUT FULL CONSENT
	078	GEORGE WILLIAMS MOX MOX	1261	SALE WITHOUT FULL CONSENT
	079	BILL SEE LU WA PIKT	1103	SALE WITHOUT FULL CONSENT
	080	WALTER MILLER (WA HARTS TL LACHNE)	1161	SALE WITHOUT FULL CONSENT
	081	RUTH MILLER (WA LA TA)	1162	SALE WITHOUT FULL CONSENT
	082	CURRY TARAHOO	376	FORCED FEE PATENT
	083	ALLEN V. PINKHAM	3005	CLYDE JOHNSON TRESPASS-ROAD-GARDEN-SHED
	084	ADA AGEE	219	FORCED FEE PATENT
	085	WILLIAM ALFREY JR.	442	FORCED FEE PATENT
	08A	MINNIE (CALDWELL)FAIRFIELD	439	FORCED FEE PATENT
	087	AGATHA L. FOGARTY	493	FORCED FEE PATENT
	088	JANE HENRY	447	FORCED FEE PATENT
	089	JOSEPH HENRY	448	FORCED FEE PATENT
	090	LOUISA HENRY	446	FORCED FEE PATENT
	091	NANCY (SPENCER) HOLMES	35	FORCED FEE PATENT
	092	OSIAS LAWRENCE	95	FORCED FEE PATENT
	093	BENJAMIN PENNEY	1A	FORCED FEE PATENT
	094	GEORGE PENNEY	523	FORCED FEE PATENT
	095	LEANDER PHINNEY	495	FORCED FEE PATENT
	096	AGNES SIMPSON	159	FORCED FEE PATENT
	097	HARRIET PORTOR	110	FORCED FEE PATENT
	098	LYDIA ANN (CORBETT) SMITH	709	FORCED FEE PATENT
	099	ALBERT TELLIER	1915	FORCED FEE PATENT
	100	REBECCA MOODY	1101	SALE WITHOUT FULL CONSENT
	101	GEORGE WILLIAMS (PED PED TLPILP)	1104	SALE WITHOUT FULL CONSENT
	102	ELIAS TA HY TOOTS KAR KIN	1405	SALE WITHOUT FULL CONSENT
	103	ELSIE HILL AWNISIA	1167	AGRICULTURAL TRESPASS BY ROBINSON
	104	EDNA THOMAS	1426	ROAD TRESPASS BY JOSEPH W. COREY LMBR CO.
	105	DELAWHATSAMMY	154	CENTRAL GRADE RIGHT OF WAY IN TRESPASS
	105A	ANTONIA MATTHEW	155	CENTRAL GRADE RIGHT OF WAY IN TRESPASS
	106	FANNY MOODY	1880	ROAD RIGHT OF WAY IN TRESPASS
	107	LUCY SPAULDING	1729	ROAD RIGHT OF WAY IN TRESPASS
	108	KANSANSEARTASIN	194	G.E. WILLIAMS RD #247 ROW IN TRESPASS
	108A	HARRISON RED WOLF	195	G.E. WILLIAMS RD #247 ROW IN TRESPASS
	109	JENNY PETERSON	1850	ROAD RIGHT OF WAY IN TRESPASS
	109A	ELLIS PETERSON	1951	ROAD RIGHT OF WAY IN TRESPASS
	110	WANSTARMENICKT	1302	ROAD RIGHT OF WAY IN TRESPASS
	111	TISHA	1474	ROAD #324 RIGHT OF WAY IN TRESPASS
	111A	SIMON WHITMAN	148A	ROAD #324 RIGHT OF WAY IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P05182	112	N/A	N/A	COMBINED WITH P05-182-111
	113	ANNIE POND	586	ROAD #33 RIGHT OF WAY IN TRESPASS
	114	PEMBERTON	240	S. G. FISHER ROAD RIGHT OF WAY IN TRESPASS
	115	THOMAS MILLER	369	RICKER RD #220 RIGHT OF WAY IN TRESPASS
	116	TIMSE	260	ROAD RIGHT OF WAY IN TRESPASS
	116A	CAPTAIN JOHN	344	ROAD RIGHT OF WAY IN TRESPASS
	116B	PISWA WAPO	345	ROAD RIGHT OF WAY IN TRESPASS
	116C	PENATALAWASAMY	34A	ROAD RIGHT OF WAY IN TRESPASS
	116D	JOSEPH JOHN	347	ROAD RIGHT OF WAY IN TRESPASS
	116E	SAPNISS	426	ROAD RIGHT OF WAY IN TRESPASS
	117	MARY KYMAYPUITS COMPO	721	ROAD RIGHT OF WAY IN TRESPASS
	118	JANE PELATAYAKAT	1985	FRANK SHITERA RD RIGHT OF WAY IN TRESPASS
	119	LYDIA SAMUEL	1665	ROAD #20A RIGHT OF WAY IN TRESPASS
	119A	DANIEL GEORGE	1673	ROAD #20A RIGHT OF WAY IN TRESPASS
	119B	JOSEPH ELLENWOOD	1679	ROAD #20A RIGHT OF WAY IN TRESPASS
	119C	HALHATS	1341	ROAD #20A RIGHT OF WAY IN TRESPASS
	120	ALEXANDER HAYES	1321	ROAD #30B RIGHT OF WAY IN TRESPASS
	120A	ANNIE HAYES	1322	ROAD #30B RIGHT OF WAY IN TRESPASS
	121	PHEBE DAVIS	1174	C.S. COOK RD #29 RIGHT OF WAY IN TRESPASS
	121A	ELLEN JACKSON	1138	C.S. COOK RD #29 RIGHT OF WAY IN TRESPASS
	122	ABEL NEWTON	1150A	GEO. E. HIGGINS RD #59 RIGHT OF WAY
	122A	JULIA HEMOYEKARTSAT	1174	GEO. E. HIGGINS RD #59 RIGHT OF WAY
	123	PAKATANKEKIKT	575	COURTNEY MEEK RD #88 RIGHT OF WAY IN TRESPASS
	123A	KAHUTSSE	327	COURTNEY MEEK RD #88 RIGHT OF WAY IN TRESPASS
	123B	CORA MCBEEN	580	COURTNEY MEEK RD #88 RIGHT OF WAY IN TRESPASS
	123C	JAMES LEVI	326	COURTNEY MEEK RD #88 RIGHT OF WAY IN TRESPASS
	124	KOOKNISEALTASIN	1164	TOM BEAL CREEK RD RIGHT OF WAY IN TRESPASS
	124A	MOLLIE PLIER	419	TOM BEAL CREEK RD RIGHT OF WAY IN TRESPASS
	125	ARENA FAIRCHILD	1521	ROAD #479 RIGHT OF WAY IN TRESPASS
	126	NEZ PERCE TRIBE	1135	A.H.FLETCHER RD #44 RIGHT OF WAY IN TRESPASS
	126A	NEZ PERCE TRIBE	1136	A.H.FLETCHER RD #44 RIGHT OF WAY IN TRESPASS
	126B	NEZ PERCE TRIBE	1137	A.H.FLETCHER RD #44 RIGHT OF WAY IN TRESPASS
	127	NEZ PERCE TRIBE	1139	G.M.TREADWELL RD #131 RIGHT OF WAY
	127A	NEZ PERCE TRIBE	1140	G.M.TREADWELL RD #131 RIGHT OF WAY
	127B	NEZ PERCE TRIBE	1141	G.M.TREADWELL RD #131 RIGHT OF WAY
	128	NEZ PERCE TRIBE	1142	ROAD #380 RIGHT OF WAY IN TRESPASS
	129	N/A	N/A	SEE CLAIM NO. P05-182-119
	130	WILSON (TSAPAHMITMEWIT)	1165	N.I. AGREL RD #3 RIGHT OF WAY IN TRESPASS
	131	WAYAHYAHLITSAMMY	1106	ROAD #76 RIGHT OF WAY IN TRESPASS
	132	ANISE WILLIAMS	1114	ROAD #263 RIGHT OF WAY IN TRESPASS
	133	IPNAWYATITSAMMY	1109	ROAD #382 RIGHT OF WAY IN TRESPASS
	134	MARY LUCY (PAKEKOOTSKEITS	1129	ROAD RIGHT OF WAY IN TRESPASS
	135	CALEB CHARLES	1029	ROAD RIGHT OF WAY IN TRESPASS
	136	TATEYIKT	1143	J.W.LINDSEY RD #74 RIGHT OF WAY IN TRESPASS
	137	LOUTSARWAT	1187A	ROAD RIGHT OF WAY IN TRESPASS
	138	CALVIN ALLEN	1780	ROAD RIGHT OF WAY IN TRESPASS
	139	MATILDA THUNDER	1702	WILLIAM CALLEARY ROAD ROW IN TRESPASS
	139A	JAMES MINTHORN(TSELAITS)	1800	WILLIAM CALLEARY ROAD ROW IN TRESPASS
	140	DANIEL (AMPOSTIMNAH)	470	THEODORE MATHSON ROAD ROW IN TRESPASS
	141	FANNY (ENPOTSEKANMA)	1392	ROAD #224 RIGHT OF WAY IN TRESPASS
	141A	THOMAS POWERS	1417	ROAD #224 RIGHT OF WAY IN TRESPASS
	141B	WILLIAM RAMKIN	1414	ROAD #224 RIGHT OF WAY IN TRESPASS
	142	N/A	N/A	DUPLICATE-SEE CLAIM P05-182-119
	143	RUTH POND	589	ROAD #20C RIGHT OF WAY IN TRESPASS
	144	NANCY EZEKIEL	1497	ROAD #219 RIGHT OF WAY IN TRESPASS
	145	FANNY BAILEY HAYES	1313	HARTZEN LAGE RD #382 RIGHT OF WAY IN TRESPASS
	146	WAHLARWAYNANMY	1929	G.W.STELLMAN RD #110 RIGHT OF WAY IN TRESPASS
	146A	JOHNNY	1944	G.W.STELLMAN RD #110 RIGHT OF WAY IN TRESPASS
	147	N/A	N/A	DUPLICATE-SEE CLAIM P05-182-139
	148	GEORGE MOSES	545	MIDDLE FORK-TOM BEAL CREEK RD ROW IN TRESPASS
	148A	THOMAS MOORE	547	MIDDLE FORK-TOM BEAL CREEK RD ROW IN TRESPASS
	149	SAMUEL RICKLETT	1043	JAMES MARKER RD #95 RIGHT OF WAY IN TRESPASS
	150	SAMUEL RICKLETT	1043	N.H.WOODS RD #42 RIGHT OF WAY IN TRESPASS
	151	JAMES LEVI	326	I.S.WEEKS RD #89 RIGHT OF WAY IN TRESPASS
	152	EMMA LINDSLEY	1958	ROAD#415 RIGHT OF WAY IN TRESPASS
	152A	OLIVER LINDSLEY	[illegible]	ROAD #415 RIGHT OF WAY IN TRESPASS
	152B	MARY COOK (TATICH)	1962	ROAD #415 RIGHT OF WAY IN TRESPASS
	153	N/A	N/A	COMBINED WITH P05-192-152

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P05182	154	JANE SEVEN	1018	ROAD RIGHT OF WAY IN TRESPASS
	154A	MARY SEVEN	1015	ROAD RIGHT OF WAY IN TRESPASS
	155	LIZZIE MOODY	947	ROAD #70A RIGHT OF WAY IN TRESPASS
	156	LYDIA CONDIT	1381	ROAD #313 RIGHT OF WAY IN TRESPASS
	156A	TSULMAYHIH	950	ROAD #313 RIGHT OF WAY IN TRESPASS
	156B	MARIANNA HAYS	983	ROAD #313 RIGHT OF WAY IN TRESPASS
	156C	LIZZIE MOODY	947	ROAD #313 RIGHT OF WAY IN TRESPASS
	157	JOHN LAWYER	807	ROAD RIGHT OF WAY IN TRESPASS
	157A	FRANKNOMMY	808	ROAD RIGHT OF WAY IN TRESPASS
	158	N/A	N/A	COMBINED WITH P05-182-123
	159	AMPOSTIMNA	827	ROAD RIGHT OF WAY IN TRESPASS
	159A	WAWINART	828	ROAD RIGHT OF WAY IN TRESPASS
	159B	IPNAHTAHYAHTOWIT	137	ROAD RIGHT OF WAY IN TRESPASS
	159C	HEYOMYKINMY	138	ROAD RIGHT OF WAY IN TRESPASS
	160	AMPOSTIMNA	827	ROAD RIGHT OF WAY IN TRESPASS
	161	N/A	N/A	COMBINED WITH P05-182-159
	162	EDWARD ARAMCHE	993	E.J.NORTHCUTT RD RIGHT OF WAY IN TRESPASS
	163	WETTESLAKANTN	1931	G.W.MCCALL RD #345 RIGHT OF WAY IN TRESPASS
	163A	HENRY POWALE	261	G.W. MCCALL RD #345 RIGHT OF WAY IN TRESPASS
	163B	REUBEN REYNOLDS	560	G.W. MCCALL RD #345 RIGHT OF WAY IN TRESPASS
	163C	HEZEKIAH (WAHLOMOT)	562	G.W. MCCALL RD #345 RIGHT OF WAY IN TRESPASS
	163D	EMMA (IPNATAWENNMY)	563	G.W. MCCALL RD #345 RIGHT OF WAY IN TRESPASS
	163E	GEORGE MOSES	565	G.W. MCCALL RD #345 RIGHT OF WAY IN TRESPASS
	164	HEYIMEWAKEMALITS	393	THIESSEN GRADE RIGHT OF WAY IN TRESPASS
	164A	HANNAH JONAS	394	THIESSEN GRADE RIGHT OF WAY IN TRESPASS
	164B	JULIA JONAS	395	THIESSEN GRADE RIGHT OF WAY IN TRESPASS
	165	GEORGE PEOPEOTAHLIKT	135	MARK ARTHUR RD RIGHT OF WAY IN TRESPASS
	166	IPNALAMAHA AWINMY	919	JOHN UNZICKER RD #135 ROW IN TRESPASS
	166A	LIZZIE EDWARDS	524	JOHN UNZICKER RD #135 ROW IN TRESPASS
	166B	WETSINTINMY (ELIZABETH)	938	JOHN UNZICKER RD #135 ROW IN TRESPASS
	167	JULIA MCATTY	1120	ROAD RIGHT OF WAY IN TRESPASS
	168	WAHLARWAYNANMY	1929	JO SHINN RD #122 RIGHT OF WAY IN TRESPASS
	169	N/A	N/A	COMBINED WITH P05-182-141
	170	ANNIE MONTEITH	1227	ROAD #252 RIGHT OF WAY IN TRESPASS
	170A	CELIA MONTEITH	1229	ROAD #252 RIGHT OF WAY IN TRESPASS
	170B	RACHEL MONTEITH	1469	ROAD #252 RIGHT OF WAY IN TRESPASS
	171	ANNIE SAMUEL JARETH	149A	ROAD RIGHT OF WAY IN TRESPASS
	172	THOMAS SAM	1735	ROAD RIGHT OF WAY IN TRESPASS
	172A	JEANETTE SCOTT	1739	ROAD RIGHT OF WAY IN TRESPASS
	172B	BENJAMIN HINES	1835	ROAD RIGHT OF WAY IN TRESPASS
	172C	ANNIE HINES	1836	ROAD RIGHT OF WAY IN TRESPASS
	173	CHARLES MCCONVILLE	1705	HIBBARD RD RIGHT OF WAY IN TRESPASS
	173A	DAVIS SEPTAGAWEEN	1703	HIBBARD RD RIGHT OF WAY IN TRESPASS
	174	NEZ PERCE TRIBE	TU49	ROAD RIGHT OF WAY IN TRESPASS
	174A	NEZ PERCE TRIBE	TU6A	ROAD RIGHT OF WAY IN TRESPASS
	174B	NEZ PERCE TRIBE	TU67	ROAD RIGHT OF WAY IN TRESPASS
	175	JANE PELATAYAAKAT	1985	ROAD RIGHT OF WAY IN TRESPASS
	176	JOHNNY	1944	L.A.SIMMONS RD #108 RIGHT OF WAY IN TRESPASS
	177	LIZZIE EDWARD	524	M.M.JONES RD #47 RIGHT OF WAY IN TRESPASS
	178	TSCHARLY	1373	WALKER ROAD RIGHT OF WAY IN TRESPASS
	178A	SOLOMON WHITMAN	1375	WALKER ROAD RIGHT OF WAY IN TRESPASS
	179	GEORGE WASHINGTON	1442	ROAD RIGHT OF WAY IN TRESPASS
	180	SIMON (KY-WAY-PUTS)	325	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180A	IP-NA-SA-WA-SON-MY	601	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180B	DANIEL LAMONT (TU-LA-TE-YEK-SA)	769	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180C	MARY ANN (OS-TE-MY)	1709	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180D	JAMES REDCOYOTE	1265	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180E	JONAS WATERS	998	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180F	JACK SEVEN	1009	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180G	CHARLES MCCONVILLE	1705	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180H	FELIX LOMRY	1707	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180I	SAM (PA-KIN-KE-LEKT)	1731	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180J	TOM SPAULDING (WAITS-HAN-YUME)	1726	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180K	TUL-MA-NAN-MY	1846	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180L	ELIZABETH HEZEKIAH (SEE-LEN-SA-SIN)	1839	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180M	IS-LAN-WIN-MY	1817	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180N	MARY (KOSE-NE-WAN)	1890	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180O	HOT-YAH-YI-YAH	1894	RAILROAD RIGHT OF WAY-NO COMPENSATION

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TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P05182	180P	MARTHA CORNELIUS (TA-KA-LIL-PIN-MY)	1901	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180Q	ANNIE LAWYER	1355	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180R	NAOMI WILLIAMS	1359	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180S	DEBORAH HAYES	1365	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180T	ALLEN LAWYER (HIN-MA-TOW-YES)	1366	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180U	THOMAS POWERS (KIP-KAR-TSOT)	1417	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180V	GEORGE WASHINGTON	1442	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180W	MOOSE MOOSE JOHN	1443	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180X	RICHARD DICK BROWN	1461	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180Y	SAMUEL (TO-AH-KIN-SEE-WARE-TES)	1464	RAILROAD RIGHT OF WAY-NO COMPENSATION
	180Z	NATHAN SAMUEL (TOOTS-KIN-NAS-KOIT)	1466	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181	FANNY SAMUEL (TE-YAH-HA-HOY-KT)	1471	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181A	AMELIA STEPHEN (OTTS-KAH-MAH)	1279	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181B	WILLIE GRANT	558	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181C	THOMAS (PY-OOSE)	350	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181D	MARKS (IS-KO-EL)	A81	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181E	SAM LAWYER (AT-PIPS)	A79	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181F	MARY LILY	A02	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181G	JACK MAGGIE (PIT-YOU-STIN-MY)	771	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181H	IP-NA-HA-MA-HA-LA-WIN-MY	919	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181I	LIZZIE EDWARDS (TIL-WA-WOE-KITS)	524	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181J	CALEB CHARLES	1079	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181K	JENNIE LOTT (PE-MOW-TE-AT)	541	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181L	MARY JOHNSON	1450	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181M	DANIEL WILLIAMS	1115	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181N	ANISE WILLIAMS	1116	RAILROAD RIGHT OF WAY-NO COMPENSATION
	181O	WAH-STAR-NE-NICKT	1302	RAILROAD RIGHT OF WAY-NO COMPENSATION
P05183	004	ALICE SHOTTANANA	57	TIMBER REMOVED BY CO-OWNER
	005	PIERRE ENEAS CHIOUT	7A	OLD AGE ASSISTANCE
P06000	002	NOT IDENTIFIED	NONE	FISHERY-SKOKOMISH RIVER-CUSHMAN DAM-1
	003	NOT IDENTIFIED	NONE	FISHERY-SKOKOMISH RIVER-CUSHMAN DAM-2
	004	NOT IDENTIFIED	NONE	FISHERY-CLARKS CREEK DIVERSION DAM
	005	NOT IDENTIFIED	NONE	FISHERY-LEE'S CREEK UNDER HWY 101
	006	NOT IDENTIFIED	NONE	FISHERY-N.F. LITTLE HOOHTAM RIVER
	007	NOT IDENTIFIED	NONE	FISHERY-HOOLIPS RIVER-GRAYS HARBOR CO
	008	NOT IDENTIFIED	NONE	FISHERY-CRANBERRY CREEK LAKE-HIMERICK DAM
	009	NOT IDENTIFIED	NONE	FISHERY-CRANBERRY CR. TRIB-LK LIMERICK ASSOC.
	010	NOT IDENTIFIED	NONE	FISHERY-SIMON CREEK - CULVERT FENCE
	011	NOT IDENTIFIED	NONE	FISHERY-WHISKEY CREEK ROAD CULVERT
	012	NOT IDENTIFIED	NONE	FISHERY-VALLEY CREEK-VALLEY ST. CULVERT
	013	NOT IDENTIFIED	NONE	FISHERY-PEARMY CREEK - STREET CULVERTS
	014	NOT IDENTIFIED	NONE	FISHERY-SALT CREEK EARTH DAM
	015	NOT IDENTIFIED	NONE	FISHERY-KING CREEK EARTH DAM
	016	NOT IDENTIFIED	NONE	FISHERY-GOLDSBOROUGH CREEK-MASON COUNTY
	017	NOT IDENTIFIED	NONE	FISHERY-LITTLE CREEK-OBSTRUCTION HWY 101
	018	NOT IDENTIFIED	NONE	FISHERY-HANSEN CREEK-HOOPTULIP TRIB.
	019	NOT IDENTIFIED	NONE	FISHERY-CAMPBELL SLOUGH EARTH DAM
	020	NOT IDENTIFIED	NONE	FISHERY-BIG CREEK-WISH KAH ROAD CROSSING
	021	NOT IDENTIFIED	NONE	FISHERY-DAVIS CREEK - HOOLTAM TRIBITARY
	022	NOT IDENTIFIED	NONE	FISHERY-LITTLE CREEK - LOG ROAD CULVERT
	023	NOT IDENTIFIED	NONE	FISHERY-WISHKAH RIVER HEADWATERS
	024	NOT IDENTIFIED	NONE	FISHERY-ENETAI CREEK - HWY 101 CULVERT
	025	NOT IDENTIFIED	NONE	FISHERY-TAHUYA RIVER TRIB-HAVEN LAKE DAM
	026	NOT IDENTIFIED	NONE	FISHERY ELLIE CREEK-E. BAY DRIVE CULVERT
	027	NOT IDENTIFIED	NONE	FISHERY-CROWN Z LOG ROAD CULVERT
	028	NOT IDENTIFIED	NONE	FISHERY-VALLEY CREEK-CITY STREET CULVERT
	029	NOT IDENTIFIED	NONE	FISHERY-WISHKAH RIVER - MATLINOWSKI DAM
	030	NOT IDENTIFIED	NONE	FISHERY-HILL CREEK - HOOD CANAL TRIB.
	031	NOT IDENTIFIED	NONE	FISHERY-LITTLE QUILCENE DIVERSION DAM
	032	NOT IDENTIFIED	NONE	FISHERY-WHISKEY CREEK-HWY 112 CULVERT
	033	NOT IDENTIFIED	NONE	FISHERY-LEE'S CREEK-CITY STREET CULVERT
	034	NOT IDENTIFIED	NONE	FISHERY-HOOLTAM PULP MILL WASTE DISCHARGE
	035	NOT IDENTIFIED	NONE	FISHERY-CLEAR CREEK-TROUT LODGE DIV. DAM
P06107	003	HOH TRIBE	N/A	LOGGING ROAD RIGHT OF WAY IN TRESPASS
P06108	004	JOHN SMITH JR.	268	OLD AGE ASSISTANCE
	005	MAKAH TRIBE	TRIBAL	WA-ATCH LOGGING UNIT ROAD ROW IN TRESPASS
	00A	MINERVA LEMER	158	MAIN ROAD TO NEAH BAY ROW
	00AA	EVA WHEELER	321	MAIN ROAD TO NEAH BAY ROW IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P06108	00AB	DAVID FISHER	82	MAIN ROAD TO NEAH BAY ROW IN TRESPASS
	00AC	LUCY FISHER	83	MAIN ROAD TO NEAH BAY ROW IN TRESPASS
	00AD	LIZZIE CLAPLANHOO	54	MAIN ROAD TO NEAH BAY ROW IN TRESPASS
	00AE	PAUL PARKER	240	MAIN ROAD TO NEAH BAY ROW IN TRESPASS
	00AF	MAUD WHITE	325	MAIN ROAD TO NEAH BAY ROW IN TRESPASS
	00AG	JAMES ST. CLAIR	275	MAIN ROAD TO NEAH BAY ROW IN TRESPASS
	00AH	ELSIE ST. CLAIR	275	MAIN ROAD TO NEAH BAY ROW IN TRESPASS
	00AI	ROBINSON ST. CLAIR	274	MAIN ROAD TO NEAH BAY ROW IN TRESPASS
	00AJ	ELSIE ST. CLAIR	273	MAIN ROAD TO NEAH BAY ROW IN TRESPASS
	00AK	ROMAERTTA LADDER	PD	MAIN ROAD TO NEAH BAY ROW IN TRESPASS
	007	MAKAH TRIBE	N/A	LAKE OZETTE ROAD RIGHT OF WAY IN TRESPASS
	008	MAKAH TRIBE	N/A	ROAD TO SIOES RIVER RIGHT OF WAY IN TRESPASS
P06116	003	QUILEUTE TRIBE	N/A	RIVER BED-RESERVATION BOUNDARY-AIRFIELD
	004	QUILEUTE TRIBE	N/A	OLYMPIC NATIONAL PARK ROW IN TRESPASS
	005	QUILEUTE TRIBE	N/A	CEMETARY AND WATER SYSTEM ACCESS IN TRESPASS
	006	QUILEUTE TRIBE	N/A	VILLAGE STREET RIGHT OF WAY IN TRESPASS
P06117	004	HARRY JAMES	F35	SALE OF LAND FOR MINORS
	005	QUINAULT TRIBE	N/A	QUEETS STREAM DAMAGE BY LOG OPERATIONS
	006	MARTHA HUDSON	282	SALE WITHOUT FULL CONSENT
	007	CLIFFORD MOWITCH	2030	FORCED FEE PATENT
	008	ROY D. AMELIA	2319	SUPERVISED LAND SALE
	009	CHESTER MILLETT	508	LAND SOLD FOR TAXES
	010	HARLEN HARROLD	1864	TIMBER TRESPASS BY JAMES FIELDER
	011	HENRY LUND	1974	TIMBER TRESPASS BY D'ROLI LOGGING CO.
	012	DANIEL VAN MECHELEN	2255	BREACH OF CONTRACT BY WALTER MARSHALL
	013	HARRY MOLLECH	1877	BREACH OF CONTRACT BY AIRCRUISING LTD.
	014	ELSIE BECKWITH	707	TRESPASS BY DONALD THOMAS
	015	LAURA BROWN	1541	LOGGING ROAD TRESPASS
	016	NITA L. PAYNE	1887	IMPROPER DISTRIBUTION FROM TIMBER SALE
	017	MYRON SIMMONS	2208	LOGGING ROAD TRESPASS
	018	JONAH COLE	1033	QUESTION OF HEIRSHIP
	019	FERRILL JOHNSON	903	INDUCED SALE TO QUINAULT TRIBE
	019A	ROSE L. CALHOUN BARHAM	580	INDUCED SALE TO QUINAULT TRIBE
	020	ELEANOR COE KAIKAHA	1122	PAYMENT FOR TIMBER
	021	JAMES YERXES	1448	TRESPASS BY BIA
	022	QUINAULT TRIBE	N/A	WHALE CREEK-FISHERY DAMAGE BY LOGGING
	023	QUINAULT TRIBE	N/A	RAFT RIVER-FISHERY DAMAGE BY LOG JAM
	024	QUINAULT TRIBE	N/A	BOULDER CREEK-FISHERY DAMAGE BY LOG JAM
	025	QUINAULT TRIBE	N/A	CAMP CREEK-FISHERY DAMAGE BY LOG JAM
	026	QUINAULT TRIBE	N/A	DUCK CREEK-FISHERY DAMAGE BY LOG JAM
	027	QUINAULT TRIBE	N/A	HOOLIPS RIVER-FISHERY DAMAGE BY LOGGING
	028	QUINAULT TRIBE	N/A	POLLUTION BLOCK ON CHEHALIS RIVER
	029	LIZZIE JOHNSON	456	OLD AGE ASSISTANCE
	030	EDWIN(EDWARD) R. MARTIN	340	OLD AGE ASSISTANCE
	031	WALTER SWEENEY	2232	OLD AGE ASSISTANCE
	032	LUCY AGNES FITZPATRICK	1796	OLD AGE ASSISTANCE
	033	WALTER FITZPATRICK	1557	OLD AGE ASSISTANCE
	034	LUCY SWEENEY LANGLAND	1958	OLD AGE ASSISTANCE
	035	JACK WARD	1406	OLD AGE ASSISTANCE
	036	ROBERT EMERSON	100	QUEETS STREET ROAD RIGHT OF WAY IN TRESPASS
	036A	FANNY YAKIMA	468	QUEETS STREET ROAD RIGHT OF WAY IN TRESPASS
	037	JOHN SAMPSON	92	CAPE ELIZABETH ROAD RIGHT OF WAY IN TRESPASS
	037A	THEODORE HUDSON JR.	1884	CAPE ELIZABETH ROAD RIGHT OF WAY IN TRESPASS
	037B	PHYLLIS PENN	2071	CAPE ELIZABETH ROAD RIGHT OF WAY IN TRESPASS
	037C	MAGGIE SMITH PETE	2084	CAPE ELIZABETH ROAD RIGHT OF WAY IN TRESPASS
	038	N/A	N/A	WHALE CREEK ROAD-DOESN'T EXIST
	039	JANE DICKERSON	20	HARLOW ROAD RIGHT OF WAY IN TRESPASS
	039A	HENRY HARLOW	111	HARLOW ROAD RIGHT OF WAY IN TRESPASS
	039B	BENJAMIN HARLOW	113	HARLOW ROAD RIGHT OF WAY IN TRESPASS
	039C	DANIEL F. CLANCY	1713	HARLOW ROAD RIGHT OF WAY IN TRESPASS
	040	JOHN CHOW CHOW	14	TAHOLAH UNIT ROAD RIGHT OF WAY IN TRESPASS
	040A	GRAVER CHOW CHOW	15	TAHOLAH UNIT ROAD RIGHT OF WAY IN TRESPASS
	040B	ROBERT CHOW CHOW	17	TAHOLAH UNIT ROAD RIGHT OF WAY IN TRESPASS
	040C	JENNIE SHAVE	62	TAHOLAH UNIT ROAD RIGHT OF WAY IN TRESPASS
	040D	MAY WAUBENAS	80	TAHOLAH UNIT ROAD RIGHT OF WAY IN TRESPASS
	040E	BESSIE WAUBENAS	81	TAHOLAH UNIT ROAD RIGHT OF WAY IN TRESPASS
	040F	ALSPOSTUR MARTIN	338	TAHOLAH UNIT ROAD RIGHT OF WAY IN TRESPASS
	040G	GLENN MARTIN	342	TAHOLAH UNIT ROAD RIGHT OF WAY IN TRESPASS

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
PN6117	044P	FRANK PETIT	1314	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044Q	BENNET COOPER	1038	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044R	FLORENCE KARS	1228	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044S	CAESAR VERNES	1440	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044T	ART VERNER	1447	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044U	ELIZABETH BROWN	126	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044V	LEE D. SOUK	1343	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044W	JOHNN COLE	1033	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044X	CLARA COLE	1032	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044Y	ELIZABETH SMELL	1361	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044Z	BOYD SAUY	1341	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	045	DICK WATSON	787	LAKE BUTTONWILLOW ROAD RIGHT OF WAY IN TRESPASS
	045A	VANCE JOHNS	792	LAKE BUTTONWILLOW ROAD RIGHT OF WAY IN TRESPASS
	045B	JOHN ALFRED UNDERWOOD	864	LAKE BUTTONWILLOW ROAD RIGHT OF WAY IN TRESPASS
	046	EARL MICHAELS	2014	ROAD NEW CREEK ROAD RIGHT OF WAY IN TRESPASS
	047	ELLEN SPRINGER	696	NEW CREEK CAMP ROAD RIGHT OF WAY IN TRESPASS
	048	N/A	N/A	RAYMATER SPUR ROAD IN TRESPASS
	049	CECIL PULLEN	1327	E-4 ROAD RIGHT OF WAY IN TRESPASS
	049A	CATHERINE WALKINSKY	1596	E-4 ROAD RIGHT OF WAY IN TRESPASS
	049B	BUTTONWILLOW TRIBE	TRIBAL	E-4 ROAD RIGHT OF WAY IN TRESPASS
	049C	INEZ W.M.S.G. COOK	1736	E-4 ROAD RIGHT OF WAY IN TRESPASS
	049D	LUCY SWEENEY LANGLAND	1988	E-4 ROAD RIGHT OF WAY IN TRESPASS
	049E	DONALD WILLIAMS	2900	E-4 ROAD RIGHT OF WAY IN TRESPASS
	050	LUCY LANGLAND	1958	WAYNESBURG ROAD RIGHT OF WAY IN TRESPASS
	051	JOSEPH COLE	1003	IMPROVEMENT TO SELL
PN6118	003	SHOALWATER BAY TRIBE	N/A	DEEDED BY THE SEA
	004	SHOALWATER TRIBE	N/A	STATE HIGHWAY NO. 12-A ROW IN TRESPASS
	005	SHOALWATER BAY TRIBE	N/A	SHOALWATER WATER FREEWAY/CHEMICAL CONTAMINATION
	006	N/A	N/A	OFF RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	007	SHOALWATER BAY TRIBE	N/A	EASEMENTS OF TRIBAL LAND
PN6120	001	QUINAULT TRIBE	N/A	QUINAULT TRIBAL ANDS OWNERSHIP
	004	QUINAULT TRIBE	N/A	FISHERY-CHINOOK [OAK/QUINAULT] RIVER
	005	QUINAULT TRIBE	N/A	WOOD CAMP SCHOOL ON TRIBAL CEMETERY
	007	QUINAULT TRIBE	N/A	QUINAULT FISHERY AND TRESPASS CLAIM
	008	JAMES PULSIFER	1-A	SALE WITHOUT FULL TRANSMIT
	009	QUINAULT TRIBE	N/A	CEMETARY-LOSS OF LAND
	010	PETER SQUALLY	NONE	TILLICUM CONDEMNATION - CHINOOK DAM
	011	JIM RITTER	N/A	OLD AGE ASSISTANCE
	012	HENRY R. ALLEN	SOLD-A	OLD AGE ASSISTANCE
	013	BILLY ADAMS	26	ROAD RIGHT OF WAY IN TRESPASS
	013A	HENRITH HAM	28	ROAD RIGHT OF WAY IN TRESPASS
	013B	SUSIE SHERWOOD	44	ROAD RIGHT OF WAY IN TRESPASS
	013C	ANNIE WILKER	NONE	ROAD RIGHT OF WAY IN TRESPASS
	013D	JIM RITTER	NONE	ROAD RIGHT OF WAY IN TRESPASS
	014	HENRITH HAM	28	ROAD RIGHT OF WAY IN TRESPASS
	014A	BILLY WATERMAN	29	ROAD RIGHT OF WAY IN TRESPASS
	014B	NED WATERMAN	30	ROAD RIGHT OF WAY IN TRESPASS
	014C	OLD PETER	31	ROAD RIGHT OF WAY IN TRESPASS
	014D	FRANK ALLEN	32	ROAD RIGHT OF WAY IN TRESPASS
	014E	WILSON WATERMAN	42	ROAD RIGHT OF WAY IN TRESPASS
	014F	CANNON	43	ROAD RIGHT OF WAY IN TRESPASS
	014G	BILLY WILLIAMS	NONE	ROAD RIGHT OF WAY IN TRESPASS
	015	ANNIE WILKER	NONE	ROAD RIGHT OF WAY IN TRESPASS
	015A	U.S. SCHOOL	NONE	ROAD RIGHT OF WAY IN TRESPASS
	015B	JOSEPH SPARR	21	ROAD RIGHT OF WAY IN TRESPASS
	015C	HANK ROBINSON	45	ROAD RIGHT OF WAY IN TRESPASS
	016	ANDREW JOHNSON	2	ROAD RIGHT OF WAY IN TRESPASS
	016A	CURLEY	3	ROAD RIGHT OF WAY IN TRESPASS
	016B	JOHN MAYFER	4	ROAD RIGHT OF WAY IN TRESPASS
	016C	DAVE WILLIAMS	5	ROAD RIGHT OF WAY IN TRESPASS
	016D	TENAS "TIN TIN"	6	ROAD RIGHT OF WAY IN TRESPASS
	016E	PATRICK HENRY	8	ROAD RIGHT OF WAY IN TRESPASS
	016F	WAYMAN	10	ROAD RIGHT OF WAY IN TRESPASS
	016G	FLORIAN PETER	11	ROAD RIGHT OF WAY IN TRESPASS
	016H	WILLIAM MINAR	12	ROAD RIGHT OF WAY IN TRESPASS
	016I	OLD PERRY	13	ROAD RIGHT OF WAY IN TRESPASS
	016J	DOCTOR CHARLEY	14	ROAD RIGHT OF WAY IN TRESPASS
	016K	STUTTERING, FLOYD	15	ROAD RIGHT OF WAY IN TRESPASS

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
PN6117	040N	JAMES SLY	416	TAHKENITT ROAD RIGHT OF WAY IN TRESPASS
	040O	NANCY SOTOMISH	425	TAHKENITT ROAD RIGHT OF WAY IN TRESPASS
	040J	HARRIS CAPOEMAN	474	TAHKENITT ROAD RIGHT OF WAY IN TRESPASS
	040K	JOHNSON STANLEY GEORGE	1908	TAHKENITT ROAD RIGHT OF WAY IN TRESPASS
	040L	MARTHA V.E. STEPHEN	2219	TAHKENITT ROAD RIGHT OF WAY IN TRESPASS
	040M	SUZANNE M. TAYLOR	2237	TAHKENITT ROAD RIGHT OF WAY IN TRESPASS
	041	JOSIE CALIFORNIA	132	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041A	HARRY CALIFORNIA	133	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041B	JAMES CALIFORNIA	134	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041C	ALEXANDER OR POY CALIFORNIA	135	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041D	GLENN CAPOEMAN	138	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041E	MARY CHEPALIS	167	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041F	JACK OR LINTON LEWIS	334	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041G	DAISY C. PARKER	339	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041H	ADDIE C. PARKER	340	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041I	GEORGE C. PARKER	361	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	042	PHEBE SMITH	418	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042A	ADDIE BUCK	982	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042B	GEORGE CROMWELL	1095	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042C	MARIAL IRA FISHER	1081	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042D	JOHN HAYDEN JR.	1114	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042E	CLIFFORD HAYDEN	1119	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042F	REGINALD WATSON	1174	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042G	MARIE J. WATSON	1177	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042H	CLEVELAND E. JAMES	1195	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042I	INEZ JOHNS	1205	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042J	WALTER PAYNE	1902	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042K	TOBY SAUY	1957	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042L	EVANS SHALE	1369	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042M	COLEMAN DOWSON SMELL	1377	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042N	SUSIE MERRIMAN	1419	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042O	ARTHUR ALEXANDER VERNES	1447	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042P	CAESAR JAMES VERNES	1448	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042Q	ANNABELLE P. MOUNTS	1904	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042R	CORA B.M. GILMORE	1917	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042S	VIVIAN M. JAMES	1898	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042T	MARION M. P. LOMSDALE	1969	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	043	JOHN HAYDEN JR.	111A	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043A	CLIFFORD HAYDEN	1119	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043B	GEORGE CROMWELL	1095	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043C	INEZ JOHNS	1205	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043D	MARIE WATSON	1177	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043E	REGINALD WATSON	1174	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043F	EVANS SHALE	1369	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043G	PHOEBE SMITH	418	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043H	MARION LOMSDALEN	1969	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043I	SUSIE MERRIMAND	1419	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	044	JENNIE STRONG	79	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044A	CHARL JAMES	1178	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044B	CLEVE JAMES	1195	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044C	TOBY SAUY	1957	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044D	WINNIFRED WARD	1410	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044E	ELIZABETH JAMES	1908	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044F	MARIE MYERS	1209	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044G	EVALINE HARG	943	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044H	EARL JAMES	1183	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044I	MARY JAMES	1152	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044J	ELLEN JAMES	1271	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044K	MINNIE AMELIA	919	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044L	FREDERICK HAMBERT	1540	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044M	FRED WILLIAMS	464	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044N	KATIE PENN	1311	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044O	QUINAULT TRIBE	N/A	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044P	ALICE UNDERWOOD	87	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044Q	FLORIAN 1 OF	1206	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044R	BISHOP GRAY	1155	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044S	LEONARD YOUNG	1456	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044C	AGNES COX	1940	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
PN6117	044T	ELIZABETH BROWN	1343	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044U	LEE D. SOUK	1033	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044V	JOHNN COLE	1032	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044W	CLARA COLE	1361	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044X	ELIZABETH SMELL	1341	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044Y	BOYD SAUY	787	LAKE BUTTONWILLOW ROAD RIGHT OF WAY IN TRESPASS
	044Z	DICK WATSON	792	LAKE BUTTONWILLOW ROAD RIGHT OF WAY IN TRESPASS
	045	VANCE JOHNS	864	LAKE BUTTONWILLOW ROAD RIGHT OF WAY IN TRESPASS
	045A	JOHN ALFRED UNDERWOOD	2014	ROAD NEW CREEK ROAD RIGHT OF WAY IN TRESPASS
	045B	EARL MICHAELS	696	NEW CREEK CAMP ROAD RIGHT OF WAY IN TRESPASS
	046	ELLEN SPRINGER	N/A	RAYMATER SPUR ROAD IN TRESPASS
	047	JOSEPH COLE	1003	IMPROVEMENT TO SELL
PN6118	003	SHOALWATER BAY TRIBE	N/A	DEEDED BY THE SEA
	004	SHOALWATER TRIBE	N/A	STATE HIGHWAY NO. 12-A ROW IN TRESPASS
	005	SHOALWATER BAY TRIBE	N/A	SHOALWATER WATER FREEWAY/CHEMICAL CONTAMINATION
	006	N/A	N/A	OFF RESERVATION ROAD RIGHT OF WAY IN TRESPASS
	007	SHOALWATER BAY TRIBE	N/A	EASEMENTS OF TRIBAL LAND
PN6120	001	QUINAULT TRIBE	N/A	QUINAULT TRIBAL ANDS OWNERSHIP
	004	QUINAULT TRIBE	N/A	FISHERY-CHINOOK [OAK/QUINAULT] RIVER
	005	QUINAULT TRIBE	N/A	WOOD CAMP SCHOOL ON TRIBAL CEMETERY
	007	QUINAULT TRIBE	N/A	QUINAULT FISHERY AND TRESPASS CLAIM
	008	JAMES PULSIFER	1-A	SALE WITHOUT FULL TRANSMIT
	009	QUINAULT TRIBE	N/A	CEMETARY-LOSS OF LAND
	010	PETER SQUALLY	NONE	TILLICUM CONDEMNATION - CHINOOK DAM
	011	JIM RITTER	N/A	OLD AGE ASSISTANCE
	012	HENRY R. ALLEN	SOLD-A	OLD AGE ASSISTANCE
	013	BILLY ADAMS	26	ROAD RIGHT OF WAY IN TRESPASS
	013A	HENRITH HAM	28	ROAD RIGHT OF WAY IN TRESPASS
	013B	SUSIE SHERWOOD	44	ROAD RIGHT OF WAY IN TRESPASS
	013C	ANNIE WILKER	NONE	ROAD RIGHT OF WAY IN TRESPASS
	013D	JIM RITTER	NONE	ROAD RIGHT OF WAY IN TRESPASS
	014	HENRITH HAM	28	ROAD RIGHT OF WAY IN TRESPASS
	014A	BILLY WATERMAN	29	ROAD RIGHT OF WAY IN TRESPASS
	014B	NED WATERMAN	30	ROAD RIGHT OF WAY IN TRESPASS
	014C	OLD PETER	31	ROAD RIGHT OF WAY IN TRESPASS
	014D	FRANK ALLEN	32	ROAD RIGHT OF WAY IN TRESPASS
	014E	WILSON WATERMAN	42	ROAD RIGHT OF WAY IN TRESPASS
	014F	CANNON	43	ROAD RIGHT OF WAY IN TRESPASS
	014G	BILLY WILLIAMS	NONE	ROAD RIGHT OF WAY IN TRESPASS
	015	ANNIE WILKER	NONE	ROAD RIGHT OF WAY IN TRESPASS
	015A	U.S. SCHOOL	NONE	ROAD RIGHT OF WAY IN TRESPASS
	015B	JOSEPH SPARR	21	ROAD RIGHT OF WAY IN TRESPASS
	015C	HANK ROBINSON	45	ROAD RIGHT OF WAY IN TRESPASS
	016	ANDREW JOHNSON	2	ROAD RIGHT OF WAY IN TRESPASS
	016A	CURLEY	3	ROAD RIGHT OF WAY IN TRESPASS
	016B	JOHN MAYFER	4	ROAD RIGHT OF WAY IN TRESPASS
	016C	DAVE WILLIAMS	5	ROAD RIGHT OF WAY IN TRESPASS
	016D	TENAS "TIN TIN"	6	ROAD RIGHT OF WAY IN TRESPASS
	016E	PATRICK HENRY	8	ROAD RIGHT OF WAY IN TRESPASS
	016F	WAYMAN	10	ROAD RIGHT OF WAY IN TRESPASS
	016G	FLORIAN PETER	11	ROAD RIGHT OF WAY IN TRESPASS
	016H	WILLIAM MINAR	12	ROAD RIGHT OF WAY IN TRESPASS
	016I	OLD PERRY	13	ROAD RIGHT OF WAY IN TRESPASS
	016J	DOCTOR CHARLEY	14	ROAD RIGHT OF WAY IN TRESPASS
	016K	STUTTERING, FLOYD	15	ROAD RIGHT OF WAY IN TRESPASS

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
PN6117	040N	JAMES SLY	416	TAHKENITT ROAD RIGHT OF WAY IN TRESPASS
	040O	NANCY SOTOMISH	425	TAHKENITT ROAD RIGHT OF WAY IN TRESPASS
	040J	HARRIS CAPOEMAN	474	TAHKENITT ROAD RIGHT OF WAY IN TRESPASS
	040K	JOHNSON STANLEY GEORGE	1908	TAHKENITT ROAD RIGHT OF WAY IN TRESPASS
	040L	MARTHA V.E. STEPHEN	2219	TAHKENITT ROAD RIGHT OF WAY IN TRESPASS
	040M	SUZANNE M. TAYLOR	2237	TAHKENITT ROAD RIGHT OF WAY IN TRESPASS
	041	JOSIE CALIFORNIA	132	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041A	HARRY CALIFORNIA	133	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041B	JAMES CALIFORNIA	134	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041C	ALEXANDER OR POY CALIFORNIA	135	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041D	GLENN CAPOEMAN	138	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041E	MARY CHEPALIS	167	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041F	JACK OR LINTON LEWIS	334	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041G	DAISY C. PARKER	339	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041H	ADDIE C. PARKER	340	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	041I	GEORGE C. PARKER	361	CALIFORNIA SLOUGH RIGHT OF WAY IN TRESPASS
	042	PHEBE SMITH	418	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042A	ADDIE BUCK	982	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042B	GEORGE CROMWELL	1095	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042C	MARIAL IRA FISHER	1081	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042D	JOHN HAYDEN JR.	1114	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042E	CLIFFORD HAYDEN	1119	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042F	REGINALD WATSON	1174	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042G	MARIE J. WATSON	1177	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042H	CLEVELAND E. JAMES	1195	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042I	INEZ JOHNS	1205	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042J	WALTER PAYNE	1902	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042K	TOBY SAUY	1957	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042L	EVANS SHALE	1369	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042M	COLEMAN DOWSON SMELL	1377	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042N	SUSIE MERRIMAN	1419	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042O	ARTHUR ALEXANDER VERNES	1447	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042P	CAESAR JAMES VERNES	1448	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042Q	ANNABELLE P. MOUNTS	1904	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042R	CORA B.M. GILMORE	1917	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042S	VIVIAN M. JAMES	1898	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	042T	MARION M. P. LOMSDALE	1969	MILWAUKIE ROAD RIGHT OF WAY IN TRESPASS
	043	JOHN HAYDEN JR.	111A	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043A	CLIFFORD HAYDEN	1119	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043B	GEORGE CROMWELL	1095	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043C	INEZ JOHNS	1205	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043D	MARIE WATSON	1177	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043E	REGINALD WATSON	1174	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043F	EVANS SHALE	1369	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043G	PHOEBE SMITH	418	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043H	MARION LOMSDALEN	1969	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	043I	SUSIE MERRIMAND	1419	ROUTE 2 ROAD RIGHT OF WAY IN TRESPASS
	044	JENNIE STRONG	79	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044A	CHARL JAMES	1178	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044B	CLEVE JAMES	1195	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044C	TOBY SAUY	1957	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044D	WINNIFRED WARD	1410	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044E	ELIZABETH JAMES	1908	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044F	MARIE MYERS	1209	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044G	EVALINE HARG	943	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044H	EARL JAMES	1183	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044I	MARY JAMES	1152	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044J	ELLEN JAMES	1271	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044K	MINNIE AMELIA	919	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044L	FREDERICK HAMBERT	1540	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044M	FRED WILLIAMS	464	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044N	KATIE PENN	1311	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044O	QUINAULT TRIBE	N/A	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044P	ALICE UNDERWOOD	87	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044Q	FLORIAN 1 OF	1206	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044R	BISHOP GRAY	1155	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044S	LEONARD YOUNG	1456	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS
	044C	AGNES COX	1940	CRANE CREEK ROAD RIGHT OF WAY IN TRESPASS

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P06120	016L	ROBERT LEWIS	17	ROAD #4212 RIGHT OF WAY IN TRESPASS
	016M	RUFUS WILLARD	18	ROAD #4212 RIGHT OF WAY IN TRESPASS
	016N	CHEHALIS JACK	19	ROAD #4212 RIGHT OF WAY IN TRESPASS
	016O	TENAS CHARLEY	20	ROAD #4212 RIGHT OF WAY IN TRESPASS
	016P	JOHN ROBINSON	23	ROAD #4212 RIGHT OF WAY IN TRESPASS
	017	DICK LEWIS	36	ROAD #4313 RIGHT OF WAY IN TRESPASS
	017A	DAVID	35	ROAD #4313 RIGHT OF WAY IN TRESPASS
	017B	BILLY THOMPSON	34	ROAD #4313 RIGHT OF WAY IN TRESPASS
	017C	BILLY WATERMAN	29	ROAD #4313 RIGHT OF WAY IN TRESPASS
P06125	003	LOWER ELWHA TRIBE	N/A	CROWN ZELLERBACH DAMS-ELWHA RIVER
	004	PYSHT TIM	HC4351	STATE HIGHWAY 112 RIGHT OF WAY IN TRESPASS
	004A	PYSHT JACK	HC4198	STATE HIGHWAY 112 RIGHT OF WAY IN TRESPASS
	004B	MIKE JOHN	HC4407	STATE HIGHWAY 112 RIGHT OF WAY IN TRESPASS
	004C	CHARLEY SWAN	HC4406	STATE HIGHWAY 112 RIGHT OF WAY IN TRESPASS
	005	LOWER ELWHA TRIBE	N/A	WATER RIGHTS
	006	LOWER ELWHA TRIBE	N/A	1912 FLOOD DAMAGES
	007	HUNTER JOHN	HC2193	ALLOTMENT PASSED OUT OF TRUST
	008	CHARLES JACKSON	P005	FORCED FEE PATENT
P06130	012	COWLITZ TRIBE	N/A	LAND RESTORATION-ST. FRANCIS XAVIER MISSION
	013	ISAAC KINSMA	HC1161	FORCED FEE PATENT
	014	ANN E. SCARBOROUGH	N/A	SCARBOROUGH DONATION LAND CLAIM
	015	COWLITZ TRIBE	N/A	COSAMCO REPORT (NO STATED CLAIM)
	016	KLINK CHENOIS	HC1028	FORCED FEE PATENT
	017	SAM WATCHAT	HC1337	FORCED FEE PATENT
	018	BOB KITCHOLANOCH	HC1334	FORCED FEE PATENT
	019	JAMES QUAH TO AH BOTH	HC1885	TITLE TRANSFER PRIOR TO TRUST PATENT
	020	LUCY MCQUELAH	1020	ILLEGAL TAX FORECLOSURE
P07143	005	WENTY	C-134	INVALID CONDEMNATION BY CITY OF PENDLETON
	006	PATRICIA DUFFY	1119	E. OREGON ELECTRIC CORP IN TRESPASS
	007	UMATILLA	N/A	WALLA WALLA RIVER-MILNANTER DAM-GARDENA FARMS
	008	UMATILLA TRIBES	NONE	FISHERY-WALLA WALLA R.-HOWEN DITCH CO DAM
	009	UMATILLA TRIBES	NONE	FISHERY-HORSE HAVEN CREEK-BOWNTEVIEW DAM
	010	UMATILLA TRIBES	NONE	FISHERY-BIRCH CREEK IRRIGATION DIVERSION
	011	UMATILLA TRIBES	NONE	FISHERY-UMATILLA R.-3MILE DAM,IRR DIVERSION
	012	UMATILLA TRIBES	NONE	FISHERY-WILLOW CR.-HEPPNER WT-IRR.PROJECT
	013	UMATILLA TRIBES	NONE	FISHERY-BUTTER CREEK OVER APPROPRIATIONS
	014	UMATILLA TRIBES	NONE	FISHERY-CATHERINE CREEK-LOWER DAVIS DAM
	015	UMATILLA TRIBES	NONE	FISHERY-CATHERINE CREEK-UPPER DAVIS DAM
	01A	UMATILLA TRIBES	NONE	FISHERY-CATHERINE CR.-UNION WATER SUPPLY DAM
	017	UMATILLA TRIBES	NONE	FISHERY-INDIAN CR.-ELGIN DOMESTIC WATER DAM
	018	UMATILLA TRIBES	NONE	FISHERY-BEAVER CR.-LA GRANDE WATER SUPPLY DAM
	019	UMATILLA TRIBES	NONE	FISHERY-W.EAGLE CREEK-PHILLIP DITCH DAM
	020	UMATILLA TRIBES	NONE	FISHERY-BALM CREEK RESERVOIR DAM
	021	UMATILLA TRIBES	NONE	FISHERY-S.F. BMONT RIVER-UNITED RESERVOIR DAM
	022	UMATILLA TRIBES	NONE	FISHERY-POWDER RIVER-MILES IRR. DIVERSION DAM
	023	BERNADETTE NEZ	A79-R	BOUNDARY LINE DISPUTE
	024	IRMA SAM	C-372	BROAD ALLEGATIONS
	025	DONNA LEE HANDRAN ALTON	1405	CATTLE TRESPASS BY CLARENCE THRS
	026	BRYSON G. LIBERTY	C-254A	PIPELINE CAUSING WETNESS
	027	CARRIE SAMPSON	C-245B	FIELD BOUNDARY DISPUTE
	028	EMMA FARROW	UW-1AB	GRAVEL REMOVAL
	029	PARSONS MOTANIC	C-21	FORCED FEE PATENT
	030	JOSEPH WILD BILL THOMPSON	A88	OLD AGE ASSISTANCE
	031	MARY ALLEN	UW-355	FORCED FEE PATENT
	032	WILLIAM ALLEN	UW-359	FORCED FEE PATENT
	033	AGNES LA FAVE BERGEVIN	UW-3[illegible]	FORCED FEE PATENT
	034	CARRIE BERGEVIN	UW-332	FORCED FEE PATENT
	035	MARY BERGEVIN HARMON	UW-[illegible]	FORCED FEE PATENT
	03A	EDWARD BUSHMAN	UW-327	FORCED FEE PATENT
	037	LIKE COWAPOO (MAYATSKEET)	C-259	FORCED FEE PATENT
	038	AGNES KINNEY CRAFT	UW-300	FORCED FEE PATENT
	039	ELLEN GAGNON DARR	UW-2[illegible]	FORCED FEE PATENT
	040	MARY D. DUFFY SAMS	UW-247	FORCED FEE PATENT
	041	EZRA (TOM) FARROW	UW-[illegible]	FORCED FEE PATENT
	042	PRECIOUS BEDFORD KING	C-[illegible]	FORCED FEE PATENT
	043	IDLANOS-NAWMI	C-[illegible]	FORCED FEE PATENT
	044	CARRINE ALLEN MORGAN	UW-[illegible]	FORCED FEE PATENT
	045	ALBERT KNAH MINTHORN	C-19	FORCED FEE PATENT

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P07143	046	WAWATPUTS (GILBERT MINTHORN)	C-108	FORCED FEE PATENT
	047	HEYOUSHKIT (ROBINSON MINTHORN)	C-259	FORCED FEE PATENT
	048	FELICITE PAMBRUN	UW-228	FORCED FEE PATENT
	049	TO MAS LOW TAT (ALLEN PATAWA)	11-40	FORCED FEE PATENT
	050	JOSEPH PICARD	UW-344	FORCED FEE PATENT
	051	JOHN HENRY PIERCE	UW-350	FORCED FEE PATENT
	052	ELIZABETH GALE PAGE POINDEXTER	UW-193	FORCED FEE PATENT
	053	CORA ALLEN REDFORD	UW-356	FORCED FEE PATENT
	054	LEO SAMPSON	C-159	FORCED FEE PATENT
	055	KATIE PAMBRUN SEARS	UW-231	FORCED FEE PATENT
	056	MATHEW SHEOSHIPS	C-49	FORCED FEE PATENT
	057	AKATHTOINMI (SAM STURGIS)	UW-43	FORCED FEE PATENT
	058	UMATILLA TRIBES	N/A	EASTERN BOUNDARY OF UMATILLA RESERVATION
	059	KAKAMAS	C353	SPRING HOLLOW RD #1050 ROW IN TRESPASS
	059A	TIMOT	1181	SPRING HOLLOW RD #1050 ROW IN TRESPASS
	059B	TOETYASH	1114A	SPRING HOLLOW RD #1050 ROW IN TRESPASS
	059C	ALEESWALLA	11214	SPRING HOLLOW RD #1050 ROW IN TRESPASS
	060	TATSUMANAQUA	1138	PRESBYTERIAN SOUTH RD #5 ROW IN TRESPASS
	060A	WAWENITWAY	1141	PRESBYTERIAN SOUTH RD #5 ROW IN TRESPASS
	060B	QUIASHOUTASH	1176	PRESBYTERIAN SOUTH RD #5 ROW IN TRESPASS
	060C	HOWTENOAMI	11100	PRESBYTERIAN SOUTH RD #5 ROW IN TRESPASS
	060D	BILLY MCKAY	C154	PRESBYTERIAN SOUTH RD #5 ROW IN TRESPASS
	060E	PEO	1129	PRESBYTERIAN SOUTH RD #5 ROW IN TRESPASS
	061	WAMTSHTA	WW44	ROAD #732 RIGHT OF WAY IN TRESPASS
	061A	PETELSHAPTNAWA	C340	ROAD #732 RIGHT OF WAY IN TRESPASS
	061B	CHARLES MCWHIRK	WW255	ROAD #732 RIGHT OF WAY IN TRESPASS
	061C	EDWARD BUSHMAN	WW327	ROAD #732 RIGHT OF WAY IN TRESPASS
	061D	JOHN PIERCE	WW350	ROAD #732 RIGHT OF WAY IN TRESPASS
	061E	NARCISSE PIERCE	WW351	ROAD #732 RIGHT OF WAY IN TRESPASS
	061F	JULIA MORRISETT	WW393	ROAD #732 RIGHT OF WAY IN TRESPASS
	061G	NARCISSE LAVADORE	WW395	ROAD #732 RIGHT OF WAY IN TRESPASS
	061H	MILLY LAVADORE	WW399	ROAD #732 RIGHT OF WAY IN TRESPASS
	061I	NELSON LAVADORE	WW400	ROAD #732 RIGHT OF WAY IN TRESPASS
	061J	SAM BROWN	WW471	ROAD #732 RIGHT OF WAY IN TRESPASS
	062	YATTNEAWITS	C173	ROAD #735 RIGHT OF WAY IN TRESPASS
	062+	ISABEL PAGE RUTTER	WW194	ROAD #735 RIGHT OF WAY IN TRESPASS
	062A	CHARLEY BLACKHAWK (KALAPUSHMEN)	C325	ROAD #735 RIGHT OF WAY IN TRESPASS
	062B	WASHAWAKSHA	11142	ROAD #735 RIGHT OF WAY IN TRESPASS
	062C	LOUIS MOODY	11195	ROAD #735 RIGHT OF WAY IN TRESPASS
	062D	LIZZIE ROBEY PARRAIN	11196	ROAD #735 RIGHT OF WAY IN TRESPASS
	062E	HUGH ROBEY	11197	ROAD #735 RIGHT OF WAY IN TRESPASS
	062F	FRANK DEPOT	11192	ROAD #735 RIGHT OF WAY IN TRESPASS
	062G	SALAKON	WW93	ROAD #735 RIGHT OF WAY IN TRESPASS
	062H	ELIZABETH G. PAGE	WW193	ROAD #735 RIGHT OF WAY IN TRESPASS
	062I	ELINOR G. PAGE	WW195	ROAD #735 RIGHT OF WAY IN TRESPASS
	062J	MARY A. JORGENSEN	WW197	ROAD #735 RIGHT OF WAY IN TRESPASS
	062K	SARINA A. PEMBERTON	WW198	ROAD #735 RIGHT OF WAY IN TRESPASS
	062L	CLARA GALE HALCOMB	WW199	ROAD #735 RIGHT OF WAY IN TRESPASS
	062M	CATHERINE WILSON	WW219	ROAD #735 RIGHT OF WAY IN TRESPASS
	062N	CORA WOODWARD	WW220	ROAD #735 RIGHT OF WAY IN TRESPASS
	062O	JOHN L. DUFFY	WW238	ROAD #735 RIGHT OF WAY IN TRESPASS
	062P	JERRY GAGNON	WW240	ROAD #735 RIGHT OF WAY IN TRESPASS
	062Q	PETER GAGNON	WW241	ROAD #735 RIGHT OF WAY IN TRESPASS
	062R	JOSEPH A. LABRASH	WW248	ROAD #735 RIGHT OF WAY IN TRESPASS
	062S	HENRY CLAY LABRASH	WW249	ROAD #735 RIGHT OF WAY IN TRESPASS
	062T	LOUIE C. LABRASH	WW250	ROAD #735 RIGHT OF WAY IN TRESPASS
	062U	PAUL BUSHMAN	WW319	ROAD #735 RIGHT OF WAY IN TRESPASS
	062V	CAROLINE BUSHMAN	WW321	ROAD #735 RIGHT OF WAY IN TRESPASS
	062W	PAUL BUSHMAN JR.	WW322	ROAD #735 RIGHT OF WAY IN TRESPASS
	062X	JOHN BUSHMAN	WW323	ROAD #735 RIGHT OF WAY IN TRESPASS
	062Y	ESTHER HEBEART	WW347	ROAD #735 RIGHT OF WAY IN TRESPASS
	062Z	LOUIS HEBEART JR.	WW348	ROAD #735 RIGHT OF WAY IN TRESPASS
	063	WENTY	C134	ROAD #735 RIGHT OF WAY IN TRESPASS
	063A	WAHETILLA	1107	ROAD #735 RIGHT OF WAY IN TRESPASS
	063B	WESTCOMB	WW45	ROAD #735 RIGHT OF WAY IN TRESPASS
	063C	KATIE COY	WW300	ROAD #735 RIGHT OF WAY IN TRESPASS
	063D	JOHN DUFFY	WW338	ROAD #735 RIGHT OF WAY IN TRESPASS
	063E	FRANK MORRISETT	WW375	ROAD #735 RIGHT OF WAY IN TRESPASS

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P07142	0A3E	WILLIA LAFEAVE	WW279	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3G	FRANK LAFEAVE	WW281	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3H	JOHN LAFAVE	WW283	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3I	EZRA FARROW	WW284	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3J	ROSA FARROW	WW287	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3K	WILIA ANN FARROW	WW288	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3L	EDDIE PICARD	WW293	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3M	NED MITTSON	WW297	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3N	AGNES KINNEY	WW300	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3O	HENRY PETIT	WW304	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3P	XAVIER LAVADORE	WW308	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3Q	GRACE LAVADORE	WW312	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3R	JOSEPH LAVADORE	WW314	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3S	EDWARD LAVADORE	WW315	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A3T	WILIAN PICARD	WW317	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A4	CHARLES MCWHIRK	WW318	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A4A	FRANK MORISETT	WW319	ROAD #775A RIGHT OF WAY IN TRESPASS
	0A4B	FREDERICK LA FAVE	WW320	ROAD #775A RIGHT OF WAY IN TRESPASS
	0A4C	FRANK LA FAVE	WW321	ROAD #775A RIGHT OF WAY IN TRESPASS
	0A4D	ADELE LA FAVE	WW322	ROAD #775A RIGHT OF WAY IN TRESPASS
	0A4E	JOHN LA FAVE	WW323	ROAD #775A RIGHT OF WAY IN TRESPASS
	0A4F	WILIA MORRISETT	WW324	ROAD #775A RIGHT OF WAY IN TRESPASS
	0A5	NATINEAWIS	P177	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5B	ADELE RENVILLE	WW326	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5C	MARY LOUISE PAMBRUN	WW327	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5D	DUMONTE PAMBRUN	WW328	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5G	SISMOENA (NO SMITH)	WW329	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5R	TOMKSIN	WW330	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5C	JOSEPH LA ROQUE	WW331	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5D	TOITSSOMET	WW332	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5E	TOMLATOMI	1060	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5F	TAMAMINMI	C176	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5G	WAWETELA	837	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5H	ALEAWASHAMI	WW43	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5I	LAURA V. DEPOT	1194	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5J	SUSANNE	WW 50	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5K	FRANCES E.G. PAGE	WW350	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5L	KATIE COI	WW200	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5M	JAMES COI	WW201	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5N	ANNA GENDRON	WW322	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5O	JOHN DUFFY	WW 48	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5P	CONSTANCE DUFFY	WW335	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5Q	SOPHIE REMILLARD	WW340	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5R	SELINA REMILLARD	WW344	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5S	ADDIE BELPRE WOODWARD	WW 48	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5T	MARGARET POITIER	WW353	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5U	WALTER D. POITIER	WW354	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5V	JOHN LA ROQUE	WW355	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5W	EDWARD MORRISETT	WW 77	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5Y	AGNES KINNEY	WW358	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A5Z	MADELINE LA CORSE	WW360	ROAD #777 RIGHT OF WAY IN TRESPASS
	0A6	WELAITSAMI	C179	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6A	PETONEWO	C308	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6B	HUMLATUKALAMT	C327	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6C	IPNASIPLATONMI	C306	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6D	TOMLATIN	C339	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6E	JOHN MOREAN	C366	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6F	MELISSA DEPOT	1193	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6G	LUCRETIA SIMPSON	WW19	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6H	CLARA SIMPSON	WW184	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6I	LEVINIA SIMPSON	WW187	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6J	ETHEL SIMPSON	WW190	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6K	GROVER CLEVELAND PAGE	WW205	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6L	HENRY MOREAN	WW366	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6M	MARY EVA MOREAN	WW367	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6N	LYDIA JOSEPHINE MOREAU	WW368	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A6O	ELEANOR CAMERON	WW470	ROAD #775 RIGHT OF WAY IN TRESPASS

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P07142	0A6P	SYLVINA BERGEVIN	WW431	ROAD #775 RIGHT OF WAY IN TRESPASS
	0A7	JOHN LIBERTY	C238	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7B	BERNICE RAINVILLE	1078	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7C	ROBERT EAGLETON	1204	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7D	CLARENCE GORNON	1263	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7E	INA S. RADKE	1240	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7F	WYNEMA S. EDWARDS	939	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7G	IPNASIPLATONMI	C238	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7H	LIMHAWISHANATA	WW23	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7I	TOLAIFETSA	WW128	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7J	LATONIA GOSSETT	WW130	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7K	ATILAPUM	WW137	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7L	AYOUVASH	WW140	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7M	WEYOWINTMAH	WW142	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7N	TMAWTANIC	WW152	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7O	LOUIE DOWNEY	WW252	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7P	NOOPENY	763	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7Q	NELLIE PIERCE	791	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7R	CECILE RICHMAN	1194	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7S	SISTINE LIBERTY	C240	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7T	TOMKIN	C329	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7U	WILLIAM VANINE	WW25	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7V	SARA LIBY	WW267	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7W	HARRISON C. RICE	WW269	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7X	THOMAS RICHEY	WW273	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7Y	RAPHAEL ALFRED MOREAU	WW278	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7Z	ELIZA CAMERON	WW427	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7U	WILLIAM CAMERON	WW428	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7V	MARY CAMERON	WW430	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7W	JOHN PICARD	WW447	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7X	ROBERT PIERCE	789	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7Y	FRANK PIERCE	790	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A7Z	MARY S. PIERCE	793	ROAD #AAA RIGHT OF WAY IN TRESPASS
	0A8	ALALAIONYESGANMT	C112	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8B	THERESE	WW131	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8C	TAMKSIN	WW-133	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8D	NETATELAKI	C-107	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8E	HEYATSENTSKIN	C230	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8F	SYLVIA WILLIAMS	C347	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8G	MOSES MINTHORN	111	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8H	SUSANNE	WW132	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8I	MAGGIE DAMON	WW294	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8J	MAGGIE ALLEN RENVILLE	WW289	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8K	ISAAC PARR	WW304	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8L	ROSA BERGEVIN	WW435	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8M	MINNIE BERGEVIN	WW436	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8N	LOUIS O. BERGEVIN	WW437	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8O	JOSEPH PICARD	WW444	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8P	ELIZABETH SMITH	WW484	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8Q	MAGGIE SMITH	WW487	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8R	CHARLES SMITH	WW489	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A8S	E.A. SMITH	WW490	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A9	THERESE	WW1314	ROAD #788 RIGHT OF WAY IN TRESPASS
	0A9B	AWAHITIN	C114	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9C	RENA BERGEVIN	WW334	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9D	WILIA MORRISETT	WW398	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9E	ADELE RENVILLE	WW439	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9F	DENWARD L. BERGEVIN	717	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9G	ELDA M. MANDRAN	794	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9I	LORENA C. SAM	1063	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9J	CARRIE BERGEVIN	WW397	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9K	MARY LAFAVE	WW379	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9L	AGNES R. ENNIS	1225	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9M	WENIX	C134	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9N	WELAITSAMI	C139	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9O	PAPAITSPUM	WW474	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9P	MARTHA WAHWAH	895	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9Q	PENATALAKATS	899	ROAD #805 RIGHT OF WAY IN TRESPASS

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P07142	0A9R	ALEXANDER PAMBRUN	WW476	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9S	ALEXANDER PAMBRUN	WW477	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9T	ALEXANDER PAMBRUN	WW478	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9U	ALEXANDER PAMBRUN	WW479	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9V	ALEXANDER PAMBRUN	WW480	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9W	ALEXANDER PAMBRUN	WW481	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9X	ALEXANDER PAMBRUN	WW482	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9Y	ALEXANDER PAMBRUN	WW483	ROAD #805 RIGHT OF WAY IN TRESPASS
	0A9Z	ALEXANDER PAMBRUN	WW485	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AA	ALEXANDER PAMBRUN	WW486	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAB	ALEXANDER PAMBRUN	WW488	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAC	ALEXANDER PAMBRUN	WW491	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAD	ALEXANDER PAMBRUN	WW492	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAE	ALEXANDER PAMBRUN	WW493	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAF	ALEXANDER PAMBRUN	WW494	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAG	ALEXANDER PAMBRUN	WW495	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAH	ALEXANDER PAMBRUN	WW496	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAI	ALEXANDER PAMBRUN	WW497	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAJ	ALEXANDER PAMBRUN	WW498	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAK	ALEXANDER PAMBRUN	WW499	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAL	ALEXANDER PAMBRUN	WW500	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAM	ALEXANDER PAMBRUN	WW501	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAN	ALEXANDER PAMBRUN	WW502	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAO	ALEXANDER PAMBRUN	WW503	ROAD #805 RIGHT OF WAY IN TRESPASS

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P07142	0AAP	ALEXANDER PAMBRUN	WW504	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAQ	ALEXANDER PAMBRUN	WW505	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAR	ALEXANDER PAMBRUN	WW506	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAS	ALEXANDER PAMBRUN	WW507	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAT	ALEXANDER PAMBRUN	WW508	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAU	ALEXANDER PAMBRUN	WW509	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAV	ALEXANDER PAMBRUN	WW510	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAW	ALEXANDER PAMBRUN	WW511	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAX	ALEXANDER PAMBRUN	WW512	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAY	ALEXANDER PAMBRUN	WW513	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AAZ	ALEXANDER PAMBRUN	WW514	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AB	ALEXANDER PAMBRUN	WW515	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABB	ALEXANDER PAMBRUN	WW516	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABC	ALEXANDER PAMBRUN	WW517	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABD	ALEXANDER PAMBRUN	WW518	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABE	ALEXANDER PAMBRUN	WW519	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABF	ALEXANDER PAMBRUN	WW520	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABG	ALEXANDER PAMBRUN	WW521	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABH	ALEXANDER PAMBRUN	WW522	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABI	ALEXANDER PAMBRUN	WW523	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABJ	ALEXANDER PAMBRUN	WW524	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABK	ALEXANDER PAMBRUN	WW525	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABL	ALEXANDER PAMBRUN	WW526	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABM	ALEXANDER PAMBRUN	WW527	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABN	ALEXANDER PAMBRUN	WW528	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABO	ALEXANDER PAMBRUN	WW529	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABP	ALEXANDER PAMBRUN	WW530	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABQ	ALEXANDER PAMBRUN	WW531	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABR	ALEXANDER PAMBRUN	WW532	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABS	ALEXANDER PAMBRUN	WW533	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABT	ALEXANDER PAMBRUN	WW534	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABU	ALEXANDER PAMBRUN	WW535	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABV	ALEXANDER PAMBRUN	WW536	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABW	ALEXANDER PAMBRUN	WW537	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABX	ALEXANDER PAMBRUN	WW538	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABY	ALEXANDER PAMBRUN	WW539	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ABZ	ALEXANDER PAMBRUN	WW540	ROAD #805 RIGHT OF WAY IN TRESPASS
	0AC	ALEXANDER PAMBRUN	WW541	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACB	ALEXANDER PAMBRUN	WW542	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACC	ALEXANDER PAMBRUN	WW543	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACD	ALEXANDER PAMBRUN	WW544	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACE	ALEXANDER PAMBRUN	WW545	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACF	ALEXANDER PAMBRUN	WW546	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACG	ALEXANDER PAMBRUN	WW547	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACH	ALEXANDER PAMBRUN	WW548	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACI	ALEXANDER PAMBRUN	WW549	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACJ	ALEXANDER PAMBRUN	WW550	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACK	ALEXANDER PAMBRUN	WW551	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACL	ALEXANDER PAMBRUN	WW552	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACM	ALEXANDER PAMBRUN	WW553	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACN	ALEXANDER PAMBRUN	WW554	ROAD #805 RIGHT OF WAY IN TRESPASS
	0ACO	ALEXANDER PAMBRUN	WW555	ROAD #805 RIGHT OF WAY IN TRESPASS

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P07143	069E	FLORENCE ROSS	949	ROAD #825 RIGHT OF WAY IN TRESPASS
	069G	JOHN S. SAMS	1068	ROAD #825 RIGHT OF WAY IN TRESPASS
	069H	PERSHING SAMS	1046	ROAD #825 RIGHT OF WAY IN TRESPASS
	069I	PEOMUTALTAS INMI	1123	ROAD #825 RIGHT OF WAY IN TRESPASS
	069J	RUFUS WOLF	1208	ROAD #825 RIGHT OF WAY IN TRESPASS
	069K	WILLIAM HALL	C105	ROAD #825 RIGHT OF WAY IN TRESPASS
	069L	JOHN MCBEAN	C398	ROAD #825 RIGHT OF WAY IN TRESPASS
	069M	WAWETELLA	1107	ROAD #825 RIGHT OF WAY IN TRESPASS
	069N	LAFRENT	WW10	ROAD #825 RIGHT OF WAY IN TRESPASS
	069O	KATIE COY	WW200	ROAD #825 RIGHT OF WAY IN TRESPASS
	069P	CATHERINE WILSON	WW214	ROAD #825 RIGHT OF WAY IN TRESPASS
	069Q	CORA WOODWARD	WW220	ROAD #825 RIGHT OF WAY IN TRESPASS
	069R	JOHN DUFFY	WW224	ROAD #825 RIGHT OF WAY IN TRESPASS
	069S	EDWARD MORRISETT	WW227	ROAD #825 RIGHT OF WAY IN TRESPASS
	069T	JULIA BUSHMAN	WW329	ROAD #825 RIGHT OF WAY IN TRESPASS
	069U	PETER LACORSE	WW335	ROAD #825 RIGHT OF WAY IN TRESPASS
	069V	WILLIAM LACORSE	WW338	ROAD #825 RIGHT OF WAY IN TRESPASS
	069W	NARCISSE LACORSE	WW343	ROAD #825 RIGHT OF WAY IN TRESPASS
	069X	JULIUS LACORSE	WW347	ROAD #825 RIGHT OF WAY IN TRESPASS
	069Y	MARIA H. PIERCE	WW349	ROAD #825 RIGHT OF WAY IN TRESPASS
	0697	MARY ALLEN	WW355	ROAD #825 RIGHT OF WAY IN TRESPASS
	070	TIKYATES	C109	ROAD #857 RIGHT OF WAY IN TRESPASS
	070A	MOSES MINTHORN	111	ROAD #857 RIGHT OF WAY IN TRESPASS
	070B	ELLEN GAGNON	WW361	ROAD #857 RIGHT OF WAY IN TRESPASS
	070C	JULIA ANN CHALIFOE	WW419	ROAD #857 RIGHT OF WAY IN TRESPASS
	070D	ZELINA CHALIFOE	WW423	ROAD #857 RIGHT OF WAY IN TRESPASS
	070E	ELIZABETH SMITH	WW496	ROAD #857 RIGHT OF WAY IN TRESPASS
	071	CHARLES BUSHMAN	WW27A	ROAD #858 RIGHT OF WAY IN TRESPASS
	071A	PETER LACORSE	WW335	ROAD #858 RIGHT OF WAY IN TRESPASS
	071B	NARCISSE LACORSE	WW343	ROAD #858 RIGHT OF WAY IN TRESPASS
	071C	ANNA O'NEIL	WW340	ROAD #858 RIGHT OF WAY IN TRESPASS
	072	METOTTSALIMPY	C380	ROAD #911 RIGHT OF WAY IN TRESPASS
	072A	HARLE ROBIE	783	ROAD #911 RIGHT OF WAY IN TRESPASS
	072B	NANCY C. ROBIE	785	ROAD #911 RIGHT OF WAY IN TRESPASS
	072C	VIRGINIA L. ROBIE	786	ROAD #911 RIGHT OF WAY IN TRESPASS
	072D	CATHERINE HALL	787	ROAD #911 RIGHT OF WAY IN TRESPASS
	072E	ANNIE HALL	788	ROAD #911 RIGHT OF WAY IN TRESPASS
	072F	EUGENE LAVADOUR	900	ROAD #911 RIGHT OF WAY IN TRESPASS
	072G	LENNORA R. CHALIFOE	997	ROAD #911 RIGHT OF WAY IN TRESPASS
	072H	DAVID MCBRIDE	1080	ROAD #911 RIGHT OF WAY IN TRESPASS
	072I	HOWARD GROVE	1104	ROAD #911 RIGHT OF WAY IN TRESPASS
	072J	MARY GROVE	1109	ROAD #911 RIGHT OF WAY IN TRESPASS
	072K	MAY L. REVIN	1111	ROAD #911 RIGHT OF WAY IN TRESPASS
	072L	EDITH VERTNER	1112	ROAD #911 RIGHT OF WAY IN TRESPASS
	072M	MARY J. HALEHOAN	1136	ROAD #911 RIGHT OF WAY IN TRESPASS
	072N	SOPHIE WILSON	1138	ROAD #911 RIGHT OF WAY IN TRESPASS
	072O	CALISTA WILLIAMS	1231	ROAD #911 RIGHT OF WAY IN TRESPASS
	072P	STANISLAUS WILLIAMS	1232	ROAD #911 RIGHT OF WAY IN TRESPASS
	072Q	WILLIAM H. ROBIE	1283	ROAD #911 RIGHT OF WAY IN TRESPASS
	072R	ROSELA MCBEAN	1353	ROAD #911 RIGHT OF WAY IN TRESPASS
	072S	WINIFRED STEVENS	1356	ROAD #911 RIGHT OF WAY IN TRESPASS
	073	LIBE MINTHORN	C17	ROAD #932 RIGHT OF WAY IN TRESPASS
	073A	HOWISHTOWTFACT	C140	ROAD #932 RIGHT OF WAY IN TRESPASS
	073B	TALWASHAMASOMMI	C217	ROAD #932 RIGHT OF WAY IN TRESPASS
	074	WEYAMIPSOM	C149	ROAD #934 RIGHT OF WAY IN TRESPASS
	074A	WAHOMAYET	WW42	ROAD #934 RIGHT OF WAY IN TRESPASS
	074B	IMWEA	C104	ROAD #934 RIGHT OF WAY IN TRESPASS
	074C	PEOPEOTOWEASH	C195	ROAD #934 RIGHT OF WAY IN TRESPASS
	074D	HOWISHTOWTFACT	C140	ROAD #934 RIGHT OF WAY IN TRESPASS
	074E	WETSOKAOWIT	C204	ROAD #934 RIGHT OF WAY IN TRESPASS
	074F	ISSOKATEWATAOKT (CELIA A.) EN	C205	ROAD #934 RIGHT OF WAY IN TRESPASS
	074G	QUITOKTSPOO (ANDREW A.) EN	C206	ROAD #934 RIGHT OF WAY IN TRESPASS
	074H	EAGLE HAIR	C398	ROAD #934 RIGHT OF WAY IN TRESPASS
	074I	KAITANA	1175	ROAD #934 RIGHT OF WAY IN TRESPASS
	074J	WAHOMAYET	WW42	ROAD #934 RIGHT OF WAY IN TRESPASS
	075	NANCY TSAT	1113	ROAD #939 RIGHT OF WAY IN TRESPASS
	075A	JENNIE LOURFY	1131	ROAD #939 RIGHT OF WAY IN TRESPASS
	075B	WATYEONSHALIKT	1178	ROAD #939 RIGHT OF WAY IN TRESPASS

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P07143	075C	SHEKAMALITT	1195	ROAD #939 RIGHT OF WAY IN TRESPASS
	075D	WADDIT (BILLY SIMPSON)	11134	ROAD #939 RIGHT OF WAY IN TRESPASS
	075E	KIAHNAWIT (JIM SCOTT)	11209	ROAD #939 RIGHT OF WAY IN TRESPASS
	075F	EMLA COX	WW203	ROAD #939 RIGHT OF WAY IN TRESPASS
	07A	WESHEWAPOTAVALAY	C43	ROAD #1049 RIGHT OF WAY IN TRESPASS
	07AA	PETELIS POND	1118	ROAD #1049 RIGHT OF WAY IN TRESPASS
	07AB	WILLIAM JONES	658	ROAD #1049 RIGHT OF WAY IN TRESPASS
	07AC	NIXTIAS	AAA	ROAD #1049 RIGHT OF WAY IN TRESPASS
	077	ROSA STDENNIS	WW207	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077A	JERRY STDENNIS	WW208	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077B	ROSA STDENIS	WW209	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077C	LOU SEEKE	WW217	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077D	ALICE SEEKE	WW218	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077E	ANNA GENDRON	WW222	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077F	JANE WILSON	WW224	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077G	JERRY GAGNON	WW240	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077H	PETER GAGNON	WW241	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077I	MARCELLUS GAGNON	WW242	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077J	SOPHIE REMILLARD	WW243	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077K	SELINA REMILLARD	WW244	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077L	LUCIAN GAGNON	WW245	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077M	WALTER D. MONTFER	WW254	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077N	FRED PARR	WW308	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077O	PAUL BUSHMAN JR.	WW320	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077P	JOHN BUSHMAN	WW323	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077Q	CLARA BUSHMAN	WW324	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077R	PETER BUSHMAN	WW325	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077S	ANGELA LACORSE	WW337	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077T	PETER LACORSE	WW-339	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077U	MARY PAINVILLE	WW-440	ROAD #A92 RIGHT OF WAY IN TRESPASS
	077V	JAMES PAINVILLE	WW-442	ROAD #A92 RIGHT OF WAY IN TRESPASS
	078	ATHOWIN	C313	ROAD #987 RIGHT OF WAY IN TRESPASS
	078A	KENAPS	C357	ROAD #987 RIGHT OF WAY IN TRESPASS
	078B	IPNALOTALIKT	1139	ROAD #987 RIGHT OF WAY IN TRESPASS
	078C	KOKOPT	1189	ROAD #987 RIGHT OF WAY IN TRESPASS
	078D	ANTAKAN	1193	ROAD #987 RIGHT OF WAY IN TRESPASS
	078E	KAYAMATEOIT	1198	ROAD #987 RIGHT OF WAY IN TRESPASS
	078F	WELASHALON	U101	ROAD #987 RIGHT OF WAY IN TRESPASS
	078G	AMALALAPSOMMI	U120	ROAD #987 RIGHT OF WAY IN TRESPASS
	078H	TSITSISIT	U121	ROAD #987 RIGHT OF WAY IN TRESPASS
	078I	YEAKLA	U126	ROAD #987 RIGHT OF WAY IN TRESPASS
	078J	TATEMTAT	U127	ROAD #987 RIGHT OF WAY IN TRESPASS
	078K	LOTSAMOUS	U128	ROAD #987 RIGHT OF WAY IN TRESPASS
	078L	TSIMTI	U149	ROAD #987 RIGHT OF WAY IN TRESPASS
	078M	AKANTOMIN	WW148	ROAD #987 RIGHT OF WAY IN TRESPASS
	078N	SAYHAY	WW440	ROAD #987 RIGHT OF WAY IN TRESPASS
	079	PETSOWYA	C-258	FORCED FEE PATENT
	080	NELLIE MINTHORN	C-261	FORCED FEE PATENT
	081	SUSIE MINTHORN	C-262	FORCED FEE PATENT
	082	WILLIAM BARNHART	U-89	HEIRSHIP FORCED FEE
	083	ALEXANDER MINTHORN	U-3	HEIRSHIP FORCED FEE
	084	TANAWTMMI	C-402	FORCED FEE PATENT
	085	SKIKASH	C-348	HEIRSHIP FORCED FEE
	086	IYAKNISA	U-48	HEIRSHIP FORCED FEE
	087	CHARLES BUSHMAN	WW-315	HEIRSHIP FORCED FEE
	088	NARCISSE BUSHMAN JR.	WW-316	HEIRSHIP FORCED FEE
	089	UMATILLA TRIBES	N/A	CLAIM TO CEDED AREA (C
P09144	003	INDIAN BEAVER	14	ROAD RIGHT OF WAY IN TRESPASS
	004	JIM GILL	20	LOWER HARNEY COUNTRY ROAD ROW IN TRESPASS
	005	INDIAN QUETAWYER	31	LOWER HARNEY ROAD RIGHT OF WAY IN TRESPASS
	00A	HUMPY OITS	36	LOWER HARNEY ROAD RIGHT OF WAY IN TRESPASS
	007	ROSIE WASHINGTON	76	LOWER HARNEY ROAD RIGHT OF WAY IN TRESPASS
	008	BILLY WASHINGTON	77	LOWER HARNEY ROAD RIGHT OF WAY IN TRESPASS
	009	SIKIE PETE	104	ROAD RIGHT OF WAY IN TRESPASS
	010	INDIAN JOHNNIE	94	ROAD RIGHT OF WAY IN TRESPASS
	011	HAMTE WILLIAM	10	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
	011A	BILL WILLIAM	11	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
	011B	HUMPY OITS	34	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P09144	011C	JIM GILL	20	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
	011D	SUSIE GILL	16	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
	011E	JOE GILL	15	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
	011F	MAGGIE JIM (1)	35	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
	011G	SMOKY JIM	34	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
	011H	JOE PADDY	87	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
	011I	LOUIE DICK	27	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
	011J	PETER TEMAN	59	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
	011K	JOHNNIE TEMAN	61	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
	011L	EARL TEMAN	69	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
	011M	INDIAN JOE	70	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
	011N	MATTIE JOE	71	CROW CAMP RD (RYE GRASS LN) ROW IN TRESPASS
P09145	004	WARM SPRINGS TRIBES	NONE	FISHERY-OCHOCO CREEK-OCHOCO DAM
	005	WARM SPRINGS TRIBES	NONE	FISHERY-HOOD RIVER-POWERDALE DAM-PPL CO.
	006	WARM SPRINGS TRIBES	NONE	FISHERY-E. FORK HOOD RIVER-DEE DAM
	007	WARM SPRINGS TRIBES	NONE	FISHERY-HAY CREEK-BREWER DAM
	008	WARM SPRINGS TRIBES	NONE	FISHERY-S. FORK-12 MILE CREEK-LILLARD DAM
	009	WARM SPRINGS TRIBES	NONE	FISHERY-BRIDGE CREEK-BATES DAM
	010	WARM SPRINGS TRIBES	T-3275	W-300 ROAD RIGHT OF WAY IN TRESPASS
	010A	WARM SPRINGS TRIBES	T-3276	W-300 ROAD RIGHT OF WAY IN TRESPASS
	010B	WARM SPRINGS TRIBES	T-3127	W-300 ROAD RIGHT OF WAY IN TRESPASS
	010C	WARM SPRINGS TRIBES	T-3277	W-300 ROAD RIGHT OF WAY IN TRESPASS
	010D	WARM SPRINGS TRIBES	T-3278	W-300 ROAD RIGHT OF WAY IN TRESPASS
	010E	WARM SPRINGS TRIBES	T-3269	W-300 ROAD RIGHT OF WAY IN TRESPASS
	010F	WARM SPRINGS TRIBES	T-3270	W-300 ROAD RIGHT OF WAY IN TRESPASS
	011	WARM SPRINGS TRIBES	T-3501	W-108 ROAD RIGHT OF WAY IN TRESPASS
	011A	WARM SPRINGS TRIBES	T-3502	W-108 ROAD RIGHT OF WAY IN TRESPASS
	011B	WARM SPRINGS TRIBES	T-3332	W-108 ROAD RIGHT OF WAY IN TRESPASS
	012	WARM SPRINGS TRIBES	T-3342	ROAD RIGHT OF WAY IN TRESPASS
	012A	MUKEMTAKH	879	ROAD RIGHT OF WAY IN TRESPASS
	013	WARM SPRINGS TRIBES	T-3712	ISLAND RD. EXTENSION RIGHT OF WAY IN TRESPASS
	013A	WARM SPRINGS TRIBES	T-835	ISLAND ROAD EXTENSION ROW IN TRESPASS
	013B	AHTUTSA	427	ISLAND ROAD EXTENSION ROW IN TRESPASS
	013C	WARM SPRINGS TRIBES	T-428	ISLAND ROAD EXTENSION ROW IN TRESPASS
	013D	CLARA CULPS CHARLEY	990	ISLAND ROAD EXTENSION ROW IN TRESPASS
	013E	JAKE CULPS (PISHAWANT)	68A	ISLAND ROAD EXTENSION ROW IN TRESPASS
	013F	YAHPANEECHA	850	ISLAND ROAD EXTENSION ROW IN TRESPASS
	014	WARM SPRINGS TRIBES	T-3915	B-220 ROAD RIGHT OF WAY IN TRESPASS
	014A	WARM SPRINGS TRIBES	T-3948	B-220 ROAD ROW IN TRESPASS
	014B	WARM SPRINGS TRIBES	T-3916	B-220 ROAD ROW IN TRESPASS
	014C	WARM SPRINGS TRIBES	T-3913	B-220 ROAD ROW IN TRESPASS
	015	WARM SPRINGS TRIBES	T-403A	M-312 ROAD ROW IN TRESPASS
	016	WARM SPRINGS TRIBES	T-4065	P-215 ROAD ROW IN TRESPASS
	017	GEORGE SMITH	99A	P-320 ROAD ROW IN TRESPASS
	017A	WARM SPRINGS TRIBES	T-122	P-320 ROAD ROW IN TRESPASS
	017B	GEORGE PITT	525	P-320 ROAD ROW IN TRESPASS
	018	WARM SPRINGS TRIBES	T-4110	EXT. OF ROUTE 241 ROW IN TRESPASS
	018A	CHARLES JACKSON	799	EXT. OF ROUTE 241 ROW IN TRESPASS
	019	EERIE KUSHINAW	443	OLD AGE ASSISTANCE
	020	RESSIE WANEMEKA	799	OLD AGE ASSISTANCE
	021	SALLY STACONA WILLIAMS	249	OLD AGE ASSISTANCE
	022	LOUIS GERAND	630	FORCED FEE PATENT
	023	THOMAS GERAND	635	FORCED FEE PATENT
	024	JAMES SCOTT	120	FORCED FEE PATENT
	025	FRANK BENNETT	480	FORCED FEE PATENT
	026	ANNIE SMITH	95A	FORCED FEE PATENT
	027	WARM SPRINGS TRIBES	N/A	TRESPASS BY DAN MARY
P09147	001	ANNIE PEO	38	FARMING TRESPASS BY ROBERT WILLIAMS
	002	HI AM MOOSE	47	AGRICULTURAL & BLDG. TRESPASS BY PELTIER
	003	OSK NIGHT	43	FARMING TRESPASS BY PAT IRT
P09149	001	LAURA VAN PELT	197	ALLOTMENT SOLD W/O BUREAU APPROVAL
	002	INDIAN MARY	H-2304	IMPROPER SALE OF TRUST LAND
P10000	004	PUGET SOUND TRIBES	NONE	FISHERY-COAL CREEK-OVER APPROPRIATION
	005	PUGET SOUND TRIBES	NONE	FISHERY-SULTAN RIVER-CITY MARK DAM
	006	PUGET SOUND TRIBES	NONE	FISHERY-SULTAN RIVER-DIVERSION DAM
	007	PUGET SOUND TRIBES	NONE	FISHERY-PUYALLUP RIVER-SUMNER DIV.-PSPL CO.
	008	PUGET SOUND TRIBES	NONE	FISHERY-SKAGIT RIVER-MARBLE DAM
	009	PUGET SOUND TRIBES	NONE	FISHERY-SKAGIT RIVER-BOSS DAM

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P10000	010	PUGET SOUND TRIBES	NONE	FISHERY-GREEN RIVER-TACOMA DIVERSION
	011	PUGET SOUND TRIBES	NONE	FISHERY-WHITE RIVER-BUCKLEY DIVERSION
	012	PUGET SOUND TRIBES	NONE	FISHERY-NISQUALLY RIVER-CENTRALIA DIVERSION
	013	PUGET SOUND TRIBES	NONE	FISHERY-SHADOMICHUCK RIVER RESERVOIR
	014	PUGET SOUND TRIBES	NONE	FISHERY-CEDAR RIVER-LANDSBURG DIVERSION
	015	PUGET SOUND TRIBES	NONE	FISHERY-CEDAR RIVER-PIPELINE SEATTLE WATER
	016	PUGET SOUND TRIBES	NONE	FISHERY-ANDERSON CREEK-HWY 18 CULVERT
	017	PUGET SOUND TRIBES	NONE	FISHERY-GORST CREEK-DIVERSION-BREMERTON
	018	PUGET SOUND TRIBES	NONE	FISHERY-FRENCH CREEK-FLOOD CONTROL DRAIN
	019	PUGET SOUND TRIBES	NONE	FISHERY-S. PRAIRIE CREEK DIVERSION
	020	PUGET SOUND TRIBES	NONE	FISHERY-N. F. NEWAUKUM CREEK-CULVERT
	021	PUGET SOUND TRIBES	NONE	FISHERY-SEIDEL CREEK-REDMOND RESERVOIR DAM
	022	PUGET SOUND TRIBES	NONE	FISHERY-LITTLE PILCHUCK CR-WOODLAND FARM RES.
	023	PUGET SOUND TRIBES	NONE	FISHERY-PILCHUCK RIVER DAM
	024	PUGET SOUND TRIBES	NONE	FISHERY-CEDAR RIVER - CITY OF SEATTLE
	025	PUGET SOUND TRIBES	NONE	FISHERY-COTTAGE LAKE CREEK - CULVERT
	026	PUGET SOUND TRIBES	NONE	FISHERY-SKAGIT RIVER-GEORGE DAM
	027	PUGET SOUND TRIBES	NONE	FISHERY-WILDCAT CREEK-CHICO BASIN
	028	PUGET SOUND TRIBES	NONE	FISHERY-STREAM UNDER SAUK VALLEY ROAD
	029	PUGET SOUND TRIBES	NONE	FISHERY-THOMPSON/CHAYROT CREEK-CULVERT
	030	PUGET SOUND TRIBES	NONE	FISHERY-BIG SCANDIA CREEK-CULVERT HWY 9
	031	PUGET SOUND TRIBES	NONE	FISHERY-FRIDAY CREEK-SAMISH TRIB. DIV. DAM
	032	PUGET SOUND TRIBES	NONE	FISHERY-ESSENCY CREEK-SNOHOMISH TRIBUTARY
	033	PUGET SOUND TRIBES	NONE	FISHERY-UNNAMED TRIBUTARY-WEST OF HWY 9
	034	PUGET SOUND TRIBES	NONE	FISHERY-DICKERSON CREEK-TAYLOR RD. CULVERT
	035	PUGET SOUND TRIBES	NONE	FISHERY-CHICO CR.-CULVERT NORTHBOUND HWY 9
	036	PUGET SOUND TRIBES	NONE	FISHERY-LITTLE SOOS CR.-YOUNGS LAKE OUTLET
	037	PUGET SOUND TRIBES	NONE	FISHERY-PARKER CREEK-E. OF SILVERDALE
	038	PUGET SOUND TRIBES	NONE	FISHERY-UNNAMED TRIBUTARY TO ISSAQUAH CREEK
	039	PUGET SOUND TRIBES	NONE	FISHERY-UNNAMED CULVERT UNDER HWY 164
	040	PUGET SOUND TRIBES	NONE	FISHERY-CLEAR CREEK-CULVER-PIERCE COUNTY
	041	PUGET SOUND TRIBES	NONE	FISHERY-WAPATO CULVERT-PIERCE COUNTY
	042	PUGET SOUND TRIBES	NONE	FISHERY-BIG DEER CREEK-LAKE WILLAMS/WASHINGTON
	043	PUGET SOUND TRIBES	NONE	FISHERY-S. FORK TOLT RIVER-AXIS DAM
	044	PUGET SOUND TRIBES	NONE	FISHERY-SILVER CREEK - UNKNOWN SCREEN
	045	PUGET SOUND TRIBES	NONE	FISHERY-MIMA CREEK DAM - THURSTON COUNTY
	046	PUGET SOUND TRIBES	NONE	FISHERY-MATHES CR.-CULVERT UNDER 39RD ST.
	047	PUGET SOUND TRIBES	NONE	FISHERY-LYON CREEK-CULVERT UNDER NE 195TH ST.
	048	PUGET SOUND TRIBES	NONE	FISHERY-GILLIGAN CR.-HDV RES. DIV. - SNO
	049	PUGET SOUND TRIBES	NONE	FISHERY-E. SAUK ROAD CULVERT
	050	PUGET SOUND TRIBES	NONE	FISHERY-PRAIRIE CREEK-SAUK PRAIRIE ROAD
	051	PUGET SOUND TRIBES	NONE	FISHERY-LAKE CAVANAUGH ROAD CULVERT
	052	PUGET SOUND TRIBES	NONE	FISHERY-SAUK VALLEY ROAD CULVERT
	053	PUGET SOUND TRIBES	NONE	FISHERY-SAUK VALLEY ROAD CULVERT
	054	PUGET SOUND TRIBES	NONE	FISHERY-BARKER CREEK-S. SKAGIT HWY CULVERT
	055	PUGET SOUND TRIBES	NONE	FISHERY-MINNT CR.-HDV RES. DIV.
	056	PUGET SOUND TRIBES	NONE	FISHERY-ELLIS CREEK-GULL HARBOR RD. CULVERT
	057	PUGET SOUND TRIBES	NONE	FISHERY-ISSAQUAH CREEK TRIBUTARY CULVERT
	058	PUGET SOUND TRIBES	NONE	FISHERY-JONES ROAD CULVERT-MAPLE VALLEY
	059	PUGET SOUND TRIBES	NONE	FISHERY-HILL CREEK CULVERT-PEASLEY CANYON WAY
	060	PUGET SOUND TRIBES	NONE	FISHERY-WANITA CR. TRIB-116 AVE NE CULVERT
	061	PUGET SOUND TRIBES	NONE	FISHERY-WANITA CREEK-NE 124 AVE. CULVERT
	062	PUGET SOUND TRIBES	NONE	FISHERY-WANITA CREEK-WANITA DR. NE CULVERT
	063	PUGET SOUND TRIBES	NONE	FISHERY-WANITA CREEK-120 ST. CULVERT
	064	PUGET SOUND TRIBES	NONE	FISHERY-WANITA CREEK TRIB-112 AVE NE TRIB
	065	PUGET SOUND TRIBES	NONE	FISHERY-BEATTY CR.-EARTH DAM-DETRT CTRY CLUB
	066	PUGET SOUND TRIBES	NONE	FISHERY-PANTHER CREEK-PANTHER LAKE STATE G.D.
	067	PUGET SOUND TRIBES	NONE	FISHERY-ELLIOTT CREEK - SNOHOMISH COUNTY
	068	PUGET SOUND TRIBES	NONE	FISHERY-MUNSON CREEK - GOLF COURSE DAM
	069	PUGET SOUND TRIBES	NONE	FISHERY-SILVER CR.-ALGER/CAIN LK RD CULVERT
	070	PUGET SOUND TRIBES	NONE	FISHERY-PETERSON CREEK CULVERT-KING COUNTY
	071	PUGET SOUND TRIBES	NONE	FISHERY-JONES CREEK - LAKE JEAN DAM
	072	PUGET SOUND TRIBES	NONE	FISHERY-COVINGTON CREEK - LAKE SAWYER DAM
	073	PUGET SOUND TRIBES	NONE	FISHERY-JONES CREEK - LAKE LORRENE DAM
	074	PUGET SOUND TRIBES	NONE	FISHERY-TANNAY CREEK - TANNAY LAKE DAM
	075	PUGET SOUND TRIBES	NONE	FISHERY-DESCHUTES TRIB. - LK LAWRENCE DAM
	076	PUGET SOUND TRIBES	NONE	FISHERY-JONES CR. - LYMAN/HAMILTON CITY RES.
	077	PUGET SOUND TRIBES	NONE	FISHERY-TERREL CREEK - LAKE TERREL STATE G.D.

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P10000	078	PUGET SOUND TRIBES	NONE	FISHERY-MIDDLE FORK NOOKSACK-DIVERSION DAM
	079	PUGET SOUND TRIBES	NONE	FISHERY-BAKER CR. TRIB.-FRESHWTR & DAM
	080	PUGET SOUND TRIBES	NONE	FISHERY-SILVER CREEK-TAYLOR ROAD DAM-HEAD LAKE
	081	PUGET SOUND TRIBES	NONE	FISHERY-BIG MISSION CR.-PLANK DAM SCREEN LIFT
	082	PUGET SOUND TRIBES	NONE	FISHERY-LAKE CREEK-BRIDGE 105-COMPUTER CREEK
	083	PUGET SOUND TRIBES	NONE	FISHERY-TUCK CREEK - TUCK LAKE DAM
	084	PUGET SOUND TRIBES	NONE	FISHERY-ETNGOLSON CREEK - ETNGOLSON DAM
	085	PUGET SOUND TRIBES	NONE	FISHERY-CULVERT AT MILE 0.5 OF FIRST CREEK
	086	PUGET SOUND TRIBES	NONE	FISHERY-BAKER RIVER DAMS
	087	PUGET SOUND TRIBES	NONE	FISHERY-FOLDAY CREEK - TIDEGATE ALONG HWY
	088	PUGET SOUND TRIBES	NONE	FISHERY-FRENCH CREEK TRIBUTARY - PUMP STATION
	089	PUGET SOUND TRIBES	NONE	FISHERY-DANIELS CREEK DAM-CRYSTAL LAKE DAM
	090	PUGET SOUND TRIBES	NONE	FISHERY-CULLIN CREEK-HOLIDAY/WEIDKAMP DAMS
	091	PUGET SOUND TRIBES	NONE	FISHERY-MCALEER CR.-CULVERT HWY 1-5
	092	PUGET SOUND TRIBES	NONE	FISHERY-MCALEER CR.-CULVERT UNDER FERRING HWY
	093	PUGET SOUND TRIBES	NONE	FISHERY-SWAN TRAIL SLOUGH - SNOHOMISH COUNTY
	094	PUGET SOUND TRIBES	NONE	FISHERY-BARDEN CR. - CULVERTS MONITOR
	095	PUGET SOUND TRIBES	NONE	FISHERY-FLETCHER CR.-CULVERT HWY 99 S. ROAD
	096	PUGET SOUND TRIBES	NONE	FISHERY-TURNER CR.-HWY 99 S DIV
	097	N/A	N/A	CHANGED TO P10-119-00A
P10107	004	BEN MAINSTAGEN	59	WHATCOM COUNTY ROAD 477 ROW IN TRESPASS
	005	LUMMI TRIBE	N/A	FISHERIES/FREENET SITES
	00A	LUMMI TRIBE	N/A	TRESPASS-LOWER NOOKSACK RIVER
	007	LIZZIE SCOTT MARTIN	70	TRESPASS REMOVAL OF RESTRICTIONS
	008	CHARLIE DAN SMOKE	7A	SALE BY U.S.
	009	MARY CHARLES	22	WELFARE FORCED FEE
	010	CHILLAWAY WASHINGTON	4B	TRESPASS SALE OF MINERAL INTERESTS
	011	GEORGE SWILLOMISH	2A	FERNDALE ROAD ROW IN TRESPASS/EAST SIDE ROAD
	011A	GEORGE ALEXIS (FEE)	17-B	FERNDALE ROAD ROW IN TRESPASS/EAST SIDE ROAD
	011B	HERMAN QUERTIN (FEE)	1-C	FERNDALE ROAD ROW IN TRESPASS/EAST SIDE ROAD
	011C	WALTER JOHN	2-C	FERNDALE ROAD ROW IN TRESPASS/EAST SIDE ROAD
	011D	DAVID JAMESON (FEE)	3-C	FERNDALE ROAD ROW IN TRESPASS/EAST SIDE ROAD
	011E	AUGUST PIERRE	4-C	FERNDALE ROAD ROW IN TRESPASS/EAST SIDE ROAD
	011F	MOREAU R. MCCLUSKEY	5-C	FERNDALE ROAD ROW IN TRESPASS/EAST SIDE ROAD
	011G	FRANCIS GARIPEE (FEE)	6-C	FERNDALE ROAD ROW IN TRESPASS/EAST SIDE ROAD
	011H	CHARLES KAHANNA (FEE)	7-C	FERNDALE ROAD ROW IN TRESPASS/EAST SIDE ROAD
	011I	PETER V. JAMES	8-C	FERNDALE ROAD ROW IN TRESPASS/EAST SIDE ROAD
	011J	AUGUSTINE LESCH	19-D	FERNDALE ROAD ROW IN TRESPASS/EAST SIDE ROAD
	011K	LUCIAN KITTLES	21-B	FERNDALE ROAD ROW IN TRESPASS/EAST SIDE ROAD
P10109	003	MUCKLESHOOT TRIBE	N/A	WRANGELL DIVERSION OF WHITE RIVER
	004	MUCKLESHOOT TRIBE	N/A	FISHERY-PIERCE CO DIKE-WHITE RIVER
	005	JOHN KING GEORGE	21	TRESPASS BY KENNETH DAVIS
	00A	JERRY DOMINIC	7	DRAINAGE DITCH-EROSION DAMAGE
	007	JERRY DOMINIC	7	WRANGELL DIVERSION-SPRING WATER
	008	JERRY DOMINIC	7	TRESPASS-DARIEN ACADEMY WATER TOWER
	009	JERRY DOMINIC	7	WATER TOWER OVERFLOW PIPE DRAINAGE
	01	JERRY DOMINIC	7	DARIEN ACADEMY FENCE TRESPASS
	011	LITTLE BILL	20 &C	DARIEN RESERVOIR IN TRESPASS
	012	MUCKLESHOOT TRIBE	N/A	ROAD REPAIR-WATER TAKING
	013	LITTLE BILL	20A 3C	STATE GRAVEL MINING OPERATIONS
	014	JERRY DOMINIC	7	RIGHT OF WAY IN TRESPASS
	015	JERRY DOMINIC	7	PUGET SOUND POWER LINE TRESPASS
	01A	JERRY DOMINIC	7	ROBERT WORTING LEASE UTILIZATION
	017	JOE SNOHOMISH	2A&3B	DIMINISHMENT OF ALLOTMENT SIZE
	018	MUCKLESHOOT TRIBE	N/A	FLOW OBSTRUCTION
	019	N/A	N/A	CHANGED TO P10-109-021
	021	MUCKLESHOOT TRIBE	N/A	TRANS-CANADA TRS ON WHITE RIVER FEE IN TRES
	023	JERRY DOMINIC	7	POWERLINE TRESPASS
	024	CHARLES JERRY (CHARLES DOMINIC)	NONE	ALLOTTEE ASSISTANCE
	025	HENRY HAMILTON	NONE	ALLOTTEE ASSISTANCE
	02A	JOHN MCMAHEN	1A	KING COUNTY ROAD RIGHT OF WAY IN TRESPASS
P10110	003	NISQUALLY TRIBE	N/A	PRE-1856 STATE COURT JUDGMENT - WATER
	005	NISQUALLY TRIBE	N/A	FISHERY-D PEARL DRAINAGE DAMAGE W PRO
	00A	NISQUALLY TRIBE	N/A	FISHERY-DAMAGE-ORE RD 1 IN 1979
P10111	001	TOBY HEDAYTA	41EE	RAILROAD-NORTHERN PACIFIC
	002	CAMERON JOSEPH A	47AA	POWER SITE TRESPASS
	003	JOSEPH JOHNSON	NONE	RAILROAD RIGHT OF WAY
	0032	TOM T MCMAHON	NONE	RAILROAD RIGHT OF WAY-NO GOVT APPROVAL

PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P10111	003B	JOHN SUKWAMISH	NONE	RAILROAD RIGHT OF WAY-NO GOVT APPROVAL
	003C	MIKE MANKLATCHE	NONE	RAILROAD RIGHT OF WAY-NO GOVT APPROVAL
	003D	ROBERT SILVANON	NONE	RAILROAD RIGHT OF WAY-NO GOVT APPROVAL
	003E	SKAGIT TOM	NONE	RAILROAD RIGHT OF WAY-NO GOVT APPROVAL
	003F	ALEX SILWHANON	NONE	RAILROAD RIGHT OF WAY-NO GOVT APPROVAL
	003G	HARRY KALINE	NONE	RAILROAD RIGHT OF WAY-NO GOVT APPROVAL
	004	TOBY HEDAYTA	NONE	NOOKSACK RIVER BOUNDARY
	004A	GEORGE WHAHULATCH	NONE	NOOKSACK RIVER BOUNDARY
	004B	BILLY SOCE	NONE	NOOKSACK RIVER BOUNDARY
	004C	OLD JOHNSON	NONE	NOOKSACK RIVER BOUNDARY
	004D	TOM TWEHANON	NONE	NOOKSACK RIVER BOUNDARY
	004E	COFFEE JOHNSON	NONE	NOOKSACK RIVER BOUNDARY
	004F	SKAGIT TOM	NONE	NOOKSACK RIVER BOUNDARY
	004G	MIKE MANKLATCHE	NONE	NOOKSACK RIVER BOUNDARY
	004H	HARRY KALINE	NONE	NOOKSACK RIVER BOUNDARY
	004I	ALEX SILWHANON	NONE	NOOKSACK RIVER BOUNDARY
	004J	JOHN SILVANON	NONE	NOOKSACK RIVER BOUNDARY
	004K	JOSEPH LEDOUANCE	NONE	NOOKSACK RIVER BOUNDARY
	004L	ROBERT SILVANON	NONE	NOOKSACK RIVER BOUNDARY
	004M	SAMPSON SANTIA	NONE	NOOKSACK RIVER BOUNDARY
	005	NOOKSACK TRIBE	N/A	TWO CEMETARY TRACTS IN FEE STATUS
	006	CHARLEY ANDES	3B	INVALID CANCELLATION OF PATENT
	007	COFFEE JOHNSON	NONE	WHATCOM COUNTY ROAD-RIGHT OF WAY IN TRESPASS
	008	DICK HARLEY	1	INVALID CANCELLATION OF PATENT
	009	GEORGE JAMES	2	INVALID CANCELLATION OF PATENT
	010	NOOKSACK TRIBE	N/A	BREACH OF TIMBER CONTRACT
	011	N/A	N/A	ALLOTTATION OF PARCELS-SEE NEXT 4 CLAIMS
	012	SCHOOL GEORGE	N/A	CANCELLATION OF HOMESTEAD
	013	JOSEPH SCAMALAN	N/A	CANCELLATION OF HOMESTEAD
	014	CHARLEY LEWISTON	NONE	ACQUISITION OF FEE PATENT
	015	GEORGE ALLOCKIS	N/A	ACQUISITION OF FEE PATENT
	016	JOHN WHITCHTALUM	NONE	NON-INDIAN CLAIM TO ALLOTTING LAND
	017	JAKE SILLICKWANUM	N/A	NON-INDIAN CLAIM TO ALLOTTING LAND
	018	HARRY KALINE	7	ROAD TRESPASS AND TIMBER TAKING
	019	NOOKSACK TRIBE	N/A	WHATCOM CO RIVER DAMAGES BY CORPS
	020	JOSEPHINE COOPER	1B	OLD AGE ASSISTANCE
	021	BILLY SOCE	NONE	ALLOTTED INDIAN TRESPASS
	022	NOOKSACK TRIBE	N/A	FISHERY-GEORGIA PACIFIC PUP & PAPER MILL
	023	NOOKSACK TRIBE	N/A	CHANNELIZATION OF FISHTRAP-CREEK MILE CREEK
	024	NOOKSACK TRIBE	N/A	FISHERY-NOOKSACK FISH PROCESSING PLANT
	025	NOOKSACK TRIBE	N/A	FISHERY-CHANNELIZATION FOR ROAD CROSSINGS
	02A	LOUIS SQUAMISH (LOUIS ANTOINE)	NONE	BOUNDARY LOCATION
P10113	003	JIMMY PRICE	110-B2	LOSS OF TRUST PROPERTY
P10115	005	JOSEPH ANDERSON	NONE	FORCED FEE PATENT
P10116	003	SWINOMISH TRIBE	N/A	TIDELANDS TRESPASS
	005	SWINOMISH TRIBE	N/A	CHIEF SEATTLE PARK-ROAD CESSION AGREEMENT
	00A	CHARLES & CATHERINE DAVIS	1	MISSING HEIRSHIPS
	007	MARY YAHAWISH	12	SALE WITHOUT FULL CONSENT
	008	DOCTOR PETER	13	FORCED FEE PATENT
	009	MILDRED PRATT	1B	WM. CHRISTMAS-TIMBER TRESPASS
	010	MARTHA GEORGE	20-C	BOUNDARY DISPUTE
	011	REPEE MARIE	3D	CONVEYING PORTAGES
	012	WILLIAM ROGERS	13	FORCED FEE PATENT
	013	WILLIAM ROGERS	4?	ROAD RIGHT OF WAY IN TRESPASS
	014	MARY ADAMS	1B	ROAD RIGHT OF WAY IN TRESPASS
	015	GEORGE FUYE	9	ROAD RIGHT OF WAY IN TRESPASS
	01A	WILLARD DE SWINOMISH	N/A	HWY ROAD RIGHT OF WAY IN TRESPASS
P10119	001	MARITA DE	NONE	ISSUANCE OF FEE PATENT
	002	MARY WASHINGTON	SE14B	ROAD RIGHT OF WAY TRESPASS
	003	JOE GOMEZ	4B	ISSUANCE OF PATENT
	004	SAM WAHKIAKT	N/A	NUMBER CHANGED TO P10-120-017
	005	ROSALIE ANDREW	N/A	NUMBER CHANGED TO P10-120-017
	00A	WATER WORKS FOR	SE13	COUNTY ROAD RIGHT OF WAY IN TRESPASS
P10120	001	SUQUAMISH TRIBE	N/A	SHE TEE BAY TIDELANDS TRESPASS
	002	SUQUAMISH TRIBE	N/A	TRANSLIMINATION/TIDELAND TRESPASS
	005	SUQUAMISH TRIBE	N/A	PORTAGE FOR COMPANY TRESPASS
	00A	SUQUAMISH TRIBE	N/A	RIGHT OF WAY NORTHERN TRESPASS
	010	CHETE CAMERON	N/A	TIM WELFARE LIEN

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P1012?	008	SWINOMISH TRIBE	N/A	SALE OF TIDELANDS
	009	SWINOMISH TRIBE	N/A	[illegible] TIDELANDS
	010	CLARK (WILBAUR	[illegible]	SWINOMISH PUD ROAD RIGHT OF WAY TRESPASS
	011	SWINOMISH TRIBE	N/A	STRONTIUM MINING TRESPASS
	012	SWINOMISH TRIBE	N/A	LOG BOOM TRESPASS
	013	SWINOMISH TRIBE	N/A	DITCH TRESPASS
	014	SWINOMISH TRIBE	N/A	TIDELAND FILLING
	015	SWINOMISH TRIBE	N/A	MARKET LUMBER TIDELANDS TRESPASS
P1012?	004	TULALIP TRIBE	N/A	SHANY SHORES TIDELANDS
	005	TULALIP TRIBE	N/A	BOTHELL POINT TIDELANDS
	006	TI-ART	AR-HR	ARREARAGE
	009	CATRINA (TOM GEORGE	[illegible]	TRESPASS
	009	SEAWEAD (VOW VOW)	[illegible]	SALE WITHOUT FULL CONSENT
	010	TULALIP TRIBE	N/A	[illegible] ROAD RIGHT OF WAY IN TRESPASS
	011	SAM SADATSIT	??	ROAD RIGHT OF WAY IN TRESPASS
	012	JEANIE (JOHNSON	[illegible]	OLD AGE ASSISTANCE
	013	GEORGE WILSON	N/A	OLD AGE ASSISTANCE
P1012?	014	JOHN MIKE	1?=44	OLD AGE ASSISTANCE
	015	RAY (TERRY)HENRY SR	NONE	OLD AGE ASSISTANCE
	016	ELIZABETH SHELTON	NONE	OLD AGE ASSISTANCE
	014	FLOYD BOWEN	[illegible]	POINT-NO-POINT TREATY ALLOTMENT
P1117?	005	YAKIMA TRIBE	NONE	FISHERY-NOONES-WHITE BLUFFS DAM
	006	YAKIMA TRIBE	NONE	FISHERY-WENAS CREEK DAM CONVERSION
	007	YAKIMA TRIBE	NONE	FISHERY-N.FORK [illegible]
	008	YAKIMA TRIBE	NONE	FISHERY-WM. [illegible]
	009	YAKIMA TRIBE	NONE	FISHERY-YAKIMA RIVER FLOODPLAIN [illegible]
	010	YAKIMA TRIBE	NONE	FISHERY-YAKIMA WEST SIDE DITCH DIVERSION
	011	YAKIMA TRIBE	NONE	FISHERY-CONNEAUT & OTHER-WANAPUM DAM
	012	YAKIMA TRIBE	NONE	FISHERY-CONNEAUT & OTHER PRIEST RAPIDS DAM
	013	YAKIMA TRIBE	NONE	FISHERY-COLUMBIA RIVER GRAND COULEE DAM
	014	YAKIMA TRIBE	NONE	FISHERY-COLUMBIA RIVER QUincy BASIN DAM
	015	YAKIMA TRIBE	NONE	FISHERY-WENATCHEE RIVER TUMWATER DAM
	016	YAKIMA TRIBE	NONE	FISHERY-WENATCHEE R. TRIBUTARIES DAM
	017	YAKIMA TRIBE	NONE	FISHERY-ELWHA RIVER ELWHA DAM CONDIT DAM REM.
	018	YAKIMA TRIBE	NONE	FISHERY-YAKIMA RIVER MAIN BASINS DAM
	019	YAKIMA TRIBE	NONE	FISHERY-YAKIMA RIVER PROPOSED IRON HORSE DAM
	020	YAKIMA TRIBE	NONE	FISHERY-LEWIS RIVER MERWIN DAMS IRON DAM
	021	YAKIMA TRIBE	NONE	FISHERY-NOONES RIVER LOWDEN RIVER DAMS REM.
	022	YAKIMA TRIBE	NONE	FISHERY-NOONES RIVER STEPHENS CREEK DAM REM.
	023	SAMUEL WOODWARD	?=07	FARMER FEE PATENT
	024	YAKIMA TRIBE	N/A	TIMBER TRESPASS
	025	(A RENA R. SHADDY BROWN	?=??	IRRIGATION DITCH TRESPASS
	026	ANNA RASMUSSEN	???	M. [illegible] EST. PER CAPITA PAYMENT
	027	TECUMSEH VAKATAKIT	???	WOOD WATER DITCH RIGHT OF WAY
	028	CECELIA VAKATAKIT	???	VERNON LAWRENCE & ROAD TRESPASS
	029	CHARLES SEE-LISTED	???	SALE WITHOUT FULL CONSENT
	030	EMMA MCKAY	?4?	FARMER FEE PATENT
	031	ELITA REUBEN	?9	[illegible] - SEE P11-[illegible]
	032	GENERAL MAJOR	?7	FARMER FEE PATENT
	033	RAY [illegible]	??	FARMER FEE PATENT
	034	ANDREW WHEELER	?	FARMER FEE PATENT
	035	JEANETTE HADLEY	?4	FARMER FEE PATENT
	036	KLICKITAT JOHNNIE	??4	[illegible] - SEE P11-[illegible]
	037	FRANK OLNEY	?13	SALE WITHOUT FULL CONSENT
	038	MAUDE WANCHALKO	?9	SALE WITHOUT FULL CONSENT
	039	ETHA BREWER CARLSON	?7?4	OLD AGE ASSISTANCE
	040	WYNNE [illegible]	?=0A	OLD AGE ASSISTANCE
	041	TOMMY THOMPSON	NONE	OLD AGE ASSISTANCE
	042	BILL KOMSH ANNAWON TR DSET	?=?	OLD AGE ASSISTANCE
	043	ELIZABETH POLLOCK CROW	?=??	OLD AGE ASSISTANCE
	044	JOHN WITZ	?=??	OLD AGE ASSISTANCE
	045	MARY HMTICH	?A??	TWO TRIBE CLAIM - SEE P11-[illegible]
	046	SHARPLITE CHERS THOMAS VALINE	?=?A	OLD AGE ASSISTANCE
	047	LIZZIE CHENHALIT	?=??	OLD AGE ASSISTANCE
	048	ANNAHAT LALLASHITE	?=??	OLD AGE ASSISTANCE
	049	CHAPPLE GEORGE TEMPLES	?=??	OLD AGE ASSISTANCE
	050	JAMES HMTICH	?=??	OLD AGE ASSISTANCE
	051	WILLIAM YALLUP WEVALLUP	NONE	OLD AGE ASSISTANCE

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P1117?	052	KLICKITAT JOHNNIE	??4	FARMER FEE PATENT
	053	BILL (KOMSH) ANNAWON TR DSET	?=?	TWO TRIBE CLAIM - SEE P11-[illegible]
	054	ELIZABETH POLLOCK CROW	?=??	TWO TRIBE CLAIM - SEE P11-[illegible]
	055	MARY HMTICH	?A??	OLD AGE ASSISTANCE
	056	THOMAS WHITE	?=?A	FARMER FEE PATENT
	057	DANIEL VARNER	?7?4	FARMER FEE PATENT
	058	CHARLES VARNER	?7?7	FARMER FEE PATENT
	059	ABBIE [illegible]	?7?0	FARMER FEE PATENT
	060	FRANK SCHULTE	?=?7	FARMER FEE PATENT
	061	WILLIAM F. ROBBINS	?07	FARMER FEE PATENT
	062	FLORA P. ROBBINS	?=??	FARMER FEE PATENT
	063	SARAH PORTON	?27	FARMER FEE PATENT
	064	OSCAR OLNEY	?=??	FARMER FEE PATENT
	065	[illegible]ELIA OLNEY	?=??	FARMER FEE PATENT
	066	[illegible] OLNEY	?=?	FARMER FEE PATENT
	067	ANNIE WORTHEN	?A??	FARMER FEE PATENT
	068	JOSEPHINE MILLIGAN	?=?4	FARMER FEE PATENT
	069	PETER MOONEE	?=??	FARMER FEE PATENT
	070	GRANT LEWIS	?=??	FARMER FEE PATENT
	071	JOSEPH JOHN SR.	?=??	FARMER FEE PATENT
	072	FRANK IVALL	?=??	FARMER FEE PATENT
	073	CECELIA WORTHWIT	?=??	FARMER FEE PATENT
	074	BESSIE WOLF	?=??	FARMER FEE PATENT
	075	FREDERICK WHEELER	?=?	FARMER FEE PATENT
	076	ERNEST WHEELER	?=?	FARMER FEE PATENT
	077	JOHN JUVETTE	?=?A	FARMER FEE PATENT
	078	ALICE JUVETTE	?=??	FARMER FEE PATENT
	079	HAZEL FOSTER	?=??	FARMER FEE PATENT
	080	EDDIE FARRAN	?=?A	FARMER FEE PATENT
	081	ANNIE FARRAN	?=??	FARMER FEE PATENT
	082	DAVID ENOS	?=??	FARMER FEE PATENT
	083	JOSEPHINE COOK	?=??	FARMER FEE PATENT
	084	ELLISTAT JOHN	?=??	FARMER FEE PATENT
	085	ANNIE BROWN	?=??	FARMER FEE PATENT
	086	MARTHA BLANK	?=??	FARMER FEE PATENT
	087	SILAS BARE	?=??	FARMER FEE PATENT
	088	THOMAS AHTO	?=?	FARMER FEE PATENT
	089	PHILLIP JOHNE	?=?	FARMER FEE PATENT
	090	IRENE [illegible]	?=??	FARMER FEE PATENT
	091	FRANK C. BREWER	?=??	FARMER FEE PATENT
	092	JAMES E. BREWER JR	?=??	FARMER FEE PATENT
	093	JAMES E. BREWER SR.	?=??	FARMER FEE PATENT
	094	HENRY CATER (AKA HENRY CATER)	?=?	FARMER FEE PATENT
	095	JOSEPH CRAIG	?=??	FARMER FEE PATENT
	096	JOSEPH DAN	?=??	FARMER FEE PATENT
	097	SIMON GOMPY	?=??	FARMER FEE PATENT
	098	ANNIE JUVETTE	?=??	FARMER FEE PATENT
	099	ESTHER JUVETTE [illegible]	?=??	FARMER FEE PATENT
	100	ROSIE JUVETTE	?=??	FARMER FEE PATENT
	101	ERNEST WHEELER	?=?	FARMER FEE PATENT
	102	PAUL WORTHWIT	?=??	FARMER FEE PATENT
	103	LOUISA IVALL	?=??	FARMER FEE PATENT
	104	SUSAN IVALL OLNEY	?=??	FARMER FEE PATENT
	105	VINA [illegible] JENSEN BILLY	?=??	FARMER FEE PATENT
	106	MENA LACLAIR	?=??	FARMER FEE PATENT
	107	FRANK MCAULIFF	?=?	FARMER FEE PATENT
	108	GEORGE W. MCAULIFF	?=?	FARMER FEE PATENT
	109	PETER MOONEE	?=??	FARMER FEE PATENT
	110	CHARLES C. OLNEY	?=?	FARMER FEE PATENT
	111	CARRINGTON G. OLNEY	?=?	FARMER FEE PATENT
	112	DORA E. OLNEY	?=?	FARMER FEE PATENT
	113	GEORGE W. OLNEY	?=?	FARMER FEE PATENT
	114	MARGIE OLNEY HOEFER	?=?	FARMER FEE PATENT
	115	NEVIL O. OLNEY	?=?	FARMER FEE PATENT
	116	PHILLIP OLNEY	?=?	FARMER FEE PATENT
	117	ELITA REUBEN	?=?	FARMER FEE PATENT
	118	FLORA P. ROBBINS	?=??	FARMER FEE PATENT
	119	JOHN ROSS	?=?	FARMER FEE PATENT

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM

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P11124	120	SEYMORE SAWYAH III	714	FORCED FEE PATENT
	121	THUEWALL SLIJEEUM	900	FORCED FEE PATENT
	122	TINA SMITH IYALL	2729	FORCED FEE PATENT
	123	EMMA SPENCE LAWRENCE	1924	FORCED FEE PATENT
	124	SARAH SPENCER	222	FORCED FEE PATENT
	125	LIBY A. STAMP	2242	FORCED FEE PATENT
	126	KATE ST. MARTIN HAINES	1905	FORCED FEE PATENT
	127	MARGARET ST. MART'N	2043	FORCED FEE PATENT
	128	MARGARET ST. MARTIN REID	2047	FORCED FEE PATENT
	129	OLIVIA ST. MARTIN DAVEY	2044	FORCED FEE PATENT
	130	CECELIA TIO	1222	FORCED, FEE PATENT
	131	GARRETT UNDERWOOD	1995	FORCED, FEE PATENT
	132	FOSTER UNDERWOOD	598	FORCED FEE PATENT
	133	ISABELLA UNDERWOOD	1954	FORCED FEE PATENT
	134	KATE UNDERWOOD	1997	FORCED FEE PATENT
	135	THOMAS TI YI A WA CHES SUS SAM	[illegible]	FORCED FEE PATENT
	136	EDWARD WILTON	2392	FORCED FEE PATENT
	137	YAKIMA TRIBE	N/A	TILE ROAD RIGHT OF WAY IN TRESPASS
	137A	TOMOWASH HEEMSAH	1409	TILE ROAD RIGHT OF WAY IN TRESPASS
	137B	CHARLESQUIPPUM	1593	TILE ROAD RIGHT OF WAY IN TRESPASS
	138	LOMAS LALLEMASH	1709	BARNHART DRAIN ROAD RIGHT OF WAY IN TRESPASS
	138A	ANNIE LEE	2396.5	BARNHART DRAIN ROAD RIGHT OF WAY IN TRESPASS
	138B	YAKIMA TRIBE	2396.5	BARNHART DRAIN ROAD RIGHT OF WAY IN TRESPASS
	139	SAMSON SILLILPONEE	227-F	UNNAMED ROAD RIGHT OF WAY IN TRESPASS
	139A	HURTON SILLIPONEE	226-B	UNNAMED ROAD RIGHT OF WAY IN TRESPASS
	139B	WALTER SILLILPONEE	226	UNNAMED ROAD RIGHT OF WAY IN TRESPASS
	140	SUSAN JAMES	A176	WHITE SWAN ROAD RIGHT OF WAY IN TRESPASS
	140A	SUSAN JAMES	A176	WHITE SWAN ROAD RIGHT OF WAY IN TRESPASS
	140B	SUSAN JAMES	A176	WHITE SWAN ROAD RIGHT OF WAY IN TRESPASS
	140C	SUSAN JAMES	A176	WHITE SWAN ROAD RIGHT OF WAY IN TRESPASS
	141	JOHN SKOKEN	T-105	MISSION-POMPOM ROAD RIGHT OF WAY IN TRESPASS
	141A	MYYEKT SCOKEN	196	MISSION-POMPOM ROAD RIGHT OF WAY IN TRESPASS
	141B	RACHEL AMBROSE	107	MISSION-POMPOM ROAD RIGHT OF WAY IN TRESPASS
	142	TEMENE LIKET	177	HARRAH ROAD RIGHT OF WAY IN TRESPASS
	142A	FINNIT HOMER	227	HARRAH ROAD RIGHT OF WAY IN TRESPASS
	142B	WATSON HOMER	230	HARRAH ROAD RIGHT OF WAY IN TRESPASS
	142C	JOSEPH THOMPSON	560	HARRAH ROAD RIGHT OF WAY IN TRESPASS
	143	JAMES SWINAS	T-1491	COWAIN LANE RIGHT OF WAY IN TRESPASS
	143A	MARY SWINAS	1580	COWAIN LANE RIGHT OF WAY IN TRESPASS
	143B	SALLY CRAIG	T1443A	COWAIN LANE RIGHT OF WAY IN TRESPASS
	143C	EDWARD WASH	T-1471	COWAIN LANE RIGHT OF WAY IN TRESPASS
	144	ALEXANDER WHITEFOOT	2412	GRANARY ROAD RIGHT OF WAY IN TRESPASS
	144A	EMMA CREE	2439	GRANARY ROAD RIGHT OF WAY IN TRESPASS
	144B	COLUMBUS SAM	2418	GRANARY ROAD RIGHT OF WAY IN TRESPASS
	144C	CASS SAM	2419	GRANARY ROAD RIGHT OF WAY IN TRESPASS
	144D	LOUIS TEWONUS	2425	GRANARY ROAD RIGHT OF WAY IN TRESPASS
	144E	MINNIE SAM	2426	GRANARY ROAD RIGHT OF WAY IN TRESPASS
	144F	LOUISA SAM	2434	GRANARY ROAD RIGHT OF WAY IN TRESPASS
	144G	LUCY STOUT	T-2577	GRANARY ROAD RIGHT OF WAY IN TRESPASS
	145	MARTHA DAVEY	1459	HARRAH DRAIN CANAL RD ROW IN TRESPASS
	145A	WHITE PETER	1460	HARRAH DRAIN CANAL RD ROW IN TRESPASS
	146	BENITE YEMHOWOT	2270	MISSION RD #10 RIGHT OF WAY IN TRESPASS
	147	DICK WYNOOCO	1504	FAIRFIELD ROAD #11 RIGHT OF WAY IN TRESPASS
P12102	009	SPOKANE TRIBE	NONE	FISHERY-LITTLE FALLS DAM-SPOKANE RIVER
	010	SPOKANE TRIBE	NONE	FISHERY-NINE MILE DAM SPOKANE RIVER
	011	SPOKANE TRIBE	T-1030	REDD ROAD #3575 RIGHT OF WAY IN TRESPASS
	011A	CARMELITA BROWN	495	REDD ROAD #3575 RIGHT OF WAY IN TRESPASS
	012	THOMAS CHIEF	457	VANCE E. MOORE RD #1791 ROW IN TRESPASS
	013	MYRTLE HARRIS	345	ELLSWORTH RD #1959 RIGHT OF WAY IN TRESPASS
	013A	BENJEFFERSON	344	ELLSWORTH RD #1959 RIGHT OF WAY IN TRESPASS
	014	RAYMOND E. FIRST BOTTOMAN	1359	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014	ELLY BONGA	299A-A	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014B	ISABEL MOSES	347	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014C	BERNARDINE (WESTMORLAND)	90	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014D	FRANK FOOD	T-[illegible]	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014E	WILSON SALMON	2[illegible]	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014F	WILSON SALMON	T-[illegible]3	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014G	MARY (ABSENTEE)	390	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P12102	014H	ELLY BONGA	T-299A	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014I	ELLY BONGA	299A-B	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014J	ELLY BONGA	299A-C	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014K	JULIA JACOBS	399	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014L	SAMUEL SOLOMON	T-301	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014M	VICTOR SOLOMON	T-302	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014N	JIM FLETT	305	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	014O	MARY SOLOMON (SHETA)	T-1004	CHAMOKANE RD #1291 RIGHT OF WAY IN TRESPASS
	015	MARY HILL	280	SEC'S 11-17-1R T2RN R4RE ROW IN TRESPASS
	015A	THOMAS HILL	283	SEC'S 11-17-1R T2RN R4RE ROW IN TRESPASS
	015B	ANNIE HILL	284	SEC'S 8-17-1R T2RN R4RE ROW IN TRESPASS
	015C	MARY	289	SEC'S 8-17-1R T2RN R4RE ROW IN TRESPASS
	015D	SUSETTE INKSTER	537	SEC'S 8-17-1R T2RN R4RE ROW IN TRESPASS
	015E	WILLIAM HUBERT	245	SEC'S 8-17-1R T2RN R4RE ROW IN TRESPASS
	015F	ELLEN HILL	277	SEC'S 8-17-1R T2RN R4RE ROW IN TRESPASS
	016	LUCY SOLOMON THOMAS	364	NO AGE ASSISTANCE
	017	JANE ABRAHAMSON	505	FORCED FEE PATENT
	018	JOHN ABRAHAMSON	504	FORCED FEE PATENT
	019	ELVIRA KINNEY BIGGOOD	254	FORCED FEE PATENT
	020	JIM BRIGMAN	252	FORCED FEE PATENT
	021	BAZIL BROWN	525	FORCED FEE PATENT
	022	CARMELITA BROWN	495	FORCED FEE PATENT
	023	JOSEPH BROWN	494	FORCED FEE PATENT
	024	LILLIAN BROWN	521	FORCED FEE PATENT
	025	MAGNES BROWN	539	FORCED FEE PATENT
	026	NELLY BROWN	523	FORCED FEE PATENT
	027	ANNIE DEFREESE	502	FORCED FEE PATENT
	028	FRANK DESAUTEL	433	FORCED FEE PATENT
	029	LOUISE DESAUTEL	434	FORCED FEE PATENT
	030	IDA ETHE LAWSON	394	FORCED FEE PATENT
	031	PHOEBE ETHE	395	FORCED FEE PATENT
	032	JULIA IMBLER FERGUSON	404	FORCED FEE PATENT
	033	BERTHA FINLEY	509	FORCED FEE PATENT
	034	ALEY FLETT (EVELYN FLETT)	471	FORCED FEE PATENT
	035	ELLEN FLETT	30	FORCED FEE PATENT
	036	THOMAS FLETT	7A	FORCED FEE PATENT
	037	JAMES FOX	A22	FORCED FEE PATENT
	038	CHARLEY HAINES	269	FORCED FEE PATENT
	039	CLARENCE HAINES	274	FORCED FEE PATENT
	040	EDWARD HAINES	272	FORCED FEE PATENT
	041	GEORGE HAINES	273	FORCED FEE PATENT
	042	MARY HAINES	249	FORCED FEE PATENT
	043	THOMAS HAINES	270	FORCED FEE PATENT
	044	ROBERT HILL	279	FORCED FEE PATENT
	045	WILLIAM HILL	278	FORCED FEE PATENT
	046	JESSIE HUGHES KINNEY	224	FORCED FEE PATENT
	047	JOHN INKSTER	534	FORCED FEE PATENT
	048	CHARLES LAFLEUR	374	FORCED FEE PATENT
	049	FRANCIS F. LEBRET	511	FORCED FEE PATENT
	050	WALTER MCCOY	472	FORCED FEE PATENT
	051	JOHN MORRELL JR.	379	FORCED FEE PATENT
	052	THOMAS O'HARA	387	FORCED FEE PATENT
	053	MAGNES PEONE	388	FORCED FEE PATENT
	054	ESTHER WYNECOOP (PIERRE)	20	FORCED FEE PATENT
	055	JOSEPH R. WYNECOOP	27	FORCED FEE PATENT
	056	JOHN HILL JR.	280	FORCED FEE PATENT
	057	FRANK HUBERT-SPOKANE	242	FORCED FEE PATENT
	058	THOMAS (BOB) FLETT-SPOKANE	29	FORCED FEE PATENT
P12103	004	KALISPEL TRIBE	N/A	FLOODING CAUSED BY BOX CANYON DAM
	005	N/A	N/A	KALISPEL ROAD IN TRESPASS/PRE-DATES RES.
	006	MARY A. BIGSMOKE	19	KALISPEL ROAD RIGHT OF WAY IN TRESPASS
	006A	CECILE DANIEL	29	KALISPEL ROAD RIGHT OF WAY IN TRESPASS
	006B	ALBERT GARRICK	30	KALISPEL ROAD RIGHT OF WAY IN TRESPASS
	006C	CELINA (SELINA)GEARY	32	KALISPEL ROAD RIGHT OF WAY IN TRESPASS
	006D	FELICITY NICK	50	KALISPEL ROAD RIGHT OF WAY IN TRESPASS
	006E	FRANK A. NICK	53	KALISPEL ROAD RIGHT OF WAY IN TRESPASS
	006F	CAMELL NICK	57	KALISPEL ROAD RIGHT OF WAY IN TRESPASS
	006G	BLIND PAUL	59	KALISPEL ROAD RIGHT OF WAY IN TRESPASS

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PORTLAND AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
P12103	004H	LOUISE PEUSE	40	KALISPEL ROAD RIGHT OF WAY IN TRESPASS
	004I	ELIZABETH SMILT	84	KALISPEL ROAD RIGHT OF WAY IN TRESPASS
	004J	ABRAHAM NICK	103	KALISPEL ROAD RIGHT OF WAY IN TRESPASS
	004K	KALISPEL TRIBE	N/A	KALISPEL ROAD RIGHT OF WAY IN TRESPASS

EASTERN AREA STATUTE CLAIMS

TRIBE	CASE	ALLOTTEE	ALLOTMENT	TYPE OF CLAIM
S50002	001	CATAWBA	TRIBAL	NONINTERCOURSE ACT LAND CLAIM
S50004	001	SENECA (ALLEGANY)	TRIBAL	BOUNDARY ENCROACHMENT
S50007	001	ST. REGIS	TRIBAL	NONINTERCOURSE ACT LAND CLAIM
S50010	001	SENECA(OIL SPRINGS)	TRIBAL	BOUNDARY ENCROACHMENT
S50011	001	ONEIDA	TRIBAL	NONINTERCOURSE ACT LAND CLAIM
	002	ONEIDA	TRIBAL	ABORIGINAL LAND CLAIM
S50013	001	CAYUGA	TRIBAL	NONINTERCOURSE ACT LAND CLAIM
S50030	001	GAY HEAD BAND OF WAMPANOAG*	TRIBAL	NONINTERCOURSE ACT LAND CLAIM
S50031	001	WESTERN PEQUOT*	TRIBAL	NONINTERCOURSE ACT LAND CLAIM
S50032	001	SCHAGHTICOKE*	TRIBAL	NONINTERCOURSE ACT LAND CLAIM
S50033	001	MOHEGAN*	TRIBAL	NONINTERCOURSE ACT LAND CLAIM
S50034	001	SHINNECOCK*	TRIBAL	NONINTERCOURSE ACT LAND CLAIM
S50035	001	SEMINOLE	TRIBAL	NONINTERCOURSE ACT LAND CLAIM
S50036	001	CHITIMACHA	TRIBAL	NONINTERCOURSE ACT LAND CLAIM
S50037	001	TUNICA BILOXI	TRIBAL	NONINTERCOURSE ACT LAND CLAIM
S50038	001	STOCKBRIDGE MUNSEE	TRIBAL	NONINTERCOURSE ACT LAND CLAIM

* LISTING OF THIS CLAIM DOES NOT CONSTITUTE FORMAL FEDERAL ACKNOWLEDGMENT THAT THIS IS AN INDIAN TRIBE

[FR Doc. 83-8253 Filed 3-30-83 8:45 am]

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Last Listing March 29, 1983

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Price: $2.25

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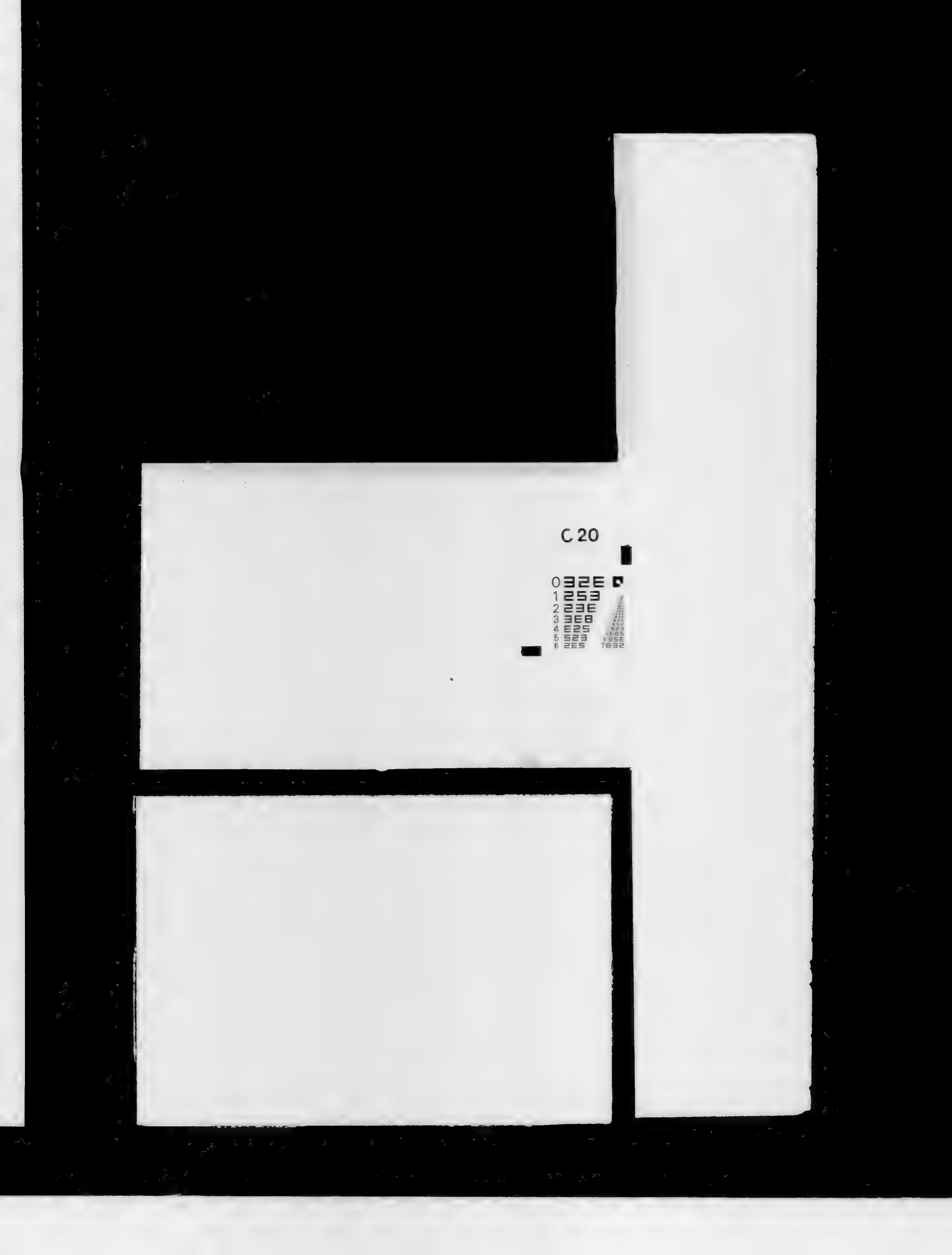
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Federal Register

Friday
April 1, 1983

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Acreage Allotments
Agricultural Stabilization and Conservation Service
Coal Mining
Surface Mining Reclamation and Enforcement Office
Color Additives
Food and Drug Administration
Conflict of Interests
Farm Credit Administration
Drugs
Food and Drug Administration
Food Stamps
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Labeling
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Loan Programs—Education
Education Department
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Title 3—

The President

Executive Order 12413 of March 30, 1983

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*), as amended, Section 604 of the Trade Act of 1974 (19 U.S.C. 2483), and Section 503(a)(2)(A) of the Trade Agreements Act of 1979 (93 Stat. 251), and as President of the United States of America, in order to modify, as provided by Sections 504 (a) and (c) of the Trade Act of 1974 (19 U.S.C. 2464 (a) and (c)), the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries; to adjust the original designation of eligible articles after taking into account information and advice received in fulfillment of Sections 131–134 and 503(a) of the Trade Act of 1974 (19 U.S.C. 2151–2154, 2463); to provide for the continuation, to the greatest extent possible, of preferential treatment under the Generalized System of Preferences (GSP) for articles which are currently eligible for such treatment and which are imported from countries designated as beneficiary developing countries, consistent with the changes to the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) which have resulted from the recent enactment of Public Law 97–446; and to make technical changes in the identification of certain beneficiary developing countries, it is hereby ordered as follows:

Section 1. In order to subdivide and amend the nomenclature of existing items for purposes of the GSP, the TSUS are modified as provided in Annex I, attached hereto and made a part hereof.

Sec. 2. Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country, is amended by substituting therefor the new Annex II attached hereto and made a part hereof.

Sec. 3. Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary countries except those specified in General Headnote 3(c)(iii) of the TSUS, is amended by substituting therefor the new Annex III, attached hereto and made a part hereof.

Sec. 4. General Headnote 3(c)(iii) of the TSUS, listing articles that are eligible for benefits of the GSP except when imported from the beneficiary countries listed opposite those articles, is modified by substituting therefor the General Headnote 3(c)(iii) set forth in Annex IV, attached hereto and made a part hereof.

Sec. 5. In order to provide staged reductions in the rates of duty for those new TSUS items created by Annex I to this Order, Annex III to Presidential Proclamation No. 4707 of December 11, 1979, and Annex III to Presidential Proclamation No. 4768 of June 28, 1980, are amended by Annex V to this Order, attached hereto and made a part hereof.

Sec. 6. General Headnote 3(c)(i) of the TSUS listing the designated beneficiary developing countries for purposes of the GSP is modified as provided in Annex VI, attached hereto and made a party hereof.

Sec. 7. Whenever the column 1 rate of duty in the TSUS for any item specified in Annex I to this Order is reduced to the same level as, or to a lower level

than, the corresponding rate of duty inserted in the column entitled "LDDC" by Annex I of this Order, the rate of duty in the column entitled "LDDC" for such item shall be deleted from the TSUS.

Sec. 8. Annexes III and IV of Presidential Proclamation No. 4707 of December 11, 1979, and Annexes II, III and IV of Presidential Proclamation No. 4768 of June 28, 1980, are superseded to the extent inconsistent with this Order.

Sec. 9. In order to correct a typographical error in Executive Order No. 12389 of October 25, 1982, Annex II thereto is amended by deleting "effective September, 1982" from footnote 4 and inserting in lieu thereof "effective October 30, 1982." This amendment is effective with respect to articles both: (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on or after October 30, 1982.

Sec. 10. (a) The deletion, from Annex II of Executive Order No. 11888, as amended, and as further amended by Section 2 of this Order, of TSUS items 642.30, 726.60, 726.62, and 737.45, and the insertion in such Annex II of items 535.13, 642.31, 642.34, and 737.42; the deletion, from Annex III of Executive Order No. 11888, as amended, and as further amended by Section 3 of this Order, of TSUS item 737.50, and the insertion in such Annex III of items 737.43, 737.47, 737.49, and 737.51; and the deletion, from General Headnote 3(c)(iii) of the TSUS as modified by Section 4 of this Order, of "737.50 . . . . Hong Kong", and the insertion in such headnote of the following:

"737.43	Hong Kong
737.47	Hong Kong
	Taiwan
737.49	Hong Kong
	Taiwan
737.51	Hong Kong
	Taiwan".

shall be effective with respect to articles that are both (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after January 27, 1983.

Sec. 11. Unless otherwise specified, the remaining amendments made by this Order shall be effective with respect to articles both: (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after March 31, 1983.

Ronald Reagan

THE WHITE HOUSE,
March 30, 1983.

Billing code 3195-01-M

ANNEX I

GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

Notes:

1. Bracketed matter is included to assist in the understanding of ordered modifications.
2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form, and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", "Rates of Duty LDDC", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

Section A. Effective as to articles entered, or withdrawn from warehouse for consumption, on and after March 31, 1983.

1. Item 137.95 is superseded by:

	[Vegetables,...:]			
	[Other:]			
"137.93	Pumpkins and breadfruit	25% ad val.		50% ad val.
137.97	Other	25% ad val.		50% ad val."

2. Items 152.81 and 152.82 are superseded by:

	[Fruit...:]			
"152.40	Apple and quince	15% ad val.		35% ad val.
152.41	If product of Cuba	14% ad val.(s)		
152.88	Other	15% ad val.		35% ad val.
152.89	If product of Cuba	14% ad val.(s)"		

3. Items 153.03 and 153.06 are superseded by:

	[All...:]			
	"Currant and other berry:			
153.03	Strawberry	3% ad val.		35% ad val.
153.05	Mulberry and blackberry	3% ad val.		35% ad val.
153.07	Other	3% ad val.		35% ad val."

4. Item 169.46 is superseded by:

	[Other...:]			
	[Spirits:]			
	"In containers each holding not over 1 gallon:			
169.42	Mescal	$2.56 per proof gallon		$6.72 per proof gallon
169.44	Other	$2.56 per proof gallon		$6.72 per proof gallon"

5. Item 403.28 is superseded by:

	[Cyclic...:]			
	[Other:]			
	[Alcohols,...:]			
	"Naphthols:			
403.27	α-Naphthols.....	[See Annex V]	20% ad val.	7c per lb. + 73% ad val.
403.29	Other.....	[See Annex V]	20% ad val.	7c per lb. + 73% ad val."

6.(a) Item 404.44 is superseded by:

	[Cyclic...:]			
	[Other:]			
	[Carboxylic...:]			
	[Other:]			
	[Carboxylic...:]			
"404.42	p-Hydroxy-benzoic acid.....	[See Annex V]	7% ad val.	7c per lb. + 48.5% ad val.
404.43	Gentisic acid; and Hydroxy-cinnamic acid and its salts.....	[See Annex V]	7% ad val.	7c per lb. + 48.5% ad val."

(b) Conforming change: The article description for item 907.00 in the Appendix to the TSUS is modified by deleting therefrom "404.44" and inserting in lieu thereof "404.42".

7.(a) Item 405.32 and the superior heading thereto are superseded by:

	[Cyclic...:]			
	[Other:]			
	[Amides...:]			
	[Other:]			
"405.31	N-Acetylsulfanilyl chloride.....	1.7c per lb. + 18.1% ad val.		7c per lb. + 58% ad val.
	Other:			
405.33	Products provided for in the Chemical Appendix to the Tariff Schedules.....	1.7c per lb. + 18.1% ad val.		7c per lb. + 58% ad val."

(b) Conforming change: CAS number 121-60-8 is deleted from the Chemical Appendix to the Tariff Schedules.

8.(a) Item 411.28 is superseded by:

	[Products...:] [Obtained,...:] [Drugs:]			
"411.26	Sulfamerazine.....	[See Annex V]	11.6% ad val.	7c per lb. + 128.5% ad val.
411.27	Sulfadiazine, sulfaguanidine, sulfapyridine, and salicyl-azosulfapyridine (Sulfasala-zine).....	[See Annex V]	11.6% ad val.	7c per lb. + 128.5% ad val."

(b) Conforming change: The article description for item 907.17 in the Appendix to the TSUS is modified by deleting therefrom "411.28" and inserting in lieu thereof "411.27".

9.(a) Item 411.84 and the superior heading thereto are superseded by:

	[Products...:] [Obtained,...:] [Drugs:] [Other:] [Anti-infective...:] [Anti-infective...:]			
"411.81	Sulfamethazine, sodium; sulfamethoxazole; sulfisoxazole; sulfacetamide, sodium; sulfanilamide; and sulfaquinoxaline.....	[See Annex V]	10.8% ad val.	7c per lb. + 96% ad val.
	Other:			
411.83	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex V]	10.8% ad val.	7c per lb. + 96% ad val."

(b) Conforming change: CAS numbers 59-40-5, 63-74-1, 127-56-0, 127-69-5, 723-46-6, and 1981-58-4 are deleted from the Chemical Appendix to the Tariff Schedules.

ANNEX I

-4-

10. Item 411.94 and the superior heading thereto are superseded by:

	[Products...:]			
	[Obtained,...:]			
	[Drugs:]			
	[Other:]			
	[Anti-infective...:]			
	[Anti-infective...:]			
"411.91	Mandelic acid.....	[See Annex V]	8.1% ad val.	7c per lb. + 67.5% ad val.
	Other:			
411.93	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex V]	8.1% ad val.	7c per lb. + 67.5% ad val."

11.(a) Item 412.68 and the superior heading thereto are superseded by:

	[Products...:]			
	[Obtained,...:]			
	[Drugs:]			
	[Other:]			
"412.67	Hydrochlorothiazide; tolbutamide.....	[See Annex V]	6.9% ad val.	7c per lb. + 45% ad val.
	Other:			
412.69	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex V]	6.9% ad val.	7c per lb. + 45% ad val."

(b) Conforming change: CAS numbers 58-93-5 and 64-77-7 are deleted from the Chemical Appendix to the Tariff Schedules.

ANNEX I

-5-

12. Item 654.05 is superseded by:

	[Articles...:]			
	[Articles,...:]			
	[Of copper:]			
	"Other:			
654.04	Cooking and kitchen ware.....	[See Annex V]	4.9% ad val.	40% ad val.
654.06	Other.....	[See Annex V]	4.9% ad val.	40% ad val."

13. Item 703.15 is superseded by:

	[Headwear, ...:]			
	[Not...:]			
	"Not knit:			
703.14	. Non-woven disposable apparel designed for use in hospitals, clinics, laboratories, or contaminated areas.....	[See Annex V]		45c per lb.+ 65% ad val.
703.16	Other.....	[See Annex V]		45c per lb.+ 65% ad val."

14. Item 727.12 is superseded by:

	[Furniture,...:]			
	[Of unspun...:]			
"727.13	Of buri.....	[See Annex V]	7.5% ad val.	60% ad val.
727.14	Other.....	[See Annex V]	7.5% ad val.	60% ad val."

15. Item 728.25 is superseded by:

	"Floor coverings of vinyl:			
728.22	Vinyl tile.....	[See Annex V]	5.3% ad val.	40% ad val.
728.24	Other.....	[See Annex V]	5.3% ad val.	40% ad val.
728.27	Floor coverings not specially provided for.....	[See Annex V]	5.3% ad val.	40% ad val."

16.(a) Item 730.90 is superseded by:

	[Bombs,...:]			
	"Cartridges and empty cartridge shells:			
	Containing a projectile:			
730.94	For rifles or pistols, except .22 caliber.....	[See Annex V]	5% ad val.	30% ad val.
730.95	Other.....	[See Annex V]	5% ad val.	30% ad val.
730.96	Other.....	[See Annex V]	5% ad val.	30% ad val."

(b) Conforming changes: Items 730.91, 730.92, and 730.93 are redesignated as 730.97, 730.98, and 730.99, respectively.

ANNEX I

-6-

Section B. Effective as to articles entered, or withdrawn from warehouse for consumption, on and after January 1, 1988.

1. Items 411.83 and 411.86 and the superior heading thereto are superseded by:

	[Products...:] [Obtained...:] [Drugs:] [Other:] [Anti-infective...:] [Anti-infective...:]		
"411.85	Other.....	10.8% ad val.	7¢ per lb. + 96% ad val."

2. Items 411.93 and 411.96 and the superior heading thereto are superseded by:

	[Products...:] [Obtained...:] [Drugs:] [Other:] [Anti-infective...:] [Anti-infective...:]		
"411.95	Other.....	8.1% ad val.	7¢ per lb. + 67.5% ad val."

3. Items 412.69 and 412.70 and the superior heading thereto are superseded by:

	[Products...:] [Obtained...:] [Drugs:] [Other:]		
"412.71	Other.....	6.9% ad val.	7¢ per lb. + 45% ad val."

ANNEX II

ARTICLES THAT ARE ELIGIBLE FOR PREFERENTIAL TREATMENT WHEN IMPORTED FROM ANY BENEFICIARY DEVELOPING COUNTRY

100.25	124.65	140.46	152.05
100.31	124.70	140.54	152.30
105.30	124.80	140.56	152.40
105.60	125.01	140.70	152.43
105.84	125.10	140.76	152.58
106.70	125.15	141.05	152.60
106.75	125.20	141.20	152.78
107.10	125.32	141.35	153.03
107.15	125.34	141.45	153.05
107.20	125.50	141.50	153.16
107.25	125.82	141.70	153.20
107.40	125.84	141.78	153.24
107.45	126.41	141.82	153.28
107.65	127.10	141.85	153.32
107.70	130.20	141.87	154.10
107.78	130.30	141.98	154.40
110.28	130.32	144.14	154.43
110.35	130.37	145.02	154.60
110.45	130.40	145.09	155.30
111.10	130.45	145.24	155.40
111.15	130.63	145.26	155.60
111.18	131.20	145.28	155.75
111.56	131.35	145.30	156.25
111.60	131.80	145.50	156.30
112.03	132.55	145.52	156.40
112.36	135.12	145.53	156.47
112.40	135.14	145.54	157.10
112.94	135.30	145.65	161.05
113.30	135.41	145.70	161.06
113.40	135.50	146.12	161.37
113.50	135.60	146.42	161.43
113.60	135.70	146.66	161.45
114.04	135.80	146.69	161.53
114.25	135.99	146.74	161.57
114.55	136.10	146.78	161.61
117.65	136.40	146.82	161.65
117.67	136.50	146.87	161.69
119.50	136.60	146.90	161.71
119.55	136.90	147.21	161.75
120.17	136.92	147.29	161.83
121.10	136.95	147.33	161.84
121.15	136.97	147.36	161.88
121.25	137.02	147.53	161.92
121.30	137.04	147.54	161.96
121.35	137.84	147.80	162.03
121.52	137.88	147.85	162.07
121.54	137.89	148.08	162.11
121.56	138.40	148.19	162.15
121.64	138.41	148.35	165.55
121.65	140.10	148.52	166.10
123.50	140.11	148.65	166.20
124.20	140.14	148.77	166.30
124.25	140.16	148.81	166.40
124.30	140.20	149.15	167.15
124.40	140.35	149.60	167.25
124.60	140.38	152.00	167.34

ANNEX II

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167.40	182.11	206.53	251.30
167.50	182.15	206.54	251.45
168.12	182.20	206.65	252.05
168.13	182.30	206.95	252.10
168.14	182.32	207.00	252.13
168.16	182.35	220.10	252.15
168.36	182.36	220.15	252.17
168.37	182.40	220.31	252.20
168.39	182.45	220.35	252.25
168.41	182.46	220.36	252.27
168.42	182.49	220.37	252.30
168.54	182.52	220.39	252.35
168.57	182.58	220.41	252.40
168.59	182.90	220.47	252.42
168.61	182.96	220.50	252.45
168.96	183.01	222.30	252.50
168.98	183.05	222.32	252.57
169.04	184.50	222.34	252.59
169.07	184.51	222.36	252.61
169.08	184.53	222.40	252.63
169.32	184.58	222.41	252.70
169.37	184.65	222.42	252.73
169.38	186.10	222.44	252.75
169.39	186.15	222.55	252.77
169.42	186.20	222.57	252.81
169.44	186.30	222.60	252.84
169.47	186.40	222.62	252.86
169.48	186.50	222.64	252.90
169.49	188.30	240.10	253.05
169.58	188.34	240.12	253.10
169.59	188.50	240.14	253.15
170.10	190.10	240.16	253.20
170.15	190.25	240.19	253.25
170.63	190.68	240.21	253.30
170.67	190.85	240.30	253.35
170.70	191.18	240.32	253.40
175.36	192.17	240.34	253.45
176.01	192.45	240.36	254.05
176.14	193.10	240.38	254.09
176.15	200.06	240.40	254.15
176.29	200.45	240.50	254.18
176.30	202.38	240.52	254.20
176.49	202.54	240.54	254.25
176.50	202.56	240.56	254.30
176.70	202.60	240.58	254.35
177.12	202.66	240.60	254.40
177.16	203.10	245.00	254.42
177.22	203.20	245.10	254.44
177.24	203.30	245.30	254.46
177.26	204.05	245.45	254.48
177.40	204.10	245.50	254.50
177.58	204.20	245.60	254.54
177.62	204.30	245.70	254.56
177.69	204.35	245.80	254.58
177.72	206.30	251.10	254.63
178.30	206.45	251.15	254.65
182.05	206.50	251.20	254.70
182.10	206.52	251.25	254.80

ANNEX II

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251.30	254.85	304.44	347.28	402.16
251.45	254.90	304.48	347.30	402.20
252.05	254.95	304.58	347.35	402.24
252.10	256.05	305.20	347.72	402.28
252.13	256.10	305.22	347.75	402.32
252.15	256.13	305.28	355.04	403.27
252.17	256.15	305.40	355.20	404.42
252.20	256.20	305.50	355.42	405.02
252.25	256.25	306.11	355.55	405.31
252.27	256.30	306.42	356.40	406.72
252.30	256.35	306.53	358.06	406.81
252.35	256.40	306.60	358.14	406.86
252.40	256.42	306.61	360.04	406.96
252.42	256.44	306.70	360.35	407.00
252.45	256.48	306.71	360.36	407.09
252.50	256.52	306.72	360.44	408.00
252.57	256.54	306.80	360.77	408.08
252.59	256.56	306.81	360.79	408.12
252.61	256.58	306.82	360.82	408.16
252.63	256.65	307.02	360.84	408.21
252.70	256.67	307.04	361.21	408.22
252.73	256.70	307.06	361.23	408.23
252.75	256.75	307.08	361.26	408.24
252.77	256.80	307.16	361.43	408.28
252.81	256.84	308.06	361.53	408.29
252.84	256.90	308.10	361.85	408.31
252.86	270.45	308.16	363.02	408.32
252.90	270.50	308.18	364.09	408.36
253.05	273.30	308.20	364.14	408.38
253.10	273.50	308.30	364.18	408.41
253.15	273.55	308.35	364.21	408.44
253.20	273.65	308.45	364.25	408.48
253.25	273.70	308.47	364.35	408.54
253.30	273.75	308.51	365.05	408.61
253.35	273.85	308.55	365.14	408.64
253.40	273.90	308.80	365.15	408.68
253.45	273.95	308.90	365.25	408.76
254.05	274.00	312.10	365.29	408.81
254.09	274.05	312.30	365.72	408.84
254.15	274.10	312.40	365.76	408.88
254.18	274.15	312.50	365.91	408.92
254.20	274.20	315.30	367.28	408.96
254.25	274.23	315.55	367.31	409.02
254.30	274.27	315.75	370.17	409.06
254.35	274.29	315.80	370.19	409.10
254.40	274.33	315.85	370.22	409.14
254.42	274.35	315.90	372.60	409.18
254.44	274.60	315.95	372.65	409.22
254.46	274.65	316.50	385.95	409.26
254.48	274.70	316.70	386.13	409.28
254.50	274.75	319.07	387.25	409.30
254.54	274.80	335.50	387.32	409.34
254.56	274.85	335.70	387.33	409.38
254.58	274.90	335.85	390.16	409.42
254.63	304.10	337.20	402.00	410.36
254.65	304.14	337.72	402.04	410.40
254.70	304.22	339.10	402.08	410.44
254.80	304.40	347.20	402.12	410.48

ANNEX II

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410.52	417.16	419.40	421.60
410.56	417.18	419.42	421.62
410.60	417.20	419.44	421.72
410.64	417.24	419.50	421.74
410.66	417.26	419.52	421.76
410.68	417.28	419.54	421.84
410.72	417.32	419.60	421.86
410.76	417.34	419.70	421.90
410.80	417.36	419.74	422.00
410.84	417.38	419.76	422.10
410.88	417.42	419.80	422.12
410.92	417.44	419.82	422.14
410.96	417.50	419.84	422.20
411.00	417.52	419.90	422.24
411.04	417.54	420.00	422.26
411.08	417.64	420.02	422.30
411.10	417.70	420.04	422.58
411.20	417.72	420.06	422.60
411.24	417.74	420.08	422.62
411.26	417.76	420.14	422.70
411.64	417.78	420.16	422.72
411.80	417.80	420.18	422.74
411.81	417.90	420.20	422.76
411.91	417.92	420.22	422.78
412.22	418.00	420.24	422.80
412.31	418.14	420.26	422.82
412.67	418.18	420.28	422.90
412.72	418.22	420.30	422.92
412.76	418.24	420.34	422.94
412.80	418.26	420.36	423.00
412.84	418.28	420.40	423.80
412.88	418.32	420.54	423.84
412.92	418.40	420.60	423.86
412.96	418.42	420.68	423.94
413.00	418.44	420.70	423.96
413.04	418.50	420.78	425.00
413.08	418.52	420.82	425.02
413.12	418.60	420.84	425.04
413.16	418.62	420.86	425.06
413.20	418.68	420.88	425.08
413.24	418.72	420.94	425.09
413.28	418.74	420.98	425.10
413.30	418.76	421.04	425.12
413.32	418.80	421.06	425.14
413.36	418.94	421.08	425.18
413.40	419.00	421.10	425.20
413.50	419.02	421.14	425.22
413.51	419.04	421.16	425.24
415.20	419.10	421.18	425.26
415.27	419.20	421.22	425.28
415.50	419.22	421.34	425.32
416.05	419.24	421.36	425.34
416.30	419.28	421.44	425.36
416.45	419.32	421.46	425.38
417.10	419.34	421.52	425.41
417.14	419.38	421.54	425.42

ANNEX II

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421.60
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ANNEX II

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460.45	473.02	490.10	514.24
460.50	473.06	490.12	514.34
460.55	473.10	490.24	514.41
460.60	473.12	490.30	514.44
460.65	473.14	490.32	514.51
460.70	473.16	490.40	514.54
460.75	473.18	490.42	514.57
460.80	473.19	490.44	514.61
460.85	473.20	490.46	514.65
460.90	473.24	490.48	514.81
461.05	473.28	490.50	515.11
461.10	473.30	490.90	515.14
461.15	473.32	490.92	515.24
461.20	473.36	490.94	515.31
461.30	473.38	493.10	515.34
461.35	473.44	493.14	515.51
461.40	473.46	493.17	515.54
461.45	473.48	493.18	515.61
465.05	473.50	493.20	515.64
465.10	473.54	493.22	516.21
465.15	473.58	493.25	516.24
465.20	473.60	493.26	516.71
465.25	473.62	493.30	516.73
465.30	473.66	493.46	516.74
465.35	473.70	493.47	516.76
465.40	473.72	493.50	516.91
465.45	473.74	493.67	516.94
465.50	473.76	493.68	517.11
465.55	473.78	494.04	517.21
465.60	473.80	494.40	517.24
465.65	473.82	494.52	517.51
465.70	473.84	494.60	517.61
465.75	473.86	495.05	517.71
465.80	473.88	495.10	517.74
465.85	473.90	495.15	517.81
465.87	474.02	495.20	517.91
465.90	474.04	511.11	518.21
465.92	474.06	511.25	518.41
465.95	474.08	511.31	518.51
466.05	474.20	511.41	519.11
466.10	474.22	511.51	519.14
466.15	474.26	511.61	519.31
466.20	474.30	511.71	519.37
466.25	474.35	512.24	519.51
466.30	474.40	512.31	519.83
470.18	474.42	512.35	519.84
470.85	474.44	512.41	519.86
472.06	474.46	512.44	519.91
472.10	474.50	513.21	519.93
472.14	474.60	513.36	519.95
472.24	474.62	513.41	519.97
472.30	475.55	513.51	520.31
472.40	475.60	513.74	520.37
472.42	485.10	513.81	520.39
472.44	485.20	513.84	520.51
472.48	485.30	513.94	520.54
472.50	490.05	514.21	520.61

ANNEX II

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514.24
514.34
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514.44
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ANNEX II

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620.40	629.10	644.06	646.76
620.42	629.20	644.08	646.77
620.46	629.25	644.09	646.78
620.50	629.26	644.11	646.82
622.15	629.50	644.12	646.85
622.17	629.60	644.15	646.86
622.20	629.65	644.17	646.87
622.25	632.02	644.18	646.88
622.35	632.04	644.20	646.89
622.40	632.12	644.22	646.90
624.02	632.18	644.24	646.92
624.04	632.34	644.26	646.95
624.10	632.42	644.28	646.97
624.12	632.60	644.30	646.98
624.14	632.62	644.32	647.01
624.16	632.66	644.36	647.03
624.18	633.00	644.38	647.05
624.20	640.05	644.40	647.10
624.22	640.10	644.42	648.51
624.24	640.20	644.46	648.53
624.30	640.25	644.48	648.55
624.32	640.30	644.52	648.57
624.34	640.35	644.56	648.61
624.40	640.40	644.60	648.63
624.42	642.06	644.64	648.67
624.50	642.08	644.68	648.69
624.52	642.09	644.72	648.71
624.54	642.15	644.76	648.73
626.15	642.18	644.80	648.75
626.17	642.20	644.84	648.80
626.18	642.25	644.88	648.85
626.20	642.27	644.92	648.89
626.22	642.31	644.95	648.91
626.24	642.34	644.98	648.93
626.30	642.45	646.02	648.95
626.31	642.47	646.04	649.01
626.35	642.50	646.06	649.03
626.40	642.52	646.17	649.05
626.42	642.54	646.20	649.07
626.45	642.56	646.22	649.11
628.05	642.58	646.27	649.14
628.10	642.60	646.28	649.17
628.15	642.62	646.30	649.19
628.20	642.64	646.34	649.21
628.25	642.66	646.36	649.23
628.30	642.68	646.40	649.24
628.35	642.70	646.41	649.25
628.40	642.72	646.42	649.26
628.45	642.74	646.45	649.27
628.50	642.76	646.47	649.29
628.55	642.78	646.51	649.31
628.59	642.80	646.53	649.32
628.70	642.82	646.57	649.33
628.74	642.85	646.65	649.35
628.90	642.87	646.72	649.41
628.95	642.93	646.74	649.43
629.05	644.02	646.75	649.44

ANNEX II

-9-

649.46	651.15	653.60	661.10
649.47	651.23	653.62	661.15
649.48	651.25	653.65	661.20
649.49	651.27	653.70	661.25
649.53	651.29	653.75	661.30
649.57	651.31	653.80	661.35
649.67	651.45	653.90	661.40
649.71	651.48	653.96	661.45
649.73	651.51	654.00	661.50
649.75	651.55	654.02	661.54
649.77	651.60	654.03	661.56
649.79	651.62	654.06	661.67
649.81	652.06	654.09	661.68
649.83	652.09	654.11	661.85
649.85	652.13	654.14	661.90
649.87	652.14	654.15	661.92
649.89	652.15	654.20	661.95
649.91	652.18	656.05	662.10
650.01	652.21	656.10	662.15
650.05	652.24	656.15	662.18
650.07	652.27	656.20	662.20
650.13	652.30	656.25	662.26
650.15	652.33	656.30	662.30
650.17	652.35	656.35	662.50
650.19	652.36	657.10	664.06
650.21	652.38	657.15	664.07
650.31	652.41	657.25	664.08
650.35	652.42	657.30	664.10
650.37	652.45	657.35	666.10
650.43	652.50	657.40	666.25
650.45	652.55	657.50	668.00
650.47	652.65	657.60	668.02
650.48	652.70	657.70	668.04
650.51	652.72	657.75	668.06
650.53	652.75	657.80	668.07
650.56	652.80	657.90	668.10
650.57	652.86	658.00	668.15
650.61	652.88	660.10	668.21
650.63	652.90	660.15	668.23
650.65	652.92	660.20	668.32
650.71	652.93	660.22	668.34
650.73	653.00	660.25	668.36
650.75	653.01	660.30	668.38
650.77	653.03	660.35	668.50
650.79	653.05	660.56	670.00
650.81	653.07	660.59	670.02
650.83	653.10	660.62	670.04
650.85	653.15	660.67	670.06
650.87	653.20	660.71	670.12
650.90	653.25	660.74	670.14
651.01	653.30	660.76	670.16
651.03	653.35	660.77	670.17
651.04	653.37	660.85	670.18
651.07	653.39	660.92	670.19
651.09	653.45	660.96	670.20
651.11	653.47	660.97	670.22
651.13	653.52	661.05	670.23

ANNEX II

-10-

670.25	680.05	685.42	702.15
670.27	680.07	685.60	702.20
670.29	680.12	685.70	702.25
670.33	680.13	686.18	702.28
670.35	680.14	686.24	702.30
670.40	680.17	686.40	702.32
670.41	680.19	686.50	702.35
670.42	680.25	686.60	702.37
670.43	680.27	686.70	702.40
670.50	680.42	686.80	702.45
670.52	680.46	686.90	702.85
670.54	680.49	687.10	702.90
670.56	680.59	687.20	702.95
670.58	680.62	687.30	703.20
670.64	680.92	687.70	703.25
670.66	681.10	687.72	703.30
670.68	681.13	688.04	703.35
670.70	681.15	688.06	703.40
670.72	681.21	688.20	703.45
670.74	681.27	688.25	703.50
670.90	681.33	688.30	703.55
672.10	681.36	688.32	703.60
672.14	681.39	688.34	703.65
672.20	682.05	690.05	703.70
672.22	682.07	690.10	703.72
672.25	682.20	690.15	703.75
674.10	682.25	690.20	703.80
674.20	682.30	690.35	703.85
674.30	682.41	690.40	704.34
674.32	682.45	692.04	704.75
674.40	682.50	692.14	704.80
674.42	682.52	692.16	704.95
674.50	682.55	692.29	705.30
674.52	682.70	692.35	705.82
674.53	682.80	692.40	705.83
674.55	682.90	692.45	705.90
674.56	682.95	692.50	706.04
674.60	683.07	692.55	706.19
674.70	683.20	692.60	706.33
674.75	683.30	694.31	706.37
674.80	683.32	694.50	706.42
674.90	683.40	694.61	706.44
676.07	683.50	694.63	706.45
676.10	683.60	694.64	706.47
676.12	683.65	694.65	706.50
676.15	683.90	694.66	708.01
676.22	683.95	694.67	708.03
676.23	684.20	694.70	708.05
676.25	684.25	696.05	708.07
676.30	684.28	696.15	708.09
676.50	684.40	696.30	708.21
678.20	684.62	696.40	708.23
678.30	684.64	696.50	708.25
678.32	685.10	696.60	708.27
678.35	685.26	700.54	708.29
678.40	685.34	702.08	708.41
678.45	685.36	702.14	708.43

ANNEX II

-11-

708.45	710.42	721.10	725.16
708.56	710.46	722.02	725.18
708.58	710.50	722.04	725.20
708.61	710.60	722.10	725.22
708.63	710.61	722.12	725.24
708.65	710.63	722.16	725.26
708.71	710.65	722.18	725.30
708.72	710.67	722.30	725.34
708.73	710.68	722.32	725.36
708.75	710.70	722.34	725.40
708.76	710.72	722.40	725.46
708.78	710.76	722.42	725.47
708.80	710.78	722.44	725.52
708.82	710.80	722.46	726.05
708.85	710.86	722.50	726.10
708.87	710.88	722.52	726.15
708.89	710.90	722.55	726.20
708.91	711.04	722.56	726.25
708.93	711.08	722.60	726.40
709.01	711.25	722.64	726.45
709.03	711.30	722.70	726.50
709.05	711.31	722.72	726.52
709.06	711.32	722.75	726.55
709.07	711.40	722.78	726.63
709.09	711.42	722.80	726.70
709.10	711.45	722.82	726.75
709.11	711.47	722.83	726.90
709.13	711.49	722.85	727.02
709.17	711.55	722.86	727.04
709.19	711.60	722.88	727.11
709.21	711.67	722.90	727.13
709.23	711.75	722.92	727.14
709.25	711.77	722.94	727.15
709.27	711.78	722.96	727.25
709.45	711.86	723.05	727.27
709.50	711.88	723.10	727.40
709.54	711.90	723.15	727.45
709.55	711.98	723.20	727.47
709.56	712.05	723.25	727.50
709.57	712.10	723.30	727.52
709.61	712.12	723.32	727.86
709.63	712.15	723.35	728.05
709.66	712.20	724.10	728.10
710.04	712.25	724.12	728.15
710.06	712.27	724.20	728.20
710.08	712.47	724.25	728.24
710.12	712.49	724.35	728.27
710.14	713.05	724.40	730.05
710.16	713.07	724.45	730.23
710.20	713.09	725.01	730.25
710.21	713.11	725.03	730.27
710.26	713.17	725.04	730.29
710.27	713.19	725.05	730.31
710.30	715.20	725.07	730.37
710.34	715.55	725.08	730.39
710.36	720.80	725.12	730.41
710.40	720.92	725.14	730.43

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ANNEX II

-12-

730.45	734.91	748.12	760.40
730.51	734.93	748.15	760.42
730.53	734.95	748.20	760.45
730.55	735.01	748.21	760.50
730.57	735.02	748.25	760.52
730.59	735.04	748.32	760.54
730.63	735.06	748.34	760.56
730.65	735.10	748.36	760.58
730.67	735.11	748.50	766.20
730.71	735.15	748.55	770.05
730.73	735.17	750.05	770.07
730.74	735.18	750.10	770.10
730.75	737.09	750.15	770.30
730.77	737.26	750.20	770.40
730.80	737.35	750.32	770.45
730.81	737.42	750.47	770.70
730.85	737.55	750.55	770.80
730.86	737.65	750.60	771.05
730.88	737.70	750.65	771.20
730.95	740.05	750.70	771.25
730.96	740.38	750.75	771.30
730.97	740.50	750.80	771.31
730.98	740.55	751.10	771.35
730.99	740.60	751.11	771.40
731.05	740.70	751.15	771.41
731.06	740.80	751.20	771.50
731.10	741.06	751.25	771.55
731.20	741.10	755.05	772.03
731.24	741.15	755.10	772.06
731.26	741.20	755.20	772.09
731.30	741.30	755.30	772.15
731.42	741.35	755.40	772.20
731.44	741.40	755.45	772.25
731.50	741.50	755.50	772.40
731.70	745.04	756.02	772.42
732.35	745.08	756.04	772.45
732.38	745.10	756.06	772.54
732.43	745.20	756.10	772.65
732.50	745.25	756.15	772.70
732.52	745.28	756.21	772.80
732.60	745.30	756.23	772.85
732.62	745.34	756.25	772.95
734.05	745.45	756.30	772.97
734.30	745.50	756.35	773.05
734.32	745.52	756.40	773.10
734.40	745.54	756.50	773.15
734.42	745.56	756.55	773.20
734.45	745.58	756.60	773.25
734.54	745.60	760.10	773.30
734.60	745.62	760.12	773.35
734.71	745.65	760.15	774.20
734.72	745.66	760.20	774.25
734.75	745.67	760.30	774.35
734.77	745.68	760.32	774.40
734.80	745.70	760.34	774.50
734.85	748.05	760.36	774.55
734.88	748.10	760.38	790.00

ANNEX II

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ANNEX III

ARTICLES THAT ARE ELIGIBLE FOR PREFERENTIAL TREATMENT WHEN IMPORTED FROM BENEFICIARY DEVELOPING COUNTRIES OTHER THAN THOSE SPECIFIED IN GENERAL HEADNOTE 3(c)(iii) OF THE TSUS

107.48	220.20	618.02	684.70	737.15
107.80	220.25	618.06	685.24	737.21
112.21	220.48	618.15	685.29	737.23
113.01	222.10	622.22	685.40	737.28
114.06	222.50	642.14	685.90	737.30
121.55	245.20	642.16	686.30	737.40
121.61	256.60	642.17	687.42	737.43
121.62	256.87	646.32	688.10	737.47
135.51	304.12	648.97	688.12	737.49
135.90	305.30	649.37	688.15	737.51
135.95	315.25	650.89	688.43	737.60
136.00	319.01	651.21	692.32	737.80
136.20	319.03	651.33	696.10	737.95
136.22	319.05	651.37	696.35	740.11
136.30	337.40	651.46	700.90	740.12
136.61	355.81	651.49	702.47	740.13
136.80	356.25	651.53	703.14	740.14
137.10	365.84	652.03	706.39	740.15
137.40	366.84	652.60	706.61	740.30
137.50	389.61	652.84	708.47	740.34
137.63	406.20	653.48	709.15	740.75
137.71	407.16	653.85	709.40	741.25
137.75	408.72	653.93	711.38	750.22
137.79	416.10	653.94	713.15	750.25
137.93	417.22	653.99	722.14	750.35
138.05	418.78	654.04	725.32	750.40
138.35	423.88	654.07	725.50	750.45
140.21	425.70	654.12	726.65	750.50
141.77	428.58	654.13	727.06	751.05
146.22	437.60	657.24	727.23	755.25
146.44	445.42	660.42	727.29	756.45
146.76	452.44	660.48	727.35	771.43
148.03	472.12	660.80	727.55	771.45
148.12	473.52	661.06	728.22	772.35
148.17	473.56	661.09	730.94	772.51
148.25	493.82	661.65	734.10	772.60
148.30	522.21	662.35	734.15	774.45
148.72	523.94	672.16	734.20	790.03
149.50	532.22	674.35	734.25	790.39
152.54	532.31	676.20	734.34	790.70
152.72	534.94	676.52	734.51	791.28
154.53	535.31	678.50	734.56	792.10
155.20	544.41	682.35	734.70	792.50
155.35	545.53	682.60	734.86	792.60
167.05	602.10	683.05	734.87	792.75
192.21	603.40	683.15	734.90	
192.85	603.50	683.70	735.07	
200.91	605.48	683.80	735.09	
202.62	606.36	684.10	735.12	
204.40	606.37	684.15	735.20	
206.47	606.44	684.48	737.07	
206.60	612.03	684.53		
206.98	612.06	684.55		

ANNEX IV

"(iii) The following designated eligible articles provided for in TSUS item numbers preceded by the designation "A*", if imported from a beneficiary developing country set opposite the TSUS item numbers listed below, are not entitled to the duty-free treatment provided for in subdivision (c)(ii) of this headnote:

107.48	Brazil	155.20	Brazil, Dominican Republic, Thailand
107.80	Argentina		
112.21	Peru		
113.01	Thailand	155.35	Barbados
114.06	Republic of Korea	167.05	Mexico
121.55	India	192.21	Colombia
121.61	Argentina	192.85	Mexico
121.62	India	200.91	Honduras
135.51	Mexico	202.62	Mexico
135.90	Mexico	204.40	Taiwan
135.95	Mexico	206.47	Taiwan
136.00	Dominican Republic	206.60	Mexico
136.20	Mexico	206.98	Taiwan
136.22	Mexico	220.20	Portugal
136.30	Mexico	220.25	Portugal
136.61	Mexico	220.48	Portugal
136.80	Mexico	222.10	Hong Kong
137.10	Mexico	222.50	Taiwan
137.40	Mexico	245.20	Brazil
137.50	Mexico	256.60	Republic of Korea
137.63	Mexico	256.87	Mexico
137.71	Mexico	304.12	Egypt
137.75	Costa Rica	305.30	Bangladesh
137.79	Mexico	315.25	Mexico
137.93	Dominican Republic	319.01	India
138.05	Mexico	319.03	India
138.35	Costa Rica	319.05	India
140.21	Mexico	337.40	Hong Kong, Republic of Korea
141.77	Mexico		
146.22	Turkey	355.81	Taiwan
146.44	Philippines	356.25	Israel
146.76	Mexico	365.84	Philippines
148.03	Mexico	366.84	Philippines
148.12	Mexico	389.61	Hong Kong, Taiwan
148.17	Mexico		
148.25	Mexico	406.20	Israel
148.30	Mexico	407.16	Venezuela
148.72	Chile	408.72	Republic of Korea
149.50	Mexico	416.10	Turkey
152.54	Brazil	417.22	Mexico
152.72	Honduras	418.78	Mexico
154.53	Taiwan	423.88	Mexico

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425.70	Mexico	653.99	Taiwan
428.58	Brazil	654.04	Republic of Korea
437.60	Argentina		Taiwan
445.42	Taiwan	654.07	Taiwan
452.44	Brazil	654.12	Taiwan
472.12	India	654.13	Hong Kong
473.52	Mexico	657.24	Taiwan
473.56	Mexico	660.42	Brazil
493.82	Mexico	660.48	Brazil
522.21	Mexico		Mexico
523.94	Mexico	660.80	Taiwan
532.22	Republic of Korea	661.06	Hong Kong
532.31	Mexico		Taiwan
534.94	Taiwan	661.09	Singapore
535.31	Mexico	661.65	Israel
544.41	Mexico	662.35	Mexico
545.53	Mexico	672.16	Taiwan
602.10	Honduras	674.35	Taiwan
603.40	Chile	676.20	Taiwan
603.50	Chile	676.52	Hong Kong
605.48	Chile		Mexico
606.36	Brazil		Singapore
606.37	Brazil		Taiwan
606.44	Brazil	678.50	Republic of Korea
612.03	Chile		Taiwan
612.06	Chile	682.35	Mexico
618.02	Ghana	682.60	Hong Kong
618.06	Ghana		Mexico
618.15	Yugoslavia		Taiwan
622.22	Bolivia	683.05	Taiwan
642.14	Republic of Korea	683.15	Mexico
642.16	Republic of Korea	683.70	Hong Kong
642.17	Republic of Korea		Taiwan
646.32	Republic of Korea	683.80	Hong Kong
648.97	Taiwan	684.10	Taiwan
649.37	Taiwan	684.15	Singapore
650.89	Hong Kong	684.48	Hong Kong
	Taiwan	684.53	Taiwan
651.21	Taiwan	684.55	Mexico
651.33	Hong Kong	684.70	Republic of Korea
651.37	Taiwan		Taiwan
651.46	Republic of Korea	685.24	Hong Kong
651.49	Taiwan		Republic of Korea
651.53	Taiwan		Singapore
652.03	Republic of Korea		Taiwan
652.60	Taiwan	685.29	Taiwan
652.84	Mexico	685.40	Republic of Korea
653.48	Taiwan		Taiwan
653.85	Taiwan	685.90	Mexico
653.93	Taiwan		Taiwan
653.94	Republic of Korea	686.30	Taiwan

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687.42	Taiwan	737.21	Hong Kong
688.10	Taiwan	737.23	Taiwan
688.12	Mexico	737.28	Republic of Korea
688.15	Mexico	737.30	Republic of Korea
688.43	Taiwan	737.40	Republic of Korea
692.32	Brazil, Mexico	737.43	Hong Kong
696.10	Taiwan	737.47	Hong Kong, Taiwan
696.35	Taiwan	737.49	Hong Kong, Taiwan
700.90	Mexico		
702.47	Mexico	737.51	Hong Kong, Taiwan
703.14	Mexico		
706.39	Hong Kong, Republic of Korea, Taiwan	737.60	Hong Kong
		737.80	Hong Kong
706.61	Hong Kong, Taiwan	737.95	Hong Kong, Taiwan
708.47	Hong Kong	740.11	Hong Kong, Israel, Peru
709.15	Israel		
709.40	Hong Kong	740.12	Hong Kong
711.38	Mexico	740.13	Hong Kong
713.15	Mexico	740.14	Hong Kong
722.14	Macao	740.15	Hong Kong
725.32	Taiwan	740.30	Hong Kong
725.50	Taiwan	740.34	Hong Kong
726.65	Mexico	740.75	Republic of Korea
727.06	Mexico	741.25	Hong Kong
727.23	Taiwan	750.22	Taiwan
727.29	Yugoslavia	750.25	Hong Kong
727.35	Taiwan	750.35	Taiwan
727.55	Taiwan	750.40	Hong Kong
728.22	Taiwan	750.45	Republic of Korea
730.94	Republic of Korea	750.50	Republic of Korea
734.10	Taiwan	751.05	Taiwan
734.15	Taiwan	755.25	Hong Kong
734.20	Hong Kong, Taiwan	756.45	Hong Kong
		771.43	Taiwan
734.25	Hong Kong	771.45	Taiwan
734.34	Hong Kong	772.35	Taiwan
734.51	Taiwan	772.51	Republic of Korea
734.56	Haiti	772.60	Republic of Korea
734.70	Republic of Korea	774.45	Hong Kong
734.86	Taiwan	790.03	Taiwan
734.87	Taiwan	790.39	Taiwan
734.90	Taiwan	790.70	Republic of Korea
735.07	Republic of Korea	791.28	India
735.09	Taiwan	792.10	Mexico
735.12	Taiwan	792.50	Philippines
735.20	Taiwan	792.60	Hong Kong
737.07	Hong Kong	792.75	Hong Kong"
737.15	Hong Kong		

ANNEX V

A. Annex III to Presidential Proclamation 4707 of December 11, 1979 is amended--

a) by deleting from Section A of the Annex the following TSUS item numbers with their corresponding rates of duty and footnotes:

654.05	730.90	730.92
703.15	730.91	730.93

b) by inserting in Section A of that Annex the following TSUS item numbers in numerical sequence, with their corresponding rates of duty and footnotes, as follows:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
654.04 3/	3/	3/	3/	3/	6.2% 3/	5.9%	5.6%	5.2%	4.9%
654.05 3/	7.5% ad val.	7.2%	6.9%	6.5%	6.2% 3/	3/	3/	3/	3/
654.06 3/	3/	3/	3/	3/	6.2% 3/	5.9%	5.6%	5.2%	4.9%
703.14 5/	5/	5/	5/	5/	17c/lb. + 14% 5/	15c/lb. + 12.5%	13c/lb. + 11%	12c/lb. + 9.5%	.0c/lb. + 8%
703.15 5/	25c per lb. + 20% ad val.	23c/lb. + 18.5%	21c/lb. + 17%	19c/lb. + 15.5%	17c/lb. + 14% 5/	5/	5/	5/	5/
703.16 5/	5/	5/	5/	5/	17c/lb. + 14% 5/	15c/lb. + 12.5%	13c/lb. + 11%	12c/lb. + 9.5%	10c/lb. + 8%
730.90 2/	12.5% ad val.	11.6%	10.6%	9.7%	8.8% 2/	2/	2/	2/	2/
730.91 3/	6% ad val.	5.8%	5.6%	5.3%	5.1% 3/	3/	3/	3/	3/
730.92 4/	8% ad val.	7.4%	6.8%	6.2%	5.6% 4/	4/	4/	4/	4/
730.93 5/	9% ad val.	8.3%	7.7%	7%	6.3% 5/	5/	5/	5/	5/
730.94 2/	2/	2/	2/	2/	8.8% 2/	7.8%	6.9%	5.9%	5%
730.95 2/	2/	2/	2/	2/	8.8% 2/	7.8%	6.9%	5.9%	5%
730.96 2/	2/	2/	2/	2/	8.8% 2/	7.8%	6.9%	5.9%	5%
730.97 3/	3/	3/	3/	3/	5.1% 3/	4.9%	4.7%	4.4%	4.2%
730.98 4/	4/	4/	4/	4/	5.6% 4/	5%	4.4%	3.8%	3.2%
730.99 5/	5/	5/	5/	5/	6.3% 5/	5.6%	5%	4.3%	3.6%

Footnote 3 for items 654.04, 654.05, and 654.06:
3/ Item 654.05 is discontinued effective March 31, 1983, and is superseded by items 654.04 and 654.06.
Footnote 5 for items 703.14, 703.15, and 703.16:
5/ Item 703.15 is discontinued effective March 31, 1983, and is superseded by items 703.14 and 703.16.
Footnote 2 for items 730.90, 730.94, 730.95, and 730.96:
2/ Item 730.90 is discontinued effective March 31, 1983, and is superseded by items 730.94, 730.95, and 730.96.
Footnote 3 for items 730.91 and 730.97:
3/ Item 730.91 is redesignated as item 730.97 effective March 31, 1983.
Footnote 4 for items 730.92 and 730.98:
4/ Item 730.92 is redesignated as item 730.98 effective March 31, 1983.
Footnote 5 for items 730.93 and 730.99:
5/ Item 730.93 is redesignated as item 730.99 effective March 31, 1983.

c) by deleting Section B of that Annex and by inserting the following therein:

Section B. Staged rate modifications effective as to articles entered, or withdrawn from warehouse for consumption, on and after April 1, 1982, in accordance with the determination of the U.S. Trade Representative published in the Federal Register on March 24, 1982.

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective as to articles entered on and after April 1—							
		1982	1983	1984	1985	1986	1987	1988	1989
Schedule 7, Part 4									
727.10 2/	16% ad val.	2/	2/	2/	2/	2/	2/	2/	2/
727.11 2/	2/	14.9% 2/	13.9%	12.8%	11.8%	10.7%	9.6%	8.6%	[illegible]
727.12 2/	2/	14.9% 2/	2/	2/	2/	2/	2/	2/	2/
727.13 2/	2/	2/	13.9% 2/	12.8%	11.8%	10.7%	9.6%	8.6%	[illegible]
727.14 2/	2/	2/	13.9% 2/	12.8%	11.8%	10.7%	9.6%	8.6%	[illegible]

1/ The symbol "%" indicates percent ad valorem.
2/ Item 727.10 was discontinued effective March 30, 1980 and was superseded by items 727.11 and 727.12. Item 727.12 is discontinued March 31, 1983 and is superseded by items 727.13 and 727.14.

9. Annex III to Presidential Proclamation 4768 of June 28, 1980 is amended—

a) by deleting from Section A of that Annex the following TSUS item numbers with their corresponding rates of duty and footnotes:

403.28	411.28	411.94
404.44	411.84	412.68

b) by inserting in Section A of that Annex the following TSUS item numbers in numerical sequence, with their corresponding rates of duty and footnotes, as follows:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles exported to the United States on and after July 1, 1980, and entered on and after—							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
403.27 2/	2/	2/	2/	2/	0.2¢/lb. + 22.7% 2/	22.4%	21.6%	20.8%	20%
403.28 2/	1.7¢ per lb. + 22.7% ad val	1.3¢/lb. + 22.7%	0.9¢/lb. + 22.7%	0.6¢/lb. + 22.7%	0.2¢/lb. + 22.7% 2/	2/	2/	2/	2/
403.29 2/	2/	2/	2/	2/	0.2¢/lb. + 22.7% 2/	22.4%	21.6%	20.8%	20%
404.42 3/	3/	3/	3/	3/	10.4% 3/	9.6%	8.7%	7.9%	7%
404.43 3/	3/	3/	3/	3/	10.4% 3/	9.6%	8.7%	7.9%	7%
404.44 3/	1.4¢ per lb. + 12.1% ad val	0.7¢/lb. + 12.1%	12.1%	11.3%	10.4% 3/	3/	3/	3/	3/
411.26 3/	3/	3/	3/	3/	20.3% 3/	18.1%	16%	13.8%	11.6%
411.27 3/	3/	3/	3/	3/	20.3% 3/	18.1%	16%	13.8%	11.6%
411.28 3/	1.4¢ per lb. + 28.5% ad val	26.8%	24.7%	22.5%	20.3% 3/	3/	3/	3/	3/
411.81 4/	4/	4/	4/	4/	18.9% 4/	16.9%	14.9%	12.8%	10.8%
411.83 4/	4/	4/	4/	4/	18.9% 4/	16.9%	14.9%	12.8%	10.8%
411.84 4/	1.7¢ per lb. + 26.6% ad val	25%	23%	20.9%	18.9% 4/	4/	4/	4/	4/
411.91 5/	5/	5/	5/	5/	13.8% 5/	12.3%	10.9%	9.5%	8.1%
411.93 5/	5/	5/	5/	5/	13.8% 5/	12.3%	10.9%	9.5%	8.1%
411.94 5/	1.7¢ per lb. + 18.7% ad val	18%	16.6%	15.2%	13.8% 5/	5/	5/	5/	5/
412.67 6/	6/	6/	6/	6/	10.3% 6/	9.5%	8.6%	7.8%	6.9%
412.68 6/	1.7¢ per lb. + 13.6% ad val	12.9%	12%	11.2%	10.3% 6/	6/	6/	6/	6/
412.69 6/	6/	6/	6/	6/	10.3% 6/	9.5%	8.6%	7.8%	6.9%

Footnote 2 for items 403.27, 403.28, and 403.29:

2/ Item 403.28 is discontinued effective March 31, 1983, and is superseded by items 403.27 and 403.29.

Footnote 3 for items 404.42, 404.43, and 404.44:

3/ Item 404.44 is discontinued effective March 31, 1983, and is superseded by items 404.42 and 404.43.

Footnote 3 for items 411.26, 411.27, and 411.28:

3/ Item 411.28 is discontinued effective March 31, 1983, and is superseded by items 411.26 and 411.27.

Footnote 4 for items 411.81, 411.83, and 411.84:

4/ Item 411.84 is discontinued effective March 31, 1983, and is superseded by items 411.81 and 411.83.

Footnote 5 for items 411.91, 411.93, and 411.94:

5/ Item 411.94 is discontinued effective March 31, 1983, and is superseded by items 411.91 and 411.93.

Footnote 6 for items 412.67, 412.68, and 412.69:

6/ Item 412.68 is discontinued effective March 31, 1983, and is superseded by items 412.67 and 412.69.

c) by deleting from Section B of that Annex TSUS item number 728.25, with its corresponding rates of duty and by inserting the following TSUS item numbers in numerical sequence, with their corresponding rates of duty and footnotes, as follows:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/, effective with respect to articles entered on and after--							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1, 1987
728.22	3/	3/	3/	3/	6.9% 3/	6.5%	6.1%	5.7%	5.3%
728.24	3/	3/	3/	3/	6.9% 3/	6.5%	6.1%	5.7%	5.3%
728.25	8.5% ad val.	8.1%	7.7%	7.3%	6.9% 3/	3/	3/	3/	3/
728.27	3/	3/	3/	3/	6.9% 3/	6.5%	6.1%	5.7%	5.3%

Footnote 3 for items 728.22, 728.24, 728.25, and 728.27:
3/ Item 728.25 is discontinued effective March 31, 1983 and is superseded by items 728.22, 728.24, and 728.27.

ANNEX VI

General headnote 3(c)(i) of the TSUS is modified--

(a) by deleting from the list of designated independent countries "Saint Christopher-Nevis", and by substituting "Suriname" for "Surinam" and "Yemen (Sanaa)" for "Yemen (Sana)" in such list, and

(b) by adding, in alphabetical order, "Saint Christopher-Nevis" to the list of designated non-independent countries and territories.

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Rules and Regulations

Federal Register
Vol. 48, No. 64
Friday, April 1, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 315

Career and Career-Conditional Employment

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: These regulations establish an authority under which United States citizens having at least 1 year of service under the Panama Canal Employment System (PCES) may be given noncompetitive career-conditional or career appointments in the competitive civil service. This authority implements provisions of the Panama Canal Act of 1979 calling for appropriate interchange of personnel between the PCES and the competitive service.

EFFECTIVE DATE: May 2, 1983.

FOR FURTHER INFORMATION CONTACT: William Bohling, Noncompetitive Staffing Branch, Staffing Group, (202) 632–6000.

SUPPLEMENTARY INFORMATION: Sections 3651 and 3652 of title 22, United States Code, provide for replacement of the Canal Zone Merit System by the Panama Canal Employment System (PCES), and further provide for appropriate interchange of United States citizen personnel between the PCES and the competitive service. The PCES became effective on March 31, 1982. Its regulations include provisions for noncompetitive appointment of employees from the competitive service. Proposed regulations permitting noncompetitive appointment of PCES employees into the competitive civil service were published in the **Federal Register** on September 24, 1982 (47 FR 42110–42111).

Three comments were received in response to the proposed regulations. One corrected two statements in the Supplementary Information. Basic pay in the PCES is based only partially on local rates, and labor relations are covered by 35 CFR 253.311, which states that labor management and employee relations will be governed by 5 U.S.C. Chapter 71. As this corrected information does not change the determination that the PCES is a merit system, closely parallel to the competitive civil service system, no change in the regulations is warranted. The second comment suggested that the prohibition against using the proposed regulation to effect temporary or term appointments be deleted, as PCES employees are, in fact, eligible for noncompetitive temporary and term appointments under §§ 316.302(c)(3) and 316.40 (b)(2). This suggestion was not adopted as proposed because it is important to distinguish between appointments under this regulation, which confer competitive status, and temporary and term appointments, which do not confer status. However, we have rewritten § 315.601(a) of the regulations to reduce the possibility of misunderstanding. The third comment opposed issuance of any regulations implementing interchange with PCES while court or administrative challenges to PCES' legality are pending. This suggestion was not adopted because resolution of any legal challenges to the Panama Canal Treaty and implementing legislation in 22 U.S.C. 3651 and 3652 is likely to be a lengthy process. In the meantime, this legislation remains in effect, and the regulations are needed to control the personnel movement which is already authorized. Any subsequent legal changes can be reflected in amendments to these regulations.

With the exception of the editorial change noted above, the final regulations are the same as the proposed regulations. These regulations extend to PCES employees the noncompetitive appointment benefits previously afforded to employees of the Canal Zone Merit System, and carry out the intent of the Panama Canal Treaty and its implementing legislation to maintain as much as possible the level of benefits available to U.S. employees in Panama before adoption of the Treaty.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only the procedures used to appoint certain employees in Federal agencies.

List of Subjects in 5 CFR Part 315

Government employees.

Office of Personnel Management.
Donald J. Devine,
Director.

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

Accordingly, the U.S. Office of Personnel Management is revising 5 CFR 315.601 to read as follows:

§ 315.601 Appointment of former employees of the Canal Zone Merit System or Panama Canal Employment System.

(a) *Agency authority.* This section may be used by an agency to appoint noncompetitively, for other than temporary or term employment, a United States citizen separated from a career or career-conditional appointment under the Canal Zone Merit System, which was in effect before March 31, 1982, or under the Panama Canal Employment System, which became effective on March 31, 1982. (Appointments of such persons for temporary or term employment are to be made under applicable provisions of Part 316 of this chapter.)

(b) *Service requirement.* An agency may appoint such a former employee under this section only when, immediately prior to separation from a qualifying appointment, the employee served continuously for at least one year under a nontemporary appointment in the Canal Zone Merit System, the Panama Canal Employment System, or a combination of the two systems.

(c) *Time limits.* (1) There is no time limit on the appointment under this section of an employee who:

(i) Is a preference eligible; or

(ii) Has completed at least 3 years of service, which did not include any break in service longer than 30 days, under one or more career-conditional or career

appointments in the Canal Zone Merit System and/or the Panama Canal Employment System.

(2) An agency may appoint under this section an employee who does not meet the conditions in (c)(1) of this section provided no more than 3 years have elapsed since:

(i) separation from a qualifying Canal Zone Merit System or Panama Canal Employment System appointment; or

(ii) separation from service in Panama in a position excluded from the Canal Zone Merit System or Panama Canal Employment System, when such service immediately followed service under a qualifying appointment in one of those systems.

(d) *Tenure on appointment.* On appointment under paragraph (a) of this section: (1) A former career employee of the Canal Zone Merit System or Panama Canal Employment System becomes a career employee.

(2) A former Canal Zone Merit System and/or Panama Canal Employment System employee whose service from the date of career-conditional appointment in the Canal Zone Merit System or Panama Canal Employment System through the date of noncompetitive appointment under this section, inclusive, does not include any break in service of more than 30 days and totals at least 3 years becomes a career employee.

(3) All other former Canal Zone Merit System and Panama Canal Employment System employees become career-conditional employees.

(e) *Acquisition of competitive status.* A person appointed under paragraph (a) of this section automatically acquires a competitive status:

(1) On appointment, if he or she has satisfactorily completed a 1-year probationary period under the Canal Zone Merit System and/or the Panama Canal Employment System.

(2) On satisfactory completion of probation in accordance with § 315.80 (a)(3) if he or she had not completed a 1-year probationary period under the Canal Zone Merit System or Panama Canal Employment System.

(22 U.S.C. 3651 and 3652)

[FR Doc. 83-8567 Filed 3-31-83; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 553

Deductions From Civilian Pay for Increases in Uniformed Service Retired or Retainer Pay

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: Section 301(d) of Pub. L. 97–253, the Omnibus Budget Reconciliation Act of 1982, requires each Federal agency to deduct from the civilian pay of a member or former member of a uniformed service an amount equal to each increase in the individual's uniformed service retired or retainer pay received in fiscal years 1983, 1984, and 1985. Under an amendment to this provision made by section 3(h) of Pub. L. 97–346, this deduction is to be made "in accordance with regulations issued by the Office of Personnel Management." The Office of Personnel Management is issuing interim regulations to implement this provision effective April 1, 1983, the date of the next scheduled increase in uniformed service retired or retainer pay. These regulations are necessary to permit timely implementation of this provision.

DATES: Interim rules effective April 1, 1983. Comments must be received on or before May 31, 1983. These rules will expire on September 30, 1985.

ADDRESS: Written comments may be sent to Jerome D. Julius, Assistant Director for Pay and Benefits Policy, Compensation Group, P.O. Box 57, Office of Personnel Management, Washington, D.C. 20044, or delivered to Room 4351, 1900 E Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Donald J. Winstead, (202) 632–4634.

SUPPLEMENTARY INFORMATION: The requirement that each Federal agency deduct from the civilian pay of a member or former member of a uniformed service an amount equal to each increase in uniformed service retired or retainer pay received in fiscal years 1983, 1984, and 1985 is similar to the requirement in 5 U.S.C. 8344(a) that each Federal agency deduct from the pay of a reemployed annuitant an amount equal to the annuity "allocable to the period of actual employment." The method used to compute the deduction required by 5 U.S.C. 8344(a) was established by the Comptroller General of the United States in 28 Comp. Gen. 693 (1949). Section 553.105 of the interim regulations employs a method that achieves the same result.

To simplify the computation of the deduction required by section 301(d) of Pub. L. 97–253, as amended, the interim regulations provide for the computation of an hourly deduction from the affected individual's civilian pay. This method avoids the necessity of recomputing the deduction when the civilian pay of an affected individual changes. In addition, this method can be applied without regard to whether the individual occupies a full-time, part-time, or intermittent position. Once the hourly deduction has been determined, the interim regulations provide that the hourly deduction shall be multiplied by the number of hours the individual was in a pay status (including periods of paid leave), for each pay period after March 31, 1983 (including the pay period in which April 1, 1983, falls), up to the maximums specified in § 553.105 (a)(2) and (b)(2).

The legislative history of the amendments made by section 3(h) of Pub. L. 97–346 makes it clear that: (1) The application of this provision will not require a decrease in the total amount received by an employee from military retired pay plus salary, and (2) an employee's rate of pay *before* the offset will be the rate of pay for such purposes as computing premium pay, annuities, and other pay-connected benefits. These amendments are reflected in §§ 553.104(b) and 553.107 of the interim regulations. It should be noted that an individual who is not receiving any uniformed service retired or retainer pay because of the reduction in retired or retainer pay provisions of 5 U.S.C. 5532 (b) and (c) will not be subject to a deduction from his or her civilian pay because the net increase in his or her retired or retainer pay will be zero.

Section 301(d)(1) provides that amounts deducted from the civilian pay of a member or former member of a uniformed service shall be deposited into the Treasury of the United States. A special miscellaneous receipts account will be established by the Department of the Treasury for this purpose, and Federal agencies should follow standard procedures for covering these deposits into the Treasury. Finally, the authority for the deduction required by section 301(d) of Pub. L. 97–253, as amended, will expire on September 30, 1985.

Under 5 U.S.C. 553, the Director finds that good cause exists for waiving the general notice of proposed rulemaking and for making this rule effective in less than 30 days. These actions are necessary to permit timely implementation of section 301(d) of Pub. L. 97–253, as amended, and thereby to effectuate the intended savings to the Federal Government.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only employees of the Federal Government.

List of Subjects in 5 CFR Part 553

Administrative practice and procedure, Government employees, Wages.

Office of Personnel Management.

Donald J. Devine,

Director.

For the reasons set forth above, Title 5 of the Code of Federal Regulations is amended by adding a new Part 553 to read as follows:

PART 553—DEDUCTIONS FROM CIVILIAN PAY FOR INCREASES IN UNIFORMED SERVICE RETIRED OR RETAINER PAY

Sec.

553.101 Applicability.
553.102 Coverage.
553.103 Definitions.
553.104 Computation of increases in uniformed service retired or retainer pay.
553.105 Computation of deduction.
553.106 Effective date of deduction.
553.107 Entitlements and computations based on rate of basic pay.

Authority: Sec. 301(d), Pub. L. 97–253, as amended by sec. 3(h), Pub. L. 97–346.

§ 553.101 Applicability.

This part contains regulations of the Office of Personnel Management to implement section 301(d) of Pub. L. 97–253, as amended by section 3(h) of Pub. L. 97–346, which authorizes the Office to prescribe regulations concerning deductions from the civilian pay of a member or former member of a uniformed service equal to the amount of each increase in the individual's uniformed service retired or retainer pay received in fiscal years 1983, 1984, and 1985. This part should be read together with these sections of law.

§ 553.102 Coverage.

(a) Except as otherwise provided in this section, the deduction applies to any member or former member of a uniformed service who is employed in a position, as defined in section 5531(2) of title 5, United States Code, and receives an increase in uniformed service retired or retainer pay in fiscal year 1983, 1984, or 1985.

(b) The deduction does not apply to a member or former member of a uniformed service whose retired or retainer pay is computed, in whole or in part, based on disability—

(1) Resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(2) Caused by an instrumentality of war and incurred in line of duty during a period of war, as defined in sections 101 and 301 of title 38, United States Code.

(c) The deduction does not apply to any individual whose compensation may not, under section 1 of article III of the Constitution of the United States, be diminished during the individual's continuance in office.

(d) With respect to any increase in uniformed service retired or retainer pay that becomes effective in fiscal year 1983, 1984, or 1985, the deduction does not apply to a member or former member of a uniformed service who was not employed in a position during the fiscal year in which the increase became effective.

§ 553.103 Definitions.

In this part:

"Agency" means an entity in the legislative, executive, or judicial branch of the Federal Government, including a Government corporation, as defined in section 103 of title 5, United States Code, and a nonappropriated fund instrumentality under the jurisdiction of the armed forces, that employs an individual to whom the deduction applies.

"Deduction" means the deduction from civilian pay required by section 301(d) of Pub. L. 97–253, as amended by section 3(h) of Pub. L. 97–346.

"Position" has the meaning given that term in section 5531(2) of title 5, United States Code.

"Rate of basic pay" means the rate of pay fixed by law or administrative action for an individual or position in any branch of the Federal Government, including a Government corporation, as defined in section 103 of title 5, United States Code, and a nonapportioned fund instrumentality under the jurisdiction of the armed forces, before any deductions and exclusive of additional pay of any kind.

§ 553.104 Computation of increases in uniformed service retired or retainer pay.

(a) The Secretary of Commerce, the Secretary of Defense, the Secretary of Health and Human Services, or the Secretary of Transportation, as appropriate, shall—

(1) Compute the amount of each increase in uniformed service retired or retainer pay pursuant to section 1401a(b) of title 10, United States Code, received by each individual to whom the deduction applies in fiscal years 1983, 1984, and 1985; and

(2) Furnish each agency with the amount of each increase received by each individual to whom the deduction applies in fiscal years 1983, 1984, and 1985.

(b) The amount of each increase in uniformed service retired or retainer pay received by each individual to whom the deduction applies in fiscal years 1983, 1984, and 1985 shall be determined on the basis of the additional amount the individual receives after the application of section 301 (a), (b), and (c) of Pub. L. 97–253 and section 5532 (b) and (c) of title 5, United States Code.

§ 553.105 Computation of deduction.

(a) Except as provided in paragraph (b) of this section, each agency shall compute the deduction as follows for each individual to whom the deduction applies:

(1)(i) For pay periods beginning in fiscal year 1983, divide the amount of any increase in uniformed service retired or retainer pay (expresed as an annual rate) received in fiscal year 1983 by 2,080 and round to the nearest cent (counting one-half cent and over as a whole cent) to determine the hourly deduction from the individual's civilian pay.

(ii) For pay periods beginning in fiscal years 1984 and 1985, divide the total amount of any increase or increases in uniformed service retired or retainer pay (expressed as an annual rate) received in any of fiscal years 1983, 1984, and 1985 in which the individual was employed in a position by 2,087 and round to the nearest cent (counting one-half cent and over as a whole cent) to determine the hourly deduction from the individual's civilian pay.

(2) For each pay period after March 31, 1983 (including the pay period in which April 1, 1983, falls), multiply the hourly deduction from the individual's civilian pay by the number of hours the individual was in a pay status during that pay period, up to a maximum of 40 hours per week or, for an individual under an alternative work schedule established under Part 620 of this chapter with a variable weekly tour of duty, 80 hours per pay period.

(b) For an individual with an uncommon tour of duty to whom the deduction applies, each agency shall compute the deduction as follows:

(1) Divide the total amount of any increase or increases in uniformed service retired or retainer pay (expressed as an annual rate) received in any of fiscal years 1983, 1984, and 1985 in which the individual was employed in a position by the actual number of hours in the individual's tour

of duty during the applicable fiscal year and round to the nearest cent (counting one-half cent and over as a whole cent) to determine the hourly deduction from the individual's civilian pay.

(2) For each pay period after March 31, 1983 (including the pay period in which April 1, 1983, falls), multiply the hourly deduction from the individual's civilian pay by the number of hours the individual was in a pay status during that pay period, up to the actual number of hours in the individual's tour of duty per pay period.

§ 553.106 Effective date of deduction.

Each deduction and each increase in the amount of a deduction shall become effective on the first day of the calendar month in which an increase in uniformed service retired or retainer pay becomes effective in fiscal year 1983, 1984, or 1985.

§ 553.107 Entitlements and computations based on rate of basic pay.

All entitlements and computations based on the rate of basic pay for an individual or position under any law, regulation, or Executive order shall be based on the rate of basic pay before the deduction.

[FR Doc. 83-8486 Filed 3-31-83; 8:45 am]
BILLING CODE 6325-01-M

MERIT SYSTEMS PROTECTION BOARD

5 CFR Parts 1204 and 1205

Privacy Act of 1974; Freedom of Information Act; Correction

ACTION: Correction of final rules.

SUMMARY: This document sets forth two technical corrections of final rules on the Freedom of Information Act and Privacy Act which were published in the **Federal Register** on February 11, 1983 (48 FR 6311). Section 1204.11(c) of the Freedom of Information Act rules is corrected to refer, in conjunction with applicable procedures for waiver of fees, to § 1204.13(b). Section 1205.16 of the Privacy Act rules is corrected to make it clear that its paragraph (c), which concerns fees for amended records, continues to be retained as part of the Board's rules.

FOR FURTHER INFORMATION CONTACT: Kathy Semone, (202) 653-7200.

PART 1204—FREEDOM OF INFORMATION ACT

§ 1204.11 [Corrected]

1. Paragraph (c) of § 1204.11 is corrected to read as follows:

* * * * *

(c) *Payment.* Records usually will not be released until fees have been received, unless the fees are waived according to § 1204.13(b) of this part.

PART 1205—PRIVACY ACT

2. Paragraph (b) of § 1205.16 is corrected to read as follows:

§ 1205.16 Fees.

* * * * *

(b) *Duplication.* (1) Photocopies of records duplicated by the Board shall be subject to a charge of 10 cents per page.

(2) Fees for Board duplication of audio, video and automated tapes shall be charged at the actual cost to the Board.

* * * * *

Dated: March 24, 1983.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 83-8503 Filed 3-31-83; 8:45 am]
BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 20

Export Sales Reporting of Wet Blue Cattle Hides

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Export Sales Reporting Regulations (7 CFR Part 20) to add "wet blue" cattle hides to the list of the types of cattle hides and skins to be reported. The addition of wet blues expands the reporting coverage to include all currently significant raw materials used in the manufacture of finished leather. This rule also revises the description of the types of cattle hides and skins to be reported and changes the reporting unit of certain items from number of pieces to hide equivalent number.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas B. McDonald, Jr., Acting Director, Export Sales Reporting Division, FAS, Room 4919, South Agricultural Building, Washington, D.C. 20250, telephone (202) 447-5651.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures required by Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "non-major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers; individual industries; Federal, State or local government agencies or geographic regions; or (3) significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that this rule will not have a significant economic impact on a substantial number of small entities. In accordance with the Regulatory Flexibility Act, a copy of this rule has been submitted to the Chief Counsel, Office of Advocacy, U.S. Small Business Administration.

On February 8, 1983, the Foreign Agricultural Service published in the **Federal Register** (48 FR 5746) a proposal to amend the Export Sales Reporting Regulations (7 CFR Part 20) to provide for reporting of export sales involving wet blue cattle hides and skins. Section 7(g) of the Export Administration Act of 1979 (Pub. L. 96-72) requires the Secretary of Agriculture to collect data regarding export sales of hides and skins, and this requirement was implemented through the Export Sales Reporting Program. However, wet blues were not included in the original list of commodities to be reported because of their relative insignificance at that time. The recent increase in exports of wet blues and trade interest in reflecting export sales of all significant raw materials prompted this change.

During the comment period provided by the proposal, 8 comments were received. All commentors supported the addition of wet blues to the list of cattle hides and skins to be reported so that complete coverage of all significant raw materials used in the manufacturing of leather could be obtained under the present reporting requirements.

Other pertinent comments concerned specific suggestions for clarifying the descriptions of wet blues to be reported and questioned the necessity for reporting minor items of raw hides and wet blues. The need for reporting category "cattle hides and skins—cattle, calf and kip, excluding wet blues, in cuts not otherwise specified" was questioned by one commentor. Additionally, the

elimination of reporting of "cattle, calf and kip, wet blues—splits, excluding grain portion" was suggested because of their limited volume. Based on our evaluation, it is felt that both of these minor categories are necessary to provide complete coverage, as well as to completely define the items to be reported in the other categories.

It was apparent from the comments received regarding the proposed definition—"cattle, calf and kip, wet blues—grain portion only, full thickness or split (hide equivalent)"—that redefinition was necessary to eliminate confusion. Therefore, this category was redefined to provide for separate definition of the two components—unsplit and grain splits. This redefinition also clarifies that sided product must be converted to the hide equivalent reporting unit.

This rule also changes the reporting unit for "cattle hides and skins—cattle calf and kip, excluding wet blues, cut into croupons, crops, dossets, sides, butts and butt bends" from number of pieces to hide equivalent number, thus eliminating reporting of some actual product counts previously reported.

The final rule provides for the weekly reporting of wet blue cattle hides and skins by adding them to the list of commodities subject to reporting contained in Appendix I of the Export Sales Reporting Regulations.

All individuals or firms engaged in the export sale of wet blue cattle hides and skins are solely responsible for reporting any and all information required by the Export Sales Reporting Regulations. Any individual or firm with reporting responsibility should contact the Export Sales Reporting Division at 202–447–9209 to obtain complete program information, a supply of reporting forms and a reporting "firm number."

The Export Sales Reporting program is approved under OMB No. 0551–0007, effective through April 30, 1983 and is now in the renewal process.

The reporting or recordkeeping provisions that are included in this rule have been approved by the Office of Management and Budget (OMB).

It has been determined that there is good cause for making this rule effective as of April 1, 1983, which is less than 30 days from the date of publication. This is because: (1) There has been an increase of approximately 60 percent in the value of wet blues exported in 1982 as compared with 1981. By collecting and publishing data which more accurately reflects the impact of foreign demand on the hide and skin industry as soon as possible, the Department will be fulfilling the purpose of the Export Sales Reporting Program. (2) It would not impose any real hardship since most firms which would be affected by the new reporting requirement are fully familiar with the reporting process, and all firms involved will be directly contacted and advised as to the new reporting requirements; and (3) Although the firms would have to report sales for the period beginning April 1, 1983, it would not impose any undue burden on the reporting firms since the reports would not have to be received by the Department until April 11, 1983.

List of Subjects in 7 CFR Part 20

Agricultural commodities, Exports, Reporting requirements.

PART 20—[AMENDED]

Accordingly, Part 20 of Subtitle A of Title 7 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 20 reads as follows:

Authority: Sec. 812, Pub. L. 91–524, as added by Pub. L. 93–86, Sec. 1(27)(B), 87 Stat. 238 (7 U.S.C. 612c–3); Sec. 7(g), Pub. L. 96–72, 93 Stat. 519 (50 U.S.C. App. 2406(g)).

Appendix I—[Amended]

2. Appendix I is amended by revising all items relating to "cattle hides and skins" to read as follows:

Commodity to be reported	Unit of measure to be used in reporting	Beginning of marketing year	End of marketing year
. . .	.	.	.
Cattle hides and skins—Whole cattle hides, excluding wet blues	Pieces	Jan. 1	Dec. 31
Cattle hides and skins—Whole calf skins, excluding wet blues	Pieces	Jan. 1	Dec. 31
Cattle hides and skins—Whole kip skins, excluding wet blues	Pieces	Jan. 1	Dec. 31
Cattle hides and skins—Cattle, calf and kip, excluding wet blues, cut into croupons, crops, dossets, sides, butts or butt bends (hide equivalent)	Number	Jan. 1	Dec. 31
Cattle hides and skins—Cattle, calf and kip, excluding wet blues, in cuts not otherwise specified	Pounds	Jan. 1	Dec. 31
Cattle, calf and kip, wet blues—unsplit (whole or sided) hide equivalent	Number	Jan. 1	Dec. 31
Cattle, calf and kip, wet blues—grain splits (whole or sided) hide equivalent	Number	Jan. 1	Dec. 31
Cattle, calf and kip, wet blues—splits, excluding grain splits	Pounds	Jan. 1	Dec. 31

Issued at Washington, D.C., this March 30, 1983.

Richard A. Smith,

Administrator, Foreign Agricultural Service.

[FR Doc. 83–8696 Filed 3–31–83; 8:45 am]

BILLING CODE 3410–10–M

Food and Nutrition Service

7 CFR Parts 272 and 273

[Amdt. No. 244]

Food Stamp Program: Joint Food Stamp/Public Assistance Case Processing

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule allows each State agency to choose to permit Public Assistance (PA) and General Assistance (GA) households to have their food stamp applications included in their PA or GA applications, and to permit food stamp applicants to be certified eligible based on information in their PA and GA casefile, to the extent reasonably verified information is available in the file. This change is required by Section 173 of the 1982 Food Stamp Amendments. This rule also revises the regulations to eliminate indefinite certification periods. This rule is intended to provide more flexibility to the State agencies in administering the Food Stamp Program and to reduce abuse and error by allowing more effective Program administration.

DATE: This action is effective on publication. Comments must be received on or before June 30, 1983, to be assured of consideration.

ADDRESS: Comments should be submitted to Judith M. Seymour, Acting Supervisor, Eligibility and Certification Section, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302.

FOR FURTHER INFORMATION CONTACT: If there are any questions, please contact Judith M. Seymour at the above

address, or by telephone at (703) 756–3429.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291 and Secretary's Memorandum 1512–1

This rule has been reviewed under Executive Order 12291 and Secretary's memorandum No. 1512–1. The rule will not result in an annual economic impact of more than $100 million or major increases in costs or prices nor will it have a significant adverse effect on competition, employment, productivity, investment, or foreign trade. Further, the rule is unrelated to the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the rule has been classified as "nonmajor.

Justification for Publishing as an Interim Rule, Effective on Publication

This rule is being published as an interim rule, effective upon publication. This schedule of the effective date is required by the mandate of Section 193 of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97–253, enacted on September 8, 1982). Section 193 states that the 1982 Amendments shall be effective upon enactment. The date of enactment is September 8, 1982 and as of that date the provisions superseded relevant provisions then in effect. Consequently, it is imperative that the Department issue rules implementing the law and that State agencies follow the new procedures as soon as possible. The rules regarding the elimination of the "indefinite" certification period for households receiving public assistance clarify current regulations. This clarification is necessary since some states have been interpreting current regulations as allowing for "indefinite" certification periods for PA households. Other states have interpreted FNS rules as requiring that PA households be assigned definite food stamp certification periods which could not be extended even if the PA eligibility were to be extended. Thus the Department believes it is in the public interest that this docket contains the agency's interpretation of the uniform nationwide standard while the agency examines public comment on this issue. For this reason, Robert D. Leard, Administrator of the Food and Nutrition Service, pursuant to 5 U.S.C. 553, has determined that prior public comment on this rule is impracticable and contrary to the public interest and that good cause exists for making this rule effective less than 30 days after publication. Public comment is solicited on this rule for 90 days. All comments received will be analyzed and any appropriate changes in the rule will be incorporated in a subsequent publication.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354). Robert E. Leard, Administrator of the Food and Nutrition Service has certified that this proposal does not have a significant economic impact on a substantial number of small entities. This rule implements a provision from the Omnibus Budget Reconciliation Act of 1982 which affects the food stamp certification system. The provision makes two of the four current joint application processing requirements optional for State agencies. In addition, this rule revises food stamp regulations to eliminate indefinite certification periods. These provisions do not represent major changes in certification of operational policy and should reduce program costs, abuse and error by tightening certification standards, and as well as give State agencies flexibility in program administration.

Paperwork Reduction Act

The Department does not think that this regulation has an impact on the paperwork burden of State agencies. If any commenters believe otherwise, the Department is interested in hearing from them.

Background

Joint Food Stamp/Public Assistance Case Processing

The Food Stamp Act of 1977 eliminated categorical food stamp eligibility of Public Assistance (PA) and some General Assistance (GA) households. However, Congress was concerned that the elimination of the categorical eligibility of PA and some GA households could lead to the creation of participation barriers that would discourage the participation of otherwise eligible PA and GA households. Consequently, Congress, in the Food Stamp Act of 1977, included several provisions which were aimed at minimizing barriers to participation for PA and GA households. The intent of the provisions was to spare households which are applying for benefits in both programs from having to go through the same application process in both programs. These provisions were (1) that a single interview be conducted to determine eligibility for food stamps and AFDC; (2) that households in which all members are recipients of Supplemental Security Income (SSI) be permitted to apply for participation in the Food Stamp Program by completing a simple application at the Social Security office; (3) that households in which all members are included in a PA or GA grant have their application for participation in the Food Stamp Program included in the PA or GA application form; and (4) that new applicants, as well as households which have recently lost or been denied eligibility for PA or GA be certified for food stamps based on information in the PA or GA case file, if reasonably verified information is available in these files. Current application processing rules in § 273.2(j) reflect these statutory provisions from the 1977 Act.

Since that time, State and local officials have expressed concern that the specificity of these requirements is administratively burdensome (Senate Report No. 97–504, 97th Congress, July 26, 1982, p. 58). As a result, in the 1982 Amendments, Congress included a provision (Section 173 of Pub. L. 97–253), to make optional, at the discretion of the State agency, the two requirements that the food stamp application must be contained in the PA or GA application for PA and GA households, and that food stamp applicants must be certified for participation based on reasonably verified information in PA or GA casefiles. The other two joint processing requirements, the single PA/food stamp interview and the application/certification of pure SSI households at Social Security offices, have not been modified. The result of this change in the Act is that the administrative burden placed on State agencies is lessened while the advantages for applicants inherent in joint processing still are maintained. This interim rule makes changes in § 273.2(j)(1) (i) and (iv) to reflect this statutory change.

Indefinite Certification Periods

In 1979, when the Department developed the rules described above for the joint processing of applicants for the food stamp and PA/GA programs, the Department also addressed the issue of jointly processing recertifications for the similar programs. While not required by the Act, the Department believed this was a logical extension of Congressional intent. However, in determining how to achieve the objective of having households jointly recertified for food stamps and PA, a fundamental difference between the two programs had to be reconciled.

In the Food Stamp Program, households are certified for definite periods of time not to exceed twelve

months. Once set, a certification period cannot be lengthened without a recertification. The month before a household's certification period is to expire, the State agency must tell the household and arrange for the household to come in and reapply. Thus, in order to continue to receive benefits after the end dates of food stamp certification periods, households must reapply and be found eligible. Failure by a household to take this positive action results in the household's being terminated from the Program.

In the AFDC program, a household's eligibility is also periodically redetermined. AFDC households do not lose their benefits if the State agency does not complete the redetermination during the prescribed period.

Information the Department had at the time the current regulations were developed indicated that State AFDC agencies often did not complete all redeterminations within the prescribed time periods. Therefore, to achieve the desired objective, the current regulations require that jointly processed cases be assigned "indefinite" food stamp certification periods, i.e., certification periods without definite ending dates. Food stamp certification periods could thereby be lengthened if the PA redetermination were pushed back. However, in accordance with Section 3 of the Act, the requirement that certification periods be no longer than twelve months was retained. Thus, a food stamp certification period set to expire six months after certification because that was the redetermination schedule for PA, was allowed to "slip" with PA, but for no longer than twelve months. At that time the household had to be called in for a food stamp recertification.

One other provision, one involving the Notice of Expiration, was also included in the rules. While a Notice of Expiration is required to be used in the PA program, the Department understood at the time that the procedures surrounding its use were less stringent than those governing use of the food stamp Notice. Most important among these differences, the food stamp Notice was required to be sent to households between the 15th and 30th of the month preceding the last month of a household's certification period; there was no such requirement in PA. This caused a problem in that sometimes a State agency would not know it needed to "slip" the redetermination date for PA until after the date the food stamp Notice was to be sent. If the certification periods for the two programs were scheduled to coincide exactly, but the AFDC process is delayed, the recertification process for the two programs would not coincide because of different notification timeframes. The Department attempted to solve this problem by requiring that food stamp certification periods be set indefinitely to expire one month after the PA redetermination period (with the twelve month limit). Thus, a decision would always have been made on the scheduling of the PA redetermination before the time for sending the food stamp Notice came up. If the PA redetermination was held on schedule, the Department expected State agencies to shorten the food stamp certification period, do both the PA redetermination and food stamp recertification together, and begin the process once more. Unfortunately, this procedure appears to have been misunderstood and to have created more problems than it was intended to solve.

While most of the problems caused by current rules have been administrative in nature, one that was recently discovered is more serious. What was recently found was that some State agencies were incorrectly applying the policy and allowing food stamp certification periods to slip beyond the twelve month limit. In these cases households were being issued benefits for a period of time when they were technically not certified. The issuances involved are overissuances.

In order to solve this particular problem and hopefully to make the policy on certification periods for PA/FS households clearer, the Department is revising these rules.

Essentially, the change deletes special procedures for assigning certification periods to PA/FS households. The new rules will no longer allow "indefinite" certification periods, will not allow food stamp certification periods to slip, and will not drop the requirement that food stamp certification periods be one month longer than PA redetermination periods. The rules, instead, require State agencies to assign certification periods to PA/FS households so that, to the greatest extent practicable, the food stamp recertification and PA redetermination occur at the same time. However, food stamp certification periods will have to have definite ending dates that trigger the use of the food stamp Notice of Expiration.

The Department remains committed to the objective of jointly processing recertifications, believing that it is in the best interest of the participants in these programs and the State agencies involved to achieve this. It is clear that State agencies need flexibility to design procedures that achieve this objective within the framework of their administration of the two programs. However, it is also clear that while joint processing of recertifications is desirable it should not be achieved by sacrificing the integrity of the Food Stamp Program. The changes in §§ 273.10(f)(2) and 273.10(g)(1)(i) underscore the Department's continued interest in joint processing as well as the Department's interest in maintaining Program integrity.

Implementation

The provisions regarding joint FS/PA case processing do not require State agencies to change their current procedures. Therefore, the decision on when to implement the changes would be a State agency decision. The change regarding certification periods must be implemented at time of application or at recertification no later than July 1, 1983.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—Social programs, Reporting and recordkeeping requirements.

CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food stamp, Fraud, Grant programs-Social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

Accordingly, 7 CFR Parts 272 and 273 and are amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, paragraph (g)(60) is revised to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(60) Amendment 244. State agencies shall implement the provisions regarding joint food stamp/public assistance case processing at State agency discretion. The provisions regarding certification periods must be implemented at time of application or at recertification no later than July 1, 1983.

* * * * *

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

1. In § 273.2, paragraph (j)(1)(i) is revised, paragraph (j)(1)(ii) is removed, paragraphs (iii) through (v) are redesignated (ii) through (iv) and the last

sentence in newly designated paragraph (j)(1)(iv) is revised.

The revisions read as follows:

§ 273.2 Application processing.

* * * * *

(j) *PA and GA household.* * * *

(1) *PA households.* (i) State agencies, at their discretion, may permit households applying for PA and food stamps at the same time to complete a joint application for both programs, or separate applications for both programs or an application for PA with an addendum to collect information relevant only to food stamps. If the State agency elects to use a joint PA/food stamp application, the application shall clearly indicate that the household is providing information for both programs, is subject to the criminal penalties of either program for false statements, and waives the notice of adverse action as specified in paragraph (j)(1)(v) of this section. The joint PA/food stamp application may be used for all food stamp applicants provided the application form is approved for all households by FNS.

* * * * *

(iv) * * * Households who file joint applications for food stamps and PA and whose PA applications are subsequently denied may be required to file new food stamp applications or may have their food stamp eligibility determined or continued on the basis of the original applications filed jointly for PA and food stamp purposes and any other documented information obtained subsequent to the application which may have been used in the PA determination and which is relevant to food stamp eligibility or level of benefits.

* * * * *

2. In § 273.10:

(a) Paragraph (f)(2) is revised.

(b) Paragraph (f)(3) is amended by removing the first word "Other" in the first sentence and capitalizing the following word "household".

(c) paragraph (g)(1)(i)(B) is removed and paragraphs (g)(1)(i)(C) and (g)(1)(i)(D) are redesignated (g)(1)(i)(B) and (g)(1)(i)(C) respectively.

The revision reads as follows:

§ 273.10 Determining household eligibility and benefit levels.

* * * * *

(f) *Certification periods.* * * *

(2) Households in which all members are contained in a single PA grant, or in a single GA grant where GA and food stamp applications are processed jointly in accordance with 273.2(j), should have their food stamp recertifications, to the extent possible, at the same time they are redetermined for PA/GA. State agencies shall assign these households certification periods in accordance with this section. If such households do have their food stamp recertifications scheduled for the same time as their PA/GA redetermination, and the PA/GA redeterminations are not completed timely, the State agency shall ensure that the food stamp recertifications are timely completed. In no event shall food stamp benefits be continued beyond the end of a certification period.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Program No. 10.551, Food Stamps.)

Dated: March 24, 1983.

Robert E Leard,

Administrator.

[FR Doc. 83-8294 Filed 3-31-83; 8:45 am]

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Agricultural Stabilization and Conservation Service

7 CFR Part 718

[Amdt. 7]

Determination of Acreage and Compliance; Farm Marketing Quotas and Acreage Allotments

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Interim rule.

SUMMARY: The purpose of this interim rule is to amend the regulations set forth at 7 CFR Part 718 which govern the determinations of acreage and compliance under the production adjustment and marketing quota programs administered by the Agricultural Stabilization and Conservation Service (ASCS). These changes in the regulations are necessary (1) to implement provisions of the Agricultural Act of 1949, as amended by the agriculture and Food Act of 1981, (2) to delete certain program requirements which are not applicable to the 1982 crops and subsequent crops, and (3) to improve the administration of the programs.

DATES: This interim rule shall be effective upon April 1, 1983. Comments must be received by May 31, 1983 in order to be assured of consideration.

ADDRESS: Interested persons may send comments to the Director, Cotton, Grain, and Rice Price Support Division, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: H. Paul Newhouse, Program Specialist, Cotton, Grain, and Rice Price Support Division, ASCS. U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–3471. A final Regulatory Impact Analysis has been prepared and is available from H. Paul Newhouse.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under U.S. Department of Agriculture (USDA) procedures established in accordance with provisions of Secretary's Memorandum 1512–1 and Executive Order 12291, and has been classified "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The titles and numbers of the Federal Assistance Programs to which this interim rule applies are: Commodity Loans and Purchases, 10.051; Cotton Production Stabilization, 10.052; Feed Grain Production Stabilization, 10.055; Wheat Production Stabilization, 10.058; Rice Production Stabilization, 10.065; and Grain Reserve Program, 10.067, as found in the catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule since the Department of Agriculture is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Section 374 of the agricultural Act of 1938, as amended (7 U.S.C. 1374) authorizes the Secretary of Agriculture to ascertain, by measurement or otherwise, the acreage of any agricultural commodity or land use on farms for which the ascertainment of such acreage or land use is necessary to determine compliance under any program administered by the Secretary. Accordingly, regulations have been issued by the Secretary at 7 CFR Part 718 setting forth provisions relating to determinations of acreage and compliance with respect to various commodity programs.

The following are changes in these regulations which are required to be made as the result of statutory amendments, as well as certain other administrative changes.

Section 718.2(b) of the current regulations does not contain definitions for aerial compliance, conservation use or set-aside acreage maintenance check, early measurement, farm inspection, ground compliance, ground measurement, or premeasurement. this interim rule defines these terms since they relate to the determinations of acreage and compliance for the 1982 and subsequent crops.

Section 718.2(b)(4) of the current regulations refers to the Director, Production Adjustment Division. This interim rule refers to the Director, Cotton, Grain, and Rice Price Support Division, to reflect a reorganization within the Department.

Section 718.2(b)(11) of the current regulations defines as "program crops" field corn, grain sorghum, wheat, rice, upland cotton, and, if designated, oats and barley. This interim rule defines as "program crops" field corn, grain sorghum, wheat, oats, rice, upland cotton, and, if designated, barley, to reflect statutory changes made by the Agriculture and Food Act of 1981.

Section 718.2(b)(12) of the current regulations defines "quality control check." This interim rule substitutes for this term the term "random inspection," which is more descriptive of the definition.

Section 718.2(b)(14) of the current regulations refers to "reporting date" as a date that is established by the State committee for each applicable program crop. For the 1982 crop year, this interim rule does not change this requirement. For the 1983 and subsequent crop years, this interim rule refers to "reporting date" as a date that is established by the Deputy Administrator for each applicable program crop.

Section 718.2(b)(15) of the current regulations defines "required check." This interim rule substitutes for this term the term "required inspection," which is more descriptive of the definition.

Section 718.2(b)(17) of the current regulations defines "skip-row planting." This interim rule expands the phrase to "skip-row or strip-crop planting" to advoid confusion since both skip-row or strip-crop areas are exceptions to the minimum size and width requirements for conservation use or set-aside acreage.

Section 718.2(b)(19) of the current regulations defines "tolerance" as it applies to program crops and marketing quota crops. This interim rule defines "tolerance" as it applies to program crops, marketing quota crops, peanuts, and conservation use or set-aside acreage. The Agriculture and Food Act of 1981 provides that peanuts are no longer marketing quota crops and further sets forth certain requirements for conservation use acreage in connection with program crops.

Section 718.2(b)(20) of the current regulations defines "turn area" as that area perpendicular to the crop rows which is used for operating equipment necessary to the production of a row crop (also called "turnrow," "headland," or "endrow"). This interim rule defines "turn area" as the area across the ends of crop rows which is used for operating equipment necessary to the production of a row crop (also called "turnrow," "headland," or "endrow"), since the turn area is not always strictly perpendicular to the crop rows.

Section 718.2(b)(21) of the current regulations defines "variance" as administrative variance as it applies to marketing quota crops and tolerance as it applies to both program crops and marketing quota crops. This interim rule defines "variance" as administrative variance as it applies to marketing quota crops and tolerance as it applies to program crops, marketing quota crops, peanuts, and conservation use or set-aside acreage. The Agriculture and Food Act of 1981 provides that peanuts are no longer marketing quota crops and further sets forth certain requirements for conservation use acreage in connection with program crops.

Section 718.4(b)(1)(iv) of the current regulations states that the State committee shall establish final reporting dates for crops. For the 1982 crop year, this interim rule does not change this regulation. For the 1983 crop year, and subsequent crop years, this interim rule states that the State committee shall establish disposition dates for crops that are no later than the applicable final reporting dates as established by the Deputy Administrator.

Section 718.5 of the current regulations refers to "producer services." This interim rule substitutes for the term "producer services" the term "measurement services," which is more descriptive of the services which are performed.

Section 718.5(a)(1) of the current regulations refers to requests for services made after the date established by the State committee for accepting such requests. For the 1982 crop year, this interim rule does not change this regulation. For the 1983 and subsequent crop years, this interim rule refers to requests for services made after the established final reporting date for the applicable crop.

Section 718.6(a) of the current regulations states that a report of acreage, land use, production, and other program requirements shall be furnished to the county committee by the farm operator not later than the date established in accordance with paragraph (b) of § 718.4. For the 1982 crop year, this interim rule does not change this requirement. For the 1983 and subsequent crop years, this interim rule states that a report of acreage, land use, production, and other program requirements shall be furnished to the county committee not later than the applicable final reporting date established by the Deputy Administrator.

Section 718.6(b) of the current regulations refers to "quality control." This interim rule refers to "farm inspections" in order to reflect the change in definition in § 718.2(b)(12).

Section 718.6(c) of the current regulations refers to the applicability of variance rules to program crops and marketing quota crops. This interim rule refers to the applicability of variance rules to program crops, marketing quota crops, peanuts, and conservation use or set-aside acreage. The Agriculture and Food Act of 1981 provides that peanuts are no longer marketing quota crops and further sets forth certain requirements for conservation use acreage in connection with program crops.

Section 718.6(c)(2) of the current regulations establishes tolerances for (i) program crops, (ii) ELS cotton and peanuts, and (iii) tobacco other than flue-cured or burley. This interim rule deletes these tolerances and establishes tolerances for (i) program crops, ELS cotton, and peanuts, (ii) conservation use or set-aside acreage, and (iii) tobacco other than flue-cured or burley, to reflect statutory changes made by the Agriculture and Food Act of 1981.

Section 718.6(h) of the current regulations is amended to add references to "conservation use acreage" to the specified requirements since an acreage reduction program, rather than a set-aside program, is in effect for the 1982 crop year for wheat, feed grains, upland cotton, and rice. Also included in this amendment are reporting requirements, minimum size and width requirements, and exceptions to the minimum size and width requirements, for conservation use or set-aside acreage for the 1982 crop year and the 1983 and subsequent crop years.

Section 718.6(h)(3) is added to the current regulations to provide a minimum size requirement for conservation use or set-aside acreage of 1.0 acre for the 1982 crop year and 5.0 acres for the 1983 and subsequent crop years. The provisions of the Agriculture and Food Act of 1981 authorize the Secretary to determine a percentage of

the total program crop acreage which is to be designated as conservation use acreage under acreage reduction and land diversion programs or as set-aside acreage. In accordance with this authority, the Secretary designated a relatively small percentage of the total program crop acreages for conservation use acreage as a requirement for program participation for the 1982 crop year. This designation necessitates a decrease in the minimum size requirement for conservation use acreage for the 1982 crop year. For 1983, the Secretary has implemented cash land diversion programs required for program participation for all program crops, except for upland cotton for which the cash land diversion is voluntary. Consequently, the Secretary has provided for the designation of larger percentages of the total program crop acreages for conservation use acreage as a requirement for participation for the 1983 crop year programs. For the 1983 and subsequent crop years, the minimum size requirement for conservation use acreage is increased because of the larger percentages of the total program crop acreages devoted to conservation use and since such increases in minimum size requirements will result in more productive acreages being devoted to conservation use.

Sections 718.6 (h)(4), (h)(5), and (h)(6) are added to the current regulations to provide for a greater number of exceptions to the minimum size and width requirements for conservation use or set-aside acreage.

Section 718.11 of the current regulations establishes procedures for adjusting acreages for peanuts and for tobacco other than flue-cured or burley. This interim rule deletes those procedures for peanuts since there is no longer an acreage allotment program for peanuts as the result of statutory changes made by the Agriculture and Food Act of 1981. A reference is also made to conservation use or seat-aside acreage to clarify that there is no adjustment procedure for conservation use or set-aside acreage when the acreage determined from a farm inspection is less than the program requirement.

Lastly, § 718.6 (a)(2) and (f)(2) of the current regulations have been revised to correct typographical errors.

Since producers are currently engaged in farming operations and are affected by the changes provided by this interim rule, it has been determined that this regulation shall become effective upon date of filing with the Director, Office of the Federal Register. However, comments are solicited for 60 days after publication of this document and a final rule will be published in the **Federal Register** as soon as possible discussing any comments received as well as setting forth any applicable amendments to the regulations.

List of Subjects in 7 CFR Part 718

Acreage allotments, Marketing quotas.

Interim Rule

PART 718—[AMENDED]

Accordingly, the regulations at 7 CFR Part 718 are amended as follows:

1. Section 718.1 is revised to read as follows:

§ 718.1 Applicability.

The provisions of this part apply to compliance determinations for the 1982 and subsequent crop years as authorized by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, with respect to the programs administered by the Agricultural Stabilization and Conservation Service (ASCS) through State and county committees.

2. Section 718.2 is amended by: Redesignating paragraphs (b)(2) as (b)(3), (b)(3) and (b)(4) as (b)(5) and (b)(6), (b)(5) and (b)(6) as (b)(9) and (b)(10), (b)(7) through (b)(10) as (b)(13) through (b)(16), and (b)(11) through (b)(21) as (b)(18) through (b)(28); adding new paragraphs (b)(2), (b)(4), (b)(7), (b)(8), (b)(11), (b)(12), and (b)(17); and revising the new paragraph (b)(6), (b)(18), (b)(19), (b)(21), (b)(22), (b)(24), (b)(26), (b)(27), and (b)(28) to read as follows:

§ 718.2 Definitions.

* * * * *

(b) * * *

(2) *Aerial compliance.* A technique for determining acreage and updating aerial photography using 35mm slides and approved equipment.

* * * * *

(4) *Conservation use or set-aside acreage maintenance check.* An inspection made in addition to the regular random inspections to determine whether producers are continuing to maintain designated program acreages in accordance with program regulations.

* * * * *

(6) *Director.* The Director, or Acting Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, Department of Agriculture.

(7) *Early measurement.* Determining a crop or designated acreage after planting but before the farm operator files a report of acreage for the crop or land use.

(8) *Farm inspection.* An inspection by an authorized Agricultural Stabilization and Conservation Service representative using aerial or ground compliance to determine the extent of producer adherence to program requirements.

* * * * *

(11) *Ground compliance.* A method for determining acreage and updating aerial photography using field visits.

(12) *Ground measurement.* The distance between 2 points on the ground, obtained by actual use of a chain tape and expressed in chains and links.

* * * * *

(17) *Premeasurement.* Determining an acreage before planting, designating, or adjusting by planimetering a delineated area on photography or computing the chains and links from ground measurement and sketching the field or subdivision, then staking and referencing the area on the ground and guaranteeing the acreage when subsequent planting, designating, or adjusting is done within the staked area.

(18) *Program crops.* field corn, grain sorghum, wheat, oats, and, if designated, barley, which are planted for other than cover or green manure or volunteer acreage of these crops which is harvested for grain. Also included as program crops are rice and upland cotton.

(19) *Random inspection.* An inspection by an authorized representative of the Agricultural Stabilization and Conservation Service of a farm selected as a part of an impartial sample to determine the producer's adherence to program requirements or to verify the farm operator's report.

* * * * *

(21) *Reporting date.* For the 1982 crop year, the date established by the State Committee, in accordance with the appropriate program regulation set forth in this chapter, by which a farm operator must report applicable program crop acreage. For the 1983 and subsequent crop years, the date established by the Deputy Administrator by which a farm operator must report applicable program crop acreage.

(22) *Required inspection.* An inspection by an authorized representative of the Agricultural Stabilization and Conservation Service to a farm specifically selected by application of prescribed rules to determine the producer's adherence to

program requirements or to verify the farm operator's report.

* * * * *

(24) *Skip-row or strip-crop planting.* A cultural practice in which strips of rows of the crop are alternated with strips of idle land or another crop.

* * * * *

(26) *Tolerance.* For program crops, marketing quota crops, and peanuts, a prescribed amount within which the reported acreage can differ from the determined acreage and still be considered as correctly reported. Also, for conservation use or set-aside acreage, the prescribed amount within which the determined acreage can be less than the program requirement and still be considered as having met the program requirement.

(27) *Turn area.* The area across the ends of crop rows which is used for operating equipment necessary to the production of a row crop (also called turnrow, headland, or endrow).

(28) *Variance.* Administrative variance as it applies to marketing quota crops and tolerance as it applies to program crops, marketing quota crops, peanuts, and conservation use or set-aside acreage.

3. Section 718.4 is amended by revising paragraph (b)(1)(iv) to read as follows:

§ 718.4 Committee responsibilities.

* * * * *

(b) * * *

(1) * * *

(iv) In accordance with instructions issued by the Deputy Administrator:

(A) For the 1982 crop year, establish and publicize final reporting dates and normal planting periods for crops.

(B) For the 1983 and subsequent crop years, establish disposition dates from crops that are no later than the applicable final reporting dates which are established by the Deputy Administrator, establish normal planting periods for crops, and publicize all such applicable dates and periods.

* * * * *

4. Section 718.5 is amended by revising: The preamble to paragraph (a); paragraph (a)(1); paragraph (b); and paragraph (c) to read as follows:

§ 718.5 Measurement services.

(a) *General.* The county committee shall provide measurement services if the producer requests such service and pays the cost, except that requests for service shall not be accepted for determining total acreage of a crop or land use.

(1) When the request is made after:

(i) For the 1982 crop year, the date established by the State committee for accepting such requests except as provided in paragraph (a)(3) of § 718.6.

(ii) For the 1983 and subsequent crop years, the established final reporting date for the applicable crop except as provided in paragraph (a)(3) of § 718.6.

* * * * *

(b) *Types of measurement service.* Services include, but are not limited to, measuring land and crop areas (including premeasurement) and conservation use or set-aside acreage, measuring quantities of farm-stored commodities, and appraising the yields of crops.

(c) *Guaranteeing service.* When a producer requests, pays for, and receives written notice that measurement services have been furnished, compliance with program requirements relating to the measured acreage shall be guaranteed for the current year even though an error in the measurement services is discovered in the measurement, placement of field or subdivision lines, planimetry, or computation thereof if the producer has taken action based on the service and the entire crop or land use acreage required for the farm was measured. If the producer has not taken action based on the measurement services, the producer shall be notified in writing that an error was discovered and the nature and extent of such error. In such cases, the corrected acreage will be used for determining program compliance for the current year.

* * * * *

5. Section 718.6 is amended by: Redesignating paragraphs (a)(1) and (a)(2) as (a)(3) and (a)(4), and (h)(1) as (h)(3); removing paragraph (h)(2); adding new paragraphs (a)(1), (a)(2), (h)(1), (h)(2), (h)(4), (h)(5), and (h)(6); and revising the preamble to paragraph (a), new paragraphs (a)(3) and (a)(4), paragraph (b), the preamble to paragraph (c), paragraph (c)(2), paragraph (f)(2), the preamble to paragraph (h), and new paragraph (h)(3) to read as follows:

§ 718.6 Determining farm operator adherence to program requirements

(a) *Farm operator report.* A report of acreage, land use, production, and other program requirements shall be furnished to the county committee by the farm operator not later than:

(1) For the 1982 crop year, the date established in accordance with paragraph (b) of § 718.4.

(2) For the 1983 and subsequent crop years, the applicable final reporting date established by the Deputy Administrator which is publicized by, and available at, the applicable State and County ASCS Office. The report shall be used for determining program eligibility and benefits, except as otherwise provided for under this part. The report shall be on forms prescribed and in accordance with instructions issued by the Deputy Administrator.

(3) Accepting a late-filed report. A farm operator's report may be accepted after the established date for reporting if evidence is still available for inspection which may be used to make a determination with respect to:

(i) The existence of the crop,

(ii) The use made of the crop,

(iii) The lack of crop, or

(iv) A disaster condition affecting the crop.

The farm operator shall pay the cost of a farm visit by an authorized Agricultural Stabilization and Conservation Service employee unless the county committee determines that the producer's failure to file the farm operator's report was caused by a condition beyond the producer's control.

(4) Revised report. The farm operator may revise a report of acreage to alter the acreage reported. Revised reports shall be filed in accordance with instructions issued by the Deputy Administrator and shall be accepted:

(i) At any time for all crops and land use if evidence exists for inspection and determination of:

(A) The existence of the crop,

(B) The use made of the crop,

(C) The lack of crop, or

(D) A disaster condition affecting the crop; and

(ii) Until the time that production evidence is furnished to the county office for upland cotton and rice yield purposes, to reflect the fact that the harvested acreage is less than the planted acreage.

(b) *Farm inspections.* A representative number of farms selected in accordance with instructions issued by the Deputy Administrator shall be inspected by an authorized representative of the Agricultural Stabilization and Conservation Service to ascertain the acreage or production or to determine adherence to any requirement specified as a prerequisite for obtaining program benefits.

(c) *Variance rules applicability.* There are no variances when the total acreage of a program crop, marketing quota crop, peanuts, or conservation use or set-aside acreage requirement is determined using measurement service prior to planting or where a farm operator reports a marketing quota crop acreage in excess of the effective farm allotment. For farms using measurement service with respect to an acreage which is less than the total acreage of a program crop,

marketing quota crop, peanuts, or conservation use or set-aside acreage requirement, the variances shall apply only to the acreages for which measurement service was not furnished. Variances apply to the total acreage of a program crop, marketing quota crop, peanuts, or conservation use or set-aside acreage requirement for which measurement services are furnished after planting but before the operator reports the acreage which meets the specifications as provided in paragraphs (c)(1) and (c)(2) of this section. Variances apply to the adjusted acreage for farms using measurement service after planting but before the operator reports the acreage and which have a determined acreage greater than the marketing quota crop allotment, permitted program crop acreage, or an acreage less than the conservation use or set-aside acreage by more than the applicable variance rule prescribed in paragraphs (c) (1) or (2) of this section.

* * * * *

(2) Tolerance. The irrigated and nonirrigated acreage of a crop reported on the same farm shall be considered separately in applying the tolerance when separate yields have been established. Tolerance is applicable to individual crop acreages or program requirements, and shall be considered to have been met if the determined acreage for:

(i) A program crop, ELS cotton, and peanuts does not differ from the reported acreage by more than the larger of:

(A) 1.0 acre or 5 percent of the reported acreage for the 1982 crop year, and

(B) 1.0 acre or 5 percent of the reported acreage, not to exceed 50 acres, for the 1983 and subsequent crop years;

(ii) Conservation use or set-aside acreage is not less than the requirement by more than the larger of:

(A) 1.0 acre or 10 percent of the required acreage for the 1982 crop year, and

(B) 1.0 acre or 5 percent of the required acreage, not to exceed 50 acres, for the 1983 and subsequent crop years;

(iii) Tobacco other than flue-cured or burley does not exceed the allotment by more than the larger of 0.1 acre or 5 percent of the effective allotment, except that if the administrative variance is exceeded, such acreage of tobacco must be adjusted to the farm acreage allotment in order to avoid marketing quota penalties.

* * * * *

(f) * * *

(2) Other crops and land used. The acreage of each field or subdivision computed for land uses or crops, except tobacco, shall be recorded in acres and tenths of an acre, dropping all hundredths of an acre.

* * * * *

(h) *Conservation use or set-aside acreage.* Producers on farms participating in the acreage reduction program shall designate eligible conservation use or set-aside acreage for such farms, whichever is applicable, that meets the minimum size and width requirements of this paragraph.

(1) For the 1982 crop year, the conservation use or set-aside acreage shall be designated no later than:

(i) The established final date for reporting fall-seeded crops when:

(A) The conservation use or set-aside acreage is devoted to wheat, barley, or oats on or before January 29, 1982, or

(B) The producer on the farm has not filed an intention to participate in a program for a spring or summer-seeded crop.

(ii) The established final date for reporting the latest spring-seeded crop when the producer on the farm has filed an intention to participate in a program for a spring or summer-seeded crop, unless the conservation use or set-aside acreage is devoted to wheat, barley, or oats on or before January 19, 1982.

(2) For the 1983 and subsequent crop years, the conservation use or set-aside acreage shall be designated no later than:

(i) The established final date for reporting small grains when:

(A) The conservation use or set-aside acreage is devoted to a small grain, or

(B) The producer on the farm has not filed an intention to participate in a program for a spring or summer-seeded crop.

(ii) The established final date for reporting the latest spring-seeded crop when the producer on the farm has filed an intention to participate in a program for a spring or summer-seeded crop unless the conservation use or set-aside acreage is devoted to a small grain.

(3) Minimum size and width requirements for conservation use or set-aside acreage for the 1982 and subsequent crop years. The area offered for designation must meet the following minimum requirements:

(i) Minimum size of:

(A) 1.0 acre for the 1982 crop year, and

(B) 5.0 acres for the 1983 and subsequent crop years.

(ii) Minimum average width of 1.0 chain (66 feet) wide.

(4) Exceptions to the minimum size and width requirements for conservation use or set-aside acreage for the 1982 and subsequent crop years. Areas that do not meet the minimum size and width requirements may be accepted when the area offered is:

(i) An entire field. The following areas meet the definition of a field as provided for in § 718.2(b)(9):

(A) An established stripcropping strip.

(B) The skips in an acceptable skip row pattern if at least the larger of 4 rows of normal width or 160 inches from planted row to planted row of conservation use or set-aside acreage alternate with strips of a crop.

(C) Land between terraces (terrace to terrace), or between a terrace and other field boundaries.

(ii) Land which is used to promote highway safety or will improve highway scenery.

(iii) A small or irregular area of cropland along a stream or drainage ditch, if the area is devoted to a vegetative cover such as a filter strip which is used to reduce the siltation of a stream or ditch.

(iv) Land between rows of trees or vines in orchards or vineyards.

(5) Exceptions to the minimum size and width requirements for conservation use or set-aside acreage for the 1982 crop year only. An area that does not meet the minimum size and width requirements may be accepted when the area offered is designated by the producer on ASCS records across the entire width or length of a field (designations across more than one dimension of a field must meet minimum size and width requirements in paragraph (h)(3) of this section) and represents:

(i) The total conservation use or set-aside acreage requirement, or

(ii) The balance of the conservation use or set-aside acreage requirement after other designations have been made that meet the minimum size and width requirements in paragraph (h)(3) of this section or are otherwise excepted in paragraph (h)(4) of this section.

(6) Additional exceptions to the minimum size and width requirements for conservation use or set-aside acreage for the 1983 and subsequent crop years. Areas that do not meet the minimum size and width requirements may be accepted when the area offered is land which is:

(i) Used for water storage.

(ii) Planted with trees or shrubs for any purpose other than orchards, vineyards, or nursery stock.

(iii) Used as a sod waterway.

(iv) Used for a wildlife food plot or habitat.

(v) The only area designated, excluding those areas excepted in paragraphs (h)(4) or (h)(6)(i), (ii), (iii),

and (iv) of this section, that does not meet the minimum requirements in paragraph (h)(3) of this section.

6. Section 718.11 is amended by: revising paragraph (a); deleting paragraph (b); redesignating paragraph (c) as paragraph (b); and adding a new paragraph (c) to read as follows:

§ 718.11 Adjustment of acreages.

(a) *General.* The farm operator or other interested producer having excess tobacco acreage (other than flue-cured or burley) who elects to adjust an acreage of the crop in order to become eligible for program benefits must:

(1) Notify the county committee of such election within 15 days of notification of measured acreage by the county committee as provided in § 718.9, and

(2) Pay the cost of a farm visit to determine the adjusted acreage by no later than the date such farm visit is made.

The adjusted acreage shall be used for program purposes except that if the requirements of this section are not met, the acreage initially determined shall be considered as the appropriate crop acreage for the farm.

(b) *Tobacco other than flue-cured or burley.* The farm operator may adjust an acreage of tobacco (except flue-cured and burley) by disposing of such excess tobacco prior to the marketing of any of the same kind of tobacco from the farm. The disposition shall be witnessed by a representative of the Agricultural Stabilization and Conservation Service and may take place before, during, or after the harvesting of the same kind of tobacco grown on the farm. However, no credit will be allowed toward the disposition of excess acreage after the tobacco is harvested but prior to marketing, unless the county committee determines that such tobacco is representative of the entire crop from the farm of the kind of tobacco involved.

(c) *Conservation use or set-aside acreage.* No acreage adjustments shall be allowed for conservation use or set-aside acreage when the acreage determined from a farm inspection is less than the program requirement.

(Secs. 314, 373, 374, 375, 52 Stat. 48, as amended, 65, as amended, 66, as amended; 7 U.S.C. 1314, 1373, 1374, 1375, sec. 403, 61 Stat. 932, as amended; 7 U.S.C. 1153.)

Signed at Washington, D.C., on the 23 day of March 1982.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 83-8114 Filed 3-31-83; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 906

Oranges and Grapefruit Grown in Texas; Special Purpose Exemption

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule permits handling of smaller size grapefruit for conversion into fresh juice under certain conditions including the requirements that such grapefruit pack 64 count in 7/10 bushel carton and grade at least U.S. No. 1. Such action is designed to develop a fresh juice outlet for smaller size grapefruit.

EFFECTIVE DATES: April 1, 1983, through July 31, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been certified a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Texas grapefruit crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Texas Valley Citrus Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This final rule extends provisions currently in effect under an interim rule published March 3, 1983, in the **Federal Register** (48 FR 8985), which amended administrative rules for Texas grapefruit (Subpart-Rules and Regulations), effective for the period February 28, 1983, through March 31, 1983. The amendment of the administrative rules authorized the use of smaller sized grapefruit for fresh juice (juice prepared without pasteurization or preservative treatment). Under this marketing order, fresh grapefruit shipments are subject to minimum grade and size requirements, and grapefruit used for fresh juice (fruit for conversion into juice without pasteurization or preservative treatment) are considered fresh shipments and therefore subject to the marketing order requirements. This final rule permits the continued use of smaller sized grapefruit for fresh juice with appropriate safeguard. The objective of this action is to encourage the continued use of Texas grapefruit for fresh (not pasteurized) juice. The Texas citrus industry is experiencing difficulty in marketing its grapefruit crop this season, particularly in the processing sector. Therefore, they are attempting to develop a new outlet for their grapefruit. Extension of these provisions through July 31, 1983, was unanimously recommended by the committee on March 8, 1983, at a public meeting.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that the time intervening between the date when information upon which this final rule is based became available and the time when this final rule must become effective in order to effectuate the declared policy of the Act is insufficient. Also, no comments were received during the comment filing period provided in the interim rule. It is necessary to effectuate the declared purposes of the Act to make this final rule effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 906

Marketing Agreement and Orders, Oranges, Grapefruit, Texas.

PART 906—[AMENDED]

Therefore, Subpart—Rules and Regulations (§§ 906.120-906.151) are amended as follows (this interim rule expires July 31, 1983, and will not be published in the annual Code of Federal Regulations):

1. Section 906.120(b) is amended effective for the period April 1, 1983, through July 31, 1983, by revising the last sentence to read as follows:

§ 906.120 Fruit exempt from regulations.

* * * * *

(b) * * * Fruit for conversion into juice without pasteurization or preservative treatment, as herein described, shall be deemed fresh fruit

and subject to all regulations under this part unless handled in accordance with § 906.124.

* * * * *

2. A new § 906.124 is added to read as follows:

§ 906.124 Grapefruit for fresh juice.

During the period April 1, 1983, through July 31, 1983, any handler may, without regard to § 906.40 and the regulations issued thereunder, handle grapefruit for conversion into juice without pasteurization or preservative treatment, under the following conditions:

(a) Grade, size, container, and inspection requirements:

(1) Such grapefruit shall grade at least U.S. No. 1.

(2) Such grapefruit shall be packed 64 count in 7/10 bushel cartons: *Provided,* That the diameter range shall be from 3 inches to 3⅝ inches.

(3) Such grapefruit shall meet pack requirements as specified in (a)(1)(ii) of § 906.340 (47 FR 56311): *Provided,* That such cartons shall be prominently marked with the words "For Juice Only" on both end panels of the carton in letters not less than ¾ inch high.

(4) Such grapefruit shall be shipped only if an appropriate inspection certificate has been issued for such fruit within 48 hours prior to the time of shipment.

(5) Such grapefruit shall be shipped by the handler directly to an approved juicer as provided in paragraph (b) of this section, and such grapefruit shall not be offered for resale or otherwise diverted into normal channels of trade for fresh fruit, and shall be used only for conversion into juice.

(6) *Terms:* The term U.S. No. 1 shall mean the same as in the U.S. Standards for Grades of Grapefruit, Texas and States other than Florida, California, and Arizona, (7 CFR 51.620–51.653); and the term 7/10 bushel carton shall mean a closed fully telescopic fiberboard carton with inside dimensions of 16½ × 10¾ × 9½ inches, described in Freight Container Tariff 2G as container No. 6506.

(b) Reporting and recordkeeping requirements are as follows:

(1) *Approved Juicer.* Any person who desires to acquire 64 count grapefruit as an approved juicer shall, prior thereto, file an application with the committee on a form approved by it, which shall contain, but not be limited to, the following information: name and address of applicant; location of store or stores where conversion is to take place, approximate quantity of 64 count grapefruit to be used each month; a statement that the grapefruit will be used only for conversion into fresh juice at the store, and will not be resold or disposed of in fresh fruit channels; and agree to submit such reports as are required by the committee. Such application shall be investigated by the committee staff. After such investigation, the staff shall report its findings to the committee or to its delegated subcommittees. Based upon the staff report and other information, the committee, or its delegate, shall approve or disapprove the application and notify the applicant accordingly. If the applicant is approved, the applicant's name shall be placed on the list of approved juicers.

(2) *Certification by approved juicer.* Upon request of the committee, each approved juicer shall submit to the committee on or before the 10th day of each month a report of the 64 count grapefruit used during the preceding calendar month. Each report shall contain a certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown therein.

(3) *Disqualification.* The committee or delegated subcommittee, may suspend or revoke permission to handle grapefruit as an approved juicer whenever a juicer uses grapefruit inconsistent with these provisions.

(4) *Diversion report.* (i) Each handler who ships 64 count grapefruit to approved juicers for conversion shall report to the committee on a diversion report the following: name and address of the juicer's place of business where the 64 count grapefruit was shipped; the net weight or container count of such grapefruit; truck license number or rail car initial and number; inspection certificate number; and such other information as the committee may require.

(ii) Each such handler shall prepare four copies of the diversion report and sign them. The original copy shall be submitted to the committee within seven days of shipment. One copy shall be retained by the handler. One copy shall be given to the party transporting the fruit who shall deliver it to the approved juicer. The approved juicer shall record on that copy of the diversion report the actual net weight or container count of 64 count grapefruit received and forward such copy to the committee office. One copy shall be submitted to the approved juicer along with the invoice.

(5) Handlers and approved juicers shall maintain records substantiating reports of the disposition of 64 count grapefruit filed with the committee and make such records available to authorized representatives of the committee at their business offices at any reasonable time during business hours. Records include copies of all applicable purchase orders, sales contracts, or disposition documents together with any other information which the committee may deem necessary to determine the disposition of 64 count grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 29, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-8585 Filed 3-31-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Lemon Reg. 405]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period of April 3–9, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: April 3, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information

submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on March 29, 1983, at Ventura, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is better than that of the previous week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.705 is added as follows:

§ 910.705 Lemon regulation 405.

The quantity of lemons grown in California and Arizona which may be handled during the period April 3, 1983, through April 9, 1983, is established at 250,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 31, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–8730 Filed 3–31–83; 12:30 pm]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 83–040]

Importation of Horses; Mares From Countries Affected With CEM

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule; comments requested.

SUMMARY: This document amends the regulations to allow mares over 731 days of age from countries affected with contagious equine metritis (CEM) to be moved from the port of importation to the University of California Veterinary College, Davis, California, when surgery required to be performed in the country of origin in order to qualify the mares for importation into the United States is found to be incomplete. This action is needed to provide a place for treating such mares nearer to west coast ports than Ithaca, New York, which up to this time was the only place where such mares could be taken for treatment. The effect of this action is to provide importers with a choice of facilities where they can obtain required treatment for certain mares over 731 days of age which would otherwise be refused entry into the United States.

DATES: The foregoing amendment shall become effective April 1, 1983. Comments must be received on or before May 31, 1983.

ADDRESS: Written comments concerning this interim rule should be submitted to T. O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 723, Federal Building, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Room 821, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8530.

SUPPLEMENTARY INFORMATION:

Background

On Friday, October 16, 1981, a document was published in the **Federal Register** (46 FR 50930–50937) which amended the regulations in 9 CFR Part 92, to provide for the importation of certain mares from countries affected with contagious equine metritis (CEM) based on specific surgery, treatment, and cultures conducted under the direct supervision of the salaried veterinary officer of the country of origin who signed the health certificate.

One of the provisions, found at 9 CFR 92.2(i)(2)(v)(C), requires the surgical removal of the clitoral sinuses of such mares in the country of origin. This surgical procedure is new, difficult to perform, and difficult to evaluate. Some of the mares presented for importation under this provision have been found to have one or more complete or partial clitoral sinuses, even though they had been surgically treated and were accompanied by the required certificate.

Because of the severe hardship which would otherwise be imposed on the owners, the Deputy Administrator has, in some instances, exercised his discretion and allowed corrective surgery to be performed in this country, and has not required the horses to be removed from the United States. The Department believes that this policy can be continued without a significant risk of the introduction of CEM into the United States, but only if it is done under highly controlled circumstances. Accordingly, the Department amended the regulations on April 26, 1982, (47 FR 17795–17797) to allow corrective surgery to be performed on such mares in the United States. That amendment did not eliminate the general requirement that the surgery be performed in the country of origin, but only provided for those exceptional circumstances when a certificate was issued even though the surgery was not complete. The Department made arrangements at that time with the School of Veterinary Medicine, Cornell University, Ithaca, New York, for the corrective surgery to be performed at that institution.

Since these regulations were amended to allow such horses to be treated after arrival in the United States, it has become obvious that it is costly and impractical for importers bringing horses into west coast ports of entry to ship those animals to Ithaca, New York, for treatment. The Department has therefore made arrangements with the College of Veterinary Medicine, University of California, Davis, California, for corrective surgery to be performed at that institution. This will allow importers to choose between the facilities in Ithaca, New York, and those in Davis, California.

Executive Order 12291

This interim rule has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this action will not have an annual effect on the economy of $100

million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have a significant adverse effect on competition, employment or investment, productivity, innovation, or ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. S. T. Wilson, Jr., Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim action. This amendment relieves restrictions presently imposed on mares over 731 days of age being imported into the United States, and should be made effective immediately in order to permit affected persons to move these mares into the United States without unnecessary restrictions.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency interim action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency interim action effective less than 30 days after publication of this document in the **Federal Register.**

Comments have been solicited for 60 days after publication of this document, and this emergency interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Certification Under the Regulatory Flexibility Act

Mr. James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it is anticipated that it will affect only a portion of the approximately 20 mares out of 6,000 horses imported into the United States each year which come from countries where CEM is known to exist and which arrive in the United States without the required surgical treatment.

Alternatives Considered

The alternatives considered in making this decision were: (1) To allow the required surgical treatment of such horses to be performed at the College of Veterinary Medicine, University of California, Davis, California; and (2) Not to allow the required surgical treatment to be performed at that facility.

Alternative 2 was rejected as this would leave importers with no option but to use the Cornell University facilities in Ithaca, New York. Alternative 1 was adopted because this would provide importers with a choice of facilities, and would eliminate costly transportation of animals across the country for treatment.

List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Livestock and livestock products, Quarantine, Transportation, Contagious equine metritis (CEM).

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMALS AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations is amended in the following respects:

1. In § 92.2(i)(2)(v), the first sentence of paragraph (H) is amended to read:

§ 92.2 General prohibitions; exceptions.

* * * * *

(1) * * *
(2) * * *
(v) * * *

* * * * *

(H) Any mare subject to the provisions of § 92.2(i)(2)(v) which is found upon examination during preentry quarantine to have had an incomplete clitoral sinusectomy, but which is otherwise eligible for entry, may, at the option and expense of the importer, be moved to the School of Veterinary Medicine, Cornell University, Ithaca, New York, or to the College of Veterinary Medicine, University of California, Davis, California, where the surgery required to qualify such mare for importation may be performed by a licensed veterinarian mutually acceptable to the importer, the University, and the Department. * * *

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 11, 76 Stat. 129, 130, 132; sec. 1, 84 Stat. 202, (21 U.S.C. 111, 134a, 134c, and 134f); 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this 30th day of March 1983.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 83-8575 Filed 3-30-83; 11:58 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Applicability of License; Conditions and Technical Specifications in an Emergency

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to clarify that all Part 50 licensees may take reasonable action that departs from a license condition or technical specification in an emergency when this action is immediately needed to protect the public health and safety. The rule is being issued because NRC regulations currently do not permit deviations from license conditions or technical specifications under any conditions. Emergency situations can arise, though, during which a license condition or a technical specification could prevent necessary protective action by the licensee. The rule allows this action to be taken in emergency circumstances.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Charles M. Trammell III, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301-492-7389).

SUPPLEMENTARY INFORMATION: The rule clarifies the regulations in 10 CFR Part 50 by providing that a licensee may take reasonable action that departs from a license condition or a technical specification in an emergency when such action is immediately needed to protect the public health and safety.

At present, NRC regulations do not permit deviations from license conditions or technical specifications under any circumstances. Emergencies can arise, though, during which compliance with a license condition or a technical specification could prevent necessary action by a licensee to protect the public health and safety. Licensees are understandably reluctant to take actions contrary to their licenses. Absolute compliance with the license in emergencies can be a barrier to effective protective action by a licensee.

Technical specifications contain a wide range of operating limitations and requirements concerning actions to be taken if certain systems fail and if certain parameters are exceeded. The bulk of technical specifications are devoted to keeping the plant parameters within safe bounds and keeping safety

equipment operable during normal operation. However, technical specifications also require the implementation of a wide range of operating procedures which go into great detail as to actions to be taken in the course of operation to maintain facility safety. These procedures are based on the various conditions—normal, transient and accident conditions—analyzed as part of the licensing process. Nevertheless, unanticipated circumstances can occur during the course of emergencies. These circumstances may call for responses different from any considered during the course of licensing—e.g., the need to isolate the accumulators to prevent nitrogen injection to the core while there was still substantial pressure in the primary system was unforeseen in the licensing process before TMI–2; thus, the technical specifications prohibited this action. Special circumstances requiring a deviation from license requirements are not necessarily limited to transients or accidents not analyzed in the licensing process. Special circumstances can arise during emergencies involving multiple equipment failure or coincident accidents where plant emergency procedures could be in conflict, or not applicable to the circumstances. In addition, an accident can take a course different from that visualized when the emergency procedure was written, thus requiring a protective response at variance with a procedure required to be followed by the licensee. Also, performance of routine surveillance testing, which might fall due during an emergency, could either divert the attention of the operating crew from the emergency or cause the loss of equipment needed for proper protective action.

Technical specifications or license conditions can be amended by NRC, and the rule is not intended to apply in circumstances where time allows this process to be followed. The rule would apply only to those emergency situations where action by the licensee is required immediately to protect the public health and safety—action which may be contrary to a technical specification or a license condition.

It is the intent of the rule to allow deviations from license requirements only in the special circumstances described. It is not intended that licensees be allowed to deviate from procedures and other license requirements where these are applicable.

For these reasons, the Commission believes that there should be a specific provision in the Commission's rules clearly indicating that a licensee may take reasonable action that departs from a license condition or technical specification in an emergency when such action is immediately needed to protect the public health and safety.

The rule also requires a licensee, under § 50.72, to notify the NRC Operations Center by telephone of emergency circumstances requiring it to take any action that departs from a license condition or a technical specification. When time permits, the notification is made before the protective action is taken; otherwise, it is made as soon as possible thereafter. The impact of this reporting requirement on licensees is expected to be negligible.

The rule follows the recommendation in NUREG–0616, "Report of Special Review Group, Office of Inspection and Enforcement on Lesson Learned from Three Mile Island"[1] the NRC establish and announce a firm policy regarding the applicability of the license under emergency circumstances, with certain exceptions discussed below.

(a) The rule does not require that departure from a license condition or technical specification have the concurrence of the most senior licensee and NRC personnel available at the time before the departure.

While the Commission certainly does not disagree with the general concept that the most senior licensee personnel available at the time should be involved, the rule specifies that such action shall be approved by a licensed senior operator as a minimum and does not go into further detail as to which additional persons should be involved if time permits or which persons should be involved under other circumstances. The persons responsible for safe operation of the facility are already identified in the facility license and implementing procedures.

(b) The rule does not require the concurrence of NRC personnel. Receiving the "concurrence" or "approval" of NRC personnel would amount to a license amendment using procedures contrary to those existing for amendments. The rule specifically applies to emergency situations where immediate action is needed and time is not available for a license amendment. Requiring the concurrence of NRC personnel available at the time tends to shift the burden of safety from the licensee to NRC—contrary to the rule's intent. It could also shift the burden to NRC personnel on site who may be unqualified to concur in a proposed licensee action.

[1] NUREG–0616 is available for inspection and copying for a fee at NRC Public Document Room, 1717 H Street, NW., Washington, D.C. Copies may be purchased through the NRC/GPO Sales Program by using a GPO Deposit Account, MasterCard or Visa by calling the NRC/GPO Sales Office on (301) 492–9530 or by sending a check or money order payable to Superintendent of Documents to: Sales Manager 058, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Purchase orders are acceptable from Federal, state, and local government offices only

The rule was published as a proposed rule in the **Federal Register** on August 18, 1982 (47 FR 35996). A sixty-day comment period expired on October 18, 1982.

A total of thirty-seven responses were received, representing thirty-nine organizations or persons. Respondees included: licensees of power reactors (24), individuals (5), research reactor licensees (2), nuclear steam system suppliers (2), professional organizations (2); and one response each from: a law firm, a State, a labor union, and an architectural-engineering firm. Copies of comments received by the Commission in response to the notice of proposed rulemaking may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. (file PR–50, 47 FR 35996).

The vast majority of the commenters (thirty-seven) were in favor of the rule. Many expressed enthusiastic support. Only two commenters believed that the rule should not be adopted. Eight commenters believed the rule should be issued as proposed. However, as a result of comments received by others, some changes have been made, as discussed below.

One commenter pointed out the similarity between the proposed rule and the so-called "General Prudential Rule" contained in both the International Regulations for Preventing Collisions at Sea, 1972, and the Inland Navigational Rules Act of 1980. The rule is identical in each and states:

> In construing and complying with these Rules due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from those rules necessary to avoid immediate danger. (Rule 2(b)).

The commenter added that a Commanding Officer (of a naval ship) is permitted to deviate from written rules to the extent necessary to save his ship, and that there is ample precedent for the proposed NRC rule.

It is also very similar to a rule of the Federal Aviation Administration (FAA) governing the operation of aircraft, 14 CFR 91.3, which states that "[i]n an emergency requiring immediate action, the pilot in command may deviate from any rule * * * to the extent necessary to meet that emergency. Each pilot in command who deviates from a rule * * * shall, upon the request of the Administrator, send a written report of that deviation to the Administrator."

The Commission had both the General Prudential Rule and the FAA rule in mind when it framed the proposed NRC rule. Further, it is clear that Congress

believes that licensees have authority to take whatever action is necessary to respond t emergencies involving an imminent threat to public health and safety. H.R. Rep. No. 97–884, 97th Cong., 2d Sess. 38 (1982). The rule codifies and clarifies this authority.

In addition to seeking the usual public comment as to any aspects of the proposed rule, the **Federal Register** Notice of the proposed rule stated:

> The proposed rule does not provide significant guidance to Part 50 licensees for identifying those situations in which deviations from license conditions or technical specifications are allowable. In addition, the proposed rule and the supplementary information does not contain standards to be used by the NRC staff in determining whether to take enforcement action against Part 50 licensees who deviate from license conditions or technical specifications in these types of situations. The Commission particularly solicits comments on these two areas.

Thirty-four comments were received in response to this request, and most were strongly opposed to the Commission providing additional deviation guidance or enforcement standards.

As for deviation guidance, one comment, which was opposed to such, was typical: "[w]e do not believe that it is feasible to provide detailed guidance as to when deviations are permissible. The whole purpose of the proposed amendments is to provide flexibility in situations that cannot be anticipated. Any effort to provide more detailed standards is likely to defeat that purpose by unintentionally excluding a situation in which a deviation is necessary or appropriate."

The Commission agrees with this comment, and feels that any attempt to define in more detail the precise circumstances under which a deviation is permissible is bound to exclude a circumstance where deviation might be entirely appropriate. Whereas the conditions under which a deviation is allowed are not described at length, nevertheless, the deviation criteria are quite specific: the licensee must be faced with an emergency situation in which compliance with the license is posing a barrier to effective protective action and rapid protective action is needed.

Based on the foregoing and public comments received, no changes have been made to the rule with respect to the conditions under which the rule may be invoked.

In response to the Commission's request for comments on the need for enforcement standards, most commenters stated that the matter of enforcement should be based on the specific circumstances surrounding the event, and that enforcement standards would be difficult to frame for the unusual circumstances under which the rule might be used. One commenter pointed out that enforcement standards would tend to limit actions that could or could not be taken, and thereby serve to provide deviation guidance which most felt was inappropriate (discussed above).

The Commission has concluded that enforcement standards, as such, are not needed. The Commission agrees that providing such standards would tend to define the circumstances under which the rule could be used (deviation guidance). As discussed above, this has been judged to be undesirable.

The rule does, however, contain implicit enforcement guidance. The NRC would review a licensee's use of the rule to determine answers to the following types of questions.

a. Did the licensee have to act immediately to avert possible adverse consequences to the public health and safety?

b. Was adequate or equivalent protective action that is consistent with the license immediately apparent?

c. Was the action reasonable? Based on information available at the time did it serve to protect the public health and safety? Did the licensee deviate from its license only to the extent necessary to meet the emergency?

d. Was there time for an amendment of the license to be approved by NRC?

Answers to these questions should be adequate to determine if the rule had been violated. Specific enforcement action would have to depend on the specific circumstances.

Ten persons made comments to the effect that overly critical reviews or overzealous enforcement action following the use of the rule would cause licensees to hesitate to use the rule. The Commission agrees with these comments. The Commission recognizes that a licensee will need to exercise judgment in applying the rule, and in its after-the-fact review, it may not agree in every instance with the licensee's actions. However, enforcement action for a violation of the rule will not be taken unless a licensee's action was unreasonable considering all the relevant circumstances having to do with the emergency.

The **Federal Register** Notice for the proposed rule contained additional comments of Commissioner Gilinsky, in which he stated:

> I believe the decision to operate outside the Technical Specifications should be made by a senior reactor operator since I understand that reactor operators are not trained or tested on both the basis and importance of the Technical Specifications. I would be interested in receiving comments on this issue.

Nineteen comments were received in response to this request and most all agreed that such a decision should be made, as a minimum, by a licensed senior operator. Those opposed expressed the opinion that such concurrence should not be mandatory or that higher concurrences should be obtained if possible.

A minor clarifying change to the rule has been made in response to these comments and another which stated that the rule was confusing because the first paragraph of the proposed rule discussed *licensees* and the second discussed *operators*. The second paragraph now reads: "Licensee action permitted by paragraph (x) of this section shall be approved, as a minimum, by a licensed senior operator." This change makes it clear that if a licensee takes emergency action allowed by paragraph (x), such action must be approved by, at least, a licensed senior operator acting for the licensee. Under the provision, any licensed senior operator (licensed for the unit involved) would be sufficient. However, as one commenter pointed out, more senior licensee personnel would probably be available. If so, the decision to depart from the license in an emergency would pass to them (as higher authorities in the chain of command). If, however, an emergency requiring prompt action should occur on a back shift, no licensee representative higher in the chain of command is likely to be available. To require other approvals could serve to defeat the purpose of the rule.

One commenter stated that the rule should provide for deviations from the NRC regulations as well as license conditions and technical specifications. This was intended, and the language of numerous comments indicated that this was understood. Each license issued is subject to all applicable rules, regulations and orders of the Commission. This is stated in the license itself and also in 10 CFR 50.54(h) as a condition of the license. Therefore, the rule does apply to NRC rules, regulations and orders as well.

Three comments were received regarding the applicability of the rule in situations where damage to the facility or injury to personnel might be involved. For the reasons discussed above, the rule does not contain explicit deviation guidance or examples. Nevertheless, the threat of injury to personnel would be an appropriate example. As for invoking the rule to prevent damage to the facility

or machinery, it would depend on the specific circumstances of the emergency. The rule does not apply to machinery or the facility, *per se*, but would apply if such damage is tied to a possible adverse effect on public health and safety.

One commenter suggested that the Commission emphasize the permissive nature of the rule by explaining that its use is totally discretionary, that licensees need not invoke it even in an emergency, and that failure to invoke the rule would not constitute a violation of NRC requirements for which an enforcement action may be brought. This comment was not accepted. Whereas the language of the rule is permissive in nature, licensees are responsible for operating their facilities in such a manner as to protect the public health and safety. If, in an emergency, protective action is needed (and no action consistent with the license that can provide adequate or equivalent protection is immediately apparent) the licensee would be obliged to take the protective action that deviates from the license. Viewed in this sense, use of the rule is not optional.

One commenter suggested that the provisions of the rule be placed in the facility operating license indicating that Technical Specifications are not intended to prevent a licensee from undertaking, during the course of emergency conditions, any action necessary to protect public health and safety. No changes to the rule have been made in response to this comment. First, as stated above, the rule applies not only to technical specifications, but any NRC requirement, e.g., regulations, rules, license conditions, or technical specifications. Second, it is not necessary to place the statement into the operating license itself, since it is being published as a rule in § 50.54, "Conditions of licenses." By so doing, the rule applies to all operating licenses.

A commenter suggested that a policy statement to the same safe effect would be better than a rule. This was not accepted, since the Commission believes that it would be inappropriate to issue a policy statement in conflict with a rule.

Only two commenters were not in favor of the rule. One comment stated that the rule would be abused. The Commission disagrees with this comment, noting that several safeguards have been built into the rule to prevent this. First, licensees must notify the NRC by telephone when the rule is used. Second, the NRC may require written statements from a licensee concerning its actions after use of the rule. One commenter agreed that these provisions provided adequate safeguards against abuse.

Two commenters suggested that written notice to the Commission of use of the rule should be mandatory. It is highly likely that a written report would be required since most violations of the license or technical specifications do require a written report. To the extent that the Commission's information needs related to the event are not met, the Commission would require additional information, as provided for in the rule. A mandatory written report is therefore not deemed essential.

One commenter stated that the reporting requirement "When time permits, the notification (of the use of the rule) shall be made before the protective action is taken * * *" was inconsistent with the use of the term "immediately needed" language of the rule, and implied that a prior report should not be required at all. In response, the Commission notes that all power reactors have dedicated telephones connected directly to the NRC Operations Center at all times, and, under most circumstances under which the rule might need to be used, the licensee would be in contact with the NRC Operations Center anyway. Therefore, most emergency situations would allow time to make a prior notification to the NRC, considering the ease and speed that it could be done. Second, while the term "immediately" as used in the rule is not defined, it could involve a period of hours as the emergency develops, and certainly a period of time that is too short to permit NRC approval of a change to the license before the action must be taken (as stated earlier). Therefore, there is not necessarily an inconsistency between the prior report and the timing of the need for action. If, however, there is no time for a prior report, it is not required.

One commenter stated that the rule constituted an admission that NRC rules and licenses are not adequate; another stated that the rule shows that NRC rules have become unwieldy. The Commission does not agree with these comments, and believes the issuance of the rule will result in increased protection to the public health and safety. Any attempt to define NRC requirements to cover all conceivable circumstances, as discussed earlier, is bound to fail, and would result in unwieldly regulations.

One comment noted an apparent inconsistency between the rule (which admits that unanticipated circumstances can occur during the course of emergencies that may call for responses different from any considered during the course of licensing) and the admissibility of intervenor contentions that are denied litigation at a hearing on the basis that such senarios are incredible or so unlikely as to be barred from litigation.

The Commission, in issuing this rule, takes no position whatever as to the merit of any contention involving emergency circumstances that could be postulated at a nuclear facility. Rather, the rule assumes that special circumstances have occurred which makes use of the rule necessary to protect the public health and safety.

A commenter suggested that use of the rule be tied to the "general emergency" emergency classification, i.e., that the rule should apply only when a general emergency has been declared by the licensee. This comment was not accepted. Emergencies can develop rapidly. Use of the rule should not be encumbered by administrative prerequisites.

A commenter proposed that a large fee—up to one million dollars—be charged for use of the rule. The thrust of the comment was to ensure that violation of NRC requirements be carefully considered. Another suggested holding hearings after the emergency to determine justifications for use of the rule and to see if other actions could have been taken. As stated earlier, the Commission believes that the rule contains adequate safeguards. Therefore these comments were not adopted.

Finally, a commenter suggested that an evaluation be made of each instance in which a deviation was made to prevent possible future need for similar deviations. The Commission will review each use of the rule both to confirm that the intent of the rule was satisfied and also to analyze the circumstances leading to the emergency to see what permanent corrective action may be appropriate.

Regulatory Analysis

The Commission has prepared a regulatory analysis for this regulation. The analysis examines the costs and benefits of the rule as considered by the Commission. A copy of the regulatory analysis is available for inspection and copying for a fee at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. Single copies of the analysis may be obtained from Charles M. Trammell III, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Telephone (301) 492–7389.

Paperwork Reduction Act Statement

The information collection requirements contained in this regulation have been approved by the Office of Management and Budget; OMB approval No. 3150–0011.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that these regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities. These regulations affect licensees that own and operate nuclear utilization facilities licensed under sections 103 and 104 of the Atomic Energy Act of 1954, as amended. The amendment serves to clarify the applicability of license conditions and technical specifications in an emergency. The clarification would be incorporated as a condition of the respective operating licenses, and would require no action on the part of licensees. Accordingly, there is no new, significant economic impact on these licensees; nor do these licensees fall within the definition of small businesses set forth in section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, and Reporting and recordkeeping requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50 are published as a document subject to codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. New paragraphs (x) and (y) are added to § 50.54 to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(x) A licensee may take reasonable action that departs from a license condition or a technical specification (contained in a license issued under this part) in an emergency when this action is immediately needed to protect the public health and safety and no action consistent with license conditions and technical specifications that can provide adequate or equivalent protection is immediately apparent.

(y) Licensee action permitted by paragraph (x) of this section shall be approved, as a minimum, by a licensed senior operator prior to taking the action.

3. A new paragraph (c) is added to § 50.72 to read as follows:

§ 50.72 Notification of significant events.

* * * * *

(c) Each licensee licensed under § 50.21 or § 50.22 shall notify the NRC Operations Center by telephone of emergency circumstances requiring it to take any protective action that departs from a license condition or a technical specification, as permitted by § 50.54(x) of this part. When time permits, the notification must be made before the protective action is taken; otherwise, the notification must be made as soon as possible thereafter. The Commission may require written statements from a licensee concerning its actions taken under the provisions of § 50.54(x) of this part.

Dated at Bethesda, Maryland this 10 day of March, 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83–8406 Filed 3–31–83; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C–3107]

Meredith Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires a Des Moines, Iowa franchisor and operator of the Better Homes and Gardens Real Estate Service (Service), among other things, to cease making false or misleading representations regarding the Service, its members, or services offered. The order prohibits the dissemination of advertisements and promotional materials which represent that all Service members offer consumers "settling-in" services; participate in a home-building program; and offer "exclusive" home-protection insurance, unless the advertisement clearly discloses that not all members offer these services. The corporation is also barred from making unsubstantiated representations concerning the Service's selectivity in choosing members; training of sales associates of Service members; market size, rank and leadership in terms of sales volume of Service members; or any statement which compares Service members to other real estate franchisors as to calibre of members or membership standards. Further, the order requires the corporation to send all members of the Better Homes and Gardens Real Estate Service a letter recalling certain advertising and promotional materials, and an acknowledgment form.

DATE: Complaint and order issued March 15, 1983.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PA, Andrew B. Sacks, Washington, D.C. 20580. (202) 724–1490.

SUPPLEMENTARY INFORMATION: On Monday, Dec. 27, 1982, there was published in the **Federal Register**, 47 FR 57499, a proposed consent agreement with analysis In the Matter of Meredith Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist. as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows. Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10–1 Availability of merchandise and/or services; 13.10–5 Knowingly by advertising agent; § 13.15 Business status, advantages or connections; 13.15–210 Operations as special or other advertising; 13.15–225 Personnel or staff; 13 15–250 Qualifications and abilities; 13.15–255 Reputation, success or standing; 13.15–265 Service; 13.15–270 Size and extent; 13.15–280 Unique or special status or advantages; § 13.25 Competitors and their products; 13.25–5 Competitors; 13.25–25 Competitors' services; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; § 13.175 Quality of product or service; § 13.205 Scientific or other relevant facts; § 13.225 Services; § 13.280 Unique nature of advantages. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–53 Recall of merchandise, advertising material, etc Subpart—Disseminating Advertisements, etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1510 Operations as special or other advertising; § 13.1520 Personnel or staff; § 13.1535 Qualifications. § 13.1540 Reputation, success or standing; § 13.1555 Size, extent or equipment; § 13.1560 Stock, product or service; § 13.1570 Unique status or advantages.—Goods: § 13.1575 Comparative data or merits; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts; § 13.1755 Success. use or standing; § 13.1770 Unique nature or advantages. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1886 Quality, grade or type; § 13.1895 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Real estate services.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Michael A. Baggage,

Acting Secretary.

[FR Doc. 83–8481 Filed 3–31–83; 8:45 am]

BILLING CODE 6750–01–M

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16 CFR Part 13

[Docket C–2492]

Occidental Petroleum Corp., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on March 18, 1974 (39 FR 13628). The modification deletes the order's "fencing-in" provision, including the requirement that prohibited Occidental from preparing statistical data comparing its purchases from a company to its sales to that company, and vacates the order in its entirety 10 years after its March 1974 issue date.

DATES: Consent Order issued March 18, 1974. Modifying Order issued March 9, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Selig S. Merber, Washington, D.C. 20580. (202) 634–4642.

SUPPLEMENTARY INFORMATION: In the Matter of Occidental Petroleum Corporation, a corporation and Hooker Chemical Corporation, a corporation and as a subsidiary of Occidental Petroleum Corporation. Codification appearing at 39 FR 13628 remains unchanged.

List of Subjects in 16 CFR Part 13

Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The order Reopening and Vacating In Part and Modifying In Part Order Issued March 18, 1974 is as follows:

In the Matter of Occidental Petroleum Corporation, a corporation; Hooker Chemical Corporation, a corporation, and as a subsidiary of Occidental Petroleum Corporation; Docket No. C–2492; Reopening and vacating in part and modifying in part order issued March 18, 1974.

On November 8, 1982, respondent Occidental Petroleum Corporation ("Occidental") filed a "Request To Reopen and Vacate or Modify Consent Order" ("Petition"), pursuant to Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b) and § 2.51 of the Commission's Rules of Practice. The Petition asks the Commission to reopen the consent order, issued on March 18, 1974 ("the Order"), and either: vacate the Order in its entirety; modify to limit the duration to a ten-year period; or modify "to bring it in line with current case law and enforcement attitudes."

Section 5(b) of the Federal Trade Commission Act provides that the Commission shall reopen an order at the request of a respondent upon a "satisfactory showing that changed conditions of law or fact require" modification. In addition, Section 5(b) provides that the Commission has discretion to modify orders whenever, in its opinion, the public interest requires.

After reviewing respondent's Petition, the Commission has concluded that respondent has not made a satisfactory showing that changed conditions of law or fact have occurred that require the modification or vacation of the Order. However, the Commission has determined that the public interest warrants modifying the pending Order in two respects.

First, a number of the Order's provisions are aimed at "fencing-in" respondent's future conduct. *See FTC* v. *National Lead Co.*, 352 U.S. 419 (1957). Although some of these provisions may have been justified at the time the Order was initially approved, their continued existence unnecessarily inhibits respondent from engaging in conduct which, in and of itself, is innocuous and may, in certain circumstances, may be procompetitive. In addition, there no longer appears to be any need for continuing the "fencing-in" provisions of the Order. No adverse comments were received indicating any special need to retain them and the Commission has no reason to believe that the Order has or is being violated in any respect.

These same arguments support vacating the remaining provisions of the Order at the end of a ten year period. In certain cases, perpetual conduct orders are appropriate in order to insure that violations of Commission orders are subject to civil penalties rather than forcing the Commission to initiate proceedings *ab initio*. However, we have no evidence in this record that would support retaining the provisions of this Order in perpetuity.

Accordingly, *it ordered* that Paragraphs I(f), (g), (h) and II of this Order be vacated at this time and the remaining provisions be vacated ten years from date of their initial entry, *i.e.*, March 18, 1974.

By the Commission. Commissioner Bailey voted in the affirmative as to

elimination of the fencing-in provisions and in the negative as to sunsetting the Order. Commissioner Pertschuk voted in the negative.

Issued: March 9, 1983.

Attachment: Dissenting Statement by Commissioner Pertschuk.

Michael A. Baggage,

Acting Secretary.

Dissenting Statement of Commissioner Pertschuk Concerning Order Modification in Occidental Petroleum Corporation

[DOCKET NO. C–2492]

March 9, 1983.

I agree that the broad "fencing-in" provisions in the order are no longer necessary and should be narrowed to prohibit only anticompetitive reciprocal dealing. The Commission goes further, however, by terminating the order completely after ten years.

Our general policy in the past has been to issue perpetual conduct orders as to conduct which actually violates Section 5 unless there are persuasive reasons to create an exception. Here, however, the Commission appears to reverse that presumption by requiring "evidence in this record" supporting a perpetual order. It is not clear that the Commission is making a change in policy for future cases, but, in any event, I dissent from the result in this case.

[FR Doc. 83–8485 Filed 3–31–83; 8:45 am]

BILLING CODE 6750–01–M

16 CFR Part 13

[Docket No. C–2755]

U.S. Pioneer Electronics Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on Oct. 24, 1975 (40 FR 57197), by modifying Paragraph I(11), so as to allow the company to impose non-discriminatory standards on the kind of retailers its distributors and dealers can serve.

DATES: Consent Order issued Oct. 24, 1975. Modifying Order issued March 8, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/CD, Barbara Clark, Washington, D.C. 20580. (202) 523–1483.

SUPPLEMENTARY INFORMATION: In the Matter of U.S. Pioneer Electronics Corp., a corporation. Codification appearing at 40 FR 57197 remains unchanged.

List of Subjects in 16 CFR Part 13

Audio components.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Order Modifying Decision and Order is as follows:

In the Matter of: U.S. Pioneer Electronics Corp., a corporation; Order Modifying Decision and Order; Docket No. C–2755.

The Commission on November 5, 1982 having reopened the order and issued an order against respondent to show cause why the consent order to cease and desist entered on October 24, 1975 should not be modified as set forth therein; and respondent thereafter having answered that it has no objection to modification of the consent order as set forth in the order to show cause;

Accordingly, *it is ordered* that Paragraph I(11) of the order in this matter is modified to read:

Preventing or prohibiting any independent dealer or distributor from reselling his products to any person or group of persons, business or class of businesses, except as expressly provided herein. This order shall not prohibit respondent from establishing lawful, reasonable, and non-discriminatory minimum standards for its dealers, including standards that relate to promotion and store display, demonstration, inventory levels, service and repair, volume requirements and financial stability nor shall this order prohibit respondent from requiring its dealers who sell respondent's products for resale to make such sales only to dealers who maintain such minimum standards.

By direction of the Commission.

Issued: March 8, 1983.

Michael A. Baggage,

Acting Secretary.

[FR Doc. 83–8484 filed 3–31–83; 8:45 am]

BILLING CODE 6750–01–M

16 CFR Part 305

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act

AGENCY: Federal Trade Commission.

ACTION: Final rule revision.

SUMMARY: The Federal Trade Commission's Appliance Labeling Rule requires that the table in § 305.9, which sets forth the representative average unit energy costs for four residential energy sources, be revised periodically on the basis of updated information provided by the Department of Energy ("DOE").

This notice revises the table to incorporate the latest figures for average unit energy costs for four residential energy sources, be revised periodically on the basis of updated information provided by the Department of Energy ("DOE").

This notice revises the table to incorporate the latest figures for average unit energy costs as published in the **Federal Register** on January 25, 1983 by DOE.

EFFECTIVE DATE: The mandatory dates for using these revised DOE cost figures are detailed below.

FOR FURTHER INFORMATION CONTACT: James Mills, 202–376–2891 or Lucerne D. Winfrey, 202–376–2805, attorneys, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Federal Trade Commission issued a final Appliance Labeling Rule (44 FR 66466) in response to a directive in Section 324 of the Energy Policy and Conservation Act ("EPCA"), 42 U.S.C. 6201 (1975). The rule requires the disclosure of energy efficiency or cost information on labels and in retail sales catalogs for seven categories of appliances, and mandates that these energy costs or energy efficiency ratings be based on standardized test procedures developed by DOE. The rule also requires a general disclosure, on certain point-of-sale promotional materials, of the availability of energy cost or energy efficiency information, and requires that any claims concerning energy consumption made in writing or in broadcast advertisements be based on results of the standardized test procedures. The cost and efficiency information obtained by following the test procedures is derived by using the representative average unit energy costs provided by DOE.

Table 1 in § 305.9 of the rule sets forth the representative average unit energy costs to be used for all requirements of the rule. As stated in § 305.9(b), the Table is intended to be revised periodically on the basis of updated information provided by DOE. Table 1 was first revised by publication of new DOE figures on January 13, 1981 in the **Federal Register** (46 FR 2974).

On January 25, 1983, DOE published (48 FR 3409) the most recent figures for representative average unit energy costs. Consequently, Table 1 must again be updated in order to reflect these latest cost figures. Accordingly, Table 1 is revised as follows:

TABLE 1. REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FOUR RESIDENTIAL ENERGY SOURCES (1983)

Type of energy	In common terms	As required by DOE test procedure	Dollars per million Btu's [1]
Electricity	7.63¢/kWh [2 3]	$0.0763/kWh	[illegible]
Natural gas	62.7¢/therm [4] or 6.37/MCF [5 6]	$0.00000627/Btu	6.27
No. 2 heating oil	$1.22/gallon [7]	0.00000880/Btu	[illegible]
Propane	78.7¢/gallon [8]	0.00000865/Btu	[illegible]

[1] Btu stands for British thermal unit.
[2] kWh stands for kilowatt hour.
[3] 1 kWh = 3,413 Btu's.
[4] 1 therm = 100,000 Btu's.
[5] MCF stands for 1,000 cubic feet.
[6] For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,016 Btu's.
[7] For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,700 Btu's.
[8] For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,000 Btu's.

The dates when use of these figures becomes mandatory in calculating cost disclosures for use in reporting, labeling and advertising products covered by the Commission's rule and/or EPCA are as follows:

For 1983 Submissions of Data Under Section 305.8 of the Commission's Rule: The new cost figures must be used in all 1983 submissions.

For Labeling and Advertising of Products Under the Commission's Rule: Only those products for which new ranges have been published based on 1983 submissions using these 1983 DOE cost figures should be labeled with estimated annual cost figures calculated using these 1983 DOE representative average unit costs for energy. If such new ranges are published, the effective date for labeling new products will be ninety days after publication of the ranges in the **Federal Register**. Advertising for these products must also be based on the new costs and ranges beginning ninety days after publication of the new ranges in the **Federal Register**.

Advertising of Products Covered by EPCA but not by the Commission's Rule: Manufacturers of products covered by section 323(c) of EPCA, but not by the Appliance Labeling Rule (clothes dryers, television sets, kitchen ranges and ovens, humidifiers and dehumidifiers, central air conditioners, and home heating equipment, not including furnaces), must use the 1983 representative average unit costs for energy in all representations effective June 30, 1983.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Authority: Sec. 324 of the Energy Policy and Conservation Act, (Pub. L. 94–163) (1975), as amended by the National Energy Conservation Policy Act, (Pub. L. 95–619) (1978), 42 U.S.C. 6294; section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

Carol M. Thomas,

Secretary.

[FR Doc. 83–8483 Filed 3–31–83; 8:45 am]

BILLING CODE 6750–01–M

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16 CFR Part 305

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances; Ranges of Comparability for Refrigerators, Refrigerator-Freezers and Freezers

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends its Appliance Labeling Rule by revising the ranges of comparability used on required labels for refrigerators, refrigerator-freezers and freezers.

Under the rule, each required label on a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. These ranges, which show the highest and lowest energy costs or efficiencies for the various size or capacity groupings of the appliances covered by the rule, are published in the **Federal Register** by the Commission no more often than annually, and are called "ranges of comparability." The figures to be used on the ranges are provided by the Commission after an analysis of data submitted by appliance manufacturers, who derive the energy costs or efficiencies of their appliances by following test procedures prescribed by the Department of Energy ("DOE"). One element used in calculating the ranges is the representative average unit cost of the energy used by the appliances, which is calculated annually by DOE. Because this average cost usually changes annually, and because appliance models are constantly being added, changed, or dropped by manufacturers, the ranges of comparability are likely to change from year to year. This has been the case with the ranges for refrigerators, refrigerator-freezers and freezers, and this notice publishes the new range figures, which, under §§ 305.10 and 305.11 of the rule, must be used in the labeling and advertising of refrigerators, refrigerator-freezers and freezers beginning June 30, 1983.

EFFECTIVE DATE: June 30, 1983.

FOR FURTHER INFORMATION CONTACT: James Mills, 202–376–2891, or Lucerne D. Winfrey, 202–376–2805, Attorneys, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA)[1] required the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances: (1) Refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and (13) furnaces. Under the statute, DOE is responsible for developing test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule[2] covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners and furnaces.

The rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels, fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1980. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be

[1] Pub. L. 94–163, 89 Stat. 871 (Dec. 22, 1975).
[2] 44 FR 66466, 16 CFR Part 305 (November 19, 1979).

based on the results of the DOE test procedures.

Pursuant to § 305.8 of the rule, manufacturers submitted reports to the Commission by January 21, 1980. These reports contained information on the estimated annual cost or energy efficiency rating for the seven categories of appliances derived from tests performed pursuant to the DOE test procedures. The reports also contained the model, the number of tests performed on each model, and the capacity of each model. From that information, the Commission compiled and published[3] ranges of comparability for each product, as required by § 305.10 of the rule.

Section 305.8(b) of the rule requires that manufacturers, after filing this initial report, shall report annually by specified dates for each product type.[4] The data submitted by manufacturers is based, in part, on the representative average unit cost of the type of energy used to run the appliances tested. According to § 305.9 of the rule, these average energy costs, which are provided by DOE, will be periodically revised by the Commission, but not more often than annually. Because the costs for the various types of energy appear to be increasing steadily, and because manufacturers regularly add new models to their lines, improve existing models and drop others, the data base from which the ranges of comparability are calculated is constantly changing. To keep the required information in line with these changes, the Commission is empowered, under § 305.10 of the rule, to publish new ranges (but not more often than annually), if an analysis of the new data indicates that the upper or lower limits of the ranges have changed by more than 15%.

The new figures for the estimated annual costs of operation for refrigerators, refrigerator-freezers and freezers, which were calculated using the 1982 representative average energy costs published by the Commission on July 14, 1982,[5] have been submitted and have been analyzed by the Commission. New ranges based upon them are herewith published.

In consideration of the foregoing, the Commission publishes the following ranges of comparability for use in the labeling and advertising of refrigerators, refrigerator-freezers and freezers beginning June 30, 1983.

[3] 45 FR 13998 (March 3, 1980), 45 FR 19520 (March 25, 1980), 45 FR 26036 (April 17, 1980), 46 FR 3829 (January 16, 1981).

[4] Reports for clothes washers are due by March 1; reports for water heaters, room air conditioners and furnaces are due by May 1; reports for dishwashers are due by June 1; reports for refrigerator-freezers and freezers are due by August 1.

[5] 47 FR 30465.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and Recordkeeping requirements.

PART 305—[AMENDED]

Appendices A–1, A–2 and B to Part 305 [Revised]

Appendices A–1, A–2 and B to Part 305 are revised to read as set forth below:

APPENDIX A–1.—REFRIGERATORS

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs	
	Low	High
Less than 2.5	$18	$34
2.5 to 4.4	22	42
4.5 to 6.4	30	42
6.5 to 8.4	30	31
8.5 to 10.4	30	49
10.5 to 12.4	25	54
12.5 to 14.4	34	56
14.5 to 16.4	(1)	(1)
16.5 and over	72	72

[1] No data submitted

APPENDIX A–2.—REFRIGERATOR—FREEZERS

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs	
	Low	High
Less than 10.5	$32	$52
10.5 to 12.4	42	81
12.5 to 14.4	42	121
14.5 to 16.4	45	125
16.5 to 18.4	61	120
18.5 to 20.4	75	124
20.5 to 22.4	80	121
22.5 to 24.4	85	129
24.5 to 26.4	107	148
26.5 to 28.4	127	128
28.5 and over	(1)	(1)

[1] No data submitted.

APPENDIX B.—FREEZERS

Manufacturer's rated total refrigerated volume in cubic feet	Ranges of estimated yearly energy costs	
	Low	High
Less than 5.5	$18	$46
5.5 to 7.4	23	41
7.5 to 9.4	34	50
9.5 to 11.4	34	56
11.5 to 13.4	35	[illegible]
13.5 to 15.4	48	[illegible]
15.5 to 17.4	52	103
17.5 to 19.4	57	103
19.5 to 21.4	59	114
21.5 to 23.4	67	148
23.5 to 25.4	72	79
25.5 to 27.4	71	[illegible]
27.5 to 29.4	87	87
29.5 and over	114	182

Authority: Sec. 324 of the Energy Policy and Conservation Act, (Pub. L. 94–163) (1975), as amended by the National Energy Conservation Policy Act (Pub. L. 95–619) (1976), 42 U.S.C. 8294; section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

Carol M. Thomas,

Secretary.

[FR Doc. 83–8482 Filed 3–31–83; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Officials in the National Center for Drugs and Biologics; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that amended the regulations for delegations of authority relating to insulin, antibiotics, and distribution of biological products. This document corrects the title of a Division in FDA's Office of Biologics.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: In FR Doc. 83–4911 appearing at page 8442 in the issue for Tuesday, March 1, 1983, the following correction is made: On page 8443 in the first column under § 5.69 *Notification of release for distribution of biological products,* "Division of Control Activities" is corrected to read "Division of Product Quality Control".

Dated: March 29, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–8692 Filed 3–31–83; 8:54 am]

BILLING CODE 4160–01–M

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21 CFR Part 5

Delegations of Authority and Organization; Revised Organization

Correction

In FR Doc. 83–6732 beginning on page 11424 in the issue of Friday, March 18, 1983, make the following correction to § 5.100 on page 11425: In the third column, the fifth line which presently reads "Division of Drug Compliance,"

should read "Division of Drug Quality Compliance".

BILLING CODE 1505-01

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21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of D&C Orange No. 17 for Use in Externally Applied Drugs and Cosmetics; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Orange No. 17 for use as a color additive in externally applied drugs and cosmetics. The new closing date will be May 31, 1983. This brief postponement will provide time for the uninterrupted use of this color additive in externally applied drugs and cosmetics while FDA considers the scientific and legal aspects of the recent skin penetration studies submitted by the Cosmetic Toiletry and Fragrance Association, Inc. (CTFA). Additionally, during this brief postponement, after completing its review of these studies, the agency will prepare the appropriate **Federal Register** document(s).

DATES: Effective March 31, 1983, the new closing date for D&C Orange No. 17 will be May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of March 31, 1983, for the provisional listing of D&C Orange No. 17 for cosmetic and general drug uses by a rule published in the **Federal Register** of March 27, 1981 (46 FR 18954). The agency extended the closing date until March 31, 1983, to provide time for the completion of chronic toxicity studies and to allow time for the agency to review and evaluate these studies. Elsewhere in this issue of the **Federal Register**, FDA is terminating the provisional listing and hence approval of the color additive D&C Orange No. 17 for coloring ingested drugs and cosmetics. Also published elsewhere in this issue of the **Federal Register**, the agency is publishing a final rule denying those portions of the color additive petition requesting the use of D&C Orange No. 17 in drugs and cosmetics intended for ingestion and in cosmetics for use in the area of the eye.

As noted in the **Federal Register** of August 6, 1973 (38 FR 21199), D&C Orange No. 17 is the subject of a petition (CAP 9C0090) submitted by the Toilet Goods Association, Inc. (now CTFA) for use in coloring drugs and cosmetics. As discussed in the other two documents published elsewhere in this issue of the **Federal Register**, the agency has concluded that D&C Orange No. 17 is an animal carcinogen when adminstered in the diet, based on the increased incidence of hepatocellular neoplasms in two mammalian species. Therefore, FDA is denying that portion of the petition for this color additive that relates to ingested uses. However, under 21 U.S.C. 376(b)(5)(B)(ii), the agency must determine whether the ingestion studies that show D&C Orange No. 17 to be a carcinogen are appropriate for the evaluation of the safety of the external uses of this color additive. To assist the agency in making this determination, the petitioner has recently submitted skin penetration studies on D&C Orange No. 17.

The agency believes that the continued use of the color additive in externally applied products for the short time needed to evaluate the skin penetration and other data that CTFA has submitted will not pose a hazard to the public health. The regulation set forth below will postpone the March 31, 1983, closing date for the provisional listing of this color additive until May 31, 1983. This postponement will provide sufficient time for the agency to consider the CTFA submission and prepare the appropriate **Federal Register** document(s).

Because of the short time until the March 31, 1983, closing date, FDA concludes that notice and public procedures on this regulation are impracticable. This regulation will permit the uninterrupted use of this color additive until May 31, 1983. To prevent any interruption in the provisional listing of D&C Orange No. 17 and in accordance with 5 U.S.C. 553(d)(1) and (3), this final rule is being made effective March 31, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706(b), (c), and (d), 52 Stat. 1055-1056 as amended, 74 Stat. 399-403 (21 U.S.C. 371, 376(b), (c), and (d))) and under the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOOD, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives* by revising the closing date for "D&C Orange No. 17" in paragraph (b) to read "May 31, 1983."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing* by revising the closing date for "D&C Orange No. 17" in paragraph (d) to read "May 31, 1983."

Effective date. This final rule is effective March 31, 1983.

(Secs. 701, 706(b), (c), and (d), 52 Stat. 1055-1056 as amended, 74 Stat. 399-403 (21 U.S.C. 371, 376(b), (c), and (d)); sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note))

Dated: March 16, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-8421 Filed 3-29-83; 11:12 am]

BILLING CODE 4160-01-M

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21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of D&C Red No. 33; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Red No. 33 for use as a color additive in drugs and cosmetics. The new closing date will be May 31, 1983. This brief postponement will provide time for the agency to complete its review and consider the scientific and legal aspects of the results of the toxicological studies submitted by several petitioners. Additionally, during this brief postponement, the agency will prepare the appropriate **Federal Register** document(s) upon completion of its review.

DATES: Effective March 31, 1983, the new closing date for D&C Red No. 33 will be May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Patricia J. McLaughlin, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of March 31, 1983, for the provisional listing of D&C Red No. 33 by a rule published in the **Federal Register** of March 27, 1981 (46 FR 18954). The agency extended the closing date for D&C Red No. 33 to provide time for the completion of toxicity studies, submission of the data to FDA, review and evaluation of the data concerning the drug and cosmetic uses of D&C Red No. 33 by FDA, and publication of a regulation in the **Federal Register** regarding the agency's final decision on the petition for the permanent listing of this color additive. The regulation set forth below will postpone the March 31, 1983, closing date for the provisional listing of the color additive until May 31, 1983.

As noted in the **Federal Register** of November 20, 1968 (33 FR 17205) and of August 6, 1973 (38 FR 21200), D&C Red No. 33 is the subject of a petition (CAP 8C0086) submitted by the Toilet Goods Association, Inc. (now the Cosmetic, Toiletry and Fragrance Association, Inc.), the Pharmaceutical Manufacturers Association, and the Certified Color Industry Committee (now the Certified Color Manufacturers Association, Inc.) and of a petition (CAP 7C0059) submitted by the Procter & Gamble Co. The petitions requested that D&C Red No. 33 be permanently listed for use in ingested drugs, all types of cosmetics subject to ingestion, including lipsticks, externally applied drugs and cosmetics, and for use in the area of the eye.

The review and evaluation of the data relevant to the use of D&C Red No. 33 have required more time than anticipated. FDA concludes that the brief postponement will provide time for the agency to complete its review and prepare the appropriate **Federal Register** document(s). Therefore, FDA concludes that the brief extension of the closing date to May 31, 1983, is necessary. The agency has also concluded that no harm to the public health will result from this extension.

Because of the short time until the March 31, 1983 closing date, FDA concludes that notice and public procedures on this regulation are impracticable, and that good cause exists for issuing this postponement as a final rule. This regulation will permit the uninterrupted use of this color additive until May 31, 1983. To prevent any interruption in the provisional listing of D&C Red No. 33, and in accordance with 5 U.S.C. 553(d) (1) and (3), this postponement is issued as a final regulation, effective on March 31, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d))), and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81–GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives* by revising the closing date for the "D&C Red No. 33" in paragraph (b) to read "May 31, 1983."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing* by revising the closing date for the "D&C Red No. 33" in paragraphs (d) and (e) to read "May 31, 1983."

Effective date. This final rule shall be effective March 31, 1983.

(Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated March 21, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–3289 Filed 3–28–83; 12:00 pm]

BILLING CODE 4160–01–M

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21 CFR Parts 81 and 82

[Docket No. 76C–0366]

Expiration of Provisional Listing of D&C Orange No. 17 for Use in Ingested Drugs and Cosmetics

AGENCY: Food and Drug Administration.

ACTION: Expiration of provisional list; final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the provisional listing of D&C Orange No. 17 for coloring ingested drugs and cosmetics has expired. FDA is not extending the provisional listing of this color additive because the agency has concluded, on the basis of animal experiments that were performed as a condition of the provisional listing of this color additive, that the color additive is carcinogenic when administered in the diet. D&C Orange No. 17 may not be added to ingested drugs and cosmetics after March 31, 1983. Published elsewhere in this issue is a notice denying those portions of the D&C Orange No. 17 color additive petition that relate to its use in drugs and cosmetics intended for ingestion and withdrawing that portion of the petition relating to its use in cosmetics for use in the area of the eye. In addition, published elsewhere in this issue is a regulation extending the provisional listing of D&C Orange No. 17 for use in externally applied drugs and cosmetics until May 31, 1983.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: The Color Additive Amendments of 1960 (the amendments) require premarket clearance of any color additive that is represented for use in or on food, drugs, cosmetics, some medical devices, or the human body. Under the amendments, a color additive may be approved only if data established that it is safe under its intended conditions of use. Recognizing that many color additives were already in use at the time it enacted the amendments, Congress provided for the "provisional listing" of these color additives while they were being tested for safety under section 203(b) of the transitional provisions of the amendments (Title II, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376 note)).

The color additive D&C Orange No. 17, principally 1-(2,4-dinitrophenylazo)-2-naphthol, has been in use for many years. Because D&C Orange No. 17 was in use at the time the amendments were enacted, it was provisionally listed for drug and cosmetic use in the **Federal Register** of October 12, 1960 (25 FR 9759). This color additive is currently provisionally listed under § 81.1(b) (21 CFR 81.1(b)) for use in drugs and cosmetics, with a closing date of March 31, 1983. Specifications for the certification of D&C Orange No. 17 are listed under § 82.1267 (21 CFR 82.1267).

FDA established the current closing date for this color additive in the **Federal Register** of March 27, 1981 (46 FR 18954). The agency conditioned the provisional listing of D&C Orange No. 17 upon submission of final reports of chronic toxicity studies by March 31, 1982 (see 21 CFR 81.27(d)).

D&C Orange No. 17 is the subject of a petition (CAP 9C0090) submitted by the Toilet Goods Association, Inc. (now the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA)), 1110 Vermont Ave. NW., Washington, DC 20005. This petition was filed for the use of D&C Orange No. 17 for coloring drugs and cosmetics, as noted in the **Federal Register** of August 6, 1973 (38 FR 21199).

Section 81.27(d) specifies the conditions under which D&C Orange No. 17 is provisionally listed. The petitioner, CTFA, has met those conditions, including the submission of final reports of chronic toxicity tests on rats and mice by March 31, 1982. FDA has reviewed these final reports of the chronic feeding studies in which D&C Orange No. 17 was administered in the diet to Charles River Albino CD rats and Charles River CD–1 mice. The agency has also reviewed all other available toxicological information on D&C Orange No. 17.

On the basis of the results of the chronic toxicity testing and of mutagenicity testing of this color additive, FDA has concluded that D&C Orange No. 17 is an animal carcinogen when administered in the diet. The long-term feeding studies and mutagenicity studies and their results are described in detail in the notice, published elsewhere in this issue of the **Federal Register**, that denies those portions of the color additive petition for D&C Orange No. 17 that relate to the ingested uses of this color additive and withdraws that portion of the petition that relates to the color additive's use in cosmetics for use in the area of the eye. That discussion is incorporated herein by reference.

Section 203(a) of the transitional provisions of the amendments provides for the provisional listing of a color additive pending completion of scientific investigations. However, section 203(a)(2) states: "The Secretary may terminate postponement of the closing date at any time if he finds * * * that by reason of a change in circumstances the basis for such postponement no longer exists * * *." Section 203(d)(1)(E) provides "for the termination. of a provisional listing (or deemed provisional listing) of a color additive or particular use thereof forthwith whenever in [the Secretary's] judgment such action is necessary to protect the public health." Because of the agency's finding that D&C Orange No. 17 is carcinogenic when ingested by laboratory animals, FDA concludes that continued use of this color in ingested drug and cosmetic products poses a potential hazard to the public health. Therefore, the agency has decided not to extend the provisional listing of this color additive for ingested uses. As a result, the provisional listing of D&C Orange No. 17 for use in ingested drugs and cosmetics terminated upon its expiration on March 31, 1983.

Accordingly, on the basis of the evidence before it, FDA concludes that: (1) The provisional listing of D&C Orange No. 17 for use in ingested drugs and cosmetics has terminated; (2) all certificates heretofore issued for batches of D&C Orange No. 17, its lakes, and all mixtures containing this color additive for ingested use are cancelled as of March 31, 1983; and (3) after that date, the addition of D&C Orange No. 17 to ingested drugs or ingested cosmetics will cause such products to be adulterated within the meaning of sections 501 and 601 of the act (21 U.S.C. 351 and 361) and to be subject to regulatory action. FDA also concludes that the health concern regarding the use of this color additive is limited to chronic ingested use, and that D&C Orange No. 17 does not represent an acute imminent hazard. Therefore, the protection of the public health does not require the recall from the market or destruction of any drug or cosmetic product to which the color additive has already been added. The prohibition on use of D&C Orange No. 17 applies only to the ingested use of the straight color additive, its lakes, and mixtures of the color additive and its lakes.

The agency is now considering recent CTFA submissions in support of listing the external uses of this color additive. The agency believes that the continued use of the color additive in externally applied products for the short time needed to evaluate the data will not pose a hazard to the public health. Published elsewhere in this issue of the **Federal Register** is an order extending the closing date for the provisional listing of D&C Orange No. 17 for externally applied drugs and cosmetics to May 31, 1983. In the near future, FDA will publish in the **Federal Register** its final decision on the color additive petition for the use of D&C Orange No. 17 for externally applied drugs and cosmetics.

The final toxicity study reports, the agency's toxicology evaluations of these studies, and other information relied upon by the agency in reaching its decision are on file at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. They may be reviewed between 9 a.m. and 4 p.m., Monday through Friday.

Manufacturers of new drugs and new animal drugs (including certifiable antibiotics for animal use) that may be ingested and that contain D&C Orange No. 17 may either discontinue use of the color additive or substitute a different color additive in accordance with the provisions of 21 CFR 314.8 (d)(3) and (e) or 514.8 (d)(3) and (e), as appropriate. If a substitute color additive is used, the manufacturer shall file with FDA a supplemental new drug application or supplemental new animal drug application containing data describing the new composition and showing that the change in composition does not interfere with any assay or other control procedures used in manufacturing the drug, or that the assay and control procedures have been revised to make them adequate. The applicant shall also submit data available to establish the stability of the revised formulation. If the data are too limited to support a conclusion that the drug will retain its declared potency for a reasonable marketing period, the applicant shall submit a commitment to test the stability of marketed batches at reasonable intervals, to submit the data as they become available, and to recall from the market any batch found to fall outside the approved specifications for the drug.

Each sponsor of a notice of claimed investigational exemption for a new drug (IND) or a notice of claimed investigational exemption for a new animal drug (INAD) containing D&C Orange No. 17 should promptly amend the IND or INAD to indicate that the color additive has been deleted or a different color additive has been substituted.

FDA is aware that supplies of alternative color additives may be difficult to obtain immediately. Consequently, drug and cosmetic labeling that states that the product contains "artificial color" or that specifically identifies D&C Orange No. 17 may continue to be used with the uncolored product or products containing alternative color additives during the time necessary to obtain supplies of revised labeling or until March 31, 1984, whichever occurs first.

FDA is also making corrections in its regulations to conform them to the actions announced in this document.

The agency believes that Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354) do not apply to actions of this type. Nevertheless, the agency has assessed the economic impacts that would result from this final rule terminating the provisional listing of D&C Orange No. 17 for coloring ingested drugs and cosmetics. A copy of the agency's

economic assessment is on file with the Dockets Management Branch (address above).

The agency has considered the environmental effects of this action, and because the action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not necessary. A copy of the FDA environmental assessment is on file with the Dockets Management Branch (address above).

List of Subjects

21 CFR Part 81

Color additives; Color additives provisional list; Cosmetics; Drugs.

21 CFR Part 82

Color additives; Color additives lakes; Color additives provisional list; Cosmetics; Drugs.

Therefore, under the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d))) and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618; sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 81 and 82 are amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS AND COSMETICS

1. Part 81 is amended:

a. In § 81.1 by revising the entry for "D&C Orange No. 17" in paragraph (b), to read as follows:

§ 81.1 Provisional lists of color additives.

* * * * *

(b) * * *

	Closing date	Restrictions
D&C Orange No. 17 (sec. 82.1267 of this chapter)	May 31, 1983	External use only

* * * * *

b. In § 81.10 by adding new paragraph (s), to read as follows:

§ 81.10 Termination of provisional listings of color additives.

* * * * *

(s) *D&C Orange No. 17.* Having concluded that, when ingested, D&C Orange No. 17 causes cancer in rats and mice, the agency has terminated the provisional listing of D&C Orange No. 17 for use in ingested drugs and ingested cosmetics, effective March 31, 1983.

c. In § 81.25 by removing the entries for "D&C Orange No. 17" in paragraphs (a)(1) and (c)(1) and by revising paragraph (b)(1)(ii), to read as follows:

§ 81.25 Temporary tolerances.

* * * * *

(b) * * *

(1) * * *

(ii) D&C Red No. 8 and D&C Red No. 9 individually may be used in a dentifrice at not more than 0.002 percent of the pure dye by weight of the dentifrice or, in a mouthwash, at not more than 0.005 percent of the pure dye by weight of the mouthwash.

* * * * *

d. In § 81.30 by adding new paragraph (t), to read as follows:

§ 81.30 Cancellation of certificates.

* * * * *

(t)(1) Certificates issued for D&C Orange No. 17, its lakes, and all mixtures containing this color additive are cancelled and have no effect as pertains to its use in ingested drugs and ingested cosmetics after March 31, 1983, and use of this color additive in the manufacture of ingested drugs or ingested cosmetics after this date will result in adulteration.

(2) The agency finds, on the scientific evidence before it, that no action has to be taken to remove from the market drugs and cosmetics to which the color additive was added on or before March 31, 1983.

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

2. Part 82 is amended in § 82.1267 by adding a new paragraph at the end of the section, to read as follows:

§ 82.1267 D&C Orange No. 17.

* * * * *

D&C Orange No. 17 is restricted to use in externally applied drugs and cosmetics.

Notice and public procedure are not necessary prerequisites to promulgating these regulations because section 203(a)(2), (d)(1)(E), and (d)(2) of Pub. L. 86–618 so provides.

Effective date. These regulations shall be effective March 31, 1983.

(Sec. 706 (b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: March 28, 1983.

William F. Randolph.

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-8420 Filed 3-29-83; 11:14 am]

BILLING CODE 4160-01-M

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21 CFR Part 1003

[Docket No. 78-0400]

Protection of Human Subjects; Informed Consent; Correction

Correction

In FR Doc. 83–7217 beginning on page 11430 in the issue of Friday, March 18, 1983, make the following correction on that page: In the "**SUMMARY**" to the document, the fourth line, the words "subject; informal" should read "subjects; informed".

BILLING CODE 1505-01

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21 CFR Part 1240

Control of Communicable Diseases; Interstate Conveyance Sanitation; Editorial Amendments

Correction

In FR Doc. 83–7245 beginning on page 11431 in the issue of Friday, March 18, 1983, make the following correction on that page: In the third column, under the amendment to § 1240.83, in the paragraph designated "a", the fifth line, the word "threat" should have read "thereat".

BILLING CODE 1505-01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 215, 236, 425, and 426

[Docket No. R-82-1006]

Rent Requirements for Section 101 (Rent Supplement) and Section 236 Programs

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Confirmation of interim rule with corrections.

SUMMARY: The Department of Housing and Urban Development (HUD)

published an interim rule on August 24, 1982 (47 FR 36814) to implement recent statutory changes affecting tenants' rent requirements under the Section 101 (Rent Supplement) and Section 236 Programs. The interim rule changes the income-percentage formula for determining the rent payable by tenants covered by these programs and the amounts of rent supplement and rental assistance payments.

This document incorporates corrections previously published on October 22, 1982 (47 FR 47006) and November 23, 1982 (47 FR 52697), as well as a few additional corrections, and inserts the correct effective date in the body of the rule. The corrected text is reprinted in full below. Date of compliance, May 1, 1983.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: James T. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, (202) 426–8730; or Steven E. Silvert, Director, Office of State Agency and Bond Financed Programs, (202) 426–0283; Department of Housing and Urban Development, Washington, D.C. 20410. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Corrections previously published consisted of inadvertently omitted words and asterisks in §§ 215.45(c)(1), 236.55 and 236.735(a). Additional clarifying changes being made in this document are described below.

Several technical changes are made in the language about the 10 percent per year limit on rent increases. Paragraphs are being renumbered in § 236.55 to move that provision from the paragraph dealing with existing tenants to a separate paragraph. This move is intended to make it clear that the portion of the 10 percent cap dealing with changes in "any other provision of Federal law becoming effective after October 1, 1981, redefining which governmental benefits are required to or may be considered as income," applies to new as well as existing tenants. In § 236.735(d), the reference to a cap on rents as determined under paragraph (b) is being removed to make it clear that the 10 percent cap is applicable to new tenants only with respect to changes in other provisions of Federal law, as described above. The "or" between the first and second elements of the cap, as stated in §§ 236.735(d), 236.55(b)(3) and 215.45(e), is changed to "and" to track the statute and to make it clear that the 10 percent cap applies to the cumulative effect of both elements. In addition, the words "not caused by redefinitions referred to in this paragraph," which had been inadvertently omitted from § 215.45(e), but included in the two other similar provisions, have been added.

In §§ 215.45(e), 215.45(f) and 236.55(b)(3), the word "income" is being changed to "adjusted monthly income" to refer to the specific, defined term that is used in rent calculations. In what is now § 236.55(b)(3)(ii), the words "in monthly income or" are being removed since no rent calculation applicable to this section is based on monthly income, as distinguished from adjusted monthly income. In § 236.735(d), the words "monthly income or adjusted monthly income" are added to the language that states which increases in income are not covered by the 10 percent cap, to make that section consistent with the corresponding section on decreases and to reflect the original intent of the interim rule.

In the provisions concerning the point at which a tenant can afford to pay the unassisted rental, and assistance can be discontinued (§§ 215.75, 215.80, 236.755 and 236.760), we are changing the "30 percent of adjusted income" language to the "amount the tenant is required to pay for rent in accordance with [the applicable section]." Under this interim rule, the amount an existing tenant is required to pay for rent may be a percentage of adjusted monthly income lower than 30 percent, as a result of the phase-in or the 10 percent cap. The amount a new or existing Section 236 RAP tenant is required to pay for rent under this rule may be based not on a percentage of adjusted monthly income at all, but on 10 percent of monthly income. Therefore, this change will enable all tenants to continue to receive assistance until the percentage applicable from the appropriate rent determination section of the rule is reached, rather than until 30 percent is reached.

A technical change is being made to the time for implementing the new rents. Sections 215.45(d), 236.55(b)(2), and 236.735(c) said the new rental rates would apply "at the earlier of the first lease expiration or annual recertification." This language is being changed to "at the first recertification." Recertifications may occur at the expiration of a lease, annually, or more frequently than annually if income changes during the year. This technical change will permit the new rental rate to be applied at any of these occasions for a recertification.

In §§ 236.55(a)(2), 236.55(b)(4) and 236.80, the words "fair market rental" are being changed to "HUD-approved market rental" to avoid confusion of this market rent with the Fair Market Rents used in the Section 8 Housing Assistance Payments Program.

List of Subjects

24 CFR Part 215

Grant programs, Housing and community development, Rent subsidies.

24 CFR Part 236

Low and moderate income housing, Mortgage insurance, Rent subsidies, Taxes, Utilities, Projects.

24 CFR Part 425

Low and moderate income housing, Mortgage insurance, Rental housing.

24 CFR Part 426

Rent subsidies, Reporting and recordkeeping requirements.

The interim rules published on August 24, 1982 (47 FR 36816) and corrected on October 22, 1982 (47 FR 47006) and November 23, 1982 (47 FR 52697) are hereby adopted as final with additional corrections as discussed in the preamble. The entire text of the amendments being adopted as final and corrected as set forth below:

PARTS 215—RENT SUPPLEMENT PAYMENTS

1. Section 215.25 is revised to read as follows:

§ 215.25 Determination of eligibility.

(a) The housing owner will review for eligibility each individual or family who applies for rent supplement assistance using a form prescribed by the Commissioner. For each individual or family meeting the requirements of § 215.20 of this part, the Commissioner shall provide monthly rent supplement payments to the housing owner on behalf of each qualified tenant in an amount determined as set forth in this Part. No rent supplement shall be offered where the amount of assistance at admission would be less than 10 percent of the approved rent. The rent supplement payment shall not, regardless of the tenant's income, exceed 70 percent of the approved rent for the unit.

(b) The Commissioner may approve a qualified tenant as a lessee under an option to purchase a dwelling at a stipulated price, if it is determined that the tenant will be able to finance such purchase on the basis of the probability of future increases in the tenant's income.

2. Section 215.45 is amended by revising paragraphs (a), (c), (d), (e) and (f) to read as follows:

§ 215.45 Maximum payments under contract for each tenant.

(a) The rent supplement contract shall provide that the payment on behalf of a qualified tenant shall be that amount by which the approved rent for the unit (plus, where applicable, the utility allowance established by the Commissioner for reasonable utility charges paid by the tenant) exceeds the amount determined to be payable by the tenant pursuant to paragraph (c) or (d) of this section.

* * * * *

(c) In the case of any qualified tenant on whose behalf rent supplement payments with respect to the unit commenced on or after May 1, 1983, the monthly rental charge (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges), rounded to the nearest dollar, shall be the greater of:

(1) 30% of one-twelfth of the tenant's adjusted income; or

(2) 30% of the approved monthly rental charge for the unit (or, where utility charges are paid by the tenant, 30% of the sum of the approved monthly rental charge for the unit plus the utility allowance established for such charges).

(d) In the case of any qualified tenant on whose behalf rent supplement payments with respect to the unit commenced prior to May 1, 1983, the monthly rental charge (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) shall be calculated in accordance with paragraph (c) of this section at the first recertification occurring on or after May 1, 1983, except that the percentage of income utilized in paragraph (c)(1) shall be as follows:

Effective date of recertification	Percentage
May 1, 1983 to Sept. 30, 1983	27
Oct. 1, 1983 to Sept. 30, 1984	28
Oct. 1, 1984 to Sept. 30, 1985	29
Oct. 1, 1985 and after	30

(e) Notwithstanding paragraphs (c) and (d) of this section, the monthly rental charge payable by a qualified tenant (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) shall not be increased by more than 10 percent during any 12-month period as a result of applying such paragraph (d) of this section, and as a result of applying any other provision of Federal law becoming effective on or after October 1, 1981, redefining which governmental benefits are required to or may be considered as income. However, such monthly rental charge (or, where applicable, the sum of such charge plus utility allowance) may be increased by more than 10 percent during any 12-month period to the extent that the portion of such increase above 10 percent is attributable to increases in adjusted monthly income not caused by redefinitions referred to in this paragraph or to increases in the approved rental charge for the unit.

(f) In no event shall the monthly rental charge (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) payable by a qualified tenant on whose behalf rent supplement payments with respect to the unit commenced before May 1, 1983, be decreased below the amount payable by such tenant as of April 30, 1983, unless such decrease results from a decrease in the tenant's adjusted monthly income.

3. In § 215.70, paragraph (b)(1) is revised to read as follows:

§ 215.70 Form of lease.

* * * * *

(b) * * *

(1) A provision obligating the tenant to report immediately to the housing owner any increase in income to a point where rent supplement payments should be terminated.

* * * * *

4. Section 215.75 is revised to read as follows:

§ 215.75 Housing owner's obligation under contract to report tenant income increase.

The rent supplement contract shall contain a provision obligating the housing owner to notify the Commissioner upon receiving a report from a tenant of an increase in the tenant's income resulting in the tenant's ability to pay the full monthly rental or an increased monthly payment for the housing unit with the amount the tenant is required to pay for rent, in accordance with § 214.45. The contract shall also obligate the housing owner, upon failing to notify the Commissioner when a report of such increase in income is received from a tenant, to reimburse the Commissioner for any rent supplement payments made during the period after receipt of such report when the tenant is receiving the increased income.

5. Section 215.80 is revised to read as follows:

§ 215.80 Change in tenant income status.

Appropriate adjustments will be made in rent supplement payments to reflect changes in income or other circumstances which are reported by a tenant and verified, or are shown by the annual tenant income recertification. Rent supplement payments will be discontinued when it is determined by the Commissioner that the amount the tenant is required to pay for rent in accordance with § 215.45 is sufficient to pay the approved rent for the unit occupied by the tenant. Where a tenant is no longer entitled to rent supplement payments, he/she may continue to occupy the unit. The rent charged for the unit shall not exceed the approved market rental as determined by the Commissioner.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

6. Section 236.55 is revised to read as follows:

§ 236.55 Rental charges.

(a) *Approved rental charges.* The mortgagor shall, with the approval of the Secretary, establish and maintain for each dwelling unit the following:

(1) A basic monthly rental charge for each dwelling unit determined on the basis of operating the project with payments of principal and interest due under a mortgage bearing interest at the rate of one percent per annum, and

(i) With the payment of the cost of utility services used by the dwelling units, when such charges are paid by the project owner, or

(ii) Without the payment of the cost of utility services used by the dwelling units, when the units have separate meters and some or all such charges are paid directly by the tenants.

(2) A HUD-approved market monthly rental charge for each dwelling unit determined on the basis of operating the project with payments of principal, interest and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage, and

(i) With the payment of the cost of utility services used by the dwelling units, when the basic monthly rental charge has been determined pursuant to paragraph (a)(1)(i) of this section; or

(ii) Without the payment of the cost of some or all utility services used by the dwelling units, when the basic monthly rental charge has been determined pursuant to paragraph (a)(1)(ii) of this section.

(b) *Monthly Rental Charge.* Monthly rental charges shall be calculated as follows:

(1) *Rent for families commencing occupancy on or after May 1, 1983.* The tenant's monthly rental payment shall

be the greater of the basic rental charge, or

(i) 30 percent of the tenant's adjusted monthly income with respect to a unit for which the basic monthly rental charge has been determined pursuant to paragraph (a)(1)(i) of this section, or

(ii) An amount equal to 30 percent of the tenant's adjusted monthly income less the utility allowance established by the Secretary, based on data originating from the appropriate utility, for the utility charges to be paid by such tenant, but in no case less than 25 percent of the tenant's adjusted monthly income, with respect to any units for which the basic monthly rental charge has been determined pursuant to paragraph (a)(1)(ii) of this section.

(2) *Rent for families commencing occupancy before May 1, 1983.* At the first recertification occurring on or after May 1, 1983, the tenant's portion of the rent shall be calculated in accordance with paragraph (b)(1) of this section, except that instead of 30 percent, the percentage applied to adjusted monthly income shall be as follows:

Effective Date of Recertification and	Percentage
May 1, 1983–September 30, 1983	27
October 1, 1983–September 30, 1984	28
October 1, 1984–September 30, 1985	29
October 1, 1985 and after	30

(3) *Limitations on rent increases and decreases.* The rent the family is charged is subject to the following conditions:

(i) The rental charge shall not be increased by more than 10 percent during any 12-month period as a result of applying paragraph (b)(2) of this section, and as a result of applying any other provision of Federal law becoming effective on or after October 1, 1981, redefining which governmental benefits are required to or may be considered as income. However, the rental charge may be increased by more than 10 percent during any 12-month period to the extent that the portion of such increase above 10 percent is attributed solely to increases in adjusted monthly income not caused by redefinitions referred to in this paragraph or to increases in the basic rental charge.

(ii) The amount of the rental payment shall not be decreased below the amount payable by the family as of April 30, 1983, unless the decrease in the rental payment is caused by a decrease in adjusted monthly income.

(4) *Limitation on tenant's monthly rental payment.* In no event shall the monthly rental exceed the HUD-approved market rental.

* * * * *

7. Section 236.60 is revised to read as follows:

§ 236.60 Excess rental charges.

The mortgagor shall agree to pay monthly to the Commissioner the total of all rental charges collected in excess of the sum of the approved basic rental charges (as adjusted, if applicable, for tenant-paid utilities) in accordance with instructions prescribed by the Secretary.

8. Sections 236.80 and 236.81 are revised as follows:

§ 236.80 Required recertification of income.

The mortgagor shall obtain from each tenant or cooperative member who is not paying the HUD-approved market rental, an annual recertification of family income. The recertification shall be made on Form HUD–50059, Certification and Recertification of Tenant Eligibility.

(Approved by the Office of Management and Budget under OMB Control Number 2502–0204)

§ 236.81 Optional recertification of income.

Upon request of a tenant or cooperative member, the mortgagor shall accept recertification of family income whenever there is a change in tenant's or cooperative member's family income as reported in the most recent recertification. The recertification shall be made on Form HUD–50059, Certification and Recertification of Tenant Eligibility.

(Approved by the Office of Management and Budget under OMB Control Number 2502–0204)

9. Section 236.710 is revised to read as follows:

§ 236.710 Qualified tenant.

The benefits of the rental assistance payments are available only to an individual or a family renting a dwelling unit in a project which is subject to a contract under this Subpart or occupying such a dwelling unit as a cooperative member. To qualify for such benefits, the individual or family shall meet the requirements prescribed by § 236.2(a) of Subpart A. In order to receive rental assistance under this Subpart, it must have been determined that the income of an individual or family is too low to permit the individual or family to pay the approved basic monthly rental (plus, where applicable, the utility allowance established for utility charges paid by the tenant) with 30% of such individual's or family's Adjusted Monthly Income, as defined in Subpart A.

10. Section 236.715 is revised to read as follows:

§ 236.715 Determination of eligibility.

The housing owner, when determining the eligibility of a tenant or prospective tenant for rental assistance payments, will use the form prescribed by the Secretary. If the applicant meets the requirements of § 236.710 and if rental assistance payments on behalf of the applicant would not cause the percentage of eligible units to be exceeded, the Secretary shall provide monthly rental assistance payments to the housing owner on behalf of the qualified tenant in an amount determined as set forth in this subpart.

11. Section 236.735 is revised to read as follows:

§ 236.735 Rental assistance payments and rental charges.

(a) The rental assistance contract shall provide that the payment on behalf of an eligible tenant shall not exceed (1) That amount by which the basic rental charge approved by the Secretary for the unit exceeds the tenant's monthly rental payment as calculated in accordance with paragraph (b) or (c) of this section, when the basic rental charge is determined pursuant to § 236.55(a)(1)(i); or (2) That amount by which the basic rental charge plus the utility allowance established for utility charges paid by the tenant exceeds the sum of the monthly rental payment calculated in accordance with paragraph (b) or (c) of this section plus such utility allowance, when the basic rental charge is determined pursuant to § 236.55(a)(1)(ii).

(b) Notwithstanding § 236.55(b), the monthly rental charge which shall be paid by a qualified tenant on whose behalf rental assistance payments are being made to the owner (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges), in the case of any qualified tenant on whose behalf rental assistance payments commence on or after May 1, 1983, shall be the highest of the following amounts, rounded to the nearest dollar.

(1) 30 percent of Adjusted Monthly Income as defined in Subpart A;

(2) 10 percent of one-twelfth of Annual Income as defined in Subpart A;

(3) If the family receives welfare-assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by

applying a percentage, the amount calculated under this paragraph (b)(3) shall be the amount resulting from one application of the percentage.

(c) In the case of any qualified tenant on whose behalf rental assistance payments commenced prior to May 1, 1983, such tenant's monthly rental charge (or, where utility charges are paid by the tenant, sum of the monthy rental charge plus the utility allowance established for such charges) shall be calculated in accordance with paragraph (b) of this section at the first recertification occurring on or after May 1, 1983, except that instead of 30 percent, the percentage applied to Adjusted Monthly Income shall be as follows:

Effective Date of Recertification and Percentage
May 1, 1983–September 30, 1983—27
October 1, 1983–September 30, 1984—28
October 1, 1984–September 30, 1985—29
October 1, 1985 and after—30

(d) Notwithstanding paragraphs (b) and (c) of this section, the monthly rental charge payable by a qualified tenant (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) shall not be increased by more than 10 percent during any 12-month period as a result of applying paragraph (c) of this section and as a result of applying any other provision of Federal law becoming effective on or after October 1, 1981, redefining which governmental benefits are required to or may be considered as income. However, such monthly rental charge (or, where applicable, the sum of such charge plus utility allowance) may be increased by more than 10 percent during any 12-month period to the extent that the portion of such increase above 10 percent is attributed soley to increases in monthly income or adjusted monthly income not caused by redefinitions referred to in this paragraph.

(e) In no event shall the monthly rental payment (or, where utility charges are paid by the tenant, the sum of the monthly rental charge plus the utility allowance established for such charges) payable by a qualified tenant on whose behalf rental assistance payments commenced prior to May 1, 1983 be decreased below such amount payable by such tenant as of April 30, 1983, unless such decrease results from a decrease in monthly income or Adjusted Monthly Income.

(f) Where the monthly amount determined pursuant to paragraph (b) or (c) of this section is less than the utility allowance established for utility charges paid by a qualified tenant, the owner shall pay over to the tenant the portion of the rental assistance payment paid on such tenant's behalf which represents the amount by which the utility allowance exceeds the amount determined pursuant to paragraph (b) or (c).

12. Section 236.755 is revised to read as follows:

§ 236.755 Housing owner's obligation under contract to report tenant income increase.

The rental assistance contract shall contain a provision obligating the housing owner to notify the Secretary upon receiving a report from a tenant of an increase in the tenant's income resulting in the tenant's ability to pay the approved basic monthly rental (plus, where applicable, the utility allowance established for utility charges paid by the tenant) with the amount the tenant is required to pay for rent in accordance with § 236.735. The contract shall also obligate the housing owner, upon failing to notify the Secretary when a report of such increases in income is received from a tenant, to reimburse the Secretary for any rental assistance payments made during the period following receipt of such report when the tenant is receiving the increased income.

13. Section 236.760 is revised to read as follows:

§ 236.760 Change in tenant income status.

Appropriate adjustments will be made in rental assistance payments to reflect changes in income or other circumstances which are reported by a tenant and verified or are shown by the annual tenant income recertification, as required by § 236.80. Rental assistance payments will be discontinued when it is determined by the Secretary that the amount the tenant is required to pay for rent, in accordance with § 236.735, is sufficient to pay the approved basic monthly rental (plus, where applicable, the established utility allowance) for the unit occupied by the tenant. Where a tenant is no longer entitled to rental assistance payments, he/she may continue to occupy the unit. The rents charged for the unit shall not exceed those specified in Subpart A.

Subpart E—Tax and Utility Subsidy Payments [Removed]

14. Subpart E, *Tax and Utility Subsidy Payments*, is removed.

PART 425—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS [REMOVED]

15. Part 425 is removed.

PART 426—RENTAL ASSISTANCE PAYMENTS [REMOVED]

16. Part 420 is removed.

Authority: Section 101, Housing and Urban Development Act of 1965, 12 U.S.C. 1701s; Section 236, National Housing Act, 12 U.S.C. 1715Z–1; Section 322, Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Dated: March 28, 1983.

W. Calvert Brand,

General Deputy, Assistant Secretary for Housing.

[FR Doc. 83–8475 Filed 3–31–83; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

[T.D. ATF–127]

Elimination of all Recordkeeping Requirements for .22 Caliber Rimfire Ammunition

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: This rule implements the amendment of the Gun Control Act of 1968 by Pub. L. 97–377, 96 Stat. 1830 (effective December 21, 1982). Public Law 97–377 eliminated the requirement that Federal firearms licensees maintain records for .22 caliber rimfire ammunition.

EFFECTIVE DATE: These amendments were effective as of December 21, 1982.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, ATF&E Specialist, Research and Regulations Branch, Regulations and Procedures Division (Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

Public Law 91–128, 83 Stat. 261 (effective November 26, 1969) amended the Internal Revenue Code of 1954 by adding section 4182(c) to provide that notwithstanding the provisions of sections 922(b)(5) and 923(g) of Title 18, United States Code, no person holding a

Federal firearms license shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles generally available in commerce, or component parts of the aforesaid types of ammunition. The amendment did not affect the recordkeeping requirements for pistol and revolver ammunition or ammunition interchangeable between rifles and handguns (e.g., .22 caliber rimfire).

Public Law 97–377 amended sections 922(b)(5) and 923(g) of Title 18, United States Code by providing that no person holding a Federal firearms license need maintain any records of .22 caliber rimfire ammunition. This includes the receipt as well as the sale or disposition of that ammunition, and applies to licensed importers, manufacturers, and collectors, as well as to licensed dealers.

Consequently, 27 CFR 178.122, 178.123, and 178.125 are revised to reflect the provisions of 18 U.S.C. 922(b)(5) and 923(g), as amended.

Administrative Procedure Act

Because the changes made by Pub. L. 97–377 became effective on December 21, 1982, and firearms licensees need immediate advice on recordkeeping requirements for ammunition, it is hereby found to be impractical to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d).

Executive Order 12291

It has been determined that this final rule is not classified as a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this document, because it was not required to be preceded by a notice of proposed rulemaking under 5 U.S.C. 553. These regulations will not have a significant economic impact or compliance burden on a substantial number of small entities.

Drafting Information

The principal author of this Treasury decision is James P. Ficaretta of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 178

Administrative practice and procedure, Arms and munitions, Authority delegations, Customs delegations, Customs duties and inspection, Exports, Imports, Military personnel, Penalties, Reporting requirements, Research, Seizures and forfeitures, Transportation.

Authority and Issuance

Accordingly, under the authority contained in 18 U.S.C. 926 (82 Stat. 1214), the Director proposes to amend 27 CFR Part 178 as follows:

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

Subpart H—Records

Paragraph 1. Section 178.122 is amended to remove the recordkeeping requirements for .22 caliber rimfire ammunition in paragraphs (a) and (b). As revised 178.122 (a) and (b) read as follows:

§ 178.122 Records maintained by importers.

(a) Each licensed importer shall, within 15 days of the date of importation or other acquisition, record the type, model, caliber or gauge, manufacturer, country of manufacture, and the serial number of each firearm imported or otherwise acquired, and the date such importation or other acquisition was made. Each licensed importer shall, within 15 days of the date of release from Customs custody or other acquisition, record the type, caliber, size or gauge, manufacturer, and country of manufacture of the ammunition (except .22 caliber rimfire) imported or otherwise acquired, and the date such importation or other acquisition was made.

(b) A record of firearms and a separate record of ammunition (except .22 caliber rimfire) disposed of by a licensed importer to another licensee shall be maintained by the licensed importer on the licensed premises and shall show the quantity, type, manufacturer, country of manufacture, caliber, size or gauge, serial number (in the case of firearms only), of the firearms or ammunition so transferred, the name, address, and license number of the licensee to whom the firearms or ammunition were transferred, and the date of the transaction. The information required by this paragraph shall be entered in the proper record book not later than the seventh day following the date of the transaction, and such information shall be recorded under the following format:

Quantity	Type	Manufacturer	Country of manufacture	Caliber size or gauge	Model	Serial No.	Name address and license No. of licensee to whom transferred	Date of the transaction

. . . . . .

Par. 2. Section 178.123 is amended to remove the recordkeeping requirements for .22 caliber rimfire ammunition in paragraphs (a) and (b). As revised, § 178.123 (a) and (b) read as follows:

§ 178.123 Records maintained by manufacturers.

(a) Each licensed manufacturer shall record the type, model, caliber or gauge, and serial number of each complete firearm manufactured or otherwise acquired, and the date such manufacture or other acquisition was made. Each licensed manufacturer shall record the type, caliber, size or gauge of the ammunition (except .22 caliber rimfire) manufactured or otherwise acquired. The information required by this paragraph shall be recorded not later than the seventh day following the date such manufacture or other acquisition was made.

(b) A record of firearms and a separate record of ammunition (except .22 caliber rimfire) disposed of by a licensed manufacturer to another licensee shall be maintained by the licensed manufacturer on the licensed premises and shall show the quantity, type, caliber, size or gauge, serial number (in the case of firearms only), of the firearms or ammunition so

transferred, the name, address, and license number of the licensee to whom the firearms or ammunition were transferred, and the date of the transaction. The information required by this paragraph shall be entered in the proper record book not later than the seventh day following the date of the transaction, and such information shall be recorded under the format prescribed by § 178.122, except that the name of the manufacturer need not be recorded if the firearm or ammunition is of the manufacturer's own manufacture.

* * * * *

Par. 3. Section 178.125 is amended to remove the recordkeeping requirements for .22 caliber rimfire ammunition in paragraphs (a), (b), and (c). As revised, § 178.125 (a), (b), and (c) read as follows:

§ 178.125 Record of receipt and disposition.

(a) *Ammunition received by licensed dealers.* Each licensed dealer shall maintain records of all ammunition (except .22 caliber rimfire) received for the purpose of sale or distribution. Such record may consist of invoices or other commercial records which shall be filed in an orderly manner separate from other commercial records maintained, and be readily available for inspection. Such record shall (1) show the name of the manufacturer and the transferor, and the type, caliber or guage, and quantity of the ammunition acquired in the transaction, and the date of such acquisition, and (2) be retained on the licensed premises of the dealer for a period of not less than two years following the date of the acquisition.

(b) *Ammunition received by licensed collectors.* Each licensed collector shall maintain records of all ammunition (except .22 caliber rimfire) acquired as curios or relics for the collection. Such records may consist of invoices or other commercial records which shall be filed in an orderly manner separate from other commercial records maintained, and be readily available for inspection. Such records shall show the information required by paragraph (a) of this section and be retained in the same manner.

(c) *Ammunition disposition.*—

(1) *Sales to nonlicensees.* The sale or other disposition of ammunition, or of an ammunition curio or relic, shall be recorded in a bound record at the time a transaction is made, except that no record need be maintained for the sale of shotgun ammunition, .22 caliber rimfire ammunition, ammunition suitable for use only in rifles generally available in commerce, or component parts of these types of ammunition. Sales or other dispositions of ammunition which are interchangeable between rifles and pistols or revolvers (for example, .45 Pistol and Revolver), except .22 caliber rimfire, must be recorded. The bound record shall be maintained in chronological order by date of sale or disposition of the ammunition, and shall be retained on the licensed premises of the licensee for a period not less than two years following the date of the recorded sale or disposition of the ammunition.

The bound record entry shall show:

(i) The date of the transaction;

(ii) The name of the manufacturer;

(iii) The caliber or guage (or the type of ammunition component);

(iv) The quantity of ammunition (or component);

(v) The name, address, and date of birth of the nonlicensee; and

(vi) The method used to establish the identity of the ammunition purchaser.

The format required for the bound record is as follows:

DISPOSITION RECORD OF INTERCHANGEABLE AMMUNITION AND HANDGUN AMMUNITION

Date	Manufacturer	Caliber, gauge, or type of component	No. of boxes	Purchaser		Enter a (√) in the "known" column if purchaser is personally known to you. Otherwise, establish the purchaser's identification		
				Name and address	Date of birth	Known	Driver's license	Other type (specify)

However, when a commercial record is made at the time a transaction is made, a licensee may delay making an entry into the bound record if the provisions of paragraph (d) of this section are complied with.

* * * * *

Signed: February 25, 1983

W. T. Drake,

Acting Director

Approved: March 17, 1983.

J. M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 83-8561 Filed 3-31-83; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 701, 740, 741, 742, 743, 744, 745 and 746

Federal Lands Program; Correction

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final Rule; Correction.

SUMMARY: On February 16, 1983, (48 FR 6912) the Office of Surface Mining Reclamation and Enforcement (OSM) published final rules amending the existing regulations on the Federal lands program which set forth the requirements for surface coal mining and reclamation operations on Federal lands, involving 30 CFR Parts 700, 701, 740, 741, 742, 743, 744, 745, and 746.

Several errors were made in the publication which are corrected in this notice.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: H. Leonard Richeson, Federal Lands Specialist, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Ave. NW., Washington, D.C. 20240, Telephone (202) 343-5866.

SUPPLEMENTARY INFORMATION: In the February 16, 1983, **Federal Register** (48 FR 6912), the Office of Surface Mining published final rules for 30 CFR Parts 700, 701, 740, 741, 742, 743, 744, 745, and 746, concerning the Federal Lands Program. Since that publication, OSM has identified two inadvertent omissions and several typographical errors in the preamble and in the regulatory language. This notice corrects the final rules by providing the omitted language and corrections. The corrections to the final rules are as follows:

1. On page 6913, the last line of the second paragraph in column two is corrected to read "revised 30 CFR 740.11(a)."

2. On page 6917, the second line of the last paragraph in column two is corrected to read "determinations of valid existing rights."

3. On page 6920, the last line of the second full paragraph in column one is corrected to read "approval (revised § 740.4(e)(4))."

4. On page 6920, the citations in the last two paragraphs of column one to "§ 740.4(e)" are corrected to read "§ 740.4(d)" and the citations to

"§ 740.4(f)" are corrected to read "§ 740.4(e)."

5. The omitted text should have appeared on page 6922. On page 6922, line 13 of the first paragraph under the heading "Section 740.13 Permits" is corrected to read as follows:

"operations on Federal lands should consult first the applicable regulatory program and then the additional requirements of the revised § 740.13.

Previous § 741.1, "Scope," 741.2, "Objectives," and 741.4, Responsibilities," have been removed, as proposed.

Section 740.13(a) General Requirements

Previous § 741.11, "General obligations," corresponds to revised § 740.13(a), "General requirements."

Previous § 741.11(a), which required that permit applications be submitted within two months of the effective date of the applicable regulatory program, has been deleted, as proposed. Because revised § 740.11(a) makes the requirements of the regulatory program applicable to Federal lands, and because each regulatory program will implement the requirement of section 502(d) of the Act that permanent program permit applications be filed within two months of the program approval, this provision is unnecessary.

Previous § 741.11(b), which required that surface coal mining and reclamation operations on intermingled Federal and non-Federal lands be conducted in a manner which did not preclude operator compliance with the performance standards of 30 CFR Chapter VII, Subchapter K, has been deleted, as proposed.

One commenter stated that OSM should not delete previous § 741.11(b) because "there may be instances which require implementation of additional requirements on Federal lands not part of the State."

6. On page 6926, line 30 of column one is corrected to read "provision has not been adopted. Previous."

7. On page 6929 the heading in column one, "Section 740.15 Inspection, Enforcement, and Penalties," is corrected to read "Section 740.17 Inspection, Enforcement, and Civil Penalties."

8. On page 6936, line 15 of column three is corrected to read "(1) Coal exploration operations on Federal."

9. On page 6936, line 23 of column three is corrected to read "surface is owned by the United States."

10. On page 6936, "section 740.11 Applicability," is corrected by adding paragraph (f) as follows:

"(f) Where coal exploration or surface coal mining and reclamation operations within a State are on Federal lands and where no State or Federal program has been approved for the State, this Subchapter shall apply in that State upon the effective date of these regulations."

11. On page 6938, lines two and three, the paragraph entitled "Release of Bonds" in the third column is corrected to read "lease bond may be released upon satisfactory compliance with all."

Dated: March 24, 1983.

William P. Pendey,

Acting Assistant Secretary, Energy and Minerals.

[FR Doc. 83-8495 Filed 3-31-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Navigation of Locks and Canals; Fox River, Wisconsin

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers is amending the regulations which govern the use, administration and navigation of the locks and canals of the Fox River, Wisconsin. These amendments will allow the Detroit District Engineer to establish the days and hours of lock operation, which are now prescribed in the regulations.

EFFECTIVE DATE: May 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Davies, Office of the Chief of Engineers, DAEN-CWO-M, Washington, D.C. 20314 (202-272-0245) or Mr. Mark Grazioli, U.S. Army Engineer District, Detroit, ATTN: NCECO, 477 Michigan Avenue, Detroit, Michigan 48321, (313-226-6803).

SUPPLEMENTARY INFORMATION: Regulations have been promulgated by the Department of the Army in 33 CFR 207.460 which govern the use, administration and navigation of the locks and canals on the Fox River, Wisconsin. Section 207.460(a)(6)(iv) of the regulations establishes a schedule of lockage times for vessels. That schedule is being delete to allow the district engineer latitude in setting the days and hours of operation. The district engineer will notify project users of lock operating schedules through public notices which will be issued at least 10 days in advance of initiation of a specific schedule. This change will permit the district engineer to better serve the public by allowing greater flexibility in matching lock operating schedules to user demand. Accordingly, 33 CFR 207.460 (a)(1) and (a)(6)(iv), are amended as set forth below.

The Department of the Army has determined that this document does not contain a major rule requiring a regulatory impact analysis under Executive Order 12291 because it will not result in an annual effect on the economy of $100 million or more and it will not result in a major increase in costs or prices.

The Department of the Army has determined that this proposed rule will not have a significant economic impact on a substantial number of entities and thus does not require the preparation of a regulatory flexibility analysis.

The Department of the Army has determined that a notice of proposed rulemaking and related public procedures are unnecessary in this instance because the rule only affects the procedure for notifying the public of lock operating schedules and not necessarily the schedules themselves.

List of Subjects in 33 CFR Part 207

Transportation, Rivers, Navigation.

William R. Gianelli,

Assistant Secretary of the Army (Civil Works).

PART 207—[AMENDED]

33 CFR 207.460 is amended by revising paragraphs (a)(1) and (a)(6)(iv) to read as follows:

§ 207.460 Fox River Wi.

(a) *Use, Administration and Navigation of the Locks and Canals.* (1) *Navigation.* The Fox River and Wolf River navigation seasons will commence and close as determined by the district engineer, Corps of Engineers, in charge of the locality, depending on conditions and need for lock service. Days and hours of lock operation will also be determined by the district engineer. Public notices will be issued announcing or revising the opening and closing dates and operating schedules at least 10 days in advance of such dates.

* * * * *

(6) *Provisions for lockage service*

* * *

(iv) Lockage may be provided during certain hours other than announced at the intermediate locks provided prior requests are made to the Corps of Engineers, Fox River Project Office. Requests may be made either in writing, by telephone or in person to U.S. Army Corps of Engineers, Fox River Project Office, 1008 Augustine Street, Kaukauna,

Wisconsin 54130, telephone: 414–766–3531.

(33 U.S.C. 1)

[FR Doc. 83–8427 Filed 3–31–83; 8:45 am]

BILLING CODE 3710–92–M

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

41 CFR Part 101–20

[FPMR Amdt. D–80]

Management of Buildings and Grounds; Display of the Code of Ethics for Government Service

AGENCY: Public Buildings Service, General Services Administration.

ACTION: Final rule.

SUMMARY: Public Law 96–303 provides for the display of the Code of Ethics for Government Service. This regulation clarifies GSA procedures concerning display of copies of the Code.

EFFECTIVE DATE: November 30, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Saul Katz, Special Counsel for Ethics, Office of the Administrator (566–1212) or Mr. James A. Marsden, Director, Operations Division, Office of Buildings Management (566–1563).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this proposal will not be considered a major rule under EO 12291 of February 17, 1981, because it is not likely to: Have an annual effect on the economy of $100 million or more, cause a major increase in costs or prices, or result in significant adverse effects.

List of Subjects in 41 CFR Part 101–20

Fire prevention, Blind, Safety, Concessions, Crime, Federal Buildings and Facilities, Government Property Management, Security Measures.

PART 101–20—[AMENDED]

Accordingly, 41 CFR Part 101–20 is amended as follows:

Subpart 101–20.4—Display of the Code of Ethics For Government Service

1. Section 101–20.402 is revised to read as follows:

§ 101–20.402 Applicability in Government-owned and leased buildings.

Each agency, as defined in § 101–20.400 of this Part, shall display copies of the Code conspicuously in each Government-owned or wholly leased building under its custody and/or control in which at least 20 civilian employees are regularly employed. These copies shall be displayed in the lobbies of the buildings. Additional copies shall be displayed in other appropriate locations such as auditoriums, cafeterias, bulletin boards, and other high traffic areas. For applicability to other leased buildings see § 101–20.403 of this Part.

2. Section 101–20.403 is revised to read as follows:

§ 101–20.403 Applicability to agencies.

Each agency, as defined in § 101–20.400 of this Part, which has at least 20 civilian employees regularly employed in a building owned, leased, or otherwise provided to the Federal Government for the purpose of performing official business of the Government shall display copies of the Code conspicuously within its spaces on the premises. Copies shall be displayed in reception areas, locker rooms, other high traffic areas, and on bulletin boards.

3. Section 101–20.404 is revised to read as follows:

§ 101–20.404 Display of the Code.

Agencies of the Federal Government shall not pay any costs for the printing, framing, or other preparation of the Code. The Administrator of General Services is charged with providing for the publication and distribution of the Code (see § 101–20.401 of this Part). Agencies may properly pay incidental expenses, such as the cost of hardware, other materials, and labor incurred to display the Code. Display shall be consistent with the decor and architecture of the building space. Installation shall cause no permanent damage to stonework or other surfaces which are difficult to maintain or repair

(Sec. 205(c), 63 stat. 390; 40 U.S.C. 486(c))

Dated: March 12, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–8487 Filed 3–31–83; 8:45 am]

BILLING CODE 6820–23–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 24

Department of the Interior Fish and Wildlife Policy; State-Federal Relationships

Correction

In FR Doc. 83–6868 beginning on page 11642 in the issue of Friday, March 18, 1983, the following correction should be made in the first column of that page: In the third line from the bottom, the words "are not outdated" should read "are now outdated".

BILLING CODE 1505–01–M

Proposed Rules

Federal Register
Vol. 48, No. 64
Friday, April 1, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 351

Reduction in Force

Correction

In FR Doc. 83–8139 beginning on page 13368 in the issue of Wednesday, March 30, 1983, make the following corrections:

1. In the first column of page 13368, under "comment date", "April 29, 1983" should have read "May 31, 1983".

2. Below the "comment date" paragraph, insert the following information:

ADDRESS: Send or deliver written comments to Richard B. Post, Associate Director, Staffing Group, Office of Personnel Management, Room 6F08, 1900 E Street, N.W., Washington, D.C. 20415.

BILLING CODE: 1505–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 83–319]

Citrus Canker—Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Reopening of comment period for proposed rule.

SUMMARY: This document reopens the comment period for the proposal to amend the "Citrus Canker—Mexico" interim regulations (1) to allow any importer to import restricted articles for movement to and use in certain northern parts of Louisiana and Texas in accordance with certain conditions, and (2) to allow restricted articles to be culled and repacked under certain conditions in restricted areas in Texas.

DATES: Comments on the proposed regulation must be received on or before April 11, 1983.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 726, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Frank Cooper, Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, APHIS, USDA, Room 637 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301–436–8248.

Stephen Poe, Plant Pathologist, Emergency Programs, Plant Protection and Quarantine, APHIS, USDA, Room 609 Federal Building, Hyattsville, MD 20782; 301–436–6365.

SUPPLEMENTARY INFORMATION: A document was published in the **Federal Register** on March 10, 1983. (48 FR 10286–10289) which proposed to amend the "Citrus Canker-Mexico" interim rule regulations (1) to allow ny importer to import restricted articles for movement to and use in certain northern parts of Louisiana and Texas in accordance with certain conditions, and (2) to allow restricted articles to be culled and repacked under certain conditions in restricted areas in Texas.

The comment period for the proposal expired on March 30, 1983. The Department was recently petitioned by fruit and vegetable associations to extend the comment period to April 29, 1983. It was asserted that additional time is needed to compile information and prepare comments.

It appears that if the proposal to amend the regulations should be adopted, the amendments should be made effective as soon as possible in order to relieve unnecessary restrictions. However, the Department is interested in receiving meaningful comments. Under these circumstances, it has been determined that the comment period should be reopened through April 11, 1983. Accordingly, any additional written comments must be received on or before April 11, 1983.

Done at Washington, D.C., this 31st day of March, 1983

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83–8720 Filed 3–31–83; 11:42 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Licensing Requirements For Pending Operating License Applications

AGENCY: Nuclear Regulatory Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Nuclear Regulatory Commission is withdrawing a proposed rule published in the **Federal Register** on May 13, 1981 (46 FR 26491). That rule would have codified Three Mile Island (TMI) related provisions in NUREG–0737 for applicants for nuclear power plant operation licenses. Experience gained in the application of NUREG–0737 provisions since the publication of the proposed rule has shown that the proposed requirements are not necessary.

FOR FURTHER INFORMATION CONTACT: Thomas A. Ippolito, Chief, Operating Reactors Assessment Branch, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone 301–492–7415.

SUPPLEMENTARY INFORMATION:

Background

On May 13, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 26491) indicating that the Commission was considering codification of some or all of the NUREG–0737 provisions for operating license (OL) applicants. The comment period for the proposed rule was to expire on August 12, 1981. It was extended to November 30, 1981 (46 FR 54378).

Comments Received

Comments were received from 49 parties: 37 from applicants, licensees, or owners groups; 6 from NSSS vendors or architect-engineers; and 6 from other

members of the public (AIF, UCS, NRDC, and others).

Five respondents favored rulemaking. One utility commented that the rule would reduce litigation; two respondents stated that the rule would enhance public safety; and two utilities did not specify their reason for favoring the rule.

Thirty-nine respondents opposed the rule. More than thirty of these opposed it because they felt it would reduce the flexibility a utility needs to meet the provisions of NUREG–0737 in a manner consistent with the specific characteristics of the utility's facility and organization. Other reasons given for opposing the rule were that it is too detailed; it duplicates other parts of NRC regulations; it might negate previous staff approvals of TMI items; it may actually delay hearings because of its complexity; and its scope is too broad for a single rulemaking. Two commenters (North Carolina Public Interest Research Group and Union of Concerned Scientists/Natural Resources Defense Council) stated that one reason for opposing the rule is that it would limit public discussion in future hearings.

The remaining five respondents took no position regarding the rule.

Commission Evaluation

As previously mentioned, most of the respondents opposed the rule because it would limit the flexibility a utility needs to meet the provisions of NUREG–0737 in a manner consistent with the specific characteristics of a utility's facility and organization. The Commission cited this as one of its reasons for not requiring a similar rule for operating reactors (August 1981), and it now believes that this issue—lack of flexibility—could also present a problem in the case of OL applications.

The issuance of this rule as an effective regulation would also limit the flexibility of the Commission and the staff. Early in the formulation of NUREG–0737 it was recognized that a number of the items contained in that document would evolve with time. Present examples include schedule changes on Items II.D.1, Safety and Relief Valve Testing, and II.F.2, Instrumentation to Detect Inadequate Core Cooling. Other items may be changed in the future, such as II.K.3.5, Automatic Trip of Reactor Coolant Pumps. If a final rule for NUREG–0737 items is issued, the process that the Commission must go through to change requirements would be significantly more complex and time consuming.

A presumed potential benefit from a final rule is that it could serve to specifically define and bound the TMI-related issues that could be considered during the hearing process. The Commission has examined records of OL hearings where NUREG–0737 issues were litigated. First, there were very few such hearings, and second, the Commission does not believe that the absence of a NUREG–0737 OL rule will cause unnecessary delays in those hearings where the issues are raised.

The Commission has had no difficulty in implementing the provisions of NUREG–0737 for OL applicants. Plants which have been licensed to operate since the issuance of NUREG–0737 have been assigned license conditions for those NUREG–0737 requirements that have been approved for future implementation. Plants which were licensed to operate prior to the issuance of NUREG–0737, have implemented the large majority of NUREG–0737 requirements.

On balance, the Commission does not believe a final rule for codifying the TMI-related provisions in NUREG–0737 for OL applicants should be issued.

Dated in Bethesda, Maryland, this 28th day of March 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83–8434 Filed 3–31–83; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF ENERGY

Office of the Secretary

10 CFR Part 1017

Identification and Protection of Unclassified Controlled Nuclear Information

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The Department of Energy (DOE), in response to requirements set forth in Section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168), is proposing regulations to prohibit the unauthorized dissemination of certain unclassified but sensitive information ("Unclassified Controlled Nuclear Information"), with respect to atomic energy defense programs, by U.S. Government employees, contractors, subcontractors, access permittees, and other persons. The DOE is issuing proposed regulations to describe those types of Unclassified Controlled Nuclear Information (UCNI) to be protected, establish minimum protection standards, set forth the conditions under which access to UCNI would be granted, and establish procedures for the imposition of penalties for violation of these regulations.

DATE: Comments in connection with the proposed rule must be received on or before May 2, 1983.

ADDRESSES: Written comments should be sent to the Assistant Secretary for Defense Programs, U.S. Department of Energy, Room 4A–038, Washington, D.C. 20585, Attention: Ms. Trisha Dedik Chico. Six copies should be submitted. Copies of comments received may be examined at the DOE Reading Room, Room 1E–190, James Forrestal Building, 1000 Independence Ave., S.W., Washington, D.C. 20585, between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Ms. Trisha Dedik Chico, Office of Policy, Planning and Coordination, DP–3, Office of the Assistant Secretary for Defense Programs, Room 4B–014, U.S. Department of Energy, Washington, D.C. 20585, (202) 252–1870;

Ms. Amy Shimamura, Office of the Assistant General Counsel for International Development & Defense Programs, GC–32, Room 6B–256, U.S. Department of Energy, Washington, D.C. 20585, (202) 252–6975.

SUPPLEMENTARY INFORMATION:

I. Background
II. Rulemaking Requirement
A. Section 501 of the DOE Organization Act
B. National Environmental Policy Act
C. Executive Order No. 12291
D. Regulatory Flexibility Act
III. Freedom of Information Act Considerations

I. Background

Much of the information concerning atomic energy defense programs which involves the production, testing utilization, assembly, or transportation of atomic weapons or atomic weapon components; the production, utilization, or transportation of nuclear material, and the safeguarding thereof is classified. However, there exist certain types of sensitive information which have been reviewed for classification and which cannot be classified under applicable law or Executive order. Such information, for example, concerns the safeguarding of small quantities of nuclear materials and facilities, sensitive unclassified or declassified information on the production and use of special nuclear materials, and certain declassified aspects of the design or use of nuclear weapons and parts for those weapons. This information could be useful to terrorists, extortionists, hostile

foreign powers, and others for the purpose of either (1) fabricating or threatening to fabricate or use an improvised nuclear explosive or (2) perpetrating other malevolent threats or acts seriously militating against the public health and safety or the common defense and security of the United States.

In recent years there has been an increasing concern over the possibility of terrorist threats, other malevolent acts, and nuclear proliferation. This concern is based, in part, on the increased incidence of acts of terrorist-inspired violence worldwide, the increased sophistication of these acts, and the increasing availability of the high technology resources necessary to commit these acts. In response, the DOE has been directed by section 210 of the DOE National Security and Military Applications of Nuclear Energy Authorization Act of 1982, Pub. L. 97–90, to protect certain types of information from unauthorized dissemination in the interest of protecting both the public health and safety and the common defense and security of the nation.

Section 210 amended the Atomic Energy Act of 1954 (42 U.S.C. 2011 *et seq.*) by adding Section 148, *Prohibition Against the Dissemination of Certain Unclassified Information,* which directs the Secretary to prescribe regulations, after notice and opportunity for public comment thereon, or issue such orders as may be necessary to prohibit the unauthorized dissemination of unclassified information, with respect to atomic energy defense programs, pertaining to:

1. The design of production facilities or utilization facilities;

2. Security measures (including security plans, procedures, and equipment) for the physical protection of (a) production or utilization facilities, (b) nuclear material contained in such facilities, or (c) nuclear material in transit; or

3. The design, manufacture, or utilization of any atomic weapon or component if the design, manufacture, or utilization of such weapon or component was contained in any information declassified or removed from the Restricted Data category pursuant to Section 142 of the Atomic Energy Act.

if the unauthorized dissemination of such information could reasonably be expected to result in a significant adverse effect on public health and safety or the common defense by increasing the likelihood of illegal production of nuclear weapons, or theft, diversion, or sabotage of nuclear materials, equipment, or facilities.

UCNI includes information which (1) is not otherwise classified, (2) falls within the categories enumerated above, and (3) deals with characteristics or systems for the operation and protection of atomic energy defense programs activities, which the Secretary determines shall not be disseminated without DOE authorization because such dissemination could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of (a) illegal production of nuclear weapons or (b) theft, diversion, or sabotage of nuclear materials, equipment, or facilities. This includes information which may be contained in documents, reports, correspondnece, oral presentations, telephonic communications, radio transmissions, data processing system products, and information in other forms.

The provisions of this legislation also include unclassified information, falling within the categories defined herein, which was classified at one time as Restricted Data under the provisions of the Atomic Energy Act and which has been subsequently declassified, but which requires protection because of the potential significant contribution this information could make toward: (1) An unauthorized fabrication, acquisition, or detonation of a nuclear explosive device; (2) an increase in the likelihood of nuclear proliferation; (3) an unauthorized dispersal of nuclear materials or sabotage of nuclear materials, equipment, or facilities; or (4) providing military advantage to a foreign government which could use the information in a manner inimical to the United States.

Accordingly, the DOE proposes to add 10 CFR Part 1017 and to invite public comment on the proposed rule.

II. Rulemaking Requirements

A. Section 501 of the DOE Organization Act

Under Section 501(c) of the Department of Energy Organization Act, (42 U.S.C. 7191(c)), the DOE is not bound by the requirements of subsections (b), (c), and (d) of that Act with respect to the promulgation of regulations if the Secretary of Energy determines that no substantial issue of fact or law exists and that the regulations in question are unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or small businesses. Where it is determined that no substantial issue or impact exists, regulations may be promulgated in accordance with section 553 of Title 5 of the United States Code.

The DOE does not believe that these regulations raise substantial issues of law or fact or will have a substantial impact on the Nation's economy or large numbers of individuals or small businesses; accordingly, they are being promulgated in accordance with 5 U.S.C. 553.

B. National Environmental Policy Act

The National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, requires Federal agencies to prepare detailed statements on prospects for major Federal actions significantly affecting the quality of the human environment. The DOE has determined that the proposed rule does not significantly affect the quality of the human environment; therefore, the preparation of an Environmental Impact Statement is not required.

C. Executive Order No. 12291

It has been determined that this amendment is not a major rule subject to the requirements of Executive Order No. 12291 (46 FR 13193, February 19, 1981), because it is not likely to result in: an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local Government agencies, or geographic regions; or cause significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

D. Regulatory Flexibility Act

Pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the DOE finds that Section 603 and 604 of the Act do not apply to this amendment because its promulgation will not have a significant economic impact on a substantial number of small entities, since the proposed rule merely clarifies types of information to be protected under section 148 of the Atomic Energy Act as amended, describes the level of protection to be afforded, provides procedures for access to this information, and prescribes penalties for violation of this section.

III. Freedom of Information Act Considerations

Section 148, in the introductory paragraph, provides that the DOE's exercise of the new authority contained in the section be made "subject to subsection (b)(3) of section 552 of title 5

of the United States Code" (FOIA); thus, UCNI is not subject to disclosure under FOIA. The DOE has determined that section 148 falls within the compass of exemption 3 of the Freedom of Information Act, 5 U.S.C. 552(b)(3), and that it meets all the requirements for a statutory exemption under that section.

The DOE has determined that appeals of denials of requests for information covered by section 148 will be decided by the Assistant Secretary for Defense Programs as is the case for appeals involving the denial of classified information. Title 10 of the Code of Federal Regulations, Part 1004 has been revised to comport with this determination.

List of Subjects in 10 CFR Part 1017

Administration practice and procedure, Freedom of Information, Government contracts, Security measures.

(Sec. 210, Pub. L. No. 97–90, 95 Stat. 1169 (42 U.S.C. 2168) as amended by Sec. 17, Pub. L. No. 97–415, January 4, 1983)

For the reasons set out in the preamble, Part 1017 of Chapter X of Title 10 of the Code of Federal Regulations is proposed to be added as set forth below.

Issued in Washington, D.C., March 28, 1983.

Donald Paul Hodel,

Secretary of Energy.

PART 1017—IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

Sec.

1017.1 Purpose and scope
1017.2 Definitions.
1017.3 Types of information.
1017.4 Physical protection requirements.
1017.5 Control of joint Unclassified Controlled Nuclear Information outside DOE.
1017.6 Violations.

Authority: Sec. 210, Pub. L. No. 97–90, 95 Stat. 1169 (42 USC § 2168) as amended by Sec. 17, Pub. L. No. 97–415, January 4, 1983.

§1017.1 Purpose and scope.

(a) This part contains the regulations of the Department of Energy (DOE) implementing section 148 of the Atomic Energy Act of 1954, as amended, (42 USC 2011 *et seq.*) which prohibits the unauthorized dissemination of "Unclassified Controlled Nuclear Information" related to the atomic energy defense programs. The regulations of this part provide for review of information prior to designation as UCNI, identify examples of such information, establish minimum protection standards, set forth the conditions under which access to UCNI is to be granted, and provide penalties for violation. Nothing in these regulations precludes the Secretary or his delegate from designating information not specifically described in these regulations as UCNI.

(b) Pursuant to section 148 (a)(2), the Secretary hereby determines that the unauthorized dissemination of the types of information described in § 1017.3 of these regulations could reasonable be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of illegal production of nuclear weapons, or theft, diversion, or sabotage of nuclear materials, equipment, or facilities; and that the requirements set forth in this rule are the "minimum restrictions" necessary to protect the health and safety of the public and the common defense and security. Moreover:

(1) The facilities, materials, and activities covered by this part are limited to those involved in support of the atomic energy defense programs of the nation.

(2) Information that is classified as Restricted Data or National Security Information or that is protected from unauthorized disclosure pursuant to section 147 of the Atomic Energy Act is specifically excluded from the coverage of these regulations.

(3) These regulations do not arbitrarily preclude the release of scientific and technical information but rather require an extension of the programmatic review process in determining the appropriate level of dissemination.

(4) The conditions for access are limited to: (i) A "need-to-know" as determined by the organization responsible for the information, (ii) U.S. citizenship except as otherwise noted in § 1017.4(b) of this part, and (iii) those engaged in occupations specified in § 1017.4(b). A security clearance, or specific level thereof, is not a criterion for access to UCNI.

§1017.2 Definitions.

As used in this part:

(a) *"Access permittee"* means any person or corporation who has been authorized access by the Secretary or his delegate to UCNI applicable to civilian uses of atomic energy in accordance with the terms and conditions prescribed in the permit.

(b) *"Act or Atomic Energy Act"* means the Atomic Energy Act of 1954, as amended (42 U.S.C. 2001 *et seq.*).

(c) *"Atomic Energy Defense Programs"* means activities, equipment, and facilities utilized in or engaged in support of (1) the production, testing, utilization, assembly, or transportation of atomic weapons or atomic weapon components; (2) the production, utilization, or transportation of nuclear material; and (3) the safeguarding thereof.

(d) *"Authorized Individual"* means a U.S. citizen (except as otherwise noted in § 1017.4(b)) who has a need-to-know in the performance of official duties, and who is:

(1) A Federal employee, consultant, or DOE advisory committee member; or

(2) A contractor, subcontractor, or prospective contractor, or an employee thereof, of the Federal Government; or

(3) A Member of Congress or a duly authorized staff member of a congressional committee or of an individual Member of Congress; or

(4) The Governor of a state or his or her designated representatives and local government officials; or

(5) A Member of a State or local law enforcement authority or emergency response personnel; or

(6) DOE Access Permit Holders if the information falls within the purview of Access Permit categories.

(e) *"Authorized Reviewing Official"* is a Secretarial level officer of DOE who has been delegated the authority by the Secretary to determine what information under his/her cognizance falls within section 148 and to deny the release of such information. This authority may be further delegated.

(f) *"Component"* means any operational, experimental, or research-related part, subsection, design, or material used in the manufacture or utilization of a defense-related nuclear reactor or its primary system, nuclear weapon, nuclear explosive device, or weapon test assembly.

(g) *"Information"* means any information or material, regardless of its physical form or characteristics, that is owned or developed by or for, or is under the control of the United States Government.

(h) *"In Transit"* means the physical movement of any nuclear weapon, weapon component, or any quantity of nuclear material from one facility to another, including intra-facility movement. Material is considered "in transit" until it has been relinquished to the custody of the authorized recipient.

(i) *"Need-To-Know"* means a determination by an authorized individual that another person's access to UCNI is required in the performance of official duties.

(j) *"Nuclear Material"* means material that may include special nuclear

material, byproduct materials, or source materials as defined by the Atomic Energy Act, or any other material that the Secretary determines to be nuclear material.

(k) *"Physical Security"* means the combination of operational and security equipment, trained personnel, and procedures used to provide protection for facilities and materials against theft, sabotage, diversion, or other acts of malevolency.

(l) *"Safeguards"* means an integrated system of physical protection, personnel reliability, accountability and material control measures designed to deter, prevent, detect, and respond to unauthorized access, diversion, or possession of a nuclear weapon, a component thereof, or nuclear materials. It is the development and application of techniques and procedures dealing with the establishment and continued maintenance of a system of activities including physical protection, quantitative knowledge of the location and use of nuclear weapons, components thereof, or nuclear materials, and administrative controls and surveillance to assure that procedures and techniques of the system are effectively implemented including timely indication of possible diversion or credible assurance and verification that no diversion has occurred.

(m) *"Unauthorized Dissemination"* means the intentional or negligent dissemination, in any manner, of UCNI to any person other than an "authorized individual" as defined herein.

(n) *"Unclassified Controlled Nuclear Information"* means unclassified information protected against unauthorized dissemination pursuant to section 148 of the Atomic Energy Act, (and is so designated) with respect to atomic energy defense programs, and which pertains to:

(1) Design of production facilities or utilization facilities;

(2) Security measures relating to the protection of production or utilization facilities, nuclear materials contained in these facilities, nuclear materials in transit; or

(3) Design, production, or utilization of atomic weapons or components thereof if such information was declassified or removed from the Restricted Data category

if the unauthorized dissemination of such information could reasonably be expected to result in a significant adverse effect on public health and safety or the common defense by increasing the likelihood of illegal production of nuclear weapons, or theft, diversion, or sabotage of nuclear materials, equipment, or facilities.

§ 1017.3 Types of information.

(a) *General.* The DOE is required to prohibit the unauthorized dissemination of unclassified information with respect to atomic energy defense programs which could be of significant assistance to an individual or group of individuals intent upon committing acts of theft, diversion, or sabotage against such activities and could have a significant adverse impact upon the public health and safety or the common defense and security of the United States. The information encompassed herein includes documents, reports, correspondence, oral presentations, telephonic communications, radio transmissions, data processing system products, and information in other forms which is not otherwise classified and which deals with characteristics or systems used by the Government for the operation and protection of the atomic energy defense programs. Unauthorized dissemination of such information could significantly assist a potential malefactor in:

(1) Selecting a defense-related target (e.g., unclassified information on priority or strategic importance of DOE facilities or activities; locations, forms, and quantities of nuclear materials, etc.);

(2) Planning an unlawful act (e.g., unclassified information on unique characteristics of operational and security hardware; building plans showing unique construction or design features including security features; specific operational and security procedures, etc.);

(3) Committing an unlawful act (e.g., unclassified information regarding on or off-site response capability; armament of security forces; aspects of security force training contingency plans and response procedures, etc.);

(4) Measuring the success of such an act (e.g., unclassified information on the consequence of decommissioning or sabotage of vital equipment or facilities including operational and security equipment and/or facilities, etc.).

(b) The provisions of this section also include information falling within the categories defined herein which was classified at one time as Restricted Data under the provisions of the Atomic Energy Act and which was subsequently declassified, but which requires protection because of the potentially significant contribution this information could make toward: (1) An unauthorized fabrication, acquisition, or detonation of a nuclear explosive device; (2) an increase in the likelihood of nuclear proliferation; or (3) an unauthorized dispersal of nuclear materials or sabotage of nuclear materials, equipment, or facilities; or (4) providing military advantage to a foreign government which could use the information in a manner inimical to the United States. (c) Examples of the categories and types of information subject to protection under the provisions of section 148 include but are not limited to:

(1) *Sensitive Unclassified Safeguards Information.* This category includes unclassified information describing DOE fixed-site or transportation security plans and procedures, security inspector and guard orders, patrol schedules, response plans and capabilities, duress codes, conceptual designs, unusual occurrence/incident reports, and any other information concerning the capabilities of a particular activity or protection system and information concerning the safeguarding thereof, the unauthorized dissemination of which, by an adversary, could reasonably be expected to significantly increase the likelihood of success of an act of theft, diversion, sabotage, or assembly of atomic weapons and weapon components, or the production and utilization of nuclear materials.

(2) *Sensitive Unclassified Production, Utilization, and Design Information.* This category includes both defense-related facility and reactor design for nuclear materials production and other unclassified operational information concerning the production, processing, and utilization of nuclear materials Specific information of this type includes defense-related reactor designs for material production and aspects of reactor plant designs for naval propulsion purposes which may be unclassified but which should be controlled because unauthorized dissemination of the information could reasonably be expected to: (i) Significantly increase the likelihood of an illegal production of nuclear materials or the theft, diversion, or sabotage of such materials; (ii) provide important insights into nuclear material production and processing; (iii) provide militarily valuable insight into facilities, systems, or equipment design or the capability and functions of naval nuclear propulsion plants in such a way as to be inimical to the common defense and security of the U.S. Also, included here, is unclassified information concerning the processing and separation of nuclear materials and unique characteristics of facility design. Limiting dissemination of some of the information of this type is important in

the furtherance of U.S. nuclear nonproliferation objectives.

(3) *Sensitive Unclassified Nuclear Weapon Design, Manufacture, and Utilization Information.* This category includes certain unclassified information concerning nuclear weapon design, manufacture, and utilization of nuclear weapons and parts for those weapons which requires protection because of the increased incidence of terrorist-inspired violence worldwide, the increased sophistication of such acts of violence, and the increasing availability of the technology needed to commit acts such as theft or sabotage of a nuclear weapon or the fabrication or threat to fabricate or detonate a nuclear explosive device. Specific information of this type is information that was at one time classified as Restricted Data under the provisions of the Atomic Energy Act but which was subsequently declasssified at a time when such acts of violence were a relatively infrequent occurrence and when nuclear proliferation was not a serious threat

§ 1017.4 Physical Protection Requirements.

(a) *General.* UCNI requires protection from unauthorized dissemination. At a minimum, UCNI will be protected and controlled in a manner similar to that customarily accorded proprietary business information in the organizational element concerned. Each person who receives, acquires, or produces UCNI is required to take reasonable and prudent steps to ensure that it is protected from unauthorized disclosure. All Government contractors are required to establish and maintain a system for the protection of UCNI that is consistent with standards established herein.

(b) *Access to UCNI.* Except as the Secretary of Energy or his designee may otherwise authorize, no person may have access to UCNI unless the person has an established "need-to-know" for the information in the performance of official duties and is a U.S. citizen who meets one of the criteria listed below. Access by non-U.S. citizens is permitted, provided that is in conjunction with established agreements for cooperation, provisions of treaties and mutual defense acts, or DOE contracts.

(1) A Federal employee, consultant, or DOE advisory committee member; or

(2) A contractor, subcontractor, or prospective contractor, or an employee thereof, of the Federal Government; or

(3) A Member of Congress or a duly authorized staff member of a Congressional committee or of an individual Member of Congress; or

(4) The Governor of a state or his or her designated representatives and local government officials; or

(5) A Member of a State or local law enforcement authority or emergency response personnel; or

(6) DOE Access Permit Holders, if the information falls within the purview of Access Permit categories.

(c) *Preparation and marking of documents.* (1) Each document or other material that has been reviewed by an authorized reviewing official and found to contain UCNI as defined in § 1017.2(n) shall be marked in a conspicuous manner to indicate the presence of UCNI as follows:

UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION NOT FOR PUBLIC DISSEMINATION. UNAUTHORIZED DISSEMINATION SUBJECT TO BOTH CIVIL AND CRIMINAL SANCTIONS.

(2) All subsequent pages containing UCNI must be stamped at the bottom with the words "Unclassified Controlled Nuclear Information". However, portion marking is not required.

(3) Documents containing UCNI which were produced prior to the effective date of this regulation will not be reviewed or marked unless they are requested for release to an individual who is not authorized to receive UCNI.

(d) *Protection while in use or storage.* While in use, UCNI shall be under the control of an authorized individual as that term is defined in § 1017.2(d). As a minimum, UCNI will be stored in locked desks, locked file cabinets, offices, or facilities where access is controlled.

(e) *External transmission of documents and material.* (1) Documents or other matter containing UCNI, when transmitted outside an authorized place of use or storage, shall be packaged to preclude disclosure of the presence of UCNI. Packages shall be marked with both address and return address to ensure proper transmittal.

(2) Information shall be enclosed in a cover sheet wherever practicable. The cover sheet shall warn the recipient that the document contains UCNI by means of the following:

NOTICE

This document contains Unclassified Controlled Nuclear Information subject to the provisions of Section 148 of the Atomic Energy Act of 1954, as amended. Unauthorized disclosure is subject to both criminal and civil penalties.

(3) UCNI may be transported by authorized messenger or courier; by U.S. first class mail, U.S. registered mail, certified mail, or U.S. express mail; by any means approved for the transport of classified information; or by any individual authorized access pursuant to § 1017.4(b).

(4) UCNI may be discussed or transmitted over unprotected telephone or telecommunication circuits consistent with operational requirements.

(5) UCNI may be processed or produced on any ADP system which is certified for classified informaiton or which complies with the guidelines of OMB circular A–71 for the protection of unclassified sensitive information.

(f) *Reproduction and destruction of UCNI.* (1) UCNI information may be reproduced to the minimum extent necessary consistent with the need to carry out official duties without permission of the originator, provided the reproduced information is properly marked.

(2) Documents or other matters containing UCNI are to be disposed of by any method which assures complete destruction or otherwise precludes retrieval.

(g) *Retirement of UCNI.* (1) Information which may be subject to the provisions of section 148 of the Atomic Energy Act will, upon retirement to the archives, be marked as follows:

NOT FOR PUBLIC DISSEMINATION

This document contains information that may be subject to the provisions of Section 148 of the Atomic Energy Act of 1954 as amended (42 USC 2168). Review prior to release is required.

(2) A formal review of information to be retired will be done upon request only.

(h) *Removal from the UCNI category and decontrol.* (1) Documents originally containing UCNI shall be removed from the UCNI category by an authorized reviewing official whenever the information no longer meets the criteria contained in § 1017.2(n). UCNI markings will be deleted at the time the documents or matter no longer contain information falling within the scope of UCNI.

(2) Information which relates primarily to the military utilization, transportation, storage, or deployment of atomic weapons will be removed from the UCNI category only after consultation with the Department of Defense. The DOE will make the final determination that the information no longer meets the UCNI definition.

§ 1017.5 Control of Joint Unclassfied Controlled Nuclear Information Outside DOE.

(a) Unclassified Controlled Nuclear Information which pertains jointly to the functions of one or more Government organizations shall be released only after review by both organizations and

approval of the Secretary of DOE or his delegate. As a part of the review process, the appropriate organizations will consider the consequences of the unauthorized release of the information and whether such release could reasonably be expected to have a significant adverse effect on the public health and safety or the common defense and security by significantly increasing the likelihood of (1) illegal production of a nuclear weapon, or (2) theft, diversion, or sabotage of nuclear materials, equipment, or facilities.

(b) Joint consultation will be required for denials of all UCNI jointly held or for which there is joint programmatic responsibility. DOE will make the final determination for all such denials.

(c) No Government organization, including Government contractors and subcontractors, shall release UCNI currently within its possession without consultation with the originating organization and then only upon the approval of the Secretary or his delegate.

§ 1017.6 Violations.

(a) *General.* Any person who violates any regulation or order of the Secretary issued under section 148 of the Act with the respect to the unauthorized dissemination of UCNI shall be subject to a civil penalty. The penalty, to be imposed by the Secretary, shall not exceed $100,000 for each such violation. The Secretary may compromise, mitigate, or remit any penalty imposed under section 148 (b)(1) of the Act. In addition, any person who willfully violates, attempts to violate, or conspires to violate the provisions of section 148 may be subject to a criminal penalty pursuant to section 223 of the Act.

(b) *Written Notification.* Whenever the Secretary has reason to believe that a person has become subject to the imposition of a civil penalty under the provisions of section 148(b)(1), the Secretary or his delegate shall notifiy such person in writing (1) setting forth the the date, facts, and nature of each act or omission with which the person is charged, (2) specifically identifying the particular provision or provisions of the section, rule, regulation or order involved in the violation, and (3) advising of each penalty which the Secretary proposes to impose and its amount. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the Secretary, if any, the penalty may be collected by civil action. Such written notice shall be sent by registered or certified mail by the Secretary to the last known address of such person.

(c) The person so notified shall be granted an opportunity to show in writing, within 10 working days, why such penalty should not be imposed.

(d) *Civil Action.* On the request of the Secretary, the Attorney General is authorized to institute a civil action to collect a penalty imposed pursuant to section 148(b)(1). The Attorney General shall have the exclusive power to compromise, mitigate, or remit such civil penalties as are referred to him for collection.

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BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual Agenda.

SUMMARY: Pursuant to the Regulatory Flexibility Act, and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures, the Board anticipates having under consideration regulatory matters as indicated below during the period from April 1, 1983 through October 1, 1983. The Board's next Semiannual Agenda will be published in October 1983.

DATE: Comments may be received any time during the next six months.

ADDRESS: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board's Semiannual Agenda is divided into three sections: Section A reports on regulatory matters that have been proposed and that are under Board consideration; Section B reports on major regulatory reviews in progress under the Board's Regulatory Improvement Project and other regulatory matters the Board may consider for public comment during the next six months; and Section C reports those regulatory matters from the Board's last Semiannual Agenda (October 1, 1982 through April 1, 1983) on which final action has been taken.

A double asterisk (**) in Sections A and B indicates those matters listed on the Board's previous Semiannual Agenda; a dagger (†) indicates a proposal that is likely to have a significant economic impact on a substantial number of small entities (see Entries A.7 C.2 and C.8).

A. Regulatory Matters that have been Proposed and will Involve Further Board Consideration

1. Regulation: D—Reserve Requirements of Depository Institutions (12 CFR Part 204)

Action Taken: Under the Board's current Regulation D, a banker's acceptance ("BA") that does not meet the criteria of section 13 of the Federal Reserve Act ("ineligible BA") is regarded as a reservable deposit only if it is created, discounted, and sold by the same depository institution. In order to avoid reserve requirements, some banks have recently entered into arrangements with brokers and other third parties that provided for the issuance of an ineligible BA by the bank and the subsequent discount and/or resale by a third party. To prevent the use of this device as a means of avoiding reserve requirements, the Board proposes to amend Regulation D such that the creation of an ineligible BA results in a reservable liability regardless of whether the depository institution that creates the BA subsequently discounts and/or sells it (48 FR 5750, February 8, 1983). The Board believes that its proposed action would not add any reserve requirement burden to small depository institutions that have zero reserve requirements as a result of section 411 of the Garn-St Germain Depository Institutions Act of 1982. In addition, small entities typically do not issue ineligible BAs. No new recordkeeping or reporting requirements will be imposed as a result of this action.

The Board will review the public comments and is expected to take further action during the next six months.

Authority: Section 19(a) of the Federal Reserve Act, 12 U.S.C. 461(a).

Docket Number: R-0451.

Staff Contact: Gilbert T. Schwartz, Associate General Counsel, Legal Division, (202-452-3625).

****2. Regulation: D—Reserve Requirements of Depository Institutions and Regulation Q—Interest on Deposits (12 CFR Parts 204 and 217)**

Action Taken: In August 1982, the Board requested public comment on a proposal to amend Regulations D and Q to reduce the minimum maturity of all time deposit to seven days (47 FR 38138, August 30, 1982). At present, time deposits are defined as deposits or accounts with a minimum maturity or required notice period of 14 days. Small

banks would likely benefit from this proposal because it will provide an additional tool for them to use in competing with larger institutions for short-term, large-denomination deposits.

The Board will review the public comments and is expected to take further action during the next six months.

Authority: Section 19(a) of the Federal Reserve Act, 12 U.S.C. 461(a).

Docket Number: R–0417.

Staff Contact: Gilbert T. Schwartz, Associate General Counsel, (202–452–3625); and Paul S. Pilecki, Senior Attorney, (202–452–3281), Legal Division.

****3. Regulation: D—Reserve Requirements of Depository Institutions and Regulation Q—Interest on Deposits (12 CFR Parts 204 and 217)**

Action Taken: In August 1982, the Board requested public comment on a proposal to amend Regulations D and Q to increase the maximum size limitation on business savings accounts at member banks to $250,000 (47 FR 38137, August 30, 1982). Currently, member banks are not permitted to accept savings deposits in excess of $150,000 per depositor from organizations operated for profit. The Board also invited comment on the possibility of eliminating this limitation completely. Small banks would benefit from either a liberalization or elimination of this limit because the change would allow these institutions to compete more effectively with thrift institutions, which currently are subject to no such limitation. Further, small businesses should be aided by the opportunity to place larger cash balances in interest-bearing accounts.

The Board will review the public comments and is expected to take further action during the next six months.

Authority: Section 19(a) of the Federal Reserve Act, 12 U.S.C. 461(a).

Docket Number: R–0420.

Staff Contacts: Gilbert T. Schwartz, Associate General Counsel, (202–452–3625); and Paul S. Pilecki, Senior Attorney, (202–452–3281), Legal Division.

4. Regulation: E—Electronics Fund Transfers (12 CFR Part 205)

Action Taken: In February 1983, the Board published for comment proposed technical amendments to Regulation E to correct provisions that refer to Regulation Z (Truth in Lending) (48 FR 4667, February 2, 1983). These provisions describe the relationship between the rules governing electronic fund transfers and Regulation Z. The changes are necessary to reflect sections in Regulation Z that were redesignated when the Board revised Regulation Z under the Truth in Lending Simplification and Reform Act of 1980. Because the proposal is solely technical in nature, the changes will not have any impact on any firms offering access devices.

The Board will review the comments and is expected to take final action within the next six months.

Authority: The Electronic Fund Transfer Act, 15 U.S.C. 1693b.

Docket Number: R–0449.

Staff Contact: John C. Wood, Senior Attorney, Division of Consumer and Community Affairs, (202–452–2412).

****5. Regulation: G—Securities Credit by Persons Other Than Banks, Brokers, or Dealers (12 CFR Part 207); Regulation T—Credit by Brokers and Dealers (12 CFR Part 220); and Regulation U—Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks (12 CFR Part 221)**

Action Taken: In February 1982, the Board issued for public comment a regulatory framework that could be used to establish margin requirements on futures contracts based on stock indexes (47 FR 8788, March 2, 1982). This action was taken in connection with the Board's review of an application by the Kansas City Board of Trade (KCBOT) to trade in stock market index futures contracts.

The Board noted actions taken by the KCBOT to increase its own initial margin requirements on these futures contracts and to narrow the definition of hedging for margin purposes. In view of this, the Board decided not to take immediate action of its own.

However, the Board indicated that formal margin requirements on stock index futures contracts may be appropriate later. The Board plans to monitor the development and operation of this market closely.

The Board therefore asked for comment both on specific issues related to establishment of margin requirements on stock index futures contract and related instruments and on a proposed framework for such regulation. It is not expected that the proposals would have a significant impact on a substantial number of small firms.

The Board will review the comments on the proposals and may take further action during the next six months.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78c, g and w.

Docket Number: R–0385.

Staff Contacts: Laura Homer, Securities Credit Officer; and Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202–452–2781).

6. Regulation: G—Securities Credit by Persons Other than Banks, Brokers or Dealers (12 CFR Part 207); and Regulation U—Securities Credit by Banks (12 CFR Part 221)

Action Taken: In February 1983, the Board proposed for comment a complete revision of Regulations U and G, governing securities credit extended by banks or by lenders other than banks and broker-dealers (48 FR 8466, March 1, 1983).

The proposed revision of Regulations U and G, two of the Board's four regulations concerning margin requirements, is part of the Board's Regulatory Improvement Project in which the Board is reviewing and revising all its regulations to update them, simplify their language, eliminate obsolete or unneeded language or provisions and lighten the burden of compliance.

Proposed revisions to Regulation U encompass amendments adopted in January 1982, and in addition, would:

—Permit banks to lend on margin stock to Employee Stock Ownership Plans (ESOPs) on a "good faith" basis;

—Eliminate a restriction on unsecured loans to lenders other than banks and broker-dealers, including collateral lenders, since Regulation G directly applies to their lenders; and

—Delete requirements for reports presently required of OTC market-makers, third market-makers and block positioners.

Proposed revisions to Regulation G also incorporate amendments made to the regulation in January 1982. In addition, the proposals would:

—Raise the registration threshold for G-lenders from $100,000 to $200,000 and eliminate the registration requirements for those who arrange but do not extend credit secured by margin securities;

—Allow G-lenders to extend unsecured credit to a broker or dealer; and

—Permit companies and their affiliates to finance employee purchases of company stock without a specific scheduled paydown of the loan or a three-year lockup of the stock, as is presently required.

The Board is also seeking specific public comment on whether Regulations U and G should be combined to form a new comprehensive regulation with various subchapters or whether the two regulations should be maintained separately in their simplified forms.

The changes proposed are not expected to have an adverse impact on a substantial number of small businesses. The Board will review the comments on the proposed revisions

and is expected to take further action during the next six months.

Authority: Securities Exchange Act of 1934, as amended 15 U.S.C. 78c, g, h, and w.

Docket Numbers: R–0457 (Regulation G); R–0458 (Regulation U).

Staff Contacts: Laura Homer, Securities Credit Officer; and Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202–452–2781), Board of Governors of the Federal Reserve System, Washington, D.C.; or Mindy R. Silverman, Assistant Counsel, (212–791–5032), Federal Reserve Bank of New York.

† ** 7. Regulation: J—Collection of Checks and Other Items and Wire Transfer of Funds (12 CFR Part 210)

Action Taken: In April 1982, the Board requested public comment on a proposal that would allow Federal Reserve Banks to charge depository institutions for cash letters that are made available to them on a weekday that is a banking day for the Reserve Bank but not for the paying bank (47 FR 15349, April 9, 1982). The purpose of the amendment is to eliminate the float generated when depository institutions regularly close on weekdays, and to promote equity with other depository institutions that remain open on such days. The proposal will not impose any additional reporting, recordkeeping, or other compliance requirements on any institution, or duplicate, overlap, or conflict with any other federal rule. Board staff does expect, however, that affected institutions (approximately 450 of them with deposits of less than $20 million) could experience some reduction of earnings.

The Board will review the public comments and is expected to take further action within the next six months.

Authority: Sections 13, 16 and 11(i) of the Federal Reserve Act, 12 U.S.C. 342, 248(o), 360, and 248(i).

Docket Number: R–0392.

Staff Contact: Joseph R. Alexander, Attorney, Legal Division, (202–452–2489).

**** 8. Regulation: J—Collection of Checks and Other Items and Wire Transfer of Funds (12 CFR Part 210)**

Action Taken: In May 1981, the Board issued for public comment proposals to amend Subpart A of Regulation J by (1) redefining the terms "sender" and "bank" to include a depository institution as defined in 12 U.S.C. 461(b), namely, banks and thrift institutions; (2) imposing on a paying bank that returns an item an indemnity for loss or expense resulting from return of the item beyond the deadlines provided in the regulation; (3) incorporating provisions for collecting coupons and other securities similar to provisions regarding the payment and return of cash items; and (4) imposing a warranty and related indemnity regarding wire advice of nonpayment on a paying bank which returns a cash item (46 FR 24576, May 1, 1981). After considering the comments received, the Board adopted the first proposal in substantially the form proposed (46 FR 42059, August 19, 1981). Final action on the other three items has been deferred pending further study. In its consideration of these proposals, the Board has concluded that none of the proposals is expected to have a significant economic impact on a substantial number of small entities.

Authority: Sections 13, 16 and 11(i) of the Federal Reserve Act, 12 U.S.C. 342, 248(o), 360, and 248(i).

Docket Number: R–0357.

Staff Contact: Joseph R. Alexander, Attorney, Legal Division, (202–452–2489).

9. Regulation: K—International Banking Operations (12 CFR Part 211)

Action Taken: In January 1983, the Board published for comment proposed regulations implementing the Bank Export Services Act which permits bank holding companies, Edge Act and Agreement corporations, and bankers' banks to invest in export trading companies (48 FR 3375, January 25, 1983). The draft proposal requires that investors provide 60 day's prior written notice to the Board of the investor's intent to invest in export trading companies. It also requires that the investor detail the activities in which the export trading company will engage, and implements and interprets certain investment and lending limitations contained in the statute.

It is expected that small business entities would benefit from the simplicity and brevity of the proposed regulations, as well as from a liberal definition of an export trading company.

The Board will review the public comments and is expected to take further action in the next six months.

Authority: Bank Holding Company Act, 12 U.S.C. 1843(c)(14).

Docket Number: R–0445.

Staff Contacts: James S. Keller, Manager, International Banking Applications, Division of Banking Supervision and Regulation, (202–452–2523); and Nancy P. Jacklin, Assistant General Counsel, Legal Division, (202–452–3428).

****10. Regulaton: L—Management Official Interlocks (12 CFR Part 212)**

Action Taken: In September 1982, the Board adopted an amendment to Regulation L, which implements the prohibitions of the Depository Institution Management Interlocks Act (12 U.S.C. 3201 *et seq.*) (47 FR 47371, October 26, 1982). The amendment conformed the regulations's provisions to recent statutory amendments to the Interlocks Act.

At the same time, the Board issued for public comment proposed amendments to Regulation L that would update, clarify, and make technical changes in light of the Board's experience with the regulation and the recent amendments to the Interlocks Act. On December 22, 1982, the Board adopted one of the proposed amendments regarding grandfathered interlocks (48 FR 5534 February 7, 1983). It is anticipated that the Board will review the public comments and take further action on the remaining proposals within the next six months.

The final amendment, as well as the proposed amendments, if adopted, will not have a significant economic impact on a substantial number of small entities. Since the amendments would ease the application of the regulation on depository institutions, their effect is expected to be beneficial rather than adverse and small institutions would share the benefits with large organizations.

Authority: Depository Institutions Management Interlocks Act, 12 U.S.C. 3207.

Docket Number: R–0431.

Staff Contacts: Melanie L. Fein, Attornery, (202–452–3594); and Bronwen Chaiffetz, Senior Counsel, (202–452–3564), Legal Division.

****11. Regulation: T—Credit by Brokers and Dealers (12 CFR Part 220)**

Action Taken: In March 1982, the Board proposed for public comment a complete revision of Regulation T (47 FR 13376, March 30, 1982). The proposal is part of the Board's Regulatory Improvement Project in which the Board is reviewing and revising all of its regulations to simplify their language and ease the burden of compliance. In its last semiannual agenda the Board indicated that it would consider issuing for public comment an amendment to Regulation T to facilitate the covered writing of options by institutions and other entities which are prevented by law from using margin accounts. such a proposed amendment has been included as part of the Board's complete revision of Regulation T (proposed section 220.7, Cash Account).

The Federal Register documents published in June and July of 1981 (46 FR 32592 and 46 FR 37516) by the Board

contained an Initial Regulatory Flexibility Analysis for the complete revision of Regulation T. Comments received on the proposals appear to agree with the Board's analysis. The two new items in this proposal concerning options clearing firms and option writing in the cash account should not have any substantial impact on small businesses.

The Board will review the comments on the proposals and is expected to take further action during the next six months.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78 g and w.

Docket Number: R–0389.

Staff Contacts: Laura Homer, Securities Credit Officer, and Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202–452–2781); Robert Rewald, Division of Research and Statistics, (202–452–3637), Board of Governors of the Federal Reserve System, Washington, D.C.; or Mindy R. Silverman, Assistant Counsel, (212–791–5032), Federal Reserve Bank of New York.

12. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR Part 225)

Action Taken: In February 1983, the Board requested public comment on a proposal that would add discount securities brokerage and security credit lending to the list of nonbanking activities in Regulation Y that are generally permissible for bank holding companies (48 FR 7746, February 24, 1983). This action was recommended by several persons who commented on the application by BankAmerica Corporation to acquire the Charles Schwab Corporation, which was subsequently approved by the Board in January 1983. Adoption of this proposal would not have a significant economic impact on any bank holding company and would expand the list of activities, which upon application, could be conducted by bank holding companies and bank service corporations.

The Board will review the comments and is expected to take further action within the next six months.

Authority: Bank Holding Company Act, 12 U.S.C. 1844(b).

Docket Number: R–0455.

Staff Contacts: Richard Whiting, Senior Attorney, (202–452–3779); and Richard Ashton, Assistant General Counsel, (202–452–3750), Legal Division.

13. Regulation: Z—Truth in Lending (12 CFR Part 226)

Action Taken: In February 1983, the Board published for comment proposed amendments to Regulation Z to implement amendments made to the Regulation in the Garn-St Germain Depository Institutions Act (48 FR 4669, February 2, 1983). The proposal would amend 12 CFR Part 226 to delete from coverage "arrangers of credit" and to exempt certain student loans. For purposes of the administrative enforcement, the proposal would also amend two footnotes relating to disclosure errors resulting from the use of faulty calculation tools.

The proposals would not have a significant impact on small institutions. Since the proposed amendments ease the application of the regulation on all institutions and offer some protection to those institutions, their effect is expected to be beneficial rather than adverse, and small institutions would share the benefits with larger organizations.

The Board will review the comments and is expected to take final action within the next six months.

Authority: The Truth in Lending Act, 15 U.S.C. 1601 *et seq.*

Docket Number: R–0450.

Staff Contact: Claudia J. Yarus, Staff Attorney, Division of Consumer and Community Affairs, (202–452–3667).

B. Regulatory Matters the Board May Consider During the Next Six Months

****1. Regulatory Improvement Project**

Anticipated Action: The Board's Regulatory Improvement Project involves, among other things, a substantive, zero-based review of all Federal Reserve regulations that affect the public to determine (1) the fundamental objectives of the regulation and the extent to which it is meeting current policy goals, (2) nonregulatory alternatives that would accomplish the objectives, (3) costs and benefits of the regulation, (4) unnecessary burdens imposed by the regulation, and (5) the clarity of the regulation.

During the next six months, the staff should complete its review of Regulation Y (Bank Holding Companies and Change in Bank Bank Control), and public comment on proposed changes is expected to be sought during this period. These proposals are being designed to reduce regulatory burdens, and none is expected to have a significant adverse economic impact on any bank holding company. In addition, the Project will be continuing to develop simplified revisions of the "margin credit" regulations: Regulation G (Securities Credit by Persons Other Than Banks, Brokers, or Dealers), Regulation T (Credit by Brokers and Dealers), Regulation U (Credit by Banks for the Purposes of Purchasing or Carrying Margin Stocks), and Regulation X (Rules Governing Borrowers Who Obtain Securities Credit). As a first step, substantive amendments of these regulations were made in January 1982 to afford immediate regulatory relief. As the next stage in the process, a simplified version of Regulation T was proposed for public comment in March 1982 (see Entry A.11) and simplified revisions of Regulations G and U were proposed in February 1983 (see Entry A.6). The Project will also participate in other regulatory actions listed in this agenda to ensure that the objectives of the Project are met.

Authority: Financial Regulation Simplification Act of 1980, 12 U.S.C. 3501.

Staff Contact: Barbara R. Lowrey, Associate Secretary, Office of the Secretary, (202–452–3742).

****2. Regulation K—International Banking Operations (12 CFR Part 211)**

Anticipated Action: The Board will consider publishing for comment a revised proposal that would permit Edge Corporations to provide a broader range of banking services than is now permissible to a limited class of customers. While Edge Corporations are in most instances owned by major banks, the proposal would also afford scope for smaller banks to compete more effectively in development and supply of services to support U.S. trade. Pursuant to the International Banking Act, a similar proposal was published for comment in February 1979 to improve the competitive position of Edge Corporations (44 FR 10509, February 21, 1979). If the Board determines to reconsider the proposal, it will be taken up in connection with the revision of regulation K in early 1984.

Action on this matter would represent a relaxation of regulatory burden on Edge Corporations and would permit a shift to a more cost-effective method of supervision of Edge Corporations.

Authority: International Banking Act of 1978, 12 U.S.C. 3101; Federal Reserve Act, 12 U.S.C. 601 and 605.

Staff Contacts: Nancy P. Jacklin, Assistant General Counsel, (202–452–3582); and Kathleen O'Day, Senior Attorney, (202–452–3786), Legal Division.

3. Regulation O—Loans to Executive Officers, Directors and Principal Shareholders of Member Banks (12 CFR Part 215)

Anticipated Action: The Garn-St Germain Depository Institutions Act, Pub. L. 97–320, (Garn Bill) amended sections 22(g) and 22(h) of the Federal Reserve Act to eliminate the specific dollar limitations applicable to loans by member banks to their insiders. The Garn Bill granted the Board the authority to establish limits on certain loans by state member banks to their

executive officers and to establish the amount above which loans by state member banks to their insiders must be approved in advance by the bank's board of directors.

In October 1982, the Board reaffirmed, on a temporary basis, the previous limits applicable to such loans (47 FR 49347, November 1, 1982). The Board will consider publishing for comment during the next six months an amendment to Regulation O that changes the limits. The maximum loan that could be made to an executive officer would be based on a fixed percentage of the capital of the member bank subject to a maximum dollar amount. Similarly, the maximum loan that could be made to an insider without the prior approval of the state member bank's board of directors would also be based on a fixed percentage of the bank's capital subject to a maximum dollar amount.

This action is not likely to have any significant economic impact on a substantial number of small entities.

Authority: 12 U.S.C. 375a, 375b.

Staff Contact: Jennifer Johnson, Senior Counsel, Legal Division, (202–452–3584).

****4. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR Part 225)**

Anticipated Action: The Board will consider issuing for public comment a proposal to amend Regulation Y with respect to the kinds of insurance activities that are generally permissible for bank holding companies under section 4(c)(8) of the Bank Holding Company Act. This action would be taken to conform the regulation to Title VI of the Garn-St Germain Depository Institutions Act, which was adopted in October, 1982. That statute essentially prohibits bank holding companies from engaging in any insurance agency or underwriting activities, unless the activities fall within one of the specific exceptions in the new law as determined by the Board.

Adoption of the proposal would impose no additional burden on any bank holding company.

Authority: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

Staff Contact: Richard Whiting, Senior Attorney, Legal Division, (202–452–3779).

5. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR Part 225)

Anticipated Action: The Board will consider issuing for public comment a proposal to amend Regulation Y by adding authority for member banks to invest individually or jointly in bank service corporations under the recent amendment to the Bank Service Corporation Act made by section 709 of the Garn-St Germain Depository Institutions Act of 1982.

Under the new law, banks may invest without any prior regulatory approval in corporations offering "back office" clerical service to other depository institutions. In addition, if they obtain the prior approval of the Board, member banks may invest in corporations that offer to any person services that the bank may offer under state or federal law or services that have been found by regulation to be permissible under section 4(c)(8) of the Bank Holding Company Act.

Adoption of regulations to implement the change would enable all banks, large and small, to engage in certain activities that previously were not available to them. It is not expected that adoption of this proposal would have a significant economic impact on a substantial number of small banks.

Authority: Bank Service Corporation Act, 12 U.S.C. 1861.

Staff Contact: Richard Whiting, Senior Attorney, Legal Division, (202–452–3779).

****6. Regulation: AA—Unfair or Deceptive Acts and Practices (12 CFR Part 227)**

Anticipated Action: The Board is required by the Federal Trade Commission Act to adopt a rule applicable to banks that is substantially similar to a trade regulation rule adopted by the FTC prohibiting certain acts or practices of other creditors as unfair or deceptive, unless the Board finds that such acts or practices of banks are not unfair or deceptive or that implementation of a similar rule with respect to banks would seriously conflict with essential monetary and payments systems policies of the Board.

In response to a proposed FTC rule (governing the preservation of consumers' claims and defenses), in 1976 the Board published a comparable proposal for comment (41 FR 7110). The proposal would require the insertion in certain credit contracts of a notice preserving a consumer's claim and defenses against a seller of goods or services so that they can be raised against any holder of the contract. The FTC published a revised version of its creditor rule for comment in November 1979. When a final FTC rule is adopted, the Board will consider appropriate regulatory action.

Authority: Section 18(f) of the Federal Trade Commission Act, 15 U.S.C. 41 *et. seq.*

Docket Number: R–0006.

Staff Contact: Lucy H. Griffin, Senior Attorney, Division of Consumer and Community Affairs, (202–452–2412).

C. Regulatory Matters From the October 1, 1982, Through April 1, 1983, Semiannual Agenda on Which Final Action has Been Taken

1. Regulation: B—Equal Credit Opportunity (12 CFR Part 202)

Action Taken: In October 1982 following review of public comments, the Board adopted two interpretations concerning how the specific rules of Regulation B should apply to various credit scoring practices (47 FR 46074, October 15, 1982). The first deals with consideration of income and the second with the selection and disclosure of reasons for adverse action. The interpretations primarily affect larger creditors that use credit scoring systems. (Very few small businesses use credit scoring systems.) The economic impact of either interpretation is unlikely to be significant.

Authority: Section 703(a) of the Equal Credit Opportunity Act, 15 U.S.C. 1691b(a).

Docket Number: R–0203.

Staff Contact: Lucy H. Griffin, Senior Attorney, Division of Consumer and Community Affairs, (202–452–2412).

†2. Regulation: B—Equal Credit Opportunity (12 CFR Part 202)

Action Taken: In October 1982, the Board withdrew proposed amendments to Regulation B (47 FR 46108, October 15, 1982). The proposals would have affected creditors that extend credit to small businesses by applying recordkeeping and adverse action notification requirements to business loans of under $100,000. Inquires as to marital status of applicants would have been prohibited in all business credit applications. The Board withdrew the proposals after determining, based on a review of the comments, that the amendments would not substantially further the purposes of the act.

The proposed amendments, if adopted, would have imposed on commercial lending institutions additional notice and recordkeeping requirements for business loans of less than $100,000. These requirements would have adversely affected the large number of small lenders that make business loans of such limited size.

Authority: Equal Credit Opportunity Act, 15 U.S.C. 1691b.

Docket Number: R–0185.

Staff Contact: Claudia J. Yarus, Staff Attorney, Division of Consumer and Community Affairs, (202–452–3667).

3. Regulation: C—Home Mortgage Disclosure (12 CFR Part 203)

Action Taken: In October 1982, following review of public comments,

the Board approved the applications of Connecticut, Massachusetts, New Jersey, and New York for continued exemption from the Home Mortgage Disclosure Act (HMDA) and Regulation C (47 FR 49954, November 4, 1982). The Board also formally terminated California's prior exemption.

State exemptions from federal law that are granted by the Board result in fewer burdens on depository institutions subject to HMDA and located in those states (without significant loss of consumer protection) because duplicative requirements are eliminated.

Authority: Home Mortgage Disclosure Act, 12 U.S.C. 2801 *et. seq.*

Docket Numbers: R–0406 and R–0434.

Staff Contact: John C. Wood, Senior Attorney, Division of Consumer and Community Affairs, (202–452–2412).

4. Regulation: D—Reserve Requirements of Depository Institutions (12 CFR Part 204)

Action Taken: In August 1980, the Board stated that it was disposed toward returning to contemporaneous reserve accounting if investigation indicated that such a system was practical. In November 1981, the Board solicited additional public comments on a proposal to adopt contemporaneous reserve accounting (46 FR 58184, November 30, 1981). The proposal would change the reserve maintenance schedule of depository institutions to coincide with reserve computation periods as a means of improving the System's ability to meet its monetary policy objectives. Such a proposal would affect the reserve management practices of all depository institutions with $15 million or more in total deposits.

Following review of public comments, the Board in September 1982 adopted the proposal (47 FR 44705, October 12, 1982). The amendment is not expected to have an adverse economic impact on small depository institutions.

Authority: 12 U.S.C. 461 *et. seq.*

Docket Number: R–0371.

Staff Contacts: David Lindsey, Assistant Director, Division of Research and Statistics, (202–452–2601); and Gilbert T. Schwartz, Associate General Counsel, Legal Division, (202–452–3625).

5. Regulation: E—Electronic Fund Transfers (12 CFR Part 205)

Action Taken: In October 1982 following review of public comments, the Board adopted four amendments to regulation E that provide (1) an exemption for small institutions for all preauthorized transfers to or from a depositor's account; (2) an exemption from the provision that requires a periodic statement for each account when there is an intrainstitutional transfer between accounts of the same consumer; (3) modifications to the requirements for documentation and error resolution procedures for transfers initiated outside of the United States; and (4) an exemption from the provision that requires a terminal receipt to disclose the type of account involved in an automated teller machine transaction, even if only a single account can be accessed (47 FR 44708, October 12, 1982).

The action taken will relieve creditor burdens in complying with the regulation; particularly for small institutions, while not significantly reducing consumer protection.

Authority: Electronic Fund Transfer Act, 15 U.S.C. 1693b.

Docket Number: R–0388.

Staff Contacts: John C. Wood, Senior Attorney; and Jesse Filkins, Senior Attorney, Division of Consumer and Community Affairs, (202–452–2412).

6. Regulation T—Credit by Brokers and Dealers (12 CFR Part 220)

Action Taken: In September 1982, the Board issued for public comment a proposed amendment to regulation T that would permit private mortgage pass-through securities meeting specified criteria to be used as collateral for margin credit at securities brokers and dealers (47 FR 43070, September 30, 1982).

Following review of the public comments, the Board adopted the amendment (47 FR 55912, December 14, 1982), to be effective on January 17, 1983. Private mortgage pass-through securities may now be given "good faith" margin treatment if they meet the following three criteria: (1) An original issue of $25,000,000 (rather than an outstanding principal amount at the time credit is extended) that may be sold in separate series, (2) current filings with the Securities and Exchange Commission, and (3) the passing through of mortgage interest and principal payments by the servicing agent according to the terms of the offering.

It is not expected that this rule will have a significant economic impact on a substantial number of small entities.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

Docket Number: R–0423.

Staff Contacts: Laura Homer, Securities Credit Officer; and Robert Lord, Attorney, Division of Banking Supervision and Regulation (202–452–2781); or David Seiders, Senior Economist, Division of Research and Statistics (202–452–2894).

7. Regulation: Z—Truth in Lending (12 CFR Part 226)

Action Taken: In February 1983, following review of public comments, the Board made final preemption determinations concerning certain provisions of Arizona, Florida and Missouri law. A request for a determination regarding South Carolina law was subsequently withdrawn because the state law provisions in question had been revised (48 FR 4454, February 1, 1983).

Determinations that state laws are inconsistent and thus preempted by federal laws result in fewer burdens on creditors in those states (without significant loss of consumer protection) because in each case duplicative requirements are eliminated.

Authority: The Truth in Lending Act, 15 U.S.C. 1601 *et. seq.*

Docket Number: R–0395.

Staff Contacts: Rugenia Silver, Staff Attorney (202–452–2412); and Gerald Hurst, Staff Attorney (202–452–3867), Division of Consumer and Community Affairs.

†8. Regulation: Z—Truth in Lending (12 CFR Part 226)

Action Taken: In July 1982, the Board proposed for public comment two alternative methods for the treatment of seller's points and reduced rate financing under revised Regulation Z (47 FR 32433, July 27, 1982). One alternative would remove the current exclusion for seller's points from the finance charge disclosed under Truth in Lending. The other alternative would require that a disclosure be given to advise the consumer that the seller has paid money to obtain the financing and that, if the cost is passed on in the form of a higher sales price or other charge, the annual percentage rate and the other disclosures understate the cost of credit.

In September 1982, the Board withdrew its proposal, thus leaving in place Regulation Z's exclusion of seller's points from the finance charge (47 FR 44741, October 12, 1982). The Board took this action primarily as a result of comments received on the proposal, particularly the uncertainty concerning the extent to which seller's points are passed on to consumers and the consumer benefit of the proposals. The Board was also concerned about the cost and disruption that could result from adoption of the proposals.

Authority: Truth in Lending Act, 15 U.S.C. 1601 *et. seq.*

Docket Number: R–0413.

Staff Contacts: Clarence B. Cain, Staff Attorney; and Gerald P. Hurst, Staff

Attorney, Division of Consumer and Community Affairs (202–452–2412).

Board of Governors of the Federal Reserve System, March 24, 1983.

Barbara R. Lowrey,

Associate Secretary of the Board.

[FR Doc 83–7947 Filed 3–31–83; 8:45 am]

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FARM CREDIT ADMINISTRATION

12 CFR Part 601

EMPLOYEE RESPONSIBILITIES AND CONDUCT

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration is publishing a proposed rule which determines that certain financial interests of members of the Federal Farm Credit Board are too remote or too inconsequential to affect the integrity of the exercise of certain statutory duties and responsibilities by Federal Board members and that such interests are therefore exempt from the requirements of Title 18, United States Code, 208(a).

DATE: Written comments must be received on or before May 31, 1983.

ADDRESSES: Comments or suggestions should be submitted in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, DC 20578. Copies of all correspondence received will be available for inspection by interested persons in the Office of Director, Congressional and Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, SW., Washington, DC 20578 (202–755–2181).

SUPPLEMENTARY INFORMATION:

Background

The thirteen members of the Federal Farm Credit Board ("Federal Board") are considered special Government employees for purposes of certain provisions in Title 18, United States Code, governing the conduct of Federal employees. Generally, a Federal employee, including a special Government employee, is prohibited from engaging in activities or participating in decisionmaking processes in which the employee has a conflict of interest. Title 18, United States Code, 208, specifically prohibits a special Government employee from participating personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as an officer, director, trustee or partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.

The statute provides two exceptions from this general prohibition. An employee can make a full disclosure of the financial interest and receive a determination that the interest is not so substantial as to be deemed likely to affect the integrity and services which the Government may expect from the employee. Secondly, the statute authorizes the promulgation of a regulation which declares that certain financial interests are too remote or too inconsequential to affect the integrity of the employee's service, and therefore do not involve prohibited conflicts of interest.

Explanation

The proposed regulation describes the procedure by which twelve Federal Board members are nominated by Farm Credit System ("System") institutions and appointed by the President, and by which one is designated by the Secretary of Agriculture, and explains that by reason of this procedure, Federal Board members usually have a financial interest in the nature of stock ownership, loans, or otherwise, in one or more System institutions. The proposed regulation explains that the Federal Board's statutory responsibilities are the establishment of general policy for the guidance of the Farm Credit Administation, approval of necessary rules and regulations for the Farm Credit Act of 1971, as amended (12 U.S.C. 2001 U.S.C. *et seq.*) ("1971 Act"), and the supervision and direction of the performance of the powers and duties of the Farm Credit Administration and the Governor which relate to matters of a broad and general supervisory, advisory, or policy nature. The Federal Board is specifically prohibited from operating in an administrative capacity. The proposed regulation states that Federal Board members, in the performance of their functions, are required to act on matters which may have an indirect and remote effect on their financial interests in System institutions but that such actions will not be deemed to involve prohibited conflicts of interest when they involve no preference or advantage for that Federal Board member over other persons similarly situated. The proposed regulation specifically provides that the exemption does not apply to a Board member's participation in the consideration of any action which is directed at or specifically applicable to any System institution (or institution which supervises such institution) in which the Federal Board member or a member's spouse, minor child, partner, or organization in which the member is serving as an officer, director, trustee, partner or employee holds a financial interest, or in which a financial interest is held by any person or organization with whom the Federal Board member is negotiating or has an arrangement concerning prospective employment.

List of Subjects in 12 CFR Part 601

Agriculture, Banks, Banking, Conflict of interest, Ethics in government.

PART 601—EMPLOYEE RESPONSIBILITIES AND CONDUCT

For the reasons set out in the preamble, part 601 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown.

1. By adding § 601.190 *Federal Farm Credit Board-Waiver* to the table of sections for Part 601.

2. By adding a new § 601.190 to read as follows:

§ 601.190 Federal Farm Credit Board-Waiver.

Pursuant to Title V of the Farm Credit Act of 1971, as amended, 12 U.S.C. 2221 *et seq.* ("1971 Act"), twelve members of the Federal Farm Credit Board ("Federal Board") are appointed by the President taking into consideration nominations made by the Farm Credit System ("System") institutions and the thirteenth member is designated by the Secretary of Agriculture. The individuals nominated by System institutions and/or appointed by the President or the member designated by the Secretary of Agriculture usually have a financial interest in the nature of stock ownership, loans, or otherwise in one or more System institutions. The Federal Board's responsibilities include such matters as establishing the general policy for the guidance of the Farm Credit Administration, approving necessary rules and regulations for the implementation of the 1971 Act and supervising and directing the

performance of the powers and duties of the Farm Credit Administration and the Governor which relate to matters of a broad and general supervisory, advisory, or policy nature. The Federal Board is specifically prohibited under the 1971 Act from operating in an administrative capacity. In the performance of the Federal Board's statutory functions, Federal Board members are required to act on matters which may have an indirect and remote effect on their financial interests in System institutions. For purposes of Federal Board consideration of matters of a general or policy nature which may have some affect on the interest of a Federal Board member over other persons similarly situated, pursuant to 18 U.S.C. 208(b)(2), such interests are deemed too remote or inconsequential to affect the integrity of a Federal Board member's service. Therefore, action by a Federal Board member on such matters will not be deemed to violate 18 U.S.C. 208(a). This waiver shall not extend to a Federal Board member's participation in the consideration of any action by the Farm Credit Administration which is directed at or specifically applicable to any System institution (or institution which supervises such institution) in which a financial interest is held by (a) a Federal Board member, (b) the member's spouse, minor children, partner, or organization in which the Federal Board member is serving as an officer, director, trustee, partner or employee, or (c) any person or organization with whom the Federal Board member is negotiating or has an arrangement concerning prospective employment.

(Sec. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621 (12 U.S.C. 2243, 2246 and 2252))

Kenneth J. Auberger,

Acting Governor.

[FR Doc. 83-8534 Filed 3-31-83; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

Tariff Classification of Bulk Liquid Chocolate; Correction

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Correction.

SUMMARY: This document corrects an error in a document relating to a proposed change of position and solicitation of comments with respect to the tariff classification of bulk liquid chocolate. The document was published in the **Federal Register** on Tuesday, March 22, 1983 (47 FR 11958).

FOR FURTHER INFORMATION CONTACT: Gerard J. O'Brien, Jr., Regulations Control Branch, U.S. Customs Service (202-566-8237)

The following correction is made to the document:

On page 11957, left hand column, second paragraph, next to last line, the word "sold" is corrected to read "solid".

Dated: March 28, 1983.

Bernard James Fritz,

Director, Regulations Control and Disclosure Law Division.

[FR Doc. 83-8562 Filed 3-31-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 101, 201, 501, 701, and 801

[Docket No. 75N-0204]

Area of Principal Display Panel; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposed rule that would have revised existing regulations to redefine the area of the principal display panel to ensure that the quantity of contents declaration would be in a type size more uniform for all packages of substantially the same size. This action is being taken because FDA concluded that the potential costs of the proposal could have outweighed its potential benefits.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Campbell, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 19, 1976 (41 FR 7514), FDA published a proposal to redefine the area of the principal display panel for human and animal foods, cosmetics, and over-the-counter (OTC) drugs and devices to ensure that the declarations of quantity of contents on packages of substantially the same size would be in a more uniform type size. Under existing FDA regulations, this area depends on whether the shape of the package containing the consumer commodity is rectangular, cylindrical or nearly cylindrical, or otherwise shaped. For rectangular packages, the area of the principal display panel is the product of the height times the width of the surface bearing the principal display panel. For cylindrical or nearly cylindrical packages, this area is 40 percent of the product of the height of the container times the circumference. For otherwise shaped packages, this area is 40 percent of the total surface of the container. Because of the voluntary effort of labelers, these definitions have, in the majority of cases, resulted in quantity of contents declarations of uniform type size for packages of substantially the same size. However, in a few situations the definitions have permitted packages of substantially the same size to bear declarations of differing type size. For example, when the principal display panel of a rectangular package is placed on one of the smaller package surfaces, type size is based on the area of that smaller surface. As a result, two rectangular packages of identical size and shape can have different type size requirements depending on the location of the principal display panel.

To alleviate these problems, FDA proposed to revise the labeling requirement so that, for rectangular packages, the area of the principal display panel would have been the product of the height times the width of the largest package surface. For cylindrical or nearly cylindrical packages, the area of the principal display panel would have been the larger of (1) 40 percent of the product of the height of the container times the circumference or (2) the area of the lid. For otherwise shaped packages, the area of the principal display panel would have been the larger of (1) 40 percent the total surface area or (2) the area of the lid. Although the principal display panel would generally appear on the larger package surface, the area of the principal display panel and the type size for the declaration of the quantity of contents would have been determined without regard to whether the principal display panel was actually present on the larger surface. Sixteen comments were received in response to the proposed rule: 12 from manufacturers, 2 from trade associations, 1 from a retailer, and 1 from a Federal government agency. Almost all of the comments either disapproved of the proposal or suggested revisions.

Several comments contended that the proposed definitions for the area of the principal display panel could not be practicably substituted for existing definitions for this area. Some comments pointed out that for the "quarter flat" salmon can, the proposal would require a ⅛-inch type size for the quantity of

contents statement and a ¼-inch separation from other printed matter; consequently, 25 percent of the total label height would be devoted to the net contents. These comments believed such a requirement would be structurally unfeasible and destroy the balance and appearance of the labels involved. These comments also stressed that salmon can lids are seldom, if ever, labeled. Other comments held that principal display panels could not be properly designed if the largest panel on a package governs the type size of a smaller panel that is intended to be used as the "shelf face" panel. A few comments stated that principal display panels for OTC drugs should place primary emphasis on identity, strength, and precautionary information and objected to the fact that some types of packages would be forced to bear principal display panels where the quantity of contents declaration would be larger than this more important information. Other comments pointed out that existing FDA and Federal Trade Commission (FTC) definitions for the area of the principal display panel are consistent with each other and maintained that this consistency should not be eliminated. Further, some comments averred that the proposed definitions would impose severe economic impact on the affected industry. It was pointed out that even the simplest label change could involve significant art work expense and that any expense would be magnified many times by the multitude of different types of labels used by many firms. Also, some comments maintained that many firms keep large label inventories that would probably not be expended before the effective date of the proposed revisions; consequently, additional economic burden would be imposed from destruction of such inventories.

FDA is persuaded by the comments that, in a number of cases, the proposed definitions for the area of the principal display panel could not be practicably substituted for existing definitions for this area. FDA also agrees that FDA and FTC regulations are reasonably consistent with each other and that, wherever practicable, this consistency should be continued. Further, the agency is persuaded that there could be significant economic impact in some situations if the proposed rule were implemented. Finally, in view of the lack of consumer interest in the proposed rule and the lack of evidence of consumer confusion over type size uniformity in declarations of quantity of contents that are in accordance with existing regulations, FDA finds no significant consumer benefit that would be gained from implementation of the proposed rule. Therefore, FDA is withdrawing the proposed revisions of 21 CFR 1.7 (subsequently recodified as 21 CFR 101.1 and 501.1), 21 CFR 201.60 (subsequently recodified as 21 CFR 201.60 and 801.60), and 21 CFR 701.10 published in the **Federal Register** of February 19, 1976 (41 FR 7514), and is terminating the rulemaking proceedings initiated by that proposal.

The agency is not addressing the individual comments on the proposed rule because of its decision to terminate the proceedings in this matter. However, FDA believes it should clarify a number of issues raised by the comments concerning the existing definitions. Many of the comments appeared confused over type size requirements for alternate principal display panels. Current regulations specify that where packages bear alternate principal display panels, information required to be placed on it shall be duplicated on each principal display panel. The agency's policy has consistently been that, on any given package, the required type size for the quantity of contents declaration shall be the same size on all principal display panels and that this type size is determined by the largest principal display panel. However, a smaller panel that is not a principal display panel is not required to bear a quantity of contents declaration, or if it does, the type size of such declaration is not specified by the regulations.

Some comments requested clarification concerning appropriate portions of bottles or jars that should be excluded from determinations of the area of principal display panel. One of these comments pointed out that although FDA, in the past, has excluded the rounded heel at the bottoms of jars in determining the area of the principal display panel, this exclusion was not written into the proposed regulations.

Current FDA regulations state that tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars should be excluded from determinations of the area of the principal display panel. Further, the agency advises that the rounded heel at the bottoms of jars also should be excluded from the determinations. However, FDA advises that whenever the shoulders or necks of cans or bottles bear a label panel, these surfaces obviously are capable of being labeled. Consequently, they are not entitled to exclusion from total surface area calculations and the "total surface area" therefore includes this area for purposes of determining the area of the principal display panel.

List of Subjects

21 CFR Part 101

Food labeling; Misbranding; Nutrition labeling; Warning statements.

21 CFR Part 201

Drugs, Labeling.

21 CFR Part 501

Animal foods, Labeling, Packaging and containers.

21 CFR Part 701

Cosmetic ingredient labeling, Cosmetic labeling, Designation of Ingredients, Misbranding.

21 CFR Part 801

Labeling, Medical devices, Over-the-counter devices, Prescription devices, Requirements for specific devices.

Therefore, under the Fair Packaging and Labeling Act (secs. 4, 6, 80 Stat. 1297, 1299 (15 U.S.C. 1453, 1455)) and the Federal Food, Drug, and Comestic Act (sec. 701(e), 70 Stat. 919 (21 U.S.C 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) the agency withdraws the proposal published in the **Federal Register** of February 19, 1976 (41 FR 7514) and terminates the rulemaking proceeding initiated by that proposal.

Dated: March 23, 1983

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR. Doc. 83-8296 Filed 3-31-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 148

[Docket No. 82N-0261]

Quick Frozen Peaches; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard for quick frozen peaches based on the Recommended International Standard for Quick Frozen Peaches (Codex standard) because there is neither sufficient interest nor need to warrant proposing a U.S. standard for this food.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200

C St. SW., Washington, D.C. 202–245–1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 3, 1882 (47 FR 38909), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex standard and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission.

One comment was received in response to the advance notice of proposed rulemaking.

The Whey Products Institute, 130 N. Franklin St., Chicago, IL 60606, advanced no position on whether a U.S. standard for quick frozen peaches is necessary, but, instead noted that adopting the listing of specific optional sweeteners specified in the Codex standard, which excludes lactose, would be inconsistent with most U.S. canned fruit identity standards that permit the use of any safe and suitable nutritive carbohydrate sweetener.

FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard at this time for quick frozen peaches under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for quick frozen peaches based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for quick frozen peaches upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: March 24, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–8299 Filed 3–31–83; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 148

[Docket No. 82N–0262]

Quick Frozen Raspberries; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard for quick frozen raspberries based on the Recommended International Standard for Quick Frozen Raspberries (Codex standard) because there is neither sufficient interest nor need to warrant proposing a U.S. standard for this food.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 3, 1982 (47 FR 38912), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex standard and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission.

One comment was received in response to the advance notice of proposed rulemaking.

The Whey Products Institute, 130 N. Franklin St., Chicago, IL 60606, advanced no position on whether a U.S. standard for quick frozen raspberries is necessary, but, instead noted that adopting the listing of specific optional sweeteners specified in the Codex standard, which excludes lactose, would be inconsistent with most U.S. canned fruit identity standards that permit the use of any safe and suitable nutritive carbohydrate sweetener.

FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard at this time for quick frozen raspberries under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for quick frozen raspberries based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for quick frozen raspberries upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: March 24, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–8297 Filed 3–31–83; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 158

[Docket No. 82N–0260]

Quick Frozen Spinach; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard for quick frozen spinach based on the Recommended International Standard for Quick Frozen Spinach (Codex standard) because there is neither sufficient interest nor need to warrant proposing a U. S. standard for this food.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 3, 1982 (47 FR 38915), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex standard and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organizaation/World Health Organization Codex Alimentarius Commission.

No comments were received in response to the advance notice of proposed rulemaking.

FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard at this time for quick frozen spinach under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for quick frozen spinach based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for quick frozen spinach upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: March 24, 1983

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-8295 Filed 3-31-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 211

[Docket No. 79P-0265]

Current Good Manufacturing Practice in Manufacture Processing, Packing, or Holding; Proposed Exemption From Active Ingredient Identity and Strength Testing for Homeopathic Drug Products

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the current good manufacturing practice (CGMP) regulations for human and veterinary drug products to exempt homeopathic drug products from the requirement for laboratory testing for identity and strength of each active ingredient in finished drug products before they are released for distribution. This action is primarily based upon information, submitted in a citizen petition, that compliance with this requirement is impractical and unnecessary for homeopathic drug products, which differ substantially from other classes of pharmaceutical drug products.

DATE: Comments by May 31, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Clifford G. Broker (HFN-323), 301-443-5307, or Robert J. Meyer (HFN-7), 301-443-5220, National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 29, 1978 (43 FR 45014), FDA published final CGMP regulations for human and veterinary drug products. Most of the requirements under these final regulations became effective on March 28, 1979.

On July 12, 1979, the American Association of Homeopathic Pharmacists, 6231 Leesburg Pike, Falls Church, VA 22044, submitted to FDA a citizen petition under 21 CFR 10.30 to amend the CGMP regulations by exempting homeopathic drug products from compliance with certain requirements of § 211.165(a) (21 CFR 211.165(a)). That section requires laboratory testing of finished drug products to determine their conformance with established specifications, including identity and strength of each active ingredient, before they are released for distribution. A copy of the petition is on file under Docket No. 79P-0265/CP in the Dockets Management Branch (address above) and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

The petitioner requested that homeopathic drug products be exempted from the requirement of § 211.165(a) for active ingredient identity and strength testing. The request was based upon (1) the impracticality of requiring active ingredient testing for finished homeopathic drug products commonly used in homeopathic medical practice in which the active ingredients have been highly diluted, (2) the deviation from some testing requirements that the regulation permits for other drug products, i.e., short-lived radiopharmaceuticals for which tests for sterility and pyrogens may be completed after batches are released for distribution, and (3) the singularly adverse economic impact that the testing requirement would have on a unique segment of the pharmaceutical industry.

The petitioner has stated that it is impractical to test homeopathic drug products for the identity and strength of their active ingredients because the amounts of these active ingredients are too minute to be detected by ordinary methods and instruments. The petitioner explained that the strength of articles recognized in the Homeopathic Pharmacopoeia of the United States is based upon a decimal system of attenuation (dilution) and notation whereby the strength of the original drug substance is progressively divided by a factor of 10. Thus, the first decimal (1X) contains $\frac{1}{10}$ of the original drug substance in a suitable diluent, the second decimal (2X) contains $\frac{1}{100}$ of the original drug substance, the third decimal (3X) contains $\frac{1}{1000}$ of the original drug substance, and so on. The petitioner stated that most homeopathic drug products are compounded at attenuations of 3X or greater, with most over-the-counter products having attenuations between 3X and 12X. Considering that original drug substances contain only minute quantities of active ingredients, the detection and assay of these ingredients are technically difficult and not reasonably accurate. The petitioner stated that for some products at the 6X attenuation, the active ingredients could comprise only one-trillionth of the original drug substance. The petitioner points out that the absence of a requirement for testing active ingredients in finished homeopathic drug products in an official compendium, "The Homeopathic Pharmacopoeia of the United States," is further evidence of the impracticality of requiring such testing.

The petitioner acknowledged that testing finished homeopathic drug products for the strength and identity of their active ingredients is possible with sophisticated equipment, but estimated that the purchase price and operating costs of such equipment would be over $1 million for each homeopathic drug manufacturer. The petitioner claims that because the entire homeopathic drug industry has total sales in the United States of only $2 million (presumably annual sales), expenditures for this equipment would be prohibitive and would drive homeopathic drug manufacturers out of business.

The petitioner also argued that active ingredient testing in finished homeopathic drug products is unnecessary because the simplicity of the manufacturing methods and the quality controls exercised during their manufacture are sufficient to assure the quality of these drug products. Therefore, according to the petitioner, exempting homeopathic drug products from the final testing requirement would not create a substantial possibility of error in the identity or strength of an active ingredient.

Under § 211.165(a), short-lived radiopharmaceuticals may be released

for distribution before sterility and pyrogen testing are completed because the agency recognizes that it may not be possible to obtain test results before the active ingredients degrade below a useful level. The petitioner cited this exemption as an example of the agency's flexibility in applying testing requirements and seeks the exercise of similar flexibility in the application of § 211.165(a) to homeopathic drug products.

FDA has weighed all of the petitioner's contentions, and believes that most of the arguments are well-founded and that the petition should be granted. As explained in detail below, the agency's position is based primarily on the following three factors: First, the agency believes that granting the petition is entirely consistent with the agency's prior recognition of homeopathic drug products as unique entities. Second, the agency is convinced that the benefits to be gained by enforcing the requirement are far outweighed by the potential increase in costs to the industry of conducting the active ingredient tests. Third, the agency believes that the quality controls required by the other portions of the CGMP regulations and the requirements of "The Homeopathic Pharmacopoeia of the United States" are sufficient to ensure the quality of homeopathic drug products.

In the preamble to the final CGMP regulations, (comment 357, in the **Federal Register** of September 29, 1978; 43 FR 45058), FDA formally acknowledged the uniqueness of homeopathic drug products. Accordingly, they were exempted from expiration dating and from complete stability testing due to the imprecise nature of measuring extremely low levels of active ingredients in homeopathic drug substances and because such criteria as potency, absorption, bioavailability, and other measures of effectiveness do not appear to apply to homeopathic drug products. Identical arguments have been presented by the petitioner to support its request. The agency accepts the petitioner's contention that the fundamental justifications for exempting homeopathic drug products from expiration dating and complete stability testing also justifies exempting finished homeopathic drug products from active ingredient testing for identity and strength. Therefore, the agency believes that it would be inconsistent with this position to deny the petitioner's request.

The second basis for granting the petition is that, in the view of the agency, the costs of retaining the requirement for this class of drugs far outweigh the potential benefits. Considering the extremely low level of active ingredients in homeopathic drug products, it is reasonable to assume that highly sophisticated and expensive testing equipment would, in fact, be necessary to conduct active ingredient testing for identity and strength. The agency does not agree, however, with the petitioner's contention that the costs of having these tests conducted would necessarily be prohibitive. The agency believes that these tests could be conducted by contract laboratories or by the use of pooled resources in the industry. Thus, each manufacturer would not be required individually to bear the expenditure of obtaining the equipment and support personnel necessary to conduct the tests. Nonetheless, the agency believes that the benefits of retaining the requirement for these tests does not justify the potential increase in manufacturing cost, particularly when conventional concepts of drug potency cannot be strictly applied to homeopathic drug products. Therefore, because the application of conventional end-product testing standards to homeopathic drug products is of questionable value and would not provide any added assurance of drug quality to the user, the agency tentatively has concluded that the cost of testing homeopathic drug products for identity and strength of their active ingredients is not warranted.

The third basis for granting this petition is the agency's belief that assurance of the quality of this class of drug products can be achieved by applying other controls and standards. Although the agency is cognizant of the homeopathic concept of potency, it is still important for manufacturers of homeopathic drug products to establish with a reasonable degree of certainty that finished products contain the drug substances claimed in the labeling, and at the claimed degree of attenuation. Nonetheless, the agency believes that this objective can be attained for these drug products by adherence to the other requirements of the CGMP regulations and to the quality and production standards of "The Homeopathic Pharmacopoeia of the United States." Accordingly, the agency tentatively has concluded that exempting homeopathic drug products from the required testing for identify and strength of their active ingredients will not diminish the overall quality of these drug products.

Therefore, for the reasons set forth above, FDA is proposing to amend the CGMP regulations by exempting homeopathic drug products from the requirement for testing the active ingredients in final drug products for identity and strength before release for distribution. Homeopathic drug products would continue to be required to meet other final specifications as may be appropriate for the drug product, e.g., clarity, color, and pH, before release.

The agency has determined that because of the nature of the proposed change, it is in the public interest to allow manufacturers to follow the provisions of this proposal pending completion of the rulemaking proceeding. Therefore, homeopathic drug products, on the publication date of this proposal, will no longer be required to comply with the requirement for laboratory determination of identity and strength of each active ingredient in the drug product before release. Pending the receipt of comments on this proposal, and the agency's final decision on this matter, this interim enforcement policy will remain in effect. If the agency determines not to adopt this proposal as a final rule, it will so announce in further rulemaking notices that are published in the **Federal Register**.

The agency has determined pursuant to 21 CFR 25.24(d)(12) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

The agency has considered the economic consequences of this proposed rulemaking and has determined that it does not require either a regulatory impact analysis, as specified in Executive Order 12291 or a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). The agency concludes that exempting homeopathic drug products from the required testing for identity and strength will relieve a regulatory burden on the industry and eliminate the cost associated with the requirement for the manufacturers of these drugs. Therefore, the agency concludes that the proposed rule is not a "major" rule as defined in Executive Order 12291. Further, the agency certifies that the proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 21 CFR Part 211

Drugs, manufacturing, Labeling, Laboratories, Packaging and containers, Warehouses.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 501, 502,

505, 512, 701, 52 Stat. 1049–1051 as amended, 1055–1056 as amended, 82 Stat. 343–351 (21 U.S.C. 351, 352, 355, 360b, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Part 211 be amended in § 211.165(a) by adding a new sentence immediately after the first sentence, to read as follows:

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

§ 211.165 Testing and release for distribution.

(a) * * * For homeopathic drug products, the laboratory determination of identity and strength of each active ingredient is not required. * * *.

* * * * *

Interested persons may, on or before May 31, 1983, submit to the Dockets Management Branch written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 23, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-8298 Filed 3-31-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-700]

Powered Platforms for Exterior Building Maintenance; Extension of Comment Period

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Extension of time for submission of written comments.

SUMMARY: This notice extends the comment period for written responses to the questions OSHA presented in the advance notice of proposed rulemaking: "Powered Platforms for Exterior Building Maintenance" (48 FR 6368, February 11, 1983).

DATES: Written responses to the February 11, 1983 notice must be submitted on or before May 16, 1983.

ADDRESS: Comments should be sent to: the Docket Officer, Docket S-700, Room S-6212, U.S. Department of Labor, Washington, D.C. 20210 (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: Mr. P. J. Cattafesta, U.S. Department of Labor—OSHA, Office of Mechanical Engineering Safety Standards, Room N-3506, Washington, D.C. (202) 523-7202.

SUPPLEMENTARY INFORMATION: On February 11, 1983, OSHA published in the **Federal Register** (48 FR 6368) an advance notice of proposed rulemaking, "Powered Platforms for Exterior Building Maintenance." In the advance notice, OSHA solicited information on whether it should revise its standard on powered platforms used for exterior building maintenance to permit use of intermittent stabilization systems, if continuous stabilization systems are not feasible. OSHA also requested written responses to many general and specific issues pertaining to powered platforms. For example, the agency is seeking comments on the need for and content of a revision to its powered platform standard; the cost effectiveness of alternative approaches to stabilizing the platform; available accident and injury data related to the platforms; the need for worker training; and the economic impact of potential changes on small business.

The written responses were to have been received by March 14, 1983. OSHA has been asked to extend the comment period to ensure that interested parties have sufficient time to compile data and prepare responses to the issues raised in the notice. OSHA believes that the information gathering process will be improved if all interested parties are granted additional time for submission of comments. Thus, OSHA has decided to extent the written comment period to May 16, 1983.

Authority

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059))

Signed at Washington, D.C. this March 25, 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83-8566 Filed 3-31-83; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 932

Surface Mining and Reclamation Operations Under a Federal Program for North Carolina

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Postponement of Public Hearing; extension of public comment period.

SUMMARY: The Office of Surface Mining (OSM) is announcing the postponement of the public hearing scheduled on the proposed Federal program for the regulation of surface coal mining and reclamation in North Carolina until April 26, 1983, to allow more time for public comment.

This notice also extends the comment period during which interested persons may submit written comments on the proposed Federal program until close of business on May 6, 1983.

DATES: Comment deadline May 6, 1983. The following hearing is rescheduled. The public hearing on the proposed Federal program for the regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in North Carolina is rescheduled for April 26, 1983, to be held at the original time and place listed below under "**ADDRESSES.**" Request to testify at this hearing should be received by April 19, 1983.

ADDRESSES: Written comments should be mailed or hand delivered to: Administrative Record Room (R&I-29), Office of Surface Mining, Knoxville Field Office, 530 Gay Street, Suite 500, Knoxville, Tennessee 37902.

The public hearing on the proposed program will be held at: Hoiday Inn, Highway 421, Sanford, North Carolina, at 8:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343-5866.

SUPPLEMENTARY INFORMATION: On March 2, 1983, the Office of Surface Mining proposed a Federal program for North Carolina (48 FR 8954) which would regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands. The proposed Federal

program provided for a public hearing to be held to receive comments. It further provided that if commenters requested a hearing date later than that set, OSM would consider postponing the hearing until a later time. OSM has received a request to postpone the hearing to allow more time to prepare comments. The Director of OSM has determined that the request is reasonable, and is, therefore, rescheduling the public hearing for April 26, 1983, to be held at the original time and location listed above under "**ADDRESSES.**" This announcement also extends the time period during which interested persons may submit written comments on the proposed Federal program. Written comments must be received at the location listed above under "**ADDRESSES**" on or before the close of business on May 6, 1983, to be considered.

Public comments: OSM specifically solicits comments as to whether and when there may be the probability of coal mining in North Carolina. Of specific interest, is the Deer River Field in Chatham, Moore, and Lee Counties.

Dated: March 28, 1983.

William B. Schmidt,

Assistant Director, Program Operations and Inspection Office of Surface Mining.

[FR Doc. 83-8536 Filed 3-31-83; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 921

Surface Mining and Reclamation Operations Under a Federal Program for Massachusetts

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the Department of the Interior proposes a Federal program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in Massachusetts. This includes surface effects of underground coal mining. This proposed program is necessary in order to regulate surface coal mining activities in the absence of a State program.

DATES: Written comments must be received not later than 5:00 p.m. on June 17, 1983 at the address below. A public hearing will be held on June 9, 1983. Requests to testify at the hearing should be received by June 3, 1983. If commenters request a hearing date later than that set, OSM will consider postponing the hearing until a later time; any new date will be announced by a notice in the Federal Register.

ADDRESSES: Written comments must be mailed or hand-delivered to: Administrative Record Room, R&I–27, Office of Surface Mining, Pennsylvania Field Office, Executive House, Suite L–4, 101 South Second Street, Harrisburg, Pennsylvania 17101.

The public hearing on the proposed program will be held at the John F. Kennedy Federal Building, Government Center, Room 505, Boston, Massachusetts 02203 from 1 p.m. to 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Office of Surface Mining, Branch of Regulatory Programs, Room 222, 1951 Constitution Avenue, NW, Washington, D.C. 20240. Telephone: (202) 343–5866.

SUPPLEMENTARY INFORMATION:

Availability of Copies

Copies of the proposed program are available for inspection and may be obtained at the OSM office listed above in "ADDRESSES."

Public Comment Period

The comment period on the proposed program will extend until June 17, 1983. All written comments must be received at the location above under "ADDRESSES" by close of business on that date.

All written comments received, a transcript of the public hearing, summaries of meetings held at the request of any person or organization to receive advice or recommendations concerning the proposed program with representatives of OSM, and other documents comprising the administrative record on the Federal program for Massachusetts will be made available for public review during regular business hours at the location listed above.

OSM appreciates any and all comments on the proposal, but those that would be most useful should be as specific as possible, focus on the issues of this proposed rulemaking, and provide reasons for any recommendations. OSM will not consider comments that do not pertain to the issues in this proposal. Nor can OSM ensure consideration of written comments received after the comment period ends or those delivered to an address other than that specified.

Public Hearing

A public hearing on the proposed program will be held at the time and location listed above to hear all those who wish to testify. The hearing may be cancelled if, by June 3, 1983, no person has expressed interest in presenting testimony.

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officials who will attend the hearing. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying. The public hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Background

Under Section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (the Act), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, the Secretary of the Interior (the Secretary) is required to promulgate a Federal program within 34 months after passage of tne Act if a State fails to submit a program to assume responsibility for regulating surface mining activities, fails to resubmit a program within 60 days of disapproval, or fails at any time to implement, enforce or maintain an approved State program.

Massachusetts has identifiable coal reserves within its borders, but has failed to submit a program to the Secretary to obtain primary regulatory responsibility. The Secretary believes that it is reasonable to expect coal exploration or surface coal mining and reclamation operations to exist on non-Federal and non-Indian lands in Massachusetts before June 1985. Therefore, pursuant to 30 CFR 736.11, the Director must promulgate a program.

Once a decision is made that a Federal program is necessary for a State, the Secretary must make several determinations before promulgating a program. Section 504(a) of the Act requires that in implementing a Federal program the Secretary take into consideration the nature of the State's

terrain, climate, biological, chemical, and other relevant physical conditions. This requirement is also found in the regulations, 30 CFR 736.22(a)(1). The Act (Section 505(b)) and the regulations (§ 736.23(b)) also provide that if a State has more stringent land use and environmental laws or regulations, they shall not be construed to be inconsistent with the Act or the Secretary's regulations. If the State's laws or regulations establish more stringent standards regulating surface mining control and reclamation procedures than those found in the Act or the Secretary's regulations, or if the State regulates or protects an aspect of the environment affected by surface mining operations which neither the Act nor the Secretary's regulations protect, then those State standards are specifically preserved. Thus, the Secretary believes that the requirements of Section 505(b) can best be met by identifying State laws and regulations which impose more stringent environmental controls, and by listing them in § 921.700(e).

Also, in promulgating a program for a State, Section 504(g) of the Act specifies that any State statutes or regulations which regulate surface mining and reclamation operations subject to the Act will be preempted and superseded by the Federal program to the extent that they interfere with the achievement of the purposes and requirements of the Act and the Federal program. This provision is reinforced by Section 505(a) of the Act, which states that only those State laws and regulations which are inconsistent with the Act and its implementing regulations shall be superseded by the Federal program. Thus, State statutes and rules regulating the same activities as those covered by the Federal law and regulations and which interfere with achievement of the purposes of the Act must be identified and preempted by OSM.

Finally, a Federal program, according to Section 504(h) of the Act, must include a process for coordinating the review and issuance of surface mining permits with other Federal or State permits applicable to the proposed operation. The Federal statutes with which the surface mining permitting process must be coordinated are set out in 30 CFR 736.22(c). State statutes for which a permit is required must be identified in the process of promulgating a Federal program, and the Federal program must provide for coordination with the review and issuance procedures required by those statutes.

Federal programs are based on the Secretary's permanent program regulations: 30 CFR Subchapters A, F, G, J, K, L, and M. The permanent program regulations establish procedures and performance standards under the Act and form the benchmark for State programs. In order for a State to have a program approved by the Secretary, Section 503(a)(7) requires that the State's rules and regulations be consistent with the Secretary's regulations.

The parts of the permanent program regulations that must be included in a Federal program are listed at 30 CFR 736.22(b). They include general requirements and definitions (Parts 700 and 701), the exemption for coal extraction incident to government-financed highway or other construction (Part 707), the designation of lands unsuitable for surface mining (Parts 760, 761, 762, and 764), permits and permit applications (Subchapter G), reclamation bonding (Subchapter J), performance standards (Subchapter K), inspection and enforcement (Parts 842, 843 and 845), and blaster training and certification (Subchapter M). In addition, the provisions in the permanent regulations on protection of employees (Subchapter P) and restrictions on financial interests (Part 706) are applicable to Federal employees who perform functions or duties under the Act.

The rules for the permanent program are found in 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 56060). Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15323–15463 (March 13, 1979). Subchapter M was published on December 12, 1980 (45 FR 82098). Corrections were published at 44 FR 15485 (March 14, 1979); 44 FR 53507–53509 (September 14, 1979); 44 FR 66195 (November 19, 1979); 45 FR 26001 (April 16, 1980); 45 FR 37818 (June 5, 1980); and 45 FR 47424 (July 15, 1980). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979) as corrected at 44 FR 75143 (December 19, 1979); at 44 FR 77440–77447 (December 31, 1979); 45 FR 2626–2629 (January 11, 1980); 45 FR 25998–26001 (April 16, 1980); 45 FR 33926–33927 (May 20, 1980); 45 FR 39446–39447 (June 10, 1980); 45 FR 52306–52324 (August 6, 1980); 45 FR 52375 (August 7, 1980); 45 FR 58780–58786 (September 4, 1980); 45 FR 76932 (November 20, 1980); 46 FR 37232 (July 17, 1981); 46 FR 41702 (August 17, 1981); 46 FR 47720 (September 29, 1981); 46 FR 53376 (October 28, 1981); 46 FR 59934 (December 7, 1981); 47 FR 32942 (July 30, 1982); 47 FR 33431 (August 2, 1982); 47 FR 35620 (August 16, 1982); and 47 FR 38486 (August 31, 1982); 47 FR 44942 (October 12, 1982); 47 FR 47212 (October 22, 1982); 47 FR 51316 (November 13, 1982); 48 FR 1166 (January 10, 1983); and 48 FR 2286 (January 18, 1983).

Representatives of industry, two States and several environmental groups challenged the permanent regulatory program in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled *In re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144). In response to the arguments raised in the challenges, the Secretary voluntarily suspended several permanent program regulations. These suspensions were announced in the **Federal Register** on November 27, 1979 (44 FR 67942); December 31, 1979 (44 FR 77447–77455); January 30, 1980 (45 FR 6913); and August 4, 1980 (45 FR 51547–51550). In two opinions the Court remanded certain other regulations which had been challenged in the lawsuit. These opinions were issued on February 26, 1980, and May 16, 1980. Many of the issues decided by the District Court were appealed to the Court of Appeals for the District of Columbia Circuit. *In re: Permanent Surface Mining Regulation Litigation*, Nos. 80–1810, 80–1811, 80–1812, 80–1813 and 80–1823. But the appeals have been remanded in light of the regulatory reform effort mentioned below.

Massachusetts Federal Program

On April 28, 1982, a Federal program was promulgated for Massachusetts which regulated only coal exploration. 47 FR 18232. This proposed rulemaking notice, if adopted as a final rule, would completely replace the current limited regulatory program. As mentioned above, when promulgating a Federal program for a State, the Secretary is required by Section 504(a) of the Act to take into consideration the nature of the terrain, climate, biological, chemical, and other relevant physical conditions of that State.

OSM has reviewed Massachusetts laws and regulations to determine whether they suggest that special provisions may be necessary or appropriate based on special terrain or other physical conditions in the State. OSM solicits comments on special provisions that should be promulgated and the basis for those provisions.

Pursuant to Section 504(a), the Secretary becomes the regulatory authority when a Federal program is implemented for a State. OSM's permanent program regulations contain references to "the regulatory authority"

and to "the State regulatory authority," both of which mean the Secretary when a Federal program for a State is involved. Section 701(22) of the Act. The Office of Surface Mining is delegated all of the Secretary's authority for implementing, maintaining and enforcing a Federal program. This proposed program for Massachusetts would not change these responsibilities.

Explanation of Cross-Referencing

In the general notice of intent to promulgate Federal programs of May 16, 1980 (45 FR 32228), OSM stated that each Federal program would be specific to the particular State and would implement the permanent program procedures and environmental protection provisions of the Act (45 FR at 32229). However, except for the preservation of more stringent State environmental protection standards, the listing of other State laws requiring permits for which coordination is mandatory, and identified specific changes necessary to accommodate unique conditions in a State, few changes are needed in the permanent program regulations for any particular State for which a Federal program must be promulgated.

In Janaury 1981, the Secretary directed that the Department review all existing regulations in order to eliminate those which are burdensome, excessive, and unnecesary. Review of the permanent program regulations was initiated and is resulting in a large scale revision of them. See final Environmental Statement, OSM—EIS—1: supplement (January 1983); notice of availability of which was published by OSM on January 22, 1983, 48 FR 2521, and by the Environmental Protection Agency on January 28, 1983, 48 FR 4046.

To take advantage of the results which revision of the permanent program regulations will achieve, OSM proposes to develop and promulgate this Federal program in the following manner. Rather than repeating the full text of the permanent regulations which are being revised, there would be a cross-reference to the permanent program regulations. For example, criteria for the designation of lands unsuitable for surface coal mining would be provided by the statement that "Part 762 of this chapter * * * shall apply to surface coal mining and reclamation operations." (See proposed § 921.762).

One effect of the proposed cross-referencing to the permanent program regulations would be that as the permanent program regulations are revised, this Federal program would be similarly revised. Over time, all of the permanent program regulations will undergo review and many will be revised. No separate rulemaking would be undertaken or is necessary for revision of this program if the cross-referencing alternative becomes effective, unless OSM determined that special conditions were necessary for a particular State. A notice appeared in the **Federal Register** on July 13, 1982 (47 FR 30267), advising the public that changes in a permanent program rule would also result in a corresponding change in Federal programs absent special conditions. The notice invited comments on necessary modifications to accommodate unique or unusual aspects of surface mining in any State so that the final permanent program rule would be tailored for each Federal program State as necessary. Since the final rule notices of most of the revisions to the permanent program rules are likely to appear shortly before or after this proposed rulemaking notice, comments on those rules as they may affect the Massachusetts Federal program and any recommeded modifications for inclusion in that program are especially solicited.

The promulgation of this cross-referencing program would not result in any modification of the substance of OSM's permanent program rules. Where specific provisions which are different from the permanent program regulations are needed for an individual State's Federal program, a separate paragraph is proposed to be added to the appropriate section of that State's Federal program. Cross-referencing to the permanent program rules may also be used in the promulgation of other Federal programs. Public comment on the cross-referencing method as it affects other Federal programs, however, should be directed to each of those rulemaking notices.

Several provisions of the permanent program regulations are already applicable to the Massachusetts Federal program and need not be cross-referenced here because they were fully promulgated for application to all regulatory programs. Those provisions are 30 CFR Chapter VII, Subchapter P—Protection of Employees; Part 706—Restrictions on Financial Interests of Federal Employees; and Part 769—Petition Process for Designation of Federal Lands Unsuitable for Surface Coal Mining. (30 CFR Part 764—State processes for Designating Lands Unsuitable for Surface Coal Mining, would be included in the Massachusetts program by a cross-reference under § 921.764, to provide a petition process on non-Federal and non-Indian lands in that State.)

With regard to the bonding regulations (Subchapter J), only Part 800 is proposed to be cross-referenced because OSM has proposed to revise Subchapter J to include just one part, Part 800. 46 FR 45082 (September 9, 1981).

Content and Organization of the Program

The content and organization of the proposed Federal program for Massachusetts would generally follow the permanent program regulations. It should be noted, however, that this program follows the sectioning scheme of the current regulations published in the **Federal Register** on March 13, 1979 (44 FR 15312). OSM is revising the program standards. The preferred alternatives for regulatory change appeared in Volume III of the final Environmental Statement, OSM—EIS—1: supplement (Janaury 1983). Should the ultimate revision result in a change of Parts numbers or names, the sections in this and other Federal programs will be modified to conform to the new system.

As discussed above, instead of the full text appearing, each section of this proposed program would include only a reference to the pertinent permanent program regulation. Sections 921.700 (e) and (f), respectively, list Massachusetts statutes, which are more stringent than, and those which are inconsistent with, the Act. Where specific provisions which differ from the permanent program regulations are needed for each proposed Federal program for a State, a separate paragraph is proposed to be added to the appropriate section.

Detailed Discussion

Since Section 504(a) of the Act obligates the Secretary to take into account the nature of the terrain and the climate, in addition to biological, chemical, and other relevant physical conditions in each State, OSM reviewed pertinent Massachusetts statutes in the process of developing this proposed Federal program. OSM has determined that there are no Massachusetts statutes which set more stringent land use and environmental controls for surface mining, and proposed § 921.700(e) makes a statement to that effect. OSM requests comments, however, identifying any State laws which establish more stringent land use or environmental controls than the permanent Federal program.

OSM examined the Massachusetts statutes listed in § 921.700(f) of the proposed Federal program and determined that those State laws on coal mining and coal exploration would interfere with achievement of the goals of the Act and the purposes of the

proposed Federal program. In accordance with 30 CFR 736.23, OSM proposes that the following Massachusetts statutes be preempted once this Federal program becomes effective:

(a) The Coal Mining Regulatory Reclamation Act of 1977, as amended, Mass. Gen. Laws, Ch. 21B, Sections 1–15, governs all coal mining operations conducted in the State of Massachusetts. This statute would be preempted to the extent that it empowers the Commissioner of the Department of Environmental Quality Engineering to license all coal mining and coal exploration, oversee all reclamation procedures, and protect the citizens and the environment of Massachusetts against potential public health hazards or significant damage occurring from operation of coal mines within the State on areas larger than two acres. OSM would become the permitting authority for surface coal mining or coal exploration and would have full responsibility for protection of public health and the environment, as well as enforcement of the reclamation of surface-mined coal lands, under the proposed Federal program on areas larger than two acres.

(b) Mass. Gen. Laws, Ch. 21, Sections 54–56, authorize the Division of Minerals Resources in the Department of Environmental Quality Engineering to license exploration for, and regulate extraction of, mineral resources in coastal waters or on subsurface lands. These statutes would be preempted only to the extent the State of Massachusetts interprets them as authority for the Division of Mineral Resources to issue permits for prospecting for and extracting underground coal. OSM would become the exclusive permitting authority for all coal mining and coal exploration activities on areas larger than two acres, including the surface effects of underground mining and exploration for coal, once the proposed Federal program for Massachusetts becomes effective. Since the proposed Federal program would not regulate mineral leases, the Massachusetts Division of Mineral Resources would retain its authority to lease exclusive rights to extract any minerals, including coal, found on State lands.

The Massachusetts statutes summarized above constitute the body of Massachusetts law on exploration and surface mining of minerals and reclamation of mined land. Administration and enforcement of these statutes are the responsibilities of the Department of Environmental Management. These statutes are inconsistent with the Federal Act or the permant program regulations and interfere with attainment of the goals and purposes of the Act. Accordingly, OSM proposes that these statutes be preempted to the extent that Massachusetts interprets them as authority to regulate coal exploration or surface coal mining and reclamation operations in Massachusetts, except insofar as they govern operations affecting two acres of land or less or which are not otherwise subject to regulation under the provisions of the Surface Mining Control and Reclamation Act of 1977.

To coordinate the Federal program permitting process with the permitting requirements of Massachusetts and those imposed by other Federal statutes, § 921.770(b) of the proposed Federal program tentatively identifies the various permits, statutes, and rules which may, expressly or by implication, impact on coal exploration or surface coal mining and reclamation of lands. The pertinent permits, statutes, and rules are:

(a) Mass. Ann. Laws. Ch. 21, Sections 8–17B, authorize the Water Resources Commission to designate waterways within Massachusetts as scenic or historic rivers and streams which may not be dredged, diverted, or altered without a prior order of approval from the Commission. Mass. Ann. Laws, Ch. 21, Section 17B. Violations of the Commission's orders prohibiting or restricting dredging or otherwise altering Massachusetts's waterways and streams are punishable by a fine or imprisonment, or both. *Id.* Mass. Ann. Laws, Ch. 21, Section 16, renders it illegal for any person to engage in the business of digging or drilling wells within the State unless he has first obtained a certificate of registration from the Commission.

(b) Mass. Ann. Laws, Ch. 21, Sections 26–27D, prohibit exploration or excavation operations from being conducted on any site designated as a historical or archeological landmark by the State Historical Commission and on land owned or controlled by the State, its agencies, or political subdivisions without first securing a field investigation permit from the State Archeologist. It is unlawful to conduct exploration or excavation operations on private property reserved for agricultural, conservation, or recreational uses except when approved by the property owner and authorized under a field inspection permit obtained from the State Archeologist. Mass. Ann. Laws, Ch. 9, Section 27D.

(c) Mass. Ann. Laws, Ch. 184, Sections 31–32, grant owners of private property within the State the right to impose prohibitions against, *inter alia*, mineral exploration or mining activities which may affect the surface and to impose restrictions limiting the surface land to uses for conservation, recreational, or agricultural purposes to preserve those lands or improvements in their historic or natural conditions.

(d) Mass. Ann. Laws, Ch. 132, Sections 40–46 make it unlawful for any person to cut or cause timber to be removed from Massachusetts's forest lands unless cutting and, where approporiate, reseeding are done in accordance with an approved operational plan developed and promulgated by the Division of Parks and Forest. Persons are required to give the Division prior written notice of their intention to remove any timber. Failure to give the requisite notice of failure to follow the approved plan of operations is punishable by a maximum fine of $25.00 for each acre of land on which the unauthorized cutting occurs.

(e) The Wetlands Protection Act, Mass. Ann. Laws, Ch. 131, Sections 31–48, makes it unlawful to alter or dredge wetlands or floodplains which are determined to be areas of significance for flood control, water supply, or pollution control, without first obtaining and complying with an order of conditions for the proposed alteration. The State Conservation Commission is responsible for adopting, repealing, or modifying orders governing coastal wetlands. Mass. Ann. Laws, Ch. 131, Section 40. Orders governing inland wetlands are issued by the Board of Environmental Management. Mass. Ann. Laws, Ch. 131, Section 40A.

Section 42 prohibits the discharge of any waste or other material in violation of Section 40 or any provision of the Massachusetts Clean Water Act which may injure or kill fish or fish spawn within the State's inland waters. Nor shall a person alter or manipulate the flows or water levels in any of the State's inland waters to the exent that such manipulation injures or kills fish or fish spawn. This statute renders the use of explosives for engineering and public purposes exempt from the general prohibition only if an approved blasting permit has been granted by Federal, State, or municipal government authorities. Any person who violates either of Section 42's prohibitions is deemed liable in tort to the State's Division of Fisheries and Wildlife for damages in the amount of double the current commercial value of the fish killed. Section 48 makes it unlawful for a person to drain any pond, reservoir, or

body of water within the State, unless he gives the Division of Fisheries and Wildlife written notice of his intention at least 10 days before commencing the drainage project. Exceptions to this prohibition are provided for emergencies and for drainage of any body of water used for insect control, irrigation, or public water supply.

(f) Mass. Ann. Laws, Ch. 21A, Section 14, prohibits the disposal of dredged materials within the marine boundaries of the State unless disposal is done pursuant to, and in accordance with, the terms and conditions of an approved permit issued by the Department of Environmental Quality Engineering. Disposal of dredged material within the State must comply with the Division's rules and regulations at 310 Code of Massachusetts Regulations (CMR) 9.01 *et seq.*

(g) The Massachusetts Hazardous Waste Management Act, Mass. Ann. Laws, Ch. 21C.

(1) Sections 1–14, makes it unlawful for any person to collect, transport, treat, or dispose of hazardous waste in the absence of a valid license from the Department of Environmental Quality Engineering.

(2) Section 37. Hazardous waste may be disposed of in a landfill only after treatment in accordance with the Department's regulations, and then only if the Department determines that the waste cannot be recycled or disposed of by some other means authorized by the Department's regulations.

(h) The Massachusetts Clean Water Act, Mass. Ann. Laws, Ch. 21, Sections 26–53, prohibits any person from discharging any pollutants into any of the State's waterways, except in conformity with a valid permit issued by the Division of Water Pollution Control. Permits are also required to operate, install, or maintain a treatment facility or discharge outlet for pollutants. Mass. Ann. Laws, Ch. 21, Section 43.

(i) A person owning quarries, mines, or mineral deposits, which cannot be reached or used in the ordinary manner without crossing adjacent lands belonging to another person or occupied as a highway, must petition the commission for the county in which the land lies for approval to construct roads, drains, or ditches across the adjacent lands or roads. Mass. Ann. Laws, Ch. 252, Sections 15–18.

(j) Drilling or removal of sand or any minerals is prohibited in any area designated an ocean sanctuary by the Department of Environmental Management. Mass. Ann. Laws, Ch. 132A, Sections 13–18.

(k) Mass. Ann. Laws, Ch. 148, Sections 9–19, authorize the State Fire Prevention Board to promulgate rules and regulations governing the use, transportation, and storage of explosives. Section 13 prohibits the use or storage of explosives in the absence of a license from the local licensing authority. Holders of licenses are also required to obtain certificates of registration from the Fire Commissioner of the city or county in which the explosives are to be used. Mass. Ann. Laws, Ch. 148, Section 13. An applicant for a blasting permit must post an approved surety bond in favor of the licensing authority to cover the risk of damages that may ensue from his blasting activities. Mass. Ann. Laws, Ch. 148, Section 19.

OSM asks the public and Massachusetts agencies to submit comments as to whether there are other matters requiring consultation and whether there are other State agencies which OSM should consult on a regular basis during the permitting process under the proposed program.

Paragraph (g) of § 921.700, as proposed, would authorize the Secretary to grant a limited variance from the performance standards of the permanent program rules based on a showing by a permit applicant or permittee that the variance is necessary due to the unique nature of Massachusetts terrain, climate, biological, chemical, or other relevant physical conditions. This provision would give effect to Section 504(a), which directs the Secretary to take these physical characteristics into consideration in promulgating a Federal program for a State. In promulgating Federal programs for a State, the Secretary reviews State laws to determine whether any must be superseded because they would interfere with achievement of the purposes of a Federal program, and whether any establish more stringent standards for environmental protection and must be preserved. The presumption is that State laws are a reflection of the particular environmental conditions in the State. There may, however, be conditions present which are not specifically covered by State law, but which must be accommodate pursuant to the requirement in Section 504(a). Paragraph (g) would authorize the Secretary to do so. The permit applicant would have to show evidence of special environmental conditions in Massachusetts justifying the grant of the limited variance under the proposed rule. Section 921.700(g), as proposed, would not authorize a general variance. Congress did not provide for a general variance from standards set in the Act. Congress was concerned that States not be allowed to grant variances from Federally-set minimum standards. The variance proposed here is intended for unique or special environmental conditions found in Massachusetts which are not adequately provided for in OSM's permanent program regulations.

Under Section 504(a) of the Act, Section 522 (a), (c), and (d), which govern the process for designating land unsuitable for surface coal mining, take effect one year after implementation of a Federal program for a State. The Secretary promulgated a Federal exploration program for Massachusetts on April 28, 1982 (47 FR 18232) which became effective on May 28, 1982. Therefore, proposed Section 921.764 would specify that the process for designating land unsuitable in Massachusetts takes effect on May 28, 1983.

OSM has removed Part 850 from the permanent program rules. To ensure that blaster training and certification is preserved in States with Federal programs, OSM will promulgate standards for blaster training and certification at a later date.

Copies of the Massachusetts statutes referenced in this notice have been placed in the administrative record and are available for review at the places listed above under "ADDRESS."

OMB Review

The recordkeeping and reporting requirements of the proposed rule are the same as those of the permanent program regulations which have been approved by the Office of Management and Budget under 44 U.S.C. 3507. Although this rule would contain information and recordkeeping requirements, OSM anticipated less than ten respondents. Under the Paperwork Reduction Act, clearance of information collection forms are required only when ten or more respondents are expected. If in the future the number of respondents appears to be increasing, the proper forms, if they differ from those already approved, will be submitted to the Office of Management and Budget with accompanying notices in the **Federal Register**, in accordance with the requirements of 44 U.S.C. Chapter 35.

Other Information

The information collection requirements contained in §§ 921.764, 921.770, 921.771, 921.795, and 921.800 do not require approval by the Office of Management and Budget under 44 U.S.C. 3507, because there are fewer than ten respondents annually.

The Department of the Interior has determined that this document is not a

major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The reasons underlying this determination are as follows:

This Federal program would not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to complete with foreign-based enterprises in domestic or foreign markets; nor would it increase costs or prices for consumers, individual industries, Federal, State, or local governmental agencies or geographic regions. The Department certifies that there will be no significant demographic effects, direct costs, indirect costs, nonquantifiable costs, competitive effects, enforcement costs, or aggregate effects on small entities.

The Office of Surface Mining and Reclamation and Enforcement has determined that this rule is categorically excluded from compliance with the National Environmental Policy Act in accordance with 40 CFR 1507.3.

List of subjects in 30 CFR Part 921

Coal mining, Intergovernmental relations, Surface mining, Underground mining, Reporting requirements.

Drafting Information

These regulations were drafted by Patricia McHugh, Office of the Solicitor and James M. Kress, Branch of Regulatory Programs, Office of Surface Mining.

March 8, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

OSM proposes to revise Part 921 of 30 CFR Chapter VII to read as follows:

PART 921—MASSACHUSETTS

Sec.

921.700 Massachusetts Federal Program.
921.701 General.
921.707 Exemption for coal extraction incident to Government-financed highway or other construction.
921.761 Areas designated unsuitable for surface coal mining by Act of Congress.
921.762 Criteria for designating areas as unsuitable for surface coal mining operations.
921.764 Process for designating areas as unsuitable for surface coal mining operations.
921.770 General requirements for permits and exploration procedures.
921.771 General requirements for permits and permit applications.
921.776 General requirements for coal exploration.
921.778 Surface mining permit applications—minimum requirements for legal, financial, compliance, and related information.
921.779 Surface mining permit applications—minimum requirements for information on environmental resources.
921.780 Surface mining permit applications—minimum requirements for reclamation and operation plan.
921.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.
921.783 Underground mining permit applications—minimum requirements for information on environmental resources.
921.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.
921.785 Requirements for permits for special categories of mining.
921.786 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions.
921.787 Administrative and judicial review of decisions on permit applications.
921.788 Permit reviews, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.
921.795 Small operator assistance.
921.800 General requirements for bonding of surface coal mining and reclamation operations.
921.815 Performance standards—coal exploration.
921.816 Performance standards—surface mining activities.
921.817 Performance standards—underground mining activities.
921.818 Special performance standards—concurrent surface and underground mining.
921.819 Special performance standards—auger mining.
921.823 Special performance standards—operations on prime farmland.
921.824 Special performance standards—mountaintop removal.
921.826 Special performance standards—operations on steep slopes.
921.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.
921.828 Special performance standards—in situ processing.
921.842 Federal inspections.
921.843 Federal enforcement.
921.845 Civil penalties.
921.850 Blaster training and certification.

Authority: Pub. L. 95–87, the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*, 91 Stat. 445.

§ 921.700 Massachusetts Federal Program.

(a) This Part contains all rules that are applicable to surface coal mining operations in Massachusetts which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

(b) The rules in this part cross-reference pertinent parts of the permanent program regulations in this chapter. The full text of a rule is in the permanent program rule cited under the relevant section of the Massachusetts Federal program.

(c) The rules in this part apply to all surface coal mining operations in Massachusetts conducted on non-Federal and non-Indian lands. The rules in Subchapter D of this chapter apply to operations on Federal lands in Massachusetts.

(d) The information collection requirements contained in §§ 921.764, 921.770, 921.771, 921.795, and 921.800 do not require approval by the Office of Management and Budget under 44 U.S.C. 3507 because there are fewer than ten respondents annually.

(e) There are no Massachusetts laws which provide more stringent environment control and regulation of surface coal mining operations than do the provisions of the Surface Mining Control and Reclamation Act and the regulations in 30 CFR Chapter VII.

(f) The following are Massachusetts laws that interfere with the achievement of the purposes and requirements of the Act and are, in accordance with Section 504(g) of the Act, preempted and superseded insofar as they apply to surface coal mining operations regulated under the Act:

(1) The Coal Mining Regulatory and Reclamation Act of 1977, as amended, Mass. Ann. Laws. Ch. 21B, Sections 1–15.

(2) Statutes governing licenses for minerals exploration, Mass. Ann. Laws Ch. 21, Sections 54–56.

(g) The Secretary may grant a licensed variance from the performance standards of §§ 921.815 through 921.828 of this Part if the application for coal exploration approval or a surface mining permit submitted pursuant to §§ 921.770 through 921.788 of this Part can demonstrate in the application that a variance is necessary because of the unique nature of Massachusett's terrian, climate, biological, chemical or other relevant physical conditions.

§ 921.701 General.

§§ 700.5, 700.11, 700.12, 700.13, 700.14, 700.15 and Part 701 of this chapter shall apply to surface coal mining and reclamation operations in Massachusetts.

§ 921.707 Exemption for coal extraction incident to government-financed highway or other construction.

Part 707 of this chapter, Exemption for Coal Extraction Incident to Government-

Financed Highway or Other Construction, shall apply to surface coal mining and reclamation operations.

§ 921.761 Areas designated unsuitable for surface coal mining by Act of Congress.

Part 761 of this chapter, Areas Designated by Act of Congress, shall apply to surface coal mining and reclamation operations.

§ 921.762 Criteria for designating areas as unsuitable for surface coal mining operations.

Part 762 of this chapter, Criteria for Designating Areas Unsuitable for Surface Coal Mining Operations, shall apply to surface coal mine operations.

§ 921.764 Process for designating areas unsuitable for surface coal mining operations.

Part 764 of this chapter, State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations, pertaining to petitioning, initial processing, hearing requirements, decisions, data base and inventory systems, public information, and regulatory responsibilities, are applicable in Massachusetts beginning on May 28, 1983.

§ 921.770 General requirements for permits and exploration procedures.

(a) Part 770 of this chapter, General Requirements for Permit Systems Under State Programs, shall apply to surface coal mining and exploration operations.

(b) No person shall conduct coal exploration which results in the removal of more than 250 tons of coal nor shall any person conduct surface coal mining operations without a permit issued by the Secretary pursuant to 30 CFR Part 770 and applicable permits issued pursuant the laws of the State of Massachusetts, including: the Historic and Scenic Rivers Act, Mass. Ann. Laws Ch. 21, Sections 8–17B; historical preservation statutes, Mass. Ann. Laws Ch. 9, Sections 26–27(D); real property statutes, Mass. Ann. Laws Ch. 184, Sections 31–32; statutes governing State forests and parks, Mass. Ann. Laws Ch. 132, Sections 40–46; the Wetlands Protection Act Ch. 131, Sections 40–46; statutes and rules governing dredging permits, Mass. Ann. Laws Ch. 21A; Section 14, 310 CMR 9.01 *et seq.*; the Massachusetts Hazardous Waste Management Act Ch. 21C, Sections 1–14; the Massachusetts Clean Water Act Ch. 21, Sections 26–53; statutes governing the construction of roads, drains, or ditches, Mass. Ann. Laws Ch. 252 Sections 15–18; statutes governing drilling or removal of sand or any minerals, Mass. Ann. Laws Ch. 132A, Sections 13–18; and statutes governing use, storage, and handling of explosives, Mass. Ann. Laws Ch. 148, Sections 9–19. The Secretary shall coordinate review and issuance of a coal exploration or surface coal mining permit with the review and issuance of other Federal and State permits listed in this Subpart and Part 770 of this chapter.

§ 921.771 General requirements for permits and permit applications.

(a) Part 771 of this chapter, General Requirements for Permits and Permit Applications, shall apply to any person who makes application for a permit to conduct surface coal mine operations.

(b) A person who wishes to conduct new surface coal mining and reclamation operations or who wishes a revision of his permit shall file a complete application at least 12 months prior to the date upon which permit issuance or revision is desired, and shall pay to the Secretary a permit fee in accordance with § 736.25 of this chapter.

§ 921.776 General requirements for coal exploration.

(a) Part 776 of this chapter, General Requirements for Coal Exploration, shall apply to any person who conducts or seeks to conduct coal exploration operations.

(b) The Office shall make every effort to act on an exploration application within 60 days of receipt or such longer time as may be reasonable under the circumstances. If additional time is needed, OSM shall notify the applicant that the application is being reviewed, but that more time is necessary to complete such review, setting forth the reasons and the additional time that is needed.

§ 921.778 Surface mining permit applications—minimum requirements for legal, financial, compliance, and related information.

Part 778 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct surface coal mining and reclamation operations.

§ 921.779 Surface mining permit applications—minimum requirements for information on environmental resources.

Part 779 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who makes application to conduct surface coal mining and reclamation operations.

§ 921.780 Surface mining permit applications—Minimum requirements for reclamation and operation plan.

Part 780 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, shall apply to any person who makes application to conduct surface coal mining and reclamation operations.

§ 921.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.

Part 782 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct underground coal mining operations.

§ 921.783 Underground mining permit applications—minimum requirements for information on environmental resources.

Part 783 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who submits an application to conduct underground coal mining operations.

§ 921.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.

Part 784 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Reclamations and Operation Plan, shall apply to any person who makes applications to conduct underground coal mining operations.

§ 921.785 Requirements for permits for special categories of mining.

Part 785 of this chapter, Requirements for Permits for Special Categories of Mining, shall apply to each person who makes application for a permit to conduct certain categories of surface coal mining and reclamation operations

§ 921.786 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions.

Part 786 of this chapter, Review, Public Participation, and Approval of Disapproval of Permit Applications and Permit Terms and Conditions, shall apply to the review of applications made by any person for surface coal mining and reclamation operations.

§ 921.787 Administrative and judicial review of decisions on permit applications.

Decisions on permit applications shall be subject to administrative and judicial

review in accordance with Part 787 of this chapter and Sections 520, 525, and 526 of the Act.

§ 921.788 Permit reviews, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.

Part 788 of this chapter, Permit Reviews, Revisions, and Renewals, and Transfer, Sale, and Assignment of Rights Granted Under Permits, shall apply to review, revision, and renewal of permits for surface coal mine operations, and to transfer, sale, and assignment of rights granted under permits.

§ 921.795 Small operator assistance.

Part 795 of this chapter, Small Operator Assistance, shall apply to any person making applications for assistance under the small operator assistance program.

§ 921.800 General requirements for bonding of surface coal mining and reclamation operations.

Part 800 of this chapter, General Requirements for Bonding of Surface Coal Mining and Reclamation Operations Under Regulatory Programs, shall apply to all surface coal mining and reclamation operations.

§ 921.815 Performance standards—coal exploration.

Part 815 of this chapter, Permanent Program Performance Standards—Coal Exploration, shall apply to any person conducting coal exploration operations.

§ 921.816 Performance standards—surface mining activities.

Part 816 of this chapter, Permanent Program Performance Standards—Surface Mining Activities, shall apply to any person who conducts surface coal mining and reclamation operations.

§ 921.817 Performance standards—underground mining activities.

Part 817 of this chapter, Permanent Program Performance Standards—Underground Mining Activities, shall apply to any person who conducts underground coal mining operations.

§ 921.818 Special performance standards—concurrent surface and underground mining.

Part 818 of this chapter, Special Permanent Program Performance Standards—Concurrent Surface and Underground Mining, shall apply to any person who conducts combined surface and underground coal mining operations.

§ 921.819 Special performance standards—auger mining.

Part 819 of this chapter, Special Permanent Program Performance Standards—Auger Mining, shall apply to any person who conducts surface coal mining operations which include auger mining.

§ 921.823 Special performance standards—operations on prime farmland.

Part 823 of this chapter, Special Permanent Program Performance Standards—Operations on Prime Farmland, shall apply to any person who conducts surface coal mining and reclamation operations on prime farmlands.

§ 921.824 Special performance standards—mountaintop removal.

Part 824 of this chapter, Special Permanent Program Performance Standards—Mountaintop Removal, shall apply to any person who conducts surface coal mining operations constituting mountaintop removal mining.

§ 921.826 Special performance standards—operations on steep slopes.

Part 826 of this chapter, Special Permanent Program Performance Standards—Operations on Steep Slopes, shall apply to any person who conducts surface coal mining and reclamation operations on steep slopes.

§ 921.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

Part 827 of this chapter, Special Permanent Program Performance Standards—Coal Processing Plants and Support Facilities Not Located at or Near the Minesite or Not Within the Permit Area for a Mine, shall apply to any person who conducts surface coal mining and reclamation operations which includes the operation of coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

§ 921.828 Special performance standards—in situ processing.

Part 828 of this chapter, Special Permanent Program Performance Standards—In Situ Processing, shall apply to any person who conducts in situ processing activities.

§ 921.842 Federal Inspections.

(a) Part 842 of this chapter, Federal Inspections, shall apply to all exploration and surface coal mining and reclamation operations.

(b) The Secretary will furnish copies of inspection reports and reports of any enforcement actions taken to the Massachusetts Department of Environmental Management upon request.

§ 921.843 Federal Enforcement.

(a) Part 843 of this chapter, Federal Enforcement, shall apply when enforcement action is required for violations on exploration and surface coal mining and reclamation operations.

(b) The Office will furnish a copy of any enforcement document to the Massachusetts Department of Environmental Management upon request.

§ 921.845 Civil Penalties.

Part 845 of this chapter, Civil Penalties, shall apply when civil penalties are assessed for violations on surface coal mining and reclamation operations.

§ 947.850 Blaster Training and Certification.

Part 850 of this chapter, Programs for Blaster Training and Certification, shall apply to any person who conducts coal exploration or surface coal mining operations.

[FR Doc. 83-8564 Filed 3-31-83; 8:45 am]
BILLING CODE 4310-05-M

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30 CFR Part 942

Permanent State Regulatory Program of Tennessee

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM) Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is considering modifying the deadline for Tennessee to meet a condition of approval of the State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The condition relates to procedures for hearings and appeals. In accordance with the State's request the Secretary is proposing to extend the deadline for Tennessee to resolve the condition of approval from April 30, 1983, to September 30, 1983.

DATE: Comments must be received by May 2, 1983 at the address below, no later than 5:00 p.m.

ADDRESSES: Written comments should be mailed or hand delivered to Mr. James Curry, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street, SW., Suite 400, Knoxville, Tennessee 37902.

A copy of the Division of Surface Mining's request for an extension of the deadline to meet the condition of approval will be available for review at the OSM Tennessee Field Office, listed above, Monday through Friday, 8:00 a.m. to 4:00 p.m. excluding holidays.

FOR FURTHER INFORMATION CONTACT: Mr. James Curry, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street, S.W., Suite 400, Knoxville, Tennessee 37902. Telephone: (615) 524–7648

SUPPLEMENTARY INFORMATION: The Tennessee program under SMCRA was conditionally approved by the Secretary on August 10, 1982 (47 FR 34724–34754). Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Tennessee program can be found in the August 10, 1982 **Federal Register** (47 FR 34724–34754).

On March 2, 1983, Tennessee requested an extension of the deadline to satisfy condition (k) of the Secretary's approval of the Tennessee program as listed at 30 CFR 932.11(k) from April 30, 1983 to June 30, 1983. By letter dated March 23, 1983, Tennessee modified its request and asked for an extension until September 30, 1983.

Condition (k) of the Secretary's approval of Tennessee's program stipulates that the State must submit copies of promulgated regulations, policy statements, Attorney General's opinions or other sufficient proof that the State program is no less effective than 43 CFR 4.1103, 4.1122, 4.1154, 4.1163, 4.1166, 4.1280 and 4.1281. The first five sections relate to general administrative hearings and functions of administrative appellate bodies. The last two sections regard specific hearings and appeals procedures in the State's Small Operators Assistance Program (SOAP). Tennessee's permanent program submission of February 3, 1982, contained regulations which were counterparts to the above listed sections of 43 CFR Part 4. Tennessee's Attorney General, however, removed these regulations from the program submission because the State's system of administrative boards does not parallel the Federal Government's and the regulations proposed did not, apparently, fit the State's system. Tennessee has indicated that satisfaction of condition (k) will require the Division of Surface Mining (DSM) to work with the Attorney General's office to reach a satisfactory solution. Because the remedy will most likely require an Attorney General's opinion, DSM believes it will be unable to meet the April 30, 1983, deadline and, thus, has requested an extension to September 30, 1983 to meet condition (k). The Secretary requests comments on the proposal to extend the time period allowed for the State to satisfy this condition.

Additional Determinations

1. *National Environmental Policy Act.* The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this rulemaking.

2. *Executive Order 12291 and the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 942

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: March 29, 1983.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 83-8507 Filed 3-31-83; 8:45 am]

BILLING CODE 4310-05-M

Notices

Federal Register
Vol. 48, No. 64
Friday, April 1, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Renewals of Designation of Detroit Grain Inspection Service, Inc., (MI), and Grain Inspection Services, Inc. (MI)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the renewals of designation of the Detroit Grain Inspection Service, Inc. (Detroit), and Grain Inspection Services, Inc. (Battle Creek), as official agencies responsible for providing inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act).

EFFECTIVE DATE: May 1, 1983.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

The November 1, 1982, issue of the **Federal Register** (47 FR 49432) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Detroit's and Battle Creek's designations would terminate on April 30, 1983, and requesting applications for designation as the agency to provide official services within each specified assigned area. Applications were to be postmarked by December 1, 1982.

FGIS announced the names of the applicants for designation for each agency and requested comments on them in the January 3, 1983, issue of the **Federal Register** (48 FR 44). Comments were to be postmarked by February 17, 1983.

One favorable comment was received regarding Detroit's designation renewal; ten favorable comments were received regarding Battle Creek's designation renewal. Both agencies were the only applicant's for each respective designation.

After considering all available information in relation to the designation criteria in Section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), it has been determined that Detroit and Battle Creek are able to provide official services in the geographic area for which their designations are being renewed. Each assigned area is the entire geographic area, as described in the November 1 issue of the **Federal Register**.

Effective May 1, 1983, and terminating April 30, 1986, the responsibility for providing official inspection services in each geographic area, as specified above, will be assigned to Detroit and Battle Creek, respecitvely.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency for the conduct of official inspection and where the agency and one or more of its licensed inspectors are located. In addition to the specified service points within the assigned geographic area, the agencies will provide official services not requiring a licensed inspector to all locations within their geographic area

Interested persons may contact the Regulatory Branch, specified in the address section of this notice, to obtain a list of the specified service points. Interested persons may also obtain a list of the specified service points by contacting the agencies at the following addresses:

Detroit Grain Inspection Service, Inc., P.O. Box 176, Emmett, MI 48022

Grain Inspection Services, Inc., 24 First Street, Battle Creek, MI 49017

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: March 22, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83–8130 Filed 3–31–83; 8:45 am]
BILLING CODE 3410–EN–M

Request for Comments on Applicants for Designation in the Areas Currently Assigned to Eastern Iowa Grain Inspection and Weighing Service, Inc. (IA), and Keokuk Grain Inspection Service, Inc. (IA)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency in the areas currently assigned to Eastern Iowa Grain Inspection and Weighing Service, Inc., and Keokuk Grain Inspection Service, Inc. The designations terminate July 31, 1983

DATE: Comments to be postmarked on or before May 16, 1983.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in executive Order 12291 and Secretary's Memorandum 1512–1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

The February 1, 1983, issue of the **Federal Register** (48 FR 4496) contained a notice from the Federal Grain Inspection Service requesting applications for designation to perform official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to the official agencies.

Applications were to be postmarked by March 3, 1983.

Eastern Iowa Grain Inspection and Weighing Service, Inc. (Eastern Iowa), the only applicant, requested designation for all of the geographic area currently assigned to that agency. Keokuk Grain Inspection Service, Inc., the only applicant, requested designation for all of the geographic area currently assigned to that agency. Eastern Iowa and Keokuk each applied for a renewal of designation for a 3-year period.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicant for designation. All comments must be submitted to the Regulations and Directives Management Staff, specified in the address section of this notice, and postmarked not later than May 16, 1983.

Consideration will be given to comments filed and to other information available before a final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register**, and the applicant will be informed of the decision in writing.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: March 22, 1983

J. T. Abshier,

Director, Compliance Division

[FR Doc. 83-8131 Filed 3-31-83; 8:45 am]

BILLING CODE 3410-EN-M

Request for Applicants for Designation To Perform Official Services in the Geographic Areas Currently Assigned to Fostoria Grain Inspection (OH), Louisiana Department of Agriculture (LA), and North Carolina Department of Agriculture (NC)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as amended (Act), designations of official agencies shall terminate not later than triennially and may be renewed in accordance with the criteria and procedures provided in the Act. This notice announces that the designations of three agencies will terminate, in accordance with the Act, and requests applications from parties, including the agency currently designated, who are interested in being designated as official agencies to conduct official services in the geographic area currently assigned to each of the specified agencies. The official agencies are Fostoria Grain Inspection, Louisiana Department of Agriculture, and North Carolina Department of Agriculture.

DATE: Applications to be postmarked on or before May 2, 1983.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, D.C. 20250. All applications submitted pursuant to this notice will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action

Section 7(f)(1) of the Act (7 U.S.C. 71 *et seq.*, at 79(f)(1)) specifies that the Administrator of the Federal Grain Inspection Service (FGIS) is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official inspection, official weighing, and supervision of weighing services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Fostoria Grain Inspection (Fostoria), P.O. Box 864, Fostoria, Ohio 44830, was designated as an official agency under the Act for the performance of inspection functions on October 25, 1978. Louisiana Department of Agriculture (Louisiana), P.O. Box 44456, Capitol Station, Baton Rouge, Louisiana 70804, was designated as an official agency under the Act for the performance of inspection functions on November 16, 1978; weighing functions on May 12, 1980. North Carolina Department of Agriculture (North Carolina), P.O. Box 27647, Raleigh, North Carolina 27611, was designated as an official agency under the Act for the performance of inspection functions on November 10, 1978.

The agencies' designations will terminate on September 30, 1983. This date reflects administrative extensions of official agency designations as discussed in the July 16, 1979, issue of the **Federal Register** (44 FR 41275). Section 7(g)(1) of the Act states generally that designations of official agencies shall terminate no later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Fostoria, in Ohio, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the following:

Bounded: on the North by the northern and eastern Fulton County lines; the eastern Henry County line; the northern and eastern Wood County lines; the northern Sandusky County line east to State Route 590;

Bounded: on the East by State Route 590 south to Seneca County; the northern Seneca County line east to State Route 53; State Route 53 south to Wyandot County; the northern Wyandot County line; the northern Crawford County line east to State Route 19; State Route 19 south to U.S. Route 30;

Bounded: on the South by U.S. Route 30 west to the western Hancock County line; and

Bounded: on the West by the western Hancock County line; the southern Henry County line west to State Route 108; State Route 108 north to U.S. Route 24; U.S. Route 24 southwest to the Henry County line; the western Henry and Fulton County lines.

The geographic area presently assigned to Louisiana, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the entire State of Louisiana, except those export port locations within the State.

The geographic area presently assigned to North Carolina, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the entire State of North Carolina.

Interested parties, including Fostoria, Louisiana, and North Carolina, are hereby given opportunity to apply for designation as the official agency to perform the official services in each geographic area, as specified above, under the provisions of Section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder. Designations in each specified geographic area are for the period beginning October 1, 1983, and ending September 30, 1986. Parties wishing to apply for these designations should contact the Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than May 2, 1983 to be eligible for consideration.

In making a determination as to which applicant will be designated to provide

official services in a geographic area, consideration will be given to applications submitted and other available information.

(Sec. 8, Sec. 9, Pub. L. 94–582, 90 Stat. 2873, 2875)

(7 U.S.C. 79, 79(a))

Dated: March 22, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83–8132 Filed 3–31–83; 8:45 am]

BILLING CODE 3410–EN–M

Request for Applicants for Designation To Perform Official Services in the Geographic Areas Currently Assigned to William F. Christen Grain Inspection (IN), Fremont Grain Inspection Department, Inc. (NE), and Titus Grain Inspection, Inc. (IN); Correction and Extension of Time for Applications; Correction

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice; correction.

SUMMARY: This document corrects the termination date cited in error for William F. Christen Grain Inspection, Fremont Grain Inspection Department, Inc., and Titus Grain Inspection, Inc., and an omission from the geographic area description for Fremont Grain Inspection Department, Inc., contained in a notice which was published March 1, 1983 (48 FR 8519). Due to these corrections, the March 31, 1983, date for applications is extended to April 15, 1983.

DATES: Applications to be postmarked on or before April 15, 1983.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, DC 20250. All applications submitted pursuant to this notice will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

The March 1, 1983, issue of the **Federal Register** (48 FR 8519) stated that the designation termination date for William F. Christen Grain Inspection, Fremont Grain Inspection Department, Inc. (Fremont), and Titus Grain Inspection, Inc., was July 31, 1983; the correct date should have been August 31, 1983.

Also, a portion of the geographic area assigned to Fremont was inadvertently omitted from the March 1 issue of the **Federal Register.** The omitted geographic area, together with the area described in the March 1 **Federal Register** for Fremont is the entire area presently assigned to such agency and as such may be assigned to the applicant selected for designation, is the following:

In Iowa: Clay (west of U.S. Route 71); Dickinson (west of U.S. Route 71); O'Brien (north of B24 and east of U.S. Route 59); and Osceola (east of U.S. Route 59) Counties.

Due to the above corrections, the time period for submitting applications for designation as official agencies is extended from March 31, 1983, to April 15, 1983.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: March 24, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83–8133 Filed 3–31–83; 8:45 am]

BILLING CODE 3410–EN–M

Soil Conservation Service

Berrien Township Park Critical Area Treatment and Public Water-Based Recreation Development RC&D Measure, Michigan; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared from the Berrien Township Park RC&D Measure, Berrien County, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. A contact has been made with the State Historical Preservation Officer and concludes that it will have no effect on any cultural resources either eligible for or listed on the National Register of Historic Places. The State Archaeologist will be contacted if any land disturbance associated with this project and archaeological sites, features, or materials are encountered during actual construction. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of practices for critical area treatment and public water-based recreation. Critical area treatment measures will include: Two erosion control structures, a diversion, a trail, and a walkway. Public water-based recreation measures will include: two picnic areas, one picnic shelter, a recreation trail, a parking lot, toilets, fencing, playground equipment, a well, and a park sign. Total construction cost is estimated to be $59,000; $31,000 RC&D funds and $28,000 local funds.

The notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FONSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy request at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of federal and federally assisted programs and projects if applicable.)

Dated: March 24, 1983.

Homer R. Hilner,

State Conservationist.

[FR Doc. 83–8282 Filed 3–9–83; 8:45 am]

BILLING CODE 3410–16–M

Little Wyaconda-Sugar Creek Watershed, Missouri; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (7 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Little Wyaconda-Sugar Creek Watershed, Lewis, Clark and Scotland Counties, Missouri.

FOR FURTHER INFORMATION CONTACT: Paul F. Larson, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri, 65202, telephone 314/875–5214.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul F. Larson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The planned works of improvement include grade stabilization structures, grassed waterways, critical area planting, underground outlets, terraces, water and sediment control measures, diversions, pasture and hayland planting, conservation tillage systems and contour farming.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Paul F. Larson.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects is applicable.)

Russell C. Mills,

Deputy State, Conservationist.

March 21, 1983.

[FR Doc. 83–8145 Filed 3–31–83; 8:45 am]

BILLING CODE 3410–16–M

Riley Park Water Based Recreation RC&D Measure, Indiana; Finding of No Significant Impact.

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone (317) 248–4350.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Riley Park Water Based Recreation RC&D Measure, Hancock County, Indiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Robert L. Eddleman, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for water based recreation for Riley Park. The planned works of improvement include the construction of 3 deflectors and fish pools, the placement of rip rap on about 200 feet of creek bank, the removal of about 50 feet of debris from the creek channel, silt removal and bank shaping on 1100 feet of channel and seeding, fertilizing and mulching of 900 feet of creek bank after construction is completed.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Robert L. Eddleman. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Robert L. Eddleman,

State Conservationist.

[FR Doc. 83–8283 Filed 3–31–83; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of the American Economic Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, as amended by Pub. L. 94–409), notice is hereby given that the Census Advisory Committee of the American Economic Association will convene on April 22, 1983, at 9:15 a.m. in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Economic Association advises the Director, Bureau of the Census, on technical matters, accuracy levels, and conceptual problems concerning economic surveys and census; reviews major aspects of the Bureau's programs; and advises on the role of analysis within the Bureau.

The Committee is composed of 15 members of the American Economic Association.

The agenda for the meeting, which is scheduled to adjourn at 3:45 p.m., is: (1) Introductory remarks by the Director, Bureau of the Census, including staff changes and major budget program developments; (2) underground economy; (3) proposed procedures for user access to longitudinal establishment data, and report on diversification measurement; (4) update on the Survey of Income and Program Participation; (5) update on planning the 1990 census; (6) automated geographic support for the 1990 census; (7) general discussion and Committee recommendations; and (8) plans and date for the next meeting.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Barry Rappaport, Bureau of the Census, Room 3061, Federal Buidling 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763–5483.

Dated: March 28, 1983.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 83–8499 Filed 3–31–83; 8:45 am]

BILLING CODE 3510–07–M

International Trade Administration

Articles of Quota Cheese; Quarterly Determination and Listing of Foreign Government Subsidies

AGENCY: International Trade Administration, Commerce.

ACTION: Quarterly update of foreign government subsidies on articles of quota cheese.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared a quarterly update to its annual list of foreign government subsidies on articles of quota cheese. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Susan E. Silver, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202 377–2786).

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 (19 U.S.C. 1202 note) ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Department of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese.

In the current quarter the Department has determined that the subsidy amounts have changed for each of the countries for which programs were identified in the January 1, 1983, annual subsidy list. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy on which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

This determination and notice are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

Dated: March 28, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

APPENDIX.—QUOTA CHEESE SUBSIDY PROGRAMS

[Cents per pound]

Country and Program(s)	Gross subsidy[1]	Net subsidy[2]
Belgium: European Community (EC) restitution payments	8.0	8.0
Canada:		
Export assistance on Swiss cheese	16.2	16.2
Export assistance on aged cheddar, N/Ov. 2.7 kg /pkg	28.4	28.4
Export assistance on all NSPF cheeses	16.2	16.2
Denmark: EC restitution payments	3.7	3.7
Finland:		
Export subsidy	73.5	73.5
Indirect subsidies	20.4	20.4
	93.9	93.9
France: EC restitution payments	5.6	5.6
Ireland. EC restitution payments	4.2	4.2
Italy EC restitution payments	17.7	17.7
Luxembourg: EC restitution payments	8.0	8.0
Netherlands EC restitution payments	1.9	1.9
Norway: Indirect (milk) subsidy	21.0	21.0
Consumer subsidy	38.5	38.5
	59.5	59.5
Portugal: Direct subsidy on all sales of Gouda cheese	13.3	13.3
Switzerland: Deficiency payments	67.2	67.2
U.K. EC restitution payments	4.0	4.0
W. Germany: EC restitution payments	4.5	4.5

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 83–8538 Filed 3–31–83; 8:45 am]

BILLING CODE 3510–25–M

Initiation of Countervailing Duty Investigation; Portland Hydraulic Cement and Cement Clinker From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Mexico of portland hydraulic cement and cement clinker receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination on or before June 1, 1983.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mary Jenkins, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–1756.

SUPPLEMENTARY INFORMATION:

Petition

On March 8, 1983, we received a petition filed on behalf of the U.S. industry producing portland hydraulic cement and cement clinker. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers or exporters in Mexico of portland hydraulic cement and cement clinker receive, directly or indirectly, bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Mexico is not a "bounty under the Agreement" within the meaning of section 701(b) of the Act, and therefore section 303 of the Act applies to this investigation. The merchandise being investigated is nondutiable, and there are no "international obligations" within the meaning of section 303(a)(2) of the Act which require an injury determination for nondutiable merchandise from Mexico. Therefore, under this section the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a

petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on portland hydraulic cement and cement clinker, and we have found that the petition meets these requirements.

Therefore we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Mexico of portland hydraulic cement and cement clinker, as described in the "Scope of Investigation" section of this notice, receive bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by June 1, 1983.

Scope of the Investigation

Portland hydraulic cement and cement clinker enter the United States duty free and are currently classified under item numbers 511.1440 and 511.1420 of the *Tariff Schedules of the United States Annotated*. This investigation covers portland hydraulic cement and cement clinker other than white, non-staining.

Allegations of Bounties or Grants

The petition alleges that manufacturers, producers, or exporters in Mexico of portland hydraulic cement and cement clinker receive the following benefits which constitute bounties or grants: Preferential prices on petroleum products and electricity used as a fuel to manufacture portland hydraulic cement and cement clinker; preferential federal tax credits and exemptions; preferential development incentives related to the federal tax credits; reduction of import duties; stock purchases and preferential "convertible loans"; grants to finance technological services; preferential state tax rates and other state incentives; government marketing and technical assistance to exporters; and preferential rebates or discounts on shipping expenses.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

March 28, 1983.

[FR Doc. 83-8441 Filed 3-31-83; 8:45 am]

BILLING CODE 3510-25-M

Numerically Controlled Machine Tool Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving: (A) Technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to numerically controlled machine tools or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and Place: April 28, 1983, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM Control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: 202-377-2583.

Dated: March 24, 1983.

John K. Boidock,

Director, Office of Export Administration

[FR Doc. 83-8537 Filed 3-31-83; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

President's Private Sector Survey on Cost Control; Meeting

AGENCY: Office of the Secretary, Commerce.

ACTION: Notice of open meeting of the Subcommittee of the President's Private Sector Survey on Cost Control (PPSSCC).

SUMMARY: The Subcommittee was established by the Executive Committee of the PPSSCC to: (i) Review the recommendations submitted, including task force reports and public comments, and (ii) determine which recommendations should be made to the President and the Departments and Agencies.

Time and Place: April 15, 1983, beginning at 10 a.m. The meeting will be held at the U.S. Department of Commerce Auditorium, First Floor, Herbert C. Hoover Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Agenda

1. Draft reports from the following Task Forces of the PPSSCC will be discussed by Subcommittee members:
   A. Department of Commerce;
   B. Department of Agriculture;
   C. Department of Energy and Nuclear Regulatory Commission;
   D. Department of Health and Human Services—Office of the Secretary, Human Resources Development and ACTION;
   E. Environmental Protection Agency, Small Business Administration, Federal Emergency Management Agency; and
   F. Personnel.
2. Comments and recommendations received from public and other interested parties will be discussed by Subcommittee members.

Copies of the draft reports will be available on April 5 at the Department's Central Reference and Records Inspection Facility, Room 6628 Hoover Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 Please call Ms. Geraldine P. LeBoo on (202) 377-3271 for information concerning fees and procedures for obtaining copies by mail.

SUPPLEMENTARY INFORMATION: The Subcommittee will hold additional public meetings in May and June, 1983.

Exact dates will be noticed in the **Federal Register**. Copies of all materials, including Task Force reports, to be considered at these meetings will be available approximately two weeks prior to each meeting at the Department's Central Reference and Records Inspection Facility, address above.

Public Participation: The April 15 meeting will be open to the public. Seating will be on a first-come, first-served basis, up to the safe capacity of the meeting room. Media representatives are encouraged to call Mr. Malcolm Barr, Director, News Relations, Department of Commerce, 377–4901 to arrange for coverage of the meeting.

The public may file written statements for consideration by the Subcommittee any time before, at, or after the meeting. It is strongly recommended that statements concerning the matters to be considered at each meeting be filed before such meeting to ensure that they are considered by the Subcommittee before adoption of a report. The statements should be filed at the Department of Commerce's Central Reference and Records Inspection Facility, address and phone number as above. Because of the number of recommendations to be discussed, the meeting agenda will not include time for oral statements from public attendees. All public statements received will be available for public review.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Colson, Committee Control Officer for the Executive Committee of the President's Private Sector Survey on Cost Control, telephone (202) 466–4665.

Dated: March 29, 1983.

Marilyn S. McLennan,

Chief, Information Policy and Management Division, Office of the Secretary.

[FR Doc. 83-8665 Filed 3-31-83; 8:45 am]

BILLING CODE 3510-CW-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before May 4, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1983, November 18, 1982 (47 FR 52101):

CLASS 6520

Mirror, Mouth Examining
6520–00–935–4135

CLASS 7520

Trimmer, Paper
7520–00–224–7620
(GSA Regions 1, 3, W, 4, 5, and 6 only)

CLASS 7530

Paper, Carbon, Typewriter
7530–00–244–4035
(GSA Regions 1, 2, 3, 6, 7, and 8 only)

CLASS 8445

Belts, Trouser, Cotten Web
8445–01–075–0013
8445–01–075–0014
8445–01–075–0015

SIC 7349

Janitorial/Custodial Service, William M. Colmer Federal Building and Courthouse, 701 Main Street, Hattiesburg, Mississippi

SIC 9199

Administrative Services, Environmental Protection Agency, 6th and Walnut Streets, Philadelphia, Pennsylvania

C. W. Fletcher,

Executive Director.

[FR Doc. 83-8539 Filed 3-31-83; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1983; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1983 commodities and military resale commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 1, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On July 23, 1982, August 6, 1982, November 12, 1982, December 23, 1982, January 7, 1983 and January 21, 1983, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 31915, 47 FR 34181, 47 FR 51180, 47 FR 57324, 48 FR 859, and 48 FR 2816) of proposed additions to Procurement List 1983, November 18, 1982 (47 FR 52101):

After consideration of the revelant matter presented, the Committee has determined that the commodities, military resale commodities, and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities, military resale commodities, and services listed.

c. The actions will result in authorizing small entities to produce or provide commodities, military resale commodities, and services procured by the Government.

Accordingly, the following commodities, military resale commodities, and services are hereby added to Procurement List 1983:

CLASS 8415

Mask, Extreme Cold Weather
8415–00–243–9844
8415–01–006–3468

Military Resale Item Nos. and Names

No. 068 Pencil, Mechanical, 0.5mm lead
No. 520 Fabric Softener Sheets, Reusable (8¾ x 4")
No. 564 Scrubber, Stainless Steel
No. 568 Board, Ironing, Table Top

SIC 7349

Janitorial/Custodial for the following locations in Chicago, Illinois:

U.S. Customhouse, 610 South Canal Street,
Interagency Motor Pool, 701 South

Clinton Street, Federal Parking Facility, 450 South Federal Street.
Janitorial Service, U.S. Courthouse, 123 East Walnut Street, Leased Space, 603–11 East 2nd Street, Des Moines, Iowa.

SIC 7369

Commissary Shelf Stocking, Naval Air Station, Alameda, California.
Commissary Shelf Stocking, Naval Station, Long Beach, California.
Commissary Shelf Stocking, Naval Station, Treasure Island, San Francisco California.
Commissary Shelf Stocking, Rough and Ready Isle, Stockton, California.
Commissary Shelf Stocking, Mare Island Naval Shipyard, Vallejo, California.
Commissary Shelf Stocking, Naval Air Station, Patuxent River, Maryland
Commissary Shelf Stocking, Naval Education Training Center, Newport, Rhode Island.
Commissary Shelf Stocking, Naval Station and Naval Weapons Station, Charleston, South Carolina.

C. W. Fletcher,

Executive Director

[FR Doc. 83–8540 Filed 3–31–83; 8:45 am]

BILLING CODE 6820–33–M

COMMODITY FUTURES TRADING COMMISSION

MidAmerica Commodity Exchange Live Hog Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The MidAmerica Commodity Exchange ("MCE") has applied for designation as a contract market in live hogs for cash settlement. Any contracts remaining open in the proposed contract after the expiration of trading in a given contract month would be liquidated through a monetary settlement based on the settlement prices of the Chicago Merchantile Exchange's live hog contract, with no provision for the physical delivery of hogs.[1] The Commission has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the MCE live hog futures contract.

FOR FURTHER INFORMATION CONTACT: Fred Linse, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. (202) 254–6990.

A copy of the terms and conditions of the MCE proposed live hog futures contract will be available for inspection at the Office of the Secretariat, Commdity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the MCE in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1982)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested is submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the MCE in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by May 31, 1983. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on March 28, 1983.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 83–8451 Filed 3–31–83; 8:45 am]

BILLING CODE 6351–01–M

[1] The MidAmerica Commodity Exchange currently trades a live hog contract for physical delivery. The proposed cash settlement contract would be a separate designation. The Exchange intends to continue to conduct trading in the existing live hog contract for physical delivery in addition to the proposed live hog contract for cash settlement.

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB)

Dates of meeting: Monday and Tuesday, April 25 & 26, 1983.

Times: 0830–1700 hours (Closed)—both days.

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board Ad Hoc Subgroup on Balancing Protection for the Individual Soldier will meet for classified briefings and discussions to assess the adequacy of the Army's strategies for minimizing exposure and maximizing protection of the individual soldier. Threat briefings and research and development briefings on individual and collective protection will be presented. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassfied matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695–3039 or 697–9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83–8506 Filed 3–31–83; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Monday April 18, 1983.

Times: 0830–1700 hours (Closed).

Place: U.S. Army Intelligence and Security Command (INSCOM), Arlington Hall Station, Arlington, Virginia.

Agenda: The Army Science Board Ad Hoc Functional Subgroup on Human Capabilities and Resources will meet for classified briefings and discussions regarding the study of human technologies recently completed by the INSCOM High Performance Task Force.

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695–3039 or 697–9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83–8507 Filed 3–31–83; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Drug Statement for NROTC Application (NAVCRUIT 1131/5).

Used to make an assessment of an applicant's history of drug usage to determine the need and eligibility for a drug waiver.

Only individual applicant's for a NROTC Scholarship respond: 12,000 responses, 2,400 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3234, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from CDR Maryanne Hayes, Navy Recruiting Command (Code 314), 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone (202) 696–4581.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 29, 1983.

[FR Doc. 83–8546 Filed 3–31–83; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collections Requirement Submitted to OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

NROTC Navy-Marine Corps Scholarship Application

Used to collect information by which to make a determination as to an individual's basic eligibility for the NROTC Scholarship Program.

Highschool students and active duty enlisted personnel who wish to apply for the Four-Year NROTC Scholarship Program: 40,000 responses, 13,300 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3234, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from CDR Maryanne Hayes, Navy Recruiting Command (Code 314), 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone (202) 696–4581.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 29, 1983.

[FR Doc. 83–8547 Filed 3–31–83; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Business and International Education Program; Application Notice for New Awards for Fiscal Year 1983

Applications are invited for new awards under the Business and International Education Program.

Authority for this program is contained in Sections, 611, 612, and 613 of Part B of Title VI of the Higher Education Act (HEA) of 1965, as amended, 20 U.S.C. 1130–1130b.

The Secretary is authorized to make matching grants under this program to qualified institutions of higher education.

The purposes of the awards are: (1) To enhance the broad objective of this act by increasing and promoting the Nation's capacity for international understanding and economic enterprise through the provision of suitable international education and training for business personnel in various stages of professional development; and (2) to promote institutional and noninstitutional educational and training activities that will contribute to the ability of United States business to prosper in an international economy

Closing Date for Transmittal of Applications

An application for a grant award must be mailed or hand delivered by June 3, 1983.

Applications Delivered by Mail

An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.153 (Business and International Education Program), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a private mail receipt as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered mail or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

Under the Business and International Education Program, the Secretary is authorized to make grants to institutions of higher education to pay up to 50 percent of the cost of programs designed to promote linkages between institutions and the American business community engaged in international economic activities. The purposes of each grant is to enhance the international academic programs of institutions of higher education, and provide appropriate services to the business community which will enable it to expand its capacity to engage in commerce abroad.

Under Section 612(b) of the Higher Education Act, the Secretary may support the following activities:

(1) Innovation and improvement in international education curricula to serve the needs of the business community, including development of new programs for nontraditional, midcareer, or part-time students;

(2) Development of programs to inform the public of increasing international economic interdependence and the role of American business within the international economic system;

(3) Internationalization of curricula at the junior and community college level, and at undergraduate and graduate schools of business;

(4) Development of area studies programs and interdisciplinary international programs;

(5) Establishment of export education programs through cooperative arrangements with regional and world trade centers and councils, and with bilateral and multilateral trade associations;

(6) Research for and development of specialized teaching materials, including language materials, and facilities appropriate to business-oriented students;

(7) Establishment of student and faculty fellowships and internships for training and education in international business activities;

(8) Development of opportunities for junior business and other professional school faculty to acquire or strengthen international skills and perspectives; and

(9) Development of research programs on issues of common interest to institutions of higher education and private sector organizations and associations engaged in or promoting international economic activity.

Section 612(c) of the HEA requires that an institutional grantee enter into an agreement with a business enterprise, trade organization or association engaged in international economic activity, or a combination or consortium of such enterprises, organizations or associations, for the purpose of establishing, developing, improving, or expanding activities eligible for assistance under the program. Section 612(c) further requires each institutional application for a grant to be accompanied by a copy of one of these agreements.

Because this program will be funded the first year without specific program regulations, the Secretary does not propose to establish funding priorities. Even though the Secretary does not set priorities on those activities listed in the legislation which are most in need of Federal financial support, *the Secretary does strongly encourage applicants to select those authorized activities, which are most useful in developing, enhancing or promoting excellence in export trade programs.*

Available Funds

The Department of Education Appropriation Act, 1983, P.L. 97–377, authorizes $1 million for new awards under the Business and International Education Program in Fiscal Year 1983.

No average grant amount or range of grant amount is specified for the program. Applicants are asked to keep in mind both the modest amount of the Fiscal Year 1983 program appropriation and the intense interest expressed in the program by institutions of higher education and the business community. Because grants will be for one year's duration and no new appropriation for the program is anticipated for Fiscal Year 1984, applicants are encouraged to request funds for those activities which have the greatest possibility of support from other sources after the first year of the project.

Application Forms

Application forms and program information packages are expected to be ready for mailing by April 1, 1983.

Application packages may be obtained by contacting the International Studies Branch, Division of International Services and Improvement, U.S. Department of Education, (ROB–3, Room 3916) 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245–2794.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations. The Secretary suggests that the narrative portion of the application not exceed 20 pages in length. The Secretary further urges that only the information required by application forms be submitted.

Applicable Regulations

The program will be governed by the provisions in (34 CFR Parts 74, 75, 77, 78), Education Department General Administrative Regulations (EDGAR).

The applications for new awards will be evaluated competitively under the selection criteria for a grant program that does not have regulations (34 CFR 75.210). Under Section 75.210 (c) of EDGAR, the Secretary is authorized to distribute an additional 15 points to those already assigned to each criterion. The distribution of these points results in the following values for each criterion:

(1) Meeting the Purposes of the Authorizing Statute (30).

(2) Extent of Need for the Project (20).

(3) Plan of Operation (25).

(4) Quality of Key Personnel (10).

(5) Budget and Cost Effectiveness (5).

(6) Plan of Evaluation (5).

(7) Adequacy of Resources (5).

Further Information

For further information contact Stanley B. Patterson, International Studies Branch, Division of International Services and Improvement, U.S. Department of Education, (ROB–3, Room 3916) 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245–2794.

(20 U.S.C. 1130–1130b)

(Catalog of Federal Domestic Assistance Number: 84.153—Business and International Education Programs)

Dated: March 25, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-8535 Filed 3-31-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case No. 53140-3804-03-04-82]

Notice and Issuance of Final Prohibition Orders; Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice and Issuance of Prohibition Orders to Virginia Electric and Power Company.

SUMMARY: In accordance with former section 301(b) and section 702(a) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or "the Act"), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of its issuance of final prohibition orders to the Virginia Electric and Power Company's (VEPCO) Possum Point Generating Station Units 3 and 4 (hereafter referred to as "Possum Point 3 and 4"), located in Dumfries, Virginia. The orders prohibit Possum Point 3 and 4 from burning natural gas or petroleum as their primary energy source, in accordance with the effective dates of the prohibitions applicable to each order, set forth in the **EFFECTIVE DATES** section, below.

The prohibition order procedures for powerplants electing continued coverage under section 301 of FUA [1] are found at 10 CFR 501.31, 501.51, and 504.6. Additional information on the proceedings, together with the final prohibition orders at Possum Point 3 and 4 appear under **SUPPLEMENTARY INFORMATION**, below.

EFFECTIVE DATES: The final prohibition orders shall take effect on May 31, 1983 and their prohibitions shall take effect as follows: For Possum Point 3, April 1, 1985 and for Possum Point 4, April 1, 1984, if the respective units are able to burn coal in compliance with all applicable air pollution laws, regulations, ordinances, and orders on those respective dates; otherwise, the prohibitions for each unit shall become effective when VEPCO completes construction, tie-in and testing of new particulate emission control equipment on each unit, respectively, and such testing demonstrates that the respective unit is able to burn coal in compliance with all applicable State, Federal and local air pollutioin control requirements.

FOR FURTHER INFORMATION CONTACT:

Steven E. Ferguson, Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, Forrestal Building, Room GA-093, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252-1316

Marya Rowan, Esq., Department of Energy, Office of the General Counsel, Forrestal Building, Room 6B-222, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252-2967.

The public file containing a copy of this Notice and all other documents and supporting materials related to the proceeding is available for inspection upon request Monday through Friday from 8:00 a.m. to 4:00 p.m. at: Department of Energy Freedom of Information Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 252-6020.

SUPPLEMENTARY INFORMATION: (1) *Procedures.* ERA issued proposed prohibition orders to VEPCO's Possum Point 3 and 4 on May 16, 1980 (45 FR 34346 (May 22, 1980)) and January 17, 1980 (45 FR 5356 (January 23, 1980)), respectively, commencing proceedings designed to prohibit the use of petroleum or natural gas as the primary energy source in these units if the required findings of then-effective section 301(b) of FUA (hereafter referred to as "former section 301(b)"), discussed below, could be made.

In accordance with 10 CFR 501.51(b) of the FUA procedural regulations applicable to existing powerplants, the issuance of the proposed prohibition orders to Possum Point 3 and 4 commenced an initial three-month public comment period in each case, during which interested parties could challenge ERA's initial finding that Possum Point 3 and 4 have or previously had the technical capability to use coal as their primary energy source and could comment upon the proposed statutory findings which former section 301(b) required ERA to make prior to the issuance of any final prohibition orders.

During these periods neither VEPCO nor any other interested persons submitted information contrary to ERA's initial finding that Possum Point 3 and 4 have or previously had the technical capability to burn coal as a primary energy source.

In accordance with a then-effective provision in 10 CFR § 501.51(b)(3),[2] VEPCO submitted evidence relating to the other findings that ERA are required to make under former section 301(b) and identified the following exemptions for which Possum Point 3 and 4 might qualify: The temporary exemptions authorized by section 311 of FUA based upon: (1) Site limitations, (2) inability to comply with applicable environmental requirements, (3) public interest, and (4) reliability of service; and the permanent exemptions authorized by section 312 of FUA based upon: (1) Site limitations, (2) inability to comply with applicable environmental requirements, and (3) State or local requirements.

Having determined on the basis of the available evidence that the proceedings should go forward, ERA issued Notices of Intention to Proceed for Possum Point 3 and 4 on July 9, 1982 (47 FR 31040 (July 16, 1982)) and January 8, 1981 (46 FR 3269 (January 14, 1981)), respectively, commencing a second three-month public comment period. No comments adverse to ERA's proposed findings were received during this period and VEPCO did not demonstrate the entitlement of Possum Point 3 or 4 to any of the potential exemptions initially identified.

On March 7, 1983, ERA issued a Notice of Availability of Tentative Staff Analysis (TSA) (48 FR 10423 (March 11, 1983)), in accordance with 10 CFR 501.51. The TSA concluded that the findings of technical and financial feasibility required by former section 301(b) of FUA could be made with

[1] The Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA), which became law on August 13, 1981, amended Title III of FUA in several important respects, including the limitation of DOE's unilateral authority to issue orders prohibiting the use of petroleum and natural gas or certain mixtures including these fuels as a primary energy source in an existing electric powerplant. Under former section 301, DOE could order the involuntary conversion of such powerplants. On October 1, 1981 ERA issued final rules pursuant to OBRA (46 FR 48118), providing procedures whereby an existing powerplant issued a proposed prohibition order under former section 301 (b) or (c) of FUA as of August 13, 1981, the date of enactment of OBRA, could elect to continue the prohibition order proceeding under the provisions of former section 301. In accordance with the procedures provided, VEPCO, on November 23, 1981 notified ERA of its election to have Possum Point 3 and 4 remain subject to former section 301(b) of FUA and thus to become "electing powerplants" as defined in 10 CFR 500.2.

[2] The requirement that a proposed order recipient identify any exemptions for which the powerplant might qualify during the initial three-month comment period was deleted from 10 CFR 501.51(b)(3), effective May 21, 1982 (47 FR 17037 (April 21, 1982)).

respect to Possum Point 3 and 4 and recommended that final prohibition orders be issued to the units. The staff conclusions were based upon information provided by VEPCO and other information available to ERA, all of which is included in the administrative record of the proceedings. No comments on the TSA were received during the 14-day comment period provided.[3]

2. *NEPA Compliance.* In accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA), DOE has performed an environmental review of these actions and has concluded that the prohibitions contained in these Orders to Possum Point 3 and 4, when they become effective, are not major Federal actions significantly affecting the quality of the human environment within the meaning of section 102(2)(c) of NEPA (42 U.S.C. 4332(C)).

Prohibition Orders

After review and consideration of the whole record in this proceeding, and finding its proposed actions to be supported by reliable, probative, and substantial evidence, ERA issues the following prohibitions:

Virginia Electric and Power Company, Possum Point Generating Station, Unit 3, Dumfries, Virginia, Docket No. 53146–3804–03–82.

Virginia Electric and Power Company, Possum Point Generating Station, Unit 3, Dumfries, Virginia, Docket No. 53146–3804–04–82.

Pursuant to former section 301(b) of FUA and 10 CFR 504.6, ERA hereby prohibits the above-named powerplants from burning petroleum or natural gas as a primary energy source.

As provided in former section 301 (b)(1) and (2) of FUA and 10 CFR 504.6 (c), (d), (e), and (f), these prohibition orders are based upon the following findings:

Finding of Technical Feasibility: In accordance with former section 301(b) (1) and (2) of FUA, ERA has found that it is technically feasible for Possum Point 3 and 4 to use coal or another alternate fuel as their primary energy source without substantial physical modification of the units and without substantial reductions in the rated capacities of the units.

This finding is based upon information contained in the public record and cited in the TSA (48 FR 10423 (March 11, 1983)), which indicates that Possum Point 3 and 4 were designed and constructed to use coal as their primary energy source (Contract Data Sheets, November 27, 1961 and December 21, 1954), and that they have in the past been so operated (VEPCO letter, February 24, 1983, submitted in response to an ERA request for additional information). Additionally, the evidence of record indicates that post-conversion operations will involve no annualized derating of either unit and that, accordingly, no substantial reduction in rated capacities, within the meaning of FUA, will be suffered due to the conversions (VEPCO letter, *supra.*).

The evidence, taken together, supports ERA's initial finding of coal-capability and supports ERA's proposed finding that both Possum Point 3 and 4 are technically capable of physical conversion to permit the use of coal as their primary energy source.

Finding of Financial Feasibility: In accordance with former section 301(b) of FUA, ERA has also found that it is financially feasible for Possum Point 3 and 4 to use coal as their primary energy source. This finding is based upon ERA staff calculations of record, using the general cost calculation formula prescribed in 10 CFR 504.12, the result of which indicates that the use of coal as the primary energy source for Possum Point 3 and 4 will not substantially exceed the cost of using imported petroleum. The TSA contains the ERA staff's reasoned conclusion that this result, taken in conjunction with the presumption of financial feasibility established in 10 CFR 504.6(f)(1),[4] permits ERA to find that the use of coal as the primary energy source for the units is financially feasible. It is noted that the costs employed by the ERA staff in its calculations are consistent with, and confirmed by the cost data contained elsewhere in the record (VEPCO letter, *supra.*). Furthermore, the ERA staff's review of the entire record revealed no evidence of any potential inability on VEPCO's part to raise the capital necessary to finance the conversions (TSA, *supra.*) and did reveal evidence that the conversion of Possum Point 3 had been commenced in 1981 and that of Possum Point 4 in 1980 (VEPCO letter, *supra.*).

The evidence, taken together, thus supports ERA's proposed finding that it is financially feasible for Possum Point 3 and 4 to use coal as their primary energy source.

The prohibitions stated above shall be effective for Possum Point 3, April 1, 1985 and for Possum Point 4, April 1, 1984, if the respective units are able to burn coal in compliance with all applicable air pollution laws, regulations, ordinances, and orders on those respective dates; otherwise, the prohibitions for each unit shall become effective when VEPCO completes construction, tie-in and testing of new particulate emission control equipment on each unit, respectively, and such testing demonstrates that the respective units are able to burn coal in compliance with all applicable State, federal and local air pollution control requirements.

Furthermore, the prohibitions affecting Possum Point 3 and 4 shall not be effective under the following circumstances:

1. During any period that VEPCO, due to circumstances beyond its reasonable control, is unable to burn coal in the units, or either of them, in compliance with all applicable federal, State and local laws, rules, regulations, ordinances and orders;

2. During any period that VEPCO, due to circumstances beyond its reasonable control, is unable to purchase or secure delivery of a supply of coal suitable for operation of the units in compliance with all applicable federal, State and local laws, rules, regulations, ordinances and orders; and

3. During any other periods, as provided or permitted by FUA or applicable ERA regulations, rules or orders.

These orders shall be effective on May 31, 1983.

Pursuant to section 702(c) of the Act and 10 CFR § 501.69, any person aggrieved by these Orders may petition for judicial review thereof at any time before the 60th day following publication in the **Federal Register**.

Issued in Washington, D.C. on March 25, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–8516 Filed 3–31–83: 8:45 am]

BILLING CODE 6450–01–M

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[3] By letter of February 28, 1983, VEPCO requested that ERA reduce the public comment periods to the minimum legally required, which is 45 days from date of publication of the proposed orders, where the proposed order recipient so requests (10 CFR 501.51(b)). At the time of VEPCO's request, the prescribed minimum comment period had already been exceeded. Accordingly, in granting the request, ERA determined that a 14 day comment period on the TSA was sufficient to permit any other interested parties to submit comments, requests for a hearing, or any requests for extension of the comment period, should an interested party believe such extension to be necessary.

[4] 10 CFR 504.6(f)(1) reads as follow:

ERA will presume that it is financially feasible for a unit to use an alternate fuel as its primary energy source if the cost of using an alternate fuel does not substantially exceed the cost of using imported petroleum as calculated using the general cost calculation described in § 504.12 of the regulations . . .

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP83-229-000]

Columbia Gas Transmission Corp.; Application

March 29, 1983.

Take notice that on March 14, 1983, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83-229-000 an application pursuant to Section 7 the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and for permission and approval to abandon certain other natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes six main line construction and abandonment projects. Applicant states that the construction projects proposed are primarily designed to maintain service to Applicant's existing wholesale customers at levels presently authorized by the Commission. In addition, Applicant avers that the abandonment projects proposed are necessary in order to retire facilities no longer required in Applicant's operations.

Specifically, Applicant proposes the following:

(1) The construction and operation of approximately 4.4 miles of 16-inch pipeline replacing a like amount of 12-inch pipeline located in Muskingum County, Ohio.

(2) The construction and operation of approximately 1.1 miles of 20-inch pipeline replacing a like amount of 18-inch pipeline located in Clark and Greene Counties, Ohio.

(3) The construction and operation of a 2,200 horsepower addition at the Gala compressor station, located in Botetourt County, Virginia.

(4) The alteration of Unit No. 8 at the Cevedo compressor station located in Wayne County, West Virginia, reducing its horsepower rating from a 10,500 (NEMA) horsepower rating to a 10,200 (ISO) horsepower rating.

(5) The abandonment of approximately 3.7 miles of 20-inch pipeline and the installation of interconnecting pipeline facilities in order to operate approximately 3.7 miles of existing 26-inch pipeline located in Howard County, Maryland.

(6) The abandonment of approximately 12.9 miles of 20-inch pipeline and a .6 mile river crossing consisting of five lines of 10 and 12-inch pipeline each located in Summers and Monroe Counties, West Virginia.

Applicant estimates the cost of construction of the proposed projects to be $2,721,850 which cost Applicant proposes to finance from funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8511 Filed 3-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP 83-22-000]

Commonwealth of Pennsylvania, Section 103 NGPA Determination, J.G.M. Gas & Oil Inc., D. Schultz #2, FERC JD. No. 82-52478; Petition To Reopen Final Well Category Determination

Issued: March 29, 1983.

Take notice that on March 16, 1983, the Division of Oil and Gas Regulation of the Commonwealth of Pennsylvania (Pennsylvania) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen the application of J.G.M. Gas & Oil Inc. for a final well category determination, that the D. Schultz #2 Well qualifies as a new, onshore production well pursuant to section 103 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1982). The section 103 determination became final on October 17, 1982 pursuant to NGPA section 503(d) and 18 CFR 275.202(a). Pennsylvania requests reopening of their determination because in making the determination, Pennsylvania states it relied on an untrue statement of material fact and that there was omitted a statement of material fact necessary in order to make the statements not misleading.

Specifically, Pennsylvania alleges that the untrue statement of material fact was the statement of J.G.M. that "Ven-26760 was spudder (sic) after Schultz #2 and therefore Schultz is eligible for 103." Pennsylvania states that the omitted statement should have provided the "Ven-26760 was spudded before the Schultz #2 Well." Pennsylvania contends that the D. Schultz #2 Well is ineligible for an NGPA section 103 determination because the well does not meet the state's well spacing requirements. Pennsylvania contends further that the D. Schultz #2 Well was previously disapproved for a section 103 determination under different operatorship.

Notice is hereby given that, in the event the subject determination is reopened, the question of whether the Commission will require refunds, plus interest computed under §154.102(c) of the regulations, is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the Federal Register, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion

to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenenth F. Plumb,

Secretary.

[FR Doc. 83-8512 Filed 3-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST79-25-002]

Louisiana Intrastate Gas Corp.; Extension Reports

March 29, 1983

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. A "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before April 25, 1983 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8513 Filed 3-31-83; 8:45 am]

BILLING CODE 6717-01-M

Docket No. and transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST79-25-002 Louisiana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71301 [1]	United Gas Pipe Line Co.	2/22/83	D	5/19/83
ST81-165-001 Louisiana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71301 [1]	Columbia Gas Transmission Corp.	2/23/83	C	2/25/83
ST81-256-001 Louisiana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71301	Southern Natural Gas Co.	2/11/83	C	5/12/83
ST81-283-001 The East Ohio Gas Co., 1717 East Ninth Street, Cleveland, OH 44114 [1]	Fitchburg Gas and Electric Light Co.	2/17/83	G	5/14/83
ST81-293-001 Natural Gas Pipeline Co. of America, 122 South Michigan Avenue, Chicago, IL 60603. [1]	United Gas Pipe Line Co.	2/18/83	G	5/18/83
ST81-318-001 Southern Natural Gas Co., P.O. Box 2563, Birmingham, AL 35202	Northern Natural Gas Co.	2/18/83	G	5/19/83
ST81-387-001 Transcontinental Gas Pipe Line Corp., P.O. Box 1396, Houston, TX 77251	Southern Natural Gas Co.	2/16/83	G	7/29/83
ST81-391-001 Transcontinental Gas Pipe Line Corp., P.O. Box 1396, Houston, TX 77251	Northern Natural Gas Co.	2/16/83	G	7/16/83
ST81-427-001 Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, UT 84110	Colorado Interstate Gas Co.	2/28/83	G	6/1/83
ST81-464-001 Seagull Pipeline Corp., 1100 Lousiana, Houston, TX 77002	United Gas Pipe Line Co.	2/24/83	C	5/29/83
ST83-259-000 Consolidated Gas Supply Corp., 445 West Main St., Clarksburg, WV 26301	Bay State Gas Co.	2/14/83	B	5/14/83

[1] These extension reports were filed after the date specified by the commission's regulations, and shall be the subject of a further commission order

Note. The noticing of these filings does not constitute a determination of whether the filings comply with the commission's regulations

[FR Doc. 83-8513 Filed 3-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-34-003]

Northern Natural Gas Company, Division of InterNorth, Inc.; Petition to Amend

March 29, 1983

Take notice that on March 11, 1983, Northern Natural Gas Company, Division of InterNorth, Inc., (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-34-003 a petition to amend the order issued June 4, 1982, in Docket No. CP82-34-000 pursuant to Section 7(c) of the Natural Gas Act, so as to authorize an increase in the level of firm entitlement currently sold to Westar Transmission Company, a Division of Pioneer Corporation (Westar) under Northern's Rate Schedule X-17 and the utilization of an additional existing delivery point to facilitate such sale, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Northern states that the order issued June 4, 1982, authorized it, *inter alia*, to sell and deliver to Westar 21 Mcf and 16,500 Mcf of firm entitlement gas per day during the billing months of November through March and April through October, respectively. It is states that subsequent to such time Northern and Westar entered into an amendment to the gas sales agreement whereby Northern agreed to sell and deliver 75,000 Mcf of firm entitlement gas per day to Westar for a ten-year period ending October 26, 1982, and year-to-year thereafter. It is asserted that a minimum annual bill provision reflecting 75 percent of Westar's daily firm entitlement and a minimum monthly bill provision reflecting 50 percent of Westar's daily firm entitlements for April through October would be included.

It is stated that the rate to be paid for each Mcf of gas delivered would be the currently effective service area rate approved by the Commission as detailed in Original Volume No. 2 of Northern's F.E.R.C. Gas Tariff. It is further stated that Westar is given the option to renegotiate such rate if the currently effective service area rate exceeds certain market clearing prices in Texas as more fully detailed in the application

In addition to the delivery points currently authorized under Northern's Rate Schedule X-17, Northern proposes to operate the existing delivery point

between Northern and Westar located at Labor 15, League 323, LaSalle County School Land, Martin County, Texas, to accommodate the sale.

It is stated that Westar would utilize the additional firm entitlement to provide natural gas service to approximately 280,000 residential, commercial and industrial customers served directly by Westar or by local distribution companies.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 19, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8514 Filed 3-31-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-20-000]

Oklahoma Corporation Commission, Section 108 NGPA Determination, Mobil Producing Texas and New Mexico, Inc., Daily No. 2 Well, FERC J.D. No. 82-50616; Petition to Reopen Final Well Category Determination and Request for Withdrawal

Issued: March 29, 1983.

On March 10, 1983, Mobil Producing Texas and New Mexico Inc. (Mobil) filed with the Federal Energy Commission (Commission) a petition to reopen and a request to withdraw its application for a final well category determination, that gas from the Daily No. 2 Well, located in Beaver, Oklahoma qualifies as stripper well natural gas pursuant to section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (Supp. V 1982). This determination made by the Oklahoma Corporation Commission (OCC) became a final on October 7, 1983, pursuant to NGPA section 503(d) and 18 CFR 275.202(a) of the Commission's regulations.

Mobil requests reopening of this final determination so that it can withdraw its application for said determination. Mobil states that subsequent to filing for a section 108 well category determination, Mobil, as part of its continuing review of well filings, found that the production volumes used to qualify this well were not accurate, and do not meet the Commission's regulations. Therefore, Mobil requests that the Commission reopen the determination for the subject well under section 108 of the NGPA, and allow Mobil to withdraw its application.

Mobil avers that no section 108 payments have been received for this well. Notwithstanding this allegation, the Commission hereby gives notice that the question of whether refunds, plus interest as computed under § 154.102(c), will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Rules of Practice and Procedure. All protests will be considered in determining the appropriate action to be taken, but will not make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8515 Filed 3-31-83; 8:45 am]

BILLING CODE 6717-01-M

Office of the Secretary

Compliance with the National Environmental Policy Act: Intent To Prepare Environmental Impact Statement—Disposal of Radioactive Defense High-Level and Transuranic Wastes at Hanford

AGENCY: Office of the Secretary, DOE.

ACTION: Notice of intent to prepare an environmental impact statement (EIS) pertaining to the disposal of certain radioactive defense wastes stored at the Hanford Site near Richland, Washington.[1]

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an EIS, in accordance with Section 102 (2) (C) of the National Environmental Policy Act, to provide environmental input to the decision on the proposed selection and implementation of a disposal strategy for certain radioactive defense wastes at the Hanford Site. These wastes consist primarily of high-level radioactive wastes (HLW) from chemical processing of spent fuels, transuranic (TRU) wastes, and capsules containing strontium (^{90}Sr) and cesium (^{137}Cs) salts that have been separated from HLW. Excluded from consideration in this EIS are: low-level radioactive wastes (LLW) in burial grounds; and wastes generated by decontamination and decommissioning after the year 1980.

DATE: Comments are due within 30 days of the date of this notice.

Alternatives

1. *Geologic Disposal.* Geologic disposal is the reference disposal method for immobilized high-level waste. DOE's National Waste Terminal Storage (NWTS) program is expected to begin operating a geologic repository for commercial nuclear waste by 1998. There is no known technical reason why such a repository could not accommodate defense high-level wastes which are to be committed to geologic disposl. This course will be pursued unless it should cause unacceptable adverse impacts to national security programs, facilities, or information. The Nuclear Waste Policy Act of 1982, Section 8, requires an evaluation of this issue, considering factors relative to health and safety, regulation, cost efficiency, transportation, public acceptance, and national security. In the meantime, close liaison between the Defense Waste and NWTS programs will continue to assure technical and scheduling compatibility.

It is recognized that site specific factors must be considered in making the decision on the appropriate disposal actions to be taken for various types of waste at each of DOE's major waste sites. Hanford's high-level waste tanks are isolated from the water table and contain much less radioactivity than tanks at Savannah River and Idaho. Potentially hazardous and readily retrievable high-level waste at Hanford will be evaluated for disposal in a geologic repository. The retrievable waste that requires repository disposal will be stored pending immobilization. If

[1] This Notice of Intent (NOI) supersedes an NOI issued October 28, 1977, in the **Federal Register** (42 FR 56538), announcing the DOE intention to prepare an EIS for the long-term management and disposal of Hanford defense HLW only.

practical, immobilization capabilities will be incorporated into existing facilities. Some categories of less hazardous (but previously designated HLW) and/or not readily retrievable wastes will be evaluated for in-place stabilization and isolation, or for retrieval and immobilization.

With respect to transuranic (TRU) wastes, the objective is to end interim storage and achieve permanent disposal. Newly generated and stored defense TRU waste will be certified for compliance with waste acceptance criteria, after processing if necessary, and eventually sent for emplacement in the Waste Isolation Pilot Plant (WIPP). Certification of newly generated waste will be initiated in 1983. Stored waste will be retrieved, examined, processed if necessary, and certified. After WIPP is operational, in 1989, waste generating sites will send certified waste directly to WIPP.

Before 1970, TRU contaminated solid material was disposed of by burial as low-level waste. The National Academy of Sciences and others have found that retrieval of this waste can be more hazardous than leaving it in place. The reference plan for such buried waste is to monitor and reevaluate it periodically and to take remedial actions if necessary.

2. *Onsite stabilization and isolation.* In this alternative, the majority of radioactive wastes are isolated in place and appropriate engineered barriers established between the waste and the biosphere. Wastes stored in tanks, drained liquid sites, and burial grounds, etc., are stabilized and isolated in place, where retrieval would be more hazardous or would not warrant the cost and risk. Environmental, safety, and economic evaluations will be made to determine if stored TRU (post 1970 generated) should be retrieved for repository disposal consistent with the reference plan, or be stabilized and isolated onsite. Examples of engineered improvements being considered include soil, rip-rap, clay, asphalt, and concrete covers over sites to reduce soil erosion and prevent surface water intrusion, and sub-surface grouting to restrict ground-water intrusion and immobilize wastes in place. After use, (unusable) cesium (Cs) and strontium (Sr) capsules are disposed in a geologic repository or in a near-surface disposal facility. Encapsulated and some other high heat-producing wastes may be allowed to decay further before implementation of the disposal mode.

3. *Continued Storage (No-Action).* Under this alternative, the existing program of interim storage and active institutional control is continued indefinitely. Continued present waste management practices would allow use of a near-surface, dry-well storage facility (DWSF) for Cs and Sr capsules to assure safe storage with minimal institutional control. The potential impacts of not embarking on a waste disposal program are illustrated by this alternative.

Because of the diversity of waste types (i.e., HLW, TRU), sites, and radionuclide inventories, it may not be possible to select a single alternative for all wastes. Retrieval, stabilization methods, waste forms, immobilization processes, and packaging techniques may differ appreciably within the various alternatives.

Background Information

In 1943, the U.S. Army Corps of Engineers selected the 570-square mile Hanford Site in southeastern Washington for production of special nuclear materials, principally plutonium, for national defense activities. Hanford facilities were operated by the U.S. Atomic Energy Commission (1947–1974) and its successors, the U.S. Energy Research and Development Administration (ERDA) (1974–1977) and the U.S. Department of Energy.

Nine plutonium production reactors were constructed and operated along with companion chemical processing plants and waste management facilities. By the end of 1971, eight of the reactors and related facilities were shut down, leaving only the N Reactor in operation, with one chemical processing plant (PUREX) placed in standby in 1972. Fuel discharged from the reactors was processed, to recover source and special nuclear materials, leaving a wide variety of radioactive wastes. These defense wastes include HLW and TRU.

After PUREX startup, and at the completion of currently anticipated fuel processing in the early 1990's, the amount of HLW and suspect HLW stored will consist of approximately 200,000 m^3 of liquids, damp solids, and slurries stored in about 177 underground tanks (eight of these tanks are now under construction); and about 4 m^3 of major heat source fission products (^{90}Sr and ^{137}Cs) recovered from the HLW and stored underwater in about 3,600 sealed metal capsules. Of the total amount of radioactivity, less than one percent is located in cribs, ponds, burial trenches, reverse wells, etc., consisting of several million cubic meters of contaminated soils and sediments. Most of the TRU waste is contained in about 25 of these sites. Consistent with the national program before 1970, TRU contaminated solid waste was not distinguished from other low-level solid waste and was disposed of by shallow-land burial. The U.S. Atomic Energy Commission then declared that TRU waste be stored retrievably in packages designed to last 20 years or more, pending decisions on its permanent disposal.

Radioactive waste has been managed at the Hanford Site since 1944. The impacts associated with these continuing operations were assessed in an EIS entitled *Waste Management Operations, Hanford Reservation,* published in December 1975 (ERDA–1538). In that document, the environmental impacts from waste management operations at the Hanford Site were determined to be acceptable and the actions being carried out for reducing the mobility of HLW were found to be satisfactory in terms of storage. Technical alternatives for disposal of high-level radioactive wastes at Hanford were examined in *Alternatives for Long-Term Management of Defense High-Level Radioactive Wastes, Hanford Reservations, Richland, Washington* (September 1977), ERDA 77–44. This document is a significant reference in the identification of the alternatives presented in this NOI.

Important Issues for Comparing Alternatives

The following issues will be analyzed for each of the alternatives during the preparation of the EIS. This list is neither intended to be all inclusive, nor a predetermination of impacts.

1. Effects of implementation of the alternative on the communities surrounding the Hanford Site.
2. Potential health effects from radiation exposure to the worker, the public, and the environment from implementing the alternative.
3. Radiological and nonradiological risks of potential accidents from man-made and natural events.
4. Nonradiological impacts of implementing the alternative.
5. Level of radioactivity to stabilize and isolate in place; i.e., degree of retrieval.
6. Transportation impacts.
7. Resource commitments (land, water, etc.).
8. Categorization of waste sites.
9. Effects of time on decision variables and parameters.
10. Measures to mitigate adverse environmental impacts.

Schedule of EIS Preparation

Following receipt of comments on this

NOI, a draft environmental impact statement (DEIS) will be prepared and made available to state and Federal agencies and the public for review and comment. Completion of the DEIS is tentatively scheduled by the end of 1983. Following the comment period on the DEIS, a final EIS that will take into consideration comments received will be prepared and distributed to state and Federal agencies and members of the public expressing an interest in the final EIS. Based on the final EIS, a decision will be made as to which alternative will be pursued by DOE.

Comments and Scoping

All interested parties are invited to submit comments or suggestions in connection with the preparation and scoping of the EIS. Those desiring to submit comments or suggestions for issues to be addressed in the DEIS should submit them within 30 days of the date of this notice to the following address: Outline for Hanford Defense Waste EIS, Attn: John J. Schreiber, Director, Waste Management Division, U.S. Department of Energy, Richland, Washington 99352.

A copy of the comments received on this Notice of Intent will be retained by DOE and made available for inspection at the Public Reading Room, Room 1E–090, Forrestal Building, 1000 Independence Avenue, NW, Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, and at the Richland Public Reading Room, Federal Building, 825 Jadwin Avenue, Richland, Washington, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A public scoping meeting is not planned.

Copies of the documents currently planned to be used in the preparation of the DEIS are available for public inspection at the Richland Public Reading Room, Federal Building, 825 Jadwin Avenue, Richland, Washington.

Upon completion of the DEIS, its availability will be announced in the **Federal Register**, and public comments will again be solicited.

Those not desiring to submit comments or suggestions at this time, but who would like to receive a copy of the DEIS for review and comments should notify John J. Schreiber at the above address. Those seeking further information on the environmental process may contact: Raymond F. Pelletier, Office of Environmental Compliance, EP–362, U.S. Department of Energy, Washington, D.C. 20585, (202) 252–4600.

Dated at Washington, D.C., this 25th day of March 1983, for the Department of Energy.

William A. Vaughan,

Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 83–8525 Filed 3–31–83; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community (EURATOM)

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the return of 7.0 kilograms of highly enriched uranium contained in research reactor fuel from the HMI reactor, in the Federal Republic of Germany.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. This arrangement for the return of U.S. origin highly enriched uranium (HEU) is consistent with U.S. nonproliferation policy in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy

Dated: March 29, 1983

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83–8528 Filed 3–31–83; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Commulty (EURATOM)

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the export of 961,632 kilograms of natural uranium to various sites within the European Community for subsequent enrichment and utilization for fuel in light water power reactors within the European Community.

This subsequent arrangement is to be carried out under the above mentioned agreement in accordance with section 402(a) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2153a).

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 29, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83–8519 Filed 3–31–83; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Government of Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the following retransfer: RTD/SW(JA)–3, from Japan to Sweden, 2,115 grams of uranium, enriched to 3.1% in U–235, in the form of fuel rods, for irradiation in the R–2 material test reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security

This subsequent arrangement will take effect no sooner than fifteen days

after the date of publication of this notice.

For the Department of Energy.

Dated: March 29, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-8517 Filed 3-31-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Government of Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer: RTD/JA (EU)-24, from France to Japan, 188 grams of uranium, enriched to 68.1% in U-235, and 46 grams of plutonium, contained in one unirradiated fuel pin, and in one irradiated fuel pin and associated waste, for post-irradiation examination associated with the fast breeder reactor program. The material is to be recovered following the examination.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 29, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-8520 Filed 3-31-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreement; Proposed Subsequent Arrangement; European Atomic Energy; Community (EURATOM)

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the enrichment within the European Community of 1,300,000 pounds of natural uranium of United States origin, and its subsequent utilization for light water power reactor fuel within the European Community.

This subsequent arrangement is to be carried out under the above mentioned Agreement in accordance with section 402(a) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2153a).

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 29, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-8521 Filed 3-31-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community (EURATOM)

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-EU-765, to Central Bureau for Nuclear Measurements, Geel, Belgium, 11.26 grams of plutonium enriched in the isotope 239, and 20.5 grams of uranium, enriched to 72% in U-235, for use as standard reference materials.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 29, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-8522 Filed 3-31-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community (EURATOM)

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the export of 1,200,000 kilograms of natural uranium to various sites within the European Community for subsequent enrichment and utilization for fuel in light water power reactors within the European Community.

This subsequent arrangement is to be carried out under the above mentioned agreement in accordance with section 402(a) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2153a).

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 29, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-8523 Filed 3-31-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community (EURATOM)

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S–EU–766, to British Nuclear Fuels, Ltd., 0.005 grams of plutonium–244, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy

Dated: March 29, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83–8524 Filed 3–31–83; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Government of Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S–A–332, to the Japan Atomic Energy Research Institute, 10 milligrams of uranium–234 and 100 milligrams of uranium–236, for use in the measurement of isotopes at the fast critical assembly.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 29, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83–8518 Filed 3–31–83; 8:45 am]

BILLING CODE 6450–01–M

Southeastern Power Administration

Order Confirming and Approving Power Rates on an Interim Basis

AGENCY: Southeastern Power Administration (SEPA), DOE.

ACTION: Notice of Approval on an Interim Basis of Kerr-Philpott Projects' Rates.

SUMMARY: On March 28, 1983, the Assistant Secretary for Conservation and Renewable Energy confirmed and approved, on an interim basis, an adjustment of two of the rate schedules for Kerr-Philpott Projects' power. The rates were approved on an interim basis through March 31, 1984, and are subject to confirmation and approval by the Federal Energy Regulatory Commission on a final basis.

DATE: Approval of rates on an interim basis is effective on April 1, 1983.

FOR FURTHER INFORMATION CONTACT:

Leon Jourolmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635.

John J. DiNucci, Office of Power Marketing Coordination, Department of Energy, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461.

SUPPLEMENTARY INFORMATION: The Federal Power Commission by Order issued February 18, 1976, in Docket No. E–7002 confirmed and approved Wholesale Power Rate Schedules KP–1–B, KP–2–B, and JHK–1–B through September 30, 1980. The Federal Energy Regulatory Commisison by orders issued January 29, 1981, and March 19, 1982, in Dockets EF80–3041 and EF81–3041, respectively, extended through September 30, 1982, approvals of Rate Schedules KP–1–B and KP–2–B and approved Rate Schedule JHK–1–C as a substitute for JHK–1–B. On March 4, 1983, the Commission approved through March 31, 1983, extension of Rate Schedules KP–1–B and KP–2–B and approved Rate Schedule JHK–1–D as a substitute for JHK–1–C. Rate Schedule KP–1–C replaces KP–1–B. Rate Schedule JHK–1–E replaces JHK–1–D and KP–2–B is eliminated.

Issued in Washington, D.C., March 28, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

In the Matter of Southeastern Power Administration—Kerr-Philpott Projects' Power Rates; Rate Order No. SEPA–15; Order Confirming and Approving Power Rates on an Interim Basis.

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 95–91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southeastern Power Administration (SEPA) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0204–33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. This rate order is issued pursuant to the delegation to the Assistant Secretary for Conservation and Renewable Energy.

Background

Power from the Kerr-Philpott Projects is presently sold under Wholesale Power Rate Schedules KP–1–B, KP–2–B, and JHK–1–D confirmed and approved through March 31, 1983. The approval of these rate schedules interimly on September 2, 1982, and finally on March 4, 1983, was to allow SEPA time to complete negotiations under its interim power policy and to present revised rate schedules which would recover reveneues sufficent to accomplish timely payout of all project power costs.

Public Notice and Comment

Opportunities for public review and comments on the proposed revised Rate Schedules KP–1–C and JHK–1–E were announced by Notice published in the Federal Register on January 6, 1983, and all customers were notified by mail. A Public Information and Comment Forum was held in South Hill, Virginia, on February 8, 1983, and written comments were invited by the Notice through February 25, 1983. No oral or written comments were received.

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Discussion

System Repayment

SEPA's system Power Repayment Study, prepared in January 1983, for the Kerr-Philpott Projects, shows that with an annual revenue increase of $4,426,000 over the revenues shown in its previously referenced June 1982 repayment study, all system costs associated with implementation of SEPA's Interim Power Marketing Policy are paid within their repayment life. Rate Schedules KP–1–C and JHK–1–E are so designed as to produce revenue adequate to recover on a timely basis all system power costs.

Rate Design

In Rate Schedules KP–1–C and JHK–1–E these charges are divided between capacity, energy and wheeling charges. The capacity charge has been increased by $0.27 per kilowatt of monthly demand to a rate of $1.52 per kilowatt per month which amounts to a 22 percent increase. A portion of the increase is due, however, to the fact that under the Interim Policy no capacity is sold the companies and because SEPA must provide reserves for capacity sold the preference customers, fewer kilowatts are actually revenue producing. The energy rate has been increased by 1.25 mills per kilowatt-hour to a rate of 6.25 mills per kilowatt-hour which amounts to a 25 percent increase.

The wheeling charges in the rate schedules are those charged SEPA by VEPCO and CP&L and are simply passed through directly to affected preference customers. The wheeling charges may be adjusted annually and adjustments will become effective at the time the companies' adjusted charges become effective to SEPA. The effect of these rates will be that 57 percent of the costs of generation will be allocated to capacity and 43 percent to energy. The wheeling charges are tied to the costs of providing the necessary transmission and distribution services.

Environmental Impact

SEPA has reviewed the possible environmental impacts of the rate adjustment under consideration and has concluded with Departmental concurrence that, because the increased rates would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, the proposed action is not a major Federal action for which preparation of an Environemntal Impact Statement is required.

Availability of Information

Information regarding these rates including studies, and other supporting materials are available for public review in the offices of Southeastern Power Administration, Samuel Elbert Building, Elberton, Georgia 30635, and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Submission to the Federal Energy Regulatory Commission

The rates herein confirmed and approved on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis for a period beginning on April 1, 1983, and ending no later than September 30, 1986.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective April 1, 1983, attached Wholesale Power Rate Schedules KP–1–C and JHK–1–E. The rate schedules shall remain in effect on an interim basis through March 31, 1984, unless such period is extended or until the FERC confirms and approves them or substitute rate schedules on a final basis.

Issued at Washington, D.C., this 28th day of March 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

United States Department of Energy; Southeastern Power Administration

Wholesale Firm Power Rate Schedule JHK–1–E

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of which is hereinafter called the Customer) within a 165 mile radius of the existing interconnection point between the Virginia Electric and Power Company and the Carolina Power and Light Company (hereinafter called the Company) at the Virginia-North Carolina State line in the vicinity of John H. Kerr Project (hereinafter called the Project), purchasing power from the Project in wholesale quantities under appropriate contracts and served through the facilities of the Company. This rate schedule may become available to other public bodies and cooperatives as determined by Southeastern Power Administration pursuant to promulgation of a final power marketing policy for the Kerr-Philpott System of Projects.

Applicability: This rate schedule shall be applicable to Project firm power and accompanying energy, purchased in wholesale quantities under appropriate contracts for a specified number of kilowatts of capacity and shall be applied to each Customer's system consisting of one or more delivery points.

Character of Service: Electric capacity and energy supplied hereunder will be 3-phase alternating current at a nominal frequency of 60 Hertz delivered at existing or future delivery points on the Company's transmission and distribution system.

Monthly Rate: The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge: $1.52 per kilowatt of contract demand.

Energy Charge: 6.25 mills per kilowatt-hour.

An additional rate for wheeling service provided under this rate schedule shall be the rate charged Southeastern Power Administration by the Company and future adjustments to that rate will become effective annually pursuant to a rate formula filed with the Federal Energy Regulatory Commission or upon acceptance for filing by the Federal Energy Regulatory Commission. The initial charges shall be:

Wheeling Charge: $1.99 per kilowatt of contract demand.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the customer and the customer will purchase from the Government a portion of the energy available to the Company area from the Projects in any billing month determined by multiplying the total energy available less 6 percent losses by the ratio of the customer's contract demand to the sum of the contract demands of all customers served under this rate schedule.

Billing Month: End-of-month meter readings for billing under this schedule shall be made on the last regular working day of each month or as near thereto as may be practicable.

United States Department of Energy; Southeastern Power Administration

Wholesale Firm Power Rate Schedule KP–1–C

Availability: This rate schedule shall be available to public bodies and cooperatives (any one of which is heeinafter called the Customer) within a 150 mile radius of the John H. Kerr Project, purchasing power generated at the John H. Kerr and Philpott Projects in wholesale quantities under approriate contracts and served through the facilities of the Virginia Electric and Power Company (hereinafter called the Company). This rate schedule may become available to other public bodies and cooperatives as determined by Southeastern Power Administration pursuant to promulgation of a final power marketing policy for the Kerr-Philpott System of Projects.

Applicability: This rate schedule shall be applicable to firm power and accompanying energy generated at the John H. Kerr and Philpott Projects, purchased in wholesale quantities under approrpriate contracts for a specified number of kilowatts of capacity and shall be applied to each customer's system consisting of one or more delivery points.

Character of Service: The electric capacity and energy supplied hereunder will be 3-phase alternating current at a nominal frequency of 60 Hertz. The voltage of delivery will be maintained within the limits established by the state regulatory commission.

Monthly Rate: The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand charge: $1.52 per kilowatt of contract demand.

Energy Charge: 6.25 mills per kilowatt-hour.

An additional rate for wheeling service provided under this rate schedule shall be the rate charged Southeastern Power Administration by the Company and future adjustments to that rate will become effective upon acceptance for filing by the Federal

Energy Regulatory Commission of the Company's rate. The initial charge shall be:

Wheeling Charge: $1.74 per kilowatt of contract demand.

Contract Demand: The contract demand is the amount of capacity in kilowatts stated in the contract which the government is obligated to supply and the customer is entitled to receive.

Energy to be Furnished by the Government: The Government will sell to the Customer and the Customer will purchase from the Government a portion of the energy available to the Company area from the projects in any billing month determined by multiplying the total energy available less five percent losses by the ratio of the Customer's contract demand to the sum of the contract demands of all customers served under this rate schedule.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

[FR Doc. 83-8429 Filed 3-31-83, 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51460; TSH-FRL 2337-3]

Certain Chemicals Premanufacture Notices

AGENCY: Evironmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seventeen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83-570, 83-571, 83-572, 83-573, 83-574, 83-575 and 83-576, June 15, 1983.

PMN 83-577, 83-578, and 83-580, June 18, 1983.

PMN 83-581, 83-582, 83-583 and 83-584, June 19, 1983.

PMN 83-585 and 83-586, June 20, 1983.

PMN 83-587, June 21, 1983.

Written comments by:

PMN 83-570, 83-571, 83-572, 83-573, 83-574, 83-575 and 83-576, May 16, 1983.

PMN 83-577, 83-578 and 83-580, May 19, 1983.

PMN 83-581, 83-582, 83-583 and 83-584, May 20, 1983.

PMN 83-585 and 83-586, May 21, 1983.

PMN 83-587, May 22, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-51460]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-570

Manufacturer. Confidential.

Chemical. (G) Substituted alkane diols.

Use/Production. (G) Open use. Prod. range: 500-150,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal, inhalation and ocular, a total of 88 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10-10,000 kg/yr to land. Disposal by incineration.

PMN 83-571

Manufacturer. Confidential.

Chemical. (G) Fatty acids, carbomonocyclic ester.

Use/Production. (S) Captive intermediate. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 4 workers.

Environmental Release/Disposal. Release to water.

PMN 83-572

Manufacturer. Confidential.

Chemical. (G) Polyester poly carboxylate salt.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 workers, up to 2 hrs/da, up to 12 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by incineration.

PMN 83-573

Manufacturer. Confidential.

Chemical. (G) Unsaturated polyester.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manfacture and processing: dermal, a total of 13 workers, up to 1 hr/da, up to 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by incineration.

PMN 83-574

Importer. Confidential.

Chemical. (S) Polymer of malonic acid, diethyl ester, trimethylolpropane, 1,6-hexanediol, neopentylglycol.

Use/Import. Confidential. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 20-40 workers, up to 2,000-4,000 manhours/yr.

Environmental Release/Disposal. No release.

PMN 83-575

Importer. Confidential.

Chemical. (S) Polymer of bisphenol A-oxirane polymer, neodecanoic acid, 2,3-epoxpropyl ester, diethylamino-propylamine, diethanolamine.

Use/Import. Confidential. Import range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Processing: dermal, a total of 20-40 workers, up to 2,000-4,000 manhours/yr.

Environmental Release/Disposal. No release.

PMN 83-576

Manufacturer. Confidential.

Chemical. (G) Polymer of diphenylmethane diisocyanate alkyl epoxides, alkane triol, and trisubstituted alkanol.

Use/Production. (S) Industrial prepolymer. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture maintenance and disposal: dermal and inhalation, a total of 52 workers, up to 8 hrs/da, up to 6 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10-100 kg/yr to land. Disposal by incineration or approved landfill.

PMN 83-577

Importer. Confidential.

Chemical. (G) 2-(2-haloaryl)amino-6-(N,N-dialkylamino) fluoran.

Use/Import. (S) Thermal paper for industrial, commercial and consumer uses. Import range: Confidential.
Toxicity Data. Acute oral: 5,000 mg/kg; Acute dermal: 5,000 mg/kg; Ames Test: Negative.
Exposure. Processing and use: dermal.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by incineration.

PMN 83–578

Manufacturer. Confidential.
Chemical. (G) Alkoxymethyl polysilazanes.
Use/Production. (S) Curing agent, an industrial, commercial and consumer use. Prod. range: Confidential.
Toxicity Data. Acute dermal: > 2,000 mg/kg; Irritation: Skin—Severe, Eye—Slight.
Exposure. Confidential.
Environmental Release/Disposal. No release.

PMN 83–580

Manufacturer. Confidential.
Chemical. (G) Thio-substituted aromatic amine.
Use/Production. (G) Coating for commercial materials. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: a total of 52 workers, up to 30 min/da, up to 2 wks/yr.
Environmental Release/Disposal. Disposal by incineration.

PMN 83–581

Importer. Confidential.
Chemcial. (G) (Substituted-acetacetanilidylazophenyl)—(substituted benzothiazole alkanolamine salt.
Use/Import. (S) Industrial colorant for paper. Import range: Confidential.
Toxicity Data. Irritation: Skin—Non-irritant, Eye—Non-irritant; LC_{50} 48 hr. (minnow)—> 500 mg/1.
Exposure. Processing, use and disposal: dermal, a total of 4 workers, up to 2 hrs/da, up to 60 da/yr.
Environmental Release/disposal. Maximum of 150 kg/yr released to water. Disposal by publicly owned treatment works (POTW) and incineration.

PMN 83–582

Manufacturer. Petrarch Systems, Inc.
Chemical. (S) Dimethylsila-14-crown-5.
Use/Production. (S) Phase transfer catalyst. Prod. Range: 500–2,000 kg/yr.
Toxicity Data. Acute oral: 9.9 g/kg.
Exposure. Manufacture: dermal, a total of 3 workers, up to 5 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to water.

PMN 83–583

Manufacturer. Petrarch Systems, Inc.
Chemical. (G) Organotrimethoxysilane.
Use/Production. (S) Monomer for silicone production. Prod. Range: 500–10,000 kg/yr.
Toxicity Data. Irritation: Skin—Slight, Eye—Non-irritant.
Exposure. Manufacure and use: dermal, a total of 6 workers, up to 60 da/yr.
Environmental Release/Disposal. Less than 20 lbs/yr released to water with less than 10 kg/yr to land.

PMN 83–584

Manufacturer. Confidential.
Chemical. (G) Blocked isocyanate.
Use/Production. (S) Adhesive component. Prod. range: 20–500 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and use: dermal and inhalation, a total of 7 persons/batch, 6 hrs/batch, 10 batches/yr.
Environmental Release/Disposal. No release. Disposal by Resource Conservation Recovery Act (RCRA).

PMN 83–585

Manufacturer. E. I. du Pont de Nemours & Co., Inc.
Chemical. (G) Polymer of styrene, mixed acrylates and acrylic amide.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 2 persons/shift, 8 hrs/shift, 3 shifts/da, 1 da/yr.
Environmental Release/Disposal. Disposal by incineration.

PMN 83–586

Manufacturer. E. I. du Pont de Nemours & Co., Inc.
Chemical. (G) Mixed acrylic copolymer.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 2 persons/shifts, 8 hrs/shift, 3 shifts/da, 3 da/yr.
Environmental Release/Disposal. Disposal by incineration.

PMN 83–587

Manufacturer. Confidential.
Chemical. (G) Mixed metal oxide.
Use/Production. (S) Pigment for paints and plastics. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal and inhalation.
Environmental Release/Disposal. 10–100 kg/yr released to air, less than 10 kg/yr to water and 100–1,000 kg/yr to land. Disposal by biological treatment system.

Dated: March 28, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83–8478 Filed 3–31–83; 8:45 am]
BILLING CODE 6560–50–M

[OPTS–59121; TSH–FRL 2337–2]

Certain Chemicals, Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of four applications for exemptions provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by April 18, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS–59121]" and the specific TME number should be sent to:

Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E–401, 401 M Street, SW. Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

TME 83-34

Manufacturer. Confidential.
Chemical. (G) Substituted alkane diols.
Use/Production. (G) Open use. Prod. range: 1 yr, min 500 kg, max 10,000 kg.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal and ocular, a total of 25 workers, up to 6 hrs/da, up to 15 da/yr. Use: dermal, ocular and inhalation, a total of 10 workers up to 8 hrs/da, up to 45 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10 –100 kg/yr to land. Disposal by incineration.

TME 83-6

Manufacturer. Confidential.
Chemical. (G) Ester of gluco-heptonic acid.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure: Confidential.
Environmental Release/Disposal. No data submitted.

TME 83-37

Manufacturer. Confidential.
Chemical. (G) Substituted amine-boron compound.
Use/Production. Confidential Prod. range: Confidential
Toxicity Data. No data submitted.
Exposure. No exposure.
Environmental Release/Disposal. Confidential.

TME 83-38

Manufacturer. Allied Chemical Corporation.
Chemical. (G) Substituted borazole polymer.
Use/Production. (S) Industrial boron dopant for semiconductor fabrication. Prod. range: Confidential.
Toxicity Data. No data.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Dated: March 28, 1983.

Linda A. Travers,
Acting Director, Management Support Division.

[FR Doc. 83-8477 Filed 3-31-83; 8:45 am]
BILLING CODE 6560-50-M

[ER-FRL-2336-5]

Availability of Environmental Impact Statements Filed March 21 Through March 25, 1983 Pursuant to 40 CFR 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382-5075 or 382-5076

Corps of Engineers:
EIS No. 830168, FSuppl, COE, MN, Mankato-North Mankato-Le Hillier, Main St./TH-60 Bridge Replacement, Due: May 2, 1983.
Department of the Interior:
EIS No. 830172, Draft, BLM, ID, Eastern Idaho Wilderness Study Areas, Designation, Due: May 31, 1983.
EIS No. 830157, Final, BLM, SEV, WY CO Savery Project Preference Right Coal Lease Applications, Due: May 2, 1983.
EIS No. 830165, Final, MMS, SEV, ATL NC SC GA FL 1983 OCS Oil and Gas Lease Sale No. 78, Due: May 2, 1983.
EIS No. 830169, Final, BIA, NM, Navajo RR Coal Transportation, Right-of-Way, San Juan & McKinley Cos., Due: May 2, 1983.
Department of Transportation:
EIS No. 830132, Final, FHW, NJ, I-295/US 130 Upgrading, Hessian Avenue to Repaupo Rd., Gloucester Co., Due: May 2, 1983.
EIS No. 830161, Draft, FHW, WI, South Madison Beltline Improvement, Fish Hatchery Rd to I-90, Dane Co., Due: May 16, 1983.
EIS No. 830167, Draft, FHW, FL, 39th Avenue Improvement, I-75 to Gainesville Airport, Alachua County, Due: May 16, 1983.
EIS No. 830171, Draft, FHW, NV, US 395 Relocation and Reconstruction, Carson City County, Due: May 23, 1983.
Department of Housing and Urban Development:
EIS No. 830162, Final, CDB, MI, Near East Riverfront No. 2 Development (Stroh Project), UDAG, Wayne Co., Due: May 2, 1983.
EIS No. 830163, Final, CDB, MI, Chene St. Housing Site/Near East Riverfront No. 3, UDAG, Wayne County, Due: May 2, 1983.
EIS No. 830164, Final, CDB, MI, American Natural Resources/Near East Riverfront No. 1 Development, UDAG, Due: May 2, 1983.
Environmental Protection Agency:
EIS No. 830158, Final, EPA, ME, ATL Portland Ocean Dredged Material Disposal Site, Designation, Due: May 2, 1983.
EIS No. 830170, Final, EPA, TX, ATL Sabine-Neches Dredged Disposal Site, Designation, Jefferson Co., Due: May 9, 1983.
Tennessee Valley Authority:
EIS No. 830166, Final, TVA, SD, Adoption-Edgemont Uranium Mill Decommissioning, Falls River/Custer Co., Due: May 2, 1983.
Department of Defense, Army:
EIS No. 830159, Final, USA, WA, Fort Lewis/Yakima Firing Center Ongoing Mission, Yakima/Kittitas Cos., Due: May 2, 1983.
Department of Agriculture:
EIS No. 830160, Draft, AFS, OR, Breitenbush II Geothermal Area, Leasing, Willamette and Mt. Hood, NFs, Due: May 20, 1983.

Dated: March 29, 1983.

Pasquale A. Alberico,
Acting Director, Office of Federal Activities.

[FR Doc. 83-8491 Filed 3-31-83; 8:45 am]
BILLING CODE 6560-50-M

[WH-FRL 2337-8]

National Workshop on Radioactivity in Drinking Water

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency will conduct a national workshop on radioactivity in drinking water. The workshop will provide input from a wide range of national and international experts on issues that relate to the development of National Revised Primary Drinking Water Regulation (NPDWR) for radioactivity in Drinking Water. The workshop is being conducted to surface the relevant issues, determine the completeness of existing data and information and determine research needs.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: William L. Lappenbusch, Chief, Health Effects Branch, Criteria and Standards Division, Office of Drinking Water (WH-550), 401 M Street SW., Washington, D.C., 20460, (202)-382-7571.

SUPPLEMENTARY INFORMATION: (The U.S. Environmental Protection Agency through its Office of Drinking Water will be conducting a scientifically oriented workshop on radioactivity in drinking water. The participants in the workshop will consider issues and recommendations concerning revision of the NPDWR under the Safe Drinking Water Act for radioactivity in drinking water. Subject areas include: occurrence, sampling and analysis, health effects, treatment costs and waste management. The workshop will be held in Easton, Maryland, May 24-25, 1983. Space is limited but a limited number of interested observers and participants can be accepted. Individuals who are interested in attending the workshop, should contact Ms. Gail Cioban at (301)-381-2500. Dynamac, Inc. the Contractor conducting the workshop for EPA.

Dated: March 16, 1983.

Rebecca W. Hanmer,
Acting Assistant Administrator for Water (WH-556).

[FR Doc. 83-8474 Filed 3-31-83; 8:45 am]
BILLING CODE 6560-50-M

[SA-FRL 2336-6]

Science Advisory Board; Environmental Effects, Transport and Fate Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Environmental Effects, Transport and Fate Committee of the Science Advisory Board, will be held on April 25 and 26 at U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., in Room S-247. The meeting will start at 9:00 a.m. both days and will adjourn not later than 4:30 p.m. on April 26.

A principal purpose of the meeting is to allow the Committee to continue reviewing and providing its scientific advice to EPA on the scientific adequacy of the Water Quality Standards Handbook, Chapter 3, "Guidelines for Deriving Site-Specific Water Quality Criteria for the Protection of Aquatic Life and its Uses" Included in the Committee's review will be the following topics: the scientific rationale for the development of site specific criteria; the definition of site; assumptions associated with the site-specific criteria; and four procedures utilized for developing site-specific criteria.

These procedures include: (1) The *recalculation procedure* to account for differences in resident species sensitivity to a chemical. (2) The *indicator species procedure* to account for differences in bioavailability, and therefore toxicity, of a chemical due to water quality variability. (3) The *resident species procedure* to account for differences in resident species sensitivity and differences in the bioavailability, and therefore toxicity, of a chemical due to water quality variability; and (4) The *heavy metal speciation procedure* to allow for the comparison of ambient soluble or biologically available metal concentrations to criteria in State water quality standards.

This will be a working meeting to continue discussion on issues raised during preceding meetings. These include, but are not limited to: definition of environmental integrity and site-specific; the use of surrogate species or families instead of local resident species; organizing by taxonomic lines, or trophic levels and related biological monitoring approach; and the assumptions in the national guidelines.

It is expected that public comment of a scientific nature, that was presented to the Agency during the recent public comment, will be available for examination by the Committee. It is expected that nineteen draft reports for field validation of the site-specific protocols will have been examined by various committee members and they will give an initial report at the time of the meeting.

The meeting will be open to the public. Any member of the public wishing to attend, participate, submit a paper, or wishing further information should contact Dr. Douglas B. Seba, Executive Secretary, Environmental Effects, Transport and Fate Committee, Science Advisory Board (202) 382-2552 or Dr. Terry F. Yosie, Staff Director, Science Advisory Board (202) 382-4126 by c.o.b. April 18, 1983.

Dated: March 25, 1983.

Ernst Linde,

Acting Staff Director Science Advisory Board.

[FR Doc. 83-8479 Filed 3-31-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-677-DR]

California; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-677-DR), dated February 9, 1983, and related determinations.

DATE: March 23, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

NOTICE: The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

For Public Assistance, the Counties of: Del Norte, Glenn, Kern, Kings, Merced, Napa, Shasta, Sutter, and Tehama.

That portion of Contra Costa and San Joaquin not previously designated.

(Catalog of Federal Domestic Assistance No. 83-516, Disaster Assistance.)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-8431 Filed 3-31-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-677-DR]

California; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-677-DR), dated February 9, 1983, and related determinations.

DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

NOTICE: The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

Madera, Napa, Placer, Stanislaus, and Tulare Counties for Individual Assistance, and Merced County as an adjacent County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83-516, Disaster Assistance)

Dave McLoughlin

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-8432 Filed 3-31-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-672-DR]

Missouri; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Missouri (FEMA-672-DR), dated December 10, 1982, and related determinations.

DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

NOTICE: The notice of a major disaster for the State of Missouri dated December 10, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 10, 1982.

The Counties of Butler, Lincoln, and Madison for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83–516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83–8433 Filed 3–31–83; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL MARITIME COMMISSION

Agreement Filed

The Federal Maritime Commission hereby gives notice that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, U.S.C. 814).

Interested parties may inspect and may request a copy of the agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit protests or comments on the agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T–4101.

Title: Seattle/Sea-Land Lease.

Parties: Port of Seattle (Port)/Sea-Land Service, Inc. (Sea-Land).

Synopsis: Agreement No. T–4101 provides for the lease by Port to Sea-Land of 43,560 square feet of land at Terminal 107 for the storage of chassis and empty containers. Upon approval, Agreement No. T–4101 will supersede Agreement No. T–4056, approved by the Commission September 10, 1982.

Filing Party: H. H. Wittren, Associate Director of Real Estate, Leasing, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

By Order of the Federal Maritime Commission.

Dated: March 29, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83–8541 Filed 3–31–83; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities; Multibank Financial Corp., et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Multibank Financial Corp.*, Quincy, Massachusetts (mortgage banking activities; New England and New York): To engage, through its subsidiary, Multibank Mortgage Company, Inc., in mortgage banking activities, including making, acquiring and servicing, for its own account or for the account of others, loans and extensions of credit secured by real estate including first and second mortgages secured by one to four family residential properties and commercial properties), and selling mortgages in the secondary market. These activities would be conducted from offices in Quincy, Massachusetts and each of the branch offices of the following Multibank subsidiary banks throughout Massachusetts: South Shore Bank, First Agricultural Bank, Mechanics Bank, Durfee Attleboro Bank, Multibank National of Western Massachusetts and The Falmouth National Bank; and serving the states of Massachusetts, New York, Connecticut, Rhode Island, New Hampshire, Vermont, and Maine. Comments on this application must be received not later than April 27, 1983.

B. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (consumer finance and credit-related insurance activities; Washington): To continue to engage, in conformance with Section 601(A) of the Garn-St Germain Depository Institutions Act of 1982, in the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others of extensions of credit to individuals secured by liens on residential or non-residential real estates; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The above previously approved credit life and credit accident had health insurance activities may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp-Homeowners, Inc. authorization to offer consumer financial management courses was granted by Board Order of February 26, 1979. These activities will be conducted from two existing offices

of Citicorp Homeowners Inc. located in Portland, Oregon,serving an expanded service area encompassing the State of Washington. Comments on this application must be received not later than April 27, 1983.

2. *Fidelity Union Bancorporation,* Newark, New Jersey (trust company; Florida): Proposes to acquire all the outstanding stock of Fidelity Service Corporation, Newark, New Jersey and to engage through a subsidiary of the acquired corporation, Fidelity Union Trust Company of Florida, National Association, to engage in trust and private financial services and other functions or activities that may be performed or carried on by a trust company (including activities of a fiduciary agency, or custodian nature) in the particular manner authorized by applicable Federal and state law except that the proposed subsidiary shall not make loans, investments or accept deposits other than as authorized by 12 C.F.R. § 225.4(a)(4). These activities would be conducted in Boca Raton, Florida, serving the State of Florida. Comments on this application must be received not later than April 20, 1983.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Maryland National Corporation,* Baltimore, Maryland (mortgage banking and credit insurance activities; Virginia): To engage through its subsidiary , Maryland Mortgage Corporation in the following activities: conducting business generally such as would be conducted by a mortgage banker, mortgage broker and mortgage servicing firm; originating, buying, selling and otherwise dealing in mortgage loans as principal or agent; servicing mortgage loans for affiliated or non-affiliated entities; acting as adviser in mortgage loan transactions; and selling as agent credit life, credit disability and credit accident and health insurance in connection with extensions of credit by bank and non-bank subsidiaries of the holding company. These activities would be conducted from an office in McLean, Virginia serving the northern Virginia counties of Fairfax, Loudoun and Prince William as well as the cities of Alexandria, Arlington, Falls Church and Vienna. Comments on this application must be received not later than April 27, 1983.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Marshall & Ilsley Corporation,* Milwaukee, Wisconsin (mortgage banking activities; all 50 states): To engage, through its subsidiary, M&I Mortgage Company, Inc., in originating, acquiring, selling and servicing residential and commercial mortgage loans for its own account or for the account of others, as well as making construction and development mortgage loans and performing such other incidental activities necessary to conduct a mortgage banking business. These activities would be conducted from an office in Milwaukee, Wisconsin, and will serve all 50 states. Comments on this application must be received not later than April 21, 1983.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Commercial Bancshares, Inc.,* Houston, Texas) leasing and financing activities; Texas): To engage in making or acquiring loans and other extensions of credit such as would be made by a commercial financial company, including commercial loans secured by a borrower's equipment, inventory, accounts receivable, or other assets, servicing such loans for others; and making leases of personal property in accordance with the Board's Regulation Y. These activities would be performed in the State of Texas and would serve the entire state. Comments on this application must be received not later than April 25, 1983

Board of Governors of the Federal Reserve System, March 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-8440 Filed 3-31-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Newton Financial Corp., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Newton Financial Corporation,* Newton, New Jersey; to become a bank holding company by acquiring 99.8 percent of the voting shares of The Newton Trust Company, Newton, New Jersey. Comments on this application must be received not later than April 27, 1983.

2. *Village Bancorp., Inc.,* Ridgefield, Connecticut; to become a bank holding company by acquiring 100 percent of the voting shares of The Village Bank Trust Company, Ridgefield, Connecticut. Comments on this application must be received not later than April 27, 1983.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *First Jessup Corp.,* Jessup, Jessup, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Jessup, Pennsylvania. Comments on this application must be received not later than April 27, 1983.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Citizens Union Bancorp., Inc.,* Rogersville, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Union Bank, Rogersville, Tennessee. Comments on this application must be received not later than April 28, 1983.

2. *F & M Bancshares, Inc.,* Leslie, Georgia; to become a bank holding company by acquiring 80.15 percent of the voting shares of Farmer & Merchants Bank, Leslie, Georgia. Comments on this application must be received not later than April 27, 1983.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *BancUnion Corp.,* Lancaster, Wisconsin; to become a bank holding company by acquiring 80 percent of the voting shares of Union Bank and Trust, Lancaster, Wisconsin. Comments on this application must be received not later than April 21, 1983.

2. *JAW Bancshares Corp.,* Stanhope, Iowa; to become a bank holding company by acquiring 86 percent of the voting shares of Farmers State Bank, Stanhope, Iowa. Comments on this

application must be received not later than April 27, 1983.

E. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Fidelity Bancorp, Inc.*, West Memphis, Arkansas; to become a bank holding company by acquiring 80 percent of the voting shares of Fidelity National Bank of West Memphis, West Memphis, Arkansas. Comments on this application must be received not later than April 25, 1983.

2. *Linn Holding Company*, Linn, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Linn State Bank, Linn, Missouri. Comments on this application must be received not later than April 27, 1983.

F. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Baileyville Bancshares, Inc.*, Baileyville, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Baileyville State Bank, Baileyville, Kansas. Comments on this application must be received not later than April 27, 1983.

2. *Missouri Farmers Bancshares, Inc.*, Maitland, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Maitland Bancshares, Inc., Maitland, Missouri, and thereby indirectly acquire 87.9 percent of the voting shares of Missouri Farmers Bank, Maitland, Missouri. Comments on this application must be received not later than April 27, 1983.

G. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Breckenridge Bancshares, Inc.*, Breckenridge, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens National Bank of Breckenridge, Breckenridge, Texas. Comments on this application must be received not later than April 27, 1983.

H. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *KSAD, Inc.*, Council Bluffs, Iowa; to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Council Bluffs, Council Bluffs, Iowa. This application may be inspected at the offices of the Board of Governors, or the Federal Reserve Bank of Chicago. Comments on this application must be received not later than April 27, 1983.

2. *Western Bancshares of Albuquerque*, Albuquerque, New Mexico; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Western Bank, Albuquerque, New Mexico, and at least 80 percent of the voting shares of the Citizens Bank, Albuquerque, New Mexico. This application may be inspected at the offices of the Board of Governors, or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than April 27, 1983.

Board of Governors of the Federal Reserve System, March 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-8439 Filed 3-31-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies; First Wisconsin Corp., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Wisconsin Corporation*, Milwaukee, Wisconsin; to acquire 100 percent of the voting shares of Bank of Two Rivers, Two Rivers, Wisconsin. Comments on this application must be received not later than April 27, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *St. Charles Bancshares, Inc.*, St. Charles, Minnesota; to aquire 87.9 percent of the voting shares or assets of The First National Bank of Stewartsville, Stewartsville, Minnesota. Comments on this application must be received not later than April 27, 1983.

Board of Governors of the Federeal Reserve System, March 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-8438 Filed 3-31-83; 8:45 am]

BILLING CODE 6210-01-M

Whitmore Company, Inc.; Merger of Bank Holding Companies

Whitmore Company, Inc., Corning, Iowa, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Whitmore Bancorporation, Inc., Corning, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Whitmore Company, Inc., Corning, Iowa, has also applied to acquire Whitmore Investment Company, Corning, Iowa, a company whose activities are exempt pursuant to section 4(c)(5) of the Act. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 27, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-8437 Filed 3-31-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the

Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) Transaction Number 83-0120 Raytheon Company's proposed acquisition of all voting securities of Hangar One, Inc..	Mar. 8, 1983
(2) Transaction Number 83-0147 The Goodyear Tire & Rubber Company's proposed acquisition of all voting securities of Celeron Corporation.	Mar. 9, 1983
(3) Transaction Number 83-0136 DWG Corporation's proposed acquisition of certain voting securities of Peabody International Corporation.	Mar. 16, 1983
(4) Transaction Number 83-0086. International Thomson Organization Limited's proposed acquisition of all voting securities of American Banker, Inc. and Bond Buyer, Inc., (Trust under Article Third of the will of Charles Otis, UPE).	Mar. 11, 1983
(5) Transaction Number 83-0149 Lomas & Nettleton Financial Corporation's proposed acquisition of certain voting securities of Braewood Development Corporation.	Mar. 10, 1983
(6) Transaction Number 83-0144 Roxboro Investments (1976) Ltd.'s proposed acquisition of certain voting securities of Towner Petroleum Company.	Mar. 11, 1983
(7) Transaction Number 83-0161 The Reliable Life Insurance Company's proposed acquisition of all voting securities of Rockford Insurance Company, (Torchmark Corporation, UPE)	Mar. 11, 1983
(8) Transaction Number 83-0122. KKR Associates' proposed acquisition of all voting securities of Golden West Television Inc (Mr. Gene Autry, UPE)	Mar. 10, 1983

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-8430 Filed 3-31-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 76P-0224]

Availability of Approved Variance Extension for Laser Range Pole System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that an extension of a variance from the performance standard for laser products has been approved by the Acting Director, Office of Radiological Health (formerly the Bureau of Radiological Health) of FDA's National Center for Devices and Radiological Health for the Laser Range Pole System manufactured by RCA Corp., Automated Systems Division. The electronic product is designed for surveying applications to determine the exact heading between two adjacent corner markers typically located either one-half mile or 1 mile apart.

DATES: The variance extension became effective April 25, 1982, and ends April 25, 1987.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, National Center for Devices and Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), the RCA Corp., Automated Systems Division, P.O. Box 588, Burlington, MA 01803, has been granted an extension to its variance from § 1040.11(b)(1) (21 CFR 1040.11(b)(1)) of the performance standard for laser products for the RCA Laser Range Pole System. The original variance became effective on April 25, 1977, and was published in the **Federal Register** of March 25, 1977 (42 FR 16191).

The Acting Director, Office of Radiological Health, has determined in accordance with § 1010.4(a) (21 CFR 1010.4(a)) to grant an extension to the variance from § 1040.11(b)(1) because the product is intended for a special purpose which cannot be performed or accomplished with equipment meeting all requirements of the applicable standard. Section 1040.11(b)(1) requires that surveying, leveling, or alignment laser products not permit human access to laser radiation in the wavelength range of greater than 400 nanometers (nm) but less than or equal to 700 nm with a radiant power that exceeds 5.0×10^{-3} watts for any emission duration greater than 3.8×10^{-4} seconds. Section 1040.11(b)(2) requires that such products not permit human access to laser radiation in excess of the accessible emission limits of Class I laser radiation for any other combination of emission duration and wavelength. Under the terms of the variance, the Laser Range Pole System deviates from these requirements in that the radiation emissions from such system exceeds the specified emission limits but does not emit a level of laser radiation that is above Class III. The Acting Director has concluded that under the conditions prescribed in the variance, the Laser Range Pole System (part number 2381395-501) manufactured by the applicant uses alternate and suitable means for providing radiation protection equal to or greater than that provided by products meeting all requirements of the applicable standard. Therefore, on April 27, 1982, FDA approved the requested extension by letter to the manufacturer from the Acting Director of the Office of Radiological Health.

The product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) the docket number appearing in the heading of this notice and the effective date of the variance to associate the product with the variance.

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above), and may be seen in that office between 9 a.m., and 4 p.m., Monday through Friday.

Dated: March 24, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-8425 Filed 3-31-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket Nos. 78P-0173 et al.]

Availability of Approved Variances for Laser Light Shows

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that variances from the performance standard for laser products have been approved by the Acting Director, Office of Radiological Health (formerly the Bureau of Radiological Health) of FDA's National Center for Devices and Radiological Health, for certain laser light shows or laser light show projectors manufactured and produced by 41 organizations. The projector provides a laser display to produce a variety of special lighting effects principally to provide entertainment to general audiences.

DATES: The effective dates and termination dates of the variances are listed in the table under "Supplementary Information."

ADDRESS: The applications and all correspondence on the various applications have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Norbert P. Heib, National Center for Devices and Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), each of the organizations listed in the table below has been granted a variance from § 1040.11(c) of the performance standard for laser products (21 CFR 1040.11(c)). Each variance permits the listed manufacturer to introduce into commerce a demonstration laser product which is the manufacturer's particular variety of laser light show, or laser light show projector or both, assembled and produced by it. All the laser products will have levels of accessible laser radiation in excess of the Class II levels permitted by § 1040.11(c), but not exceeding those required to perform the intended function of the product.

Suitable means of radiation protection will be provided by constraints on the physical and optical design of the products, by warnings in the user manual and on the products, and by procedures for personnel who will operate the products. Therefore, on the dates specified in the table below, FDA approved the requested variances by letter to each manufacturer from the Acting Director of the Office of Radiological Health.

So that the product will bear evidence of the variance granted to the manufacturer of that product, each product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) the docket number and effective date of the variance as specified in the table below.

Docket No	Manufacturing organization	Demonstration laser products	Effective date/ termination date
78P-0173 (Amendment) (Extension).	Laser Images, Inc., 6967 Haywenhurst Avenue, Van Nuys, CA 91406.	Laser Light Shows Incorporating the Concert System and/or the Lasenum (Krypton). The Concert System May Contain Class IV Argon, Krypton or Mixed Gas Ion Lasers	Dec 9, 1982, Aug 22, 1984
79P-0346 (Amendment) (Extension).	LaserVision Productions, Inc., 72-1 Shawnee Avenue, Yonkers, NY 10710.	Laser Light Shows Incorporating Class IV Model ALVA 2000 Series and/or INON L-174 Series Laser Projectors May Contain Argon and/or Krypton, Copper Vapor or Helium Neon	May 17, 1982 May 19, 1984
79P-0462 (Extension)	Laser Systems Development Corp., 2240 East Bijou, Colorado Springs, CO 80909.	Model R-2, and C-3 Laser Projection System and Laser Light Shows Utilizing the Projectors	Aug. 20, 1982, Aug 20, 1984
80P 0008 (Amendment) (Extension).	M.A.S.S. Laser, Inc., 1150 First Avenue, Valley Forge Plaza, Suite 390, King of Prussia, PA 19406.	Bus-001 With Five Control 558-K Krypton Ion Laser Projectors and Laser Light Shows	Sept. 23, 1982, May 6, 1984
80P-0024 (Extension)	Mr. Brian B. O'Brien, 15 Country Drive, Weston, MA 02193	Model #100 Laser Projector and Laser Light Shows	Aug. 14, 1982, Aug 14, 1984
80P-0065 (Amendment) (Extension).	Laserama, 471 Camino del rio South, San Diego, CA 92108	Laser Fantasy Show (B) Incorporating the Laserama Class IIIb Krypton Laser Projection System	June 4, 1982 June 4 1984
80P-0114 (Extension)	Laser Fair, Inc., P.O. Box 903, Sterling, CO 80751	Laser Light Shows Incorporating the Laser Presentations Projectors LP-4 or LP-4K(T)	June 4, 1982, June 4 1984
80P-0157 (Extension)	Image Engineering Corp., 60 Aberdeen Avenue, Cambridge, MA 02138.	Laser Light Shows and the Model Series 300 Laser Projectors	Aug. 23, 1982, June 10, 1984
80P-0174 (Extension)	Laser Artistry, Inc., 9156 North 70th Street, Milwaukee, WI 53223.	Laser Light Shows Incorporating the Laser Productions Model L-100 Laser Light Show Projector	Oct. 30, 1982, Oct 30, 1984
80P-0175 (Extension)	Laser Group, Inc., 1114 Stewart Street, Madison, WI 53713	Laser Light Shows Incorporationg the LGI Family, System I-IV Laser Projectors	Dec. 8, 1982, Dec 8, 1984
80P-0197 (Extension)	Embacadero Corp., dba The Pier, 1824 Half Street, S.W. Washington, D.C. 20024	Pier Laser Light Show Incorporating a Laser Presentations' Model LP-4 Laser Projector	Aug. 27, 1982 Aug 27, 1984
80P-0201 (Extension)	Mr. Rockne Krebs, P.O. Box 6508, Washington, D.C. 20009	Source MOD 0043 Laser Light Show and Similar Type Laser Light Displays and the Incorporated Projectors	June 2, 1982, June 2, 1984
80P-0203 (Extension)	Laser Concerts, Division of Omega Organization, P.O. Box 5452, Seattle, WA 98105.	Laser Light Shows Incorporating the Lumatron and Lumana 440 Laser Projection System.	Oct. 15, 1982, Oct 15, 1984
80P-0214 (Extension)	Laser Presentations, Inc., 1392 King Avenue, Columbus, OH 43212.	Laser Space Theatre Sky Beacon Display Incorporating and Argon Ion Laser With a Maximum Output of 2 Watts (All Specral Lines).	Oct. 7, 1982 Oct. 7, 1984
80P-0350 (Extension)	Agence Publicitaire Le P.G. De Granby, Inc., 89 Alexandra Street, Granby, Quebec, CANADA J2G 2P4.	Laser Light Shows Incorporating a Class IV Argon-Ion Laser and a Science Faction Corporation Model Series SFC-2000 Scanning System	Oct. 14, 1982, Oct 14 1983
80P-0473 (Amendment)	Creative Lighting, Inc., 11 Kensington Avenue Springfield, MA 01108.	Laser Light Shows Incorporating a Class IV Laser Presentations Model LP-1W3P Laser Projector With a Coherent CR-500K Krypton Laser	June 23, 1982 Feb 4, 1984
81P-0195 (Amendment)	LaserDream Productions, 3318 Hancock Street, San Diego CA 92110	Laser Light Shows Incorporating Laser Projector Model 0002 and/or the Electronic Counter Co. Model 3600	June 23, 1982 July 29, 1983
81P-0232 (Extension)	Dancin' Machine Productions, Inc., 256 S. Robertson Blvd., Beverly Hills, CA 90211.	Laser Light Show (named Jeff Kutach's "Can You Feel It" at the Playboy Club, Los Angeles) Incorporating the Class IV Laser Media Model LMS Argon Laser Projector	Sept 28, 1982 Sept 28, 1984
81P 0389 (Extension)	Laser Affiliates, L A S E R., 973 Page Street, San Francisco, CA 94117.	Laser Light Show Incorporating Class II and/or Class III Helium-Neon, Argon, Helium-Neon, Argon, Helium-Cadmium, and Krypton Laser	Dec 8, 1982 Dec 8 1984
81P-0412 (Amendment) (Extension)	Center for Advanced Visual Studies, M.I.T., 40 Massachusetts Avenue, Cambridge, MA 02139	Laser Light Shows and the Incorporated Projectsn Systems Assembled and Produced by the M.I.T. Center for Advanced Visual Studies at Various Indoor and Outdoor Unenclosed Locations Argon, Kyrpton, Dye, and Helium-Neon Laser May Be Used to Produce Front and Rear Screen Projections and Multiple Reflections.	Jan 13, 1982 Jan 13, 1984
82P-0137 (Amendment)	Mr. Patrick Spiller, #109, 1818 Riggs Place, N.W., Washington, D.C. 20009	Laser Light Shows Incorporating A Class IIIb HeNe Laser Projectors	May 17, 1982, May 17, 1983
82P-0137 (Amendment)	Mr. Patrick Murphy, #109, 1818 Riggs Place, N.W., Washington, D.C. 20009.	Laser Light Shows Incorporating a Class IIIb Helium Neon or Class IIIb or IV Argon-Ion Laser Projection System	Nov 8, 1982 May 17, 1984
82P-0141	Fiske Planetarium, University of Colorado, Box 408, Boulder, CO 80309.	Laser Light Shows Incorporation a Class IV Argon-Krypton Laser Projection System	June 8, 1982, June 8, 1984

Docket No.	Manufacturing organization	Demonstration laser products	Effective date/ termination date
82P-0146 (Amendment)	The Kansas Cornosphere and Discovery Center, 1100 North Plum, Hutchinson, KA 67401	Laser Light Show Incorporating the K.C. Model 400 Series Laser Projectors Containing Class IV Argon, Krypton, and/or Dye Lasers.	June 8, 1982, June 8, 1984
82P-0176	Prism Productions P.O. Box 85, Plymouth, NH 03264	Laser Light Shows incorporating a Laser Presentation Model LP-4 Class IIIb Krypton-Ion Laser Projector	Nov 8, 1982, Nov 8, 1984
82P-0177	The Children's Museum, 3000 N. Meridian, Indianapolis, IN 46206	Laser Light Display Incorporating a Projection System Containing Class II and Class IIIb HeNe Lasers.	June 18, 1982, June 18, 1984
82P-0182	Amencan Laser Promotions, 1150 First Avenue, Valley Forge Plaza, King of Prussia, PA 19406	Laser Light Shows Incorporating their own Class IV Ar-ion Laser Projector Systerm and/or the M.A.S.S. Laser Inc. Model BUS-001 Projection System	Sept. 24, 1982, Sept 24, 1984
82P-0191	Redmond Productions, P.O. Box 14607, San Francisco, CA 94114	Laser Light Shows and the Incorporated Projection System Containing a Class IV Argon Ion Laser	June 18, 1982, June 18, 1984
82P-0225	Celestial Creations, 1533 Sierraville Avenue, San Jose, CA 95132	Laser Light Shows and the Incorporated Projection Systems Assembled and Produced by Celestial Creations	Aug. 12, 1982, Aug 12, 1983
82P-0226	Panama Twister Corporation, 1745 Stout Street, Suite 201, Denver, CO 80202	Laser Light Show, Containing a Laserama Class IIIb Krypton Laser Projection System, including the Projection Dome Structure	Aug. 19, 1982 Aug 19, 1984
82P-0230	Crosby/Thornton/Marshall Associates, Architects, 222 Kearny Street, San Francisco, CA 94108	Laser Light Display Incorporating a Class IIIb Helium-Neon and Class IV Argon Lasers.	July 27, 1982, July 27, 1983
82P-0234	Hollywood Art Center, Inc., 2015 Hollywood Blvd., Hollywood, FL 33020	Laser Light Shows and the Incorporated Laser Projectors Assembled and Produced by Hollywood Art Center, Inc. The Light Show Will Contain Class IIIb Helium-Neon Lasers	July 30, 1982, July 30, 1984
82P-0237	Mr. Gary J. Platek, P.O. Box 236, Lagunitas, CA 94938	Gary J. Platek Model TS-2000 through TS-2100 Laser Projection Systems and for Laser Light Shows Assembled and Produced by Gary J. Platek. The Projection System May Contain Class III or IV HeNe, Ar, or Kr Ion Lasers	July 26, 1982, July 26, 1984
82P-0238	Laser Lights International, Box 67, Cherry Grove, NY 11782	Laser Light Show Incorporating the Spirographic Laser Light Generator Model 1000 Series, Which is a Class IIi HeNe Laser Projector	Aug. 16, 1982, Aug 16, 1984
82P-0238 (Amendment)	Laser Lights International, Box 67, Cherry Grove, NY 11782	Laser Light Show Incorporating Spirographic Laser Light Generator Model 1000 Series. The Projector May be Class IIIb and May Contain a HeNe or HeCd Laser Systerm	Dec. 14, 1982 Aug 16, 1984
82P-0248	Yellow Brick Road, Inc., dba Numbers Disco., 2777 Allen Parkway, Suite 984 Houston, TX 77019	Laser Light Show at Numbers Disco Incorporating an LMS Krypton Laser Projector Manufactured by Laser Media, Inc	Aug. 19, 1982, Aug 19, 1984
82P-0296	Walt Disney Production, 500 S. Buena Vista Street, Burbank, CA 91527	The EPCOT Center Transportation Laser Display Containing a Class IIIb HeCd Laser Projection System, (2) the EPCOT Center Imagination Light Writer Containing Class IIIb HeNe and HeCd Laser Projection Systerms, and (3) the EPCOT Center Imagination Laser Display Scene 7 Containing A Class IV Kr-ion Laser Projection System	Sept 20, 1082 Sept 20, 1992
82P-0298	Ad Laser, Inc., 1554 Kingston Drive, Escondido, Ca 92027	Laser Light Shows and Displays Manufactured, Assembled, and Produced by Ad Laser, Inc. Which Incorporates an Ad Laser Class IV Laser Projector Containing A Class IIIb HeNe Laser and a Class IV Argonion Laser With an Output Power up to 14 Watts	Nov 29 1982 Nov 29, 1984
82P-0368	Infinity Projections, Inc., 337 Jupiter Drive, Littleton, CO 80124	Laser Light Show Incorporating a Laser Pattern Generator, Model 550-4 and Contains a Class IIIb HeNe Laser	Dec 14, 1982 Dec 14, 1984
82P-0376	Malarkey's, 4701 N. 16th Street, Phoenix, AZ 85061	Laser Light Show Incorporating Laser Presentations Laser Projector Model LP-1-1K	Jan 26, 1983 Jan 26, 1985
82P-0379	Chi-Rho Trust, Inc., 6008 Chase Road, Millington, TN 38053	Laser Light Shows Incorporating the Jodon Model HE2H Laser System Containing Class IIIb Helium-Neon Laser System	Dec. 16, 1982 Dec 16, 1984

In acordance with § 1010.4, the application and all correspondence (including the written notices of approval) on the various applications have been placed on public display under the designated docket numbers in the Dockets Management Branch (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 24, 1983

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-8235 Filed 3-31-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-0094]

CILCO™, Inc.; Premarket Approval of the CILCO™, Inc., Simcoe-Style Planar Open Loop Posterior Chamber Intraocular Lens (Models S2 and S2-B)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the CILCO™, Inc., Simcoe-Style Planar Open Loop Posterior Chamber Intraocular Lens (Models S2 and S2-B), sponsored by CILCO™, Inc., Huntington, WV. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the supplemental application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 2, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, Office of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On December 15, 1981, CILCO™, Inc., submitted to FDA a supplemental application for premarket approval of the CILCO™ Simcoe-Style Planar Open Loop Posterior Chamber Intraocular Lens (Models S2 and S2-B). The original application for the Shearing-Style Planar and Angled Lens (Models PC11/PB11 and PC12/PB12) was approved by FDA on July 16, 1982. (See 47 FR 38406; August 31, 1982.) Model S2-B contains blue haptics (attachment loops) made of polypropylene suture material and pigmented with the color additive [phthalocyaninato (2-)] copper. FDA has listed this color additive for use in coloring polypropylene suture material used in ophthalmic surgery (21 CFR 74.1045). The supplemental application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the supplemental application for the use of this device in patients 60 years of age and older following extracapsular cataract extraction and who are receiving the device as a primary

implant. On March 10, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 2, 1983, file with the Dockets Management Branch (HFA–305) (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 24, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–8426 Filed 3–31–83; 8:45 am]

BILLING CODE 4160–01–M

[Docket Nos. 76N–0366 and 83C–0102]

Color Additives; Denial of Petition for Listing of D&C Orange No. 17 for Use in Ingested Drugs and Cosmetics; Withdrawal of Petition for Use in Costmetics Intended for Use in the Area of the Eye

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is denying that portion of a color additive petition (CAP 9C0090) that requests the "permanent" listing of D&C Orange No. 17 as a color additive for use in ingested drugs and cosmetics. FDA is taking this action because of evidence indicating that this color additive is an animal carcinogen. Published elsewhere in this issue of the **Federal Register** is a document announcing the expiration of the provisional listing of D&C Orange No. 17 for use in ingested drugs and cosmetics. FDA also is announcing the withdrawal of that portion of the petition that requested the listing of this color additive for use in cosmetics intended for use in the area of the eye. The portion of the petition requesting the permanent listing of D&C Orange No. 17 for coloring external drugs and cosmetics is still under consideration, and the color additive will remain provisionally listed for external drug and cosmetic uses until the agency completes its evaluation of the data on the external uses. Published elsewhere in this issue of the **Federal Register** is a regulation extending the provisional listing of D&C Orange No. 17 for use in externally applied drugs and cosmetics until May 31, 1983.

DATE: Objections by May 2, 1983.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION:

I. Introduction

D&C Orange No. 17 is the subject of a color additive petition (CAP 9C0090) that was submitted on April 14, 1969, by the Toilet Goods Association, Inc. (now the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA), 1110 Vermont Ave. NW., Washington, DC 20005). FDA published a notice of filing of the petition in the **Federal Register** of August 6, 1973 (38 FR 21199). The petition, filed under the provisions of section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376), requested the permanent listing of D&C Orange No. 17 for coloring lipsticks, ingested drugs, and externally applied drugs and cosmetics.

In a letter dated May 14, 1974, the petitioner requested that the petition be amended to include listing D&C Orange No. 17 for eye-area use. FDA published an amended filing notice for the petition in the **Federal Register** of March 5, 1976 (41 FR 9584), to include the listing of D&C Orange No. 17 for eye/area use. FDA notified the petitioner by letters dated May 14, 1976, August 15, 1977, and August 4, 1978, of the need for data to support the use of D&C Orange No. 17 in cosmetics intended for use in the area of the eye. In the latest letter, dated October 24, 1978, FDA advised the petitioner to consider withdrawing that portion of the petition that sought approval of the use of D&C Orange No. 17 in cosmetics intended for use in the area of the eye because it appeared that the required data from eye-area studies would not be readily available.

The petitioner has not submitted the required data on eye-area use. Therefore, FDA considers that portion of the petition that relates to the listing of D&C No. 17 for eye-area use to be withdrawn without prejudice in accordance with the provisions of § 71.4 (21 CFR 71.4). Use of D&C Orange No. 17 in the area of the eye has never been covered by the provisional listing of this color additive. Future consideration by FDA of the permanent listing of D&C Orange No. 17 for eye-area use will require the submission of a new color additive petition for that use.

II. Regulatory History

The color additive D&C Orange No. 17 has been in use for many years. Because D&C Orange No. 17 was in use at the time the Color Additive Amendments of 1960 were enacted, it was provisionally listed for drug and cosmetic use in the **Federal Register** of October 12, 1960 (25 FR 9759).

In the **Federal Register** of February 4, 1977 (42 FR 6991), FDA published revised provisional regulations which required new chronic toxicity studies on 31 color additives, including D&C Orange No. 17, as a condition for

continued provisional listing of these additives. FDA required the new chronic studies because the toxicity studies that the petitioners had submitted were deficient in several respects. FDA described these deficiencies in the **Federal Register** of September 23, 1976 (41 FR 41863):

1. Many of the studies were conducted using groups of animals, i.e., control and those fed the color additive, that are too small to permit conclusions to be drawn on the chronic toxicity or carcinogenic potential of the color. The small number of animals used does not, in and of itself, cause this result, but when considered together with the other deficiencies in this listing, does do so. By and large, the studies used 25 animals in each group; today FDA recommends using at least 50 animals per group.

2. In a number of the studies, the number of animals surviving to a meaningful age was inadequate to permit conclusions to be drawn today on the chronic toxicity or carcinogenic potential of the color additives tested.

3. In a number of the studies, an insufficient number of animals was reviewed histologically.

4. In a number of the studies, an insufficient number of tissues was examined in those animals selected for pathology

5. In a number of the studies, lesions or tumors detected under gross examination were not examined microscopically

In the February 4, 1977 order, FDA postponed the closing date for the provisional listing of D&C Orange No. 17 until January 31, 1981, for the completion of the new chronic toxicity studies. In the **Federal Register** of March 27, 1981 (46 FR 18958), the agency established a new closing date of March 31, 1983, for the completion of the chronic toxicity studies and the submission of data to FDA on a prescribed schedule Published elsewhere in this issue of the **Federal Register** is a document announcing in this issue of the provisional listing in § 81.1(b) (21 CFR 81.1(b)) of D&C Orange No. 17 for use in ingested drugs and cosmetics. An order postponing the closing date for the provisional listing of D&C Orange No. 17 for use in externally applied drugs and cosmetics to May 31, 1983, is also published elsewhere in this issue of the **Federal Register**.

III. Chemistry and Uses

D&C Orange No. 17, a bright orange color of the monoazo class, is identified in *Chemical Abstracts* as 1-[(2,4-dinitrophenyl)azo]-2-naphthalenol (CAS Reg. No. 3468–63–1). It is identified in § 82.1267 (21 CFR 82.1267) as 1-[(2,4-dinitrophenyl)azo]-2-naphthalenol. Other names include C.I. Pigment Orange 5 (Colour Index, C.I. No. 12075), Permanent Orange, and Permanent Red 2G

The manufacture of D&C Orange No. 17 is accomplished by the coupling of diazotized 2,4-dinitrobenzenamine and 2-naphthalenol. D&C Orange No. 17 is insoluble in water and alcohols and has excellent fastness properties.

This color additive and its lakes presently have no known use in ingested drug preparations but have very extensive uses in cosmetic products such as lipsticks, blushers, rouges, foundations, face powders, hair rinses, and nail lacquers. Data from FDA's Voluntary Cosmetic Regulatory Program computer file indicate that a total of 74 cosmetic formulations contain D&C Orange No. 17, and that a total of 499 cosmetic formulations contained D&C Orange No. 17 lakes as of December 22, 1981.

IV. Toxicological Testing

To establish that D&C Orange No. 17 is safe for use in drugs and cosmetics, the petitioner submitted reports on a number of animal toxicity studies for the color additive. Among these studies were chronic and subchronic feeding studies in dogs and rats, a three-generation reproduction study in rats, teratology studies in rats and rabbits, and a dermal study in rabbits. These studies did not produce any evidence that the use of this color additive, for the petitioned uses, would be unsafe

Although no evidence of compound-related neoplastic responses was found in these chronic feeding studies, FDA concluded that the sensitivity of these studies was insufficient under current standards to provide the requisite demonstration of safety for ingested use. Therefore, in the February 4, 1977 order, FDA required additional chronic feeding studies on D&C Orange No. 17. The studies were conducted for the petitioner at Bio/dynamics, Inc., East Millstone, NJ. These studies included a long-term feeding study in mice and a chronic toxicity/carcinogenicity study, with in utero exposure to D&C Orange No. 17, in rats. The final reports for these studies (CAMF #9, Entries 510, 511, 512) were received by the agency on March 31, 1982.

The new long-term chronic studies represent current state-of-the-art toxicological testing. The protocols for these studies have benefited from knowledge of deficiencies in previously conducted carcinogenesis bioassays and other chronic toxicity protocols. The use of large numbers of animals of both sexes, pilot studies to determine maximum tolerated dosages, two control groups (thereby effectively doubling the number of controls), and in utero exposure in one of two species tested significantly increases the power of these tests to detect dose-related effects. The studies were designed and conducted in compliance with FDA's good laboratory practice regulations and were subject to inspections by FDA officials during their course.

1. *Long-term feeding study in rats.* The long-term feeding study in rats included in utero exposure to D&C Orange No. 17. Charles River Albino (CD) rats (parental animals) were randomly assigned (60 males and 60 females per group) and mated to produce the F_1 generation. D&C Orange No. 17 was mixed with standard laboratory chow and fed ad libitum to the parental animals during their mating and gestation period and to their offspring (the F_1 generation animals) during the long-term feeding study. Two separate groups of rats served as controls.

The petitioner, in a meeting with FDA on September 12, 1977, discussed the adequacy of the protocol for this chronic feeding study. FDA's scientists indicated that the proposed dosage levels (i.e., 0.00, 0.02, 0.05, and 0.10 percent) were too low. On the basis of data from earlier studies on D&C Orange No. 17, FDA's scientists concluded that survival and weight data suggested that lifetime studies could be successfully carried out in rats using 1.0 percent as the maximum dosage level. The agency, therefore, asked the petitioner to conduct an additional rat chronic feeding study with a 1.0 percent dosage level of D&C Orange No. 17 (Ref. 1). This study was carried out with the same strain of rats and with the same experimental design as the original study. It included a treatment group and a concurrent control group.

Seventy F_1 rats of each sex, obtained from the reproduction phase of the study, were randomly selected and distributed into dosage groups similar to those described above for their parental animals and were used for the chronic feeding phase of the study (26 months for males and 30 months for females). Survival and body weights of female rats from the chronic feeding phase were unaffected by treatment. However, treated male rats in this phase exhibited decreased survival as well as decreased body weights at the highest dose (1.0 percent diet). [1] Except for discoloration

[1] The decreased survival and decreased body weights among male rats might raise a question about whether the maximum tolerated dose was exceeded in this study. The National Cancer Institute defines the maximum tolerated dose as the highest dose that can be given that would not alter the animal's normal lifespan from effects other than cancer." (Ref. 2.) The purpose of the maximum tolerated dose is to assure that the test animals are appropriately challenged and yet not killed by the noncarcinogenic toxic effects of high doses of a

of the urine, there were no hematological or clinical findings that could be ascribed to treatment. Increased deposition of pigment in the spleen of female rats was noted in the 1.0 percent group.

Among female rats, at the 1.0 percent dietary level of D&C Orange No. 17, there was a marked and statistically significant increase in animals with hepatocellular tumors (neoplastic nodules and carcinomas combined) compared to the concurrent control group animals (21/70 in the 1.0 percent dose group versus 3/70 in the concurrent control group, $p=0.0001$, prevalence analysis). The incidence of animals with non-neoplastic liver lesions (foci of cellular alteration) was also increased among female rats in the 1.0 percent dose group when compared to the control group. Additionally, multiple hepatocellular tumors (neoplastic nodules) were noted only in the 1.0 percent D&C Orange No. 17 treated group females. Moreover, the number of animals with multiple occurrences of foci of cellular alteration (non-neoplastic lesion) and of animals that had multiple classifications, i.e., foci of cellular alteration and neoplastic nodules, present in the same microscopic section of liver was higher among treated group females (1.0 percent dose group) than in the concurrent control group. The 1.0 percent dose group females had increased liver weights as well. The liver data in the 1.0 percent study indicate a clear-cut treatment-related effect in the occurrence of hepatocellular tumors in female rats as a result of the administration of D&C Orange No. 17. Liver weights relative to body weights were also increased in both male and female rats that received 0.10 percent D&C Orange No. 17 in the diet, indicating further that the liver is the target organ for D&C Orange No. 17 toxicity.

The petitioner provided historical control data for hepatocellular tumors in Charles River Albino female rats from 12 separate control groups from studies conducted at Bio/dynamics, Inc. The average incidence of hepatocellular tumors (neoplastic nodules and carcinomas combined) was 9.4 percent. In contrast, the incidence of hepatocellular tumors in the high-dosage (1.0 percent) group was 30 percent, far exceeding the average spontaneous incidence.

Thus, the long-term feeding exposure of Charles River CD Albino rats to a 1.0 percent dose level of D&C Orange No. 17 produced the carcinogenic effect of a significant increase in the number of female rats with hepatocellular neoplasms compared to the control groups.

2. *Long-term feeding study in mice.* Charles River CD–1 mice of both sexes were randomly assigned to one of three treatment groups receiving D&C Orange No. 17 in the diet at concentrations of 0.025, 0.25, and 1.0 percent or to one of two control groups and fed the test diets for approximately 23 months for the males and 25 months for the females. The selection of these dosage levels was based on the results of a 90-day rangefinding study.

The incidence of hepatocellular neoplasms (adenomas and carcinomas) among male mice was increased in a dose-related manner ($p=0.00004$, trend test). The incidence of hepatocellular neoplasms in male mice was 8/58 and 8/59 or 16/117 for the two control groups, and 11/58, 13/57, and 19/56 for the low-, medium-, and high-dose groups, respectively. A small increase, compared to the corresponding control group animals, in the number of female mice with hepatocellular neoplasms in the mid- and high-dose groups was also reported.

Survival of male mice fed the D&C Orange No. 17 diets was decreased in a dose-related manner ($p=0.0005$, Cox's time-adjusted trend test), but survival of female treated mice apparently was not adversely affected by treatment. Similarly, body weights of high dose male mice were slightly less than controls, but no effect on body weights of treated female mice was seen. Treatment-related pigment deposition was reported in the brain, spinal cord, thyroid, heart, and stomach of the male and female mice at all dose levels of D&C Orange No. 17. In both sexes at the high dose, neuronal basophilia was reported to be present in both the brains and spinal cords in association with pigment deposition. In addition, treatment-related pigment deposition was also reported in the spleen, liver, and cecum of male and female mice that received diets containing 1.0 percent of the color additive.

Thus, the long-term feeding exposure of Charles River CD–1 mice to D&C Orange No. 17 produced the carcinogenic effect of a significant dose-related increase in the number of male mice with hepatocellular neoplasms compared to the control groups.

In addition to the results from the long-term feeding studies, D&C Orange No. 17 has been reported to be mutagenic to all standard tester strains of *Salmonella typhimurium*. One of its probable metabolites, 2,4-dinitroaniline, is also mutagenic to all tester strains, and another probable metabolite, 1-amino-2-naphthol, belongs to a chemical class that includes known carcinogens.

V. Conclusion

For D&C Orange No. 17, after a full evaluation of the data submitted in support of the petition and other pertinent data related to the use of this color additive, including the fact that it caused an increased incidence of hepatocellular neoplasms in two mammalian species, FDA concludes that this color additive is an animal carcinogen when administered in the diet. In addition, the color additive is reported to be mutagenic to five commonly used tester strains of *S. typhimurium* in the absence of microsomal activation.

The act states that a color additive shall be deemed unsafe "* * * if the additive is found by the Secretary to induce cancer when ingested by man or animal * * *" (21 U.S.C. 376 (b) (5) (B)). In view of the evidence demonstrating that D&C Orange No. 17 is a carcinogen when ingested by animals, the agency concludes that the data before it do not establish that such use of this color additive will be safe. FDA is, therefore, denying those portions of the petition seeking listing of the color additive for use in ingested drugs and cosmetics.

The petitioner has recently submitted to the agency the results of a percutaneous absorption study with human skin in vitro on D&C Orange No. 17 to provide additional support to the request for permanent listing of the color additive in externally applied drugs and cosmetics. The agency has decided to extend the closing date for the provisional listing of D&C Orange No. 17 for use in externally applied drugs and cosmetics to provide a short period of time to evaluate the skin penetration data.

VI. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be reviewed in that office between 9 a.m. and 4 p.m., Monday through Friday.

1. Letter from J. Schwing to N. Estrin, October 19, 1977.

2. Sontag, J. M., N. P. Page, and U. Saffratti, "Guidelines for carcinogen Bioassays in Small Rodents," DHEW Publication No. (NIH) 76–801, p. 14, 1976.

substance that would obscure the carcinogenic effects. The fact that a clear carcinogenic effect was found among test animals in the D&C Orange No. 17 rat study means that the purpose of the maximum tolerated dose was achieved and eliminates any question about whether the maximum tolerated dose was exceeded.

Any person who will be adversely affected by the foregoing order may, at any time on or before May 2, 1983, submit to the Dockets Management Branch (address above) written objection thereto. Objections shall show how the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issue for the hearing and shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the order may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b) (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376(b), (c), and (d)) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10).

Dated: March 28, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-8419 Filed 3-29-83; 11:13 am]

BILLING CODE 4160-01-M

[Docket No. 82N-0064]

Plasma Derived From Therapeutic Plasma Exchange

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is advising interested persons that plasma derived from therapeutic plasma exchange is a biological product subject to the licensing requirements of section 351(a) of the Public Health Service Act.

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, National Center for Drugs and Biologics (HFN-813), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: Therapeutic plasma exchange is a medical procedure by which a patient's plasma is incrementally removed and replaced with electrolyte and/or protein solutions. The procedure (also known as therapeutic plasmapheresis) is intended to remove harmful elements from a patient's blood.

Patients undergoing therapeutic plasma exchange may suffer from any of a number of disorders, such as paraproteinemic conditions, idiopathic thrombocytopenic purpura, kidney disease, or other disorders that may be caused by agents in the blood that transmit disease.

Plasma obtained from a patient during therapeutic plasma exchange is known as therapeutic exchange plasma (TEP). TEP may contain certain rare antibodies that are not available from any other source. Because TEP obtained during therapeutic plasma exchange is potentially hazardous to human health, FDA believes that use of TEP should be limited to further manufacture of special in vitro diagnostic reagents, such as Anti-Nuclear Antibody, Rheumatoid Factor, Anti-DNA, or other products, when such use of the source material is approved by the Director, Office of Biologics, National Center for Drugs and Biologics, FDA.

FDA has found that certain persons are shipping TEP in interstate commerce to manufacturers of in vitro diagnostic devices without first obtaining a product license for TEP from the Office of Biologics, FDA. FDA also has learned that these persons and others are unaware that TEP is a biological product subject to the licensing requirements of section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)). The agency therefore concluded that it is important to inform all interested persons of the regulatory status of TEP.

FDA advises that TEP offered for sale, barter, or exchange in interstate commerce is a biological product subject to the licensing requirements of section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)). Accordingly, any person who intends to collect and ship TEP in interstate commerce must first obtain a product license from FDA. A licensed manufacturer of Source Plasma (Human) must obtain a separate product license for production of TEP and must amend its establishment license to cover collection and shipment of TEP, if necessary. Because TEP is a blood product, a manufacturer of TEP is subject to the requirements of the current good manufacturing practice regulations for blood and blood components in 21 CFR Part 606. In addition, when TEP is shipped in interstate commerce and intended for use in an in vitro diagnostic device, it is also considered a device component, subject to regulation under the medical device provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 through 392). Further, as provided in 21 CFR 606.110(b) of the biologics regulations, plasmapheresis of donors who do not meet the donor requirements of 21 CFR 640.63, 640.64, and 640.65 for the collection of plasma containing rare antibodies shall be permitted only with the prior approval of the Director, Office of Biologics. Such an FDA approval is made as part of the license approval for the manufacture or shipment of TEP.

Therapeutic plasma exchange is a medical procedure to be used at the discretion of a licensed physician and is not regulated by FDA. Therefore, a product license from FDA is required only when the TEP that is collected during the therapeutic plasma exchange is intended or offered for sale, barter, or exchange in interstate commerce.

Dated: March 24, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-8424 Filed 3-31-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82N-0009; DESI Nos. 8867 and 9296]

Professional Labeling for Reserpine Drugs; Revised Labeling

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice requires that a precaution statement be included in professional labeling of reserpine-containing drugs, stating that these drugs cause tumors in mice and rats.

DATES: Revised labeling to be used on or before September 1, 1983. Supplements to approved NDA's and ANDA's due on or before May 31, 1983. The revised labeling may be used without advance approval by FDA.

ADDRESSES: Communications in response to this notice should be identified with Docket No. 82N-0009, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Cardio-Renal Drug Products (HFN-110), Rm. 16B-45, National Center for Drugs and Biologics.

Supplements to abbreviated new drug applications (identify with ANDA

number); Division of Generic Drug Monographs (HFN–530), National Center for Drugs and Biologics.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFN–310), National Center for Drugs and Biologics.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFN–501), National Center for Drugs and Biologics.

FOR FURTHER INFORMATION CONTACT: Jean Patterson, National Center for Drugs and Biologics (HFN–8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) is charged with assuring that drugs are safe and effective for their intended use and that their labeling provides adequate information for such use and is not false or misleading. Informing physicians about necessary precautions is an important element in fulfilling that responsibility. The statutory scheme anticipates that new information on the safety and effectiveness of marketed drugs may require that FDA prescribe labeling changes to reveal limitations of use or to warn of previously unanticipated hazards.

Accordingly, the Director of the National Center for Drugs and Biologics has reviewed available data and concludes that a precaution statement should be added to the professional labeling of drug products containing reserpine. The statement is needed to inform physicians and other health professionals that animal carcinogenicity studies in rodents have shown reserpine to be a rodent tumorigen, causing an increased incidence of mammary fibroadenomas in female mice, malignant tumors of the seminal vesicles in male mice, and malignant adrenal medullary tumors in male rats. The breast neoplasms are thought to be related to reserpine's prolactin-elevating effect. This action is being taken under the National Center's continuing review of the relationship between the use of drugs that elevate prolactin levels and mammary carcinogenesis. (A notice requiring precautionary statements in the labeling of certain neuroleptic drugs was published in the **Federal Register** of August 8, 1980 (45 FR 52931), and amended on September 8, 1981 (46 FR 44886)).

The issue of whether reserpine is tumorigenic has been considered by several advisory committees. An Ad Hoc Committee on Reserpine and Breast Cancer was appointed by FDA to evaluate all available data from animal, laboratory, clinical, and epidemiological studies suggesting that the use of reserpine increases the risk of breast cancer. In June 1978 the Committee issued a summary statement that the possibility of an underlying causal relationship between reserpine use and breast cancer could not be rejected. They stated: "The lack of consistency of the findings between studies of differing designs, the inconsistent findings of a dose-response relationship, the relatively low order of magnitude of the risk ratio, and the absence of a currently defensible biological rationale are all factors operating against an etiologic interpretation. However, while the risk ratio is of a relatively low order of magnitude, it is not inconsequential, at least half the studies looking for a dose response relationship found some evidence to support its existence, and there is some uniformity across studies with respect to an association with 'recent use'."

The FDA Toxicology Advisory Committee's Report on Antipsychotic Drugs stated that all prolactin-elevating drugs are considered to have carcinogenic potential for the mammary glands in rats and mice. These conclusions were published in the **Federal Register** of May 16, 1978 (43 FR 21051).

At the June 22, 1979, and November 20, 1979 meetings of FDA's Cardiovascular and Renal Drugs Advisory Committee, data were also presented and discussed from animal carcinogenicity studies conducted for the National Cancer Institute. These studies, in which reserpine was administered to rodents for 2 years, showed treatment-related increases in the incidence of mammary fibroadenomas, malignant tumors of the seminal vesicles, and malignant adrenal medullary tumors.

Proposed labeling revisions for reserpine-containing products were reviewed by the Cardiovascular and Renal Drugs Advisory Committee at their February 22, 1980 meeting. The revision required by this notice reflects their advice.

References

1. Summary Statement of the FDA Ad Hoc Committee on Reserpine and Breast Cancer, June 1978.

2. FDA Toxicology Advisory Committee Report on Antipsychotic Drugs, August 12, 1977.

3. Transcript of the Cardiovascular and Renal Drugs Advisory Committee, June 22, 1979.

4. Minutes of the Cardiovascular and Renal Drugs Advisory Committee, November 19–20, 1979.

5. Minutes of the Cardiovascular and Renal Drugs Advisory Committee, February 22, 1980.

Copies of the above references have been placed in the file on Doc. No. 82N–0009 in the Dockets Management Branch (HFA–305), Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

In view of these findings, the Director of the National Center for Drugs and Biologics concludes that the labeling for all drug products containing reserpine should contain a precaution statement on the possible adverse effects of the elevated serum prolactin levels and on animal carcinogenicity associated with administration of these drugs. Accordingly, manufacturers of these drug products shall revise the professional labeling to add the following text to the Precautions section after the existing paragraph:

Animal tumorigenicity: rodent studies have shown that reserpine is an animal tumorigen, causing an increased incidence of mammary fibroadenomas in female mice, malignant tumors of the seminal vesicles in male mice, and malignant adrenal medullary tumors in male rats. These findings arose in 2 year studies in which the drug was administered in the feed at concentrations of 5 and 10 ppm—about 100 to 300 times the usual human dose. The breast neoplasms are thought to be related to reserpine's prolactin-elevating effect. Several other prolactin-elevating drugs have also been associated with an increased incidence of mammary neoplasia in rodents.

The extent to which these findings indicate a risk to humans is uncertain. Tissue culture experiments show that about one-third of human breast tumors are prolactin-dependent in vitro, a factor of considerable importance if the use of the drug is contemplated in a patient with previously detected breast cancer. The possibility of an increased risk of breast cancer in reserpine users has been studied extensively; however, no firm conclusion has emerged. Although a few epidemiologic studies have suggested a slightly increased risk (less than twofold in all studies except one) in women who have used reserpine, other studies of generally similar design have not confirmed this. Epidemiologic studies conducted using other drugs (neuroleptic agents) that, like reserpine, increase prolactin levels and therefore would be considered rodent mammary carcinogens, have not shown an

association between chronic administration of the drug and human mammary tumorigenesis. While long-term clinical observation has not suggested such an association, the available evidence is considered too limited to be conclusive at this time. An association of reserpine intake with pheochromocytoma or tumors of the seminal vesicles has not been explored.

This notice applies to all single-entity and combination reserpine-containing drug products that are the subject of approved new drug applications and also to any identical, related, or similar drug product that contains reserpine (21 CFR 310.6), whether or not it is the subject of an approved new drug application. Any person may request an opinion of the applicability of this notice to a specific drug product the person manufactures or distributes by writing to the Division of Drug Labeling compliance (address given above).

Supplements to approved NDA's or ANDA's providing for appropriate revision of labeling to add the above precaution statement shall be submitted on or before May 31, 1983. Applicants shall put the revised labeling into use by September 1, 1983. The revised labeling may be used without advance approval by the Food and Drug Administration under the provisions of 21 CFR 314.8(d).

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 502, 505, 52 Stat. 1041, 1050–1053, as amended (21 U.S.C. 321(n), 352, 355)) and under the authority delegated to the Director of the National Center for Drugs and Biologics (21 CFR 5.70).

Dated: March 25, 1983.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 83-8422 Filed 3-31-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N-0295]

Clarification of Policy; Over-the-Counter Drug Review

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is clarifying its policy on placing "feedback" communications in the administrative records of appropriate over-the-counter (OTC) drug rulemaking proceeding.

DATE: Comments by May 31, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, National Center for Drugs and Biologics (HFN-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 29, 1981 (46 FR 47740), FDA published a policy statement concerning (1) the submission and review of proposed protocols to evaluate an ingredient or condition in the OTC drug review, (2) meetings with industry or other interested persons, (3) communications by the agency on submissions of test data and other information, and (4) maintenance of a public record involving these activities.

The policy statement explained that "feedback" information provided by FDA to manufacturers on Category II or III conditions would be placed on public file in the Dockets Management Branch (address above) and be available to all interested persons. However, these communications would not be included in the administrative record for the related OTC drug rulemaking proceeding unless the communication directly influenced an agency decision on a particular matter in the rulemaking or provided the substantiation for the agency's decision on that matter. For example, the results of a study that were communicated to the agency in response to "feedback" would be included in the administrative reecord of a particular OTC drug rulemaking proceeding if the study was relied upon by the agency in reaching a decision on the status of an ingredient covered by that rulemaking.

Questions have arisen concerning the mechanism by which "feedback" material is included in the administrative record of an OTC drug rulemaking proceeding, for example, whether "feedback" material is included in the appropriate rulemaking only in response to a petition by an interested party. The agency advises that when such material directly influences or is used by the agency in reaching a decision on a matter in an OTC drug rulemaking proceeding, the agency will add it to the administrative record prior to publication of the applicable document without the submission of a formal petition by an interested party. Appropriate reference to the material will be included in the relevant proposed rule or final rule document.

Any "feedback" communication that is submitted before a proposed rule is published, but which is not used by the agency in preparing the proposed rule, will be placed in the administrative record when it is opened during the comment period following publication of the proposed rule. As provided in 21 CFR 330.10(a)(7), following publication of a proposed rule, the administrative record is open 60 days for comments or objections, 12 months for the submission of new data and imformation, and an additional 60 days for reply comments on the new data and information. "Feedback" communications that occur after the usual closing of the administrative record following publication of the proposed rule, and which are not relied upon or used by the agency in developing the final rule, will remain part of the public record; however, these communications will not be added to the administrative record unless the agency subsequently determines in response to a petition that they should be.

Notice and comments are not necessary before issuing this clarification. (See 5 U.S.C. 553(b)(B).) Furthermore, the purpose and major aspects of this policy statement were described in the preamble to the May 13, 1980 proposed rule on the agency's Category III regulations (45 FR 31422) and in the "feedback" policy statement of September 29, 1981 (46 FR 47740).

Interested persons may, on or before May 31, 1983, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this clarification. Three copies of any comment are to be submitted, except that individuals may submit one copy. Comments are to be identified with Docket No. 80N-0295. Such comments will be considered in determining whether amendments or revisions to the clarification are warranted. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 24, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-8423 Filed 3-31-83; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1983:

Name: Material and Child Health Research Grants Review Committee.

Date and Time: June 9-10, 1983, 9:00 a.m.-5:00 p.m.

Place: Conference Room L, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on June 9, 1983, 9:00 a.m. to 10:00 a.m. Closed for remainder of meeting.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Health Care Delivery and Assistance.

Agenda: The open portion of the meeting will cover opening remarks by the Director, Division of Maternal and Child Health, who will also report on program issues, Congressional activities and other topics of interest to the field of maternal and child health. The meeting will be closed to the public on November 19, 1982, from 10:00 a.m. to the remainder of the meeting for the review of research grant applications. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact GONTRAN LAMBERTY, Dr.P.H., Executive Secretary, Maternal and Child Health Research Grants Review Committee, Room 6–17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: 301 443–2190.

Agenda items are subject to change as priorities dictate.

Dated: March 28, 1983.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 83–8404 Filed 3–31–83; 8:45 am]

BILLING CODE 4160–15–M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on March 25.

Public Health Service

Food and Drug Administration

Subject: Quick Response Survey—New
Respondents: Individuals
OMB Desk Officer: Richard Eisinger

Health Resources and Services Administration

Subject: Application—Scholarship Program for First-Year Students with Exceptional Financial Need (0915–0028)—Extension/no change
Respondents: Educational insitutions
Subject: Bureau Common Reporting Requirements (0915–0004)—Revision
Respondents: Federally funded health centers
OMB Desk Officer: Fay S. Iudicello

Office of the Assistant Secretary for Health

Subject: National Children and Youth Fitness Study (Pilot Test)—New
Respondents: School children 10–17 years of age
OMB Desk Officer: Fay S. Iudicello

National Institutes of Health

Subject: Statement of Appointment of Trainee Form (0925–0011)—Reinstatement
Respondents: Directors of Public Health Service training grant programs
OMB Desk Officer: Fay S. Iudicello

Health Care Financing Administration

Subject: National Heart Transplant Study Surveys (HCFA 383)—New
Respondents: Heart transplant recipients and their families, facilities which provide heart transplants, organ procurement agencies, and potential organ donors
Subject: Ownership and Financial Disclosure Statement (HCFA 1513)—Extension/no change
Respondents: Health care institutions which participate in Medicare or Medicaid
OMB Desk Officer: Fay S. Iudicello

Office of Human Development Services

Subject: Objective Progress Report—New
Respondents: Administration for Native Americans grantees
OMB Desk Officer: Milo Sunderhauf

Social Security Administration

Subject: Government Pension Questionnaire (SSA–3885)—Revision
Respondents: Individuals receiving Social Security benefits and government pensions
OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses: Joseph F. Costa, Acting HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524–F, Washington, D.C. 20201, OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer)

Dated: March 25, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83–7809 Filed 3–31–83; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Anchorage District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: The Anchorage District Advisory Council will conduct a meeting in accordance with the Federal Advisory Committee Act. The council will review management plans for the Delta, Gulkana and Unalakleet National Wild and Scenic Rivers. Any member of the public wishing to address the council should write Joette Storm, Anchorage District Public Affairs Officer, prior to the meeting. Phone (907) 267–1284.

DATE: May 5, 1983—9 a.m. to 4 p.m.

ADDRESS: Anchorage District Office Training Room, 4700 East 72nd, Achorage, AK 99507.

SUPPLEMENTARY INFORMATION:

9:00 Call to Order, Wayne Boden, Selection of Officers.
9:30 History of National River System, David Dapkus, and designation of Alaskan rivers.
10:00 Break.
10:15 Delta River Draft Management Plan, Darryl Fish.
11:30 Lunch.
12:30 Gulkana River Draft Management, Darryl Fish, Plan.
2:00 Break.
2:30 Unalakleet River Draft Management, Louis Walker, Plan
4:00 Adjourn.

Richard J. Vernimen,

Acting District Manager.

[FR Doc. 83–8436 Filed 3–31–83; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. I-6129]

Idaho; Order Providing For Opening of Public Land; Correction

In FR Doc. 83-1071, beginning on page 1829 in the issue of Friday, January 14, 1983, make the following correction:

On page 1830, middle column, under I-6129, in T. 29 N., R. 8 E., in the first line sec. 4, "all" should reads "S½SE¼".

William E. Ireland,

Chief, Lands Section.

[FR Doc. 83-8462 Filed 3-31-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32047, Survey Group 136]

Minnesota; Filing of Plat of Survey

1. On October 8, 1982, the plat representing the survey of one island in T. 128 N., R. 43 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. (90 days from date of publication).

Fifth Principal Meridian, Minnesota

T. 128 N., R. 43 W.,
Tract No. 37.

2. The island Tract No. 37 is similar in all respects to that of the adjacent surveyed lands. The elevation of the tract is about 12 feet above the ordinary high water mark of Schram Lake and is composed of glacial till. Timber consists of elm, box elder, willow, and aspen. Tree stumps were also found on the island.

The elevation of the island, similarity of timber succession on the island and mainland, composition of the soil and character of the channel show conclusively that this body of land existed as an island in 1858, when Minnesota was admitted into the Union, and at all subsequent dates.

3. Tract No. 37 was found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is therefore held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before (90 days from date of publication).

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-8463 Filed 3-31-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32048, Survey Group 136]

Minnesota; Filing of Plat of Survey

1. On October 8, 1982, the plat representing the survey of one island in T. 127 N., R. 43 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., June 30, 1983.

The island listed below describes the land omitted from the original survey.

Fifth Principal Meridian, Minnesota .

T. 127 N., R. 43 W.,
Tract No. 37.

2. The island Tract No. 37 is similar in all respects to that of the adjacent surveyed lands. The elevation rises about 13 feet above the ordinary high water mark of Doughty Lake and is composed of glacial till. Timber on the island consists of elm up to 20 inches in diameter and 60 years of age.

The elevation of the island, similarity of timber on the island and mainland, composition of the soil, and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union and at all subsequent dates.

3. Tract No. 37 was found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is therefore held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before June 30, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-8464 Filed 3-31-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32049, Survey Group 136]

Minnesota; Notice of Filing of Plat of Survey

1. On October 8, 1982, the plat representing the survey of one island in T. 128 N., R. 42 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. June 30, 1983.

The island listed below describes the land omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 128 N., R. 42 W.,
Tract No. 37.

2. The island Tract No. 37 is similar in all respects to that of the adjacent surveyed lands. The elevation rises about 18 feet above the ordinary high water mark of the lake. Timber consists of elm, oak, basswood, willow, box elder, and ash. The largest of the dominant trees on the island is an elm tree that measures 20 inches in diameter and is approximately 95 years old.

This island was noted in the 1868 survey by Theodore H. Barrett and Orvill Smith, Deputy Surveyors. This, along with the elevation of the island, age of timber, presence of tree stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

3. The island was found to be more than 50 percent upland within the purview of the Swamp Lands Act of September 28, 1850. Therefore, it is held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, on or before June 30, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-8465 Filed 3-31-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 32050, Survey Group 136]

Minnesota; Filing of Plat of Survey

1. On October 8, 1982, the plat representing the survey of one island in T. 129 N., R. 41 W., Fifth Principal Meridian, Minnesota, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., June 30, 1983.

The island listed below describes the land omitted from the original survey.

Fifth Principal Meridian, Minnesota

T. 129 N., R. 41 W.,
Tract No. 37.

2. The island Tract No. 37 is similar in all respects to that of the adjacent surveyed lands, and is composed of glacial till parent material with large granite boulders. Timber on the island consists of oak, elm, ash, basswood, willow, and box elder. Ground cover consists of choke cherry and sumac. The largest of the dominant trees found was an oak, 16 inches in diameter,

approximately 75 years old. The elevation of Tract 37 rises about 19 feet above the ordinary high water mark of Bah Lake.

This island was noted in the 1861 survey by Richard Strout, Deputy Surveyor. This fact, along with the elevation of the island, presence of tree stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union and at all subsequent dates.

3. Tract No. 37 was found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is therefore held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 on or before June 30, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-8466 Filed 3-31-83; 8:45 am]

BILLING CODE 4310-84-M

Eastern Idaho Plan Amendment/ Wilderness Draft Environmental Impact Statement; Public Hearings and DEIS Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Hearing on Eastern Idaho Wilderness Suitability Recommendations.

SUMMARY: Pursuant to Section 102 (2)(c) of the National Environemental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement for a proposed plan amendment as to the suitability or nonsuitability of 5 wilderness study areas (WSA's). The preferred alternative recommends 1 WSA totaling 66,200 acres of public land as suitable for addition to the National Wilderness Preservation System and 4 WSA's totaling 67,908 acres as nonsuitable. Hell's Half Acre (33–15) is recommended as suitable while Hawley Mountain (32–3), Black Canyon (32–9), and Cedar Butte (33–4) WSA's in the Idaho Falls District are recommended nonsuitable. Petticoat Peak (28–1) WSA located in the Burley district is also recommended nonsuitable for wilderness. The DEIS describes the environmental consequences of 5 alternatives varying from all wilderness to no wilderness. Copies of the DEIS are available for inspection at the following locations:

Idaho Falls District Office, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401, Telephone (208) 529–1020

Burley District Office, Bureau of Land Management, 200 South Oakley Highway, Burley, Idaho 83318, Telephone (208) 334–1770

Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706, Telephone (208) 334–1770

A limited number of single copies may be obtained from one of the above addresses.

Notice is hereby given that the DEIS will be available for public review and comment for 90 days from the date filed with the Environmental Protection Agency. The Department of Interior invites written comments on the adequacy of the DEIS to be submitted by July 1, 1983.

Notice is also given that public hearings will be held at two locations:

DATES:

May 4, 1983 at 7:30 P.M., Littletree Inn, 888 North Holmes, Idaho Falls, Idaho 83401.

May 5, 1983 at 7:30 P.M., Holiday Inn, Pocatello Creek Road and I–15, Pocatello, Idaho 83201.

Comments must be received on or before July 1, 1983.

ADDRESS: Written comments on the DEIS should be sent to Donald Watson, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401.

FOR FURTHER INFORMATION CONTACT: O'dell A. Frandsen, District Manager, or Donald Watson, Team Leader, at the Idaho Falls District office listed above.

SUPPLEMENTARY INFORMATION: Individuals wishing to testify may do so by appearing at the hearing place previously specified. Persons wishing to give testimony will be limited to 10 minutes, with written submissions invited. Prior to giving testimony at the public hearing, individuals or spokesmen are requested to complete a hearing registration form. Registration forms may be obtained by contacting the Idaho Falls District Manager at the above address, or forms will be available before the hearing opens.

Dated: March 21, 1983.

Clair M. Whitlock,

State Director, Idaho.

[FR Doc. 83-8137 Filed 3-31-83; 8:45 am]

BILLING CODE 4310-84-M

Montana and North Dakota; Call for Expressions of Leasing Interest in Coal for the Fort Union Coal Region

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice calling for expressions of leasing interest in Federal coal for the second round of leasing (1985) in the Fort Union Coal Region.

SUMMARY: The Bureau of Land Management (BLM) is seeking input from the public, industry, small business, public bodies, and state and local governments to identify areas where interest in leasing Federal coal exists. This call for expressions of coal leasing interest is to integrate potential lessees' data and needs into the coal activity planning phase of the Federal coal management program in the Dickinson District of North Dakota and the Miles City District of Montana. The data received from this call, along with the data gathered by the BLM, will be used to delineate preliminary tracts that are being considered for possible leasing within the Redwater, New Prairie, and Jordan-North Rosebud Management Framework Plan areas of the Miles City District in Montana and the Golden Valley Management Framework Plan area of the Dickinson District in North Dakota. The proposed lease sale date is currently scheduled for September 1985.

Areas indicated as acceptable for further leasing consideration have all undergone the application of unsuitability criteria based upon existing information during BLM planning. In some cases, additional or more detailed inventory and evaluation will be required before leasing is possible. The gathering of this information will continue during the activity planning process. As a result of the land use planning approximately 8,942 acres have been identified as acceptable for further consideration in the Golden Valley MFP area, 178,009 in the Redwater MFP area, 20,707 in the Jordan-North Rosebud MFP area, and 155,925 in the New Prairie MFP area. Expressions of leasing interest are being sought on the entire 363,583 acres. (See Table I.) An additional call for expressions of coal leasing interest for areas within the Southwest, McKenzie-Williams, and West Central MFP areas (North Dakota) will be made around October 1983 after completion of the land use planning (MFP).

Response to this notice will be accepted until May 20, 1983.

The Fort Union Regional Coal Team meeting is tentatively scheduled for June 1, 1983. Information obtained as a result

of this invitation will be used along with Department information by the Regional Coal Team to advise on delineation of potential lease tracts that could be selected for possible competitive sale under the Department's coal management program. Therefore, the earlier the expressions of interest are received by BLM, the better the coal team will be able to address tract delineation guidance.

All information submitted in response to this call shall be available for public inspection and copying upon request.

Two copies of each expression of interest must be sent to the Montana BLM State Director: Michael Penfold, State Director, Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107.

TABLE I

Coal deposit	Acres	Million tons
Redwater MFP Area:		
Circle	55,827	1,497.5
Sidney	21,864	631.3
Burns Creek/Thirteen Mile Creek	61,446	1,820.6
Southwest Glendive	26,136	414.8
Wibaux-Beach (Montana)	12,736	510.5
Totals	178,009	4,874.7
Golden Valley MFP Area: Wibaux-Beach (North Dakota)	8,942	307.1
Jordan-North Rosebud MFP Area:		
Circle S.W.	20,707	286.3
New Prairie MFP Area:		
Circle S.W.	52,450	670.0
Lance Jones	18,325	279.0
Ismay	58,670	513.0
Knowlton	3,625	124.0
Carlyle	20,400	164.0
Custer Creek	2,455	62.0
Totals	155,925	1,812.0
Grand Totals	363,583	7,280.0

FOR FURTHER INFORMATION CONTACT: Mr. Lloyd Emmons, Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107. Telephone: (406) 657–6291.

SUPPLEMENTARY INFORMATION: This notice is to advise the public that the official call for expressions of leasing interest in the areas acceptable for further consideration for coal leasing in the Golden Valley MFP area, Dickinson District, and the Redwater, Jordan-North Rosebud, and New Prairie MFP areas, Miles City District is now in effect. Maps and supplementary information on the areas found acceptable for further consideration for coal leasing may be obtained from the BLM Montana State Office, the Dickinson District Office, or the Miles City District Office. Respondents to this call should make use of these materials to the extent possible in completing their submissions.

Mr. Al Kesterke, Acting District Manager, Bureau of Land Management, P.O. Box 1220, Dickinson, ND 58601

Mr. Ray Brubaker, Miles City District Manager, Bureau of Land Management, P.O. Box 940, Miles City, MT 59301

This call for expressions of interest is the first step inactivity planning in the four MFP areas under the Federal coal management program (43 CFR 3420.3–2). It is being made before any tract boundaries are delineated within the area found suitable for further consideration for coal leasing through the land use planning process. The results of this call will provide significant information that will be used to delineate preliminary tracts within the planning areas that might be offered for sale.

Expressions of interest from small businesses and public bodies are particularly invited in accordance with the provisions of 43 CFR 3420.1–3 which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses.

Entities submitting expressions of interest under the small business or public body provisions should state that the submissions are for possible small business or public body set-asides and should also supply proof of small business or public body status. An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

This expression of interest is not an application for coal leasing. Information obtained as a result of this invitation will be used along with Department information to delineate potential lease tracts that could be ranked, selected, and scheduled for possible inclusion into a lease sale as provided for in 43 CFR 3420.5–1. The information received from this call, along with other information gathered by the BLM, will be used to delineate preliminary tracts that may be considered for possible leasing in the four Management Framework Plan areas.

These expressions of leasing interest should include the following data (where applicable):

1. Location

a. Locate proposed mining project boundaries on a Fort Union coal interest map (available in packets from BLM).

b. If no location is indicated but specific information is provided, the expression can still be considered. In such areas, the BLM tract delineation team may locate the tract.

2. Type of mine

a. Surface or underground.

b. Technique of mining (i.e., longwall, shovel and truck, room and pillar, dragline).

3. Quantity and quality of coal needs including total tonnage, life of mine, average annual production rates, and the year mining production would begin.

4. Proposed use of coal

Identify the likely market and location, or potential alternative locations for coal use including type and size of power plant and synthetic fuel plant, or other use both within and outside the Fort Union coal region.

5. Transportation needs and proposed routes to existing and proposed facilities (i.e., railroads, pipelines, and highways).

6. Information relating to mineral ownership.

a. Information on surface owner consents over federal coal previously granted (i.e., name of qualified surface owner, date of surface lease agreement, description of leased lands, whether agreement is transferable and termination date of consent, etc.)

b. Commitments from fee coal owners or commitments for associated non-federal coal.

7. Contacts. List the name, address, and phone number of the person who may be contacted for clarification or additional information on the area of interest and end use information.

Information considered proprietary should not be submitted as part of this expression of leasing interest. If proprietary information is submitted, please include a signed release stating that the information can be made available for public inspection and copying upon request.

Dated: March 25, 1983.

Michael J. Penfold,

Montana State Director.

[FR Doc. 83–8269 Filed 3–31–83 8:45 am]

BILLING CODE 4310–84–M

Bureau of Reclamation

Public Hearing on Draft Supplemental Environmental Statement; Garrison Diversion Unit, North Dakota

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft supplemental environmental statement. This statement (INT–DES 83–14, dated March 29, 1983) was made available to the public on March 29, 1983.

This draft supplemental environmental statement covers: (1) Fish and Wildlife mitigation and enhancement; (2) operation of Lonetree

Reservoir; (3) not constructing a fish screen on the McClusky Canal; (4) a 2,000 cubic feet per second (ft^3/s) emergency spillway from Lonetree Reservoir; (5) increasing the capacity of the proposed James River Feeder Canal from 450 ft^3/s to 1600 ft^3/s; (6) redirecting return and surplus flows from the New Rockford Service Area to the James River; and (7) changes in the flows of the James River resulting from the above actions. A public hearing will be held at 9:00 a.m., April 26, 1983, at the Kirkwood Inn, Bismarck, North Dakota.

Oral statements at the hearings will be limited to a period of 15 minutes. Speakers will not be allowed to trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing to make comments have been heard.

Organizations or individuals desiring to present a statement at the hearing should contact the Regional Director, Bureau of Reclamation, Upper Missouri Region, P.O. Box 2553, Billings, Montana 59103, telephone (406) 657–6605 or (406) 657–6558, or Project Manager, Missouri-Souris Projects Office, Bureau of Reclamation, P.O. Box 1017, Bismarck, North Dakota 58502, telephone (701) 255–4011, ext. 546, and announce their intention to participate prior to 4:30 p.m., April 22, 1983.

Speakers will be scheduled according to the time preference mentioned in their letter or telephone request whenever possible. Any scheduled speaker not present when called will lose his or her privilege in the scheduled order and his or her name will be recalled at the end of the scheduled speakers. The final date for receipt of material submitted for the record will be June 1, 1983.

Comments will be received from other parties present following the presentation of scheduled testimony if time permits.

If further information is needed, phone (701) 244–4011, ext. 541.

Dated: March 29, 1983.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 83–8542 Filed 3–31–83; 8:45 am]

BILLING CODE 4310–09–M

[INT-DES 83–14]

Draft Supplemental Environmental Statement, Garrison Diversion Unit, North Dakota; Availability

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft supplemental environmental statement on the Garrison Diversion Unit.

This draft supplemental environmental statement covers: (1) Fish and Wildlife mitigation and enhancement; (2) operation of Lonetree Reservoir; (3) not constructing a fish screen on the McClusky Canal; (4) a 2,000 cubic feet per second (ft3/s) emergency spillway from Lonetree Reservoir; (5) increasing the capacity of the proposed James River Feeder Canal from 450 ft3/s to 1,600 ft3/s; (6) redirecting return and surplus flows from the New Rockford Service Area to the James River; and (7) changes in the flows of the James River resulting from the above actions. Written comments may be submitted to the Regional Director or Project Manager by May 27, 1983.

A public hearing will be held beginning at 9:00 a.m., April 23, 1983, at the Kirkwood Inn, Bismarck, North Dakota.

Copies are available at the following offices:

Director, Office of Environmental Affairs, Bureau of Reclamation, Room 7622, Washington, DC 20240, Telephone: (202) 343–4991.

Division of Mangement Support, General Services, Library Section, Code 950, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, Telephone: (303) 234–3019.

Regional Director, Bureau of Reclamation, Federal Building, 316 North 26th, Billings, MT 59103, Telephone: (406) 657–6214.

Project Manager, Missouri-Souris Projects Office, Bureau of Reclamation, East Broadway Avenue and North Third Street, Bismarck, ND 58502, Telephone: (701) 255–4011, ext. 541.

Single copies of the statement may be obtained on request to the Director, Office of Environmental Affairs, Bureau of Reclamation, or the Regional Director at the above addresses. Copies will also be available for inspection in libraries within the project area.

Dated: March 29, 1983.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 83–8543 Filed 3–31–83; 8:45 am]

BILLING CODE 4310–09–M

Galesville Project—Douglas County, Oregon; Public Hearing

Douglas County, Oregon, has applied for a Federal loan under provisions of the Small Reclamation Projects Act (Pub. L. 84–984), as amended), to construct a dam, reservoir, and related facilities at the Galesville site on Cow Creek. Accordingly, the Department of the Interior has prepared a draft environmental statement for the Galesville Project pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969. This statement (INT–DES 83–13, dated March 8, 1983) was made available to the public on March 8, 1983. The draft environmental statement covers impacts of constructing the dam and reservoir and providing storage for irrigation, municipal and industrial water, stream enhancement, and flood control, as well as associated plans for power production and recreation facilities.

A public hearing will be held in Roseburg, Oregon, at the Douglas County Courthouse on April 28, 1983, from 7 p.m. until all presentations have been made. The purpose of the hearing is to receive views and comments from interested organizations and individuals relating to the adequacy of the draft environmental statement. The hearing will also provide the public an opportunity to comment on the effects the project would have on flood-plain management (Executive Order 11988) and protection of wetlands (Executive Order 11990).

Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will not be allowed to trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comments after all persons desiring to comment have been heard. The speaking order at the hearing will be determined by the order in which the letter requests are received by the Bureau. Requests for scheduled presentations will be accepted up until 4 p.m. on April 25, 1983. Requests to make oral statements will also be accepted at the hearing, and persons making those requests will be permitted to speak for 10 minutes on a first-come, first-served basis after each person who submitted a letter request has been permitted to make an initial presentation.

Organizations or individuals desiring to present their statements at the hearing should write to the Regional Director, Attention Code 150, Pacific Northwest Region, Bureau of Reclamation, Box 043, 550 West Fort Street, Boise, Idaho 83724; or telephone 208/334–1926 and state their intention to participate. Written comments for the hearing record from those unable to attend and from those wishing to supplement their oral presentation at the hearing should be received by May 7,

1983, so that they can be included in the hearing record.

Dated: March 28, 1983.

R. N. Broadbent,

Commissioner.

[FR Doc. 83-8544 Filed 3-31-83; 8:45 am]

BILLING CODE 4310-69-M

Fish and Wildlife Service

Announcement of Availability of the Report Status and Trends of Wetlands and Deepwater Habitats in the Conterminous United States, 1950's to 1970's

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability.

SUMMARY: The Service announces availability of the above mentioned report. The report presents national estimates as to the extent of United States wetlands and deepwater habitats (e.g., lakes and coastal waters) in the mid-1950's and mid-1970's and on their gains and losses during that period.

ADDRESS: Copies of this report are available for review at the National Wetlands Inventory Office, 1375 K Street, NW., Suite 406, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Bill O. Wilen, National Coordinator, National Wetlands Inventory, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202/343-3245).

Dated: March 22, 1983.

Robert E. Gilmore,

Acting Director.

[FR Doc. 83-8496 Filed 3-31-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Amoco Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Amoco Production Company (USA) has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0578, Block 215, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 25, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-8468 Filed 3-31-83; 8:45 am]

BILLING CODE 4310-MR-M

4310-MR

DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Mid-Atlantic Oil and Gas Lease Offering (April 1983)
Correction Notice/Clarification of Blocks Offered

On Friday, March 25, 1983, at 48 FR 12660, the Federal Register published the Notice for Mid-Atlantic Outer Continental Shelf Oil and Gas Lease Offering (April 1983). While the blocks listed below were mentioned in numerous places in that notice (Paragraph 4, Bidding Systems; Paragraph 11, Official Protraction Diagrams; Paragraph 13, Lease Terms and Stipulations; and Paragraph 14, Information to Lessees), these blocks were inadvertently omitted from Paragraph 12(a), Block Descriptions.

Notice is hereby given that the blocks listed below, each containing 2304 hectares, are offered for lease at the Mid-Atlantic Outer Continental Shelf Oil and Gas Lease Offering (April 1983). Blocks 868 and 912 on Official Protraction Diagram No. NJ 18-3 were not listed in the notice referenced above as a result of the inadvertent omission described above, and therefore will not be included in the Mid-Atlantic Outer Continental Shelf Oil and Gas Lease Offering (April 1983).

All other terms and conditions in the notice referenced above remain unchanged, including the time and location of the offering.

Acting Robert L. Rioux
Director, Minerals Management Service
Robert L. Rioux
Approved:

Assistant Secretary of the Interior
Daniel N. Miller, Jr.

3/30/83
Date

Official Protraction Diagram No. NK 19-10, Block Island Shelf (Approved June 22, 1977).

242-247	456-467	669-687	889-907
285-291	499-511	713-731	933-944
327-335	541-555	757-775	947-951
370-379	584-599	801-819	977-988
413-423	627-643	845-863	991-995

Official Protraction Diagram No. NJ 18-3 (Approved October 31, 1974).

17-35	281-289	412-422	541-557	760-784
61-79	293-299	428-431	560-563	804-814
105-123	325-333	454-466	585-607	816-828
149-167	337-343	473-475	630-651	847-857
193-211	369-378	497-512	673-695	860-867, 869-872
237-255	381-387	516-519	716-739	891-911, 913-916
				934-960
				978-1004

Official Protraction Diagram No. NJ 19-1, Block Canyon (Approved June 22, 1977).

10-27	274-291	538-555	801-819
54-71	318-335	582-599	845-863
98-115	362-379	626-643	889-907
142-159	406-423	670-687	933-951
186-203	450-467	714-731	977-1012
230-247	494-511	757-775	

Official Protraction Diagram No. NJ 19-2, Veatch Canyon (Approved January 25, 1979).

969-974

Official Protraction Diagram No. NJ 18-5, Salisbury (Approved October 31, 1974).

349	515-525	691-701	867-877
392-393	559-569	735-745	911-921
436-437	603-613	779-789	955-965
479-481	647-657	823-833	999-1009

[FR Doc. 83-8694 Filed 3-31-83: 8:55 am]
BILLING CODE 4310-MR-C

Office of the Secretary

Alaska Land Use Council; Meeting

As required by the Alaska National Interest Lands Conservation Act (ANILCA), Public Law 96–487, dated December 2, 1980, Section 1201, Paragraph (h), the Alaska Land Use Council will meet at 9:00 a.m., Tuesday, May 11, 1983, at 1689 C Street, Room 107, in the South Kaloa Building, Anchorage, Alaska. The agenda will include recommendations and adoption of the 1983/1984 Work Program Plan; and status reports on the Bristol Bay Cooperative Management Plan, the Kantishna Hills/Dunkle Mine Study, and the Denali Scenic Highway Study. For further information contact: Alaska Land Use Council, P.O. Box 120–100120, Anchorage, Alaska 99510, (907) 272–3422.

William P. Horn,

Deputy Under Secretary.

March 25, 1983.

[FR Doc. 83–8467 Filed 3–31–83; 8:45 am]

BILLING CODE 4310–10–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is a neither major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For status, please call Team 1 at 202–275–7992.

Volume No. OP1–FC–107

By the Commission, Review Board No. 2, Member Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC–FC–81227. By decision of March 28, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to SUBURBAN MOVING & STORAGE, INC., of Hatboro, PA of Certificate No. MC–30561 issued August 14, 1974, to READ'S VAN SERVICE, INC., of Hatboro, PA, authorizing the transportation of household goods, between Philadelphia, PA, and points within 15 miles of Philadelphia, on the one hand, and, on the other, points in NY, NJ, PA, DE and MD. Representative: William H. R. Casey, 892 Second Street Pike, Richboro, PA. (215) 322–8300.

MC–FC–81237. By decision of March 28, 1983, issued under 49 USC Part 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 2 approved the transfer to M K HOT SHOT, INC., 663 South 4th Ave., Casper, WY 82601, of Certificate No. MC–150461, issued October 4, 1982, to DONALD WILSON, d.b.a. WILSON'S HOT SHOT SERVICE, 1015 South Willow, Casper, WY, 82601, authorizing the transportation over irregular routes of machinery, materials, equipment and supplies used in, or replacing, servicing and repairing machinery and equipment used in or connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, between points in WY, on the one hand, and, on the other, points in OK, CO, ND, SD, MT, UT, NE, ID, KS, TX and NM.

For status, please call Team 2 at 202–275–7030.

Volume No.OP2-143

By the Commission.

MC–FC–81312, By decision of March 25, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to Jet Star, Inc., Indianapolis, IN, of all of the authority Issued to B & C Motor Freight, Inc., Peru, IN, in MC–136182, issued May 7, 1973, Sub 1, issued April 25, 1975, Sub 2, issued June 13, 1975, Sub 3, issued September 26, 1977, Sub 5, issued April 29, 1981, Sub 6, issued December 9, 1980, Sub 9, issued October 20, 1980, Sub 10, issued February 27, 1981, Sub 11, issued February 25, 1981, and Sub 12, issued June 18, 1981, authorizing the transportation of (1) various specified commodities, from, to and between points in IL, IN, KY, MI, WV, IN, OH, MO, WI, PA, VA, TN, NC, SC, AL, and GA, and (2) as a contract carrier, dry fertilizer, from the plant sites of Kaiser Agricultural Chemicals at or near Peru and Butler, IN, to points in OH. Representative: Donald Smith, P.O. Box 40248, Indianapolis, IN.

For status, please call Team 2 at 202–275–7030.

Volume No. OP2–146

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC–81182. By decision of March 28, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2, approved the transfer to KNIGHT LINES, INC., Aliquippa, PA, of authority issued to A. ROGER LEASING, LTD.,Coraopolis, PA, in Certificate No. MC–152672 Sub–3, issued July 28, 1981, authorizing the transportation of metal products, between the facilities of Babcock and Wilcox Company, at points in the U.S., on the one hand, and, on the other, points in the U.S., and Permit No. MC–152672 (Sub-No. 10), issued November 23, 1982, authorizing the transportation of such commodities as are dealt in or used by chain stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Giant Eagle Markets, Inc., of Pittsburgh, PA, and Tamarkin Company, of Youngstown, OH. Representative: Barry Weintraub, 8133 Leesburg Pike, Suite 510, Vienna, VA, 22180.

MC–FC–81243. By decision of March 28, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 2, approved the transfer to SNYDER TRUCKING, INC.,

Parkston, SD, of authority issued to POGER MARQUARDT d/b/a MARQUARDT GRAIN CO., Parkston, SD, in Certificate No. MC–95523, issued March 29, 1976, authorizing the transportation of livestock, from Parkston, SD, and points within 15 miles of Parkston, to Sioux City, IA, and Livestock, seeds, poultry feeds, farm machinery and implements, coal, building materials, and calcium carbide, from Sioux City, IA, to the above-specified origin points. Representative: Mike Braley, P.O. Box G, Parkston, SD, 57366.

MC–FC–81254. By decision of March 28, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 2 approved the transfer to ZANE KITTLELMANN, OF Miles City, MT, of Certificate No. MC–120763 (Sub-No. 2), issued September 3, 1968, to James A. Ferris, Leroy N. Hyatt and Henry A. Morris, dba Contractor Freight Service, of Miles City, MT, authorizing the transportation, over regular routes, of general commodities (with exceptions), (1) between Miles City and Jordan, MT and (2) between Miles City and Broadus, MT, serving all intermediate points on both routes. Representative: Charles Jardine, 1200 Pleasant St., Miles City, MT 59301, (405) 232–6638.

For status, please call Team 3 at 202–275–5223.

Volume No. OP3–MCFC–125 Decided: March 21, 1983

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing. (Member Ewing not participating.)

MC–FC 81278. By decision of March 21, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181 Review Board Number, approved the transfer to TRUCKING WATER AIR CORPORATION, YONKERS, NY of Certificate No. MC 6415, issued December 14, 1940, MC–6415 Sub 3, issued January 23, 1947, MC 6415 Sub 5, issued December 24, 1959, and MC–6415 Sub 6, issued January 16, 1967, to FEUER TRANSPORTATION, INC., YONKERS, NY, authorizing the transportation of general commodities (except those of unusual value, and except dangerous explosives, household goods (when transported as a separate and distinct service in connection with so called "household moving"), commodities in bulk, commodities requiring special equipment), over regular routes between South Amboy, NY, and Millerton, Rhineback, and Saugerties, NY, serving apecified intermediate points, and off-route points, and New Rochelle, NY and the New York, NY, commercial zone in connection with carrier's otherwise regular routes operations; over irregular routes between New York, NY, on the one hand, and, on the other, points in Hudson, Essex, Bergen, Union, Passaci, Middlesex, Monmouth, Somerset and Morris Counties, NY, and between New York, NY, on the one hand, and, on the other, points in Nassau and Suffolk Counties, and a portion of Fairfield County, CT. An application for temporary authority has been filed. Representative: Mr. Arthur Liberstein, 888 Seventh Avenue, New York, NY 10106.

Volume No. OP4–FC–188

For status, please call Team 4 at 202–275–7669.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–81267. By decision of March 25, 1983 issued under U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to BREIDENBAUGH'S TRANSPORTATION SERVICES, INC., Jasper, IN, of Certificate No. MC–146796 (Sub-No. 3)X, issued November 19, 1981, and the underlying superseded authority in MC–146796 (Sub-No. 2F), issued December 18, 1980, to ROBERT HANSEN, doing business as HANSEN TRUCKING, Danville, IL, authorizing the transportation in MC–146796 (Sub-No. 3)X which superseded MC–146796 (Sub-No. 2F), general commodities (except classes A and B explosives), between points in IL, IN, OH, KY, MO, and WI. Note: The authority in Sub-No. 3X cannot be severed by sale of otherwise from the underlying superseded authority in Sub-No. 2F. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. (317) 846–6655.

MC–FC–81302, filed March 11, 1983. By decision of March 24, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to ALL-CONTINENT TRANSPORT, INC., dba A.C.T., of Tucker, GA, of Certificate No. MC–29886 (Sub-No. 385X), issued September 11, 1981, and underlying authorities (Sub-Nos. 311G and 374, issued March 9, 1978, and January 28, 1981, respectively, and letter notices published in the **Federal Register** as follows: E4, September 16, 1974, E6, September 3, 1974, E17, March 13, 1975, E25 and E26, April 9, 1975, E43, E45, E47, and E48, April 3, 1975, E53, March 25, 1975, E64 and E67, April 21, 1975, E71, March 24, 1975, E87, May 29, 1975, E96, E100, and E103, June 24, 1975), issued to DALLAS & MAVIS FORWARDING CO., INC., of Kenosha, WI, authorizing the transportation of commodities which because of size or weight require the use of special equipment or special handling, machinery, and related commodities, between various points in the U.S. An application for temporary authority has been filed. Representative: Paul F. Sullivan, 3408 Wisconsin Ave., NW, Suite 202, Washington, DC 20016.

Volume No. OP5–FC–140

For status, please call Team 5 at 202–275–7289.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC–81068. By decision of March 22, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to MID-HUDSON MOVING & STORAGE, INC., of Wappingers Falls, NY, of Certificate No. MC 18678 issued August 2, 1967 to WHITE STAR TRANSFER CO., INC., of Port Ewen, NY, authorizing the transportation of household goods, between Kingston, NY and points in New York within 30 miles of Kingston, on the one hand, and, on the other, points in MA, CT, RI, PA, NJ, NY, DE, MD, VT, NH, and DC. Transferee is affiliated with A.M. Kennedy Transportation Co., Inc. Representative: Neil D. Breslin, 11 North Pearl St., Albany, NY 12207.

MC–FC–81284. By decision of March 22, 1983 issued under 49 U.S.C. 10926 and the transfer rules of CFR Part 1181. Review Board Number 1 approved the transfer to CAMPBELL TREE & LAND TRANSPORTATION CORP., of Wautoma, WI, of Certificate No. MC–143619 Sub 10 issued March 26, 1982, to PALS BROS. TRUCKING, INC., of Alexander, IA, authorizing the transportation of *chemicals,* between points in Wood County, TX, Polk County, GA, and Jefferson County, NE. on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Transferee holds authority in MC–162231. An application for temporary authority has been filed. Representative: James Spiegel 6333 Odana Road, Madison, WI 53719 for transferee, and James M. Hodge 3730 Ingersoll Avenue, Des Moines, IA, 50312, for transferor.

[FR Doc. 83–8458 Filed 3–31–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public

interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–145

Decided: March 24, 1983.

By the Commission, Review Board No. 2., Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

FF–673, filed February 25, 1983. Applicant: TRIANGLE CONSOLIDATORS, INC., 2120 New World Dr., Columbus, OH 43207. Representative: Ignatius B. Trombetta, One Public Square Bldg. #1001, Cleveland, OH 44113, 216–589–0448. As a freight forwarder in connection with the transportation of *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 682 (Sub-46), filed March 7, 1983. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036–5391, 202–887–5868. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with (a) International Freight Brokers, Inc. and Distribution Technology, Inc., dba Piedmont Distribution Centers, both of Charlotte, NC, (b) Marschall Warehouse Co., of Teterboro, NJ, (c) Foxboro Terminals, Inc., of Foxboro, MA, (d) Port Terminal Co., Inc., of Boston, MA, (e) Weber Truck and Warehouse, of La Mirada, CA, and (f) Yankee Transport, Inc., of Teterboro, NJ.

MC 682 (Sub-47), filed March 7, 1983. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036–5391, 202–887–5868. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 147552 (Sub-16), filed March 3, 1983. Applicant: CAJUN CARTAGE AND WAREHOUSING CORPORATION, P.O. Box 10686, Jefferson, LA 70181–0686. Representative: Doyle G. Owens, P.O Box 7735, Beaumont, TX 77706, 713–898–8086. Transporting *general commodities* (except classes A and B explosives and household goods), between points in TX, LA, AR, MS, and AL.

MC 166473, filed February 28, 1983. Applicant: JMF, INC., 2111 Birch Lane, Park Ridge, IL 60068. Representative: Irwin Rozner, 134 North LaSalle St., Chicago, IL 60602, 312–782–6937. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, on the one hand, and, on the other, points in WI, MI, MN, MO, IA, OH, and IN.

MC 166493, filed February 28, 1983. Applicant: SMITH-WAY TRANSPORT LINES, INC., P.O. Box M 543, Landing, NJ 07850. Representative: Ray F. Smith

(same address as applicant), 201–398–7–19. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Marie C. Smith, d.b.a. T.R.I. Enterprises, of Landing, NJ.

MC 166513, filed February 24, 1983. Applicant: DON R. EMERSON, d.b.a. EMERSON MOVING & STORAGE, 615 South 6th St., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902, 501–782–1001. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AR and OK.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–126

Decided: March 21, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 163874 (Sub-1), filed March 7, 1983. Applicant: BENTON MOVERS, LTD., 313 Stiles Ave., Box 22789, Savannah, GA 31401. Representative: Edward J. Benton III, 512 E. 46th St., Savannah, GA 31401, (912) 233–4971. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in GA.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–184

Decided: March 24, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 124236 (Sub-113), filed March 21, 1983. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, TX 75205. Representative: Leroy Hallman, 4555 InterFirst One, Dallas, TX 75205, (214) 741–6263. Transporting *building materials*, between LA, OK and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151036 (Sub-8), filed March 18, 1983. Applicant: DECATUR TRANSIT INC., 161 First Ave., NE, Decatur, AL 35601. Representative: Robert G. Slaton (same address as applicant), (205) 353–9601. Transporting *petroleum products* and *fertilizer products*, between points in AL, GA, MS, and TN.

MC 155677 (Sub-2), filed March 21, 1983. Applicant: AMERICAN TRANSPORTATION ASSOCIATES, INC., 5612 Tall Oaks Dr., Louisville, KY 40214. Representative: Robert L. Hawkins (same address as applicant), (812) 282–2509. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A), or a petition for exemption under 49 U.S.C. 11343(e) or submit an affadavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authority in this proceeding please submit a copy of the affadavit or proof of filing the appropriate application or petition for exemption to Team 4, Room 2410.

MC 157416 (Sub-3), filed March 18, 1983. Applicant: BURGESS TRANSPORTATION COMPANY, INC., Route 2, Box 336, Ashford, AL 36312. Representative: Stephen T. Etheredge, P.O. Box 1193, Dothan, AL 36302, (205) 793–3377. Transporting *clay and clay products*, between points in GA, on the one hand, and, on the other, points in FL, TX, LA, and AR.

MC 158307 (Sub-4), filed March 18, 1983. Applicant: WAYNE BROWN TRANSPORT, INC., 1109 Barlow St., West Lafayette, IN 47906. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *such commodities* as are dealt in by grocery and food business houses, between Baltimore, MD and points in Prince Georges County, MD, Lucas County, OH, Marion County, IN, Wayne County, MI, Windham, County, VT, Hartford County, CT, Nassau County, NY, Middlesex County, NJ, Richmond County, VA, Mecklenburg and Wake Counties, NC, Fulton County, GA, Duval, Gadsden and Orange Counties, FL, and Orleans Parish, LA, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 166847, filed March 17, 1983. Applicant: TRI-COUNTY SUPPLY, INC., R.R. #1, Condo, ND 58324. Representative: Rex Parslow (same address as applicant), (701) 266–5393. Transporting (1) *fertilizer and fertilizer ingredients*, between points in ID, IA, MN, ND, SD, MT, and WI, and (2) *lumber and wood products, and building materials*, (except lumber and wood products), between points in ND, on the one hand, and, on the other, points in ID, MT, and MN.

MC 166866, filed March 17, 1983. Applicant: MARVIN G. FIGGINS, 3101 Airport Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, P.O Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *machinery* and *metal products*, between points in the U.S. (except HI), under continuing contract(s) with National Iron Company, div. of Pettiborne Corp., of Duluth, MN.

Volume No. OP4–186

Decided: March 25, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 67646 (Sub-107), filed March 21, 1983. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: David M. Young, (Same address as applicant), (717) 790–8540. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with E. I. Du Pont de Nemours & Co., of Wilmington, DE.

MC 108756 (Sub-4), filed March 21, 1983. Applicant: RAY, THE MOVER OF MANCHESTER, INC., P.O. Box 1060, Manchester NH 03105. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods*, and furniture and fixtures, (1) between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, VA, WV, NC, SC, GA, FL, AL, MS, OH, MI, IN, IL, WI, and DC, and (2) between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, VA, WV, NC, SC, GA, FL, AL, MS, OH, MI, IN, IL, WI, and DC, on the one hand, and, on the other, points in KY, TN, IA, MO, AR, LA, TX, OK, KS, NE, and CO.

MC 110567 (Sub-34), filed March 21, 1983. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: Kenneth L. Kessler, P.O. Box 855, Des Moines, IA 50304, (515) 245–2725. Transporting *such commodities* as are dealt in or used by of grocery and food business houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Cub Foods, of Green Bay, WI.

MC 166947, filed March 21, 1983. Applicant: MASTERCRAFT INDUSTRIES TRANSPORTATION COMPANY, INC., 120 West Allen St., Rice Lake, WI 54868. Representative: James L. Nelson, 1821 University Ave.

#163N, St. Paul, MN 55104, (612) 646–6677. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WI and MN, on the one hand, and, on the other points in WI, MN, IL, MI, IA, MO, ND, SD, NE, KS, OK, TX, NM, CO, WY, UT, AZ, NV, and CA.

MC 166956, filed March 22, 1983. Applicant: K-WY EXPRESS, INC., Winsted MN 55395. Representative: Val M. Higgins, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting (1) *machinery and metal products,* between points in MN, on the one hand, and, on the other points in the U.S. (except AK and HI); (2) *food and related products,* between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–137

Decided: March 25, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 166128, filed March 1, 1983. Applicant: RICH LEHMANN, d.b.a., RICH LEHMANN TRUCKING, 2205 Rosewyn Lane, Billings, MT 59102. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101, (406) 252–4165. Transporting (1) *chemicals and related products* and (2) *clay, concrete, glass or stone products,* between points in MT, WY, ND, and SD.

MC 166608, filed March 4, 1983. Applicant: BEN E. DANIELS, d.b.a., BEDCO ENTERPRISES, 29762 Preston Drive, Laguna Niguel, CA 92677. Representative: Ben E. Daniels, (same address as applicant, (714) 831–9146. Transporting (1) *leather, vinyl and cloth products,* between points in CA, NC, NY, and SC, on the one hand, and, on the other, points in CT, CO, FL, GA, IL, LA, OH, MO, NY, and TX, (2) *motor vehicle parts,* between points in CA, on the one hand, and, on the other, points in TX, OH, NJ, and MO, and (3) *household goods and funiture and fixtures,* between points in the U.S. (except AK and HI).

Volume No. OP5–138

Decided: March 25, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166119, filed February 4, 1983. Initially published in the F.R. on March 1, 1983. Applicant: A & L DIRECT TRANSPORT, INC., 1065 Prospect Ave., West Islip, NY 11795. Representative: Arthur J. Piken, Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374, (211) 275–1000. Transporting *aircraft parts and propellers* between points in the U.S. (except AK and HI), under continuing contract(s) with Central Aviation & Marine Corp., and Semsa, Inc., both of Ronkonkoma, NY.

Note—This application is republished to include Semsa, Inc., as a contracting shipper.

Volume No. OP5–142

Decided: March 23, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 1879 (Sub-3), filed March 14, 1983. Applicant: ROBERTS TRANSFER, INC., 2510 North 11 Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge, Rd., (402) 397–7033. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in CO, NE, KS, SD, IA, MN, MO, WI, IL, IN, MI, and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 28579 (Sub-8), filed March 14, 1983. Applicant: GRIFFITH MOTOR EXPRESS, INC., 1607 S. Rogers Street, Bloomington, IN 47401. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between Indianapolis, IN, on the one hand, and, on the other, points in IN on and south of U.S. Hwy 40.

MC 31389 (Sub-343), filed March 17, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First St., Winston-Salem, NC 27104. Representative: Daniel R. Simmons (same address as applicant), (919) 721–2433. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Montgomery Ward & Co., of Chicago, IL.

MC 41098 (Sub-99), filed March 15, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, (202) 833–8884. Transporting *computerized electronic communications switching systems and related parts and components,* between points in the U.S., under continuing contract(s) with InteCom, of Allen, TX.

MC 123218 (Sub-3), filed March 17, 1983. Applicant: KERWIN TANK LINES, INC., 294 Taylorsville Road, Washington Crossing, PA 18977. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110 (215) 561–1030. Transporting (1)*chemicals and related products,* (2) *clay, concrete, glass or stone products,* (3) *building materials,* (4) *pulp, paper and related product,* (5) *rubber and plastic products,* and (6) *petroleum, natural gas and their products,* between those points in the U.S. in and east of MI, IN, KY, TN, and AL.

MC 139269 (Sub-15), filed March 14, 1983. Applicant: C. P. CRASKA, INC., Spruce Street, Ilion, NY 13357. Representative: Louis A. Paulsen, 8 Millet Street, Dix Hills, NY 11746, (516) 667–3258. Transporting *food and related products,* between points in CT, ME, MA, NH, PA, NJ, NY, RI, and VT.

MC 143389 (Sub-17), filed March 15, 1983. Applicant: MERCHANTS DUTCH EXPRESS, INC., 2019 Jackson St., P.O. Box 7554, Monroe, LA 71211. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702 (501) 521–8121. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Charles McAlpin Broderage, Inc., of Decatur, AL.

MC 151878 (Sub-11), filed March 15., 1983. Applicant: THREE WAY CORPORATION, 1120 Karlstad Drive, Sunnyvale, CA 94086. Representative: Charles H. White, Jr., 1019 19th Street, N.W., Suite 800, Washington, D.C. 20036, (202) 659–4262. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Fairchild MOS, of San Jose, CA.

MC 155759 (Sub-2), filed March 7, 1983. Applicant: BOWSER-REGAL, INC., d.b.a., REGAL SERVICES, P.O. Box 509, North East, PA 16428. Representative: Richard L. Bowser (same address as applicant), 716–736–2111. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in PA, NY, TX, MA, OK, and CO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156678 (Sub-1), filed March 17, 1983. Applicant: NORTH CENTRAL TRUCKING CORP., Box 822, Cumberland, WI 54829. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *general commodities* (except classes A and B explosives and household goods) between Chicago, IL and points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163028 (Sub-1), filed March 14, 1983. Applicant: JASON ENTERPRISES,

INC., P.O. Box 116, Vinton, VA 24179. Representative: Michael S. Ferguson, 1919 Electric Road, S.W., Roanoke, VA 24018, (703) 774–1197. Transporting *construction, mining and industrial equipment and machinery* and *parts and components* thereof, between points in the U.S. (except AK and HI).

MC 163128 (Sub-1), filed March 17, 1983. Applicant: BMC TRANSPORTATION COMPANY, P.O. Box 569, Columbus, NE 68601. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting (1) *building materials*, (2) *metal products*, and (3) *lumber and wood products*, between points in Pope County, MN, and points in IA, KS, MO, MT, and NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166708, filed March 10, 1983. Applicant: DEWELL W. HOSKINS, d.b.a. HOSKINS TRUCK SERVICE, 5th & Vine Sts., Malvern, AR 72104. Representative: Kay L. Matthews, 401 Pyramid Place, 221 West Second St., Little Rock, AR 72201, (501) 376–8363. Transporting *lumber, wood products, and poles and piling*, between points in AR, LA, MS, MO, OK, TN, and TX.

MC 166719, filed March 10, 1983. Applicant: MICHAEL W. ZEBLEY, d.b.a. FARWELL TRUCKING, #4 Farwell St., Lewiston, ME 04240. Representative: Michael W. Zebley (same address as applicant), (207) 782–5750. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Poland Spring Bottling Company, of Poland Spring, ME.

MC 166819, filed March 15, 1983. Applicant: J. J. MAKOOL, d.b.a. SILVER STREAK TRANSPORTATION, Route 1, Box 7, Touchet, WA 99360. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S. (except AK and HI).

MC 166859, filed March 17, 1983. Applicant: S & S TRUCK LINE, INC., 1410 Intercity Trafficway, Kansas City, MO 64101. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309, (515) 244–2329. Transporting *general commodities* (except clases A and B explosives, household goods and commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

Volume No. OP5–144

Decided: March 24, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 56538 (Sub-3), filed March 15, 1983. Applicant: UNITED CHARTER SERVICE, INC., 119 Graham Lane, Lodi, NJ 07644. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. Over regular routes, transporting *passengers*, between Ridgefield, NJ, and New York, NY, from Ridgefield south over Interstate Hwy 95 to junction Interstate Hwy 495, then east over Interstate Hwy 495 through the Lincoln Tunnel to New York, NY, and return over the same route, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 95978 (Sub-2), filed March 15, 1983. Applicant: JONES WAREHOUSE CORPORATION, d.b.a. BAY WEST TRANSPORT, 2500 Common Lane, Chesapeake, VA 23324. Representative: Frank L. Willard, Suite #1001 First & Merchants National Bank Building, Norfolk, VA 23510, (804) 627–0070. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Springmeier Shipping Company, Inc., of St. Louis, MO; Bailey & Williams, Inc., of Chesapeake, VA; Central Virginia Shippers Association of Chesapeake, VA; Bay Warehouse Corporation of Chesapeake, VA; Famarco Ltd., of Virginia Beach, VA; KMC Foods, Inc., of Queen Anne, MD; Haynes Furniture Corp., of Norfolk, VA; Sydnor & Hundley Furniture Co., of Richmond, VA; Avon Fashions, Inc., of Hampton, VA; and Lone Star, Lafarge, Inc., of Norfolk, VA.

MC 99969 (Sub-6), filed March 15, 1983. Applicant: HUNTLEY TRUCKING CO., Route-Box 66A, New Plymouth, OH 45654. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting (1) *coal*, and (2) *lumber and wood products*, between points in OH, on the one hand, and, on the other, points in IL, IN, KY, MD, MI, NC, NY, OH, PA, SC, VA and WV.

MC 114569 (Sub-381), filed March 8, 1983. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501, (402) 475–4414. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with the Quaker Oats Company, of Chicago, IL.

MC 121119 (Sub-3), filed March 15, 1983. Applicant: HAMNER, INC., Highway 35, P.O. Box 1350, Fulton, TX 78358. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting *farm products; food and related products; waste or scrap not identified by industry producing; nonmetallic minerals; clay, concrete, glass or stone products; metallic ores; forest products; metal products; feed additives; coal products; pulp, paper and related products;* and *chemicals and related products*, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to convert its Certificate of Registration No. MC–121119 Sub 2, and to expand the authority.

MC 121119 (Sub-4), filed March 15, 1983. Applicant: HAMNER, INC., Highway 35, P.O. Box 1350, Fulton, TX 78358. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting (1) *petroleum and petroleum products*, and (2) *Linseed oil*, between those points in the U.S. in and east of ND, SD, WY, UT, and AZ.

Note.—Applicant seeks to convert its Certificate of Registration No. MC–121119 Sub 2, and to expand the authority.

MC 151878 (Sub-12), filed March 15, 1983. Applicant: THREE WAY CORPORATION, 1120 Karlstad Dr., Sunnydale, CA 94086. Representative: Charles H. White, Jr., 1019 19th St., N.W., Suite 800, Washington, DC 20036, 202–659–4262. Transporting *general commodities* (except Classes A and B explosives, and commodoities in bulk), between points in the U.S., under continuing contract(s) with Moore Systems, Inc., of San Jose, CA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 5, Room 2414.

MC 156778 (Sub-1), filed March 14, 1983. Applicant: 7 HILLS TRANSPORT, INC., P.O. Box 6205, Rome, GA 30161. Representative: Terrell Price, 800 Briar Creek Rd., Suite DD–504, Charlotte, NC 28205, 704–372–8212. Transporting *general commodities* (except classes A and B explosives, household goods, and

commodities in bulk), between points in NC, SC, GA, AL and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163729 (Sub-1), filed March 14, 1983. Applicant: TRANS-PORT SERVICES, INC., Route 1, Box 490, New Smyrna Beach, FL 32069. Representative: M. C. Hutto III (same address as applicant), (904) 428–8959. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, FL, GA, NC, SC, and TN.

MC 166679, filed March 8, 1983. Applicant: JOLE, INC., 4029 Ridgeway Dr., Indianapolis, IN 46241. Representative: Charles J. Kilby (same address as applicant), 317–244–8775. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Dallas, TX, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Transitaide USA, of D.F.W. Airport, TX.

MC 166759, filed March 14, 1983. Applicant: THE HARRY H. POST COMPANY 1881 Bassett St., P.O. Box 899, Denver, CO 80201. Representative: Daniel W. Crippen (same address as applicant), (303) 296–7678. Transporting *food and related products, pulp, paper and related products, chemicals and related products,* and *rubber and plastic products,* between points in CO, on the one hand, and, on the other, points in UT, ID, WY, NM, and TX, under continuing contract(s) with Randy's Frozen Steaks, Inc., of Arvada, CO, Allied Paper Box Co., Inc., of Denver, CO, Mountain States Plastics, Inc., of Englewood, CO, Camelot Plastics, Inc., of Littleton, CO, and Hadco Chemical Corp., of Denver, CO.

[FR Doc. 83–8461 Filed 3–31–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team Five at 202–275–7289.

Volume No. OP5–143

Decided: March 23, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 166568, filed March 3, 1983. Applicant: ATIR TRANSPORTATION SERVICES, INC., 11551 Schwab Drive, Parma, OH 44130. Representative: Harry T. Hessler (same address as applicant), (216) 845–5055. As a *broker* of *general commodities* (except households goods), between points in the U.S. (except AK and HI).

MC 166738, filed March 11, 1983. Applicant: DONALD E. STERKEN, d.b.a. SCIENTIFIC TRANSPORTATION CONSULTANTS, 4230 Choctow Drive, SE, Grandville, MI 49418. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. To operate as a *broker* of *general commodities* (except household goods) between points in the U.S.

Volume No. OP5–145

Decided: March 24, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 166779, filed March 14, 1983. Applicant: HERMANN CONSULTING CO., INC., P.O. Box 1, North Brunswick, NJ 08902. Representative: Maxwell A. Howell, 2554 Massachusetts Ave., NW., Washington, DC 20008, (202) 483–8633. To operate as a *broker* of *general commodities* (except household goods) between points in the U.S.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–144

Decided: March 24, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC 130092 (Sub-2), filed February 24, 1983. Applicant: GREEN MOUNTAIN TOURS, INC., 128A West Pleasant Ave., Maywood, NJ 07607. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, 212–466–0220. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166492, filed February 28, 1983. Applicant: JEAN SAVAGE and LAVON SAVAGE, d.b.a. J & L ENTERPRISES, 4864 Kings Row Dr., Salt Lake City, UT 84117. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, 801–531–1300. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle. between points in the U.S. (except AK and HI).

MC 166662, filed March 8, 1983. Applicant: OLIVER CHARTERS INC., 4471 Don Tomaso Dr., Los Angeles, CA 90008. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, 714–667–8107. Transporting *passengers,* in charter and special operations, beginning and ending at points in CA, and extending to points in the U.S. (except AK and HI).

Note.— Applicant seeks to provide privately funded charter and special transportation.

MC 166663, filed March 8, 1983. Applicant: INNER HARBOR WAREHOUSING AND DISTRIBUTION, INC., 1147 Wicomico St., Baltimore, MD 21230. Representative: Reese V. Bean III (same address as applicant), 301–539–2850. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166672, filed March 7, 1983. Applicant: MARK ROSENTTHAL, d.b.a. MARK'S CHARTERS, 2020 Devonshire, Brea, CA 92621. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, 714–667–8107. Transporting *passengers,* in charter and special operations, beginning and ending at points in CA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166683, filed March 7, 1983. Applicant: TERRACE LEE AND SANDRA LEA MOORE, 1160 Marsden Rd., Port Angeles, WA 98362. Representative: Lawrence Marquette, P.O. Box 629, Carmel Valley, CA 93924, 408–625–2031. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166703, filed March 10, 1983. Applicant: YELLOWBIRD DEVELOPMENT LTD, d.b.a. YELLOWBIRD, P.O. Box 827, Coaldale, Alberta CD TOK OLO. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055, 206–235–1111. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166712, filed March 10, 1983. Applicant: CHARTER TRAVEL SERVICES, INC., 2335 North Belt St., St. Joseph, MO 64506. Representative: Robert J. Brooks, 1828 L St., N.W., Suite 1111, Washington, DC 20036, 202–466–3892. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166713, filed March 10, 1983. Applicant: RICHARD F. TAYLOR, d.b.a. TAYLOR TRUCKING, Route A, Box 163, Pierre, SD 57501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, 402–397–7033. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–187

Decided: March 25, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 166957, filed March 22, 1983. Applicant: TULIP TRAVEL LTD., 1411 Newbridge Rd., No. Bellmore, NY 11710. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10173, (212) 755–9500. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166966, filed March 22, 1983. Applicant: INTERSTATE TRANSFER COMPANY, 307 Meadow St., Chicopee, MA 01014. Representative: Patrick A. Doyle, 40 Sky Ridge Lane, Springfield, MA 01128, (413) 733–6116. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–8460 Filed 3–31–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. Op–5–139]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided March 23, 1983.

90-Day Intrastate Motor Common Carriers of Passengers.

The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1168, published in the **Federal Register** on November 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1168.6 and 49 U.S.C. 10922(c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be performed. Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three day of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 25 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 30 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell

Agatha L. Mergenovich,

Secretary.

Note.—All applications are filed under 49 U.S.C. 10922(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate regular-route authority on November 19, 1982

Please direct status inquiries to Team 5, (202) 275–7289.

MC 147208 (Sub-4), filed March 8, 1983. Applicant: BLUE RIDGE LINES, LTD., One Stoner Rd., P.O. Box 5692, Asheville, NC 28813–5692. Representative: Kingsland Hobein, Jr. (same address as applicant), 704–274–1190. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on routes in No. MC–147208 (Sub-No.1) in part, as follows: (1) between Johnson City, TN and Bristol, VA, (2) between Boone, NC and Jct. U.S. Hwy 19 and U.S. Hwy 23, (3) between Johnson City, TN and Elizabethton, TN, (4) between Johnson City, TN, and Bluff City, TN (6) between Asheville, NC, and Greenville-Spartansburg Airport, SC (7) between Hendersonville, NC, and Greenville-Spartansburg-Airport, SC, and (8) between Jct. U.S. Hwy 70 and NC Hwy 208 and Knoxville, TN.

[FR Doc. 83–8458 Filed 3–31–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the Federal Register of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier. Member Parker not participating.

Agatha L. Mergenovich,

Secretary

For status, please call Team 1 at 202–275–7992.

Volume No. OP1–105

Decided: March 28, 1983.

MC 116200 (Sub-19)X, filed March 18, 1983. Applicant: UNITED PARCEL SERVICE, INC., 643 West 43rd St., New York, NY 10036. Representative: Everett Hutchinson, 1150 Connecticut Ave., N.W., Washington, DC 20036, (202) 452–6800. Sub 18X certificate: broaden weight limitation from 50 pounds to "70 pounds".

For status, please call Team 3 at 202–275–5223.

Volume No. OP3–132

Decided: March 28, 1983.

MC 115495 (Sub-43)X, filed March 18, 1983. Applicant: UNITED PARCEL SERVICE, INC., 3755 East Main St., St. Charles, IL 60174. Representative: Everett Hutchinson, 1150 Connecticut Ave., NW, Washington, DC 20036. Sub-42 Certificate: broaden weight restriction from 50 lbs. to 70 lbs.

[FR Doc. 83–8454 Filed 3–31–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Proposed Exemptions—OP3–133

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Proposed Exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 28, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

MC–F–15169, JACK LINK TRUCK LINE, INC.—purchase exemption—SAWYER TRANSPORT, INC., (Nathan Yorke, trustee-in-bankruptcy) and WARSAW TRUCKING CO., INC.,

(Nathan Yorke, trustee-in-bankruptcy). Jack Link Truck Line, Inc. (No. MC–128497), seeks an exemption from the requirements under section 11343 of prior regulatory approval for the purchase of a portion of the operating rights of (1) Sawyer Transport, Inc. (Sawyer) (No. MC–123407), authorizing generally the transportation of pulp, paper and related products, and food and related products, between points in specified counties, on the one hand, and, on the other, specified points or States; and (2) Sawyer's subsidiary, Warsaw Trucking Co., Inc. (No. MC–123294), authorizing generally the transportation of pulp, paper and related products, between points in specified counties or cities, on the one hand, and, on the other, points in specified cities or States; and general commodities (with exceptions), between points in nine States. Restricted to the transportation of traffic originating at or destined to the facilities of a named shipper. An application for temporary authority has been filed. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioner's representative: Carl L. Steiner, 135 S. LaSalle St., Chicago, IL 60603.

Comments should refer to No. MC–F–15169.

[FR Doc. 83–8453 Filed 3–31–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: American Hospital Supply Corporation, One American Plaza, Evanston, Illinois 60201.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporations:

(i) Abbey Medical Inc., Delaware
(ii) Abbey Medical/Abbey Rents, Inc., Delaware
(iii) Abbey Endicott, Inc., Delaware
(iv) Accurate Home Medical Services, Inc., Delaware
(v) AHS/International, Inc., Delaware
(vi) Airlife, Inc., California
(vii) American Hospital Supply Corporation de Puerto Rico, S.A., Puerto Rico
(viii) Amo del Caribe, Inc., Delaware
(ix) Arnar-Stone del Caribe, Inc., Delaware
(x) Arnar-Stone, Inc., Delaware
(xi) Bentley Puerto Rico, Inc., Delaware
(xii) Dade Diagnostics, Inc., Delaware
(xiii) Edwards Laboratories, Inc., California
(xiv) Heyer-Schulte del Caribe, Inc., Delaware
(xv) McGaw Laboratories, Inc., Delaware
(xvi) Pharmaseal Corporation, Ohio
(xvii) Pharmaseal Inc., Delaware
(xviii) Pharmaseal Laboratories, Inc., Delaware
(xix) v. Mueller del Caribe, Inc., Illinois
(xx) American Kay, Inc., Delaware
(xxi) American Pharmaseal Laboratories, California
(xxii) American Micro-Scan, Inc., New Jersey
(xxiii) American Bentley, Inc., Delaware
(xxix) American Hospital Supply International Sales Corporation, California
(xxv) Bio-Science Enterprises, California
(xxvi) CLMG, Inc., California
(xxvii) Pathology Associates, Inc., Delaware
(xxviii) Cirmex de Chihuahua, S.A. de C.V., Mexico
(xxiv) Convertors de Mexico, S.A. de C.V., Mexico
(xxx) I–M, Inc., Kentucky
(xxxi) Instranetics, Inc., California
(xxxii) McGaw Supply Ltd., Canada
(xxxiii) Kopp Laboratories Limited, Canada
(xxxiv) Pharmaseal de Mexico, S.A. de C.V., Mexico
(xxxv) Precision Plastics, Inc., Colorado
(xxxvi) Productos Urologos de Mexico, S.A., Mexico

1. Parent corporation and address of principal office: Hannaford Bros. Co., 54 Hannaford Street, South Portland, ME 04106.

2. Wholly-owned subsidiaries which will participate in the operations and state(s) or incorporation:

(1) Hannaford Trucking Company.
(2) Martin's Foods of So. Burlington, Inc.
(3) Progressive Distributors, Inc.
(4) Sampson Supermarkets, Inc.
(5) Wellby Super Drug Stores, Inc., 54 Hannaford Street, South Portland, ME 04106.

1. Parent corporation and address or principal office: Huffy Corporation, 7701 Byers Rd., Miamisburg, OH 45342.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: Raleigh Cycle Company of America (an Ohio corporation).

1. Parent corporation: Marchesi Transportation Co., Inc., 118 Peal St., Woburn, MA 01801.

2. Wholly-owned subsidiary: Woburn Concrete Products, Division, 12 Hancock St., Woburn, MA 01801.

Agatha L. Mergenovich,

Secretary.

[FR Doc 83–8459 Filed 3–31–83; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–F–15129]

Motor Carriers; Overland Transportation System, Inc.;—Purchase Exemption; Rodgers Express, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the acquisition by Overland Transportation System, Inc. (Overland) (MC–151119) of the operating authority of Rodgers Express, Inc. (Rodgers) (MC–135944), authorizing the transportation of general and specified commodities, over a network of regular and irregular routes, principally between certain points in Indiana, Illinois, Ohio, and Kansas.

DATES: This exemption is effective 30 days after date of publication in the **Federal Register**. Petitions for reconsideration must be filed by 20 days after publication. Petitions for stay must be filed by 10 days after publication.

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioners' representative, Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204.

Pleadings should refer to No. MC–F–15129.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in No. MC–F–15129. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, D.C. 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: March 28, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8457 Filed 3-31-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15195]

Motor Carriers; Ryder Truck Lines, Inc.; Merger Exemption; Pacific Intermountain Express Co., PIE Bulk Transport, Inc., Purchase (Portion); Exemption; Pacific Intermountain Express Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's procedures in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Ryder Truck Lines, Inc. (Ryder) (MC-2900), PIE Bulk Transport, Inc. (PIEBT) (no present operating authority), and Pacific Intermountain Express Co. (PIE) (MC-730) seek an exemption from the requirement of prior regulatory approval for the merger and ancillary purchase transaction described below. Ryder, PIE, and PIEBT are presently under common control [PIEBT not yet a carrier]. Ryder and PIE are controlled by IU Transportation Services, Inc. (IUTS), a noncarrier, which in turn is controlled by IU International Corporation (IU), a holding company. PIEBT was recently organized as a subsidiary of Ryder Transportation, Inc., also recently formed, which in turn is controlled by IUTS. Additionally, IU controls the following motor carriers: Gemini Trucking, Inc. (MC-150939), Pioneer Trucking, Inc. (MC-151707), Customized Transportation, Inc. (MC-152620), Vanguard Contract Carriers, Inc. (MC-157596), Ligon Specialized Hauler, Inc. (docket no. to be issued), and Independent Freightway, Inc., (MC-161864). Ryder also controls RTL Holdings, Inc. (MC-130636), a property broker, holds a voting trust certificate for the shares of Ryder Forwarding, Inc. (FF-341), a freight forwarder, and has a Canadian subsidiary, Ryder Truck Lines, Ltd.

Both Ryder and PIE hold nationwide general commodities authority, including bulk authority in the case of PIE. Petitioners propose to spin off PIE's bulk authority to PIEBT and then merge PIE into Ryder. The stock of Ryder following consolidation with PIE will be transferred from IUTS to RTI, which will then control directly both Ryder and PIEBT.

While Ryder used to operate primarily as a north-south carrier east of the Mississippi River, it has expanded operations throughout the Rocky Mountain States. PIE was primarily a transcontinental carrier operating in an east-west direction, but has expanded operations throughout the Southeast and lower Mississippi Valley. Petitioners believe their separate operations are highly compatible, and seek to consolidate them in order to provide a truly nationwide service. The reorganization plan calls for the integration of the Ryder and PIE terminal networks (which would result in about 410 terminals), the consolidation of assets where duplications occur, and the use of resources obtained from the disposition of surplus assets to establish a more comprehensive network of terminals. These improvements in cost and efficiency are expected to result in better, more comprehensive service to the public.

In 1982, Ryder had gross operating revenues of about $627 million, and PIE about $394 million (about $27 million of this was attributable to bulk operations). Merger would give the resulting entity about a 5 percent share of the national market (in terms of operating revenues), a little less than that now generated by Roadway Express and Yellow Freight System. Additionally, on a territorial basis, again in terms of operating revenues, the resulting entity would have about a 6.6 percent share of the Southern Motor Carrier Rate Conference (SMC), about 9.8 percent of the Rocky Mountain Motor Tariff Bureau (RMB), about 7.3 percent of the Eastern Central Motor Carriers Association (ECA), about 6.7 percent of the Central & Southern Motor Freight Tariff Assn. (CSA), about 3.1 percent of the Middlewest Motor Freight Bureau (MWB), and about 1.3 percent of the Central States Motor Freight Bureau (CMB). Presently, Ryder and PIE enjoy respectively a 6.3 and 0.3 percent share of the SMC, a 4.8 and 2.5 percent share of the ECA, a 1.6 and 8.1 percent share of the RMB, a 6.3 and 0.4 percent share of the CSA, a 2.2 and 0.9 percent share of the MWB, and a 1.2 and 0.1 percent share of the CMB. Petitioners argue, that the resultant market share of the combined entity will not permit an abuse of market power, especially as the two carriers are already under common control.

Additionally, temporary authority for Ryder to manage and control PIE pending disposition of the petition for exemption has been granted.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: John C. Bradley, Rice, Carpenter and Carraway, 1660 Wilson Blvd., Suite 1301, Arlington, VA 22209.

Comments should refer to No. MC-F-15195.

FOR FURTHER INFORMATION CONTACT: Joyce D. Lannon, (202) 275-7992.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 28, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8455 Filed 3-31-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-14,198]

Character Suburbanwear, Inc., New York, New York; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 10, 1983 in response to a worker petition received on January 4, 1983 which was filed by the Amalgamated Ladies' Garment Cutters' Union, Local 10, ILGWU on behalf of workers at Character Suburbanwear, Incorporated, New York, New York (TA-W-14,198).

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated. Signed at Washington, D.C. this 24th day of March, 1983.

Glenn M. Zech,

Deputy Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-8557 Filed 3-31-83; 8:45 am]

BILLING CODE 4510-03-M

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period in the State of Maine

This notice announces the beginning of a new Extended Benefit Period in the State of Maine, effective on March 27, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on March 12, 1983, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on March 27, 1983.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d) (1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d) (2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on March 25, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-8558 Filed 3-31-83; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Periods in the States of Minnesota and Oregon

This notice announces the beginning of new Extended Benefit Periods in the States of Minnesota and Oregon, effective on March 20, 1983.

Background

Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of each State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on March 5, 1983, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, new Extended Benefit Periods commenced in those States with the week beginning on March 20, 1983.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency of each State will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency of each State also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in a State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the

nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on March 23, 1983

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-8550 Filed 3-31-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,977]

Grand Ford, Inc., Bronx, New York; Revised Determination on Reconsideration

On August 31, 1982, the Department issued an Affirmative Determination Regarding Application for Reconsideration for former workers at Grand Ford, Inc., Bronx, New York. This determination was published in the **Federal Register** on September 10, 1982 (47 FR 39920).

The company in its application for reconsideration contends that the workers' firm, as that term is used in Section 222(3) of the Trade Act of 1974, is the Ford Motor Company by virtue of the fact that Grand Ford is a wholly-owned dealership of the Ford Motor Company.

The Department's review showed that the workers' petition was denied because Grand Ford did not produce an article within the meaning of the Trade Act and the Ford Motor Company cannot be considered to be the workers' firm since the financial arrangements between Ford and Grand Ford did not constitute ownership or control within the meaning of the Act.

As a general rule, workers may not be certified as eligible to apply for worker adjustment assistance if the firm in which they are employed does not produce an article within the meaning of Section 222 of the Trade Act of 1974. However, such workers may be certified if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which substantially beneficially owns the service workers' firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

On reconsideration the Department finds that Grand Ford was not a independently owned company but that the Ford Motor Company owns 100 percent of the voting stock in Grand Ford. The manager-operator received overall direction from a three-member Board of Directors who are paid employees of the Ford Motor Company. The manager-operator was hired by the Ford Motor Company to operate Grand Ford until an investor could be found. The manager-operator did not invest any money into the capitalization of the dealership. Therefore, pursuant to section 222(3) of the Trade Act, the Department concludes that Grand Ford is part of the firm, Ford Motor Company.

Grand Ford was exclusively engaged in the sale and service of Ford cars and pick-up trucks during 1979 and the first eight months of 1980. Sales of import-impacted cars and trucks accounted for a significant proportion of the total sales of Grand Ford in 1979 and 1980. Production of import-impacted Ford cars and trucks at several of Ford's assembly plants declined significantly from Model Year 1980 compared to Model Year 1979. Certifications were issued on behalf of workers at Ford Assembly plants located at Mahwah, New Jersey, TA-W-6849, Metuchen, New Jersey, TA-W-6438, Dearborn, Michigan, TA-W-6947 and Chicago, Illinois, TA-W-6958.

These certifications took effect in 1979 and extended into 1981 or 1982. Grand Ford closed for business on October 30, 1980.

Conclusion

After careful review of the fact obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with Ford Motor Company's import-impacted automobiles and pick-up trucks contributed importantly to the decline in sales or production and to the total or partial separation of former workers of Grand Ford, Inc., Bronx, New York. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of Grand Ford, Inc., Bronx, New York who became totally or partially separated from employment on or after September 1, 1980 and before December 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., on March 24, 1983.

Harold A. Bratt,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 83-8553 Filed 3-31-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 11, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance at the address shown below, not later than April 11, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 28th day of March 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition number	Articles produced
Autland Manganese Corp. (USWA)	Mobile, AL	3/18/83	3/16/83	TA-W-14,488	Manganese-smelter
Freeport Brick Co. (workers)	Freeport, PA	3/11/83	3/7/83	TA-W-14,489	Refactory bricks.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition number	Articles produced
Duquesne Electric & Manufacturing Co (workers)	Pittsburgh, PA	3/10/83	3/4/83	TA-W-14,490	Manufacture & re-manufacturer electronic controls, motors & generators & mechanical apparatuses
GTE Products Corp. (Workers)	Montoursville, PA	2/22/83	3/21/83	TA-W-14,491	Photoflash
Kennecott Minerals Co., Tintic Div. (USWA)	Eureka, Utah	3/18/83	3/15/83	TA-W-14,492	Mine—copper, gold, silver.
Kennecott Refining Corp. (USWA)	Baltimore, MD	3/18/83	3/15/83	TA-W-14,493	Copper refining.
Maidel Fashions (workers)	N. Babylon, NY	3/17/83	3/14/83	TA-W-14,494	Dresses—sportswear—ladies.
National Garment Co. (company)	Hammonton, NJ	3/17/83	3/10/83	TA-W-14,495	Blazers, suits & outerwear—ladies.
Robbins & Myers, Inc., Electric Motors Div (USWA)	Gallipolis, Ohio	3/18/83	3/15/83	TA-W-14,496	Electric motors
Shelton Industries, Inc. (GBPPAW)	Mays Landing, NJ	3/10/83	3/3/83	TA-W-14,497	Nina Ricci perfumes & toiletries.
Young Squire, Inc. (ACTWU)	Mt. Olive	3/9/83	3/7/83	TA-W-14,498	Boys coats, ladies' blazers.
Ameron, Inc., P.C.D. (IUE)	Buffalo, NY	3/15/83	3/6/83	TA-W-14,499	Epoxy coatings, primers.
Domino Classics (ILGWU)	New York, NY	3/17/83	3/9/83	TA-W-14,500	Coats & suits—ladies
Exide Corp (ACTWU)	Buffalo, NY	3/14/83	3/7/83	TA-W-14,501	Batteries—cars, trucks, buses & diesels.
Merchants Metals, Inc. (USWA)	Columbiana, AL	3/11/83	3/7/83	TA-W-14,502	Chain link fencing & components.
Merchants Metals, Inc. (USWA)	Birmingham, AL	3/11/83	3/7/83	TA-W-14,503	Chain link fencing & components.
Mergenthaler Linotype Co. (workers)	Wellsboro, PA	3/17/83	3/3/83	TA-W-14,504	Phototypesetters.
Mergenthaler Linotype Co., Repair Center (workers)	Mansfield	3/17/83	3/3/83	TA-W-14,505	Repair phototypesetters.
Parade Dress Co. (ILGWU)	New York, NY	3/17/83	3/9/83	TA-W-14,506	Dresses
Vida Sportswear (workers)	El Paso, Texas	3/15/83	3/10/83	TA-W-14,507	Denim jeans & dress slacks.
Westinghouse Electric Corp., Power Circuit Breaker (IUE)	Trafford, PA	3/15/83	3/9/83	TA-W-14,409	Build & test complete power circuit breakers
Westinghouse Electric Corp., Large Rotating Apparatus Div., Switch gear Div. (IUE)	E. Pittsburgh, PA	3/15/83	3/9/83	TA-W-14,509	LRA—turbo generators, motors & related equipment, water wheel gen. & pumps. Switchgear—assemble wire & test low voltage D.S. breaker & D.C. breakers
Aileen, Inc. (workers)	Monterey, VA	3/17/83	3/11/83	TA-W-14,510	Outerwear—ladies', children.
Aluminum Company of America, Mobile Works (USWA)	Mobile, Alabama	3/18/83	3/16/83	TA-W-14,511	Alumina refinery.
Clark Equipment Co., Industrial Truck Div (AIW)	Battle Creek, MI	3/17/83	3/14/83	TA-W-14,512	Lift trucks & material handling equipment.
Fairlawn Fashions, Inc. (ILGWU)	Linden, NJ	3/3/83	3/3/83	TA-W-14,513	Sportswear
Jessop Steel Co. (USWA)	Washington, PA	3/9/83	3/4/83	TA-W-14,514	Stainless plate, alloy & carbon tool steel.
Mercer Forge Company (USWA)	Mercer, PA	3/15/83	3/9/83	TA-W-14,515	Forging steel
Norton Company (UPIU)	Troy, NY	3/18/83	3/15/83	TA-W-14,516	Coated abrasive sandpaper
Republic Steel Corp., Steel & Tubes Div. (USWA)	Elyria, Ohio	3/15/83	3/8/83	TA-W-14,517	Welded carbon, steel tubing
Republic Steel Corp., Steel & Tube Div (USWA)	Cleveland, Ohio	3/15/83	3/9/83	TA-W-14,518	Stainless, carbon & alloy steel tubing.
Republic Steel Corp., Cleveland District (USWA)	Cleveland, Ohio	3/18/83	3/9/83	TA-W-14,519	Carbon, alloy & stainless steel bars, sheet, strip & plate
Braeburn Alloy Steel (USWA)	Lower Burrell, PA	3/18/83	3/15/83	TA-W-14,520	Alloy tool steel, primarily high speed steel
Eaton Corp., Transmission Div (USWA)	Shelbyville, TN	3/10/83	3/7/83	TA-W-14,521	Transmissions—heavy trucks.
Tenn. Tex Alloy Chemical Corp. (USWA)	Houston, Texas	3/8/83	3/2/83	TA-W-14,522	Ferromanganese & silcomanaganese.

[FR Doc. 83-8554 Filed 3-31-83; 8:45 am]
BILLING CODE 4510-30-M

Puna Sugar Co., Ltd., et al.; Negative Determination on Reconsideration

In the matter of TA-W-13,350 Puna Sugar Company, Ltd., Leaau, HI, TA-W-13,526 Theodavies Hamakua Sugar Company, Paauilo, HI, TA-W-13,534 Hawaiian Commercial & Sugar Company, Puunene, HI, TA-W-13,535 Hilo Coast Processing Company, Pepeeko, HI, TA-W-13,539 Kau Sugar Company, Inc., Pahala, HI, TA-W-13,540 Kekaha Sugar Company, Ltd., Kekaha, HI, TA-W-13,541 Lihue Plantation Company, Lihue, HI, TA-W-13,542 Mauna Kea Sugar Company, Inc., Papaikou, HI, TA-W-13,543 McBryde Sugar Company, Ltd., Eleele, HI, TA-W-13,545 Oahu Sugar Company Ltd., Waipahu, HI, TA-W-13,546 Olokele Sugar Company, Ltd., Kaumakani, HI, TA-W-13,547 Pioneer Mill Company, Ltd., Lahaina, HI, TA-W-13,550 Wailuku Sugar Company, Inc., Waialua, HI, TA-W-13,551 Waialua Sugar Company, Inc., Waialua, HI.

On February 2, 1983, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the above mentioned facilities located in Hawaii. This determination was published in the **Federal Register** on February 28, 1983 (48 FR 5821).

Counsel for the union claims that imports of sugar have contributed importantly to declines in production and employment at the above mentioned firms, regardless of the impact of high fructose corn syrup (HFCS). It is also claimed that the Department's data relevant to the per capita consumption of HFCS is not accurate and that HFCS is not an article which is directly competitive with refined sugar since it has its own market as has refined sugar. Lastly, counsel claims that the certifications issued to workers and former workers of sugar cane and raw sugar at various Hawaiian companies in 1977 (TA-W-1726, 1744 and 1761) were strikingly similar to the denied cases and therefore warrant review.

The Department's original determinations were based on the finding that the "contributed importantly" test of section 222 of the Trade Act was not met. For the past five years there has been a steady trend away from the consumption of refined sugar and toward increased consumption of high fructose corn sweeteners. Declines in sugar consumption and production in the first six months of 1982 have been more than offset by increases in production and consumption of high fructose corn sweeteners. This occurred notwithstanding substantial price reductions that have been in effect since 1980 for refined sugar.

On reconsideration, the Department found that raw sugar imports declined from 1979 to 1980 and increased in 1981 In 1981, the refined sugar equivalent of more than 25 percent of total imports of raw sugar was exported subject to drawback procedures which allowed exporters to be refunded the duties and fees paid to the government on previously imported raw sugar. Raw sugar imports declined in 1982 as a consequence of duty and fee increases that became effective in December 1981 to support higher domestic sugar prices provided in the 1981 Farm Act and the new quota on raw sugar proclaimed by the President on May 5, 1982.

U.S. consumption of refined sugar declined from 10,148,000 short tons in 1980 to 9,370,000 short tons in 1981. U.S. imports of refined sugar have decreased every year since 1977. The ratio for U.S. imports of refined sugar to domestic production has not exceeded one percent in any year from 1978 through 1981.

The claims that HFCS is not directly competitive with refined sugar and was not an important contributing factor to the overall decrease in the sale of refined sugar are not borne out by the facts. Over the past ten years, the HFCS share of the beverage sweetener market has increased to 50 percent. The International Trade Commission reported that many industry observers eventually expect HFCS to supply half of the industrial sweetener needs of the nation.

Raw sugar production coming from the 14 plantations covered in these petitions is refined by the California and Hawaii Sugar Company (C&H) in San Francisco for consumption on the U.S. mainland. C&H shipped most of its refined sugar to industrial users during the period covered by the investigation. C&H officials indicated that the main competition in their industrial market is coming from corn sweeteners, especially HFCS.

The Department's original investigation, erred in its report on growth of per capita use of HFCS; however, the facts, as corrected, strongly support the conclusion that corn sweeteners, particularly HFCS, have made and are making significant inroads into the total sweetener market. The market share of refined sugar dropped 5 percent in 1981 from 1980 while per capita consumption of corn sweeteners increased 10.7 percent during the same period. Per capita consumption of HFCS rose 21.4 percent in 1981. These data indicate that the trend of the past seven years continued in 1981 even though the wholesale price of sugar in 1981 was falling more rapidly than the price of HFCS. The Department's findings show that HFCS now accounts for 25 percent to 30 percent of the total industrial sweetener usage, up from virtually nothing a few years earlier. U.S. imports of HFCS are negligible.

The Department does not consider its earlier certification of workers producing raw sugar at Hawaiian facilities (TA-W-1726, 1744 and 1761) as providing a precedent for the instant cases. It should be noted that the earlier investigations were undertaken at a time when the consumption of HFCS, although increasing in significance, was only equal to 40 percent of current consumption levels and refined sugar was substantially greater.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers at the subject sugar facilities located in Hawaii.

Signed at Washington, D.C. this 24th day of March 1983.

Harold A. Bratt,

Deputy Director, Office of Program Management Unemployment Insurance Service.

[FR Doc. 83-8555 Filed 3-31-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14,199]

Employment and Training Administration, Colorado and Wyoming Railway Co., Northern Division, Sunrise, Wyo.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 10, 1982 in response to a worker petition received on December 27, 1982 which was filed by the Brotherhood of Maintenance of Way Employees, Mountain and Plains Federation on behalf of workers at the Northern Division of Colorado & Wyoming Railway Company, Sunrise, Wyoming.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this 24th day of March 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance

[FR Doc. 83-8556 Filed 3-31-83; 8:45 am]

BILLING CODE 4510-30-M

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistanct in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of application involving the establishment of branch plants or facilities, the potential effect of such new facilities in other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Richard C. Gilliland, Director, U.S. Employment Service, Employment and Training Administration, 601 D Street, NW., room 8000—Patrick Henry Building, Washington, D.C. 20213.

Signed at Washington, D.C. this 29th day of March 1983.

Robert S. Kenyon,

Director, Office of Program Operations.

APPLICATIONS RECEIVED DURING THE WEEK ENDING APRIL 2, 1983

Name of applicant and location of enterprise	Principal product or activity
Bonntex Manufacturing Corp., Vega Baja, Puerto Rico.	Manufacturing of sweaters and related products

[FR Doc. 83-8500 Filed 3-31-83; 8:45 am]

BILLING CODE 4510-30-M

Occupation Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Meeting

[Note.—This document originally appeared in the Federal Register for Wednesday, March 30, 1983. It is reprinted at the request of the issuing agency to meet its Tuesday/Friday publication schedule.]

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under Section 1-5 of Executive Order 12196 of February 26, 1980, published in the Federal Register February 27, 1980 (45 FR 12769), will meet on April 13, 1983 starting at 10:00 AM in Rooms N3437 A, B, C, of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. The meeting will be open to the public.

The agenda provides for:

I. Call to Order
II. Approval of Minutes of January 12, 1983 Meeting
III. Announcement of Appointments and Reappointments
IV. President's Safety and Health Award Criteria
V. Reports
VI. New Business
VII. Adjournment

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business April 8, 1983, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business April 8, 1983. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to John E. Plummer, Director, Office of Federal Agency Programs, Department of Labor, OSHA, Frances Perkins Building, 200 Constitution Avenue, NW., Room N3613, Washington, D.C. 20210, telephone (202) 523-6021.

Signed at Washington, D.C. this 28th day of March, 1983.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 83-8418 Filed 3-29-83; 10:28 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

Blackmore and Glunt, Inc. Profit Sharing Plan, et al.; Proposed Exemptions

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this Federal Register Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the Federal Register. Such notice shall include a copy of the notice of pendency of the exemption as published in the Federal Register and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

The Blackmore and Glunt, Inc. Profit Sharing Plan (the Plan) Located in Maryland Heights, Missouri

[Application No. D-2773]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale of office equipment (the Equipment) by the Plan to Blackmore and Glunt, Inc. (the Employer), provided the terms of the sale are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party on the date of sale.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 38 participants. The trustees of the Plan are P. Gordon Glunt and Cyrus S. Blackmore (the Trustees). The Trustees are also the principal shareholders of the Employer. The Plan had total assets of $1,292,267 as of July 18, 1981.

2. The Equipment was purchased by the Plan during 1973, 1974 and 1975 for a total cost of $9,181. From 1973 until 1975, the Plan entered into 16 lease agreements (the Leases) with the Employer for the rental of the Equipment. The Leases were for terms of 96 or 120 months. The total amount received by the Plan for rental of the Equipment exceeds the total cost of the Equipment to the Plan and the rental amount received for each item of the Equipment exceeds the cost of that individual item.

3. Some of the Leases may be covered by the transitional rules of section 414 of the Act. The applicant represents that it will pay any excise tax due for the rental of the Equipment leased to the Employer after January 1, 1975, and not covered by the transitional rules of section 414 of the Act, within 60 days after the final granting of this exemption.[1]

4. The Employer proposes to purchase the Equipment for the total cash price of $4,714. The total amount the Employer proposes to pay exceeds the fair market value of the Equipment as determined by independent appraisals. Appraisers have determined the value of the Equipment to be $4,168. The applicant represents that the Employer will not pay less than fair market value for each individual item of the Equipment.

5. The fair market value of the Equipment has been established by several independent appraisals including: the Siggins Equipment Company and the Quality Office Machines Company of St. Louis, Missouri; the Rivard Sales Company, Inc. of Shawnee Mission, Kansas, the Business Supply Center, Inc. of Maryland Heights, Missouri, and the Fryer Office Furniture Center of Kansas City, Kansas.

6. In summary, the applicant represents that the proposed sale meets the criteria of section 408(a) of the Act because:

(1) This will be a one-time, cash transaction;

(2) The Plan will receive fair market value for its assets;

(3) The proceeds from the sale of the Equipment will yield more income if invested in money market type funds and the Plan's assets will have more liquidity; and

(4) The Trustees of the Plan have determined that the proposed transaction is in the interest of and protective of the Plan and its participants and beneficiaries.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

FOR FURTHER INFORMATION CONTACT: Linda M. Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Alaska Laborers-Employers Retirement Trust Fund (the Plan) Located in Anchorage, Alaska

[Application No. D–3114]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply, effective February 17, 1976, to the benefit to William J. Sheffield that resulted from the participation by the Plan in a loan (the Loan) made on February 17, 1976 to Anchorage Hotel Associates (AHA), a California limited partnership. Mr. Sheffield was a 10% limited partner in AHA at the time of the Loan and was also a director of the National Bank of Alaska (the Bank), the Plan's trustee. The exemptive relief proposed herein is limited solely to Mr. Sheffield.

EFFECTIVE DATE: The effective date of the proposed exemption, if granted, will be February 17, 1976.

Summary of Facts and Representations

1. The Plan is a multiemployer defined benefit plan established in accordance with section 302(c)(5) of the Labor Management Relations Act, as amended. The Plan is administered by a joint board of employer and union trustees and had approximately 4,000 participants and $74,300,000 in net assets at the time the Loan was made. The Bank serves as the Plan's trustee.

2. AHA was formed on January 26, 1976 for the purpose of purchasing a 200 room Royal Inns Hotel (the Hotel) located in Anchorage, Alaska. Mr. Sheffield held a 10 percent interest in AHA. The other AHA partners were unrelated to Mr. Sheffield, the Bank or the Plan.

3. On February 17, 1976, the Plan, along with Seattle First National Bank (SFNB) and the Alaska Teamsters Employers Pension Trust (the Trust), collectively made the Loan to AHA, the security for which was a first lien on the Hotel which was appraised at a fair market value of $6.7 million. The three lenders' respective shares in the Loan were as follows: the Plan—$800,000 (20%); SFNB—$1,800,000 (45%); and the Trust—$1,400,000 (35%). The Loan carried an annual interest rate of 10¾% with a term of 15 years and an amortization schedule of 25 years. The Bank received a commitment fee of $40,000 from AHA with respect to the Loan. In addition, the Bank deducted one-eighth of one percent of the interest as a servicing fee. It is represented that the Loan was in all respects commercially reasonable and in customary form and content for mortgage loans made at that time. It is emphasized that all terms and conditions of the Loan were negotiated at arm's-length.

4. The Bank repurchased the Plan's share of the Loan in a transaction effective December 31, 1980 as part of a judicially-approved settlement between the Bank and the Department, pursuant to which the Bank repurchased the interests of various employee benefit plans in a number of loans noted as probable violations by the Department. All payments on the Loan had been made in a timely fashion up to the point of the Bank's repurchase of the Plan's interest in the Loan.

5. Mr. Sheffield served as a director of the Bank at the time of the Loan but did not have or exercise any authority or control respecting the management of Plan assets, nor did he furnish any services to the Plan. Mr. Sheffield has never been an officer or employee of the Bank, nor has he ever been a member of the Bank's Trust Investment Committee. Furthermore, Mr. Sheffield was strictly a limited partner in AHA and as such, had no management responsibility or authority. The applicants emphasize that Mr. Sheffield had no involvement in the Loan transaction other than his 10

[1] The Department expresses no opinion as to the applicability of section 414 of the Act to any of the Leases.

percent limited partnership interest in AHA.

6. The applicants represent that the Loan satisfied the statutory criteria of section 408(a) of the Act due to the following:

(a) Mr. Sheffield had no involvement in the Loan other than as a limited partner in AHA; and

(b) The Loan was negotiated at arm's-length.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

Cornell-Carr Co., Inc. Profit Sharing Plan (the Plan) Located in Bridgeport, Connecticut

[Application No. D–3699]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a) and 406 (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) throught (E) of the Code shall not apply othe loan of $60,000 by the Plan to Cornell-Carr Co., Inc. (the Employer) over a ten year period, provided that the terms of the loan are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party on the date of the consummation of the transaction.

Summary of Facts and Representations

1. The Plan is a profit sharing plan established in 1977. The Plan has approximately 34 participants and total assets of $176,990 as of December 5, 1982. Mr. Bernard Costello, CPA (the Trustee) has been appointed as Trustee of the Plan. The Trustee is an independent trustee who is neither an officer, director, shareholder nor employee of the Employer, has had no prior dealings with the Employer, and is not related to any party in interest with respect ot the Plan. The Employer is a Connecticut corporation which provides welding fabricating services.

2. The applicant proposes that the Plan loan $60,000 to the Employer. This amount represents 34% of the total assets of the Plan. The proceeds of the Loan will be used for the purchase of industrial property and a building known as 490 Koussuth Street, 16 Crescent Place, Bridgeport, Connecticut (the Property). The purchase price of the Property is $100,000.

3. The Employer will give a $60,000 term note to the Plan, secured by a recorded first mortgage lien on the Property. The Property has a fair market value of $92,000. This value was established by an independent appraisal performed by Charles D. Pitcher. IFA, CRA, and reflects the fair market value of the Property as of July 21, 1982. Thus, the value of the property represents over 150% of the principal amount of the Loan.

4. The applicant represents that collateral securing the Loan will be maintained at a fair market value of no less than 150% of the outstanding balance of the Loan. The Trustee will periodically review the collateral (no less frequently than annually) and will require the Employer to secure the Loan with additional collateral if and when necessary to maintain said collateral at 150% of the outstanding balance of the Loan. Failure to provide such additional collateral within 30 days after demand by the Trustee will constitute an event of default which will require the Trustee to declare the Loan immediately due and payable.

5. The Employer will repay the Loan over a ten-year period in 120 equal installments. It is now proposed that the Loan will bear interest at the rate of 15¼% per annum. The interest rate for the Loan will be adjusted annually by the Trustee to reflect the prevailing market rate. At the time of the closing of the Loan, the interest rate will be adjusted, if necessary, to reflect the prevailing interest rate, i.e. the interest rate charged by unrelated banks in the area on similar loans.

6. As a condition to closing the Loan, the Employer will be required to take out (and maintain throughout the term of the Loan) a comprehensive "replacement cost" fire, casualty and theft insurance policy naming the Plan as loss payee to the extent of the first $60,000 in losses.

7. Mr. Costello has examined the Plan's investment portfolio with regard to the cash flow needs of the Plan, and has determined that the Loan will not detrimentally affect the cash flow needs of the Plan. He has also determined, in reviewing the Plan's portfolio, that the Plan's assets will remain sufficiently diversified after the making of the Loan in light of the diversification standards imposed by the Act. Mr. Costello has conducted an independent review of the Loan and has determined that (i) all of its terms are in the interests of the Plan and its participants and beneficiaries; (ii) it is administratively feasible; (iii) it provides independent safeguards for the protection of the Plan; and (iv) it will materially increase the yield on the Plan's investment portfolio. Mr. Costello will conduct the same review immediately before the Loan is closed. in addition, Mr. Costello will carefully and conscientiously monitor repayment of the Loan and will exercise his authority to foreclose on the collateral in the event of default. As trustee, Mr. Costello is fully aware of his fiduciary responsibilities and his personal liability under the Act for failure to meet his responsibilities.

8. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(1) The terms of the Loan reflect fair market value;

(2) The Loan will significantly increase the Plan's annual return on its total investment portfolio;

(3) The Loan will be secured by a first mortgage on real property which has been determined by an independent appraiser to have a fair market value in excess of 150% of the principal amount of the Loan;

(4) An independent fiduciary will monitor repayment of the Loan and will demand the collateral in the event of default; and

(5) The independent fiduciary has reviewed the proposed transaction and has determined that it is administratively feasible, in the interest of and protective of the Plan and its participants and beneficiaries.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 30 days of the date of publication in the **Federal Register.** Comments and hearing requests are due within 60 days of the date of publication. Such notice shall include a copy of the notice pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing.

FOR FURTHER INFORMATION CONTACT: Ms. Linda M. Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Rome Radiology Group, P.A. Money Purchase Pension Plan (the Plan), Located in Rome, Georgia

[Application No. D–3709]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act

and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) a loan (the Loan) of $220,500 by the Plan to Rome Financial Group (the Partnership), provided the terms of the transaction are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated third party; and (2) the guarantee of repayment of the Loan by the partners (the Partners) of the Partnership who are shareholders (the Shareholders) of Rome Radiology Group, P.A. (the Employer).

Summary of Facts and Representations

1. The Employer, which is engaged in the medical practice of radiology, maintains its principal place of business at 300 West Sixth Street, Rome, Georgia. the Shareholders are Messrs. Lucius S. Smith, Jack R. Edgens, Edward W. Brewster, Jr., John T. Woods, III, Jefferson D. Hanks, Jr. and William P. Harbin. Each Shareholder has a one-sixth interest in the outstanding capital stock of the Employer corporation. The Shareholders are also the Partners of the Partnership which was formed for the purpose of owning, developing, operating, leasing and otherwise dealing with real and personal property.

2. The Plan is a money purchase pension plan with six participants and total assets of $1,147,359 as of June 30, 1982. The trustee of the Plan (the Trustee) is National City Bank of Rome, Rome, Georgia. The Trustee is responsible for making investment decisions for the Plan after consultation with the plan's administrative committee which consists of Messrs. Smith, Edgens and Brewster.

3. In 1980, the Partnership acquired certain land (Parcel One) located at 1104 Martha Berry Boulevard, Rome, Georgia from an unrelated party. A building (the Building) was subsequently constructed on Parcel One for commercial rental to unrelated parties. Construction financing for the Building was obtained from the Bank in the amount of $145,000. The loan originally had a ninety day term but this was modified pursuant to a note dated August 24, 1981. The note calls for 23 monthly payments of $1,810 each, with the entire principal balance due and payable in the twenty-fourth month. The note bears interest at the rate of 12¾ percent per annum, is personally guaranteed by the Partners and is secured by Parcel One, the Building and certain improvements. As of June 14, 1982, the outstanding principal balance of the loan was $141,639.

4. On February 2, 1982, the Partnership acquired from unrelated parties an adjacent tract of land (Parcel Two) for the purpose of providing additional parking for occupants of the Building. Parcel Two is located at 504 and 506 MacDonald Street, Rome, Georgia. Parcel Two purchased for $38,500. The purchase price was financed with the proceeds of a ninety day loan from the Bank made on March 10, 1982. The loan has been renewed for an additional ninety days and it bears interest at the rate of 15½ percent per annum. The loan is guaranteed by the Partners.

5. The Partnership desires to consolidate the two Bank loans and acquire additional funds for operation and renovation expenses associated with Parcels One and Two. Therefore, the Partners are requesting and administrative exemption in order to borrow $220,500 from the Plan. The Loan will have a fifteen year term and it will bear interest at the rate of 18 percent per annum. The Loan will be payable in 180 monthly installments of principal and interest in the amount of $3,550 each. The Loan will be secured by a first in priority deed on Parcels One and Two and all improvements located thereon, including the Building. As additional security, the Loan will be secured by the Employer's accounts receivable (the Receivables). The Loan will be personally guaranteed, jointly and severally, by the Partners who had a combined net worth in excess of $1.9 million as of June 29, 1982.

6. Upon closing of the Loan, a promissory note will be executed by the Partnership to evidence the obligation along with the deed, security agreement and UCC financing statement. The security agreement will provide that an independent fiduciary designated to oversee the Loan will have the right to demand additional collateral in the event the value of the collateral falls below 150 percent of the outstanding balance of the Loan. Parcels One and Two will also be insured by the Partnership and the Plan will be named the beneficiary of the insurance policy.

7. On July 14, 1982 and August 3, 1982, Mr. Connell S. Norton (Mr. Norton), an independent appraiser from Rome, Georgia, valued Parcels One and Two. Mr. Norton placed the fair market value of Parcel One at $192,000 and Parcel Two at $39,500.

8. The Employer's Receivables represent collectibles from patients and claims from insurance companies, Medicare and other sources. On July 2, 1982, the principal balance outstanding of the Receivables was $451,554. Approximately 71 percent of the Receivables was between 0 to 120 days old and 29 percent over 120 days old. Historically, the Employer collected 86 percent of its Receivables in 1980 and 88 percent in 1981.

9. Mr. John M. Graham, III (Mr. Graham), a partner in the law firm of Smith, Shaw, Maddox, Davidson and Graham, located in Rome, Georgia has agreed to serve as the independent fiduciary for the Loan. Mr. Graham's law firm represents both the Partnership and the Employer. In addition, the firm has represented various of the principals involved in these organizations. After a review of the law firm's fees for 1981 and 1982 Mr. Graham represents that the total fees paid by the entities and their principals have totaled less than one-half of one percent of the firm's total fees.

Mr. Graham indicates he is personally familiar with the federal laws relating to qualified retirement plans inasmuch as he has participated in the drafting and planning of qualified pension and profit sharing plans and working in the area of pension, profit sharing and employee benefits. Mr. Graham also serves as the chairman elect of the Trust Committee of the First National Bank of Rome (First National) and is on the Board of Directors of this bank.

Mr. Graham has reviewed the entire file concerning the exemption application including a letter of October 25, 1982 from Mr. Gregory C. Wilkes (Mr. Wilkes), Senior Vice President and Trust officer of the Trustee bank. In that letter, Mr. Wilkes opines that the Loan is an appropriate investment for the Plan since it fits in well with the investment objectives of the Plan as well as the Trustee's practice of utilizing fixed income investments to achieve these objectives. Mr. Graham states that the representations contained in Mr. Wilkes' letter are true and that the investment strategy described is accurately portrayed and reflects sound business judgment.

Besides reviewing the terms of the Loan, Mr. Graham states that he is familiar with Parcels One and Two collateralizing the Loan since he has examined the title, inspected the site on which it is located, examined comparable properties and reviewed the appraisal prepared by Mr. Norton. In addition, Mr. Graham represents that he is familiar with the financial statuses of the Plan participants who are the guarantors of the Loan. Based on the above, Mr. Graham asserts that he is

satisfied entirely with the security for the transaction and he represents that the proposed Loan is one which is entirely appropriate and consistent with the interests of the beneficiaries and the long-term investment objectives established for the Plan. In addition, based on the initial proposal and the rate of interest to be paid on the Loan, he finds the investment to be extremely attractive in today's market and a potential enhancement to the overall rate of return to the Plan.

The Trustee, which is unrelated to First National, will monitor the Loan to ensure repayment and otherwise protect and enforce the interests of the Plan. The Trustee will serve as an ongoing Loan monitor only after the indebtedness of the Partnership to the Trustee is satisfied and the Loan is funded. The Trustee will be required to ensure that the value of the collateral is at all times 150 percent of the outstanding Loan balance and will require the Partnership to pledge additional security if the value of the collateral falls below this level.

10. In summary, it is represented that the proposed transaction will satisfy the requirements of section 408(a) of the Act because: (a) The Loan will be secured by a first in priority deed on Parcels One and Two as well as by a first security interest in the Receivables; (b) the collateral for the Loan will at all times have a value of at least 150 percent of the outstanding Loan balance; (c) the Partners will personally guarantee the Loan; (d) Mr. Graham as a fiduciary for the Plan has approved the Loan and determined that the Loan is appropriate for the Plan and in the best interests of its participants and beneficiaries; and (e) the Trustee will monitor the Loan to ensure its repayment.

For further information contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Joseph M. Wiesenbaugh, Jr., D.D.S. & Associates, P.A. Pension Plan (the Plan), Located in Hagerstown, Maryland

[Application No. D–3748]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the past and future borrowing by the Plan of the maximum loan values of life insurance policies held by the Plan on the lives of Plan participants, provided that the terms and conditions of such loans are at least as favorable to the Plan as those it could obtain from an unrelated party.

Effective date: If the proposed exemption is granted, the exemption will be effective as of August 3, 1982.

Summary of facts and representations

1. The Plan is a money purchase pension plan with 11 participants and, as of October 1, 1982, assets totalling $305,455.54. The trustee of the Plan (the Trustee) is Hagerstown Trust Company. Dr. Joseph M. Wiesenbaugh (the Administrator) is the administrator of the Plan. John Hancock Mutual Life Insurance Company (the Insurer) is the issuer of the life insurance policies in question and also provides services to the Plan. The Insurer does not serve in the capacity of a fiduciary to the Plan, according to the Trustee.

2. On August 3 and 20, 1982, loans (the Existing Loans) in the aggregate amount of $72,051.34, representing the entire cash values, were made on policies whose face amounts aggregate $785,422.00, issued on the lives of eight participants and held by the Plan. No loans have been made on the policies issued on the lives of the remaining three participants, who are new employees, because these policies do not yet have cash values on which to borrow. Interest at 6% or 8% is payable annually on the Existing Loans. There is no repayment schedule for the principal amount of each loan. Each loan matures on the death of the participant or at the election of the Trustee to pay the loan. All loan proceeds are invested in a group deferred annuity contract providing a net return of 13¾% per year.

Upon the retirement of a participant for whom such an annuity was purchased with such loan proceeds, such participant has the following options with respect to the life insurance policy: (a) The participant may receive the policy subject to the loan; (b) the Trustee may surrender the policy and pay any net proceeds thereunder to the participant; (c) the Trustee may repay the loan from other assets credited to the participant's account under the Plan and deliver the policy, free of the loan encumbrance, to the participant; or (d) the net proceeds, if any, under the policy and the amount credited to the participant under a side fund held for the Plan by the Trustee may be converted to an annuity payable to the participant in accordance with the terms of the policy and the Plan.

Upon the death of a participant for whom such an annuity was purchased with such loan proceeds, there would be a partial surrender of the group annuity contract, the loan(s) from the life insurance policy (or policies) insuring such participant would be repaid, and the participant's beneficiary would receive the full face amount(s) of the life insurance policy (or policies) plus allocations from a side fund held by the Trustee as part of the Plan's death benefits. Any future loans will be made under the same terms and conditions as the Existing Loans. It is represented that the terms and conditions of these loans are the same as those of similar policy loans made by the Insurer to other policy holders.

3. The Trustee made the decision to borrow on these policies after consulting with the Administrator. The Trustee states that the subject loans are and will be administratively feasible as policy loans involve nominal paperwork and are simple transactions, and that the subject loans will benefit and protect Plan participants and beneficiaries by producing a return in excess of the interest payable on the loans, thereby providing increased benefits to participants in the Plan.

4. In summary, the Trustee represents that the subject loans meet the exemptive criteria provided by section 408(a) of the Act: (1) for the reasons stated in 3, above; (2) because the loan terms and conditions are the same as those of similar policy loans made by the Insurer to other policy holdrs; and (3) the decision to make the loans has been and will be made by the Turstee, who has determined that the transactions are appropriate for the Plan.

For further information contact: Mrs. Miriam Freund, of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Town and Country Properties, Inc. Profit Sharing plan (the Plan), Located in Arlington, Virginia

[Application No. D–3800]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restriction of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A)

through (E) of the Code, shall not apply to the past exercise on September 11, 1981 of the voting rights of certain common stock (the Stock) owned by the Plan by Emanuel A. Baker, Jr. (Baker), a fiduciary with respect to the Plan, through which exercise Baker was elected to the board of directors of the corporation which issued the Stock.

Effective date: the effective date of this exemption is September 11, 1981 for the past exercise of the voting rights of the Stock by Baker.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 107 participants and total assets, as of December 31, 1981 of $1,980,499. Town and Country Properties, Inc. (the Employer) is the sponsor of the Plan. The Employer is engaged in the real estate brokerage business. Baker is one of three trustees of the Plan and is also a director, chief executive officer and shareholder of the Employer.

2. The plan owned 11,150 shares of the Stock which was issued by Government Services Savings and Loan Association (Government Services), a Maryland chartered savings and loan institution. The Stock was purchased in 1978 and 1979. The Plan's cost basis in the Stock is $101,193 or $9.08 per share. For the years ending March 31, 1979 and March 31, 1980, the value per share of Stock of Government Services was $13.67 and $13.78, respectively. However, as a result of various factors, by June 30, 1981, the Stock of Government Services had declined in value to $5.75 per share and losses for Government Services totaled $3,800,000. In order to protect the Plan's investment, Baker helped organize a group of dissident stockholders (the Committee) of Government Services and engaged in a proxy battle with management over the control of Government Services. Before the proxies were exercised, on September 4, 1981, the Committee and Government Services entered into a settlement agreement which provided that the management of Government Services would include several of the Committee's nominees, including Baker, among its recommendation for election to the board of directors of Government Services.

3. The settlement agreement provided that Mr. Baker would receive no salary or other remuneration in his capacities on the board of directors of Government Services until such time as Government Services reported net income from its operations. At the annual stockholders meeting on September 11, 1981, Baker, as trustee of the Plan, voted the Plan's shares of the Stock in favor of the proposed list of directors, including himself, all of whom were elected. The Plan's 11,150 shares of the Stock amounted to 1.3% of the total outstanding shares.

4. At the first meeting of the board of directors of Government Services in September of 1981, Mr. Baker made a motion, which was passed unanimously, that fees for members of the board of directors should be waived until Government Services reported at least one quarter of profitability. At no time since Baker's electon did Baker receive remuneration of any kind for his services. Further, the applicant represents that largely due to the efforts of Baker, on October 28, 1982 Government Services was acquired by Chevy Chase Saving and Loan, Inc. of Chevy Chase, Maryland (Chevy Chase) in which acquisition Chevy Chase purchased the Stock for $10.00 per share for a total of $111,500. On October 28, 1982, as a result of the merger, Mr. Baker resigned his position as a member of the Board of Directors of Government Services.

5. The applicant states that the transaction satisfies the statutory criteria of section 408(a) of the Act because: (1) The Plan had invested in the Stock; (2) the value of the Stock had declined in value; (3) Baker, as trustee of the Plan, voted the shares of the Stock to protect the Plan's investment in Government Services; (4) at no time since Baker's election did he receive remuneration for his services as a member of the board of directors of Government Services; (5) Baker resigned as a member of the board of directors of Government Services upon its acquisition by Chevy Chase; and (6) the Plan will now realize a profit on its investment in the Stock.

For further information contact: Louis Campagna of the Department, telephone (202) 523–8883. (This is not a toll-free number.)

The Carpenters District Council of Kansas City and Vicinity Vacation Plan (the Vacation Plan), and the Carpenters District Council of Kansas City and Vicinity Health and Welfare Plan (the Welfare Plan); (collectively the Plans), Located in Kansas City, Missouri

[Application Nos. L–3857 and L–3858]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(b)(2) of the Act shall not apply to the transfer by the Vacation Plan to the Welfare Plan of approximately $39,870 in residual assets.

Summary of Facts and Representations

1. The Plans, which are not parties in interest with respect to each other, are multiemployer welfare plans established in accordance with section 302 of the Labor Management Relations Act of 1947, as amended, for persons employed in the construction industry. The Vacation Plan was established on August 9, 1973 pursuant to the terms and conditions of a collective bargaining agreement between the Carpenters' District Council of Kansas City and Vicinity, AFL–CIO (the Union) and the Builders' Association of Kansas City (the Builders' Association). The Vacation Plan constitutes an irrevocable trust providing vacation and related benefits to participants and beneficiaries as well as providing for the payment of all necessary expenses of operation and administration. Employer contributions under the Vacation Plan were terminated on April 10, 1978 and since that time the Vacation Plan has been in the process of winding up its affairs. The Welfare Plan is an irrevocable trust established by the Union and Builders' Association on April 1, 1966. The Welfare Plan provides hospitalization, medical care and disability, accident and insurance coverage to participants and beneficiaries. The Welfare Plan has continued to receive employer contributions under the current collective bargaining agreement.

2. Participants under the Plans are employees covered by collective bargaining agreements negotiated between the Union and the Builders' Association. The geographical jurisdictions embraced by the collective bargaining agreements upon which the Plans are based cover several counties within the States of Kansas and Missouri. For the year ending December 31, 1978, each Plan shared common participants who numbered 3,941 persons. However, since that time, there has been no overlap of specific participants between the Plans because of the transient nature of construction workers generally. The Plans presently have (and have had in the past) an equal number of union and employer-designated trustees (the Trustees), who in some instances are identical. As of October 15, 1982, there were four Trustees administering the Vacation Plan and six Trustees serving the Welfare Plan. On a cash accounting basis, the Welfare Plan had assets totaling $5,122,000 as of May 31, 1982.

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3. As provided by the collective bargaining agreement for the Vacation Plan, the Trustees have been winding up Vacation Plan affairs since employer contributions were terminated. This process of termination will continue until such time as the transfer of monies has been accomplished to the Welfare Plan or said monies are exhausted. Under the terms of the Amended Agreement and Declaration of Trust (the Trust Agreement) creating the Vacation Plan, all funds accumulated by each participant for work performed within the geographic jurisdiction of the Vacation Plan during the calendar period are automatically paid out on an annual basis. Payments are made by check each year prior to July 20. Funds received after the annual cutoff date for accumulation of funds may be distributed at a time to be determined by the Trustees.

4. Because of the transient nature of the construction industry, the Vacation Plan has been plagued with the return of unclaimed and uncashed vacation benefit checks mailed to participants. To compensate for this situation, the Trustees are authorized by the Trust Agreement to cause funds unclaimed by a participant for one year to revert to the general account of the Vacation Plan and to be used for the payment of administrative expenses. Any checks not delivered to participants and returned to the bank or Trustees; as well as any checks not cashed within ninety days of the check, are deposited into the general account of the Vacation Plan. However, if for any reason a Vacation Plan participant has not received vacation benefits after one year (or the checks have been undelivered or uncashed after ninety days), the participant may obtain such benefits by writing the Trustees.

5. In attempting to locate a participant for the payment of vacation benefits while terminating the Vacation Plan, the Trustees have used the last known address of the participant as provided to the Union or Vacation Plan. After ninety days or the receipt of uncashed or unclaimed checks, a listing of individuals and their benefit amounts has been published in *The Kansas City Star*, a newspaper of general circulation in the Kansas City metropolitan area. Despite these efforts, the Trustees have deemed amounts remaining in the Vacation Plan to have reverted to the general account of that Plan. At March 31, 1982, the Vacation Plan had approximately $39,870 in uncommitted reserves representing unclaimed vacation benefits of 865 Vacation Plan participants.

6. The Trustees request an exemption to transfer the remaining corpus of the Vacation Plan, i.e., the $39,870 in uncommitted reserves, to the Welfare Plan within thirty days of the granting of the exemption. Included in the amount transferred will be interest income and other income received by the Vacation Plan thereafter less expenses. The assets transferred to the Welfare Plan will be used for the payment of benefits. The Vacation Plan will maintain records, provide the Welfare Plan with a list of participants not claiming benefits and notify participants of the transfer. If a participant files a claim with the Welfare Plan for vacation benefits at a later date, the Welfare Plan will indemnify and pay vacation benefits to the participant subsequent to the termination of the Vacation Plan.

7. In summary, it is represented that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (a) The transfer will be a one-time transfer of assets between the Plans; (b) the uncommitted assets of the Vacation Plan will be made available to pay benefits to the participants; and (c) the rights of Vacation Plan participants will be protected by means of indemnification by the Welfare Plan against future claims for forfeited benefits and other liabilities arising from the transfer of assets.

Notification of interested persons: Notice of the proposed exemption will be given to all interested persons within 20 days of the publication of the notice of pendency in the **Federal Register**. Written comments and hearing requests are due in the Department within 50 days from the date of publication of the proposed exemption in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Employee Profit Sharing Plan of the Rocky Mountain Distributing Company (the Plan), Located in Englewood, Colorado

[Application No. D–3903]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) The proposed sale of a parcel of real property and certain improvements (the Casper Property and the Casper Addition) by the Plan to The Rocky Mountain Distributing Company (the Employer), the sponsor of the Plan, provided the sales price is at least the fair market value of the Casper Property and the Casper Addition at the time of sale; (2) the proposed sale of a parcel of real property and improvements (the Grand Junction Property and Building), by the Plan to the Employer, provided the sales price is at least the fair market value of the Grand Junction Property and the Building at the time of sale; and (3) the assumption by the Employer of certain indebtedness of the Plan.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 29 participants. Mr. Elbert J. Barber (Barber) and his wife, Martha Barber, own 100 percent of the Employer. Barber is also a trustee of the Plan and president and a member of the board of directors of the Employer. As of September 30, 1974, 1975 and 1982 Plan assets totalled $50,000, $115,338 and $728,112, respectively.

2. In June of 1974, the board of directors of the Employer resolved to discuss with the trustees of the Plan: (1) the possibility of the purchase by the Plan of the Grand Junction Property, a vacant parcel of land located in Grand Junction, Colorado, the construction by the Plan of the Building on the Grand Junction Property, and the lease by the Plan to the Employer of the Grand Junction Property and the Building; and (2) the purchase of the Casper Property, consisting of Land and a building located in Casper, Wyoming and the lease of the Casper Property by the Plan to the Employer. The Grand Junction Property was purchased by the Plan on July 9, 1974 from a party unrelated to the Employer and the construction of the Building was subsequently commenced. The Plan paid $20,000 for the Grand Junction Property and $100,462 for the construction of the Building. To finance these costs the Plan paid $30,462 cash and entered into a loan for $90,000 with the First National Bank of Littleton, Colorado. The Building was completed in November of 1975. On November 26, 1975, the Plan leased the Grand Junction Property and the Building to the Employer for a ten year term on a "triple net" basis at a monthly rental of $1250.

3. The Casper Property was purchased by the Plan on August 2, 1974 from a party unrelated to the Employer for a total sum of $85,000 of which $30,000 was paid in cash and $55,000 was

borrowed by the Plan from the Littleton National Bank of Littleton, Colorado. The Casper Property consisted of land and a building. On August 4, 1974, the Plan leased the Casper Property to the Employer on a "triple net" basis for a ten year term with monthly rentals of $708. It is represented that the Casper Property was leased by the Plan to the employer with the understanding that the Casper Addition would be constructed on the Casper Property. The Casper Addition was built by the Plan in 1976. The Plan paid $36,343 in cash for the construction of the Casper Addition. The Casper Addition was of similar size to the existing building on the Casper Property. After construction of the Casper Addition, rental payments on the lease of the Casper Property were increased to reflect the value of the Casper Addition. It is represented that after the construction of the Building in November of 1975, 100% of the assets of the Plan were invested in the Grand Junction Property, the Building and the Casper Property.

4. On June 10, 1982, the Department denied the applicant's request for an exemption from the prohibitions of section 406 of the Act and 4975 of the Code for: (1) The past and proposed lease of the Grand Junction Property and a Building by the Plan to the Employer; (2) the past lease of the Casper Property by the Plan to the Employer from the time in 1976 when the Casper Addition was completed; and (3) the proposed lease of the Casper Property and Casper Addition by the Plan to the Employer.

5. The applicant withdrew its request for the past lease of the Casper Property by the Plan to the Employer from August 4, 1974 to the time in 1976 when the Casper Addition was completed. The applicant is presently requesting an exemption which will permit the sale of the Grand Junction Property, the Building, the Casper Property and the Casper Addition by the Plan to the Employer. The details of the sale would be as follows: (a) The sales price of the Grand Junction Property and Building would be $470,000. The price was the fair market value of the Grand Junction Property and Building as of October 12, 1982, as determined by Frank Nisley, Jr., M.A.I., an independent appraiser from Grand Junction, Colorado; (b) The Employer would pay the cash sum of $433,140.81 to the Plan for the Grand Junction Property and Building and assume the remaining indebtedness of the Plan on the Grand Junction Property and Building of $36,859.19; (c) The sales price of the Casper Property and Addition would be $300,000. This price was the fair market value, as of September 21, 1982, as determined by Elliot and Associates, independent appraisers from Casper Wyoming; (d) The Employer would pay the cash sum of $284,737.19 to the Plan for the Casper Property and Casper Addition and assume the remaining indebtedness of the Plan of $15,262.81 on the Casper Property and Casper Addition. No expenses of any kind will be charged the Plan as a result of the sale. The Employer represents that it will pay all excise taxes which are applicable under section 4975(a) of the Code by reason of the past leasing of the Grand Junction Property, the Building, the Casper Property and Casper Addition by the Plan to the Employer within 90 days of the publication in the **Federal Register** of the grant of the exemption proposed herein.

6. In summary, the applicant represents that the proposed transactions satisfy the criteria of section 408(a) of the Act as follows: (1) The sales are one time transactions for cash and the assumption by the Employer of the remaining indebtedness on the Grand Junction Property, the Building, the Casper Property and the Casper Addition, will also be one time transactions; (2) the sales prices were determined by independent appraisers; (3) no fees of any kind will be charged the Plan; (4) the Plan will be able to diversify its assets; and (5) with respect to the past prohibited leases, the Employer will fully comply with the excise tax provisions of section 4975(a) of the Code.

For further information contact: Louis Campagna of the Department, telephone (202) 523–8883. (This is not a toll-free number.)

Dakota Clinic Money Purchase Plan (the Money Purchase Plan), and Profit Sharing Plan (the Profit Sharing Plan; collectively, the Plans), Located in Fargo, North Dakota

[Application Nos. D–3907 and D–3908]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed loan of funds (the Loan) by each of the Plans to Medical Properties, Inc. (MPI), a party in interest with respect to the Plans, provided that the terms and conditions of the Loan are not less favorable to the Plans than those obtainable in a similar transaction with an unrelated third party.

Summary of Facts and Representations

1. The Plans are defined contribution plans each with approximately 150 participants. As of September 30, 1982, the Money Purchase Plan had net assets of $4,382,968, and the Profit Sharing Plan had net assets of $1,677,402. The trustee of each Plan is First Trust Company of North Dakota (the Bank). The Bank recommends investments for the Plans to a committee comprised of principals of Dakota Clinic, Ltd. (the Employer). and to the board fo directors of the Employer for their approval.

2. The Employer is the sponsor of the Plans, and is engaged in the practice of medicine. MPI is a corporation formed for the purpose of owning and leasing property and equipment to the Employer. One hundred percent of the stock of MPI is owned by 29 individuals who in the aggregate own greater than 50% of the stock of the Employer. As of September 30, 1982, MPI had a net worth of $1,468,000 and as of June 30, 1982, the Employer had a net worth, including unpaid receivables, of $3,220,000.

3. The applicant requests an exemption to allow each of the Plans to engage in the Loan. The amount of the Loan will be $1,100,000, of which the Money Purchase Plan will loan $800,000. and the Profit Sharing Plan $300,000. These amounts represent less than 20% of the net assets of each Plan. The Loan proceeds will be used by MPI to purchase a C.A.T. scanner, which will be leased to the Employer. The Loan will be amortized over a five year term with principal amounts to be paid quarterly. Interest will be payable quarterly on the unpaid principal balance, and will be equal to the greater of 4% above the rate borne by 2½ year certificate of deposits as quoted by the First National Bank and Trust Company of Fargo, North Dakota, or 10%. The interest rate of the Loan will be readjusted after 2½ years to the greater of 10% or 4% above the then prevailing 2½ certificate rate.

3. The Loan will be secured by a perfected first security interest in the C.A.T. scanner which has an original cost of $1,225,000. The Plans will be given a perfected first security interest in additional medical equipment owned by MPI. Mr. Harry R. Arneson, Jr., M.A.I., S.R.P.A., located in Fargo, North Dakota, appraised such equipment and determined, as of December 21, 1982,

that the equipment had a market value of $779,369. Therefore, the collateral securing the Loan will have an initial value of approximately $2,004,000. The applicant states that the vendors of the above equipment and the C.A.T. scanner have represented that no items of equipment will be subject to rapid decline in value in the upcoming years of usage due to technological or physical obsolescence.

4. The Employer at its own expense will insure all of the collateral against damage by fire or other loss throughout the term of the Loan, and the Plans will be named insureds to the extent of the unpaid Loan. At all times, the value of the collateral will have a value at least 150% of the unpaid balance of the Loan.

5. As additional security, MPI will assign to the Plans the lease of the C.A.T. scanner between MPI and the Employer upon the default of a Loan payment by MPI.

6. The Bank will serve as the fiduciary for the Plan with regard to the Loan. Neither MPI nor the Employer has any direct dealings with the Bank although Dr. E. P. Wenz, chairman of the board of the Employer, and a member of the board of MPI, is one of 13 members of the board of First Bank of North Dakota (First Bank). First Bank is affiliated with the Bank in that both institutions are owned by the First Bank System, a Minneapolis based holding company. The Employer has certain banking relationships with First Bank. The Employer's deposits with First Bank average less than two-tenths of one percent of the total deposits of First Bank. There are no outstanding loans between First Bank and the Employer or MPI at the present time.

7. The Bank has broad experience in administering pension and profit sharing plans and has general investment and management expertise. The Bank has reviewed the terms of the Loan, and has determined that the Loan is an appropriate investment for the Plans and will be in the best interests of the Plans and their participants and beneficiaries. The Bank will have final administrative authority control over the Loan, and will monitor and enforce the performance of the obligations of MPI under the terms of the Loan. The Bank will also make the interest adjustment to be made at the end of the 2½ year period, and will regularly determine whether or not there is a need for additional collateral in order to ensure that the total value of the collateral securing the Loan at all times exceeds 150 percent of the remaining balance of the Loan. The bank has determined that the proposed interest rate is an adequate and reasonable rate of interest to be charged on this transaction, and is satisfied that the collateral is adequate to ensure that the Plans will suffer no loss in the event of foreclosure. The Bank will also ensure that adequate insurance is maintained on the collateral, and the security agreements are properly executed and filed in order to perfect the Plans' security interests in the collateral.

8. In summary, the applicant represents that the proposed Loan will satisfy the criteria of section 408(a) of the Act because (a) the Loan will be secured by a perfected first security interest in insured collateral which will have a value not less than 150% of the outstanding Loan balance throughout the term of the Loan; (b) the Bank, an independent, qualified party, will serve as the fiduciary for the Plan with regard to the Loan, and has determined that the Loan is appropriate and in the best interests of the Plan and its participants and beneficiaries; and (c) the Bank will monitor the Loan and enforce the performance of MPI's obligations pursuant to the Loan.

For further information contact: Mr. David Stander of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Dupps Company Profit Sharing Plan and Trust (the Plan), Located in Germantown, Ohio

[Application No. D–3946]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed loan of $500,000 by the Plan to the Dupps Company (the Employer), provided that the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time of consummation of the transaction.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 68 participants and total assets as of June 30, 1982 of $4,623,064. The Plan's trustees are Messrs. John A. Dupps, Jr., Frank N. Dupps and Mark Dupps. The Employer, who is in the business of producing industrial processing equipment, had net assets as of June 30, 1982 of $19,249,808.

2. The Plan proposes to lend the Employer $500,000 in connection with the acquisition, improvement and operation by a wholly-owned subsidiary of the Employer, Germantown Rail Siding Company, of a 5 mile rail siding. The rail siding runs from the Employer's main plant in Germantown, Ohio to a point in New Carlisle, Ohio which connects with major railroad lines. The loan will be for a period of 10 years with a fixed interest rate of 15% per annum. The loan will be repaid in 120 equal monthly installments of principal and interest of $8,066.75. The loan will be secured by a recorded first mortgage on the Employer's Atlas Die Casting Building (the Property) located at 362 North Kelly Avenue, Germantown, Ohio.

3. The Property has been appraised by Douglas E. Harnish (Mr. Harnish) of J. R. Remick, Inc. of Dayton, Ohio, as having a fair market value of $800,000 as of January 6, 1983. (The Property was initially appraised by Mr. Harnish on March 16, 1979 to have a fair market value of $1,250,000, see 5 below). Thus, the loan is secured by property which is appraised at 160% of the amount of the loan. The Employer represents that it will add any additional collateral that may be required during the life of the loan to assure that the value of the collateral is at all times equal to at least 150% of the outstanding balance of the loan. The Employer represents that the Property is adequately insured and that the insurance policies will name the Plan as loss payee.

4. The Third National Bank & Trust Company (the Bank) located in Dayton, Ohio, has represented that it would lend $500,000 to the Employer for 10 years at 15% per annum. The loan would be secured by the Property with the condition that the Property's market value is equal to at least 150% of the mortgage.

5. The trustees of the Plan have appointed the Bank to serve as independent fiduciary for the proposed loan. The Bank represents that it is unrelated to any other party to the transaction for which an exemption is requested. The Bank represents that it has reviewed the proposed transaction and has found that the loan is in the Plan's best interest. The Bank will be required to make the same representation immediately prior to consummation of the loan. The Bank will also monitor and enforce the terms of the loan, including the right to ask the Employer for additional collateral if the value of the collateral securing the loan

ever falls below 150% of the outstanding balance of the loan.

The Bank states that it has discussed the appraisal with Mr. Remick, of J. R. Remick, Inc., and believes that it is adequate for the loan. Mr. Remick informed the Bank that the Property has declined in market value because it is no longer being used in the die casting business, but is rather being used as a warehouse. Also, Mr. Remick stated that industrial real estate values have remained relatively stagnant over the last 3 to 5 years. Mr. Remick represents that the decline in fair market value of the Property is more readily attributable to the change in use of the Property rather than other factors.

On the basis of the foregoing representations made by Mr. Remick, the Bank has concluded that the loan is adequately secured and that the fair market value of the Property exceeds 150% of the proposed loan.

6. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The Employer will insure the collateral and add additional collateral so that the value of the collateral securing the loan is always 150% of the outstanding balance of the loan; and

(b) The loan will be approved by and administered by an independent fiduciary.

For further information contact: Alan H. Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Fox, Goldblatt & Singer, Inc., Employees Profit Sharing Plan (the Plan), Located in St. Louis, MO

[Application No. D–3976]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed purchase by each of the individually directed accounts of Milton R. Fox, Samuel A. Goldblatt and Thomas M. Singer in the Plan of an equal undivided one-third interest in a certain parcel of improved real property (the Property) from Fox, Goldblatt, and Singer Investments, a Partnership, (the Partnership), a party in interest with respect to the Plan.

Summary of Facts and Representations.

1. The Plan is a profit sharing plan that had approximately 12 participants and total assets of $1,088,000 as of September 30, 1981. The trustees of the Plan (the Trustees) are Messrs. Milton R. Fox (Mr. Fox), Samuel A. Goldblatt (Mr. Goldblatt) and Thomas M. Singer (Mr. Singer), the sole shareholders of Fox, Goldblatt and Singer, Inc. (the Employer), the sponsor of the Plan. Messrs. Fox, Goldblatt and Singer are the partners of the Partnership. Each participant in the Plan has the right to direct the investments of his own account in the Plan. The Employer, a Missouri professional corporation, is engaged in the practice of law.

2. The applicant is requesting an exemption which would allow each of the individually directed accounts of Messrs. Fox, Goldblatt and Singer to purchase from the Partnership an equal undivided one-third interest in the Property, which is located in Belleville, Illinois. Messrs. Fox, Goldblatt and Singer consider the purchase of the Property an excellent investment for their Accounts.

3. The Property, which is encumbered by a first mortgage (the Mortgage), contains a one-story steel, masonry and glass retail tire and service store which is currently being leased by the Partnership to Goodyear Tire & Rubber Company (Goodyear), an unrelated party, under a twenty-year lease (the Lease). The Lease was entered into on July 15, 1966. As of October 14, 1982, the outstanding balance of the Mortgage, which bears an interest rate of 6.5%, was approximately $45,000. Pursuant to the Lease, Goodyear pays to the Partnership a monthly rental of $1,668 and is responsible for real estate taxes, maintenance expenses and insurance. An appraisal performed on August 3, 1982 by Wesley C. Moss, Jr. (Mr. Moss), an appraiser with Moss Bros. Real Estate, Inc. (the Company), valued the Property at $250,000. In the opinion of Mr. Moss, the Property is located in a choice area on the main street of Belleville, Illinois and the trend of that area is slow but steady in growth. Moss and the Company are independent of all parties to the proposed transaction. The proposed purchase price of the Property is $250,000. No commissions will be paid by the Plan. The respective Account balances of Fox, Goldblatt and Singer in the Plan, as of September 30, 1981 were $321,205, $287,441 and $259,443.

4. The Plan's purchase of the Property on behalf of the Accounts will be financed as follows: Each Account will pay in cash one-third of the difference between the purchase price and the outstanding balance of the Mortgage on the date of grant and will assume one-third of the obligation to pay the outstanding balance of the Mortgage.

5. It is represented that: (1) The Trustees have considered the proposed transaction in light of the financial requirements and goals of the Plan and have concluded that the would be denied the benefits of a unique investment opportunity if the requested exemption is not granted; (2) the Trustees have determined that the proposed investment is of high quality, prudent and secure and in light of the financial requirements and goals of the Plan; and (3) it will also provide the opportunity for capital appreciation and a hedge against inflation.

6. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act due to the following: (a) this transaction involves only the individually directed accounts of the Trustees and they desire that the transaction be consummated; (b) the Trustees state that the proposed purchase of the Property is an excellent investment for the Accounts; (c) the fair market value of the Property was determined by a qualified independent appraiser; and (d) no commissions will be paid by the Plan.

NOTICE TO INTERESTED PERSONS: Since Messrs. Fox, Goldblatt and Singer are only participants affected by the proposed transaction, it has been determined that there is no need to distribute notice to interested persons. Comments and hearing requests are due 30 days after the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Radiology of Tupelo, Professional Association Profit Sharing Plan (the Plan), Located in Tupelo, Mississippi

[Application No. D–3984]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A)

through (E) of the Code shall not apply to the proposed sale of a certain parcel of unimproved real property for $48,000 to the individual account of Dr. Douglas E. Clark, Jr. (Dr. Clark) in the Plan, provided that this price is not more than the fair market value of the property at the time of sale.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 15 participants and total assets as of November 26, 1982 of $970,336.51. The Plan's trustees are Messrs. Douglas E. Clark, James T. Trapp, Marshall G. Edmondson, John M. Blakey and Dan L. Brasfield. Radiology of Tupelo, Professional Association (the Employer) is in the business of providing radiological services in Tupelo and is Northeastern Mississippi.

2. The Plan provides that any participant may direct the Plan's trustees as to the investment of the balance in such participant's account. Any such investment at the direction of a Plan participant is accounted for separately and any earnings or losses affect only the account of the participant directing the investment.

3. Dr. Clark's account in the Plan (the Account) is a segregated account and only his account will be affected by the proposed transaction. The balance of Dr. Clark's account as of November 26, 1982 was $104,751.43.

4. Dr. Clark proposes to sell to the Account 80 acres (the Property) of a 130 acre tract of timber production land which is located in Pontotoc County, Mississippi. Dr. Clark proposes to sell the subject 80 acre tract to the Account for $48,000 in cash. The Account will not pay any sales commissions or fees in connection with the sale.

5. The entire 130 acre parcel was appraised on November 24, 1982 by Mr. Chris Rogers (Mr. Rogers) of Tupelo Realty Co., Inc. of Tupelo Mississippi, an unrelated party, to have a fair market value of $78,000 based on a valuation of $600 per acre. Mr. Rogers in a letter of December 28, 1982 represented that the Property to be sold to the Account would likewise have a $600 per acre value.

6. Dr. Clark believes that it is in the Account's best interest to acquire the Property because he considers the investment to be prudent and an acquisition of a reasonably appreciating and potentially income producing asset. Dr. Clark also feels that the proposed purchase price is fair for the acreage involved.

7. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act because:

(a) This transaction involves an individually directed account and cannot affect the accounts of other participants in the Plan;

(b) The purchase price to be paid by the Plan for Property was determined pursuant to an independent appraisal;

(c) No commissions or other costs will be paid by the Account; and

(d) Dr. Clark states that the acquisition of the Property is a good investment for the Account and desires that it be consummated.

Notice To Interested Persons: Since the assets in Dr. Clark's Account are the only Plan assets involved in the proposed transaction, it has been determined that there is no need to distribute notice to interested persons. Comments and hearing requests are due 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

J. C. Penney Co., Inc. (Penney), Located in New York, New York

[Application No. D–4057]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406 (a) and (b) of the Act shall not apply to the reinsurance of risks and the receipt of premiums therefrom by J. C. Penney Life Insurance Company (Penney Life) from the life insurance contracts sold by the Prudential Insurance Company of America (Prudential) to provide benefits to various employee benefit plans (the Plans) maintained by Penney, provided the following conditions are met:

(a) Penney Life—

(1) Is a party in interest with respect to the Plans by reason of a stock or partnership affiliation with Penney that is described in section 3(14) (E) or (G) of the Act,

(2) Is licensed to sell insurance in at least one of the United States or in the District of Columbia,

(3) Has obtained a Certificate of Compliance from the Insurance Department of its domiciliary state, Vermont, which has neither been revoked nor suspended; and

(4)(A) Has undergone an examination by an independent certified public accountant for its last completed taxable year immediately prior to the taxable year of the reinsurance transaction; or

(B) Has undergone a financial examination (within the meaning of the law of its domiciliary state, Vermont) by the Vermont Commissioner of Insurance within 5 years prior to the end of the year preceding the year in which the reinsurance transaction occurred.

(b) The Plans pay no more than adequate consideration for the life insurance contracts;

(c) No commissions are paid with respect to the direct sale of the contract, or the reinsurance thereof; and

(d) For each taxable year of Penney Life, the gross premiums and annuity considerations received in that taxable year by Penney Life for life and health insurance or annuity contracts for all employee benefit plans (and their employers) with respect to which Penney Life is a party in interest by reason of a relationship to such employer described in section 3(14) (E) or (G) of the Act does not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance (whether direct insurance or reinsurance) in that taxable year by Penney Life. For purposes of this condition (d):

(1) The term "gross premiums and annuity considerations received" means as to the numerator the total of premiums and annuity considerations received, both for the subject reinsurance transactions as well as for any direct sale or other reinsurance of life insurance, health insurance or annuity contracts to such plans (and their employers) by Penney Life. This total is to be reduced (in both the numerator and denominator of the fraction) by experience refunds paid or credited in that taxable year by Penney Life.

(2) All premiums and annuity considerations written by Penney Life for plans which it alone maintains are to be excluded from both the numerator and denominator of the fraction.

Preamble

On August 7, 1979, the Department published a class exemption [Prohibited Transaction Exemption 79–41 (PTE 79–41), 44 FR 46365] which permits insurance companies that have substantial stock or partnership affiliations with employers establishing or maintaining employee benefit plans to make direct sales of life insurance, health insurance or annuity contracts which fund such plans, if certain conditions are satisfied.

In PTE 79–41, the Department stated its view that if a plan purchases an insurance contract from a company that is unrelated to the employer pursuant to

an arrangement or understanding, written or oral, under which it is expected that the unrelated company will subsequently reinsure all or part of the risk related to such insurance with an insurance company which is a party in interest with respect to the plan, the purchase of the insurance contract would be a prohibited transaction.

The Department further stated that as of the date of publication of PTE 79–41, it had received several applications for exemption under which a plan or its employer would contract with an unrelated company for insurance, and that unrelated company would, pursuant to an arrangement or understanding, reinsure part or all of the risk with (and cede part or all of the premiums to) an insurance company affiliated with the employer maintaining the plan. The Department felt that it would not be appropriate to cover the various types of reinsurance transactions for which it had received applications within the scope of the class exemption, but would instead consider such applications on the merits of each individual case.

Summary of Facts and Representations

1. Penney is a large publicly held corporation organized under the laws of the State of Delaware. The dominant portion of its business consists of providing merchandise and services to consumers through retail stores, including catalog operations.

2. The Plans which are the subject of this proposed exemption are welfare benefit plans. They are: (1) A group term life insurance plan for Penney employees provided at Penney's expense; (2) contributory and non-contributory term life insurance plans for employees of Penney disabled before April 1, 1982; and (3) contributory and non-contributory term life insurance for certain retired management employees of Penney. There are approximately 136,000 participants covered under the Plans.

3. Penney Life is a stock life insurance company which was incorporated in 1900 under the laws of the State of Vermont. Penney Life is wholly owned by Penney and one of Penney's subsidiaries. Penney Life actively solicits life and accident and health insurance business in those jurisdictions where it is licensed. Penney Life is currently qualified to conduct an insurance business in 49 states, the District of Columbia, and the Commonwealth of Puerto Rico. At the end of 1981, it had capital paid up of $1,100,000 and surplus of $65,601,084. During 1981, Penney Life collected $67,884,097 in total gross premiums and annuity considerations.

4. The benefits under the Plans have been funded since 1925 by insurance contracts sold to Penney by Prudential. Prudential is a mutual life insurance company owned by its policyholders and is not related to Penney or Penney Life. Prudential proposes to enter into a reinsurance contract with Penney Life with respect to risks Prudential insures. Under the proposed reinsurance contract, Prudential will pay Penney Life 50 percent of the premiums and payments received subject to the agreement in exchange for which Penney Life will reinsure Prudential for 50 percent of the risk. the reinsurance contract in no way affects Prudential's liability for all of the benefits promised under its contracts with the Plans. The Plans are not parties to the reinsurance agreement.

5. The applicant represents that the subject reinsurance transactions will meet all of the conditions of PTE 79–41 covering direct insurance transactions:

(a) Penney Life is a party in interest as described in section 3(14)(G) of the Act with respect to the Plans because of its stock affiliation with the employer (Penney) maintaining the Plans.

(b) Penney Life is licensed to sell insurance in at least one of the United States.

(c) Penney Life was authorized to do business (as the Vermont Accident Insurance Company) in 1900. Such authorization is automatically renewed each year by the Vermont Department of Banking and Insurance and continues to be effective unless rescinded. Penney Life's certification has never been rescinded.

(d) Penney Life underwent a finanical examination by the Department of Banking and Insurance of the State of Vermont for the five years ending December 31, 1978. Starting in January, 1983, the Vermont Commissioner of Banking and Insurance is conducting a financial examination of Penney Life for the years 1979–1982.

(e) Penney Life has undergone in the past an annual examination by an independent certified public accountant in connection with the annual audit of Penney.

(f) The Plans pay no more than adequate consideration for the insurance contracts. Because Prudential is one of the largest group insurance underwriters in the country and enjoys substantial economies of scale in overall policy administration, the premium charge to the Plans is highly competitive. The proposed reinsurance transactions are not a factor in the premium computation and thus will not in any way affect the cost to the Plans.

(g) No commissions will be paid in connection with either the insurance contracts with Prudential or the reinsurance contract between Prudential and Penney Life.

(h) The gross premiums to be received in 1983 by Penney Life for its reinsurance under the proposed contract is not expected to exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance in 1983 by Penney Life. It is projected that such premiums will only amount to approximately 2 percent of Penney Life's 1983 gross premiums and annuity considerations. The applicant represents that for the future Penney Life will derive not more than 50 percent of its gross premiums from transactions involving the subject reinsurance contract.

6. In summary, the applicant represents that the subject transactions meet the criteria of section 408(a) of the Act because: (1) The insurance could not be purchased directly from Penney Life more economically than it is purchased from Prudential; (2) participants and beneficiaries of the Plans are afforded insurance protection by Prudential, one of the largest and most experienced group insurers in the United States, at competitive rates arrived at through arm's-length negotiations; (3) Penney Life is a sound insurance company which has been in business for many years, and which does a substantial amount of business outside its affiliated group of companies; and (4) each of the protections provided by PTE 79–41 to the Plans will be met under the subject reinsurance transactions.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

T.C. Consultant Pension Trust (the Plan), Located in West Orange, New Jersey

[Application No. D–4127]

Proprosed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. If the exemption is granted the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply, effective September 30, 1982, to the contribution to the Plan of 734 shares of American Telephone & Telegraph Company common stock (the Stock) by Theodore Cohn Consultant, Inc. (the Employer), the sponsor of the Plan,

provided that the Stock was valued at its fair market value as of the date is was contributed to the Plan.

Effective date: If granted, this exemption will be effective September 30, 1982.

Summary of Facts and Representations

1. The Plan is a qualified defined benefit plan with one participant, Mr. Theodore Cohn. Mr. Cohn is the sole employee and stockholder of the Employer. The Plan is administered by its two trustees, Mr. Cohn and his wife Dina B. Cohn. As of February 28, 1982, the Plan had total assets of $515,316.

2. The applicant is seeking an exemption to allow the transfer on September 30, 1982, of 734 shares of the Stock to the Plan by the Employer. The contribution of the Stock was partial satisfaction of the Employer's contribution to the Plan for the plan year that ended February 28, 1982. The Stock is publicly traded on the New York Stock Exchange (NYSE) and was valued on the date of transfer at $56.50 per share. This value was determined from the average of the Stock's high price ($57) and low price ($56) as quoted on the NYSE on September 30, 1982. The total value of the Stock contributed to the Plan was $41,471. The trustees determined that it was appropriate to add the Stock to the Plan's investment portfolio. The balance of the contribution to the Plan for the year ending February 28, 1982, ($46,264) was contributed in cash.

3. The applicant represents that the Plan did not incur any commission expenses in association with the contribution of the Stock. The applicant states that the Employer's federal tax deduction for the contribution did not exceed the fair market value of the Stock on the date it was contributed to the Plan.

4. In summary, the applicant represents that the transaction satisfies the statutory criteria of section 4975(c)(2) of the Code because (a) Mr. Cohn is the only participant affected by the transaction, and he approved the transaction and desired that it be consummated; (b) the Stock is publicly traded on a national securities exchange and was contributed at its fair market value; (c) the Plan did not incur any commission expenses with regard to the contribution; and (d) the Employer's federal tax deduction for the contribution did not exceed the fair market value of the Stock on the date of contribution.

Notice to interested persons: Because there is only one participant in the Plan there is no need to distribute notification to interested persons. Comments and hearing requests are due within 30 days of the date of publication of this notice in the **Federal Register**.

For further information contract: Mr. David Stander of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

MEBA Training Plan (the Plan), Located in Baltimore, Maryland

[Application No. L–4156]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act shall not apply to the proposed cash sale of a parcel of real property by the Plan to District No. 1–PCD, MEBA (the Union) for $400,000, provided that the terms and conditions of the transaction are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party.[1]

Summary of Facts and Representations

1. The Plan is an employee welfare benefit plan established and maintained pursuant to collective bargaining agreements between the Union and certain contributing employers. The Plan covers all active members of the Union who are employed by contributing employers. The trustees of the Plan are Messrs. Jesse M. Calhoon, William E. Coday, C. E. DeFries, Michael DiPrisco, James J. Hayes, Martin F. Hickey, Frank Kerestesy, Robert Murphy, William I. Ristine, A. P. Sasso, R. F. Schamann, Leon Shapiro and Allen C. Taylor. The Plan had total assets, as of December 31, 1982, of $19,667,660.14.

2. The Plan was established to carry out the following functions:

(a) The training of persons to enable them to pass the United States Coast Guard examinations and requirements for licensed officer positions;

(b) The training of licensed officers to assist them in the upgrading of their licenses; and

(c) The implementation of plans relating to safety in and improvement of the maritime industry.

3. On May 25, 1982, the Plan purchased for $400,000 in cash, a parcel of improved real property (the Property) located in the Easton District of Talbot County, Maryland from Ms. Alice G. Bayer, an unrelated party. The Plan purchased the Property to protect its investment in the adjacent property which it also owned. By purchasing the Property, the Plan could preclude subdivision and other development inconsistent with the training facilities maintained by the Plan on its adjacent property.[2]

4. As a consequence of the impact of the continuing recession on contributing employers, the Plan has experienced unexpected cash flow difficulties necessitating implementation of both cost reduction programs and limitation of certain benefits. The Property has never produced any income and has been subject to various holding costs, including property taxes.

5. To increase the Plan's liquidity, the Trustees are requesting an exemption to allow the Union to purchase the Property from the Plan for $400,000 in cash, its appraised value. No real estate sales commission will be charged to or paid by either the plan or the Union and any expenses of sale will be paid by the Union.

6. On January 18, 1983, Mr. Vernon J. Nily, Jr. of Nily Realty Inc., Easton, Maryland, an unrelated appraiser, appraised the Property to have a fair market value of $400,000 as of January 1, 1983.

7. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because

(a) It will be a one time transaction for cash;

(b) It will permit the Plan to dispose of a non-income producing asset without suffering a loss;

(c) It will increase the liquidity of the Plan; and

(d) All expenses of sale will be paid by the Union.

For further information contact: Alan H. Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary

[1] Since the Plan is a welfare plan, there is jurisdiction only under Title I of the Act.

[2] In this proposed exemption the Department expresses no opinion as to whether the Plan's acquisition or holding of the Property violated any provision of Part 4 of Title I of the Act.

responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 29th day of March, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-8494 Filed 3-31-83; 8:45 am]

BILLING CODE 4510-29-M

Grant of Individual Exemptions; International Reserve Equipment Corp. et al.

AGENCY: Pension and Welfare Benefit Programs Office, Labor

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

International Reserve Equipment Corporation Employees Profit Sharing Plan (the Plan) Located in Clarendon Hills, Illinois

[Prohibited Transaction Exemption 83-52; Exemption Application No. D-3275]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply, effective January 1, 1982, to the lease (including renewals thereof) by the Plan of space in an improved parcel of real property to International Reserve Equipment Corporation, a party in interest with respect to the Plan, provided that the terms and conditions of the lease are not less favorable to the Plan than those obtainable in similar transactions with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 4, 1983 at 48 FR 5397.

EFFECTIVE DATE: This exemption is effective January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

First Equities Institutional Realty Investors-1, Ltd. (the Partnership) Located in Atlanta, Georgia

[Prohibited Transaction Exemption 83-53; Exemption Application No. D-3430]

Exemption

Section I—Exemption for Certain Transactions Involving the Provision of Services by FEC [1]

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the provision of investment management services to the Partnership [2] by FEC and to the receipt of compensation for such services which is determined in accordance with an incentive compensation arrangement if the following conditions are met:

(a) The investment of plan assets in the Partnership is authorized by a fiduciary independent of FEC and the Partnership;

(b) No such authorization is made unless the authorizing fiduciary receives a copy of the Private Placement Memorandum (the Memorandum) and the Partnership Agreement which describe the respective rights of FEC and the limited partners to cash flow and capital appreciation as well as all other material rights and obligations of the partners, the services to be performed by FEC and the compensation to be received therefor;

(c) The Partnership furnishes the authorizing fiduciary a quarterly report which discloses that portion of the cash

[1] FEC is the general partner of the Partnership.

[2] References in the exemption to the Partnership shall also refer to any future partnership structured and operated in a manner identical to the Partnership.

flow and sales proceeds retained by FEC, the amount of fees paid to FEC for services rendered, the amount of reimbursements received by FEC and the total of any other fees paid to third parties by FEC for services rendered.

(d) The conditions set forth in section IV of this exemption are met.

Section II—Certain Acquisitions of Real Property

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to any sale of real property acquired by FEC during the offering period to the Partnership if the following conditions are met:

(a) The price paid by the Partnership for the property does not exceed the amount paid by FEC;

(b) The Memorandum is supplemented during the offering period with a description of the proposed investment;

(c) All such transfers are completed within 60 days after the close of the offering period; and

(d) The conditions set forth in section IV of this exemption are met.

Section III—Exemption for Certain Transactions Involving the Partnership

The restrictions of section 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the transactions described below, if the conditions set forth in section IV of this exemption are met.

(a) *Transactions with Persons Who are Parties In Interest With Respect to a Participating Plan Solely by Virtue of Being Certain Service Providers or Certain Affiliates of Service Providers.*

Any transaction between the Partnership and a person who is a party in interest with respect to a participating plan if—

(1) The person is a party in interest (including a fiduciary) solely by the reason of providing services to the participating plan, or solely by reason of a relationship to a service provider described in section 3(14) (F), (G), (H) or (I) of the Act, or both, and the person neither exercises nor has any discretionary authority, control, responsibility or influence with respect to the investment of the participating plan's assets in, or held by, the Partnership, and

(2) The person is not an affiliate of FEC.

(b) *Certain Leases and Goods.*

The leasing of real property owned by the Partnership to a party in interest with respect to a participating plan and the incidental furnishing of goods to such party in interest by the Partnership, if—

(1) In the case of goods, they are furnished by the Partnership in connection with real property owned by the Partnership,

(2) The party in interest is not FEC, and

(3) The amount involved in the furnishing of goods or leasing of real property in any calendar year (including the amount under any other lease or arrangement for the furnishing of goods in connection with the real property investments of the Partnership with the same party in interest, or any affiliate thereof) does not exceed the greater of $25,000 or 0.5% of the fair market value of the assets of the Partnership on the most recent valuation date of the Partnership prior to the transaction.

(c) *Transactions Involving Places of Public Accommodation.*

The furnishing of services, facilities and any goods incidental to such services and facilities by a place of public accommodation owned by the Partnership to a party in interest with respect to a participating plan, if the services, facilities and incidental goods are furnished on a comparable basis to the general public.

Section IV—General Conditions

(a) At the time the transaction is entered into, and at the time of any subsequent renewal thereof that requires the consent of the Partnership, the terms of the transaction are not less favorable to the limited partners than the terms generally available in arm's-length transactions between unrelated parties.

(b) The Partnership maintains for a period of six years from the date of the transaction the records necessary to enable the persons described in paragraph (c) of this section to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of the Partnership, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest shall be subject to the civil penalty that may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975(a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by paragraph (c) below.

(c)(1) Except as provided in section 2 of this paragraph (c) and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (b) of this section are unconditionally available at their customary location for examination during normal business hours by:

(A) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(B) Any fiduciary of a participating plan who has authority to acquire or dispose of the interests in the Partnership of the participating plan or any duly authorized employee or representative of such fiduciary,

(C) Any contributing employer to any participating plan or any duly authorized employee or representative of such employer, and

(D) Any participant or beneficiary of any participating plan, or any duly authorized employee or representative of such participant or beneficiary.

(2) None of the persons described in subparagraphs (B) through (D) of this paragraph (c) shall be authorized to examine trade secrets of the partnership, or commercial or financial information which is privileged or confidential.

Section V—Definitions and General Rules

For the purposes of this exemption,

(a) An "affiliate" of a person includes—

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person,

(2) Any officer, director, employee, relative of, or partner in any such person, and

(3) Any corporation or partnership of which such person is an officer, director, partner or employee.

(b) The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(c) A relationship "described in section 3(14)(F)" shall include a "relative" as that time is defined in section 3(15) of the Act (or a "Member of the family" as that term is defined in section 4975(e)(6) of the Code), or a brother, sister, or a spouse of a brother or sister.

(d) The time as of which any transaction, acquisition or holding occurs is the date upon which the acquisition is made or the transaction is entered into, or the holding commences. In addition, in the case of a transaction that is continuing the transaction shall be deemed to occur until it is terminated. If any transaction is entered

into, or an acquisition is made, on or after the effective date of this exemption, or a renewal that requires the consent of the partnership occurs on or after the effective date of this exemption, and the requirements will continue to be satisfied thereafter with respect to the transaction or acquisition and the exemption shall apply thereafter to the continued holding of the property so acquired. Nothing in this paragraph (d) shall be construed as exempting a transaction entered into by the Partnership which becomes a transaction described in section 406 of the Act or section 4975 of the Code while the transaction is continuing, unless the conditions of the exemption were met either at the time the transaction was entered into or at the time the transaction would have become prohibited but for this exemption.

For a more complete statement of the facts and representatives supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 3, 1982 at 47 FR 54580.

Written Comments and Hearing Requests

One comment was received by the Department from the applicant. In the comment the applicant recommends that for purposes of clarity a definitional section be added. The Department concurs with this request and has added such a section to the exemption (See section V).

The applicant has requested that the exemption should be expanded to cover future ventures by First Equities Corporation which are operated in substantially the same manner as the Partnership. The Department does not believe that the applicant has made a sufficient case for such relief. The Department believes that, because there may be a potential for abuse in situations involving the receipt of incentive compensation by plan fiduciaries, a blanket exemption is not warranted to provide relief for future transactions involving partnerships not fully described in the application which will be operated in "substantially" the same manner as the Partnership. In light of the comment, however, the Department has amended the proposed exemption to provide relief for any future partnership structured and operated in a manner identical to the Partnership described in the application.

The applicant has also made the following factual clarifications to the summary of facts and representations (the Summary) contained in the proposed exemption.

In paragraph 1, the applicant states that in view of the new definitional language to be contained in section V of the exemption, that the term affiliates of FEC be included within the scope of parties comprising the general partner of the Partnership. Also, that the organizers of the corporate general partner of the Partnership could also include affiliates of FEC. The applicant has also requested that in order to allow flexibility in the selection of personnel, that only a majority of the general partner's interest be held by officers, directors, employees or affiliates of FEC.

In paragraph 3 of the Summary, the applicant points out that the properties to be acquired by the Partnership will "not necessarily" be identified at the time the plans acquire their interest in the Partnership, however, the Partnership will be operated in accordance with written investment objectives and policies described in the Memorandum given to each plan fiduciary.

In paragraph 6 of the Summary, the acquisition fees and monthly partnership management fee are defined. The applicant states that for purposes of consistency when defining these terms, the fees are based on a percentage of aggregate initial capital contributions rather than as stated in the proposal.

In paragraph 9 of the Summary, the applicant points out that, with respect to the disposition or refinancing of Partnership real property, the net proceeds are to be returned 100% to the limited partners until their net capital contribution is recouped together with any unpaid distribution preference due and thereafter shall be distributed 80% to the limited partners and 20% to FEC.

In paragraph 14 of the Summary, the applicant wishes to clarify that FEC will at all times receive 1% of Partnership cash flow until such time as the partners receive their distribution preference. At that time, FEC will then be entitled to receive 20% of cash flow, as opposed to 80% by the limited partners. The applicant further points out that the Agreement provides that any transaction giving rise to a distribution of sale proceeds to FEC is subject to prior approval of holders of 60% of Partnership units and 60% of the limited partners on a per capita basis.

The Department has considered the above stated information and believes that no material changes need to be made to the exemption.

The applicant also requested that the language contained in paragraph 10 of the proposed exemption, whereby the Department states that it is not proposing an exemption for certain services provided by FEC that appear to be covered by the statutory exemption be amended. The applicant represents that the above statement should state that the Department is not proposing an exemption for certain services provided by FEC such as those services described in paragraphs 6 and 7 above * * *. The Department believes that determinations as to what comes under the statutory exemption for service providers is inherently factual and therefore does not believe that the additional language requested by the applicant should be added. The Department believes that such determinations should be made by the appropriate plan fiduciaries.

The applicant has also requested that the exemption language contained in the proposal be modified so that diversification of plan assets invested in the Partnership is considered. The exemption proposed does not relieve any plan fiduciaries from the diversification requirements set forth in section 404 of the Act. The responsibility for determining appropriate diversification is the responsibility of each plan fiduciary and the Department is not prepared to rule on this issue.

Finally, the applicant states that the condition contained in section II(c) of the proposed exemption, that the sale of real property acquired by FEC during the offering period to the Partnership must be completed within 60 days of purchase by FEC, would effectively preclude FEC from acquiring certain properties for the Partnership in the early months of the offering. The Department has considered this comment and has modified condition II(c) of the exemption to provide that sales of real property must be completed within 60 days after the close of the offering period.

The Department has considered the applicant's comments and has determined to grant the exemption with the changes listed above.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Price, Raffel and Associates Incorporated Located in Los Angeles, California

[Prohibited Transaction Exemption 83-54; Exemption Application No. D-3487]

Exemption

The restrictions of section 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (E)

and (F) of the Code, shall not apply to the provision of real estate finders services and the receipt of fees from third parties in conjunction with the provision of such services by Price, Raffel and Associates (PRA) to employee benefit plans (the Plan(s)) which may contract for plan administration services with PRA or its subsidiary Price, Raffel and Associates Administrators Incorporated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 22, 1982 at 47 FR 47108.

Written Comments and Hearing Requests

Two comments were received by the Department from employee benefit plans for which PRA provides plan administration services. One comment supported the granting of the proposed exemption, stating that to permit PRA to render finder services would be in the best interest of the Plans by providing an exposure to investment in real estate transactions through an entity in which the Plans have trust and confidence arising out of prior relationships. The other commentator opposed the granting of the exemption by suggesting that the proposed arrangement would sanction a potential conflict of interest when PRA presented real estate investment opportunities to the Plans because of its existing service provider relationship. The Department has sought clarification from the applicant regarding the actions by PRA in contacting client plans concerning possible investments in real estate financing. PRA has represented that its contacts with client plans have merely been to apprise them that PRA is engaged in the practice of providing real estate finders services. The Plans are under no obligation to participate or avail themselves of the services being offered. PRA is providing this service at no cost to the Plans and views participation as entirely a decision to be made by the respective Plans. The Department has also reviewed the entire record and determined that the disclosure conditions contained in the proposed exemption provide adequate notice of PRA's role in the transaction and that PRA's role as a finder for plan investments in real estate should not prejudice any existing relationships.

Additionally, the applicant has raised the possibility that more than one client plan might participate in a partnership venture or otherwise share the investor interest in a real estate transaction. PRA suggested the following sentence be added to the text of the final exemption. "PRA anticipates that in many instances the Plans may wish to enter into partnership or other joint arrangements whereby each Plan provides a portion of the funds to be loaned to the Borrower or participate with others in providing funds to the Borrower." Because the proposed language was not contained in the notice of proposed exemption, interested parties were not afforded an opportunity to comment thereon. Therefore, the Department has determined not to incorporate the language in the text of the exemption. Accordingly, the Department has decided to grant the exemption as proposed.

For further information contact: Paul R. Antsen of the Department, telephone (202) 523–6915. (This is not a toll-free number.)

Retirement Plan of Girard Bank (the Plan) Located in Philadelphia, Pennsylvania

[Prohibited Transaction Exemption 83–55; Exemption Application No. D–3681]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply, effective December 27, 1982, to (1) the proposed 99 year lease by the Plan of a certain parcel of land and improvements thereon (the Property) from Girard Bank (the Bank), the Plan sponsor; (2) the proposed sublease, for ten years, of the Property by the Plan to Girard Realty Corporation (GRC), a party in interest with respect to the Plan; (3) the proposed sublease, for ten years, of the Property by GRC to the Bank; and (4) the possible purchase of the property by the Plan from the Bank, provided that the terms and conditions of all the aforementioned transactions are no less favorable to the Plan than those which the Plan could obtain in arm's length transactions with unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 28, 1982 at 47 FR 57789.

Written comments and hearing requests: No requests for a hearing were received by the Department. However, the Department received two public comments. One commentator expressed her approval of the proposed exemption. Another commentator objected to the proposed exemption on the grounds that a certified historical building may not be easily marketable and that the building in its present form is of limited, specialized use, and also on the grounds that the trustee of the Plan may have a conflict of interest with regard to the proposed transactions.

The Bank and Strouse, Greenberg and Co. (Strouse), the independent fiduciary for the Plan, have addressed the comments. With respect to the concern that the Property, which includes a certified historical building, may not be easily marketable, Strouse, which made its own appraisal of the Property on December 7, 1982, states that the historical certification in this instance should have a positive, rather than a detrimental effect on the marketability of the Property. Strouse states that the building (the Building) on the Property is architecturally distinguished and historically significant and offers excellent exposure and corporate identity. Additionally, two independent appraisals submitted by the applicants indicate that the Building's highest and best use is as an office building with the street level floor being used as a banking or commercial establishment. Zoning in the area permits both commerical and residential uses.

Regarding the possible conflict of interest of the Bank, as the trustee of the Plan, the Department notes that Strouse has been appointed as an independent fiduciary for the Plan with respect to the proposed transactions. Strouse, which is independent of all parties to the proposed transactions, will approve and monitor the leases on behalf of the Plan, will be the sole party to decide, on behalf of the Plan, whether to exercise the Plan's options to purchase the Property or to terminate the leases, and additionally, Strouse will take any steps necessary to enforce the rights of the Plan with regard to the subject transactions.

Therefore, after consideration of the enitre record, including the comments, the Department has determined to grant this exemption as originally proposed.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523–8972. (This is not a toll-free number.)

Richard K. Archer, M.D., P.A. Defined Benefit Plan and Trust (the Plan) Located in Amarillo, Texas

[Prohibited Transaction Exemption 83–56; Exemption Application No. D–3702]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the proposed contribution to the

Plan of certain improved real property (the Property) by Richard K. Archer, M.D., P.A. (the Employer), the sponsor of the Plan; (2) the proposed lease of the Property to the Employer; (3) the personal guaranty of Richard K. Archer (the Trustee), the Trustee of the Plan, of the rent under the proposed lease; and (4) the guarantees of the Employer and the Trustee, that the Plan will receive the appraised fair market value of the Property in any sale of the Property by the Plan, provided that the terms and conditions of such transactions are at least as favorable to the Plan as those which the Plan could receive in similar transactions with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 4, 1983 at 48 FR 5399.

For Further Information Contact:

Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

Extension of Part IX of PTE 77–11, for Certain New Transactions Involving the Central States, Southeast and Southwest Areas Pension Fund Located in Chicago, Illinois

[Prohibited Transaction Exemption 83–57; Exemption Application No. D–3875]

Exemption

The restrictions of sections 406(a) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall continue not to apply to new transactions between the Fund and certain non-fiduciary parties in interest and disqualified persons. The exemption is effective October 3, 1982, and expires with respect to each independent asset manager when the manager ceases to have responsibility for Fund assets under the current asset management agreements that have been in effect since October 3, 1977.

For more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 7, 1983 at 48 FR 907.

For Further Information Contact:

David A. Rood of the Department, telephone (202) 523–8368. (This is not a toll-free number.)

Equitable Life Assurance Society of the United States (Equitable) Located in New York City, New York

[Prohibited Transaction Exemption 83–58; Exemption Application No. D–3895]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to: (1) The past and proposed acquisition by Equitable of shares of the common stock of Equitable Life Mortgage and Realty Investors (Telmari) from certain employee benefit plans (the Plans), with respect to which Equitable is a party in interest, provided that the price received by the Plans is at least equal to the price received by other shareholders of the Telmari common stock; and (2) the assumption by Equitable of the obligations of Telmari notes resulting in an extension of credit between Equitable and certain of the Plans.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 4, 1983 at 48 FR 5403.

Effective Date: This exemption is effective October 8, 1982.

For Further Information Contact: Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

Rodey, Dickason, Sloan, Akin & Robb, P.A. Profit Sharing Plan and Trust (the Plan) Located in Albuquerque, New Mexico

[Prohibited Transaction Exemption 83–59; Exemption Application No. D–3951]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the refinancing of a loan made by the Plan to Rodey, Dickason, Sloan, Akin & Robb, P.A., the sponsor of the Plan, provided that the terms and conditions of the refinancing are not less favorable to the Plan than those obtainable in a similar transaction with an unrelated third party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 28, 1983 at 48 FR 4072.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 29th day of March 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83–8486 Filed 3–31–83; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–3719]

Withdrawal of the Proposed Exemption Involving the Profit-Sharing Plan and Trust for Employees of the Havi Corporation and Its Subsidiaries Located in Hinsdale, Illinois

In the Federal Register dated December 28, 1982 (47 FR 57790), the

Department of Labor (the Department) published a notice of pendency of a proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1954. The notice of pendency concerned an application filed on behalf of the Havi Corporation and its Subsidiaries.

In a letter of February 23, 1983, the applicants' representative notified the Department that an exemption for the transaction described in the above cited notice was no longer sought. Accordingly, the representative requested that the application for exemption be withdrawn from consideration by the Department.

Signed at Washington, D.C., this 25th day of March 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-8492 Filed 3-31-83; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background: The Department of labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review: On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) Since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.
The title of the form.
The Agency form number, if applicable.
How often the form must be filled out.
Who will be required to or asked to report.
Whether small business or organizations are affected.
The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.
An estimate of the number of responses.
An estimate of the total number of hours needs to fill out the form.
The number of forms in the request for approval.
An abstract describing the need for and uses of the information collection.

Comments and questions: Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earlierst possible date.

New

Employment Standards Administration
Wage Statement
WH-501 and WH-501a
Weekly
Individuals or households; farms; business or other insitutions
Small business or organization
SIC: 013, 016, 017, 018, 019
15,000.000 responses; 101,700 hours; 2 forms

Sections 201(d) and (e) and 301 (c) and (d) of the Migrant and Seasonal Agricultural Worker Protection Act requires each farm labor contractor, agricultural employer/association which employs any migrant or seasonal agricultural worker to make and keep for each worker during each pay period specific information, to provide a written copy to each worker and to the person to whom the worker was furnished. Such person and the person to whom the worker was furnished must preserve such payroll information for three years.

Revision

Employment Standards Administration
29 CFR Part 500; Migrant and Seasonal Agricultural Worker Protection
WH-1455
On occasion
Individuals or households; farms; business or other institutions
Small business or organization
SIC: 013, 016, 017, 018, 019
400 responses; 83 hours

The Migrant and Seasonal Agricultural Worker Protection Act becomes effective 4-14-83 and requires 1) insurance companies shall not cancel FLC policies without a 30-day written notice by crtified or registered mail to the Administrator 2) any person who intends to house migrant agricultural workers must submit a statement identifying housing to be used and duration of requested use to the Department.

Signed at Washington, D.C. this 25th day of March, 1983.

Paul E. Larson,

Department Clearance Officer.

[FR Doc. 83-8551 Filed 3-32-83; 8:45 am]

BILLING CODE 4510-27-M

[Secretary of Labor's Order 4-83]

Renaming the Office of the Assistant Secretary of Labor for Veterans' Employment

March 24, 1983.

1. *Purpose.* To change the name of the Office of the Assistant Secretary of Labor for Veterans' Employment.

2. *Background.* Responsibilities of the Assistant Secretary of Labor for Veterans' Employment were recently expanded to include administration of the veterans' reemployment rights programs. Because the added responsibilities are employment related, they are readily accommodated by the title of that Assistant Secretary. However, another important responsibility of the Assistant Secretary is that related to the training of veterans for meaningful employment, but training is not reflected in the title of the Assistant Secretary. That will be corrected by incorporating the words "and training" into the title of the Assistant Secretary as provided for in this Order.

3. *Veterans' Employment and Training Service (VETS)* a. It is hereby ordered that the Office of the Assistant Secretary of Labor for Veterans Employment be redesignated the Veterans' Employment and Training Service. The Service will be headed by an Assistant Secretary of Labor for Veterans' Employment and Training.

b. All employees of the previously named Office of the Assistant Secretary of Labor for Veterans' Employment are redesignated employees of the Veterans' Employment and Training Service.

c. All programs, activities, functions, and responsibilities delegated to the previously named Office of the Assistant Secretary of Labor for Veterans' Employment are redesignated programs, activities, functions, and responsibilities of the Veterans' Employment and Training Service.

4. *Authority and Directives Affected*

a. *Authority.* This Order is issued pursuant to the Act of March 4, 1913 (37 Stat 736), and Reorganization Plan No. 6 of 1950.

b. *Directives Affected.* Secretary's Order 5–81 is canceled. Secretary's Order 1–83 remains in effect except that "and Training" is added to the Assistant Secretary of Labor for Veterans' Employment title as appropriate.

5. *Effective Date.* This Order is effective immediately.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 83–8552 Filed 3–31–83; 8:45 am]

BILLING CODE 4510–23–M

PANAMA CANAL COMMISSION

Agency forms submitted to the Office of Management and Budget for Clearance.

AGENCY: Panama Canal Commission.

ACTION: Notice of information collection request; revision.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Panama Canal Commission (PCC) hereby gives notice that it has submitted to the Office of Management and Budget (OMB) an SF–83, "Request for OMB Review," for revision of certain PCC forms which are a part of the information collection request called Subchapter C (Shipping and Navigation) of Chapter I, Title 35, Code of Federal Regulations.

ADDRESS: Written comments may be sent to Barbara Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, Suite 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004 or to Anita Ducca, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3228, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For a complete copy of the information collection proposal or related information, contact Barbara Fuller, telephone 202–724–0104.

SUPPLEMENTARY INFORMATION: On December 24, 1981, OMB approved an information collection proposal submitted by the PCC in conjunction with a revision of its navigation regulations, and assigned it the control number 3207–0001. The forms required by those regulations, which make up the information collection request, include the "Incoming Passenger List," "Transit Passenger List," and "Request for Transit Booking or Cancellation" forms.

It is proposed that the existing forms known as "Incoming Passenger List," PCC Form No. 18, and "Transit Passenger List," PCC Form No. 20, be consolidated into one form and modified to meet this agency's post-treaty requirements. Less information is required because customs responsibility has been turned over to the Republic of Panama. No new information is being required. The consolidation of these two forms into one new form, to be called "Passenger List," PCC Form No. 20, will reduce the burden on the Government (e.g., cost of printing), and elimination of some items will reduce the burden on the public.

On October 5, 1981, pursuant to Executive Order 12291, OMB approved the Canal Commission's proposed rule announcing a test of a transit booking system for the Panama Canal. The proposed rule was published on December 8, 1981 (46 FR 60013). After consideration of comments received in response to the December 8 announcement, the Canal Commission published on January 21, 1982 (47 FR 2991), an interim rule initiating a test of the booking system. The final rule announcing permanent implementation of the transit booking system, effective April 4, 1983, was published on March 4, 1983 (48 FR 9253). During the test period of the Panama Canal Transit Booking System it became apparent that the use of a single form for both booking and cancellation was confusing. It is therefore proposed that the existing form "Request for Transit Booking or Cancellation," PCC Form No. 4623, be replaced by two separate forms, to be called "Request for Transit Booking," PCC Form No. 4623, and "Transit Booking Cancellation," PCC Form No. 4633. The use of two forms, which will be printed on different colors of paper, is being proposed in order to facilitate distinguishing between requests for booking and requests for cancellation of booking and to make it easier for vessel agents to make the requests. The new form "Request for Transit Booking," PCC Form No. 4623, will also reflect the lowering of the booking fee from $0.26 to $0.23 per Panama Canal gross ton. No new information has been added to the proposed forms.

Dated: March 11, 1983.

Fernando Manfredo, Jr.,

Deputy Administrator, Senior Official for Information Resources Management.

[FR Doc. 83–8428 Filed 3–31–83; 8:45 am]

BILLING CODE 3640–02–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22890; (70–6847)]

Alabama Power, Co., Proposed Financing of Pollution Control Facilities

March 24, 1983.

Notice is hereby given that Alabama Power Company ("Alabama") (600 North 18th St., Birmingham, Alabama, 35291) an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

Pursuant to Commission authorization (File No. 70–5568), Alabama entered into an Installment Sale Agreement dated as of December 1, 1974, and supplements thereto dated as of December 1, 1976, and May 1, 1980 ("Agreement") with the Industrial Development Board of the City of Mobile, Alabama ("Board") to finance certain pollution control facililities at Alabama's Barry and Chickasaw steam plants (such facilities at such plants being referred to hereafter as the "Project"). In accordance with such Agreement, the Board purchased the then existing portions of the Project, undertook to complete its construction, and to sell the completed Project to Alabama for a purchase price payable in semi-annual installments over a term of years. To secure its obligations under the Agreement, Alabama granted to the Board a security interest in the Project subordinate to the lien of the Indenture dated as of January 1, 1942, between Alabama and Chemical Bank, as Trustee, as supplemented and amended. The Board issued its Series A pollution control revenue bonds, Series B pollution control revenue bonds, and Series C pollution control revenue bonds pursuant to a Trust Indenture dated as of December 1, 1974, and supplements thereto dated as of December 1, 1976, and May 1, 1980, respectively ("Indenture"), in the aggregate principal amount of $44,550,000, then estimated to

be sufficient to cover the Cost of Construction (as defined in the Agreement) of the Project. The Board assigned all its right, title, and interest in the Agreement, including such subordinate security interest, to the trustee under the Indenture ("Revenue Bond Trustee") as security for the pollution control revenue bonds.

The proceeds of the sale of the bonds were deposited by the Board with the Revenue Bond Trustee and have been applied to the payment of the Cost of Construction of the Project. However, Alabama has determined that the total Cost of Construction of the Project will exceed the proceeds of the bonds. Consequently, Alabama proposes to request that the Board issue up to $22,000,000 principal amount of Series D revenue bonds ("Third Additional Bonds"). Upon issuance of the Third Additional Bonds, Alabama's obligation under the Agreement to make semi-annual purchase price payments will, as provided in the Agreement, be increased to require additional payments sufficient (together with other moneys held by the Revenue Bond Trustee under the Indenture for that purpose) to pay the principal of, premium (if any), and interest on the Third Additional Bonds as they become due and payable. The Board and the Revenue Bond Trustee will enter into a supplement to the Indenture providing for the Third Additional Bonds. As with the prior bonds, the Third Additional Bonds will mature in not more than 30 years and may have serial maturities and/or a mandatory redemption sinking fund calculated to retire a portion of them prior to maturity. Alabama and the Board will execute and deliver to the Revenue Bond Trustee, as required by the Indenture, a supplement to the Agreement providing for the payment of all expenses and costs incurred or to be incurred by virtue of the issuance of the Third Additional Bonds.

It is contemplated that arrangements will be made by the Board with one or more investment bankers providing for the placement or underwriting of the Third Additional Bonds. In accordance with the laws of the State of Alabama, the interest rate to be borne by the Third Additional Bonds will be fixed by the Board and will be either a fixed rate or a rate which will fluctuate in accordance with a specified prime or base rate or rates. Bond counsel will issue an opinion that interest on the Third Additional Bonds will be exempt from federal income taxation. Alabama has been advised that the annual interest rates on obligations the interest on which is tax exempt recently have been and can be expected at the time of issue of the Third Additional Bonds to be approximately two and one-half to three and one-half percentage points lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to federal income taxation.

The application and any amendments thereto are available for public inspection through the commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 20, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8450 Filed 3-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22885; (70-6853)]

Kingsport Power Co. and American Electric Power Co., Inc., Proposed Sale and Leaseback of Assets and Guaranty by Holding Company

March 22, 1983.

In the Matter of Kingsport Power Co., 422 Broad Street, Kingsport, Tennessee 37662 and American Electric Power Co., Inc., 180 East Broad Street, Columbus, Ohio 43215.

American Electric Power Company, Inc. ("American"), a registered holding company, and its electric utility subsidiary company, Kingsport Power Company ("Kingsport"), have filed a declaration with this Commission pursuant to Section 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder and other applicable provisions of the Act.

Kingsport owns certain land and a service building and improvements thereon (collectively the "Property") located in Kingsport, Tennessee, and proposes to sell the Property to Elport Associates Limited Partnership ("Owner"), a Connecticut limited partnership to be organized by Integrated Resources, Inc. The Owner will thereafter immediately lease the Property to Kayport Realty Corp. ("Lessor"), a subsidiary of Integrated Resources, Inc., under a "Master Lease", and, simultaneously therewith, the Lessor will sublease the Property back to Kingsport under a Sublease Agreement ("Lease"). Kingsport will be entitled to use the Property for a Primary Term of up to 25 years plus six 5-year optional consecutive Extended Terms. American proposes to execute and deliver to Lessor a guaranty pursuant to which it will guarantee performance of Kingsport's obligations under the Lease.

The building and improvements were constructed by Kingsport and placed in its service in 1981. The sale price to the Owner is estimated to be approximately $3,000,000 plus closing expenses included at the option of Kingsport. To finance the purchase of the Property, the Owner has obtained a 13% annual rate for a first mortgage loan covering approximately 85% of the sale price through a private placement of its notes. As additional security for this loan, an assignment of the Lease rentals will be made to the lender. Such loan will be for a term of 25 years, amortized on a 20.6 years schedule for the first 15 years, and retired completely over the remaining 10 years.

During the Primary Term, the Lease rentals would result in an effective interest cost to Kingsport of approximately 11.52% per annum. Kingsport will have the option to purchase the Property at the end of the 25-year Primary Term and at the end of the second, fourth, and sixth Extended Term at a price equal to the fair market value of the Property considered as encumbered by the Lease. The Lease will be a net lease under which Kingsport will be responsible for all maintenance and, as additional rent, all property and sales taxes (except for taxes based on or measured by net income or net worth of the Lessor). After the 10th year of the Primary Term, Kingsport will have the right to terminate the lease for economic reasons by making a rejectable offer to purchase the Property for a price equal to the greater of (I) the fair market value of the Property considered as unencumbered by the Lease or (II) the price determined as set forth in a schedule of the Lease.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or requests

a hearing should submit their views in writing by April 18, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so request will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8445 Filed 3-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19622; (SR-PSE-83-02)]

Pacific Stock Exchange, Inc., Order Approving Proposed Rule Change

March 22, 1983.

In the Matter of Pacific Stock Exchange, Inc., 618 South Spring Street, Los Angeles, California 90014.

I. Introduction

The Pacific Stock Exchange, Inc., ("PSE") submitted on January 21, 1983, copies of a proposed rule change, pursuant to Section 19(b)(1) of the Securities and Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to impose charges which are applicable to PSE specialists and option market makers in connection with the execution of trades through the Intermarket Trading System ("ITS"). Specifically, these charges would include a fixed charge of $250 per month on each PSE specialist, and a charge of $.005 per share on the net number of shares executed by each PSE specialist and option market maker, as principal, through ITS in market centers other than PSE.[1]

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by issuance of a Commission Release, [2] and by publication in the **Federal Register**.[3] Letters from two commentators were received with respect to the proposed rule change.[4]

II. Comment Letters

A comment letter was submitted by Pettit & Martin ("P&M"), legal counsel on behalf of K. J. Keeley & Company, Inc., a PSE specialist firm.[5] In its comment letter, P&M urged the Commission to disapprove the proposed charges, asserting that the charges, if implemented, would (1) create a disincentive to the development of the National Market System ("NMS"), and (2) not constitute an equitable allocation of reasonable charges among members of the PSE.

Specifically, P&M believed that the charges "would discourage PSE specialists and option market makers from using the ITS to initiate trades on other exhanges, encourage localization or fragmentation of trades, and thereby result in a less efficient execution of trades." In addition, P&M believed that approval of the charges would set a precedent for other exchanges to implement ITS-related charges, thereby exacerbating fragmentation by creating widespread disincentives to the use of ITS.

P&M also argued that the proposed PSE charges would not constitute a "fair and equitable allocation of reasonable . . . charges among * * * members" of the PSE, pursuant to Section 6(b)(4) of the Act. In this respect, while not contesting that PSE specialists and option market makers were the heaviest users of the PSE's ITS facilities, P&M noted that the charges would fall only on PSE specialists and option market makers, although all PSE members have access to ITS. As a result, P&M argued that the proposed charges would "plainly and unfairly" discriminate against PSE specialists and option market makers. Furthermore, P&M suggested that the proposed PSE charges would discriminate against PSE specialists and option market makers in the context of intermarket trading. In this regard, P&M felt that if the charges were passed along to customers, a PSE specialist would be placed at a competitive disadvantage to non-PSE specialists, because the latter, not being subject to the charges, could execute customers' orders more cheaply through ITS. P&M then argued that if a PSE specialist or option market maker absorbed these charges in order to remain competitive, it might have its profits seriously impaired, thereby reducing its ability to "compete effectively, which would be harmful to the capital market system."

Finally, P&M believed that the proposed charges would not be related to the cost of operating ITS because the predominant part of the charges would be variable in nature (applied on a per share basis) whereas ITS operating costs appear to be primarily fixed. Accordingly, P&M asserted that "it would not be equitable to charge for use of the ITS on a basis which has little relation to the costs of its operation."

In its comment letter, the PSE stated that its proposed specialist charges were consistent with the objectives of an NMS.[6] In this regard, the PSE felt that the formula developed to compute the applicable charges for transactions executed on ITS would encourage PSE specialists to disseminate competitive quotations within ITS so as to attract order flow from other market centers to the PSE, thus assisting the further development of the NMS. In addition, the PSE noted that the proposed charges would fall only on principal transactions, and, states that therefore, P&M's argument that the charges would be passed on to customers appeared to presume mistakenly that the charges also would be applied to agency trades.

The PSE also indicated that the proposed charges were developed after considerable input was received from PSE specialists and option market makers which are acknowledged to be the heaviest users of the system. In this regard, the PSE stated that an Exchange committee composed of Exchange members representing a cross section of members associated with trading activity on the equity floor (the two option floor governors were also invited to attend committee discussions) had

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[1] For a further description of the proposed rule change, *see* Securities Exchange Act Release No. 19485 (February 3, 1983), 48 FR 6224.

[2] Securities Exchange Act Release No. 19485 (February 3, 1983).

[3] 48 FR 6224 (February 10, 1983).

[4] Letter from Michael F. Perlis, Pettit & Martin, to George A. Fitzsimmons, Secretary, SEC, dated February 28, 1983; Letter from Jerry M. Gluck, Vice President and General Counsel, PSE, to George A. Fitzsimmons, Secretary, SEC, dated March 10, 1983. The PSE also submitted supplemental comments on March 11, 1983.

[5] The commentator also indicated that the comment letter had been reviewed and was supported by the following PSE specialists and option market makers: Shiels Hoelscher & Company, W and D Securities, Daryl Willoughby, Ken Moore, Alan Schmidt, Leroy Klozemann and John George. In addition, by letter dated March 17, 1983, the commentator indicated that 32 option market makers supported its position. *See* Letter from Michael F. Perlis, Pettit & Martin, to George A. Fitzsimmons, Secretary, SEC, dated March 17, 1983.

[6] The PSE also noted that the ITS Plan permits participants to impose charges directly related to the operation of the system so long as the charges are not excessively high to discourage use of ITS. *See* Section 11(b) of the Plan for the Purpose of Creating and Operating an Intermarket Communications Linkage Pursuant to Section 11A(a)(3)(B) of the Act.

examined the charges and believed that the charges were both necessary and equitable. Moreover, the committee indicated that specialists generally would not consider the charges as an important factor in deciding whether or not to trade through ITS. The PSE also indicated that it will review the fee structure periodically to ensure that the charges continue to be set at an appropriate level.[7]

III. Discussion

This PSE's proposed rule change raises the issue of what, if any, fees are appropriate for a self-regulatory organization to impose on its members in connection with the operation of an NMS facility.[8] In particular, the Commission would be concerned if any such fee acts as a disincentive to the use of an NMS facility such as ITS or otherwise interferes with best and efficient execution of customers' orders. The Commission has carefully examined the proposed PSE charges in light of the statutory standards and the comments received, and has determined that the rule change would not act as a disincentive to the use of ITS, and is otherwise consistent with the requirements of the Act.

The Commission is sensitive to the concerns raised in P&M's comment letter that the proposed charges would affect adversely the developing NMS. After carefully evaluating those concerns, however, the Commission believes that they will not, to any appreciable degree, arise as the result of the PSE's proposed ITS user charges. The proposed charges appear to be carefully designed not only to avoid disincentives to the use of ITS, but also to encourage more competitive market making on the part of PSE specialists. First, the per share charges apply only to the net principal order flow exported through the ITS to other market centers. As a result, if a PSE specialist normally maintains a balanced use of ITS (i.e., receives an equal number of orders through ITS as it sends), the proposed per share charges would not have any impact on the specialist and would therefore clearly not create any disincentives to the use of ITS on the floor of the PSE.[9] Thus, it would appear that the per share charges actually would act as an incentive for PSE specialists to maintain competitive quotations in order to attract order flow, thereby fostering enhanced competitive opportunities for brokers to execute investor's orders in the best market.[10] In addition, the Commission notes that the proposed rule change would not act as a disincentive to use of ITS to route agency orders, because use of the system in this manner would not result in the assessment of charges.[11]

Moreover, even to the extent that a specialist or option market maker uses ITS primarily to export orders, as principal, or to lay off or hedge proprietary positions,[12] the Commission believes that the per share charges are not of such a magnitude to cause those users to forego using ITS in situations where they would have otherwise utilized the facility.[13] In addition, as a result of the existence of ITS trade-through rules,[14] it would appear that PSE specialists would continue to route orders to the ITS market center quoting the best price unless they were willing to trade at a price equal to or better than that quotation. Accordingly, the Commission, in the absence of any empirical data to the contrary, does not believe that the PSE's proposed ITS user charges would act as a significant disincentive to the use of ITS. The Commission, of course, expects the PSE to monitor and, if necessary, report whether the practical application of the charges has affected adversely the use of ITS.

With respect to the level and application of the charges, the Commission finds that the charges represent a "fair and equitable allocation of reasonable * * * charges among . . . members" of the PSE, pursuant to Section 6(b)(4) of the Act. In this regard, the Commission would note that PSE specialists and option market makers derive significant benefits from ITS by utilizing that system, to a large extent, to effect principal acquisitions and layoffs in connection with their market making activities, whereas other users of ITS use the system primarily to route agency orders.[15] Therefore, in light of the overriding statutory interest in not imposing disincentives on best execution of public agency orders, the Commission believes that charges and fees which focus on the predominate users of the system for proprietary orders are consistent with the Act.[16]

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[7] The PSE indicated that the direct and indirect costs associated with the ITS system exceeded the anticipated revenues from the proposed rule change. *See* note 17, *infra*.

[8] Although the Commission has approved two ITS-related charges in connection with the Boston Stock Exchange ("BSE"), as a result of the unique financial situation of the BSE, those charges are distinguishable from the PSE's proposed rule change. In Securities Exchange Act Release No. 16257 (October 9, 1979), 44 FR 59690, the Commission approved a BSE Clearing Corporation ("BSECC") proposed rule change which imposed a $.02 per share charge on BSECC members that cleared and settled transactions which resulted from commitments to trade sent from the BSE to another market center throught ITS. In approving the rule change, the Commission observed that the charge was "not a direct ITS fee, but rather a clearance and settlement charge which results from unique problems" at the BSECC. In Securities Exchange Act Release No. 18414 (January 12, 1982), 47 FR 3246, the Commission approved a BSE rule change which imposed a usage charge of $.005 per share on all trades resulting from BSE market participants exporting their orders to other market centers via ITS, effective for the period January 4, 1982 through December 31, 1982. The Commission noted that, although this was an ITS usage charge, the charge was appropriate because of its temporary nature and in light of the unique financial situation of the BSE. Moreover, the Commission indicated that the approval of the rule change did not "represent a Commission position regarding the broader question of the propriety of exchange-imposed ITS usage fees, in general." On January 31, 1983, the BSE filed a rule change with the Commission, effective upon filing pursuant to Section 19(b)(3)(A) of the Act, extending the BSE's fee until December 30, 1983.

[9] With respect to trading by all PSE members, the Commission notes that the outgoing commitment volume from the PSE is approximately equal to the share volume it receives through ITS. *See* Securities and Exchange Commission, *A Report on the Operation of the Intermarket Trading System: 1978–1981* (June 1982).

[10] *See* Section 11A(a)(1)(C)(iv) under the Act.

[11] The rule change also exempts principal transactions by specialists and option market markers in response to pre-opening application messages sent through ITS, thereby continuing to provide incentives for specialists and option market makers to accommodate public buying and selling interest at the opening.

[12] In this regard, the Commission would note that one of the key objectives of an NMS is to encourage competition between and among market makers and markets. *See* Section 11A(a)(1)(C)(ii) of the Act. Accordingly, to the extent that the charges act as an incentive for specialists to provide more competitive quotations, the Commission does not believe that it is inconsistent with NMS objectives for the PSE to so structure its charges. Although the Commission does not believe that the level or structure of the proposed charges would impose any burden on competition, the Commission finds that, to the extent, if at all, the charges would impose a burden on competition, such a burden is necessary or appropriate in furtherance of the purposes of the Act. *See* Section 6(b)(8) of the Act.

[13] The Commission also notes that because the standard minimum trading unit is an ⅛th point or $0.125 per share, the proposed $0.005 per share ITS user's charge would not appear to act as a significant disincentive to specialists or option market makers attempting to access superior quotations through ITS or to lay off or hedge proprietary positions in other market centers.

[14] A "trade-through" occurs when an execution takes place in one market center at a time when another market center is offering a better price. To discourage trade-throughs, as well as to provide specific remedies should they occur, the ITS participants have adopted trade-through rules. *See* Securities Exchange Act Release No. 17704 (April 9, 1981), 46 FR 22520 (exchange trade-through rules); Securities Exchange Act Release No. 19249 (November 17, 1982), 47 FR 53552 (NASD trade-through rules).

[15] The Commission notes that non-specialist and non-option market maker members of the PSE commonly are members of other exchanges. Thus, with respect to their proprietary business, these firms generally have the ability to route their orders directly to the best market without using the ITS. Accordingly, the benefits that ITS provides for floor participants' proprietary lay-offs are not generally applicable to upstairs participants.

[16] In this connection, the Commission notes that, of the various alternatives presented by the PSE to

Finally the Commission believes that the imposition of the variable per share charges on a facility whose costs are comprised mainly of fixed costs is appropriate because the PSE has indicated that these charges have been formulated to collect no more than the PSE's share of ITS operating costs.[17]

IV. Conclusion

For the above reasons, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Sections 6 and 11A, and the rules and regulations thereunder.[18]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8446 Filed 3-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13107 (812-5423)]

Pruco Life Insurance Company of New Jersey, et al.; Application

March 22, 1983.

In the matter of Pruco Life Insurance Company of New Jersey, Pruco Life of New Jersey Variable Insurance Account, Pruco Securities Corporation, Pruco Life Series Fund, Inc., 213 Washington Street, Newark, New Jersey 07102.

Notice is hereby given that Pruco Life Insurance Company of New Jersey ("Pruco Life"), Pruco Life of New Jersey Variable Insurance Account (the "Account"), Pruco Securities Corporation ("Prusec"), and Pruco Life Series Fund, Inc. (the "Series Fund") (collectively, "Applicants") filed an application on January 10, 1983, and an amendment thereto on March 11, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") granting exemption from the provisions of Section 12(d)(1) of the Act to the extent necessary to permit transactions described in the application, and for an order pursuant to Section 11 of the Act approving the terms of certain offers of exchange. All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations contained therein which are summarized below, and are referred to the Act for a statement of the relevant provisions.

The Account is a separate investment account of Pruco Life established for the purpose of funding certain variable life insurance contracts (the "Contracts") issued by Pruco Life. Applicants state that the Account is a "separate account" as defined by Section 2(a)(37) of the Act and Rule 0-1(e) under the Act, meets the requirements of Rule 6e-2(a) under the Act, and is registered under the Act as a unit investment trust. Prusec will act as the principal underwriter for the Contracts and for the shares of the capital stock of the Series Fund.

The Series Fund is registered under the Act as an open end, diversified management investment company. Applicants state that all securities issued by the Series Fund will be sold at their net asset value, without any sales charge, only to the Account and to a separate account of Pruco Life Insurance Company.

The assets of the Account will be derived from premium payments made pursuant to the Contracts. At present, the Account has three sub-accounts: the Money Market Sub-account, the Bond Sub-account, and the Common Stock Sub-account, each of which invests its assets exclusively in a corresponding portfolio of the Series Fund. Interests in each of the three portfolios of the Series Fund are represented by a separate class of capital stock. Contractowners may designate the sub-accounts of the Account to or among which their net premiums will be allocated, and may transfer all or a portion of the assets relating to their Contracts from one sub-account to another, without any charge, up to four times in each Contract year if no premiums are in default. Applicants state that the interests of contractowners in the sub-accounts of the Account are not held in the form of shares or units so that the concept of net asset value is inapplicable in this context but that the transfers should be deemed to be made on the basis of relative net asset value, for purposes of Section 11, because the value of the interests of contractowners after a transfer will be equal to the value of their interests prior to the transfer.

Relief Requested

Section 12(d)(1) of the Act, as here relevant, generally restricts the ability of a registered investment company to acquire the securities of any other investment company, and of a registered open-end investment company to sell its securities to any other investment company. However, Section 12(d)(1)(E) removes such restrictions if, *inter alia*, the acquired securities are the only securities held by a registered unit investment trust that issues two or more classes of securities, each of which provides for accumulation of shares of a different investment company. Applicants assert that the Account's acquisition of the securities of the various portfolios of the Series Fund is within this exception, but because each sub-account holds a different class of stock issued by the Series Fund (rather than securities issued by different investment companies), Applicants wish to remove any doubt about the matter and request an exemption from Section 12(d)(1), to the extent necessary, to permit the Account to acquire the shares of the Series Fund.

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants also request an order pursuant to Section 11 of the Act, to the extent necessary, approving the terms of the offer of exchange described above. Section 11(a) generally makes it unlawful for any registered open-end investment company to make an offer to the holders of its securities to exchange their securities on any basis other than relative net asset values unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of the exchange, the provisions of Section 11(a) apply to any type of exchange offer involving the

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raise revenues, the majority of members of an Exchange committee composed of both specialists and option market makers concurred with the PSE's determination to propose these charges.

[17] The PSE has indicated that the proposed charges will recoup approximately $500,000 of the $986,000 in costs the Exchange estimates it will incur, directly or indirectly, in the operation of ITS in 1983. Accordingly, the charges are designed to cover some, but not all, of the costs the Exchange estimates it incurs with respect to ITS. The PSE also has indicated that it will review the fee structure periodically to ensure that the charges continue to be set at an appropriate level. Indeed, the Commission would expect that, in the event the charges collected covered a substantially higher portion of the costs, the PSE would reexamine the appropriateness of the charges.

[18] The Commission would caution that the approval of the instant charges should not be seen as a change in its fundamental concern over the effects of any fee or charge on an NMS facility. In this regard, to the extent that other self-regulatory organizations propose charges on NMS facilities, the Commission will continue to review those charges carefully, especially in terms of their impact on public agency orders.

[19] 17 CFR 240.200.30-3(a)(12).

securities of a registered unit investment trust.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 15, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8442 Filed 3-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13111 (811-632)]

Southwestern Investors, Inc.; Filing of Application

In the matter of Southwestern Investors, Inc., 1807 Ross Avenue, P.O. Box 2994, Dallas, TX 75221.

Notice is hereby given that Southwestern Investors, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act"), as an open-end, diversified, management investment company, filed an application on January 24, 1983, requesting an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that, on July 26, 1982, Applicant was merged into Plitrend Fund, Inc. ("Plitrend"). Applicant further states that, on March 22, 1982, its board of directors approved the Plan and Agreement of Merger ("Plan"), pursuant to which the merger would be completed. On June 1, 1982, a Notice of Special Meeting of Stockholders, Prospectus/Proxy Statement, and Proxy Card were mailed to holders of record of common stock of Applicant as of May 26, 1982. According to the application, at a special meeting of Applicant's stockholders held on July 23, 1982, a majority of the outstanding voting securities of Applicant's stockholders approved and adopted the Plan.

Applicant represents that, on July 26, 1982, Applicant and Pligrowth Fund, Inc., merged into Plitrend, and that on the same day the Articles of Merger and Plan of Merger were filed with the Department of State of the Commonwealth of Pennsylvania, and a Certificate of Merger was filed with the Secretary of State of the State of Delaware. The application states that upon the consummation of the merger, each share of capital stock of Pligrowth Fund, Inc. ("Pligrowth Stock") and common stock of Southwestern Investors ("Southwestern Investors Stock") was automatically converted into shares of capital stock of Plitrend Fund, Inc. ("Plitrend Capital Stock") on the basis of 1.10085087 shares of Plitrend Capital Stock for each share of Pligrowth Stock and .75279155 shares of Plitrend Capital Stock for each share of Southwestern Investors Stock. According to the application, the conversion of shares was based upon the rates which the net asset values per share of Pligrowth Stock and Southwestern Investors Stock bore to the net asset value per share of Plitrend Capital Stock. Such net asset values were determined as of the close of business on the New York Stock Exchange on July 23, 1982. Applicant maintains that the stock ownership of holders of Plitrend Capital Stock prior to the Merger was unaffected by the Merger.

The application states that Applicant no longer exists under Delaware law. Finally, Applicant states that it is not engaged, and does not propose to engage, in any business activities other than those necessary to the winding up of its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 19, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8443 Filed 3-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13106 (812-5375)]

Sun Life Assurance Company of Canada (U.S.); Filing of Application

March 22, 1983.

In the matter of Sun Life Assurance Company of Canada (U.S.), Money Market Variable Account, One Sun Life Executive Park, Wellesley Hills, Massachusetts 02181.

Notice is hereby given that Sun Life Assurance Company of Canada (U.S.) ("Sun Life"), a stock life insurance corporation incorporated under the laws of Delaware, and Money Market Variable Account ("MMVA") (jointly, the "Applicants"), registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified, management investment company, filed an application on November 1, 1982, and an amendment thereto on February 14, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit MMVA to use the amortized cost method of valuation to calculate the net asset value of the variable accumulation units of MMVA. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act and the rules thereunder for the complete text of those provisions thereof from which an exemption is being sought.

Applicants state that Sun Life issues life insurance policies and individual and group annuities. Applicants state

further that Sun Life is a wholly-owned subsidiary of Sun Life Assurance Company of Canada. Applicants represent that, as of June 30, 1982, Sun Life had total assets in excess of $200,000,000 and a capital stock and surplus in excess of $50,000,000.

Applicants state that MMVA was established by Sun Life on July 22, 1982, as the facility for issuing certain variable annuity contracts ("Contracts"). Applicants state that the investment objective of MMVA is to seek maximum current income to the extent consistent with stability of principal and the maintenance of liquidity by investing exclusively in short-term United States dollar-denominated money market instruments ("Instruments"). Applicants state that such Instruments will not have a remaining maturity of greater than one year and that MMVA will not maintain a dollar-weighted average portfolio maturity in excess of 120 days. The Instruments in which MMVA may invest include: (1) obligations of, or guaranteed by, the United States government, its agencies or instrumentalities; (2) bank certificates of deposit or bankers' acceptances issued by any domestic or Canadian chartered bank, including foreign branches of a domestic bank, which has total assets in excess of $1 billion; (3) commercial paper which at the date of investment is rated A–1 by Standard & Poor's Corporation or P–1 by Moody's Investors Service, Inc.; (4) repurchase agreements of obligations which are suitable for investment under the categories set forth in (1) above.

According to the application, in Investment Company Act Release No. 9786 (May 31, 1977), the Commission issued an interpretation of Rule 2a–4 expressing its view that, among other things, (1) Rule 2a–4 requires that portfolio investments of money market funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a money market fund to value its portfolio instruments on an amortized cost basis.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or the rules thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants state that the amortized cost method of valuation is the method of calculating an investment company's current net asset value whereby portfolio securities are valued by reference to the company's acquisition cost as adjusted for amortization of premium or accumulation of discount rather than by reference to their value based on current market factors. Applicants represent that the Board of Managers of MMVA and the Board of Directors of Sun Life believe that it is in the best interests of owners with variable accumulation units in MMVA to adopt the amortized cost method of valuation for MMVA. Applicants represent further that this method will permit relatively steady daily dividends to such owners and, at the same time, such owners would have the convenience of being able to value their holdings simply by knowing the number of variable accumulation units of MMVA credited to their accumulation accounts.

Applicants state that values accumulating under Contracts in the form of variable accumulation units may change from one day to the next. As a result, Applicants are not able to stabilize the per unit net asset value of MMVA at $1.00 per unit. Applicants state that MMVA has adopted a bifurcated system of accounting which allows MMVA to monitor potential deviations attributable to the use of the amortized cost method. Applicants state that, internally, the system will allow MMVA to treat its assets as a separate portfolio with a fictional constant one dollar net asset value paying daily dividends. At the second prong of the accounting system, the mortality and expense risk charges will be imposed.

Applicants represent that the maturity of an Instrument shall be determined in accordance with the provisions of proposed Rule 2a–7 (the "Rule"), set forth in Investment Company Act Release No. 12206 (February 1, 1982), except that if the Rule should ultimately be adopted, the maturity of an Instrument shall be determined in accordance with the provisions of the Rule as adopted. Applicants represent further that when MMVA enters into a reverse repurchase or firm commitment agreement it will maintain in a segregated account (not with a broker), beginning on the date MMVA enters into such an agreement, liquid assets equal in value to the amount due on the settlement date under the agreement in accordance with Investment Company Act Release No. 10666 (April 18, 1979).

Applicants consent to the following conditions to an order granting the relief requested:

1. In supervising MMVA's operations and delegating special responsibilities involving portfolio management to MMVA's investment adviser, the Board of Managers of MMVA undertakes—as a particular responsibility within the overall duty of care owed to owners with variable accumulation units in MMVA—to establish procedures reasonably designed, taking into account current market conditions and MMVA's investment objective, to stabilize MMVA's net asset value per unit as computed for the purpose of distribution, redemption and repurchase, at $1.00 per unit.

2. Included within the procedures to be adopted by the Board of Managers of MMVA shall be the following:

(a) Review by the Board of Managers as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per unit as determined by using available market quotations from MMVA's $1.00 amortized cost price per unit and the maintenance of records of such review. To fulfill this condition, MMVA intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of managers in the exercise of its discretion to be appropriate indicators of value, which may include, inter alia, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of securities published by reputable sources.

(b) In the event that such deviation from MMVA's $1.00 amortized cost price per unit should exceed ½ of 1%, a requirement that its Board of Managers will promptly consider what action, if any, should be initiated.

(c) Where the Board of Managers determines that the extent of any deviation from MMVA's $1.00 amortized cost price per unit may result in material dilution or other unfair results to investors or existing owners, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten MMVA's average portfolio maturity; suspending dividends' or utilizing a net asset value per unit as determined by using available market quotations.

3. MMVA will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per unit; provided, however, that MMVA will not (a) purchase any instrument

with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days. In fulfilling this condition, MMVA agrees that if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, it will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. MMVA will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition (1) above and MMVA will record, maintain and preserve for a period of not less tha six years (the first two years in an easily accessible place) a written record of its Board of Managers' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the meetings of that Board of Managers. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. MMVA will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its Board of Managers determines present minimal credit risks, and which are of high quality as determined by any major rating service or in the case of an instrument that is not rated, of comparable quality as determined by its Board of Managers.

6. If any action pursuant to condition 2(c) is taken, MMVA will include in its next quarterly report, as an attachment to Form N–1Q, a statement describing the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 18, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–8449 Filed 3–31–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22891 (70–6505)]

West Penn Power Co.; Supplemental Notice of Proposed Pollution Control Financing

March 25, 1983.

In the matter of West Penn Power Co., 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601.

West Penn Power Company ("West Penn"), an electric utility subsidiary of Allegheny Power System, Inc., a registered holding company, has filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to Sections 6(a), 7, 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

By order dated December 8, 1980 (HCAR No. 21830), West Penn was authorized to enter into the first phase of a plan to finance the installation of pollution control equipment and facilities ("Facilities") at West Penn's Mitchell Power Station in Washington County, Pennsylvania. These Facilities are now substantially complete. That initial phase involved the issuance of $60,000,000 principal amount of three-year pollution control revenue bonds ("Series A Bonds") by the Washington County Industrial Development Authority ("Authority").

By order dated May 11, 1981 (HCAR No. 22045), West Penn was authorized to enter into a second phase of financing of the Facilities. The second phase contemplated a refunding of the three-year bonds ("Series A Bonds") prior to maturity through the issuance of long-term bonds by the Authority and the issuance of notes by West Penn having maturities not to exceed forty years. The Series A Bonds bear interest at the rate of 9% per annum, mature on December 1, 1983, and are subject to optional redemption on or after December 1, 1982 at 100% of the principal amount thereof plus accrued interest to the redemption date. Jurisdiction was reserved in the May 11, 1981 order over the terms and conditions of the long-term bonds to be issued by the Authority insofar as such terms and conditions affect the payments to be made by West Penn under the proposed long-term promissory notes and over the fees, commissions and expenses to be incurred in connection with the long-term financing.

By Commission order dated February 9, 1983 (HCAR No. 22849), West Penn was authorized to deliver its long-term promissory note to the Authority corresponding to $30,000,000 aggregate principal amount of long-term bonds ("Series B Bonds") maturing January 15, 2003, and bearing interest at 9.75% per annum issued by the Authority. The February 9, 1983 order also authorized an increase from $60,000,000 to $65,000,000 aggregate principal amount of long-term pollution control financing. That order reserved jurisdiction over the fees, commissions, and expenses to be incurred in connection with the Series B Bonds and over the terms and conditions of the additional series of bonds to be issued by the Authority, insofar as such terms and conditions affect the payments to be made by West Penn under the proposed long-term promissory notes and with respect to fees, commissions, and expenses to be incurred in connection with the additional series.

As of January 31, 1983, West Penn has spent approximately $65,000,000 in connection with the Facilities. The total cost of the Facilities is now expected to approximate $80,000,000. To the extent that funds derived through the sale of pollution control bonds as proposed herein, or from any additional pollution control bonds which may be sold in the future, subject to appropriate regulatory approvals, are insufficient to pay the total cost of the Facilities, West Penn will be required to pay for the completion of the Facilities at its own expense.

West Penn now seeks authority to issue an additional $15 million of bonds making an aggregate of $80,000,000. The additional funds will be used, in part, to reimburse West Penn for (1) Facilities costs which exceeded the original estimate, (2) interest on the Series A Bonds during the period of construction, and (3) the costs incurred in issuing the Series A Bonds and the Series B Bonds. The balance of the additional funds will be used to pay the cost of certain enhancements to be made to the Facilities and to pay costs associated with the issue and sale of additional series of bonds.

It is expected that one or more series of bonds in addition to the Series B Bonds will be issued prior to the maturity of the Series A Bonds by the

Authority for the purpose of redeeming or paying at maturity the balance of such Series A Bonds and financing the cost of the Facilities in excess of the $60,000,000 initially financed by the issuance of the Series A Bonds and partially refinanced by the Series B Bonds. The bonds will be issued under a trust indenture with a corporate trustee, approved by West Penn, and shall be sold in one or more series, at such times, in such principal amounts, at such interest rates, and for such prices as shall be approved by West Penn. The timing of any such financing will depend on a subjective determination by West Penn of market conditions which are expected to prevail through the maturity of the Series A Bonds.

West Penn will deliver with the issuance of each series of bonds its nonnegotiable Pollution Control Notes ("Notes") corresponding to such series of bonds in respect of principal amount, interest rates and redemption provisions and having installments of principal corresponding to any mandatory sinking fund payments and stated maturities. Payments of the Notes will be make to the Trustee under a supplemental indenture which will provide that substantially all the proceeds of the sale of the bonds by the Authority must be applied to the cost of the Facilities, including the cost of refunding the Series A Bonds. Payments on the Notes will be applied by the Trustee to pay the maturing principal and redemption prices of and interest and other costs on the bonds as the same become due. West Penn also proposes to pay any trustees' fees or other expenses incurred by the Authority. The Notes will be secured by a second lien on the Facilities and certain other properties, pursuant to the Mortgage and Security Agreement delivered by West Penn to the Trustee creating a mortgage and security interest in the Facilities and certain other property (subject to the lien securing West Penn's First Mortgage Bonds). The Notes will not constitute unsecured debt within the meaning of the provisions of West Penn's charter.

It is intended to the extent feasible to accomplish by the proposed transactions a permanent long-term financing of the Facilities. Market conditions prevailing at the time of the offering may warrant the issuance of the bonds with floating interest rates during all or a portion of the stated life of the bonds based on a specified index as well as provisions permitting the bondholders to require the redemption or repurchase of the bonds at stated intervals. West Penn will file an appropriate amendment setting forth such provisions if it is determined to include such special terms.

It is expected that the Authority will engage Goldman, Sachs & Co. and any co-managers that may be desirable to provide financial advice and, together with such other underwriters as may be designated, underwrite the sale of the bonds. Fees, commissions, and expenses of the underwriters and legal counsel will be included in the total cost of the Facilities. West Penn has been informed that the Authority has legal authority to issue tax exempt revenue bonds. West Penn has been advised that the annual interest rate on tax exempt bonds has been approximately 1% to 3% lower than the interest rate on taxable obligations of comparable quality, depending upon the type to be sold by the Authority.

The amended application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 18, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8444 Filed 3-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19628; File No. SR-AMEX-83-5]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc. Relating to Increase of Position and Exercise Limits

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 16, 1983, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("AMEX" or "the Exchange") proposes to amend Exchange Rules 904 and 905 regarding position and exercise limits, as set forth below. Italics indicates material proposed to be added. Brackets [] indicate material proposed to be deleted.

Rule 904. Position Limits

Except with the prior written approval of the Exchange in each instance, no member or member organization shall effect, for any account in which such member or member organization has an interest or for the account of any partner, officer, director or employee thereof or for the account of any customer, an opening transaction (whether on the Exchange or on another Participating Exchange) in an option contract of any class of options dealt in on the Exchange if the member or member organization has reason to believe that as a result of such transaction the member or member organization or partner, officer, director or employee thereof or customer would, acting alone or in concert with others, directly or indirectly, hold or control or be obligated in respect of an aggregate position in option contracts (whether long or short) of the put class and the call class on the same side of the market covering any underlying security in excess of:

(i) [2,000] *2,500 or 4,000* contracts covering an underlying stock, *which limit is determined in accordance with Commentary .07*

(ii) through (v)—no change.

. . . Commentary

.01 through .06—no change

.07 The position limit shall be 4,000 contracts for options:

(i) on an underlying stock which had trading volume of at least 20,000,000 shares during the most recent six-month trading period; or

(ii) on an underlying stock which had trading volume of at least 15,000,000 shares during the most recent six-month trading period and has at least 60,000,000 shares currently outstanding.

The position limit shall be 2,500 contracts for all other options.

The Exchange will review the volume and outstanding share information of all

underlying stocks every six months to determined which limit shall apply. The 4,000 limit will be effective on the date set by the Exchange, while any change from a 4,000 to a 2,500 limit will take effect after the last expiration then trading, unless the requirement for a 4,000 limit is met at the time of an intervening six-month review.

Rule 905. Exercise Limits

Except with the prior approval of the Exchange in each instance, no member or member organization shall exercise, for any account in which such member or member organization has an interest or for the account of any partner, officer, director or employee thereof or for the account of any customer, a long position in any option contract of a class of options dealt in on the Exchange if as a result thereof such member or member organization, or partner, officer, director or employee thereof or customer, acting alone or in concert with others, directly or indirectly, has or will have exercised within any five (5) consecutive business days aggregate long positions in excess of:

(i) [2,000] *the number of* option contracts *set forth as the position limit in Rule 904* in a class of options for which the underlying security is a stock; or

(ii) through (vi)—no change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to increase position and exercise limits for stock options in order to add to market depth and liquidity.

Position and exercise limit rules were originally adopted by option exchanges in order to minimize the manipulative potential which could result from the accumulation of large options positions. In 1978, the Special Study of the Options Market ("Study") recognized a number of significant problems which resulted from the position limit rule restrictions, including the inability of large portfolio managers to utilize options as a vehicle to properly balance a portfolio's risk and potential reward. The Study recommended that existing Exchange rules, which limited the size of options positions held by market participants, be reviewed and that their relaxation or elimination be considered. As a result of re-examination of position limits, as suggested in that Study, the Exchange proposed rule changes which were adopted in October 1980 to raise position and exercise limits from 1,000 to 2,000 contracts. In view of the increased use of the options markets and the experience gained during the two years since the position limits were increased in 1980, the Exchange believes that it is appropriate at this time to again increase position and exercise limits.

In its 1980 release approving position and exercise limit increases, the Commission made the following statements (Release No. 34–17237) that the Exchange believes also apply to the current proposal to increase limits:

> * * * There is substantial reason to believe that the current ceiling serves to constrict significantly the options activities of certain market professionals and institutions, possibly to the detriment of market depth and liquidity. In addition, the Commission believes that the surveillance capabilities of the options exchanges with respect to large options positions should minimize the possibility of manipulation. Finally, the Commission believes that the information and experience gained from approval of the proposed modification will enhance the ability of the options exchanges and the Commission to responsibly propose and effectively evaluate possible further modifications * * *

It should be noted that position limits cannot be justified as a protection against financial exposure. While unhedged larger positions do entail larger financial risks, position limits are cumbersome and ineffective mechanisms for limiting those risks. Rather, those rules which have been designed specifically to limit risk exposure should be used for this purpose, namely, suitability, margin and net capital rules.

The change from 2,000 to 2,500 option contracts is minimal, especially in view of the Exchange's experience to date with the 2,000-contract limit. The change from 2,000 to 4,000 option contracts involves standards that are a protection against possible manipulation. These standards insure that only option contracts having an underlying stock that has either very high trading volume or high trading volume and a high number of shares outstanding will receive the higher limit. The standards mean that the options and stocks involved are significantly less susceptible to mainpulation. To be eligible for the 4,000-contract limit, either the most recent six-month trading volume of the underlying stock must have totalled at least 20,000,000 shares; or the most recent six-month trading volume of the underlying stock must have totalled at least 15,000,000 shares and the underlying stock must have at least 60,000,000 shares currently outstanding.

Every six months, the Exchange will review the status of underlying stocks to determine which limit should apply. Two new lists shall be published and distributed to all members, member firms and Registered Options Principals. The 4,000 limit will be effective on the date set by the Exchange, which date will allow time for appropriate notice to be given. Any change from a 4,000 to a 2,500 limit will take effect after the last expiration then trading, unless the requirement for a 4,000 limit is met at the time of the intervening six-month review.

The basis for this proposed rule change in section 6(b)(5), in that the change would increase market depth and liquidity, which is in the public interest, while continuing to protect investors from manipulative activity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments of the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A). By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication

Dated: March 23, 1983.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8448 Filed 3-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19626; File No. SR-NYSE-83-10]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc. Relating to the Standards and Procedures Used by the Exchange for the Allocation of Securities to Specialists

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 14, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change codifies the standards and procedures currently in use by the Exchange for the allocation of securities to specialists. The proposed rule change, Rule 103B, will apply when a new security is to be listed on the Exchange, when a security is to be reallocated as a result of proceedings under Rules 103.11, 103A, 475 or 476, or whenever a specialist unit voluntarily surrenders a security and it is to be allocated to another specialists unit.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to provide for the allocation of Exchange-listed securities to specialist units by the Allocation Committee of the Exchange prior to the admission of such securities to dealings on the Exchange, in instances where a specialist's registration in a listed security is withdrawn as a result of proceedings under Exchange Rule 103.11, Rule 103A, Rule 475 or Rule 476, or when a specialist unit voluntarily surrenders a security and it is to be allocated to another specialist unit. The proposed rule change sets forth the Exchange's current system for the allocation of securities to specialists which is an efficient mechanism to fairly allocate listed securities to specialist units. The purpose of the allocation system is twofold: (1) to ensure that securities are allocated in an equitable and fair manner and that all specialists units have a fair opportunity for allocations based on clearly defined criteria and procedures, and (2) to provide an incentive for improved market-making performance by specialists units.

When the Board approved the recommendations of the Committee to Study the Stock Allocation System in 1976, it created an entirely new body (the Allocation Committee) to allocate securities to specialist units under Board-granted authority. Features of the allocation system implemented in 1976 specifically addressed criticisms of the former system, and include:

- The development and publication of specific allocation criteria for use in allocation decisions, with the primary emphasis on specialists performance;
- The structuring of a nine-person Allocation Committee so that Committee members are randomly selected by the Exchange staff from a 36-person Allocation Panel. Committee members serve only six-month terms, and every two months three members are rotated, thereby fostering objectivity and continuity in the decision-making process;
- Representation on the Allocation Committee of allied members and both specialist and Floor broker members; and
- Announcement of the reasons for each allocation decision to Exchange members and, in the case of a new listing, the listing company to emphasize the Allocation Committee's primary consideration of specialist performance. This procedure, as well as the possibility for a stock reallocation under Rule 103A, provide an incentive for highly rated specialist units to maintain their performance and for others to improve.

Because each specialist unit wishes to expand its business by increasing the number of its specialty stocks, allocation standards and procedures have succeeded in improving the level of specialist performance overall, resulting in higher quality markets. This benefits the investing public, member organizations and listed companies.

In general, the rule change provides that when a security is to be allocated by the Exchange's Allocation Committee, all specialist units will be invited to apply for the security, that the allocation decision will be made according to the Allocation Committee's published allocation criteria which emphasizes specialist performance as measured chiefly by the Specialist Performance Evaluation Questionnaire (which is the subject of the Exchange filing SR-NYSE-83-7) by procedures that the Committee has determined to be be appropriate and fair, and that the reasons for each of the Committee's allocation decisions will be made known to the Exchange membership and, in the case of a new listing, the listing company.

Statutory Basis for the Proposed Rule Change

By providing a fair procedure by which securities are allocated to specialist units which apply for them, and by selecting from among applicants on an objective basis which rewards superior performance, the proposed rule change furthers the objectives of Section 6(b)(5) of the Securities Exchange Act of 1934 (the "Act"), which requires that the rules of the Exchange be "designed * * * to promote just and equitable principles of trade * * * to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest; and * * * not [be] designed to permit unfair discrimination between customers, issuers, brokers or dealers * * * ."

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Indeed, by establishing a procedure by which all specialist units' applications for an Exchange listed security will be considered and by assuring that the selection will be based on merit, the proposed rule change encourages fair competition among specialist units to the benefit of the investing public and in a manner consistent with the public interest.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provision of 5 U.S.C. 522, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 2 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 23, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8447 Filed 3-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13112; (812-5501)]

Lincoln National Pension Insurance Co. and Lincoln National Pension Variable Annuity Account C; Application for an Order

March 28, 1983.

Notice is hereby given that Lincoln National Pension Insurance Company ("LNP") and Lincoln National Pension Variable Annuity Account C (the "Separate Account"), 1300 South Clinton Street, Fort Wayne, Indiana 46801, a separate account of LNP registered under the Investment Company Act of 1940 ("Act") as a unit investment trust (collectively, "Applicants"), filed an application on March 22, 1983 for an order amending two prior orders of the Commission pursuant to Section 11 of the Act approving the terms of certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provision.

The Separate Account offers the variable portions of LNP annuity contracts. LNP is the principal underwriter of the contracts. Purchase payments less applicable charges are allocated to one or more sub-accounts of the Separate Account, each of which invests solely in shares of a specified registered open-end company (collectively, the "Eligible Funds") or, under the fixed portion of the contracts, to the general account of LNP (the "General Account"). The Eligible Funds are the Lincoln National Corproate Bond Fund, Inc., Lincoln National Growth Fund, Inc., Lincoln National Money Market Fund, Inc., and Lincoln National Special Opportunities Fund, Inc. Shares of the Eligible Funds are sold to the Separate Account at net asset value. Prior to annuitization, a contractowner may transfer all or a portion of his investment in one sub-account (or the General Account) to another sub-account (or the General Account), subject to certain limitations. No transfers are permitted subsequent to annuitization. For transfers between sub-accounts or for transfers from the General Account to a sub-account, the amount transferred will be used to purchase accumulation units in the sub-account at the then current net asset value of those accumulation units.

Applicants received an order of the Commission on December 16, 1981 (Investment Company Act Release No. 12113), pursuant to Section 6(c) of the Act, exempting certain transactions from various provisions of the Act and, pursuant to Section 11 of the Act, approving the terms of certain offers of exchange. Applicants received a second order of the Commission, amending the first order, on September 21, 1982 (Investment Company Act Release No. 12680), pursuant to Section 6(c) of the Act exempting certain transactions from various provisions of the Act. Applicants now seek an order of the Commission amending these prior orders to allow Applicants to make offers of exchange not only among the four sub-accounts covered by the prior orders, but also among each of those four sub-accounts and a new fifth sub-account which will invest solely in the shares of a new investment company, the Lincoln National Managed Fund, Inc.

Applicants request approval pursuant to Sections 11(a) and 11(c) of the Act to permit contractowners under the contracts to transfer all or part of their investment in one sub-account of the Separate Account (or in the General Account) to another sub-account (or the

General Account) prior to the annuity commencement date, subject to certain limitations on the frequency and amount of transfers, where permitted under applicable law and by the retirement plan under which a given contract is issued.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 22, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8549 Filed 3-31-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19629; File No. SR-MSE-83-3]

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Relating to Changes in MSE's Automatic Execution System (MAX)

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 14, 1983, the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interest persons.[1]

[1] The Commission has approved on an accelerated basis the effectiveness of the proposed rule change through May 1, 1983. This release serves as notice of the proposed rule change's effectiveness through May 1, 1983, as well as its proposed permanent effectiveness; comments are invited on both. The timing for Commission action or the permanent effectiveness of the proposed rule change is described in Item III below.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSE's Automatic Executive System (MAX) enables orders in eligible issues to be routed directly to the respective Specialists and such orders are executed automatically within the parameters of MSE Article XX, Rule 34, MSE's Guaranteed Execution System (BEST System) (See SR-MSE-82-5). In addition MAX can currently be utilized as a delivery vehicle to Specialists for orders above the BEST requirement (i.e. 400 shares or more) depending upon various arrangements worked out directly between the Specialist and the order sending firm. Such orders are not subject to the BEST requirement and are handled manually by the Specialist.

Certain enhancements are being added to the MAX system as summarized below. These changes as a service to Specialists primarily automate certain functions which previously had to be done manually by the Specialist.

(1) *Size*—This change will allow the specialist to designate an order size per issue that he will accept for automatic execution with a minimum of 400 shares (the threshold). The order sending firm will also designate a threshold.

If the order sending firm submits an order size greater than the specialist's threshold, the order *will not* be eligible for automatic execution and will be designated as an open order. A specialist, however, may manually execute any portion of such order and the difference will remain as an open market order unless cancelled by the order sending firm.

Example:

—Specialist issue threshold is 699 shares.

—Order sending firm threshold is 999 shares.

—Order is sent for 500 shares—the order will be executed automatically.

—If the order is for 800 shares, the order size exceeds the specialist's thereshold and *will not* be executed automatically, but would be positioned as an open order.

—If the Specialist manually fills 699 shares, the 101 shares will remain as an open order. Previously, the system would have cancelled the 101 shares.

(2) *Limit Orders*—Limit orders will be automatically executed when the market price (in the primary market) trades through the limit price.

Example:

—Limit order to buy 100 shares at 95.

—Market price is 95½.

—If the market price falls to 94⅞ or below, the limit order will then be executed automatically.

The Specialist may, however, execute the limit order manually at any time.

(3) *"Stop" an Order from Automatically Executing*—A Specialist may put a "stop" on an order for the purpose of guaranteeing the order to be filled at the price at the time the stop was indicated or at a better price during the trading session. The "stop" order *will never* be automatically executed but is positioned in the open order file. The sending firm will receive a report of a fill at the stop order or better price.

(4) *Cancel/Changes*—If an order is sent through MAX and an error is discovered before execution, which can be corrected by changing certain terms of the order, upon the order sending firm initiating the correction, the system will correct the error. The order will retain its position in the book versus cancelling the order and entering a new order.

(5) *Cancels*—MAX will now automatically cancel an order in the file upon a request by the order sending firm.

(6) *Pre-Opening Orders*—Pre-opening orders will automatically be matched (offset) by the system without requiring the Specialist to be on either side of a trade. The Specialist will only have to take a position when there is an imbalance of shares when buy/sell orders are matched. The pre-opening orders will fill at the primary market opening prices.

Example:

—1000 shares buy order by brokers A and B at 500 shares each.

—1200 shares sell order by brokers X (500 shares), Y (500 shares), and Z (200 shares).

Change:

—X sells 500 shares to A.
—Y sells 500 shares to B.
—Z sells 200 shares to Specialist.

Previously:

—X sells 500 shares to Specialist.
—Y sells 500 shares to Specialist.
—Z sells 200 shares to Specialist.
—Specialist sells 500 shares to A.
—Specialist sells 500 shares to B.

(7) *"Hold" Period*—The Specialist may put one order on "hold" at a time. The previous period was 5 minutes. The change will reduce the hold period to 2 minutes. The purpose of "hold" is to keep the order from executing for the designated period and generally used before giving up an order or changing the volume or price.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of

and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed MAX enhancements provide a more efficient means by which MSE Floor Members may execute orders, thus providing better service to Specialists, order sending firms, and their customers. Such enhancements, however, do not alter or change any specialist obligations or requirements under MSE Rules but, for the most part, merely automate what a specialist previously had to do manually. These MAX enhancements enable orders in eligible issues to be executed automatically within the parameters of applicable MSE trading rules and certain thresholds established by the specialist.

The proposed rule change is consistent with Section 6(b)(5) of the Act in that the automated order routing and execution enhancements of MAX facilitate transactions in securities and remove impediments to and perfect the mechanism of a free and open market and a national market system, while protecting investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received from members or participants.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission has found good cause for approving the proposed rule change on a temporary basis, through May 1, 1983, prior to the thirtieth day after the date of publication of filing thereof in that such temporary approval avoids any delay in effectuating changes to MAX that are ready for immediate implementation and are as well apparently beneficial, while at the same time allowing for public comment upon and complete Commission consideration approval of these changes on a permanent basis.

As noted above, the Commission at the same time is publishing notice of and inviting comment upon the proposal to approve the proposed rule change on a permanent basis.[2] Within 35 days of the date of the publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 24, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8548 Filed 3-31-83; 8:45 am]

BILLING CODE 8010-01-M

[2] *See* note 1, *supra*.

SMALL BUSINESS ADMINISTRATION

[Application No. 02/02-0457]

Ferranti High Technology, Inc.; Application for License to Operate as a Small Business Investment Company

An Application for a License to Operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Ferranti High Technology, Inc. (Ferranti High), 505 Park Avenue, New York, New York 10022, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1982).

The officers, directors and stockholders of the Applicant are as follows:

Sanford R. Simon, 7002 Boulevard East 31E, Guttenberg, New Jersey 07092; President, Director.

Keith Langworthy, 16 Hereford Drive, Princeton Junction, N.J. 08550; Vice President, Secretary.

Alan Duncan, 57 Shaftsbury Way, Strawberry Hill, Twickenham, Middx, England; Director.

David G. Pacy, 15 Saddle Road, Stony Brook, New York 11790; Director.

Ferranti Holdings, Inc., 1500 Green Hills Road, Scotts Valley, California 95066; 80%.

Bishopscourt Investments Limited, 8 Bishopsgate, London EC2N4AE; 20%.

Ferranti Holdings, Inc. is a wholly-owned subsidiary of Ferranti Holdings Limited, which is a corporation organized under the laws of England. Bishopscourt Investments Limited is a wholly-owned subsidiary of Baring Brothers & Co., Limited, which is a large merchant bank organized under the laws of England.

The Applicant, Ferranti High, a Delaware corporation, will begin operations with $3,000,000 paid-in capital and paid-in surplus. Ferranti High will conduct its activities in the State of New York but will consider investments in businesses in all areas of the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit

written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 25, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-8529 Filed 3-31-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5447]

Freshstart Venture Capital Corp.; Issuance of a Small Business Investment Company License

On July 13, 1982, a notice was published in the **Federal Register** (47 FR 30346) stating that an application has been filed by Freshstart Venture Capital Corp., 1841 Broadway, New York, New York 10023, with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)) for a license as a small business investment Company.

Interested parties were given until close of business August 7, 1982, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-5447 on February 24, 1983 to Freshstart Venture Capital Corp., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 18, 1983.

Edwin T. Holloway,

Associate Administration for Finance and Investment.

[FR Doc. 83-8528 Filed 3-31-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0184]

Grocers Capital Company, Inc.; Application for Approval of Conflict of Interest Transaction between Associates

Notice is hereby given that Grocers Capital Company, Inc. (Grocers), 2601 S. Eastern Avenue, Los Angeles, Californai 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR.107.1004 (1982)) for approval of a conflict of interest transaction.

Grocers proposes to loan $300,000 to Superior Warehouse Grocers, 7316 Compton Avenue, Los Angeles, California 90001. The proceeds of the loan will be used to purchase equipment or inventory from Grocers Equipment Company (G.E.C.) and/or Certified Grocers of California, Ltd. (Certified), Associates of the Licensee.

All of Grocer's stock is owned by subsidiaries of Certified, a retailer owned grocery cooperative. G.E.C., a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by § 107.3 of the SBA Rules and Regulations.

As a result, Grocers' financing to Superior Warehouse Grocers fall within the purview of §§ 107.3 and 107.1004(b)(5) of the SBA Regulations. Grocers' loan to Superior Warehouse Grocers requires prior written approval of SBA.

Notice is hereby given that any person may, not later than 10 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in the Los Angeles, California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: March 25, 1983.

Edwin T. Holloway,

Associate Administrator for Finance & Investment.

[FR Doc. 83-8532 Filed 3-31-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0184]

Grocers Capital Company, Inc.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company, Inc. (Grocers), 2601 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1983)) for approval of a conflict of interest transaction.

Grocers proposes to loan $140,000 to Oak Creek Market, Inc., 1326 Main Street, Ramona, California 92065. The proceeds of the loan will be used to purchase equipment or inventory from Grocers Equipment Company (G.E.C.) and/or Certified Grocers of California, Ltd. (Certified), Associates of the Licensee.

All of Grocer's stock is owned by subsidiaries of Certified, a retailer owned grocery cooperative. G.E.C., a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by § 107.3 of the SBA Rules and Regulations.

All of Grocer's stock is owned by subsidiaries of Certified, a retailer owned grocery cooperative. G.E.C., a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by § 107.3 of the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 10 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in the Ramona, California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: March 25, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-8533 Filed 3-31-83; 8:45 am]

BILLING CODE 8025-01-M

H.B.R. Capital Corp.; Filing of Application for Transfer of Control of Licensed Small Business Investment Company (SBIC)

[License No. 02/02-5385]

Notice is hereby given that an Application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the SBA regulations governing small business investment companies for the transfer of control of H.B.R. Capital Corporation (13 CFR 107.701(1982)), 1775 Broadway, New York, New York 10019, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 02/02-5385.

H.B.R. Capital Corporation was licensed on October 9, 1980. Its present

combined paid-in capital and surplus is $500,000. The proposed transfer of control is subject to, and contingent upon, the approval of SBA.

The applicants are purchasing all of the issued and outstanding stock of H.B.R. Capital Corporation and will relocate the principal office of the Licensee to: 41 East 42nd Street, New York, New York 10017.

The proposed new officers, directors and stockholders of the applicant are as follows:

President and Director: Manny Zisser, 430 Shore Road, Long Beach, NY 11561.
Secretary, Director and Treasurer: Jean Zisser, 430 Shore Road, Long Beach, NY 11561.
Director: A.J. Greenberg, 155 W. 68th Street, New York, NY 10023.
Symbax Pension Plan: 41 East 42nd Street, New York, NY 10017.

The Applicant proposes to increase the private capital of the Licensee by $500,000 upon approval from SBA to bring the total private capital to $1,000,000.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner and management, and the probability of successful operations of H.B.R. Capital Corporation under their management and control, including adequate profitability and financial soundness, in accordance with the Act, and Regulations.

Notice is hereby given that any person may, (not later than (15) days from the date of publication submit to SBA, in writing, comments of the transfer of control. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of the Notice shall be published in a newspaper of general circulation in the New York City area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: March 18, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-8527 Filed 3-31-83; 8:45 am]

BILLING CODE 8025-01-M

Region II—Advisory Council; Public Meeting

The Small Business Administration, Region II Newark Advisory Council, located in the geographical area of Newark, New Jersey, will hold a public meeting at 10:00 a.m. on Thursday, April 14, 1983, at the Peter Rodino Federal Building, 970 Broad Street, Room 1635 Newark, New Jersey to discuss such business as may be presented by members and the staff of the Small Business Administration or others attending. For further information, write or call Andrew P. Lynch, District Director, U.S. Small Business Administration, 970 Broad Street, Newark, New Jersey 07102, 201-645-3580.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 25, 1983.

[FR Doc. 83-8531 Filed 3-31-83; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council Meeting; Public Meeting

The Small Business Administration Region VII Advisory Council, located in the geographical area of Omaha, Nebraska, will hold a public meeting from 10:00 a.m. to 2:30 p.m., on Thursday, April 28, 1983, in the Conference Room, Omaha District Office, U.S. Small Business Administration, 19th and Farnam, Omaha, Nebraska, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Rick Budd, District Director, U.S. Small Business Administration, 19th and Farnam, Omaha, Nebraska 68102—(402) 221-3620.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 25, 1983

[FR Doc. 83-8530 Filed 3-31-83; 8:45 am]

BILLING CODE 8025-01-M

SYNTHETIC FUELS CORPORATION

Interim Environmental Monitoring Plan Guidelines

AGENCY: U.S. Synthetic Fuels Corporation

ACTION: Publication of interim Environmental Monitoring Guidelines.

SUMMARY: This notice publishes, and invites written public comment on, Environmental Monitoring Plan Guidelines which have been adopted in interim final form by the Board of Directors of the U.S. Synthetic Fuels Corporation to carry out the requirements of Section 131(e) of the Energy Security Act, Pub. L. 96-294, relating to environmental monitoring plans. Written comments will be accepted through May 23, 1983, and should be directed to the Corporation's Director of Environment at the address indicated below. Copies of the Environmental Monitoring Plan Guidelines and all comments thereon will be available in the Corporation's Public Reading Room at the address indicated below. After receipt of comments, the Environmental Monitoring Plan Guidelines will be presented to the Corporation's Board of Directors, with such changes as may be recommended by the Chairman, for adoption in final form.

FOR FURTHER INFORMATION CONTACT: Steven M. Gottlieb, Director of Environment, U.S. Synthetic Fuels Corporation, 2121 K Street, NW., Washington, D.C. 20586, (202) 822-6316.

For copies of the guidelines and public comments: Catherine McMillan, Director of Public Disclosure, U.S. Synthetic Fuels Corporation, 2121 K Street, NW., Washington, D.C. 20586, (202) 822-6460.

United States Synthetic Fuels Corporation, Interim Environmental Monitoring Plan Guidelines

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I. Purpose

Section 131(e) of the Energy Security Act specifies that project sponsors receiving financial assistance from the United States Synthetic Fuels Corporation (the "Corporation") shall develop, in consultation with the Environmental Protection Agency ("EPA"), the Department of Energy ("DOE") and appropriate state agencies an environmental monitoring plan

acceptable to the Corporation's Board of Directors. In implementing this statutory mandate, the Corporation is utilizing a two-stage approach under which the sponsors (1) develop an *Outline* of their monitoring plans, which will be incorporated into financial assistance contracts, and (2) develop a monitoring *plan* (based on the outline) after financial assistance contracts are executed.

The purpose of these Guidelines is to set forth the procedural steps to be taken and the broad substantive areas to be addressed in developing outlines and plans. The Guidelines provide the general basis on which the Corporation will determine the "acceptability" of outlines and plans. However, the Guidelines do not specify the substantive details required for an acceptable outline or plan since the actual development of an outline and plan is the responsibility of sponsors, in consultation with the appropriate agencies.

II. Statutory Basis

Section 131(e) of the Energy Security Act ("ESA") requires that:

> Any contract for financial assistance shall require the development of a plan, acceptable to the Board of Directors, for the monitoring of environmental and health-related emissions from the construction and operation of the synthetic fuels project. Such plan shall be developed by the recipient of financial assistance after consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, and appropriate state agencies.

The Conference Committee's Joint Explanatory Statement relating to this provision states, in pertinent part:

> The monitoring of emissions—gaseous, liquid or solid—and the examination of waste problems, worker health issues and other research efforts associated with any synthetic fuels project * * * will help to characterize and identify areas of concern and develop an information base for the mitigation of problems associated with the replication of synthetic fuels projects. The Corporation is not expected to involve itself in the development or execution of such plans except for the necessary approval. The conferees intend that development of the plans and actual data collection be reserved to the applicants for financial assistance after consultation with appropriate federal and state agencies. (Joint Explanatory Statement of the Committee of Conference; pp 208–209 of Compilation of the Energy Security Act of 1980.)

III. General Approach To Implementing Section 131(e)

The Corporation views the characterization and identification of areas of concern and the development of an information base for the mitigation of problems associated with the replication of synthetic fuels projects to be the fundamental purposes of environmental monitoring pursuant to monitoring plans under Section 131(e). Toward this end, the Corproation requires that sponsors perform a broad range of monitoring activities, during the entire life-cycle of their project.[1] (Socioeconomic and water consumption monitoring will not be considered to be part of monitoring under Section 131(e); however, it is anticipated that some socioeconomic and water consumption monitoring will be required by separate terms of the financial assistance contract.) Monitoring pursuant to section 131(e) shall include that which is required by federal, state, and local permits, approvals,[2] and other regulatory obligations ("compliance monitoring") and, as appropriate, additional requirements ("supplemental monitoring"), such as the monitoring of unregulated substances which may be present at concentrations of significant environmental or health concern.[3]

The Corporation requires that the environmental monitoring plan be developed in two stages. In the first stage, sponsors are required to develop an outline of the environmental monitoring plan ("outline"), in consultation with the federal and state agencies referred to in section 131(e) (the "consulting agencies"). This outline, which will contain a general description of the sponsors' monitoring tasks, will be incorporated into the financial assistance contracts. Under the second stage, sponsors are required, by a date fixed in the contract, to develop an environmental monitoring plan ("plan") which provides a detailed description, based upon the general terms of the outline, of the specific monitoring tasks to be undertaken. Both the outline and plan shall address the methods by which data will be acquired, managed, and analyzed. The plan should be viewed by sponsors and consulting agencies as a dynamic document which can be modified as conditions warrant.

In determining the "acceptability" of the outline and plan under Section 131(e), the Corporation will decide whether the sponsors have addressed both the broad monitoring areas referred to in the Guidelines and the specific recommendations of the consulting agencies. The Corporation will consider the costs of monitoring relative to the potential usefulness of this information. Where the sponsors do not include in their outlines or plans monitoring which is indicated in these Guidelines or recommended by the consulting agencies, a specific explanation shall be provided which will be evaluated by the Corporation as part of the process of making acceptability determinations.

IV. Procedures for Developing Outlines and Plans

A. General Considerations

To promote the timely development of sound monitoring outlines and plans, with meaningful input from the consulting agencies, the procedural approach set forth below should be used in developing and reviewing monitoring outlines and plans. In implementing these procedures, several general points are relevant:

- Section 131(e) formally designates EPA, DOE and appropriate state agencies [4] as consulting agencies for purposes of developing monitoring plans. While the Corporation has the ultimate statutory responsibility for making acceptability determinations, the Corporation regards the consulting agencies' opinions and comments as fundamental to the development of the outline and plan.[5]
- Early meetings between sponsors and consulting agencies and informal communications between them throughout the process of developing an outline and plan are inherent to the Section 131(e) consultation process. (The Corporation will notify sponsors which consulting agency officials to contact.) Sponsors should bear in mind that they have the responsibility for developing their outline and plan and they should

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[1] "Project" applies to those facilities to be covered by the financial assistance agreement, as well as any dedicated mining operation at the project site which is controlled by the sponsors. "Sponsors" applies to the sponsor or sponsors of a project before the Corporation.

[2] Monitoring required by "approvals" shall include monitoring specified in any federal or state environmental impact statement (EIS) or agency record of decision relating thereto. This in no way implies that the award of financial assistance by the Corporation is a major federal action under Section 102(2)(C) of the National Environmental Policy Act (NEPA). Section 175(b) of the ESA specifically provides that all actions of the Corporation, except for construction and operation of Corporation construction projects, are exempt from the EIS requirements of NEPA.

[3] The Corporation has previously notified sponsors that they must consider the monitoring of unregulated substances. (See, e.g., the Corporation's Second Solicitation Section, Section IV.C.a.1, and Third Solicitation, Section, Section III.B.6.b.2).

[4] The Governor in whose state a project is located designates an "appropriate state agency official" to work with the sponsors to develop the outline and plan.

[5] EPA has prepared a monitoring reference manual for synthetic fuels processes (presently in draft form) which the agency will make available to sponsors to indicate EPA's areas of interest. This manuals contains no requirements; rather, it is a general reference tool which may be used by drafters and reviewers of monitoring plans.

not unduly burden the consulting agencies in this effort.

• A number of sponsors have already begun to develop their monitoring outlines in consultation with the appropriate agencies. In these cases, the Corporation will not require repetition of the procedural steps set forth herein to the extent they have already been effectively performed.

• To maximize coordination among the parties to the process—sponsors, federal and state consulting agencies, and the Corporation—courtesty copies of all formal communications (draft and revised outlines and plans and all correspondence, including consulting agency comments and sponsors' responses) from any party should be provided simultaneously to all other parties.

B. Development of Outlines

The following is the sequence which shall be followed in developing monitoring outlines in consultation with the appropriate agencies:

• For projects submitted under the Corporation's first three general solicitations, sponsors shall initiate preparation of their monitoring outline no later than immediately after passing the Corporation's strength review. For those sponsors submitting proposals under the Corporation's "Competitive Solicitation for Oil Shale Projects" (or comparable solicitations developed in the future), sponsors' technical proposals shall include a schedule for preparing an acceptable monitoring plan outline; the schedule should provide that if the technical proposal is found acceptable by the Corporation, sponsors will immediately initiate preparation of their outline.

• The sponsors' draft outline shall be submitted to the consulting agencies for their review and comment. The sponsors should confer with the Corporation regarding the timing of submission of the draft outline (as well as the revised outline) so that an acceptable outline can be prepared on a schedule consistent with the anticipated financial assistance agreement signing date.

• Consulting agencies should provide written comments to the sponsors on the draft outline expeditiously. It is expected that absent special circumstances, comments will be provided within five weeks of receiving the draft.

• Upon receiving comments from the consulting agencies, the sponsors shall prepare a revised outline which responds to the comments, either by modifying the outline or by explaining (in a cover letter) the specific reasons for not accepting any specific monitoring task suggested by the consulting agencies and for excluding any general monitoring area covered in the Guidelines.

• The revised outline shall be submitted to the consulting agencies for final review.

• Absent special circumstances, the consulting agencies should submit to the Corporation their comments on the revised outline within four weeks of receiving it.

• The Corporation will evaluate the revised outline and the consulting agency comments and determine the outline's acceptability.

C. Development of Plans

Each financial assistance contract will establish a date by which sponsors shall submit their draft and revised plans. It is anticipated that the revised plan will be required approximately four to six months after contract signing, depending on the complexity of the plan and other project-specific circumstances.[6] Following the revised plan's submittal, it must be found acceptable by the Corporation within a time fixed in the contract (approximately two months from the submission deadline).

The sequence for developing a plan, including the time periods for consulting agency comments, is analogous to that for an outline set forth above. In brief, the sponsors develop a draft plan; it will be reviewed and commented on by the consulting agencies; a revised plan will be developed; final comments will be provided by the consulting agencies; and the revised plan and comments thereon will be evaluated by the Corporation and a determination of acceptability is made. Absent unusual circumstances, the plan must be consistent with the terms of the outline. (With respect to modifying the plan during the period in which it is being implemented, see Section VII.B.2.)

D. Determination of Acceptability

The Corporation will determine the acceptability of all monitoring outlines and plans based on whether the sponsors' specific treatment of the broad substantive areas set forth in these Guidelines meets the Corporation's environmental monitoring goals of characterizing and identifying areas of concern and developing an information base for the mitigation of problems associated with the replication of synthetic fuels projects. In making acceptability determinations, the Corporation will evaluate the consulting agencies' comments and monitoring recommendations and the sponsors' responses to the agencies' comments and recommendations.

If the Corporation determines that a monitoring outline is acceptable, it will then be incorporated into the financial assistance contract. As a general rule, if a sponsor's outline is not found to be acceptable, the Corporation will not enter into an agreement for financial assistance until the outline is made acceptable. With respect to monitoring plans, failure to submit an acceptable plan as required by the statute, and failure to properly implement plans determined to be acceptable by the Corporation, will be addressed under the default and remedy provisions of the financial assistance agreement.

V. Substantive Areas of Outlines and Plans

A. Overview

A monitoring *outline* should be a general description of the environmental monitoring tasks which the sponsors will perform, including a summary of compliance monitoring obligations and a brief description of supplemental monitoring tasks. (Where a permit has not yet been obtained, sponsors should include in the outline and plan anticipated requirements based on the terms of comparable permits.) The outline should state what substances will be monitored (both regulated and unregulated), where the monitoring will take place (such as ambient or workplace), how the monitoring would be performed (such as high volume sampler or personal dosimeter), and the duration. The monitoring *plan* shall include all of the specific terms and conditions of permits and other approvals and the specific monitoring tasks relating to supplemental monitoring. The plan should be a detailed description of the monitoring tasks set forth in the outline, including sampling protocols, monitoring site locations, monitoring frequency, monitoring equipment, analytical methods, etc.[7] The plan shall also state what substances will be monitored; if a more detailed list is available at this stage than when the outline was prepared, such additional detail shall be provided.

When sponors have not identified the specific unregulated substances which

[6] Where monitoring activities, e.g., baseline or construction monitoring, should be initiated prior to completion of the plan, the outline should indicate when this monitoring should begin.

[7] Sponsors may provide in their outlines details on any or all aspects of environmental monitoring that are at a level of specificity not required in an outline but appropriate for a plan. This is solely at the sponsors' discretion and will not affect the Corporation's acceptability determination regarding the outline.

may be of significant environmental or health concern, the sponsors shall provide in the outline and plan qualitative assessments of the classes of substances (e.g., phenols, polynuclear aromatic hydrocarbons, organic sulfur compounds), likely to be present and the method(s) by which the specific substances will be identified.

In both the outline and plan, sponsors shall provide (as appendices or by separate submission) sufficient background information on their project to enable the consulting agencies to meaningfully evaluate the outline and the plan. This information should include an overall process description, a process block flow diagram, design performance of environmental control systems, plot plans and layouts and a detailed site description; it shall also include studies, reports, data, etc., which are used to support statements and decisions by sponsors in the outline and plan.

Neither an outline nor a plan need be in any particular format. Sponsors can tailor the format of their outline and plan according to their own specific project reporting systems, but consideration should be given to the comments of the consulting agencies regarding format.

B. Supplemental Monitoring

"Supplemental monitoring," as used herein, refers to any monitoring that is not required by the terms and conditions of permits and approvals or other regulatory obligations, i.e., compliance monitoring. Supplemental monitoring should be performed by sponsors when it can produce environmental and health data which are relevant to project replication, i.e., data which are relevant to comparable facilites which may be built in the future. The need for, and duration of, supplemental monitoring will be determined on a project-by-project basis, with consideration being given to meeting the following broad goals:

- Characterizing and identifying unregulated substances, such as those trace metals and polynuclear aramatic hydrocarbons (PAHs) which are suspected of causing carcinogenesis, mutagenesis, teratogenesis, reproductive effects, other systemic disorders and environmental effects. [8] In developing their outline and plan, sponsors are encouraged to consider a two-phased approach to identify and characterize unregulated substances. The purpose of the first phase is to monitor until sufficient data have been collected to statistically establish an emissions baseline. The purpose of the second phase is to limit the scope of monitoring in a manner which will provide data on those substances which are of significant environmental or health concern, while reducing monitoring costs.
- Identifying and characterizing regulated substances or performing baseline monitoring when not required pursuant to permits. [9]
- Assessing the health risks associated with occupational exposure by conducting comprehensive medical surveillance programs of workers and establishing worker registries.

In addition, sponsors should consider the following points in developing the supplemental monitoring tasks in their outline and plan:

- The Corporation does not expect supplemental monitoring to include monitoring which is relevant essentially to a specific project as a specific site (e.g., monitoring project impact on the local wildlife population) unless such monitoring has broader applicability to project replication. However, such site-specific monitoring if required by permit would be included as compliance monitoring in the monitoring outline and plan.
- The Corporation does not expect sponsors to perform off-site supplemental monitoring with regard to solid and hazardous wastes shipped to facilities owned by others because the receiver is subject to its own monitoring obligations.
- The Corporation does not expect sponsors to perform supplemental monitoring with regard to wastewater after its discharge to publicly owned treatment facilities (POTWs) because these facilities are subject to the monitoring requirements of their own National Pollutant Discharge Elimination System (NPDES) permits.

C. Substantive Monitoring Areas

1. *General.* Sponsors shall monitor during all stages of a project's life-cycle—pre-construction (baseline), construction, operation and post-operation (shutdown of facility and reclamation of site).[10] In monitoring during each of these stages, three generic areas of environmental monitoring—source, ambient, and health and safety monitoring—shall be performed as appropriate to that stage. Other monitoring, such as ecological monitoring, as well as toxicological testing may also be required on a case-by-case basis. In general, monitoring must be conducted during start-up, shutdown, and upset conditions, as well as during steady-state operation of the project.

2. *Source Monitoring.* Source monitoring refers to the monitoring of air emissions (including fugitive emissions), water effluents and solid wastes as they are released from a project's vent, stacks, pipes, etc., as well as to the efficiency of environmental control systems.[11]

- For air emission source monitoring, sponsors shall monitor for regulated substances, including those under applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants (NESHAPs), etc., as well for unregulated substances (including those adsorbed on particulates) which may be present at concentrations of significant environmental or health concern.
- For water effluent source monitoring, including underground releases and releases into POTWs, sponsors shall monitor for regulated substances including those in NPDES permits or specified by EPA "consent decrees", etc., as well as for unregulated substances which may be present at concentrations of significant environmental or health concern.
- For solid waste monitoring, sponsors shall monitor these wastes pursuant to the requirements of the Resource Conservation and Recovery Act as well as monitor for unregulated substances which may be present at concentrations of significant environmental or health concern. (See Section V.B regarding monitoring of solid and hazardous wastes once they are shipped off-site).

[8] The Corporation views unregulated substances as including those substances not presently regulated under any law and those which may be regulated under one law but not another. For example, a substance may be regulated under the Occupational Safety and Health Act but not regulated under the Clean Water Act; monitoring for such a substance in the water would be a "supplemental monitoring requirement, but in the workplace would be a "compliance monitoring" requirement.

[9] When modeling of emissions indicates that concentrations may fall below those levels for triggering permit-mandated monitoring (notably for prevention of significant deterioratio (PSD) review), monitoring to determine the actual level of emissions (vis-a-vis calculated levels) of regulated substances should be performed where necessary to develop a data base relevant to project replication. It is expected that such monitoring would be of short duration.

[10] While compliance monitoring occurs throughout a project's life-cycle, supplemental monitoring is principally applicable during the operation stage.

[11] It is expected that sponsors will monitor the efficiency of environmental control systems for all source monitoring activities; however, sponsors are not expected to provide proprietary operation condition information pursuant to the plan.

3. *Ambient Monitoring.* Ambient monitoring refers to monitoring the unconfined environment—the air, water, and land—in the vicinity of a project. Sponsors shall monitor in the unconfined environment the level of substances found in the facility's emissions and discharges.

• For ambient air monitoring, sponsors shall monitor, as applicable by permit, those regulated pollutants identified in EPA's PSD Regulations and NESHAPs, etc., as well as for unregulated substances which may be present at concentrations of significant environmental or health concern. Monitoring of possible public nuisances, such as odor, should also be considered.

• Where the project will be discharging into surface waters, sponsors shall monitor for regulated water quality parameters (chemical and biological orygen demand, total suspended solids, etc.), as well as for unregulated substances which may be present at concentrations of significant environmental or health concern.

• Where substances have the potential to impact groundwater, groundwater monitoring shall be conducted to identify contamination from leachates, discharges, or underground injection and shall include monitoring for regulated substances listed under the Safe Drinking Water Act, etc., as well as for unregulated substances which may be present at concentrations of environmental or health concern.

• Where substances have the potential to contaminate the soil, soils shall be monitored for regulated and unregulated substances.

4. *Health and Safety Monitoring.* Health and safety monitoring [12] refers both to monitoring workers' exposure to potentially hazardous in-plant emissions and/or conditions associated with the project and to the development of worker registries. The sponsor shall characterize and identify work-related exposures to specific substances or conditions in the facility during routine work, maintenance, repair and sampling activities throughout construction, operation and decommissioning of the facility.

All sponsors shall develop and maintain worker registries, to encompass collecting and storing information on medical and work histories, physical examinations, and industrial hygiene exposure records. Registries should provide information to be used to determine if impacts identified in groups of workers are related to various substances or conditions with which workers had been in contact at synthetic fuels facilities. What the registries cover will be determined on a case-by-case basis depending on the health concerns associated with the facility. Sponsors shall develop, in consultation with the consulting agencies, formats and protocols for the registries which are acceptable to the Corporation, which shall include the method by which the confidentiality of workers' identity will be protected.

5. *Other Monitoring.* It may be appropriate for sponsors to perform ecological or other monitoring as well as toxicological testing (including biomonitoring) in some situations. Ecological monitoring should be performed where substances from the facility have the potential for impacting terrestrial and aquatic species; however, for the purposes of Section 131(e), such monitoring should be included only if the collection of such data would be needed to characterize and identify areas of concern and develop an information base for the mitigation of problems associated with the replication of synthetic fuels plants.

Although not generally considered as a part of monitoring (since it determines dose-response relationships and relative toxicities of substances rather than measuring concentrations), toxicological testing should be performed where there is potential for significant human exposure to unregulated substances of concern with unknown or uncertain toxicities. [13]

D. Quality Assurance/Quality Control

The outline and plan shall indicate what quality assurance/quality control (QA/QC) measures will be taken to assure that environmental monitoring data produced will be sound. The outline should briefly indicate the sponsors proposed QA/QC program while the plan should establish specific requirements of a comprehensive QA/QC program. [14]

E. Data Management; Reporting Requirements

Sponsors shall develop a data management program that addresses the acquisition, storage, retrieval and analysis of the monitoring data for the life of the project. [15] The framework for the data management program should be indicated in the outline and the details of the program should be fully described in the plan.

Sponsors shall submit to the Corporation monthly, quarterly and annual reports containing summaries of pertinent data related to requirements in the outline and plan. Central to the development of an information base for replication of synthetic fuels projects and to the development of the environmental components of Corporation reports required by the Energy Security Act are the summary and analyses of environmental monitoring data and the highlighting of significant monitoring events, which will be the focus of these reports.

Sponsors shall develop, in consultation with the consulting agencies, the format and contents of the reports, which should be indicated in the plan. Consistent with the protection of confidential information, copies of the reports will be made available by the Corporation to consulting agencies directly and will be available for public review in the Corporation's Public Reading Room.

The following are the minimum elements required to be included in each report:

• Monthly Reports

Monthly reports shall contain significant monitoring information from the preceding month including:

—The identification and amounts of unregulated substances found to be present at concentrations of significant environmental and health concern.

—An indication if there were any significant or material changes to the terms of environmental permits.

—An indication if there were exceedances of permit conditions, including a statement by the sponsors as to whether there were notices of violation from regulatory agencies.

—Copies of all compliance reports sent by sponsors to the regulatory agencies.

• Quarterly Reports.

Quarterly reports shall:

—Contain summaries and analyses (including statistical analyses) of the environmental and health monitoring

[12] Health and safety monitoring as used herein includes industrial hygiene monitoring and medical surveillance monitoring.

[13] Sponsors should be aware that EPA could specify toxicologic testing as part of its Premanufacture Notification requirement under the Toxic Substances Control Act (TSCA), and are urged to contact EPA early regarding the applicability of TSCA to their project's products.

[14] Federal guidelines on QA/QC are available from EPA and the National Institute for Occupational Safety and Health. See "Development and Validation of Methods for Sampling and Analysis of Workplace Toxic Substances," Research Report DHHS (NIOSH) Publication No. 80–133, September, 1980; "Interim Guidelines and Specifications for Preparing QA Project Plans," "EPA Report No. QAMS–005/80," December 29, 1980.

[15] The sponsor shall permanently retain all monitoring records or make them available to the Corporation for archiving.

data for the three immediately preceding months, include a characterization of the unregulated substances of environmental and health concern.

—Assess the project's permit compliance status.

—Identify and characterize the presence of significant levels of unregulated substances and correlate it to the operating conditions of the facility and environmental control performance.

—Discuss the performance of environmental control systems.

—Identify potential problem areas encountered throughout the quarter, e.g., problems with monitoring techniques/procedures, sampling, quality control, etc. and propose preliminary solutions.

—Recommend modification or deletion of monitoring tasks not yielding useful data, including the basis for the sponsors' recommendation.

• Annual Reports.

Annual reports shall:

—Summarize and analyze the monitoring data previously collected and the monthly, quarterly, and annual reports previously submitted. The summary and analysis shall include characterizations of unregulated substances which have been found in concentrations of significant environmental and health concern, and the identification of trends and patterns in the data, including data available in worker registries.

—Based upon monitoring data and the reports which have been submitted, indicate if there are any actual or potential environmental or health impacts.

—Recommend modification, deletion or addition of monitoring tasks, including the basis for the sponsors' recommendation.

—Indicate whether any of the problem areas identified in the monthly or quarterly reports have been resolved and, if not, what additional measures should be taken. Copies of all annual compliance reports or analyses submitted to regulatory agencies should also be included in the annual report.

VI. Confidential Information

The contents of all monitoring outlines and plans (including drafts and revisions) submitted by sponsors will be publicly available as will all formal written comments of the consulting agencies on the outlines and plans.[16]

It is expected that all monitoring data, data summaries, data analyses, reports, etc., provided to the Corporation by the sponsors will not be proprietary or otherwise confidential business information. Any information which is properly designated by the sponsors as confidential (in accordance with the Corporation's Guidelines on Disclosure and Confidentiality) will not be provided to federal or state agencies except as authorized by law and unless its confidentiality is protected.

Public information requests will be handled in accordance with the Corporation's Guidelines on Disclosure and Confidentiality.

VII. Monitoring Review Committee

A. Membership; Meetings

Each financial assistance contract will establish a Monitoring Review Committee (the "Committee") consisting of representatives of the sponsors, the consulting agencies, and the Corporation. The Corporation representative will act as chairperson for the Committee. The Corporation will convene meetings of each Committee at least once per year.

B. Functions

1. *Data Review.* Each Monitoring Review Committee will assess the sponsors' environmental monitoring data, including the monthly, quarterly and annual reports. The main purpose of data review is to determine if there are any significant findings among the data, e.g., data points of excessively high readings or if there are significant trends or patterns in pollutant releases from the project which could result in significant health or environmental impacts in the future.

2. *Modification of Monitoring Requirements.* Based on the Committee's ongoing review of the monitoring data and the monthly, quarterly, and annual reports, members of the Committee can recommend to the Corporation representative that the sponsors discontinue, modify or add monitoring tasks, substitute new analytical techniques or instrumentation as they are developed, or change the format of the above reports. The Corporation, after consultation with the sponsors, will authorize such changes if appropriate. (Modification of sponsors' monitoring plans by the Corporation shall have no effect on the sponsors' responsibility to monitor under federal, state, and local requirements.) Absent unusual circumstances, the Corporation will not require additional monitoring beyond that supplemental monitoring specified in the plan unless the costs of the additional requirements have been, or are being, offset by the elimination of comparable costs.

Monitoring plans should have flexibility so that when sufficient data have been obtained to establish a definitive baseline or when the monitoring data indicate that certain monitoring tasks are found to be relatively unimportant, they can be reduced or eliminated, and, conversely, when monitoring data suggest that certain tasks take on increasing importance monitoring can be expanded. Thus, if an unregulated substance in the work environment is consistently absent from monitoring data, monitoring for it should be reduced in scope or terminated; conversely, where new data in the scientific literature indicating that a particular substance may be of increased health or environmental concern, monitoring shall be expanded under the limitation set forth above.[17]

VIII. Amendments to Guidelines

Amendments to these Guidelines may be authorized in writing by the Corporation. All sponsors with projects before the Corporation at the time any amendment is made will be notified immediately of such amendment. Copies of these Guidelines, as amended, will be available in the Corporation's Public Reading Room.

Dated: March 29, 1983.

Jimmie R. Bowden,

Executive Vice President, U.S. Synthetic Fuels Corporation.

[FR Doc. 83-8505 Filed 3-31-83; 8:45 am]

BILLING CODE 0000-00-M

[16] Copies of all initial and revised monitoring outlines and plans as well as written consulting agency comments thereon will be available for review in the Corporation's Public Reading Room. Consulting agencies may also wish to make these documents available to the public as they deem appropriate.

[17] Where production, process or pollution control or feedstock changes occur that may reasonably be expected to contribute to affecting the emission of unregulated substances of environmental and health concern, monitoring tasks should be renewed or extended accordingly.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 463]

Regional Realignment, Reorganization of Headquarters

March 30, 1983.

Pursuant to Treasury Department Orders 101-5 and 221, the regional and headquarters management structures of the Bureau of Alcohol, Tobacco and Firearms are reorganized as follows:

1. Regional Realignment

(a) The Central Region for ATF's regulatory and administrative functions is abolished and its geographical area of responsibility merged with the Midwest Region. The positions of Regional Regulatory Administrator and Regional Administrative Officer for the Central Region are abolished. The Regional Regulatory Administrator and the Regional Administrative Officer for the Midwest Region will assume responsibility for ATF's regulatory and administrative activities in Indiana, Kentucky, Ohio, Michigan, and West Virginia.

(b) The Mid-Atlantic Region for ATF's regulatory and administrative functions is abolished and its geographical area of responsibility merged with the North-Atlantic Region. The positions of Regional Regulatory Administrator and Regional Administrative Officer for the Mid-Atlantic Region are abolished. The Regional Regulatory Administrator and Regional Administrative Officer for the North-Atlantic Region will assume responsibility for ATF's regulatory and Administrative activities in Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia.

2. Headquarters Reorganization

(a) The functions and personnel of the National Firearms Act Branch and the Imports Branch are transferred from the Office of the Assistant Director (Technical and Scientific Services) to the Office of the Assistant Director (Regulatory Enforcement).

(b) The functions and personnel of the Firearms Technology Branch and the Explosives Technology Branch are transferred from the Office of the Assistant Director (Technical and Scientific Services) to the Office of the Assistant Director (Criminal Enforcement).

3. Effective Date

The regional realignment and headquarters reorganization specified above shall be effective April 3, 1983.

Signed: March 17, 1983

Stephen E. Higgins,

Acting Director.

Approved: March 25, 1983.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 83-8802 Filed 3-31-83, 8:45 am]

BILLING CODE 4810-31-M

VETERANS ADMINISTRATION

Privacy Act of 1974; System of Records

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires that all agencies publish in the **Federal Register** a notice of the existence and character of their systems of records. Accordingly, the Verterans Administration published a notice of its inventory of personal records on September 27, 1977 (42 FR 49726).

Notice is hereby given that the Veterans Administration is adding a new system of records entitled "Community Placement Program-VA," (65 VA 122). This system is authorized under Title 38, U.S.C. 210(c), 610 and 4101.

The purpose of this new system of records is to provide for maintenance of management information regarding basic facility and VA beneficiary data required by local Social Work and management officials to operate the Community Placement Program. In addition, the system will provide workload statistics for reports to the Chief Medical Director and to the Administrator.

In accordance with 5 U.S.C. 552a(b)(3), the Veterans Administration has adopted and published routine uses for its systems or records. A routine use allows the agency to disclose Privacy Act records/information without the written consent of the individual to whom the record pertains. Within the VA, routine uses are principally used to permit disclosure of information from a Privacy Act system of records to a third party to enable the VA to carry out its programs in the most expeditious manner possible. Generally, a routine use identified in a VA system of records will either specifically identify information, or in the alternative, the general subject matter (i.e., a major group of information such as "identifying information" and "medical information") which is being disclosed. In those instances where a routine use identifies disclosure of a general subject matter, the general subject matter will be specifically described in the "Categories of records in the system" section of the system of records. Routine uses may be used in conjunction with one another. Each VA system of records contains the routine uses which are applicable for that system.

For purposes of these VA systems of records, the subsequent definitional terms or concepts are used as follows:

a. *Veteran*—A person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable and whose name and address and other information is maintained by the VA by virtue of the administration of veterans benefits under title 38, United States Code. For purposes of these system notices (unless specifically stated otherwise in the "Categories of individuals covered by this system" section of a system of records) the term "veteran" will also include the dependents of a veteran and any other individual who has been granted veteran status by virtue of a specific statutory authority. The name, address and other information regarding a veteran is protected by 38 U.S.C. 3301 and 4132 in addition to the Privacy Act. Accordingly, any disclosure of information concerning a veteran made from these Privacy Act systems of records under a routine use or other Privacy Act authority shall be consistent with the provisions of 38 U.S.C. 3301 and 4132.

b. *Claimant*—Any individual making a claim for a benefit under title 38, United States Code, e.g., veteran, nonveteran life insurance beneficiaries.

c. *Record*—Any item, collection or grouping of information about an individual that is maintained by the agency. It is noted that the term "record" may be used with regard to as little as one descriptive item about an individual.

d. *Information v. Data*—"Information" is individually identifiable (e.g., record includes an individual's name or address or other identifying information) whereas "data" is not individually identifiable.

e. *Subsidiary records*—Subsidiary records contain information which is part of a more comprehensive, published VA system of records. Subsidiary records may be physically located separate and apart from the rest of the system of records. Any subsidiary records are maintained for the same general purposes as a published system of records and, therefore, are considered to be part of that published system of records. (OMB Circular A-108).

f. *Disclosures Made "At the Request of the Veteran"*—In a few routine use notices, for purposes of section 3301 of title 38, United States Code, the VA has identified situations when the disclosure of a veteran's name and address by the VA to a third party is being made "at the request of the veteran." In these instances, an express or implied consent to disclose a veteran's name or address may be inferred by the VA in obtaining any other benefits (e.g., employment, State or local agency benefits programs) to which the veteran might be entitled

and referral of the name and address of the veteran by the VA to a third party will reasonably be required for the VA to act on the request of the veteran for assistance. A "Report of New System" and an advance copy of the new system notice were sent on December 29, 1981 to the Speaker of the House, the President of the Senate, and the Office of Management and Budget (OMB), as required by the provision of 5 U.S.C. 552a(o) and the Privacy Act and guidelines issued by the Office of Management and Budget (40 FR 45877), October 3, 1975.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed systems of records to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before May 2, 1983 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays) until May 16, 1983.

If no public comment is received during the 30-day review period allowed for public comment, or unless otherwise published in the **Federal Register** by the Veterans Administration, the new routine use statements included herein are effective May 2, 1983.

Approved: March 22, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

System of Records

SYSTEM NAME:

Community Placement Program-VA, 65 VA 122.

SYSTEM LOCATION:

Records are maintained at each VA health care facility; the VA Data Processing Center (DPC), 1615 East Woodward Street, Austin, Texas 78772; and at VA Central Office, 810 Vermont Avenue, N.W., Washington, D.C. 20420. Addresses for the VA health care system are listed in VA Appendix I at the end of this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who operate a Community Placement facility approved for placement of VA beneficiaries; VA beneficiaries in Community Placement facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record, or information contained in the record, may include personal identification information with data on the Community Placement facility, name of operator, address, phone number, name of veterans receiving care in these homes, a statement as to whether the veterans' medical conditions have been rated as service-connected or nonservice-connected, the veterans' social security numbers and the names, addresses and phone numbers of the veterans' next-of-kin; overall data regarding diagnoses of veterans in the facility, date the facility was last approved for participation, statement regarding whether or not the home is required to be licensed by the state and/or local government, copies of correspondence exchange between the VA and the persons interested in applying for participation in the Community Placement Program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, U.S.C. 210(c), 610 and 4101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person acting for the member when the member of staff person requests the record on behalf of and at the request of that individual.

2. Any information in this system may be disclosed to a Federal agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision regarding the hiring, retention or transfer of an employee, the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit given by that agency. However, in accordance with an agreement with the U.S. Postal Service, disclosures to the U.S. Postal Service for decisions concerning the employment of veterans, will only be made with the veteran's prior written consent.

3. Any information in this system may be disclosed to a State or local agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision on the hiring, transfer or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit by that agency; provided that, if the information requested pertains to a veteran, the name and/or address of the veteran will not be disclosed unless the name and/or address is provided first by the requesting State or local agency.

4. Any information in this system may be disclosed to a Federal, State or local governmental agency maintaining civil or criminal violation records, or other pertinent information such as prior employment history, prior Federal employment background investigations, and personal or educational background at the request of the veteran in order for the VA to obtain information relevant to the hiring, transfer or retention of an employee, the letting of a contract, the granting of a security clearance, or the issuance of a grant or other benefit.

5. Any information in this system, except for the name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign governmental agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

6. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto, in response to its official request.

7. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided or a purpose authorized by law.

8. Any information in this system including the name and address of a veteran may be disclosed to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under Title 38 U.S.C. (such disclosures

include computerized lists of names and addresses.)

9. Any information in this system may be disclosed to a Federal agency, except for the name and address of a veteran, in order for the VA to obtain information relevant to the issuance of a benefit under Title 38 U.S.C. The name and address of a veteran may be disclosed to a Federal agency under this routine use if they are required by the Federal agency to respond to the VA inquiry.

10. Any information in this system may be disclosed to a Federal grand jury, a Federal court or a party in litigation, or a Federal agency or party to an administrative proceeding being conducted by a Federal agency, in order for the VA to respond to and comply with the issuance of a Federal subpoena.

11. Any information in this system may be disclosed to a State or municipal grand jury, a State or municipal court or a party in litigation, or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of a State or municipal subpoena; provided, that any disclosure of claimant information made under this routine use must comply with the provisions of 38 CFR 1.511.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tapes which are stored at the Austin DPC, and paper documents (printouts) are maintained at VA Central Office and the health care facilities

RETRIEVABILITY:

Information can be retrieved by the use of veteran's name, social security number and by facility operator's name and location.

SAFEGUARDS:

Access to the basic file in the Austin DPC is restricted to authorized VA employees and vendors. Access to the computer room where the basic file is maintained within the DPC is further restricted to authorized VA employees and vendor personnel on a "need to know" basis and is protected from unauthorized access by an alarm system, the Federal Protective Service and VA security personnel. Access to paper documents at Central Office and VA health care facilities is restricted to authorized VA employees.

RETENTION AND DISPOSAL:

Working magnetic tapes at the DPC are disposed of as soon as the purpose for which they were established has been served. Paper documents are to be retained and disposed of in accordance with authorization approved by the Archivist of the United States.

NOTIFICATION PROCEDURE:

Any individual who wishes to determine whether a record is being maintained in this system under his/her or other personal identifier, or wants to determine the contents of such record should submit a written request or apply in person to the Chief, Social Work Service (122) at the appropriate VA health care facility. Addresses for these offices may be found in VA Appendix I at the end of this document. Inquiries should include the individual's full name and identification number (social security number).

RECORD ACCESS PROCEDURES:

Individuals seeking information regarding access to and contesting of VA records in this system may write, call or visit the nearest appropriate health care facility.

CONTESTING RECORD PROCEDURES:

(See Record Access Procedures above).

RECORD SOURCE CATEGORIES:

Information contained in the records is obtained from individuals requesting participation in the Community Placement Program; the patient, family members or accredited representative, and friends, employers or other third parties when otherwise unobtainable from the patient or his family; various automated clinical and managerial systems providing support at selected VA health care facilities; and the patient Consolidated Medical Records sections of the VA Medical Records System.

[FR Doc. 83-8502 Filed 3-31-83; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 64
Friday, April 1, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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	Items
Federal Energy Regulatory Commission	1
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Nuclear Regulatory Commission	5
Tennessee Valley Authority	6

1

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 12885, March 28, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 30, 1983.

CHANGE IN THE MEETING: The following item has been added to the regular agenda.

Item No., Docket No., and Company

CP–9: CP64–121–000, Farmland Industries, Inc.; CI65–700–000, CRA, Inc.

Kenneth F. Plumb,
Secretary.

[S–453–83 Filed 3–30–83; 10:33 am]
BILLING CODE 6717–02–M

2

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., April 6, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

1. Petition of Sea-land Service, Inc., In Re: American Marine Lines, Co., Inc.—Tariff FMC–F No. 1.

Portions closed to the public:

1. Agreement No. 5200–40: Petition for Reconsideration by the Pacific Coast European Conference of Order of Conditional Approval.
2. Docket No. 81–28: Transportacion Maritima Mexicana, S.A. v. Board of Commissioners of the Port of New Orleans—Petition of Complainant for Reconsideration of Report and Order of Commission.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–452–83 Filed 3–29–82; 4:34 pm]
BILLING CODE 6730–01–M

3

FEDERAL RESERVE SYSTEM
Board of Governors

TIME AND DATE: 10 a.m., Wednesday, April 6, 1983.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposals for simplifying the Consumer Leasing Act.
2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedon of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 30, 1983.

James McAfee,
Associate Secretary of the Board.

[S–454–83 Filed 3–30–83; 10:58 am]
BILLING CODE 6210–01–M

4

FEDERAL RESERVE SYSTEM
(Board of Governors)

TIME AND DATE: Approximately 11 a.m., Wednesday, April 6, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20661.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 30, 1983.

James McAfee,
Associate Secretary of the Board.

[S–455–83 Filed 3–30–83; 10:59 am]
BILLING CODE 6210–01

5

NUCLEAR REGULATORY COMMISSION

DATE: Week of April 4, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED:
Monday, April 4:

10:00 a.m.:
Briefing on Decay Heat Removal Studies on CE Plants (Public Meeting)
2:00 p.m.:
Briefing by Executive Branch (Closed—Exemption 1)

Tuesday, April 5:

2:00 p.m.:
Briefing by Federal Aviation Administration (Public Meeting)

Wednesday, April 6:

10:00 a.m.:
Briefing on Staff Review of GPU v. B&W (Public Meeting)

Thursday, April 7:

9:30 a.m.:
Hearing on NFS-Erwin (Public Meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,
Office of the Secretary.

[S–457–83 Filed 3–30–83; 3:42 pm]
BILLING CODE 7590–01–M

6

TENNESSEE VALLEY AUTHORITY [Meeting No. 1308]

TIME AND DATE: 9 a.m. (e.s.t.), Wednesday, April 6, 1983.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

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AGENDA ITEM:

Old Business

1. Delegation of authority relating to uranium rights agreements required to improve quality of title and permit development and mining of TVA's uranium properties.

New Business

A—Project Authorizations

A1. Project Authorization No. 3604—Design, procurement, and installation of temporary barge-unloading facilities at Gallatin Steam Plant.

B—Purchase Awards

[1]B1. Negotiation 62-925572—Replacement turbine wheels for Browns Ferry Nuclear Plant unit 2.

B2. Negotiation 35-199804—Indefinite quantity term agreement for the services of technical personnel to perform repairs to fossil turbines and generators at Cumberland and Widows Creek Fossil Plants.

B3. Amendment to Contract 79P66-143178 with General Electric Company, for reload fuel for Browns Ferry Nuclear Plant.

B4. Amendment to indefinite quantity term Contract 80P88-171173 with Chem-Nuclear Services, Inc. for radioactive waste disposal services for all of TVA nuclear plants.

B5. Proposal 59-931810—Labor, tools, equipment, and material for torus recoating application at Browns Ferry Nuclear Plant.

C—Power Items

C1. Letter agreement with Union Electric Company, Illinois Power Company, and Central Illinois Public Service Company, providing for reduction in the amount of seasonal diversity capacity exchange from 260 MW to 0 MW.

C2. Delegation of authority to execute purchase, lease, and conveyance instruments involving TVA substation and transmission properties.

C3. Cooperative efforts with Tennessee Valley Public Power Association for organization of a Tennessee captive insurance company.

Personnel Items

[1]D1. New wage schedule for hourly and annual trades and labor employees and other recommendations resulting from negotiations between TVA and Tennessee Valley Trades and Labor Council, 48th Annual Wage Conference.

D2. Amendment to memorandum of understanding between TVA and the Office of Workers' Compensation Programs covering improvement of the administration of the Federal Employees' Compensation Act through cooperative interagency action.

D3. Amendments to the rules and regulations of the TVA Retirement System relating to an increase in members' and retirees' flexibility in transferring their accumulated contributions among the Fixed Benefit Fund and the Variable Annuity Fund; and the selection of the Commerce Union Bank of Nashville, Tennessee, as an additional trustee for a portion of the System's Fixed Benefit Fund.

D4. Personal services contract with Questech, Inc., Knoxville, Tennessee, for advice and assistance in connection with TVA's nuclear safety program, requested by the Nuclear Safety Review Staff.

D5. Personal services contract with Bartlett Nuclear Inc., Plymouth, Massachusetts, to provide services of qualified health physics technicians during refueling outages at TVA nuclear plants, requested by the Office of Power.

E—Real Property Transactions.

E1. Abandonment of certain easement rights to Allen Merideth affecting approximately 0.9 acre of Kentucky Reservoir land located in Humphreys County, Tennessee—Tract Nos. GIR-5971F and GIR-7830M.

E2. Abandonment of flowage easement rights to the City of Loudon, Tennessee, affecting approximately 11.9 acres of Watts Bar Reservoir land located in Loudon County, Tennessee—Tract No. WBR-1638F.

E3. Sale of permanent easement to the Georgia Department of Transportation for the construction, operation, and maintenance of a highway, affecting approximately 5.9 acres of Oglethorpe Primary Substation land located in Catoosa and Walker Counties, Georgia—Tract No. XOPSS-8H.

E4. Grant of permanent easement to Washington County, Virginia, affecting approximately 0.2 acre of South Holston Reservoir land for construction, operation, and maintenance of a volunteer fire department and community meeting building—Tract No. XTSH-34FD.

E5. Grant of permanent easement to Cherokee County, North Carolina, for the construction, operation, and maintenance of a sewerline affecting approximately 1.8 acres of Hiwassee Reservoir land—Tract No. XTFBR-29S.

E6. Grant of easement rights to Peabody Coal Company affecting the Paradise Steam Plant Reservation.

E7. Filing of condemnation cases.

F—Unclassified

F1. TVA policy code relating to economic and community development.

F2. TVA policy code relating to floodplain management and protection of wetlands.

F3. TVA policy code relating to safety of nuclear facilities and activities.

F4. Administrative cost recovery regulations.

F5. Interagency order for reimbursable services between TVA and the United States Department of the Army—Phase I of engineering study on feasibility of rehabilitating phosphate development works.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: March 30, 1983.

[S-456-83 Filed 3-30-83; 3:41 pm]

BILLING CODE 8120-01-M

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[1]Item approved by individual Board members This would give formal ratification to the Board's action

1983 UMI

Federal Register

Friday
April 1, 1983

Part II

Environmental Protection Agency

Environmental Permit Regulations: RCRA Hazardous Waste; SDWA Underground Injection Control; CWA National Pollutant Discharge Elimination System; CWA Section 404 Dredge or Fill Programs; and CAA Prevention of Significant Deterioration; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 123, 124, 125, 144, 145, 146, 233, 260, 261, 262, 263, 264, 265, 270, and 271

[FRL 2293-5]

Environmental Permit Regulations: RCRA Hazardous Waste; SDWA Underground Injection Control; CWA National Pollutant Discharge Elimination System; CWA Section 404 Dredge or Fill Programs; and CAA Prevention of Significant Deterioration

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: This rule reorganizes the presentation of permit program requirements governing the Hazardous Waste Management program under the Resource Conservation and Recovery Act (RCRA), the Underground Injection Control (UIC) program under the Safe Drinking Water Act (SDWA), the National Pollutant Discharge Elimination System (NPDES) and the Dredge or Fill (§ 404) programs under the Clean Water Act (CWA), and the Prevention of Significant Deterioration (PSD) program under the Clean Air Act. This rule makes *no substantive changes* to any of the affected sections. The Agency is simply physically deconsolidating its Consolidated Permit Regulations in response to the President's Task Force on Regulatory Relief which asked that the Environmental Protection Agency review the Consolidated Permit Regulations. Our intent is to make the regulations easier to understand and to use.

- Part 122 of the Consolidated Permit Regulations is split into portions applicable specifically to RCRA (new Part 270), UIC (new Part 144), 404 (new Part 233), and NPDES (mostly remaining in Part 122).
- Part 123 of the Consolidated Permit Regulations is split into portions applicable specifically to RCRA (new Part 271), UIC (new Part 145), 404 (new Part 233), and NPDES (remaining in Part 123).
- Part 124 of the Consolidated Permit Regulations remains applicable to all permit programs (RCRA, State 404 programs, UIC, NPDES, PSD) and is modified only as necessary to revise the cross-references to former Parts 122 and 123.

DATES: Effective date: April 1, 1983, except for those portions of §§ 122.2, 122.21, and 122.29 that are suspended.

Comment date: To assist EPA in correcting typographical errors, incorrect cross-references and similar technical errors, submit comments of a technical and nonsubstantive nature on the final regulations on or before May 31, 1983.

ADDRESS: Address comments of a technical and nonsubstantive nature to: John Chamberlin, PM-220, U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: The following individuals at the U.S. Environmental Protection Agency, Washington, D.C. 20460:

- On RCRA issues—Deborah Wolpe, Office of Solid Waste (WH-563); (202) 382-4754;
- On UIC issues—Thomas E. Belk; Office of Drinking Water (WH-550); (202) 426-3934;
- On NPDES issues—George Young, Permits Division (EN-336); (202) 426-4793;
- On 404 issues—Michael Privitera, Office of Federal Activities (A-104); (202)382-5053;
- On issues relating to coordination among all the revisions to the Consolidated Permit Regulations for the President's Task Force on Regulatory Relief—John Chamberlin, Office of Policy Analysis (PM-220); (202)382-2762.

SUPPLEMENTARY INFORMATION:

I. Background

On May 19, 1980, EPA promulgated the Consolidated Permit Regulations (CPR) governing five separate permit programs (40 CFR Parts 122-124, 45 FR 33290-33588). The five permit programs covered by the CPR are: the Hazardous Waste Management (HWM) program under Subtitle C of the Resource Conservation and Recovery Act (RCRA); the Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act; the National Pollutant Discharge Elimination System (NPDES) program under Section 402 of the Clean Water Act; the state "dredge or fill" program under Section 404 of the Clean Water Act; and the Prevention of Significant Deterioration (PSD) program under regulations implementing Section 165 of the Clean Air Act.

Part 122 established definitions and basic permit requirements for EPA-administered RCRA, UIC, and NPDES programs. It also provided certain requirements applicable to state programs, including state 404 programs, but only to the extent Part 123 explicitly referred to Part 122 requirements. Part 122 spelled out in detail who must apply for a permit; contents of the applications; what conditions must be incorporated into permits; when permits may be revised, reissued, or terminated; and other requirements.

Part 123 established the requirements for state programs operated in lieu of EPA, after a program has received the approval of the Administrator. In addition to the RCRA hazardous waste, UIC, and NPDES programs, Part 123 governed state Section 404 programs for discharges of dredged or fill material into certain waters of the United States. After receiving the approval of the Administrator, a state may issue Section 404 permits, in lieu of the United States Army Corps of Engineers, basically in so called "Phase II and III" waters (sometimes referred to as traditionally non-navigable waters). In addition, Part 123 contained the procedures for EPA approval, revision, and withdrawal of a state program.

Part 124 established the common procedures to be followed in making permit decisions under the RCRA hazardous waste, UIC, PSD, and NPDES programs. It included procedures for public participation, for consolidated review and issuance of two or more permits to the same facility or activity, and for appealing permit decisions. Most requirements in Part 124 are only applicable where EPA is the permit-issuing authority. However, Part 123 requires states to comply with some of the Part 124 provisions, such as the basic public participation requirements of permit issuance.

Technical regulations containing requirements and criteria which apply to decisionmaking under the RCRA, UIC, NPDES, 404, and PSD programs were developed separately and do not appear in Parts 122-124. These other regulations set the substantive standards for the contents of permits issued pursuant to Parts 122-124 and provide some of the technical bases for determining the adequacy of state programs and individual permit decisions.

In the CPR, the Agency intended to encourage consolidated permitting in three ways:

(1) It adopted procedures to allow coordinated processing of multiple permits for a single facility. A single short application form was developed to provide basic information needed by all permit programs. Procedures were established to allow joint public notice, hearings, and issuance for multiple permits.

(2) It established uniform procedures and permit requirements across EPA permit programs to provide more consistency and predictability to the regulated community. We hope that an

applicant who had obtained one EPA permit would find it easier to obtain other EPA permits by following similar procedures and meeting similar requirements.

(3) The regulations adopted a consolidated format. They interspersed requirements for one permit program among requirements for other permit programs. The regulations were organized both by topic (e.g. who applies for a permit, or standard permit conditions) and by permit program. For the most part, an effort was made to describe fully the requirements on a topic to the extent that the requirements were common across permit programs, and then subsequently to describe program-specific variations on the topic.

Subsequent to promulgation of the CPR, industry, states, and other interested parties have extensively criticized them. Petitioners representing major industrial trade associations, several of their member companies, the Natural Resources Defense Council, several states, and others filed petitions for judicial review of the regulations. Ultimately all petitions were consolidated in the U.S. Court of Appeals for the District of Columbia (*NRDC* v. *EPA*, No. 80–1607 and consolidated cases, filed June 2, 1980). Amendments resulting from this litigation are discussed in Section II of this preamble.

In addition, many individuals, including some of EPA's own regional officials charged with implementing the CRP, complained that the regulations were excessively complex and difficult to understand and to implement.

Consequently, the President's Task Force on Regulatory Relief designated the CPR as one of seven EPA regulations for Agency Review. Since late 1981 the Agency has ben re-assessing these regulations with the following objectives in mind:

- Reduce the burden the regulations impose in terms of monitoring, recordkeeping, testing, reporting, and general paperwork.
- Increase the flexibility with which EPA can transfer permitting responsibilities to the states.
- Provide the Agency and states with more efficient ways of managing permitting workloads.
- Settle the litigation outstanding against the regulations.
- Make the regulations easier to use and less complex.

In general, the Agency has not found the benefits of permit consolidation, in any of the three senses listed above, to be as extensive as expected. Consolidated processing of multiple permits has been very rare. The fact that the various permit programs regulate inherently different activities and thus must impose generally different sorts of requirements has limited commonalities across permit programs. Finally, the consolidated format of the regulations has made them unnecessarily difficult to use.

For example, the consolidated format for Part 122 tended to make an applicant interested in meeting the requirements for a single permit do two undesirable things:

- Read unrelated material pertaining to other permits not of interest to him: and
- Flip back and forth between two subparts of the regulations.

Althougth Subpart A contained mostly material common to all permit programs, it also contained material applicable to individual programs. That material proved to be distracting. In addition, the frequent necessity to proceed back and forth between Subpart A and Subpart B, C, or D caused confusion. Part 123 (state program requirements) of the CPR was organized similarly—it too tended to make an individual or state interested in a single permit program read irrelevant material and flip back and forth between subparts.

Today's deconsolidation is intended to correct the problems created by the consolidated format. It will also make it easier to implement other, more substantive changes under consideration to meet our objective of providing regulatory relief.

II. Relationship of This Promulgation to Other Changes in the CPR

Today's promulgation of "deconsolidated" regulations is only one of several steps we have taken or will take, to meet our regulatory relief objectives. The Agency has already completed two rule-makings to meet these objectives:

(1) Amendments dealing with issues addressed in the settlement agreement on the UIC-related issues of the CPR were promulgated in the **Federal Register** on August 27 1981 (46 FR 43156) and on February 3, 1982 (47 FR 4992)

(2) Technical amendments dealing with some of the issues addressed in the settlement agreement on the RCRA-related issues of the CPR were promulgated on April 8, 1982 (47 FR 15304).

These changes are reflected in today's deconsolidated regulations.

In addition, the Agency has proposed other regulatory changes:

(1) Amendments dealing with nearly all of the issues addressed in the settlement agreement on the NPDES-related issues of the CPR were proposed on November 18, 1982 (47 FR 52072).

(2) An amendment dealing with one of the issues addressed in the settlement agreement on the RCRA-related issues in the CPR was proposed on July 23, 1982 (47 FR 32038).

(3) Amendments dealing with issues addressed in the settlement agreement that were common to more than one permit program (the "common issues settlement") and 3 issues specific to the NPDES program were proposed on June 14, 1982 (47 FR 25546).

The Agency plans to propose more changes to the deconsolidated CPR over the next few months:

(1) Additional changes addressing the remaining issues dealt with in the settlement agreement on the RCRA-related issues in the CPR.

(2) Substantive changes to reform the NPDES program beyond those changes resulting from litigation, including final action on several provisions of the NPDES regulations which are currently suspended.

(3) Substantive changes to encourage assumption of the 404 permit program by states.

(4) FPA may also propose a set of changes to streamline the permitting procedures common to all programs found in Part 124.

These proposed changes will be reflected in the appropriate program regulations when rulemaking is complete.

The Agency believes that these changes will respond to nearly all of the criticisms that have been directed against the CPR. The regulations that result should be substantially less onerous for all concerned—permitters, permittees, states, citizens, and EPA—and will only very minimally, if at all, reduce the environmental protection that the regulations are intended to achieve.

III. Description of Today's Amendments

In today's amendments, we are simply revising the consolidated format of the regulations. We are deconsolidating Part 122 (permit requirements) and Part 123 (state program requirements) of the CPR. We aer leaving Part 124 (common permitting procedures) in its current consolidated format. Each part of the new regulations (122, 123, 144, 145, 233, 270, 271) will pertain solely to one permit program. The reader interested in only one permit program will not have to read irrelevant material pertaining to another program. Furthermore, EPA has attempted to order the subparts within each part in a logical sequence so that reading can be done sequentially.

Today's amendments simply reiterate the existing content of the regulations in a new format, with two narrow exceptions. First, several provisions have been deleted because they duplicate other provisions in the regulations or explain the consolidated format of the regulations and thus are no longer necessary. Deleted provisions are identified in the tables in the Appendix. Second, a few technical amendments have been made. They are described below.

In addition to the organizational changes resulting from deconsolidating, the Agency has made minor wording changes to UIC permitting requirements in selected sections of Part 144 (old Part 122). These changes essentially involve amending language to clarify the scope and enforceability of the procedural requirements which were previously outlined in 40 CFR Part 122, but they in no way extend the scope of the regulations. For example, in several sections the language has been changed from an indirect description of what standard a program must require an owner/operator meet, to language that simply states that an owner/operator "is required" to meet the standard. These minor wording changes, in addition to making the existing requirements more specific, will also enable EPA, where appropriate, to incorporate these regulations by reference directly into each federally implemented program the Agency promulgates, since the requirements will be couched in language that makes them directly enforceable against owner/operators.

The language changes do not alter the fact, however, that the requirements of Parts 144 and 145 are simply minimum requirements for all UIC programs. The old regulations in § 122.1(b)(1)(i) and § 122.31(a) have always made clear that the regulations were to serve as minimum requirements for EPA administered programs as well as approved state programs. These regulations do not impose requirements directly on owner/operators. The requirements set forth in these regulations will become binding on owner/operators only when they are included in a specific state program. Each state program will be approved (in the case of a state administered program) or promulgated (in the case of an EPA administered program) pursuant to appropriate procedural requirements.

The Agency has also made a minor technical change in the § 404 permitting requirements at § 233.18, Confidentiality of Information. In the existing regulations, the denial of request for confidentiality of the application form and the permit appears only in the NPDES section; it should have also appeared in the 404-specific section in accordance with Section 404(o) of the Clean Water Act. This technical change in today's regulations corrects that omission.

The Agency has also incorporated into today's regulations previously issued suspensions of several provisions of the NPDES permitting requirements. The text of these suspensions, and the date of their original issuance, are indicated at the end of those sections of the regulations where the suspended portions are located.

The first two suspensions affect definitions found in § 122.2. On July 21, 1980, the last sentence of the definition of "waters of the United States," which affects the exclusion of certain waste treatment systems from the definition of waters of the U.S., was suspended. On October 15, 1980, the definition of "new discharger" was suspended only as it applies to offshore mobile drilling rigs operating in areas other than those classified as environmentally sensitive.

Several suspensions have been made which limit the mandatory testing requirements of the NPDES application form 2C for primary industry categories. These suspensions are explained in detail in the notes following § 122.21, as well as the revised Table I of Appendix A to Part 122. In addition, portions of the footnotes to the table in §122.21(d)(2), which explain the requirements for submission of applications and accompanying effluent data, have been suspended. This suspension is explained in note 5 following §122.21.

Also, paragraphs (b)(1) and (b)(2) of § 122.29 have been suspended. These sections explain the difference between a new source and a modification of an existing source.

Final Agency action on each of these suspensions will be taken in subsequent Agency rulemakings. For example, on June 14, 1982, at FR 25526, *et seq*, EPA proposed amendments to the "new discharger" definition as it affects mobile drilling rigs. The suspension of the definition made on October 15, 1980 will be withdrawn once final regulations on this proposal are published.

Finally, the Agency has also made several minor corrections to RCRA Parts 270 and 271.

Reorganization and renumbering of old Parts 122 and 123 necessitates revising the cross-references to former Parts 122 and 123 found elsewhere in the Code of Federal Regulations. Cross-references have thus been revised in 40 CFR Parts 124, 125, 146, 260, 261, 262, 263, 264, and 265.

As an appendix to this preamble, EPA has prepared a table illustrating how the Agency has reorganized the CPR. Note that since the Agency is only reorganizing the CPR, we are making no changes to any of the permit application forms that were published with the regulations. These forms remain in effect and we are not reprinting them here. Also note that since the Agency is not now modifying Part 124 of the regulations, the procedures of that Part allowing consolidated processing of applications for multiple permits remain in effect. As indicated previously, EPA is considering separate rulemaking to revise Part 124.

IV. Effective Date and Final Promulgation

This promulgation does not change the substance of the regulations at all; it merely changes their location in the Code of Federal Regulations. Accordingly, we are proceeding directly to promulgation without previously having proposed the reguation. EPA further believes that this is not the type of regulation that Congress had in mind when it provided a delay between the promulgation and the effective date of revisions to regulations. Making the changed format effective immediately will benefit those who use the regulation. Consequently, EPA believes it has good cause to make these rules effective immediately.

V. Executive Order 12291

This regulation is not major because it will not result in an annual effect on the economy of $100 million or more, nor will it result in an increase in costs or prices to industry. There will be no adverse impact on the ability of the U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. The regulation merely changes the location of the permit and state authorization requirements in the Code of Federal Regulations.

EPA submitted this rule to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available through: John Chamberlin, PM–220, U.S. Environmental Protection Agency, Washington, D.C.

VI. Regulatory Flexibility Act

Today's promulgation does not change any substantive requirements of the permitting regulations.

Accordingly, I hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities.

List of Subjects

40 CFR Part 122

Administrative practice and procedure, Reporting and recordkeeping requirements, Water pollution control, Confidential business information.

40 CFR Part 123

Indians—lands, Reporting and recordkeeping requirements, Water pollution control, Intergovernmental relations, Penalties, Confidential business information.

40 CFR Part 124

Administrative practice and procedure, Air pollution control, Hazardous materials, Waste treatment and disposal, Water pollution control, Water supply, Indians—lands.

40 CFR Part 125

Water pollution control, Waste treatment and disposal.

40 CFR Part 144

Administrative practice and procedure, Reporting and recordkeeping requirements, Confidential business information, Water supply.

40 CFR Part 145

Indians—lands, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Water supply.

40 CFR Part 146

Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Water supply.

40 CFR Part 233

Administrative practice and procedure, Reporting and recordkeeping requirements, Confidential business information, Water supply, Indians—lands, Intergovernmental relations, Penalties, Confidential business information.

40 CFR Part 260

Administrative practice and procedure, Confidential business information, Hazardous materials, Waste treatment and disposal.

40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

40 CFR Part 262

Hazardous materials, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Waste treatment and disposal.

40 CFR Part 263

Hazardous materials transportation, Waste treatment and disposal.

40 CFR Part 264

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal.

40 CFR Part 265

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal, Water supply.

40 CFR Part 270

Administrative practice and procedure, Reporting and recordkeeping requirements, Hazardous materials, Waste treatments and disposal, Water pollution control, Water supply, Confidential business information.

40 CFR Part 271

Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Dated: March 16, 1983.

John W. Hernandez,

Acting Administrator.

Authority: Clean Water Act, Safe Drinking Water Act, Clean Air Act, Resource Conservation and Recovery Act: 42 U.S.C. 6905, 6912, 6925, 6927, 6974.

Appendix

This appendix describes the reorganization of former Parts 122 and 123. Four tables follow—one for each program: NPDES, RCRA, UIC, 404. Each table lists all provisions of former Parts 122 and 123 applicable to the particular program and the new location at which the provisions are now presented.

NPDES Program

Below is a list of the NPDES-related sections in former Parts 122 and 123 and their corresponding sections in new Parts 122 and 123.

Name and old	New
What are the consolidated permit regulations?	
§ 122.1	
(a)	122.1(a)
(b)	122.1(c)
(c)	122.1(d)
(d)	122.1(g)
(e)	122.1(e)
(f)	122.1(f)
Purpose and scope of Part 122	
§ 122.2	
(a)	Removed
(b)	Removed
Definitions	
§ 122.3	122.2
Application for a permit	
§ 122.4	
(a)	122.21(a)
(b)	122.21(b)
(c)	122.21(e)
(d)	122.21(f)
(e)	122.21(o)
Continuation of expiring permits	
§ 122.5	122.6
Signatories to permit applications and reports	
§ 122.6	122.22
Conditions applicable to all permits	
§ 122.7	122.41 (All sections are same paragraphs.)
Establishing permit conditions	
§ 122.8	122.43
Duration of permits	
§ 122.9	
(a)	122.46(a)
(b)	Removed.
(c)	Removed.
(d)	122.46(b).
(e)	122.46(c)
Schedules of compliance	
§ 122.10	122.47
Requirements for recording and reporting of monitoring results	
§ 122.11	122.48
Considerations under Federal law	
§ 122.12	122.47
Effect of a permit	
§ 122.13	122.5
Transfer of permits	
§ 122.14	122.61
Modification or revocation and reissuance of permits	
§ 122.15	122.62
(a)(5)(i)	122.62(a)(5)
(a)(5) (ii)–(xi)	122.62(a) (6)–(15).
(a)(6)	Removed.
Termination of permits	
§ 122.16	122.64
Minor modifications of permits	
§ 122.17	122.63
(g)	(e)
Noncompliance and program reporting by the Director	
§ 122.18	123.45
(b)	Removed.
(c)	123.45(b)
(d)	Removed.
(e)	123.45(c)
Confidentiality of information	
§ 122.19	122.7
Purpose and scope of Subpart D	
§ 122.51	
(a)	Removed.
(b)	122.1(g)
(c)(1)	122.1(b)
(c)(2)	122.3
Prohibitions	
§ 122.52	122.4
Application for a permit	
§ 122.53	
(a)	122.21(a)
(b)	122.21(c)
(c)	122.21(d)
(d)	122.21(g)
(e)	122.21(h)
(f)	122.21(i)
(g)	122.21(j)
(h)	122.21(k)
(i)	122.21(l)
(j)	122.21(m)
(k)	122.21(n)

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Name and old	New
Concentrated animal feeding operations	
§ 122.54	122.23
Concentrated aquatic animal production	
§ 122.55	122.24
Aquaculture projects	
§ 122.56	122.25
Separate storm sewers	
§ 122.57	122.26
Silvicultural activities	
§ 122.58	122.27.
General permits	
§ 122.59	122.28
Additional conditions applicable to all NPDES permits	
§ 122.60	122.41
(a)	122.41(a)
(b)	122.41(c).
(c)	122.41(j)(4), (5)
(d)	122.41(k)
(e)	122.41(l)(3)
(f)	122.41(l)(6)
(g)	122.41(m).
(h)	122.41(n)
Additional conditions applicable to specified categories of NPDES permits	
§ 122.61	122.42
Establishing NPDES permit conditions	
§ 122.62	122.44
Calculating NPDES permit conditions	
§ 122.63	122.45
Duration of certain NPDES permits	
§ 122.64	
(a)	122.46(d).
(b)	122.46(e)
(c)	122.46(f)
Disposal of pollutants into wells, into publicly owned treatment works or by land application	
§ 122.65	122.50
New sources and new dischargers	
§ 122.66	122.29
Purpose and scope	
§ 123.1	
(a)	123.1(a), (c).
(b)	Removed
(c)	Removed
(d)	Removed
(e)	123.1(e)
(f)	123.1(c)
(g)	123.1(d)
(h)	123.1(f)
(i)	Removed
(j)	123.1(h)
(k)	123.1(i)
Definitions	
§ 123.2	123.2
Elements of a program submission	
§ 123.3	123.21
Program description	
§ 123.4	123.22
Attorney General's statement	
§ 123.5	123.23
Memorandum of agreement with regional administrator	
§ 123.6	
(e)	123.24(d)
(g)	123.24(e)
Requirements for permitting	
§ 123.7	123.25
(a)(1)	(a)(4)
(2)	(5)
(3)	(12)
(4)	(14)
(5)	(17).
(6)	(18).
(7)	(19)
(8)	(2).
(9)	(21).
(10)	(22).
(11)	(23)
(12)	§ 123.45
(13)	123.25(a)(3)
(14)	(24)
(15)	(25)
(16)	(26)
(17)	(27)
(18)	(28)
(19)	(29)
(20)	(30)
(21)	(31)
(b)	Removed
(c)	Removed
(d)(1)	(a)(1)
(2)	(4).
(3)	(6)
(4)	(7)
(5)	(8)
(6)	(9)
(7)	(10)
(8)	(11)
(9)	(12)
(10)	(13)
(11)	(15)
(12)	(16)
(13)	(17)
(14)	(20)
(15)	(32)
(16)	(33)
(17)	(34)
(18)	(36)
(19)	(37)
(e)	(b)
Requirements for compliance evaluation programs	
§ 123.8	123.26
Requirements for enforcement authority	
§ 123.9	123.27
(a)(3)(iii)(A)	(a)(3)(ii)
(a)(3)(iii)(B)	(a)(3)(iii)
(a)(3)(iii)(C)	(a)(3)(iii)
Sharing of information	
§ 123.10	123.41
Coordination with other programs	
§ 123.11	123.3
Approval process	
§ 123.12	123.61
Procedures for revision of State programs	
§ 123.13	
(g)	123.62(e)
Criteria for withdrawal of State programs	
§ 123.14	123.63
Procedures for withdrawal of State programs	
§ 123.15	123.64
Purpose and scope	
§ 123.71	
(a)	123.1(a)
(b)	123.1(b)
(c)	123.1(g)
(d)	123.1(e)
Control of disposal of pollutants into wells	
§ 123.72	123.28
Receipt and use of Federal information	
§ 123.73	123.42
Transmission of information to EPA	
§ 123.74	123.43
EPA review of and objections to State permits	
§ 123.75	123.44
Prohibitions	
§ 123.76	123.29
Approval process	
§ 123.77	123.61
What are the consolidated regulations	
§ 122.1	§ 144.1
Purpose and scope of part 122	
§ 122.2	§ 144.1.
Definitions	
§ 122.3	§ 144.3
Application for a permit	
§ 122.4	§ 144.31.
§ 122.4(a)	Removed
§ 122.4(b)	§ 144.31(b)
§ 122.4(c)	§ 144.31(d)
§ 122.4(d)	§ 144.31(e)
§ 122.4(e)	§ 144.31(f)
Continuation of expiring permits	
§ 122.5	§ 144.37
Signatories to permit applications and reports	
§ 122.6	§ 144.32
Conditions applicable to all permits	
§ 122.7	§ 144.51(a)–(1)
Establishing permit conditions	
§ 122.8	
§ 122.8(a)	§ 144.52(a)
§ 122.8(b)(1)–(3)	§ 144.52(b)(1)–(3)
§ 122.8(c)	§ 144.52(c)
Duration of permits	
§ 122.9	§ 144.36
§ 122.9(c)	§ 144.36(a)
§ 122.9(d)	§ 144.36(b)
§ 122.9(e)	§ 144.36(c)
Schedule of compliance	
§ 122.10	§ 144.53.
§ 122.10(a)(1)(ii)	§ 144.53(a)(1)(i)
§ 122.10(a)(3)	§ 144.53(a)(2)
§ 122.10(a)(4)	§ 144.53(a)(3)
Requirements for recording and reporting of monitoring results	
§ 122.11	§ 144.54
Considerations under Federal law	
§ 122.12	§ 144.4
Effects of a permit	
§ 122.13	§ 144.35
Transfer of permits	
§ 122.14	§ 144.38
Modification or revocation and reissuance of permits	
§ 122.15	§ 144.39
Termination of permits	
§ 122.16	§ 144.40
Minor modification of permits	
§ 122.17	§ 144.41
§ 122.17(f)(1)	§ 144.41(e).
§ 122.17(f)(2))	§ 144.41(f)
§ 122.17(f)(3))	§ 144.41(g)
Noncompliance and program reporting by the director	
§ 122.18	§ 144.8
§ 122.18(c)	§ 144.8(b)
§ 122.18(c)(4)	§ 144.8(b)(2)
§ 122.18(e)	§ 144.8(c)
Confidentiality of information	
§ 122.19	§ 144.5
Purpose and scope of subpart C (rewritten)	
§ 122.31	§ 144.1
Classification of wells	
§ 122.32	§ 144.6
Prohibition of unauthorized injection	
§ 122.33	§ 144.11
Prohibition of movement of fluid into underground sources of drinking water	
§ 122.34	§ 144.12
Identification of underground sources of drinking water and exempted aquifers	
§ 122.35	§ 144.7
Elimination of certain class IV wells	
§ 122.36	§ 144.13
Authorization of underground injection by rule	
§ 122.37	

UIC Program

Below is a list of the UIC related sections in Parts 122 and 123 and their corresponding sections in Parts 144 and 145: Part 122=144.

Name and old	New
§ 122.37(a)(1)	§ 144.21.
§ 122.37(a)(2)	§ 144.22.
§ 122.37(a)(3)	§ 144.23
§ 122.37(a)(4)	§ 144.24
§ 122.37(b)	§ 144.25
§ 122.37(c)	§ 144.26
§ 122.37(d)	§ 144.15
Application for a permit; authorization by permit	
§ 122.38	
§ 122.38(a)	§ 144.31(a)
§ 122.38(b)	§ 144.31(c)
§ 122.38(c)	§ 144.31(g)
Area permits	
§ 122.39	§ 144.33.
Emergency permits	
§ 122.40	§ 144.34
Additional conditions applicable to all UIC permits	
§ 122.41	
§ 122.41(a)	§ 144.51(a)
§ 122.41(b)	§ 144.51(j)(2)(ii)
§ 122.41(c)	§ 144.51(m)
§ 122.41(d)	§ 144.51(1)(6)
§ 122.41(e)	§ 144.51(n)
Establishing UIC permit conditions	
§ 122.42	
§ 122.42(a)	§ 144.52(a)(1)
§ 122.42(b)	§ 144.52(a)(2)
§ 122.42(c)	§ 144.52(a)(3).
§ 122.42(d)	§ 144.52(a)(4)
§ 122.42(e)	§ 144.52(a)(5)
§ 122.42(f)	§ 144.52(a)(6)
§ 122.42(g)	§ 144.52(a)(7).
§ 122.42(h)	§ 144.52(a)(8)
§ 122.42(i)	§ 144.52(b)(1)
Waiver of requirements by director	
§ 122.43	§ 144.16
Corrective action	
§ 122.44	§ 144.55
Requirements for wells injecting hazardous waste	
§ 122.45	§ 144.14
Promulgation of class II programs for Indian lands	
§ 122.46	§ 144.2
Purpose and scope	
§ 123.1	
§ 123.1(a)	§ 145.1(a)
§ 123.1(b)	Deleted
§ 123.1(c)	§ 145.1(b)
§ 123.1(d)	§ 145.1(c)
§ 123.1(e)	§ 145.1(d)
§ 123.1(f)	§ 145.31(d)
§ 123.1(g)	§ 145.21(e)
§ 123.1(h)	§ 145.1(f)
§ 123.1(i)	Deleted
§ 123.1(j)	§ 145.21(f)
§ 123.1(k)	§ 145.1(g)
Definitions	
§ 123.2	§ 145.2
Elements of a program submission	
§ 123.3	§ 145.21
Program description	
§ 123.4	§ 145.22.
§ 123.4(g)	§ 145.22(f)
Attorney General's statement	
§ 123.5	§ 145.23
Memorandum of agreement with the regional administrator	
§ 123.6	§ 145.24
Requirements for permitting	
§ 123.7	§ 145.11.
§ 123.7(a)(1)–(21)	§ 145.11(a)(1)–(21)
§ 123.7(c)(1)–(12)	§ 145.11(a)(22)–(33)
Requirements for compliance evaluation programs	
§ 123.8	§ 145.12
Requirements for enforcement authority	
§ 123.9	§ 145.13
§ 123.9(a)(3)(ii)(A)	§ 145.13(a)(3)(i)
§ 123.9(a)(3)(ii)(B)	§ 145.13(a)(3)(ii)
Sharing of information	
§ 123.10	§ 145.14
Coordination with other programs	
§ 123.11	Removed
Approval process	
§ 123.12	§ 145.31
Procedure for revision of State programs	
§ 123.13	§ 145.32.
§ 123.13(f)	§ 145.32(e)
Criteria for withdrawal of State programs	
§ 123.14	§ 145.33
Procedures for withdrawal of State programs	
§ 123.15	§ 145.34
§ 123.15(a)	§ 145.34(a)
Purpose and scope of subpart C	
§ 123.51	§ 145.1.
§ 123.51(a)	Deleted
§ 123.51(b)	§ 145.21(a)
§ 123.51(c)	§ 145.21(c)
§ 123.51(d)	§ 145.21(d)
§ 123.51(e)	§ 145.21(e)
Requirement to obtain a permit	
§ 123.52	§ 145.11(a)(27)
Progress reports	
§ 123.53.	§ 145.21(b)
Approval process	
§ 123.54	§ 145.31
§ 123.54(a)–(c)	§ 145.31(a)–(c)
§ 123.54(d)	§ 145.31(e)
Procedures for withdrawal of State UIC programs	
§ 123.55	§ 145.34
§ 123.55(a)	§ 145.34(b)(1)
§ 123.55(b)	§ 145.34(b)(2)
§ 123.55(c)	§ 145.34(b)(3)

404 Program

Below is a list of the 404 related sections in Parts 122 and 123 and their corresponding sections in Part 233.

Old name	New
What are the consolidated permit regulations? (Purpose and scope of Part 233)	
122.1	233.1
122.1(a)	233.1(a)
122.1(b)(1) (i)–(iii)	233.1(b) (1)–(4)
122.1(b) (2)–(4)	Removed.
122.1(c) (1)–(2)	233.1(c) (1)–(2)
122.1(d)	Removed
122.1(e)	233.1(d)
122.1(f)	233.1(e)
Purpose and scope	
122.2	233.2
122.2(a)	233.2
122.2(b)	Removed
Definitions	
122.3	233.3
Application for a permit	
122.4	233.4
122.4(a)	233.4(b)
122.4(b)	233.4(c)
122.4(c)	233.4(d)
122.4(d)	233.4(e)
122.4(e)	233.4(f)
Continuation of expiring permits	
122.5	233.5
122.5 (a)–(c)	Removed
122.5(d)	233.5
Signatories to permit application and reports	
122.6	233.6
122.6 (a)–(d)	233.6 (a)–(d)
Conditions applicable to all permits	
122.7	233.7
122.7 (a)–(l)	233.7 (a)–(l)
Establishing permit conditions	
122.8	233.8
122.8 (a)–(b)	233.8 (a)–(b)
122.8(c)	233.8(d)
Duration of permits	
122.9	233.9
122.9(a)	233.9(a)
122.9 (b)–(c)	Removed
122.9 (d)–(e)	233.9 (b)–(c)
Schedules of compliance	
122.10	233.10
122.10(a)	233.10(a)
122.10(a)(1)	233.10(a)(1)
122.10(a)(1) (i) and (ii)	Removed
122.10(a)(2)	Removed
122.10(a)(3)	233.10(a)(2)
122.10(a)(4)	233.10(a)(3)
122.10(b)	Removed
Requirements for recording and reporting of monitoring results	
122.11	233.11
122.11 (a)–(c)	233.11 (a)–(c)
Consideration under Federal law	
122.12	Removed
Effect of a permit	
122.13	233.12
122.13 (a)–(b)	233.12 (a)–(b)
122.13(c)	Removed
Transfer of permits	
122.14	233.13
122.14(a)	233.13
122.14(b)	Removed
Modification or revocation and reissuance of permits	
122.15	233.14
122.15(a)(1)–(2)	233.14(a)(1)–(2)
122.15(a)(3)(i)–(ii)	233.14(a)(3)(i)–(ii)
122.15(a)(3)(iii)	Removed
122.15(a)(4)	233.14(a)(4)
122.15(a)(5)	Removed
122.15(a)(6)	233.14(a)(5)
122.15(b)	233.14(b)
122.15(c)	Removed
Termination of permits	
122.16.	233.15
122.16(a)(1)	233.15(a)
122.16(a)(2)	233.15(b)
122.16(a)(3)	233.15(c)
122.16(a)(4)	233.15(d)
122.16(b)	Removed
Minor modification of permits	
122.17	233.16
122.17(a)–(d)	233.16(a)–(d)
122.17(e)–(g)	Removed
122.17(h)	233.16(e)

Old name	New
Noncompliance and program reporting by the director	
122.18	233.17
122.18(a)	Removed
122.18(b)	233.17(a)
122.18(c)	Removed
122.18(d)	233.17(b)
122.18(e)	233.17(c)
Confidentiality of information	
122.19	233.18.
122.19(a)	Removed
122.19(b)(1)	233.18(a)(1)
122.19(b)(2)–(3)	Removed
122.19(b)(4)	233.18(a)(3)
122.19(c)–(d)	Removed
Purpose and scope	
123.1	233.20
123.1(a)	233.20(a)
123.1(b)	Removed
123.1(c)	233.20(b)
123.1(d)	233.20(c)
123.1(e)	233.20(d)
123.1(f)	233.20(e)
123.1(g)	233.20(f).
123.1(h)	233.20(g)
123.1(i)	233.20(h)
123.1(j)	233.20(i)
123.1(k)	233.20(j)
Definitions	
123.2	Removed
Elements of a program submission	
123.3	233.21
123.3(a)–(d)	233.21(a)–(d)
Program description	
123.4	233.22
123.4(a)–(e)	233.22(a)–(e)
123.4(f)–(g)	Removed
123.4(h)(1)–(8)	233.22(f)–(m)
Attorney General's statement	
123.5	233.23
123.5(a)–(b)	233.23(a)–(b)
123.5(c)	Removed
123.5(d)	233.23(c)
Memorandum of agreement with the Regional Administrator	
123.6	233.24
123.6(a)	233.24(a)
123.6(b)(1)	Removed
123.6(b)(2)–(3)	233.24(b)(1)–(2)
123.6(b)(4)	233.24(b)(3)
123.6(b)(5)	Removed
123.6(b)(6)	233.24(b)(4)
123.6(c)	233.24(c)
123.6(d)	Removed
123.6(e)	Removed
123.6(f)	233.24(d)
123.6(g)	233.24(e)
Requirements for permitting	
123.7	233.26
123.7(a)	233.26(a)
123.7(b)–(d)	Removed
123.7(e)	233.26(b)
Requirements for enforcement evaluation programs	
123.8	233.27
123.8(a)–(d)	233.27(a)–(d)
123.8(e)	Removed
Requirements for enforcement authority	
123.9	233.28
123.9(a)(3)	233.28(a)(4)
123.9(a)(3)(i)–(ii)	Removed
123.9(a)(3)(iii)	233.28(a)(4)(i)
Sharing of information	
123.10	233.29
Coordination with other programs	
123.11	233.30
Approval process	
123.12	233.31
Procedures for revision of State programs	
123.13	233.32

Old name	New
123.13(a)–(d)	233.32(a)–(d.)
123.13(e)–(g)	Removed
123.13(h)	233.32(e).
Criteria for withdrawal of State programs	
123.14	233.33
Procedures for withdrawal of State programs	
123.15	233.34
Purpose and scope	
123.91	
123.91(a)	Removed
123.91(b)	Removed
123.91(c)	233.20(h)
123.91(d)	233.37(d)
Activities not requiring permits	
123.92	233.35
Prohibitions	
123.93	233.36
Applications for a permit	
123.94	233.4
123.94(a)	233.4(a)
123.94(b)	233.4(b)
123.94(c)	233.4(e)
General permits	
123.95	233.37
Emergency permits	
123.96	233.38
Permit conditions	
123.97	233.7
123.97(a)–(d).	233.7(m)–(p)
Establishing permit conditions	
123.98	233.8
123.98(a)–(g).	233.8(c)(1)–(7)
Memorandum of agreement with the Secretary	
123.99.	233.25
Transmission of information to EPA and other Federal agencies	
123.100	233.39
EPA review of and objections to State permits	
123.101	233.40
Coordination requirements	
123.102	233.41
Enforcement authority	
123.103	233.28(a)(3)
Approval process	
123.104	233.31

Index of Changes to Parts 122 and 123

Below is a list of the RCRA related sections in Parts 122 and 123, and their corresponding sections in Parts 270 and 271:

Part 122 – Part 270

Name and old	New
What are the consolidated permit regulations?	
§ 122.1	270.1
(a)(1)	(a)(1)
(a)(ii)–(e)	Removed
Purpose and scope of Part 122	
§ 122.2	270.1
(b)	Removed
Definitions	
§ 122.3	270.2
Application for a permit	
§ 122.4	270.10
(a)–(c)	(a)–(c)
(d)	(d)
(d)(1)–(d)(4)	270.13(a)–(d)
(d)(5)	270.13(f)
(d)(6)–(d)(8)	270.13(k)–(m)
(e)	270.10(i)
Continuation of expiring permits	
§ 122.5	270.51
Signatories to permit applications and reports	
§ 122.6	270.11
Conditions applicable to all permits	
§ 122.7	270.30
(1)(7)–(1)(8)	(1)(10)–(1)(11)
Establishing permit conditions	
§ 122.8	270.32
(a)–(b)	(a)
(b)(2)–(3)	(c)–(d)
(c)	(e).
Duration of permits	
§ 122.9	270.50
(b)	(a)
(d)	(b).
(e)	(c).
Schedules of compliance	
§ 122.10	270.33
(a)(3)–(4)	(a)(2)–(3).
Requirements for recording and reporting of monitoring results	
§ 122.11	270.31
Consideration under Federal law	
§ 122.12	270.3
Effect of a permit	
§ 122.13	270.4
Transfer of permits	
§ 122.14	270.40
Modification or revocation and reissuance of permits	
§ 122.15	270.41
(a)(7)	(a)(5)
Termination of permits	
§ 122.16	270.43
Minor modifications of permits	
§ 122.17	270.42
(e)(1)–(8)	(e)–(n)
Noncompliance and program reporting by the Director	
§ 122.18	270.5
(c)	(b)
(c)(3)	(b)(2)
(e)	(c)
Confidentiality of information	
§ 122.19	270.12
(b)(1)	(b)
References	
§ 122.20	270.6
Purpose and scope of Subpart B	
§ 122.21	270.1
(a)	Removed
(b)(1)–(b)(7)	(a)(3).
(b)(8)	(a)(2)
(c)–(d)	(b)–(c)
(d)(2)(v)	Removed
(d)(2)(vi)–(viii)	(c)(2)(v)–(vii)
Application for a permit	
§ 122.22	270.10
(a) (d)	(e)–(h)
Interim status	
§ 122.23	270.70–270.73
Qualifying for interim status	
(a)	270.70
Coverage	
(b)	270.71(a)

Name and old	New
Changes during interim status	
(c)	270.72
Interim status standards	
(d)	270.71(b).
Grounds for termination	
(e)	270.73
Contents of Part A of the RCRA permit application	
§ 122.24	270.13
(a)	(b)
(b)	(e)
(c)-(g)	(g)-(j)
Contents of Part B of the RCRA permit application	
§ 122.25	270.14-270.29
(a)	270.14
(a)	(b)
(b)(1)	270.15
(i)-(vi)	(a)-(d)
(b)(2)	270.16
(i)-(vi)	(a)-(f).
(b)(3)	270.17
(i)-(ix)	(a)-(i)
(b)(4)	270.18.
(i)-(ix)	(a)-(i)
(b)(5)	270.19
(i)-(iv)	(a)-(d)
(b)(6)	270.20
(i)-(viii)	(a)-(h)
(b)(7)	270.21
(i)-(ix)	(a)-(i)
(c)	270.14(c)
Permits by rule	
§ 122.26	270.60
Short term permits	
§ 122.27.	270.61-270.63
Emergency permits	
(a)	270.61
Hazardous waste incinerator permits	
(b)	270.62
Permits for land treatment demonstrations	
(c)	270.63
Additional conditions applicable to all RCRA permits	
§ 122.28	270.30
(b)	(j)(2)
(c)	(1)(2)
(d)	(1)(6)
(e)(1)-(3)	(1)(7)-(9)
Establishing RCRA permit conditions	
§ 122.29	270.32(a)-(b)
Interim permits for UIC wells	
§ 122.30.	270.64

Part 123=Part 271

Name and old	New
Subpart A—General Program Requirements	
Retitled: Requirements for final authorization.	
Purpose and scope	
§ 123.1	§ 271.1
(a)(2)-(4)	Removed
(b)	Removed
(c)-(k)	(b)-(i)
Note	Removed
Definitions	
§ 123.2	§ 271.2
Elements of a program submission	
§ 123.3	§ 271.5
Program description	
§ 123.4	§ 271.6
(f)	Removed
(f)(1)-(3)	(f)-(h)
(f)(4)	Removed
(g) and (h)	Removed
Attorney General's statement	
§ 123.5	§ 271.7.
(c) and (d)	Removed
Memorandum of agreement	
§ 123.6	§ 271.8
(b)(1)	(b)(6)
(b)(2)	(b)(7).
(b)(3)	(b)(2)
(b)(4)	(b)(3)
(b)(5)	(b)(8)
(b)(6)	(b)(11)
(d)	Removed
(d)(1)	(b)(4)
(d)(2)	(b)(5)
(d)(3)	(b)(9)
(d)(4)	(b)(1)
(d)(5)	(b)(10)
(e)-(g)	Removed
Requirements for permitting	
§ 123.7.	§ 271.14
(a)	Removed
(a)(1)	(d)
(a)(2)	(e)
(a)(3)	(i)
(a)(4)	(k)
(a)(5)	(p)
(a)(6)	(l)
(a)(7)	(j)
(a)(8)	(b)
(a)(9)	(m)
(a)(10)	(n)
(a)(11)	(o)
(a)(12)	(c)
(a)(13)	(f)
(a)(14)-(21)	(t)-(aa)
(b)	Removed
(b)(1)	(a)
(b)(2)	(d)
(b)(3)	(g)
(b)(4)	(h)
(b)(5)	(q)
(b)(6)	(r)
(b)(7)	(i)
(b)(8)	(k)
(b)(9)	(s)
Requirements for compliance evaluation program	
§ 123.8	§ 271.15
(e)	Removed
Requirements for enforcement authority	
§ 123.9	§ 271.16
(a)(3)(i)	Removed
(a)(3)(i)(A) and (B)	(a)(3)(i) and (ii)
(a)(3)(ii)	Removed
(a)(3)(iii)	Removed
Sharing of information	
§ 123.10.	§ 271.17
Coordination with other programs	
§ 123.11	§ 271.18
Approval process	
§ 123.12	Removed
Procedures for revision of State programs	
§ 123.13.	§ 271.21
(f)-(h)	Removed
Criteria for withdrawal of State programs	
§ 123.14	§ 271.22
Retitled: Procedures for withdrawing approval of State programs	
Procedures for withdrawal of State programs	
§ 123.15.	§ 271.23
Retitled: Procedures for withdrawing approval of State programs	
Subpart B—Additional Requirements for State Hazardous Waste Programs	
Sections 123.31-123.39 are now included in Subpart A, as follows:	
Retitled: Availability of final authorization	
§ 123.31	§ 271.3.
(a)	Removed
(b)-(e)	(a)-(d)
Consistency	
§ 123.32	§ 271.4
Requirements for identification and listing of hazardous wastes	
§ 123.33	§ 271.9
Requirements for generators of hazardous wastes	
§ 123.34	§ 271.10
Requirements for transporters of hazardous wastes	
§ 123.35	§ 271.11
Requirements for hazardous waste management facilities	
§ 123.36	§ 271.12
Requirements with respect to permits and permit applications	
§ 123.37	§ 271.13
EPA review of State permits	
§ 123.38	§ 271.19.
Approval process	
§ 123.39	§ 271.20
Subpart F—Requirements for interim authorization of State hazardous waste programs	
Retitled: Subpart B—Requirements for interim authorization	
Purpose and scope	
§ 123.121	§ 271.121
Schedule	
§ 123.122	§ 271.122
Elements of a program submission	
§ 123.123	§ 271.123
Program description	
§ 123.124	§ 271.124
Attorney General's statement	
§ 123.125	§ 271.125
Memorandum of agreement	
§ 123.126	§ 271.126
Authorization plan	
§ 123.127	§ 271.127
Program requirements for interim authorization for phase I	
§ 123.128	§ 271.128
Additional program requirements for interim authorization for phase II	
§ 123.129	§ 271.129
Interstate movement of hazardous waste	
§ 123.130	§ 271.130
Progress reports	
§ 123.131	§ 271.131
Sharing of information	
§ 123.132	§ 271.132
Coordination with other programs	
§ 123.133	§ 271.133
EPA review of State permits	
§ 123.134	§ 271.134
Approval process	
§ 123.135	§ 271.135
Withdrawal of State programs	
§ 123.136	§ 271.136
Reversion of State programs	
§ 123.137	§ 271.137

Part 122 is revised to read as follows:

PART 122—NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Subpart A—Definitions and General Program Requirements

Sec

122.1 Purpose and Scope.
122.2 Definitions.
122.3 Exclusions.

Sec.
122.4 Prohibitions (applicable to State NPDES Programs, see § 123.25).
122.5 Effect of a permit.
122.6 Continuation of expiring permits.
122.7 Confidentiality of information.

Subpart B—Permit Application and Special NPDES Program Requirements

122.21 Application for a permit (applicable to State programs, see § 123.25).
122.22 Signatories to permit applications and reports (applicable to State programs, see § 123.25).
122.23 Concentrated animal feeding operations (applicable to State NPDES programs, see § 123.25).
122.24 Concentrated aquatic animal production facilities (applicable to State NPDES programs, see § 123.25).
122.25 Aquaculture projects (applicable to State NPDES programs, see § 123.25).
122.26 Separate storm sewers (applicable to State NPDES programs, see § 123.25).
122.27 Silvicultural activities (applicable to State NPDES programs, see § 123.25).
122.28 General permits (applicable to State NPDES programs, see § 123.25).
122.29 New sources and new discharges.

Subpart C—Permit Conditions

122.41 Conditions applicable to all permits (applicable to State programs, see §123.25).
122.42 Additional conditions applicable to specified categories of NPDES permits (applicable to State NPDES programs, see § 123.25).
122.43 Establishing permit conditions (applicable to State programs, see § 123.25).
122.44 Establishing limitations, standards and other permit conditions (applicable to State NPDES programs, see § 123.25).
122.45 Calculating NPDES permit conditions (applicable to State NPDES programs, see § 123.25).
122.46 Duration of permits (applicable to State programs, see § 123.25).
122.47 Schedules of compliance.
122.48 Requirements for recording and reporting of monitoring results (applicable to State programs, see § 123.25).
122.49 Considerations under Federal law.
122.50 Disposal of pollutants into wells, into publicly owned treatment works or by land application (applicable to State programs, see § 123.25).

Subpart D—Transfer, modification, revocation and reissuance, and termination of permits

122.61 Transfer of permits (applicable to State programs, see § 123.25).
122.62 Modification or revocation and reissuance of permits (applicable to State programs, see § 123.25).
122.63 Minor modifications of permits.
122.64 Termination of permits (applicable to State programs, see § 123.25).

Authority: The Clean Water Act, 33 U.S.C. § 1251 *et seq.*

Appendix A—NPDES Primary Industry Categories.
Appendix B—Criteria for Determining a Concentrated Animal Feeding Operation (§ 122.23).
Appendix C—Criteria for Determining a Concentrated Aquatic Animal Production Facility (122.24).
Appendix D—NPDES Permit Application Testing Requirements (122.21).

Subpart A—Definitions and General Program Requirements

§ 122.1 Purpose and scope.

(a) *Coverage.* (1) These regulations contain provisions for the *National Pollutant Discharge Elimination System* (NPDES) Program under sections 318, 402, and 405(a) of the *Clean Water Act* (CWA) (Pub. L. 92–500, as amended by Pub. L. 95–217, Pub. L. 95–576, Pub. L. 96–483, and Pub. L. 97–117; 33 U.S.C. 1251 *et seq.*).

(2) These regulations cover basic EPA permitting requirements (Part 122), what a State must do to obtain approval to operate its program in lieu of a Federal program and minimum requirements for administering the approved State program (Part 123), and procedures for EPA processing of permit applications and appeals (Part 124). Part 124 is also applicable to other EPA permitting programs, as detailed in that Part.

(b) *Scope of the NPDES permit requirement.* (1) The NPDES program requires permits for the discharge of "pollutants" from any "point source" into "waters of the United States." The terms "pollutant", "point source" and "waters of the United States" are defined in § 122.2.

(2) The following are point sources requiring NPDES permits for discharges:

(i) Concentrated animal feeding operations as defined in § 122.23;

(ii) Concentrated aquatic animal production facilities as defined in § 122.24;

(iii) Discharges into aquaculture projects as set forth in § 122.25;

(iv) Discharges from separate storm sewers as set forth in § 122.26; and

(v) Silvicultural point sources as defined in § 122.27.

(c) *State Programs.* Certain requirements set forth in Parts 122 and 124 are made applicable to approved State programs by reference in Part 123. These references are set forth in § 123.25. If a section or paragraph of Parts 122 or 124 is applicable to States, through reference in § 123.25, that fact is signaled by the following words at the end of the section or paragraph heading: *(applicable to State programs, see § 123.25)*. If these words are absent, the section (or paragraph) applies only to EPA administered permits.

(d) *Relation to other requirements.* (1) *Permit application forms.* Applicants for EPA issued permits must submit their applications on EPA's permit application forms when available. Most of the information requested on these application forms is required by these regulations. The basic information required in the general form (Form 1) and the additional information required for NPDES applications (Forms 2a–d) are listed in § 122.21. Applicants for State issued permits must use State forms which must require at a minimum the information listed in these sections.

(2) *Technical regulations.* The NPDES permit program has separate additional regulations that contain technical requirements. These separate regulations are used by permit issuing authorities to determine what requirements must be placed in permits if they are issued. These separate regulations are located at 40 CFR Parts 125, 129, 133, 136 and 40 CFR subchapter N (Parts 400–460).

(e) *Public participation.* This rule establishes the requirements for public participation in EPA and State permit issuance and enforcement and related variance proceedings, and in the approval of State NPDES programs. These requirements carry out the purposes of the public participation requirements of 40 CFR Part 25 (Public Participation), and supersede the requirements of that Part as they apply to actions covered under Parts 122, 123, and 124.

(f) *State authorities.* Nothing in Parts 122, 123, or 124 precludes more stringent State regulation of any activity covered by these regulations, whether or not under an approved State program.

(g) *Authority.* (1) Section 301(a) of CWA provides that "Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."

(2) Section 402(a)(1) of CWA provides in part that "The Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant, or combination of pollutants, * * * upon condition that such discharge will meet either all applicable requirements under sections 301, 302, 306, 307, 308, and 403 of this Act, or prior to the taking of necessary implementing actions relating to all such requirements, such conditions as the Administrator determines are necessary to carry out the provisions of this Act."

(3) Section 318(a) of CWA provides that "The Administrator is authorized, after public hearings, to permit the discharge of a specific pollutant or pollutants under controlled conditions associated with an approved aquaculture project under Federal or

State supervision pursuant to section 402 of this Act."

(4) Section 405 of CWA provides, in part, that "Where the disposal of sewage sludge resulting from the operation of a treatment works as defined in section 212 of this Act (including the removal of in-place sewage sludge from one location and its deposit at another location) would result in any pollutant from such sewage sludge entering the navigable waters, such disposal is prohibited except in accordance with a permit issued by the Administrator under section 402 of this Act."

(5) Sections 402(b), 318 (b) and (c), and 405(c) of CWA authorize EPA approval of State permit programs for discharges from point sources, discharges to aquaculture projects, and disposal of sewage sludge.

(6) Section 304(i) of CWA provides that the Administrator shall promulgate guidelines establishing uniform application forms and other minimum requirements for the acquisition of information from dischargers in approved States and establishing minimum procedural and other elements of approved State NPDES programs.

(7) Section 501(a) of CWA provides that "The Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under this Act."

(8) Section 101(e) of CWA provides that "Public participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program established by the Administrator or any State under this Act shall be provided for, encouraged, and assisted by the Administrator and the States. The Administrator, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such processes."

§ 122.2 Definitions.

The following definitions apply to Parts 122, 123, and 124. Terms not defined in this section have the meaning given by CWA. When a defined term appears in a definition, the defined term is sometimes placed in quotation marks as an aid to readers.

Administrator means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

Applicable standards and limitations means all State, interstate, and Federal standards and limitations to which a "discharge" or a related activity is subject under the CWA, including "effluent limitations," water quality standards, standards of performance, toxic effluent standards or prohibitions, "best management practices," and pretreatment standards under sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of CWA.

Application means the EPA standard national forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in "approved States," including any approved modifications or revisions.

Approved program or *approved State* means a State or interstate program which has been approved or authorized by EPA under Part 123.

Average monthly discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Average weekly discharge limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

BMPs means "best management practices."

Contiguous zone means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

Continuous discharge means a "discharge" which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

CWA means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92–500, as amended by Pub. L. 95–217, Pub. L. 95–576, Pub. L. 96–483 and Pub. L. 97–117, 33 U.S.C. 1251 *et seq.*

CWA and regulations means the Clean Water Act (CWA) and applicable regulations promulgated thereunder. In the case of an approved State program, it includes State program requirements.

Daily discharge means the "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Direct discharge means the "discharge of a pollutant."

Director means the Regional Administrator or the State Director, as the context requires, or an authorized representative. When there is no "approved State program," and there is an EPA administered program, "Director" means the Regional Administrator. When there is an approved State program, "Director" normally means the State Director. In some circumstances, however, EPA retains the authority to take certain actions even when there is an approved State program. (For example, when EPA has issued an NPDES permit prior to the approval of a State program, EPA may retain jurisdiction over that permit after program approval, see § 123.1.) In such cases, the term "Director" means the Regional Administrator and not the State Director.

Discharge when used without qualification means the "discharge of a pollutant."

Discharge of a pollutant means:

(a) Any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or

(b) Any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channelled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger."

Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent

additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by "approved States" as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

DMR means "Discharge Monitoring Report."

Draft permit means a document prepared under § 124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a "permit." A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in § 124.5, are types of "draft permits." A denial of a request for modification, revocation and reissuance, or termination, as discussed in § 124.5, is not a "draft permit." A "proposed permit" is not a "draft permit."

Effluent limitation means any restriction imposed by the Director on quantities, discharge rates, and concentrations of "pollutants" which are "discharged" from "point sources" into "waters of the United States," the waters of the "contiguous zone," or the ocean.

Effluent limitations guidelines means a regulation published by the Administrator under section 304(b) of CWA to adopt or revise "effluent limitations."

Environmental Protection Agency ("EPA") means the United States Environmental Protection Agency.

EPA means the United States "Environmental Protection Agency."

Facility or activity means any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

General permit means an NPDES "permit" issued under § 122.28 authorizing a category of discharges under the CWA within a geographical area.

Hazardous substance means any substance designated under 40 CFR Part 116 pursuant to section 311 of CWA.

Indirect discharger means a nondomestic discharger introducing "pollutants" to a "publicly owned treatment works."

Interstate agency means an agency of two or more States established by or under an agreement or compact approved by the Congress, or any other agency of two or more States having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the CWA and regulations.

Major facility means any NPDES "facility or activity" classified as such by the Regional Administrator, or, in the case of "approved State programs," the Regional Administrator in conjunction with the State Director.

Maximum daily discharge limitation means the highest allowable "daily discharge."

Municipality means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved managment agency under section 208 of CWA.

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an "approved program."

New discharger means any building, structure, facility, or installation:

(a) From which there is or may be a new or additional "discharge of pollutants" at a "site" at which on October 18, 1972 it had never discharged pollutants; and

(b) Which has never received a finally effective NPDES "permit" for discharges at that site; and

(c) Which is not a "new source."

This definition includes an "indirect discharger" which commences discharging into "waters of the United States." It also includes any existing mobile point source, such as an offshore oil drilling rig, seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a location for which it does not have an existing permit. [See Note 2 of this section.]

New source means any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

(a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or

(b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

NPDES means "National Pollutant Discharge Elimination System."

Owner or operator means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

Permit means an authorization, license, or equivalent control document issued by EPA or an "approved State" to implement the requirements of this Part and Parts 123 and 124. "Permit" includes an NPDES "general permit" (§ 122.28). Permit does not include any permit which has not yet been the subject of final agency action, such as a "draft permit" or a "proposed permit."

Person means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

Point source means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

(a) Sewage from vessels; or

(b) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

[**Note.**—Radioactive materials covered by the Atomic Energy Act are those encompassed in its definition of source, byproduct, or special nuclear materials. Examples of materials not covered include radium and accelerator-produced isotopes. See *Train* v. *Colorado Public Interest Research Group, Inc.*, 426 U.S. 1 (1976).]

POTW means "publicly owned treatment works."

Primary industry category means any industry category listed in the NRDC settlement agreement (*Natural Resources Defense Council et al.* v. *Train*, 8 E.R.C. 2120 (D.D.C. 1976).

modified 12 E.R.C. 1833 (D.D.C. 1979)); also listed in Appendix A of Part 122.

Privately owned treatment works means any device or system which is (a) used to treat wastes from any facility whose operator is not the operator of the treatment works and (b) not a "POTW."

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Proposed permit means a State NPDES "permit" prepared after the close of the public comment period (and, when applicable, any public hearing and administrative appeals) which is sent to EPA for review before final issuance by the State. A "proposed permit" is not a "draft permit."

Publicly owned treatment works ("POTW") means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "State" or "municipality." This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

Recommencing discharger means a source which recommences discharge after terminating operations.

Regional Administrator means the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.

Schedule of compliance means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the CWA and regulations.

Secondary industry category means any industry category which is not a "primary industry category."

Secretary means the Secretary of the Army, acting through the Chief of Engineers.

Sewage from vessels means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels and regulated under section 312 of CWA, except that with respect to commercial vessels on the Great Lakes this term includes graywater. For the purposes of this definition, "graywater" means galley, bath, and shower water.

Sewage sludge means the solids, residues, and precipitate separated from or created in sewage by the unit processes of a "publicly owned treatment works." "Sewage" as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.

Site means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

State means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

State Director means the chief administrative officer of any State or interstate agency operating an "approved program," or the delegated representative of the State Director. If responsibility is divided among two or more State or interstate agencies, "State Director" means the chief administrative officer of the State or interstate agency authorized to perform the particular procedure or function to which reference is made.

State/EPA Agreement means an agreement between the Regional Administrator and the State which coordinates EPA and State activities, responsibilities and programs including those under the CWA programs.

Total dissolved solids means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR Part 136.

Toxic pollutant means any pollutant listed as toxic under section 307(a)(1) of CWA.

Variance means any mechanism or provision under sections 301 or 316 of CWA or under 40 CFR Part 125, or in the applicable "effluent limitations guidelines" which allows modification to or waiver of the generally applicable effluent limitation requirements or time deadlines of CWA. This includes provisions which allow the establishment of alternative limitations based on fundamentally different factors or on sections 301(c), 301(g), 301(h), 301(i), or 316(a) of CWA.

Waters of the United States or *waters of the U.S.* means:

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) All interstate waters, including interstate "wetlands;"

(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) Which are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as waters of the United States under this definition;

(e) Tributaries of waters identified in paragraphs (a)–(d) of this definition;

(f) The territorial sea; and

(g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)–(f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. [See Note 1 of this section.]

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

[Note 1.—At 45 FR 48620, July 21, 1980, the Environmental Protection Agency suspended until further notice in § 122.2, in the definition of "Waters of the United States." This revision continues that suspension.]

[Note 2.—At 45 FR 68391, Oct. 15, 1980, effective Oct. 15, 1980, the Environmental Protection Agency suspended until further notice the NPDES "new discharger" definition as it applies to offshore mobile drilling rigs operating in offshore areas adjacent to the Gulf Coast, Atlantic Coast, California and Alaska, except for the Flower Garden area in the Gulf of Mexico and other areas identified as environmentally sensitive by the Bureau of Land Management. This revision continues that suspension.]

§ 122.3 Exclusions.

The following discharges do not require NPDES permits:

(a) Any discharge of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel. This exclusion does not apply to rubbish, trash, garbage, or other such materials discharged overboard; nor to other discharges when the vessel is operating in a capacity other than as a means of transportation such as when used as an energy or mining facility, a storage facility or a seafood processing facility, or when secured to a storage facility or a seafood processing facility, or when secured to the bed of the ocean, contiguous zone or waters of the United States for the purpose of mineral or oil exploration or development.

(b) Discharges of dredged or fill material into waters of the United States which are regulated under section 404 of CWA.

(c) The introduction of sewage, industrial wastes or other pollutants into publicly owned treatment works by indirect dischargers. Plans or agreements to switch to this method of disposal in the future do not relieve dischargers of the obligation to have and comply with permits until all discharges of pollutants to waters of the United States are eliminated. (See also § 122.47(b)). This exclusion does not apply to the introduction of pollutants to privately owned treatment works or to other discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other party not leading to treatment works.

(d) Any discharge in compliance with the instructions of an On-Scene Coordinator pursuant to 40 CFR Part 1510 (The National Oil and Hazardous Substances Pollution Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances).

(e) Any introduction of pollutants from non point-source agricultural and silvicultural activities, including runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations as defined in § 122.23, discharges from concentrated aquatic animal production facilities as defined in § 122.24, discharges to aquaculture projects as defined in § 122.25, and discharges from silvicultural point sources as defined in § 122.27.

(f) Return flows from irrigated agriculture.

(g) Discharges into a privately owned treatment works, except as the Director may otherwise require under § 122.44(m).

§ 122.4 Prohibitions (applicable to State NPDES programs, see § 123.25).

No permit may be issued:

(a) When the conditions of the permit do not provide for compliance with the applicable requirements of CWA, or regulations promulgated under CWA;

(b) When the applicant is required to obtain a State or other appropriate certification under section 401 of CWA and § 124.53 and that certification has not been obtained or waived;

(c) By the State Director where the Regional Administrator has objected to issuance of the permit under § 123.44;

(d) When the imposition of conditions cannot ensure compliance with the applicable water quality requirements of all affected States;

(e) When, in the judgment of the Secretary, anchorage and navigation in or on any of the waters of the United States would be substantially impaired by the discharge;

(f) For the discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste;

(g) For any discharge inconsistent with a plan or plan amendment approved under section 208(b) of CWA;

(h) For any discharge to the territorial sea, the waters of the contiguous zone, or the oceans in the following circumstances:

(1) Before the promulgation of guidelines under section 403(c) of CWA (for determining degradation of the waters of the territorial seas, the contiguous zone, and the oceans) unless the Director determines permit issuance to be in the public interest; or

(2) After promulgation of guidelines under section (403(c) of CWA, when insufficient information exists to make a reasonable judgment whether the discharge complies with them.

(i) To a new source or a new discharger, if the discharge from its construction or operation will cause of contribute to the violation of water quality standards. The owner or operator of a new source or new discharger proposing to discharge into a water segment which does not meet applicable water quality standards or is not expected to meet those standards even after the application of the effluent limitations required by section 301(b)(1)(A) and 301(b)(1)(B) of CWA, and for which the State or interstate agency has performed a pollutants load allocation for the pollutant to be discharged, must demonstrate, before the close of the puublic comment period, that:

(1) There are sufficient remaining pollutant load allocations to allow for the descharge; and

(2) The existing dischargers into that segment are subject to compliance schedules designed to bring the segment into compliance with applicable water quality standards.

§ 122.5 Effect of a permit.

(a) *Applicable to State programs, see § 123.25.* Except for any toxic effluent standards and prohibitions imposed under section 307 of the CWA, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with section 301, 302, 306, 307, 318, 403, and 405 of CWA. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in §§ 122.62 and 122.64.

(b) *Applicable to State programs, See § 123.25.* The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

(c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

§ 122.6. Continuation of expiring permits.

(a) *EPA permits.* When EPA is the permit-issuing authority, the conditions of an expired permit continue in force under 5 U.S.C. 558(c) until the effective date of a new permit (see § 124.15) if:

(1) The permittee has submitted a timely application under § 122.21 which is a complete (under § 122.21(e)) application for a new permit; and

(2) The Regional Administrator, through no fault of the permittee does not issue a new permit with an effective date under § 124.15 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

(b) *Effect.* Permits continued under this section remain fully effectively and enforceable.

(c) *Enforcement.* When the permittee is not in compliance with the conditions of the expiring or expired permit the Regional Administrator may choose to do any or all of the following:

(1) Initiate enforcement action based upon the permit which has been continued;

(2) Issue a notice of intent to deny the new permit under § 124.6. If the permit is denied, the owner or oprator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(3) Issue a new permit under Part 124 with appropriate conditions; or

(4) Take other actions authorized by these regulations.

(d) *State continuation.* (1) An EPA-issued permit does not continue in force beyond its expiration date under Federal law if at that time a State is the permitting authority. States authorized to administer the NPDES program may continue either EPA or State-issued permits until the effective date of the new permits, if State law allows. Otherwise, the facility or activity is operating without a permit from the time of expiration of the old permit to the effective date of the State-issued new permit.

§ 122.7 Confidentiality of information.

(a) In accordance with 40 CFR Part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).

(b) *Applicable to State programs, see § 123.25.* Claims of confidentiality for the following information will be denied:

(1) The name and address of any permit applicant or permittee;

(2) Permit applications, permits, and effluent data.

(c) *Applicable to State programs, see § 123.25.* Information required by NPDES application forms provided by the Director under § 122.21 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

Subpart B—Permit Application and Special NPDES Program Requirements

§ 122.21 Application for a permit (applicable to State programs, see § 123.25).

(a) *Duty to apply.* Any person who discharges or proposes to discharge pollutants and who does not have an effective permit, except persons covered by general permits under § 122.28, excluded under § 122.3, or a user of a privately owned treatment works unless the Director requires otherwise under § 122.44(m), shall submit a complete application (which shall include a BMP program if necessary under 40 CFR 125.102) to the Director in accordance with this section and Part 124.

(b) *Who applies?* When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

(c) *Time to apply.* Any person proposing a new discharge shall submit an application at least 180 days before the date on which the discharge is to commence, unless permission for a later date has been granted by the Director. Persons proposing a new discharge are encouraged to submit their applications well in advance of the 180 day requirement to avoid delay. See also paragraph (k) of this section.

(d) *Duty to reapply.* (1) Any POTW with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

(2) All other permittees with currently effective permits shall submit a new application in accordance with the table below:

Permit expires	Application requirement	Deadline for submission
On or before Nov. 30, 1980	(1) If applicant has submitted new application before Apr. 30, 1980, new application [1] is not required.	Not applicable
	(2) If applicant has not submitted new application before Apr. 30, 1980, applicant must submit new application.[1]	Date on which permit expires.[1]
Dec. 1, 1980–May 31, 1981	New application [1]	90 days before permit expires.[2 3]
On or after June 1, 1981	New application [1]	180 days before [3] permit expires.

[1] The new application requirements are set forth in paragraphs (f), (g), and (h) this section. Applicants for EPA-issued permits must use Forms 1 and either 2b or 2c of EPA's consolidated permit application forms to apply under those sections.

[2] Applicants may request additional time for the submission of information required by paragraphs (d)(7), (9) and (10) of this section. The request must be in writing and must state the reasons this information could not be submitted on time. Based upon this request, the Director may extend the time to submit all or some of the information up to six months beyond the deadline for submission or June 30, 1981, whichever is earlier.

[3] The Director may grant permission to submit an application later than this date, but no later than the expiration date of the permit.

[See Note 5.]

(e) *Completeness.* The Director shall not issue a permit before receiving a complete application for a permit except for NPDES general permits. An application for a permit is complete when the Director receives an application form and any supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity. For EPA administered NPDES programs, an application which is reviewed under § 124.3 is complete when the Director receives either a complete application or the information listed in a notice of deficiency.

(f) *Information requirements.* All applicants for NPDES permits shall provide the following information to the Director, using the application form provided by the Director (additional information required of applicants is set forth in paragraphs (g)–(k)) of this section.

(1) The activities conducted by the applicant which require it to obtain an NPDES permit.

(2) Name, mailing address, and location of the facility for which the application is submitted.

(3) Up to four SIC codes which best reflect the principal products or services provided by the facility.

(4) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.

(5) Whether the facility is located on Indian lands.

(6) A listing of all permits or construction approvals received or applied for under any of the following programs:

(i) Hazardous Waste Management program under RCRA.

(ii) UIC program under SDWA.

(iii) NPDES program under CWA.

(iv) Prevention of Significant Deterioration (PSD) program under the Clean Air Act.

(v) Nonattainment program under the Clean Air Act.

(vi) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.

(vii) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act.

(viii) Dredge or fill permits under section 404 of CWA.

(ix) Other relevant environmental permits, including State permits.

(7) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its

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hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area.

(8) A brief description of the nature of the business.

(g) *Application requirements for existing manufacturing, commercial, mining, and silvicultural dischargers.* Existing manufacturing, commercial, mining, and silvicultural dischargers applying for NPDES permits shall provide the following information to the Director, using application forms provided by the Director:

(1) *Outfall location.* The latitude and longitude to the nearest 15 seconds and the name of the receiving water.

(2) *Line Drawing.* A line drawing of the water flow through the facility with a water balance, showing operations contributing wastewater to the effluent and treatment units. Similar processes, operations, or production areas may be indicated as a single unit, labeled to correspond to the more detailed identification under paragraph (g)(3) of this section. The water balance must show approximate average flows at intake and discharge points and between units, including treatment units. If a water balance cannot be determined (for example, for certain mining activities), the applicant may provide instead a pictorial description of the nature and amount of any sources of water and any collection and treatment measures.

(3) *Average flows and treatment.* A narrative identification of each type of process, operation, or production area which contributes wastewater to the effluent for each outfall, including process wastewater, cooling water, and stormwater runoff; the average flow which each process contributes; and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge. Processes, operations or production areas may be described in general terms (for example, "dye-making reactor", "distillation tower".) For a privately owned treatment works, this information shall include the identity of each user of the treatment works.

(4) *Intermittent flows.* If any of the discharges described in paragraph (g)(3) of this section are intermittent or seasonal, a description of the frequency, duration and flow rate of each discharge occurrence (except for stormwater runoff, spillage or leaks).

(5) *Maximum production.* If an effluent guideline promulgated under section 304 of CWA applies to the applicant and is expressed in terms of production (or other measure of operation), a reasonable measure of the applicant's actual production reported in the units used in the applicable effluent guideline. The reported measure must reflect the actual production of the facility as required by § 122.45(b)(2).

(6) *Improvements.* If the applicant is subject to any present requirements or compliance schedules for construction, upgrading or operation of waste treatment equipment, an identification of the abatement requirement, a description of the abatement project, and a listing of the required and projected final compliance dates.

(7) *Effluent characteristics.* Information on the discharge of pollutants specified in this paragraph. When "quantitative data" for a pollutant is required, the applicant must collect a sample of effluent and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR Part 136. When no analytical method is approved the applicant may use any suitable method but must provide a description of the method. When an applicant has two or more outfalls with substantially identical effluents, the Director may allow the applicant to test only one outfall and report that the quantitative data also applies to the substantially identical outfalls. The requirements in paragraphs (g)(7) (iii) and (iv) of this section that an applicant must provide quantitative data for certain pollutants known or believed to be present does not apply to pollutants present in a discharge solely as the result of their presence in intake water; however, an applicant must report such pollutants as present. Grab samples must be used for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, and fecal coliform. For all other pollutants, 24-hour composite samples must be used.

An applicant is expected to "know or have reason to believe" that a pollutant is present in an effluent based on an evaluation of the expected use, production, or storage of the pollutant, or on any previous analyses for the pollutant. (For example, any pesticide manufactured by a facility may be expected to be present in contaminated storm water runoff from the facility.)

(i)(A) Every applicant must report quantitative data for every outfall for the following pollutants:

Biochemial Oxygen Demand (BOD_5)
Chemical Oxygen Demand
Total Organic Carbon
Total Suspended Solids
Ammonia (as N)
Temperature (both winter and summer)
pH

(B) At the applicant's request, the Director may waive the reporting requirements for one or more of the pollutants listed in paragraph (g)(7)(i)(A) of this section.

(ii) Each applicant with processes in one or more primary industry category (see Appendix A to Part 122) contributing to a discharge must report quantitative data for the following pollutants in each outfall containing process wastewater:

(A) The organic toxic pollutants in the fractions designated in Table I of Appendix D of this Part for the applicant's industrial category or categories unless the applicant qualifies as a small business under paragraph (d)(8) of this section. Table II of Appendix D of this Part lists the organic toxic pollutants in each fraction. The fractions result from the sample preparation required by the analytical procedure which uses gas chromotography/mass spectrometry. A determination that an applicant falls within a particular industrial category for the purposes of selecting fractions for testing is not conclusive as to the applicant's inclusion in that category for any other purposes. [See Notes 2, 3, and 4 of this section.]

(B) The pollutants listed in Table III of Appendix D of this Part (the toxic metals, cyanide, and total phenols).

(iii) Each applicant must report for each outfall quantitative data for the following pollutants, if the applicant knows or has reason to believe that the pollutant is discharged from the outfall:

(A) All pollutants listed in Table II or Table III of Appendix D of this Part (the toxic pollutants) for which quantitative data is not otherwise required under paragraph (g)(7)(ii) of this section except that an applicant qualifying as a small business under paragraph (g)(8) of this section is not required to analyze for the pollutants listed in Table II of Appendix D of this Part (the organic toxic pollutants).

(B) All pollutants in Table IV of Appendix D of this Part (certain conventional and nonconventional pollutants).

(iv) Each applicant must indicate whether it knows or has reason to believe that any of the pollutants in Table V of Appendix D of this Part (certain hazardous substances and asbestos) is discharged from each outfall. For every pollutant expected to be discharged, the applicant must briefly describe the reasons the pollutant is

expected to be discharged, and report any quantitative data it has for any pollutant.

(v) Each applicant must report qualitative data, generated using a screening procedure not calibrated with analytical standards, for 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) if it:

(A) Uses or manufactures 2,4,5-trichlorophenoxy acetic acid (2,4,5,-T); 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel); 2,4,5-trichlorophenol (TCP); or hexachlorophene (HCP); or

(B) Knows or has reason to believe that TCDD is or may be present in an effluent.

(8) *Small business exemption.* An applicant which qualifies as a small business under one of the following criteria is exempt from the requirements in paragraphs (g)(7)(ii)(A) or (g)(7)(iii)(A) of this section to submit quantitative data for the pollutants listed in Table II of Appendix D of this Part (the organic toxic pollutants):

(i) For coal mines, a probable total annual production of less than 100,000 tons per year.

(ii) For all other applicants, gross total annual sales averaging less than $100,000 per year (in second quarter 1980 dollars).

(9) *Used or manufactured toxics.* A listing of any toxic pollutant which the applicant does or expects that it will during the next 5 years use or manufacture as an intermediate or final product or byproduct.

(10) *Potential discharges.* A description of the expected levels of and the reasons for any discharges of pollutants which the applicant knows or has reason to believe will exceed two times the values reported in paragraph (g)(7) of this section over the next 5 years.

(11) *Biological toxicity tests.* An identification of any biological toxicity tests which the applicant knows or has reason to believe have been made within the last 3 years on any of the applicant's discharges or on a receiving water in relation to a discharge.

(12) *Contract analyses.* If a contract laboratory or consulting firm performed any of the analyses required by paragraph (g)(7) of this section, the identity of each laboratory or firm and the analyses performed.

(13) *Additional information.* In addition to the information reported on the application form, applicants shall provide to the Director, at his or her request, such other information as the Director may reasonably require to assess the discharges of the facility and to determine whether to issue an NPDES permit. The additional information may include additional quantitative data and bioassays to assess the relative toxicity of discharges to aquatic life and requirements to determine the cause of the toxicity.

(h) *Application requirements for new and existing concentrated animal feeding operations and aquatic animal production facilities.* New and existing concentrated animal feeding operations (defined in § 122.23) and concentrated aquatic animal production facilities (defined in § 122.24) shall provide the following information to the Director, using the application form provided by the Director:

(1) For concentrated animal feeding operations:

(i) The type and number of animals in open confinement and housed under roof.

(ii) The number of acres used for confinement feeding.

(iii) The design basis for the runoff diversion and control system, if one exists, including the number of acres of contributing drainage, the storage capacity, and the design safety factor.

(2) For concentrated aquatic animal production facilities:

(i) The maximum daily and average monthly flow from each outfall.

(ii) The number of ponds, raceways, and similar structures.

(iii) The name of the receiving water and the source of intake water.

(iv) For each species of aquatic animals, the total yearly and maximum harvestable weight.

(v) The calendar month of maximum feeding and the total mass of food fed during that month.

(i) *Application requirements for new and existing POTWs.* [Reserved.]

(j) *Application requirements for new sources and new dischargers.* [Reserved.]

(k) *Special provisions for applications from new sources.* (1) The owner or operator of any facility which may be a new source(as defined in § 122.2) and which is located in a State without an approved NPDES program must comply with the provisions of this paragaraph.

(2)(i) Before beginning any on-site construction as defined in § 122.29, the owner or operator of any facility which may be a new source must submit information to the Regional Administrator so that he or she can determine if the facility is a new source. The Regional Administrator may request any additional information needed to determine whether the facility is a new source.

(ii) The Regional Administrator shall make an initial determination whether the facility is a new source within 30 days of receiving all necessary information under paragraph (k)(2)(i) of this section.

(3) The Regional Administrator shall issue a public notice in accordance with § 124.10 of the new source determination under paragraph (k)(2) of this section. If the Regional Administrator has determined that the facility is a new source, the notice shall state that the applicant must comply with the environmental review requirements of 40 CFR 6.600 *et seq.*

(4) Any interested person may challenge the Regional Administrator's initial new source determination by requesting an evidentiary hearing under Subpart E of Part 124 within 30 days of issuance of the public notice of the initial determination. The Regional Administrator may defer the evidentiary hearing on the determination until after a final permit decision is made, and consolidate the hearing on the determination with any hearing on the permit.

(l) *Variance requests by non-POTW's.* A discharger which is not a publicly owned treatment works (POTW) may request a variance from otherwise applicable effluent limitations under any of the following statutory or regulatory provisions within the times specified in this paragraph:

(1) *Fundamentally different factors.* A request for a variance based on the presence of "fundamentally different factors" from those on which the effluent limitations guideline was based, shall be made by the close of the public comment period under § 124.10. The request shall explain how the requirements of § 124.13 and 40 CFR Part 125, Subpart D have been met.

(2) *Non-conventional pollutants.* A request for a variance from the BAT requirements for CWA section 301(b)(2)(F) pollutants (commonly called "non-conventional" pollutants) pursuant to section 301(c) of CWA because of the economic capability of the owner or operator, or pursuant to section 301(g) of CWA because of certain environmental considerations, when those requirements were based on effluent limitation guidelines, must be made by:

(i) Submitting an initial request to the Regional Administrator, as well as to the State Director if applicable, stating the name of the discharger, the permit number, the outfall number(s), the applicable effluent guideline, and whether the discharger is requesting a

section 301(c) or section 301(g) modification or both. This request must have been filed not later than:

(A) September 25, 1978, for a pollutant which is controlled by a BAT effluent limitation guideline promulgated before December 27, 1977; or

(B) 270 days after promulgation of an applicable effluent limitation guideline for guidelines promulgated after December 27, 1977; and

(ii) Submitting a completed request no later than the close of the public comment period under § 124.10 demonstrating that the requirements of § 124.13 and the applicable requirements of Part 125 have been met.

(iii) Requests for variance from effluent limitations not based on effluent limitation guidelines need only comply with paragraph (l)(2)(ii) of this section and need not be preceded by an initial request under paragraph (l)(2)(i) of this section.

(3) *Delay in construction of POTW.* An extension under CWA section 301(i)(2) of the statutory deadlines in sections 301(b)(1)(A) or (b)(1)(C) of CWA based on delay in completion of a POTW into which the source is to discharge must have been requested on or before June 26, 1978, or 180 days after the relevant POTW requested an extension under paragraph (m)(2) of this section, whichever is later, but in no event may this date have been later than December 25, 1978. The request shall explain how the requirements of 40 CFR Part 125, Subpart J have been met.

(4) *Innovative technology.* An extension under CWA section 301(k) from the statutory deadline of section 301(b)(2)(A) for best available technology based on the use of innovative technology may be requested no later than the close of the public comment period under § 124.10 for the discharger's initial permit requiring compliance with section 301(b)(2)(A). The request shall demonstrate that the requirements of § 124.13 and Part 125, Subpart C have been met.

(5) *Water quality related effluent limitations.* A modification under section 302(b)(2) of requirements under section 302(a) for achieving water quality related effluent limitations may be requested no later than the close of the public comment period under § 124.10 on the permit from which the modification is sought.

(6) *Thermal discharges.* A variance under CWA section 316(a) for the thermal component of any discharge must be filed with a timely application for a permit under this section, except that if thermal effluent limitations are established under CWA Section 402(a)(1) or are based on water quality standards the request for a variance may be filed by the close of the public comment period under § 124.10. A copy of the request as required under 40 CFR Part 125, Subpart H, shall be sent simultaneously to the appropriate State or interstate certifying agency as required under 40 CFR Part 125. (See § 124.65 for special procedures for section 316(a) thermal variances.)

(m) *Variance requests by POTWs.* A discharger which is a publicly owned treatment works (POTW) may request a variance from otherwise applicable effluent limitations under any of the following statutory provisions as specified in this paragraph:

(1) *Discharges into marine waters.* A request for a modification under CWA section 301(h) of requirements of CWA section 301(b)(1)(B) for discharges into marine waters must be filed in accordance with the requirements of 40 CFR Part 125, Subpart G.

(2) *Delay in construction.* An extension under CWA section 301(i)(1) of the statutory deadlines in CWA section 301(b)(1)(B) or (b)(1)(C) based on delay in the construction of the POTW must have been requested on or before June 26, 1978.

(3) *Water quality based effluent limitation.* A modification under CWA section 302(b)(2) of the requirements under section 302(a) for achieving water quality based effluent limitations shall be requested no later than the close of the public comment period under § 124.10 on the permit from which the modification is sought.

(n) *Expedited variance procedures and time extensions.* (1) Notwithstanding the time requirements in paragraphs (l) and (m) of this section, the Director may notify a permit applicant before a draft permit is issued under § 124.6 that the draft permit will likely contain limitations which are eligible for variances. In the notice the Director may require the applicant as a condition of consideration of any potential variance request to submit a request explaining how the requirements of 40 CFR Part 125 applicable to the variance have been met and may require its submission within a specified reasonable time after receipt of the notice. The notice may be sent before the permit application has been submitted. The draft or final permit may contain the alternative limitations which may become effective upon final grant of the variance.

(2) A discharger who cannot file a complete request required under paragraph (l)(2)(ii) or (l)(2)(iii) of this section may request an extension. The extension may be granted or denied at the discretion of the Director. Extensions shall be no more than 6 months in duration.

(o) *Recordkeeping.* Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under this section for a period of at least 3 years from the date the application is signed.

[Note 1.—At 46 FR 2046, Jan. 8, 1981, the Environmental Protection Agency suspended until further notice § 122.21(g)(7)(ii)(A) and the corresponding portions of Item V–C of the NPDES application Form 2c as they apply to coal mines. This revision continues that suspension.]

[Note 2.—At 46 FR 22585, Apr. 20, 1981, the Environmental Protection Agency suspended until further notice § 122.21(g)(7)(ii)(A) and the corresponding portions of Item V–C of the NPDES application Form 2c as they apply to:

1. Testing and reporting for all four organic fractions in the Greige Mills Subcategory of the Textile Mills industry (Subpart C—Low water use processing of 40 CFR Part 410), and testing and reporting for the pesticide fraction in all other subcategories of this industrial category.

2. Testing and reporting for the volatile, base/neutral and pesticide fractions in the Base and Precious Metals Subcategory of the Ore Mining and Dressing industry (Subpart B of 40 CFR Part 440), and testing and reporting for all four fractions in all other subcategories of this industrial category.

3. Testing and reporting for all four GC/MS fractions in the Porcelain Enameling industry. This revision continues that suspension.]

[Note 3.—At 46 FR 35090, July 1, 1981, the Environmental Protection Agency suspended until further notice § 122.21(g)(7)(ii)(A) and the corresponding portions of Item V–C of the NPDES application Form 2c as they apply to:

1. Testing and reporting for the pesticide fraction in the Tall Oil Rosin Subcategory (Subpart D) and Rosin-Based Derivatives Subcategory (Subpart F) of the Gum and Wood Chemicals industry (40 CFR Part 454), and testing and reporting for the pesticide and base-neutral fractions in all other subcategories of this industrial category.

2. Testing and reporting for the pesticide fraction in the Leather Tanning and Finishing, Paint and Ink Formulation, and Photographic Supplies industrial categories.

3. Testing and reporting for the acid, base/neutral and pesticide fractions in the Petroleum Refining industrial category.

4. Testing and reporting for the pesticide fraction in the Papergrade Sulfite subcategories (Subparts J and U) of the Pulp and Paper industry (40 CFR Part 430); testing and reporting for the base/neutral and pesticide fractions in the following subcategories: Deink (Subpart Q), Dissolving Kraft (Subpart F), and Paperboard from Waste Paper (Subpart E); testing and reporting for the volatile, base/neutral and pesticide fractions in the following subcategories: BCT Bleached Kraft (Subpart H), Semi-Chemical (Subparts B and C), and Nonintegrated-Fine Papers (Subpart R); and testing and reporting for the acid, base/

neutral, and pesticide fractions in the following subcategories: Fine Bleached Kraft (Subpart I), Dissolving Sulfite Pulp (Subpart K), Groundwood-Fine Papers (Subpart O), Market Bleached Kraft (Subpart G), Tissue from Wastepaper (Subpart T), and Nonintegrated-Tissue Papers (Subpart S).

5. Testing and reporting for the base/neutral fraction in the Once-Through Cooling Water, Fly Ash and Bottom Ash Transport Water process wastestreams of the Steam Electric Power Plant industrial category.

This revision continues that suspension.]

[Note 4.—At 46 FR 36703, July 15, 1981, the Environmental Protection Agency suspended until further notice portions of § 122.21(d)(2), as set forth below:

1. Footnote (2) to the table in § 122.21(d)(2).

2. In footnote (3) to the table in 40 CFR § 122.21(d)(2), the portion which restricts the Director's authority to extend the application deadline no later than the permit expiration date as that restriction applies to the submission of data required by § 122.21(d) (7), (9), and (10). Thus, during the suspension, footnote (3) effectively reads as follows:

3. The Director may grant permission to submit an application later than this date but (except for information required by paragraph (d) (7), (9), and (10) of this section) no later than the expiration date of the permit.

This revision continues that suspension.]

§ 122.22 Signatories to permit applications and reports (applicable to State programs, see § 123.25).

(a) *Applications.* All permit applications shall be signed as follows:

(1) *For a corporation:* by a principal executive officer of at least the level of vice-president;

(2) *For a partnership or sole proprietorship:* by a general partner or the proprietor, respectively; or

(3) *For a municipality, State, Federal, or other public agency:* by either a principal executive officer or ranking elected official.

(b) *Reports.* All reports required by permits and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and

(3) The written authorization is submitted to the Director.

(c) *Changes to authorization.* If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) *Certification.* Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

§ 122.23 Concentrated animal feeding operations (applicable to State NPDES programs, see § 123.25).

(a) *Permit requirement.* Concentrated animal feeding operations are point sources subject to the NPDES permit program.

(b) *Definitions.* (1) "Animal feeding operation" means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

(i) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and

(ii) Crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(2) Two or more animal feeding operations under common ownership are considered, for the purposes of these regulations, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

(3) "Concentrated animal feeding operation" means an "animal feeding operation" which meets the criteria in Appendix B of this Part, or which the Director designates under paragraph (c) of this section.

(c) *Case-by-case designation of concentrated animal feeding operations.* (1) The Director may designate any animal feeding operation as a concentrated animal feeding operation upon determining that it is a significant contributor of pollution to the waters of the United States. In making this designation the Director shall consider the following factors:

(i) The size of the animal feeding operation and the amount of wastes reaching waters of the United States;

(ii) The location of the animal feeding operation relative to waters of the United States;

(iii) The means of conveyance of animal wastes and process waste waters into waters of the United States;

(iv) The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes and process waste waters into waters of the United States; and

(v) Other relevant factors.

(2) No animal feeding operation with less than the numbers of animals set forth in Appendix B of this Part shall be designated as a concentrated animal feeding operation unless:

(i) Pollutants are discharged into waters of the United States through a manmade ditch, flushing system, or other similar manmade device; or

(ii) Pollutants are discharged directly into waters of the United States which originate outside of the facility and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

(3) A permit application shall not be required from a concentrated animal feeding operation designated under this paragraph until the Director has conducted an on-site inspection of the operation and determined that the operation should and could be regulated under the permit program.

§ 122.24 Concentrated aquatic animal production facilities (applicable to State NPDES programs, see § 123.25).

(a) *Permit requirement.* Concentrated aquatic animal production facilities, as defined in this section, are point sources subject to the NPDES permit program.

(b) *Defintion.* "Concentrated aquatic animal production facility" means a hatchery, fish farm, or other facility which meets the criteria in Appendix C of this Part, or which the Director designates under paragraph (c) of this section.

(c) *Case-by-case designation of concentrated aquatic animal production facilities.* (1) The Director may designate any warm or cold water aquatic animal production facility as a concentrated aquatic animal production facility upon determining that it is a significant contributor of pollution to waters of the United States. In making this designation the Director shall consider the following factors:

(i) The location and quality of the receiving waters of the United States;

(ii) The holding, feeding, and production capacities of the facility;

(iii) The quantity and nature of the pollutants reaching waters of the United States; and

(iv) Other relevant factors.

(2) A permit application shall not be required from a concentrated aquatic animal production facility designated under this paragraph until the Director has conducted on-site inspection of the facility and has determined that the facility should and could be regulated under the permit program.

§ 122.25 Aquaculture projects (applicable to State NPDES programs, see § 123.25).

(a) *Permit requirement.* Discharges into aquaculture projects, as defined in this section, are subject to the NPDES permit program through section 318 of CWA, and in accordance with 40 CFR Part 125, Subpart B.

(b) *Definitions.* (1) "Aquaculture project" means a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals.

(2) "Designated project area" means the portions of the waters of the United States within which the permittee or permit applicant plans to confine the cultivated species, using a method or plan or operation (including, but not limited to, physical confinement) which, on the basis of reliable scientific evidence, is expected to ensure that specific individual organisms comprising an aquaculture crop will enjoy increased growth attributable to the discharge of pollutants, and be harvested within a defined geographic area.

§ 122.26 Separate storm sewers (applicable to State NPDES programs, see § 123.25).

(a) *Permit requirement.* Separate storm sewers, as defined in this section are point sources subject to the NPDES permit program. Separate storm sewers may be permitted either individually or under a general permit (See § 122.28). An NPDES permit for discharges into waters of the United States from a separate storm sewer covers all convenyances which are a part of that separate storm sewer system, even though there may be several owners or operators of these conveyances. However, discharges into separate storm sewers from point sources which are not part of the separate storm sewer systems may also require a permit.

(b) *Definition.* (1) "Separate storm sewer" means a conveyance or system of conveyances (including pipes, conduits, ditches, and channels) primarily used for collecting and conveying storm water runoff and which is either:

(i) Located in an urbanized area as designated by the Bureau of the Census according to the criteria in 39 FR 15202 (May 1, 1974); or

(ii) Not located in an urbanized area but designated under paragraph (c) of this section.

(2) Except as provided in paragraph (b)(3) of this section, a conveyance or system of conveyances operated primarily for the purpose of collecting and conveying storm water runoff which is not located in an urbanized area and has not been designated by the Director under paragraph (c) of this section is not considered a point source and is not subject to the provisions of this section.

(3) Conveyances which discharge process wastewater or storm water runoff contaminated by contact with wastes, raw materials, or pollutant-contaminated soil, from lands or facilities used for industrial or commercial activities, into waters of the United States or into separate storm sewers are point sources that must obtain NPDES permits but are not separate storm sewers.

(4) Whether a system of conveyances is or is not a separate storm sewer for purposes of this section shall have no bearing on whether the system is eligible for funding under Title II of CWA; see 40 CFR 35.925–21.

(c) *Case-by-case designation of separate storm sewers.* The Director may designate a storm sewer not located in an urbanized area as a separate storm sewer. This designation may be made to the extent allowed or required by EPA promulgated effluent guidelines for point sources in the separate storm sewer category; or when:

(1) A Water Quality Management plan under section 208 of CWA which contains requirements applicable to such point sources is approved; or

(2) The Director determines that a storm sewer is a significant contributor of pollution to the waters of the United States. In making this determination the Director shall consider the following factors:

(i) The location of the discharge with respect to waters of the United States;

(ii) The size of the discharge;

(iii) The quantity and nature of the pollutants reaching waters of the United States; and

(iv) Other relevant factors.

§ 122.27 Silvicultural activities (applicable to State NPDES programs, see § 123.25).

(a) *Permit requirement.* Silvicultural point sources, as defined in this section, as point sources subject to the NPDES permit program.

(b) *Definitions.* (1) "Silvicultural point source" means any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States. The term does not include non-point source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. However, some of these activities (such as stream crossing for roads) may involve point source discharges of dredged or fill material which may require a CWA section 404 permit (See 33 CFR 209.120 and Part 233).

(2) "Rock crushing and gravel washing facilities" means facilities which process crushed and broken stone, gravel, and riprap (See 40 CFR Part 436, Subpart B, including the effluent limitations guidelines).

(3) "Log sorting and log storage facilities" means facilities whose discharges result from the holding of unprocessed wood, for example, logs or roundwood with bark or after removal of bark held in self-contained bodies of water (mill ponds or log ponds) or stored on land where water is applied intentionally on the logs (wet decking). (See 40 CFR Part 429, Subpart I, including the effluent limitations guidelines).

§ 122.28 General permits (applicable to State NPDES programs, see § 123.25).

(a) *Coverage.* The Director may issue a general permit in accordance with the following:

(1) *Area.* The general permit shall be written to cover a category of discharges described in the permit under paragraph (a)(2) of this section, except those covered by individual permits, within a geographic area. The area shall correspond to existing geographic or political boundaries, such as:

(i) Designated planning areas under sections 208 and 303 of CWA;

(ii) Sewer districts or sewer authorities;

(iii) City, county, or State political boundaries;

(iv) State highway systems;

(v) Standard metropolitan statistical areas as defined by the Office of Management and Budget;

(vi) Urbanized areas as designated by the Bureau of the Census according to criteria in 30 FR 15202 (May 1, 1974); or

(vii) Any other appropriate division or combination of boundaries.

(2) *Sources.* The general permit shall be written to regulate, within the area described in paragraph (a)(1) of this section, either:

(i) Separate storm sewers; or

(ii) A category of minor point sources other than separate storm sewers if the sources all:

(A) Involve the same or substantially similar types of operations;

(B) Discharge the same types of wastes;

(C) Require the same effluent limitations or operating conditions;

(D) Require the same or similar monitoring; and

(E) In the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

(b) *Administration.* (1) *In general.* General permits may be issued, modified, revoked and reissued, or terminated in accordance with applicable requirements of Part 124 or corresponding State regulations. Special procedures for issuance are found at § 123.44 for States and § 124.58 for EPA.

(2) *Requiring an individual permit.* (i) The Director may require any person authorized by a general permit to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take action under this paragraph. Cases where an individual NPDES permit may be required include the following:

(A) The discharge(s) is a significant contributor of pollution as determined by the factors set forth at § 122.26(c)(2);

(B) The discharger is not in compliance with the conditions of the general NPDES permit;

(C) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

(D) Effluent limitation guidelines are promulgated for point sources covered by the general NPDES permit;

(E) A Water Quality Management plan containing requirements applicable to such point sources is approved; or

(F) The requirements of paragraph (a) of this section are not met.

(ii) *For EPA issued general permits only,* the Regional Administrator may require any owner or operator authorized by a general permit to apply for an individual NPDES permit as provided in paragraph (b)(2)(i) of this section, only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit the general permit as it applies to the individual permittee shall automatically terminate. The Director may grant additional time upon request of the applicant.

(iii) Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application under § 122.21, with reasons supporting the request, to the Director no later than 90 days after the publication by EPA of the general permit in the Federal Register or the publication by a State in accordance with applicable State law. The request shall be processed under Part 124 or applicable State procedures. The request shall be granted by issuing of any individual permit if the reasons cited by the owner or operator are adequate to support the request.

(iv) When an individual NPDES permit is issued to an owner or operator otherwise subject to a general NPDES permit, the applicability of the general permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit.

(v) A source excluded from a general permit solely because it already has an individual permit may request that the individual permit be revoked, and that it be covered by the general permit. Upon revocation of the individual permit, the general permit shall apply to the source.

§ 122.29 New sources and new dischargers.

(a) *Definitions.*

(1) "New source" and "new discharger" are defined in § 122.2. [See Note 2.]

(2) "Source" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants.

(3) "Existing source" means any source which is not a new source or a new discharger.

(4) "Site" is defined in § 122.2;

(5) "Facilities or equipment" means buildings, structures, process or production equipment or machinery which form a permanent part of the new source and which will be used in its operation, if these facilities or equipment are of such value as to represent a substantial commitment to construct. It excludes facilities or equipment used in connection with feasibility, engineering, and design studies regarding the source or water pollution treatment for the source.

(b) *Criteria for new source determination.* (1) The following construction activities result in a new source:

(i) Construction of a source on a site at which no other source is located, or

(ii) Construction on a site at which another source is located of a building, structure, facility, or installation from which there is or may be a discharge of pollutants if:

(A) the process or production equipment that causes the discharge of pollutants from the existing source is totally replaced by this construction, or

(B) the construction results in a change in the nature or quantity of pollutants discharged.

(2) Construction on a site at which an existing source is located results in a modification subject to § 122.15 rather than a new source if the construction does not create a new building, structure, facility, or installation from which there is or may be a discharge of pollutants but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined as § 122.3 has commenced if the owner or operator has: (i) Begun, or caused to begin as part a continuous on-site construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, of facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered a binding contractual obligation for the purchase of facilities or equipment which are intended to be used on its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under the paragraph. [See Note 1 of this section.]

(c) *Requirement for an Environmental Impact Statement.* (1) The issuance of an NPDES permit to new source:

(i) By EPA may be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 33 U.S.C. 4321 *et seq.* and is subject to the

environmental review provisions of NEPA as set out in 40 CFR Part 6, Subpart F. EPA will determine whether an Environmental Impact Statement (EIS) is required under § 122.21(k) (special provisions for applications from new sources) and 40 CFR Part 6, Subpart F;

(ii) By an NPDES approved State is not a Federal action and therefore does not require EPA to conduct an environmental review.

(2) An EIS prepared under this paragraph shall include a recommendation either to issue or deny the permit.

(i) If the recommendation is to deny the permit, the final EIS shall contain the reasons for the recommendation and list those measures, if any, which the applicant could take to cause the recommendation to be changed;

(ii) If the recommendation is to issue the permit, the final EIS shall recommend the actions, if any, which the permittee should take to prevent or minimize any adverse environmental impacts;

(3) The Regional Administrator shall issue, condition, or deny the new source NPDES permit following a complete evaluation of any significant beneficial and adverse environmental impacts and a review of the recommendations contained in the EIS or finding of no significant impact.

(4)(i) No on-site construction of a new source for which an EIS is required shall commence before final Agency action in issuing a final permit incorporating appropriate EIS-related requirements, or before execution by the applicant of a legally binding written agreement which requires compliance with all such requirements, unless such construction is determined by the Regional Administrator not to cause significant or irreversible adverse environmental impact. The provisions of any agreement entered into under this paragraph shall be incorporated as coditions of the NPDES permit when it is issued.

(ii) No on-site construction of a new source for which an EIS is not required shall commence until 30 days after issuance of a finding of no significant impact, unless the construction is determined by the Regional Administrator not to cause significant or irreversible adverse environmental impacts.

(5) The permit applicant must notify the Regional Administrator of any on-site construction which begins before the times specified in paragrah (c)(4) of this section. If on-site construction begins in violation of this paragraph, the Regional Administrator shall advise the owner or operator that it is proceeding with construction at its own risk, and that such construction activities constitute grounds for denial of a permit. The Regional Administrator may seek a court order to enjoin construction in violation of this paragraph.

(d) *Effect of compliance with new source performance standards.* (The provisions of this paragraph do not apply to existing sources which modify their pollution control facilities or construct new pollution control facilities and achieve performance standards, but which are neither new sources or new dischargers or otherwise do not meet the requirements of this paragraph.)

(1) Except as provided in paragraph (d)(2) of this section, any new discharger, the construction of which commenced after October 18, 1972, or new source which meets the applicable promulgated new source performance standards before the commencement of discharge, may not be subject to any more stringent new source performance standards or to any more stringent technology-based standards under section 301(b)(2) of CWA for the soonest ending of the following periods:

(i) Ten years from the date that construction is completed;

(ii) Ten years from the date the source begins to discharge process or other nonconstruction related wastewater; or

(iii) The period of depreciation or amortization of the facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1954.

(2) The protection from more stringent standards of performance afforded by paragraph (d)(1) of this section does not apply to:

(i) Additional or more stringent permit conditions which are not technology based; for example, conditions based on water quality standards, or toxic effluent standards or prohibitions under section 307(a) of CWA; or

(ii) Additional permit conditions in accordance with § 125.3 controlling toxic pollutants or hazardous substances which are not controlled by new source performance standards. This includes permit conditions controlling pollutants other than those identified as toxic pollutants or hazardous substances when control of these pollutants has been specifically identified as the method to control the toxic pollutants or hazardous substances.

(3) When an NPDES permit issued to a source with a "protection period" under paragraph (d)(1) of this section will expire on or after the expiration of the protection period, that permit shall require the owner or operator of the source to comply with the requirements of section 301 and any other then applicable requirements of CWA immediately upon the expiration of the protection period. No additional period for achieving compliance with these requirements may be allowed except when necessary to achieve compliance with requirements promulgated less than 3 years before the expiration of the protection period.

(4) The owner or operator of a new source, a new discharger which commenced discharge after August 13, 1979, or a recommencing discharger shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet the conditions of its permits before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), the owner or operator must meet all permit conditions.

(5) After the effective date of new source performance standards, it shall be unlawful for any owner or operator of any new source to operate the source in violation of those standards applicable to the source.

[**Note 1.**—§ 122.29, paragraphs (b)(1) and (2) were suspended until further notice at 45 FR 59318, Sept. 9, 1980.]

[**Note 2.**—At 45 FR 68391, Oct. 15, 1980, effective Oct. 15, 1980, the Environmental Protection Agency suspended until further notice the NPDES "new discharger" definition as it applies to offshore mobile drilling rigs operating in offshore areas adjacent to the Gulf Coast, Atlantic Coast, California and Alaska, except for the Flower Garden area in the Gulf of Mexico and other areas identified as environmentally sensitive by the Bureau of Land Management.]

Subpart C—Permit Conditions

§ 122.41 Conditions applicable to all permits (applicable to State programs, see § 123.25).

The following conditions apply to all NPDES permits. Additional conditions applicable to NPDES permits are in § 122.42. All conditions applicable to NPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved State regulations) must be given in the permit.

(a) *Duty to comply.* The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(1) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the

Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

(2) The Clean Water Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a civil penalty not to exceed $100,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307 or 308 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

(b) *Duty to reapply.* If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

(c) *Duty to halt or reduce activity.* It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost.

(d) *Duty to mitigate.* The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

(e) *Proper operation and maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems *only* when necesssary to achieve compliance with the conditions of the permit.

(f) *Permit actions.* This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(g) *Property rights.* This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) *Duty to provide information.* The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

(i) *Inspection and entry.* The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

(j) *Monitoring and records.* (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

(3) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(4) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

(5) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(k) *Signatory requirement.* (1) All applications, reports, or information submitted to the Director shall be signed and certified. (See § 122.22)

(2) The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(l) *Reporting requirements.* (1) *Planned changes.* The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

(2) *Anticipated noncompliance.* The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(3) *Transfers.* This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See § 122.61; in some cases, modification or revocation and reissuance is mandatory.)

(4) *Monitoring reports.* Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR).

(ii) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

(5) *Compliance schedules.* Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(6) *Twenty-four hour reporting.* (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becames aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See § 122.41(g).

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See § 122.44(g).)

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (l)(6)(ii) of this section if the oral report has been received within 24 hours.

(7) *Other noncompliance.* The permittee shall report all instances of noncompliance not reported under paragraphs (l) (4), (5), and (6) of this section, at the time monitoring reports are sumbitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

(m) *Bypass.* (1) *Definitions.* (i) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) *Bypass not exceeding limitations.* The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (m)(3) and (m)(4) of this section.

(3) *Notice.* (i) *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).

(4) *Prohibition of bypass.* (i) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (m)(3) of this section.

(ii) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (m)(4)(i) of this section.

(n) *Upset.* (1) *Definition.* "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) *Effect of an upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (n)(3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(3) *Conditions necessary for a demonstration of upset.* A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(ii) The permitted facility was at the time being properly operated; and

(iii) The permittee submitted notice of the upset as required in paragraph (1)(6)(ii)(B) of this section (24 hour notice).

(iv) The permittee complied with any remedial measures required under paragraph (d) of this section.

(4) *Burden of proof.* In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

§ 122.42 Additional conditions applicable to specified categories of NPDES permits (applicable to State NPDES programs, see § 123.25).

The following conditions, in addition to those set forth in § 122.41, apply to all NPDES permits within the categories specified below:

(a) *Existing manufacturing, commercial, mining, and silvicultural dischargers.* In addition to the reporting requirements under § 122.41(1), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

(1) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(i) One hundred micrograms per liter (100 μg/l);

(ii) Two hundred micrograms per liter (200 μg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with § 122.21 (g)(7) or (g)(10); or

(iv) The level established by the Director in accordance with § 122.44(f).

(2) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application under § 122.21(g)(9).

(b) *Publicly owned treatment works.* All POTWs must provide adequate notice to the Director of the following:

(1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to sections 301 or 306 of CWA if it were directly discharging those pollutants; and

(2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

(3) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (i) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

§ 122.43 Establishing permit conditions (applicable to State programs, see § 123.25).

(a) In addition to conditions required in all permits (§§ 122.41 and 122.42), the Director shall establish conditions, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of CWA and regulations. These shall include conditions under §§ 122.46 (duration of permits), 122.47(a) (schedules of compliance), 122.48 (monitoring), and for EPA permits only 122.47(b) (alternates schedule of compliance) and 122.49 (considerations under Federal law).

(b)(1) For a State issued permit, an applicable requirement is a State statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit. For a permit issued by EPA, an applicable requirement is a statutory or regulatory requirement (including any interim final regulation) which takes effect prior to the issuance of the permit (except as provided in § 124.86(c) for NPDES permits being processed under Subparts E or F of Part 124). Section 124.14 (reopening of comment period) provides a means for reopening EPA permit proceedings at the discretion of the Director where new requirements become effective during the permitting process and are of sufficient magnitude to make additonal proceedings desirable. For State and EPA administered programs, an applicable requirement is also any requirement which takes effect prior to the modification or revocation and reissuance of a permit, to the extent allowed in § 122.62.

(2) New or reissued permits, and to the extent allowed under § 122.62 modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in §§ 122.44 and 122.45.

(c) *Incorporation.* All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

§ 122.44 Establishing limitations, standards, and other permit conditions (applicable to State NPDES programs, see § 123.25).

In addition to the conditions established under § 122.43(a), each NPDES permit shall include conditions meeting the following requirements when applicable.

(a) *Technology-based effluent limitations and standards* based on effluent limitations and standards promulgated under section 301 of CWA or new source performance standards promulgated under section 306 of CWA, on case-by-case effluent limitations determined under section 402(a)(1) of CWA, or on a combination of the two, in accordance with § 125.3. For new sources or new dischargers, these technology based limitations and standards are subject to the provisions of § 122.29(d) (protection period).

(b) *Other effluent limitations and standards* under sections 301, 302, 303, 307, 318, and 405 of CWA. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of CWA for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in the permit, the Director shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition. See also § 122.41(a).

(c) *Reopener clause:* for any discharger within a primary industry category (see Appendix A), requirements under section 307(a)(2) of CWA as follows:

(1) On or before June 30, 1981: (i) If applicable standards or limitations have not yet been promulgated, the permit shall include a condition stating that, if an applicable standard or limitation is promulgated under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2) and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked and reissued to conform to that effluent standard or limitation.

(ii) If applicable standards or limitations have been promulgated or approved, the permit shall include those standards or limitations. (If EPA approves existing effluent limitations or proves existing effluent limitations or decides not to develop new effluent limitations, it will publish a notice in the Federal Register that the limitations are "approved" for the purpose of this regulation.)

(2) *After June 30, 1981,* any permit issued shall include effluent limitations and a compliance schedule to meet the requirements of sections 301(b)(2) (A), (C), (D), (E) and (F) of CWA, whether or not applicable effluent limitations guidelines have been promulgated or approved. These permits need not incorporate the clause required by paragraph (c)(1) of this section.

(3) The Director shall promptly modify or revoke and reissue any permit containing the clause required under paragraph (c)(1) of this section to incorporate an applicable effluent standard or limitation under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2) which is promulgated or approved after the permit is issued if that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit.

(d) *Water quality standards and State requirements:* any requirements in addition to or more stringent than promulgated effluent limitations guidelines or standards under sections 301, 304, 306, 307, 318, and 405 of CWA necessary to:

(1) Achieve water quality standards established under section 303 of CWA;

(2) Attain or maintain a specified water quality through water quality related effluent limits established under section 302 of CWA;

(3) Conform to the conditions of a State certification under section 401 of CWA which meet the requirements of § 124.53 when EPA is the permit issuing authority; however, if a State certification is stayed by a court of competent jurisdiction or appropriate

State board or agency, EPA shall include conditions in the permit which may be necessary to meet EPA's obligation under section 301(b)(1)(C) of CWA:

(4) Conform to applicable water quality requirements under section 401(a)(2) of CWA when the discharge affects a State other than the certifying State;

(5) Incorporate any more stringent limitations, treatment standards, or schedule of compliance requirements established under Federal or State law or regulations in accordance with section 301(b)(1)(C) of CWA;

(6) Ensure consistency with the requirements of a Water Quality Management plan approved by EPA under section 208(b) of CWA;

(7) Incorporate section 403(c) criteria under Part 125, Subpart M, for ocean discharges;

(8) Incorporate alternative effluent limitations or standards where warranted by "fundamentally different factors," under 40 CFR Part 125, Subpart D;

(9) Incorporate any other requirements, conditions, or limitations into a new source permit under the National Environmental Policy Act 42 U.S.C. 4321 *et seq.* and section 511 of CWA, when EPA is the permit issuing authority (see § 122.29).

(e) *Toxic pollutants:* limitations established under paragraphs (a), (b), or (d) of this section, to control pollutants meeting the criteria listed in paragraph (e)(1) of this section. Limitations will be established in accordance with paragraph (e)(2) of this section. An explanation of the development of these limitations shall be included in the fact sheet under § 124.56(e)(2).

(1) Limitations must control all toxic pollutants which:

(i) The Director determines (based on information reported in a permit application under § 122.21(g)(7) or (10) or in a notification under § 122.42(a)(1) or on other information) are or may be discharged at a level greater than the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under § 125.3(c); or

(ii) The discharger does or may use or manufacture as an intermediate or final product or byproduct.

(2) The requirement that the limitations control the pollutants meeting the criteria of paragraph (e)(1) of this section will be satisfied by:

(i) Limitations on those pollutants; or

(ii) Limitations on other pollutants which, in the judgment of the Director, will provide treatment of the pollutants under paragraph (e)(1) of this section to the levels required by § 125.3(c).

(f) *Notification level:* a "notification level" which exceeds the notification level of § 122.42(a)(1)(i), (ii), or (iii), upon a petition from the permittee or on the Director's initiative. This new notification level may not exceed the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under § 125.3(c)

(g) *Twenty-four hour reporting:* Pollutants for which the permittee must report violations of maximum daily discharge limitations under § 122.41(1)(6)(ii)(C)(24-hour reporting) shall be listed in the permit. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.

(h) *Durations* for permits, as set forth in § 122.46.

(i) *Monitoring requirements:* In addition to § 122.48, the following monitoring requirements:

(1) To assure compliance with permit limitations, requirements to monitor:

(i) The mass (or other measurement specificed in the permit) for each pollutant limited in the permit,

(ii) The volume of effluent discharged from each outfall;

(iii) Other measurements as appropriate; including pollutants in internal waste streams under § 122.45(i), pollutants in intake water for net limitations under § 122.45(f); frequency, rate of discharge, etc., for noncontinuous discharges under § 122.45(e); and pollutants subject to notification requirements under § 122.42(a).

(iv) According to test procedures approved under 40 CFR Part 136 for the analyses of pollutants having approved methods under that Part, and according to a test procedure specified in the permit for pollutants with no approved methods.

(2) Requirements to report monitoring results with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year.

(j) *Pretreatment program for POTWs:* requirements for POTWs to:

(1) Identify, in terms of character and volume of pollutants, any significant indirect dischargers into the POTW subject to pretreatment standards under section 307(b) of CWA and 40 CFR Part 403.

(2) Submit a local program when required by and in accordance with 40 CFR Part 403 to assure compliance with pretreatment standards to the extent applicable under section 307(b). The local program shall be incorporated into the permit as described in 40 CFR Part 403. The program shall require all indirect dischargers to the POTW to comply with the reporting requirements of 40 CFR Part 403.

(k) *Best management practices* to control or abate the discharge of pollutants when:

(1) Authorized under section 304(e) of CWA for the control of toxic pollutants and hazardous substances from ancillary industrial activities;

(2) Numeric effluent limitations are infeasible, or

(3) The practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of CWA.

(l) *Reissued permits.* (1) Except as provided in paragraph (l)(2) of this section when a permit is renewed or reissued, interim limitations, standards or conditions which are at least as stringent as the final limitations, standards, or conditions in the previous permit (unless the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued and would constitute cause for permit modification or revocation and reissuance under § 122.62).

(2) When effluent limitations were imposed under section 402(a)(1) of CWA in a previously issued permit and these limitations are more stringent than the subsequently promulgated effluent guidelines, this paragraph shall apply unless:

(i) The discharger has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations. In this case the limitations in the renewed or reissued permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by the subsequently promulgated effluent limitation guidelines);

(ii) In the case of an approved State, State law prohibits permit conditions more stringent than an applicable effluent limitation guideline;

(iii) The subsequently promulgated effluent guidelines are based on best conventional pollutant control technology (section 301(b)(2)(E) of CWA);

(iv) The circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued and would constitute cause for permit modification or revocation and reissuance under § 122.62; or

(v) There is increased production at the facility which results in significant

reduction in treatment efficiency, in which case the permit limitations will be adjusted to reflect any decreased efficiency resulting from increased production and raw waste loads, but in no event shall permit limitations be less stringent than those required by subsequently promulgated standards and limitations.

(m) *Privately owned treatment works:* For a privately owned treatment works, any conditions expressly applicable to any user, as a limited co-permittee, that may be necessary in the permit issued to the treatment works to ensure compliance with applicable requirements under this Part. Alternatively, the Director may issue separate permits to the treatment works and to its users, or may require a separate permit application from any user. The Director's decision to issue a permit with no conditions applicable to any user, to impose conditions on one or more users, to issue separate permits, or to require separate applications, and the basis for that decision, shall be stated in the fact sheet for the draft permit for the treatment works.

(n) *Grants:* Any conditions imposed in grants made by the Administrator to POWs under sections 201 and 204 of CWA which are reasonably necessary for the achievement of effluent limitations under section 301 of CWA.

(o) *Sewage sludge:* Requirements under section 405 of CWA governing the disposal of sewage sludge from publicly owned treatment works, in accordance with any applicable regulations.

(p) *Coast Guard:* when a permit is issued to a facility that may operate at certain times as a means of transportation over water, a condition that the discharge shall comply with any applicable regulations promulgated by the Secretary of the department in which the Coast Guard is operating, that establish specifications for safe transportation, handling, carriage, and storage of pollutants.

(q) *Navigation:* any conditions that the Secretary of the Army considers necessary to ensure that navigation and anchorage will not be substantially impaired, in accordance with § 124.58.

§ 122.45 Calculating NPDES permit conditions (applicable to State NPDES programs, see § 123.25).

(a) *Outfalls and discharge points.* All permit effluent limitations, standards and prohibitions shall be established for each outfall or discharge point of the permitted facility, except as otherwise provided under § 122.44(j)(2) (BMPs where limitations are infeasible) and paragraph (i) of this section (limitations on internal waste streams).

(b) *Production-based limitations.* (1) In the case of POTWs, permit limitations, standards, or prohibitions shall be calculated based on design flow.

(2) Except in the case of POTWs, calculation of any permit limitations, standards, or prohibitions which are based on production (or other measure of operation) shall be based not upon the designed production capacity but rather upon a reasonable measure of actual production of the facility, such as the production during the high month of the previous year, or the monthly average for the highest of the previous 5 years. For new sources or new dischargers, actual production shall be estimated using projected production. The time period of the measure of production shall correspond to the time period of the calculated permit limitations; for example, monthly production shall be used to calculate average monthly discharge limitations.

(c) *Metals.* All permit effluent limitations, standards, or prohibitions for a metal shall be expressed in terms of the total metal (that is, the sum of the dissolved and suspended fractions of the metal) unless:

(1) An applicable effluent standard or limitation has been promulgated under CWA and specifies the limitation for the metal in the dissolved or valent form; or

(2) In establishing permit limitations on a case-by-case basis under § 125.3, it is necessary to express the limitation on the metal in the dissolved or valent form in order to carry out the provisions of CWA.

(d) *Continuous discharges.* For continuous discharges all permit effluent limitations, standards, and prohibitions, including those necessary to achieve water quality standards, shall unless impracticable be stated as:

(1) Maximum daily and average monthly discharge limitations for all dischargers other than publicly owned treatment works; and

(2) Average weekly and average monthly discharge limitations for POTWs.

(e) *Non-continuous discharges.* Discharges which are not continuous, as defined in § 122.2, shall be particularly described and limited, considering the following factors, as appropriate:

(1) Frequency (for example, a batch discharge shall not occur more than once every 3 weeks);

(2) Total mass (for example, not to exceed 100 kilograms of zinc and 200 kilograms of chromium per batch discharge);

(3) Maximum rate of discharge of pollutants during the discharge (for example, not to exceed 2 kilograms of zinc per minute); and

(4) Prohibition or limitation of specified pollutants by mass, concentration, or other appropriate measure (for example, shall not contain at any time more than 0.1 mg/1 zinc or more than 250 grams (¼ kilogram) of zinc in any discharge).

(f) *Mass limitations.* (1) All pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass except:

(i) For pH, temperature, radiation, or other pollutants which cannot appropriately be expressed by mass;

(ii) When applicable standards and limitations are expressed in terms of other units of measurement; or

(iii) If in establishing permit limitations on a case-by-case basis under § 125.3, limitations expressed in terms of mass are infeasible because the mass of the pollutant discharged cannot be related to a measure of operation (for example, discharges of TSS from certain mining operations), and permit conditions ensure that dilution will not be used as a substitute for treatment.

(2) Pollutants limited in terms of mass additionally may be limited in terms of other units of measurement, and the permit shall require the permittee to comply with both limitations.

(g) *Pollutants in intake water.* Except as provided in paragraph (h) of this section, effluent limitations imposed in permits may not be adjusted for pollutants in the intake water.

(h) *Net limitations.*

(1) Upon request of the discharger, effluent limitations or standards imposed in a permit shall be calculated on a "net" basis; that is, adjusted to reflect credit for pollutants in the discharger's intake water, if the discharger demonstrates that its intake water is drawn from the same body of water into which the discharge is made and if:

(i)(A) The applicable effluent limitations and standards contained in 40 CFR Subchapter N specifically provide that they shall be applied on a net basis; or

(B) The discharger demonstrates that pollutants present in the intake water will not be entirely removed by the treatment systems operated by the discharger; and

(ii) The permit contains conditions requiring:

(A) The permittee to conduct additional monitoring (for example, for flow and concentration of pollutants) as necessary to determine continued eligibility for and compliance with any such adjustments; and

(B) The permittee to notify the Director if eligibility for an adjustment under this section has been altered or no longer exists. In that case, the permit may be modified accordingly under § 122.62.

(2) Permit effluent limitations or standards adjusted under this paragraph shall be calculated on the basis of the amount of pollutants present after any treatment steps have been performed on the intake water by or for the discharger. Adjustments under this paragraph shall be given only to the extent that pollutants in the intake water which are limited in the permit are not removed by the treatment technology employed by the discharger. In addition, effluent limitations or standards may not be adjusted to the extent that the pollutants in the intake water vary physically, chemically, or biologically from the pollutants limited in the permit. Nor may effluent limitations or standards be adjusted to the extent that the discharger significantly increases concentrations of pollutants in the intake water, even though the total amount of pollutants might remain the same.

(i) *Internal waste streams.* (1) When permit effluent limitations or standards imposed at the point of discharge are impractical or infeasible, effluent limitations or standards for discharges of pollutants may be imposed on internal waste streams before mixing with other waste streams or cooling water streams. In those instances, the monitoring required by § 122.44(i) shall also be applied to the internal waste streams.

(2) Limits on internal waste streams will be imposed only when the fact sheet under § 124.56 sets forth the exceptional circumstances which make such limitations necessary, such as when the final discharge point is inaccessible (for example, under 10 meters of water), the wastes at the point of discharge are so diluted as to make monitoring impracticable, or the interferences among pollutants at the point of discharge would make detection or analysis impracticable.

(j) *Disposal of pollutants into wells, into POTWs or by land application.* Permit limitations and standards shall be calculated as provided in § 122.50.

§ 122.46 Duration of permits (applicable to State programs, see § 123.25).

(a) NPDES permits shall be effective for a fixed term not to exceed 5 years.

(b) Except as provided in § 122.5, the term of a permit shall not be extended by modification beyond the maximum duration specified in this section.

(c) The Director may issue any permit for a duration that is less than the full allowable term under this section.

(d) On or before June 30, 1981, any permit issued to a discharger in a primary industry category (see Appendix A of this Part):

(1) Shall meet one of the following conditions:

(i) Expire on June 30, 1981;

(ii) Incorporate effluent standards and limitations applicable to the discharger which have been promulgated or approved under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2) of CWA; or

(iii) Incorporate the "reopener clause" required by § 122.44(c)(1), and effluent limitations to meet the requirements of sections 301(b)(2) (A), (C), (D), (E), and (F) of CWA.

(2) Shall not be written to expire after June 30, 1981 unless the discharger has submitted to the Director the information required by § 122.21(g)(7)(ii).

(e) After June 30, 1981, a permit may be issued for the full term if the permit includes effluent limitations and a compliance schedule to meet the requirements of sections 301(b)(2) (A), (C), (D), (E), and (F) of CWA, whether or not applicable effluent limitations guidelines have been promulgated or approved.

(f) A determination that a particular discharger falls within a given industrial category for purposes of setting a permit expiration date under paragraph (e) of this section is not conclusive as to the discharger's inclusion in that industrial category for any other purposes, and does not prejudice any rights to challenge or change that inclusion at the time that a permit based on that determination is formulated.

§ 122.47 Schedules of compliance.

(a) *General (applicable to State programs, see § 123.25).* The permit may, when appropriate, specify a schedule of compliance leading to compliance with CWA and regulations.

(1) *Time for compliance.* Any schedules of compliance under this section shall require compliance as soon as possible, but not later than the applicable statutory deadline under the CWA

(2) The first NPDES permit issued to a new source, a new discharger which commenced discharge after August 13, 1979, or a recommencing discharger may not contain a schedule of compliance under this section. See also § 122.29(d)(4).

(3) *Interim dates.* Except as provided in paragraph (b)(1)(ii), if a permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

(i) The time between interim dates shall not exceed 1 year.

(ii) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

[Note.—Examples of interim requirements include: (a) submit a complete Step 1 construction grant (for POTWs); (b) let a contract for construction of required facilities; (c) commence construction of required facilities; (d) complete construction of required facilities.]

(4) *Reporting.* The permit shall be written to require that no later than 14 days following each interim date and the final date of compliance, the permittee shall notify the Director in writing of its compliance or noncompliance with the interim or final requirements, or submit progress reports if paragraph (a)(1)(ii) is applicable.

(b) *Alternative schedules of compliance.* An NPDES permit applicant or permittee may cease conducting regulated activities (by terminating of direct discharge for NPDES sources) rather than continuing to operate and meet permit requriements as follows:

(1) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued:

(i) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

(ii) The permittee shall cease conducting permitted activities before non-compliance with any interim or final compliance schedule requirement already specified in the permit.

(2) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination which will ensure timely compliance with applicable requirements no later than the statutory deadline.

(3) If the permittee is undecided whether to cease conducting regulated activities, the Director may issue or modify a permit to contain two schedules as follows:

(i) Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease

conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;

(ii) One schedule shall lead to timely compliance with applicable requirements, no later than the statutory deadline;

(iii) The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements no later than the statutory deadline.

(iv) Each permit containing two schedules shall include a requirement that after the permittee has made a final decision under paragraph (b)(3)(i) of this section it shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.

(4) The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the Director such as a resolution of the board of directors of a corporation.

§ 122.48 Requirements for recording and reporting of monitoring results (applicable to State programs, see § 123.25).

All permits shall specify:

(a) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);

(b) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring;

(c) Applicable reporting requirements based upon the impact of the regulated activity and as specified in § 122.44. Reporting shall be no less frequent than specified in the above regulations.

§ 122.49 Considerations under Federal law.

Permits shall be issued in a manner and shall contain conditions consistent with requirements of applicable Federal laws. These laws may include:

(a) The *Wild and Scenic Rivers Act*, 16 U.S.C. 1273 *et seq.* Section 7 of the Act prohibits the Regional Administrator from assisting by license or otherwise the construction of any water resources project that would have a direct, adverse effect on the values for which a national wild and scenic river was established.

(b) The *National Historic Preservation Act of 1966*, 16 U.S.C. 470 *et seq.* Section 106 of the Act and implementing regulations (36 CFR Part 800) require the Regional Administrator, before issuing a license, to adopt measures when feasible to mitigate potential adverse effects of the licensed activity and properties listed or eligible for listing in the National Register of Historic Places. The Act's requirements are to be implemented in cooperation with State Historic Preservation Officers and upon notice to, and when appropriate, in consultation with the Advisory Council on Historic Preservation.

(c) The *Endangered Species Act*, 16 U.S.C. 1531 *et seq.* Section 7 of the Act and implementing regulations (50 CFR Part 402) require the Regional Administrator to ensure, in consultation with the Secretary of the Interior or Commerce, that any action authorized by EPA is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat.

(d) The *Coastal Zone Management Act*, 16 U.S.C. 1451 *et seq.* Section 307(c) of the Act and implementing regulations (15 CFR Part 930) prohibit EPA from issuing a permit for an activity affecting land or water use in the coastal zone until the applicant certifies that the proposed activity complies with the State Coastal Zone Management program, and the State or its designated agency concurs with the certification (or the Secretary of Commerce overrides the State's nonconcurrence).

(e) The *Fish and Wildlife Coordination Act*, 16 U.S.C. 661 *et seq.*, requires that the Regional Administrator, before issuing a permit proposing or authorizing the impoundment (with certain exemptions), diversion, or other control or modification of any body of water, consult with the appropriate State agency exercising jurisdiction over wildlife resources to conserve those resources.

(f) *Executive orders.* [Reserved.]

(g) The *National Environmental Policy Act*, 33 U.S.C. 4321 *et seq.*, may require preparation of an Environmental Impact Statement and the inclusion of EIS-related permit conditions, as provided in § 122.29(c).

§ 122.50 Disposal of pollutants into wells, into publicly owned treatment works or by land application (applicable to State NPDES programs, see § 123.25).

(a) When part of a discharger's process wastewater is not being discharged into waters of the United States or contiguous zone because it is disposed into a well, into a POTW, or by land application thereby reducing the flow or level of pollutants being discharged into waters of the United States, applicable effluent standards and limitations for the discharge in an NPDES permit shall be adjusted to reflect the reduced raw waste resulting from such disposal. Effluent limitations and standards in the permit shall be calculated by one of the following methods:

(1) If none of the waste from a particular process is discharged into waters of the United States, and effluent limitations guidelines provide separate allocation for wastes from that process, all allocations for the process shall be eliminated from calculation of permit effluent limitations or standards.

(2) In all cases other than those described in paragraph (a)(1) of this section, effluent limitations shall be adjusted by multiplying the effluent limitation derived by applying effluent limitation guidelines to the total waste stream by the amount of wastewater flow to be treated and discharged into waters of the United States, and dividing the result by the total wastewater flow. Effluent limitations and standards so calculated may be further adjusted under Part 125, Subpart D to make them more stringent if discharges to wells, publicly owned treatment works, or by land application change the character or treatability of the pollutants being discharged to receiving waters.

This method may be algebraically expressed as:

$$P = E \times \frac{N}{T}$$

where P is the permit effluent limitation, E is the limitation derived by applying effluent guidelines to the total waste stream, N is the wastewater flow to be treated and discharged to waters of the United States, and T is the total wastewater flow.

(b) Paragraph (a) of this section does not apply to the extent that promulgated effluent limitations guidelines:

(1) Control concentrations of pollutants discharged but not mass; or

(2) Specify a different specific technique for adjusting effluent limitations to account for well injection, land application, or disposal into POTWs.

(c) Paragraph (a) of this section does not alter a discharger's obligation to meet any more stringent requirements

established under §§ 122.41, 122.42, 122.43, and 122.44.

Subpart D—Transfer, Modification, Revocation and Reissuance, and Termination of Permits

§ 122.61 Transfer of permits (applicable to State programs, see § 123.25).

(a) *Transfers by modification.* Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under § 122.62(b)(2)), or a minor modification made (under § 122.63(d)), to identify the new permittee and incorporate such other requirements as may be necessary under CWA.

(b) *Automatic transfers.* As an alternative to transfers under paragraph (a) of this section, any NPDES permit may be automatically transferred to a new permittee if:

(1) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date in paragraph (b)(2) of this section;

(2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

(3) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under ths subparagraph may also be a minor modification under § 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.

§ 122.62 Modification or revocation and reissuance of permits (applicable to State programs, see § 123.25).

When the Director receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see § 122.41), receives a request for modification or revocation and reissuance under § 124.5, or conducts a review of the permit file) he or she may determine whether or not one or more of the causes listed in paragraphs (a) and (b) of this section for modification or revocation and reissuance or both exist. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to the limitations of paragraph (c) of this section, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. See § 124.5(c)(2). If cause does not exist under this section or § 122.63, the Director shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in § 122.63 for "minor modifications" the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in Part 124 (or procedures of an approved State program) followed.

(a) *Causes for modification.* The following are causes for modification but not revocation and reissuance of permits except when the permittee requests or agrees.

(1) *Alterations.* There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

[Note.—Certain reconstruction activities may cause the new source provisions of § 122.29 to be applicable.]

(2) *Information.* The Director has received new information. Permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For NPDES general permits (§ 122.28) this cause includes any information indicating that cumulative effects on the environment are unacceptable.

(3) *New regulations.* The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows:

(i) For promulgation of amended standards or regulations, when:

(A) The permit condition requested to be modified was based on a promulgated effluent limitation guideline or EPA approved or promulgated water quality standard; and

(B) EPA has revised, withdrawn, or modified that portion of the regulation or effluent limitation guideline on which the permit condition was based, or has approved a State action with regard to a water quality standard on which the permit condition was based; and

(C) A permittee requests modification in accordance with § 124.5 within ninety (90) days after **Federal Register** notice of the action on which the request is based.

(ii) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations or effluent limitation guidelines, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the permittee in accordance with § 124.5 within ninety (90) days of judicial remand.

(iii) For changes based upon modified State certifications of NPDES permits, see § 124.55(b).

(4) *Compliance schedules.* The Director determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy. However, in no case may an NPDES compliance schedule be modified to extend beyond an applicable CWA statutory deadline. See also § 122.63(c) (minor modifications) and paragraph (a)(14) of this section (NPDES innovative technology).

(5) *Variances.* When the permittee has filed a request for a variance under CWA section 301(c), 301(g), 301(h), 301(i), 301(k), or 316(a) or for "fundamentally different factors" within the time specified in § 122.21, and the Director processes the request under the applicable provisions of §§ 124.61 124.62, and 124.64.

(6) *307(a) toxics.* When required to incorporate an applicable 307(a) toxic effluent standard or prohibition (see § 122.44(b)).

(7) *Reopener.* When required by the "reopener" conditions in a permit, which are established in the permit under § 122.44(b) (for CWA toxic effluent limitations) or 40 CFR 403.10(e) (pretreatment program).

(8)(i) *Net limits.* Upon request of a permittee who qualifies for effluent limitations on a net basis under § 122.45(h).

(ii) When a discharger is no longer eligible for net limitations, as provided in § 122.45(h)(1)(ii)(B).

(9) *Pretreatment.* As necessary under 40 CFR 403.8(e) (compliance schedule for development of pretreatment program).

(10) *Failure to notify.* Upon failure of an approved State to notify, as required by section 402(b)(3), another State whose waters may be affected by a discharge from the approved State.

(11) *Non-Limited pollutants.* When the level of discharge of any pollutant which

is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under § 125.3(c).

(12) *Use or manufacture of toxics.* When the permittee begins or expects to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application under § 122.21(g)(9).

(13) *Notification levels.* To establish a "notification level" as provided in § 122.44(f).

(14) *Compliance schedules.* To modify a schedule of compliance to reflect the time lost during construction of an innovative or alternative facility, in the case of a POTW which has received a grant under section 202(a)(3) of CWA for 100% of the costs to modify or replace facilities constructed with a grant for innovative and alternative wastewater technology under section 202(a)(2). In no case shall the compliance schedule be modified to extend beyond an applicable CWA statutory deadline for compliance.

(b) *Causes for modification or revocation and reissuance.* The following are causes to modify or, alternatively, revoke and reissue a permit:

(1) Cause exists for termination under § 122.64, and the Director determines that modification or revocation and reissuance is appropriate.

(2) The Director has received notification (as required in the permit, see § 122.41(1)(3)) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (§ 122.61(b)) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

§ 122.63 Minor modifications of permits.

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of Part 124. Any permit modification not processed as a minor modification under this section must be made for cause and with Part 124 draft permit and public notice as required in § 122.62. Minor modifications may only:

(a) Correct typographical errors;

(b) Require more frequent monitoring or reporting by the permittee;

(c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or

(d) Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.

(e)(1) Change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under § 122.29.

(2) Delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.

§ 122.64 Termination of permits (applicable to State programs, see § 123.25).

(a) The following are causes for terminating a permit during its term, or for denying a permit renewal application:

(1) Noncompliance by the permittee with any condition of the permit;

(2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

(4) A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW).

(b) The Director shall follow the applicable procedures in Part 124 or State procedures in terminating any NPDES permit under this section.

Appendix A—NPDES Primary Industry Categories

Any permit issued after June 30, 1981 to dischargers in the following categories shall include effluent limitations and a compliance schedule to meet the requirements of section 301(b)(2)(A), (C), (D), (E) and (F) of CWA, whether or not applicable effluent limitations guidelines have been promulgated. See §§ 122.44 and 122.46.

Industry Category

Adhesives and Sealants
Aluminum Forming
Auto and Other Laundries
Battery Manufacturing
Coal Mining
Coil Coating
Copper Forming
Electrical and Electronic Components
Electroplating
Explosives Manufacturing
Foundries
Gum and Wood Chemicals
Inorganic Chemicals Manufacturing
Iron and Steel Manufacturing
Leather Tanning and Finishing
Mechanical Products Manufacturing
Nonferrous Metals Manufacturing
Ore Mining
Organic Chemicals Manufacturing
Paint and Ink Formulation
Pesticides
Petroleum Refining
Pharmaceutical Preparations
Photographic Equipment and Supplies
Plastics Processing
Plastic and Synthetic Materials Manufacturing
Porcelain Enameling
Printing and Publishing
Pulp and Paper Mills
Rubber Processing
Soap and Detergent Manufacturing
Steam Electric Power Plants
Textile Mills
Timber Products Processing

Appendix B—Criteria for Determining a Concentrated Animal Feeding Operation (§ 122.23)

An animal feeding operation is a concentrated animal feeding operation for purposes of § 122.23 if either of the following criteria are met.

(a) More than the numbers of animals specified in any of the following categories are confined:

(1) 1,000 slaughter and feeder cattle,

(2) 700 mature dairy cattle (whether milked or dry cows),

(3) 2,500 swine each weighing over 25 kilograms (approximately 55 pounds),

(4) 500 horses,

(5) 10,000 sheep or lambs,

(6) 55,000 turkeys,

(7) 100,000 laying hens or broilers (if the facility has continuous overflow watering),

(8) 30,000 laying hens or broilers (if the facility has a liquid manure system),

(9) 5,000 ducks, or

(10) 1,000 animal units; or

(b) More than the following number and types of animals are confined:

(1) 300 slaughter or feeder cattle,

(2) 200 mature dairy cattle (whether milked or dry cows),

(3) 750 swine each weighing over 25 kilograms (approximately 55 pounds),

(4) 150 horses,

(5) 3,000 sheep or lambs,

(6) 16,500 turkeys,

(7) 30,000 laying hens or broilers (if the facility has continuous overflow watering),

(8) 9,000 laying hens or broilers (if the

facility has a liquid manure handling system).

(9) 1,500 ducks, or

(10) 300 animal units;

and either one of the following conditions are met: pollutants are discharged into navigable waters through a manmade ditch, flushing system or other similar man-made device; or pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

Provided, however, that no animal feeding operation is a concentrated animal feeding operation as defined above if such animal feeding operation discharges only in the event of a 25 year, 24-hour storm event.

The term "animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

The term "manmade" means constructed by man and used for the purpose of transporting wastes.

Appendix C–Criteria for Determining a Concentrated Aquatic Animal Production Facility (§ 122.24).

A hatchery, fish farm, or other facility is a concentrated aquatic animal production facility for purposes of § 122.24 if it contains, grows, or holds aquatic animals in either of the following categories:

(a) Cold water fish species or other cold water aquatic animals in ponds, raceways, or other similar structures which discharge at least 30 days per year but does not include:

(1) Facilities which produce less than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year; and

(2) Facilities which feed less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding.

(b) Warm water fish species or other warm water aquatic animals in ponds, raceways, or other similar structures which discharge at least 30 days per year, but does not include:

(1) Closed ponds which discharge only during periods of excess runoff; or

(2) Facilities which produce less than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.

"Cold water aquatic animals" include, but are not limited to, the *Salmonidae* family of fish; e.g., trout and salmon.

"Warm water aquatic animals" include, but are not limited to, the *Ameiuride, Centrarchidae* and *Cyprinidae* families of fish; e.g., respectively, catfish, sunfish and minnows.

Appendix D—NPDES Permit Application Testing Requirements (§ 122.21).

TABLE I.—TESTING REQUIREMENTS FOR ORGANIC TOXIC POLLUTANTS BY INDUSTRIAL CATEGORY FOR EXISTING DISCHARGERS

Industrial category	GC/MS Fraction [1]			
	Volatile	Acid	Base/neutral	Pesticide
Adhesives and Sealants	•	•	•	
Aluminum Forming	•	•	•	
Auto and Other Laundries	•	•	•	•
Battery Manufacturing	•		•	
Coal Mining	•	•	•	•
Coil Coating	•	•	•	
Copper Forming	•	•	•	
Electric and Electronic Components	•	•	•	•
Electroplating	•	•	•	
Explosives Manufacturing		•	•	
Foundries	•	•	•	
Gum and Wood Chemicals	•	•	•	•
Inorganic Chemicals Manufacturing	•	•	•	
Iron and Steel Manufacturing	•	•	•	
Leather Tanning and Finishing	•	•	•	•
Mechanical Products Manufacturing	•	•	•	
Nonferrous Metals Manufacturing	•	•	•	•
Ore Mining	•	•	•	•
Organic Chemicals Manufacturing	•	•	•	•
Paint and Ink Formulation	•	•	•	•
Pesticides	•	•	•	•
Petroleum Refining	•	•	•	•
Pharmaceutical Preparations	•	•	•	
Photographic Equipment and Supplies	•	•	•	•
Plastic and Synthetic Materials Manufacturing	•	•	•	•
Plastic Processing	•			
Porcelain Enameling	•		•	•
Printing and Publishing	•	•	•	•
Pulp and Paper Mills	•	•	•	•
Rubber Processing	•	•	•	
Soap and Detergent Manufacturing	•	•	•	
Steam Electric Power Plants	•	•	•	
Textile Mills	•	•	•	•
Timber Products Processing	•	•	•	•

[1] The toxic pollutants in each fraction are listed in Table II
• Testing required.

Table II.—Organic Toxic Pollutants in Each of Four Fractions in Analysis by Gas Chromatography/Mass Spectroscopy (GS/MS)

Volatiles

1V acrolein
2V acrylonitrile
3V benzene
5V bromoform
6V carbon tetrachloride
7V chlorobenzene
8V chlorodibromomethane
9V chloroethane
10V 2-chloroethylvinyl ether
11V chloroform
12V dichlorobromomethane
14V 1,1-dichloroethane
15V 1,2-dichloroethane
16V 1,1-dichloroethylene
17V 1,2-dichloropropane
18V 1,2-dichloropropylene
19V ethylbenzene
20V methyl bromide
21V methyl chloride
22V methylene chloride
23V 1,1,2,2-tetrachloroethane
24V tetrachloroethylene
25V toluene
26V 1,2-trans-dichloroethylene
27V 1,1,1-trichloroethane
28V 1,1,2-trichloroethane
29V trichloroethylene
31V vinyl chloride

Acid Compounds

1A 2-chlorophenol
2A 2,4-dichlorophenol
3A 2,4-dimethylphenol
4A 4,6-dinitro-o-cresol
5A 2,4-dinitrophenol
6A 2-nitrophenol
7A 4-nitrophenol
8A p-chloro-m-cresol
9A pentachlorophenol
10A phenol
11A 2,4,6-trichlorophenol

Base/Neutral

1B acenaphthene
2B acenaphthylene
3B anthracene
4B benzidine
5B benzo(a)anthracene
6B benzo(a)pyrene
7B 3,4-benzofluoranthene
8B benzo(ghi)perylene
9B benzo(k)fluoranthene
10B bis(2-chloroethoxy)methane
11B bis(2-chloroethyl)ether
12B bis(2-chloroisopropyl)ether
13B bis (2-ethylhexyl)phthalate
14B 4-bromophenyl phenyl ether
15B butylbenzyl phthalate
16B 2-chloronaphthalene
17B 4-chlorophenyl phenyl ether
18B chrysene
19B dibenzo(a,h)anthracene
20B 1,2-dichlorobenzene
21B 1,3-dichlorobenzene
22B 1,4-dichlorobenzene
23B 3,3'-dichlorobenzidine
24B diethyl phthalate
25B dimethyl phthalate
26B di-n-butyl phthalate
27B 2,4-dinitrotoluene
28B 2,6-dinitrotoluene
29B di-n-octyl phthalate
30B 1,2-diphenylhydrazine (as azobenzene)
31B fluroranthene
32B fluorene
33B hexachlorobenzene
34B hexachlorobutadiene
35B hexachlorocyclopentadiene
36B hexachloroethane
37B indeno(1,2,3-cd)pyrene
38B isophorone
39B napthalene
40B nitrobenzene
41B N-nitrosodimethylamine
42B N-nitrosodi-n-propylamine
43B N-nitrosodiphenylamine
44B phenanthrene
45B pyrene

46B 1,2,4-trichlorobenzene

Pesticides

1P aldrin
2P alpha-BHC
3P beta-BHC
4P gamma-BHC
5P delta-BHC
6P chlordane
7P 4,4'-DDT
8P 4,4'-DDE
9P 4,4'-DDD
10P dieldrin
11P alpha-endosulfan
12P beta-endosulfan
13P endosulfan sulfate
14P endrin
15P endrin aldehyde
16P heptachlor
17P heptachlor epoxide
18P PCB-1242
19P PCB-1254
20P PCB-1221
21P PCB-1232
22P PCB-1248
23P PCB-1260
24P PCB-1016
25P toxaphene

Table III.—Other Toxic Pollutants: Metals, Cyanide, and Total Phenols

Antimony, Total
Arsenic, Total
Beryllium, Total
Cadmium, Total
Chromium, Total
Copper, Total
Lead, Total
Mercury, Total
Nickel, Total
Selenium, Total
Silver, Total
Thallium, Total
Zinc, Total
Cyanide, Total
Phenols, Total

Table IV.—Conventional and Nonconventional Pollutants Required To Be Tested by Existing Dischargers if Expected to be Present

Bromide
Chlorine, Total Residual
Color
Fecal Coliform
Fluoride
Nitrate-Nitrite
Nitrogen, Total Organic
Oil and Grease
Phosphorus, Total
Radioactivity
Sulfate
Sulfide
Sulfite
Surfactants
Aluminum, Total
Barium, Total
Boron, Total
Cobalt, Total
Iron, Total
Magnesium, Total
Molybdenum, Total
Manganese, Total
Tin, Total
Titanium, Total

Table V.—Toxic Pollutants and Hazardous Substances Required To Be Identified by Existing Dischargers if Expected To Be Present

Toxic Pollutants

Asbestos

Hazardous Substances

Acetaldehyde
Allyl alcohol
Allyl chloride
Amyl acetate
Aniline
Benzonitrile
Benzyl chloride
Butyl acetate
Butylamine
Captan
Carbaryl
Carbofuran
Carbon disulfide
Chlorpyrifos
Coumaphos
Cresol
Crotonaldehyde
Cyclohexane
2,4-D (2,4-Dichlorophenoxy acetic acid)
Diazinon
Dicamba
Dichlobenil
Dichlone
2,2-Dichloropropionic acid
Dichlorvos
Diethyl amine
Dimethyl amine
Dintrobenzene
Diquat
Disulfoton
Diuron
Epichlorohydrin
Ethanolamine
Ethion
Ethylene diamine
Ethylene dibromide
Formaldehyde
Furfural
Guthion
Isoprene
Isopropanolamine
Kelthane
Kepone
Malathion
Mercaptodimethur
Methoxychlor
Methyl mercaptan
Methyl methacrylate
Methyl parathion
Mevinphos
Mexacarbate
Monoethyl amine
Monomethyl amine
Naled
Napthenic acid
Nitrotoluene
Parathion
Phenolsulfanate
Phosgene
Propargite
Propylene oxide
Pyrethrins
Quinoline
Resorcinol
Strontium
Strychnine
Styrene
2,4,5-T (2,4,5-Trichlorophenoxy acetic acid)
TDE (Tetrachlorodiphenylethane)
2,4,5-TP [2-(2,4,5-Trichlorophenoxy) propanoic acid]
Trichlorofan
Triethylamine
Trimethylamine
Uranium
Vanadium
Vinyl acetate
Xylene
Xylenol
Zirconium

[Note.—The Environmental Protection Agency has suspended the requirements of §122.21(g)(7)(ii)(A) and Table I of Appendix D as they apply to certain industrial categories. The suspensions are as follows:

At 46 FR 2046, Jan. 8, 1981, the Environmental Protection Agency suspended until further notice § 122.21(g)(7)(ii)(A) as it applies to coal mines.

At 46 FR 22585, Apr. 20, 1981, the Environmental Protection Agency suspended until further notice § 122.21(g)(7)(ii)(A) and the corresponding portions of Item V–C of the NPDES application Form 2c as they apply to:

1. Testing and reporting for all four organic fractions in the Greige Mills Subcategory of the Textile Mills industry (Subpart C—Low water use processing of 40 CFR Part 410), and testing and reporting for the pesticide fraction in all other subcategories of this industrial category.

2. Testing and reporting for the volatile, base/neutral and pesticide fractions in the Base and Precious Metals Subcategory of the Ore Mining and Dressing industry (Subpart B of 40 CFR Part 440), and testing and reporting for all four fractions in all other subcategories of this industrial category.

3. Testing and reporting for all four GC/MS fractions in the Porcelain Enameling industry.

At 46 FR 35090, July 1, 1981, the Environmental Protection Agency suspended until further notice § 122.21(g)(7)(ii)(A) and the corresponding portions of Item V–C of the NPDES application Form 2c as they apply to:

1. Testing and reporting for the pesticide fraction in the Tall Oil Rosin Subcategory (Subpart D) and Rosin-Based Derivatives Subcategory (Subpart F) of the Gum and Wood Chemicals industry (40 CFR Part 454), and testing and reporting for the pesticide and base/netural fractions in all other subcategories of this industrial category.

2. Testing and reporting for the pesticide fraction in the Leather Tanning and Finishing, Paint and Ink Formulation, and Photographic Supplies industrial categories.

3. Testing and reporting for the acid, base/neutral and pesticide fractions in the Petroleum Refining industrial category.

4. Testing and reporting for the pesticide fraction in the Papergrade Sulfite subcategories (Subparts J and U) of the Pulp and Paper industry (40 CFR Part 430); testing and reporting for the base/neutral and pesticide fractions in the following subcategories: Deink (Subpart Q), Dissolving Kraft (Subpart F), and Paperboard from Waste Paper (Subpart E); testing and reporting for the volatile, base/neutral and pesticide fractions in the following subcategories: BCT Bleached Kraft (Subpart

H), Semi-Chemical (Subparts B and C), and Nonintegrated-Fine Papers (Subpart R); and testing and reporting for the acid, base/neutral, and pesticide fractions in the following subcategories: Fine Bleached Kraft (Subpart I), Dissolving Sulfite Pulp (Subpart K), Groundwood-Fine Papers (Subpart O), Market Bleached Kraft (Subpart G), Tissue from Wastepaper (Subpart T), and Nonintegrated-Tissue Papers (Subpart S).

5. Testing and reporting for the base/neutral fraction in the Once-Through Cooling Water, Fly Ash and Bottom Ash Transport Water process wastestreams of the Steam Electric Power Plant industrial category.

This revision continues these suspensions.]

For the duration of the suspensions, therefore, Table I effectively reads:

TABLE I.—TESTING REQUIREMENTS FOR ORGANIC TOXIC POLLUTANTS BY INDUSTRY CATEGORY

Industry category	GC/MS fraction [1]			
	Volatile	Acid	Neutral	Pesticide
Adhesives and sealants	(*)	(*)	(*)	
Aluminum forming	(*)	(*)	(*)	
Auto and other laundries	(*)	(*)	(*)	(*)
Battery manufacturing	(*)		(*)	
Coal mining				
Coil coating	(*)	(*)	(*)	
Copper forming	(*)	(*)	(*)	
Electric and electronic compounds	(*)	(*)	(*)	(*)
Electroplating	(*)	(*)	(*)	
Explosives manufacturing		(*)	(*)	
Foundries	(*)	(*)	(*)	
Gum and wood (all subparts except D and F)	(*)	(*)		
Subpart D—tall oil rosin	(*)	(*)	(*)	
Subpart F—rosin-based derivatives	(*)	(*)	(*)	
Inorganic chemicals manufacturing	(*)	(*)	(*)	
Iron and steel manufacturing	(*)	(*)	(*)	
Leather tanning and finishing	(*)	(*)	(*)	
Mechanical products manufacturing	(*)	(*)	(*)	
Nonferrous metals manufacturing	(*)	(*)	(*)	(*)
Ore mining (applies to the base and precious metals subpart B)		(*)		
Organic chemicals manufacturing	(*)	(*)	(*)	(*)
Paint and ink formulation	(*)	(*)	(*)	
Pesticides	(*)	(*)	(*)	(*)
Petroleum refining	(*)			
Pharmaceutical preparations	(*)	(*)	(*)	
Photographic equipment and supplies	(*)	(*)	(*)	
Plastic and synthetic materials manufacturing	(*)	(*)	(*)	(*)
Plastic processing	(*)			
Porcelain enameling				
Printing and publishing	(*)	(*)	(*)	(*)
Pulp and paperboard mills—see footnote [2]				
Rubber processing	(*)	(*)	(*)	
Soap and detergent manufacturing	(*)	(*)	(*)	
Steam electric power plants	(*)	(*)		
Textile mills (subpart C—Greige Mills are exempt from this table)	(*)	(*)	(*)	
Timber products processing	(*)	(*)	(*)	(*)

*Testing required.
[1] The pollutants in each fraction are listed in Item V-C.
[2] Pulp and Paperboard Mills:

Subpart #	GC/MS fractions			
	VOA	Acid	Base/neutral	Pesticides
A	—	(*)	—	(*)
B	—	(*)	—	—
C	—	(*)	—	—
D	—	(*)	—	—
E	(*)	(*)	—	(*)
F	(*)	(*)	—	—
G	(*)	(*)	—	—
H	(*)	(*)	—	—
I	(*)	(*)	—	—
J	(*)	(*)	(*)	—
K	(*)	(*)	—	—
L	(*)	(*)	—	—
M	(*)	(*)	—	—
N	(*)	(*)	—	—
O	(*)	(*)	—	—
P	(*)	(*)	—	—
Q	(*)	(*)	—	(*)
R	—	(*)	—	—
S	(*)	(*)	—	(*)
T	(*)	(*)	—	(*)
U	(*)	(*)	(*)	—

*Must test.
— Do not test unless "reason to believe" it is discharged
Subparts are defined in 40 CFR Part 430

Part 123 is revised to read as follows:

PART 123—STATE PROGRAM REQUIREMENTS

Subpart A—General

Sec.
123.1 Purpose and scope.
123.2 Definitions.
123.3 Coordination with other programs.

Subpart B—State Program Submissions

123.21 Elements of a program submission.
123.22 Program description.
123.23 Attorney General's Statement.
123.24 Memorandum of Agreement with the Regional Administrator.
123.25 Requirements for permitting.
123.26 Requirements for compliance evaluation programs.
123.27 Requirements for enforcement authority.
123.28 Control of disposal of pollutants into wells.
123.29 Prohibition.

Subpart C—Transfer of Information and Permit Review

123.41 Sharing of information.
123.42 Receipt and use of Federal information.
123.43 Transmission of information to EPA.
123.44 EPA review of and objections to State permits.
123.45 Noncompliance and program reporting by the Director.

Subpart D—Program Approval, Revision and Withdrawal

123.61 Approval process.
123.62 Procedures for revision of State programs.
123.63 Criteria for withdrawal of State programs.
123.64 Procedures for withdrawal of State programs.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Subpart A—General

§ 123.1 Purpose and scope.

(a) This part specifies the procedures EPA will follow in approving, revising, and withdrawing State programs and the requirements State programs must meet to be approved by the Administrator under Sections 318, 402, and 405 (National Pollutant Discharge Elimination System—NPDES) of CWA.

(b) These regulations are promulgated under the authority of sections 304(i) and 101(e) of CWA, and implement the requirements of those sections.

(c) The Administrator shall approve State programs which conform to the applicable requirements of this Part. A State NPDES program will not be approved by the Administrator under section 402 of CWA unless it has authority to control the discharges specified in sections 318 and 405(a) of CWA. Permit programs under sections 318 and 405 will not be approved independent of a section 402 permit program.

(d) Upon approval of a State program, the Administrator shall suspend the issuance of Federal permits for those activities subject to the approved State program. After program approval EPA shall retain jurisdiction over any permits (including general permits) which it has issued unless arrangements have been made with the State in the Memorandum of Agreement for the State to assume responsibility for these permits. Retention of jurisdiction shall include the processing of any permit appeals, modification requests, or variance requests; the conduct of inspections, and the receipt and review of self-monitoring reports. If any permit appeal, modification request or variance request is not finally resolved when the Federally issued permit expires, EPA may, with the consent of the State, retain jurisdiction until the matter is resolved.

(e) Upon submission of a complete program, EPA will conduct a public hearing, if interest is shown, and determine whether to approve or disapprove the program taking into consideration the requirements of this part, the CWA and any comments received.

(f) Any State program approved by the Administrator shall at all times be conducted in accordance with the requirements of this Part.

(g) No partial NPDES programs will be approved by EPA. The State program must prohibit (except as provided in § 122.3) all point source discharges of pollutants, all discharges into aquaculture projects, and all disposal of

sewage sludge which results in any pollutant from such sludge entering into any waters of the United States within the State's jurisdiction, except as authorized by a permit in effect under the State program or under section 402 of CWA. NPDES authority may be shared by two or more State agencies but each agency must have Statewide jurisdiction over a class of activities or discharges. When more than one agency is responsible for issuing permits, each agency must make a submission meeting the requirements of § 123.21 before EPA will begin formal review.

(h) A State's lack of authority to regulate activities on Indian lands does not impair a State's ability to obtain full program approval in accordance with this Part, i.e., inability of a State to regulate activities on Indian lands does not constitute a partial program. EPA will administer the program on Indian lands if the State does not seek this authority.

[Note.—States are advised to contact the United States Department of the Interior, Bureau of Indian Affairs, concerning authority over Indian lands.]

(i) Nothing in this Part precludes a State from:

(1) Adopting or enforcing requirements which are more stringent or more extensive than those required under this Part;

(2) Operating a program with a greater scope of coverage than that required under this Part. If an approved State program has greater scope of coverage than required by Federal law the additional coverage is not part of the Federally approved program.

[Note.—For example, if a State requires permits for discharges into publicly owned treatment works, these permits are not NPDES permits.]

§ 123.2 Definitions.

The definitions in Part 122 apply to all subparts of this Part.

§ 123.3 Coordination with other programs.

Issuance of State permits under this Part may be coordinated with issuance of RCRA, UIC, NPDES, and 404 permits whether they are controlled by the State, EPA, or the Corps of Engineers. See § 124.4.

Subpart B—State Program Submissions

§ 123.21 Elements of a program submission.

(a) Any State that seeks to administer a program under this Part shall submit to the Administrator at least three copies of a program submission. The submission shall contain at least three copies of the following:

(1) A letter from the Governor of the State requesting program approval;

(2) A complete program description, as required by § 123.22, describing how the State intends to carry out its responsibilities under this Part;

(3) An Attorney General's statement as required by § 123.23;

(4) A Memorandum of Agreement with the Regional Administrator as required by § 123.24;

(5) Copies of all applicable State statutes and regulations, including those governing State administrative procedures;

(b) Within 30 days of receipt by EPA of a State program submission, EPA will notify the State whether its submission is complete. If EPA finds that a State's submission is complete, the statutory review period (i.e., the period of time allotted for formal EPA review of a proposed State program under CWA) shall be deemed to have begun on the date of receipt of the State's submission. If EPA finds that a State's submission is incomplete, the statutory review period shall not begin until all the necessary information is received by EPA.

(c) If the State's submission is materially changed during the statutory review period, the statutory review period shall begin again upon receipt of the revised submission.

(d) The State and EPA may extend the statutory review period by agreement.

§ 123.22 Program description.

Any State that seeks to administer a program under this Part shall submit a description of the program it proposes to administer in lieu of the Federal program under State law or under an interstate compact. The program description shall include:

(a) A description in narrative form of the scope, structure, coverage and processes of the State program.

(b) A description (including organization charts) of the organization and structure of the State agency or agencies which will have responsibility for administering the program, including the information listed below. If more than one agency is responsible for administration of a program, each agency must have statewide jurisdiction over a class of activities. The responsibilities of each agency must be delineated, their procedures for coordination set forth, and an agency may be designated as a "lead agency" to facilitate communications between EPA and the State agencies having program responsibility. If the State proposes to administer a program of greater scope of coverage than is required by Federal law, the information provided under this paragraph shall indicate the resources dedicated to administering the Federally required portion of the program.

(1) A description of the State agency staff who will carry out the State program, including the number, occupations, and general duties of the employees. The State need not submit complete job descriptions for every employee carrying out the State program.

(2) An itemization of the estimated costs of establishing and administering the program for the first two years after approval, including cost of the personnel listed in paragraph (b)(1) of this section, cost of administrative support, and cost of technical support.

(3) An itemization of the sources and amounts of funding, including an estimate of Federal grant money, available to the State Director for the first two years after approval to meet the costs listed in paragraph (b)(2) of this section, identifying any restrictions or limitations upon this funding.

(c) A description of applicable State procedures, including permitting procedures and any State administrative or judicial review procedures;

(d) Copies of the permit form(s), application form(s), and reporting form(s) the State intends to employ in its program. Forms used by States need not be identical to the forms used by EPA but should require the same basic information, except that State NPDES programs are required to use standard Discharge Monitoring Reports (DMR). The State need not provide copies of uniform national forms it intends to use but should note its intention to use such forms.

[Note.—States are encouraged to use uniform national forms established by the Administrator. If uniform national forms are used, they may be modified to include the State Agency's name, address, logo, and other similar information, as appropriate, in place of EPA's.]

(e) A complete description of the State's compliance tracking and enforcement programs.

§ 123.23 Attorney General's statement.

(a) Any State that seeks to administer a program under this Part shall submit a statement from the State Attorney General (or the attorney for those State or interstate agencies which have independent legal counsel) that the laws of the State, or an interstate compact, provide adequate authority to carry out the program described under § 123.22 and to meet the requirements of this Part. This statement shall include citations to the specific statutes,

administrative regulations, and, where appropriate, judicial decisions which demonstrate adequate authority. State statutes and regulations cited by the State Attorney General or independent legal counsel shall be in the form of lawfully adopted State statutes and regulations at the time the statement is signed and shall be fully effective by the time the program is approved. To qualify as "independent legal counsel" the attorney signing the statement required by this section must have full authority to independently represent the State agency in court on all matters pertaining to the State program.

[Note.—EPA will supply States with an Attorney General's statement format on request.]

(b) If a State seeks authority over activities on Indian lands, the statement shall contain an appropriate analysis of the State's authority.

(c) The Attorney General's statement shall certify that the State has adequate legal authority to issue and enforce general permits if the State seeks to implement the general permit program under § 122.28.

§ 123.24 Memorandum of Agreement with the Regional Administrator.

(a) Any State that seeks to administer a program under this Part shall submit a Memorandum of Agreement. The Memorandum of Agreement shall be executed by the State Director and the Regional Administrator and shall become effective when approved by the Administrator. In addition to meeting the requirements of paragraph (b) of this section, the Memorandum of Agreement may include other terms, conditions, or agreements consistent with this Part and relevant to the administration and enforcement of the State's regulatory program. The Administrator shall not approve any Memorandum of Agreement which contains provisions which restrict EPA's statutory oversight responsibility.

(b) The Memorandum of Agreement shall include the following:

(1) Provisions for the prompt transfer from EPA to the State of pending permit applications and any other information relevant to program operation not already in the possession of the State Director (e.g., support files for permit issuance, compliance reports, etc.). If existing permits are transferred from EPA to the State for administration, the Memorandum of Agreement shall contain provisions specifying a procedure for transferring the administration of these permits. If a State lacks the authority to directly administer permits issued by the Federal government, a procedure may be established to transfer responsibility for these permits.

[Note.—For example, EPA and the State and the permittee could agree that the State would issue a permit(s) identical to the outstanding Federal permit which would simultaneously be terminated.]

(2) Provisions specifying classes and categories of permit applications, draft permits, and proposed permits that the State will send to the Regional Administrator for review, comment and, where applicable, objection.

(3) Provisions specifying the frequency and content of reports, documents and other information which the State is required to submit to EPA. The State shall allow EPA to routinely review State records, reports, and files relevant to the administration and enforcement of the approved program. State reports may be combined with grant reports where appropriate. These procedures shall implement the requirements of § 123.43.

(4) Provisions on the State's compliance monitoring and enforcement program, including:

(i) Provisions for coordination of compliance monitoring activities by the State and by EPA. These may specify the basis on which the Regional Administrator will select facilities or activities within the State for EPA inspection. The Regional Administrator will normally notify the State at least 7 days before any such inspection; and

(ii) Procedures to assure coordination of enforcement activities.

(5) When appropriate, provisions for joint processing of permits by the State and EPA for facilities or activities which require permits from both EPA and the State under different programs. (See § 124.4.)

[Note.—To promote efficiency and to avoid duplication and inconsistency, States are encouraged to enter into joint processing agreements with EPA for permit issuance. Likewise, States are encouraged (but not required) to consider steps to coordinate or consolidate their own permit programs and activities.]

(6) Provisions for modification of the Memorandum of Agreement in accordance with this Part.

(c) The Memorandum of Agreement, the annual program grant and the State/EPA Agreement should be consistent. If the State/EPA Agreement indicates that a change is needed in the Memorandum of Agreement, the Memorandum of Agreement may be amended through the procedures set forth in this part. The State/EPA Agreement may not override the Memorandum of Agreement.

[Note.—Detailed program priorities and specific arrangements for EPA support of the State program will change and are therefore more appropriately negotiated in the context of annual agreements rather than in the MOA. However, it may still be appropriate to specify in the MOA the basis for such detailed agreements, e.g., a provision in the MOA specifying that EPA will select facilities in the State for inspection annually as part of the State/EPA agreement.]

(d) The Memorandum of Agreement shall also specify the extent to which EPA will waive its right to review, object to, or comment upon State-issued permits under sections 402(d)(3), (e) or (f) of CWA. While the Regional Administrator and the State may agree to waive EPA review of certain "classes or categories" of permits, no waiver of review may be granted for the following discharges:

(1) Discharges into the territorial sea;

(2) Discharges which may affect the waters of a State other than the one in which the discharge originates;

(3) Discharges proposed to be regulated by general permits (see § 122.28);

(4) Discharges from publicly owned treatment works with a daily average discharge exceeding 1 million gallson per day;

(5) Discharges of uncontaminated cooling water with a daily average discharge exceeding 500 million gallons per day;

(6) Discharges from any major discharger or from any discharger within any of the 21 industrial categories listed in Appendix A to Part 122;

(7) Discharges from other sources with a daily average discharge exceeding 0.5 (one-half) million gallons per day, except that EPA review of permits for discharges of non-process wastewater may be waived regardless of flow.

(e) Whenever a waiver is granted under paragraph (d) of this section, the Memorandum of Agreement shall contain:

(1) A statement that the Regional Administrator retains the right to terminate the waiver as to future permit actions, in whole or in part, at any time by sending the State Director written notice of termination; and

(2) A statement that the State shall supply EPA with copies of final permits.

§ 123.25 Requirements for permitting.

(a) All State programs under this Part must have legal authority to implement each of the following provisions and must be administered in conformance with each; except that States are not precluded from omitting or modifying any provisions to impose more stringent requirements:

(1) § 122.4—(Prohibitons);
(2) § 122.5(a) and (b)—(Effect of permit);
(3) § 122.7(b)–(d)—(Confidential information);
(4) § 122.21(a)–(b), (e)–(j), and (l)–(o)—(Application for a permit);
(5) § 122.22—(Signatories);
(6) § 122.23—(Concentrated animal feeding operations);
(7) § 122.24—(Concentrated aquatic animal production facilities);
(8) § 122.25—(Aquaculture projects);
(9) § 122.26—(Separate storm sewers);
(10) § 122.27—(Silviculture);
(11) § 122.28—(General permits), *provided that* States which do not seek to implement the general permit program under § 122.28 need not do so.
(12) § 122.41—(Applicable permit conditions);
(13) § 122.42—(Conditions applicable to specified categories of permits);
(14) § 122.43—(Establishing permit conditions);
(15) § 122.44—(Establishing NPDES permit conditions);
(16) § 122.45—(Calculating permit conditions);
(17) § 122.46—(Duration);
(18) § 122.47(a)—(Schedules of compliance);
(19) § 122.48—(Monitoring requirements);
(20) § 122.50—(Disposal into wells);
(21) § 122.61—(Permit transfer);
(22) § 122.62—(Permit modification);
(23) § 122.64—(Permit termination);
(24) § 124.3(a)—(Application for a permit);
(25) § 124.5 (a), (c), (d), and (f)—(Modification of permits);
(26) § 124.6 (a), (c), (d), and (e)—(Draft permit);
(27) § 124.8—(Fact sheets);
(28) § 124.10 (a)(1)(ii), (a)(1)(iii), (a)(1)(v), (b), (c), (d), and (e)—(Public notice);
(29) § 124.11—(Public comments and requests for hearings);
(30) § 124.12(a)—(Public hearings); and
(31) § 124.17 (a) and (c)—(Response to comments);
(32) § 124.56—(Fact sheets);
(33) § 124.57(a)—(Public notice);
(34) § 124.59—(Comments from government agencies);
(35) § 124.62—(Decision on variances);
(36) Subparts A, B,C, D, H, I, J, K and L of Part 125; and
(37) 40 CFR Parts 129, 133, and Subchapter N.

[Note.—States need not implement provisions identical to the above listed provisions. Implemented provisions must, however, establish requirements at least as stringent as the corresponding listed provisions. While States may impose more stringent requirements, they may not make one requirement more lenient as a tradeoff for making another requirement more stringent; for example, by requiring that public hearings be held prior to issuing any permit while reducing the amount of advance notice of such a hearing.

State programs may, if they have adequate legal authority, implement any of the provisions of Parts 122 and 124. See, for example, § 122.5(d) (continuation of permits) and § 124.4 (consolidation of permit processing).

For example, a State may impose more stringent requirements in an NPDES program by omitting the upset provision of § 122.41 or by requiring more prompt notice of an upset.]

(b) State NPDES programs shall have an approved continuing planning process under 40 CFR 35.1500 and shall assure that the approved planning process is at all times consistent with CWA.

(c) State NPDES programs shall ensure that any board or body which approves all or portions of permits shall not include as a member any person who receives, or has during the previous 2 years received, a significant portion of income directly or indirectly from permit holders or applicants for a permit.

(1) For the purposes of this paragraph:

(i) "Board or body" includes any individual, including the Director, who has or shares authority to approve all or portions of permits either in the first instance, as modified or reissued, or on appeal.

(ii) "Significant portion of income" means 10 percent or more of gross personal income for a calendar year, except that it means 50 percent or more of gross personal income for a calendar year if the recipient is over 60 years of age and is receiving that portion under retirement, pension, or similar arrangement.

(iii) "Permit holders or applicants for a permit" does not include any department or agency of a State government, such as a Department of Parks or a Department of Fish and Wildlife.

(iv) "Income" includes retirement benefits, consultant fees, and stock dividends.

(2) For the purposes of paragraph (c) of this section, income is not received "directly or indirectly from permit holders or applicants for a permit" when it is derived from mutual fund payments, or from other diversified investments for which the recipient does not know the identity of the primary sources of income.

§ 123.26 Requirements for compliance evaluation programs.

(a) State programs shall have procedures for receipt, evaluation, retention and investigation for possible enforcement of all notices and reports required of permittees and other regulated persons (and for investigation for possible enforcement of failure to submit these notices and reports).

(b) State programs shall have inspection and surveillance procedures to determine, independent of information supplied by regulated persons, compliance or noncompliance with applicable program requirements. The State shall maintain:

(1) A program which is capable of making comprehensive surveys of all facilities and activities subject to the State Director's authority to identify persons subject to regulation who have failed to comply with permit application or other program requirements. Any compilation, index or inventory of such facilities and activities shall be made available to the Regional Administrator upon request;

(2) A program for periodic inspections of the facilities and activities subject to regulation. These inspections shall be conducted in a manner designed to:

(i) Determine compliance or noncompliance with issued permit conditions and other program requirements;

(ii) Verify the accuracy of information submitted by permittees and other regulated persons in reporting forms and other forms supplying monitoring data; and

(iii) Verify the adequacy of sampling, monitoring, and other methods used by permittees and other regulated persons to develop that information;

(3) A program for investigating information obtained regarding violations of applicable program and permit requirements; and

(4) Procedures for receiving and ensuring proper consideration of information submitted by the Public about violations. Public effort in reporting violations shall be encouraged and the State Director shall make available information on reporting procedures.

(c) The State Director and State officers engaged in compliance evaluation shall have authority to enter any site or premises subject to regulation or in which records relevant to program operation are kept in order to copy any records, inspect, monitor or otherwise investigate compliance with the State program including compliance with permit conditions and other program requirements. States whose law requires a search warrant before entry conform with this requirement.

(d) Investigatory inspections shall be conducted, samples shall be taken and

other information shall be gathered in a manner (e.g., using proper "chain of custody" procedures) that will produce evidence admissible in an enforcement proceeding or in court.

(e) State NPDES compliance evaluation programs shall have procedures and ability for:

(1) Maintaining a comprehensive inventory of all sources covered by NPDES permits and a schedule of reports required to be submitted by permittees to the State agency;

(2) Initial screening (i.e., pre-enforcement evaluation) of all permit or grant-related compliance information to identify violations and to establish priorities for further substantive technical evaluation;

(3) When warranted, conducting a substantive technical evaluation following the initial screening of all permit or grant-related compliance information to determine the appropriate agency response;

(4) Maintaining a management information system which supports the compliance evaluation activities of this Part; and

(5) Inspecting the facilities of all major dischargers at least annually.

§ 123.27 Requirements for enforcement authority.

(a) Any State agency administering a program shall have available the following remedies for violations of State program requirements:

(1) To restrain immediately and effectively any person by order or by suit in State court from engaging in any unauthorized activity which is endangering or causing damage to public health or the environment;

[Note.—Paragraph (a)(1) requires that States have a mechanism (e.g., an administrative cease and desist order or the ability to seek a temporary restraining order) to stop any unauthorized activity endangering public health or the environment.]

(2) To sue in courts of competent jurisdiction to enjoin any threatened or continuing violation of any program requirement, including permit conditions, without the necessity of a prior revocation of the permit;

(3) To assess or sue to recover in court civil penalties and to seek criminal remedies, including fines, as follows:

(i) Civil penalties shall be recoverable for the violation of any NPDES permit condition; any NPDES filing requirement; any duty to allow or carry out inspection, entry or monitoring activities; or, any regulation or orders issued by the State Director. These penalties shall be assessable in at least the amount of $5,000 a day for each violation.

(ii) Criminal fines shall be recoverable against any person who willfully or negligently violates any applicable standards or limitations; any NPDES permit condition; or any NPDES filing requirement. These fines shall be assessable in at least the amount of $10,000 a day for each violation.

[Note.—States which provide the criminal remedies based on "criminal negligence," "gross negligence" or strict liability satisfy the requirement of paragraph (a)(3)(iii)(B) of this section.]

(iii) Criminal fines shall be recoverable against any person who knowingly makes any false statement, representation or certification in any NPDES form, in any notice or report required by an NPDES permit, or who knowingly renders inaccurate any monitoring device or method required to be maintained by the Director. These fines shall be recoverable in at least the amount of $5,000 for each instance of violation.

[Note.—In many States the State Director will be represented in State courts by the State Attorney General or other appropriate legal officer. Although the State Director need not appear in court actions he or she should have power to request that any of the above actions be brought.]

(b)(1) The maximum civil penalty or criminal fine (as provided in paragraph (a)(3) of this section) shall be assessable for each instance of violation and, if the violation is continuous, shall be assessable up to the maximum amount for each day of violation.

(2) The burden of proof and degree of knowledge or intent required under State law for establishing violations under paragraph (a)(3) of this section, shall be no greater than the burden of proof or degree of knowledge or intent EPA must provide when it brings an action under the appropriate Act;

[Note.—For example, this requirement is not met if State law includes mental state as an element of proof for civil violations.]

(c) Any civil penalty assessed, sought or agreed upon by the State Director under paragraph (a)(3) of this section shall be appropriate to the violation. A civil penalty agreed upon by the State Director in settlement of administrative or judicial litigation may be adjusted by a percentage which represents the likelihood of success in establishing the underlying violation(s) in the litigation. If this civil penalty, together with the costs of expeditious compliance, would be so severely disproportionate to the resources of the violator as to jeopardize continuance in business, the payment of the penalty may be deferred or the penalty may be forgiven in whole or part, as circumstances warrant. In the case of a penalty for a failure to meet a statutory or final permit compliance deadline, "appropriate to the violation" as used in this paragraph, means a penalty which is equal to:

(1) An amount appropriate to redress the harm or risk to public health or the environment; plus

(2) An amount appropriate to remove the economic benefit gained or to be gained from delayed compliance; plus

(3) An amount appropriate as a penalty for the violator's degree of recalcitrance, defiance, or indifference to requirements of the law; plus

(4) An amount appropriate to recover unusual or extraordinary enforcement costs thrust upon the public; minus

(5) An amount, if any, appropriate to reflect any part of the noncompliance attributable to the government itself; and minus

(6) An amount appropriate to reflect any part of the noncompliance caused by factors completely beyond the violator's control (*e.g.*, floods, fires).

[Note.—In addition to the requirements of this paragraph, the State may have other enforcement remedies. The following enforcement options, while not mandatory, are highly recommended:

Procedures which enable the State to assess or to sue any persons responsible for unauthorized activities for any expenses incurred by the State in removing, correcting, or terminating any adverse effects upon human health and the environment resulting from the unauthorized activity, whether or not accidental;

Procedures which enable the State to sue for compensation for any loss or destruction of wildlife, fish or aquatic life, or their habitat, and for any other damages caused by unauthorized activity, either to the State or to any residents of the State who are directly aggrieved by the unauthorized activity, or both; and

Procedures for the administrative assessment of penalties by the Director.]

(d) Any State administering a program shall provide for public participation in the State enforcement process by providing either:

(1) Authority which allows intervention as of right in any civil or administrative action to obtain remedies specified in paragraphs (a)(1), (2) or (3) of this section by any citizen having an interest which is or may be adversely affected; or

(2) Assurance that the State agency or enforcement authority will:

(i) Investigate and provide written responses to all citizen complaints submitted pursuant to the procedures specified in § 123.26(b)(4);

(ii) Not oppose intervention by any citizen when permissive intervention may be authorized by statute, rule, or regulation; and

(iii) Publish notice of and provide at least 30 days for public comment on any proposed settlement of a State enforcement action.

§ 123.28 Control of disposal of pollutants into wells.

State law must provide authority to issue permits to control the disposal of pollutants into wells. Such authority shall enable the State to protect the public health and welfare and to prevent the pollution of ground and surface waters by prohibiting well discharges or by issuing permits for such discharges with appropriate permit terms and conditions. A program approved under section 1422 of SDWA satisfies the requirements of this section.

[Note.—States which are authorized to administer the NPDES permit program under section 402 of CWA are encouraged to rely on existing statutory authority, to the extent possible, in developing a State UIC program under section 1422 of SDWA. Section 402(b)(1)(D) of CWA requires that NPDES States have the authority "to issue permits which * * * control the disposal of pollutants into wells." In many instances, therefore, NPDES States will have existing statutory authority to regulate well disposal which satisfies the requirements of the UIC program. Note, however, that CWA excludes certain types of well injections from the definition of "pollutant." If the State's statutory authority contains a similar exclusion it may need to be modified to qualify for UIC program approval.]

§ 123.29 Prohibition.

State permit programs shall provide that no permit shall be issued when the Regional Administrator has objected in writing under § 123.44.

Subpart C—Transfer of Information and Permit Review

§ 123.41 Sharing of information.

(a) Any information obtained or used in the administration of a State program shall be available to EPA upon request without restriction. If the information has been submitted to the State under a claim of confidentiality, the State must submit that claim to EPA when providing information under this section. Any information obtained from a State and subject to a claim of confidentiality will be treated in accordance with the regulations in 40 CFR Part 2. If EPA obtains from a State information that is not claimed to be confidential, EPA may make that information available to the public without further notice.

(b) EPA shall furnish to States with approved programs the information in its files not submitted under a claim of confidentiality which the State needs to implement its approved program. EPA shall furnish to States with approved programs information submitted to EPA under a claim of confidentiality, which the State needs to implement its approved program, subject to the conditions in 40 CFR Part 2.

§ 123.42 Receipt and use of Federal information.

Upon approving a State permit program, EPA shall send to the State agency administering the permit program any relevant information which was collected by EPA. The Memorandum of Agreement under § 123.24 shall provide for the following, in such manner as the State Director and the Regional Administrator shall agree:

(a) Prompt transmission to the State Director from the Regional Administrator of copies of any pending permit applications or any other relevant information collected before the approval of the State permit program and not already in the possession of the State Director. When existing permits are transferred to the State Director (e.g., for purposes of compliance monitoring, enforcement or reissuance), relevant information includes support files for permit issuance, compliance reports and records of enforcement actions.

(b) Procedures to ensure that the State Director will not issue a permit on the basis of any application received from the Regional Administrator which the Regional Administrator identifies as incomplete or otherwise deficient until the State Director receives information sufficient to correct the deficiency.

§ 123.43 Transmission of information to EPA.

(a) Each State agency administering a permit program shall transmit to the Regional Administrator copies of permit program forms and any other relevant information to the extent and in the manner agreed to by the State Director and Regional Administrator in the Memorandum of Agreement and not inconsistent with this Part. Proposed permits shall be prepared by State agencies unless agreement to the contrary has been reached under § 123.44(j). The Memorandum of Agreement shall provide for the following:

(1) Prompt transmission to the Regional Administrator of a copy of all complete permit applications received by the State Director, except those for which permit review has been waived under § 123.24(d). The State shall supply EPA with copies of permit applications for which permit review has been waived whenever requested by EPA;

(2) Prompt transmission to the Regional Administrator of notice of every action taken by the State agency related to the consideration of any permit application or general permit, including a copy of each proposed or draft permit and any conditions, requirements, or documents which are related to the proposed or draft permit or which affect the authorization of the proposed permit, except those for which permit review has been waived under § 123.24(d). The State shall supply EPA with copies of notices for which permit review has been waived whenever requested by EPA; and

(3) Transmission to the Regional Administrator of a copy of every issued permit following issuance, along with any and all conditions, requirements, or documents which are related to or affect the authorization of the permit.

(b) The State shall transmit a copy of each draft general permit or proposed general permit, except those for separate storm sewers, to the EPA Director, Office of Water Enforcement and Permits at the same time the draft general permit or proposed general permit is transmitted to the Regional Administrator under paragraph (a)(2) of this section.

(c) The State program shall provide for transmission by the State Director to EPA of:

(1) Notices from publicly owned treatment works under § 122.42(b) and 40 CFR Part 403, upon request of the Regional Administrator;

(2) A copy of any significant comments presented in writing pursuant to the public notice of a draft permit and a summary of any significant comments presented at any hearing on any draft permit, except those comments regarding permits for which permit review has been waived under § 123.24(d) and for which EPA has not otherwise requested receipt, if:

(i) The Regional Administrator requests this information; or

(ii) The proposed permit contains requirements significantly different from those contained in the tentative determination and draft permit; or

(iii) Significant comments objecting to the tentative determination and draft permit have been presented at the hearing or in writing pursuant to the public notice.

(d) Any State permit program shall keep such records and submit to the Administrator such information as the Administrator may reasonably require to ascertain whether the State program

complies with the requirements of CWA or of this Part.

§ 123.44 EPA Review of and objections to State permits.

(a)(1) The Memorandum of Agreement shall provide a period of time (up to 90 days from receipt of proposed permits) to which the Regional Administrator may make general comments upon, objections to, or recommendations with respect to proposed permits. EPA reserves the right to take 90 days to supply specific grounds for objection, notwithstanding any shorter period specified in the Memorandum of Agreement, when a general objection is filed within the review period specified in the Memorandum of Agreement. The Regional Administrator shall send a copy of any comment, objection or recommendation to the permit applicant.

(2) In the case of general permits, EPA shall have 90 days from the date of receipt of the proposed general permit to comment upon, object to or make recommendations with respect to the proposed general permit, and is not bound by any shorter time limits set by the Memorandum of Agreement for general comments, objections or recommendations. The EPA Director, Office of Water Enforcement and Permits may comment upon, object to, or make recommendations with respect to proposed general permits, except those for separate storm sewers, on EPA's behalf.

(b)(1) Within the period of time provided under the Memorandum of Agreement for making general comments upon, objections to or recommendations with respect to proposed permits, the Regional Administrator shall notify the State Director of any objection to issuance of a proposed permit (except as provided in paragraph (a)(2) of this section for proposed general permits). This notification shall set forth in writing the general nature of the objection.

(2) Within 90 days following receipt of a proposed permit to which he or she has objected under (b)(1) of this section, or in the case of general permits within 90 days after receipt of the proposed general permit, the Regional Administrator, or in the case of general permits other than for separate storm sewers, the Regional Administrator or the EPA Director, Office of Water Enforcement and Permits, shall set forth in writing and transmit to the State Director:

(i) A statement of the reasons for the objection (including the section of CWA or regulations that support the objection), and

(ii) The actions that must be taken by the State Director to eliminate the objection (including the effluent limitations and conditions which the permit would include if it were issued by the Regional Administrator.)

[Note.—Paragraphs (a) and (b) of this section, in effect, modify any existing agreement between EPA and the State which provides less than 90 days for EPA to supply the specific grounds for an objection. However, when an agreement provides for an EPA review period of less than 90 days, EPA must file a general objection, in accordance with paragraph (b)(1) of this section within the time specified in the agreement. This general objection must be followed by a specific objection within the 90-day period. This modification to MOA's allows EPA to provide detailed information concerning acceptable permit conditions, as required by section 402(d) of CWA. To avoid possible confusion, MOA's should be changed to reflect this arrangement.]

(c) The Regional Administrator's objection to the issuance of a proposed permit must be based upon one or more of the following grounds:

(1) The permit fails to apply, or to ensure compliance with, any applicable requirement of this Part;

[Note.—For example, the Regional Administrator may object to a permit not requiring the achievement of required effluent limitations by applicable statutory deadlines.]

(2) In the case of a proposed permit for which notification to the Administrator is required under section 402(b)(5) of CWA, the written recommendations of an affected State have not been accepted by the permitting State and the Regional Administrator finds the reasons for rejecting the recommendations are inadequate;

(3) The procedures followed in connection with formulation of the proposed permit failed in a material respect to comply with procedures required by CWA or by regulations thereunder or by the Memorandum of Agreement;

(4) Any finding made by the State Director in connection with the proposed permit misinterprets CWA or any guidelines or regulations under CWA, or misapplies them to the facts;

(5) Any provisions of the proposed permit relating to the maintenance of records, reporting, monitoring, sampling, or the provision of any other information by the permittee are inadequate, in the judgment of the Regional Administrator, to assure compliance with permit conditions, including effluent standards and limitations required by CWA, by the guidelines and regulations issued under CWA, or by the proposed permit;

(6) In the case of any proposed permit with respect to which applicable effluent standards and limitations under sections 301, 302, 306, 307, 318, 403 and 405 of CWA have not yet been promulgated by the Agency, the proposed permit, in the judgment of the Regional Administrator, fails to carry out the provisions of CWA or of any regulations issued under CWA; the provisions of this subparagraph apply to determinations made pursuant to § 125.3(c)(2) in the absence of applicable guidelines and to best management practices under section 304(e) of CWA, which must be incorporated into permits as requirements under sections 301, 306, 307, 318, 403 or 405, as the case may be;

(7) Issuance of the proposed permit would in any other respect be outside the requirements of CWA, or regulations issued under CWA.

(d) Prior to notifying the State Director of an objection based upon any of the grounds set forth in paragraph (b) of this section, the Regional Administrator:

(1) Shall consider all data transmitted pursuant to § 123.43;

(2) May, if the information provided is inadequate to determine whether the proposed permit meets the guidelines and requirements of CWA, request the State Director to transmit to the Regional Administrator the complete record of the permit proceedings before the State, or any portions of the record that the Regional Administrator determines are necessary for review. If this request is made within 30 days of receipt of the State submittal under § 123.43, it shall constitute an interim objection to the issuance of the permit, and the full period of time specified in the Memorandum of Agreement for the Regional Administrator's review shall recommence when the Regional Administrator has received such record or portions of the record; and

(3) May, in his or her discretion, and to the extent feasible within the period of time available under the Memorandum of Agreement, afford to interested persons an opportunity to comment on the basis for the objection;

(e) Within 90 days of receipt by the State Director of an objection by the Regional Administrator, the State or interstate agency or any interested person may request that a public hearing be held by the Regional Administrator on the objection. A public hearing in accordance with the procedures of §§ 124.12 (c) and (d) shall be held, and public notice provided in accordance with § 124.10, whenever requested by the State or the interstate agency which proposed the permit or if

warranted by significant public interest based on requests received.

(f) A public hearing held under paragraph (e) of this section shall be conducted by the Regional Administrator, and, at the Regional Administrator's discretion, with the assistance of an EPA panel designated by the Regional Administrator, in an orderly and expeditious manner.

(g) Following the public hearing, the Regional Administrator shall reaffirm the original objection, modify the terms of the objection, or withdraw the objection, and shall notify the State of this decision.

(h)(1) If no public hearing is held under paragraph (e) of this section and the State does not resubmit a permit revised to meet the Regional Administrator's objection within 90 days of receipt of the objection, the Regional Administrator may issue the permit in accordance with Parts 121, 122, and 124 of this chapter and any other guidelines and requirements of CWA.

(2) If a public hearing is held under paragraph (e) of this section, the Regional Administrator does not withdraw the objection, and the State does not resubmit a permit revised to meet the Regional Administrator's objection or modified objection within 30 days of the date of the Regional Administrator's notification under paragraph (g) of this section, the Regional Administrator may issue the permit in accordance with Parts 121, 122, and 124 of this chapter and any other guidelines and requirements of CWA.

(3) Exclusive authority to issue the permit passes to EPA when the times set out in this paragraph expire.

(i) In the case of proposed general permits for discharges other than from separate storm sewers insert "or the EPA Director, Office of Water Enforcement and Permits" after "Regional Administrator" whenever it appears in paragraphs (c)–(h) of this section.

(j) The Regional Administrator may agree, in the Memorandum of Agreement under § 123.24, to review draft permits rather than proposed permits. In such a case, a proposed permit need not be prepared by the State and transmitted to the Regional Administrator for review in accordance with this section unless the State proposes to issue a permit which differs from the draft permit reviewed by the Regional Administrator, the Regional Administrator has objected to the draft permit, or there is significant public comment.

§ 123.45 Noncompliance and program reporting by the Director.

The Director shall prepare quarterly and annual reports as detailed below. When the State is the permit-issuing authority, the State Director shall submit any reports required under this section to the Regional Administrator. When EPA is the permit-issuing authority, the Regional Administrator shall submit any report required under this section to EPA Headquarters.

(a) *Quarterly reports.* The Director shall submit quarterly narrative reports for major facilities as follows:

(1) *Format.* The report shall use the following format:

(i) Provide a separate list on NPDES permittees which shall be subcategorized as non-POTWs, POTWs, and Federal permittees;

(ii) For facilities or activities with permits under more than one program, provide an additional listing combining information on noncompliance for each such facility;

(iii) Alphabetize each list by permittee name. When two or more permittees have the same name, the lowest permit number shall be entered first.

(iv) For each entry on a list, include the following information in the following order:

(A) Name, location, and permit number of the noncomplying permittee.

(B) A brief description and date of each instance of noncompliance for that permittee. Instances of noncompliance may include one or more of the kinds set forth in paragraph (a)(2) of this section. When a permittee has noncompliance of more than one kind under a single program, combine the information into a single entry for each such permittee.

(C) The date(s) and a brief description of the action(s) taken by the Director to ensure compliance.

(D) Status of the instance(s) of noncompliance with the date of the review of the status or the date of resolution.

(E) Any details which tend to explain or mitigate the instance(s) of noncompliance.

(2) *Instances of noncompliance to be reported.* Any instances of noncompliance within the following categories shall be reported in successive reports until the noncompliance is reported as resolved Once noncompliance is reported as resolved it need not appear in subsequent reports.

(i) *Failure to complete construction elements:* When the permittee has failed to complete, by the date specified in the permit, an element of a compliance schedule involving either planning for construction (for example, award of a contract, preliminary plans), or a construction step (for example, begin construction, attain operation level); and the permittee has not returned to compliance by accomplishing the required element of the schedule within 30 days from the date a compliance schedule report is due under the permit.

(ii) *Modifications to schedules of compliance:* When a schedule of compliance in the permit has been modified under §§ 122.62 or 122.64 because of the permittee's noncompliance.

(iii) *Failure to complete or provide compliance schedule or monitoring reports:* When the permittee has failed to complete or provide a report required in a permit compliance schedule (for example, progress reports or notice of noncompliance or compliance) or a monitoring report; and the permittee has not submitted the complete report within 30 days from the date it is due under the permit for compliance schedules, or from the date specified in the permit for monitoring reports.

(iv) *Deficient reports:* When the required reports provided by the permittee are so deficient as to cause misunderstanding by the Director and thus impede the review of the status of compliance.

(v) *Noncompliance with other permit requirements:* Noncompliance shall be reported in the following circumstances:

(A) Whenever the permittee has violated a permit requirement (other than paragraph (a)(2) (i) or (ii) of this section), and has not returned to compliance within 45 days from the date reporting of noncompliance was due under the permit, or

(B) When the Director determines that a pattern of noncompliance exists for a major facility permittee over the most recent four consecutive reporting periods. This pattern of noncompliance is based on violations of monthly averages and excludes parameters for which there is continuous monitoring. This pattern includes any violation of the same requirement in two consecutive reporting periods, and any violation of one or more requirements in each of four consecutive reporting periods; or

(C) When the Director determines significant permit noncompliance or other significant event has occurred, such as a discharge of a toxic or hazardous substance by an NPDES facility.

(vi) *All other.* Statistical information shall be reported quarterly on all other instances of noncompliance by major facilities with permit requirements not

otherwise reported under paragraph (a) of this section.

(b) *Annual reports for NPDES.*

(1) *Annual noncompliance report.* Statistical reports shall be submitted by the Director on nonmajor NPDES permittees indicating the total number reviewed, the number of noncomplying nonmajor permittees, the number of enforcement actions, and number of permit modifications extending compliance deadlines. The statistical information shall be organized to follow the types of noncompliance listed in paragraph (a) of this section.

(2) A separate list of nonmajor discharges which are one or more years behind in construction phases of the compliance schedule shall also be submitted in alphabetical order by name and permit number.

(c) *Schedule.*

(1) *For all quarterly reports.* On the last working day of May, August, November, and February, the State Director shall submit to the Regional Administrator information concerning noncompliance with NPDES permit requirements by major dischargers in the State in acordance with the following schedule. The Regional Administrator shall prepare and submit information for EPA-issued permits to EPA Headquarters in accordance with the same schedule:

QUARTERS COVERED BY REPORTS ON NONCOMPLIANCE BY MAJOR DISCHARGERS

[Date for completion of reports]	
January, February, and March	[1] May 31
April, May, and June	[1] August 31
July, August, and September	November 30
October, November, and December	[1] February 28

[1] Reports must be made available to the public for inspection and copying on this date

(2) *For all annual reports.* The period for annual reports shall be for the calendar year ending December 31, with reports completed and available to the public no more than 60 days later.

Subpart D—Program Approval, Revision, and Withdrawal

§ 123.61 Approval process.

(a) After determining that a State program submission is complete, EPA shall publish notice of the State's application in the **Federal Register**, and in enough of the largest newspapers in the State to attract statewide attention, and shall mail notice to persons known to be interested in such matters, including all persons on appropriate State and EPA mailing lists and all permit holders and applicants within the State. The notice shall:

(1) Provide a comment period of not less than 45 days during which interested members of the public may express their views on the State program;

(2) Provide for a public hearing within the State to be held no less than 30 days after notice is published in the **Federal Register**;

(3) Indicate the cost of obtaining a copy of the State's submission;

(4) Indicate where and when the State's submission may be reviewed by the public;

(5) Indicate when an interested member of the public should contact with any questions; and

(6) Briefly outline the fundamental aspects of the State's proposed program, and the process for EPA review and decision.

(b) Within 90 days of the receipt of a complete program submission under § 123.21 the Administrator shall approve or disapprove the program based on the requirements of this Part and of CWA and taking into consideration all comments received. A responsiveness summary shall be prepared by the Regional Office which identifies the public participation activities conducted, describes the matters presented to the public, summarizes significant comments received and explains the Agency's response to these comments.

(c) If the Administrator approves the State's program he or she shall notify the State and publish notice in the **Federal Register**. The Regional Administrator shall suspend the issuance of permits by EPA as of the date of program approval.

(d) If the Administrator disapproves the State program he or she shall notify the State of the reasons for disapproval and of any revisions or modifications to the State program which are necessary to obtain approval.

§ 123.62 Procedure for revision of State programs.

(a) Either EPA or the approved State may initiate program revision. Program revision may be necessary when the controlling Federal or State statutory or regulatory authority is modified or supplemented. The State shall keep EPA fully informed of any proposed modifications to its basic statutory or regulatory authority, its forms, procedures, or priorities.

(b) Revision of a State program shall be accomplished as follows:

(1) The State shall submit a modified program description, Attorney General's statement, Memorandum of Agreement, or such other documents as EPA determines to be necessary under the circumstances.

(2) Whenever EPA determines that the proposed program modification is substantial, EPA shall issue public notice and provide an opportunity to comment for a period of at least 30 days. The public notice shall be mailed to interested persons and shall be published in the **Federal Register** and in enough of the largest newspapers in the State to provide Statewide coverage. The public notice shall summarize the proposed revisions and provide for the opportunity to request a public hearing. Such a hearing will be held if there is significant public interest based on requests received.

(3) The Administrator shall approve or disapprove program revisions based on the requirements of this Part and of the CWA.

(4) A program revision shall become effective upon the approval of the Administrator. Notice of approval of any substantial revision shall be published in the **Federal Register**. Notice of approval of non-substantial program revisions may be given by a letter from the Administrator to the State Governor or his designee.

(c) States with approved programs shall notify EPA whenever they propose to transfer all or part of any program from the approved State agency to any other State agency, and shall identify any new division of responsibilities among the agencies involved. The new agency is not authorized to administer the program until approved by the Administrator under paragraph (b) of this section. Organizational charts required under § 123.22(b) shall be revised and resubmitted.

(d) Whenever the Administrator has reason to believe that circumstances have changed with respect to a State program, he may request, and the State shall provide, a supplemental Attorney General's statement, program description, or such other documents or information as are necessary.

(e) All new programs must comply with these regulations immediately upon approval. Any approved State section 402 permit program which requires revision to conform to this Part shall be so revised within one year of the date of promulgation of these regulations, unless a State must amend or enact a statute in order to make the required revision of State programs in which case the revision shall take place within two years, except that revision of State programs to implement the requirements of 40 CFR Part 403 (pretreatment) shall be accomplished as provided in 40 CFR 403.10. In addition, approved States

shall submit, within 6 months, copies of their permit forms for EPA review and approval. Approved States shall also assure that permit applicants, other than POTWs, either (1) whose permits expire after November 30, 1980, or (2) whose permits expire before November 30, 1980 and who have not reapplied for a permit prior to April 30, 1980, submit, as part of their application, the information required under § 122.21 (d) and (h), as appropriate.

§ 123.63 Criteria for withdrawal of State programs.

(a) The Administrator may withdraw program approval when a State program no longer complies with the requirements of this Part, and the State fails to take corrective action. Such circumstances include the following:

(1) Where the State's legal authority no longer meets the requirements of this Part, including:

(i) Failure of the State to promulgate or enact new authorities when necessary; or

(ii) Action by a State legislature or court striking down or limiting State authorities.

(2) Where the operation of the State program fails to comply with the requirements of this Part, including:

(i) Failure to exercise control over activities required to be regulated under this Part, including failure to issue permits;

(ii) Issuance of permits which do not conform to the requirements of this Part; or

(iii) Failure to comply with the public participation requirements of this Part.

(3) Where the State's enforcement program fails to comply with the requirements of this Part, including:

(i) Failure to act on violations of permits or other program requirements;

(ii) Failure to seek adequate enforcement penalties or to collect administrative fines when imposed; or

(iii) Failure to inspect and monitor activities subject to regulation.

(4) Where the State program fails to comply with the terms of the Memorandum of Agreement required under § 123.24.

§ 123.64 Procedures for withdrawal of State programs.

(a) A state with a program approved under this Part may voluntarily transfer program responsibilities required by Federal law to EPA by taking the following actions, or in such other manner as may be agreed upon with the Administrator.

(1) The State shall give the Administrator 180 days notice of the proposed transfer and shall submit a plan for the orderly transfer of all relevant program information not in the possession of EPA (such as permits, permit files, compliance files, reports, permit applications) which are necessary for EPA to administer the program.

(2) Within 60 days of receiving the notice and transfer plan, the Administrator shall evaluate the State's transfer plan and shall identify any additional information needed by the Federal government for program administration and/or identify any other deficiencies in the plan.

(3) At least 30 days before the transfer is to occur the Administrator shall publish notice of the transfer in the Federal Register and in enough of the largest newspapers in the State to provide Statewide coverage, and shall mail notice to all permit holders, permit applicants, other regulated persons and other interested persons on appropriate EPA and State mailing lists.

(b) The following procedures apply when the Administrator orders the commencement of proceedings to determine whether to withdraw approval of a State program.

(1) *Order.* The Administrator may order the commencement of withdrawal proceedings on his or her own initiative or in response to a petition from an interested person alleging failure of the State to comply with the requirements of this Part as set forth in § 123.63. The Administrator shall respond in writing to any petition to commence withdrawal proceedings. He may conduct an informal investigation of the allegations in the petition to determine whether cause exists to commence proceedings under this paragraph. The Administrator's order commencing proceedings under this paragraph shall fix a time and place for the commencement of the hearing and shall specify the allegations against the State which are to be considered at the hearing. Within 30 days the State shall admit or deny these allegations in a written answer. The party seeking withdrawal of the State's program shall have the burden of coming forward with the evidence in a hearing under this paragraph.

(2) *Definitions.* For purposes of this paragraph the definitions of "Act," "Administrative Law Judge," "Hearing Clerk," and "Presiding Officer" in 40 CFR 22.03 apply in addition to the following:

(i) "Party" means the petitioner, the State, the Agency, and any other person whose request to participate as a party is granted.

(ii) "Person" means the Agency, the State and any individual or organization having an interest in the subject matter of the proceeding.

(iii) "Petitioner" means any person whose petition for commencement of withdrawal proceedings has been granted by the Administrator.

(3) *Procedures.* (i) The following provisions of 40 CFR Part 22 (Consolidated Rules of Practice) are applicable to proceedings under this paragraph:

(A) § 22.02—(use of number/gender);

(B) § 22.04(c)—(authorities of Presiding Officer);

(C) § 22.06—(filing/service of rulings and orders);

(D) § 22.09—(examination of filed documents);

(E) § 22.19(a), (b) and (c)—(prehearing conference);

(F) § 22.22—(evidence);

(G) § 22.23—(objections/offers of proof);

(H) § 22.25—(filing the transcript); and

(I) § 22.26—(findings/conclusions).

(ii) The following provisions are also applicable:

(A) Computation and extension of time.

(*1*) *Computation.* In computing any period of time prescribed or allowed in these rules of practice, except as otherwise provided, the day of the event from which the designated period begins to run shall not be included. Saturdays, Sundays, and Federal legal holidays shall be included. When a stated time expires on a Saturday, Sunday, or legal holiday, the stated time period shall be extended to include the next business day.

(*2*) *Extensions of time.* The Administrator, Regional Administrator, or Presiding Officer, as appropriate, may grant an extension of time for the filing of any pleading, document, or motion (*i*) upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties, or (*ii*) upon his own motion. Such a motion by a party may only be made after notice to all other parties, unless the movant can show good cause why serving notice is impracticable. The motion shall be filed in advance of the date on which the pleading, document or motion is due to be filed, unless the failure of a party to make timely motion for extension of time was the result of excusable neglect.

(3) The time for commencement of the hearing shall not be extended beyond the date set in the Administrator's order without approval of the Administrator.

(B) Ex parte discussion of proceeding.

At no time after the issuance of the order commencing proceedings shall the Administrator, Regional Administrator,

Judicial Officer, Regional Judicial Officer, Presiding Officer, or any other person who is likely to advise these officials in the decision on the case, discuss ex parte the merits of the proceeding with any interested person outside the Agency, with any Agency staff member who performs a prosecutorial or investigative function in such proceeding or a factually related proceeding, or with any representative of such person. Any ex parte memorandum or other communication addressed to the Administrator, Regional Administrator, Judicial Officer, Regional Judicial Officer, or the Presiding Officer during the pendency of the proceeding and relating to the merits thereof, by or on behalf of any party shall be regarded as argument made in the proceeding and shall be served upon all other parties. The other parties shall be given an opportunity to reply to such memorandum or communication.

(C) Intervention.

(*1*) *Motion.* A motion for leave to intervene in any proceeding conducted under these rules of practice must set forth the grounds for the proposed intervention, the position and interest of the movant and the likely impact that intervention will have on the expeditious progress of the proceeding. Any person already a party to the proceeding may file an answer to a motion to intervene, making specific reference to the factors set forth in the foregoing sentence and paragraph (b)(3)(ii)(C)(*3*) of this section, within ten (10) days after service of the motion for leave to intervene.

(*2*) However, motions to intervene must be filed within 15 days from the date the notice of the Administrator's order is first published.

(*3*) *Disposition.* Leave to intervene may be granted only if the movant demonstrates that (*i*) his presence in the proceeding would not unduly prolong or otherwise prejudice that adjudication of the rights of the original parties; (*ii*) the movant will be adversely affected by a final order; and (*iii*) the interests of the movant are not being adequately represented by the original parties. The intervenor shall become a full party to the proceeding upon the granting of leave to intervene.

(*4*) *Amicus curiae.* Persons not parties to the proceeding who wish to file briefs may so move. The motion shall identify the interest of the applicant and shall state the reasons why the proposed amicus brief is desirable. If the motion is granted, the Presiding Officer or Administrator shall issue an order setting the time for filing such brief. An amicus curiae is eligible to participate in any briefing after his motion is granted, and shall be served with all briefs, reply briefs, motions, and orders relating to issues to be briefed.

(D) Motions.

(*1*) *General.* All motions, except those made orally on the record during a hearing, shall (*i*) be in writing; (*ii*) state the grounds therefor with particularity; (*iii*) set forth the relief or order sought; and (*iv*) be accompanied by any affidavit, certificate, other evidence, or legal memorandum relied upon. Such motions shall be served as provided by (b)(4) of this section.

(*2*) *Response to motions.* A party's response to any written motion must be filed within ten (10) days after service of such motion, unless additional time is allowed for such response. The response shall be accompanied by any affidavit, certificate, other evidence, or legal memorandum relied upon. If no response is filed within the designated period, the parties may be deemed to have waived any objection to the granting of the motion. The Presiding Officer, Regional Administrator, or Administrator, as appropriate, may set a shorter time for response, or make such other orders concerning the disposition of motions as they deem appropriate.

(*3*) *Decision.* The Administrator shall rule on all motions filed or made after service of the recommended decision upon the parties. The Presiding Officer shall rule on all other motions. Oral argument on motions will be permitted where the Presiding Officer, Regional Administrator, or the Administrator considers it necessary or desirable.

(4) *Record of proceedings.* (i) The hearing shall be either stenographically reported verbatim or tape recorded, and thereupon transcribed by an official reporter designated by the Presiding Officer;

(ii) All orders issued by the Presiding Officer, transcripts of testimony, written statements of position, stipulations, exhibits, motions, briefs, and other written material of any kind submitted in the hearing shall be a part of the record and shall be available for inspection or copying in the Office of the Hearing Clerk, upon payment of costs. Inquiries may be made at the Office of the Administrative Law Judges, Hearing Clerk, 401 M Street, S.W., Washington, D.C. 20460;

(iii) Upon notice to all parties the Presiding Officer may authorize corrections to the transcript which involves matters of substance;

(iv) An original and two (2) copies of all written submissfons to the hearing shall be filed with the Hearing Clerk;

(v) A copy of each submission shall be served by the person making the submission upon the Presiding Officer and each party of record. Service under this paragraph shall take place by mail or personal delivery;

(vi) Every submission shall be accompanied by an acknowledgement of service by the person served or proof of service in the form of a statement of the date, time, and manner of service and the names of the persons served, certified by the person who made service, and;

(vii) The Hearing Clerk shall maintain and furnish to any person upon request, a list containing the name, service address, and telephone number of all parties and their attorneys or duly authorized representatives.

(5) *Participation by a person not a party.* A person who is not a party may, in the discretion of the Presiding Officer, be permitted to make a limited appearance by making oral or written statement of his/her position on the issues within such limits and on such conditions as may be fixed by the Presiding Officer, but he/she may not otherwise participate in the proceeding.

(6) *Rights of parties.* (i) All parties to the proceeding may:

(A) Appear by counsel or other representative in all hearing and pre-hearing proceedings;

(B) Agree to stipulations of facts which shall be made a part of the record.

(7) *Recommended decision.* (i) Within 30 days after the filing of proposed findings and conclusions, and reply briefs, the Presiding Officer shall evaluate the record before him/her, the proposed findings and conclusions and any briefs filed by the parties and shall prepare a recommended decision, and shall certify the entire record, including the recommended decision, to the Administrator.

(ii) Copies of the recommended decision shall be served upon all parties.

(iii) Within 20 days after the certification and filing of the record and recommended decision, all parties may file with the Administrator exceptions to the recommended decision and a supporting brief.

(8) *Decision by Administrator.* (i) Within 60 days after the certification of the record and filing of the Presiding Officer's recommeded decision, the Administrator shall review the record before him and issue his own decision.

(ii) If the Administrator concludes that the State has administered the program in conformity with the appropriate Act and regulations his decision shall constitute "final agency action" within the meaning of 5 U.S.C. 704.

(iii) If the Administrator concludes that the State has not administered the

program in conformity with the appropriate Act and regulations he shall list the deficiencies in the program and provide the State a reasonable time, not to exceed 90 days, to take such appropriate corrective action as the Administrator determines necessary.

(iv) Within the time prescribed by the Administrator the State shall take such appropriate corrective action as required by the Administrator and shall file with the Administrator and all parties a statement certified by the State Director that such appropriate corrective action has been taken.

(v) The Administrator may require a further showing in addition to the certified statement that corrective action has been taken.

(vi) If the State fails to take such appropriate corrective action and file a certified statement thereof within the time prescribed by the Administrator, the Administrator shall issue a supplementary order withdrawing approval of the State program. If the State takes such appropriate corrective action, the Administrator shall issue a supplementary order stating that approval of authority is not withdrawn.

(vii) The Administrator's supplementary order shall constitute final Agency action within the meaning of 5 U.S.C. 704.

(viii) Withdrawal of authorization under this section and the appropriate Act does not relieve any person from complying with the requirements of State law, nor does it affect the validity of actions by the State prior to withdrawal.

Part 144 is added to read as follows:

PART 144—UNDERGROUND INJECTION CONTROL PROGRAM

Subpart A—General Provisions

Sec.

144.1 Purpose and scope of Part 144.
144.2 Promulgation of Class II Programs for Indian lands.
144.3 Definitions.
144.4 Considerations under Federal law.
144.5 Confidentiality of information.
144.6 Classification of wells.
144.7 Identification of underground sources of drinking water and exempted aquifers.
144.8 Noncompliance and program reporting by the Director.

Subpart B—General Program Requirements

144.11 Prohibition of unauthorized injection.
144.12 Prohibition of movement of fluid into underground sources of drinking water.
144.13 Elimination of certain class IV wells.
144.14 Requirements for wells injecting hazardous waste.
144.15 Assessment of Class V wells.
144.16 Waiver of requirement by Director.

Subpart C—Authorization of Underground Injection by Rule

Sec.

144.21 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells.
144.22 Existing Class II enhanced recovery and hydrocarbon storage wells.
144.23 Class IV wells.
144.24 Class V wells.
144.25 Requiring a permit.
144.26 Inventory requirements.

Subpart D—Authorization by Permit

144.31 Authorization for a permit; authorization by permit.
144.32 Signatories to permit application and reports.
144.33 Area permits.
144.34 Emergency permits.
144.35 Effect of a permit.
144.36 Duration of permits.
144.37 Continuation of expiring permits.
144.38 Transfer of permits.
144.39 Modification or revocation and reissuance of permits.
144.40 Termination of permits.
144.41 Minor modifications of permits.

Subpart E—Permit Conditions

144.51 Conditions applicable to all permits.
144.52 Establishing permit conditions.
144.53 Schedule of Compliance.
144.54 Requirements for recording and reporting of monitoring results.
144.55 Corrective action.

Authority: Pub. L. 93–523, as amended by Pub. L. 95–190, Pub. L. 96–63 and Pub. L. 96–502, 42 USC 300f *et seq.*

Subpart A—General Provisions

§ 144.1 Purpose and scope of Part 144.

(a) *Contents of Part 144.* The regulations in this Part set forth requirements for the Underground Injection Control (UIC) Program promulgated under Part C of the Safe Drinking Water Act (SDWA) (Pub. L. 95–523, as amended by Pub. L. 95–190, 42 U.S.C. 300f et seq.) and, to the extent that they deal with hazardous waste, the Resource Conservation and Recovery Act (RCRA) (Pub. L. 94–580 as amended by Pub. L. 95–609, Pub. L. 96–510, 42 U.S.C. 6901 et seq.). They apply to EPA, and to approved States to the extent set forth in Part 145.

(b) *Authority.*

(1) Section 1421 of SDWA requires the Administrator to promulgate regulations establishing minimum requirements for effective UIC programs.

(2) Section 1422 of SDWA requires the Administrator to list in the **Federal Register** "each State for which in his judgment a State underground injection control program may be necessary to assure that underground injection will not endanger drinking water sources" and to establish by regulation a program for EPA administration of UIC programs in the absence of an approved State program in a listed State.

(3) Section 1423 of SDWA provides procedures for EPA enforcement of UIC requirements.

(4) Section 1431 authorizes the Administrator to take action to protect the health of persons when a contaminant which is present in or may enter a public water system may present an imminent and substantial endangerment to the health of persons.

(5) Section 1445 of SDWA authorizes the promulgation of regulations for such recordkeeping, reporting, and monitoring requirements "as the Administrator may reasonably require * * * to assist him in establishing regulations under this title," and a "right of entry and inspection to determine compliance with this title, including for this purpose, inspection, at reasonable time, or records, files, papers, processes, controls, and facilities * * *."

(6) Section 1450 of SDWA authorizes the Administrator "to prescribe such regulations as are necessary or appropriate to carry out his functions" under SDWA.

(c) *Overview of the UIC program.* An UIC program is necessary in any State listed by EPA under section 1422 of the SDWA. Because all States have been listed, the SDWA requires all States to submit an UIC program within 270 days after July 24, 1980, the effective date of 40 CFR Part 146, which was the final element of the UIC minimum requirements to be originally promulgated, unless the Administrator grants an extension, which can be for a period not to exceed an additional 270 days. If a State fails to submit an approvable program, EPA will establish a program for that State. Once a program is established, SDWA provides that all underground injections in listed States are unlawful and subject to penalties unless authorized by a permit or a rule. This Part sets forth the requirements governing all UIC programs, authorizations by permit or rule and prohibits certain types of injection. The technical regulations governing these authorizations appear in 40 CFR Part 146.

(d) *Structure of the UIC Program.*

(1) *Part 144.* This part sets forth the permitting and other program requirements that must be met by UIC Programs, whether run by a State or by EPA. It is divided into the following subparts:

(i) Subpart A describes general elements of the program, including definitions and classifications.

(ii) Subpart B sets forth the general program requirements, including the performance standards applicable to all injection activities, basic elements that

all UIC programs must contain, and provisions for waiving permit of rule requirements under certain circumstances.

(iii) Subpart C sets forth requirements for wells authorized by rule.

(iv) Subpart D sets forth permitting procedures.

(v) Subpart E sets forth specific conditions, or types of conditions, that must at a minimum be included in all permits.

(2) *Part 145.* While Part 144 sets forth minimum requirements for all UIC Programs, these requirements are specifically indentified as elements of a State application for primacy to administer an UIC Program in Part 145. Part 145 also sets forth the necessary elements of a State submission and the procedural requirements for approval of State programs.

(3) *Part 124.* The public participation requirements that must be met by UIC Programs, whether administered by the State or by EPA, are set forth in Part 124. EPA must comply with all Part 124 requirements; State administered programs must comply with Part 124 as required by Part 145. These requirements carry out the purposes of the public participation requirement of 40 CFR Part 25 (Public Participation), and supersede the requirements of that Part as they apply to the UIC Program.

(4) *Part 146.* This part set forth the technical criteria and standards that must be met in permits and authorizations by rule as required by Part 144.

(e) *Scope of the Permit or Rule Requirement.*

The UIC Permit Program regulates underground injections by five classes of wells (see definition of "well injection," § 144.3). The five classes of wells are set forth in § 144.6. All owners or operators of these injection wells must be authorized either by permit or rule by the Director. In carrying out the mandate of the SDWA, this subpart provides that no injection shall be authorized by permit or rule if it results in the movement of fluid containing any contaminant into Underground Sources of Drinking Water (USDWs—see § 144.3 for definition), if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR Part 142 or may adversely affect the health of persons (§ 144.12). Existing Class IV wells which inject hazardous waste directly into an underground source of drinking water are to be eliminated over a period of six months and new such Class IV wells are to be prohibited (§ 144.13). Class V wells will be inventoried and assessed and regulatory action will be established at a later date.

In the meantime, if remedial action appears necessary, an individual permit may be required (§ 144.25) or the Director must require remedial action or closure by order (§ 144.12(c)). During UIC program development, the Director may identify aquifers and portions of aquifers which are actual or potential sources of drinking water. This will provide an aid to the Director in carrying out his or her duty to protect all USDWs. An aquifer is a USDW if it fits the definition, even if it has not been "identified." The Director may also designate "exempted aquifers" using criteria in § 146.04. Such aquifers are those which would otherwise qualify as "underground sources of drinking water" to be protected, but which have no real potential to be used as drinking water sources. Therefore, they are not USDWs. No aquifer is an "exempted aquifer" until it has been affirmatively designated under the procedures in § 144.7. Aquifers which do not fit the definition of "underground sources of drinking water" are not "exempted aquifers." They are simply not subject to the special protection afforded USDWs.

(1) *Specific inclusions.* The following wells are included among those types by injection activities which are covered by the UIC regulations. (This list is not intended to be exclusive but is for clarification only.)

(i) Any injection well located on a drilling platform inside the State's territorial waters.

(ii) Any dug hole or well that is deeper than its largest surface dimension, where the principal function of the hole is emplacement of fluids.

(iii) Any septic tank or cesspool used by generators of hazardous waste, or by owners or operators of hazardous waste management facilities, to dispose of fluids containing hazardous waste.

(iv) Any septic tank, cesspool, or other well used by a multiple dwelling, community, or Regional system for the injection of wastes.

(2) Specific exclusions. The following are not covered by these regulations:

(i) Injection wells located on a drilling platform or other site that is beyond the State's territorial waters.

(ii) Individual or single family residential waste disposal systems such as domestic cesspools or septic systems.

(iii) Non-residential cesspools, septic systems or similar waste disposal systems if such systems (A) are used solely for the disposal of sanitary waste, and (B) have the capacity to serve fewer than 20 persons a day.

(iv) Injection wells used for injection of hydrocarbons which are of pipeline quality and are gases at standard temperature and pressure for the purpose of storage.

(v) Any dug hole which is not used for emplacement of fluids underground.

(3) The prohibition applicable to Class IV wells under § 144.13 does not apply to injections of hazardous wastes into aquifers or portions thereof which have been exempted pursuant to § 146.04.

§ 144.2 Promulgation of Class II Programs for Indian Lands.

Notwithstanding the requirements of this Part or Parts 124 and 146 of this chapter, the Administrator may promulgate an alternate UIC Program for Class II wells on any Indian reservation or Indian lands. In promulgating such a program the Administrator shall consider the following factors:

(a) The interest and preferences of the tribal government having responsibility for the given reservation or Indian lands;

(b) The consistency between the alternate program and any program in effect in an adjoining jurisdiction; and

(c) Such other factors as are necessary and appropriate to carry out the Safe Drinking Water Act.

§ 144.3 Definitions.

Terms not defined in this section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as an aid to readers.

Administrator means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

Application means the EPA standard national forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in approved States, including any approved modifications or revisions.

Appropriate Act and regulations means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA); or Safe Drinking Water Act (SDWA), whichever is applicable; and applicable regulations promulgated under those statutes.

Approved State Program means a State UIC program administered by the State that has been approved by EPA according to SDWA § 1422.

Aquifer means a geological "formation," group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

Area of Review means the area surrounding an injection well described

according to the criteria set forth in § 146.06 or in the case of an area permit, the project area plus a circumscribing area the width of which is either ¼ of a mile or a number calculated according to the criteria set forth in § 146.06.

Contaminant means any physical, chemical, biological, or radiological substance or matter in water.

Director means the Regional Administrator, the Administrator of EPA, or the State Director, as the context requires, or an authorized representative. When there is no approved State program, and there is an EPA administered program, "Director" means the Regional Administrator. When there is an approved State program, "Director" normally means the State Director.

In some circumstances, however, EPA retains the authority to take certain actions even when there is an approved State program. In such cases, the term "Director" means the Regional Administrator and not the State Director.

Draft permit means a document prepared under § 124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a "permit." A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in § 124.5 are types of "draft permits." A denial of a request for modification, revocation and reissuance, or termination, as discussed in § 124.5 is not a "draft permit."

Drilling mud means a heavy suspension used in drilling an "injection well," introduced down the drill pipe and through the drill bit.

Emergency permit means a UIC "permit" issued in accordance with § 144.34.

Environmental Protection Agency ("EPA") means the United States Environmental Protection Agency.

EPA means the United States "Environmental Protection Agency."

Exempted aquifer means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in § 144.7.

Existing injection well means an "injection well" other than a "new injection well."

Facility or activity means any UIC "injection well," or an other facility or activity that is subject to regulation under the UIC program.

Fluid means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

Formation means a body of consolidated or unconsolidated rock characterized by a degree of lithologic homogeneity which is prevailingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

Formation fluid means "fluid" present in a "formation" under natural conditions as opposed to introduced fluids, such as "drilling mud."

Generator means any person, by site location, whose act or process produces hazardous waste identified or listed in 40 CFR Part 261.

Ground water means water below the land surface in a zone of saturation.

Hazardous waste means a hazardous waste as defined in 40 CFR 261.3.

Hazardous Waste Management facility ("HWM facility") means all contiguous land, and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combination of them).

HWM facility means "Hazardous Waste Management facility"

Injection well means a "well" into which "fluids" are being injected.

Injection zone means a geological "formation" group of formations, or part of a formation receiving fluids through a "well."

Interstate agency means an agency of two or more States established by or under an agreement or compact approved by the Congress, or any other agency of two or more States having substantial powers or duties pertaining to the control of pollution as determined and approved by the administrator under the "appropriate Act and regulations."

Major facility means any UIC "facility or activity" classified as such by the Regional Administrator, or, in the case of approved State programs, the Regional Administrator in conjunction with the State Director.

Manifest means the shipping document originated and signed by the "generator" which contains the information required by Subpart B of 40 CFR Part 262.

New injection wells means an "injection well" which began injection after a UIC program for the State applicable to the well is approved or prescribed.

Owner or operator means the owner or operator of any "facility or activity" subject to regulation under the UIC program.

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of this Part, Parts 145, 146 and 124. "Permit" includes an area permit (§ 144.33) and an emergency permit (§ 144.34). Permit does not include UIC authorization by rule (§ 144.21), or any permit which has not yet been the subject of final agency action, such as a "draft permit."

Person means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

Plugging means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

Project means a group of wells in a single operation.

Radioactive Waste means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR Part 20, Appendix B, Table II, Column 2.

RCRA means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94–580, as amended by Pub. L. 95–609, Pub. L. 96–510, 42 U.S.C. 6901 et seq.).

Regional Administrator means the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.

Schedule of compliance means a schedule of remedial measures included in a "permit," including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the "appropriate Act and regulations."

SDWA means the Safe Drinking Water Act (Pub. L. 93–523, as amended by Pub. L. 96–502; 42 U.S.C. 300f et seq.).

Site means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

State means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands and the Commonwealth Northern Mariana Islands.

State Director means the chief administrative officer of any State or interstate agency operating an approved program, or delegated representative of the State Director. If responsibility is divided among two or more State or

interstate agencies, "State Director" means the chief administrative officer of the State or interstate agency authorized to perform the particular procedure or function to which reference is made.

State/EPA Agreement means an agreement between the Regional Administrator and the State which coordinates EPA and State activities, responsibilities and programs.

Stratum (plural strata) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

Total dissolved solids means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR Part 136.

UIC means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including an "approved State program."

Underground injection means a "well injection."

Underground source of drinking water (USDW) means an aquifer or its portion:

(a)(1) Which supplies any public water system; or

(2) Which contains a sufficient quantity of ground water to supply a public water system; and

(i) Currently supplies drinking water for human consumption; or

(ii) Contains fewer than 10,000 mg/l total dissolved solids; and

(b) Which is not an exempted aquifer.

USDW means "underground source of drinking water."

Well means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

Well injection means the subsurface emplacement of "fluids" through a bored, drilled, or driven "well;" or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

§ 144.4 Considerations under Federal law.

Permits shall be issued in a manner and shall contain conditions consistent with requirements of applicable Federal laws. These laws may include:

(a) The *Wild and Scenic Rivers Act*, 16 U.S.C. 1273 et seq. Section 7 of the Act prohibits the Regional Administrator from assisting by license or otherwise the construction of any water resources project that would have a direct, adverse effect on the values for which a national wild and scenic river was established.

(b) *The National Historic Preservation Act of 1966*, 16 U.S.C. 470 et seq. Section 106 of the Act and implementing regulations (36 CFR Part 800) require the Regional Administrator, before issuing a license, to adopt measures when feasible to mitigate potential adverse effects of the licensed activity and properties listed or eligible for listing in the National Register of Historic Places. The Act's requirements are to be implemented in cooperation with State Historic Preservation Officers and upon notice to, and when appropriate, in consultation with the Advisory Council on Historic Preservation.

(c) The *Endangered Species Act*, 16 U.S.C. 1531 *et seq.* Section 7 of the Act and implementing regulations (50 CFR Part 402) require the Regional Administrator to ensure, in consultation with the Secretary of the Interior or Commerce, that any action authorized by EPA is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat.

(d) *The Coastal Zone Management Act*, 16 U.S.C. 1451 *et seq.* Section 307(c) of the Act and implementing regulations (15 CFR Part 930) prohibit EPA from issuing a permit for an activity affecting land or water use in the coastal zone until the applicant certifies that the proposed activity complies with the State Coastal Zone Management program, and the State or its designated agency concurs with the certification (or the Secretary of Commerce overrides the States nonconcurrence).

(e) The *Fish and Wildlife Coordination Act*, 16 U.S.C. 661 *et seq.*, requires the Regional Administrator, before issuing a permit proposing or authorizing the impoundment (with certain exemptions), diversion, or other control or modification of any body of water, consult with the appropriate State agency exercising jurisdiction over wildlife resources to conserve these resources.

(f) *Executive orders* [Reserved.]

§ 144.5 Confidentiality of information.

(a) In accordance with 40 CFR Part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).

(b) Claims of confidentiality for the following information will be denied:

(1) The name and address of any permit applicant or permittee;

(2) Information which deals with the existence, absence, or level of contaminants in drinking water.

§ 144.6 Classification of wells.

Injection wells are classified as follows:

(a) *Class I*

(1) Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing, within one-quarter mile of the well bore, an underground source of drinking water.

(2) Other industrial and municipal disposal wells which inject fluids beneath the lowermost formation containing, within one quarter mile of the well bore, an underground source of drinking water.

(b) *Class II.* Wells which inject fluids:

(1) Which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integal part of production operations, unless those waters are classified as a hazardous waste at the time of injection.

(2) For enhanced recovery of oil or natural gas; and

(3) For storage of hydrocarbons which are liquid at standard temperature and pressure.

(c) *Class III.* Wells which inject for extraction of minerals including:

(1) Mining of sulfur by the Frasch process;

(2) In situ production of uranium or other metals; this category includes only in-situ production from ore bodies which have not been conventionally mined. Solution mining of conventional mines such as stopes leaching is included n Class V.

(3) Solution mining of salts or potash.

(d) *Class IV*

(1) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste into a formation which within one-quarter (¼) mile of the well contains an underground source of drinking water.

(2) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste

above a formation which within one-quarter (¼) mile of the well contains an underground source of drinking water.

(3) Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to dispose of hazardous waste, which cannot be classified under paragraphs (a)(1) or (d) (1) and (2) of this section (e.g., wells used to dispose of hazardous waste into or above a formation which contains an aquifer which has been exempted pursuant to § 146.04).

(e) *Class V.* Injection wells not included in Classes I, II, III, or IV.

§ 144.7 Identification of underground sources of drinking water and exempted aquifers.

(a) The Director may identify (by narrative description, illustrations, maps, or other means) and shall protect, except where exempted under paragraph (b) of this section, as an underground source of drinking water, all aquifers or parts of aquifers which meet the definition of an "underground source of drinking water" in § 144.3. Even if an aquifer has not been specifically identified by the Director, it is an underground source of drinking water if it meets the definition in § 144.3.

(b)(1) the Director may identify (by narrative description, illustrations, maps, or other means) and describe in geographic and/or geometric terms (such as vertical and lateral limits and gradient) which are clear and definite, all aquifers or parts thereof which the Director proposes to designate as exempted aquifers using the criteria in 40 CFR 146.04.

(2) No designation of an exempted aquifer submitted as part of a UIC Program shall be final until approved by the Administrator as part of a UIC program.

(3) Subsequent to program approval or promulgation, the Director may, after notice and opportunity for a public hearing, identify additional exempted aquifers. For approved State programs exemption of aquifers identifed (i) under § 146.04(b) shall be treated as a program revision under § 145.32; (ii) under § 146.04(c) shall become final if the State Director submits the exemption in writing to the Administrator and the Administrator has not disapproved the designation within 45 days. Any disapproval by the Administrator shall state the reasons and shall constitute final Agency action for purposes of judicial review.

(c)(1) For Class III wells, the Director shall require an applicant for a permit which necessitates an aquifer exemption under § 146.04(b)(1) to furnish the data necessary to demonstrate that the aquifer is expected to be mineral or hydrocarbon producing. Information contained in the mining plan for the proposed project, such as a map and general description of the mining zone, general information on the mineralogy and geochemistry of the mining zone, analysis of the amenability of the mining zone to the proposed mining method, and a time-table of planned development of the mining zone shall be considered by the Director in addition to the information required by § 144.31(g).

(2) For Class II wells, a demonstration of commercial producibility shall be made as follows:

(i) For a Class II well to be used for enhanced oil recovery processes in a field or project containing aquifers from which hydrocarbons were previously produced, commercial producibility shall be presumed by the Director upon a demonstration by the applicant of historical production having occurred in the project area or field.

(ii) For Class II wells not located in a field or project containing aquifers from which hydrocarbons were previously produced, information such as logs, core data, formation description, formation depth, formation thickness and formation parameters such as permeability and porosity shall be considered by the Director, to the extent such information is available.

§ 144.8 Noncompliance and program reporting by the Director.

The Director shall prepare quarterly and annual reports as detailed below. When the State is the permit-issuing authority, the State Director shall submit any reports required under this section to the Regional Administrator. When EPA is the permit-issuing authority, the Regional Administrator shall submit any report required under this section to EPA Headquarters.

(a) *Quarterly reports.* The Director shall submit quarterly narrative reports for major facilities as follows:

(1) *Format.* The report shall use the following format:

(i) Provide an alphabetized list of permittees. When two or more permittees have the same name, the lowest permit number shall be entered first.

(ii) For each entry on the list, include the following information in the following order:

(A) Name, location, and permit number of the noncomplying permittees.

(B) A brief description and date of each instance of noncompliance for that permittee. Instances of noncompliance may include one or more the kinds set forth in paragraph (a)(2) of this section. When a permittee has noncompliance of more than one kind, combine the information into a single entry for each such permittee.

(C) The date(s) and a brief description of the action(s) taken by the Director to ensure compliance.

(D) Status of the instance(s) of noncompliance with the date of the review of the status or the date of resolution.

(E) Any details which tend to explain or mitigate the instance(s) of noncompliance.

(2) *Instances of noncompliance to be reported.* Any instances of noncompliance within the following categories shall be reported in successive reports until the noncompliance is reported as resolved. Once noncompliance is reported as resolved it need not appear in subsequent reports.

(i) *Failure to complete construction elements.* When the permittee has failed to complete, by the date specified in the permit, an element of a compliance schedule involving either planning for construction or a construction step (for example, begin construction, attain operation level); and the permittee has not returned to compliance by accomplishing the required elements of the schedule within 30 days from the date a compliance schedule report is due under the permit.

(ii) *Modifications to schedules of compliance.* When a schedule of compliance in the permit has been modified under §§ 144.39 or 144.41 because of the permittee's noncompliance.

(iii) *Failure to complete or provide compliance schedule or monitoring reports.* When the permittee has failed to complete or provide a report required in a permit compliance schedule (for example, progress report or notice of noncompliance or compliance) or a monitoring report; and the permittee has not submitted the complete report within 30 days from the date it is due under the permit for compliance schedules, or from the date specified in the permit for monitoring reports.

(iv) *Deficient reports.* When the required reports provided by the permittee are so deficient as to cause misunderstanding by the Director and thus impede the review of the status of compliance.

(v) *Noncompliance with other permit requirements.* Noncompliance shall be reported in the following circumstances:

(A) Whenever the permittee has violated a permit requirement (other than reported under paragraph (a)(2) (i) or (ii) of this section), and has not

returned to compliance within 45 days from the date reporting of noncompliance was due under the permit; or

(B) When the Director determines that a pattern of noncompliance exists for a major facility permittee over the most recent four consecutive reporting periods. This pattern includes any violation of the same requirement in two consecutive reporing periods, and any violation of one or more requirements in each of four consecutive reporting periods; or

(C) When the Director determines significant permit noncompliance or other significant event has occurred, such as a migration of fluids into a USDW.

(vi) *All other.* Statistical information shall be reported quarterly on all other instances of noncompliance by major facilities with permit requirements not otherwise reported under paragraph (a) of this section.

(b) Annual reports. (1) *Annual noncompliance report.* Statistical reports shall be submitted by the Director on nonmajor UIC permittees indicating the total number reviewed, the number of noncomplying nonmajor permittees, the number of enforcement actions, and number of permit modifications extending compliance deadlines. The statistical information shall be organized to follow the types of noncompliance listed in paragraph (a) of this section.

(2) *For State-administered UIC Programs only.* In addition to the annual noncompliance report, the State Director shall:

(i) Submit each year a program report to the Administrator (in a manner and form prescribed by the Administrator) consisting of:

(A) A detailed description of the State's implementation of its program;

(B) Suggested changes, if any to the program description (see § 145.23(f)) which are necessary to reflect more accurately the State's progress in issuing permits;

(C) An updated inventory of active underground injection operations in the State.

(ii) In addition to complying with the requirements of paragraph (b)(2)(i) of this section, the Director shall provide the Administrator, on February 28th and August 31st of each of the first two years of program operation, the information required in 40 CFR 146.15, 146.25, and 146.35.

(c) *Schedule.* (1) For all quarterly reports. On the last working day of May, August, November, and February, the State Director shall submit to the Regional Administrator information concerning noncompliance with permit requirements by major facilities in the State in accordance with the following schedule. The Regional Administrator shall prepare and submit information for EPA-issued permits to EPA Headquarters in accordance with the same schedule.

QUARTERS COVERED BY REPORTS ON NONCOMPLIANCE BY MAJOR FACILITIES

[Date for completon of reports]

January, February, and March	[1]May 31
April, May, and June	[1]Aug. 31
July, August, and September	[1]Nov. 30
October, November, and December	[1]Feb. 28

[1] Reports must be made available to the public for inspection and copying on this date.

(2) *For all annual reports.* The period for annual reports shall be for the calendar year ending December 31, with reports completed and available to the public no more than 60 days later.

Subpart B—General Program Requirements

§ 144.11 Prohibition of unauthorized injection.

Any underground injection, except as authorized by permit or rule issued under the UIC program, is prohibited. The construction of any well required to have a permit is prohibited until the permit has been issued.

§ 144.12 Prohibition of movement of fluid into underground sources of drinking water.

(a) No owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR Part 142 or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this paragraph are met.

(b) For Class I, II, and III wells, if any water quality monitoring of an underground source of drinking water indicates the movement of any contaminant into the underground source of drinking water, except as authorized under Part 146, the Director shall prescribe such additional requirements for construction, corrective action, operation, monitoring, or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit in accordance with § 144.39, or the permit may be terminated under § 144.40 if cause exists, or appropriate enforcement action may be taken if the permit has been violated. In the case of wells authorized by rule, see §§ 144.21–.24.

(c) For Class V wells, if at any time the Director learns that a Class V well may cause a violation of primary drinking water regulations under 40 CFR Part 142, he or she shall:

(1) Require the injector to obtain an individual permit;

(2) Order the injector to take such actions (including where required closure of the injection well) as may be necessary to prevent the violation; or

(3) Take enforcement action.

(d) Whenever the Director learns that a Class V well may be otherwise adversely affecting the health of persons, he or she may prescribe such actions as may be necessary to prevent the adverse effect, including any action authorized under paragraph (c) of this section.

(e) Notwithstanding any other provision of this section, the Director may take emergency action upon receipt of information that a contaminant which is present in or is likely to enter a public water system may present an imminent and substantial endangerment to the health of persons.

§ 144.13 Elimination of certain Class IV wells.

(a) In addition to the requirement of § 144.14, the following are prohibited:

(1) The construction of any Class IV well for the injection of hazardous waste directly into an underground source of drinking water;

(2) The injection of hazardous waste directly into an underground source of drinking water through a Class IV well that was not in operation prior to July 18, 1980.

(3) Any increase in the amount of hazardous waste or change in the type of hazardous waste injected into a well injecting hazardous waste directly into a USDW.

(4) The operation of any Class IV well injecting hazardous waste directly into a USDW after 6 months following the approval or promulgation of a UIC program for the State.

(b) The prohibition applicable to Class IV wells does not apply to injections of hazardous wastes into aquifers or portions thereof which have been exempted pursuant to § 146.04.

§ 144.14 Requirements for wells injecting hazardous waste.

(a) *Applicability.* The regulations in this section apply to all generators of

hazardous waste, and to the owners or operators of all hazardous waste management facilities, using any class of well to inject hazardous wastes accompanied by a manifest. (See also § 144.13.)

(b) *Authorization.* The owner or operator of any well that is used to inject hazardous waste required to be accompanied by a manifest or delivery document shall apply for authorization to inject as specified in § 144.31 within 6 months after the approval or promulgation of the State UIC program.

(c) *Requirements.* In addition to complying with the applicable requirements of this Part and 40 CFR Part 146, the owner or operator of each facility meeting the requirements of paragraph (b) of this section, shall comply with the following:

(1) *Notification.* The owner or operator shall comply with the notification requirements of Section 3010 of Pub. L. 94–580.

(2) *Identification number.* The owner or operator shall comply with the requirements of 40 CFR 264.11.

(3) *Manifest system.* The owner or operator shall comply with the applicable recordkeeping and reporting requirements for manifested wastes in 40 CFR 264.71.

(4) *Manifest discrepancies.* The owner or operator shall comply with 40 CFR § 264.72.

(5) *Operating record.* The owner or operator shall comply with 40 CFR 264.73(a), (b)(1), and (b)(2).

(6) *Annual report.* The owner or operator shall comply with 40 CFR § 264.75.

(7) *Unmanifested waste report.* The owner or operator shall comply with 40 CFR § 264.75.

(8) *Personnel training.* The owner or operator shall comply with the applicable personnel training requirements of 40 CFR § 264.16.

(9) *Certification of closure.* When abandonment is completed, the owner or operator must submit to the Director certification by the owner or operator and certification by an independent registered professional engineer that the facility has been closed in accordance with the specifications in § 144.52(a)(6).

(d) *Additional requirements for Class IV wells.* [Reserved].

§ 144.15 Assessment of Class V wells.

Assessment of Class V Wells. The Director shall, within three years of the approval of the program in a State submit a report and recommendations to EPA in compliance with § 146.52(b).

§ 144.16 Waiver of requirement by Director.

(a) *When injection does not occur into, through or above an underground source of drinking water,* the Director may authorize a well or project with less stringent requirements for area of review, construction, mechanical integrity, operation, monitoring, and reporting than requird in 40 CFR Part 146 or § 144.52 to the extent that the reduction in requirements will not result in an increased risk of movement of fluids into an underground source of drinking water.

(b) When injection occurs through or above an underground source of drinking water, but the radius of endangering influence when computed under § 146.06(a) is smaller or equal to the radius of the well, the Director may authorize a well or project with less stringent requirements for operation, monitoring, and reporting than required in 40 CFR Part 146 or § 144.52 to the extent that the reduction in requirements will not result in an increased risk of movement of fluids into an underground source of drinking water.

(c) When reducing requirements under paragraph (a) or (b) of this section, the Director shall prepare a fact sheet under § 124.8 explaining the reasons for the action.

Subpart C—Authorization of Underground Injection by Rule

§ 144.21 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells.

Injection into existing Class I, II (except existing enhanced recovery and hydrocarbon storage), and III wells is authorized.

(a) *Duration.* The authorization under this section expires:

(1) Upon the effective date of the permit or permit denial, if a permit application has been filed in a timely manner as specified in § 144.31(c)(1);

(2) If a permit application has not been filed in a timely manner as specified in § 144.31(c)(1); or

(3) Five years after approval or promulgation of the UIC program unless a complete permit application is pending.

(b) *Class II and III wells in existing fields or projects.* Notwithstanding the prohibition in § 144.11, this section authorizes Class II and Class III wells or projects in existing fields or projects to continue normal operations until permitted, including construction, operation, and plugging and abandonment of wells as part of the operation, provided the owner or operator maintains compliance with all applicable requirements.

(c) *Requirements.* Owners or operators of wells authorized under this section shall comply with the following requirements no later than one year after authorization, except that where the referenced requirements apply to permittees, the terms "permit" and "permittee" shall be read to include rules and those authorized by rule:

(1) Section 144.51(a)—(exemption from rule where authorized by temporary permits);

(2) Section 144.51(j)(2)—(retention of records);

(3) 144.51(1)(6)—(reporting within 24 hours);

(4) Section 144.51(n)—(notice of abandonment);

(5) The owner or operator must prepare, maintain, and comply with a plan for plugging and abandonment that meets the requirements of § 146.10 and is acceptable to the Director (for purposes of this paragraph, temporary intermittent cessation of injection operations is not abandonment);

(6) The minimum operating, monitoring, and reporting requirements (except mechanical integrity) required to be specified by § 146.13 (Class I), § 146.23 (Class II) and § 146.33 (Class III);

(7) Section 144.52(a)(7)—(financial responsibility); and

(8) Section 144.14(c)—(requirements for wells injecting hazardous waste) applicable to Class I wells injecting hazardous waste only).

§ 144.22 Existing Class II enhanced recovery and hydrocarbon storage wells.

Injection into existing Class II enhanced recovery and hydrocarbon storage wells is authorized for the life of the well or project.

(a) Owners or operators of wells authorized under this section shall comply with the following requirements, except that where the referenced requirements apply to permittees the terms "permit" and "permittee" shall be read to include rule and those authorized by rule:

(1) Section 144.51(a)—(exemption from rule where authorized by temporary permit);

(2) Section 144.51(j)(2)—(retention or records);

(3) Section 144.51(l)(6)—(reporting within 24 hours);

(4) Section 144.52(n)—(notice of abandonment);

(5) The owner or operator must prepare, maintain, and comply with a plan for plugging and abandonment that meets the requirements of § 146.10 and

is acceptable to the Director (for purposes of this paragraph, temporary intermittent cessation of injection operations is not abandonment);

(6) Section 144.52(a)(7)—(financial responsibility);

(7) Section 146.06—(mechanical integrity);

(8) Section 146.22—(casing and cementing requirements where appropriate); and

(9) The minimum operating, monitoring and reporting requirements required to be specified by § 146.23.

(b) Owners or operators of wells authorized under this section shall comply with the construction requirements no later than three years, and other requirements no later than one year after authorization.

§ 144.23 Class IV wells.

(a) Injection into existing Class IV wells as defined in § 144.6(d)(1) is authorized for up to six months after approval or promulgation of the UIC Program. Such wells are subject to the requirements of § 144.13 and § 144.14(c).

(b) Injection into existing Class IV wells as defined in § 144.6(d) (2) and (3) are authorized until six months after approval or promulgation of an UIC Program incorporating criteria and standards under Part 146, Subpart E applicable to Class IV injection wells. Such wells are subject to the requirements of § 144.14(c).

§ 144.24 Class V wells.

Injection into Class V wells is authorized until further requirements under future regulations become applicable.

§ 144.25 Requiring a permit.

(a) The Director may require any Class I, II, III, or V injection well authorized by a rule to apply for and obtain an individual or area UIC permit. Cases where individual or area UIC permits may be required include:

(1) The injection well is not in compliance with any requirement of the rule;

Note.—Any underground injection which violates any authorization by rule is subject to appropriate enforcement action.

(2) The injection well is not or no longer is within the category of wells and types of well operations authorized in the rule;

(3) The protection of USDWs requires that the injection operation be regulated by requirements, such as for corrective action, monitoring and reporting, or operation, which are not contained in the rule.

(b) For EPA administered programs, the Director may require the owner or operator authorized by a rule to apply for an individual or area UIC permit under this paragraph only if the owner or operator has been notified in writing that a permit application is required. The notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time for the owner or operator to file the application, and a statement that upon the effective date of the UIC permit the rule no longer applies to the activities regulated under the UIC Program.

(c) Any owner or operator authorized by a rule may request to be excluded from the coverage of the rules by applying for an individual or area UIC permit. The owner or operator shall submit an application under § 144.31 with reasons supporting the request, to the Director. The Director may grant any such requests.

§ 144.26 Inventory requirements.

Owners or operators of all injection wells authorized by rule shall submit inventory information to the Director. Any authorization under this subpart automatically terminates for any owner or operator who fails to comply within the time specified in paragraph (c) of this section.

(a) *Contents.* As part of the inventory, the Director shall require and the owner/operator shall provide at least the following information:

(1) Facility name and location;

(2) Name and address of legal contact;

(3) Ownership of facility;

(4) Nature and type of injection wells; and

(5) Operating status of injection wells.

Note.—This information is requested on national form "Inventory of Injection Wells," OMB No. 158–R0170.

(b) *Notice.* Upon approval of the UIC Program in a State, the Director shall notify owners or operators of injection wells of their duty to submit inventory information. The method of notification selected by the Director must assure that the owners or operators will be made aware of the inventory requirement.

(c) *Deadlines.* Owners or operators of injection wells must submit inventory information no later than one year after the authorization by rule. The Director need not require inventory information from any facility with interim status under RCRA.

Subpart D—Authorization by Permit

§ 144.31 Application for a permit; authorization by permit

(a) *Permit application.* Except for owners or operators authorized by rule, all underground injections wells are prohibited unless authorized by permit. Persons currently authorized by rule must still apply for a permit under this section unless authorization was for the life of the well or project. Rules authorizing well injections for which permit applications have been submitted shall lapse for a particular well injection or project upon the effective date of the permit or permit denial for that well injection or project. Procedures for applications, issuance and administration of emergency permits are found exclusively in § 144.34.

(b) *Who applies?* When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

(c) *Time to apply.* Any person who performs or proposes an underground injection for which a permit is or will be required shall submit an application to the Director in accordance with the UIC program as follows:

(1) For existing wells, as expeditiously as practicable but no later than 4 years from the approval or promulgation of the UIC program, or as required under § 144.14(b) for wells injecting hazardous waste.

(2) For new injection wells, except new wells in projects authorized under § 144.21(b) or covered by an existing area permit under § 144.33(c), a reasonable time before construction is expected to begin.

(d) *Completeness.* The Director shall not issue a permit before receiving a complete application for a permit except for emergency permits. An application for a permit is complete when the Director receives an application form and any supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity. For EPA-administered programs, an application which is reviewed under § 124.3 is complete when the Director receives either a complete application or the information listed in a notice of deficiency.

(e) *Information requirements.* All applicants for permits shall provide the following information to the Director, using the application form provided by the Director.

(1) The activities conducted by the applicant which require it to obtain permits under RCRA, UIC, the National Pollution Discharge Elimination system (NPDES) program under the Clean Water Act, or the Prevention of

Significant Deterioration (PSD) program under the Clean Air Act.

(2) Name, mailing address, and location of the facility for which the application is submitted.

(3) Up to four SIC codes which best reflect the principal products or services provided by the facility.

(4) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.

(5) Whether the facility is located on Indian lands.

(6) A listing of all permits or construction approvals received or applied for under any of the following programs:

(i) Hazardous Waste Management program under RCRA.

(ii) UIC program under SDWA.

(iii) NPDES program under CWA.

(iv) Prevention of Significant Deterioration (PSD) program under the Clean Air Act.

(v) Nonattainment program under the Clean Air Act.

(vi) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.

(vii) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act.

(viii) Dredge and fill permits under section 404 of CWA.

(ix) Other relevant environmental permits, including State permits.

(7) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, and other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within a quarter mile of the facility property boundary.

(8) A brief description of the nature of the business.

(f) *Recordkeeping.* Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under § 144.31 for a period of at least 3 years from the date the application is signed.

(g) Contents of UIC application. [Reserved.]

§ 144.32 Signatories to permit applications and reports.

(a) *Applications.* All permit applications, except those submitted for Class II wells (see paragraph (b) of this section), shall be signed as follows:

(1) For a corporation: by a principal executive officer of at least the level of vice-president;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: by either a principal executive or ranking elected official.

(b) *Reports.* All reports required by permits, other information requested by the Director, and all permit applications submitted for Class II wells under § 144.31 shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(3) The written authorization is submitted to the Director.

(c) *Changes to authorization.* If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) *Certification.* Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

> I certify under the penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

§ 144.33 Area permits.

(a) The Director may issue a permit on an area basis, rather than for each well individually, provided that the permit is for injection wells:

(1) Described and identified by location in permit application(s) if they are existing wells, except that the Director may accept a single description of wells with substantially the same characteristics;

(2) Within the same well field, facility site, reservoir, project, or similar unit in the same State;

(3) Operated by a single owner or operator; and

(4) Used to inject other than hazardous waste.

(b) Area permits shall specify:

(1) The area within which underground injections are authorized, and

(2) The requirements for construction, monitoring, reporting, operation, and abandonment, for all wells authorized by the permit.

(c) The area permit may authorize the permittee to construct and operate, convert, or plug and abandon wells within the permit area provided:

(1) The permittee notifies the Director at such time as the permit requires;

(2) The additional well satisfies the criteria in paragraph (a) of this section and meets the requirements specified in the permit under paragraph (b) of this section; and

(3) The cumulative effects of drilling and operation of additional injection wells are considered by the Director during evaluation of the area permit application and are acceptable to the Director.

(d) If the Director determines that any well constructed pursuant to paragraph (c) of this section does not satisfy any of the requirements of paragraphs (c)(1) and (c)(2) of this section the Director may modify the permit under § 144.39, terminate under § 144.40, or take enforcement action. If the Director determines that cumulative effects are unacceptable, the permit may be modified under § 144.39.

§ 144.34 Emergency permits.

(a) *Coverage.* Notwithstanding any other provision of this Part or Part 124, the Director may temporarily permit a specific underground injection which has not otherwise been authorized by rule or permit if:

(1) An imminent and substantial endangerment to the health of persons will result unless a temporary emergency permit is granted; or

(2) A substantial and irretrievable loss of oil or gas resources will occur unless a temporary emergency permit is granted to a Class II well; and

(i) Timely application for a permit could not practicably have been made; and

(ii) The injection will not result in the movement of fluids into underground sources of drinking water; or

(3) A substantial delay in production of oil or gas resources will occur unless a temporary emergency permit is granted to a new Class II well and the temporary authorization will not result in the movement of fluids into an underground source of drinking water.

(b) *Requirements for issuance.*

(1) Any temporary permit under paragraph (a)(1) of this section shall be for no longer term than required to prevent the hazard.

(2) Any temporary permit under paragraph (a)(2) of this section shall be for no longer than 90 days, except that if a permit application has been submitted prior to the expiration of the 90-day period, the Director may extend the temporary permit until final action on the application.

(3) Any temporary permit under paragraph (a)(3) of this section shall be issued only after a complete permit application has been submitted and shall be effective until final action on the application.

(4) Notice of any temporary permit under this paragraph shall be published in accordance with § 124.11 within 10 days of the issuance of the permit.

(5) The temporary permit under this section may be either oral or written. If oral, it must be followed within 5 calendar days by a written temporary emergency permit.

(6) The Director shall condition the temporary permit in any manner he or she determines is necessary to ensure that the injection will not result in the movement of fluids into an underground source of drinking water.

§ 144.35 Effect of a permit.

(a) Except for Class II and III wells, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Part C of the SDWA. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in §§ 144.39 and 144.40.

(b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

(c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

§ 144.36 Duration of permits.

(a) Permits for Class I and Class V wells shall be effective for a fixed term not to exceed 10 years. UIC permits for Class II and III wells shall be issued for a period up to the operating life of the facility. The Director shall review each issued Class II or III well UIC permit at least once every 5 years to determine whether it should be modified, revoked and reissued, terminated, or a minor modification made as provided in §§ 144.39, 144.40, and 144.41.

(b) Except as provided in § 144.37, the term of a permit shall not be extended by modification beyond the maximum duration specified in this section.

(c) The Director may issue any permit for a duration that is less than the full allowable term under this section.

§ 144.37 Continuation of expiring permits.

(a) *EPA permits.* When EPA is the permit-issuing authority, the conditions of an expired permit continue in force under 5 U.S.C. 558(c) until the effective date of a new permit if:

(1) The permittee has submitted a timely application which is a complete application for a new permit; and

(2) The Regional Administrator, through no fault of the permittee does not issue a new permit with an effective date on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

(b) *Effect.* Permits continued under this section remain fully effective and enforceable.

(c) *Enforcement.* When the permittee is not in compliance with the conditions of the expiring or expired permit the Regional Administrator may choose to do any or all of the following:

(1) Initiate enforcement action based upon the permit which has been continued;

(2) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(3) Issue a new permit under Part 124 with appropriate conditions; or

(4) Take other actions authorized by these regulations.

(d) *State continuation.* An EPA issued permit does not continue in force beyond its time expiration date under Federal law if at that time a State is the permitting authority. A State authorized to administer the UIC program may continue either EPA or State-issued permits until the effective date of the new permits, if State law allows. Otherwise, the facility or activity is operating without a permit from the time of expiration of the old permit to the effective date of the State-issued new permit.

§ 144.38 Transfer of permits.

(a) *Transfers by modification.* Except as provided in paragraph (b) of this section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under § 144.39(b)(2)), or a minor modification made (under § 144.41(d)), to identify the new permittee and incorporate such other requirements as may be necessary under the Safe Drinking Water Act.

(b) *Automatic transfers.* As an alternative to transfers under paragraph (a) of this section, any UIC permit for a well not injecting hazardous waste may be automatically transferred to a new permittee if:

(1) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date referred to in paragraph (b)(2) of this section;

(2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer or permit responsibility, coverage, and liability between them, and the notice demonstrates that the financial responsibility requirements of § 144.52(a)(7) will be met by the new permittee; and

(3) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this paragraph may also be a minor modification under § 144.41. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section.

§ 144.39 Modification or revocation and reisssuance of permits.

When the Director receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see § 144.51 of this chapter), receives a request for modification or revocation and reissuance under § 124.5, or conducts a review of the permit file) he or she may determine whether or not one or more of the causes listed in paragraphs (a) and (b) of this section for modification or revocation and reissuance or both exist. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to the limitations of paragraph (c) of this section, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire

permit is reopened and subject to revision and the permit is reissued for a new term. See § 124.5(c)(2) of this chapter. If cause does not exist under this section or § 144.41 of this chapter, the Director shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in §144.41 for "minor modifications" the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in Part 124 must be followed.

(a) *Causes for modification.* The following are causes for modification. For Class II or III wells the following may be causes for revocation and reissuance as well as modification; and for all other wells the following may be cause for revocation or reissuance as well as modification when the permittee requests or agrees.

(1) *Alterations.* There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

(2) *Information.* The Director has received information. Permits other than for Class II and III wells may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For UIC area permits (§ 144.33), this cause shall include any information indicating that cumulative effects on the environment are unacceptable.

(3) *New regulations.* The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits other than for Class II or III wells may be modified during their terms for this cause only as follows:

(i) For promulgation of amended standards or regulations, when:

(A) The permit condition requested to be modified was based on a promulgated Part 146 regulation; and

(B) EPA has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based, and

(C) A permittee requests modification in accordance with § 124.5 within ninety (90) days after **Federal Register** notice of the action on which the request is based.

(ii) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations if the remand and stay concern that portion of the regulations on which the permit condition was based and a request is filed by the permittee in accordance with § 124.5 within ninety (90) days of judicial remand.

(4) *Compliance schedules.* The Director determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy. See also § 144.41(c) (minor modifications).

(b) *Causes for modification or revocation and reissuance.* The following are causes to modify or, alternatively, revoke and reissue a permit:

(1) Cause exists for termination under § 144.40, and the Director determines that modification or revocation and reissuance is appropriate.

(2) The Director has received notification (as required in the permit, see § 144.41(d)) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (§ 144.38(b)) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

(c) *Facility siting.* Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

§ 144.40 Termination of permits.

(a) The Director may terminate a permit during its term, or deny a permit renewal application for the following causes:

(1) Noncompliance by the permittee with any condition of the permit;

(2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;

(b) The Director shall follow the applicable procedures in Part 124 in terminating any permit under this section.

§ 144.41 Minor modifications of permits.

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of Part 124. Any permit modification not processed as a minor modification under this section must be made for cause and with Part 124 draft permit and public notice as required in § 144.39. Minor modifications may only:

(a) Correct typographical errors;

(b) Require more frequent monitoring or reporting by the permittee;

(c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or

(d) Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.

(e) Change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the Director, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.

(f) Change construction requirements approved by the Director pursuant to § 144.52(a)(1) (establishing UIC permit conditions), provided that any such alteration shall comply with the requirements of this Part and Part 146.

(g) Amend a plugging and abandonment plan which has been updated under § 144.52(a)(6).

Subpart E—Permit Conditions

§ 144.51 Conditions applicable to all permits.

The following conditions apply to all UIC permits. All conditions applicable to all permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved State regulations) must be given in the permit.

(a) *Duty to comply.* The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action; for permit

termination, revocation and reissuance, or modification; or for denial of a permit renewal application; except that the permittee need not comply with the provisions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit under § 144.34.

(b) *Duty to reapply.* If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

(c) *Need to halt or reduce activity not a defense.* It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) *Duty to mitigate.* The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

(e) *Proper operation and maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(f) *Permit actions.* This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(g) *Property rights.* This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) *Duty to provide information.* The permittee shall furnish to the Director, within a time specified, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

(i) *Inspection and entry.* The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the SDWA, any substances or parameters at any location.

(j) *Monitoring and records.*

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) The permittee shall retain records of all monitoring information, including the following:

(i) Calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time; and

(ii) The nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under § 144.52(a)(6). The Director may require the owner or operator to deliver the records to the Director at the conclusions of the retention period.

(3) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(k) *Signatory requirement.* All applications, reports, or information submitted to the Administrator shall be signed and certified. (See § 144.32.)

(l) *Reporting requirements.*

(1) *Planned changes.* The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

(2) *Anticipated noncompliance.* The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(3) *Transfers.* This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Safe Drinking Water Act. (See § 144.38; in some cases, modification or revocation and reissuance is mandatory.)

(4) *Monitoring reports.* Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(5) *Compliance schedules.* Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 30 days following each schedule date.

(6) *Twenty-four hour reporting.* The permittee shall report any noncompliance which may endanger health or the environment, including:

(i) Any monitoring or other information which indicates that any contaminant may cause an endangerment to a USDW; or

(ii) Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs.

Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(7) *Other noncompliance.* The permittee shall report all instances of noncompliance not reported under paragraphs (l) (4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

(8) *Other information.* Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

(m) *Requirements prior to commencing injection.* Except for all new wells authorized by an area permit under § 144.33(c), a new injection well may not commence injection until construction is complete, and

(1) The permittee has submitted notice of completion of construction to the Director; and

(2)(i) The Director has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit; or

(ii) The permittee has not received notice form the Director of his or her intent to inspect or otherwise review the new injection well within 13 days of the date of the notice in paragraph (m)(1) of this section, in which case prior inspection or review is waived and the permittee may commence injection. The Director shall include in his notice a reasonable time period in which he shall inspect the well.

(n) The permittee shall notify the Director at such times as the permit requires before conversion or abandonment of the well or in the case of area permits before closure of the project.

§ 144.52 Establishing permit conditions.

(a) In addition to conditions required in § 144.51, the Director shall establish conditions, as required on a case-by-case basis under § 144.36, (duration of permits), § 144.53(a) (schedules of compliance), § 144.54 (monitoring), and for EPA permits only § 144.53(b) (alternate schedules of compliance) and § 144.4 (considerations under Federal law). In addition, each permit shall include conditions meeting the following requirements, when applicable.

(1) *Construction requirements* as set forth in Part 146. Existing wells shall achieve compliance with such requirements according to a compliance schedule established as a permit condition. The owner or operator of a proposed new injection well shall submit plans for testing, drilling, and construction as part of the permit application. Except as authorized by an area permit, no constuction may commence until a permit has been issued containing construction requirements (see §144.11). New wells shall be in compliance with these requirements prior to commencing injection operations. Changes in construction plans during construction may be approved by the Administrator as minor modifications (§ 144.41). No such changes may be physically incorporated into construction of the well prior to approval of the modification by the Director.

(2) *Corrective action* as set forth in § 144.55 and § 146.7

(3) *Operation requirements* as set forth in 40 CFR Part 146; the permit shall establish any maximum injection volumes and/or pressures necessary to assure that fractures are not initiated in the confining zone, that injected fluids do not migrate into any underground source of drinking water, that formation fluids are not displaced into any underground source of drinking water, and to assure compliance with the Part 146 operating requirements.

(4) *Requirements for wells managing hazardous waste,* as set forth in § 144.14.

(5) *Monitoring and reporting requirements* as set forth in 40 CFR Part 146. The permittee shall be required to identify types of tests and methods used to generate the monitoring data.

(6) *Plugging and abandonment.* Any Class I, II or III permit shall include, and any Class V permit may include, conditions to ensure that plugging and abandonment of the well will not allow the movement of fluids either into an underground source of drinking water or from one underground source of drinking water to another. Applicants for a UIC permit shall submit a plan for plugging and abandonment. Where the plan meets the requirements of this paragraph, the Director shall incorporate it into the permit as a condition. Where the Director's review of an application indicates that the permittee's plan is inadequate, the Director shall require the applicant to revise the plan, prescribe conditions meeting the requirements of this paragraph, or deny the application. For purposes of this paragraph, temporary intermittent cessation of injection operations is not abandonment.

(7) *Financial responsibility.* The permittee is required to maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Director. The permittee must show evidence of financial responsibility to the Director by the submission of surety bond, or other adequate assurance, such as financial statements or other materials acceptable to the Director.

(8) *Mechanical integrity.* A permit for any Class I, II or III well or injection project which lacks mechanical integrity shall include, and for any Class V well may include, a condition prohibiting injection operations until the permittee shows to the satisfaction of the Director under § 146.08 that the well has mechanical integrity.

(9) *Additional conditions.* The Director shall impose on a case-by-case basis such additional conditions as are necessary to prevent the migration of fluids into underground sources of drinking water.

(b)(1) In addition to conditions required in all permits the Director shall establish conditions in permits as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the SDWA and Parts 144, 145, 146 and 124.

(2) For a State issued permit, an applicable requirement is a State statutory or regulatory requirement which takes effect prior to final administrative disposition of the permit. For a permit issued by EPA, an applicable requirement is a statutory or regulatory requirement (including any interim final regulation) which takes effect prior to the issuance of the permit (except as provided in § 124.86(c) for UIC permits being processed under Subparts E or F of Part 124). Section 124.14 (reopening of comment period) provides a means for reopening EPA permit proceedings at the discretion of the Director where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable. For State and EPA administered programs, an applicable requirement is also any requirement which takes effect prior to the modification or revocation and reissuance of a permit, to the extent allowed in § 144.39.

(3) New or reissued permits, and to the extent allowed under § 144.39 modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in § 144.52.

(c) *Incorporation.* All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

§ 144.53 Schedule of compliance.

(a) *General.* The permit may, when appropriate, specify a schedule of compliance leading to compliance with the SDWA and Parts 144, 145, 146, and 124.

(1) *Time for compliance.* Any schedules of compliance shall require compliance as soon as possible, and in

no case later than 3 years after the effective date of the permit.

(2) *Interim dates.* Except as provided in paragraph (b)(1)(ii) of this section, if a permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

(i) The time between interim dates shall not exceed 1 year.

(ii) If the time necessary for completion of any interim requirement is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(3) *Reporting.* The permit shall be written to require that if paragraph (a)(1) of this section is applicable, progress reports be submitted no later than 30 days following each interim date and the final date of compliance.

(b) *Alternative schedules of compliance.* A permit applicant or permittee may cease conducting regulated activities (by plugging and abandonment) rather than continue to operate and meet permit requirements as follows:

(1) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued:

(i) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

(ii) The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.

(2) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination which will ensure timely compliance with applicable requirements.

(3) If the permittee is undecided whether to cease conducting regulated activities, the Director may issue or modify a permit to contain two schedules as follows:

(i) Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;

(ii) One schedule shall lead to timely compliance with applicable requirements;

(iii) The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements;

(iv) Each permit containing two schedules shall include a requirement that after the permittee has made a final decision under paragraph (b)(3)(i) of this section it shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.

(4) The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the Director, such as a resolution of the board of directors of a corporation.

§ 144.54 Requirements for recording and reporting of monitoring results.

All permits shall specify:

(a) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);

(b) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including when appropriate, continuous monitoring;

(c) Applicable reporting requirements based upon the impact of the regulated activity and as specified in Part 146. Reporting shall be no less frequent than specified in the above regulations.

§ 144.55 Corrective action.

(a) *Coverage.* Applicants for Class I, II, (other than existing), or III injection well permits shall identify the location of all known wells within the injection well's area of review which penetrate the injection zone, or in the case of Class II wells operating over the fracture pressure of the injection formation, all known wells within the area of review penetrating formations affected by the increase in pressure. For such wells which are improperly sealed, completed, or abandoned, the applicant shall also submit a plan consisting of such steps or modifications as are necessary to prevent movement of fluid into underground sources of drinking water ("corrective action"). Where the plan is adequate, the Director shall incorporate it into the permit as a condition. Where the Director's review of an application indicates that the permittee's plan is inadequate (based on the factors in § 146.07), the Director shall require the applicant to revise the plan, prescribe a plan for corrective action as a condition of the permit under paragraph (b) of this section, or deny the application. The Director may disregard the provisions of § 146.06 (Area of Review) and § 146.07 (Corrective Action) when reviewing an application to permit an existing Class II well.

(b) *Requirements—*

(1) *Existing injection wells.* Any permit issued for an existing injection well (other than Class II) requiring corrective action shall include a compliance schedule requiring any corrective action accepted or prescribed under paragraph (a) of this section to be completed as soon as possible.

(2) *New injection wells.* No owner or operator of a new injection well may begin injection until all required corrective action has been taken.

(3) *Injection pressure limitation.* The Director may require as a permit condition that injection pressure be so limited that pressure in the injection zone does not exceed hydrostatic pressure at the site of any improperly completed or abandoned well within the area of review. This pressure limitation shall satisfy the corrective action requirement. Alternatively, such injection pressure limitation can be part of a compliance schedule and last until all other required corrective action has been taken.

(4) *Class III Wells Only.* When setting corrective action requirements the Director shall consider the overall effect of the project on the hydraulic gradient in potentially affected USDWs, and the corresponding changes in potentiometric surface(s) and flow direction(s) rather than the discrete effect of each well. If a decision is made that corrective action is not necessary based on the determinations above, the monitoring program required in § 146.33(b) shall be designed to verify the validity of such determinations.

Part 145 is added to read as follows:

PART 145—STATE UIC PROGRAM REQUIREMENTS

Subpart A—General Program Requirements

Sec.
145.1 Purpose and scope.
145.2 Definitions

Subpart B—Requirements for State Programs

145.11 Requirements for permitting
145.12 Requirements for compliance evaluation programs.
145.13 Requirements for enforcement authority.
145.14 Sharing of information.

Subpart C—State Program Submissions

Sec.
145.21 General requirements for program approvals.
145.22 Elements of a program submission.
145.23 Program description.
145.24 Attorney General's statement.
145.25 Memorandum of Agreement with the Regional Administrator.

Subpart D—Program Approval, Revision and Withdrawal

145.31 Approval process.
145.32 Procedures for revision of State programs.
145.33 Criteria for withdrawal of State programs.
145.34 Procedures for withdrawal of State programs.

Authority: Pub. L. 93–523, as amended by Pub. L. 95–190, Pub. L. 96–63 and Pub. L. 96–502, 42 U.S.C. 300f *et seq.*

Subpart A—General Program Requirements

§ 145.1 Purpose and scope.

(a) This part specifies the procedures EPA will follow in approving, revising, and withdrawing State programs under Section 1422 (underground injection control—UIC) of SDWA, and includes the elements which must be part of submissions to EPA for program approval and the substantive provisions which must be present in State programs for them to be approved.

(b) State submissions for program approval must be made in accordance with the procedures set out in Subpart C. This includes developing and submitting to EPA a program description (§ 145.23), an Attorney General's Statement (§ 145.24), and a Memorandum of Agreement with the Regional Administrator (§ 145.25).

(c) The substantive provisions which must be included in State programs to obtain approval include requirements for permitting, compliance evaluation, enforcement, public participation, and sharing of information. The requirements are found in Subpart B. Many of the requirements for State programs are made applicable to States by cross-referencing other EPA regulations. In particular, many of the provisions of Parts 144 and 124 are made applicable to States by the references contained in § 145.11.

(d) Upon submission of a complete program, EPA will conduct a public hearing, if interest is shown, and determine whether to approve or disapprove the program taking into consideration the requirements of this Part, the Safe Drinking Water Act and any comments received.

(e) Upon approval of a State program, the Administrator shall suspend the issuance of Federal permits for those activities subject to the approved State program.

(f) Any State program approved by the Administrator shall at all times be conducted in accordance with the requirements of this Part.

(g) Nothing in this Part precludes a State from:

(1) Adopting or enforcing requirements which are more stringent or more extensive than those required under this Part;

(2) Operating a program with a greater scope of coverage than that required under this Part. Where an approved State program has a greater scope of coverage than required by Federal law the additional coverage is not part of the Federally approved program.

§ 145.2 Definitions.

The definitions of Part 144 apply to all subparts of this Part.

Subpart B—Requirements for State Programs

§ 145.11 Requirements for permitting.

(a) All State programs under this Part must have legal authority to implement each of the following provisions and must be administered in conformance with each; except that States are not precluded from omitting or modifying any provisions to impose more stringent requirements.

(1) § 144.5(b)—(Confidential information);

(2) § 144.6—(Classification of injection wells);

(3) § 144.7—(Identification of underground sources of drinking water and exempted aquifers);

(4) § 144.8—(Noncompliance reporting);

(5) § 144.11—(Prohibition of unauthorized injection);

(6) § 144.12—(Prohibition of movement of fluids into underground sources of drinking water);

(7) § 144.13—(Elimination of Class IV wells);

(8) § 144.14—(Requirements for wells managing hazardous waste);

(9) § 144.21–§ 144.26—(Authorization by rule);

(10) § 144.31—(Application for a permit);

(11) § 144.32—(Signatories);

(12) § 144.33—(Area Permits);

(13) § 144.34—(Emergency permits);

(14) § 144.35—(Effect of permit);

(15) § 144.36—(Duration);

(16) § 144.38—(Permit transfer);

(17) § 144.39—(Permit modification);

(18) § 144.40—(Permit termination);

(19) § 144.51—(Applicable permit conditions);

(20) § 144.52—(Establishing permit conditions);

(21) § 144.53(a)—(Schedule of compliance);

(22) § 144.54—(Monitoring requirements);

(23) § 144.55—(Corrective Action);

(24) § 124.3(a)—(Application for a permit);

(25) § 124.5 (a), (c), (d), and (f)—(Modification of permits);

(26) § 124.6 (a), (c), (d), and (e)—(Draft Permit);

(27) § 124.8—(Fact sheets);

(28) § 124.10 (a)(1)(ii), (a)(1)(iii), (a)(1)(v), (b), (c), (d), and (e)—(Public notice);

(29) § 124.11—(Public comments and requests for hearings);

(30) § 124.12(a)—(Public hearings); and

(31) § 124.17 (a) and (c)—(Response to comments).

(b)(1) States need not implement provisions identical to the provisions listed in paragraphs (a) (1)–(31) of this section. Implemented provisions must, however, establish requirements at least as stringent as the corresponding listed provisions. While States may impose more stringent requirements, they may not make one requirement more lenient as a tradeoff for making another requirement more stringent; for example, by requiring that public hearings be held prior to issuing any permit while reducing the amount of advance notice of such a hearing.

(2) State programs may, if they have adequate legal authority, implement any of the provisions of Parts 144 and 124. See, for example § 144.37(d) (continuation of permits) and § 124.4 (consolidation of permit processing).

§ 145.12 Requirements for compliance evaluation programs.

(a) State programs shall have procedures for receipt, evaluation, retention and investigation for possible enforcement of all notices and reports required of permittees and other regulated persons (and for investigation for possible enforcement of failure to submit these notices and reports).

(b) State programs shall have inspection and surveillance procedures to determine, independent of information supplied by regulated persons, compliance or noncompliance with applicable program requirements. The State shall maintain:

(1) A program which is capable of making comprehensive surveys of all facilities and activities subject to the State Director's authority to identify persons subject to regulation who have failed to comply with permit application

or other program requirements. Any compilation, index, or inventory of such facilities and activities shall be made available to the Regional Administrator upon request;

(2) A program for periodic inspections of the facilities and activities subject to regulation. These inspections shall be conducted in a manner designed to:

(i) Determine compliance or noncompliance with issued permit conditions and other program requirements;

(ii) Verify the accuracy of information submitted by permittees and other regulated persons in reporting forms and other forms supplying monitoring data; and

(iii) Verify the adequacy of sampling, monitoring, and other methods used by permittees and other regulated persons to develop that information;

(3) A program for investigating information obtained regarding violations of applicable program and permit requirements; and

(4) Procedures for receiving and ensuring proper consideration of information submitted by the public about violations. Public effort in reporting violations shall be encouraged and the State Director shall make available information on reporting procedures.

(c) The State Director and State officers engaged in compliance evaluation shall have authority to enter any site or premises subject to regulation or in which records relevant to program operation are kept in order to copy any records, inspect, monitor or otherwise investigate compliance with permit conditions and other program requirements. States whose law requires a search warrant before entry conform with this requirement.

(d) Investigatory inspections shall be conducted, samples shall be taken and other information shall be gathered in a manner [e.g., using proper "chain of custody" procedures] that will produce evidence admissible in an enforcement proceeding or in court.

§ 145.13 Requirements for enforcement authority.

(a) Any State agency administering a program shall have available the following remedies for violations of State program requirements:

(1) To restrain immediately and effectively any person by order or by suit in State court from engaging in any unauthorized activity which is endangering or causing damage to public health or environment;

[Note.—This paragraph requires that States have a mechanism (e.g., an administrative cease and desist order or the ability to seek a temporary restraining order) to stop any unauthorized activity endangering public health or the environment.]

(2) To sue in courts of competent jurisdiction to enjoin any threatened or continuing violation of any program requirement, including permit conditions, without the necessity of a prior revocation of the permit;

(3) To assess or sue to recover in court civil penalties and to seek criminal remedies, including fines, as follows:

(i) For all wells except Class II wells, civil penalties shall be recoverable for any program violation in at least the amount of $2,500 per day. For Class II wells, civil penalties shall be recoverable for any program violation in at least the amount of $1,000 per day.

(ii) Criminal fines shall be recoverable in at least the amount of $5,000 per day against any person who willfully violates any program requirement, or for Class II wells, pipeline (production) severance shall be imposable against any person who willfully violates any program requirement.

[Note.—In many States the State Director will be represented in State courts by the State Attorney General or other appropriate legal officer. Although the State Director need not appear in court actions he or she should have power to request that any of the above actions be brought.]

(b)(1) The maximum civil penalty or criminal fine (as provided in paragraph (a)(3) of this section) shall be assessable for each instance of violation and, if the violation is continuous, shall be assessable up to the maximum amount for each day of violation.

(2) The burden of proof and degree of knowledge or intent required under State law for establishing violations under paragraph (a)(3) of this section, shall be no greater than the burden of proof or degree of knowledge or intent EPA must provide when it brings an action under the Safe Drinking Water Act.

[Note.—For example, this requirement is not met if State law includes mental state as an element of proof for civil violations.]

(c) Any civil penalty assessed, sought, or agreed upon by the State Director under paragraph (a)(3) of this section shall be appropriate to the violation. A civil penalty agreed upon by the State Director in settlement of administrative or judicial litigation may be adjusted by a percentage which represents the likelihood of success in establishing the underlying violation(s) in such litigation. If civil penalty, together with the costs of expeditious compliance, would be so severely disproportionate to the resources of the violator as to jeopardize continuance in business, the payment of the penalty may be deferred or the penalty may be forgiven in whole or part, as circumstances warrant. In the case of a penalty for a failure to meet a statutory or final permit compliance deadline, "appropriate to the violation," as used in this paragraph, means a penalty which is equal to:

(1) An amount appropriate to redress the harm or risk to public health or the environment; plus

(2) An amount appropriate to remove the economic benefit gained or to be gained from delayed compliance; plus

(3) An amount appropriate as a penalty for the violator's degree of recalcitrance, defiance, or indifference to requirements of the law; plus

(4) An amount appropriate to recover unusual or extraordinary enforcement costs thrust upon the public; minus

(5) An amount, if any, appropriate to reflect any part of the noncompliance attributable to the government itself; and minus

(6) An amount appropriate to reflect any part of the noncompliance caused by factors completely beyond the violator's control (e.g., floods, fires).

[Note.—In addition to the requirements of this paragraph, the State may have other enforcement remedies. The following enforcement options, while not mandatory, are highly recommended:

Procedures for assessment by the State of the costs of investigations, inspections, or monitoring surveys which lead to the establishment of violations;

Procedures which enable the State to assess or to sue any persons responsible for unauthorized activities for any expenses incurred by the State in removing, correcting, or terminating any adverse effects upon human health and the environment resulting from the unauthorized activity, or both; and

Procedures for the administrative assessment of penalties by the Director.]

(d) Any State administering a program shall provide for public participation in the State enforcement process by providing either:

(1) Authority which allows intervention as of right in any civil or administrative action to obtain remedies specified in paragraph (a) (1), (2) or (3) of this section by any citizen having an interest which is or may be adversely affected; or

(2) Assurance that the State agency or enforcement authority will:

(i) Investigate and provide written responses to all citizen complaints submitted pursuant to the procedures specified in § 145.12(b)(4);

(ii) Not oppose intervention by any citizen when permissive intervention may be authorized by statute, rule, or regulation; and

(iii) Publish notice of and provide at least 30 days for public comment on any proposed settlement of a State enforcement action.

§ 145.14 Sharing of information.

(a) Any information obtained or used in the administration of a State program shall be available to EPA upon request without restriction. If the information has been submitted to the State under a claim of confidentiality, the State must submit that claim to EPA when providing information under this section. Any information obtained from a State and subject to a claim of confidentiality will be treated in accordance with the regulations in 40 CFR Part 2. If EPA obtains from a State information that is not claimed to be confidential, EPA may make that information available to the public without further notice.

(b) EPA shall furnish to States with approved programs the information in its files not submitted under a claim of confidentiality which the State needs to implement its approved program. EPA shall furnish to States with approved programs information submitted to EPA under a claim of confidentiality, which the State needs to implement its approved program, subject to the conditions in 40 CFR Part 2.

Subpart C—State Program Submissions

§ 145.21 General requirements for program approvals.

(a) States shall submit to the Administrator a proposed State UIC program complying with § 145.22 of this Part within 270 days of the date of promulgation of the UIC regulations on June 24, 1980. The administrator may, for good cause, extend the date for submission of a proposed State UIC program for up to an additional 270 days.

(b) States shall submit to the Administrator 6 months after the date of promulgation of the UIC regulations a report describing the State's progress in developing a UIC program. If the Administrator extends the time for submission of a UIC program an additional 270 days, pursuant to § 145.21(a), the State shall submit a second report six months after the first report is due. The Administrator may prescribe the manner and form of the report.

(c) EPA will establish a UIC program in any State which does not comply with paragraph (a) of this section. EPA will continue to operate a UIC program in such a State until the State receives approval of a UIC program in accordance with the the requirements of this Part.

[Note.—States which are authorized to administer the NPDES permit program under Section 402 of CWA are encouraged to rely on existing statutory authority, to the extent possible, in developing a State UIC program. Section 402(b)(1)(D) of CWA requires that NPDES States have the authority "to issue permits which control the disposal of pollutants into wells." In many instances, therefore, NPDES States will have existing statutory authority to regulate well disposal which satisfies the requirements of the UIC program. Note, however, that CWA excludes certain types of well injections from the definition of "pollutant." If the State's statutory authority contains a similar exclusion it may need to be modified to qualify for UIC program approval.]

(d) If a State can demonstrate to EPA's satisfaction that there are no underground injections within the State for one or more classes of injection wells (other than Class IV wells) subject to SDWA and that such injections cannot legally occur in the State until the State has developed an approved program for those classes of injections, the State need not submit a program to regulate those injections and a partial program may be approved. The demonstration of legal prohibition shall be made by either explicitly banning new injections of the class not covered by the State program or providing a certification from the State Attorney General that such new injections cannot legally occur until the State has developed an approved program for that class. The State shall submit a program to regulate both those classes of injections for which a demonstration is not made and class IV wells.

(e) When a State UIC program is fully approved by EPA to regulate all classes of injections, the State assumes primary enforcement authority under Section 1422(b)(3) of SDWA. EPA retains primary enforcement responsibility whenever the State program is disapproved in whole or in part. States which have partially approved programs have authority to enforce any violation of the approved portion of their program. EPA retains authority to enforce violations of State underground injection control programs, except that, when a State has a fully approved program, EPA will not take enforcement actions without providing prior notice to the State and otherwise complying with Section 1423 of SDWA.

(f) A State can assume primary enforcement responsibility for the UIC program, notwithstanding § 145.21(3), when the State program is unable to regulate activities on Indian lands within the State. EPA will administer the program on Indian lands if the State does not seek this authority.

§ 145.22 Elements of a program submission.

(a) Any State that seeks to administer a program under this Part shall submit to the Administrator at least three copies of a program submission. The submission shall contain the following:

(1) A letter from the Governor of the State requesting program approval;

(2) A complete program description, as required by § 145.23, describing how the State intends to carry out its responsibilities under this Part;

(3) An Attorney General's statement as required by § 145.24;

(4) A Memorandum of Agreement with the Regional Administrator as required by § 145.25;

(5) Copies of all applicable State statutes and regulations, including those governing State administrative procedures;

(6) The showing required by § 145.31(b) of the State's public participation activities prior to program submission.

(b) Within 30 days of receipt by EPA of a State program submission, EPA will notify the State whether its submission is complete. If EPA finds that a State's submission is complete, the statutory review period (i.e., the period of time allotted for formal EPA review of a proposed State program under the Safe Drinking Water Act) shall be deemed to have begun on the date of receipt of the State's submission. If EPA finds that a State's submission is incomplete, the statutory review period shall not begin until all the necessary information is received by EPA.

(c) If the State's submission is materially changed during the statutory review period, the statutory review period shall begin again upon receipt of the revised submission.

(d) The State and EPA may extend the statutory review period by agreement

§ 145.23 Program description.

Any State that seeks to administer a program under this part shall submit a description of the program it proposes to administer in lieu of the Federal program under State law or under an interstate compact. The program description shall include:

(a) A description in narrative form of the scope, structure, coverage and processes of the State program.

(b) A description (including organization charts) of the organization and structure of the State agency or agencies which will have responsibility for administering the program, including

the information listed below. If more than one agency is responsible for administration of a program, each agency must have statewide jurisdiction over a class of activities. The responsibilities of each agency must be delineated, their procedures for coordination set forth, and an agency may be designated as a "lead agency" to facilitate communications between EPA and the State agencies having program responsibility. When the State proposes to administer a program of greater scope of coverage than is required by Federal law, the information provided under this paragraph shall indicate the resources dedicated to administering the Federally required portion of the program.

(1) A description of the State agency staff who will carry out the State program, including the number, occupations, and general duties of the employees. The State need not submit complete job descriptions for every employee carrying out the State program.

(2) An itemization of the estimated costs of establishing and administering the program for the first two years after approval, including cost of the personnel listed in paragraph (b)(1) of this section, cost of administrative support, and cost of technical support.

(3) An itemization of the sources and amounts of funding, including an estimate of Federal grant money, available to the State Director for the first two years after approval to meet the costs listed in paragraph (b)(2) of this section, identifying any restrictions or limitations upon this funding.

(c) A description of applicable State procedures, including permitting procedures and any State administrative or judicial review procedures.

(d) Copies of the permit form(s), application form(s), reporting form(s), and manifest format the State intends to employ in its program. Forms used by States need not be identical to the forms used by EPA but should require the same basic information. The State need not provide copies of uniform national forms it intends to use but should note its intention to use such forms.

[Note.—States are encouraged to use uniform national forms established by the Administrator. If uniform national forms are used, they may be modified to include the State Agency's name, address, logo, and other similar information, as appropriate, in place of EPA's.]

(e) A complete description of the State's compliance tracking and enforcement program.

(f) A State UIC program description shall also include:

(1) A schedule for issuing permits within five years after program approval to all injection wells within the State which are required to have permits under this Part and Part 144;

(2) The priorities (according to criteria set forth in 40 CFR 146.09) for issuing permits, including the number of permits in each class of injection well which will be issued each year during the first five years of program operation;

(3) A description of how the Director will implement the mechanical integrity testing requirements of 40 CFR 146.08, including the frequency of testing that will be required and the number of tests that will be reviewed by the Director each year;

(4) A description of the procedure whereby the Director will notify owners and operators of injection wells of the requirement that they apply for and obtain a permit. The notification required by this paragraph shall require applications to be filed as soon as possible, but not later than four years after program approval for all injection wells requiring a permit;

(5) A description of any rule under which the Director proposes to authorize injections, including the text of the rule;

(6) For any existing enhanced recovery and hydrocarbon storage wells which the Director proposes to authorize by rule, a description of the procedure for reviewing the wells for compliance with applicable monitoring, reporting, construction, and financial responsibility requirements of §§ 144.51 and 144.52, and 40 CFR Part 146;

(7) A description of and schedule for the State's program to establish and maintain a current inventory of injection wells which must be permitted under State law;

(8) Where the Director had designated underground sources of drinking water in accordance with § 144.7(a), a description and identification of all such designated sources in the State;

(9) A description of aquifers, or parts thereof, which the Director has identified under § 144.7(b) as exempted aquifers, and a summary of supporting data;

(10) A description of and schedule for the State's program to ban Class IV wells prohibited under § 144.13; and

(11) A description of and schedule for the State's program to establish an inventory of Class V wells and to assess the need for a program to regulate Class V wells.

§ 145.24 Attorney General's statement.

(a) Any State that seeks to administer a program under this Part shall submit a statement from the State Attorney General (or the attorney for those State or interstate agencies which have independent legal counsel) that the laws of the State, or an interstate compact, provide adequate authority to carry out the program described under § 145.23 and to meet the requirements of this Part. This statement shall include citations to the specific statutes, administrative regulations, and, where appropriate, judicial decisions which demonstrate adequate authority. State statutes and regulations cited by the State Attorney General or independent legal counsel shall be in the form of lawfully adopted State statutes and regulations at the time the statement is signed and shall be fully effective by the time the program is approved. To qualify as "independent legal counsel" the attorney signing the statement required by this section must have full authority to independently represent the State agency in court on all matters pertaining to the State program.

[Note.—EPA will supply States with an Attorney General's statement format on request.]

(b) When a State seeks authority over activities on Indian lands, the statement shall contain an appropriate analysis of the State's authority.

§ 145.25 Memorandum of Agreement with the Regional Administrator.

(a) Any State that seeks to administer a program under this Part shall submit a Memorandum of Agreement. The Memorandum of Agreement shall be executed by the State Director and the Regional Administrator and shall become effective when approved by the Administrator. In addition to meeting the requirements of paragraph (b) of this section, the Memorandum of Agreement may include other terms, conditions, or agreements consistent with this Part and relevant to the administration and enforcement of the State's regulatory program. The Administrator shall not approve any Memorandum of Agreement which contains provisions which restrict EPA's statutory oversight responsibility.

(b) The Memorandum of Agreement shall include the following:

(1) Provisions for the prompt transfer from EPA to the State of pending permit applications and any other information relevant to program operation not already in the possession of the State Director (e.g., support files for permit issuance, compliance reports, etc.). When existing permits are transferred from EPA to State for administration, the Memorandum of Agreement shall contain provisions specifying a procedure for transferring the administration of these permits. If a State lacks the authority to directly administer permits issued by the Federal

government, a procedure may be established to transfer responsibility for these permits.

[Note.—For example, EPA and the State and the permittee could agree that the State would issue a permit(s) identical to the outstanding Federal permit which would simultaneously be terminated.]

(2) Provisions specifying classes and categories of permit applications, draft permits, and proposed permits that the State will send to the Regional Administrator for review, comment and, where applicable, objection.

(3) Provisions specifying the frequency and content of reports, documents and other information which the State is required to submit to EPA. The State shall allow EPA to routinely review State records, reports, and files relevant to the administration and enforcement of the approved program. State reports may be combined with grant reports where appropriate.

(4) Provisions on the State's compliance monitoring and enforcement program, including:

(i) Provisions for coordination of compliance monitoring activities by the State and by EPA. These may specify the basis on which the Regional Administrator will select facilities or activities within the State for EPA inspection. The Regional Administrator will normally notify the State at least 7 days before any such inspection; and

(ii) Procedures to assure coordination of enforcement activities.

(5) When appropriate, provisions for joint processing of permits by the State and EPA, for facilities or activities which require permits from both EPA and the State under different programs. See § 124.4.

(6) Provisions for modification of the Memorandum of Agreement in accordance with this Part.

(c) The Memorandum of Agreement, the annual program and grant and the State/EPA Agreement should be consistent. If the State/EPA Agreement indicates that a change is needed in the Memorandum of Agreement, the Memorandum of Agreement may be amended through the procedures set forth in this part. The State/EPA Agreement may not override the Memorandum of Agreement.

[Note.—Detailed program priorities and specific arrangements for EPA support of the State program will change and are therefore more appropriately negotiated in the context of annual agreements rather than in the MOA. However, it may still be appropriate to specify in the MOA the basis for such detailed agreements, e.g., a provision in the MOA specifying that EPA will select facilities in the State for inspection annually as part of the State/EPA agreement.]

Subpart D—Program Approval, Revision and Withdrawal

§ 145.31 Approval process.

(a) Prior to submitting an application to the Administrator for approval of a State UIC program, the State shall issue public notice of its intent to adopt a UIC program and to seek program approval from EPA. This public notice shall:

(1) Be circulated in a manner calculated to attract the attention of interested persons. Circulation of the public notice shall include publication in enough of the largest newspapers in the State to attract Statewide attention and mailing to persons on appropriate State mailing lists and to any other persons whom the agency has reason to believe are interested;

(2) Indicate when and where the State's proposed program submission may be reviewed by the public;

(3) Indicate the cost of obtaining a copy of the submission;

(4) Provide for a comment period of not less than 30 days during which interested persons may comment on the proposed UIC program;

(5) Schedule a public hearing on the State program for no less than 30 days after notice of the hearing is published;

(6) Briefly outline the fundamental aspects of the State UIC program; and

(7) Identify a person that an interested member of the public may contact for further information.

(b) After complying with the requirements of paragraph (a) of this section any State may submit a proposed UIC program under section 1422 of SDWA and § 145.22 of this Part to EPA for approval. Such a submission shall include a showing of compliance with paragraph (a) of this section; copies of all written comments received by the State; a transcript, recording or summary of any public hearing which was held by the State; and a responsiveness summary which identifies the public participation activities conducted, describes the matters presented to the public, summarizes significant comments received, and responds to these comments. A copy of the responsiveness summary shall be sent to those who testified at the hearing, and others upon request.

(c) After determining that a State's submission for UIC program approval is complete the Administrator shall issue public notice of the submission in the **Federal Register** and in accordance with paragraph (a)(1) of this section. Such notice shall:

(1) Indicate that a public hearing will be held by EPA no earlier than 30 days after notice of the hearing. The notice may require persons wishing to present testimony to file a request with the Regional Administrator, who may cancel the public hearing if sufficient public interest in a hearing is not expressed;

(2) Afford the public 30 days after the notice to comment on the State's submission; and

(3) Note the availability of the State submission for inspection and copying by the public.

(d) The Administrator shall approve State programs which conform to the applicable requirements of this Part.

(e) Within 90 days of the receipt of a complete submission (as provided in § 145.22) or material amendment thereto, the Administrator shall by rule either fully approve, disapprove, or approve in part the State's UIC program taking into account any comments submitted. The Administrator shall give notice of this rule in the **Federal Register** and in accordance with paragraph (a)(1) of this section. If the Administrator determines not to approve the State program or to approve it only in part, the notice shall include a concise statement of the reasons for this determination. A responsiveness summary shall be prepared by the Regional Office which identifies the public participation activities conducted, describes the matters presented to the public, summarizes significant comments received, and explains the Agency's response to these comments. The responsiveness summary shall be sent to those who testified at the public hearing, and to others upon request.

§ 145.32 Procedures for revision of State programs.

(a) Either EPA or the approved State may initiate program revision. Program revision may be necessary when the controlling Federal or State statutory or regulatory authority is modified or supplemented. The state shall keep EPA fully informed of any proposed modifications to its basic statutory or regulatory authority, its forms, procedures, or priorities.

(b) Revision of a State program shall be accomplished as follows:

(1) The State shall submit a modified program description, Attorney General's statement, Memorandum of Agreement, or such other documents as EPA determines to be necessary under the circumstances.

(2) Whenever EPA determines that the proposed program revision is substantial, EPA shall issue public notice and provide an opportunity to comment for a period of at least 30 days. The public notice shall be mailed to

interested persons and shall be published in the **Federal Register** and in enough of the largest newspapers in the State to provide Statewide coverage. The public notice shall summarize the proposed revisions and provide for the opportunity to request a public hearing. Such a hearing will be held is there if significant public interest based on requests received.

(3) The Administrator shall approve or disapprove program revisions based on the requirements of this Part and of the Safe Drinking Water Act.

(4) A program revision shall become effective upon the approval of the Administrator. Notice of approval of any substantial revision shall be published in the **Federal Register**. Notice of approval of non-substantial program revisions may be given by a letter from the Administrator to the State Governor or his designee.

(c) States with approved programs shall notify EPA whenever they propose to transfer all or part of any program from the approved State agency to any other State agency, and shall identify any new division of responsibilities among the agencies involved. The new agency is not authorized to administer the program until approval by the Administrator under paragraph (b) of this section. Organizational charts required under § 145.23(b) shall be revised and resubmitted.

(d) Whenever the Administrator has reason to believe that circumstances have changed with respect to a State program, he may request, and the State shall provide, a supplemental Attorney General's statement, program description, or such other documents or information as are necessary.

(e) The State shall submit the information required under paragraph (b)(1) of this section within 270 days of any amendment to this Part or 40 CFR Parts 144, 146, or 124 which revises or adds any requirement respecting an approved UIC program.

§ 145.33 Criteria for withdrawal of State programs.

(a) The Administrator may withdraw program approval when a State program no longer complies with the requirements of this Part, and the State fails to take corrective action. Such circumstances include the following:

(1) When the State's legal authority no longer meets their requirements of this Part, including:

(i) Failure of the State to promulgate or enact new authorities when necessary; or

(ii) Action by a State legislature or court striking down or limiting State authorities.

(2) When the operation of the State program fails to comply with the requirements of this Part, including:

(i) Failure to exercise control over activities required to be regulated under this Part, including failure to issue permits;

(ii) Repeated issuance of permits which do not conform to the requirements of this Part; or

(iii) Failure to comply with the public participation requirements of this Part.

(3) When the State's enforcement program fails to comply with the requirements of this Part, including:

(i) Failure to act on violations of permits or other program requirements;

(ii) Failure to seek adequate enforcement penalties or to collect administrative fines when imposed; or

(iii) Failure to inspect and monitor activities subject to regulation.

(4) When the State program fails to comply with the terms of the Memorandum of Agreement required under § 145.24.

§ 145.34 Procedures for withdrawal of State programs.

(a) A State with a program approved under this Part may voluntarily transfer program responsibilities required by Federal law to EPA by taking the following actions, or in such other manner as may be agreed upon with the Administrator.

(1) The State shall give the Administrator 180 days notice of the proposed transfer and shall submit a plan for the orderly transfer of all relevant program information not in the possession of EPA (such as permits, permit files, compliance files, reports, permit applications) which are necessary for EPA to administer the program.

(2) Within 60 days of receiving the notice and transfer plan, the Administrator shall evaluate the State's transfer plan and shall identify any additional information needed by the Federal government for program administration and/or identify any other deficiencies in the plan.

(3) At least 30 days before the transfer is to occur the Administrator shall publish notice of the transfer in the **Federal Register** and in enough of the largest newspapers in the State to provide Statewide coverage, and shall mail notice to all permit holders, permit applicants, other regulated persons and other interested persons on appropriate EPA and State mailing lists.

(b) Approval of a State UIC program may be withdrawn and a Federal program established in its place when the Administrator determines, after holding a public hearing, that the State program is not in compliance with the requirements of SDWA and this Part.

(1) *Notice to State of Public Hearing.* If the Administrator has cause to believe that a State is not administering or enforcing its authorized program in compliance with the requirements of SDWA and this Part, he or she shall inform the State by registered mail of the specific areas of alleged noncompliance. If the State demonstrates to the Administrator within 30 days of such notification that the State program is in compliance, the Administrator shall take no further action toward withdrawal and shall so notify the State by registered mail.

(2) *Public Hearing.* If the State has not demonstrated its compliance to the satisfaction of the Administrator within 30 days after notification, the Administrator shall inform the State Director and schedule a public hearing to discuss withdrawal of the State program. Notice of such public hearing shall be published in the **Federal Register** and in enough of the largest newspapers in the State to attract statewide attention, and mailed to persons on appropriate State and EPA mailing lists. This hearing shall be convened not less than 60 days nor more than 75 days following the publication of the notice of the hearing. Notice of the hearing shall identify the Administrator's concerns. All interested persons shall be given opportunity to make written or oral presentation on the State's program at the public hearing.

(3) *Notice to State of Findings.* When the Administrator finds after the public hearing that the State is not in compliance, he or she shall notify the State by registered mail of the specific deficiencies in the State program and of necessary remedial actions. Within 90 days of receipt of the above letter, the State shall either carry out the required remedial action or the Administrator shall withdraw program approval. If the State carries out the remedial action or, as a result of the hearing is found to be in compliance, the Administrator shall so notify the State by registered mail and conclude the withdrawal proceedings.

Part 233 is added as follows:

PART 233—404 STATE PROGRAM TRANSFER REGULATIONS

Subpart A—General

Sec.

233.1 Purpose and scope of Part 233.

Subpart B—Definitions and General Program Requirements

233.2 Purpose and scope of Subpart B.
233.3 Definitions.

Sec.

233.4 Application for a permit.
233.5 Continuation of expiring permits.
233.6 Signatories to permit applications and reports.
233.7 Conditions applicable to all permits.
233.8 Establishing permit conditions.
233.9 Duration of permits.
233.10 Schedules of compliance.
233.11 Requirements for recording and reporting of monitoring results.
233.12 Effect of a permit.
233.13 Transfer of permits.
233.14 Modification or revocation and reissuance of permits.
233.15 Termination of permits.
233.16 Minor modifications of permits.
233.17 Noncompliance and program reporting by the Director.
233.18 Confidentiality of information.

Subpart C—State Program Requirements

233.20 Purpose and scope.
233.21 Elements of a program submission.
233.22 Program description.
233.23 Attorney General's statement.
233.24 Memorandum of Agreement with the Regional Administrator.
233.25 Memorandum of Agreement with the Secretary.
233.26 Requirements for permitting.
233.27 Requirements for compliance evaluation programs.
233.28 Requirements for enforcement authority.
233.29 Sharing of information.
233.30 Coordination with other programs.
233.31 Approval process.
233.32 Procedures for revision of State programs.
233.33 Criteria for withdrawal of State programs.
233.34 Procedures for withdrawal of State programs.
233.35 Activities not requiring permits.
233.36 Prohibitions.
233.37 General permits.
233.38 Emergency permits.
233.39 Transmission of information to EPA and other Federal agencies.
233.40 EPA review of and objections to State permits.
233.41 Coordination requirements.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Subpart A—General

§ 233.1 Purpose and scope of Part 233.

(a) *Coverage.* Part 233 includes provisions for the *Dredge or Fill* (404) Program under section 404 of the *Clean Water Act.* This Part includes the requirements which must be met for a State to administer its own program in lieu of the U.S. Army Corps of Engineers in "State regulated waters," and provisions for EPA oversight of State issued 404 permits.

(b) *Structure.* These permit regulations are organized as follows:

(1) *Subpart A.* This Subpart contains general information relating to these regulations.

(2) *Subpart B.* This Subpart contains definitions for the 404 program, and some basic permitting requirements applicable to state programs.

(3) *Subpart C.* This Subpart establishes minimum program requirements for an approvable state program and for administering the permit program subsequent to approval, including EPA oversight.

(4) *Part 124.* Part 233 incorporates by reference certain procedures for issuance of State 404 permits which are established in Part 124 of this chapter.

(c) *Relation to other requirements.* (1) Applicants for State issued permits must use State-prescribed forms which must require at a minimum the information listed in these sections. All minimum information requirements for State 404 permit applications appear in § 233.4.

(2) *Technical regulations.* The 404 permit program covered in these regulations has separate additional regulations, located at 40 CFR Part 230, that contain technical requirements. These separate regulations are used by permit-issuing authorities to determine what requirements must be placed in permits if they are issued.

(d) *Public participation.* This rule establishes the requirements for public participation in State permit issuance and enforcement proceedings, and in the approval of State 404 programs. These requirements carry out the purposes of the public participation requirements of 40 CFR Part 25 (Public Participation), and supersede the requirements of that Part as they apply to actions covered under this Part.

(e) *State authorities.* Nothing in Part 233 precludes more stringent State regulation of any activity covered by these regulations, whether or nor under an approved State program.

(f) *Federal 404 Program.* Permit program requirements for the Federal 404 program administered by the Corps of Engineers appear in 33 CFR Parts 320–330, rather than in this Part.

Subpart B—Definitions and General Program Requirements

§ 233.2 Purpose and scope of Subpart B.

Subpart B contains definitions for State 404 programs (§ 233.3) and basic permit requirements for state programs (§§ 233.4 through 233.18).

§ 233.3 Definitions.

The following definitions apply to Part 233. Terms not defined in this section have the meaning given by the CWA. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as an aid to readers.

Administrator means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

Application means the forms approved by EPA for use in "approved States," including any approved modifications or revisions.

Approved program or *approved State* means a State or interstate program which has been approved or authorized by EPA under Subpart C.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States," including methods, measures, practices, or design and performance standards, which facilitate compliance with section 404(b)(1) environmental guidelines (40 CFR Part 230), effluent limitations or prohibitions under section 307(a), and applicable water quality standards.

BMPs means "best management practices."

CWA means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92–500, as amended by Pub. L. 95–217 and Pub. L. 95–576, 33 U.S.C. 1251 *et seq.*

Director means the chief administrative officer of any state or interstate agency operating an "approved program," or the delegated representative of the State Director. If responsibility is divided among two or more State or interstate agencies, "State Director" means the chief administrative officer of the State or interstate agency authorized to perform the particular procedure or function to which reference is made.

Discharge of dredged material means any addition from any "point source" of "dredged material" into "waters of the United States." The term includes the addition of dredged material into waters of the United States and the runoff or overflow from a contained land or water dredge material disposal area. Discharges of pollutants into waters of the United States resulting from the subsequent onshore processing of dredged material are not included within this term and are subject to the NPDES program even though the extraction and deposit of such material may also require a permit from the Corps of Engineers or the State section 404 program.

Discharge of fill material means the addition from any "point source" of "fill material" into "waters of the United States." The term includes the following activities in waters of the United States:

placement of fill that is necessary for the construction of any structure; the building of any structure or impoundment requiring rock, sand, dirt, or other materials for its construction; site-development fill for recreational, industrial, commercial, residential, and other uses; causeways or road fills; dams and dikes; artificial islands; property protection and/or reclamation devices such as riprap, groins, seawalls, breakwaters, and revetments; beach nourishment; levees; fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants and subaqueous utility lines; and artificial reefs.

Disposal site means that portion of the "waters of the United States" enclosed within fixed boundaries consisting of a bottom surface area and any overlaying volume of water. In the case of "wetlands" on which water is not present, the disposal site consists of the wetland surface area. Fixed boundaries may consist of fixed geographic point(s) and associated dimensions, or of a discharge point and specific associated dimensions.

Draft permit means a document prepared under § 124.6 of this Chapter indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a "permit." A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in § 124.5 of this chapter, are types of "draft permits." A denial of a request for modification, revocation and reissuance, or termination, as discussed in § 124.5, is not a "draft permit." A "proposed permit" is not a "draft permit."

Dredged material means material that is excavated or dredged from "waters of the United States."

Effluents means "dredged material" or "fill material," including return flow from confined sites.

Emergency permit means a State 404 "permit" issued in accordance with § 233.38.

Environmental Protection Agency ("EPA") means the United States Environmental Protection Agency.

EPA means the United States "Environmental Protection Agency."

Facility or activity means any State 404 dredge or fill activity, or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the 404 program.

Fill material means any "pollutant" which replaces portions of the "waters of the United States" with dry land or which changes the bottom elevation of a water body for any purpose.

General permit means 404 "permit" issued under § 233.37 authorizing a category of discharges under the CWA within a geographical area.

Interstate agency means an agency of two or more States established by or under an agreement or compact approved by the Congress, or any other agency of two or more States having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the CWA.

Major facility means any 404 "facility or activity" classified as such by the Regional Administrator in conjunction with the State Director.

Owner or operator means the owner or operator of any "facility or activity" subject to regulation under the 404 program.

Permit means an authorization, license, or equivalent control document issued by an "approved State" to implement the requirements of this Part and Part 124. "Permit" includes 404 "general permit" (§ 233.37), and 404 "emergency permit" (§ 233.38).

Person means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

Point source means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive material (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. It does not mean:

(a) Sewage from vessels; or

(b) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that injection or disposal will not result in the degradation of ground or surface water resource.

[Note.—Radioactive materials covered by the Atomic Energy Act are those encompassed in its definition of source, byproduct, or special nuclear produced isotopes. See *Train* v. *Colorado Public Interest Research Group Inc.* 426 U.S. 1 (1976)]

Regional Administrator means the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.

Schedule of compliance means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the CWA and its regulations.

Secretary means the Secretary of the Army, acting through the Chief of Engineers.

Section 404 program or *State 404 program* or *404* means an "approved State program" to regulate the "discharge of dredged material" and the "discharge of fill material" under section 404 of the Clean Water Act in "State regulated waters."

Site means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

State means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands

State/EPA Agreement means an agreement between the Regional Administrator and the State which coordinates EPA and State activities, responsibilities and programs including those under the CWA.

State regulated waters means those "waters of the United States" in which the Corps of Engineers suspends the issuance of section 404 permits upon approval of a State's section 404 permit program by the Administrator under section 404(h). These waters shall be identified in the program description as required by § 233.22(h)(1). The Secretary shall retain jurisdiction over the following waters (see CWA section 404(g)(1)):

(a) Waters which are subject to the ebb and flow of the tide;

(b) Waters which are presently used, or are susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce shoreward to their ordinary high water mark; and

(c) "Wetlands" adjacent to waters in paragraphs (a) and (b) of this definition.

Toxic pollutant means any pollutant listed as toxic under section 307(a)(1) of CWA.

Waters of the United States or *waters of the U.S.* means:

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) All interstate waters, including interstate "wetlands;"

(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) Which are used or could be used for industrial purposes by industries in interstate commerce;

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

§ 233.4 Application for a permit.

(a) *Publicity and preapplication consultation.* The State director shall maintain a program to inform, to the extent possible, potential applicants for permits of the requirements of the State program and of the steps required to obtain permits for activities in State regulated waters. The State Director is encouraged to include preapplication consultation as part of this program to assist applicants in understanding the requirements of the environmental guidelines issued under section 404(b)(1) of CWA (40 CFR Part 230) and in fulfilling permit application requirements.

(b) *Application for permit.* Except when an activity is authorized by a general permit under § 233.37 or is exempt from the requirement to obtain a permit under § 233.35, any person who proposes to discharge dredged or fill material into State regulated waters shall complete, sign and submit an application to the State Director. State application forms are subject to EPA review and approval. Procedures for applications, issuance and administration of emergency permits are found exclusively in § 233.38.

(c) *Who applies?* When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

(d) *Completeness.* The Director shall not issue a 404 permit before receiving a complete application for a permit except for 404 general permits or emergency permits. An application for a permit under a program is complete when the Director receives an application form and any supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

(e) *Content of Application.* A complete application shall include the following information:

(1) A complete description of the proposed activity including:

(i) Name, address, and phone number of the applicant; and the names, addresses, and phone numbers of owners of properties adjacent to the site; and if appropriate, the location and dimensions of adjacent structures;

(ii) A description of the source of the dredged or fill material and method of dredging used, if any; a description of the type, composition and quantity of the material; the proposed method of transportation and disposal of the material, including the type of equipment to be used; and the extent (in acres) of the area of waters of the United States to be filled or used for disposal;

(iii) The purpose and intended use of the proposed activity (including whether it is water-dependent); a description of the use of any structures to be erected on the fill; and a schedule for the proposed activity;

(iv) A list of the approvals required by other Federal, interstate, State and local agencies for the activity, including all approvals or denials received; and

(v) A vicinity map identifying the proposed disposal site and the local jurisdiction closest to the disposal site.

(2) Information about the disposal site needed to evaluate compliance with 40 CFR Part 230, including the following:

(i) A description of known alternatives to the proposed discharge, including alternative disposal sites, construction methods, methods of discharge, and reasons for rejecting the alternatives;

(ii) A description of special aquatic sites, public use areas, wildlife refuges, and public water supply intakes in the affected or adjacent areas that may require special protection or preservation;

(iii) Plants, fish, shellfish and wildlife in the disposal site which may be dependent on water quality and quantity;

(iv) Uses of the disposal site which might affect human health and welfare; and

(v) A description of technologies or management practices by which the applicant proposes to minimize adverse environmental effects of the discharge. Guidelines for minimizing the adverse effects of discharges of dredged or fill material are found in 40 CFR Part 230.

[Note.—The State shall provide permit applicants with guidance, either through the application form or on an individual basis, regarding the level of detail of information and documentation required under this paragraph. The level of detail shall be reasonably commensurate with the type and size of discharge, proximity to critical areas, likelihood of presence of long-lived toxic chemical substances, and degree of environmental degradation.]

(3) One original set of drawings and maps, or one set of drawings and maps of reproducible quality, including:

(i) A map showing the following in plan view:

(A) Location of the activity site including latitude, longitude, and river mile, if known;

(B) Name of waterway;

(C) All applicable political (*e.g.*, county, borough, town, city, etc.) boundary lines;

(D) Names of all major roads in the vicinity of the site including the road providing the closest practicable access to the sites;

(E) North arrow,

(F) Arrows showing flow and circulation patterns;

(G) Existing shorelines or ordinary high watermark;

(H) Location of known wetlands;

(I) Water depths and bottom configuration around the project;

(J) Delineation of disposal site;

(K) Size-relationship between the proposed disposal site and affected waters (*e.g.*, a ¼ acre fill in a 15-acre wetland);

(L) Location of previously used dredged material disposal sites with remaining capacity in the vicinity of the projects. The map must indicate retention levees, weirs, and any other devices for retaining dredged or fill material; and

(M) Location of structures, if any, in waters of the United States immediately adjacent to the proposed activity.

including permit numbers, if known. Identify purposes of all structures.

(ii) A cross-sectional view of the proposed project showing the following:

(A) Water elevations;

(B) Water depths at waterward face of proposed work, or if dredging is proposed, showing dredging grade;

(C) Cross-section of fill;

(D) Elevation of spoil areas;

(E) Location of wetlands; and

(F) Delineation of disposal site

(iii) Notes on all maps or drawings submitted, including:

(A) A list of names of adjacent property owners whose property also adjoins the water and who are not shown in the plan view;

(B) A title block for each sheet submitted identifying the proposed activity and containing the name of the body of water; river mile, if applicable; name of county, State and nearest incorporated municipality; name of applicant; number of the sheet and the total number of sheets in set; and date the drawing was prepared.

(C) Graphic or numerical scale.

(f) *Recordkeeping.* Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under § 233.28 for a period of at least 3 years from the date the application is signed.

§ 233.5 Continuation of expiring permits.

A Corps of Engineers issued permit does not continue in force beyond its expiration date under Federal law if at that time a State is the permitting authority. States authorized to administer the 404 program may continue either Corps of Engineers or State issued permits until the effective date of the new permits, if State law allows. Otherwise, the facility or activity is operating without a permit from the time of expiration of the old permit to the effective date of the State-issued new permit.

§ 233.6 Signatories to permit applications and reports.

(a) *Applications.* All permit applications shall be signed as follows:

(1) *For a corporation:* by a principal executive officer of at least the level of vice-president;

(2) *For a partnership or sole proprietorship:* by a general partner or the proprietor, respectively; or

(3) *For a municipality, State, Federal, or other public agency:* by either a principal executive officer or ranking elected official.

(b) *Reports.* All reports required by permits and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

(3) The written authorization is submitted to the Director.

(c) *Changes to authorization.* If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) *Certification.* Any person signing a document under paragraphs (a) or (b) of this section shall make the following certification:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

§ 233.7 Conditions applicable to all permits.

The following conditions apply to all 404 permits. All such conditions shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved State regulations) must be given in the permit.

(a) *Duty to comply.* The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(b) *Duty to reapply.* If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

(c) *Duty to halt or reduce activity.* It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) *Duty to mitigate.* The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

(e) *Proper operation and maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems *only* when necessary to achieve compliance with the conditions of the permit.

(f) *Permit actions.* This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit conditions.

(g) *Property rights.* This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) *Duty to provide information.* The permittee shall furnish to the Director within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

(i) *Inspection and entry.* The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA any substances or parameters at any location.

(j) *Monitoring and records.* (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

(3) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(k) *Signatory requirement.* All applications, reports, or information submitted to the Director shall be signed and certified. (See § 233.4.)

(l) *Reporting requirements.*

(1) *Planned changes.* The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

(2) *Anticipated noncompliance.* The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(3) *Transfers.* This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See § 233.13; in some cases, modification or revocation and reissuance is mandatory.)

(4) *Monitoring reports.* Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(5) *Compliance schedules.* Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(6) *Twenty-four hour reporting.* The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(7) *Other noncompliance.* The permittee shall report all instances of noncompliance not reported under paragraphs (l) (1), (4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

(8) *Other information.* Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

(m) The permittee need not comply with the conditions of this permit to the extent and for the duration that such noncompliance is authorized in an emergency permit. (See § 233.38.)

(n) Activities are not conducted under the authority of this permit if they are not specifically identified and authorized in this permit.

(o) The permittee shall maintain the authorized work areas in good condition and in accordance with the requirements contained in this permit.

(p) If any applicable water quality standards are revised or modified, or if a toxic effluent standard or prohibition under CWA section 307(a) is established for a pollutant present in the permittee's discharge and is more stringent than any limitation in the permit, the permit shall be promptly modified to conform to the standard, limitation or prohibition.

§ 233.8 Establishing permit conditions.

(a) In addition to conditions required in all permits (§ 233.7), the Director shall establish conditions in permits, as required on a case-by-case basis, under § 233.9 (duration of permits), 233.10(a) (schedules of compliance), and 233.11 (monitoring).

(b)(1) In addition the Director shall establish conditions in permits, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the CWA and appropriate regulations.

(2) An applicable requirement is a State statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit, or prior to the modification or revocation and reissuance of a permit, to the extent allowed in § 233.14.

(3) New or reissued permits, and to the extent allowed under § 233.14 modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in § 233.8.

(c) Each permit shall include conditions meeting the following requirements, when applicable;

(1) *Identification.* A specific identification and description of the authorized activity, including:

(i) The name and address of the permittee and the permit application identification number;

(ii) The use or purpose of the discharge;

(iii) The type and quantity of the materials to be discharged;

(iv) Any structures proposed to be erected on fill material; and

(v) The location and boundaries of the discharge site(s), including a detailed sketch and the name and description of affected State regulated waters.

(2) *Environmental guidelines.* Provisions ensuring that the discharge will be conducted in compliance with the environmental guidelines issued under section 404(b)(1) of CWA (40 CFR Part 230), including conditions to ensure that the discharge will be conducted in a manner which minimizes adverse impacts upon the physical, chemical, and biological integrity of the waters of the United States, such as requirements for restoration or mitigation.

(3) *Water quality standards.* Any requirements necessary to comply with water quality standards established under applicable Federal or State law. If an applicable water quality standard is promulgated after the permit is issued, it

shall be modified as provided in § 233.7(p).

(4) *Toxic effluent guidelines or prohibitions.* Requirements necessary to comply with any applicable toxic effluent standard or prohibition under section 307(a) of CWA or applicable State or local law. If an applicable toxic effluent standard or prohibition is promulgated after the permit is issued, it shall be modified as provided in § 233.7(p).

(5) *Best Management Practices.* Applicable BMPs approved by a Statewide CWA section 208(b)(4) agency as provided in the agreement described in § 233.41(a)(1).

(6) *General permits.* Any conditions necessary for general permits as required under § 233.37.

(7) *Commencement of work.* A specific date on which the permit shall automatically expire, unless previously revoked and reissued or modified or continued, if the authorized work has not been commenced.

(d) *Incorporation.* All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

§ 233.9 Duration of permits.

(a) Section 404 permits shall be effective for a fixed term not to exceed 5 years.

(b) Except as provided in § 233.5, the term of a permit shall not be extended by modification beyond the maximum duration specified in this section.

(c) The Director may issue any permit for a duration that is less than the full allowable term under this section.

§ 233.10 Schedules of compliance.

(a) *General.* The permit may, when appropriate, specify a schedule of compliance leading to compliance with the CWA and appropriate regulations.

(1) *Time for compliance.* Any schedules of compliance under this section shall require compliance as soon as possible.

(2) *Interim dates.* Except as provided in paragraph (b)(1)(ii) of this section, if a permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

(i) The time between interim dates shall not exceed 1 year.

(ii) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(3) *Reporting.* The permit shall be written to require that no later than 14 days following each interim date and the final date of compliance, the permittee shall notify the Director in writing of its compliance or noncompliance with the interim or final requirements, or submit progress reports if paragraph (a)(1)(ii) of this section is applicable.

§ 233.11 Requirements for recording and reporting of monitoring results.

All permits shall specify:

(a) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);

(b) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring;

(c) Applicable reporting requirements based upon the impact of the regulated activity.

§ 233.12 Effect of a permit.

(a) Compliance with a permit during its term constitutes compliance, for purpose of enforcement, with sections 301, 307, and 403 of CWA. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in §§ 233.14 and 233.15.

(b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

§233.13 Transfer of permits.

Transfer by modification. A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under § 233.14(b)(2) or a minor modification made (under § 233.16(d)) to identify the new permittee and incorporate such other requirements as may be necessary under the Act.

§ 233.14 Modification or revocation and reissuance of permits.

When the Director receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see § 233.7), receives a request for modification or revocation and reissuance under § 124.5 of this chapter, or conducts a review of the permit file) he or she may determine whether or not one or more of the causes listed in paragraphs (a) and (b) of this section for modification or revocation and reissuance or both exist. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to the limitations of paragraph (c) of this section, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reisued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. See § 124.5(c)(2). If cause does not exist under this section or § 233.16, the Director shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in § 233.16 for "minor modifications" the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared (if required under § 233.39(b)(1)), and procedures of an approved State program followed.

(a) *Causes for modification.* The following are causes for modification but not revocation and reissuance of permits. The following may be causes for revocation and reissuance as well as modification when the permittee requests or agrees.

(1) *Alterations.* There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

(2) *Information.* The Director has received information. Permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For 404 general permits (§ 233.37) this cause shall include any information indicating that cumulative effects on the environment are unacceptable.

(3) *New regulations.* The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows: (i) For promulgation of amended standards or regulations, when:

(A) The permit condition requested to be modified was based on an EPA approved or promulgated water quality standard; and

(B) EPA has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based, or has approved a State action with regard to a water quality standard on which the permit condition was based; and

(C) A permittee requests modification in accordance with § 124.5 within ninety (90) days after **Federal Register** notice of the action on which the request is based.

(ii) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated standards if the remand and stay concern that portion of the standards on which the permit condition was based and a request is filed by the permittee in accordance with § 124.5 within ninety (90) days of judicial remand.

(4) *Compliance schedules.* The Director determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or material shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

(5) The Director shall modify a permit to reflect toxic effluent standards or prohibitions or water quality standards, under the "reopener" condition of § 233.7(d).

(b) *Causes for modification or revocation and reissuance.* The following are causes to modify or, alternatively, revoke and reissue a permit:

(1) Cause exists for termination under § 233.15, and the Director determines that modification or revocation and reissuance is appropriate.

(2) The Director has received notification (as required in the permit, see § 233.7(l)(3)) of a proposed transfer of the permit.

§ 233.15 Termination of permits.

The following are causes for terminating a permit during its term, or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

(d) Permits may be modified or terminated when there is a change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit (for example, plant closure).

§ 233.16 Minor modifications of permits.

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of Part 124 of this Chapter. Any permit modification not processed as a minor modification under this section must be made for cause and with Part 124 draft permit and public notice as required in § 233.14(a). Minor modifications may only:

(a) Correct typographical errors;

(b) Require more frequent monitoring or reporting by the permittee;

(c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or

(d) Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director.

(e) Extend the term of a State section 404 permit, so long as the modification does not extend the term of the permit beyond 5 years from its original effective date.

§ 233.17 Noncompliance and program reporting by the Director.

The Director shall prepare quarterly and annual reports as detailed below and shall submit them to the Regional Administrator.

(a) *Quarterly reports for State 404 programs.* The Director shall submit noncompliance reports for section 404 discharges specified under § 233.24(f)(1)(i)(A)–(E) containing the following information:

(1) Name, location, and permit number of each noncomplying permittee;

(2) A brief description and date of each instance of noncompliance, which should include the following:

(i) Any unauthorized discharges of dredged or fill material subject to the State's jurisdiction or any noncompliance with permit conditions; and

(ii) A description of investigations conducted and of any enforcement actions taken or contemplated.

(b) *Annual report for State 404 programs.* The State Director shall submit to the Regional Administrator an annual report assessing the cumulative impacts of the State's permit program on the integrity of State regulated waters. This report shall include:

(1) The number and nature of individual permits issued by the State during the year. This should include the locations and types of water bodies where permitted activities are sited (for example, wetlands, rivers, lakes, and other categories which the Director and Regional Administrator may establish);

(2) The number of acres of each of the categories of waters in paragraph (b)(1) of this section which were filled or which received any discharge of dredge material during the year (either by authorized or unauthorized activities);

(3) The number and nature of permit applications denied; and permits modified, revoked and reissued, or terminated during the year;

(4) The number and nature of permits issued under emergency conditions, as provided in § 233.38;

(5) The approximate number of persons in the State discharging dredged or fill material under general permits and an estimate of the cumulative impacts of these activities.

(c) *Schedule.* (1) For all quarterly reports. On the last working day of May, August, November, and February, the State Director shall submit to the Regional Administrator information concerning noncompliance with State 404 permit requirements by major dischargers or other dischargers with the following schedule.

QUARTERS COVERED BY REPORTS ON NONCOMPLIANCE BY MAJOR DISCHARGERS

[Date for completion of reports]

January, February, and March	May 31 [1]
April, May, and June	August 31 [1]
July, August, and September	November 30 [1]
October, November, and December	February 28 [1]

[1] Reports must be made available to the public for inspection and copying on this date

(2) *For all annual reports.* The period for annual reports shall be for the calendar year ending December 31, with reports completed and available to the public no more than 60 days later.

§ 233.18 Confidentiality of information.

Claims of confidentiality for the following information will be denied:

(a) The name and address of any permit applicant or permittee;

(b) Permit applications and permits; and

(c) Effluent data.

Subpart C—State Program Requirements

§ 233.20 Purpose and scope.

(a) This subpart specifies the procedures EPA will follow in approving, revising, and withdrawing State programs under Section 404 of the CWA, and the requirements State programs must meet to be approved by the Administrator under Section 404.

(b) State submissions for program approval must be made in accordance with the procedures set out in this Subpart. This includes developing and submitting to EPA a program description (§ 233.22), an Attorney General's statement (§ 233.23), a Memorandum of Agreement with the Regional Administrator (§ 233.24), and with the Secretary (§ 233.25).

(c) The substantive provisions which must be included in State programs for them to be approved, including requirements for permitting, compliance evaluation, enforcement, public participation, and sharing of information, are found in this Part and in § 233.26.

(d) Upon submission of a complete program, EPA will conduct a public hearing, if interest is shown, and determine whether to approve or disapprove the program, taking into consideration the requirements of this Part, the CWA and any comments received.

(e) The Administrator shall approve State programs which conform to the applicable requirements of this Part.

(f) Upon approval of a State program, the Secretary shall suspend the issuance of Federal permits for those activities subject to the approved State program.

(g) Any State program approved by the Administrator shall at all times be conducted in accordance with the requirements of this Part.

(h) States are encouraged to consolidate their permitting activities. These regulations do not require consolidation.

(i) Partial State programs are not allowed under 404. Except as provided in § 233.35, the State program must regulate all discharges of dredged or fill material into State regulated waters. State section 404 programs are limited under section 404(g)(1) of CWA to coverage of such State regulated waters. See the definition of "State regulated waters" in § 233.3. However, in many cases States will lack authority to regulate activities on Indian lands. This lack of authority does not impair a State's ability to obtain full program approval in accordance with this Part, i.e., inability of a State to regulate activities on Indian lands does not constitute a partial program. The Secretary will administer the program on Indian lands if the State does not seek this authority.

[Note.—States are advised to contact the United States Department of the Interior, Bureau of Indian Affairs, concerning authority over Indian lands.]

(j) Nothing in this Part precludes a State from:

(1) Adopting or enforcing requirements which are more stringent or more extensive than those required under this Part;

(2) Operating a program with a greater scope of coverage than that required under this Part. Where an approved State program has greater scope of coverage than required by federal law the additional coverage is not part of the Federally approved program.

[Note.—State assumption of the Section 404 program is limited to certain waters, as provided in paragraph (j) of this section. The federal program operated by the Corps of Engineers continues to apply to the remaining waters in the State even after program approval. However, this does not restrict States from regulating discharges of dredged or fill materials into those waters over which the Secretary retains section 404 jurisdiction.]

§ 233.21 Elements of a program submission.

(a) Any State that seeks to administer a program under this Part shall submit to the Administrator at least three copies of a program submission. The submission shall contain the following:

(1) A letter from the Governor of the State requesting program approval;

(2) A complete program description, as required by § 233.22, describing how the State intends to carry out its responsibilities under this Part;

(3) An Attorney General's statement as required by § 233.23;

(4) A Memorandum of Agreement with the Regional Administrator as required by § 233.24, and a Memorandum of Agreement with the Secretary as required by § 233.25;

(5) Copies of all applicable State statutes and regulations, including those governing State administrative procedures;

(b) Within 30 days of receipt by EPA of a State program submission, EPA will notify the State whether its submission is complete. If EPA finds that a State's submission is complete, the statutory review period (i.e., the period of time allotted for formal EPA review of a proposed State program under the CWA) shall be deemed to have begun on the date of receipt of the State's submission. If EPA finds that a State's submission is incomplete, the statutory review period shall not begin until all the necessary information is received by EPA.

(c) If the State's submission is materially changed during the statutory review period, the statutory review period shall begin again upon receipt of the revised submission.

(d) The State and EPA may extend the statutory review period by agreement.

§ 233.22 Program description.

Any State that seeks to administer a 404 program shall submit a description of the program it proposes to administer in lieu of the Federal program under State law or under an interstate compact. The program description shall include:

(a) A description in narrative form of the scope, structure, coverage and processes of the State program.

(b) A description (including organization charts) of the organization and structure of the State agency or agencies which will have responsibility for administering the program, including the information listed below. If more than one agency is responsible for administration of a program, each agency must have statewide jurisdiction over a class of activities. The responsibilities of each agency must be delineated, their procedures for coordination set forth, and an agency may be designated as a "lead agency" to facilitate communications between EPA and the State agencies having program responsibility. Where the State proposes to administer a program of greater scope of coverage than is required by Federal law, the information provided under this paragraph shall indicate the resources dedicated to administering the Federally required portion of the program.

(1) A description of the State agency staff who will carry out the State program, including the number, occupations, and general duties of the employees. The State need not submit complete job descriptions for every employee carrying out the State program.

(2) An itemization of the estimated costs of establishing and administering the program for the first two years after approval, including cost of the personnnel listed in paragraph (b)(1) of this section, cost of administrative support, and cost of technical support.

(3) An itemization of the sources and amounts of funding, including an estimate of Federal grant money, available to the State Director for the first two years after approval to meet the costs listed in paragraph (b)(2) of this section, identifying any restrictions or limitations upon this funding.

(c) A description of applicable State procedures, including permitting procedures and any State administrative or judicial review procedures.

(d) Copies of the permit form(s), application form(s), and reporting form(s) the State intends to employ in its program. State section 404 application forms must include the information required by § 233.4 and State section 404 permit forms must include the information conditions required by § 233.7.

(e) A complete description of the State's compliance tracking and enforcement program.

(f) A description of State regulated waters.

[Note.—States should obtain from the Secretary an identification of those waters of the U.S. within the State over which the Corps of Engineers retains authority under section 404(g) of CWA.]

(g) A categorization, by type and quantity, of discharges within the State, and an estimate of the number of discharges within each category for which the discharger must file for a permit.

(h) An estimate of the number and percent of activities within each category for which the State has already issued a State permit regulating the discharge.

(i) In accordance with § 233.35(a)(6), a description of the specific best management practices requirements proposed to be used to satisfy the exemption provisions of section 404(f)(1)(E) of CWA for construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment.

(j) A description of how the State section 404 agency(ies) will interact with other State and local agencies.

(k) A description of how the State will coordinate its enforcement strategy with that of the Corps of Engineers and EPA.

(l) Where more than one agency within a State has responsibility for administering the State program:

(1) A memorandum of understanding among all the responsible State agencies which establishes:

(i) Procedures for obtaining and exchanging information necessary for each agency to determine and assess the cumulative impacts of all activities authorized under the State program:

(ii) Common reporting requirements; and

(iii) Any other appropriate procedures not inconsistent with section 401 of the CWA or these regulations;

(2) A description of procedures for coordinating compliance monitoring and enforcement, distributing among the responsible agencies information received from applicants and permittees, and issuing reports required by section 404 of CWA or these regulations.

(m) Where several State 404 permits are required for a single project, a description of procedures for:

(1) Ensuring that all the necessary State 404 permits are issued before any of the permits go into effect; and

(2) Concurrent processing and, where appropriate, joint processing of all of the necessary State 404 permits.

§ 233.23 Attorney General's statement.

(a) Any State that seeks to administer a 404 program shall submit a statement from the State Attorney General (or the attorney for those State or interstate agencies which have independent legal counsel) that the laws of the State, or an interstate compact, provide adequate authority to carry out the program described under § 233.22 and to meet the requirements of this Part. This statement shall include citations to the specific statutes, administrative regulations, and, where appropriate, judicial decisions which demonstrate adequate authority. State statutes and regulations cited by the State Attorney General or independent legal counsel shall be in the form of lawfully adopted State statutes and regulations at the time the statement is signed and shall be fully effective by the time the program is approved. To qualify as "independent legal counsel" the attorney signing the statement required by this section must have full authority to independently represent the State agency in court on all matters pertaining to the State program.

(b) When a State seeks authority on Indian lands, the statement shall contain an appropriate analysis of the State's autocracy.

(c)(1) The State Attorney General's statement shall contain an analysis of State law regarding the prohibition on taking private property without just compensation, including any applicable judicial interpretations, and an assessment of the effect such law will have on the successful implementation of the State's regulation of the discharge of dredged or fill material.

(2) Where more than one agency has responsibility for administering the State program, the Attorney General's Statement shall include certification that each agency has full authority to administer the program within its category of jurisdiction and that the State as a whole has full authority to administer a complete State section 404 program.

§ 233.24 Memorandum of Agreement with the Regional Administrator.

(a) Any State that seeks to administer a 404 program shall submit a Memorandum of Agreement. The Memorandum of Agreement shall be executed by the State Director and the Regional Administrator and shall become effective when approved by the Administrator. In addition to meeting the requirements of paragraph (b) of this section, the Memorandum of Agreement may include other terms, conditions, or agreements consistent with this Part and relevant to the administration and enforcement of the State's regulatory program. The Administrator shall not approve any Memorandum of Agreement which contains provisions which restrict EPA's statutory oversight responsibility.

(b) The Memorandum of Agreement shall include the following:

(1) Provisions specifying the frequency and content of reports, documents and other information which the State is required to submit to EPA. The State shall allow EPA to routinely review State records, reports, and files relevant to the administration and enforcement of the approved program. State reports may be combined with grant reports where appropriate. These procedures shall implement the requirements of § 233.39.

(2) Provisions on the State's compliance monitoring and enforcement program, including:

(i) Provisions for coordination of compliance monitoring activities by the Stat and by EPA. These may specify the basis on which the Regional Administrator will select facilities or activities within the State for EPA inspection. The Regional Administrator will normally notify the State at least 7 days before any such inspection; and

(ii) Procedures to assure coordination of enforcement activities.

(3) Provisions for modification of the Memorandum of Agreement in accordance with this Part.

(c) The Memorandum of Agreement, the annual program grant and the State/EPA Agreement should be consistent. If the State/EPA Agreement indicates that a change is needed in the Memorandum of Agreement, the Memorandum of Agreement may be amended through the procedures set forth in this part. The State/EPA Agreement may not override the Memorandum of Agreement.

[Note.—Detailed program priorities and specific arrangements for EPA support of the State program will change and are therefore more appropriately negotiated in the context of annual agreements rather than in the MOA. However, it may still be appropriate to

specify in the MOA the basis for such detailed agreements, e.g., a provision in the MOA specifying that EPA will select facilities in the State for inspection annually as part of the State/EPA agreement.]

(d)(1) The Memorandum of Agreement with the Regional Administrator shall also specify:

(i) The categories (including any class, type, or size within such categories) of discharges for which EPA will waive review of State-issued permit applications, draft permits, and proposed general permits. While the Regional Administrator and the State, after consultation with the Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service, may agree to waive Federal review of certain "classes or categories" of permits, no waiver may be granted for the following activities:

(A) Discharges which may affect the waters of a State other than the one in which the discharge originates;

(B) Major discharges;

(C) Discharges into critical areas established under State or Federal law including fish and wildlife sanctuaries or refuges, National and historical monuments, wilderness areas and preserves, National and State parks, components of the National Wild and Scenic Rivers system, the designated critical habitat of threatened or endangered species, and sites identified or proposed under the National Historic Preservation Act;

(D) General permits;

(E) Discharges known or suspected to contain toxic pollutants in toxic amounts under section 307(a)(1) of CWA or hazardous substances in reportable quantities under section 311 of CWA.

(ii) A definition of major discharges.

(2) Where more than one agency within a State has responsibility for administering the program, all of the responsible agencies shall be parties to the Memorandum of Agreement.

(e) Whenever a waiver is granted under paragraph (d)(1) of this section, the Memorandum of Agreement shall contain:

(1) A statement that the Regional Administrator retains the right to terminate the waiver as to future permit actions, in whole or in part, at any time by sending the State Director written notice of termination; and

(2) A statement that the State shall supply EPA, the Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service (unless receipt is waived in writing) with copies of final permits.

§ 233.25 Memorandum of Agreement with the Secretary.

Before a State program is approved under this Part, the State shall enter into a Memorandum of Agreement with the Secretary. Where more than one agency within a State has responsibility for administering the State program, all of the responsible agencies shall be parties to the Memorandum of Agreement. The Memorandum of Agreement shall include:

(a) A description of State regulated waters, as identified by the Secretary.

(b) Where an agreement is reached, procedures for joint processing of permits for activities which require both a section 404 permit from the State and a section 9 or 10 permit from the Secretary under the River and Harbor Act of 1899, provided such procedures satisfy the requirements of this Part.

(c) An identification of those general permits, if any, issued by the Secretary, the terms and conditions of which the State intends to administer and enforce upon receiving approval of its program and a plan for transferring responsibility for these permits to the State, including procedures for the prompt transmission from the Secretary to the State Director of relevant information not already in the possession of the State Director including support files for permit issuance, compliance reports and records of enforcement actions. In many instances States will lack the authority to directly administer permits by the Federal government. However, procedures authorized under State law may be established to transfer responsibility for these permits.

(d) Procedures whereby the Secretary will, upon program approval, transfer to the State pending section 404 permit applications and other relevant information, not already in the possession of the State Director.

(e) Procedures to ensure that the State Director will not issue a permit on the basis of any application received from the Secretary which the Secretary has identified as incomplete or otherwise deficient until the State Director receives information sufficient to correct the deficiency.

(f) A provision that the State shall not issue any section 404 permit for a discharge which, in the judgment of the Secretary after consultation with the Secretary of the Department in which the Coast Guard is operating, would substantially impair anchorage or navigation.

(g) Those classes or categories, if any, of proposed State permits for which the Secretary waives the right to review.

(h) Other matters not inconsistent with this Part that the Secretary and the State deem appropriate.

[Note.—For example, where a State permit program includes coverage of those traditionally navigable waters in which only the Secretary may issue section 404 permits (by virtue of section 404(g)(1) of CWA), the State is strongly encouraged to establish in this MOA procedures for joint processing of Federal and State permits, including joint public notices and public hearings.]

§ 233.26 Requirements for permitting.

(a) All State 404 programs must have legal authority to implement each of the following provisions and must be administered in conformance with each; except that States are not precluded from omitting or modifying any provisions to impose more stringent requirements:

(1) § 233.4—(Application for a permit).

(2) § 233.6—(Signatories);

(3) § 233.7—(Applicable permit conditions);

(4) § 233.8—(Establishing permit conditions);

(5) § 233.9—(Duration);

(6) § 233.10—(Schedules of compliance);

(7) § 233.11—(Monitoring requirements);

(8) § 233.12—(Effect of permit);

(9) § 233.13—(Permit transfer);

(10) § 233.14—(Permit modification);

(11) § 233.15—(Permit termination);

(12) § 233.17—(Noncompliance reporting);

(13) § 233.18—(Confidential information);

(14) § 124.3(a)—(Application for a permit);

(15) § 124.5(a), (c), (d), and (f)—(Modification of permits) except as provided in § 233.39(b)(2);

(16) § 124.6(a), (c), (d), and (e)—(Draft permit) except as provided in § 233.39(b)(2);

(17) § 124.8—(Fact sheets) except as provided in § 233.39(b)(2);

(18) § 124.10(a)(1)(ii), (a)(1)(iii), (a)(1)(v), (b), (c), (d), and (e)—(Public notice);

(19) § 124.11—(Public comments and requests for hearings);

(20) § 124.12(a)—(Public hearings); and

(21) § 124.17(a) and (c)—(Response to comments).

[Note.—States need not implement provisions identical to the above listed provisions. Implemented provisions must, however, establish requirements at least as stringent as the corresponding listed provisions. While States may impose more stringent requirements, they may not make one requirement more lenient as a tradeoff for making another requirement more

stringent; for example, by requiring that public hearings be held prior to issuing any permit while reducing the amount of advance notice of such a hearing. State programs may, if they have adequate legal authority, implement any of the provisions of EPA's other permit regulations.]

(b)(1) State 404 permit programs shall have an approved continuing planning process under 40 CFR 35.1500 and shall assure that the approved planning process is at all times consistent with CWA.

(2) State 404 programs shall ensure that any board or body which approves all or portions of permits shall not include as a member any person who receives, or has during the previous 3 years received, a significant portion of income directly or indirectly from permit holders or applicants for a permit.

(i) For the purposes of this subparagraph:

(A) "Board or body" includes any individual, including the Director, who has or shares authority to approve all or portions of permits either in the first instance, as modified or reissued, or on appeal.

(B) "Significant portion of income" means 10 percent or more of gross personal income for a calendar year, except that it means 50 percent or more of gross personal income for a calendar year if the recipient is over 60 years of age and is receiving that portion under retirement, pension, or similar arrangement.

(C) "Permit holders or applicants for a permit" does not include any department or agency of a State government, such as a Department of Parks or a Department of Fish and Wildlife.

(D) "Income" includes retirement benefits, consultant fees, and stock dividends.

(ii) For the purposes of this subparagraph, income is not received "directly or indirectly from permit holders or applicants for a permit" when it is derived from mutual fund payments, or from other diversified investments for which the recipient does not know the identity of the primary sources of income.

§ 233.27 Requirements for compliance evaluation programs.

(a) State programs shall have procedures for receipt, evaluation, retention and investigation for possible enforcement of all notices and reports required of permittees and other regulated persons (and for investigation for possible enforcement of failure to submit these notices and reports).

(b) State programs shall have inspection and surveillance procedures to determine, independent of information supplied by regulated persons, compliance or noncompliance with applicable program requirements. The State shall maintain:

(1) A program which is capable of making comprehensive surveys of all facilities and activities subject to the State Director's authority to identify persons subject to regulation who have failed to comply with permit application or other program requirements. Any compilation, index, or inventory of such facilities and activities shall be made available to the Regional Administrator upon request;

(2) A program for periodic inspections of the facilities and activities subject to regulation. These inspections shall be conducted in a manner designed to:

(i) Determine compliance or noncompliance with issued permit conditions and other program requirements;

(ii) Verify the accuracy of information submitted by permittees and other regulated persons in reporting forms and other forms supplying monitoring data; and

(iii) Verify the adequacy of sampling, monitoring, and other methods used by permittees and other regulated persons to develop that information;

(3) A program for investigating information obtained regarding violations of applicable program and permit requirements; and

(4) Procedures for receiving and ensuring proper consideration of information submitted by the public about violations. Public effort in reporting violations shall be encouraged, and the State Director shall make available information on reporting procedures.

(c) The State Director and State officers engaged in compliance evaluation shall have authority to enter any site or premises subject to regulation or in which records relevant to program operation are kept in order to copy any records, inspect, monitor or otherwise investigate compliance with the State program including compliance with permit conditions and other program requirements. States whose law requires a search warrant before entry must conform with this requirement.

(d) Investigatory inspections shall be conducted, samples shall be taken and other information shall be gathered in a manner (e.g., using proper "chain of custody" procedures) that will produce evidence admissible in an enforcement proceeding or in court.

§ 233.28 Requirements for enforcement authority.

(a) Any State agency administering a program shall have available the following remedies for violations of State program requirements:

(1) To restrain immediately and effectively any person by order or by suit in State court from engaging in any unauthorized activity which is endangering or causing damage to public health or the environment;

[Note.—This subparagraph requires that States have a mechanism (e.g., an administrative cease and desist order or the ability to seek a temporary restraining order) to stop any unauthorized activity endangering public health or the environment.]

(2) To sue in courts of competent jurisdiction to enjoin any threatened or continuing violation of any program requirement, including permit conditions, without the necessity of a prior revocation of the permit;

(3) To immediately and effectively halt or remove any unauthorized discharges of dredged or fill material, including the authority to issue a cease and desist order, interim protection order, or restoration order to any person responsible for, or involved in, an unauthorized discharge.

(4) To assess or sue to recover in court civil penalties and to seek criminal remedies, including fines, as follows:

(i) (A) Civil penalties shall be recoverable for the violation of any section 404 permit condition; any section 404 filing requirement; any duty to allow or carry out inspection, entry or monitoring activities; or, any regulation or orders issued by the State Director. Such penalties shall be assessable in at least the amount of $5,000 per day for each violation.

(B) Criminal fines shall be recoverable against any person who willfully or negligently violates any applicable standards or limitations; any section 404 permit condition; or any section 404 filing requirement. Such fines shall be assessable in at least the amount of $10,000 per day for each violation.

[Note.—States which provide the criminal remedies based on "criminal negligence," "gross negligence" or strict liability satisfy the requirement of paragraph (a)(3)(i)(B) of this section.]

(C) Criminal fines shall be recoverable against any person who knowingly makes any false statement, representation or certification in any section 404 form, in any notice or report required by a section 404 permit, or who knowingly renders inaccurate any monitoring device or method required to

be maintained by the Director. Such fines shall be recoverable in at least the amount of $5,000 for each instance of violation.

[Note.—In many States the State Director will be represented in State courts by the State Attorney General or other appropriate legal officer. Although the State Director need not appear in court actions, he or she should have power to request that any of the above actions be brought.]

(b)(1) The maximum civil penalty or criminal fine (as provided in paragraph (a)(4) of this section) shall be assessable for each instance of violation and, if the violation is continuous, shall be assessable up to the maximum amount for each day of violation.

(2) The burden of proof and degrees of knowledge or intent required under State law for establishing violations under paragraph (a)(4) of this section, shall be no greater than the burden of proof or degree of knowledge or intent EPA must provide when it brings an action under the CWA;

[Note.—For example, this requirement is not met if State law includes mental state as an element of proof for civil violations.]

(c) Any civil penalty assessed, sought or agreed upon by the State Director under paragraph (a)(4) of this section shall be appropriate to the violation. A civil penalty agreed upon by the State Director in settlement of administrative or judicial litigation may be adjusted by a percentage which represents the likelihood of success in establishing the underlying violation(s) in such litigation. If such civil penalty, together with the costs of expeditious compliance, would be so severely disproportionate to the resources of the violator as to jeopardize continuance in business, the payment of the penalty may be deferred or the penalty may be forgiven in whole, or part, as circumstances warrant. In the case of a penalty for a failure to meet a statutory or final permit compliance deadline, "appropriate to the violation" as used in this paragraph, means a penalty which is equal to:

(1) An amount appropriate to redress the harm or risk to public health or the environment; plus

(2) An amount appropriate to remove the economic benefit gained or to be gained from delayed compliance; plus

(3) An amount appropriate as a penalty for the violator's degree of recalcitrance, defiance, or indifference to requirements of the law; plus

(4) An amount appropriate to recover unusual or extraordinary enforcement costs thrust upon the public; minus

(5) An amount, if any, appropriate to reflect any part of the noncompliance attributable to the government itself; and minus

(6) An amount appropriate to reflect any part of the noncompliance caused by factors completely beyond the violator's control (*e.g.*, floods, fires).

[Note.—In addition to the requirements of this paragraph, the State may have other enforcement remedies. The following enforcement options, while not mandatory, are highly recommended:

Procedures for assessment by the State of the costs of investigations, inspections, or monitoring surveys which lead to the establishment of violations;

Procedures which enable the State to assess or to sue any persons responsible for unauthorized activities for any expenses incurred by the State in removing, correcting or terminating any adverse effects upon human health and the environment resulting from the unauthorized activity, whether or not accidental;

Procedures which enable the State to sue for compensation for any loss or destruction of wildlife, fish or aquatic life, or their habitat, and for any other damages caused by unauthorized activity, either to the State or to any residents of the State who are directly aggrieved by the unauthorized activity, or both; and

Procedures for the administrative assessment of penalties by the Director.]

(d) Any State administering a program shall provide for public participation in the State enforcement process by providing either:

(1) Authority which allows intervention as of right in any civil or administrative action to obtain remedies specified in paragraphs (a)(1), (2), (3), or (4) of this section by any citizen having an interest which is or may be adversely affected; or

(2) Assurance that the State agency or enforcement authority will:

(i) Investigate and provide written responses to all citizen complaints submitted pursuant to the procedures specified in § 233.27(b)(4);

(ii) Not oppose intervention by any citizen when permissive intervention may be authorized by statute, rule, or regulation; and

(iii) Publish notice of and provide at least 30 days for public comment on any proposed settlement of a State enforcement action.

§ 233.29 Sharing of information.

(a) Any information obtained or used in the administration of a State program shall be available to EPA upon request without restriction. If the information has been submitted to the State under a claim of confidentiality, the State must submit the claim to EPA when providing information under this section. Any information obtained from a State and subject to a claim of confidentiality will be treated in accordance with the regulations in 40 CFR Part 2. If EPA obtains from a State information that is not claimed to be confidential, EPA may make that information available to the public without further notice.

(b) EPA shall furnish to States with approved programs the information in its files not submitted under a claim of confidentiality which the State needs to implement its approved program. EPA shall furnish to States with approved programs information submitted to EPA under a claim of confidentiality, which the State needs to implement its approved program subject to the conditions in 40 CFR Part 2.

§ 233.30 Coordination with other programs.

(a) Issuance of State 404 permits may be coordinated with issuance of RCRA, UIC, and NPDES permits whether they are controlled by the State or EPA. See § 124.4.

(b) The State Director of any approved 404 program which may affect the planning for and development of hazardous waste management facilities and practices shall consult and coordinate with agencies designated under section 4006(b) of RCRA (40 CFR Part 255) as responsible for the development and implementation of State solid waste management plans under section 4002(b) of RCRA (40 CFR Part 256).

§ 233.31 Approval process.

(a) Within 10 days of receipt of a complete State section 404 program submission under § 233.21 of this Part, the Administrator shall provide copies of the State's submission to the Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service.

(b) After determining that a State program submission is complete, EPA shall publish notice of the State's application in the **Federal Register**, and in enough of the largest newspapers in the State to attract Statewide attention, and shall mail notice to persons known to be interested in such matters, including all persons on appropriate State, EPA, Corps of Engineers, U.S. Fish and Wildlife Service, and National Marine Fisheries Service mailing lists and all permit holders and applicants within the State. This notice shall:

(1) Provide a comment period of not less than 45 days during which interested members of the public may express their views on the State program;

(2) Provide for a public hearing within the State to be held no less than 30 days

after notice of the hearing is published in the **Federal Register**;

(3) Indicate the cost of obtaining a copy of the State's submission;

(4) Indicate where and when the State's submission may be reviewed by the public;

(5) Indicate whom an interested member of the public should contact with any questions; and

(6) Briefly outline the fundamental aspects of the State's proposed program, and the process for EPA review and decision.

(c) Within 90 days of receipt of a complete program submission under § 233.21, the Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service shall submit any comments on the State program.

(d) Within 120 days of the receipt of a complete program submission under § 233.21, the Administrator shall approve or disapprove the program based on the requirements of this Part and of CWA and taking into consideration all comments received. A responsiveness summary shall be prepared by the Regional Office which identifies the public participation activities conducted, describes the matters presented to the public, summarizes significant comments received, and explains the Agency's response to these comments. The Administrator shall respond individually to comments received from the Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service.

(e) If the Administrator approves the State's section 404 program he or she shall notify the State and the Secretary and publish public notice in the **Federal Register**. The Secretary shall suspend the issuance of section 404 permits by the Corps of Engineers within the State, except for those waters specified in section 404(g)(1) of CWA and not identified in the program description under 233.22(h)(1) as State regulated waters.

(f) If the Administrator disapproves the State program he or she shall notify the State of the reasons for the disapproval and of any revisions or modifications to the State program which are necessary to obtain approval.

§ 233.32 Procedures for revision of State programs.

(a) Either EPA or the approved State may initiate program revision. Program revision may be necessary when the controlling Federal or State statutory or regulatory authority is modified or supplemented. The State shall keep EPA fully informed of any proposed modifications to its basic statutory or regulatory authority, its forms, procedures, or priorities.

(b) Revision of a State program shall be accomplished as follows:

(1) The State shall submit a modified program description, Attorney General's statement, Memorandum of Agreement, or such other documents as EPA determines to be necessary under the circumstances.

(2) Whenever EPA determines that the proposed program revision is substantial, EPA shall issue public notice and provide an opportunity to comment for a period of at least 30 days. The public notice shall be mailed to interested persons and shall be published in the **Federal Register** and in enough of the largest newspapers in the State to provide Statewide coverage. The public notice shall summarize the proposed revisions and provide for the opportunity to request a public hearing. Such a hearing will be held if there is significant public interest based on requests received.

(3) The Administrator shall approve or disapprove revisions based on the requirements of this Part and of the CWA.

(4) A program revision shall become effective upon the approval of the Administrator. Notice of approval of any substantial program revision shall be published in the **Federal Register**. Notice of approval of non-substantial program revisions may be given by a letter from the Administrator to the State Governor or his designee.

(c) States with approved programs shall notify EPA whenever they proposed to transfer all or part of any program from the approved State agency to any other State agency, and shall identify any new division of responsibilities among the agencies involved. The new agency is not authorized to administer the program until approved by the Administrator under paragraph (b) of this section. Organizational charts required under § 233.22(b) shall be revised and resubmitted.

(d) Whenever the Administrator has reason to believe the circumstances have changed with respect to a State program, he may request, and the State shall provide, a supplemental Attorney General's statement, program description, or such other documents or information as are necessary.

(e) The Regional Administrator shall consult with the Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service regarding any substantial program revision, and shall consider their recommendations prior to approval of any such revision.

§ 233.33 Criteria for withdrawal of State programs.

(a) The Administrator may withdraw program approval when a State program no longer complies with the requirements of this Part, and the State fails to take corrective action. Such circumstances include the following:

(1) When the State's legal authority no longer meets the requirements of this Part, including:

(i) Failure of the State to promulgate or enact new authorities when necessary; or

(ii) Action by a State legislature or court striking down or limiting State authorities.

(2) When the operation of the State program fails to comply with the requirements of this Part, including:

(i) Failure to exercise control over activities required to be regulated under this Part, including failure to issue permits;

(ii) Issuance of permits do not conform to the requirements of this Part; or

(iii) Failure to comply with the public participation requirements of this Part.

(3) When the State's enforcement program fails to comply with the requirements of this Part, including:

(i) Failure to act on violations of permits or other program requirements;

(ii) Failure to seek adequate enforcement penalties or to collect administrative fines when imposed; or

(iii) Failure to inspect and monitor activities subject to regulation.

(4) When the State program fails to comply with the terms of the Memorandum of Agreement required under § 233.24.

§ 233.34 Procedures for withdrawal of State programs.

(a) A State with a program approved under this Part may voluntarily transfer program responsibilities required by Federal law to the Secretary by taking the following actions, or in such other manner as may be agreed upon with the Administrator.

(1) The State shall give the Administrator and the Secretary 180 days notice of the proposed transfer and shall submit a plan for the orderly transfer of all relevant program information not in the possession of the Secretary (such as permits, permit files, reports, permit applications) which are necessary for the Secretary to administer the program.

(2) Within 60 days of receiving the notice and transfer plan, the Administrator and the Secretary shall

evaluate the State's transfer plan and shall identify any additional information needed by the Federal government for program administration and/or identify any other deficiencies in the plan.

(3) At least 30 days before the transfer is to occur the Administrator shall publish notice of transfer in the **Federal Register** and in enough of the largest newspapers in the State to provide Statewide coverage, and shall mail notice to all permit holders, permit applicants, other regulated persons and other interested persons on appropriate EPA and State mailing lists.

(b) The following procedures apply when the Administrator orders the commencement of proceedings to determine whether to withdraw approval of a State program.

(1) *Order.* The Administrator may order the commencement of withdrawal proceedings on his or her own initiative or in response to a petition from an interested person alleging failure of the State to comply with the requirements of this Part as set forth in § 233.33. The Administrator shall respond in writing to any petition to commence withdrawal proceedings. He may conduct an informal investigation of the allegations in the petition to determine whether cause exists to commence proceedings under this paragraph. The Administrator's order commencing proceedings under this paragraph shall fix a time and place for the commencement of the hearing and shall specify the allegations against the State which are to be considered at the hearing. Within 30 days the State shall admit or deny these allegations in a written answer. The party seeking withdrawal of the State's program shall have the burden of coming forward with the evidence in a hearing under this paragraph.

(2) *Definitions.* For purposes of this paragraph the definitions of "Act," "Administrative Law Judge," "Hearing," "Hearing Clerk," and "Presiding Officer" in 40 CFR 22.03 apply in addition to the following:

(i) "Party" means the petitioner, the State, the Agency, and any other person whose request to participate as a party is granted.

(ii) "Person" means the Agency, the State and any individual or organization having an interest in the subject matter of the processing.

(iii) "Petitioner" means any person whose petition for commencement of withdrawal proceedings has been granted by the Administrator.

(3) *Procedures.*

(i) The following provisions of 40 CFR Part 22 (Consolidated Rules of Practice) are applicable to proceedings under this paragraph:

(A) § 22.02—(use of number/gender);

(B) § 22.04(c)—(authorities of Presiding Officer);

(C) § 22.06—(filing/service of rulings and orders);

(D) § 22.09—(examination of filed documents);

(E) § 22.19 (a), (b) and (c)—(prehearing conference);

(F) § 22.22—(evidence);

(G) § 22.23—(objections/offers of proof);

(H) § 22.25—(filing the transcript); and

(I) § 22.26—(findings/conclusions).

(ii) The following provisions are also applicable:

(A) Computation and extension of time.

(*1*) *Computation.* In computing any period of time prescribed or allowed in these rules of practice, except as otherwise provided, the day of the event from which the designated period begins to run shall not be included. Saturdays, Sundays, and Federal legal holidays shall be included. When a stated time expires on a Saturday, Sunday or legal holiday, the stated time period shall be extended to include the next business day.

(*2*) *Extensions of time.* The Administrator, Regional Administrator, or Presiding Officer, as appropriate, may grant an extension of time for the filing of any pleading, document, or motion (*i*) upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties, or (*ii*) upon his own motion. Such a motion by a party may only be made after notice to all other parties, unless the movant can show good cause why serving notice is impracticable. The motion shall be filed in advance of the date on which the pleading, document or motion is due to be filed, unless the failure of a party to make timely motion for extension of time was the result of excusable neglect.

(*3*) The time for commencement of the hearing shall not be extended beyond the date set in the Administrator's order without approval of the Administrator.

(B) Ex parte discussion of proceeding.

At no time after the issuance of the order commencing proceedings shall the Administrator, Regional Administrator, Judicial Officer, Regional Judicial Officer, Presiding Officer, or any other person who is likely to advise these officials in the decisions on the case, discuss ex parte the merits of the proceeding with any interested person outside the Agency, with any Agency staff member who performs a prosecutorial or investigative function in such proceeding or a factually related proceeding, or with any representative of such person. Any ex parte memorandum or other communication addressed to the Administrator, Regional Administrator, Judicial Officer, Regional Judicial Officer, or the Presiding Officer during the pendency of the proceeding and relating to the merits thereof, by or on behalf of any party shall be regarded as argument made in the proceeding and shall be served upon all other parties. The other parties shall be given an opportunity to reply to such memorandum or communication.

(C) Intervention.

(*1*) *Motion.* A motion for leave to intervene in any proceeding conducted under these rules of practice must set forth the grounds for the proposed intervention, the position and interest of the movant and the likely impact that intervention will have on the expeditious progress of the proceeding. Any person already a party to the proceeding may file an answer to a motion to intervene, making specific reference to the factors set forth in the foregoing sentence and paragraph (b)(3)(ii)(C)(*3*) of this section, within ten (10) days after service of the motion for leave to intervene.

(*2*) However, motions to intervene must be filed within 15 days from the date the notice of the administrator's order is first published.

(*3*) *Disposition.* Leave to intervene may be granted only if the movant demonstrates that (*i*) his presence in the proceeding would not unduly prolong or otherwise prejudice the adjudication of the rights of the original parties; (*ii*) the movant will be adversely affected by a final order; and (*iii*) the interests of the movant are not being adequately represented by the original parties. The intervenor shall become a full party to the proceeding upon the granting of leave to intervene.

(*4*) *Amicus curiae.* Persons not parties to the proceeding who wish to file briefs may so move. The motion shall identify the interest of the applicant and shall state the reasons why the proposed amicus brief is desirable. If the motion is granted, the Presiding Officer or Administrator shall issue an order setting the time for filing such brief. An amicus curiae is eligible to participate in any briefing after his motion is granted, and shall be served with all briefs, reply briefs, motions, and orders relating to issues to be briefed.

(D). Motions.

(*1*) *General.* All motions, except those made orally on the record during a hearing, shall (*i*) be in writing; (*ii*) state the grounds therefor with particularity; (*iii*) set forth the relief or order sought; and (*iv*) be accompanied by any

affidavit, certificate, other evidence, or legal memorandum relied upon. Such motions shall be served as provided by (b)(4) of this section.

(2) *Response to motions.* A party's response to any written motion must be filed within ten (10) days after service of such motion, unless additional time is allowed for such response. The response shall be accompanied by any affidavit, certificate, other evidence, or legal memorandum relied upon. If no response is filed within the designated period, the parties may be deemed to have waived any objection to the granting of the motion. The Presiding Officer, Regional Administrator, or Administrator, as appropriate, may set a shorter time for response, or make such other orders concerning the disposition of motions as they deem appropriate.

(3) *Decision.* The Administrator shall rule on all motions filed or made after service of the recommended decision upon the parties. The Presiding Officer shall rule on all other motions. Oral argument on motions will be permitted where the Presiding Officer, Regional Administrator, or the Administrator considers it necessary or desirable.

(4) *Record of proceedings.* (i) The hearing shall be either stenographically reported verbatim or tape recorded, and thereupon transcribed by an official reporter designated by the Presiding Officer;

(ii) All orders issued by the Presiding Officer, transcripts of testimony, written statements of position, stipulations, exhibits, motions, briefs, and other written material of any kind submitted in the hearing shall be a part of the record and shall be available for inspection or copying in the Office of the Hearing Clerk, upon payment of costs. Inquiries may be made at the Office of the Administrative Law Judges, Hearing Clerk, 401 M Street, S.W., Washington, D.C. 20460;

(iii) Upon notice to all parties the Presiding Officer may authorize corrections to the transcript which involve matters of substance;

(iv) An original and two (2) copies of all written submissions to the hearing shall be filed with the Hearing Clerk;

(v) A copy of each such submission shall be served by the person making the submission upon the Presiding Officer and each party of record. Service under this paragraph shall take place by mail or personal delivery;

(vi) Every submission shall be accompanied by an acknowledgement of service by the person served or proof of service in the form of a statement of the date, time, and manner of service and the names of the persons served, certified by the person who made service; and

(vii) The Hearing Clerk shall maintain and furnish to any person upon request, a list containing the name, service address, and telephone number of all parties and their attorneys or duly authorized representatives.

(5) *Participation by a person not a party.* A person who is not a party may, in the discretion of the Presiding Officer, be permitted to make a limited appearance by making an oral or written statement of his/her position on the issues within such limits and on such conditions as may be fixed by the Presiding Officer, but he/she may not otherwise participate in the proceeding.

(6) *Rights of parties.* (i) All parties to the proceeding may:

(A) Appear by counsel or other representative in all hearing and pre-hearing proceedings;

(B) Agree to stipulations of facts which shall be made a part of the record.

(7) *Recommended decision.* (i) Within 30 days after the filing of proposed findings and conclusions, and reply briefs, the Presiding Officer shall evaluate the record before him/her, the proposed findings and conclusions and any briefs filed by the parties and shall prepare a recommended decision, and shall certify the entire record, including the recommended decision, to the Administrator.

(ii) Copies of the recommended decision shall be served upon all parties.

(iii) Within 20 days after the certification and filing of the record and recommended decision, all parties may file with the Administrator exceptions to the recommended decision and a supporting brief.

(8) *Decision by Administrator.* (i) Within 60 days after certification of the record and filing of the Presiding Officer's recommended decision, the Administrator shall review the record before him and issue his own decision.

(ii) If the Administrator concludes that the State has administered the program in conformity with the CWA and this Part, his decision shall constitute "final agency action" within the meaning of 5 U.S.C. § 704.

(iii) If the Administrator concludes that the State has not administered the program in conformity with the CWA and regulations, he shall list the deficiencies in the program and provide the State a reasonable time, not to exceed 90 days, to take such appropriate corrective action as the Administrator determines necessary.

(iv) Within the time prescribed by the Administrator the State shall take such appropriate corrective action as required by the Administrator and shall file with the Administrator and all parties a statement certified by the State Director that appropriate corrective action has been taken.

(v) The Administrator may require a further showing in addition to the certified statement that corrective action has been taken.

(vi) If the State fails to take appropriate corrective action and file a certified statement thereof within the time prescribed by the Administrator, the Administrator shall issue a supplementary order withdrawing approval of the State program. If the State takes appropriate corrective action, the Administrator shall issue a supplementary order stating that approval of authority is not withdrawn.

(vii) The Administrator's supplementary order shall constitute final Agency action within the meanings of 5 U.S.C. 704.

(c) Withdrawal of authorization under this section and the CWA does not relieve any person from complying with the requirements of State law, nor does it affect the validity of actions taken by the State prior to withdrawal.

§ 233.35 Activities not requiring permits.

(a) Except as specified in paragraphs (b) and (c) of this section, any discharge of dredged or fill material that may result from any of the following activities is not prohibited by or otherwise subject to regulation under this subpart:

(1)(i) Normal farming, silviculture and ranching activities such as plowing, seeding, cultivating, minor drainage, and harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices, as defined in paragraph (a)(1)(iii) of this section.

(ii) To fall under this exemption, the activities specified in paragraph (a)(1)(i) of this section must be part of an established (i.e., on-going) farming, silviculture, or ranching operation. Activities on areas lying fallow as part of a conventional rotational cycle are part of an established operation. Activities which bring an area into farming, silviculture, or ranching use are not part of an established operation. An operation ceases to be established when the area on which it was conducted has been converted to another use or has lain idle so long that modifications to the hydrological regime are necessary to resume operations. If an activity takes place outside the waters of the United States, or if it does not involve a discharge, it does not need a section 404 permit, whether or not it is part of an

established farming, silviculture, or ranching operation.

(iii)(A) *Cultivating* means physical methods of soil treatment employed within established farming, ranching and silviculture lands upon planted farm, ranch, or forest crops to aid and improve their growth, quality or yield.

(B) *Harvesting* means physical measures employed directly upon farm, forest, or ranch crops within established agricultural and silvicultural lands to bring about their removal from farm, forest, or ranch land, but does not include the construction of farm, forest, or ranch roads.

(C)(*1*) *Minor Drainage* means:

(*i*) The discharge of dredged or fill material incidental to connecting upland drainage facilities to waters of the United States, adequate to effect the removal of excess soil moisture from upland croplands. (Construction and maintenance of upland (dryland) facilities, such as ditching and tiling, incidental to the planting, cutivating, protecting, or harvesting of crops, involve no discharge of dredged or fill material into waters of the United States, and as such never require a section 404 permit.);

(*ii*) The discharge of dredged or fill material for the purpose of installing ditching or other such water control facilities incidental to planting, cultivating, protecting, or harvesting of rice, cranberries or other wetland crop species, where these activities and the discharge occur in waters of the United States which are in established use for such agricultural and silvicultural wetland crop production;

(*iii*) The discharge of dredged or fill material for the purpose of manipulating the water levels of, or regulating the flow or distribution of water within, existing impoundments which have been constructed in accordance with applicable requirements of CWA, and which are in established use for the production of rice, cranberries, or other wetland crop species:

[Note.—The provisions of paragraphs (a)(1)(ii)(c)(1) (ii) and (iii) of this section apply to areas that are in established use exclusively for wetland crop production as well as areas in established use for conventional wetland/non-wetland crop rotation (*e.g.*, the rotation of rice and soybeans) where such rotation results in the cyclical or intermittent temporary dewatering of such areas.]

(*iv*) The discharge of dredged or fill material incidental to the emergency removal of sandbars, gravel bars, or other similar blockages which are formed during flood flows or other events, where such blockages close or constrict previously existing drainageways and, if not promptly removed, would result in damage to or loss of existing crops on land in established use for crop production. Such removal does not include enlarging or extending the dimensions of, or changing the bottom elevations of, the affected drainageway as it existed prior to the formation of the blockage. Removal must be accomplished within one year of formation of such blockages in order to be eligible for exemption.

(*2*) Minor drainage in waters of the U.S. is limited to drainage within areas that are part of an established farming or silvicultural operation. It does not include drainage associated with the immediate or gradual conversion of a wetland to a non-wetland (*e.g.*, wetlands species to upland species not typically adapted to life in saturated soil conditions), or conversion from one wetland use to another (for example, silviculture to farming). In addition, minor drainage does not include the construction of any canal, ditch, dike or other waterway or structure which drains or otherwise significantly modifies a stream, lake, swamp, bog or any other wetland or aquatic area constituting waters of the United States. Any discharge of dredged or fill material into the waters of the United States incidental to the construction of any such structure or waterway requires a permit.

(D) *Plowing* means all forms of primary tillage, including moldboard, chisel, or wide-blade, plowing, discing, harrowing, and similar physical means utilized on farm, forest or ranch land for the breaking up, cutting, turning over, or stirring of soil to prepare it for the planting of crops. The term does not include the redistribution of spoil, rock, sand, or other surficial materials in a manner which changes any area of the waters of the United States to dry land. For example, the redistribution of surface materials by blading, grading, or other means to fill in wetland areas is not plowing. Rock crushing activities which result in the loss of natural drainage characteristics, the reduction of water storage and recharge capabilities, or the overburden of natural water filtration capacities do not constitute plowing. Plowing will never involve a discharge of dredged or fill material.

(E) *Seeding* means the sowing of seed and placement of seedlings to produce farm, ranch, or forest crops and includes the placement of soil beds for seeds or seedlings on established farm and forest lands.

(2) Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures. Maintenance does not include any modification that changes the character, scope, or size of the original fill design. Emergency reconstruction must occur within a reasonable period of time after damage occurs in order to qualify for this exemption.

(3) Construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance (but not construction) of drainage ditches. A simple connection of an irrigation return or supply ditch to waters of the U.S. and related bank stabilization measures are included within this exemption. Where a trap, weir, groin, wall, jetty or other structure within waters of the U.S., which will result in significant discernable alterations to flow or circulation, is constructed as part of the connection, such construction requires a 404 permit.

(4) Construction of temporary sedimentation basins on a construction site which does not include placement of fill material into waters of the U.S. The term "construction site" refers to any site involving the erection of building, roads, and other discrete structures and the installation of such structures. The term also includes any other land areas which involve land-disturbing excavation activities, including quarrying or other mining activities, where an increase in the runoff of sediment is controlled through the use of temporary sedimentation basins.

(5) Any activity with respect to which a State has an approved program under section 208(b)(4) of CWA which meets the requirements of sections 208(b)(4)(B) and (C).

(6) Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained in accordance with best management practices (BMPs) to assure that flow and circulation patterns and chemical and biological characteristics of waters of the United States are not impaired, that the reach of the waters of the United States is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized. The BMPs which must be applied to satisfy this provision shall include those detailed BMPs described in the State's approved program description pursuant to the requirements of § 233.22(h)(4), and shall also include the following baseline provisions:

(i) Permanent roads (for farming or forestry activities), temporary access

roads (for mining, forestry, or farm purposes) and skid trails (for logging) in waters of the U.S. shall be held to the minimum feasible number, width, and total length consistent with the purpose of specific farming, silvicultural or mining operations, and local topographic and climatic conditions;

(ii) All roads, temporary or permanent, shall be located sufficiently far from streams or other water bodies (except for portions of such roads which must cross water bodies) to minimize discharges of dredged or fill material into waters of the U.S.

(iii) The road fill shall be bridged, culverted, or otherwise designed to prevent the restriction of expected floods flows;

(iv) The fill shall be properly stabilized and maintained during and following construction to prevent erosion;

(v) Discharges fo dredged or fill material into waters of the United States to construct a road fill shall be made in a manner that minimizes the encroachment of trucks, tractors, bulldozers, or other heavy equipment within waters of the United States (including adjacent wetlands) that lie outside the lateral boundaries of the fill itself;

(vi) In designing, constructing, and maintaining roads, vegetative disturbance in the waters of the U.S. shall be kept to a minimum;

(vii) The design, construction and maintenance of the road crossing shall not disrupt the migration or other movement of those species of aquatic life inhabiting the water body;

(viii) Borrow material shall be taken from upland sources whenever feasible;

(ix) The discharge shall not take, or jeopardize the continued existence of, a threatened or endangered species as defined under the Endangered Species Act, or adversely modify or destroy the critical habitat of such species;

(x) Discharges into breeding and nesting areas for migratory waterfowl, spawning areas, and wetlands shall be avoided if practical alternatives exist;

(xi) The discharge shall not be located in the proximity of a public water supply intake;

(xii) The discharge shall not occur in areas of concentrated shellfish production;

(xiii) The discharge shall not occur in a component of the National Wild and Scenic River System;

(xiv) The discharge of material shall consist of suitable material free from toxic pollutants in toxic amounts; and

(xv) all temporary fills shall be removed in their entirety and the area restored to its original elevation.

(b) If any discharge of dredged or fill material resulting from the activities listed in paragraphs (a)(1)–(6) of this section contains any toxic pollutant listed under section 307 of CWA such discharge shall be subject to any applicable toxic effluent standard or prohibition, and shall require a permit under the State program.

(c) Any discharge of dredged or fill material into waters of the United States incidental to any of the activities identified in paragraphs (a)(1)–(6) of this section must have a permit if it is part of an activity whose purpose is to convert an area of the waters of the United States into a use to which it was not previously subject, where the flow or circulation of waters of the United States may be impaired or the reach of such waters reduced. Where the proposed discharge will result in significant discernible alterations to flow or circulation, the presumption is that flow or circulation *may* be impaired by such alteration.

[Note.—For example, a permit will be required for the conversion of a cypress swamp to some other use or the conversion of a wetland from silvicultural to agricultural use when there is a discharge of dredged or fill materials into waters of the United States in conjunction with construction of dikes, drainage ditches or other works or structures used to effect such conversion. A discharge which elevates the bottom of waters of the United States without converting it to dry land does not thereby reduce the reach of, but may alter the flow or circulation of, waters of the United States.]

(d) Federal projects which qualify under the criteria contained in section 404(r) of CWA (Federal projects authorized by Congress where an EIS has been submitted to Congress prior to authorization or an appropriation) are exempt from State section 404 permit requirements, but may be subject to other State or Federal requirements.

§ 233.36 Prohibitions.

No permit shall be issued by the State Director in the following circumstances:

(a) When the conditions of the permit do not comply with the requirements of CWA, or regulations and guidelines implementing CWA, including the section 404(b)(1) environmental guidelines (40 CFR Part 230).

(b) When the Regional Administrator has objected to issuance of the permit under section 404(j) of CWA and the objection has not been resolved.

(c) When, in the judgment of the Secretary of the Army acting through the Chief of Engineers, anchorage and navigation in or on any of the waters of the United States would be substantially impaired by the discharge.

(d) When the proposed discharge would be into a defined area for which specification as a disposal site has been prohibited, restricted, denied, or withdrawn by the Administrator under section 404(c) of CWA, and the discharge would fail to comply with the Administrator's actions under that authority.

§ 233.37 General permits.

(a) *Coverage.* The State Director may issue a general permit for similar activities as specified in paragraph (b)(1) of this section within a defined geographic area as specified in paragraph (b)(2) of this section, if he or she determines that the regulated activities will cause only minimal adverse environmental effects when performed separately and will have only minimal cumulative adverse effects on the environment.

(b) *Conditions.* In addition to § 233.7, and the applicable requirements of § 233.8, each general permit shall contain conditions as follows:

(1) *Activities:* A specific description of the type(s) of activities which are authorized, including limitations for any single operation, to ensure that the requirements of paragraph (a) of this section are satisfied. At a minimum, these limitations shall include:

(i) The maximum quantity of material that may be discharged;

(ii) The type(s) of material that may be discharged;

(iii) The depth of fill permitted;

(iv) The maximum extent to which an area may be modified; and

(v) The size and type of structure that may be constructed.

(2) *Area:* A precise description of the geographic area to which the general permit applies, including, when appropriate, limitations on the types(s) of water(s) or wetlands where operations may be conducted, to ensure that the requirements of paragraph (a) of this section are satisfied.

(3) *Notice:* The permit shall contain a requirement that no activity is authorized under the general permit unless the Director receives notice at least 30 days in advance of the date when the proposed activity is to commence. The Director may require any information in the notice necessary to determine whether the conditions of the general permit will be satisfied. If within 15 days of the date of submission of the notice the owner or operator has not been informed by the State Director of his or her intent to require an individual permit application, the owner or operator may commence operations under the general permit.

(c) *Requiring an individual permit.* (1) Upon receiving notice under paragraph (b)(3) of this section, the State Director may require, at his discretion, that the owner or operator apply for an individual permit. Cases where an individual permit may be required include:

(i) The activity has more than a minimal adverse environmental effect;

(ii) The cumulative effects on the environment of the authorized activities are more than minimal; or

(iii) The discharger is not in compliance with the conditions of the general permit.

(2) When the State Director notifies the owner or operator within 15 days of receipt of notice under paragraph (b)(3) of this section that an individual permit application is required for that activity, the activity shall not be authorized by the general permit.

(3) The Director may require any person authorized under a general permit to apply for an individual permit.

(d) Under section 404(h)(5) of CWA, States are entitled, after program approval, to administer and enforce general permits issued by the Secretary. If the State chooses not to administer and enforce these permits, the Secretary retains jurisdiction until they expire. If the Secretary has retained jurisdiction and if a permit appeal or modification request is not finally resolved when the Federally issued permit expires, the Secretary, upon agreement with the State, may continue to retain jurisdiction until the matter is resolved.

§ 233.38 Emergency permits.

(a) *Coverage.* Notwithstanding any other provision of this Part or Part 124 of this Chapter, the State Director may temporarily permit a specific dredge or fill activity if:

(1) An unacceptable hazard to life or severe loss of property will occur if an emergency permit is not granted; and

(2) The anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by this Part and Part 124.

(b) *Requirements for issuance.* (1) The emergency permit shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of §§233.7 and 233.8.

(2) Any emergency permit shall be limited in duration to the time required to complete the authorized emergency action, not to exceed 90 days.

(3) The emergency permit must have a condition requiring restoration of the disposal site (for example, removal of fill, steps to prevent erosion). If more than 90 days from issuance is necessary to complete restoration, the permit may be extended for this purpose only.

(4) The emergency permit may be oral or written. If oral, it must be followed within five days by a written emergency permit.

(5) Notice of the emergency permit shall be published and public comments received in accordance with applicable requirements of §§ 124.10 and 124.11 as soon as possible but no later than 10 days after the issuance date.

(6) The emergency permit may be terminated at any time without process if the State Director determines that termination is appropriate to protect human health or the environment.

§ 233.39 Transmission of information to EPA and other Federal agencies.

(a) The Memorandum of Agreement under § 233.24 shall provide for the following:

(1) Prompt transmission to the Regional Administrator (by certified mail) and to the Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service of a copy of any complete permit application received by the State Director, except those for which permit review has been waived under § 233.24(d)(1)(i). The State shall supply EPA, the Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service with copies of permit applications for which permit review has been waived whenever requested by such agencies. Where State law requires preparation of an environmental impact statement (EIS) or similar document, and such EIS or other document is available, the EIS or other document shall accompany the permit application when transmitted to the Regional Administrator

(2) Prompt transmission to the Regional Administrator (by certified mail) and to the Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service of notice of every action taken by the State agency related to the consideration of any permit application, including a copy of each draft permit prepared, and any conditions, requirements, or documents which are related to the draft permit or which affect the authorization of the draft permit. A draft permit shall be prepared by the State and transmitted to EPA:

(i) At the time of transmission of the complete permit application, for discharges listed in § 233.24(d)(1)(i)(A)-(E);

(ii) Upon request of EPA in accordance with § 233.40(e)(3), for discharges not listed in § 233.24(d)(1)(i)(A)-(E), unless EPA has waived review under § 233.24(d)(1)(i).

(3) Prompt transmission to the Regional Administrator, the Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service of a copy of each draft general permit. A draft general permit shall be prepared by the State whenever the State intends to issue a general permit.

(4) Transmission to the Regional Administrator, the Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service of a copy of every issued permit following issuance, along with any and all conditions and requirements.

(b)(1) State section 404 programs shall comply with the draft permit requirements of §§ 124.6 (a), (c), (d), and (e) and 124.8 for those discharges which require a draft permit under paragraph (a)(2) of this section and for those discharges to be regulated by general permits. For discharges which require a draft permit under paragraph (a)(2) of this section, public review and EPA review, under § 233.40, shall be based on the permit application and the draft permit. For discharges to be regulated by general permits, public review and EPA review shall be based on the draft general permit.

(2) For all other discharges, public review and EPA review, if not waived under § 233.24(d)(1)(i), shall be based on the permit application. For these discharges, States need not comply with §§ 124.6 (a), (c), (d), and (e) or 124.8.

§ 233.40 EPA review of and objections to State permits.

(a) The Memorandum of Agreement shall provide that the Regional Administrator may comment upon, object to, or make recommendations with respect to permit applications, draft permits (if prepared under § 233.39), or draft general permits within 90 days of receipt. If the Regional Administrator intends to comment upon, object to, or make recommendations with respect to a permit application, draft permit, or draft general permit, he or she shall notify the State Director of his or her intent within 30 days of receipt. The Regional Administrator may notify the State within 30 days of receipt that there is no comment but reserve the right to object within 90 days of receipt, based on any new information brought out by the public during the comment period or at a hearing. The Regional Administrator shall send a copy of any comment, objection, or recommendation to the permit applicant.

(b) Within 90 days following receipt of a permit application, draft permit or draft general permit for which the Regional Administrator has provided notification under paragraph (a) of this section, the Regional Administrator may object to permit issuance. In order to object, the Regional Administrator shall set forth in writing and transmit to the State Director:

(1) A statement of the reason(s) for the objection (including the section of CWA or regulations that support the objection); and

(2) The actions that must be taken by the State Director in order to eliminate the objection (including the conditions which the permit would include if it were issued by the Regional Administrator).

(c) When the State Director has received an objection to a permit application, draft permit, or draft general permit under this section and has taken the steps required by the Regional Administrator to eliminate the objection, a revised permit shall be prepared and transmitted to the Regional Administrator for review. If no further objection is received from the Regional Administrator within 15 days of the receipt of the revised permit, the Director may issue the permit.

(d) Any objection under this section must be based upon one or more of the following grounds:

(1) The permit application, draft permit, or draft general permit fails to apply, or to ensure compliance with, any applicable requirements of this Part;

(2) In the case of any permit application for which notification to the Administrator is required under section 404(h)(1)(E) of CWA, the written recommendations of an affected State have not been accepted by the permitting State and the Regional Administrator finds the reasons for rejecting the recommendations are inadequate (see § 233.41(c));

(3) The procedures followed in connection with processing the permit failed in a material respect to comply with procedures required by CWA, by this Part, by other regulations and guidelines thereunder, or by the Memorandum of Agreement;

(4) Any finding made by the State Director in connection with the draft permit or draft general permit, misinterprets CWA or any guidelines or regulations thereunder, or misapplies them to the facts;

(5) Any provisions of the permit application, draft permit, or draft general permit relating to the maintenance of records, reporting, monitoring, sampling, or the provision of any other information by the permitee are inadequate, in the judgment of the Regional Administrator, to assure compliance with permit conditions, including water quality standards, required by CWA, by 40 CFR Part 230, or by the draft permit or draft general permit;

(6) The information contained in the permit application is insufficient to judge compliance with 40 CFR Part 230; or

(7) Issuance of a permit would in any other respect to outside the requirements of section 404 of CWA, or regulations implementing section 404 of CWA.

(e) Prior to notifying the State Director of an objection based upon any of the grounds set forth in paragraph (d) of this section, the Regional Administrator:

(1) Shall consider all data transmitted pursuant to §§ 233.39 and 233.40.

(2) Shall, if the information provided is inadequate to determine whether the permit application, draft permit, or draft general permit meets the guidelines and requirements of CWA, request the State Director to transmit to the Regional Administrator the complete record of the permit proceedings before the State, or any portions of the record, or other information, including a supplemented application, that the Regional Administrator determines are necessary for review. This request shall be made within 30 days of receipt of the State submittal under § 233.39. It shall constitute an interim objection to the issuance of the permit, and the period of time specified in the Memorandum of Agreement for the Regional Administrator's review shall be suspended from the date of the request and shall resume when the Regional Administrator has received such record or portions requested.

(3) May, in the case of discharges for which a draft permit is not automatically required under § 233 39(a)(1), request within 30 days of receipt of the permit application, that the State Director prepare a draft permit under § 233.39(a)(2)(ii). The draft permit shall be submitted to EPA and other Federal agencies, as required under § 233.39(a)(2). When a draft permit is prepared under this subparagraph, Federal and public review shall recommence under § 233.39(b)(1). The Regional Administrator's period for review shall begin upon receipt of the draft permit.

[Note.—It is anticipated that draft permits will be requested only in exceptional and/or complex cases.]

(4) May, at his or her discretion, and to the extent feasible within the period of time available under the Memorandum of Agreement, afford to interested persons an opportunity to comment on the basis for the objection.

(f) Within 90 days of receipt by the State Director of an objection by the Regional Administrator, the State or any interested person may request that a public hearing be held by the Regional Administrator on the objection. A public hearing in accordance with the procedures of §§ 124.12 (c) and (d) shall be held, and public notice provided in accordance with § 124.10, whenever requested by the State issuing the permit, or if warranted by significant public interest based on requests received.

(g) A public hearing held under paragraph (f) of this section shall be conducted by the Regional Administrator, and, at the Regional Administrator's discretion, with the assistance of an EPA panel designated by the Regional Administrator, in an orderly expeditious manner.

(h) Following the public hearing the Regional Administrator shall reaffirm the original objection, modify the terms of the objections, or withdraw the objection, and shall notify the State of this decision.

(i)(1) If no public hearing is held under paragraph (f) of this section and the State does not resubmit a permit revised to meet the Regional Administrator's objection or notify EPA of its intent to deny the permit within 90 days of receipt of the objection, the Secretary may issue the permit in accordance with the guidelines and regulations of CWA.

(2) If a public hearing is held under paragraph (f) of this section, the Regional Administrator does not withdraw the objection and the State does not resubmit a permit revised to meet the Regional Administrator's objection or modified objection or notify EPA of its intent to deny the permit within 30 days of the date of the Regional Adminstrator's notification under paragraph (h) of this secton, the Secretary may issue the permit in accordance with the guidelines and regulations of CWA.

§ 233.41 Coordination requirements.

(a) *General coordination.* (1) If the State has a Statewide CWA section 208(b)(4) regulatory program, the State Director shall develop an agreement with the agency designated to administer such program. The agreement shall include:

(i) A definition of the activities to be regulated by each program;

(ii) Arrangements providing the agencies an opportunity to comment on

prospective permits, BMPs, and other relevant actions; and

(iii) Arrangements incorporating BMPs developed by the section 208(b)(4) program into section 404 permits, where appropriate.

(2) Where a CWA section 208(b)(4) program has been approved under section 208(b)(4)(C), no permit shall be required for activities for which the Administrator has approved BMP's under such approved program except as provided in §§ 233.35 (b) and (c). Until such section 208(b)(4) program has been approved by the Administrator, a person proposing to discharge must obtain an individual permit or comply with a general permit.

(3) The State Director shall consult with any State agency(ies) with jurisdiction over fish and wildlife resources.

(b) *Coordination with other Federal and Federal-State review processes.* State section 404 programs shall assure coordination of State section 404 permits with Federal and Federal-State water related planning and review processes.

(1) The State Director shall assure that the impact of proposed discharges will be consistent with the Wild and Scenic Rivers Act when the proposed discharge could affect portions of rivers designated wild, recreational, scenic, or under consideration for such designation.

(2) Agencies with jurisdiction over Federal and Federal-State water related planning and review processes, including the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service, shall notify the Regional Administrator that they wish to comment on a permit application, draft permit, or draft general permit within 20 days of receipt by the Regional Administrator of the permit application, draft permit, or draft general permit. Such agencies should submit their evaluation and comments to the Regional Administrator within 50 days of receipt by the Regional Administrator of the permit application, draft permit, or draft general permit. The Regional Administrator may allow any such agency up to an additional 30 days to submit comments, upon request of such agency.

(3) All comments from the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service on permit applications, draft permits, and draft general permits shall be considered by the Regional Administrator. If the Regional Administrator does not adopt a recommendation of any such agency, he shall consult with that agency. The final decision to object or to require permit conditions shall be made by the Regional Administrator.

(c) *Coordination with other States.* If the proposed discharge may affect the quality of the waters of any State(s) other than the State in which the discharge occurs the State Director shall provide an opportunity for such State(s) to submit written comments within the public comment period on the effect of the proposed discharge on such State(s) waters and to suggest additional permit conditions. If these recommendations are not accepted by the State Director, he shall notify the affected State and the Regional Administrator in writing of his failure to accept these recommendations, together with his reasons for so doing.

[Note.—States are encouraged to receive and use information developed by the U.S. Fish and Wildlife Service as part of the National Wetlands Inventory as it becomes available.]

Part 270 is added as follows:

PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

Subpart A—General Information

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270.74–270.79 [Reserved].

Authority: Pub. L. 94–580, as amended by Pub. L. 94–609, 42 U.S.C. 6901 et seq.

Subpart A—General Information

§ 270.1 Purpose and scope of these regulations.

(a) *Coverage.* (1) These permit regulations establish provisions for the Hazardous Waste Permit Program under Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), (Pub. L. 94–580, as amended by Pub. L. 95–609 and by Pub. L. 96–482; 42 U.S.C. 6901 et seq.).

(2) The regulations in this Part cover basic EPA permitting requirements, such as application requirements, standard permit conditions, and monitoring and reporting requirements. These regulations are part of a regulatory scheme implementing RCRA set forth in different Parts of the Code of Federal Regulations. The following chart indicates where the regulations implementing RCRA appear in the Code of Federal Regulations.

Section of RCRA	Coverage	Final regulation
Subtitle C	Overview and definitions	40 CFR Part 260
3001	Indentification and listing of hazardous waste	40 CFR Part 261
3002	Generators of hazardous waste.	40 CFR Part 262
3003	Transporters of hazardous waste.	40 CFR Part 263

Section of RCRA	Coverage	Final regulation
3004.....	Standards for HWM facilities.	40 CFR Parts 264, 265, 266, and 267
3005.....	Permit requirements for HWM facilities.	40 CFR Parts 270 and 124
3006.....	Guidelines for State programs.	40 CFR Part 271
3010.....	Preliminary notification of HWM activity.	(public notice) 45 *FR* 12746 Feb. 26, [redacted]

(3) *Technical regulations.* The RCRA permit program has separate additional Regulations that contain technical requirements. These separate regulations are used by permit issuing authorities to determine what requirements must be placed in permits if they are issued. These separate regulations are located in 40 CFR Parts 264, 266, and 267.

(b) *Overview of the RCRA Permit Program.* Not later than 90 days after the promulgation or revision of regulations in 40 CFR Part 261 (identifying and listing hazardous wastes) generators and transporters of hazardous waste, and owners or operators of hazardous waste treatment, storage, or disposal facilities may be required to file a notification of that activity under section 3010. Six months after the initial promulgation of the Part 261 regulations, treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a RCRA permit is prohibited. A RCRA permit application consists of two parts, Part A (see § 270.13) and Part B (see § 270.14 and applicable sections in 270.15–270.29). For "existing HWM facilities," the requirement to submit an application is satisfied by submitting only Part A of the permit application until the date the Director sets for submitting Part B of the application. (Part A consists of Forms 1 and 3 of the Consolidated Permit Application Forms.) Timely submission of both notification under section 3010 and Part A qualifies owners and operators of existing HWM facilities (who are required to have a permit) for interim status under section 3005(e) of RCRA. Facility owners and operators with interim status are treated as having been issued a permit until EPA or a State with interim authorization for Phase II or final authorization under Part 271 makes a final determination on the permit application. Facility owners and operators with interim status must comply with interim status standards set forth at 40 CFR Part 265 or with the analagous provisions of a State program which has received interim or final authorization under Part 271. Facility owners and operators with interim status are not relieved from complying with other State requirements. For existing HWM facilities, the Director shall set a date, giving at least six months notice, for submission of Part B of the application. There is no form for Part B of the application; rather, Part B must be submitted in narrative form and contain the information set forth in the applicable sections of §§ 270.14–270.29. Owners or operators of new HWM facilities must submit Part A and Part B of the permit application at least 180 days before physical construction is expected to commence.

(c) *Scope of the RCRA Permit Requirement.* RCRA requires a permit for the "treatment," "storage," or "disposal" of any "hazardous waste" as identified or listed in 40 CFR Part 261. The terms "treatment," "storage," "disposal," and "hazardous waste" are defined in § 270.2. Owners and operators of hazardous waste management units must have permits during the active life (including the closure period) of the unit, and, for any unit which closes after January 26, 1983, during any post-closure care period required under § 264.117 and during any compliance period specified under § 264.96, including any extension of the compliance period under § 264.96(c).

(1) *Specific inclusions.* Owners and operators of certain facilities require RCRA permits as well as permits under other programs for certain aspects of the facility operation. RCRA permits are required for:

(i) Injection wells that dispose of hazardous waste, and associated surface facilities that treat, store or dispose of hazardous waste, (See § 270.64). However, the owner and operator with a UIC permit in a State with an approved or promulgated UIC program, will be deemed to have a RCRA permit for the injection well itself if they comply with the requirements of § 270.60(b) (permit-by-rule for injection wells).

(ii) Treatment, storage, or disposal of hazardous waste at facilities requiring an NPDES permit. However, the owner and operator of a publicly owned treatment works receiving hazardous waste will be deemed to have a RCRA permit for that waste if they comply with the requirements of § 270.60(c) (permit-by-rule for POTWs).

(iii) Barges or vessels that dispose of hazardous waste by ocean disposal and onshore hazardous waste treatment or storage facilities associated with an ocean disposal operation. However, the owner and operator will be deemed to have a RCRA permit for ocean disposal from the barge or vessel itself it they comply with the requirements of § 270.60(a) (permit-by-rule for ocean disposal barges and vessels).

(2) *Specific exclusions.* The following persons are among those who are not required to obtain a RCRA permit:

(i) Generators who accumulate hazardous waste on site for less than 90 days as provided in 40 CFR 262.34.

(ii) Farmers who dispose of hazardous waste pesticides from their own use as provided in 40 CFR 262.51.

(iii) Persons who own or operate facilities solely for the treatment, storage or disposal of hazardous waste excluded from regulations under this Part by 40 CFR 261.4 or 261.5 (small generator exemption).

(iv) Owners or operators of totally enclosed treatment facilities as defined in 40 CFR 260.10.

(v) Owners and operators of elementary neutralization units or wastewater treatment units as defined in 40 CFR § 260.10.

(vi) Transporters storing manifested shipments of hazardous waste in containers meeting the requirements of 40 CFR § 262.30 at a transfer facility for a period of ten days or less.

(vii) Persons adding absorbent material to waste in a container (as defined in § 260.10 of this chapter) and persons adding waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and §§ 264.17(b), 264.171, and 264.172 of this chapter are complied with.

(3) *Further exclusions.* (i) A person is not required to obtain an RCRA permit for treatment or containment activities taken during immediate response to any of the following situations:

(A) A discharge of a hazardous waste;

(B) An imminent and substantial threat of a discharge of hazardous waste;

(C) A discharge of a material which, when discharged, becomes a hazardous waste.

(ii) Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part for those activities.

(4) *Permits for less than an entire facility.* EPA may issue or deny a permit for one or more units at a facility without simultaneously issuing or denying a permit to all of the units at the facility. The interim status of any unit for which a permit has not been issued or denied is not affected by the issuance or denial of a permit to any other unit at the facility.

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§ 270.2 Definitions.

The following definitions apply to Parts 270, 271 and 124. Terms not defined in this section have the meaning given by RCRA.

Administrator means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

Application means the EPA standard national forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in approved States, including any approved modifications or revisions. Application also includes the information required by the Director under §§ 270.14–270.29 (contents of Part B of the RCRA application).

Approved program or approved State means a State which has been approved or authorized by EPA under Part 271.

Aquifer means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

Closure means the act of securing a Hazardous Waste Management facility pursuant to the requirements of 40 CFR Part 264.

CWA means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act amendments of 1972) Pub. L. 92–500, as amended by Pub. L. 92–217 and Pub. L. 95–576; 33 U.S.C. 1251 *et seq.*

Director means the Regional Administrator or the State Director, as the context requires, or an authorized representative. When there is no approved State program, and there is an EPA administered program, Director means the Regional Administrator. When there is an approved State program, Director normally means the State Director. In some circumstances, however, EPA retains the authority to take certain actions even when there is an approved State program. In such cases, the term Director means the Regional Administrator and not the State Director.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

Disposal facility means a facility or part of a facility at which hazardous waste is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure.

Draft permit means a document prepared under § 124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a permit. A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in § 124.5, are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination, as discussed in § 124.5 is not a "draft permit." A proposed permit is not a draft permit.

Elementary neutralization unit means a device which:

(a) Is used for neutralizing wastes which are hazardous wastes only because they exhibit the corrosivity characteristic defined in § 261.22 of this chapter, or are listed in Subpart D of Part 261 of this chapter only for this reason; and

(b) Meets the definition of tank, container, transport vehicle, or vessel in § 260.10 of this chapter.

Emergency permit means a RCRA permit issued in accordance with § 270.61.

Environmental Protection Agency (EPA) means the United States Environmental Protection Agency.

EPA means the United States Environmental Protection Agency.

Existing hazardous waste management (HWM) facility or existing facility means a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if:

(a) The owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and either

(b)(1) A continuous on-site, physical construction program has begun; or

(2) The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial loss—for physical construction of the facility to be completed within a reasonable time.

Facility or activity means any HWM facility or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the RCRA program.

Federal, State and local approvals or permits necessary to begin physical construction means permits and approvals required under Federal, State or local hazardous waste control statutes, regulations or ordinances.

Final authorization means approval by EPA of a State program which has met the requirements of section 3006(b) of RCRA and the applicable requirements of Part 271, Subpart A.

Generator means any person, by site location, whose act, or process produces "hazardous waste" identified or listed in 40 CFR Part 261.

Ground water means water below the land surface in a zone of saturation.

Hazardous waste means a hazardous waste as defined in 40 CFR 261.3.

Hazardous Waste Management facility (HWM facility) means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combinations of them).

HWM facility means Hazardous Waste Management facility.

Injection well means a well into which fluids are being injected.

In operation means a facility which is treating, storing, or disposing of hazardous waste.

Interim authorization means approval by EPA of a State hazardous waste program which has met the requirements of section 3006(c) of RCRA and applicable requirements of Part 271, Subpart B.

Major facility means any facility or activity classified as such by the Regional Administrator, or, in the case of approved State programs, the Regional Administrator in conjunction with the State Director.

Manifest means the shipping document originated and signed by the generator which contains the information required by Subpart B of 40 CFR Part 262.

National Pollutant Discharge Elimination System means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the CWA. The term includes an approved program.

NPDES means National Pollutant Discharge Elimination System.

New HWM facility means a Hazardous Waste Management facility which began operation or for which construction commenced after November 19, 1980.

Off-site means any site which is not on-site.

On-site means on the same or geographically continguous property which may be divided by public or private right(s)-of-way, provided the entrance and exit between the

properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which the person controls and to which the public does not have access, is also considered on-site property.

Owner or operator means the owner or operator of any facility or activity subject to regulation under RCRA.

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of this Part and Parts 271 and 124. Permit includes permit by rule (§ 270.60), and emergency permit (§ 270.61). Permit does not include RCRA interim status (Subpart G of this part), or any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Permit-by-rule means a provision of these regulations stating that a facility or activity is deemed to have a RCRA permit if it meets the requirements of the provision.

Person means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

Phase I means that phase of the Federal hazardous waste management program commencing on the effective date of the last of the following to be initially promulgated: 40 CFR Parts 260, 261, 262, 263, 265, 270 and 271. Promulgation of Phase I refers to promulgation of the regulations necessary for Phase I to begin.

Phase II means that phase of Federal hazardous waste management program commencing on the effective date of the first Subpart of 40 CFR Part 264, Subparts F through R to be initially promulgated. Promulgation of Phase II refers to promulgation of the regulations necessary for Phase II to begin.

Physical construction means excavation, movement of earth, erection of forms or structures, or similar activity to prepare an HWM facility to accept hazardous waste.

POTW means publicly owned treatment works.

Publicly owned treatment works (POTW) means any device or system unsed in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a State or municipality. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

RCRA means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94–580, as amended by Pub. L. 95–609 and Pub. L. 96–482, 42 U.S.C. 6901 *et seq.*)

Regional Administrator means the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.

Schedule of compliance means a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the Act and regulations.

SDWA means the Safe Drinking Water Act (Pub. L. 95–523, as amended by Pub. L. 95–1900; 42 U.S.C. 3001 *et seq.*).

Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Spill means the accidental spilling, leaking, pumping, emitting, emptying, or dumping of hazardous wastes or materials which, when spilled, become hazardous wastes into or on any land or water.

State means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

State Director means the chief administrative officer of any State agency operating an approved program, or the delegated representative of the State Director. If responsibility is divided among two or more State agencies, State Director means the chief administrative officer of the State agency authorized to perform the particular procedure or function to which reference is made.

State/EPA Agreement means an agreement between the Regional Administrator and the State which coordinates EPA and State activities, responsibilities and programs.

Storage means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed, or stored elsewhere.

Transfer facility means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

Transporter means a person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

Treatment means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

UIC means the Underground Injection Control Program under Part C of the Safe Drinking Water Act, including an approved program.

Underground injection means a well injection.

Underground source of drinking water (USDW) means an aquifer or its portion:

(a)(1) Which supplies any public water system; or

(2) Which contains a sufficient quantity of ground water to supply a public water system; and

(i) Currently supplies drinking water for human consumption; or

(ii) Contains fewer than 10,000 mg/l total dissolved solids; and

(b) Which is not an exempted aquifer.

USDW means underground source of drinking water.

Wastewater treatment unit means a device which:

(a) Is part of a wastewater treatment facility which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act; and

(b) Receives and treats or stores an influent wastewater which is a hazardous waste as defined in § 261.3 of this chapter, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in § 261.3 of this chapter, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in § 261.3 of this chapter; and

(c) Meets the definition of tank in § 260.10 of this chapter.

§ 270.3 Considerations under Federal law.

Permits shall be issued in a manner and shall contain conditions consistent with requirements of applicable Federal laws. These laws may include:

(a) *The Wild and Scenic Rivers Act.* 16 U.S.C. 1273 *et seq.* Section 7 of the Act prohibits the Regional Administrator from assisting by license or otherwise the construction of any water resources project that would have a direct, adverse effect on the values for which a national wild and scenic river was established.

(b) *The National Historic Preservation Act of 1966.* 16 U.S.C. 470 *et seq.* Section 106 of the Act and implementing regulations (36 CFR Part 800) require the Regional Administrator, before issuing a license, to adopt measures when feasible to mitigate potential adverse effects of the licensed activity and properties listed or eligible for listing in the National Register of Historic Places. The Act's requirements are to be implemented in cooperation with State Historic Preservation Officers and upon notice to, and when appropriate, in consultation with the Advisory Council on Historic Preservation.

(c) *The Endangered Species Act.* 16 U.S.C. 1531 *et seq.* Section 7 of the Act and implementing regulations (50 CFR Part 402) require the Regional Administrator to ensure, in consultation with the Secretary of the Interior or Commerce, that any action authorized by EPA is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat.

(d) *The Coastal Zone Management Act.* 16 U.S.C. 1451 *et seq.* Section 307(c) of the Act and implementing regulations (15 CFR Part 930) prohibit EPA from issuing a permit for an activity affecting land or water use in the coastal zone until the applicant certifies that the proposed activity complies with the State Coastal Zone Management program, and the State or its designated agency concurs with the certification (or the Secretary of Commerce overrides the State's nonconcurrence).

(e) *The Fish and Wildlife Coordination Act.* 16 U.S.C. 661 *et seq.* requires that the Regional Administrator, before issuing a permit proposing or authorizing the impoundment (with certain exemptions), diversion, or other control or modification of any body of water, consult with the appropriate State agency exercising jurisdiction over wildlife resources to conserve those resources.

(f) *Executive orders.* [Reserved]

§ 270.4 Effect of a permit.

(a) Compliance with a RCRA permit during its term constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in §§ 270.41 and 270.43.

(b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

(c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

§ 270.5 Noncompliance and program reporting by the Director.

The Director shall prepare quarterly and annual reports as detailed below. When the State is the permit-issuing authority, the State Director shall submit any reports required under this section to the Regional Administrator. When EPA is the permit-issuing authority, the Regional Administrator shall submit any report required under this section to EPA Headquarters. For purposes of this section only, RCRA permittees shall include RCRA interim status facilities, when appropriate.

(a) *Quarterly reports.* The Director shall submit quarterly narrative reports for major facilities as follows:

(1) *Format.* The report shall use the following format:

(i) Information on noncompliance for each facility;

(ii) Alphabetize by permittee name. When two or more permittees have the same name, the lowest permit number shall be entered first;

(iii) For each entry on the list, include the following information in the following order:

(A) Name, location, and permit number of the noncomplying permittee.

(B) A brief description and date of each instance of noncompliance for that permittee. Instances of noncompliance may include one or more of the kinds set forth in paragraph (a)(2) of this section. When a permittee has noncompliance of more than one kind, combine the information into a single entry for each such permittee.

(C) The date(s) and a brief description of the action(s).

(D) Status of the instance(s) of noncompliance with the date of the review of the status or the date of resolution.

(E) Any details which tend to explain or mitigate the instance(s) of noncompliance.

(2) *Instances of noncompliance to be reported.* Any instances of noncompliance within the following categories shall be reported in successive reports until the noncompliance is reported as resolved. Once noncompliance is reported as resolved it need not appear in subsequent reports.

(i) *Failure to complete construction elements.* When the permittee has failed to complete, by the date specified in the permit, an element of a compliance schedule involving either planning for construction (for example, award of a contract, preliminary plans), or a construction step (for example, begin construction, attain operation level); and the permittee has not returned to compliance by accomplishing the required element of the schedule within 30 days from the date a compliance schedule report is due under the permit.

(ii) *Modifications to schedules of compliance.* When a schedule of compliance in the permit has been modified under § 270.41 or 270.42 because of the permittee's noncompliance.

(iii) *Failure to complete or provide compliance schedule or monitoring reports.* When the permittee has failed to complete or provide a report required in a permit compliance schedule (for example, progress report or notice of noncompliance or compliance) or a monitoring report; and the permittee has not submitted the complete report within 30 days from the date it is due under the permit for compliance schedules, or from the date specified in the permit for monitoring reports.

(iv) *Deficient reports.* When the required reports provided by the permittee are so deficient as to cause misunderstanding by the Director and thus impede the review of the status of compliance.

(v) *Noncompliance with other permit requirements.* Noncompliance shall be reported in the following circumstances:

(A) Whenever the permittee has violated a permit requirement (other than reported under paragraph (a)(2)(i) or (ii) of this section), and has not returned to compliance within 45 days from the date reporting of noncompliance was due under the permit; or

(B) When the Director determines that a pattern of noncompliance exists for a major facility permittee over the most recent four consecutive reporting periods. This pattern includes any violation of the same requirement in two consecutive reporting periods, and any violation of one or more requirements in each of four consecutive reporting periods; or

(C) When the Director determines significant permit noncompliance or other significant event has occurred, such as a fire or explosion.

(vi) *All other.* Statistical information shall be reported quarterly on all other instances of noncompliance by major facilities with permit requirements not otherwise reported under paragraph (a) of this section.

(3) In addition to the annual non-compliance report, the Director shall prepare a "program report" which contains information (in a manner and form prescribed by the Administrator) on generators and transporters and the

permit status of regulated facilities. The Director shall also include, on a biennial basis, summary information on the quantities and types of hazardous wastes generated, transported, treated, stored, and disposed during the preceding odd numbered year. This summary information shall be reported according to EPA characteristics and lists of hazardous wastes at 40 CFR Part 261.

(b) *Annual reports.*

(1) *Annual noncompliance report.* Statistical reports shall be submitted by the Director on nonmajor RCRA permittees indicating the total number reviewed, the number of noncomplying nonmajor permittees, the number of enforcement actions, and number of permit modifications extending compliance deadlines. The statistical information shall be organized to follow the types of noncompliance listed in paragraph (a) of this section.

(2) In addition to the annual noncompliance report, the Director shall prepare a "program report" which contains information (in a manner and form prescribed by the Administrator) on generators and transporters; the permit status of regulated facilities; and summary information on the quantities and types of hazardous wastes generated, transported, stored, treated, and disposed during the preceding year. This summary information shall be reported according to EPA characteristics and lists of hazardous wastes at 40 CFR Part 261.

(c) *Schedule.*

(1) For all quarterly reports. On the last working day of May, August, November, and February, the State Director shall submit to the Regional Administrator information concerning noncompliance with RCRA permit requirements by major facilities in the State in accordance with the following schedule. The Regional Administrator shall prepare and submit information for EPA-issued permits to EPA Headquarters in accordance with the same schedule.

QUARTERS COVERED BY REPORTS ON NONCOMPLIANCE BY MAJOR DISCHARGERS

[Date for completion of reports]

January, February and March	[1]May 31
April, May, and June.....	[1]August 31
July, August, and September	[1]November 30
October, November, and December.	[1]February 28

[1]Reports must be made available to the public for inspection and copying on this date.

§ 270.6 References.

(a) When used in Part 270 of this Chapter, the following publications are incorporated by reference:

"Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (1980), EPA publication number SW–846, available from the U.S. Environmental Protection Agency, 26 W. St. Clair St., Cincinnati, Ohio 45268.

(b) The references listed in paragraph (a) of this section are also available for inspection at the Office of the Federal Register, 1100 L Street, N.W., Washington, D.C. 20408. These incorporations by reference were approved by the Director of the Federal Register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

§§ 270.7–270.9 [Reserved]

Subpart B—Permit application

§ 270.10 General application requirements.

(a) *Permit application.* Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit an application to the Director as described in this section. Persons currently authorized with interim status shall apply for permits when required by the Director. Persons covered by RCRA permits by rule (§ 270.60), need not apply. Procedures for applications, issuance and administration of emergency permits are found exclusively in § 270.61.

(b) *Who applies?* When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit, except that the owner must also sign the permit application.

(c) *Completeness.* The Director shall not issue a permit before receiving a complete application for a permit except for permits by rule, or emergency permits. An application for a permit is complete when the Director receives an application form and any supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility. For EPA-Administered programs, an application which is reviewed under § 124.3 is complete when the Director receives information listed in a notice of deficiency.

(d) *Information requirements.* All applicants for RCRA permits shall provide information set forth in § 270.13 and applicable sections in §§ 270.14–270.29 to the Director, using the application form provided by the Director.

(e) *Existing HWM facilities.* (1) Owners and operators of existing hazardous waste management facilities must submit Part A of their permit application to the Regional Administrator no later than (i) six months after the date of publication of regulations which first require them to comply with the standards set forth in 40 CFR Parts 265 or 266, or (ii) thirty days after the date they first become subject to the standards set forth in 40 CFR Parts 265 or 266, whichever first occurs.

[Note.—For facilities which must comply with Part 265 because they handle a waste listed in EPA's May 19, 1980, Part 261 regulations (45 *FR* 33006 *et seq.*), the deadline for submitting an application is November 19, 1980. Where other existing facilities must begin in complying with Parts 265 or 266 at a later date because of revisions to Parts 260, 261, 265, or 266, the Administrator will specify in the preamble to those revisions when those facilities must submit a permit application.]

(2) The Administrator may by publication in the Federal Register extend the date by which owners and operators of specified classes of existing hazardous waste management facilities must submit Part A of their permit application if he finds that (i) there has been substantial confusion as to whether the owners and operators of such facilities were required to file a permit application and (ii) such confusion is attributed to ambiguities in EPA's Parts 260, 261, 265, or 266 regulations.

(3) The Administration may by compliance order issued under Section 3008 of RCRA extend the date by which the owner and operator of an existing hazardous waste management facility must submit Part A of their permit application.

(4) At any time after promulgation of Phase II the owner and operator of an existing HWM facility may be required to submit Part B of their permit application. The State Director may require submission of Part B (or equivalent completion of the State RCRA application process) if the State in which the facility is located has received interim authorization for Phase II or final authorization; if not, the Regional Administrator may require submission of Part B. Any owner or operator shall be allowed at least six months from the date of request to submit Part B of the application. Any owner or operator of an existing HWM facility may voluntarily submit Part B of the application at any time.

(5) Failure to furnish a requested part B application on time, or to furnish in full the information required by the Part B application, is grounds for termination of interim status under Part 124.

(f) *New HWM facilities.* (1) Except as provided in paragraph (f)(3) of this section, no person shall begin physical construction of a new HWM facility without having submitted Part A and Part B of the permit application and having received a finally effective RCRA permit.

(2) An application for a permit for a new HWM facility (including both Part A and Part B) may be filed any time after promulgation of those standards in Part 264, Subpart I *et seq.* applicable to such facility. The application shall be filed with the Regional Administrator if at the time of application the State in which the new HWM facility is proposed to be located has not received Phase II interim authorization for permitting such facility or final authorization; otherwise it shall be filed with the State Director. Except as provided in paragraph (f)(3) of this section, all applications must be submitted at least 180 days before physical construction is expected to commence.

(3) After November 19, 1980, but prior to the effective date of those standards in Part 264, Subpart I *et seq.*, which are applicable to his facility, a person may begin physical construction of a new HWM facility, except for landfills, injection wells, land treatment facilities or surface impoundments (as defined in 40 CFR 260.10), without having received a finally effective RCRA permit. If prior to beginning physical construction, such person has:

(i) Obtained the Federal, State and local approvals or permits necessary to begin physical construction;

(ii) Submitted Part A of the permit application; and

(iii) Made a commitment to complete physical construction of the facility within a reasonable time. Such persons may continue physical construction of the HWM facility after the effective date of the permitting standards in Part 264, Subpart I *et seq.*, applicable to his facility if he submits Part B of the permit application on or before the effective date of such standards (or on some later date specified by the Administrator). Such person must not operate the HWM facility without having received a finally effective RCRA permit.

(g) *Updating permit applications.* (1) If any owner or operator of a HWM facility has filed Part A of a permit application and has not yet filed Part B, the owner or operator shall file an amended Part A application:

(i) With the Regional Administrator, if the facility is located in a State which has not obtained interim authorization for phase II or final authorization, within six months after the promulgation of revised regulations under Part 261 listing or identifying additional hazardous wastes, if the facility is treating, storing, or disposing of any of those newly listed or identified wastes.

(ii) With the State Director, if the facility is located in a State which has obtained Phase II interim authorization or final authorization, no later than the effective date of regulatory provisions listing or designating wastes as hazardous in that State in addition to those listed or designated under the previously approved State program, if the facility is treating, storing, or disposing of any of those newly listed or designated wastes; or

(iii) As necessary to comply with provisions of § 270.72 for changes during interim status or with the analogous provisions of a State program approved for final authorization or interim authorization for Phase II. Revised Part A applications necessary to comply with the provisions of § 270.72 shall be filed with the Regional Administrator if the State in which the facility in question is located does not have Phase II interim authorization or final authorization; otherwise it shall be filed with the State Director (if the State has an analogous provision).

(2) The owner or operator of a facility who fails to comply with the updating requirements of paragraph (g)(1) of this section does not receive interim status as to the wastes not covered by duly filed Part A applications.

(h) *Reapplications.* Any HWM facility with an effective permit shall submit a new application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the Director. (The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

(i) *Recordkeeping.* Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under §§ 270.10(d), 270.13, 270.14–270.21 for a period of at least 3 years from the date the application is signed.

§ 270.11 Signatories to permit applications and reports.

(a) *Applications.* All permit applications shall be signed as follows:

(1) *For a corporation;* by a principal executive officer of at least the level of vice-president;

(2) *For a partnership or sole proprietorship;* by a general partner or the proprietor, respectively; or

(3) *For a municipality, State, Federal, or other public agency;* by either a principal executive officer or ranking elected official.

(b) *Reports.* All reports required by permits and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(3) The written authorization is submitted to the Director.

(c) *Changes to authorization.* If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) *Certification.* Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

§ 270.12 Confidentiality of information.

(a) In accordance with 40 CFR Part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words

"confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).

(b) Claims of confidentiality for the name and address of any permit applicant or permittee will be denied.

§ 270.13 Contents of Part A of the permit application.

Part A of the RCRA application shall include the following information:

(a) The activities conducted by the applicant which require it to obtain a permit under RCRA.

(b) Name, mailing address, and location, including latitude and longitude of the facility for which the application is submitted.

(c) Up to four SIC codes which best reflect the principal products or services provided by the facility.

(d) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.

(e) The name, address, and phone number of the owner of the facility.

(f) Whether the facility is located on Indian lands.

(g) An indication of whether the facility is new or existing and whether it is a first or revised application.

(h) For existing facilities, (1) a scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas; and (2) photographs of the facility clearly delineating all existing structures; existing treatment, storage, and disposal areas; and sites of future treatment, storage, and disposal areas.

(i) A description of the processes to be used for treating, storing, and disposing of hazardous waste, and the design capacity of these items.

(j) A specification of the hazardous wastes listed or designated under 40 CFR Part 261 to be treated, stored, or disposed of at the facility, an estimate of the quantity of such wastes to be treated, stored, or disposed annually, and a general description of the processes to be used for such wastes.

(k) A listing of all permits or construction approvals received or applied for under any of the following programs:

(1) Hazardous Waste Management program under RCRA.

(2) UIC program under the SWDA.

(3) NPDES program under the CWA.

(4) Prevention of Significant Deterioration (PSD) program under the Clean Air Act.

(5) Nonattainment program under the Clean Air Act.

(6) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.

(7) Ocean dumping permits under the Marine Protection Research and Sancturaies Act.

(8) Dredge or fill permits under section 404 of the CWA.

(9) Other relevant environmental permits, including State permits.

(l) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within ¼ mile of the facility property boundary.

(m) A brief description of the nature of the business.

§ 270.14 Contents of Part B: General Requirements.

(a) Part B of the permit application consists of the general information requirements of this section, and the specific information requirements in §§ 270.14–270.29 applicable to the facility. The Part B information requirements presented in §§ 270.14–270.29 reflect the standards promulgated in 40 CFR Part 264. These information requirements are necessary in order for EPA to determine compliance with the Part 264 standards. If owners and operators of HWM facilities can demonstrate that the information prescribed in Part B can not be provided to the extent required, the Director may make allowance for submission of such information on a case-by-case basis. Information required in Part B shall be submitted to the Director and signed in accordance with requirements in § 270.11. Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a registered professional engineer.

(b) General information requirements. The following information is required for all HWM facilities, except as § 264.1 provides otherwise:

(1) A general description of the facility.

(2) Chemical and physical analyses of the hazardous waste to be handled at the facility. At a minimum, these analyses shall contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with Part 264.

(3) A copy of the waste analysis plan required by § 264.13(b) and, if applicable § 264.13(c).

(4) A description of the security procedures and equipment required by § 264.14, or a justification demonstrating the reasons for requesting a waiver of this requirement.

(5) A copy of the general inspection schedule required by § 264.15(b); Include where applicable, as part of the inspection schedule, specific requirements in §§ 264.174, 264.194, 264.226, 264.254, 264.273, and 264.303.

(6) A justification of any request for a waiver(s) of the preparedness and prevention requirements of Part 264, Subpart C.

(7) A copy of the contingency plan required by Part 264, Subpart D. Note: Include, where applicable, as part of the contingency plan, specific requirements in §§ 264.227 and 264.255.

(8) A description of procedures, structures, or equipment used at the facility to:

(i) Prevent hazards in unloading operations (for example, ramps, special forklifts);

(ii) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

(iii) Prevent contamination of water supplies;

(iv) Mitigate effects of equipment failure and power outages; and

(v) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing).

(9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with § 264.17 including documentation demonstrating compliance with § 264.17(c).

(10) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals).

(11) Facility location information;

(i) In order to determine the applicability of the seismic standard [§ 264.18(a)] the owner or operator of a new facility must identify the political jurisdiction (e.g., county, township, or election district) in which the facility is proposed to be located.

[Comment: If the county or election district is not listed in Appendix VI of Part 264, no further information is required to demonstrate compliance with § 264.18(a).]

(ii) If the facility is proposed to be located in an area listed in Appendix VI of Part 264, the owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data or data obtained from field investigations carried out by the applicant. The information provided must be of such quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted must show that either:

(A) No faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault (which have displacement in Holocene time) within 3,000 feet of a facility are present, based on data from:

(*1*) Published geologic studies,

(*2*) Aerial reconnaissance of the area within a five-mile radius from the facility,

(*3*) An analysis of aerial photographs covering a 3,000 foot radius of the facility, and

(*4*) If needed to clarify the above data, a reconnaissance based on walking portions of the area within 3,000 feet of the facility, or

(B) If faults (to include lineations) which have had displacement in Holocene time are present within 3,000 feet of a facility, no faults pass with 200 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted, based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within 200 feet of such portions of the facility data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than 200 feet from portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within 3,000 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such investigation shall document with supporting maps and other analyses, the location of faults found.

[Comment: The Guidance Manual for the Location Standards provides greater detail on the content of each type of seismic investigation and the appropriate conditions under which each approach or a combination of approaches would be used.]

(iii) Owners and operators of all facilities shall provide an identification of whether the facility is located within a 100-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is not available. Information shall also be provided identifying the 100-year flood level and any other special flooding factors (e.g., wave action) which must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood.

[Comment: Where maps for the National Flood Insurance Program produced by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency are available, they will normally be determinative of whether a facility is located within or outside of the 100-year floodplain. However, the FIA map excludes an area (usually areas of the floodplain less than 200 feet in width), these areas must be considered and a determination made as to whether they are in the 100-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so located, what the 100-year flood elevation would be.]

(iv) Owners and operators of facilities located in the 100-year floodplain must provide the following information:

(A) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as consequence of a 100-year flood.

(B) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout.

(C) If applicable, and in lieu of paragraphs (b)(11)(iv) (A) and (B) above, a detaild description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including:

(*1*) Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility.

(*2*) A description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with the regulations under Parts 270, 271, 124, and 264 through 266 of this Chapter.

(*3*) The planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use.

(*4*) The potential for accidental discharges of the waste during movement.

(v) Existing facilities NOT in compliance with § 264.18(b) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.

(12) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the HWM facility in a safe manner as required to demonstrate compliance with § 264.16. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in § 264.16(a)(3).

(13) A copy of the closure plan and, where applicable, the post-closure plan required by §§ 264.112 and 264.118. Include, where applicable, as part of the plans, specific requirements in §§ 264.178, 264.197, 264.228, 264.258, 264.280, 264.310, and 264.351.

(14) For existing facilities, documentation that a notice has been placed in the deed or appropriate alternate instrument as required by § 264.120.

(15) The most recent closure cost estimate for the facility prepared in accordance with § 264.142 plus a copy of the financial assurance mechanism adopted in compliance with § 264.143.

(16) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with § 264.144 plus a copy of the financial assurance mechanism adopted in compliance with § 264.145.

(17) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of § 264.147. For a new facility, documentation showing the amount of insurance meeting the specification of § 264.147(a) and, if applicable, § 264.147(b), that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in § 264.147(d).

(18) Where appropriate, proof of coverage by a State financial mechanism in compliance with §§ 264.149 or 264.150.

(19) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas should use large contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:

(i) Map scale and date.

(ii) 100-year floodplain area.

(iii) Surface waters including intermittant streams.

(iv) Surrounding land uses (residential, commercial, agricultural, recreational).

(v) A wind rose (i.e., prevailing wind-speed and direction).

(vi) Orientation of the map (north arrow).

(vii) Legal boundaries of the HWM facility site.

(viii) Access control (fences, gates).

(ix) Injection and withdrawal wells both on-site and off-site.

(x) Buildings; treatment, storage, or disposal operations; or other structure (recreation areas, runoff control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.)

(xi) Barriers for drainage or flood control.

(xii) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed (include equipment cleanup areas).

[Note.—For large HWM facilities the Agency will allow the use of other scales on a case-by-case basis.]

(20) Applicants may be required to submit such information as may be necessary to enable the Regional Administrator to carry out his duties under other Federal laws as required in § 270.3 of this part.

(c) *Additional information requirements.* The following additional information regarding protection of ground water is required from owners or operators of hazardous waste surface impoundments, piles, land treatment units, and landfills except as otherwise provided in § 264.90(b):

(1) A summary of the ground-water monitoring data obtained during the interim status period under §§ 265.90–265.94, where applicable.

(2) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including ground-water flow direction and rate, and the basis for such identification (*i.e.*, the information obtained from hydrogeologic investigations of the facility area).

(3) On the topographic map required under paragraph (b)(19) of this section, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under § 264.95, the proposed location of ground-water monitoring wells as required under § 264.97, and, to the extent possible, the information required in paragraph (c)(2) of this section.

(4) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application was submitted that:

(i) Delineates the extent of the plume on the topographic map required under paragraph (b)(19) of this section;

(ii) Identifies the concentration of each Appendix VIII constituent throughout the plume or identifies the maximum concentrations of each Appendix VIII constituent in the plume.

(5) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to meet the requirements of § 264.97.

(6) If the presence of hazardous constituents has *not* been detected in the ground water at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of § 264.98. This submission must address the following items specified under § 264.98:

(i) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of hazardous constituents in the ground water;

(ii) A proposed ground-water monitoring system;

(iii) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

(iv) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground-water monitoring data.

(7) If the presence of hazardous constituents has been detected in the ground water at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of § 264.99. The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of § 264.100, except as provided in § 264.98(h)(5). To demonstrate compliance with § 264.99, the owner or operator must address the following items:

(i) A description of the wastes previously handled at the facility;

(ii) A characterization of the contaminated ground water, including concentrations of hazardous constituents;

(iii) A list of hazardous constituents for which compliance monitoring will be undertaken in accordance with § 264.97 and 264.99;

(iv) Proposed concentration limits for each hazardous constituent, based on the criteria set forth in § 264.94(a), including a justification for establishing any alternate concentration limits;

(v) Detailed plans and an engineering report describing the proposed ground-water monitoring system, in accordance with the requirements of § 264.97; and

(vi) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground-water monitoring data.

(8) If hazardous constituents have been measured in the ground water which exceed the concentration limits established under § 264.94 Table 1, or if ground water monitoring conducted at the time of permit application under §§ 265.90–265.94 at the waste boundary indicates the presence of hazardous constituents from the facility in ground water over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of § 264.100. However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the Regional Administrator that alternate concentration limits will protect human health and the environment after considering the criteria listed in § 264.94. An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of § 264.99 and paragraph (c)(6) of this

section. To demonstrate compliance with § 264.100, the owner or operator must address, at a minimum, the following items:

(i) A characterization of the contaminated ground water, including concentrations of hazardous constituents;

(ii) The concentration limit for each hazardous constituent found in the ground water as set forth in § 264.94;

(iii) Detailed plans and an engineering report describing the corrective action to be taken; and

(iv) A description of how the ground-water monitoring program will demonstrate the adequacy of the corrective action.

§ 270.15 Specific Part B information requirements for containers.

Except as otherwise provided in § 264.1, owners or operators of facilities that store containers of hazardous waste must provide the following additional information:

(a) A description of the containment system to demonstrate compliance with § 264.175. Show at least the following:

(1) Basic design parameters, dimensions, and materials of construction.

(2) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system.

(3) Capacity of the containment system relative to the number and volume of containers to be stored.

(4) Provisions for preventing or managing run-on.

(5) How accumulated liquids can be analyzed and removed to prevent overflow.

(b) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with § 264.175(c), including:

(1) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

(2) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids.

(c) Sketches, drawings, or data demonstrating compliance with § 264.176 (location of buffer zone and containers holding ignitable or reactive wastes) and § 264.177(c) (location of incompatible wastes), where applicable.

(d) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with §§ 264.177 (a) and (b), and 264.17 (b) and (c).

§ 270.16 Specific Part B information requirements for tanks.

Except as otherwise provided in § 264.1, owners and operators of facilities that use tanks to store or treat hazardous waste must provide a description of design and operation procedures which demonstrate complaince with the requirements of §§ 264.191, 264.192, 264.198 and 264.199 including: (a) References to design standards or other available information used (or to be used) in design and construction of the tank.

(b) A description of design specifications including identification of construction materials and lining materials (include pertinent characteristics such as corrosion or erosion resistance).

(c) Tank dimensions, capacity, and shell thickness.

(d) A diagram of piping, instrumentation, and process flow.

(e) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents).

(f) Description of procedures for handling incompatible ignitable, or reactive wastes, including the use of buffer zones.

§ 270.17 Specific Part B information requirements for surface impoundments.

Except as otherwise provided in § 264.1, owners and operators of facilities that store, treat or dispose of hazardous waste in surface impoundments must provide the following additional information:

(a) A list of the hazardous wastes placed or to be placed in each surface impoundment;

(b) Detailed plans and an engineering report describing how the surface impoundment is or will be designed, constructed, operated and maintained to meet the requirements of § 264.221. This submission must address the following items as specified in § 264.221:

(1) The liner system (except for an existing portion of a surface impoundment). If an exemption from the requirement for a liner is sought as provided by § 264.221(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;

(2) Prevention of overtopping; and

(3) Structural integrity of dikes;

(c) If any exemption from Subpart F of Part 264 is sought, as provided by § 264.222(a), detailed plans and an engineering report explaining the location of the saturated zone in relation to the surface impoundment, and the design of a double-liner system that incorporates a leak detection system between the liners;

(d) A description of how each surface impoundment, including the liner and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of § 264.226(a) and (b). This information should be included in the inspection plan submitted under § 270.14(b)(5);

(e) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under § 264.226(c). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;

(f) A description of the procedure to be used for removing a surface impoundment from service, as required under § 264.227(b) and (c). This information should be included in the contingency plan submitted under § 270.14(b)(7);

(g) A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under § 264.228(a)(1). For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed-plans and an engineering report describing how § 264.228(a)(2) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under § 270.14(b)(13);

(h) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how § 264.229 will be complied with;

(i) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how § 264.230 will be complied with.

§ 270.18 Specific Part B information requirements for waste piles.

Except as otherwise provided in § 264.1, owners and operators of facilities that store or treat hazardous waste in waste piles must provide the following additional information:

(a) A list of hazardous wastes placed or to be placed in each waste pile;

(b) If an exemption is sought to § 264.251, and Subpart F of Part 264 as provided by § 264.250(c), an explanation of how the standards of § 264.250(c) will be complied with;

(c) Detailed plans and an engineering report describing how the pile is or will

be designed, constructed, operated and maintained to meet the requirements of § 264.251. This submission must address the following items as specified in § 264.251:

(1) The liner system (except for an existing portion of a pile). If an exemption from the requirement for a liner is sought, as provided by § 264.252(b), the owner or operator must submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;

(2) Control of run-on;

(3) Control of run-off;

(4) Management of collection and holding units associated with run-on and run-off control systems; and

(5) Control of wind dispersal of particulate matter, where applicable;

(d) If an exemption from Subpart F of Part 264 is sought as provided by §§ 264.252 or 264.253, submit detailed plans and an engineering report describing how the requirements of §§ 264.252(a) or 264.253(a) will be complied with;

(e) A description of how each waste pile, including the liner and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of § 264.254 (a) and (b). This information should be included in the inspection plan submitted under § 270.14(b)(5). If an exemption is sought to Subpart F of Part 264 pursuant to § 264.253, describe in the inspection plan how the inspection requirements of § 264.253(a)(3) will be complied with;

(f) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

(g) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of § 264.256 will be complied with;

(h) If incompatible wastes, or incompatible wastes and materials will be place in a waste pile, an explanation of how § 264.257 will be complied with;

(i) A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under § 264.258(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how § 264.310 (a) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under § 270.14(b)(13).

§ 270.19 Specific Part B information requirements for incinerators.

Except as § 264.340 of this chapter provides otherwise, owners and operators of facilities that incinerate hazardous waste must fulfill the requirements of (a), (b), or (c) of this section.

(a) When seeking an exemption under § 264.340 (b) or (c) of this chapter (Ignitable, corrosive, or reactive wastes only):

(1) Documentation that the waste is listed as a hazardous waste in Part 261, Subpart D of this chapter, solely because it is ignitable (Hazard Code I) or corrosive (Hazard Code C) or both; or

(2) Documentation that the waste is listed as a hazardous waste in Part 261, Subpart D of this chapter, solely because it is reactive (Hazard Code R) for characteristics other than those listed in § 261.23(a) (4) and (5) of this chapter, and will not be burned when other hazardous wastes are present in the combustion zone; or

(3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous waste under Part 261, Subpart C of this Chapter; or

(4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in § 261.23(a) (1), (2), (3), (6), (7), or (8) of this Chapter, and that it will not be burned when other hazardous wastes are present in the combustion zone; or

(b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with § 270.62; or

(c) In lieu of a trial burn, the applicant may submit the following information:

(1) An analysis of each waste or mixture of wastes to be burned including:

(i) Heat value of the waste in the form and composition in which it will be burned.

(ii) Viscosity (if applicable), or description of physical form of the waste.

(iii) An identification of any hazardous organic constituents listed in Part 261, Appendix VIII, of this Chapter, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Part 261, Appendix VIII, of this Chapter which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test methods for the evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 270.6 and referenced in 40 CFR Part 261, Appendix III), or their equivalent.

(iv) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 270.6).

(v) A quantification of those hazardous constituents in the waste which may be designated as POHC's based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in 264.343 of this chapter.

(2) A detailed engineering description of the incinerator, including:

(i) Manufacturer's name and model number of incinerator.

(ii) Type of incinerator.

(iii) Linear dimension of incinerator unit including cross sectional area of combustion chamber.

(iv) Decription of auxiliary fuel system (type/feed).

(v) Capacity of prime mover.

(vi) Description of automatic waste feed cutoff system(s).

(vii) Stack gas monitoring and pollution control monitoring system.

(viii) Nozzle and burner design.

(ix) Construction materials.

(x) Location and description of temperature, pressure, and flow indicating devices and control devices.

(3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in paragraph (c)(1) of this section. This analysis should specify the POHC's which the applicant has idenitified in the waste for which a permit is sought, and any differeneces from the POHC's in the waste for which burn data are provided.

(4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available.

(5) A description of the results submitted from any previously conducted trial burn(s) including:

(i) Sampling and analysis techniques used to calculate performance standards in § 264.343 of this chapter,

(ii) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement).

(6) The expected incinerator operation information to demonstrate compliance with §§ 264.343 and 264.345 of this chapter including:

(i) Expected carbon monoxide (CO) level in the stack exhaust gas.

(ii) Waste feed rate.

(iii) Combustion zone temperature.

(iv) Indication of combustion gas velocity.

(v) Expected stack gas volume, flow rate, and temperature.

(vi) Computed residence time for waste in the combustion zone.

(vii) Expected hydrochloric acid removal efficiency.

(viii) Expected fugitive emissions and their control procedures.

(ix) Proposed waste feed cut-off limits based on the identified significant operating parameters.

(7) Such supplemental information as the Director finds necessary to achieve the purposes of this paragraph.

(8) Waste analysis data, including that submitted in paragraph (c)(1) of this section, sufficient to allow the Director to specify as permit Principal Organic Hazardous Constituents (permit POHC's) those constituents for which destruction and removal efficiencies will be required.

(d) The Director shall approve a permit application without a trial burn if he finds that:

(1) The wastes are sufficiently similar; and

(2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under § 264.345 of this chapter) operating conditions that will ensure that the performance standards in § 264.343 of this Chapter will be met by the incinerator.

(3) [Reserved].

§ 270.20 Specific Part B information requirements for landfills.

Except as otherwise provided in § 264.1, owners and operators of facilities that use land treatment to dispose of hazardous waste must provide the following additional information:

(a) A description of plans to conduct a treatment demonstration as required under § 264.272. The description must include the following information;

(1) The wastes for which the demonstration will be made and the potential hazardous constituents in the waste;

(2) The data sources to be used to make the demonstration (*e.g.*, literature, laboratory data, field data, or operating data);

(3) Any specific laboratory or field test that will be conducted, including:

(i) The type of test (*e.g.*, column leaching, degradation);

(ii) Materials and methods, including analytical procedures;

(iii) Expected time for completion;

(iv) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices.

(b) A description of a land treatment program, as required under § 264.271. This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

(1) The wastes to be land treated;

(2) Design measures and operating practices necessary to maximize treatment in accordance with § 264.273(a) including:

(i) Waste application method and rate;

(ii) Measures to control soil pH;

(iii) Enhancement of microbial or chemical reactions;

(iv) Control of moisture content;

(3) Provisions for unsaturated zone monitoring, including:

(i) Sampling equipment, procedures, and frequency;

(ii) Procedures for selecting sampling locations;

(iii) Analytical procedures;

(iv) Chain of custody control;

(v) Procedures for establishing background values;

(vi) Statistical methods for interpreting results;

(vii) The justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for such selection in § 264.278(a);

(4) A list of hazardous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to § 264.13;

(5) The proposed dimensions of the treatment zone;

(c) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of § 264.273. This submission must address the following items:

(1) Control of run-on;

(2) Collection and control of run-off;

(3) Minimization of run-off of hazardous constituents from the treatment zone;

(4) Management of collection and holding facilities associated with run-on and run-off control systems;

(5) Periodic inspection of the unit. This information should be included in the inspection plan submitted under § 270.14(b)(5);

(6) Control of wind dispersal of particulate matter, if applicable;

(d) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under § 264.276(a) will be conducted including:

(1) Characteristics of the food-chain crop for which the demonstration will be made.

(2) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;

(3) Procedures for crop growth, sample collection, sample analysis, and data evaluation;

(4) Characteristics of the comparison crop including the location and conditions under which it was or will be grown;

(5) If food-chain crops are to be grown, and cadmium is present in the land-treated waste, a description of how the requirements of § 264.276(b) will be complied with;

(6) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under § 264.280(a)(8) and § 264.280(c)(2). This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under § 270.14(b)(13);

(7) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of § 264.281 will be complied with;

(8) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how § 264.282 will be complied with.

§ 270.21 Specific Part B information requirements for land treatment facilities.

Except as otherwise provided in § 264.1, owners and operators of facilities that dispose of hazardous waste in landfills must provide the following additional information:

(a) A list of the hazardous wastes placed or to be placed in each landfill or landfill cell;

(b) Detailed plans and an engineering report describing how the landfill is or will be designed, constructed, operated and maintained to comply with the requirements of § 264.301. This

submission must address the following items as specified in § 264.301:

(1) The liner system and leachate collection and removal system (except for an existing portion of a landfill). If an exemption from the requirements for a liner and a leachate collection and removal system is sought as provided by § 264.301(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituent into the ground water or surface water at any future time;

(2) Control of run-on;

(3) Control of run-off;

(4) Management of collection and holding facilities associated with run-on and run-off control systems; and

(5) Control of wind dispersal of particulate matter, where applicable;

(c) If an exemption from Subpart F of Part 264 is sought, as provided by § 264.302(a), the owner or operator must submit detailed plans and an engineering report explaining the location of the saturated zone in relation to the landfill, the design of a double-liner system that incorporates a leak detection system between the liners, and a leachate collection and removal system above the liners;

(d) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of § 264.303 (a) and (b). This information should be included in the inspection plan submitted under § 270.14(b)(5).

(e) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with § 264.310(a), and a description of how each landfill will be maintained and monitored after closure in accordance with § 264.310(b). This information should be included in the closure and post-closure plans submitted under § 270.14(b)(13).

(f) If ignitable or reactive wastes will be landfilled, an explanation of how the standards of § 264.312 will be complied with;

(g) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how § 264.313 will be complied with;

(h) If bulk or non-containerized liquid waste or wastes containing free liquids is to be landfilled, an explanation of how the requirements of § 264.314 will be complied with;

(i) If containers of hazardous waste are to be landfilled, an explanation of how the requirements of § 264.315 or § 264.316, as applicable, will be complied with.

§§ 270.22–270.29 [Reserved]

Subpart C—Permit Conditions

§ 270.30 Conditions applicable to all permits.

The following conditions apply to all RCRA permits, and shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved State regulations) must be given in the permit.

(a) *Duty to comply.* The permittee must comply with all conditions of this permit, except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit. (See § 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the appropriate Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(b) *Duty to reapply.* If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

(c) *Need to halt or reduce activity not a defense.* It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) *Duty to mitigate.* The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

(e) *Proper operation and maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the opration of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(f) *Permit actions.* This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(g) *Property rights.* The permit does not convey any property rights of any sort, or any exclusive privilege.

(h) *Duty to provide information.* The permittee shall furnish to the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

(i) *Inspection and entry.* The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

(1) Enter at reasonable times upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

(j) *Monitoring and records.* (1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. The permittee shall maintain records of all ground-water quality and ground-water surface elevations, for the active life of the facility, and for the post-closure care period as well.

(3) Records for monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(k) *Signatory requirements.* All applications, reports, or information submitted to the Director shall be signed and certified (See § 270.11.)

(l) *Reporting requirements.* (1) *Planned changes.* The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

(2) *Anticipated noncompliance.* The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility, until:

(i) The permittee has submitted to the Director by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and

(ii)(A) The Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

(B) Within 15 days of the date of submission of the letter in paragraph (c)(1) of this section, the permittee has not received notice from the Director of his or her intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of hazardous waste.

(3) *Transfers.* This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under RCRA. (See § 270.40)

(4) *Monitoring reports.* Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(5) *Compliance schedules.* Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(6) *Twenty-four hour reporting.* (i) The permittee shall report any noncompliance which may endanger health or the environment orally within 24 hours from the time the permittee becomes aware of the circumstances, including:

(A) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.

(B) Any information of a release or discharge of hazardous waste or of a fire or explosion from the HWM facility, which could threaten the environment or human health outside the facility.

(ii) The description of the occurrence and its cause shall include:

(A) Name, address, and telephone number of the owner or operator;

(B) Name, address, and telephone number of the facility;

(C) Date, time, and type of incident;

(D) Name and quantity of material(s) involved;

(E) The extent of injuries, if any;

(F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

(G) Estimated quantity and disposition of recovered material that resulted from the incident.

(iii) A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Director may waive the five day written notice requirement in favor of a written report within fifteen days.

(7) *Manifest discrepancy report:* If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within fifteen days, the permittee must submit a letter report, including a copy of the manifest, to the Director. (See 40 CFR 264.72.)

(8) *Unmanifested waste report:* This report must be submitted to the Director within 15 days of receipt of unmanifested waste. (See 40 CFR § 264.76)

(9) *Biennial report:* A biennial report must be submitted covering facility activities during odd numbered calendar years. (See 40 CFR 264.75.)

(10) *Other noncompliance.* The permittee shall report all instances of noncompliance not reported under paragraphs (L)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

(11) *Other information.* Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

§ 270.31 Requirements for recording and reporting of monitoring results.

All permits shall specify:

(a) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);

(b) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring;

(c) Applicable reporting requirements based upon the impact of the regulated activity and as specified in Parts 264, 266 and 267. Reporting shall be no less frequent than specified in the above regulations.

§ 270.32 Establishing permit conditions.

(a) In addition to conditions required in all permits (§ 270.30), the Director shall establish conditions, as required on a case-by-case basis, in permits under §§ 270.50 (duration of permits), 270.33(a) (schedules of compliance), 270.31 (monitoring), and for EPA issued permits only, 270.33(b) (alternate schedules of compliance) and 270.3 (considerations under Federal law).

(b) Each RCRA permit shall include permit conditions necessary to achieve compliance with the Act and regulations, including each of the applicable requirements specified in 40 CFR Parts 264, 266, and 267. In satisfying this provision, the Director may incorporate applicable requirements of 40 CFR Parts 264, 266, and 267 directly into the permit or establish other permit conditions that are based on these parts.

(c) For a State issued permit, an applicable requirement is a State statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit. For a permit issued by EPA, an applicable requirement is a statutory or regulatory requirement (including any

interim final regulation) which takes effect prior to the issuance of the permit (except as provided in § 124.86(c) for RCRA permits being processed under Subparts E or F of Part 124). Section 124.14 (reopening of comment period) provides a means for reopening EPA permit proceedings at the discretion of the Director where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable. For State and EPA administered programs, an applicable requirement is also any requirement which takes effect prior to the modification or revocation and reissuance of a permit, to the extent allowed in §270.41.

(d) New or reissued permits, and to the extent allowed under § 270.41, modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in this section and in 40 CFR 270.31.

(e) *Incorporation.* All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

§ 270.33 Schedules of compliance.

(a) The permit may, when appropriate, specify a schedule of compliance leading to compliance with the Act and regulations.

(1) *Time for compliance.* Any schedules of compliance under this section shall require compliance as soon as possible.

(2) *Interim dates.* Except as provided in paragraph (b)(1)(ii) of this section, if a permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

(i) The time between interim dates shall not exceed 1 year.

(ii) If the time necessary for completion of any interim requirement is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(3) *Reporting.* The permit shall be written to require that no later than 14 days following each interim date and the final date of compliance, the permittee shall notify the director in writing, of its compliance or noncompliance with the interim or final requirements, or submit progress reports if paragraph (a)(2)(ii) of this section is applicable.

(b) *Alternative schedules of compliance.* A RCRA permit applicant or permittee may cease conducting regulated activities (by receiving a terminal volume of hazardous waste) and for treatment and storage HWM facilities, closing pursuant to applicable requirements; and for disposal HWM facilities, closing and conducting post-closure care pursuant to applicable requirements, rather than continue to operate and meet permit requirements as follows:

(1) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued:

(i) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

(ii) The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.

(2) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination which will ensure timely compliance with applicable requirements.

(3) If the permittee is undecided whether to cease conducting regulated activities, the Director may issue or modify a permit to contain two schedules as follows:

(i) Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;

(ii) One schedule shall lead to timely compliance with applicable requirements;

(iii) The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements;

(iv) Each permit containing two schedules shall include a requirement that after the permittee has made a final decision under paragraph (b)(3)(i) of this section it shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.

(4) The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the Director, such as resolution of the board of directors of a corporation.

§§ 270.34–270.39 [Reserved]

Subpart D—Changes to permit

§ 270.40 Transfer of permits.

Transfers by modification. A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under § 270.41(b)(2)), or a minor modification made (under § 270.42(d)), to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act.

§ 270.41 Major modification or revocation and reissuance of permits.

When the Director receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see § 270.30)), receives a request for modification or revocation and reissuance under § 124.5, or conducts a review of the permit file) he or she may determine whether or not one or more of the causes listed in paragraphs (a) and (b) of this section for modification, or revocation and reissuance or both exist. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to the limitations of paragraphs (c) of this section, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. See 40 CFR 124.5(c)(2). If cause does not exist under this section or 40 CFR 270.42, the Director shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in 40 CFR 270.42 for a minor modification, the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in Part 124 (or procedures of an approved State program) followed.

(a) *Causes for modification.* The following are causes for modification, but not revocation and reissuance, of permits; the following may be causes for revocation and reissuance, as well as modification, when the permittee requests or agrees.

(1) *Alterations.* There are material and substantial alterations or additions to the permitted facility or activity which

occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

(2) *Information.* The Director has received information. Permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance.

(3) *New regulations.* The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows:

(i) For promulgation of amended standards or regulations, when:

(A) The permit condition requested to be modified was based on a promulgated Parts 260–266 regulation; and

(B) EPA has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based; and

(C) A permittee requests modification in accordance with § 124.5 within ninety (90) days after **Federal Register** notice of the action on which the request is based.

(ii) For judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations if the remand and stay concern that portion of the regulations on which the permit condition was based and a request is filed by the permittee in accordance with § 124.5 within ninety (90) days of judicial remand.

(4) *Compliance schedules.* The Director determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

(5) The Director may also modify a permit:

(i) When modification of a closure plan is required under §§ 264.112(b) or 264.118(b).

(ii) After the Director receives the notification of expected closure under § 264.113, when the Director determines that extension of the 90 to 180 day periods under § 264.113, modification of the 30-year post-closure period under § 264.117(a), continuation of security requirements under § 264.117(b), or permission to disturb the integrity of the containment system under § 264.117(c) are unwarranted.

(iii) When the permittee has filed a request under § 264.147(d) for a variance to the level of financial responsibility or when the Director demonstrates under § 264.147(c) that an upward adjustment of the level of financial responsibility is required.

(iv) When the corrective action program specified in the permit under § 264.100 has not brought the regulated unit into compliance with the ground-water protection standard within a reasonable period of time.

(v) To include a detection monitoring program meeting the requirements of § 264.98, when the owner or operator has been conducting a compliance monitoring program under § 264.99 or a corrective action program under § 264.100 and compliance period ends before the end of the post-closure care period for the unit.

(vi) When a permit requires a compliance monitoring program under § 264.99, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the ground-water protection standard.

(vii) To include conditions applicable to units at a facility that were not previously included in the facility's permit.

(viii) When a land treatment unit is not achieving complete treatment of hazardous constituents under its current permit conditions.

(b) *Causes for modification or revocation and reissuance.* The following are causes to modify or, alternatively, revoke and reissue a permit:

(1) Cause exists for termination under § 270.43, and the Director determines that modification or revocation and reissuance is appropriate.

(2) The Director has received notification (as required in the permit, see § 270.30(L)(3)) of a proposed transfer of the permit.

(c) *Facility siting.* Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environmental exists which was unknown at the time of permit issuance.

§ 270.42 Minor modifications of permits.

Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of Part 124. Any permit modification not processed as a minor modification under this section must be made for cause and with Part 124 draft permit and public notice as required in § 270.41. Minor modifications may only:

(a) Correct typographical errors;

(b) Require more frequent monitoring or reporting by the permittee;

(c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

(d) Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Director;

(e) Change the lists of facility emergency coordinators or equipment in the permit's contingency plan;

(f) Change estimates of maximum inventory under § 264.112(a)(2);

(g) Change estimates of expected year of closure or schedules for final closure under § 264.112(a)(4);

(h) Approve periods longer than 90 days or 180 days under § 264.113 (a) and (b);

(i) Change the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided that the change is minor;

(j) Change the operating requirements set in the permit for conducting a trial burn, provided that the change is minor;

(k) Grant one extension of the time period for determining operational readiness following completion of construction, for up to 720 hours operating time for treatment of hazardous waste;

(l) Change the treatment program requirements for land treatment units under § 264.271 to improve treatment of hazardous constituents, provided that the change is minor;

(m) Change any conditions specified in the permit for land treatment units to reflect the results of field tests or laboratory analyses used in making a treatment demonstration in accordance with § 270.63, provided that the change is minor; and

(n) Allow a second treatment demonstration for land treatment to be conducted when the results of the first demonstration have not shown the conditions under which the waste or wastes can be treated completely as required by § 264.272(a), provided that the conditions for the second demonstration are substantially the

same as the conditions for the first demonstration.

§ 270.43 Termination of permits.

(a) The following are causes for terminating a permit during its term, or for denying a permit renewal application:

(1) Noncompliance by the permittee with any condition of the permit;

(2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

(b) The Director shall follow the applicable procedures in Part 124 or State procedures in terminating any permit under this section.

§§ 270.44–270.49 [Reserved.]

Subpart E—Expiration and continuation of permits

§ 270.50 Duration of permits.

(a) RCRA permits shall be effective for a fixed term not to exceed 10 years.

(b) Except as provided in § 270.51, the term of a permit shall not be extended by modification beyond the maximum duration specified in this section.

(c) The Director may issue any permit for a duration that is less than the full allowable term under this section.

§ 270.51 Continuation of expiring permits.

(a) *EPA permits.* When EPA is the permit-issuing authority, the conditions of an expired permit continue in force under 5 U.S.C. 558(c) until the effective date of a new permit (see § 124.15) if:

(1) The permittee has submitted a timely application under § 270.14 and the applicable sections in §§ 270.15–270.29 which is a complete (under § 270.10(c)) application for a new permit; and

(2) The Regional Administrator through no fault of the permittee, does not issue a new permit with an effective date under § 124.15 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

(b) *Effect.* Permits continued under this section remain fully effective and enforceable.

(c) *Enforcement.* When the permittee is not in compliance with the conditions of the expiring or expired permit, the Regional Administrator may choose to do any or all of the following:

(1) Initiate enforcement action based upon the permit which has been continued;

(2) Issue a notice of intent to deny the new permit under § 124.6. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(3) Issue a new permit under Part 124 with appropriate conditions; or

(4) Take other actions authorized by these regulations.

(d) *State continuation.* An EPA issued permit does not continue in force beyond its expiration date under Federal law if at that time a State is the permitting authority. States authorized to administer the RCRA program may continue either EPA or State-issued permits until the effective date of the new permits, if State law allows. Otherwise, the facility is operating without a permit from the time of expiration of the old permit to the effective date of the State-issued new permit.

§§ 270.52–270.59 [Reserved].

Subpart F—Special forms of permits

§ 270.60 Permits by rule.

Notwithstanding any other provision of this Part or Part 124, the following shall be deemed to have a RCRA permit if the conditions listed are met:

(a) *Ocean disposal barges or vessels.* The owner or operator of a barge or other vessel which accepts hazardous waste for ocean disposal, if the owner or operator:

(1) Has a permit for ocean dumping issued under 40 CFR Part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. 1420 *et seq.*);

(2) Complies with the conditions of that permit; and

(3) Complies with the following hazardous waste regulations:

(i) 40 CFR 264.11, Identification number;

(ii) 40 CFR 264.71, Use of manifest system;

(iii) 40 CFR 264.72, Manifest discrepancies;

(iv) 40 CFR 264.73(a) and (b)(1), Operating record;

(v) 40 CFR 264.75, Biennial report; and

(vi) 40 CFR 264.76, Unmanifested waste report.

(b) *Injection wells.* The owner or operator of an injection well disposing of hazardous waste, if the owner or operator:

(1) Has a permit for underground injection issued under Part 144 or 145; and

(2) Complies with the conditions of that permit and the requirements of § 144.14 (requirements for wells managing hazardous waste).

(c) *Publicly owned treatment works.* The owner or operator of a POTW which accepts for treatment hazardous waste, if the owner or operator:

(1) Has an NPDES permit;

(2) Complies with the conditions of that permit; and

(3) Complies with the following regulations:

(i) 40 CFR 264.11, Identification number;

(ii) 40 CFR 264.71, Use of manifest system;

(iii) 40 CFR 264.72, Manifest discrepancies;

(iv) 40 CFR 264.73(a) and (b)(1), Operating record;

(v) 40 CFR 264.75, Biennial report;

(vi) 40 CFR 264.76, Unmanifested waste report; and

(4) If the waste meets all Federal, State, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance.

§ 270.61 Emergency permits.

(a) Notwithstanding any other provision of this part or Part 124, in the event the Director finds an imminent and substantial endangerment to human health or the environment the Director may issue a temporary emergency permit for a facility to allow treatment, storage, or disposal of hazardous waste for a non-permitted facility or not-covered by the permit for a facility with an effective permit.

(b) This emergency permit:

(1) May be oral or written. If oral, it shall be followed in five days by a written emergency permit;

(2) Shall not exceed 90 days in duration;

(3) Shall clearly specify the hazardous wastes to be received, and the manner and location of their treatment, storage, or disposal;

(4) May be terminated by the Director at any time without process if he or she determines that termination is appropriate to protect human health and the environment;

(5) Shall be accompanied by a public notice published under § 124.11(b) including:

(i) Name and address of the office granting the emergency authorization;

(ii) Name and location of the permitted HWM facility;

(iii) A brief description of the wastes involved;

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(iv) A brief description of the action authorized and reasons for authorizing it; and

(v) Duration of the emergency permit; and

(6) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this part and 40 CFR Parts 264 and 266.

§ 270.62 Hazardous waste incinerator permits.

(a) For the purposes of determining operational readiness following completion of physical construction, the Director must establish permit conditions, including but not limited to allowable waste feeds and operating conditions, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness to conduct a trial burn, not to exceed 720 hours operating time for treatment of hazardous waste. The Director may extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit may be modified to reflect the extension according to § 270.42 (Minor modifications of permits) of this Chapter.

(1) Applicants must submit a statement, with part B of the permit application, which suggests the conditions necessary to operate in compliance with the performance standards of § 264.343 of this Chapter during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates and the operating parameters identified in § 264.345 of this Chapter.

(2) The Director will review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of § 264.343 of this Chapter based on his engineering judgment.

(b) For the purposes of determining feasibility of compliance with the performance standards of § 264.343 of this Chapter and of determining adequate operating conditions under § 264.345 of this Chapter, the Director must establish conditions in the permit for a new hazardous waste incinerator to be effective during the trial burn.

(1) Applicants must propose a trial burn plan, prepared under paragraph (b)(2) of this section with a Part B of the permit application.

(2) The trial burn plan must include the following information:

(i) An analysis of each waste or mixture of wastes to be burned which includes:

(A) Heat value of the waste in the form and composition in which it will be burned.

(B) Viscosity (if applicable), or description of the physical form of the waste.

(C) An identification of any hazardous organic constituents listed in Part 261, Appendix VIII of this Chapter, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Part 261, Appendix VIII, of this Chapter which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for the exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 270.6), or other equivalent.

(D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," (incorporated by reference, see § 270.6), or their equivalent.

(ii) A detailed engineering description of the incinerator for which the permit is sought including:

(A) Manufacturer's name and model number of incinerator (if available).

(B) Type of incinerator.

(C) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber.

(D) Description of the auxiliary fuel system (type/feed).

(E) Capacity of prime mover.

(F) Description of automatic waste feed cut-off system(s).

(G) Stack gas monitoring and pollution control equipment.

(H) Nozzle and burner design.

(I) Construction materials.

(J) Location and description of temperature, pressure, and flow indicating and control devices.

(iii) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.

(iv) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the Director's decision under paragraph (b)(5) of this section.

(v) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator.

(vi) A description of, and planned operating conditions for, any emission control equipment which will be used.

(vii) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction.

(viii) Such other information as the Director reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this paragraph and the criteria in paragraph (b)(5) of this section.

(3) The Director, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this paragraph.

(4) Based on the waste analysis data in the trial burn plan, the Director will specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Director based on his estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in Part 261, Subpart D, of this Chapter, the hazardous waste organic constituent or constituents identified in Appendix VII of that Part as the basis for listing.

(5) The Director shall approve a trial burn plan if he finds that:

(i) The trial burn is likely to determine whether the incinerator performance standard required by § 264.343 of this Chapter can be met;

(ii) The trial burn itself will not present an imminent hazard to human health or the environment;

(iii) The trial burn will help the Director to determine operating requirements to be specified under § 264.345 of this Chapter; and

(iv) The information sought in paragraphs (b)(5) (i) and (ii) of this Section cannot reasonably be developed through other means.

(6) During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

(i) A quantitative analysis of the trial POHCs in the waste feed to the incinerator.

(ii) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, oxygen (O_2) and hydrogen chloride (HCl).

(iii) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial POHCs.

(iv) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in § 264.343(a) of this Chapter.

(v) If the HCl emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with 264.343(b) of this Chapter.

(vi) A computation of particulate emissions, in accordance with § 264.343(c) of this Chapter.

(vii) An identification of sources of fugitive emissions and their means of control.

(viii) A measurement of average, maximum, and minimum temperatures and combustion gas velocity.

(ix) A continuous measurement of carbon monoxide (CO) in the exhaust gas.

(x) Such other information as the Director may specify as necessary to ensure that the trial burn will determine compliance with the performance standards in § 264.343 of this Chapter and to establish the operating conditions required by § 264.345 of this Chapter as necessary to meet that performance standard.

(7) The applicant must submit to the Director a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all the determinations required in paragraph (b)(6). This submission shall be made within 90 days of completion of the trial burn, or later if approved by the Director.

(8) All data collected during any trial burn must be submitted to the Director following the completion of the trial burn.

(9) All submissions required by this paragraph must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under § 270.11.

(10) Based on the results of the trial burn, the Director shall set the operating requirements in the final permit according to § 264.345 of this Chapter. The permit modification shall proceed as a minor modification according to § 270.42.

(c) For the purposes of allowing operation of a new hazardous waste incinerator following completion of the trial burn and prior to final modification of the permit conditions to reflect the trial burn results, the Director may establish permit conditions, including but not limited to allowable waste feeds and operating conditions sufficient to meet the requirements of § 264.345 of this Chapter, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to complete sample analysis, data computation and submission of the trial burn results by the applicant, and modification of the facility permit by the Director.

(1) Applicants must submit a statement, with Part B of the permit application, which identifies the conditions necessary to operate in compliance with the performance standards of § 264.343 of this Chapter, during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates, and the operating parameters in § 264.345 of this Chapter.

(2) The Director will review this statement and any other relevant information submitted with Part B of the permit application and specify those requirements for this period most likely to meet the performance standards of § 264.343 of this Chapter based on his engineering judgment.

(d) For the purposes of determining feasibility of compliance with the performance standards of § 264.343 of this Chapter and of determining adequate operating conditions under § 264.345 of this Chapter, the applicant for a permit to an existing hazardous waste incinerator may prepare and submit a trial burn plan and perform a trial burn in accordance with paragraphs (b)(2) through (b)(9) of this Section. Applicants who submit trial burn plans and receive approval before submission of a permit application must complete the trial burn and submit the results, specified in paragraph (b)(6), with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the Director to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period to be specified by the Director.

§ 270.63 Permits for land treatment demonstrations using field test or laboratory analyses.

(a) For the purpose of allowing an owner or operator to meet the treatment demonstration requirements of § 264.272 of this Chapter, the Director may issue a treatment demonstration permit. The permit must contain only those requirements necessary to meet the standards in § 264.272(c). The permit may be issued either as a treatment or disposal permit covering only the field test or laboratory analyses, or as a two-phase facility permit covering the field tests, or laboratory analyses, and design, construction operation and maintenance of the land treatment unit.

(1) The Director may issue a two-phase facility permit if he finds that, based on information submitted in Part B of the application, substantial, although incomplete or inconclusive, information already exists upon which to base the issuance of a facility permit.

(2) If the Director finds that not enough information exists upon which he can establish permit conditions to attempt to provide for compliance with all of the requirements of Subpart M, he must issue a treatment demonstration permit covering only the field test or laboratory analyses.

(b) If the Director finds that a phased permit may be issued, he will establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions will include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration clean-up activities, and any other conditions which the Director finds may be necessary under § 264.272(c). The Director will include conditions in the second phase of the facility permit to attempt to meet all Subpart M requirements pertaining to unit design, construction, operation, and maintenance. The Director will establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application.

(1) The first phase of the permit will be effective as provided in § 124.15(b) of this Chapter.

(2) The second phase of the permit will be effective as provided in paragraph (d) of this Section.

(c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, he must submit to the Director a certification, signed by a person authorized to sign a permit application or report under § 270.11, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the

permit for conducting such tests or analyses. The owner or operator must also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses unless the Director approves a later date.

(d) If the Director determines that the results of the field tests or laboratory analyses meet the requirements of § 284.272 of this Chapter, he will modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with Part 264, Subpart M, of this Chapter, based upon the results of the field tests or laboratory analyses.

(1) This permit modification may proceed as a minor modification under § 270.42, provided any such change is minor, or otherwise will proceed as a modification under § 270.41(a)(2).

(2) If no modifications of the second phase of the permit are necessary, or if only minor modifications are necessary and have been made, the Director will give notice of his final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of the final decision on the second phase of the permit. The second phase of the permit then will become effective as specified in § 124.15(b).

(3) If modifications under § 270.41(a)(2) are necessary, the second phase of the permit will become effective only after those modifications have been made.

§ 270.64 Interim permits for UIC wells.

The Director may issue a permit under this part to any Class I UIC well (see § 144.7) injecting hazardous wastes within a State in which no UIC program has been approved or promulgated. Any such permit shall apply and insure compliance with all applicable requirements of 40 CFR Part 264, Subpart R (RCRA standards for wells), and shall be for a term not to exceed two years. No such permit shall be issued after approval or promulgation of a UIC program in the State. Any permit under this section shall contain a condition providing that it will terminate upon final action by the Director under a UIC program to issue or deny a UIC permit for the facility.

§§ 270.65–270.69 [Reserved]

Subpart G—Interim Status

§ 270.70 Qualifying for interim status.

(a) Any person who owns or operates an "existing HWM facility" shall have interim status and shall be treated as having been issued a permit to the extent he or she has:

(1) Complied with the requirements of Section 3010(a) of RCRA pertaining to notification of hazardous waste activity.

[Comment: Some existing facilities may not be required to file a notification under Section 3010(a) of RCRA. These facilities may qualify for interim status by meeting paragraph (a)(2) of this section.]

(2) Complied with the requirements of § 270.10 governing submission of Part A applications;

(b) When EPA determines on examination or reexamination of a Part A application that it fails to meet the standards of these regulations, it may notify the owner or operator that the application is deficient and that the owner or operator is therefore not entitled to interim status. The owner or operator will then be subject to EPA enforcement for operating without a permit.

§ 270.71 Operation during interim status.

(a) During the interim status period the facility shall not:

(1) Treat, store, or dispose of hazardous waste not specified in Part A of the permit application;

(2) Employ processes not specified in Part A of the permit application; or

(3) Exceed the design capacities specified in Part A of the permit application.

(b) Interim status standards. During interim status, owners or operators shall comply with the interim status standards at 40 CFR Part 265.

§ 270.72 Changes during interim status.

(a) New hazardous wastes not previously identified in Part A of the permit application may be treated, stored, or disposed of at a facility if the owner or operator submits a revised Part A permit application prior to such a change;

(b) Increases in the design capacity of processes used at a facility may be made if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Director approves the change because of a lack of available treatment, storage, or disposal capacity at other hazardous waste management facilities;

(c) Changes in the processes for the treatment, storage, or disposal of hazardous waste may be made at a facility or additional processes may be added if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Director approves the change because:

(1) It is necessary to prevent a threat to human health or the environment because of an emergency situation, or

(2) It is necessary to comply with Federal regulations (including the interim status standards at 40 CFR Part 265) or State or local laws.

(d) Changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of 40 CFR Part 265, Subpart H (financial requirements), until the new owner or operator has demonstrated to the Director that it is complying with that Subpart. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility. Upon demonstration to the Director by the new owner or operator of compliance with that Subpart, the Director shall notify the old owner or operator in writing that it no longer needs to comply with that part as of the date of demonstration.

(e) In no event shall changes be made to an HWM facility during interim status which amount to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility.

§ 270.73 Termination of interim status.

Interim status terminates when:

(a) Final administrative disposition of a permit application is made; or

(b) Interim status is terminated as provided in § 270.10(e)(5).

Part 271 is added to read as follows:

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

Subpart A—Requirements for Final Authorization

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271.4 Consistency.
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271.11 Requirements for transporters of hazardous wastes.
271.12 Requirements for hazardous waste management facilities.
271.13 Requirements with respect to permits and permit application.
271.14 Requirements for permitting.
271.15 Requirements for compliance evaluation programs.
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271.21 Procedures for revision of State programs.
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271.23 Procedures for withdrawing approval of State programs

Subpart B—Requirements for Interim Authorization.

271.121 Purpose and scope.
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271.128 Program requirements for interim authorization for Phase I.
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271.131 Progress reports.
271.132 Sharing of information.
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271.136 Withdrawal of State programs.
271.137 Reversion of State program.

Authority: Pub. L. 94–580, as amended by Pub. L. 94–609, 42 U.S.C. 6901 et seq.

Subpart A—Requirements for Final Authorization

§ 271.1 Purpose and scope.

(a) This subpart specifies the procedures EPA will follow in approving, revising, and withdrawing approval of State programs and the requirements State programs must meet to be approved by the Administrator under Section 3006(b) (hazardous waste—final authorization) of RCRA.

(b) State submissions for program approval must be made in accordance with the procedures set out in this subpart.

(c) The substantive provisions which must be included in State programs for them to be approved include requirements for permitting, compliance evaluation, enforcement, public participation, and sharing of information. Many of the requirements for State programs are made applicable to States by cross-referencing other EPA regulations. In particular, many of the provisions of Parts 270 and 124 are made applicable to States by the references contained in § 271.14.

(d) Upon receipt of a complete submission, EPA will conduct a public hearing, if interest is shown, and determine whether to approve or disapprove the program taking into consideration the requirements of this subpart, the Act and any comments received.

(e) The Administrator shall approve State programs which conform to the applicable requirements of this subpart.

(f) Upon approval of a State permitting program, the Administrator shall suspend the issuance of Federal permits for those activities subject to the approved State program.

(g) Any State program approved by the Administrator shall at all times be conducted in accordance with the requirements of this subpart.

(h) Partial State programs are not allowed for programs operating under RCRA final authorization. However, in many cases States will lack authority to regulate activities on Indian lands. This lack of authority does not impair a State's ability to obtain full program approval in accordance with this subpart, i.e., inability of a State to regulate activities on Indian lands does not constitute a partial program. EPA will administer the program on Indian lands if the State does not seek this authority.

Note.—States are advised to contact the United States Department of the Interior, Bureau of Indian Affairs, concerning authority over Indian lands.

(i) Except as provided in § 271.4, nothing in this subpart precludes a State from:

(1) Adopting or enforcing requirements which are more stringent or more extensive than those required under this subpart;

(2) Operating a program with a greater scope of coverage than that required under this subpart. Where an approved State program has a greater scope of coverage than required by Federal law, the additional coverage is not part of the Federally approved program.

§ 271.2 Definitions.

The definitions in Part 270 apply to all subparts of this part.

§ 271.3 Availability of final authorization.

(a) States approved under this Subpart are authorized to administer and enforce their hazardous waste program in lieu of the Federal program.

(b)(1) States may apply for final authorization at any time after the promulgation of the last component of Phase II.

(2) State programs under final authorization shall not take effect until the effective date of the last component of Phase II.

(c) State operating under interim authorization may apply for and receive final authorization as specified in paragraph (b) of this section. Notwithstanding approval under Subpart B such States must meet all the requirements of this Subpart in order to qualify for final authorization.

(d) States need not have been approved under Subpart B in order to qualify for final authorization.

§ 271.4 Consistency.

To obtain approval, a State program must be consistent with the Federal program and State programs applicable in other States and in particular must comply with the provision below. For purposes of this section the phrase "State programs applicable in other States" refers only to those State hazardous waste programs which have received final authorization under this part.

(a) Any aspect of the State program which unreasonably restricts, impedes, or operates as a ban on the free movement across the State border of hazardous wastes from other States for treatment, storage, or disposal at facilities authorized to operate under the Federal or an approved State program shall be deemed inconsistent.

(b) Any aspect of State law or of the State program which has no basis in human health or environmental protection and which acts as a prohibition on the treatment, storage or disposal of hazardous waste in the State may be deemed inconsistent.

(c) If the State manifest system does not meet the requirements of this Part, the State program shall be deemed inconsistent.

§ 271.5 Elements of a program submission.

(a) Any State that seeks to administer a program under this part shall submit to the Administrator at least three copies of a program submission. The submission shall contain the following:

(1) A letter from the Governor of the State requesting program approval;

(2) A complete program description, as required by § 271.6 describing how the State intends to carry out its responsibilities under this subpart;

(3) An Attorney General's statement as required by § 271.7;

(4) A Memorandum of Agreement with the Regional Administrator as required by § 271.8;

(5) Copies of all applicable State statutes and regulations, including those governing State administrative procedures; and

(6) The showing required by § 271.20(c) of the State's public participation activities prior to program submission.

(b) Within 30 days of receipt by EPA of a State program submission, EPA will notify the State whether its submission is complete. If EPA finds that a State's submission is complete, the statutory review period (i.e., the period of time allotted for formal EPA review of a proposed State program under section 3006(b) of the Act) shall be deemed to have begun on the date of receipt of the State's submission. If EPA finds that a State's submission is incomplete, the review period shall not begin until all necessary information is received by EPA.

(c) If the State's submission is materially changed during the review period, the review period shall begin again upon receipt of the revised submission.

(d) The State and EPA may extend the review period by agreement.

§ 271.6 Program description.

Any State that seeks to administer a program under this subpart shall submit a description of the program it proposes to administer in lieu of the Federal program under State law or under an interstate compact. The program description shall include:

(a) A description in narrative form of the scope, structure, coverage and processes of the State program.

(b) A description (including organization charts) of the organization and structure of the State agency or agencies which will have responsibility for administering the program, including the information listed below. If more than one agency is responsible for administration of a program, each agency must have statewide jurisdiction over a class of activities. The responsibilities of each agency must be delineated, their procedures for coordination set forth, and an agency must be designated as a "lead agency" to facilitate communications between EPA and the State agencies having program responsibilities. When the State proposes to administer a program of greater scope of coverage than is required by Federal law, the information provided under this paragraph shall indicate the resources dedicated to administering the Federally required portion of the program.

(1) A description of the State agency staff who will carry out the State program, including the number, occupations, and general duties of the employees. The State need not submit complete job descriptions for every employee carrying out the State program.

(2) An itemization of the estimated costs of establishing and administering the program, including cost of the personnel listed in paragraph (b)(1) of this section, cost of administrative support, and cost of technical support. This estimate must cover the first two years after program approval.

(3) An itemization of the sources and amounts of funding, including an estimate of Federal grant money, available to the State Director to meet the costs listed in paragraph (b)(2) of this section, identifying any restrictions or limitations upon this funding. This estimate must cover the first two years after program approval.

(c) A description of applicable State procedures, including permitting procedures and any State administrative or judicial review procedures.

(d) Copies of the permit form(s), application form(s), reporting form(s), and manifest format the State intends to employ in its program. Forms used by States need not be identical to the forms used by EPA but should require the same basic information. The State need not provide copies of uniform national forms it intends to use but should note its intention to use such forms.

Note:—States are encouraged to use uniform national forms established by the Administrator. If uniform national forms are used, they may be modified to include the State Agency's name, address, logo, and other similar information, as appropriate, in place of EPA's.

(e) A complete description of the State's compliance tracking and enforcement program.

(f) A description of the State manifest tracking system, and of the procedures the State will use to coordinate information with other approved State programs and the Federal program regarding interstate and international shipments.

(g) An estimate of the number of the following:

(1) Generators;

(2) Transporters; and

(3) On- and off-site storage, treatment and disposal facilities, and a brief description of the types of facilities and an indication of the permit status of these facilities.

(h) If available, an estimate of the annual quantities of hazardous wastes generated within the State; transported into and out of the State; and stored, treated, or disposed of within the State: On-site; and Off-site.

§ 271.7 Attorney General's statement.

(a) Any State that seeks to administer a program under this subpart shall submit a statement from the State Attorney General (or the attorney for those State agencies which have independent legal counsel) that the laws of the State provide adequate authority to carry out the program described under § 271.6 and to meet the requirements of this subpart. This statement shall include citations to the specific statutes, administrative regulations and, where appropriate, judicial decisions which demonstrate adequate authority. State statutes and regulations cited by the State Attorney General or independent legal counsel shall be in the form of lawfully adopted State statues and regulations at the time the statement is signed and shall be fully effective by the time the program is approved. To qualify as "independent legal counsel" the attorney signing the statement required by this section must have full authority to independently represent the State agency in court on all matters pertaining to the State program.

Note:—EPA will supply States with an Attorney General's statement format on request.

(b) When a State seeks authority over activities on Indian lands, the statement shall contain an appropriate analysis of the State's authority.

§ 271.8 Memorandum of Agreement with the Regional Administrator.

(a) Any State that seeks to administer a program under this subpart shall submit a Memorandum of Agreement (MOA). The Memorandum of Agreement shall be executed by the State Director and the Regional Administrator and shall become effective when approved by the Administrator. In addition to meeting the requirements of paragraph (b) of this section, the Memorandum of Agreement may include other terms, conditions, or agreements consistent with this subpart and relevant to the administration and enforcement of the State's regulatory program. The Administrator shall not approve any Memorandum of Agreement which contains provisions which restrict EPA's statutory oversight responsibility.

(b) All Memoranda of Agreement shall include the following:

(1) Provisions for the Regional Administrator to promptly forward to the State Director information obtained prior to program approval in notifications provided under section 3010(a) of RCRA. The Regional Administrator and the State Director

shall agree on procedures for the assignment of EPA identification numbers for new generators, transporters, treatment, storage, and disposal facilities.

(2) Provisions specifying the frequency and content of reports, documents and other information which the State is required to submit to EPA. The State shall allow EPA to routinely review State records, reports, and files relevant to the administration and enforcement of the approved program. State reports may be combined with grant reports where appropriate.

(3) Provisions on the State's compliance monitoring and enforcement program, including:

(i) Provisions for coordination of compliance monitoring activities by the State and by EPA. These may specify the basis on which the Regional Administrator will select facilities or activities within the State for EPA inspection. The Regional Administrator will normally notify the State at least 7 days before any such inspection; and

(ii) Procedures to assure coordination of enforcement activities.

(4) Provisions allowing EPA to conduct compliance inspections of all generators, transporters, and HWM facilities in each year for which the State is operating under final authorization. The Regional Administrator and the State Director may agree to limitations on compliance inspections of generators, transporters, and non-major HWM facilities.

(5) No limitations on EPA compliance inspections of generators, transporters, or non-major HWM facilities under paragraph (b)(4) of this section shall restrict EPA's right to inspect any generator, transporter, or HWM facility which it has cause to believe is not in compliance with RCRA; however, before conducting such an inspection, EPA will normally allow the State a reasonable opportunity to conduct a compliance evaluation inspection.

(6) Provisions for the prompt transfer from EPA to the State of pending permit applications and any other information relevant to program operation not already in the possession of the State Director (e.g., support files for permit issuance, compliance reports, etc.). When existing permits are transferred from EPA to the State for administration, the Memorandum of Agreement shall contain provisions specifying a procedure for transferring the administration of these permits. If a State lacks the authority to directly administer permits issued by the Federal government, a procedure may be established to transfer responsibility for these permits.

Note.—For example, EPA and the State and the permittee could agree that the State would issue a permit(s) identical to the outstanding Federal permit which would simultaneously be terminated.

(7) Provisions specifying classes and categories of permit applications, draft permits, and proposed permits that the State will send to the Regional Administrator for review, comment and, where applicable, objection.

(8) When appropriate, provisions for joint processing of permits by the State and EPA, for facilities or activities which require permits from both EPA and the State under different programs. See § 124.4

Note.—To promote efficiency and to avoid duplication and inconsistency, States are encouraged to enter into joint processing agreements with EPA for permit issuance.

(9) Provisions for the State Director to promptly forward to EPA copies of draft permits and permit applications for all major HWM facilities for review and comment. The Regional Administrator and the State Director may agree to limitations regarding review of and comment on draft permits and/or permit applications for non-major HWM facilities. The State Director shall supply EPA copies of final permits for all major HWM facilities.

(10) Provisions for the State Director to review all permits issued under State law prior to the date of program approval and modify or revoke and reissue them to require compliance with the requirements of this subpart. The Regional Administrator and the State Director shall establish a time within which this review must take place.

(11) Provisions for modification of the Memorandum of Agreement in accordance with this subpart.

(c) The Memorandum of Agreement, the annual program grant and the State/EPA Agreement should be consistent. If the State/EPA Agreement indicates that a change is needed in the Memorandum of Agreement, the Memorandum of Agreement may be amended through the procedures set forth in this subpart. The State/EPA Agreement may not override the Memorandum of Agreement.

Note.—Detailed program priorities and specific arrangements for EPA support of the State program will change and are therefore more appropriately negotiated in the context of annual agreements rather than in the MOA. However, it may still be appropriate to specify in the MOA the basis for such detailed agreements, e.g., a provision in the MOA specifying that EPA will select facilities in the State for inspection annually as part of the State/EPA agreement.

§ 271.9 Requirements for identification and listing of hazardous wastes.

The State program must control all the hazardous wastes controlled under 40 CFR Part 261 and must adopt a list of hazardous wastes and set of characteristics for identifying hazardous wastes equivalent to those under 40 CFR Part 261.

§ 271.10 Requirements for generators of hazardous waste.

(a) The State program must cover all generators covered by 40 CFR Part 262. States must require new generators to contact the State and obtain an EPA identicfiation number before they perform any activity subject to regulation under the approved State hazardous waste program.

(b) The State shall have authority to require and shall require all generators to comply with reporting and recordkeeping requirements equivalent to those under 40 CFR 262.40 and 262.41. States must require that generators keep these records at least 3 years.

(c) The State program must require that generators who accumulate hazardous wastes for short periods of time comply with requirements that are equivalent to the requirements for accumulating hazardous wastes for short periods of time under 40 CFR 262.34.

(d) The State program must require that generators comply with requirements that are equivalent to the requirements for the packaging, labeling, marking, and placarding of hazardous waste under 40 CFR 262.30 to 262.33, and are consistent with relevant DOT regulations under 49 CFR Parts 172, 173, 178 and 179.

(e) The State program shall provide requirements respecting international shipments which are equivalent to those at 40 CFR 262.50, except that advance notification of international shipments, as required by 40 CFR 262.50(b)(1), shall be filed with the Administrator. The State may require that a copy of such advance notice be filed with the State Director, or may require equivalent reporting procedures. Note: Such notices shall be mailed to Hazardous Waste Export, Division for Oceans and Regulatory Affairs (A–107), U.S. Environmental Protection Agency, Washington, D.C. 20460.

(f) The State must require that all generators of hazardous waste who transport (or offer for transport) such hazardous waste off-site:

(1) Use a manifest system that ensures that interstate and intrastate shipments of hazardous waste are designated for delivery, and, in the case of intrastate

shipments, are delivered to facilities that are authorized to operate under an approved State program or the Federal program;

(2) Initiate the manifest and designate on the manifest the storage, treatment, or disposal facility to which the waste is to be shipped;

(3) Ensure that all wastes offered for transportation are accompanied by the manifest, except in the case of shipments by rail or water specified in 40 CFR 262.23 (c) and (d) and § 262.20 (e) and (f). The State program shall provide requirements for shipments by rail or water equivalent to those under 40 CFR § 262.23 (c) and (d) and § 263.20 (e) and (f).

(4) Investigate instances where manifests have not been returned by the owner or operator of the designated facility and report such instances to the State in which the shipment originated.

(g) In the case of interstate shipments for which the manifest has not been returned, the State program must provide for notification to the State in which the facility designated on the manifest is located and to the State in which the shipment may have been delivered (or to EPA in the case of unauthorized States).

(h) The State must follow the Federal manifest format (40 CFR 262.21) and may supplement the format to a limited extent subject to the consistency requirements of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.).

§ 271.11 Requirements for transporters of hazardous wastes.

(a) The State program must cover all transporters covered by 40 CFR Part 263. New transporters must be required to contact the State and obtain an EPA identification number from the State before they accept hazardous waste for transport.

(b) The State shall have the authority to require and shall require all transporters to comply with recordkeeping requirements equivalent to those found at 40 CFR 263.22. States must require that records be kept at least 3 years.

(c) The State must require the transporter to carry the manifest during transport, except in the case of shipments by rail or water specified in 40 CFR 263.20 (e) and (f) and to deliver waste only to the facility designated on the manifest. The State program shall provide requirement for shipments by rail or water equivalent to those under 40 CFR 263.20 (e) and (f).

(d) For hazardous wastes that are discharged in transit, the State program must require that transporters notify appropriate State, local, and Federal agencies of such discharges, and clean up such wastes, or take action so that such wastes do not present a hazard to human health or the environment. These requirements shall be equivalent to those found at 40 CFR 263.30 and 263.31.

§ 271.12 Requirements for hazardous waste management facilities.

The State shall have standards for hazardous waste management facilities which are equivalent to 40 CFR Parts 264 and 266. These standards shall include:

(a) Technical standards for tanks, containers, waste piles, incineration, chemical, physical and biological treatment facilities, surface impoundments, landfills, and land treatment facilities;

(b) Financial responsibility during facility operation;

(c) Preparedness for and prevention of discharges or releases of hazardous waste; contingency plans and emergency procedures to be followed in the event of a discharge or release of hazardous waste;

(d) Closure and post-closure requirements including financial requirements to ensure that money will be available for closure and post-closure monitoring and maintenance;

(e) Groundwater monitoring;

(f) Security to prevent unauthorized access to the facility;

(g) Facility personnel training;

(h) Inspections, monitoring, recordkeeping, and reporting;

(i) Compliance with the manifest system, including the requirements that facility owners or operators return a signed copy of the manifest to the generator to certify delivery of the hazardous waste shipment;

(j) Other requirements to the extent that they are included in 40 CFR Parts 264 and 266.

§ 271.13 Requirements with respect to permits and permit applications.

(a) State law must require permits for owners and operators of all hazardous waste management facilities required to obtain a permit under 40 CFR Part 270 and prohibit the operation of any hazardous waste management facility without such a permit, except that States may, if adequate legal authority exists, authorize owners and operators of any facility which would qualify for interim status under the Federal program to remain in operation until a final decision is made on the permit application. When State law authorizes such continued operation it shall require compliance by owners and operators of such facilities with standards at least as stringent as EPA's interim status standards at 40 CFR Part 265.

(b) The State must require all new HWM facilities to contact the State and obtain an EPA identification number before commencing treatment, storage, or disposal of hazardous waste.

(c) All permits issued by the State shall require compliance with the standards adopted by the State under § 271.12.

(d) All permits issued under State law prior to the date of approval of final authorization shall be reviewed by the State Director and modified or revoked and reissued to require compliance with the requirements of this Part.

§ 271.14 Requirements for permitting.

All State programs under this Subpart must have legal authority to implement each of the following provisions and must be administered in conformance with each; except that States are not precluded from omitting or modifying any provisions to impose more stringent requirements:

(a) Section 270.1(c)(1)—(Specific inclusions);

(b) Section 270.4—(Effect of permit);

(c) Section 270.5—(Noncompliance reporting);

(d) Section 270.10—(Application for a permit);

(e) Section 270.11—(Signatories);

(f) Section 270.12—(Confidential information);

(g) Section 270.13—(Contents of Part A);

(h) Sections 270.14–.29—(Contents of Part B);

[Note.—States need not use a two part permit application process. The State application process must, however, require information in sufficient detail to satisfy the requirements of §§ 270.13–.29.]

(i) Section 270.30—(Applicable permit conditions);

(j) Section 270.31—(Monitoring requirements);

(k) Section 270.32—(Establishing permit conditions);

(l) Section 270.33—(Schedule of compliance);

(m) Section 270.40—(Permit transfer);

(n) Section 270.41—(Permit modification);

(o) Section 270.43—(Permit termination);

(p) Section 270.50—(Duration);

(q) Section 270.60—(Permit by rule);

(r) Section 270.61—(Emergency permits);

(s) Section 270.64—(Interim permits for UIC wells);

(t) Section 124.3(a)—(Application for a permit);

(u) Section 124.5 (a), (c), (d), and (f)—(Modification of permits);

(v) Section 124.6 (a), (c), (d), and (e)—(Draft permit);

(w) Section 124.8—(Fact sheets);

(x) Section 124.10 (a)(1)(ii), (a)(1)(iii), (a)(1)(v), (b), (c), (d), and (e)—(Public notice);

(y) Section 124.11—(Public comments and requests for hearings);

(z) Section 124.12(a)—(Public hearings); and

(aa) Section 124.17 (a) and (c)—(Response to comments).

[Note.—States need not implement provisions identical to the above listed provisions. Implemented provisions must, however, establish requirements at least as stringent as the corresponding listed provisions. While States may impose more stringent requirements, they may not make one requirement more lenient as a tradeoff for making another requirement more stringent; for example, by requiring that public hearings be held prior to issuing any permit while reducing the amount of advance notice of such a hearing.]

§ 271.15 Requirements for compliance evaluation programs.

(a) State programs shall have procedures for receipt, evaluation, retention and investigation for possible enforcement of all notices and reports required of permittees and other regulated persons (and for investigation for possible enforcement of failure to submit these notices and reports).

(b) State programs shall have inspection and surveillance procedures to determine, independent of information supplied by regulated persons, compliance or noncompliance with applicable program requirements. The State shall maintain:

(1) A program which is capable of making comprehensive surveys of all facilities and activities subject to the State Director's authority to identify persons subject to regulation who have failed to comply with permit application or other program requirements. Any compilation, index, or inventory of such facilities and activities shall be made available to the Regional Administrator upon request;

(2) A program for periodic inspections of the facilities and activities subject to regulation. These inspections shall be conducted in a manner designed to:

(i) Determine compliance or noncompliance with issued permit conditions and other program requirements;

(ii) Verify the accuracy of information submitted by permittees and other regulated persons in reporting forms and other forms supplying monitoring data; and

(iii) Verify the adequacy of sampling, monitoring, and other methods used by permittees and other regulated persons to develop that information;

(3) A program for investigating information obtained regarding violations of applicable program and permit requirements; and

(4) Procedures for receiving and ensuring proper consideration of information submitted by the public about violations. Public effort in reporting violations shall be encouraged, and the State Director shall make available information on reporting procedures.

(c) The State Director and State officers engaged in compliance evaluation shall have authority to enter any site or premises subject to regulation or in which records relevant to program operation are kept in order to copy any records, inspect, monitor or otherwise investigate compliance with the State program including compliance with permit conditions and other program requirements. States whose law requires a search warrant before entry conform with this requirement.

(d) Investigatory inspections shall be conducted, samples shall be taken and other information shall be gathered in a manner (e.g., using proper "chain of custody" procedures) that will produce evidence admissible in an enforcement proceeding or in court.

§ 271.16 Requirements for enforcement authority.

(a) Any State agency administering a program shall have available the following remedies for violations of State program requirements:

(1) To restrain immediately and effectively any person by order or by suit in State court from engaging in any unauthorized activity which is endangering or causing damage to public health or the environment.

[Note.—This paragraph requires that States have a mechanism (e.g., an administrative cease and desist order or the ability to seek a temporary restraining order) to stop any unauthorized activity endangering public health or the environment.]

(2) To sue in courts of competent jurisdiction to enjoin any threatened or continuing violation of any program requirement, including permit conditions, without the necessity of a prior revocation of the permit;

(3) To access or sue to recover in court civil penalties and to seek criminal remedies, including fines, as follows:

(i) Civil penalties shall be recoverable for any program violation in at least the amount of $10,000 per day.

(ii) Criminal remedies shall be obtainable against any person who knowingly transports any hazardous waste to an unpermitted facility; who treats, stores, or disposes of hazardous waste without a permit; or who makes any false statement, or representation in any application, label, manifest, record, report, permit or other document filed, maintained, or used for purposes of program compliance. Criminal fines shall be recoverable in at least the amount of $10,000 per day for each violation, and imprisonment for at least six months shall be available.

(b)(1) The maximum civil penalty or criminal fines (as provided in paragraph (a)(3) of this section) shall be assessable for each instance of violation and, if the violation is continuous, shall be assessable up to the maximum amount for each day of violation.

(2) The burden of proof and degree of knowledge or intent required under State law for establishing violations under paragraph (a)(3) of this section, shall be no greater than the burden of proof or degree of knowledge or intent EPA must provide when it brings an action under the Act.

[Note.—For example, this requirement is not met if State law includes mental state as an element of proof for civil violations.]

(c) Any civil penalty assessed, sought or agreed upon by the State Director under paragraph (a)(3) of this section shall be appropriate to the violation. A civil penalty agreed upon by the State Director in settlement of administrative or judicial litigation may be adjusted by a percentage which represents the likelihood of success in establishing the underlying violation(s) in such litigation. If such civil penalty, together with the costs of expeditious compliance, would be so severely disproportionate to the resources of the violator as to jeopardize continuance in business, the payment of the penalty may be deferred or the penalty may be forgiven in whole or part, as circumstances warrant. In the case of a penalty for a failure to meet a statutory or final permit compliance deadline, "appropriate to the violation," as used in this paragraph, means a penalty which is equal to:

(1) An amount appropriate to address the harm or risk to public health or the environment; plus

(2) An amount appropriate to remove the economic benefit gained or to be gained from delayed compliance; plus

(3) An amount appropriate as a penalty for the violator's degree of recalcitrance, defiance, or indifference to requirements of the law; plus

(4) An amount appropriate to recover unusual or extraordinary enforcement costs thrust upon the public; minus

(5) An amount, if any, appropriate to reflect any part of the noncompliance attributable to the government itself; and minus

(6) An amount appropriate to reflect any part of the noncompliance caused by factors completely beyond the violator's control (e.g., floods, fires).

[Note.—In addition to the requirements of this paragraph, the State may have other enforcement remedies. The following enforcement options, while not mandatory, are highly recommended:

Procedures for assessment by the State of the costs of investigations, inspections, or monitoring surveys which lead to the establishment of violations;

Procedures which enable the State to assess or to sue any persons responsible for unauthorized activities for any expenses incurred by the State in removing, correcting, or terminating any adverse effects upon human health and the environment resulting from the unauthorized activity, whether or not accidental;

Procedures which enable the State to sue for compensation for any loss or destruction of wildlife, fish or aquatic life, or their habitat, and for any other damages caused by unauthorized activity, either to the State or to any residents of the State who are directly aggrieved by the unauthorized activity, or both; and

Procedures for the administrative assessment of penalties by the Director.]

(d) Any State administering a program shall provide for public participation in the State enforcement process by providing either:

(1) Authority which allows intervention as of right in any civil action to obtain remedies specified in paragraphs (a) (1), (2) or (3) of this section by any citizen having an interest which is or may be adversely affected; or

(2) Assurance that the State agency or enforcement authority will:

(i) Investigate and provide written responses to all citizen complaints submitted pursuant to the procedures specified in § 271.15(b)(4);

(ii) Not oppose intervention by any citizen when permissive intervention may be authorized by statute, rule, or regulation; and

(iii) Publish notice of and provide at least 30 days for public comment on any proposed settlement of a State enforcement action.

§ 271.17 Sharing of information.

(a) Any information obtained or used in the administration of a State program shall be available to EPA upon request without restriction. If the information has been submitted to the State under a claim of confidentiality, the State must submit that claim to EPA when providing information under this subpart. Any information obtained from a State and subject to a claim of confidentiality will be treated in accordance with the regulations in 40 CFR Part 2. If EPA obtains from a State information that is not claimed to be confidential, EPA may make that information available to the public without further notice.

(b) EPA shall furnish to States with approved programs the information in its files not submitted under a claim of confidentiality which the State needs to implement its approved program. EPA shall furnish to States with approved programs information submitted to EPA under a claim of confidentiality, which the State needs to implement its approved program, subject to the conditions in 40 CFR Part 2.

§ 271.18 Coordination with other programs.

(a) Issuance of State permits under this subpart may be coordinated, as provided in Part 124, with issuance of UIC, NPDES, and 404 permits whether they are controlled by the State, EPA, or the Corps of Engineers. See § 124.4.

(b) The State Director of any approved program which may affect the planning for and development of hazardous waste management facilities and practices shall consult and coordinate with agencies designated under section 4006(b) of RCRA (40 CFR Part 255) as responsible for the development and implementation of State solid waste management plans under section 4002(b) of RCRA (40 CFR Part 256).

§ 271.19 EPA review of State permits.

(a) The Regional Administrator may comment on permit applications and draft permits as provided in the Memorandum of Agreement under § 271.8.

(b) Where EPA indicates, in a comment, that issuance of the permit would be inconsistent with the approved State program, EPA shall include in the comment:

(1) A statement of the reasons for the comment (including the section of RCRA or regulations promulgated thereunder that support the comment); and

(2) The actions that should be taken by the State Director in order to address the comments (including the conditions which the permit would include if it were issued by the Regional Administrator).

(c) A copy of any comment shall be sent to the permit applicant by the Regional Administrator.

(d) The Regional Administrator shall withdraw such a comment when satisfied that the State has met or refuted his or her concerns.

(e) Under Section 3008(a)(3) of RCRA, EPA may terminate a State-issued permit in accordance with the procedures of Part 124, Subpart E, or bring an enforcement action in accordance with the procedures of 40 CFR Part 22 in the case of a violation of a State program requirement. In exercising these authorities, EPA will observe the following conditions:

(1) The Regional Administrator may take action under section 3008(a)(3) of RCRA against a holder of a State-issued permit at any time on the ground that the permittee is not complying with a condition of that permit.

(2) The Regional Administrator may take action under Section 3008(a)(3) of RCRA against a holder of a State-issued permit at any time on the ground that the permittee is not complying with a condition that the Regional Administrator in commenting on the permit application or draft permit stated was necessary to implement approved State program requirements, whether or not that condition was included in the final permit.

(3) The Regional Administrator may not take action under section 3008(a)(3) of RCRA against a holder of a State-issued permit on the ground that the permittee is not complying with a condition necessary to implement approved State program requirements unless the Regional Administrator stated in commenting on the permit application or draft permit that the condition was necessary.

(4) The Regional Administrator may take action under Section 7003 of RCRA against a permit holder at any time whether or not the permit holder is complying with permit conditions.

§ 271.20 Approval process.

(a) Prior to submitting an application to EPA for approval of a State program, the State shall issue public notice of its intent to seek program approval from EPA. This public notice shall:

(1) Be circulated in a manner calculated to attract the attention of interested persons including:

(i) Publication in enough of the largest newspapers in the State to attract statewide attention; and

(ii) Mailing to persons on the State agency mailing list and to any other persons whom the agency has reason to believe are interested;

(2) Indicate when and where the State's proposed submission may be reviewed by the public;

(3) Indicate the cost of obtaining a copy of the submission;

(4) Provide for a comment period of not less than 30 days during which time

interested members of the public may express their views on the proposed program;

(5) Provide that a public hearing will be held by the State or EPA if sufficient public interest is shown or, alternatively, schedule such a public hearing. Any public hearing to be held by the State on its application for authorization shall be scheduled no earlier than 30 days after the notice of hearing is published;

(6) Briefly outline the fundamental aspects of the State program; and

(7) Identify a person that an interested member of the public may contact with any questions.

(b) If the proposed State program is substantially modified after the public comment period provided in paragraph (a)(4) of this section, the State shall, prior to submitting its program to the Administrator, provide an opportunity for further public comment in accordance with the procedures of paragraph (a) of this section. Provided, that the opportunity for further public comment may be limited to those portions of the State's application which have been changed since the prior public notice.

(c) After complying with the requirements of paragraphs (a) and (b) of this section, the State may submit, in accordance with § 271.3, a proposed program to EPA for approval. Such formal submission may only be made after the date of promulgation of the last component of Phase II. The program submission shall include copies of all written comments received by the State, a transcript, recording, or summary of any public hearing which was held by the State, and a responsiveness summary which identifies the public participation activities conducted, describes the matters presented to the public, summarizes significant comments received and responds to these comments.

(d) Within 90 days from the date of receipt of a complete program submission for final authorization, the Administrator shall make a tentative determination as to whether or not he expects to grant authorization to the State program. If the Administrator indicates that he may not approve the State program he shall include a general statement of his areas of concern. The Administrator shall give notice of this tentative determination in the **Federal Register** and in accordance with paragraph (a)(1) of this section. Notice of the tentative determination of authorization shall also:

(1) Indicate that a public hearing will be held by EPA no earlier than 30 days after notice of the tentative determination of authorization. The notice may require persons wishing to present testimony to file a request with the Regional Administrator, who may cancel the public hearing if sufficient public interest in a hearing is not expressed.

(2) Afford the public 30 days after the notice to comment on the State's submission and the tentative determination; and

(3) Note the availability of the State submission for inspection and copying by the public.

(e) Within 90 days of the notice given pursuant to paragraph (d) of this section, the Administrator shall make a final determination whether or not to approve the State's program, taking into account any comments submitted. The Administrator will grant final authorization only after the effective date of the last component of Phase II. The Administrator shall give notice of this final determination in the **Federal Register** and in accordance with paragraph (a)(1) of this section. The notification shall include a concise statement of the reasons for this determination, and a response to significant comments received.

§ 271.21 Procedures for revision of State programs.

(a) Either EPA or the approved State may initiate program revision. Program revision may be necessary when the controlling Federal or State statutory or regulatory authority is modified or supplemented. The State shall keep EPA fully informed of any proposed modifications to its basic statutory or regulatory authority, its forms, procedures, or priorities.

(b) Revision of a State program shall be accomplished as follows:

(1) The State shall submit a modified program description, Attorney General's statement, Memorandum of Agreement, or such other documents as EPA determines to be necessary under the circumstances.

(2) Whenever EPA determines that the proposed program revision is substantial, EPA shall issue public notice and provide an opportunity to comment for a period of at least 30 days. The public notice shall be mailed to interested persons and shall be published in the **Federal Register** and in enough of the largest newspapers in the State to provide Statewide coverage. The public notice shall summarize the proposed revisions and provide for the opportunity to request a public hearing. Such a hearing will be held if there is significant public interest based on requests received.

(3) The Administrator shall approve or disapprove program revisions based on the requirements of this subpart and of the Act.

(4) A program revision shall become effective upon the approval of the Administrator. Notice of approval of any substantial revision shall be published in the **Federal Register**. Notice of approval of non-substantial program revisions may be given by a letter from the Administrator to the State Governor or his designee.

(c) States with approved programs shall notify EPA whenever they propose to transfer all or part of any program from the approved State agency to any other State agency, and shall identify any new division of responsibilities among the agencies involved. The new agency is not authorized to administer the program until approved by the Administrator under paragraph (b) of this section. Organizational charts required under § 271.6(b) shall be revised and resubmitted.

(d) Whenever the Administrator has reason to believe that circumstances have changed with respect to a State program, he may request, and the State shall provide, a supplemental Attorney General's statement, program description, or such other documents or information as are necessary.

(e) All new programs must comply with these regulations immediately upon approval. Any approved program which requires revision because of a modification to this subpart or to 40 CFR Parts 270, 124, 260, 261, 262, 263, 264, 265, or 266 shall be so revised within one year of the date of promulgation of such regulation, unless a State must amend or enact a statute in order to make the required revision in which case such revision shall take place within two years.

§ 271.22 Criteria for withdrawing approval of State programs.

(a) The Administrator may withdraw program approval when a State program no longer complies with the requirements of this subpart, and the State fails to take corrective action. Such circumstances include the following:

(1) When the State's legal authority no longer meets the requirements of this part, including:

(i) Failure of the State to promulgate or enact new authorities when necessary; or

(ii) Action by a State legislature or court striking down or limiting State authorities.

(2) When the operation of the State program fails to comply with the requirements of this part, including:

(i) Failure to exercise control over activities required to be regulated under this part, including failure to issue permits;

(ii) Repeated issuance of permits which do not conform to the requirements of this part; or

(iii) Failure to comply with the public participation requirements of this part.

(3) When the State's enforcement program fails to comply with the requirements of this part, including:

(i) Failure to act on violations of permits or other program requirements;

(ii) Failure to seek adequate enforcement penalties or to collect administrative fines when imposed; or

(iii) Failure to inspect and monitor activities subject to regulation.

(4) When the State program fails to comply with the terms of the Memorandum of Agreement required under § 271.8.

§ 271.23 Procedures for withdrawing approval of State programs.

(a) A State with a program approved under this part may voluntarily transfer program responsibilities required by Federal law to EPA by taking the following actions, or in such other manner as may be agreed upon with the Administrator.

(1) The State shall give the Administrator 180 days notice of the proposed transfer and shall submit a plan for the orderly transfer of all relevent program information not in the possession of EPA (such as permits, permit files, compliance files, reports, permit applications) which are necessary for EPA to administer the program.

(2) Within 60 days of receiving the notice and transfer plan, the Administrator shall evaluate the State's transfer plan and shall identify any additional information needed by the Federal government for program administration and/or identify any other deficiencies in the plan.

(3) At least 30 days before the transfer is to occur the Administrator shall publish notice of the transfer in the **Federal Register** and in enough of the largest newspapers in the State to provide Statewide coverage, and shall mail notice to all permit holders, permit applicants, other regulated persons and other interested persons on appropriate EPA and State mailing lists.

(b) The following procedures apply when the Administrator orders the commencement of proceedings to determine whether to withdraw approval of a State program.

(1) *Order.* The Administrator may order the commencement of withdrawal proceedings on his or her own initiative or in response to a petition from an interested person alleging failure of the State to comply with the requirements of this part as set forth in § 271.22. The Administrator shall respond in writing to any petition to commence withdrawal proceedings. He may conduct an informal investigation of the allegations in the petition to determine whether cause exists to commence proceedings under this paragraph. The Administrator's order commencing proceedings under this paragraph shall fix a time and place for the commencement of the hearing and shall specify the allegations against the State which are to be considered at the hearing. Within 30 days the State shall admit or deny these allegations in a written answer. The party seeking with drawal of the State's program shall have the burden of coming forward with the evidence in a hearing under this paragraph.

(2) *Definitions.* For purposes of this paragraph the definitions of "Act", "Administrative Law Judge", "Hearing", "Hearing Clerk", and "Presiding Officer" in 40 CFR 22.03 apply in addition to the following:

(i) "Party" means the petitioner, the State, the Agency and any other person whose request to participate as a party is granted.

(ii) "Person" means the Agency, the State and any individual or organization having an interest in the subject matter of the proceeding.

(iii) "Petitioner" means any person whose petition for commencement of withdrawal proceedings has been granted by the Administrator.

(3) *Procedures.* The following provisions of 40 CFR Part 22 (Consolidated Rules of Practice) are applicable to proceedings under this paragraph:

(i) § 22.02—(use of number/gender);

(ii) § 22.04(c)—(authorities of Presiding Officer);

(iii) § 22.06—(filing/service of rulings and orders);

(iv) § 22.07 (a) and (b)—except that, the time for commencement of the hearing shall not be extended beyond the date set in the Administrator's order without approval of the Administrator (computation/extension of time);

(v) § 22.08—however, substitute "order commencing proceedings" for "complaint"—(Ex Parte contacts);

(vi) § 22.09—(examination of filed documents);

(vii) § 22.11 (a), (c) and (d), however, motions to intervene must be filed 15 days from the date the notice of the Administrator's order is first published—(intervention);

(viii) § 22.16 except that, service shall be in accordance with paragraph (b)(4) of this section, the first sentence in § 22.16(c) shall be deleted, and, the word "recommended" shall be substituted for the word "initial" in § 22.16(c)—(motions);

(ix) § 22.19 (a), (b) and (c)—(prehearing conference);

(x) § 22.22—(evidence);

(xi) § 22.23—(objections/offers of proof);

(xii) § 22.25—(filing the transcript); and

(xiii) § 22.26—(findings/conclusions).

(4) *Record of proceedings.* (i) The hearing shall be either stenographically reported verbatim or tape recorded, and thereupon transcribed by an official reporter designated by the Presiding Officer;

(ii) All orders issued by the Presiding Officer, transcripts of testimony, written statements of position, stipulations, exhibits, motions, briefs, and other written material of any kind submitted in the hearing shall be a part of the record and shall be available for inspection or copying in the Office of the Hearing Clerk, 401 M Street, S.W., Washington, D.C. 20460;

(iii) Upon notice to all parties the Presiding Officer may authorize corrections to the transcript which involve matters of substance;

(iv) An original and two (2) copies of all written submissions to the hearing shall be filed with the Hearing Clerk;

(v) A copy of each such submission shall be served by the person making the submission upon the Presiding Officer and each party of record. Service under this paragraph shall take place by mail or personal delivery;

(vi) Every submission shall be accompanied by an acknowledgement of service by the person served or proof of service in the form of a statement of the date, time, and manner of service and the names of the persons served, certified by the person who made service; and

(vii) The Hearing Clerk shall maintain and furnish to any person upon request, a list containing the name, service address, and telephone number of all parties and their attorneys or duly authorized representatives.

(5) *Participation by a person not a party.* A person who is not a party may, at the discretion of the Presiding Officer, be permitted to make a limited appearance by makng an oral or written statement of his/her position on the issues within such limits and on such conditions as may be fixed by the

Presiding Officer, but he/she may not otherwise participate in the proceeding.

(6) *Rights of parties.* All parties to the proceeding may;

(i) Appear by counsel or other representative in all hearing and pre-hearing proceedings;

(ii) Agree to stipulations of facts which shall be made a part of the record.

(7) *Recommended decision.* (i) Within 30 days after the filing of proposed findings and conclusions, and reply briefs, the Presiding Officer shall evaluate the record before him/her, the proposed findings and conclusions and any briefs filed by the parties and shall prepare a recommended decision, and shall certify the entire record, including the recommended decision, to the Administrator.

(ii) Copies of the recommended decision shall be served upon all parties.

(iii) Within 20 days after the certification and filing of the record and recommended decision, all parties may file with the Administrator exceptions to the recommended decision and a supporting brief.

(8) *Decision by Administrator.* (i) Within 60 days after the certification of the record and filing of the Presiding Officer's recommended decision, the Administrator shall review the record before him and issue his own decision.

(ii) If the Administrator concludes that the State has administered the program in conformity with the Act and regulations his decision shall constitute "final agency action" within the meaning of 5 U.S.C. 704.

(iii) If the Administrator concludes that the State has not administered the program in conformity with the Act and regulations he shall list the deficiencies in the program and provide the State a reasonable time, not to exceed 90 days, to take such appropriate corrective action as the Administrator determines necessary.

(iv) Within the time prescribed by the Administrator the State shall take such appropriate corrective action as required by the Administrator and shall file with the Administrator and all parties a statement certified by the State Director that appropriate corrective action has been taken.

(v) The Administrator may require a further showing in addition to the certified statement that corrective action has been taken.

(vi) If the State fails to take appropriate corrective action and file a certified statement thereof within the time prescribed by the Administrator, the Administrator shall issue a supplementary order withdrawing approval of the State program. If the State takes appropriate corrective action, the Administrator shall issue a supplementary order stating that approval of authority is not withdrawn.

(vii) The Administrator's supplementary order shall constitute final Agency action within the meaning of 5 U.S.C. 704.

(c) Withdrawal of authorization under this section and the Act does not relieve any person from complying with the requirements of State law, nor does it affect the validity of actions by the State prior to withdrawal.

Subpart B—Requirements for Interim Authorization

§ 271.121 Purpose and scope.

(a) This subpart specifies requirements a State program must meet in order to obtain interim authorization under Section 3006(c) of RCRA. A State must meet all the requirements of this Subpart in order to qualify for interim authorization. The requirements a State program must meet in order to obtain final authorization under Section 3006(b) of RCRA are specified in Subpart A.

(b) Interim Authorization of State programs under this Subpart may occur in two phases. The phase (Phase I) allows States to administer a hazardous waste program in lieu of and corresponding to that portion of the Federal program which covers identification and listing of hazardous waste (40 CFR Part 26), generators (40 CFR Part 262) and transporters (40 CFR Part 263) of hazardous wastes, and establishes preliminary (interim status) standards for hazardous waste treatment, storage and disposal facilities (40 CFR Part 265). The second phase (Phase II) allows States to administer a permit program for hazardous waste treatment, storage and disposal facilities in lieu of and corresponding to the Federal hazardous waste permit program (40 CFR Parts 270, 124 and 264), as explained in paragraph (c) of this section.

(c) Because some of the Subparts of the Federal regulations containing standards for hazardous waste treatment, storage and disposal facilities (40 CFR Part 264) will be promulgated at different times, Phase II of interim authorization will be implemented in several components.

(1) Each component of Phase II of interim authorization will correspond to specified Parts and Subparts of the Federal regulations.

(2) EPA will announce each component of Phase II of interim authorization in a **Federal Register** notice. The notice will announce that States may apply for interim authorization for one or more components. The notice will also provide the effective date of the component(s) and specifically identify the Parts and Subparts of the Federal regulations comprising the component(s).

(3) States meeting the requirements of this Subpart will be allowed to administer a permit program in lieu of the corresponding Federal hazardous waste permit program for each component for which they have received interim authorization.

(d) States may apply for interim authorization either sequentially or all at once, as long as they adhere to the schedule in § 271.122. For example, States may:

(1) Apply for interim authorization for Phase I and amend that application each time a component of Phase II is announced; or

(2) Apply for interim authorization for Phase I, wait until the last component of Phase II had been announced, and amend the Phase I application at that time to include all components of Phase II; or

(3) Apply at the same time for interim authorization for Phase I and for already announced components of Phase II, and amend the application each time an additional component of Phase II is announced; or

(4) Wait until the last component of Phase II has been announced, and apply at the same time for interim authorization for Phase I and for all components of Phase II.

(e) The Administrator shall approve a State program which meets the applicable requirements of this Subpart.

(f) Upon approval of a State program for a component of Phase II, the Administrator shall suspend the issuance of Federal permits for those activities subject to the approved State program.

(g) Any State program approved by the Administrator under this Subpart shall at all times be conducted in accordance with this Subpart.

(h) Lack of authority to regulate activities on Indian lands does not impair a State's ability to obtain interim authorization under this Subpart. EPA will administer the program on Indian lands if the State does not seek this authority.

Note.—States are advised to contact the United States Department of Interior, Bureau of Indian Affairs, concerning authority over Indian lands.

(i) Nothing in this Subpart precludes a State from:

(1) Adopting or enforcing requirements which are more stringent or more extensive than those required under this Subpart.

(2) Operating a program with a greater scope of coverage than that required under this Subpart. Where an approved program has a greater scope of coverage than required by Federal law the additional coverage is not part of the Federally approved program.

§ 271.122 Schedule.

(a) Interim authorization for Phase I shall not take effect until Phase I commences. Interim authorization for each component of Phase II shall not take effect until the effective date of that component.

(b)(1) Interim authorization may extend for a 24-month period from the effective date of the last component of Phase II.

Note.—EPA will publish a notice in the **Federal Register** announcing the beginning of this 24-month period.

(2) At the end of this period all interim authorizations automatically expire and EPA shall administer the Federal program in any State which has not received final authorization.

(c)(1) A State may apply for interim authorization at any time prior to expiration of the 6th month of the 24-month period beginning with the effective date of the last component of Phase II. The Regional Administrator may extend the application period for good cause.

(2) A State applying for interim authorization prior to the announcement of the first component of Phase II shall apply only for interim authorization for Phase I.

(3) A State may apply for interim authorization for a component of Phase II upon the announcement of that component, provided that the State meets the requirement of paragraph (d) of this section.

(4) A State which has received interim authorization for Phase I (or interim authorization for Phase I and for some but not all of the components of Phase II) shall amend its original submission to include all of the components of Phase II not later than 6 months after the effective date of the last component of Phase II. The Regional Administrator may extend this deadline for good cause.

(d)(1) No State may apply for interim authorization for a component of Phase II unless it: (i) has received interim authorization for Phase I; or (ii) is simultaneously applying for interim authorization for that component of Phase II and for Phase I.

(2) When a State applies for interim authorization for a particular component of Phase II, it shall demonstrate that its interim authorization program for Phase I (and, if applicable, its program for any other component of Phase II) is substantially eqivalent to the Federal program, including modifications to the Federal program, as follows:

(i) Any State already authorized for parts of the Federal program shall amend its original submission to include any additional requirements for Phase I (and any additional requirements for other Phase II components for which the State is authorized) which were promulgated on or before the announcement date of the particular Phase II component being applied for.

(ii) Any State not yet authorized for any of the Federal programs shall include in its submission those Phase I requirements which were promulgated on or before the announcement date of the particular Phase II component being applied for. Any new State program which is applying for more than one component of Phase II shall include in its submission the additional requirements for such other components which were promulgated on or before the announcement date of the particular Phase II component being applied for.

§ 271.123 Elements of a program submission.

(a) Any State that seeks to administer a program under this subpart shall submit to the Administrator at least three copies of a program submission. The submission shall contain the following:

(1) A letter from the Governor of the State requesting program approval;

(2) A complete program description, as required by § 271.124 describing how the State intends to carry out its responsibilities under this part;

(3) An Attorney General's statement as required by § 271.125;

(4) Memorandum of Agreement with the Regional Administrator as required by § 271.126;

(5) An authorization plan as required by § 271.127; and

(6) Copies of all applicable State statutes and regulations, including those governing State administrative procedures.

(b) Within 30 days of receipt by EPA of a State program submission, EPA will notify the State whether its submission is complete. If EPA finds that a State's submission is complete, the formal review period shall be deemed to have begun on the date of receipt of the State's submission. If EPA finds that a State's submission is incomplete, the review period shall not begin until all necessary information is received by EPA.

(c) If the State's submission is materially changed during the review period, the review period shall begin again upon receipt of the revised submission.

(d) A State simultaneously applying for interim authorization for both Phase I and a component of Phase II shall prepare a single submission.

(e) A State applying for interim authorization for a component of Phase II after receiving interim authorization for Phase I (or for Phase I and previous components of Phase II) shall amend its previous submission for interim authorization as specified in §§ 271.124 to 271.127.

§ 271.124 Program description.

Any State that seeks to administer a program under this subpart shall submit a description of the program it proposes to administer in lieu of the Federal program under State law or under an interstate compact. A State applying only for interim authorization for a component of Phase II shall amend its program description for interim authorization for Phase I (or for Phase I and previous components of Phase II) as necessary to reflect the program it proposes to administer to meet the requirements for interim authorization corresponding to the component of Phase II for which the State is applying. The program description shall include:

(a) A description in narrative form of the scope, structure, coverage and processes of the State program.

(b) A description (including organization charts) of the organization and structure of the State agency or agencies which will have responsibility for administering the program, including the information listed below. If more than one agency is responsible for administration of a program, each agency must have statewide jurisdiction over a class of activities. The responsibilities of each agency must be delineated, their procedures for coordination set forth, and an agency must be designated as a "lead agency" to facilitate communications between EPA and the State agencies having program responsibilities. When the State proposes to administer a program of greater scope of coverage than is required by Federal law, the information provided under this paragraph shall indicate the resources dedicated to administering the Federally required portion of the program.

(1) A description of the State agency staff who will carry out the State program, including the number,

occupations, and general duties of the employees. The State need not submit complete job description for every employee carrying out the State program.

(2) An itemization of the estimated costs of establishing and administering the program, including cost of the personnel listed in paragraph (b)(1) of this section, cost of administrative support, and cost of technical support.

(3) An itemization of the sources and amounts of funding, including an estimate of Federal grant money, available to the State Director to meet the costs listed in paragraph (b)(2) of this section, identifying any restrictions or limitation upon this funding.

(c) A description of applicable State procedures, including permitting procedures and any State administrative or judicial review procedures.

Note.—States applying only for interim authorization for Phase I need describe permitting procedures only to the extent they will be utilized to assure compliance with standards substantially equivalent to CFR Part 265.

(d) Copies of the permit form(s), application form(s), reporting form(s), and manifest format the State intends to employ in its program. Forms used by States need not be identical to the forms used by EPA but should require the same basic information. The State need not provide copies of uniform national forms it intends to use but should note its intention to use such forms.

(e) A complete description of the State's compliance tracking and enforcement program.

(f) A description of the State manifest tracking system, if the State has such a system and of the procedures the State will use to coordinate information with other approved State programs and the Federal program regarding interstate and international shipments.

(g) An estimate of the number of the following:

(1) Generators;

(2) Transporters; and

(3) On- and off-site storage, treatment and disposal facilities, and a brief description of the types of facilities and an indication of the permit status of these facilities.

§ 271.125 Attorney General's statement.

(a) Any State that seeks to administer a program under this subpart shall submit a statement from the Attorney General (or the attorney for those State agencies which have independent legal counsel) that the laws of the State provide adequate authority to carry out the program described under § 271.124 and to meet the requirements of this subpart. This statement shall include citations to the specific statutes, administrative regulations, and, where appropriate, judicial decisions which demonstrate adequate authority. Except as provided in § 271.128(d), the State Attorney General or independent legal counsel must certify that the enabling legislation for the State's program was in existence within 90 days of the announcement of the last component of Phase II. State statutes and regulations cited by the State Attorney General or independent legal counsel shall be in the form of lawfully adopted State statutes and regulations at the time the statement is signed and shall be fully effective by the time the program is approved. To qualify as "independent legal counsel" the attorney signing the statement required by this section must have full authority to independently represent the State agency in court on all matters pertaining to the State program. In the case of a State applying only for interim authorization for a component of Phase II, the Attorney General's statement submitted for interim authorization for Phase I (or for Phase I and previous components of Phase II) shall be amended and recertified to demonstrate adequate authority to carry out all requirements of that component.

(b)(1) In the case of a State applying for interim authorization for Phase I, the Attorney General's statement shall certify that the authorization plan under § 271.127(a), if carried out, would provide the State with enabling authority and regulations adequate to meet the requirements for final authorization contained in Phase I.

(2) In the case of a State applying for interim authorization for a component of Phase II, the Attorney General's statement shall certify that the authorization plan under § 271.127(b), if carried out, would provide the State with enabling authority and regulations adequate to meet all the requirements for final authorization contained in that component of Phase II.

[Note.—EPA will supply States with an Attorney General's statement format on request.]

(c) When a State seeks authority over activities on Indian lands, the statement shall contain an appropriate analysis of the State's authority.

§ 271.126 Memorandum of Agreement with the Regional Administrator.

(a) Any State that seeks to administer a program under this subpart shall submit a Memorandum of Agreement (MOA). The Memorandum of Agreement shall be executed by the State Director and the Regional Administrator and shall become effective when approved by the Administrator. In addition to meeting the requirements of paragraph (b) of this section and, if applicable, paragraph (c) of this section, the Memorandum of Agreement may include other terms, conditions, or agreements consistent with this Part and relevant to the administration and enforcement of the State's regulatory program. The Administrators shall not approve any Memorandum of Agreement which contains provisions which restrict EPA's statutory oversight responsibility. In the case of a State applying for interim authorization for a component of Phase II, the Memorandum of Agreement shall be amended and reexecuted to include the requirements of paragraph (c) of this section and any necessary revisions to the requirements of paragraph (b) of this section.

(b) The Memorandum of Agreement shall include the following:

(1) Provisions for the Regional Administrator to promptly forward to the State Director information obtained prior to program approval in notifications provided under section 3010 (a) of RCRA. The Regional Administrator and the State Director shall agree on procedures for the assignment of EPA identification numbers for new generators, transporters, treatment, storage, and disposal facilities.

(2) Provisions specifying the frequency and content of reports, documents and other information which the State is required to submit to EPA. The State shall allow EPA to routinely review State records, reports, and files relevant to the administration and enforcement of the approved program. State reports may be combined with grant reports where appropriate.

(3) Provisions on the State's compliance monitoring and enforcement program, including:

(i) Provisions for coordination of compliance monitoring activities by the State and by EPA. These may specify the basis on which the Regional Administrator will select facilities or activities within the State for EPA inspection. The Regional Administrator will normally notify the State at least 7 days before any such inspection; and

(ii) Procedures to assure coordination of enforcement activities.

(4) Provisions allowing EPA to conduct compliance inspections of all generators, transporters, and HWM facilities during interim authorization. The Regional Administrator and the State Director may agree to limitations on compliance inspections of generators,

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transporters, and non-major HWM facilities.

(5) No limitations on EPA compliance inspections of generators, transporters, or non-major HWM facilities under paragraph (b)(4) of this section shall restrict EPA's right to inspect any generator, transporter, or HWM facility which it has cause to believe is not compliance with RCRA; however, before conducting such an inspection, EPA will normally allow the State a reasonable opportunity to conduct a compliance evaluation inspection.

(6) Provisions delineating respective State and EPA responsibilities during the interim authorization period.

(7) Provisions for modification of the Memorandum of Agreement in accordance with this Part.

(c) In addition, Memoranda of Agreement for Phase II shall also include the following, as applicable to the component of Phase II for which the State is applying:

(1) Provisions for the prompt transfer from EPA to the State of pending permit applications and any other information relevant to program operation not already in the possession of the State Director (e.g., support files for permit issuance, compliance reports, etc.). When existing permits are transferred from EPA to the State for administration, the Memorandum of Agreement shall contain provisions specifying a procedure for transferring the administration of these permits. If a State lacks the authority to directly administer permits issued by the Federal government, a procedure may be established to transfer responsibility for these permits.

(2) Provisions specifying classes and categories of permit applications and draft permits that the State Director will send to the Regional Administrator for review and comment.

(3) When appropriate, provisions for joint processing of permits by the State and EPA, for facilities or activities which require permits from both EPA and the State under different programs. See § 124.4.

(4) Provisions for the State Director to promptly forward to EPA copies of draft permits and permit applications for all major HWM facilities for review and comment. The Regional Administrator and the State Director may agree to limitations regarding review of and comment on draft permits and/or permit applications for non-major HWM facilities. The State Director shall supply EPA copies of final permits for all major HWM facilities.

§ 271.127 Authorization plan.

The State must submit an "authorization plan" which shall describe the additions and modifications necessary for the State program to qualify for final authorization as soon as practicable, but no later then the end of the interim authorization period. This plan shall include the nature of and schedules for any changes in State legislation and regulations; resources levels; actions the State must take to control the complete universe of hazardous waste listed or designated under section 3001 of RCRA as soon as possible; the manifest and permit systems; and the surveillance and enforcement program which will be necessary in order for the State to become eligible for final authorization.

(a)(1) In the case of a State applying only for interim authorization for Phase I, the authorization plan shall describe the additions and modifications necessary for the State program to meet the requirements for final authorization contained in Phase I.

(2) In the case of a State applying only for interim authorization for a component of Phase II, the authorization plan for Phase I (or for Phase I and previous components of Phase II) shall be amended to meet the requirements of paragraph (b) of this section.

(b)(1) In the case of a State applying for interim authorization for a component of Phase II, the authorization plan shall describe the additions and modifications necessary for the State program to meet the requirements for final authorization corresponding to that component of Phase II and the requirements for final authorization corresponding to Phase I and previous components of Phase II.

(2) In the case of a State applying for interim authorization for the last component of Phase II, the authorization plan shall describe the additions and modifications necessary for the State program to meet all the requirements for final authorization.

§ 271.128 Program requirements for interim authorization for Phase I.

The following requirements are applicable to States applying for interim authorization for Phase I. If a State does not have legislative authority or regulatory control over certain activities that do not occur in the State, the State may be granted interim authorization for Phase I provided the State authorization plan under § 271.127 provides for the development of a complete program as soon as practicable after receiving interim authorization.

(a) Requirements for identification and listing of hazardous waste. The State program must control a universe of hazardous wastes generated, transported, treated, stored, and disposed of in the State which is nearly identical to that which would be controlled by the Federal program under 40 CFR Part 261.

(b) Requirements for generators of hazardous waste.

(1) This paragraph applies unless the State comes within the exceptions described under paragraph (d) of this section.

(2) The State program must cover all generators of hazardous waste controlled by the State.

(3) The State shall have the authority to require and shall require all generators covered by the State program to comply with reporting and recordkeeping requirements substantially equivalent to those found at 40 CFR 262.40 and 262.41.

(4) The State program must require that generators who accumulate hazardous wastes for short periods of time do so in a manner that does not present a hazard to human health or the environment.

(5) The State program shall provide requirements respecting international shipments which are substantially equivalent to those at 40 CFR 262.50, except that advance notification of international shipment, as required by 40 CFR 262.50(b)(1), shall be filed with the Administrator. The State may require that a copy of such advance notice be filed with the State Director, or may require equivalent reporting procedures.

[Note.—Such notices shall be mailed to Hazardous Waste Export, Division for Oceans and Regulatory Affairs (A–107), U.S. Environmental Protection Agency, Washington, D.C. 20460.]

(6) The State program must require that such generators of hazardous waste who transport (or offer for transport) such hazardous waste off-site use a manifest system that ensures that inter- and intrastate shipments of hazardous waste are designated for delivery, and, in the case of intrastate shipments, are delivered only to facilities that are authorized to operate under an approved State program or the Federal program.

(7) The State manifest system must require that:

(i) The manifest itself identify the generator, transporter, designated facility to which the hazardous waste will be transported, and the hazardous waste being transported;

(ii) The manifest accompany all wastes offered for transport, except in the case of shipments by rail or water

specified in § 262.23 (c) and (d) and 263.20 (e) and (f); and

(iii) Shipments of hazardous waste that are not delivered to a designated facility are either identified and reported by the generator to the State in which the shipment originated or are independently identified by the State in which the shipment originated.

(8) In the case of interstate shipments for which the manifest has not been returned, the State program must provide for notification to the State in which the facility designated on the manifest is located and to the State in which the shipment may have been delivered (or to EPA in the case of unauthorized States).

(c) Requirements for transporters of hazardous wastes.

(1) This paragraph applies unless the State comes within the exceptions described under paragraph (d) of this section.

(2) The State program must cover all transporters of hazardous waste controlled by the State.

(3) The States shall have the authority to require and shall require all transporters covered by the State program to comply with recordkeeping requirements substantially equivalent to those found at 40 CFR 263.22.

(4) The State program must require such transporters of hazardous waste to use a manifest system that ensures that inter- and intrastate shipments of hazardous waste are delivered only to facilities that are authorized under an approved State program or the Federal program.

(5) The State program must require that transportation carry the manifest with all shipments, except in the case of shipments by rail or water specified in 40 CFR 263.20 (e) and (f).

(6) For hazardous wastes that are discharged in transit, the State program must require that transporters notify appropriate State, local and Federal agencies of the discharges, and clean up the wastes or take action so that the wastes do not present a hazard to human health or the environment. These requirements shall be substantially equivalent to those found at 40 CFR 263.20 and 263.31.

(d) Limited exceptions from generator, transporter, and related manifest requirements. A State applying for interim authorization for Phase I which meets all the requirements for such interim authorization except that it does not have statutory or regulatory authority for the manifest system or other generator or transporter requirements discussed in paragraphs (b) and (c) of this section may be granted in interim authorization, if the State authorization plan under § 271.127 delineates the necessary steps for obtaining this authority no later than the end of the interim authorization period under § 271.122(b). A State may apply for interim authorization to implement the manifest system and other generator and transporter requirements if the enabling legislation for that part of the program was in existence within 90 days of the announcement of the last component of Phase II. States which received interim authorization for Phase I under the terms of this paragraph may apply for interim authorization to implement the manifest system and other generator and transporter requirements as a part of the State's submission for Phase II or as mutually agreed upon between EPA and the State. Until the State manifest system and other generator and transporter requirements are approved by EPA, all Federal requirements for generators and transporters (including use of the Federal manifest system) shall apply in such States and enforcement responsibility for that part of the program shall remain with the Federal government. The universe of wastes for which these Federal requirements apply shall be the universe of wastes controlled by the State under paragraph (a) of this section.

(e) Requirements for hazardous waste treatment, storage and disposal facilities. States must have standards applicable to HWM facilities which are substantially equivalent to 40 CFR Part 265. State law shall prohibit the operation of facilities not in compliance with such standards. These standards shall include:

(1) Preparedness for and prevention of releases of hazardous waste controlled by the State under paragraph (a) of this section and contingency plans and emergency procedures to be followed in the event of a release of such hazardous waste;

(2) Closure and post-closure requirements;

(3) Ground-water monitoring;

(4) Security to prevent unknowing and unauthorized access to the facility;

(5) Facility personnel training;

(6) Inspection, monitoring, recordkeeping, and reporting;

(7) Compliance with the manifest system including the requirement that the facility owner or operator or the State in which the facility is located must return a copy of the manifest to the generator or to the State in which the generator is located indicating delivery of the waste shipment; and

(8) Other facility standards to the extent that they are included in 40 CFR Part 265, except that Subpart R (standards for injection wells) may be included in the State standards, at the State's option.

(f) Requirements for enforcement authority. (1) Any State agency administering a program under this Subpart shall have the following authority to remedy violations of State program requirements:

(i) Authority to restrain immediately by order or by suit in State court any person from engaging in any unauthorized activity which is endangering or causing damage to public health or the environment;

(ii) To sue in courts of competent jurisdiction to enjoin any threatened or continuing violation of any program requirement, including, where appropriate, permit conditions, without the necessity of a prior revocation of the permit; and

(iii) for any program violation, to assess or sue to recover in court civil penalties in at least the amount of $1000 per day or to seek criminal fines in at least the amount of $1000 per day.

(2) Any State administering a program under this Subpart shall provide for public participation in the State enforcement process by providing either:

(i) Authority which allows intervention as of right in any civil action to obtain the remedies specified in paragraphs (f)(1) (ii) and (iii) of this section by any citizen having an interest which is or may be adversely affected; or

(ii)(A) Assurance by the appropriate State agency that it will investigate and provide written responses to all citizen complaints submitted pursuant to the procedures specified in paragraph (g)(2)(iv) of this section;

(B) Assurance by the appropriate State enforcement authority that it will not oppose intervention by any citizen when permissive intervention is authorized by statute, rule, or regulation; and

(C) Assurance by the appropriate State enforcement authority that it will publish notice of and provide at least 30 days for public comment on all proposed settlements of civil enforcement actions, except in cases where a settlement requires some immediate action (e.g., cleanup) which if otherwise delayed could result in substantial damage to either public health or the environment.

(g) Requirements for compliance evaluation programs.

(1) A State program under this Subpart shall have procedures for receipt, evaluation, recordkeeping, and investigation for possible enforcement of all required notices and reports.

(2) The State program shall (i) include independent State inspection and surveillance authority to determine compliance or non-compliance with applicable program requirements; or (ii) the State program shall indicate that the State will rely on and act under the inspection authority provided in Section 3007(a) of RCRA.

(3) If the State is relying on independent State inspection and surveillance authority, the authority shall include authority to enter any conveyance, vehicle, facility, or premises subject to regulation or in which records relevant to program operation are kept in order to inspect, obtain samples, monitor or otherwise investigate compliance with the State program. States whose law requires a search warrant prior to entry comply with this requirement.

(4) If the State is relying on the authority in section 3007(a), the State program must contain assurances that there are no provisions of State law which prevent the State from using that authority.

(5) The State program must include:

(i) The capability to make comprehensive surveys of any activities subject to the State Director's authority in order to identify persons subject to regulation who have failed to comply with program requirements;

(ii) A program for periodic inspection of the activities subject to regulation;

(iii) The capability to investigate evidence of violations of applicable program and permit requirements;

(iv) Procedures to determine compliance or non-compliance with applicable program requirements including procedures for receiving and ensuring proper consideration of information submitted by the public about violations. Public effort in reporting violations shall be encouraged and the State Director shall make available information on reporting procedures.

(6) Investigatory inspections shall be conducted, samples shall be taken, and other information shall be gathered in a manner (e.g., using proper "chain of custody" procedures) that will produce evidence admissible in an enforcement proceeding or in court.

§ 271.129 Additional program requirements for interim authorization for Phase II.

In addition to the requirements of § 271.128, the following requirements are applicable to States applying for a component of Phase II.

(a)(1) State programs must have standards applicable to hazardous waste management facilities that provide substantially the same degree of human health and environmental protection as the standards promulgated in the Subparts of 40 CFR Part 264 comprising that component.

(2) The Administrator may authorize a State program for Phase II Components A or B, or both, even though the State program does not include liability coverage requirements, if (i) the State submitted a draft application for the component or components of Phase II interim authorization prior to April 16, 1982, and (ii) the State commits in its Memorandum of Agreement to adopt State liability coverage requirements as quickly as practicable, but in no case later than the State's application for an additional component of Phase II interim authorization.

(3) Any State which receives interim authorization for Components A or B or both without liability coverage requirements, pursuant to paragraph (a)(2) of this section, may not receive an additional component of Phase II interim authorization unless it has liability coverage requirements in effect.

(4) The Administrator may authorize a State program for Phase II Component A, even though the State program does not have standards corresponding to 40 CFR Subpart K (Surface Impoundments), if the State commits in its Memorandum of Agreement to adopt State standards substantially equivalent to 40 CFR Part 264 Subpart K no later than the State's application for the Phase II component corresponding to the Federal land disposal standards.

(5) Any State which receives interim authorization for Component A without surface impoundment standards, pursuant to paragraph (a)(4) of this section, may not receive interim authorization for the Phase II component corresponding to the Federal land disposal standards unless it has standards substantially equivalent to 40 CFR Part 264 Subpart K in effect.

(b)(1) State programs shall require a permit for owners and operators of those hazardous waste treatment, storage and disposal facilities:

(i) corresponding to that component;

(ii) which handle any waste controlled by the State under § 271.128(a); and

(iii) for which a permit is required under 40 CFR Part 270.

(2) The State program shall prohibit the operation of such facilities without a permit, provided States may authorize owners and operators of facilities which would qualify for interim status under the Federal program (if State law so authorizes) to remain in operation pending permit action. Where State law authorizes such continued operation it shall require compliance by owners and operators of such facilities with standards substantially equivalent to EPA's interim status standards under 40 CFR Part 265.

(c) All permits issued by the State under this section shall require compliance with the standards adopted by the State in accordance with paragraph (a) of this section.

(d) State programs shall have requirements for permitting which are substantially equivalent to the provisions listed in § 271.14, except that States must have requirements equivalent to § 124.10(b)(1), (c)(1)(ix), (c)(2)(ii) and § 124.12(a).

(e) A State with interim authorization for a component of Phase II may not issue permits pursuant to that component with a term greater than ten years.

(f) State programs shall require that a facility which, under the Federal hazardous waste management program would be deemed to have a Federal permit if the conditions established in § 270.60 of this chapter are met, comply with standards at least substantially equivalent to the applicable standards in § 270.60 of this chapter. Such standards need not be imposed through issuance of a permit, but must be fully enforceable.

§ 271.130 Interstate movement of hazardous waste.

(a) If a waste is transported from a State where it is listed or designated as hazardous under the program applicable in that State, whether that is the Federal program or an approved State program, into a State with interim authorization where it is not listed or designated, the waste must be manifested in accordance with the laws of the State where the waste was generated and must be treated, stored, or disposed of as required by the laws of the State into which it has been transported.

(b) If a waste is transported from a State with interim authorization where it is not listed or designated as hazardous into a State where it is listed or designated as hazardous under the program applicable in that State, whether that is the Federal program or an approved State program, the waste must be treated, stored, or disposed of in accordance with the law applicable in the State into which it has been transported.

(c) In all cases of interstate movement of hazardous waste, as defined by 40 CFR Part 261, generators and transporters must meet DOT requirements in 49 CFR Parts 172, 173, 178, and 179 (e.g., for shipping paper,

packaging, labeling, marking, and placarding).

§ 271.131 Progress reports.

The State Director shall submit a semi-annual progress report to the EPA Regional Administrator within 4 weeks of the date 6 months after Phase I commences, and at 6-month intervals thereafter until the expiration of interim authorization. The reports shall briefly summarize, in a manner and form prescribed by the Regional Administrator, the State's compliance in meeting the requirements of the authorization plan, the reasons and proposed remedies for any delay in meeting milestones, and the anticipated problems and solutions for the next reporting period.

§ 271.132 Sharing of information.

(a) Any information obtained or used in the administration of a State program shall be available to EPA upon request without restriction. If the information has been submitted to the State under a claim of confidentiality, the State must submit that claim to EPA when providing information under this subpart. Any information obtained from a State and subject to a claim of confidentiality will be treated in accordance with the regulations in 40 CFR Part 2. If EPA obtains from a State information that is not claimed to be confidential, EPA may make that information available to the public without further notice.

(b) EPA shall furnish to States with approved programs the information in its files not submitted under a claim of confidentiality which the State needs to implement its approved program. EPA shall furnish to States with approved programs information submitted to EPA under a claim of confidentiality, which the States needs to implement its approved program, subject to the conditions in 40 CFR Part 2.

§ 271.133 Coordination with other programs.

(a) Issuance of State permits under this part may be coordinated, as provided in Part 124, with issuance of UIC, NPDES, and 404 permits whether they are controlled by the State, EPA or the Corps of Engineers. See § 124.4.

(b) The State Director of any approved program which may effect the planning for the development of hazardous waste management facilities and practices shall consult and coordinate with agencies designated under section 4006(b) of RCRA (40 Part 255) as responsible for the development and implementation of State and solid waste management plans under section 4002(b) of RCRA (40 CFR Part 256).

§ 271.134 EPA review of State permits.

(a) The Regional Administrator may comment on permit applications and draft permits as provided in the Memorandum of Agreement under § 271.126.

(b) Where EPA indicates, in a comment, that issuance of the permit would be inconsistent with the approved State program, EPA shall include in the comment:

(1) A statement of the reasons for the comment (including the section of RCRA or regulations promulgated thereunder that support the comment); and

(2) The actions that should be taken by the State Director in order to address the comments (including the conditions which the permit would include if it were issued by the Regional Administrator).

(c) A copy of any comment shall be sent to the permit applicant by Regional Administrator.

(d) The Regional Administrator shall withdraw such a comment when satisfied that the State has met or refuted his or her concerns.

(e) Under Section 3008(a)(3) of RCRA, EPA may terminate a State-issued permit in accordance with the procedures of Part 124, Subpart E, or bring an enforcement action in accordance with the procedures of 40 CFR Part 22 in the case of a violation of a State program requirement. In exercising these authorities, EPA will observe the following conditions:

(1) The Regional Administrator may take action under section 3008(a)(3) of RCRA against a holder of a State-issued permit at any time on the ground that permittee is not complying with a condition of that permit.

(2) The Regional Administrator may take action under Section 3008(a)(3) of RCRA against a holder of a State-issued permit at any time on the ground that the permittee is not complying with a condition that the Regional Administrator in commenting on the permit application or draft permit stated was necessary to implement approved State program requirements, whether or not that condition was included in the final permit.

(3) The Regional Administrator may not take action under section 3008(a)(3) of RCRA against a holder of a State-issued permit on the ground that the permittee is not complying with a condition necessary to implement approved State program requirements unless the Regional Administrator stated in commenting on the permit application or draft permit that the condition was necessary.

(4) The Regional Administrator may take action under Section 7003 of RCRA against a permit holder at any time whether or not the permit holder is complying with permit conditions.

§ 271.135 Approval process.

(a) Within 30 days of receipt of a complete program submission for Phase I or for a component of Phase II of interim authorization, the Regional Administrator shall:

(1) Issue notice in the **Federal Register** and in accordance with § 271.20(a)(1) of a public hearing on the State's application for interim authorization. Such public hearing will be held by EPA no earlier than 30 days after notice of the hearing, provided that if significant public interest in a hearing is not expressed, the hearing may be cancelled if a statement to this effect is included in the public notice. The State shall participate in any public hearing held by EPA.

(2) Afford the public 30 days after the notice to comment on the State's submission; and

(3) Note the availability of the State's submission for inspection and copying by the public. The State submission shall, at a minimum, be available in the main office of the lead State agency and in the EPA Regional Office.

(b) Within 90 days of the notice in the **Federal Register** required by paragraph (a)(1) of this section, the Administrator shall make a final determination whether or not to approve the State's program, taking into account any comments submitted. The Administrator will give notice of this final determination in the **Federal Register** and in accordance with § 271.20(a)(1). The notification shall include a concise statement of the reasons for this determination, and a response to significant comments received.

(c) Where a State has received interim authorization for Phase I or for Phase I and for some, but not all, components of Phase II, the same procedures required in paragraphs (a) and (b) of this section shall be used in determining whether the amended program submission meets the requirements of the Federal Program.

§ 271.136 Withdrawal of State programs.

(a) The criteria and procedures for withdrawal set forth in §§ 271.22 and 271.23 apply to this section.

(b) In addition to the criteria in § 271.22, State program approval may be withdrawn if a State which has obtained interim authorization fails to meet the schedule for or accomplish the additions

or revisions of its program set forth in its authorization plan.

§ 271.137 Reversion of State programs.

(a) A State program approved for interim authorization for Phase I or for Phase I and some but not all components of Phase II shall terminate on the last day of the 6th month after the effective date of the last component of Phase II, and EPA shall administer and enforce the Federal program in the State commencing on that date if the State has failed to submit by that date an amended submission pursuant to § 271.122(c)(4). The Regional Administrator may extend this deadline for good cause.

(b) A State program approved for interim authorization for Phase I or for Phase I and for some but not all components of Phase II shall terminate and EPA shall administer and enforce the Federal program in the State if the Regional Administrator determines pursuant to § 271.135(c) that a program submission amended pursuant to § 271.122(c)(4) does not meet the requirements of the Federal program.

Part 124 is revised to read as follows:

PART 124—PROCEDURES FOR DECISIONMAKING

Subpart A—General Program Requirements

Sec.
124.1 Purpose and scope.
124.2 Definitions.
124.3 Application for a permit.
124.4 Consolidation of permit processing.
124.5 Modification, revocation and reissuance, or termination of permits.
124.6 Draft permit.
124.7 Statement of basis.
124.8 Fact sheet.
124.9 Administrative record for draft permits when EPA is the permitting authority.
124.10 Public notice of permit actions and public comment period.
124.11 Public comments and requests for public hearings.
124.12 Public hearings.
124.13 Obligation to raise issues and provide information during the public comment period.
124.14 Reopening of the public comment period.
124.15 Issuance and effective date of permit.
124.16 Stays of contested permit conditions.
124.17 Response to comments.
124.18 Administrative record for final permit when EPA is the permitting authority.
124.19 Appeal of RCRA, UIC and PSD permits.
124.20 Computation of time.
124.21 Effective date of Part 124.

Subpart B—Specific Procedures Applicable to RCRA Permits [Reserved]

Subpart C—Specific Procedures Applicable to PSD Permits

Sec.
124.41 Definitions applicable to PSD permits.
124.42 Additional procedures for PSD permits affecting Class I areas.

Subpart D—Specific Procedures Applicable to NPDES Permits

124.51 Purpose and scope.
124.52 Permits required on a case-by-case basis.
124.53 State certification.
124.54 Special provisions for State certification and concurrence on applications for section 301(h) variances.
124.55 Effect of State certification.
124.56 Fact sheets.
124.57 Public notice.
124.58 Special procedures for EPA-issued general permits for point sources other than separate storm sewers.
124.59 Conditions requested by the Corps of Engineers and other government agencies.
124.60 Issuance and effective date and stays of NPDES permits.
124.61 Final environmental impact statement.
124.62 Decision on variances.
124.63 Procedures for variances when EPA is the permitting authority.
124.64 Appeal of variances.
124.65 Special procedures for discharge into marine waters under section 301(h).
124.66 Special procedures for decisions on thermal variances under section 316(a).

Subpart E—Evidentiary Hearing for EPA-Issued NPDES Permits and EPA-Terminated RCRA Permits

124.71 Applicability.
124.72 Definitions.
124.73 Filing and submission of documents.
124.74 Requests for evidentiary hearing.
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124.76 Obligation to submit evidence and raise issues before a final permit is issued.
124.77 Notice of hearing.
124.78 *Ex parte* communications.
124.79 Additional parties and issues.
124.80 Filing and service.
124.81 Assignment of Administrative Law Judge.
124.82 Consolidation and severance.
124.83 Prehearing conferences.
124.84 Summary determination.
124.85 Hearing procedure.
124.86 Motions.
124.87 Record of hearings.
124.88 Proposed findings of fact and conclusions; brief.
124.89 Decisions.
124.90 Interlocutory appeal.
124.91 Appeal to the Administrator.

Subpart F—Non-Adversary Panel Procedures

Sec.
124.111 Applicability.
124.112 Relation to other Subparts.
124.113 Public notice of draft permits and public comment period.
124.114 Request for hearing.
124.115 Effect of denial of or absence of request for hearing.
124.116 Notice of hearing.
124.117 Request to participate in hearing.
124.118 Submission of written comments on draft permit.
124.119 Presiding Officer.
124.120 Panel hearing.
124.121 Opportunity for cross-examination.
124.122 Record for final permit.
124.123 Filing of brief, proposed findings of fact and conclusions of law and proposed modified permit.
124.124 Recommended decision.
124.125 Appeal from or review of recommended decision.
124.126 Final decision.
124.127 Final decision if there is no review.
124.128 Delegation of authority; time limitations.

Appendix A to Part 124—Guide to Decisionmaking under Part 124.

Authority: Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*; Safe Drinking Water Act, 42 U.S.C. 300(f) *et seq.*; Clean Water Act, 33 U.S.C. 1251 *et seq.*; and Clean Air Act, 42 U.S.C. 1857 *et seq.*

Subpart A—General Program Requirements

§ 124.1 Purpose and scope.

(a) This Part contains EPA procedures for issuing, modifying, revoking and reissuing, or terminating all RCRA, UIC, PSD and NPDES "permits" other than RCRA and UIC "emergency permits" (see §§ 270.61 and 144.34) and RCRA "permits by rule" (§ 270.60). The latter kinds of permits are governed by Part 270. RCRA interim status and UIC authorization by rule are not "permits" and are covered by specific provisions in Parts 144, Subpart C, and 270. This Part also does not apply to permits issued, modified, revoked and reissued or terminated by the Corps of Engineers. Those procedures are specified in 33 CFR Parts 320–327.

(b) Part 124 is organized into six subparts. Subpart A contains general procedural requirements applicable to all permit programs covered by these regulations. Subparts B through F supplement these general provisions with requirements that apply to only one or more of the programs. Subpart A describes the steps EPA will follow in receiving permit applications, preparing draft permits, issuing public notice, inviting public comment and holding public hearings on draft permits. Subpart A also covers assembling an

administrative record, responding to comments, issuing a final permit decision, and allowing for administrative appeal of the final permit decision. Subpart B is reserved for specific procedural requirements for RCRA permits. There are none of these at present but they may be added in the future. Subpart C contains definitions and specific procedural requirements for PSD permits. Subpart D applies to NPDES permits until an evidentiary hearing begins, when Subpart E procedures take over for EPA-issued NPDES permits and EPA-terminated RCRA permits. Subpart F, which is based on the "initial licensing" provisions of the Administrative Procedure Act (APA), can be used instead of Subparts A through E in appropriate cases.

(c) Part 124 offers an opportunity for three kinds of hearings: a public hearing under Subpart A, an evidentiary hearing under Subpart E, and a panel hearing under Subpart F. This chart describes when these hearings are available for each of the five permit programs.

HEARINGS AVAILABLE UNDER THIS PART

Programs	Subpart (A) Public hearing	Subpart (E) Evidentiary hearing	Subpart (F) Panel hearing
RCRA	On draft permit, at Director's discretion or on request (§ 124.12).	(1) Permit termination (RCRA section 3008). (2) With NPDES evidentiary hearing (§ 124.74(b)(2)).	(1) At RA's discretion in lieu of public hearing (§§ 124.12 and 124.111(a)(3)) (2) When consolidated with NPDES draft permit processed under Subpart F (§ 124.111(a)(1)(i))
UIC	On draft permit, at Director's discretion or on request (§ 124.12).	With NPDES evidentiary hearing (§ 124.74(b)(2)).	(1) At RA's discretion in lieu of public hearing (§§ 124.12 and 124.111(a)(3)) (2) When consolidated with NPDES draft permit processed under Subpart F (§ 124.111(a)(1)(i))
PSD	On draft permit, at Director's discretion or on request (§ 124.12).	Not available (§ 124.71(c))	When consolidated with NPDES draft permit processed under Subpart F if RA determines that CAA one year deadline will not be violated
NPDES (other than general permit)	On draft permit, at Director's discretion or on request (§ 124.12).	(1) On request to challenge any permit condition or variance (§ 124.74). (2) At RA's discretion for any 301(h) request (§ 124.64(b)).	(1) At RA's discretion when first decision on permit or variance request (§ 124.111) (2) At RA's discretion when request for evidentiary hearing is granted under § 124.75(a)(2) (§§ 124.74(c)(8) and 124.111(a)(2)) (3) At RA's discretion for any 301(h) request (§ 124.64(b))
NPDES (general permit)	On draft permit, at Director's discretion or on request (§ 124.12).	Not available (§ 124.71(a))	At RA's discretion in lieu of public hearing (§ 124.111(a)(3))
404	On draft permit or on application when no draft permit, at Director's discretion or on request (§ 124.12).	Not available (§ 124.71)	Not available (§ 124.111).

(d) This Part is designed to allow permits for a given facility under two or more of the listed programs to be processed separately or together at the choice of the Regional Administrator. This allows EPA to combine the processing of permits only when appropriate, and not necessarily in all cases. The Regional Administrator may consolidate permit processing when the permit applications are submitted, when draft permits are prepared, or when final permit decisions are issued. This Part also allows consolidated permits to be subject to a single public hearing under § 124.12, a single evidentiary hearing under § 124.75, or a single non-adversary panel hearing under § 124.120. Permit applicants may recommend whether or not their applications should be consolidated in any given case.

(e) Certain procedural requirements set forth in Part 124 must be adopted by States in order to gain EPA approval to operate RCRA, UIC, NPDES, and 404 permit programs.These requirements are listed in §§ 123.25 (NPDES), 145.11 (UIC), 233,26 (404), and 271.14 (RCRA) and signaled by the following words at the end of the appropriate Part 124 section or paragraph heading: *(applicable to State programs see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA)).* Part 124 does not apply to PSD permits issued by an approved State.

(f) To coordinate decisionmaking when different permits will be issued by EPA and approved State programs, this Part allows applications to be jointly processed, joint comment periods and hearings to be held, and final permits to be issued on a cooperative basis whenever EPA and a State agree to take such steps in general or in individual cases. These joint processing agreements may be provided in the Memorandum of Agreement developed under §§ 123.24 (NPDES), 145.24 (UIC), 233.24 (404), and 271.8 (RCRA).

§ 124.12 Definitions.

(a) In addition to the definitions given in §§ 122.2 and 123.2 (NPDES), 144.3 and 145.2 (UIC); 233.3 (404), and 270.2 and 271.2 (RCRA), the definitions listed below apply to this Part, except for PSD permits which are governed by the definitions in §124.41. Terms not defined in this section have the meaning given by the appropriate Act.

Administrator means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.

Applicable standards and limitations (NPDES) means all State, interstate, and Federal standards and limitations to which a "discharge" or a related activity in subject under the CWA, including "effluent limitations," water quality standards, standards of performance, toxic effluent standards or prohibitions, "best management practices," and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of CWA.

Application means the EPA standard national forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in "approved States," including any approved modifications or revisions. For RCRA, application also includes the information required by the Director under §270.14–270.29 [contents of Part B of the RCRA application].

Appropriate Act and regulations means the Clean Water Act (CWA); the Solid Waste Disposal Act, as amended by the Resource Conservation Recovery Act (RCRA); or Safe Drinking Water Act (SDWA), whichever is applicable; and applicable regulations promulgated under those statutes. In the case of an "approved State program" appropriate

Act and regulations includes program requirements.

CWA means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act of Federal Pollution Control Act Amendments of 1972) Pub. L. 92–500, as amended by Pub. L. 95–217 and Pub. L. 95–576; 33 U.S.C. 1251 et seq.

Director means the Regional Administrator or the State Director, as the context requires, or an authorized representative. When there is no "approved State program," and there is an EPA administered program, "Director"means the Regional Administrator. When there is an approved State program, "Director" normally means the State Director. In some circumstances, however, EPA retains the authority to take certain actions even when there is an approved State program. (For example, when EPA has issued an NPDES permits prior to the approval of a State program, EPA may retain jurisdiction over that permit after program approval; see § 123.1) In such cases, the term "Director means the Regional Administrator and not the State Director.

Draft permit means a document prepared under §124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a "permit." A notice of intent to terminate a permit and a notice of intent to deny a permit as discussed in § 124.5, are types of "draft permits." A denial of a request for modification, revocation and reissuance or termination, as discussed in §124.5, is not a "draft permit." A "proposal permit" is not a "draft permit."

EPA ("EPA") means the United States "Environmental Protection Agency."

Facility or activity means any "HWM facility," UIC "injection well," NPDES "point source," or State 404 dredge or fill activity, or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the RCRA, UIC, NPDES, or 404 programs.

General Permit (NPDES and 404) means an NPDES or 404 "permit" authorizing a category of discharges under the CWA within a geographical area. For NPDES, a general permit means a permit issued under § 122.28. For 404, a general permit means a permit issued under § 233.37.

Interstate Agency means an agency of two or more States established by or under an agreement or compact approved by the Congress, or any other agency of two or more States having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the "appropriate Act and regulations."

Major Facility means any RCRA, UIC, NPDES, or 404 "facility or activity" classified as such by the Regional Administrator, or, in the case of "approved State programs," the Regional Administrator in conjunction with the State Director.

NPDES means National Pollutant Discharge Elimination System.

Owner or Operator means owner or operator of any "facility or activity" subject to regulation under the RCRA,UIC, NPDES, or 404 programs.

Permit means an authorization, license, or equivalent control document issued by EPA or an "approved State" to implement the requirements of this Part and Parts 122, 123, 144, 145, 233, 270, and 271. "Permit" includes RCRA "permit by rule" (Section 270.60), UIC area permit (Section 144.33), NPDES or 404 "general permit" (Sections 270.61, 144.34, and 233.38). Permit does not include RCRA interim status (Section 270.70), UIC authorization by rule (Section 144.21), or any permit which has not yet been the subject of final agency action, such as a "draft permit" or a "proposed permit."

Person means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agency or employee thereof.

RCRA means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94–580, as amended by Pub. L. 95–609, 42 U.S.C. Section 6901 et seq).

Regional Administrator means the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.

Schedule of compliance means a schedule of remedial measures included in a "permit," including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the "appropriate Act and regulations."

SDWA means the Safe Drinking Water Act (Pub. L. 95–523, as amended by Pub. L. 95–1900; 42 U.S.C. 300f et seq).

Section 404 program or State 404 program or 404 means an "approved State program" to regulate the "discharge of dredged material" and the "discharge of fill material" under Section 404 of the Clean Water Act in "State regulated waters."

Site means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

State means any of the 50 states, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands (except in the case of RCRA), and the Commonwealth Northern Mariana Islands (except in the case of CWA).

State Director means the chief administrative officer of any State or interstate agency operating an "approved program," or the delegated representative of the state Director. If responsibility is divided among two or more State or interstate agencies, "State Director" means the chief administrative officer of the State or interstate agency authorized to perform the particular procedure or function to which reference is made.

UIC means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including an "approved program."

Variance (NPDES) means any mechanism or provision under section 301 or 316 of CWA or under 40 CFR Part 125, or in the applicable "effluent limitations guidelines" which allows modification to or waiver of the generally applicable effluent limitation requirements or time deadlines of CWA. This includes provisions which allow the establishment of alternative limitations based on fundamentally different factors or on sections 301(c), 301(g), 301(h), 301(i), or 316(a) of CWA.

(b) For the purposes of Part 124, the term "Director" means the State Director or Regional Administrator and is used when the accompanying provision is required of EPA-administered programs and of State programs under §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA). The term "Regional Administrator" is used when the accompanying provision applies exclusively to EPA-issued permits and is not applicable to State programs under these sections. While States are not required to implement these latter provisions, they are not precluded from doing so, notwithstanding use of the term "Regional Administrator."

(c) The term "formal hearing" means any evidentiary hearing under Subpart E or any panel hearing under Subpart F but does not mean a public hearing conducted under § 124.12.

§ 124.3 Application for a permit.

(a) *Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).* (1) Any person who requires a permit under the RCRA, UIC, NPDES, or PSD programs shall complete, sign, and submit to the

Director an application for each permit required under §§ 270.1 (RCRA), 144.1 (UIC), 40 CFR 52.21 (PSD), and 122.1 (NPDES). Applications are not required for RCRA permits by rule (§ 270.60), underground injections authorized by rule (§ 144.21–26), NPDES general permits (§ 122.28) and 404 general permits (§ 233.37).

(2) The Director shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit. See §§ 270.10, 270.13 (RCRA), 144.31 (UIC), 40 CFR 52.21 (PSD), and 122.21 (NPDES).

(3) Permit applications (except for PSD permits) must comply with the signature and certification requirements of §§ 122.22 (NPDES), 144.32 (UIC), 233.6 (404), and 270.11 (RCRA).

(b) [Reserved.]

(c) The Regional Administrator shall review for completeness every application for an EPA-issued permit. Each application for an EPA-issued permit submitted by a new HWM facility, a new UIC injection well, a major PSD stationary source or major PSD modification, or an NPDES new source or NPDES new discharger should be reviewed for completeness by the Regional Administrator within 30 days of its receipt. Each application for an EPA-issued permit submitted by an existing HWM facility (both Parts A and B of the application), existing injection well or existing NPDES source should be reviewed for completeness within 60 days of receipt. Upon completing the review, the Regional Administrator shall notify the applicant in writing whether the application is complete. If the application is incomplete, the Regional Administrator shall list the information necessary to make the application complete. When the application is for an existing HWM facility, an existing UIC injection well or an existing NPDES source, the Regional Administrator shall specify in the notice of deficiency a date for submitting the necessary information. The Regional Administrator shall notify the applicant that the application is complete upon receiving this information. After the application is completed, the Regional Administrator may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

(d) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and appropriate enforcement actions may be taken under the applicable statutory provision including RCRA section 3008, SDWA sections 1423 and 1424, CAA section 167, and CWA sections 308, 309, 402(h), and 402(k).

(e) If the Regional Administrator decides that a site visit is necessary for any reason in conjunction with the processing of an application, he or she shall notify the applicant and a date shall be scheduled.

(f) The effective date of an application is the date on which the Regional Administrator notifies the applicant that the application is complete as provided in paragraph (c) of this section.

(g) For each application from a major new HWM facility, major new UIC injection well, major NPDES new source, or major NPDES new discharger, the Regional Administrator shall, no later than the effective date of the application, prepare and mail to the applicant a project decision schedule. (This paragraph does not apply to PSD permits.) The schedule shall specify target dates by which the Regional Administrator intends to:

(1) Prepare a draft permit;

(2) Give public notice;

(3) Complete the public comment period, including any public hearing;

(4) Issue a final permit; and

(5) In the case of an NPDES permit, complete any formal proceedings under Subparts E or F.

§ 124.4 Consolidation of permit processing.

(a)(1) Whenever a facility or activity requires a permit under more than one statute covered by these regulations, processing of two or more applications for those permits may be consolidated. The first step in consolidation is to prepare each draft permit at the same time.

(2) Whenever draft permits are prepared at the same time, the statements of basis (required under § 124.7 for EPA-issued permits only) or fact sheets (§ 124.8), administrative records (required under § 124.9 for EPA-issued permits only), public comment periods (§ 124.10), and any public hearings (§ 124.12) on those permits should also be consolidated. The final permits may be issued together. They need not be issued together if in the judgment of the Regional Administrator or State Director(s), joint processing would result in unreasonable delay in the issuance of one or more permits.

(b) Whenever an existing facility or activity requires additional permits under one or more of the statutes covered by these regulations, the permitting authority may coordinate the expiration date(s) of the new permit(s) with the expiration date(s) of the existing permit(s) so that all permits expire simultaneously. Processing of the subsequent applications for renewal permits may then be consolidated.

(c) Processing of permit applications under paragraph (a) or (b) of this section may be consolidated as follows:

(1) The Director may consolidate permit processing at his or her discretion whenever a facility or activity requires all permits either from EPA or from an approved State.

(2) The Regional Administrator and the State Director(s) may agree to consolidate draft permits whenever a facility or activity requires permits from both EPA and an approved State.

(3) Permit applicants may recommend whether or not the processing of their applications should be consolidated.

(d) Whenever permit processing is consolidated and the Regional Administrator invokes the "initial licensing" provisions of Subpart F for an NPDES, RCRA, or UIC permit, any permit(s) with which that NPDES, RCRA or UIC permit was consolidated shall likewise be processed under Subpart F.

(e) Except with the written consent of the permit applicant, the Regional Administrator shall not consolidate processing a PSD permit with any other permit under paragraphs (a) or (b) of this section or process a PSD permit under Subpart F as provided in paragraph (d) of this section when to do so would delay issuance of the PSD permit more than one year from the effective date of the application under § 124.3(f).

§ 124.5 Modification, revocation and reissuance, or termination of permits.

(a) *(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA)).* Permits (other than PSD permits) may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Director's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in §§ 122.62 or 122.64 (NPDES), 144.39 or 144.40 (UIC), 233.14 or 233.15 (404), and 270.41 or 270.43 (RCRA). All requests shall be in writing and shall contain facts or reasons supporting the request.

(b) If the Director decides the request is not justified, he or she shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings. Denials by the Regional Administrator may be informally appealed to the Administrator by a

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letter briefly setting forth the relevant facts. The Administrator may direct the Regional Administrator to begin modification, revocation and reissuance, or termination proceedings under paragraph (c) of this section. The appeal shall be considered denied if the Administrator takes no action on the letter within 60 days after receiving it. This informal appeal is, under 5 U.S.C. § 704, a prerequisite to seeking judicial review of EPA action in denying a request for modification, revocation and reissuance, or termination.

(c) *(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA)).* (1) If the Director tentatively decides to modify or revoke and reissue a permit under §§ 122.62 (NPDES), 144.39 (UIC), 233.14 (404), or 270.41 (RCRA), he or she shall prepare a draft permit under § 124.6 incorporating the proposed changes. The Director may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and reissued permits, the Director shall require the submission of a new application.

(2) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

(3) "Minor modifications" as defined in Sections 122.63 (NPDES), 144.41 (UIC), 233.16 (404), and 270.42 (RCRA) are not subject to the requirements of this section.

(d) *(Applicable to State programs, see Sections 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA)).* If the Director tentatively decides to terminate a permit under Sections 122.64 (NPDES), 144.40 (UIC), 233.15 (404), or 270.43 (RCRA), he or she shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under Section 124.6. In the case of EPA-issued permits, a notice of intent to terminate shall not be issued if the Regional Administrator and the permittee agree to termination in the course of transferring permit responsibility to an approved State under Sections 123.24(b)(1) (NPDES), 145.24(b)(1) (UIC), or 271.8(b)(6) (RCRA).

(e) When EPA is the permitting authority, all draft permits (including notices of intent to terminate) prepared under this section shall be based on the administrative record as defined in Section 124.9.

(f) *(Applicable to State programs, see Section 233.26 (404)).* Any request by the permittee for modification to an existing 404 permit (other than a request for a minor modification as defined in Section 233.16 (404)) shall be treated as a permit application and shall be processed in accordance with all requirements of Section 124.3.

(g)(1) (Reserved for PSD Modification Provisions)

(2) PSD permits may be terminated only by rescission under § 52.21(w) or by automatic expiration under § 52.21(r). Applications for rescission shall be precessed under § 52.21(w) and are not subject to this Part.

§ 124.6 Draft permits.

(a) *(Applicable to State programs, see Sections 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).)* Once an application is complete, the Director shall tentatively decide whether to prepare a draft permit (except in the case of State section 404 permits for which no draft permit is required under Section 233.39) or to deny the application.

(b) If the Director tentatively decides to deny the permit application, he or she shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under this section. See Section 124.6(e). If the Director's final decision (Section 124.15) is that the tentative decision to deny the permit application was incorrect, he or she shall withdraw the notice of intent to deny and proceed to prepare a draft permit under paragraph (d) of this section.

(c) *(Applicable to State programs, see Sections 123.25 (NPDES) and 233.26 (404).)* If the Director tentatively decides to issue an NPDES or 404 general permit, he or she shall prepare a draft general permit under paragraph (d) of this section.

(d) *(Applicable to State programs, see Sections 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).)* If the Director decides to prepare a draft permit, he or she shall prepare a draft permit that contains the following information:

(1) All conditions under Sections 122.41 and 122.43 (NPDES), 144.51 and 144.42 (UIC, 233.7 and 233.8 (404, or 270.30 and 270.32 (RCRA) (except for PSD permits)));

(2) All compliance schedules under Section 122.47 (NPDES), 144.53 (UIC), 233.10 (404), or 270.33 (RCRA) (except for PSD permits);

(3) All monitoring requirements under Section 122.48 (NPDES), 144.54 (UIC), 233.11 (404), or 270.31 (RCRA) (except for PSD permits); and

(4) For:

(i) RCRA permits, standards for treatment, storage, and/or disposal and other permit conditions under Section 270.30;

(ii) UIC permits, permit conditions under Section 144.52;

(iii) PSD permits, permit conditions under 40 CFR Section 52.21;

(iv) 404 permits, permit conditions under Sections 233.7 and 233.8;

(v) NPDES permits, effluent limitations, standards, prohibitions and conditions under Section 122.41 and 122.42, including when applicable any conditions certified by a State agency under Section 124.55, and all variances that are to be included under Section 124.63.

(e) *(Applicable to State programs, see Sections 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).)* All draft permits prepared by EPA under this section shall be accompanied by a statement of basis (Section 124.7) or fact sheet (Section 124.8), and shall be based on the administrative record (Section 124.9), publicly noticed (Section 124.10) and made available for public comment (Section 124.11). The Regional Administrator shall give notice of opportunity for a public hearing (Section 124.12), issue a final decision (Section 124.15) and respond to comments (Section 124.17). For RCRA, UIC or PSD permits, an appeal may be taken under Section 124.19 and, for NPDES permits, an appeal may be taken under Section 124.74. Draft permits prepared by a State shall be accompanied by a fact sheet if required under § 124.8.

§ 124.7 Statement of basis.

EPA shall prepare a statement of basis for every draft permit for which a fact sheet under § 124.8 is not prepared. The statement of basis shall briefly describe the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons supporting the tentative decision. The statement of basis shall be sent to the applicant and, on request, to any other person.

§ 124.8 Fact sheet.

(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).)

(a) A fact sheet shall be prepared for every draft permit for a major HWM, UIC, 404, or NPDES facility or activity, for every 404 and NPDES general permit (§§ 233.37 and 122.28), for every NPDES draft permit that incorporates a variance or requires an explanation under § 124.56(b), and for every draft permit which the Director finds is the subject of widespread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The Director shall send this fact sheet to the applicant and, on request, to any other person.

(b) The fact sheet shall include, when applicable:

(1) A brief description of the type of facility or activity which is the subject of the draft permit;

(2) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged.

(3) For a PSD permit, the degree of increment consumption expected to result from operation of the facility or activity.

(4) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by § 124.9 (for EPA-issued permits);

(5) Reasons why any requested variances or alternatives to required standards do or do not appear justified;

(6) A description of the procedures for reaching a final decision on the draft permit including:

(i) The beginning and ending dates of the comment period under § 124.10 and the address where comments will be received;

(ii) Procedures for requesting a hearing and the nature of that hearing; and

(iii) Any other procedures by which the public may participate in the final decision.

(7) Name and telephone number of a person to contact for additional information.

(8) For NPDES permits, provisions satisfying the requirements of § 124.56.

§ 124.9 Administrative record for draft permits when EPA is the permitting authority.

(a) The provisions of a draft permit prepared by EPA under § 124.6 shall be based on the administrative record defined in this section.

(b) For preparing a draft permit under § 124.6, the record shall consist of:

(1) The application, if required, and any supporting data furnished by the applicant;

(2) The draft permit or notice of intent to deny the application or to terminate the permit;

(3) The statement of basis (§ 124.7) or fact sheet (§ 124.8);

(4) All documents cited in the statement of basis or fact sheet; and

(5) Other documents contained in the supporting file for the draft permit.

(6) For NPDES new source draft permits only, any environmental assessment, environmental impact statement (EIS), finding of no significant impact, or environmental information document and any supplement to an EIS that may have been prepared. NPDES permits other than permits to new sources as well as all RCRA, UIC and PSD permits are not subject to the environmental impact statement provisions of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4321.

(c) Material readily available at the issuing Regional Office or published material that is generally available, and that is included in the administrative record under paragraphs (b) and (c) of this section, need not be physically included with the rest of the record as long as it is specifically referred to in the statement of basis or the fact sheet.

(d) This section applies to all draft permits when public notice was given after the effective date of these regulations.

§ 124.10 Public notice of permit actions and public comment period.

(a) *Scope.* (1) The Director shall given public notice that the following sections have occurred:

(i) A permit application has been tentatively denied under Section 124.6(b);

(ii) *(Applicable to State programs, see Sections 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA)).* A draft permit has been prepared under Section 124.6(d);

(iii) *(Applicable to State programs, see Sections 123.25 (NPDES), 145.11 (UIC), 233.26 (404) and 271.14 (RCRA)).* A hearing has been scheduled under Section 124.12, Subpart E, or Subpart F;

(iv) An appeal has been granted under Section 124.19(c);

(v) *(Applicable to State programs, see Section 233.26 (404)).* A State section 404 application has been received in cases when no draft permit will be prepared (see Section 233.39); or

(vi) An NPDES new source determination has been made under Section 122.29.

(2) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under Section 124.5(b). Written notice of that denial shall be given to the requester and to the permittee.

(3) Public notices may describe more than one permit or permit actions.

(b) *Timing (applicable to State programs, see Sections 123.25 (NPDES). 145.11 (UIC), 233.26 (404, and 271.14 (RCRA)).* (1) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under paragraph (a) of this section shall allow at least 30 days for public comment. For RCRA permits only, public notice shall allow at least 45 days for public comment. For EPA-issued permits, if the Regional Administrator determines under 40 CFR Part 6, Subpart F that an Environmental Impact Statement (EIS) shall be prepared for an NPDES new source, public notice of the draft permit shall not be given until after a draft EIS is issued.

(2) Public notice of a public hearing shall be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.)

(c) *Methods (applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA)).* Public notice of activities described in paragraph (a)(1) of this section shall be given by the following methods:

(1) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits);

(i) The applicant (except for NPDES and 404 general permits when there is no applicant);

(ii) Any other agency which the Director knows has issued or is required to issue a RCRA, UIC, PSD, NPDES or 404 permit for the same facility or activity (including EPA when the draft permit is prepared by the State);

(iii) Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, State Historic Preservation Officers, and other appropriate government authorities, including any affected States;

(iv) For NPDES and 404 permits only, any State agency responsible for plan

development under CWA section 208(b)(2), 208(b)(4) or 303(e) and the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service;

(v) For NPDES permits only, any user identified in the permit application of a privately owned treatment works;

(vi) For 404 permits only, any reasonably ascertainable owner of property adjacent to the regulated facility or activity and the Regional Director of the Federal Aviation Administration if the discharge involves the construction of structures which may affect aircraft operations or for purposes associated with seaplane operations;

(vii) For PSD permits only, affected State and local air pollution control agencies, the chief executives of the city and county where the major stationary source or major modification would be located, any comprehensive regional land use planning agency and any State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the regulated activity;

(viii) Persons on a mailing list developed by:

(A) Including those who request in writing to be on the list;

(B) Soliciting persons for "area lists" from participants in past permit proceedings in that area; and

(C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as Regional and State funded newsletters, environmental bulletins, or State law journals. (The Director may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Director may delete from the list the name of any person who fails to respond to such a request.)

(2) For major permits and NPDES and 404 general permits, publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity; and for EPA-issued NPDES general permits, in the **Federal Register**;

[**Note.**—The Director is encouraged to provide as much notice as possible of the NPDES or 404 draft general permit to the facilities or activities to be covered by the general permit.]

(3) When the program is being administered by an approved State, in a manner constituting legal notice to the public under State law; *and*

(4) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(d) *Contents (applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA)).* (1) *All public notices.* All public notices issued under this Part shall contain the following minimum information:

(i) Name and address of the office processing the permit action for which notice is being given;

(ii) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit, except in the case of NPDES and 404 draft general permits under §§ 122.28 and 233.37;

(iii) a brief description of the business conducted at the facility or activity described in the permit application or the draft permit, for NPDES or 404 general permits when there is no application.

(iv) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit or draft general permit, as the case may be, statement of basis or fact sheet, and the application; and

(v) A brief description of the comment procedures required by §§ 124.11 and 124.12 and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision.

(vi) For EPA-issued permits, the location of the administrative record required by § 124.9, the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant is available as part of the administrative record.

(vii) For NPDES permits only, a general description of the location of each existing or proposed discharge point and the name of the receiving water. For draft general permits, this requirement will be satisfied by a map or description of the permit area. For EPA-issued NPDES permits only, if the discharge is from a new source, a statement as to whether an environmental impact statement will be or has been prepared.

(viii) For 404 permits only,

(A) The purpose of the proposed activity (including, in the case of fill material, activities intended to be conducted on the fill), a description of the type, composition, and quantity of materials to be discharged and means of conveyance; and any proposed conditions and limitations on the discharge;

(B) The name and water quality standards classification, if applicable, of the receiving waters into which the discharge is proposed, and a general discription of the site of each proposed discharge and the portions of the site and the discharges which are within State regulated waters;

(C) A description of the anticipated environmental effects of activities conducted under the permit;

(D) References to applicable statutory or regulatory authority; and

(E) Any other available information which may assist the public in evaluating the likely impact of the proposed activity upon the integrity of the receiving water.

(ix) Any additional information considered necessary or proper.

(2) *Public notices for hearings.* In addition to the general public notice described in paragraph (d)(1) of this section, the public notice of a hearing under § 124.12, Subpart E, or Subpart F shall contain the following information:

(i) Reference to the date of previous public notices relating to the permit;

(ii) Date, time, and place of the hearing;

(iii) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures; and

(iv) For 404 permits only, a summary of major issues raised to date during the public comment period.

(e) *(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA)).* In addition to the general public notice described in paragraph (d)(1) of this section, all persons identified in paragraphs (c)(1)(i), (ii), (iii), and (iv) of this section shall be mailed a copy of the fact sheet or statement of basis (for EPA-issued permits), the permit application (if any) and the draft permit (if any).

§ 124.11 Public comments and requests for public hearings.

(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404),and 271.14 (RCRA).)

During the public comment period provided under § 124.10, any interested person may submit written comments on the draft permit or the permit application for 404 permits when no draft permit is required (see § 233.39) and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in § 124.17.

§ 124.12 Public hearings.

(a) *(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).)* (1) The Director shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest in a draft permit(s);

(2) The Director may also hold a public hearing at his or her discretion, whenever for instance, such a hearing might clarify one or more issues involved in the permit decision;

(3) For RCRA permits only, (i) the Director shall hold a public hearing whenever he or she receives written notice of opposition to a draft permit and a request for a hearing within 45 days of public notice under § 124.10(b)(1); (ii) whenever possible the Director shall schedule a hearing under this section at a location convenient to the nearest population center to the proposed facility;

(4) Public notice of the hearing shall be given as specified in § 124.10.

(b) Whenever a public hearing will be held and EPA is the permitting authoriy, the Regional Administrator shall designate a Presiding Officer for the hearing who shall be responsible for its scheduling and orderly conduct.

(c) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under § 124.10 shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.

(d) A tape recording or written transcript of the hearing shall be made available to the public.

(e) At his or her discretion, the Regional Administrator may specify that RCRA and UIC permits be processed under the procedures in Subpart F.

§ 124.13 Obligation to raise issues and provide information during the public comment period.

All persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Director's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under § 124.10. All supporting materials shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of State or Federal statutes and regulations, EPA documents of general applicability, or other generally available reference materials. Commenters shall make supporting material not already included in the administrative record available to EPA as directed by the Regional Administrator. (A comment period longer than 30 days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this section. Commenters may request longer comment periods and they should be freely established under § 124.10 to the extent they appear necessary.)

§ 124.14 Reopening of the public comment period.

(a) If any data information or arguments submitted during the public comment period, including information or arguments required under § 124.13, appear to raise substantial new questions concerning a permit, the Regional Administrator may take one or more of the following actions:

(1) Prepare a new draft permit, appropriately modified, under § 124.6;

(2) Prepare a revised statement of basis under § 124.7, a fact sheet or revised fact sheet under § 124.8 and reopen the comment period under § 124.14; or

(3) Reopen or extend the comment period under § 124.10 to give interested persons an opportunity to comment on the information or arguments submitted.

(b) Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice under § 124.10 shall define the scope of the reopening.

(c) For RCRA, UIC, or NPDES permits, the Regional Administrator may also, in the circumstances described above, elect to hold further proceedings under Subpart F. This decision may be combined with any of the actions enumerated in paragraph (a) of this section.

(d) Public notice of any of the above actions shall be issued under § 124.10.

§ 124.15 Issuance and effective date of permit.

(a) After the close of the public comment period under § 124.10 on a draft permit, the Regional Administrator shall issue a final permit decision. The Regional Administrator shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a RCRA, UIC, or PSD permit or for contesting a decision on an NPDES permit or a decision to terminate a RCRA permit. For the purposes of this section, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) A final permit decision shall become effective 30 days after the service of notice of the decision under paragraph (a) of this section, unless:

(1) A later effective date is specified in the decision; or

(2) Review is requested under § 124.19 (RCRA, UIC, and PSD permits) or an evidentiary hearing is requested under § 124.74 (NPDES permit and RCRA permit terminations); or

(3) No comments requested a change in the draft permit, in which case the permit shall become effective immediately upon issuance.

§ 124.16 Stays of contested permits conditions.

(a) *Stays.* (1) If a request for review of a RCRA or UIC permit under § 124.19 or an NPDES permit under § 124.74 or § 124.114 is granted or if conditions of a RCRA or UIC permit are consolidated for reconsideration in an evidentiary hearing on an NPDES permit under §§ 124.74, 124.82 or 124.114, the effect of the contested permit conditions shall be stayed and shall not be subject to judicial review pending final agency action. (No stay of a PSD permit is available under this section.) If the permit involves a new facility or new injection well, new source, new discharger or a recommencing discharger, the applicant shall be without a permit for the proposed new facility, injection well, source or discharger pending final agency action. See also § 124.60.

(2) Uncontested conditions which are not serverable from those contested shall be stayed together with the contested conditions. Stayed provisions of permits for existing facilities, injection wells, and sources shall be identified by the Regional Administrator. All other provisions of the permit for the existing facility, injection well, or source shall remain fully effective and enforceable.

(b) *Stays based on cross effects.* (1) A stay may be granted based on the grounds that an appeal to the Administrator under § 124.19 of one permit may result in changes to another EPA-issued permit only when each of the permits involved has been appealed

to the Administrator and he or she has accepted each appeal.

(2) No stay of an EPA-issued RCRA, UIC, or NPDES permit shall be granted based on the staying of any State-issued permit except at the discretion of the Regional Administrator and only upon written request from the State Director.

(c) Any facility or activity holding an existing permit must:

(1) Comply with the conditions of that permit during any modification or revocation and reissuance proceeding under § 124.5; and

(2) To the extent conditions of any new permit are stayed under this section, comply with the conditions of the existing permit which correspond to the stayed conditions, unless compliance with the existing conditions would be technologically incompatible with compliance with other conditions of the new permit which have not been stayed.

§ 124.17 Response to comments.

(a) *(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).)* At the time that any final permit decision is issued under § 124.15, the Director shall issue a response to comments. States are only required to issue a response to comments when a final permit is issued. This response shall:

(1) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and

(2) Briefly describe and respond to all significant comments on the draft permit or the permit application (for section 404 permits only) raised during the public comment period, or during any hearing.

(b) For EPA-issued permits, any documents cited in the response to comments shall be included in the administrative record for the final permit decision as defined in § 124.18. If new points are raised or new material supplied during the public comment period, EPA may document its response to those matters by adding new materials to the administrative record.

(c) *(Applicable to State programs, see §§ 123.25 (NPDES), 145.11 (UIC), 233.26 (404), and 271.14 (RCRA).)* The response to comments shall be available to the public.

§ 124.18 Administrative record for final permit when EPA is the permitting authority.

(a) The Regional Administrator shall base final permit decisions under § 124.15 on the administrative record defined in this section.

(b) The administrative record for any final permit shall consist of the administrative record for the draft permit and:

(1) All comments received during the public comment period provided under § 124.10 (including any extension or reopening under § 124.14);

(2) The tape or transcript of any hearing(s) held under § 124.12;

(3) Any written materials submitted at such a hearing;

(4) The response to comments required by § 124.17 and any new material placed in the record under that section;

(5) For NPDES new source permits only, final environmental impact statement and any supplement to the final EIS;

(6) Other documents contained in the supporting file for the permit; and

(7) The final permit.

(c) The additional documents required under paragraph (b) of this section should be added to the record as soon as possible after their receipt or publication by the Agency. The record shall be complete on the date the final permit is issued.

(d) This section applies to all final RCRA, UIC, PSD, and NPDES permits when the draft permit was subject to the administrative record requirements of § 124.9 and to all NPDES permits when the draft permit was included in a public notice after October 12, 1979.

(e) Material readily available at the issuing Regional Office, or published materials which are generally available and which are included in the administrative record under the standards of this section or of § 124.17 ("Response to comments"), need not be physically included in the same file as the rest of the record as long as it is specifically referred to in the statement of basis or fact sheet or in the response to comments.

§ 124.19 Appeal of RCRA, UIC, and PSD permits.

(a) Within 30 days after a RCRA, UIC, or PSD final permit decision has been issued under § 124.15, any person who filed comments on that draft permit or participated in the public hearing may petition the Administrator to review any condition of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision. The 30-day period within which a person may request review under this section begins with the service of notice of the Regional Administrator's action unless a later date is specified in that notice. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required by these regulations and when appropriate, a showing that the condition in question is based on:

(1) A finding of fact or conclusion of law which is clearly erroneous, or

(2) An exercise of discretion or an important policy consideration which the Administrator should, in his or her discretion, review

(b) The Administrator may also decide on his or her initiative to review any condition of any RCRA, UIC, or PSD permit issued under this Part. The Administrator must act under this paragraph within 30 days of the service date of notice of the Regional Administrator's action.

(c) Within a reasonable time following the filing of the petition for review, the Administrator shall issue an order either granting or denying the petition for review. To the extent review is denied, the conditions of the final permit decision become final agency action. Public notice of any grant of review by the Administrator under paragraph (a) or (b) of this section shall be given as provided in § 124.10. Public notice shall set forth a briefing schedule for the appeal and shall state that any interested person may file an amicus brief. Notice of denial of review shall be sent only to the person(s) requesting review.

(d) The Administrator may defer consideration of an appeal of a RCRA or UIC permit under this section until the completion of formal proceedings under Subpart E or F relating to an NPDES permit issued to the same facility or activity upon concluding that:

(1) The NPDES permit is likely to raise issues relevant to a decision of the RCRA or UIC appeals;

(2) The NPDES permit is likely to be appealed; and

(3) Either: (i) The interests of both the facility or activity and the public are not likely to be materially adversely affected by the deferral; or

(ii) Any adverse effect is outweighed by the benefits likely to result from a consolidated decision on appeal.

(e) A petition to the Administrator under paragraph (a) of this section is, under 5 U.S.C. § 704, a prerequisite to the seeking of judicial review of the final agency action.

(f)(1) For purposes of judicial review under the appropriate Act, final agency action occurs when a final RCRA, UIC, or PSD permit is issued or denied by EPA and agency review procedures are

exhausted. A final permit decision shall be issued by the Regional Administrator: (i) When the Administrator issues notice to the parties that review has been denied; (ii) when the Administrator issues a decision on the merits of the appeal and the decision does not include a remand of the proceedings; or (iii) upon the completion of remand proceedings if the proceedings are remanded, unless the Administrator's remand order specifically provides that appeal of the remand decision will be required to exhaust administrative remedies.

(2) Notice of any final agency action regarding a PSD permit shall promptly be published in the **Federal Register**.

§ 124.20 Computation of time.

(a) Any time period scheduled to begin on the occurrence of an act or event shall begin on the day after the act or event.

(b) Any time period scheduled to begin before the occurrence of an act or event shall be computed so that the period ends on the day before the act or event.

(c) If the final day of any time period falls on a weekend or legal holiday, the time period shall be extended to the next working day.

(d) Whenever a party or interested person has the right or is required to act within a prescribed period after the service of notice or other paper upon him or her by mail, 3 days shall be added to the prescribed time.

§ 124.21 Effective date of Part 124.

(a) Except for paragraph (b) and (c) of this section, Part 124 will become effective July 18, 1980. Because this effective date will precede the processing of any RCRA or UIC permits, Part 124 will apply in its entirety to all RCRA and UIC permits.

(b) All provisions of Part 124 pertaining to the RCRA program will become effective on November 19, 1980.

(c) All provisions of Part 124 pertaining to the UIC program will become effective July 18, 1980, but shall not be implemented until the effective date of 40 CFR Part 146.

(d) This Part does not significantly change the way in which NPDES permits are processed. Since October 12, 1979, NPDES permits have been the subject to almost identical requirements in the revised NPDES regulations which were promulgated on June 7, 1979. See *44 FR 32948*. To the extent this Part changes the revised NPDES permit regulations, those changes will take effect as to all permit proceedings in progress on July 3, 1980.

(e) This part also does not significantly change the way in which PSD permits are processed. For the most part, these regulations will also apply to PSD proceedings in progress on July 18, 1980. However, because it would be disruptive to require retroactively a formal administrative record for PSD permits issued without one, §§ 124.9 and 124.18 will apply to PSD permits for which draft permits were prepared after the effective date of these regulations.

Subpart B—Specific Procedures Applicable to RCRA Permits—[Reserved]

Subpart C—Specific Procedures Applicable to PSD Permits

§ 124.41 Definitions applicable to PSD permits.

Whenever PSD permits are processed under this Part, the following terms shall have the following meanings:

"Administrator," "EPA," and "Regional Administrator" shall have the meanings set forth in § 124.2, except when EPA has delegated authority to administer those regulations to another agency under the applicable subsection of 40 CFR § 52.21, the term "EPA" shall mean the delegate agency and the term "Regional Administrator" shall mean the chief administrative officer of the delegate agency.

"Application" means an application for a PSD permit.

"Appropriate Act and Regulations" means the Clean Air Act and applicable regulations promulgated under it.

"Approved program" means a State implementation plan providing for issuance of PSD permits which has been approved by EPA under the Clean Air Act and 40 CFR Part 51. An "approved State" is one administering an "approved program." "State Director" as used in § 124.4 means the person(s) responsible for issuing PSD permits under an approved program, or that person's delegated representative.

"Construction" has the meaning given in 40 CFR 52.21.

"Director" means the Regional Administrator.

"Draft permit" shall have the meaning set forth in § 124.2.

"Facility or activity" means a "major PSD stationary source" or "major PSD modification."

"Federal Land Manager" has the meaning given in 40 CFR 52.21.

"Indian Governing Body" has the meaning given in 40 CFR 52.21.

"Major PSD modification" means a "major modification" as defined in 40 CFR 52.21.

"Major PSD stationary source" means a "major stationary source" as defined in 40 CFR 52.21(b)(1).

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under 40 CFR 52.21 or by an approved State.

"Permit" or "PSD permit" means a permit issued under 40 CFR 52.21 or by an approved State.

"Person" includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.

"Regulated activity" or "activity subject to regulation" means a "major PSD stationary source" or "major PSD modification."

"Site" means the land or water area upon which a "major PSD stationary source" or "major PSD modification" is physically located or conducted, including but not limited to adjacent land used for utility systems; as repair, storage, shipping or processing areas; or otherwise in connection with the "major PSD stationary source" or "major PSD modification."

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa and includes the Commonwealth of the Northern Mariana Islands.

§ 124.42 Additional procedures for PSD permits affecting Class I areas.

(a) The Regional Administrator shall provide notice of any permit application for a proposed major PSD stationary source or major PSD modification the emissions from which would affect a Class I area to the Federal Land Manager, and the Federal official charged with direct responsibility for management of any lands within such area. The Regional Administrator shall provide such notice promptly after receiving the application.

(b) Any demonstration which the Federal Land Manager wishes to present under 40 CFR § 52.21(q)(3), and any variances sought by an owner or operator under § 52.21(q)(4) shall be submitted in writing, together with any necessary supporting analysis, by the end of the public comment period under §§ 124.10 or 124.118. (40 CFR 52.21(q)(3) provides for denial of a PSD permit to a facility or activity when the Federal Land Manager demonstrates that its emissions would adversely affect a Class I area even though the applicable increments would not be exceeded. 40 CFR 52.21(q)(4) conversely authorizes

EPA, with the concurrence of the Federal Land Manager and State responsible, to grant certain variances from the otherwise applicable emission limitations to a facility or activity whose emissions would affect a Class I area.)

(c) Variances authorized by 40 CFR 52.21 (q)(5) through (q)(7) shall be handled as specified in those subparagraphs and shall not be subject to this Part. Upon receiving appropriate documentation of a variance properly granted under any of these provisions, the Regional Administrator shall enter the variance in the administrative record. Any decisions later made in proceedings under this Part concerning that permit shall be consistent with the conditions of that variance.

Subpart D—Specific Procedures Applicable to NPDES Permits

§ 124.51 Purpose and scope.

(a) This Subpart sets forth additional requirements and procedures for decisionmaking for the NPDES program.

(b) Decisions on NPDES variance requests ordinarily will be made during the permit issuance process. Variances and other changes in permit conditions ordinarily will be decided through the same notice-and-comment and hearing procedures as the basic permit.

§ 124.52 Permits required on a case-by-case basis.

(a) Various sections of Part 122, Subpart B allow the Director to determine, on a case-by-case basis, that certain concentrated animal feeding operations (§ 122.23), concentrated aquatic animal production facilities (§ 122.24), separate storm sewers (§ 122.26), and certain other facilities covered by general permits (§ 122.28) that do not generally require an individual permit may be required to obtain an individual permit because of their contributions to water pollution.

(b) Whenever the Regional Administrator decides that an individual permit is required under this section, the Regional Administrator shall notify the discharger in writing of that decision and the reasons for it, and shall send an application form with the notice. The discharger must apply for a permit under § 122.21 within 60 days of notice. The question whether the initial designation was proper will remain open for consideration during the public comment period under § 124.11 or § 124.118 and in any subsequent hearing.

§ 124.53 State certification.

(a) Under CWA section 401(a)(1), EPA may not issue a permit until a certification is granted or waived in accordance with that section by the State in which the discharge originates or will originate.

(b) Applications received without a State certification shall be forwarded by the Regional Administrator to the certifying State agency with a request that certification be granted or denied.

(c) If State certification has not been received by the time the draft permit is prepared, the Regional Administrator shall send the certifying State agency:

(1) A copy of a draft permit;

(2) A statement that EPA cannot issue or deny the permit until the certifying State agency has granted or denied certification under § 124.55, or waived its right to certify; and

(3) A statement that the State will be deemed to have waived its right to certify unless that right is exercised within a specified reasonable time not to exceed 60 days from the date the draft permit is mailed to the certifying State agency unless the Regional Administrator finds that unusual circumstances require a longer time.

(d) State certification shall be granted or denied within the reasonable time specified under paragraph (c)(3) of this section. The State shall send a notice of its action, including a copy of any certification, to the applicant and the Regional Administrator.

(e) State certification shall be in writing and shall include:

(1) Conditions which are necessary to assure compliance with the applicable provisions of CWA sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law;

(2) When the State certifies a draft permit instead of a permit application, any conditions more stringent than those in the draft permit which the State finds necessary to meet the requirements listed in paragraph (e)(1) of this section. For each more stringent condition, the certifying State agency shall cite the CWA or State law references upon which that condition is based. Failure to provide such a citation waives the right to certify with respect to that condition; and

(3) A statement of the extent to which each condition of the draft permit can be made less stringent without violating the requirements of State law, including water quality standards. Failure to provide this statement for any condition waives the right to certify or object to any less stringent condition which may be established during the EPA permit issuance process.

§ 124.54 Special provisions for State certification and concurrence on applications for section 301(h) variances.

(a) When an application for a permit incorporating a variance request under CWA section 301(h) is submitted to a State, the appropriate State official shall either:

(1) Deny the request for the CWA section 301(h) variance (and so notify the applicant and EPA) and, if the State is an approved NPDES State and the permit is due for reissuance, process the permit application under normal procedures; or

(2) Forward a certification meeting the requirements of § 124.53 to the Regional Administrator.

(b) When EPA issues a tentative decision on the request for a variance under CWA section 301(h), and no certification has been received under paragraph (a) of this section, the Regional Administrator shall forward the tentative decision to the State in accordance with § 124.53(b) specifying a reasonable time for State certification and concurrence. If the State fails to deny or grant certification and concurrence under paragraph (a) of this section within such reasonable time, certification shall be waived and the State shall be deemed to have concurred in the issuance of a CWA section 301(h) variance.

(c) Any certification provided by a State under paragraph (a)(2) of this section shall constitute the State's concurrence (as required by section 301(h)) in the issuance of the permit incorporating a section 301(h) variance subject to any conditions specified therein by the State. CWA section 301(h) certification and concurrence under this section will not be forwarded to the State by EPA for recertification after the permit issuance process; States must specify any conditions required by State law, including water quality standards, in the initial certification.

§ 124.55 Effect of State certification.

(a) When certification is required under CWA section 401(a)(1) no final permit shall be issued:

(1) If certification is denied, or

(2) Unless the final permit incorporates the requirements specified in the certification under § 124.53(d)(1) and (2).

(b) If there is a change in the State law or regulation upon which a certification is based, or if a court of competent jurisdiction or appropriate State board or agency stays, vacates, or remands a certification, a State which has issued a certification under § 124.5[illegible] may issue a modified certification or

notice of waiver and forward it to EPA. If the modified certification is received before final agency action on the permit, the permit shall be consistent with the more stringent conditions which are based upon State law identified in such certification. If the certification or notice of waiver is received after final agency action on the permit, the Regional Administrator may modify the permit on request of the permittee only to the extent necessary to delete any conditions based on a condition in a certification invalidated by a court of competent jurisdiction or by an appropriate State board or agency.

(c) A State may not condition or deny a certification on the grounds that State law allows a less stringent permit condition. The Regional Administrator shall disregard any such certification conditions, and shall consider those conditions or denials as waivers of certification.

(d) A condition in a draft permit may be changed during agency review in any manner consistent with a certification meeting the requirements of § 124.53(d). No such changes shall require EPA to submit the permit to the State for recertification.

(e) Review and appeals of limitations and conditions attributable to State certification shall be made through the applicable procedures of the State and may not be made through the procedures in this Part.

(f) Nothing in this section shall affect EPA's obligation to comply with § 122.47. See CWA section 301(b)(1)(C).

§ 124.56 Fact sheets.

(Applicable to State programs, see § 123.25 (NPDES)).

In addition to meeting the requirements of § 124.8, NPDES fact sheets shall contain the following:

(a) Any calculations or other necessary explanation of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard provisions as required under § 122.4 and reasons why they are applicable or an explanation of how the alternate effluent limitations were developed.

(b)(1) When the draft permit contains any of the following conditions, an explanation of the reasons why such conditions are applicable:

(i) Limitations to control toxic pollutants under § 122.44(e);

(ii) Limitations on internal waste streams under § 122.45(i); or

(iii) Limitations on indicator pollutants under §125.3(g).

(2) For every permit to be issued to a treatment works owned by a person other than a State or municipality, an explanation of the Director's decision on regulation of users under § 122.44(m).

(c) When appropriate, a sketch or detailed description of the location of the discharge described in the application; and

(d) For EPA-issued NPDES permits, the requirements of any State certification under § 124.53.

§ 124.57 Public notice.

(a) *Section 316(a) requests (applicable to State programs, see section 123.25).* In addition to the information required under section 124.10(d)(1), public notice to an NPDES draft permit for a discharge where a CWA section 316(a) request has been filed under section 122.21(1) shall include:

(1) A statement that the thermal component of the discharge is subject to effluent limitations under CWA sections 301 or 306 and a brief description, including a quantitative statement, of the thermal effluent limitations proposed under section 301 or 306; and

(2) A statement that a section 316(a) request has been filed and that alternative less stringent effluent limitations may be imposed on the thermal component of the discharge under section 316(a) and a brief description, including a quantitative statement, of the alternative effluent limitations, if any, included in the request.

(3) If the applicant has filed an early screening request under § 125.72 for a section 316(a) variance, a statement that the applicant has submitted such a plan.

(b) *Evidentiary hearings under Subpart E.* In addition to the information required under § 124.10(d)(2), public notice of a hearing under Subpart E shall include:

(1) Reference to any public hearing under § 124.12 on the disputed permit;

(2) Name and address of the person(s) requesting the evidentiary hearing;

(3) A statement of the following procedures:

(i) Any person seeking to be a party must file a request to be admitted as a party to the hearing within 15 days of the date of publication of the notice;

(ii) Any person seeking to be a party may, subject to the requirements of § 124.76, propose material issues of fact or law not already raised by the original requester or another party;

(iii) The conditions of the permit(s) at issue may be amended after the evidentiary hearing and any person interested in those permit(s) must request to be a party in order to preserve any right to appeal or otherwise contest the final administative decision.

(c) *Non-adversary panel procedures under Subpart F.* (1) In addition to the information required under § 124.10(d)(2), mailed public notice of a draft permit to be processed under Subpart F shall include a statement that any hearing shall be held under Subpart F (panel hearing).

(2) Mailed public notice of a panel hearing under Subpart F shall include:

(i) Name and address of the person requesting the hearing, or a statement that the hearing is being held by order of the Regional Administrator, and the name and address of each known party to the hearing;

(ii) A statement whether the recommended decision will be issued by the Presiding Officer or by the Regional Administrator;

(iii) The due date for filing a written request to participate in the hearing under § 124.117; and

(iv) The due date for filing comments under § 124.118.

§ 124.58 Special procedures for EPA-issued general permits for point sources other than separate storm sewers.

(a) The Regional Administrator shall send a copy of the draft general permit and the administrative record to the Deputy Assistant Administrator for Water Enforcement during the public comment period.

(b) The Deputy Assistant Administrator for Water Enforcement shall have 30 days from receipt of the draft general permit, or shall have until the end of the public comment period, whichever is later, to comment upon, object to, or make recommendations with respect to the draft general permit.

(c) If the Deputy Assistant Administrator for Water Enforcement objects to a draft general permit within the period specified in paragraph (b) of this section, the Regional Administrator shall not issue the final general permit until the Deputy Assistant Administrator for Water Enforcement concurs in writing with the conditions of the general permit.

§ 124.59 Conditions requested by the Corps of Engineers and other government agencies.

(Applicable to State programs, see § 123.25 (NPDES)).

(a) If during the comment period for an NPDES draft permit, the District Engineer advises the Director in writing that anchorage and navigation of any of the waters of the United States would be substantially impaired by the granting of a permit, the permit shall be denied and the applicant so notified. If

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the District Engineer advised the Director that imposing specified conditions upon the permit is necessary to avoid any substantial impairment of anchorage or navigation, then the Director shall include the specified conditions in the permit. Review or appeal of denial of a permit or of conditions specified by the District Engineer shall be made through the applicable procedures of the Corps of Engineers, and may not be made through the procedures provided in this Part. If the conditions are stayed by a court of competent jurisdiction or by applicable procedures of the Corps of Engineers, those conditions shall be considered stayed in the NPDES permit for the duration of that stay.

(b) If during the comment period the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or any other State or Federal agency with jurisdiction over fish, wildlife, or public health advises the Director in writing that the imposition of specified conditions upon the permit is necessary to avoid substantial impairment of fish, shellfish, or wildlife resources, the Director may include the specified conditions in the permit to the extent they are determined necessary to carry out the provisions of § 122.47 and of the CWA.

(c) In appropriate cases the Director may consult with one or more of the agencies referred to in this section before issuing a draft permit and may reflect their views in the statement of basis, the fact sheet, or the draft permit.

§ 124.60 Issuance and effective date and stays of NPDES permits.

In addition to the requirements of §124.15, the following provisions apply to NPDES permits and to RCRA or UIC permits to the extent those permits may have been consolidated with an NPDES permit in a formal hearing:

(a)(1) If a request for a formal hearing is granted under § 124.75 or § 124.114 regarding the initial permit issued for a new source, a new discharger, or a recommencing discharger, or if a petition for review of the denial of a request for a formal hearing with respect to such a permit is timely filed with the Administrator under § 124.91, the applicant shall be without a permit pending final Agency action under § 124.91.

(2) Wherever a source subject to this paragraph has received a final permit under § 124.15 which is the subject of a hearing request under § 124.74 or a formal hearing under § 124.75, the Presiding Officer, on motion by the source, may issue an order authorizing it to begin operation before final agency action if it complies with all conditions of that final permit during the period until final agency action. The Presiding Officer may grant such a motion in any case where no party opposes it, or, if a party opposes the motion, where the source demonstrates that (i) it is likely to prevail on the merits; (ii) irreparable harm to the environment will not result pending final agency action if it is allowed to commence operations before final agency action; and (iii) the public interest requires that the source be allowed to commence operations. All the conditions of any permit covered by that order shall be fully effective and enforceable.

(b) The Regional Administrator, at any time prior to the rendering of an initial decision in a formal hearing on a permit, may withdraw the permit and prepare a new draft permit under § 124.6 addressing the portions so withdrawn. The new draft permit shall proceed through the same process of public comment and opportunity for a public hearing as would apply to any other draft permit subject to this Part. Any portions of the permit which are not withdrawn and which are not stayed under this section shall remain in effect.

(c)(1) If a request for a formal hearing is granted in whole or in part under § 124.75 regarding a permit for an existing source, or if a petition for review of the denial of a request for a formal hearing with respect to that permit is timely filed with the Administrator under § 124.91, the force and effect of the contested conditions of the final permit shall be stayed. The Regional Administrator shall notify, in accordance with § 124.75, the discharger and all parties of the uncontested conditions of the final permit that are enforceable obligations of the discharger.

(2) When effluent limitations are contested, but the underlying control technology is not, the notice shall identify the installation of the technology in accordance with the permit compliance schedules (if uncontested) as an uncontested, enforceable obligation of the permit.

(3) When a combination of technologies is contested, but a portion of the combination is not contested, that portion shall be identified as uncontested if compatible with the combination of technologies proposed by the requester.

(4) Uncontested conditions, if inseverable from a contested condition, shall be considered contested.

(5) Uncontested conditions shall become enforceable 30 days after the date of notice under paragraph (c)(1) of this section granting the request. If, however, a request for a formal hearing on a condition was denied and the denial is appealed under § 124.91, then that condition shall become enforceable upon the date of the notice of the Administrator's decision on the appeal if the denial is affirmed, or shall be stayed, in accordance with this section, if the Administrator reverses the denial and grants the evidentiary hearing.

(6) Uncontested conditions shall include:

(i) Preliminary design and engineering studies or other requirements necessary to achieve the final permit conditions which do not entail substantial expenditures;

(ii) Permit conditions which will have to be met regardless of which party prevails at the evidentiary hearing;

(iii) When the discharger proposed a less stringent level of treatment than that contained in the final permit, any permit conditions appropriate to meet the levels proposed by the discharger, if the measures required to attain that less stringent level of treatment are consistent with the measures required to attain the limits proposed by any other party; and

(iv) Construction activities, such as segregation of waste streams or installation of equipment, which would partially meet the final permit conditions and could also be used to achieve the discharger's proposed alternative conditions.

(d) If at any time after a hearing is granted and after the Regional Administrator's notice under paragraph (c)(1) of this section it becomes clear that a permit requirement is no longer contested, any party may request the Presiding Officer to issue an order identifying the requirements as uncontested. The requirement identified in such order shall become enforceable 30 days after the issuance of the order.

(e) When a formal hearing is granted under § 124.75 on an application for a renewal of an existing permit, all provisions of the existing permit as well as uncontested provisions of the new permit, shall continue fully enforceable and effective until final agency action under § 124.91. (See § 122.6) Upon written request from the applicant, the Regional Administrator may delete requirements from the existing permit which unnecessarily duplicate uncontested provisions of the new permit.

(f) When issuing a finally effective NPDES permit the conditions of which were the subject of a formal hearing under Subparts E or F, the Regional Administrator shall extend the permit compliance schedule to the extent

required by a stay under this section provided that no such extension shall be granted which would:

(1) Result in the violation of an applicable statutory deadline; or

(2) Cause the permit to expire more than 5 years after issuance under § 124.15(a).

Note.—Extensions of compliance schedules under § 124.60(f)(2) will not automatically be granted for a period equal to the period the stay is in effect for an effluent limitation. For example, if both the Agency and the discharger agree that a certain treatment technology is required by the CWA where guidelines do not apply, but a hearing is granted to consider the effluent limitations which the technology will achieve, requirements regarding installation of the underlying technology will not be stayed during the hearing. Thus, unless the hearing extends beyond the final compliance date in the permit, it will not ordinarily be necessary to extend the compliance schedule. However, when application of an underlying technology is challenged, the stay for installation requirements relating to that technology would extend for the duration of the hearing.

(g) For purposes of judicial review under CWA section 509(b), final agency action on a permit does not occur unless and until a party has exhausted its administrative remedies under Subparts E and F and § 124.91. Any party which neglects or fails to seek review under § 124.91 thereby waives its opportunity to exhaust available agency remedies.

§ 124.61 Final environmental impact statement.

No final NPDES permit for a new source shall be issued until at least 30 days after the date of issuance of a final environmental impact statement if one is required under 40 CFR § 6.805.

§ 124.62 Decision on variances.

(*Applicable to State programs, see § 123.25 (NPDES)*).

(a) The Director may grant or deny requests for the following variances (subject to EPA objection under § 123.44 for State permits):

(1) Extensions under CWA section 301(i) based on delay in completion of a publicly owned treatment works;

(2) After consultation with the Regional Administrator, extensions under CWA section 301(k) based on the use of innovative technology; or

(3) Variances under CWA section 316(a) for thermal pollution.

(b) The State Director may deny, or forward to the Regional Administrator with a written concurrence, or submit to EPA without recommendation a completed request for:

(1) A variance based on the presence of "fundamentally different factors" from those on which an effluent limitations guideline was based;

(2) A variance based on the economic capability of the applicant under CWA section 301(c);

(3) A variance based upon certain water quality factors under CWA section 301(g); or

(4) A variance based on water quality related effluent limitations under CWA section 302(b)(2).

(c) The Regional Administrator may deny, forward, or submit to the EPA Deputy Assistant Administrator for Water Enforcement with a recommendation for approval, a request for a variance listed in paragraph (b) of this section that is forwarded by the State Director, or that is submitted to the Regional Administrator by the requester where EPA is the permitting authority.

(d) The EPA Deputy Assistant Administrator for Water Enforcement may approve or deny any variance request submitted under paragraph (c) of this section. If the Deputy Assistant Administrator approves the variance, the Director may prepare a draft permit incorporating the variance. Any public notice of a draft permit for which a variance or modification has been approved or denied shall identify the applicable procedures for appealing that decision under § 124.54.

§ 124.63 Procedures for variances when EPA is the permitting authority.

(a) In States where EPA is the permit issuing authority and a request for a variance is filed as required by § 122.21, the request shall be processed as follows:

(1) If at the time that a request for a variance is submitted the Regional Administrator has received an application under § 124.3 for issuance or renewal of that permit but has not yet prepared a draft permit under § 124.6 covering the discharge in question, the Regional Administrator, after obtaining any necessary concurrence of the EPA Deputy Assistant Administrator for Water Enforcement under § 124.62, shall give notice of a tentative decision on the request at the time the notice of the draft permit is prepared as specified in § 124.10, unless this would significantly delay the processing of the permit. In that case the processing of the variance request may be separated from the permit in accordance with paragraph (a)(3) of this section, and the processing of the permit shall proceed without delay.

(2) If at the time that a request for a variance is filed the Regional Administrator has given notice under § 124.10 of a draft permit covering the discharge in question, but that permit has not yet become final, administrative proceedings concerning that permit may be stayed and the Regional Administrator shall prepare a new draft permit including a tentative decision on the request, and the fact sheet required by § 124.8. However, if this will significantly delay the processing of the existing draft permit or the Regional Administrator, for other reasons, considers combining the variance request and the existing draft permit inadvisable, the request may be separated from the permit in accordance with paragraph (a)(3) of this section, and the administrative dispositon of the existing draft permit shall proceed without delay.

(3) If the permit has become final and no application under § 124.3 concerning it is pending or if the variance request has been separated from a draft permit as described in paragraphs (a) (1) and (2) of this section, the Regional Administrator may prepare a new draft permit and give notice of it under § 124.10. This draft permit shall be accompanied by the fact sheet required by § 124.8 except that the only matters considered shall relate to the requested variance.

§ 124.64 Appeals of variances.

(a) When a State issues a permit on which EPA has made a variance decision, separate appeals of the State permit and of the EPA variance decision are possible. If the owner or operator is challenging the same issues in both proceedings, the Regional Administrator will decide, in consultation with State officials, which case will be heard first.

(b) Variance decisions made by EPA may be appealed under either Subparts E or F, provided the requirements of the applicable Subpart are met. However, whenever the basic permit decision is eligible only for an evidentiary hearing under Subpart E while the variance decision is eligible only for a panel hearing under Subpart F, the issues relating to both the basic permit decision and the variance decision shall be considered in the Subpart E proceeding. No Subpart F hearing may be held if a Subpart E hearing would be held in addition. See § 124.111(b).

(c) *Stays for section 301(g) variances.* If a request for an evidentiary hearing is granted on a variance requested under CWA section 301(g), or if a petition for review of the denial of a request for the hearing is filed under § 124.91, any otherwise applicable standards and limitations under CWA section 301 shall not be stayed unless:

(1) In the judgment of the Regional Administrator, the stay or the variance sought will not result in the discharge of

pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity, or synergistic propensities; and

(2) In the judgment of the Regional Administrator, there is a substantial likelihood that the discharger will succeed on the merits of its appeal; and

(3) The discharger files a bond or other appropriate security which is required by the Regional Administrator to assure timely compliance with the requirements from which a variance is sought in the event that the appeal is unsuccessful.

(d) Stays for variances other than section 301(g) are governed by § 124.60.

§ 124.65 Special procedures for discharge into marine waters section 301(h).

(a) Where it is clear on the face of a section 301(h) request that the discharger is not entitled to a variance, the request shall be denied.

(b) In the case of all other section 301(h) requests the Administrator, or a person designated by the Administrator, may either:

(1) Give written authorization to a requester to submit information required by part 125, Subpart G or the final request by a date certain, not to exceed 9 months, if:

(i) The requester proposes to submit new or additional information and the request demonstrates that:

(A) The requester made consistent and diligent efforts to obtain such information prior to submitting the final request;

(B) The failure to obtain such information was due to circumstances beyond the control of the requester, and

(C) Such information can be submitted promptly; or

(ii) The requester proposes to submit minor corrective information and such information can be submitted promptly; or

(2) Make a written request of a requester to submit additional information by a certain date, not to exceed 9 months, if such information is necessary to issue a tentative decision under § 124.62(a)(1).

All additional information submitted under this paragraph which is timely received, shall be considered part of the original request.

(c) The otherwise applicable sections of this Part apply to draft permits incorporating section 301(h) variance, except that because 301(h) permits may only be issued by EPA, the terms "Administrator or a person designated by the Regional Administrator" shall be substituted for the term "Director" as appropriate.

(d) No permit subject to a 301(h) variance shall be issued unless the appropriate State officials have concurred or waived concurrence pursuant to § 124.54. In the case of a permit issued to a requester in an approved State, the State Director may:

(1) Revoke any existing permit as of the effective date of the EPA-issued permit subject to a 301(h) variance; and

(2) Co-sign the permit subject to the 301(h) variance, if the Director has indicated an intent to do so in the written concurrence.

§ 124.66 Special procedures for decisions on thermal variances under section 316(a).

(a) Except as provided in § 124.65, the only issues connected with issuance of a particular permit on which EPA will make a final Agency decision before the final permit is issued under §§ 124.15 and 124.60 are whether alternative effluent limitations would be justified under CWA section 316(a) and whether cooling water intake structures will use the best available technology under section 316(b). Permit applicants who wish an early decision on these issues should request it and furnish supporting reasons at the time their permit applications are filed under § 122.21. The Regional Administrator will then decide whether or not to make an early decision. If it is granted, both the early decision on CWA section 316 (a) or (b) issues and the grant of the balance of the permit shall be considered permit issuance under these regulations, and shall be subject to the same requirements of public notice and comment and the same opportunity for an evidentiary or panel hearing under Subparts E or F.

(b) If the Regional Administrator, on review of the administrative record, determines that the information necessary to decide whether or not the CWA section 316(a) issue is not likely to be available in time for a decision on permit issuance, the Regional Administrator may issue a permit under § 124.15 for a term up to 5 years. This permit shall require achievement of the effluent limitations initially proposed for the thermal component of the discharge no later than the date otherwise required by law. However, the permit shall also afford the permittee an opportunity to file a demonstration under CWA section 316(a) after conducting such studies as are required under 40 CFR Part 125, Subpart H. A new discharger may not exceed the thermal effluent limitation which is initially proposed unless and until its CWA section 316(a) variance request is finally approved.

(c) Any proceeding held under paragraph (a) of this section shall be publicly noticed as required by § 124.10 and shall be conducted at a time allowing the permittee to take necessary measures to meet the final compliance date in the event its request for modification of thermal limits is denied.

(d) Whenever the Regional Administrator defers the decision under CWA section 316(a), any decision under section 316(b) may be deferred.

Subpart E—Evidentiary Hearings for EPA-Issued NPDES Permits and EPA-Terminated RCRA Permits

§ 124.71 Applicability.

(a) The regulations in this Subpart govern all formal hearings conducted by EPA under CWA section 402, except for those conducted under Subpart F. They also govern all evidentiary hearings conducted under RCRA section 3008 in connection with the termination of a RCRA permit. This includes termination of interim status for failure to furnish information needed to make a final decision. A formal hearing is available to challenge any NPDES permit issued under §124.15 except for a general permit. Persons affected by a general permit may not challenge the conditions of a general permit as of right in further agency proceedings. They may instead either challenge the general permit in court, or apply for an individual NPDES permit under § 122.21 as authorized in § 122.28 and then request a formal hearing on the issuance or denial of an individual permit. (The Regional Administrator also has the discretion to use the procedures of Subpart F for general permits. See § 124.111).

(b) In certain cases, evidentiary hearings under this Subpart may also be held on the conditions of UIC permits, or of RCRA permits which are being issued, modified, or revoked and reissued, rather than terminated or suspended. This will occur when the conditions of the UIC or RCRA permit in question are closely linked with the conditions of an NPDES permit as to which an evidentiary hearing has been granted. See § 124.74(b)(2). Any interested person may challenge the Regional Administrator's initial new source determination by requesting an evidentiary hearing under this Part. See § 122.29.

(c) PSD permits may never be subject to an evidentiary hearing under this Subpart. Section 124.74(b)(2)(iv) provides only for consolidation of PSD

permits with other permits subject to a panel hearing under Subpart F.

§ 124.72 Definitions.

For the purpose of this Subpart, the following definitions are applicable:

"Hearing Clerk" means The Hearing Clerk, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

"Judicial Officer" means a permanent or temporary employee of the Agency appointed as a Judicial Officer by the Administrator under these regulations and subject to the following conditions:

(a) A Judicial Officer shall be a licensed attorney. A Judicial Officer shall not be employed in the Office of Enforcement or the Office of Water and Waste Management, and shall not participate in the consideration or decision of any case in which he or she performed investigative or prosecutorial functions, or which is factually related to such a case.

(b) The Administrator may delegate any authority to act in an appeal of a given case under this Subpart to a Judicial Officer who, in addition, may perform other duties for EPA, provided that the delegation shall not preclude a Judicial Officer from referring any motion or case to the Administrator when the Judicial Officer decides such action would be appropriate. The Administrator, in deciding a case, may consult with and assign the drafting of preliminary findings of fact and conclusions and/or a preliminary decision to any Judicial Officer.

"Party" means the EPA trial staff under § 124.78 and any person whose request for a hearing under § 124.74 or whose request to be admitted as a party or to intervene under § 124.79 or § 124.117 has been granted.

"Presiding Officer" for the purposes of this Subpart means an Administrative Law Judge appointed under 5 U.S.C. 3105 and designated to preside at the hearing. Under Subpart F other persons may also serve as hearing officers. See § 124.119.

"Regional Hearing Clerk" means an employee of the Agency designated by a Regional Administrator to establish a repository for all books, records, documents, and other materials relating to hearings under this Subpart.

§ 124.73 Filing and submission of documents.

(a) All submissions authorized or required to be filed with the Agency under this Subpart shall be filed with the Regional Hearing Clerk, unless otherwise provided by regulation. Submissions shall be considered filed on the date on which they are mailed or delivered in person to the Regional Hearing Clerk.

(b) All submissions shall be signed by the person making the submission, or by an attorney or other authorized agent or representative.

(c)(1) All data and information referred to or in any way relied upon in any submission shall be included in full and may not be incorporated by reference, unless previously submitted as part of the administrative record in the same proceeding. This requirement does not apply to State or Federal statutes and regulations, judicial decisions published in a national reporter system, officially issued EPA documents of general applicability, and any other generally available reference material which may be incorporated by reference. Any party incorporating materials by reference shall provide copies upon request by the Regional Administrator or the Presiding Officer.

(2) If any part of the material submitted is in a foreign language, it shall be accompanied by an English translation verified under oath to be complete and accurate, together with the name, address, and a brief statement of the qualifications of the person making the translation. Translations of literature or other material in a foreign language shall be accompanied by copies of the original publication.

(3) Where relevant data or information is contained in a document also containing irrelevant matter, either the irrelevant matter shall be deleted or the relevant portions shall be indicated.

(4) Failure to comply with the requirements of this section or any other requirement in this Subpart may result in the noncomplying portions of the submission being excluded from consideration. If the Regional Administrator or the Presiding Officer, on motion by any party or *sua sponte*, determines that a submission fails to meet any requirement of this Subpart, the Regional Administrator or Presiding Officer shall direct the Regional Hearing Clerk to return the submission, together with a reference to the applicable regulations. A party whose materials have been rejected has 14 days to correct the errors and resubmit, unless the Regional Administrator or the Presiding Officer finds good cause to allow a longer time.

(d) The filing of a submission shall not mean or imply that it in fact meets all applicable requirements or that it contains reasonable grounds for the action requested or that the action requested is in accordance with law.

(e) The original of all statements and documents containing factual material, data, or other information shall be signed in ink and shall state the name, address, and the representative capacity of the person making the submission.

§ 124.74 Requests for evidentiary hearing.

(a) Within 30 days following the service of notice of the Regional Administrator's final permit decision under § 124.15, any interested person may submit a request to the Regional Administrator under paragraph (b) of this section for an evidentiary hearing to reconsider or contest that decision. If such a request is submitted by a person other than the permittee, the person shall simultaneously serve a copy of the request on the permittee.

(b)(1) In accordance with § 124.76, such requests shall state each legal or factual question alleged to be at issue, and their relevance to the permit decision, together with a designation of the specific factual areas to be adjudicated and the hearing time estimated to be necessary for adjudication. Information supporting the request or other written documents relied upon to support the request shall be submitted as required by § 124.73 unless they are already part of the administrative record required by § 124.18.

Note.—This paragraph allows the submission of requests for evidentiary hearings even though both legal and factual issues may be raised, or only legal issues may be raised. In the latter case, because no factual issues were raised, the Regional Administrator would be required to deny the request. However, on review of the denial the Administrator is authorized by § 124.91(a)(1) to review policy or legal conclusions of the Regional Administrator. EPA is requiring an appeal to the Administrator even of purely legal issues involved in a permit decision to ensure that the Administrator will have an opportunity to review any permit before it will be final and subject to judicial review.

(2) Persons requesting an evidentiary hearing on an NPDES permit under this section may also request an evidentiary hearing on a RCRA or UIC permit. PSD permits may never be made part of an evidentiary hearing under Subpart E. This request is subject to all the requirements of paragraph (b)(1) of this section and in addition will be granted only if:

(i) Processing of the RCRA or UIC permit at issue was consolidated with the processing of the NPDES permit as provided in § 124.4;

(ii) The standards for granting a hearing on the NPDES permit are met;

(iii) The resolution of the NPDES permit issues is likely to make necessary or appropriate modification of the RCRA or UIC permit; and

(iv) If a PSD permit is involved, a permittee who is eligible for an evidentiary hearing under Subpart E on his or her NPDES permit requests that the formal hearing be conducted under the procedures of Subpart F and the Regional Administrator finds that consolidation is unlikly to delay final permit issuance beyond the PSD one-year statutory deadline.

(c) These requests shall also contain:

(1) The name, mailing address, and telephone number of the person making such request;

(2) A clear and concise factual statement of the nature and scope of the interest of the requester;

(3) The names and addresses of all persons whom the requester represents; and

(4) A statement by the requester that, upon motion of any party granted by the Presiding Officer, or upon order of the Presiding Officer *sua sponte* without cost or expense to any other party, the requester shall make available to appear and testify, the following:

(i) The requester;

(ii) All persons represented by the requester; and

(iii) All officers, directors, employees, consultants, and agents of the requester and the persons represented by the requester.

(5) Specific references to the contested permit conditions, as well as suggested revised or alternative permit conditions (including permit denials) which, in the judgment of the requester, would be required to implement the purposes and policies of the CWA.

(6) In the case of challenges to the application of control or treatment technologies identified in the statement of basis or fact sheet, identification of the basis for the objection, and the alternative technologies or combination of technologies which the requester believes are necessary to meet the requirements of the CWA.

(7) Identification of the permit obligations that are contested or are inseverable from contested conditions and should be stayed if the request is granted by reference to the particular contested conditions warranting the stay.

(8) Hearing requests also may ask that a formal hearing be held under the procedures set forth in Subpart F. An applicant may make such a request even if the proceeding does not constitute "initial licensing" as defined in § 124.111.

(d) If the Regional Administrator grants an evidentiary hearing request, in whole or in part, the Regional Administrator shall identify the permit conditions which have been contested by the requester and for which the evidentiary hearing has been granted. Permit conditions which are not contested or for which the Regional Administrator has denied the hearing request shall not be affected by, or considered at, the evidentiary hearing. The Regional Administrator shall specify these conditions in writing in accordance with § 124.60(c).

(e) The Regional Administrator must grant or deny all requests for an evidentiary hearing on a particular permit. All requests that are granted for a particular permit shall be combined in a single evidentiary hearing.

(f) The Regional Administrator (upon notice to all persons who have already submitted hearing requests) may extend the time allowed for submitting hearing requests under this section for good cause.

§ 124.75 Decision on request for a hearing.

(a)(1) Within 30 days following the expiration of the time allowed by § 124.74 for submitting an evidentiary hearing request, the Regional Administrator shall decide the extent to which, if at all, the request shall be granted, provided that the request conforms to the requirements of § 124.74, and sets forth material issues of fact relevant to the issuance of the permit

(2) When an NPDES permit for which a hearing request has been granted constitutes "initial licensing" under § 124.111, the Regional Administrator may elect to hold a formal hearing under the procedures of Subpart F rather than under the procedures of this Subpart even if no person has requested that Subpart F be applied. If the Regional Administrator makes such a decision, he or she shall issue a notice of hearing under § 124.116. All subsequent proceedings shall then be governed by §§ 124.117 through 124.121, except that any reference to a draft permit shall mean the final permit.

(3) Whenever the Regional Administrator grants a request made under § 124.74(c)(8) for a formal hearing under Subpart F on an NPDES permit that does not constitute an intitial license under § 124.111, the Regional Administrator shall issue a notice of hearing under § 124.116 including a statement that the permit will be processed under the procedures of Subpart F unless a written objection is received within 30 days. If no valid objection is received, the application shall be processed in accordance with §§ 124.117 through 124.121, except that any reference to a draft permit shall mean the final permit. If a valid objection is received, this Subpart shall be applied instead.

(b) If a request for a hearing is denied in whole or in part, the Regional Administrator shall briefly state the reasons. That denial is subject to review by the Administrator under § 124.91.

§ 124.76 Obligation to submit evidence and raise issues before a final permit is issued.

No evidence shall be submitted by any party to a hearing under this Subpart that was not submitted to the administrative record required by § 124.18 as part of the preparation of and comment on a draft permit, unless good cause is shown for the failure to submit it. No issues shall be raised by any party that were not submitted to the administrative record required by § 124.18 as part of the preparation of and comment on a draft permit unless good cause is shown for the failure to submit them. Good cause includes the case where the party seeking to raise the new issues or introduce new information shows that it could not reasonably have ascertained the issues or made the information available within the time required by § 124.15; or that it could not have reasonably anticipated the relevance or materiality of the information sought to be introduced. Good cause exists for the introduction of data available on operation authorized under § 124.60(a)(2).

§ 124.77 Notice of hearing.

Public notice of the grant of an evidentiary hearing regarding a permit shall be given as provided in § 124.57(b) and by mailing a copy to all persons who commented on the draft permit, testified at the public hearing, or submitted a request for a hearing. Before the issuance of the notice, the Regional Administrator shall designate the Agency trial staff and the members of the decisional body (as defined in § 124.78).

§ 124.78 Ex parte communications.

(a) For purposes of this section, the following definitions shall apply:

(1) "Agency trial staff" means those Agency employees, whether temporary or permanent, who have been designated by the Agency under § 124.77 or § 124.116 as available to investigate, litigate, and present the evidence, arguments, and position of the Agency in the evidentiary hearing or nonadversary panel hearing. Appearance as a witness does not necessarily require a person to be designated as a member of the Agency trial staff;

(2) "Decisional body" means any Agency employee who is or may reasonably be expected to be involved in the decisional process of the proceeding including the Administrator, Judicial Officer, Presiding Officer, the Regional Administrator (if he or she does not designate himself or herself as a member of the Agency trial staff), and any of their staff participating in the decisional process. In the case of a nonadversary panel hearing, the decisional body shall also include the panel members, whether or not permanently employed by the Agency;

(3) "*Ex parte* communication" means any communication, written or oral, relating to the merits of the proceeding between the decisional body and an interested person outside the Agency or the Agency trial staff which was not originally filed or stated in the administrative record or in the hearing. *Ex parte* communications do not include:

(i) Communications between Agency employees other than between the Agency trial staff and the members of the decisional body;

(ii) Discussions between the decisional body and either:

(A) Interested persons outside the Agency, or

(B) The Agency trial staff, *if* all parties have received prior written notice of the proposed communications and have been given the opportunity to be present and participate therein.

(4) "Interested person outside the Agency" includes the permit applicant, any person who filed written comments in the proceeding, any person who requested the hearing, any person who requested to participate or intervene in the hearing, any participant in the hearing and any other interested person not employed by the Agency at the time of the communications, and any attorney of record for those persons.

(b)(1) No interested person outside the Agency or member of the Agency trial staff shall make or knowingly cause to be made to any members of the decisional body, an *ex parte* communication on the merits of the proceedings.

(2) No member of the decisional body shall make or knowingly cause to be made to any interested person outside the Agency or member of the Agency trial staff, an *ex parte* communication on the merits of the proceedings.

(3) A member of the decisional body who receives or who makes or who knowingly causes to be made a communication prohibited by this subsection shall file with the Regional Hearing Clerk all written communications or memoranda stating the substance of all oral communications together with all written responses and memoranda stating the substance of all oral responses.

(c) Whenever any member of the decisionmaking body receives an *ex parte* communication knowingly made or knowingly caused to be made by a party or representative of a party in violation of this section, the person presiding at the stage of the hearing then in progress may, to the extent consistent with justice and the policy of the CWA, require the party to show cause why its claim or interest in the proceedings should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(d) The prohibitions of this section begin to apply upon issuance of the notice of the grant of a hearing under § 124.77 or § 124.116. This prohibition terminates at the date of final agency action.

§ 124.79 Additional parties and issues.

(a) Any person may submit a request to be admitted as a party within 15 days after the date of mailing, publication, or posting of notice of the grant of an evidentiary hearing, whichever occurs last. The Presiding Officer shall grant requests that meet the requirements of §§ 124.74 and 124.76.

(b) After the expiration of the time prescribed in paragraph (a) of this section any person may file a motion for leave to intervene as a party. This motion must meet the requirements of §§ 124.74 and 124.76 and set forth the grounds for the proposed intervention. No factual or legal issues, besides those raised by timely hearing requests, may be proposed except for good cause. A motion for leave to intervene must also contain a verified statement showing good cause for the failure to file a timely request to be admitted as a party. The Presiding Officer shall grant the motion only upon an express finding on the record that:

(1) Extraordinary circumstances justify granting the motion;

(2) The intervener has consented to be bound by:

(i) Prior written agreements and stipulations by and between the existing parties; and

(ii) All orders previously entered in the proceedings; and

(3) Intervention will not cause undue delay or prejudice the rights of the existing parties.

§ 124.80 Filing and service.

(a) An original and one (1) copy of all written submissions relating to an evidentiary hearing filed after the notice is published shall be filed with the Regional Hearing Clerk.

(b) The party filing any submission shall also serve a copy of each submission upon the Presiding Officer and each party of record. Service shall be by mail or personal delivery.

(c) Every submission shall be accompanied by an acknowledgment of service by the person served or a certificate of service citing the date, place, time, and manner of service and the names of the persons served.

(d) The Regional Hearing Clerk shall maintain and furnish a list containing the name, service address, and telephone number of all parties and their attorneys or duly authorized representatives to any person upon request.

§ 124.81 Assignment of Administrative Law Judge.

No later than the date of mailing, publication, or posting of the notice of a grant of an evidentiary hearing, whichever occurs last, the Regional Administrator shall refer the proceeding to the Chief Administrative Law Judge who shall assign an Administrative Law Judge to serve as Presiding Officer for the hearing.

§ 124.82 Consolidation and severance.

(a) The Administrator, Regional Administrator, or Presiding Officer has the discretion to consolidate, in whole or in part, two or more proceedings to be held under this Subpart, whenever it appears that a joint hearing on any or all of the matters in issue would expedite or simplify consideration of the issues and that no party would be prejudiced thereby. Consolidation shall not affect the right of any party to raise issues that might have been raised had there been no consolidation.

(b) If the Presiding Officer determines consolidation is not conducive to an expeditious, full, and fair hearing, any party or issues may be severed and heard in a separate proceeding.

§ 124.83 Prehearing conferences.

(a) The Presiding Officer, *sua sponte*, or at the request of any party, may direct the parties or their attorneys or duly authorized representatives to appear at a specified time and place for one or more conferences before or during a hearing, or to submit written proposals or correspond for the purpose of considering any of the matters set forth in paragraph (c) of this section.

(b) The Presiding Officer shall allow a reasonable period before the hearing begins for the orderly completion of all prehearing procedures and for the

submission and disposition of all prehearing motions. Where the circumstances warrant, the Presiding Officer may call a prehearing conference to inquire into the use of available procedures contemplated by the parties and the time required for their completion, to establish a schedule for their completion, and to set a tentative date for beginning the hearing.

(c) In conferences held, or in suggestions submitted, under paragraph (a) of this section, the following matter may be considered:

(1) Simplification, clarification, amplification, or limitation of the issues.

(2) Admission of facts and of the genuineness of documents, and stipulations of facts.

(3) Objections to the introduction into evidence at the hearing of any written testimony, documents, papers, exhibits, or other submissions proposed by a party, except that the administrative record required by § 124.19 shall be received in evidence subject to the provisions of § 124.85(d)(2). At any time before the end of the hearing any party may make, and the Presiding Officer shall consider and rule upon, motions to strike testimony or other evidence other than the administrative record on the grounds of relevance, competency, or materiality.

(4) Matters subject to official notice may be taken.

(5) Scheduling as many of the following as are deemed necessary and proper by the Presiding Officer:

(i) Submission of narrative statements of position on each factual issue in controversy;

(ii) Submission of written testimony and documentary evidence (e.g., affidavits, data, studies, reports, and any other type of written material) in support of those statements; or

(iii) Requests by any party for the production of additional documentation, data, or other information relevant and material to the facts in issue.

(6) Grouping participants with substantially similar interests to eliminate redundant evidence, motions, and objections.

(7) Such other matters that may expedite the hearing or aid in the disposition of the matter.

(d) At a prehearing conference or at some other reasonable time set by the Presiding Officer, each party shall make available to all other parties the names of the expert and other witnesses it expects to call. At its discretion or at the request of the Presiding Officer, a party may include a brief narrative summary of any witness's anticipated testimony. Copies of any written testimony, documents, papers, exhibits, or materials which a party expects to introduce into evidence, and the administrative record required by § 124.18 shall be marked for identification as ordered by the Presiding Officer. Witnesses, proposed written testimony, and other evidence may be added or amended upon order of the Presiding Officer for good cause shown. Agency employees and consultants shall be made available as witnesses by the Agency to the same extent that production of such witnesses is required of other parties under § 124.74(c)(4). (See also § 124.85(b)(16).)

(e) The Presiding Officer shall prepare a written prehearing order reciting the actions taken at each prehearing conference and setting forth the schedule for the hearing, unless a transcript has been taken and accurately reflects these matters. The order shall include a written statement of the areas of factual agreement and disagreement and of the methods and procedures to be used in developing the evidence and the respective duties of the parties in connection therewith. This order shall control the subsequent course of the hearing unless modified by the Presiding Officer for good cause shown.

§ 124.84 Summary determination.

(a) Any party to an evidentiary hearing may move with or without supporting affidavits and briefs for a summary determination in its favor upon any of the issues being adjudicated on the basis that there is no genuine issue of material fact for determination. This motion shall be filed at least 45 days before the date set for the hearing, except that upon good cause shown the motion may be filed at any time before the close of the hearing.

(b) Any other party may, within 30 days after service of the motion, file and serve a response to it or a countermotion for summary determination. When a motion for summary determination is made and supported, a party opposing the motion may not rest upon mere allegations or denials but must show, by affidavit or by other materials subject to consideration by the Presiding Officer, that there is a genuine issue of material fact for determination at the hearing.

(c) Affidavits shall be made on personal knowledge, shall set forth facts that would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

(d) The Presiding Officer may set the matter for oral argument and call for the submission of proposed findings, conclusions, briefs, or memoranda of law. The Presiding Officer shall rule on the motion not more than 30 days after the date responses to the motion are filed under paragraph (b) of this section.

(e) If all factual issues are decided by summary determination, no hearing will be held and the Presiding Officer shall prepare an initial decision under § 124.89. If summary determination is denied or if partial summary determination is granted, the Presiding Officer shall issue a memorandum opinion and order, interlocutory in character, and the hearing will proceed on the remaining issues. Appeals from interlocutory rulings are governed by § 124.90.

(f) Should it appear from the affidavits of a party opposing a motion for summary determination that he or she cannot for reasons stated present, by affidavit or otherwise, facts essential to justify his or her opposition, the Presiding Officer may deny the motion or order a continuance to allow additional affidavits or other information to be obtained or may make such other order as is just and proper.

§ 124.85 Hearing procedure.

(a)(1) The permit applicant always bears the burden of persuading the Agency that a permit authorizing pollutants to be discharged should be issued and not denied. This burden does not shift.

Note.—In many cases the documents contained in the administrative record, in particular the fact sheet or statement of basis and the response to comments, should adequately discharge this burden.

(2) The Agency has the burden of going forward to present an affirmative case in support of any challenged condition of a final permit.

(3) Any hearing participant who, by raising material issues of fact, contends:

(i) That particular conditions or requirements in the permit are improper or invalid, and who desires either:

(A) The inclusion of new or different conditions or requirements; or

(B) The deletion of those conditions or requirements; or

(ii) That the denial or issuance of a permit is otherwise improper or invalid, shall have the burden of going forward to present an affirmative case at the conclusion of the Agency case on the challenged requirement.

(b) The Presiding Officer shall conduct a fair and impartial hearing, take action to avoid unnecessary delay in the disposition of the proceedings, and maintain order. For these purposes, the Presiding Officer may:

(1) Arrange and issue notice of the date, time, and place of hearings and conferences;

(2) Establish the methods and procedures to be used in the development of the evidence;

(3) Prepare, after considering the views of the participants, written statements of areas of factual disagreement among the participants;

(4) Hold conferences to settle, simplify, determine, or strike any of the issues in a hearing, or to consider other matters that may facilitate the expeditious disposition of the hearing;

(5) Administer oaths and affirmations;

(6) Regulate the course of the hearing and govern the conduct of participants;

(7) Examine witnesses;

(8) Identify and refer issues for interlocutory decision under § 124.90;

(9) Rule on, admit, exclude, or limit evidence;

(10) Establish the time for filing motions, testimony, and other written evidence, briefs, findings, and other submissions;

(11) Rule on motions and other procedural matters pending before him, including but not limited to motions for summary determination in accordance with § 124.84;

(12) Order that the hearing be conducted in stages whenever the number of parties is large or the issues are numerous and complex;

(13) Take any action not inconsistent with the provisions of this Subpart for the maintenance of order at the hearing and for the expeditious, fair, and impartial conduct of the proceeding;

(14) Provide for the testimony of opposing witnesses to be heard simultaneously or for such witnesses to meet outside the hearing to resolve or isolate issues or conflicts;

(15) Order that trade secrets be treated as confidential business information in accordance with §§ 122.7 (NPDES) and 270.12 (RCRA) and 40 CFR Part 2; and

(16) Allow such cross-examination as may be required for a full and true disclosure of the facts. No cross-examination shall be allowed on questions of policy except to the extent required to disclose the factual basis for permit requirements, or on questions of law, or regarding matters (such as the validity of effluent limitations guidelines) that are not subject to challenge in an evidentiary hearing. No Agency witnesses shall be required to testify or be made available for cross-examination on such matters. In deciding whether or not to allow cross-examination, the Presiding Officer shall consider the likelihood of clarifying or resolving a disputed issue of material fact compared to other available methods. The party seeking cross-examination has the burden of demonstrating that this standard has been met.

(c) All direct and rebuttal evidence at an evidentiary hearing shall be submitted in written form, unless, upon motion and good cause shown, the Presiding Officer determines that oral presentation of the evidence on any particular fact will materially assist in the efficient identification and clarification of the issues. Written testimony shall be prepared in narrative form.

(d)(1) The Presiding Officer shall admit all relevant, competent, and material evidence, except evidence that is unduly repetitious. Evidence may be received at any hearing even though inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given evidence shall be determined by its reliability and probative value.

(2) The administrative record required by § 124.18 shall be admitted and received in evidence. Upon motion by any party the Presiding Officer may direct that a witness be provided to sponsor a portion or portions of the administrative record. The Presiding Officer, upon finding that the standards in § 124.85(b)(3) have been met, shall direct the appropriate party to produce the witness for cross-examination. If a sponsoring witness cannot be provided, the Presiding Officer may reduce the weight accorded the appropriate portion of the record.

[Note.—Receiving the administrative record into evidence automatically serves several purposes: (1) it documents the prior course of the proceedings; (2) it provides a record of the views of affected persons for consideration by the agency decisionmaker; and (3) it provides factual material for use by the decisionmaker.]

(3) Whenever any evidence or testimony is excluded by the Presiding Officer as inadmissible, all such evidence or testimony existing in written form shall remain a part of the record as an offer of proof. The party seeking the admission of oral testimony may make an offer of proof, by means of a brief statement on the record describing the testimony excluded.

(4) When two or more parties have substantially similar interests and positions, the Presiding Officer may limit the number of attorneys or other party representatives who will be permitted to cross-examine and to make and argue motions and objections on behalf of those parties. Attorneys may, however, engage in cross-examination relevant to matters not adequately covered by previous cross-examination.

(5) Rulings of the Presiding Officer on the admissibility of evidence or testimony, the propriety of cross-examination, and other procedural matters shall appear in the record and shall control further proceedings, unless reversed as a result of an interlocutory appeal taken under § 124.90.

(6) All objections shall be made promptly or be deemed waived. Parties shall be presumed to have taken exception to an adverse ruling. No objection shall be deemed waived by further participation in the hearing.

§ 124.86 Motions.

(a) Any party may file a motion (including a motion to dismiss a particular claim on a contested issue) with the Presiding Officer on any matter relating to the proceeding. All motions shall be in writing and served as provided in § 124.80 except those made on the record during an oral hearing before the Presiding Officer.

(b) Within 10 days after service of any written motion, any part to the proceeding may file a response to the motion. The time for response may be shortened to 3 days or extended for an additional 10 days by the Presiding Officer for good cause shown.

(c) Notwithstanding § 122.4, any party may file with the Presiding Officer a motion seeking to apply to the permit any regulatory or statutory provision issued or made available after the issuance of the permit under § 124.15. The Presiding Officer shall grant any motion to apply a new statutory provision unless he or she finds it contrary to legislative intent. The Presiding Officer may grant a motion to apply a new regulatory requirement when appropriate to carry out the purpose of CWA, and when no party would be unduly prejudiced thereby.

§ 124.87 Record of hearings.

(a) All orders issued by the Presiding Officer, transcripts of oral hearings or arguments, written statements of position, written direct and rebuttal testimony, and any other data, studies, reports, documentation, information and other written material of any kind submitted in the proceeding shall be a part of the hearing record and shall be available to the public except as provided in §§ 122.7 (NPDES) and 270.12 (RCRA), in the Office of the Regional Hearing Clerk, as soon as it is received in that office.

(b) Evidentiary hearings shall be either stenographically reported verbatim or tape recorded, and

thereupon transcribed. After the hearing, the reporter shall certify and file with the Regional Hearing Clerk:

(1) The original of the transcript, and

(2) The exhibits received or offered into evidence at the hearing.

(c) The Regional Hearing Clerk shall promptly notify each of the parties of the filing of the certified transcript of proceedings. Any party who desires a copy of the transcript of the hearing may obtain a copy of the hearing transcript from the Regional Hearing Clerk upon payment of costs.

(d) The Presiding Officer shall allow witnesses, parties, and their counsel an opportunity to submit such written proposed corrections of the transcript of any oral testimony taken at the hearing, pointing out errors that may have been made in transcribing the testimony, as are required to make the transcript conform to the testimony. Except in unusual cases, no more than 30 days shall be allowed for submitting such corrections from the day a complete transcript of the hearing becomes available.

§ 124.88 Proposed findings of fact and conclusions; brief.

Within 45 days after the certified transcript is filed, any party may file with the Regional Hearing Clerk proposed findings of fact and conclusions of law and a brief in support thereof. Briefs shall contain appropriate references to the record. A copy of these findings, conclusions, and brief shall be served upon all the other parties and the Presiding Officer. The Presiding Officer, for good cause shown, may extend the time for filing the proposed findings and conclusions and/or the brief. The Presiding Officer may allow reply briefs.

§ 124.89 Decisions.

(a) The Presiding Officer shall review and evaluate the record, including the proposed findings and conclusions, any briefs filed by the parties, and any interlocutory decisions under § 124.90 and shall issue and file his initial decision with the Regional Hearing Clerk. The Regional Hearing Clerk shall immediately serve copies of the initial decision upon all parties (or their counsel of record) and the Administrator.

(b) The initial decision of the Presiding Officer shall automatically become the final decision 30 days after its service unless within that time:

(1) A party files a petition for review by the Administrator pursuant to § 124.91; or

(2) The Administrator *sua sponte* files a notice that he or she will review the decision pursuant to § 124.91.

§ 124.90 Interlocutory appeal.

(a) Except as provided in this section, appeals to the Administrator may be taken only under § 124.91. Appeals from orders or rulings may be taken under this section only if the Presiding Officer, upon motion of a party, certifies those orders or rulings to the Administrator for appeal on the record. Requests to the Presiding Officer for certification must be filed in writing within 10 days of service of notice of the order, ruling, or decision and shall state briefly the grounds relied on.

(b) The Presiding Officer may certify an order or ruling for appeal to the Administrator if:

(1) The order or ruling involves an important question on which there is substantial ground for difference of opinion, and

(2) Either:

(i) An immediate appeal of the order or ruling will materially advance the ultimate completion of the proceeding; or

(ii) A review after the final order is issued will be inadequate or ineffective.

(c) If the Administrator decides that certification was improperly granted, he or she shall decline to hear the appeal. The Administrator shall accept or decline all interlocutory appeals within 30 days of their submission; if the Administrator takes no action within that time, the appeal shall be automatically dismissed. When the Presiding Officer declines to certify an order or ruling to the Administrator for an interlocutory appeal, it may be reviewed by the Administrator only upon appeal from the initial decision of the Presiding Officer, except when the Administrator determines, upon motion of a party and in exceptional circumstances, that to delay review would not be in the public interest. Such motion shall be made within 5 days after receipt of notification that the Presiding Officer has refused to certify an order or ruling for interlocutory appeal to the Administrator. Ordinarily, the interlocutory appeal will be decided on the basis of the submissions made to the Presiding Officer. The Administrator may, however, allow briefs and oral argument.

(d) In exceptional circumstances, the Presiding Officer may stay the proceeding pending a decision by the Administrator upon an order or ruling certified by the Presiding Officer for an interlocutory appeal, or upon the denial of such certification by the Presiding Officer.

(e) The failure to request an interlocutory appeal shall not prevent taking exception to an order or ruling in an appeal under § 124.91.

§ 124.91. Appeal to the Administrator.

(a)(1) Within 30 days after service of an initial decision, or a denial in whole or in part of a request for an evidentiary hearing, any party or requester, as the case may be, may appeal any matter set forth in the initial decision or denial, or any adverse order or ruling to which the party objected during the hearing, by filing with the Administrator notice of appeal and petition for review. The petition shall include a statement of the supporting reasons and, when appropriate, a showing that the initial decision contains:

(i) A finding of fact or conclusion of law which is clearly erroneous, or

(ii) An exercise of discretion or policy which is important and which the Administrator should review.

(2) Within 15 days after service of a petition for review under paragraph (c)(1) of this section, any other party to the proceeding may file a responsive petition.

(3) Policy decisions made or legal conclusions drawn in the course of denying a request for an evidentiary hearing may be reviewed and changed by the Administrator in an appeal under this section.

(b) Within 30 days of an initial decision or denial or a request for an evidentiary hearing the Administrator may, *sua sponte*, review such decision. Within 7 days after the Administrator has decided under this section to review an initial decision or the denial of a request for an evidentiary hearing, notice of that decision shall be served by mail upon all affected parties and the Regional Administrator.

(c)(1) Within a reasonable time following the filing of the petition for review, the Administrator shall issue an order either granting or denying the petition for review. When the Administrator grants a petition for review or determines under paragraph (b) of this section to review a decision, the Administrator may notify the parties that only certain issues shall be briefed.

(2) Upon granting a petition for review, the Regional Hearing Clerk shall promptly forward a copy of the record to the Judicial Officer and shall retain a complete duplicate copy of the record in the Regional Office.

(d) Notwithstanding the grant of a petition for review or a determination under paragraph (b) of this section to review a decision, the Administrator may summarily affirm without opinion and initial decision or the denial of a request for an evidentiary hearing.

(e) A petition to the Administrator under paragraph (a) of this section for review of any initial decision or the

denial of an evidentiary hearing is, under 5 U.S.C. § 704, a prerequisite to the seeking of judicial review of the final decision of the Agency.

(f) If a party timely files a petition for review or if the Administrator *sua sponte* orders review, then, for purposes of judicial review, final Agency action on an issue occurs as follows:

(1) If the Administrator denies review or summarily affirms without opinion as provided in § 124.91(d), then the initial decision or denial becomes the final Agency action and occurs upon the service of notice of the Administrator's action.

(2) If the Administrator issues a decision without remanding the proceeding then the final permit, redrafted as required by the Administrator's original decision, shall be reissued and served upon all parties to the appeal.

(3) If the Administrator issues a decision remanding the proceeding, then final Agency action occurs upon completion of the remanded proceeding, including any appeals to the Administrator from the results of the remanded proceeding.

(g) The petitioner may file a brief in support of the petition within 21 days after the Administrator has granted a petition for review. Any other party may file a responsive brief within 21 days of service of the petitioner's brief. The petitioner then may file a reply brief within 14 days of service of the responsive brief. Any person may file an *amicus brief* for the consideration of the Administrator within the same time periods that govern reply briefs. If the Administrator determines, *sua sponte*, to review an initial Regional Administrator's decision or the denial of a request for an evidentiary hearing, the Administrator shall notify the parties of the schedule for filing briefs.

(h) Review by the Administrator of an initial decision or the denial of an evidentiary hearing shall be limited to the issues specified under paragraph (a) of this section, except that after notice to all parties, the Administrator may raise and decide other matters which he or she considers material on the basis of the record.

Subpart F—Non-Adversary Panel Procedures

§ 124.111 Applicability.

(a) Except as set forth in this Subpart, this Subpart applies in lieu of, and to complete exclusion of, Subparts A through E in the following cases:

(1)(i) In any proceedings for the issuance of any NPDES permit which constitutes "initial licensing" under the Administrative Procedure Act, when the Regional Administrator elects to apply this Subpart and explicitly so states in the public notice of the draft permit under § 124.10 or in a supplemental notice under § 124.14. If an NPDES draft permit is processed under this Subpart, any other draft permits which have been consolidated with the NPDES draft permit under § 124.4 shall likewise be processed under this Subpart, except for PSD permits when the Regional Administrator makes a finding under § 124.4(e) that consolidation would be likely to result in missing the one year statutory deadline for issuing a final PSD permit under the CAA.

(ii) "Initial licensing" includes both the first decision on an NPDES permit applied for by a discharger that has not previously held one and the first decision on any variance requested by a discharger.

(iii) To the extent this Subpart is used to process a request for a variance under CWA section 301(h), the term "Administrator or a person designated by the Administrator" shall be substituted for the term "Regional Administrator".

(2) In any proceeding for which a hearing under this Subpart was granted under § 124.75 following a request for a formal hearing under § 124.74. See §§ 124.74(c)(8) and 124.75(a)(2).

(3) Whenever the Regional Administrator determines as a matter of discretion that the more formalized mechanisms of this Subpart should be used to process draft NPDES general permits (for which evidentiary hearings are unavailable under § 124.71), or draft RCRA or draft UIC permits.

(b) EPA shall not apply these procedures to a decision on a variance where Subpart E proceedings are simultaneously pending on the other conditions of the permit. See § 124.64(b).

§ 124.112 Relation to other subparts.

The following provisions of Subparts A through E apply to proceedings under this Subpart:

(a)(1) §§ 124.1 through 124.10.

(2) § 124.14 "Reopening of comment period."

(3) § 124.16 "Stays of contested permit conditions."

(4) § 124.20 "Computation of time."

(b)(1) § 124.41 "Definitions applicable to PSD Permits."

(2) § 124.42 "Additional procedures for PSD permits affecting Class I Areas."

(c)(1) §§ 124.51 through 124.56.

(2) § 124.57(c) "Public notice."

(3) §§ 124.58 through 124.66.

(d)(1) § 124.72 "Definitions," except for the definition of "Presiding Officer," see § 124.119.

(2) § 124.73 "Filing."

(3) § 124.78 "*Ex parte* communications."

(4) § 124.80 "Filing and service."

(5) § 124.85(a) (Burden of proof).

(6) § 124.86 "Motions."

(7) § 124.87 "Record of hearings."

(8) § 124.90 "Interlocutory appeal."

(e) In the case of permits to which this Subpart is made applicable after a final permit has been issued under § 124.15, either by the grant under § 124.75 of a hearing request under § 124.74, or by notice of supplemental proceedings under § 124.14, §§ 124.13 and 124.76 shall also apply.

§ 124.113 Public notice of draft permits and public comment period.

Public notice of a draft permit under this Subpart shall be given as provided in §§ 124.10 and 124.57. At the discretion of the Regional Administrator, the public comment period specified in this notice may include an opportunity for a public hearing under § 124.12.

§ 124.114 Request for hearing.

(a) By the close of the comment period under § 124.113, any person may request the Regional Administrator to hold a panel hearing on the draft permit by submitting a written request containing the following:

(1) A brief statement of the interest of the person requesting the hearing;

(2) A statement of any objections to the draft permit;

(3) A statement of the issues which such person proposes to raise for consideration at the hearing; and

(4) Statements meeting the requirements of § 124.74(c)(1)–(5).

(b) Whenever (1) a written request satisfying the requirements of paragraph (a) of this section has been received and presents genuine issues of material fact, or (2) the Regional Administrator determines *sua sponte* that a hearing under this Subpart is necessary or appropriate, the Regional Administrator shall notify each person requesting the hearing and the applicant, and shall provide public notice under § 124.57(c). If the Regional Administrator determines that a request does not meet the requirements of paragraph (a) of this section or does not present genuine issues of fact, the Regional Administrator may deny the request for the hearing and shall serve written notice of that determination on all persons requesting the hearing.

(c) The Regional Administrator may also decide before a draft permit is prepared under § 124.6 that a hearing should be held under this section. In such cases, the public notice of the draft

permit shall explicitly so state and shall contain the information required by § 124.57(c). This notice may also provide for a hearing under § 124.12 before a hearing is conducted under this section.

§ 124.115 Effect of denial of or absence of request for hearing.

If no request for a hearing is made under § 124.114, or if all such requests are denied under that section, the Regional Administrator shall then prepare a recommended decision under § 124.124. Any person whose hearing request has been denied may then appeal that recommended decision to the Administrator as provided in § 124.91.

§ 124.116 Notice of hearing.

(a) Upon granting a request for a hearing under § 124.114 the Regional Administrator shall promptly publish a notice of the hearing as required under § 124.57(c). The mailed notice shall include a statement which indicates whether the Presiding Officer or the Regional Administrator will issue the Recommended decision. The mailed notice shall also allow the participants at least 30 days to submit written comments as provided under § 124.118.

(b) The Regional Administrator may also give notice of a hearing under this section at the same time as notice of a draft permit under § 124.113. In that case the comment periods under §§ 124.113 and 124.118 shall be merged and held as a single public comment period.

(c) The Regional Administrator may also give notice of hearing under this section in response to a hearing request under § 124.74 as provided in § 124.75.

§ 124.117 Request to participate in hearing.

(a) Persons desiring to participate in any hearing noticed under this section, shall file a request to participate with the Regional Hearing Clerk before the deadline set forth in the notice of the grant of the hearing. Any person filing such a request becomes a party to the proceedings within the meaning of the Administrative Procedure Act. The request shall include:

(1) A brief statement of the interest of the person in the proceeding;

(2) A brief outline of the points to be addressed;

(3) An estimate of the time required; and

(4) The requirements of § 124.74(c)(1)–(5).

(5) If the request is submitted by an organization, a nonbinding list of the persons to take part in the presentation.

(b) As soon as practicable, but in no event later than 2 weeks before the scheduled date of the hearing, the Presiding Officer shall make a hearing schedule available to the public and shall mail it to each person who requested to participate in the hearing.

§ 124.118 Submission of written comments on draft permit.

(a) No later than 30 days before the scheduled start of the hearing (or such other date as may be set forth in the notice of hearing), each party shall file all of its comments on the draft permit, based on information in the administrative record and any other information which is or reasonably could have been available to that party. All comments shall include any affidavits, studies, data, tests, or other materials relied upon for making any factual statements in the comments.

(b)(1) Written comments filed under paragraph (a) of this section shall constitute the bulk of the evidence submitted at the hearing. Oral statements at the hearing should be brief and in the nature of argument. They shall be restricted either to points that could not have been made in written comments, or to emphasize points which are made in the comments, but which the party believes can more effectively be argued in the hearing context.

(2) Notwithstanding the foregoing, within two weeks prior to the deadline specified in paragraph (a) of this section for the filing of comments, any party may move to submit all or part of its comments orally at the hearing in lieu of submitting written comments and the Presiding Officer shall, within one week, grant such motion if the Presiding Officer finds that the party will be prejudiced if required to submit the comments in written form.

(c) Parties to any hearing may submit written material in response to the comments filed by other parties under paragraph (a) of this section at the time they appear at the panel stage of the hearing under § 124.120.

§ 124.119 Presiding Officer.

(a)(1)(i) Before giving notice of a hearing under this Subpart in a proceeding involving an NPDES permit, the Regional Administrator shall request that the Chief Administrative Law Judge assign an Administrative Law Judge as the Presiding Officer. The Chief Administrative Law Judge shall then make the assignment.

(ii) If all parties to such a hearing waive in writing their statutory right to have an Administrative Law Judge named as the Presiding Officer in a hearing subject to this subparagraph the Regional Administrator may name a Presiding Officer under paragraph (a)(2)(ii) of this section.

(2) Before giving notice of a hearing under this Subpart in a proceeding which does not involve an NPDES permit or a RCRA permit termination, the Regional Administrator shall either:

(i) Request that the Chief Administrative Law Judge assign an Administrative Law Judge as the Presiding Officer. The Chief Administrative Law Judge may thereupon make such an assignment if he concludes that the other duties of his office allow, or

(ii) Name a lawyer permanently or temporarily employed by the Agency and without prior connection with the proceeding to serve as Presiding Officer;

(iii) If the Chief Administrative Law Judge declines to name an Administrative Law Judge as Presiding Officer upon receiving a request under paragraph (a)(2)(i) of this section, the Regional Administrator shall name a Presiding Officer under paragraph (a)(2)(ii) of this section.

(b) It shall be the duty of the Presiding Officer to conduct a fair and impartial hearing. The Presiding Officer shall have the authority:

(1) Conferred by § 124.85(b)(1)–(15), § 124.83 (b) and (c), and;

(2) To receive relevant evidence, provided that all comments under §§ 124.113 and 124.118, the record of the panel hearing under § 124.120, and the administrative record, as defined in § 124.9 or in § 124.18 as the case may be shall be received in evidence, and

(3) Either upon motion or *sua sponte*, to change the date of the hearing under § 124.120, or to recess such a hearing until a future date. In any such case the notice required by § 124.10 shall be given.

§ 124.120 Panel hearing.

(a) A Presiding Officer shall preside at each hearing held under this Subpart. An EPA panel shall also take part in the hearing. The panel shall consist of three or more EPA temporary or permanent employees having special expertise or responsibility in areas related to the hearing issue, at least two of whom shall not have taken part in writing the draft permit. If appropriate for the evaluation of new or different issues presented at the hearing, the panel membership, at the discretion of the Regional Administrator, may change or may include persons not employed by EPA.

(b) At the time of the hearing notice under § 124.116, the Regional Administrator shall designate the persons who shall serve as panel members for the hearing and the

Regional Administrator shall file with the Regional Hearing Clerk the name and address of each person so designated. The Regional Administrator may also designate EPA employees who will provide staff support to the panel but who may or may not serve as panel members. The designated persons shall be subject to the *ex parte* rules in § 124.78. The Regional Administrator may also designate Agency trial staff as defined in § 124.78 for the hearing.

(c) At any time before the close of the hearing the Presiding Officer, after consultation with the panel, may request that any person having knowledge concerning the issues raised in the hearing and not then scheduled to participate therein appear and testify at the hearing.

(d) The panel members may question any person participating in the panel hearing. Cross-examination by persons other than panel members shall not be permitted at this stage of the proceeding except when the Presiding Officer determines, after consultation with the panel, that the cross-examination would expedite consideration of the issues. However, the parties may submit written questions to the Presiding Officer for the Presiding Officer to ask the participants, and the Presiding Officer may, after consultation with the panel, and at his or her sole discretion, ask these questions.

(e) At any time before the close of the hearing, any party may submit to the Presiding Officer written questions specifically directed to any person appearing or testifying in the hearing. The Presiding Officer, after consultation with the panel may, at his sole discretion, ask the written question so submitted.

(f) Within 10 days after the close of the hearing, any party shall submit such additional written testimony, affidavits, information, or material as they consider relevant or which the panel may request. These additional submissions shall be filed with the Regional Hearing Clerk and shall be a part of the hearing record.

§ 124.121 Opportunity for cross-examination.

(a) Any party to a panel hearing may submit a written request to cross-examine any issue of material fact. The motion shall be submitted to the Presiding Officer within 15 days after a full transcript of the panel hearing is filed with the Regional Hearing Clerk and shall specify:

(1) The disputed issue(s) of material fact. This shall include an explanation of why the questions at issue are factual rather than of an analytical or policy nature, the extent to which they are in dispute in light of the then-existing record, and the extent to which they are material to the decision on the application; and

(2) The person(s) to be cross-examined, and an estimate of the time necessary to conduct the cross-examination. This shall include a statement explaining how the cross-examination will resolve the disputed issues of material fact.

(b) After receipt of all motions for cross-examination under paragraph (a) of this section, the Presiding Officer, after consultation with the hearing panel, shall promptly issue an order either granting or denying each request. Orders granting requests for cross-examination shall be served on all parties and shall specify:

(1) The issues on which cross-examination is granted;

(2) The persons to be cross-examined on each issue;

(3) The persons allowed to conduct cross-examination;

(4) Time limits for the examination of witnesses by each cross-examiner; and

(5) The date, time, and place of the supplementary hearing at which cross-examination shall take place.

(6) In issuing this order, the Presiding Officer may determine that two or more parties have the same or similar interests and that to prevent unduly repetitious cross-examination, they should be required to choose a single representative for purposes of cross-examination. In that case, the order shall simply assign time for cross-examination without further identifying the representative. If the designated parties fail to choose a single representative, the Presiding Officer may divide the assigned time among the representatives or issue any other order which justice may require.

(d) The Presiding Officer and, to the extent possible, the members of the hearing panel shall be present at the supplementary hearing. During the course of the hearing, the Presiding Officer shall have authority to modify any order issued under paragraph (b) of this section. A record will be made under § 124.87.

(e)(1) No later than the time set for requesting cross-examination, a party may request that alternative methods of clarifying the record (such as the submission of additional written information) be used in lieu of or in addition to cross-examination. The Presiding Officer shall issue an order granting or denying this request at the time he or she issues (or would have issued) an order granting or denying a request for cross-examination, under paragraph (b) of this section. If the request for an alternative method is granted, the order shall specify the alternative and any other relevant information (such as the due date for submitting written information).

(2) In passing on any request for cross-examination submitted under paragraph (a) of this section, the Presiding Officer may, as a precondition to ruling on the merits of the request, require alternative means of clarifying the record to be used whether or not a request to do so has been made. The party requesting cross-examination shall have one week to comment on the results of using the alternative method. After considering these comments the Presiding Officer shall issue an order granting or denying the request for cross-examination.

(f) The provisions of § 124.85(d)(2) apply to proceedings under this Subpart.

§ 124.122 Record for final permit.

The record on which the final permit shall be based in any proceeding under this Subpart consists of:

(a) The administrative record compiled under §§ 124.9 or 124.18 as the case may be;

(b) Any material submitted under § 124.78 relating to *ex parte* contacts;

(c) All notices issued under § 124.113;

(d) All requests for hearings, and rulings on those requests, received or issued under § 124.114;

(e) Any notice of hearing issued under § 124.116;

(f) Any request to participate in the hearing received under § 124.117;

(g) All comments submitted under § 124.118, any motions made under that section and the rulings on them, and any comments filed under § 124.113;

(h) The full transcript and other material received into the record of the panel hearing under § 124.120;

(i) Any motions for, or rulings on, cross-examination filed or issued under § 124.121;

(j) Any motions for, orders for, and the results of, any alternatives to cross-examination under § 124.121; and

(k) The full transcript of any cross-examination held.

§ 124.123 Filing of brief, proposed findings of fact and conclusions of law and proposed modified permit.

Unless otherwise ordered by the Presiding Officer, each party may, within 20 days after all requests for cross-examination are denied or after a transcript of the full hearing including any cross-examination becomes available, submit proposed findings of fact; conclusions regarding material

issues of law, fact, or discretion; a proposed modified permit (if such person is urging that the draft or final permit be modified); and a brief in support thereof; together with references to relevant pages of transcript and to relevant exhibits. Within 10 days thereafter each party may file a reply brief concerning matters contained in opposing briefs and containing alternative findings of fact; conclusions regarding material issues of law, fact, or discretion; and a proposed modified permit where appropriate. Oral argument may be held at the discretion of the Presiding Officer on motion of any party or *sua sponte*.

§ 124.124 Recommended decision.

The person named to prepare the decision shall, as soon as practicable after the conclusion of the hearing, evaluate the record of the hearing and prepare and file a recommended decision with the Regional Hearing Clerk. That person may consult with, and receive assistance from, any member of the hearing panel in drafting the recommended decision, and may delegate the preparation of the recommended decision to the panel or to any member or members of it. This decision shall contain findings of fact, conclusions regarding all material issues of law, and a recommendation as to whether and in what respect the draft or final permit should be modified. After the recommended decision has been filed, the Regional Hearing Clerk shall serve a copy of that decision on each party and upon the Administrator.

§ 124.125 Appeal from or review of recommended decision.

(a)(1) Within 30 days after service of the recommended decision, any party may take exception to any matter set forth in that decision or to any adverse order or ruling of the Presiding Officer to which that party objected, and may appeal those exceptions to the Administrator as provided in § 124.91, except that references to "initial decision" will mean recommended decision under § 124.124.

§ 124.126 Final decision.

As soon as practicable after all appeal proceedings have been completed, the Administrator shall issue a final decision. That final decision shall include findings of fact; conclusions regarding material issue of law, fact, or discretion, as well as reasons therefore; and a modified permit to the extent appropriate. It may accept or reject all or part of the recommended decision. The Administrator may delegate some or all of the work of preparing this decision to a person or persons without substantial prior connection with the matter. The Administrator or his or her designee may consult with the Presiding Officer, members of the hearing panel, or any other EPA employee other than members of the Agency Trial Staff under § 124.78 in preparing the final decision. The Hearing Clerk shall file a copy of the decision on all parties.

§ 124.127 Final decision if there is no review.

If no party appeals a recommended decision to the Administrator, and if the Administrator does not elect to review it, the recommended decision becomes the final decision of the Agency upon the expiration of the time for filing any appeals.

§ 124.128 Delegation of authority; time limitations.

(a) The Administrator may delegate to a Judicial Officer any or all of his or her authority under this Subpart.

(b) The failure of the Administrator, Regional Administrator, or Presiding Officer to do any act within the time periods specified under this Part shall not waive or diminish any right, power, or authority of the United States Environmental Protection Agency.

(c) Upon a showing by any party that it has been prejudiced by a failure of the Administrator, Regional Administrator, or Presiding Officer to do any act within the time periods specified under this Part the Administrator, Regional Administrator, or Presiding Officer, as the case may be, may grant that party such relief of a procedural nature (including extension of any time for compliance or other action) as may be appropriate.

Appendix A to Part 124—Guide to Decisionmaking Under Part 124

This Appendix is designed to assist in reading the procedural requirements set out in Part 124. It consists of two flow charts.

Figure 1 diagrams the more conventional sequence of procedures EPA expects to follow in processing permits under this Part. It outlines how a permit will be applied for, how a draft permit will be prepared and publicly noticed for comment, and how a final permit will be issued under the procedures in Subpart A.

This permit may then be appealed to the Administrator, as specified both in Subpart A (for RCRA, UIC, or PSD permits), or Subpart E or F (for NPDES permits). The first flow chart also briefly outlines which permit decisions are elgible for which types of appeal.

Part 124 also contains special "non-adversary panel hearing" procedures based on the "initial licensing" provisions of the Administrative Procedure Act. These procedures are set forth in Subpart F. In some cases, EPA may only decide to make those procedures applicable after it has gone through the normal Subpart A procedures on a draft permit. This process is also diagrammed in Figure 1.

Figure 2 sets forth the general procedure to be followed where these Subpart F procedures have been made applicable to a permit from the beginning.

Both flow charts outline a sequence of events directed by arrows. The boxes set forth elements of the permit process; and the diamonds indicate key decisionmaking points in the permit process.

The charts are discussed in more detail below.

Figure 1—Conventional EPA Permitting Procedures

This chart outlines the procedures for issuing permits whenever EPA does not make use of the special "panel hearing" procedures in Subpart F. The major steps depicted on this chart are as follows:

1. The permit process can begin in any one of the following ways:

a. Normally, the process will begin when a person applies for a permit under §§ 122.21 (NPDES), 144.31 (UIC), 233.4 (404), and 270.10 (RCRA) and 124.3.

b. In other cases, EPA may decide to take action on its own initiative to change a permit or to issue a general permit. This leads directly to preparation of a draft permit under §124.6.

c. In addition, the permittee or any interested person (other than for PSD permits) may request modificiation, revocation and reissuance or termination of a permit under §§ 122.62, 122.64 (NPDES), 144.39, 144.40 (UIC), 233.14, 233.15, (404), 270.41, 270.43 (RCRA), and 124.5.

Those requests can be handled in either of two ways:

i. EPA may tentatively decide to grant the request and issue a new draft permit for public comment, either with or without requiring a new application.

ii. If the request is denied, an informal appeal to the Administrator is available.

2. The next major step in the permit process is the preparation of a draft permit. As the chart indicates, preparing a draft permit also requires preparation of either a statement of basis (§ 124.7), a fact sheet (§ 124.5) or, compilation of an "administrative record" (§ 124.9), and public notice (§ 124.10).

3. The next stage is the public comment period (§ 124.11). A public hearing under § 124.12 may be requested before the close of the public comment period.

EPA has the discretion to hold a public hearing, even if there were no requests during the public comment period. If EPA decides to schedule one, the public comment period will be extended through the close of the hearing. EPA also has the discretion to conduct the public hearing under Subpart F panel procedures. (See Figure 2.)

The regulations provide that all arguments and factual materials that a person wishes EPA to consider in connection with a particular permit must be placed in the record by the close of the public comment period (§ 124.13).

4. Section 124.14 states that EPA, at any time before issuing a final permit decision may decide to either reopen or extend the comment period, prepare a new draft permit and begin the process again from that point, or for RCRA and UIC permits, or for NPDES permits that constitute "initial licensing", to begin "panel hearing" proceedings under Subpart F. These various results are shown schematically.

5. The public comment period and any public hearing will be followed by issuance of a final permit decision (§ 124.15). As the chart shows, the final permit must be accompanied by a response to comments (§ 124.17) and be based on the administrative record (§ 124.18).

6. After the final permit is issued, it may be appealed to higher agency authority. The exact form of the appeal depends on the type of permit involved.

a. RCRA, UIC or PSD permits standing alone will be appealed directly to the Administrator under § 124.19.

b. NPDES permits which do not involve "initial licensing" may be appealed in an evidentiary hearing under Subpart E. The regulations provide (§ 124.74) that if such a hearing is granted for an NPDES permit and if RCRA or UIC permits have been consolidated with that permit under § 124.4 then closely related conditions of those RCRA or UIC permits may be reexamined in an evidentiary hearing. PSD permits, however, may never be reexamined in a Subpart E hearing.

c. NPDES permits which do involve "initial licensing" may be appealed in a panel hearing under Subpart F. The regulations provide that if such a hearing is granted for an NPDES permit, consolidated RCRA, UIC, or PSD permits may also be reexamined in the same proceeding.

As discussed below, this is only one of several ways the panel hearing procedures may be used under these regulations.

7. This chart does not show EPA appeal procedures in detail. Procedures for appeal to the Administrator under § 124.19 are self-explanatory; Subpart F procedures are diagrammed in Figure 2; and Subpart E procedures are basically the same that would apply in any evidentiary hearing.

However, the chart at this stage does reflect the provisions of § 124.60(b), which allows EPA, even after a formal hearing has begun, to "recycle" a permit back to the draft permit stage at any time before that hearing has resulted in an initial decision.

Figure 2—Non-Adversary Panel Procedures

This chart outlines the procedures for processing permits under the special "panel hearing" procedures of Subpart F. These procedures were designed for making decisions that involve "initial licensing" NPDES permits. Those permits include the first decisions on an NPDES permit applied for by any discharger that has not previously held one, and the first decision on any statutory variance. In addition, these procedures will be used for any RCRA, UIC, or PSD permit which has been consolidated with such an NPDES permit, and may be used, if the Regional Administrator so chooses, for the issuance of individual RCRA or UIC permits. The steps depicted on this chart are as follows:

1. Application for a permit. These proceedings will generally begin with an application, since NPDES initial licensing always will begin with an application.

2. Preparation of a draft permit. This is identical to the similar step in Figure 1.

3. Public comment period. This again is identical to the similar step in Figure 1. The Regional Administrator has the opportunity to schedule an informal public hearing under § 124.12 during this period.

4. Requests for a panel hearing must be received by the end of the public comment period under § 124.113. See § 124.114.

If a hearing request is denied, or if no hearing requests are received, a recommended decision will be issued based on the comments received. The recommended decision may then be appealed to the Administrator. See § 124.115.

5. If a hearing is granted, notice of the hearing will be published in accordance with § 124.116 and will be followed by a second comment period during which requests to participate and the bulk of the remaining evidence for the final decision will be received (§§ 124.117 and 124.118).

The regulations also allow EPA to move directly to this stage by scheduling a hearing when the draft permit is prepared. In such cases the comment period on the draft permit under § 124.113 and the prehearing comment period under § 124.118 would occur at the same time. EPA anticipates that this will be the more frequent practice when permits are processed under panel procedures.

This is also a stage at which EPA can switch from the conventional procedures diagramed in Figure 1 to the panel hearing procedures. As the chart indicates, EPA would do this by scheduling a panel hearing either through use of the "recycle" provision in § 124.14 or in response to a request for a formal hearing under § 124.74.

6. After the close of the comment period, a panel hearing will be held under § 124.120, followed by any cross-examination granted under § 124.121. The recommended decision will then be prepared (§ 124.124) and an opportunity for appeal provided under § 124.125. A final decision will be issued after appeal proceedings, if any, are concluded.

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Figure 1-Conventional EPA Permitting Procedures

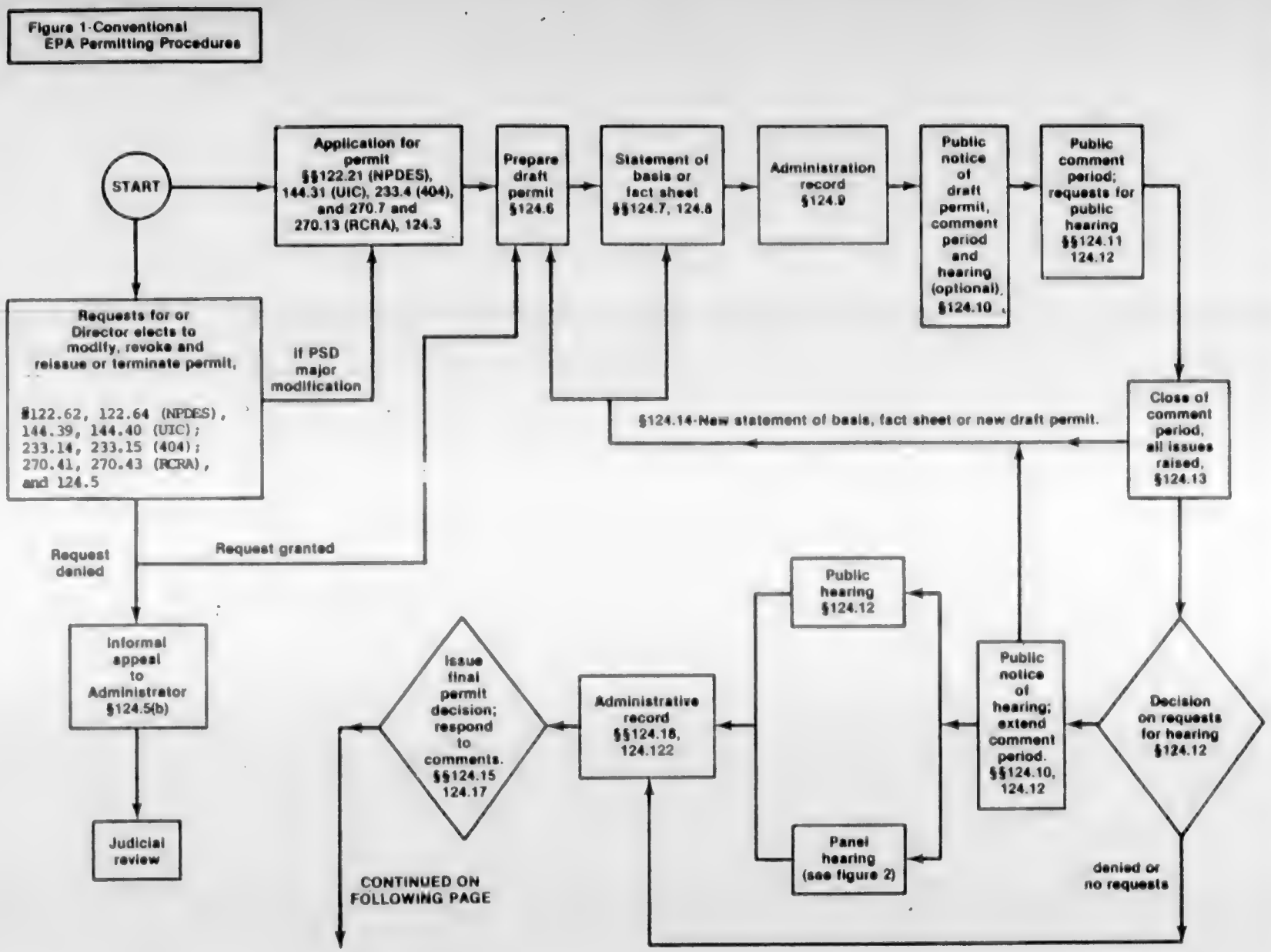

Figure 2-Non-Adversary Panel Procedures

Figure 2-Non-Adversary Panel Procedures

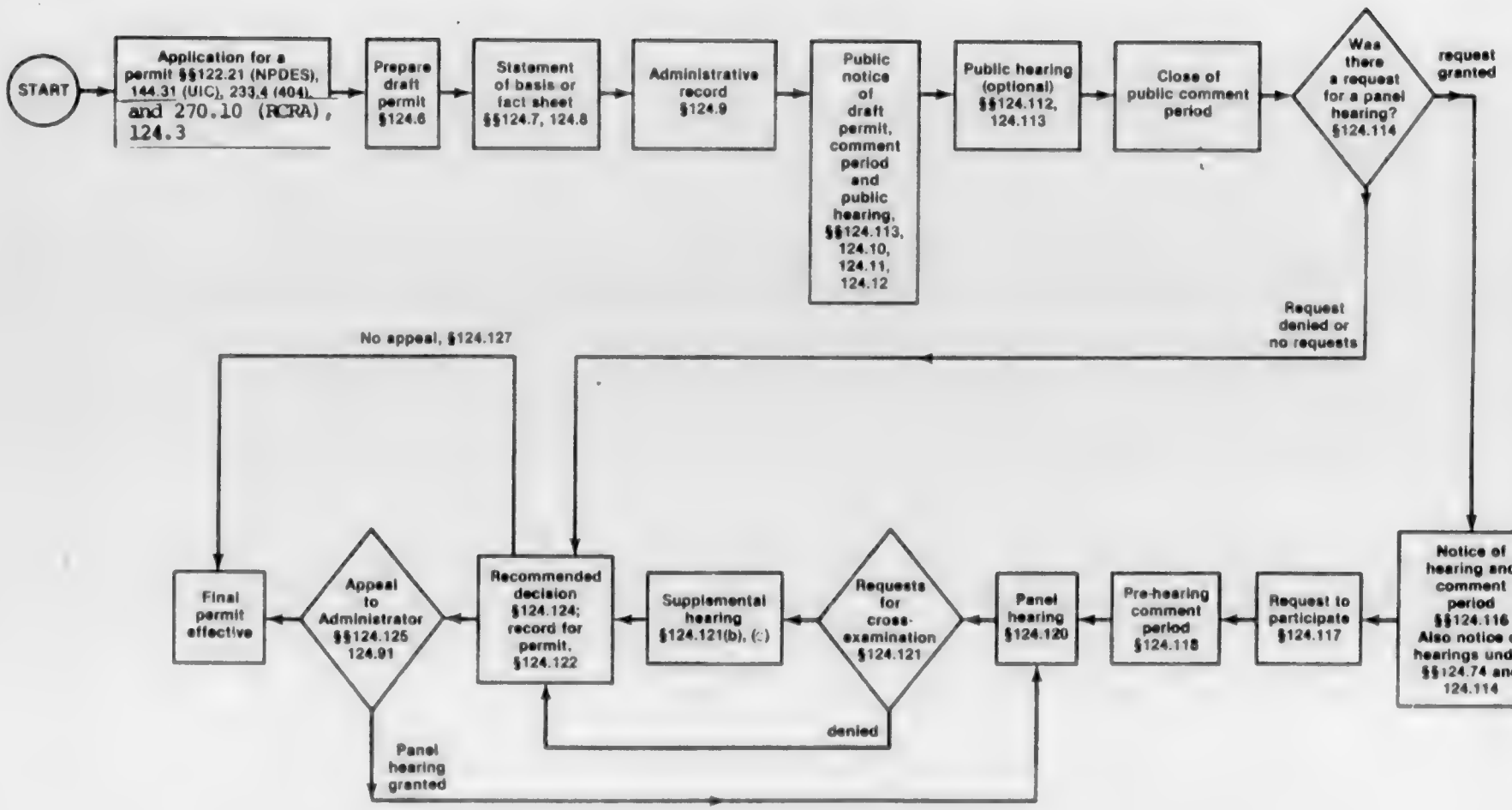

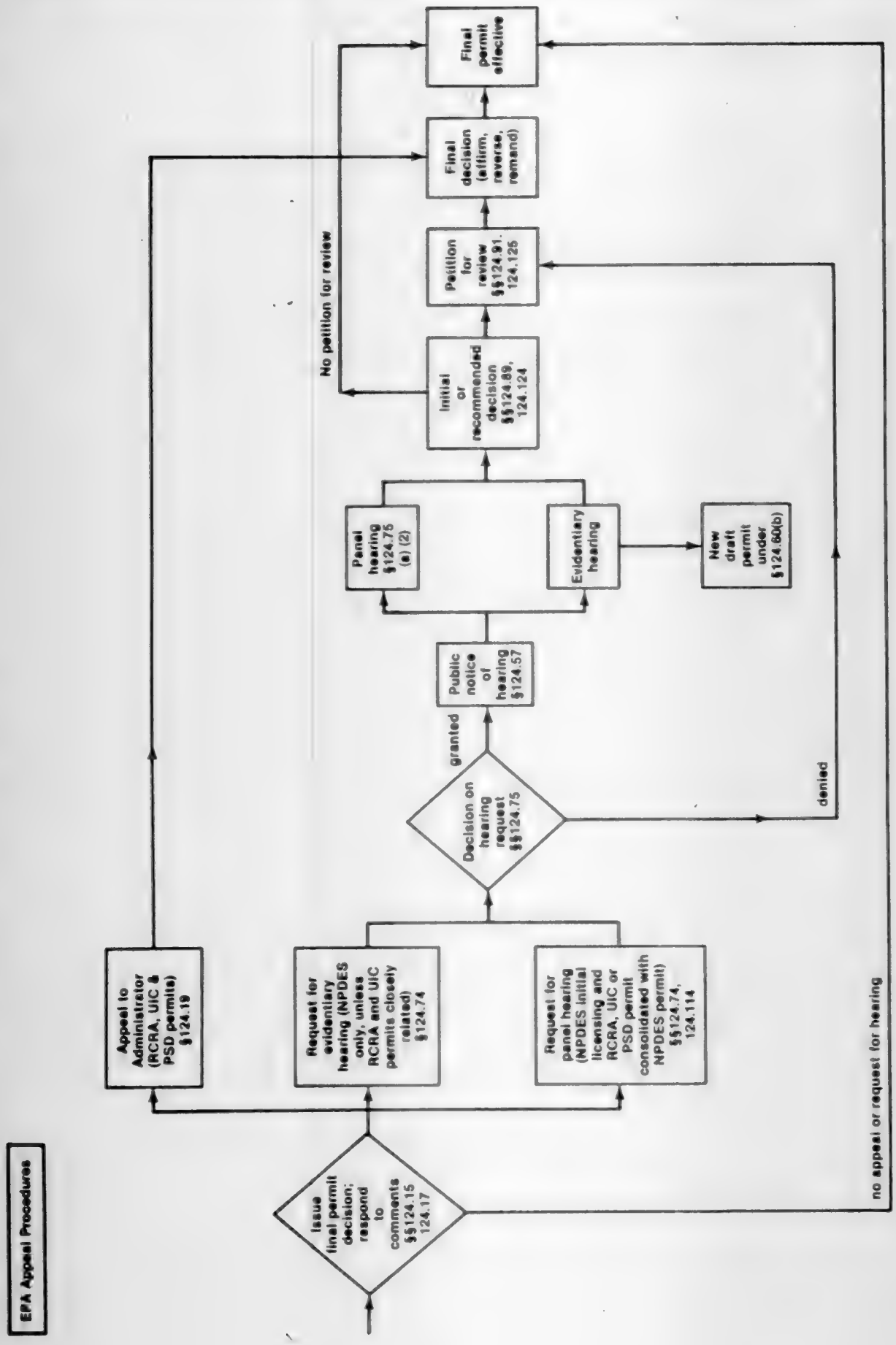

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PART 125—CRITERIA AND STANDARDS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

The cross-references in Part 125 to former Parts 122 and 123 are revised as follows:

§ 125.3 [Amended]

(1) In § 125.3(a), change the reference from § 122.60 to § 122.41; the reference from § 122.61 to § 122.42; and the reference from § 122.62 to § 122.44.

(2) In § 125.3(a)(2), change the reference from § 122.67(d) to § 122.29(d).

(3) In § 125.3(b), change the reference from § 122.53 to § 122.21.

(4) In § 125.3(c), change the reference from §122.53 to §122.21.

(5) In §125.3(g)(4), change the reference from §122.61(a)(1) to § 122.42(a)(1).

§125.30 [Amended]

(6) In § 125.30(b), change the reference from §122.53(i)(1) to § 122.21(l)(1).

§ 125.59 [Amended]

(7) In § 125.59(d), change the reference from §122.5(a)(3) to § 122.6(a)(3).

§ 125.67 [Amended]

(8) In § 125.67, change the reference from § 122.14 to § 122.61.

§ 125.92 [Amended]

(9) In § 125.92, change the reference from § 122.53(j) to § 122.21(m).

§ 125.95 [Amended]

(10) In § 125.95, change the reference from § 122.53(i) to § 122.21(l).

§ 125.104 [Amended]

(11) In § 125.104(c)(2), change the reference from § 122.15 to § 122.62.

PART 146—UNDERGROUND INJECTION CONTROL PROGRAM: CRITERIA AND STANDARDS

The cross-references in Part 146 to former Parts 122 and 123 are revised as follows:

§ 146.01 [Amended]

(1) In § 146.01, change the references from 40 CFR Parts 122 and 123 to 40 CFR Parts 144 and 145.

§ 146.02 [Amended]

(2) In § 146.02, change the reference from 40 CFR Part 122 to 40 CFR Part 144.

§ 146.03 [Amended]

(3) In § 146.03, change the reference from § 122.35(b) to § 144.8(b); the reference from part 122 to Part 144; the reference from Part 123 to Part 145; and the reference from § 122.37 to §§ 144.21–.26 and 144.15.

§ 146.04 [Amended]

(4) In § 146.04, change the reference from § 122.35 to § 144.8.

§ 146.07 [Amended]

(5) In § 146.07, change the reference from § 122.44 to § 144.55.

§ 146.09 [Amended]

(6) In § 146.09, change the reference from § 122.38 to § 144.31 (a), (c), (g); and change the reference from § 123.4(g) to § 144.22(f).

§ 146.10 [Amended]

(7) In § 146.10(d), change the reference from § 122.42(f) to § 144.52(a)(6); and change the reference from § 122.41(e) to § 144.51(n).

§ 146.14 [Amended]

(8) In § 146.14(a)(1), change the reference from § 122.4 to § 144.31; and change the reference from § 122.38(c) to § 144.31(g).

(9) In § 146.14(a)(14), change the reference from § 122.44 to § 144.55.

(10) In § 146.14(a)(16), change the reference from § 122.42(a) to § 144.52(a)(1).

§ 146.15 [Amended]

(11) In § 146.15, change the reference from § 122.18(c)(4)(C)(ii) to § 144.9(b)(2).

(12) In § 146.15(i), change the reference from § 122.41(d) to § 144.51 (l)(6).

§ 146.23 [Amended]

(13) In § 146.23(b)(4), change the reference from § 122.42(e) to § 144.52(a)(5).

§ 146.24 [Amended]

(14) In § 146.24(a)(1), change the reference from § 122.4 to § 144.31; and change the reference from § 122.38(c) to § 144.31(g).

(15) In § 146.24(a)(13), change the reference from § 122.44 to § 144.55.

(16) In § 146.24(a)(14), change the reference from § 122.42(g) to § 144.52(a)(7).

§ 146.25 [Amended]

(17) In § 146.25(a), change the reference from § 122.18(c)(4)(C)(ii) to § 144.9(b)(2).

(18) In § 146.25(a)(8), change the reference from § 122.41(d) to § 144.51(1)(6).

§ 146.34 [Amended]

(19) In § 146.34(a)(1), change the reference from § 122.4 to § 144.31; and change the reference from § 122.38(c) to § 144.31(g).

(20) In § 146.34(a)(15), change the reference from § 122.42(9) to § 144.52(a)(7).

(21) In § 146.34(a)(16), change the reference from § 122.44 to § 144.55.

§ 146.35 [Amended]

(22) In § 146.35, change the reference from § 122.18(c)(4)(C)(ii) to § 144.9(b)(2).

(23) In § 146.35(h), change the reference from § 122.41(d) to § 144.51(1)(6).

§ 146.52 [Amended]

(24) In § 146.52(a), change the reference from § 122.37(c)(1) to § 144.26(a).

Title 40 of the Code of Federal Regulations is further amended as follows:

PART 260—[AMENDED]

§ 260.10 [Amended]

1. Section 260.10 is amended by removing the words "Parts 122" and "Part 123" in the definition of. "Designated facility" and substituting "Parts 270" and "Part 271", respectively.

Appendix I [Amended]

2. Appendix I to Part 260, entitled "Overview of Subtitle C Regulations" is amended by removing the words "Part 122" and substituting "Part 270" in two places under "Hazardous Waste Regulations."

3. Appendix I to Part 260, figure 3, entitled "Special Provisions for Certain Hazardous Waste", is amended by removing the words "Part 122" and substituting Part 270 in the box entitled "It is subject to the following requirements * * *"

4. Appendix I to Part 260, figure 4, entitled "Regulations for Hazardous Waste Not Covered in Diagram 3," is amended by removing the words "Part 122" and substituting "Part 270" under "0/0 who don't qualify for interim status."

PART 261—[AMENDED]

§ 261.1 [Amended]

5. Section 261.1 paragraph (a) is amended by removing the words "Parts 122 through 124" and substituting "Parts 270, 271, and 124".

6. Section 261.1 paragraph (a)(1) is amended by removing the words "Parts 262 through 265 and 122 through 124" and substituting the words "Parts 262 through 265, 270, 271 and 124".

§ 261.4 [Amended]

7. Section 261.4 paragraph (c) is amended by removing the words "Parts 262 through 265 and Parts 122 through

124" and substituting the words "Parts 262 through 265, 270, 271 and 124".

§ 261.5 [Amended]

8. Section 261.5 paragraphs (b), (e), (f), (g)(3)(i) and (g)(3)(ii) are amended by removing the words "Part 122" and substituting the words "Part 270". Paragraph (g)(3)(iii) is amended by removing the words "Part 123" and substituting the words "Part 271".

§ 261.6 [Amended]

9. Section 261.6, paragraph (a) is amended by removing the words "Parts 122 through 124" and substituting the words "Parts 270, 271, and 124". Paragraph (b)(6) is amended by removing the words "Parts 122" and substituting the words "Parts 270".

§ 261.7 [Amended]

10. Section 261.7, paragraph (a)(1) is amended by removing the words "Part 122" and substituting the words "Part 270". Paragraph (a)(2) is amended by removing the words "Parts 122" and substituting the words "Parts 270".

§ 261.20 [Amended]

11. Section 261.20 paragraph (b) is amended by removing the words "Part 122" and substituting the words "Part 270".

§ 261.30 [Amended]

12. Section 261.30 paragraph (c) is amended by removing the words "Part 122" and substituting the words "Part 270".

PART 262—[AMENDED]

§ 262.10 [Amended]

13. Section 262.10 paragraph (d) is amended by removing the words "Parts 122" and substituting the words "Parts 270". The Note at the end of the section is amended by removing the words "Part 122" and substituting the words "Part 270".

§ 262.34 [Amended]

14. Section 262.34 paragraph (b) is amended by removing the words "Part 122" and substituting the words "Part 270".

§ 262.41 [Amended]

15. Section 262.41 paragraph (b) is amended by removing the words "Part 122" and substituting the words "Part 270".

§ 262.50 [Amended]

16. Section 262.50 is amended by removing the words "Part 123" from the Note, and substituting the words "Part 271".

§ 262.51 [Amended]

17. Section 262.51 is amended by removing the words "Part 122" and substituting the words "Part 270".

PART 263—[AMENDED]

§ 263.12 [Amended]

18. Section 263.12 is amended by removing the words "Parts 122," and substituting the words "Parts 270".

PART 264—[AMENDED]

§ 264.1 [Amended]

19. Section 264.1 paragraphs (c) and (e) are amended by removing the words "Part 122" and substituting the words "Part 270".

20. Section 264.1 paragraph (d) is amended by removing the words "§ 122.45" and substituting the words"§ 144.14".

21. Section 264.1 paragraph (f) is amended by removing the words "Subparts A and B of Part 123" and substituting the words "Subpart A of Part 271," and by removing the words "Subpart F of Part 123" and substituting the words "Subpart B of Part 271".

§ 264.3 [Amended]

22. Section 264.3 is amended by removing the words "§ 122.23" and substituting the words "§ 270.70". The comment is amended by removing the words "Parts 122" and substituting the words "Parts 270".

§ 264.12 [Amended]

23. Section 264.12 paragraph (c) is amended by removing the words "Part 122" and substituting the words "Part 270".

§ 264.13 [Amended]

24. Section 264.13 paragraph (a)(1) is amended by removing the words "Part 122, Subparts A and B" and substituting the words "Part 270". The comment is amended by removing the words "Part 122 Subpart B" and substituting the words "Part 270".

§ 264.14 [Amended]

25. Section 264.14 is amended by removing the words "Part 122, Subpart B" from the comment after paragraph (a)(2), and substituting the words "Part 270".

§ 264.15 [Amended]

26. Section 264.15 is amended by removing the words "Part 122 Subpart B" from the comment after paragraph (b)(4), and substituting the words "Part 270".

§ 264.16 [Amended]

27. Section 264.16 is amended by removing the words "Part 122, Subpart B" from the comment after paragraph (a)(1) and substituting the words "Part 270".

§ 264.18 [Amended]

28. Section 264.18 is amended by removing the words "§ 122.25(a)(11)" in the comment after paragraph (a) and substituting the words "§ 270.14(b)(11)". The comment after paragraph (b)(1) is amended by removing the words "Part 122", "Part 123", and "Parts 122" and substituting the words "Part 270", "Part 271", and "Parts 270", respectively.

§ 264.32 [Amended]

29. Section 264.32 is amended by removing the words "Part 122, Subpart B" from the comment after paragraph (d), and substituting the words "Part 270".

§ 264.35 [Amended]

30. Section 264.35 is amended by removing the words "Part 122, Subpart B" from the comment and substituting the words "Part 270".

§ 264.93 [Amended]

31. Section 264.93 paragraph (c) is amended by removing the words "§ 122.35" and substituting the words "§ 144.8".

§ 264.94 [Amended]

32. Section 264.94 paragraph (c) is amended by removing the words "§ 122.35" and substituting the words "§ 144.8".

§ 264.112 [Amended]

33. Section 264.112 paragraph (a) is amended by removing the words "§ 122.25(a)(13)" and substituting the words "§ 270.14(b)(13)".

34. Section 264.112 paragraph (a)(2) is amended by removing the words "122.17" and substituting the words "§ 270.42". The comment after paragraph (b) is amended by removing the words "§ 122.17(c)" and substituting the words "§ 270.42(c)".

§ 264.113 [Amended]

35. Section 264.113 is amended by removing the words "§ 122.17" and substituting the words "§ 270.42".

§ 264.118 [Amended]

36. Section 264.118 paragraph (a) is amended by removing the words "§ 122.25(a)(13)" and substituting the words "§ 270.14(b)(13)", and by removing the words "§ 122.29" and substituting the words "§ 270.32".

§ 264.272 [Amended]

37. Section 264.272 paragraph (b) is amended by removing the words to

"§ 122.27(c)" and substituting the words "§ 270.63".

§ 264.340 [Amended]

38. Section 264.340 paragraph (c) is amended by removing the words to "§ 122.27(b)" and substituting the words "§ 270.62".

§ 264.341 [Amended]

39. Section 264.341 paragraph (a) is amended by removing the words "§ 122.27(b)" and substituting the words "§ 270.62", by removing the words "§ 122.27(b)(2) and substituting the words "§ 270.62(b)", and by removing the words "§ 122.25(b)(5)" and substituting the words "§ 270.19".

§ 264.342 [Amended]

40. Section 264.342 paragraph (b)(2) is amended by removing the words "§ 122.27(b)" and substituting the words "§ 270.62".

§ 264.343 [Amended]

41. Section 264.343 paragraph (d) is amended by removing the words "§ 122.15" and substituting the words "§ 270.41".

§ 264.344 [Amended]

42. Section 264.344 paragraph (a)(1) is amended by removing the words "§ 122.27(b)" and substituting the words "§ 270.62".

43. Section 264.344 paragraph (b) is amended by removing the words "§ 122.25(b)(5)" and substituting the words "§ 270.19".

44. Section 264.344 paragraph (c)(4) is amended by removing the words "§ 122.25(b)(5)(iii)" and substituting the words "§ 270.19(c)".

PART 265—[AMENDED]

§ 265.1 [Amended]

45. Section 265.1 paragraph (b) is amended by removing the words "§ 122.22" and substituting the words "§ 270.10". The comment after paragraph (b) is amended by removing the words "Part 122" and substituting the words "Part 270". The comment after paragraph (c)(3) is amended by removing the words "§ 122.45" and substituting the words "§ 144.14".

46. Section 265.1 paragraph (c)(4) is amended by removing the words "Subparts A and B or Subpart F of Part 123" and substituting the words "Subparts A or B of Part 271".

§ 265.12 [Amended]

47. Section 265.12 paragraph (b) is amended by removing the words "Part 122" and substituting the words "Part 270", and by removing the words "§ 122.23(c)" and substituting the words "§ 270.72".

§ 265.147 [Amended]

48. Section 265.147 paragraphs (d) and (e) are amended by removing the words "§ 122.15(a)(5)" and substituting the words "§ 270.41".

§ 265.276 [Amended]

49. Section 265.276 is amended by removing the words "§ 122.23(c)(3)" from the comment after paragraph (a) and substituting words "§ 122.72(c)".

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April 1, 1983

Part III

Department of Labor

Employment Standards Administration,
Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California: CA82-5116	Aug. 20, 1982
District of Columbia, Maryland & Virginia: DC82-3031	Nov. 12, 1982
Maryland: MD82-3036	Dec. 10, 1982
Mississippi: MS82-1052	Oct. 1, 1982.
Idaho: ID82-5128	Nov. 26, 1982
Illinois:	
IL83-2014	Mar 4, 1983
IL83-2011	Feb. 18, 1983
Kansas:	
KS83-4015	Feb. 4, 1983
KS83-4014	Do.
KS83-4013	Do.
KS83-4009	Do.
New York: NY81-3034	June 5, 1981
Ohio:	
OH83-2006	Feb. 11, 1983
OH83-2010	Do.
OH83-2013	Feb. 25, 1983
Oregon: OR83-5100	Feb. 18, 1983
West Virginia: WV83-3000	Mar. 11, 1983
Washington: WA82-5117	Aug. 13, 1982
Wisconsin:	
WI82-2023	Apr. 9, 1982
WI82-2022	Do.
WI82-2021	Mar 19, 1982
WI82-2024	Apr 9, 1982
WI82-2020	Mar 26, 1982
Missoun: MO83-4021	Mar. 18, 1983

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:	
FL79-1116(FL83-1017)	Aug. 17, 1979
FL82-1032(FL83-1016)	June 25, 1982.
Massachusetts: MA82-3005(MA83-3004)	Apr. 30, 1982
Minnesota: MN81-2029(MN83-2026)	June 19, 1981
Mississippi: MS82-1068(MS83-1015)	Oct. 15, 1982
Nebraska: NE82-4004(NE83-4025)	Jan. 29, 1982

Cancellation of General Wage Determination Decision

The general wage decision listed below is cancelled. Agencies with

construction projects pending to which the cancelled decision would have been applicable should utilize the project determination procedure by submitting Form SF–308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR,1.7(b)(2), the incorporation of the cancelled decision in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected.

IA81–4025—Story County, Iowa dated April 17, 1981 in 46 FR 22546—Building Construction.

Signed at Washington, D.C. this 25th day of March 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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MODIFICATION PAGE 1

DECISION NO. CA82-5118 - Mod. #7
(47 FR 36513-August 20, 1982)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Area 9	$23.11	$4.47+ 3%
Line Construction:		
Area 1:		
Lineman	21.26	3.65+ 4%
Cable Splicers	21.56	3.65+ 4%
Area 8:		
Groundman	18.38	4.47+ 3%
Lineman; Equipment Operators	23.11	4.47+ 3%
Cable Splicers	26.96	4.47+ 3%
Soft Floor Layers:		
Area 2	18.17	4.05

DECISION NO. DC82-3031-Mod #3
(47 FR 51304-November 12, 1982)
District of Columbia; Maryland-Montgomery & Prince Georges Counties; & DC Training School; Virginia-Independent City of Alexandria, Arlington, & Fairfax Counties.

CHANGE:		
LABORERS (HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINE CONSTRUCTION PROJECTS-COMPRESSED AIR RATES)		
GUAGE PRESSURE POUNDS		
1-14	$15.69	1.73
14-18	16.27	1.73
18-22	16.83	1.73
22-26	17.42	1.73
26-32	17.99	1.73
32-38	18.56	1.73
38-44	19.14	1.73

DECISION NO. MD82-3036 - MOD. #1
(47 FR 55588-Dec. 10, 1982)
HARFORD COUNTY, MARYLAND

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BRICKLAYERS	14.78	2.07

DECISION NO. MS82-1052 - MOD. #1
(October 1, 1982 -- 47 FR 43523)
Hancock, Harrison, Jackson, & Pearl River Counties in MISSISSIPPI
Building Construction

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Heat & Frost Insulators & Asbestos Workers:		
Harrison & Jackson Counties	$ 14.90	2.43+ a
Hancock & Pearl River Counties	10.70	
Ironworkers, Structural Ornamental, & Reinforcing:		
Jackson Co. & eastern 1/3 of Harrison Co. (including Biloxi, Keesler AFB, & towns of HOwison & Success)	14.08	1.47
POWER EQUIPMENT OPERATORS:		
Cherry Picker	12.98	.95
Forklift	12.98	.95
Mechanic	13.48	.95

MODIFICATION PAGE 2

DECISION NO. ID82-5128 - Mod. #4
(47 FR 53612 - November 26, 1982
Statewide, Idaho

	Basic Hourly Rates	Fringe Benefits
Change:		
Line Construction:		
Area 1: - Zone 1:		
Group 1: Cable Splicers, Lineman Pole Sprayer	$19.93	$2.75+ 3%
Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	18.01	2.75+ 3%
Group 3:* Tree Trimmer	16.25	2.75+ 3%
Group 4: Line Equipment Man	15.51	2.05+ 3%
Group 5: Head Groundman, Powderman, Jackhammer Man	13.56	2.05+ 3%
Group 6:* Head Groundman (Chimper)	13.56	2.05+ 3%
Group 7: Groundman	12.74	2.05+ 3%
Zone Differential (add to Zone 1 Rate:		
Zone 2 - $2.40		
Zone 3 - 3.15		
Zone 4 - 3.90		
Zone 5 - 5.15		
Fringe Benefits - same as Zone 1:		
*Groups 3 and 6 receive Zone 1 rates ONLY (no Zone Differential)		

Zone Definitions:
Zone 1: 0 to 3 miles radius from the geographical center of Tacoma, Seattle, Medford, and Portland
Zone 2: 0 to 20 miles radius from the geographical center of Couer D'Alene, Kellogg, Lewiston, Orofino, Sandpoint.
NOTE: Zones 3 to 5: Same as in originally issued in the Decision

MODIFICATION PAGE 3

DECISION NO. IL83-2014 - MOD. #2

MODIFICATION PAGE 4

DECISION NO. IL83-2011 - MOD. #3
(48 FR 7368 - February 18, 1983)
Cook County, Illinois

Omit:

DECISION NO. IL83-2014 - MOD. #2
(48 FR 9432 - March 4, 1983)
Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry, & Will Counties, Illinois

OMIT: POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits
ADD:		
Power Eqmipment Operators:		
CLASS 1	$16.75	$4.50
CLASS 2	16.20	4.50
CLASS 3	15.10	4.50
CLASS 4	13.80	4.50
CLASS 5	12.65	4.50

Basic Hourly Rates	Fringe Benefits

CLASS 1: Asphalt Plant; Asphalt Heater & Planer Combination; Asphalt Spreader; Autograder; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front End Loader Machine (1 cu. yd. & over); Concrete Breaker (truck mounted);Concrete Conveyor;Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes Hammerhead, Linden, Peco & Machines of a like nature; Creter Crane; Derricks; Derrick Boats; Derricks, Traveling; Dredges; Field Mechanic-Welder; Formless Curb & Gutter Machine; Gradall & Machines of a like nature; Grader, elevating; Grader, Motor Grader,Motor Patrol,Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Truck mounted; Hoists, 1, 2, & 3 drum; Locomotives; Mucking Machine; Piledriver & Skid Rig; Pre-stress Mach;Pump Crete Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck mounted;Roto Mill Grinder;Slip Form Paver; Soil Test Drill Rig (Truck mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Tractor Drawn Belt Loader with or w/o attach. Pusher; Tractor with Boom; Tractaire with attachments; Trenching Machine; Truck Mounted Concrete Pump w/Boom;Raised or Blind Hole (tunnel shaft) Drill; Underground Boring and/or Mining Machines 5' in diameter & over tunnel, etc.; Underground Boring and/or Mining Machines under 5'; Wheel Excavator; & Widener (Adseo)

CLASS 2: Batch Plant; Bituminous Mixer; Bobcats (over 3/4 cu. yd.); Boiler & Throttle Valve; Bulldozers; Car Loader Trailing Conveyors; Combination Backhoe Front End Loader Machine(less than 1 cu. yd.); Compressor & Throttle Valve; Concrete Breaker or Hydrohammer; Concrete Grinding Machine; Concrete Mixer or Paver 7S series to & inclu. 27 cu.ft;Concrete Spreader; Concrete Curing Machine; Burlap Machine; Belting Machine & Sealing Machine; Finishing Mach.-Concrete; Greaser Engineer; Highlift Shovels or Front End Loader; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (all attachments); Locomotives, Dinky; Pumpcretes; Squeeze Cretes - Screw type Pumps, Gypsum Bulker & Pump; Roller,Asphalt,Rotary Snow Plows;Rototiller, Seaman, etc., self-propelled; Scoops - Tractor Drawn; Self-propelled Compactor Spreader - Chip - Stone, etc.; Scraper; Scraper - Prime mover in Tandem (add $1.00 for each hour & each machine attached thereto); Tank Car Heater; Tractors, Push, Pulling Sheeps Foot, Disc, Compactor, etc.; & Tug Boats

CLASS 3: Boilers; Brooms (all power propelled); Cement Supply Tender; Concrete Mixer(2 bag & Over); Conveyor, Portable; Farm-type Tractors used for mowing, seeding, etc.; Firemen on Boilers; Forklift trucks; Grouting Machine; Hoists, Automatic; Hoists, all Elevators;Hoists, Tugger Single Drum; Jeep Diggers; Pipe Jacking Machines; Post Hole Digger;Power Saw,Concrete Power Driven; Pug Mills; Rollers, other than Asphalt; Steam Generators; Stone Crushers;Stump Machine; Winch Trucks with "A" Frame; Work Boats; & Tamper - Form-Motor Driven

CLASS 4: Air Compressor; Asphalt Spreader Backend Man; Combination - small equipment op.: Generators; Heaters, Mechanical; Light Plants, (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Tractaire; Welding Machines (2 through 5); Winches, 4-small electric drill winches; & Bobcats (up to and inclu. 3/4 cu. yd.)

CLASS 5: Oilers

DECISION NO. IL83-2011 - MOD. #3
(48 FR 7368 - February 18, 1983)
Cook County, Illinois

Omit:
Power Equipment Operators

Add:
Power Equipment Operators
Building & Residential Construction

	Basic Hourly Rates	Fringe Benefits
CLASS 1	$17.10	$4.50
CLASS 2	15.80	4.50
CLASS 3	14.20	4.50
CLASS 4	12.60	4.50

Basic Hourly Rates	Fringe Benefits

CLASS 1: Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Benoto; Boiler & Throttle Valve; Caisson Rigs; Central Redi-mix Plant; Combination Back Hoe Front Endloader Machine; Compressor and Throttle Valve; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver; Concrete Placer; Concrete Pump (truck mounted); Concrete Tower; Cranes; Cranes, Hammerhead; Creter Crane; Derricks; Derricks, traveling; Grader, elevating; Grouting Mach.; Highlift Shovels or Front Endloader, 2½ yards and over; Hoists, 1, 2, and 3 drum; Hoists, 2 tugger 1 floor; Hydraulic Boom Trucks; Locomotives; Mechanic; Motor Patrol; Pile Drivers and Skid Rig; Post Hole Digger; Pre-stress Machine; Pump Cretes Dual Ram; Pump Cretes; Squeeze Cretes - Screw Type Pumps, Gypsum Bulker and Pump; Rock Drill (Self-propelled); Rock Drill (truck mounted); Scoops, Tractor Drawn; Slip Form Paver; Straddle Buggies; Tournapull; Tractor with boom, and Side Boom; Trenching Machines

CLASS 2: Bobcat (over 3/4 cu. yd.); Boilers; Brick Forklift; Broom, Power prop.,Bulldozers Concrete Mixer (2 bag & over); Conveyor, Portable; Forklift Trucks; Greaser Engr;Highlift Shovels or Front Endloaders, under 2½ yds.; Hoists, automatic; Hoist Elevators;Hoist,Sewer dragging Machine; Hoists, Tugger single drum; Rollers; Steam Generators; Stone Crushers; Tractors; Tractor drawn Vibratory Roller (receives an additional $.50 per hr);Winch Trucks with "A" Frame

CLASS 3: Air Compressor; Combination, small equipment operators; Generators; Heaters, Mechanical; Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 small electric drill winches; Bobcat (up to & including 3/4 cu. yd.); Brimk Forklift

CLASS 4: Oilers

Sewer, Heavy & Highway Construction

	Basic Hourly Rates	Fringe Benefits
CLASS 1	$16.75	$4.50
CLASS 2	16.20	4.50
CLASS 3	15.10	4.50
CLASS 4	13.80	4.50
CLASS 5	12.65	4.50

Basic Hourly Rates	Fringe Benefits

CLASS 1: Asphalt Plant; Asphalt Heater & Planer Combination; Asphalt Spreader; Autograder; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front End Loader Machine (1 cu. yd. & over); Concrete Breaker (truck mounted);Concrete Conveyor;Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes,

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MODIFICATION PAGE 5

DECISION NO. IL83-2011 (Cont'd)

Hammerhead, Linden, Paco & Machines of a like nature; Crater Crane; Derricks; Derrick Boats; Derricks, Traveling; Dredges; Field Mechanic-Welder; Formless Curb & Gutter Mach; Gradeall & Machines of a like nature; Grader, elevating; Grader, Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Truck mounted; Hoists 1, 2, & 3 drum; Locomotives; Mucking Machine; Piledriver & Skid Rig; Pre-stress Mach; Pump Cretes Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck mounted; Roto Mill Grinder; Slip Form Paver; Soil Test Drill Rig (Truck mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Tractor Drawn Belt Loader with or w/o attach. Pusher; Tractor w/Boom; Tractaire with attachments; Trenching Machine; Truck Mounted Concrete Pump w/Boom; Raised or Blind Hole (tunnel shaft) Drill; Underground Boring and/or Mining Machines 5' in diameter & over tunnel, etc.; Underground Boring and/or Mining Machines under 5'; Wheel Excavator; & Widener (Apsco)

CLASS 2: Batch Plant; Bituminous Mixer; Bobcats (over 3/4 cu. yd.); Boiler & Throttle Valve; Bulldozers; Car Loader Trailing Conveyors; Combination Backhoe Front End Loader Mach. (less than 1 cu. yd.); Compressor & Throttle Valve; Concrete Breaker or Hydrohammer; Concrete Grinding Machine; Concrete Mixer or Paver 7S series to & inclu. 27 cu.ft.; Concrete Spreader; Concrete Curing Machine; Burlap Machine; Belting Machine & Sealing Machine; Finishing Mach.-Concrete; Greaser Engineer; Highlift Shovels or Front End Loader; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (all attachments); Locomotives, Dinky; Pumpcretes: Squeeze Cretes - Screw type Pumps, Gypsum Bulker & Pump; Roller, Asphalt; Rotary Snow Plows; Rototiller Seaman, etc., self-propelled; Scoops - Tractor Drawn; Self-propelled Compactor Spreader - Chip - Stone, etc.; Scraper; Scraper - Prime mover in Tandem (add $1.00 for each hour & each machine attached thereto); Tank Car Heater; Tractors, Push, Pulling Sheeps Foot, Disc, Compactor etc.; & Tug Boats

CLASS 3: Boilers; Brooms (all power propelled); Cement Supply Tender; Concrete Mixer (2 Bag & Over); Conveyor, Portable; Farm-type Tractors used for mowing, seeding, etc.; Fireman on Boilers; Forklift trucks; Grouting Machine; Hoists, Automatic; Hoists, all Elevators; Hoists, Tugger Single Drum; Jeep Diggers; Pipe Jacking Machines; Post Hole Digger; Power Saw, Concrete, Power Driven; Pug Mills; Rollers, other than Asphalt; Steam Generators; Stone Crushers; Stump Machine; Winch Trucks with "A" Frame; Work Boats; & Tamper - Form-Motor Driven

CLASS 4: Air Compressor; Asphalt Spreader Backend Man; Combination - small equipment op; Generators; Heaters, Mechanical; Light Plants, (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Tractaire; Welding Machines (2 through 5); Winches, 4-small electric drill winches; & Bobcats (up to and inclu. 3/4 cu. yd.)

CLASS 5: Oilers

MODIFICATION PAGE 6

DECISION #KS83-4015-Mod.#1 (48 FR 5443 February 4, 1983) Douglas, Jefferson, Shawnee, Miami & Leavenworth Cos.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters:		
Zone 1	$12.10	$1.80
Zone 2	16.05	2.67
Zone 3	15.04	1.80
Cement Masons:		
Zone 2	12.50	1.05
Zone 3	12.20	1.05
Electricians:		
Zone 1	16.18	10% + 2.51
Ironworkers	16.25	4.25
Laborers:		
Zone 2		
Group 1	8.80	2.30
Group 2	8.95	2.30
Group 3	9.05	2.30
Group 4	9.20	2.30
Laborers:		
Zone 3		
Group 1	9.05	2.05
Group 2	9.20	2.05
Group 3	9.30	2.05
Group 4	9.45	2.05
Laborers:		
Zone 1 and 4		
Group 1	8.00	2.30
Group 2	8.15	2.30
Group 3	8.25	2.30
Group 4	8.40	2.30
Power Equipment Operators:		
Zone 3: Douglas & Shawnee Cos.		
Group 1	12.87	2.70
Group 2	12.62	2.70
Group 3	12.37	2.70
Group 4	12.02	2.70
Group 4A	12.12	2.70
Power Equipment Operators:		
Zone 1: Leavenworth Co.		
Group 1	14.00	3.77
Group 2	13.75	3.77
Group 3	13.05	3.77
Group 4		
A	9.03	3.77
B	12.05	3.77
lectricians:		
Zone 2	16.05	3%+2.13
Truck Drivers:		
Zone 1: Leavenworth & Miami Counties		
Group 1	12.66	3.50
Group 2	12.86	3.50
Group 3	13.17	3.50
Group 4	13.32	3.50
Group 5	12.44	3.50
Truck Drivers:		
Zone 2: Douglas, Jefferson, & Shawnee Counties		
Group 1	10.20	1.20
Group 2	10.30	1.20
Group 3	10.45	1.20

DECISION #KS83-4014-Mod.#2 (48 FR 5441-February 4, 1983) Sedgwick County	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayers; Stonemasons	$13.90	$1.78
Carpenters	13.40	1.08
Millwrights & Piledrivermen	13.70	1.08
Glaziers	12.90	4.53
Ironworkers	15.29	1.14
Laborers (building)		
Group 1	9.00	2.30
Group 2	9.20	2.30
Power Equipment Operators:		
Cranes with lifting ring	14.55	3.57
Cranes with shovels-100 ft. of boom or over including jib or 30 tons or over or 2 yd. capacity, three (3) drum hoist	13.80	3.57
Cranes and shovels-boom 200 ft. and over four (4) drum hoist, Frankie-type pile driving machines, and tower cranes and derricks	14.05	3.57
Group I	13.55	3.57
Group II	13.15	3.57
Group III		
Class A	11.50	3.57
Class B	11.75	3.57
Group IV		
Class A	10.95	3.57
Class B	11.20	3.57

MODIFICATION PAGE 7

DECISION #KS83-4013-Mod.#2	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayers; Stonemasons	$13.90	$1.78
Carpenters	13.40	1.08
Millwrights & Piledrivermen	13.70	1.08
Glaziers	12.90	4.53
Ironworkers	15.29	1.14
Laborers (building)		
Group 1	9.00	2.30
Group 2	9.20	2.30
Power Equipment Operators:		
Cranes with lifting ring	14.55	3.57
Cranes with shovels-100 ft. of boom or over including jib or 30 tons or over or 2 yd. capacity, three (3) drum hoist	13.80	3.57
Cranes and shovels-boom 200 ft. and over four (4) drum hoist, Frankie-type pile driving machines, and tower cranes and derricks	14.05	3.57
Group I	13.55	3.57
Group II	13.15	3.57
Group III		
Class A	11.50	3.57
Class B	11.75	3.57
Group IV		
Class A	10.95	3.57
Class B	11.20	3.57

DECISION #KS83-4009-Mod.#3	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayers; Stonemasons	$13.90	$1.78
Carpenters	13.40	1.08
Millwrights & Piledrivermen	13.70	1.08
Glaziers	12.90	4.53
Ironworkers	15.29	1.14
Laborers (building)		
Group 1	9.00	2.30
Group 2	9.20	2.30
Power Equipment Operators:		
Cranes with lifting ring	14.55	3.57
Cranes with shovels-100 ft. of boom or over including jib or 30 tons or over or 2 yd. capacity, three (3) drum hoist	13.80	3.57
Cranes and shovels-boom 200 ft. and over four (4) drum hoist, Frankie-type pile driving machines, and tower cranes and derricks	14.05	3.57
Group I	13.55	3.57
Group II	13.15	3.57
Group III		
Class A	11.50	3.57
Class B	11.75	3.57
Group IV		
Class A	10.95	3.57
Class B	11.20	3.57

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DECISION #KS83-4013-Mod.#2 (48 FR 5446-February 4, 1983) Shawnee County	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayers, Stonemasons	$15.79	$ .95
Carpenters (Building)		
Carpenters	13.65	1.50
Millwright	14.15	1.50
Piledrivermen	14.025	1.50
Carpenters - Residential	10.94	1.50
Cement Masons	12.60	1.05
Glaziers (Building)	12.83	5.54
Ironworkers	16.25	4.25
Laborers (Building and Residential)		
Group 1	9.65	2.30
Group 2	9.85	2.30
Group 3	9.95	2.30
Group 4	10.05	2.30
Painters (Building)		
Brush,Drywall,Tapers	13.25	.98
Spray & Sandblast	13.75	.98
Painters (Residential)	10.00	.98
Plasterers	15.70	.01
Truck Drivers (Building & Residential)		
Class 1	11.32	1.2[illegible]
Class 2	11.42	1.20
Class 3	11.67	1.20
Class 4	11.82	1.20
Electricians (Building)	16.05	3%+2.13
Cable Splicers (Building)	17.665	3%+2.13
Power Equipment Operators:		
Cranes with lifting ring	14.75	3.77
Cranes & shovels 100 ft. of boom or over including jib or 30 tons or over 2 yd. capacity, three (3) drum hoist	14.0[illegible]	3.77
Cranes & shovels-booms 200 ft. & over four (4) drum hoist,Franki-type pile driving machines, and tower cranes & derricks	1[illegible].[illegible]5	3.77
Group I	13.75	3.77
Group II	13.35	3.77
Group III		
Class A	11.55	3.77
Class B	11.80	3.77
Group IV		
Class A	11.00	3.77
Class B	11.25	3.77

DECISION #KS83-4060-Mod.#3 (48 FR 5448-February 4, 1983) Leavenworth County	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters	$16.05	$2.67
Millwrights & Pile-drivermen	16.05	2.67
Lathers	16.05	2.67
Electricians		
Zone 1: Deleware,Kickapoo,High Prairie & Leavenworth Townships	16.18	10 + 2.51
Ironworkers	16.25	4.25
Laborers (Bldg. Construction)		
Group 1	9.50	2.05
Group 2	9.70	2.05
Group 3	9.80	2.05
Group 4	9.90	2.05
Line Construction		
Zone 2 (Remainder of Leavenworth County)		
Lineman	18.28	3-1.2[illegible] +1.06
Lineman Operator	17.02	3-1.[illegible] +1.06
Groundman Powderman	12.68	3-1.2[illegible] 1.06
Groundman	12.05	3-1/2[illegible] 1.06
Painters:		
Brush, Roller, Tapers	16.49	1.55
Spray	17.49	1.55
Electricians		
Zone 2		
Remainder of county	16.05	3%+2.13

DECISION NO. NY81-3034 - MOD. #3 (46 FR 30771 - June 5, 1981) ONEIDA, NEW YORK	Basic Hourly Rates	Fringe Benefits
CHANGE:		
IRONWORKERS		
Structural, Ornamental, Reinforcing, Machine mover, Rigger, Fence Erector and Stone		
Derrickman	13.75	2.75
Sheeter	14.00	2.75
Sheeter, bucker-up	13.875	2.75
POWER EQUIPMENT OPERATORS (HEAVY AND HIGHWAY.:		
GROUP 1	15.19	3.[illegible]0+a
GROUP 2	14.69	3.[illegible]0+a
GROUP 3	13.26	3.[illegible]0+a
GROUP 4	12.00	3.[illegible]0+a

DECISION NO. OH83-2006 - MOD. #1 (48 FR 6459 - February 11, 1983) Statewide, Ohio	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Area 11	$17.1[illegible]	$3.42
Line Construction:		
Area 9:		
Cable Splicers	15.99	3.37
Linemen	17.10	3.42
Line Equipment Operators	14.84	3.31
Groundmen; Truck Drivers	11.24	3.14

DECISION NO. OH83-2015 - MOD. #3 (48 FR 6469 - February 11, 1983) Adams, Allen, ... Wood & Wyandot Counties, Ohio	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Carroll (N½ incl. Fox, Harrison, Rose & Washington Twps.), Columbiana (Knox Twp.), Holmes, Tuscarawas (N. of Auburn, Clay, Rush, & York Twps.), & Wayne (N. of Bauchman, Chester, Green & Wayne Twps.) Cos.	17.10	3.42
Line Construction:		
Carroll (N½ incl. Fox, Harrison, Rose & Washington Twps.), Columbiana (Knox Twp.), Holmes, Tuscarawas (N. of Auburn, Clay, Rush, & York Twps.), & Wayne (N. of Bauchman, Chester, Green & Wayne Twps.) Cos.:		
Cable Splicers	15.99	3.37
Line Equipment Operators	14.84	3.31
Groundmen; Truck Drivers	11.24	3.14
Linemen	17.10	3.42

DECISION NO. OH83-2013 - MOD. #1 (48 FR 6430 - February 25, 1983) Ashtabula, Cuyahoga, Lake, Lorain, Portage, Stark, & Summit Counties, Ohio	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Stark Co.:		
Commercial Building	$17.10	$3.42
Line Construction:		
Stark Co.:		
Cable Splicers	15.99	3.37
Linemen	17.10	3.42
Truck Drivers; Groundmen	11.24	3.14
Line Equipment Operators	14.84	3.31

DECISION NO. OR83-5100 - Mod. #1
(48 FR 7379 - February 18, 1983)
Statewide, Oregon

MODIFICATION PAGE 9

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Area 3:		
Electricians	$19.05	$4.35+ 3%
Cable Splicers	20.95	4.35+ 3%
Area 6:		
Electricians	19.06	3.42+ 3%
Cable Splicers	20.98	3.42+ 3%
Elevator Constructors:		
Mechanics	20.13	2.69+ a
Helpers	70%JR	2.69+ a
Probationary Helpers	50%JR	
Line Construction:		
Area 1:		
Group 1: Cable Splicers, Lineman Pole Sprayer	19.93	2.75+ 3%
Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	18.01	2.75+ 3%
Group 3:* Tree Trimmer	16.25	2.75+ 3%
Group 4: Line Equipment Man	15.51	2.05+ 3%
Group 5: Head Groundman, Powderman, Jackhammer Man	13.56	2.05+ 3%
Group 6:* Head Groundman (Chipper)	13.56	2.05+ 3%
Group 7: Groundman	12.74	2.05+ 3%
Zone Differential (add to Zone 1 Rate: Zone 2 - $2.40 Zone 3 - 3.15 Zone 4 - 3.90 Zone 5 - 5.15 Fringe Benefits - same as Zone 1 Groups 3 and 6 receive Zone 1 rate Only (no zone differential)		

	Basic Hourly Rates	Fringe Benefits
Zone Definitions: Zone 1: 0 to 3 miles radius from the geographical center of Tacoma, Seattle, Medford, and Portland Zone 2: 0 to 20 miles radius from the geographical center of Astoria, Baker, Burns, Bend, Corvallis, Eugene, Klamath Falls, Lakeview, Pendleton, Salem, Roseburg, The Dalles, Umatilla NOTE: Zones 3 to 5: Same as originally issued in the Decision		

DECISION NO. WV83-3030
MOD. #1
(48 FR 10585 - March 11, 1983)
Statewide, West Virginia

	Basic Hourly Rates	Fringe Benefits
OMIT:		
LABORERS:		
HEAVY CONSTRUCTION GROUP 6	$10.92	2.15

DECISION NO. WA82-5117 - Mod. #8
(47 FR 35433 - August 13, 1982)
Statewide, Washington

MODIFICATION PAGE 10

	Basic Hourly Rates	Fringe Benefits
Change:		
Line Construction:		
Zone 1:		
Group 1: Cable Splicers, Lineman Pole Sprayer	$19.93	$2.75+ 3%
Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	18.01	2.75+ 3%
Group 3:* Tree Trimmer	16.25	2.75+ 3%
Group 4: Line Equipment Man	15.51	2.05+ 3%
Group 5: Head Groundman, Powderman, Jackhammer Man	13.56	2.05+ 3%
Group 6:* Head Groundman (Chipper)	13.56	2.05+ 3%
Group 7: Groundman	12.74	2.05+ 3%
Zone Differential (add to Zone 1 Rate: Zone 2 - $2.40 Zone 3 - 3.15 Zone 4 - 3.90 Zone 5 - 5.15 Fringe Benefits - same as Zone 1: *Groups 3 and 6 receive Zone 1 rates ONLY (no Zone Differential)		

	Basic Hourly Rates	Fringe Benefits
Zone Definitions Zone 1: 0 to 3 miles radius from the geographical center of Tacoma, Seattle, Medford, and Portland Zone 2: 0 to 20 miles radius from the geographical center of Bellingham, Ellenburg, Ephrata, Everett, Kennewick, Longview, Olympia, Spokane, Walla Walla, Wenatchee, Yakima, Wilbur NOTE: Zones 3 to 5 - Same as originally issued in the Decision		

MODIFICATION PAGE 11

DECISION NO. WI82-2023 -
Mod. #1

	Basic Hourly Rates	Fringe Benefits

MODIFICATION PAGE 12

DECISION #WI82-2024-Mod.#3

	Basic Hourly Rates	Fringe Benefits

DECISION NO. WI82-2022 - Mod. #1 (47 FR-15510-April 9,1982) Milwaukee,Ozaukee,Waukesha, and Washington Cos., Wisconsin	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers	$16.50	2.70
Boilermakers	16.12	2.825
Bricklayers	14.82	4.09
Carpenters	14.30	3.89
Millwrights	16.44	3.86
Piledrivermen	15.27	3.80
Cement Masons	13.39	3.84
Electricians	16.11	1.88+ 15%
Elevator Mechanic	15.975	2.46
Helpers	11.18	2.46
Prob. Helpers	7.99	
Glaziers	14.73	2.98
Ironworkers:		
Structural,Ornamental & Reinforcing	14.81	4.49
Lathers	14.30	3.89
Line Construction:		
Lineman	15.47	.65+ 10-1/2%
Heavy Equipment Operators	13.92	.65+ 10-1/2%
Light Equipment Operators	12.38	.65+ 10-1/2%
Heavy Groundman,Truck Driver	10.83	.65+ 10-1/2%
Light Groundman, Truck Driver	10.06	.65+ 10-1/2%
Groundman	8.51	.65+ 10-1/2%
Painters:		
Brush	13.10	3.26
Structural Steel	13.45	3.26
Spray	13.60	3.26
Plasterers	13.50	4.03
Plumbers	15.49	4.14
Steamfitters	15.80	4.16
Roofers	14.00	3.44
Sheet Metal Workers	15.18	4.66
Sprinkler Fitters	17.12	2.79
Terrazzo Mechanic	14.60	3.88
Tile Setters	13.55	3.30
Truck Drivers:		
Building Material 2 axle	11.92	98.50 per wk.
Building Material 3 axle	11.97	98.50 per wk.
Power Equipment Operators:		
Group I	15.67	3.20
Power Equipment Operators:		
Group I	$15.67	3.20
Group II	15.40	3.20
Group III	14.65	3.20
Group IV	14.52	3.20
Group V	13.61	3.20
Group VI	13.19	3.20

DECISION #WI82-2023-Mod.#1 (47 FR-15512-April 9,1982) Langlade,Lincoln & Marathon Cos., Wisconsin	Basic Hourly Rates	Fringe Benefits
Asbestos Worker	$16.71	$3.05
Boilermakers	16.12	2.825
Bricklayers & Stonemasons	13.22	2.20
Carpenters,Soft Floor Layers,Lathers	13.76	1.91
Cement Masons	12.72	2.20
Electricians	15.13	.75+ 12-1/4%
Elevator Constructors:		
Constructor Mechanic	15.03	2.69 a & b
Helpers	10.52	2.69 a & b
Prob. Helpers	7.515	
Ironworkers:		
Structural,Ornamental and Reinforcing	14.08	2.85
Laborers:		
General & Air Spade Operator	11.03	1.43
Mason Tender	11.13	1.43
Jackhammer Operator, Mortar Mixer	11.28	1.43
Painters:		
Brush	13.85	.50
Spray	14.60	.50
Plasterers	13.22	2.20
Plumbers & Steamfitters	16.25	2.70
Roofers	12.60	
Sheet Metal Workers	15.94	1.68
Terrazzo Mechanic & Tile Setter	12.97	2.20
Power Equipment Ops.:		
Group I	15.22	2.90
Group II	14.92	2.90
Group III	14.56	2.90
Group IV	14.44	2.90
Group V	13.88	2.90
Group VI	13.41	2.90

DECISION #WI82-2021-Mod.#3 (47 FR-12034-March 19,1982) LaCrosse,Monroe & Vernon Cos., Wisconsin	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers	$16.50	$2.70
Boilermakers	16.12	2.825
Bricklayers	13.55	1.90
Carpenters	13.76	1.91
Millwrights & Piledrivermen	14.16	1.91
Cement Masons	13.18	1.60
Electricians	15.79	.70+4%
Elevator Constructors:		
Constructors	15.03	2.69
Helper	10.52	2.69
Helper (Prob.)	7.515	
Glaziers	13.99	1.58
Ironworkers:		
(All but the N.W. corner of County)	14.08	2.85
Laborers:		
General, Mason Tenders	11.62	1.43
Mortar Mixers, Air Hammer Operator, Air Spade Operator, & Jack Hammer Operator	11.77	1.43
Lathers	13.25	1.51
Painters:		
Brush	12.53	1.00
Structural Steel	12.80	1.00
Spray & Sandblaster	13.22	1.00
Plasterers	13.08	.90
Plumbers & Steamfitters	17.00	2.30
Roofers	14.12	3%
Sheet Metal Worker	14.41	1.56
Soft Floor Layer	12.95	.43
Terrazzo Mechanic & Tile Setter	12.25	1.90
Truck Drivers:		
Dump Truck	10.27	C
Footnote #C to read		
C. $152.74 per Month Health & Welfare		
Power Equipment Operators:		
Group I	15.22	2.90
Group II	14.92	2.90
Group III	14.56	2.90
Group IV	14.44	2.90
Group V	13.88	2.90
Group VI	13.41	2.90

DECISION #WI82-2024-Mod.#3 (47 FR-15513-April 9,1982 Racine County, Wisconsin	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers	$16.50	$2.70
Boilermakers	16.12	2.825
Bricklayers	14.77	1.97
Carpenters:		
(West of Hwy. #75)		
Carpenters & Soft Floor Layers	15.59	2.21
Millwrights	16.19	2.21
Piledrivermen	15.74	2.21
Carpenters:		
(Remainder of County)		
Carpenters & Soft Floor Layers	14.56	1.71
Millwrights	14.85	1.71
Piledrivermen	14.65	1.71
Cement Masons	13.39	3.84
Electricians	17.50	.70+ 4-1/2%
Elevator Constructors:		
Constructor	15.975	2.465
Helpers	11.18	2.465
Probationary Helpers	7.99	
Ironworkers	14.81	4.49
Laborers:		
General	10.62	3.29
Plasterer Laborer	10.77	3.29
Air Spade	10.92	3.29
Jackhammer Operator	11.32	3.29
Painters:		
Brush	12.70	2.15
Structural Steel	12.85	2.15
Spray	13.45	2.15
Plasterers	12.91	1.66
Plumbers & Steamfitters	15.65	2.42
Roofers	13.32	1.66
Sheet Metal Workers	15.16	3.79
Terrazzo Mechanic	14.60	3.88
Tile Setter	11.96	2.97
Power Equipment Operators:		
Group I	15.67	3.20
Group II	15.40	3.20
Group III	14.65	3.20
Group IV	14.52	3.20
Group V	13.61	3.20
Group VI	13.19	3.20

	Basic Hourly Rates	Fringe Benefits
DECISION NO. WI82-2020 - MOD. #1 (47 FR 13111 - March 26, 1982) Kenosha County, Wisconsin		
Change:		
Asbestos Workers	$16.50	2.70
Boilermakers	16.12	2.825
Bricklayers & Stonemasons	14.77	1.97
Carpenters, Soft Floor Layers & Lathers	14.16	2.10
Millwrights	14.48	2.10
Piledrivermen	14.25	2.10
Cement Masons	12.42	2.81
Electricians	17.50	.71+ 4 3/4%
Elevator Constructors	15.975	2.465
Helpers	11.18	2.465
Helpers (Probationary)	7.99	
Ironworkers:		
Structural, Ornamental and Reinforcing	14.81	4.49
Painters:		
Brush	11.975	2.25
Structural Steel	12.125	2.25
Swing Stage	12.175	2.25
Spray & Sandblaster	12.725	2.25
Plasterers	12.91	1.66
Roofers	13.32	1.66
Sheet Metal Workers	15.16	3.79
Terrazzo Workers	14.60	3.88
Tile Setters	11.96	2.97
Laborers:		
General	10.62	3.29
Plaster Tender	10.77	3.29
Air and Electric Tool Operator	10.92	3.29
Jackhammer Operator	11.32	3.29
Power Equipment Operators:		
Group I	15.22	2.90
Group II	14.92	2.90
Group III	14.56	2.90
Group IV	14.44	2.90
Group V	13.88	2.90
Group VI	13.41	2.90
Plumbers & Steamfitters	15.48	2.59

DECISION #MO83-4021-Mod.#1 (48 FR 11619-March 18, 1983) Statewide, Missouri	Basic Hourly Rates	Fringe Benefits
OMIT:		
Laborers:		
Zone 5:		
Group 1	$12.05	3.10
Group 2	12.17	3.10
Group 3	12.32	3.10
Group 4	12.52	3.10
Group 5	12.82	3.10
Laborers Classification Definitions - Zone 5		
Power Equipment Operators:		
Zone 4:		
Group 1	15.35	1.97
Group 2	15.00	1.97
Group 3	14.80	1.97
Group 5	14.10	1.97
Group 6	15.85	1.97
ADD:		
Laborers:		
Zone 5: (Clay, Jackson, Platte & Ray Cos.)		
Group 1	12.02	3.30
Group 2	12.82	3.30
Laborers Classification Definitions - Zone 5 (Clay, Jackson, Platte & Ray Cos.) (See Attachment)		
Power Equipment Operators:		
Zone 4:		
Group 1	14.45	2.87
Group 2	14.10	2.87
Group 3	13.90	2.87
Group 4	13.05	2.87
Group 5	14.70	2.87
Group 6	14.95	2.87
CHANGE:		
Power Equipment Operators:		
Zone 3:		
Group 1	15.30	2.87
Group 2	15.10	2.87
Group 3	14.90	2.87
Group 4	14.30	2.87
Group 5	15.55	2.87
Group 6	15.80	2.87
Zone 9:		
Group 1	14.75	2.87
Group 2	14.55	2.87
Group 3	14.35	2.87
Group 4	13.75	2.87
Group 5	15.00	2.87
Group 6	15.25	2.87

LABORER CLASSIFICATION DEFINITIONS - ZONE 5 - CLAY JACKSON, PLATTE AND RAY COUNTIES

Group 1 - General laborer - Carpenter tenders, salamander tenders; loading trucks under bins, hopper and conveyors; track men and all other general laborers; Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgia buggies man; material batch hopper man; scale man; material mixer man (except on manholes); coffer dams; abutments and pier hole men working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connectimn with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only);Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

Group 2 - Skilled Laborers - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; mortar men on brick or block manholes; sand blasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels; head pipe layer on sewer work; manhole builder (brick or block); dynamite; powder men; welder

SUPERSEDEAS DECISION

STATE: FLORIDA COUNTIES: ESCAMBIA & SANTA ROSA

SUPERSEDEAS DECISION

STATE: FLORIDA COUNTY: DADE

DECISION NUMBER: FL83-1016 DATE: DATE OF PUBLICATION

Supersedes Decision No.: FL82-1002 dated June 25, 1982 in 47 FR 27683.

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SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NUMBER: FL83-1017
Supersedes Decision No.: FL79-1116 dated August 17, 1979 in 44 FR 48660.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories).

COUNTIES: ESCAMBIA & SANTA ROSA
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$14.15	2.43
AIR CONDITIONING MECHANICS	9.00	
BRICKLAYERS	9.00	
CARPENTERS	7.77	
CEMENT MASONS	6.62	
DRYWALL HANGERS	7.00	
ELECTRICIANS	6.83	
GLAZIERS	8.86	.35
INSULATION INSTALLERS (Batt or Blown)	6.29	
IRONWORKERS	9.16	
LABORERS:		
Pipelayers	4.75	
Unskilled	4.57	
PAINTERS	7.50	
PLUMBERS & PIPEFITTERS	8.57	
ROOFERS	5.85	
SHEET METAL WORKERS	$ 7.00	.15
SOFT FLOOR LAYERS	6.94	
SPRINKLER FITTERS	9.18	
TILE SETTERS	7.75	
TRUCK DRIVERS	6.00	
WELDERS--Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Asphalt Spreader	5.00	
Backhoe	5.13	
Bulldozer	5.48	
Crane	9.72	
Grader	4.70	
Motor Grader	4.63	
Roller	4.76	

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NUMBER: FL83-1016
Supersedes Decision No.: FL82-1002 dated June 25, 1982 in 47 FR 27683.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments of 4 stories or less).

COUNTY: DADE
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.23	2.45
BOILERMAKER:	17.20	3.315
BRICKLAYERS:		
Bricklayers,Cement Masons, Marble Setters,Plasterers, Stonemasons, & Tile & Terrazzo Workers	14.70	1.77
CARPENTERS & SOFT FLOOR LAYERS	13.90	1.53
ELECTRICIANS	17.35	1.05 + 10%
ELEVATOR CONSTRUCTOR:		
Mechanics	14.115	2.465 + a
Helpers	9.88	2.465 + a
IRONWORKERS	14.15	2.48
LABORERS:		
1)Permit value $500,000 +:		
Air Tool Operator,Mason Tenders, Mortar Mixers,& Pipelayers	8.77	1.57
Plasterers Tenders	8.95	1.57
Unskilled	8.67	1.57
b)Permit value up to $500,000:		
Air Tool Operator,Mason Tenders,Mortar Mixers,& Pipelayers	7.07	1.57
Plasterers Tenders	7.25	1.57
Unskilled	6.97	1.57
LINEMEN:		
Lineman	13.37	1.199
Groundman	7.75	.884
MILLWRIGHTS	$12.67	1.50
PAINTERS:		
Brush	12.55	1.82
Tapers,Paperhangers	12.80	1.82
Spray,Sandblaster	13.05	1.82
PILEDRIVERS	12.15	1.50
PLUMBERS & PIPEFITTERS	16.56	3.12
POWER EQUIPMENT OPERATORS:		
Group A	15.20	1.25
Group B	14.18	1.25
Group C	13.06	1.25
Group D	12.04	1.25
Group E	10.81	1.25
REFRIGERATION & A/C MECHANICS:		
A/C units 10 tons +	15.44	2.53
A/C units over 7.5 tons but under 10 tons	11.52	2.53
ROOFERS:		
Slate,Tile,Composition,Damp & Waterproofers	13.88	1.45
Kettlemen	10.68	1.45
SHEET METAL WORKERS	18.51	1.78
SPRINKLER FITTERS	15.00	2.18
WELDERS--Rate for Craft		

FOOTNOTES: a. Six paid holidays: New Year's Day,Memorial Day,Independence Day,Labor Day, Thanksgiving Day,&Christmas Day. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Credit for employee who has worked less than 5 years.

POWER EQUIPMENT OPERATORS -- Classification Definitions:
Group A: Field shop mechanic,Crane,Derrick,Piledriver,Field Batch Plant Operator,Inside elevator Operator.
Group B: Dragline,Backhoe,Finisher Grader,Fireman,Forklift,Pumps 3" or larger combination of 5 or less pumps, Air compressor(over 125 CFM) or other equipment.
Group C: Bulldozer,Distributor,Scraper,Motor Grader,Trenching Machine,Front End Loader,Air Compressor(up to 125 CFM),Welding Machine,Mixer Truck.
Group D: Roller,Finishing Machine,Tractor,Oiler, & Drivers,Mixers.
Group E: Oiler on Crawler Cranes, Driver.

Unlisted classification needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR,5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MASSACHUSETTS

COUNTIES: BERKSHIRE, FRANKLIN, HAMPDEN AND HAMPSHIRE

DECISION NO.: MA83-3004

DATE: DATE OF PUBLICATION

Supersedes Decision No. MA82-3005, dated April 30, 1982 in 47 FR 18737

DESCRIPTION OF WORK: Building, Heavy, Highway and Residential Construction

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	16.45	3.31
BOILERMAKERS	16.44	1.415+10%
BRICKLAYERS; CEMENT MASONS; PLASTERERS; STONE MASONS; MARBLE, TILE & TERRAZZO WORKERS; POINTERS; CLEANERS CAULKERS:		
HAMPDEN; HAMPSHIRE; FRANKLIN; BERKSHIRE (Becket, Otis, Sandisfield)	13.55	4.22
BERKSHIRE (Adams, North Adams, Cheshire, Florida, Savoy, Clarksbury, Williamstown)	11.85	
BERKSHIRE (Remainder of County)	14.58	1.65
CARPENTERS; SOFT FLOOR LAYERS; DRYWALL CARPENTERS		
BERKSHIRE; FRANKLIN (Monroe, Monroe Bridge)	13.89	2.58
FRANKLIN (Erving, Warwick, Orange, North Orange) HAMPDEN; HAMPSHIRE (South Hadley, Granby, Belchertown, Amherst, Pelham)	15.81	3.58
FRANKLIN (Leverett, Shutesbury, Sunderland	14.90	2.72
HAMPSHIRE (Remainder of County); FRANKLIN (Remainder of County)	15.40	2.22
ELECTRICIANS		
BERKSHIRE; FRANKLIN (Hawley, Monroe, Rowe); HAMPSHIRE (Middlefield, Cummington, Plainfield)	15.54	1.96+3%
FRANKLIN (Remainder of County); HAMPSHIRE (Remainder of County); HAMPDEN (Chester, Holyoke and North portion of Chicopee)		
Electrical Contracts under $85,000	14.86	1.27+3%
Electrical Contracts over $85,000	16.86	1.27+3%
HAMPDEN (Remainder of County); HAMPSHIRE (Belchertown, Ware)	16.13	1.38+3%
ELEVATOR CONSTRUCTORS	15.16	2.69+a+b
ELEVATOR CONSTRUCTORS' HELPERS	10.61	2.69+a+b
ELEVATOR CONSTRUCTORS' PROBATIONARY HELPERS	7.58	
GLAZIERS	12.77	2.87
IRONWORKERS:		
HAMPSHIRE; HAMPDEN; FRANKLIN; BERKSHIRE Becket, Washington, Lee, Sandisfield, New Marlboro, Hinsdale, Peru, Savoy, Monterey, Sheffield, Windsor, Otis, N. & E. Otis)	15.50	5.07
BERKSHIRE (Remainder of County):		
Building, Heavy and Highway	13.90	2.79
Residential (4 stories or less)	10.42	2.79
LATHERS	10.85	.26
LATHERS, DRYWALL	9.00	.26
LABORERS; (BUILDING)		
GROUP 1	12.45	2.35
GROUP 2	12.70	2.35
GROUP 3	12.95	2.35
GROUP 4	13.20	2.35
GROUP 5	13.45	2.35
LABORERS: (HEAVY & HIGHWAY)		
CLASS I	12.45	2.35
CLASS II	12.70	2.35
CLASS III	13.20	2.35
CLASS IV	13.45	2.35

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	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
Linemen, Cable splicers & Dynamite man	16.67	1.70+3%
Heavy equipment operators	15.17	1.70+3%
Equipment operator, tractor trailer driver & field mechanic	14.31	1.70+3%
Material man	14.07	1.70+3%
Groundman truck driver	12.86	1.70+3%
Groundman	11.37	1.70+3%
MARBLE, TILE & TERRAZZO FINISHERS:		
BERKSHIRE AND HAMPDEN COUNTIES	11.45	
MILLWRIGHTS	17.00	3.20
PAINTERS:		
Brush and Taper	14.56	2.34
Spray and Sandblating	17.34	2.34
Swing stage and steel riding under 40'	13.75	2.34
Swing stage and steel riding over 40'	14.06	2.34
SIGN PAINTERS	12.15	1.69
PILEDRIVERMEN	16.65	2.90
PLUMBERS & STEAMFITTERS:		
FRANKLIN (Orange) HAMPDEN; HAMPSHIRE; BERKSHIRE (Otis, Becket Sandifield; FRANKLIN (Remainder of County)	16.28	1.85+4%
	16.82	3.61+c
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:		
CLASS I	15.13	2.20+d
CLASS II	14.93	2.20+d
CLASS III	14.73	2.20+d
CLASS IIIA	14.36	2.20+d
CLASS IV	12.83	2.20+d
CLASS V	12.13	2.20+d
CLASS VI	10.98	2.20+d
CLASS VII	15.88	2.20+d
CLASS VIII	12.16	2.20+d
CLASS IX	15.71	2.20+d
CLASS X	15.63	2.20+d
CLASS XI	16.13	2.20+d
POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION:		
CLASS I	15.13	2.50+e
CLASS II	14.93	2.20+e
CLASS III	14.73	2.20+e
CLASS IIIA	14.36	2.50+e
CLASS IV	12.83	2.20+e
CLASS V	12.13	2.20+e
CLASS VI	10.98	2.20+e
CLASS VII	15.88	2.20+e
CLASS VIII	12.16	2.20+e
CLASS IX	15.71	2.20+e
CLASS X	15.63	2.20+e
CLASS XI	16.13	2.20+e
ROOFERS:		
Composition, Damp Waterproof	10.865	3.13
Slate, Tile, Precast Concrete	11.065	3.13
SHEET METAL WORKERS	15.66	4.06
SPRINKLER FITTERS	18.00	3.03
TRUCK DRIVERS		
CLASS I	11.81	2.80+f+g
CLASS II	12.01	2.65+f+g
CLASS III	12.18	2.65+f+g
CLASS IV	18.22	3.65+f+g
CLASS V	18.38	3.65+f+g
CLASS VI	18.81	2.65+f+g
CLASS VII	12.90	2.65+f+g

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Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

FOOTNOTES:

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

a. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. 6 paid holidays: A through F providing employee has worked 5 consecutive days before and the working day after the holiday.

c. 2 paid holidays: C & D, provided the employee has been employed seven days prior to the holiday by the same employer.

d. 8 paid holidays: A through F, Washington's Birthday and Veterans Day.

e. 9 paid holidays: A through F, Washington's Birthday, Columbus Day and Veterans Day.

f. 10 paid holidays: A through F, Washington's Birthday, Patriot's Day, Columbus Day, and Veterans Day.

g. Paid Vacation: 4 months to 1 year - ½ day's pay per month; 1-5 years - 1 week; 5-10 years - 2 weeks; 10 years or more - 3 weeks. Employee must have received pay for 120 days during last year of employment.

DECISION NO. MA83-3004

CLASSIFICATIONS

LABORERS BUILDING

GROUP 1 - Laborers, carpenter tenders and wrecking laborers

GROUP 2 - Asphalt Rakers, Carbide Core Driller Operators, Chain Saw Operators, Pipelayers, Jackhammer and Paving Breaker Operators, Barco-type Jumping Tampers, Laser Beam Operators, Concrete Pump Operators, Mason-Tenders, Mortar Mixers, Ride-on Motorized Buggy Operators and Wagon Drill Operators

GROUP 3 - Pre-cast Floor and Roof Plank Erectors and Asbestos Removers

GROUP 4 - Air Track Operators, Block Pavers, Rammers and Curb Setters

GROUP 5 - Powdermen and Blasters

LABORERS HEAVY & HIGHWAY

CLASS I - Carpenter Tenders, Cement Finisher Tenders, Laborers, Wrecking Laborers

CLASS II - Asphalt Rakers, Fence and Guard Rail Erectors, Laser Beam Op., Mason Tender, Pipelayer, Pneumatic Drill Op., Pneumatic Tool Op., Wagon Drill Op.

CLASS III - Air Track Op., Block Pavers, Rammers, Curb Setters

CLASS IV - Blasterers, Powdermen

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POWER EQUIPMENT OPERATORS: BUILDING

CLASS I - Shovels, Cranes (including all tower, climbing and bridge cranes, as used in Building Construction as defined in Scope of Employment), Hydraulic Cranes--10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, all three Drum Hoisting and Trenching Machines, Belt-type Loaders, Foreman Mechanics, Front End Loaders--5½ yards or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.), Combination Backhoe-Loader--3/4 yard or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pump with boom, Roto-Mill.

CLASS II - Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors), rock and earth boring machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 ft. and over, Scraper--21 yards and over (struck load), Sonic Hammer Console, Road Planer, Cal Tracks, Ballast Regulators, Rail Anmhor Machisms, Switch Tampers.

CLASS III - Combination Backhoe-Loader--up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers--up to 21 yards (struck load) selfpropelled or tractor drawn, Tireman, Front End Loaders--up to 4 yards, Asphalt Paver, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point Operators (including installing), Electric pumps used in Well Point System, Pumps--12 inches and over (total discharge), Compressor (one or two 900 cu. ft. and over, Engineers in charge of Powered Grease Truck, all automatic elevators (permanent or temporary) operated manually or remote control (not to be confused with elevators operating from conventional hoist--1, 2 or 3 Drum), Grout pumps, Boom Truck, Hydraulic Cranes--under 10 ton.

CLASS IIIA - Asphalt Rollers, Self-powered Rollers and Compactors, Tractor without blade drawing sheepsfoot roller, rubber tire roller, vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS IV - Single Drum Hoist, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading), Bulk Cement Plants, Self-propelled material spreaders, A-Frame Trucks, Fork Lifts--up to 15 ft., 3 or more 10KW Light Plants, 30 KW or more Generators.

CLASS V - Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps--4 inches to 12 inches (total discharge).

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POWER EQUIPMENT OPERATORS: BUILDING CONT'D

CLASS VI - Compressors (up to 315 cu. ft.), small mixers, pumps (up to 4 inches), power heaters, welding mahines, (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), Conveyors, Oiler, helpers on grease trucks with hand greasing equipment.

CLASS VII - Truck Crane Crews

CLASS VIII - Oiler

CLASS IX - Master Mechanic

CLASS X - Boom lengths over 184 feet (including jib)

CLASS XI - Boom lengths over 225 feet (including jib)

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY

CLASS I - Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell Cableways, Shaft Hoists, Mucking Machines, Front End Loader--5½ yards and over Tower Cranes, Self-propelled Hydraulic Cranes--10 tons and over, Dual Pavers, Automatic Grader--Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi-automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine, Combination Back Hoe-Loader--3/4 yard hoe or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pumps with boom, Roto-Mill.

CLASS II - Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-- 4 yards to 5½ yards, Scraper--21 yards and over (struck load), Forklifts--7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Concole, Road Planer, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers.

CLASS III - Bulldozer, Push Cats, Scrapers--up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders--up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant on job, Well Point Operators, Electric Pumps used in Well point system, Tireman, Pumps--16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Tunnel Locomotives and Dinkeys, Grout pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, self-propelled Hydraulic Cranes--up to 10 ton, Combination Back Hoe-Loader--up to 3/4 yard hoe.

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DECISION NO. MA83-3004

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: MN83-2025

COUNTIES: *See Below
DATE: Date of Publication

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POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONT'D

CLASS IIIA - Asphalt Rollers, Self-Powered Rollers and Compactors, Tractor without blade drawing sheeps foot roller, Rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS IV - Hoists, Conveyors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, MCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant, 3 or more 10KW Light Plants, 30 KW or more Generators.

CLASS V - Compressor (315 cu. ft. to 900 cu. dt., 1 or 2), Pumps-4" to 16" total discharge.

CLASS VI - Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Trucks, Power Heaters, Welding Machines (when 3 or more welding machines are used, Classification 4 rate shall be paid), A-Frame Trucks, Forklifts--up to 7 ft. lift and up to 3 ton capacity, Hydro Boom, Power Safety Boat.

CLASS VII - Truck Crane Crews

CLASS VIII - Oiler

CLASS IX - Master Mechanic

CLASS X - Boom lengths over 184 feet (including jib)

CLASS XI - Boom lengths over 225 feet (including jib)

TRUCK DRIVERS

CLASS I - Station Wagons, Panel Trucks and Pickup Trucks

CLASS II - Two axle Equipment; Helpers on Low Bed When Assigned at the Discretion of the Employer, Warehousemen, Forklift Operators

CLASS III _ Three Axle Equipment and Firemen

CLASS IV - Four and Five Axle Equipment

CLASS V - Specialized Earth Moving Equipment under 35 tons other than Convential type trucks, Low Bed, Vachual, Mechanics, Paving Restoration Equipment, Mechanic

CLASS VI - Specialized Earth Moving Equipment over 35 Tons

CLASS II - Trailers for Earth Moving Equipment (Double Hookup)

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: MN83-2026
Supersedes Decision No. MN81-2029, dated June 19, 1981 in 46 FR 32192
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

COUNTIES: *See Below
DATE: Date of Publication

*Cottonwood, Lincoln, Lyon, Murray, Pipestone, Redwood, & Yellow Medicine

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$11.37	
CEMENT MASONS:		
Cottonwood, Murray, & Pipestone Cos.	11.70	$.50
Lincoln, Lyon, Redwood, & Yellow Medicine Cos.	11.95	.25
ELECTRICIANS	8.10	
PLUMBERS; Pipefitters	13.85	2.45
LABORERS:		
Unskilled	6.98	
Asphalt Raker	6.91	.75
POWER EQUIPMENT OPERATORS:		
Asphalt Distributor Spreader	9.10	.75
Asphalt Plant	7.00	
Backhoe	8.93	
Boring Machine	7.60	1.03
Bulldozer	9.91	
Concrete Saw	8.43	
Cranes, Derricks & Draglines	10.00	
Curb Setter	8.85	.65
Fireman	7.94	.75
Front End Loader	9.10	.75
Grader	8.50	
Mechanic	9.98	
Motor Patrol	9.70	
Pugmill Operator	9.10	.75
Roller, Self-propelled	8.32	.75
Roller, Finish	8.82	.75
Screedman	8.80	.75
Turnapull	9.91	
TRUCK DRIVER:		
Bituminous Distributor Driver	8.34	.75
Tandem Axle	8.17	.75
Five Axle	8.57	.75
Lowboy	9.13	1.03
Over 16 Cu. Yds.	9.72	1.30
WELDERS - Rate for Craft		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI
DECISION NUMBER: MS83-1015
Supersedes Decision No.: MS82-1068 dated October 15, 1982 in 47 FR 46233.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION Projects (does not include residential construction consisting of single family homes and apartments up to and including 4 stories).

COUNTY: HINDS
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$ 14.29	1.61
BOILERMAKERS	14.50	2.92
BRICKLAYERS:		
Bricklayers	12.75	.80
Stone,Block, & Marble Masons	12.75	.80
Caulkers,Pointers, & Cleaners	12.75	.80
Tile & Terrazzo Setters	12.60	.80
CARPENTERS:		
Carpenters	12.00	1.00
Power Saw Operators (1 hp or over)	12.25	1.00
Fiber Glass Insulation Application	12.15	1.00
Millwrights	12.60	1.00
Piledrivermen	12.35	1.00
CEMENT MASONS:		
Cement Masons	10.90	.80
Float Machine Operator	11.15	.80
ELECTRICIANS:		
Electricians	14.05	3%+1.39
Cable Splicers	14.30	3%+1.39
ELEVATOR CONSTRUCTORS	12.08	2.69+a+b
GLAZIERS	11.37	.50
IRONWORKERS	13.50	1.59
LABORERS:		
Laborers	6.65	.50
Wrecking & Demolition	6.65	.50
Mason Tenders	6.80	.50
Plasterers Tenders	6.80	.50
Pipelayers	6.80	.50
Mortar Mixers	6.90	.50
Mechanical Tools,Motorized (GA) Buggy Operators	6.90	.50
LATHERS	8.65	.01
LINE CONSTRUCTION:		
Linemen	$ 13.43	5½%+c+.65
Cable Splicers	13.73	5½%+c+.65
Groundmen	8.13	5½%+c+.65
PAINTERS:		
Brush & Roller	8.50	.60
Spray	9.00	.60
Sandblast	9.50	.60
PLASTERERS	10.35	1.10
PLUMBERS,STEAMFITTERS, & PIPEFITTERS	12.50	2.05
ROOFERS:		
Roofers	11.70	.50
Kettlemen	11.85	.50
Paper Roller	8.85	.50
SHEET METAL WORKERS	14.05	1.05
SPRINKLER FITTERS	14.57	2.83
POWER EQUIPMENT OPERATORS:		
Group I	13.43	.95
Group II	12.55	.95
Group III	12.28	.95
Group IV	11.46	.95
Group V	9.35	.95

BOOM INCLUDING JIB:
$ .50 above regular rate-101ft to 200ft.
$1.00 above regular rate-201ft to 300ft
$2.00 above regular rate-301ft to 400ft.
$3.00 above regular rate-401ft to 500ft.
$3.25 above regular rate-501 ft & above.

FOOTNOTES:
a. Paid holidays: New Year's Day;Memorial Day;Independence Day;Labor Day;Thanksgiving Day, Christmas Day.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employees with more than 5 years service; 6% for employees with less than 5 years service.

c. One week vacation after one year's service.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

Power Equipment Operators-Classification Definitions:

Group I - Engineer operating under air pressure.

Group II - Mechanic

Group III - Asphalt Plant,Backhoe,Blacksmith,Boom Tractor,Bulldozer,Central Mixing Plant, Cherry Picker,Clamshell,Crane,Derrick Car,Derrick,Derrick Boat,Dragline,Dredge,Elevating Grader,End Loader, Excavator(power belt),Fork lift(5 tons & over),Hoists(2 drums in active use),Locomotive Engineer,Marine Engineer(chief),Master Pilot-Mixer-Mobile,Motor Patrol & similar equipment,Paver (21 c.f. or larger),Piledriver,Recharger,Scoop (skimmer),Scraper, Shovel,Trenching Machine (over 18" bucket line width),Turnapull (DW-10 and similar pull type scrapers),Traxcavator & similar Endloaders,Welder,Welding Machines & Pumps(operating 4 to 6 machines,Well Driller,Well Point Pumps).

Group IV - Asphalt Spreader(bituminous distributor),Asphalt Spreader (bituminous mixer), Backfilling Machine,Conveyor,Drill (earth),Finishing machine,Fireman,Forklift (over 2 tons & less than 5 tons),Heating Plant,Hoist (one drum),Marine Engineer's assistant,Mixer Payloader, & similar Endloaders,Pilot,Power Generating Plant,Pump(concrete),Roller, Scoopmobile,Tractor (with power take-off),Trenching Machines(19"or smaller bucket line width),Tugboat,Winch Truck & tractor, Small Rubber Tired with Backhoe attachment.

Group V - Air Compressor, Batch Scale,Deckhand,Forklift(2 tons & under),Form Grader Locomotive Hostler,Motorboat(in or out-board), Oiler, Pump, Roughneck,Scowman,Tractor (with attachments), Welding Machine.

BOOMS INCLUDING JIB:
$ .50 above regular rate - 100 ft to 200ft.
$ .75 above regular rate - 201 ft to 300 ft.
$1.00 above regular rate - over 300 ft.

SUPERSEDEAS DECISION

STATE: Nebraska
DECISION NO.: NE83-40.5

COUNTY: Lancaster
DATE: Date of Publication

SUPERSEDEAS DECISION

STATE: Nebraska COUNTY: Lancaster
DECISION NO.: NE83-4025 DATE: Date of Publication
Supersedes Decision No. NF82-4004 dated January 29, 1982 in 47 FR 4468
DESCRIPTION OF WORK: Building Projects, (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
Bricklayers	$10.00	.90
Carpenters	10.94	1.70
Cement Masons	8.96	
Drywall Installer & Finisher	10.00	
Electricians	14.81	3-1/2%+1.87
Glaziers	14.73	2.04
Ironworkers Struc. Erectors	7.96	
Laborers:		
General	6.23	
Fence Installers	6.25	
Form Setters	9.00	
Lathers	10.93	
Overhead Door Installers	7.00	
Painters	8.00	
Plasterers	13.03	
Roofers	11.45	.85
Sheet Metal Workers	11.12	2.27
Sprinkler Fitters	11.63	
Tile Setters	12.70	
Truck Drivers	7.25	
Power Equipment Operators:		
Bobcat	7.50	
Backhoes	7.75	
Front-End-Loader	10.45	
Motor Grader	9.48	
Roller	9.35	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 83-8157 Filed 3-31-83, 8:45 am]
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Part IV

Department of Education

Family Contribution Schedule for the Guaranteed Student Loan Program for 1983-84 and 1984-85; Final Regulations and Notice of Proposed Rulemaking

DEPARTMENT OF EDUCATION

34 CFR Part 682

Family Contribution Schedule for the Guaranteed Student Loan Program for 1983–84

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues regulations for use in determining student eligibility for interest benefits under the Guaranteed Student Loan (GSL) Program. These regulations provide expected family contributions (EFC) for use under the GSL Program in accordance with recent legislation. This family contribution schedule will apply to loans for any period of instruction which begins on or after July 1, 1983, but not later than June 30, 1984.

EFFECTIVE DATES: These regulations that establish the 1983–84 GSL Family Contribution Schedule are expected to take effect April 18, 1983, except § 682.612(b)(6), which contains information collection requirements under review by OMB. If you want to know the effective date of these regulations, call or write the Department of Education contact person. At a later date, the Secretary will publish a notice in the **Federal Register** stating the effective date of § 682.612(b)(6) of these regulations.

ADDRESS: Comments should be addressed to Mr. Larry Oxendine, Policy Section, Guaranteed Student Loan Branch, Division of Policy and Program Development, Office of Student Financial Assistance, 400 Maryland Avenue, SW., (Room 4310, ROB–3) Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ralph Madden or Larry Oxendine, telephone number (202) 245–2475.

SUPPLEMENTARY INFORMATION:

Background

Section 428(a) of the Higher Education Act of 1965, as amended, provides that a student may qualify for interest benefits under the GSL program only if the adjusted gross income of the student's family is: (a) less than or equal to $30,000; or (b) greater than $30,000 and the institution the student attends determines that the student has demonstrated financial need for the loan.

Modification of the 1982–83 Family Contribution Schedule for use for 1983–84:

Section 9 of the Student Financial Assistance Technical Amendments Act of 1982 (Pub. L. 97–301) requires that the 1983–84 GSL family contribution schedule (for the period July 1, 1983, through June 30, 1984) be the family contribution schedule for the period July 1, 1982, through June 30, 1983 (the 1982–83 family contribution schedule, as published in the **Federal Register** on May 3, 1982, 47 FR 19086). Section 9 of Pub. L. 97–301 stipulates that the 1982–83 family contribution schedule be modified to reflect "the most recent and relevant data" for use as the 1983–84 schedule.

Accordingly, this schedule continues the use of systems of financial need analysis approved by the Secretary for use in the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs (campus-based programs) and a set of tables, added as Appendix B to these regulations. This schedule modifies the 1982–83 family contribution schedule in the following respects:

(1) The 1982–83 schedule applies to loans for periods of instruction beginning on or after July 1, 1982, but not later than June 30, 1983. This schedule applies to loans for periods of instruction beginning on or after July 1, 1983, but not later than June 30, 1984, regardless of when an institution completes its portion of the student's GSL application.

(2) The definition of "independent student" in § 682.301(d) takes into account the student's status in 1982 and 1983, rather than in 1981 and 1982, unless the student is married at the time the determination of adjusted gross family income is made, in which case the student's status in 1983 alone, rather than 1982, is taken into account.

(3) The schedule, in § 682.301(c), requires the educational institution, in determining the adjusted gross income of the student's family, to consider the income reported by each family member on the 1982 Federal income tax return, rather than on the 1981 Federal income tax return.

(4) The schedule is modified to require an educational institution, in determining which of the approved need analysis systems may be used to calculate the student's expected family contribution, to consider whether the student has received financial assistance under the campus-based programs for the 1983–84 award year rather than the 1982–83 award year.

(5) The expected family contribution amounts in Tables A, B, C and D of Appendix B are revised to reflect the 1982 Federal income tax and F.I.C.A. (Social Security) deductions and the Standard Maintenance Allowance derived from the most recent Bureau of Labor Statistics low budget standard.

Procedure for Determining Eligibility for Interest Benefits

In order to determine the adjusted gross income of the student's family for loans for the period July 1, 1983, through June 30, 1984, a postsecondary institution must consider the income reported by each family member on his or her 1982 Federal income tax return. The adjusted gross family income for the dependent student means the adjusted gross income of (1) the student, (2) the student's spouse, if any, and (3) the student's mother and father; for the independent student, only the income of the student and his or her spouse is considered. The institution determines the adjusted gross income of the student's family based upon data provided, and certified to, by each person whose income must be considered. The school then determines the student's EFC using the tables appended here or an approved need analysis system. For all information required in this calculation (e.g., total number of family members and number of family members enrolled in postsecondary institutions), the institution relies on statements made, and certified to, by the student. Those contributions differ for dependent and independent students. For purposes of these regulations a dependent student is a student who does not qualify as an independent student.

The expected family contribution coupled with the student's estimated financial assistance is subtracted from the student's estimated cost of attendance to determine financial need and eligibility for interest benefits under the GSL Program.

Methods of Determining Expected Family Contribution

As in the 1981–82 and 1982–83 GSL family contribution schedules, the 1983–84 schedule authorizes two methods for institutions to use in determining a student's EFC. The first is that found in the tables published here as Appendix B to these regulations; the second, the systems used for computing financial need under the campus-based programs.

An institution may always use a system of need analysis approved for the campus-based programs to calculate an expected family contribution to determine eligibility for interest benefits. It must use the same EFC it determined according to a need analysis system approved for the campus-based programs if the student has been awarded aid under a campus-based program. All but two of the systems approved for campus-based programs

are based on the concept of Uniform Methodology (UM). The Secretary has approved the use of systems based on UM for the campus-based and GSL Programs because, as will be discussed here, he considers it a consistent and responsible approach to measuring a family's ability to contribute toward the student's cost of education.

UM is a model of need analysis developed in 1975 by the National Task Force on Student Aid Problems (Keppel Task Force), after consultation with financial aid administrators, educational associations, students, Federal and State governments, and national need servicers. The standard or model thus developed rests on the following principles: to the extent that they are able, parents have the primary responsibility to pay for their children's education; parents will, as they are able, contribute funds for their sons' and daughters' education; students, as well as their parents, have a responsibility to help pay for their education; the family should be accepted in its present financial condition; and a need analysis system must evaluate families in a consistent and equitable manner, which recognizes that special circumstances can and do alter a family's ability to contribute.

Under UM the expected family contribution for a dependent student comprises a progressively increasing contribution from parental disposable income, a contribution from parental assets, and a contribution from the student's resources, which include expected earnings, assets, and non-taxable income and benefits. The independent student's expected family contribution comprises all the disposable income of both the student and his or her spouse, and a portion of their assets.

In the GSL tables found in Appendix B to these regulations, the Secretary has adopted, as in past years, a system of need measurement based on several aspects of the UM model. Under these tables, students are classified as dependent or independent, and each class is assigned different expected family contribution rates. Unlike UM, the need system used here has no requirement that families contribute any portion of family assets to educational costs. Like UM, the GSL system does require the family of the independent student to contribute all disposable income to the student's cost of education, but only requires contribution of a portion of the disposable income of the family of the dependent student.

The assignment of different assessment rates to the family incomes of dependent and independent students is both reasonable and generally accepted in the higher education community. The rates differ for two reasons. First, independent student borrowers acquire, either directly under community property statutes, or indirectly through their right to support, a claim on their spouses' future earnings, enhanced because of the education paid for with the student loan. Dependent student borrowers have a legal claim on their parents for support only until they marry or attain the age of majority. Traditionally, they have no legal duty to share any future earnings with their parents. Because spouses of independent students have such a claim to their future earnings, the spouses stand to recoup, over time, funds contributed to the borrowers' educational costs. The parents of dependent students, who ordinarily have no legal claim to the earnings of emancipated children, never recoup the funds spent on the dependent borrowers' cost of education. For the former, the contribution is an investment; for the latter, purely an expense. Different assessment rates on their respective family incomes are essential to respect this difference and treat both groups fairly. Second, the financial responsibilities of the two classes are so different that different rates should be applied to treat both equitably. The reponsibilities of parents of dependent students, such as accrued debts, past and future educational expenses for siblings of the borrower, unusual medical expenses, and provisions for retirement, are both different from, and greater than, such needs are for independent students. Furthermore, because of the age of the parents, those needs are less susceptible to deferral than they are for independent students. Independent students, as a group, are not only younger but also likely to have fewer dependents than parents of dependent students, and are therefore better able in the long run to handle financial responsibilities deferred during schooling than the parents of dependent students.

In addition to distinguishing between families of dependent and independent students, the GSL tables also divide borrowers into those with families headed by single persons and those headed by married couples. The tables appear to impose different financial contribution requirements on families headed by single persons and those headed by married couples. The Federal tax rates differ for the two groups; therefore, the disposable incomes differ. The tables require both groups to contribute the same proportion of their disposable income after satisfying Federal taxes and other expenses.

Verification of Student Aid Applicant Information

As a means of strengthening the effort to control abuse of student financial aid programs, the Secretary gives notice that procedures are being developed to verify information needed to determine the student's adjusted gross family income and the student's expected family contribution. Since the student's eligibility for interest benefits is determined solely on the basis of information supplied by the student, the student's spouse, and parents of dependent students, it is imperative that the data be accurate. The Secretary will issue regulations for the GSL Program which will describe the responsibilities of the Secretary, the institution and the student in verifying this information.

The regulations and procedures for the proposed verification process are being developed in consultation with the student financial aid community and are expected to take effect in the 1983–84 school year. It should be noted that the Secretary does not intend to discourage the continuation of established institutional verification procedures now in place.

Proposed Family Contribution Schedule for Use for 1984–85

Because section 9 of Pub. L. 97–301 dictated the content of the regulations for the 1983–84 family contribution schedule, the Secretary did not request public comment. The Secretary is concurrently publishing with these regulations a notice of proposed rulemaking for the 1984–85 GSL family contribution schedule. The Secretary proposes to use the regulations for the 1983–84 GSL family contribution schedule for the 1984–85 GSL family contribution schedule after making minor revisions. The development of the final rules for the 1984–85 family contribution schedule will take into consideration public comment received.

Paperwork Reduction Act of 1980

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the recordkeeping provisions that are included in these regulations have been or will be submitted for approval to the Office of Management and Budget (OMB). These provisions (§ 682.612(b)(6)) are not effective until OMB approval has been obtained and the public notified to that effect through a notice published in the **Federal Register**.

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Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the order.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations and may be submitted to the address listed in this preamble.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations establish the formula for determining student eligibility for interest benefits under the Guaranteed Student Loan Program. The regulations, therefore, do not have an impact on small entities.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Education, Loan programs—education, Student aid, Vocational education.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance Number 84.032, Guaranteed Student Loan Program)

Dated: March 29, 1983.

T. H. Bell,

Secretary of Education.

The Secretary amends Part 682 of Title 34 of the Code of Federal Regulations as follows:

PART 682—GUARANTEED STUDENT LOAN PROGRAM

§ 682.205 [Amended]

1. In § 682.205, paragraph (c) is amended by changing section number "§ 682.301" to read "§ 682.302."

Subpart C [Amended]

2. In the table of contents, Subpart C is amended by redesignating §§ 682.301 through 682.303 as §§ 682.302 through 682.304, respectively, and by adding both a new § 682.301 entitled, "Eligibility for interest benefits," and a new appendix entitled, "Appendix B to Part 682, Guaranteed Student Loan Program Tables for Determination of Expected Family Contribution."

§ 682.300 [Amended]

3. Section 682.300 is amended by removing paragraph (b) and by redesignating paragraphs (c) through (f) as paragraphs (b) through (e), respectively.

§§ 682.302 through 682.304 [Redesignated from §§ 682.301 through 682.303]

4. Sections 682.301 through 682.303 are redesignated as §§ 682.302 through 682.304, respectively.

5. A new § 682.301 is added to read as follows:

§ 682.301 Eligibility for interest benefits.

(a)(1) *General* (i) If a student's adjusted gross family income is $30,000 or less, the student qualifies for interest benefits for the amount of his or her loan.

(ii) If the student's adjusted gross family income is more than $30,000, the student qualifies for interest benefits if the institution he or she attends or is planning to attend determines that the student demonstrated financial need for the loan.

(2)(i) If the student demonstrates financial need for a loan of $1,000 or more, the student qualifies for interest benefits for the amount for which the student has demonstrated financial need.

(ii) If the student demonstrates financial need for a loan between $500 and $1,000, the student qualifies for interest benefits on a loan of up to $1,000.

(b) *Application for interest benefits.* To apply for interest benefits, the student shall submit to the lender with his or her loan application a statement from the student's institution that certifies—

(1) The estimated cost of attendance for the student for the academic period for which the loan is intended;

(2) The estimated financial assistance for the student for the academic period for which the loan is intended;

(3) The adjusted gross family income of the student's family; and

(4) The student's expected family contribution if his or her adjusted gross family income exceeds $30,000.

(c) *Adjusted gross family income.* The institution determines the adjusted gross family income of the student's family based upon data provided, and certified to, by each person whose income is required to be considered.

(1) The adjusted gross family income of the student's family means the adjusted gross income, as reported on the 1982 Federal income tax return(s), of—

(i) The student;

(ii) The student's spouse, if any; and

(iii) The student's mother and father if the student, at the time he or she applies, is determined to be a "dependent student" rather than an "independent student;"

(2) A student whose parents are divorced or separated follows these procedures for reporting a parents adjusted gross income to determine the adjusted gross family income—

(i) Include only the income of the parent with whom the student resided for the greater portion of the 12-month period preceding the date of application.

(ii) If the preceding criterion does not apply, include only the income of the parent who provided the greater portion of the student's support for the 12-month period preceding the date of application.

(iii) If neither of the preceding criteria apply, include only the income of the parent who provided the greater support for the period commencing January 1, 1982 and ending 12 months prior to the date of application.

(3) If either of the parents has died, the student shall include only the income of the surviving parent. If both parents have died, the student shall not report any parental income.

(4) The following rule applies if either a parent whose income is taken into account under paragraph (c)(2) of this section, or a parent who is a widow or widower and whose income is taken into account under paragraph (c)(3) of this section, has remarried. The income of that parent's spouse shall be included in determining the adjusted gross family income if, in 1982 or 1983, the student—

(i) Has received or will receive financial assistance of more than $750 from that spouse, or

(ii) Has lived or will live for more than six weeks in the home of the parent and that spouse.

(5) For a student who is divorced or separated, or whose spouse has died, the spouse's income shall not be included in determining the adjusted gross family income.

(d) "Independent student" means:

(1) A single student who for 1982 and 1983—

(i) Has not lived and will not live for more than six weeks in the home of the parent(s) for whom income must be reported according to paragraph (c);

(ii) Has not been claimed and will not be claimed as a dependent for Federal income tax purposes by the parent(s) for whom income must be reported according to paragraph (c); and

(iii) Has not received and will not receive financial assistance of more than $750 from the parent(s) for whom income must be reported according to paragraph (c) or

(2) A married student who for 1983—

(i) Has not lived and will not live for more than six weeks in the home of the parent(s) for whom income must be reported according to paragraph (c); or

(ii) Has not been claimed and will not be claimed as a dependent for Federal income tax purposes by the parent(s) for whom income must be reported according to paragraph (c); and

(iii) Has not received and will not receive financial assistance of more than $750 from the parent(s) for whom income must be reported according to paragraph (c).

(3) However, if both parents have died, or the student has been declared a ward of the court, the student is independent.

(e) *Determination of need.* (1) If the student's adjusted gross family income exceeds $30,000 the institution shall determine the student's need for a loan by subtracting from the student's estimated cost of attendance his or her—

(i) Estimated financial assistance; and

(ii) Expected family contribution.

(2) The student shall certify to the accuracy of any information he or she provides to the institution which is necessary to determine need.

(f) *Determination of expected family contribution.* For a student who seeks a loan for a period of instruction beginning on or after July 1, 1983, but not later than June 30, 1984, the institution shall calculate his or her expected family contribution as follows:

(1) If the student has been awarded financial assistance for award year 1983–84 (July 1, 1983–June 30, 1984) under the Supplemental Educational Opportunity Grant (SEOG), College Work-Study (CWS), or National Direct Student Loan (NDSL) program, at the time he or she applies for a Guaranteed Student Loan, the student's expected family contribution is his or her expected family contribution as calculated for the SEOG, CWS or NDSL program.

(2) If the student has not been awarded financial assistance under the SEOG, CWS, or NDSL program for the 1983–84 award year at the time he or she applies for a Guaranteed Student Loan, the student's expected family contribution is determined under either—

(i) Any need analysis system which has been approved by the Secretary for the SEOG, CWS, or NDSL program; or

(ii) The tables found in Appendix B if the student's adjusted gross family income does not exceed $75,000.

(20 U.S.C. 1078, 1082)

6. Section 682.612 is amended by redesignating paragraphs (b)(6) through (b)(12) as paragraphs (b)(7) through (b)(13), and by adding a new paragraph (b)(6) to read as follows:

§ 682.612 Records, reports, and inspection requirements for participating schools.

* * * * *

(b) * * *

(6) The data and certifications used to determine the student's adjusted gross family income and the student's expected family contribution.

(20 U.S.C. 1078, 1082)

* * * * *

7. An Appendix B to Part 682 is added to read as follows:

Appendix B to Part 682—Guaranteed Student Loan Program Tables for Determination of Expected Family Contribution

An institution may use the following tables to determine a student's expected family contribution under § 682.301.

For purposes of the four tables,

"Dependent student" means a student who does not qualify as an independent student;

"Independent student" is defined in § 682.301(d); and

"Adjusted gross income" is the adjusted gross family income as determined in § 682.301(c).

BILLING CODE 4000-01-M

Table A - EXPECTED FAMILY CONTRIBUTION FOR A DEPENDENT STUDENT FROM A TWO-PARENT FAMILY

For a dependent student from a two-parent family, the educational institution determines the student's expected family contribution according to Table A. The amount obtained from the table is divided by the number of family members enrolled on at least a half-time basis in a postsecondary educational institution.

As used in Table A, "Family members" include the student, the student's spouse and their dependents,and the student's mother and father and their dependents. If the family includes a step-parent whose income is included in the adjusted gross family income, family members also include the step-parent and the dependents of the step-parent.

Table A is based on the following assumptions:

- One of the two parents is employed,
- No assets are considered, and
- All of the family income was earned by the employed parent.

The conversion of adjusted gross income to the expected family contribution is performed by subtracting from the adjusted gross income the following:

--Federal income tax, based on standard deductions, computed at the rate applied to married taxpayers filing joint returns,

--F.I.C.A. (Social Security) for one wage earner,

--Average State and other taxes (8%), and

--A Standard Maintenance Allowance, based on the average non-discretionary living expenses for families derived from the Bureau of Labor Statistics low budget standard, as adjusted for inflation and family size. The Standard Maintenance Allowance does not include an allowance for living expenses of the dependent student for the 9 months of school because those living expenses are included in the student's cost of education.

To this balance, called "available income," which represents discretionary income, a conversion percentage is applied. The percentage increases as available income increases. The resulting value is the expected family contribution.

Table A - Expected Family Contribution for a Dependent Student From a Two-Parent Family — 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS									
	3	4	5	6	7	8	9	10	11	12
LESS THAN 30001	AUTOMATICALLY ELIGIBLE									
030001 -030124	2950	2310	1810	1330	1000	660	330	0	0	0
030125-030374	3010	2360	1850	1360	1030	700	370	30	0	0
030375-030624	3060	2410	1890	1400	1060	730	400	70	0	0
030625-030874	3120	2450	1930	1430	1100	760	430	100	0	0
030875-031124	3180	2500	1970	1460	1130	800	460	130	0	0
031125-031374	3230	2550	2010	1500	1160	830	500	170	0	0
031375-031624	3290	2600	2050	1530	1200	860	530	200	0	0
031625-031874	3350	2650	2090	1570	1230	900	560	230	0	0
031875-032124	3400	2690	2130	1600	1260	930	600	270	0	0
032125-032374	3460	2740	2170	1640	1290	960	630	300	0	0
032375-032624	3520	2790	2220	1670	1320	1000	670	330	0	0
032625-032874	3580	2850	2260	1710	1360	1030	700	370	40	0
032875-033124	3660	2900	2310	1750	1390	1070	740	410	70	0
033125-033374	3720	2960	2360	1790	1430	1100	780	440	110	0
033375-033624	3790	3020	2410	1830	1460	1140	810	480	150	0
033625-033874	3860	3090	2460	1870	1500	1170	850	520	190	0
033875-034124	3930	3150	2520	1920	1540	1210	880	550	220	0
034125-034374	4000	3210	2570	1960	1580	1240	920	590	260	0
034375-034624	4070	3270	2630	2010	1620	1280	950	630	300	0
034625-034874	4140	3330	2680	2050	1660	1310	990	660	330	0
034875-035124	4210	3390	2730	2100	1700	1350	1020	700	370	40
035125-035374	4280	3440	2760	2150	1740	1380	1060	730	410	70
035375-035624	4350	3500	2830	2190	1780	1410	1090	770	440	110
035625-035874	4420	3560	2880	2240	1820	1450	1130	800	480	150
035875-036124	4490	3630	2940	2280	1860	1490	1160	840	510	180
036125-036374	4560	3700	3000	2320	1900	1530	1200	870	550	220
036375-036624	4630	3770	3060	2370	1950	1570	1230	910	580	260
036625-036874	4700	3840	3110	2420	1990	1610	1260	940	620	290
036875-037124	4760	3910	3170	2470	2040	1650	1300	980	650	330
037125-037374	4830	3960	3230	2520	2080	1690	1330	1010	690	360
037375-037624	4900	4050	3290	2570	2120	1730	1370	1040	720	400
037625-037874	4970	4120	3350	2620	2170	1760	1400	1080	760	430
037875-038124	5040	4190	3410	2670	2210	1800	1440	1110	790	470
038125-038374	5110	4260	3470	2720	2250	1840	1480	1150	830	500
038375-038624	5170	4330	3530	2770	2290	1880	1520	1180	860	540
038625-038874	5230	4390	3590	2820	2340	1920	1550	1220	890	570
038875-039124	5300	4460	3660	2870	2390	1970	1590	1250	930	610
039125-039374	5360	4530	3730	2930	2440	2010	1630	1290	960	640
039375-039624	5420	4590	3800	2990	2490	2050	1670	1320	1000	680
039625-039874	5480	4660	3870	3050	2540	2090	1700	1360	1030	710

Table A - Expected Family Contribution for a Dependent Student From a Two-Parent Family -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS 3	4	5	6	7	8	9	10	11	12
039875-040124	5550	4720	3940	3110	2590	2140	1740	1390	1070	740
040125-040374	5610	4780	4010	3160	2640	2180	1780	1420	1100	780
040375-040624	5670	4840	4070	3220	2690	2220	1810	1460	1140	810
040625-040874	5730	4910	4130	3280	2740	2260	1850	1490	1170	850
040875-041124	5790	4970	4190	3340	2790	2310	1890	1530	1210	880
041125-041374	5860	5030	4250	3400	2840	2350	1940	1570	1240	920
041375-041624	5920	5090	4320	3450	2890	2400	1980	1600	1270	950
041625-041874	5980	5150	4380	3510	2950	2450	2020	1640	1300	990
041875-042124	6040	5220	4440	3560	3010	2500	2060	1680	1340	1020
042125-042374	6110	5280	4500	3620	3060	2550	2110	1710	1370	1050
042375-042624	6170	5340	4570	3680	3120	2600	2150	1750	1400	1090
042625-042874	6230	5400	4630	3740	3170	2650	2190	1790	1430	1120
042875-043124	6290	5470	4690	3810	3220	2700	2230	1830	1470	1150
043125-043374	6360	5530	4750	3870	3280	2750	2280	1860	1500	1180
043375-043624	6420	5590	4810	3930	3330	2800	2320	1910	1540	1220
043625-043874	6480	5650	4880	3990	3380	2840	2370	1950	1580	1250
043875-044124	6540	5710	4940	4060	3430	2890	2420	1990	1620	1280
044125-044374	6600	5780	5000	4120	3490	2940	2470	2030	1650	1310
044375-044624	6670	5840	5060	4180	3540	2990	2510	2080	1690	1350
044625-044874	6730	5900	5130	4240	3600	3050	2560	2120	1730	1380
044875-045124	6790	5960	5190	4300	3660	3100	2600	2160	1760	1410
045125-045374	6850	6030	5250	4370	3720	3150	2650	2200	1800	1440
045375-045624	6920	6090	5310	4430	3790	3200	2690	2240	1840	1480
045625-045874	6980	6150	5380	4490	3850	3260	2740	2280	1880	1520
045875-046124	7040	6210	5440	4550	3910	3310	2780	2320	1920	1550
046125-046374	7100	6280	5500	4620	3970	3360	2830	2360	1960	1590
046375-046624	7160	6340	5560	4680	4030	3420	2870	2410	2000	1630
046625-046874	7230	6400	5620	4740	4100	3470	2920	2450	2040	1660
046875-047124	7290	6460	5690	4800	4160	3520	2970	2500	2080	1700
047125-047374	7350	6520	5750	4870	4220	3580	3030	2540	2110	1740
047375-047624	7410	6590	5810	4930	4280	3640	3080	2590	2150	1770
047625-047874	7480	6650	5870	4990	4350	3700	3130	2630	2190	1800
047875-048124	7540	6710	5940	5050	4410	3760	3190	2680	2230	1840
048125-048374	7600	6770	6000	5110	4470	3830	3240	2720	2270	1870
048375-048624	7660	6840	6060	5180	4530	3890	3290	2770	2310	1910
048625-048874	7730	6900	6120	5240	4600	3950	3350	2810	2350	1950
048875-049124	7780	6960	6180	5300	4660	4010	3400	2860	2390	1990
049125-049374	7840	7020	6250	5360	4720	4080	3450	2900	2440	2020
049375-049624	7900	7090	6310	5430	4780	4140	3500	2960	2480	2060
049625-049874	7950	7150	6370	5490	4840	4200	3560	3010	2530	2100

Table A - Expected Family Contribution for a Dependent Student From a Two-Parent Family — 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS 3	4	5	6	7	8	9	10	11	12
049875-050124	8010	7200	6430	5550	4910	4260	3620	3060	2570	2140
050125-050374	8060	7260	6500	5610	4970	4330	3680	3120	2620	2190
050375-050624	8120	7320	6560	5680	5030	4390	3740	3170	2660	2220
050625-050874	8180	7370	6620	5740	5090	4450	3810	3220	2710	2260
050875-051124	8230	7430	6680	5800	5160	4510	3870	3270	2750	2290
051125-051374	8290	7490	6730	5860	5220	4570	3930	3330	2800	2330
051375-051624	8350	7540	6790	5920	5280	4640	3990	3380	2840	2380
051625-051874	8400	7600	6850	5990	5340	4700	4050	3430	2890	2420
051875-052124	8460	7660	6900	6040	5400	4760	4120	3490	2940	2470
052125-052374	8520	7710	6960	6100	5470	4820	4180	3540	2990	2510
052375-052624	8570	7770	7020	6160	5530	4890	4240	3600	3040	2560
052625-052874	8630	7830	7070	6210	5590	4950	4300	3660	3100	2600
052875-053124	8690	7880	7130	6270	5650	5010	4370	3720	3150	2650
053125-053374	8740	7940	7190	6330	5710	5070	4430	3780	3200	2690
053375-053624	8800	7990	7240	6380	5760	5130	4490	3850	3260	2740
053625-053874	8850	8050	7300	6440	5820	5200	4550	3910	3310	2780
053875-054124	8910	8110	7360	6500	5870	5250	4620	3970	3360	2830
054125-054374	8970	8160	7410	6550	5930	5310	4680	4030	3420	2870
054375-054624	9020	8220	7470	6610	5990	5370	4740	4100	3470	2920
054625-054874	9080	8280	7520	6660	6040	5420	4800	4160	3520	2970
054875-055124	9140	8330	7580	6720	6100	5480	4860	4220	3580	3030
055125-055374	9190	8390	7640	6780	6160	5540	4920	4290	3640	3080
055375-055624	9250	8450	7690	6830	6210	5590	4970	4340	3700	3130
055625-055874	9310	8500	7750	6890	6270	5650	5030	4410	3760	3190
055875-056124	9360	8560	7810	6950	6330	5710	5090	4460	3830	3240
056125-056374	9420	8610	7860	7000	6380	5760	5140	4520	3890	3290
056375-056624	9470	8670	7920	7060	6440	5820	5200	4580	3950	3340
056625-056874	9530	8730	7980	7120	6500	5870	5250	4630	4010	3400
056875-057124	9590	8780	8030	7170	6550	5930	5310	4690	4070	3450
057125-057374	9640	8840	8090	7230	6610	5990	5370	4750	4130	3500
057375-057624	9700	8900	8140	7280	6660	6040	5420	4800	4180	3560
057625-057874	9760	8950	8200	7340	6720	6100	5480	4860	4240	3620
057875-058124	9810	9010	8260	7400	6780	6160	5540	4920	4300	3660
058125-058374	9870	9070	8310	7450	6830	6210	5590	4970	4350	3730
058375-058624	9930	9120	8370	7510	6890	6270	5650	5030	4410	3790
058625-058874	9980	9180	8430	7570	6950	6330	5710	5090	4460	3840
058875-059124	10040	9240	8480	7620	7000	6380	5760	5140	4520	3900
059125-059374	10100	9290	8540	7680	7060	6440	5820	5200	4580	3960
059375-059624	10150	9350	8600	7740	7120	6500	5870	5250	4630	4010
059625-059874	10210	9400	8650	7790	7170	6550	5930	5310	4690	4070

Table A – Expected Family Contribution for a Dependent Student From a Two-Parent Family — 1983–84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS									
	3	4	5	6	7	8	9	10	11	12
059875-060124	10260	9460	8710	7650	7230	6610	5990	5370	4750	4130
060125-060374	10320	9520	8770	7910	7280	6660	6040	5420	4800	4180
060375-060624	10380	9570	8820	7960	7340	6720	6100	5480	4860	4240
060625-060874	10430	9630	8880	8020	7400	6780	6160	5540	4920	4300
060875-061124	10490	9690	8930	8070	7450	6830	6210	5590	4970	4350
061125-061374	10550	9740	8990	8130	7510	6890	6270	5650	5030	4410
061375-061624	10600	9800	9050	8190	7570	6950	6330	5710	5090	4460
061625-061874	10660	9860	9100	8240	7620	7000	6380	5760	5140	4520
061875-062124	10720	9910	9160	8300	7680	7060	6440	5820	5200	4580
062125-062374	10770	9970	9220	8360	7740	7120	6500	5870	5250	4630
062375-062624	10830	10020	9270	8410	7790	7170	6550	5930	5310	4690
062625-062874	10880	10080	9330	8470	7850	7230	6610	5990	5370	4750
062875-063124	10940	10140	9390	8530	7910	7280	6660	6040	5420	4800
063125-063374	10990	10190	9440	8580	7960	7340	6720	6100	5480	4860
063375-063624	11040	10250	9500	8640	8020	7400	6780	6160	5540	4920
063625-063874	11090	10310	9550	8690	8070	7450	6830	6210	5590	4970
063875-064124	11140	10360	9610	8750	8130	7510	6890	6270	5650	5030
064125-064374	11190	10410	9670	8810	8190	7570	6950	6330	5710	5090
064375-064624	11240	10460	9720	8860	8240	7620	7000	6380	5760	5140
064625-064874	11300	10520	9780	8920	8300	7680	7060	6440	5820	5200
064875-065124	11350	10570	9840	8980	8360	7740	7120	6500	5870	5250
065125-065374	11400	10620	9890	9030	8410	7790	7170	6550	5930	5310
065375-065624	11450	10670	9940	9090	8470	7850	7230	6610	5990	5370
065625-065874	11500	10720	9990	9150	8530	7910	7280	6660	6040	5420
065875-066124	11550	10770	10040	9200	8580	7960	7340	6720	6100	5480
066125-066374	11600	10820	10090	9250	8640	8020	7400	6750	6160	5540
066375-066624	11650	10870	10140	9300	8690	8070	7450	6830	6210	5590
066625-066874	11700	10920	10190	9350	8750	8130	7510	6890	6270	5650
066875-067124	11750	10970	10240	9400	8810	8190	7570	6950	6330	5710
067125-067374	11800	11020	10290	9460	8860	8240	7620	7000	6380	5760
067375-067624	11850	11070	10340	9510	8910	8300	7680	7060	6440	5820
067625-067874	11900	11120	10390	9560	8960	8360	7740	7120	6500	5870
067875-068124	11950	11170	10440	9610	9010	8410	7790	7170	6550	5930
068125-068374	12000	11220	10490	9660	9060	8460	7850	7230	6610	5990
068375-068624	12050	11270	10540	9710	9110	8510	7910	7280	6660	6040
068625-068874	12100	11320	10590	9760	9160	8560	7960	7340	6720	6100
068875-069124	12150	11370	10650	9810	9210	8610	8020	7400	6780	6160
069125-069374	12200	11420	10700	9860	9260	8670	8070	7450	6830	6210
069375-069624	12260	11470	10750	9910	9310	8720	8120	7510	6890	6270
069625-069874	12310	11530	10800	9960	9360	8770	8170	7570	6950	6330

Table A - Expected Family Contribution for a Dependent Student From a Two-Parent Family -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS									
	3	4	5	6	7	8	9	10	11	12
069875-070124	12360	11580	10850	10010	9410	8820	8220	7620	7000	6380
070125-070374	12410	11630	10900	10060	9460	8870	8270	7670	7060	6440
070375-070624	12460	11680	10950	10110	9510	8920	8320	7720	7120	6500
070625-070874	12510	11730	11000	10160	9570	8970	8370	7770	7170	6550
070875-071124	12560	11780	11050	10210	9620	9020	8420	7830	7230	6610
071125-071374	12610	11830	11100	10260	9670	9070	8470	7880	7280	6660
071375-071624	12660	11880	11150	10310	9720	9120	8520	7930	7330	6720
071625-071874	12710	11930	11200	10360	9770	9170	8570	7980	7380	6780
071875-072124	12760	11980	11250	10410	9820	9220	8620	8030	7430	6830
072125-072374	12810	12030	11300	10470	9870	9270	8660	8080	7480	6880
072375-072624	12860	12080	11350	10520	9920	9320	8730	8130	7530	6930
072625-072874	12910	12130	11400	10570	9970	9370	8780	8180	7580	6990
072875-073124	12960	12180	11450	10620	10020	9420	8830	8230	7630	7040
073125-073374	13010	12230	11500	10670	10070	9470	8880	8280	7680	7090
073375-073624	13060	12280	11550	10720	10120	9520	8930	8330	7730	7140
073625-073874	13110	12330	11610	10770	10170	9580	8980	8380	7780	7190
073875-074124	13160	12380	11660	10820	10220	9630	9030	8430	7830	7240
074125-074374	13220	12440	11710	10870	10270	9680	9080	8480	7890	7290
074375-074624	13270	12490	11760	10920	10320	9730	9130	8530	7940	7340
074625-074874	13320	12540	11810	10970	10370	9780	9180	8580	7990	7390
074875-075000	13370	12590	11860	11020	10420	9830	9230	8630	8040	7440

Table B - EXPECTED FAMILY CONTRIBUTION FOR A DEPENDENT STUDENT FROM A ONE-PARENT FAMILY

For a dependent student from a one-parent family, the educational institution determines the student's expected family contribution according to Table B. The amount obtained from the table is divided by the number of family members enrolled on at least a half-time basis in a postsecondary educational institution.

As used in Table B, "Family members" include the student, the student's spouse and their dependents, and the student's parent and the parent's dependents.

Table B is based on the following assumptions:

- The parent is employed,
- No assets are considered, and
- All of the family income was earned by the parent.

The conversion of adjusted gross income to the expected family contribution is performed by subtracting from the adjusted gross income, the following:

--Federal income tax, based on standard deductions, computed at the rate applied to taxpayers who qualify as heads of households,

--F.I.C.A. (Social Security) for one wage earner,

--Average State and other taxes (8%),

--An employment allowance of 30% of income, to a maximum of $1,900, and

--A Standard Maintenance Allowance, based on the average non-discretionary living expenses for families and derived from the Bureau of Labor Statistics low budget standard, as adjusted for inflation and family size. The Standard Maintenance Allowance does not include an allowance for living expenses of the dependent student for the 9 months of school because those living expenses are included in the student's cost of education.

To this balance, called "available income," which represents discretionary income, a conversion percentage is applied. The percentage increases as available income increases. The resulting value is the expected family contribution. No deduction is made for living expenses of the student and his or her family because those expenses are included in the student's cost of education.

Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1983-84

NUMBER OF FAMILY MEMBERS

Table II - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS										
LESS THAN 30001	2	3	4	5	6	7	8	9	10	11	12
	AUTOMATICALLY ELIGIBLE										
030001-030124	2530	2060	1580	1180	750	430	110	0	0	0	0
030125-030374	2570	2100	1610	1210	780	460	140	0	0	0	0
030375-030624	2620	2140	1640	1240	810	500	170	0	0	0	0
030625-030874	2660	2180	1680	1270	840	520	200	0	0	0	0
030875-031124	2700	2220	1710	1300	870	550	230	0	0	0	0
031125-031374	2740	2260	1740	1330	900	580	260	0	0	0	0
031375-031624	2780	2290	1780	1360	930	610	300	0	0	0	0
031625-031874	2820	2330	1810	1390	960	640	330	0	0	0	0
031875-032124	2860	2370	1840	1420	990	670	350	30	0	0	0
032125-032374	2900	2410	1880	1450	1020	700	380	60	0	0	0
032375-032624	2950	2460	1920	1480	1050	730	410	100	0	0	0
032625-032874	3010	2500	1960	1520	1080	760	450	130	0	0	0
032875-033124	3060	2550	2000	1560	1110	800	480	160	0	0	0
033125-033374	3120	2590	2040	1590	1150	830	510	200	0	0	0
033375-033624	3170	2640	2080	1630	1180	860	550	230	0	0	0
033625-033874	3220	2690	2120	1670	1210	900	580	260	0	0	0
033875-034124	3280	2730	2160	1700	1250	930	610	300	0	0	0
034125-034374	3330	2780	2200	1740	1280	960	650	330	10	0	0
034375-034624	3390	2820	2240	1770	1310	1000	680	360	50	0	0
034625-034874	3440	2870	2280	1800	1350	1030	710	390	80	0	0
034875-035124	3490	2920	2320	1840	1380	1060	740	430	110	0	0
035125-035374	3550	2970	2360	1870	1410	1090	780	460	140	0	0
035375-035624	3610	3030	2410	1910	1440	1130	810	490	180	0	0
035625-035874	3670	3080	2450	1950	1470	1160	840	530	210	0	0
035875-036124	3740	3130	2500	1990	1500	1190	880	560	240	0	0
036125-036374	3800	3190	2540	2030	1530	1220	910	590	280	0	0
036375-036624	3860	3240	2590	2070	1570	1250	940	630	310	0	0
036625-036874	3920	3300	2640	2110	1600	1280	980	660	340	30	0
036875-037124	3980	3350	2680	2150	1640	1310	1010	690	380	60	0
037125-037374	4040	3400	2730	2190	1670	1340	1040	720	410	90	0
037375-037624	4100	3450	2770	2230	1700	1370	1070	760	440	120	0
037625-037874	4160	3500	2820	2270	1740	1400	1100	790	470	160	0
037875-038124	4220	3560	2860	2310	1770	1430	1120	820	510	190	0
038125-038374	4280	3610	2910	2350	1800	1460	1150	850	540	220	0
038375-038624	4340	3670	2960	2390	1840	1490	1180	880	570	260	0
038625-038874	4400	3730	3010	2440	1870	1530	1210	910	610	290	0
038875-039124	4460	3790	3060	2480	1910	1560	1240	940	640	320	10
039125-039374	4520	3850	3110	2530	1950	1590	1270	970	670	360	40
039375-039624	4580	3910	3170	2570	1990	1630	1300	1000	700	390	70
039625-039874	4640	3970	3220	2620	2030	1660	1330	1030	730	420	100

Table B - Expected Family Contribution for 1983-84 Dependent Student Rates

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS											
	2	3	4	5	6	7	8	9	10	11	12
$0 - 3,999	210	170	140	110	80	70	60	50	40	30	20
4,000 - 4,249	210	170	140	110	80	70	60	50	40	30	20
4,250 - 4,499	210	170	140	110	80	70	60	50	40	30	20
4,500 - 4,749	210	170	140	110	80	70	60	50	40	30	20
4,750 - 4,999	210	170	140	110	80	70	60	50	40	30	20
5,000 - 5,249	220	180	150	120	90	80	70	60	50	40	30
5,250 - 5,499	230	190	160	130	100	90	80	70	60	50	40
5,500 - 5,749	240	200	170	140	110	100	90	80	70	60	50
5,750 - 5,999	250	210	180	150	120	110	100	90	80	70	60
6,000 - 6,249	260	220	190	160	130	120	110	100	90	80	70
6,250 - 6,499	270	230	200	170	140	130	120	110	100	90	80
6,500 - 6,749	280	240	210	180	150	140	130	120	110	100	90
6,750 - 6,999	290	250	220	190	160	150	140	130	120	110	100
7,000 - 7,249	300	260	230	200	170	160	150	140	130	120	110
7,250 - 7,499	310	270	240	210	180	170	160	150	140	130	120
7,500 - 7,749	320	280	250	220	190	180	170	160	150	140	130
7,750 - 7,999	330	290	260	230	200	190	180	170	160	150	140
8,000 - 8,249	340	300	270	240	210	200	190	180	170	160	150
8,250 - 8,499	350	310	280	250	220	210	200	190	180	170	160
8,500 - 8,749	360	320	290	260	230	220	210	200	190	180	170
8,750 - 8,999	370	330	300	270	240	230	220	210	200	190	180
9,000 - 9,249	380	340	310	280	250	240	230	220	210	200	190
9,250 - 9,499	390	350	320	290	260	250	240	230	220	210	200
9,500 - 9,749	400	360	330	300	270	260	250	240	230	220	210
9,750 - 9,999	410	370	340	310	280	270	260	250	240	230	220
10,000 - 10,249	420	380	350	320	290	280	270	260	250	240	230
10,250 - 10,499	430	390	360	330	300	290	280	270	260	250	240
10,500 - 10,749	440	400	370	340	310	300	290	280	270	260	250
10,750 - 10,999	450	410	380	350	320	310	300	290	280	270	260
11,000 - 11,249	460	420	390	360	330	320	310	300	290	280	270
11,250 - 11,499	470	430	400	370	340	330	320	310	300	290	280
11,500 - 11,749	480	440	410	380	350	340	330	320	310	300	290
11,750 - 11,999	490	450	420	390	360	350	340	330	320	310	300
12,000 - 12,249	500	460	430	400	370	360	350	340	330	320	310
12,250 - 12,499	510	470	440	410	380	370	360	350	340	330	320
12,500 - 12,749	520	480	450	420	390	380	370	360	350	340	330
12,750 - 12,999	530	490	460	430	400	390	380	370	360	350	340
13,000 - 13,249	540	500	470	440	410	400	390	380	370	360	350
13,250 - 13,499	550	510	480	450	420	410	400	390	380	370	360
13,500 - 13,749	560	520	490	460	430	420	410	400	390	380	370
13,750 - 13,999	570	530	500	470	440	430	420	410	400	390	380
14,000 - 14,249	580	540	510	480	450	440	430	420	410	400	390
14,250 - 14,499	590	550	520	490	460	450	440	430	420	410	400
14,500 - 14,749	600	560	530	500	470	460	450	440	430	420	410
14,750 - 14,999	610	570	540	510	480	470	460	450	440	430	420
15,000 - 15,249	620	580	550	520	490	480	470	460	450	440	430
15,250 - 15,499	630	590	560	530	500	490	480	470	460	450	440
15,500 - 15,749	640	600	570	540	510	500	490	480	470	460	450
15,750 - 15,999	650	610	580	550	520	510	500	490	480	470	460
16,000 - 16,249	660	620	590	560	530	520	510	500	490	480	470
16,250 - 16,499	670	630	600	570	540	530	520	510	500	490	480
16,500 - 16,749	680	640	610	580	550	540	530	520	510	500	490
16,750 - 16,999	690	650	620	590	560	550	540	530	520	510	500
17,000 - 17,249	700	660	630	600	570	560	550	540	530	520	510
17,250 - 17,499	710	670	640	610	580	570	560	550	540	530	520
17,500 - 17,749	720	680	650	620	590	580	570	560	550	540	530
17,750 - 17,999	730	690	660	630	600	590	580	570	560	550	540
18,000 - 18,249	740	700	670	640	610	600	590	580	570	560	550
18,250 - 18,499	750	710	680	650	620	610	600	590	580	570	560
18,500 - 18,749	760	720	690	660	630	620	610	600	590	580	570
18,750 - 18,999	770	730	700	670	640	630	620	610	600	590	580
19,000 - 19,249	780	740	710	680	650	640	630	620	610	600	590
19,250 - 19,499	790	750	720	690	660	650	640	630	620	610	600
19,500 - 19,749	800	760	730	700	670	660	650	640	630	620	610
19,750 - 19,999	810	770	740	710	680	670	660	650	640	630	620
20,000 - 20,249	820	780	750	720	690	680	670	660	650	640	630
20,250 - 20,499	830	790	760	730	700	690	680	670	660	650	640
20,500 - 20,749	840	800	770	740	710	700	690	680	670	660	650
20,750 - 20,999	850	810	780	750	720	710	700	690	680	670	660
21,000 - 21,249	860	820	790	760	730	720	710	700	690	680	670
21,250 - 21,499	870	830	800	770	740	730	720	710	700	690	680
21,500 - 21,749	880	840	810	780	750	740	730	720	710	700	690
21,750 - 21,999	890	850	820	790	760	750	740	730	720	710	700
22,000 - 22,249	900	860	830	800	770	760	750	740	730	720	710
22,250 - 22,499	910	870	840	810	780	770	760	750	740	730	720
22,500 - 22,749	920	880	850	820	790	780	770	760	750	740	730
22,750 - 22,999	930	890	860	830	800	790	780	770	760	750	740
23,000 - 23,249	940	900	870	840	810	800	790	780	770	760	750
23,250 - 23,499	950	910	880	850	820	810	800	790	780	770	760
23,500 - 23,749	960	920	890	860	830	820	810	800	790	780	770
23,750 - 23,999	970	930	900	870	840	830	820	810	800	790	780
24,000 - 24,249	980	940	910	880	850	840	830	820	810	800	790
24,250 - 24,499	990	950	920	890	860	850	840	830	820	810	800
24,500 - 24,749	1000	960	930	900	870	860	850	840	830	820	810
24,750 - 24,999	1010	970	940	910	880	870	860	850	840	830	820
25,000 - 25,249	1020	980	950	920	890	880	870	860	850	840	830
25,250 - 25,499	1030	990	960	930	900	890	880	870	860	850	840
25,500 - 25,749	1040	1000	970	940	910	900	890	880	870	860	850
25,750 - 25,999	1050	1010	980	950	920	910	900	890	880	870	860
26,000 - 26,249	1060	1020	990	960	930	920	910	900	890	880	870
26,250 - 26,499	1070	1030	1000	970	940	930	920	910	900	890	880
26,500 - 26,749	1080	1040	1010	980	950	940	930	920	910	900	890
26,750 - 26,999	1090	1050	1020	990	960	950	940	930	920	910	900
27,000 - 27,249	1100	1060	1030	1000	970	960	950	940	930	920	910
27,250 - 27,499	1110	1070	1040	1010	980	970	960	950	940	930	920
27,500 - 27,749	1120	1080	1050	1020	990	980	970	960	950	940	930
27,750 - 27,999	1130	1090	1060	1030	1000	990	980	970	960	950	940
28,000 - 28,249	1140	1100	1070	1040	1010	1000	990	980	970	960	950
28,250 - 28,499	1150	1110	1080	1050	1020	1010	1000	990	980	970	960
28,500 - 28,749	1160	1120	1090	1060	1030	1020	1010	1000	990	980	970
28,750 - 28,999	1170	1130	1100	1070	1040	1030	1020	1010	1000	990	980
29,000 - 29,249	1180	1140	1110	1080	1050	1040	1030	1020	1010	1000	990
29,250 - 29,499	1190	1150	1120	1090	1060	1050	1040	1030	1020	1010	1000
29,500 - 29,749	1200	1160	1130	1100	1070	1060	1050	1040	1030	1020	1010
29,750 - 29,999	1210	1170	1140	1110	1080	1070	1060	1050	1040	1030	1020
30,000 - 30,249	1220	1180	1150	1120	1090	1080	1070	1060	1050	1040	1030
30,250 - 30,499	1230	1190	1160	1130	1100	1090	1080	1070	1060	1050	1040
30,500 - 30,749	1240	1200	1170	1140	1110	1100	1090	1080	1070	1060	1050
30,750 - 30,999	1250	1210	1180	1150	1120	1110	1100	1090	1080	1070	1060
31,000 - 31,249	1260	1220	1190	1160	1130	1120	1110	1100	1090	1080	1070
31,250 - 31,499	1270	1230	1200	1170	1140	1130	1120	1110	1100	1090	1080
31,500 - 31,749	1280	1240	1210	1180	1150	1140	1130	1120	1110	1100	1090
31,750 - 31,999	1290	1250	1220	1190	1160	1150	1140	1130	1120	1110	1100
32,000 - 32,249	1300	1260	1230	1200	1170	1160	1150	1140	1130	1120	1110
32,250 - 32,499	1310	1270	1240	1210	1180	1170	1160	1150	1140	1130	1120
32,500 - 32,749	1320	1280	1250	1220	1190	1180	1170	1160	1150	1140	1130
32,750 - 32,999	1330	1290	1260	1230	1200	1190	1180	1170	1160	1150	1140
33,000 - 33,249	1340	1300	1270	1240	1210	1200	1190	1180	1170	1160	1150
33,250 - 33,499	1350	1310	1280	1250	1220	1210	1200	1190	1180	1170	1160
33,500 - 33,749	1360	1320	1290	1260	1230	1220	1210	1200	1190	1180	1170
33,750 - 33,999	1370	1330	1300	1270	1240	1230	1220	1210	1200	1190	1180
34,000 - 34,249	1380	1340	1310	1280	1250	1240	1230	1220	1210	1200	1190
34,250 - 34,499	1390	1350	1320	1290	1260	1250	1240	1230	1220	1210	1200
34,500 - 34,749	1400	1360	1330	1300	1270	1260	1250	1240	1230	1220	1210
34,750 - 34,999	1410	1370	1340	1310	1280	1270	1260	1250	1240	1230	1220
35,000 - 35,249	1420	1380	1350	1320	1290	1280	1270	1260	1250	1240	1230
35,250 - 35,499	1430	1390	1360	1330	1300	1290	1280	1270	1260	1250	1240
35,500 - 35,749	1440	1400	1370	1340	1310	1300	1290	1280	1270	1260	1250
35,750 - 35,999	1450	1410	1380	1350	1320	1310	1300	1290	1280	1270	1260
36,000 - 36,249	1460	1420	1390	1360	1330	1320	1310	1300	1290	1280	1270
36,250 - 36,499	1470	1430	1400	1370	1340	1330	1320	1310	1300	1290	1280
36,500 - 36,749	1480	1440	1410	1380	1350	1340	1330	1320	1310	1300	1290
36,750 - 36,999	1490	1450	1420	1390	1360	1350	1340	1330	1320	1310	1300
37,000 - 37,249	1500	1460	1430	1400	1370	1360	1350	1340	1330	1320	1310
37,250 - 37,499	1510	1470	1440	1410	1380	1370	1360	1350	1340	1330	1320
37,500 - 37,749	1520	1480	1450	1420	1390	1380	1370	1360	1350	1340	1330
37,750 - 37,999	1530	1490	1460	1430	1400	1390	1380	1370	1360	1350	1340
38,000 - 38,249	1540	1500	1470	1440	1410	1400	1390	1380	1370	1360	1350
38,250 - 38,499	1550	1510	1480	1450	1420	1410	1400	1390	1380	1370	1360
38,500 - 38,749	1560	1520	1490	1460	1430	1420	1410	1400	1390	1380	1370
38,750 - 38,999	1570	1530	1500	1470	1440	1430	1420	1410	1400	1390	1380
39,000 - 39,249	1580	1540	1510	1480	1450	1440	1430	1420	1410	1400	1390
39,250 - 39,499	1590	1550	1520	1490	1460	1450	1440	1430	1420	1410	1400
39,500 - 39,749	1600	1560	1530	1500	1470	1460	1450	1440	1430	1420	1410
39,750 - 39,999	1610	1570	1540	1510	1480	1470	1460	1450	1440	1430	1420
40,000 - 40,249	1620	1580	1550	1520	1490	1480	1470	1460	1450	1440	1430
40,250 - 40,499	1630	1590	1560	1530	1500	1490	1480	1470	1460	1450	1440
40,500 - 40,749	1640	1600	1570	1540	1510	1500	1490	1480	1470	1460	1450
40,750 - 40,999	1650	1610	1580	1550	1520	1510	1500	1490	1480	1470	1460
41,000 - 41,249	1660	1620	1590	1560	1530	1520	1510	1500	1490	1480	1470
41,250 - 41,499	1670	1630	1600	1570	1540	1530	1520	1510	1500	1490	1480
41,500 - 41,749	1680	1640	1610	1580	1550	1540	1530	1520	1510	1500	1490
41,750 - 41,999	1690	1650	1620	1590	1560	1550	1540	1530	1520	1510	1500
42,000 - 42,249	1700	1660	1630	1600	1570	1560	1550	1540	1530	1520	1510
42,250 - 42,499	1710	1670	1640	1610	1580	1570	1560	1550	1540	1530	1520
42,500 - 42,749	1720	1680	1650	1620	1590	1580	1570	1560	1550	1540	1530
42,750 - 42,999	1730	1690	1660	1630	1600	1590	1580	1570	1560	1550	1540
43,000 - 43,249	1740	1700	1670	1640	1610	1600	1590	1580	1570	1560	1550
43,250 - 43,499	1750	1710	1680	1650	1620	1610	1600	1590	1580	1570	1560
43,500 - 43,749	1760	1720	1690	1660	1630	1620	1610	1600	1590	1580	1570
43,750 - 43,999	1770	1730	1700	1670	1640	1630	1620	1610	1600	1590	1580
44,000 - 44,249	1780	1740	1710	1680	1650	1640	1630	1620	1610	1600	1590
44,250 - 44,499	1790	1750	1720	1690	1660	1650	1640	1630	1620	1610	1600
44,500 - 44,749	1800	1760	1730	1700	1670	1660	1650	1640	1630	1620	1610
44,750 - 44,999	1810	1770	1740	1710	1680	1670	1660	1650	1640	1630	1620
45,000 - 45,249	1820	1780	1750	1720	1690	1680	1670	1660	1650	1640	1630
45,250 - 45,499	1830	1790	1760	1730	1700	1690	1680	1670	1660	1650	1640
45,500 - 45,749	1840	1800	1770	1740	1710	1700	1690	1680	1670	1660	1650
45,750 - 45,999	1850	1810	1780	1750	1720	1710	1700	1690	1680	1670	1660
46,000 - 46,249	1860	1820	1790	1760	1730	1720	1710	1700	1690	1680	1670
46,250 - 46,499	1870	1830	1800	1770	1740	1730	1720	1710	1700	1690	1680
46,500 - 46,749	1880	1840	1810	1780	1750	1740	1730	1720	1710	1700	1690
46,750 - 46,999	1890	1850	1820	1790	1760	1750	1740	1730	1720	1710	1700
47,000 - 47,249	1900	1860	1830	1800	1770	1760	1750	1740	1730	1720	1710
47,250 - 47,499	1910	1870	1840	1810	1780	1770	1760	1750	1740	1730	1720
47,500 - 47,749	1920	1880	1850	1820	1790	1780	1770	1760	1750	1740	1730
47,750 - 47,999	1930	1890	1860	1830	1800	1790	1780	1770	1760	1750	1740
48,000 - 48,249	1940	1900	1870	1840	1810	1800	1790	1780	1770	1760	1750
48,250 - 48,499	1950	1910	1880	1850	1820	1810	1800	1790	1780	1770	1760
48,500 - 48,749	1960	1920	1890	1860	1830	1820	1810	1800	1790	1780	1770
48,750 - 48,999	1970	1930	1900	1870	1840	1830	1820	1810	1800	1790	1780
49,000 - 49,249	1980	1940	1910	1880	1850	1840	1830	1820	1810	1800	1790
49,250 - 49,499	1990	1950	1920	1890	1860	1850	1840	1830	1820	1810	1800
49,500 - 49,749	2000	1960	1930	1900	1870	1860	1850	1840	1830	1820	1810
49,750 - 49,999	2010	1970	1940	1910	1880	1870	1860	1850	1840	1830	1820
50,000 - 50,249	2020	1980	1950	1920	1890	1880	1870	1860	1850	1840	1830
50,250 - 50,499	2030	1990	1960	1930	1900	1890	1880	1870	1860	1850	1840
50,500 - 50,749	2040	2000	1970	1940	1910	1900	1890	1880	1870	1860	1850
50,750 - 50,999	2050	2010	1980	1950	1920	1910	1900	1890	1880	1870	1860
51,000 - 51,249	2060	2020	1990	1960	1930	1920	1910	1900	1890	1880	1870
51,250 - 51,499	2070	2030	2000	1970	1940	1930	1920	1910	1900	1890	1880
51,500 - 51,749	2080	2040	2010	1980	1950	1940	1930	1920	1910	1900	1890
51,750 - 51,999	2090	2050	2020	1990	1960	1950	1940	1930	1920	1910	1900
52,000 - 52,249	2100	2060	2030	2000	1970	1960	1950	1940	1930	1920	1910
52,250 - 52,499	2110	2070	2040	2010	1980	1970	1960	1950	1940	1930	1920
52,500 - 52,749	2120	2080	2050	2020	1990	1980	1970	1960	1950	1940	1930
52,750 - 52,999	2130	2090	2060	2030	2000	1990	1980	1970	1960	1950	1940
53,000 - 53,249	2140	2100	2070	2040	2010	2000	1990	1980	1970	1960	1950
53,250 - 53,499	2150	2110	2080	2050	2020	2010	2000	1990	1980	1970	1960
53,500 - 53,749	2160	2120	2090	2060	2030	2020	2010	2000	1990	1980	1970
53,750 - 53,999	2170	2130	2100	2070	2040	2030	2020	2010	2000	1990	1980
54,000 - 54,249	2180	2140	2110	2080	2050	2040	2030	2020	2010	2000	1990
54,250 - 54,499	2190	2150	2120	2090	2060	2050	2040	2030	2020	2010	2000
54,500 - 54,749	2200	2160	2130	2100	2070	2060	2050	2040	2030	2020	2010
54,750 - 54,999	2210	2170	2140	2110	2080	2070	2060	2050	2040	2030	2020
55,000 - 55,249	2220	2180	2150	2120	2090	2080	2070	2060	2050	2040	2030
55,250 - 55,499	2230	2190	2160	2130	2100	2090	2080	2070	2060	2050	2040
55,500 - 55,749	2240	2200	2170	2140	2110	2100	2090	2080	2070	2060	2050
55,750 - 55,999	2250	2210	2180	2150	2120	2110	2100	2090	2080	2070	2060
56,000 - 56,249	2260	2220	2190	2160	2130	2120	2110	2100	2090	2080	2070
56,250 - 56,499	2270	2230	2200	2170	2140	2130	2120	2110	2100	2090	2080
56,500 - 56,749	2280	2240	2210	2180	2150	2140	2130	2120	2110	2100	2090
56,750 - 56,999	2290	2250	2220	2190	2160	2150	2140	2130	2120	2110	2100
57,000 - 57,249	2300	2260	2230	2200	2170	2160	2150	2140	2130	2120	2110
57,250 - 57,499	2310	2270	2240	2210	2180	2170	2160	2150	2140	2130	2120
57,500 - 57,749	2320	2280	2250	2220	2190	2180	2170	2160	2150	2140	2130
57,750 - 57,999	2330	2290	2260	2230	2200	2190	2180	2170	2160	2150	2140
58,000 - 58,249	2340	2300	2270	2240	2210	2200	2190	2180	2170	2160	2150
58,250 - 58,499	2350	2310	2280	2250	2220	2210	2200	2190	2180	2170	2160
58,500 - 58,749	2360	2320	2290	2260	2230	2220	2210	2200	2190	2180	2170
58,750 - 58,999	2370	2330	2300	2270	2240	2230	2220	2210	2200	2190	2180
59,000 - 59,249	2380	2340	2310	2280	2250	2240	2230	2220	2210	2200	2190
59,250 - 59,499	2390	2350	2320	2290	2260	2250	2240	2230	2220	2210	2200
59,500 - 59,749	2400	2360	2330	2300	2270	2260	2250	2240	2230	2220	2210
59,750 - 59,999	2410	2370	2340	2310	2280	2270	2260	2250	2240	2230	2220
60,000 - 60,249	2420	2380	2350	2320	2290	2280	2270	2260	2250	2240	2230
60,250 - 60,499	2430	2390	2360	2330	2300	2290	2280	2270	2260	2250	2240
60,500 - 60,749	2440	2400	2370	2340	2310	2300	2290	2280	2270	2260	2250
60,750 - 60,999	2450	2410	2380	2350	2320	2310	2300	2290	2280	2270	2260
61,000 - 61,249	2460	2420	2390	2360	2330	2320	2310	2300	2290	2280	2270
61,250 - 61,499	2470	2430	2400	2370	2340	2330	2320	2310	2300	2290	2280
61,500 - 61,749	2480	2440	2410	2380	2350	2340	2330	2320	2310	2300	2290
61,750 - 61,999	2490	2450	2420	2390	2360	2350	2340	2330	2320	2310	2300
62,000 - 62,249	2500	2460	2430	2400	2370	2360	2350	2340	2330	2320	2310
62,250 - 62,499	2510	2470	2440	2410	2380	2370	2360	2350	2340	2330	2320
62,500 - 62,749	2520	2480	2450	2420	2390	2380	2370	2360	2350	2340	2330
62,750 - 62,999	2530	2490	2460	2430	2400	2390	2380	2370	2360	2350	2340
63,000 - 63,249	2540	2500	2470	2440	2410	2400	2390	2380	2370	2360	2350
63,250 - 63,499	2550	2510	2480	2450	2420	2410	2400	2390	2380	2370	2360
63,500 - 63,749	2560	2520	2490	2460	2430	2420	2410	2400	2390	2380	2370
63,750 - 63,999	2570	2530	2500	2470	2440	2430	2420	2410	2400	2390	2380
64,000 - 64,249	2580	2540	2510	2480	2450	2440	2430	2420	2410	2400	2390
64,250 - 64,499	2590	2550	2520	2490	2460	2450	2440	2430	2420	2410	2400
64,500 - 64,749	2600	2560	2530	2500	2470	2460	2450	2440	2430

Table B - Expected Family Contribution for [illegible] Family -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS										
	2	3	4	5	6	7	8	9	10	11	12
049875-050124	6970	6240	[illegible]	4850	3970	3710	2840	2360	1980	1630	1310
050125-050374	7020	6400	[illegible]	4890	4030	3420	2890	2430	2020	1660	1340
050375-050624	7070	6450	[illegible]	4940	4090	3470	2930	2470	2060	1690	1370
050625-050874	7120	6500	[illegible]	4990	4150	3520	2980	2510	2100	1730	1390
050875-051124	7170	6550	5770	5040	4210	3570	3040	2560	2130	1760	1420
051125-051374	7220	6600	5820	5090	4270	3640	3090	2600	2170	1790	1450
051375-051624	7270	6650	5870	5140	4330	3700	3140	2640	2210	1820	1480
051625-051874	7320	6700	5920	5190	4390	3760	3190	2690	2240	1850	1520
051875-052124	7370	6750	5970	5240	4450	3810	3240	2730	2280	1890	1550
052125-052374	7420	6800	6020	5290	4500	3860	3290	2770	2320	1930	1580
052375-052624	7480	6850	6070	5340	4560	3910	3340	2820	2360	1960	1610
052625-052874	7530	6900	6120	5390	4610	3970	3390	2860	2400	2000	1640
052875-053124	7580	6950	6170	5440	4670	4010	3430	2900	2440	2040	1670
053125-053374	7630	7000	6220	5490	4660	4060	3480	2950	2490	2070	1710
053375-053624	7680	7050	6270	5540	4710	4110	3520	3010	2530	2110	1740
053625-053874	7730	7100	6320	5590	4760	4160	3560	3060	2570	2150	1770
053875-054124	7780	7150	6370	5640	4810	4210	3610	3100	2620	2180	1800
054125-054374	7830	7200	6420	5690	4860	4260	3660	3140	2660	2220	1830
054375-054624	7880	7250	6470	5750	4910	4310	3720	3190	2700	2260	1870
054625-054874	7930	7300	6520	5800	4960	4360	3770	3230	2750	2300	1900
054875-055124	7980	7350	6570	5850	5010	4410	3820	3270	2780	2330	1940
055125-055374	8030	7410	6630	5900	5060	4460	3870	3310	2820	2360	1980
055375-055624	8080	7460	6680	5960	5110	4510	3930	3360	2860	2420	2010
055625-055874	8130	7510	6730	6010	5160	4560	3970	3400	2890	2460	2050
055875-056124	8180	7560	6780	6060	5210	4620	4020	3440	2930	2500	2090
056125-056374	8230	7610	6830	6100	5260	4670	4070	3490	2980	2530	2130
056375-056624	8280	7660	6880	6150	5310	4720	4120	3530	3020	2570	2160
056625-056874	8330	7710	6930	6200	5360	4770	4170	3570	3060	2610	2200
056875-057124	8380	7760	6980	6250	5410	4820	4220	3620	3110	2640	2230
057125-057374	8440	7810	7030	6300	5460	4870	4270	3670	3150	2680	2260
057375-057624	8490	7860	7080	6350	5520	4920	4320	3720	3190	2720	2290
057625-057874	8540	7910	7130	6400	5570	4970	4370	3780	3240	2750	2320
057875-058124	8590	7960	7180	6450	5620	5020	4420	3830	3280	2790	2360
058125-058374	8640	8010	7230	6500	5670	5070	4470	3880	3320	2830	2390
058375-058624	8690	8060	7280	6550	5720	5120	4520	3930	3360	2860	2430
058625-058874	8740	8110	7330	6600	5770	5170	4570	3980	3410	2900	2470
058875-059124	8790	8160	7380	6650	5820	5220	4620	4030	3450	2940	2500
059125-059374	8840	8210	7430	6710	5870	5270	4680	4080	3490	2990	2540
059375-059624	8890	8260	7480	6760	5920	5320	4730	4130	3540	3030	2580
059625-059874	8940	8310	7530	6810	5970	5370	4780	4180	3580	3070	2610

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Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS										
	2	3	4	5	6	7	8	9	10	11	12
059875-060124	8990	8370	7590	6960	6020	5420	4830	4230	3630	3110	2650
060125-060374	9040	8420	7640	6910	6070	5470	4880	4280	3680	3160	2690
060375-060624	9090	8470	7690	6960	6120	5520	4930	4330	3730	3200	2720
060625-060874	9140	8520	7740	7010	6170	5580	4980	4380	3780	3240	2760
060875-061124	9190	8570	7790	7060	6220	5630	5030	4430	3830	3290	2800
061125-061374	9240	8620	7840	7110	6270	5680	5080	4480	3890	3330	2830
061375-061624	9290	8670	7890	7160	6320	5730	5130	4530	3940	3370	2870
061625-061874	9340	8720	7940	7210	6370	5780	5180	4580	3990	3420	2910
061875-062124	9400	8770	7990	7260	6420	5830	5230	4630	4040	3460	2950
062125-062374	9450	8820	8040	7310	6480	5880	5280	4680	4090	3500	2990
062375-062624	9500	8870	8090	7360	6530	5930	5330	4740	4140	3540	3040
062625-062874	9550	8920	8140	7410	6580	5980	5380	4790	4190	3590	3080
062875-063124	9600	8970	8190	7460	6630	6030	5430	4840	4240	3640	3120
063125-063374	9640	9020	8240	7510	6680	6080	5480	4890	4290	3690	3170
063375-063624	9690	9070	8290	7560	6730	6130	5530	4940	4340	3740	3210
063625-063874	9740	9120	8340	7620	6780	6180	5580	4990	4390	3790	3250
063875-064124	9790	9170	8390	7670	6830	6230	5640	5040	4440	3840	3290
064125-064374	9840	9220	8440	7720	6880	6280	5690	5090	4490	3900	3340
064375-064624	9890	9270	8500	7770	6930	6330	5740	5140	4540	3950	3380
064625-064874	9940	9320	8540	7820	6980	6380	5790	5190	4590	4000	3420
064875-065124	9990	9370	8590	7870	7030	6430	5840	5240	4640	4050	3470
065125-065374	10040	9420	8640	7920	7080	6480	5890	5290	4690	4100	3510
065375-065624	10090	9470	8690	7970	7130	6540	5940	5340	4740	4150	3550
065625-065874	10140	9520	8740	8020	7180	6590	5990	5390	4800	4200	3600
065875-066124	10190	9570	8790	8070	7230	6640	6040	5440	4850	4250	3650
066125-066374	10240	9620	8840	8120	7280	6690	6090	5490	4900	4300	3700
066375-066624	10290	9670	8890	8170	7330	6740	6140	5540	4950	4350	3750
066625-066874	10340	9720	8940	8220	7380	6790	6190	5590	5000	4400	3800
066875-067124	10380	9760	8990	8270	7430	6840	6240	5640	5050	4450	3850
067125-067374	10430	9810	9040	8310	7480	6890	6290	5700	5100	4500	3900
067375-067624	10480	9860	9090	8360	7530	6940	6340	5750	5150	4550	3950
067625-067874	10530	9910	9140	8410	7580	6990	6390	5800	5200	4600	4010
067875-068124	10580	9960	9190	8460	7630	7040	6440	5850	5250	4650	4060
068125-068374	10630	10010	9240	8510	7680	7090	6490	5900	5300	4700	4110
068375-068624	10680	10060	9290	8560	7730	7140	6540	5950	5350	4750	4160
068625-068874	10730	10110	9330	8610	7780	7190	6590	6000	5400	4800	4210
068875-069124	10780	10160	9380	8660	7830	7240	6640	6050	5450	4850	4260
069125-069374	10830	10210	9430	8710	7880	7290	6690	6100	5500	4910	4310
069375-069624	10880	10260	9480	8760	7930	7330	6740	6150	5550	4960	4360
069625-069874	10930	10310	9530	8810	7980	7380	6790	6200	5600	5010	4410

Table B - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1983-84

Table E - Expected Family Contribution for a Dependent Student From a One-Parent Family -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS										
	2	3	4	5	6	7	8	9	10	11	12
069875-070124	10980	10360	9580	8860	8030	7430	6840	6250	5650	5060	4460
070125-070374	11030	10410	9630	8910	8070	7480	6890	6300	5700	5110	4510
070375-070624	11080	10460	9680	8960	8120	7530	6940	6350	5750	5160	4560
070625-070874	11130	10500	9730	9010	8170	7580	6990	6400	5800	5210	4610
070875-071124	11170	10550	9780	9050	8220	7630	7040	6450	5850	5260	4660
071125-071374	11220	10600	9830	9100	8270	7680	7090	6500	5900	5310	4710
071375-071624	11270	10650	9880	9150	8320	7730	7140	6540	5950	5360	4760
071625-071874	11320	10700	9930	9200	8370	7780	7190	6590	6000	5410	4810
071875-072124	11370	10750	9980	9250	8420	7830	7240	6640	6050	5460	4860
072125-072374	11420	10800	10030	9300	8470	7880	7290	6690	6100	5510	4920
072375-072624	11470	10850	10070	9350	8520	7930	7330	6740	6150	5560	4970
072625-072874	11520	10900	10120	9400	8570	7980	7380	6790	6200	5610	5020
072875-073124	11570	10950	10170	9450	8620	8030	7430	6840	6250	5660	5060
073125-073374	11620	11000	10220	9500	8670	8070	7480	6890	6300	5710	5110
073375-073624	11670	11050	10270	9550	8720	8120	7530	6940	6350	5760	5160
073625-073874	11720	11100	10320	9600	8770	8170	7580	6990	6400	5800	5210
073875-074124	11770	11150	10370	9650	8820	8220	7630	7040	6450	5850	5260
074125-074374	11820	11200	10420	9700	8860	8270	7680	7090	6500	5900	5310
074375-074624	11870	11240	10470	9750	8910	8320	7730	7140	6540	5950	5360
074625-074874	11910	11290	10520	9800	8960	8370	7780	7190	6590	6000	5410
074875-075000	11960	11340	10570	9840	9010	8420	7830	7240	6640	6050	5460

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Table C - EXPECTED FAMILY CONTRIBUTION FOR A MARRIED INDEPENDENT STUDENT

For a married independent student, the educational institution determines the student's expected family contribution according to Table C. The amount obtained from the table is divided by the number of family members enrolled on at least a half-time basis in a postsecondary educational institution. The contributions set forth in Table C are based on a 12-month budget. If an educational institution calculates an independent student budget on a 9-month basis, it must multiply the contribution in the table by .75. No family assets are considered.

As used in Table C, "Family members" include the student, the student's spouse and their dependents.

The conversion of adjusted gross income to the expected family contribution is performed by subtracting from the adjusted gross income, the following:

--Federal income tax, based on standard deductions, computed at the rate applied to married taxpayers filing joint returns,

--F.I.C.A. (Social Security) for one wage earner, and

--Average State and other taxes (4%).

The resulting value is the expected family contribution. No deduction is made for living expenses of the student and his or her family because those expenses are included in the student's cost of education.

Table [illegible] – [illegible] Dependent Student -- 1983-84

ADJUSTED GROSS INCOME	FAMILY MEMBERS							
	4	5	6	7	8	9	10	11	12
AUTOMATIC ZERO									
0	22440	23330	24900	23150	23460	23650	23890	24110	24330
1000	22440	23330	24060	23310	23560	23810	24060	24280	24500
2000	22440	23330	23220	23470	23720	23970	24220	24460	24670
3000	22440	23330	23360	23620	23860	24130	24380	24620	24840
4000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
5000	[illegible]	23530	23790	24040	24290	24540	24790	25010	
6000	[illegible]	23650	23950	24200	24450	24700	24950	25170	
7000	[illegible]	23840	24110	24360	24610	24860	25110	25340	
8000	[illegible]	24030	24270	24520	24770	25020	25270	25510	
9000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
10000	[illegible]	23840	24130	24400	24650	24920	25190	25430	25680
11000	[illegible]	24090	24280	24570	24850	25100	25350	25600	25850
12000	[illegible]	24340	24440	24730	25010	25260	25510	25760	26010
13000	[illegible]	24590	24610	24900	25190	25440	25690	25940	26190
14000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
15000	[illegible]	24840	24770	[illegible]	25350	25620	25870	26120	26370
16000	[illegible]	25090	24940	[illegible]	25620	25800	26050	26300	26550
17000	[illegible]	25340	25110	[illegible]	25890	26070	26320	26570	26720
18000	[illegible]	25590	25280	[illegible]	25960	26150	26400	26650	26900
19000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
20000	[illegible]	25150	25440	25710	26000	26310	26580	26830	27080
21000	[illegible]	25320	25610	25910	26190	26480	26760	27010	27260
22000	[illegible]	25490	25780	26070	26360	26650	26930	27180	27430
23000	[illegible]	25660	25950	26240	26530	26820	27110	27360	27610
24000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
25000	25490	25820	26110	26400	26690	26980	27270	27540	27790
26000	25660	25990	26280	26570	26860	27150	27440	27720	27970
27000	25830	26130	26450	26740	27030	27320	27610	27890	28140
28000	25990	26290	26620	26910	27200	27490	27780	28070	28320
29000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
30000	26120	26450	26780	27070	27360	27650	27940	28230	28500
31000	26280	26610	26940	27240	27530	27820	28110	28400	28660
32000	26430	26760	27090	27410	27700	27990	28280	28570	28850
33000	26590	26920	27250	27580	27870	28160	28450	28740	29030
34000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
35000	26740	27080	27410	27740	28030	28320	28610	28900	29190
36000	26910	27240	27570	27900	28200	28490	28780	29070	29360
37000	27060	27390	27720	28050	28370	28660	28950	29240	29530
38000	27220	27550	27880	28210	28540	28830	29120	29410	29700
39000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
40000	27380	27710	28040	[illegible]	28700	28990	29280	29570	29860
41000	27540	27870	28200	[illegible]	28860	29160	29450	29740	30030
42000	27690	28020	28350	[illegible]	29010	29330	29620	29910	30200
43000	27850	28180	28510	[illegible]	29170	29500	29790	30080	30370
44000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
45000	28010	[illegible]	28670	29000	29330	29660	29960	30240	30530
46000	28160	28500	28830	29160	29490	29820	30120	30410	30700
47000	28310	28650	28980	29310	29640	29970	30290	30580	30870
48000	28460	28810	29140	29470	29800	30130	30460	30750	31040
49000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
50000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
51000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
52000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
53000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
54000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
55000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
56000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
57000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
58000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
59000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
60000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
61000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
62000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
63000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
64000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
65000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
66000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
67000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
68000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
69000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
70000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
71000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
72000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
73000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
74000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
75000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
76000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
77000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
78000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
79000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
80000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
81000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
82000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
83000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
84000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
85000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
86000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
87000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
88000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
89000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
90000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
91000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
92000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
93000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
94000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
95000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
96000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
97000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
98000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
99000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
100000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

ADJUSTED GROSS INCOME LESS THAN	AUTOMATIC ZERO
03675-03124	[illegible]
03125-03374	[illegible]
03375-03624	[illegible]
03625-03874	[illegible]
03675-04124	[illegible]
04125-04374	[illegible]
04375-04624	[illegible]
04625-04874	[illegible]
04875-05124	[illegible]
05125-05374	[illegible]
05375-05624	[illegible]
05625-05874	[illegible]
05875-06124	[illegible]
06125-06374	[illegible]
06375-06624	[illegible]
06625-06874	[illegible]
06875-07124	[illegible]
07125-07374	[illegible]
07375-07624	[illegible]
07625-07874	[illegible]
07875-08124	[illegible]
08125-08374	[illegible]
08375-08624	[illegible]
08625-08874	[illegible]
08875-09124	[illegible]
09125-09374	[illegible]
09375-09624	[illegible]
09625-09874	[illegible]

Table C - Expected Family Contribution for a Married Independent Student -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS: 2	3	4	5	6	7	8	9	10	11	12
039875-040124	27810	28200	28590	28970	29300	29630	29960	30290	30620	30910	31200
040125-040374	27950	28340	28730	29120	29460	29790	30120	30450	30780	31080	31370
040375-040624	28100	28490	28880	29270	29610	29940	30270	30600	30930	31250	31540
040625-040874	28240	28630	29020	29410	29770	30100	30430	30760	31090	31420	31710
040875-041124	28380	28770	29160	29550	29930	30260	30590	30920	31250	31580	31870
041125-041374	28520	28910	29300	29690	30080	30420	30750	31080	31410	31740	32040
041375-041624	28670	29060	29450	29840	30230	30570	30900	31230	31560	31890	32210
041625-041874	28810	29200	29590	29980	30370	30730	31060	31390	31720	32050	32380
041875-042124	28950	29340	29730	30120	30510	30890	31220	31550	31880	32210	32540
042125-042374	29090	29480	29870	30260	30650	31040	31380	31710	32040	32370	32700
042375-042624	29240	29630	30020	30410	30800	31190	31530	31860	32190	32520	32850
042625-042874	29380	29770	30160	30550	30940	31330	31690	32020	32350	32680	33010
042875-043124	29520	29910	30300	30690	31080	31470	31850	32180	32510	32840	33170
043125-043374	29660	30050	30440	30830	31220	31610	32000	32340	32670	33000	33330
043375-043624	29810	30200	30590	30980	31370	31760	32150	32490	32820	33150	33480
043625-043874	29950	30340	30730	31120	31510	31900	32290	32650	32980	33310	33640
043875-044124	30090	30480	30870	31260	31650	32040	32430	32810	33140	33470	33800
044125-044374	30230	30620	31010	31400	31790	32180	32570	32960	33300	33630	33960
044375-044624	30380	30770	31160	31550	31940	32330	32720	33110	33450	33780	34110
044625-044874	30520	30910	31300	31690	32080	32470	32860	33250	33610	33940	34270
044875-045124	30660	31050	31440	31830	32220	32610	33000	33390	33770	34100	34430
045125-045374	30800	31190	31580	31970	32360	32750	33140	33530	33920	34260	34590
045375-045624	30950	31340	31730	32120	32510	32900	33290	33680	34070	34410	34740
045625-045874	31090	31480	31870	32260	32650	33040	33430	33820	34210	34570	34900
045875-046124	31230	31620	32010	32400	32790	33180	33570	33960	34350	34730	35060
046125-046374	31370	31760	32150	32540	32930	33320	33710	34100	34490	34880	35220
046375-046624	31520	31910	32300	32690	33080	33470	33860	34250	34640	35030	35370
046625-046874	31660	32050	32440	32830	33220	33610	34000	34390	34780	35170	35530
046875-047124	31800	32190	32580	32970	33360	33750	34140	34530	34920	35310	35690
047125-047374	31940	32330	32720	33110	33500	33890	34280	34670	35060	35450	35840
047375-047624	32090	32480	32870	33260	33650	34040	34430	34820	35210	35600	35990
047625-047874	32230	32620	33010	33400	33790	34180	34570	34960	35350	35740	36130
047875-048124	32380	32770	33160	33550	33940	34320	34710	35100	35490	35880	36270
048125-048374	32490	32910	33290	33680	34070	34460	34850	35240	35630	36020	36410
048375-048624	32620	33050	33440	33830	34220	34610	35000	35390	35780	36170	36560
048625-048874	32750	33190	33580	33970	34360	34750	35140	35530	35920	36310	36700
048875-049124	32880	33320	33720	34110	34500	34890	35280	35670	36060	36450	36840
049125-049374	33010	33450	33860	34250	34640	35030	35420	35810	36200	36590	36980
049375-049624	33140	33580	34010	34400	34790	35180	35570	35960	36350	36740	37130
049625-049874	33270	33710	34150	34540	34930	35320	35710	36100	36490	36880	37270

Table C - Expected Family Contribution for a Married Independent Student -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS: 2	3	4	5	6	7	8	9	10	11	12
039875-040124	27810	28200	28590	28970	29300	29630	29960	30290	30620	30910	31200
040125-040374	27950	28340	28730	29120	29460	29790	30120	30450	30780	31080	31370
040375-040624	28100	28490	28880	29270	29610	29940	30270	30600	30930	31250	31540
040625-040874	28240	28630	29020	29410	29770	30100	30430	30760	31090	31420	31710
040875-041124	28380	28770	29160	29550	29930	30260	30590	30920	31250	31580	31870
041125-041374	28520	28910	29300	29690	30080	30420	30750	31080	31410	31740	32040
041375-041624	28670	29060	29450	29840	30230	30570	30900	31230	31560	31890	32210
041625-041874	28810	29200	29590	29980	30370	30730	31060	31390	31720	32050	32380
041875-042124	28950	29340	29730	30120	30510	30890	31220	31550	31880	32210	32540
042125-042374	29090	29480	29870	30260	30650	31040	31380	31710	32040	32370	32700
042375-042624	29240	29630	30020	30410	30800	31190	31530	31860	32190	32520	32850
042625-042874	29380	29770	30160	30550	30940	31330	31690	32020	32350	32680	33010
042875-043124	29520	29910	30300	30690	31080	31470	31850	32180	32510	32840	33170
043125-043374	29660	30050	30440	30830	31220	31610	32000	32340	32670	33000	33330
043375-043624	29810	30200	30590	30980	31370	31760	32150	32490	32820	33150	33480
043625-043874	29950	30340	30730	31120	31510	31900	32290	32650	32980	33310	33640
043875-044124	30090	30480	30870	31260	31650	32040	32430	32810	33140	33470	33800
044125-044374	30230	30620	31010	31400	31790	32180	32570	32960	33300	33630	33960
044375-044624	30380	30770	31160	31550	31940	32330	32720	33110	33450	33780	34110
044625-044874	30520	30910	31300	31690	32080	32470	32860	33250	33610	33940	34270
044875-045124	30660	31050	31440	31830	32220	32610	33000	33390	33770	34100	34430
045125-045374	30800	31190	31580	31970	32360	32750	33140	33530	33920	34260	34590
045375-045624	30950	31340	31730	32120	32510	32900	33290	33680	34070	34410	34740
045625-045874	31090	31480	31870	32260	32650	33040	33430	33820	34210	34570	34900
045875-046124	31230	31620	32010	32400	32790	33180	33570	33960	34350	34730	35060
046125-046374	31370	31760	32150	32540	32930	33320	33710	34100	34490	34880	35220
046375-046624	31520	31910	32300	32690	33080	33470	33860	34250	34640	35030	35370
046625-046874	31660	32050	32440	32830	33220	33610	34000	34390	34780	35170	35530
046875-047124	31800	32190	32580	32970	33360	33750	34140	34530	34920	35310	35690
047125-047374	31940	32330	32720	33110	33500	33890	34280	34670	35060	35450	35840
047375-047624	32090	32480	32870	33260	33650	34040	34430	34820	35210	35600	35990
047625-047874	32230	32620	33010	33400	33790	34180	34570	34960	35350	35740	36130
047875-048124	32380	32770	33160	33550	33940	34320	34710	35100	35490	35880	36270
048125-048374	32490	32910	33290	33680	34070	34460	34850	35240	35630	36020	36410
048375-048624	32620	33050	33440	33830	34220	34610	35000	35390	35780	36170	36560
048625-048874	32750	33190	33580	33970	34360	34750	35140	35530	35920	36310	36700
048875-049124	32880	33320	33720	34110	34500	34890	35280	35670	36060	36450	36840
049125-049374	33010	33450	33860	34250	34640	35030	35420	35810	36200	36590	36980
049375-049624	33140	33580	34010	34400	34790	35180	35570	35960	36350	36740	37130
049625-049874	33270	33710	34150	34540	34930	35320	35710	36100	36490	36880	37270

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Table C - Expected Family Contribution for a Married Independent Student -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS 2	3	4	5	6	7	8	9	10	11	12
049875-050124	33400	33840	34280	34680	35070	35460	35850	36240	36630	37020	37410
050125-050374	33530	33970	34410	34820	35210	35600	35990	36380	36770	37160	37550
050375-050624	33660	34100	34540	34970	35360	35750	36140	36530	36920	37310	37700
050625-050874	33790	34230	34670	35110	35500	35890	36280	36670	37060	37450	37840
050875-051124	33920	34360	34800	35240	35640	36030	36420	36810	37200	37590	37980
051125-051374	34050	34490	34930	35370	35780	36170	36560	36950	37340	37730	38120
051375-051624	34180	34620	35060	35500	35930	36320	36710	37100	37490	37880	38270
051625-051874	34310	34750	35190	35630	36070	36460	36850	37240	37630	38020	38410
051875-052124	34440	34880	35320	35760	36200	36600	36990	37380	37770	38160	38550
052125-052374	34570	35010	35450	35890	36330	36740	37130	37520	37910	38300	38690
052375-052624	34700	35140	35580	36020	36460	36890	37290	37670	38060	38450	38840
052625-052874	34830	35270	35710	36150	36590	37030	37420	37810	38200	38590	38980
052875-053124	34960	35400	35840	36280	36720	37160	37560	37950	38340	38730	39120
053125-053374	35090	35530	35970	36410	36850	37290	37700	38090	38480	38870	39260
053375-053624	35220	35660	36100	36540	36980	37420	37850	38240	38630	39020	39410
053625-053874	35350	35790	36230	36670	37110	37550	37990	38380	38770	39160	39550
053875-054124	35480	35920	36360	36800	37240	37680	38120	38520	38910	39300	39690
054125-054374	35610	36050	36490	36930	37370	37810	38250	38660	39050	39440	39830
054375-054624	35740	36180	36620	37060	37500	37940	38380	38810	39200	39590	39980
054625-054874	35870	36310	36750	37190	37630	38070	38510	38950	39340	39730	40120
054875-055124	36000	36440	36880	37320	37760	38200	38640	39080	39480	39870	40260
055125-055374	36130	36570	37010	37450	37890	38330	38770	39210	39620	40010	40400
055375-055624	36260	36700	37140	37580	38020	38460	38900	39340	39770	40160	40550
055625-055874	36390	36830	37270	37710	38150	38590	39030	39470	39910	40300	40690
055875-056124	36520	36960	37400	37840	38280	38720	39160	39600	40040	40440	40830
056125-056374	36650	37090	37530	37970	38410	38850	39290	39730	40170	40580	40970
056375-056624	36780	37220	37660	38100	38540	38980	39420	39860	40300	40730	41120
056625-056874	36910	37350	37790	38230	38670	39110	39550	39990	40430	40870	41260
056875-057124	37040	37480	37920	38360	38800	39240	39680	40120	40560	41000	41400
057125-057374	37170	37610	38050	38490	38930	39370	39810	40250	40690	41130	41540
057375-057624	37300	37740	38180	38620	39060	39500	39940	40380	40820	41260	41690
057625-057874	37430	37870	38310	38750	39190	39630	40070	40510	40950	41390	41830
057875-058124	37560	38000	38440	38880	39320	39760	40200	40640	41080	41520	41960
058125-058374	37690	38130	38570	39010	39450	39890	40330	40770	41210	41650	42090
058375-058624	37820	38260	38700	39140	39580	40020	40460	40900	41340	41780	42220
058625-058874	37950	38390	38830	39270	39710	40150	40590	41030	41470	41910	42350
058875-059124	38080	38520	38960	39400	39840	40280	40720	41160	41600	42040	42480
059125-059374	38210	38650	39090	39530	39970	40410	40850	41290	41730	42170	42610
059375-059624	38340	38780	39220	39660	40100	40540	40980	41420	41860	42300	42740
059625-059874	38470	38910	39350	39790	40230	40670	41110	41550	41990	42430	42870

Table C - Expected Family Contribution for a Married Independent Student -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS 2	3	4	5	6	7	8	9	10	11	12
059875-060124	38600	39040	39480	39920	40360	40800	41240	41680	42120	42560	43000
060125-060374	38730	39170	39610	40050	40490	40930	41370	41810	42250	42690	43130
060375-060624	38860	39300	39740	40180	40620	41060	41500	41940	42380	42820	43260
060625-060874	38990	39430	39870	40310	40750	41190	41630	42070	42510	42950	43390
060875-061124	39120	39560	40000	40440	40880	41320	41760	42200	42640	43080	43520
061125-061374	39250	39690	40130	40570	41010	41450	41890	42330	42770	43210	43650
061375-061624	39380	39820	40260	40700	41140	41580	42020	42460	42900	43340	43780
061625-061874	39510	39950	40390	40830	41270	41710	42150	42590	43030	43470	43910
061875-062124	39640	40080	40520	40960	41400	41840	42280	42720	43160	43600	44040
062125-062374	39760	40210	40650	41090	41530	41970	42410	42850	43290	43730	44170
062375-062624	39860	40340	40780	41220	41660	42100	42540	42980	43420	43860	44300
062625-062874	39990	40470	40910	41350	41790	42230	42670	43110	43550	43990	44430
062875-063124	40110	40600	41040	41480	41920	42360	42800	43240	43680	44120	44560
063125-063374	40230	40720	41170	41610	42050	42490	42930	43370	43810	44250	44690
063375-063624	40350	40840	41300	41740	42180	42620	43060	43500	43940	44380	44820
063625-063874	40460	40950	41430	41870	42310	42750	43190	43630	44070	44510	44950
063875-064124	40580	41070	41560	42000	42440	42880	43320	43760	44200	44640	45080
064125-064374	40700	41190	41680	42130	42570	43010	43450	43890	44330	44770	45210
064375-064624	40820	41310	41800	42260	42700	43140	43580	44020	44460	44900	45340
064625-064874	40930	41420	41910	42390	42830	43270	43710	44150	44590	45030	45470
064875-065124	41050	41540	42030	42520	42960	43400	43840	44280	44720	45160	45600
065125-065374	41170	41660	42150	42640	43090	43530	43970	44410	44850	45290	45730
065375-065624	41290	41780	42270	42760	43220	43660	44100	44540	44980	45420	45860
065625-065874	41400	41890	42380	42870	43350	43790	44230	44670	45110	45550	45990
065875-066124	41520	42010	42500	42990	43480	43920	44360	44800	45240	45680	46120
066125-066374	41640	42130	42620	43110	43600	44050	44490	44930	45370	45810	46250
066375-066624	41760	42250	42740	43230	43720	44180	44620	45060	45500	45940	46380
066625-066874	41870	42360	42850	43340	43830	44310	44750	45190	45630	46070	46510
066875-067124	41990	42480	42970	43460	43950	44440	44880	45320	45760	46200	46640
067125-067374	42110	42600	43090	43580	44070	44560	45010	45450	45890	46330	46770
067375-067624	42230	42720	43210	43700	44190	44680	45140	45580	46020	46460	46900
067625-067874	42340	42830	43320	43810	44300	44790	45270	45710	46150	46590	47030
067875-068124	42460	42950	43440	43930	44420	44910	45400	45840	46280	46720	47160
068125-068374	42580	43070	43560	44050	44540	45030	45520	45970	46410	46850	47290
068375-068624	42700	43190	43680	44170	44660	45150	45640	46100	46540	46980	47420
068625-068874	42810	43300	43790	44280	44770	45260	45750	46230	46670	47110	47550
068875-069124	42930	43420	43910	44400	44890	45380	45870	46360	46800	47240	47680
069125-069374	43050	43540	44030	44520	45010	45500	45990	46480	46930	47370	47810
069375-069624	43170	43660	44150	44640	45130	45620	46110	46600	47060	47500	47940
069625-069874	43280	43770	44260	44750	45240	45730	46220	46710	47190	47630	48070

Table C - Expected Family Contribution for a Married Independent Student -- 1983-84

Table C - Expected Family Contribution for a Married Independent Student -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS 2	3	4	5	6	7	8	9	10	11	12
069875-070124	43410	43950	44380	44670	45360	45850	46340	46830	47320	47760	48200
070125-070374	43560	44010	44500	44690	45450	45970	46460	46950	47440	47890	48330
070375-070624	43840	44130	44620	45110	45600	46090	46580	47070	47560	48020	48460
070625-070874	43750	44240	44730	45220	45710	46200	46690	47140	47670	48150	48590
070875-071124	43870	44360	44850	45340	45830	46320	46810	47300	47790	48280	48720
071125-071374	43990	44480	44970	45460	45950	46440	46930	47420	47910	48400	48850
071375-071624	44110	44600	45090	45580	46070	46560	47050	47540	48030	48520	48980
071625-071874	44220	44710	45200	45690	46180	46670	47160	47650	48140	48630	49110
071875-072124	44340	44830	45320	45810	46300	46790	47280	47770	48260	48750	49240
072125-072374	44460	44950	45440	45930	46420	46910	47400	47890	48380	48870	49360
072375-072624	44580	45070	45560	46050	46540	47030	47520	48010	48500	48990	49480
072625-072874	44690	45180	45670	46160	46650	47140	47630	48120	48610	49100	49590
072875-073124	44810	45300	45790	46280	46770	47260	47750	48240	48730	49220	49710
073125-073374	44930	45420	45910	46400	46890	47380	47870	48360	48850	49340	49830
073375-073624	45050	45540	46030	46520	47010	47500	47990	48480	48970	49460	49950
073625-073874	45160	45650	46140	46630	47120	47610	48100	48590	49080	49570	50060
073875-074124	45280	45770	46260	46750	47240	47730	48220	48710	49200	49690	50180
074125-074374	45400	45890	46380	46870	47360	47850	48340	48830	49320	49810	50300
074375-074624	45520	46010	46500	46990	47480	47970	48460	48950	49440	49930	50420
074625-074874	45630	46120	46610	47100	47590	48080	48570	49060	49550	50040	50530
074875- 075000	45750	46240	46730	47220	47710	48200	48690	49180	49670	50160	50650

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Table D -- EXPECTED FAMILY CONTRIBUTION FOR A SINGLE INDEPENDENT STUDENT

For a single independent student, the educational institution determines the student's expected family contribution according to Table D. The amount obtained from the table is divided by the number of family members enrolled on at least a half-time basis in a postsecondary educational institution. The contributions set forth in Table D are based on a 12-month budget. If an educational institution calculates an independent student budget on a 9-month basis, it must multiply the contribution in the table by .75. No family assets are considered.

As used in Table D, "Family members" include the student and the student's dependents.

The conversion of adjusted gross income to the expected family contribution is performed by subtracting from the adjusted gross income, the following:

--Federal income tax, based on standard deductions, computed at the rate applied to taxpayers who qualify as heads of households,

--F.I.C.A. (Social Security) for one wage earner, and

--Average State and other taxes (4%).

The resulting value is the expected family contribution. No deduction is made for living expenses for the student and his or her family because those expenses are included in the student's cost of education.

Table D - Expected Family Contribution for a Single Independent Student -- 1983-84

NUMBER OF FAMILY MEMBERS

Table D - Expected Family Contribution for a Single Independent Student — 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS 1	2	3	4	5	6	7	8	9	10	11	12
LESS THAN 30001	AUTOMATICALLY ELIGIBLE											
030001 -030124	20570	20900	21220	21540	21860	22180	22480	22760	23040	23320	23600	23870
030125-030374	20700	21050	21370	21690	22010	22330	22640	22920	23200	23480	23760	24040
030375-030624	20830	21190	21510	21830	22150	22470	22790	23070	23350	23630	23910	24190
030625-030874	20960	21330	21650	21970	22290	22610	22930	23220	23500	23780	24060	24340
030875-031124	21080	21460	21800	22120	22440	22760	23080	23380	23660	23940	24220	24500
031125-031374	21210	21590	21940	22260	22580	22900	23220	23530	23810	24090	24370	24650
031375-031624	21340	21720	22080	22400	22720	23040	23360	23680	23960	24240	24520	24800
031625-031874	21470	21850	22230	22550	22870	23190	23510	23830	24120	24400	24680	24960
031875-032124	21600	21980	22360	22690	23010	23320	23650	23970	24270	24550	24830	25110
032125-032374	21730	22110	22490	22830	23150	23470	23790	24110	24420	24700	24980	25260
032375-032624	21860	22240	22620	22980	23300	23620	23940	24260	24580	24860	25140	25420
032625-032874	22010	22390	22770	23140	23460	23780	24100	24420	24740	25030	25310	25590
032875-033124	22150	22530	22910	23290	23620	23940	24260	24580	24900	25200	25480	25760
033125-033374	22300	22680	23060	23440	23780	24100	24420	24740	25060	25370	25650	25930
033375-033624	22440	22820	23200	23580	23940	24260	24580	24900	25220	25540	25820	26100
033625-033874	22590	22970	23350	23730	24100	24420	24740	25060	25380	25700	25990	26270
033875-034124	22730	23110	23490	23870	24250	24580	24900	25220	25540	25860	26160	26440
034125-034374	22860	23260	23640	24020	24400	24740	25060	25380	25700	26020	26330	26610
034375-034624	23020	23400	23780	24160	24540	24900	25220	25540	25860	26180	26500	26780
034625-034874	23170	23550	23930	24310	24690	25060	25380	25700	26020	26340	26660	26950
034875-035124	23310	23690	24070	24450	24830	25210	25540	25860	26180	26500	26820	27120
035125-035374	23450	23840	24220	24600	24980	25360	25700	26020	26340	26660	26980	27290
035375-035624	23590	23980	24360	24740	25120	25500	25860	26180	26500	26820	27140	27460
035625-035874	23730	24130	24510	24890	25270	25650	26020	26340	26660	26980	27300	27620
035875-036124	23860	24270	24650	25030	25410	25790	26170	26500	26820	27140	27460	27780
036125-036374	24000	24410	24800	25180	25560	25940	26320	26660	26980	27300	27620	27940
036375-036624	24140	24550	24940	25320	25700	26080	26460	26820	27140	27460	27780	28100
036625-036874	24280	24690	25090	25470	25850	26230	26610	26980	27300	27620	27940	28260
036875-037124	24410	24820	25230	25610	25990	26370	26750	27130	27460	27780	28100	28420
037125-037374	24550	24960	25370	25760	26140	26520	26900	27280	27620	27940	28260	28580
037375-037624	24690	25100	25510	25900	26280	26660	27040	27420	27780	28100	28420	28740
037625-037874	24830	25240	25650	26050	26430	26810	27190	27570	27940	28260	28580	28900
037875-038124	24960	25370	25780	26190	26570	26950	27330	27710	28090	28420	28740	29060
038125-038374	25100	25510	25920	26330	26720	27100	27480	27860	28240	28580	28900	29220
038375-038624	25240	25650	26060	26470	26860	27240	27620	28000	28380	28740	29060	29380
038625-038874	25380	25790	26200	26610	27010	27390	27770	28150	28530	28900	29220	29540
038875-039124	25510	25920	26330	26740	27150	27530	27910	28290	28670	29050	29380	29700
039125-039374	25650	26060	26470	26880	27290	27680	28060	28440	28820	29200	29540	29860
039375-039624	25790	26200	26610	27020	27430	27870	28200	28580	28960	29340	29700	30020
039625-039874	25930	26340	26750	27160	27570	27970	28350	28730	29110	29490	29860	30180

Table D - Expected Family Contribution for a Single Independent Student -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS 1	2	3	4	5	6	7	8	9	10	11	12
039875-040124	26060	26470	26880	27290	27700	28110	28490	28870	29250	29630	30010	30340
040125-040374	26200	26610	27020	27430	27840	28250	28640	29020	29400	29780	30160	30500
040375-040624	26340	26750	27160	27570	27980	28390	28790	29160	29540	29920	30300	30660
040625-040874	26480	26890	27300	27710	28120	28530	28930	29310	29690	30070	30450	30820
040875-041124	26610	27020	27430	27840	28250	28660	29070	29450	29830	30210	30590	30970
041125-041374	26750	27160	27570	27980	28390	28800	29210	29600	29980	30360	30740	31120
041375-041624	26890	27300	27710	28120	28530	28940	29350	29740	30120	30500	30880	31260
041625-041874	27030	27440	27850	28260	28670	29080	29490	29890	30270	30650	31030	31410
041875-042124	27160	27570	27980	28390	28800	29210	29620	30030	30410	30790	31170	31550
042125-042374	27300	27710	28120	28530	28940	29350	29760	30170	30560	30940	31320	31700
042375-042624	27440	27850	28260	28670	29080	29490	29900	30310	30700	31080	31460	31840
042625-042874	27580	27990	28400	28810	29220	29630	30040	30450	30850	31230	31610	31990
042875-043124	27710	28120	28530	28940	29350	29760	30170	30580	30990	31370	31750	32130
043125-043374	27850	28260	28670	29080	29490	29900	30310	30720	31130	31520	31900	32280
043375-043624	27990	28400	28810	29220	29630	30040	30450	30860	31270	31660	32040	32420
043625-043874	28130	28540	28950	29360	29770	30180	30590	31000	31410	31810	32190	32570
043875-044124	28260	28670	29080	29490	29900	30310	30720	31130	31540	31950	32330	32710
044125-044374	28400	28810	29220	29630	30040	30450	30860	31270	31680	32090	32480	32860
044375-044624	28540	28950	29360	29770	30180	30590	31000	31410	31820	32230	32620	33000
044625-044874	28680	29090	29500	29910	30320	30730	31140	31550	31960	32370	32770	33150
044875-045124	28810	29220	29630	30040	30450	30860	31270	31680	32090	32500	32910	33290
045125-045374	28950	29360	29770	30180	30590	31000	31410	31820	32230	32640	33050	33440
045375-045624	29090	29500	29910	30320	30730	31140	31550	31960	32370	32780	33190	33580
045625-045874	29220	29640	30050	30460	30870	31280	31690	32100	32510	32920	33330	33730
045875-046124	29340	29770	30160	30590	31000	31410	31820	32230	32640	33050	33460	33870
046125-046374	29460	29910	30320	30730	31140	31550	31960	32370	32780	33190	33600	34010
046375-046624	29580	30050	30460	30870	31280	31690	32100	32510	32920	33330	33740	34150
046625-046874	29690	30180	30600	31010	31420	31830	32240	32650	33060	33470	33880	34290
046875-047124	29810	30300	30730	31140	31550	31960	32370	32780	33190	33600	34010	34420
047125-047374	29930	30420	30870	31280	31690	32100	32510	32920	33330	33740	34150	34560
047375-047624	30050	30540	31010	31420	31830	32240	32650	33060	33470	33880	34290	34700
047625-047874	30160	30650	31140	31560	31970	32380	32790	33200	33610	34020	34430	34840
047875-048124	30280	30770	31260	31690	32100	32510	32920	33330	33740	34150	34560	34970
048125-048374	30400	30890	31380	31830	32240	32650	33060	33470	33880	34290	34700	35110
048375-048624	30520	31010	31500	31970	32380	32790	33200	33610	34020	34430	34840	35250
048625-048874	30620	31120	31610	32100	32520	32930	33340	33750	34160	34570	34980	35390
048875-049124	30750	31240	31730	32220	32650	33060	33470	33880	34290	34700	35110	35520
049125-049374	30870	31360	31650	32340	32790	33200	33610	34020	34430	34840	35250	35660
049375-049624	30990	31480	31970	32460	32930	33340	33750	34160	34570	34980	35390	35800
049625-049874	31100	31590	32080	32570	33060	33460	33890	34300	34710	35120	35530	35940

Table D - Expected Family Contribution for a Single Independent Student -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS 1	2	3	4	5	6	7	8	9	10	11	12
039875-040124	26060	26470	26880	27290	27700	28110	28490	28870	29250	29630	30010	30340
040125-040374	26200	26610	27020	27430	27840	28250	28640	29020	29400	29780	30160	30500
040375-040624	26340	26750	27160	27570	27980	28390	28790	29160	29540	29920	30300	30660
040625-040874	26480	26890	27300	27710	28120	28530	28930	29310	29690	30070	30450	30820
040875-041124	26610	27020	27430	27840	28250	28660	29070	29450	29830	30210	30590	30970
041125-041374	26750	27160	27570	27980	28390	28800	29210	29600	29980	30360	30740	31120
041375-041624	26890	27300	27710	28120	28530	28940	29350	29740	30120	30500	30880	31260
041625-041874	27030	27440	27850	28260	28670	29080	29490	29890	30270	30650	31030	31410
041875-042124	27160	27570	27980	28390	28800	29210	29620	30030	30410	30790	31170	31550
042125-042374	27300	27710	28120	28530	28940	29350	29760	30170	30560	30940	31320	31700
042375-042624	27440	27850	28260	28670	29080	29490	29900	30310	30700	31080	31460	31840
042625-042874	27580	27990	28400	28810	29220	29630	30040	30450	30850	31230	31610	31990
042875-043124	27710	28120	28530	28940	29350	29760	30170	30580	30990	31370	31750	32130
043125-043374	27850	28260	28670	29080	29490	29900	30310	30720	31130	31520	31900	32280
043375-043624	27990	28400	28810	29220	29630	30040	30450	30860	31270	31660	32040	32420
043625-043874	28130	28540	28950	29360	29770	30180	30590	31000	31410	31810	32190	32570
043875-044124	28260	28670	29080	29490	29900	30310	30720	31130	31540	31950	32330	32710
044125-044374	28400	28810	29220	29630	30040	30450	30860	31270	31680	32090	32480	32860
044375-044624	28540	28950	29360	29770	30180	30590	31000	31410	31820	32230	32620	33000
044625-044874	28680	29090	29500	29910	30320	30730	31140	31550	31960	32370	32770	33150
044875-045124	28810	29220	29630	30040	30450	30860	31270	31680	32090	32500	32910	33290
045125-045374	28950	29360	29770	30180	30590	31000	31410	31820	32230	32640	33050	33440
045375-045624	29090	29500	29910	30320	30730	31140	31550	31960	32370	32780	33190	33580
045625-045874	29220	29640	30050	30460	30870	31280	31690	32100	32510	32920	33330	33730
045875-046124	29340	29770	30160	30590	31000	31410	31820	32230	32640	33050	33460	33870
046125-046374	29460	29910	30320	30730	31140	31550	31960	32370	32780	33190	33600	34010
046375-046624	29580	30050	30460	30870	31280	31690	32100	32510	32920	33330	33740	34150
046625-046874	29690	30180	30600	31010	31420	31830	32240	32650	33060	33470	33880	34290
046875-047124	29810	30300	30730	31140	31550	31960	32370	32780	33190	33600	34010	34420
047125-047374	29930	30420	30870	31280	31690	32100	32510	32920	33330	33740	34150	34560
047375-047624	30050	30540	31010	31420	31830	32240	32650	33060	33470	33880	34290	34700
047625-047874	30160	30650	31140	31560	31970	32380	32790	33200	33610	34020	34430	34840
047875-048124	30280	30770	31260	31690	32100	32510	32920	33330	33740	34150	34560	34970
048125-048374	30400	30890	31380	31830	32240	32650	33060	33470	33880	34290	34700	35110
048375-048624	30520	31010	31500	31970	32380	32790	33200	33610	34020	34430	34840	35250
048625-048874	30620	31120	31610	32100	32520	32930	33340	33750	34160	34570	34980	35390
048875-049124	30750	31240	31730	32220	32650	33060	33470	33880	34290	34700	35110	35520
049125-049374	30870	31360	31650	32340	32790	33200	33610	34020	34430	34840	35250	35660
049375-049624	30990	31480	31970	32460	32930	33340	33750	34160	34570	34980	35390	35800
049625-049874	31100	31590	32080	32570	33060	33460	33890	34300	34710	35120	35530	35940

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Table D - Expected Family Contribution for a Single Independent Student ... [illegible]

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS 1	2	3	4	5	6	7	8	9	10	11	12
049875-050124	31220	31210	32200	32690	33180	33610	34040	34430	34840	35250	35660	36070
050125-050374	31340	31850	32320	32810	33300	33750	34160	34570	34980	35390	35800	36210
050375-050624	31460	31950	32440	32930	33420	33890	34300	34710	35120	35530	35940	36350
050625-050874	31570	32060	32550	33040	33530	34020	34440	34850	35260	35670	36080	36490
050875-051124	31690	32180	32670	33160	[illegible]	[illegible]	[illegible]	34980	35390	35800	36210	36620
051125-051374	31810	32300	32790	33280	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	35940	36350	36760
051375-051624	31930	32420	32910	33400	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	36080	36490	36900
051625-051874	32040	32530	33020	33510	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	36220	36630	37040
051875-052124	32160	32650	33140	[illegible]	34120	34610	35100	35530	35940	36350	36760	37170
052125-052374	32280	32770	33260	[illegible]	34240	34730	35220	35670	36080	36490	36900	37310
052375-052624	32400	32890	33380	[illegible]	34360	34850	35340	35810	36220	36630	37040	37450
052625-052874	32510	33000	33490	[illegible]	34470	34960	[illegible]	35940	36360	36770	37180	37590
052875-053124	32630	33120	33610	34100	34590	35080	35570	36060	36490	36900	37310	37720
053125-053374	32750	33240	33730	34220	34710	35200	35690	36180	36630	37040	37450	37860
053375-053624	32870	33360	33850	34340	34830	35320	35810	36300	36770	37180	37590	38000
053625-053874	32980	33470	33960	34450	34940	35430	35920	36410	36900	37320	37730	38140
053875-054124	33100	[illegible]	[illegible]	34570	35060	35550	36040	36530	37020	37450	37860	38270
054125-054374	33220	33710	34200	34690	35180	35670	36160	36650	37140	37590	38000	38410
054375-054624	33340	33830	34320	34810	35300	35790	36280	36770	37260	37730	38140	38550
054625-054874	33450	33940	34430	34920	35410	35900	36390	36880	37370	37860	38280	38690
054875-055124	33570	34060	34550	35040	35530	36020	36510	37000	37490	37980	38410	38820
055125-055374	33690	34180	34670	35160	35650	36140	36630	37120	37610	38100	38550	38960
055375-055624	33810	34300	34790	35280	35770	36260	36750	37240	37730	38220	38690	39100
055625-055874	33920	34410	34900	35390	35880	36370	36860	37350	37840	38330	38820	39240
055875-056124	34040	[illegible]	35020	35510	[illegible]	[illegible]	36980	37470	37960	38450	38940	39370
056125-056374	34160	34650	35140	35630	36120	36610	37100	37590	38080	38570	39060	39510
056375-056624	34280	34770	35260	35750	36240	36730	37220	37710	38200	38690	39180	39650
056625-056874	34390	34880	35370	35860	[illegible]	36840	37330	37820	38310	38800	39290	39780
056875-057124	34510	35000	35490	35980	36470	36960	37450	37940	38430	38920	39410	39900
057125-057374	34630	35120	35610	36100	36590	37080	37570	38060	38550	39040	39530	40020
057375-057624	34750	35240	35730	36220	36710	37200	37690	38180	38670	39160	39650	40140
057625-057874	34860	35350	35840	36330	36820	37310	37800	38290	38780	39270	39760	40250
057875-058124	34980	35470	35960	36450	36940	37430	37920	38410	38900	39390	39880	40370
058125-058374	35100	35590	36080	36570	37060	37550	38040	38530	39020	39510	40000	40490
058375-058624	35220	35710	36200	36690	37180	37670	38160	38650	39140	39630	40120	40610
058625-058874	35330	35820	36310	36800	37290	37780	38270	38760	39250	39740	40230	40720
058875-059124	35450	35940	36430	36920	37410	37900	38390	38880	39370	39860	40350	40840
059125-059374	35570	36060	36550	37040	37530	38020	38510	39000	39490	39980	40470	40960
059375-059624	35690	36180	36670	37160	37650	38140	38630	39120	39610	40100	40590	41080
059625-059874	35800	36290	36780	37270	37760	38250	38740	39230	39720	40210	40700	41190

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Table D - Expected Family Contribution for a Single Independent Student -- 1983-84

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS											
	1	2	3	4	5	6	7	8	9	10	11	12
059875-060124	35920	36410	36900	37390	37880	38370	38860	39350	39840	40330	40820	41310
060125-060374	36040	36530	37020	37510	38000	38490	38980	39470	39960	40450	40940	41430
060375-060624	36160	36650	37140	37630	38120	38610	39100	39590	40080	40570	41060	41550
060625-060874	36270	36760	37250	37740	38230	38720	39210	39700	40190	40680	41170	41660
060875-061124	36390	36880	37370	37860	38350	38840	39330	39820	40310	40800	41290	41780
061125-061374	36510	37000	37490	37980	38470	38960	39450	39940	40430	40920	41410	41900
061375-061624	36630	37120	37610	38100	38590	39080	39570	40060	40550	41040	41530	42020
061625-061874	36740	37230	37720	38210	38700	39190	39680	40170	40660	41150	41640	42130
061875-062124	36860	37350	37840	38330	38820	39310	39800	40290	40780	41270	41760	42250
062125-062374	36970	37470	37960	38450	38940	39430	39920	40410	40900	41390	41880	42370
062375-062624	37090	37590	38080	38570	39060	39550	40040	40530	41020	41510	42000	42490
062625-062874	37200	37700	38190	38680	39170	39660	40150	40640	41130	41620	42110	42600
062875-063124	37320	37820	38310	38800	39290	39780	40270	40760	41250	41740	42230	42720
063125-063374	37430	37930	38430	38920	39410	39900	40390	40880	41370	41860	42350	42840
063375-063624	37550	38050	38550	39040	39530	40020	40510	41000	41490	41980	42470	42960
063625-063874	37660	38160	38660	39150	39640	40130	40620	41110	41600	42090	42580	43070
063875-064124	37780	38280	38780	39270	39760	40250	40740	41230	41720	42210	42700	43190
064125-064374	37890	38390	38890	39390	39880	40370	40860	41350	41840	42330	42820	43310
064375-064624	38010	38510	39010	39510	40000	40490	40980	41470	41960	42450	42940	43430
064625-064874	38120	38620	39120	39620	40110	40600	41090	41580	42070	42560	43050	43540
064875-065124	38240	38740	39240	39740	40230	40720	41210	41700	42190	42680	43170	43660
065125-065374	38350	38850	39350	39850	40350	40840	41330	41820	42310	42800	43290	43780
065375-065624	38470	38970	39470	39970	40470	40960	41450	41940	42430	42920	43410	43900
065625-065874	38580	39080	39580	40080	40580	41070	41560	42050	42540	43030	43520	44010
065875-066124	38700	39200	39700	40200	40700	41190	41680	42170	42660	43150	43640	44130
066125-066374	38810	39310	39810	40310	40810	41310	41800	42290	42780	43270	43760	44250
066375-066624	38930	39430	39930	40430	40930	41430	41920	42410	42900	43390	43880	44370
066625-066874	39040	39540	40040	40540	41040	41540	42030	42520	43010	43500	43990	44480
066875-067124	39160	39660	40160	40660	41160	41660	42150	42640	43130	43620	44110	44600
067125-067374	39270	39770	40270	40770	41270	41770	42270	42760	43250	43740	44230	44720
067375-067624	39390	39890	40390	40890	41390	41890	42390	42880	43370	43860	44350	44840
067625-067874	39500	40000	40500	41000	41500	42000	42500	42990	43480	43970	44460	44950
067875-068124	39620	40120	40620	41120	41620	42120	42620	43110	43600	44090	44580	45070
068125-068374	39730	40230	40730	41230	41730	42230	42730	43230	43720	44210	44700	45190
068375-068624	39850	40350	40850	41350	41850	42350	42850	43350	43840	44330	44820	45310
068625-068874	39960	40460	40960	41460	41960	42460	42960	43460	43950	44440	44930	45420
068875-069124	40080	40580	41080	41580	42080	42580	43080	43580	44070	44560	45050	45540
069125-069374	40190	40690	41190	41690	42190	42690	43190	43690	44190	44680	45170	45660
069375-069624	40310	40810	41310	41810	42310	42810	43310	43810	44310	44800	45290	45780
069625-069874	40420	40920	41420	41920	42420	42920	43420	43920	44420	44910	45400	45890

Table D - Expected Family Contribution for a Single Independent Student -- 1983-84

Table D - Expected family contribution for a single independent student — 1983-84.

ADJUSTED GROSS INCOME	NUMBER OF FAMILY MEMBERS											
	1	2	3	4	5	6	7	8	9	10	11	12
069875-070124	40540	41040	41540	42040	42540	43040	43540	44040	44540	45030	45520	46010
070125-070374	40650	41150	41650	42150	42650	43150	43650	44150	44650	45150	45640	46130
070375-070624	40770	41270	41770	42270	42770	43270	43770	44270	44770	45270	45760	46250
070625-070874	40880	41380	41880	42380	42880	43380	43880	44380	44880	45380	45870	46360
070875-071124	41000	41500	42000	42500	43000	43500	44000	44500	45000	45500	45990	46480
071125-071374	41110	41610	42110	42610	43110	43610	44110	44610	45110	45610	46110	46600
071375-071624	41230	41730	42230	42730	43230	43730	44230	44730	45230	45730	46230	46720
071625-071874	41340	41840	42340	42840	43340	43840	44340	44840	45340	45840	46340	46830
071875-072124	41460	41960	42460	42960	43460	43960	44460	44960	45460	45960	46460	46950
072125-072374	41570	42070	42570	43070	43570	44070	44570	45070	45570	46070	46570	47070
072375-072624	41690	42190	42690	43190	43690	44190	44690	45190	45690	46190	46690	47190
072625-072874	41800	42300	42800	43300	43800	44300	44800	45300	45800	46300	46800	47300
072875-073124	41920	42420	42920	43420	43920	44420	44920	45420	45920	46420	46920	47420
073125-073374	42030	42530	43030	43530	44030	44530	45030	45530	46030	46530	47030	47530
073375-073624	42150	42650	43150	43650	44150	44650	45150	45650	46150	46650	47150	47650
073625-073874	42260	42760	43260	43760	44260	44760	45260	45760	46260	46760	47260	47760
073875-074124	42380	42880	43380	43880	44380	44880	45380	45880	46380	46880	47380	47880
074125-074374	42490	42990	43490	43990	44490	44990	45490	45990	46490	46990	47490	47990
074375-074624	42610	43110	43610	44110	44610	45110	45610	46110	46610	47110	47610	48110
074625-074874	42720	43220	43720	44220	44720	45220	45720	46220	46720	47220	47720	48220
074875- 075000	42840	43340	43840	44340	44840	45340	45840	46340	46840	47340	47840	48340

[FR Doc. 83-8490 Filed 3-31-83; 8:45 am]
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DEPARTMENT OF EDUCATION

34 CFR Part 682

Family Contribution Schedule for the Guaranteed Student Loan Program for 1984–85

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this Federal Register issue, the Secretary has promulgated final rules for the 1983–84 Guaranteed Student Loan Program (GSLP) family contribution schedule. The Secretary proposes to adapt these regulations, with appropriate revisions, for use in determining student eligibility for interest benefits under GSLP for any period of instruction which begins on or after July 1, 1984, but no later than June 30, 1985.

DATES: Comments must be received on or before May 2, 1983.

ADDRESS: Comments should be addressed to Mr. Larry Oxendine, Policy Section, Guaranteed Student Loan Branch, Division of Policy and Program Development, Office of Student Financial Assistance, 400 Maryland Avenue, S.W. (Room 4310, ROB–3), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ralph Madden or Larry Oxendine, telephone number (202) 245–2475.

SUPPLEMENTARY INFORMATION:

Background

Consistent with the Congressional direction under the Postsecondary Student Assistance Amendments Act of 1981, Title V of Pub. L. 97–35, to develop a simplified method of measuring the ability of families to contribute to the costs of the student's education, the Secretary proposes to adopt a 1984–85 family contribution schedule that is similar in format and rationale to that published in this issue of the **Federal Register** as the final schedule of expected family contributions for 1983–84. The Secretary proposes these final regulations as a basis for the 1984–85 schedule of expected family contributions and proposes several alternative modifications, as discussed here, for public comment.

The final regulations that would result from this notice of proposed rulemaking will be in effect for Guaranteed Student Loans for any period of instruction which begins on or after July 1, 1984, but not later than June 30, 1985.

Modification of the 1983–84 Family Contribution Schedule for Use for 1984–85

This proposed schedule would continue the use of systems of financial need analysis approved by the Secretary for use in the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs (campus-based programs) and a set of tables (Appendix B to the GSL regulations) for determining an expected family contribution (EFC). The Secretary will update the 1983–84 family contribution schedule for use in 1984–85 in the following respects:

(1) The expected family contribution amounts in Tables A, B, C, and D of Appendix B will be revised to reflect the 1983 Federal income tax and F.I.C.A. (Social Security) deductions and the Standard Maintenance Allowance (SMA) derived from the most recent Bureau of Labor Statistics low budget standard. It is anticipated that the SMA will be updated to acount for an expected inflation rate of six percent.

(2) The 1983–84 schedule, § 682.301(f), applies to loans for periods of instruction beginning on or after July 1, 1983, but not later than June 30, 1984. This proposed schedule applies to loans for periods of instruction beginning on or after July 1, 1984, but not later than June 30, 1985, regardless of when an institution completes its portion of the student's GSL application.

(3) For 1984–85 the definition of "independent student" in § 682.301(d) would take into account the student's status in 1983 and 1984, rather than in 1982 and 1983, unless the student is married at the time the determination of adjusted gross family income is made, in which case the student's status in 1984 alone, rather than 1983, would be taken into account. The Secretary will also publish, in the near future, further changes to the definition of "independent student" for all title IV student assistance programs. These changes will affect the family contribution schedule for the 1984–85 award year.

(4) This proposed schedule would require the educational institution, in determining the adjusted gross income of the student's family in § 682.301(c), to consider the income reported by each family member on the 1983 Federal income tax return, rather than on the 1982 Federal income tax return. Other references in § 682.301(c) to the years 1982 and 1983 will be revised to refer to the years 1983 and 1984, respectively.

(5) This proposed schedule would require an educational institution, in determining which of the approved need analysis systems may be used to calculate the student's expected family contribution, to consider whether the student has received financial assistance under the campus-based programs for the 1984–85 award year rather than the 1983–84 award year.

The Secretary also proposes to modify the standard used to measure family resources under the tables in this schedule to include untaxed income such as standard investment income, welfare benefits, and child support payments. The Secretary further proposes to consider a portion of family assets as resources available for educational costs. This expanded measurement of family resources would be used in conjunction with the tables to determine the EFC of that family.

Procedure for Determining Eligibility for Interest Benefits

The following is an explanation of the method that is used for determining expected family contributions. In order to determine the adjusted gross income of the student's family for loans for the period July 1, 1984, through June 30, 1985, a postsecondary institution must first consider the income reported by each family member on his or her 1983 Federal income tax return. The adjusted gross family income for the dependent student means the adjusted gross income of (1) the student, (2) the student's spouse, if any, and (3) the student's mother and father; for the independent student, only the income of the student and his or her spouse is considered. The institution determines the adjusted gross income of the student's family based upon data provided and certified to, by each person whose income must be considered.

The school would then add untaxed income and resources received by those same family members, and add that amount to the adjusted gross family income.

Finally, the school would consider the assets of those same members of the student's family, and would regard a portion of those assets as available for meeting the student's cost of education. Consistent with the norms suggested in the legislation history of Pub. L. 97–35, the school shall exclude from this consideration:

(1) All equity in a single principal place of residence;

(2) $100,000 from any farm or business assets; and

(3) $25,000 from the net value of all other assets *See* H.R. Rep. No. 97–208 97th Congress, 1st Sess. (1981) p. 745.

The school would consider a specific portion of those assets remaining after these exclusions as family resources available for educational costs. That portion will be determined by an assessment rate which, it is anticipated, shall be no less than the five percent figure now used in the Pell Grant Program for 1983–84, 34 CFR 690.35(d)(1), published in the **Federal Register** on October 28, 1982 (47 FR 47849), and no more than the 12 percent assessment rate used currently under the Uniform Methodology.

The school would then combine the adjusted gross income of the student's family, and their nontaxed income, and determine the student's contribution from family income using this figure and the tables found in Appendix B of the final regulations published concurrently with this notice of proposed rulemaking. The contribution from family assets would be added to arrive at the student's EFC.

Alternatively, the school may also use a need analysis system approved for use under the Campus-based programs. A discussion of these two methods of determining expected family contributions is found in the preamble of the 1983–84 schedule. For all information required in this calculation, e.g., total number of family members and number of family members enrolled in postsecondary institutions, the institution relies on statements made, and certified to, by the student.

The expected family contribution coupled with the student's estimated financial assistance is substracted from the student's estimated cost of attendance to determine financial need and eligibility for interest benefits under the GSL Program.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the order

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. These regulations establish the formula for determining student eligibility for interest benefits under the Guaranteed Student Loan Program. The regulations, therefore, do not have an impact on small entities.

Invitation to comment

The Secretary invites interested persons to comment and make recommendations on these proposed regulations, in order to assist in the development of the final 1984–85 GSL family contribution schedule. More specifically comments are invited on the following:

• Inclusion of nontaxable income in determining of effective annual income for the purpose of calculating the expected family contribution.

The Secretary proposes to include nontaxable income, such as investment income on nontaxable bonds, as well as child-support payments and welfare payments, in determining effective annual income.

• Inclusion of family assets in determining of effective annual income for the purpose of calculating the expected family contribution.

The Secretary proposes to include a portion of the assets of the family of the student in the determination of family resources available for educational purposes. The Secretary proposes to calculate the portion available as follows:

(1) All equity in a single principal residence shall be excluded;

(2) $100,000 worth of farm and business assets shall be excluded;

(3) $25,000 of other assets shall be excluded.

The Secretary anticipates that an assessment rate of between 5 and 12 percent will be applied to the remainder, and that assessed portion of the family assets added to the family contribution from taxable and nontaxable income to calculate a family's EFC.

• Parental refusal to certify income and assets

In determining the adjusted gross income of the student and the student's parents, the regulations state that the information which the school uses to determine the adjusted gross family income must be certified by each person whose income must be included. Similar certifications would be appropriate for nontaxable income and family assets. The Secretary invites comments as to the criteria that should be established in a case where a student's parent(s) refuses to make such certification.

• Use of award letter for campus-based aid in determining EFC

The regulations state that if a student has been awarded campus-based aid, the EFC for the GSL program must be the same as that calculated for use in the campus-based programs. The Secretary considers the student to have been awarded aid if he or she has received, through issuance of an award letter, an offer of campus-based aid. The Secretary invites comments as to whether this is an appropriate point at which to mandate use of a campus-based approved need analysis system rather than the tables in Appendix B.

• Provision of Federal income tax return

The Secretary expects top issue regulations regarding the verification of information provided by the student and the student's family. The Secretary specifically invites comments on the proposal to require the student to submit a copy of the Federal income tax returns with the GSL application to support the determination by the school of the adjusted gross income of the student and the student's family.

• Definition of "independent student"

Whether a student is considered independent of his or her family is critical for determining need for student assistance, and this issue has evoked considerable comment in the higher education community in recent years. Based on a substantial number of comments received from financial aid administrators and the Department's own experience with the title IV student assistance programs, the Secretary will publish, in the near future, a proposed definition of "independent student." The new definition will be added to 34 CFR Part 668, the Student Assistance General Provisions Regulations, and will apply to all title IV student assistance programs. The Secretary considers the present dependent/independent classification inadequate to address the different financial needs of students of different ages, martial status, years of independent living, and numbers of dependents, and will propose redefining "independent student" to reflect those varying equities. Public comment will be invited on this forthcoming proposal, and considered with comments received on this aspect of the proposed GSL family contribution schedule for 1984–85.

• Modification of currently approved system of need analysis

The Secretary also invites comments regarding the use of the current need analysis systems to determine the expected family contribution and financial need, and more specifically, comments are invited concerning entirely eliminating the tables found in Appendix B as an approved need analysis system for the GSL Program.

Written comments and recommendations may be sent to the address given at the beginning of this document.

All comments submitted in resonse to these regulations will be available for public inspection, during and after the

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comment period, in Room 4310 ROB–3, 7th and D Street, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m. (Eastern Standard Time), Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Education, Loan programs—education, Student aid, Vocational education.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

(Catalog of Federal Domestic Assistance Number 84.032, Guaranteed Student Loan Program)

Dated: March 29, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83–8489 Filed 3–31–83; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

TABLE OF EFFECTIVE DATES AND TIME PERIODS—APRIL 1983

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (see 1 CFR 18.17)

A new table will be published in the first issue of each month

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
April 1	April 18	May 2	May 16	May 31	June 30
April 4	April 19	May 4	May 19	June 3	July 5
April 5	April 20	May 5	May 20	June 6	July 5
April 6	April 21	May 6	May 23	June 6	July 5
April 7	April 22	May 9	May 23	June 6	July 6
April 8	April 25	May 9	May 23	June 7	July 7
April 11	April 26	May 11	May 26	June 10	July 11
April 12	April 27	May 12	May 27	June 13	July 11
April 13	April 28	May 13	May 31	June 13	July 12
April 14	April 29	May 16	May 31	June 13	July 13
April 15	May 2	May 16	May 31	June 14	July 14
April 18	May 3	May 18	June 2	June 17	July 18
April 19	May 4	May 19	June 3	June 20	July 18
April 20	May 5	May 20	June 6	June 20	July 19
April 21	May 6	May 23	June 6	June 20	July 20
April 22	May 9	May 23	June 6	June 21	July 21
April 25	May 10	May 25	June 9	June 24	July 25
April 26	May 11	May 26	June 10	June 27	July 25
April 27	May 12	May 27	June 13	June 27	July 26
April 28	May 13	May 31	June 13	June 27	July 27
April 29	May 16	May 31	June 13	June 28	July 28

CFR CHECKLIST; 1982/83 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1982/83. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly

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CFR ISSUANCES 1983

January 1983 Editions and Projected April 1983 Editions

This list restates the complete publication plans for the **January quarter** and projects the publication plans for the **April**, 1983 quarter. A projected schedule that will include the **July**, 1983 quarter will appear in the first **Federal Register** issue of **July**, 1983, immediately after the CFR checklist.

For pricing information on available 1983 volumes consult the CFR checklist in this **Federal Register.**

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The monthly CFR checklist or the monthly List of CFR Sections Affected will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1–16—January 1
Titles 17–27—April 1
Titles 28–41—July 1
Titles 42–50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

Titles revised as of January 1, 1983:

Title
CFR Index
1–2
3 (Compilation)
4
5 Parts:
1–1199
1200–end
6 [Reserved]
7 Parts:
0–45
46–51
52
53–209
210–299
300–399
400–699
700–899
900–999
1000–1059
1060–1119
1120–1199
1200–1499
1500–1899
1900–1944
1945–end
8
9 Parts:
1–199
200–end
10 Parts:
0–199
200–399
400–499
500–end
11 (Revised as of July 1, 1983)
12 Parts:
1–199
200–299
300–499
500–end
13
14 Parts:
1–59
60–139
140–199
200–1199
1200–end
15 Parts:
0–299
300–399
400–end
16 Parts:
0–149
150–999
1000–end

Projected April 1, 1983 editions:

Title
17 Parts:
1–239
240–end
18 Parts:
1–149
150–399
400–end
19
20 Parts:
1–399
400–499
500–end
21 Parts:
1–99
100–169
170–199
200–299
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500–599
600–799
800–1299
1300–end
22
23
24 Parts:
0–199
200–499
500–799
800–1699
1700–end
25
26 Parts:
1(§§ 1.0–1–1.169)
1(§§ 1.170–1.300)
1(§§ 1.301–1.400)
1(§§ 1.401–1.500)
1(§§ 1.501–1.640)
1(§§ 1.641–1.850)
1(§§ 1.851–1.1200)
1(§§ 1.1201–end)
2–29
30–39
40–299
300–499
500–599 (Cover only)
600–end
27 Parts:
1–199
200–end

List of Public Laws

Last Listing March 31, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 2112/Pub. L. 98–12 To extend by six months the expiration date of the Defense Production Act of 1950. (Mar. 29, 1983, 97 Stat. 53) Price: $1.75

H.R. 2369/Pub. L. 98–13 To prevent the temporary termination of the Federal Supplemental Compensation Act of 1982. (Mar. 29, 1983; 97 Stat. 54) Price: $1.75

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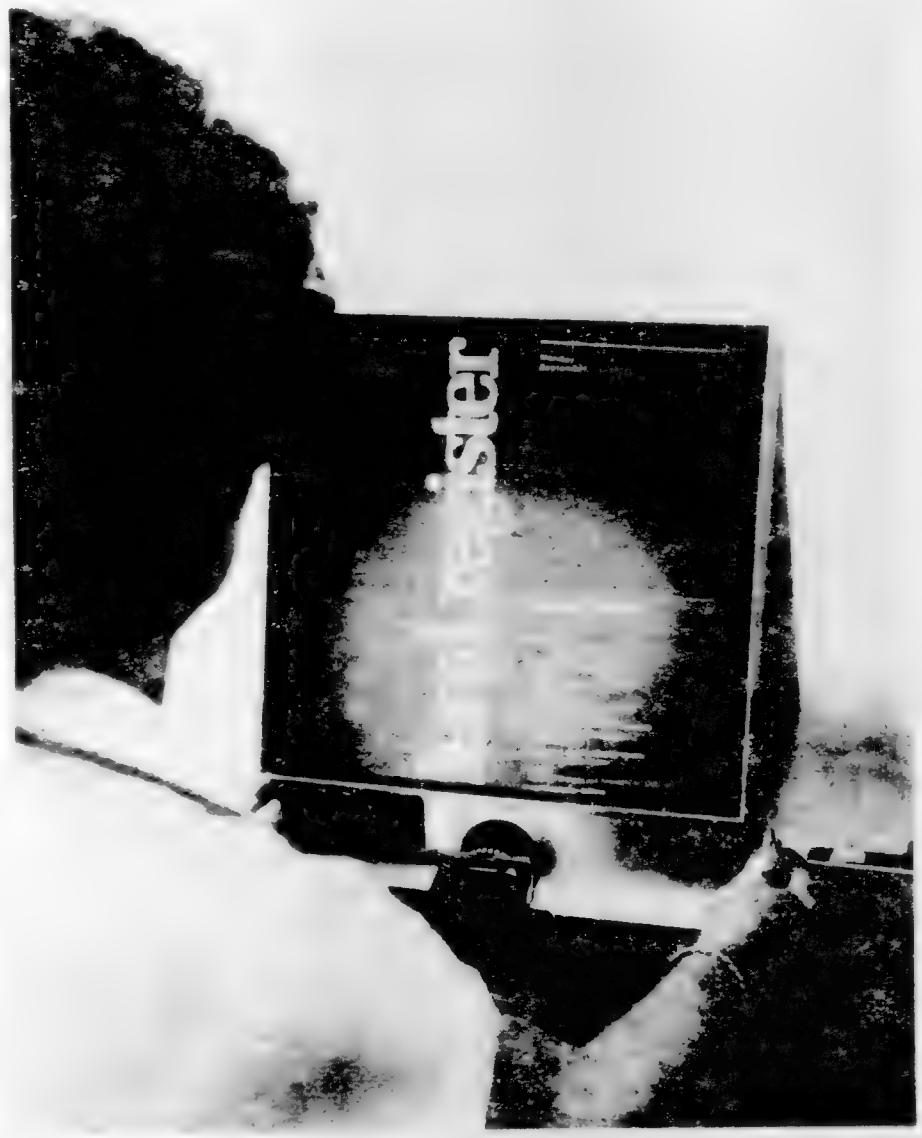

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Flood Insurance
Federal Emergency Management Agency

Motor Carriers
Federal Highway Administration

Prisoners
Parole Commission

Radio
Federal Communications Commission

Wine
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Rules and Regulations

Federal Register
Vol. 48, No. 65
Monday, April 4, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL ELECTION COMMISSION

11 CFR Parts 106, 9031, 9032, 9033, 9034, 9035, 9036, 9037, 9038, and 9039

[Notice 1983–8]

Presidential Primary Matching Fund

AGENCY: Federal Election Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: On Feburary 4, 1983 [48 FR 5224], the Commission published the text of regulations which implement the Presidential Primary Matching Payment Account Act, 26 U.S.C. 9031 *et seq.* The Commission announces that these regulations are effective as of April 14, 1983.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Propper, Assistant General Counsel, 1325 K Street, NW, Washington, D.C. 20463, (202) 523–4143 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: 26 U.S.C. 9039(c) requires that any rule or regulation proposed by the Commission to implement Chapter 96 of Title 26, United States Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. If neither House of Congress disapproves the regulation within 30 legislative days after its transmittal, the Commission may finally prescribe the regulation in question. The regulations made effective by this notice were transmitted to Congress on January 24, 1983. Thirty legislative days expired in the House and Senate as of March 23, 1983.

Announcement of Effective Date

11 CFR 106.2, 106.3, 9031, 9032, 9033, 9034, 9035, 9036, 9037, 9038, and 9039, as published at 48 FR 5224–5251, are effective as of April 14, 1983.

Dated: March 29, 1983.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 83–8636 Filed 4–1–83; 8:45 am]
BILLING CODE 6715–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 83–ASW–11; Amdt. 39–4600]

Airworthiness Directives; Boeing Vertol Company Model 107–II and Kawasaki Heavy Industries, Ltd. Model KV107–II and KV107–IIA Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires initial and repetitive inspections and replacement as necessary of the No. 5 synchronizing shaft assembly on Boeing Vertol Model 107–II and Kawasaki Model KV107–II and KV107–IIA series helicopters. The inspection is needed to detect and correct fatigue cracks in the No. 5 synchronizing shaft which could result in failure of the shaft.

DATES: Effective April 4, 1983.

Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished for all No. 5 synchronizing shafts with more than 1200 hours' time in service.

ADDRESSES: The applicable service information may be obtained from Boeing Vertol Company, a Division of the Boeing Company, P.O. Box 16858, Philadelphia, Pennsylvania 19142. These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Murry Schoenberger, ANE–174, New York Aircraft Certification Office, Federal Aviation Administration, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, Telephone No. (516) 791–7421.

SUPPLEMENTARY INFORMATION: There has been a fatigue failure in the shaft-to-adapter rivet area of the No. 5 synchronizing shaft, P/N 107D3340–1, on a Boeing Vertol 107–II helicopter.

The failure occurred in a shaft which had improperly machined rivet holes at one end. It could not be determined under what circumstances the nonconforming rivet holes were machined. Also, feasible nondestructive tests to ascertain the presence or nonpresence of nonconforming rivet holes have not been found.

The total time on the part when failure occurred was 5343 hours, and it had been magnaflux inspected 1360 hours prior to the failure. Preliminary fatigue testing at Boeing Vertol indicates that the mean endurance limit of an improperly fabricated shaft is 3532 hours, compared to 5343 hours on the shaft whose failure caused the accident. It is concluded that there is sufficient justification for a 1200 hour initial inspection. The 2000-hour magnaflux inspection continues the normal overhaul time.

The 300-hour interim inspection can be conducted in the field and coincides with normal inspection periods for components in this area of the helicopter.

P/N 107D3340–1 and P/N 107D3140–1 are used on the Boeing Vertol Model 107–II and Kawasaki Heavy Industries KV107–II and KV107–IIA helicopters. Predecessor part 107D3140–1 is identical in the affected area to the synchronizing shaft, P/N 10700340–1, which failed. Since this condition is likely to exist or develop on other helicopters of the same type designs, an airworthiness directive is being issued which requires initial and repetitive inspections of the No. 5 sychronizing shaft and replacement as necessary on Boeing Vertol Model 107–II and Kawasaki Heavy Industries Model KV107–II and KV107–IIA helicopters.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

Boeing Vertol Company and Kawasaki Heavy Industries, Ltd.: Applies to Boeing Vertol Model 107–II and Kawasaki Model KV107–11 and KV107–IIA helicopters certified in all categories equipped with No. 5 Synchronizing Shaft, P/N 107D3340–1 or 107D3140–1. Compliance is required as indicated on all No. 5 Synchronizing Shaft Assemblies P/N 107D3340–1 or 107D3140–1 with 1200 hours' or more total time in service.

To prevent failure of the steel synchronizing shaft due to improperly drilled rivet holes, accomplish the following:

A. Within 50 hours' time in service after the effective date of this AD (unless already accomplished within the past 250 hours' time in service) and every 300 hours' time in service thereafter, visually inspect the interior and exterior surfaces of the No. 5 Synchronizing Shaft Assembly P/N 107D3340–1 or 107D3140–1 for cracks, damage or defects in the area adjacent to the adapter-to-tube rivets at both ends, particularly at the inboard row of rivets. The visual inspection shall be either a lighted borescope inspection using at least 2X magnification or dye penetrant inspection methods combined with at least 2X visual magnification.

All paint on surfaces to be inspected must be removed prior to inspection.

B. Before the accumulation of 2000 hours' time in service, or before the accummulation of 2000 hours' time in service since last magnetic particle inspection, whichever is less, and at each 2000-hour interval thereafter, magnetic particle inspect the entire shaft assembly, P/N 107D3340–1 or 107D3140–1 in accordance with Boeing Vertol Overhaul Manual 107–5.

C. Replace any cracked or othewise unserviceable part found during the inspections of Paragraphs A or B with serviceable parts prior to further flight.

D. An equivalent method of compliance with this AD may be used when approved by the Manager, New York Aircraft Certification Office, New England Region.

This amendment becomes effective April 4, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Fort Worth, Texas, on March 18, 1983.

C.R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 83–8821 Filed 4–1–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–CE–25–AD; Amendment 39–4605]

Airworthiness Directives; British Aerospace, Aircraft Group, Model HP.137 Jetstream MK–1 and Jetstream Series 200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to British Aerospace, Aircraft Group, Model HP.137 Jetstream MK–1 and Jetstream Series 200 airplanes which requires visual inspection of the rudder panel stiffness for damage and installation of additional panel stiffners in the rudder assembly to preclude cracking of these surfaces. There have been reports of cracked rudder skin panel stiffners. Propagation of these cracks could result in a broken section of the stiffner protruding from the opening in the bottom of the rudder and possible jamming. Installation of the additional rudder panel stiffners and a fabric patch on the rudder rib in accordance with this AD will preclude a broken stiffner from causing a jammed rudder.

EFFECTIVE DATE: April 11, 1983.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: British Aerospace, Aircraft Group, Jetstream Service Bulletin (SB) No. 8/2, Revision No. 1, dated November 10, 1982, applicable to this AD may be obtained from British Aerospace Incorporated, 13850 McLearan Road, Dulles Industrial Aerospace Park, Herndon, Virginia 22070. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, FAA, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone 816/374–6932.

SUPPLEMENTARY INFORMATION: Cases have been found of cracks occurring in the rudder skin panel stiffners located above the second rib from the bottom of the rudder on British Aerospace, Aircraft Group, Model HP.137 Jetstream MK–1 and Series 200 airplanes. Although these cracks will not cause immediate deterioration of the structural strength of the rudder, a broken stiffner could protrude from the opening in the bottom of the rudder and cause the rudder to jam. British Aerospace, Aircraft Group, Scottish Division has issued Service Bulletin (SB) No. 8/2, Revision 1, dated November 10, 1982, requiring incorporation of British Aerospace Modification 5210. This modification adds increased stiffners to the rudder assembly. As an interim measure, until Modification 5210 is incorporated, SB 8/2 provides for a visual inspection of the rudder skin panel stiffners located above the second rib from the bottom and installation of a fabric patch to the undersurface of this rib. The patch will eliminate the possibility of a broken stiffner falling through the lightening hole in the rib and jamming the rudder. The United Kindgom Civil Aviation Authority (UKCAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of British Aerospace, Aircraft Group,

Scottish Division, SB No. 8/2, Revision 1, dated November 10, 1982, and the mandatory classification of this SB by the UKCAA. Based on the foregoing, the FAA has determined that the condition addressed by this SB is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring modification of the rudder assemblies to preclude cracking of the skin panel stiffners, and as an interim measure, a visual inspection of the rudder skin panel stiffners and installation of a fabric patch below the second to bottom rib in accordance with Jetstream SB No. 8/2, revision 1, dated November 10, 1982, on British Aerospace, Aircraft Group, Scottish Division, Model HP.137 Jetstream MK–1 and Series 200 airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

British Aerospace, Aircraft Group, Scottish Division: Applies to Model HP.137 Jetstream MK–1 and Jetstream Series 200 airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent possible jamming of the rudder, accomplish the following:

(a) Within 100 hours time-in-service, after the effective date of this AD:

(1) Remove the access panel located between the two bottom ribs in the rudder. Using a light and mirror visually inspect the two rudder skin panel stiffners for damage in accordance with British Aerospace, Aircraft Group, Jetstream Service Bulletin (SB) No. 8/2, Revision 1, dated November 10, 1982, hereinafter referred to as the SB. Ensure that any debris from damaged stiffners is removed from the rudder.

(2) Fit a fabric patch (debris net) on the undersurface of Rib No. B and provide effective water drainage in accordance with the SB.

(b) Incorporate British Aerospace Modification 5210 to the rudder assembly as specified in SB No. 8/2, by December 31, 1985.

(c) Aircraft may be flown in accordance with FAR 21.197 to a location where this Airworthiness Directive (AD) can be accomplished.

(d) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 11, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 22, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–8619 Filed 4–1–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR PART 39

[Docket No. 83–CE–28–AD; Amendment 39–4604]

Airworthiness Directives; Short Brothers & Harland Ltd., Model SC–7, Series 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Short Brothers & Harland Ltd., Model SC–7, Series 3 airplanes, which requires inspection of 28 separate connections in the flight control systems to preclude loss of primary control during flight.

EFFECTIVE DATE: April 11, 1983.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Shorts Service Bulletin No. 27–66 dated November 18, 1977, applicable to this AD may be obtained from Short Brothers & Harland Ltd., Queens Island, Belfast 3, Northern Ireland (U.K.). A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Foreign FAR–23 Section, ACE–109, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: Short Brothers & Harland Ltd., has received at least one report of inflight disconnection of linkages in the aileron control system on its Model SC–7, Series 3 airplanes. A Part No. SC7–45–2297 Retaining Plate and a 1/16-inch diameter locking rivet failed, which permitted the connecting pin to work its way out of the connection. This condition could result in loss of primary control during flight. As a consequence, Short Brothers & Harland Ltd., issued Shorts Service Bulletin No. 27–66 dated November 18, 1977, which specifies inspection of both the aforementioned aileron control linkage connections and similar connections at 24 other sites in the airplane flight control systems. The United Kingdom who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under the United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the United Kingdom Civil Aviation Authority combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Shorts Service Bulletin No. 27–66 dated November 18, 1977, and the mandatory classification of this Service Bulletin by the United Kingdom Civil Aviation Authority.

Based on the foregoing, the FAA has determined that the condition addressed by this Service Bulletin is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring initial and repetitive inspections and, if necessary, the repair of 26 separate connections of linkages in the primary flight control systems on Short Brothers & Harland Ltd., Model SC-7, Series 3 airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Short Brothers & Harland Ltd.: Applies to Model SC-7 Series 3 (all serial numbers) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To preclude failure of the primary flight control systems, within the next 100 hours time-in-service after the effective date of this AD and at intervals not to exceed 500 hours time-in-service thereafter, accomplish the following:

(a) Visually inspect the control system linkage connections listed in paragraph (c) of this AD in accordance with Shorts Service Bulletin No. 27-66, dated November 18, 1977. Each connection typically consists of a clevis (control rod) and rod-end bearing joined by a pin as shown on Figure 1 of the Service Bulletin. Each end of the pin must be secured by a retaining plate bonded to the clevis and one end must have a locking rivet through the pin and clevis.

(b) If a retaining plate or locking rivet are found to be loose or detached from the clevis, prior to further flight, repair the connection in accordance with instructions in the Service Bulletin.

(c) The locations of the control system linkage connections to be inspected are as follows (refer to page 3 of the Service Bulletin):

(1) One location in each wing on the aileron control rod.

(2) Twenty-four locations in control rods along the upper fuselage between Stations 96 and 410.

(d) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(e) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(f) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 11, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 22, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-8818 Filed 4-1-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR PART 39

[Docket No. 83-CE-31-AD; Amendment 39-4606]

Airworthiness Directives; Short Brothers and Harland, Ltd., Model SC-7, Series 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Short Brothers and Harland, Ltd., Model SC-7, Series 3 airplanes which supersedes AD 80-09-01, Amendment 39-3754. The new AD requires modification of the ground/air lever mechanism to preclude failure. Service experience indicates the inspections required by AD 80-09-01 have not prevented these failures, in that one such failure and loss of Beta mode operation (reverse thrust) on one engine occurred on an airplane inspected in accordance with AD 80-09-01. The modification prescribed by this new AD will increase the integrity and operational reliability of the power plant control system.

EFFECTIVE DATE: April 11, 1983.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Shorts Service Bulletin No. 76-58, Revision 1, dated December 4, 1980, applicable to this AD may be obtained from Short Brothers and Harland, Ltd., Queens Island, Belfast BT3 9DZ Northern Ireland (U.K.). A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30; or Paul Cormaci, Manager, Foreign FAR 23 Section, ACE-109, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: AD 80-09-01, Amendment 39-3754 (45 FR 25053), applicable to Short Brothers Model SC-7, Series 3 airplanes was issued April 14, 1980, requiring a one-time inspection and reinstallation, if necessary, of the spring heel block attachment to the air/ground lever as a means of preventing a malfunction of the engine control system. Subsequently, Short Brothers and Harland, Ltd., received a report of an incident wherein the pilot of a Model SC-7, Series 3 airplane was unable to select Beta mode (reverse thrust) due to a malfunction in the air/ground lever mechanism. The manufacturer's investigations after the incident indicated that the inspections required by AD 80-09-01 were ineffective in preventing this type failure and that the design of the retaining pin locking arrangement was unsatisfactory. A modification was developed by the manufacturer to improve the system integrity and prevent jamming. This modification has been made available to operators of these airplanes in Shorts Service Bulletin No. 76-58, Revision 1, dated December 4, 1980. The United Kingdom Civil Aviation Authority who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the

affected airplanes. On airplanes operated under the United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the United Kingdom Civil Aviation Authority combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Shorts Service Bulletin No. 76–58, Revision 1, dated December 4, 1980, and the mandatory classification of this Service Bulletin by the United Kingdom Civil Aviation Authority.

Based on the foregoing, the FAA has determined that the condition addressed by this Service Bulletin is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, the FAA is superseding AD 80–09–01 with a new AD which requires modification of the ground/air lever mechanism to preclude its failure and, in turn, loss of Beta mode (reverse thrust) operation on Short Brothers and Harland, Ltd., Model SC–7, Series 3 airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Short Brothers and Harland, Ltd.: Applies to Model SC–7, Series 3 (all serial numbers) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To preclude malfunction of the ground/air lever mechanism which may prevent the power lever from entering the Beta mode, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(a) Modify the ground/air lever P/N SC–7–47–5254 in the engine control system in accordance with Shorts Service Bulletin No. 76–58, Revision 1, dated December 4, 1980.

(b) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment supersedes AD 80–09–01, Amendment 39–3754.

This amendment becomes effective on April 11, 1983.

Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "**ADDRESSES**" at the location identified.

Issued in Kansas City, Missouri, on March 22, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–8620 Filed 4–1–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Airworthiness Docket No. 83–ASW–12; Amdt. 39–4599]

Airworthiness Directive; Societe Nationale Industrielle Aerospatiale (SNIAS) Models AS350 and AS355 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This adopts a new airworthiness directive (AD) which requires repetitive inspections, repair or replacement, as necessary, of the main rotor mast on Aerospatiale Models AS350 and AS355 series helicopters. The AD is needed to detect structural fatigue cracking of the main rotor mast which could result in complete failure of the mast and consequent loss of control of the helicopter.

DATE: Effective April 8, 1983.

Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service bulletins may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

A copy of each of the service documents is contained in the Rules Docket at the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Chris Christie, Manager, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30 or R.T. Weaver, Helicopter Policy and Procedures Staff, ASW–111, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 877–2548.

SUPPLEMENTARY INFORMATION: There have been reports of corrosion of main rotor masts and subsequent fatigue cracking on Aerospatiale Models AS350 and AS355 series helicopters which could result in complete failure of the mast and cause the loss of the helicopter. Two masts have been found with cracks (one was very extensive). One operator reported as many as 90 percent of removed masts were found to have corrosion. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires inspection of the main rotor mast for corrosion and cracks and repair, as necessary.

Since a situation exists that requires the immediate adoption of the regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aircraft safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), is amended by adding the following new Airworthiness Directive:

Aerospatiale (S.N.I.A.S.): Applies to Models AS350 and AS355 series helicopters, certificated in all categories.

Compliance is required as indicated.

To prevent possible failure of the main rotor mast, accomplish the following:

a. For helicopters which have 250 hours' or more total time in service on the main rotor mast on the effective date of this AD, inspect in accordance with paragraph d. within 50 hours' time in service, unless already accomplished.

b. For those helicopters which have less than 250 hours' total time in service on the main rotor mast on the effective date of this AD, inspect in accordance with paragraph d. before reaching 300 hours' time in service on the main rotor mast, unless already accomplished.

c. For those helicopters exhibiting a severe tracking defect, inspect in accordance with paragraph d. before further flight, unless already accomplished.

d. Remove the main rotor hub from the main rotor mast in accordance with the Model AS350 or AS355 Maintenance Manual, or FAA approved equivalent as appropriate.

(1) Visually inspect the upper main rotor mast areas above the swashplate for surface finish deterioration, corrosion, or cracks. Conduct the visual inspection on all accessible mast areas with special emphasis in the areas of the 12 flange bolt holes and in the radius between the mast flange and the mast cylindrical shaft. Use a 10 power glass in areas of suspected surface finish cracks.

(2) Conduct a magnetic particle or dye penetrant inspection of the flange radius of the mast area described in subparagraph (d)(1) from which the surface finish has deteriorated to the extent that unprotected metal is exposed (even by cracks in the finish).

e. Replace any cracked masts.

f. Rework corroded masts in accordance with Aerospatiale Telex Service Document Numbers 05.08 or 05.13, or FAA approved equivalent. Replace any masts corroded beyond the allowed rework.

g. Reinstall the main rotor hub in accordance with the appropriate Model AS350 or AS355 Maintenance Manual, or FAA approved equivalents, after completion of the inspection and rework of paragraphs d., e. and f.

h. Repeat the inspections required in paragraph d. at intervals not to exceed 300 hours' time in service from the last inspection.

i. Any equivalent method of compliance with this AD must be approved by the Manager, Aircraft Certification Division, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106 or by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium.

j. In accordance with FAR 21.197, flight is permitted to a base where the inspections required by this AD may be accomplished.

This amendment becomes effective April 8, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption

"For Further Information Contact".

Issued in Fort Worth, Texas, on March 18, 1983.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 83-8822 Filed 4-1-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 69-CE-26-AD; Amdt. 39-4607]

Airworthiness Directives; Beech Model 99 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 69-24-2, Amendments 39-879, 39-1222 and 39-4240 applicable to Beech Model 99 series airplanes. It deletes airplane S/N U-132 and corrects kit and paragraph references in the applicability statement. These changes will eliminate possible field confusion when complying with the AD.

DATES: Effective Date: April 11, 1983. Compliance: No compliance action is required by this amendment.

ADDRESSES: Information pertaining to this revision is contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Ross R. Spencer, Airframe Branch, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269-7005, FTS 752-7005.

SUPPLEMENTARY INFORMATION: To preclude an accident resulting from a possible pitch trim runaway, the FAA issued Airworthiness Directive 69-24-2, Amendments 39-879, 39-1222, and 39-4240, applicable to Beech Model 99 series airplanes, which imposed limitations and required modification of pitch control systems on these airplanes. Subsequently, the FAA has determined that the applicability statement of the AD must be revised in the following respects: (1) Airplane S/N U-132 should be deleted, (2) Beech Kit 99-5015 should be identified as 99-5014 and (3) paragraph E should be paragraph C. Accordingly, action is taken herein to revise the applicability statement of AD 69-24-2 to read correctly.

Since this amendment corrects an administrative error and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and not in the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, AD 69-24-2, Amendment 39-879, as revised by Amendments 39-1222 and 39-4240, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is further revised as follows:

Delete the existing applicability statement and add the following new applicability statement:

"Beech: Applies to all Beech 99 series (Serial Numbers U-1, thru U-49, U-51 thru U-131, U-133 thru U-145, and U-147) airplanes certificated in any category.

Exceptions: Airplanes on which the elevator control system has been modified in accordance with optional Beech Kit 99-5011 or Kit 99-5014 are required to comply with paragraph C only."

This amendment becomes effective April 11, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(a)); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation only involves a correction of an administrative error which has no adverse effect on any persons or airplanes. Therefore, I certify that this action: (1) Is not a major rule under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 22, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-8606 Filed 4-1-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-03-AD; Amdt. 39-4609]

Airworthiness Directives; Canadair Model CL-600 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to all Canadair CL-600 airplanes which requires an inspection of the 8 gage wires from generators 1 and 2 and the auxiliary power unit (APU) for proper installation in conformance with factory specifications. This action is prompted by reports of wire overheating under heavy electrical load conditions. Overheated wires could result in a cabin fire.

EFFECTIVE DATE: April 13, 1983.

ADDRESS: The service information specified in this airworthiness directive may be obtained upon request to Canadair Ltd., Commercial Aircraft Technical Services, Box 6087, Station A, Montreal, Canada PQ H3C3G9, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Canadian Department of Transport (DOT) has issued an AD which requires the inspection of all Canadair CL-600 airplanes to ensure the number 1 and 2 generators and the APU have the 8 gage wiring properly installed so that sufficient airspace exists between the wires and the sidewalls, equipment, etc. If the factory specifications for spacing are not followed, it is possible under heavy electrical loading conditions that overheating could occur which could damage the wiring, adjacent equipment, and cause a cabin fire. In order to prevent this from ocurring, the DOT, which is the civil air authority of Canada, is requiring an inspection of the generator and APU wiring to ensure the installation complies with type design.

This airplane model is manufactured in Canada and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, the FAA has determined that an AD is necessary which requires an inspection for proper wire installation.

Further, since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Canadair: Applies to all Model CL-600 airplanes certificated in all categories. To prevent possible wire overheating, accomplish the following within the next 300 flight hours or within the next 3 calendar months after the effective date of this AD, whichever occurs first, if not already accomplished:

1. Inspect the installation of the 8 gage feeder wires from generators 1 and 2 and the APU for conformance with Canadair Drawings 600-58001 Note 17 or 600-58031 Note 14 and CL-600 Completion Centre Handbook Section 6 and correct if necessary.

2. Replacement of the 8 gage generator 1, generator 2, and APU feeder wires with 4 gage of the same type is an approved alternate means of compliance.

3. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Area Aircraft Certification Office, FAA, Northwest Mountain Region.

4. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD

This amendment becomes effective April 13, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington on March 24, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-8607 Filed 4-1-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-42-AD; Amdt. 39-4615]

Airworthiness Directives; Pilatus Britten-Norman Ltd. BN-2, BN-2A, BN-2B and BN-2T Islander Series and BN-2A MK III Trislander Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Pilatus Britten-Norman Ltd. BN-2, BN-2A, BN-2B and BN-2T Islander Series equipped with wing tip fuel tanks and BN-2A MK III Trislander Series airplanes. It requires visual inspection of the wing tip tank fuel transmitter floats for evidence of deterioration. The manufacturer and the FAA have received reports indicating that erosion of the wing tip tank fuel transmitter floats may occur under certain operating conditions. Visual inspection of the fuel transmitter floats will detect deterioration of the floats and prevent restriction of the fuel flow with a resultant loss of power.

DATES: Effective Date: April 11, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Pilatus Britten-Norman Ltd. Service Bulletin (SB) No. BN-2/SB.154, Issue 1, February 12, 1982, applicable to this AD may be obtained from Poilatus Britten-Norman Ltd., Bembridge, Isle of Wight, England. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, FAA, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: Pilatus Britten-Norman has received reports indicating the wing tip tank fuel transmitter floats are susceptible to erosion damage in some operating environments. The one reported case of fuel tank transmitter float deterioration in the U.S. resulted in a clogged injector screen. As a result, Pilatus Britten-Norman Ltd. has issued SB No. BN–2/SB.154, Issue 1, dated February 12, 1982, which provides instructions for the visual inspection of the wing tip tank fuel transmitter floats for evidence of deterioration. The United Kingdom Civil Aviation Authority (UKCAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom, has classified Pilatus Britten-Norman Ltd. SB No. BN–2/SB.154, Issue 1, dated February 12, 1982, and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Pilatus Britten-Norman Ltd. SB No. BN–2/SB.154, Issue 1, dated February 12, 1982, and the mandatory classification of this SB by the UKCAA.

Based on the foregoing, the FAA has determined that the condition addressed by Pilatus Britten-Norman Ltd. SB No. BN–2/SB.154, Issue 1, dated February 2, 1982, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring visual inspection of the wing tip tank fuel transmitter floats for evidence of deterioration on Pilatus Britten-Norman Ltd. BN–2, BN–2A, BN–2B and BN–2T Islander Series equipped with wing tip fuel tanks and BN–2A MK III Trislander Series airplanes in accordance with procedures set forth in the above-mentioned SB.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Pilatus Britten-Norman Ltd.: Applies to BN–2, BN–2A, BN–2B and BN–2T Islander Series equipped with wing tip fuel tanks and BN–2A MK III Trislander Series (all Serial Numbers) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished. To detect erosion of the wing tip tank fuel transmitter floats, which could restrict fuel flow and result in the loss of power, accomplish the following:

(a) Within the next 100 hours time-in-service after the effective date of this Airworthiness Directive (AD) and thereafter at intervals not to exceed 100 hours time-in-service:

(1) Remove and visually inspect the wing tip tank fuel transmitter floats for evidence of cracking, fretting or erosion in accordance with the instructions provided in the "Inspection and Rectification" section of Pilatus Britten-Norman Service Bulletin (SB) No. BN–2/SB.154, Issue 1, dated February 12, 1982, (hereinafter referred to as the SB), or an FAA approved equivalent.

(2) If any fuel transmitter float is found with cracks, fretting, or erosion during the accomplishment of the visual inspection in accordance with paragraph (a)(1) of this AD, prior to further flight, replace the float with a serviceable unit of the same part number and continue the repetitive visual inspections in accordance with paragraph (a)(1) of this AD.

(3) If any fuel transmitter float is found with excessive erosion during accomplishment of the visual inspection in accordance with paragraph (a)(1) of this AD, prior to further flight, drain the affected tank and clean the filters, including also the fuel supply system, through the auxiliary pumps, to the engine together with all fuel filters enroute.

(4) Reinstall wing tip tank fuel transmitters in accordance with instructions provided in the "Inspection and Rectification" section of the SB.

(b) The intervals between repetitive inspections required by this AD may be adjusted up to 10 percent of the specified inspection intervals to allow them to be accomplished concurrent with other scheduled maintenance on these airplanes.

(c) Aircraft may be flown in accordance with FAR 21.197 to a location where this Airworthiness Directive (AD) can be accomplished.

(d) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 11, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "**ADDRESSES**" at the location identified.

Issued in Kansas City, Missouri, on March 24, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–8612 Filed 4–1–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 82–NM–122–AD; Amdt. 39–4610]

Airworthiness Directive; Rockwell International Sabreliner Models NA 265–65 (Serial Number 306–114) and NA 265–60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new Airworthiness Directive (AD) which was previously made effective to all U.S. owners of certain Rockwell International Sabreliner airplanes by priority mail. The AD requires inspection, and subsequent repair, of a

cabin aisle pressure panel for fatigue cracks to preclude complete panel failure and sudden loss of cabin pressurization.

DATES: Effective April 13, 1983 as to all persons except those persons to whom it was made immediately effective by Emergency Airworthiness Directive T82–26–02 letter dated December 13, 1982, which is contained in this amendment. Compliance required before further flight after the effective date of this AD, unless already accomplished.

ADDRESSES: Sabreliner Service Bulletin 82–9, dated December 10, 1982, pertains to this matter. This bulletin may be obtained from Rockwell International, Sabreliner Division, 6161 Aviation Drive, St. Louis, Missouri 63134, telephone (314) 731–2260.

FOR FURTHER INFORMATION CONTACT: Marvin D. Beene, Airframe Branch, Wichita Aircraft Certification Office, FAA, Central Region, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 269–7005.

SUPPLEMENTARY INFORMATION: An inadvertent loss of cabin pressure was experienced on a Sabreliner Model NA 265–60 airplane, at approximately 31,000 feet altitude, wherein an interior pressure panel failed due to fatigue cracking. The airplane landed without further incident and was subsequently flown approximately 500 nautical miles for repair.

The critical panel is located vertically, above the floor, on the right side of the center aisle below and just aft of the galley. The panel separates the pressurized portion of the cabin from an unpressurized area on the bottom of the fuselage. Fatigue cracking of this interior panel appears to have initiated from repeated canning of the panel against the sharp edge of the attaching frame extrusions during cabin pressurization cycles. The crack had grown to approximately eight inches prior to complete failure of the panel.

Rockwell International has issued Sabreliner Service Bulletin 82–9 which specifies initial, and recurring, visual inspections of this panel area and instructions for subsequent replacement of the panel with a more rigid and higher strength material.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual letters issued December 13, 1982, to all known U.S. owners and operators of certain Rockwell International Sabreliner airplanes. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Rockwell International: Applies to the Models NA 265–65, Serial Number 306–114, and NA 265–60 series airplanes, serial numbers 306–1 through 306–141, except 306–114 and 306–136, certificated in any category.

Compliance required as indicated unless already accomplished. To prevent a possible inadvertent cabin pressure loss due to fatigue failure of an interior pressure panel, accomplish the following:

A. Prior to the next flight visually inspect the vertical floor panel, P/N 306–312005–3, in accordance with the instructions provided in Rockwell International Sabreliner Service Bulletin (SB) 82–9.

1. If a crack is detected, replace the panel in accordance with the instructions in SB 82–9, prior to the next flight except for ferry flight per item C., below.

2. If no cracks are detected, repeat the inspections after the next 50 and 100 flight hours and replace if required.

B. Within the next 150 flight hours replace the panel in accordance with SB 82–9 Installation of the new panel constitutes terminating action per this AD.

C. Issuance of a special flight permit, in accordance with FAR 21.197, is permitted for the purpose of moving the affected airplanes to a repair station provided that for airplanes with a detected panel crack, the maximum altitude for the ferry flight must not exceed 25,000 feet with a cabin pressure differential not to exceed 5.0 p.s.i.

D. Alternative means of compliance with this AD which provide an equivalent level of safety may be used when approved by the Manager, Wichita Aircraft Certification Office, FAA, Central Region.

This amendment becomes effective April 13, 1983, to all persons except those persons to whom it was made immediately effective by Emergency AD T82–26–02 letter dated December 26, 1982, which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedure (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption, "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington on March 24, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83–8808 Filed 4–1–83, 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–CE–29–AD; Amdt. 39–4613]

Airworthiness Directives; SIAI-Marchetti Models S205–20F and S205–20R Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to SIAI-Marchetti Models S205–20F and S205–20R airplanes. It requires modification of the attachment of the butterfly valve to the shaft in the engine induction valve assembly. The manufacturer has received reports of damaged and lost spring pins that secure the butterfly valve to the shaft assembly which could cause loss of engine power. The modification procedure will prevent the loss or failure of the spring pins.

EFFECTIVE DATE: April 14, 1983. Compliance: Within 100 hours time-in-service from the effective date of this AD.

ADDRESSES: SIAI-Marchetti Service Bulletin (SB) No. 205B55, dated December 11, 1981, applicable to this AD may be obtained from SIAI-Marchetti S.p.A., V–12070 via Indipendenza, 2, Z1018 Sesto Calende, Italy. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium,

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Telephone 513.38.30; or Mr. Larry Werth, Manager, Foreign FAR-23 Section, ACE-109, FAA, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: SIAI-Marchetti has received reports of damaged and lost spring pins that connect the butterfly valve to the shaft assembly of the engine induction valve assembly on Models S205-20F and S205-20R airplanes. Undetected damage and cracks of the spring pins could result in failure of the engine induction valve assembly. This could shut off control and selection of the alternate air which would cause a loss of engine power. As a result, SIAI-Marchetti has issued SB No. 205B55, dated December 11, 1981, which requires modification of the attachment of the butterfly valve to the shaft of the engine induction valve assembly. The Registro Aeronautico Italiano (RAI) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of SIAI-Marchetti SB No. 205B55, dated December 11, 1981, and the mandatory classification of this SB by the RAI.

Based on the foregoing, the FAA has determined that the condition addressed by SIAI-Marchetti SB No. 205B55, dated December 11, 1981, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring modification of the attachment of the butterfly valve to the shaft of the engine induction valve assembly on SIAI-Marchetti Models S205-20F and S205-20R airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

SIAI-Marchetti.—Applies to Models S205-20F and S205-20R (Serial Numbers 222, 4-101, 4-102, 4-106, 4-172, 4-206, 4-241, 5-303, 003, 103, 106, 215, 218, 220, 221, 227, 237, 238, 345 thru 347, 349, 351, 355, 357, 359 thru 363, 366 thru 368, 375 thru 377, 4-107 thru 4-113, 4-115, 4-116, 4-133 thru 4-139, 4-141, 4-159 thru 4-163, 4-173, 4-174, 4-197 thru 4-202, 4-205, 4-208 thru 4-215, 4-236 thru 4-240, 4-242 thru 4-244, 4-248, 4-249, 4-251 thru 4-253, 4-255, 4-269 thru 4-271, 4-273, 4-274, 4-275, 4-276, 4-282, 5-302 and 06-001 thru 06-040) airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished. To prevent loss or failure of the attachment that connects the butterfly valve to the shaft of the engine induction valve assembly, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(a) Modify the attachment of the butterfly valve (Part Number (P/N) 205-5-260-09) to the shaft (P/N 205-5-260-07) of the engine induction valve assembly (P/N 205-5-260-101 or P/N 205-5-260-01) in accordance with the "Instruction" section of SIAI-Marchetti Service Bulletin No. 205B55, dated December 11, 1981.

(b) Airplane may be flown in accordance with FAR 21.197 to a location where this Airworthiness Directive (AD) can be accomplished.

(c) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 24, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-8610 Filed 4-1-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-34-AD; Amdt. 39-4612]

Airworthiness Directives; SIAI-Marchetti Models S205-18/F, S205-18/R, S205-20/F, S205-20/R, S205-22/R and all Models S208 and S208A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 75-17-23, Amendment 39-2328 (40 FR 33008), applicable to certain serial numbers on all SIAI-Marchetti Models S205 and S208 airplanes by expanding the AD applicability statement to include all serial numbers of Models S205, S208 and by adding all Model S208A airplanes and updating reference to the latest revision of the Service Bulletin. This will simplify the citation of affected airplanes by including all serial numbers of the affected models rather than listing specific serial numbers.

EFFECTIVE DATE: April 14, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: SIAI-Marchetti, Service Bulletin (SB) No. 205B37C, dated October 7, 1977, applicable to this AD may be obtained from SIAI-Marchetti S.p.A, V-12070 via Independenza, 2, 21018 Sesto Calenda, Italy. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Federal Aviation Administration, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: The FAA published AD 75-17-23, Amendment 39-2328 (40 FR 33008), which required repetitive visual inspections of the internal wing rib brackets and, if necessary, replacement of cracked parts and associated washers on certain SIAI-Marchetti S205 and S208 series airplanes in accordance with SIAI-Marchetti Service Bulletin No. 205B37B, dated August 24, 1974. Subsequently, SIAI-Marchetti issued Service Bulletin No. 205B37C dated October 7, 1977, which extended the same inspections and replacement requirements of the previous Service Bulletin to all Models S205 and S208 airplanes and to add its S208A model airplanes. The Registro Aeronautico Italiano (RAI) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy has classified the actions recommended by the manufacturer in the current Service Bulletin No. 205B37C as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States. The FAA has examined the available information related to the issuance of SIAI-Marchetti, SB No. 205B37C, dated October 7, 1977, and the mandatory classification of this SB by the RAI. Based on the foregoing, the FAA has determined that the extension of the requirements of SIAI-Marchetti SB No. 205B37C, dated October 7, 1977, to all serial numbers on Models S205 and S208 and to its Model S208A airplanes, is necessary to assure that an unairworthy condition will not develop on products of this type design should they be imported and certificated for operation in the United States.

Therefore, AD 75-17-23 is being revised to include all serial numbers of Models S205 and S208 and by adding all Model S208A airplanes and by changing the reference of the SB from 205B37B to 205B37C.

Since this amendment makes changes to AD 75-17-23 which have no effect on United States operators, notice and public procedure hereon are unnecessary and not in the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, AD 75-17-23, Amendment 39-2328 (40 FR 33008), § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is revised as follows:

(1) Revise the applicability statement to read as follows:

"SIAI-Marchetti: Applies to Models S205-18F, S205-18R, S205-20F, S205-20R, S205-22R, S208 and S208A airplanes certificated in any category."

(2) In paragraph (a) of the AD delete "Service Bulletin No. 205B37B dated August 24, 1974" and insert "Service Bulletin No. 205B37C dated October 7, 1977."

(3) In paragraph (b)(2) of the AD delete "Service Bulletin No. 205B37B dated August 24, 1974" and insert "Service Bulletin No. 205B37C dated October 7, 1977."

This amendment becomes effective April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation only involves an annual cost of $70 on each airplane. In addition, this amendment only extends the requirements of existing AD 75-17-23, to include all serial numbers on Models S205 and S208 and to the Model S208A airplanes. There are no S208A airplanes and there are no airplanes of the other models that are not included in the applicability of AD 75-17-23 currently registered in the U.S. and no cost is imposed on any U.S. operator. Therefore, I certify that this action (1) is not a major rule under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and because of the cost and few airplanes involved owned by small entities, it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 24, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-8809 Filed 4-1-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-CE-43-AD; Amdt. 39-4614]

Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego, Pzl-Mielec Model PZL M18 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Wytwornia Sprzetu Komunikacyjnego, PZL MIELEC Model PZL M18 airplanes. It requires modificaton of the braking control lever and installation of a larger diameter brake pedal attaching bolt. The manufacturer has received several reports of cracking or failure of the brake pedal attaching bolt with resultant brake failure. The modification and bolt installaton required by this AD will prevent brake attachment failure which could result in an accident upon landing or during ground operation of the airplane.

EFFECTIVE DATE: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESS: Mandatory Bulletin U/044/82 applicable to this AD may be obtained from Wytwornia Sprzetu Komunikacyjnego, PZL-MIELEC, 39-301 Mielec, Poland. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: The manufacturer has received several reports that fatigue cracks develop in brake pedal attaching bolts, Part Number (P/N) D52.300.03.1 on its PZL M18 airplanes. In one incident the bolt broke during taxiing, resulting in unsymmetrical braking. Failure of one or both bolts during landing or rollout could result in an accident. As a result, Wytwornia Sprzetu Komunikacyjnego, PZL MIELEC has issued Mandatory Bulletin U/044/82 which provides for modification of the brake levers and installaton of larger bolts (P/N D52.300.03.2). The Civil Aircraft Inspection Board (CACA) who has responsibility and authority to maintain

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the continuing airworthiness of these airplanes in Poland, has classified this Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Polish registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the CACA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Mandatory Bulletin No. U/044/82, and the mandatory classification of this mandatory Bulletin by the CACA.

Based on the foregoing, the FAA has determined that the condition addressed by Mandatory Bulletin No. U/044/82, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring modification of the brake levers and installation of larger bolts (P/N D52.300.03.2) on PZL M18 airplanes in accordance with procedures set forth in the above-mentioned Bulletin.

Because an emergency condition exists that requires the immediate adopton of this regulaton, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulatons (14 CFR 39.13) is amended by adding the following new AD.

Wytwornia Sprzetu Komunikacyjnego, Pzl Mielec.—Applies to Model PZL M18 (all Serial Numbers up through and including 1Z009–30) airplanes certificated in any category.

Compliance: Required within the next 100 landings, unless already accomplished.

To prevent brake failure which could result in an accident during landing or rollout, accomplish the following:

(a) Remove the left and right braking levers Part Number (P/N) D52.310.00.1 or D52.310.00.2 from the airplane and modify them in accordance with Wytwornia Sprzetu Komunikacyjnego Bulletin U/044/82, Sections III(1) through (5).

(b) Install the modified levers on the airplane with the new bolt P/N D52.300.03.2 and check for proper operation in accordance with Bulletin U/044/82, Sections III(6) and (7).

(c) Record compliance with this Airworthiness Directive (AD) in the aircraft maintenance log book.

(d) Operators who do not keep records of landings must substitute airplane hours time-in-service at the rate of 2 landings per hour time-in-service.

(e) Airplanes may be flown in accordance with FAR 21.197 to a location where this Airworthiness Directive (AD) can be accomplished.

(f) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 24, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–8611 Filed 4–1–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 73

[Airspace Docket No. 83–ASO–7]

Special Use Airspace; Correction to Restricted Area R–2915A Eglin AFB, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects a technical error in the description of an internal boundary of Restricted Area R–2915A published in the **Federal Register** on April 1, 1964, (29 FR 4670) (Airspace Docket No. 63–SO–48).

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Boyd Archer, Airspace Regulations and Obstructions Branch (AAT–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 64–3126 (Airspace Docket No. 63–SO–48) was published on April 1, 1964, which left the south boundary of Restricted Area R–2915A open ended.

List of Subjects in 14 CFR Part 73

Restricted areas.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 64–3126, as published in the **Federal Register** on April 1, 1964, (29 FR 4670) is corrected as follows:

R–2915A Eglin AFB, FL [Amended]

Under "Boundaries." after the words "lat. 30°26'30"N., long. 86°51'30"W.;" insert the words "lat. 30°26'30"N., long. 86°52'20"W.;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore — (1) is not a "major rule" under Executive Order 12291; (2) is not a "Significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on March 25, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83–8615 Filed 4–1–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 23585; Amdt., No. 1239]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending Part 97.23 VOR–VOR/DME SIAPs identified as follows:

** * * Effective June 9, 1983*

Toledo, OH—Toledo Express, VOR/DME Rwy 34, Amdt. 4
Manitowoc, WI—Manitowoc County, VOR Rwy 17, Amdt. 9
Manitowoc, WI—Manitowoc County, VOR Rwy 35, Amdt. 8

** * * Effective May 12, 1983*

Little Rock, AR—Adams Field, VOR Rwy 32, Amdt. 17
Pine Bluff, AR—Grider Field, VOR Rwy 17, Amdt. 18
Pine Bluff, AR—Grider Field, VOR/DME Rwy 35, Amdt. 9
Porterville, CA—Porterville Muni, VOR Rwy 30, Amdt. 3
Key West, FL—Key West Intl, VOR–B, Amdt. 5
Parson, KS—Tri-City, VOR Rwy 13, Amdt. 2
Estherville, IA—Estherville Muni, VOR Rwy 16, Amdt. 3
Estherville, IA—Estherville Muni, VOR Rwy 34, Amdt. 5
Princeton, ME—Princeton Muni, VOR Rwy 15, Amdt. 10
Taunton, MA—Taunton Muni, VOR–A, Amdt. 6
Bowling Green—Bowling Green Muni, VOR/DME–A, Amdt. 1
Kansas City, MO—Kansas City Intl, VOR Rwy 27, Amdt. 11
Washington, MO—Washington Memorial, VOR Rwy 16, Amdt. 1
Hastings, NE—Hastings Muni, VOR Rwy 4, Amdt. 1
Ogallala, NE—Searle Field, VOR Rwy 8, Amdt. 2
Ogallala, NE—Searle Field, VOR Rwy 26, Amdt. 2
Manville, NJ—Kupper, VOR–A, Amdt. 3
Millersburg, OH—Holmes County, VOR–A, Amdt. 4
Langhorne, PA—Buehl Field, VOR Rwy 6, Amdt. 5
Washington, PA—Washington County, VOR–A, Amdt. 2

Washington, PA—Washington County, VOR-B, Amdt. 2
McAllen, TX—Miller Intl, VOR-A, Amdt. 11
McAllen, TX—Miller Intl, VOR Rwy 13, Amdt. 12

** * * Effective April 14, 1983*

Laramie, WY—General Brees Field, VOR Rwy 12, Amdt. 2
Laramie, WY—General Brees Field, VOR/DME Rwy 30, Amdt. 3

** * * Effective March 21, 1983*

Roanoke, VA—Roanoke Muni/Woodrum, VOR Rwy 33, Amdt. 4

** * * Effective March 14, 1983*

Ft. Leonard Wood, MO—Forney AAF, VOR Rwy 14, Amdt. 3
Ft. Leonard Wood, MO—Forney AAF, VOR Rwy 32, Amdt. 3

** * * Effective March 11, 1983*

Panama City, FL—Panama City-Bay County, VOR or TACAN-A, Amdt. 11
Panama City, FL—Panama City-Bay County, VOR or TACAN-Rwy 14, Amdt. 13
Panama City, FL—Panama City-Bay County, VOR or TACAN Rwy 32, Amdt. 8
LaCrosse, WI—LaCrosse Muni, VOR Rwy 13, Amdt. 22

NOTE.—The FAA published an amendment in Docket No. 23566, Amdt. No. 1238 to Part 97 of the Federal Aviation Regulations (Vol 48 FR No. 55 Page 11694; Dated March 21, 1983 under section 97.23 effective February 25, 1983 which is amended as follows:

Kremmling, CO—Kremmling, VOR/DME-A, Original. Change to read: Kremmling, CO—Kremmling, VOR/DME-A, Amdt. 1.

2. By amending Part 97.25 SDF-LOC-LDA SIAPs identified as follows:

** * * Effective May 12, 1983*

Crestview, FL—Bob Sikes, LOC Rwy 17, Original
Marietta, GA—McCollum, LOC Rwy 27, Original
Kansas City, MO—Kansas City Intl, LOC BC Rwy 27, Amdt. 9
Reno, NV—Reno Cannon Intl, LOC-1 Rwy 16, Amdt. 1
McAllen, TX—Miller Intl, LOC BC Rwy 31, Amdt. 4

** * * Effective April 14, 1983*

St. Marys, PA—St. Marys Muni, LOC/DME Rwy 28, Original

** * * Effective March 14, 1983*

Ft. Leonard Wood, MO—Forney AAF, LOC Rwy 14, Amdt. 4

3. By amending Part 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective June 9, 1983*

Toledo, OH—Toledo Express, NDB Rwy 7, Amdt. 18

** * * Effective May 12, 1983*

Little Rock, AR—Adams Field, NDB Rwy 4, Amdt. 15
Little Rock, AR—Adams Field, NDB Rwy 22, Amdt. 3
Ft. Myers, FL—Southwest Florida Regional, NDB Rwy 6, Original
Atlantic, IA—Atlantic Muni, NDB Rwy 12, Amdt. 6
Parsons, KS—Tri-City, NDB Rwy 17, Amdt. 6
Parsons, KS—Tri-City, NDB Rwy 35, Amdt. 3
DeRidder, LA—Beauregard Parish, NDB Rwy 36, Original
Key West, FL—Key West Intl, NDB-A, Amdt. 9
Taunton, MA—Taunton Muni, NDB Rwy 30, Amdt. 3
Ogallala, NE—Searle Field, NDB Rwy 8, Amdt. 5
Ogallala, NE—Searle Field, NDB Rwy 26, Amdt. 4
Kenansville, NC—P. B. Raiford, NDB Rwy 22, Amdt. 2
Millersburg, OH—Holmes County, NDB Rwy 27, Amdt. 3
Perkasie, PA—Pennridge, NDB-A, Original
Pittsburgh, PA—Allegheny County, NDB Rwy 28, Amdt. 21
Dallas-Fort Worth, TX—Dallas-Fort Worth Regional, NDB Rwy 17L, Amdt. 3
Dallas-Fort Worth, TX—Dallas-Fort Worth Regional, NDB Rwy 35R, Amdt. 3
McAllen, TX—Miller Intl, NDB Rwy 13, Amdt. 4

** * * Effective March 14, 1983*

Ft. Leonard Wood, MO—Forney AAF, NDB Rwy 32, Amdt. 3
Mountain View, MO—Mountain View, NDB Rwy 27, Amdt. 2

4. By amending Part 97.29 ILS-MLS SIAPs identified as follows:

** * * Effective June 9, 1983*

Toledo, OH—Toledo Express, ILS Rwy 7, Amdt. 18
Toledo, OH—Toledo Express, ILS Rwy 25 Amdt. 3

** * * Effective May 12, 1983*

Little Rock, AR— Adams Field, ILS Rwy 4, Amdt. 19
Little Rock, AR— Adams Field, ILS Rwy 22, Amdt. 5
Pine Bluff, AR—Grider Field, ILS Rwy 17, Amdt. 1
Burbank, CA—Burbank-Glendale-Pasadena, ILS Rwy 7, Amdt. 32
Ft. Myers, FL—Southwest Florida Regional, ILS Rwy 6, Original
Reno, NV—Reno Cannon Intl, ILS Rwy 16, Amdt. 3
Middletown, PA—Harrisburg Intl Arpt—Olmsted Fld, ILS Rwy 31, Amdt. 1
Pittsburgh, PA—Allegheny County, ILS Rwy 28, Amdt. 25
Dallas-Fort Worth, TX—Dallas-Fort Worth Regional, ILS Rwy 17L, Amdt. 9
Dallas-Fort Worth, TX—Dallas-Fort Worth Regional, ILS Rwy 17R, Amdt. 10
Dallas-Fort Worth, TX—Dallas-Fort Worth Regional, ILS Rwy 31R, Amdt. 3
Dallas-Fort Worth, TX—Dallas-Fort Worth Regional, ILS Rwy 35L, Amdt. 9
Dallas-Fort Worth, TX—Dallas-Fort Worth Regional, ILS Rwy 35R, Amdt. 9
McAllen, TX—Miller Intl, ILS Rwy 13, Amdt. 5

** * * Effective March 17, 1983*

Asheville, NC—Asheville Regional, ILS Rwy 16, Amdt. 2

5. By amending Part 97.31 RADAR SIAPs identified as follows:

** * * Effective June 9, 1983*

Toledo, OH—Toledo Express, RADAR-1, Amdt. 12

** * * Effective May 12, 1983*

Little Rock, AR—Adams Field, RADAR-1, Amdt. 12
West Memphis, AR—West Memphis Muni, RADAR-1, Amdt. 8
Ft. Myers, FL—Southwest Florida Regional, RADAR-1, Original
Key, West, FL—Key West Intl, RADAR-1, Original

6. By amending Part 97.33 RNAV SIAPs identified as follows:

** * * Effective June 9, 1983*

Toledo, OH—Toledo Express, RNAV Rwy 16, Amdt. 3

** * * Effective May 12, 1983*

Little Rock, AR—Adams Field, RNAV Rwy. 22, Amdt. 7
Little Rock, AR—Adams Field, RNAV Rwy 36, Amdt. 7
Parsons, KS—Tri-City, RNAV Rwy 17, Amdt. 3
Parsons, KS—Tri-City, RNAV Rwy 35, Amdt. 3
Lakeville, MN—Airlake Industrial Park, RNAV Rwy 29, Original
Minneapolis, MN—Anoka County—Blaine Arpt (Janes Field), RNAV Rwy 17, Original

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034: February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on March 25, 1983.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

John M. Howard,

Manager, Aircraft Programs Division.

[FR Doc. 83-8605 Filed 4-1-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

Minimum Charge for the Transportation of Liquids and Liquefiable Hydrocarbons

March 29, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Removal of regulation pursuant to court mandate.

SUMMARY: Order No. 449, 37 FR 2957 (Feb. 10, 1972) promulgated 18 CFR 2.71 regarding the minimum charge for the transportation of liquids and liquefiable hydrocarbons. The Court of Appeals for the District of Columbia vacated and remanded Order No. 449 in 1973, *Mobil Oil Corp.* v. FPC, 483 F. 2d 12389, as an improper attempt to establish rates under the Natural Gas Act for the transportation of liquids. Accordingly, § 2.71 will be removed from the Code of Federal Regulations.

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Robert C. Platt, Assistant Advisory Counsel, Office of the General Counsel, Room 8000, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8455.

SUPPLEMENTARY INFORMATION: Section 2.71 was promulgated by Federal Power Commission Order No. 449. *Mobil Oil Corp.* v. *FPC*, 483 F. 2d 1238 (D.C. Cir. 1973), set aside Order No. 449 as an improper attempt to establish rates under the Natural Gas Act for the transportation of liquids. *Mobil* also remanded Order No. 449 in regard to liquefiable hydrocarbons for further proceedings. As a result, 18 CFR 2.71 was rendered a legal nullity by the *Mobil* court and will be removed from the Code of Federal Regulations as set forth below.

Kenneth F. Plumb,

Secretary.

PART 2—[AMENDED]

1. The table of contents in Part 2 of Title 18 is amended by removing the entry for "§ 2.71 Charges applicable to the transportation of liquids, liquefiable hydrocarbons, etc., for others" in its entirety (and reserving the same for future use).

§ 2.71 [Reserved]

2. Part 2 of Title 18 is amended by removing § 2.71 in its entirety (and reserving the same for future use).

[FR Doc. 83–8509 Filed 4–1–83; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 48 and 145

[T.D. 7882]

Floor Stocks Credits or Refunds and Consumer Credits or Refunds With Respect to Certain Tax-Repealed Articles; Excise Tax on Heavy Trucks

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to floor stocks credits or refunds and consumer credits or refunds with respect to excise taxes on certain tax-repealed articles. In addition, this document provides temporary regulations relating to the excise tax on the sale of heavy trucks. Changes in the applicable tax law were made by the Highway Revenue Act of 1982 (Title V of the Surface Transportaton Assistance Act of 1982). These regulations affect all manufacturers, producers, importers, dealers, retailers, and consumers of certain articles and will provide them with the guidance needed to comply with the law.

DATES: These regulations are effective on April 1, 1983. Applicability: The regulations relating to floor stocks credits or refunds for trucks, truck trailers, truck parts and accessories, and lubricating oil apply to articles sold to a dealer before January 7, 1983, and held by a dealer for sale on the first moment of January 7, 1983. The regulations relating to consumer credits or refunds for trucks and truck trailers apply to vehicles sold to an ultimate purchaser after December 2, 1982, and before January 7, 1983. The regulations relating to the retail tax on heavy trucks are effective for sales made on and after April 1, 1983. The regulations relating to floor stock credits or refunds for tires apply to tires sold to a dealer before January 1, 1984, and held by a dealer for sale on the first moment of January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Neil W. Zyskind of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. (Attention: CC: LR:T) (202–566–4336) (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations under Part 145 relating to floor stocks and consumer credits or refunds with respect to certain tax-repealed articles as provided in sections 522 and 523 of the Highway Revenue Act of 1982 (Act) (Pub. L. 97–424). In addition, this document contains temporary regulations relating to the retail tax on heavy trucks as provided in section 512 of the Act. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

In General

Section 4061(a)(1) of the Internal Revenue Code of 1954 (Code), which does not apply after March 31, 1983, imposed a 10 percent tax on the sale by a manufacturer, producer, or importer of truck chassis and bodies, truck trailer and semitrailer chassis and bodies, and highway tractors used in combination with a trailer or semitrailer. Section 4061(a)(2) of the Code excluded from the 10 percent tax, truck bodies and chassis suitable for use with a vehicle having a gross vehicle weight of 10,000 pounds or less and trailer and semitrailer chassis and bodies suitable for use with a trailer or semitrailer having a gross vehicle weight of 10,000 pounds or less. Section 512(a)(1) of the Act increased the threshold weight for exemption from tax to 33,000 pounds or less for truck chassis and bodies and 26,000 pounds or less for truck trailer and semitrailer chassis and bodies to be effective for articles sold on or after January 7, 1983. Sections 512(a)(2) and 512(b) of the Act converted the 10 percent manufacturer's tax into a 12 percent retail tax, imposed by new Code section 4051, effective April 1, 1983. However, articles that are taxable under the new retail tax and for which the 10 percent manufacturer's tax has been paid, are taxable at the rate of only 2 percent.

Prior to the Act there was a tax imposed under section 4061(b) of the Code upon parts and accessories for any of the articles enumerated in section 4061(a)(1) of the Code. Section 512(a)(2) of the Act repealed this tax effective for parts and accessories sold on or after January 7, 1983. New section 4051(b)(1) of the Code provides that where an owner, lessee, or operator installs parts and accessories on a vehicle taxable under the 12 percent retail tax and such installation occurs within 6 months after

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the vehicle is placed in service, the tax will be imposed on the price of such part and accessory and its installation. In addition to the owner, operator, or lessee of the vehicle, the owner of the trade or business installing the part or accessory is liable for the tax. The tax does not apply if the part or accessory installed is a replacement part or accessory or if the aggregate price of the parts and accessories (and their installation) does not exceed $200.

Treasury Decision 7753

This document revokes T.D. 7753, 46 FR 2998, January 13, 1981, which would have required a truck manufacturer to pay excise tax on truck parts purchased from a supplier if at the time of purchase the truck manufacturer does not intend to use the parts for one of the exempt purposes specified in section 4221 of the Code. T.D. 7753 was to be effective January 1, 1983, however, because of the repeal of the excise tax on truck parts by section 512 of the Act, T.D. 7753 is no longer necessary.

Floor Stocks and Consumer Credits or Refunds

Section 145.1–1 of the temporary regulations provides rules relating to floor stocks credits or refunds with respect to the excise tax on tax-repealed articles (*i.e.*, certain trucks, truck trailers, truck parts and accessories, and lubricating oil) which were held by a dealer for sale on the first moment of January 7, 1983.

Section 145.1–2 provides rules relating to consumer credits or refunds with respect to tax under section 4061(a)(1) on certain trucks and truck trailers which were sold to an ultimate purchaser after December 2, 1982, and before January 7, 1983.

Section 145.1–3 provides rules for determining the amount of tax paid with respect to a tax-repealed article for purposes of claiming floor stocks credits or refunds and consumer credits or refunds.

Section 145.1–4 provides rules relating to the treatment of demonstrator vehicles as new vehicles held by a dealer for purposes of the floor stocks provisions or as new vehicles sold to consumers for purposes of the consumer refund provisions.

Section 145.1–5 provides rules relating to credits or refunds for manufacturers who paid tax on certain articles under section 4061(a)(1) of the Code by reason of section 4218(a) of the Code, relating to certain uses by the manufacturer treated as sales.

Section 145.1–6 provides rules in determining floor stocks and consumer credits or refunds for leases and installment sales.

Section 145.1–7 provides rules with respect to floor stocks credits or refunds in the case of tires, inner tubes, and tread rubber on which a tax was imposed by section 4071(a) of the Code as in effect on December 31, 1983, and which will not be subject to a tax under section 4071(a) of the Code effective January 1, 1984. There is no floor stocks credits or refunds for those tires on which the tax was reduced on January 1, 1984.

Retail Sales Tax on Heavy Trucks

Sections 145.4051–1 and 145.4052–1 provide rules relating to the 12 percent tax on heavy trucks and trailers sold at retail imposed by section 4051(a)(1) of the Code. Furthermore, the regulations provide rules for the 12 percent tax on separate purchases of parts and accessories installed on heavy trucks and trailers under section 4051(a)(1) of the Code where such installation took place within six months after the truck or trailer was placed in service.

Section 145.4051–1(e) (1) and (2) provides rules for determining whether a vehicle is a tractor or a truck. The regulations contain a primary design test for determining taxability of the vehicle. In addition, the regulation explains the treatment of the sale of an incomplete chassis cab.

Section 145.4051–1(e)(3) provides that in determining the gross vehicle weight rating of a vehicle, the strength of the chassis frame and the axle capacity and placement must be taken into account. Spring, brake, rim and tire capacities are not determinative of the gross vehicle weight rating because of the flexibility in changing such parts on the vehicle. For example, a change from light to heavy duty springs results in a dramatic increase in the gross vehicle weight rating of a vehicle.

Section 145.4052–1(d)(2)(iii) defines the term "fair market value at retail of tires" as the lowest established price for which the vehicle retailer would sell tires in the ordinary course of trade. The regulations define the term "lowest established price."

Need for Temporary Regulations

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Special Analysis

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule. The Commissioner of Internal Revenue has determined that these temporary regulations are not subject to Executive Order 12291.

Drafting Information

The principal author of these regulations is Neil W. Zyskind of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations both on matters of substance and style.

List of Subjects

26 CFR Part 48

Agriculture, Arms and munitions, Coal, Excise taxes, Gasohol, Gasoline, Motor vehicles, Petroleum, Sporting goods, Tires.

26 CFR Part 145

Extended due date for payment of certain fuel taxes, Floor stocks refunds, Floor stocks tax, Highway Revenue Act of 1982.

Adoption of Amendments to the Regulations

Title 26 CFR Parts 48 and 145 are amended as follows:

PART 48—[AMENDED]

§ 48.4221–2 [Amended]

Paragraph 1. Section 48.4221–2 is amended by removing the last sentence of paragraph (a)(1).

§ 48.4222(c)–1 [Amended]

Par. 2. Section 48.4222(c)–1 is amended by removing "(a) In general." and by deleting paragraph (b).

Par. 3. Part 145 is revised to read as follows:

PART 145—TEMPORARY EXCISE TAX REGULATIONS UNDER THE HIGHWAY REVENUE ACT OF 1982 (PUB. L. 97–424)

Sec.

145.1–1 Credit or refund in respect of floor stocks of certain trucks, truck trailers, truck parts and accessories, and lubricating oil.
145.1–2 Credit or refund in respect of certain consumer purchases of trucks and truck trailers.

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145.1–3 Methods of determining amount of tax paid on each article.
145.1–4 Demonstrator vehicles.
145.1–5 Credit or refund in respect of use by manufacturer.
145.1–6 Leases and installment or conditional sales entered into before January 7, 1983.
145.1–7 Credit or refund in respect of floor stocks of tires, inner tubes, and tread rubber.
145.4051–1 Imposition of tax on trucks and trailers sold at retail.
145.4052–1 Definitions and special rules.
145.4061–1 Application to manufacturers tax.
145.9000–1 Paperwork Reduction Act.

Authority: Sections 4051 (96 Stat. 2174, 26 U.S.C. 4051), 4052 (96 Stat. 2175, 26 U.S.C. 4052), 7805 (68A Stat. 917, 26 U.S.C. 7805), and sections 522 and 523 of the Highway Revenue Act of 1982 (Pub. L. 97–424, 96 Stat. 2185, 2186).

§ 145.1–1 Credit or refund in respect of floor stocks of certain trucks, truck trailers, truck parts and accessories, and lubricating oil.

(a) *In general*—(1) *Credit or refund.* A manufacturer, producer, or importer (manufacturer) who has paid a tax imposed under section 4061(a)(1), relating to trucks and truck trailers, section 4061(b), relating to truck parts and accessories, or section 4091, relating to lubricating oil, with respect to a tax-repealed article (as defined in paragraph (b)(2) of this section) which is held by a dealer as floor stocks (as defined in paragraph (b)(1) of this section) is entitled to a credit or refund of that tax to the extent and subject to the conditions provided by section 522(a) of the Highway Revenue Act of 1982 (Act) and this section. See paragraphs (b) (1) through (5) of this section for definitions.

(2) *Computation of the amount of floor stocks credits or refunds.* The amount of floor stocks credit or refund which may be claimed by the manufacturer under section 522(a) of the Act may not exceed the amount of tax paid by the manufacturer on its sale of the article. For example, X, a dealer, has on hand as floor stocks inventory an article which had a manufacturer's price of $10 on which the tax under section 4061(b) of 8 percent or $.80 was paid, or a total cost to the dealer of $10.80. The amount of floor stocks credit or refund which may be claimed by the manufacturer with respect to such article is the $.80 tax paid on the manufacturer's sale of the article (8/108 of the tax included price of $10.80).

For special provisions with respect to the determination of the tax paid by a manufacturer on an article, see § 145.1–3. No interest is allowable with respect to any amount of tax credited or refunded under section 522(a) of the Act. In applying the floor stocks credit or refund provisions, the time the manufacturer paid the tax with respect to the article held as floor stocks is not relevant. Thus, the period of limitations provided in section 6511 of the Internal Revenue Code does not apply.

(3) *Limitation.* (i) No credit or refund is allowable under section 522(a) of the Act for an amount paid as tax which may be credited or refunded under any provision of law other than section 522(a) of the Act.

(ii) The amount which may be credited or refunded for floor stocks and for price readjustments on an article may not in the aggregate exceed the tax paid in respect of such article. A credit or refund will be allowed with respect to a price readjustment of an article on which a floor stocks credit or refund is allowed only if the amount of the floor stocks credit or refund is computed by taking into account such price readjustment as a reduction thereto (see paragraph (e) of § 145.1–3). The manufacturer shall keep readily available for inspection sufficient records to enable examining internal revenue officers to ascertain the correctness of any claim for credit or refund for a price readjustment of an article on which a floor stocks credit or refund is claimed.

(iii) If a claim for credit or refund is made pursuant to section 6416 (relating in part to returned sales, sales for export or for exempt use, sales to States, etc.) with respect to a tax imposed by sections 4061(a)(1), 4061(b), or 4091, and if the claim is made with respect to articles sold by the claimant before January 7, 1983, the claim shall not be allowed unless the claimant can establish that the tax was imposed and that no refund or credit under section 522(a) of the Act was allowed with respect to the articles. See, however, paragraph (a)(3)(ii) of this section relating to price readjustments.

(4) *Other provisions applicable.* All provisions of law, including penalties, applicable with respect to the taxes imposed by sections 4061(a) (1), 4061 (b), and 4091 shall, insofar as applicable and not inconsistent with section 522(a) of the Act, apply in respect of the credits and refunds provided for in section 522(a) of the Act to the same extent as if the credits and refunds were overpayments of the taxes. For provisions relating to the imposition of the taxes, see Part 48 (Manufacturers and Retailers Excise Taxes) of this chapter. For provisions under which timely mailing is treated as timely filing, and for provisions applicable to the time for performance of acts when the last day falls on Saturday, Sunday, or a legal holiday, see §§ 301.7502–1 and 301.7503–1 (Regulations on Procedure and Administration), respectively, of this chapter.

(b) *Definitions.* For purposes of this section—

(1) *Floor stocks.* The term "floor stocks" means a tax-repealed article which has been sold by the manufacturer and is held by a dealer on the first moment of January 7, 1983, and which is intended for sale by the dealer and has not been sold by the dealer prior to January 7, 1983, and except as provided in § 145.1–4, has not been used.

(2) *Tax-repealed article.* The term "tax-repealed article" means—

(i) Automobile truck chassis and bodies, suitable for use with a vehicle which has a gross vehicle weight of 33,000 pounds or less, for which a tax was imposed by section 4061(a)(1) on the sale before January 7, 1983;

(ii) Truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer which has a gross vehicle weight of 26,000 pounds or less, for which a tax was imposed by section 4061(a)(1) on the sale before January 7, 1983;

(iii) Parts and accessories for which a tax was imposed under section 406 (b)(1) on the sale before January 7, 1983; and

(iv) Lubricating oil for which a tax was imposed under section 4091 on the sale before January 7, 1983.

(3) *Tax paid.* A tax is considered paid if it was paid or was offset by an allowable credit on the return on which it was reported.

(4) *Dealer.* The term "dealer" includes a wholesaler, jobber, distributor, or retailer.

(5) *Held by a dealer.* An article is considered as "held by a dealer" if title thereto has passed to the dealer (whether or not delivery has been made) and if, for purposes of consumption, title to such article, or possession, or right to possession thereof has not at any time been transferred prior to January 7, 1983, to any person other than a dealer. The determination as to the time title passes or possession or right to possession is obtained for purposes of consumption shall be made under applicable local law. The term includes floor samples, demonstrators (see § 145.1–2(b)(2) for special rule under which a dealer is treated as the ultimate purchaser of a demonstrator), and articles undergoing repair (whether or not on the dealer's premises), if they are to be sold as new articles rather than as used articles. The term also includes articles purchased tax-paid by a manufacturer or a sales subsidiary and which on the inventory

date the manufacturer or a sales subsidiary is holding for resale as such, since with respect to such articles the manufacturer or a sales subsidiary is a dealer.

(c) *Participation of dealers.* No amount of credit or refund under section 522(a) of the Act may be claimed by a manufacturer ("claimant") with respect to articles held by a dealer as floor stocks unless—

(1) The amount claimed is based on a request submitted by the dealer and received by the claimant or its authorized agent before July 1, 1983;

(2) The amount claimed is paid by the claimant to the dealer, or the dealer's written consent to allowance of the credit or refund has been received by the claimant, on or before October 1, 1983. See paragraph (e)(2) of this section for a sample written consent; and

(3) The request by the dealer is supported by an inventory statement signed by the dealer or by the dealer's authorized representative. The statement shall declare it is made under penalties of perjury and shall set forth the following information:

(i) The name and address of the dealer and of the claimant (except, if unknown to the dealer, the name and address of the claimant may be inserted by any person in the chain of distribution);

(ii) The identification numbers of the articles, such as their serial, stock, model, type, or class numbers, or some other suitable means of identification;

(iii) A brief description of the articles, such as their common names or designations;

(iv) The quantities of the articles held by the dealer as floor stocks;

(v) The gross vehicle weight rating of the vehicle, if applicable, unless such rating is indicated in the serial number of the article as shown on the inventory statement;

(vi) The employer's identification number of the dealer;

(vii) A statement that no other request with respect to any article included in such inventory statement has been made; and

(viii) Such other information or computations as requested by the manufacturer.

A dealer may submit his request either directly to the claimant or through another dealer in the chain of distribution. Where a dealer addresses his request to the person whom, from markings on the article, the dealer presumes to be the claimant, the request may be treated as made to the actual claimant if the actual claimant accepts the dealer's request. Payment may be made directly to the dealer or to the dealer's authorized agent or representative by the claimant or by the claimant's authorized agent or representative. Where a claimant pays a dealer through the claimant's agent or representative, the evidence must show that the dealer actually received the payment. Where a dealer authorizes the claimant to pay him through the dealer's agent or representative, evidence showing receipt of the payment by the agent or representative will be accepted as proof of actual payment to the dealer. Payment shall be made, at the claimant's option, in cash, by check, or by credit to the dealer's account as maintained by the claimant. The amount of the payment which may be made by crediting such account may not exceed the undisputed debit balance due at the time the credit is made. However, payment may be made, at the dealer's option (with the concurrence of the claimant), in merchandise. The date on which any act described in this paragraph (c) is performed by an agent or representative on behalf of a claimant or dealer shall be deemed to be the date on which the act is performed by the principal. For provisions relating to the record of dealer's inventories to be kept by the claimant, see paragraph (e)(1) of this section. For provisions permitting a dealer to include an article, with respect to which the dealer is eligible for reimbursement as a consumer of trucks and trailers, in its floor stocks inventory, see § 145.1–2(d).

(d) *Procedure for claiming credit or refund*—(1) *In general.* Each claim for credit or refund under section 522(a) of the Act shall be filed by the manufacturer, before October 1, 1983, in the manner and subject to the conditions stated in the Act, this section, and § 301.6402–2 of the Regulations on Procedure and Administration. Either credit or refund, or a combination thereof, may be claimed.

(2) *Supporting evidence to be submitted by the manufacturer.* No credit or refund shall be allowed unless a statement, signed by the claimant, is submitted in support of the claim for credit or refund. The statement shall describe in general terms the articles covered by the claims, shall set forth the method of computation of the amount claimed (including a description of the procedure used), and shall state that—

(i) The claimant paid the tax for which the credit or refund is claimed;

(ii) The total amount claimed represents payments requested by dealers before July 1, 1983;

(iii) The total amount claimed either was paid by the claimant to the dealers or the claimant received the written consent of the dealers to the allowance of the amount claimed;

(iv) The claimant has in his possession, and available for inspection by internal revenue officers, the evidence (including inventories and written consents) required by paragraph (e)(1) of this section;

(v) No other claim for credit or refund under section 522(a) of the Act has been or will be made by the claimant with respect to any amount covered by the claim; and

(vi) The amount and date of filing of each previous or concurrent claim for credit or refund under section 522(a) of the Act and whether or not any future claims are expected to be filed.

A claim for refund may be filed before the dealer has been reimbursed or the consent is obtained under paragraph (d)(2)(iii) of this section, however, in such a case, no refund will be made to the claimant unless the dealer is reimbursed or the dealer's consent is received on or before October 1, 1983, and a statement to that effect is submitted to support the claim on or before October 1, 1983. No credit may be claimed if the dealer has not been reimbursed or the dealer's consent has not been obtained on or before October 1, 1983. Since the credit must be claimed before October 1, 1983, the credit may not be taken on Form 720 if it is filed after September 30, 1983.

(e) *Supporting evidence to be retained in the manufacturer's record*—(1) *In general.* Every person filing a claim for credit or refund under section 522(a) of the Act must retain the dealers' inventory statements required by paragraph (c)(3) of this section to the extent that the articles in the inventory statements are covered by the claim. In addition, the claimant must retain separate records of such articles held by each dealer showing—

(i) The name and address of the dealer;

(ii) The quantities of each article held by the dealer as floor stocks;

(iii) The amount of tax considered as paid with respect to each article held by the dealer;

(iv) The total amount of reimbursement due the dealer;

(v) The date on which the claimant received a request (described in paragraph (c) of this section) from the dealer, unless payment is made to the dealer before July 1, 1983; and

(vi) The date and amount of each payment to a dealer or the date of the receipt of written consent by the claimant from a dealer.

In addition, the claimant must retain any such written consent as part of his records.

(2) *Sample written consent.* No particular form is prescribed or required for the written consent of the dealer. However, the following is an example of an acceptable consent statement by a dealer:

Consent Statement of Dealer

(For use by dealer in requesting manufacturer, producer, or importer to obtain credit or refund with respect to floor stocks under section 522(a) of the Highway Revenue Act of 1982.)

I hereby consent to the allowance to the manufacturer, producer, or importer of the floor stocks credit or refund of the excise tax imposed by section [4061(b)] of the Internal Revenue Code of 1954 with respect to [parts and accessories] in my inventory on the first moment of January 7, 1983, that are eligible for such credit or refund.

(Name) _____
By _____
(Signature of Officer)
(Title) _____
(Date) _____

(f) *Special rules where the presumed manufacturer is the agent of the actual manufacturer.* For purposes of this section, if a manufacturer sells articles tax-paid to a second manufacturer for resale by the second manufacturer under its own brand name or other identification, the second manufacturer may perform any acts and keep any records which are a prerequisite to the first manufacturer filing a claim for floor stocks credit or refund with respect to such articles. If such a procedure is followed, the claim filed by the first manufacturer shall include a statement indicating the name and address of the second manufacturer and the amount of its claim which relates to articles sold to the second manufacturer. If by reason of the provisions of paragraph (k)(3) of § 145.1–3 tax paid by the first manufacturer is included in the "total tax" of the second manufacturer, for purposes of determining the amount of tax paid on a particular article, the tax paid by the first manufacturer on articles included in floor stocks in respect of which requests are addressed by dealers to the second manufacturer shall be that proportion of the tax paid with respect to all such floor stocks which—

(1) The tax paid by the first manufacturer on articles sold by the second manufacturer during the second manufacturer's representative period bears to

(2) The total of

(i) The amount described in paragraph (f)(1) of this section, and

(ii) The amount of total tax paid by the second manufacturer for the representative period, determined without regard to the provisions of paragraph (k)(3) of § 145.1–3.

If the second manufacturer makes its computation of tax paid on a particular article on the basis of a product line (see paragraphs (g) and (h)(2) of § 145.1–3), the computation under the preceding sentence shall be made on the basis of tax paid on a product line.

§ 145.1–2 Credit or refund in respect of certain consumer purchases of trucks and truck trailers.

(a) *Credit or refund*—(1) *In general.* A manufacturer, producer, or importer (manufacturer) who has paid a tax imposed under section 4061(a)(1) with respect to a tax-repealed article (as defined in paragraphs (b)(2) (i) and (ii) of § 145.1–1) which was sold to an ultimate purchaser after December 2, 1982, and before January 7, 1983, is entitled to a credit or refund for the tax paid to the extent and subject to the conditions provided by section 522(b) of the Highway Revenue Act of 1982 (Act) and by this section.

(2) *Computation of the amount of consumer purchase credit or refund.* The amount of credit or refund which may be claimed by the manufacturer under section 522(b) of the Act may not exceed the tax paid by the manufacturer on its sale of the article. No interest is allowable with respect to any amount of tax credited or refunded under section 522(b) of the Act. In applying the consumer purchase credit or refund provisions, the time the manufacturer paid the tax with respect to the sale of the article is not relevant. Thus, the period of limitations provided in section 6511 of the Code does not apply.

(3) *Limitation.* No credit or refund is allowable under section 522(b) of the Act for an amount paid as tax which may be credited or refunded under any provision of law other than section 522(b) of the Act.

(4) *Relationship between credit or refund for consumer purchases and credit or refund for price readjustments.* The principles of § 145.1–1(a)(3), relating to the relationship between credits or refunds for floor stocks and credits or refunds for price readjustments, apply to credits or refunds for consumer purchases and price readjustments.

(5) *Other provisions applicable.* All provisions of law, including penalties, applicable with respect to the tax imposed by section 4061(a)(1) shall, insofar as applicable and not inconsistent with section 522(b) of the Act, apply in respect of the credits and refunds provided for in section 522(b) of the Act to the same extent as if the credits and refunds were overpayments of the tax. For provisions relating to the imposition of the taxes, see Part 48 (Manufacturers and Retailers Excise Taxes) of this chapter. For provisions under which timely mailing is treated as timely filing, and for provisions applicable to the time for performance of acts when the last day falls on Saturday, Sunday, or legal holiday, see respectively §§ 301.7502–1, and 301.7503–1 (Regulations on Procedure and Administration), of this chapter.

(b) *Definitions.* For purposes of this section—

(1) *Sale.* A sale of a tax-repealed article to an ultimate purchaser takes place when either title, possession, or the right to possession passes to the purchaser, as determined under local law.

(2) *Ultimate purchaser.* The term "ultimate purchaser" means a consumer of a new tax-repealed article. The term includes a dealer with respect to a demonstrator (unless sold or held for sale as a new article) or any other articles owned by the dealer and used in the dealer's business and a lessor with respect to leased articles, with the exception of a lease by a manufacturer which is covered under leases in § 145.1–6(a).

(3) *Tax paid.* A tax is considered paid if it was paid or was offset by an allowable credit on the return on which it was reported.

(c) *Procedure for claiming credit for refund*—(1) *In general.* Each claim for credit or refund under section 522(b) of the Act shall be filed by the manufacturer ("claimant") before October 1, 1983, in the manner and subject to the conditions stated in the Act, in this section, and in § 301.6402–2 of this chapter (Regulations on Procedure and Administration). Either credit or refund, or a combination thereof, may be claimed.

(2) *Conditions.* No amount of credit or refund under section 522(b) of the Act may be claimed unless—

(i) The claim is filed by the claimant before October 1, 1983;

(ii) The claim is based upon information submitted to the claimant before July 1, 1983, by the persons who sold the articles covered by the claim to the ultimate purchasers of the articles;

(iii) On or before October 1, 1983, the ultimate purchasers of the articles are reimbursed for the tax paid; and

(iv) The requirements of paragraphs (c) (3) and (4) of this section are satisfied.

Reimbursement to the ultimate purchaser for the tax paid may be made either in cash or by check, provided it is made as a separate payment. A

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reduction or discount in the price for which the article is sold or a credit to the ultimate purchaser's account will not qualify as reimbursement. Nothing in this section precludes a payment to an ultimate purchaser in an amount larger than the excise tax reduction, to effect a greater price reduction, but any credit or refund to the manufacturer will be limited to the amount of the tax reduction.

(3) *Supporting evidence to be submitted by the manufacturer.* No credit or refund shall be allowed under section 522(b) of the Act unless a statement, signed by the claimant, is submitted in support of the claim for credit or refund. The statement shall describe in general terms the articles covered by the claim, shall set forth the method of computation of the amount claimed (including a description of the procedure used), and shall state that—

(i) The claimant paid the tax for which the credit or refund is claimed;

(ii) The claim is based on information submitted to the claimant before July 1, 1983, by the persons who sold the articles covered by the claim to the ultimate purchasers;

(iii) The ultimate purchasers of the articles have been reimbursed for the total amount claimed;

(iv) The claimant has in his or her possession and available for inspection by internal revenue officers the evidence required by paragraph (c)(4) of this section;

(v) No other claim for credit or refund under section 522(b) of the Act has been or will be made by the claimant with respect to any amount covered by the claim; and

(vi) The amount and date of filing of each previous or concurrent claim for credit or refund under section 522(b) of the Act and whether or not any future claims are expected to be filed.

A claim for refund may be filed before the ultimate purchaser has been reimbursed under paragraph (c)(2)(iii) of this section, however, in such a case, no refund will be made to the claimant unless the ultimate purchaser is reimbursed on or before October 1, 1983, and a statement to that effect is submitted to support the claim on or before October 1, 1983. No credit may be claimed if the ultimate purchaser has not been reimbursed before the claim is filed. In addition, since the credit must be claimed before October 1, 1983, the credit may not be taken on Form 720 if it is filed after September 30, 1983.

(4) *Supporting evidence to be retained in the manufacturer's records.* Every manufacturer filing a claim for credit or refund under section 522(b) of the Act must retain a record of each article covered by the claim showing—

(i) The name and address of the ultimate purchaser of the article;

(ii) The name and address of the dealer or other person from whom the ultimate purchaser purchased the article;

(iii) The date of sale to the ultimate purchaser;

(iv) The number of the invoice or sales slip on which the sale to the ultimate purchaser was recorded, except in the case of a reimbursement to the ultimate purchaser made directly by the manufacturer or in the case of a dealer who does not use numbered invoices in the ordinary course of his business,

(v) The serial or identification number of the tax-repealed article, and

(vi) The date and amount of the reimbursement. If reimbursement to the ultimate purchaser is made in cash directly by the manufacturer, or if reimbursement is made either in cash or by check by a person other than the manufacturer, the manufacturer must retain in his records a receipt or statement or a copy thereof signed by the ultimate purchaser setting forth the date and amount of the reimbursement. If reimbursement to the ultimate purchaser is made by check directly from the manufacturer, the manufacturer must retain the cancelled check in his records. In addition to the evidence which must be retained in the records of the manufacturer, if reimbursement is made in cash to the ultimate purchaser by a person other than the manufacturer, that person must also retain in his records a receipt or statement or a copy thereof signed by the ultimate purchaser setting forth the date and amount of reimbursement. If reimbursement is made by the check of a person other than the manufacturer, that person should retain the cancelled check in his records.

(d) *Treatment as floor stocks if a dealer is the consumer.* If a dealer is eligible for reimbursement as the ultimate purchaser of a tax-repealed article, the dealer may, with the consent of the manufacturer, choose to include the article in the dealer's floor stocks inventory rather than request separate reimbursement under the provisions of this section. If the article is included in the floor stocks inventory of the dealer, the provisions of § 145.1–1 apply with respect to that article except that the records required to be retained by the manufacturer under § 145.1–1(e)(2) shall also indicate the date on which the article was sold to the dealer.

§ 145.1–3 Methods of determining amount of tax paid on each article.

(a) *General rule.* For purposes of the credits or refunds described in §§ 145.1–1, 145.1–2, and 145.1–7, (relating, respectively, to credits or refunds for floor stock and for certain sales made to ultimate purchasers) the tax paid on each article must be separately computed except that the special procedures set forth in this section may be used in making such computation provided such method, under the circumstances, is reasonable. The methods described in paragraphs (g) and (h) of this section will generally not be considered reasonable for trucks and truck trailers and semitrailers other than items deductible in computing the tax such as tires and delivery expenses. Any combination of the procedures set forth in this section may be used or any other method which the maufacturer can demonstrate is reasonable. Prior approval of the Internal Revenue Service for the method of computation need not be obtained and should not be requested.

(b) *Selling price.* For the purpose of determining the price of an article on which the tax paid is to be computed, the average of the gross selling prices of identical articles sold during a representative period may be used.

(c) *Section 4216(a) exclusions.* For the purpose of determining the price of an article on which the tax paid is to be computed, the average of the exclusions authorized by section 4216(a) for transportation, delivery, insurance, installation, etc., for a reasonable category of articles during a representative period may be used.

(d) *Section 4216(e) exclusions.* For the purpose of determining the price of an article on which the tax paid is to be computed, the average of the exclusions authorized by section 4216(e) for local advertising charges for a reasonable category of articles during a representative period may be used.

(e) *Price readjustments.* In determining the price on which the tax paid is to be computed there must be taken into account any price readjustments with respect to which the manufacturer has filed a claim for credit or refund under section 6416(b). Other price readjustments which have been, or are reasonably expected to be made with respect to the article may, at the option of the manufacturer, be taken into account in computing the price of the article. Price readjustments which cannot be attributed to specific articles as of the first moment of January 7, 1983 (as, for example, a price-readjustment of a flat dollar amount which is made to

dealers who meet a sales quota) may be taken into account on the basis of an average of such adjustments (computed over a representative period) for a reasonable category of articles. On the other hand, price readjustments related to specific items (as, for example, an automatic rebate of a specified percentage of the price of each unit sold to a dealer) may not be averaged, and in such a case only the actual price readjustment attributable to a particular article may be taken into account in computing the tax on that article. Where, because of the facts in a case, a price readjustment can be attributed to specific articles for purposes of consumer refunds but cannot be attributed to specific articles for purposes of floor stocks credit or refund (as, for example, in the case of a price readjustment made with respect to truck chassis sold by a dealer to a fleet operator), such price readjustment may be averaged for purposes of both consumer credits or refunds and floor stocks credit or refund.

(f) *Section 6416(c) credits.* The average of the credits authorized by section 6416(c) for tax paid on tires or inner tubes may be averaged for a reasonable category of articles during a representative period. Such credits shall be subtracted from the gross excise tax to arrive at the net excise tax paid.

(g) *Product line method.* Where a manufacturer computes its tax on the basis of product lines and its records are maintained by product lines, the manufacturer may determine the amount of tax paid on a particular article by dividing the total tax paid for a representative period in respect of the product line which includes the article by the total number of articles in the product line sold tax-paid during the representative period (reduced by the number of articles in the product line which were returned to the manufacturer during the representative period). The resulting tax shall be rounded to the nearest tenth of one cent.

(h) *Manufacturer's tax rate method.* (1) Where a manufacturer has an established price list for all articles sold by it, the manufacturer may determine the amount of tax paid on a particular article by multiplying (i) the price of such article on the established price list, by (ii) the average rate of tax paid (hereinafter referred to as the "manufacturer's tax rate") by it based on the prices (on such established price list) of all articles sold by it tax-paid during a representative period. The manufacturer's tax rate is computed by dividing the total tax paid in respect of all articles sold during the representative period by the total of the prices, computed by multiplying the number of each item sold by the price for such item on one particular established price list (herein referred to in this section as "the established price list"), for all articles sold tax-paid during the representative period (reduced by the prices on the established price list of such articles returned to the manufacturer during the representative period). It is immaterial whether the established price list is a price list used at some time during the representative period, or at some later date, but only one such price list may be used and, once chosen by the manufacturer, it must be used both in computing the manufacturer's tax rate and the prices of the floor stocks to which such tax rate is to be applied. The manufacturer's tax rate shall be computed to the nearest thousandth of a percent.

(2) Where a manufacturer sells more than one product line and its records are sufficient to permit the computation of a separate manufacturer's tax rate for one or more of such product lines, it may use a separate manufacturer's tax rate for each of such product lines.

(i) *Representative period.* For purposes of applying the averaging provisions of this section, a period will be considered representative if—

(1) It covers at least four consecutive calendar quarters ending within a period of six calendar months immediately preceding January 7, 1983, or any other period of time which the taxpayer can demonstrate constitutes a representative period for the particular category, and

(2) The number of articles in the category involved sold by the manufacturer during such period either equals or exceeds the number of articles in such category to which the averaged amount is to be applied, or can be demonstrated by the taxpayer to be a representative quantity.

(j) *Reasonable category.* For purposes of this section, examples of a "reasonable category of articles" are articles which are identified by a common stock or class number or which are of the same model, class, or line. For the purpose of averaging the section 4216(a) exclusions, another example of a "reasonable category of articles" is articles which are shipped in the same container. Where a manufacturer sells articles bearing its own trademark and also sells articles as private brands, separate computations shall be made under this section.

(k) *Total tax paid.* (1) Where a manufacturer computes the tax paid on a particular article by the method set forth in paragraph (h)(1) of this section, the term "total tax paid" means the tax reported on the manufacturer's excise tax returns for the representative period, reduced by the amount of all credits claimed on those returns and further reduced by the amount of any refunds claimed and not disallowed in respect of the representative period.

(2) Where a manufacturer computes the tax paid on a particular article by one of the methods set forth in paragraph (g) or (h)(2) of this section, the term "total tax paid" means the tax in respect of the product line which was reported on the manufacturer's excise tax returns for the representative period, reduced by the amount of all credits claimed in respect of the product line on those returns and further reduced by the amount of any refunds claimed in respect of the product line for the representative period and not disallowed.

(3) Where a second manufacturer sells articles manufactured by a first manufacturer—

(i) The second manufacturer shall include such articles in the computations described in paragraphs (g) and (h) of this section, and

(ii) The total tax described in paragraphs (k) (1) and (2) of this section of the second manufacturer also includes the tax paid by the first manufacturer (determined by this section in respect of the first manufacturer's representative period) on such articles sold by the second manufacturer during its representative period, if the first manufacturer is willing to obtain a credit or refund of such tax to the extent it has been paid by the first manufacturer in respect of floor stocks held by dealers and agrees to the second manufacturer acting as its agent in receiving requests from dealers in the matter.

For purposes of determining which of the articles of the first manufacturer were sold by the second manufacturer during the representative period, a first-in, first-out method may be used.

(l) *Limitation upon use of averaging in case of consumer purchases.* The averaging methods provided under this section are not permitted unless the manufacturer demonstrates that the refunds made to consumers are not less the aggregate of the taxes that had been passed on to consumers on account of consumer purchases made after December 2, 1982, and before January 7, 1983. For this purpose, the aggregate taxes passed on to consumers shall be deemed not to include tax paid with respect to an article sold to a person who, after diligent effort, cannot be located in order to make reimbursement.

A manufacturer shall be considered to have made a diligent effort to locate a purchaser if, prior to October 1, 1983, he has mailed two separate notifications to the purchaser's last known address to inform the purchaser of his or her right to receive reimbursement of the tax and each such notification has either not been returned, or has been returned without a forwarding address. However, if such notifications are not sent to the purchaser, a manufacturer may nevertheless establish that, based upon the facts and circumstances of the particular case, a diligent effort has been made to make reimbursement to a purchaser. A manufacturer, who chooses to employ an averaging method permitted by this section and is unable to locate all purchasers who are eligible to receive reimbursement, shall retain in his records for inspection by examining internal revenue officers evidence of his effort to locate any purchaser to whom reimbursement has not been made on or before October 1, 1983.

§ 145.1–4 Demonstrator vehicles.

(a) *In general.* The floor stocks and consumer purchase refunds and credits provided under §§ 145.1–1 and 145.1–2, for tax-repealed articles for which a tax was imposed under section 4061(a)(1), are available only in the case of "new" vehicles which are held by a dealer for sale on the first moment of January 7, 1983, or are sold to an ultimate purchaser during the applicable period prescribed in § 145.1–2(a)(1). Under this section, certain "demonstrator" vehicles may be considered to be new vehicles. For purposes of this section, a demonstrator vehicle is a vehicle used by a dealer or its employees for a period of time and then sold. For purposes of §§ 145.1–1 and 145.1–2, a demonstrator vehicle will be considered to be a new vehicle if, on the first moment of January 7, 1983, (in the case of floor stocks) or on the date sold to the ultimate purchaser (if that date is earlier) it was covered by the manufacturer's warranty and more than 50 percent of the time and mileage under the warranty was then unexpired.

(b) *Definitions.* For purposes of this section—

(1) The terms "floor stocks," "tax-repealed article," and "held by a dealer," have the same meaning as is provided for such terms by paragraphs (b)(1), (b)(2)(i), (b)(2)(ii), and (b)(5) of § 145.1–1.

(2) The term "ultimate purchaser" has the same meaning as is provided for that term by § 145.1–2(b)(2)

(c) *Extension of manufacturer's warranty.* For purposes of determining if more than 50 percent of the time and mileage under a warranty is unexpired under paragraph (a) of this section the total time and mileage provided under the manufacturer's warranty shall only include the original time and mileage warranty.

(d) *Resale of vehicle.* In no case will the resale of a vehicle to an ultimate purchaser be considered to be a sale of a new vehicle. A vehicle held for resale by a dealer on the first moment of January 7, 1983, will not be considered a new vehicle for purposes of the floor stocks credit or refund provisions. For example, a retail sale of a vehicle, made after an earlier sale to an ultimate purchaser, is not considered to be a sale of a new article, even though more than 50 percent of the time and mileage provided under the manufacturer's warranty may be unexpired on the date the vehicle is sold. For purposes of this paragraph (d), the term "resale" does not include the first sale at retail of an article unless the manufacturer has previously used the article in a manner whereby such use is considered a sale under section 4218. See § 145.1–5 for rules relating to certain uses by a manufacturer.

(e) *Treatment of dealer as ultimate purchaser of a vehicle.* If a demonstrator vehicle does not qualify for treatment as a new vehicle under the provisions of paragraph (a) of this section on the first moment of January 7, 1983, in the case of floor stocks, or, if earlier, on the date sold to an ultimate purchaser, the dealer is considered to be the consumer of such vehicle and is eligible for reimbursement of the excise tax as a consumer, provided the dealer purchased the vehicle during the applicable period prescribed in § 145.1–2(a)(1).

§ 145.1–5 Credit or refund in respect of use by manufacturer.

Where, under the provisions of section 4218(a), a manufacturer, producer, or importer paid a tax on an article under section 4061(a) (as in effect on January 6, 1983) and such tax was imposed on such article after December 2, 1982, on account of its use of a tax-repealed article (as defined by § 145.1–1(b)(2) (i) and (ii)), such tax is deemed to be an overpayment of tax under section 522(c) of the Highway Revenue Act of 1982. Thus, the manufacturer, producer, or importer is entitled to a refund or credit of the tax paid with respect to any such article first used by such person after December 2, 1982, and before January 7, 1983. Claim for credit or refund of any tax deemed to be an overpayment of tax under section 522(c) of the Highway Revenue Act of 1982 and this section must be made in accordance with the provisions of § 301.6402–2 of the regulations.

§ 145.1–6 Leases and installment or conditional sales entered into before January 7, 1983.

(a) *In general.* For purposes of Part 145 if a tax-repealed article is sold by a manufacturer in a taxable transaction entered into before January 7, 1983, under a contract for the sale of an article where it is provided that the price shall be paid by installment, payments made before January 7, 1983, with respect to the article sold are treated as payments made with respect to an article purchased on or after the date, unless the vendor establishes that the amount of payments made or payable on or after the date, with respect to such article, has been reduced by an amount equal to the aggregate amount of the tax applicable with respect to the remaining payments. If the vendor does not establish that the payments have been so reduced, they will be treated as payments made in respect of an article sold on or after January 7, 1983. Similar rules shall apply where a lease is treated as a sale under section 4217(a).

(b) *Methods of reimbursement and records to be retained.* The requirement that the payments made on and after January 7, 1983, must be reduced by the amount of the tax reduction will be met if the manufacturer reimburses its purchaser or lessee in cash by the amount of such tax, makes a reduction for the tax in the amounts due as remaining payments, or reduces one or more of the remaining payments by the aggregate amount of such tax. A manufacturer shall retain in its records for inspection by internal revenue examining officers sufficient evidence of the reimbursement or the reimbursement obligation. Until such time as the reimbursement is made or is a binding obligation of the manufacturer under applicable local law and is made known to its purchaser or lessee, the manufacturer shall continue to report the payments and pay the tax (which, except for the amendment made by sections 522 (a) and (b) of the Highway Revenue Act of 1982, would be due) with respect to the payments made after January 6, 1983.

§ 145.1–7 Credit or refund in respect of floor stocks of tires, inner tubes, and tread rubber.

(a) *In general.* A manufacturer, producer, or importer (manufacturer) who has paid a tax imposed under section 4071(a) (relating to tires, inner tubes, and tread rubber) with respect to a tax-repealed article (as defined in paragraph (b)(2) of this section) which is held by a dealer as floor stocks (as

defined in paragraph (b)(1) of this section) is entitled to a credit or refund of that tax to the extent and subject to the conditions provided by sections 522(a) and 523(b) of the Highway Revenue Act of 1982 (Act) and this section.

(b) *Definitions*—(1) *Floor stocks.* The term "floor stocks" means a tax-repealed article which has been sold by the manufacturer and is held by a dealer on the first moment of January 1, 1984, and which is intended for sale by the dealer and has not been sold by the dealer prior to January 1, 1984, and has not been used.

(2) *Tax-repealed article.* The term "tax-repealed article" means tires, inner tubes, and tread rubber on which a tax was imposed by section 4071(a) on the sale before January 1, 1984. However, the term does not include tires that are of a type subject to tax under section 4071(a) on and after January 1, 1984.

(c) *Other provisions applicable.* Except to the extent inconsistent with this section, the principles of §§ 145.1–1, 145.1–3, 145.1–5, and 145.1–6 shall apply to this section. In applying such sections to this section, "1984" shall be substituted for "1983" each time it appears in such sections.

§ 145.4051–1 Imposition of tax on heavy trucks and trailers sold at retail.

(a) *Imposition of tax*—(1) *In general.* Section 4051(a)(1) imposes a tax on the first retail sale (as defined in § 145.4052–1(a)) of the following articles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof):

(i) Automobile truck chassis and bodies;

(ii) Truck trailer and semitrailer chassis and bodies; and

(iii) Tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer.

A sale of an automobile truck, truck trailer or semitrailer, shall be considered to be a sale of a chassis and of a body enumerated in this paragraph (a)(1).

(2) *Special rule applicable to chassis and bodies.* A chassis or body enumerated in paragraph (a)(1) of this section is taxable under section 4051(a)(1) only if such chassis or body is sold for use as a component part of a highway vehicle (as defined in paragraph (d) of § 48.4061(a)–1 (Regulations on Manufacturers and Retailers Excise Taxes)), which is an automobile truck, truck trailer or semitrailer, or a tractor of the kind chiefly used for highway transportation in combination with a trailer or semitrailer. Furthermore, a chassis or body which is not enumerated in paragraph (a)(1) of this section is not taxable under section 4051(a)(1) even though such chassis or body is used as a component part of a highway vehicle (e.g., a chassis or body of a passenger automobile). See paragraphs (e)(1) and (e)(2) of this section for the definitions of a tractor and truck. See paragraphs (e) (1) through (5) of § 145.4052–1 for other provisions applicable to this section. See paragraph (f) of this section, relating to tax-free sales of non-highway vehicles.

(3) *Parts or accessories sold on or in connection with chassis, bodies, etc.* The tax applies in respect of parts or accessories sold on or in connection with or with the sale of the vehicles specified in section 4051(a)(1). Thus, for example, if at the time the article is sold by the retailer, the part or accessory has been ordered from the retailer, the part or accessory will be considered as sold in connection with and with the sale of the vehicle. The tax applies in such a case whether or not the parts or accessories are billed separately by the retailer. If a taxable chassis, body, or tractor is sold by the retailer, without parts or accessories which are considered equipment essential for the operation or appearance of the taxable article, the sale of such parts or accessories by the retailer to the purchaser of the taxable article will be considered, in the absence of evidence to the contrary, to have been made in connection with the sale of the taxable article even though they are shipped separately, at the same time or on a different date. For example, if a retailer sells to any person a chassis and the bumpers for such chassis, or sells a taxable tractor and the fifth wheel and and attachments, the tax applies to such parts or accessories regardless of the method of billing or the time at which the shipments were made. Parts and accessories that are spares or replacements are not subject to tax.

(4) *Exclusions.* No tax is imposed by section 4051(a)(1) on the sale of automobile truck chassis and bodies, suitable for use with a vehicle with has a gross vehicle weight of 33,000 pounds or less, or truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer which has a gross vehicle weight of 26,000 pounds or less. For purposes of this paragraph (a)(4) the term "suitable for use" means practical and commerical fitness for such use. A chassis or body possesses practical fitness for use with a vehicle if it performs its intended function up to a generally acceptable standard of efficiency with the vehicle, and a chassis or body possesses commerical fitness for use with a vehicle if it is generally avilable for use with the vehicle at a price that is reasonably competitive with other articles that may be used for the same purpose. Thus, a truck chassis which is suitable for use with a vehicle having a gross vehicle weight of 33,000 pounds or less, is not subject to the tax imposed by section 4051(a)(1) regardless of the body actually mounted thereon. A truck trailer or semitrailer chassis suitable for use with a vehicle having a gross vehicle weight of 26,000 pounds or less, is not subject to tax regardless of the body actually mounted thereon. Where an exempt body is mounted on a taxable chassis, or a taxable body is mounted on an exempt chassis, the taxable chassis or body, as the case may be, nevertheless remains subject to such tax, if the resulting vehicle is a highway vehicle as defined in § 48.4061(a)–1.

(b) *Rate of tax.* With respect to the articles enumerated in paragraph (a)(1) of this section, the rate of tax imposed by section 4051(a)(1) is 12 percent of the price for which the article is sold on or after April 1, 1983. See paragraph (d) of this section relating to vehicles on which a 10 percent tax was imposed under section 4061(a)(1).

(c) *Separate purchase of truck or trailer and parts and accessories therefor*—(1) *In general.* If the owner, lessee, or operator of any vehicle, which contains an article taxable under paragraph (a)(1) of this section, installs (or causes to be installed) any part or accessory on such vehicle, and such installation is not later than 6 months after the date such vehicle (as it contains such article) was first placed in service, section 4051(b)(1) imposes a tax on such installation equal to 12 percent of the price of such part or accessory and its installation. For purposes of the tax imposed by section 4051(b)(1) and this paragraph (c)(1) the term "parts and accessories" does not include those parts and accessories which were previously exempt from tax under sections 4061(b) (1) and (2) as in effect prior to January 7, 1983. Thus, for example, articles of general use are exempt from tax. See § 48.4061(b)–2 (b). See paragraphs (d) (1) through (4) of § 145.4052–1 for determination of price.

(2) *Placed in service.* For purposes of paragraph (c)(1) of this section, a vehicle shall be considered placed in service on the date on which the owner of the vehicle took actual possession of the vehicle. This date can be established by the delivery ticket signed by the owner or other comparable document indicating delivery to and acceptance by the owner.

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(3) *Exceptions.* The tax imposed by section 4051(b)(1) and paragraph (c)(1) of this section shall not apply if—

(i) The part or accessory intalled is a replacement part or accessory, or

(ii) The aggregate price of the parts and accessories (and their installation) described in paragraph (c)(1) of this section with respect to any vehicle does not exceed $200.

For purposes of paragraph (c)(3)(i) of this section, a part is a replacement part, regardless of when it is ordered, if its use with a vehicle is as a replacement for a part on such vehicle. For purposes of paragraph (c)(3)(ii) of this section, the term "aggregate price of parts and accessories (and their installation)" refers to all purchases and installation charges, not including replacement parts and accessories, made with respect to a vehicle within the 6 month period provided for in paragraph (c)(1) of this section. If the aggregate price of parts and accessories (and their installation) during the 6 month period exceeds $200, the tax imposed under section 4051(b)(1) and paragraph (c)(1) of this section shall apply to the cost of all parts and accessories (and their installation) during such period. For example, a vehicle is purchased and placed in service on July 1, 1983. On August 1, 1983, the owner purchases and has installed parts and accessories at a cost of $150. On September 1, 1983, the owner purchases and has installed parts and accessories at a cost of $300. On September 1, 1983 a tax of $54 will be imposed (12 percent × $450). Any costs of additional parts and accessories installed with respect to the vehicle before January 1, 1984 (and the cost of installation) will also be subject to the 12 percent tax.

(d) *Transitional rule.* In the case of an article taxable under paragraph (a)(1) of this section, on which a tax was imposed under section 4061(a)(1), the rate of tax set forth in paragraph (b) shall be applied by substituting "2 percent" for "12 percent." For example, if a manufacturer sells a tractor to a dealer on February 1, 1983, for $20,000 (which includes the Federal excise tax), for which a 10 percent tax was paid, and the dealer sells the tractor on April 10, 1983 for $25,000, a tax of 2 percent will be imposed on the $25,000 sales price. See paragraphs (d) (1) through (4) of § 145.4052–1 relating to determination of price.

(e) *Definitions.* For purposes of this section—

(1) *Tractor.* (i) The term "tractor" means a highway vehicle primarily designed to tow a vehicle, such as a trailer or semitrailer, but does not carry cargo on the same chassis as the engine. A vehicle equipped with air brakes and/or towing package will be presumed to be primarily designed as a tractor.

(ii) An incomplete chassis cab shall be treated as a tractor if it is equipped with one or more of the following:

(A) A device for supplying pressure from the chassis cab to the brake system (air or hydraulic) of the towed vehicle;

(B) A mechanism for protecting the chassis cab brake system from the effects of a loss of pressure in the brake system of the towed vehicle;

(C) A control linking the brake system of the chassis to the brake system of the towed vehicle;

(D) A control in the cab for operating the towed vehicle's brakes independently of the chassis cab's brakes; or

(E) Any other equipment designed to make it suitable for use as a tractor.

An incomplete chassis cab which is not equipped with any of the devices set forth in paragraphs (e)(1)(ii) (A) through (E) of this section shall be treated as a truck if the purchaser certifies in writing that the vehicle will not be equipped for use as a tractor.

(2) *Truck.* The term "truck" refers to a highway vehicle that is primarily designed to transport its load on the same chassis as the engine even if it is also equipped to tow a vehicle, such as a trailer or semitrailer.

(3) *Gross vehicle weight.* (i) For purposes of this section the term "gross vehicle weight" means the maximum total weight of a loaded vehicle. Except as otherwise provided in paragraphs (e)(3) (ii) through (v) of this section, such maximum total weight shall be the gross vehicle weight rating of the article as specified by the manufacturer or established by the seller of the completed article, unless the Commissioner finds that such rating is unreasonable in light of the facts and circumstances in a particular case.

(ii) A seller must specify or establish a weight rating for each chassis, body, or vehicle sold on or after April 1, 1983 if such article requires no additional manufacture other than (A) the addition of readily attachable articles, such as tire or rim assemblies or minor accessories, (B) the performance of minor finishing operations, such as painting, or (C) in the case of a chassis, the addition of a body. If an article is specially equipped to the purchaser's specifications, such specifications may be used to establish the gross vehicle weight of the article.

(iii) A seller shall maintain a record of the gross vehicle weight rating of each truck, trailer and semitrailer sold and excluded from the tax imposed by section 4051(a)(1) by reason of sections 4051(a) (2), (3) and paragraphs (e)(3) (i) through (v) of this section. For this purpose, a record of the serial number of each such article shall be treated as a record of the gross vehicle weight rating of the article if such rating is indicated by the serial number.

(iv) If (A) the seller's rating indicated in a label or identifying device affixed to an article, (B) the rating set forth in the sales invoice or warranty agreement, and (C) the advertised rating for that article (or two or more identical articles) are inconsistent, the highest of such ratings will be considered to be the seller's gross vehicle weight rating specified or established for purposes of the tax imposed by section 4051(a)(1).

(v) The seller's gross vehicle weight rating must take into account, among other things, the strength of the chassis frame and the axle capacity and placement. The Commissioner may exclude from the gross vehicle weight rating any readily attachable parts to the extent the Commissioner finds that the use of such parts in computing the gross vehicle weight rating is unreasonable.

(f) *Tax-free sales.* Tax-free sales under section 4051 and this section may be made only if the persons who are eligible to sell or purchase articles free of tax imposed by section 4051, have satisfied the provisions of section 4222 and the regulations thereunder, relating to registration. With respect to tax-free sales of a chassis or body for use as a component of a vehicle other than a highway vehicle, similar provisions to paragraphs (e)(2) (ii), (iii), and (iv) of § 48.4061(a)–1 shall apply.

(g) *Effective date.* The provisions of this section shall be effective for articles sold on or after April 1, 1983.

§ 145.4052–1 Special rules and definitions.

(a) *First retail sale.* The term "first retail sale," means the first sale of an article after manufacture, production, or importation to a purchaser who intends to use the article. A sale to a purchaser who intends to resell it or lease it long-term is not a first retail sale. The fact that articles are sold in wholesale lots, or at wholesale prices, will not change the character of such sales as first retail sales if the purchaser is not engaged in the business of reselling such articles and acquires them for the purpose of using them rather than reselling them. If the first retail sale is an installment sale, or other form of sale under which the sales price is paid in installments, the tax arises at the time of the sale and is computed on the sales price and is not

deferred by reason of the fact that the sales price is paid in installments.

(b) *Long-term lease treated as first retail sale*—(1) *In general.* For purposes of this section and § 145.4051–1, the first long-term leasing of an article shall be considered the first retail sale of the article. A long-term lease includes a lease for more than half the useful life of the article (taking into account options to renew and extensions), or a lease, regardless of its term, with an option to purchase at less than fair market value. Useful life for purposes of the preceding sentence is the useful life of the article in the lessor's trade or business as determined under section 167.

(2) *Computation of tax.* When a long-term lease is treated as the first retail sale under paragraph (b)(1) of this section, the liability is incurred at the time the lease is made and not at the time each lease payment is received. The total tax shall be computed on a constructive sales price established by the Commissioner as if such article were sold at retail on the date the lease is made.

(c) *Use treated as sale*—(1) *In general.* If any person uses an article taxable under section 4051(a)(1) before the first retail sale of such article then such person shall be liable for tax under section 4051(a)(1) in the same manner as if such article were sold at retail. Furthermore, if a person purchases a vehicle for which no tax was imposed under section 4051(a)(1) and thereafter converts such vehicle into an article which would have been taxable under section 4051(a)(1) and uses it, such person shall be liable for the tax as if such article were sold at retail by such person unless such article is thereafter sold for resale. For example, a truck having a gross vehicle weight rating of 24,000 pounds is sold at retail. The purchaser adds a lift axle, thereby increasing the gross vehicle weight rating to 34,000 pounds. If the purchaser thereafter uses the vehicle the purchaser shall be liable for the tax as if such article were sold at retail.

(2) *Exemption for use in further manufacture.* The tax on the use of an article to which paragraph (c)(1) of this section applies shall not apply to use of the article by such person as material in the manufacture or production of, or as a component part of, another article to be manufactured or produced by the same user.

(3) *Time of application of tax.* In the case of taxable use of an article by the seller, the tax attaches at the time such use begins. It tax applies by reason of the sale of an article on or in connection with, or with the sale of another article, the tax attaches at the time of the sale of such other article.

(4) *Events subsequent to taxable use of article.* Liability for tax incurred on the use of an article is not extinguished or reduced because of any subsequent sale or lease of the article even if such sale or lease would have been exempt if the article had been sold or leased prior to use. If a seller of an article incurs liability for tax on his or her use of an article, and thereafter sells or leases the article in a transaction which otherwise would be subject to tax, liability for tax is not incurred on such sale or lease.

(5) *Computation of tax.* (i) Except as provided in paragraph (c)(5)(ii) of this section, the tax liability incurred on the use of an article shall be computed on the price at which such or similar articles are generally sold in the ordinary course of trade by retailers.

(ii) If the seller of an article regularly sells such articles at retail in arm's length transactions, tax liability on its use of any such article shall be computed on its lowest established retail price for such articles in effect at the time of the taxable use. In establishing such price, there shall be included and excluded, as applicable, the charges and readjustments specified in sections 4216(a), 4216(f), and 6416(b)(1) as in effect at the time the tax liability on the use of the article is incurred. If the seller of an article does not regularly sell such articles at retail in arm's length transactions, a constructive price on which the tax shall be computed will be determined by the Commissioner. This price will be established after considering the selling practices and price structures of sellers of similar articles.

(d) *Determination of price*—(1) *In general.* The price for which an article is sold includes the total consideration paid for the article whether that consideration is paid in money, services, or other forms. In addition, there shall be included any charge incident to placing the article in condition ready for use. Similar rules to section 4216(a) and the regulations thereunder, relating to charges to be included in the price and excluded from the price, shall apply. For example, charges for transportation, delivery, insurance, and installatioin (other than installation charges to which section 4051(b) applies), and other expenses actually incurred in connection with the delivery of an article to a purchaser pursuant to a bona fide sale shall be excluded from the price in computing the tax.

(2) *Items excluded from price.* There shall be excluded from the price—

(i) The amount ot tax imposed under sections 4051(a)(1) and (b)(1);

(ii) If stated as a separate charge, the amount of any retail sales tax imposed by any state or political subdivision thereof or the District of Columbia, whether the liability for such tax is imposed on the vendor or vendee; and

(iii) The fair market value (including any tax imposed by section 4071) at retail of any tires (not including any metal rim or rim base). For purposes of this paragraph (d)(2)(iii), fair market value at retail shall be determined by the lowest established price for which the vehicle retailer would sell such tires at retail in the ordinary course of trade. The lowest established price is the lowest price for which the vehicle retailer sells, or offers to sell, a single tire to an independent purchaser who would not ordinarily be expected to buy more than one. If the vehicle retailer has no lowest established price the Commissioner will accept any price provided, under the facts and circumstances, such price is not unreasonable. A price will not be considered unreasonable if it is no more than an amount equal to 50 percent of the manufacturer's suggested retail price.

(3) *Trade-ins.* If, in connection with the sale of an article subject to the tax imposed under section 4051(a)(1) or (b)(1) on the price for which sold, a vendor receives from its vendee another article in exchange, the tax on the vendor's sale shall be computed on the basis of the full price of the article sold, unreduced by any amount allowed for the article received from the vendee. For example, where a vehicle costing $20,000 is purchased for $16,000 cash plus a used vehicle valued at $4,000, tax is $2,400 (12 percent x $20,000).

(4) *Sales not at arm's length.* For purposes of § 145.4051–1 and this section, a sale is considered to be made under circumstances otherwise than at "arm's length" if—

(i) One of the parties is controlled (in law or in fact) by the other, or there is common control, whether or not such control is actually exercised to influence the sale price, or

(ii) The sale is made pursuant to special arrangements between a seller and a purchaser.

In the case of an article sold otherwise than at arm's length, and sold at less than the fair market price, the tax imposed under section 4051(a)(1) or (b)(1) shall be computed on the price for which similar articles are sold at retail in the ordinary course of trade, as determined by the Commissioner. Once such a price has been determined, no further adjustment of such price shall be made.

(e) *Other rules made applicable.* For purposes of § 145.4051–1 and this section, rules similar to the following provisions shall apply:

(1) Section 48.0–2, relating to general definitions and attachment of tax;

(2) Paragraphs (a) (2) and (3) of § 48.4061 (a)–1;

(3) The exemptions provided by sections 4063 (a) and (d) and the regulations thereunder;

(4) Section 4216(f) and the regulations thereunder, relating to the incorporation of used components; and

(5) Section 4221 and the regulations thereunder, relating to certain tax-free sales.

(f) *Effective date.* The provisions of this section shall be effective for articles sold on or after April 1, 1983.

§ 145.4061–1 Application to manufacturers tax.

The provisions of §§ 145.4051–1(e) (1) and (2), relating to the definition of tractors and trucks, shall apply to seciton 4061(a)(1) for sales made on or after January 7, 1983. However, an incomplete chassis cab will be treated as a truck chassis for sales made on or after January 7, 1983, and before April 1, 1983. For purposes of section 4061, gross vehicle weight shall be determined under §§ 48.4061(a)–1(f)(3) (i) through (iv) for sales made on or after January 7, 1983, and before April 1, 1983.

§ 145.9000–1 Paperwork Reduction Act.

The regulations in this part (to the extent required) have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3507). Regulations §§ 145.1–1 through 145.1–7, 145.4051–1, 145.4052–1 and 145.4061–1 were assigned by OMB the Control number 1545–0745.

This Treasury decision is issued under the authority contained in sections 4051, 4052, 4061 and 7805 of the Internal Revenue Code of 1954 (96 Stat. 2174, 2175 and 2173; 68A Stat. 917; 26 U.S.C. 4051, 4052, 4061, and 7805) and sections 522 of 523 of the Highway Revenue Act of 1982 (Pub. L. 97–424, 96 Stat. 2185, 2186.)

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 28, 1983

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83–8650 Filed 3–30–83; 3:23 pm]

BILLING CODE 4830–01–M

26 CFR Part 145

[T.D. 7883]

Floor Stocks Tax on Gasoline Held for Sale on April 1, 1983

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations with respect to the floor stocks tax on gasoline held for sale by dealers on April 1, 1983. Changes to the applicable tax law were made by the Highway Revenue Act of 1982. These regulations will affect dealers who hold gasoline for sale on April 1, 1983, and will provide them with guidance needed to comply with the law.

DATE: These regulations apply to gasoline held for sale on April 1, 1983

FOR FURTHER INFORMATION CONTACT: Cynthia L. Clark of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW. Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3288), not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to the floor stocks tax on gasoline held for sale on April 1, 1983, which is imposed by section 521 of the Highway Revenue Act of 1982 (Pub. L. 97–424, 96 Stat. 2097).

The regulations explain the application of the floor stocks tax to gasoline held for sale on April 1, 1983. Dealers are required to make an inventory of the gasoline they hold for sale on April 1 and to keep records of the inventory. In determining the amount of gasoline subject to tax, gasoline below the mouth of the draw pipe may be excluded as provided in § 145.2–2(c). In general, 200 gallons may be excluded for a tank with a capacity of less than 10,000 gallons, and 400 gallons may be excluded for a tank with a capacity of 10,000 or more gallons. Gasoline purchased tax free and held by a dealer who is also a producer or importer is not subject to the floor stocks tax. Under the regulations, the floor stocks tax must be paid by May 16, 1983. A return of the tax must be filed on Form 720. The due date for the return is May 16, 1983, in the case of dealers not otherwise required to file Form 720. Dealers not otherwise required to file Form 720 should mark "FINAL" on their Form 720. In the case of all other dealers, the due date for filing is the date prescribed by the instructions on the Form 720 for the quarter ending June 30, 1983. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

Need for Temporary Regulations

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Special Analyses

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule. The Commissioner of Internal Revenue has determined that these temporary regulations are not subject to Executive Order 12291.

Drafting Information

The principal author of this regulation is Cynthia L. Clark of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR Part 145

Extended due date for payment of certain fuel taxes, Floor stocks refunds, Floor stocks tax, Highway Revenue Act of 1982.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 145 is amended as follows:

PART 145—[AMENDED]

Paragraph 1. There is added in the appropriate place the following new sections:

§ 145.2–1 Scope of floor stocks tax on gasoline.

A floor stocks tax under section 521 of the Highway Revenue Act of 1982 is imposed on gasoline that is held at the first moment of April 1, 1983, by a dealer for sale. For this purpose, gasoline is regarded as held by a dealer if title to the gasoline has passed to the dealer (whether or not delivery to the dealer has been made), and if, for purposes of consumption, title to such gasoline or

possession or right to possession thereof has not at any time been transferred prior to April 1, 1983, to any person other than a dealer. The determination as to the time title passes or possession is obtained for purposes of consumption shall be made under applicable local law.

§ 145.2–2 Application of the floor stocks tax on gasoline.

(a) *Rate of tax.* In general, the floor stocks tax on gasoline is computed at the rate of 5 cents per gallon. However, for gasoline that is described in section 4081(c)(1) (relating to gasoline mixed with alcohol) the tax is computed at the rate of 4 cents per gallon.

(b) *Definition of gasoline.* For purposes of § 145.2–1, the term "gasoline" has the meaning prescribed in section 4082(b), except as provided in paragraph (c) of this section (relating to dead storage).

(c) *Dead storage.* In determining the amount of gasoline held on April 1 for purposes of § 145.2–1, the dealer may exclude the amount of gasoline in dead storage (*i.e.,* the amount of gasoline that will not be pumped out of the storage tank because the gasoline is below the mouth of the draw pipe). For this purpose, a dealer may assume that the amount of gasoline in dead storage is 200 gallons for a tank with a capacity of less than 10,000 gallons and 400 gallons for a tank with a capacity of 10,000 gallons or more. In the alternative, a dealer may choose to compute the amount of gasoline in dead storage by using the manufacturer's conversion table for the tank and the number of inches between the bottom of the tank and the mouth of the draw pipe. If, however, the dealer uses the conversion table method to compute the amount of gasoline in dead storage, the distance between the bottom of the tank and the mouth of the draw pipe will be assumed to be 6 inches, unless the dealer establishes otherwise.

(d) *Definition of dealer.* For purposes of § 145.2–1, the term "dealer" means a wholesaler, jobber, distributor, or retailer. The tax applies to gasoline held by a dealer who is also the producer (as defined by section 4082(a)) or importer of the gasoline, to the extent the gasoline so held is tax-paid gasoline. However, the floor stocks tax on gasoline does not apply to gasoline held by any person for the person's own use rather than for sale.

§ 145.2–3 Inventory.

Every dealer liable for the floor stocks tax on gasoline shall prepare an inventory of gasoline held for sale at the first moment of April 1, 1983. Dealers holding gasoline subject to the tax at more than one location shall prepare a separate inventory, in duplicate, for each such location. One copy of the separate inventory shall be retained at the location and one copy shall be kept at the principal place of business of the dealer. Each inventory shall show the name of the dealer, the location of the particular premises for which the inventory is made, the address shown on the dealer's tax return, and the total number of gallons of gasoline held at the particular location that are subject to the floor stocks tax on gasoline. The inventory shall not be filed with the return but shall be retained by the taxpayer.

§ 145.2–4 Requirements with respect to return.

(a) *Form.* Every person liable for the floor stocks tax on gasoline shall make a return of the tax on Form 720.

(b) *Time and place for filing return.* The return shall be filed with the Service Center indicated by the instructions for the Form 720. The return must be filed on or before May 16, 1983, and must be marked "FINAL," in the case of dealers not otherwise required to file Form 720. In the case of all other dealers, the return must be filed on or before the date prescribed by the instructions for the Form 720 for the quarter ending June 30, 1983. For provisions relating to timely mailing treated as timely filing and paying, see section 7502. For provisions relating to the time for filing a return when the prescribed due date falls on Saturday, Sunday, or a legal holiday, see section 7503 and § 301.7503–1. For provisions relating to additions to the tax in case of failure to file a return within the prescribed time, see section 6651 and § 301.6651.

(c) *Time and place for paying tax.* The tax is due and payable without assessment or notice on or before May 16, 1983. If a dealer is not required to make a deposit of any tax using Federal Tax Deposit Form 504 for the quarter ending June 30, 1983, the dealer shall pay the tax by check or money order. The dealer must write the dealer's taxpayer identification number and "Form 720 Second Quarter 1983, Floor Stocks Tax on Gasoline, IRS No. 65" on the check or money order. The check or money order must be sent, together with the Form 720, to the Service Center described in paragraph (b) of this section. All other dealers shall pay the tax by making a deposit of the tax, together with Form 504, on or before May 16, 1983, at an authorized depository or the Federal Reserve Bank serving the dealer's area. See the applicable sections of Part 301 of this chapter (Regulations on Procedure and Administration) for provisions relating to interest on underpayments, additions to tax, and penalties.

§ 145.2–5 Credit or refund.

Any person who has paid a floor stocks tax on gasoline may be entitled, subject to the provisions of section 6416 and § 301.6402–2, to a credit or refund of the tax for any of the reasons specified in section 6416. Thus, credit or refund may be claimed, subject to the conditions provided in section 6416(a) and the provisions of § 301.6402–2, where gasoline is used or sold for use for any of the purposes specified—

(a) In section 6416(b)(2)(A), relating to exportation;

(b) In section 6416(b)(2)(B), relating to supplies for vessels or aircraft;

(c) In section 6416(b)(2)(C), relating to exclusive use of a state or local government;

(d) In section 6416(b)(2)(D), relating to exclusive use of a nonprofit educational organization; or

(e) In section 6416(b)(2)(H), relating to use of gasoline in the production of special fuels. Claims for refund under this section are to be filed on Form 843. Any person entitled to claim a refund of tax under this section may, in lieu of claiming refund, claim credit for the tax on any return of tax under chapter 32 that the person subsequently files.

§ 145.2–6 Records.

(a) *Inventories.* Every person liable for the floor stocks tax on gasoline shall maintain records of the separate inventories required by § 145.2–3.

(b) *Copies of returns and other relevant papers and material.* Every person liable for the floor stocks tax on gasoline shall keep a duplicate copy of the return, together with other relevant papers and material.

(c) *Records of claimants.* Any person claiming a refund or credit of the tax shall keep a complete and detailed record with respect to the claim.

(d) *Place and period for keeping records.* All records required by this section shall be kept, by the person required to keep them, at a convenient and safe location within the United States that is accessible to internal revenue officers. The records shall at all times be available for inspection by such officers. If the person has a principal place of business in the United States, the records shall be kept at that place of business. Records required by paragraphs (a) and (b) of this section shall be maintained for a period of at least 3 years after the date the tax

becomes due or the date the tax is paid, whichever is later. Records required by paragraph (c) of this section (including any record required by paragraph (a) or (b) that relates to a claim) shall be maintained for a period of at least 3 years after the claim is filed.

§ 145.9000–1 [Amended]

Par. 2. Section 145.9000–1 is amended by adding at the end the following new sentence:

"Regulation § 145.2–1 through 145.2–6 were assigned by OMB the control number 1545–0744.

(Sec. 521 of the Highway Revenue Act of 1982 (96 Stat. 2097) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 28, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83–8435 Filed 3–30–83; 3:24 pm]

BILLING CODE 4830–01–M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–128; Reference Notice No. 436]

Yakima Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: This final rule establishes an American viticultural area in Yakima and Benton Counties, Washington known as "Yakima Valley." The establishment of viticultural areas and the use of viticultural area names in wine labeling and advertising will allow wineries to designate the specific grape-growing area where their wines originate, and will help consumers to identify the wines they purchase.

DATE: This final rule is effective on May 4, 1983.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202–566–7626.

SUPPLEMENTARY INFORMATION:

Background

Title 27 CFR, Part 4 provides for the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. Sections 9.11 and 4.25a(e)(1), of Title 27, CFR, define an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Approved American viticultural areas are listed in 27 CFR Part 9.

Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

ATF was petitioned by the Yakima Valley Appellation Committee to establish the first viticultural area in the State of Washington. The area petitioned for is a valley centered around the Yakima River in south central Washington. The Yakima Valley is nearly 75 miles long and 22 miles wide at its widest point and contains approximately 1040 square miles.

In response to their petition, ATF published a notice of proposed rulemaking, Notice No. 436, in the **Federal Register** on November 24, 1982 [47 FR 53051] proposing the establishment of the Yakima Valley viticultural area.

Supporting Evidence

The Yakima Valley Appellation Committee, an association of Yakima Valley grape-growers and Yakima Valley and Washington State wineries, gave the following evidence for the establishment of the Yakima Valley viticultural area in their petition.

Name. The name Yakima Valley was well established. Yakima is the name of the Yakima Nation, a loose confederacy of Indian tribes which once controlled a vast portion of eastern Washington. This name was given to the city, valley and river. Yakima Valley is also used on U.S.G.S. maps to designate the valley surrounding the Yakima River.

Although Yakima Valley has only recently become recognized as a wine producing region, it has been known as an important agricultural region since the early 1900's when river water was first used to irrigate the valley. Yakima Valley has achieved special fame for apples, soft fruits and hops. The petitioner submitted numerous newspaper articles and other literature which use the term Yakima Valley to describe the area, especially as a grape-growing region.

History of viticulture. Island Belle grapes were introduced into the Yakima Valley in the early 1900s. Later, Concord grapes became the dominant grape throughout Washington State. Concord grapes were not, however, made into wine but were processed at grape juice plants at Grandview and Prosser in the Yakima Valley, and at Yakima.

After repeal of Prohibition, William Bridgman, a Sunnyside farmer and grapegrower, determined that the Yakima Valley was better suited for wine growing than central France. He imported Vinifera grapes and established a winery and vineyard at Sunnyside where he grew varietals such as Johannisberg Riesling and Cabernet. By 1937 Washington State could count 42 wineries, the largest of which was in the Yakima Valley. Nevertheless, Concord grapes continued to be dominant, and few local wines of distinction were produced. Many grapes were shipped out of state for processing, and Washington State wineries did not concentrate on producing premium varietal wines.

In the 1950's, Dr. Lloyd Woodburne, a professor at the University of Washington in Seattle, began to produce home wines made from Washington State grapes. Other members of the University faculty joined him and in 1961 they incorporated and planted five acres of Pinot Noir and other Vinifera grapes at Sunnyside adjacent to Bridgman's vineyard. Their group eventually became Associated Vineyards which released their first wines to the public in 1968. With demand for their Yakima Valley wines growing, they planted 20 more acres at Sunnyside, including Cabernet, Pinot Noir, Riesling, Gewurztraminer, Semillon, and Chardonnay.

During the 1970's, additional acreage of Vinifera grapes were planted throughout Yakima Valley. Today there are approximately 23,400 acres of grapes in the valley. This includes 3500 acres of Vinifera varieties, with the remainder being Concord, White Diamond, and Island Belle. Grapes are planted in nearly every location in the valley where irrigation is available, although the majority of the Vinifera grapes are planted on the south facing slopes of the Rattlesnake Hills, Red Mountain, Snipes Mountain, Ahtanum Ridge, and on the steeper north banks of the Yakima River. There are six bonded wineries in the Yakima Valley and the term Yakima Valley has been used since 1967 as an appellation of origin for wines made from Yakima Valley grapes.

Topography. Topography distinguishes Yakima Valley from surrounding areas.

Eastern Washington is characterized by a series of east to west basaltic uplifts which occurred millions of years ago, and which created a number of large and small valleys with distinct north/south boundaries and slopes.

Yakima Valley is one of these valleys bounded on the north and south by four

basaltic uplifts. Ahtanum Ridge and the Rattlesnake Hills comprise the northern boundary separating the Yakima Valley from Ahtanum Valley and Moxie Valley. The Toppenish Ridge and Horse Heaven Hills form the southern boundary. Yakima Valley's eastern boundary is formed by Rattlesnake Mountain, Red Mountain and Badger Mountain, all of which serve to separate it from the Columbia Basin. The foothills of the Cascade Mountain Range define the western boundary.

The western portion of the Yakima Valley is a vast expanse of flat land, while the eastern portion is composed of gently sloping land north of the Yakima River. The valley itself is drained by the Yakima River which enters the valley on the north at Union Gap, and flows in a southeasterly direction exiting the valley at a gap between Rattlesnake Mountain and Red Mountain.

Climate. The climate of Yakima Valley is a distinguishing factor of the viticultural area. In general, the mountains to the west experience significantly cooler temperatures while Yakima Valley is not as warm as areas to the north and east.

Within Yakima Valley, the climate averages Region II on the scale developed by Winkler and Amerine of the University of California to measure degree days. Eight stations average 2641 degree days with individual readings of 2207 at Toppenish, 2436 at Prosser, 2665 at Sunnyside, and the highest reading, 3048 degree days at Wapato.

The mountain areas to the west experience a much cooler climate; Rimrock Dam averages 1150 degree days, Goldendale 1779, and Status Pass 1334 degree days. These mountainous areas are classified as Region I.

The area to the north following the Yakima River is slightly cooler than the Yakima Valley. Ellensburg experiences 1932 degree days, Yakima 2314, Naches Heights 2330, and Moxie 2574 degree days.

In contrast to these cooler areas, the areas northeast, east and southeast of Yakima Valley experience a significantly hotter climate, and may be characterized as Region III. Individual degree day readings include 3231 at Hanford, 3720 at Priest Rapids Dam, 3890 at Richland, 3094 at Kennewick, and 3201 at McNary Dam.

Rainfall in Yakima Valley is sparse. Eight reporting stations within the viticultural area average only 8.11 inches of precipitation per year with a range of 5.88 inches at Toppenish to 12.41 inches at Fort Simcoe. The mean average growing season (28 degree base) for four stations in Yakima Valley is 190 days, ranging from 184 days at White Swan to 196 days at Benton City.

Soils. There are at least 13 different soil associations within the Yakima Valley viticultural area; however, most vineyards are planted in just two associations. The Warden-Shano Association is found on the slopes of the valley. These soils are silt-loam throughout and are deep to moderately deep over basalt bedrock. The Scootenay-Starbuck Association is found predominately along the Yakima River. These soils are silt-loam, and are shallow to very deep over gravel or basalt bedrock, being formed in old alluviums.

Boundaries. The boundaries of the Yakima Valley viticultural area are the mountain ranges surrounding the valley. The boundary follows the crest of the Ahtanum Ridge and the Rattlesnake Hills on the north, crosses the top of Rattlesnake Mountain, Red Mountain, and Badger Mountain on the east, and follows the 1,000 foot contour line of the House Heaven Hills and the crest of the Toppenish Ridge on the south. The western boundary is composed of the lower foothills of the Cascade Mountains. Specific boundaries are described in the regulatory language in § 9.69.

No Comments Received

The notice of proposed rulemaking, Notice No. 436, contained a 45 day comment period. No comments were received during the comment period. Based on the evidence contained in the petition for the viticultural area, ATF is adopting the Yakima Valley viticultural area as proposed.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. This rule allows the petitioner and other persons to use an appellation of origin, "Yakima Valley" on wine labels and in wine advertising. This final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of 100 million dollars or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, Wine.

Drafting Information

The principal author of this final rule is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

Accordingly, under the authority contained in 27 U.S.C. 205, the Director is amending 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9 is amended by adding § 9.69. As amended, the table of sections reads as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.69 Yakima Valley.

* * * * *

Par. 2. Subpart C is amended by adding § 9.69 which reads as follows:

§ 9.69 Yakima Valley.

(a) *Name.* The name of the viticultural area described in this section is "Yakima Valley."

(b) *Approved Maps.* The approved maps for determining the boundary of the Yakima Valley viticultural area are two U.S.G.S. maps. They are entitled:

(1) "Walla Walla, Washington," scaled 1:250,000, edition of 1953, limited revision 1963; and

(2) "Yakima, Washington," scaled 1:250,000, edition of 1958, revised 1971.

(c) *Boundaries.* The Yakima Valley viticultural area is located in Benton and Yakima Counties, Washington. The beginning point is found on the

"Yakima, Washington," U.S.G.S. map at the Wapato Dam located on the Yakima River.

(1) Then east following the crest of the Rattlesnake Hills across Elephant Mountain, Zillah Peak, High Top (elevation 3031 feet), and an unnamed mountain (elevation 3629 feet) to the Bennett Ranch;

(2) Then due east approximately 0.2 mile to the boundary of the Hanford Atomic Energy Commission Works;

(3) Then southeast following the boundary of the Hanford AEC Works along the Rattlesnake Hills to the Yakima River;

(4) Then southeast across the top of Red Mountain to the peak of Badger Mountain;

(5) Then due south for approximately 4.9 miles to the 1000 foot contour line immediately south of the Burlington Northern Railroad (indicated on map as the Northern Pacific Railroad);

(6) Then west following the 1000 foot contour line to its intersection with U.S. Highway 97 immediately west of Hembre Mountain;

(7) Then west following the Toppenish Ridge, across an unnamed mountain (elevation 2172 feet), an unnamed mountain (elevation 2363 feet), to the peak of Toppenish Mountain (elevation 3609 feet);

(8) Then northwest in straight line for approximately 9.3 miles to the lookout tower at Fort Simcoe Historical State Park;

(9) Then north in a straight line for approximately 11.7 miles to an unnamed peak, (elevation 3372 feet); and

(10) Then east following Ahtanum Ridge, crossing unnamed peaks of 2037 feet elevation, 2511 feet elevation, 2141 feet elevation, to the Wapato Dam at the point of beginning.

Signed: March 7, 1983.

Stephen E. Higgins,

Acting Director.

Approved: March 23, 1983.

Daniel Q. Bates,

Deputy Assistant Secretary (Operations)

[FR Doc. 83-8633 Filed 4-1-83; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

[3P0401]

Parole, Release, Supervision and Recommitment of Prisoners, Youth Offenders, and Juvenile Delinquents

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission has exercised its statutory rule-making authority with respect to the qualifications of representatives at parole hearings (lawyers and non-lawyers alike). The final rule which appears below (a) Permits hearing examiners to bar a representative from participating in a hearing if "good cause" justifies such action; (b) provides for disqualification of a representative for up to a five-year period upon a formal finding of specific misconduct; and (c) disqualifies all former Federal criminal justice employees from becoming representatives for hire for one year after leaving Federal employment. This rule is designed to permit the Parole Commission to maintain the orderliness and integrity of its parole hearings, and to foreclose the possibility that a representative could exploit the fact of recent Federal employment in a criminal justice capacity when representing individuals before the U.S. Parole Commission.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Michael A. Stover, Office of General Counsel, U.S. Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815, telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION:

Background

The background of this rule was explained in the notice of proposed rule-making which was published at 47 Federal Register 54982 (Tuesday, December 7, 1982).

Modifications to the Proposed Rule

(1) The final rule includes a more precise description of what the Commission means by "good cause" in the provision which empowers an examiner panel to bar from a hearing a representative whose presence or conduct would be incompatible with the integrity or orderliness of the hearing. The Commission's intent in this respect is to discourage only the kind of conduct which deliberately disrupts and impedes the hearing from pursuing its lawful course. It is not the Commission's intention to impose any more rigid restrictions upon sincere representative efforts than would normally be encountered in a court of law concerned with maintaining orderliness and decorum. The Commission has also made clear, by providing examples, that the examiner panel may also preclude representation in advance of a hearing by persons who are obviously not fit to provide adequate representation. This would include a fellow prisoner who has created such a disciplinary problem that he is confined in segregation at the time of the hearing, and would also include any proposed representative subject to a conflict of interest. For example, the Commission has encountered situations in which the parole applicant has been provided with free legal representation by a criminal organization, usually by prearranged contract. Such a representative is beholden to an employer whose criminally-oriented interests may will conflict with the parole applicant's presumed interest in returning to a law-abiding life. A prisoner has no right to the fulfillment of such a contract. See *Wood* v. *Georgia*, 101 S.Ct. 1097 (1981). (Of course, conflicts of interest may also occur among codefendants and among fellow prisoners for other reasons.)

(2) The Commission has further elucidated, by example, the type of misconduct which would justify a hearing leading to the disqualification of a representative from appearing before the Commission for up to a five-year period. (The disqualification would include not only personal appearances but written submissions prepared by the representative as well.) The example given is that of repetitive or deliberate provision of false information to the Commission. Although the Commission could not spell out in advance every possible kind of flagrant wrongdoing which might demonstrate "a clear lack of personal integrity or fitness to practice before the Commission," it believes that the warning is fair because it is aimed only at such obviously wrong practices as taking fees from prisoners for the performance of representative duties (such as filing appeals) which are negligently or deliberately not performed. See, *e.g.*, *Koden* v. *United States Department of Justice*, 564 F.2d 228 (7th Cir. 1977), in which the Department of Justice suspended an attorney from practicing before the Immigration and Naturalization Service upon a finding that the attorney had taken fees without performing services and had solicited clients in a manner contrary to rule.

(3) With respect to the one-year prohibition on representation of any kind before the Parole Commission by a former Federal criminal justice employee, the Commission has made two changes from the proposal. First, such a person may be employed by any organization representing prisoners before the Parole Commission, not just law firms, so long as he performs no "representational act" before the Commission. (The Commission uses the

term "representational act" in the same sense that it is used at 18 U.S.C. § 207.)

Second, the Commission has included a prohibition against prisoners and parolees hiring themselves out as representatives before the Commission, a provision which reinforces existing restrictions. This would permit a parolee who is working for an established service organization (e.g., the NAACP) to continue in that capacity, provided that the parolee does not at any time act at the hire of individual clients.

Public Comment

The Commission received three letters or other missives from law firms, one letter from a legal services group, one letter from a prison case manager, and one letter from an associate warden. A number of comments were directed to the need for the improvements noted above, and need not be discussed further.

Criticism included the suggestion that the Commission could not properly discipline the conduct of attorneys practicing before it, but should defer to the state bar associations. The Commission has rejected this proposal, not only because it could not always expect reasonably prompt action by state bar associations, but also because maintaining the orderliness and integrity of agency proceedings is clearly a proper function for the agency itself. See, e.g., *Touche Ross and Company* v. *Securities and Exchange Commission*, 609 F.2d 570 (2d Cir. 1979). We note also that when the ABA House of Delegates adopted a resolution in August, 1980, perceiving dangers in the exercise of disciplinary jurisdiction by administrative agencies over lawyers, the resolution specifically exempted the "* * * authority immediately necessary to maintain order in or the integrity of proceedings pending before them." That is precisely the limit of the instant rule. Lawyers criticizing the proposal suggested that the hearing examiners (who are not lawyers themselves) would be arbitrary and lacking understanding of the attorney's role in providing zealous representation for his client. We think this criticism not well founded. Examiners have no interest in disrupting their own hearing schedules by overly severe rulings on the conduct of representatives before them, and they understand perfectly well the function of an attorney in an agency fact-finding proceeding.

Another major criticism was that the one-year prohibition on former employees is not based on demonstrated abuses and makes unfair assumptions about the integrity of both former and present employees. The critics also correctly pointed out that inmates will soon learn that ex-employees have absolutely no "inside track" with the agency. However, preventing a public perception that the system is open to abuse is also an important factor. The Commission believes that, in order to maintain public confidence in the parole system, it must prevent even the possibility of abuse. If the public assumes that a controversial parole was due in some measure to the exercise of influence by a representative who only a short time before was a criminal justice system official (raising the possibility that the representative had begun acting on the prisoner's behalf even before termination of employment), damage will have been done notwithstanding the total absence of any actual wrongdoing. In short, the Commission has a duty to maintain the strictest public appearance of fairness and justice, as well as the actual fact.

Finally, a comment was made that the proposal did not seem to provide for an appeal from an examiner panel decision to bar a representative from a particular hearing. The Commission reaffirmed that a good cause finding is subject to review. Moreover, under existing rules, all hearing panel actions are subject to review and reversal (28 CFR 2.24) and a procedural violation may be argued on appeal (28 CFR 2.25).

Implementation of the Final Rule

This rule is being put into effect on a prospective basis only. That is, all present Federal criminal justice system employees who leave Government service on or after June 1, 1983, will be subject to the one-year prohibition on representing any person before the U.S. Parole Commission. The disciplinary provisions of paragraphs (a) and (b) will also go into effect on that date, except that a finding of unfitness to appear before the Parole Commission may thereafter be based upon unethical behavior or other persuasive circumstances arising before the effective date.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Probation and parole, Prisoners.

PART 2—[AMENDED]

Accordingly, pursuant to 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR Part 2 is expanded by adding a new § 2.61 as follows:

§ 2.61 Qualifications of representatives.

(a) A prisoner or parolee may select any person to appear as his or her representative in any proceeding, and any representative will be deemed qualified unless specifically disqualified under paragraphs (b) or (c) of this section. However, an examiner or examiner panel may bar an otherwise qualified representative from participating in a particular hearing, provided good cause for such action is found and stated in the record (e.g., willfully disruptive conduct during the hearing by repeated interruption or use of abusive language). In certain situations, good cause may be found in advance of the hearing (e.g., that the proposed representative is a prisoner in disciplinary segregation whose presence at the hearing would pose a risk to security, or has a personal interest in the case which appears to conflict with that of the parole applicant).

(b) The Commission may disqualify any representative from appearing before it for up to a five-year period if, following a hearing, the Commission finds that the representative has engaged in any conduct which demonstrates a clear lack of personal integrity or fitness to practice before the Commission (including, but not limited to, deliberate or repetitive provision of false information to the Commission, or solicitation of clients on the strength of purported personal influence with U.S. Parole Commissioners or staff).

(c)(1) In addition to the prohibitions contained in 18 U.S.C. 207, no former employee of any Federal criminal justice agency (in either the Executive or Judicial Branch of the Government) shall be qualified to act as a representative for hire in any case before the Commission for one year following termination of Federal employment. However, such persons may be employed by, or perform consulting services for, a private firm or other organization providing representation before the agency, to the extent that such employment or service does not include the performance of any representational act before the Commission.

(2) No prisoner or parolee may serve as a representative before the Commission, at the hire of individual clients, in any case.

Note.—I certify that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Dated: March 18, 1983.

Benjamin F. Baer,

Chairman, Parole Commission.

[FR Doc. 83-8864 Filed 4-1-83; 8:45 am]

BILLING CODE 4410-01-M

VETERANS ADMINISTRATION

38 CFR Part 17

Medical Amendments

AGENCY: Veterans Administration.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule that appeared on pages 58245 to 58251 of the Federal Register of Thursday, December 30, 1982 (47 FR 58245 to 58251). One correction concerns § 17.60 Outpatient medical services for eligible persons. Section 17.60(j) describes the home health services allowable to veterans. Paragraph (j)(2) of that section describes the home health services available to veterans being treated for a nonservice-connected disability and the stipulations for the services that are available. There are four stipulations listed as paragraphs (j)(2) (i)–(iv), however subdivision (iv) was inadvertently omitted from the final rule document. The other correction is made to § 17.54(a) because a closing phrase that appears after paragraph (a)(2) of that section should correctly appear after paragraph (a)(3).

FOR FURTHER INFORMATION CONTACT: Anthony Ranciato, Medical Administration Specialist, Department of Medicine and Surgery (136F), Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420, (202) 389–3785.

Dated: March 30, 1983.

Nancy C. McCoy,

Assistant Director for Administrative Issues Review.

The following corrections are made in FR Doc. 82–35210 appearing on pages 58245 to 58251 of the issue of December 30, 1982:

PART 17—[CORRECTED]

1. In § 17.54, the phrase that appears after paragraph (a)(2)(ii), "who are not otherwise eligible . . . (CHAMPUS) and—" and the authority cite following it, should appear after the authority cite following paragraph (a)(3) so that paragraphs (a) (2) and (3) read as follows:

§ 17.54 Medical care for survivors and dependents of certain veterans.

(a) Medical care may be provided for—

* * * * *

(2) The surviving spouse or child of a veteran who—

(i) Died as a result of a service-connected disability, or

(ii) At the time of death has a total disability, permanent in nature resulting from a service-connected disability and—

(3) The surviving spouse or child of a person who died in the active military, naval or air service in the line of duty and not due to such person's own misconduct—(38 U.S.C. 613(a), as amended by Pub. L. 96–151, sec. 205(a)(1))

who are not otherwise eligible for medical care as beneficiaries of the Armed Forces under the provisions of chapter 55 of title 10, United States Code (CHAMPUS) and—(38 U.S.C. 613 added by Pub. L. 93–82, sec. 103(b), amended by Pub. L. 94–581, sec. 104)

* * * * *

2. In § 17.60(j)(2), paragraph (iv) which was omitted is added so that § 17.60(j)(2) reads as follows:

§ 17.60 Outpatient medical services for eligible persons.

* * * * *

(j) Home health services.

* * * * *

(2) Will not exceed $600 for veterans being treated for a nonservice-connected disability and then only to (i) Veterans receiving authorized post-hospital care under the authority of § 17.60(f); (ii) Veterans rated at 50 percent or more service-connected; (iii) Veterans of the Mexican Border Period or World War I; and (iv) Those in receipt of aid and attendance or housebound benefits. (38 U.S.C. 612(f); Pub. L. 93–82, sec. 101(c); Pub. L. 94–581, secs. 101(2), 103(7))

* * * * *

[FR Doc. 83–8572 Filed 4–1–83; 8:45 am]

BILLING CODE 8320–01–M

38 CFR Part 21

Veterans' Benefits; Courses Taken by Nonmatriculated Students

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This regulation states how the VA (Veterans Administration) will determine whether a degree-seeking student, who has not matriculated, is in a program of education. The law states that a veteran or eligible person must be in a program of education before he or she can receive educational assistance allowance from the VA. This will better acquaint the public with the standards the VA will use to implement the provision of law.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, Washington, D.C. 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: On pages 29267 through 29269 of the Federal Register of July 6, 1982, there was published notice of intent to amend part 21 to state VA policy toward nonmatriculated students.

Interested people were given 30 days in which to submit comments, suggestions or objections regarding the proposal. The Veterans Administration received one letter objecting to the proposal from a college official.

This letter stated that to require veterans to be formally admitted as degree-seeking students would defeat the purpose of open-admissions programs.

The VA does not wish to adversely affect students attending open-admissions colleges if they are in a program of education. However, the agency does not have the authority to pay educational assistance allowance to veterans who are not in a program of education. To eliminate this requirement would permit some veterans who are not in programs of education to receive educational assistance allowance. Consequently, the agency is not changing the regulation to meet the objection.

As a result of internal analysis the final regulation contains some minor differences from the proposed regulation.

The VA has determined that this regulation is not a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. It will not result in any major increases in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs hereby certifies that this regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this regulation therefore is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that only a small percentage of educational institutions which are small entities as defined in the RFA do not already have rules which are as strict or stricter than

those contained in § 21.4252(1)(1). Furthermore, the VA is not aware of any educational institutions which are small entities that will be affected by § 21.4252(1)(2). The VA does not think that it is likely that small entities will begin offering these courses in the foreseeable future.

The governmental jursidictions supporting the public colleges which have programs affected by § 21.4252(1)(3) are not small entities as defined by the RFA.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting requirements, Schools, Veterans, Veterans Administration, Vocational education, Vocational rehabilitation.

The Catalog of Federal Domestic assistance numbers for the programs affected by this regulation are 64.111, 64.117, and 64.120.

Approved: March 14, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

The Veterans Administration amends 38 CFR Part 21 to read as follows:

In § 21.4252, paragraph (l) is added as follows:

§ 21.4252 Courses precluded.

* * * * *

(l) *Courses taken by a nonmatriculated student who is pursuing a degree.* The provisions of this paragraph apply to veterans and eligible persons who are pursuing a degree, but who have not matriculated. The Veterans Administration considers a student to have matriculated when he or she has been formally admitted to a college or university as a degree-seeking student.

(1) Some colleges or universities admit students provisionally, pending receipt of test results or transcripts. The Veterans Administration may approve such a veteran's or eligible person's enrollment in a course or subject only if the veteran or eligible person matriculates during the first two terms, quarters or semesters following his or her admission.

(2) The first portion of the courses leading to a single degree may be offered at one college or university. The remaining courses are not offered at that college or university, but are offered at a second college or university which grants the degree based upon the combined credits earned by the student. If the student is not required to matriculate during the portion of the program offered at the first college or university, the Veterans Administration may approve an enrollment in a course or subject that is part of that portion of the program only if the college or university granting the degree certifies, concurrently with the student's enrollment in the first portion of the program, that—

(i) Full credit will be granted for the subjects taken in the portion of the curriculum offered at the first college or university.

(ii) In the last 5 years at least three students who have completed the first part of the program have been accepted into the second part of the program.

(iii) At least 90 percent of those who have applied for admission to the second part of the program, after successfully completing the first part, have been admitted.

(iv) The student will be required to matriculate during the first two terms, quarters or semesters following his or her admission to the second part of the program.

(3) The first portion of the subjects or courses in a baccalaureate program beyond those necessary for an Associate's degree may be given at a public, 2-year college while the remainder may be offered at a public, 4-year college or university. When the college or university does not require the student to matriculate while pursuing the additional division study at the 2-year college, the Veterans Administration may approve an enrollment in a course offered in the program at the 2-year college only if the college or university granting the baccalaureate degree certifies that—

(i) Full credit is granted for the course upon the student's transfer to the college or university granting the baccalaureate degree,

(ii) The courses taken at the 2-year college will be acceptable in partial fulfillment for the baccalaureate degree, and

(iii) The student will be required to matriculate during the first two terms, quarters or semesters following his or her admission to the college or university granting the baccalaureate degree.

(4) Except as provided in paragraph (l), (1), (2), and (3) of this section, the Veterans Administration will not approve a veteran's or eligible person's enrollment in a course or subject if the veteran or eligible person—

(i) Is pursuing a degree, and

(ii) Is not matriculated.

(5) Nothing in this paragraph shall prevent a State approving agency from including more restrictive matriculation requirements in its approval criteria. (38 U.S.C. 1652)

[FR Doc. 83-8571 Filed 4-1-83; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-5-FRL 2313-2]

Designation of Areas for Air Quality Planning Purposes; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: This rulemaking changes the air quality attainment designation relative to the total suspended particulate (TSP) National Ambient Air Quality Standards (NAAQS) for Butler County, Ohio. Specifically, the City of Middletown will be designated nonattainment for the secondary NAAQS and the remainder of the county will be designated attainment. This redesignation is based on available monitoring and modeling data.

DATE: This action will be effective on May 31, 1983 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the redesignation request and the supporting air quality data are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216.

Written comments on this action should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Delores Sieja at the EPA, Region V, address above or call (312) 886-6038.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act). This section directed each State to submit to the Administrator of

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EPA a list of the NAAQS attainment status for all areas within the State. The Administrator was required to promulgate the State lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

On March 3, 1978 and October 5, 1978 (43 FR 9022, 43 FR 46011) EPA designated Butler County as follows:

City of Middletown—Primary Nonattainment
Cities of Monroe, Trenton, New Miami, Fairfield, and that portion of the City of Hamilton within Fairfield Township and also the Townships of Madison, Lemon, St. Clair, Liberty, Fairfield and Union—Secondary Nonattainment
Remainder of the County—Attainment

On October 14, 1982, the Ohio Environmental Protection Agency (OEPA) requested that the City of Middletown be redesignated to secondary nonattainment and the remainder of the county designated attainment. To support this request, the OEPA submitted monitoring data collected from the eight State monitors in Butler County from January 1980 to September 1982. EPA may redesignate an area from primary nonattainment to either secondary nonattainment or attainment if all available data including eight consecutive quarters of the most recent quality assured, representative data show no violation of the appropriate NAAQS.

EPA reviewed the available monitoring data. Violations of the secondary NAAQS for TSP were recorded at the HookField Airport Site #2 and the Brentwood Avenue Site in 1980, 1981 and 1982. The requested secondary nonattainment area includes the area around these monitors. No violations of the NAAQS for TSP were recorded for the remainder of Butler County between January 1980 and September 1982.

In addition, EPA reviewed the modeling analysis performed by the State as part of its Part D State Implementation Plan for Butler County. The modeling shows two "hot spot" areas: one around ARMCO Steel's Hamilton Works and the other around ARMCO's Middletown Works. The Hamilton "hot spot" is eliminated with the recent permanent shutdown of the dominant source in this area. Modeling performed for the recent ARMCO SIP revision (46 FR 19468) indicates that maximum impacts around the Middletown Works occur near the Brentwood Avenue Site. This "hot spot", as well as the general area around the plant, are adequately covered by the existing monitors. Thus, the modeling demonstrates that the monitoring data are representative of the higher expected TSP concentrations in Butler County. EPA, therefore, is proposing to approve the redesignation request.

Since EPA views this action as a noncontroversial rulemaking, it is today changing the Section 107 attainment designation of Butler County without prior proposal. This action will be effective May 31, 1983. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, then this action will be withdrawn and a new rulemaking will propose the action and establish a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 31, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended (42 U.S.C 7407))

Dated: March 14, 1983.

John W. Hernandez, Jr.,

Acting Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C—Section 107 Attainment Status Designations

Section 81.336 of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended. In the table for "Ohio—TSP" the entry for Butler County should be revised to read as follows:

§ 81.36 Ohio.

OHIO—TSP

	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
City of Middletown		X		
The Remainder of Butler County				X

[FR Doc. 83-7349 Filed 4-1-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6504]

Suspension of Community Eligibility Under the National Flood Insurance Program; Alabama et al.

AGENCY: Federal Emergency Management Agency. FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publicaton in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division (202) 287–0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as

amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulatons (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood looses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood Insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Alabama: Etowah	Gadsden, city of	010080C	Apr. 12, 1976, emergency; Apr. 4, 1983, regular, Apr. 4, 1983, suspended.	June 15, 1979, May 28, 1976, and Mar. 8, 1974	Apr. 4, 1983
Connecticut: Litchfield	Torrington, city of	095081B	June 30, 1970, emergency; May 19, 1972, regular; Apr. 4, 1983, suspended	Mar. 5, 1976, July 1, 1974, and May 19, 1972	Do
Iowa:					
Union	Creston, city of	190264B	Oct. 18, 1974, emergency; Apr. 4, 1983, regular Apr. 4, 1983, suspended	Jan. 2, 1976 and June 28, 1974	Do
Shelby	Harlan, city of	190248B	Aug. 27, 1974, emergency; Apr. 4, 1983, regular; Apr. 4, 1983, suspended	Jan. 9, 1976 and June 28, 1974	Do
Mills	Pacific Junction, city of	190206A	Dec. 23, 1974, emergency; Apr. 4, 1983, regular Apr. 4, 1983, suspended	June 28, 1974	Do
Kansas: McPherson	Unincorporated areas	200214B	Aug. 30, 1978, emergency; Apr. 4, 1983, regular; Apr. 4, 1983, suspended	June 28, 1988	Do
Louisiana:					
Bossier Parish	Bossier City, city of	220330C	Feb. 14, 1975, emergency; Apr 4, 1983, regular Apr. 4, 1983, suspended	June 28, 1974, Dec 12, 1975, and June 5, 1979	Do
Vermilion and Iberia	Delcambre, town of	220223B	July 1, 1974, emergency; Apr. 4, 1983, regular, Apr. 4, 1983, suspended	Oct. 7, 1980 and Apr 5, 1974	Do
St. Tammany Parish	Mandeville, town of	220202C	Mar. 12, 1974, emergency; Sept. 28, 1979, regular, Apr. 4, 1983, suspended	Sept 28, 1979, Oct 1, 1976, and June 28, 1974	Do
Maryland: Cecil	Unincorporated areas	240019A	June 15, 1973, emergency; Apr 4, 1983, regular Apr. 4, 1983, suspended	July 18, 1975	Do
New Hampshire: Hillsborough	Hancock, town of	330089B	Apr. 25, 1975, emergency; Apr. 4, 1983, regular Apr. 4, 1983, suspended	Nov 5, 1976 and May 31, 1974	Do
New York: Suffolk	Asharoken, village of	365333C	Sept. 11, 1970, emergency; Aug. 20, 1971, regular; Apr. 4, 1983, suspended	Oct. 10, 1975, July 1, 1974, and Aug 20, 1971	Do
Louisiana: Vermilion Parish	Erath, town of	220224B	June 26, 1974, emergency; Apr 4, 1983, regular, Apr. 4, 1983, suspended	Feb 20, 1979 and Mar 8, 1974	Do
New York:					
Onondaga	Cicero, town of	360572C	May 23, 1974, emergency; Apr 4, 1983, regular Apr 4, 1983, suspended.	July 16, 1976, Dec 31, 1976, and Nov 1, 1974	Do
Nassau	Glen Cove, city of	360465	Aug. 16, 1974, emergency; Mar 1, 1978, regular, Apr. 4, 1983, suspended	Mar 1, 1978	Do
Greene	Jewett, town of	361114B	May 13, 1980, emergency; Apr. 4, 1983, regular, Apr. 4, 1983, suspended	Dec. 23, 1977 and Jan 17, 1974	Do
Pennsylvania: York	Manheim, township of	422224B	Apr. 21, 1975, emergency; Apr 4, 1983, regular; Apr. 4, 1983, suspended	Apr 18, 1980 and Dec 27, 1974	Do
Texas:					
Galveston	Clear Lake Shores, city of	485461C	July 31, 1970, emergency; Oct. 23, 1970, regular Apr. 4, 1983, suspended	Apr 18, 1975 and Oct 23, 1970	Do
Do	Hitchcock, city of	485479D	June 19, 1970, emergency, Nov. 30, 1970, regular; Apr. 4, 1983, suspended.	Oct. 31, 1975, July 1, 1974, and Nov 17, 1970	Do
Vermont: Franklin	Highgate, town of	500055B	Jan. 27, 1976, emergency; Apr. 4, 1983, regular; Apr. 4, 1983, suspended	Aug. 13, 1976 and May 31, 1974	Do

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Virginia:					
Tazewell	Cedar Bluff, town of	510162A	Nov. 29, 1974, emergency; Apr. 4, 1983, regular; Apr. 4, 1983, suspended	June 25, 1976 and May 10, 1974	Do
[illegible]	Richlands, town of	510563A	Dec. 5, 1974, emergency; Apr. 4, 1983, regular; Apr. 4, 1983, suspended	June 18, 1976	Do
West Virginia:					
Ohio	Unincorporated areas	5401498	Dec. 2, 1975, emergency; Apr. 4, 1983, regular; Apr. 4, 1983, suspended	Oct. 2, 1981 and Nov. 29, 1974	Do
Wetzel	do	540207A	Jan. 16, 1976, emergency; Apr. 4, 1983, regular; Apr. 4, 1983, suspended	Dec. 20, 1974	Do
Texas: Orange	Pine Forest, town of	480697A	July 3, 1974, emergency; Feb. 16, 1983, regular; Apr. 4, 1983, suspended	Dec. 13, 1974	Do
Tennessee: Gibson	Bradford, city of	470057B	Aug. 10, 1977, emergency; Feb. 16, 1983, regular; Apr. 4, 1983, suspended.	June 21, 1974 and Apr. 23, 1976	Do
Wisconsin: Walworth	Whitewater, city of	550200B	Mar. 27, 1975, emergency; June 1, 1982, regular; Apr. 10, 1983, suspended	Jan. 9, 1974 and June 4, 1976	Do

[1] Certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: March 23, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-8480 Filed 4-1-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

Development of Fishery for King Mackerel off Louisiana

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Rule related notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council announces a public meeting to inform interested persons how the management of the king mackerel fishery under the Fishery Management Plan for Coastal Migratory Pelagic Resources is likely to affect their activities.

DATES: Individuals or organizations may attend the public meeting which will be held April 12, 1983, Grand Isle, Louisiana.

ADDRESS: American Legion Post 309, Grand Isle, Louisiana. The time of the meeting is 7 p.m. to 10 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 W. Kennedy Boulevard, Tampa, Florida, 813–228–2815.

Dated: March 28, 1983.

Joseph P. Clem,

Acting Chief, Fisheries Process Division, National Marine Fisheries Service.

[FR Doc. 83-8560 Filed 4-1-83; 8:45 am]

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AGENCY:
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Proposed Rules

Federal Register
Vol. 48, No. 65
Monday, April 4, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-13-AD]

Airworthiness Directives; British Aerospace Corporation BAC 1-11 Series 200 and 400 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an Airworthiness Directive (AD) that would require repetitive visual and eddy current inspections of the fuselage longitudinal skin splices on British Aerospace Model BAC 1-11 series 200 and 400 airplanes. The proposed AD is needed to detect loose rivets and cracks extending from the splice rivet holes. Skin cracks, if allowed to grow to critical lengths, could compromise the structural capability of the fuselage.

DATE: Comments must be received on or before May 9, 1983.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041 or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-NM-13-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion: The United Kingdom Civil Aviation Authority (CAA) has notified the FAA of an unsafe condition which may exist on BAC 1-11 airplanes. During the process of developing a structural audit on the BAC 1-11, it was determined that a directed inspection of the fuselage longitudinal skin joints (lap-joints) was necessary to detect loose rivets and cracks. British Aerospace Service Bulletin 53-A-PM5726 was declared mandatory by the CAA. This service bulletin requires both visual and eddy current inspections of the skin lap joints and repairs if damage is found. If uncorrected, cracks could grow and cause depressurization of the passenger cabin.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed would require the previously discussed inspections.

It is estimated that 63 U.S. registered airplanes would be affected by this AD, that is would take approximately 60 manhours per airplane to accomplish the required actions, and that the average labor cost would be $35 per manhour. Repair parts are estimated at $17,600 per airplane. Based on these figures, the total cost impact of this AD is estimated to be $1,241,100. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

British Aerospace: Applies to Model BAC 1-11 200 and 400 series airplanes certificated in all categories. Compliance is required as indicated. To prevent explosive decompression of the fuselage accomplish the following, unless previously accomplished. Within the next 1250 landings after the effective date of this AD or upon accumulating the number of landings determined by Figure 1 of British Aerospace, Aircraft Group, BAC 1-11 Alert Service Bulletin No. 53-A-PM5726, Revision 2, dated October 5, 1981, whichever occurs later:

1. Perform a visual and eddy current inspection of the fuselage longitudinal skin splices in accordance with the Section 2, Accomplishment Instructions of the service bulletin. The visual inspections must be repeated at intervals of 1250 landings; the eddy current inspections must be repeated at intervals of 3750 landings.

2. Repair any damage in accordance with the service bulletin.

3. Alternative means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note.—Acceptable incorporation of the BAC 1-11 Supplemental Structural Inspection Document (SSID) into the approved airplane maintenance program of a BAC 1-11 operator constitutes an approved alternate means of AD compliance.

4. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of

Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington on March 24, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-8625 Filed 4-1-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-23-AD]

Airworthiness Directives; Piper Models PA-36-285, PA-36-300, and PA-36-375 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD), applicable to Piper Models PA-36-285, PA-36-300 and PA-36-375 airplanes, which supersedes AD 76-25-02, and establishes service lives for additional wing components. The manufacturer has established by laboratory fatigue tests on the wing structure that failure of the affected components may occur when they are operated beyond the safe lives established by these tests. The replacements required by this AD will assure removal of the parts from service before such failures occur.

DATE: Comments must be received on or before June 10, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Piper Service Bulletin No. 744 applicable to this AD may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745 or the Rules Docket at the address below.

Send comments on the proposal in duplicate to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 83-CE-23-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: J. Maher, Airframe Section, ANE-172, 181 South Franklin Avenue, Valley Stream, New York 11581; Telephone (516) 791-6220.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-CE-23-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion: Subsequent to the original type certification of Piper Model PA-36 airplanes, the manufacturer initiated laboratory fatigue tests of the wing structure of the airplane. On the basis of results of this test program, AD 76-25-02 (41 FR 53778) was issued and established service lives on certain wing structure components. Additional information has been obtained from continued tests, and Piper Aircraft Corporation has published service lives and replacement requirements for additional components based on the results of these tests in their Service Bulletin No. 744. There is a risk of failure of any component which is operated beyond its established service life.

Since the condition described is likely to exist or develop in other Piper Model PA-36-285, PA-36-300 and PA-36-375 airplanes of the same design, the proposed AD supersedes and incorporates the requirements of AD 76-25-02 and requires retirement of the additional components on which the manufacturer has established life limits at those times published in Piper Service Bulletin No. 744.

There are approximately 882 airplanes affected by the proposed AD. The cost of replacement of the life limited parts at each 4100 hours time-in-service as required by the AD is estimated to be $6,012,118 to the private sector.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

Piper.—Applies to Models PA-36-285, PA-36-300 and PA-36-375 (all serial numbers) airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished.

To prevent failure of wing structural components because of fatigue damage, accomplish the following:

a. replace the structural components specified below at the time-in-service set forth in Table 1. If, on the effective date of this AD, the component has accumulated or will accumulate within an additional 100 hours time-in-service, the number of hours time-in-service at which replacement is required, accomplish the replacement within the next 100 hours time-in-service after the effective date of this AD.

TABLE 1.—COMPLIANCE TIMES (COMPONENT TIME-IN-SERVICE, HOURS)

Airplanes	Type of replacement	Paragraph of AD					
		a.1)* a.2) a.3)	a.4)	a.5)	a.6)	a.7)	a.8)*
Models PA-36-285 and 300:							
S/Ns 36-7360001 thru 36-7560003	Initial	4100	4100	N/A	N/A	3100	[illegible]
	Repetitive	4100	4100	N/A	N/A	4100	[illegible]
S/Ns 36-7560004 thru 36-7560055	Initial	4100	N/A	N/A	[illegible]	3100	[illegible]
	Repetitive	4100	N/A	N/A	4100	4100	2000
S/Ns 36-7560056 thru 36-7660122	Initial	4100	N/A	4100	[illegible]	N/A	2000
	Repetitive	4100	N/A	4100	4100	N/A	2000

TABLE 1.—COMPLIANCE TIMES (COMPONENT TIME-IN-SERVICE, HOURS)—Continued

Airplanes	Type of replacement	Paragraph of AD					
		a.1)* a.2) a.3)	a.4)	a.5)	a.6)	a.7)	a.8)*
S/Ns 36-7660123 and up	Initial	4100	N/A	4100	N/A	N/A	2000
	Repetitive	4100	N/A	4100	N/A	N/A	2000
Model PA-36-375:							
S/Ns 36-7802001 and up	Initial	4100	N/A	4100	N/A	N/A	2000
	Repetitive	4100	N/A	4100	N/A	N/A	2000

*Compliance with paragraphs a.1) and a.8) is also required whenever applicable bolt is removed

(1) Replace the Wing attachment Upper Bolts P/N 77245-00 with unused bolts. replacement is also required whenever bolt is removed.

(2) Replace Wing Carry-Through Spar Fittings, P/N 97713-00, -02, or -03, with an unused P/N 97713-03 fitting.

(3) Replace Wing Spar Fitting, P/N 97712-00 with an unused P/N 97712-00 fiting.

(4) Replace Spar Carry-Through Assembly, P/N 76824-02, if installed with an unused Assembly P/N 76824-02.

(5) Replace Spar Assembly P/N 97701-00 and -01, Revision P, or later revision with Piper Spar Cap Replacement Kits Numbers 764393, Left Spar Assembly, and 764394, Right Spar Assembly.

(6) Replace Spar Carry-Through Assembly, P/N 76767-00 or P/N 76824-02 with an unused P/N 76824-02 assembly. (The repetitive replacement time-in-service is applicable to P/N 76824-02 assemblies now installed.)

(7) Replace Spar Assemblies P/N 97701-00 and P/N 97701-01, Revision N or earlier, and P/N 764393 and P/N 764394 Right Spar Cap Replacement Kits with an unused Spar Cap Replacement Kit P/N 764393, Left Spar Assembly, and P/N 764394 Right Spar Assembly. (The repetitive replacements time-in-service is applicable to P/N 764393 or P/N 764394, Spar Cap Replacement now installed.)

(8) Replace Wing Attachment Lower Bolts P/N 77245-00 with unused P/N 77245-00 bolts. Replacement is also required whenever bolt is removed.

(b) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(c) An equivalent method of compliance with this AD may be used if it is approved by the Manager, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; Telephone (516) 791-6680.

Piper Service Bulletin No. 744 dated May 12, 1982, refers to the subject matter of this AD.

This AD supersedes AD 76-25-02, Amendment 39-2786.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421 and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.85 of the Federal Aviation Regulations (14 CFR 11.85)).

Note.—The FAA has determined that this proposed regulation only involves a repetitive cost of $6,816.46 on each of 882 airplanes at intervals of approximately 5 years. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a significant rule "under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 22, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-8626 Filed 4-1-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-32-AD]

Airworthiness Directives; Partenavia Costruzioni Aeronautiche S.p.A., Models P.68 and P.68B Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD), applicable to Partenavia Costruzioni Aeronautiche S.p.A., Models P.68 and P.68B airplanes It would require structural reinforcement of the fin rear spar in the area of the upper rudder hinge. The manufacturer has received reports of cracks in this area which could result in total rudder failure and loss of lateral control. Structural reinforcement of the fin rear spar will prevent this condition.

DATES: Comments must be received on or before June 6, 1983.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Partenavia Costruzioni Aeronautiche S.p.A. Service Bulletin (SB) No. 34, Rev. 1, dated February 15, 1978, and drawing No. R.0007, dated December 23, 1977, applicable to this AD may be obtained from Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, C.P. 2179, 80026 Casoria, Naples, Italy, or the Rules Docket at the address below. Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 83-CE-32-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone 816/374-6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-CE-32-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion: Partenavia Costruzioni Aeronautiche S.p.A. has received reports of cracks in the fin rear spar in

the area adjacent to the upper rudder hinge on its Models P.68 and P.68B airplanes. The FAA has not received any reports concerning cracks in either the fin rear spar or the upper rudder hinge area. The manufacturer has developed a structural modification that reinforces the fin rear spar in the upper rudder hinge area. Continued flight without structural reinforcement of the fin rear spar may result in failure of the fin rear spar and loss of lateral control. As a result, Partenavia Costruzioni Aeronautiche S.p.A. has issued SB No. 34, Rev. 1, dated February 15, 1978, and drawing No. R.0007, dated December 23, 1977, that provides instructions for installing a structural modification to the fin rear spar which reinforces the fin rear sper at the upper rudder hinge. The Registro Aeronautico Italiano (RAI) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy has classified this SB and the actions recommended therein by the manufacturer as mandetory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Partenavia Costruzioni Aeronautiche S.p.A. and the mandatory classification of this SB by RAI.

Based on the foregoing, the FAA believes that the condition addressed by Partenavia Costruzioni Aeronautiche S.p.A. SB No. 34, Rev. 1, dated February 15, 1978, is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require structural reinforcement of the fin rear spar in the area of the upper rudder hinge on Partenavia Costruzioni Aeronautiche S.p.A. Model P.68 and P.68B airplanes. There are approximately three airplanes affected by the proposed AD. The cost of complying with the proposed AD is estimated to be $1,260 to the private sector.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Partenavia Costruzioni Aeronautiche S.p.A.: Applies to Models P.68 and P.68B (all Serial Numbers (SN) up to 128, excluding SN's 40, 112, 125, 126 and 127) airplanes certificated in any category.

Compliance: Required within the next 100 hours after the effective date of this Administrative Directive (AD), unless already accomplished.

To prevent failure of the fin rear spar accomplish the following:

(a) Install fin spar reinforcement in accordance with Partenavia Costruzioni Aeronautiche S.p.A. Service Bulletin (SB) No. 34, Rev. 1, dated February 15, 1978, and drawing No. R.0007, dated December 23, 1977.

(b) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this AD, is used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C 1354(a) 1421 and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.85 of the Federal Aviation Regulations (14 CFR 11.85)).

Note.—For reasons discussed earlier in the preamble: the FAA has determined that this document: (1) Involves a proposed regulation that is not major under the provisions of Executive Order 12291, (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) certifies under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulation evaluation has been prepared and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location identified under the caption "Addresses."

Issued in Kansas City, Missouri on March 22, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–8624 Filed 4–1–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 83–CE–15–AD]

Airworthiness Directives; Pilatus Britten-Norman Ltd., BN–2A MK. III Trislander Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD), applicable to Pilatus Britten-Norman Ltd., BN–2A MK. III Trislander Series Airplanes, which requires visual inspection of the wing attachment pins for corrosion, grinding marks, file marks or improper fit. The manufacturer has reported three airplanes which were found to have incorrectly assembled wing to fuselage attachments. The visual inspection and reinstallation of the wing attachment pin will detect and correct any wing attachment pin defects or installation defects which can adversely affect the safe life of the wing to fuselage attachment.

DATES: Comments must be received on or before June 6, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Pilatus Britten-Norman Ltd. Service Bulletin No. BN2/SB 146, Issue 1, dated December 31, 1980, applicable to this AD may be obtained from Pilatus Britten-Norman Ltd., Bembridge, Isle of Wight, England, or the Rules Docket at the address below.

Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 83–CE–15–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Larry Werth, Aerospace Engineer, Foreign FAR 23 Section, Federal Aviation Administration, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such

written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date from comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83–CE–15–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion: Pilatus Britten-Norman Ltd. has reported three BN–2A MK. III Trislander Series Airplanes that have been found with incorrectly assembled wing to fuselage attachments. The FAA has not received any reports concerning improperly assembled wing to fuselage attachments. The manufacturer has determined that certain of these Trislander aircraft with specified serial numbers may have incorrectly fitted and/or improperly modified wing to fuselage attachment pins. Also, pins may have been fitted with insufficient assembly grease. Any of these installation defects can adversely affect the safe life of the wing to fuselage attachments. As a result, Pilatus Britten-Norman Ltd. has issued Service Bulletin No. BN2/SB 146, Issue 1, dated December 31, 1980, which provides instructions for the removal, visual inspection for corrosion, grinding marks, file marks or improper installation and reinstallation of the wing attachment pins. The United Kingdom Civil Aviation Authority (UKCAA) who has responsibility and authority to maintain the continuing airworthines of these airplanes in England has classified this Service bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Pilatus Britten-Norman Ltd. Service Bulletin No. BN2/SB 146, Issue 1, dated December 31, 1980, and the mandatory classification of this Service Bulletin by UKCAA.

Based on the foregoing, the FAA believes that the condition addressed by Pilatus Britten-Norman Ltd. Service Bulletin No. BN2/SB 146, Issue 1, dated December 31, 1980, is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require removal of the wing attachment pins, visual inspection of the wing attachment pins for corrosion, grinding marks, file marks or improper fit and reinstallation of the wing attachment pins on Pilatus Britten-Norman Ltd., BN–2A MK. III Trislander Series Airplanes.

There are approximately eight airplanes affected by the proposed AD. The cost of complying with the proposed AD is estimated to be $3,360 to the private sector.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Pilatus Britten-Norman Ltd.: Applies to BN-2A MK. III Trislander Series (S/Ns 1001 thru 1042, 1048 thru 1054, 1057 thru 1061, 350, 360, 361, and 363) airplanes certificated in any category.

Compliance: Required within the next 500 hours time-in-service after the effective date of this AD, unless already accomplished. To prevent defects in the wing attchment pins which can adversely affect the safe life of the wing to fuselage attachments accomplish the following:

(a) Remove the wing attachment pins, one at a time, in accordance with the instructions contained in the "ACTION" section of the Pilatus Britten-Norman Ltd. Service Bulletin No. NB2/SB 146, Issue 1, dated December 31, 1980 (hereinafter referred to as the SB), or an FAA approved equivalent.

(b) Visually inspect the wing attachment pins for corrosion, fretmarks, file/grinding marks and thread binding of the inboard nut in accordance with the instructions contained in the "ACTION" section of the SB and if defects are found, before further flight, replace the defective wing attachment pins with new attachment pins.

Note.—Refer to SB and Trislander Illustrated Parts Catalog (Pub. Ref. PC/2, Sec. 3.5./1).

(c) Visually inspect the wing joint gaps to ensure shim washers fill the gaps and before further flight, replace shim washers as required to fill the wing joint gaps.

Note.—Refer to SB and Trislander Maintenance Manual (Pub. Ref. MM/2)

(d) Reinstall wing attachment pins in accordance with the instructions contained in the "ACTION" section of the SB

(e) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(f) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421 and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.85 of the Federal Aviation Regulations (14 CFR 11.85)).

Note.—For reasons discussed earlier in the preamble: the FAA has determined that this document: (1) involves a proposed regulation that is not major under the provisions of Executive Order 12291, (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) certifies under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location identified under the caption "Addresses."

Issued in Kansas City, Missouri, on March 22, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-8823 Filed 4-1-83; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 83-ASW-17]

Designation of a Control Zone; New Iberia, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to designate a control zone at New Iberia, LA. The intended effect of the proposed action is to provide controlled airspace for aircraft executing standard instrument approach procedures (SIAP's) to the Acadiana Regional Airport. This action is necessary since the city of New Iberia proposes to commission a nonfederal airport traffic control tower (ATCT), and the airport will meet the requirements for the establishment of controlled airspace to the surface.

DATES: Comments must be received on or before May 4, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F 71.171 as republished in Advisory Circular AC 70-3A dated January 3, 1983, contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of the control zone at New Iberia, LA, will necessitate an amendment to this subpart. This amendment will be required at New Iberia, LA, since the city of New Iberia is proposing the operation of a nonfederal ATCT, and the airport will meet the requirements for controlled airspace to the surface during the hours the ATCT is in operation.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-ASW-17." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 877-2630. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas.

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

New Iberia, LA [New]

Within a 5-mile radius of the Acadiana Regional Airport (latitude 30°02'15" N., longitude 91°53'02" W.) and within 2 miles east and 4 miles west of the Lake Martin NDB (latitude 30°11'33" N., longitude 91°52'58" W.) 181° bearing extending from the 5-mile radius area to 8.5 miles north of the airport; and within 2 miles each side of the Lafayette VORTAC 138° radial extending from the 5-mile radius area to 8 miles northwest of the airport, excluding that airspace designated as the Lafayette, LA, Control Zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on March 25, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-8616 Filed 4-1-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASW-16]

Alteration of Transition Area and Control Zone; Tulsa, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area and control zone at Tulsa, OK. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing standard instrument approach procedures (SIAP's) to the Richard Lloyd Jones, Jr., Airport. This action is necessary since the FAA proposes to relocate the Glenpool VOR, and this action will alter the SIAP to the airport and change the designated airspace requirements.

DATES: Comments must be received on or before May 4, 1983.

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ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 877–2630.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 and F 71.171 as republished in Advisory Circular AC 70–3A dated January 3, 1983, contains the description of transition areas and control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area and control zone at Tulsa, OK, will necessitate an amendment to these subparts. This amendment will be required at Tulsa, OK, since there is a proposed change in IFR procedures to the Richard Lloyd Jones, Jr., Airport. The proposed relocation of the Glenpool VOR to a point south of the airport will change the SIAP using the VOR, and the final course alignment will necessitate an amendment to the designated airspace.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83–ASW–16." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 877–2630. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas.

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend §§ 71.181 and 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Subpart F § 71.171

Tulsa Richard Lloyd Jones, Jr., Airport, OK [Revised]

Within a 5-mile radius of Richard Lloyd Jones, Jr., Airport (latitude 36°02'18" N., longitude 95°59'05" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Subpart G § 71.181

Tulsa, OK [Revised]

By adding "and within a 6.5-mile radius of Richard Lloyd Jones, Jr., Airport (latitude 36°02'18" N., longitude 95°59'05"."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on March 25, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83–8617 Filed 4–1–83; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9165]

Stihl, Inc., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 83–7241 beginning on page 11722 in the issue of Monday, March 21, 1983, make the following corrections on page 11724:

1. In the first column, the eighth line should read "purpose, content, results, current validity, reliability, or".

2. In the same column, the second complete paragraph, the eleventh line, the phrase "Order of" should read "Order for ".

BILLING CODE 1505–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[LR–57–80]

Classification of Limited Liability Companies; Withdrawal of Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws the notice of proposed rulemaking relating

to the classification of limited liability companies that was published in the **Federal Register** on November 17, 1980 (45 FR 75709). After consideration of the comments received on the proposed regulations, the Internal Revenue Service has decided that they should be withdrawn.

FOR FURTHER INFORMATION CONTACT: David R. Haglund of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3459) (not a toll-free call).

SUPPLEMENTARY INFORMATION: .

Background

This document withdraws the notice of proposed rulemaking that appeared in the **Federal Register** on November 17, 1980 (45 FR 75709). That notice proposed amendments to the regulations under section 7701 of the Internal Revenue Code of 1954 relating to the classification of entities for Federal tax purposes. Under the proposed regulations an entity could not be classified as a partnership for Federal tax purposes unless some member of the entity was personally liable under local law for claims against the entity.

A number of comments were received concerning the notice of proposed rulemaking. After consideration of these comments, the Internal Revenue Service has decided to withdraw the proposed regulations. The Internal Revenue Service is undertaking a study of the rules for the classification of entities for Federal tax purposes with special focus on the significance of the characteristic of limited liability.

Drafting Information

The principal author of this document was David R. Haglund of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing this document, both in matters of substance and style. .

The proposed amendments to 26 CFR Part 301 relating to the classification of limited liability companies published in the **Federal Register** (45 FR 75709) on November 17, 1980, are hereby withdrawn.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83–8701 Filed 4–1–83; 8:45 am]

BILLING CODE 4830–01–M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 460]

Lake Erie Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in the States of New York, Pennsylvania, and Ohio with the proposed name of "Lake Erie." this proposal is the result of a petition from Mr. William A. Gulvin, Secretary of the Ad Hoc Committee for the Lake Erie viticultural area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify wines they purchase.

DATE: Written comments must be received by May 19, 1983.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044–0385 (Attn: Notice No. 460).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition from Mr. William A. Gulvin, Secretary of the Ad Hoc Committee for the Lake Erie viticultural area, proposing an area in the States of New York, Pennsylvania, and Ohio as a viticultural area to be known as "Lake Erie." The proposed area includes approximately 3300 square miles of land area and approximately 775 square miles (statute) of Lake Erie for a total of 4075 square miles.

This grape-growing area is located on the Lake plain bordering the southern and eastern shores and on the island archipelago of Lake Erie. There are approximately 30 commercial wineries and 40,000 acres of commercial vineyards scattered throghout the lake area. Current orchard and vineyard surveys conducted by the States of New York, Pennsylvania, and Ohio report that commercial vineyards of one acre or more are located in every county (except Sandusky County) along the lakeshore from near Toledo, Ohio to south of Buffalo, New York.

Viticultural Area Name

Lake Erie is the geographical feature that defines this proposed viticultural area. Its name dates from the earliest written history of this continent, and Lake Erie is universally known as such. While reference is frequently made to

specific subareas of the Lake Erie district such as the Lake Erie Islands or the Chautauqua-Erie Grape Belt, or to the political subdivisions of the area, the Lake Erie viticultural area is also often recognized as a single entity. Harold J. Grossman, for example, in his book Grossman's Guide to Wines, Beers, and Spirits (1977), states that when discussing eastern wine-producing areas, it is better to discuss geographic areas of similar climate and geology than to group areas by States. Grossman states that the Chautauqua area of western New York, for example, lies in New York State but the wines realistically should be grouped with those around neighboring Lake Erie. Further on Grossman specifically defines this region with the term "Lake Erie." He states that Lake Erie is bordered on its eastern and southern shores by many vineyards that actually lie in Pennsylvania, Ohio, and western New York. The Pennsylvania wineries are mostly around the city of North East. The Ohio wineries stretch from the eastern border of Ohio and Pennsylvania all the way west to Sandusky. In New York the Chautauqua area extends westward from Buffalo to Pennsylvania.

Likewise, Dominick Abel, in his book Guide to The Wines of the United States (1979), states in his opening discussion of the Chautauqua region in New York that this section on the shores of Lake Erie really forms part of a single New York-Pennsylvania-Ohio-Lake Erie region. Ruth Ellen Church, in her book Wines of the Midwest (1982), goes further and notes that: "All of these establishments (wineries)—Ohio's, Pennsylvania's and New York's—lie close to the southern shores of Lake Erie and thus qualify for a Federal Lake Erie wine district designation; they may achieve it in the early 1980's."

And finally, a number of current tourist-oriented publications similarly use the designation "Lake Erie" in reference to this area. For example, the Association of American Vintners in its "Wine Tour Guide" (1982) employs the designation "Lake Erie Region (Western New York, Pennsylvania, Northern Ohio)" and proceeds to break the region down as "Lake Erie East," "Lake Erie West," and "Lake Erie Central." Likewise, the Pennsylvania Wine Association refers to the "Lake Erie Area" in its "1981 Wine Trails of Pennsylvania" guide.

Geographical/Viticultural Features

The petitioner claims the proposed viticultural area is distinguished from surrounding areas by its proximity to Lake Erie which exerts a moderating influence on the area. This proximity to Lake Erie and the influence that Lake Erie exerts on the local climate is the fundamental factor that permits commercially successful viticulture in this area. Soils, elevations, and other physiographic features within the area are diverse and, through most of the area, do not directly form the basis of the Lake Erie area's viticultural distinction.

Authorities agree that temperature, especially in terms of length of frost-free growing season, freeze hazard at a given site (F. G. Haskins, "A Study of Fruit Sites in Northeastern Ohio from Standpoint of Frost Damage," 1950), and especially winter minimums, is the determining consideration with regard to the commercial viability of a vineyard in the northeast. T. D. Jordan et al. in their bulletin on "Cultural Practices for Commercial Vineyards" (1981) state that: "Temperature is the first consideration in selecting the location of a vineyard. It involves length of growing season, as well as magnitude and frequency of winter minimums. Temperature requirements must be satisfied for a site to be considered." They go on to note that for commercial viticulture in this region a growing season of 165 days is considered minimal and 180 plus days is preferable, and that winter minimum temperature should infrequently fall below minus 10 degrees Fahrenheit and almost never below minus 15 degrees Fahrenheit.

Stephen S. Visher, in his book *Climatic Atlas of the United States* (1954), well summarizes the general climatic effect of the Great Lakes on their surroundings.

> Although the effect of a lake is chiefly to the leeward, in the Great Lakes region winds are so varied in direction that effects are evident on all sides. On the average, the (Great) Lakes raise the January average temperature of their surroundings about 5 degrees, the absolute minimum temperatures about 10 degrees, and the annual minima about 15 degrees . . . They increase the average length of the frost-free season about 30 to 40 days on their eastern and southern sides. They have a slight negative total influence upon precipitation, decreasing it appreciably in summer, largely by reducing convectional thunderstorms, . . . The Lakes produce an average decrease of about five thunderstorms per year, and decrease the violence of many of those which do occur . . . The south shore of Lake Erie, with only five dense-fog days a year, has less fog than any other coastal area except southern Florida.

Visher's comments concerning Lake Erie's effect on the summer moisture regime are very significant. As a rule, the successful culture of grapes requires a relatively dry and sunny growing and ripening period. That condition is locally promoted during those seasons by Lake Erie, together with generally reduced cloudiness and therefore significantly greater insolation than in surrounding areas. Likewise, while viticulture in the area no longer stands or falls on it, the reduced summer rainfall and few fog days (which typically occur only in late winter and early spring), combined with almost continuous lake breezes, serve to considerably reduce problems with grape diseases in the Lake Erie area. Lastly, by reducing thunderstorm vigor and activity, Lake Erie shelters this area to some degree from the potential devastation of hail.

Most important, though, are the temperature effects of Lake Erie. The Lake Erie area enjoys what has been termed a "lacustrine climate" lacking the temperature extremes otherwise inherent in a continental location according to Richard E. Dahlberg in an article in Economic Geography (1961) entitled "The Concord Grape Industry of the Chautauqua-Erie Area." The region benefits generally by being lower in latitude than and downwind from the other Great Lakes. The great stretches of Lakes Superior and Huron to the northwest considerably moderate arctic air masses moving across these Lakes to the Lake Erie area. This effect is then locally enhanced by Lake Erie, thereby producing a climate adjacent to the Lake that has a lower mean daily range of temperatures. This results both in less growth-stimulating high temperatures and tissues-freezing low temperatures. These temperature effect are then diluted and gradually diminish as one proceeds inland from the Lake.

Lake Erie has by far the largest surface to volume ratio of any of the Great Lakes, with an average depth of only 58 feet and one-thirtieth of the volume of Lake Superior against a surface area of nearly 10,000 square miles. As a result, Lake Erie experiences by far the greatest annual temperature variation of any of the Great Lakes. It ranges from an average surface temperature of 72 degrees Fahrenheit in the late summer to 90 percent or more ice cover in the late winter—far more ice than typically develops on any other of the Great Lakes.

This wide and rapid seasonal fluctuation of the lake water temperature, and this fluctuation's lag with respect to seasonal air temperature variation, serves a very beneficial climatologic effect throughout the year. In the early spring, the accumulated ice and the very cold water of the Lake serve to cool the climate of the adjacent land against early spring warm spells

which would otherwise force premature development of buds and thereby leave the grapevines vulnerable to freeze damage. In mid to late April, the Lake commences to warm rapidly and then buffers the area against late spring frost after vine development has begun. In the summer, the high water temperature achieved in Lake Erie offers less hindrance to the heat summation necessary for full grape development than any other of the Great Lakes. The summer's high temperature is then carried over into fall, warming the air adjacent to the Lake and keeping fall frosts at bay for a month or more longer than surrounding areas. This results in an average frost-free period of approximately 170 to 175 days with a 200 day growing season to be found in some portions of the Lake Erie area, the longest growing season in the Great Lakes region. Likewise, proximity to the Lake in winter affords considerable protection against extreme minimum temperatures, with winter minimum temperatures of less than minus ten degrees Fahrenheit being uncommon across most of the proposed area while inland areas often experience temperatures 10 to 15 degrees lower.

In many portions of the lake area, the air drainage of a given site greatly affects its microclimate with respect to freeze and low temperature damage. In this regard, the sloping areas found further inland have rather an advantage over the more level areas often found close to the Lake, and Lake Erie, by being at the lowest elevation, serves as a vast sink for cold air to drain into.

The only portion of the Lake Erie area in which elevation and physical features play a direct role in delimiting viticulture is in Chautauqua County, New York and Erie County, Pennsylvania. In these areas, the high-elevation Allegheny Plateau with its too short growing season and too long winter temperatures clearly limits the grape belt to a width of as little as three miles inland.

Historical/Current Evidence of the Boundaries

The Lake Erie viticultural area has a 150 year history of grape growing and winemaking according to Leon D. Adams in his book *The Wines of America* (1978). Trial and error over the years has proven viticulture, in areas bordering the proposed area, to be generally uneconomical.

The petitioner claims that the Lake Erie area is a distinct and contiguous viticultural district. Current orchard and vineyard surveys conducted by the States of New York (1976), Pennsylvania (1978), and Ohio (1976) report that, except where interrupted by urban development, there are approximately 40,000 acres of commercial vineyards scattered throughout the Lake Erie area. Very little or no commercial viticulture is indicated in surrounding inland counties.

Likewise, there are more than 30 commercial wineries, some dating from well before the turn of the century, distributed rather evenly throughout the Lake Erie area. None of these wineries are located more than ten miles inland from the Lake.

The petitioner claims that the proposed boundaries reflect the extent of the area that contains sites which can justifiably be said to be suitable for commercial viticulture within the beneficial climatic influence of Lake Erie. The following outlines the considerations employed in selecting the specific boundaries proposed:

(1) Cazenovia Creek is proposed as the northeastern boundary of the viticultural area. It generally represents the location where viticulture is terminated by the urban development of Buffalo and an unsuitable flat topography which results in poor drainage of air.

(2) A line 12 miles inland from the Lake running from Cazenovia Creek near Colden, New York to the 1,300-foot contour line near Dayton, New York marks the general limit of grape growing in Erie County, New York. Viticulture further inland is prohibited by the highlands of the "Boston Hills."

(3) From near Dayton, New York to Godard, Pennsylvania, the 1,300-foot contour line delimits commercial viticulture. This contour is the highest contiguous line that follows the crest of the escarpment of the Allegany Plateau in this section, and while very occasional Concord vineyards can be found above this elevation, they are almost never what could be described as commercial entities.

(4) From Godard, Pennsylvania, west to the intersection of Ohio Route 45 and Interstate 90, a line six miles inland from Lake Erie is proposed as the boundary. Areas further inland in this section are generally too high and too level to enjoy adequate air or water drainage for grape growing. Currently, there appears to be no commercial viticulture south of this line.

(5) The proposed boundary then proceeds south along Ohio Route 45 to a point about a mile north of Rock Creek, Ohio, 14 miles inland from the Lake, and then west along a line 14 miles inland from the Lake to the Ohio-Michigan border. In this area, viticulture extends further inland first, in northeastern Ohio through Cleveland, due to the broken topography which provides several adequate sites quite far inland. Then from Cleveland to the west, the climatic moderation of Lake Erie extends further inland across the flat lowlands of north central and northwestern Ohio. Viticulture within the proposed boundary in this section is often limited for economic reasons by the urban and suburban development of greater Cleveland and Toledo and by heavy textured clay soils and competition from other types of agriculture between the two cities. The petitioner feels, however, that a significant potential for commercial viticulture exists throughout much of this section and therefore the area in this section should not be more closely delimited.

(6) The proposed boundary of the viticultural area then follows the Ohio-Michigan border to the international boundary and thence along the United States-Canada border to a point at 82 degrees 30 minutes west longitude which it then follows to the shore. This encompasses the Lake Erie (or Bass) Islands, whose area is almost competely devoted to the grape, and upon which the climatic influence of Lake Erie is self-evident.

(7) The boundary of the Lake Erie viticultural area then follows the lakeshore back to the starting point.

Proposed Boundaries

The boundaries of the proposed Lake Erie viticultural area may be found on four U.S.G.S. maps. They are titled "Toledo," scale 1:250,000 (1956, revised 1978); "Cleveland," scale 1:250,000 (1956, revised 1972); "Erie," scale 1:250,000 (1959, revised 1972); and "Buffalo," scale 1:250,000 (1962). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations.

The proposed Lake Erie viticultural area completely encompasses the boundaries of the previously approved Isle St. George viticultural area located in Ohio and overlaps with the boundaries of the proposed Grand River Valley viticultural area which is also located in Ohio.

The Isle St. George (North Bass Island) viticultural area is surrounded by Lake Erie and is located in Ottawa County approximately 16 nautical miles north-northwest of Sandusky. For a description of the proposed Grand River Valley viticultural area, see today's **Federal Register**.

ATF has reservations about establishing viticultural areas which totally or partially overlap with other proposed or approved viticultural areas. ATF believes the significance of

viticultural areas as delimited grape-growing regions distinguishable by geographical features may be eroded by the indiscriminate establishment of overlapping viticultural areas. However, ATF recognizes that a rigid policy of disapproving a proposed viticultural area solely on the grounds that it overlaps with other proposed or approved viticultural areas would be inequitable since, in some cases, it may be justifiable. Therefore, ATF will judge each petition which proposes a viticultural area that overlaps with other proposed or approved viticultural areas on a case-by-case basis. ATF will be guided in this judgement by evidence presented in the petition and by comments received from the public during the comment period.

For this reason, each petition which proposes a viticultural area that overlaps with other proposed or approved viticultural areas must fulfill the requirements of regulations relating to the establishment of viticultural areas and contain evidence to substantiate that the area of overlap should be included in the proposed viticultural area.

Executive Order 12291

It has been determined that this proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have significant economic impact on a substantial number of small entities. Since the benefits to be derived from using any viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Lake Erie viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. ATF is particularly interested in receiving comments concerning the overlapping of this proposed area with the previously-approved Isle St. George viticultural area and the proposed Grand River Valley viticultural area. ATF also wants comments concerning the large size of the proposed Lake Erie area (approximately 4075 square miles) and whether the area can be reduced. Furthermore, while this document proposes possible boundaries for the Lake Erie viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his/her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, and Wine.

Authority

Accordingly, under the authority in 27 U.S.C. 205 (49 Stat. 981, as amended), the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of 9.83. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec

* * * * *

9.83 Lake Erie.

Paragraph 2. Subpart C is amended by adding § 9.83. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.83 Lake Erie.

(a) *Name.* The name of the viticultural area described in this section is "Lake Erie."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Lake Erie viticultural area are four U.S.G.S. maps. They are titled:

(1) "Toledo," scale 1:250,000 (1956, revised 1978);

(2) "Cleveland," scale 1:250,000 (1956, revised 1972);

(3) "Erie," scale 1:250,000 (1959, revised 1972); and

(4) "Buffalo," scale 1:250,000 (1962).

(c) *Boundaries.* The Lake Erie viticultural areas is located along the shore and on the islands of Lake Erie across the States of New York, Pennsylvania, and Ohio. The beginning point is where Buffalo Creek empties into Lake Erie at Buffalo Harbor.

(1) From the beginning point the boundary proceeds up Buffalo Creek to the confluence of Cazenovia Creek.

(2) The boundary proceeds up Cazenovia Creek and thence up the west branch of Cazenovia Creek to a point approximately one mile north of Colden, New York, exactly 12 statute miles inland from any point on the shore of Lake Erie.

(3) The boundary proceeds southwestward and along a line exactly 12 statute miles inland from any point on the shore of Lake Erie to a point approximately one mile north of Dayton, New York, where it intersects the 1300-foot contour line.

(4) The boundary proceeds generally southwestward along the 1300-foot

contour line to a point almost two miles north-northwest of Godard, Pennsylvania, exactly six statute miles inland from any point on the shore of Lake Erie.

(5) The boundary proceeds southwestward along a line exactly six statute miles inland from any point on the shore of Lake Erie to the point where it intersects Ohio Route 45 near the intersection with Interstate 90.

(6) The boundary proceeds southward along Ohio Route 45 to a point exactly 14 statute miles inland from any point on the shore of Lake Erie approximately one mile north of Rock Creek, Ohio.

(7) The boundary proceeds southwestward, then westward, then northwestward along a line 14 statute miles inland from any point on the shore of Lake Erie to the point where it intersects the Ohio-Michigan boundary just north of Centennial, Ohio.

(8) The boundary proceeds eastward, then northeastward along the Ohio-Michigan border to the United States-Canada boundary.

(9) The boundary proceeds southeastward along the United States-Canada boundary to a point at 82 degrees 30 minutes west longitude;

(10) The boundary proceeds southward along 82 degrees 30 minutes west longitude to the shore of Lake Erie.

(11) The boundary proceeds northeastward along the shore of Lake Erie to the beginning point at the mouth of Buffalo Creek.

Approved: March 18, 1983.

Stephen E. Higgins,

Acting Director

[FR Doc. 83-8635 Filed 4-1-83; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 461]

The Anderson Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms, (AFT) is considering the establishment of a viticultural area in Mendocino County, California, to be known as "Anderson Valley." This proposal is the result of a petition from the Anderson Valley Appellation Committee which is made up of various industry members in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify wines they purchase.

DATE: Written comments must be received by May 4, 1983.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385 (Attn: Notice No. 461)

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisments.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can by found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

AFT has received a petition from the Anderson Valley Appellation Committee proposing an area in Mendocino County, California, as a viticultural area to be know as "Anderson Valley." Anderson Valley is located in the western part of the county and lies generally along the watershed of the Navarro River, stretching from its headwaters in the coastal range and extending northwest toward, but not reaching, the Pacific Ocean. The proposed viticultural area includes approximately 57,600 acres within its boundaries.

Viticultural Area Name

The proposed viticultural area has been known as Anderson Valley since shortly after it was first settled in 1852 by Walter Anderson. The proposed area includes only the territory historically known as Anderson Valley and the surrounding slopes.

Geographical/Viticultural Features

The petitioner claims the proposed viticultural area is distinguished from surrounding areas by climatic variances and by the soil. The petitioner bases these claims on the following:

(a) The climate of the proposed Anderson Valley viticultural area has been described as "Coastal" by the Mendocino County Farm Advisor's Office, in their booklet, *The Climate of Mendocino County.* In comparison, the climate in much of the other areas of Mendocino County is classified as "Transitional" due to the fact that either the coastal or the interior climates can dominate the Mendocino County climate for either short or long periods of time.

(b) The climate of the proposed Anderson Valley viticultural area includes both Region I and Region II as classified by the University of California at Davis' system of heat summation by degree-days. A table of cumulative degree-days, published by the University of California Agricultural Extension Service Office in Lake, Mendocino, and Sonoma Counties, shows that the area around Philo is relatively cool and consequently is classified as Region I whereas the area around Boonville is warmer and consequently is classified as Region II. In comparison the Ukiah area, which lies approximately 15 miles to the

northeast of Anderson Valley, is warmer and consequently is classified as a Region II and Region III area depending on the particular location of the reporting station.

(c) In a publication entitled *Connoisseur's Guide to California Wine*, Alameda, California, 1978, Volume three, Issue six, page 109, the author states that "one of the most important of these (Mendocino County microclimates) will be Anderson Valley. This area is tucked into the mountains between Ukiah and the coast. The environment varies from a maritime climate, unsuitable for grape growing to a cool Region II climate on the University of California at Davis I–V heat accumulation scale. The portion of the valley shared by Edmeades and Husch, near Philo, is one of the coolest grape growing areas in California. The Boonville area, six miles up Anderson Valley, edges into Region II heat accumulation."

(d) The bottom land soils in Anderson Valley are all either derived from old valley filling material, or more recent alluvial deposits. Maps of the area show the same series soils throughout the valley, with the more recent soil types in the majority. Anderson Valley bottom land soils include at least 24 different types.

(e) The average rainfall of the proposed Anderson Valley viticultural area, as recorded by the Boonville Department of Highway Maintenance and published in The Climate of Mendocino County, a booklet compiled by the Mendocino Farm Advisor's Office, is 40.68 inches annually. Most of the rainfall comes in the period from November through March. In comparison, the average rainfall per year for the Ukiah area to the northeast and the Hopland (U.C.) area to the southeast is 35.95 inches and 37.00 inches respectively.

(f) According to Roberto A. de Grassi, Agricultural Commissioner for Mendocino County, Anderson Valley was surveyed and studied some years ago by grape-growing specialists from the University of California at Davis. These specialists found that Anderson Valley had an excellent environment and potential for growing premium quality varietal wine grapes by virtue of its coastal climatical condition in addition to the favorable grape soil types. Since this initial survey and finding, extensive vineyards have been, and are being, planted in this region. Mr. de Grassi further states that the budding local wineries in Anderson Valley are producing a distinctive characteristic wine typical of Region I and II, thereby substantiating the validity of the evaluation made by early researchers.

Historical Background

Anderson Valley lies generally along the watershed area of the Navarro River, in the western part of Mendocino County. Cultivation of the soil began with the first settlement in 1852. Grapes were planted in the area shortly afterward. Along Greenwood Ridge, numerous small vineyards dotted the area. One of these historic entities remains today, the DuPratt Vineyard.

There is documentation that some of the oldest, continuously producing vineyards date from 1922. Edmeades Winery, established in 1974, was the first winery to begin operations in Anderson Valley since the end of Prohibition. Wines from Anderson Valley are often favorably mentioned in many respected wine publications.

The four major varieties of grapes being grown in this area are Chardonnay (151 acres), Gewurztraminer (103 acres), Riesling (111 acres), and Pinot Noir (47 acres). This acreage information was obtained from the publication, 1981 Mendocino County Grape Acreage, published by the Mendocino County Farm Advisors Office.

Currently, there are approximately 600 acres of grapes located within the proposed viticultural area with major concentrations around the Bonville, Philo, and Navarro area. Although the number of acres of grapes under cultivation is small compared to the total size of the proposed area, the scattered location of the grapes makes it necessary to include the whole area. Also, according to Mr. Bruce E. Bearden, Farm Advisor for Mendocino County, the grape acreage within the proposed Anderson Valley viticultural area is expanding and will likely double within the next few years and the number of wineries will likely increase from six to eight or nine.

Proposed Boundaries

The boundaries of the proposed Anderson Valley viticultural area may be found on three U.S.G.S. 15 minute series, quadrangle maps ("Navarro Quadrangle, California—Mendocino Co.," "Boonville Quadrangle, California—Mendocino Co." and "Ornbaun Valley Quadrangle, California"). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations immediately following the preamble to this notice of proposed rulemaking.

The proposed Anderson Valley viticultural area is completely encompassed by the boundaries described in a petition for a viticultural area in Mendocino County with the proposed name of Mendocino.

ATF recognizes that in some cases it will be necessary to establish viticultural areas which totally or partially overlap with other proposed or approved viticultural areas. ATF, however, believes the significance of viticultural areas as delimited grape-growing regions distinguishable by geographical features may be eroded by the indiscriminate establishment of overlapping viticultural areas. Therefore, ATF will judge each petition which proposes a viticultural area that overlaps with other proposed or approved viticultural areas on a case-by-case basis. ATF will be guided in this judgment by evidence presented in the petition and by comments received from the public during the comment period.

For this reason, each petition which proposes a viticultural area that overlaps with other proposed or approved viticultural areas must fulfill the requirements of regulations relating to the establishment of viticultural areas and contain evidence to substantiate that the area of overlap should be included in the proposed viticultural area. In the case where one proposed area is totally encompassed by one or more larger proposed or approval viticultural areas, evidence must be submitted to show that the smaller viticultural area is viticulturally distinguishable from the surrounding areas.

Executive Order 12291

It has been determined that the proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (Febuary 17, 1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or ecport markets.

Regualtory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant

economic impact on a substantial number of small entities. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Anderson Valley viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Public Participation—Written Comments

The proposed Anderson Valley viticultural area is located totally within the proposed boundaries described in a petition for a viticultural area in Mendocino County to be called Mendocino. ATF is particularly interested in receiving comments from all interested persons regarding this overlap issue as well as any other pertinent comments concerning the proposed Anderson Valley viticultural area. Furthermore, while this document proposes possible boundaries for the Anderson Valley viticultural area, comments concerning other possible boundaries will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriated for disclosure to the public should not be included in the comments. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 30-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, and Wine.

Authority

Accordingly, under authority in 27 U.S.C. 205 (49 Stat. 981, as amended), the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of 9.86. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.86 Anderson Valley.

Par. 2. Subpart C is amended by adding § 9.86. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.86 Anderson Valley.

(a) *Name.* The name of the viticultural area described in this section is "Anderson Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Anderson Valley viticultural area are three U.S.G.S. maps. They are titled:

(1) "Navarro Quadrangle, California—Mendocino Co.," 15 minute series (1961);

(2) "Boonville Quadrangle, California—Mendocino Co.," 15 minute series (1959); and

(3) "Ornbaun Valley Quadrangle, California," 15 minute series (1960).

(c) *Boundaries.* The Anderson Valley viticultural area is located in the western part of Mendocino County, California. The beginning point is at the junction of Bailey Gulch and the South Branch North Fork Navarro River in Section 8, Township 15 North (T.15N.), Range 15 West (R.15W), located in the northeast protion of U.S.G.S. map "Navarro Quadrangle."

(1) From the beginning point, the boundary runs southeasterly in a straight line to an unnamed hilltop (elevation 2015 feet) in the northeast corner of Section 9, T.13W., R.13W., located in the southeast portion of U.S.G.S. map "Bonnville Quadrangle";

(2) Thence southwesterly in a straight line to Benchmark (BM) 680 in Section 30, T.13N., R.13W., located in the northeast portion of U.S.G.S. map "Ornbaun Valley Quadrange";

(3) Thence northwesterly in a straight line to the intersection of an unnamed creek and the south section line of Section 14, T.14N., R.15W., located in the southwest portion of U.S.G.S. map "Bonnville Quadrangle";

(4) Thence in a westerly direction along the south section lines of Sections 14, 15, and 16, T.14N., R.15W., to the intersection of the south section line of Section 16 with Greenwood Creek, approximately .2 miles west of Cold Springs Road which is located in the southeast portion of U.S.G.S. map "Navarro Quadrangle";

(5) Thence in a southwesterly and then a northwesterly direction along Greenwood Creek to a point in Section 33 directly south (approximately 1.4 miles) of Benchmark (BM) 1057 in Section 28, T.15N., R.16W.;

(6) Thence directly north in a straight line to Benchmark (BM) 1057 in Section 28, T.15N., R.16W.;

(7) Thence in a northeasterly direction in a straight line to the beginning point.

Approved: March 23, 1983.

Stephen E. Higgins,

Acting Director.

[FR Doc. 83-8634 Filed 4-1-83; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 462]

Grand River Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Ohio to be known as "Grand River Valley." This proposal is the result of a petition submitted by Mr. Anthony P. Debevc, President of Chalet Debonne Vineyards, Inc., a winery located in Madison Ohio. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

DATE: Written comments must be received by May 19, 1983.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco

and Firearms, P.O. Box 385, Washington, DC 20044-0383, (Attn: Notice No. 462).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:
John A. Linthicum, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7602).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on the United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area in notheastern Ohio as a viticultural area to be known as "Grand River Valley." The area has approximately 125,000 acres and consists of all of the land within 2 statute miles, in any direction, of the Grand River from its origin to the point at which it flows into Lake Erie.

The name "Grand River" was assigned by early explorers and settlers to the river called "Sheauga" or "Geauga" by the natives. This Indian word actually means "raccoon" but was so widely misinterpreted that the name "Grand River" has applied to the river since the early nineteenth century.

The petitioner claims that virtually all commercial vineyards in Geauga, Lake, and Ashtabula Counties are within 2 miles of the river, with the exception of some relatively small plantings in the immediate vicinity of the lake. According to a survey conducted in 1975 by Lawrence Anderson, U.S.D.A. Extension Agent for Ashtabula County, the grape plantings in the 4 counties in which Grand River is located are:

County	Acreage	Number of growers
Ashtabula	1,787	134
Lake	422	45
Geauga	85	4
Trumbull	(1)	(1)
	2,294	183

[1] None.

The petitioner claims that the proposed area produces approximately 70% of Ohio's annual crop. There are 4 wineries in the proposed area.

About one-third of the proposed Grand River Valley viticultural area is located inside the proposed Lake Erie viticultural area, proposed in a notice published in today's **Federal Register**. The area inside both proposed areas consists of approximately 46,000 acres and includes more than 99% of all grapevines growing within 2 miles of the river. The remaining two-thirds of the Grand River Valley, approximately 79,000 acres, contains only 2 acres (at West Farmington) known to be planted in grapes.

The petition states: "With Lake Erie helping to provide an overall longer growing season (circa 175 days) the Grand River Valley itself contributes in fulfilling the air drainage requirements for prime viticultural lands."

The petitioner also emphasizes that successful vineyards, over a period of several generations, attest to the unique viticultural features of the area. While ATF agrees that agricultural land use is a geographical feature, the regulation, 27 CFR 4.25a(e)(2)(iii), requires that the petition contain "evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;". ATF agrees that the moderating effect of Lake Erie distinguishes part of the proposed area from its surroundings. Further, the air and water drainage provided by the Grand River Valley distinguishes the proposed area from the proposed Lake Erie viticultural area. However, the natural boundary of the lake's effect on climate divides the Grand River Valley into a climate area which is strongly influenced by the lake and a climate area which is weakly influenced or not influenced by the lake.

Lake Erie's moderating influence on the climate makes grape growing possible within a short distance inland from the shore. The lake freezes in the winter and the late spring thaw prevents unseasonal warm spells in late winter and early spring. Otherwise, premature bud development during these unseasonal warm spells would leave the grapevines vulnerable to damage during a freeze in late spring. In autumn, the warm water of the lake delays the first freeze a month or longer in comparison to areas farther inland from the lake shore. The lake's protection against spring frost damage and the delay of the first autumn frost result in a growing season between 170 and 185 days, depending on the distance inland from the lake shore.

In Cultural Practices for Commercial Vineyards, Miscellaneous Bulletin 111, published by the New York State College of Agriculture and Life Sciences, in January 1980, the authors state: "Temperature is the first consideration in selecting the location of a vineyard. It involves length of growing season, as well as magnitude and frequency of winter minimums. Temperature requirements must be satisfied for a site to be considered." The authors also note that for commercial viticulture in this region, a growing season of 165 days is considered minimal and 180 plus days is preferable, and that the winter minimum temperature should infrequently fall below minus 10 degrees Fahrenehit and almost never below minus 15 degrees Fahrenheit.

In The occurrence of Freezing Temperatures in late spring and early fall, Special Circular 94, published by the Ohio Agricultural Experimental Station (now the Ohio Agricultural Research and Development Center, or O.A.R.D.C.), in October 1959, the isobar

for the 180 day growing season passes lengthwise through the middle of Lake County. The isobar for the 170 day growing season passes through the intersection of the 3 county lines of Ashtabula, Lake and Geauga Counties (as a distance about 9 miles inland from the lake shore) and the intersection of the 3 county lines of Cuyahoga, Lake and Geauga Counties (at a distance about 7 miles inland from the lake shore). The isobar for the 160 day growing season is no closer than 20 miles from the lake shore anywhere in Geauga County, and much farther from the lake shore throughout Ashtabula County.

In Extreme Monthly and Annual Temperatures in Ohio, Research Bulletin 1041, published by O.A.R.D.C., in November 1970, the isobar for the annual low temperature of −5 to −10 degrees Fahrenheit corresponds closely with the isobar for the 170 day growing season previously discussed; the isobar for annual low temperature of −10 to −15 degrees Fahrenheit corresponds approximately with the isobar for the 160 day growing season previously discussed. The isobar for average annual lowest temperature of 0 to −5 degrees Fahrenheit is between 10 and 15 miles from the lake shore; the average annual lowest temperature of −5 to −10 degrees Fahrenheit covers most of the State of Ohio.

These data help identify the natural inland boundary of the lake's moderating effect on the climate. Based on these and other data, the Lake Erie viticultural area has been proposed with a boundary in northeastern Ohio which is 6 miles inland from the shore east of Ohio Route 45, and 14 miles inland from the shore west of Ohio Route 45. ATF believes that the lake's effect on climate is the overriding geographical feature affecting viticulture. Without it, grape growing would not be possible on a commercial scale in northeastern Ohio. Based on this data, and based on the current locations of commercial vineyards in northeastern Ohio, ATF is proposing, as an alternative, to confine the Grand River Valley viticultural area to the portion of the valley within the proposed Lake Erie viticultural area.

The boundary proposed by the petitioner is set out as the proposed § 9.87a; the boundary proposed as an alternative by ATF is set out as the proposed § 9.87b.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities.

ATF is not able to assign a realistic economic value to using "Grand River Valley" as an appellation of origin. An appellation of origin is primarily an advertising intangible. Moreover, changes in the values of grapes or wines may be caused by a myriad of factors unrelated to this proposal.

Any value derived from using the "Grand River Valley" appellation of origin would apply equally to all grape growers in the proposed area.

Therefore, ATF believes that this notice of proposed reulmaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291 the Bureau has determined that this proposal is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Public Participation—Written comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Grand river Valley viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

ATF is especially interested in comments which discuss the following questions:

Should the Grand River Valley viticultural area be confined within the proposed Lake Erie viticultural area?

Are there any significant geographical features affecting viticulture which can support extending the proposed area farther inland than the natural boundary of the lake's moderating effect on the climate?

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

List of Subjects in 27 CFR Part 9

Administrative practice and Procedure, Consumer protection, Viticultural areas, Wine.

Drafting Information

The principal author of this document is John A. Linthicum, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

Part 9—American Viticultural Areas

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the heading of § 9.87. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.87 Grand River Valley.

Par. 2. Subpart C is amended by adding § 9.87. The petitioner's boundary is set out as § 9.87a; the alternative proposed by ATF is set out as § 9.87b. As added, § 9.87 reads as follows:

§ 9.87a Grand River Valley (petitioner's boundary).

(a) *Name.* The name of the viticultural area described in this section is "Grand River Valley."

(b) *Approved map.* The approved map for determining the boundary of the Grand River Valley viticultural area is the U.S.G.S. topographic map in the scale of 1:250,000, entitled Cleveland, number NK 17–8, dated 1956, revised 1972.

(c) *Boundary.* The Grand River Valley viticultural area is located in the following Ohio counties: Lake, Geauga, Ashtabula, and Trumbull. The viticultural area consists of all of the land within 2 statute miles, in any direction, of the Grand River from its origin near West Farmington to the point at which it flows into Lake Erie.

§ 9.87b Grand River Valley (alternative boundary proposed by ATF).

(a) *Name.* The name of the viticultural area described in this section is "Grand River Valley."

(b) *Approved map.* The approved map for determining the boundary of the Grand River Valley viticultural area is the U.S.G.S. topographic map in the scale of 1:250,000, entitled Cleveland, number NK 17–8, dated 1956, revised 1972.

(c) *Boundary.* The Grand River Valley viticultural area is located in the following Ohio counties: Lake, Geauga, and Ashtabula. The viticultural area consists of all of the land within the Lake Erie viticultural area (§ 9.83) which is also within 2 statute miles, in any direction, of the Grand River. Specifically, the Grand River Valley viticultural area consists of all of the land west of Ohio Route 45 which is within 2 statute miles, in any direction, of the Grand River, and which is also within 14 statute miles inland from any point on the shore of Lake Erie.

Signed: March 1, 1983.

Stephen E. Higgins,

Acting Director.

Approved: March 23, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations)

[FR Doc. 83–8632 Filed 4–1–83; 8:45 am]

BILLING CODE 4810–31–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 421 and 465

[WH–FRL 2338–2]

Nonferrous Metals Manufacturing Point Source Category and Coil Coating Point Source Category (Can Making Subcategory); Hearing

AGENCY: Environmental Protection Agency.

ACTION: Public hearing.

SUMMARY: Notice is hereby given of a hearing open to the public to discuss and receive comments on two pretreatment regulations proposed in the Federal Register relating to coil coating (can making) (February 10, 1983; 40 FR 6268) and to nonferrous metals manufacturing point source category (February 17, 1983; 40 FR 7032).

DATES: A public hearing has been scheduled for the following date and place: April 27, 1983—Washington, D.C.

ADDRESS: The public hearing will be held at the following address: Skyline Inn, South Capitol and I Street SW.

FOR FURTHER INFORMATION CONTACT: Harold B. Coughlin, Project Officer for Public Participation, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202) 382–7115.

Anyone wishing to make an oral statement and submit written testimony at the hearing should indicate so at the time of registration.

SUPPLEMENTARY INFORMATION: Registration for the hearing will be held from 8:30 to 9:00 AM. Oral testimony will be presented as follows: 9:30 to 11:30 AM Nonferrous Metals, 1:00 PM to 3:00 PM—Coil Coating (Can Making). Following the registration period there will be a brief presentation by an EPA official covering the development of effluent limitations and standards under the Clean Water Act of 1977. Also, opportunity will be given throughout the day for audience participants to submit written questions to the Presiding Officer. These questions will be addressed during the question and answer session which will conclude the presentations of oral testimony for each category.

A court recorder will be present at the public hearing. Official transcripts will be available at no cost. To assist the court recorder persons giving statements are requested to provide copies of their testimony.

Dated: March 24, 1983.

Frederick A. Eidsness, Jr.,

Assistant Administrator for Water.

[FR Doc. 83–8473 Filed 4–1–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15, 73, and 76

[Docket No. 83–114; FCC 83–67]

Re-Examination of Technical Regulations

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry and proposed rulemaking.

SUMMARY: The Commission is initiating an examination of all of its technical rules and regulations. Some of them are obsolete and may be removed. Others may need revising or updating. The agency's staff initiated this proceeding, but is now seeking public participation through written comment. In this document, the FCC is proposing to delete several regulations which it no longer believes are necessary. However, the main part of this item is a Notice of Inquiry which asks specific questions about technical regulations. It is hoped that the public's response to these questions will lead to additional changes in the FCC's Rules and Regulations.

DATES: Comments must be submitted on or before May 2, 1983.

Replies may be submitted on or before June 1, 1983.

ADDRESS: Federal Communications Commission, Office of Science & Technology, Technical Analysis Division, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michel J. Marcus (202) 632–7040.

SUPPLEMENTARY INFORMATION: .

List of Subjects

47 CFR Part 15

Communication equipment, Radio.

47 CFR Part 73

Radio broadcast, Television.

47 CFR Part 76

Cable television.

Notice of Inquiry and Proposed Rule Making

In the matter of a re-examination of technical regulations; Gen Doc. 83–114.

Adopted: February 17, 1983.

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Released: March 18, 1983.

By the Commission.

Introduction

1. The purpose of this proceeding is to examine certain of the Commission's technical regulations with the ultimate intent of eliminating those that no longer serve useful purposes, replacing those that are overly burdensome with less constraining regulations or retaining those which are found to be acceptable in their present form, without undermining the Commission's responsibilities under the Communications Act of 1934, as amended. While this Notice of Inquiry (NOI) is a broad discussion of the rationale for reducing the Commission's technical regulations and adopting alternative approaches, the Notice of Proposed Rule Making (NPRM) proposes to eliminate some specific technical regulations which we feel are no longer needed. By technical regulations we are referring to rules of an engineering/technical nature which limit or otherwise govern the public's use of the frequency spectrum, and the electrical characteristics of radio and other electronic equipment and systems under the Commission's jurisdiction. Such regulations are contained in Parts 2, 5, 15, 18, 21, 22, 23, 25, 68, 73, 74, 76, 78, 81, 83, 87, 90, 94, 95, 97, and 99 of our Rules and Regulations. We hope that by modifying burdensome rules we may be able to stimulate technological innovation in communications technology and further our statutory charter.

2. Electronic equipment subject to Commission technical regulation can be grouped generally into the following three broad categories: (1) Licensed radio transmitting equipment, authorized under the various radio service rules; (2) nonlicensed radio frequency devices, authorized under Parts 15 and 18, which are capable of radiating electromagnetic energy but do not require an individual license to operate; and (3) cable television (CATV) and telephone terminal equipment (Parts 76 and 68, respectively) which is regulated by the Commission for other reasons, such as minimizing radiation from CATV systems and decreasing the possibility of harm to the telephone network. All of our existing technical regulations pertaining to these three categories of equipment will be examined in this proceeding, with the exception of out-of-band emission limitations. We are not examining in this proceeding rules which, although of a somewhat technical nature, pertain mostly to license assignment policy.[1]

3. With specific regard to licensed radio services, we are examining all technical regulations which specify or limit the magnitude or distribution of power within the authorized frequency band of a transmitting system. Included are rules relating to the following: emission wave form (e.g., NTSC standards); type of modulation and characteristics of the modulating signal; frequency tolerance; transmitted power within the authorized channel, however specified (e.g., ERP, output power, DC power to final amplifier, etc.); power roll-off as a function of frequency and antenna system design parameters (e.g., polarization and directivity); and field strength and field contours.

4. There are several reasons why we are undertaking this examination. First, it is possible that some of our current technical regulations, particularly those which serve a standardizing function, may have outlived their usefulness. That is, while they may have been useful or even necessary to help introduce a new service or system, there may be less reason for maintaining them now if that service or system has matured. Second, the pace of technological evolution in the telecommunications field may have reached a level where rigid regulatory constraints could preclude other, more desirable services to a greater degree now than they did in the past. Special rules may be required, however, to facilitate the introduction of new technologies, and to minimize the possibility of their mutual interference. Third, the telecommunication industry is generally more competitive now than in the past, which lessens some of the market-structure concerns which have led to government involvement in the standards setting process. Finally, there may be alternative regulatory approaches which are capable of providing essential control with fewer constraints on technological innovation. All of these factors suggest that the time is right for a comprehensive look at our technical regulations and underlying regulatory policies. This Notice of Inquiry and Proposed Rule Making is the first step in that reexamination process.

5. In the discussion that follows we address the basic regulatory purposes and functions that our technical regulations are intended to serve and whether these purposes and functions appear to be valid regulatory concerns today. Specific alternative methods of regulation which may be capable of providing essential controls with fewer constraints on the marketplace are considered. Some of the potential advantages and disadvantages of these alternative techniques are also discussed.

6. To aid in this examination, we have attached to this Notice a table (Appendix A) listing all of the Commission's technical regulations which we believe fall within the scope of this proceeding. These regulations are grouped according to the rule part in which they are found and further classified according to the regulatory purposes to which they appear to be related. This arrangement will help associate the discussion in the body of the Notice with particular rules and radio services. We would point out that the classifications in the Table cannot be taken as absolute. Indeed, there doubtless are several different ways to classify our standards (see paragraph 7 below). Furthermore, the "X" marks in the table cannot show the relative importance of the various reasons why a given standard exists. Finally, we should recognize that while we may consider "quality" standards generally less vital than "safety" standards, or "design" standards generally more restrictive than "performance" standards, these judgments may not hold true in particular cases. We invite comment on any of the rules in the Table, whether mentioned explicitly in the text of this Notice or not. We particularly invite discussion of changes which may have taken place since adoption of a given rule, e.g., changes in technology, and how those changes affect the necessity for continuance, modification, or elimination of the rule under discussion.

Existing Technical Regulations and Potential Deregulatory Alternatives

7. We are empowered under the Communications Act to control the technical aspects of electronic equipment: both emitters and receptors. We have sought to meet certain technical goals through a combination of three types of regulations:

(a) Performance requirements,

(b) design requirements, and

(c) conduct requirements.

[1] Examples of these are rules specifying the width of assignable channels and their specific locations in the spectrum; band or channel allocation rules which specify permissible type of service (e.g., land mobile), class of user (e.g., business), or type of system (e.g., trunked); rules allotting individual channels to specific geographical areas; rules specifying minimum frequency separation between adjacent channel assignments or distance separation between assignments; channel loading co-channel and accessing rules pertaining to time sharing of channels within a given area; and rules governing the coordination and selection of channels to be assigned to individual licensees.

Performance requirements form the basis of virtually all our technical regulations. They specify the limits of a licensees' technical liability. Design requirements are more detailed specifications which have sometimes been judged necessary to remove ambiguity which might remain if only a performance specification were adopted. The primary disadvantage of a design standard is the risk of over specification, which might unnecessarily restrict implementation of technologies or services not envisioned at the time of adoption of the design standard. For that reason the Commission has been very reluctant to adopt design standards for some years, and the elimination or modification of such standards is one of the aims of this present proceeding.[2] Conduct regulations, on the other hand, act to check performance by ensuring that licensees confirm that they actually meet our requirements.[3] As a matter of general policy, the only area with which we should have a presumptive concern is the performance of electronic equipment. To the extent performance regulations truly define technical requirements, we question the need for additional design and conduct regulations. Moreover, even in governing performance, we find it in the public interest to give users as much technical flexibility as possible consistent with the rights of others to utilize the spectrum. Hence, all three levels of technical regulation will come under close scrutiny in this Docket.

8. The Commission's technical regulations can be generally grouped into four categories, according to regulatory purpose of function as differentiated from the "type" of regulation as discussed above in paragraph 7:

(a) Quality standards on telecommunications services and equipment,

(b) standards to ensure interoperability among various pieces of equipment,

(c) standards for interference control, and

(d) standards for spectrum efficiency.

9. Although the Congress has given us limited powers to control the performance of electronic equipment, it has deferred to us (except in the marine service) the establishment of specific goals and given us wide latitude to determine our role in this areas.[4] For example, Section 302 authorizes the Commission to control interference both by regulating emitters "capable of emitting radio frequency energy * * * in sufficient degree to cause harmful interference * * *." and by regulating receptors through the establishment of "minimum performance standards for home electronic equipment systems to reduce their susceptibility to interference * * *." (47 U.S.C. 302). Section 303 allows regulation of radio stations "with respect to * * * external effects and the purity and sharpness of emissions * * *." and "to prevent interference between stations * * *." (47 U.S.C. 303). A general concern about performance is reflected in the language of Section 1, which speaks of regulations "to make available so far as possible to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communications service * * *." (47 U.S.C. 1).

10. In this NOI we suggest a two step approach for assessing the ability of existing technical regulations to achieve the four goals mentioned above. We consider first the conditions under which technical regulations may be needed in achieving each goal. Second, where there is an apparent need for regulation, we consider regulatory alternatives which may be less constraining than existing technical rules. However, where there is no apparent need for regulation, we will propose deleting the existing rules.

Control of Technical Quality

11. As the table in the Appendix indicates, many of our technical regulations are based on a concern about the technical quality of radio services and systems. We have divided quality-based technical regulations into two groups: system compatibility standards and minimum performance standards. System compatibility standards are those regulations which require the use of specific transmission formats so that receivers, which in cases of interest will be under separate control from the transmitter, can adequately receive and demodulate the transmitted signal. A good example of this type of technical regulation is § 73.682, transmission standards, which requires television broadcast licensees to use the NTSC waveform format. The second group of quality-based regulations, minimum performance standards, guarantees the provision of a minimum level of service and may be related to effective use of spectrum. These regulations establish technical thresholds such as minimum modulation, minimum field strength and maximum distortion for transmission systems. Minimum field strength standards also help to guarantee some level of efficiency. Most quality related technical regulations are found in the broadcast services' (Part 73) rules. For example, we have rules which specify the minimum field strength requirements for television transmitters and the maximum distortion, hum, and noise in AM broadcast transmitters. Much of the rationale behind these regulations is no doubt seated in the traditional regulatory concepts applied to the broadcast services and the high degree of standardization and uniformity of technical quality which is a part of that traditional view of the service. The broadcast service of today, however, is quite different from that of many years ago. There appear to be stronger market incentives today to control performance and thus reduce the need for detailed regulations.

12. Although less comprehensively than in broadcasting, some of our common carrier regulations also seek to guarantee quality. Here, too, we see trends toward greater competition and diversity of service which may reduce regulatory concern over quality. The traditional view of the telephone network has been that of a single, highly integrated, monopoly-owned system subject to strong public control. However, changes in public policy and advances in technology are bringing forth diversity and expansion of competitive enterprise in this area also. Terrestrial microwave and satellite systems, for example, owned by independent companies are competing with the Bell System for long distance services. Cable systems originally installed for television distribution are beginning to evolve into wideband general-purpose telecommunications systems, capable of carrying a variety of data, voice and video services. Innovative radio-based systems (e.g.,

[2] One example of a design standard is contained in § 90.211(d)(1) of the Rules. That rule requires certain transmitters to be equipped with a low-pass audio filter having specified characteristics, even though absolute emission limits are imposed elsewhere in the Rules (§ 90.209). In 1980 the Commission recognized that the audio filter requirement precluded the possibility of transmitting certain digital signals. The Commission therefore removed the audio filter design requirement for digital transmissions, while providing certain procedures in the type acceptance process that ensure the emission limits of § 90.209 will be met.

[3] An example of a conduct regulation is the requirement on FM broadcast licensees to annually measure equipment performance with no more than fourteen months elasping between measurement periods. See 47 CFR § 73.254

[4] We recognize, however that in addition to domestic statutes there are a number of treaties and international agreements to which the United States is a party, which contain technical standards or limitations applicable to facilities operated by Commission licensees. Such treaties and agreements will, of course, be taken into account in developing specific proposals to amend our domestic technical regulations.

cellular and digital termination systems) are, or soon will be, competing for local two-way voice and data services. Future possibilities also include direct communications links from satellites to the home (or to the office or car) and wide-band fiber optic systems connected directly to the home or office. In these circumstances, while we retain our interest in quality and efficiency in common carrier services, we think it fair to ask whether these goals would be achieved through competitive incentives, and with less direct regulatory intervention.

13. In the common carrier services we have already tailored the degree of regulatory involvement to the particular service addressed. With the acceleration of structural change in telecommunications which is now occurring, this process should continue. But we also recognize that the increased competition and diversity which new technologies promise have not yet been fully realized. The current market situation might best be described as being in a period of transition. Whether the present level of competition and diversity is sufficient to warrant the elimination or revision of technical quality regulations is a question we now face and will continue to face. The answer to this question will depend on conditions in particular markets as well as types of service.

14. With particular regard to radio broadcast services, we have previously determined that current market forces can be effectively substituted for regulation in accomplishing certain goals. In the Radio Deregulation proceeding, for example, we found that because of the high degree of ". . . competition and number of stations in the broadcasting field, there is even less of a need now than there was twenty years ago for us to articulate any 'rigid' mold or fixed formula for station operation."[5] Based on our findings in that proceeding, we have relaxed Commission rules and policies in the areas of commercial time limits, non-entertainment programming, ascertainment of community needs, and program logkeeping requirements. We similarly believe that the current level of competition in the broadcast services may be sufficient to maintain technical quality with fewer government regulations.

15. Section 76.605 of the Commission's Rules and Regulations details the technical standards that must be met by cable television systems. This section includes both quality-based regulations, for example, minimum signal to noise ratio, and interference-based regulations, for example, maximum radiation limits. The quality-based standards were promulgated to ensure that subscribers received an acceptable television picture and to encourage national standards in an infant industry. Today, it appears that most cable television equipment exceeds our minimum quality standards.

16. The requirements of § 76.605 apply only to Class I cable television channels. These channels are used to relay broadcast television signals to cable subscribers. There are no quality-based technical regulations applicable to cable television channels used for non-broadcast programming, including both pay and non-pay services such as all-movie channels, all-sports channels, or channels devoted solely to children's programming. Apparently the rule was structured this way because the cable service was originally viewed as one ancillary to the broadcasting service and, therefore, a broadcast licensee had a right to expect that his signal would be relayed to the cable subscriber with minimum degradation. Additionally, the Commission wished not to frustrate the use of some cable channels for innovative programming which might not meet standard broadcast specifications. While we do not dispute these concerns today, we do question the need for the Commission to continue to mandate the quality of Class I cable channels. Insofar as commercial programming is concerned, we are not aware of any significant difference in the quality of Class I channels and the quality of Class II and III cable channels, which are not regulated by the Commission.

17. We recognize a difference between the Cable Television Service and the Television Broadcast Service—competition. In most markets, competition between television broadcast stations should ensure an acceptable level of signal quality even absent government regulation. Competition exists in the Cable Television Service, but to a lesser degree. Cable operators must vie with each other to receive a franchise to provide service within a given area. Moreover, cable systems compete with broadcast stations after they have been franchised, although in some smaller markets there may be no real alternative to the cable system. It appears to us, however, that the technical quality of cable systems is influenced less by competition and more by the state of technology, which has in general surpassed the Commission's ten year old regulations. Accordingly, we request comment on whether it is necessary for the Commission to continue its regulation of cable television technical quality.

Interoperability

18. While we have suggested a reduced regulatory involvement in controlling the technical quality of services, our proper role in ensuring interoperability is more difficult to define. By "interoperability" we are referring generally to the capability of radio or other electronic equipment (either transmitters or receivers) under the control of one entity to interconnect (send and/or receive communications) with equipment controlled by others. Thus, we define interoperability to be a dynamic form of compatibility.

19. Interoperability is obviously more important for some types of services and/or equipment than others. It is essential, for example, in traditional broadcast services in which a transmitter under the control of a licensee must be able to communicate with receivers owned by members of the public. It is also important for a given broadcast receiver to be capable of receiving signals from several transmitters. Interoperability is less important in private communications systems in which all of the interconnected transmitters and receivers are normally controlled by a single entity (e.g. a typical business land mobile radio system). In the CB Service, interoperability, while not essential, contributes to the appeal and usefulness of the service for many users. In maritime and aeronautical services, equipment interoperability is an essential functional as well as safety factor.[6] Thus, there is no question that interoperability is beneficial or even essential in many uses of electronic equipment. The issue before us is whether or in what cases interoperability is of sufficient public importance to warrant retention of existing interoperability regulations, or whether marketplace forces will achieve interoperability in the absence of direct regulatory constraint.

20. Before addressing that issue, however, it may be instructive to examine the alternative mechanisms which can be used to bring about interoperability. Basically, interoperability can be achieved either through common signal characteristics

[5] *Report and Order* in BC Docket No. 79-219. 46 FR 13883 (1981).

[6] Because of the international character of maritime and aeronautical services, technical standards for interoperability appear in numerous treaties and international agreements as well as FCC rules.

or through the use of converters. If standards are to be used they can be set either by regulation or allowed to evolve in the marketplace. Where interoperability is desired between different modes of operation, conversion devices can be used. For example, a television receiver designed to decode the West German TV signal, PAL, may have a converter or include a capability that allows it to decode the French TV signal, SECAM, also. If such translation devices are low in cost and are, in fact, made available, they provide a potentially viable alternative to technical standards as a means of achieving interoperability. In the extreme case, the equipment may be so inexpensive that users may find it optimal to keep or purchase more than one system, or multiple-mode translation devices.

21. The Commission has historically played a major role in standards-setting for interoperability purposes. The greatest regulatory involvement has been in the broadcasting, maritime, and aviation services for which we have adopted detailed technical regulations with the clear purpose of ensuring a high degree of interoperability (and effective spectrum use). The NTSC [7] color television transmission standard is a specific example. In fact, it seems that, with few exceptions, whenever it has appeared that there are clear benefits to be obtained from interoperability, we have incorporated standards in our regulations.

22. In recent years the Commission has set technical interoperability standards for the cellular radio service, tentatively declined to do so for teletext, and declined to do so for AM stereo. Nonetheless, for AM stereo, quality standards (as opposed to interoperability standards) were adopted and compatibility with existing monophonic receivers was required. These recent actions indicate that the Commission does find reason to reach different conclusions in different cases, when considering whether to adopt technical regulations or to rely on the marketplace for purposes of assuring interoperability. Increasingly, however, we have recognized both the potential frustration of innovation and the cost, both direct and indirect, of employing our regulatory process to set such standards and have generally forborne from adopting detailed technical regulation except in cases in which the uncertainties of reliance on the marketplace clearly could not be tolerated.

23. This Notice, however, is concerned with the question of what to do, if anything, about *existing* interoperability regulations. Regardless of the purpose for an interoperability standard when it is adopted, that rule may no longer be needed after a period of time. After a standard has been in effect for a number of years and all users are meeting it with relative ease, maintaining that standard as a regulation may no longer be necessary to ensure continued interoperability.

24. What would happen, for example, if we deleted the NTSC television transmission standards from our rules? Would large numbers of television stations suddenly switch to inferior quality signals or to non-compatible transmission modes? That likelihood seems remote since reception might be degraded or impossible using available receivers. Wouldn't the high cost of receiving a non-standard signal tend to discourage stations from switching to other formats except where a licensee sought to provide a new kind or quality of service? Would deletion of the standard from our rules benefit the public overall by removing regulatory obstacles to innovative alternatives to standard services of marginal value? Indeed, new services such as teletext, and closed captioning required positive Commission action before they could be used because their transmission would have violated our NTSC standard requirements. [8] If the Commission deleted the NTSC standards from the rules, we would not only remove regulatory obstacles to changes in transmission standards, but also would ease the way for the further evolution of the NTSC format itself. While deletion for the NTSC standard in practical terms would likely not affect the traditional TV services or equipment it could remove impediments to the introduction of new services or to technical innovation.

25. On the other hand in some services interoperability is a required safety factor, often mandated by treaty, and this must be considered along with other factors when changing technical standards. For example, in the marine VHF service (§ 83.851 *et seq.*) there are specific technical standards on emissions in accordance with both our rules and international agreements. There is an assumption that instant interoperability between diverse stations is essential to safety of life and property. Any technical flexibility that would impede such instant interoperability is unacceptable. Regulation of these services is in large measure an outgrowth of international agreements. If these regulations are to be reconsidered, the appropriate forum would be the international arena.

26. Many of our services in which interoperability regulations exist are not primarily concerned with safety, however. If we were to remove such regulations in cases in which the service involved is mature, the present standard would be expected to be utilized in practice for a considerable period of time. If and when innovations do occur, they are likely to be gradual and, as we have said, initially replace those signals of lowest value to the public. Thus, we are inquiring whether some of our existing interoperability standards may have outlived their usefulness and whether their deletion from our regulations would have principally beneficial effects. Comments on which particular interoperability standards may fit this category are requested.

Interference Control

27. Of the three basic types of technical regulations, control of interference is easiest to justify under our statutory mandate. If there were no potential for interference, there would probably be no radio licensing, as it was the chaotic interference between AM broadcasting stations in the early 1920's which eventually led to the creation of the Federal Radio Commission in 1927, which became the FCC in 1934.

28. Interference is a negative effect of radio use caused by one radio system user to another. Interference caused by one radio user can increase costs to others, or to society in general. Absent some form of government intervention by regulation or law, severe conflicts between users of the spectrum would be inevitable. Thus, we accept the premise that interference control is a valid, even essential, government function. However, we do not necessarily accept that our existing technical regulations are the most efficient or least constraining means of achieving interference control.

29. Our existing technical regulations exercise interference control by limiting the interference potential of transmitting systems and other radio frequency devices, including receivers, low power

[7] The National Television Systems Committee (NTSC) of the Electronics Industries Association (EIA) prepared the standard specifications approved by the FCC, December, 1953, for commercial color television broadcasting.

[8] In the case of closed captioning, the Commission was petitioned in November, 1975, and a Report and Order implementing the Commission's decision was released in December, 1976 (Docket 20693). In the case of teletext, the Commission was first petitioned in July, 1980, and a Notice of Proposed Rule Making was released in November, 1981 (BC Docket 81-741). A final decision in the matter of teletext has not yet been reached by the Commission.

communications devices, and ISM equipment. Typically, they do this by limiting the power, bandwidth and other technical parameters of emissions at the output of the transmitters and by limiting radio frequency energy radiated by receivers and other non-licensed radio frequency devices, as well as radio frequency voltage conducted on to public utility power lines by the devices. In many cases they also limit effective radiated power of transmitting stations, which is affected not only by transmitter output power but also by the characteristics of the transmitting antenna system. In most instances, our rules also limit antenna height [9] and, in some cases, antenna polarization and directivity.

30. The rules on transmitter output power usually contain both a maximum, which is normally specified at the output terminals of the transmitter and a roll-off function which defines how the power in the emission must decrease at frequencies closer to the edges of the channel and in adjacent and other channels. This roll-off specification varies depending upon the intended service and the type of modulation to be used.

31. The other emission regulations typically used are specifications on frequency tolerance and modulation type. Frequency tolerance rules generally specify the maximum permissible frequency departure from the assigned frequency. This departure usually results from instability of the frequency control system of the transmitter due to transmitter aging and environmental factors such as vibration and temperature extremes. Modulation rules specify the method (and sometimes the extent) by which transmitter output power and ffequency may be varied as a function of time to convey informaton or produce other desired communications effects. Normally, the rules specify, and therefore limit, the methods of modulation which may be employed on particular channels.

32. As indicated, the purpose of these technical regulations, from the standpoint of interference control, [10] is to limit the interference potential of transmitting systems. While all of these regulations may have some impact on interference, some would appear to have a heavier impact than others. The most important rules, it would appear, are those which limit transmitter or system output power and power roll-off as a function of frequency. In fact, these overall bandwidth/power-related rules may be so all-encompassing from an interference control standpoint that separate input type rules on modulation and frequency tolerance may not always be necessary. Eliminating such additional restrictions would increase system design flexibility, but could complicate frequency assignment and frequency coordination problems, which bear upon spectrum efficiency. Additionally, specific frequency tolerances are required by international agreements in some services.

33. If, for example, we were to eliminate input restrictions on modulation type (while retaining existing power limits and roll-off specifications) licensees on these channels would be free, from a regulatory standpoint, to use innovative modulation methods, perhaps even multiple emissions, within a single channel. Our ultimate regulatory goals of controlling interference on the assigned channel and other spectrum would be maintained, but with less regulatory constraint on the use of the assigned channel. Assuming that existing maximum power limits and roll-off rules are retained, we request comment as to whether the use of new modulation types will cause any significant increase in interference to either co-channel or adjacent channel receivers of present design. If the channels involved are not assigned on an exclusive basis, a change in modulation type by one or more users could disrupt the established channel sharing order. But there are many bands and services in which channels are assigned exclusively where the deletion of modulation rules may have little or no effect on interference, while increasing design flexibility. Moreover, on shared channels, innovative modulation techniques might be allowed if all users voluntarily agree. Comments should also focus on the tradeoff between achieving flexibility and achieving nationwide interoperability for services such as common carrier land mobile, where nationwide compatibility of equipment for use with facilities of diverse service providers has been determined to be desirable.

34. Similar reasoning can be applied to frequency tolerance rules. As long as transmitters are required to operate within the power and frequency roll-off envelope specified for authorized channels, does it matter (from an interference standpoint) how much of a channel is occupied by the emission and how much is allotted to account for frequency tolerance? Since existing roll-off rules do not take frequency tolerance into account, they would have to be broadened slightly if the tolerance rules were to be eliminated. This change is a relatively simple modificaiton. Deleting the tolerance rules would therefore appear to be a low-cost way to increase licensee flexibility without increasing interference. However, where channels are not assigned on an exclusive basis, there may be cases where frequency tolerance limits should be kept to maintain interoperability. Furthermore, frequency tolerance may be required in bands where separation distances between co-channel stations are based on carefully controlled carrier frequency relationships, e.g. television station offset frequency assignments. Here too, comments should focus on the tradeoff between potential flexibility and nationwide service compatibility in common carrier land mobile services.

35. If, as suggested in the preceding discussion, input rules on modulation and frequency tolerance were relaxed or deleted in certain bands, the principal remaining emission limits in those bands would be the rules on maximum power and roll-off. While we see no way to eliminate such power related limits, it may be possible to simplify them somewhat. Our rules now typically limit both the output power of transmitters and their effective radiated power (ERP). It is ERP which determines the interference potential of a radio frequency emission source; input power is merely a factor affecting ERP. Since ERP limits provide a more direct means of controlling the interference output potential of transmitting systems, where such limits exist it may not be necessary to specify a limit on transmitter power as well. Dropping the transmitter power limit may be feasible in some services and, where done, would permit greater flexibility in system design than now exists and, as long as the effective radiated power limits are maintained, should have no effect on interference. However, in services such as the Citizen Band Radio Service, where the licensee's technical sophistication is usually rather limited, requirements on transmitter output power which is more easily measured than ERP, may be maintained.

36. An even less constraining method of controlling co-channel interference might be direct regulation of permissible coverage area and field strength. Under this Approach a channel assignee (licensee) would be permitted to use any combination of radiated power, antenna directivity and location within the specified coverage area, as long as the expected field strength (defined

[9] Our rules also limit antenna height for aeronautical safety reasons, consistent with FAA requirements.

[10] Some of these rules (e.g., modulation type) may also ensure interoperability.

statistically) at the area boundaries did not exceed the specified limit. Compliance with the boundaries did not exceed the specified limit. Compliance with the boundary field strength limit could be determined through standard calculation methods, also specified in the rules. the same calculation methods could also be used to convert the present power and antenna height limits into equivalent coverage area and boundary field strength limits.

37. The basic objective of these regulatory changes would be to increase flexibility in system design as much as possible without increasing potential interference beyond what exists under our present technical rules. Where we are dealing with new, unoccupied channels for which there are no existing technical rules, even greater flexibility may be possible. For example, in a recent decision in PR Docket No. 79–191 releasing 250 channels in the 800 MHz band, the Commission set many new precedents for technical flexibility. For this new spectrum, users are allowed to subdivide channels into narrower channels (such as to allow single-side-band (SSB) use) where the channel or channels are assigned to an SMRS licensee or exclusively to a single licensee, or where all users of a system agree. Also, upon justification, they are permitted to group contiguous channels and use them as a larger bandwidth channel (for applications such as time division multiple access (TDMA)). Users who chose these options would be required to meet the out-of-band emmission limits of § 90.209 and to keep their power, averaged over the channel(s) involved the same as it normally would be under the previous emission standards. In the case of users who have non-contiguous channels the new rules allow voluntary exchanges of channels with other licensees in order to develop contiguous blocks.

38. We seek comments as to whether and with what modifications this new type of technical flexibility may be extended to established bands and services. Such flexibility could give licensees valuable options in introducing innovative technology and avoid the need for Commission action and delay when new technologies are proposed.

39. While we stated in the above mentioned proceeding that we did not intend that the increased flexibility should lead to co-channel or adjacent channel interference, we did not adopt specific rules to prevent its occurrence. However, the type acceptance of transmitters occupying more than one channel will require a waiver of § 90.203 in which we could address the interference potential of such a system. We seek comments on whether specific rules are needed to prevent such interference and, if so, how they might be designed to keep maximum flexibility. If specific rules are deemed necessary, one approach to this problem would be to define for each service nominal receiver characteristics that are typical of reasonable quality receivers in actual use. Licensees wishing to use a typical modulations could then measure the interference potential of their modulation on co-channel and adjacent channel users employing conventional modulation and nominal receivers. This measurement could then be compared to measurements of co-channel and adjacent channel interference between users employing conventional modulation. The measure of relative interference could be the ratio of power needed for the new modulation to degrade the victim receiver to a certain intelligibility (or bit error rate) compared to the amount of power needed by the conventional system to cause the same amount of degradation. Such a measure is similar to the I/S factor developed by Bell Labs to quantify the effectiveness of communications jammers.[11] Given the relative interference potential of a new modulation, presumably we could control its actual interference by requiring licensees who use it to limit their output power accordingly. For example, if a licensee was authorized 500 watts output of 25 kHz FM and wanted to use a new modulation whose relative interference potential was +3 dB, he could do so provided he limited his output power to 250 watts.

40. This then leads to the question of who would determine the relative interference potential. One method might be to have it done by the FCC laboratory as part of the equipment authorization process. This would be an objective measurement but due to limited staff availability, it might be almost as time consuming as a rulemaking for each modulation. Alternatively, we could let the manufacturer of a new type of equipment make the measurements and submit it for our review along with the equipment authorization application. This could allow a quick approval process for manufacturers who have the resources to perform the appropriate tests but woud also involve a higher risk of interference to other users. Manufacturers without the resources for testing could still petition for waivers and/or rulemaking. We seek comments as to whether the relative interference of new signals can be defined as outlined above, whether this could be the basis of expedited introduction of new technology consistent with controlling interference, what types of tests would be needed to measure relative interference, and what alternative methods exist which would allow rapid introduction of new technologies.

[11] Bell Telephone Laboratories, "RCM Handbook No. 4, Communications Countermeasures", 1944. AD 130274. A copy of this handbook will be inserted in the record of this proceeding.

The Spectrum Efficiency Issue

41. A reason often given to justify standards on modulation type and frequency tolerance is the need to control the efficiency of spectrum use, i.e., how much spectrum is used to produce a given output. However, for the most part, it would appear that minimum spectrum efficiency objectives can be met without the use of detailed in-band regulations. The most obvious and direct method, and one now used extensively, is to specify the maximum bandwidth which may be authorized for a particular communication service or function. For example, in the portion of the UHF spectrum allocated for some land mobile uses, we presently authorize a maximum width of 25 kHz per voice channel. Similarly, in the UHF–TV service our rules authorize a maximum channel width of 6 MHz for the full power transmission of a single standard color television signal. It is this specification of communication function and maximum width, coupled with our co-channel and adjacent channel assignment procedures, which provides primary control over spectrum efficiency through control of interference.

42. Thus, in bands in which we specify a single communication function and a maximum bandwidth, additional technical regulations may not be necessary for controlling spectrum efficiency. In some services and bands, however, we do not limit the use of a channel to a particular communication function. When the permissible use of a channel is very broadly defined (e.g., data) and is not limited to a single function (e.g., voice) merely specifying a maximum channel width does not effectively control spectrum efficiency. In such situations, we often prescribe a particular modulation type of known efficiency. In one case, we have specified a minimum data rate (bits per second) per hertz of authorized bandwidth as an efficiency standard. (47 CFR 21.122(a)(1)). This latter approach provides a more direct control over efficiency. It minimizes the seeking of additional spectrum by licensees, and it is less of a constraint on system design.

However, where analog modulation is used, the direct specification of spectrum efficiency in terms of information content is more difficult. How to optimize spectrum efficiency in multi-function bands in which analog modulation is used, without specifying particular modulation types or other similarly constraining system design regulations, presents a challenging area for further study. Suggestions as to how this might be accomplished would be welcome in this proceeding.

43. As a final point on spectrum efficiency, we believe that, as a general matter, the more we are able to expand licensee choice through deregulation, the more licensees will be motivated through self interest to use their channels in an economically and spectrally efficient manner. Removing technical restrictions, as suggested herein, would increase opportunities for system design innovation, without the unavoidable administrative delay which results when changing FCC rules. Thus, to the extent that we are moving in the direction of deregulating spectrum use in general, the need to regulate spectrum efficiency in particular may be decreasing.

Summary

44. In the preceding discussion we have suggested that the need for many of our technical quality regulations may be diminishing, principally because of the trend toward greater diversity and competition in the telecommunications marketplace. We have also suggested that, especially in non-safety related services, many of our existing interoperability standards may no longer be necessary where the markets for those services are sufficiently well organized and mature. In such cases we are suggesting a sunset approach in which the standards would lose their regulatory status after a period of time.

45. From the standpoint of interference control, we have suggested that certain of our existing technical regulations, particularly those on modulation type and frequency tolerance, may not be necessary, and could be considered for deletion in the interest of greater design flexibility. Deletion of transmitter output power limits has also been suggested in cases in which both that limit and an effective radiated power limit exist. An alternative regulatory method has been discussed in which even greater system design flexibility might be possible by replacing existing limits on transmitter output power, antenna height, etc., with rules specifying permissible areas of operation and associated boundary limits on field strength or power flux density. We would expect to retain existing power roll-off specifications and maximum ERP limits under any of these alternative regulatory approaches to limit interference to co-channel and adjacent channel operations.

46. Most of our discussion so are in this NOI has focused on the development of general principles and alternative regulatory concepts which might be used in reducing or otherwise improving existing technical regulations. While we have suggested such principles and alternative approaches and have discussed some of the issues associated with them we recognize that their actual application will raise issues peculiar to the specific services, systems, and bands involved. We have not attempted to address these service-related issues in any depth in this disussion, but we do intend to address them in this proceeding. Consequently, in addition to comments on the general regulatory concepts which we have discussed so far, we invite comments on the applicability of these concepts to particular services and bands. The attached table will help in identifying rules and services which may be affected as a result of applying the concepts which we have discussed.

Questions

47. The questions listed below are not exhaustive. They merely typify the Commission's areas of concern. Information not directly responsive to these questions but relevant to the general subject matter of the Inquiry is welcome and invited. To facilitate staff review and reply comments, each response should clearly state the precise topic or question being addressed and the services and frequency bands to which the comments apply. Responses to the specific questions that follow should be identified by the question label.

48. Please provide answers and supporting data to the following questions:

(a) To what extent has increased competition and diversity of service and technologies created sufficient market incentives to warrant deletion of quality related technical regulations? In what particular services and bands should such regulations be deleted beyond those proposed herein? What other factors besides competition and diversity should be considered in deciding whether or not such regulations are needed? To what extent, in particular cases, is the consumers' ability to discern, compare and make choices among different quality levels a factor? To what extent do vendors' incentives, absent direct regulatory intervention, assure achievement of adequate service quality?

(b) If the Commission removes some or all its technical quality regulations, will users in smaller, less competitive markets suffer? Should such removal be limited solely to markets in which there is effective competition?

(c) To what extent have some or many of the Commission's technical interoperability regulations outlived their usefulness? Which specific rules of this nature should be considered for immediate elimination. Which ones might be deleted after an additional, "sunset" period?

(d) What kinds of beneficial innovations may be possible as a result of deletion of quality and/or interoperability regulations in specific bands and services. In particular, would deletion of the detailed NTSC standards for television broadcasting service speed the introduction of beneficial video technologies or other types of home information services? Is there a mid-ground, e.g., should the Commission require television broadcast signals to be compatible with existing NTSC-type receivers without mandating explicit transmission specifications?

(e) In regard to interference control, to what extent and in what bands and services are existing input-oriented regulations (e.g., modulation and frequency tolerance) redundant in achieving a necessary degree of control? What beneficial innovations in system design might be made possible by deletion of these rules?

(f) Which of the various regulatory methods available for controlling spectrum efficiency, e.g., specifying channel size and communication function, specifying a particular technology or specifying transmission rate per unit bandwidth, would be most beneficial in particular bands and services? Should services of nationwide scope be differentiated from localized services, or services used by single entities? Since specifying transmission rate per unit bandwidth provides greatest system design flexibility, how can it, or a similar approach, be applied to analog systems? How beneficial is a technology-based efficiency standard, e.g., specifying trunking? Are there other, more effective approaches that we should consider? How should we determine the appropriate level of spectrum efficiency for a particular band and service? Should we consider the economic value (scarcity) of the spectrum or other factors in making this determination? To what extent are marketplace incentives developing which can be relied upon as a substitute

for technical regulation in ensuring proper levels of spectrum efficiency? What might be done to increase such incentives?

Notice of Proposed Rule Making

49. As stated in the introduction, while we are seeking comments on broad regulatory principles, we are also proposing to eliminate certain technical regulations which we believe may no longer be necessary. The specific rules are listed in Appendix B of this proceeding. We invite comments on these specific proposed deletions as well as on the broader issues previously addressed. We expect to issue further notices of proposed rulemaking to revise other technical regulations after we have examined the responses to this notice.

50. In the case of the broadcast services, it is important to note that the Commission has *never* regulated the quality of what we term the "end product," that is, the ultimate video and/or audio information received by the public. For example, the FCC does not regulate program content or quality. Thus, if a television or radio station transmits an unclear picture (e.g. due to camera focussing problems or film quality) or an unclear sound (e.g. due to scratches or warps on records), that station is not violating our rules. Moreover, generally the FCC does not regulate the quality of equipment used to receive broadcast signals.[12] However, this equipment, namely receivers and receiving antennas, certainly impacts the quality of the information delivered to the public; indeed, in some instances, this equipment dominates signal quality. Regardless of our lack of control over the complete broadcast system, we have traditionally required quality standards on all the transmitting equipment which broadcast signals pass through before reaching their ultimate destination. In re-examining our technical regulations, we conclude tentatively that to continue to regulate only a part of the total system through which an unregulated signal must pass may not serve a useful purpose.

51. We further recognize that the competition among broadcasters and certain other service providers is probably sufficient to regulate picture and sound quality. Thus, we propose to eliminate the transmission system requirements detailed in §§ 73.40(a) (1) thru (6), § 73.317(a) (1) thru (5), and § 73.687 (a) and (b) of our Rules and Regulations. These sections govern the fidelity of AM, FM and TV transmitters, respectively, and as such, are quality control regulations. We request comment on the impact, if any, of the implementation of these proposals on broadcast service quality. We also request comments on whether the Commission could eliminate other quality control regulations from its Rules. The attached table is a tentative listing of all technical standards found in our Rules. The regulations that appear to be related to quality are indicated in the last column. We invite suggestions to add other regulations to the table, provided one can justify their inclusion as technical standards. We particularly welcome discussion of the table and suggested changes.

52. The Commission's Rules covering Radio Frequency Devices[13] are intended to control the interference potential of electronic devices that employ radio frequency energy in their normal operation. The vast majority of the technical regulations applicable to radio frequency devices are, as such, interference based regulations. In our review of the rules, however, we did find a few exceptions in Subpart G, Auditory Assistance Devices.

53. This Subpart provides for the operation of systems designed to aid the hearing-impaired. A low powered transmitter is used to transmit information to a group of receivers. These systems are typically employed as teaching aids for hearing-impaired students. They can also be used for distribution of audio to the hearing-impaired at locations such as churches and theaters. Because of their low interference potential, these systems are operated without an individual license.

54. While some of the technical standards applicable to auditory assistance devices are interference-based, such as the receiver emission limitation of Section 15.367, others are apparently intended to ensure system quality. Rule §§ 15.361, 15.363, and 15.365 control the quality of auditory assistance receivers by setting standards for receiver characteristics such as stability and selectivity. When the rules were adopted, hearing-impaired children were concentrated in relatively few schools so there was a need to accommodate a high number of channels in a limited amount of available spectrum. To achieve this the channels were spaced closely together and receivers were required to discriminate among many channels in dense radio frequency environment. We believe that manufacturers have gained considerable experience in designing equipment under the high density channeling arrangement and are in the best position to decide what receiver specifications are needed to ensure good performance. Furthermore, with the "mainstreaming" of handicapped children[14] there are now many schools with fewer hearing-impaired students and thus there is now a need for economical systems that need not work under a high density channeling plan. Therefore, we propose to delete §§ 15.361, 15.363 and 15.365 from our rules. We solicit comments on whether manufacturers have sufficient incentives to safeguard against degradation of these devices for the hearing-impaired and whether manufacturer guarantees are adequate to ensure that systems work in their intended environment.

Procedural Matters

55. Accordingly, the Commission adopts this *Notice of Inquiry and Proposed Rule Making* under the authority contained in Section 4(i) of the Communications Act of 1934, as amended.

56. Pursuant to Section 605 of the Regulatory Flexibility Act (Public Law 96–354, September 19, 1980, 94 Stat 1164, 5 U.S.C. 601 *et seq.)* the Commission certifies that the action proposed herein will not have a significant economic impact on a substantial number of small entities. The proposed changes will affect small and large businesses alike by reducing slightly the burdens placed on them by the existing Rules.

57. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed

[12] The Commission has made an exception to this general policy in the case of UHF television receivers. See 47 CFR 15.65, 15.66, 15.67, and 15.68.

[13] 47 CFR 15.1—15.423.

[14] 42 FR 42497 (August 23, 1977).

written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of Commission procedures governing *ex parte* presentations in informal rule making is available from the Consumer Assistance and Information Division, FCC, Washington, D.C. 20554.

58. Pursuant to the procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before May 2, 1983 and reply comments on or before June 1, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

59. It is ordered, That a copy of this Notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration

60. In accordance with the provisions of Section 1.419 of the Commission's Rules, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by particiapting informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All comments should be clearly marked General Docket No. 83–114 and will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. All written comments should be sent to: Secretary, Federal Communications Commission, Washington, D.C. 20554. For further information on this proceeding, contact Michael Marcus at (202) 632–7040. For general information on how to file comments, please contact the FCC Consumer Assistance and Information Division at (202) 632–7000.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

OST Review of Commission Rules: Classification of Technical Regulations [1]

	Interoperability		Efficiency	Interference	Quality	
	Safety	Non-safety			System compatibility	Minimum performance
Part 2—Frequency Allocations and Radio Treaty Matters; General Rules and Regulations						
Subpart I—Marketing of Radiofrequency Devices:						
Sec. 2.815 External radiofrequency power amplifiers	—	—		X	—	—
Part 5—Experimental Radio Services (Other Than Broadcast)						
Subpart C—Technical Standards						
Sec. 5.101 Frequency stability	—	—	X	—	—	—
Sec. 5.102 Types of emission	—	—	X	—	—	—
Sec. 5.103 Emission limitations	—	—	X	—	—	—
Sec. 5.104 Modulation requirements	—	—	X	—	—	—
Sec. 5.105 Power and [illegible]	—	—	—	X	—	—
Sec. 5.108 Wildlife tracking and ocean buoy tracking operations	—	—	X	X	—	—
Subpart H—Student Authorization:						
Sec. 5.405 Power limitation	—		—	X	—	—
Part 15—Radio Frequency Devices						
Subpart A—General						
Sec. 15.7 General requirement for restricted radiation devices	—	—		X	—	—
Subpart C—Radio Receivers						
Sec. 15.59 Interference requirement for a CB receiver	—	—	—	X	—	—
Sec. 15.63 Radiation interference limits	—	—	—	X	—	—
Sec. 15.65 All-channel television broadcast reception: General requirement and antennas	—	—	—	—	X	—
Sec. 15.66 All-channel television broadcast reception: Noise figure	—	—	—	—	—	X
Sec. 15.67 All-channel television broadcast reception: Peak picture sensitivity	—	—	—	—	—	X
Sec. 15.68 All-channel television broadcast reception. Receivers manufactured on or after July 1, 1971	—	—	—	—	—	X
Subpart D—Low Power Communication Devices—General Requirements						
Sec. 15.105 Class B emission prohibited	—	—	—	X	—	—
Sec. 15.111 Operation below 1600 Khz	—	—	—	X	—	—
Sec. 15.112 Alternative provisions for operation between 160 and 190 Khz	—	—	—	X	—	—
Sec. 15.113 Alternative provisions for operation between 510 and 1600 Khz	—	—	—	X	—	—
Sec. 15.114 Interim requirements for cordless telephone terminal devices operating between 26.97–27.2 MHz	—	—	X	X	—	—
Sec. 15.115 Interim requirements for operation between 26.97–27.27 MHz	—	—	X	X	—	—
Sec. 15.116 Operation of a non-voice device between 26.99–27.26 MHz	—	—	X	X	—	—
Sec. 15.118 Technical specification for the band 49.82–49.90 MHz	—	—	X	X	—	—
Sec. 15.119 Alternative technical specifications for the band 49.82–49.90 MHz	—	—	X	X	—	—
Sec. 15.120 Operation above 70 MHz	—	—	—	X	—	—
Subpart E—Low Power Communication Devices—Specific Devices						
Sec. 15.153 Class B emission prohibited	—	—	—	X	—	—
Sec. 15.162 Operation in the band 38–108 MHz	—	—	X	X	—	—
Sec. 15.172 Operation in the 38–41 MHz	—	—	X	X	—	—
Sec. 15.174 Operation in the band 88–108 MHz	—	—	X	X	—	—
Sec. 15.176 Operation in the band 174–216 MHz	—	—	X	X	—	—
Sec. 15.182 Operation above 70 MHz: Devices manufactured prior to July 15, 1963	—	—	—	X	—	—
Sec. 15.183 Operation above 70 MHz: Devices manufactured between July 15, 1963 and March 24, 1971	—	—	X	X	—	—
Sec. 15.184 Operation above 70 MHz: Devices manufactured after Mar. 24, 1971	—	—	X	X	—	—
Sec. 15.192 Alternative provisions	—	—	X	X	—	—
Subpart F—Field Disturbance Sensors						
Sec. 15.305 General technical specification	—	—	X	X	—	—
Sec. 15.307 Permitted bands of operation	—	—	X	—	—	—

OST REVIEW OF COMMISSION RULES: CLASSIFICATION OF TECHNICAL REGULATIONS [1]—Continued

	Interoperability		Efficiency	Interference	Quality	
	Safety	Non-safety			System compatibility	Minimum performance
Sec. 15.309 Emission limitations	—	—	—	X	—	—
Sec. 15.321 Emission limitations for operation under § 15.305(c)	—	—	—	X	—	—
Subpart G—Auditory Training Devices:						
Sec. 15.351 Frequencies available in the band 72–76 MHz	—	—	X	—	—	—
Sec. 15.353 Transmitter frequency tolerance (72–76 MHz)	—	—	X	—	—	—
Sec. 15.355 Transmitter power (72–76 MHz)	—	—	—	X	—	—
Sec. 15.357 Transmitter modulation requirements (72–76 MHz)	—	—	X	—	—	—
Sec. 15.361 Receiver frequency stability (72–76 MHz)	—	—	—	—	—	X
Sec. 15.363 Receiver selectivity and desensitization (72–76 MHz)	—	—	—	—	—	X
Sec. 15.365 Receiver image frequency rejection (72–76 MHz)	—	—	—	—	—	X
Sec. 15.367 Receiver emission limitation (72–76 MHz)	—	—	—	X	—	—
Subpart H—Class I TV Devices						
Sec. 15.403 Output signal level	—	—	—	X	—	—
Sec. 15.405 Output terminals	—	—	—	—	—	X
Sec. 15.407 Transfer switch and isolation requirement	—	—	—	X	—	—
Sec. 15.419 Radiation interference limits	—	—	—	X	—	—
Part 18—Industrial, Scientific, and Medical Equipment:						
Subpart A—General:						
Sec. 18.13 ISM frequencies and frequency tolerances	—	—	X	—	—	—
Sec. 18.14 Operation on microwave frequencies	—	—	X	X	—	—
Subpart C—Ultrasonic Equipment.						
Sec. 18.71 Operation without a license	—	—	—	X	—	—
Sec. 18.72 Technical limitations	—	—	—	X	—	—
Subpart D—Industrial Heating Equipment:						
Sec. 18.102 Technical limitations	—	—	—	X	—	—
Subpart E—Medical Diathermy Equipment:						
Sec. 18.141 Operation on assigned frequencies	—	—	X	—	—	—
Sec. 18.142 Operation on unassigned frequencies	—	—	—	X	—	—
Subpart F—RF Stabilized Arc Welders						
Sec. 18.181 Technical specifications	—	—	—	X	—	—
Subpart H—Miscellaneous Equipment						
Sec. 18.261 Miscellaneous equipment	—	—	X	X	—	—
Subpart I—Induction Cooking Ranges						
Sec. 18.272 Induction cooking range subject to these rules	—	—	X	—	—	—
Sec. 18.273 Radiation limit	—	—	—	X	—	—
Sec. 18.274 Conducted RF limit	—	—	—	X	—	—
Part 21—Domestic Public Fixed Radio Services						
Subpart C—Technical Standards:						
Sec. 21.101 Frequency tolerance	—	—	X	—	—	—
Sec. 21.104 Types of emission	—	—	X	—	—	—
Sec. 21.107 Transmitter power	—	—	—	X	—	—
Sec. 21.108 Directional antennas	—	—	—	X	—	—
Sec. 21.109 Antenna and antenna structures	—	—	—	X	—	—
Sec. 21.110 Antenna polarization	—	—	X	X	—	—
Sec. 21.122 Microwave digital modulation	—	—	X	—	—	—
Subpart G—Digital Electronic Message Service:						
Sec. 21.503 Frequency stability	—	—	X	—	—	—
Sec. 21.506 Transmitter power	—	—	—	X	—	—
Sec. 21.507 Radiated power limitation in the 10,600–10,680 MHz band	—	—	—	X	—	—
Sec. 21.509 Antennas	—	—	—	X	—	—
Subpart I—Point-to-Point Microwave Radio Service:						
Sec. 21.701 Frequencies	—	—	X	X	—	—
Sec. 21.702 Transmitter power	—	—	—	X	—	—
Sec. 21.703 Bandwidth and emission limitations	—	—	X	—	—	—
Sec. 21.704 Modulation requirements	—	—	X	—	—	X
Subpart J—Local Television Transmission Service:						
Sec. 21.803 Transmitter power	—	—	—	X	—	—
Sec. 21.804 Bandwidth and emission limitations	—	—	X	—	—	—
Sec. 21.805 Modulation requirements	—	—	X	—	—	X
Subpart K—Multipoint Distribution Service:						
Sec. 21.904 Transmitter power	—	—	—	X	—	—
Sec. 21.905 Emissions and bandwidth	—	—	X	—	—	—
Sec. 21.906 Antennas	—	—	—	X	—	X
Sec. 21.907 Transmission standards	—	—	—	—	—	X
Part 22—Public Mobile Radio Services						
Subpart C—Technical Standards.						
Sec. 22.101 Frequency tolerance	—	—	X	—	—	—
Sec. 22.104 Types of emission	—	—	X	—	—	—
Sec. 22.107 Transmitter power	—	—	—	X	—	—
Sec. 22.108 Directional antennas	—	—	—	X	—	—
Sec. 22.109 Antenna and antenna structures	—	—	—	X	—	—
Sec. 22.110 Antenna polarization	—	—	X	X	—	—
Sec. 22.122 Microwave digital modulation	—	—	X	—	—	—
Subpart G—Domestic Public Land Mobile Radio Service						
Sec. 22.501 Frequencies	—	—	—	X	—	—
Sec. 22.503 Geographical separation of co-channel stations	—	—	—	X	—	—
Sec. 22.505 Antenna height-power limit for base stations	—	—	—	X	—	—
Sec. 22.506 Power limitations	—	—	—	X	—	—
Sec. 22.507 Bandwidth and emission limitations	—	X	X	—	—	—
Sec. 22.508 Modulation requirements	—	—	X	X	—	—
Sec. 22.522 Base station signaling system requirements for calling airborne stations	—	X	—	—	—	—
Subpart H—Rural Radio Service:						
Sec. 22.602 Transmitter power	—	—	—	X	—	—
Sec. 22.603 Types of emission	—	X	X	—	—	—
Sec. 22.604 Emission limitations	—	—	X	—	—	—
Sec. 22.605 Modulation requirements	—	—	X	—	—	X
Subpart K—Domestic Public Cellular Radio Telecommunications Service.						
Sec. 22.903 Cellular system service areas	—	—	—	X	—	X

OST REVIEW OF COMMISSION RULES: CLASSIFICATION OF TECHNICAL REGULATIONS [1]—Continued

	Interoperability		Efficiency	Interference	Quality	
	Safety	Non-safety			System compatibility	Minimum performance
Sec. 22.904 Power limitations	—	—	—	X	—	—
Sec. 22.905 Antenna height-power for base stations	—	—	—	X	—	—
Sec. 22.906 Types of emissions and modulation requirements	—	X	X	—	—	X
Sec. 22.907 Emission requirements	—	—	—	X	—	—
Sec. 22.915 Cellular system compatability specification	—	X	—	—	-	—
Subpart L—Offshore Radio Telecommunications Service:						
Sec. 22.1001 Frequencies	—	—	—	X	—	—
Sec. 22.1002 Power limitations	—	—	—	X	-	—
Sec. 22.1003 Bandwidth and emission limitations	—	—	X	—	-	—
Sec. 22.1004 Modulation requirements	—	—	X	X	—	—
Part 23—International Fixed Public Radiocommunication Services.						
Sec. 23.13 Types of emission	—	—	X	-	-	-
Sec. 23.15 Emission limitations	—	—	X	—	—	—
Sec. 23.16 Frequency tolerances	—	—	X	—	-	-
Sec. 23.18 Authorization of power	—	—	-	X	-	-
Sec. 23.19 Use of directional antennas	—	—	-	X	-	-
Sec. 23.20 Assignment of frequencies	—	—	—	X		
Part 25—Satellite Communications						
Subpart C—Technical Standards						
Sec. 25.202 Frequences, frequency tolerance and emisison limitations	—	—	X	-		
Sec. 25.204 Power limits	-	-		X		-
Sec. 25.205 Minimum angle of antenna elevation	-	—	—	X		-
Sec. 25.208 Power flux density limits	—	—	—	X		-
Sec. 25.209 Antenna performance standards	—	—	—	X		-
Sec. 25.252 Maximum permissible interference power	—	—	—	X	-	-
Sec. 25.253 Determination of coordination distance for near great circle propagation mechanisms	—	-	—	X	-	-
Sec. 25.254 Computation of coordination distance contours for propagation modes associated with precipitation scatter	—	—	-	X	-	-
Sec. 25.255 Guidelines for performing interference analyses for precipitaton scatter modes	—	-		X		-
Part 68—Connection of Terminal Equipment to the Telephone Network [2]						
Subpart D—Conditions for Registration.						
Sec. 68.302 Environment simulation	—	—	—		-	-
Sec. 68.304 Leakage current limitations	—	—	—	-	X	-
Sec. 68.306 Hazardous voltage limitations	—	—	—	-	X	-
Sec. 68.308 Signal power limitation	—	—	-	-	X	-
Sec. 68.310 Longitudinal balance limitations	—	—	-	-	X	-
Sec. 68.312 On-hook impedance limitations	—	—	—	-	X	-
Sec. 68.314 Billing protection	—	—	—	-	X	-
Subpart F—Connectors						
Sec. 68.500 Specifications	—	—	—	-	X	X
Sec. 68.502 Configurations	—	—	-	-	X	—
Sec. 68.504 Adapters	—	—	—	—	X	—
Part 73—Radio Broadcast Services						
Subpart A—AM Broadcaster Stations						
Sec. 73.40 Transmission system requirements	—	—	-	-	—	X
Sec. 73.51 Determining operating power	—	—	-	X	—	—
Sec. 73.182 Engineering standards of allocation	—	—		X	—	X
Sec. 73.187 Limitation on daytime radiation	—	—		X	—	X
Sec. 73.62 Directional antenna system tolerances	—	—	-	X	—	X
Sec. 73.189 Minimum antenna heights or field strength requirements	—	—	-	-	-	X
Subpart B—FM Broadcast Stations:						
Sec. 73.207 Minimum mileage separation between co-channel and adjacent-channel stations on commercial channels	—	—	-	X	—	—
Sec. 73.211 Power and antenna height requirements	—	—	—	X	—	X
Sec. 73.213 Stations at spacing below the minimum separations	—	—	—	X	—	—
Sec. 73.254 Equipment performance measurements	—	—	-	-	-	X
Sec. 73.267 Operating power, determication and maintenance of	—	—	—	X	—	X
Sec. 73.268 Modulation	—	—	X	—	—	—
Sec. 73.269 Frequency tolerance	—	—	X	-	-	—
Sec. 73.297 Stereophonic broadcasting	—	—	—	-	X	
Sec. 73.316 Antenna systems	—	—	—	X	—	
Sec. 73.317 Transmission system requirements	—	—	-	-	—	X
Sec. 73.319 Subsidiary communications multiplex operations: engineering standards	—	—	—	X	—	X
Sec. 73.322 Stereophonic transmission standards	—	—	-	-	X	X
Subpart C—Noncommerical Educational FM Broadcast Stations						
Sec. 73.507 Minimum distance separations between co-channel and adjacent-channel stations	—	—	-	X	—	—
Sec. 73.510 Antenna systems	—	—	-	-	-	X
Sec. 73.511 Power and antenna height requirements	—	—	—	X	—	—
Sec. 73.567 Determining operating power	—	—	—	X	—	X
Sec. 73.596 Stereophonic broadcasting	—	—	—	-	X	—
Subpart E—Television Broadcast Stations						
Sec. 73.610 Separations	—	—	-	X	—	—
Sec. 73.614 Power and antenna height requirements	—	—	-	X	—	—
Sec. 73.682 Transmission standards	—	—	—	—	-	X
Sec. 73.683 Field intensity contours	—	—	—	—	—	X
Sec. 73.685 Transmitter location and antenna system	—	—	—	X	—	X
Sec. 73.687 Transmission system requirements	—	—	-	X	—	X
Sec. 73.699 TV engineering charts	—	—	—	X	X	—
Subpart F—International Broadcast Stations						
Sec. 73.751 Power requirement	-	—	—	—	-	X
Sec. 73.753 Antenna	—	—	—	X	—	—
Sec. 73.786 Modulation and bandwidth	—	—	X	—	—	—
Sec. 73.787 Frequency tolerance	—	—	X	—	—	—
Subpart G—Emergency Broadcast System:						
Sec. 73.906 Attention signal	X	—	—	—	—	—
Sec. 73.940 Encoder devices	X	—	—	—	—	—
Sec. 73.941 Decorder devices	X	—	—	—	—	—

OST REVIEW OF COMMISSION RULES: CLASSIFICATION OF TECHNICAL REGULATIONS [1]—Continued

	Interoperability		Efficiency	Interference	Quality	
	Safety	Non-safety			System compatibility	Minimum performance
Part 74—Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services:						
Subpart A—Experimental Television Broadcast Stations						
Sec. 74.132 Power limitations	—	—	—	X	—	—
Subpart B—Experimental Facsimile Broadcast Stations:						
Sec. 74.232 Power limitations	—	—	—	X	—	—
Subpart C—Developmental Broadcast Stations:						
Sec. 74.332 Power limitations	—	—	—	X	—	—
Subpart D—Remote Pickup Broadcast Stations:						
Sec. 74.431 Special rules applicable to remote pickup stations	—	—	—	X	—	—
Sec. 74.461 Transmitter power	—	—	—	X	—	—
Sec. 74.462 Authorized bandwidth and emissions	—	—	X	—	—	—
Sec. 74.463 Modulation requirements	—	—	X	—	—	—
Sec. 74.464 Frequency tolerance	—	—	X	—	—	—
Subpart E—Aural Broadcast STL and Intercity Relay Stations:						
Sec. 74.534 Power limitations	—	—	—	X	—	—
Sec. 74.535 Emission and bandwidth	—	—	X	—	—	—
Sec. 74.536 Directional antenna required	—	—	—	X	—	—
Sec. 74.561 Frequency tolerance	—	—	X	—	—	—
Subpart F—Television Auxiliary Broadcast Stations:						
Sec. 74.636 Power limitations	—	—	—	X	—	—
Sec. 74.661 Frequency tolerance	—	—	X	—	—	—
Subpart G—Television Broadcast Translator Stations:						
Sec. 74.702 Frequency assignment	—	—	—	X	—	—
Sec. 74.735 Power limitations	—	—	—	X	—	—
Sec. 74.736 Emissions and bandwidth	—	—	X	—	—	—
Sec. 74.750 Transmitters and associated and equipment	—	—	—	—	X	X
Sec. 74.761 Frequency tolerance	—	—	X	—	—	—
Subpart H—Low Power Auxiliary Stations:						
Sec. 74.861 Technical requirements	—	—	X	X	—	—
Subpart I—Instructional Television Fixed Service:						
Sec. 74.935 Power limitations	—	—	—	X	—	X
Sec. 74.936 Emissions and bandwidth	—	—	X	—	—	—
Sec. 74.938 Transmission standards	—	—	—	—	X	—
Sec. 74.939 Special rules governing ITFS response stations	—	—	X	X	—	—
Sec. 74.950 Equipment performance and installation	—	—	—	—	X	—
Sec. 74.961 Frequency tolerance	—	—	X	—	—	—
Sec. 74.970 Modulation limits	—	—	—	—	X	X
Subpart L—FM Broadcast Translator Stations and FM Broadcast Booster Stations:						
Sec. 74.1235 Power limitations	—	—	—	X	—	—
Sec. 74.1236 Emission and bandwidth	—	—	X	—	—	—
Sec. 74.1250 Equipment and installation	—	—	—	X	—	X
Sec. 74.1261 Frequency tolerance	—	—	X	—	—	—
Part 76—Cable Television Service:						
Subpart K—Technical Standards:						
Sec. 76.605 Technical Standards	—	—	—	—	—	X
Sec. 76.610 Operation in the frequency bands 108–136 and 225–400 MHz	—	—	—	X	—	—
Sec. 76.611 Operation near certain aeronautical and marine emergency radio frequencies	—	—	—	X	—	—
Part 78—Cable Television Relay Service:						
Subpart B—Applications and licenses:						
Sec. 78.18 Frequency assignments	—	—	X	X	X	—
Sec. 78.19 Interference	—	—	—	X	—	—
Subpart D—Technical Regulations:						
Sec. 78.101 Power limitations	—	—	—	X	—	X
Sec. 78.105 Antennas	—	—	—	X	—	—
Sec. 78.111 Frequency tolerance	—	—	X	—	—	—
Sec. 78.115 Modulation limits	—	—	X	—	—	—
Part 81—Stations on Land in the Maritime Services and Alaska—Public Fixed Stations:						
Subpart D—General Station Requirements	X	—	—	—	—	—
Subpart E—Standard Technical Requirements	X	—	—	—	—	—
Part 83—Stations on Shipboard in the Maritime Services:						
Subpart D—General Station Requirements	X	—	—	—	—	—
Subpart E—Standard Technical Requirements	X	—	—	—	—	—
Subpart R—Radiotelegraph Stations Provided for Compliance with Part II of Title III of the Communications Act or the Radio Provisions of the Safety Convention.	X	—	—	—	—	—
Subpart S—Radiotelephone Stations Provided for Compliance with Part II of Title III of the Communications Act or the Radio Provisions of the Safety Convention.	X	—	—	—	—	—
Subpart T—Radiotelephone Installations Provided for Compliance with Part III of Title III of the Communications Act	X	—	—	—	—	—
Subpart U—Radiotelephone Installations Provided for Compliance with the Great Lakes Radio Agreement	X	—	—	—	—	—
Subpart V—Type Approval of Compulsory Shipboard Equipment	X	—	—	—	—	—
Subpart X—Radiotelephone Stations Provided for Compliance with the Vessel Bridge-to-Bridge Radiotelephone Act.	X	—	—	—	—	—
Subpart Z—Use of On-board Communications	X	—	—	—	—	—
Part 87—Aviation Services						
Subpart A—General Information	X	—	—	—	—	—
Subpart B—Airborne Stations	X	—	—	—	—	—
Subpart C—Aeronautical Advisory Stations	X	—	—	—	—	—
Subpart D—Aeronautical Multicom Stations	X	—	—	—	—	—
Subpart E—Aeronautical En Route Stations	X	—	—	—	—	—
Subpart G—Flight Test Stations	X	—	—	—	—	—
Subpart H—Aviation Instructional Stations	X	—	—	—	—	—
Subpart I—Airdrome Control Stations	X	—	—	—	—	—
Subpart N—Radionavigation Land Stations	X	—	—	—	—	—
Subpart O—Civil Air Patrol Stations	X	—	—	—	—	—
Subpart P—Land Test Stations	X	—	—	—	—	—
Part 90—Private Land Mobile Radio Services:						
Subpart I—General Technical Standards:						
Sec. 90.205 Power	—	—	—	X	—	—

OST REVIEW OF COMMISSION RULES: CLASSIFICATION OF TECHNICAL REGULATIONS [1]—Continued

	Interoperability		Efficiency	Interfer-	Quality	
	Safety	Non-safety			System compatibil-ity	Minimum perform-
Sec. 90.207 Types of emissions	—	X	X	—	—	—
Sec. 90.209 Bandwidth limitations	—	—	X	—	—	—
Sec. 90.211 Modulation requirements	—	—	—	—	—	X
Sec. 90.213 Frequency tolerance	—	—	X	—	—	—
Sec. 90.215 Transmitter measurements	—	—	—	X	—	—
Sec. 90.217 Exemption from technical standards	—	—	—	X	—	—
Subpart J—Non-Voice and other Specialized Operations:						
Sec. 90.235 Secondary fixed tone signaling and alarm operations	—	—	—	X	—	—
Sec. 90.239 Interim provisions for operation of automatic vehicle monitoring (AVM) systems	—	—	—	X	—	—
Sec. 90.241 Radio call box operations	X	—	—	X	—	—
Sec. 90.242 Travelers' information stations	X	—	—	X	—	—
Sec. 90.247 Mobile repeater stations	—	—	—	X	—	—
Sec. 90.249 Control stations	—	—	—	X	—	—
Subpart K—Standards for Special Frequencies or Frequency Bands:						
Sec. 90.253 Use of frequency 4383.8 kHz	—	—	—	X	—	—
Sec. 90.255 Assignment and use of the frequencies 27.235, 27.245, 27.255, 27.265 and 27.275 MHz	—	—	X	X	—	—
Sec. 90.257 Assignment and use of frequencies in the band 72–76 MHz	—	—	X	X	—	—
Sec. 90.261 Assignment and use of frequencies in the band 450–470 MHz for fixed operations	—	—	—	X	—	—
Subpart L—Authorization in the Band 470–512 MHz (UHF-TV Sharing):						
Sec. 90.307 Protection criteria	—	—	—	X	—	—
Sec. 90.315 Special provisions governing use of frequencies in the 488–494 MHz band (TV Channel 17) in the Southern Louisiana Offshore Z[illegible].	—	—	—	X	—	—
Subpart M—Special Regulations Governing Licensing and Use of Frequencies in the 806–821 MHz and 851–866 MHz Bands:						
Sec. 90.379 Limitations on power and antenna height	—	—	—	X	—	—
Sec. 90.381 Restrictions on operational fixed stations	—	X	—	—	—	—
Part 94—Private Operational-Fixed Microwave Service:						
Subpart C—Technical Standards:						
Sec. 94.63 Interference protection criteria for operational-fixed stations	—	—	—	X	—	—
Sec. 94.65 Frequencies	—	—	X	—	—	—
Sec. 94.67 Frequency tolerance	—	—	X	—	—	—
Sec. 94.71 Emission and bandwith limitations	—	—	X	—	—	—
Sec. 94.73 Power limitations	—	—	—	X	—	—
Sec. 94.75 Antenna limitations	—	—	—	X	—	—
Sec. 94.77 Interference to geo-stationary satellites	—	—	—	X	—	—
Sec. 94.90 Special provisions for low power, limited coverage systems in the 12,200–12,700 MHz band.	—	—	X	X	—	—
Sec. 94.92 Technical standards for stations authorized prior to July 1, 1976	—	—	X	X	—	—
Part 95—Personal Radio Services:						
Subpart A—General Mobile Radio Service:						
Sec. 95.55 Authorized frequencies	—	—	X	X	—	—
Sec. 95.59 Emission types authorized	—	X	X	—	—	—
Subpart C—Radio Control (R/C) Radio Service:						
Sec. 95.217 (R/C Rule 17) How high may I put my antenna?. [3]	—	—	—	X	—	—
Sec. 95.220 (R/C Rule 20) What communications may I transmit?	—	—	X	—	—	—
Subpart D—Citizens Band (CB) Radio Service:						
CB Rule 18 How high may I put my antenna? [3]	—	—	—	X	—	—
CB Rule 20 How much power may I use?	—	—	—	X	—	—
Subpart E—Technical Regulations:						
Sec. 95.611 Availability of frequencies	—	X	—	X	—	—
Sec. 95.613 Transmitter power	—	—	—	X	—	—
Sec. 95.615 Frequency tolerance	—	—	X	—	—	—
Sec. 95.617 Emission limitations	—	—	X	—	—	—
Sec. 95.619 Modulation requirements	—	—	X	X	—	—
Part 97—Amateur Radio Service:						
Subpart C—Technical Standards:						
Sec. 97.61 Authorized frequencies and emissions	—	X	X	X	—	—
Sec. 97.65 Emission limitations	—	—	X	—	—	—
Sec. 97.67 Maximum authorized power	—	—	—	X	—	—
Sec. 97.69 Radio teleprinter transmissions	—	X	X	—	—	—
Sec. 97.77 Standards for type acceptance of external radio frequency power amplifier kits	—	—	—	X	—	—
Part 99—Disaster Communications Service:						
Subpart D—Operating Requirements:						
Sec. 99.33 Assigned frequencies and authorized emissions	X	—	X	—	—	—
Sec. 99.35 Transmitting power	—	—	—	X	—	—
Sec. 99.37 Equipment requirements	X	—	—	—	—	—

[1] X indicates relevant classification. — indicates classification not relevant.
[2] While we recognize that the primary concern behind these regulations is protection of the telephone network, we have termed them quality regulations for the purposes of this proceeding.
[3] Although these particular restrictions on antenna height are the result of FAA policy, in general maximum antenna height restrictions are interference-based standards and we have classified these regulations as such.

Appendix B

Parts 15, and 73, of Chapter I of Title 47 of the Code of Federal Regulations are proposed to be amended as follows:

PART 15—RADIO FREQUENCY DEVICES

§§ 15.361, 15.363, 15.365 [Removed]

1. Sections 15.361, 15.363, and 15.365 are removed.

PART 73—RADIO BROADCAST SERVICES

§ 73.40 [Amended]

1. In § 73.40, Transmission system requirements, paragraphs (a)(1) through (a)(6) are removed. The remainder of this paragraph, (a)(7) through (a)(14), may be redesignated (a)(1) through (a)(8), but will otherwise not be changed.

§ 73.317 [Amended]

2. In § 73.317, Transmission system requirements, paragraphs (a)(1) through (a)(5) are removed. The remainder of this paragraph, (a)(6) through (a)(14), may be redesignated (a)(1) through (a)(9), but will otherwise not be changed.

§ 73.687 [Amended]

3. In § 73.687, Transmission system

requirements, paragraphs (a) and (b) are removed, and the designators will be reserved for future use.

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Federal Highway Administration

49 CFR Part 391

[BMCS Docket No. MC-103; Notice No. 82-11]

Exemption; Driver Qualification Files

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA is requesting comments on a proposal to grant, in part, a petition filed by the American Bakers Association. The petitioner requests an exemption from the driver qualification rules regarding certain paperwork and administrative requirements for drivers of motor vehicles having a gross vehicle weight rating between 10,001 and 15,000 pounds. The granting of the request would reduce paperwork requirements without an adverse effect on safety.

DATE: Comments must be received on or before July 5, 1983.

ADDRESS: Submit comments, preferably in triplicate, to BMCS Docket No. MC-103; Notice No. 82-11, Room 3404, Bureau of Motor Carrier Safety (BMCS), 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426-9767; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

The American Bakers Association (ABA) has petitioned the FHWA to grant an exemption from the driver qualification rules regarding certain paperwork and administrative requirements for drivers operating vehicles having a gross vehicle weight rating (GVWR) between 10,001 and 15,000 pounds. There is an exemption for drivers of lightweight vehicles currently in effect (49 CFR 391.62(a)). A lightweight vehicle is a vehicle having a GVWR of 10,000 pounds or less, provided that the vehicle is not used in the for-hire carriage of passengers or used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded (49 CFR 390.17).

The current exemption (49 CFR 391.62(a)), applicable to drivers who only operate lightweight vehicles, provides relief by excluding them from the requirements for:

1. The disclosure of, investigation into, and inquiries about, the background, character, and driving record of drivers, (49 CFR 391 Subpart C).
2. The road test and written examination, (49 CFR 391 Subpart D).
3. The medical examination, certificate of medical examination, and possession of a medical certificate, (49 CFR 391 Subpart E (§§ 391.41, 391.43, and 391.45)).
4. The maintenance of driver files and records, (49 CFR 391 Subpart F).

The purpose of these current exemptions is to relieve motor carriers of detailed recordkeeping and other administrative obligations which may be unduly burdensome given the nature of the operations involved. On the other hand, drivers of lightweight vehicles are not exempted from the requirements of the driver qualification rules: e.g., the requirement to hold a driver's license or permit, the requirement for minimum physical qualifications, and the requirement for knowledge and ability to operate motor vehicles safely upon the public highways.

In their petition, the ABA seeks to apply these exemptions to drivers of additional vehicles, specifically those between 10,001 and 15,000 pounds GVWR. They propose this be achieved in the most limited way possible by expanding the definition of " lightweight vehicle", only in its application to the qualification of drivers, 49 CFR 391.62(a), to include vehicles having a GVWR between 10,001 and 15,000 pounds.

Responding to the ABA petition, the FHWA issued an advance notice of proposed rulemaking (ANPRM) (47 FR 39698) on September 9, 1982 to solicit comments and data concerning the information the ABA used to support its petition.

In their petition, the ABA states that today's vehicles rated at between 10,001 and 15,000 pounds GVWR have size and handling characteristics similar to older vehicles rated at 10,000 pounds and less and are similar in terms of chassis, engine, power train, brake system, and tires. As a result, they say, vehicles between 10,001 and 15,000 pounds GVWR have the same operational characteristics as the lighter rated vehicles and require no additional driver training.

Bakery trucks, like most trucks under 15,000 pounds GVWR, are used almost exclusively in local pick-up and delivery service, and no in long distance over-the-road movements. Thus, even when used beyond exempt intercity zones (49 CFR 390.16, 391.2), these trucks are used in the same type of local delivery service as vehicles operating within exempt zones. The ABA concludes that given the present exemption for local delivery operations, which includes an exemption from Part 391, even for drivers of the heaviest trucks on the road, the relief sought should be granted to ensure that vehicles which are used similarly—in local delivery service—are treatedly similarly.

Economic Impact

The ABA provided information which indicated that the cost of compliance with the paperwork requirements of Part 391 for two baking cooperatives having 15,500 vehicles subject to interstate use is over one-half million dollars annually. They state that the applicability of these regulations to drivers of all 10,001 to 15,000 pound GVWR vehicles in the baking industry alone results in very significant costs, which are incurred annually.

In addition to direct regulatory costs, they say, the continued application of these requirements discourages the baking industry from using more efficient trucks with greater payload capacity, even though those trucks have similar operating and safety characteristics. The ABA concludes that the cost of the paperwork requirements can result in a business selecting vehicles rated at less than 10,000 pounds GVWR when, but for the costs of those paperwork requirements, a higher rated vehicle would be more cost effective.

Advance Notice of Proposed Rulemaking

These questions asked in the advance notice in response to the petition were:

1. Do present vehicles, weighing between 10,001 to 15,000 pounds GVWR, have size and handling characteristics similar to older vehicles rated at 10,000 pounds or less? (When the original 10,000 pound exemption was granted, it was believed that their operational characteristics were the same as automobiles.)
2. Are vehicles between 10,001 to 15,000 pounds GVWR similar to vehicles under 10,000 pounds GVWR in terms of

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chassis, engine, power train, brake system, and tires? What major structural or operational differences exist between these groups of vehicles?

3. Do any vehicles between 10,001 to 15,000 pounds GVWR require special or additional driver training or skills not required for vehicles of 10,000 pounds or less?

4. Are any vehicles between 10,001 to 15,000 pounds GVWR articulated vehicles? What is the most common configuration of these vehicles? Most unusual?

5. In what type operations are your vehicles of 10,001 to 15,000 pounds GVWR generally involved (intracity, pick-up and delivery, intercity, etc.)?

6. What is the annual total mileage operated by a typical vehicle weighing between 10,001 and 15,000 pounds GVWR?

7. Should drivers operating vehicles weighing between 10,001 and 15,000 pounds GVWR be exempt from the:

(a) physical examination,

(b) road test, and

(c) written test.

8. Should motor carriers be exempt from performing background investigations, driving record investigations and maintenance of driver files for those drivers operating motor vehicles with a GVWR of 15,000 pounds and under? If so, why?

A total of 19 commenters responded to the ANPRM. Of that total, 13 commenters supported the petition, 2 commenters offered partial support; and 4 commenters opposed the petition totally.

Summary of Comments

There was unanimous agreement among those supporting the petition that vehicles having a GVWR between 10,001 and 15,000 pounds have size and handling characteristics similar to vehicles having a GVWR of 10,000 pounds or less.

The Private Truck Council of America, Inc., attributes the similarities to new technologies which have produced 15,000 pound GVWR vehicles with similar driving characteristics to lightweight vehicles. They state that driver visibility, automatic transmissions, and power assisted brakes all combine to make this larger vehicle behave similar to its lightweight counterpart.

Similarly, the ABA commented that improvements in automotive technology provide a basis for granting the requested exemption. They further commented that, "since the development of the present 10,000 pound exemption in 1975, the vehicle manufacturers and their suppliers have continuously improved (and continue to improve) technology with respect to, among other things, tires, brakes, wheels, power steering, transmissions, steering geometry, and the use of lighter, more durable, and stronger materials." As a result, they contend, the operational and handling characteristics are similar to vehicles having a GVWR of 10,000 pounds or less.

Likewise, the Private Carrier Conference stated in their comments that "Obviously, the additional 5,000 pounds GVWR translates into some difference in terms of weight distribution, overall length, overall width and height. However, to do no more than tabulate the numerical differences begs the question as to whether the handling of vehicles between 10,001 and 15,000 pounds GVWR require skills or additional driver traning not necessitated insofar as the handling of vehicles having a GVWR of 10,000 pounds or less is concerned. The Conference vigorously asserts that the marginal increase in GVWR of 5,000 pounds does not alter the essential fundamental characteristics of the vehicles in question. Hence, vehicles with 15,000 pounds GVWR have the same operational characteristics as the lighter weight vehicles and reuire no additional driver traning."

Another commenter, the National Association of Wholesaler-Distributors (NAW), stated their belief that there are only miniscule differences in the handling and operational characteristics of lightweight vehicles and any vehicle which is not articulated. Because of this, the NAW suggests that the exemption sought by the ABA in their petition, be extended to include drivers of all non-articulated vehicles regardless of their weight. This recommendation, like that of the Anderson Armored Car Service, Inc. who requested that the exemption be extended to include drivers of vehicles having a GVWR of up to 25,000 pounds, is beyond the scope of this rulemaking.

Other comments, such as those of Metz Baking Company, indicated that the main difference in the handling characteristics of the two classes of vehicles in question is in "the suspension and brake systems which are heavier duty giving longer life, less maintenance and adding safer operation of the vehicle."

The commenters agreed that, because the handling and operational characteristics of the vehicles are so similar, there is no need for additional driver training for drivers of vehicles between 10,001 and 15,000 pounds GVWR. Comments such as those of Boge's Bread which indicate that the driving skills needed are the same as those required for passenger cars, are indicative of the majority of commenters favoring the petition.

Conversely, commenters who oppose the proposed changes stated that the differences in handling and operational characteristics are substantial between vehicles under 10,000 pounds GVWR and those between 10,001 to 15,000 pounds GVWR. The United Parcel Service (UPS) for example, stated that driver training is necessary due to differences in the field of view available from left and right-hand convex mirror systems, as well as differences in braking systems and center of gravity. "Braking systems," stated UPS, "are designed for maximum loads, hence there is excess braking capacity for lightly loaded vehicles, which could result in brake lock-up and uncontrolled skids, particularly in panic-stop situations." "The center of gravity on trucks, they state, is higher and makes them more prone to overturning, especially during abrupt steering maneuvers." Other differences mentioned by UPS which require attention include acceleration differences and the effect of crosswinds on stability.

The comments of the American Trucking Associations, Inc., (ATA) reflected concerns similar to those of the UPS on handling and operational characteristics. When comparing vehicles in the two weight classes in question, the ATA found "considerable differences between them in weight distribution [axle loading] (loaded and empty), differences between loaded weight and empty weight, and overall length." Other fundamental characteristics reported by the ATA include the height of the center of gravity since as the center of gravity increases the inherent stability of the vehicle decreases. This, when coupled with the development of greater momentum because of heavier weight, creates potential problems with stability in turns, on curves, or whenever abrupt steering inputs are made.

Similar concerns were also expressed by Foremost McKesson Food Group. Although they partially support the proposed changes, they state that additional training and skills are needed for the 10,001 to 15,000 pound vehicles because of longer, wider chassis and increased weight, use of mirrors, backing skills, securing, vehicle control using engine compression, as well as braking.

Discussion of Comments

The FHWA focused on the operational and handling characteristics of vehicles between 10,001 and 15,000 pounds GVWR as compared to those 10,000 pounds or less GVWR to assess whether the similarities of the vehicles in each weight class warrant similar treatment under the regulations.

Based on the comments to the docket, it is evident that the majority of those who favor the exemption are convinced that those vehicles possess only minor differences in handling. On the other hand, those opposed feel that the differences are evident from an engineering standpoint and should continue to be treated differently. It is important to note that the comments received from those supporting the petition lacked substantive evidence to support their contention, but rather only offered their opinion on the operational and handling characteristics. While the comments opposing the proposed exemption provided some substantive data concerning strucutural design and weight distribution, this is not sufficient to substantiate actual differences in operational and handling characteristics.

It is the opinion of the FHWA that, because the operations in question are generally conducted at low speeds in local pick-up and delivery service and there is very little data to support the concerns of those who allege instability in the larger vehicles, the comments of those supporting the petition are more convincing than those opposing the petition. It should be noted however that the FHWA has concerns regarding the stability of these vehicles, even in low speed operation, and will continue to research this issue during the comment period of this notice. The focus of the research will be on both stability of the vehicles and their handling characteristics. The results should assist the FHWA in determining the need for driver training, testing, and qualifications for these vehicles as well as for those having a GVWR of 10,000 pounds or less.

At this time, pending the outcome of the research and comments to this notice, the FHWA agrees that drivers of vehicles between 10,001 and 15,000 pounds GVWR could be afforded the exemptions from the following:

1. Disclosure of, investigation into, and inquiries about, the background, character, and driving record of drivers (49 CFR Part 391, Subpart C),

2. The road test and written examination (49 CFR Part 391, Subpart D), and

3. Maintenance of driver files and records (49 CFR Part 391, Subpart F).

These proposed exemptions would apply only to drivers of those vehicles having a GVWR between 10,001 and 15,000 pounds which are not articulated and which have no more than 2 axles. This limitation will insure that only those drviers of vehicles which are claimed to be similar in operational characteristics and stability to those 10,000 pounds or less GVWR are exempted.

The exemption proposed for drivers of vehicles having a GVWR between 10,001 and 15,000 pounds does not include the provision concerning medical examination, certificate of medical examination, and possession of a medical certificate. The FHWA strongly believes that, based on data provided in comments to the ANPRM, this provision is necessary to ensure that drivers are physically qualified to drive. Additionally, the FHWA will review this issue as it relates to drivers of lightweight vehicles who presently enjoy the exemption, in a separate rulemaking which will be initiated within the next year.

At the time the present lightweight vehicle exemption was granted it was made clear that the relief granted did not exempt drivers from being medically qualified to drive, but rather only from the paperwork requirements associated with the medical criteria. Unless a driver is examined by a physician and issued a medical certificate, there is virtually no way to enforce this requirement or assure the public that adequate protection is being afforded them.

Data provided by the UPS in response to the ANPRM confirms the necessity of this provision. The UPS reported that, of the thousands of driver applicants seeking employment with the company annually, 12% were disqualified for medical reasons. Further, they revealed that they conduct medical examinations of half their 43,000 drivers annually and, in the past year, 5% of the drivers examined were removed from driver status because they developed medical abnormalities that disqualified them under the current FMCSR.

This concern was also addressed by the ATA. They believe that the only way to detect hidden medical conditions which are likely to cause loss of control of a vehicle is through a medical examination. Further, the only way to prove that an examination has been made is by requiring a medical certificate.

The FHWA agrees that many medical conditions cannot be detected without a physician's examination. The above data, coupled with data which indicates that approximately 15% [1] of all major and minor highway crashes are associated with medical problems (other than alcohol), strongly supports the continuation of the requirement for medical examination, carrier possession of a medical certificate, driver possession of a medical card, and reexamination every two years. Further, reexamination of the current exemption for drivers of lightweight vehicle is warranted as set forth above, and FHWA will initiate a separate rulemaking on this subject within the next year.

Economic Considerations

Unless the results of our research or the comments to this notice indicate that the proposed exemptions will have a negative effect on safety, the FHWA believes it will be in the Nation's best interest to grant the exemptions which have been discussed. This decision, in light of economic considerations, appears to be a positive move, even though the comments of the International Brotherhood of Teamsters (IBT), prompted the FHWA to closely and seriously weigh the arguments presented. The IBT commented, "The allegation that companies purchase equipment of less than 10,000 pounds GVWR in order to come within the § 391.62(a) exemption, when heavier equipment would be more efficient, is highly suspect. The ABA has offered no evidence to support this claim, and it seems doubtful that the burden of maintaining a few files and conducting a background investigation (something most employers do as a matter of course), would cause a company to willingly forego 5,000 pounds of cargo capacity if such capacity were in fact needed. In any event, contrary to current popular thinking, the mere fact that a regulation creates compliance costs is not grounds for its revocation, nor for providing exemption."

The FHWA agrees that the mere fact that a regulation creates compliance cost is not grounds for its revocation, nor for providing an exemption to it. However, since the FHWA currently has no substantive data indicating there are significant differences in the operational and handling characteristics of the two weight classes of vehicles in question, the economic considerations take on more weight. Based on the available data, the net benefit to society would outweigh other considerations raised in the comments.

[1] Waller, Julian A., M.D., M.P.H., Medical Impairment to Driving. Chas. C. Thomas, 1973, p. 7.

The ABA clearly states, in both their petition and their comments to the ANPRM, the costs incurred as a result of the regulations are directly passed on to the consumer. The ABA also comments that "there is no doubt that significant cost savings would accrue to vehicle operators and their customers from the grant of relief."

Based on data available at this time, the proposed exemption represents approximately 55–60% of the relief requested in terms of burden imposed by the regulations.

The FHWA believes that, so long as safety is not compromised, granting the ABA petition is advisable since the benefits gained by the affected industry will be passed on to the consumers.

Those desiring to comment on this rulemaking action are asked to submit their views, data, and arguments to the docket at the above address. Comments need not be limited to the areas specifically mentioned in the NPRM. All comments received will be considered before any final rules are developed.

All comments submitted will be available, both before and after the closing date, for examination by interested persons in the Docket Room of the BMCS, Room 3404, 400 Seventh Street, SW., Washington, D.C. 20590.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation.

A draft regulatory evaluation has been prepared and is available for review in the public docket. A copy may be obtained by contacting Mr. Neill L. Thomas at the address provided above under the heading "**FOR FURTHER INFORMATION CONTACT.**" The FHWA specifically requests information upon which to determine whether such action would have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 391

Motor carriers, Driver qualifications, Highways and roads.

In consideration of the foregoing, the FHWA proposes to amend Title 49, Code of Federal Regulations, Subtitle B, Chapter III, Subchapter B, Part 391, as set forth below.

PART 391—QUALIFICATION OF DRIVERS

Part 391 is amended by adding a new § 391.64 to read as follows:

§ 391.64 Drivers of vehicles having a GVWR of between 10,001 and 15,000 pounds.

(a) The following rules in this part do not apply to a person who drives a nonarticulated, 2 axle vehicle having a gross vehicle weight rating between 10,001 and 15,000 pounds.

(1) Subpart C (relating to disclosure of, investigation into, and inquiries about, the background, character, and driving record of drivers).

(2) Subpart D (relating to road tests and written examinations).

(3) Subpart F (relating to maintenance of files and records).

(b) *Exception.* The exemptions granted in this section do not apply if the vehicle is—

(1) transporting passengers for-hire; or

(2) transporting hazardous materials of a type or quantity that requires a vehicle to be marked or placarded in accordance with § 177.823 of this title.

* * * * *

(49 U.S.C. 304, 1655; 49 CFR 1.48 and 301.60)

(Catalog of Federal Domestic Assistance Program, Number 20.217, Motor Carrier Safety)

Issued: March 28, 1983.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc. 83-8586 Filed 4-1-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Tuna Fisheries; Public Meeting

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) announces a public meeting on proposed revisions to the rules governing the domestic Atlantic bluefin tuna fishery. The proposed rules were published in the **Federal Register** on March 30, 1983.

DATE: The meeting will be held on April 20, 1983.

ADDRESS: A public meeting on the proposed revisions to Subparts A and B of 50 CFR Part 285 will be held on the date and time, and at the location listed below.

Hearing Location

Date: April 20.
Location: Room 401, Page 2 Building, 3300 Whitehaven Street NW., Washington, D.C.
Telephone: 202–634–7218.
Time: 2 p.m.–4 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Stone, Acting Chief, Operations Coordination Group, 202–634–7218.

Dated: March 30, 1983.

Joseph P. Clem,

Acting Chief, Fisheries Process Division, National Marine Fisheries Service.

[FR Doc. 83-8690 Filed 4-1-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 65
Monday, April 4, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Flue-Cured Tobacco Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

Name: Flue-Cured Tobacco Advisory Committee.

Date: May 13, 1983.

Place: Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Laboratory, Room 223, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605.

Time: 1 p.m.

Purpose: To review various regulations and proposed regulations issued under the Tobacco Inspection Act, 7 U.S.C. 511–511q, elect officers, and discuss the quantities of tobacco designated to warehouses in each marketing area for the 1983 flue-cured season. Also, other matters as specified in 7 CFR Part 29 will be discussed.

The meeting is open to the public though space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless otherwise requested by the Committee Chairperson. Persons, other than members, who wish to address the Committee at the meeting should contact Lioniel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, S.W., United States Department of Agriculture, Washington, D.C., 20250 (202) 447–2567.

Dated: March 29, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83–8698 Filed 4–1–83; 8:45 am]

BILLING CODE 3410–02–M

CIVIL AERONAUTICS BOARD

Order Establishing International Cargo Rate Flexibility Policy

The Board, by Policy Statement PS–109, effective February 27, 1983, adopted a policy of not suspending international cargo rate changes within a specified zone, except in extraordinary circumstances. That policy, implemented by Regulation ER–1322, effective February 27, 1983 (14 CFR Part 221), eliminates the requirement of economic justification for international cargo rates which are within Board established zones of flexibility. The zone of flexibility, established in 14 CFR 399.41 also provides for Special Tariff Permission, subject to notice requirements, for rates within the zone. As stated in ER–1322, the Board has taken action to allow air carriers to respond more quickly to changing costs and competitive conditions.

In establishing the SFRL for the two-month period starting April 1, 1983 we have projected nonfuel costs based on the year ended September 30, 1982 and have determined fuel prices on the basis of experienced monthly fuel cost levels and reported weekly fuel cost trends.

By Order 83–3–148 cargo rates may be increased by the following adjustment factors over the April 1, 1982, level:

Atlantic	0.9538
Western Hemisphere	1.0035
Pacific	0.9826

Copies of the Board's order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request.

For Further Information Contact: Julien R. Schrenk, (202) 673–5298.

By the Civil Aeronautics Board: March 29, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–8858 Filed 4–1–83; 8:45 am]

BILLING CODE 6320–01–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et seq.); Week Ended March 25, 1983

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No	Description
Mar 21, 1983	41380	American International Airways, Inc., c/o Howard S. Boros, Boros & Gerofalo, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036. Application of American International Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity to conduct scheduled foreign air transportation between Albany and Burlington, on the one hand, and Montreal, on the other. Conforming Applications, Motions to Modify Scope and Answers may be filed by April 18, 1983
Mar 22, 1983	41365	Colonial Airlines, Inc., c/o Harry A. Bowen, Bowen & Atkin, Suite 350, 2020 K Street, N.W., Washington, D.C 20006. Application of Colonial Airlines, Inc. pursuant to Section 401 (d)(3) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate and overseas charter air transportation of persons, property and mail as follows: a. Between any point in any State of the United States, or the District of Columbia, or any territory or possession of the United States, and any other point in any State of the United States, or the District of Columbia, or any territory or possession of the United States; b. Authority to engage in all-cargo operations between points within the United States and its possessions. (Section 418 of the Act.) Conforming Applications, Motions to Modify Scope, and Answers may be filed by April 19, 1983.
Mar 22, 1983	41386	Colonial Airlines, Inc., c/o Harry A. Bowen, Bowen & Atkin, Suite 350, 2020 K Street, N.W., Washington, D.C. 20006. Application of Colonial Airlines, Inc. pursuant to Section 401(d)(3) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in foreign charter air transportation of property as follows: a. Between any point in any State of the United States, or the District of Columbia, or any territory or possession of the United States, and

Date filed	Docket No.	Description
		(1) Any point in Canada; (2) Any point in Mexico; (3) Any point in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands and any other foreign place in the Gulf of Mexico and the Caribbean Sea; and (4) Any point in Central or South America.
		Conforming Applications, Motions to Modify Scope and Answers may be filed by April 19, 1983
Mar. 22, 1983	41387	Singapore Airlines Limited, c/o Laurence A. Short, Short, Klein & Karas, 1101 30th Street, N.W., Suite 303, Washington, D.C. 20007 Application of Singapore Airlines Limited pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations applies for renewal and amendment of its Foreign Air Carrier Permit so as to permit it to continue its on-going operations in foreign air transportation between the United States of America and the Republic of Singapore Answers may be filed by April 19, 1983.
Mar 22, 1983	41361	ERA Helicopters, Inc., c/o Robert Reed Gray, Hale Russell & Gray, 1025 Connecticut Ave., N.W., Washington, D.C. 20036 Amendment No. 1 to the Application of ERA Helicopters, Inc. amends its application filed March 11, 1983, to request that the Board grant it authority to provide scheduled all-cargo service between the following points within the State of Alaska: Anchorage-Headhorse Anchorage-Nome Anchorage-Valdez The authority herein requested is in addition to the authority requested in applicant's original application
Mar. 25, 1983	41393	Ryan Aviation Corporation, c/o R. Bruce Keiner, Jr., Crowell & Moring, 1100 Connecticut Avenue, N.W., Washington, D.C. 20036 Application of Ryan Aviation Corporation pursuant to Section 401(d)(3) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate and overseas charter air transportation of persons, property, and mail: Between any point in any State in the United States or the District of Columbia, or any territory or possession of the United States and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States.
		Conforming Applications, Motions to Modify Scope and Answers may be filed by April 22, 1983
Mar. 25, 1983	41119 41192	Michigan Peninsula Airways, Ltd. d/b/a/ MPA International Airways, c/o Herbert A. Rosenthal, Hausman and Rosenthal, 2020 K Street, N.W., Suite 350, Washington, D.C. 20006. Supplemental Direct Exhibits of Michigan Peninsula Airways, Ltd. Answers may be filed by April 22, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-8659 Filed 4-1-83; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

New York Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New York Advisory Committee to the Commission will convene at 4:30 p.m. and will end at 6:30 p.m., on May 5, 1983, in the Roosevelt Room, at the Summit Hotel, Fifty-First and Lexington Avenue, New York, New York. The purpose of this meeting is to discuss program plans for Fiscal Year 1983.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Robert J. Mangum, 420 East Twenty-Third Street, New York, New York, 10010; (212) 420–3935 or the Eastern Regional Office, Jacob K. Javits Building, 26 Federal Plaza, Room 1639, New York, New York, 10278; (212) 264–0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. March 28, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-8563 Filed 4-1-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of the American Marketing Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, as amended by Pub. L. 94–409), notice is hereby given that the Census Advisory Committee of the American Marketing Association will convene on April 26, 1983, at 9:15 a.m. in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Marketing Association was established in 1946 to advise the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The Committee is composed of 15 members appointed by the President of the American Marketing Association.

The agenda for the meeting, which is scheduled to adjourn at 4:15 p.m., is: (1) Introductory remarks by the Director, Bureau of the Census, including staff changes and major budget and program developments; (2) update on planning for the 1990 census; (3) income problems in the 1980 census; (4) new developments in the Survey of Income and Program Participation; (5) undergroung economy; (6) user access to the Longitudinal Establishment Data File; (7) general discussion and Committee recommendations; and (8) plans and date for the next meeting.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer , Mr. Bobby Russell, Bureau of the Census, Room 2633, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763–7644.

Dated: March 28, 1983.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 83-8599 Filed 4-1-83; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Pectin From Mexico; Final Affirmative Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Final affirmative countervailing duty determination.

SUMMARY: We have determined that certain benefits which constitute bounties or grants within the meaning of

the countervailing duty law were being provided to manufacturers, producers, or exporters in Mexico of pectin as described in the "Scope of Investigation" section of this notice. The net bounty or grant is 11.19 percent *ad valorem*. The Department of Commerce and Pectina de Mexico, S.A., the only known manufacturer and exporter of pectin in Mexico, have entered into a suspension agreement (47 FR 54987). However, we continued the investigation at the request of the petitioner. The suspension agreement will remain in force, and we will not issue a countervailing duty order, unless there is a violation in accordance with section 704(i) of the Tariff Act of 1930, as amended.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: Mary A Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377–1273.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation and in accordance with section 705(a) of the Tariff Act of 1930, as amended (the Act), we have determined that the government of Mexico provided certain benefits which constitute bounties or grants within the meaning of section 303 of the Act to manufacturers, producers, or exporters in Mexico of pectin as described in the "Scope of Investigation" section of this notice. We determine the net bounty or grant to be 11.19 percent *ad valorem*.

The Department of Commerce and Pectina de Mexico, S.A. (Pectina), the only known manufacturer and exporter of pectin in Mexico, have entered into a suspension agreement. Pursuant to section 704(f)(3)(B) of the Act, the agreement will remain in effect and we will not issue a countervailing duty order as long as the conditions of the agreement are met.

Case History

On June 24, 1982, we received a petition from Hercules, Inc. of Wilmington, Delaware, on behalf of the U.S. industry producing pectin. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided, directly or indirectly, on the manufacture, production, or exportation of pectin from Mexico.

Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and therefore section 303 of the Act applies to this investigation. Under this section, where as here the merchandise being investigated is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

We reviewed the petition, and on July 14, 1982, determined that an investigation should be initiated (47 FR 31414).

We presented a questionnaire concerning the allegations to the government of Mexico at its embassy in Washington, D.C. On August 27, 1982, we received a partial response to the questionnaire. Additional information was supplied on September 7 and 9, 1982.

The government of Mexico requested that its response to our questionnaire be classified pursuant to Executive Order 12356 (effective August 1, 1982). In a letter dated September 27, 1982, we declined to accept the response as classified confidential foreign government information and returned the response to the government of Mexico. On October 7, 1982, the Mexican government submitted a business confidential and a non-confidential version of its earlier response, which we accepted.

On September 17, 1982, we issued our preliminary determination in the investigation (47 FR 42014). We preliminarily determined that the government of Mexico provides certain benefits which constitute bounties or grants within the meaning of section 303 of the Act to manufacturers, producers, or exporters in Mexico of pectin. The program preliminarily determined to bestow counteravailable benefits was the preferential financing program under the Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX). Tax rebates for exports under the Certificado de Devolucion de Impuesto (CEDI) program and benefits under the Certificates of Fiscal Promotion (CEPROFI) program were preliminarily determined not to be utilized.

On December 1, 1982, Pectina and the Department of Commerce signed a suspension agreement, as provided for by section 704 of the Act (47 FR 54987). Under the agreement, Pectina voluntarily renounced all counteravailable benefits under the CEPROFI, FOMEX and CEDI programs.

Scope of Investigation

The merchandise covered by this investigation is pectin from Mexico. The merchandise is currently classifiable under *Tariff Schedules of the United States* item No. 455.04.

The period for which we are measuring subsidization is the first half of 1982.

Analysis of Programs

In its response, the government of Mexico provided data for the applicable periods.

Based upon our analysis of the petition, the response to our questionnaire, our verification and oral and written comments made by interested parties, we determine the following.

I. Programs Determined To Confer Bounties or Grants

We determine that bounties or grants were provided to Pectina under the programs listed below.

A. The CEPROFI Program

In 1979, the government of Mexico introduced a four-year National Industrial Development Plan (NIDP) which spells out broad economic goals for the country. Tax credits, which are called Certificates of Fiscal Promotion (CEPROFI's) are used to promote the NIDP goals, which include increased employment, the promotion of regional decentralization, and industrial development particularly of small and medium-sized firms.

CEPROFI certificates are non-transferable tax certificates of a set value which may be used for a five-year period to pay federal taxes. CEPROFI certificates are granted for many purposes including investments in "priority" industrial regions of the country, as well as for programs that are available to all companies on equal terms. The amount of the CEPROFI is based upon the location of the activity, the number of jobs generated, the value of the investments in new plant and equipment, or the value of purchases of capital goods produced in Mexico.

During our verification of the government of Mexico's response, we were informed that Pectina received one CEPROFI certificate during the period for which we are measuirng subsidization. The CEPROFI was granted for the purpose of constructing a plant in a specific region in Mexico. Accordingly, the Department determined that the government of Mexico is providing bounties or grants to Pectina under the CEPROFI program because benefits were limited to

companies located within specific regions of Mexico. We have allocated the countervailable CEPROFI benefits received in the first six months of 1982 over the total sales of Pectina produced during that period, which results in a net bounty or grant of .68 percent *ad valorem.*

B. Preferential Financing Programs

FOMEX is a trust established by the government of Mexico to promote the maufacture and sale of exported products. The fund is administered by the Mexican Treasury Department, with the Bank of Mexico (Mexico's central bank) acting as the trustee. The Bank of Mexico administers the financing of FOMEX loans through financial institutions. The financial institutions establish contracts for lines of credit with manufacturers and exporters of merchandise. In order for a company to be eligible for FOMEX financing for exports, the following requirements must be met:

(1) The product to be manufactured must be included on a list made public by FOMEX; (2) the articles to be exported must have a minimum of 30 percent national content in direct production costs; (3) loans granted for pre-export must be in Mexican currency, while loans for export sales are established in U.S. dollars or any other foreign currency acceptable to the Bank of Mexico; and (4) the exporter must carry insurance against commercial risks to the extent of the loans. The maximum annual interest rate that credit institutions may charge borrowers for FOMEX pre-export financing is 8 percent in Mexican pesos. The maximum annual interest rate for FOMEX export financing is 6 percent in the currency of the country of importation. Pectina's FOMEX loans were at the maximum interest rates.

We found that FOMEX loans were available on terms inconsistent with commercial considerations to producers, manufacturers, and exporters of pectin for two purposes: pre-export (production) and export financing.

We have used as benchmarks for the commercial rate of interest in Mexico the national average rate for comparable short-term peso and dollar-denominated loans during the first half of 1982. We have determined that during the first six months of 1982, comparable peso-denominated loans were available at 46.95 percent, and comparable dollar-denominated loans were available at 17.95 percent. The peso rate was determined from information supplied by the Department of the Treasury and the dollar rate was determined from information supplied by the Federal Reserve Board.

For those FOMEX loans obtained by Pectina on pectin exported to the United States during the period January 1, 1982–June 30, 1982, we computed the difference in interest expense between the FOMEX loans and that which would have been incurred had the loans been made at the benchmark commercial rates of interest. We allocated the amount of the benefits over the value of exports of pectin to the United States during the same period.

We determine the net amount of the benefit for loans granted for pre-exports to be 5.65 percent *ad valorem* and the net amount of the benefit for export financing to be 4.86 percent *ad valorem,* for a total bounty or grant under the two programs of 10.51 percent *ad volorem.*

II. Program Determined To Be Suspended

CEDI Program

We determine that the CEDI program which was described in the notice of "Initiation of Countervailing Duty Investigation" is countervailable.

The CEDI is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b. value of the exported merchandise or, if national insurance and transportation are used, a percentage of the c.i.f. value of the exported product. The Secretary of Commerce of Mexico is responsible for setting the CEDI rate, which is not published. Exporters are required to apply for each CEDI by providing to the Ministry of Commerce (SECOFIN) documentation with respect to each individual shipment of qualifying exports. SECOFIN processes the application and, on approval, instructs the Ministry of Treasury to issue the CEDIs in the amount specified. The CEDIs are non-transferable and may be applied against a wide range of federal tax liabilities (including payroll taxes, value added taxes, federal income taxes, and import duties) over a period of five years from the date of issuance.

The government of Mexico suspended the eligibility of the products under investigation for CEDI tax rebates by an executive order published on August 25, 1982, in the *Diario Oficial de la Federacion* (Official Gazette). The order abrogates prior executive orders which contained the lists of products eligible to receive CEDI certificates. Suspension of the eligibility to apply for the CEDI was effective one day after publication of the executive order in the *Diario Oficial.*

Although exporters of the merchandise under investigation received benefits under the CEDI program during the period for which we are measuring subsidization, the CEDIs ceased to be available after August 25, 1982. Because the exporters used the CEDI certificates on a current basis, the pectin that was accorded benefits under this program was not likely to enter the United States on or after the date of the suspension of liquidation of the merchandise, which was issued after the preliminary determination.

If this program were to be reactivated, the Department will review its applicability in the annual reviews under section 751 of the Act.

III. Respondent's Comments

Comment 1

Pectina contends that the appropriate basis for determining whether Pectina received preferential financing from the government of Mexico is by contrasting the rate available under the FOMEX program with the rate commercially available to Pectina.

DOC Position

Where a benefit results from a broad, national lending program, we use national average commercial interest rates on comparable loans as our benchmarks rather than the rates at which individual companies received or could have received loans. In any event, Pectina received no non-FOMEX short-term loans during the period in which we are measuring subsidization.

Comment 2

Pectina argues that the actual effective rate of interest on FOMEX export financing loans is higher than 6 percent because the Rules of Operation of FOMEX require that interest on export shipment loans be paid in advance. The effective interest rate on the loan is thus increased by payment of the interest charge in advance.

DOC Position

We found that interest on commercial loans in Mexico is paid in advance. Since the benchmark for dollar-denominated loans is based upon the same terms, no adjustment is appropriate because the terms are comparable.

Comment 3

Pectina asserts that the FOMEX rate for export financing should be increased by the fee for commercial risk insurance because the FOMEX Rules of Operation list as a requirement that the exporter have an insurance policy to cover the credit issued by a company authorized to insure against commercial risks.

DOC Position

It is common commercial practice in Mexico for exporters to obtain commercial risk insurance on their shipments to the United States. While banks may not explicitly require such insurance as a condition to receipt of a commercial export loan, it is reasonable to expect that the terms would be adjusted accordingly in the absence of insurance.

The Department has no evidence to indicate that exporters of this merchandise: (a) Do not normally obtain commercial risk insurance for their non-FOMEX export loans, or (b) that the terms for obtaining a commercial export loan would not be adjusted to reflect the fact that the shipments are uninsured.

Comment 4

Pectina argues that the CEPROFI program under which Pectina received a CEPROFI certificate for decentralization of industry does not constitute a bounty or grant.

DOC Position

We disagree. The CEPROFI Pectina received was regionally targeted because such CEPROFI's are limited to companies located in specified regions of Mexico.

Comment 5

Pectina contends that the benefits for the CEPROFI certificate it received during the period for which we are measuring subsidization should be allocated to 1979, the period for which the eligibility for the CEPROFI occurred, or alternatively over all sales between 1979 and 1982, the date of receipt.

DOC Position

We disagree. Pectina did not receive the CEPROFI until 1982. The Department has allocated benefits for CEPROFI's received during the period for which we are measuring subsidization over Pectina's total sales during the period for which we are measuring subsidization.

Verification

In accordance with section 776(a) of the Act, we verified the data used in making our final determination. During this verification, we followed normal procedures, including inspection of documents, discussions with government officials and on-site inspection of Pectina's operations and records.

Administrative Procedures

The Department has afforded interested parties an opportunity to present oral views in accordance with its regulations (19 CFR 355.35). No request for a public hearing was received in this investigation. In accordance with the Department's regulations (19 CFR 355.34(a)), written views have been received and considered.

In the event the suspension agreement is violated, the Department, in accordance with section 704(i) of the Act, will direct the U.S. Customs Service to suspend liquidation of all entries, or withdrawals from warehouse, for consumption of Pectin and will issue a final countervailing duty order as required by section 704(i)(1)(C) of the Act.

This notice is published in accordance with section 705(d) of the Act.

Dated: March 25, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-8640 Filed 4-1-83; 8:45 am]

BILLING CODE 3510-25-M

Polypropylene Film From Mexico; Final Affirmative Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Final affirmative countervailing duty determination.

SUMMARY: We have detemined that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law were being provided to manufacturers, producers, or exporters in Mexico of polypropylene film as described in the "Scope of the Investigation" section of this notice. The net bounty or grant is 5.68 percent *ad valorem*. The Department of Commerce and Celulosa y Derivados, a manufacturer of polypropylene film that accounts for over 85 percent of the total exports of the subject merchandise to the United States from Mexico, have entered into a suspension agreement (47 FR 54992). However, we continued the investigation at the request of the petitioner. The suspension agreement will remain in force, and we will not issue a countervailing duty order unless there is a violation in accordance with section 704(i) of the Tariff Act of 1930, as amended.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: Mary A. Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377-1273.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation and in accordance with section 705(a) of the Tariff Act of 1930, as amended (the Act), we have determined that the government of Mexico provided certain benefits which constitute bounties or grants within the meaning of section 303 of the Act to manufacturers, producers, or exporters in Mexico of polypropylene film, as described in the "Scope of the Investigation" section of this notice. We determine the net bounty or grant to be 5.68 percent *ad valorem*.

The Department of Commerce and Celulosa y Derivados, a manufacturer of polypropylene film that accounts for over 85 percent of the total exports of the subject merchandise to the United States from Mexico, have entered into a suspension agreement. Pursuant to section 704(f)(3)(B) of the Act, the agreement will remain in effect and we will not issue a countervailing duty order as long as the conditions of the agreement are met.

Case History

On June 24, 1982, we received a petition from Hercules, Inc. of Wilmington, Delaware, on behalf of the U.S. industry producing polypropylene film. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided, directly, or indirectly, on the manufacture, production, or exportation of polypropylene film from Mexico.

Since Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, section 303 of the Act applies to this investigation. Because the merchandise is nondutiable and there is no "international obligation" within the meaning of section 303(a)(2) of the Act which requires an injury determination for nondutiable merchandise from Mexico, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

We reviewed the petition, and on July 14, 1982, determined that an investigation should be initiated (47 FR 31414).

We presented a questionnaire concerning the allegations to the government of Mexico at its embassy in Washington, D.C. On August 30, 1982, we received a partial response to the questionnaire. Additional information was supplied on September 7 and 9, 1982.

The government of Mexico requested that its response to our questionnaire be classified pursuant to Executive Order 12356 (effective August 1, 1982). In a letter dated September 27, 1982, we declined to accept the response as confidential foreign government information and returned the response to the government of Mexico. On October 7, 1982, the Mexican government submitted a business confidential and a non-confidential version of its earlier response, which we accepted.

On September 17, 1982, we issued our preliminary determination in the investigation (47 FR 42015). We preliminarily determined that the government of Mexico provides certain benefits which constitute bounties or grants within the meaning of section 303 of the Act to manufacturers, producers, or exporters in Mexico of polypropylene film. The programs preliminarily determined to bestow countervailable benefits were the following: Tax credits under the Certificates of Fiscal Promotion (CEPROFI) program, and perferential financing under the Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX). Tax rebates for exports under the Certificado de Devolucion de Impuesto (CEDI) program were preliminarily determined not to be utilized because the program was suspended.

On December 1, 1982, Celulosa y Derivados and the Department of Commerce signed a suspension agreement, as provided for by section 704 of the Act (47 FR 54992). Under the agreement, Celulosa y Derivados voluntarily renounced all countervailable benefits under the CEPROFI, FOMEX and CEDI programs.

Scope of the Investigation

The merchandise covered by this investigation is polypropylene film, which is a thin transparent film made from polypropylene resin. It is currently classifiable under items 774.5590 and 771.4316 of the *Tariff Schedules of the United States Annotated*.

The period for which we are measuring subsidization is the first half of 1982.

Analysis of Programs

In its response, the government of Mexico provided data for the applicable periods.

Based upon our analysis of the petition the response to our questionnaire, our verification and oral and written comments made by interested parties, we determine the following.

I. Programs Determined To Be Bounties or Grants

We determine that bounties or grants were provided to manufacturers, producers, and exporters in Mexico of polypropylene film under the programs listed below.

A. *The CEPROFI Program:* In 1979, the government of Mexico introduced a four-year National Industrial Development Plan (NIDP) which spells our broad economic goals for the country. Tax credits which are called Certificates of Fiscal Promotion (CEPROFIs) are used to promote the NIDP goals, which include increased employment, the promotion of regional decentralization, and industrial development particularly of small and medium-sized firms.

CEPROFI certificates are non-transferable tax certificates of a set value which may be used for a five-year period to pay federal taxes. CEPROFI certificates are granted for many purposes including investments in "priority" industrial regions of the country, as well as for programs that are available to all companies on equal terms. The amount of the CEPROFI is based upon the location of the activity, the number of jobs generated, the value of the investments in new plant and equipment, or the value of purchases of capital goods produced in Mexico.

The Mexican producers of polypropylene film received CEPROFI certificates during the period for which we are measuring subsidization for the purpose of encouraging industrial development in specific regions in Mexico. Accordingly, the Department determines that the government of Mexico is providing bounties or grants to its manufacturers, producers, and exporters of polypropylene film under the CEPROFI program because benefits were limited to companies located within specific regions of Mexico. We have allocated the countervailable CEPROFI benefits received in the first six months of 1982 over the total sales of the merchandise under investigation produced during that period, which results in a net bounty or grant of 4.91 percent *ad valorem*.

B. *Preferential Financing Programs:* FOMEX is a trust established by the government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury Department, with the Bank of Mexico acting as the trustee. The Bank of Mexico administers the financing of FOMEX loans through financial institutions. The financial institutions establish contracts for lines of credit with manufacturers and exporters of merchandise.

In order for a company to be eligible for FOMEX financing for exports, the following requirements must be met: (1) The product to be manufactured must be included on a list made public by FOMEX; (2) the articles to be exported must have a minimum of 30 percent national content in direct production costs; (3) loans granted for pre-export must be in Mexican currency, while loans for export sales are established in U.S. dollars or any other foreign currency acceptable to the Bank of Mexico; and (4) the exporter must carry insurance against commercial risks to the extent of the loans. The maximum annual interest rate that credit institutions may charge borrowers for FOMEX pre-export financing is 8 percent in Mexican pesos. The maximum annual interest rate for FOMEX export financing is 6 percent in the currency of the country of importation.

We found that FOMEX loans were available on terms inconsistent with commercial considerations to producers, manufacturers, and exporters of polypropylene film for two purposes: pre-export (production) financing and export financing.

We have used as benchmarks for the commerical rate of interest in Mexico the national average rate for comparable short-term peso and dollar-denominated loans during the first half of 1982. We have determined that during the first six months of 1982, comparable peso-denominated loans were available at 46.95 percent, and comparable dollar-denominated loans were available at 19.57 percent. The peso rate was determined from information supplied by the Department of the Treasury and the dollar rate was determined from information supplied by the Federal Reserve Board.

For those FOMEX loans obtained by Celulosa y Derivados on polypropylene film exported to the United States during the period January 1, 1982–June 30, 1982, we computed the difference in interest expense between the FOMEX loans and that which would have been incurred had the loans been made at the benchmark commercial rates of interest. Celulosa y Derivados received FOMEX loans at rates below the maximum rates. We allocated the amount of the benefits over the value of exports of polypropylene film to the United States during the same period.

We determine the net amount of the benefit for loans granted for pre-exports to be 0.42 percent *ad valorem* and the net amount of the benefit for export

financing to be 0.35 percent *ad valorem*, for a total bounty or grant under the two programs of 0.77 percent *ad valorem*.

II. Program Determined To Be Suspended

CEDI Program: We determine that the CEDI program which was described in the notice of "Initiation of Countervailing Duty Investigation" is counteravailable.

The CEDI is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b. value of the exported merchandise, or, if national insurance and transportation are utilized, a percentage of the c.i.f. value of the exported product. The Secretary of Commerce of Mexico is responsible for setting the CEDI rate, which is not published. Exporters are required to apply for each CEDI by providing to the Ministry of Commerce (SECOFIN) documentation with respect to each individual shipment of qualifying exports. SECOFIN processes the application and, on approval, instructs the Ministry of Treasury (TESORERIA) to issue the CEDIs in the amount specified. The CEDIs are non-transferable and may be applied against a wide range of federal tax liabilities (including payroll taxes, value added taxes, federal income taxes, and import duties) over a period of five years from the date of issuance.

The government of Mexico suspended the eligibility of the products under investigation for CEDI tax rebates by an Executive Order published on August 25, 1982 in the *Diario Oficial de la Federacion* (Official Gazette). The order abrogates prior executive orders which contained the lists of products eligible to receive CEDI certificates. Suspension of the eligibility to apply for the CEDI was effective one day after publication of the executive order in the *Diario Oficial*.

Although exporters of the merchandise under investigation received benefits under the CEDI program during the period for which we are measuring subsidization, the CEDIs ceased to be available after August 25, 1982. Because the exporters used the CEDI certificates on a current basis, the polypropylene film that was accorded benefits under this program was not likely to enter the United States on or after the date of the suspension of liquidation of the merchandise, which was issued after the preliminary determination.

If this program were to be reactivated, the Department will review its applicability in the annual reviews under section 751 of the Act.

III. Respondent's Comments

Comment 1: Celulosa y Derivados argues that the appropriate market rate for comparison with FOMEX rates is the actual rates received in the United States by the polypropylene film industry.

DOC Position: We have used as a benchmark for pre-export loans a comparable countrywide peso loan rate of 46.95 percent and as a benchmark for export loans a comparable countrywide dollar-denominated loan rate of 19.57 percent. Where a benefit results from a broad national lending program, we use national average commercial interest rates on comparable loans as our benchmarks rather than the rates at which individual companies received loans. Loans in the national currency of the country are not considered comparable to loans in a foreign currency. Accordingly, we have considered pre-export and export financing FOMEX loans separately.

Comment 2: Celulosa y Derivados contends that the FOMEX rate for export financing should be increased by the fee for commercial risk insurance because the FOMEX Rules of Operation list as a requirement that the exporter have an insurance policy to cover the credit issued by a company authorized to insure against commercial risks.

DOC Position: It is common practice in Mexico for exporters to obtain commercial risk insurance on their shipments to the United States. While banks may not, per se, explicitly require such insurance as a condition to receipt of a commercial export loan, it is reasonable to expect that the terms would be adjusted accordingly. The Department has no evidence to indicate that exporters of this merchandise: (a) Do not normally obtain commercial risk insurance for their non-FOMEX export loans, or (b) that the terms for obtaining a commercial export loan would not be adjusted to reflect the fact that the shipments are uninsured.

Verification: In accordance with section 776(a) of the Act, we verified the data used in making our final determination. During this verification, we followed normal procedures, including inspection of documents, discussions with government officials and on-site inspection of Celulosa y Derivados' operations and records.

Administrative Procedures: The Department has afforded interested parties an opportunity to present oral views in accordance with its regulations (19 CFR 355.35). No request for a public hearing was received in this investigation. In accordance with the Department's regulations (19 CFR 355.34(a)), written views have been received and considered.

In the event the suspension agreement is violated, the Department, in accordance with section 704(i) of the Act, will direct the U.S. Customs Service to suspend liquidation of all entries, or withdrawals from warehouse, for consumption of polypropylene film and will issue a final countervailing duty order as required by section 704(i)(1)(C) of the Act.

This notice is published in accordance with section 705(d) of the Act.

Dated: March 25, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-8638 Filed 4-1-83; 8:45 am]

BILLING CODE 3510-25-M

Wool From Argentina; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Final affirmative countervailing duty determination and countervailing duty order.

SUMMARY: We have determined that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Argentina of wool, as described in the "Scope of Investigation" section of his notice. The net bounty or grant for shipments of the subject merchandise made prior to January 1, 1983 is 5.58 percent *ad valorem*. The net bounty or grant for shipments of the subject merchandise made on or after January 1, 1983 is 4.65 percent *ad valorem*. Further information regarding the calculation of these rates is contained in the Incentives for Exports Leaving from Southern Ports Program.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill, Office of Investigations, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230, telephone (202) 377-1273.

SUPPLEMENTARY INFORMATION: .

Final Determination and Order

Based upon our investigations, we determine that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (the Act), are being provided to manufacturers, producers, or exporters

in Argentina of wool, as described in the "Scope of Investigation" section of this notice.

Case History

On September 21, 1982, we received a petition filed in proper form from the National Wool Growers Association, Inc. on behalf of the wool industry in the United States. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Argentina of wool. We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on October 18, 1982, we initiated a countervailing duty investigation (47 FR 46349).

Argentina is not a "country under the Agreement" within the meaning of section 701(b) of the Act and therefore, section 303 of the Act applies to this investigation. Under this section, since the merchandise being investigated is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product case or threaten to cause material injury to a U.S. industry.

The petition included non-dutiable wool from Argentina as provided for in items 306.3132 and 306.3334 of the *Tariff Schedules of the United States Annotated*. On December 22, 1982, we terminated the investigation with respect to the non-dutiable wool since the petition did not provide any information relating to injury (47 FR 57981).

On October 21, 1982, we presented a questionnaire concerning the allegations to the government of Argentina at its embassy in Washington, D.C. We received the response to the questionnaire on November 22, 1982. On January 10–14, 1983, we verified in Argentina the response submited by the Argentine government.

On December 13, 1982, we announced our intention to postpone the preliminary countervailing duty determination involving wool until not later than January 14, 1983 (47 FR 56532). We determined under section 703(c)(1)(B) of the Act that the case was extraordinarily complicated because of the number and complexity of the alleged bounties or grants and the difficulty in determining the extent of use by manufacturers, producers or exporters.

On January 12, 1983, we issued our preliminary determination in the investigation (48 FR 2162). The preliminary determination stated that the government of Argentina provides certain benefits which constitute bounties or grants within the meaning of section 303 of the Act to manufacturers, producers, or exporters in Argentina of wool.

Scope of Investigation

The products covered by this investigation consist of wool currently classified under the following *Tariff Schedules of the United States Annotated (TSUSA)* numbers:

306.3152	306.3273
306.3172	306.3354
306.3253	306.3374

The period for which we are measuring subsidization is January through June of 1982.

Analysis of Programs

In its response, the government of Argentina provided data for the applicable period. Based on our analysis of the petition, the response to our questionnaire, our verification, and written comments submitted by interested parties, we determine the following:

I. Program Determined to Confer Bounties or Grants

Incentives for Exports Leaving From Southern Ports: We determine that bounties or grants are being provided to manufacturers, producers, or exporters in Argentina of wool under the Incentives for Exports Leaving from Southern Ports Program.

This program provides a payment for wool shipped from the southern ports of Argentina. In Resolutions No. 11 and 368 of January 6 and March 23, 1981, respectively, the Ministry of Economy established a 10 percent payment for exports of products shipped from designated ports located in the southern region of Argentina.

In October 1982, the Ministry of Economy passed Resolution No. 287, which established different levels for this payment according to port of shipment. Payments ranging from 5 to 9 percent were established for eight ports. These rates are based on the distance between each port and Buenos Aires. These new payments became effective on December 1, 1982. Under Resolution No. 287, the payment for each port is reduced one percentage point annually.

In order to be eligible for the payment, the goods being shipped through the southern ports must either be produced or processed within the southern region. To establish that the goods are produced or processed locally, a Municipal Certificate must be completed by the company and notarized by the municipal authorities.

This payment is not a rebate of taxes, but rather an incentive to promote economic development in the regions south of the Colorado River and to develop the southern ports as the primary means of transportation from the southern regions of the country.

Since the payments for export shipped through designated southern ports is a program which targets a specific region, we determined that this payment confers benefits which constitute bounties or grants within the meaning of the countervailing duty law.

According to the Wool Federation of Argentina, Madryn is essential the only designated southern port through which wool was shipped during the period for which we are measuring subsidization. In our preliminary determination, we calculated the estimated bounty or grant on the basis that 56 percent of the wool was shipped through the port of Madryn during the period for which we are measuring subsidization. The incentive payment applicable to wool shipped through the port of Madryn during the same period was 6 percent.

As of January 1, 1983, the payment for wool shipped through the port of Madryn was reduced to 5 percent. We verified that during the period for which we are measuring subsidization, 93 percent of the wool exported to the United States was shipped through the port of Madryn. Virtually all the other wool exports to the United States were shipped through Buenos Aires which does not qualify for an incentive payment. We calculated the amount of the net bounty or grant by finding the weighted average of the payment based on the value of all exports of wool to the United States from January through June 1982. For shipments prior to January 1, 1983, the net bounty or grant is 5.58 percent *ad valorem*. However, as the payment applicable to the port of Madryn was reduced from 6 percent to 5 percent as of January 1, 1983, we are calculating for shipments on or after this date a rate based on the 5 percent payment currently in effect. Using this 5 percent rate, we have determined that the net bounty or grant for all exports of wool to the United States shipped on or after January 1, 1983 is 4.65 percent *ad valorem*.

II. Programs Determined To Be Suspended

We determine that the following programs are suspended, and they are currently not available to producers, manufacturers, or exporters of wool in Argentina.

A. *Indirect Tax Refund on Export (Reembolso):* Established in 1971, the reembolso program is a rebate of indirect tax upon exportation. It authorizes a refund by cash payment upon export of taxes "that bear directly or indirectly" on exported products and/or their component raw materials for the purpose of promoting exports. The amount of the reimbursement is equal to a fixed percentage of the f.o.b. value of the exported merchandise. This percentage varies by product.

In 1976, the reembolso program was restructured and reembolso levels were established in accordance with a prescribed method.

The levels ranged from 0 percent for primary goods to 25 percent for manufactured goods. At that time, none of the wool covered by this investigation was granted a reembolso. On December 12, 1979, the Ministry of Economy established a 5 percent reembolso for washed wool, which is covered by this investigation. Except for a short period in May 1981, this 5 percent reembolso on washed wool remained in effect until May 4, 1982. On May 5, 1982, Resolution No. 437 abolished the 5 percent reembolso.

Accordingly, we determine that the reembolso program with respect to exports of wool is suspended.

Although exporters of wool received benefits through the reembolso established for washed wool during the period for which we are measuring subsidization, wool that was accorded benefits under this program is not likely to enter the United States on or after January 14, 1983, the date of the suspension of liquidation of entries of the merchandise. If this program is reactivated with regard to wool exporters, the Department will review its application in the annual reviews required under section 751 of the Act.

B. *Multiple System of Exchange Rates:* Until June 1981, a single exchange rate existed in Argentina. The currenty market was divided into financial and commercial segments from June 22 through December 23, 1981, and from July 6 through October 31, 1982, and a dual exchange rate was in effect for foreign trade which created two exchange markets, one for commercial and the other for finanical. The currency market was unified during the period for which we are measuring subsidization, and it has again been unified effective November 1, 1982, Therefore, we determine that this program is suspended. If this program is reactivated, the Department will review its application to wool exporters in the annual reviews required under section 751 of the Act.

III. Program Determined To Be Terminated

Government Assistance to Wool Producers in Patagonia: We determine that the assistance to wool producers in Patagonia program is terminated and it is currently not available to producers, manufacturers, or exporters of wool in Argentina.

This program provides emergency interim support payments to Patagonian wool producers.

The petitioner alleged that the government of Argentina is providing bounties or grants to wool producers. In the questionnaire reponse and in a supplemental letter, the government of Argentina states that wool producers in the Patagonian Zone received a compensation per kilogram of wool sold during the 1979/80, 1980/81, and 1981/82 wool harvests. The government of Argentina terminated this program as of October 20, 1982 by Decree No. 936.

Although wool producers received benefits under this program during the period of which we are measuring subsidization, the benefits ceased to be available after October 20, 1982. Wool accorded benefits under this program is not likely to enter the United States on or after January 14, 1983, the date of suspension of liquidation of entries of the merchandise.

We verified that wool producers use the payments received under this program for current operating expenses, and that such payments are expended in the year received.

If this program is reactivated, the Department will review its application to wool exporters in the annual reviews required under section 751 of the Act.

IV. Programs Determined Not to be Used

We determine that the programs listed below are not being used by the manufacturers, producers, or exporters in Argentina of wool.

A. *Pre-financing of Exports Through Dollar-Indexed Pesos:* This program provides pre-export funds to exporters at an interest rate of one percent on peso loans denominated in U.S. dollars. We verified that wool exporters did not use the pre-financing of exports program.

B. *Financial Reorganization Aids:* The petitioner alleged that in July 1982, the government of Argentina through the Central Bank of Argentina changed all debts to five-year loans at 6 percent interest and offered subsidized interest rates on new loans. We verified that the wool producers and exporters have not received these types of loans.

Respondent's Comment: The government of Argentina appears to argue that the export duties paid on wool exports are an offset under section 771(6) of the Act to the incentive payment for wool shipped through the southern ports of Argentina.

DOC Position: The wool covered by this investigation is currently charged export duties ranging from 15 percent to 22 percent. Payments currently in effect for wool shipped through these southern ports ranged from 4 percent to 8 percent.

There is no connection between the incentive program for wool exports shipped through the southern ports, which is a regional development program, and the export duties on wool, which is a revenue raising program. Separate laws and decrees govern the export duty and incentive payment programs. In addition, separate ministries administer the two programs. There is no linkage or relationship between the two programs.

The Department has determined that export duties paid on wool exports do not qualify as an offset under section 771(6) of the Act to the incentive payment applicable to wool shipped through the southern ports of Argentina.

Verification

In accordance with section 776(a) of the Act, we verified the data used in making our final determination. During this verification, we followed normal procedures, including inspection of documents, discussions with government officials and on-site inspection on manufacturers' operations and records.

Administrative Procedures

The Department has afforded interested parties an opportunity to present oral views in accordance with its regulations (19 CFR 355.35). No request for a public hearing was received in this investigation. In accordance with the Department's regulations (19 CFR 355.34(a)), written views have been received and considered. The suspension of liquidation ordered in our preliminary affirmative countervailing determination shall remain in effect until further notice. The net bounty or grant for shipments of the subject merchandise made prior to January 1, 1983 is 5.58 percent *ad valorem*. The net bounty or grant for shipments of the subject merchandise made on or after January 1, 1983 is 4.65 percent *ad valorem*. In both instances, the net bounty or grant is larger than the estimated bounty or grant determined in the preliminary determination.

As required by section 706(a)(3), we are directing the United States Customs

Service to require cash deposits in the amounts indicated above for each entry of the subject merchandise entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register** and to assess countervailing duties in accordance with sections 706(a)(1) and 751 of the Act.

The Department intends to conduct administrative reviews within 12 months of publication of this determination as provided in section 751 of the Act.

This notice is published pursuant to sections 303 and 706 of the Act (19 U.S.C. 1303, 1671e).

Dated: March 28, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration

[FR Doc. 83-8639 Filed 4-1-83; 8:45 am]

BILLING CODE 3510-25-M

Non-Rubber Footwear From Spain; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of Administrative review of countervailing dury order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on non-rubber footwear from Spain. The review covers the period January 1, 1980 through December 31, 1980. As a result of the review, the Department has preliminarily determined the amount of the net subsidy to be 4.91 percent of the f.o.b. invoice price of the merchandise. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: Charles Anderson or Joseph A. Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On September 12, 1974, the Department of the Treasury ("Treasury") published in the **Federal Register** (T.D. 74-235, 39 FR 32904) an affirmative final countervailing duty determination regarding non-rubber footwear from Spain. The notice stated that the Government of Spain had provided bounties or grants on the manufacture, production or exportation of such merchandise within the meaning of section 303 of the Tariff Act of 1930 ("the Tariff Act").

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455), a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has now conducted an administrative review of the order on non-rubber footwear from Spain.

Scope of Review

The merchandise covered by the review is non-rubber footwear, imported directly or indirectly from Spain. Such imports are currently classifiable under items 700.0500 through 700.4575, 700.5605 through 700.5673, 700.7220 through 700.8360, and 700.9515 through 700.9545 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1980 through December 31, 1980, and the following programs: (1) A rebate upon exportation of indirect taxes, under the Desgravacion Fiscal a la Exportacion ("the DFE"); and (2) an operating capital loans program.

Analysis of Programs

(1) *Desgravacion Fiscal a la Exportacion.* Spain employs a cascading tax system. Under this system, the government levies a turnover tax ("IGTE") on each sale of a product through its various stages of production, up to (but not including) the final sale in Spain. Upon exportation of the product, the government, under the DFE, rebates both accumulated IGTE indirect taxes and certain final stage taxes.

Although the Spanish government rebates upon exportation all indirect taxes paid under the cascading tax system, the Tariff Act allows the rebate of only the following: (1) Taxes borne by inputs which are physically incorporated in the exported product (see Annex 1.1 of part 355 of the Commerce Regulations); and (2) indirect taxes levied at the final stage (see Annex 1.2 of part 355 of the Commerce Regulations). If the payment upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

Physical incorporation is a question of fact to be determined for each product in each case. In this case, the physically incorporated inputs are the raw materials previously allowed by Treasury. The rebate of two final stage taxes, the parafiscal tax on export licenses and the tax on freight and insurance, is also allowable when calculating whether or not there is an overrebate of indirect taxes under the DFE.

In its questionnaire response, the Spanish government submitted a cost structure for non-rubber footwear which also estimated the incidence in the final product of indirect taxes on both physically incorporated and non-physically incorporated inputs. During verification, we discovered that the cost structure submitted overstated the proportion of the value attributable to physically incorporated raw materials. Consequently, the tax burden attributable to physically incorporated inputs was also overstated. We have therefore relied on information gathered during verification to construct a weighted-average cost structure for Spanish footwear exporters during the period of review, and have used those data to calculate the total incidence of allowable indirect taxes. Also allowing for the rebate of the two final stage taxes, we preliminarily determine that an overrebate upon export equal to 4.50 percent *ad valorem* existed in Spain during the period of review.

As of July 1, 1981, the Spanish government increased the IGTE turnover tax rate on business transactions from 2.4 to 3.8 percent while maintaining the previous rate for the export rebate. On January 1, 1982, this rate was further increased to 4.6 percent, while once again the DFE remained unchanged. As a result of these changes, we preliminarily determine, for purposes of cash deposits of estimated countervailing duties, that the overrebate has been reduced to 0.66 percent *ad valorem.*

(2) *Operating Capital Loans.* The Spanish government requires banks to set aside funds to provide short-term operating capital loans. These loans are granted for a period of less than one year. To calculate the subsidy attributable to the operating capital loans program, we compared the interest rate on operating capital loans to the interest rate on comparable commercial loans. For 1980, the Spanish government fixed the interest rate for such loans at 8 percent, which was 1.5 percent below the legally established commercial interest rate of 9.5 percent. Using verified information on the actual level of usage, we preliminarily determine the net subsidy attributable to

this program to be 0.41 percent *ad valorem.*

Effective March 1, 1961, the Spanish government increased the interest rate on operating capital loans from 8 to 10 percent while eliminating the interest rate ceiling on comparable short-term commercial loans. To determine the interest rate on comparable commercial loans for purposes of calculating a deposit rate, we took the average national prime interest rate for loans of comparable length, added the prevailing interest charge over prime facing borrowers of average creditworthiness, and added the legally established fees and commissions.

The Spanish government is currently phasing out its operating capital loans program. Since 1981, the maximum annual amount footwear manufacturers can borrow under this program has been reduced from 40 percent to 20 percent of their previous year's exports.

Using the interest rate differential prevailing in 1982 (9.38 percent), and assuming, in the absence of knowledge of current usage levels, that the Spanish footwear manufacturers borrowed the maximum amount to which they were legally entitled as of January 1, 1983, we preliminarily determine, for purposes of cash deposits of estimated countervailing duties, that the net subsidy attributable to this program has increased to 1.88 percent *ad valorem.*

Verification

We verified the information used in reaching these preliminary results through examination of Spanish laws and documents and company books and records. Documents examined included production and export records, company financial statements and cost structure records.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the aggregate net subsidy conferred during 1980 by the two programs is 4.91 percent *ad valorem.* Accordingly, the Department intends to instruct the Customs Service to assess countervailing dutes of 4.91 percent of the f.o.b. invoice price on all shipments of Spanish non-rubber footwear entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and exported on or before December 31, 1980.

The provisions of T.D. 74–235 (39 FR 32904), T.D. 78–165 (43 FR 25814), or T.D. 79–23 (44 FR 3477) and section 303(a)(5) of the Tariff Act, prior to the enactment of the TAA, apply to all entries made prior to Janurary 1, 1980. Accordingly, the Customs Service shall assess countervailing duties on unliquidated entries of non-rubber footwear which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980, at the applicable rates set forth in T.D. 74–235, T.D. 78–165, or T.D. 79–23.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 2.54 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This deposit requirement shall remain in effect until publication of the final results of the next adminstrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. If requested, a hearing will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: March 29,1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–8641 Filed 4–1–83; 8:45 am]

BILLING CODE 3510–25–M

Yarns of Polypropylene Fibers From Mexico; Final Affirmative Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Final affirmative countervailing duty determination.

SUMMARY: We have determined that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law were being provided to manufactuers, producers, or exporters in Mexico of yarns of polypropylene fibers as described in the "Scope of Investigation" section of this notice. The net bounty or grant is 4.28 percent *ad valorem.* The Department of Commerce and Industrias Polifil, S.A. de C.V., the only known manufacturer and exporter of yarns of polypropylene fibers in Mexico, have entered into a suspension agreement (47 FR 5581). However, we continued the investigation at the request of the petitioner. The suspension agreement will remain in force, and we will not issue a countervailing duty order.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill or Paul H. Tambakis, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377–1273 or 377–0186.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation and in accordance with section 705(a) of the Tariff Act of 1930, as amended (the Act), we have determined that the government of Mexico provided certain benefits which constitute bounties or grants within the meaning of section 303 of the Act to manufacturers, producers, or exporters in Mexico of yarns of polypropylene fibers as described in the "Scope of Investigation" section of this notice. We determine the net bounty or grant to be 4.28 percent *ad valorem.*

The Department of Commerce and Industrias Polifil, S.A. de C.V., the only known manufacturer and exporter of yarns of polypropylene fibers in Mexico, have entered into a suspension agreement. Pursuant to section 704(f)(3)(B) of the Act, the agreement will remain in effect and we will not issue a countervailing duty order as long as the conditions of the agreement are met.

Case History

On August 26, 1982, we received a petition from Quaker Textile Corporation of Fall River, Massachusetts, on behalf of the U.S. industry producing yarns of polypropylene fibers. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the act are being provided, directly or indirectly, on the manufacture, production, or export in Mexico of years of polypropylene fibers.

Since Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and yarns of polypropylene fibers are dutiable, the domestic industry is not required to

allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to the U.S. industry in question.

We reviewed the petition, and on September 21, 1982, determined that an investigation should be initiated (47 FR 41609).

We presented a questionnaire concerning the allegations to the government of Mexico at its embassy in Washington, D.C. On November 1, 1982, we received a partial response to the questionnaire. Additional information was supplied on November 18, 1982, covering the CEPROFI and FOMEX pre-export financing programs. This supplemental response was not received in sufficient time for consideration in our preliminary determination. We have, however, used this information in our final determination.

On November 26, 1982, we issued our preliminary determination in the investigation (47 FR 53443). We preliminarily determined that the government of Mexico provides certain benefits which constitute bounties or grants within the meaning of section 303 of the Act on the manufacture, production, or export in Mexico of yarns of polypropylene fibers. The programs preliminarily determined to bestow countervailable benefits were the preferential financing program under the Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX) and tax credits under the Certificates of Fiscal Promotion (CEPROFI) Program. Since Polifil's supplemental response was not filed in sufficient time for inclusion in our preliminary determination, we relied on best available information to preliminarily determine the estimated benefits conferred by the CEPROFI and FOMEX pre-export financing programs.

On February 1, 1983, Industrias Polifil and the Department of Commerce signed a suspension agreement, as provided for by section 704 of the Act (48 FR 5581). Under the agreement, Polifil voluntarily renounced all countervailable benefits under the CEPROFI, FOMEX and CEDI programs.

Scope of Investigation

The merchandise covered by this investigation is yarns of polypropylene fibers from Mexico. It is currently classifiable under items 310.0214, 310.1114, 310.5015, 310.5051, 310.6029, 310.6038, and 310.8000 of the *Tariff Schedules of the United States Annotated*. The major industrial raw materials for these yarns are man-made fibers of staple, continuous filament and bulked continuous filament made from polypropylene resin.

The period for which we are measuring subsidization is the first half of 1982.

Analysis of Programs

In its responses, the government of Mexico provided data for the applicable periods.

Based upon our analysis of the petition, the responses to our questionnaire and our verification, we determine the following:

I. Program Determined to Confer Bounties or Grants

We have determined that bounties or grants were being provided to Polifil under the programs listed below:

Preferential Financing Programs: FOMEX is a trust established by the government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury Department, with the Bank of Mexico acting as the trustee. The Bank of Mexico administers the financing of FOMEX loans through financial institutions. The financial institutions establish contracts for lines of credit with manufacturers and exporters of merchandise.

In order for a company to be eligible for FOMEX financing for exports, the following requirements must be met: (1) The product to be manufactured must be included on a list made public by FOMEX; (2) the articles to be exported must have a minimum of 30 percent national content in direct production costs; (3) loans granted for pre-export must be in Mexican currency, while loans for export sales are established in U.S. dollars or any other foreign currency acceptable to the Bank of Mexico; and (4) the exporter must carry insurance against commercial risks to the extent of the loans. The maximum annual interest rate that credit institutions may charge borrowers for FOMEX pre-export financing is 8 percent in Mexican pesos. The maximum annual interest rate for FOMEX export financing is 6 percent in the currency of the country of importation. Polifil received FOMEX loans at rates below the maximum rates.

We found that FOMEX loans are available on terms inconsistent with commercial considerations to producers, manufacturers, and exporters of yarns of polypropylene fibers for two purposes: Pre-export (production) financing or export financing.

We have used as benchmarks for the commercial rate of interest in Mexico the national average rate for comparable short-term peso and dollar-denominated loans during the first half of 1982. We have determined that during the first six months of 1982, comparable peso-denominated loans were available at 46.95 percent, and comparable dollar-denominated loans were available at 18.03 percent. The peso rate was determined from information supplied by the Department of the Treasury and the dollar rate was determined form information supplied by the Federal Reserve Board.

For those FOMEX loans obtained by Polifil on yarns of polypropylene fibers exported to the United States during the period January 1, 1982–June 30, 1982, we computed the difference in interest expense between the FOMEX loans and that which would have been incurred had the loans been made at the benchmark commercial rates of interest. We allocated the amount of the benefits over the value of exports of yarns of polypropylene fibers to the United States during the same period. The reason we allocated FOMEX benefits over exports to the United States was because Polifil was able to show which loans were associated with merchandise exported to the United States.

We determine the net amount of the benefit for loans granted for pre-exports to be 1.91 percent *ad valorem* and the net amount of the benefit for export financing to be 2.37 percent *ad valorem*, for a total bounty or grant under the two programs of 4.28 percent *ad valorem*.

II. Program Determined Not To Confer Bounties or Grants on Product Under Investigation

The CEPROFI Program: In 1979 the government of Mexico introduced a four-year National Industrial Development Plan (NIDP) which sets forth broad economic goals for the country. Tax credits, which are called CEPROFIs, are used to promote the NIDP goals, which include increased employment, the promotion of regional decentralization, and industrial development particularly of small and medium sized firms.

CEPROFI certificates are non-transferable tax certificates of a set value which may be used for a five-year period to pay federal taxes. Certain CEPROFI certificates are granted for carrying out investments in priority industrial regions of the country, as well as for investments that are available to all companies on equal terms. The amount of the CEPROFI is based upon the location of the activity, the number of jobs generated, the value of the investments in new plant and equipment, or the value of purchases of capital goods produced in Mexico. The

government's supplemental response to the Department's questionnaire indicated that the Mexican producer of the merchandise under investigation received one CEPROFI during the period for which we are measuring subsidization. We verified that this CEPROFI was granted for the acquisition of new Mexican-made capital goods. Since CEPROFIs for new Mexican-made capital goods are not limited to a specific industry, group of industries, or to industries located in specific regions of the country, we do not consider this type of CEPROFI provided for this purpose to be countervailable.

III. Program Determined To Be Suspended

CEDI Program: We determine that the CEDI program which was described in the notice of "Initiation of Countervailing Duty Investigation" is countervailable. Additionally, we determine that the CEDI program is suspended and has not been used recently by manufacturers, producers, or exporters in Mexico of yarns of polypropylene fibers.

The CEDI is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b. value of the exported merchandise or, if national insurance and transportation are used, a percentage of the c.i.f. value of the exported product. The Secretary of Commerce of Mexico is responsible for setting the CEDI rate, which is not published. Exporters are required to apply for each CEDI by providing to the Ministry of Commerce (SECOFIN) documentation with respect to each individual shipment of qualifying exports. SECOFIN processes the application and, on approval, instructs the Ministry of Treasury to issue the CEDIs in the amount specified. The CEDIs are non-transferable and may be applied against a wide range of federal tax liabilities (including payroll taxes, value added taxes, federal income taxes, and import duties) over a period of five years from the date of issuance.

The government of Mexico suspended the eligibility of the products under investigation for CEDI tax rebates by an executive order published on August 25, 1982, in the *Diario Oficial de la Federacion* (Official Gazette). The order abrogates prior executive orders which contained the lists of products eligible to receive CEDI certificates. Suspension of the eligibility to apply for the CEDI was effective one day after publication of the executive order in the *Diario Oficial.*

Although the exporter of the merchandise under investigation received benefits under the CEDI program during the period for which we are measuring subsidization, the CEDIs ceased to be available after August 25, 1982. Because the exporter used the CEDI certificates on a current basis, the yarns of polypropylene fibers that were accorded benefits under this program were not likely to enter the United States on or after the date of the suspension of liquidation of the merchandise, which was issued after the preliminary determination. If this program were to be reactivated, the Department will review its application to respondents in the annual reviews under section 751 of the Act.

Verification

In accordance with section 776(a) of the Act, we verified the data used in making our final determination. During this verification, we followed normal procedures, including inspection of documents, discussions with government officials and on-site inspection of Polifil's operations and records.

Administrative Procedures

The Department has afforded interested parties an opportunity to present oral views in accordance with its regulations (19 CFR 355.35). No request for a public hearing was received in this investigation. Also, no written comments were received after the investigation was suspended.

In the event the suspension agreement is violated, the Department, in accordance with section 704(i) of the Act, will direct the U.S. Customs Service to suspend liquidation of all entries, or withdrawals from warehouse, for consumption of yarns of polypropylene fibers and will issue a final countervailing duty order as required by section 704(i)(1)(C) of the Act.

This notice is published in accordance with section 705(d) of the Act.

Dated: March 25, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-8637 Filed 4-1-83; 8:45 am]

BILLING CODE 3510-25-M

Cotton Yarn From Brazil; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on cotton yarn from Brazil. The review covers the period January 1, 1981 through December 31, 1981. As a result of the review, the Department has preliminarily determined the amount of the net subsidy to be 12.27 percent of the f.o.b. invoice price of the merchandise. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Laura Kneale or Edward Haley, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On April 9, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 15392) the final results of its last administrative review of the countervailing duty order on cotton yarn from Brazil (42 FR 14089, March 15, 1977) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

The merchandise covered by the review is cotton yarn, imported directly or indirectly from Brazil. Such imports are currently classifiable under items 300.6000 through 302.9800 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1981 through December 31, 1981, and three programs found countervailable in the original investigation: Preferential financing for exports, income tax exemptions for export earnings, and the IPI export credit premium. The review also covers eight programs that, although not included in the original investigation, are alleged by the petitioner to confer subsidies on exports of cotton yarn from Brazil.

The review is based on information covering four firms whose shipments represented 70 percent of Brazilian cotton yarn exports to the United States during 1981.

Analysis of Programs

(1) Preferential Financing For Exports

Under this program companies are declared eligible by the Department of Foreign Commerce of the Banco Central do Brasil ("CACEX") to receive working capital loans. These loans have a

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duration of up to one year. Each firm producing cotton yarn can obtain preferential financing for up to 30 percent of the value of its previous year's exports.

We calculated the subsidy under this program by multiplying the value of loans outstanding under the program during 1981 by the differential between the commercial interest rate and the preferential interest rate for each loan. For loans granted prior to the period, only that portion extending past January 1, 1981 was included in our calculation. We similarly prorated loans extending past December 31, 1981.

The commercial rate for short-term working capital is the rate established by the Banco do Brasil for discounting sales of accounts receivable. We chose this as the benchmark rate because information provided by the Government of Brazil indicates that working capital is normally raised within the Brazilian financial system through the sale of accounts receivable. The commercial rate includes the tax on financial transactions, from which loans under the preferential financing program are exempt, and varied from 33.48 to 66.50 percent during the period January 15, 1980 through December 31, 1981.

During 1981, firms exporting cotton yarn had loans outstanding under Resolutions 515 (effective February 8, 1979), 602 (effective March 5, 1980), and 674 (effective January 22, 1981) of the Banco Central do Brasil. The effective annual rate for loans granted under these resolutions ranged from 8.70 percent to 44 percent and the differential between the commercial and preferential rates ranged from 7.09 percent to 24.78 percent. We calculated the benefit conferred by the program for 1981 to be 4.13 percent *ad valorem.*

To estimate the potential benefit and cash deposit of estimated countervailing duties for this program, we summed the prorated value of loans outstanding during 1981, and found a weighted-average use rate of 24.48 percent. We then multiplied the current 32.6 percent differential between the benchmark commercial and preferential interest rates by the weighted-average loan use rate to find a potential benefit under this program of 7.98 percent *ad valorem.*

(2) Income Tax Exemptions for Export Earnings

Exporters of cotton yarn are eligible under this program for exemption from income tax of the percentage of profit attributable to export revenue. The Brazilian government calculates the tax-exempt fraction of profit as the ratio of export revenue to total revenue. The benefit equals the product of the amount of tax-exempt profit and the prevailing 35 percent corporate income tax rate. We therefore preliminarily determine the benefit from this program to be 3.06percent *ad valorem* for 1981.

(3) IPI Export Credit Premium

The Brazilian government eliminated the IPI export credit premium on December 7, 1979, but reinstated it on April 1, 1981. the Brazilian government instituted an offsetting tax on exports of cotton yarn to the U.S. on June 26, 1981. Therefore, cotton yarn exporters received a benefit under this program for three months during 1981. We divided the value of IPI credits received during that period by 1981 exports and found an *ad valorem* benefit of 3.53 percent.

Currently, the tax collected on exports of cotton yarn to the U.S. fully offsets the benefit received under this program. Therefore, for purposes of the cash deposit of estimated countervailing duties, the potential subsidy under this program is zero percent.

(4) Fiscal Benefits for Special Export Programs

Under Decree Law 1219 of May 15, 1972, any firm that produces manufactured products is eligible to receive benefits from the Commission for the Granting of Fiscal Benefits for Special Export Programs ("BEFIEX"), as long as the company makes an appropriate export commitment. Under Decree No. 77,065, a company can receive a reduction of 70 percent to 90 percent of the import duties and IPI tax on the import of machinery and equipment necessary to meet the approved export commitment. Cotton yarn exporters are eligible for benefits under this program, and one of the exporters for which we have data received benefits during 1981. We divided the amount of the benefits received by total 1981 exports covered by the response, and found an *ad valorem* benefit under this program of 1.52 percent during 1981.

(5) Preferential Export Financing Under CIC–CREGE 14–11

CIC–CREGE 14–11 is a program operated by the Banco do Brasil which provides preferential financing to exporters, who are then required to maintain a minimum fixed level of foreign exchange contracts with the Banco do Brasil. Exporters of cotton yarn participated in this program in 1981.

The Government of Brazil, in its questionnaire response, claims that the Banco do Brasil operates this program as a commercial endeavor by which it can make a profit and ensure access to foreign currency, satisfying its government-mandated foreign exchange obligations. However, the Brazilian government has not yet provided the Department with sufficient evidence to enable us to determine whether this program is operated in a manner consistent with commercial considerations. Therefore, we preliminarily determine this program to confer a subsidy.

To calculate the amount of benefit conferred under the program, we multiplied the prorated value of loans outstanding during 1981 by the differential between the commercial and preferential interest rates on each loan. Using the preferential rate for each loan (provided by the Brazilian government) and again using the rate for discounting accounts receivable as the commercial rate, we found that the differential between the commercial and preferential rates ranged from 6.98 to 11.50 percent. We preliminarily determine the benefit conferred by the program to be 0.03 percent *ad valorem.*

(6) Other Programs

We also examined the following programs and preliminarily find them not to have been used by exporters of cotton yarn during 1981.

A. Tax Reductions on Equipment Used in Export Production ("CIEX")

B. Fundo de Democratizacao do Capital das Empresas

C. Gold Draft of Exportation

D. Preferential Export Financing under Resolution 68 of the National Council for Foreign Commerce

E. Preferential Financing for the Storage of Merchandise Destined for Export (Resolution 330)

F. Incentives for Trading Companies (Resolution 643)

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the aggregate net subsidy conferred during 1981 is 12.27 percent *ad valorem.* Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 12.27 percent of the f.o.b. invoice price on all shipments of Brazilian cotton yarn exported on or after January 1, 1981 and on or before December 31, 1981.

Further, as provided by section 751(a)(1) of the Tariff Act, we intend to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 12.59 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or

after the date of publication of the final results of the current review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication of the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: March 29, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-8682 Filed 4-1-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Intent to Conduct an OMB Circular No. A-76 Cost Comparison Study

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given pursuant to Office of Management and Budget Circular No. A-76 and Department of Commerce Administrative Order 201-41 that the National Bureau of Standards (NBS) intends to conduct a comparison study of the cost of the Government's operation of certain janitorial services performed at NBS versus the cost of a private contractor performing the same tasks.

A contract may or may not result from the cost comparison study. Results of the study will be made available to bidders, offerors and all interested parties.

DATES: Solicitations for bids or proposals are scheduled for after April 20, 1983. The study is expected to end by November 30, 1983.

Anyone having any questions regarding this item is invited to contact Robert S. Johnson, Deputy Chief, Facilities Services Division, National Bureau of Standards, Washington, DC 20234, (301) 921-2525.

Ernest Ambler,

Director.

[FR Doc. 83-8654 Filed 4-1-83; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Taking of Marine Mammals Incidental to Commercial Fishing Operations

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of determination.

SUMMARY: The Assistant Administrator for Fisheries has determined that the following nations which purse seined for yellowfin tuna in the eastern tropical Pacific Ocean in 1981 remain in conformance with Marine Mammal Protection Act regulations regarding the protection of porpoises and may continue to export yellowfin tuna to the United States until December 31, 1983 provided prohibitions are not imposed under other U.S. statutes. These nations are: Bermuda, Canada, Cayman Islands, Costa Rica, Ecuador, El Salvador, the Netherlands Antilles, Panama, Portugal and Venezuela. The following nations have either not supplied the information required by regulation prior to this date or are already under a Marine Mammal Protection Act embargo and may not export yellowfin tuna to the United States: Mexico, the U.S.S.R. and Peru. Spain remains under an embargo imposed by the Tuna Convention Act and may not export yellowfin tuna to the United States if the tuna was caught in the eastern tropical Pacific.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. K. R. Hollingshead, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235. Telephone: 202/634-7529.

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Service (NMFS) published regulations in the **Federal Register** on December 23, 1977 (42 FR 64548-64560) governing the taking of marine mammals incidental to commercial fishing operations. These regulations were repromulgated on October 31, 1980 (45 FR 72178-72196). Included in these regulations are provisions concerning the importation of yellowfin tuna and tuna products from nations known to be involved in the yellowfin tuna purse seine fishery in the eastern tropical Pacific Ocean (ETP). Effective January 1, 1978, these importation provisions made the importation of yellowfin tuna and tuna products from nations known to be involved in the ETP fishery contingent upon certain findings by the Assistant Administrator for Fisheries. The Assistant Administrator must find: (a) that the fishing operations of the nation concerned "* * * are conducted in conformance with U.S. regulations and standards * * *" or (b) that * * *" although not in conformance with these regulations, such fishing is accomplished in a manner which does not result in an incidental mortality and serious injury in excess of that which results from U.S. fishing operations under these regulations * * *" (see 50 CFR 216.24(e)(5)). These findings would then be subject to an annual review in which the information items listed in § 216.24(e)(5)(ii) are updated for the previous calendar year.

In 1981, fourteen nations, not including the United States, were known to be purse seining in the ETP. During 1982, information was requested from six of these nations: The Cayman Islands, Costa Rica, Ecuador, El Salvador, Panama and Venezuela. All have now responded and have been determined to be fishing in accordance with the requirements of section 216.24(e) and may therefore continue to export yellowfin tuna to the United States until December 31, 1983. Bermuda and Canada, whose purse seine vessels are smaller than those known to effectively fish on porpoises; the Netherlands Antilles, whose fleet was sold; and Portugal, whose two vessels which were experimentally fishing for a short time in the ETP and have since been removed, may also continue to export yellowfin tuna to the United States.

Mexico and Peru are prohibited from exporting yellowfin tuna to the United States under the Marine Mammal Protection Act and during 1982 did not submit information requesting a new finding of conformance. Spain remains under an embargo imposed by the Tuna Conventions Act and may not export yellowfin tuna to the United States if the tuna was caught in the ETP. Finally, the U.S.S.R. which began purse seining operations in the ETP during 1981 and currently has two vessels fishing there, has not submitted information requesting a finding of conformance and therefore yellowfin tuna may not be exported to the United States from this nation.

These findings expire on December 31, 1983, and yellowfin tuna and tuna products from the Cayman Islands, Costa Rica, Ecuador, El Salvador, Mexico, Panama, Spain, the U.S.S.R. and Venezuela (all nations purse seining in the ETP in 1982 with vessels greater than 400 tons carrying capacity) may not be exported to the United States after that date unless a new Notice of Determination finding that these nations are in conformance with U.S. regulations regarding the protection of porpoises has been published herein. In order to be included in this Notice, the information items listed in 50 CFR 216.24(e)(5)(ii) must be completely addressed and received prior to September 1, 1983.

Dated: March 29,1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-8681 Filed 4-1-83; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 21, 1983

The USAF Scientific Advisory Board AD Hoc Committee on Denser-Than-Air Gases will meet at Scott AFB, Illinois on April 20 and 21, 1983 from 9:00 a.m. to 5:00 p.m. each day. The meeting will be held to evaluate the adequacy of existing Air Weather Service atmospheric dispersion models to deal with gas densities greater than air.

The morning session for 9:00 a.m. to 12:30 p.m. on April 20 will be open to the public. The afternoon session on April 20 and all day on April 21, will be closed to the public. These sessions concern matters listed in Section 552(b)(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Winnibel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc. 83-8702 Filed 4-1-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Privacy Act of 1974; Amendments and Deletion of Systems of Records

AGENCY: Department of the Navy (U.S. Marine Corps), DOD.

ACTION: Notice of amendments and deletion of systems of records.

SUMMARY: The U.S. Marine Corps proposes to amend the notices for three systems of records in its inventory of systems of records subject to the Privacy Act of 1974 and delete the notice for system of records. The amended systems are set forth below.

DATES: The proposed action will be effective without further notice on May 4, 1983, unless comments are received which would result in a contrary determination.

ADDRESSES: Send any comments to the system managers identified in the system notices.

FOR FURTHER INFORMATION CONTACT: Mrs. B. L. Thompson, Privacy Act Coordinator, Headquarters, U.S. Marine Corps, Washington, D.C. 20380, telephone: 202/694-1452.

SUPPLEMENTARY INFORMATION: The Marine Corps systems notices for records systems subject to the Privacy Act of 1974 Title 5 U.S.C. 552a (Pub. L. 93-579; 88 Stat. 1896, *et seq.*) were published in the **Federal Register** as follows:

FR Doc. 81-897 (46 FR 6639) January 21, 1981
FR Doc. 82-674 (47 FR 2829) January 18, 1982
FR Doc. 82-2408 (47 FR 4328) January 29, 1982
FR Doc. 82-9405 (47 FR 14939) April 7, 1982
FR Doc. 82-18001 (47 FR 28964) July 2, 1982

These changes do not require an altered system report as prescribed in 5 U.S.C. 552a(o).

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 29, 1983.

Amendments

MIL00001

System name:

Assignment and Occupancy of Family Housing Records (46 FR 6650) January 21, 1981

Changes:

Authority for maintenance of the system:

Add the following phrase: "Title 10, U.S. Code 5031."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entire entry and substitute the following:

"See the Blanket Routine Uses at the head of the published Marine Corps systems notices in the **Federal Register**. Additionally, the following routine uses apply.

School Districts—By officials of school district boards of education in performance of their duties under local and/or state compulsory education laws."

MMN00006

System name:

Marine Corps Military Personnel Records (OQR/SRB) (47 FR 14943 April 7, 1982

Changes:

Routine uses of records maintained in the system, including categories of users and the proposes of such uses:

Delete the entire entry and substitute the following:

"See the Blanket Routine Uses at the head of the published Marine Corps systems notices in the **Federal Register**. Additionally, the following routine uses apply.

By officials and employees of the Coast Guard and National Guard in the performance of their official duties relating to screening members who have expressed a positive interest in an interservice transfer, enlistment, appointment or acceptance.

By agents of the Secret Service in connection with matters under the jurisdiction of that agency upon presentatation of credentials.

By private organizations under government contract to perform random analytical research into specific aspects of military personnel management and administrative procedures.

By officials and employees of the American Red Cross and Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

By officials and employees of the Sergeant at Arms of the U.S. House of Representatives in the performance of official duties related to the verification of Marine Corps service of Members of Congress. Access will be limited to those portions of the member's record required to verify service time, active and reserve.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

State, local and foreign (within Status of Forces agreements) law enforcement agencies or their authorized representatives in connection with

litigation, law enforcement, or other matters under the jurisdiction of such agencies.

MMN00046

System name:

Recruit Incident System (46 FR 6693) January 21, 1981

Changes:

Authority for maintenance of the system:

Add the following phrase: "Title 10, U.S. Code 5031."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entry and substitute the following:

"See the Blanket Routine Uses at the head of the published Marine Corps systems notices in the **Federal Register.**"

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

At the end of the sentence delete the words "and on magnetic tapes and discs."

Safeguards:

Delete the entry and substitute the following:

"Records are maintained in areas accessible only to authorized personnel during normal working hours. After normal working hours, rooms are locked and the buildings are controlled by security guards."

Retention and disposal:

Delete the second sentence in its entirety.

MTL00001

SYSTEM NAME:

Assignment and Occupancy of Family Housing Records.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C. 301; Title 10, U.S.C. 5031.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See the blanket Routine Uses at the head of the published Marine Corps systems notices in the **Federal Register.** Additionally, the following routine uses apply.

School Districts—By officials of school district boards of education in performance of their duties under local and/or state compulsory education laws.

* * * * *

MMN00006

SYSTEM NAME:

Marine Corps Military Personnel Record (OQR/SRB)

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See the Blanket Routine Uses at the head of the published Marine Corps systems notices in the **Federal Register.** In addition to the Blanket Uses, the following routine uses apply.

By officials and employees of the Coast Guard and National Guard in the performance of their official duties relating to screening members who have expressed a positive interest in an interservice transfer, enlistment, appointment or acceptance.

By agents of the Secret Service in connection with matters under the jurisdiction of that agency upon presentation of credentials.

By private organizations under government contract to perform random analytical research into specific aspects of military personnel management and administrative procedures.

By officials and emplyees of the American Red Cross and Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

By officials and employees of the Sergeant at Arms of the U.S. House of Representatives in the performance of official duties related to the verification of Marine Corps service of Members of Congress. Access will be limited to those portions of the member's record required to verify service time, active and reserve.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

State, local and foreign (within Status of Forces agreements) law enforcement agencies or their authorized representatives in connection with litigation, law enforcement, or other matters under the jurisdiction of such agencies.

* * * * *

MMN00046

SYSTEM NAME:

Recruit Incident System

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C. 301, Departmental Regulations; Title 10, U.S.C. 5031.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See the Blanket Routine Uses at the head of the published Marine Corps systems notices in the **Federal Register.**

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The file is stored in hard back binders.

* * * * *

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel only during normal working hours. After normal working hours, rooms are locked and the buildings are controlled by security guards.

RETENTION AND DISPOSAL:

Information in hard back binders maintained three years from the recruit incident and then destroyed.

* * * * *

Deletions

MAA00003

System name:

Naval Aviation/Naval Flight Officer Reporting Management System (NANFORMS) (46 FR 6641) January 21, 1981.

Reason:

This system has been discontinued.

[FR Doc. 83-8695 Filed 4-1-83; 8:45 am]

BILLING CODE 3810-01-M

Privacy Act of 1974; Correction of a System of Records

AGENCY: Department of the Navy, Defense.

ACTION: Correction of a Notice for a System of Records.

SUMMARY: The Department of the Navy corrects the notice for a system of records subject to the Privacy Act of 1974 by deleting the exemption for the system. The corrected notice is set forth below.

DATE: The correction will be effective May 4, 1983.

ADDRESS: Send any comments to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (Op-09B1P), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone: (202) 694–2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records subject to the Privacy Act of 1974, Title 5, United States Code Section 552a (Pub. L. 93–579; 44 Stat. 1896 *et seq.*), has been published in the Federal Register at:

FR Doc. 81–674 (47 FR 2574) January 18, 1982
FR Doc. 81–9204 (47 FR 14944) April 7, 1982
FR Doc. 82–9844 (47 FR 15636) April 12, 1982
FR Doc. 82–12593 (47 FR 20018) May 10, 1982
FR Doc. 82–15596 (47 FR 25041) June 9, 1982
FR Doc. 82–23533 (47 FR 37948) August 27, 1982
FR Doc. 82–27420 (47 FR 44134) October 6, 1982
FR Doc. 82–27692 (47 FR 44381) October 7, 1982
FR Doc. 82–28879 (47 FR 46879) October 21, 1982
FR Doc. 82–29834 (47 FR 49067) October 29, 1982
FR Doc. 82–30255 (47 FR 50069) November 4, 1982
FR Doc. 82–32787 (47 FR 54139) December 1, 1982
FR Doc. 83–805 (48 FR 1338) January 12, 1983
FR Doc. 83–1207 (48 FR 2584) January 20, 1983
FR Doc. 83–3098 (48 FR 5291) February 4, 1983

This correction does not require an altered system report in accordance with 35 U.S.C. 552a(o).

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 29, 1983.

N0500–2

System name: Legal Records System (42 FR 2693) January 18, 1982

Change:

System exempted from certain provisions of the Act:

Delete the entire entry and substitute with the word: "None."

N0800–2

System name: Legal Records System

System exempted from certain provisions of the Act:

None.

[FR Doc. 83–8686 Filed 4–1–83; 8:45 am]
BILLING CODE 3810–01–M

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

The DoD Advisory Group on Election Devices (AGED) will meet in closed session on 3 May 1983 at Headquarters, Air Force Weapons Lab, Kirtland AFB, Albuquerque, NM.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. 92–463, as amended, (5 U.S.C. App. 1 section 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Office, Department of Defense.

March 30, 1983.

[FR Doc. 83–8688 Filed 4–1–83; 8:45 am]
BILLING CODE 3810–01–M

Defense Science Board Task Force on Supercomputer Applications; Advisory Committee Meeting

The Defense Science Board Task Force on Supercomputer Applications will meet in open session on May 3, 1983 at DARPA Headquarters, 1400 Wilson Boulevard, Arlington, Virginia 22209.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on May 3, 1983 the Defense Science Board Task Force on Supercomputer Applications will conduct review of the Defense Department's programs to apply the emerging capacity of computers to contribute to military programs and issues. It will attempt to identify areas where the expected many orders of magnitude improvement in computing power can be of aid to the Defense establishment.

Persons interested in attending should contact Commander R. B. Ohlander, Task Force Executive Secretary, Telephone: (202) 699–5051. Space will be awarded on a first come first served basis.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

March 30, 1983.

[FR Doc. 83–8687 Filed 4–1–83; 8:45 am]
BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Revision to the List of Nationally Recognized Accrediting Agencies and Associations

AGENCY: Department of Education.

ACTION: Notice—Revisions to the List of Nationally Recognized Accrediting Agencies and Associations.

SUMMARY: The Secretary of Education publishes revisions to the Secretary's list of nationally recognized accrediting agencies and associations. This list of revisions includes only those agencies that have been added to the list and those agencies whose scopes of recognition have changed since publication of the complete list of recognized accrediting agencies and associations.

FOR FURTHER INFORMATION CONTACT: Barbara Binker, Agency Evaluation Section, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, 400 Maryland Avenue, S.W., (Room 3522, ROB–3), U.S. Department of Education, Washington, D.C. 20202. Telephone (202) 245–2810.

SUPPLEMENTARY INFORMATION: The Higher Education Act and other legislation, including the Veterans' Readjustment Assistance Act and Public Health Service Act, require the Secretary to publish a list of nationally recognized accrediting agencies that the Secretary has determined to be reliable authorities concerning educational quality. The list includes the general scope of recgonition of each accrediting body. It is used in the process of determining institutional eligibility for certain programs under the legislation authorizing the list. the Secretary recently acted to make additions to the list and to modify the scopes of recognition of some of the accrediting agencies that are listed as nationally

recognized accrediting bodies. Since some of the changes affect the eligibility for funding process, they are being published at this time. These revisions modify the list previously published by the Secretary on June 14, 1982, 47 FR 25563–25566. An earlier list of changes to that list was published on November 2, 1982, 47 FR 49699–49700 and corrected on December 16, 1982, 47 FR 56385.

National Institutional and Specialized Accrediting Agencies and Associations

Additions

NURSE-MIDWIFERY

American College of Nurse-Midwives, Division of Accreditation (basic nurse-midwifery education programs)

THEATRE EDUCATION

National Association of Schools of Theatre, Commission on Accreditation (institutions and units within institutions offering degree-granting and/or non-degree-granting programs in theatre and theatre-related disciplines)

Change in Scope of Recognition

ART

National Association of Schools of Art and Design, Commission on Accreditation and Membership (degree-granting schools and departments, and non-degree-granting schools, that are predominantly organized to offer education in art, design, or art/design related disciplines)

COSMETOLOGY

National accrediting Commission of Cosmetology Arts and Sciences (schools and departments of cosmetology arts and sciences)

ENGINEERING

Accreditation Board for Engineering and Technology, Inc. (first professional degree programs in engineering, and associate and bacculaurreate degree programs in engineering technology)

LANDSCAPE ARCHITECTURE

American Society of Landscape Architects, Landscape Architectural Accrediting Board (undergraduate and graduate degree programs in landscape architecture)

MUSIC

National Association of Schools of Music (institutions and units within institutions offering degree-granting or non-degree-granting programs in music and music-related disciplines, including community/junior colleges and independent degree-granting institutions offering education in music)

Accrediting Agencies and Associations Recognized for Their Preaccreditation Categories

National Institutional and Specialized Accrediting Agencies and Associations

Reclassification to Category of Accreditation

National Association of Schools of Art and Design, Commission on Accreditation and Membership (Candidacy Status)

Dated: March 29, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-3591 Filed 4-1-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TA83-1-20-008]

Algonquin Gas Transmission Co.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

March 30, 1983.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on March 14, 1983, tendered for filing Third Substitute 60th Revised Sheet No. 10 and Alternate Third Substitute 60th Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that Third Substitute 60th Revised Sheet No. 10 and Alternate Third Substitute 60th Revised Sheet No. 10 are being filed to track revised rates filed by its pipeline supplier, Texas Eastern Transmission Corporation ("Texas Eastern").

Algonquin Gas requests that the Commission accept the tariff sheets effective March 1, 1983, syncronizing its rates with the underlying tariff sheets of Texas Eastern.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 7, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8842 Filed 4-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-54-008]

Colorado Interstate Gas Co.; Proposed Change in Rates

March 30, 1983.

Take notice that on March 23, 1983, Colorado Interstate Gas Company (CIG) submitted for filing as part of Orginal Volume No. 1 of its FERC Gas Tariff the following tariff sheets:

Second Substitute Replacement Second Alternate
Thirteenth Revised Sheet No. 7
Second Substitute Replacement Second Alternate
Thirteenth Revised Sheet No. 8
Second Substitute Replacement Alternate Second
Revised Sheet No. 463
Second Substitute Replacement Alternate Second
Revised Sheet No. 544

Such tariff sheets are to be effective September 29, 1982.

CIG also submitted for filing pursuant to the March 10 letter order the following tariff sheets:

Second Substitute Replacement Fourteenth
Revised Sheet No. 7
Second Substitute Replacement Fourteenth
Revised Sheet No. 8

These sheets are to be effective October 1, 1982.

CIG states that the March 10 letter order accepted CIG's settlement agreement in Docket No. RP82-54 and modified the Commission's January 10, 1983 letter order to provide that the settlement tariff rates be made applicable to all of CIG's customers. The tariff sheets contained in this filing comply with that provision of the March 10 letter order.

On February 24, 1983, CIG made a rate filing pursuant to its tariff purchased gas adjustment (PGA) proivisions at Docket No. TA83-2-32. That filing proposed a rate decrease effective April 1, 1983, but maintained base tariff rates at the levels prescribed by the Commission's January 10, 1983 letter order. Therefore, in order to further comply with the March 10 letter

order, CIG submitted for filing the following tariff sheets:

Substitute Fifteenth Revised Sheet No. 7
Substitute Fifteenth Revised Sheet No. 8

These tariff sheets are proposed to be effective April 1, 1983.

CIG states that since this is a filing in response to and in compliance with the Commission's March 10 letter order, good cause exists for whatever waivers of the Commission's regulations as may be required to accept this filing in its present form. CIG requests such waiver.

CIG states that copies of the filing were served on all parties and all customers and public bodies served with the original rate filing in this docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with the sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 7, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8843 Filed 4-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-21-004 (PGA83-2a, IPR83-1, AP83-1)]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 30, 1983.

Take notice that Columbia Gas Transmission Corporation (Columbia) on March 18, 1983, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1, as follows:

Substitute Eighty-sixth Revised Sheet No. 16
Substitute First Revised Sheet Nos. 16B through 16D
Substitute Twenty-eighth Revised Sheet No. 64

Columbia states that the foregoing tariff sheets, to be effective March 1, 1983, are being filed in compliance with Ordering Paragraph B of the Commission's Order issued February 28, 1983, directing Columbia to file revised tariff sheets reflecting the elimination of pipeline supplier rates not in effect as of March 1, 1983. This elimination results in (1) a revised Purchased Gas Cost Applicable to Sales Rate Schedules in the amount of $93,490,971, which is $1,695,968 less than that filed on January 28, 1983, and (2) a revised Purchased Gas Cost Surcharge Applicable to Rate Schedule SGES in the amount of $549,648, which is $2,536 less than that filed on January 28, 1983.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 7, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8844 Filed 4-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-44-000]

Commercial Pipeline Co., Inc., PGA Filing

March 30, 1983

Take notice that on March 24, 1983, Commercial Pipeline Co., Inc. ("Commercial") tendered for filing its 42nd Revised Sheet No. 3A, superseding Second corrected 41st Revised Sheet No. 3A reflecting Purchased Gas Adjustments and effective dates as set forth below.

Sheet No	Current adjustment	Cumulative adjustment	Surcharge adjustment	Effective date
42nd revised sheet No. 3A	(Base) $(0 3472)	2 4450		Apr. 23,1983
	(Excess) $(0 3233)	2.4769	6694	

Commercial states that this filing reflects adjustments in its purchased gas cost to provide for the tracking of a corresponding PGA adjustment by Commercial's sole supplier, Northwest Central Pipeline Corporation. The filing also reflects a surcharge adjustment in accordance with Commercial's PGA.

Copies of the filings were served on Commercial's FERC jurisdictional customers, the Kansas Corporation Commission and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 7, 1983. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-8845 Filed 4-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket GP83-23-000]

Commonwealth of Pennsylvania, Section 108 NGPA Determination, J & J Enterprises, Inc., R & P No. 9 Well, FERC J.D. No. 82-20075; Petition To Reopen Final Well Category Determination and Request for Withdrawal

Issued: March 30, 1983.

On March 14, 1983, the Division of Oil and Gas of the Commonwealth of Pennsylvania (Pennsylvania) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen, and a request to withdraw, its determination that natural gas from J & J Enterprises, Inc.'s (J & J) R & P No. 9 Well located in Jefferson, Pennsylvania qualifies as stripper well natural gas pursuant to section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1982). The subject determination became final on April 8, 1982, in conformance with

NGPA section 503(d) and 18 CFR 275.202(a).

Under NGPA section 108(b)(1)(A), a necessary condition for stripper well natural gas qualification is that production of gas from the applicant's well not exceed an average of 60 Mcf/Day during the qualifying 90-day production period. Pennsylvania requests that the subject determination be reopened, and, contingent upon such reopening, that J & J be allowed to withdraw the instant application, based upon production records submitted by J & J on January 13, 1983, which indicate that the R & P No. 9 Well produced gas subsequent to the qualifying 90-day production period in excess of the 60 Mcf/Day limit.

Notice is hereby given that, in the event the subject determination is reopened, the question of whether the Commission will require refunds, plus interest computed under § 154.102(c) of the regulations, is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8646 Filed 4-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-34-000]

Iowa-Illinois Gas and Electric Co.; Application

March 30, 1983.

Take notice that on March 4, 1983, Iowa-Illinois Gas and Electric Company (Applicant) filed an application seeking authority pursuant to Section 204 of the Federal Power Act to issue up to $70,000,000 principal amount of notes and commercial paper with final maturities of not later than June 30, 1985.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8647 Filed 4-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-47-000]

MIGC, Inc.; Purchased Gas Adjustment Clause

March 30, 1983.

Take notice that on March 16, 1983 MIGC, Inc. tendered for filing copies of Twenty-Sixth Revised Sheet No. 32 and Third Revised Sheet No. 32A to its FERC Gas Tariff Original Volume No. 1, as required under the Commission's Rules and Regulations under the Natural Gas Act.

MIGC's Twenty-Sixth Revised Sheet No. 32 and Third Revised Sheet No. 32-A provide for a Purchased Gas Adjustment rate decrease of 6.28¢ per MMBtu, effective May 1, 1983, in order to: (1) Provide for a current gas cost adjustment to permit MIGC to reflect the higher cost of gas purchases which it is currently incurring (Table II), (2) provide for an adjustment to MIGC's Unrecovered Purchased Gas Cost Account as of January 31, 1982 and January 31, 1983 (Table III), (3) to recover a carrying surcharge as permitted under FERC Order No. 47 (Table VI) as set forth in MIGC's First Revised Sheet No. 31-A, (4) to set forth projected incremental pricing surcharges to become effective May 1, 1983 (Third Revised Sheet No. 32A). The effective rates also reflect a surcharge to permit MIGC to receive production related charges pursuant to FERC Order No. 94-A. CFR 271.110, *et seq.*

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 7, 1983. Protests will be considered to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8648 Filed 4-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC83-5-000]

Mississippi River Transmission Corp.; Proposed Change in Rates

March 30, 1983.

Take notice that on March 15, 1983, Mississippi River Transmission Corporation (Mississippi) submitted for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the below-listed tariff sheets to become effective April 15, 1983:

Seventh Revised Sheet No. 35
Eighth Revised Sheet No. 36
Seventh Revised Sheet No. 38
Eighth Revised Sheet No. 39

The instant filing is being made to reflect changes in the Index of Protected Essential Agricultural Use (Step 10) Entitlements and in the Index of High Priority (Step 11) Entitlements to be effective during the period April 15 through October 31, 1983, pursuant to paragraph 8.2(a)(i) of Mississippi's curtailment plan.

A copy of this filing has been mailed to Mississippi's customers and to the state commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said complaint should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 7, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8649 Filed 4-1-83; 8:45 am]

BILLING CODE 6717-01-M

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[Docket Nos. TA83-1-27-001 (RP73-8 and RP82-132)]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

March 30, 1983.

Take notice that North Penn Gas Company (North Penn) on March 21, 1983 tendered for filing substitute tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1 to be effective March 1, 1983.

The substitute tariff sheets are being filed to comply with ordering paragraphs (B) and (C) of the Federal Energy Regulatory Commission's (Commission) order of March 4, 1983 in the above dockets.

Substitute Seventy-Second Revised Sheet No. PGA-1 contains a decrease of 0.247¢ per Mcf to the rates contained in Seventy-Second Revised Sheet No. PGA-1. Such rates reflect a current gas cost adjustment based on the appropriate underlying gas costs in RP82-132 (Appendix A) as requested by ordering paragraph (B) of the Commission's March 4, 1983 order.

Substitute Fourth Revised Sheet No. 15C is being filed pursuant to ordering paragraph (C) of the Commission's March 4, 1983 order. Ordering paragraph (C) directed North Penn to file a revised tariff sheet to its PGA Clause which clarifies that its estimated rates for field line purchases are consistent with § 154.38(d)(4)(iv)(a) of the Commission's regulations.

In all other respects this filing remains the same as filed February 4, 1983 in the above dockets.

While North Penn believes that no waiver of the Commission's Rules and Regulations are required to permit Substitute Seventy-Second Revised Sheet No. PGA-1 and Substitute Fourth Revised Sheet No. 15C to become effective March 1, 1983 as proposed, it respectfully requests waiver of any of the Commission's Rules and Regulations as may be required.

Copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and interested state commissions, and to all parties in Docket No. RP82-132.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before April 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8850 Filed 4-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-43-000]

Northwest Central Pipeline Corp.; Proposed Changes in FERC Gas Tariff

March 30, 1983.

Take notice that Northwest Central Pipeline Corporation (Northwest Central) on March 22, 1983, tendered for filing First Revised Sheet Nos. 6, 7 and 8 to its FERC Gas Tariff, Original Volume No. 1. Northwest Central states that pursuant to the Purchased Gas Adjustment in Article 21 and the Incremental Pricing Provisions in Article 24 of its FERC Gas Tariff, it proposes to reduce its rates effective April 23, 1983, to reflect:

(1) A decrease in the Cumulative Adjustment due to decreases in Northwest Central's average cost of purchased gas; and

(2) A decreased Surcharge Adjustment to amortize the Deferred Purchased Gas Cost Account balance.

This filing reflects the adoption of a pattern of gas purchases designed to produce a purchased gas cost at a level which will permit gas to be sold competitively in Northwest Central's markets.

Northwest Central states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket No. RP82-114-000.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 7, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8851 Filed 4-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-18907-002]

Valero Interstate Transmission Company (South Texas Natural Gas Gathering Company); Filing

March 30, 1983.

Take notice that on March 17, 1983, Valero Interstate Transmission Company (Vitco) (formerly South Texas Natural Gas Gathering Company), pursuant to Section 4(d) of the Natural Gas Act, 15 U.S.C. 717c(d), § 154.63 of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR 154.63, and the Commission's November 22, 1960 order in *Texaco Inc., et al.*, 24 FPC 979 (1960), Vitco submitted for filing Supplement No. 118 to Vitco's FERC Gas Rate Schedule No. 2. Victo's FERC Gas Rate Schedule No. 2 is Vitco's gas sales contract with Transcontinental Gas Pipe Line Corporation (Transco) which was approved by the Commission as a part of the certificate of public convenience and necessity issued in the above-cited order. Supplement No. 118 dedicates additional gas to the Transco sale under Article XVI of the gas sales contract. Vitco requests that the date of filing be made the effective date.

A copy of the filing was served upon Transco.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 7, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8852 Filed 4-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT83-13-000]

Washington Natural Gas Company, as Project Operator; Revised Tariff Sheet

March 30, 1983.

Take notice that on March 8, 1983, Washington Natural Gas Company (Washington Natural), 815 Mercer Street (P.O. Box 1869) Seattle, Washington 98111, in its capacity as Project Operator of the Jackson Prairie Storage Project (Storage Project), tendered for filing First Revised Sheet No. 11 to its Rate Schedule S-1, FERC Gas Tariff, Original Volume No. 1, for effectiveness on May 1, 1983.

Washington Natural states that the Storage Project is located adjacent to the mainline facilities of Northwest Pipeline Corporation (Northwest) near Chehalis, Lewis County, Washington and the storage facility is owned in equal and undivided interests by Washington Natural, Northwest and The Washington Water Power Company (Water Power). The Storage Project provides the storage capability enabling Northwest to render a winter peaking service under its Rate Schedule SGS-1, FERC Gas Tariff, First Revised Volume No. 1 and also provides a margin of operational flexibility for Northwest in *force majeure* events and system outages. Washington Natural states that it operates the Storage Project on behalf of the three owners, at levels of seasonal storage capabilities and daily delivery rates certificated by the Commission. According to Washington Natural, the operations of the Storage Project are conducted under the provisions of the Gas Storage Project Agreement which comprises Washington Natural's Rate Schedule S-1 on file with the Commission.

According to Washington Natural, Water Power has released a portion of its storage capacity as an owner to British Columbia Hydro and Power Authority and applications relating to the utilization of the released storage capacity for the account of British Columbia Hydro have been filed by Northwest at Docket Nos. CP83-213-000 and CP83-214-000. Washington Natural further states that the purpose of First Revised Sheet No. 11, in connection with the foregoing proposal, is to amend a provision of the Gas Storage Project Agreement to provide explicitly that the owners may release storage capacity to other parties. As stated by Washington Natural, the revision in the Project Agreement will have no effect on the Storage Project's currently authorized levels of seasonal working gas, cushion gas or daily delivery rates and the operation of the Storage Project, as authorized in outstanding certificates issued by the Commission, will not be otherwise changed by the proposed revision in the Project Agreement.

Washington Natural requests that First Revised Sheet No. 11 be made effective May 1, 1983, and further states that copies of its filing have been served upon Northwest and Water Power.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 7, 1983. Protests will be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8653 Filed 4-1-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2336-7]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM-223); U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Toxic Programs

- Title: Case/Control Study of Cancer and Formaldehyde Association (EPA ID 1030).

Abstract: EPA designed this case/control study to examine possible relationships between nasal/pharyngeal cancers and formaldehyde exposures.

Respondents: General public with/without nasal cancers.

Water Programs

- Title: Survey of Nonferrous Metals Forming Industry (EPA ID 1017). (This is a resubmission with a revised questionnaire.)

Abstract: EPA is surveying the industry on production processes, wastewater characteristics, and wastewater treatment technologies and costs. The Agency will use the information to develop effluent limitation regulations as required by the Clean Water Act.

Respondents: Owners and operators of businesses involved in the deformation of nonferrous metals to produce mill products, except aluminum, copper and their alloys: SIC Codes 335, 336, 349.

Agency Forms Cleared by OMB Between February 19 and March 22, 1983

- EPA ID 0178, Application for Permit to Discharge Wastewater, was cleared on March 8 (OMB #2000-0023).
- EPA ID 0226, Application for Permit to Discharge Wastewater—Form B, was cleared on March 8 (OMB #2000-0060).
- EPA ID 0227, Application Form 1—General Information, was cleared on March 8 (OMB #2000-0474).
- EPA ID 0238, Application for Permit to Discharge Wastewater—Form 2C, was cleared on March 8 (OMB #2000-0059).
- EPA ID 0662, NSPS—Volatile Organic Compound: Fugitive Emission Sources, SOCMI, was cleared on Feburary 28 (OMB #2060-0012).
- EPA ID 0814, Information Reqirements for Hazardous Waste Storage and Treatment Facilities, was cleared on February 28 (OMB #2050-0009).
- EPA ID 0875, Application for Federal Assistance—Continuing Environmental Programs, was cleared on Feburary 25 (OMB #2000-0137).

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), 401 M Street, SW., Washington, D.C. 20460

and

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: March 28, 1983

John Warren,

Acting Statistical Policy Staff.

[FR Doc. 83-8330 Filed 4-1-83; 8:45 am]

BILLING CODE 6560-50-M

[AAA-FRL 2337-7]

EPA Master List of Debarred, Suspended or Voluntarily Excluded Persons

AGENCY: Environmental Protection Agency.

ACTION: EPA master list of debarred, suspended, or voluntarily excluded persons.

SUMMARY: 40 CFR 32.400 requires the Director, Grants Administration Division, to publish in the **Federal Register** each calendar quarter, the names of, and other information concerning, those individuals and firms debarred, suspended, or voluntarily excluded from participation in EPA assisted programs. Assistance recipients and contractors under an EPA award may not initiate new business with these firms or individuals on any EPA funded activity during the period of suspension, debarment, or voluntary exclusion.

This short list contains the names of those persons who have been listed as a result of EPA actions only. It is provided for informational purposes only and is not to be relied on in determining a person's current eligibility status. A comprehensive updated list is available in each Region Office. Inquiries concerning the status of any individual, organization, or firm should be directed to EPA's Office for Grants Administration in your Region.

DATE: This short list is current as of March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Robert F. Meunier of the EPA Compliance Staff, Grants Administration Division, at (202) 755-9140.

Harvey G. Pippen, Jr.,

Director, Grants Administration Division.

EPA MASTER LIST OF DEBARRED, SUSPENDED AND VOLUNTARILY EXCLUDED PERSONS

Name and jurisdiction	File No.	Status [1]	From	To	Grounds	Agency
Ashland-Warren, Inc. (McMinville, TN)	82-0401	D	Sept. 22, 1982	May 6 1985	Section 32.200(a)(e)	FHwA
Carpenter, Frank (Monroe, NC)	82-0403	VE	Sept. 23, 1982	Open	Section 32.200(a)(b)	EPA
Crowell Constructors, Inc. (Fayetteville, NC)	82-0405	D	Nov. 29, 1982	Apr. 27, 1983	Section 32.200(a)(b)(e)(f)	FHwA
Crowell, William W. (Fayetteville, NC)	82-0405	D	Nov. 29, 1982	Apr. 27, 1983	Section 32.200(a)(b)(e)(f)	FHwA
Crowder, Otis (Charlotte, NC)	82-0402	VE	Sept. 23, 1982	Open	Section 32.200(a)(b)	EPA
Dees, Wilber E. (Fayetteville, NC)	82-0405	D	Oct. 22, 1982	Apr. 27, 1983	Section 32.200(a)(b)(e)(f)	FHwA
Dickerson Group, Inc [2] (Monroe, NC) (see footnote)	82-0403	VE	Mar. 14, 1983	Sept. 13, 1983	Section 32.200(b)	EPA
Herbert G. Whyte Associates, Inc. (Gary, IN)	82-0501	D	Oct. 20, 1982	Oct. 19, 1985	Section 32.200(b)(e)	EPA
Houston, Arnold E., Jr. (Fayetteville, NC)	82-0404	VE	Oct. 21, 1982	Open	Section 32.200(a)(b)(f)	FHwA
Municipal & Industrial Pipe Services, Ltd. (Douglasville, GA)	82-0601	S	Oct. 7, 1982	Open	Section 32.200(b)(c)(e)(i)	EPA
	82-0408					
Newman, Fred M. (Vienna, VA)	82-1101	S	Dec. 21, 1982	Open	Section 32.200(b)	EPA
Whyte, Herbert G. (Gary, IN)	82-0501	D	Oct. 20, 1982	Oct. 19, 1985	Section 32.200(b)(e)	EPA
Wirt, David (Douglasville, GA)	82-0601	S	Oct. 7, 1982	Open	Section 32.200(b)(c)(e)(i)	EPA
	82-0408					
Wirt, Gordon D. (Douglasville, GA)	82-0408	S	Dec. 7, 1982	Open	Section 32.200(c)(e)(i)	EPA
Wirt, Judith C. (Douglasville, GA)	82-0408	S	Dec. 7, 1982	Open	Section 32.200(c)(e)(i)	EPA

[1] D = Debarred; S = Suspended; VE = Voluntarily excluded
[2] Call 202-755-9140 for list of eligible subsidiaries

[FR Doc. 83-8478 Filed 4-1-83; 8:45 am]

BILLING CODE 6560-50-M

[W-9-FRL 2338-3]

Draft General NPDES Permits for Oil and Gas Operations in Portions of the Gulf of Mexico; Public Notice

AGENCY: Environmental Protection Agency.

ACTION: Notice of Draft General NPDES Permits.

SUMMARY: The Regional Administrator of Region VI is proposing to reissue three general NPDES permits for certain dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category. When reissued, these permits will allow permitted facilities now operating in the Gulf of Mexico to maintain compliance with effluent limitations, standards, prohibitions and other conditions established in the general NPDES permits issued on April 3, 1981 at 46 FR 20264. Because the three final general NPDES permits issued on April 3, 1981, will expire on April 29, 1983, the Regional Administrator is proposing to reissue the three general permits for the same geographic areas. These permits will continue the authorization to discharge from facilities located in the Gulf of Mexico seaward of the inner boundary of the territorial seas off the States of Louisiana and Texas and located west of 87°40' West Longitude exclusive of certain potentially productive or unique biological areas identified in Part III.B. of each permit.

The draft general permits proposed today contain the same effluent limitations and operating conditions as the expiring permits.

These draft general permits contain an expiration date of June 30, 1984 to allow the Agency time to complete the assessments necessary to issue full five-year term permits.

Consistent with the current permits, these draft general permits will not authorize discharges into the territorial seas of Mississippi or Alabama, or from facilities defined in 40 CFR Part 435 as "Onshore" or "Coastal." Nor will the draft general permits cover facilities defined in 40 CFR § 122.3 as "new sources." Copies of the draft general permits may be obtained from the address below.

DATES: Interested persons may submit comments on the draft general permits to the address below no later than May 4, 1983.

ADDRESSES: Comments should be sent to the Regional Administrator, Region VI, U.S. Environmental Protection Agency, 1201 Elm Street, First International Building, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Mark Satterwhite (6W-PS), U.S. Environmental Protection Agency, Region VI, 1201 Elm Street, First International Building, Dallas, Texas 75270. Telephone (214) 767-2765.

SUPPLEMENTARY INFORMATION:

I. Background

On April 3, 1981, the Regional Administrator of Region VI issued three general NPDES permits authorizing discharges from certain facilities in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category. The general permits established effluent limitations, standards, prohibitions and other conditions on discharges from oil and gas facilities operating in the following geographic areas:

1. Lease blocks located seaward of the respective outer boundaries of the territorial seas off the States of Louisiana and Texas and located west of 87°40′ West Longitude, exclusive of lease blocks identified in Part III.B. of the permit (Permit No. TX0085642);

2. Texas lease blocks located landward of the outer boundary of the territorial seas of the State of Texas, exclusive of lease blocks identified in Part III.B. of the permit (Permit No. TX0085651); and

3. Louisiana lease blocks located landward of the outer boundary of the territorial seas of the State of Louisiana, exclusive of lease blocks identified in Part III.B. of the permit (Permit No. LA00060224).

These permits, together with a fact sheet and response to comments, were published on April 3, 1981 at 46 FR 20264.

The published fact sheet discussed the significant factual, legal and policy questions considered in issuing the general permits, including the two-year term of the permits. Although NPDES permits may be issued for five-year terms, the Regional Administrator decided, for several reasons, that the permits should be issued for two-year terms. First, as discussed in the fact sheet, the Regional Administrator concluded that the discharges from facilities operating within the scope of the permits would not cause unreasonable degradation of the marine environment. This conclusion was based on a consideration of the ocean discharge criteria (published October 2, 1980 at 45 FR 65952) and an extensive analysis of the available information on the fate and effects of drilling mud discharges. At the time the permits were issued, the available scientific information did not warrant the same conclusions for operations over an extended period of time. Second, the Agency anticipated that both new information on the effects of the discharges (including information on impacts associated with multiple wells at fixed sites, impacts on benthic communities, and bioaccumulation studies) and new regulations specifying additional technology-based limitations would be available at the end of the two-year term. For these reasons, the Agency concluded that it would be appropriate to reevaluate the permit conditions at the end of the two-year terms. The Agency is now developing effluent guidelines for the offshore subcategory of the oil and gas extraction point source category including new source performance standards (NSPS) and best available technology economically achievable (BAT). In addition, the Agency is developing a more comprehensive evaluation of the effects of the discharges on the marine environment pursuant to the ocean discharge criteria. The development of these guidelines and additional information on the effects of the discharges will enable the Agency to propose and issue five year term general permits on or before June 30, 1984.

II. Proposed Permits

The three draft general permits are being proposed today in order to allow permitted facilities in the Gulf of Mexico to maintain compliance with the Clean Water Act for the period of time in which the Agency is completing the assessments necessary to issue full five-year term permits. The draft permits cover the same geographic areas and contain the same effluent limitations and operating conditions as the current general permits. The geographic areas, the nature of activities and discharges from these facilities and the basis for the effluent limitations and operating conditions are described in the fact sheet and supplementary information published on April 3, 1981 at 46 FR 20264. Briefly, the effluent limitations are based upon the final effluent limitations guidelines for the offshore subcategory of the oil and gas extraction point source category (40 CFR Part 435) and represent the application of best practicable control technology currently available (BPT). The monitoring and reporting conditions in the permits remain unchanged from the current permits.

III. Public Comment Period

The purpose of this notice is to receive comments from interested persons. Copies of the draft general permits may be obtained by writing the above address. The administrative record (with the exception of material readily available at Region VI or published material that is generally available) is on file in the Administrative Branch, Region VI, at the above address and may be inspected and copied at $0.20 per page at any time between 8:30 a.m. and 4:30 p.m., Monday through Friday.

Interested persons may submit comments on the draft general permits to the Regional Administrator at the above address no later than May 4, 1983. All persons who believe that any of the conditions of draft general permits are not appropriate, or that the tentative decision to reissue these general permits is not appropriate, have an obligation to raise all reasonably ascertainable issues and submit all arguments and factual grounds supporting their position, including all supporting material, by the close of the comment period. All supporting materials shall be included in full and may not be incorporated by reference, unless they are already a part of the administrative record or consist of State or Federal regulations, EPA documents of general applicability, or other generally available reference materials.

During the public comment period, any interested person may request a public hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

EPA will consider the issuance of final general permits following any public hearings and the close of the comment period. All comments timely submitted by interested persons in response to this notice and statements and other evidence properly submitted at any public hearings, will be considered by the Regional Administrator in the formulation of his final decision.

Any person who submits timely written comments will receive notice of the Regional Administrator's final decision.

Further information concerning EPA's permitting procedures may be found in 40 CFR Part 124.

IV. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in these draft general permits under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of the permits have already been approved by the Office of Management and Budget under submissions made for the NPDES permit program under the provisions of the Clean Water Act. The final general permits will explain how its information collection requirements respond to any OMB or public comments.

V. The Regulatory Flexibility Act

After review of the facts presented in the notice printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that these draft general permits will not have a significant

impact on a substantial number of small entities. Moreover, they reduce a significant administrative burden on regulated sources.

Dated: March 15, 1983.

Frances E. Phillips,

Acting Regional Administrator, Region VI.

[FR Doc. 83-8584 Filed 4-1-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-19]

Farrell Lines Inc. v. Sea-Land Service, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Farrell Lines Incorporated against Sea-Land Service, Inc. was served March 22, 1983. Complainant alleges that respondent has filed rates on military cargo in the trades between the U.S. East Coast and the Western Mediterranean so unreasonably low as to be in violation of section 18 (b)(5) of the Shipping Act, 1916 and that these rates were established in concert in violation of section 15 of the Act.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61 The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary

[FR Doc. 83-8061 Filed 4-1-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 83-20]

Rates Applicable to Ocean Shipment of AABCO, Inc.; Filing of Petition for Declaratory Order

Notice is given that a petition for declaratory order has been filed by AABCO, Inc., a military household goods forwarder, to remove uncertainty as to the underlying ocean tariff rates applicable to certain shipments of household goods. The alleged controversy arises from the asserted existence of two different rates in carrier tariffs for military cargoes. In this particular case, United States Lines is cited as the involved carrier but it is alleged that the problem is industry-wide.

Interest persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L. St., N.W., Room 11101. Participation in this proceeding by persons not named in the petition will be permitted only upon grant of intervention pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72).

Petitions to intervene shall be accompanied by intervenors complete reply in the matter. Such petitions and any replies to the petition for declaratory order shall be filed with the Secretary on or before April 29, 1983. An original and fifteen copies shall be submitted and a copy served on all parties. Replies shall contain the complete factual and legal presentation of the replying party as to the desired resolution of the petition for declaratory order.

Francis C. Hurney,

Secretary.

[FR Doc. 83-8660 Filed 4-1-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2562]

Rosa Lopez (d.b.a. R.L. International Freight Forwarder); Order of Revocation

On March 21, 1983, Rosa Lopez (d.b.a. R.L. International Freight Forwarder), c/o Playa Roqueta #210 BIS, "Colonia Marte", Mexico D.F. C.P. 08830, surrendered her Independent Ocean Freight Forwarder License No. 2562 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2562 issued to Rosa Lopez (d.b.a. R.L. International Freight Forwarder) be revoked effective March 21, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Rosa Lopez (d/b/a R.L. International Freight Forwarder).

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-8662 Filed 4-1-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 526]

Charles D. Sciaroni (d.b.a. Charles D. Sciaroni Co.);Order of Revocation

On March 21, 1983, Charles D. Sciaroni (d.b.a. Charles D. Sciaroni Co.), 111 Pine Street, San Francisco, California 94111, surrendered his Independent Ocean Freight Forwarder License No. 526 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 526 issued to Charles D. Sciaroni (d.b.a. Charles D. Sciaroni Co.); be revoked effective March 21, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Charles D. Sciaroni (d.b.a. Charles D. Sciaroni Co.).

Albert J. Klingel Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-8663 Filed 4-1-83; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14836-A]

Alaska Native Claims Selection

The propose of this decision is to modify the Decision to Issue Conveyance (DIC) dated February 10, 1983, and published in the **Federal Register**, February 11, 1983, on pages 6416-6418.

The DIC dated February 10, 1983, reserved certain easements according to the memorandum dated September 28, 1982, concerning final easements for the village of Barrow.

On February 28, 1983, an amendment to the memorandum of September 28, 1982, was issued which deleted an easement within the Barrow conveyance area. Therefore, the DIC is modified to

delete the reservation of the following easement:

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, and four-wheel drive vehicles.

d. (EIN 12 C4) an easement fifty (50) feet in width for an existing trail from road EIN 1a C5, E in Sec. 32, T. 23 N., R. 18 W., Umiat Meridian, extending southerly to public lands.

Except as modified by this decision, the decision of February 10, 1983, stands as written.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS-MINER.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have thirty days from receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until May 4, 1983 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Ukpeagvik Inupiat Corporation, P.O. Box 427, Barrow, Alaska 99723.

Ann Johnson,

Chief, Branch of ANCSA, Adjudication.

[FR Doc. 83-8627 Filed 4-1-83; 8:45 am]

BILLING CODE 4310-84-M

[AA-42912]

Alaska Native Claims Selection; Chugach Natives, Inc.

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)) and Sec. 1429 of the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2371, 2530), will be issued to Chugach Natives, Inc., for approximately 12,891 acres. The lands involved are within:

Seward Meridian, Alaska (Unsurveyed)

T. 2 S., R. 11 E.
T. 3 S., R. 11 E.
T. 1 S., R. 12 E.
T. 2 S., R. 12 E.
T. 3 S., R. 12 E.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the CORDOVA TIMES upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until May 4, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Chugach Natives, Inc., 903 West Northern Lights Boulevard, Suite 201, Anchorage , Alaska 99501.

Ann Johnson,

Chief, Branch of ANCSA, Adjudication.

[FR Doc. 83-8628 Filed 4-1-83; 8:45 am]

BILLING CODE 4310-84-M

[F-73307]

Alaska Native Claims Selection; NANA Regional Corp., Inc.

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)) and Sec. 1418 of the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2371, 2501), will be issued to NANA Regional Corporation, Inc., for approximately 22,176 acres. The lands involved are within:

Kateel River Meridian, Alaska (Unsurveyed)

T. 30 N., R. 18 W
T. 31 N., R. 18 W
T. 30 N., R. 19 W

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the TUNDRA TIMES upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until May 4, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

NANA Regional Corporation, Inc., P.O. Box 49, Kotzebue, Alaska 99752.

State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7-005, Anchorage, Alaska 99510

B. LaVelle Black,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 8629 Filed 4-1-83; 8:45 am]

BILLING CODE 4310-84-M

[AA-14015]

Alaska Native Claims Selection; Sealaska Corp.

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), will be issued to Sealaska Corporation for approximately 1,120 acres. The lands involved are within T. 80 S., R. 83 E., Copper River Meridian.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the *Southeast Alaska Empire* (Juneau) upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until May 4, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal is: Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801.

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-8630 Filed 4-1-83; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Concurrent Jurisdiction—Lake Mead National Recreation Area

Notice is hereby given that the Honorable Bruce Babbitt, Governor of Arizona, by letter dated June 16, 1982, has approved the request of the National Park Service to convey concurrent jurisdiction over lands within the boundaries of Lake Mead National Recreation Area in the State of Arizona. Jurisdiction was accepted by National Park Service Director, Russell E. Dickenson, by letter dated October 20, 1982.

John Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-8663 Filed 4-1-83; 8:45 am]

BILLING CODE 4310-70-M

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held

beginning 8:30 a.m. (EST), on Thursday, April 28, 1983, at the Happy Days Visitor Center located on West Streetsboro Road, 1 mile west of Route 8 in Peninsula, Ohio.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff–4, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Cuyahoga Valley National Recreation Area.

The members of the Commission are as follows:

Mrs. Tommie Patty (Chairperson)
Mr. John Craig
Mr. Norman A. Godwin
Mrs. William Hutchison
Mr. James S. Jackson
Mrs. George Klein
Mr. Stanley Mottershead
Mr. C. W. Eliot Paine
Mr. Melvin J. Rebholz
Mr. F. Eugene Smith
Ms. R. Robbie Stillman
Mr. Barry K. Sugden
Dr. Robert W. Teater

Matters to be discussed at this meeting include:
1. Update on Trails Planning
2. Land Protection Plans
3. Pond Management

The meeting will be open to the public. It is expected that about 100 persons, in addition to members of the Commission, will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, 15610 Vaughn Road, Brecksville, Ohio 44141, telephone (216) 650–4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Dated: March 22, 1983.

Randall R. Pope,

Deputy Regional Director, Midwest Region.

[FR Doc. 83–8684 Filed 4–1–83; 8:45 am]

BILLING CODE 4310–70–M

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 7:30 p.m., CST, on April 27, 1983, at the Jefferson Parish Council Chambers, 3330 North Causeway Boulevard, Metairie, Louisiana.

The Delta Region Preservation Commission was established pursuant to Pub. L. 96–265, Section 907(a) to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, and in the development and implementation of a general management plan and of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

The matters to be discussed at this meeting include:
—Cooperative agreements
—Land protection plans
—Status report on construction program

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact James Isenogle, Superintendent, Jean Lafitte National Historical Park c/o Municipal Auditorium, 1201 St. Peter's Street, New Orleans, Louisiana 70116, telephone, area code 504 589–3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Dated: March 21, 1983.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 83–8686 Filed 4–1–83; 8:45 am]

BILLING CODE 4310–70–M

San Antonio Missions Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the San Antonio Missions Advisory Commission will be held at 1:30 p.m., Tuesday, April 19, 1983, at the Federal Building, 727 E. Durango, Room A612, San Antonio, Texas.

The San Antonio Missions Advisory Commission was established pursuant to Pub. L. 95–629, Title II, November 10, 1978. The purpose of the commission is to advise the Secretary of the Interior or his designee on matters relating to the park and with respect to carrying out the provisions of the statute establishing the San Antonio Missions National Historical Park.

Matters to be discussed at this meeting include:
—Park Operations Update
—Activation of Park
—Private Sector Initiative
—Land Acquisition
—Volunteers in Park

The meeting will be open to the public, however, facilities and space for accommodating members of the public will be limited and persons will be accommodated on a first-come, first-serve basis.

Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, San Antonio Missions National Historical Park. Persons wishing further information regarding this meeting or who wish to submit a written statement may contact Jose A. Cisneros, Superintendent, 727 E. Durango, Room A612, San Antonio, Texas 78206, telephone (512) 229–6000.

Minutes of the meeting will be available for public review approximately four weeks after the meeting at the office of the San Antonio Missions National Historical Park.

Dated: March 21, 1983.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 83–8685 Filed 4–1–83; 8:45 am]

BILLING CODE 4310–70–M

Information Collection Submitted to OMB for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and the Office of Management and Budget's Interior Desk Officer on (202) 395–7340.

Title: Glacier Bay National Park and Preserve Protection of Humpback Whales, 36 CFR 13.65
Bureau Form Number: None
Frequency: Annually
Description of Respondents: Charter and fishing companies
Annual Responses: 339
Annual Burden Hours: 201

Bureau Clearance Officer: Russell K. Olsen on (202) 523–5133

Russell K. Olsen,

Chief, Administrative Services Division.

March 28, 1983.

[FR Doc. 83–8567 Filed 4–1–83; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Advisory Committee on Voluntary Foreign Aid; Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of meeting sponsored by the Advisory Committee on Voluntary Foreign Aid which will be held April 11, 1983, in the Board Room of the Cooperative League of the USA (CLUSA), 1828 L Street, N.W., Suite 1100, Washington, D.C.

This will be an informal briefing for the PVO community and will concentrate on the Congressional Budget Process and activities of the U.S. Congress in relation to the PIK legislation and Section 416.

The meeting will be open to the public. Any interested person may attend, request to appear before, or file statements with the Advisory Committee in accordance with procedures established by the Committee. Written statements should be filed prior to the meeting and should be available in twenty copies.

There will be an AID representative at the meeting. It is suggested that those desiring further information contact Martha McCabe (202) 872–0550 or by mail c/o the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523.

Dated: March 22, 1983.

Julia Chang Bloch,

Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance.

[FR Doc. 83–8585 Filed 4–1–83; 8:45 am]

BILLING CODE 6116–01–M

International Development Cooperation Agency

Housing Guaranty Program; Investment Opportunity

The Agency for International Development (A.I.D.) has authorized guaranties of a loan or loans to the National Housing Authority of Thailand (Borrower) as part of A.I.D.'s development assistance program. The proceeds of these loans, amounting to Fifteen Million Dollars ($15,000,000), will be used to finance shelter projects for low income families residing in Thailand. The following is the name, address, telex number and telephone number of the representative of the Borrower to be contacted by interested U.S. lenders or investment bankers:

Thailand

Project: 593–HG–003—$15,000,000
Fiscal Policy Office, Ministry of Finance, Royal Grand Palace, Bangkok 10200, Thailand, Telex: 82823 MINANCE TH, Telephone: 2228186–90, 2210803, 2218202–4, 2223845

Investors should contact the Borrower as soon as possible and indicate their interest in providing financing for this Housing Guaranty project. Following its discussions with interested investors, the Borrower will decide upon a procedure for selecting an investor and will inform interested investors of the procedure to be followed.

Selection of investment bankers and/or lenders and the terms of the loans are initially subject to the individual discretion of the Borrower and thereafter subject to approval by A.I.D. The lenders and A.I.D. shall enter into a Contract of Guaranty covering the loans. Disbursements under the loans will be subject to certain conditions required of the Borrower by A.I.D. as set forth in an implementation agreement between A.I.D. and the Borrower.

The full repayment of the loans will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to the authority of Section 222 of the Foreign Assistancy Act of 1961, as amended (the "Act").

Lenders eligible to receive an A.I.D. guaranty are those specified in Section 238(c) of the Act. They are: (a) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loans must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established by A.I.D.

Information as to the eligibility of investors and other aspects of the A.I.D. Housing Guaranty program can be obtained from: Director, Office of Housing and Urban Programs, Agency for International Development, Room 625, SA–12, Washington, D.C. 20523, Telephone: (202) 632–9637.

Dated: March 28, 1983.

John T. Howley,

Deputy Director, Office of Housing and Urban Programs.

[FR Doc. 83–8724 Filed 4–1–83; 8:45 am]

BILLING CODE 4710–02–M

INTERSTATE COMMERCE COMMISSION

Forms Under Review By Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Lee Campbell, (202) 275–7238. Comments regarding this information collection should be addressed to Lee Campbell, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave. NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3001 NEOB, Washington, DC 20503, (202) 395–7313.

Type of Clearance: Extension
Bureau/Office: Office of Proceedings
Title of Form: Special application for authority to sell securities without competitive bidding
OMB Form No.: 3120–0109
Agency Form No.: OPF–210
Frequency: On occasion
Respondents: Privately owned rail carriers
No. of Respondents: 15
Total Burden Hrs.: 230

Type of Clearance: Extension
Bureau/Office: Office of Proceedings
Title of Form: Certificate of notification under 49 USC 11301(c)(1)—Issuance of short term notes
OMB Form No.: 3120–0108
Agency Form No.: OPF–230
Frequency: On occasion
Respondents: Privately owned regulated carriers
No. of Respondents: 93
Total Burden Hrs.: 279

Type of Clearance: Extension
Bureau/Office: Office of Proceedings
Title of Form: Issuance of securities or assumption of obligations
OMB Form No.: 3120–0110
Frequency: On occasion
Respondents: Privately owned regulated carriers
No. of Respondents: 200

Total Burden Hrs.: 2,000

Type of Clearance: Extension
Bureau/Office: Office of Compliance & Consumer Assistance
Title of Form: Moving service questionnaire
OMB Form No.: 3120–0057
Agency Form No.: OCP–100–A
Frequency: Nonrecurring
Respondents: Consumers who employ interstate household goods motor carriers to move their personal effects
No. of Respondents: 10,000
Total Burden Hrs.: 834

Type of Clearance: Extension
Bureau/Office: Bureau of Accounts
Title of Form: Quarterly report of results of operations QFR
OMB Form No.: 3120–0002
Agency Form No.: QFR
Frequency: Quarterly
Respondents: Class I Common Carriers and Class II Instruction 27 Carriers and Class I Household Goods Carriers
No. of Respondents: 1,328
Total Burden Hrs.: 22,576

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–8588 Filed 4–1–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 83–5988 beginning on page 9961 in the issue of Wednesday, March 9, 1983, make the following correction:

On page 9965, first column, MC 139006 (Sub-42), Rapier Smith, the name of the representative was omitted from the 4th line. The entry should read "Representative: Robert H. Kinker".

BILLING CODE 1505–01–M

Motor Carriers; Notice of Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on May 4, 1983. Petitions for reconsideration must be filed by April 25, 1983. Petitions for stay must be filed by April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: March 28, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

MC–F–15036. SAM KOVACEVICH, JR.—Continuance in control exemption—TRANSPORT AMERICA, INC., and CHICAGO-ST. LOUIS TRANSPORT CO. Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Representative: James C. Hardman, Suite 2108, 33 North La Salle Street, Chicago, IL 60602. Pleadings should refer to MC–F–15036. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the continuance in control by Sam Kovacevich, Jr. of Transport America, Inc., (No. MC–163680 and subnumbers thereunder) and Chicago-St. Louis Transport Co. (No. MC–134493 and subnumbers thereunder).

No. MC–F–15044. JPB CORPORATION—control exemption—NORTH ALABAMA EXPRESS, INC., and INTERAMERICAN CARRIER CORPORATION. Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Representative: Thomas M. O'Brian, 180 North Michigan Ave., Suite 1700, Chicago, IL 60601. Pleadings should refer to MC–F–15044. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the acquisition by JPB Corporation and its majority stockholder James P. Byrne, of control of North Alabama Express, Inc. (MC–97260) and Interamerican Carrier Corporation (MC–162702). JPB also controls Clark Transport, Inc. (MC–106647) and Car Carriers, Inc. (MC–133324) pursuant to the Commission's prior approval.

MC–F–15064. GREAT WEST TRANSPORTATION, INC.—purchase exemption—SHOEMAKER TRUCKING COMPANY (Loren Wetzel, trustee in bankruptcy). Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Pleadings should refer to MC–F–15064. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Great West Transportation, Inc. (MC–146360) of those operating rights of Shoemaker Trucking Company (MC–138875) found in paragraph (28) of Sub-No. 312X, namely *chemicals and related products,* between points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, on the one hand, and, on the other, points in the United States in and west of Montana, Wyoming, Colorado, and New Mexico (except Alaska and Hawaii), and, in addition, Shoemaker's underlying certificate, Sub-No. 284F.

[FR Doc. 83–8655 Filed 4–1–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the

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quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–250

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 144610 (Sub-1–1TA), filed March 10, 1983. Applicant: C. ALLEN TRUCKING, INC., 1 Nenninger Lane, East Brunswick, NJ 08816. Representatives: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Metal products* between Chester, NY, Kenilworth, NJ, New Orleans, LA and Pawtucket, RI, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Marine Industrial Cable Company, New Orleans, LA; Chester Cable Company, Chester, NY. Supporting shipper(s): Marine Industrial Cable Company, Old Gentilly Hwy., New Orleans, LA; Chester Cable Company, Chester, NY.

MC 134806 (Sub-1–56TA), filed March 9, 1983. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Awnings* between Elmsford, NY, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY, under continuing contract(s) with Architectural Concepts, Inc., Division of John Boyle & Co., Inc., Elmsford, NY. Supporting shipper: Architectural Concepts, Inc., Division of John Boyle & Co., Inc., P.O. Box 533, 3 Westchester Plaza, Elmsford, NY 10523.

MC 134806 (Sub-1–57TA), filed March 9, 1983. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Sporting goods* between Medford, MA, on the one hand, and, on the other, Compton, CA, under continuing contract(s) with Harvard Table Tennis, Inc., Medford, MA. Supporting shipper: Harvard Table Tennis, Inc., 970 Fellsway, Medford, MA 02155.

MC 116861 (Sub-1–2TA), filed March 9, 1983. Applicant: BRIDAL VEIL TOURS, INC., 9470 Niagara Falls Boulevard, Niagara Falls, NY 14304. Representative: John L. Trigilio, Esq., Robert D. Gunderman, P.C., Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Passengers and their baggage, in special operations, in round-trip sightseeing tours, limited to the transportation of not more than 14 passengers in any one vehicle, but not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats,* beginning and ending at Niagara Falls, NY and points in Niagara County, NY within 6 miles thereof, and extending to ports of entry on the US/CD Boundary line at Niagara Falls and Lewiston, NY. Supporting shipper: The Bel-Aire Motel, 9470 Niagara Falls Blvd., Niagara Falls, NY 14304.

MC 152575 (Sub-1–1TA), filed March 10, 1983. Applicant: CARLTON TRUCKING CO., INC., 83 Southgate Street, Worcester, MA 01603. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Iron and steel articles* between points in CT, DE, DC, ME, MD, MA, NH, NJ, NC, RI, SC, VT, VA and WV on the one hand, and on the other, points in AL, CT, DE, DC, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI. Supporting shipper(s): There are seven statements of support with this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 158133 (Sub-1–3TA), filed March 10, 1983. Applicant: CONTRACT TRANSPORTATION SERVICE, INC., 1711 South 2nd Street, Piscataway, NJ 08854. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Metal products, Mortar, Bricks and Refractory products* between Hillside, NJ and Woodbury, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Kaiser Aluminum & Chemicals Corporation, 200 Route 22, Hillside, NJ 07205.

MC 44370 (Sub-1–1TA), filed March 10, 1983. Applicant: E. M. LERIT, INC., 404 North Avenue, P.O. Box 306, Dunellen, NJ 08812. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Telephone supplies and materials, and scrap* between the Commercial Zones of Philadelphia, PA and New York, NY on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, PA, SC and VA. Supporting shipper(s): Metal Bank of America, 6801 State Road, Philadelphia, PA 19135.

MC 111729 (Sub-1–13TA), filed March 10, 1983. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Peter A. Greene, Thompson, Hine and Flory, 1920 N Street, NW., Washington, D.C. 20036. *General commodities (except Classes A and B explosives, household goods and commodities in bulk)* between points in the U.S. (except AK and HI), under continuing contract(s) with Wal-Mart Stores, Inc. of Bentonville, AR. Supporting shipper: Wal-Mart Stores, Inc., Bentonville, AR 72712.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 166139 (Sub-II–1TA), filed February 8, 1983. This was first published in the **Federal Register** dated February 28, 1983. Applicant: A.W.T. CORP., 2815 N. 17th St., Philadelphia, PA 19132. Representative: Charles M. Rand, 1200 E. Marlton Pike, Barclay House, Suite No. 7, Cherry Hill, NJ 08034. *Furniture* between points in PA, NJ, NY, DE, VA and MD. Supporting shipper(s): JAL Associates, 2216 E. Allegheny Ave., Phila., PA 19134; Custom Craftsmen, 700 Creek Rd., Bellmawr, NJ 08031; Bernstein Office Machine Co., 2833 Street Rd., Bensalem, PA 19030. The purpose of this re-publication is to show the State of MD which was not shown in the previous publication.

MC 150183 (Sub-II–5TA), filed March 22, 1983. Applicant: CASSCO REFRIGERATED TRANSPORT, Division of Cassco Corporation, P.O. Box 548, Harrisonburg, VA 22801. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312. *Foodstuffs, and materials and supplies used in the manufacture and distribution of foodstuffs (except in bulk)* from the facilities of or utilized by Golden West Foods, Inc. at or near Harrisonburg, VA to points in the U.S. in and east of ND, SD, NE, KS, OK and TX. An underlying ETA seeks 120 days authority. Supporting shipper(s): Golden West Foods, Inc., a subsidiary of McCormick & Co., 11350 McCormick Rd., Hunt Valley, MD 21031.

MC 163825 (Sub-II–2TA), filed March 23, 1983. Applicant: G & B ANDERSON, INC., 11574 Franchester Rd., West Salem, OH 44287. Representative: Joseph A. Mamone, No. 520, 75 Public Square, Cleveland, OH 44113. Contract Irregular: Steel, aluminum, and alloyed steel products in the form of sheets, plates, structurals and bars; and

aluminum, steel, and alloyed steel products between points in OH, MI and PA under continuing contract(s) with Wayne Steel, Inc., Wooster, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Wayne Steel, Inc., 1070 W. Liberty Street, Wooster, OH 44691.

MC 163028 (Sub-II–2TA), filed March 23, 1983. Applicant: JASON ENTERPRISES, INC., P.O. Box 116, Vinton, VA 24179. Representative: Michael S. Ferguson, 1919 Electric Rd. SW., Roanoke, VA. *New and used construction, mining and industrial equipment and machinery* and parts and components thereof, between points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper(s): Shelton-Witt Equipment Corp, P.O. Drawer 828, Salem, VA 24153; The Ironpeddlers, Inc., Rt. 91, Box 496, Monroe, NC 28110.

MC 107012 (Sub-II–278TA), filed March 21, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the U.S. under continuing contract(s) with Zayre Corporation of Framingham, MA, its subsidiaries and divisions, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Zayre Corporation, 235 Old Connecticut Path, Framingham, MA 01701.

MC 119401 (Sub-II–1TA), filed March 18, 1983. Applicant: SPENCER TRANSFER, INC., P.O. Box 622, Petersburg, VA 23803. Representative: J. Gray Spain (same address as applicant). *Malt beverages and equipment, materials and supplies used in the manufacture, sale and distribution of the above commodities* between points in VA, on the one hand, and, on the other, points in KY and IN. An underlying ETA seeks 120 days authority. Supporting shipper(s): Coury Distribution, Inc., 1605 E. Washington St., Petersburg, VA 23803; Commonwealth Dist. Co., 1710 Mactavish Ave., Richmond, VA 23230.

MC 153918 (Sub-II–4TA), filed March 18, 1983. Applicant: TRANSPORTATION & CONSOLIDATION CENTERS, INC., P.O. Box 1524, Harrisburg, PA 17105. Representative: Ernest A. Jones, Jr., P.O. Box 4168, Cherry Hill, NJ 08003. *General commodities (except class A and B explosives, commodities in bulk, household goods and articles of unusual and excessive value),* between points in PA, NJ, NY, MA, MD, DE, VA, WV, and DC, on the one hand, and, on the other, points in OH, IN, MO, IL, KS, TX, and CA. An underlying ETA seeks 120 days authority. Supporting shippers: Ratliff and Associates, 114 Brunner St., Hummelstown, PA 17036; American Air Filter Co., Inc., 3407 North 6th St., Harrisburg, PA 17105; Commercial Warehouse, 2920 S. 19th Ave., Broadview, IL 60153; Fisher Corporation, Fisher Park, Milroy, PA 17063.

MC 166946 (Sub-II–1TA), Filed March 22, 1983. Applicant: PAUL E. BITTING, d.b.a., TRANSPORTATION SERVICES, 10 Bellview Rd., Marysville, PA 17053. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375. Contract, irregular: *flour* from the facilities of the Ulmann Company-Standard Milling Division, located at or near Highspire, PA, to points in MA NJ, NY, and Baltimore, MD, under continuing contract(s) with The Ulmann Company-Standerd Milling Division of Highspire PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Ulmann Company-Standard Milling Division, Second and Race Sts., Highspire, PA 17034.

MC 166589 (Sub-II–1TA), Filed March 21, 1983. Applicant: WARD COMPANY, INC., 904 N. Lincoln St., Arlington, VA 22201. Representative: Stephen Sale, 1825 Eye St., NW., Suite 1200, Washington, DC 20006. *Such commodities as are dealt in or used by collectors, distributors and exhibitors of fine arts objects and antiques of extraordinary value* between points in CT, DE, MD, NJ, NY, PA, VA and DC. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are nine supporting shippers statements to this application which may be examined at the Phila. Regional office.

MC 146421 (Sub-II–2TA), Filed March 15, 1983. Applicant: WYATT TRANSFER, INC., 716 E. 7th St., Richmond, VA 23224. Representative: Charles C. Chewning, Jr. (same address as applicant). Contract, irregular: *General commodities (except Classes A & B explosives, motor vehicles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between Richmond, VA, on the one hand, and, on the others, points in and east of the MS River, under continuing contract(s) with Acme Fixture Co. An underlying ETA seeks 120 days authority. Supporting shipper(s): Acme Fixture Co., 900 Dinwiddie Ave, Richmond, VA 23224.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, NE., Atlanta, GA 30309.

MC 166894 (Sub-3–1TA), filed March 21, 1983. Applicant: CHILDERS TRUCKING CO., INC. Route 2, Turkey Creek, South Williamson, KY 41570. Representative: Leon K. Oxley, P.O. Box 1004, Huntington, WV 25713. *Contract carrier;* irregular routes; beer and soft drinks, between Williamson, WV and Columbus, OH, Albany, GA, Atlanta, GA, Edon, NC, Williamsburg, VA. Supporting shipper: Mingo Bottling Co., Inc., 277 East Third Ave., Williamson, WV.

MC 149133 (Sub-3–26TA), filed March 11, 1983. Applicant: DIST/TRANS MULTI-SERVICES, INC. d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, Post Office Box 7191, Charlotte, NC 28217. Representative: Charles L. Garrison (same as above). *Contract carrier,* irregular routes; *General Commodities, except household goods, commodities in bulk, and Classes A and B explosives,* Between points in AL, CT, GA, NC, SC, FL, VA, TN, MD, PA, NY, NJ, MA, RI and WV. Restricted to service performed under a continuing contract or contracts with Armstrong World Industries, Inc. of Lancaster, Pennsylvania. Supporting Shipper: Armstrong World Industries, Inc. of Lancaster, Pennsylvania.

MC 117577 (Sub-3–2TA), filed March 21, 1983. Applicant: A. C. WIDENHOUSE, INC., P.O. Box 10, Concord, NC 28025. Representative: Robert E. Born, Suite 508, 1447 Peachtree St., NE, Atlanta, GA 30309. *Asphalt, in bulk, in tank vehicles,* from Salisbury, NC to points in Bland, Patrick, Smyth, Taxwell, Washington, and Wythe Counties, VA. Supporting shippers: Maymead Lime Co., Drawer M, Mountain City, TN 37683; Propst Construction Co., Box 688, Concord, NC 28025; and Chevron U.S.A., Inc., P.O. Box 1955, Baltimore, MD 21203.

MC 156778 (Sub-3–8TA), filed March 17, 1983. Applicant: 7 HILLS TRANSPORT, INC., P.O. Box 6205, Rome GA. 30161. Representative: Don Moore (same address as applicant). *Contract carrier,* irregular routes; *Textile Products,* from the facilities of Benchmark Carpet Mills, Inc., Cartersville, GA, to points in the U.S. (except AK & HI), under continuing contract(s) with Benchmark Carpet Mills, Inc., Cartersville, GA. Supporting Shipper: Benchmark Carpet Mills, Inc., P.O. Box 667, Cartersville, GA. 30120.

MC 140902 (Sub-3–22TA), filed March 21, 1983. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same

address as applicant). *Contract;* irregular; *General Commodities (except household goods and commodities in bulk)* between Memphis, TN; Brownsville, TX; Chicago, IL; Dumas, AR; Coushatta, LA; Denmark, SC; & Holly Springs, MS on the one hand and on the other points in the United States (except AK & HI) under continuing contract(s) with Sunbeam Appliance Company. Supporting Shipper: Sunbeam Appliance Company, 2001 S. York Road, Oak Brook, IL 60521.

MC 152658 (Sub-3–3TA), filed March 21, 1983. Applicant: HUCKS PIGGYBACK SERVICE, INC., 618 Atando Avenue, Charlotte, NC 28206. Representative: Joseph L. Steinfeld, Jr. 915 Pennsylvania Building, 425 13th Street, NW., Washington, D.C. 20004. *Contract carrier,* irregular: *machinery and transportation equipment,* between Charlotte, NC, Knoxville and Chatanooga, TN, Birmingham, AL, Macon and Atlanta, GA, and Lexington, KY, and points in their commercial zones, under continuing contracts(s) with Southern Railway System of Charlotte, NC. Supporting shipper: Southern Railway System, 312 Liddell Street, Charlotte, NC 28206.

MC 161553 (Sub-3–2TA), filed March 22, 1983. Applicant: JOHN L. SHADD TRUCKING, INC., 220 West Main St., Lake Butler, FL 32054. Representative: John L. Shadd (address same as applicant). *Commodities in bulk, fertilizer and lumber,* between points in FL, GA, and AL. Supporting Shippers: M. C. Anderson Construction Co., P.O. Box 7034, Garden City, GA 31408; Lake Butler Farm Center, Inc., P.O. Box 538, Lake Butler, FL 32054; Owens Illinois, Inc., P.O. Box 68, Lake Butler, FL 32054.

MC 160877 (Sub-3–1TA), filed March 21, 1983. Applicant: ED KIMBALL & SONS, P.O. Box 1302, 300 N. Krome Ave., Homestead, FL 33090–1302. Representative: Jerry Brecelnik (same as applicant). *Bananas, Plantains and Tropical Products* from FL to all States on the east of the MS River and TX. Supporting Shipper: Banana Services, Inc., 33 Giralda, Suite 404, Coral Gables, FL 33114.

MC 159519 (Sub-3–2TA), filed Macrh 21, 1983. Applicant: R.W. JOYCE TRUCKING CO., P.O. Box 1201; 237 Starlite Road, Mt. Airy, NC 27030. Representative: Joseph L. Steinfield, Jr., 915 Pennsylvania Building, 425 13th Street, NW, Washington, DC 20004. *General commodities (except classes A and B explosives, household goods, and commodities in bulk),* over irregular routes, between the facilities of Hercules Incorporated, at points in VA, on the one hand, and, one the other points in the U.S. (except AK and HI). Supporting shipper: Hercules Incorporated, 910 Market Street, Wilmington, DE 19899.

MC 166889 (Sub-3–1TA), filed March 21, 1983. Applicant: BRANNAM & VINSON, INC., 700 East Union Street, Jacksonville, FL 32206. Representative: O. C. Beakes, 836 Riverside Avenue, Jacksonville, FL 32204. *General commodities (except classes A and B explosives)* between points in FL and points in GA, SC, NC, AL and TN. There are 11 shippers supporting affidavits attached to the application which may be reviewed at the Regional Office of the Interstate Commerce Commission in Atlanta, Georgia.

MC 161850 (Sub-3–2TA), filed March 21, 1983. Applicant: CARSON ROBERT CURLEE, Route 7, Box 810, Salisbury, NC 28144. Representative: Carson Robert Curlee (same as above). *Passengers;* between Rowan, Cabarrus, and Mechlenburg Counties, NC, on the one hand, and, on the other, Catawba Project, York County, SC. Supporting shippers: There are five statements in support of this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 159138 (Sub-3–2TA), filed March 21, 1983. Applicant: LELAND J. CREEL d.b.a. PORT CITY DRAYAGE CO., 115 Bluewood Drive, Biloxi, MS 39532. Representative: LELAND J. CREEL (same as above). *General Commodities (except class A & B explosives).* between points in LA, TX, MS, AL, FL, GA, SC, NC, AR, TN, AZ, and MO, on the one hand, and, on the other, points in the U.S. (excluding AK and HI), in Ocean Carrier furnished equipment having prior or subsequent moves by water or rail. Supporting shippers: Care Shipping, Inc., 419 Rue Decatur, New Orleans, LA.

MC 145408 (Sub-3–6TA), filed March 18, 1983. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, Esquire, 1000 Potomac Street, N.W., Suite 501, Washington, D.C. 20007. *General commodities, (except for Classes A & B explosives and hazardous materials),* (1) Between points in the states of ME, NH, VT, NY, MA, RI, CT, NJ, DE, PA, MD, DC, VA, WV, NC, SC, GA, FL, AL, TN, KY, OH, MI, IN, IL, WI, MN, IA, MO, AR, TX, LA and MS (except AK and HI); and, (2) between points in the states listed in (1) above, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): There are 30 statements in support of this application which may be examined at the ICC Regional Office, Atlanta, GA.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 110567 (Sub-5–12 TA), filed March 21, 1983. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: Kenneth L. Kessler, P.O. Box 855, Des Moines, IA 50304. Contract, irregular; *general commodities (except classes A and B explosives, household goods and commodities in bulk),* between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract with Cub Foods of Green Bay, WI.

MC 125000 (Sub-5–2TA), filed March 21, 1983. Applicant: CHARLES D. BALDWIN d.b.a. BALDWIN TRUCKING, 7702 Broadway, Amarillo, TX 79108. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768–2207. *Food and Related Products* between points in TX, on the one hand, and, on the other, points in AZ, CA, WA and Salt Lake City, UT. Supporting shippers: Lone Star Transportation Service, Dallas, TX, PYA/Monarch, Amarillo, TX, N B Distribution, Amarillo, TX, Time Chemical & Janitor Supply, Amarillo, TX.

MC 141293 (Sub-5–4TA), filed, March 21, 1983. Applicant: J.R.R.W. TRANSPORT, INC., P.O. Box 470, Iowa City, IA 52244. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Contract, Irregular Food and Related Products:* Between points in Macon County, IL, on the one hand, and, on the other, points in the U.S. (except AK & HI), under continuing contract(s) with A.E. Staley Manufacturing Company of Decatur, IL. Supporting shipper: A.E. Staley Manufacturing Company; Decatur, IL.

MC 147368 (Sub-5–2TA), filed March 22, 1983. Applicant: RICHARD LOCKHART, P.O. Box 551, South Sioux City, NE 68776. Representative: Melvin C. Hansen, 610 Service Life Building, Omaha, NE 68102. Contract: Irregular. *Meat, meat products and articles distributed by meat packing houses (except hides and commodities in bulk),* between Sioux City, IA and CA, under contract with Swift Independent Packing Co. Supporting shipper; Swift Independent Packing Co., Chicago, IL.

MC 151383 (Sub 5–15TA), filed March 21, 1983. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103.

Contract, Irregular: *iron and steel articles;* between points in the U.S. (except AK and HI) under continuing contract(s) with Van Pelt Corporation, Russell Steel Division of Tulsa, OK. Supporting shipper: Van Pelt Corporation, Russell Steel Division, Tulsa, OK.

MC 164095 (Sub 5–4TA), filed March 21, 1983. Applicant: BIG RED EXPRESS, INC., 7911 L Street, Omaha, NE 68127. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312 *Plastic bottles,* from Centralia, Des Plaines and Vandalia, IL to the facilities of Dorsey Laboratories at Lincoln, NE. Supporting shipper: Dorsey Laboratories, Lincoln, NE.

MC 166389 (Sub-5–3TA), filed March 21, 1983. Applicant: R & R Fertilizer, Inc., R. R. No. 1, Box 180, St. Ansgar, IA 50472. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Dry fertilizer and fertilizer materials, liquid fertilizer and anhydrous ammonia, in bulk,* from Winona, MN, Bellevue and Belmond, IA and Chicago Heights, IL to points in IA, IL, MN and WI. Supporting shipper: USS Agri-Chemicals Division of United States Steel Corporation, Atlanta, Ga.

MC 166433 (Sub-5–1TA), filed March 21, 1983. Applicant: Netex Frozen Foods, Inc., 1000 O'Tyson Street, Mount Pleasant, TX 75455. Representative: M Robert Heller, Box 67, Eleva, WI 54738 *Contract irregular: in mink feed and beef or poultry by-products used in manufacturing pet food,* between points in the MN counties of Rice and Winona and the WI counties of Barron, Rusk and Trempealeau, under a continuing contract with Netex Pet Foods, Inc. of Eleva, WI and Northwest Mink Ranch, Inc. of Bruce, WI.

MC 166906 (Sub-5–1TA), filed March 21, 1983. Applicant: CARWELL ELEVATOR CO., INC., P.O. Box 167, Cherry Valley, AR 72324. Representative: Thomas A. Stroud, 109 Madison Avenue, Memphis, TN 38103. *Urea and anhydrous ammonia, in bulk, in dump or tank trailers,* from the facilities of Agrico Chemical Co. at or near Blytheville, AR, to points in MO, KY, TN and MS. Supporting shipper: Agrico Chemical Co., Inc., Tulsa, OK.

MC 166917 (Sub-5–1TA), filed March 21, 1983. Applicant: Hoff Brothers, Rte. 3, Perryville, MO 63775. Representative: Herman W. Huber, P.C., 101 East High Street, Jefferson City, MO 65101. *Anhydrous ammonia, in bulk, in tank vehicles* from Jefferson County MO to points in AR, IL, KY and TN. Supporting shipper: USS Agri-Chemicals Division of US Steel Corp., Atlanta, GA.

MC 166926 (Sub-5–1TA), filed March 22, 1983. Applicant: ZILA MOTOR FREIGHT, 10701 East Ute, Tulsa, OK 74169. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375. (1) *paint* between the facilities of Ennis Paint Manufacturing Co., Inc., located at or near Ennis, TX, and the facilities of Traffic Paint Manufacturing Co., Inc., located at or near Saverton, MO, on the one hand, and, on the other, points in AL, AR, CO, CT, DE FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN MO, MS, NC, ND, NE, NH, NJ, MN, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI and WV; and (2) *footstuffs* between the facilities of Diplomacy Foods, Inc., located at or near Dallas, TX, on the one hand, and, on the other, points in AR, AZ, CA, GA, IL, LA, MN, NJ, NM, NY, OK and WI. Supporting shippers: Ennis Industries, Saverton, MO and Diplomacy Foods, Inc. Dallas, TX.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 166943 (Sub-6–1TA), filed March 22, 1983. Applicant: FARNAN BROTHERS TRUCKING COMPANY, P.O. Box 250, Kettle Falls, WA 99141. Representative: James E. Wallingford, P.O. Box 11841, Spokane, WA 99214. *Lumber, Wood Products, Metal Products, and Paper Products,* between points CA, ID, IL, MN, MT, ND, OR, SD, WA, and WI for 270 days. Supporting shippers: There are five, their statements may be examined at the regional office stated above.

MC 41098 (Sub-6–23TA), filed March 22, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. *Contract carrier,* irregular routes, *Household goods* between points in the U.S. under continuing contract(s) with Combined Insurance Company of America of Northbrook, IL and its affiliated companies for 270 days. Supporting shipper: Combined Insurance Company of America, 707 Skokie Boulevard, Northbrook, IL 60062.

MC 164925 (Sub-6–2TA), filed March 22, 1983. Applicant: ARVIN J. SWASEY d.b.a C & R TRUCKING, 1600 Manzanita Dr., Salt Lake City, UT 84107. Representative: Lee Redman, P.O. Box 639, Bountiful, UT 84010. *Alcoholic beverages* and related products, between points in Los Angeles, San Mateo, and Marin Counties, CA, Jefferson County, CO, Elko and White Pine Counties, NV, and Thurston County, WA, for a period of 270 days, restricted to service for the account of Joseph E. DiGrazia Wholesale Distributing, Inc., Wells, NV. An underlying ETA seeks 120 days authority. Supporting shipper: Joseph E. DiGrazia Wholesale Distributing, Inc., 422 7th St., Wells, NV 89835.

MC 41098 (Sub-6–22TA), filed March 22, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. *Contract carrier,* irregular routes, *Household goods* between points in the U.S. under continuing contract(s) with ITT-Grinnell Corp. of Providence, RI and its subsidiaries for 270 days. Supporting shipper: ITT-Grinnell Corp., 250 West Exchange St., Providence, RI 02904.

MC 148791 (Sub-6–23TA), filed March 22, 1983. Applicant: TRANSPORT-WEST, INC., 1850 S. 1100 W., Woods Cross, UT 84087. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84116. *Contract Carrier,* Irregular routes: *Disposable medical and/or surgical supplies,* from El Paso, TX to Arlington, and Grand Prairie, TX, for the account of Surgikos, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Surgikos, Inc., P.O. Box 1227, Arlington, TX 76010.

MC 153263 (Sub-6–5 TA), filed March 22, 1983. Applicant: ANGELYNES, INC., P.O. Box 563, Loveland, CO 80539. Representative: Robert D. Brown, 401 E. 50th St., Loveland, CO 80537. *Mobile homes, sectional homes, modular homes and relocatable office buildings and relocatable commercial structures;* between CO and NM. For 270 days. Supporting shipper: Central-Homes, Inc., 237 22nd St., Greeley, CO 80631.

MC 166909 (Sub-6–1 TA), filed March 21, 1983. Applicant: DON ADAMS LIVESTOCK TRUCKING, INC., P.O. Box 31076, Billings, MT 59107. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101. *Meats, meat products and meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* from Yellowstone County, MT, to Caldwell, ID; Spokane, WA; and Nephi, Hyrum and Murray, UT for 270 days. Supporting shipper: Yellowstone Beef Products, Inc., Laurel Road, Laurel, MT 59044.

MC 104583 (Sub-6–1TA), filed March 21, 1983. Applicant: BIG PINE TRUCKING COMPANY, INC., Route 4, Box 1, Bishop, CA 93514. Representative: John C. Russell, 1545 Wilshire Boulevard (Suite 606), Los Angeles, CA. *Common*

carrier, Regular route, General commodities (except Classes A & B Explosives, household goods, and commodities in bulk) between an area defined by the city limits of Reno and Sparks, NV and Bishop, CA, from Reno/Sparks, NV over U.S. Hwy 395 to Bishop, CA and return over the same route, serving all intermediate points and all off-route points in Inyo County, CA, for 270 days. Supporting shippers: There are seven supporting shippers. Their statements may be examined at the Regional Office listed.

MC 166910 (Sub-6–1TA), filed March 21, 1983. Applicant: MELVIN BURNS AND GREGORY BURNS A PARTNERSHIP, d.b.a. BURNS AND SONS, Rt. 2, Box 287, Clovis, NM 88101. Representative: Melvin D. Burns (same as applicant). *Contract Carrier,* Irregular Routes: *Intermediate Dextrose Syrup* from Dimmitt, TX, to a complex of Alcohol Manufacturing plants east of Clovis, NM in Curry County for 270 days. Supporting shipper: Process Management Company, Inc., P.O. Box 1606, Joplin, MO 64802, and Clovis, NM 88101.

MC 166905 (Sub-6–1TA) filed March 18, 1983. Applicant: CHEAM TRANSPORT LTD., P.O. Box 518, Abbotsford, B.C., CD V2S 5Z5. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. *Contract,* irregular; *Fly Ash,* from Centralia, WA to ports of entry on the U.S.-CD International boundary line located in WA under continuing contract(s) with Pozzolanic International Inc. of Vancouver, B.C., CD for 270 days. Supporting shipper: Pozzolanic International Inc., 1244 West 77th Ave., Vancouver, B.C. V6P 3A8.

MC 42487 (Sub-6–77TA) filed March 17, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Contract carrier,* irregular routes: *General commodities* (except Classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI) under continuing contract(s) with Mobay Chemical Corporation, for 270 days. Supporting shipper(s): Mobay Chemical Corporation, Penn Lincoln Parkway West, Pittsburgh, PA 15205.

MC 164001 (Sub-6–3TA) filed March 17, 1983. Applicant: A. FRANK COWAN, d.b.a. FRANK COWAN TRUCKING, 5891 Kingston Way, Murray, UT 84107. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract carrier,* irregular routes, *Food and related products,* between points in and west of ND, SD, NE, KS, OK, and TX except AK and HI under a continuing contract(s) with South Omaha Fruit Market, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: South Omaha Fruit Market, 3232 H St., Omaha, NE 68107.

MC 166911 (Sub-6–1TA) filed March 21, 1983. Applicant: ROY V. WEEDMAN d.b.a. COWBOY TRANSPORT, 12217 S.E. 22, Milwaukie, OR 97222. Representative: (Same as applicant.) *Contract carrier,* irregular routes: *Plumbing products,* between points in the U.S. (except AK and HI), under contract with Sunrise Pipe & Supply Ltd. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sunrise Pie & Supply Ltd., 554 N. Columbia Blvd., Portland, OR 97217.

MC 166913 (Sub-6–1TA) filed March 21, 1983. Applicant: HAPPY TIME EXPRESS LTD., 4990 Paradise RR, Las Vegas, NV 89119. Representative: Bernard Gilman (same as applicant). *Passengers* in special and charter operations between NV and points in AZ, CA, NV, UT and CO for 270 days. There are 5 shippers. These statements may be examined at the regional office listed above.

MC 166861 (Sub-6–1TA) filed March 17, 1983. Applicant: ARTURO RIOSECO, d.b.a. INTERNATIONAL CONTRACT CARRIERS, 750 Pierce Ave., Calexico, CA 92231. Representative: Arturo Rioseco, 825 Second St., Calexico, CA 92231. *Contract Carrier,* irregular routes: *Wheel rims, centers and shop supplies,* between Harbor City, CA and the U.S. Border at Calexico, CA for the account of Appliance Industries, Inc. for 270 days. Supporting shipper: Appliance Industries, Inc., 23920 S. Vermont Ave., Harbor City, CA 90710.

MC 166912 (Sub-6–1TA) filed March 21, 1983. Applicant: MTF TRANSPORTATION LTD., 2555 Gilmore Ave., Burnaby, B.C., CD V5C 4T6. Representative: John S. Chapman (same address as applicant). *Contract carrier,* irregular routes. *Tractor units and glider kits* in driveway service between points in U.S. (except HI) under contract with Western Star Trucks, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Western Star Trucks, Inc., 2076 Enterprise Way, Kelowna, B.C., CD V1Y6H8.

MC 164388 (Sub-6–2TA) filed March 18, 1983. Applicant: FRANK O. WRIGHT, d.b.a. "PARKINSON T & T," 240 King St., Delta, CO 80416. Representative: Kissinger & Lansing, P.C., 50 South Steele St., Suite 330, Denver, CO 80209. *General commodities* (except Classes A and B explosives, commodities in bulk, and hazardous materials) between points in Mesa, San Miguel, and Ouray Counties, CO for 270 days. Supporting shippers: There are six supporting shippers. Their statements may be examined at the Regional Office listed.

MC 166611 (Sub-6–1TA) filed March 21, 1983. Applicant: STEVEN E. P. SOARES and SANDRA J. MARTINDALE, d.b.a. STEVE'S TRUCKING AND MATERIALS, 1877 Sioux Dr., Fremont, CA 94539. Representative: (Same as applicant). *Contract carrier,* irregular routes, *general commodities* (excluding Classes A and B explosives, household goods and commodities in bulk), between points in the U.S. for the accounts of Hanson Concrete Products, Inc. and Borchers Bros. for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Hanson Concrete Products, Inc., One Hanson Ct., Milpitas, CA; Borchers Bros., 5965 Dougherty Rd., Dublin, CA.

MC 151878 (Sub-6–11TA) filed March 18, 1983. Applicant: THREE WAY CORPORATION, 1120 Karlstad Dr., Sunnyvale, CA 94086. Representative: Charles H. White, Jr., 1019 19th St., NW., Suite 800, Washington, D.C. 20036. *Contract,* irregular, *general commodities (except Classes A and B explosives and commodities in bulk)* between points in the U.S. under continuing contract with Moore Systems, Inc. Supporting shipper: Moore Systems, Inc., 1730 Technology Drive, San Jose, CA 95115.

MC 151878 (Sub-6–12TA), filed March 18, 1983. Applicant: THREE WAY CORPORATION, 1120 Karlstad Dr., Sunnyvale, CA 94086. Representative: Charles H. White, Jr., 1019 19th St., N.W., Suite 800, Washington, D.C. 20036. *Contract,* irregular, *General commodities (except Classes A and B explosives and commodities in bulk)* between points in the U.S. under continuing contract with Fairchild, a Schlumberger Corporation. Supporting shipper: Fairchild MOS Division of Fairchild Camera & Instrument, 101 Bernal Rd., San Jose, CA 95119.

MC 151225 (Sub-6–13TA), filed March 21, 1983. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216 Representative: (Same as applicant.) *Acid & Chemicals,* between points in AZ, CO, KS, MT, NE, NM, ND, OK, SD, TX, UT and WY, for 270 days. Supporting shippers: Industrial Chemicals Corp., 4711 West 58th Ave., Arvada, CO 80002. B. J. Hughes, Inc., Box 536, Brighton, CO 80601.

MC 162413 (Sub-6–2TA), filed March 17, 1983. Applicant: PRIMO CORPORATION, 4817 Alcoa Ave., Vernon, CA 90058. Representative: Curtis Lorenz (address same as applicant). *Contract Carrier*, Irregular routes: *Plastic Materials, viz: Flakes, Granules, Lumps, Pellets, Powder or Solid Mass*. Between Vernon, CA and points in AZ, NV, NM, OR, WA and TX for 270 days. Supporting shipper: H. Muehlstein & Co., Inc., 2411 W 8th St., Los Angeles, CA 90057.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–8557 Filed 4–1–83; 8:45 am]

BILLING CODE 7035–01–M

[AB 36 SDM]

Rail Carriers; Oregon Short Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Oregon Short Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 36 SDM. The Commission on March 14, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the maps may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 36 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–8590 Filed 4–1–83; 8:45 am]

BILLING CODE 7035–01–M

Rail Carriers; Seaboard System Railroad, Inc.; Amended System Diagram Map

[AB 55 SDM]

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Seaboard System Railroad, Inc. has filed with the Commission its amended color-coded system diagram map in docket No. AB 55 SDM. The Commission on March 25, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 55 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–8589 Filed 4–1–83; 8:45 am]

BILLING CODE 7035–01–M

[AB 225 SDM]

Rail Carriers; Portland Traction Company; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Portland Traction Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 225 SDM. The Commission on February 18, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 225 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–8591 Filed 4–1–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30125]

Rail Carriers; Hickman River City Development Corporation—Exemption From 49 U.S.C. Subtitle IV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the Hickman River City Development Corporation from 49 U.S.C. Subtitle IV.

DATES: This exemption is effective on April 4, 1983. Petitions to reopen the proceeding must be filed by April 25, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30125 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Timothy A. Langford, P.O. Box 167, Hickman, KY 42050.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTAL INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289–4357 (D.C. Metropolitan Area) or toll free (800) 424–5403.

Decided: March 28, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–8592 Filed 4–1–83; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Quotas for Controlled Substances In Schedules I and II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Established 1983 Aggregate Production Quotas.

SUMMARY: This notice establishes 1983 aggregate production quotas for controlled substances in Schedules I and II, as required under the Controlled Substances Act of 1970.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Acting Administrator of the Drug Enforcement Administration in accordance with § 0.100 of Title 28 of the Code of Federal Regulations.

On Wednesday, December 1, 1982, a notice of the proposed 1983 aggregate production quotas for certain controlled substances in Schedules I and II was published in the **Federal Register** (47 FR 54191). All interested parties were invited to comment on or object to these proposed aggregate production quotas on or before January 3, 1983. Three comments were received. One comment was received from Knoll Pharmaceutical Company of Whippany, New Jersey. Knoll stated that they will likely request an increase in the aggregate production quota for hydromorphone sometime in 1983. Knoll will supply DEA with information to support their proposed quota increase and this information can be used by DEA when the revised aggregate production quotas are determined in the spring of 1983. Knoll further requested that DEA issue a final order and implement its proposed hydromorphone quota immediately to assure an uninterrupted medical supply of hydromorphone early in 1983. This final order implements the hydromorphone aggregate production quota for 1983. DEA will consider any requests for an increase in the hydromorphone quota when that request, along with relevant supportive documentation, is received.

A second comment was received from Aerojet Strategic Propulsion Company of Sacramento, California. Aerojet questioned whether tetrahydrocannabinol (THC) was erroneously listed in Schedule II in 47 FR 56956. This final order correctly lists tetrahydrocannabinol in Schedule I. Aerojet also commented that based on their scheduled and projected needs for THC, the proposed THC aggregate production quota is insufficient. DEA has reviewed the data submitted by Aerojet as well as newly available information concerning the projected needs for THC in 1983. Based on this information, DEA is changing the 1983 aggregate production quota for tetrahydrocannabinols to 30.0 kilograms. DEA anticipates further information becoming available concerning the medical need for THC in the near future and will evaluate all such information when the overall review of aggregate production quotas takes place in the spring of 1983. Any necessary adjustments to the THC aggregate production quota will be made at that time.

A third comment was received from E. I. de Nemours and Company of Wilmington, Delaware concerning the proposed aggregate production quota for thebaine. Dupont stated that they have submitted new drug applications for several oral nalbuphine products to the Food and Drug Administration (FDA) and anticipate introducing these products during 1984. In order to prepare for this introduction, Dupont states that the nalbuphine must be obtained in 1983. Nalbuphine is prepared from thebaine. Dupont estimates that the amount of thebaine required to satisfy the domestic and international needs for oxycodone, hydrocodone and nalbuphine products exceeds the proposed 1983 aggregate production quota for thebaine.

At this time is uncertain when the nalbuphine new drug application will be approved by the FDA. Until more specific information is available to DEA, no increase in the thebaine aggregate production quota is necessary.

No other comments and no requests for a hearing were received. In accordance with § 1303.11(c) of Title 21 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration has determined that no hearing relative to the comments received is necessary at this time.

Pursuant to Sections 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Acting Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826), and delegated to the Acting Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration hereby orders that the 1983 aggregate production quotas for Schedules I and II controlled substances, expressed as grams of anhydrous acid or base, be established as follows:

Basic class	Established 1983 quota
Schedule I:	
2,5-Dimethoxyamphetamine	9,000,000
Tetrahydrocannabinols	30,000
Schedule II:	
Alphaprodine	32,000
Amobarbital	2,728,000
Amphetamine	510,000
Cocaine	1,000,000
Codeine (for sale)	56,452,000
Codeine (for conversion)	4,081,000
Desoxyephedrine	1,491,000
(1,348,000 grams for the production of levodesoxyephedrine for use in a noncontrolled, nonprescription product, and 143,000 grams for the production of methamphetamine).	
Dextropropoxyphene	53,345,000
Dihydrocodeine	1,425,000
Diphenoxylate	1,100,000
Diprenorphine	94
Ecgonine (for conversion)	800,000
Ethylmorphine	13,000
Etorphine hydrochloride	42
Fentanyl	5,014
Hydrocodone	1,058,000
Hydromorphone	131,000
Levorphanol	18,200
Meperidine	9,382,000
Methadone	1,400,000
Methadone Intermediate (4-cyano-2-dimetnyl-amino-4,4-diphenylbutane)	1,750,000
Methamphetamine (for conversion)	1,900,000
Methaqualone	0
Methylphenidate	1,062,000
Mixed Alkaloids of Opium	14,000
Morphine (for sale)	985,000
Morphine (for conversion)	61,686,000
Opium (tinctures, extracts, etc. expressed in terms of U.S.P. powdered opium)	1,919,000
Oxycodone (for sale)	1,800,000
Oxycodone (for conversion)	8,500
Oxymorphone	4,000
Pentobarbital	13,000,000
Phenmetrazine	1,838,000
Pethidine Intermediate A	6,708,000
Secobarbital	5,435,000
Thebaine (for sale)	2,275,000
Thebaine (for conversion)	1,580,000

DEA will review the above-established quotas in the early spring of 1983 to take into consideration actual 1982 sales and actual December 31, 1982 inventories, as well as other information which might be available to DEA at that time.

Dated: February 28, 1983.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 83-8601 Filed 4-1-83; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated December 15, 1982, and published in the **Federal Register** on December 27, 1982, (47 FR 57584), Endo Laboratories Inc., 1000 Stewart Avenue, Garden City, New York 11530, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Oxycodone (9143)	II
Hydrocodone (9193)	II
Oxymorphone (9652)	II

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: March 28, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-8578 Filed 4-1-83; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 82-41]

Monroe Gordon Piland, III, M.D., Winston-Salem, North Carolina; Notice of Hearing

Notice is hereby given that on November 24, 1982, the Drug Enforcement Administration, Department of Justice, issued to Monroe Gordon Piland, III, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed on March 23, 1982.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Thursday, April 14, 1983, in Courtroom 3-B, Room 309, United States Claims Court, 717 Madison Place, NW., Washington, D.C.

Dated: March 29, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-8580 Filed 4-1-83; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 82-34]

Ray Roya, M.D., Chicago, Illinois; Notice of Hearing

Notice is hereby given that on September 28, 1982, the Drug Enforcement Administration, Department of Justice, issued to Ray Roya, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, dated August 31, 1982 for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Wednesday, April 13, 1983, in Courtroom 3-B, Room 309, United States Claims Court, 717 Madison Place, N.W., Washington, D.C.

Dated: March 29, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-8579 Filed 4-1-83; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (83-27)]

National Environmental Policy Act; Finding of No Significant Impact

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of finding of no significant impact.

SUMMARY: The sixth flight of the Space Shuttle (STS-6) with a crew of four astronauts is currently scheduled for early April 1983 from the Kennedy Space Center, Florida. This flight represents the initial flight of the Shuttle Orbiter Challenger and the first use of the light-weight Solid Rocket Boosters and External Tanks. Also, STS-6 will launch the first Shuttle-transported Inertial Upper Stage (IUS). The primary purpose of the STS-6 mission is to deliver the initial Tracking and Data Relay Satellite (TDRS-A), together with the IUS which is needed to transport the TDRS-A to geosynchronous equitorial orbit from the Shuttle's low orbit. Secondary STS-6 mission objectives are: (1) To carry and operate seven research payloads which will be returned to Earth at Edwards Air Force Base, California, upon conclusion of the flight; and (2) to conduct tests and collect technical information on Shuttle vehicle systems and supporting equipment.

The Tracking and Data Relay Satellite will initiate a major improvement in NASA's tracking and data relay capabilities. The improved capabilities are needed for NASA and other government spacecraft operations, and the support of future manned mission activity. Three TDRS geosynchronous orbit satellites are planned to be launched by 1984 to support NASA's Tracking and Data Relay Satellite System (TDRSS). Once operational with two TDRSS satellites in position (the third is an on-orbit spare). The TDRSS will significantly increase the time available for transmission of data to and from orbiting satellites/spacecraft and the ground. The time available is increased because of the satellite/spacecraft transmission of data directly to the orbiting TDRS and subsequent relay to one ground station located at White Sands, New Mexico.This improved data transmission capability will increase the value of many spacecraft, as well as providing increased safety for the Space Shuttle crew. The transition to TDRSS will permit NASA to phase out ten existing ground stations around the world. The estimated net change in employment at NASA ground stations is a decrease of approximately 100 employees.

The TDRSS is being developed for NASA under a lease arrangement by the Space Communications Company (Spacecom), a jointly-owned subsidiary of Western Union Space Company, Inc., Fairchild Industries, and Continental Telephone Company. Under this arrangement, NASA will lease the service from Spacecom, who purchases the spacecraft from the manufacturers and Space Transportation System (STS) launch services from NASA.

The TDRS spacecraft is manufactured by TRW, Inc., and the Boeing Company builds the IUS. The masses of the TDRS and IUS are approximately 2,300 kg and 12,800 kg, respectively. When integrated and installed in the Shuttle's payload bay, they occupy 63 m^3, or about 20 percent of the total volume available. Two solid rocket motors are used by the IUS. They contain a total of approximately 12,500 kg of hydroxyl-terminated polybutadiene (HTPB) based solid propellant. The IUS also carries 112 kg of hydrazine propellant for reaction control. The TDRS carries 605 kg of hydrazine propellant to provide attitude control and station keeping for its planned 10-year life on orbit. The transport of these propellants on the Shuttle is the largest payload contribution to the risk of possible loss of the Shuttle vehicle and crew as well as other adverse environmental effects. Rigorous NASA and Department of Defense (DOD) safety procedures are applied to the STS and its payloads to preclude risk of catastrophic accidents.

Seven research payloads are classified as either Get-Away Special (GAS) payloads or as Mid-Deck payloads. Three small self-contained GAS payloads will be located in the Shuttle's payload bay. The payloads do not use Shuttle utilities (e.g., power) and

the only attention required by the Shuttle's crew is to turn them on and off by remote control. GAS payloads are being flown on the Shuttle as part of a NASA program intended to encourage new uses of space. Payloads are currently limited to a volume of 0.15 m^3 or 5 ft^3. The three GAS payloads planned for STS–6 are: (1) Crystal Growth of Artificial Snow, (2) Seed Experiment Payloads, and (3) Project Scenic Fast.

The *Crystal Growth of Artificial Snow* experiment is sponsored by the Asahi Shimbum Company of Japan and will examine growth of snowflakes under zero-gravity conditions. The Asahi Shimbum Company is a major Japanese newspaper which is sponsoring this experiment as the result of a competition for readers who proposed experiments which could be flown on the Shuttle within the constraints for GAS payloads.

The *Seed Experiment Payload* is sponsored by the George W. Park Seed Company to expose packaged seeds of many common vegetables and flowers to the space environment. After return to Earth, tests for seed coat integrity, germination, dormancy, increased mutation rate, and vigor or performance will indicate the best packaging method for space transportation of seeds. The test-flown seeds will be compared with control seeds held at the Kennedy Space Center and at the company.

Project Scenic Fast is sponsored by the United States Air Force Academy and contains six different student experiments. These are: (a) *Metal Beam Joiner* to demonstrate the soldering of two brass beams under zero-gravity conditions; (b) *Immiscible Alloy* to determiune whether tin spiked with gallium (23 grams) will exhibit improved conductivity when the two elements are melted together in a zero-gravity environment; (c) *Foam Metal* will produce a sample of lead foamed by sodium bicarbonate in an evacuated glass tube; (d) *Crystal Purification* will test the effectiveness of the zone refining method of purification in zero-gravity using an 8-cm rod of lead-tin solder sealed in a glass tube; (e) *Electroplating* will determine how evenly copper plating is deposited on a copper rod in zero-gravity; and (f) *Effects on a Micro-organism* will determine the effects of weightlessness and space radiation on the development of non-pathogenic micro-organisms (Sarcena Lutea).

Four Mid-Deck research payloads will be located within the crew cabin. These payloads use Shuttle utilities and require crew attention while the payload is active. These payloads, which are either sponsored or cosponsored by NASA, are the Monodisperse Latex Reactor (MLR), the Continuous Flow Electrophosesis System (CFES), the Night-Day Optical Sensor of Lightning (NOSL), and Shuttle Glow.

The *Monodisperse Latex Reactor* (MLR) will carry about 400 ml of a water-latex solution. The purpose of this experiment is to effect this solution so that small, very uniformly spherical particles of latex are formed in the zero-gravity environment. These spheres will be used later as laboratory standard to measure pore size in membranes. The understanding of pore size effects on the permeability of membranes is expected to lead to economic applications, since many valuable separations of mixtures and solutions can be accomplished with a better understanding of membrane properties.

The *Continuous Flow Electrophoresis System* (CFES) has as its objective the determination of the effectiveness of electrophoresis methods in zero-gravity. Electrophoresis techniques are used to separate and concentrate biochemical compounds by utilizing slight differences in the compounds' electrical properties. The CFES experiment is intended to provide information about the feasibility of developing a pharmaceutical manufacturing and purification system.

The *Night-Day Optical Sensor of Lightning* (NOSL) is designed to observe and record data from electrical discharges in the atmosphere, especially thunderstorms. The information is expected to lead to a better understanding of electrical processes in storms and to prediction of their effects.

The *Shuttle Glow* experiment is designed to obtain information on the glow which surrounds the Shuttle while in orbit. This glow could interfere with sensitive optical instruments such as telescopes, which will be flown on future Shuttle missions. It is currently uncertain whether the glow is due to the residual atmosphere, or to offgasing from the Shuttle, or to a combination of these possibilities. The information to be gathered will assist in determining the cause of this glow and may lead to a method of controlling the glow.

The seven basic scientific payloads (GAS and Mid-Deck) to be flown on STS–6 have been determined not to be hazardous, and will not have any impact upon the environment.

STS–6 also will perform various development tests (e.g., space suits). The major purpose of these tests is to provide information for use by the Space Shuttle Program, and is not directly related to the payloads previously discussed. The tests will have no environmental impact.

Possible alternatives to the Shuttle-integrated payloads on STS–6 (the proposed action) are: (1) No Action and (2) Use of Expendable Launch Vehicles (ELV's).

The No Action alternative is defined as continuing and possibly expending the current low capability tracking and data reception methods using existing or near NASA ground stations throughout the world. Ten existing ground stations, requiring additional NASA employment, would need to be retained to maintain the coverage for spacecraft at the current 15 percent level. Additional ground stations would be needed to provide the 85 percent coverage level to be initiated by the proposed action. Since NASA is presently unable to provide coverage in many remote locations (over oceans) the potential to achieve near world-wide coverage of spacecraft with this method would not be practical. The research experiments could not be accomplished under the No Action alternative. There is no known way to conduct experiments in the terrestrial environment requiring more than very short periods (2–5 minutes) of weightlessness. The NOSL requires the synoptic view of the Earth which can only be obtained from orbit. The Shuttle Glow experiment is specific to the Shuttle. Thus, the No Action alternative implies higher NASA ground station costs for a limited capability tracking and data acquisition network, and no benefits from the proposed research experiments.

For the Expendable Launch Vehicle (ELV) alternative, the TDRS would be flown on either of two Titan vehicle configurations. With a few minor modifications, the TDRS could be flown on a Titan IIIE/Centaur vehicle. This particular configuration is no longer in production, having been phased-out in the 1970's. With some extensive modifications to the TDRS, which would have to be reduced in mass by 20 percent, a spacecraft with less capability could be flown on a Titan 34D/IUS vehicle. In either case, substantial additional funding would be required to use either of these vehicles. Use of the Space Shuttle, however, provides an opportunity to check the satellite while it is still in Low Earth Orbit. If it cannot be repaired in orbit, it can be returned to Earth, repaired, and launched again on another flight. ELV's cannot perform this function. While the research payloads have not been designed for use on an ELV or sounding rocket, conceptually, they can be adapted and flown. The Shuttle,

however, provides the user with lower costs and a safer return of the experiment to earth. The ELV would either be the Titan used for the TDRS, or a small ELV such as the Scout. In either case, the vehicle with a reentry and recovery system would be more expensive than if flown on the STS. Given current funding trends, it is doubtful that many of the experiments would be funded if the Shuttle were not available. There are also strong indications that if any of the experiments lead to space-manufactured products, they would be economical only if the Shuttle's return capability is available. Thus, while there are possible alternatives for the proposed action of the TDRS launch on the Shuttle, the alternatives for supporting the research payloads are questionable from either the technical or economic grounds.

For the proposed action, the only measurable long-term adverse environmental impact from the normal placement of these payloads is the addition of two expended solid rocket motors on the IUS, and the utlimately abandoned TDRS to an already large population, human-made space debris. The major concern associated with this debris is an increasing probability of collision with spacecraft. While the current debris accumulation poses little threat to the terrestrial environment, there is a low probability of a collision with an active spacecraft. This collision would likely destroy the spacecraft with its fragments adding to the long-term debris population. If the spacecraft were manned, it is possible that a direct hit by debris would result in the loss of life.

If the TDRS spacecraft were launch by a Titan ELV, the Titan Core II stage would also become part of the space debris population in addition to the spent upper stages. For either alternative, the potential collision risk from their addition to the space debris population is currently minimal. The net reduction in ground station employment of about 100 is not considered to be a significant adverse socioeconomic impact.

For both TDRS placement alternatives, there is a low probability of a catastrophic accident caused by either the major payload or by the launch vehicle. NASA and DOD safety procedures for design and operations will eliminate most of the risk of payload-caused accidents. In the case of the Shuttle, such an accident would very likely result in loss of the crew's lives. The Titan is unmanned. Accident consequences have been examined and have been determined to result in only local and temporary effects to the environment. Launch system accidents and detailed descriptions of their potential consequences are provided in the final Enviromental Impact Statements for the Space Shuttle Program and for the Expendable Launch Vehicle Program. The STS–6 payload contribution to potential consequences is considered to be very small when compared to the launch vehicle itself.

The research experiments are intended to be returned to the Earth and will have no interaction with the environment. These experiments have undergone safety reviews to provide as much assurance as possible that both the experiments and their ancillary equipment (such as batteries) cannot fail in a manner which would result in a hazard to the Shuttle mission. No synergistic hazards have been found for these payloads.

For the proposed action and alternatives, ground-based installations are needed. The construction operation and maintenance of these installations represents most of the direct impact on the human environment. For launch of TDRS by either the Shuttle or Titan, the ground-based installation is the same. For the No Action alternative, many additional stations would be needed to provide coverage equivalent to the TDRSS. Resource use would be the lowest for launch of the payloads on ELV's , and the all ground-based system would be the highest.

The short-term temporary environmental impact of the ELV launches would be less than one Space Shuttle launch in terms of noise and rocket-exhaust effluents. For the No Action alternative, the ground-based tracking and data relay system would have a larger impact on the terrestrial environment than a space-based system. This increased impact, however, would be dispresed geographically.

The conclusion of all analyses is that the environmental effects of the proposed action are not significant.

EFFECTIVE DATE: April 4, 1983.

ADDRESS: National Aeronautics and Space Administration, Code MCB–7, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Richard H. Ott, (202) 755–2354.

SUPPLEMENTARY INFORMATION: The environmental assessment for this proposed project was completed by the National Aeronautcis and Space Administration in January 1983.

Conclusion: The launch of STS–6 payloads will not result in any significant adverse environemntal impacts. No environmental impact statement is required for this launch.

March 30, 1983.

Ann P. Bradley,

Deputy Associate Administrator for Management.

[FR Doc. 83–8581 Filed 4–1–83; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL MEDIATION BOARD

Appointment of Members to the Performance Review Board

Notice is hereby given in accordance with 5 USC § 4314 of the membership of the National Mediation Board's Performance Review Board for the position of Executive Secretary. The members are as follows:

Mr. Walter C. Wallace, Member, National Mediation Board, Washington, D.C.

Mr. Howard W. Solomon, Executive Director, Federal Service Impasses Panel, Washington, D.C.

Mr. John C. Truesdale, Executive Secretary, National Labor Relations Board, Washington, D.C.

EFFECTIVE DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Rowland K. Quinn, Jr., Executive Secretary, 1425 K Street, NW., Washington, D.C. 20572, (202) 523–5950.

By direction of the National Mediation Board.

Rowland K. Quinn, Jr.,

Executive Secretary.

[FR Doc. 83–8631 Filed 4–1–83; 8:45 am]

BILLING CODE 7550–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on April 14–16, 1983, in Room 1046, 1717 H Street NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on March 23, 1983.

The agenda for the subject meeting will be as follows:

Thursday, April 14, 1983

8:30 a.m.–8:45 a.m.: Opening Remarks (Open)

The ACRS Chairman will report briefly on matters of current interest regarding ACRS activities.

8:45 a.m.–12:30 p.m. and 1:30 p.m.–7:30 p.m.: Clinch River Breeder Reactor (Open)

The members will hear and discuss the report of the ACRS project subcommittee and consultants who may be present regarding the request for a Construction Permit for this facility.

Members of the NRC Staff and representatives of the Applicant will make presentations and respond to questions regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this project.

Friday, April 15, 1983

8:30 a.m.–12:00 Noon—Seabrook Nuclear Station Units 1 and 2 (Open)

The members will hear the report of the ACRS subcommittee and consultants who may be present regarding the request for an Operating License for this nuclear power station.

Members of the NRC Staff and representatives of the applicant will make presentations and respond to questions regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this project.

12:00 Noon–12:30 p.m.: Future ACRS Activities (Open)

The members of the Committee will discuss anticipated subcommittee activities and items proposed for consideration by the full Committee.

1:30 p.m.–2:00 p.m.: Recent Operating Experience (Open)

The members will hear and discuss a report from representatives of the NRC Staff regarding recent circuit breaker malfunctions in nuclear power stations.

2:00 p.m.–5:30 p.m.: Yankee Nuclear Power Station (Open)

The members will hear the report of its subcommittee and consultants who may be present regarding the SEP/IPSAR for this station.

Members of the NRC Staff and representatives of the Applicant will make presentations and respond to questions regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this project.

5:30 p.m.–7:00 p.m.: Proposed ACRS Report to NRC (Closed)

The members of the Committee will discuss their report to the NRC regarding proposed construction of the Clinch River Breeder Reactor.

This session will be closed to discuss information which will be involved in an adjudicatory proceeding.

Saturday, April 16, 1983

8:30 a.m.–12:00 Noon: Proposed ACRS Reports to NRC (Open/Closed)

The members of the Committee will discuss proposed reports to the NRC regarding the Seabrook Nuclear Power Station, the Yankee Nuclear Power Station, proposed regionalization of NRC Staff activities and proposed regulatory reform legislation.

Portions of this session will be closed as necessary to discuss information which will be involved in an adjudicatory proceeding and information which relates solely to the internal rules and practices of the NRC.

1:00 p.m.–4:00 p.m.: ACRS Subcommittee Activities (Open)

The members will hear and discuss the reports of subcommittee activity related to safety-related matters including proposed DOE guidelines for selection of high-level radioactive waste disposal sites, nuclear incident precursor evaluation, licensee event reporting requirements, proposed regulatory reform administrative changes, and restart of the TMI–1 nuclear plant.

4:00 p.m.–4:30 p.m.: ACRS Procedures (Open)

The members will discuss proposed procedures for Committee participation in NRC rule making and policy making activities.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 1982 (47 FR 43474). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)), information which will be involved in an adjudicatory proceeding (5 U.S.C. 552 b(c)(10)) and information that relates solely to the internal personnel rules and practices of the agency (5 U.S.C. 552 b(c)(2)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. e.s.t.

Dated: March 30, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–8667 Filed 4–1–83; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on General Electric Water Reactors; Meeting

The ACRS Subcommittee on General Electric Water Reactors will hold a meeting on April 21 and 22, 1983, at The Inn at Santa Monica, 530 Pico Blvd., Santa Monica, CA. The Subcommittee will review the application of the General Electric Company for a final design approval of the GESSAR II (a General Electric 238 Nuclear Island).

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those

sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act exemption 4.) To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, April 21, 1983

8:30 a.m. Until the Conclusion of Business

Friday, April 22, 1983

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the General Electric Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., e.s.t.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 29, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–8668 Filed 4–1–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–313 and 50–368]

Arkansas Power and Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 73 and 41 to Facility Operating Licenses Nos. DPR–51 and NPF–6, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Units Nos. 1 and 2, respectively (the facilities), located in Pope Country, Arkansas. The amendments are effective as of the date of issuance.

The amendments impose requirements relating to the annual reporting of challenges of safety and relief valves on both units.

The Application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Comission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see: (1) The application for amendments dated February 25, 1983, (2) Amendment No. 73 to License No. DPR–51 and Amendment No. 41 to License No. NPF–6, and (3) and Commission's letter dated March 25, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 25th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3. Division of Licensing.

[FR Doc. 83–8669 Filed 4–1–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co.; Availability of Draft Integrated Plant Safety Assessment Report for the Haddam Neck Plant

The Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation (NRR) has published its Draft Integrated Plant Safety Assessment Report related to Connecticut Yankee Atomic Power Company's Haddam Neck Plant, located in Middlesex County, Connecticut.

The report documents the review completed under the Systematic Evaluation Program (SEP). The SEP was initiated by the NRC to review the design of older operating nuclear reactor plants to reconfirm and document their safety. The review has provided for: (1) An assessment of the significance of differences between current technical positions on selected safety issues and those that existed when Haddam Neck was licensed, (2) a basis for deciding on how these differences should be resolved in an integrated plant review, and (3) a documented evaluation of plant safety. Equipment and procedural changes have been identified as a result of the review.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457 for inspection and copying. Single copies of this report (Document No. NUREG–0826) may be requested from the U.S. Nuclear Regulatory Commission, Director, Division of Technical Information and Document Control, Washington, D.C. 20555, Attention: Publications Unit.

Dated at Bethesda, Maryland this 16th day of March 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5. Division of Licensing.

[FR Doc. 83–8670 Filed 4–1–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co., Ohio Edision Co. and Pennsylvania Power Co.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR–66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance, and shall be fully implemented on January 1, 1984.

The amendment to the Technical Specifications will (1) implement the requirements of Appendix I to 10 CFR Part 50, (2) establish new limiting conditions for operation (LCO) for the quarterly and annual average release rates, and (3) revise environmental monitoring programs to assure conformance with Commission regulations.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated October 22, 1982, (2) Amendment No. 66 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of March 1983.

For the Nuclear Regulatory Commission.

David Wigginton,

Acting Branch Chief, Operating Reactors Branch No. 1, Division of Licensing

[FR Doc. 83-8671 Filed 4-1-83; 8:45 am]

BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is completing development of a number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides are in the following five areas: Government Organization, Design, Siting, Operation, and Quality Assurance. All of the codes and most of the proposed safety guides have been completed. The purpose of these codes and guides is to provide guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant exising information used by member countries in a specified safety area. Using this collation as a starting point, and IAEA working group of a few experts develops a preliminary draft of a code or safety guide which is then reviewed and modified by an IAEA Technical Review Committee corresponding to the specified area. The draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies as necessary the drafts of all codes and guides prior to their being forwarded to the IAEA Secretariat and thence to the IAEA Member States for comments. Taking into account the comments received from the Member States, the Senior Advisory Group then modifies the draft as necesary to reach agreement before forwarding it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-S12, "Radiation Protection Aspects in Nuclear Power Plant Siting," has been developed. An IAEA working group, consisting of Mr. A. Gonzales from Argentina, Mr. R. K. Kapoor from India, Mr. C. Madelmont from France, Mr. L. Namestek from Czechoslovakia, and Mr. R. E. Utting from Canada, developed this guide from an IAEA collation. The working group draft was modified by the IAEA Technical Review Committee, and we are now soliciting public comment on this draft (Rev. 1, 9/10/82). Comments received by the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by May 18, 1983, will be particularly useful to the U.S. representatives to the Technical Review Committee and the Senior Advisory Group in developing their positions on its adequacy prior to their next IAEA meetings.

Single copies of this draft Safety Guide may be obtained by a written request to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Washington, D.C. this 29th day of March 1983.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-8672 Filed 4-1-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 63 and 57 to Facility Operating License Nos. DPR-42 and DPR-60 issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications (TS) concerned with Containment Purge issue B-24 and NUREG-0737 Item II.E.4.2, Addition of new Snubbers, and Event Monitoring Instrumentation, Nureg-0737, Items II.F.1.1 and II.F.1.2.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated October 29, 1982, (2) Amendment Nos. 63 and 57 to License Nos. DPR-42 and DPR-60, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2)

and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-8675 Filed 4-1-83; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974; Revision of Systems of Records

AGENCY: Small Business Administration (SBA).

ACTION: Final Notice.

SUMMARY: On August 12, 1982, SBA published a notice at 47 FR 35056–35059 that pursuant to Section 3 of the Privacy Act, 5 U.S.C. 552a(e)(4), it changed the description of and combined records systems SBA 360 and 365 maintained by its Office of Inspector General (OIG), and designated the combined system as SBA 360, SBA Investigation Files; pursuant to section 552a(e)(11), gave notice of intended routine uses for SBA 360 and SBA 315, Personnel Security Files; pursuant to Section 552(j), gave notice of its intention to exempt the records systems; and pursuant to Section 552(k) gave notice of its intention to redescribe the existing Section 552(k)(2) and (k)(5) exemptions of the records systems. No comments were received from members of the public. The proposals to exempt records systems SBA 315 and SBA 360 pursuant to Section 552(j)(2) and to redescribe the existing Section 552(k)(5) and (k)(2) exemptions are withdrawn herein. The Section 552(k)(2) and (k)(5) exemptions for SBA 315 and SBA 360 remain as published on February 23, 1982 at 47 FR 7939 and 7943, respectively. Other changes that were proposed in the August 12 notice, as summarized below, are adopted:

(1) A routine use pursuant to Section 552a(b)(3) is described for SBA 315, Personal Security Files, with respect to disclosures to the Office of Personnel Management in accordance with that agency's authority to evaluate Federal personnel management, to the Merit Systems Protection Board in connection with appeals of personnel actions, and to physicians conducting fitness for duty examinations.

(2) A routine use pursuant to Section 552a(b)(3), is established, for SBA 360, SBA Investigation Files, with respect to disclosures of records to Federal, State or local bar associations and other professional regulatory or disciplinary bodies for use in disciplinary proceedings and inquiries preparatory thereto.

(3) A routine use pursuant to Section 552a(b)(3), is described for SBA 360 with respect to disclosures to members of the public under the Freedom of Information Act.

Dated: March 25, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-8693 Filed 4-1-83; 8:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No. 12-A; Revision 3]

Redelegation of Financial Assistance

Delegation of Authority 12-A (43 FR 57207) as amended (44 FR 41000) is hereby superseded by Delegation of Authority No. 12-A (Revision 3). This revision reflects the organizational change made by the consolidation of Financial Assistance and Investment Activities.

Delegation of Authority No. 12-A (Revision 3) reads as follows:

I. Pursuant to the authority delegated by the Administrator to the Associate Administrator for Finance and Investment in Delegation of Authority No. 12 (Revision 2) (47 FR 14995) as amended (48 FR 9979), the following authority is hereby delegated to the specific positions as indicated herein:

A. Deputy Associate Administrator for Financial Assistance:

1. *Financial Assistance Program:*

a. To approve or decline applications for business development company, and all other types of loans and debentures (hereinafter referred to as loans) authorized to be made by the Agency, (except for Disaster Loans, SBIC and 301(d) debentures and pollution control financing guarantees) including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

b. To cancel, reinstate, modify, and amend authorizations for loans.

c. To determine eligibility for loan applicants.

d. To take all necessary actions in connection with the sale of SBA guaranteed Certified Development Company debentures from time to time to the Federal Financing Bank or any other duly qualified purchaser as determined by SBA.

e. To take all necessary actions in connection with the servicing, administration, collection, and liquidation of all loans (including liquidation of loans made under the Small Business Investment Act), other obligations and acquired property, with the exception of those loans classified as in litigation.

f. To take all necessary actions in connection with the liquidation of EDA loans for the Department of Commerce.

g. To take all necessary actions in connection with the servicing (financial aspects) of certificates of competecny and, as appropriate, financial aspects of contracts let by SBA under Section 8(a) of the Small Business Act, as amended.

2. *Participating Lending Institutions Program:*

a. To take all necessary actions in connection with determinations of eligibility for lending institutions to participate in SBA lending and financial assistance programs, including the suspension or revocation of such eligibility.

b. To take all necessary action in connection with the regulations of lending institutions participating in SBA lending and financial assistance programs, in accordance with the Small Business Act, as amended, and Title V of the Small Business Investment Act, as amended, and the Regulations thereunder as amended from time to time.

c. To take all necessary actions in connection with the promotion and development of the Agency's financial assistance activities as they relate to participating lending institutions.

3. *Initial Placement and Secondary Market Activity:*

A. To plan, direct and administer secondary market activity as it relates to loan servicing. In so doing, to execute any necessary documents and to take other appropriate action to implement and maintain servicing.

b. To determine and develop policy and procedures necessary for field office support of secondary market activities, through the Office of Portfolio Management, to fulfill SBA's contractual obligations in secondary participation guaranty agreements.

4. *Investment Activities:* To take any and all necessary actions in connection with the collection and sale of partially or fully disbursed loans, obligations and property (real, personal or mixed, tangible or intangible) held by or assigned to SBA and arising out of activities under the provisions of Titles I, II, III and IV (with the exception of Section 310 of Title III) of the Small Business Investment Act of 1958, as amended, and of the regulations thereunder as amended from time to

time, and, in connection therewith, to accept or reject offers of settlement or of compromise for cash, credit, or property (real, personal, or mixed tangible or intangible.)

5. *Lease Guarantee:*

a. To take all necessary actions in connection with the administration and servicing of direct lease rental guarantee insurance policies ("lease guarantees"), including the processing of claims for lessees' defaulted rent.

b. To take all necessary actions in connection with the defaults of all direct lease guarantees, except for matters in litigation.

6. To amend, suspend or revoke authority delegated to any position listed below.

B. *Director, Office of Business Loans:*

1. To approve or decline applications for business, handicapped assistance, energy loans, and all other types of loans excluding diaster loans authorized to be made by the Agency, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for fully or partially undisbursed loans.

3. To determine eligibility of business, handicapped assistance and all other types of loan applicants, excluding disaster loans.

C. *Chief, Program Operations Division:*

1. To approve or decline applications for business, handicapped assistance, energy loans, and all other types of loans excluding disaster loans, authorized to be made by the Agency, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for fully or partially undisbursed loans.

3. To determine eligibility of business, handicapped assistance and all other types of, excluding disaster, loan applicants.

D. *Director, Office of Portfolio Management:*

1. To take all necessary action in connection with the servicing, administration, collection and liquidation of all loans, direct lease guarantees (including automatic terminations provided for within the Policy), pollution control bonding, other obligations and acquired property, with the exception of those loans classified as in litigation.

2. To take all necessary actions in connection with the liquidation of SBIC's and EDA loans for the Department of Commerce.

3. To take all necessary actions in connection with the servicing (financial aspects) of certificates of competency and, as appropriate, financial aspects of contracts let by SBA under Section 8(a) of the Small Business Act, as amended.

4. To plan, direct and administer secondary market activity as it relates to loan servicing. In so doing, to execute any necessary documents and to take other appropriate action to implement and maintain servicing.

5. To determine and develop policy and procedures necessary for field office support of secondary market activities, and to fulfill SBA's contractual obligations in secondary participation guaranty agreements.

E. *Chief Operations Assistance Division:*

1. To take all necessary action in connection with the servicing, administration, collection and liquidation of fully disbursed loans not in litigation, direct lease guarantees (including automatic terminations provided for within the policy), pollution control bonding, and other obligations and acquired property within all loan programs of the Small Business Administration.

2. To take all necessary actions in connection with the liquidation of SBIC's and EDA loans for the Department of Commerce.

3. To take all necessary actions in connection with the servicing (financial aspects) of certificates of competency and, as appropriate, financial aspects of contracts let by SBA under Section 8(a) of the Small Business Act, as amended.

F. *Director, Office of Lender Relations and Certification:*

1. *Participating Lending Institutions Program:*

a. To take all necessary actions in connection with determinations of eligibility for lending institutions to participate in SBA lending and financial assistance programs, including the suspension or revocation of such eligibility provided, however, final determination of eligibility, suspension or revocation of such eligibility will be retained by the Associate Administrator.

b. To take all necessary actions in connection with the regulations of lending institutions participating in SBA lending and financial assistance programs, in accordance with the Small Business Act, as amended and Title V of the Small Business Investment Act, as amended, and the Regulations thereunder as amended from time to time.

c. To take all necessary actions in connection with the promotion and defvelopment of the Agency's financial assistance activities as they relate to participating lending institutions.

2. *Section 503 Development Company Program:*

a. To approve or decline development company (Section 503) loan applications, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

b. To cancel, reinstate, modify and amend authorizations for fully undisbursed loans. To take all necessary actions in connection with the sale of SBA guaranteed Certified Development Company debentures from time to time to the Federal Financing Bank or any other duly qualified purchaser as determined by SBA.

G. *Central Office Claims Review Committee:*

1. This committee shall consist of the Director, Office of Portfolio Management, acting as chairman; Director, Office of Business Loans and Associate General Counsel, Office of Litigation.

2. This committee shall meet and consider reasonable and properly supported compromise proposals, including compromise proposals for lease guarantees, and make the final decision to accept or reject such proposals, provided the decision of the committee is unanimous.

II. This redelegation does not authorize anyone serving in the above positions: (except as set forth in C below)

A. To sell any primary obligations or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereof.

B. To deny liability of the Small Business Administration under terms of a participation or guaranty agreement, or the initiation of a suit for recovery from a participation or guaranty agreement.

C. To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon. (Compromise settlements are given to the Central Office Claims Review Committee, see paragraph I.G. above.)

III. The authority delegated herein may not be redelegated.

IV. The authority delegated herein may be exercised by any SBA employee officially designated as Acting in that position.

Effective date: April 4, 1983.

Dated: March 21, 1983.

Edwin T. Holloway,

Associate Administrator for Financial Assistance.

[FR Doc. 83-8674 Filed 4-1-83; 8:45 am]

BILLING CODE 8025-01-M

Region II—Advisory Council; Public Meeting

The Small Business Administration Region II Advisory Council, located in the geographical area of Hato Rey, Puerto Rico will hold a public meeting at 9:00 a.m., Wednesday, April 27, 1983, at Room 401 Federico Degetau Federal Building, Carlos Chardon Avenue, Hato Rey, Puerto Rico, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Wilfred Benitez Robles, District Director, U.S. Small Business Administration, Federico Degetau Federal Building, Room 691, Carlos Chardon Avenue, Hato Rey Puerto Rey, Puerto Rico 00918, (809) 753-4003.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 30, 1983.

[FR Doc. 83-8675 Filed 4-1-83; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting; Birmingham Regional Advisory Council

The Small Business Administration, Region IV Advisory Council located in the geographical area of Birmingham, Alabama, will hold a public meeting at 9:00 a.m., on Friday, April 29, 1983, in the House Chambers, Alabama State Capitol, Montgomery, Alabama 36130, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call James C. Barksdale, District Director, U.S. Small Business Administration, 908 South 20th Street, Room 202, Birmingham, Alabama, (205) 254-1341.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 29, 1983.

[FR Doc. 83-8677 Filed 4-1-83; 8:45 am]

BILLING CODE 8025-01-M

Region VI—Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Lubbock, will hold a public meeting on Friday, May 6, 1983, from 8:30 a.m. to 4:00 p.m. in the Ready Room of the Southwestern Public Service Building located at 1120 Main Street, Lubbock, Texas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Philip J. O'Jibway District Director, U.S. Small Business Administration, 1611 10th Street, Suite 200, Lubbock, Texas 79401, (806) 762-7462.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 29, 1983.

[FR Doc. 83-8678 Filed 4-1-83; 8:45 am]

BILLING CODE 8025-01-M

Region IX—Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the georgaphical area of Fresno, will hold a public meeting at 9:00 a.m. on May 12, 1983, at the Fresno District Office, 2202 Monterey Street, Suite 108, Fresno, California, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Peter J. Bergin, District Director, U.S. Small Business Administration, 2202 Monterey Street, Suite 108, Fresno, California, 93721, (209) 487-5791.

March 29, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-8679 Filed 4-1-83; 8:45 am]

BILLING CODE 8025-01-M

Region X—Advisory Council; Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Seattle, will hold a public meeting at 9:30 a.m., on Monday, April 11, 1983, at the Federal Building—915 Second Avenue, Room 1848, Seattle, Washington, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call John J. Talerico, Acting District Director, U.S. Small Business Administration, 1792 Federal Building, 915 Second Avenue, Seattle, Washington 98174, (206) 442-7791.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 29, 1983.

[FR Doc. 83-8676 Filed 4-1-83; 8:45 am]

BILLING CODE 8025-01-M

SYNTHETIC FUELS CORPORATION

Synthetic Fuels Projects; Amendment of Competitive Solicitation for Oil Shale Projects

AGENCY: Synthetic Fuels Corporation.

ACTION: Issuance of Amendment No. 1 to Competitive Solicitation for Oil Shale Projects.

SUMMARY: Notice is hereby given that the United States Synthetic Fuels Corporation has issued an Amendment No. 1 to the Competitive Solicitation for Oil Shale Projects issued by the Corporation on January 20, 1983.

EFFECTIVE DATE: March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Ralph L. Bayrer, Vice President for Projects, United States Synthetic Fuels Corporation, 2121 K Street, N.W., Washington, D.C. 20586, (202) 822-6436.

For copies of the amendment contact: Catherine McMillan, Director of Public Disclosure, United States Synthetic Fuels Corporation, 2121 K Street, NW., Washington, D.C. 20586, (202) 822-6460.

Synthetic Fuels Corporation.

Jimmie R. Bowden,

Executive Vice President.

March 28, 1983.

[FR Doc. 83-8582 Filed 4-1-83; 8:45 am]

BILLING CODE 0000-00-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-83-8]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of

certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before April 19, 1983.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on March 28, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
23562	Dresser Industries, Inc	14 CFR 61.57(d)	To permit petitioner's pilots in command to carry passengers during the period beginning 1 hour after sunset and ending 1 hour before sunrise, without making at least three night takeoffs and landings within the preceding 90 days
23568	Air Vegas, Inc	14 CFR 135.113, formerly § 135.53	To permit petitioner to operate its Cessna 404 aircraft in Part 135 passenger-carrying operations with one passenger occupying a pilot seat.
23512	Accelerated Ground Training, Inc	14 CFR 61.63(d)(2), and 61.157(d)(2)	To allow petitioner's trainees to complete a practical test for the issuance of a type rating to be added to any grade of pilot certificate that includes the items and procedures for testing in an airplane simulator. Petitioner does not have an operating certificate issued under Part 121.
21794	Compania Mexicana de Aviacion, S.A. de C.V. (Mexicana).	14 CFR Parts 21, 43, 91, and 121	To extend Exemption 3261, as amended, to permit petitioner to operate five U.S registered, DC-10-15 aircraft using an FAA-approved master minimum equipment list and continuous airworthiness maintenance program.
23569	Delta Air Lines, Inc	14 CFR 121 589(d)	To permit petitioner to operate certain of its DC-8, DC-9, L-1011, and B-727 aircraft after August 31 without having provided a means to prevent articles of baggage stowed under passenger seats from sliding sideward into the aisle
22823	Dennis R. Anderson	14 CFR 61.155(d)(1)	Reconsideration of Denial of Exemption 3658 to allow all of petitioner's flight time logged in the rear cockpit of the USAF F-4 to be credited as second-in-command time, so that petitioner may use that time in pursuit of his airline transport pilot certificate
23565	CIGNA Corp	14 CFR Portions of Parts 21 and 91	To permit petitioner to operate its aircraft using an FAA-approved minimum equipment list and a continuous airworthiness maintenance program.
23510	Fischer Aviation, Inc., o/b/o William J. Simon	14 CFR 65 91(c)(1)	To permit Mr. Simon to apply for an inspection authorization even though he has not held his mechanic certificate continuously for the past 3 years.
23527	Edward Caskey	14 CFR 65 91(c)(1)	To permit petitioner to apply for an inspection authorization although he does not meet the 3-year requirements for continuously holding a mechanic certificate
18915	Virgin Air, Inc	14 CFR 135 243	An amendment to and an extension of Exemption 2769, as amended, which permits petitioner to operate certain aircraft in commuter air carrier operations over certain routes using pilots in command who hold commercial pilot certificates with instrument ratings. The amendment would allow petitioner to operate an additional route to and from San Juan, Puerto Rico, using its Cessna 402B aircraft

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
18881	Int'l Aerobatic Club	14 CFR 91.22(a)(1)	Extension of Exemption 2689A to permit members of the club to participate, and practice for participation, in aerobatic competitions without meeting the fuel requirements for flight under visual flight rules. Exemption 2689A terminates 3/31/83. *Granted 3/21/83*
23556	Canadian Pacific Airlines, Ltd.	14 CFR 21.181	To permit petitioner to operate three leased, U.S.-registered Douglas DC-10-10 aircraft, N1834U, N1836U, and N1837U, utilizing an FAA-approved minimum equipment list. *Granted 3/22/83*
23299	Bell Helicopter Textron, Inc	14 CFR 133 1(b) and 133.45(a)(3)	To permit petitioner to operate its helicopters in external-load operations to excercise the Dallas/Ft. Worth Metroplex Helicopter Emergency Lifesaver Plan (HELP). This operation involves lifting personnel in a suspended Billy Pugh safety net. *Granted 3/21/83*
23570	Icelandair	14 CFR 21 181	To permit petitioner to operate two leased U.S.-registered Douglas DC-8-63 aircraft, N806WA and N804WA, utilizing an FAA-approved minimum equipment list. *Granted 3/21/83*
23468	Arabian Amercan Oil Co. (ARAMCO)	14 CFR Parts 21 and 91	To permit petitioner to operate its U.S.-registered aircraft using a minimum equipment list. *Granted 3/21/83.*
23114	Western Airlines	14 CFR 91 307	To amend Exemption No. 3547 to add 2 aircraft. The present exemption allows operation in the United States, under a service to small communities exemption, of specified two-engine airplanes, identified by registration and serial number, that have not been show to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988: 12 B-737. *Granted 3/21/83*
21245	New York Air	14 CFR 91 307	To amend Exemption No. 3110e to add 2 aircraft. The present exemption allows operation in the United States, under a service to small communities exemption, of specified two-engine airplanes, identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1985: 12 DC-9. *Granted 3/21/83.*
23411	John M. Houston	14 CFR 121.411(a)(1)	To permit petitioner to excercise the privileges of a check airman in a simulator or other trainng device that meets the requirements of § 121.411(a)(1) even though petitioner does not possess a valid medical certificate. *Denied 3/24/83*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23511	Empresa Brasileira de Aeronautica S.A d.b.a. Embraer.	14 CFR 25.571(e)(2)	To permit type certification of the petitioner's Model EMB-120 without showing that the airplane is capable of successfully completing a flight during which likely structural damage occurs as a result of propellor blade impact. *Granted 3/22/83.*

[FR Doc. 83-8614 Filed 4-1-83; 8:45 am]
BILLING CODE 4910-13-M

New York Air Carrier District Office at Valley Stream, New York; Relocation

Notice is hereby given that on or about June 1, 1983, the New York Air Carrier District Office at Valley Stream, New York, will be relocated to John F. Kennedy International Airport, Jamaica, New York. It will continue to provide service to the public without interruption at the new location. Communications to the New York Air Carrier District Office should be addressed as follows: New York Air Carrier District Office, Department of Transportation, Federal Aviation Administration, Eastern Region, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in New York, NY on March 21, 1983.

Joseph M. Del Balzo,

Director, Eastern Region.

[FR Doc. 83-8613 Filed 4-1-83; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; City of Richmond and Henrico County, Virginia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the City of Richmond and Henrico County, Virginia.

FOR FURTHER INFORMATION CONTACT: Robert B. Welton, District Engineer, Federal Highway Administration, P.O. Box 10045, Richmond, Virginia 23240-0045, telephone (804) 771-2682.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Virginia Department of Highways and Transportation (VDH&T), will prepare an environmental impact statement (EIS) on a proposal to provide a four-lane divided facility from 0.38 miles south of the intersection of Forest Hill Avnue and Chippenham Parkway (Route 150) to 1.44 miles north of the intersection of River Road and Parham Road. While the VDH&T will be constructing the majority of the proposed project, Henrico County will be constructing a section from 0.32 miles north of the intersection of River Road and Parham Road to 1.44 miles north of the intersection of River Road and Parham Road.

The proposed highway project involves in part the upgrading of existing two-lane facilities to four-lane divided roadways. The remaining part of the proposed highway project calls for a four-lane divided facility on new location. Four alternative roadway alignments within the project corridor will be investigated for this study.

The proposed project will improve transportation service in the western portion of the Richmond Metropolitan Area, will provide improved interjurisdictional access across the James River, reduce congestion on the existing Huguenot Bridge, and provide a safer traffic operation through the existing River Road-Cary Street Road-Huguenot Road intersection.

There are also five alternatives to the proposed project under consideration: (1) The "do-nothing" alternative, which projects the consequences of population and traffic growth on the presently existing road system within a specified study window; (2) the "no-build" alternative, which includes all elements of the Regional Transportation Plan with the exception of the proposed project; (3) a "full improvement" alternative, which upgrades the existing street system to respond to design year traffic demands; (4) a "limited build" alternative, which evaluates the effect of making design improvements to the critical roadway links that might offer interim transportation relief; and (5) a "transit" alternative to evaluate the ability of mass transit to accommodate the transportation demands in the study area.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies and to private organizations and citizens who have previously expressed interest in this proposal. No formal scoping meeting is planned at this time. The Draft EIS will be available for public and agency review and comment. Following publication of the DEIS, a public hearing will be held. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the DEIS should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.

Issued on: March 28, 1983.

Robert B. Welton,

District Engineer, Richmond, Virginia.

[FR Doc. 83-8584 Filed 4-1-83; 8:45 am]
BILLING CODE 4910-22-M

Research and Special Programs Administration

Hazardous Materials Regulations; Alcoholic Beverages; Interpretation; Correction

In FR Doc. 83-6190, on page 10188 in the issue of Thursday, March 10, 1983, the term "ORM-E." appearing in the first sentence under the heading **SUPPLEMENTARY INFORMATION** is corrected to read "ORM-D."

Issued: March 29, 1983.

Thomas J. Charlton,

Acting Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-8598 Filed 4-1-83; 8:45 am]
BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

During the period March 17 through March 24, 1983 the Department of the Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0336.
Form Number: Letter 1170SC.
Title: Information Request for Group Exemption Letter.
OMB Number: N/A (new submission).
Form Number: Form CSC–10–261.
Title: Correspondence Review Followup Letter.
OMB Number: 1545–0317.
Form Number: Letter 286C.
Title: Exemption Form 4361, Ministers Waiver Disapproved.
OMB Number: N/A (new submission).
Form Number: 5498.
Title: Individual Retirement Arrangement Information.
OMB Number: 1545–0514.
Form Number: 4822.
Title: Statement of Annual Estimated Personal and Family Expenses.
OMB Number: 1545–0276.
Form Number: Letter 500–4–448.
Title: Involuntary Conversion Follow-up.
OMB Number: 1545–0364.
Form Number: Form 4669.
Title: Employee Wage Statement.
OMB Reviewer: Norman Frumkin, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Comptroller of the Currency

OMB Number: 1557–0104.
Form Number: None.
Title: Salary Survey.
OMB Reviewer: Richard Sheppard, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Customs Service

OMB Number: 1515–0041.
Form Number: CF 6059–B and 6059–C.
Title: Customs Declaration.
OMB Reviewer: Judy McIntosh, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: March 28, 1983.

Floyd Sandlin,

Chief, Information Resources Management Division.

[FR Doc. 83–8596 Filed 4–1–83; 8:45 am]

BILLING CODE 4810–25–M

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to Section 10 of Pub. L. 92–463, that a meeting will be held at the U.S. Treasury Department in Washington, D.C. on April 26 and 27, 1983, of the following debt management advisory committee: Public Securities Association, U.S. Government and Federal Agencies Securities Committee.

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on April 26 and the preparation of a written report to the Secretary of the Treasury on April 27, 1983.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92–463, and vested in me by Treasury Department Order 101–5, I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92–463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: March 29, 1983.

Roger W. Mehle,

Assistant Secretary (Domestic Finance).

[FR Doc. 83–8597 Filed 4–1–83; 8:45 am]

BILLING CODE 4810–25–M

Internal Revenue Service

Nonconventional Source Fuel Credit; Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 1982

AGENCY: Internal Revenue Service, Treasury.

ACTION: Publication of inflation adjustment factor and reference prices for calendar year 1982 as required by section 44D(d)(2)(A) of the Internal Revenue Code (26 U.S.C. 44D(d)(2)(A)).

SUMMARY: The inflation adjustment factor and reference prices are used in determining the availability of the tax credit for production of fuel from nonconventional sources under section 44D of the Internal Revenue Code.

DATE: The 1982 inflation adjustment factor and reference prices apply to qualified fuels produced and sold during calendar year 1982.

FOR FURTHER INFORMATION CONTACT:

For the inflation factor— Dennis Cox, PM:PFR:R, Room 3144, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Telephone Number (202) 566–7541 (not a toll-free number).

For the reference prices—Noel J. Sheehan, CC:C:E, Room 5240, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C.

20224, Telephone Number (202) 566–4463 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The inflation adjustment factor for calendar year 1982 is 1.2676.

The reference price for qualified fuels other than gas from Devonian shale is $28.50 per barrel for the 1982 calendar year.

Because the above reference price does not exceed $23.50 multiplied by the inflation adjustment factor, the phaseout of credit provided for in section 44D(b)(1) of the Internal Revenue Code does not occur for any qualified fuel based on the above reference price.

For gas from Devonian shale, the reference price is $6.70 per MCF for the 1982 calendar year.

Because the above reference price exceeds $5.08 multiplied by the inflation adjustment factor, the phaseout of credit provided for in section 44D(b)(1) of the code is complete and for 1982 there is no credit for gas produced from Devonian shale.

Gerald G. Portney,

Associate Chief Counsel (Technical).

[FR Doc. 83–8577 Filed 4–1–83; 8:45 am]

BILLING CODE 4830–01–M

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on Wednesday, April 13, 1983, in Room 600, 400 C Street, SW. From 9:45 a.m. to 12:00 the Commission will discuss the Voice of America's programming policies and proposed enhancement of its technical facilities. At 2:00 p.m., the Commission will meet with the U.S. Information Agency's Chief Inspector and then with the Director of USIA's Television Service to discuss program policies.

Mary Jane Winnett,

Management Analyst.

[FR Doc. 83–8600 Filed 11–1–83; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 65
Monday, April 4, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, April 5, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room 200, second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, DC 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote(s);
2. A Report on Commission Operations;
3. Freedom of Information Act Appeal No 83–1–FOIA–9–CL, concerning a request for documents contained in a closed age discrimination charge file;
4. Freedom of Information Act Appeal No. 83–1–FOIA–6–BA, concerning a request for EEO–1 data and a list of Title VII charges, if any, filed against a particular employer; and
5. Limited Scope Commissioner Charges.

Closed:

1. Litigation Authorization; General Counsel Recommendations; and
2. OFCCP's Proposed Final Rules.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal Register, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634–6748.

Issued: March 29, 1983.

[S–459–83 Filed 3–31–83; 10:49 am]

BILLING CODE 6570–06–M

2

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From March 31st Open Meeting.

March 29, 1983.

The following item has been deleted from the list of agenda items scheduled for consideration at the March 31, 1983, Open Meeting and previously listed in the Commission's Notice of March 14, 1983.

Video—1—*Title:* Cablevision of Chicago's notification of aeronautical frequency usage pursuant to § 76.610 of the Commission's Rules. *Summary:* The Commission will consider whether to issue a Notice of Apparent Liability for forfeiture against Cablevision of Chicago for its use of aeronautical frequencies without authorization.

Issued: March 29, 1983.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S–463–83 Filed 3–31–83; 1 29pm]

BILLING CODE 6712–01–M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 29, 1983.

TIME AND DATE: 2:30 p.m. Tuesday, March 28, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Closed (Pursuant to 5 U.S.C. 552(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Jones & Laughlin Steel Corporation, Docket No. PENN 81–96–R

It was determined by a majority vote of Commissioners that Commission business required that a closed meeting be held on this item and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–462–83 Filed 3–31–83; 12:09 pm]

BILLING CODE 6735–01–M

4

INTERNATIONAL TRADE COMMISSION

[USITC SE–83–16]

TIME AND DATE: 10 a.m., Wednesday, April 13, 1983.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Certain rotary wheel printers (Docket No. 924).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–464–83 Filed 3–31–83; 1:29 pm]

BILLING CODE 7020–02–M

5

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: Beginning 1:00 p.m. and adjourning 4:30 p.m., April 25, 1983.

PLACE: 1400 Walnut Street, Vicksburg, Mississippi.

STATUS: Open to the public for observation but not for participation.

MATTERS TO BE CONSIDERED: The Commission will consider the West Memphis, AR, and Vicinity Feasibility Report and Environmental Assessment.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris; telephone 601–634–5766.

[S–458–83 Filed 3–30–83; 4:19 pm]

BILLING CODE 3710–GX–M

6

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

Notice of Public Hearing

DATE: April 4, 1983.

PLACE: Room 311, Cannon House Office Building, Washington DC.

TIME: 10 a.m. to 5 p.m.

PURPOSE: To hear testimony on the real cost of the Guaranteed Student Loan Program. Specifically, the witnesses will comment on a report contracted by the Commission to Touche Ross & Co.

FOR FURTHER INFORMATION CONTACT: Donna M. Lumia, Hearing Coordinator (202) 724–2914.

Submitted the 18th day of March, 1983.

Richard T. Jerue,

Chief Executive Officer.

[S–461–83 Filed 3–31–83; 4:19 pm]

BILLING CODE 6820–BC–M

7

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 12198, March 23, 1982.

STATUS: Closed meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, March 18, 1983.

CHANGES IN THE MEETING: Additional items. The following additional items will be considered at a closed meeting scheduled for Wednesday, March 30, 1983, at 10 a.m.

Report to Congress.
Access to investigative files by Federal, State, or self-regulatory authorities.

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Steve Boehm at (202) 272–2467.

March 29, 1983.

[S–460–83 filed 3–31–83; 10:49 am]

BILLING CODE 8010–01–M

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federal register

Monday
April 4, 1983

Part II

Environmental Protection Agency

Hazardous Waste Management System; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 261, 264, 265, and 266

[SWH-FRL 2116-3]

Hazardous Waste Management System: General; Identification and Listing of Hazardous Waste; Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; and Standards for the Management of Specific Wastes and Management Standards for Specific Types of Facilities

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule and Request for Comment.

SUMMARY: On May 19, 1980, as part of its final and interim final regulations implementing Section 3001 of the Resource Conservation and Recovery Act of 1976 (RCRA), the U.S. Environmental Protection Agency (EPA) promulgated a definition of solid waste which, among other things, specifies the materials that are solid wastes when recycled. The Agency is today proposing to amend this definition in response to public comments. The proposed amendment will target the regulations more directly at those hazardous waste recycling operations which the Agency believes pose environmental and human health concerns.

In addition, the Agency is proposing general management standards for persons managing recycled hazardous waste and, in some cases, is tailoring the management standards for specific wastes and specific types of facilities or activities. The effect of these changes will be to encourage recycling of hazardous wastes while at the same time protecting human health and the environment from the improper management of recycled hazardous wastes.

DATES: EPA will accept public comments on this proposed amendment until August 2, 1983.

ADDRESSES: Comments on this proposal are welcome and may be mailed to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Communications should identify the regulatory docket number "Section 3001/Definition of Solid Waste."

The official record for this rule making is located in Room S-269C, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

HEARINGS: Three public hearings—one in Washington, D.C., one in Chicago, Illinois, and one in San Francisco, California—will be held on this proposal. The schedule and location for the hearings are as follows:

June 16, 1983—Department of Health and Human Services, Auditorium, 230 Independence Avenue, S.W., Washington, D.C.

June 21, 1983—The Westin Hotel, Michigan Avenue at Delaware, Chicago, Illinois.

June 23, 1983—Golden Gate University, Auditorium—2nd floor, 536 Mission Street, San Francisco, California.

The hearings will be held in each location between 9:00 a.m. and 4:00 p.m. unless concluded earlier, with registration at 8:30 a.m. Anyone wishing to make an oral statement at the hearing should notify, in writing: Mrs. Geraldine Wyer, Office of Solid Waste (WH-562), U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

Please indicate at which hearing (location) you wish to make your oral statement. You must restrict your oral statement to ten minutes and should have written copies of your complete comments for inclusion in the official record. You may also submit your written comments at the public hearings.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free, at (800) 424-9346 or at (202) 382-3000. For technical information, contact Matthew A. Straus, Office of Solid Waste (WH-565B), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-4770.

SUPPLEMENTARY INFORMATION:

Outline

Part I: Determining Which Materials Are Hazardous Wastes When Recycled

I. EPA has authority under RCRA to regulate hazardous wastes that are recycled
II. The Agency's strategy in exercising its authority over hazardous wastes that are recycled
III. The Agency's existing definition of solid waste
IV. The proposed amendment to the definition of solid waste
  A. Changes in Overall Approach Between the Proposed and the Existing Definitions
  B. An Overview of the Proposed Definition
    1. Materials That Are Solid Wastes
    2. Materials That Are Not Solid Wastes
    3. Exemptions for Certain Recycling Activities
  C. The Agency's Decision to Reject a Standard Based on the Value of the Recycled Material
  D. Materials Burned to Recover Energy
V. New definitions relating to burning of hazardous waste
VI. Discussion of specific provisions of the revised definition of solid waste
  A. Proposed § 261.1(b): Purpose and Scope
  B. Proposed § 261.2(a)(1)
  C. Proposed § 261.2(a)(2)(i): Wastes That Are Used in a Manner Constitution Disposal
  D. Proposed §§ 261.2(a)(2)(ii) and 261.6(b)(1)(v): Wastes That Are Burned to Recover Energy, Are Used to Produce Fuels, or Are Contained in Fuels
  E. Proposed §§ 261.2(a)(2)(iii), 261.2(c)(1), and 261.6(b)(1) (i) and (ii): Wastes That Are Reclaimed
    1. The Proposed Provisions
    2. The Meaning of "Reclamation"
    3. The Distinction Between "Use" and "Reclamation"
    4. Exception for Materials Reclaimed at the Plant Site and Returned to the Original Manufacturing Process
    5. The Status of Reclaimed Products
  F. Proposed §§ 261.2(a)(2)(iv) and 261.2(c)(2); Wastes That Are Accumulated Speculatively
  G. Proposed §§ 261.2(a)(2)(v) and 261.2(c)(3): Materials That Accumulate Without Sufficient Amounts Being Used, Reused, or Reclaimed
  H. Proposed §261.2(a)(3): Spent Materials, Sludges, and By-products To Be Listed as Solid Wastes
  I. Proposed §261.2(d): Record-keeping Provisions

Part II: Standards for Managing Hazardous Wastes That Are Recycled

I. The Agency's existing standards for managing hazardous wastes that are recycled and the Agency's rationale for the proposed revisions
II. An overview of the proposed regulations
III. Discussion of specific provisions of the proposed regulation
  A. Proposed §261.2(a): Regulated Recyclable Materials
  B. Proposed §261.6(b): Exemptions
    1. Proposed §§261.6(b)(1) (i) and (ii), and 261.6(b)(2), and 261.6(g): Exemption of Hazardous Wastes Reclaimed by the Person Who Generates Them, or Reclaimed by a Person Other Than the Generator for That Person's Subsequent Use
    2. Proposed §261.6(b)(1)(iii): Exemption of Regulated Recyclable Materials Used for Precious Metal Recovery
    3. Proposed §261.6(b)(1)(iv): Exemption of Regulated Recyclable Materials Being Reclaimed Under Batch-Tolling Agreements
    4. Proposed §261.6(b)(1)(v): Temporary Exemption of Regulated Recyclable Materials Being Burned as Fuels, Being Used to Produce Fuels, or That Are Contained in Fuels

5. Proposed §261.6(b)(1)(vi): Temporary Exemption of Recycled Used Oil
6. Proposed §261.6(b)(1)(vii): Exemption of Used Batteries Returned to a Battery Manuracturer for Regeneration
C. Proposed §§ 261.6 (c) and (d): Specific Management Standards for Generators, Transporters, and Storers of Hazardous Wastes That Are Recycled
D. Proposed §261.6(e): Management Standards for Hazardous Wastes Used in a Manner That Constitutes Disposal
E. Proposed §261.6(f): and Subparts C and D of Part 266
1.Proposed §§261.6(f)(1) and 266.20: Regulated Recyclable Materials Reclaimed Under Nonbatch-Tolling Agreements
2. Proposed §§261.6(f)(2) and 266.30: Management Standards for Spent Lead-Acid Batteries Being Reclaimed
IV. Standards applicable to the various activities constituting waste management under the proposed definition of solid waste
V. Possible inclusion of a variance provision
VI. Eligibility of owners or operators of recycling facilities for interim status

Part III: Miscellaneous

I. Regulatory impact
II. Regulatory Flexibility Act
III. Paperwork Reduction Act
IV. List of Subjects in 40 CFR Parts 260, 261, 264, 265, and 266

In implementing the hazardous waste management subtitle of RCRA, the Agency has found that "recycled" hazardous wastes pose a special problem. (Throughout this preamble, "recylcing" refers generally to using, reusing, or reclaiming a waste. This term is not used in the proposed regulation itself.

We describe later on the differences between "use", "reuse", and "reclamation." On one hand, through RCRA, Congress authorized the Agency to regulate hazardous wastes that are being recycled. When improperly managed, such wastes have caused many damage incidents. On the other, RCRA is intended to encourage resource conservation and recovery, and any regulatory regime should take this goal into account to the extent that adequate control of hazardous waste management is not jeopardized. The interim final rules published on May 19, 1980, attempted to meet both of these often conflicting objectives (see 40 CFR 261.2 and 261.6). However, the Agency now believes that this attempt was not completely satisfactory, and accordingly is proposing the revision described in this preamble.

Part I:

- Summarizes the Agency's legal authority to regulate recycled materials as hazardous wastes under Subtitle C;
- Explains why we are exercising this authority;
- Discusses the existing regulation and the reasons for amending it; and
- Describes the proposed definition, first generally, and then provision by provision. The new definition defines which materials are hazardous wastes when recycled—and the types of recycling activities deemed to constitute hazardous waste management. This part of the preamble also explains which hazardous waste recycling activities are subject to regulation, and which are exempt.

Part II:

- Explains the reorganized and revised management standards for persons managing recycled hazardous wastes.

Part III:

- Discusses the proposal's projected regulatory impact;
- Explains why the proposal does not constitute a major rule under Executive Order 12291; and
- Explains our compliance with the Regulatory Flexibility Act and the Paperwork Reduction Act.

Part I: Determining Which Materials Are Hazardous Wastes When Recycled

I. EPA Has Authority Under RCRA To Regulate Hazardous Wastes That Are Recycled

Because no material can be a "hazardous waste" without first being a "solid waste" (Section 1004(5)), a definition of solid waste is the necessary starting point for the hazardous waste management system. Solid waste is defined in Section 1004(27) of RCRA as:

> any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, commercial, mining, and agricultural operations, and from community activities * * *

This definition does not explicitly state that a material being recycled (or destined for recycling) is a solid waste and, if hazardous, a hazardous waste. However, reading the definition in conjunction with other parts of the statute and with the legislative history (as well as with subsequent expressions of congressional intent) makes it clear that Congress indeed intended that materials being recycled or held for recycling can be wastes and, if hazardous, hazardous wastes.

In this regard, the many statutory definitions dealing with resource recovery are particularly significant. These indicate unequivocally that recycling involves reclaiming material or energy from *"solid waste"*, demonstrating that a material being recycled can be a solid waste within the meaning of Section 1004(27). In addition to this express statutory language, there is already a body of judicial precedent that upholds RCRA hazardous waste jurisdiction over persons engaged in recycling activities (including seventeen cases to date where courts have exercised jurisdiction in actions instituted under Section 7003 of RCRA against recycling facilities).

Not only can materials destined for recycling or being recycled be solid and hazardous wastes, but the Agency clearly has the authority to regulate recycling activities as hazardous management. EPA possesses the authority to regulate under Subtitle C the storage, treatment, and disposal of hazardous waste. Hazardous waste recycling and ancillary activities are within the statutory meanings of these terms. RCRA's legislative history likewise shows that Congress specifically intended Subtitle C regulations to control unsafe recycling of hazardous waste. In any case, it would make little sense to allow that recycled materials can be hazardous wastes under RCRA (as shown in the paragraph above) but then to deny that Congress intended these wastes to be regulated under the Subtitle C regulations.

These points are developed fully in Appendix A to this preamble. We have concluded that recycled materials can be hazardous wastes under RCRA and can be regulated under the Subtitle C regulations. This conclusion fully agrees with the statute's paramount policy objective: to control the management of hazardous waste from its generation to its final disposition.

II. The Agency's Strategy in Exercising its Authority Over Hazardous Wastes That are Recycled

To determine that recycled materials can be solid and hazardous wastes does not answer the question of precisely which materials are wastes. Sections IV., V., and VI. of the preamble explain our views as to the extent of our authority. Nor does it answer how we are to exercise our authority. We explain in this section the general considerations that shaped our thinking on this question. We also go on to refute the argument that hazardous wastes that are recycled do not require any regulation because they are inherently valuable and do not pose significant environmental risks.

The Agency is convinced that there is a compelling need to exercise the authority granted by Congress. The paramount policy objective of RCRA is to control the management of hazardous waste fromm point of generation to point of final disposition. Further, wastes destined for recycling can present the same potential for harm as wastes destined for treatment and disposal (see the preamble to Part 261, 45 FR at 33091, May 19, 1980). That is, in many cases, the risk associated with transporting and storing wastes is unlikely to vary whether the waste ultimately is recycled, treated, or disposed of. Similarly, using or reusing wastes by placing them directly on the land or by burning them for energy recovery may present the same sorts of hazards as actually incinerating or disposing of them.

This is not to say that hazardous waste recycling always must be regulated in the same way as other types of hazardous wastes management. There are certain types of hazardous waste recycling that pose diminished environmental risks, for example, where recycled wastes—because they are valuable—are dealt with much like raw materials.

The Agency also acknowledges the strong statutory policy to encourage recycling, and believes this policy applies even when hazardous wastes are involved. This is especially true when a recycling activity provides a reduced potential for harm. In these situations, the Agency is proposing not to regulate particular recycling activities, but to conditionally exempt those recycling activities where existing commercial or marketing incentives appear sufficient to protect against substantial environmental harm. (We explain specifically how we are doing this in sections IV and VI of this part of the preamble.) In this way, we avoid regulations that could discourage recycling without significantly increasing overall environmental protection. At the same time, we believe these proposed regulations fulfill the overriding statutory mandate to regulate hazardous waste management as may be necessary to protect human health and the environment.

Some recycling activities pose a much greater potential for harm than others, and we are proposing regulations, or are developing regulatory controls, to guard against these risks. There are three such activities: (1) Those where wastes are recycled in a manner analogous to disposal or incineration; (2) those where wastes are overaccumulated before recycling; and (3) those where recyclers cannot guarantee an end market for their recycled materials—specifically where wastes are regenerated or recovered by reclaimers who did not generate the reclaimed material and are not themselves going to use it. The proposed regulations, for the most part, are targeted at these activities.

Some commenters, however, question whether the Agency should regulate any form of hazardous waste recycling. They maintain that recycled wastes ae inherently valuable because they are not being thrown away, and so will not be mishandled. This argument goes much too far. In fact, recycling operations account for some of the most notorious hazardous waste damage incidents—including nearly one-third of the 61 imminent hazard actions filed to date under Section 7003 of RCRA, and 20 of the first 160 interim priority sites listed under the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund). Appendix B to this preamble summarizes the damage incidents known to the agency involving recycling of hazardous wastes, briefly describing the recycling operations, the types of wastes being recycled, and the types of contamination caused. It is important to note that these incidents did not involve sham operators who merely held themselves out as recyclers but in reality disposed of an intended to dispose of the waste received. Rather, Operators of these damage sites engaged in some recycling and meant to recycle the wastes they received.

Facilities that recycle hazardous wastes have caused serious health and environmental problems by directly placing the wastes on the land and by burning the wastes as fuels or burning waste-derived fuels. Improper storage, overaccumulation of inventory, and unsafe transport before recycling have also been recurring problems where the facilities are indepedent reclaimers—*i.e.*, reclaimers who do not generate the waste and do not use the reclaimed material.[1] The resulting damages include contamination of soil, ground water, surface water, and air. In the case of indiscriminate storage of incompatible wastes (such as oxidizers and flammables, or acids and cyanides) before recycling, fires and explosions have also been a recurring circumstance. In addition, since many of these recyclers have failed to label or otherwise document their incoming materials, later cleanup efforts have been extremely difficult.

A number of these recyclers are located in metropolitan areas, resulting in a risk of immediate exposure to large numbers of people if wastes are mismanaged. Damage incidents caused by independent recycling facilities in Cleveland and Hamilton, Ohio; Gary, Indiana; and Columbia, South Carolina are examples of the Agency's concern.[2]

Perhaps the archetypal damage case involving an independent hazardous waste recycler is the incident involving the Chem-Dyne Corporation. Located in Hamilton, Ohio, Chem-Dyne was in the business of obtaining organic wastes and blending them to form "Chem-Fuel", a fuel substitute. Chem-Dyne also engaged in waste reclamation. The company overaccumulated huge amounts of these materials. The site constituted a dangerous fire hazard due to the improper storage of flammable organic materials, and there were in fact a number of fires at the plant. In addition, many of the accumulated drums leaked excessively. As a result, some of the chemical wastes present (including benzene, 1,2-dichloroethane, trichloroethane, and other toxic and carcinogenic wastes) contaminated both surrounding soils and the ground water. Volatilizing toxicants have polluted the air. Surface cleanup costs are estimated at $3.5 million; ground water cleanup costs have not yet been estimated. The company is in receivership.

The cleanup costs for other incidents also are very high. Although reliable cost estimates are not yet generally available for most of the sites, costs at a number of sites already have proven considerable: $30 million for cleanup of the Seymour site; over $1 million at the Midco site for surface cleanup, with an unknown amount needed to complete the cleanup; $2.9 million to date at the Silresim site; and $1.7 million to date at the Ottati and Goss/Great Lakes Container Corp. sites. At the Laskin Greenhouse site, approximately $1.7 million has already been spent; additional work is anticipated. Most of

[1] The sources for these damage incidents are found in appendix B unless otherwise noted. In addition, certain statements are taken from allegations in the government's verified complaints in RCRA Section 7003 actions. The agency recognizes that the courts must decide ultimately whether these allegations have been proven, and we stress that in citing these allegations we are not seeking in any way to prejudice the outcome of these actions. At the same time, these statements are based upon the Agency's investigations of the sites in question, and the agency believes them to be factually accurate. In any case, we are citing these allegations to demonstrate that there is a need for regulation in this area, not to ascertain the potential liability of particular facilities.

[2] Damages and Threats Caused by Hazardous Materials Sites, U.S. Environmental Protection Agency, EPA/430/9-80/004, January 1980.

the recyclers involved in these incidents are either bankrupt or have insufficient funds to meet cleanup expenses.

We consequently have determined that some exercise of our authority is necessary to protect human health and the environment. Before explaining how we are proposing to craft these standards, however, we discuss briefly the Agency's current regulations defining which recycled materials are solid wastes, and how these materials are to be regulated.

III. The Agency's Existing Definition of Solid Waste

The key feature of the existing definition of solid waste states that certain materials are always solid wastes, *irrespective of whether they are disposed of or are destined for recycling.* These materials are garbage, refuse, sludge, materials that have served their original intended use and "sometimes (are) discarded," and manufacturing or mining by-products that "sometimes (are) discarded." (See 40 CFR 261.2 (a) and (b); see also the preamble to Part 261, 45 FR, at 33093, May 19, 1980.)

Thus, the existing regulations establish broad jurisdiction over recycled materials and recycling operations, although this is tempered by regulating quite narrowly (see 40 CFR 261.6). There are several problems with this approach.

First, materials within the terms of the existing definition are considered to be solid waste, even if they are being recycled in a manner not ordinarily thought of as waste management. For example, bottom ash from utility boilers (a by-product) being used as an ingredient in concrete is considered to be a solid waste because it is "sometimes discarded". A sludge used similarly also would be a waste because all sludges are defined without exception as solid wastes.

Second, the "sometimes discarded" test sweeps many product-like materials into the solid waste net—unless the material is never thrown away. Although the Agency never intended to call these "legitimate by-products" solid wastes, a zealous but literal reading of the regulation yields this result.

Some critics took this point even further; since all materials are eventually thrown away, everything is "sometimes discarded" and potentially a solid waste. Another criticism was that under this standard generators may have to find out how all other generators are managing the same material—an often difficult or even impossible undertaking.

Commenters also argued against regulating materials that are reused or reclaimed by their generator. The generator, they argued, can ensure that such materials are handled safely, because he will have a definite plan to use the materials productively, and can control their disposition. Unrelated parties, by contrast, cannot guarantee a final use or disposition for their reclaimed materials (such as a buyer for their reclaimed solvents) and so are more prone to overaccumulate or mishandle the wastes they take in. This argument finds empirical support in the damage cases, since most known incidents were caused by independent recyclers who accepted secondary materials for reuse or reclamation, rather than by generators accumulating secondary materials for their own reuse (although generators remain capable of overaccumulating these materials).

The Agency was aware of a number of these problems when it adopted the May 19 definition. To mitigate them, we regulated quite narrowly. (See 45 FR at 33094.) Under 40 CFR 261.6, persons engaging in recycling operations are subject to regulation as hazardous waste generators, transporters, or storage facilities only if they are handling a hazardous sludge or a material listed as hazardous in 40 CFR 261.31 or 261.32.[3] At the time of promulgation, the Agency believed that all such materials were waste-like and should be regulated accordingly when recycled in any way. (*Id.*)

We were less confident, however, about materials that are hazardous wastes only by virtue of exhibiting a characteristic. The rule therefore excludes from regulation such materials (other than sludges) when they are beneficially recycled. (See 40 CFR 261.6(a).) In addition, listed wastes and sludges are regulated up to, but not including, the point of recycling. Thus, when these wastes are destined for recycling, their transportation and storage is regulated, and generators of these materials must meet the Part 262 generator standards. (See 40 CFR 261.6(b).)

Despite these mitigating features in the current regulations, the Agency would like to amend the definition of solid waste. We wish to remove materials being reused as ingredients in production processes and product-like sludges and by-products from the solid waste category. We also wish to target the regulations more directly at the class of recycling operations that, so far as we know, present substantial environmental risks. At the same time, we wish to regulate both characteristic and listed hazardous wastes to the extent that they are recycled in a way likely to present substantial environmental concerns. As noted above, the distinction in the present § 261.6 exists only to mitigate the sweep of the current defintion, not because wastes that exhibit a characteristic present less of a hazard than listed wastes or sludges.

The next sections of this preamble describe in broad outline and in detail the approach developed by the Agency to achieve these objectives.[4]

IV. The proposed Amendment to the Definition of Solid Waste

A. Changes in Overall Approach Between the Proposed and the Existing Defintions

The proposed amendment would make several important changes in the defintion or solid waste. First—and perhaps most fundamental—the amended defintion would no longer base a material's status as solid waste on whether it is "sometimes discarded". Instead, a recycled material's regulatory status would depend upon both what the material is and how it actually is managed—and the status could vary with the means of recycling. For example, and electroplating wastewater treatment sludge used as an ingredient in a manufacturing process would not be a solid waste, whereas the same sludge being applied directly to the land for land reclamation would be. This change in regulatory approach meets one of the chief criticisms raised in the comments.

Second, we have tailored the accompanying management standards so as to regulate only those recycling activites—or those particular aspects of recycling activities—that pose a significant potential for environmental harm. The principal example is reclamation where this activity is conducted by the generator[5] of the

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[3] Of course, any waste from the recycling operation is an ordinary RCRA waste, and if hazardous, is subject to regulation under all of the Subtitle C regulations. In such a case, the recycler is at least a generator, and may be a storage, treatment, or disposal facility, depending upon the disposition of its waste.

[4] The Agency has been assisted greatly in its efforts by petitioners and their counsel in settlement negotiations in *Shell Oil v. EPA* (D.C. Cir. No. 80-1532) (litigation challenging EPA's May 19, 1980, hazardous waste regulations). Factual material obtained during settlement discussions has been placed in the public docket.

[5] For the sake of convenience, EPA is using the term "generator" throughout this preamble to mean the person generating the waste in question. Term is not used in its regulatory sense (see § 260.10(a)).

The Regulation itself does not speak of "generators" because it applies to "persons" not merely to individual sites. "Person" is defined in 40

waste, or by a person who subsequently uses the reclaimed material in his own operation.

B. An Overview of the Proposed Definition.

1. Materials That Are Solid Wastes. The revised definition of solid waste sets out the Agency's view of its jurisdiction over the recycling of hazardous waste. The definition, of course, continues to define as solid wastes those materials that are disposed of, burned, or incinerated—or stored, treated, or accumulated before or in lieu of these activities. Proposed § 261.6 then contains exemptions from regulation for those hazardous waste recycling activities that we do not think require regulation.

As discussed above, the revised definition of solid waste indicated that particular materials being recycled are solid wastes if recycled in specified ways. In other words, to know if a material being recycled is a solid waste, one must know both what it is and how it is being recycled.

The definition states that five types of recycling activities are within EPA's jurisdiction:

- Use constituting disposal; this activity involves the direct placement of wastes onto the land.
- Burning waste or waste-derived fuels for energy recovery, or using wastes to produce a fuel.
- Reclamation; this activity involves regeneration of wastes or recovery of material from wastes.
- Speculative accumulation; this activity involves accumulation of wastes that are potentially recyclable, but for which no recycling market (or on feasible recycling market) exists.
- Accumulation without sufficient amounts of stored material being recycled; this activity involves accumulation of secondary materials for one year without 75% being recycled during that time.

These categories then are divided further according to the type of waste involved—spent materials, sludges, by-products, or commercial chemical products.

"Spent materials" (proposed § 261.2(b)(1)) are materials that have been used and are no longer fit for use without being regenerated, reclaimed, or otherwise re-processed. Examples are spent solvents, spent activated carbon, spent catalysts, and spend acids.[6]

"Sludges" are defined in RCRA and the implementing regulations as residues from pollution-control processes. (See RCRA Section 1004(26A) and 40 CFR § 260.10.) The statute further indicates that sludges include not only these materials but "other such waste having similar characteristics and effects." The Agency interprets this language as covering pollution-control residues other than those types listed specifically in the statutory definition.

"By-products" are defined essentially the same way as in the existing definition to encompass those residual materials resulting from industrial, commercial, mining, and agricultural operations that are not primary products and not produced separately (proposed § 261.2(b)(3)). As used in the definition, the term is a catch-all, and includes most wastes that are not spent materials or sludges. Examples are process residues from manufacturing or mining processes, such as distillation column residues or mining slags.

"Commercial chemical products" are the commercial chemical products and intermediates, off-specification variants, spill residues, and container residues listed in 40 CFR 261.33. As explained more fully below in Section VI. A. and B. in this part of the preamble, although these materials ordinarily are not wastes when recycled (see 45 FR at 78540–541, November 25, 1980), we are proposing to include them as wastes when they are recycled in ways that differ from their normal use.

One difficulty in characterizing these types of waste is that certain sludges and by-products are more product-like than waste-like. Examples are hydrofluorosilicic acid from manufacture of phosphoric acid (a sludge commonly used to fluoridate drinking water), by-product turpentine from paper manufacture, and various by-product metals from primary copper manufacture. These product-like sludges and by-products are potentially subject to regulation under the reclamation provision in the definition because they cannot be put to direct use but first must be regenerated or recovered. Similarly, certain commercial fuels that technically are by-products remain potentially subject to regulation under the definition's burning-as-fuel provision.

The Agency so far has been unable to devise a narrative standard that convincingly distinguishes between reclamation of product-like and waste-like sludges and by-products, or a standard that adequately distinguishes between legitimate by-product and waste by-product fuels.[7] To solve this dilemma, the Agency has structured the regulation so that not all sludges and by-products are wastes when reclaimed, and not all by-products are wastes when burned as fuels or used to produce fuels. Rather, we will list those sludges and by-products that are solid wastes when reclaimed, and those by-products that are solid wastes when burned as fuels or used to produce fuels. The list, at least for the time being, will be co-extensive with the hazardous sludges and by-products listed in 40 CFR 261.31 and 261.32 of the regulations. The Agency has examined each of these materials, and is convinced that they typically are wastes when reclaimed or when burned as fuels (see the preamble to Part 261, 45 FR at 33094, May 19, 1980).

Putting all of this together, spent materials, sludges, byproducts, and commercial chemical products are considered to be solid wastes when they are recycled in any one of the following ways:

(1) Used or reused in a manner constituting disposal via direct placement onto the land; this provision applies to all spent materials, sludges, and by-products. It also applies to

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CFR 260.10 to include corporations (among other entities). Thus, an entity with a single corporate structure but multiple sites is a single person for purposes of this regulation. Conversely, an entity with a separately incorporated affiliate is not single person. (This distinction is particularly significant in the provision conditionally exempting from regulation materials reclaimed by the *person* generating them and materials reclaimed by a *person* for that person's own subsequent use.)

The defintion of "person" also icludes all Federal Agencies. A number of agencies, particularly the Department of Defense, have numerous and highly diverse operations located nationwide. RCRA enunciates a strong Congressional policy that hazardous waste management conducted by federal facilities comply with all federal, State, interstate, and local requriements respecting hazardous waste management (RCRA, Section 6001). Wholesale exemption of federal agencies because they are "persons" thus may be inappropriate. EPA is investigating alternative approaches, and solicits comment on this point.

[6] Refuse and garbage likewise are spent materials (although they rarely, if ever, would be hazardous wastes). In any case, refuse and garbage ordinarily are not subject to regulation under Subtitle C of RCRA because they are household wastes (see 40 CFR 261.4(b)(1)).

[7] The problem is to distinguish between materials of a residual character that habitually have been disposed of and secondary materials that the industrial community ordinarily uses as commodities in commerce. Any regulation using this type of standard, however, is probably too judgmental to be generally applicable. Further, as noted already, a standard based upon whether secondary materials are put to direct commercial use also is unlikely to work, because most materials must be processed or reclaimed before use. However, the Agency solicits comments as to an appropriate narrative standard. We request specifically that commenters address a possible standard which would indicate that secondary materials are wastes when (i) they contain significant levels of non-recyclable toxic constituents, and (ii) these constitutents are not customarily found in raw materials or products for which the secondary materials are used as substitutes.

commercial chemical products (and related materials) applied to the land in lieu of their intended use;

(2) Burned for energy recovery (including when burned as a component of a waste-derived fuel), or used to produce a fuel; this provision applies to all spent materials, sludges, and listed by-products. It also applies to commercial chemical products (and related materials) burned as fuels in lieu of their intended use;

(3) Reclaimed; this provision applies to all spent materials, and to the sludges and by-products that are listed in 40 CFR 261.31 or 261.32.

(4) Accumulated for recycling without a specific market existing for the material (speculative accumulation); this provision applies to all spent materials, sludges, and by-products; and

(5) Accumulated for recycling without sufficient amounts being recycled; this provision also applies to all spent materials, sludges, and by-products.

2. Materials That Are Not Solid Wastes. Not all recycling activities potentially involve waste management. The definition excludes from the concept of reclamation three activities involving direct use or reuse of secondary materials. These activities ordinarily will not be considered to involve waste management. In addition, we state specifically that one type of reclamation operation is an activity outside the Agency's jurisdiction over recycling. These activities are:

(1) *Using or reusing secondary materials as ingredients or feedstocks in production processes.* Examples are using fly ash as a constituent in cement, [8] or using distillation bottoms from carbon tetrachloride manufacture as a feedstock in producing tetrachloroethylene. The Agency is convinced that in these and similiar circumstances, the recycled materials are usually functioning as raw materials, and therefore ordinarily should not be regulated under Subtitle C.

(2) *Using secondary materials as substitutes for raw materials in recovery processes that usually use raw materials as feedstocks*—even though material values are recovered from the secondary materials as an end-product of the process (for example, when secondary materials are smelted at primary smelting facilities). Because the secondary materials are merely substitutes for the primary material ordinarily used in an essentially primary material-based process, the Agency does not regard such processes as involving waste management.

(3) *Using or reusing secondary materials as substitutes for commercial products.* Examples mentioned in the public comments are spent solvents used as roofing materials and by-product hydrochloric acid from chemical manufacture used in steel pickling. In these examples, the recycled materials are substituting for other commerical products, and material values are not being recovered from them.

(4) *Reclamation conducted at a single plant site when the reclaimed material is reused within the original process in which it was generated.* In this situation, secondary materials are not used or reused directly, but are reclaimed first.

However, where reclamation occurs at the plant site and the reclaimed materials are returned to the original process in which they were generated, the entire set of operations is really a closed-loop type of process. Regulating the reclamation step thus could amount to regulating an on-going production process.

3. Exemptions for Certain Recycling Activities. We also have chosen to conditionally exempt from regulation certain recycling activities that *do* constitute waste management. The most important of these exemptions are regulations governing storage and transportation [9] of wastes in the following situations:

- When wastes are reclaimed by their generator;
- When wastes are reclaimed by a reclaimer who subsequently uses the reclaimed material;
- When non-listed spent materials are burned as fuels (either by their generator or by another person). [10]

In these situations, there appears to be a significantly reduced risk of waste mismanagement, because the generator or ultimate user has decided to retain control of the recycled waste and, thus, can assure a market for the recycled materials. Our investigation of hazardous waste recycling activities indicates that improper storage, overaccumulation, and subsequent damage have been associated with reclamation where the market for the recycled material is uncertain or where the recycling technology is unproven. Overaccumulation is a particular risk where reclaimers are paid to take wastes they don't intend to use themselves, since this creates an incentive to keep accepting wastes that may prove unsalable after recycling. The most severe damage incidents, such as Chem-Dyne and Silresim, all fit this pattern. These circumstances are least likely to be present when a generator or ultimate user reclaims because of the continued exercise of control and ability to assure the wastes' end disposition. We consequently are proposing conditional exemptions for these situations. The conditions are designed primarily to guard against overaccumulation which (based on existing data), is the chief danger in these operations.

We note, however, that we are continuing to investigate the potential of these facilities to store wastes improperly. (We are doing this particularly in the course of conducting a Regulatory Impact Analysis of our storage regulations.) In devising the conditional exemptions proposed today, our premise (based on the known data) is that overaccumulation of wastes is the chief danger to guard against. The conditions attached to these proposed exemptions serve as adequate safeguards to overaccumulation, in our view. It may be that the risks of improper storage by these facilities—prior to prolonged waste accumulation—are greater than they appear. In this regard, we are examining not only storage at recycling operations but also the incidence and severity of spills and leaks from raw material and product storage, since this type of storage is analogous to storage prior to recycling. These further investigations thus may lead to a regulatory approach with some immediate controls on storage for those recycling operations that would be conditionally exempt under today's proposal.

The following charts illustrate the principles discussed in this section. The matrix in Figure 1 indicates which types of secondary materials are proposed to be solid wastes when recycled in particular ways. The flow charts in Figures 2 and 3 indicate which materials are solid wastes and which materials (if hazardous) are regulated as hazardous wastes under the proposed definition. The table in Figure 4 summarizes which recycled materials are or are not considered to be solid and hazardous wastes and which solid and hazardous wastes will be regulated when they are recycled under the proposed rules.

[8] Fly ash at present is not subject to Subtitle C regulation as a result of the 1980 amendment to RCRA (amended section 3001 (b)(3)(A)(i)). It is included in the text only as an example.

[9] Some of these exemptions also encompass activities subject to regulation under Parts 262 and 263. Furthermore, as explained in Sections V1. B. and C. in this part of the preamble, these exemptions are also conditioned to guard against overaccumulation.

[10] Actual burning of wastes also is exempt from regulation, although we intend that this exemption be temporary (see Section (IV. D. in this part of the premable).

C. The Agency's Decision to Reject a Standard Based on the Value of the Recycled Material

The Agency seriously considered a standard that would count a recycled material as a solid waste when a person other than the generator is paid to recycle it. The corollary also would apply: when a recycler pays to obtain the material it is not a solid waste.[11] The logic here was that recyclers who pay for their materials must recycle them to stay in business; in addition, the materials they buy have demonstrated economic value and so are less waste like. Conversely, when a recycler must be paid to take material, the material may not be recycled, since its mere receipt generates cash flow.

[11] This "value" standard was not the sole test for determining if a material is a solid waste. It would replace the provision on reclamation (proposed § 261.2(a)(2)(iii) in the proposed definition

FIGURE 1.—PROPOSED MATRIX OF WHICH TYPES OF SECONDARY MATERIALS WILL BE DEFINED AS SOLID WASTES WHEN USED, REUSED, AND RECLAIMED AND WHICH TYPES OF RECYCLING ACTIVITIES CONSTITUTE WASTE MANAGEMENT

	Use constituting disposal[1] (§ 261.2(a)(2)(i))	Burning for energy recovery, or use to produce a fuel[2] (§ 261.2(a)(2)(ii))	Reclamation[3] (§ 261.2(a)(2)(iii))	Speculative accumulation[4] (§ 261.2(a)(2)(iv))	Accumulation without sufficient amounts being recycled[5] (§ 261.2(a)(2)(v))
Spent Materials (both listed and nonlisted/characteristic)	Yes	Yes	Yes	Yes	Yes
Sludges (listed)	Yes	Yes	Yes	Yes	Yes
Sludges (non-listed/characteristic)	Yes	Yes	No	Yes	Yes
By-products (listed)	Yes	Yes	Yes	Yes	Yes
By-products (non-listed/characteristic)	Yes	No	No	Yes	Yes
Commercial chemical products listed in 40 CFR 261.33 that are not ordinarily applied to the land or burned as fuels	Yes	Yes	No	No	No

[1] This waste management activity involves the direct placement of recycled materials onto the land (e.g., use of recycled materials for land reclamation, as dust suppressants, etc.)

[2] It should be noted that the actual burning of these wastes in boilers and industrial furnaces is proposed to be exempt from regulation (§ 261.6(b)(1)(v)). These wastes also are proposed to be exempt from regulation when they are used to produce a fuel by a facility for their own subsequent use of by facilities that ultimately burn these wastes from non-sludge wastes that are hazardous solely because they exhibit a characteristic (*i.e.*, from non-listed spent materials)

[3] Reclamation is defined in proposed § 261.2(c)(1) to constitute either the processing of wastes to recover usable products or the regeneration of wastes (e.g., removal of contaminants or impurities so that the waste can be put to further use). This provision does not apply, however, to materials reclaimed at the plant site and then reused within the original process in which they were generated. In addition, reclamation conducted by a person generating the waste, or reclamation conducted by a person other than the generator for that person's subsequent use ordinarily is proposed to be exempt from regulation (§ 261.6(b)(1)(i) and (ii)). The principal exception is when wastes are stored or otherwise processed in surface impoundments. Spent batteries being reclaimed likewise remain subject to regulation.

[4] This waste management activity is defined in proposed § 261.2(c)(2) to include wastes that are potentially usable, reusable, or reclaimable but are held without having any known market or disposition while hoping a market will develop.

[5] This waste management activity is defined in proposed § 261.2(c)(3) to include those materials which are accumulated for over one year without 75 percent being recycled during that time. Thus, these materials' status as wastes is not determined until one year has past. A person who fails to recycle at least 75 percent of materials accumulated may petition the Regional Administrator for a determination that the materials are not solid wastes (§ 261.2(c)(3)(ii)), the materials are solid wastes, however, unless the Regional Administrator grants the petition

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FIGURE 2
MATERIALS DEFINED AS BOTH SOLID AND HAZARDOUS WASTE UNDER THE PROPOSED HAZARDOUS WASTE MANAGEMENT SYSTEM

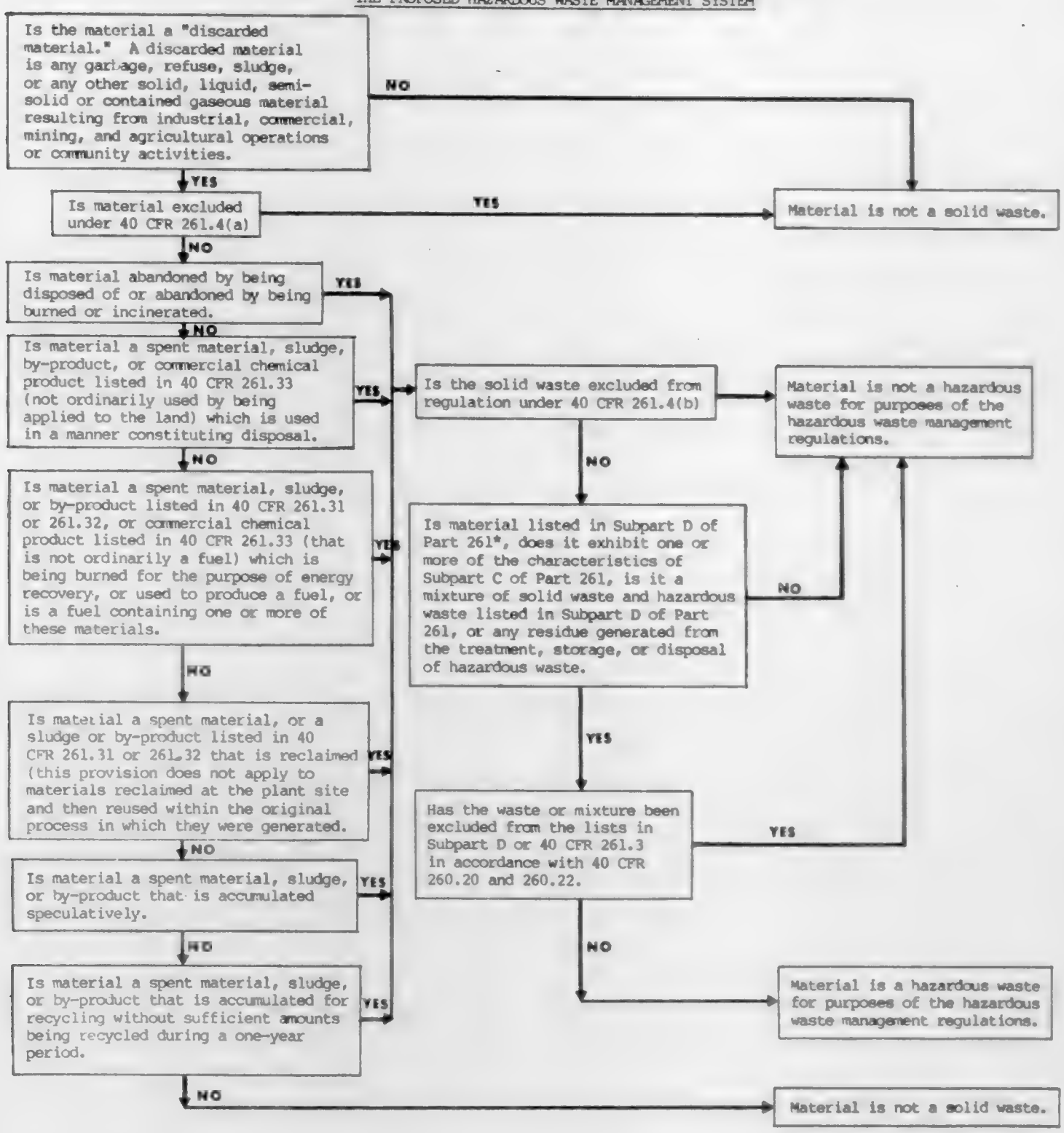

*/ Commercial chemical products listed in 40 CFR 261.33 are regulated as hazardous wastes when they are abandoned by being disposed of or when burned or incinerated. In addition they are proposed to be regulated when used in a manner constituting disposal or when burned for energy recovery when these activities are not their ordinary use.

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FIGURE 3
HAZARDOUS WASTES THAT ARE RECYCLED AND ARE REGULATED UNDER THE PROPOSED HAZARDOUS WASTE MANAGEMENT SYSTEM

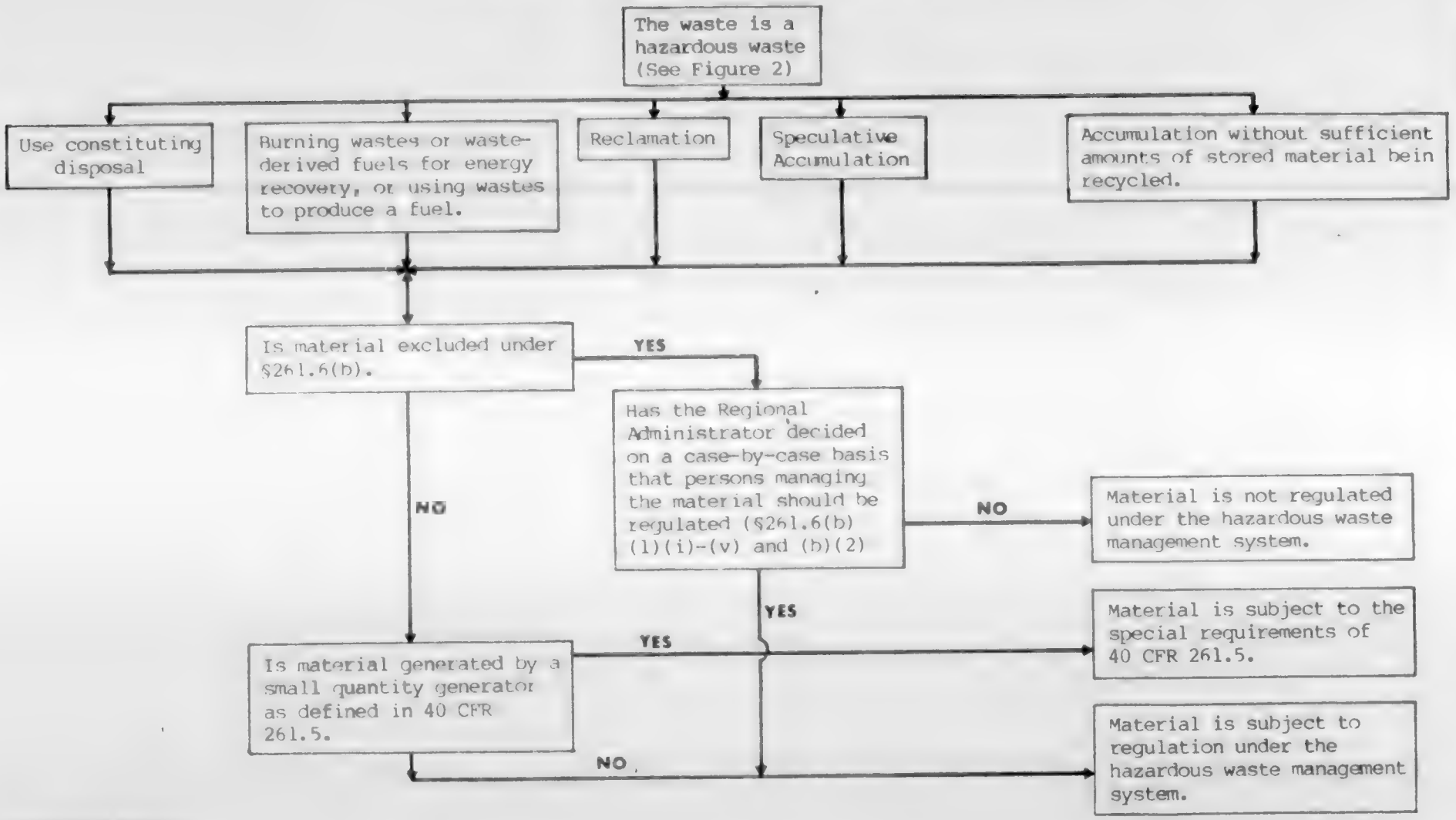

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FIGURE 4.—PROPOSED MATRIX OF TYPES OF RECYCLED MATERIALS DEFINED AS SOLID AND HAZARDOUS WASTES THAT ARE REGULATED, TYPES OF RECYCLED MATERIALS DEFINED AS SOLID AND HAZARDOUS WASTES THAT WILL NOT BE REGULATED, AND TYPES OF RECYCLED MATERIALS NOT CONSIDERED TO BE SOLID WASTES

	Recycled materials regulated as solid and hazardous wastes	Recycled materials defined as solid and hazardous wastes but not regulated	Recycled materials not considered to be solid wastes
Use constituting disposal	All spent materials, sludges, by-products, and commercial chemical products listed in 40 CFR 261.33 that are not ordinarily used by being applied to the land		
Burning wastes or waste-derived fuels for energy recovery or using wastes to produce fuels.[1]	Spent materials, sludges, by-products listed in 40 CFR 261.31 or 261.32, and commercial chemical products (listed in 40 CFR 261.33 that are not ordinarily used as a fuel) that are stored at fuel blending facilities and when generated and transported prior thereto when the facility is not also the person generating the waste or is not burning the waste-derived fuel containing these materials. Sludges and hazardous wastes listed in 40 CFR 261.31 and 261.32 when they are to be burned or used to produce fuels by facilities producing fuels from these wastes for their own subsequent use, or by facilities that ultimately burn these wastes.	Spent materials, sludges, by-products listed in 40 CFR 261.31 or 261.32, and commercial chemical products (listed in 40 CFR 261.33 that are not ordinarily used as a fuel) that are burned for energy recovery in boilers and industrial furnaces.[2] Non-sludge wastes that are hazardous solely because they exhibit a characteristic (*i.e.*, from non-listed spent materials) that are stored at facilities producing fuels for their own subsequent use and by facilities that ultimately burn these wastes or waste-derived fuels containing these wastes.	By-products not listed in 40 CFR 261.31 or 261.32
Reclamation	Spent materials, and sludges and by-products listed in 40 CFR 261.31 or 261.32, that are: —Reclaimed by a person other than the generator and the reclaimed material will be used ultimately by a person other than the reclaimer; —Reclaimed or otherwise processed in surface impoundments or stored in surface impoundments prior to reclamation elsewhere; —Spent lead-acid batteries being reclaimed	Spent materials, and sludges and by-products listed in 40 CFR 261.31 or 261.32, that are: —Reclaimed by the person generating them, or reclaimed by a person other than the generator for that person's subsequent use (except for storage or reclamation in surface impoundments or reclamation of spent batteries (see previous column)). —Utilized for precious metal recovery.[3] —Reclaimed pursuant to batch tolling agreements.[3]	Sludges and by-products not listed in 40 CFR 261.31 or 261.32 that are reclaimed Spent materials, and sludges and by-products listed in 40 CFR 261.31 or 261.32 that are reclaimed at the plant site and then reused within the original process in which they were generated. Commercial chemical products listed in 40 CFR 261.33
Speculative accumulation	All spent materials, sludges, and by-products		Commercial chemical products listed in 40 CFR 261.33.
Accumulation without sufficient amounts of stored material being recycled.	All spent materials, sludges, and by-products		Commercial chemical products listed in 40 CFR 261.33.
Use and reuse[4]			Spent materials, sludges, and by-products that are used reused.[2] Commercial chemical products listed in 40 CFR 261.33.

[1] The Agency is currently conducting a number of studies to determine what controls are necessary to regulate the burning for energy recovery; in addition, we are also studying whether there should be interim controls—that is, controls prior to the time we propose a comprehensive regulatory regime for actual burning—on other aspects of hazardous waste fuel management. Therefore, we expect to change this part of today's proposal prior to final promulgation.

[2] These materials may still be regulated as hazardous wastes if the person does not recycle at least 75 percent over a one year period or if the Regional Administrator determines on a case-by-case basis that the material should be subject to regulation under otherwise applicable provisions of § 261.6 or Subpart O of Part 264.

[3] The materials may still be regulated as hazardous wastes if the Regional Administrator determines on a case-by-case basis that the material should be subject to regulation under otherwise applicable provisions of § 261.6 or Subpart O of 264.

[4] The use and reuse of these materials include: (1) use or reuse of secondary materials as ingredients or feedstocks in production processes, (2) use of secondary materials as substitutes for raw materials in processes which usually use raw materials as feedstocks, and (3) use or reuse of secondary materials as substitutes for commercial products.

Despite its intuitive appeal, this type of provision is open to several serious objections. First, it is not clear whether "sold for value" would cover situations where the recycler incurs certain out-of-pocket costs to obtain materials (such as transportation or marketing costs) and then is recompensed—or where materials are sold for a price that reflects the value of only some of them.

Second, this provision would fail to ensure that the purchased materials would be recycled and would lead to dissimilar regulatory coverage of the identical material at a single facility. The proof is that in many of the damage incidents involving recyclers, the recycling facility had purchased waste materials. In addition, in some cases, the facility was also given—or was paid to accept—the very same kind of material that it had also purchased (for example, a spent solvent).

Third, the value provision may in some cases discourage recycling. On occasion, recyclers accept quantities of material that are too small to be recycled economically unless they are accompanied by some payment. (This is another example of how the provision does not always reflect marketplace realities.) Recyclers may not profit greatly by these arrangements, and will discontinue them if they incur the value provision's regulatory penalty for being paid to accept these small lots.

The fourth and most telling objection to the value provision is the difficulty of enforcement. The provision would require the Agency to evaluate the bona fides of complicated, numerous, and diverse financial transactions—which may intrude significantly into companies' legitimate business affairs. The Agency is not equipped to do this. In addition, it is easy to disguise whether payments are being made, and the unscrupulous may well be tempted to evade regulation in this way.

For all these reasons, the Agency has decided to reject an approach based on whether a material is sold for value. We do, however, solicit comments on this approach, particularly on whether this kind of scheme could be implemented and enforced successfully.

D. Materials Burned To Recover Energy

The Agency has concluded that the statute gives EPA the authority to regulate burning of hazardous waste to recover energy, and that we should exercise this authority. In most cases, such burning is environmentally identical to burning the same material in an incinerator and could pose a parallel or greater risk of environmental dispersal of hazardous waste

constituents and products of incomplete combustion.[12]

Furthermore, by allowing burning to go uncontrolled, the Agency's existing regulations create a loophole in the RCRA regulatory structure, as more and more wastes that can be burned are channelled to boilers or heat-recovery units to avoid disposal or incineration costs. It is estimated that 20 million metric tons of hazardous waste are currently burned in boilers. (See H.R. Rep. No. 97–570, 97th Cong., 2d sess. at 4 (1982).)

Furthermore, a number of facilities blend hazardous wastes into fuels and then sell these fuels to unsuspecting residential and other municipal users who burn them under conditions which may harm humans and the environment.

Two of the most notorious of these facilities—Quanta, Inc., and B & L Oil Corp. (the latter company pleaded guilty to criminal violations of New Jersey's hazardous waste regulations)—produced fuels containing PCBs, phenolic compounds, chlorinated solvents, and other chlorinated hydrocarbons. These compounds not only are very toxic and hard to destroy, but when burned at low temperatures for short residence times (as in residential boilers) can form chlorinated dioxins and dibenzofurans, phosgene, and hydrochloric acid.

EPA's existing regulations require that sludges and wastes listed in 40 CFR 261.31 and 261.32 that are to be burned as fuels or used to produce fuels be accumulated, manifested, transported, and stored under the applicable requirements of Parts 262 through 265.[13] These regulations do not control the actual burning of these materials, however.

Today's proposal, insofar as it relates to waste-derived fuels, is intended principally to establish jurisdiction for eventual regulation; it does not seek to establish all aspects of an ultimate regulatory regime. We are, for example, proposing to continue the present exemption for actual burning of hazardous wastes in boilers for legitimate energy recovery until we complete on going analyses of the environmental consequences of burning hazardous wastes in boilers. Once we have completed these studies, we plan to substantively regulate burning for energy recovery in those areas that appear to present a potential for substantial hazard to human health and the environment.

Presently, we are studying whether there should be interim controls—that is, controls before we propose a comprehensive regulatory regime for actual burning—on other aspects of hazardous waste-derived fuel management. Possible options under active consideration include requiring blenders, marketers, and certain users of hazardous waste-derived fuels to notify EPA of their activities, to keep records of the amounts and types of hazardous waste-derived fuels they are producing or burning, and (for blenders) to affix a label to all hazardous waste-derived fuels they produce, indicating that the fuel contains a hazardous wastes. A manifest for certain transactions involving hazardous waste-derived fuels is another possibility. These actions are not part of the present proposal, but may be taken as separate regulatory actions.

We are also proposing to regulate, under certain circumstances, the storage and ancillary management of hazardous wastes before the wastes are burned. We are convinced controls are needed for hazardous wastes sent to fuel blenders who do not ultimately burn the wastes. This is the recycling situation posing the greatest risk of improper storage, overaccumulation, faulty tracking, and the like, as already explained. Consequently, we are proposing that hazardous spent materials, sludges, and listed byproducts, and nonfuel commercial chemical products, sent to these blenders be subject to Subtitle C regulation, and the blenders be subject to regulation as storage facilities.

We are less sure of whether storage standards are needed for hazardous wastes being burned by the person generating them, or being sent directly from a generator to an ultimate user. Although we are proposing to exempt conditionally other recycling practices fitting this pattern because of the reduced risk of overaccumulation or faulty tracking, fuels may present a special case due, for example, to additional concerns that ultimate users be notified of what they are burning. We also are concerned that proper records be kept for federal and state regulatory authorities, and for concerned citizens.

In light of our uncertainty, we are proposing today to leave essentially unchanged the current regulatory regime for hazardous wastes burned by their generator, or sent from a generator to a person who ultimately burns them. This scheme calls for regulation of sludges and wastes listed in 40 CFR 261.31 and 261.32 (see 40 CFR 261.6(b)). While we may alter this part of the proposal later, we think maintaining the status quo is the least confusing way to proceed until we decide on a comprehensive regulatory strategy to control burning hazardous waste-derived fuels.

EPA is therefore proposing today to assert jurisdiction over spent materials, sludges, listed byproducts, and commercial chemical products (and related materials) listed in 40 CFR 261.33 where any of these materials are burned as fuels, used to produce fuels, or contained in fuels—the jurisdictional prerequisite to eventual regulation in this area (see Section V1. D. of this part of the preamble). We are also proposing for the time being to continue to exempt the actual burning of these materials from regulation. We also are proposing to regulate most storage of spent materials, sludges, listed by-products, and commercial chemical products that are not themselves fuels and are listed in 40 CFR 261.33, where any of these materials are used to produce fuels. The only exception will be where the person who operates the storage facility also generates the material, or burns the waste-derived fuel itself. In these cases, we are proposing provisionally to maintain the status quo by regulating only sludges and wastes listed in 40 CFR 261.31 and 261.32.

V. New Definitions Relating To Burning of Hazardous Waste

The identity of the combustion unit in which secondary materials are burned is highly relevant in EPA's developing regulatory regime for burning of hazardous secondary materials. We are proposing in 40 CFR 260.10 to amend the definition of "incinerator", and to add definitions of "boiler" and "industrial furnace", to distinguish among these devices.

A word of background as to why we are amending and adding these terms. EPA's existing rules establish a class of facilities subject to regulation under Subpart O of Parts 264 and 265—thermal treatment devices—of which incinerators are a subset. Incinerators are currently defined on the basis of their purpose—if the primary purpose of a device is thermal destruction of hazardous waste, the device is an incinerator (see 40 CFR 260.10, definition of "incinerator"). We meant for this definition to provide the distinction between regulated facilities (thermal treatment devices, principally incinerators) and heat recovery units (primarily boilers).

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[12] In fact, there is a parallel here with the class of waste whose reuse constitutes disposal in the sense of direct land placement. In that case, the reuse is the functional equivalent of landfilling. Similarly, burning wastes as fuels is functionally identical to incinerating them.

[13] See 40 CFR 261.2 (a) and (b) and 261.6(b). Sludges, and spent materials and by-products that are sometimes discarded and are listed in 40 CFR 261.31 and 261.32, are subject to regulation from their point of generation until recycling begins.

Although the existing definition of incinerator focuses on the purpose for which a device is used, the Agency did not intend to classify facilities solely on the basis of purpose. Rather, we intended that incinerators be distinguishable from boilers in order that the class of facilities subject to the standards for incineration be identifiable. The purpose for which a device is operated was used to indicate whether the device is an incinerator or a boiler. This distinction, however, has proven difficult to implement because the reference to "purpose" in the regulation introduced an unintended element of subjectivity.

We accordingly are proposing a revised definition of incinerator that avoids the use of purpose to identify incinerators—so that facilities will no longer be able to escape regulation by claiming to have a primary purpose of recovery. The regulations do this by focusing on the physical character of the unit and not on its claimed purpose.

Thus, the proposal defines an incinerator as a controlled-flame combustion device in which the combustion chamber and any heat recovery section are *not* of "integral design", *i.e.,* formed into a single manufactured unit such that there occurs significant radiant as opposed to convective heat recovery. This occurs, for example, when the combustion chamber and heat recovery section are joined by ducts that carry the flue gas to heat recovery sections. Thus, waste heat recovery units added to an incinerator cannot exempt it from regulation as a hazardous waste treatment facility. Incinerators—including those burning secondary materials and recovering energy or material—are normally subject to regulation under Subpart O of Part 264 and 265. (The major exception is for incinerators that are "industrial furnaces", a term explained below.)

Boilers, in contrast, ordinarily are not subject to regulation under Subpart O, but rather may be regulated under today's proposed regulations applying to recycling facilities. "Boilers" also are defined on the basis of design instead of purpose. Under the proposed definition, they must have: (1) provision for heat recovery, and (2) combustion chamber and heat recovery sections that are of "integral design", *i.e.,* that are formed physically into one manufactured or assembled unit. In addition, the unit must accomplish significant heat recovery in the combustion chamber section by means of radiant heat transfer.

The key distinction between boilers and incinerators is that boilers achieve heat transfer within the combustion chamber itself, generally by exposing the heat recovery surface to the flame. In contrast, heat transfer does not ordinarily occur in the combustion chamber of an incinerator. Rather, combustion gases are transferred elsewhere in the device, where heat transfer may occur.

There may be situations where incinerator operators design or retrofit their devices to avoid regulation by achieving minimal heat transfer in the combustion chamber. The regulation consequently requires that a "significant" percentage of the thermal input to the unit be recovered in the combustion chamber by radiant heat transfer.

In determining what constitutes "significant" radiant heat transfer, the Agency considered the design of boilers that have only one surface (or side) of the combustion chamber with boiler tubes that "see the flame," *i.e.,* that experience radiant heat transfer. This is essentially the minimum design that would meet the integrated design criterion and represent a bona fide boiler. (The Agency is aware of typical "package boilers" that meet this design.)

In such a boiler, one may assume for purposes of simplification that the one boiler wall with exposed boiler tubes receives from one sixth to one fourth of the heat released. A typical heat recovery efficiency for such a boiler might be 75 percent (*i.e.,* 75 percent of the heat content of fuels fed to the boiler is actually recovered). Thus, viewed as a percentage of total heat recovered, the radiant portion represents 21 to 33 percent of the total. Since radiant heat recovery is, in fact, the more efficient portion of the total recovery, it probably represents a slightly higher portion of the total.

Thus, the benchmark the Agency intends to use in judging "significant" radiant heat transfer in the combustion chamber is 25 to 35 percent of the total heat recovered in the unit. This is consistent with industry estimates of the lower range of radiant heat transfer that occurs in typical boilers. We specifically solicit comments, however, as to the accurancy and appropriateness of this benchmark.

The proposed regulations make one further distinction among combustion devices. There are combustion devices designed as incinerators or boilers that are used as integral components of manufacturing processes to recover materials or energy, not to destroy wastes. Examples are smelting furnaces, cement kilns, and blast furnaces. These units—termed "industrial furnaces" in the proposal—are normally considered to be engaged in recycling activities when burning secondary materials, so will not be regulated as incinerators (even if they are not of integral design).

The proposed definition of industrial furnace specifically designates certain devices as industrial furnaces, namely cement kilns, aggregate kilns, lime kilns, phosphate kilns, blast furnaces,smelting furnaces, combustion devices used in the recovery of sulfur values from spent sulfuric acid, methanol reforming furnaces, and pulping liquor recovery furnaces.[14] The proposal also allows for the Agency to add devices to the list, by rulemaking, on the basis of considering several criteria. When adding to the list of industrial furnaces, we will consider these criteria together. Therefore, a particular device need not satisfy all of the criteria to be designated an industrial furnace if it satisfies one or more of them.

These criteria have been selected because they describe those aspects of industrial furnaces that distinguish them from hazardous waste incinerators. Thus, a flame combustion device may be designated as an industrial furnace if it is designed and used primarily to accomplish recovery of material or energy, such as a secondary smelting furance that recovers usable metal from scrap, or methanol reforming units. A device also may be designated an industrial furnace if it is used to burn spent materials, sludges, or by-products as ingredients in a production process. Similarly, where these secondary materials are used as effective substitutes for raw materials in a device that uses raw materials as principal feedstocks, the device could be an industrial furnace. These last two criteria are used to describe materials that serve essentially as raw materials and therefore are not appropriately subject to regulation under RCRA (See Section VI. E. of Part I of the preamble).

A device that burns raw materials to make a material product (such as a cement kiln or aggregate kiln) may also be designated as an industrial furnace. Finally, in determining whether a device should be listed as an industrial furnace, the Agency will consider whether the device is commonly used in a manufacturing process.

[14] The Agency is continuing to investigate the design of these latter three devices, as well as their precise role in the sulfuric acid, methanol, and pulping manufacturing processes in order to assure that they are properly classified as industrial furnaces.

VI. Discussion of Specific Provisions of the Revised Definition of Solid Waste

A. Proposed § 261.1(b): Purpose and Scope

It is necessary to define solid waste because of statutory draftsmanship ("hazardous waste" being a subset of "solid waste" (see RCRA Sections 1004(5) and 1004(27)). However, the proposed new § 261.1(b)(1) indicates clearly that the definition of solid waste proposed today is intended to apply only to materials that would also be hazardous wastes. It does not apply to recycled non-hazardous materials (for example, most scrap metal), although we do not commit ourselves as to when such materials are wastes, and see no reason to do so in this rulemaking.

Our intention is to emphasize that we do not mean the proposed definition to be applied in contexts other than the Subtitle C hazardous waste management regulations.

We also are clarifying (in proposed § 261.1(b)(2)) that the proposed definition of solid waste in § 261.2 does not limit the Agency's jurisdiction under Sections 3007, 3013, and 7003 of RCRA. The Agency's jurisdiction under these provisions is not limited to "hazardous wastes indentified or listed under Subtitle C", whereas the proposed definition is part of the process of identifying hazardous wastes for purposes of Subtitle C and has no other applicability. Consequently, these other statutory provisions need not be limited to the materials covered by this definition. (See generally 45 FR at 33090, May 19, 1980.)

B. Proposed § 261.2(a)(1)

This provision is nearly identical to § 261.2 (b)(1) and (c) in the existing definition. It indicates that materials abandoned by being disposed of, burned, or incinerated, or otherwise accumulated, stored, or treated in lieu of or before such activities are solid wastes. This includes materials actually or intended to be discarded.

However, this proposal does differ from the existing provision in two significant respects. First, proposed § 261.2(a)(1)(ii) removes the qualification that burning materials to recover energy does not consititute discarding (existing 40 CFR 261.2(c)(2)). This clause no longer is appropriate because we are restructuring the definition to indicate explicitly that this activity is subject to our jurisdiction. (As explained in Section IV. D. above, most secondary materials burned for energy recovery are solid wastes under the Agency's existing regulations because they are sludges, or are spent materials or by-products that are sometimes discarded.)

Second, we wish to clarify that materials being burned in incinerators or other thermal treatment devices, other than boilers and industrial furnaces, are considered to be "abondoned by being burned or incinerated" under § 261.2(a)(1)(ii), whether or not energy or material recovery also occurs. (The meanings of these terms were explained in Section V. above). (The regulatory provision also applies, of course, to devices in which materials are burned or thermally decomposed for destruction without any recycling purpose.) In our view, any such burning (other than in boilers and industrial furnaces) is waste destruction subject to regulation either under Subpart O of Part 264 or Subpart O and P of Part 265. If energy or material recovery occurs, it is ancillary to the purpose of the unit—to destroy wastes by means of thermal treatment—and so does not alter the regulatory status of the device or the activity. Thus, a hazardous waste incinerator burning chlorinated hydrocarbon wastes and recovering hydrochloric acid remains a Part 264 incinerator and the chlorinated hydrocarbon wastes are being incinerated, not recycled.

We intend shortly to propose a set of regulations clarifying the status of incenerators, boilers, and industrial furnaces for purposes of regulation as incinerators under Part 264. The Agency intends to explain these definitions in more detail at that time, and to provide further opportunity for comment. For purposes of this discussion, however, the key concept is that materials fed to incinerators that are not boilers or industrial furnaces are deemed to be solid wastes, and the unit is subject to regulation under Part 264, Subpart O, regardless of whether material or energy also is recovered from the unit.[15]

C. Proposed § 261.2(a)(2)(i): Wastes That Are Used in a Manner Constituting Disposal

The first category of secondary materials considered to be solid wastes when recycled and when destined for recycling are secondary materials used or reused in a manner involving direct placement on the land. Examples are the direct use of recycled materials for land reclamation, as dust suppressants, as fertilizers, and as fill material. In the Agency's view, these practices are virtually the equivalent of unsupervised land disposal, a situation RCRA is designed to prevent.[16] In fact, the Agency regards the direct use of these materials as fertilizers to be a form of land treatment subject to the standards of Subpart M of Parts 264 and 265. (See Background Document for Permitting Standards for Land Disposal Facilities, Response to Comments, July 26, 1982, p. 158.)

The many damage incidents resulting form wastes being used in a manner constituting disposal bear out the Agency's concern. This type of recycling activity has also been a particular concern of the Congress. The September 1979 report of the Subcommittee on Interstate and Foreign Commerce on hazardous waste disposal (Committee Print 96–1FC 31, 96th Cong., 1st sess., 1979) describes three damage incidents involving wastes used in a manner constituting disposal (*id.* at 4, 12–13, 17, 24, 41, and 53–54). This report indicated that these uses should be subject to regulatory control and criticized the Agency's proposed regulations for not adequately tracking this type of recycled material (*id.* at 41–42, 53–54).

These references to damage incidents reflect not only Congress' concern but its intent that EPA's Subtitle C regulations cover this type of activity.[17] The recent report of the House Committee on Energy and Commerce likewise voices special concern about this type of recycling and would mandate Agency action in this area. (*See* H.R. Rep. No. 97–570 at 22–23.) A provision mandating Agency action was later adopted by the full House.

The proposed provision applies when a material is used essentially "as-is" (for example, a sludge used directly as fill material) or where the material is mixed with another substance without any appreciable chemical change ("simple mixing"). An example of the latter is the notorious incident where waste containing dioxin (TCDD) was mixed with waste oil and then used as a dust suppressant at a Missouri horse arena,

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[15] We add that if a boiler or an industrial furnace is used to destroy wastes, that unit is being used as an incinerator and is subject to regulation as such.

[16] See 43 FR 58946, 58950, and 58954 (December 18, 1978) where the Agency initially proposed the concept of use constituting disposal.

[17] A number of industiral commenters likewise conceded the legitimacy of Subtitle C jurisdiction over uses constituting disposal, or indicated that if the Agency indeed possesses Subtitle C jurisdiction over recycling, then jurisdiction appropriately can be exercised over uses constituting disposal. See comments of the American Paper Institute, August 18, 1980, p. 9; of Stauffer Chemical Co., August 18, 1980, pp. 12–15, 19, and 21; and of the Chemical Manufacturers Association, August 15, 1980, pp. 34–35, and 51. The Environmental Defense Fund, in its comments, likewise generally supported regulating this type of recycling activity. We think these comments contain some acknowledgment that activities virtually tantamount to unsupervised land disposal of hazardous wastes are within our proper jurisdictional purview.

killing livestock, and seriously injuring an exposed child.

On the other hand, a material blended so that it is significantly changed chemically or biologically (*i.e.*, the new material is chemically or biologically distinct from the original material being blended) does not count as a waste—and the recycling activity would not be regulated—even if the product then is placed on the land. An example is fly ash used as an ingredient in cement.[18]

The Agency believes this outcome is satisfactory in most cases but is concerned about not regulating fertilizers made from toxic metal-containing sludges and by-products (where these materials are significantly changed in the process). (Fertilizers using such materials as the sole or virtually sole ingredient, or using such materials in virtually unaltered chemical form would, however, be regulated under the proposal.) The Agency is gatering information on waste-derived fertilizers and may alter this part of the proposal after assessing this information.

The regulation, however, does cover residues of waste treatment processes applied to the land (even though the wastes may have undergone a chemical change as a result of treatment). Examples are waste stabilization processes where the stabilized material is then used as fill. Assuming the stabilized material is a hazardous waste, the reuse remains subject to regulation. The Agency is convinced that these waste treatment operations are not production processes and can therefore be regulated as waste management, and that the treated material remains subject to regulation as a solid waste.

Finally, the regulation applies to commercial chemical products (and related materials) listed in 40 CFR 261.33 that are not ordinarily used by being applied to the land. This provision is intended to close an unintended gap in regulatory coverage. Under the existing regulations, commercial chemical products must be "discarded" (or intended for discard) before they can be wastes, and use in a manner constituting disposal is not deemed to be a form of discard (see 40 CFR 261.2 (c)). The Agency does not normally intend to regulate the recycling of these materials, since such recycling simply restores these materials to usable condition, and in a large sense simply continues their normal use (see 45 FR 78540–541, November 25, 1980). However, use of these materials in a manner constituting disposal is not analogous to their normal use, unless they ordinarily are meant to be used by being applied to the land. We consequently are proposing to define these materials as wastes when they are recycled in this way.

D. Proposed §§ 261.2(a)(2)(ii) and 261.6(b)(1)(v): Wastes That Are Burned to Recover Energy, Are Used to Produce Fuels, or Are Contained in Fuels

This provision indicates that spent materials, sludges, listed by-products, and any commerical chemical products (and related materials, such as off-specification variants and spill residues) listed in 40 CFR 261.33 that are not themselves fuels, are solid wastes when they are burned as fuels, used to produce fuels, or contained in fuels. EPA's reasons for asserting jurisdiction over these materials have been described in Section IV. D. above.[19]

To see the actual extent of proposed regulatory coverage, this provision should be read together with proposed § 261.6 (b)(1)(v). We are proposing to continue temporarily the present exemption for actual burning for energy recovery (proposed § 261.6 (b)(1)(v)) pending completion of the studies described in Section IV. D. above. We also reiterate that burning in incinerators (that are not industrial furnaces) is considered to be incineration and is regulated under Subpart O of Parts 264 or 265, whether or not energy or materials also are recovered. Such incineration is not affected by the exemption in proposed § 261.6(b)(1)(v).

The exemption *does* cover burning for energy recovery in units whose principal purpose is energy or material recovery, rather than waste destruction—namely boilers and industrial furnaces. (These terms were explained in Section V. above.) For certain wastes, the exemption also applies to storing and transporting these materials before burning. These wastes are those that are hazardous only by reason of exhibiting a characteristic and are not sludges, and are used as a fuel or used to produce a fuel(a) by the person generating the wastes, (b) by a fuel blender who burns the fuel it blends, or (c) by a person ultimately burning a waste-derived fuel. Thus, anyone who—prior to their burning or blending—manages sludges or hazardous wastes listed in 40 CFR 261.31 or 261.32 would be subject to the Subtitle C regulations.

As we stated in Section IV.D. above, the scope of this exemption is designed to preserve the status quo, pending a further proposal for regulatory controls on hazardous wastes prior to their being burned as fuels. It thus is likely that this provision will change to some extent before promulgation. In light of our current uncertainty, however, we do not feel it appropriate to propose changes in the regulatory status of these wastes.

We also note that otherwise-exempt fuel-producing facilities (*i.e.*, those burning or blending non-sludge wastes that are hazardous only by reason of exhibiting a characteristic) are subject to regulation as storage facilities on a case-by-case basis (see Section III.B. of Part II of the preamble). They also remain subject to the turnover notification provision described below.

Processing or blending facilities producing fuels from other persons' spent materials, sludges, listed by-products, and § 261.33 commercial chemical products that are not themselves fuels is also subject to regulation as storage facilities when they do not use these fuels themselves. Generators sending hazardous wastes to these facilities must comply with the requirements of 40 CFR Part 262, and transporters carrying wastes to these facilities are subject to the requirements of 40 CFR Part 263. As we explained earlier, the risk of improper storage—epecially overaccumulation—before fuel production or burning is significant at facilities producing fuels from other persons' materials for someone else's use, and we therefore are proposing to regulate under these circumstances.

Only *listed* by-products burned as fuels are considered to be solid wastes in proposed § 261.2(a)(2)(ii). This is designed to avoid regulating certain commercial fuels that may technically be by-products and which exhibit a characteristic of hazardous waste. The Agency would prefer to include all by-products, except those that are clearly commercial fuels. Therefore, the Agency solicits comments identifying by-products that are legitimate commercial fuels and questions specifically whether we could include all other by-products (such as distillation bottoms) burned as fuels as wastes once we excluded these

[18] Another example where the provision similarly does not apply is when spent materials, sludges, or by-products are used as water conditioners or for water treatment. An example would be spent pickle liquor used to treat wastewater (see 46 FR 44970, September 8, 1981). In this case, although the material technically may be applied to the land, it is chemically combined as part of a conditioning process and is subsumed as an ingredient in the conditioned water.

[19] In interpreting this provision, the Agency does not consider materials to be burned as fuels when both material values and energy are recovered from burning a single material, and material recovery is an important part of the recovery operation. For example, furnaces burning secondary materials to recover economically significant amounts of contained chemicals, and that also recover energy from the same materials, are not considered to be burning the materials as fuels.

named commercial fuels. Spent materials and sludges, on the other hand, appear to be waste-like whenever used to produce fuels, and are so classified.

The inclusion of commercial chemical products and other materials listed in 40 CFR 261.33 that are not themselves fuels closes an unintended gap in EPA's current regulations, and parallels the similar inclusion in this proposal of commercial chemical products used in a manner constituting disposal. Burning of these materials as fuels and using them to produce fuels is not at all analogous to these materials' normal use. We consequently are proposing to define these materials recycled in these ways as solid wastes. We intend to regulate their storage at a facility using them to produce fuels (as well as their prior generation and transport) when that facility is not also the generator or is not burning the waste-derived fuel containing these materials. These materials were present at many of the damage sites involving improper storage by producers of waste-derived fuel, pointing up the need to exercise regulatory authority.

To give an example, Generator A generates several unlisted ignitible spent organic chemicals that it blends and burns in its boilers as a fuel. These chemicals are hazardous wastes but are not subject to regulation before blending because they are being blended by the original generator, and are not listed in 40 CFR 261.31 or 261.32. The actual burning also is exempt, since it occurs in a boiler.

E. Proposed §§ 261.2(a)(2)(iii), 261.2(c)(1), and 261.6(b)(1) (i) and (ii): Wastes That Are Reclaimed

1. *The Proposed Provisions.* These provisions are among the most important in the proposed regulations. Read together, they say that spent materials, listed sludges, and listed by-products that are reclaimed are solid wastes, except where these materials are reclaimed at the plant site and returned to the original process in which they were generated. (See proposed § 261.2(a)(2)(iii).) However, these materials are subject to regulation during storage and transportation only:

- Where reclaimed by a person other than the generator and when the reclaimed material will be used ultimately by a person other than the reclaimer; [20] or
- Where reclaimed or otherwise processed in surface impoundments, or stored in surface impoundments before reclamation elsewhere; [21] or
- Where accumulated for over a year without sufficient amounts being reclaimed (see proposed § 261.2(a)(2)(v) explained in Section VI.G. of this part of this preamble);[22] and or
- Where regulated on a case-by-case basis (see proposed § 261.6(b)(2), explained in Section III. B. of Part II of this preamble).

These provisions are directed at the type of operation that has caused most of the recycling damage incidents—the unrelated reclaimer (*i.e.*, a reclaimer who is not the generator of the material) reclaiming material for another perons's use. This type of operation cannot guarantee an end market for its reclaimed materials, and so runs the most risk of overaccumulating waste inventory. This risk has been borne out again and again in the damage cases, the most well-known being the Chem-Dyne and Silresim facilities, which accepted solvents and other spent organic chemicals for reclamation (and fuel production) with disastrous consequences. Indeed, all of the 20 Superfund interim priority sites involving recyclers were unrelated reclaimers reclaiming materials or blending them as fuels for a different person's use.

These provisions apply to all spent materials, but only to listed sludges and listed by-products—to avoid including sludges and byproducts routinely processed to recover usable products as part of normal commercial practice. Although some of those materials may be wastes, the Agency wishes to consider them individually before asserting jurisdiction, since many of them also have product-like aspects.

The basis for exempting (conditionally) hazardous wastes reclaimed by their generator or reclaimed for the reclaimer's subsequent use is that by exerting continuing control over these materials, the generator or reclaimer/user is treating them in a way that ensures their end disposition. In fact, our investigation of recycling activities confirms that such operations have not caused the harms associated with the risk of overaccumulation.[23]

These reasons do not apply, however, when hazardous wastes are reclaimed or processed in surface impoundments or are stored in surface impoundments before being reclaimed. Surface impoundments containing hazardous waste pose a particular threat of contaminating ground water and have always been one of the chief concerns of the hazardous waste management program. (See generally, the Background Document tro Subpart K Interim Status Standards, April 28, 1980.) Not only is containment without a liner system usually impossible, but wastes are present as liquids or are constantly in the presence of liquids. This creates the situation most conducive to forming leachate. In addition, the collected liquids in an impoundment will form a pressure head, causing downward dispersion of the leached contaminants. Since most impoundments are unlined, and because many are underlain by permeable soils, the potential for downward seepage of contaminated fluids into ground water is high.[24] In fact, incidents of ground water contamination from impoundments have been reported in nearly all states.[25] Thirty-eight of the first 160 Superfund interim priority list sites involve leaching from unsecured surface impoundments.

Surface impoundments also can contaminate surrounding soil and surface water by directly releasing the contaminated liquid via washout, overtopping, or dike breakage.[26] Volatilization of organic contaminants also can pollute air in areas surrounding the impoundment.[27]

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[20] Proposed §§ 261.6(b)(1) (i) and (ii) consequently exempt from regulation hazardous wastes reclaimed by the person who generates them, or reclaimed by a person who ultimately uses the reclaimed material itself.

There is one exception to this principle, namely when spent lead-acid batteries are reclaimed. We are proposing to regulate these wastes whether or not the reclaimed material is used ultimately by the reclaimer. Our basis for this distinction, and the regulatory scheme we are proposing for spent lead-acid batteries, is explained in Section III.D.3. of Part II of the preamble.

[21] The exemption in §§ 261.6(b)(1) (i) and (ii) does not apply to hazardous wastes that are reclaimed in surface impoundments, or that are stored in surface impoundments prior to being reclaimed elsewhere. Our basis for this approach is explained below in this section.

[22] The exemptions in §§ 261.6(b)(1) (i) and (ii) likewise do not apply to hazardous wastes that accumulate for over a year without sufficient amounts being reclaimed.

[23] The State of California's statutory definition of solid waste, which is quite similar in approach to that proposed today, in fact excludes materials reclaimed by the original generator. See California Hazardous Waste Control Act, Article 2 § 25122.5 (California Health and Safety Code Division 20, Chapter 6.5) (definition of "recyclable material").

[24] See U.S. EPA, Report to Congress, *Surface Impoundments and Their Effects) on Ground Water Quality in the United States—A Preliminary Survey*, EPA § 7019–78–004 (1978); *see also* U.S. EPA, *The Prevalence of Subsurface Migration of Hazardous Chemical Substances at Selected Industrial Waste Disposal Sites*, EPA/5301 SE 6341 (October 1977).

[25] See the Brackground Document cited earlier at pp. 9–29, collecting dozens of incidents of ground water contaimination caused by leaking surface impoundments.

[26] See id. at pp. 9–17 again detailing numerous damage incidents.

[27] *Id.* at 26–29.

These potential dangers are all present when wastes are reclaimed in surface impoundments or stored in impoundments before reclamation. In fact, reclamation in surface impoundments is very similar to a use or reuse constituting disposal: both involve direct, uncontrolled placement of waste in the land. We thus are not exempting this activity from regulation. (However, since the concern here is waste management in surface impoundments, the hazardous wastes are not automatically subject to regulation when they are removed from the impoundment to be used, reused, or reclaimed.)

By using the language "reclaimed or otherwise processed" in proposed § 261.6(b)(1) (i) and (ii), the Agency means to cover virtually all management activities occurring in surface impoundments involving material recovery for subsequent use, reuse, or additional reclamation, or involving processing designed to make the impounded material amenable for recovery.

The following examples show how the provisions operate with respect to surface impoundments:

• Generator A has a listed wet emission control sludge that is dewatered in a surface impoundment. The settled sludge is then dredged and used as an ingredient in manufacturing cement.

The sludge is a solid waste and is subject to regulation when it is dewatered in the impoundment. The recovery and processing of the sludge in the impoundment meets the "reclaimed or otherwise processed" standard of the proposed regulation. This result conform well with the language of RCRA, since dewatering is conducted to recover the entrained solids for future use—*i.e.*, to make the sludge "amenable for recovery", in the language of the statutory definition of treatment.

The sludge is not a solid waste once it is removed from the impoundment because it is being used as an ingredient, not reclaimed. (This concept is explained in the following subsection.) This sludge could be a waste, however, if it accumulates, after being removed from the impoundment, for over a year without a sufficient amount being used (see proposed § 261.2(a)(2)(v), described in Section G, below).

• Generator B generates a listed wastewater treatment sludge by precipitating metals from wastewater collected in a surface impoundment. The sludge is then dredged and shipped to a secondary smelter for metal recovery. The smelter is not smelting for its own subsequent use.

The sludge is a solid waste and is subject to regulation when in the impoundment for the same reason as the previous example. In addition, the sludge remains a solid waste when sent to the secondary smelter because it is being reclaimed by a person other than the generator for use by a person other than the reclaimer.

2. *The Meaning of "Reclamation".* The Agency has defined "reclamation" in proposed §261.2(c)(1) to constitute either regenerating waste materials or processing waste materials to recover usable products. Regeneration processes involve removing of contaminants or impurities so that the material can be put to further use. Examples are spent solvent and other spent organic chemical reclamation (ordinarily a regeneration process), spent catalyst regeneration, and most secondary metal reclamation, including secondary smelting (recovery of usable metal from otherwise unusable material).[28]

In thus defining reclamation operations to involve solid wastes, the Agency is following closely the various statutory definitions that indicate unequivocally that recovering usable material from otherwise unusable material constitutes solid waste management, and that the materials from which resources are recovered are solid wastes. Thus, one aspect of solid waste management is "resource recovery," which involves "the recovery of material or energy from *solid waste*" (Sections 1004(30) and 1004(22), emphasis added). Similarly, a "recovered material" (Section 1004(19)) includes material or by-products that "have been recovered or diverted from solid waste * * *." To the same effect, see Sections 1004(7), (18), (23), (24), and (29).

This provision is perhaps not as encompassing as it may appear. First, as described in the next subsections, activities involving use or reuse of the materials are not deemed to constitute reclamation. Second, reclamation conducted at the plant site where the reclaimed material is returned to the original process also is outside the scope of the definition. Operations where a generator reclaims his own materials, or when a reclaimer reclaims for his own use, also are ordinarily exempt from regulation. In addition, most reclamation activities do not involve hazardous wastes and so are unaffected by this provision.[29]

The limitation of the regulation to listed sludges and listed by-products also reduces the scope of the reclamation provision. By examining whether a particular type of sludge or by-product is a waste when reclaimed, the Agency will have an opportunity to determine if reclamation of the individual sludge or by-product should be viewed as a waste management process. At the same time, the Agency believes it important to have the means to regulate particular sludges and by-products that are to be reclaimed.

3. *The Distinction Between "Use" and "Reclamation".* Proposed § 261.2(c)(1) contains an important clarifying clause indicating that three types of activity involving the use or reuse of spent materials, sludges, or by-products do not constitute reclamation:

• First, using materials as ingredients to make new products, without distinct components of the materials being recovered as end-products. Examples are zinc-containing sludges used as ingredients in fertilizer manufacture, and chemical intermediates (for instance, distillation residues from one process used as feedstocks for a second process).[30] This exception does not apply when the spent material, sludge, or by-product is itself recovered or when its contained material values are recovered as an end-product. For example, if a metal containing sludge is

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[28] The Agency believes that blending or combining materials to form fuels also is similar to reclamation, and within the Agency's jurisdictional purview, since otherwise unusable materials are being restored to usable condition so that energy can be recovered. (See Section 1004(22) of RCRA defining "resource recovery" as "the recovery of material *or energy* from solid waste" (emphasis added); see also Section 6002(c)(2), which refers to "systems that have the technical capability of using energy or fuels derived from solid waste. . . ." The House Report to RCRA likewise indicates that both raw materials and energy can be recovered from solid waste (see H. Rep. No. 94–1491 at 11 and 13).) We are exerting regulatory control over this activity by means of separate regulatory language in the interest of definitional clarity.

[29] Metal-containing scrap comprises the great majority of reclaimed materials. See National Association of Recycling Industries, *Recycling Resources: Priorities for the 1980's*, indicating that over 80 percent of the materials recycled by its members are scrap metal. Scrap is not usually considered hazardous. Generators can determine this on the basis of their knowledge of the material (see § 262.11(c)(2)). Thus, most secondary metal reclamation is not affected by this provision.

[30] Another example, which occurs often in the chemical industry, is using spent sulfuric acid as an ingredient in producing sulfuric acid. In this operation, spent sulfuric acid is introduced as a feedstock where it is burned to derive sulfur as SO_2. As part of the same process, this SO_2 is then purified, catalytically converted, and absorbed into existing sulfuric acid. This process does not constitute reclamation because the spent sulfuric acid is neither regenerated (impurities are not removed from the spent sulfuric acid to make it reusable) nor recovered (acid values are not recovered from the spent acid). It is being used as an ingredient

processed to recover its contained metal values, the process constitutes reclamation, and the sludge, if listed, is a hazardous waste.

• Second, using the materials as substitutes for raw materials in processes that normally use raw materials as principal feedstocks; this exception does include those situations where material values are recovered from these substitute materials. Examples are sludges or spent materials used as substitutes for ore concentrate in primary smelting. The Agency does not believe these processes constitute reclamation, in spite of the recovery or regeneration step, because the materials literally are being used as alternative feedstocks.[31] This is not the case when the same materials are recovered in secondary processes (such as secondary smelting). These processes are waste-based, so that the materials being recovered are not substituting for raw materials. Indeed, this distinction is reflected in the clear delineation of primary and secondary processes. Secondary processes involving recovery or regeneration thus are defined as reclamation.

• Third, using the materials as substitutes for commercial products in particular functions or applications. An example is spent pickle liquor used as a phosphorus precipitant and sludge conditioner in wastewater treatment. This does not regenerate or recover the pickle liquors. Rather, the material is being used (actually reused, since pickle liquor is a spent material) to substitute for other commercial products.

In these three cases, the materials are being used essentially as raw materials and so ordinarily are not appropriate candidates for regulatory control. Moreover, when these materials are used to manufacture new products, the processes generally are normal manufacturing operations (although not when these materials are combined into fuels). The Agency is reluctant to read the statute as regulating actual manufacturing processes.

However, we are somewhat concerned that in the first of these cases the proposal leaves unregulated certain processes that could constitute waste management. Processes where secondary materials are the predominant (or even the sole) ingredient are conceivable examples, particularly where the process operator is paid to take the materials. In addition, processes using spent materials may be more logical candidates for regulation because spent materials (having already fulfilled their original use) are more inherently waste-like than by-products and sludges. We have not been able to reduce these ideas to a quantifiable regulatory standard, however, and solicit further comment on this point.

Examples

• Generator A generates an ignitable spent solvent that it sends to reclaimer R who reclaims the solvent for resale to the general public.

The spent solvents are solid wastes in A's hands and in R's and are subject to regulation. Solvent reclamation meets the definition of reclamation since it is a regeneration process, and is subject to regulation since A is not reclaiming its own materials, nor is R reclaiming for its own use.

• Generator B generates a spent solvent that it reclaims itself; the reclaimed solvent is not sent back to the original process from which it was generated.

The spent solvent is a solid waste but is not subject to regulation because B is reclaiming his own materials. The spent solvent could be regulated, however, if it accumulates for over a year without a sufficient amount being reclaimed (see proposed § 261.2(a)(2)(v), described in Section G., below), and also could be regulated on a case-by-case basis (see proposed § 261.6(b)(2), described in Section III. B. of Part II of this preamble).

• Generator C generates an emission control dust (a sludge) that it sends to a secondary smelter for metal recovery. The smelter then sends the recovered metal to anunrelated refiner for processing.

The emission control dust is a solid and hazardous waste if it is listed in §261.31 or 261.32 and would be subject to regulation. The smelting process recovers metals from the dust as an end-product, and the smelter is not engaging in reclamation for its own use.

• Generator D generates the same emission control dust that is sent to a cement manufacturer for use.

The dust is not a waste abecause it is being used as an ingredient to make cement and is not being recovered or regenerated.

4. *Exception for Materials Reclaimed at the Plant Site and Returned to the Original Manufacturing Process.* There is one further exception to the reclamation provision. Reclamation can sometimes be part of a closed-loop recycling step, where reclaimed materials are recycled back into the initial production process. This type of recycling is really an adjunct to the original process, and as such it represents a situation where the recycling activity may not fall within the Agency's jurisdiction. An example is wastewater recycled to the original process after being purified in an impoundment.

To allow for these cases, we do not count spent materials, listed sludges, and listed by-products as solid wastes—even if reclaimed or processed in impoundments—where they are reclaimed at the plant site and then returned to the manufacturing process from which they were generated for further use. Similarly, the same materials are not wastes if they are stored (even if stored in impoundments) and reclaimed at the plant site, and the reclaimed material is then returned to the original manufacturing process. (The exclusion would not apply, however, if the reclaimed material is later used in a different process—even if under the generator's control—since this goes beyond the Agency's conception of closed-loop recycling.) The material need not be returned to the exact production *step* in which it was generated, so long as it is returned to the original process.[32]

The term "plant site" means essentially the same thing as "on-site", namely, the same geographically contiguous property, as well as non-contiguous parcels owned by a single person and connected by a private right-of-way. In addition, the plant site includes contiguous property divided by rights-of-way, whether or not the entrance and exit between parcels is a cross-roads (compare the definition of "on-site" in 40 CFR 260.10). The limitation regarding means of egress in the definition of on-site is not relevant in determining whether a recycling operation is a closed-loop.

The Agency's proposed definition of a closed-loop process hinges essentially on the proximity of location of the reclamation operation, plus return of the material to the original process. There may be better ways to distinguish when reclamation is integrally tied to a production process, such as the length of time materials accumulate before being reclaimed. The Agency solicits

[31] Spent sulfuric acid fits within this exception, as well as the "use as ingredient" exception. The spent acid is usually returned to the original sulfuric acid production process, where it substitutes for raw material customarily used as feedstock.

[32] It should be noted, with respect to surface impoundments, that an impoundment would not be regulated under this provision only if *all* of the material in it that could be a hazardous waste is recycled back to the original production process. Seepage impoundments and impoundments from which wastewaters are both discharged and recycled consequently would remain subject to regulation. In addition, an impoundment still could be regulated if sufficient amounts of material accumulated within it are not recycled within a year of accumulation (see Section G., below).

comments on the question of alternative approaches in this area.

The following example illustrates how this exclusion applies.

• A pulp and paper manufacturer generates black liquor, a potentially corrosive spent residue from the pulping process. Black liquor is sometimes stored in impoundments before being routed to boilers where it is burned to recover chemicals and energy. The chemicals are then reused in the original pulping process.

The black liquor would not be a waste for this purpose, since it is reclaimed at the plant site and the reclaimed product is reused within the original manufacturing process.

The following example shows how the various provisions dealing with reclamation operate in combination.

• Generator A generates a listed emission control dust that is placed in an on-site excavated ditch for holding until it can be re-smelted. To prevent wind dispersion; the dust is wetted down while in the ditch. The dust then is dried and placed back in the smelting process to recover metal values.

While the dusts are in the surface impoundment they are not being reclaimed and therefore are not necessarily solid wastes. The purpose of the wetting process is to hold the dusts in place, not to recover material values in the dusts or to facilitate later recovery of the metals (since the dusts could be smelted without being wetted first). In contrast, when wet sludges are dewatered in impoundments, recovery is occurring, since the sludges could not be recycled further without the dewatering step.

The dusts may or may not be deemed to be stored in an impoundment (assuming the ditch is an impoundment) before reclamation, depending on their disposition upon being removed from the impoundment. If the dusts are smelted at a primary smelter, they are not being reclaimed since they are substituting for raw material feedstocks. Thus, even though the materials would be stored in an impoundment, they would not be stored before reclamation and so would not be wastes.

On the other hand, if the metal values in the dust are recovered at a secondary smelting facility, the materials would be claimed and so would be wastes when stored in the impoundment. However, if the dust is returned to the original smelting process (primary or secondary), it would not be regulated while in the impoundment because the process is essentially a closed-loop.

5. *The Status of Reclaimed Products.* The Agency also has added language to § 261.3(c)(2) (the "derived from" rule) to indicate that commercial products reclaimed from spent materials, listed sludges, and listed by-products—*e.g.*, a reclaimed solvent—are not wastes and are not subject ot regulation under RCRA. This proposed addition merely clarifies the existing regulations and does not represent a change in regulatory approach. However, this principle does not apply to reclaimed materials that are not ordinarily considered to be commercial products, such as wastewaters. These materials rarely are dealt with as products moving in commerce, and are often discharged, and so reasonably can be considered to remain wastes. In addition, we wish to make clear that waste-derived fuels are not products reclaimed from a hazardous waste and thus remain wastes. Our claim of jurisdiction over these materials is made explicit in proposed § 261.2(a)(2)(ii).

We also caution that waste materials do not become products if they are merely processed minimally—*i.e.*, operations that leave materials unfit for use without further processing. For instance, a hazardous sludge remains a waste when it is dewatered and sent to a metal reclaimer or used in a manner constituting disposal. Similarly, a spent solvent that is processed by removing rocks and other debris, and then sent to be distilled, remains a waste.

F. Proposed §§ 261.2(a)(2)(iv) and 261.2(c): Wastes That Are Accumulated Speculatively

The next category of solid wastes is materials that are accumulated speculatively. Proposed § 261.2(c)(2) defines these as materials with recycling potential, that are accumulating with a legitimate expectation of eventual recycling but have never been recycled or cannot feasibly be recycled. An actual example is a generator that has accumulated emission control dust from steel production (Hazardous Waste KO61) for over eight years without being able to find a feasible means of recyling it, despite legitimate efforts. Over 40,000 tons are now piled in the open in an abandoned quarry near a drinking water source.

The Agency believes strongly that these types of materials are wastes, at least until a means of recyling is found. To hold otherwise simply invites unregulated accumulation of materials under the guise of being held for recycling. For this reason, the provision applies to all spend materials, sludges, and by-products. [33]

[33] The jurisdictional basis for this provision, as well as the following provision (materials being overaccumulated), rests on a footing different from the earlier provisions. Those provisions apply to materials actually being recycled. In contrast, proposed §§ 261.2(a)(2)(iv) and (v) apply to materials not being recycled, but for which recycling is eventually a possibility. Since the materials are not actually being recycled, and there is only a possibility of eventual recycling, there is no question that these materials are RCRA solid wastes

The Agency does not mean to include in this category materials actually recycled by other generators, such as fly ash. Because of their known recycling potential, these materials generally are not deemed immediately to be solid wastes, even if a generator is accumulating them without a known market. Instead, these materials will be considered solid wastes if insufficient amounts are recycled (see the following section). A rather narrow qualification to this is that generators must have some feasible way of recycling the material. An example would be an emission control dust used as an ingredient in an industrial process. If a generator is accumulating the dust with no feasible means of sending it to a user and no other immediately feasible means of recycling it, the generator would be deemed to be accumulating the material speculatively.

The regulatory status of § 261.33 commercial chemical products, off-specification variants, spill residues, and container residues under this provision, as well as under the next provision—accumulation without sufficient amounts being used, reused, or reclaimed—requires a bit more explanation. As described earlier, commercial chemical products are presently regulated as hazardous wastes when discarded or intended for discard, and not when recycled or intended for recycling (see 45 *FR* 78540). Commercial chemical products that are being stored with recycling potential and with a legitimate expectation of recycling, therefore, are not intended for discard and thus are not subject to this provision. (As already explained, however, we are proposing to define certain commercial chemical products destined for recycling by burning to recover energy or by direct land placement as solid wastes under other provisions of the revised definition.)

If, however, a recycling market does not develop and one is not expected within a reasonable time period, or if insufficient amounts of these materials are being recycled, we would consider these commercial chemical products as being stored for discard, and thus subject to regulatory control. We are not setting any time period for determining when these commercial chemical

products would become wastes. However, we do expect persons storing these materials to have appropriate documentation or information to support their claim that these materials have recycling potential and that the materials are accumulating for eventual recycling (see Section I. of this part of the preamble on record-keeping provisions).

As indicated above, we are not proposing a time period for determining when these commercial chemical products would become wastes. We instead would retain the existing standard indicating that these materials are wastes when intended for discard. Although a subjective standard of this type does not provide absolute certainty, alternatives appear to have greater problems. For example, if we set a time period that would define when commercial chemical products would become wastes, we believe persons might have to keep records of all commercial chemical products they use or keep in inventory in order to comply with the regulations. The Agency does solicit comment on this point; in particular, we ask commenters to address the following questions: (1) whether a time period should be set for commercial chemical products being stored for recycling before they are defined as wastes; (2) what are the maximum and average lengths of time that commercial chemical products are stored before recycling; (3) how and where (*i.e.*, with normal inventory) are these commercial chemical products stored; and (4) how many hours (on the average) would be required to keep appropriate documentation to ensure that the commercial chemical products are recycled if a time period were set.

G. Proposed §§ 261.2(a)(2)(v) and 261.2(c)(3): Materials That Accumulate Without Sufficient Amounts Being Used, Reused, or Reclaimed

A major recurring circumstance in the damage incidents involving recyclers is the accumulation of materials for extended periods before recycling, leading to eventual overaccumulation and improper storage. Accordingly, proposed § 261.2(a)(2)(2)(v) defines as a solid waste any spent material, sludge, or by-product accumulated over time without sufficient amounts being used, reused, or reclaimed. (See the previous section's discussion of the regulatory status of § 261.33 commercial chemical products that accumulate without sufficient amounts being recycled.) This provision is not limited to listed sludges or listed by-products, since the material's status as a waste turns on the amount recycled over time, not on the material's inherent character. The provision also applies both to a generator's own materials that it plans to recycle itself and to materials accumulated by reclaimers for their own eventual use.

Proposed § 261.2(c)(3) defines materials with known recycling potential to be overaccumulated—and thus solid wastes—when they accumulate at a site for over a year without at least 75 percent (by volume) being recycled. Under this provision, the amount of material turned over in a year is critical, not the total amount accumulated at the end of the year. Thus, if A starts with 100 units, and during the year generates 300 more units, but recycles 75, none of the material is a solid waste even though 325 units remain at the end of the year. Of course, in the following year A would have to recycle (or transfer to a different site for recycling) 75 percent of the 325 units present at the beginning of that year. The time period can be computed according to a calendar, fiscal, or inventory year, whichever is appropriate for the person accumulating. We note that this approach could allow essentially a free year to accumulate where a generator starts a year with little or no waste, since the generator would have to recycle little or no material during the year to meet the test. (We solicit comments as to whether some controls are needed as to when the one-year period begins.)

The Agency has not decided whether the specified percentage of turnover should apply on a material-by-material basis, or on another basis, such as to:

- All materials of the same class (*i.e.*, all solvents, or all still bottoms); or
- All materials to be recycled in the same way (*i.e.*, all materials held for burning to recover energy); or
- All materials of the same class to be recycled in the same way (*i.e.*, all solvents held for burning to recover energy).

Our initial preference is for this last option, but we solicit comments on all of these alternatives, and ask that commenters suggest how these alternatives can be expressed in regulatory language.

The Agency nevertheless recognizes that some persons may be unable to recycle sufficient amounts of material in a given year but could do so if given additional time. Accordingly, the Agency offers a procedure (in § 261.2(c)(3)(ii)) that the person accumulating the material can use to notify the Regional Administrator of the circumstances. Although it need not follow any specified format, the notification would have to describe what kind of material is involved, how much is being stored, how it is being stored, how and when it is expected to be recycled, and why this expectation is reasonable. The Regional Administrator could then decide—on the basis of the submitted information—that the material is not a solid waste, or could request further information from the notifier. Once the material has accumulated for over a year without sufficient turnover, it becomes a waste unless the Regional Administrator decides otherwise.

The ultimate standard for the Regional Administrator's finding is whether a large portion of the accumulated material is reasonably likely to be recycled in the next year. Factors to be considered are the notifier's past history of recycling the material (including any contractual arrangements for recycling), relevant market factors, the character and quantity of material being accumulated, and how it is being stored.

For example, assume generator A has an emission control dust that he ordinarily sells as an ingredient in fertilizer. In a given year, however, he is unable to turn over 75 percent because the fertilizer manufacturer has gone out of business. Generator A believes he can find an alternative user in the next three months. Under these circumstances, the Regional Administrator could find legitimately that the material may be recycled and need not be managed as a waste.

There also may be extreme situations where a material can accumulate for a second year without 75 percent turnover and still possibly not be considered a waste. We thus have allowed (in § 261.2(c)(3)(ii)(B)) the person accumulating to present a second petition to the Regional Administrator containing the same information described above. The Regional Administrator could use this information to determine again whether the material is reasonably likely to be recycled. To submit the petition, however, the person accumulating must have recycled at least 50 percent of the total accumulated material. For example, assume that on day one A has 100 units of potentially recyclable material, recycles 50 percent in the first year, and successfully petitions the Regional Administrator. During the first year, A generates 200 more units of material. Thus, if A fails to recycle 75 percent of the 250 accumulated units, he would have to recycle at least 125 units to petition a second time.

The Agency believes that a two-year grace period is sufficient. Materials accumulating up to three years without 75 percent turnover are therefore solid wastes, with no further opportunity for petition (proposed § 261.2(c)(3)(ii)(C)).

Once materials are considered to be solid wastes under this provision, all of the accumulated materials are wastes. The materials remain wastes in the hands of the accumulator until 75 percent are turned over in a given year. Of course once any part of that accumulation is physically segregated from the rest and sent to recycling, that part is no longer automatically considered to be hazardous waste under this provision. For example, if a recyclable listed distillation residue "overaccumulates" under this provision—so that the total accumulated is a waste—and 10 percent is then sold to an asphalt manufacturer as an ingredient in asphalt production, that 10 percent is not a waste once it is sent to the asphalt manufacturer. (The material would remain a waste, however, if it were eventually sent to a reclaimer, and would be subject to regulation if that reclaimer was reclaiming for another person's use.)

The Agency considered exempting from this provision situations where a generator accumulates its own non-listed by-products in tanks or containers for its own subsequent use or reuse (but not subequent reclamation).[34] It could be argued that materials a generator retains for its own use differ from materials sent to an unrelated person, since the generator is controlling the material until its end disposition. In addition, the risk of protracted, uncontained accumulation is reduced with materials accumulated in tanks or containers.

We have decided against including this exemption at the present time. These materials pose the potential to cause substantial harm if overaccumulated, and the provision safeguards against this risk. In addition, we do not believe that accounting for the volume of unlisted by-products being used constitutes a substantial administrative burden, since in assessing compliance, we contemplate that tracking can be tied to normal inventory practice.

We request comment, however, as to whether the Agency should include this exemption in its final regulation. Commenters should address which materials are being accumulated by generators for their own use, their intended use, the type of vessels the materials are stored in, duration of storage, and volume of materials being stored.

The Agency acknowledges that the turnover-notification provision is complicated in description. However, it safeguards against overaccumulation of materials without recycling, while creating a strong incentive to turn over accumulated materials. It also ensures that the Regional Office will be alerted to possible problem operations. Persons accumulating materials may incur some expense when accounting for their materials, but the turnover period is tied to normal inventory practice and involves keeping track only of relative in-flow and out-flow, not of each specific unit of material.

The Agency still has a number of questions about this type of provision. The first is whether further controls are necessary to provide regulatory control over facilities accumulating material for their own recycling. Another is whether the one-year time period is too long to allow substantial amounts of material—*e.g.*, a 20,000 ton-pile of a hazardous emission control dust—to accumulate unchecked. The Agency would appreciate comment on these questions, as well as on questions of this provision's enforceability and feasibility.

H. Proposed § 261.2(a)(3): Spent Materials, Sludges, and By-Products To Be Listed as Solid Wastes

As explained above, certain recycling activities are deemed to constitute waste management only if the sludge or by-product being reclaimed, or (in the case of by-products) being burned as a fuel or used to produce a fuel, is also listed. These listed sludges and by-products are the same sludges and by-products listed as hazardous wastes in 40 CFR 261.31 and 261.32.[35]

Proposed § 261.2(a)(3) states that the Administrator also may list particular materials as solid wastes without regard to the mode of recycling. Thus, if a material is listed under this provision, it is a solid waste and a hazardous waste no matter how it is recycled, and would be subject to regulation under the provisions of proposed § 261.6. The reasons for this provision is to provide a safeguard to cover situations where a secondary material being recycled is inherently waste-like and the recycling activity potentially poses substantial environmental risk, but the material is not otherwise defined as a solid waste.

The most likely examples would be particular secondary materials being used or reused as ingredients or as commercial product substitutes. As we stated above, secondary materials ordinarily function more like raw materials or products than wastes when used or reused in these ways (see Section VI.E.3.), and so are not ordinarily defined as wastes. There are exceptions, however. The listing provision in the revised definition would cover these exceptions by listing the particular material as a solid waste, the listing functioning in essence as a caveat to the general principles regarding use and reuse.

Spent materials, sludges, and by-products could be listed as solid wastes under § 261.2(a)(3) if they meet two conditions. First, the material would have to be waste-like. To be waste-like, the material, on a nationwide basis, would ordinarily have to be disposed of or incinerated, rather than recycled. The justification is that materials that are ordinarily thrown away are inherently waste-like. (See 45 FR at 33093, May 19, 1980, citing legislative history.) Alternatively, the material would be waste-like if (1) it contained toxic constituents listed in Appendix VII of Part 261 not ordinarily found in significant concentrations in the raw materials or products for which it was substituting, and (2) these toxic constituents were not used, reused, or reclaimed during the recycling process.

Second, to be listed, the material would have to pose a potentially substantial threat to human health and the environment when recycled in ways not already defined as waste management. This condition is relevant in determining whether a waste-like material is a solid waste since it sheds light on whether the purpose of recycling is ancilliary to a central purpose of disposal. Potential dangers posed by the practice are also relevant in determining whether there is any need to assert control over the practice.

The Agency is proposing today to list as solid wastes certain dioxin and dibenzofuran-containing wastes that we are also proposing to list as hazardous wastes in another proposed regulation appearing in the Proposed Rule section of today's FR. As we explain there in more detail, these wastes typically are

[34] For this purpose, materials stored before blending, processing, or burning as fuels would be deemed to be stored before use

[35] For the purpose of paragraph (a)(2)(iii), the listed sludges currently are EPA Hazardous Waste Nos. F006, F012, F019, K001, K002, K003, K004, K005, K006, K007, K032, K035, K037, K040, K041, K044, K046, K048, K051, K061, K069, K084, K106. For the purpose of paragraphs (a)(2)(ii) and (a)(2)(iii) the listed by-products currently are EPA Hazardous Waste Nos. F006, F010, K008, K009, K010, K011, K013, K014, K015, K016, K017, K018, K019, K020, K022, K023, K024, K025, K026, K027, K029, K030, K031, K034, K036, K039, K042, K043, K049, K050, K052, K060, K071, K073, K083, K085, K087, K093, K094, K095, K096, K101, K102, K105.

disposed of, and are extremely toxic, so that unregulated recycling (including use and reuse) is potentially hazardous. They contain hazardous constitutents that are not ordinarily present in raw materials or products, and are not recyclable. Accordingly, we are proposing to list them as solid as well as hazardous wastes in order to control all means of recycling. (We are including the relevant regulatory language in this rule, rather than in the proposed dioxin waste listing, so that all the proposed regulations on recycling are in one place.)

We note that we do not expect to invoke this provision very often, since ordinarily the recycling situation is of concern (for example, reclamation by a person who did not generate the material), not the type of material involved. We also solicit comment on whether § 261.2(a)(3) should apply when materials are used as chemical intermediates by the generator of the materials at the site where the materials are generated. It can be argued that this type of use is close to use of raw materials in the same production process.

I. Proposed § 261.2(d): Record-keeping Provisions

No formal record-keeping requirements are imposed as part of the definition of solid waste. However, in many cases some type of records will be needed to substantiate that a particular material is not a solid waste under the definition or is a waste not subject to regulation. For example, a generator may need to demonstrate that a material is sent to a different person to be reused rather than reclaimed, or that accumulated materials are being turned over sufficiently during a year.

The Agency accordingly has proposed §261.2(d), requiring persons to keep whatever records (or alternative means of substantiation) are appropriate to document their claims that they are not managing a solid waste or that their wastes are exempt from regulation because they are being recycled in a particular way. The burden of proof rests with the person handling the material, so that failure to provide proof means that the person will be considered to be managing a solid waste or be subject to regulation. An analogous situation is a tax audit, where taxpayers must provide appropriate records or substantiation to support their claimed deductions. (Indeed, the Agency interprets present §261.6 as putting the burden of proof on the entity claiming to be exempt from regulation because of its recycling activities, in accord with the general principle that the party asserting an affirmative defense has the burden of proof.)

The Agency is seriously considering a requirement that persons who recycle 75 percent or more of their accumulated materials send a short annual letter to the Regional Administrator identifying themselves, their accumulated materials, and the percentage and volume recycled during the past year. The Agency is concerned that without such a requirement it will never be able to identify potential problem facilities for follow-up inspection. The Agency solicits comments on whether it should adopt such a requirement.

Part II: Standards for Managing Hazardous Wastes That are Recycled

I. The Agency's Existing Standards for Managing Hazardous Wastes That are Recycled and the Agency's Rationale for the Proposed Revisions

In the Agency's existing regulations, the requirements for recycled hazardous wastes are the same as those that apply to generators, transporters, or storers of any hazardous waste (see 40 CFR 261.6). The rationale is that these wastes present essentially similar hazards when they are transported or stored before their end disposition, whether recycling or disposal. Accordingly, certain hazardous wastes to be recycled are regulated up to, but not including, their recycling.[36]

In rethinking the definition of solid waste, the Agency considered the possibility of less stringent substantive management standards for persons who recycle hazardous wastes. Such materials could be expected to be handled somewhat more responsibly than ordinary wastes, given their value as reusable commodities. In addition, since our policy is to encourage recycling, we would be willing to ease the standards, provided no substantial threat is posed to human health and the environment.

However, the Agency concluded that such relaxation is not now advisable. In the first place, certain types of facilities recycling hazardous wastes repeatedly have mismanaged these wastes, causing extensive damage—thus refuting the argument that these wastes necessarily are handled more responsibly. Second, and more important, the Agency does not now have the technical information necessary to determine which management standards should remain unchanged and which should be streamlined or eliminated. Given these materials' demonstrated potential for harm, as well as legal requirements of an adequate record for rulemaking, we believe that the current substantive standards should remain in place, at least for the present.

Accordingly, the existing substantive standards will continue to apply to persons who generate, transport, and store hazardous wastes before recycling (subject to several exceptions discussed below). Recycling facilities (as opposed to generators and transporters) also will continue to be subject to the notification requirements of Section 3010. In addition, recycling facilities that are ineligible for interim status will have to obtain a storage permit to legally store the wastes they take in. (See Section VI. of this Part of the preamble for a detailed discussion of the eligibility of recycling facilities for interim status.)

However, the Agency is also in the process of gathering additional information to develop modified regulatory standards for hazardous waste storage facilities. Thus, under Executive Order 12291, the Agency is analyzing the RCRA storage standards to determine which management standards are most appropriate for which types of wastes. We expect to complete this analysis soon, and we will begin to repropose these standards as appropriate.

To provide regulatory relief, we are also considering the development of substantive permitting standards for certain classes of facilities that would be essentially self-implementing or would reduce the amount of required interaction with a permit writer. Coupled with these standards would be simpler procedures for obtaining permits for these classes—procedures that would allow all members of an appropriate class that handle similar types of wastes or manage wastes in a particular manner to submit a short permit application to an EPA Regional Office. The application would indicate that a facility is a member of the class and that it will be in compliance with the applicable permitting standards when the permit is issued. The Regional Office would then provide public notice of the permit application, and a hearing would be available, if requested. This procedure would streamline the existing application process for both applicants and the Agency and would still provide for the public participation required by RCRA.

[36] Section 261.6(b) thus provides that these wastes are subject to: (1) notification requirements under Section 3010 of RCRA, (2) 40 CFR Part 262, (3) 40 CFR Part 263, (4) 40 CFR Part 264 Subparts A through L, (5) 40 CFR Part 265 Subparts A through L, and (6) 40 CFR Parts 122 and 124.

II. An Overview of the Proposed Regulations

Section 261.6 of the existing regulations contains the special requirements for hazardous wastes that are beneficially used, reused, recycled, or reclaimed. Section 261.6(a) of the existing regulations excludes from hazardous waste regulation those recycled wastes (except sludges) that are hazardous only because they exhibit a hazardous waste characteristic. Section 261.6(b) of the existing regulations indicates that persons engaged in recycling operations are subject to regulation if they handle a hazardous sludge or a waste listed as hazardous[37] in 40 CFR 261.31 or 261.32. This paragraph further specifies the management standards those persons are subject to when the wastes are beneficially used, reused, recycled, or reclaimed.

The proposed amendment to § 261.6 eliminates the current distinction between listed wastes and wastes exhibiting a characteristic. Amending the potentially overbroad features of the solid waste definition renders this distinction unnecessary. The substantive standards for generators and transporters of recycled hazardous wastes, which are identical to those in the existing regulation, have been moved to proposed § 261.6(c). The standards for facilities that store wastes that are to be recycled (again, substantially identical to those in the existing regulation) are now found in proposed § 261.6(d).

There also are a number of conceptually new provisions. To avoid possibly stigmatizating the hazardous wastes that are recycled: we are proposing a new § 261.6(a) which redesignates these wastes as "regulated recyclable materials." We also are proposing a new § 261.6(b), which conditionally exempts certain types of regulated recyclable materials from regulation.

As discussed in Section III.D. in this part of the preamble, we are proposing to regulate materials that are used in a manner constituting disposal, including the actual recycling phase. Therefore, the standards for those materials that are used in a manner constituting disposal are found in proposed § 261.6(e).

In addition, certain regulated recyclable materials, and certain types of facilities managing these materials, are subject to regulatory standards different from those contained in Parts 262 through 265 and Parts 122 and 124 of the existing regulations. The regulatory standards for these materials and facilities are contained in various proposed Subparts of Part 266. Proposed § 261.6(f) serves as a cross-reference, listing the various materials and facilities subject to special standards. At present, we are proposing Part 266 standards for materials reclaimed under non-batch tolling agreements and for spent lead-acid batteries being reclaimed.

Finally, § 261.6(g) provides substantive and procedural standards for case-by-case regulation of otherwise exempt regulated recyclable materials.

The following table compares the various provisions of the current and proposed regulations:

Subject	Existing provision	Corresponding provision in proposed rule
Exemption for recycled hazardous wastes exhibiting a characteristic	§ 261.6(a)	Eliminated
Regulatory standards for recycled hazardous wastes	§ 261.6(b)	§ 261.6 (c), (d), and (e).
Redesignation of recycled hazardous wastes		§ 261.6(a)
Exemption for certain regulated recyclable materials		§ 261.6(b)
Reference to tailored management standards for regulated recyclable materials		§ 261.6(f)
Substantive and procedural requirements for case-by-case regulation of otherwise exempt regulated recyclable materials		§ 261.6(g) [38]

[38] We also are proposing conforming amendments to § 261.5(c), § 264.1(g)(2), and § 265.1(c). The amendment to § 261.5(c) carries over the principle contained in the existing regulation that recycled wastes that are exempt from regulation are not included in the small quantity generator calculation. The amendments to §§ 264.1 and 265.1 indicate that the requirements of Parts 264 and 265 do not apply to certain types of recycling activities—namely, those conditionally exempt under § 261.6(b) and those subject to regulation under Part 266 (unless the Part 266 standards make reference to the Part 264 or 265 standards)

III. Discussion of Specific Povisions of the Proposed Regulation

A. Proposed § 261.6(a): Regulated Recyclable Materials

We added this paragraph to respond to public comments that merely to designate a recycling activity as "hazardous waste management" is immediately to stigmatize it. The Agency is somewhat skeptical that a redesignation will significantly affect the volume of recycling or that public response to hazardous waste recycling necessarily is negative. However, to avoid conceivable stigmatization, we are willing to re-name recycled hazardous wastes "regulated recyclable materials."

However, public announcements—via newspaper and radio—of intent to issue a permit to a recycling facility will continue to mention hazardous waste (for example, a "hazardous waste permit to store regulated recyclable materials"). Eliminating reference to "hazardous waste" in the public notice would substantially undermine the meaningful opportunity for public participation in the RCRA permit-issuing process (under amended Section 7004(b)(2)).

B. Proposed § 261.6(b): Exemptions

This section exempts from regulation certain categories of regulated recyclable materials and persons handling them.

1. *Proposed §§ 261.6(b)(1) (i) and (ii), 261.6(b)(2), and 261.6(g): Exemption of Hazardous Wastes Reclaimed by the Person Who Generates Them, or Reclaimed by a Person Other Than the Generator For That Person's Subsequent Use.* These exemptions already have been discussed in Part I of the preamble. They exempt from regulation regulated recyclable materials (*i.e.*, hazardous wastes) being reclaimed by the person generating them, or reclaimed by a person other than the generator for that person's subsequent use. The exemptions apply from the time the waste is generated until it is reclaimed. Thus, if A generates a hazardous spent solvent and sends it to B who reclaims it and then uses the reclaimed solvent, the waste is not subject to regulation in A's hands or in B's.[39]

As discussed in Section VI.E. of Part I, there are four qualifications to these exemptions. First, these exemptions do not apply when the materials are being reclaimed or otherwise processed in surface impoundments or stored in surface impoundments prior to reclamation. Second, they do not apply when spent batteries are being reclaimed. Third, sufficient amounts of the materials must be reclaimed during a one-year period, as provided in § 261.2(c)(3). This qualification guards against the risk of overaccumulation.

Fourth, and finally, the Regional Administrator may regulate these materials on a case-by-case basis upon discovering that the materials are being stored or accumulated in a manner injurious or potentially injurious to

[37] On November 25, 1980, the Agency clarified that wastes listed in § 261.33 are not at present subject to regulation when recycled (see 45 FR at 78540).

[39] Incidentally, if a material being reclaimed consists of a mixture of listed sludges or by-products, and non-listed materials, or a mixture of spent material and unlisted sludge or by-product, the material is subject to regulation if the portion being reclaimed would be subject to regulation if reclaimed separately. For example, a mixture of a spent solvent and an unlisted product would be considered a spent material being reclaimed if it is being utilized for solvent reclamation

public health and safety. (See § 261.6(b)(2).) To meet this standard, the Regional Administrator must find that the materials (or their toxic constituents) are not being contained, or that incompatible materials are being accumulated or stored together. (See § 261.6(g)(1).) Relevant factors in making this determination are the type and quantity of material accumulating, the mode and length of accumulation, and the type of hazard posed by the site. For example, if during an inspection of an otherwise exempt reclamation operation, the Agency's compliance assistance officers find that materials are being stored in large quantities in leaking drums or that a site poses a danger of fire or explosion, these observations could become the basis for a finding that the facility should no longer be exempt from regulation.

The case-by-case regulatory provisions function as a safety valve, allowing the Agency to regulate individual unsafe reclamation operations, while maintaining an otherwise appropriate exemption. Indeed, the Agency routinely conditions general exemptions by providing for regulation of individual operations causing environmental harm.[40]

Proposed § 261.2(g)(3) sets out applicable procedures.[41] Upon deciding that material at a particular location is to be regulated, the Regional Administrator will issue a notice to the person storing the material stating why the material is considered to be improperly contained (for instance, because contaminated runoff from a pile of the material is seeping into surface water or ground water). If the person is accumulating the material as a generator (*i.e.*, the material is reclaimed or blended within 90 days and is being held in tanks or containers), the notice will require compliance with the provisions of § 262.34. The notice becomes final within 30 days, unless the person accumulating requests a hearing, in which case a public (non-evidentiary legislative) hearing will be held. A final order, appealable to the Administrator, will be issued after the hearing.

If the person is storing the material, the notice will require him to apply for a storage permit within 60 days of being notified.[42] Permit applicants normally have six months to submit a Part B permit application. (See 40 CFR 122.22(b)(2).) We are specifying a shorter time period because facilities subject to § 261.6(g) ordinarily will be causing actual harm or have the potential to cause harm. The person can challenge the determination that he is storing a hazardous waste, either in comments filed with his permit application or in the public hearing on either a draft permit or the decision to deny the application.[43]

The Agency believes this provision safeguards against unsafe operation and possible abuses by otherwise exempt facilities. The Agency solicits public comment on these points, as well as on the proposed procedures.

2. Proposed § 261.6(b)(1)(iii): Exemption of Regulated Recyclable Materials Used for Precious Metal Recovery. The Agency also is proposing to exclude from regulation those regulated recyclable materials from which precious metals are reclaimed. These materials also are excluded from regulation when stored and transported before reclamation.

By "precious metal reclamation," we mean to include any reclamation operation recovering gold, silver, iridium, palladium, platinum, rhodium, ruthenium (or any combination of these).[44] Examples are certain electroplating wastewater treatment sludges, solutions and sludges from electroplating and heat-treating operations, and certain silver-bearing scrap and silver-containing photographic films and solutions. Generally, the value of the metal in these materials is so great that they will not be mishandled. Indeed, many of these materials are never disposed of because of their value.[45]

However, the Agency is conditioning this exclusion to allow a case-by-case determination that particular problem facilities storing or accumulating wastes containing precious metals can be regulated before reclamation. The basis for this, and the applicable procedures, are the same as those in proposed § 261.6(g)(1) and (3).[46] To guard against the risk of overaccumulation, we are also subjecting these facilities to the turnover notification requirements of § 261.3(c)(3).

In addition, we are proposing to make a conforming amendment to the listing description of certain wastes listed in 40 CFR 261.31 (Hazardous Wastes F007–F012) to remove the existing exclusion for precious metal solutions and sludges. This exclusion will be redundant in light of the proposed exclusion in § 261.6(b) (and also would not allow case-by-case regulation as discussed above).

Finally, the wastes from precious metal reclamation are considered to be hazardous whenever the material being reclaimed is a hazardous waste (*i.e.*, a regulated recyclable material). (See 40 CFR 261.3(c)(2), the so-called residue rule.) The usual example is precious metal reclamation from spent cyanide solutions or sludges listed as wastes F007–F012. Precious metals also can be reclaimed from electroplating wastewater treatment sludges (Hazardous Waste F006).

This result is soundly based in fact, since all the hazardous constituents (usually cyanides and possibly toxic metals) in the material being reclaimed remain in the waste solutions and sludges after the precious metals are recovered. Thus, waste residues from precious metal reclamation of regulated recyclable materials are presumptively hazardous. If the material being reclaimed is a listed hazardous waste, the waste residues from reclamation remain hazardous unless the Agency has taken action to exclude them under 40 CFR 260.20 and 260.22 (and they do not exhibit a characteristic of hazardous waste). If the material being reclaimed is a waste that exhibits a hazardous characteristic, the waste residues remain hazardous unless they no longer exhibit that characteristic.

3. Proposed § 261.6(b)(1)(iv): Exemption of Regulated Recyclable Materials Being Reclaimed Under Batch Tolling Agreements. A batch tolling

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[40] See *e.g.*, 40 CFR 122.54(c): case-by-case permitting of concentrated animal feeding operations that otherwise have a general permit; 122.55(c): case-by-case permitting of concentrated aquatic animal production facilities that otherwise have a general permit; 122.57(c): case-by-case permitting of separate storm sewers that otherwise have a general permit; and 122.59(c)(2): case-by-case permitting of certain facilities otherwise covered by general permits. See also proposed § 122.26(d)(2) (45 FR 76082, November 17, 1980) where an individual permit is required for individual elementary neutralization units or wastewater treatment units otherwise subject to a permit-by-rule.

[41] These procedures are modelled, to some extent, on those in 40 CFR 124.52, a provision similarly dealing with case-by-case permitting of facilities otherwise subject only to general permit standards.

[42] If the facility in question were eligible for interim status, the effect of the notice would be to require submission of a Part B permit application.

[43] No compliance order can be issued against an excluded reclaimer or fuel bender until it has been finally determined that the exemption should not apply since no regulatory standards apply before the time.

[44] These are the metals considered precious in sub-categorizing the electroplating industry for purposes of effluent limitation guidelines (see 40 CFR 413.20). The Agency proposes to use the same definition here.

[45] See 45 *FR* 74884 and 74887 (November 12, 1980), indicating that solutions and sludges from precious metal electroplating are never discarded and so are not solid wastes under the May 19, 1980, definition.

[46] The Chemical Metals Industries facility, a Superfund interim priority site, engaged primarily in precious metal reclamation (under non batch tolling agreements) but still mishandled the materials it received. By conditioning the exclusion, the Agency has a means of bringing such a facility into compliance with regulatory standards.

agreement is a contractual arrangement between a generator and a reclaimer. While retaining ownership of the material, the generator sends it to another person for reclamation; the reclaimed portion is then returned to the generator/owner.

For such materials to be exempt, the proposed regulation specifies that: (1) they must be sent to the reclaimer within 180 days of generation, (2) the reclaimer must reclaim them and return the reclaimed material within 90 days of receiving them, and (3) the reclaimer may not commingle the materials being reclaimed under a batch tolling agreement with materials generated by any other person. The reclaimer also must be paid according to the amount of reclaimed material returned to the generator/owner and must be paid more as the amount of material returned increases.

Batch tolling agreements satisfy the Agency's concern that materials will be tracked properly and moved safely from the generator to the reclaimer, and that they will be stored safely before reclamation. In addition, discrepancies will be discovered, since failing to deliver a shipment to the reclaimer or delivering a nonconforming shipment is a breach of the agreement. For these reasons, a manifest requirement is unnecessary.

The batch tolling agreement also guarantees that the reclaimed material will have an end market, so that each batch of material sent to a reclaimer will be reclaimed and not allowed to overaccumulate. In this respect, such reclamation is very similar to a generator reclaiming its own material. The regulatory requirements that material be sent to a reclaimer within 180 days of generation and that the reclaimed material be returned to the generator within 90 days after the reclaimer receives the materials likewise safeguard against overaccumulation.

The conditions for payment provide a strong incentive for the reclaimer to store materials properly, since any material lost in storage costs the reclaimer money. The requirements that the generator retain ownership of the material and that the material not be commingled by the reclaimer further ensure safe storage, since the generator will be evincing a strong interest (indeed, creating a legal obligation) in receiving back the reclaimed portion of the material he sends to the reclaimer. (We also expect that a generator who retains ownership will scrutinize the handling practices of reclaimers because his ownership guarantees his continuing legal responsibility for the materials.)

For all of these reasons, therefore, we believe that regulated recyclable materials reclaimed under batch tolling agreements should be exempt from regulation. We also have provided that generators or facilities that mishandle materials being accumulated or stored under batch tolling agreements can be regulated on a case-by-case basis, according to the standards and procedures contained in proposed § 261.6(g) (1) and (3).

Batch tolling agreements, as defined in the proposed regulation, exist now. (Examples are in the public docket.) Thus, the proposed regulation will not disrupt on-going commercial practice. In addition, we do not expect this proposed exclusion to significantly alter the scope of regulatory coverage. Few, if any, reclamation facilities conduct all of their business under such arrangements.[47] Thus, we do not believe that many reclamation facilities will be exempt completely from regulation as a result of this proposed exclusion. We do expect, however, that it will promote these agreements, a desirable result in light of the environmental safeguards they incorporate.

Finally, the Agency is aware of certain arrangements where the reclaimer retains title to the waste being reclaimed, leases the reclaimed material to a user, and then receives back the spent material which it reclaims and releases. This is a batch tolling agreement where the reclaimer rather than the user retains title. The Agency interprets the exemption for batch tolling to cover these arrangements as well, since they provide the same assurances for tracking and handling as the more usual batch arrangement, due to the continued retention of title. (This type of batch tolling arrangement was complimented during the House of Representatives' rebate on H.R. 6307 for providing environmental safeguards. See 128 Cong. Rec. H. 6740 (daily ed. Sept. 8, 1982), remarks of Rep. Florio.)

4. Proposed § 261.6(b)(1)(v); Temporary Exemption of Regulated Recyclable Materials Being Burned as Fuels, Being Used to Produce Fuels, or That Are Contained in Fuels.

This provision has already been described in detail in Sections IV. D. and VI. D. of Part I of the preamble. In essence, it states the following:

(1) Recovering energy by burning spent materials, sludges, and listed by-products (and § 261.33 materials that are not themselves fuels) is exempt from regulation when these materials are burned in unregulated boilers or industrial furnaces. This exemption is temporary and will be amended following completion and assessment of the technical studies described earlier.

(2) Spent materials, sludges, and listed by-products (and § 261.33 materials that are not themselves fuels) are subject to regulation when used to produce fuels by persons who did not generate them and who are not themselves burning the fuels containing these materials. In these situations, the materials are subject to regulations under Parts 262–265. Non-exempt fuel-producing facilities thus are subject to regulations as storage facilities.

(3) Sludges and hazardous wastes listed in 40 CFR 261.31 or 261.32 would be subject to regulations when they are to be burned or used to produce fuels, as they are under the existing regulations. These wastes would be subject to regulation whether or not they are managed by facilities producing fuels from them for their own subsequent use, or by facilities that ultimately burn these wastes. We may re-propose and alter this part of the proposal.

(4) Storage and ancillary activities by facilities would be provisionally exempt if: (1) facilities produce fuels for their own subsequent use from non-sludge wastes that are hazardous solely because they exhibit a characteristic (*i.e.*, from non-listed spent materials), or (ii) facilities ultimately burn these wastes or waste-derived fuels containing these wastes. These facilities remain subject to the turnover-notification requirements of § 261.2(c)(3), however. In addition, they can be regulated on a case-by-case basis as storage facilities or as generators under the provisions and procedures of § 261.6(g).

The actual burning of these materials also is subject immediately to case-by-case regulation. The proposed regulation (§ 261.6(g)(2)) thus provides that persons burning these materials as fuels in unregulated boilers or industrial furnaces can be regulated on a case-by-case basis under the Part 264 Subpart O regulations applicable to incinerators. The grounds for regulating are that the materials are being burned in a manner insufficient to protect human health and the environment, based upon the toxicity and quantity of stack emissions Relevant factors in making this determination include the content and mass of the waste feed, operating conditions of the unit, and potential of stack emissions to pose a health hazard For example, if the Regional Administrator discovers that a boiler is

[47] A survey conducted by the National Association of Solvent Recyclers indicates that none of their members operate exclusively under batch tolling agreements.

burning large quantities of solvents at low temperatures and with short residence times, and that stack emissions indicate presence of toxicants (all of which circumstances have occurred in the damage incidents involving improper burning in boilers), the unit could be regulated under the Subpart O regulations.

5. Proposed § 261.6(b)(1)(vi): Temporary Exemption of Recycled Used Oil. The Used Oil Recycling Act of 1980 requires EPA to determine whether used oil is a hazardous waste and to report to Congress the basis for that determination.[48] This Act also requires EPA to promulgate regulations that protect human health and the environment from the hazards associated with recycled oil and to tailor the regulatory scheme so that recovering or recycling used oil is not discouraged.

The Agency intends to regulate certain recycled used oils as hazardous wastes. We also are developing the tailored management requirements contemplated by the statute. Until the specific regulations are completed, however, the Agency is deferring any regulation of *recycled* used oils that exhibit a characteristic of hazardous waste. (Used oil that is a hazardous waste and is disposed of, or treated or stored before disposal, remains subject to regulation as any other hazardous waste.) To regulate now would make little sense when the Agency is working on a specially tailored regulatory scheme and would well conflict with congressional intent by discouraging used oil recycling.

This exemption does not apply when a hazardous waste is mixed with used oil and the resultant mixture is recycled. The most usual case is placing the mixture on the land—*e.g.*, when a listed waste from aniline production is mixed with used oil, and the mixture is used as a dust suppressant. In this case, the Agency is regulating the hazardous waste that is mixed with the used oil, not the used oil component of the mixture. The recycling activity would be regulated as a use constituting disposal.[49]

6. Proposed § 261.6(b)(1)(vii): Exemption of Used Batteries Returned to a Battery Manufacturer for Regeneration. Used batteries sometimes are returned intact to battery manufacturers to be regenerated by replacing the drained electrolyte or replacing one or more bad cells.[50] This could be subject to Subtitle C regulation under the proposed solid waste definition, since it constitutes reclamation of a spent material by a person other than the generator (used batteries may be hazardous wastes because of acid and metal content). However, the Agency believes the practice presents minimal environmental risks and is very similar to recycling commercial chemical products, an activity not ordinarily regulated (see 45 FR at 78540, November 25, 1980). This practice is not subject to the turnover-notification provision for the same reason. Accordingly, we are proposing today to exempt from Subtitle C regulation used batteries returned to a battery manufacturer for regeneration.

C. Proposed §§ 261.6 (c) and (d): Specific Management Standards for Generators, Transporters, and Storers of Hazardous Wastes That Are Recycled.

These proposed provisions are the analogues to the present § 261.6(b) and provide the specific management requirements for recycled hazardous wastes. As an organizational change, the Agency has placed the generator and transporter requirements (proposed § 261.6(c)) and the storage requirements (proposed § 261.6(d)) into different paragraphs of this section.

As deacussed above, the Agency, for the most part, is retaining its current management standards for regulated recyclable materials. Thus, these materials (unless subject to a Part 266 standard) will continue to be regulated through the conclusion of their storage. Persons managing them will be subject (in some instances) to Section 3010 of RCRA and in all cases to the provisions of Parts 262–265, as well as Parts 122 and 124 for storage facilities requiring a permit.

Specifically, generators and transporters are subject to requirements of Parts 262 and 263. We are not requiring RCRA notification from these persons (see amended Section 3010(a)), since we believe the Part 262 and Part 263 requirements (such as obtaining an identification number) satisfy the objectives of the notification provision.[51] Generators accumulating regulated recyclable materials in tanks and containers for less than 90 days are subject to the provisions of § 262.34, provided they comply with the substantive conditions of that provision. (Persons accumulating regulated recyclable materials in piles or impoundments for any length of time are storage facilities. See proposed § 261.6(d).)

Facilities storing regulated recyclable materials are subject to the standards contained in Subparts A–E of Parts 264 and 265, and to the technical standards of Subparts F through L of the same parts (depending upon the manner of storage—in tanks, containers, piles, or impoundments). The permit requirements and procedures of Parts 122 and 124 also apply (see proposed) § 261.6(d)).

D. Proposed § 261.6(e): Management Standards for Hazardous Wastes Used in a Manner That Constitutes Disposal. The standards for regulated cyclable materials used in a manner that constitutes disposal appear in § 261.6(e). We believe that these materials should be regulated at all stages of management. This includes the recycling phase, since recycling that constitutes disposal is virtually tantamount to unsupervised land disposal.

We are proposing, for the time being, to regulate these activities under the land treatment or landfill regulations of Parts 264 and 265. (These are the two Subparts that are most analogous to uses constituting disposal.) The risk of irrevocable environmental contamination from unregulated placement of hazardous wastes on the land is obvious. In addition, we indicated in our land disposal regulations that waste constituents cannot be contained indefinitely, and so are likely to migrate to ground water at some time. Predictions as to when and what the rate will be are very difficult. (See 47 FR at 32293, July 26, 1982.) We indicated that in protecting ground water, any statistically significant increase at the compliance point in ground water background levels of the

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[48] See Pub. L. 96–482 (now codified substantially as Section 3012 of RCRA). Under EPA's current regulations, used oil is a hazardous waste only if it meets one or more of the hazardous waste characteristics. It is not subject to regulation when recycled because it is neither a listed waste nor a sludge.

[49] See Section VI.C. of Part I of this preamble, as well as proposed § 261.2(a)(2)(ii), indicating that materials can be used in a manner constituting disposal, and thus be subject to regulation, when they are mixed together without appreciable change and then placed on the land.

[50] Batteries also are recycled to recover contained lead values. This practice prevents environmental risks different from regenerating used batteries and is subject to a set of special management standards (see Section III. D. 3. of this part of the preamble).

[51] Amended Section 3010(a) allows the Agency to make notification optional when it amends a Part 261 regulation "identifying additional characteristics of hazardous waste or listing any additional substances as hazardous waste. . . ." In spite of this language, the Agency believes the clear intent of the provision is to give the Agency authority to make notification optional whenever it amends Part 261 to bring additional persons into the hazardous waste management system, not just when additional characteristics or listings are promulgated; we are so interpreting the statutory language.

Part 261 Appendix VIII constituents is sufficient to trigger compliance monitoring (40 CFR 264.91(a)(1)) and possibly corrective action. In light of the uncertainties of predicting waste migration, and the need for action if there is even a small increase in the concentration of hazardous constituents in ground water, there ordinarily will be some need for immediate regulation of this recycling activity.

At the same time, we recognize that uses constituting disposal involve unique situations different in practice (though possibly equivalent in risk) from waste management at ordinary land disposal facilities. Thus, uses constituting disposal can be regarded as a type of activity that does not fit precisely the decription of any of the specific units that are covered by specific Subparts of Part 264 or 265. In our land disposal regulations, we indicated that we were considering promulgating separate regulations to address these types of waste management units. These regulations would consist of general environmental performance standards similar to those contained in 40 CFR § 267.10. (See 47 FR 32281.) We believe that ultimately developing such general standards probably is suitable for regulating uses constituting disposal, because of the situation-specific nature of the activity. We accordingly solicit comments as to whether we should proceed along these lines.

In any case, the immediate impact of these provisions is likely to be minimal. Public comments and the Agency's own investigations indicate that most materials recycled in this manner are at present excluded from regulation by the 1980 statutory amendments. The principal examples are utility wastes and wastes from phosphate mining and processing.[52] We are studying these wastes and their management. It may be that special standards (other than those proposed today) will prove appropriate for these wastes, should any be subject to regulation as hazardous wastes.

The proposed rules also cover the regulated recyclable materials before they ultimately are recycled to the land. Thus, the materials must be carried to the use location by a Part 263 transporter. In addition, the manifest system must track these materials to the use location. (See proposed § 261.6(c).) The owner or operator of the facility using the materials must then comply with the provisions for using the manifest (40 CFR 264.71 or 265.71) and for dealing with manifest discrepancies (40 CFR 264.72 or 265.72).

Without these requirements, there would be nothing in the arrangement for use constituting disposal to ensure proper tracking of materials from the point of their generation to the point of their use. In fact, a user or generator might well not know if a shipment has been misdirected, particularly if the material involved is being shipped in large volumes via repeated movement (as in a land reclamation situation).

If a generator stores materials that will be used by a different person in a manner constituting disposal, the generator must still comply with applicable storage standards. The generator is not relieved of storage responsibilities because the end use is approved; nor are owners or operators of intermediate storage facilities exempt from regulatory control (*i.e.*, storage facilities whose owners or operators do not ultimately use the waste).[53] (See proposed § 261.6(d).)

E. Proposed §§ 261.6(f) and Subparts C and D of Part 266. Proposed § 261.6(f) serves as a cross-reference to the special management standards in Part 266. The Agency intends to use Part 266 for all regulatory standards that differ from those in Parts 264 or 265—in other words, for tailored management standards. Eventually, we hope to develop Part 266 standards for many types of recycling activities. At present, we are proposing two: for materials reclaimed under non-batch tolling agreements and for spent lead-acid batteries that are reclaimed.

1. Proposed §§ 261.6(f)(1) and 266.20: Regulated Recyclable Materials Reclaimed Under Nonbatch Tolling Agreements. We have developed special management standards for regulated recyclable materials reclaimed under nonbatch tolling agreements. A nonbatch tolling agreement is a contract between a generator and a reclaimer. Under this contract, the generator physically transfers waste material to a reclaimer, who then returns reclaimed material to the generator by a specified deadline. It differs from the batch tolling agreement (discussed in Section III. B. 4. of this part of the preamble) in that (1) the generator does not retain ownership of the material sent to the reclaimer and (2) the reclaimer is not paid in proportion to the amount of reclaimed material returned. Instead, the generator is simply guaranteed the return of a reclaimed material. (Contracts also may call for the waste and the reclaimed material to meet particular specifications.)

Nonbatch tolling agreements appear to satisfy all of the Agency's objectives in requiring a manifest system for generators, transporters, and facilities. As explained earlier, the agreement itself ensures proper tracking of materials from the generator to the reclaimer. We accordingly are eliminating any manifest requirements for generators, transporters, and facilities reclaiming wastes under these agreements. However, persons handling wastes under these agreements must be able to show that they actually are doing so by keeping copies of the apposite agreement. (See the discussion of proposed § 261.2(d) in the first part of today's preamble.)

We are also proposing to eliminate the general waste analysis requirements of 40 CFR sections 264.13 and 265.3 for facilities managing materials under these agreements. Under those provisions, an owner or operator who treats, stores, or disposes of any hazardous waste must obtain a chemical or physical analysis of a representative sample of the waste and must develop and follow a written analysis plan that describes the procedures to obtain the analysis. This requirement is to ensure that the facility has all the information necessary to properly treat, store, or dispose of the waste.

However, the nonbatch tolling agreement already serves the same purpose because the material sent to the reclaimer ordinarily must meet physical specifications to enable the reclaimer to return suitable reclaimed material to the generator. Thus, the materials will be analyzed by the reclamation facility or other appropriate party, whether or not regulations apply.

We do not believe, however, that existence of the nonbatch tolling agreement satisfies any of the technical standards for storing or properly handling the material. Indeed, materials stored under such agreements have been mishandled at a number of the recycling facilities involved in damage incidents. (See Appendix B.) Unlike batch tolling, nonbatch tolling agreements neither guarantee an end market for the materials, nor provide incentives for safe storage.

We thus are proposing to retain all of the technical requirements. However, the Agency solicits comments on whether further requirements could be reduced or eliminated. For each suggested elimination or reduction, we

[52] Used oil, which often is used directly on the land, will be regulated under a separate set of regulations. See Section III.B. of this part of the preamble.

[53] The Agency is aware of at least one damage incident caused by improper storage of wastes prior to a use constituting disposal. See *Damages and Treats Caused By Hazardous Materials Sites, supra*, p. 44.

request the commenter to explain how the nonbatch tolling agreement ensures that the policy underlying that affected requirement would be satisfied.

2. Proposed §§ 261.6(f)(2) and 266.30: Management Standards for Spent Lead-Acid Batteries Being Reclaimed. The final category of materials for which the Agency is proposing a tailored management standard is spent lead-acid batteries that are hazardous wastes [54] and are being reclaimed. Reclaiming these batteries involves recovering the lead they contain by first cracking or breaking the casings and then smelting the lead plates that were inside.

We are proposing to regulate these spent batteries only when they are stored by persons who reclaim them. Spent batteries thus would be subject to regulation when stored by battery crackers and secondary smelters (including smelters who subsequently refine the recovered lead). However, they would not be regulated when accumulated by generators, or when stored by persons who do not also reclaim them, or transport them. The basis for these distinctions is set out below.

a. *Regulation of Spent Batteries Stored by Reclaimers.* Spent batteries have been mishandled while being stored by all types of reclamation facilities—by integrated smelter-refiner operations as well as by independent battery crackers and smelters (see Appendix B). Thus, we have no justification for distinguishing among these facilities for regulatory purposes. In this respect, the provisions proposed for these facilities differs from those proposed today for other types of reclamation facilities. In the case of those other facilities, the Agency—based in part on the lower level of risk—is proposing not to regulate generators reclaiming their own wastes or facilities reclaiming for their own subsequent use.

However, many battery reclaimers do not store batteries before reclaiming them, as the Agency interprets its current regulations. These reclaimers transfer the batteries directly from the delivery truck to the battery-breaking equipment.

The batteries sometimes remain on the truck for several hours, sometimes for up to several weeks. We ordinarily do not consider this temporary holding to constitute storage. This holding time usually is short because it is expensive for transporters to keep their delivery trucks off the road. We expect to propose soon a clarifying regulation indicating that temporarily holding hazardous wastes on bona fide transport vehicles does not constitute storage. The proposed time limit for such holding probably will be 14 days. Under the present proposal, therefore, battery reclaimers (and similarly situated persons) need not obtain a storage permit, unless they take the batteries off of the truck and store them at a separate area before reclamation.

We acknowledge that some questions remain as to the efficacy of regulating storage of spent batteries before reclamation. Most of the environmental damage from battery reclamation has been caused by disposing of wastes from the reclamation process rather than by storing batteries before reclamation. Existing regulations already apply to disposing of process wastes.[55] We also recognize that risks from improper storage are reduced with the increased use of automated battery shredding equipment.

Nevertheless, the damage from improper storage by battery reclaimers indicates some need for regulation. We also can envision potential problems arising from storing spent batteries. For example, a facility could pile batteries in leaking containers in the open, spilling metal-contaminated acid. Reclamation facilities also can receive damaged batteries with the possibility of harm if storage is unsafe.

We consequently are proposing to regulate spent battery reclaimers who store these batteries. At the same time, we solicit comments on alternative regulatory approaches, such as a class permit for battery reclaimers directed narrowly to containing releases of hazardous waste occurring both during storage and during treatment (battery breaking). A second alternative is to limit the quantity of batteries that a reclamation facility can store at one time without having to obtain a storage permit.

We also would like commenters to address the following questions: (1) What are the maximum and average lengths of time that reclaimers store spent lead-acid batteries before reclamation? (2) How are these spent batteries stored? and (3) What risks of environmental damage are associated with the reclamation process itself?

b. *Exclusion of Spent Batteries from Regulation When Accumulated by Persons Other than Reclaimers or When Transported.* We are proposing to exclude spent batteries from regulation when they are accumulated by persons other than reclaimers or when they are transported. This exclusion is needed because an excessive (and unnecessary) regulatory burden is likely to result if Subtitle C standards are extended back to cover activities before storage by reclaimers.

Generator and transporter requirements do not appear necessary, since there are other incentives outside RCRA and other regulatory constraints that ensure that these materials both arrive at their intended destination and are not improperly managed during this phase of the management cycle. First, these spent batteries are a valuable commodity, and customarily are reclaimed;[56] therefore, the Agency can be assured that these materials ordinarily will arrive at their intended designation. Second, acid spillage during transport is unlikely because the Department of Transportation currently regulates these batteries during their transportation under 49 CFR Part 122. Under these regulations, batteries must be properly packaged, labelled, etc., to prevent hazards during transport. (Such spillage also would constitute illegal hazardous waste disposal.) Finally, as indicated by both the independent battery crackers and the integrated smelter-refiners, reclamation operators pay for each battery on a weight basis. Therefore, to increase their profit, generators and transporters are encouraged to deliver batteries full of acid.

We also think it unnecessary to regulate storage of these batteries by

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[54] We believe that most spent lead-acid batteries will exhibit the characteristics of corrosivity and EP toxicity and so will be hazardous wastes. With regard to corrosivity, these batteries contain concentrated sulfuric acid, which is corrosive (40 CFR 261.22). (Although the characteristic of corrosivity applies only to aqueous and liquid solutions, the Agency does not consider batteries to be solids for purposes of evaluating their corrosivity. In determining the hazardousness of the waste, a representative sample of the material must be taken. In the case of spent batteries, this means all parts of the battery, including the liquid acid, must be part of the sample. When this is done, most lead-acid batteries meet the definition of a corrosive liquid.)

These batteries also may exhibit the characteristic of EP toxicity. Spent batteries contain lead plates and leaded compounds that are engulfed in highly acidic solutions. Since lead is quite soluble under these conditions, we expect that the contained solution would be lead-contaminated and probably would exhibit the EP toxicity characteristic.

[55] These wastes are spent acid solutions and spent battery casings. Ordinarily, both are hazardous wastes when disposed or when treated before disposal (the spent acid solutions usually are hazardous because of their corrosivity and toxicity, and the spent casings may exhibit the EP toxicity characteristic). The regulation of these wastes is not affected by the regulations proposed today.

[56] In fact, these spent batteries are the primary source of lead for secondary lead smelters. Of the approximately 50 million batteries produced each year, over 90 percent are recycled and used again to make lead-acid batteries or other lead-based products.

retailers, wholesalers, or local service stations that receive spent batteries from consumers. These types of establishments rely heavily on maintaining good public relations with the consumer, and thus have an added incentive to manage their wastes properly. We also are reluctant to impose Subtitle C regulations on establishments of this type (particularly when a recycling activity is involved), unless there is a compelling environmental need. No such need is apparent in the case of stored spent lead-acid batteries.

We also are proposing not to regulate the storage of spent lead-acid batteries at immediate collection centers. Many of these centers are small establishments—*e.g.*, scrap yards or salvage dealers—that receive many different types of scrap metal (including spent batteries), segregate it, classify it into the various grades, and send it off to be smelted and refined. We estimate that there may be thousands of these establishments. We believe that these facilities are unlikely to present a significant hazard to human health and the environment because they ordinarily do not store large quantities of these batteries for long periods. Therefore, we are proposing not to regulate spent batteries when accumulated at these intermediate collection centers. However, we believe that we need to investigate these facilities further. If after this analysis we conclude that regulatory control of these facilities is necessary, we will propose appropriate regulations.

In summary, the Agency is today proposing to regulate spent lead-acid batteries only when stored before reclamation at battery cracking, battery cracking-smelting operations, or battery cracking-smelting-refining operations.[57] Spent batteries stored by these persons thus would be subject to the requirements contained in Parts 264 and 265. These include: (1) the administrative requirements of Subparts A through E, minus those regulations pertaining to the manifest requirements and waste analysis (since the batteries' composition is known) and (2) the technical standards of Subparts F through L (depending on the manner of storage). The permit requirements of Parts 122 and 124 also apply.

[57] For our purpose, the reclamation process includes both cracking and smelting, both being necessary to recover lead. (Lead plates obtained by cracking batteries are unlikely to exhibit a characteristic of hazardous waste, and so could be sent from a battery cracker to a secondary lead smelter without being subject to RCRA regulation.)

IV. Standards Applicable to the Various Activities Constituting Waste Management Under the Proposed Definition of Solid Waste

This section of the preamble reviews which regulatory standards apply to the activities defined in § 261.2 as waste management.

Persons engaging in uses constituting disposal [58] are regulated under proposed §§ 261.6(c) (generators and transporters), 261.6(d) (storage facilities), and 261.6(e) (uses constituting disposal). Persons handling wastes being reclaimed by someone other than the generator or by someone who subsequently uses the reclaimed material are regulated under proposed §§ 261.6(c) and 261.6(d).[59] In the case of hazardous wastes that are listed in 40 CFR 261.31 and 261.32 or are hazardous sludges, persons managing these wastes prior to burning or blending are also regulated under proposed §§ 261.6(c) and 261.6(d). Any wastes listed under proposed § 261.2(a)(3) also would be regulated under these provisions.

Persons accumulating materials speculatively likewise are subject to the standards in proposed §§ 261.6 (c) and (d). These materials are deemed immediately to be solid wastes. Generators who accumulate these materials for less than 90 days in tanks and containers are subject to the provisions of 40 CFR 262.34. Storage for longer periods (or for any length of time in piles or impoundments) must satisfy the applicable storage standards.[60]

The standards applicable to materials that are accumulated without sufficient amounts being recycled require further explanation. Under the proposed definition, it is not determined whether these materials are regulated recyclable materials until a year has passed. The person accumulating these wastes also may petition the Regional Administrator for a determination that the materials he is accumulating are not solid wastes.

In the Agency's view, persons accumulating these materials are storage facilities when a year elapses without sufficient turnover of the material. Thus, they are subject to the standards contained in proposed § 261.6(d). These persons should not be considered generators, or have the benefit of the generator accumulation provision (§ 262.34), because they already have held the material for well over 90 days.

We do, however, interpret these provisions as allowing a six-month period for a facility either (1) to come into compliance with the applicable requirements (*i.e.*, the storage standards in proposed § 261.6(d), and the requirement to submit permit applications—both Part A and B applications for facilities ineligible for interim status), or (2) to ship all the materials to another Subtitle C facility. This is analogous to Section 3010(b) of RCRA, which provides that Subtitle C regulations become effective six months after promulgation—to allow regulated entities lead time to come into compliance.

The Agency believes a similar principle applies when a material becomes a solid waste after held for a year without sufficient turnover. In this situation, the applicability of regulatory requirements is not certain until the year has passed, just as the applicability of regulatory requirements is uncertain until a regulation is promulgated. Because of this uncertainty, the person accumulating the material may not have had, and cannot reasonably be expected to have had, sufficient opportunity to come into compliance with the regulatory requirement.[61]

V. Possible Inclusion of a Variance Provision

The Agency considered including a variance provision in these regulations to cover processes that do not appear to be waste-based but that nevertheless fall under the revised definition of waste management. However, we decided that such situations, if they exist, can be dealt with by using the rulemaking provisions and procedures of § 260.20 of the regulations. In fact, informal rulemaking, which would accord relief on a classwide basis is the most appropriate mechanism. If a petitioner can show that its process should not be considered waste management, all similar processes should be accorded the same regulatory status at that time.

[58] The descriptions of the recycling activities that constitute waste management are shortened characterizations. The actual regulatory standards in the proposed definition of solid waste are described in detail in Part I of this preamble.

[59] Regulated recyclable materials reclaimed under a nonbatch tolling agreement are subject to regulation under Part 266.

[60] It should be remembered, however, that these materials do not necessarily remain solid wastes once they are removed from accumulation to be recycled. See proposed § 261.2(c)(2).

[61] These facilities also would have to file a notification within 90 days after the accumulated material becomes a regulated recyclable material. As an incidental matter, the six-month period described above is a good time to apply to the Regional Administrator, under proposed § 261.2(c)(3)(ii), for a determination that the accumulated material is not a solid waste. The time it takes for the Regional Administrator to make this determination is another reason to allow a six-month lead time to come into compliance.

We do not think that a variance provision to exempt individual facilities (or generators or transporters) from particular regulatory requirements is appropriate. We believe that petitioners for this type of variance would argue that their facility performs a certain activity properly and so should not be regulated. This type of claim is properly made in the permitting process, where the existing Part 264 (or Part 266) standards provide flexibility to accommodate individual situations. If the form of relief requested is justifiable on a classwide basis, a rulemaking petition can be filed.

Consequently, we are not including a variance provision in the proposed regulation. We solicit comments on this approach, however.

VI. Eligibility of Owners or Operators of Recycling Facilities for Interim Status

It obviously is of great practical significance whether owners or operators of recycling facilities newly brought into the hazardous waste management system are eligible for interim status. The requirements for interim status are no different for recycling facilities than for any other hazardous waste management facility. They require: (1) that the owner or operator of a facility notify he is engaging in a hazardous waste management activity (if the Agency requires notification), (2) that he submit a Part A permit application in a timely manner, and (3) that the facility had been in existence on November 19, 1980. See § 122.23(a) and 45 FR 76630 (November 19, 1980), interpreting these requirements.

In general, the owner or operator of any facility [62] that presently has interim status will continue to have such status if his recycling operations are now brought into the hazardous waste management system for the first time. If the owner or operator of a facility does not have interim status, he may qualify if he notifies the Agency, if he submits a Part A permit application, and if on November 19, 1980, his facility was treating, storing, or disposing of a material later identified or listed as a hazardous waste.

The following examples illustrate how these principles apply:

1. The ABC Company generates and stores a listed waste and did so before November 19, 1980. It also complies with the other statutory prerequisites and so has interim status. After November 19, 1980, the company begins to reclaim a different person's EP toxic spent material, an activity considered to be hazardous waste management under the amended definition of solid waste. Does the company still have interim status and can the recycling activity be conducted permissibly?

The company continues to have interim status, and the recycling activity constitutes a change during interim status—specifically adding waste, increasing design capacity, and possibly adding a new process (if storage incident to reclamation uses a different type of vessel or mode of storage than that used for the listed wastes). The regulations on changes during interim status (§122.23(c)) determine whether this change is permissible and, if so, what regulatory obligations apply (such as filing an amended Part A application).

2. The EFG Company does not have interim status. After November 19, 1980, it begins to reclaim a different person's spent corrosive materials. It was not handling this waste before November 19, 1980. The facility owner or operator notifies the Agency and submits a timely Part A permit application. Does the company have interim status?

The company does not have not have interim status. Although it has complied with the notification and application requirements, it was not "in existence on November 19, 1980," because on that date it was not treating, storing, or disposing of waste it now is recycling. (See 45 FR at 76633–634, which interprets the requirement that a facility be in existence on November 19, 1980.) Consequently, until the company obtains a storage permit, it must stop storing the waste before recycling.

3. The DEF Company does not have interim status. On November 19, 1980, the company was reclaiming an EP toxic spent material generated by a different person and storing that material before reclamation. It is now deemed to be engaged in hazardous waste management as a result of the amended definition of solid waste. The owner or operator of DEF notifies the Agency and promptly submits a Part A permit application. Does the company have interim status?

This company's facility meets all of the prerequisites for interim status. A facility is "in existence on November 19, 1980" if it was treating, storing, or disposing of a material on that date, and action by the Agency subsequently brings that material (or management activity) into the hazardous waste management system. This is the case in the example above. The company also has satisfied the other interim status requirements.

4. The XYZ Company does not have interim status. It was generating a hazardous distillation bottom on November 19, 1980, and then it obtained an EP toxic sludge for recycling. The sludge has accumulated for over one year without sufficient amounts being recycled, and so is a solid and hazardous waste under amended § 261.2(a)(2)(v). The company promptly notifies and files a Part A application in a timely fashion. Does it have interim status?

The company does not have interim status. Although the company has notified and filed a permit application, it was not in existence on November 19, 1980, because it was not then treating, storing, or disposing of a hazardous waste—but only generating a hazardous waste. (This result is the same if XYZ generated a hazardous waste on November 19, 1980 and subsequently began to store and recycle that same waste.) XYZ still was not treating, storing, or disposing of a hazardous waste on the critical date, and so its facility was not in existence on November 19, 1980.

Part III: Miscellaneous

I. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and thus requires a Regulatory Impact Analysis. This proposed rule is not a major rule because it will not (1) have an effect on the economy of $100 million or more, (2) significantly increase costs or prices for industry, or (3) diminish the ability of U.S.-based enterprises in domestic or export markets.

This assessment is based on two EPA studies of the economic effects on the regulated community of the proposed changes to the definition of solid waste and accompanying management standards. The first of these studies is entitled "Impact on the Regulated Community of Possible Changes in the Definition of Solid Waste: Use, Reuse, Recycling, Reclamation." This study analyzed the net reductions and increases in regulation of establishments that recycle hazardous wastes if the current regulations defining solid waste and establishing management standards for recycled hazardous wastes were replaced by those proposed today.

This study identified 39 industrial categories which are involved in the 15 recycling activities that will be affected significantly. We based our numerical

[62] See 45 FR at 76633–634; only owners or operators of "facilities" can obtain interim status, and so only entities engaged in treatment, storage, or disposal may qualify. See also § 260.10(a) defining "facility" as an entity that treats, stores, or disposes of hazadous waste.

estimates on 27 of these industrial categories. (The number of establishments within the other 12 industrial categories could not be quantified within the scope of the study. Available information indicates strongly, however, that—under the proposed standards—there will be a net reduction in the regulation of the establishments within these categories.

According to the study, under the proposed regulations:

- Approximately 4,500 to 5,300 establishments would have their requirements under the hazardous waste management regulations reduced;
- At least 76 establishments that use or reuse materials otherwise considered hazardous wastes would be excluded from regulation;
- Approximately 230 to 350 establishments would have their requirements under the hazardous waste management regulations increased;
- Approximately 60 establishments that recycle hazardous materials would be newly subject to regulation.

These findings show a significant reduction in regulatory impact as a result of the proposed regulations. The most significant change would be the reduced regulatory impact on persons reclaiming materials that they generate (particularly spent solvents). These persons would not be subject to regulation under the proposed definition if they reclaim 75 percent of the material on hand at the beginning of a 1 year period. At present, they are subject to regulation immediately if they are reclaiming listed hazardous wastes or hazardous sludges. The regulatory impact on persons using or reusing listed hazardous wastes and hazardous sludges also would be significantly reduced. These regulated activities would not be regulated at all under the proposed regulation.

The proposed regulation increases the regulatory impact of facilities that reclaim hazardous wastes generated by others, or that process such wastes to make fuels. However, because this class or recycling operations has caused most of the damage incidents involving recycled hazardous wastes, we view this effect as appropriate.

The second study is entitled "Cost Impact Analysis for Proposed Changes in the Definition of Solid Waste and Management Standards for Wastes Which are Used, Reused, Recycled, and Reclaimed." It analyzed what the proposed change will actually cost the regulated community. The study applies the appropriate unit cost estimates to the estimates developed in the first study to arrive at a net cost. (These costs were adjusted to reflect only the volume-dependent variable costs and not the incremental fixed costs already incurred by the affected establishments.)

The results of the study demonstrate that the proposed regulation will reduce compliance costs by an estimated $24.4 million (costs shown are the annualized after-tax cost savings). This figure represents the sum of increases and decreases in annualized costs for all affected establishments, including:

- An estimated decrease in costs of $24.7 million for establishments with reduced regulatory requirements, or for establishments that are released from the hazardous waste management regulations entirely; and
- An estimated increase in costs of $0.34 million for newly-regulated establishments or for those facing increased regulatory requirements.

Our analysis further suggests that for industries facing increased regulatory requirements under the proposed regulations, there would be no significant cost increases or other adverse effects on competition, employment, or investment.[63]

Finally, it should be noted that many of the assumptions made in both reports were conservative. Thus, we believe that our estimates *understate* the reduced regulatory impact from the proposed changes. Moreover, a number of provisions presented unquantifiable effects for which we made no estimates at all, even thouth we know that costs will be reduced. Therefore, because this proposed amendment is not a major regulation, no Regulatory Impact Analysis is being conducted.

This proposed amendment was submitted to the Office of Management and Budget (OMB) for review, as required by Executive Order 12291.

II. Regulatory Flexibility act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the rule's impact on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). This analysis is unnecessary, however, if the Agency's Administrator certifies that the rule will not have a significant economic impact on a substantial number of small entities.

EPA and its contractor performed an analysis to determine whether the proposed changes in the definition of solid wast and the accompanying management standards will impose significant costs on small entities. The resulting report ("Cost Impact on Small Entities of Proposed Changes in the Definition of Solid Waste and Management Standards for Wastes Which Are Used, Reused, Recycled, and Reclaimed") indicates that in none of the industry categories would this rule have a "significant economic impact on small entities" (as this is defined under the criteria for a Regulatory Flexibility Analysis). Accordingly, I hereby certify that this proposed rule will not have a significant economic impact on a substantial number of small entities and therefore does not require a regulatory flexibility analysis.

III. Paperwork Reduction Act

The reporting or record-keeping (information) provisions in this rule will be submitted for approval to the Office of Management and Budget (OMB) under Section 3504(b) of the Paperwork Reduction Act of 1980, U.S.C. 3501 et seq. Any final rule will explain how its reporting or record-keeping provisions respond to any OMB comments.

IV. List of Subjects in

40 CFR Part 260

Administrative practice and procedure, Hazardous materials, Waste treatment and disposal.

40 CFR 261

Hazardous materials, Waste treatment and disposal, Recycling.

40 CFR Part 264

Hazardous materials, Packaging and containers, Reporting requirements, Security measures, Surety bonds, Waste treatment and disposal.

40 CFR Part 265

Harzardous materials, Packaging and containers, Reporting requirements, Security measures, Surety bonds, Waster treatment and disposal, Water supply.

40 CFR Part 266

Hazardous materials.

[63] We could not compare the estimated increases in cost for independent battery crackers with profits, value added, or other measures of financial strenght because the available economic information is not sufficiently disaggregated. However, for a number of reasons, we do not expect that the proposed changes in the definition will cause significant adverse impacts (see cost impact analysis for details).

Dated: March 21, 1983.

John W. Hernandez, Jr.,

Acting Administator.

Appendix A

This Appendix sets forth the Agency's legal basis for asserting jurisdiction under Subtitle C and the implementing regulations over materials being recycled. Although the statutory definition of solid waste (Section 1004(27)) does not expressly address the question of whether a material being recycled or destined for recycling can be a solid waste, we believe that Congress did indeed intend that recycled materials can be solid wastes, and, if they are hazardous, that they can be regulated under the hazardous waste management regulations.

I. Recycled Materials Can Be "Solid Wastes" Under RCRA

Many commenters to the Agency's May 19, 1980 regulations argued that recycled materials cannot be wastes under RCRA, basing their claim largely on the phrase "other discarded material" in the statutory definition (a term nowhere defined in RCRA). They claim that this language means that a material must first be discarded, in the sense of thrown away or abandoned, before it can be a RCRA solid waste.

The Agency disagrees with this reading. It is quite clear from the text of other statutory provisions that recycled materials can be wastes.[64] Perhaps the most pertinent provision is the definition of "hazardous waste management." This term (which is the title of Subtitle C) is defined as "the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste." (Section 1004(7).) The recycling activities of recovery, source separation (the selection of recyclable from non-recyclable items), and collection thus can involve hazardous waste.

Equally clear, a whole series of statutory definitions dealing with resource recovery indicate that this activity involves reclaiming material or energy from solid waste, demonstrating again that a material being recycled can be a waste. "Resource recovery" itself means "the recovery of material or energy *from solid waste.*" (Section 1004(22) (emphasis added).) A "resource recovery facility" is "any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing *solid waste* for reuse." (Section 1004(24) (emphasis added).) A "resource recovery system" is a "solid waste management system which provides for collection, separation, recycling, and recovery *of solid wastes*, including disposal of non-recoverable waste residues." (Section 1004(23) (emphasis added).) A "recovered resource" is "material or energy recovered *from solid waste.*" (Section 1004(2) (emphasis added).) Section 6002(c)(2) speaks of "systems that have the technical capability of using energy or fuels *derived from solid waste* * * *." See also Sections 1004(18), (28), and (29) all of which likewise presuppose a solid waste from which resources can be recovered.[65] There also are repeated references to resource recovery throughout the statute; these references would be meaningless if solid wastes were never reclaimed or otherwise recycled. See, *e.g.*, Section 1002(c) (2) and (3), 1003 (1) and (5)–(8), 2003, 4002(c)(10), 4003 (5) and (6), 4008 (a)(2)(A) and (d), 5001, 5002, and 6002 (c)–(g).[66]

The commenters' argument that a material must first be discarded or thrown away before it can be a RCRA waste also has been rejected by the United States Court of Appeals for the D.C. Circuit in *United States Brewers' Association, Inc.* v. *EPA*, 600 F. 2d 974 (D.C. Cir. 1979), a lawsuit challenging a beverage container recycling guideline issued by EPA under Section 1008(a)(1) of RCRA. The petitioners in that proceeding contended that beverage containers were not "solid wastes" until "discarded" and therefore that EPA had no authority under Section 1008(a)(1) to require that beverages be sold in returnable containers, or that a minimum deposit be charged on containers (to encourage their return for recycling). The Court of Appeals rejected this contention, saying that it

> flies squarely in the face of the explicit definition in the statute. Section 1008(a) directs EPA to publish suggested guidelines for solid waste management, which as defined in Section 1004(30) expressly included 'planning or management respecting resource recovery and resource conservation, * * * and 'utilization of recovered resources'. (600 F. 2d at 982–83.)

In addition, 17 courts to date have exercised jurisdiction in imminent hazard actions under Section 7003 brought against recycling facilities (reclaimers reclaiming wastes generated by a different person).[67] Since the

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[64] The Agency's interpretation that "wastes" are recycled also accords with common understanding and usage. In fact, a number of industry advertisements on waste management refer repeatedly to recycling of their "wastes". These advertisements are in the EPA docket which is listed in the address section of the preamble.

[65] A number of commenters have argued that the statutory definition of "recovered material" (Section 1004(19)) suggests by negative implication that materials "generated from, and commonly reused within, an original manufacturing process" are not solid wastes. The Agency disagrees. The plain language of the provision does not support the negative implication read into it by these commenters. Equally important, the legislative history indicates unequivocally that this provision was intended to apply to Federal procurement guidelines issued pursuant to Section 6002. See S. Rep. No. 96–172, 96th Congress, 1st Session at 2. It is clear, therefore, that the provision does not have the broader meaning attributed to it by these commenters.

[66] A number of commenters also found support in the House Report to RCRA for their argument that only discarded materials can be wastes. They pointed to the following language in the Report:

"Much industrial and agricultural waste is reclaimed or put to new use and is therefore not a part of the discarded materials disposal problem the committee addresses." H.R. Rep. No. 94–1491, 94th Cong., 2d Sess. at 2.

This language is taken out of context. In fact, it applies only to non-hazardous solid waste. Throughout the report, it is clear when the committee refers to non-hazardous waste and hazardous waste. Indeed, these two types of waste often are referred to separately. *See, e.g.*, H.R. Rep. at 1, 4, 5, 8, 12: "discarded materials and hazardous wastes." Congress intended a regulatory solution for hazardous wastes. *Id.* at 3, 4, 6–7. Statements made about non-hazardous wastes thus have little or no bearing on Congress' intent regarding hazardous waste.

Furthermore, the House Report indicates that 'discarded materials" can indeed be utilized for recycling (and hence can be solid wastes). See H.R Rep. at 7, 10: "the state plan must provide that no state or local government shall prohibit such local community from entering into long-term contracts to supply discarded materials of the community to resource recovery facilities"; "(r)esource recovery facilities cannot be built unless they are guaranteed a supply of discarded material"; see also H.R. Rep at 13: "locating new markets for resources recovered from waste", and 43 "(t)he Committee has received much information on the importance of expanded and stable markets for the materials recovered from waste."

[67] These cases are *U.S.* v. *Midwest Solvent Recovery, Inc.*, 484 F. Supp. 138 (N.D. Ind., 1980); *U.S* v. *Solvent Recovery Services of New England, Inc.*, 496 F. Supp. 1127 (D. Conn., 1980); *U.S.* v. *West* Cir. No. C 801342 M (D. Wash., 1981) (the complaint in this action was later amended to include only counts for violation of the Subtitle C regulations; a preliminary injunction was entered against the facility ordering compliance with certain of these regulations); *U.S.* v. *Acme Refining Co.*, No. 80C 3213 (N.D. Ill. filed 6/20/80); *U.S.* v. *Chem-Dyne Corp.*, No. C–1–79–703 (S.D. Ohio, filed 12/19/78); *U.S.* v. *Chemical Recovery Systems, Inc.*, No. C–80–1858 (N.D. Ohio, filed 10/7/80); *U.S.* v. *Bridgeport Rental and Oil Service, Inc., et al.*, No. 80–3267 (D.N.J., filed 10/2/80); *U.S.* v. *Ken Industries, Inc., et al.*, No. H80–420 (N.D. Ind., filed 8/1/80); *U.S.* v. *Fisher-Calo Chemicals and Solvent Corp., et al.*, No. S80–204 (N.D. Ind., filed 7/3/80); *U.S.* v. *A&F Materials Co., Inc., et al.*, No. 80–4395 (S.D. Ill., filed 9/3/80). *U.S.* v. *South Carolina Recycling and Disposal, Inc.*, No. 80–1274–6 (D.S. Car., filed 7/7/80); *U.S.* v. *Automated Industrial Disposal and Salvage Co., Inc.*, No. 2–80–139 (E.D. Tenn., filed 8/1/80); *U.S.* v. *Gulf Coast Lead Co.*, No. 80–1127 (M.D. Fla., filed 10/9/80); *U.S.* v. *Chemicals and Minerals Reclamation, Inc.*, No. C–79–1358 (N.D. Ohio, filed 1/10/79); *U.S.* v. *Spectron, Inc.*, No. HM80–15–52 (D Md., filed 6/17/80); *U.S.* v. *Laskin Greenhouse and Waste Oil Co.*, No. C–79 75 9v (N.D. Ohio, filed 4/24/79), *U.S.* v. *Seymour Recycling Corp., et al.*, No IP–80–457–C (S.D. Ind., filed 5/9/80)

government's authority to bring an imminent hazard action depends upon the presence of "solid waste" or "hazardous waste" (see Section 7003(a)), these cases all stand for the proposition that materials destined for recycling can indeed be solid and hazardous wastes. See *U.S.* v. *Midwest Solvent Recovery, Inc.*, 484 F. Supp. 138 (N.D. Ind., 1980) (spent solvents held by a reclamation facility are "chemical wastes" which are " 'solid wastes' or 'hazardous wastes' as those terms are defined in Section 1004 of (RCRA), [and] that the chemical wastes so present are the objects of 'storage' and 'disposal' activity * * *." 484 F. Supp. at 142); *U.S.* v. *Solvent Recovery Services of New England*, 496 F. Supp. 1127 (D. Conn. 1980) (solvent reclaimer "accepted waste products (including chlorinated organic solvents) from industries in New England, processed those materials in order to recover usable chemicals, and returned the recovered chemicals to industry for reuse." 496 F. Supp. at 1130).

Finally, the House Committee on Energy and Commerce likewise reaffirmed, in recent action, that RCRA presently provides authority over hazardous wastes being used, reused, recycled, or reclaimed, and directed the Agency to exercise this authority more fully. (H.R. Rep. No. 97–570, 97th Cong. 2d Sess., at 16.) Although not part of the contemporaneous legislative weight, this report still carries "considerable weight as a kind of 'expert opinion' concerning the meaning and proper interpretation of the statute." *U.S.* v. *Solvents Recovery Services of New England*, 496 F. Supp. 1127, 1240 n. 18 (D. Conn. 1980). The full House of Representatives later adopted, by a wide margin, the provision reported by the Committee.

In sum, in view of the statutory language, the holding in the *Brewers'* case, and the results of the various Section 7003 actions, the Agency believes that solid wastes can be reclaimed, reused, or otherwise recycled, and that such recycling activities as material processing, source separation, and reclamation (termed "recovery" in the statutory definitions) involve solid wastes.[68]

[68] One commenter argued that even though the various statutory definitions dealing with resource recovery are phrased in terms of recovery from solid waste, and that hazardous wastes are a subset of solid waste, these definitions apply only when a non-hazardous solid waste is involved. Although non-hazardous materials can be wastes when recovered, the argument goes, hazardous materials cannot; they must be discarded first.

The Agency disagrees. The argument is at odds with the plain meaning of the statute, hazardous waste being a type of solid waste. Furthermore, we believe it highly unlikely that Congress intended the term "waste" to have a different meaning in different statutory provisions. Not only is the identical term used throughout the statute, but Congress' intent in promulgating Subtitle C was to implement a comprehensive scheme for controlling hazardous waste management and so to "eliminat(e) the last remaining loophole in environmental law", H.R. Rep. No. 94–1491 at 4. In light of this intention, it seems highly unlikely that Congress would intend to adopt a different and narrower meaning of "waste" in Subtitle C than in other statutory provisions.

In any case, the statutory definitions themselves indicate that hazardous wastes as well as non-hazardous wastes can be recycled. "Hazardous waste management" includes recycling activities such as collection, source separation, and recovery. "Solid waste management" (which term includes "management respecting resource recovery" (Section 1004(30)) occurs at "solid waste management facilities"; these facilities include those which manage hazardous wastes. See Section 1004(29)(C). Thus, solid waste management facilities engaging in management respecting resource recovery can indeed be managing hazardous wastes.

II. EPA Has Regulatory Authority Under Subtitle C To Regulate Hazardous Wastes That Are Recycled and to Regulate Hazardous Recycling Operations

1. A number of commenters made the further argument that even if recycled materials could be solid and hazardous wastes under RCRA, Congress did not intend that the Agency's Subtitle C regulatory authority apply to hazardous wastes that are recycled or to hazardous waste recycling activities. The argument is that the Agency's regulatory authority is limited to treatment, storage, and disposal of hazardous waste (and any incidental generation and transport incident thereto), and that waste recycling (of any kind) does not constitute treatment, storage, or disposal.

The Agency does not accept this argument, for a number of reasons. As shown above, Congress defined the term solid waste (and therefore hazardous waste) to include recycled materials. It is at odds with the whole thrust of Subtitle C to argue, as these commenters do, that Congress did not then intend for these wastes to be regulated. Congress' "overriding concern" (H.R. Rep. No. 94–1491, 94th Cong., 2d Sess. at 3) ("H.R. Rep.") in enacting RCRA was to establish the statutory framework for a comprehensive system that would ensure the proper management of hazardous waste. Implementing this framework, Subtitle C establishes a cradle to grave management system, with regulatory control attaching to hazardous waste from the point of generation to the point of final disposition. A broad grant of regulatory authority over all enumerated aspects of waste management is necessary, and we believe intended, to effectuate this scheme.

Failure to regulate hazardous waste recycling would moreover leave open the very loophole Congress sought to close—unregulated disposition of hazardous waste—vitiating substantially the whole cradle to grave system. For example, hazardous wastes could be recycled by being placed directly on the land for land reclamation without regulatory control, contaminating soil and groundwater. Hazardous wastes could be stored insecurely for years before being reclaimed, with resulting environmental contamination. Wastes destined for recycling could be mishandled during transportation, or never arrive at their intended destination because of the lack of a manifest to track the waste. Indeed, all of these situations have occurred repeatedly, causing extensive damage. The Agency believes these are the very situations Congress meant to control in establishing the hazardous waste management system, and that the grant of regulatory authority in Subtitle C reaches these situations.

Congress' intent to regulate hazardous wastes which are recycled is borne out further by several of the damage incidents cited by Congress as justification for establishing a national hazardous waste management system. A number of incidents resulted from waste recycling activities, including an incident where wastes were stockpiled in the open prior to reclamation and leached toxic metals into public water supply wells (H.R. Rep. at 18); a similar incident where wastes destined for reclamation were improperly stored in lagoons and toxic metals seeped into an adjacent creek (*id.* at 17); and a final incident when a child was poisoned by contact with a pesticide drum being reused as a trash container (*id.* at 22). The Agency does not believe Congress would have referred to these incidents without intending that the described activity be regulated.

Congress also has continued to express a desire that recycled hazardous wastes be regulated. The Subcommittee on Interstate and Foreign Commerce issued a report of its oversight hearings on the Agency's proposed hazardous waste regulations (Committee Print 96–1FC 31, 96th Cong., 1st Sess. (September 1979) (the "Eckhardt Report")). The report describes three damage incidents involving recycled hazardous wastes, and expressed the Subcommittee's view that these activities should be controlled and that the Agency possessed jurisdiction to exercise control. (Eckhardt Report at 4, 12–13, 17, 24, 41–

42, 53–54; see also discussion in Section VI. C. of Part I of the preamble.) [69]

The recent report of the House Committee on Energy and Commerce, as well as the substantive legislation it accompanies, likewise would mandate EPA's regulations of hazardous waste recyling. In doing so, it stated unequivocally that the legislative change "clarifies" that "materials being used, reused, recycled, or reclaimed can indeed be solid and hazardous wastes and that these various recycling activities may constitute hazardous waste treatment, storage, or disposal." H.R. Rep. No. 97–570, *supra* at 22.

The Agency thus believes that Congress meant for it to regulate hazadous wastes which are recycled. The lack of an absolutely explicit directive in the statute (for instance "all persons reclaiming hazardous waste must obtain a permit") appears to result from a factual misconception that hazardous wastes are rarely, if ever, recycled or amenable for recycling. H.R. Rep. at 4. In light of this assumption, a statutory directive to control hazardous waste recycling would be unnecessary.

2. Even if one disregards Congressional intent, and assumes that Congress meant that EPA regulate only the treatment, storage, disposal, and transportation of hazardous wastes, the wording of these provisions indicates that the Agency possesses authority to regulate most hazardous waste recycling (and all recycling operations that the Agency seeks to regulate or contemplates regulating), and transport and storage incident thereto. There is indeed no question that transportation and storage of hazardous wastes prior to recycling is covered by the definitions of "transportation" and "storage", so that these activities can be regulated under Subtitle C. [70]

The definitions of treatment and disposal provide regulatory authority over the major types of recycling activity the Agency actually seeks to regulate or contemplates regulating: resource recovery (termed 'reclamation' in the proposed definition), and recycling involving direct placement of residual materials or materials derived therefrom on land or water or into the air

a. Reclamation Operations Constitute Waste Treatment. Reclamation operations—that is, operations involving recovery of energy or material—meet the statutory definition of "treatment." This term is defined in RCRA to include "any method, technique, or process * * * designed to change the physical, chemical, or biological character or composition of any hazardous waste * * * so as to render such waste * * * amenable for recovery, amenable for storage, or reduced in volume." (Section 1004(34).)

One key part of this definition is the phrase "amenable for recovery." The Agency interprets this language to mean that processes that make a waste or its contained values available for further use constitute treatment. This includes processes that recover material or energy resources from wastes. [71] Subtitle C jurisdiction exists potentially until the material is available for reuse, or until energy has been recovered. For example, a spent chemical would be 'treated' until material values were finally recovered. This interpretation not only is consistent with the literal sense of the words, but also with the definition of treatment as a form of activity in addition to, and more encompassing than, processing. (See Sections 1004 (7), (28), and 29(C)—all dealing with waste management—where the terms 'processing' and 'treatment' are both included, indicating (to avoid redundancy) that treatment includes additional activities.)

"Treatment" also includes operations designed to reduce the volume of material. Where such a process is conducted incident to or as part of reclamation operations, there is thus another basis for regulating the process as waste treatment. The best example of such an activity is dewaterins of sludges before their reclamation or use elsewhere. Dewatering is conducted to reduce the volume of sludge; in the words of the statute, it is a process "designed to change the (waste's) composition * * * so as to * * * render such waste * * * reduced in volume."

Even if (contrary to the Agency's view) one interprets the "amenable for recovery" language to mean that treatment occurs only up until the point reclamation commences, the Agency still would retain Subtitle C jurisdiction over all aspects of reclamation (and ancillary activities) that it seeks to regulate. Under this reading, storage, transportation, and processing preceding reclamation could be regulated.

These are the very activities which the Agency presently regulates (see existing § 261.6(b)), and which the Agency would regulate under today's proposed regulation. Furthermore, where tanks, piles, or surface impoundments are used both to store and reclaim hazardous wastes, they are subject to regulation as storage facilities even through the reclamation phase of the operation would not be regulated. See generally, 46 FR at 2808 (second column) (January 12, 1983). All of these facilities thus are subject to regulation under Subtitle C whether or not the actual process of reclamation is subject to control.

b. Recycling Involving Direct Placement of Residual Materials on Land or Water, or Into the Air Can Be Regulated As Waste Disposal or Treatment. The other major types of recycling activity the Agency would regulate involve the direct placement of residual materials on the land or water (such as use of wastes for land reclamation or structural fill), or into the air (burning of these materials as fuel). We think reuse involving direct land or water application is fully encompassed by the statutory definition of disposal "Disposal" means

> the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such . . . waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters. (Section 1004(3).)

Recycling involving direct placement on land or water meets the terms of this definition. The waste is placed on the land in a fashion, "so that such * * * waste or any constituent thereof may enter the environment * * *." Environmental contamination by the waste or escaping waste constituents has resulted repeatedly from this type of recycling activity. The Agency, in fact, believes that in many cases this activity is the functional equivalent of unsupervised land disposal, an activity obviously within its jurisdictional purview. We therefore believes that this type of recycling activity can be regulated as waste disposal under the Subtitle C regulation.

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[69] Regarding the value of this report in interpreting Congressional intent, see *U.S. v. Solvents Recovery Services of New England*, 496 F. Supp. 1127, 1140 n. 18: Such a subsequent report is not part of the legislative history of RCRA and therefore lacks the probative value as to legislative intent that contemporaneous statements of Congress' purpose would have. Nonetheless, it is entitled to considerable weight as a kind of 'expert opinion' concerning the meaning and proper interpretation of the statute (citations omitted).

[70] The only argument against regulation is that the materials involved in recyclying cannot be wastes, and this argument already has been answered above

[71] This interpretation is reflected in the regulatory definition of treatment contained in § 260.10(a). The Agency realizes that it once took a contrary view in one of the background documents to its 1978 proposal, but has now reconsidered. Of course, "(n)othing in the Administrative Procedures Act prohibits an agency from changing its mind, if that change aids it in its appointed task." *American Petroleum Institute v. EPA*, 661 F. 2d. 340 (5th Cir. 1981)

The burning of residual materials as fuels, and production of fuels from these materials, likewise is potentially subject to regulation under Subtitle C. The Agency believes that this activity is a type of waste treatment, being designed to "change the physical, chemical, or biological character or composition" so as to render it less hazardous, amenable to energy recovery, or reduced in volume. (*See also* H.R. Rep. No. 97–570, *supra* at 12: "(p)roduction and burning of hazardous waste-derived fuels recovers energy from hazardous waste, and so constitutes hazardous waste treatment under the statute.") In addition, this activity is the environmental equivalent of incineration, a waste management technique regulated as hazardous waste treatment (see 40 CFR Parts 264 and 265, Subpart O). Consequently, this type of recycling also can be regulated under Subtitle C regulations.

Conclusion

In summary, the Agency believes that recycled materials can be hazardous wastes under RCRA, and that recycled hazardous wastes can be regulated under Subtitle C regulations. This conclusion is fully in accord with the statutory language and the legislative history. It is also in accord with the paramount policy objective of the statute to control management of hazardous waste from point of generation to point of final disposition. The Agency's reading also has substantial support in judicial precedent. We thus conclude that we possess jurisdiction to regulate recycling of hazardous waste under Subtitle C and the implementing regulations.

APPENDIX B.—SUMMARY OF DAMAGE INCIDENTS RESULTING FROM RECYCLING OF HAZARDOUS WASTES [72]

Type of recycling operation, wastes present, damages caused, or hazards posed	Source of information
1. Resolve, Inc. (located in N. Dartmouth, Mass.) stored spent solvents and solvent distillation bottoms in unlined lagoons prior to reclamation. Substantial groundwater contamination has resulted.	Superfund Interim Priority Site.
2. The Gold Coast Oil Facility (located in Miami) is a solvent and paint thinner reclamation operation. It also obtained drums of other miscellaneous wastes containing phenols, metals, and other organic compounds. Nearly 3,000 of these drums have accumulated without their contents being recycled. In addition, still bottoms from the solvent reclamation operation were disposed of improperly. Substantial contamination of a drinking water aquifer has resulted.	Do
3. Sapp Battery Salvage (in Jackson County, Florida) recovered lead from spent batteries. Damage to surface and ground water was caused by spillage of acid from the spent batteries, leaching from severed battery casings, and (to a lesser degree) from runoff from batteries stored prior to being recovered.	Do
4. Seymour Recycling Corp. (located in Indiana) is an inactive waste recycling and incineration facility which overaccumulated inventory and eventually ceased operation, leaving over 60,000 drums and one-half million gallons of bulk waste. Wastes are toxic, ignitable, and corrosive. Ground and surface water contamination resulted, and there also is danger of fire or explosion	*Seymour Recycling Corp.* (N.D. Ind.) (RCRA § 7003 action); Superfund Interim Priority Site
5. A waste processing company (located in New Jersey) operated an oil recycling plant which purchased waste oil for reclamation. Waste oil, some of it PCB contaminated, was stored in unlined settling lagoons. Filter clay from the settling operation was also used to build a road to the site. The site was abandoned, leaving all waste material in place in the unlined lagoons. Contamination of an aquifer used as a public water supply is suspected. (Some damage at the site also resulted from disposal of waste from the reclamation process.).	Superfund Interim Priority Site (known as Burnt Fly Bog)
6. The Chem-Dyne facility (located in Ohio) engaged in reclamation of spent solvents and other organic chemicals. It also blended these wastes and sold the mixture as a fuel. The facility overaccumulated huge amounts of these materials, and also mishandled materials that were processed. Materials present include phenol, naphthalene, polyvinyl chloride distillation waste, paint sludges, ink sludges, vanadium pentoxide, cyanide, methylmercaptan, silicate resins, freon, acetaldehyde, benzyl chloride, cumenes, asbestos, epichlorohydrin, arsenic, toluene diisocyanate, pentachloronitrobenzene, phthalate esters, and plastic and rubber industry resins. Clean-up costs are estimated at $3 5 million. The company presently is in receivership. Hazards posed by this site include human health, contamination of air and surface water, fish kills, noticeable odors, actual fire, explosions, spills and runoff, storm sewer problems, erosion problems, inadequate security, and presence of incompatible wastes.	*U.S.* v. *Chem-Dyne, Inc.* (§ 7003 and Superfund action), Superfund Interim Priority *Site; Hazardous Waste Report,* December 14, 1981, p. 15.
7. The Bridgeport Rental and Oil Services site (located in Bridgeport, New Jersey) stored waste oil in an unlined lagoon prior to recycling it. The waste oil is known to be contaminated with benzene, vinyl chloride, methylene chloride, trichlorethylene and toluene. Overflow and leaching from the lagoon has been documented; groundwater used as a human drinking water source from nearby wells is contaminated.	Superfund Interim Priority Site; *U.S.* v. *Bridgeport Rental and Oil Services* (§ 7003 action)
8. Chemical Metals Industries (located in Maryland) engaged in the reclamation of precious metals primarily from various electroplating wastes, as well as other spent chemical reprocessing. Most materials were taken pursuant to tolling agreements. Waste materials were accumulated sloppily, resulting in spills of acid and metal-bearing wastes. The facility later was abandoned, leaving over 1500 drums of unreclaimed waste, many corroded or leaking. Over $350,000 in federal, state, and municipal funds has been expended to date on clean-up.	Superfund Interim Priority Site, *Hazardous Waste Report,* January 25, 1982, p. 4.
9. The Chemicals and Minerals Reclamation Company (located in Cleveland) acted as a waste broker, receiving flammable organics, solvents, and resins prior to recycling or disposal. A massive fire resulted from unsafe accumulation of these materials. The facility closed after the fire, leaving waste inventory (over 1,500 drums) for clean-up.	*U.S.* v. *Chemicals and Minerals Reclamation* (§ 7003 action), Superfund Interim Priority Site
10. The Midwest Solvent Recovery Company, a solvent reclaimer located in Gary, Indiana, stored spent solvents improperly in drums, tanks, and open pits. These materials were often flammable, in many cases incompatible (acids and cyanides, for example), and were badly overaccumulated. A fire of "tremendous size" (484 F. Suppl at 140) broke out at the reclamation site, and burned for a week before it could be extinguished. The company continued to operate for a number of years after the fire without any change in practice. Soil and ground water contamination have ocurred. A preliminary injunction ordering clean-up was eventually entered in the government's imminent hazard action.	*U.S.* v. *Midwest Solvent Recovery Inc.* (§ 7003 action)
11. Solvent Recovery Service (located in Connecticut) obtained a variety of chlorinated solvents for reclamation. These solvents were stored improperly in leaking drums. Wastes were also disposed in a lagoon on the site. Aquifer contamination has resulted and the local drinking water supply has been affected.	*U.S.* v. *Solvent Recovery Service of New England* (§ 7003 action)
12. Andover Sites (located in Andover, Minn.) are a group of five sites which operated as waste brokers. They accepted metal-bearing wastes, solvents, waste oils, paints, inks, and glues. A recycling market was found for some of this material but a great deal overaccumulated. Some of this material was ultimately dumped or burned improperly. Many drums still remain. Ground and surface water have been contaminated by metals and organic contaminants.	Superfund Interim Priority Site
13. Fritt Industries (in Walnut Ridge, Arkansas) obtained sulfate and other wastes from generators and used them as an ingredient in fertilizer production. These materials, along with other process ingredients, are stored in large, exposed piles. An enormous fire occurred when the piles of waste ignited; run-off from water used to fight the fire contaminated soil and surface waters.	Do
14. The South Carolina Recycling and Disposal Company was a waste broker accepting volatile organic wastes and waste oils. These materials were accumulated improperly prior to reclamation or disposal. Among the compounds present are solvents, waste oils, acetaldehyde, methyl acetate, cyanuric acid, ethylene chlorohydrin, acetone cyanohydrin, trichloroethylene, mixed acids, sulfuric acid, mercuric oxide yellow, and other caustics and acids. Massive overaccumulation, fire hazard and actual fires and ground water contamination near drinking water wells resulted.	*U.S.* v. *South Carolina Recycling and Disposal Company (Bluff Roads),* (§ 7003 action), Superfund Interim Priority Site
15. (* * *) accepts steel mill flue dust, pickle liquors, solvents, and acids for regeneration and material recovery. Some of these materials also are used as ingredients in fertilizers. The facility used surface impoundments and piles for storage. These storage facilities were unsecure and leaked heavy metals and chlorinated solvents. The facility also burns waste oil, spent solvents, and solvent distillation bottoms as fuels, creating air pollution problems. A local Air Pollution Control Agency has initiated action against the company to require monitoring of incoming wastes and of boiler flue gas emissions.	*Damages and Threats Caused by Hazardous Material Sites,* EPA/430/9–80/004, p. 251, followup phone conversations with representatives of Ecology and Environment (EPA Superfund contractors), Superfund Interim Priority Site
16. PCB contaminated waste oil was stored prior to recycling or road application. No market developed and the facility operator was unable to dispose of the contaminated oil. Over 24,000 gallons are accumulated, and the State probably will have to pay disposal costs.	*Damages and Threats from Hazardous Material Sites* p. 103

APPENDIX B.—SUMMARY OF DAMAGE INCIDENTS RESULTING FROM RECYCLING OF HAZARDOUS WASTES [1]—Continued

Type of recycling operation, wastes present, damages caused, or hazards posed	Source of information
17. The Lasken Greenhouse and Waste Oil Co. (located in Jefferson, Ohio) accepted waste oil and spent solvents for storage prior to use as fuels or for road oiling. Millions of gallons accumulated without being recycled, resulting in a substantial hazard. The boilers in which the waste oil was burnt were incapable of destroying the contained contaminants (including PCB's), resulting in air pollution. Approximately $1.7 million has already been expended; additional funds are to be allocated.	*U.S.* v. *Lasken Greenhouse and Waste Oil Co.* (§ 7003 action), *Hazardous Waste Report*, January 25, 1982, pp 5-6, Superfund Interim Priority Site
18. This facility (located in Illinois) engaged in petroleum reclamation from waste oil, and also reclaimed metal hydroxide sludges, spent acids and caustics, and miscellaneous sludges. These materials overaccumulated in pits, lagoons, and tanks. PCB's, phenol, and PAHs are found in the waste oil. Chromium, cadmium, and lead are also present, as are benzene, toluene, and trichloroethylene. Leaching and drainage to surface waters has caused extensive damage. Over $300,000 has been spent on clean-up to date.	*U.S.* v. *A&F Materials Co.* (§ 7003 action), Superfund Interim Priority Site
19. This scrap metal reclaimer stored materials destined for reclamation in leaking drums. Some ongoing disposal occurred as well. Paint sludge, 465 Resin Flux, and miscellaneous oily materials were on hand, contaminating soil and possibly ground and surface water.	*U.S.* v. *Acme Refining Co.*, (§ 7003 action)
20. The site (located in Tennessee) engaged in waste salvage and disposal operations involving improperly drummed and buried materials; most constituents that leaked or spilled appear to be chlorinated solvents. 1,2-Dichloropropane has also been found. Nearby soil, ground, and surface water have been contaminated.	*U.S.* v. *Automated Industrial Disposal and Salvage Co.* (§ 7003 action)
21. The Dewey-Loeffel landfill (located in Nassau County, New York) was used in an oil reclamation and storage operation. PCB-contaminated oil was stored at the site. Ground and surface water in the vicinity have been found to be contaminated with PCBs.	*Damages and Threats from Hazardous Material Sites*, p 193
22. (" " "), is a solvent and chemical recovery and waste recycling operation. It also separates out and resells acids, caustics, and poisons. Some on-going disposal occurs as well. Chemicals which have been present at the site include acetone, ether, benzene, ketones, acetaldehyde, aniline, methanol, chlorinated solvents, cyanides, HCl, H_2SO_4, formic acid, PCBs, beryllium, pentachlorophenol, and caustics. The government's complaint alleges that damages and hazards include overaccumulation, improper storage (including unsafe storage in underground bulk storage tanks), mislabelling, fire hazard, soil contamination, and possible water contamination. A preliminary injunction has been entered ordering the facility to comply with certain of the interim status standards for storage.	*U.S.* v. *West* (§ 7003 action)
23. Improper storage of spent solvents by this Ohio solvent recovery operation led to contamination of ground and surface water and air. PCBs, tetrachloroethene, toluene, MEK, and xylene are among the toxicants involved.	*U.S.* v. *Chemical Recovery Systems* (§ 7003 action)
24. This Indiana scrap metal recovery operation accepted steel drums containing flammable toxic materials. These drums were stored and handled improperly. Substance present include cyanide, asbestos, and paint residues.	*U.S.* v. *Ken Industries* (§ 7003 action)
25. This Indiana facility engages in solvent reclamation. Disposal of incoming materials and still bottoms also occurred. A large fire was caused by overaccumulation and improper storage. Compounds present include arsenic, chromium, cadmium, lead, mercury, nickel, selenium, antimony, cyanides, dimethylphenols, phthalate esters, naphthalene, and solvents.	*U.S.* v. *Fisher-Calo Chemicals and Solvent Corp.*, § 7003 action)
26. Dioxin-contaminated waste oil was sprayed in horse show arenas, in Missouri, leading to poisoning of exposed individuals and livestock.	EPA Damage Incident Files
27. Radioactive mining wastes are used as foundation fill for residential dwellings throughout Denver	Superfund Interim Priority Site (known as Denver radium site); also cited in Eckhardt Report
28. Radioactive mining wastes are used as foundation fill for residential dwellings in Montana.....	Eckhardt Report
29. Radioactive phosphate mining wastes are used as foundation fill for residential dwellings in Florida .	Background Document 6 to EPA's 1976 proposed regulations
30. Air pollution from solvent reclamation operations	Subtitle C Environmental Impact Statement, Vol. II, p. J-1
31. The American Ecological Recycle Research Corporation (located in Jefferson, Colorado) stores adn reclaims solvents, waste oil, and other chemical wastes. Many of these materials are incompatible, including oxidizers and solvents, and cyanides and acids. These materials were stored together haphazardly, often in leaking drums. A large fire gutted portions of the facility, releasing toxic fumes and causing cyanide poisoning of firefighters. A continuing fire hazard and soil and water contamination threat remains.	*U.S.* v. *American Ecological Recycle Research Corp* (§ 7003 action)
32. Air, ground water, and surface water contamination resulted from solvent recovery operations in Maryland (including volatilization of solvents from distillation units).	*U.S.* v. *Spectron, Inc.* (§ 7003 action)
33. Drinking water was contaminated because of improper storage of organic solvents at a reclamation facility.	Minnesota State Damage File D2306
34. The Schuylkill Metals Company (located in Hillsboro County, Florida) reclaims lead from spent batteries. Acid spillage from the battery cracking operations, acid and metal leaching from stored casings, and runoff from piled spent batteries have contaminated ground water in the area.	Interviews with officials of Hillsboro County Environmental Protection Commission
35. The Choloride Metals Company (located in Tampa) is a secondary lead smelter reclaiming lead from spent batteries. Ground water is contaminated with acid and metals from the battery cracking operation (which recovers lead for smelting), and from runoff from piled casings and spent batteries.	Do
36. Reclamation of tetraethyl lead sludges stored in ponds prior to reclamation. Damage is from air pollution and from fumes in transit.	§ 3004 damage incidents, also cited in H.R. Rep. 94-1491, pp. 20-21
37. Metal reclamation of "waste stockpiled raw materials." Leachate from these piles contaminated public drinking water supplies with metals, closing a number of wells.	H.R. Rep. 94-1491, p. 18
38. A company reclaims copper from "industrial wastes"; these materials are stored in cement-lined lagoons. The lagoons cracked, contaminating the ground and surface waters.	H.R. Rep. 94-1491, p. 17
39. The McKin Company (located in Gray, Maine) was used as a transfer station and processing point for contaminated waste oils prior to final shipment to re-refiners. Both waste oil from oil spills and fuel still bottoms are reprocessed. Evidence exists that wastes were spilled at the processing facility and leached into the underlying aquifer. Organic toxicants were eventually identified in ground water, residential drinking wells, and the public water system. The damage appears to be attributable to waste disposal as well as waste oil processing. Specific contaminants found include trichloroethane, trichloroethylene, acetone, xylene, dimethyl sulfide, trimethylsilanol, and alcohols. The state eventually ordered the facility closed.	*Damages and Threats Caused by Hazardous Material Sites*, p. 14
40. Mercury-containing sludges generated by a number of different companies were sent to a Mexican reclaimer for metal recovery. The wastes were abandoned before they reached Mexico. In most cases, the drummed wastes were unlabelled and unmanifested, so that it is difficult to pinpoint responsibility or determine the precise nature of the drummed materials.	*U.S.* v. *Monochem, Inc.* (enforcement action)
41. Damage resulted from burning waste oil and solvents as fuel in boilers and landspreading of PCB-contaminated waste oil, coupled with improper tank and pond storage.	Tel. comm. with state site insp. on May 4, 1981, Task Force Source Data Report [2]
42. Tons of fly ash to be used as road building material were piled beside roadways near Decatur, Alabama. Metals leaching from the fly ash appear to have contaminated ground water and residential drinking wells in the vicinity.	*Damages and Threats Caused by Hazardous Material Sites*, p. 44
43. The Southern Metal Processing Company (located in Alabama) a reclamation facility for acid and metal-containing wastes, allowed over 10,000 drums to accumulate; leakage from these drummed wastes polluted surface waters. A fire at the site injured two firemen.	*Damages and Threats Caused by Hazardous Material Sites*, p. 43
44. Waste oil contaminated with organics (including carbon tetrachloride) was used as a dust suppressant. Well contamination resulted.	EPA New Hampshire State Damage File, Code D2315
45. Use of cadmium-contaminated POTW sludge as a fertilizer for farm land.	EPA New York State Damage File Code D2317
46. Waste oil storage results in ground water contamination from organics. Site also was used for disposal	Do
47. (" " ") engages in solvent reclamation and waste brokerage operations. Paint residues (to a lesser degree) are also redistilled at this plant. Hazards posed by the site include contamination of ground water and soil, noticeable odors, risk of fire/explosion, spills/runoff, sewer/storm problems, and presence of incompatible wastes.	Telephone conversation with state site inspector on May 5, 1981 Task Force Source Data Report
48. (" " ") was paid by waste generators to store waste oil on-site. Prior to reclamation operations, waste oils were carelessly stored in surface impoundments or bulk tanks resulting in waste oil leakage.	Telephone conversation with state inspector on May 4 1981 Task Force Source Data Report
49. (" " ") reclaims both solvent and waste oil. Huge drum inventory resulted with some drums being stacked up as long as two years. Surface water was contaminated when hazardous wastes leached from containers with unbroken seals. Paint solids were stored so long that reclamation became virtually impossible (due to thinner evaporation and rain dilution). Hazards posed by the site include contamination of water supply, contamination of surface water, and soil contamination from spills and runoff.	Telephone conversation with state site inspector on May 4, 1981, Task Force Source Data Report
50. (" " ") is a reclaimed solvent distributing plant that packages solvents in drums and sells them. If a company switches from one solvent to another, a pipeline must be washed out with the new product. The solvent mixture wash would be drummed, sold to (" " ") where the solvents would be separated and redistributed. Hazards posed by the site include worker injury, contamination of soil, and spills/runoff.	Do

APPENDIX B.—SUMMARY OF DAMAGE INCIDENTS RESULTING FROM RECYCLING OF HAZARDOUS WASTES [7]—Continued

Type of recycling operation, wastes present, damages caused or hazards posed	Source of information
51. (" " ") is predominantly a solvent reclamation operation. Solvents are stored in drums and tanks prior to reclamation. (" " ") paid to return refined materials to the manufacturer. The site was investigated primarily because of a spillage problem from loading and unloading drums outside. Potential hazards on the site include contamination of air, water supply, and ground water; risk of fire and explosion, spills, leaks, runoff, and inadequate security.	Do.
52. (" " ") is a solvent reclamation operation. The waste generator buys back the reclaimed waste. Pre-RCRA, (" " ") piled wastes for long periods of time in the open on permeable soil. No labels were on the drums and toxic chemicals leached.	Telephone conversation with state site inspector on May 5, 1981.
53. An oil reclamation firm in Region V recycles oil for large manufacturing plants. The firm takes used oil, restores it to desired levels of purity, blends it with virgin oil, and finally sells it back to the dealer to be sold.	Do.
Hazard description/incident includes human health hazard, contamination of surface water, soil, and air, noticeable odors, fire, explosion, spills/runoff, and erosion problems.	Task Force Source Data Report.
54. The Siresim Chemical Corp. (located in Massachusetts) engaged primarily in solvent reclamation, but also accumulated many other types of wastes. These materials overaccumulated and incompatible wastes were stored indiscriminately. An office fire triggered an explosion and a spectacular fire. The site is now bankrupt and over 30,000 drums, most containing unknown toxicants, remain. $2.9 million has been spent on cleanup to date.	EPA Damage Incident Files, Superfund Interim Priority Site.
55. (" " "), a New Jersey facility recycling organo-tin compounds, presently stores approximately 5000 drums in poor condition. A potential fire hazard also exists and site security is inadequate.	EPA Region II officials.
56. (" " "), a New Jersey facility, operated an oil/solvent reclamation facility. The site was abandoned, leaving hazardous wastes for clean-up.	Do.
57. (" " "), a New Jersey drum reconditioner, went out of business leaving approximately 3000 drums on the site. There is extensive soil contamination and runoff into an adjacent drainage ditch.	Do.
58. Quanta Inc. (located in New Jersey) received tainted waste oils and spent solvents which it blended into fuels. The fuel was sold to apartment buildings for burning. PCBs, metals, bromoform, and halogenated solvents are present at the site and in the fuels. The site now has been abandoned.	EPA, Region II officials. (This site was also the subject of ABC's "20/20" broadcast on waste oil)
59. The Ferguson site (located in Rock Hill, South Carolina) stored spent solvents prior to reclamation. The solvents were stored in corroded and leaking drums, and leakage from the drums contaminated soil and seeped into surface water. Toxic chemicals in the waste and surrounding soil including toluene, bis(2-ethylhexyl) phthlate, xylene, ethyl chloride, diethyl carbometoxy phosphate, alcohols, and toxic metals. The site eventually was abandoned leaving about 2,500-5,000 drums. $143,000 was spent so far for site clean-up, and clean-up is not yet complete.	U.S. EPA, *Remedial Actions at Hazardous Waste Sites Survey and Case Studies*, EPA 430/9-81-05.
60. Chromium-bearing wastes were used as a landfill cap at the Monument St. Landfill in Baltimore, Md. The wastes began to leach toxic metals, and the runoff contaminated soil and surface water.	Report of the House Committee on Energy and Commerce (May 1982).
61. Commercial-grade pentachlorophenol is burnt as a fuel in diesel trucks. Chlorinated phenols, burnt at low temperatures and short residence times, are likely to form chlorinated dioxins and dibenzofurans.	EPA, Region VII officials.
62. B + L Oil (located in Newark, New Jersey) sold contaminated waste oil as fuel. The blended fuel contained phenolic compounds, volatile chlorinated hydrocarbons, and aromatic hydrocarbons. The company and its president both have been convicted criminally in the New Jersey state courts.	*New Jersey Hazardous Waste News*, April, 1982. Conversations with New Jersey state officials.
63. Madison Industries (located in Old Bridge, New Jersey) manufactures zinc chloride and zinc sulfate from waste zinc and spent acids, which it obtains from other sources. These materials were accumulated improperly in large quantities, causing damage.	Transcript of state enforcement proceedings.
64. Air pollution resulted from solvent and waste oil recovery operations conducted by Frnick's Industrial Waste facility (located in Pecatonica County, IL).	Documents from Illinois Environmental Protection Agency.
65. The Old Inger Oil Refinery (located in Darrow, La.) operated an oil reclamation plant. Storage tanks overflowed into holding ponds, which were later abandoned without clean-up.	Superfund Interim Priority Site.
66. York Oil Co. (located in Moira, New York) is an abandoned waste oil recycling facility. Lagoons used in the recovery of waste oil discharged into adjacent wetlands. The lagoons and wetlands remain contaminated with PCB-containing oil.	Do.
67. Enviro-Chem, a hazardous waste recycling facility in Indiana, was investigated by State officials after an employee died in a tank of hazardous waste. The officials found 21,000 barrels of hazardous waste at the site. The facility has been ordered to close down due to failure to remove sludge and contaminated soil from a pit, failure to provide adequate concrete pads for 14,000 barrels of hazardous waste being stored on the ground at the site, and failure to store hazardous materials in compliance with State fire marshal rules and regulations.	EPA, Region V officials.
68. American Recovery, a chemical waste reprocessing facility (located in the Baltimore area) has suffered a number of fires caused by explosions of accumulated wastes. The facility also was fined for violation of various state regulatory requirements.	EPA, Region III officials.

[7] Note: Summaries of § 7003 actions are based on allegations in the Government's verified complaint. The courts hearing these cases must decide ultimately whether these allegations have been proven, and no findings of fact or conclusions of law have yet been made in these cases. In citing these allegations, we are not seeking to prejudice the outcomes of these actions. At the same time, these statements reflect the results of the Government's investigation of these sites, and the Agency believes the statements to be accurate. In any case, we are citing these allegations to demonstrate that there is a need for regulation in this area, not to ascertain the potential liability of particular facilities.

In addition, certain sites are not named specifically in this Appendix, because the companies involved are the subject of ongoing enforcement investigation. These companies are indicated by "(" " ")" in the summary.

The Agency's task force source data report is a confidential compilation of inspections of damage sites by Federal and State officials. It also contains reports of some § 3008 inspections whether or not the sites were causing damage.

For the reasons set out in the preamble, it is proposed to amend Title 40 of the Code of Federal Regulations as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for Part 260 is as follows:

Authority: Sections 1006, 2002(a), 3001 through 3007, and 3010 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended (42 USC 6905, 6912(a), 6921 through 6927, and 6930).

2. Section 260.10 is amended by adding new definitions for "Boiler" and "Industrial Furnace" to appear alphabetically and by revising the definition of "Incinerator:"

§ 260.10 Definitions.

* * * * *

"Boiler" means an enclosed device using controlled flame combustion and having the following design characteristics:

(1) The unit has provision for heat recovery; and

(2) The combustion chamber and heat recovery section are of integral design. The combustion chamber and heat recovery sections are of integral design if formed physically into one manufactured or assembled unit. (A unit in which the furnace or combustion chamber and heat recovery section are joined by ducts or connections carrying flue gas in not integrally designed); and

(3) Significant heat recovery takes place in the combustion chamber section by radiant transfer of heat to the transfer medium.

"Incinerator" means an enclosed device using controlled flame combustion, and having a combustion chamber and heat recovery section, if any, that are not of integral design. "Industrial Furnace" means any of the following devices that are integral components of manufacturing processes and use flame combustion or elevated temperature to accomplish recovery of materials or energy: cement kilns, lime kilns, aggregate kilns, phosphate kilns, blast furnaces, smelting furnaces, methane reforming furnaces, combustion devices used in the recovery of sulfur values from spent sulfuric acid, and pulping liquor recovery furnaces. The Administrator may decide to add devices to this list on the basis of one or more of the following factors:

(1) The device is designed and used primarily to accomplish recovery of material products;

(2) The device burns secondary materials as ingredients in an industrial process to make a material product;

(3) The device burns secondary materials as effective substitutes for raw materials in processes using raw materials as principal feedstocks;

(4) The device burns raw materials to make a material product;

(5) The device is in common industrial use to produce a material product; and

(6) Other factors, as appropriate.

* * * * *

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

3. The authority citation for Part 261 reads as follows:

Authority: Sections 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

4. In § 261.1, paragraph (b) is revised to read as follows:

§ 261.1 Purpose and scope.

* * * * *

(b)(1) The definition of solid waste contained in this Part applies only with respect to the regulations implementing Subtitle C of RCRA.

(2) This Part identifies only some of the materials which are solid wastes and hazardous wastes under Sections 3007, 3013, and 7003 of RCRA. A material which is not defined as a solid waste in this Part, or is not a hazardous waste identified or listed in this Part, is still a solid waste and a hazardous waste for purposes of these sections if:

(i) In the case of Sections 3007 and 3013, EPA has reason to believe that the material may be a solid waste within the meaning of Section 1004(27) of RCRA and a hazardous waste within the meaning of Section 1004(5) of RCRA; or

(ii) In the case of Section 7003, the statutory elements are established.

5. § 261.2 is revised to read as follows.

§ 261.2 Definition of solid waste.

(a) A solid waste is any discarded material that is not excluded by § 261.4(a). A "discarded material" is any material that fits one of the descriptions in paragraphs (a)(1) and (a)(2) of this section.

(1) Any garbage, refuse, sludge, or any other solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities tha is:

(i) Abandoned by being disposed of; or

(ii) Abandoned by being burned or incinerated; or

(iii) Accumulated, stored, or treated prior to—or in lieu of—paragraphs (a)(1)(i) or (ii) of this section.

(2) Any of the following materials, when used, reused, or reclaimed in the following ways or accumulated, stored, or treated prior thereto:

(i) Any spent material, sludge, or by-product, or any material listed in § 261.33 that is not ordinarily used by being applied to the land, that is used or reused without essential change to its identity, or after simple mixing, in a manner that constitutes disposal;

(ii) Any spent material or sludge, or any by-product listed in §§ 261.31 or 261.32, or any material listed in § 261.33 that is not itself a fuel, that is being burned for the purpose of energy recovery, or that is being used to produce a fuel, and any fuel that contains one or more of these materials;

(iii) Any spent material, any sludge listed in §§ 261.31 or 261.32, or any by-product listed in §§ 261.31 or 261.32, that is reclaimed (as this activity is explained in paragraph (c)(1) of this section). This provision does not apply, however, to materials reclaimed at the plant site and then reused within the original process in which they were generated;

(iv) Any spent material, sludge, or by-product that is accumulated speculatively (as this activity is explained in paragraph (c)(2) of this section);

(v) Any spent material, sludge, or by-product that is accumulated for use, reuse, or reclamation without sufficient amounts being used, reused, or reclaimed during a one-year period (as this activity is explained in paragraph (c)(3) of this section);

(3) Materials that meet the criteria stated in paragraph (a)(3)(i) of this section, and that are listed in paragraph (a)(3)(ii) of this section are solid wastes when used or reused:

(i)(A)(*1*) The materials are ordinarily disposed of, burned or incinerated, or

(*2*) The materials contain toxic constituents listed in Appendix VIII of Part 261 and these constituents are not ordinarily found in raw materials or products for which the materials substitute and are not used or reused during the recycling process; and

(B) The materials may pose a substantial hazard to human health and the environment when used or reused.

(ii) Hazardous Waste Nos. F020, F021, F022, and F023.

(b) For the purpose of this section:

(1) A "spent material" is any material that has been used and has served its original purpose;

(2) "Sludge" has the same meaning used in § 260.10 of this chapter;

(3) A "by-product" is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process.

(c) For the purposes of this section and § 261.6:

(1) A material is "reclaimed" if it is processed to recover usable products, or if it is regenerated. (Examples are recovery of lead values from spent batteries and regeneration of spent solvents.) However, a material that is used or reused in the following ways is not considered to be reclaimed:

(i) Used or reused as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, sludges used as ingredients in cement production, or distillation bottoms from one process used as a feedstock in another process), provided that distinct components of the material are not recovered as separate end products (as in recovery of metals from metal-containing secondary materials); or

(ii) Used or reused as effective substitutes for raw materials in processes using raw materials as principal feedstocks (for example, sludges used as substitutes for ore concentrate in primary smelting); or

(iii) Used or reused in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as a phosphorous precipitant and sludge conditioner in wastewater treatment).

(2) A material is "accumulated speculatively" if it is potentially usable, reusable, or reclaimable but is held without having any known market or disposition, or is held without having any feasible means of use, reuse, or reclamation. However, when a material that has been accumulated speculatively is removed from accumulation for use, reuse, or reclamation, it is no longer considered to be a solid waste for purposes of this paragraph.

(3) A material is "accumulated without sufficient amounts being used, reused, or reclaimed" if—during the calendar, fiscal, or inventory year period—the amount of material that is used, reused, reclaimed, or transferred to a different site for use, reuse, or reclamation does not equal at least 75 percent by volume of the amount of that material accumulated at the beginning of the period. However, paragraphs (c)(3) (i) and (ii) of this section provide certain exceptions to this principle. (In addition, materials excluded from regulation under § 261.6(b)(1) (vi)–(vii)

are not to be included in making this calculation.)

(i) Spent materials, sludges, or by-products are not considered to be solid wastes under this paragraph if after being accumulated initially without sufficient amounts being used, reused, or reclaimed, they are removed from accumulation for use, reuse, or reclamation.

(ii) (A) If a material accumulates for one year without use, reuse, reclamation, or transfer of at least 75 percent of the accumulated volume, the Regional Administrator may determine that the accumulated material will not be a solid waste during the following year. To obtain this determination, the person accumulating the material must notify the Regional Administrator in writing, submitting the following information:

(*1*) The name and address of the person required to notify and the address of the location of the accumulated material, if different.

(*2*) A description of: (*i*) the material being accumulated, (*ii*) why the material would be a hazardous waste if deemed to be discarded (i.e., whether it is listed or exhibits a characteristic), (*iii*) the quantity accumulated at the date of notification, and (*iv*) the way the material is stored prior to use, reuse, reclamation, or transfer; and

(*3*) A statement of: (*i*) what the notifier expects the disposition (use, reuse, reclamation, or transfer) of the material to be, (*ii*) why this expectation is reasonable (for example, because of past practice, market factors, or contractual arrangements), (*iii*) why the material has accumulated for over one year, and (*iv*) when the notifier expects the use, reuse, reclamation, or transfer to occur.

The Regional Administrator may then use this information to determine whether the material will not be a solid waste during the following year, or alternatively, may require further pertinent information from the notifier.

Such a determination will be based upon the reasonableness of the notifier's expectation that the material will be used, reused, reclaimed, or transferred for these purposes, taking into account: the past practices, market factors, and contractual arrangements; the character and quantity of the material being accumulated; and the manner in which the material is being stored. The notifier must keep appropriate records to demonstrate why he reasonably expects the accumulated material to be used, reused, reclaimed, or transferred for these purposes.

(B) After the second year without use, reuse, reclamation, or transfer of at least 75 percent of the total volume accumulated at the beginning of that year, the Regional Administrator may again determine that the accumulated material will not be a solid waste during the following year. To do this, he must receive in writing the same information set out in paragraph (c)(3)(ii)(A) of this section from the person accumulating the material; and at least 50 percent of the total volume accumulated at the beginning of the year must have been used, reused, reclaimed, or transferred.

(C) If the material accumulates for a third year without use, reuse, reclamation, or transfer of at least 75 percent of the total volume accumulated at the beginning of that year, all material not actually used, reused, reclaimed, or transferred is a solid waste.

(d) Respondents in actions to enforce regulations implementing Subtitle C of RCRA who raise a claim that a certain material is not a solid waste, or is exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they are actually using, reusing, or reclaiming materials must show that they have the necessary equipment to do so.

6. Section 261.3 is amended by revising paragraph (c)(2 to read as follows:

§ 261.3 Definition of hazardous waste.

* * * * *

(c) * * *

(2) Any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision.)

* * * * *

7. Section 261.5 is amended by revising paragraph (c) to read as follows:

§ 261.5 Special requirements for hazardous waste generated by small quantity generators.

* * * * *

(c) Hazardous waste that is used, reused, or reclaimed and that is excluded from regulation under §§ 261.6(b) and 261.6(f)(2) is not included in the quantity determinations of this section, and is not subject to any requirements of this section. Hazardous waste that is subject to the special requirements of §§ 261.6 (c) and (d), and 261.6(f)(1) is included in the quantity determinations of this section and is subject to the requirements of this section.

* * * * *

8. Section 261.6 is revised to read as follows:

§ 261.6 Special requirements for regulated recyclable materials.

(a) Hazardous wastes that are used, reused, or reclaimed will be known as 'regulated recyclable materials.' (b)(1) The following regulated recyclable materials are not subject to regulation under Parts 262 through 266 or Parts 122 through 124 of this Chapter and are not subject to the notification requirements of Section 3010 of RCRA:

(i) Regulated recyclable materials that are reclaimed by the person generating them, provided that sufficient amounts of materials are reclaimed during a one-year period (as defined in § 261.2(c)(3)). This exemption does not apply, however, when the regulated recyclable materials are stored in a surface impoundment prior to reclamation, or are reclaimed or otherwise processed in a surface impoundment. This exemption also does not apply to spent lead-acid batteries being reclaimed.

(ii) Regulated recyclable materials that are reclaimed by a person who subsequently uses the reclaimed material in his own operation, provided that sufficient amounts of materials are reclaimed during a one-year period (as defined in § 261.2(c)(3)). This exemption does not apply, however, when the regulated recyclable materials are stored in a surface impoundment prior to reclamation, or are reclaimed or otherwise processed in a surface impoundment. This exemption also does not apply to spent lead-acid batteries being reclaimed.

(iii) Regulated recyclable materials utilized for precious metal recovery, provided that sufficient amounts of materials are reclaimed during a one-year period (as described in § 261.2(c)(3)).

(iv) Regulated recyclable materials reclaimed pursuant to batch tolling agreements. For purposes of this paragraph, a "batch tolling agreement" is a contractual arrangement pursuant to which the person generating the material retains ownership of the material, possession of the material is

transferred within 180 days of generation to a reclaimer who reclaims that material and returns the reclaimed portion to the owner, reclamation and return of the reclaimed materials is completed within 90 days, the material is not commingled with that of any other person prior to or while being reclaimed, the reclaimer is paid according to the amount of reclaimed material returned to the owner, and the reclaimer is paid more as the amount of reclaimed material returned to the owner increases.

(v) Regulated recyclable materials (including any fuel produced from one or more of these materials) burned for energy recovery in an industrial furnace or in a boiler that is not regulated under Subpart O of Part 264 of this chapter. ("Industrial furnace" and "boiler" are defined in § 260.10 of this chapter.) This exemption does not apply when any of these materials are accumulated, treated, or stored prior to being used to produce fuels by a person who did not generate them and who is not using the fuel in its own operation, or when regulated recyclable materials that are sludges or are listed as hazardous wastes in §§ 261.31 or 261.32 of this chapter are accumulated, treated, or stored prior to burning as a fuel or prior to use to produce a fuel. This exemption also does not apply when these materials are accumulated prior to burning as a fuel or prior to use to produce a fuel without sufficient amounts being used during a one-year period (as defined in § 261.2(c)(3)).

(vi) Used oil that exhibits one or more of the characteristics of hazardous waste indentified in Subpart C of Part 261.

(vii) Used batteries returned to a battery manufacturer for regeneration (a used battery can be "regenerated" by addition of electrolyte, replacement of defective cells, or other minor processing).

(2) The Regional Administrator may decide on a case-by-case basis that persons accumulating, storing, or burning the regulated recyclable materials described in paragraphs (b)(1)(i)–(v) of this section should be subject to regulation under otherwise applicable provisions of this section or Subpart O of Part 264 of this chapter. The standard and procedures for this decisions are set forth in paragraph (g) of this section.

(c) Generators and transporters of regulated recyclable materials are subject to the following requirements, unless the materials are regulated under Subparts C or D of Part 266 of this chapter, or exempted under paragraph (b)(1) of this section:

(1) Generators: Part 262 of this Chapter;

(2) Transporters: Part 263 of this Chapter.

(d) Owners or operators of facilities that store regulated reyclable materials are subject to the following requirements, unless regulated under Subpart C or D of Part 266 of this Chapter, or exempted under paragraph (b)(1) of this section:

(1) Notification requirements under Section 3010 of RCRA;

(2) All applicable provisions in Subparts A through L of Part 264 of this chapter;

(3) All applicable provisions in Subparts A through L of Part 265 of this chapter;

(4) All applicable provisions in Parts 122 and 124 of this chapter.

(e) Owners or operators of a facility that uses regulated recyclable materials in a manner that constitutes disposal (within the meaning of § 261.2(a)(2)(i) of the chapter) are subject to the following requirements:

(1) Notification requirements under Section 3010 of RCRA;

(2) All applicable provisions in Subparts A through F and M through N of Part 264 of this chapter;

(3) All applicable provisions in Subparts A through F and M through N of Part 265 of this chapter;

(4) All applicable provisions in Parts 122 and 124 of this chapter.

(f) The following regulated recyclable materials are regulated under Subparts C and D of Part 266 of this chapter and all applicable provisions in Parts 122 and 124 of this chapter:

(1) Regulated recyclable materials reclaimed pursuant to non-batch tolling agreements (Subpart C); and

(2) Spent lead-acid batteries being reclaimed (Subpart D).

(g)(1) The Regional Administrator may decide on a case-by-case basis that persons accumulating or storing the regulated recyclable materials described in paragraphs (b)(1)(i)–(v) of this section are subject to regulation under otherwise applicable provisions of this section. The basis for this decision is that the materials are being accumulated or stored in a manner insufficient to protect human health and the environment due to failure to contain the materials or their toxic constituents, or incompatibility of the materials being accumulated or stored. In making this decision, the Regional Administrator will consider the following factors:

(i) The materials accumulated or stored by the person, and the amounts accumulated or stored;

(ii) The method of accumulation or storage;

(iii) The length of time the materials have been accumulated or stored prior to being reclaimed;

(iv) Whether any contaminants are being released into the environment, or are likely to be so released; and

(v) Other relevant factors.

(2) The Regional Administrator may also decide on a case-by-case basis that persons who are burning regulated recyclable materials as fuels in boilers or in industrial furnances are subject to regulation under Subpart O of Part 264 of this chapter. The basis for this decision is that the materials are being burned in a manner that is insufficient to protect human health and the environment based upon the quantity and toxicity of the stack emissions. In making this decision, the Regional Administrator will consider the following factors:

(i) The content and mass of the input;

(ii) The conditions under which the unit is operated;

(iii) The potential for stack emissions to pose a hazard to human health and the environment; and

(iv) Other relevant factors.

(3) The following procedures will be used in making the determination set forth in paragraphs (g)(1) and (g)(2) of this section.

(i) The Regional Administrator will issue a notice setting forth the factual basis for the decision. If the person is accumulating the regulated recyclable material as a generator, the notice will state that the person must comply with the applicable requirements of Part 262 of this chapter. The notice will become final within 30 days unless the person served requests a public hearing to challenge the decision. Upon such request, the Regional Administrator will hold a public hearing, and after the conclusion of the hearing, will issue an appropriate final order. This final order may be appealed to the Administrator.

(ii) If the person is accumulating the regulated recyclable material as a storage facility or burning the material in a unit subject to regulation under Subpart O of Part 264 of this chapter, the notice will state further that the person must obtain a permit in accordance with all applicable provisions of Parts 122 and 124 of this chapter. The owner or operator of the facility must apply for a permit within 60 days of notice. If the owner or operator of the facility wishes to challenge the Regional Administrator's decision, he can do so in his permit application, or in a public hearing held on the draft permit. The question of whether the Regional

Administrator's decision was proper will remain open for consideration during the public comment period under § 124.11 of this chapter and in any subsequent hearing.

9. Section 261.31 is amended by revising the hazardous waste listings F007, F008, F009, F010, F011, and F012 to read as follows:

§ 261.31 Hazardous waste from non-specific sources.

* * * * *

Industry	EPA hazard-ous waste No	Hazardous waste	Hazard code
Generic	F007	Spent cyanide plating bath solutions from electroplating operations.	(R, T).
	F008	Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process.	(R, T).
	F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.	(R, T).
	F010	Quenching bath sludges from oil baths from metal heat treating operations where cyanides are used in the process.	(R, T).
	F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.	(R, T).
	F012	Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.	(T).

* * * * *

10. Section 261.33 is amended by revising the introductory text to read as follows:

§ 261.33 Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof.

The following materials or items are hazardous wastes when they are discarded or intended to be discarded in a manner described in § 261.2(a)(1), when they are burned for purposes of energy recovery in lieu of their original intended use, when they are used to produce fuels in lieu of their original intended use, and when they are applied to the land in lieu of their original intended use:

* * * * *

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

11. The authority citation for Part 264 reads as follows:

Authority: Secs. 1006, 2002(a), 3004, and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924, and 6925).

12. In § 264.1, paragraph (g)(2) is revised to read as follows:

§ 264.1 Purpose, scope, and applicability.

* * * * *

(g) * * *

(2) The owner or operator of a facility managing regulated recyclable materials described in §§ 261.6(b) or 261.6(f) of this chapter (except to the extent that requirements of this Part are referred to in Subparts C or D of Part 266 of this chapter).

* * * * *

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

13. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), 3004, and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924, and 6925).

14. In § 265.1, paragraph (c)(6) is revised to read as follows:

§ 265.1 Purpose, scope, and applicability.

* * * * *

(c) * * *

(6) The owner or operator of a facility managing regulated recyclable materials described in §§ 261.6(b) or 261.6(f) of this chapter (except to the extent that requirements of this Part are referred to in Subparts C or D of Part 266 of this chapter).

* * * * *

PART 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

15. The authority citation for Part 266 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

16. In Part 266, Subparts C and D are added to read as follows:

* * * * *

Subpart C—Regulated Recyclable Materials Reclaimed Pursuant to Nonbatch Tolling Agreements

§ 266.20 Applicability and requirements.

(a) The regulations of this Subpart apply to generators and transporters of regulated recyclable materials being reclaimed pursuant to nonbatch tolling agreements, and to owners or operators of facilities that store regulated recyclable materials pursuant to nonbatch tolling agreements. For purposes of this Subpart, a "nonbatch tolling agreement" is a contractual arrangement pursuant to which the person generating the regulated recyclable material transfers the material to a reclaimer who returns reclaimed material to the person generating the material.

(b) Generators and transporters of regulated recyclable materials reclaimed pursuant to nonbatch tolling agreements are subject to the following requirements:

(1) Generators: Subparts A, C, D, and E of Part 262 of this chapter.

(2) Transporters: Subparts A and C of Part 263 of this chapter.

(c) Owners or operators of facilities that store regulated recyclable materials being reclaimed pursuant to nonbatch tolling agreements are subject to the following requirements:

(1) Notification requirements under Section 3010 of RCRA;

(2) All applicable provisions in Subparts A, B (but not § 264.13 (waste analysis)), C, D, E (but not §§ 264.71 and 264.72 (dealing with use of the manifest and manifest discrepancies)), and F through L of Part 264 of this chapter;

(3) All applicable provisions in Subparts A, B (but not § 265.13 (waste analysis)), C, D, E (but not §§ 265.71 and 265.72 (dealing with use of the manifest and manifest discrepancies)), and F through L of Part 265 of this chapter;

(4) All applicable provisions in Parts 122 and 124 of this chapter.

Subpart D—Spent Lead-Acid Batteries Being Reclaimed

§ 266.30 Applicability and requirements.

(a) The regulations of this Subpart apply to persons who reclaim spent lead-acid batteries that are regulated recyclable materials ("spent batteries"). Persons who generate, transport, or collect spent batteries, or who store spent batteries but do not reclaim them are not subject to regulation under Parts

262–266 or Parts 122–124 of this chapter, and also are not subject to the requirements of Section 3010 of RCRA.

(b) Owners or operators of facilities that store spent batteries prior to reclaiming them are subject to the following requirements:

(1) Notification requirements under Section 2010 of RCRA;

(2) All applicable provisions in Subparts A, B (but not § 264.13 (waste analysis)), C, D, E (but not §§ 264.71 or 264.72 (dealing with the use of the manifest and manifest discrepancies)), and F through L of Part 264 of this chapter;

(3) All applicable provisions in Subparts A, B (but not § 265.13 (waste analysis)), C, D, E (but not §§ 265.71 and 265.72 (dealing with use of the manifest and manifest discrepancies)), and F through L of Part 265 of this chapter;

(4) All applicable provisions in Parts 122 and 124 of this chapter.

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Part III

Environmental Protection Agency

Hazardous Waste Management System; Proposed Rule

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261, 264, 265, and 775

[SWH-FRL 2315-5]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; and Storage and Disposal of Waste Material: Prohibition of Disposal of Tetrachlorodibenzo-p-Dioxin

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is today proposing to amend the regulations for hazardous waste management under the Resource Conservation and Recovery Act (RCRA), by listing additional hazardous wastes containing certain chlorinated dioxins, -dibenzofurans, and -phenols, and by specifying certain management standards for these wastes. These wastes are being listed as acutely hazardous. EPA is also proposing to delete several commercial chemical products from the list of hazardous wastes since these listings are duplicated in today's proposal. In addition, EPA is proposing to list these materials as solid wastes when they are recycled by being used or reused, so that these wastes remain subject to regulation when recycled in this manner. EPA also is proposing to revoke its regulation concerning the disposal of 2,3,7,8-tetrachlorodibenzo-*p*-dioxin (TCDD)-contaminated wastes under the Toxic Substances Control Act (TSCA), when this regulation under RCRA becomes effective. This action extends regulatory control to certain hazardous wastes not covered by the existing regulation. It requires handlers of such wastes to comply with the appropriate regulatory standards.

DATE: EPA will accept public comment on this amendment until June 3, 1983.

ADDRESSES: Comments should be sent to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460. Communications should identify the regulatory docket numbers "Section 3001/Dioxin" or "OPTS 62007".

Pursuant to provisions of RCRA and TSCA, requests for a hearing should be addressed to Eileen Claussen, Director, Office of Management, Information, and Analysis, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Public Docket: The public docket for 40 CFR Parts 261, 264, and 265 is located in Room S-269C, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

The public docket for 40 CFR Part 775 is located in Room E-107 at the same address, and is available for viewing during the same hours.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346 or at (202) 382-3000 or Judy Bellim (202) 382-4770.

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I. Background

On May 19, 1980, as part of the final and interim final regulations implementing Section 3001 of RCRA, EPA published a list of hazardous wastes that included hazardous wastes generated from non-specific sources. (See 40 CFR 261.31.) This list has been amended several times. In today's action, EPA is proposing to amend this section to add particular wastes containing certain contaminants that are, for certain animal species, among the most toxic known; these wastes consequently are of particular environmental concern. EPA has evaluated these wastes against the criteria for listing acutely hazardous and hazardous wastes (40 CFR 261.11 (a) (2) and (a) (3)), and has determined that they: (1) Are capable of causing or significantly contributing to an increase in serious irreversible or incapacitating reversible, illness, and (20) also pose a substantial present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed, and therefore are acutely hazardous wastes.[1]

II. Summary of the Proposed Listing [2]

This proposed regulation covers principally wastes from the production of certain chlorophenols and of chlorophenoxy pesticides, as well as discarded unused formulations containing tri-, tetra-, or pentachlorophenol and their derivatives. Specifically, this proposed regulation designates as hazardous certain wastes (including reactor residues, still bottoms, brines, spent filter aids, spent carbon from product purification, and sludges from wastewater treatment, but not including untreated wastewater or spent carbon from hydrogen chloride purification) resulting from the following processes:[3, 4]

[1] The RCRA definition of acutely hazardous waste is set forth at 40 CFR 261.11(a)(2). Under that definition, such a material is not necessarily "acutely toxic" in the way that term is used by toxicologists. Rather, the term is intended by EPA to identify wastes which are so hazardous that they may, either through acute or chronic exposure, "cause, or significantly contribute to an increase in serious irreversible, or incapacitating reversible, illness", regardless of how they are managed.

[2] The following acronyms and definitions are used in this document (and in the background document for this regulation):

PCDDs = all isomers of all chlorinated dibenzo-*p* dioxins.

PCDFs = all isomers of all chlorinated dibenzofurans

CDDs and CDFs = all isomers of the tetra-, penta-, and hexachlorodibenzo-*p*-dioxins and -dibenzofurans, repectively.

TCDDs and TCDFs = all isomers of the tetrachlorodibenzo-*p*-dioxins and -dibenzofurans, respectively.

TCDD and TCDF = the respective 2,3,7,8-isomers

The prefixes D, Tr, T, Pe, and Hx denote the di-, tri-, tetra, penta-, and hexachloro-congeners, respectively.

[3] Not all of these wastes are generated by every process discussed in the text.

[4] We are not proposing to list untreated wastewaters or spent carbon from hydrogen chloride purification because these wastes are not expected to contain CDDs or CDFs at levels of concern

(a) The production and manufacturing use [5] of tri-, tetra-, or pentachlorophenol and intermediates used to produce their derivatives;[6, 7]

(b) The manufacturing use of tetra-, penta-, or hexachlorobenzenes under alkaline conditions;

(c) the production of materials on equipment previously used for the production or manufacturing use of materials listed under (a) and (b) above; and

(d) discarded unused formulations containing tri-, tetra-, or pentachlorophenols, or discarded unused formulations containing compounds derived from these chlorophenols.[8]

[5] In the context of this listing, "manufacturing use" means the use of the named chemical as a reactant or chemical intermediate (for instance, as in the use of 2,4,5,-trichlorophenol (2,4,5,-TCP) as a feedstock for the synthesis of 2,4,5,-T), or as a component in a formulating process (as, for instance, in the formulation of a mixture of 2,4,5,-TCP and 1,2,4,5,-TeCP, in which these components retain their chemical identity). In the present context, the term "manufacturing use" does not include residues from the use of chlorophenoxy pesticide formulations, *e.g.*, in wood preservation.

[6] The principal manufacturing use of chlorophenols is in the synthesis of chlorophenoxy acids, esters, and amines. They are also used in the synthesis of phenolic resins, and of dye and pigment intermediates. However, only wastes from chlorophenoxy synthesis are listed as hazardous wastes, because the Agency has no data on the conditions of synthesis, generation of wastes, and the level of chlorinated dibenzo-*p*-dioxin or -dibenzofuran contamination of wastes from the synthesis of phenolic resins, dyes, and pigments. The Agency solicits data on the extent of CDD/CDF contamination of the latter wastes. We also are presently initiating sampling of some of these wastes in the course of our ongoing Industry Studies program.

[7] The 2,4,5,-TCP derivative Hexachlorophene is now synthesized from a purified 2,4,5,-TCP in an acid-catalyzed condensation reaction. Because the reaction occurs at rather low temperatures, and at acid pH, no CDD or CDF formation is expected to occur. Earlier production techniques resulted in TCDD contamination. Wastes resulting from Hexachlorophene production therefore are not included in this listing unless prepurified 2,4,5, TCP was not used, or the process took place on equipment contaminated with CDDs or CDFs.

[8] This category of listed wastes includes discarded pesticides and formulations containing tri-, tetra-, or pentachlorophenol as ingredients. Some of these materials, namely EPA Hazardous Wastes U212, 230, 231, 242, and the chlorophenoxy pesticides U232 and U233 already are hazardous wastes under 40 CFR 261.33(f) when discarded in commercial grade, technical grade, or off-specification form, or when present as the sole active ingredient in a formulation. However, discarded formulations containing these chlorophenols or chlorophenoxy compounds as one of a number of ingredients (for example, in a mixture of 2,4,5-T and 2,4,-D) are not presently considered to be hazardous wastes (unless they exhibit a characteristic of hazardous waste). These multi-ingredient formulations nevertheless are likely to be just as toxic as sole active ingredient mixtures, since the concentration of toxic ingredients is the same or higher. Today's action thus would remedy this gap in regulatory coverage by listing the multi-ingredient formulations containing the discarded listed compounds. In addition, we are amending the basis for listing these commercial chemical products to include certain chlorinated dioxins and -dibenzofurans as toxicants of concern.

[9] The statements on toxicity, persistence, and environmental contamination outlined in this preamble are more fully explained and substantiated in the background document for this listing which is available for review in the public docket.

III. Basis for Listing

A. Toxicity of contaminants of concern

1. Toxicity of chlorinated dioxins and -dibenzofurans. The contaminants of concern in these wastes are CDDs and CDFS, tri-, tetra-, and pentachlorophenols, and the chlorophenoxy derivatives of these chlorophenols. CDDs and CDFs are, for certain animal species, among the most potent toxic substances known.[9] TCDD and two HxCDD isomers are among the most potent animal carcinogens tested. Since each of these substances are carcinogenic in well-conducted tests in both rats and mice, they are also considered by the Agency to be potential human carcinogens (see 44 FR 39858–39879 (July 6, 1979)). In laboratory studies, TCDD has also been shown to be teratogenic, fetotoxic, and embryotoxic at extremely low doses (ng/kg/day). Based on structure-activity relationships, TCDF also may have reproductive effects at extremely low doses. Many CDDs and CDFs are acute toxicants as tested in laboratory animals at the μg/kg/day dose rate, and, even at these very low concentrations, have many observable physiologic effects. Although an EPA Scientific Advisory Panel determined 1 ng/kg body weight to be "for all practical purposes" a no observed effect level in rodents (44 FR 72337 (December 13, 1979)), several other scientists have concluded that a NOEL has not been conclusively demonstrated. Moreover, the Scientific Advisory Panel concluded that a NOEL had not been demonstrated for primates. In addition, the U.S. Food and Drug Administration has established a guideline suggesting limitation of human consumption of fish containing TCDD concentrations greater than 25–50 ng/kg (ppt). Furthermore, in several enforcement actions and in two site-specific risk assessments conducted by the Agency regarding Times Beach and Imperial in Missouri, environmental concentrations in the ppt to ppb range were determined to be levels of concern, and were used to define clean-up levels.

The Agency emphasizes that, for purposes of this regulation, it considers all CDDs and CDFs as toxicants of concern in these wastes. Many biochemical and toxicology studies have demonstrated that there are well-defined structure/activity correlations defining the acute and chronic toxic effects of PCDDs and PCDFs. Those isomers that have halogens in at least three of the four lateral ring positions (numbers 2,3,7, or 8), and that have at least one ring hydrogen atom, are the most toxic isomers. All the CDDs and CDFs substituted in this manner have extremely high acute toxicity, bind strongly to a cytosolic protein receptor, and are potent inducers of several liver enzymes. The Agency recognizes that, even within such congeneric groupings, there are differences in toxicity. There is, for instance, a 370-fold difference in acute toxicity between the 1,2,3,7,8- and the 1,2,4,7,8-PeCDD isomers; however, even the less toxic isomer has extremely high acute toxicity (oral LD_{50} in the guinea pig=1.1 mg/kg).

Only limited toxicity information is available on certain of the CDD and CDF isomers. However, many are structurally similar to other CDD and CDF isomers that are potent toxicants. The Agency may permissibly infer that certain waste constituents are toxic, based upon structural similarity to known toxicants. See *EDF v. EPA*, 598 F. 2d 62, 78–83 (D.C. Cir. 1978) (prohibition of discharge to navigable waters of less chlorinated PCBs is permissible in the absence of specific toxicologic data due to their structural similarity to the more chlorinated PCBs).

Consequently, because most of the isomers of the listed CDDs and CDFs are toxic, albeit to different degrees, because identification of individual isomers in the waste would be an excessive regulatory burden, and because the Agency believes that these wastes would contain a certain percentage of the more toxic component, the Agency has determined that it is a conservative public health assumption that all the isomers of TCDD should be considered in estimating its toxicity. We have therefore determined that all the CDDs and CDFs identified or proposed to be identified in Appendix VIII should be considered as toxicants of concern in these wastes. This decision is analogous to the finding adopted by the Agency in the case of municipal waste resource recovery facilities.[10]

2. Toxicity of chlorophenols and their chlorophenoxy derivatives. The other toxicants of concern in these wastes also have serious adverse effects. EPA's Carcinogen Assessment Group has

[10] *See* Interim evaluation of the health risks associated with emissions of tetrachlorinated dioxins from municipal waste resource recovery facilities. U.S. EPA, Office of the Administrator, November 16, 1981.

determined that 2,4,6-TCP is a potential human carcinogen.[11] In addition, chlorophenols may cause liver and kidney damage. Some chlorophenoxy compounds are also known or potential human carcinogens, and may have reproductive and teratogenic effects. Water Quality Criteria have been established for many of these compounds. For example, for 2,4,6-TCP, the criterion for the protection of people from excess risk of developing cancer (10^{-5} risk level) from the lifetime consumption of contaminated fish and water is 12 ppb. The criterion for 2,4,5-TCP (based on its chronic systemic toxic effects) is 2.6 ppm.

For several other chlorophenols, the organoleptic water quality criteria are at the ppb level (see 45 FR 79318 November 28, 1980).

B. Contaminant concentration levels in these wastes

The toxicants of concern are likely to be present in the listed wastes at concentrations many orders of magnitude greater than the levels which, as cited above, are of concern in terms or human health. In some cases, the Agency has inferred the presence of these contaminants from knowledge of reaction chemistry and process operating conditions. In other cases, the contamination of chemical intermediates and commercial chemical products is analytically established. For example, analysis of distillation bottoms from manufacturing processes making or using trichlorophenols can contain several hundred ppm CDDs, filter aids may contain up to 6000 ppm TCDDs, and cooling pond muds were shown to contain as much as 1200 ppm CDDs. Still bottoms from 2,4,5-TCP and 2,4,5-T production generated by the Vertac Chemical Corporation contained up to 111 ppm TCDDs. (*U.S* v. *Vertac Chemical Corp.*, 489 F. Supp. 870, 879 (D. Ark. 1980)) (improper storage and disposal of dioxin-containing wastes results in imminent and substantial endangerment warranting injunctive relief).

Some process wastes may be contaminated with CDDs or CDFs because they were generated in the course of a manufacturing process performed on equipment that was previously used for a CDD or CDF-generating process. In the manufacture of chemicals on a production train previously used for a process generating, *e.g.*, CDDs, both the product and the wastes generated can be contaminated with CDDs. This was shown to be the case, for instance, for wastes resulting from the manufacture of 2,4-D. These wastes contained TCDDs at the ppb level, presumably because the equipment, used previously to produce 2,4,5-T, remained contaminated with TCDD after production shifted to 2,4-D (45 *FR* 32677, May 19, 1980).

The contamination of tri-, tetra-, and pentachlorophenols, and their phenoxy derivatives with CDDs (30–100 ppm) and CDFs (50–140 ppm) also results in the contamination of biocides and their formulations.

The concentration of higher chlorinated phenols and chlorophenoxy derivatives in these wastes also is likely to be considerable. In the case of wastes from cholorophenol production, cholorophenols (because of their solubility characteristics) are likely to be present in reactor residues, in still bottoms, and in the sludges from wastewater treatment. Wastes from the manufacturing use of these compounds likewise will contain these chlorophenols—since they are the principal raw material in the process—as well as various chlorophenoxy derivatives. Because of the nature of the purification and precipitation processes, the latter compounds will occur principally in reactor residues, on adsorbents used for product purification, and on filter aids. These compounds are known to be present in the wastes from these processes. For example, a study of the aqueous waste of one herbicide manufacturing facility found that it contained 13.5 kg/day of mixed chlorophenols, and about 32.7 kg/day of phenoxy acid. These are discharged in fairly concentrated form: a typical untreated aqueous waste stream from phenoxy acid manufacture contains 112 ppm of mixed chlorophenols and 235 ppm of chlorophenoxy acids.

Discarded pesticides and pesticide formulations containing these chlorophenols as active ingredients obviously will contain these toxicants in high (percent) concentrations.

C. The wastes' potential to cause substantial harm if mismanaged

Not only are the contaminants of concern present in significant concentrations, but they are capable of migrating from waste matrices and reaching environmental receptors in potentally dangerous concentrations. These contaminants are persistent[12]—CCDs and CDFs extremely so—and several can accumulate in the food chain. The measured bioaccumulation factor (BCF) for TCDD is species dependent, and varies from 2,000 to 48,000; structure/activity considerations make it reasonable to assume that the BCF for other CDDs and CDFs are within the same range. The calculated BCF for the chlorophenols ranges from 290 for 2,4,5-TCP to 610 for 2,4,6-TCP (however, the measured steady state BCF for PCP is only 13). Thus, if these toxicants migrate from these wastes, even in extremely low concentrations, they can accumulate in biological organisms at much higher levels, increasing the likelihood of substantial harm to human health and the environment.

These toxicants, moreover, are mobile in the environment, particularly as a result of water run-off or wind dispersion of contaminated particles, and can migrate from these wastes if they are improperly managed. Although CDDs and CDFs are relatively water insoluble, and bind strongly to organic soil constituents, improper land disposal could cause substantial harm to environmental receptors. Pollution of air and surface waters can occur, perhaps as a result of windblown dust, water run-off or erosion, or flooding of waste disposal sites. All of these scenarios have occurred. In the *Vertac* case cited earlier, improper storage and disposal of wastes from the manufacture of 2,4,5-TCP, 2,4-D, and 2,4,5-T resulted in significant environmental contamination. Fish and other aquatic life in a local stream accumulated TCDD at levels as high as 600 ppt. The court concluded:

> Dioxins * * * can and have been transported off the Vertac site on dust, by the action of landfill areas and equalization basin area, and when people and equipment move to and from the Vertac site. Samples show that dioxin has been transported off the Vertac site into fish and sediment in (a local stream), and also into the Jacksonville sewage treatment plant. (489 F. Supp. at 879)

TCDDs also have been detected at levels of concern in the sediments of streams, public sewers, and home sumps at other sites, including Love Canal. TCDD has been reported in fish and crayfish living in contaminated streams, in concentrations (600 ng/kg) up to fifteen times higher than that at which FDA advises that human consumption be limited. High ppt concentrations have been reported for other CDDs and CDFs in fish. Because of their insolubility in

[11] U.S. EPA. Ambient water quality criteria for chlorophenols. EPA 440/5–80–032.

[12] CDDs (and presumably CDFs) are highly resistant to microbial degradation. The Agency thus believes that these toxicants will be present in wastewater treatment sludges. The listed chlorophenols and their chlorophenoxy derivatives are biodegradable, but where overloading and inadequate treatment occur, and in the anaerobic environment of sludge disposal, they may persist.

water, and their strong binding to organic soil constituents, CDDs and CDFs are not ordinarily expected to leach to ground water if proper precautions are taken. However, if these wastes are co-disposed with solubilizing solvents, or disposed in situations where soil binding site are exhausted, ground water contamination could result.

Although chlorophenols and chlorophenoxy compounds are subject to environmental degradation, including biodegradation by adapted communities, environmental pollution from these constituents has occurred where wastes from the production and manfuacturing use of chlorophenols were mismanaged. More than twenty-five years after the improper disposal of chlorophenolic wastes at Love Canal, tri-, tetra-, and pentachlorophenols were identified in soil, water, and storm sewer sediments at concentrations ranging from 14 ppb (PCP in sump water) to 496 ppm (TCPs in storm sewer sediment).

A further risk to human health may be posed by improper incineration of these wastes. Improper incineration of chlorophenols are prediced to form CDDs and CDFs as products of incomplete combustion,[13] posing a further risk of substantial harm. Indeed, as discussed later in this preamble, the Agency is studying whether different criteria or management standards (*e.g.*, higher destruction and removal efficiency for the incineration of these wastes) are appropriate and practical.

D. Listing as acutely hazardous wastes.

It is clear from this discussion that these wastes have the potential to cause substantial harm, if mismanaged. The Agency is further convinced that these are acutely hazardous wastes under 40 CFR 261.11(a)(2), since they contain contaminants which, when tested in animals, are among the most toxic contaminants known, and thus are capable of causing, or significantly contributing to serious irreversible, or incapacitating reversible, illness.[14] This standard is taken directly from Section 1004(5) of RCRA, and is reserved for wastes particularly likely to pass a substantial risk to human health and the environment (see preamble to Part 261, 45 FR 33106, May 19, 1980).

Additional reasons for listing these wastes as acutely hazardous are that the wastes have been implicated in a series of damage incidents, among them the incidents of Love Canal and Times Beach. The Agency also has been compelled to exert regulatory control over many of these wastes under the Toxic Substances Control Act in the face of the unreasonable risk posed by ongoing and contemplated waste management practices (see further discussion in Part VI. below).

The practical consequences of such a listing are two-fold. First, these wastes will be subject to the 1 kg/month small quantity generator limitation contained in 40 CFR 261.5(e).[15]

The Agency deems 1 kg to be equivalent, for all practical purposes, to total control of the management of these wastes since they are generated in amounts far greater than 1 kg. The Agency solicits comments on the appropriateness of this limitation, however. Second, the residues in empty containers that contain these listed wastes are subject to control under Subtitle C of RCRA, unless the container has been triple-rinsed using a solvent capable of cleaning the container, or the container has been otherwise cleaned by a method that has been shown to achieve equivalent removal. In addition, as explained more fully below, we are proposing that these wastes be managed only at treatment, storage, and disposal facilities that have been fully permitted under RCRA (except as discussed in Section VII.). In the Agency's judgment, these wastes should be managed pursuant to the most stringent appropriate standards that are contained in the RCRA hazardous waste management regulations.

IV. Removal of Certain Commercial Chemical Products Listed in 40 CFR 261.33(f)

As discussed in the previous section, the Agency is proposing to list as acutely hazardous those unused discarded formulations containing tri-, tetra-, or pentachlorophenol and discarded formulations containing as ingredients compounds derived from these chlorophenols. Some of these materials already are hazardous wastes under 40 CFR 261.33(f) when discarded or intended for discard in commercial grade, technical grade, or off-specification form, or when the toxicant is present in formulations as the sole active ingredient. They were originally listed as toxic (rather than acutely hazardous) because the Agency did not at that time consider the presence of CDDs and CDFs. However, as shown above, these formulations will contain chlorinated dioxins and -dibenzofurans, because the chlorophenol or chlorophenoxy derivatives will themselves be contaminated with CDDs and CDFs. For this reason, we are now listing them as actutely hazardous under 40 CFR 261.11(a)(2).

To avoid listing the same waste under two different (and inconsistent) provisions, we are proposing to remove EPA Hazardous Wastes U212, U230, U231, U232, U233, and U242 from 40 CFR 261.33(f). As a consequence, there should be no confusion that these wastes will be subject to a small quantity generator exclusion of 1 kg/mo.

V. Regulatory Status of These Materials When Recycled by Being Used or Reused

On May 19, 1980, EPA promulgated a definition of solid waste which, among other things, states which materials are solid wastes when recycled. In promulgating this rule, EPA established broad jurisdiction over recycled materials and recycling operations. EPA is today proposing in a separate notice to revise this rule to state that certain types of activities involving secondary material use and reuse do not constitute solid waste management; in particular, the proposal states that secondary materials recycled by being used or reused as ingredients in new products, or by being used or reused directly as products, ordinarily are not solid wastes. The proposal provides that materials so used or reused may be listed individually in § 261.2(a)(3) as solid wastes if they meet two conditions: (1) They are ordinarily disposed of (on a nationwide basis), or contain toxic constituents which are not ordinarily found in raw materials or proudcts used for the same purpose which constituents are not used during the recycling process; and (2) the materials could pose a substantial hazard to human health or the environment when so used or reused.

Both these conditions are met here. These wastes are typically disposed of or incinerated, rather than recycled.

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[13] Shaub, W. M. and W. Tsang, Physical and chemical properties of dioxins in relation to their disposal. Proceedings 2nd. International Symposium on Dioxins. Arlington, VA. October 1981.

[14] By means of a site-specific exclusion petition, a generator may be able to show that a waste does not contain CDDs and/or CDFs at levels sufficient to sustain regulatory concern as acutely hazardous waste. Such levels, however, as well as the presence of chlorophenols or chlorophenoxy compounds, may still render such wastes hazardous.

[15] The Agency is proposing today to amend this provision to apply to all acutely hazardous wastes, not just to the acutely hazardous wastes listed in 40 CFR 261.33(e). At the time § 261.5 was written, there were no acutely hazardous wastes other than those in § 261.33(e). Now that we are proposing to list wastes in § 261.31 as acutely hazardous, we are proposing to conform the reference to acutely hazardous waste in § 261.5. For the same reason, we are proposing to make the same type of conforming change to § 261.7(b)—the provision stating when containers that have held acutely hazardous wastes are "empty."

They also contain significant levels of hazardous constituents—CDDs and CDFs—not ordinarily found in raw materials or analogous commercial products, nor would these toxicants contribute to the efficacy of the recycling practice. In addition, in light of their toxicity and their environmental persistence, these wastes could pose the same potential for causing substantial harm when used or reused as when disposed. Since use or reuse would be unregulated, the potential for harm in fact is probably greater.[16]

Accordingly, we are proposing elsewhere in today's **Federal Register** to list these materials as solid wastes when they are used or reused. As a result, these wastes will remain subject to regulation when transported and stored under the Subtitle C regulations even when recycled by being used or reused as ingredients in new products, or by being used or reused directly as products.

VI. Relation of Today's Proposal to Regulation of TCDD-Contaminated Wastes Under the Toxic Substances Control Act

Many wastes containing TCDD are presently regulated under 40 CFR Part 775, a regulation issued under Section 6 of the Toxic Substances Control Act (TSCA).[17] This regulation, promulgated on May 19, 1980 (45 FR 32676), prohibits the Vertac Chemical Company from disposing of certain wastes containing TCDD, and requires the company to store and monitor these wastes until a long-term management solution can be determined. The regulation also requires other persons intending to dispose of TCDD wastes (defined as those resulting from the production of 2,4,5–TCP or its pesticide derivatives, or substances produced on equipment that was previously used for the production of 2,4,5–TCP or its pesticide derivatives) to notify the Agency 60 days in advance of such disposal. The regulation does not apply, however, "to persons disposing of wastes containing TCDD at facilities permitted for disposal of TCDD under Section 3005(c) of RCRA." (See 40 CFR 775.197.)

On January 5, 1982, EPA issued an Advance Notice of Proposed Rulemaking (ANPRM) (47 FR 193), announcing the Agency's intent to review the TCDD disposal rule (40 CFR 775), and solicited comment to aid the Agency in determining the most appropriate long-term solution for TCDD-contaminated wastes. Several comments received on this ANPRM stated that the regulation of treatment and disposal of hazardous wastes properly belongs under RCRA, and that the Agency should avoid overlapping and potentially contradictory approaches to the same problem under different regulatory authority, *e.g.*, TSCA and RCRA. Section 1006(b) of RCRA in fact provides that, in implementing the Act, EPA "Shall avoid duplication" with other statutes administered by the Agency. Section 9(b) of TSCA provides that the Agency must utilize its authority under the other environmental laws it administers where these laws are adequate to protect against unreasonable risk, and where there is no stong public interest in taking action under TSCA.

EPA agrees that RCRA provides the appropriate long-term solution for controlling the management of TCDD-contaminated wastes. The disposal rule under TSCA was only meant as a temporary solution. *See* 45 FR 32682. EPA, in fact, acknowledged the advantages of using RCRA, by providing that final permits issued under RCRA for disposal of TCDD-contaminated wastes would supersede the TSCA rule. The rule proposed today under RCRA will provide the safeguards of a final permit, and will, therefore, render the TSCA rule unnecessary.

Accordingly, only the RCRA rule becomes effective, EPA proposes to revoke the TSCA rule that applies to disposal of TCDD-contaminated wastes. The basis for this revocation is stated in the following paragraphs.

EPA promulgated the TSCA rule under Section 6(a) of that Act. Section 6(a) provides that EPA may prohibit or otherwise regulate any manner or method of disposal of chemical substances or mixtures if the Agency finds that there is a reasonable basis to conclude that such activities present or will present "an unreasonable risk of injury to health or the environment." Determining unreasonable risk involves an administrative judgment which is reached by balancing "the probability that harm will occur and the magnitude and severity of that harm against the effect of proposed regulatory action on the availability to society of the benefits of the substance or mixture, taking into account the availability of substitutes for the substance or mixture which do not require regulation, and other adverse effects which such proposed action may have on society." (TSCA Legislative History at 422).

In the May 19, 1980 regulation, EPA determined that removal for disposal of certain TCDD wastes at Vertac's Jacksonville, Arkansas site would present unreasonable risks. The Agency found that maintaining drummed wastes on-site, with monitoring, presented a relatively known and correctable risk, while disposing of the wastes, as proposed by *Vertac*, posed a substantially greater risk, particularly where a case-specific assessment on the management of these wastes had not been performed. (*See* Preamble to Final Rule at 45 FR 32680; Preamble to Proposed Rule at 45 FR 15595.) Similar considerations led EPA to determine that disposal of TCDD wastes by other persons without prior notification to EPA would present unreasonable risks. The minimal costs of notifying EPA sixty days before disposal, so that EPA could evaluate the management scheme proposed by the notifier, was determined to be outweighed by the risks of harm that could occur from exposure to TCDD disposed of improperly.

We now propose to regulate these wastes under RCRA. On May 19, 1980, EPA believed that the then existing RCRA regulations for treatment and disposal of hazardous waste were not appropriate for TCDD-contaminated waste because EPA had not yet developed final permit standards for land disposal or incineration of hazardous wastes. These final regulations are not effective, and provide a means of properly evaluating the various management alternatives for TCDD-contaminated wastes to ensure that these wastes are managed in a manner that does not present an unreasonable risk. Thus, when the rules proposed today under RCRA become final, it will no longer present an unreasonable risk for these wastes to be treated and disposed of in RCRA facilities, and this will be the only legal waste management option. Since promulgation of these RCRA regulations will vitiate the unreasonable risk finding under TSCA, we will at the same time revoke the TSCA May 19, 1980 regulation.

It should be noted that by doing this, we are eliminating the 60-day notification requirement under TSCA for waste disposed at facilities not

[16] We note, however, that when secondary materials that are derived from commercial pesticides (such as rinse waters from pesticide containers) are put to use as pesticides, they are not considered to be RCRA solid wastes. The Agency considers this activity to constitute continued use of the pesticide, and so not to involve waste management. Any such use, of course, would have to comply with requirements for use of the pesticide imposed under the Federal Insecticide, Fungicide, and Rodenticide Act.

[17] The hazardous waste listings proposed today are more inclusive than those regulated under TSCA, including for example, wastes from the production of certain tetrachlorophenols and chlorobenzenes.

permitted under Section 3005(c) of RCRA. However, when this rule becomes effective, it will be illegal to dispose of these wastes at facilities that have not been fully permitted. Therefore, we believe the TSCA 60-day notification requirement is unnecessary; in addition, notification under Section 3010(b) will still be required and thus, the Agency will still be informed of who is handling these types of wastes.

We also believe that it will be less confusing for the regulated community, and more cost effective, both with respect to compliance and regulatory enforcement, for waste disposal to be regulated under RCRA alone, rather than under both statutes. Moreover, the technical expertise needed to issue permits for these wastes is chiefly within the Agency's office administering RCRA. We consequently believe that the public interest warrants rescission of the TSCA rule once this RCRA regulation becomes effective.

VII. Proposed Management of These Wastes

A. Management at RCRA Interim Status Facilities

As noted, the TSCA rule presently does not allow these wastes to be disposed or treated at interim status facilities without prior approval, because management of such waste at unscrutinized interim status facilities ordinarily presents an unreasonable risk (45 FR 32682). To avoid a decrease in regulatory coverage, and in light of the waste contaminants' high toxicity, persistence, and potential to bioaccumulate, we are proposing to amend the RCRA regulations, except as noted below, for landfills, waste piles, surface impoundments, land treatment facilities, and incinerators, to require that these wastes be managed only at fully permitted facilities. The reasons for the unreasonable risk finding still hold. Interim status incinerators need not perform at 99.99% destruction and removal efficiencies, or meet the other performance standards contained in Subpart O of Part 264. Interim status landfills, waste piles, surface impoundments, and land treatment facilities need not meet the monitoring requirements in Subpart F or many of the design and operating standards of Subparts K, L, M, and N of Part 264 until they are permitted. In addition, we believe that any facility that manages these wastes should be evaluated individually by EPA before accepting them in order to ensure that the facility is designed and operated properly. The proposed regulation consequently prohibits interim status facilities from managing these wastes.

We have proposed three exceptions to this prohibition. The first applies to surface impoundments in which wastewater treatment sludges are generated. The Agency has the authority to prohibit interim status surface impoundments from receiving these wastes. If we propose this action, however, the facilities now generating the listed wastewater treatment sludges would probably have to close down until they obtain permits for their impoundments, or build alternative treatment facilities that can efficiently treat these wastes. The Agency is not proposing this course of action, and notes that Section 3004 of RCRA (as amended by the Solid Waste Disposal Act Amendments of 1980) specifically allows the Administrator, in setting standards for hazardous waste management facilities, to distinguish between new and existing facilities. The legislative history indicates that Congress was concerned with the costs of modifying existing wastewater treatment impoundments installed to meet Clean Water Act requirements (although the Agency has the authority to require such modification where appropriate). See S. Rep. No. 96–172, 96th Cong. 1st Sess., at 3. We are drawing this distinction in today's proposal.

Allowing these wastewater treatment sludges at interim status surface impoundments in which they are generated should be environmentally acceptable for the period until a permit is issued. These sludges are expected to contain lower concentrations of CDDs, CDFs, and chlorophenols than the other waste we are listing. The CDDs and CDFs present also will be adsorbed to the organic matter present; in addition, we believe that there should be little chance that solubilizing solvents, such as benzene, toluene, xylene, or halogenated benzenes, will be present in significant concentrations (since these solvents have very limited water solubility). This situation therefore should not present a significant risk of leaching. Risk of wind dispersal, one of the principal exposure pathways for CDD and CDF-containing wastes which are stored in open piles or disposed in landfills, is not present for these wastewater treatment sludges when they are in an impoundment.

We are not proposing to allow other interim status surface impoundments to manage these sludges, however, because other impoundments could contain CDD- or CDF-solubilizing residues from processes not related to chlorophenol or chlorophenoxy manufacture. In addition, manufacturing operations will not be curtailed if these impoundments have to obtain permits before receiving these wastes.

For all of these reasons, therefore, we are proposing to allow the listed wastewater treatment sludges to be managed at the interim status surface impoundments in which they are generated. However, we expect, as a first priority, to evaluate the Part B permit applications of those interim status surface impoundments that manage these wastes, in order to minimize any potential risk. In addition, if monitoring data, or a review of site management make it apparent that the wastes cannot be prevented from migrating, the owner or operator of the facility will be required to remove the waste from the surface impoundment.

The second exception is for interim status tank and container facilities, which will be allowed to accept these wastes. These facilities, although not providing maximum protection, do provide control of these wastes to prevent them from posing a substantial environmental hazard or an unreasonable risk since tanks or containers at interim status facilities must meet most of the requirements (*e.g.*, storage in non-leaking units, periodic inspections) required for fully permitted tank and container facilities. Therefore, these facilities should provide adequate management of these wastes in the short term. However, we do expect to give highest priority to examining the Part B permit applications of those interim status tank and container storage facilities that store these wastes, in order to minimize any potential risk.

The final exception is for enclosed waste piles. An "enclosed waste pile" is defined in this proposed rule as a pile that meets the requirements of § 264.250(c)—namely, that the pile is inside a structure that provides protection from run-on, precipitation, and wind dispersal; does not generate leachate, and does not contain free liquids. Under existing regulations, waste piles meeting these requirements are exempt from the otherwise-applicable permitting provisions of Subpart L of Part 264 relating to containment. (See 46 FR 55112, November 6, 1981.)

We are proposing that enclosed waste piles be allowed to accept these wastes without first obtaining a permit because enclosure of this type will guard in the short-term against the means of exposure of concern—run-off, wind dispersal, and leaching. In addition,

allowing this type of interim status facility to accept these wastes should help provide management capacity until disposal facilities receive permits to manage these wastes.

We are proposing that interim status enclosed waste piles accepting these wastes still must meet the remaining applicable requirements of Subpart L of Part 265: waste analysis, special requirements for ignitable, reactive, or incompatible wastes, and closure requirements. (Post-closure requirements would not be applicable because we are assuming that these wastes will be removed from these piles.) We note, in addition, that to be eligible for interim status, the facility must have been in existence on November 19, 1980, submitted a Part A permit application, and (if required) submitted a notification of hazardous waste activity. (See § 122.23(a) and 45 FR 76636, November 19, 1980.) Enclosed piles added at interim status facilities after November 19, 1980, or accepting these wastes after that date, may be eligible for interim status provided they meet the requirements for adding waste, increasing design capacity, and (possibly) adding a new management process. (See § 122.23(c) (1), (2), and (3) (permissible changes during interim status)).

B. Management at Fully Permitted RCRA Facilities

1. *Management at fully permitted landfills, waste piles, surface impoundments, lagoons, and land treatment facilities.* Except as described in the previous sections, the storage, treatment, and disposal of these wastes will be allowed only at fully permitted RCRA landfills, surface impoundments, waste piles that are not enclosed, and land treatment facilities. Enclosed waste piles that are permitted under Part 264 would not require a waste management plan prior to accepting these wastes. (The Agency made this determination because it judged that the means of enclosure satisfies the concerns the plan would address.)

In addition, before any of these particular facilities can obtain a permit and, thus, before it can accept any of the wastes proposed to be listed today, it must have a "waste management plan" that is approved by the Regional Administrator. EPA believes that the inherent hazard of these wastes, and their mismanagement history, warrants regulatory controls on potential migration above those contained in the existing permit requirements. The management plan will be the vehicle for assuring individualized consideration that the wastes will be managed safely. The plan must be submitted by the owner or operator of the facility as part of the permit application; it must describe the potential for migration of toxicants from the site via any media, and, where migration is possible, it must address measures to be taken, over and above the applicable permitting requirement, to reduce migration of the wastes or waste constituents.

At a minimum, the proposed plan must address the volume and toxicant concentrations in the wastes to be managed at the facility, the propensity of toxicants to be emitted to the air through volatilization or as aerosols or dusts during placement of the wastes, whether toxicants may migrate from or with the wastes, whether the wastes will be co-disposed with other materials having mobilizing properties, and the potential for soils to attenuate migrating toxicants if the liner system (when one is required by the regulations) is damaged and breached. Where a potential for migration is identified, the proposed plan must identify design provisions and/or operating practices to be adopted to prevent that migration. These design and operating features are in addition to those that would otherwise be required by the regulations. For example, if the facility also disposes of dioxin solubilizing solvents, the applicant may propose to segregate the wastes to prevent contact. If leaching is possible, the applicant might propose lining the unit or mixing the waste with activated carbon, organic sorbents, or other materials designed to immobolize the migrating toxicants. Whatever is proposed by the applicant must be supported by data or a technical rationale. The Regional Administrator will evaluate whether these additional management and design features are adequate to prevent migration.

As a general matter, the additional measures required under a waste management plan will focus on control measures not currently specifically required by the Part 264 land disposal regulations. For example, the plan may include specific waste treatment processes that will reduce the likelihood that dioxin will migrate out of the unit. In addition, the plan may include a demonstration that siting factors (*e.g.*, the attenuative properties of the soil beneath the site) would operate to control migration of dioxin. In most cases, EPA does not believe that it will be necessary to impose additional structural requirements (*e.g.*, liner specifications) for the unit. The Agency intends to provide detailed guidance for the preparation of a waste management plan for managing these wastes prior to issuing this regulation in final form.

Waste management plans will be considered in the normal course of the permitting process, so that no special EPA review procedures are required

2. *Management at fully permitted incinerators.* As stated, we also are proposing to allow incineration of these wastes only at fully permitted incinerators. It is the Agency's view that incineration often is a preferred management option for these wastes, because high temperature destorys the chlorinated dioxins and -dibenzofurans. If incineration is not properly performed, however, the original toxicants may be released undestroyed, or chlorinated -dioxins, -dibenzofurans, biphenyls, and -phenols can be formed from precursors such as chlorinated biphenyls, benzenes, and -phenols.

The proposed regulation, therefore, allows these wastes to be burned only at fully permitted RCRA incinerators which have proven capability to assure 99.99% DRE for principal organic hazardous constituents (POHCs) which are as difficult, or more difficult to incinerate than CDDs or CDFs.[18] The Agency judges that such a demonstration of DRE is sufficiently rigorous to ensure the proper management of these wastes, and therefore feels that it is not necessary to require an additional management plan for incinerator facilities treating these wastes.

3. *Management at fully permitted tank and container storage facilities.* We also have tentatively decided against requiring fully permitted tank and container storage facilities to have a waste management plan approved by the Regional Administrator, before storing these wastes. The current storage regulations provide the Agency with sufficient information to evaluate the storage facility's ability to contain these wastes. Therefore, an additional management plan for tank and container storage facilities storing these wastes appears unnecessry.

C. Other Management Options Considered or These Wastes

1. Standards for Interim Status Landfills, Waste Piles, Surface Impoundments, Land Treatment Facilities, and Incinerators. The Agency considered proposing a regulation that would allow interim status land disposal and incineration facilities to manage these wastes if they obtained prior

[18] The requirements for trial burn permits are described in 40 CFR 122.27. See also, "Guidance manual for hazardous waste incinerator permits. "U.S. EPA, Office of Solid Waste, November 1982.

approval from the Regional Administrator. It was felt that the Agency could provide interim status facilities the same opportunities to handle these wastes as are provided to fully permitted facilities if the Agency can be assured that such management can be accomplished safely. The vehicle to be used to assure individualized consideration of prospective waste management would be a waste management plan that would address the factors outlined in the previous section as well as other design and operating conditions contained in the Part 264 regulations, as deemed appropriate by the Regional or State officials.

The procedures we considered for approving a waste management plan would be the same as, or similar to, those for approving a closure plan. They would allow for public participation on the plan submitted by the facility, and on a tentative decision (and a rationale therefor) of the Regional Administrator. The Regional Administrator could hold a public hearing if he believed it would aid in elucidating the issues.

However, the Agency believes that most interim status facilities probably could not adequately manage these wastes without significant changes. In addition, the amount and detail of information to be provided in the management plan could be almost equivalent to the information needed to obtain a permit. For example, as part of the waste management plan for incineration, the owner or operator of the incinerator would need to conduct a trial burn to ensure that destruction and removal efficiencies could be met. EPA thinks it is unlikely that interim status facilities would go to the expense of preparing and receiving approval on a plan, only to have to go through a later permit proceeding when their Part B application is processed.

However, the Agency solicits comments on the desirability of allowing disposal and treatment of these wastes at interim status facilities having an approved management plan for these wastes.

2. Additional Standards for Container and Tank Storage Facilities. The Agency believes that container storage facilities storing these wastes should meet the most stringent requirements under Part 264. Present regulations (Subpart I) do not require secondary containment for non-liquid wastes (*e.g.* tarry materials) if the storage area slopes, or the container is elevated. However, the Agency believes that secondary containment might appropriately be required for container storage areas that store all non-liquid CDD and CDF-contaminated wastes, due to the toxicity of these wastes, their potential to ooze and to spill, and the long time periods these wastes may be stored before a disposal or incinerator treatment facility can be found that is willing to accept these wastes. (For example, the wastes at the Vertac site have been stored for many years, despite the repeated attempts by the company to find a disposal site.) This requirement may be necessary to ensure that any spillage or release of these wastes is contained and not released into the environment. The Vertac damage incident, where improper storage of these wastes was responsible for considerable harm, serves as an example of these wastes' potential for harm if stored improperly. The Agency therefore is considering a provision that would require secondary containment at container storage facilities that store non-liquid CDD- and CDF-contaminated wastes.

The Agency is also considering a provision that would require secondary containment at tank storage facilities that store CDD- and CDF-contaminated wastes, due to the wastes' toxicity and the long periods of time they might be stored. The damage incident at Neosho, Missouri, when a concrete tank holding chlorophenol production still bottoms (a waste covered by this proposal) and wastewater cracked, and caused considerable contamination, illustrates the potential for harm that secondary containment could address. The Agency solicits comment on the suitability of these two provisions.

3. *Optional Standards Considered for Permitted Incinerators.* Under current regulations, a facility which has shown that it can achieve 99.99% DRE for POHC's which are more resistant to thermal degradation than are CDDs or CDFs (such as carbon tetrachloride or pentachlorophenol), may be permitted to incinderate CDD or CDF-containing wastes without conducting an additional trial burn or modifying its permit (40 CFR 264.342 and 264.343). Because of their hazardousness, the Agency is considering proposing that a facility burning these wastes notify the Regional Administrator of that fact. We are considering this requirement because it is felt that Regional authorities might wish to prioritize compliance monitoring for facilities incinerating these wastes.

The Agency solicits comments on the desirability of requiring notification to the Regional Administrator on the part of a facility that is burning CDD or CDF wastes.

4. *Development of Special Management Standards.* The Agency is considering the development of special management standards for CDD/CDF-contaminated wastes. For some wastes, high temperature incineration might be the preferred method of treatment, whereas for other wastes land disposal might be a better alternative. For the latter, disposal at sites having particular hydrogeological and topographic or surface water characteristics might be needed. The Agency is presently reviewing these problems, and may, for example, propose incineration standards that could require levels of destruction and removal efficiency (DRE's) for these wastes that are greater than the 99.99% DRE presently required under RCRA. For some wastes, land disposal controls ensuring the prevention of dust formation could be imposed, and for some wastes the Agency could prescribe the application of special technologies, such as photodechlorination, or molten salt or critical water oxidation, which are known to cause the destruction of chlorinated aromatics such as CDDs.

The Agency solicits comment with respect to the regulatory alternatives discussed above, as well as any other approaches which might realistically be considered.

VIII. Analytical Method for Tetra-, Penta-, and Hexachloro-Dibenzo-p-Dioxins and -Dibenzofurans

In order to assist generators in the determination of the contamination of wastes with the above compounds, (*e.g.*, for delisting purposes under §§ 260.20 and 260.22 of the RCRA regulations), the Agency is proposing a method of analysis for tetra-, penta-, and hexachlorodibenzo-*p*-dioxins and -dibenzofurans (see Appendix A). The method proposed in this regulation was largely developed by the workers at Wright State University, and has been used for the analysis of TCDDs in a variety of wastes.[19] If adopted, this method will replace the method for analysis of TCDD presently listed in the solid waste test manual ("Test Methods for Evaluating Solid Waste Physical/Chemical Methods", EPA publication number SW–846). The present method is inappropriate because it is not sufficiently sensitive, and does not sufficiently eliminate interfering substances. It also does not specify the procedure to be followed for the

[19] "Analytical protocol for determination of TCDDs in phenolic chemical wastes and soil samples obtained from the proximity of chemical dumps", and "Analytical protocol for determination of chlorinated dibenzo-*p*-dioxins and chlorinated dibenzofurans in river water", Brehm Laboratory, Wright State University, Dayton, OH 45435, January 7, 1982. These protocols are available in the Docket for this listing.

analysis of the chlorinated dibenzofurans.

The proposed method subjects the sample to extraction with petroleum ether (waste not amenable to petroleum ether as an extractant, such as tar-like or carbonaceous wastes, will require extraction with other organic solvents, such as toluene, hexane, or dichloromethane).[20] The extract is successively washed with alkali and acid, subjected to fractionation on alumina, and the eluate is analyzed by high-resolution gas chromatography, using a capillary glass column, and by low-resolution mass spectrometry. In case of interference, the alumina eluate is subjected to further cleanup with high pressure liquid chromatography (HPLC).

The Agency has chosen the proposed method because it is the one that has been most successfully applied to chemical wastes. In addition, its originators have indicated to the Agency that it can be used for the analysis of both CDDs and CDFs.[21–24] For example, the proposed method has been used for the analysis of TCDD in chlorophenol still bottoms, reactor residues, oxidation pond sediments, cooling pond muds, contaminated soils, and sludge samples. The detection limit for TCDD established in these different matrices varied from 15 ppt (soils, 0.5 ppb (cooling pond muds), and 1 ppb (sludges) to 0.1–1300 ppb (still bottoms, highly variable). The recovery of added TCDD varied from 14–111 percent, averaging 76 percent. In incinerator stack effluents, the minimum detectable quantity was 3.8 ng for CDDs and 3.5 ng for CDFs, and the recovery of added CDDs or CDFs averaged 80 percent.

IX. Questions for Comment

The Agency welcomes public comment on all aspects of this proposed rule. However, public comment is especially solicited with respect to the following questions.

1. *Should EPA develop, for CDD or CDF-containing wastes, a "characteristic" definition of hazardousness under Subpart C of Section 261 of the RCRA regulations?* Instead of listing CDD/CDF-containing wastes as hazardous under Subpart D of the Part 261 regulations, EPA considered an alternative approach, namely, identifying such wastes as "characteristic" hazardous wastes under Subpart C of Part 261. This approach would oblige the Agency to make a generic determination as to the lower level of concern regarding CDD/CDF contamination, and would then require generators to either analyze or estimate the amount of CDD's or CDF's in a waste (by actual analysis or, for example, from a knowledge of reaction chemsistry, process technology, and chemical engineering principles).

The Agency judged that this approach, although at first glance appealing because of its apparent simplicity, would not be a suitable regulatory alternative. It would require that the Agency set a concentration (as in the EP hazardous waste characteristic) defining the level at which CDD's and CDF's constitute a minimum level of concern. Heretofore, EPA has not attempted to set a lower limit for the concentration of a toxicant of concern in a waste, except in a limited manner. Instead, EPA has made qualitative assessments in determining that certain wastes should be listed in the RCRA regulations because they present a potential threat to human health and the environment, if mismanaged.

Because of the high acute and chronic toxicity properties of many of the CDD's and CDF's, as evidenced in animal studies, the Agency considered that, if a lower limit of concern were to be developed it would be *very* low. Additionally, because biological availability of these toxicants is expected to be dependent on waste matrix characteristics, it was felt that a generic risk estimation for all wastes would be extremely difficult to perform. One alternative was to set the lower limit at the limit of detection of CDD's and CDF's in the waste. However, this is not a fixed concentration. As outlined above, the limit of detection is sample and matrix-dependent. Since industrial wastes are highly variable, it may not be realistic to establish generally applicable standards for the level of detection, recovery, and reproducibility for the analytical determination of CDD's and CDF's in these wastes.

Within the above limitations, the Agency could nevertheless set a lower level of concern for the concentration of CDD's and CDF's in these wastes. The Agency solicits comment on the advisability, practicality, and desirability of doing so. If a lower level of concern is to be established, at what level should it be set, and how could this level be justified?

2. *Analytical Methodology*—The Agency solicits comment on the proposed method of analysis for CDD's and CDF's; in particular, evidence that some extraction media may be more efficacious than others for particular wastes. The Agency considered whether it might be useful to develop a method of analysis that would be less detailed, and therefore less expensive, than that proposed, since a high degree of specificity with respect to isomeric content is not necessary in the present instance. For delisting purposes, for instance, it might be sufficient for a petitioner to show that a waste does not contain any CCD's or CDF's—even though, for example, dichloro- or hepta- and octachlorodioxins are present. The Agency solicits comments with respect to the usefulness, practicability, and cost, for instance, of a GC/MS analytical method which would detect *total* CDD's and CDF's at low levels in a waste in one analytical determination.

3. *Wastes resulting from manufacturing processes conducted on equipment contaminated with CDD's or CDF's*—The Agency is proposing to list as hazardous, wastes resulting from processes conducted on equipment previously used for a manufacturing process that generated CDD's or CDF's. A generator could legitimately question how this regulation can be enforced: how can they know whether the equipment in question was previously used for these processes? The Agency considers that a demonstration of historical knowledge would be deemed sufficient for this purpose (45 *FR* 32678 (May 19, 1980); see also the Listing Background Document). If historical records are not available, or inaccurate, analysis of the listed wastes on several occasions for total CDD's and CDF's would be sufficient to establish their absence. The Agency solicits comments on the appropriate historical records and time periods to be used, and the appropriate analytical detection limit to be used if historical records are not available.

4. *Identification of commercial chemical products subject to this listing.* The Agency is concerned that some users of commercial chemical products may not be able to identify which commercial chemical products contain tri-, tetra-, or pentachlorophenol, or their chlorophenoxy derivative acids, esters, and amine salts, and which, therefore, would be regulated (when discarded) as

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[20] "Capabilities on methodology for the analysis of tetrachlorodibenzo-*p*-dioxin". Batteile Columbus Laboratories, Columbus OH 43201, August 10, 1981.

[21] Dr. M. Taylor, Wright State University, to C. Gozda, U.S. EPA. Report of analytical data (December 6, 1979).

[22] Dr. T. O. Tiernan, Wright State University, to D. L. Rosengren, Viar and Company, Inc., Report on sample analyses (June 1, 1982)

[23] Dr. T. O. Tiernan, Wright State University, to L. Haas, Viar and Company, Inc., Report on sample analyses (August 6, 1982).

[24] T. O. Tiernan *et al.*, Incineration of chemical wastes containing polychlorinated biphenyl: assessment of tests conducted at Rollins Environmental Services, Deer Park, Texas, and Energy Systems Company, El Dorado, Arkansas. *In:* Detoxication of Hazardous Waste, J. H. Exner, Ed., Ann Arbor Science, 1982, pp 143–183.

EPA Hazardous Waste Nos. F023. Although the FIFRA regulations (40 CFR 162) do require that active ingredients be identified by their chemical name or by a usual common name, and an EPA publication ("Accepted common names and chemical names for the ingredient statement on pesticide labels", EPA 540/9–7–017) is available to aid in their chemical identification, these aids may not convey sufficient information to the unsophisticated user. Non-pesticide products may also be hard to identify. Therefore, the Agency is considering various mechanisms to solve this potential problem (*i.e.*, labeling requirements for manufacturers, publishing a list of all products which contain these compounds, etc.). The Agency solicits comment on this potential problem.

5. *Wastes which may contain CDDs and CDFs but which are not covered by the present regulation.* The Agency has some data indicating that wastes, other than those covered by this proposal, may contain CDDs and CDFs. This may be the case, for instance for residuals such as fly ash from low temperature combustion of certain industrial wastes (especially of wastes containing chlorophenols, or chlorobenzenes); residuals from dichlorophenol manufacture; and sludges from wood preserving using pentachlorophenols. In the case of the first two wastes, although the Agency, on the grounds of knowledge of reaction chemistry and process technology, believes this may be the case, it lacks sufficient data to support this supposition. For this reason, studies are being conducted in order to gather more data. These wastes may be listed at a future date if further evidence demonstrates that they indeed are hazardous.

With regard to waste from wood preserving, we are presently investigating whether additional wastes from this process should be listed as hazardous, and whether CDDs and CDFs should be constituents of concern in the process wastes already listed (EPA Hazardous Waste K001, Wastewater treatment sludges). Pending completion of those studies we may take further regulatory action.

X. Economic, Environmental, and Regulatory Impacts

A. Regulatory Impact Analysis

Under Executive Order 12291, EPA must determine whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The effect of the present amendment is judged not to be major, since it in part replaces regulation under a different statute (Section 6(d) of the Toxic Substances Control Act), and imposes an additional regulatory burden only on three manufacturers of chlorophenols, and five manufacturers of chlorophenols and their chlorophenoxy derivatives. In addition, some number of manufacturers who use equipment that may be contaminated with CDDs or CDFs may also have additional regulatory burden. However, we presume that this part of the regulation is unlikely to affect many additional manufacturers other than the eight referred to above. In addition, this regulation imposes a regulatory burden on persons or entities discarding some unused formulations containing tri-, tetra-, or pentachlorophenol or unused formulations containing compounds derived from these phenols. The disposal of many of these formulations, however, is already regulated under § 261.33 of RCRA. Additionally, because of their inherent value, we do not believe that the regulated community will usually discard substantial quantities of these materials, further minimizing any impact.

In addition, we believe that there will be no adverse impact on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, since the Agency does not expect that the proposed action will result in either an effect on the economy of $100 million or more, or an adverse impact on U.S. based enterprises, this proposed regulation is not considered to be a major action. Because this proposed amendment is not a major regulation, no Regulatory Impact Analysis has been conducted.

This amendment was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA, and any EPA responses to those comments are available for public inspection in Room S–269C at EPA.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Only one of the hazardous wastes proposed to be listed in § 261.31 is expected to be generated by small entities. The Agency anticipates that pesticide aerial applicators will constitute the main segment of small business entities affected by this regulation.[25] However, these persons are probably already regulated under RCRA since a large number of pesticides (both acutely hazardous and toxic) are currently covered by existing regulations. Therefore, we would not expect any aerial applicators to be newly regulated as a result of this rule. In addition, the Agency does not believe that small entities will dispose of significant quantities of the commercial chemical products proposed for regulation. Thus, today's amendment is unlikely to have a significant economic impact on a substantial number of small entities. This regulation therefore does not require a regulatory flexibility analysis.

C. Paper Reduction Act of 1980

The reporting or recordkeeping (information) provisions in this rule will be submitted for approval to the Office of Management and Budget (OMB) under Section 3504(h) of the Paperwork Reduction Act of 1980, U.S.C. 3501 *et seq.* Any final rule will explain how its reporting or recordkeeping provisions respond to any OMB or public comments.

XII. Rulemaking Record

The public docket for 40 CFR Part 775 is located in Room E-107 at the address listed for the U.S. Environmental Protection Agency in the address section of this preamble. The entire rulemaking docket for the rule being proposed today is included in the record for 40 CFR Part 775. EPA will identify the complete rulemaking record for 40 CFR part 775 on or before the date of repeal. EPA will consider any time between the publication of this notice and the date the Agency identifies the final record.

XII List of Subjects

40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

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[25] Farmers may also generate some of these wastes—discarded unused formulations—however, farmers are exempt from regulation provided the waste pesticides are from their own use and are disposed of on their own farm in a manner consistent with the disposal instructions on the pesticide label. Therefore, we do not expect farmers to be severely impacted.

40 CFR Part 264

Hazardous materials, Packaging and containers, Reporting requirements, Security measures, Surety bonds, Waste treatment and disposal.

40 CFR Part 265

Hazardous materials, Packaging and containers, Reporting requirements, Security measures, Surety bonds, Waste treatment and disposal, Water supply.

40 CFR Part 775

Environmental protection, Hazardous materials, Pesticides and pests, Waste treatment and disposal.

Dated: March 21, 1983.

John W. Hernandez,

Acting Administrator.

For the reasons set out in the preamble, it is proposed to amend Title 40 of the Code of Federal Regulations as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

2. In § 261.5, paragraphs (e)(1) and (e)(2) are revised to read as follows:

§ 261.5 Special requirements for hazardous waste generated by small quantity generators

* * * * *

(e) * * *

(1) A total of one kilogram of acutely hazardous wastes listed in §§261.31, 261.32, or 261.33(e).

(2) A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of any acutely hazardous wastes listed in §§261.31, 261.32, or 261.33(e).

3. In §261.7, the introductory text of paragraphs (b)(1) and (b)(3) is revised to read as follows:

§261.7 Residues of hazardous waste in empty containers.

* * * * *

(b)(1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acutely hazardous waste listed in §§261.31 261.32, or 261.33(e) of this chapter is empty if:

* * * * *

3. A container or an inner liner removed from a container that has held an acutely hazardous waste listed in §§261.31 261.32, or 261.33(e) is empty if:

* * * * *

4. In §261.31, add the following waste streams:

§261.31 Hazardous waste from nonspecific sources.

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
	* * * * *	
Generic.		
F020	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri-, tetra-, or pentachlorophenol, or of intermediates used to produce their derivatives. (This listing does not include wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol.	(H).
F021	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.	(H).
F022	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of materials listed under F020 and F021..	(H)
F023	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols	(H)
	* * * * *	

5. In § 261.33(f), remove the following waste streams:

§ 261.33 Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof.

* * * * *

Hazardous waste No.	Substance
	* * * * *
U212	2,3,4,6-Tetrachlorophenol
U212	Phenol, 2,3,4,6-tetrachloro-
U230	2,4,5-Trichlorophenol
U230	Phenol, 2,4,5-trichloro
U231	2,4,6-Trichlorophenol
U231	Phenol, 2,4,6-trichloro-
U232	2,4,5-Trichlorophenoxyacetic acid
U232	2,4,5-T.
U233	Silvex
U233	Propionic acid, 2-(2,4,5-trichlorophenoxy)-
U242	Pentachlorophenol.
U242	Phenol, pentachloro-
	* * * * *

6. Amend Table I in Appendix III of Part 261, by removing the entry "chlorinated dibenzodioxins", and adding the following entries in alphabetical order:

Appendix III—Chemical Analysis Test Methods

TABLE 1.—ANALYTICAL CHARACTERISTICS OF ORGANIC CHEMICALS

Compound	Sample handling class/fraction	Non-GC methods	Measurement techniques		
			GC/MS	Conventional	
				GC	Detector
Chlorinated dibenzo-*p*-dioxins	Extractable/BN		8280		
Chlorinated dibenzofurans	Extractable/BN		8280		

7. Add the following entries in numerical order to Appendix VII of Part 261:

Appendix VII—Basis for Listing Hazardous Wastes

EPA hazardous waste No	Hazardous constituents for which listed
F020	tetra-, penta-, and hexachlorodibenzo-*p*-dioxins; tetra-, penta-, and hexachlorodibenzofurans, and tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, and amine salts
F021	tetra-, penta-, and hexachlorodibenzo-*p*-dioxins; tetra-, penta-, and hexachlorodibenzofurans; and tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, and amine salts.
F022	tetra-, penta-, and hexachlorodibenzo-*p*-dioxins; tetra-, penta-, and hexachlorodibenzofurans; and tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, and amine salts
F023	tetra-, penta-, and hexachlorodibenzo-*p*-dioxins; tetra-, penta-, and hexachlorodibenzofurans, and tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, and amine salts

8. Add the following constituents in alphabetical order to Appendix VIII of Part 261:

Appendix VIII—Hazardous Constituents

hexachlorodibenzo-*p*-dioxins
hexachlorodibenzofurans
pentachlorodibenzo-*p*-dioxins
pentachlorodibenzofurans
tetrachlorodibenzo-*p*-dioxins
tetrachlorodibenzofurans

9. Appendix IX is added to Part 261 to read as follows:

Appendix IX—Method of Analysis for Chlorinated dibenzo-p-dioxins and -dibenzofurans [1 2 3 4]

Method 8280

1. Scope and Application.

1.1 This method covers the determination of chlorinated dibenzo-*p*-dioxins and chlorinated dibenzofurans in chemical wastes including still bottoms, filter aids, sludges, spent carbon, and reactor residues, and in soils.

1.2 The sensitivity of this method is dependent upon the level of interferences.

1.3 This method is recommended for use only by analysts experienced with residue analysis and skilled in mass spectral analytical techniques.

1.4 Because of the extreme toxicity of these compounds, the analyst must take necessary precautions to prevent exposure to himself, or to others, of materials known or beleved to contain CDDs or CDFs.

2. Summary of the Method.

2.1 This method is an analytical extraction cleanup procedure, and capillary column gas chromatographty-low resolution mass spectrometry method, using capillary column GC/MS conditions and internal standard techniques, which allow for the measurement of PCDDs and PCDFs in the extract.

2.2 If interferences are encountered, the method provides selected general purpose cleanup procedures to aid the analyst in their elimination.

3. Interferences.

3.1 Solvents, reagents, glassware, and other sample processing hardware may yield discrete artifacts and/or elevated baselines causing misinterpretation of gas chromatograms. All of these materials must be demonstated to be free from interferences under the conditions of the analysis by running method blanks. Specific selection of reagents and purification of solvents by distillation in all-glass systems may be required.

3.2 Interferences co-extracted from the samples will vary considerably from source to source, depending upon the diversity of the industry being sampled. PCDD is often associated with other interfering chlorinated compounds such as PCB's which may be at concentrations several orders of magnitude higher than that of PCDD. While general cleanup techniques are provided as part of this method, unique samples may require additional cleanup approaches to achieve the sensitivity stated in Table 1.

3.3 The other isomers of tetrachlorodibenzo-p-dioxin may interfere with the measurement of 2,3,7,8–TCDD. Capillary column gas chromatography is required to resolve those isomers that yield virtually identical mass fragmentation patterns.

4. Apparatus and Materials.

4.1 Sampling equipment for discrete or composite sampling.

4.1.1 Grab sample bottle—amber glass, 1-liter or 1-quart volume. French or Boston Round design is recommended. The container must be washed and solvent rinsed before use to minimize interferences.

4.1.2 Bottle caps—threaded to screw on to the sample bottles. Caps must be lined with Teflon. Solvent washed foil, used with the shiny side towards the sample, may be substituted for the Teflon if sample is not corrosive.

4.1.3 Compositing equipment—automatic or manual compositing system. No tygon or rubber tubing may be used, and the system must incorporate glass sample containers for the collection of a minimum of 250 ml. Sample containers must be kept refrigerated after sampling.

4.2 Water bath—heated, with concentric ring cover, capable of temperature control (± 2° C). The bath should be used in a hood.

4.3 Gas chromatograph/mass spectrometer data system

4.3.1 Gas chromatograph: An analytical system with a temperature-programmable gas chromatograph and all required accessories including syringes, analytical columns, and gases.

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[1] This method is appropriate for the analysis of tetra-, penta-, and hexachlorinated dibenzo-*p*-dioxins and -dibenzofurans.

[2] Analytical protocol for determination of TCDDs in phenolic chemical wastes and soil samples obtained from the proximity of chemical dumps. T.O. Tiernan and M. Taylor. Brehm Laboratory, Wright State University, Dayton, OH 45435.

[3] Analytical protocol for determination of chlorinated dibenzo-*p*-dioxins and chlorinated dibenzofurans in river water. T.O. Tiernan and M. Taylor. Brehm Laboratory, Wright State University, Dayton, OH 45435.

[4] In general, the techniques that should be used to handle these materials are those which are followed for radioactive or infectious laboratory materials. Assistance in evaluating laboratory practices may be obtained from industrial hygienists and persons specializing in safe laboratory practice. Typical infectious waste incinerators are probably not satisfactory devices for disposal of materials highly contaminated with CDDs or CDFs. A laboratory planning to use these compounds should prepare a disposal plan to be reviewed and approved by EPA's Dioxin Task Force (Contact Conrad Kleveno, WH–548A, U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460).

4.3.2 Column: SP–2250 coated on a 30 m long x 0.25 mm I.D. glass column (Supelco No. 2–3714 or equivalent). Glass capillary column conditions: Helium carrier gas at 30 cm/sec linear velocity run splitless. Column temperature is 210° C.

4.3.3 Mass spectrometer: Capable of scanning from 35 to 450 amu every 1 sec or less, utilizing 70 volts (nominal) electron energy in the electron impact ionization mode and producing a mass spectrum which meets all the criteria in Table 2 when 50 ng of decafluorotriphenyl-phosphine (DFTPP) is injected through the GC inlet. The system must also be capable of selected ion monitoring (SIM) for at least 4 ions simultaneously, with a cycle time of 1 sec or less. Minimum integration time for SIM is 100 ms. Selected ion monitoring is verified by injecting .015 ng of TCDD Cl ^{37} to give a minimum signal to noise ratio of 5 to 1 at mass 320.

4.3.4 GC/MS interface: Any GC-to-MS interface that gives acceptable calibration points at 50 ng per injection for each compound of interest and achieves acceptable tuning performance criteria (see Sections 6.1–6.3) may be used. GC-to-MS interfaces constructed of all glass or glass-lined materials are recommended. Glass can be deactivated by silanizing with dichlorodimethylsilane. The interface must be capable of transporting at least 10 ng of the components of interest from the GC to the MS.

4.3.5 Data system: A computer system must be interfaced to the mass spectrometer. The system must allow the continuous acquisition and storage on machine-readable media of all mass spectra obtained throughout the duration of the chromatographic program. The computer must have software that can search any GC/MS data file for ions of a specific mass and that can plot such ion abundances versus time or scan number. This type of plot is defined as an Extracted Ion Current Profile (EICP). Software must also be able to integrate the abundance, in any EICP, between specified time or scan number limits.

4.4 Pipettes-Disposable, Pasteur, 150 mm long x 5 mm ID (Fisher Scientific Co., No. 13–678–6A or equivalent).

4.5 Flint glass bottle (Teflon-lined screw cap).

4.6 Reacti-vial (silanized) (Pierce Chemical Co.).

5. Reagents.

5.1 Potassium hydroxide-(ACS), 2 percent in distilled water.

5.2 Sulfuric acid-(ACS), concentrated.

5.3 Methylene chloride, hexane, benzene, petroleum ether, methanol, tetradecane-pesticide quality or equivalent.

5.4 Stock standards in a glovebox, prepare stock standard solutions of TCDD and C1–TCDD (molecular weight 328). The stock solutions are stored in a glovebox, and checked frequently for signs of degradation or evaporation, especially just prior to the preparation of working standards.

5.5 Alumina-basic, Woelm; 80/200 mesh. Before use activate overnight at 600°C, cool to room temperature in a dessicator.

5.6 Prepurified nitrogen gas

6.0 Calibration.

6.1 Before using any cleanup procedure, the analyst must process a series of calibration standards through the procedure to validate elution patterns and the absence of interferences from reagents.

6.2 Prepare GC/MS calibration standards for the internal standard technique that will allow for measurement of relative response factors of at least three TCDD/^{37}C1–TCDD and TCDF/^{37}C1–TCDF ratios.[5] The ^{37}C1–TCDD/F concentration in the standard should be fixed and selected to yield a reproducible response at the most sensitive setting of the mass spectrometer.

6.3 Assemble the necessary GC/MS apparatus and establish operating parameters equivalent to those indicated in Section 11.1 of this method. Calibrate the GC/MS system according to Eichelberger, et al. (1975) by the use of decafluorotriphenyl phosphine (DFTPP). By injecting calibration standards, establish the response factors for CDDs *vs.* ^{37}C1–TCDF. The detection limit provided in Table 1 should be verified by injecting .015 ng of ^{37}C1–TCDD which should give a minimum signal to noise ratio of 5 to 1 at mass 320.

7. Quality Control.

7.1 Before processing any samples, the analyst should demonstrate through the analysis of a distilled water method blank, that all glassware and reagents are interference-free. Each time a set of samples is extracted or there is a change in reagents, a method blank should be processed as a safeguard against laboratory contamination.

7.2 Standard quality assurance practices must be used with this method. Field replicates must be collected to validate the precision of the sampling technique. Laboratory replicates must be analyzed to validate the precision of the analysis. Fortified samples must be analyzed to establish the assuracy of the analysis.

8. Sample Collection, Preservation, and Handling.

8.1 Grab and composite samples must be collected in glass containers. Conventional sampling practices should be followed, except that the bottle must not be prewashed with sample before collection. Composite samples should be collected in glass containers in accordance with the requirements of the RCRA program. Sampling equipment must be free of tygon and other potential sources of contamination.

8.2 The samples must be iced or refrigerated from the time of collection until extraction. Chemical preservatives should not be used in the field unless more than 24 hours will elapse before delivery to the laboratory. If an aqueous sample is taken and the sample will not be extracted within 49 hours of collection, the sample should be adjusted to a pH range of 6.0–8.0 with sodium hydroxide or sulfuric acid.

[5] ^{37}C1-labelled TCDD and TCDF are available from K.O.R. Isotopes, Cambridge, MA. Proper standardization requires the use of a specific labelled isomer for each congener to be determined. However, the only labelled isomers readily available are ^{37}C1–2,3,7,8–TCDD and ^{37}C1–2,3,7,8–TCDF. This method therefore uses these isomers as surrogates for the CDDs and CDFs. When labelled CDDs and CDFs are available, their use will be required.

8.3 All samples must be extracted with 7 days and completely analyzed within 30 days of collection.

9. *Extraction and Cleanup Procedures.*

9.1 Use an aliquot of 1–10 g sample of the chemical waste or soil to be analyzed. Soils should be dried using a stream of prepurified nitrogen and pulverized in a ball-mill or similar device. Transfer the sample to a tared 125 ml flint glass bottle (Teflon-lined screw cap) and determine the weight of the sample. Add an appropriate quantity of ^{37}C1-labelled 2,3,7,8–TCDD (adjust the quantity according to the required minimum detectable concentration), which is employed as an internal standard.

9.2 Extraction.

9.2.1 Extract chemical waste samples by adding 10 ml methanol, 40 ml petroleum ether, 50 ml doubly distilled water, and then shaking the mixture for 2 minutes. Tars should be completely dissolved in any of the recommended neat solvents. Activated carbon samples must be extracted with benzene using method 3540 in SW–846 (Test Methods for Evaluating Solid Waste—Physical/Chemical Methods, available from G.P.O. Stock #055–002–81001–2). Quantitatively transfer the organic extract or dissolved sample to a clean 250 ml flint glass bottle (Teflon lined screw cap), add 50 ml doubly distilled water and shake for 2 minutes. Discard the aqueous layer and proceed with Step 9.3.

9.2.2 Extract soil samples by adding 40 ml of petroleum ether to the sample, and then shaking for 20 minutes. Quantitatively transfer the organic extract to a clean 250 ml flint glass bottle (Teflon-lined screw cap), add 50 ml doubly distilled water and shake for 2 minutes. Discard the aqueous layer and proceed with Step 9.3.

9.3 Wash the organic layer with 50 ml of 20% aqueous potassium hydroxide by shaking for 10 minutes and then remove and discard the aqueous layer.

9.4 Wash the organic layer with 50 ml of doubly distilled water by shaking for 2 minutes and discard the aqueous layer.

9.5 Cautiously add 50 ml concentrated sulfuric acid and shake for 10 minutes. Allow the mixture to stand until layers separate (approximately 10 minutes), and remove and discard the acid layer. Repeat acid washing until no color is visible in the acid layer.

9.6 Add 50 ml of doubly distilled water to the organic extract and shake for 2 minutes. Remove and discard the aqueous layer and dry the organic layer by adding 10g of anhydrous sodium sulfate.

9.7 Concentrate the extract to incipient dryness by heating in a 50° C water bath and simultaneously flowing a stream of prepurified nitrogen over the extract. Quantitatively transfer the residue to an alumina microcolumn fabricated as follows:

9.7.1 Cut off the top section of a 10 ml disposable Pyrex pipette at the 4.0 ml mark and insert a plug of silanized glass wool into the tip of the lower portion of the pipette.

9.7.2 Add 2.8g of Woelm basic alumina (previously activated at 600° C overnight and then cooled to room temperature in a desiccator just prior to use).

9.8 Elute the microcolumn with 10 ml of 3% methylene chloride-in-hexane followed by 15 ml of 20% methylene chloride-in-hexane and discard these effluents. Elute the column with 15 ml of 50% methylene chloride-in-hexane and concentrate this effluent (55° C water bath, stream of prepurified nitogren) to about 0.3–0.5 ml.

9.9. Quantitatively transfer the residue (using methylene chloride to rinse the container) to a silanized Reacti-Vial (Pierce Chemical Co.). Evaporate, using a stream of prepurified nitrogen, almost to dryness, rinse the walls of the vessel with approximately 0.5 ml methylene chloride, evaporate just to dryness, and tightly cap the vial. Store the vial at 5°C until analysis, at which time the sample is reconstituted by the addition of tridecane.

9.10 Approximately 1 hour before GC–MS (HRGC–LRMS) analysis, dilute the residue in the micro-reaction vessel with an appropriate quantity of tridecane. Gently swirl the tridecane on the lower portion of the vessel to ensure dissolution of the CDDs and CDFs. Analyze a sample by GC/EC to provide insight into the complexity of the problem, and to determine the manner in which the mass spectrometer should be used. Inject an appropriate aliquot of the sample into the GC–MS instrument, using a syringe.

9.11 If, upon preliminary GC–MS analysis, the sample appears to contain interfering substances which obscure the analyses for CDDs and CDFs, high performance liquid chromatographic (HPLC) cleanup of the extract is accomplished, prior to further GC–MS analysis.

10. HPLC Cleanup Procedure.

10.1 Place approximately 2 ml of hexane in a 50 ml flint glass sample bottle fitted with a Teflon-lined cap.

10.2 At the appropriate retention time, position sample bottle to collect the required fraction.

10.3 Add 2 ml of 5% (w/v) sodium carbonate to the sample fraction collected and shake for one minute.

10.4 Quantitatively remove the hexane layer (top layer) and transfer to a micro-reaction vessel.

10.5 Concentrate the fraction to dryness and retain for further analysis.

11. GC/MS Analysis

11.1 The following column conditions are recommended: Glass capillary column conditions: SP–2250 coated on a 30 m long × 0.25 mm I.D. glass column (Supelco No. 2–3714, or equivalent) with helium carrier gas at 30 cm/sec linear velocity, run splitless. Column temperature is 210°C. Under these conditions the retention time for TCDDs is about 9.5 minutes. Calibrate the system daily with, a minimum, three injections of standard mixtures.

11.2 Calculate response factors for standards relative to ^{37}Cl–TCDD/F (see Section 12).

11.3 Analyze samples with selected ion monitoring of at least two ions from Table 3. Proof of the presence of CDD or CDF exists if the following conditions are met:

11.3.1 The retention time of the peak in the sample must match that in the standard, within the performance specifications of the analytical system.

11.3.2 The ratio of ions must agree within 10% with that of the standard.

11.3.3 The retention time of the peak maximum for the ions of interest must exactly match that of the peak.

11.4 Quantitate the CDD and CDF peaks from the response relative to the ^{37}Cl-TCDD/F internal standards. Recovery of the internal standard should be greater than 50 percent.

11.5 If a response is obtained for the appropriate set of ions, but is outside the expected ratio, a co-eluting impurity may be suspected. In this case, another set of ions characteristic of the CDD/CDF molecules should be analyzed. For TCDD a good choice of ions is m/e 257 and m/e 259. For TCDF a good choice of ions is m/e 241 and 243. These ions are useful in characterizing the molecular structure of TCDD or TCDF. For analysis of TCDD good analytical technique would require using all four ions, m/e 257, 320, 322, 328, to verify detection and signal to noise ratio of 5 to 1. Suspected impurities such as DDE, DDD, or PCB residues can be confirmed by checking for their major fragments. These materials can be removed by the cleanup columns. Failure to meet criteria should be explained in the report or the sample reanalyzed.

11.6 If broad background interference restricts the sensitivity of the GC/MS analysis, the analyst should employ cleanup procedures and reanalyze by GC/MS.

11.7. In those circumstances where these procedures do not yield a definitive conclusion, the use of high resolution mass spectrometry is suggested.

12. Calculations

12.1 Determine the concentration of individual compounds according to the formula:

$$\text{Concentration, ug/gm} = \frac{A \times A_s}{G \times A_{is} \times R_f}$$

Where:

A = ug of internal standard added to the sample.[6]

G = gm of sample extracted

A_s = area of characteristic ion of the compound being quantified

A_{is} = area of characteristic ion of the internal standard

R_f = response factor

Response factors are calculated using data obtained from the analysis of standards according to the formula:

$$Rf = \frac{A_s \times C_{is}}{A_{is} \times C_s}$$

[6] The proper amount of standard to be used is determined from the calibration curve (See Section 6.0)

Where:

C_{is} = concentration of the internal standard

C_s = concentration of the standard compound

12.2 Report results in micrograms per gram without correction for recovery data When duplicate and spiked samples are analyzed, all data obtained should be reported.

12.3 Accuracy and Precision. No data are available at this time.

TABLE 1—Gas Chromatography of TCDD

Column	Retention time (min.)	Detection limit (ug/kg)
Glass Capillary	9.5	0.003

[1] Detection limit for liquid samples is 0.003 ug/L. This is calculated from the minimum detectable GC response being equal to five times the GC background noise assuming a 1 ml effective final volume of the 1 liter sample extract, and a GC injection of 5 microliters. Detection levels apply to both electron capture and GC/MS detection. For further details see 44 *FR* 69526 (December 3, 1979)

TABLE 2.—DFTPP KEY IONS AND ION ABUNDANCE CRITERIA [1]

Mass	Ion abundance criteria
51	30 to 60 percent of mass 198
68	Less than 2 percent of mass 69
70	Do
127	40 to 60 percent of mass 198
197	Less than 1 percent of mass 198
198	Base peak, 100 percent relative abundance
199	5 to 9 percent of mass 198
275	10 to 30 percent of mass 198
365	Greater than 1 percent of mass 198
441	Present but less than mass 443
442	Greater than 40 percent of mass 198
443	17 to 23 percent of mass 442

[1] J. W. Eichelberger, L. E. Harris, and W. L. Budde. 1975. Reference compound to calibrate ion abundance measurement in gas chromatography-mass spectrometry. Analytical Chemistry 47:995

TABLE 3.—LIST OF ACCURATE MASSES MONITORED USING GC SELECTED-ION MONITORING, LOW RESOLUTION, MASS SPECTROMETRY FOR SIMULTANEOUS DETERMINATION OF TETRA-, PENTA-, AND HEXACHLORINATED DIBENZO-*p*-Dioxins and Dibenzofurans

Class of chlorinated dibenzodioxin or dibenzofuran	Number of chlorine substituents (x)	Monitored M/z for dibenzofurans $C_{12}H_{8-x}OCl_x$	Monitored m/z for dibenzodioxins $C_{12}H_{8-x}O_2Cl_x$	Approximate theoretical ratio expected on Basis of isotopic abundance
Tetra	4	[1]319.897	[1]303.902	0.74
		321.894	321.899	1.00
		[2]327.885		
		[2]256.933		21
		[2]256.930		20
Penta	5	353.858	[3]337.863	51
		355.855	339.860	1.00
Hexa	6	389.816	373.821	1.00
		391.813	375.818	81

[1] Molecular ion peak.

[2] Cl_4—labelled standard peaks.

[3] Ions which can be monitored in TCDD analyses for confirmation purposes

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

10. The authority citation for Part 264 reads as follows:

Authority: Secs. 1006, 2002(a), 3004, and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924, and 6925).

11. In Subpart K of Part 264, add the following § 264.231:

§ 264.231 Special requirements for hazardous wastes F020, F021, F022, and F023.

(a) Hazardous Wastes F020, F021, F033, and F023 must not be placed in a surface impoundment unless the owner or operator operates the surface impoundment in accordance with a management plan for these wastes that is approved by the Regional Administrator pursuant to the standards set out in this paragraph, and in accord with all other applicable requirements of this Part. The factors to be considered are:

(1) the volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(2) the attenuative properties of underlying and surrounding soils or other materials;

(3) the mobilizing properties of other materials co-disposed with these wastes;

(4) the effectiveness of additional treatment, design, or monitoring techniques.

(b) The Regional Administrator may determine that additional design, operating, and monitoring requirements are necessary for surface impoundments managing hazardous wastes F020, F021, F022, and F023 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

12. In Subpart L of Part 264, add the following § 264.259:

§ 264.259 Special requirements for hazardous wastes F020, F021, F022, and F023.

(a) Hazardous Wastes F020, F021, F022, and F023 must not be placed in waste piles that are not enclosed (as defined in § 264.250(c)) unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the Regional Administrator pursuant to the standards set out in this paragraph, and in accord with all other applicable requirements of this Part. The factors to be considered are:

(1) the volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(2) the attenuative properties of underlying and surrounding soils, or other materials;

(3) the mobilizing properties of other materials co-disposed with these wastes;

(4) the effectiveness of additional treatment, design, or monitoring techniques.

(b) The Regional Administrator may determine that additional design, operating, and monitoring requirements are necessary for piles managing hazardous wastes F020, F021, F022, and F023 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

13. In Subpart M of Part 264, add the following § 264.283:

§ 264.283 Special requirements for hazardous wastes F020, F021, F022, and F023.

(a) Hazardous wastes F020, F021, F022, and F023 must not be placed in a land treatment facility unless the owner or operator operates the facility in accordance with a management plan for these wastes that is approved by the Regional Administrator pursuant to the standards set out in this paragraph, and in accord with all other applicable requirements of the Part. The factors to be considered are:

(1) the volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(2) the attenuative properties of underlying and surrounding soils or other materials;

(3) the mobilizing properties of other materials co-disposed with these wastes;

(4) the effectiveness of additional treatment, design, or monitoring techniques.

(b) The Regional Administrator may determine that additional design, operating, and monitoring requirements are necessary for land treatment facilities managing hazardous wastes F020, F021, F022, and F023 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

14. In Subpart N of Part 264, add the following § 264.317:

§ 264.317 Special requirements for hazardous wastes F020, F021, F022, and F023.

(a) Hazardous wastes F020, F021, F022, and F023 must not be placed in landfills unless the owner or operator operates the landfill in accordance with a management plan for these wastes that is approved by the Regional Administrator pursuant to the standards set out in this paragraph, and in accord with all other applicable requirements of this Part. The factors to be considered are:

(1) the volume, physical, and chemical characteristics of the wastes, including their potential to migrate through the soil or to volatilize or escape into the atmosphere;

(2) the attenuative properties of underlying and surrounding soils or other materials;

(3) the mobilizing properties of other materials co-disposed with these wastes;

(4) the effectiveness of additional treatment, design, or monitoring requirements.

(b) The Regional Administrator may determine that additional design, operating, and monitoring requirements are necessary for landfills managing hazardous wastes F020, F021, F022, and F023 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

PART 265—INTERIM STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

15. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), 3004, and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924, and 6925).

16. § 265.1 is amended by adding paragraph (d).

§ 265.1 Purpose, scope and applicability.

* * * * *

(d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part.

(1) EPA Hazardous Waste Nos. F020, F021, F022, and F023 unless:

(i) The waste is generated in a surface impoundment as part of the plant's wastewater treatment system.

(ii) The waste is stored in tanks or containers.

(iii) The waste is stored or treated in waste piles that meet the requirements of § 264.250(c) as well as all other applicable requirements of Subpart L of this Part.

PART 775 [REMOVED]

17. The authority citation for Part 775 reads as follows:

Authority. Sec. 6 of the Toxic Substances Control Act (TSCA) Pub. L. 94–469, 90 Stat. 2020 [15 U.S.C. 2605].

18. Title 40 is amended by removing Part 775.

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Part IV

Federal Election Commission

Presidential Election Campaign Fund; Proposed Rulemaking

FEDERAL ELECTION COMMISSION

11 CFR Parts 9001, 9002, 9003, 9004, 9005, 9006, 9007, 9007a

[Notice 1983–9]

Presidential Election Campaign Fund

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission requests comments on proposed rules to govern its administration of the Presidential Election Campaign Fund pursuant to 26 U.S.C. 9001 *et seq.* The proposed regulations seek public comment on issues not presently covered in the regulations, most significantly the ability of independent candidates to receive federal funds. The proposed regulations would also revise the provisions of current 11 CFR Parts 9001 *et seq.* in light of the Commission's experiences during the 1980 election. Furthermore, the proposed rules reflect the Commission's recent revision of the regulations governing the primary matching fund process. For example, the proposed revisions would change the current rules on allocation of travel expenses and more fully set forth the audit process. Additional information on the proposed revisions is contained in the supplemental information which follows.

DATES: Comments must be received on or before May 4, 1983. The Commission will also set a date for public hearings on these proposed regulations if requests to appear are received no later than May 4, 1983. A notice of the hearing date will be published in a future edition of the **Federal Register.**

ADDRESS: Susan E. Propper, Assistant General Counsel, 1325 K Street, NW, Washington, D.C. 20463.

FOR FURTHER INFORMATION CONTACT: Susan E. Propper, Assistant General Counsel (202) 523–4143 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The proposed rules contain revisions which accomplish several different purposes. The Commission has not yet taken any position regarding any of the changes or the proposed resolution of the substantive issues raised by this proposal. The Commission has therefore put forward this notice to elicit public comment to aid its consideration of the questions presented.

Most significantly, the draft rules propose, for comment purposes, revisions of the Presidential Election Campaign Fund regulations that would allow candidates who run independent of a political party organization to receive pre-election and/or post election funding provided such candidates satisfy the eligibility requirements set forth at 26 U.S.C. 9003. Thus, the proposed regulations would provide that an individual will become a "candidate" for purposes of the Fund Act by qualifying to have his or her name on the general election ballot in at least 10 states, whether or not the individual's name appears as a candidate of a particular political party. The portions of the draft regulations addressing the status of independent candidates have been printed in bold type to make their identification easier for comment purposes.

Many of the proposed revisions have been included in this draft to achieve consistency where appropriate with the Presidential Primary Matching Fund regulations. The draft also seeks to clarify existing rules by, for example, providing a fuller explanation of the audit process. Moreover, a third focus of the proposed regulations is the addition of new provisions to cover aspects of the Presidential general election process not previously addressed.

For example, the proposed regulations would conform to the Primary Matching Fund regulations with regard to allocation of travel expenditures (11 CFR 9004.7). Travel by government conveyance would be valued either at the first class air fare or at the commercial charter rate, as appropriate, rather than at actual cost. In addition, the draft contains a new section which would establish requirements consistent with past Commission practice for each candidate's statement of net outstanding qualified campaign expenses. This statement is similar to the statement of net outstanding campaign obligations filed by candidates receiving primary matching funds. The draft regulations also contain proposed revisions to 11 CFR Part 9007. 11 CFR 9007.1 would be revised to detail more fully the process involved in conducting a mandatory audit after each Presidential election. Specifically this section would describe the various stages of an audit, as well as the preparation, contents and public release of an audit report.

Candidates would have an opportunity to contest, at an early stage, disputes over documentation sought in connection with the audit by way of a written statement to the Commission. Further, candidates would continue to have an opportunity to contest or comment on the audit report prior to its release to the public. Additional provisions would explain the interaction of the audit and the compliance procedures under 2 U.S.C. § 437g and the connection between a mandatory audit and any repayment determination under 11 CFR 9007.2 based upon its results. The proposed rules would also revise 11 CFR 9004.2 to provide that candidates who have submitted written statements may be granted an oral hearing upon the affirmative vote of four Commission members.

A new Part 9007a has also been included in the proposed regulations. This part would follow the provisions of 26 U.S.C. 9012.

The Commission will set a date for public hearings on these proposed regulations at a later time. Persons interested in testifying at this hearing should indicate in their written comments on the proposed rules.

List of Subjects

11 CFR Parts 9001, 9002, 9003, 9004, and 9005

Campaign funds,
Political candidate,
Elections.

11 CFR Part 9006

Campaign funds,
Reporting and recordkeeping requirements,
Political candidates,
Elections.

11 CFR Part 9007

Campaign funds,
Administrative practice and procedure,
Political candidate.

11 CFR Part 9007a

Political candidates,
Political committees and parties,
Elections.

It is proposed to amend 11 CFR as follows:

1. By revising Parts 9001 through 9007 and adding new part 9007a to read as follows:

PART 9001—SCOPE

§ 900.1 Scope.

This subchapter governs entitlement to and use of funds certified from the Presidential Election Campaign Fund under 26 U.S.C. 9001 *et seq.* The definitions, restrictions, liabilities and obligations imposed by this subchapter are in addition to those imposed by sections 431–455 of Title 2, United States Code, and regulations prescribed thereunder (11 CFR Parts 100 through 115). Unless expressly stated to the contrary, this subchapter does not alter the effect of any definitions, restrictions, obligations and liabilities imposed by sections 431–455 of Title 2 United States Code, or regulations prescribed

thereunder (11 CFR Parts 100 through 115).

(26 U.S.C. 9009(b))

PART 9002—DEFINITIONS

Sec.

9002.1 Authorized committee.
9002.2 Candidate.
9002.3 Commission.
9002.4 Eligible candidate.
9002.5 Fund.
9002.6 Major party.
9002.7 Minor party.
9002.8 New party.
9002.9 Political committee.
9002.10 Presidential election.
9002.11 Qualified campaign expense.
9002.12 Expenditure report period.
9002.13 Contribution.
9002.14 Secretary.
9002.15 Political party.

Authority: 26 U.S.C. 9002, 9009(b).

§ 9002.1 Authorized committee.

(a) Notwithstanding the definition at 11 CFR 100.5, "authorized committee" means with respect to a candidate (as defined at 11 CFR 9002.2) of a political party for President and Vice President, any political committee that is authorized by a candidate to incur expenses on behalf of such candidate. The term "authorized committee" includes the candidate's principal campaign committee designated in accordance with 11 CFR 102.12, any political committee authorized in writing by the candidate in accordance with 11 CFR 102.13, and any political committee not disavowed by the candidate pursuant to 11 CFR 100.3(a)(3). If a party has nominated a Presidential and a Vice Presidential candidate, all political committees authorized by that party's Presidential candidate shall also be authorized committees of the Vice Presidential candidate and all political committees authorized by the Vice Presidential candidate shall also be authorized committees of the Presidential candidate.

(b) Any withdrawal of an authorization shall be in writing and shall be addressed and filed in the same manner provided for at 11 CFR 102.12 or 102.13.

(c) Any candidate nominated by a political party may designate the national committee of that political party as that candidate's authorized committee in accordance with 11 CFR 102.12(c).

(d) For purposes of this subchapter, references to the "candidate" and his or her responsibilities under this subchapter shall also be deemed to refer to the candidate's authorized committee(s).

§ 9002.2 Candidate.

(a) For the purposes of this subchapter, "candidate"means with respect to any presidential election, an individual who—

(1) Has been nominated by a major party for election to the Office of President of the United States or the Office of Vice-President of the United States; or

(2) Has qualified or consented to have his or her name appear on the general election ballot (or to have the names of electors pledged to him or her on such ballot) as the candidate of a political party for election to either such office in 10 or more States. For the purposes of this section, "political party" shall be defined in accordance with 11 CFR 9002.15.

(3) Has qualified to have his or her name on the general election ballot for the Office of President in at least 10 states.

(b) An individual who is no longer actively conducting campaigns in more than one State pursuant to 11 CFR 9004.8 shall cease to be a candidate for the purpose of this subchapter.

(c) For purposes of this subchapter, all references to "candidate(s) of a political party" shall include independent candidates.

§ 9002.3 Commission.

"Commission" means the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

§ 9002.4 Eligible candidates.

"Eligible candidates" means those Presidential and Vice Presidential candidates who have met all applicable conditions for eligibility to receive payments from the Fund under 11 CFR Part 9003.

§ 9002.5 Fund.

"Fund" means the Presidential Election Campaign Fund established by 26 U.S.C. 9006(a).

§ 9002.6 Major Party.

"Major party" means a political party whose candidate for the office of President in the preceding Presidential election received, as a candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office. For the purposes of 11 CFR 9002.6, "candidate" means, with respect to any preceding Presidential election, an individual who received popular votes for the office of President in such election.

§ 9002.7 Minor party.

"Minor party" means a political party whose candidate for the office of President in the preceding Presidential election received, as a candidate of such party, 5 percent or more, but less than 25 percent, of the total number of popular votes received by all candidates for such office. For the purposes of 11 CFR 9002.7, "candidate" means with respect to any preceding Presidential election, an individual who received popular votes for the office of President in such election.

§ 9002.8 New party.

"New party" means a political party which is neither a major party nor a minor party.

§ 9002.9 Political committee.

For purposes of this subchapter, "political committee" means any committee, club, association, organization or other group of persons (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the election of any candidate to the office of President or Vice President of the United States; except that for the purpose of 11 CFR 9007a.6, the term "political committee" shall be defined in accordance with 11 CFR 100.5.

§ 9002.10 Presidential election.

"Presidential election" means the election of Presidential and Vice Presidential electors.

§ 9002.11 Qualified campaign expense.

(a) "Qualified campaign expense" means any expenditure, including a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value—

(1) Incurred to further a candidate's campaign for election to the office of President or Vice President of the United States;

(2) Incurred within the expenditure report period, as defined under 11 CFR 9002.12, or incurred before the beginning of such period in accordance with 11 CFR 9003.4 to the extent such expenditure is for property, services or facilities to be used during such period; and

(3) Neither the incurrence nor the payment of such expenditure constitutes a violation of any law of the United States, any law or the State in which such expense is incurred or paid, or any regulation prescribed under such Federal or State law, except that any State law which has been preempted by the Federal Election Campaign Act of 1971, as amended, shall not be considered a State law for purposes of this subchapter. An expenditure which constitutes such a violation shall nevertheless count against the

candidate's expenditure limitation if the expenditure meets the conditions set forth at 11 CFR 9002.11(a) (1) and (2).

(b)(1) An expenditure is made to further a Presidential or Vice Presidential candidate's campaign if it is incurred by or on behalf of such candidate or his or her authorized committee. For purposes of 11 CFR 9002.11(b)(1), any expenditure incurred by or on behalf of a Presidential candidate of a political party will also be considered an expenditure to further the campaign of the Vice Presidential candidate of that party. Any expenditure incurred by or on behalf of the Vice Presidential candidate will also be considered an expenditure to further the campaign of the Presidential candidate of that party.

(2) An expenditure is made on behalf of a candidate if it is made by—

(i) Any authorized committee or any other agent of the candidate for the purpose of making an expenditure; or

(ii) Any person authorized or requested by the candidate, by the candidate's authorized committee(s), or by an agent of the candidate or his or her authorized committee(s) to make an expenditure; or

(iii) A committee which has been requested by the candidate, the candidate's authorized committee(s), or an agent thereof to make the expenditure, even though such committee is not authorized in writing.

(3) Any expenditure incurred by a candidate or his or her authorized committee(s) to further the election of any other individual to a Federal, State or local office shall be a qualified campaign expense to the extent such expenditure is to further the candidate's own campaign for election. If the expenditure is incurred specifically to further the election of such other individuals, it will not be considered a qualified campaign expense.

(4) Expenditures by a candidate's authorized committee(s) pursuant to 11 CFR 9004.6 for the travel and related ground service costs of media shall be qualified campaign expenses. Any reimbursement for travel and related services costs received by a candidate's authorized committee shall be subject to the provisions of 11 CFR 9004.6.

(5) Legal and accounting services which are provided solely to ensure compliance with 2 U.S.C. 431 *et seq.*, or 26 U.S.C. 9001, *et seq.*, shall be qualified campaign expenses which may be paid from payments received from the Fund. If federal funds are used to pay for such services, the payments will count against the candidate's expenditure limitation. Payments for such services may also be made from an account established in accordance with 11 CFR 9003.3 or may be provided to the committee in accordance with 11 CFR 100.7(b)(14) and 100.8(b)(15). If payments for such services are made from an account established in accordance with 11 CFR 9003.3, the payments do not count against the candidate's expenditure limitation. [If payments for such services are made by a minor or new party candidate, or an independent candidate, from an account containing private contributions, the payments do not count against that candidate's expenditure limitation.] The amount paid by the committee shall be reported in accordance with 11 CFR Part 9006. Amounts paid by the regular employer of the person providing such services pursuant to 11 CFR 100.7(b)(14) and 100.8(b)(15) shall be reported by the recipient committee in accordance with 11 CFR 104.3(h).

(c) Expenditures incurred either before the beginning of the expenditure report period or after the last day of a candidate's eligibility will be considered qualified campaign expenses if they meet the provisions of 11 CFR 9004.4(a). Expenditures described under 11 CFR 9004.4(b) will not be considered qualified campaign expenses.

§ 9002.12 Expenditure report period.

"Expenditure report period" means, with respect to any Presidential election, the period of time described in either paragraph (a) or (b) of this section, as appropriate.

(a) In the case of a major party, the expenditure report period begins on September 1 before the election or on the date on which the major party's presidential nominee is chosen, whichever is earlier; and the period ends 30 days after the Presidential election.

(b) In the case of a minor or new party, or an independent candidate's committee, the period will be the same as that of the major party with the shortest expenditure report period for the Presidential election as determined under paragraph (a) of this section.

§ 9002.13 Contribution.

"Contribution" has the same meaning given the term under 2 U.S.C. 431(8), 441b and 441c, and under 11 CFR 100.7, and 11 CFR Parts 114 and 115.

§ 9002.14 Secretary.

"Secretary" means the Secretary of the Treasury.

§ 9002.15 Political party.

"Political party" means an association, committee, or organization which nominates or selects an individual for election to any Federal office, including the office of President or Vice President of the United States, whose name appears on the general election ballot as the candidate of such association, committee, or organization.

PART 9003—ELIGIBILITY FOR PAYMENTS

Sec.

9003.1 Candidate and committee agreements.
9003.2 Candidate certifications.
9003.3 Allowable contributions.
9003.4 Expenses incurred prior to the beginning of the expenditure report period or prior to receipt of Federal funds.
9003.5 Documentation of disbursements.

Authority: 26 U.S.C. 9003, 9009(b).

§ 9003.1 Candidate and committee agreements.

(a) *General.*

(1) To become eligible to receive payments under 11 CFR Part 9005, the Presidential and Vice Presidential candidates of a political party shall agree in a letter signed by the candidates to the Commission that they and their authorized committee(s) shall comply with the conditions set forth in 11 CFR 9003.1(b).

(2) Major party candidates shall sign and submit such letter to the Commission within 14 days after receiving the party's nomination for election. Minor and new party candidates shall sign and submit such letter within 14 days after such candidates have qualified to appear on the general election ballot in 10 or more states pursuant to 11 CFR 9002.2(a)(2). An independent candidate shall sign and submit such letter within 14 days after qualifying to appear on the general election ballot in at least 10 States pursuant to 11 CFR 9002.2(a)(3). The Commission, on written request by a minor or new party candidate or an independent candidate, at any time prior to the date of the general election, may extend the deadline for filing such letter except that the deadline shall be a date prior to the date of the general election.

(B) *Conditions.* The candidates shall:

(1) Agree that they have the burden of proving that disbursements made by them or any authorized committee(s) or agent(s) thereof are qualified campaign expenses as defined in 11 CFR 9002.11.

(2) Agree that they and their authorized committee(s) shall comply with the documentation requirements set forth at 11 CFR 9003.5.

(3) Agree that they and their authorized committee(s) shall provide an explanation, in addition to complying with the documentation requirements, of the connection between any

disbursements made by the candidates or the authorized committee(s) of the candidates and the campaign if requested by the Commission.

(4) Agree that they and their authorized committee(s) shall keep and furnish to the Commission all documentation relating to receipts and disbursements including any books, records (including bank records for all accounts), all documentation required by this subchapter including those required to be maintained under 11 CFR 9003.5, and other information the Commission may request.

(5) Agree that they and their authorized committee(s) shall permit an audit and examination pursuant to 11 CFR Part 9007 of all receipts and disbursements including those made by the candidate, all authorized committees and any agent or person authorized to make expenditures on behalf of the candidate or committee(s). The candidate and authorized committee(s) shall facilitate the audit by making available in one central location, office space, records and such personnel as are necessary to conduct the audit and examination, and shall pay any amounts required to be repaid under 11 CFR Part 9007.

(6) Submit the name and mailing address of the person who is entitled to receive payments from the Fund on behalf of the candidates; the name and address of the deposition designated by the candidates as required by 11 CFR Part 103 and 11 CFR 9005.2; and the name under which each account is held at the depository at which the payments from the Fund are to be deposited.

(7) Agree that they and their authorized committee(s) shall comply with the applicable requirements of 2 U.S.C. 431 *et seq.*, 26 U.S.C. 9001 *et seq.*, and the Commission's regulations at 11 CFR Parts 100–115, and 9001–9007a.

(8) Agree that they and their authorized committee(s) shall pay any civil penalties included in a conciliation agreement imposed under 2 U.S.C. 437g against the candidates, any authorized committees of the candidates or any agent thereof.

§ 9003.2 Candidate certifications.

(a) *Major Party Candidates.* To be eligible to receive payments under 11 CRF Part 9005, each Presidential and Vice Presidential candidate of a major party shall, under penalty of perjury, certify to the Commission:

(1) That the candidate and his or her authorized committee(s) have not incurred and will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under 11 CFR Part 9004.

(2) That no contributions have been or will be accepted by the candidate or his or her authorized committee(s); except as contributions specifically solicited for, and deposited to, the candidate's legal and accounting compliance fund established under 11 CFR 9003.3(a); or except to the extent necessary to make up any deficiency in payments received from the Fund due to the application of 11 CFR 9005.2(b).

(b) *Minor and New Party Candidates; Independent Candidates.* To be eligible to receive any payments under 11 CFR Part 9005, each Presidential and Vice Presidential candidate of a minor or new party or independent candidates for the office of President and Vice President shall, under penalty of perjury, certify to the Commission:

(1) That the candidate and his or her authorized committee(s) have not incurred and will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates or a major party are entitled under 11 CFR 9004.1.

(2) That no contributions to defray qualified campaign expenses have been or will be accepted by the candidate or his or her authorized committee(s) except to the extent that the qualified campaign expenses incurred exceed the aggregate payments received by such candidate from the Fund under 11 CFR 9004.2.

(c) *All Candidates.* To be eligible to receive any payment under 11 CFR 9004.2, the Presidential candidate of each major, minor or new party and each independent candidate for President shall certify to the Commission, under penalty of perjury, that such candidate will not knowingly make expenditures from his or her personal funds, or the personal funds of his or her immediate family, in connection with his or her campaign for the office of President in excess of $50,000 in the aggregate.

(1) For purposes of this section, the term "immediate family" means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.

(2) Expenditures from personal funds made under this paragraph shall not apply against the expenditure limitations.

(3) For purposes of this section, the terms "personal funds" and "personal funds of his or her immediate family" mean:

(i) Any assets which, under applicable state law, at the time he or she became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had either:

(A) legal and rightful title, or

(B) An equitable interest.

(ii) Salary and other earned income from bona fide employment; dividends and proceeds from the sale of the candidate's stocks or other investments; bequests to the candidate; income from trusts established before candidacy; income from trusts established by bequest after candidacy of which the candidate is a beneficiary; gifts of a personal nature which had been customarily received prior to candidacy; proceeds from lotteries and similar legal games of chance.

(iii) A candidate may use a portion of assets jointly owned with his or her spouse as personal funds. The portion of the jointly owned assets that shall be considered as personal funds of the candidate shall be that portion which is the candidate's share under the instrument(s) of conveyance or ownership. If no specific share is indicated by any instrument of conveyance or ownership, the value of one-half of the property used shall be considered as personal funds of the candidate.

(4) For purposes of this section, expenditures from personal funds made by a candidate of a political party for the office of Vice President shall be considered to be expenditures made by the candidate of such party for the office of President.

(5) Contributions made by members of a candidate's family from funds which do not meet the definition of personal funds under 11 CFR 9003.2(c)(3) shall not count against such candidate's $50,000 expenditure limitation under 11 CFR 9003.2(c).

(6) Personal funds expended pursuant to this section shall be first deposited in an account established in accordance with 11 CFR 9003.3 (b) or (c).

(d) *Form.* Major party candidates shall submit the certifications required under 11 CFR 9003.2 in a letter which shall be signed and submitted within 14 days after receiving the party's nomination for election. Minor and new party candidates shall sign and submit such letter within 14 days after such candidates have qualified to appear on the general election ballot in 10 or more States pursuant to 11 CFR 9002.2(a)(2). Independent candidates shall sign and submit such letter within 14 days after qualifying to appear on the general election ballot in at least 10 States pursuant to 11 CFR 9002.2(a)(3). The Commission, upon written request by a minor or new party candidate or an independent candidate made at any

time prior to the date of the general election, may extend the deadline for filing such letter, except that the deadline shall be a date prior to the day of the general election.

§ 9003.3 Allowable contributions.

(a) *Legal and Accounting Compliance Fund—Major Party Candidates.*

(1) *Sources.*

(i) A major party candidate may accept contributions to a legal and accounting compliance fund if such contributions are received and disbursed in accordance with this section. A legal and accounting compliance fund may be established by such candidate prior to being nominated or selected as the candidate of a political party for the office of President or Vice President of the United States.

(A) All solicitations for contributions to this fund shall clearly state that such contributions are being solicited for this fund.

(B) Contributions to this fund shall be subject to the limitations and prohibitions of 11 CFR Parts 110, 114, and 115.

(ii) Funds remaining in the primary election account of a candidate, which funds are in excess of any amount required to be reimbursed to the Presidential Primary Matching Payment Account under 11 CFR 9038.2, may be transferred to the legal and accounting compliance fund and used for any purpose permitted under this section.

(iii) Contributions which are made after the beginning of the expenditure report period but which are designated for the primary election may be deposited in the legal and accounting compliance fund: Provided, That the candidate already has sufficient funds to pay any outstanding campaign obligations incurred during the primary campaign; and the candidate notifies the contributor that his or her contribution will be deposited in the compliance fund. If after such notification the contributor objects to the funds being so used, the contribution shall be returned. The contributions so received and deposited shall be subject to the contribution limitations applicable for the general election, pursuant to 11 CFR 110.1(a)(2)(ii)(B).

(2) *Uses.*

(i) Contributions to the legal and accounting compliance fund shall be used only for the following purposes:

(A) To defray the cost of legal and accounting services provided solely to ensure compliance with 2 U.S.C. 431 *et seq.*, and 26 U.S.C. 9001, *et seq.*, in accordance with 11 CFR 9003.3(a)(2)(ii);

(B) To defray in accordance with 11 CFR 9003.3(a)(2)(ii)(A), that portion of expenditures for payroll, overhead, and computer services related to ensuring compliance with 2 U.S.C. 431 *et seq.* and 26 U.S.C. 9001 *et seq.*

(C) To defray any civil or criminal penalties imposed pursuant to 2 U.S.C. 437g or 26 U.S.C. 9012;

(D) To make repayments under 11 CFR 9007.2;

(E) To defray the cost of soliciting contributions to the legal and accounting compliance fund; and

(F) To make a loan to an account established pursuant to 11 CFR 9003.4 to defray qualified campaign expenses incurred prior to the expenditure report period or prior to receipt of federal funds, provided that the amounts so loaned are restored to the legal and accounting compliance fund.

(ii)(A) Expenditures for payroll (including payroll taxes), overhead and computer services, a portion of which are related to ensuring compliance with Title 2 and Chapter 95 of Title 26, shall be initially paid from the candidate's federal fund account under 11 CFR 9005.2 and may be later reimbursed by the compliance fund. For purposes of 11 CFR 9003.3(a)(2)(i)(B), a candidate may use contributions to the compliance fund to reimburse his or her federal fund account an amount equal to 10% of the payroll and overhead expenditures of his or her national campaign headquarters and state offices. Overhead expenditures include, but are not limited to, rent, utilities, office equipment, furniture, supplies and telephone base service charges. In addition, a candidate may use contributions to the compliance fund to reimburse his or her federal fund account an amount equal to 70% of the costs (other than payroll) associated with computer services. Such costs include but are not limited to rental and maintenance of computer equipment, data entry services not performed by committee personnel, and related supplies. If the candidate wishes to claim a larger compliance exemption for payroll or overhead expenditures, the candidate shall establish allocation percentages for each individual who spends all or a portion of his or her time to perform duties which are considered necessary to ensure compliance with Title 2 or Chapter 95 of Title 26. The candidate shall keep detailed records to support the derivation of each percentage. Such records shall indicate which duties are considered compliance and the percentage of time each person spends on such activity.

(B) Reimbursement from the compliance fund to the separate account maintained for federal funds under 11 CFR 9005.2 must be made prior to any final repayment determination by the Commission pursuant to 11 CFR 9007.2. Any amounts so reimbursed to the federal fund account may not subsequently be transferred back to the legal and accounting compliance fund.

(iii) Amounts paid from this account for the purposes permitted by 11 CFR 9003.3(a)(2)(i) (A) through (E) shall not be subject to the expenditure limits of 2 U.S.C. 441a(b) and 11 CFR 110.8. (See also 11 CFR 100.8(b)(15)). When the proceeds of loans made in accordance with 11 CFR 9003.2(a)(2)(i)(F) are expended on qualified campaign expenses, such expenditures shall count against the candidate's expenditure limit.

(iv) Contributions to or funds deposited in the legal and accounting compliance fund may not be used to retire debts remaining from the Presidential primaries, except that, if after payment of all expenses relating to the general election, there are excess campaign funds, such funds may be used for any purpose permitted under 2 U.S.C. 439a and 11 CFR Part 113, including payment of primary election debts.

(3) Deposit and disclosure.

(i) Amounts received pursuant to 11 CFR 9003.3(a)(1) shall be deposited and maintained in an account separate from that described in 11 CFR 9005.2 and shall not be commingled with any money paid to the candidate by the Secretary pursuant to 11 CFR 9005.2.

(ii) The receipts to and disbursements from this account shall be reported in a separate report in accordance with 11 CFR 9006.1(b)(2). All contributions made to this account shall be recorded in accordance with 11 CFR 102.9. Disbursements made from this account shall be documented in the same manner provided in 11 CFR 9003.5.

(b) Contributions to Defray Qualified Campaign Expenses—Major Party Candidates

(1) A major party candidate or his or her authorized committee(s) may solicit contributions to defray qualified campaign expenses to the extent necessary to make up any deficiency in payments received from the Fund due to the application of 11 CFR 9005.2(b).

(2) Such contributions shall be deposited in a separate account. Disbursements from this account shall be made only to defray qualified campaign expenses and to defray the cost of soliciting contributions to such account. All disbursements from this account shall be documented in accordance with 11 CFR 9003.5.

(3) A candidate may make transfers to this account from his or her legal and accounting compliance fund.

(4) Any costs incurred for soliciting contributions to this account shall not be considered expenditures to the extent that the aggregate of such costs does not exceed 20 percent of the amount which a candidate is permitted to raise in private contributions under 11 CFR 9003.3(b). These costs shall, however, be reported as disbursements in accordance with 11 CFR Part 104 and 11 CFR 9006.1.

(5) The contributions received under this section shall be subject to the limitations and prohibitions of 11 CFR Parts 110, 114 and 115 and shall be aggregated with all contributions made by the same persons to the candidate's legal and accounting compliance fund under 11 CFR 9003.3(a) for the purposes of such limitations.

(c) Contributions to Defray Qualified Campaign Expenses—Non Major Party Candidates

(1) A minor or new party candidate or an independent candidate may solicit contributions to defray qualified campaign expenses which exceed the amount received by such candidate from the Fund, subject to the limits of 11 CFR 9003.2(b).

(2) The contributions received under this section shall be subject to the limitations and prohibitions of 11 CFR Parts 110, 114 and 115.

(3) Such contributions may be deposited in a separate account or may be deposited with federal funds received under 11 CFR 9005.2. Disbursements from this account shall be made only for the following purposes:

(i) To defray qualified campaign expenses;

(ii) To make repayments under 11 CFR 9007.2;

(iii) To defray the cost of soliciting contributions to such account;

(iv) To defray the cost of legal and accounting services provided solely to ensure compliance with 2 U.S.C. 431 *et seq.* and 26 U.S.C. 9001 *et seq.*

(4) All disbursements from this account shall be documented in accordance with 11 CFR 9003.5 and shall be reported in accordance with 11 CFR Part 104.

(5) Any costs incurred for soliciting contributions to this account shall not be considered expenditures to the extent that the aggregate of such costs does not exceed 20 percent of the amount which a candidate is permitted to raise in private contributions under 11 CFR 9003.3(c). These costs shall, however, be reported as disbursements in accordance with 11 CFR Part 104.

(6) Any costs incurred for legal and accounting services which are provided soley to ensure compliance with 2 U.S.C. 431 *et seq.* and 26 U.S.C. 9001 *et seq.* shall not count against the candidate's expenditure limitation. For purposes of this section, a candidate may exclude from the expenditure limitation an amount equal to 10% of the payroll (including payroll taxes) and overhead expenditures of his or her national campaign headquarters and state offices. In addition, a candidate may exclude from the expenditure limitation an amount equal to 70% of the costs (other than payroll) associated with computer services.

(i) For purposes of 11 CFR 9003.3(c)(6), overhead costs include, but are not limited to, rent, utilities, office equipment, furniture, supplies and telephone base services charges.

(ii) For purposes of 11 CFR 9003.3(c)(6) costs associated with computer services include but are not limited to, rental and maintenance of computer equipment, data entry services not performed by committee personnel, and related supplies.

(7) If the candidate wishes to claim a larger compliance exemption under 11 CFR 9003.3(c)(6), the candidate shall establish allocation percentages for each individual who spends all or a portion of his or her time to perform duties which are considered necessary to ensure compliance with 2 U.S.C. 431 *et seq.* and 26 U.S.C. 9001 *et seq.* The candidate shall keep detailed records to support the derivation of each percentage. Such records shall indicate which duties are considered compliance and the percentage of time each person spends on such activity.

(8) The candidate shall keep and maintain a separate record of disbursements made to defray exempt legal and accounting costs under 11 CFR 9003.3(c)(6) and (7) and shall report such disbursements in accordance with 11 CFR Part 104.

§ 9003.4 Expenses incurred prior to the beginning of the expenditure report period or prior to receipt of Federal funds.

(a) Permissible Expenditures

(1) A candidate may incur expenditures before the beginning of the expenditure report period, as defined at 11 CFR 9002.12, if such expenditures are for property, services or facilities which are to be used in connection with his or her general election campaign and which are for use during the expenditure report period. Such expenditures will be considered qualified campaign expenses. Examples of such expenditures include but are not limited to: expenditures for establishing financial accounting systems, expenditures for organizational planning and expenditures for polling.

(2) A candidate may incur qualified campaign expenses prior to receiving payments under 11 CFR Part 9005.

(b) Sources

(1) A candidate may obtain a loan which meets the requirements of 11 CFR 100.7(b)(11) for loans in the ordinary course of business to defray permissible expenditures described in 11 CFR 9003.4(a). A candidate receiving payments equal to the expenditure limitation in 11 CFR 110.8 shall make full repayment of principal and interest on such loans from payments received by the candidate under 11 CFR Part 9005 within 15 days of receiving such payments.

(2) A major party candidate may borrow from his or her legal and accounting compliance fund for the purposes of defraying permissible expenditures described in 11 CFR 9003.4(a). All amounts borrowed from the legal and accounting compliance fund must be restored to such fund after the beginning of the expenditure report period either from federal funds received under 11 CFR Part 9005 or private cntributions received under 11 CFR 9003.3(b). For candidates receiving federal funds, restoration shall be made within 15 days after receipt of such funds.

(3) A minor, new party or independent candidate may defray such expenditures from contributions received in accordance with 11 CFR 9003.3(c).

(4)(i) A candidate who has received federal funding under 11 CFR Part 9031 *et seq.*, may borrow from his or her primary election campaign an amount not to exceed the residual balance projected to remain in the candidate's primary account(s) on the basis of the formula set forth at 11 CFR 9038.3(c). A major party candidate receiving payments equal to the expenditure limitation shall reimburse amounts borrowed from his or her primary campaign from payments received by the candidate under 11 CFR Part 9005 within 15 days of such receipt.

(ii) A candidate who has not received federal funding during the primary campaign may borrow at any time from his or her primary account(s) to defray such expenditures, provided that a major party candidate receiving payments equal to the expenditure limitation shall reimburse all amounts borrowed from his or her primary campaign from payments received by

the candidate under 11 CFR Part 9005 within 15 days of such receipt.

(5) A candidate may use personal funds in accordance with 11 CFR 9003.2(c), up to his or her $50,000 limit, to defray such expenditures.

(c) Deposit and disclosure.

Amounts received or borrowed by a candidate under 11 CFR 9003.4(b) to defray expenditures permitted under 11 CFR 9003.4(a) shall be deposited in a separate account to be used only for such expenditures. All receipts and disbursements from such account shall be reported pursuant to 11 CFR 9006.1(a) and documented in accordance with 11 CFR 9003.5.

§ 9003.5 Documentation of disbursements.

(a) *Burden of proof.* Each candidate shall have the burden of proving that disbursements made by the candidate or his or her authorized committee(s) or persons authorized to make expenditures on behalf of the candidate or authorized committee(s) are qualified campaign expenses as defined in 11 CFR 9002.11. The candidate and his or her authorized committee(s) shall obtain and furnish to the commission at its request any evidence regarding qualified campaign expenses made by the candidate, his or her authorized committees(s) and agents or persons authorized to make expenditures on behalf of the candidate or committee(s) as provided in 11 CFR 9003.5(b).

(b) *Documentation required.* (1) For disbursements in excess of $200 to a payee, the candidate shall present either:

(i) A receipted bill from the payee that states the purpose of the disbursement; or

(ii) If such a receipt is not available, a cancelled check negotiated by the payee, and

(A) One of the following documents generated by the payee: a bill, invoice, or voucher that states the purpose of the disbursement; or

(B) Where the documents specified in 11 CFR 9003.5(b)(1)(ii)(A) are not available, a voucher or contemporaneous memorandum from the candidate or the committee that states the purpose of the disbursement; or

(iii) If neither a receipted bill as specified in 11 CFR 9003.5(b)(1)(i) nor the supporting documentation specified in 11 CFR 9003.5(b)(1)(ii) is available, a cancelled check negotiated by the payee that states the purpose of the disbursement.

(iv) Where the supporting documentation required in 11 CFR 9003.5(b)(1) (i), (ii) or (iii) is not available, the candidate or committee may present a cancelled check and collateral evidence to document the qualified campaign expense. Such collateral evidence may include but is not limited to:

(A) Evidence demonstrating that the expenditure is part of an identifiable program or project which is otherwise sufficiently documented such as a disbursement which is one of a number of documented disbursements relating to a campaign mailing or to the operation of a campaign office;

(B) Evidence that the disbursement is covered by a pre-established written campaign committee policy, such as a per diem policy.

(2) For all other disbursements the candidate shall present:

(i) A record disclosing the identification of the payee, the amount, date and purpose of the disbursement, if made from a petty cash fund; or

(ii) A cancelled check negotiated by the payee that states the identification of the payee, and the amount, date and purpose of the disbursement.

(3) For purposes of this section:

(i) "Payee" means the person who provides the goods or services to the candidate or committee in return for the disbursement; except that an individual will be considered a payee under this section if he or she receives $500 or less advanced for travel and/or subsistence and if the individual is the recipient of the goods or services purchased.

(ii) "Purpose" means the identification of the payee, the date and amount of the disbursement, and a description of the goods or services purchased.

(c) *Retention of Records.* The candidate shall retain records with respect to each disbursement and receipt, including bank records, vouchers, worksheets, receipts, bills and accounts, journals, ledgers, fundraising solicitation material, accounting systems documentation, and any related materials documenting campaign receipts and disbursements, for a period of three years pursuant to 11 CFR 102.9(c), and shall present these records to the Commission on request.

PART 9004—ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS; USE OF PAYMENTS

Sec.

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Authority: 26 U.S.C. 9004, 9009(b).

§ 9004.1 Major parties.

The eligible candidates of each major party in a Presidential election shall be entitled to equal payments under 11 CFR Part 9005 in an amount which, in the aggregate, shall not exceed $20,000,000 as adjusted by the Consumer Price Index in the manner described in 11 CFR 110.9(c).

§ 9004.2 Pre-election payments for non-major party candidates.

(a) *Candidate of A Minor Party in The Preceding Election.* An eligible candidate of a minor party is entitled to pre-election payments:

(1) If he or she received at least 5% of the total popular vote as the candidate of a minor party in the preceding election whether or not he or she is the same minor party's candidate in this election.

(2) In an amount which is equal, in the aggregate, to a proportionate share of the amount to which major party candidates are entitled under 11 CFR 9004.1. The aggregate amount received by a minor party candidate shall bear the same ratio to the amount received by the major party candidates as the number of popular votes received by the minor party Presidential candidate in the preceding Presidential election bears to the average number of popular votes received by all major party candidates in that election.

(b) *Candidate of A Minor Party in The Current Election.* The eligible candidate of a minor party whose candidate for the office of President in the preceding election received at least 5% but less than 25% of the total popular vote is eligible to receive pre-election payments. The amount which a minor party candidate is entitled to receive under this section shall be computed pursuant to 11 CFR 9004.2(a) based on the number of popular votes received by the minor party's candidate in the preceding Presidential election; however, the amount to which the minor party candidate is entitled under this section shall be reduced by the amount to which the minor party's Presidential candidate in this election is entitled under 11 CFR 9004.2(a), if any.

(c) *New Party Candidate.* A candidate of a new party who was a candidate for

the office of President in at least 10 States in the preceding election may be eligible to receive pre-election payments if he or she received at least 5% but less than 25% of the total popular vote in the preceding election. The amount which a new party candidate is entitled to receive under this section shall be computed pursuant to 11 CFR 9004.2(a) based on the number of popular votes received by the new party candidate in the preceding election. If a new party candidate is entitled to payments under this, the amount of the entitlement shall be reduced by the amount to which the candidate is entitled under 11 CFR 9004.2(a).

(d) *Independent Candidate.* An independent candidate who was a candidate for the office of President in at least 10 states in the preceding election and who received at least 5% but less than 25% of the total popular vote for the office of President in the preceding election shall be treated as an eligible candidate entitled to pre-election payments. The amount to which a candidate is entitled under this paragraph shall be calculated as provided in 11 CFR 9004.2(a). If an independent candidate is entitled to pre-election payments under this paragraph, the entitlement shall be reduced by the amount of the entitlement allowed under 11 CFR 9004.2(a).

§ 9004.3 Post-election payments.

(a) *Minor and New Party Candidates.* Eligible candidates of a minor party or of a new party who, as candidates, receive 5 percent or more of the total number of popular votes cast for the office of President in the election shall be entitled to payments under 11 CFR Part 9005 equal, in the aggregate, to a proportionate share of the amount allowed for major party candidates under 11 CFR 9004.1. The amount to which a minor or new party candidate is entitled shall bear the same ratio to the amount received by the major party candidates as the number of popular votes received by the minor or new party candidate in the Presidential election bears to the average number of popular votes received by the major party candidates for President in that election.

(b) *Independent Candidates.* Eligible independent candidates for the office of President who receive 5% or more of the total number of popular votes shall be entitled to post-election payments under 11 CFR Part 9005 equal, in the aggregate, to a proportionate share of the amount allowed for a major party candidate under 11 CFR 9004.1. The amount to which an independent candidate is entitled shall bear the same ratio to the amount received by the major party candidates as the number of popular votes received by the independent candidate in the Presidential election bears to the average number of popular votes received by the major party candidates for President in that election.

(c) *Amount of Entitlement.* The aggregate payments to which an eligible candidate shall be entitled shall not exceed an amount equal to the lower of:

(1) The amount of qualified campaign expenses incurred by such eligible candidate and his or her authorized committee(s), reduced by the amount of contributions which are received to defray qualified campaign expenses by such eligible candidate and such committee(s); or

(2) The aggregate payments to which the eligible candidates of a major party are entitled under 11 CFR 9004.1, reduced by the amount of contributions received by such eligible candidates and their authorized committees to defray qualified campaign expenses in the case of a deficiency in the Fund.

(d) *Amount of Entitlement Limited By Pre-Election Payment.* If an eligible candidate is entitled to payment under 11 CFR 9004.2, the amount allowable to that candidate under this section shall also be limited to the amount, if any, by which the entitlement under 11 CFR 9004.3 (a) or (b) exceeds the amount of the entitlement under 11 CFR 9004.2.

§ 9004.4 Use of payments.

(a) *Qualified Campaign Expenses.* An eligible candidate shall use payments received under 11 CFR Part 9005 only the following purposes:

(1) A candidate may use such payments to defray qualified campaign expenses;

(2) A candidate may use such payments to repay loans that meet the requirements of 11 CFR 100.7(a)(1) or 100.7(b)(11) or to otherwise restore funds (other than contributions received pursuant to 11 CFR 9003.3(b) and expended to defray qualified campaign expenses) used to defray qualified campaign expenses;

(3) A candidate may use such payments to restore funds expended in accordance with 11 CFR 9003.4 for qualified campaign expenses incurred by the candidate prior to the beginning of the expenditure report period.

(4) *Winding down costs.* The following costs shall be considered qualified campaign expenses.

(i) Costs associated with the termination of that candidate's general election campaign such as complying with the post-election requirements of the Act and other necessary administrative costs associated with winding down the campaign, including office space rental, staff salaries and office supplies; or

(ii) Costs incurred by the candidate prior to the end of the expenditure report period, for which written arrangement or commitment was made on or before the close of the expenditure report period.

(b) *Non-qualified campaign expenses.*

(1) *General.* The following are examples of disbursements that are not qualified campaign expenses.

(2) *Excessive Expenditures.* An expenditure which is in excess of any of the limitations under 11 CFR 9003.2 shall not be considered a qualified campaign expense.

(3) *Expenditures Incurred After the Close of the Expenditure Report Period.* Any expenditures incurred after the close of the expenditure report period, as defined in 11 CFR 9002.12, are not qualified campaign expenses except to the extent permitted under 11 CFR 9004.4(a)(4).

(4) *Civil or Criminal Penalties.* Civil or criminal penalties paid pursuant to the Federal Election Campaign Act are not qualified campaign expenses and cannot be defrayed from payments received under 11 CFR Part 9005. Any amounts received or expended to pay such penalties shall not be considered contributions or expenditures but all amounts so received shall be subject to the prohibitions of the Act. Amounts received and expended under this section shall be reported in accordance with 11 CFR Part 104.

(5) *Solicitation Expenses.* Any expenses incurred by a major party candidate to solicit contributions to a legal and accounting compliance fund established pursuant to 11 CFR 9003.3(a) are not qualified campaign expenses and cannot be defrayed from payments received under 11 CFR part 9005.

§ 9004.5 Investment of public funds.

Investment of public funds or any other use of public funds to generate income is permissible, provided that an amount equal to all net income derived from such investments, less Federal, State and local taxes paid on such income, shall be repaid to the Secretary.

§ 9004.6 Reimbursements for transportation and services made available to media personnel.

(a) If an authorized committee incurs expenditures for transportation, ground services and facilities (including air travel, ground transportation, housing, meals, telephone service, typewriters) made available to media personnel, such expenditures will be considered

qualified campaign expenses subject to the overall expenditure limitations of 11 CFR 9003.2 (a)(1) and (b)(1).

(b) If reimbursement for such expenditures is received by a committee, the amount of such reimbursement for each individual shall not exceed either: the individual's pro rata share of the actual cost of the transportation and services made available; or a reasonable estimate of the individual's pro rata share of the actual cost of the transportation and services made available. An individual's pro rata share shall be calcuated by dividing the total number of individuals to whom such transportation and services are made available into the total cost of the transportation and services. The total amount of reimbursements received from an individual under this section shall not exceed the actual pro rata cost of the transportation and services made available to that person by more than 10%. Reimbursements received in compliance with the requirements of this section may be deducted from the amount of expenditures that are subject to the overall expenditure limitation of 11 CFR 9003.2 (a)(1) and (b)(1), except to the extent that such reimbursements exceed the amount actually paid by the committee for the services provided.

(c) The total amount paid by an authorized committee for the cost of transportation or for ground services and facilities shall be reported as an expenditure in accordance with 11 CFR 104.3(b)(2)(i). Any reimbursement received by such committee for transportation or ground services and facilities shall be reported in accordance with 11 CFR 104.3(a)(3)(ix).

§ 9004.7 Allocation of travel expenditures.

(a) Notwithstanding the provisions of 11 CFR Part 106, expenditures for travel relating to a Presidential or Vice Presidential candidate's campaign by any individual, including a candidate, shall, pursuant to the provisions of 11 CFR 9004.7(b), be qualified campaign expenses and be reported by the candidate's authorized committee(s) as expenditures.

(b)(1) For a trip which is entirely campaign-related, the total cost of the trip shall be a qualified campaign expense and a reportable expenditure.

(2) For a trip which includes campaign-related and non-campaign related stops, that portion of the cost of the trip allocable to campaign activity shall be a qualified campaign expense and a reportable expenditure. Such portion shall be determined by calculating what the trip would have cost from the point of origin of the trip to the first campaign-related stop and from the stop through each subsequent campaign-related stop to the point of origin. If any campaign activity, other than incidental contracts, is conducted at a stop, that stop shall be considered campaign-related.

(3) For each trip, an itinerary shall be prepared and such itinerary shall be made available for Commission inspection.

(4) For trips by government conveyance or by charter, a list of all passengers on such trip, along with a designation of which passengers are and which are not campaign-related, shall be made available for Commission inspection.

(5) If any individual, including a candidate, uses government conveyance or accommodations paid for by a government entity for campaign-related travel, the candidate's authorized committee shall pay the appropriate government entity an amount equal to:

(i) The first class commercial air fare plus the cost of other services, in the case of travel to a city served by a regularly scheduled commercial service; or

(ii) The Commercial charter rate plus the cost of other services, in the case of travel to a city not served by a regularly scheduled commercial service.

(6) Travel expenses of a candidate's spouse and family when accompanying the candidate on campaign-related travel may be treated as qualified campaign expenses and reportable expenditures. If the spouse or family members conduct campaign-related activities, their travel expenses shall be qualified campaign expenses and reportable expenditures.

(7) If any individual, including a candidate, incurs expenses for campaign-related travel, other than by use of government conveyance or accommodations, an amount equal to that portion of the actual cost of the conveyance or accommodations which is allocable to all passengers, including the candidate, traveling for campaign purposes shall be a qualified campaign expense and shall be reported by the committee as an expenditure.

(i) If the trip is by charter, the actual cost for each passenger shall be determined by dividing the total operating cost for the charter by the total number of passengers transported. The amount which is a qualified campaign expense and a reportable expenditure shall be calculated in accordance with the formula set forth at 11 CFR 9004.7(b)(2) on the basis of actual cost per passenger multiplied by the number of passengers traveling for campaign purposes.

(ii) If the trip is by non-charter commercial transportation, the actual cost shall be calculated in accordance with the formula set forth at 11 CFR 9004.7(b)(2) on the basis of the commercial fare. Such actual cost shall be a qualified campaign expense and a reportable expenditure.

§ 9004.8 Withdrawal by candidate.

(a) Any individual who is not actively conducting campaigns in more than one State for the office of President or Vice President shall cease to be a candidate under 11 CFR 9002.2.

(b) An individual who ceases to be a candidate under this section shall:

(1) No longer be eligible to receive any payments under 11 CFR 9005.3 except to defray qualified campaign expenses as provided in 11 CFR 9004.4.

(2) Submit a statement, within 60 days after he or she ceases to be a candidate, setting forth the information required under 11 CFR 9004.9(c).

§ 9004.9 Net outstanding qualified campaign expenses.

(a) *Candidates Receiving Post-Election Funding.* A candidate who is eligible to receive post-election payments under 11 CFR 9004.3 shall file, no later than 20 days after the date of the election, a preliminary statement of that candidate's net outstanding qualified campaign expenses. The preliminary statement shall be signed by the treasurer of the candidate's principal campaign committee. The candidate's net outstanding qualified campaign expenses under this section equal the difference between 11 CFR 9004.9(a) (1) and (2).

(1) The total of:

(i) All outstanding obligations for qualified campaign expenses as of the date of the election; plus

(ii) An estimate of the amount of qualified campaign expenses that will be incurred by the end of the expenditure report period; plus

(iii) An estimate of necessary winding down costs as defined under 11 CFR 9004.4(a)(4); less

(2) The total of:

(i) Cash on hand as of the close of business on the day of the election (including all contributions dated on or before that date);

(ii) The fair market value of capital assets and other assets on hand; and

(iii) Amounts owed to the campaign in the form of credits, refunds of deposits, returns, receivables, or rebates of qualified campaign expenses; or a commercially reasonable amount based on the collectibility of those credits, returns, receivables or rebates.

(b) *All Candidates.* Each candidate, except for individuals who have withdrawn pursuant to 11 CFR 9004.8, shall submit a statement of net outstanding qualified campaign expenses no later than 30 days after the end of the expenditure report period. This statement shall be signed by the treasurer of the candidate's pricipal campaign committee. The statement shall contain the information required by 11 CFR 9004.9(a) (1) and (2), except that the amount of outstanding obligations under 11 CFR 9004.9(a)(1)(i) and the amount of cash on hand, assets and receivables under 11 CFR 9004.9(a)(2) shall be complete as of the last day of the expenditure report period.

(c) *Candidates Who Withdraw.* An individual who ceases to be a candidate pursuant to 11 CFR 9004.8 shall file a statement of net outstanding qualified campaign expenses no later than 60 days after he or she ceases to be a candidate. This statement shall be signed by the treasurer of the candidate's principal campaign committee. The statement shall contain the information required under 11 CFR 9004.9(a) (1) and (2), except that the amount of outstanding obligations under 11 CFR 9004.9(a)(1)(i) and the amount of cash on hand, assets and receivables under 11 CFR 9004.9(a)(2) shall be complete as of the day on which the individual ceased to be a candidate.

(d)(1) *Capital Assets.* For purposes of this section, the term "capital assets" means any property used in the operation of the campaign whose value exceeds $500 on the last day of the expenditure report period or the day on which the individual ceases to be a candidate, whichever is earlier. Property that must be valued as capital assets under this section includes, but is not limited to, office equipment, furniture, vehicles and fixtures acquired for use in the operation of the candidate's campaign, but does not include property defined as "other assets" under 11 CFR 9004.9(d)(2). The value of a capital asset shall be the fair market value on the last day of the expenditure report period or the day on which the individual ceases to be a candidate whichever is earlier, unless the item is acquired after these dates, in which case the item will be valued on the date it is acquired.

(2) *Other Assets.* The term "other assets" means any property acquired by the campaign for use in raising funds or as collateral for campaign loans. "Other assets" must be included on the candidate's statement of net outstanding qualified campaign expenses if the aggregate value of such assets exceeds $5,000. The value of the "other assets" shall be determined by the fair market value of each item on the last day of the expenditure report period or the day on which the individual ceased to be a candidate, whichever is earlier, unless the item is acquired after these dates, in which case the item shall be valued on the date it is acquired.

(e) *Review of Candidate Statement.*

(1) *General.* The Commission will review the statement filed by each candidate under this section. The Commission may request further information with respect to statements filed pursuant to 11 CFR 9004.9(b) during the audit of that candidate's authorized committee(s) under 11 CFR Part 9007.

(2) *Candidate Eligible for Post-Election Funding.*

(i) If, in reviewing the preliminary statement of a candidate eligible to receive post-election funding, the Commission receives information indicating that substantial assets of that candidate's authorized committee(s) have been undervalued or not included in the statement or that the amount of outstanding qualified campaign expenses has been otherwise overstated in relation ot campaign assets, the Commission may decide to temporarily postpone its certification of funds to that candidate pending a final determination of whether the candidate is entitled to all or a portion of the funds for which he or she is eligible based on the percentage of votes the candidate received in the general election.

(ii) *Initial Determination.* In making a determination under 11 CFR 9004.9(e)(2)(i), the Commission will notify the candidate within 10 business days after its receipt of the statement of its initial determination that the candidate is not entitled to receive the full amount for which the candidate may be eligible. The notice will give the legal and factual reasons for the initial determination and advise the candidate of the evidence on which the Commission's initial determination is based. The candidate will be given the opportunity to revise the statement or to submit, within 10 business days, written legal or factual materials to demonstrate that the candidate has net outstanding qualified campaign expenses that entitle the candidate to post-election funds. Such materials may be submitted by counsel if the candidate so desires.

(iii) *Final Determination.* The Commission will consider any written legal or factual materials submitted by the candidate before making its final determination. A final determination that the candidate is entitled to receive only a portion or no post-election funding will be accompanied by a written statement of reasons for the Commission's action. This statement will explain the legal and factual reasons underlying the Commission's determination and will summarize the results of any investigation on which the determination is based.

(iv) If the candidate demonstrates that the amount of outstanding qualified campaign expenses still exceeds campaign assets, the Commission will certify the payment of post-election funds to which the candidate is entitled

§ 9004.10 Sale of assets acquired for fundraising purposes.

(a) *General.* A minor or new party or independent candidate may sell assets donated to the campaign or otherwise acquired for fundraising purposes subject to the limitations and porhibitions of 11 CFR 9003.2, Title 2, United States Code, and 11 CFR Parts 110 and 114. This section will only apply to major party candidates to the extent that they sell assets acquired either for fundraising purposes in connection with his or her legal and accounting compliance fund or when it is necessary to make up any deficiency in payments received from the Fund due to the application of 11 CFR 9005.2(b).

(b) *Sale After End of Expenditure Report Period.* A minor or new party or independent candidate, or a major pary candidate in the event of a deficiency in the payments received from the Fund due to the application of 11 CFR 9005.2(b), whose outstanding debts exceed the cash on hand after the end of the expenditure report period as determined under 11 CFR 9002.12, may dispose of assets acquired for fundraising purposes in a sale to a wholesaler or other intermediary who will in turn sell such assets to the public provided that the sale to the wholesaler or intermediary is an arms-length transaction. Sales made under this subsection will not be subject to the limitations and prohibitions of Title 2, United States Code and 11 CFR Parts 110 and 114.

PART 9005—CERTIFICATION BY COMMISSION

Sec

9005.1 Certification of payments for candidates.
9005.2 Payments to eligible candidates from the fund.

Authority.—26 U.S.C. 9005, 9009(b).

9005.1 Certification of payments for candidates.

(a) *Certification of Payments for Major Party Candidates.* Not later than

10 days after the Commission determines that the Presidential and Vice Presidential candidates of a major party have met all applicable conditions for eligibility to receive payments under 11 CFR 9003.1 and 9003.2, the Commission shall certify to the Secretary that payment in full of the amounts to which such candidates are entitled under 11 CFR Part 9004 should be made pursuant to 11 CFR 9005.2.

(b) *Certification of Pre-election Payments for Minor and New Party Candidates and Independent Candidates.*

(1) NOt later than 10 days after a minor, new party or independent candidate has met all applicable conditions for eligibility to receive payments under 11 CFR 9003.1, 9003.2 and 9004.2, the Commission will make an initial determination of the amount, if any, to which the candidate is entitled. The Commission will base its determination on the percentage of votes received in the official vote count certified in each State. In notifying the candidate, the Commission will give the legal and factual reasons for its determination and advise the candidate of the evidence on which the determination is based.

(2) The candidate may submit, within 15 days after the Commission's initial determination, written legal or factual materials to demonstrate that a redetermination is appropriate. Such materials may be submitted by counsel if the candidate so desires.

(3) The Commission will consider any written legal or factual materials timely submitted by the candidate in making its final determination. A final determination of certification by the Commission will be accompanied by a written statement of reasons for the Commission's action. This statement will explain the reasons underlying the Commission's determination and will summarize the results of any investigation on which the determination is based.

(c) *Certification of Minor and New Party Candidates and Independent Candidates for Post-election Payments.*

(1) Not later than 30 days after the general election, the Commission will determine whether a minor, new party or independent candidate is eligible for post-election payments.

(2) The Commission's determination of eligibility will be based on the following factors:

(i) The candidate has received at least 5% or more of the total popular vote based on unofficial vote results in each State;

(ii) The candidate has filed a preliminary statement of his or her net outstanding qualified campaign expenses pursuant to 11 CFR 9004.9(a) and

(iii) The candidate has met all applicable conditions for eligibility under 11 CFR 9003.1 and 9003.2.

(3) The Commission will notify the candidate of its initial determination of the amount, if any, to which the candidate is entitled, give the legal and factual reasons for its determination and advise the candidate of the evidence on which the determination is based. The Commission will also notify the candidate that it will deduct a percentage of the amount to which the candidate is entitled based on the unofficial vote results when the Commission certifies an amount for payment to the Secretary. This deduction will be based on the average percentage differential between the unofficial and official vote results for all candidates who received public funds in the preceding Presidential general election.

(4) The candidate may submit within 15 days after the Commission's initial determination written legal or factual materials to demonstrate that a redetermination is appropriate. Such materials may be submitted by counsel if the candidate so desires.

(5) The Commission will consider any written legal or factual materials timely submitted by the candidate in making its final determination. A final determination of certification by the Commission will be accompanied by a written statement of reasons for the Commission's action. This statement will explain the reason underlying the Commission's determination and will summarize the results of any investigation on which the determination is based.

(d) All certifications made by the Commission pursuant to this section shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under 11 CFR Part 9007 and judicial review under 26 U.S.C. § 9011.

§ 9005.2 Payments to eligible candidates from the fund.

(a) Upon receipt of a certification from the Commission under 11 CFR 9005.1 for payment to the eligible Presidential and Vice Presidential candidates of a political party, the Secretary shall pay to such candidates out of the Fund the amount certified by the Commission. Amounts paid to a candidate shall be under the control of that candidate.

(b)(1) If at the time of a certification from the Commission under 11 CFR 9005.1, the Secretary determines that the monies in the Fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he or she shall withhold an amount which is determined to be necessary to assure that the eligible candidates of each political party will receive their pro rata share.

(2) Amounts withheld under 11 CFR 9005.2(b)(1) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay such amounts, or pro rata portions thereof, to all eligible candidates from whom amounts have been withheld.

(c) Payments received from the Fund by a candidate shall be deposited in a separate account maintained by his or her authorized committee. This account shall be maintained at a State bank, federally chartered depository institution or other depository institution, the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(d) No funds other than the payments received from the Treasury, reimbursements, or income generated through use of public funds in accordance with 11 CFR 9004.5, shall be deposited in the account described in 11 CFR 9005.2(c). "Reimbursements" shall include, but are not limited to, refunds of deposits, vendor refunds, reimbursements for travel expenses under 11 CFR 9004.6 and 9004.7 and reimbursements for legal and accounting costs under 11 CFR 9003.3(a)(2)(ii)(B).

PART 9006—REPORTS AND RECORDKEEPING

Sec.
9006.1 Separate reports.
9006.2 Filing dates.

Authority—26 U.S.C. 9006, 9009.

§ 9006.1 Separate reports.

(a) The authorized committee(s) of a candidate shall report all expenditures to further the candidate's general election campaign in reports separate from reports of any other expenditures made by such committee(s) with respect to other elections. Such reports shall be filed pursuant to the requirements of 11 CFR Part 104.

(b) The authorized committee(s) of a candidate shall file separate reports as follows:

(1) One report shall be filed which lists all receipts and disbursements of:

(i) Contributions and loans received by a major party candidate pursuant to 11 CFR Part 9003 to make up deficiencies in Fund payments due to the application of 11 CFR Part 9005;

(ii) Contributions and loans received pursuant to 11 CFR 9003.2(b)(2) by a minor, new party or independent candidate for use in the general election;

(iii) Receipts for expenses incurred before the beginning of the expenditure report period pursuant to 11 CFR 9003.4;

(iv) Personal funds expended in accordance with 11 CFR 9003.2(c); and

(v) Payments received from the Fund.

(2) A second report shall be filed which lists all receipts of and disbursements from, contributions received for the candidate's legal and accounting compliance fund in accordance with 11 CFR 9003.3(a).

§ 9006.2 Filing dates.

The reports required to be filed under 11 CFR 9006.1 shall be filed during an election year on a monthly or quarterly basis as prescribed at 11 CFR 104.5(b)(1).

During a non-election year, the candidate's principal campaign committee may elect to file reports either on a monthly or quarterly basis in accordance with 11 CFR 104.5(b)(2).

PART 9007—EXAMINATION AND AUDITS; REPAYMENTS

Sec.

9007.1 Audits.
9007.2 Repayments
9007.3 Extensions of time.
9007.4 Additional audits.

Authority.—26 U.S.C. 9007, 9009(b).

§ 9007.1 Audits.

(a) *General*

(1) After each Presidental election, the Commission will conduct a thorough examination and audit of the receipts, disbursements, debts and obligations of each candidate, his or her authorized committee(s), and agents of such candidates or committees. Such examination and audit will include, but will not be limited to, expenditures pursuant to 11 CFR 9003.4 prior to the beginning of the expenditure report period, contributions to and expenditures made from the legal and accounting compliance fund established under 11 CFR 9003.3(a), contributions received to supplement any payments received from the Fund, and qualified campaign expenses.

(2) In addition, the Commission may conduct other examinations and audits from time to time as it deems necessary to carry out the provisions of this subchapter.

(3) Information obtained pursuant to any audit and examination conducted under 11 CFR 9007.1(a)(1) and (2) may be used by the Commission as the basis, or partial basis, for its repayment determinations under 11 CFR 9007.2.

(b) *Conduct of Fieldwork*

(1) The Commission will give the candidate's authorized committee at least two week's notice of the Commission's intention to commence fieldwork on the audit and examination. The fieldwork will be conducted at a site provided by the committee.

(i) *Office Space and Records.* On the date scheduled for the commencement of fieldwork, the candidate or his or her authorized committee(s) shall provide Commission staff with office space and committee records in accordance with the candidate and committee agreement under 11 CFR 9003.1(b)(6).

(ii) *Availability of Committee Personnel.* On the date scheduled for the commencement of fieldwork, the candidate or his or her authorized committee(s) shall have committee personnel present at the site of the fieldwork. Such personnel shall be familiar with the committee's records and operation and shall be available to Commission staff to answer questions and to aid in locating records.

(iii) *Failure to Provide Staff, Records or Office Space.* If the candidate or his or her authorized committee(s) fail to provide adequate office space, personnel or committee records, the Commission may seek judicial intervention under 2 U.S.C. 437d or 26 U.S.C. 9010(c) to enforce the candidate and committee agreement made under 11 CFR 9003.1(b). Before seeking judicial intervention, the Commission will notify the candidate of his or her failure to comply with the agreement and will recommend corrective action to bring the candidate into compliance. Upon receipt of the Commission's notification, the candidate will have ten (10) calendar days in which to take the corrective action indicated or to otherwise demonstrate to the Commission in writing that he or she is complying with the candidate and committee agreements.

(iv) If, in the course of the audit process, a dispute arises over the documentation sought or other requirements of the candidate agreement, the candidate may seek review by the Commission of the issues raised. To seek review, the candidate shall submit a written statement within 10 days after the disputed Commission staff request is made, describing the dispute and indicating the candidate's proposed alternative(s).

(2) Fieldwork will include the following steps designed to keep the candidate and committee informed as to the progress of the audit and to expedite the process:

(i) *Entrance Conference.* At the outset of the fieldwork, Commission staff will hold an entrance conference, at which the candidate's representatives will be advised of the purpose of the audit and the general procedures to be followed. Future requirements of the candidate and his or her authorized committee such as possible repayments to the United States Treasury, will also be discussed. Committee representatives shall provide information and records necessary to conduct the audit, and Commission staff will be available to answer committee questions.

(ii) *Review of Records.* During the fieldwork, Commission staff will review committee records and may conduct interviews of committee personnel. Commission staff will be available to explain aspects of the audit and examination as it progresses. Additional meetings between Commission staff and committee personnel may be held from time to time during the fieldwork to discuss possible audit findings and to resolve issues arising during the course of the audit.

(iii) *Exit Conference.* At the conclusion of the fieldwork, Commission staff will hold an exit conference to discuss with committee representatives the staff's preliminary findings and recommendations which the Commission staff anticipates that it may present to the Commission for approval. Commission staff will advise committee representatives at this conference of the projected timetable regarding the issuance of an audit report, the committee's opportunity to respond thereto, and the Commission's initial and final repayment determinatins under 11 CFR 9007.2.

(3) Commission staff may conduct additional fieldwork after the completion of the fieldwork conducted pursuant to 11 CFR 9007.1(b) (1) and (2). Factors that may necessitate such follow-up fieldwork include, but are not limited to, the following:

(i) Committee response to audit findings;

(ii) Financial activity of the committee subsequent to the fieldwork conducted pursuant to 11 CFR 9007.1 (b)(1);

(iii) Committee responses to Commission repayment determinations made under 11 CFR 9007.2.

(4) The Commission will notify the candidate and his or her authorized committee if follow-up fieldwork is necessary. The provisions of 11 CFR 9007.1(b) (1) and (2) will apply to any additional fieldwork conducted.

(c) *Preparation of Interim Audit Report.*

(1) After the completion of the fieldwork conducted pursuant to 11 CFR 9007.1(b)(1), the Commission will issue

an interim audit report to the candidate and his or her authorized committee. The interim audit report may contain Commission findings and recommendations regarding one or more of the following areas:

(i) An evaluation of procedures and systems employed by the candidate and committee to comply with applicable provisions of the Federal Election Campaign Act, Presidential Election Campaign Fund Act and Commission regulations;

(ii) Accuracy of statements and reports filed with the Commission by the candidate and committee;

(iii) Compliance of the candidate and committee with applicable statutory and regulatory provisions in those instances where the Commission has not instituted any enforcement action on the matter(s) under the provisions of 2 U.S.C. 437g and 11 CFR Part 111; and

(iv) Preliminary calculations regarding future repayments to the United States Treasury.

(2) The candidate and his or her authorized committee will have an opportunity to submit in writing within 30 calendar days of receipt of the interim report, legal and factual materials disputing or commenting on the contents of the interim report. Such materials may be submitted by counsel if the candidate so desires.

(3) The Commission will consider any written legal and factual materials submitted by the candidate or his or her authorized committee in accordance with 11 CFR 9007.1(c)(2) before approving and issuing an audit report to be released to the public. The contents of the publicly-released audit report may differ from that of the interim report since the Commission will consider timely submissions of legal and factual materials by the candidate or committee in response to the interim report.

(d) *Preparation of Publicly-Released Audit Report.* An audit report prepared subsequent to an interim report will be publicly released pursuant to 11 CFR 9007.1(e). This report will contain Commission findings and recommendations addressed in the interim audit report but may contain adjustments based on the candidate's response to the interim report. In addition, this report will contain an initial repayment determination made by the Commission pursuant to 11 CFR 9007.2(c)(1) in lieu of the preliminary calculations set forth in the interim report.

(e) *Public Release of Audit Report.*

(1) After the candidate and committee have had an opportunity to respond to a written interim report of the Commission, the Commission will make public the audit report prepared subsequent to the interim report, as provided in 11 CFR 9007.1(d).

(2) If the Commission determines, on the basis of information obtained under the audit and examination process, that certain matters warrant enforcement under 2 U.S.C. 437g and 11 CFR Part 111, those matters will not be contained in the publicly-released report. In such cases, the audit report will indicate that certain other matters have been referred to the Commission's Office of General Counsel.

(3) The Commission will provide the candidate and committee copies of the audit report 24 hours prior to releasing the report to the public.

(4) Addenda to the audit report may be issued from time to time as circumstances warrant and as additional information becomes available. Such addenda may be based in part on follow-up fieldwork conducted under 11 CFR 9007.1(b)(3) and will be placed on the public record.

§ 9007.2 Repayments.

(a) *General.*

(1) A candidate who has received payments from the Fund under 11 CFR Part 9005 shall pay the United States Treasury any amounts which the Commission determines to be repayable under this section. In making repayment determinations under this section, the Commission may utilize information obtained from audits and examinations conducted pursuant to 11 CFR 9007.1 or otherwise obtained by the Commission in carrying out its responsibilities under this subchapter.

(2) The Commission will notify the candidate of any repayment determinations made under this section as soon as possible, but not later than 3 years after the close of the expenditure report period.

(3) Once the candidate receives notice of the Commission's final repayment determination under this section, the candidate should give preference to the repayment over all other outstanding obligations of his or her committee, except for any federal taxes owed by the committee.

(b) *Bases For Repayment.* The Commission may determine that an eligible candidate of a political party who has received payments from the Fund must repay the United States Treasury under any of the circumstances described below.

(1) *Payments in Excess of Candidate's Entitlement.* If the Commission determines that any portion of the payments made to candidate was in excess of the aggregate payments to which such candidate was entitled, it will so notify the candidate, and such candidate shall pay to the United States Treasury an amount equal to such portion.

(2) *Use of Funds for Non-qualified Campaign Expenses.*

(i) If the Commission determines that any amount of any payment to an eligible candidate from the Fund or any contributions received by a candidate under 11 CFR 9003.3(b) were used for purposes other than those described in paragraphs (b)(2)(i) (A) through (C) of this section, it will notify the candidate of the amount so used, and such candidate shall pay to the United States Treasury an amount equal to such amount.

(A) To defray qualified campaign expenses;

(B) To repay loans, the proceeds of which were used to defray qualified campaign expenses; and

(C) To restore funds (other than contributions which were received and expended by minor or new party candidates to defray qualified campaign expenses) which were used to defray qualified campaign expenses.

(ii) Examples of Commission repayment determinations under 11 CFR 9007.2(b)(2) include, but are not limited to the following:

(A) Determinations that a candidate, a candidate's authorized committee(s) or agent(s) have incurred expenses in excess of the aggregate payments to which an eligible major party candidate is entitled;

(B) Determinations that amounts spent by a candidate, a candidate's authorized committee(s) or agent(s) from the Fund, or from any contributions received by a candidate under 11 CFR 9003.3 (b) or (c), were not documented in accordance with 11 CFR 9003.5;

(C) Determinations that any portion of the payments made to a candidate from the Fund or any contributions received by a candidate under 11 CFR 9003.3 (b) or (c) were expended in violation of State or Federal law; and

(D) Determinations that any portion of the payments made to a candidate from the Fund, or any contributions received by a candidate under 11 CFR 9003.3 (b) or (c) were used to defray expenses resulting from a violation of State or Federal law, such as the payment of fines or penalties.

(3) *Surplus.* If the Commission determines that a portion of payments from the Fund remains unspent after all qualified campaign expenses have been paid, it shall so notify the candidate, and and such candidate shall pay the United States Treasury that portion of surplus funds.

(4) *Income on Investment of Payments from the Fund.* If the Commission determines that a candidate received any income as a result of investment or other use of payments from the Fund pursuant to 11 CFR 9004.5, it shall so notify the candidate and such candidate shall pay to the United States Treasury an amount equal to the amount determined to be income, less any Federal, State or local taxes on such income.

(5) *Unlawful Acceptance of Contributions by an Eligible Candidate of a Major Party.* If the Commission determines that an eligible candidate of a major party, the candidate's authorized committee(s) or agent(s) accepted contributions to defray qualified campaign expenses (other than contributions to make up deficiencies in payments from the Fund, or to defray expenses incurred for legal and accounting services in accodance with 11 CFR 9003.3(a)), it shall notify the candidate of the amount of contributions so accepted, and the candidate shall pay to the United States Treasury an amount equal to such amount.

(c) *Repayment Determination Procedures.* The Commission repayment determination will be made in accordance with the procedures set forth at 11 CFR 9007.2 (c)(1) through (c)(4).

(1) *Initial Determination.* The Commission will provide the candidate with a written notice of its initial repayment determination(s). This notice will be included in the Commission's publicly-released audit report pursuant to 11 CFR 9007.1(d) and will set forth the legal and factural reasons for such determination(s). Such notice will also advise the candidate of the evidence upon which any such determination is based. If the candidate does not dispute an initial repayment determination of the Commission within 30 calendar days of the candidate's receipt of the notice, such inital determination will be considered a final determination of the Commission.

(2) *Submission of Written Materials.* If the candidate disputes the Commission's initial repayment determination(s), he or she shall have an opportunity to submit in writing, within 30 calendar days of receipt of the Commission's notice, legal and factual materials to demonstrate that no repayment, or a lesser repayment, is required. The Commission will consider any written legal and factual materials submitted by the candidate within this 30-day period in making its final repayment determination(s). Such materials may be submitted by counsel if the candidate so desires.

(3) *Oral Presentation.* A candidate who has submitted written materials under 11 CFR 9007.2(c)(2) may request that the Commission provide such candidate with an opportunity to address the Commission in open session. If the Commission decides by an affirmative vote of four (4) of its members to grant the candidate's request, it will inform the candidate of the date and time set for the oral presentation. At the date and time set by the Commission, the candidate or candidate's designated representative will be allotted an amount of time in which to make an oral presentation to the Commission based upon the legal and factual materials submitted under 11 CFR 9007.2(c)(2). The candidate or representative will also have the opportunity to answer any questions from individual members of the Commission.

(4) *Final Determination.* In making its final repayment determination(s), the Commission will consider any submission made under 11 CFR 9007.2(c)(2) and any oral presentation made under 11 CFR 9007.2(c)(3). A final determination that a candidate must repay a certain amount will be accompanied by a written statement of reasons for the Commission's actions. This statement will explain the reasons underlying the Commission's determination and will summarize the results of any investigation upon which the determination is based.

(d) *Repayment Period.*

(1) Within 90 calendar days of the candidate's receipt of the notice of the Commission's initial repayment determination(s), the candidate shall repay to the United States Treasury amounts which the Commission has determined to be repayable. Upon application by the candidate, the Commission may grant an extension of up to 90 calendar days in which to make repayment.

(2) If the candidate submits written materials under 11 CFR 9007.2(C)(2) disputing the Commission's initial repayment determination(s), the time for repayment will be suspended until the Commission makes its final repayment determination(s). Within 20 calendar days of the candidate's receipt of the notice of the Commission's final repayment determination(s), the candidate shall repay to the United States Treasury amounts which the Commission has determined to be repayable. Upon application by the candidate, the Commission may grant an extension of up to 90 calendar days in which to make repayment.

(e) *Computation of Time.* The time periods established by this section shall be computed in accordance with 11 CFR 111.2.

(f) *Additional Repayments.* Nothing in this section will prevent the Commission from making additional repayment determinations on one or more of the bases set forth at 11 CFR 9007.2(b) after it has made a final determination on any such basis. The Commission may make additional repayment determinations where there exist facts not used as the basis for a previous final determination. Any such additional repayment determination will be made in accordance with the provisions of this section.

(g) *Newly-Discovered Assets.* If, after any initial of final repayment determination made under this section, a candidate or his or her authorized committee(s) receives or becomes aware of assets not previously included in any statement of net outstanding qualified campaign expenses submitted pursuant to 11 CFR 9004.9, the candidate or his or her authorized committee(s) shall promptly notify the Commission of such newly-discovered assets. Newly-discovered assets may include refund, rebates, late-arriving receivables, and actual receipts for capital assets in excess of the value specified in previously-submitted statememt of net outstanding qualified campaign expenses. Newly-discovered assets may serve as a basis for additional repayment determinations under 11 CFR 9007.2(f).

(h) *Limit on Repayment.* No repayment shall be required from the eligible candidates of a political party under 11 CFR 9007.2 to the extent that such repayment, when added to other repayments required from such candidates under 11 CFR 9007.2, exceeds the amount of payments received by such candidates under 11 CFR 9005.3.

§ 9007.3 Extensions of time.

(a) It is the policy of the Commission that extensions of time under 11 CFR Part 9007 shall not be routinely granted.

(b) Whenever a candidate has a right or is required to take action within a period of time prescribed by 11 CFR Part 907 or by notice given thereunder, the candidate may apply in writing to the Commission for an extension of time in which to exercise such right or take such action. The candidate shall demonstrate in the application for extension that good cause exists for his or her request.

(c) An application for extension of time shall be made at least 7 calendar days prior to the expiration of the time period for which the extension is sought. The Commission may, upon a showing

of good cause, grant an extension of time to a candidate who has applied for such extension in a timely manner. The length of time of any extension granted hereunder shall be decided by the Commission and may be less than the amount of time sought by the candidate in his or her application.

(d) If a candidate fails to seek an extension of time, exercise a right or take a required action prior to the expiration of a time period prescribed by 11 CFR Part 9007, the Commission may, on the candidate's showing of excusable neglect:

(1) Permit such candidate to exercise his or her right(s), or take such required action(s) after the expiration of the prescribed time period; and

(2) Take into consideration any information obtained in connection with the exercise of any such right or taking of any such action before making decisions or determinations under 11 CFR Part 9007.

§ 9007.4 Additional audits.

In accordance with 11 CFR 104.16(c), the Commission, pursuant to 11 CFR 111.10, may upon affirmative vote of four members conduct an audit and field investigation of any committee in any case in which the Commission finds reason to believe that a violation of a statute or regulation over which the Commission has jurisdiction has occurred or is about to occur.

Part 9007a—Unauthorized Expenditures and Contributions

Sec.

9007a.1 Excessive expenses.
9007a.2 Unauthorized acceptance of contributions.
9007a.3 Unlawful use of payments received from the fund.
9007a.4 Unlawful misrepresentations and falsification of statements, records or other evidence to the Commission, refusal to furnish books and records.
9007a.5 Kickbacks and illegal payments.
9007a.6 Unauthorized expenditures and contributions by political committees.

Authority: 26 U.S.C. 9012.

§ 9007a.1 Excessive expenses.

(a) It shall be unlawful for an eligible candidate of a political party for President and Vice President in a Presidential election or the candidate's authorized committee(s) knowingly and willfully to incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under 11 CFR Part 9004 with respect to such election.

(b) It shall be unlawful for the national committee of a major or minor party knowingly and willfully to incur expenses with respect to a presidential nominating convention in excess of the expenditure limitation applicable with respect to such committee under 11 CFR Part 9008, unless the incurring of such expenses is authorized by the Commission under 11 CFR 9008.7(a)(3).

§ 9007a.2 Unauthorized acceptance of contributions.

(a) It shall be unlawful for an eligible candidate of a major party in a Presidential election or any of his or her authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received from the Fund due to the application of 11 CFR 9005.2(b), or to defray expenses which would be qualified campaign expenses but for 11 CFR 9002.11(a)(3).

(b) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a Presidential election or any of his or her authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred in that election by that eligible candidate or his or her authorized committee(s).

§ 9007a.3 Unlawful use of payments received from the fund.

(a) It shall be unlawful for any person who receives any payment under 11 CFR Part 9005, or to whom any portion of any payment so received is transferred, knowingly and willfully to use, or authorize the use of, such payment or any portion there of for any purpose other than—

(1) To defray the qualified campaign expenses with respect to which such payment was made; or

(2) To repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

(b) It shall be unlawful for the national committee of a major or minor party which receives any payment under 11 CFR Part 9008 to use, or authorize the use of, such payment for any purpose other than a purpose authorize by 11 CFR 9008.6.

§ 9007a.4 Unlawful misrepresentations and falsification of statements, records or other evidence to the Commission; refusal to furnish books and records.

It shall be unlawful for any person knowingly and willfully—

(a) To furnish any false, fictitious, or fraudulent evidence, books or information to the Commission under 11 CFR Parts 9001–9008, or to include in any evidence, books or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books or information relevant to a certification by the Commission or any examination and audit by the Commission under 11 CFR Parts 9001 *et seq.;* or

(b) To fail to furnish to the Commission any records, books or information requested by the Commission for purposes of 11 CFR Parts 9001 *et seq.*

§ 9007a.5 Kickbacks and illegal payments

(a) It shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expenses of any eligible candidate or his or her authorized committee(s).

(b) It shall be unlawful for the national committee of a major or minor party knowingly and willfully to give or accept any kickback or any illegal payment in connection with any expense incurred by such committee with respect to a Presidential nomination convention.

(c) Any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of any eligible candidate or his or her authorized committee(s), or in connection with any expense incurred by the national committee of a major or minor party with respect to a Presidential nominating convention shall pay to the United States Treasury, for deposit in the Treasury's general fund, an amount equal to 125% of the kickback or payments received.

§ 9007a.6 Unauthorized expenditures and contributions by political committees.

(a) It is unlawful for any political committee which is not an authorized committee of any eligible candidate of a political party for the Office of President or Vice President, knowingly and willfully to incur expenditures to further the election of such candidates which aggregate in excess of $1,000 and which would constitute qualified campaign expenditures if incurred by the candidate's authorized committee.

(b) The unauthorized expenditures and contributions referred to in 11 CFR 9012.6(a) do not include:

(1) Expenditures by a broadcaster regulated by the Federal Communications Commission, or by a

periodical publication, in reporting the news or taking editorial positions; or

(2) Expenditures by any organization described in 26 U.S.C. § 501(c) which is exempt from tax under 26 U.S.C. § 501(a) in communicating to its members the views of that organization.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) [Regulatory Flexibility Act]

I certify that the attached proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The basis for this certification is that no entity is required to make any expenditures under the propose rules.

Danny L. McDonald,

Chairman, Federal Election Commission.

Dated: March 29, 1983.

[FR Doc. 83-8508 Filed 4-1-83; 8:45 am]

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Part V

Equal Employment Opportunity Commission

Voluntary Assistance Program; Development

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Voluntary Assistance Program

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice.

SUMMARY: The purpose of this notice is to solicit input into and inform the public about EEOC's development of a voluntary assistance program. This program is designed to assist both employers and individuals.

DATE: Comments must be received on or before May 6, 1983.

ADDRESS: Interested persons should submit comments to Treva McCall, Executive Secretariat, Room 5215, EEOC, 2401 E Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Leonora L. Guarraia, Director, Office of Special Projects, or Roy Rodriguez, Senior Management Analyst, Office of Special Projects, Room 316, 2401 E Street, NW., Washington, D.C. 20506. Telephone: (202) 634–7674.

SUPPLEMENTARY INFORMATION: The Equal Employment Opportunity Commission (the Commission) enforces Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.* (Title VII), which makes it illegal to discriminate in employment on the basis of race, color, religion, sex, or national origin; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.* (ADEA), which makes it illegal to discriminate in employment on the basis of age; the Equal Pay Act of 1963, 29 U.S.C. 206(d) *et seq.* (EPA), which prohibits pay discrimination based on sex; and Section 501 of the Rehabilitation Act of 1973, 29 U.S.C. 791 (Section 501), which prohibits discrimination because of handicap in Federal employment.

In enacting Title VII, the Congress placed special emphasis on cooperation and voluntary compliance as a means of achieving the goal of equality of employment opportunities. For this purpose, section 705(g) of Title VII empowers the Commission to provide assistance to all protected by or subject to the statute.

Section 705(g) states that the Commission shall have power:

1. To cooperate with and, with their consent, utilize regional, State, local, and other agencies, both public and private, and individuals; * * *

3. To furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or an order issued thereunder.

Under section 6 of the age Discrimination in Employment Act, the Commission is authorized:

To cooperate with regional, State, local and other agencies, and to cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act.

In order to better fulfill its obligations to provide the assistance contemplated under these statutes and to complement an operational effort to establish service to currently underserved areas, the Commission will formalize and institute pilot programs of voluntary assistance starting in October 1983. The voluntary assistance initiative will include educational and technical assistance for both employers, labor organizations, employment agencies and individuals. It will be designed to increase the public's awareness of its rights and responsibilities under the various statutes and give employers guidance designed to prevent adoption of potentially discriminatory employment policies or procedures.

Educational assistance, as currently contemplated, will utilize and expand the Commission's public information program of general information brochures, conferences and seminars, public service announcements for radio and television, and news releases. Technical assistance to employers and unions, as currently contemplated, will consist of training sessions, an enhanced and coordinated level of response to questions frequently raised by employers regarding forms or procedures, interpretation of statutes, regulations, and case decisions, as well as an enhanced and coordinated level of provision of general advice, guidance and information about relevant laws and procedures.

For the purposes of this program, the Commission does not intend to approve or disapprove any specific test, test validation studies, or application forms. Guidance offered under this program will neither supplant nor modify instructions and directives provided by EEOC or other Federal agencies pursuant to an employer's equal employment opportunity responsibilities as a contractor or grantee. Rather, the Commission will offer general advice, guidance and information about relevant laws, policies and regulations. For example, EEOC will not, through this program, assist in the development of affirmative action plans, approve or disapprove such plans or take any action which might compromise its enforcement posture or be considered Commission policy. Instead, the Commission will offer non-binding guidance as to the state of the law in this area.

One objective of this program is to ensure that information on equal employment responsibilities and rights reaches those employers, unions and classes of protected individuals who may have a greater need for such assistance, and as smaller businesses with limited resources, persons not located near Commission offices, language minorities and other communities which may not be using the service of the Commission to the extent necessary to provide an effective enforcement presence.

Consistent with the Commission's Field Reorganization Plan, approved by the Commission on January 25, 1983, the Commission anticipates pilot voluntary assistance programs to be in place by October 1, 1983.

In-house information, as well as information generated by this notice, will be analyzed to produce program components to be implemented nationwide. Relevant materials will be developed along with the training of appropriate staff on the operation of the program. EEOC will also design an evaluation program to measure the effectiveness of the program and identify areas that may need alteration at the conclusion of the pilot period.

This notice is designed to solicit comments and other pertinent information for use in developing an efficient and effective program.

The Commission welcomes information, suggestions and examples of materials or approaches successfully now in use or believed feasible which could be used to design the program. The Commission is particularly interested in receiving such information from employers, unions, civil rights and women's organizations, workers and individuals, including those who have experience in the provision of similar services to persons whose primary language is not English.

Responses to the following items would be particularly helpful.

1. If you have been involved in a program to provide equal employment opportunity for employees, please list and describe specific assistance activities that were successful and explain why. If available, submit copies of materials used in the effort. If you have found that in such programs, specific activities were unsuccessful, please list and describe those as well, including the reasons you feel they were unsuccessful.

2. Please identify recurrent employer-related issues or concerns and describe how you have dealt with them.

3. What kind of assistance is needed or wanted by employers, especially the smaller ones?

4. In what part(s) of the country were your employer-related efforts concentrated?

5. Do you feel that your successful employer-related assistance efforts could be used in other parts of the country? If not, why?

6. If you have operated a program to aid employable or employed persons become aware of their rights under the law, please list and describe those activities which were successful and explain why. If available, submit a copy of related materials used in the effort. If in operating such a program, you have found specific activities to be unsuccessful, please list and describe those as well, and include the reasons you feel they were unsuccessful.

7. Please identify recurrent employee-related issues or concerns and describe how you have dealt with them.

8. In what part(s) of the country were your employee-related efforts concentrated?

9. Do you feel that your successful employee-related assistance activities could be used in other parts of the country? If not, why?

10. If you have produced or used employment-related materials in a language other than English, please list the language(s) and types of materials used, and, if available, submit a copy of the material(s).

Signed at Washington, D.C., this 30th day of March 1983.

For The Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

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Part VI

Department of Commerce

National Oceanic and Atmospheric Administration

Foreign Fishing, and Atlantic Mackerel, Squid, and Butterfish Fisheries; Interim Regulation

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 655, 656, and 657

[Docket No. 30105-03]

Foreign Fishing, and Atlantic Mackerel, Squid, and Butterfish Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule; notice of approval and availability of an amendment to fishery management plans.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, has initially approved Amendment No. 3 to the Fishery Management Plans for the Atlantic Mackerel, Squid, and Butterfish Fisheries. The amendment merges the management measures for these three fisheries into a single management regime, and extends management through March 31, 1986. The amendment is intended to promote development and orderly operation of the U.S. fishery. NOAA issues emergency regulations to implement the amendment and requests comment.

DATE: Interim rule effective from April 1, 1983, through June 29, 1983. Comments must be received on or before May 19, 1983.

ADDRESSES: Comments should be sent to Frank Grice, Chief, Management Division, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930-3097. Mark the outside of the envelope, "Comments on Atlantic Mackerel, Squid, and Butterfish—Amendment No. 3." Copies of Amendment No. 3, current regulations, the regulatory impact review, and the environmental assessment are available upon request.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, Plan Coordinator, 617-281-3600, Ext. 273.

SUPPLEMENTARY INFORMATION:

Background

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has approved Amendment No. 3, which provides one plan for the management of the fisheries now managed under the following fishery management plans (FMPs): Squid Fishery of the Northwest Atlantic Ocean (approved June 6, 1979, extended indefinitely on July 3, 1980, at 45 FR 45296); Mackerel Fishery of the Northwest Atlantic Ocean (approved July 3, 1979, extended through March 31, 1983, on April 9, 1982, at 47 FR 15341); and the Fishery Management Plan for Atlantic Butterfish (approved November 9, 1979, also extended through March 31, 1983 on April 9, 1982 at 47 FR 15341).

The amendment, prepared by the Mid-Atlantic Fishery Management Council (Council), extends the management of the Atlantic mackerel, squid, and butterfish fisheries under a single management regime for three fishing years, ending on March 31, 1986. The management unit is all Atlantic mackerel (*Scomber scombrus*), squid (*Loligo pealei* and *Illex illecebrosus*) and butterfish (*Peprilus triacanthus*) under U.S. jurisdiction, excluding the Gulf of Mexico and the Caribbean Sea.

These regulations implement the amendment, which is designed to protect the fisheries from overfishing while promoting the growth and development of domestic recreational and commercial fisheries. Preparation of Amendment No. 3 and implementation of these regulations is authorized by the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act).

In addition to merging management of the mackerel, squid, and butterfish fisheries and extending the regulations for three years, key changes from the current individual FMPs include: (1) The Secretary of Commerce will make annual determinations of values (e.g., optimum yield); and (2) The total allowable levels of foreign fishing (TALFFs) for butterfish and mackerel are specified as percentages of allocations in other fisheries. The procedure and criteria for determination of values by the Secretary is discussed in detail below. A notice will be published soon proposing initial amounts for the 1983–84 fishing year of optimum yield, domestic annual harvest, domestic annual processing, TALFF, and Reserve. A comment period will be provided.

The amendment also adopts the Voluntary Three-Tier Fisheries Information Collection System (Three-Tier System) to collect data in the domestic squid, mackerel, and butterfish fisheries. The first two tiers (voluntary dealer/processor reports and interviews of vessel captains by National Marine Fisheries Service (NMFS) port agents) have been approved by the Office of Management and Budget (OMB). The third tier (voluntary reporting of specific tow information from a rotating sample of vessels) will be implemented at a later time; until then, section 655.5 is reserved. The Three-Tier System will provide uniform reporting procedures for all domestic fisheries within this area. The amendment and these regulations also require the Regional Director to continue to survey processors on anticipated processing capacity. This survey has been approved by OMB under the current FMPs for use through December 31, 1983.

Determining Optimum Yield, DAH, DAP, and TALFF

The Magnuson Act requires that a fishery management plan assess and specify the optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), and TALFF. The Secretary determines these values in accordance with the procedures in the amendment, in consultation with the Council and with opportunity for public comment. The values are based on information gathered from an annual survey of processors, landings and catch reports, stock assessments prepared by NMFS, and other appropriate sources. More specifically, the amendment provides for determinations to be made for each species as follows:

A. Squid

The annual OY may not exceed 44,000 mt for *Loligo* and 30,000 mt for *Illex*. These limits are the same as the previous OYs. The regulations provide for a Reserve, equal to half of the difference between OY and DAH; the other half is the initial TALFF. The Council wishes to limit foreign allocations to give domestic fishermen an additional incentive to increase their catches and expand export markets. Thus, the OY determined annually may be less than the maximum possible value by the amount DAH is less than 7,000 mt for *Loligo* or 5,000 mt for *Illex*.

The Secretary considers the 1978–84 fishing year a trial period for domestic fishermen. Their performance this year will be analyzed carefully before DAH is determined for the 1984–85 fishing year.

The amendment establishes multiplication factors (which may be adjusted by the Regional Director) that, when applied to current U.S. harvests, would project the total amounts of squid that would be harvested by U.S. fishermen during the entire fishing year. After about six months of the fishing year has passed, actual U.S. catches (exclusive of joint venture harvests) are multiplied by these factors. Amounts authorized for joint ventures are then added to these projections. The resultant projection will be used to determine whether all or any part of the squid Reserve will be released to foreign fishermen.

B. Mackerel

The annual OY, DAH, DAP, and TALFF for Atlantic mackerel will be determined based upon the predicted mackerel spawning stock size.

The current OY is 30,000 mt. To continue rebuilding the stock, the amendment prohibits a directed foreign mackerel fishery unless the spawning stock size exceeds 600,000 mt after the entire predicted U.S. and Canadian harvests are taken. Two different procedures are used to assure appropriate distribution of this resource, depending on whether the predicted spawning stock size is greater than or less than 600,000 mt.

1. If the spawning stock size is predicted to be less than or equal to 600,000 mt after the predicted U.S. and Canadian harvests during the upcoming year are taken, the OY equals the sum of the DAH and TALFF, not to exceed 30,000 mt. "Canadian harvest" refers to the estimated mackerel catch in Canadian waters by all nations. The mackerel TALFF will be incidental catch only, with the actual amount being two percent of the allocations of silver hake plus one percent of the allocations of *Loligo, Illex,* and red hake. There will be no Reserve. The limitations that OY not exceed 30,000 mt, and that only an incidental catch TALFF is allowed, are considered necessary to prevent overharvest of the resource and to promote the growth of the U.S. fishery.

2. If the spawning stock size is predicted to be greater than 600,000 mt after the predicted U.S. and Canadian harvests during the upcoming year are taken, the OY will be the amount which would result in a spawning stock size of 600,000 mt the following year after the predicted Canadian harvest is taken. The OY is limited, however, and would be adjusted downward, to prevent a total mackerel catch from exceeding the present best estimate of the optimum fishing mortality rate. Thus, in no case can the total mackerel harvest, all waters and all nations, exceed that which would result in a fishing mortality rate greater than of $F_{0.1}$ (a reference point on the yield curve). The limitation on OY of this fishing mortality rate continues the management strategy for mackerel initiated with the approval of the preliminary fishery management plan in 1977, and adopted by the Council in its previous mackerel plan. This fishing pressure corresponds to the optimum fishing mortality rate derived by the Northeast Fisheries Center, which has been used as a management objective in managing Northwest Atlantic fisheries for several years. (Refer to Amendment No. 3 for more discussion.) A minimum U.S. allocation of 30,000 mt is established (U.S. allocation is DAH or 30,000 mt, whichever is greater), except that the allocation cannot exceed OY.

C. Butterfish

The annual OY for butterfish will be the amount of fish U.S. fishermen harvest under the amendment, plus TALFF, the total not to exceed 16,000 mt, which is the level calculated to be the maximum sustainable yield (MSY) for this stock. (The current OY is 11,000 mt.) The TALFF will be six percent of the allocated portion of the *Loligo* TALFF plus one percent of the allocated portions of *Illex,* silver hake, and red hake TALFFs, plus one percent of the Atlantic mackerel TALFF if a directed fishery is allowed. Thus, allowable U.S. catch is whatever U.S. fishermen catch, not to exceed 16,000 mt, minus TALFF. This procedure will promote the growth of the U.S. butterfish fishery.

Emergency Action

Unless the regulations are implemented on an emergency basis, a regulatory hiatus will result during which mackerel and butterfish caught by foreign fishermen must be discarded, no joint ventures involving mackerel and butterfish could be authorized, and there would be no regulation of the domestic fishery.

The fishery resources would not be jeopardized by a short-term hiatus, but an on-going mackerel joint venture would be halted and no new ones could begin. This would adversely affect the domestic fishermen, and joint-venture companies, and the foreign processing interests. Foreign-caught mackerel and butterfish would be wasted by discard of the dead fish, and no foreign fees for these species would be received by the U.S. Treasury. The Council has consistently opposed treating mackerel and butterfish as prohibited species because this does not provide an incentive for minimizing the incidental catch.

Implementation of Amendment No. 3 will remove constraints under the previous FMPS: (1) Joint ventures for *Illex* will not be limited to 18,000 mt (5,000 initial DAH + 13,000 Reserve). There is strong interest in *Illex* joint ventures for the 1983–84 fishing year that could not be accommodated under the previous regulations.

(2) Domestic harvest of butterfish will not be limited to a 7,000 mt quota, which U.S. fishermen attained this year.

(3) A directed foreign fishery for mackerel will not be prescribed, as it is under the previous FMP.

The Assistant Administrator has determined, under section 305(e) of the Magnuson Act, that an emergency exists in the mackerel, squid, and butterfish fisheries, and that immediate implementation of Amendment No. 3 is necessary and consistent with the extent of the emergency. These regulations may be extended another 90 days if the Secretary and the Mid-Atlantic Council agree. Comments are requested which will be used in preparing final regulations.

Classification

The Assistant Administrator of NOAA has determined that Amendment No. 3 is necessary and appropriate for the conservation of Atlantic mackerel, squids, and butterfish, and that it is consistent with the national standards and other provisions of the Magnuson Act as well as other applicable law.

Executive Order 12291 and Regulatory Flexibility Act

The Administrator of NOAA has determined, after reviewing the criteria set forth in section 1(b) of E.O. 12291, that these regulations are not a major rule under E.O. 12291. A regulatory impact review (RIR) has been prepared. The RIR describes the problems addressed by the amendments and presents an analysis of the proposed and alternative regulatory systems. The RIR supports the determination that these regulations will not have a significant economic impact on a substantial number of small entities. Certification of this determination has been made by the General Counsel, Department of Commerce, to the Small Business Administration. The RIR is available at the above address.

National Environmental Policy Act

The Council prepared an environmental assessment (EA) under Section 102(2)(C) of the National Environmental Policy Act of 1969. The EA describes the affected marine, coastal, and human environments and discusses the possible impacts from the preferred and alternate management measures presented in the amendment. Because the maximum harvest levels in Amendment No. 3 are the same as the maximum sustainable yields previously established, the amendment will not impact upon the environment. Environmental impact statements for the original plans were filed with the Environmental Protection Agency and notice of availability published as follows: mackerel plan, January 2, 1979; squid plan, January 22, 1979; and butterfish plan, December 26, 1978. The

EA is available for review by the public at the above address.

Paperwork Reduction Act of 1980.

Amendment No. 3 adopts the voluntary Three-Tier Fisheries Information Collection System. Full implementation of the Three-Tier System is a separate action presently under review. Under the amendment, the current survey of fish processors will continue. This survey is conducted at least once each year to determine the amount of Atlantic mackerel, squid, and butterfish that will be processed during the season. This survey enables the Regional Director to determine DAP and the amounts that may later be made available to joint ventures. OMB has approved this survey (OMB Control #0648–0114). Also, the amendment continues the collection of information requirement for vessel permits, which has been approved though 1983 under OMB #0648–0097. Thus, under the amendment the paperwork burden is unchanged.

Administrative Procedure Act

For reasons stated in the "Emergency Action" section, the Assistant Administrator has found good cause to waive the period of delayed effectiveness under the APA.

List of Subjects

50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

50 CFR Parts 655, 656 and 657

Fish, Fisheries, Fishing, Reporting requirements.

Dated: March 29, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Parts 611, 655, 656, and 657 are amended as follows:

PART 611—[AMENDED]

1. The authority citation for 50 CFR Part 611 is as follows:

Authority: 16 U.S.C. 1801 *et seq;* unless otherwise noted.

2. Amend 50 CFR 611 by removing § 611.51 and § 611.52, and redesignating § 611.53 as § 611.51, and by revising § 611.50(b)(3) to read as follows:

§ 611.50 Northwest Atlantic Ocean fishery.

* * * * *

(b) * * *

(3) *TALFF.* The TALFFs for the Northwest Atlantic Ocean fishery are published in the **Federal Register.** Current TALFFs are also available from the Regional Director. The procedures for determining and adjusting the squid, mackerel, and butterfish TALFFs are set forth in 50 CFR Part 655.

* * * * *

§§ 611.51 and 611.52 [Removed]

§ 611.53 [Redesignated as § 611.51]

4. The authority citation for 50 CFR Parts 655, 656, and 657 is as follows:

Authority: 16 U.S.C. 1801 *et seq.*

5. 50 CFR Parts 655, 656, and 657 are consolidated and redesignated as Part 655 and revised to read as follows:

PART 655—ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES

Subpart A—General Provisions

Sec.
655.1 Purpose and scope.
655.2 Definitions.
655.3 Relation to other laws.
655.4 Vessel permits.
655.5 Recordkeeping and reporting requirements [Reserved].
655.6 Vessel identification.
655.7 General Prohibitions.
655.8 Enforcement.
655.9 Penalties.

Subpart B—Management Measures

655.20 Fishing year.
655.21 Allowable levels of harvest.
655.22 Procedures for determining initial annual amounts.
655.23 Reserve releases.
655.24 Closure of fishery.

Authority: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 655.1 Purpose and scope.

(a) The regulations in this part govern fishing for Atlantic mackerel, *Illex, Loligo,* and butterfish by fishing vessels of the United States in the fishery conservation zone off the coasts of the Atlantic States.

(b) The regulations governing fishing for Atlantic mackerel, *Illex, Loligo,* and butterfish by vessels other than vessels of the United States are contained in 50 CFR Part 611.

(c) This part implements the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries of the Northwest Atlantic Ocean.

§ 655.2 Definitions.

In addition to the definitions in the Magnuson Act, the terms used in this part have the following meanings:

Area of custody means any vessel, building, vehicle, pier, or dock facility where Atlantic mackerel, squid, or butterfish may be found.

Assistant Administrator means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, or the individual to whom appropriate authority has been delegated.

Atlantic butterfish or *butterfish* means the species *Peprilus triacanthus.*

Atlantic mackerel or *mackerel* means the species *Scomber scombrus.*

Authorized officer means:

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any certified enforcement officer or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of Commerce and the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any U.S. Coast Guard personnel accompanying, and acting under the direction of, any person described in paragraph (a) of this definition.

Catch, take, or *harvest* includes, but is not limited to, any activity which results in the killing of any Atlantic mackerel, squid, or butterfish, or bringing any Atlantic mackerel, squid, or butterfish on board a vessel.

Charter or *party boat* means any vessel which carries passengers for hire to engage in fishing.

Fishery conservation zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline used to measure the territorial sea.

Fishery management plan (FMP) means Amendment No. 3 to the Fishery Management Plans for the Atlantic Mackerel, Squid, and Butterfish Fisheries of the Northwest Atlantic Ocean, and any subsequent amendments.

Fishing means any activity, other than scientific research activity conducted by a scientific research vessel, which involves:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (a), (b), or (c) of this definition.

Fishing trip means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel returns to port.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for (a) fishing; or (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Illex means the species *Illex illecebrosus* (short-finned or summer squid).

Joint venture harvest means U.S.-harvested Atlantic mackerel, squid, or butterfish transferred to foreign vessels in the FCZ or in the internal waters of a State.

Loligo means the species *Loligo pealei* (long-finned or bone squid).

Magnuson Act means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

Metric ton (mt) means 1,000 kilograms, or 2.204.6 pounds.

Official number means the documentation number issued by the U.S. Coast Guard for documented vessels or the registration number issued by a State or the U.S. Coast Guard for undocumented vessels.

Operator, with respect to any vessel, means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by a person described in paragraphs (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen or national of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local or foreign government or any entity of any such government.

Regional Director means the Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm St., Federal Building, Gloucester, MA, or a designee.

Secretary means the Secretary of Commerce, or a designee.

Squid means *Loligo pealei* and *Illex illecebrosus.*

U.S.-harvested fish means fish caught, taken, or harvested by vessels of the United States within any fishery regulated under the Magnuson Act.

Vessel of the United States means:

(a) Any vessel documented or numbered by the U.S. Coast Guard under United States law; or

(b) Any vessel under five net tons which is registered under the laws of any State.

Vessel length means that length set forth in U.S. Coast Guard or State records.

§ 655.3 Relation to other laws.

(a) Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities.

(b) All fishing activity, regardless of species sought, is prohibited under 15 CFR Part 924 in the U.S.S. *Monitor* Marine Sanctuary, which is located approximately 15 miles off the coast of North Carolina (35°00′23″ N. latitude, 75°24′32″ W. longitude).

§ 655.4 Vessel permits.

(a) *General.* Every vessel subject to this part must have a permit issued under this section. A vessel is exempt from this requirement if it catches no more than 100 pounds each of Atlantic mackerel, *Illex, Loligo,* or butterfish per trip.

(b) *Application.* (1) An application for a permit under this part must be submitted to the Regional Director and signed by the owner or operator of the vessel, on an appropriate form obtained from the Regional Director, at least 30 days before the date on which the applicant desires to have the permit made effective.

(2) Applicants shall provide all the following information (approved by the Office of Management and Budget under OMB control number 0648–0097):

(i) The name, mailing address including zip code, and telephone number of the owner of the vessel;

(ii) The name of the vessel;

(iii) The vessel's U.S. Coast Guard documentation number, or the vessel's State registration number for vessels not required to be documented under provisions of Title 46 of the U.S. Code;

(iv) The home port or principal port of landing, gross tonnage, radio call sign, and length of the vessel;

(v) The engine horsepower of the vessel and the year the vessel was built;

(vi) The type of construction, type of propulsion, and the type of echo sounder of the vessel;

(vii) The permit number of any current or previous Federal fishing permit issued to the vessel;

(viii) The approximate fish hold capacity of the vessel;

(ix) The type and quantity of fishing gear used by the vessel;

(x) The average size of the crew, which may be stated in terms of a range; and

(xi) Any other information concerning vessel characteristics requested by the Regional Director.

(3) Any change in the information specified in paragraph (b)(2) of this section must be reported by the applicant in writing to the Regional Director within 15 days of the change.

(c) *Issuance.* The Regional Director will issue a permit to an applicant no later than 30 days from the receipt of a completed application.

(d) *Expiration.* A permit will expire upon any change in vessel ownership, registration, name, length, gross tonnage, fish hold capacity, home port, or the regulated fisheries in which the vessel is engaged.

(e) *Duration.* A permit will continue in effect until it expires or is revoked, suspended, or modified under 50 CFR Part 621.

(f) *Alteration.* Any permit which has been altered, erased, or multilated is invalid.

(g) *Replacement.* Replacement permits may be issued by the Regional Director when requested in writing by the owner or operator stating the need for replacement, the name of the vessel, and the fishing permit number assigned. An application for a replacement permit will not be considered a new application.

(h) *Transfer.* Permits issued under this part are not transferable or assignable. A permit is valid only for the fishing vessel and owner for which it is issued.

(i) *Display.* Any permit issued under this part must be carried on board the fishing vessel at all times. The operator of a fishing vessel shall present the permit for inspection upon request by any Authorized Officer.

(j) *Sanctions.* Subpart D of 50 CFR Part 621 governs the imposition of sanctions against a permit issued under this part. A permit may be revoked, modified, or suspended if the fishing vessel for which the permit is issued is used in the commission of an offense prohibited by the Magnuson Act or these regulations; or if a civil penalty or criminal fine imposed under the Magnuson Act is not paid.

(k) *Fees.* No fee is required for any permit issued under this part.

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§ 655.5 Recordkeeping and reporting requirements. [Reserved]

§ 655.6 Vessel identification.

(a) *Official number.* Each fishing vessel subject to this part over 25 feet in length must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from above.

(b) *Numerals.* Number must contrast with the background and be in block Arabic numerals at least 18 inches in height for vessels equal to or over 65 feet, and at least 10 inches in height for all other vessels over 25 feet in length.

(c) The official number must be permanently affixed to or painted on the vessel. However, charter or party boats may use non-permanent markings to display the official number whenever the vessel is fishing for Atlantic mackerel, squid, or butterfish.

(d) *Duties of operator.* The operator of each vessel subject to this part shall:

(1) Keep the vessel name and official number clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging, its fishing gear, or any other object obstructs the view of the official number from an enforcement vessel or aircraft.

§ 655.7 General prohibitions.

It is unlawful for any person:

(a) To possess, have custody or control of, ship or transport, offer for sale, sell, purchase, import, or export any Atlantic mackerel, squid, or butterfish taken, retained, or landed in violation of the Magnuson Act, this part, or any other regulation under the Magnuson Act;

(b) To refuse to allow an authorized officer to board a fishing vessel or to enter an area of custody subject to such person's control, for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this Part, or any other regulation or permit under the Magnuson Act;

(c) To forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any inspection or search described in paragraph (b) of this section;

(d) To resist a lawful arrest for any act prohibited by this part;

(e) To interfere with, delay, or prevent by any means the apprehension or arrest of another person with the knowledge that such other person has committed any act prohibited by this part;

(f) To interfere with, obstruct, delay, or prevent by any means the lawful investigation or search conducted in the process of enforcing this part;

(g) To transfer or attempt to transfer, directly or indirectly, any U.S.-harvested fish to any foreign fishing vessel within the FCZ, unless the foreign vessel has been issued a permit which authorizes the receipt of U.S.-harvested fish of the species being transferred;

(h) To use any vessel for taking, catching, harvesting, or landing of any Atlantic mackerel, squid, or butterfish (except as provided in § 655.4 (a)) unless the vessel has on board a valid permit issued under § 655.4;

(i) To fail to report to the Regional Director within 15 days any change in the information contained in the permit application for a vessel, as specified in § 655.4(b);

(j) To falsify or fail to affix and maintain vessel markings as required by § 655.6;

(k) To fail to comply immediately with enforcement and boarding procedures specified in § 655.8;

(l) To take and retain, or land more Atlantic mackerel, squid, or butterfish than specified under a notice issued under § 655.24;

(m) To violate any other provision of this part, the Magnuson Act, any notice issued under subpart B of this part, or any other regulation or permit promulgated under the Magnuson Act.

§ 655.8 Enforcement.

(a) *General.* The operator of any fishing vessel subject to this part shall immediately comply with instructions issued by an authorized officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for the purposes of enforcing the Magnuson Act and this part.

(b) *Signals.* Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft authorized to enforce the Magnuson Act, the operator of the fishing vessel shall be alert for signals conveying enforcement instructions. The VHF–FM radiotelephone is the normal method of communicating between vessels. Listen to VHF–FM channel 16 (emergency channel) for instructions to shift to another VHF–FM channel and to receive boarding instructions. Visual methods or loudhailer may also be used to communicate. The following signals, extracted from U.S. Hydrographic Office publication H.O. 102 International Code of Signals, may be communicated by flashing light or signal flags:

(1) "L", meaning "You should stop your vessel instantly.

(2) "SQ3", meaning "You should stop or heave to; I am going to board you".

(3) "AA AA AA etc.", is the call to an unknown station or general call. The operator should respond by identifying his vessel by radio, visual signs, or illuminating the vessels' official number.

(4) "RY—CY", meaning "You should proceed at slow speed. A boat is coming to you."

(c) *Boarding.* The operator of a vessel signaled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and boarding party to come aboard;

(2) Provide a ladder, illumination, and a safety line when necessary or requested by the authorized officer to facilitate boarding and inspection; and

(3) Take such actions as the authorized officer deems necessary to facilitate and to ensure the safety of the authorized officer and the boarding party.

§ 655.9 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Magnuson Act, and 50 CFR Part 620 (Citations), 50 CFR Part 621, 15 CFR Part 904 (Civil Procedures), and other applicable laws.

Subpart B—Management Measures

§ 655.20 Fishing year.

The fishing year is the 12-month period beginning April 1, and ending on March 31 of the following year.

§ 655.21 Allowable levels of harvest.

(a) *Maximum optimum yields.* (1) The optimum yields (OYs) during a fishing year may not exceed the following amounts:

Illex	30,000 mt.
Loligo	44,000 mt.
Butterfish	16,000 mt.

(2) For Atlantic mackerel, the OY may not exceed 30,000 mt if the spawning stock at the end of the upcoming year is estimated, under the procedures specified in the FMP, to be less than or equal to 600,000 mt. If the spawning stock at the end of the upcoming year is estimated to exceed 600,000 mt, the maximum OY is determined in accordance with paragraph (b)(ii) of this section.

(b) *Annual specifications.* Initial OYs and amounts for domestic annual harvest (DAH), domestic annual processing (DAP), and total allowable level of foreign fishing (TALFF) for each

species will be determined annually by the Secretary, under the procedures specified in § 655.22, consistent with the following:

(1) *Squid.* (i) Initial DAH is the amount of estimated domestic annual harvest.

(ii) Initial DAP is the estimated amount of initial DAH that domestic processors will process.

(iii) For *Illex,* TALFF plus Reserve equals 30,000 mt minus initial DAH, or 25,000 mt, whichever is less. For *Loligo,* TALFF plus Reserve equals 44,000 mt minus initial DAH, or 37,000 mt, whichever is less. TALFF and Reserve initially are equal amounts.

(iv) Initial OY is the sum of initial DAH and TALFF plus Reserve. However, OY may increase to the maximum OY specified in paragraph (a)(1) of this section if U.S. fishermen are able to harvest the difference between initial and maximum OY, in addition to the initial DAH and Reserve.

(2) *Atlantic mackerel.* In all cases, initial DAP is the estimated amount of initial DAH that domestic processors will process. In estimating the domestic annual harvest in the cases set forth below, the recreational catch will be predicted by the formula: $Y=(0.008)(x)-(1.15)$, where "x" is equal to the current spawning stock size, and "Y" is the estimated recreational catch in thousands of metric tons.

(i) *Case 1.* If the spawning stock size at the end of the upcoming fishing year, estimated in accordance with the procedures specified in the FMP, is less than or equal to 600,000 mt, then:

(A) TALFF is a fixed percentage of the amount of other species allocated to foreign fishing vessels, as follows: 2 percent of the silver hake allocation and 1 percent each of the allocations for red hake, *Illex,* and *Loligo.*

(B) DAH is the amount of estimated domestic annual harvest.

(C) Optimum yield equals DAH plus TALFF.

(ii) *Case 2.* If the spawning stock size at the end of the upcoming fishing year, estimated under the procedures specified in the FMP, is more than 600,000 mt, then OY during that fishing year may not exceed the acceptable catch (AC). AC is that amount which, when taken in addition to the predicted catch in the Canadian fishery, would result in a spawning stock size of 600,000 mt at the end of the upcoming fishing year. AC plus the predicted Canadian catch may not exceed a fishing mortality rate of 0.4.

(A) If AC is less than 30,000 mt, then:

(*1*) TALFF equals the fixed percentages specified in paragraph (b)(2)(i)(C) of this section.

(*2*) DAH equals AC minus TALFF.

(*3*) OY equals DAH plus TALFF.

(B) If AC is greater than or equal to 30,000 mt, and DAH is less than 30,000 mt, then:

(*1*) TALFF equals the fixed percentages specified in paragraph (b)(2)(i)(C) of this section.

(*2*) OY equals 30,000 mt plus TALFF.

(C) If AC is greater than or equal to 30,000 mt, and DAH is greater than or equal to 30,000 mt, then:

(*1*) OY equals AC.

(*2*) Initial DAH is the estimated domestic annual harvest.

(*3*) TALFF plus Reserve. If OY minus DAH is less than 10,000 mt, then TALFF equals OY minus DAH (but no less than the fixed percentages specified in paragraph (b)(2)(i)(C) of this section), and there is no Reserve. If OY minus initial DAH is greater than or equal to 10,000 mt, then the difference between OY and initial DAH is divided evenly between TALFF and Reserve.

(3) *Butterfish.* (i) DAH is the estimated domestic annual harvest.

(ii) DAP is the estimated amount of DAH that domestic processors will process.

(iii) TALFF is a fixed percentage of the amount of other species allocated to foreign fishing vessels, as follows: 6 percent of the *Loligo* allocation, and 1 percent each of the allocations for *Illex,* Atlantic mackerel (when a directed fishery is allowed), silver hake, and red hake.

(iv) OY is the sum of DAH plus TALFF.

(c) *Allowable domestic harvest.* Fish taken in territorial waters (0–3 nautical miles) will be counted against the DAHs specified under this section. The allowable domestic harvest for each species is the OY (including OY as increased under paragraph (b)(l)(iv) of this section) minus TALFF.

§ 655.22 Procedures for determining initial annual amounts.

(a) On or about January 15 of each year, the Mid-Atlantic Council and its Scientific and Statistical Committee will prepare and submit recommendations to the Regional Director of the initial annual amounts for the fishing year beginning April 1, based on information gathered from sources specified in paragraph (e) of this section.

(b) By February 1 of each year, the Secretary will publish a notice in the **Federal Register** that specifies preliminary initial amounts of OY, DAH, DAP, TALFF, and Reserve (if any) for each species. The amounts will be based on information submitted by the Council and from the sources specified in paragraph (e) of this section; in the absence of a Council report, the amounts will be based on information gathered from sources specified in paragraph (e) of this section and other information considered appropriate by the Regional Director. The **Federal Register** notice will provide for a 30-day comment period.

(c) The Council's recommendation and all relevant data will be available in aggregate form for inspection at the office of the Regional Director during the public comment period.

(d) On or about March 15 of each year, the Secretary will make a final determination of the initial amounts for each species, considering all relevant data and any public comments, and will publish a notice of the final determination and response to public comments in the **Federal Register**.

(e) Sources used to establish initial annual specifications include:

(1) Results of a survey of domestic processors and joint venture operators of estimated processing capacity and intent to use that capacity (approved by the Office of Management and Budget under OMB control number 0648–0114);

(2) Results of a survey of fishermen's trade associations of estimated fish harvesting capacity and intent to use that capacity (approved by OMB under OMB control number 0648–0114);

(3) Landings and catch statistics;

(4) Stock assessments; and

(5) Relevant scientific information.

§ 655.23 Reserve releases.

All or part of any Reserve may be allocated to TALFF following the procedures of this section.

(a) *Projections.* (1) *Squid.* (i) During August for *Illex,* and during September for *Loligo,* the Regional Director will project the total amounts of squid that will be harvested by U.S. fishermen during the entire fishing year. For *Illex,* catches from April through July (exclusive of joint venture harvest) will be multiplied by the factor determined under paragraph (a)(1)(ii) of this section to obtain a projected annual harvest. For *Loligo,* catches from April through August (exclusive of joint venture harvest) will be multiplied by the factor determined under paragraph (a)(1)(ii) of this section to obtain a projected annual harvest.

(ii) The multiplication factor for *Illex* will equal the proportion of the total U.S. landings (exclusive of joint venture harvest) during the previous fishing year, or the average annual U.S. landings since 1977, whichever is greater, compared to U.S. landings (exclusive of joint venture harvest) from April 1 through July 31 of the previous fishing year. The factor for *Loligo* will

equal the proportion of the total U.S. landings (exclusive of joint venture harvest) during the previous fishing year, or the average annual U.S. landings since 1977, whichever is greater, compared to U.S. landings (exclusive of joint venture harvest) from April 1 through August 31 of the previous fishing year.

(iii) If any permits authorizing receipt of joint venture harvest have been issued to foreign processing vessels, or if the Secretary intends to issue such permits during the remainder of the fishing season, the Secretary will add to the projected annual harvest the amounts of *Illex* or *Loligo* authorized or expected to be authorized under such permits.

(iv) If the projected amount of *Illex* or *Loligo* to be harvested by U.S. fishermen, including joint venture harvest, exceeds the initial DAH specified under § 655.21(b)(1), the Secretary will leave the necessary amount in Reserve. The Secretary will allocate all of the remainder of the Reserve to TALFF. If the projected amount of *Illex* or *Loligo* to be harvested by U.S. fishermen, including joint venture harvest, does not exceed the initial DAH, the Secretary will allocate the entire Reserve to TALFF.

(2) *Atlantic mackerel.* If there is a Reserve, the Regional Director during October will project the total amount of mackerel that will be harvested by U.S. fishermen during the entire fishing year, based on U.S. landings through September and on the results of a survey of the intent of domestic fishermen to harvest mackerel during the remainder of the year. If the projected amount of mackerel to be harvested by U.S. fishermen exceeds the initial DAH specified in § 655.21(b)(2)(ii)(C), the Secretary will leave the necessary amount in Reserve. The Secretary will allocate all of the remainder of the Reserve to TALFF. If the projected amount of mackerel to be harvested by U.S. fishermen does not exceed the initial DAH, the Secretary will allocate the entire reserve to TALFF.

(b) *Notice of allocation.* (1) *Squid.* On or about September 1 for *Illex* and October 1 for *Loligo*, the Secretary will:

(i) Notify the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils of the decision whether to allocate any of the Reserve to TALFF; and

(ii) Publish a notice of the decision in the **Federal Register.**

(2) *Atlantic mackerel.* (i) If there is a Reserve, the Secretary, on or about November 1, will publish a notice in the **Federal Register** stating the amount of mackerel proposed to be allocated from Reserve to TALFF. The notice will contain the latest catch statistics available. The public may comment on the proposed allocation for 15 days after the date of publication.

(ii) The Secretary will publish a final notice of the Reserve allocation in the **Federal Register.** The notice will contain a summary of all comments and relevant information received during the comment period.

(c) *Subsequent Reserve allocation.* After the first Reserve allocation, the Secretary may allocate any remaining portion of the Reserve to TALFF, if he determines that the domestic harvest will not attain the level projected under paragraph (a) of this section. The Secretary will notify the Executive Directors of the Councils of any subsequent allocation, and will publish a notice in the **Federal Register.**

§ 655.24 Closure of the fishery.

(a) *General.* The Secretary shall close any fishery in the FCZ for any species when U.S. fishermen have harvested 80 percent of the allowable domestic harvest (see § 655.21(c)), if such closure is necessary to prevent the allowable domestic harvest from being exceeded. The closure will be in effect for the remainder of the fishing year.

(b) *Notice.* If the Secretary determines that a closure is necessary, he will:

(1) Notify in advance the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Councils;

(2) Mail notifications of the closure to all holders of permits issued under § 655.5 at least 72 hours before the effective date of the closure;

(3) Provide for adequate notice of the closure to recreational fishermen in the fishery; and

(4) Publish a notice of closure in the **Federal Register.**

(c) *Incidental catches.* During a period of closure, the trip limit for the species for which the fishery is closed is 10 percent by weight of the total amount of fish on board.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Title 3—

The President

Proclamation 5037 of March 25, 1983

National Mental Health Counselors Week, 1983

By the President of the United States of America

A Proclamation

Mental health counselors provide 50 percent of the mental health services delivered in this country. They work with adults and children whose self-doubts or distorted perceptions of the world interfere with their capacities to fulfill their obligations or to enjoy the pleasures that life can offer. They work with the chronically mentally ill, the depressed, the suicidal, the anxious, the phobic, the juvenile delinquent, the abused, and the deprived.

Through utilization of individual and group counseling techniques, mental health counselors help individuals to develop self-understanding, make life decisions, and adjust to the everyday demands of a complex world.

Mental health counselors apply skills gained through years of education and training in a multitude of settings—hospitals, community agencies, clinics, and in the private practice sector. They play an important role in our Nation's health care system.

In recognition of their service in behalf of others to save lives and reduce suffering, the Congress, by Senate Joint Resolution 35, has designated the week beginning March 20, 1983, as National Mental Health Counselors Week, and has requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning March 20, 1983, as National Mental Health Counselors Week. I call upon health care professionals, educators, the media, individuals, and public and private organizations concerned with mental health to join me in observing this week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

Federal Employees Health Benefits Program; Benefits for Medically Underserved Areas

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is amending its regulations pertaining to benefits under the Federal Employees Health Benefits (FEHB) Program for individuals in medically underserved areas. these regulations are necessary to implement the FEHB law, as amended, which mandates special consideration for enrollees of certain FEHB plans who receive covered health service in States with critical shortages of primary care physicians.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Barbara Myers, Office of Pay and Benefits Policy, (202) 632–4684.

SUPPLEMENTARY INFORMATION: On December 7, 1982, the Office of Personnel Management published proposed regulations in the Federal Register (47 FR 54974) to update Subpart G of 5 CFR Part 890. Subpart G pertains to administration of 5 U.S.C. 8902(m)(2), as added to the Federal Employees Health Benefits Law by Pub. L. 95–368, approved September 17, 1978, and amended by Pub. L. 96–179, approved January 2, 1980. The law provides that effective January 1, 1980, and continuing through December 31, 1984, FEHB plans (except comprehensive prepayment medical plans) whose contracts specify payment or reimbursement for care or treatment of a particular health condition, must also provide benefits up to the limits of their contracts in return for health services rendered by any medical practitioner who is properly licensed to provide such service, when the health service is provided to a plan member "in a State where 25 percent or more of the population is located in primary medical care manpower shortage areas designated under section 332 of the Public Health Service Act." Interested persons were invited to submit written comments concerning the proposed regulations by January 6, 1983.

We received two written responses on the proposed regulations during the 30-day comment period, neither of which raised objections.

Pursuant to section 553(d)(3) of title 5, United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective on January 1, 1983 because these regulations affect medically underserved areas for Calendar Year 1983.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will affect only a small number of Federal employees and annuitants.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Claims, Government employees, Health insurance, Retirement.

Office of Personnel Management.
Donald J. Devine,
Director.

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Accordingly, OPM is amending 5 CFR Part 890 by revising the definition of "medically underserved area" in § 890.701 to read as follows:

§ 890.701 Definitions.

* * * * *

"*Medically underserved area*" includes any of the 50 States of the United States where the Office of Personnel Management determines that 25 percent or more of the residents are located in primary medical care manpower shortage areas designated pursuant to section 332 of the Public Health Service Act (42 U.S.C. 254e). The Office has determined that effective January 1, 1983, the following states are "medically underserved areas" for purposes of this subpart: Alabama, Alaska, Arkansas, Georgia, Kentucky, Mississippi, Missouri, North Carolina, North Dakota, Oklahoma, South Dakota, West Virginia, and Wyoming.

(Pub. L. 96–179, 5 U.S.C. 8913)

[FR Doc. 83–8573 Filed 4–4–83; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products; Regulations Governing Inspection and Certification

Correction

In FR Doc. 83–7691 beginning on page 12325 in the issue of Thursday, March 24, 1983, in the first column, under "For Further Information Contact", in the last line, the phone number should read "(202) 447–5021."

On page 12326, in the first column, in the seventh line "from to time" should read "from time to time".

BILLING CODE 1505–01–M

Federal Crop Insurance Corporation

7 CFR Part 418

Interim Wheat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Wheat Crop Insurance Regulations (7 CFR Part 418) effective for the 1984 and succeeding crop years by: (1) Changing the policy to make it easier to read and understand; (2)

eliminating the reduction in production guarantee for unharvested acreage; (3) eliminating the substitute crop provision; (4) adding a 60-day claim for indemnity provision; (5) clarifying the provision determining production to count when small grains are growing with other planted or volunteer crops; (6) adding a section regarding appraisals immediately following the end of the insurance period for unharvested acreage; (7) changing the cancellation and termination for indebtedness dates; (8) revising the unit definition to provide for unit determination when the acreage report is filed; (9) adding a section concerning descriptive headings; and (10) making format and language corrections for purposes of clarification.

EFFECTIVE DATE: April 5, 1983.

COMMENT DATE: Written comments, data, and opinions on this rule, must be submitted not later than June 6, 1983, to be sure of consideration.

ADDRESS: Written comments on this interim rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447–3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this rule applies (7 CFR Part 418) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981).

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this rule applies are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has been determined that this action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). The sunset review date established for these regulations is February 1, 1987.

It has also been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants publication of this rule without providing public comment prior to its publication because the regulations, and any amendments thereto, must be placed on file in the service office by not later than 15 days prior to the cancellation date of April 15. There would not be sufficient time to provide a comment period and comply with the regulations with respect to placing these regulations on file by April 1. Public comment is solicited for 60 days after publication of this rule. The rule will be scheduled for review so that any amendment made necessary may be published in the **Federal Register** as quickly as possible thereafter.

Any written comments made pursuant to this interim rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 418

Crop insurance, Wheat.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Wheat Crop Insurance Regulations (7 CFR Part 418), effective for the 1984 and succeeding crop years, to read as follows:

PART 418—WHEAT CROP INSURANCE

Subpart—Regulations for the 1984 and Succeeding Crop Years

Sec

418.1 Availability of wheat crop insurance.
418.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
418.3 Reserved.
418.4 Creditors.
418.5 Good faith reliance on misrepresentation.
418.6 The contract.
418.7 The application and policy.
Appendix A—Counties designated for wheat crop insurance.

Authority: Secs. 506, 516, Pub.L. 75–430, 52 Stat. 72, 77 as amended (5 U.S.C. 1506, 1516).

§ 418.1 Availability of Wheat Insurance.

Insurance shall be offered under the provisions of this subpart on wheat in counties within limits prescribed by, and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which wheat insurance will be offered.

§ 418.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for wheat which shall be shown on the county actuarial table on file in the service office and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 418.3 [Reserved.]

§ 418.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 418.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the wheat insurance contract, whenever:

(a) An insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured, or

for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believes to be insured, or believed the terms of the insurance contract to have been complied with or waived, and

(b) The Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000 finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured persons relied thereon in good faith and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 418.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance. The contract shall cover the wheat crop as provided in the policy. The contract shall consist of the application, the policy, and the provisions of the county actuarial table Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the service. office.

§ 418.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the wheat crop as landlord, owner–operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date for the county on file in the service office.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the service office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) Wheat contracts in effect for the 1983 crop year are amended by the substitution of the 1984 contract and are continuous unless terminated in accordance with their terms. A new application is not required by these regulations for the 1984 crop year.

(d) The application for the 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR § 400.37, § 400.38; first published at 48 FR 1023, January 10, 1983) and may be amended from time to time for subsequent crop years. The provisions of the Wheat Insurance Policy for the 1984 and succeeding crop years, are as follows:

Department of Agriculture

Federal Crop Insurance Corporation

Wheat Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

Agreement to Insure: We shall provide the insurance described in this policy in return for the premium and compliance with all applicable provisions.

Throughout this policy "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of Loss:

a. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, fire, insects, plant disease, wildlife, earthquake, or volcanic eruption occurring within the insurance period, unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(6).

b. We shall not insure against any cause of loss of production due to:

(1) the neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) the failure to follow recognized good wheat farming practices;

(3) damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(4) any cause not specified in section 1a as an insured loss.

2. Crop, Acreage, and Share Insured:

a. The crop insured shall be wheat which is planted for harvest as grain and which is grown on insured acreage and for which we provide a guarantee and premium rate on the actuarial table.

b. The acreage insured for each crop year shall be that acreage planted to wheat on insurable acreage as provided for on the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured wheat at the time of planting.

d. We do not insure any acreage:

(1) where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(2) which is irrigated and an irrigated practice is not provided for on the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(3) which is destroyed and we determine it is practical to replant to wheat and such acreage was not replanted;

(4) initially planted after the final planting date contained in the actuarial table, unless you sign an option form agreeing to coverage reduction;

(5) of volunteer wheat;

(6) planted to a type or variety of wheat not established as adapted to the area or excluded on the actuarial table; or

(7) planted with crop other than wheat.

e. Where insurance is provided for an irrigated practice:

(1) you shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good wheat irrigation practice at the time of planting; and

(2) any loss of production caused by failure to carry out a good wheat irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

f. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured unless we agree in writing to insure such acreage.

g. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of Acreage, Share, and Where Applicable, Practice.

You shall report on our form:

a. all the acreage of wheat in the county in which you have a share;

b. the practice; and

c. your share at the time of planting.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any wheat planted in the county. This report shall be submitted annually on or before the reporting date established in the actuarial table. We shall have the right to determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production Guarantees, Coverage Levels, and Prices for Computing Indemnities:

a. The production guarantees, coverage levels, and prices for computing indemnities shall be contained in the actuarial table.

b. You may change the coverage level and price election on or before the closing date

for submitting applications for the crop year as set out in the actuarial table.

5. Annual Premium:

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting, times the applicable premium adjustment percentage shown in the following table.

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE[1]

	Number of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio[2] through previous crop year																
.00–.20	100	95	95	90	90	85	[illegible]	75	70	70	65	65	60	60	55	[illegible]
.21–.40	100	[illegible]	[illegible]	95	[illegible]	[illegible]	[illegible]	85	[illegible]	[illegible]	75	75	70	70	65	[illegible]
.41–.60	100	100	95	95	[illegible]	95	[illegible]	[illegible]	90	90	85	85	80	[illegible]	75	70
.61–.80	100	100	[illegible]	[illegible]	95	95	[illegible]	95	90	90	[illegible]	80	85	[illegible]	[illegible]	[illegible]
.81–1.00	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

PERCENTAGE ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE[1]

	Number of loss years through previous year[3]															
	[illegible]	1	2	[illegible]	4	5	[illegible]	7	[illegible]	[illegible]	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio[2] through previous crop year																
1.10–1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20–1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40–1.69	100	100	100	[illegible]	116	124	132	140	148	156	164	172	180	188	196	204
1.70–1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00–2.49	[illegible]	100	100	116	128	140	152	164	176	188	[illegible]	212	224	236	248	260
2.50–3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	[illegible]
3.25–3.99	100	100	105	124	140	156	172	188	204	220	236	252	[illegible]	284	300	[illegible]
4.00–4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	[illegible]	300	300
5.00–5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	[illegible]	300
6.00–Up	100	100	120	136	158	180	202	224	246	[illegible]	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) the contract of your estate or surviving spouse in case of your death;

(2) the contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for Debt. Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies, unless prohibited by law.

7. Insurance Period:

a. Insurance attaches when the wheat is planted except that in counties with an April 15 cancellation date, insurance on fall planted wheat shall attach on April 16 following planting provided we determine there is an adequate stand on this date to produce a normal crop.

b. Insurance ends at the earliest of:

(1) total destruction of the wheat;

(2) combining, threshing or removal from the field;

(3) final adjustment of a loss; or

(4) October 31 of the calendar year in which wheat is normally harvested.

8. Notice of Damage or Loss:

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) during the period before harvest, the wheat on any unit is damaged and you decide not to further care for or harvest any part of it;

(b) you want our consent to put the acreage to another use; or

(c) after consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the wheat and given written consent. We shall not consent to another use until it is too late to replant. You must notify us when such acreage is put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice shall be given and:

(a) all residue on the unit shall be left intact for a period of 7 days from the date harvest is completed unless earlier released in writing by us; or

(b) a representative sample of the unharvested wheat at least 10 feet wide and the entire length of the field shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) total destruction of the wheat on the unit;

(b) harvest of the unit; or

(c) the calendar date for the end of the insurance period.

b. You must be given written consent by us before you destroy any of the wheat which is not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity:

a. Any claim for indemnity on a unit shall be submitted to us on our prescribed form not later than 60 days after the earliest of:

(1) total destruction of the wheat on the unit;

(2) harvest of the unit; or

(3) the calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

(1) establish the total production of wheat on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) multiplying the insured acreage by the production guarantee;

(2) subtracting therefrom the total production of wheat to be counted under section 9e;

(3) multiplying the remainder by the price election; and

(4) multiplying this result by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

e. The total production to be counted for a unit shall include all harvested and appraised production:

(1) Mature wheat production:

(a) which otherwise is not eligible for quality adjustment and which grades No. 4 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 13.5 percent; or

(b) which, due to insurable causes, does not grade No. 4 or better, or is graded smutty, garlicky, or ergoty, in accordance with the Official United States Grain Standards, shall be adjusted by:

(i) dividing the value per bushel of such wheat, as determined by us, by the price per bushel of U.S. No. 2 wheat; and

(ii) multiplying the result by the number of bushels of such wheat.

The applicable price for No. 2 wheat shall be the local market price on the earlier of: the day the loss is adjusted or the day such wheat was sold.

(2) Any mature production from other crops growing in the wheat shall be counted as wheat on a weight basis.

(3) Appraised production to be counted shall include:

(a) unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good wheat farming practices;

(b) not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) any appraised production on unharvested acreage.

(4) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use shall be considered production unless such acreage:

(a) is not put to another use before harvest of wheat becomes general in the county;

(b) is harvested; or

(c) is further damaged by an insured cause before the acreage is put to another use.

(5) We may determine the amount of production of any unharvested wheat on the basis of field appraisals immediately after the end of the insurance period.

(6) When you have elected to exclude hail and fire as insured causes of loss and the wheat is damaged by hail or fire, appraisals shall be made in accordance with the terms of Form FCI–78 "Request to Exclude Hail and Fire."

(7) The production of units commingled shall be allocated to such units in proportion to the liability on the harvested acreage of each unit.

f. You shall not abandon any insured wheat acreage to us.

g. You cannot bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

h. We shall pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

i. If you die, disappear, or are judicially declared imcompenent, or if you are an entity other than individual and such entity is dissolved after the wheat is planted for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

j. If you have other fire insurance and fire damage occurs during the insurance period and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) the amount of indeminity determined pursuant to this contact without regard to any other insurance; or

(2) the amount determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by us.

10. Concealment or Fraud. We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or ommission occurred.

11. Transfer of Right to Indemnity on Insured Share. If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. Assignment of Indemnity. You may only assign to another party the right to an indemnity for the crop year on our prescribed form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.) Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and access to Farm. You shall keep for two years after the time of loss, records of the havesting, storage, shipments, sale or other disposition of all wheat produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by us shall have access to such records and the farm for purposes related to the contract.

15. life of contract: Cancellation and Termination:

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided for in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim shall be the date you sign such claim; or

(2) if deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are:

State and county	Cancellation date	Termination date for [illegible]
Alaska; Alamosa, Conejos, Costilla, Rio Grande, and Saguache Counties, Colorado; Maine; all other Michigan counties except those listed below; Minnesota; Darnell, Roosevelt, Sheridan, and Valley Counties, Montana, New Hampshire; North Dakota; Carson, Walworth, Edmunds, Faulk, Spink, Beadle, Jerauld, Aurora, Douglas, and Bon Homme Counties, South Dakota and all South Dakota counties lying north and east thereof; Vermont; and, Trempeleau, Jackson, Wood, Portage, Waupaca, Outagamie, Brown, and Kewaunee Counties, Wisconsin and all Wisconsin counties lying north and west thereof.	Apr. 15	Apr. 15.
All other Colorado counties except as otherwise listed, Kansas, New Mexico, Oklahoma, and Texas.	Aug. 31	Aug. 31.
Nebraska and all other South Dakota counties.	Sept. 15	Sept. 15.
All other Montana counties.	Sept. 30	Nov. 30.
Arizona, California, and Nevada.	Oct. 31	Oct. 31.
Idaho, Oregon, Utah, and Washington.	Oct. 31	Nov. 30.
Feland, Antrim, Charlevoix, Emmet, Cheboygan, and Presque Isle Counties, Michigan and all Michigan counties lying south thereof; all other Wisconsin counties and all other states.	Sept. 30	Sept. 30.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. Contract Changes. We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table shall provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by December 31 of the crop year for which the changes are to become effective for counties with an April 15 cancellation date and by May 31 of the crop year for which the changes are to become effective for all other counties. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of Terms. For the purposes of wheat crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices where applicable, insurable and uninsurable acreage, and related information regarding wheat insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

c. "Crop year" means the period within which the wheat is normally grown and shall be designated by the calendar year in which the wheat is normally harvested.

d. "Harvest" means the severance of mature wheat from the land by combining or for threshing.

e. "Insurable acreage" means the land classified as insurable by us and shown as such on the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

h. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

i. "Tenant" means a person who rents land from another person for a share of the Wheat or a share of the proceeds therefrom.

j. "Unit" means all insurable acreage of wheat in the county on the date of planting for the crop year:

(1) in which you have a 100 percent share; or

(2) which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the wheat on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between us and you. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of or reported by or for your spouse or child or any member of your household to be your bona fida share or the bona fide share of any other person having an interest therein.

18. Descriptive Headings. The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

Colorado

Adams	Larimer
Alamosa	Las Animas
Arapahoe	Lincoln
Archuleta	Logan
Baca	Mesa
Bent	Moffatt
Boulder	Montezuma
Cheyenne	Montrose
Conejos	Morgan
Costilla	Otero
Crowley	Ouray
Custer	Park
Delta	Phillips
Dolores	Pitkin
Douglas	Prowers
Eagle	Pueblo
Elbert	Rio Blanco
El Paso	Rio Grande
Fremont	Routt
Garfield	Saguache
Grand	San Miguel
Huerfano	Sedgwick
Jefferson	Washington
Kiowa	Weld
Kit Carson	Yuma
La Plata	

Connecticut

(All counties)

Delaware

(All counties)

Florida

Alachua	Jackson
Calhoun	Jefferson
Columbia	Lafayette
Dixie	Liberty
Escambia	Madison
Gadsden	Okaloosa
Gilchrist	Pasco
Gulf	Santa Rosa
Hamilton	Suwannee
Hernando	Walton
Holmes	Washington

Georgia

(All counties except)

Camden	Douglas
Charlton	McIntosh
Chattahoochee	Muscogee
Cobb	Towns
De Kalb	

Idaho

(All counties except Shoshone)

Illinois

(All counties)

Indiana

(All counties)

Iowa

(All counties)

Kansas

(All counties)

Kentucky

(All counties except)

Bell	Letcher
Elliott	Martin
Harlan	Perry
Lawrence	Pike
Leslie	

Louisiana

(All parishes)

Maine

Aroostook	Penobscot
Kennebec	York

Maryland

(All counties)

Massachusetts

Berkshire	Hampden
Franklin	Hampshire

Michigan

(All counties)

Minnesota

(All counties)

Mississippi

(All counties)

Missouri

(All counties)

Montana

(All counties)

Nebraska

(All counties except)

Arthur	Hooker
Grant	Thomas

Nevada

(All counties)

New Jersey

Atlanta	Middlesex
Burlington	Monmouth
Camden	Morris
Cape May	Ocean
Cumberland	Salem
Gloucester	Somerset
Hunterdon	Sussex
Mercer	Warren

New Mexico

(All counties except Lincoln)

New York

Albany	Onondaga
Allegany	Ontario
Broome	Orange
Cattaraugus	Orleans
Cayuga	Oswego
Chautauqua	Otsego
Chemung	Rensselaer
Chenango	St. Lawrence
Columbia	Saratoga
Cortland	Schenectady
Dutchess	Schoharie
Erie	Schuyler
Essex	Seneca
Genesee	Steuben
Greene	Suffolk
Herkimer	Sullivan
Jefferson	Tioga
Lewis	Tompkins
Livingston	Ulster
Madison	Washington
Monroe	Wayne
Montgomery	Wyoming
Niagara	Yates
Oneida	

North Carolina

Alamance	Jones
Alexander	Lee
Alleghany	Lenoir
Anson	Lincoln
Beaufort	McDowell
Bertie	Madison
Bladen	Martin
Brunswick	Mecklenburg
Buncombe	Montgomery
Burke	Moore
Cabarrus	Nash
Caldwell	New Hanover
Camden	Northampton
Carteret	Onslow
Caswell	Orange
Catawba	Pamlico
Chatham	Pasquotank
Chowan	Pender
Cleveland	Perquimans
Columbus	Person
Craven	Pitt
Cumberland	Polk
Currituck	Radolph
Davidson	Richmond
Davie	Robeson
Duplin	Rockingham
Durham	Rowan
Edgecombe	Rutherford
Forsyth	Sampson
Franklin	Scotland
Gaston	Stanly
Gates	Stokes
Granville	Surry
Greene	Tyrrell
Guilford	Union
Halifax	Vance
Harnett	Wake
Henderson	Warren
Hertford	Washington
Hoke	Wayne
Hyde	Wilkes
Iredell	Wilson
Johnston	Yadkin

North Dakota

(All counties)

Ohio

(All counties)

Oklahoma

(All counties)

Oregon

(All counties except)

Clatsop	Hood River
Coos	Lincoln
Curry	Tillamook

Pennsylvania

(All counties except Philadelphia and Wayne)

Rhode Island

Newport	Washington

South Carolina

(All counties)

South Dakota

(All counties except)

Armstrong	Washington
Washabaugh	

Tennessee

(All counties)

Texas

Anderson	Cherokee
Andrews	Childress
Archer	Clay
Armstrong	Cochran
Atascosa	Coke
Austin	Coleman
	Collin
Bailey	Collingsworth
Bandera	Colorado
Bastrop	Comal
Baylor	Comanche
Bee	Concho
Bell	Cooke
Bexar	Coryell
Blanco	Cottle
Borden	Crockett
Bosque	Crosby
Bowie	Culberson
Brazoria	
Brazos	Dallam
Briscoe	Dallas
Brown	Dawson
Burleson	Deaf Smith
Burnet	Delta
	Denton
Caldwell	De Witt
Calhoun	Dickens
Callahan	Dimmit
Carson	Donley
Castro	Duval
Chambers	

Eastland
Ector
Edwards
Ellis
El Paso
Erath

Falls
Fannin
Fayette
Fisher
Floyd
Foard
Fort Bend
Franklin
Freestone
Frio

Gaines
Galveston
Graza
Gillespie
Glasscock
Goliad
Gonzales
Gray
Grayson
Grimes
Guadalupe

Hale
Hall
Hamilton
Hansford
Hardeman
Harris
Harrison
Hartley
Haskell
Hays
Hemphill
Henderson
Hidalgo
Hill
Hockley
Hood
Hopkins
Houston
Howard
Hudspeth
Hunt
Hutchinson

Irion

Jack
Jackson
Jeff Davis
Jim Wells
Johnson
Jones

Karnes
Kaufman
Kendall
Kent
Kerr
Kimble
King
Kinney
Kleberg
Knox

Lamar
Lamb
Lampasas
La Salle
Lavaca
Lee
Leon
Liberty
Limestone
Lipscomb
Live Oak
Llano
Lubbock
Lynn

McCulloch
McLennan
McMullen
Madison
Marion
Martin
Mason
Matagorda
Maverick
Medina
Menard
Midland
Milam
Mills
Mitchell
Montague
Moore
Morris
Motley

Nacogdoches
Navarro
Nolan

Ochiltree
Oldham

Palo Pinto
Panola
Parker
Parmer
Pecos
Potter

Rains
Randall
Reagan
Real
Red River
Reeves
Rafugio
Roberts
Robertson
Rockwall
Runnels
Rusk

San Patricio
San Saba
Schleicher
Scurry
Shackelford
Shelby
Sherman
Smith
Somervell
Starr
Stephens
Sterling
Stonewall
Sutton
Swisher

Tarrant
Taylor
Terry
Throckmorton
Titus
Tom Green
Travis

Upton
Uvalde

Van Zandt
Victoria

Waller
Washington
Wharton
Wheeler
Wichita
Wilbarger
Williamson
Wilson
Wise
Wood

Yoakum
Young

Zavala

Utah

(All counties except Daggett)

Vermont

(All counties)

Virginia

(All counties except Arlington)

Washington

(All counties except)

Jefferson
King
Pacific
Wahiakum

West Virginia

Barbour
Berkeley
Brooke
Cabell
Fayette
Grant
Greenbrier
Hampshire
Hancock
Hardy
Harrison
Jackson
Jefferson
Marshall
Mason
Mineral
Monroe
Morgan
Nicholas
Ohio
Pendleton
Pleasants
Pocahontas
Preston
Putnam
Randolph
Ritchie
Summers
Tucker
Wood

Wisconsin

(All counties)

Wyoming

Big Horn
Campbell
Carbon
Converse
Crook
Fremont
Goshen
Hot Springs
Johnson
Laramie
Lincoln
Natrona

Niobrara	Uinta
Park	Washakie
Platte	Weston
Sheridan	

Done in Washington, D.C., on February 23, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

Dated: March 28, 1983.

[FR Doc. 83-8722 Filed 4-4-83; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR PART 1033

Milk in the Ohio Valley Marketing Area; Order Suspending Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain order provisions affecting the regulatory status of milk plants under the Ohio Valley Federal milk order. The suspension makes inoperative for the months of April through September 1983 the requirement that a distributing plant dispose of not less than 45 percent of its receipts as route disposition in March through August, and 50 percent during September through February, in order to be a pool plant. The action was requested by a proprietary handler operating four distributing plants pooled under the order to assure the efficient disposition of milk not needed for fluid use and still maintain pool status for its distributing plants and producer status for dairy farmers who regularly have supplied the fluid milk needs of the market. No comments were received in opposition to a notice of proposed suspension.

EFFECTIVE DATE: April 5, 1983.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6273.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued March 7, 1983; published March 11, 1983 (48 FR 10371).

It has been determined that this suspension is not a major action under the criteria set forth in Executive Order 12291.

It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the required suspension procedures in time to include April 1983 in the suspension period. The initial request for this action was received March 2, 1983. A notice of proposed suspension was issued on March 7, 1983, inviting interested parties to comment on the proposed action by March 18, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Ohio Valley marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on March 11, 1983, (48 FR 10371) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded an opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of April through September 1983 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1033.12, paragraph (a)(2).

Statement of Consideration

This action makes inoperative for April through September 1983 the provision requiring a distributing plant to dispose of not less than 45 percent of its receipts as route disposition during the months of March through August, and 50 percent during September through Febraury, in order to remain pooled. The suspension was requested by Beatrice Foods Company, a proprietary handler which operates four pool distributing plants under the order.

The suspension is necessary because of producer milk deliveries in the Ohio Valley market which are increasing both seasonally and over the levels of previous years. At the same time milk production is at its seasonal peak, Beatrice anticipates a decline in Class I disposition from its plants due to summer closure of schools and the resulting loss of fluid sales to schools.

For January 1983, producer receipts in the Ohio Valley market were 3.8 percent over December 1982 production and 5.3 percent above January 1982. With the combination of increasing production and summer school closures, Beatrice states that it expects that the proportion of milk regularly associated with its distributing plants which will be needed to meet its route disposition requirements will be less than 45 percent in the months of April through August, and less than 50 percent in the month of September this year.

In the absence of suspension action, Beatrice indicated that it would be necessary to make costly and inefficient movements of milk solely for the purpose of pooling its distributing plants and the milk of dairy farmers who regularly have supplied the fluid milk needs of the market.

Interested parties were given the opportunity to submit written data, views or arguments concerning the suspension. A cooperative association delivering substantial quantities of its members' milk to three of Beatrice's pool distributing plants on a year-round basis supported the suspension in order to avoid incurring substantial costs in transporting its members' milk solely for the purpose of maintaining pool status for producers regularly associated with the market.

In view of the circumstances, the aforesaid provisions should be suspended to ensure the orderly marketing of milk supplies that are in excess of fluid milk requirements. This action will eliminate the possibility that Beatrice Foods Company would find it necessary to make uneconomic movements of milk in order to assure the producer status of dairy farmers who are regular suppliers of milk for the fluid market.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to assure the orderly marketing of milk in the marketing area in that substantial quantities of milk producers who regularly supply the market otherwise could be excluded from the marketwide

pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded an opportunity to file written data, views or arguments concerning this suspension. No views opposing this suspension were received.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1033

Milk Marketing Orders,
Milk,
Dairy Products.

It is therefore ordered, That the aforesaid provisions in § 1033.12(a)(2) of the order are hereby suspended for April through September 1983.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 5, 1983.

Signed at Washington, D.C., on: March 30, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-8816 Filed 4-4-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records; Revisions to Service Fee Schedule

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the fee schedule of the Immigration and Naturalization Service. Changes to the fee schedule are necessary to place the financial burden of providing special services and benefits, which do not accrue to the public at large, on the individual recipients. Charges have been adjusted to more nearly reflect the current recovery cost of providing the benefits and services, taking into account public policy and other pertinent facts as required by law.

EFFECTIVE DATE: May 5, 1983.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye St., NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

For Specific Information: Ruth M. L. Homan, Director, Finance Staff, Immigration and Naturalization Service, 425 Eye St., NW., Washington, D.C. 20536, Telephone: (202) 633–3027.

SUPPLEMENTARY INFORMATION: The Immigration and Naturalization Service (INS) published a proposed rule on August 26, 1982 at 47 FR 37556 to amend the schedule of fees charged by the Service for the processing and adjudication of applications, petitions, motions and requests submitted by the public, and to provide a means by which an appealing party could obtain a transcript of a hearing commercially. Comments were received from more than 25 individuals and organizations, including professional and service associations, universities, attorneys, non-profit organizations, immigration judges, field directors, and members of the general public. All of the comments received were fully considered before preparing this final rule. The following summary addresses the substantive comments received and explains changes made to the fees and those proposed fees which are not being implemented.

I. Transcripts

Subsequent to the proposed rule, the functions of the Board of Immigration Appeals were transferred under the newly created Executive Office for Immigration Review (EOIR) which is directly under the Department of Justice (48 FR 8038, 8056 dated February 25, 1983). The proposed rule to amend 8 CFR 3.9 provided a mechanism for appealing parties to obtain transcripts of hearings commercially. However, this proposal is not being adopted at this time in view of the organizational changes which have occurred.

II. Fees

A. In general

Most of the comments received on the proposed fee schedule address the level of the fee amounts in general rather than specifically criticizing one proposed fee. Several commenters suggested that certain fees were too low considering the value of the services to the recipients. Others were concerned that some fee increases were too large for recipients to bear, suggesting that any necessary increase in revenue received by the Service should instead come from budgetary resources.

31 U.S.C. 483a requires Federal agencies to establish a fee system in which a benefit or service provided to or for any person be self-sustaining to the fullest extent by the fee schedule. Fees are neither intended to replace nor to be influenced by the budgetary process and related considerations, but instead, to be governed by the total cost to the agency to provide the service. A policy of setting fees according to the value of the service to the recipient, as some commenters have suggested, would violate this principle. The Service has therefore attempted to ascertain as accurately as possible the cost of providing each specific benefit or service and to set the pertinent fee accordingly.

Since the regulations provide for the waiver of a fee when it is shown that the recipient is unable to pay, the new fee schedule should not prohibit applications or requests on the basis of the inability to pay as some of the comments suggested. Furthermore, several fees for administrative appeal processes and for filing naturalization petitions are at less than full cost recovery recognizing longstanding public policy and the interest served by these processes.

B. Specific fees

1. *Non-immigrant student applications.* Several comments were received objecting to the proposed $15 fee for processing an application, Form I–538, for extension of stay, employment authorization, or school transfer by a non-immigrant student. The general concern was that charging such a fee would impose an overly burdensome economic hardship on foreign students, thereby damaging the foreign student exchange.

However, in view of the substantial financial commitment that is necessary prior to seeking an education in the United States, it is not likely the amount of this fee will adversely influence decisions on participation of foreign students in our domestic educational programs. The benefits applied for under Form I–538 normally arise because a student was not able to meet previously made commitments and must seek a change in status. The Service believes that Form I–538 benefits accrue directly to these individuals and this cost should not be borne by the general taxpaying public. Because there are provisions for fee waiver, these benefits will not be withheld from those who truly lack financial resources to meet this fee requirement and the fee will provide equity by charging those who can.

In the proposed rule, the Service inadvertently included in the list of motions exempted from a fee a motion to reopen or reconsider a decision on a

Form I–538 application. Since in the proposed and final rule, a fee is now required for all student Form I–538 applications, a motion filed to reopen or reconsider a student application is no longer exempted.

2. *Fees for Appeal Processes.* The proposed rule provided for a new $50 fee for filing an appeal to the Board of Immigration Appeals from a bond decision of an immigration judge. This new fee is not implemented in view of the recent creation of the Executive Office for Immigration Review (EOIR).

Fees for filing an application for stay of deportation under Part 243 of 8 CFR, filing an application for suspension of deportation under section 244 of the Act, filing an appeal to the BIA, and filing an application for temporary withholding of deportation under section 243(h) of the Act, which were proposed to be increased to $110, will remain at the current levels of $70, $75, $50, and $50 respectively. The proposed fee increases are not being implemented because these matters fall within the jurisdiction of the EOIR. A number of commenters were opposed to increasing the fees for administrative appeals; however, since these fees are not being increased by this final rule, the issues raised are moot. Any future changes to these fees may be initiated by the EOIR under Part 3 of 8 CFR. Further, in order to avoid disparity between the fee for filing an appeal to the BIA and fees for filing administrative appeals within the Service, the proposed increases to the fee for filing an appeal on Form I–290B and the fee for filing a motion to reopen or reconsider an administrative decision under the immigration laws are not adopted and the currently prescribed fees of $50 remain in effect.

3. *Orphan petitions.* Effective February 28, 1983, a new application (Form I–600A) was added to the fee schedule for requesting advance processing of an orphan petition. Advance processing of orphans was previously filed on Form I–600 and this application carries the same fee as the Form I–600. Accordingly, the fee for Form I–600 and Form I–600A is increased from $35 to $50 as proposed for Form I–600.

The following represents a summary of the fees as proposed, adopted, and those which remain unchanged:

Form/application	Proposed fee	Adopted fee	Action
Form G–641 application	$15.00	$15.00	Adopted as proposed
For certification	2.00	2.00	Do
For attestation	2.00	2.00	Do
Form I–17	50.00	50.00	Do
Form I–90	15.00	15.00	Do
Form I–102	15.00	15.00	Do
Form I–129B	35.00	35.00	Do
Form I–129F	35.00	35.00	Do
Form I–130	35.00	35.00	Do
Form I–131	15.00	15.00	Do
Form I–140	50.00	50.00	Do
Form I–191	50.00	50.00	Do
Form I–192	35.00	35.00	Do
Form I–193	15.00	15.00	Do
Form I–196	15.00		U.S. citizen ID card discontinued
Form I–212	35.00	35.00	Adopted as proposed
Form I–246	110.00	70.00	Fee remains at current level: jurisdiction with EOIR
Form I–256A	110.00	75.00	Do
Form I–290A	110.00	50.00	Do
Form I–290B	110.00	50.00	Fee remains unchanged
Form I–485	50.00	50.00	Adopted as proposed
Form I–506	15.00	15.00	Do
Form I–538	15.00	15.00	Do
Form I–539	15.00	15.00	Do
Form I–570	15.00	15.00	Do
Form I–600	50.00	50.00	Do.
Form I–600A	Same as I–600	50.00	Increased w/I–600 proposal
Form I–601	35.00	35.00	Adopted as proposed
Form I–612	50.00	50.00	Do
Form N–400	35.00	35.00	Do
Form N–410	15.00	15.00	Do
Form N–455	15.00	15.00	Do
Form N–470	15.00	15.00	Do
Form N–585	15.00	15.00	Do
Form N–577	15.00	15.00	Do
Form N–580	15.00	15.00	Do
Form N–600	35.00	35.00	Do
Motion to reopen or reconsider	110.00	50.00	Fee remains at current level
Request for temporary withholding of deportation	110.00	50.00	Fee remains at current level jurisdiction with EOIR
Request for statistical tabulations	Cost	Cost	No change
Passenger travel tables	7.00	7.00	Do
N–300/315	15.00	15.00	Adopted as proposed
N–405/407	50.00	50.00	Do

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Archives and records, Authority delegations (Government agencies), Fees, Forms, Freedom of Information Act, Organization and functions (Government agencies).

Accordingly, Chapter I of Title 8 of Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Paragraph (b) of § 103.7 is revised to read as follows:

§ 103.7 Fees.

* * * * *

(b) *Amounts of fees*—(1) The following fees and charges are prescribed:

Form I–17. For filing application for school approval, except in the case of a school or school system owned or operated as a

Form G–641. For filing application for verification of information contained in Service records—$15.00

For certification of true copies, each—$2.00

For attestation under seal—$2.00

public educational institution or system by the United States or a state or political subdivision thereof—$50.00

Form I–90. For filing application for Alien Registration Receipt Card (Form I–551) in lieu of an obsolete card or in lieu of one lost, mutilated or destroyed, or in a changed name—$15.00

Form I–102. For filing application (Form I–102) for Arrival-Departure Record (Form I–94) or Crewman's Landing Permit (Form I–95), in lieu of one lost, mutilated, or destroyed—$15.00

Form I–129B. For filing petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the Act—$35.00

Form I–129F. For filing petition to classify nonimmigrant as fiancee or fiance under section 214(d) of the Act—$35.00

Form I–130. For filing petition to classify status of alien relative for issuance of immigrant visa under section 204(a) of the Act—$35.00

Form I–131. For filing application for issuance of reentry permit—$15.00

Form I–140. For filing petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act—$50.00

Form I–191. For filing application for discretionary relief under section 212(c) of the Act—$50.00

Form I–192. For filing application for discretionary relief under section 212(d)(3) of the Act, except, in an emergency case, or where the approval of the application is in the interest of the United States Government—$35.00

Form I–193. For filing application for waiver of passport and/or visa—$15.00

Form I–212. For filing application for permission to reapply for an excluded or deported alien, an alien who has fallen into distress and has been removed as an alien enemy, or an alien who has been removed at Government expense in lieu of deportation—$35.00

Form I–246. For filing application for stay of deportation under Part 243 of this chapter—$70.00

Form I–256A. For filing application for suspension of deportation under section 244 of the Act—$75.00

Form I–290A. For filing appeal from any decision under the immigration laws in any type of proceedings (except a bond decision) over which the Board of Immigration Appeals has appellate jurisdiction in accordance with section 3.1(b) of this Chapter. (The fee of $50 will be charged whenever an appeal is filed by or on behalf of two or more aliens and the aliens are covered by one decision)—$50.00

Form I–290B. For filing an appeal from any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction. (The fee of $50 will be charged whenever an appeal is filed by or on behalf of two or more aliens and the aliens are covered by one decision).—$50.00

Form I–485. For filing application on Form I–485 for permanent residence status or for creation of a record of lawful permanent residence.—$50.00

Form I–506. For filing application for change of nonimmigrant classification under section 248 of the Act.—$15.00

Form I–538. For filing application by a nonimmigrant student (F–1) for an extension of stay, a school transfer or permission to accept or continue employment or practical training.—$15.00

Form I–539. For filing application for extension of stay of a nonimmigrant, other than one described in section 101(a)(15)(F) or 101(a)(15)(J) of the Act, and, upon a basis of reciprocity, a nonimmigrant described in section 101(a)(15)(A)(iii) or 101(a)(15)(G)(v) of the Act.—$15.00

Form I–570. For filing application for issuance or extension of refugee travel document.—$15.00

Form I–600. For filing petition to classify orphan as an immediate relative for issuance of immigrant visa under section 204(a) of the Act. (When more than one petition is submitted by the same petitioner on behalf of orphans who are brothers or sisters, only one fee will be required.—$50.00

Form I–600A. For filing application for advance processing of orphan petition. (When more than one petition is submitted by the same petitioner on behalf of orphans who are brothers or sisters, only one fee will be required).—$50.00

Form I–601. For filing application for waiver of ground of excludability under section 212(h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sub-sections.—$35.00

Form I–612. For filing application for waiver of the foreign-residence requirement under section 212(e) of the Act.—$50.00

Form N–400. For filing application for certificate of citizenship on Form N–400 by a parent, and the issuance thereof, under section 341 of the Act.—$35.00

Form N–410. For filing motion for amendment of petition for naturalization when motion is for the convenience of the petitioner.—$15.00

Form N–455. For filing application for transfer of petition for naturalization under section 335(i) of the Act, except when transfer is of a petition for naturalization filed under the Act of October 24, 1968, P.L. 90–633.—$15.00

Form N–470. For filing application for section 316(b) or 317 of the Act benefits.—$15.00

Form N–565. For filing application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; or for a certificate of citizenship in a changed name under section 343(b) or (d) of the Act.—$15.00

Form N–577. For filing application for a special certificate of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(c) of the Act—$15.00

Form N–580. For filing application for a certificate of naturalization or repatriation under section 343(a) of the Immigration and Nationality Act or the 12th subdivision of section 4 of the Act of June 29, 1906—$15.00

Form N–600. For filing application for certificate of citizenship under section 309(c) or section 341 of the Act—$35.00

Motion. For filing a motion to reopen or reconsider any decision under the immigration laws (except on applications filed by exchange visitors on Form IAP–66, Cuban refugees on Form I–485A filed under the Act of November 2, 1966, or A–1, A–2 or G–4 nonimmigrants on Form I–566 for which no fee is chargeable). When the motion to reopen or reconsider is made concurrently with any application under the immigration laws, the application will be considered an integral part of the motion and only the fee for filing the motion or the fee for filing the application, whichever is greater, is payable. (The fee of $50 will be charged whenever a motion is filed by or on behalf of two or more aliens and the aliens are covered by one decision)—$50.00

Request. For filing application for temporary withholding of deportation under section 243(h) of the Act—$50.00

Request. For special statistical tabulations a charge will be made to cover the cost of the work involved—Cost

Request. For set of monthly, semiannual, or annual tables entitled "Passenger Travel Reports via Sea and Air" [1]—$7.00

[1] Available from Immigration & Naturalization Service for years 1975 and before. Later editions are available from the United States Department of Transportation, contact: United States Department of Transportation, Transportation Systems Center, Kendall Sqaure, Cambridge, MA. 02142.

(2) Fees for production or disclosure of records under 5 U.S.C. 552 shall be charged in accordance with the regulations of the Department of Justice, 28 CFR 16.9.

(3) Except as otherwise provided in paragraph (c) of this section, for services performed under section 344(a) of the Act the clerk of the court shall charge, collect, and account for the following fees:

Form N–300/315. For receiving and filing a declaration intention—$15.00

Form N–405/407. For making, filing, and docketing a petition for naturalization—$50.00

* * * * *

(Sec. 103, 66 Stat. 173, 31 U.S.C. 483a; 8 U.S.C. 1103, OMB Cir. A–25)

Dated: March 17, 1983.

Alan C. Nelson,

Commissioner of Immigration and Naturalization.

[FR Doc. 83-8723 Filed 4-4-83; 8:45 am]

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8 CFR Parts 214 and 248

Nonimmigrant Classes; Change of Nonimmigrant Classification; Revisions in Regulations Pertaining to Nonimmigrant Students and the Schools Approved for Their Attendance

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: The Immigration and Naturalization Service is revising the regulations regarding F-1 academic students and F-1 students in language training programs to eliminate burdensome paperwork. The Service is also publishing regulations pertaining to the new M-1 nonimmigrant visa classification for vocational or nonacademic students not in language training programs, which was created by the Immigration and Nationality Act Amendments of 1981, Pub. L. 97-116. In addition, the Service is revising its regulations relating to schools approved for attendance by F-1 and M-1 students in order to control abuses by mala fide schools.

EFFECTIVE DATE: August 1, 1983.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, 425 I Street NW., Washington, D.C. 20536, Telephone (202) 633-3048

For Specific Information: Alice Strickler, Immigration Examiner, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633-5015.

SUPPLEMENTARY INFORMATION: On May 26, 1982, the Service published proposed regulations relating to nonimmigrant students and the schools approved for their attendance in the **Federal Register** at 47 FR 23463. The thirty-day comment period was to end on June 28, 1982. On June 25, 1982, however, due to requests for additional time within which to submit written comments, the Service, in 47 FR 27565, extended the comment period for an additional thirty days until July 27, 1982.

The regulations proposed to eliminate the requirement for the filing and adjudication of applications for extension of stay, permission to transfer from one school to another, and permission to engage in practical training for F-1 students in colleges, universities, seminaries, conservatories, academic high schools, elementary schools, and other academic institutions, and in language training programs. (As a result of section 2(a)(1) of the Immigration and Nationality Act Amendments of 1981, Pub. L. 97-116, 95 Stat. 1161, as of June 1, 1982, the F-1 visa classification was limited to those students.)

The regulations also proposed procedures for the efficient administration of that portion of section 2(a)(2) of the Immigration and Nationality Act Amendments of 1981 (section 101(a)(15)(M) of the Immigration and Nationality Act, as amended; 8 U.S.C. 1101(a)(15)(M), which pertains to creation of an M nonimmigrant visa classification for vocational or nonacademic students not in language training programs. The M-1 classification went into effect on June 1, 1982; however, until August 1, 1983, prior regulations relating to F-1 students continue to apply to M-1 students.

In addition, the Service proposed revisions in the regulations relating to schools approved for attendance by nonimmigrant students to make more effective use of institutional sponsorship of the students by the schools and to control abuses by mala fide schools. These proposals included new record-keeping and reporting requirements, additional ground for withdrawing the approval of a school for attendance by nonimmigrant students, and a one-time recertification process under which all schools seeking to continue their approvals would reapply for approval and reaffirm their intent to comply with Service regulations.

Eighty-two individuals and organizations submitted written comments on the proposed regulations. Many of the individuals and organizations offered numerous comments on various different aspects of the proposals. The Service has carefully analyzed all comments and has identified six major areas of concern, as well as a variety of general and technical points. The six major areas of concern are:

(1) Return to the prior policy of duration of status for F-1 students,

(2) School transfer for F-1 students as a notification procedure instead of as an adjudication procedure,

(3) Off-campus employment authorization for F-1 students,

(4) Practical training for F-1 students,

(5) The strictness of the provisions on M-1 students, and

(6) The record-keeping and reporting requirements.

Duration of Status

Under prior regulations, a student was admitted for or otherwise granted the period of time necessary to complete the course of study indicated on the Certificate of Eligibility, Form I-20A, issued by the school the student planned to attend. Under the proposed regulations, an F-1 student would be admitted for duration of status, which would be the period of time during which the student is pursuing a full course of study in one or more educational programs and any period or periods of authorized practical training, plus thirty days.

Thirty individuals and organizations were generally in favor of the proposal on duration of status, while twenty individuals and organizations were generally opposed to it. Eleven individuals and organizations stated specifically that they were in favor of the proposal, while twelve individuals and organizations stated specifically that they were against it. In general, those in favor of the proposal saw it as a means of eliminating burdensome paperwork. Those against it were concerned about a perceived lack of control over F-1 students.

Under § 214.2(f)(5) of this final rule, the Service is reinstituting the policy of duration of status for F-1 students but is limiting duration of status to the period of time during which the student is pursuing a full course of study in only one educational program (e.g. elementary school, high school, bachelor's degree, or master's degree) and any period or periods of authorized practical training, plus thirty days. A student desiring to pursue a course of study in another educational program must apply for an extension of stay, and, if applicable, a school transfer. Furthermore, a student who has completed one educational program and who desires to complete another educational program at the same level of educational attainment (for example, a second master's degree) must also apply for an extension of stay and, if applicable, a school transfer.

The duration of status policy which the Service is implementing has several advantages. It will reduce the Service workload and eliminate unnecessary paperwork for the public. A bona fide student who does not complete a course of study on the expected date of completion indicated on Form I-20A because of illness, academic difficulties, change in major field of study, or school transfer does not need to apply for an extension of stay as under prior regulations. The duration of status

policy which the Service is implementing also provides more control over F–1 students than the proposed procedure. Furthermore, the Service is instituting a procedure with its newly developed student and schools enhancement to its new computerized recordkeeping system which will monitor students in duration of status with a minimum of paperwork. Under the procedure, the schools will be sent computer-generated lists of students Service records indicate are attending the school. The designated school officials will then be requested to indicate whether each student listed is pursuing a full course of study. Appropriate action will be taken regarding those students who are not pursuing full courses of study.

The decision to return to duration of status is based on the results of the Iranian Student Registration Program, which involved the largest group of students in the United States from any one country at the time it began. As of May 18, 1981, 88 percent of these students were found to be in status including 3.6 percent who had been reinstated. Duration of status had been in effect from the beginning of the registration program on November 13, 1979 until February 23, 1982. The Service therefore has reason to believe that, with the extra control afforded by limiting duration of status to one educational program, coupled with the Service's computerized record-keeping system, the new duration of status policy will achieve excellent control over F–1 students with greatly reduced paperwork.

School Transfer

Under prior regulations, students desiring to transfer from one school to another had to apply to the Service for permission to do so. Under the proposed regulations, no application would be necessary for an F–1 student to effect a school transfer. The designated school official at the old school would be responsible for all the necessary paperwork.

Thirty-three individuals and organizations were generally in favor of the proposal on school transfer as a notification procedure, while fifteen individuals and organizations were generally opposed to it. Thirteen individuals and organizations stated specifically that they were in favor of the proposal, while five individuals stated specifically that they were against it. Four comments expressed concern that the procedure has the potential for abuse by school officials who might wish to prevent students from transferring.

Those in favor of school transfer as a notification procedure were impressed with its efficiency. Those opposed to it were concerned not only about a perceived lack of control over F–1 students, but also about a claimed conflict of interest. Some even suggested that the procedure involves an illegal delegation of authority.

Under § 214.2(f)(8) of the final rule, the Service is instituting school transfer within the same educational program as a notification procedure, but with a change in the procedure. The designated official at the old school does not have sole responsibility for the paperwork involved. The designated official at the new school shares in that responsibility. Furthermore, the student must report the failure of a designated official at the old school to follow the required procedure. This change in the procedure will eliminate the possibility of abuse by school officials who might attempt to keep students from transferring.

The charges of conflict of interest and illegal delegation of authority are based upon a misunderstanding of the transfer procedure, which is only a notification procedure and does not involve any adjudication on the part of the school official. The official will make a recommendation, but this recommendation is nothing more than an advisory opinion to be used by the Service in determining which students should be interviewed concerning their status.

Permitting school transfer without an adjudication will not cause the Service to lose control over F–1 students. Failure to notify the Service that an F–1 student intends to transfer to another school is a new ground in the regulations for withdrawing the approval of a school. Furthermore, the school officials' recommendations will assist the Service in locating F–1 students who are not maintaining their status.

In addition, the Service is planning to institute procedures for looking into the cases of students whose Forms I–20A indicate that they may not have sufficient resources to pay for all costs at the schools to which they transfer and of students who transfer more than a certain number of times. The purpose in so doing is to ascertain whether these students are bona fide nonimmigrant students.

One comment suggested that school transfer not be permitted until the student has attended the old school for at least one term. Other comments were opposed to requiring a student to apply for reinstatement to student status if the student has not been pursuing a full course of study at the school the student was last authorized to attend but desires to transfer to another school.

No purpose would be served by requiring a student to attend the old school for one whole term prior to being permitted to transfer to another school provided that it is possible for the student to transfer to another school before completing the term. For example, different schools could have terms that begin at different times. A student who has not been pursuing a full course of study at the school the student was last authorized to attend, however, is out of status and should be required to apply to the Service for reinstatement to student status. Furthermore, it would be difficult to maintain control over F–1 students with school transfers not being adjudicated by the Service if out of status students were permitted to transfer without any contact with the Service. For an out of status student reinstatement is the most appropriate procedure for that contact.

Off-Campus Employment Authorization

Prior regulations permitted students to apply for employment authorization based upon economic necessity at any time. Under the proposed regulations, F–1 students would not be permitted to apply for employment authorization during their first full year in the United States.

Three individuals and one organization indicated support for the proposed work bar. Two individuals gave reasons, namely the dilemma of United States resident students seeking scarce employment and the fact that students have received assurances from their sponsors that they would be fully supported in the United States.

Fourteen individuals and organizations were opposed to the proposed work bar because they found that it would be harsh in those cases of genuine emergency resulting in funds being cut off. Three of the comments suggested that the work bar apply only during the first academic year in the United States, not during the first full year.

One comment was in favor of the Service's continuing to adjudicate applications for off-campus employment for F–1 students, while eleven comments were opposed to this. One comment expressed a desire that the provisions on off-campus employment be liberalized. Another comment suggested that F–1 students be permitted to work off-campus without demonstrating economic necessity. Other comments were in favor of greatly limiting or eliminating off-campus employment authorization for F–1 students.

Section 214.2(f)(9)(ii) of the final rule institutes the proposed provisions on off-campus employment without any substantive change. The reason for imposing a work bar on F–1 students during their first full year in the United States is that applicants for student status must furnish documentary evidence of their ability to support themselves during that year. Moreover, an application for employment authorization is normally denied during the student's first year in the United States. This provision eliminates frivolous applications for employment authorization.

Under the circumstances, the provision on off-campus employment which the Service is instituting is reasonable. The more stringent provisions suggested, however, would be unduly harsh. On the other hand, the requirement that the student demonstrate economic necessity and that the Service authorize off-campus employment minimizes any adverse effect on the employment of United States resident students seeking employment.

Practical Training

Prior regulations required that students apply to the Service for permission to engage in practical training. The proposed regulations would permit designated school officials to grant practical training authorization for F–1 students.

Twenty-nine individuals and organizations were generally in favor of the proposal that designated school officials authorize practical training for F–1 students, while fourteen individuals and organizations were generally opposed to it. Ten individuals and organizations stated specifically that they were in favor of the proposal, while seven individuals and organizations stated specifically that they were against it. Those in favor of it saw it as an efficient means of eliminating paperwork and delays in granting benefits. Those opposed felt it involved a conflict of interest. Some, as in the case of the school transfer proposal, suggested that it was an illegal delegation of authority. One comment pointed out that it would lend itself to possible fraud in obtaining work-authorized social security cards since Social Security Administration personnel would not be able to verify the authenticity of the signature of every designated school official.

In addition to the above comments on practical training, nineteen comments were against the Service's proposal to require that students have job offers before they may be granted permission to engage in practical training. The primary reason for the opposition was that it would be virtually impossible for nonimmigrant students to find work under the proposal because of the difficulty in obtaining a definite job offer without permission to engage in practical training. Eleven comments indicated that periods of practical training during the course of study, not only upon completion of the course of study, would be desirable from the point of view of the student's total training.

The Service has decided not to adopt the proposal to permit designated school officials to grant practical training authorization to F–1 students. The Service will continue to adjudicate applications for practical training for these students. The proposed regulation did raise concerns regarding the propriety of delegating decision making to individuals outside the Service. Unlike the provision on school transfer for F–1 students as a notification procedure, the proposal on practical training would have required an adjudication on the part of the designated school official. Moreover, the proposed provision could have lent itself to fraud in obtaining work-authorized social security cards.

As a result of the comments on these issues, the Service is also not adopting the proposal requiring that F–1 students have job offers before they may be granted practical training authorization, and the Service is adding a provision to § 214.2(f)(10)(i) under which practical training may be authorized for an F–1 student during the student's annual vacation if the practical training is recommended by the designated school official as beneficial to the student's academic program. This provision, however, does not increase the total months of practical training which may be authorized.

Various suggestions were made which the Service is not adopting that practical training be eliminated for some or all students. The Service believes that restrictions of this type would impede the development of knowledge and skills which occurs through meaningful practical training experiences and their subsequent transfer to other countries.

Provisions on M–1 Students

Under the proposed rule, M–1 students would be admitted for the period of time necessary to complete their courses of study plus thirty days or for one year, whichever is less. Applications would have to be made for extensions of stay, school transfer, and practical training. School transfer would not be permitted after a student has been in M–1 status for six months unless the student is unable to remain at the school to which initially admitted due to circumstances beyond the student's control. M–1 students would not be permitted to accept employment except when employment for practical training is authorized. Employment for practical training would never exceed six months. An M–1 student would not be permitted to change educational objective. An M–1 student would be eligible for reinstatement to student status, if, among other things, the student's violation of status occurred because the school to which the student was admitted ceased operation or the student was unable to pursue a full course of study due to illness. Furthermore, under the proposed rule, an M–1 student would use a Certificate of Eligibility for Nonimmigrant (M–1) Student Status, Form I–20M–N, on which the student would have to certify that the education or training which the student receives in the United States can be utilized in the student's home country and that a course of study of comparable quality and cost is unavailable to the student in the home country.

The proposed rule also provided for denial of a change of nonimmigrant classification to that of an M–1 student if the applicant intends to pursue the course of study solely in order to qualify for a subsequent change to classification as an alien temporary worker under section 101(a)(15)(H) of the Act, 8 U.S.C. 1101(a)(15)(H), for denial of a change of classification from that of an M–1 student to that of an alien temporary worker under section 101(a)(15)(H) of the Act if the education or training which the student received while an M–1 student enables the student to meet the qualifications for temporary worker classification, and for denial of a change of classification from that of an M–1 student to that of an F–1 student.

A few comments were received on the proposals concerning M–1 students. These comments stated that the M–1 proposals were overly strict.

The Service is implementing most of the proposals on M–1 students. This is in accordance with the legislative intent that the regulations relating to M–1 students be strict. In House Report 97–264 dated October 2, 1981, which accompanied Public Law 97–116, the Committee makes it quite clear that the legislative intent of section 101(a)(15)(M)(i) of the Act relating to M students was to afford maximum control over this group of students. The report refers to testimony by the Department of State before the Subcommittee on Immigration, Refugees, and International

Law in the 94th Congress regarding "the high percentage of foreign students enrolled in vocational educational programs in fields of little or no applicability to their own country." The purpose of the separation of students into two classifications was to permit closer scrutiny of length of stay and employment abuses by nonacademic students. Furthermore, the report states that the "Committee has retained language programs in the current 'F' category on advice from INS that such schools comply with INS regulations and reporting requirements." Since the Committee noted a difference in compliance with Service regulations by the two groups of students, they obviously intended the provisions relating to those two groups of students to be different.

The limitation on the admission period for M–1 students and the requirement for filing applications for extension of stay, school transfer, and practical training are intended to afford maximum control over M–1 students. The prohibitions against a change in educational objective and against transfer to another school after six months in the United States are intended to control abuses by students who attempt to prolong their stay in the United States by making unnecessary changes in educational objectives or schools. The limitation on the amount of practical training that can be authorized recognizes that most M–1 students come to the United States for shorter periods of time than F–1 students. It also ensures against abuse of the M–1 classification as an easy way to come to the United States to work, as does the prohibition against employment authorization except employment for practical training. The proposed prohibitions against certain changes in nonimmigrant classification ensure against the use of the M–1 classification to obtain another nonimmigrant classification.

Nevertheless, in this rule, the Service is tempering the strictness of some of the provisions. In § 214.2(m)(16), M–1 students are permitted to apply for reinstatement to student status on the same basis as F–1 students. This recognizes the needs of certain students in deserving cases. The requirement that an M–1 student be offered an actual job before being eligible to apply for practical training is not being adopted in § 214.2(m)(14)(ii) for the same reason that it is being eliminated for F–1 students, namely the difficulty in finding a job without having permission to work. The requirement for a certification on Form I–20M–N that the education or training which the student receives in the United States can be utilized in the student's home country and that a course of study of comparable quality and cost is unavailable to the student in the home country is also not adopted because of the difficulty in administering it.

Record-Keeping and Reporting Requirements

Seven individuals and one organization expressed concern that their furnishing the information required by the proposed regulations would cause them to violate the Family Educational Rights and Privacy Act of 1974 or Buckley Amendment (Section 438 of the General Education Provisions Act, as amended by Pub. L. 93–568, 20 U.S.C. 1232g, December 31, 1974).

The Service believes that Form I–20 contains an effective consent by a student for release of information from the student's school records once the student signs Form I–20. The student authorizes the named school and any school to which the student transfers to provide any information from the student's records which is needed to determine if the student is maintaining lawful status. This consent appears on both Form I–20A and Form I–20M. Signing this consent is a condition of issuance of an F–1 or M–1 visa or a change of nonimmigrant status to F–1 or M–1 status. The consent is an effective method of insulating the school from an allegation that it is in violation of the Buckley Amendment. Once the consent is in existence, and it is assumed the consent exists for an F–1 or M–1 student or the Service would not have accepted Form I–20, neither the school official nor the Service officer needs physical possession of the consent when a request for information under the reporting requirements is made.

Two individuals supported the new reporting requirements on the grounds that these requirements would enable the Service to monitor the foreign student program. Nine individuals and organizations, on the other hand, were generally against or concerned about the record-keeping or reporting requirements, or both. They felt that records on foreign students should more appropriately be kept by the Service, that the Service should already have the necessary information in its records, that the information goes beyond that needed to determine whether students are maintaining nonimmigrant status, that the information should be required only for individual students and not large numbers of students, and that only information which has a bearing on immigration matters should be required. Thirteen comments were specifically against the requirement for reporting new students who register on the grounds that this is burdensome or that this is unnecessary because the schools must also report students who do not register. One of the comments suggested that, if this provision is instituted, the procedure be a very simple one. One of the comments suggested that schools provide rosters of all F–1 students enrolled but that they not report failure to register or termination of studies. Four comments expressed concern about the costs and burdens of record keeping and reporting.

Section 214.3(g)(1) institutes the record-keeping requirements as proposed with the changes discussed below. The Service believes that these requirements will enhance the Service's ability to monitor the foreign student program. This regulation, however, is really a clarification of an existing requirement, since the consent on Form I–20 already authorizes schools to give the Service any information from the student's records necessary to determine if the students are maintaining their status. As suggested in one comment, a provision is added in § 214.3(g)(1) that if a student who is out of status is restored to status, the school the student is attending is responsible for maintaining records on the student. Employment authorization is removed from the record-keeping requirements as suggested in three comments. The schools may not have this information since the Service will continue to adjudicate applications for off-campus employment. Country of citizenship is added as suggested in two comments. Otherwise, a school would possibly not be able to comply with a request for lists of students by country of citizenship if such a request should be necessary. In addition, as suggested in one comment, a requirement is added that the schools keep on file the student's application for admission to the school and the supporting documents referred to in § 214.3(k).

The Service is not adopting the requirement that the schools report within sixty days of each registration period each new student who registers and the former requirement that the schools report individual students on Forms I–20B and I–20N. Instead, § 214.3(g)(2) requires that the designated school officials update computer-generated lists of F–1 and M–1 students attending the schools when the Service sends the schools these lists. A record-keeping requirement is added in § 214.3(g)(1) that schools maintain information necessary to identify each student, such as date and place of birth,

and to determine the student's immigration status.

The requirement for updating lists of students in order to update Service records will be far less burdensome for the schools and the Service than having the schools make separate reports on each new student who registers and individual reports on Forms I–20B and I–20N. With respect to the suggetion that schools provide their own rosters of all F–1 students, this procedure would not be acceptable because it would not be in the appropriate format for Service needs.

While some of the information which the Service is requiring the schools to maintain in their records will be available in Service records, not all of it is available and must be furnished by the schools. The Service is asking the schools to verify and update the other information to insure the accuracy of Service records. The Service may not have current information on students in duration of status who may not come into contact with the Service for long periods of time; it is therefore important for the schools to keep records on these students.

Most schools normally keep records on students in attendance. It is consequently neither unreasonable nor unduly burdensome for the schools to keep records on the immigration status of their F–1 or M–1 students. It should be noted that all the information the schools are being requested to keep is directly related to the immigration status of their F–1 or M–1 students.

General Comments

Numerous comments of a general nature were made. Relevant comments are discussed below.

One comment was in favor of not implementing these regulations until Form I–20 is revised. Another comment suggested that implementation be delayed at least six months to allow adequate planning time. The Service has delayed the effective date of this rule to allow sufficient time to develop a student and schools enhancement to the Service's computerized record-keeping system and to make new and revised forms available to the public.

Six comments expressed concern regarding costs or paperwork burden of compliance with these regulations. With the modifications adopted in these final regulations, the Service believes that this concern is unfounded. As pointed out previously, the requirement the Service is instituting for updating lists of students which the Service sends the schools should be much simpler to comply with than the former requirement for making separate reports on individual students. Furthermore, most schools already keep records on students and, under prior regulations, school officials had to complete certifications on the applications which students file for extensions of stay, school transfer, and permission to engage in employment or practical training. As a result of this rule, far fewer applications for extension of stay and school transfer will need to be filed for F–1 students. This will easily compensate for any paperwork involved in the new procedure for school transfer for F–1 Students, not to mention the elimination of delays in granting school transfer to F–1 students.

Three comments suggested a review of the costs or burden of compliance with these regulations. One of these comments suggested that the review be done one year after implementation. The Service will be evaluating the program on a continual basis.

Three comments suggested workshops or meetings to instruct the public on the implementation of these regulations. The Service will continue normal liaison meeting with groups of foreign student advisors.

Technical Comments

Numerous suggestions of a technical nature were also made, many of which were adopted. Those comments which were adopted are discussed below.

With respect to the admission process for F and M nonimmigrants, one comment pointed out, regarding the requirement in § 214.2(f)(1)(i)(B) that a student be destined to the school specified in the student's visa, that the regulation should reflect that Canadian students do not need visas to enter the United States. Therefore, the wording, "unless the student is exempt from the requirement for presentation of a visa" is included in that paragraph and in a comparable provision relating to M nonimmigrants in § 214.2(m)(1)(i)(B). Two comments suggested clarification of the disposition of Form I–20B upon admission of an F–1 student. The disposition of this form is clarified in § 214.2(f)(1)(ii) relating to F–1 students, and the disposition of Form I–20M relating to M–1 students is clarified in § 214.2(m)(1)(ii). Two comments pointed out that the dependents of an F–1 student should be permitted to enter the United States to join the F–1 student even if the student has entered the United States before the beginning of classes. The Service agrees and is adding wording to § 214.2(f)(3) to permit this for F nonimmigrants and to § 214.2(m)(3) to permit this for M nonimmigrants.

In addition, as suggested in three comments, the Service is not adopting the provision which appeared in proposed § 214.2(f)(4)(ii) exempting certain F–1 students from the requirement of presenting Forms I–20 when returning to the United States after temporary absences to attend the schools which they were previously authorized to attend. The reason is that, under duration of status, these students would be able to present the same Form I–94, Arrival-Departure Records, for years after the students had failed to maintain their status unless they were required to present evidence of current enrollment in school.

Various technical changes are being made in the provisions regarding duration of status as a result of suggestions made. The wording in § 214.2(f)(5)(ii) now provides, as suggested in four comments, that the spouse and children of an F–1 student, as well as the student, are automatically granted duration of status. Two comments requested clarification of whether the I–94's of students automatically granted duration of status will be noted only when the students come into contact with the Service. Section 214.2(f)(5)(ii) provides that F–1 students need not present Forms I–94 to the Service to have the forms noted.

Three comments stated that the wording "only one of the quarters" should be changed to "any one of the quarters." This is being done in § 214.2(f)(5)(iii). In addition, as suggested in one comment, wording is added to § 214.2(f)(5)(iii) which will enable students to continue to maintain status even if the students are required to reduce their courses of study due to illness. A comparable change is made in § 214.2(m)(10)(iii) relating to extension of stay for M–1 students.

With respect to the definition of "full course of study" for F–1 students in § 214.2(f)(6), three comments suggested including postdoctoral study or research in the definition to clarify that the F–1 classification may be used for this purpose. This suggestion is being adopted. The Service is also adopting a suggestion that "semester hours" be substituted for "credit hours" in the part of the definition relating to undergraduate study at a college or university since semester hours are a more precise measurement. In the same part of the definition, on the advice of the Department of Education, the Service is adding "quarter hours . . . per academic term in those institutions using standard semester, trimester or quarter-hour systems."

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Three comments suggested using the Veterans Administration's standards in the definition of "full course of study". The wording "where all undergraduate students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full-time for other administrative purposes" is added to the part of the definition relating to undergraduate study. This wording is largely from the Veterans Administration's standards. The Veterans Administration's standards are also being applied to the definition of "full course of study" for F–1 students as it relates to language training programs in § 214.2(f)(6) and for M–1 students as it relates to study in vocational or other nonacademic curriculums other than in language training programs in § 214.2(m)(9). Twenty clock hours of attendance a week is changed to eighteen if the dominant part of the course of study consists of classroom instruction and twenty-five clock hours a week to twenty-two hours a week if the dominant part of the course of study consists of shop or laboratory work.

One comment suggested clarification of the term "equivalent" in the definition of "full course of study". In the definitions of "full course of study" for both F–1 and M–1 students, "as determined by the district director" is added after "equivalent." In those instances where it is unclear whether the student's course load constitutes a full course of study, the district director will make the determination.

The Service is making various technical changes in the provisions on school transfer for F–1 students as a result of public comments. One comment suggested that the requirement that the student show evidence of adequate funding for the course of study be added. The wording "is financially able to attend the school to which the student intends to transfer" is added to the eligibility requirements in § 214.2(f)(8)(i). The Service is also making a comparable change in the provision relating to M–1 students in § 214.2(m)(11)(i). One comment suggested that the school official at the school the student was last authorized to attend be referred to as the "previous" school official for purposes of clarity. Wording to clarify this point is added to § 214.2(f)(8)(ii). In addition, the Service is adopting a suggestion that there be a limit on the amount of time a student may remain out of school while transferring from one school to another by requiring in § 214.2(f)(8)(iv) that the student enroll in the new school in the first term or session which begins after the student leaves the previous school.

Various technical suggestions were made regarding the provision on on-campus employment for F–1 students. The Service is adopting, in § 214.2(f)(9)(i), a suggestion that on-campus employment be defined. In addition, the Service is adopting in that same paragraph, a suggestion that it be clarified that it is possible for a student to engage in on-campus employment for purposes of practical training after completion of a course of study.

Various technical suggestions were made regarding the provision on off-campus employment authorization for F–1 students. One comment suggested that the term "calendar year" not be used when referring to the period of time during which off-campus employment is prohibited since this term usually applies to the period from January 1 through December 31. Instead, "first full year" is being used in § 214.2(f)(9)(ii). Three comments suggested clarification of the length of time during which off-campus employment may be authorized. The Service is stipulating in § 214.2(f)(9)(iii) that the adjudicating officer is to specify the period of time during which employment is authorized up to the expected date of completion of the student's course of study. One comment suggested clarification of whether a student may continue off-campus employment when the student transfers from one school to another. The Service is indicating in § 214.2(f)(9)(iii) that off-campus employment authorization is terminated when the student transfers from one school to another. The reason for this is that the costs at the new school may be quite different from those at the old school.

One comment pointed out that if a student with employment authorization travels abroad, the student normally surrenders Form I–94, which has the only record of that employment authorization. The Service will issue to each nonimmigrant student upon his or her initial admission to the United States a Form I–20 ID copy which will not be surrendered when the student departs from the United States. The form will have the student's initial admission number or unique identifying number in the Service's computerized record-keeping system. The purpose of the form is to enable the Service to use the same admission number each time the student is admitted to the United States so that a new file is not created on the student each time. The form will also be endorsed to reflect any employment authorization granted to the student. Section 214.2(f)(9)(iv) explains that a student may under certain circumstances resume previously authorized employment after a temporary absence from the United States.

With respect to the provisions on reinstatement to student status for F–1 students, one comment suggested clarification of proposed § 214.2(f)(9)(iv). That paragraph, which is being redesignated as § 214.2(f)(12)(i)(D), is restated more clearly.

Four comments pointed out a need for clarification of the criteria for F–1, as opposed to M–1, classification. Section 214.3(a)(2) addresses this issue. It is expected that, at the time of the one-time recertification process, the question of which schools are approved for attendance of F—1 students, which schools are approved for attendance of M–1 students, and which schools are approved for attendance of both types of students will be resolved in those instances where it has not already been determined.

The Service is making some technical changes, based on public comments, in the provisions relating to approved schools. In § 214.3(k), "or other records of courses taken" is added after "transcripts". One comment pointed out that not all students have transcripts, especially vocational students. Two comments indicated a need for clarification of whether a school may have more than one designated official or only one. The Service is stipulating in § 214.3(l) that no school or institution may have more than five designated officials at any one time except that in a multi-campus institution, no campus may have more than five designated officials at any one time. This limitation will permit the schools to have a certain amount of flexibility without having so many designated officials that the provision is difficult to administer.

The Service is also making technical changes in the provisions relating to withdrawal of school approval as a result of public comments. The words "valid and substantive" are inserted before the word "reason" in § 214.4(a)(1). The words "academic advisor", major professor, or school counselor" are removed in § 214.4(a)(1)(iv), and the words "or recommendation" are removed from that same provision.

With respect to change of nonimmigrant classification, one comment requested an explanation of the procedures when neither applications nor fees are required. These procedures are explained in § 248.3(b).

Service Initiated Changes

The Service has made editorial changes to improve readability. The Service has also made necessary changes in paragraph designation and other necessary technical changes which came to its attention.

Sections 214.1(b) and 214.1(c) are revised to include provisions regarding the new M classification and conform them to other provisions in this rulemaking.

In both §§ 214.2(f)(1)(i)(A) and 214.2(m)(1)(i)(A), wording is added to clarify that Form I–20A–B and Form I–20M–N must be supported by the documentary evidence of the student's financial ability required by those forms.

In both proposed §§ 214.2(f)(1) and 214.2(m)(1), the sentence regarding the action taken by the inspecting officer is not adopted because of a change in the procedure due to the institution of the Form I–20 ID copy.

Sections 214.2(f)(2) and 214.2(m)(2) are added to describe the requirements concerning the newly instituted Form I–20 ID copy.

Both §§ 214.2(f)(3) and 214.2(f)(4) reflect the use of either a properly endorsed page 4 of Form I–20A–B or a new Form I–20A–B for the spouse and minor children of an F–1 student to present at the time of their applications for admission to the United States when following to join the student and for an F–1 student to present when returning to the United States from a temporary absence to attend the school which the student was previously authorized to attend. Similarly, both §§ 214.2(m)(3) and 214(m)(4) are amended to reflect the use of either a properly endorsed page 4 of Form I–20M or a new Form I–20M–N for the spouse and minor children of an M–1 student to present at the time of their applications for admission to the United States when following to join the student and for an M–1 student to present when returning to the United States from a temporary absence to attend the school which the student was previously authorized to attend.

In § 214.2(f)(5)(i) relating to duration of status, the Service is adding a reference to agreements between the United States and foreign countries under which passports from those countries are recognized as valid for the return of the bearers to those countries for a period of six months beyond dates of expiration of the passports.

In §§ 214.2(f)(6)(iii) and 214.2(f)(6)(iv), liberal arts, fine arts, and other nonvocational programs are added to the definition of a full course of study for F–1 students.

In §§ 214.2(f)(6)(v) and 214.2(m)(9)(iv), the term "high school" is substituted for the term "secondary" in order to conform the language more closely with the statutory language.

Section 214.2(f)(9)(i) includes an explanation of the amount of time an F–1 student may engage in on-campus employment when school is, and is not, in session. In § 214.2(f)(9)(ii), "temporary absence" is clarified to mean five months or less. In § 214.2(f)(9)(iii) relating to off-campus employment, the Service is stipulating that the adjudicating officer must endorse employment authorization on the student's Form I–20 ID copy if the application is granted. In that same paragraph, a provision provides that permission to engage in off-campus employment is terminated when the need for that employment ceases.

Section 214.2(f)(10)(i)(C) is amended to permit practical training to be authorized for an F–1 student after completion of all course requirements for the degree if the student is in a bachelor's degree program.

In §§ 214.2(f)(10)(ii)(A)(2) and 214.2(m)(14)(ii)(B), the wording "or intended future employment in the student's home country if the future employment will make use of the student's education in the United States" is not adopted. Without a job offer's being required for an application to accept practical training, this provision would be extremely difficult to administer.

In § 214.2(f)(10)(iii), the Service is permitting the adjudicating officer to grant an F–1 student not in a language training program permission to accept temporary employment for practical training for not more than twelve months if the student has been offered temporary employment for practical training or to continue temporary employment for practical training for not more than eight months. This amendment is intended to eliminate unnecessary applications for practical training.

In both §§ 214.2(f)(10)(v) and 214.2(m)(14)(iv), two sentences are added to explain that an F–1 or M–1 student who is readmitted to the United States for the remainder of an authorized period of practical training must be returning to the United States to perform the authorized practical training and may not be readmitted to begin practical training which was not authorized prior to the student's departure from the United States.

Section 214.2(f)(11) is added to indicate that an F–1 student may not file an appeal when an application for extension of stay, school transfer, or permission to accept or continue off-campus employment or practical training is denied.

Sections 214.2(f)(13) and 214.2(m)(17) are added to describe the requirements concerning new school code suffixes to be added to school file numbers.

Section 214.2(m)(6) provides for conversion of vocational or other nonacademic students previously in F–1 status to M–1 status on the effective date of this regulation, instead of on June 1, 1982. Section 214.2(m)(7) is added to explain the period of stay of a student already in M–1 status on the effective date of this regulation. Section 214.2(m)(8) is added to indicate that a nonimmigrant automatically converted to M status or previously in M status whose stay is affected by these regulations need not present Form I–94 to the Service.

Section 214.2(m)(9) relating to the definition of "full course of study" for M–1 students includes study at a community college, junior college or postsecondary vocational or business school.

Section 214.2(m)(11)(ii) reflects that sixty days after having filed an application for school transfer, an M–1 student may effect the transfer subject to approval or denial of the application. A comparable provision appears in § 214.2(f)(7)(iv) relating to school transfer for an F–1 student in conjunction with an application for extension of stay.

Wording in proposed § 214.2(m)(12)(ii) that if an application for practical training for an M–1 student is granted, the authorized period is deemed to commence either on the date the student begins practical training or sixty days after the student completes the course of study, whichever is earlier, is not adopted because an M–1 student may be granted only one period of practical training.

Section 214.2(m)(13) provides that a student already in M–1 status on the effective date of these regulations or a student automatically converted to M–1 status who was previously authorized off-campus employment may continue to work until the date of expiration of the previously authorized period of employment.

Section 214.2(m)(14)(i) is added to indicate when practical training may be authorized for an M–1 student. Section 214.2(m)(14)(iii) provides that the adjudicating officer must endorse permission for an M–1 student to engage in practical training and the period of time during which it is authorized on the student's I–20 ID copy. This paragraph also provides for an M–1 student to be

granted an additional thirty days within which to depart from the United States after completion of the practical training.

The admission number from the student's Form I–20 ID copy is added to the record-keeping requirements in § 214.3(g)(1). This requirement is necessary because of the implementation of the student enhancement of the Service's computerized record-keeping system.

Section 214.3(h)(2)(i) is amended to provide that the one-time recertification process for approved schools will begin on August 1, 1983 and to indicate that the Service, but not necessarily the district directors, must notify the schools regarding the one-time recertification process.

In sections 214.3(h)(2)(ii) and 214.4(a)(2), the effective date of the automatic withdrawal of a school's approval is added.

Section 214.3(l) is amended to reflect that the names, titles, sample signatures, and statements of new designated school officials must be submitted to the Service within thirty days.

Section 214.4(a)(1) is added to include failure to comply with section 214.3(g)(1) without a subpoena as another ground for withdrawal of a school's approval.

In section 214.4(a)(1)(iv), the wording "statement or" is added before the word "certification" and the wording "school transfer or" is substituted for "practical training authorization."

Other sections are amended to include provisions relating to the newly devised Form I–20 ID copy.

Commissioner's Certification

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities. While portions of the rule deal with record-keeping and reporting requirements, compliance with them will not result in a significant effect on the economy or operation of the affected institutions or individuals. The rule is not a major rule within the meaning of section 1(b) of EO 12291.

List of Subjects

8 CFR Part 214

Aliens, Employment, Schools, Students.

8 CFR Part 248

Administrative practice and procedure, Aliens.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 214—NONIMMIGRANT CLASSES

1. In § 214.1, paragraphs (b) and (c) are revised to read as follows:

§ 214.1 Requirements for admission, extension, and maintenance of status.

* * * * *

(b) *Readmission of nonimmigrants under section 101(a)(15) (F), (J), or (M) to complete unexpired periods of previous admission or extension of stay.*—(1) *Section 101(a)(15)(F).* The inspecting immigration officer shall readmit for duration of status as defined in § 214.2(f)(5)(iii), any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to 22 CFR 41.125(f) and who is applying for readmission under section 101(a)(15)(F) of the Act, if the alien:

(i) Is admissible;

(ii) Is appplying for readmission after an absence from the United States not exceeding thirty days solely in contiguous territory or adjacent islands;

(iii) Is in possession of valid passport unless exempt from the requirement for presentation of a passport; and

(iv) Presents, or is the accompanying spouse or child of an alien who presents, an Arrival-Departure Record, Form I–94, issued to the alien in connection with the previous admission or stay, the alien's Form I–20 ID copy, and either:

(A) A properly endorsed page 4 of Form I–20A–B if there has been no substantive change in the information on the student's most recent Form I–20A since the form was initially issued; or

(B) A new Form I–20A–B if there has been any substantive change in the information on the student's most recent Form I–20A since the form was initially issued.

(2) *Section 101(a)(15)(J).* The inspecting immigration officer shall readmit for the unexpired period of stay authorized prior to the alien's departure, any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to 22 CFR 41.125(f) and who is applying for readmission under section 101(a)(15)(J) of the Act, if the alien:

(i) Is admissible;

(ii) Is applying for readmission after an absence from the United States not exceeding thirty days solely in contiguous territory or adjacent islands;

(iii) Is in possession of a valid passport unless exempt from the requirement for the presentation of a passport; and

(iv) Presents, or is the accompanying spouse or child of an alien who presents, Form I–94 issued to the alien in connection with the previous admission or stay or copy three of the last Form IAP–66 issued to the alien. Form I–94 or Form IAP–66 must show the unexpired period of the alien's stay endorsed by the Service.

(3) *Section 101(a)(15)(M).* The inspecting immigration officer shall readmit for the unexpired period of stay authorized prior to the alien's departure, any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to 22 CFR 41.125(f) and who is applying for readmission under section 101(a)(15)(M) of the Act, if the alien:

(i) Is admissible;

(ii) Is applying for readmission after an absence not exceeding thirty days solely in contiguous territory;

(iii) Is in possession of valid passport unless exempt from the requirement for presentation of a passport; and

(iv) Presents, or is the accompanying spouse or child of an alien who presents, Form I–94 issued to the alien in connection with the previous admission or stay, the alien's Form I–20 ID copy, and a properly endorsed page 4 of Form I–20M–N.

(c) *Extension of stay.*—(1) *General.* Any nonimmigrant alien defined in section 101(a)(15) (A) (i) or (ii) or (G)(i), (ii), (iii), or (iv) of the Act is to be admitted for, or granted a change of nonimmigrant classification for, as long as that alien continues to be recognized by the Secretary of State for that status. The alien need not apply for an extension of stay. Any nonimmigrant alien defined in section 101(a)(15) (C), (D), or (K) of the Act, or any alien admitted in transit without a visa, is ineligible for an extension of stay. A nonimmigrant defined in section 101(a)(15) (F) or (M) of the Act shall apply for an extension of stay on Form I–538. A nonimmigrant alien defined in section 101(a)(15)(J) of the Act shall apply for an extension of stay on Form IAP–66. An alien in any other nonimmigrant classification shall apply for an extension of stay on Form I–539. Except as provided in paragraph (c)(3) of this section, each alien seeking an extension of stay generally must execute and submit a separate application for extension of stay to the district office having jurisdiction over the alien's place of temporary residence in the United States.

(2) *Time of filing application.* The application must be submitted at least fifteen days but not more than sixty days before the expiration of the alien's currently authorized stay. If failure to file a timely application is found to be excusable, an extension of stay may be granted, but the extension must date

from the time of expiration of the previously authorized stay.

(3) *Family members of principal alien.* Regardless of whether a principal nonimmigrant alien's spouse and minor unmarried children accompanied the principal alien to the United States, the spouse and children may be included in the principal alien's application for extension of stay without any additional fee. Extensions granted to members of a family group must be for the same period of time. If one member is eligible for only a six-month extension and another for a twelve-month extension, the shorter period will be granted to all members of the family.

(4) *Decision on application for extension of stay.* The district director shall notify the applicant of the decision and, if the application is denied, of the reason(s) for the denial. The applicant may not appeal the decision.

(5) *Less than thirty days' additional time.* When, because of conditions beyond an alien's control or other special circumstances, an alien needs an additional period of less than thirty days beyond the previously authorized stay within which to depart from the United States, the alien may present the alien's Form I–94 or, in the case of a nonimmigrant defined in section 101(a)(15) (F) or (M) of the Act, the alien's Form I–20 ID copy, at the district office having jurisdiction over the alien's place of temporary residence in the United States. The requested time may be granted without a formal application.

(6) *Bonds.* For procedures on cancellation and breaching of bonds, see §§ 101.6 (c) and (e) of this chapter.

* * * * *

2. Section 214.2(f) is revised to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(f) *Students in colleges, universities, seminaries, conservatories, academic high schools, elementary schools, other academic institutions, and in language training programs.*—(1) *Admission of student.*—(i) *Eligibility for admission.* Except as provided in paragraph (f)(4) of this section, an alien seeking admission to the United States under section 101(a)(15)(F)(i) of the Act (as an F–1 student) and the student's accompanying F–2 spouse and minor children, if applicable, are not eligible for admission unless—

(A) The student presents a Certificate of Eligibility for Nonimmigrant (F–1) Student Status, Form I–20A–B, properly and completely filled out by the student and by the designated official of the school to which the student is destined and the documentary evidence of the student's financial ability required by that form; and

(B) It is established that the student is destined to and intends to attend the school specified in the student's visa, unless the student is exempt from the requirement for presentation of a visa.

(ii) *Disposition of Form I–20A–B.* When a student is admitted to the United States, the inspecting officer shall forward Form I–20A–B to the Service's processing center. The processing center shall forward the Form I–20B to the school which issued the form to notify the school of the student's admission.

(2) *Form I–20 ID copy.* The first time an F–1 student comes into contact with the Service for any reason, the student must present to the Service a Form I–20A–B properly and completely filled out by the student and by the designated official of the school the student is attending or intends to attend. The student will be issued a Form I–20 ID copy with his or her admission number. The student must have the Form I–20 ID copy with him or her at all times. If the student loses the Form I–20 ID copy, the student must request a new Form I–20 ID copy on Form I–102 from the Service office having jurisdiction over the school the student was last authorized to attend.

(3) *Spouse and minor children following to join student.* The F–2 spouse and minor children following to join an F–1 student are not eligible for admission to the United States unless they present, as evidence that the student is or will, within sixty days, be enrolled in a full course of study or is engaged in approved practical training, either—

(i) A properly endorsed page 4 of Form I–20A–B if there has been no substantive change in the information on the student's most recent Form I–20A since the form was initially issued; or

(ii) A new Form I–20A–B if there has been any substantive change in the information on the student's most recent Form I–20A since the form was initially issued.

(4) *Temporary absence.*—(i) *General.* An F–1 student returning to the United States from a temporary absence to attend the school which the student was previously authorized to attend must present either—

(A) A properly endorsed page 4 of Form I–20A–B if there has been no substantive change in the information on the student's most recent Form I–20A since the form was initially issued; or

(B) A new Form I–20A–B if there has been any substantive change in the information on the student's most recent Form I–20A since the form was initially issued.

(ii) *Student who transferred between schools.* If an F–1 student has been authorized to transfer between schools and is returning to the United States from a temporary absence in order to attend the school to which transfer was authorized as indicated on the student's Form I–20 ID copy, the name of the school to which the student is destined does not need to be specified in the student's visa.

(5) *Duration of status.*—(i) *General.* Subject to the condition that the alien's passport is valid for a minimum period of six months at all times while in the United States (including any automatic revalidation accorded by agreement between the United States and the country which issued the alien's passport) unless the alien is exempt from the requirement for presentation of a passport.

(A) Any alien admitted to the United States as an F–1 student is to be admitted for duration of status as defined in paragraph (f)(5)(iii) of this section; and

(B) Any alien granted a change of nonimmigrant classification to that of an F–1 student is considered to be in status for duration of status as defined in paragraph (f)(5)(iii) of this section.

(ii) *Conversion to duration of status.* Any F–1 student in a college, university, seminary, conservatory, academic high school, elementary school, or other academic institution, or in a language training program who is pursuing a full course of study and is otherwise in status as a student, is automatically granted duration of status. The dependent spouse and children of the student are also automatically granted duration of status if they are maintaining F–2 status. Any alien converted to duration of status under this paragraph need not present Form I–94 to the Service. This paragraph constitutes official notification of conversion to duration of status. The Service will issue a new Form I–94 to the alien when the alien comes into contact with the Service.

(iii) *Meaning of duration of status.* For purposes of this chapter, duration of status means the period during which the student is pursuing a full course of study in one educational program (e.g., elementary school, high school, bachelor's degree program, or master's degree program) and any period or periods of authorized practical training, plus thirty days following completion of the course of study or authorized practical training within which to depart

from the United States. An F–1 student at an academic institution is considered to be in status during the summer if the student is eligible, and intends, to register for the next term. A student attending a school on a quarter or trimester calendar who takes only one vacation a year during any one of the quarters or trimesters instead of during the summer, however, is considered to be in status during that vacation provided that the student is eligible, and intends, to register for the next term and the student has completed the equivalent of an academic year prior to taking the vacation. An F–1 student who is compelled by illness to interrupt or reduce a course of study may be permitted to remain in the United States in duration of status for the time necessary to complete the course of study provided that it is established that the student will pursue a full course of study upon recovery from the illness.

(6) *Full course of study.* Successful completion of the course of study must lead to the attainment of a specific educational or professional objective. For purposes of this paragraph, a college or university is an institution of higher learning which awards recognized associate, bachelor's, master's, doctor's, or professional degrees. Schools which devote themselves exclusively or primarily to vocational, business, or language instruction are not included in the category of colleges or universities. A "full course of study" as required by section 101(a)(15) (F)(i) of the Act means:

(i) Postgraduate study or postdoctural study or research at a college or university, or undergraduate or postgraduate study at a conservatory or religious seminary, certified by a designated school official as a full course of study;

(ii) Undergraduate study at a college or university, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter-hour systems, where all undergraduate students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full-time for other administrative purposes, or its equivalent (as determined by the district director) except when the student needs a lesser course load to complete the course of study during the current term;

(iii) Study in a postsecondary language, liberal arts, fine arts, or other nonvocational program at a school which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning within category (1) or (2) of § 214.3(c), and which has been certified by a designated school official to consist of at least twelve hours of instruction a week, or its equivalent as determined by the district director;

(iv) Study in any other language, liberal arts, fine arts, or other nonvocational training program, certified by a designated school official to consist of at least eighteen clock hours of attendance a week provided that the dominant part of the course of study consists of classroom instruction and twenty-two clock hours a week provided that the dominant part of the course of study consists of laboratory work; or

(v) Study in a primary or academic high school curriculum certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

(7) *Extension of stay.*—(i) *General.* Any F–1 student who has completed or has been pursuing a full course of study in one educational program and who wishes to complete another educational program must apply for an extension of stay. Any F–1 student who has completed one educational program and who desires to complete another educational program at the same level of educational attainment, for example, a second master's degree, must also apply for an extension of stay. If the student also wishes to transfer to another school, the student must apply for a school transfer in the same application. If the student has not been pursuing a full course of study at the school the student was last authorized to attend, the student must apply for reinstatement to student status in accordance with the provisions of paragraph (f)(12) of this section.

(ii) *Eligibility.* An F–1 student may be granted an extension of stay if it is established that the student:

(A) Is a bona fide nonimmigrant currently maintaining student status; and

(B) Is able to, and in good faith intends to, continue to maintain that status for the period for which the extension is granted.

(iii) *Application.* An F–1 student must apply for an extension of stay on Form I–538. A student's F–2 spouse and children desiring an extension of stay must be included in the application. A student's F–2 spouse or children are not eligible for an extension of stay unless the student is granted an extension of stay. The student must submit the application to the Service office having jurisdiction over the school the student was last authorized to attend at least fifteen days but not more than sixty days before the expiration of the student's currently authorized stay. The application must be accompanied by the student's Form I–20 ID copy, and the Forms I–94 of the student's spouse and children, if applicable.

(iv) *School transfer in conjunction with an application for extension of stay.* If an F–1 student wishes to transfer to another school upon completion of an educational program, the student's application for extension of stay and school transfer must be accompanied by Form I–20A–B properly and completely filled out by the student and by the designated official of the school the student wishes to attend. Sixty days after having filed an application for extension of stay and school transfer, an F–1 student may effect the transfer subject to approval or denial of the application. Any F–1 student who transfers without complying with this regulation or whose application is denied after transfer is considered to be out of status. If the application for transfer is approved, the approval of the transfer will be retroactive to the date of filing the application. The adjudicating officer shall endorse the name of the school to which the transfer has been authorized on the student's Form I–20 ID copy. The officer shall also endorse Form I–20B to indicate that a school transfer has been authorized and forward it with Form I–20A to the Service's processing center for file updating. The processing center shall forward Form I–20B to the school to which transfer has been authorized to notify the school of the action taken.

(v) *Period of stay.* If an application for extension of stay is granted, the student and the student's spouse and children, if applicable, are to be granted duration of status as defined in paragraph (f)(5)(iii) of this section.

(8) *School transfer within the same educational program.*—(i) *Eligibility.* An F–1 student is eligible to transfer to another school if the student:

(A) Is a bona fide nonimmigrant student;

(B) Has been pursuing a full course of study at the school the student was last authorized to attend;

(C) Intends to pursue a full course of study at the school to which the student intends to transfer; and

(D) Is financially able to attend the school to which the student intends to transfer.

(ii) *Procedure at school student was last authorized to attend.* Except in

conjunction with an application for extension of stay as provided in paragraph (f)(7) of this section, an F–1 student who wants to transfer between schools must obtain from the school to which the student intends to transfer a properly completed Form I–20A–B relating to the student's eligibility for F–1 status. The student must give the Form I–20A–B to the school the student was last authorized to attend. The designated official of the school which the student was last authorized to attend must:

(A) Endorse Form I–20 Transfer to reflect the fact that the student has indicated the intent to transfer between schools and to give the recommendation of the designated school official at the school the student was last authorized to attend concerning the proposed transfer and the reasons for that recommendation if it is negative;

(B) Submit the endorsed Form I–20 Transfer with Form I–20A to the Service's processing center within thirty days of the date the student gave the official the Form I–20A–B.

(C) Send Form I–20B to the school to which the student intends to transfer to notify that school that Form I–20 Transfer has been submitted to the Service; and

(D) Give to the student the student transfer copy of Form I–20 Transfer within thirty days of the date the student gave the official a copy of the Form I–20A–B.

(iii) *Procedure at school to which the student transfers.* Within thirty days of the date the student registers at the new school, the designated school official at that school must endorse the student's Form I–20 ID copy to indicate the name of the school to which the student has transferred and the name, title, and signature of the designated school official of that school.

(iv) *General.* Except as provided in paragraph (f)(7)(iv) of this section, an F–1 student is authorized to transfer from one approved school to another if the procedures described in paragraphs (f)(8) (ii) and (iii) of this section are followed. In the case of a school transfer under paragraphs (f)(8) (ii) and (iii) of this section, a student who transfers to another school without furnishing to the designated official of the school the student was last authorized to attend a properly completed Form I–20A–B from the school the student intends to attend is considered to be out of status. In the case of a school transfer under paragraphs (f)(8) (ii) and (iii) of this section, if the designated school official at the school the student was last authorized to attend does not follow the procedure described in paragraph (f)(8)(ii) of this section, the student is considered to be out of status unless the student reports this noncompliance with the regulations, in writing, to the Service office having jurisdiction over that school, within forty days of the date the student gave the official the copy of Form I–20A–B. Any student who does not enroll in the new school in the first term or session which begins after the student leaves the previous school is considered to be out of status; however, if the student is entitled to a vacation as provided in paragraph (f)(5)(iii) of this section, the student may enroll in the new school in the first term or session which begins after that vacation. If a student who has not been pursuing a full course of study at the school the student was last authorized to attend desires to attend a different school, the student must apply for reinstatement to student status in accordance with the provisions of paragraph (f)(12) of this section. In the case of a school transfer under paragraphs (f)(8) (ii) and (iii) of this section, if a student transfers to an approved school other than the one to which the student initially indicated the intent to transfer, the student must apply for reinstatement to student status in accordance with the provisions of paragraph (f)(12) of this section.

(9) *Employment.*—(i) *On-campus employment.* On-campus employment means employment performed on the school's premises. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study. An F–1 student may, therefore, engage in this kind of on-campus employment or any other on-campus employment which will not displace a United States resident. Employment authorized under this paragraph must not exceed twenty hours a week while school is in session. An F–1 student authorized to work under this paragraph however, may work full-time when school is not in session (including during the student's vacation) if the student is eligible, and intends, to register for the next term or session. The student may not engage in on-campus employment after completion of the student's course or courses of study, except employment for practical training as authorized under paragraph (f)(10) of this section.

(ii) *Application for off-campus employment.* Off-campus employment is prohibited for students who remain in the United States in F–1 status for one year or less. Off-campus employment is also prohibited during the first year in the United States for students who remain in the United State in F–1 status for more than one year. If a student pursues more than one course of study, off-campus employment is prohibited only during the first year of study in the United States. The first year of study means the first full year in the United States in bona fide F–1 status. A temporary absence of five months or less from the United States during the first full year does not disqualify an F–1 student from being eligible for employment authorization. An F–1 student in a program longer than one year must apply for employment authorization on Form I–538 accompained by the student's Form I–20 ID copy. The student must submit the application to the office of this Service having jurisdiction over the school the student was last authorized to attend. The designated school official must certify on Form I–538 that the student—

(A) Is in good standing as a student who is carrying a full course of study as defined in paragraph (f)(6) of this section;

(B) Has demonstrated economic necessity due to unforeseen circumstances arising subsequent to entry or subsequent to change to student classification;

(C) Has demonstrated that acceptance of employment will not interfere with the student's carrying a full course of study; and

(D) Has agreed not to work more than twenty hours a week when school is in session.

(iii) *Conditions for off-campus employment.* If off-campus employment is authorized, the adjudicating officer shall endorse the authorization on the student's Form I–20 ID copy and shall note the dates on which the employment authorization begins and ends. The employment authorization may be granted up to the expected date of completion of the student's current course of study. A student has permission to engage in off-campus employment only if the student receives his or her Form I–20 ID copy endorsed to that effect. Off-campus employment authorized under this section must not exceed twenty hours a week while school is in session. Any student authorized to work off-campus, however, may work full-time when school is not in session (including during the student's vacation) if the student is eligible, and intends, to register for the next term or session. Permission to engage in off-campus employment is terminated when the student transfers from one school to another or when the need for that employment ceases. Furthermore, a student may not engage in off-campus employment after

completion of the student's course or courses of study except as authorized under paragraph (f)(10) of this section.

(iv) *Temporary absence of F–1 student granted off-campus employment authorization.* If a student who has been granted off-campus employment authorization departs from the United States temporarily and is readmitted to the United States during the period of time when employment is authorized, the student may resume the previously authorized employment. The student must be returning to attend the same school the student was authorized to attend when permission to accept off-campus employment was granted.

(v) *Effect of strike or other labor dispute.* Authorization for all employment, whether or not part of an academic program, is automatically susended upon certification by the Secretary of Labor or the Secretary's designee to the Commissioner of Immigration and Naturalization or the Commissioner's designee that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation at the place of employment. As used in this paragraph, "place of employment" means wherever the employer or a joint employer does business.

(vi) *Spouse and children of F–1 student.* The F–2 spouse and children of an F–1 student may not accept employment.

(10) *Practical training.*—(i) *When practical training may be authorized.* Temporary employment for practical training may be authorized only—

(A) After completion of the course of study if the student intends to engage in only one course of study;

(B) After completion of at least one course of study if the student intends to engage in more than one course of study;

(C) After completion of all course requirements for the degree if the student is in a bachelor's, master's, or doctoral degree program;

(D) Before completion of the course of study if the student is attending a college, university, seminary, or conservatory which requires practical training of all degree candidates in a specified professional field and the student is a candidate for a degree in that field; or

(E) Before completion of the course of study during the student's annual vacation if recommended by the designated school official as beneficial to the student's academic program.

(ii) *Application for practical training.*—(A) *General.* An F–1 student must apply for permission to accept or continue employment for practical traning on Form I–538 accompanied by the student's Form I–20 ID copy. The designated school official must certify on form I–538 that—

(1) The proposed employment is for the purpose of practical training;

(2) The proposed employment is related to the student's course of study;

(3) Upon the designated school official's information and belief, employment comparable to the proposed employment is not available to the student in the country of the student's foreign residence.

(B) *Application to accept practical training after completion of course of study.* A student must file an application for permission to accept practical training after completion of a course of study not more than sixty days before completion of the course of study, nor more than thirty days after completion of the course of study. The application must be submitted to the Service office having jurisdiction over the school the student was last authorized to attend. The student need not have been offered temporary employment for practical training.

(C) *Application to continue practical training after completion of course of study.* A student must file an application for permission to continue employment for practical training after completion of a course of study at least fifteen days but not more than sixty days before the expiration of the applicant's currently authorized practical training. The application must be submitted to the Service office having jurisdiction over the actual place of employment. It must be accompanied by a letter from the applicant's employer stating the applicant's occupation, the exact date employment began, and the date the employment will terminate, and describing in detail the duties of the applicant's occupation.

(D) *Application for practical training before completion of course of study.* A student must submit an application for permission to engage in practical training before completion of the course of study to the Service office having jurisdiction over the school the student was last authorized to attend. The student need not have been offered temporary employment for practical training unless the student is applying for permission to continue practical training. In that case, the application must be accompanied by a letter from the student's employer stating the student's occupation, the exact date employment began, and the date the employment will terminate, and describing in detail the duties of the student's occupation.

(iii) *Duration of practical training.* If permission to engage in employment for practical training is granted, the adjudicating officer shall endorse the permission on the student's Form I–20 ID copy and shall note on that form the dates on which the practical training permission begins and ends. A student may engage in employment for practical training only when the student receives the Form I–20 ID copy endorsed to that effect. Provided that the student's course of study is of at least twelve months' duration, the Service may grant a student not in a language training program permission to accept temporary employment for practical training for six months or less if the student has not been offered temporary employment for practical training; for twelve months or less if the student has been offered temporary employment for practical training; or to continue temporary employment for practical training for eight months or less. The period of practical training which may be granted during a student's vacation, however, is limited to the length of the vacation rounded off to the closest number of months. A student may not be granted a period of practical training which would result in the student's being engaged in practical training for more than twelve months in the aggregate. When the course of study is of less than twelve months' duration, an F–1 student not in a language training program may be granted permission to engage in employment for practical training for an aggregate number of months not exceeding the length of the student's course of study. An F–1 student in a language training program may be granted employment for practical training for a period or periods of time equal to one month for each four months during which the student carried a full course of study at the school(s) the student was authorized to attend in the United States. Practical training authorized after completion of a course of study is deemed to commence on the date the student begins employment or sixty days after completion of the course of study, whichever is earlier. Permission to accept employment for practical training may not be granted if the training applied for cannot be completed within the maximum period of time for which the student is eligible. In such a case, the student may, upon graduation, apply for a change to another nonimmigrant classification which would permit the student's accepting employment.

(iv) *Alternate work/study courses.* An F–1 student enrolled in a college, university, conservatory or seminary having alternate work/study courses as a part of the regular curriculum

available within the student's program of study may participate in those courses without obtaining a change of status and without obtaining permission to accept employment. Periods of actual off-campus employment which are part of a work/study program, however, are considered to be practical training. They, therefore, must be deducted from the total practical training time for which the student is eligible.

(v) *Temporary absence of F–1 student granted practical training.* An F–1 student who has been granted permission to accept employment for practical training and who departs from the United States temporarily, may be readmitted for the remainder of the authorized period indicated on the student's Form I–20 ID copy. The student must be returning to the United States to perform the authorized practical training. A student may not be readmitted to begin practical training which was not authorized prior to the student's departure from the United States.

(11) *Decision on application for extension, permission to transfer to another school, or permission to accept or continue off-campus employment or practical training.* The district director shall notify the applicant of the decision and, if the application is denied, of the reason or reasons for the denial. The applicant may not appeal the decision.

(12) *Reinstatement to student status.*—(i) *General.* A district director may consider reinstating to F–1 student status an alien who was admitted to the United States as, or whose status was changed to that of, an F–1 student and who has overstayed the authorized period of stay or who has otherwise violated the conditions of his or her status only if the student—

(A) Establishes to the satisfaction of the district director that the violation of status resulted from circumstances beyond the student's control or that failure to receive reinstatement to lawful F–1 status would result in extreme hardship to the student;

(B) Makes a written request for reinstatement accompanied by a properly completed Form I–20A–B from the school the student is attending or intends to attend and the student's Form I–20 ID copy;

(C) Is currently pursuing, or intending to pursue, a full course of study at the school which issued the Form I–20A–B;

(D) Has not been employed off-campus without authorization, or, as a fulltime student, has continued on-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship or other on-campus employment which did not displace a United States resident after the expiration of the authorized period of stay; and

(E) Is not deportable on any ground other than section 241(a)(2) or (9) of the Act.

(ii) *Decision.* If the district director reinstates the student, the district director shall endorse Form I–20B and the student's Form I–20 ID copy to indicate that the student has been reinstated, return the Form I–20 ID copy to the student, and forward Form I–20B with Form I–20A to the Service's processing center for file updating. The processing center shall forward Form I–20B to the school which the student is attending or intends to attend to notify the school of the student's reinstatement. If the district director does not reinstate the student, the student may not appeal that decision.

(13) *School code suffix on Form I–20A–B .* Each school system, other than an elementary or secondary school system, approved prior to August 1, 1983 for attendance by F–1 students must assign permanent consecutive numbers to all schools within its system. The number of the school within the system which an F–1 student is attending or intends to attend must be added as a three-digit suffix following a decimal point after the school file number on Form I–20A–B (e.g. .001). If an F–1 student is attending or intends to attend an elementary or secondary school in a school system or a school which is not part of a school system, a suffix consisting of a decimal point followed by three zeros must be added after the school file number on Form I–20A–B. The Service will assign school code suffixes to those schools it approves beginning August 1, 1983. No Form I–20A–B will be accepted after August 1, 1983 without the appropriate three-digit suffix.

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§ 214.2 [Amended]

3. The existing § 214.2(m) is redesignated as § 214.2(n) and the following new § 214.2(m) is added:

* * * * *

(m) *Students in established vocational or other recognized nonacademic institutions, other than in language training programs.*—(1) *Admission of student.*—(i) *Eligibility for admission.* Except as provided in paragraph (m)(4) of this section, an alien seeking admission to the United States under section 101(a)(15)(M)(i) of the Act (as an M–1 student) and the student's accompanying M–2 spouse and minor children, if applicable, are not eligible for admission unless—

(A) The student presents a Certificate of Eligibility for Nonimmigrant (M–1) Student Status, Form I–20M–N, properly and completely filled out by the student and by the designated official of the school to which the student is destined and the documentary evidence of the student's financial ability required by that form; and

(B) It is established that the student is destined to and intends to attend the school specified in the student's visa unless the student is exempt from the requirement for presentation of a visa.

(ii) *Disposition of Form I–20M–N.* When a student is admitted to the United States, the inspecting officer shall forward Form I–20M–N to the Service's processing center. The processing center shall forward Form I–20N to the school which issued the form to notify the school of the student's admission.

(2) *Form I–20 ID copy.* The first time an M–1 student comes into contact with the Service for any reason, the student must present to the Service a Form I–20M–N properly and completely filled out by the student and by the designated official of the school the student is attending or intends to attend. The student will be issued a Form I–20 ID copy with his or her admission number. The student must have the Form I–20 ID copy with him or her at all times. If the student loses the Form I–20 ID copy, the student must request a new Form I–20 ID copy on Form I–102 from the Service office having jurisdiction over the school the student was last authorized to attend.

(3) *Spouse and minor children following to join student.* The M–2 spouse and minor children following to join an M–1 student are not eligible for admission to the United States unless they present, as evidence that the student is or will, within sixty days, be enrolled in a full course of study or is engaged in approved practical training, either—

(i) A properly endorsed page 4 of Form I–20M–N if there has been no substantive change in the information on the student's most recent Form I–20M since the form was initially issued; or

(ii) A new Form I–20M–N if there has been any substantive change in the information on the student's most recent Form I–20M since the form was initially issued.

(4) *Temporary absence.*—(i) *General.* An M–1 student returning to the United States from a temporary absence to attend the school which the student was previously authorized to attend must present either—

(A) A properly endorsed page 4 of Form I–20M–N if there has been no substantive change in the information on the student's most recent Form I–20M since the form was initially issued; or

(B) A new Form I–20M–N if there has been any substantive change in the information on the student's most recent Form I–20M since the form was initially issued.

(ii) *Student who transferred between schools.* If an M–1 student has been authorized to transfer between schools and is returning to the United States from a temporary absence in order to attend the school to which transfer was authorized as indicated on the student's Form I–20 ID copy, the name of the school to which the student is destined does not need to be specified in the student's visa.

(5) *Period of stay.* An alien admitted to the United States as an M–1 student is to be admitted for the period of time necessary to complete the course of study indicated on Form I–20M plus thirty days within which to depart from the United States or for one year, whichever is less. An alien granted a change of nonimmigrant classification to that of an M–1 student is to be given an extension of stay for the period of time necessary to complete the course of study indicated on Form I–20M plus thirty days within which to depart from the United States or for one year, whichever is less.

(6) *Conversion to M–1 status of students in established vocational or other recognized nonacademic institutions, other than in language training programs, who were F–1 students prior to June 1, 1982.* A student in an established vocational or other recognized nonacademic institution, other than in a language training program, who is in status as an F–1 student under section 101(a)(15)(F)(i) of the Act in effect prior to June 1, 1982 and the student's F–2 spouse and children, if applicable, are—

(i) Automatically converted to M–1 and M–2 status respectively; and

(ii) Limited to the authorized period of stay shown on their Forms I–94 plus thirty days within which to depart from the United States or to an authorized period of stay which expires one year from August 1, 1983, whichever is less.

(7) *Period of stay of student already in M–1 status.* A student in an established vocational or other recognized nonacademic institution, other than in a language training program, who is already in M–1 status and the student's M–2 spouse and children, if applicable, are limited to the authorized period of stay shown on their Forms I–94 plus thirty days within which to depart from the United States or to an authorized period of stay which expires one year from August 1, 1983, whichever is less.

(8) *Issuance of new I–94.* A nonimmigrant whose status is affected by paragraph (m)(6) or (m)(7) of this section need not present Form I–94 to the Service. Either paragraph constitutes official notification to a student whose status is affected by it of that status. The Service will issue a new Form I–94 to an alien whose status is affected by either paragraph when that alien comes into contact with the Service.

(9) *Full course of study.* Successful completion of the course of study must lead to the attainment of a specific educational or vocational objective. A "full course of study" as required by section 101(a)(15)(M)(i) of the Act means—

(i) Study at a community college or junior college, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter-hour systems, where all students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full-time for other administrative purposes, or its equivalent (as determined by the district director) except when the student needs a lesser course load to complete the course of study during the current term;

(ii) Study at a postsecondary vocational or business school, other than in a language training program except as provided in § 214.3(a)(2)(iv), which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning within category (1) and (2) of § 214.3(c), and which has been certified by a designated school official to consist of at least twelve hours of instruction a week, or its equivalent as determined by the district director;

(iii) Study in a vocational or other nonacademic curriculum, other than in a language training program except as provided in § 214.3(a)(2)(iv), certified by a designated school official to consist of at least eighteen clock hours of attendance a week if the dominant part of the course of study consists of classroom instruction, or at least twenty-two clock hours a week if the dominant part of the course of study consists of shop or laboratory work; or

(iv) Study in a vocational or other nonacademic high school curriculum, certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

(10) *Extension of stay.*—(i) *Eligibility.* An M–1 student may be granted an extension of stay if it is established that the student—

(A) Is a bona fide nonimmigrant currently maintaining student status; and

(B) Is able to, and in good faith intends to, continue to maintain that status for the period for which the extension is granted.

(ii) *Application.* An M–1 student must apply for an extension of stay on Form I–538. A student's M–2 spouse and children desiring an extension of stay must be included in the application. A student's M–2 spouse or children are not eligible for an extension of stay unless the student is granted an extension of stay. The student must submit the application to the Service office having jurisdiction over the school the student was last authorized to attend at least fifteen days but not more than sixty days before the expiration of the student's currently authorized stay. The application must also be accompanied by the student's Form I–20 ID copy and the Forms I–94 of the student's spouse and children, if applicable.

(iii) *Period of stay.* If an application for extension of stay is granted, the student and the student's spouse and children, if applicable, are to be given an extension of stay for the period of time necessary to complete the course of study plus thirty days within which to depart from the United States or for one year, whichever is less. An M–1 student who has been compelled by illness to interrupt or reduce a course of study may be granted an extension of stay without being required to change nonimmigrant classification provided that it is established that the student will pursue a full course of study upon recovery from the illness.

(11) *School transfer.*—(i) *Eligibility.* An M–1 student may not transfer to another school after six months from the date the student is first admitted as, or changes nonimmigrant classification to that of, an M–1 student unless the student is unable to remain at the school to which the student was initially admitted due to circumstances beyond the student's control. An M–1 student may be otherwise eligible to transfer to another school if the student—

(A) Is a bona fide nonimmigrant;

(B) Has been pursuing a full course of study at the school the student was last authorized to attend;

(C) Intends to pursue a full course of study at the school to which the student intends to transfer; and

(D) Is financially able to attend the school to which the student intends to transfer.

(ii) *Procedure.* An M–1 student must apply for permission to transfer between schools on Form I–538 accompanied by the student's Form I–20 ID copy and the Forms I–94 of the student's spouse and children, if applicable. The Form I–538 must also be accompanied by Form I–20M–N properly and completely filled out by the student and by the designated official of the school which the student wishes to attend. The student must submit the application for school transfer to the Service office having jurisdiction over the school the student was last authorized to attend. Sixty days after having filed an application for school transfer, an M–1 student may effect the transfer subject to approval or denial of the application. An M–1 student who transfers without complying with this regulation or whose application is denied after transfer pursuant to this regulation is considered to be out of status. If the application is approved, the approval of the transfer will be retroactive to the date of filing the application, and the student will be granted an extension of stay for the period of time necessary to complete the course of study indicated on Form I–20M plus thirty days within which to depart from the United States or for one year, whichever is less. The adjudicating officer must endorse the name of the school to which transfer is authorized on the student's Form I–20 ID copy. The officer must also endorse Form I–20N to indicate that a school transfer has been authorized and forward it with Form I–20M to the Service's processing center for file updating. The processing center shall forward Form I–20N to the school to which the transfer has been authorized to notify the school of the action taken.

(iii) *Student who has not been pursuing a full course of study.* If an M–1 student who has not been pursuing a full course of study at the school the student was last authorized to attend desires to attend a different school, the student must apply for reinstatement to student status under of paragraph (m)(16) of this section.

(12) *Change in educational objective.* An M–1 student may not change educational objective.

(13) *Employment.* Except as provided in paragraph (m)(14) of this section, M–1 students may not accept employment. A student already in M–1 status on August 1, 1983 or a student converted to M–1 status under paragraph (m)(6) of this section who was authorized off-campus employment under the regulations previously in effect, however, may continue to work until the date of expiration of the previously authorized period of employment. The M–2 spouse and children of an M–1 student may not accept employment.

(14) *Practical training.*—(i) *When practical training may be authorized.* Temporary employment for practical training may be authorized only after completion of the student's course of study.

(ii) *Application.* An M–1 student must apply for permission to accept employment for practical training on Form I–538 accompanied by the student's Form I–20 ID copy. The student must submit the application to the Service office having jurisdiction over the school the student was last authorized to attend. The application must be submitted prior to the expiration of the student's authorized period of stay and not more than sixty days before nor more than thirty days after completion of the course of study. The designated school official must certify on Form I–538 that—

(A) The proposed employment is recommended for the purpose of practical training;

(B) The proposed employment is related to the student's course of study; and

(C) Upon the designated school official's information and belief, employment comparable to the proposed employment is not available to the student in the country of the student's foreign residence.

(iii) *Duration of practical training.* If permission to engage in employment for practical training is granted, the adjudicating officer shall endorse the permission on the student's Form I–20 ID copy and shall note the dates on which the practical training permission begins and ends. The student has permission to engage in employment for practical training only if and when the student receives the Form I–20 ID copy endorsed to that effect. The student may be granted one period of practical training for a period of time equal to one month for each four months during which the student pursued a full course of study, but not to exceed six months, plus an additional thirty days within which to depart from the United States. Permission to accept employment may not be granted if the training applied for cannot be completed within the maximum period of time for which the applicant is eligible.

(iv) *Temporary absence of M–1 student granted practical training.* An M–1 student who has been granted permission to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period indicated on the student's Form I–20 ID copy. The student must be returning to the United States to perform the authorized practical training. A student may not be readmitted to begin practical training which was not authorized prior to the student's departure from the United States.

(v) *Effect of strike or other labor dispute.* Authorization for all employment for practical training is automatically suspended upon certification by the Secretary of Labor or the Secretary's designee to the Commissioner of Immigration and Naturalization or the Commissioner's designee that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation at the place of employment. As used in this paragraph, "place of employment" means wherever the employer or joint employer does business.

(15) *Decision on application for extension, permission to transfer to another school, or permission to accept employment for practical training.* The district director shall notify the applicant of the decision and, if the application is denied, of the reason(s) for the denial. The applicant may not appeal the decision.

(16) *Reinstatement to student status.*—(i) *General.* A district director may consider reinstating to M–1 student status an alien who was admitted to the United States as, or whose status was changed to that of, an M–1 student and who has overstayed the authorized period of stay or who has otherwise violated the conditions of his or her status only if—

(A) The student establishes to the satisfaction of the district director that the violation of status resulted from circumstances beyond the student's control or that failure to receive reinstatement to lawful M–1 status would result in extreme hardship to the student;

(B) The student makes a written request for reinstatement accompanied by a properly completed Form I–20M–N from the school the student is attending or intends to attend and the student's Form I–20 ID copy;

(C) The student is currently pursuing, or intending to pursue, a full course of study at the school which issued the Form I–20M–N;

(D) The student has not been employed without authorization; and

(E) The student is not deportable on any ground other than section 241(a)(2) or (9) of the Act.

(ii) *Decision.* If the district director reinstates the student, the district director shall endorse Form I–20N and the student's Form I–20 ID copy to indicate that the student has been reinstated, return the Form I–20 ID copy to the student, and forward Form I–20N with Form I–20M to the Service's processing center for file updating. The processing center shall forward Form I–20N to the school which the student is attending or intends to attend to notify the school of the student's reinstatement. If the district director does not reinstate the student, the student may not appeal that decision.

(17) *School code suffix on Form I–20M–N.* Each school system, other than a secondary school system approved prior to August 1, 1983 for attendance by M–1 students must assign permanent consecutive numbers to all schools within its system. The Number of the school within the system which an M–1 student is attending or intends to attend must be added as a three-digit suffix following a decimal point after the school file number on Form I–20M–N (e.g. .001). If an M–1 student is attending or intends to attend a secondary school in a school system or a school which is not part of a school system, a suffix consisting of a decimal point followed by three zeros must be added after the school file number on Form I–20M–N. The Service will assign school code suffixes to those schools it approves beginning August 1, 1983. No Form I–20M–N will be accepted after August 1, 1983 without the appropriate three-digit suffix.

* * * * *

4. Section 214.3 is amended by removing the words "Office of Education" and "Education Directory, Higher Education" from paragraph (b) and inserting, in their place, the words "Department of Education" and "Education Directory, Colleges and Universities," respectively and by removing the words "Office of Education," "Education Directory, Higher Education" and "Office" from paragraph (c) and inserting, in their place, the words "Department of Education," "Education Directory, Colleges and Universities", and "Department" respectively. Section 214.3 is amended further by revising paragraphs (a), (e), (g), (h), (i), and (k) and by adding new paragraph (l) to read as follows:

§ 214.3 Petitions for approval of schools.

(a) *Filing petition.*—(1) *General.* A school or school system seeking approval for attendance by nonimmigrant students under sections 101(a)(15)(F)(i) or 101 (a)(15)(M)(i) of the Act, or both, shall file a petition on Form I–17 with the district director having jurisdiction over the place in which the school or school system is located. Separate petitions are required for different schools in the same school system located within the jurisdiction of different district directors. A petition by a school system must specifically identify by name and address those schools included in the petition. The petition must also state whether the school or school system is seeking approval for attendance of nonimmigrant students under section 101(a)(15)(F)(i) or 101(a)(15)(M)(i) of the Act: or both.

(2) *Approval for F–1 or M–1 classification, or both.*—(i) *F–1 classification.* The following schools may be approved for attendance by nonimmigrant students under section 101(a)(15)(F)(i) of the Act:

(A) A college or university, i.e., and institution of higher learning which awards recognized bachelor's, master's doctor's or professional degrees.

(B) A community college or junior college which provides instruction in the liberal arts or in the professions and which awards recognized associate degrees.

(C) A seminary.

(D) A conservatory.

(E) An academic high school.

(F) An elementary school.

(G) An institution which provides language training, instruction in the liberal arts or fine arts, instruction in the professions, or instruction or training in more than one of these disciplines.

(ii) *M–1 classification.* The following schools are considered to be vocational or nonacademic institutions and may be approved for attendance by nonimmigrant students under section 101(a)(15)(M)(i) of the Act:

(A) A community college or junior college which provides vocational or technical training and which awards recognized associate degrees.

(B) A vocational high school.

(C) A school which provides vocational or nonacademic training other than language training.

(iii) *Both F–1 and M–1 classification.* A school may be approved for attendance by nonimmigrant students under both sections 101(a)(15)(F)(i) and 101(a)(15)(M)(i) of the Act if it has both instruction in the liberal arts, fine arts, language, religion, or the professions and vocational or technical training. In that case, a student whose primary intent is to pursue studies in liberal arts, fine arts, language, religion, or the professions at the school is classified as a nonimmigrant under section 101(a)(15)(F)(i) of the Act. A student whose primary intent is to pursue vocational or technical training at the school is classified as a nonimmigrant under section 101(a)(15)(M)(i) of the Act.

(iv) *English language training for a vocational student.* A student whose primary intent is to pursue vocational or technical training who takes English language training at the same school solely for the purpose of being able to understand the vocational or technical course of study is classified as a nonimmigrant under section 101(a)(15)(M)(i) of the Act.

* * * * *

(e) *Approval of petition.*—(1) *Eligibility.* To be eligible for approval, the petitioner must establish that—

(i) It is a bona fide school;

(ii) It is an established institution of learning or other recognized place of study;

(iii) It possesses the necessary facilities, personnel, and finances to conduct instruction in recognized courses; and

(iv) It is, in fact, engaged in instruction in those courses.

(2) *General.* Upon approval of a petition, the district director shall notify the petitioner. The approval of a school for attendance by nonimmigrant students is valid only as long as the school continues to operate in the manner represented on the petition. The approval is also valid only for the type of student, i.e., F–1 or M–1 or both, specified in the approval notice. The approval may be withdrawn in accordance with the provisions of §214.4.

* * * * *

(g) *Record-keeping and reporting requirements.*—(1) *Record-keeping requirements.* An approved school must keep records containing certain specific information and documents relating to each F–1 or M–1 student to whom it has issued a Form I–20A or I–20M while the student is attenidng the school and until the school notifies the Service, in accordance with the requirements of paragraph (g)(2) of this section, that the student is not pursuing a full course of study. The school must keep a record of having complied with the reporting requirements for at least one year. If a student who is out of status is restored to status, the school the student is attending is responsible for maintaining these records following receipt of notification from the Service that the student has been restored to status. The designated school official must make the information and documents required by

this paragraph available to and furnish them to any Service officer upon request. The information and documents which the school must keep on each student are as follows:

(i) The admission number from the student's Form I–20 ID copy.

(ii) Country of citizenship.

(iii) Address and telephone number.

(iv) Status, i.e., full-time or part-time.

(v) Course load.

(vi) Date of commencement of studies.

(vii) Degree program and field of study.

(viii) Expected date of completion.

(ix) Visa type.

(x) Termination date and reason, if known.

(xi) The documents referred to in paragraph (k) of this section.

(xii) Information specified by the Service as necessary to identify the student, such as date and place of birth, and to determine the student's immigration status.

(2) *Reporting requirements.* At intervals specified by the Service but not more frequently than once a term or session, the Service's processing center shall send each school (to the address given on Form I–17 as that to which the list should be sent) a list of all F–1 and M–1 students who, according to Service records, are attending that school. A designated school official at the school must note on the list whether or not each student on the list is pursuing a full course of study and give, in addition to the above information, the names and current addresses of all F–1 or M–1 students, or both, not listed, attending the school and other information specified by the Service as necessary to identify the students and to determine their immigration status. The designated school official must comply with the request, sign the list, state his or her title, and return the list to the Service's processing center within sixty days of the date of the request.

(h) *Review of school approvals.*—(1) *Regular review of school approvals.* The district director shall review from time to time the approval granted to each school in his or her district. The purpose of the review is to determine whether the school meets the eligibility requirements of paragraph (e) of this section and has complied with the reporting requirements of paragraph (g)(2) of this section. The district director may require each school whose approval is reviewed to furnish a currently executed Form I–17 as a petition for continuation of school approval without fee together with the supporting documents specified in paragraph (b) of this section. If, upon completion of the review, the district director finds that the approval should not be continued, the district director shall institute withdrawal proceedings in accordance with § 214.4(b).

(2) *One-time recertification process.*—*(i) General.* Beginning on August 1, 1983, the Service shall notify, in writing, each approved school that it must submit a petition for continuation of its school approval. Within sixty days of receipt of the notification, each school desiring to continue its approval must submit to the Service—

(A) Form I–17 without fee;

(B) The names, titles, and sample signatures of its designated officials as defined in paragraph (l)(1) of this section;

(C) A statement signed by each designated official certifying that the official has read the Service regulations relating to nonimmigrant students, namely §§ 214.1(b), 214.2(f), and 214.2(m); the Service regulations relating to change of nonimmigrant classification for students, namely §§ 248.1(c), 248.1(b), 248.3(b), and 248.3(d); the Service regulations relating to school approval, namely this section; and the Service regulations relating to withdrawal of school approval, namely § 214.4; and affirming the official's intent to comply with these regulations; and

(D) The supporting documents specified in paragraph (b) of this section.

(ii) *Withdrawal of school approval.* The purpose of the one-time recertification process is to enable the Service to update its records and review the approval of each school desiring to continue its approval to determine whether it meets the eligibility requirements of paragraph (e) of this section and has complied with the reporting requirements of paragraph (g)(2) of this section. If, upon completion of the review, the Service finds that the approval should not be continued, the district director having jurisdiction over the school shall institute withdrawal proceedings in accordance with § 214.4(b). If an approved school fails to submit a petition for continuation of school approval in accordance with this paragraph, its approval will be automatically withdrawn. The district director shall advise the school of an automatic withdrawal of a school's approval pursuant to this paragraph. The effective date of the withdrawal is the date of the notice of that withdrawal. Automatic withdrawal of a school's approval is without prejudice to consideration of a new petition for school approval.

(i) *Administration of student regulations by the Immigration and Naturalization Service.* District directors in the field shall be responsible for conducting periodic reviews on the campuses under the jurisdiction of their offices to determine whether students are complying with Service regulations including keeping their passports valid for a period of six months at all times when required. Service officers shall take appropriate action regarding violations of the regulations.

* * * * *

(k) *Issuance of Certificate of Eligibility.* A designated official of a school that has been approved for attendance by nonimmigrant students must certify Form I–20A or I–20M, but only after page 1 has been completed in full. A Form I–20A–B or I–20M–N issued by an approved school system must state which school within the system the student will attend. The form must be issued in the United States. Only a designated official shall issue a Certificate of Eligibility, Form I–20A–B or I–20M–N, to a prospective student and only after the following conditions are met:

(1) The prospective student has made a written application to the school.

(2) The written application, the student's transcripts or other records of courses taken, proof of financial responsibility for the student, and other supporting documents have been received, reviewed, and evaluated at the school's location in the United States.

(3) The appropriate school authority has determined that the prospective student's qualifications meet all standards for admission.

(4) The official responsible for admission at the school has accepted the prospective student for enrollment in a full course of study.

(l) *Designated official.*—(1) *Meaning of term "designated official".* As used in §§ 214.1(b), 214.2(f), 214.2(m), 214.4 and this section, a "designated official" or "designated school official" means a regularly employed member of the school administration whose office is located at the school and whose compensation does not come from commissions for recruitment of foreign students. An individual whose principal obligation to the school is to recruit foreign students for compensation does not qualify as a designated official. The president, owner, or head of a school or school system must designate a designated official. The designated official may not delegate this designation to any other person. Each school or institution may have up to five designated officials at any one time. In a multi-campus institution, each campus may have up to five designated officials at any one time. In an elementary or

secondary school system, however, the entire school system is limited to five designated officials at any one time.

(2) *Name, title, and sample signature.* Petitions for school approval must include the names, titles, and sample signatures of designated officials. An approved school must report to the Service office having jurisdiction over it any changes in designated officials and furnish the name, title, and sample signature of the new designated official within thirty days of each change.

(3) *Statement of designated official.* A petition for school approval must include a statement by each designated official certifying that the official has read the Service regulations relating to nonimmigrant students, namely §§ 214.1(b), 214.2(f), and 214.2(m); the Service regulations relating to change of nonimmigrant classification for students, namely §§ 214.1(c), 248.1(d), 248.3(b), and 248.3(d); the Service regulations relating to school approval, namely this section and the regulations relating to withdrawal of school approval namely, § 214.4; and affirming the official's intent to comply with these regulations. An approved school must also submit to the Service office having jurisdiction over it such a statement from any new designated official within thirty days of each change in designated official.

5. Section 214.4 is amended by removing the words "Office of Education" from paragraph (e) and inserting, in their place, the words, "Department of Education". Section 214.4 is amended further by revising paragraph (a) to read as follows:

§ 214.4 Withdrawal of school approval.

(a) *General.*— (1) *Withdrawal on notice.* If a school's approval is withdrawn on notice as provided in paragraphs (b), (c), (d), (e), (f), (g), (h), (i) (j), and (k) of this section, the school is not eligible to file another petition for school approval until at least one year after the effective date of the withdrawal. The approval by the Service, pursuant to sections 101(a)(15)(F)(i) or 101(a)(15)(M)(i) or both, of the Act, of a petition by a school or school system for the attendance of nonimmigrant students will be withdrawn on notice if the school or school system is no longer entitled to the approval for any valid and substantive reason including, but not limited to, the following:

(i) Failure to comply with § 214.3(g)(1) without a subpoena.

(ii) Failure to comply with § 214.3(g)(2).

(iii) Failure of a designated official to notify the Service that an F–1 student intends to transfer to another school as required by § 214.2(f)(8)(ii).

(iv) Willful issuance by a designated official of a false statement or certification in connection with a school transfer or an application for employment or practical training.

(v) Any conduct on the part of a designated official which does not comply with the regulations.

(vi) The designation as a designated official of an individual who does not meet the requirements of § 214.3(l)(1).

(vii) Failure to provide the Service with the names, titles, and sample signatures of designated officials as required by § 214.3(l)(2).

(viii) Failure to submit statements of designated officials as required by § 214.3(l)(3).

(ix) Issuance of Forms I–20A or I–20M to students without receipt of proof that the students have met scholastic, language or financial requirements.

(x) Issuance of Forms I–20A or I–20M to aliens who will not be enrolled in or carry full courses of study as defined in §§214.2(f)(6) or 24.2(m)(9).

(xi) Failure to operate as a bona fide institution of learning.

(xii) Failure to employ qualified professional personnel.

(xiii) Failure to limit its advertising in the manner prescribed in § 214.3(j).

(xiv) Failure to maintain proper facilities for instruction.

(xv) Failure to maintain accreditation or licensing necessary to qualify graduates as represented in the petition.

(xvi) Failure to maintain the physical plant, curriculum, and teaching staff in the manner represented in the petition for school approval.

(xvii) Failure to comply with the procedures for issuance of Forms 1–20A or 1–20M as set forth in § 214.3(k).

(2) *Automatic withdrawal.* If an approved school terminates its operations, approval will be automatically withdrawn as of the date of termination of the operations. If an approved school changes ownership, approval will be automatically withdrawn sixty days after the change of ownership unless the school files a new petition for school approval within sixty days of that change of ownership. The district director must review the petition to determine whether the school still meets the eligibility requirements of § 214.3(e). If, upon completion of the review, the district director finds that the approval should not be continued, the district director shall institute withdrawal proceedings in accordance with paragraph (b) of this section. Automatic withdrawal of a school's approval is without prejudice to consideration of a new petition for school approval.

* * * * *

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

6. Section 248.1 is amended by revising paragraph (b) and by adding paragraphs (c) and (d). Paragraphs (b), (c), and (d) read as follows:

§ 248.1 Eligibility.

* * * * *

(b) *Maintenance of status.* In determining whether an applicant has continued to maintain nonimmigrant status, the district director shall consider whether the alien has remained in the United States for a longer period than that authorized by the Service. The district director shall consider any conduct by the applicant relating to the maintenance of the status from which the applicant is seeking a change. An applicant may not be considered as having maintained nonimmigrant status within the meaning of this section if the applicant failed to submit an application for change of nonimmigrant classification before the applicant's authorized temporary stay in the United States expired, unless the district director determines that—

(1) The failure to file a timely application is excusable;

(2) The alien has not otherwise violated the nonimmigrant status;

(3) The alien is a bona fide nonimmigrant; and

(4) The alien is not the subject of deportation proceedings under Part 242 of this chapter.

(c) *Change of nonimmigrant classification to that of a nonimmigrant student.* A nonimmigrant applying for a change to classification as a student under sections 101(a)(15)(F)(i) or 101(a)(15)(M)(i) of the Act is not considered ineligible for such a change solely because the applicant may have started attendance at school before the application was submitted. The district director shall deny an application for a change to classification as a student under section 101(a)(15)(M)(i) of the Act if the applicant intends to pursue the course of study solely in order to qualify for a subsequent change of nonimmigrant classification to that of an alien temporary worker under section 101(a)(15)(H) of the Act. Furthermore, an alien may not change from classification as a student under section 101(a)(15)(M)(i) of the Act to that of a student under section 101(a)(15)(F)(i) of the Act.

(d) *Application for change of nonimmigrant classification from that of a student under section 101(a)(15)(M)(i) to that described in section 101(a)(15)(H).* A district director shall deny an application for change of nonimmigrant classification from that of an M–1 student to that of an alien temporary worker under section 101(a)(15)(H) of the Act if the education or training which the student received while an M–1 student enables the student to meet the qualifications for temporary worker classification under section 101(a)(15)(H) of the Act.

7. Section 248.3 is amended by revising paragraph (b), by adding new paragraphs (c) and (d), and by redesignating existing paragraphs (c) and (d) as (e) and (f), respectively. Paragraphs (b), (c), and (d) read as follows:

§ 248.3 Application.

* * * * *

(b) *Application and fee not required.* For a change of nonimmigrant classification to a classification under section 101(a)(15)(A) or 101(a)(15)(G) of the Act, the Department of State must send a letter to the district director. For all other changes of nonimmigrant classification as described below, the applicant must submit a letter to the district director requesting the change of nonimmigrant classification. Neither an application nor a fee is required for the following changes of nonimmigrant classification:

(1) A change to classification under section 101(a)(15) (A) or (G) of the Act.

(2) A change to classification under sections 101(a)(15) (A) or (G) of the Act for an immediate family member, as defined in 22 C.F.R. 41.1, of a principal alien whose status has been changed to such a classification.

(3) A change to the appropriate classification for the nonimmigrant spouse or child of an alien whose status has been changed to a classification under sections 101(a)(15) (E), (F), (H), (I), (J), (L), or (M) of the Act.

(4) A change of classification from that of a visitor for pleasure under section 101(a)(15)(B) of the Act to that of a visitor for business under the same section.

(5) A change of classification from that of a student under section 101(a)(15)(F)(i) of the Act to that of an accompanying spouse or minor child under section 101(a)(15)(F)(ii) of the Act or vice versa.

(6) A change from any classification within section 101(a)(15)(H) of the Act to any other classification within section 101(a)(15)(H) of the Act provided that the requisite Form I–129B visa petition has been filed and approved.

(7) A change from classification as a participant under section 101(a)(15)(J) of the Act to classification as an accompanying spouse or minor child under that section or vice versa.

(8) A change from classification as an intra-company transferee under section 101(a)(15)(L) of the Act to classification as an accompanying spouse or minor child under that section or vice versa.

(9) A change of classification from that of a student under section 101(a)(15)(M)(i) of the Act to that of an accompanying spouse or minor child under section 101(a)(15)(M)(ii) of the Act or vice versa.

(c) *Fee not required.* No fee is required for a request for change to exchange alien classification under section 101(a)(15)(J) of the Act made by an agency of the United States Government. In such a case, the agency may submit Form IAP–66, Certificate of Eligibility for Exchange-Visitor (J–1) Status, together with its request in lieu of Form I–506, Application for Change of Nonimmigrant Status.

(d) *Change of classification not required.* The following do not need to request a change of classification:

(1) An alien classified as a visitor for business under section 101(a)(15)(B) of the Act who intends to remain in the United States temporarily as a visitor for pleasure during the period of authorized admission; or

(2) An alien classified under sections 101(a)(15)(A) or 101(a)(15)(G) of the Act as a member of the immediate family of a principal alien classified under the same section, or an alien classified under section 101(a)(15) (E), (F), (H), (I), (J), (L), or (M) of the Act as the spouse or child who accompanied or followed to join a principal alien who is classified under the same section, to attend school in the United States, as long as the immediate family member, spouse or child continues to be qualified for and maintains the status under which the family member, spouse or child is classified.

* * * * *

(Sec. 101(a)(15)(F), 101(a)(15)(M), 214 and 248, Immigration and Nationality Act, as amended; 8 U.S.C. 1101(a)(15)(F), 1101(a)(15)(M), 1184 and 1258)

Dated: March 21, 1983.

Alan C. Nelson,

Commissioner of Immigration and Naturalization.

[FR Doc. 83–8728 Filed 4–4–83; 8:45 am]

BILLING CODE 4410–10–M

8 CFR Part 238

Contracts With Transportation Lines: Addition of San Juan Airlines, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds San Juan Airlines, Inc. to the listing of carriers which have entered into agreements with the Service regarding transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands. No transportation line is permitted to land any alien in the United States unless it has entered into such a contract.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Office of Policy Directives and Instructions, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.2 is published pursuant to 5 U.S.C. 552. The Service entered into written contracts with San Juan Airlines, Inc. on March 9, 1983 under the provisions of section 238(a) and (b) of the Immigration and Nationality Act, 8 U.S.C. 1228(a) and (b), to provide for the entry and inspection of aliens coming to the United States from or through Canada. The agreements require San Juan Airlines, Inc., to submit to and comply with all the requirements of the Immigration and Nationality Act which would apply if it was bringing such aliens directly to ports of the United States. No transportation line is allowed to land any alien passengers in the United States unless it has entered into the required agreements.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds an air carrier to the listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of Section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

Accordingly, 8 CFR Part 238 is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

In § 238.2, paragraph (b) (1) is amended by adding in alphabetical sequence:

§ 238.2 Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands.

* * * * *

(b) * * *

(1) * * *

San Juan Airlines, Inc.

* * * * *

(Secs. 103 and 238 Immigration and Nationality Act; 8 U.S.C. 1103 and 1228)

Dated: March 29, 1983.

Andrew J. Carmichael Jr.,

Associate Commissioner for Examinations Immigration and Naturalization Service.

[FR Doc. 83-8700 Filed 4-4-83; 8:45 am]

BILLING CODE 4410-10-M

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8 CFR Part 332b

Instruction and Training in Citizenship Responsibilities; Textbooks, Schools, Organizations; Candidates for Naturalization

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule removes the requirement that the names and addresses of potential naturalization applicants are to be provided to public school systems for the purpose of interesting applicants in attending public school classes in preparation for citizenship. A steady decline in attendance by applicants and possible conflict with the Privacy Act regarding disclosure of an applicant's address require discontinuance of the practice.

EFFECTIVE DATE: April 5, 1983.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536, Telephone: (202) 633-3048.

For Specific Information: M. Christopher Grant, General Attorney, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536, Telephone: (202) 633-3320.

SUPPLEMENTARY INFORMATION: Under 8 CFR part 332b the Immigration and Naturalization Service assisted public school systems with preparing naturalization applicants for their duties and responsibilities as future American citizens. The Service prepares and distributes, without charge to public schools engaged in citizenship programs, federal textbooks on citizenship. Whenever possible, Service officers visit public school citizenship classes and cooperate with voluntary agencies involved in assisting naturalization applicants.

In addition, the Service in the past had referred to public school systems the names and addresses of new lawful permanent resident aliens for the purposes of having the school interest the new immigrants in attending public school classes designed to teach American history and government, as well as English where necessary. Knowledge of history and government, as well as the ability to speak, read, and write simple English, are prerequisites to the naturalization process.

Service review, however, has shown a steady decline in attendance of prospective citizens at public school citizenship classes. Furthermore, while the Attorney General is authorized by statute to promote training in citizenship responsibility by referring the names of prospective applicants to public school systems, there is no statutory authorization to provide the applicants' addresses. To the contrary, aliens admitted for lawful permanent residence are protected by the Privacy Act of 1974 (5 U.S.C. 532(a)) from unwarranted invasions of their right to privacy.

While the Attorney General is authorized to provide names of naturalization applicants, he is not required to do so. Given the declining public benefit derived from these referrals, the Service has elected, in light of tight limitations on its resources and potential Privacy Act problems (stemming from inadequate safeguards from possible misuse of the information provided), to discontinue the practice of referring naturalization applicants' names and addresses to public school systems. Brochures are provided by the Service to arriving aliens which fully explain the requirements for citizenship and the availability of citizenship classes. The aliens are encouraged to contact the public school systems.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the rule is limited to agency practice and procedure.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 332b

Citizenship and naturalization, Educational study programs.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 332b—INSTRUCTIONS AND TRAINING IN CITIZENSHIP RESPONSIBILITIES: TEXTBOOKS, SCHOOLS, ORGANIZATIONS

§ 332b.2 [Removed]

Part 332b is amended by removing § 332b.2.

(Secs. 103, 332, Immigration and Nationality Act, 8 U.S.C. 1103, 1443)

Dated: February 25, 1983.

Doris M. Meissner,

Executive Associate Commissioner, Immigration & Naturalization Service.

[FR Doc. 83-8725 Filed 4-4-83; 8:45 am]

BILLING CODE 4410-10-M

FARM CREDIT ADMINISTRATION

12 CFR Part 615

Funding and Fiscal Affairs: Correction

AGENCY: Farm Credit Administration.

ACTION: Final rule effective date; correction.

SUMMARY: On March 10, 1983, the Farm Credit Administration published final regulations on funding and fiscal affairs to allow the Farm Credit System ("System") banks to issue consolidated and consolidated Systemwide bonds in definitive rather than book-entry form when approved by the appropriate authorities (48 FR 10037). This document corrects the effective date of the final regulations.

FOR FURTHER INFORMATION CONTACT:

Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, S.W., Washington, D.C. 20578 (202-755-2181).

Donald E. Wilkinson,

Governor.

The effective date of these regulations is subject to a statutory requirement that no final regulation of the Farm Credit Administration (except in cases of emergency) shall become effective prior to the expiration of 30 calendar days after publication in the **Federal Register** during which either or both Houses of

Congress are in session. At the time these final regulations were published, the 10 days on which both Houses will be adjourned for the Easter Recess was not excluded from the computation of the 30 days. Accordingly, the Farm Credit Administration is correcting the effective date for 12 CFR 615.5450, 615.5452, 615.5453, and 615.5454 as follows:

Effective date: April 19, 1983.

[FR Doc. 83-8781 Filed 4-4-83; 8:45 am]

BILLING CODE 6705-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB-51]

Staff Accounting Bulletin No. 51; Accounting for Sales of Stock by Subsidiary Company

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This staff accounting bulletin expresses the staff's views regarding accounting in consolidation for issuance of a subsidiary's stock that cause changes in the parent's ownership percentage in the subsidiary.

DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Marc D. Oken, Office of the Chief Accountant (202/272-2130); or Howard P. Hodges, Jr., Division of Corporation Finance (202/272-2553), Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

George A. Fitzsimmons,

Secretary.

March 29, 1983.

Staff Accounting Bulletin No. 51

The staff herein adds Section H to Topic 5 of the Staff Accounting Bulletin Series. This section discusses the staff's position on accounting in consolidation for issuances of a subsidiary's stock that cause changes in the parent's ownership percentage in the subsidiary.

Topic 5: Miscellaneous Accounting

H. Accounting for Sales of Stock by a Subsidiary

Facts: The registrant owns 95% of its subsidiary's stock. The subsidiary sells its unissued shares in a public offering, which decreases the registrant's ownership of the subsidiary from 95% to 90%. The offering price per share exceeds the registrant's carrying amount per share of subsidiary stock.

Question: When an offering takes the form of a subsidiary's direct sale of its unissued shares, will the staff permit the amount in excess of the parent's carrying value to be reflected as a gain in the consolidated income statement of the parent?

Interpretive Response: Yes, in some circumstances. Although the staff has previously insisted that such transactions be accounted for as capital transactions in the consolidated financial statements, it has recently reconsidered its views on this matter with respect to certain of these transactions where the sale of such shares by a subsidiary is not a part of a broader corporate reorganization contemplated or planned by the registrant. In situations where no other such capital transactions are contemplated, the staff has determined that it will accept accounting treatment for such transactions that is in accordance with the Advisory Conclusions in paragraph 30 of the June 3, 1980 Issues Paper, "Accounting in Consolidation for Issuances of a Subsidiary's Stock," prepared by the Accounting Standards Executive Committee of the AICPA. The staff believes that this issues paper should provide appropriate interim guidance on this matter until the FASB addresses this issue as a part of its project on Accounting for the Reporting Entity, including Consolidations, the Equity Method, and Related Matters.

Gains (or losses) arising from issuances by a subsidiary of its own stock, if recorded, in income by the parent, shall be presented as a separate line item in the consolidated income statement without regard to materiality and clearly be designated as non-operating income. An appropriate description of the transaction should be included in the notes to the financial statements.

[FR Doc. 83-8876 Filed 4-4-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10 and 143

[T.D. 83-82]

Informal Entry for United States Goods Returned

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to establish informal entry procedures, pursuant to section 202 of Pub. L. 96-609, for certain products of the United States which have not been advanced in value or improved in condition while abroad. The purpose of the amendments is to allow importers of these products to use the informal entry procedures which are less costly, complex, and time consuming than the formal entry procedures.

EFFECTIVE DATE: May 5, 1983.

FOR FURTHER INFORMATION CONTACT: Operational Aspects: Herbert Geller, Duty Assessment Division (202-566-5307); Legal Aspects: Darrell D. Kast, Entry Procedures and Penalties Division (202-566-5874), U.S. Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

All merchandise imported into the customs territory of the United States must be "entered." The entry of that merchandise means that the consignee (or importer, or agent of either) has filed with the appropriate Customs officer the documentation required to secure the release of the imported merchandise from Customs custody. Generally, shipments of merchandise valued at $250 or less are permitted to be entered under an "informal entry." An informal entry is one in which documentation requirements are held to a minimum (usually a single brief Customs form), and release of the merchandise is immediate upon payment of any estimated duties and taxes. Section 143.21, Customs Regulations (19 CFR 143.21), lists the types of merchandise which may be entered under an informal entry, and § 143.23, Customs Regulations (19 CFR 143.23), sets forth the documentation required for such entries.

Section 202 of Pub. L. 96-609 amended section 498(a) of the Tariff Act of 1930 (19 U.S.C. 1498(a)), by providing for a new subsection (2) which permits informal entry of certain U.S. products and reads as follows:

(2) Products of the United States, when the aggregate value of the shipment does not exceed $10,000 and the products are imported—

(A) For the purposes of repair or alteration prior to reexportation, or

(B) After having been either rejected or returned by the foreign purchaser to the United States for credit.

The provisions of section 202 are intended to permit the Secretary of the Treasury to prescribe informal entry procedures for the entry of products of the United States valued at $10,000 or less returned to the United States for the specified purposes. It is inevitable that some goods exported by U.S. companies will be returned to the United States for the specified purposes. The informal procedures which would be available to enter such returned goods are less costly, complex, and time consuming than the formal entry procedures, and would aid businesses, particularly small and medium sized businesses, in engaging in the exportation of merchandise. Whereas the formal entry procedure ordinarily requires the services of a customhouse broker, the posting of bonds, a formal appraisement of the merchandise, and the like, the informal entry procedure generally requires no bond, no formal appraisement, and permits the entry documents to be filled out by the importer. Under this procedure, the Customs officer examines, appraises, classifies, and releases the merchandise to the importer upon payment of duties and taxes.

In light of Pub. L. 96–609, on March 18, 1982, Customs published a notice in the **Federal Register** (47 FR 11706), proposing to add a new paragraph (j) to § 143.21 to permit informal entry for those products of the United States described in section 202 of Pub. L. 96–609. In addition, a new paragraph (h) would be added to § 143.23 to specify that Customs Form 3311 will serve as the informal entry document for products of the United States returned for purposes of repair or alteration prior to reexportation, and that Customs Forms 3311 and 7501 are required for United States products returned either rejected or for credit. Lastly, a new paragraph (j) would be added to § 10.1, Customs Regulations (19 CFR 10.1), setting forth the informal entry procedures for qualifying United States products returned (referencing the requirements stated in new § 143.23(h)).

Pursuant to the notice, interested parties were given until May 17, 1982, to submit comments on the proposal. After consideration of the three comments received, the amendments to Parts 10 and 143 are being adopted as proposed.

Discussion of Comments

While all three of the commenters supported the proposal, one offered several additional recommendations.

The commenter recommends that Customs should eliminate the distinction between Customs Forms 7501 and 3311 for entry of American goods returned within the scope of section 202 of Pub. L. 69–609, and generally, to authorize use of Customs Form 7501 for any type of informal entry. Due to the requirements of the Bureau of Census to publish statistics concerning imports, Customs notes that Customs Forms 7501 must remain a requirement. Customs Form 3311 is required for ascertainment of the duty-free status of the merchandise. Also, § 143.23(f) provides for the use of Customs Form 7501 for merchandise released under the immediate delivery procedure or the entry documentation required by § 142.3(a). The commenter also suggests that Customs increase the value limitation for informal entries from the present $250 to $1000. Customs notes that the value limitation of $250 is statutory, any increase in the amount would require Congressional action, and the suggestion is beyond the scope of these amendments.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

It is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects

19 CFR Part 10

Customs duties and inspection, Imports, Exports.

19 CFR Part 143

Customs duties and inspection, Imports.

Amendments to the Customs Regulations

Parts 10 and 143, Customs Regulations (19 CFR Parts 10 and 143), are amended as set forth below.

William von Raab,

Commissioner of Customs.

Approved: March 17, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Section 10.1, Customs Regulations (19 CFR 10.1), is amended by adding a new paragraph (j) to read as follows:

§ 10.1 Domestic products: requirements on entry.

* * * * *

(j) In the case of products of the United States, when the aggregate value of the shipment does not exceed $10,000 and the products are imported—

(1) For the purposes of repair or alteration, prior to reexportation, or

(2) After having been either rejected or returned by the foreign purchaser to the United States for credit, free entry thereof may be made under item 800.00, Tariff Schedules of the United States, on Customs Form 3311, (a Customs Form 7501 must be submitted as well for articles, described in paragraph (b) of this and § 143.23(h) of this chapter) executed by the owner, importer, consignee, or agent and filed in duplicate, without regard to the requirement of a certificate of exportation or evidence of similar purport, unless the Customs officer has reason to believe that Customs drawback or exemption from internal revenue tax, or both, were probably allowed on exportation of the articles or that they are otherwise subject to duty. The person making entry shall show on Customs Form 3311 the name of the importing conveyance, the date of its arrival, the name of the country from which the articles were returned to the United States, and the value of the articles. The person making entry shall also produce evidence of his right to make entry (except as provided in § 141.11(b) of this chapter). If the Customs officer is not entirely certain that the articles to be entered under this paragraph by a nominal consignee are products of the United States, the actual owner or ultimate consignee thereof may be required to execute a Customs Form 3311.

(R.S. 251, as amended (19 U.S.C. 66), section 481, 46 Stat. 789 (19 U.S.C. 1481), section 484, 46 Stat. 722, as amended (19

U.S.C. 1484), section 498, 46 Stat. 728, as amended (19 U.S.C. 1498), section 624, 46 Stat. 759 (19 U.S.C. 1624))

PART 143—CONSUMPTION, APPRAISEMENT AND INFORMAL ENTRIES

1. Section 143.21, Customs Regulations (19 CFR 143.21) is amended by adding a new paragraph (j) to read as follows:

§ 143.21 Merchandise eligible for informal entry.

* * * * *

(j) Products of the United States, when the aggregate value of the shipment does not exceed $10,000 and the products are imported—

(1) For the purposes of repair or alteration prior to reexportation, or

(2) After having been either rejected or returned by the foreign purchaser to the United States for credit.

2. Section 143.23, Customs Regulations (19 CFR 143.23), is amended by adding a new paragraph (h) to read as follows:

§ 143.23 Form of entry.

* * * * *

(h) Products of the United States being returned for which informal entry is permitted by § 143.21(j) may be cleared as follows:

(1) For products of the United States returned for the purposes of repair or alteration prior to reexportation. Customs Form 3311 will serve as informal entry.

(2) For products of the United States after having been either rejected or returned by the foreign purchaser for credit, Customs Form 7501, annotated "informal entry" in the upper right hand corner, and Customs Form 3311 will serve as informal entry.

(R.S. 251, as amended (19 U.S.C. 66), section 481, 46 Stat. 789 (19 U.S.C. 1481), section 484, 46 Stat. 722, as amended (19 U.S.C. 1484), section 498, 46 Stat. 728, as amended (19 U.S.C. 1498), section 624, 46 Stat. 759 (19 U.S.C. 1624))

[FR Doc. 83-8778 Filed 4-4-83; 8:45 am]

BILLING CODE 4820-02-M

PANAMA CANAL COMMISSION

35 CFR Part 10

Privacy Act of 1974; Access to Information Concerning Individuals; Exemption From Access of System of Records Under the Privacy Act

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: On February 14, 1983, the Panama Canal Commission published in the **Federal Register** (48 FR 6563) a proposed rule to exempt a system of records called Administrative Reports, PCC/GSCX-1, from certain provisions of the Privacy Act of 1974. No comments were received in connection with this proposed rule; therefore, the rule is now adopted without change. The rule exempts information in the system from disclosure to the subjects of the records. The system consists of information maintained by the Support Services Branch of the Panama Canal Commission, and the exemption is needed because the function of the Branch includes receiving and filing copies of investigatory reports from Government of Panama law enforcement authorities on Commission employees, their dependents, and other eligible persons who have been arrested by or have otherwise become involved with Government of Panama authorities. The office acquires such copies and generates additional reports in the process of providing assistance to such individuals in compliance with certain requirements of the Panama Canal Treaty of 1977. The system also contains copies of investigatory reports originated by U.S. military authorities on individuals who have been involved in shoplifting or other misconduct which have been referred to the Support Services Branch for review, clarification, counseling, and administrative action. In addition, the system contains copies of reports of disposition of cases involving abuse of purchase and importation privileges for reference purposes. Divulging the information in the system could impede efforts to assist Panama Canal Commission employees or their dependents when such assistance is required.

Since the purpose of this rule is to exempt a narrow class of records concerning individuals from the access and contest provisions of the Privacy Act, no small entities would be affected by its implementation. Accordingly, the agency has determined that the rule will not have a significant economic impact on a substantial number of small entities. Therefore, sections 603 and 604 of 5 U.S.C. do not apply to the regulation in this document, and the head of the agency so certifies pursuant to 5 U.S.C. 605(b). Further, for the same reasons, this rule is not considered to be a major rule as defined in section 1(b) of Executive Order 12291 of February 17, 1981.

EFFECTIVE DATE: April 5, 1983.

ADDRESS: Secretary, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street, NW., Washington, D.C. 20004; or Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street, NW., Washington, D.C. 20004 (telephone 202-724-0104).

List of Subjects in 35 CFR Part 10

Privacy.

PART 10 [AMENDED]

Under the Privacy Act of 1974, 5 U.S.C. 552a, The Panama Canal Commission amends Part 10 of 35 CFR by adding a new paragraph (a)(2)(xxix) to 35 CFR 10.22 to read as follows:

§ 10.22 Specific exemptions.

(a) * * *

(2) * * *

(xxix) Administrative Reports, PCC/GSCX-1.

Dated: March 18, 1983.

Fernando Manfredo, Jr.,

Acting Administrator.

[FR Doc. 83-8799 Filed 4-4-83; 8:45 am]

BILLING CODE [illegible]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6366

[W-73125]

Wyoming; Partial Revocation of Executive Order of December 13, 1898

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes the Executive Order of December 13, 1898, which withdrew public lands for use as a military reservation. This order constitutes a record clearing action only since the affected 560 acres of public lands are currently under Recreation and Public Purposes lease. Consequently, the lands will remain closed to surface entry, except for disposition under the Recreation and Public Purposes Act, and to mining location. They have been and remain open to mineral leasing.

EFFECTIVE DATE: April 5, 1983.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-772-2540.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and

Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order of December 13, 1898, which withdrew public lands for a military reservation is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian, Wyoming

T. 56 N., R. 85 W.,
Sec. 14, N½, N½S½, S½SW¼.

The area described contains 560 acres in Sheridan County, Wyoming.

2. The above described public lands are currently under a Recreation and Public Purposes Lease W–66703, issued to Sheridan County, under the Act of June 14, 1926, as amended (43 U.S.C. 869 et. seg.), and are not subject to other appropriations or dispositions under the public land laws, including the mining laws. They have been and will remain open to applications and offers under the mineral leasing laws.

3. The Bureau of Land Management will assume jurisdiction of the lands. All easements and rights-of-way previously granted or established by the Department of the Army, Omaha District, Corps of Engineers, on the subject lands shall continue in full force and effect.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 28, 1983.

[FR Doc. 83–8756 Filed 4–4–83; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82–715; RM–4192]

FM Broadcast Station in Flagstaff and Winslow, Arizona; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns a third Class C channel to Flagstaff, Arizona and substitutes an equivalent Class C channel for an unused allocation at Winslow, Arizona to conform with the Commission's minimum mileage separation requirements.

DATE: Effective: May 23, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Flagstaff and Winslow, Arizona); BC Docket No. 82–715, RM–4192.

Adopted: March 14, 1983.

Released: March 23, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 47 FR 47891, published October 28, 1982, issued in response to a petition filed by Communications, Ltd. ("petitioner"), proposing the assignment of Class C Channel 248 to Flagstaff, Arizona, as that community's third FM assignment. To comply with the spacing requirements, Channel 286 was proposed as a substitute for unused Channel 247 at Winslow, Arizona. Supporting comments were filed by petitioner in which it reaffirmed its intention to apply for the channel, if assigned. No oppositions to the proposal were received.

2. In view of the fact that the proposed assignment could provide a third Class C station at Flagstaff, Arizona, the Commission believes that the public interest would be served by assigning Channel 248 to that community, and substituting Class C Channel 286 for unused Channel 247 at Winslow, as outlined in petitioner's proposal. The channel assignment and substitution can be made consistent with the minimum distance separation requirements of § 73.207(b) of the Commission's Rules.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective May 23, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Flagstaff, Arizona	225, 230, and 248.
Winslow, Arizona	236 and 286.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1032, 47 U.S.C. 154, 303)

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83–8847 Filed 4–4–83; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 82–705; RM–4186]

FM Broadcast Station in Rock Harbor, Florida; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns a first FM channel to Rock Harbor, Florida, in response to a petition filed by David and Elizabeth Freeman.

DATE: Effective: May 23, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Rock Harbor, Florida); BC Docket No. 82–705, RM–4186.

Adopted: March 14, 1983.

Released: March 23, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 46118, published October 15, 1982, proposing the assignment of Channel 272A to Rock Harbor, Florida, as its first FM assignment. The *Notice* was issued in response to a petition filed by David and Elizabeth Freeman ("petitioners"). Supporting comments were filed by the petitioners reaffirming that they will apply for the channel, if assigned.

2. In view of the fact that the proposed assignment could provide for a first FM station at Rock Harbor, the Commission believes that the public interest would be served by assigning Channel 272A to that community. The channel can be assigned in compliance with the minimum distance separation requirements.

3. Accordingly, pursuant to the authority contained in sections 4(i),

5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective May 23, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Rock Harbor, Florida	272A.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83–8848 Filed 4–4–83; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 82–569; RM–4160]

FM Broadcast Stations in Reliance, South Dakota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 233 to Reliance, South Dakota, in response to a petition filed by Midcontinent Broadcasting Company. The assignment could provide a first FM service to Reliance.

DATE: Effective: May 23, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Reliance, South Dakota); BC Docket No. 82–569, RM–4160.

Adopted: March 15, 1983.

Released: March 23, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 47 FR 38933, published September 3, 1982, proposing to assign Class C Channel 233 to Reliance, South Dakota, as a first FM assignment. The *Notice* was issued in response to a petition filed by Midcontinent Broadcasting Company ("Midcontinent")[1] ("petitioner"). Supporting comments were filed by the petitioner, restating its intent to apply for Channel 233, if assigned. Joint comments, in opposition, were filed by James River Broadcasting Company ("James River"),[2] and Robert E. Ingstad ("Ingstad"),[3] to which petitioner responded.

2. James River and Ingstad urged us not to rely on the petitioner's statement that it will apply for the channel, if assigned. In this regard, they state that the petitioner is the licensee of numerous AM, FM, TV and cable systems throughout South Dakota. More importantly, petitioner is the licensee of Station KPLO (TV) at Reliance. According to James River and Ingstad, the Grade A contour of Station KPLO (TV) encompasses the entire community of Reliance, and in accordance with § 73.240(a)(1) of the Commission's Rules, petitioner is prohibited from becoming an FM licensee in that community. Therefore, they argue that Midcontinent is ineligible as a prospective licensee for Channel 233 and cannot be the proper party to petition the Commission for an assignment to Reliance. Accordingly, they request the Commission to dismiss the rule making without further action.

3. In response, the petitioner argues that the opposition's arguments are based on a misreading of both Commission precedent and practice. Petitioner notes that its station is primarily a satellite operation and that Note 9 of § 73.240(a)(1) provides an exception to the multiple ownership rule for such stations (on a case-by-case basis). Additionally, petitioner notes that the opposition omitted any reference to Note 9, or to the fact that Station KPLO (TV) operates primarily as a satellite station. Petitioner concludes that the Commission has held on numerous occasions that questions relating to the qualifications of the prospective licensee should not be considered at the rule making stage, but in the context of the application process, citing *Caldwell, Ohio*, 46 R.R. 2d 1453 (1980) and *Billings, Montana*, 51 R.R. 2d 259 (1982). It adds that contrary to the opposition's interpretation of § 1.401(a), there is no F.C.C. policy equating a proper petitioning party (interested party) with an eligible licensee. Petitioner urges the Commission to adopt its proposal, since the need for the requested channel has been demonstrated.

4. After careful consideration of the proposal and comments presented in this proceeding, we have determined that Reliance will benefit from the requested assignment, since it would provide a first FM service to that community. As for the possible multiple ownership problem, we generally provide an opportunity at the application stage for the petitioning party to demonstrate that it meets the standards for the exception in Note 9 to § 73.240(a)(1). See also *Tullahoma, Tennessee*, 46 F.R. 43170 (1981). We believe it would be appropriate to do so here.

5. Accordingly, pursuant to the authority contained in §§ 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective May 23, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended, with respect to the community listed below:

City	Channel No.
Reliance, South Dakota	233

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning this proceeding, contact Montrose H. Tyre, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83–8845 Filed 4–4–83; 8:45 am]

BILLING CODE 6712–01–M

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[1] Midcontinent is the licensee of stations: KELO–AM, FM, and TV, Sioux Falls, South Dakota; KDLO–FM, Watertown, South Dakota; Satellite Stations KDLO–TV, Florence and KPLO–TV, Reliance, South Dakota. Midcontinent through a wholly owned subsidiary, is also the licensee of Stations WTSO (AM) and WZEE (FM), Madison, Wisconsin.

[2] James River Broadcasting Company is the licensee of Station KGFX (AM), Pierre, South Dakota.

[3] Robert E. Ingstad is the licensee of Station KGFX (FM), Pierre, South Dakota.

47 CFR Part 73

[BC Docket No. 82-714; RM-4193]

FM Broadcast Station in Lubbock, Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns a seventh FM channel to Lubbock, Texas, in response to a petition filed by Jerrico Broadcasting.

DATE: Effective: May 23, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554 .

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Lubbock, Texas); BC Docket No. 82-714, RM-4193.

Report and Order

Adopted: March 14, 1983.

Released: March 23, 1983.

By the Chief, Policy and Rules Divisions.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 F.R. 47894, published October 28, 1982, proposing the assignment of Channel 292A to Lubbock, Texas, as its seventh FM assignment. The *Notice* was issued in response to a petition filed by Jerrico Broadcasting ("petitioner"). Supporting comments were filed by the petitioner reaffirming that it will apply for the channel, if assigned.

2. The Commission believes that the public interest would be served by the assignment of a seventh FM channel to Lubbock. The channel can be assigned in compliance with the minimum distance separation requirements.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, It is ordered, That effective May 23, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No
Lubbock, Texas	229, 233, 242, 258, 266, 273, and 292A.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-8849 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 48, No. 66
Tuesday, April 5, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 810

Proposed Revision to U.S. Standards for Mixed Grain

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: In compliance with the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) has reviewed and is proposing changes to the U.S. Standards for Mixed Grain. In the interest of clarity, to promote a better understanding of the standards, and to facilitate the marketing of mixed grain, FGIS proposes to reformat the standards; redefine mixed grain; eliminate the mixed feed oats sections and the special grade *Tough;* tighten the limits for the special grade *Ergoty;* simplify the basis for determining the percentage of each type of grain in the mixture, and damaged kernels; revise section 7 CFR 810.901 to apply only to the corn, rye, soybeans, and flaxseed standards; establish rounding procedures for percentages and make other general nonsubstantive changes to update the standards to accommodate current marketing practices.

DATE: Comments must be submitted on or before June 6, 1983.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management, USDA, FGIS, Room 1638 South Building, 14th and Independence Avenue, SW., Washington, DC 20250; telephone (202) 382–0231. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., (address above), telephone (202) 382–0231.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1. The action has been classified as nonmajor, because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities because most users of mixed grain inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Review of Standards

The review of the standards included a determination of the continued need for the standards; a review of changes in marketing factors and functions affecting the standards; and a review of changes in technology and economic conditions in the area affected by the standards and their application through the incorporation of grading factors or tests which better indicate grain quality. The objective was to assure that the standards continued to serve the needs of the market to the greatest possible extent.

A notice requesting public comment on the U.S. Standards for Corn, Soybeans, and Mixed Grain was published in the May 8, 1980 Federal Register (45 FR 30446). Of the thirteen comments received one commenter, while making no specific recommendations, suggested that clarification of the definition for mixed grain would enhance the uniform application of the standard. Twelve commenters made no specific reference to the mixed grain standards.

A review of all related information, and the Agency's review and subsequent research of sieving procedures, indicates that certain revisions in the standards would increase the clarity and effectiveness of the standards and reflect current marketing practices. As a result of this review FGIS is proposing changes to the U.S. Standards for Mixed Grain as discussed below.

Comments including data views and arguments are solicited from interested persons. Pursuant to section 4(b) of the United States Grain Standards Act (7 U.S.C. 76(b)), upon request, such information may be presented orally in an informal manner. It should be noted that pursuant to section 4(b) of the Act no standards established or amendments or revocations of standards under the Act are to become effective less than one calendar year after promulgation, unless in the judgement of the administrator the public health, interest or safety requires that they become effective sooner.

1. To enhance clarity and uniformity between and among various grade standards, FGIS proposes to reformat the U.S. Standards for Mixed Grain by dividing the standards into sections such as currently exist in the U.S. Standards for Wheat. Specifically, in addition to the changes discussed below, the current § 810.451, *Terms defined* would be divided into § 810.451, *Definition of Mixed Grain,* and a new § 810.452, *Definition of other terms;* the current § 810.452, *Principles governing application of standards* would be divided into a new § 810.453, *Basis of determination,* a new § 810.454, *Temporary modifications in equipment and procedures,* and a new § 810.455, *Percentages;* and the current § 810.453, *Grades, grade requirements, and grade designations* would be divided into new sections, § 810.456, *Grades, grade requirements,* § 810.457, *Grade designation,* § 810.458, *Special grades and special grade requirements,* and § 810.459, *Special grade designations.* Incidental to this reformating, the definitions for moisture and for test weight per bushel would be moved from the current § 810.452 to the new § 810.452, *Definition of other terms.*

2. Because mixed feed oats are not marketed on the basis of official grades, and because inspections of them have decreased drastically in recent years, FGIS is proposing to delete the mixed food oats portion of the standards. In the standards for mixed grain, wild oats and mixtures of wild oats with cultivated oats are only applicable to the definition and grading of mixed feed oats; therefore all references to and definitions of them would also be deleted, including the references to wild oats in the basic definition of mixed grain. Appropriate changes as a result of the deletion of the two mixed feed oats grades, are made to all affected sections in the standards for mixed grain.

3. The special grade *Tough* is not descriptive of grain quality; and the placement of moisture content on certificates, which is currently used to determine this condition, makes this special grade designation unnecessary. Accordingly, FGIS proposes to delete the special grade *Tough*. (Similar proposals are planned for the standards for barley, oats, and rye, which are the only grain standards that still retain this special grade.)

4. FGIS is proposing to tighten the limit for the special grade *Ergoty* to 0.10 percent from 0.30 percent. Feeding trials, conducted by the North Dakota Agricultural Experiment Station, concluded that livestock regularly consuming feed containing as little as 0.06 percent of ergot exhibit significant signs of toxicity, and all standards using the special grade *Ergoty*, except wheat and rye, have previously been tightened to 0.10 percent for that reason. (Similar proposals are planned for the wheat and rye standards.)

5. In addition to deleting references to wild oats in the definition of mixed grain, FGIS proposes to further amend the definition to incorporate a minimum requirement of 50 percent of whole kernels of grain for which standards have been established, and/or whole and broken soybeans which will not pass through a $\frac{5}{64}$ inch triangular-hole sieve, and/or whole flaxseed passing through the sieve. The definitions of other standard grains are based on a minimum percentage of whole kernels of grain for those grains which commonly have broken kernels, and a minimum of whole and broken kernels for those grains in which broken kernels are not common. Therefore, a minimum percentage of kernels is generally used to define each grain, except in the case of soybeans which are defined on the basis of a minimum percentage of whole and broken kernels remaining on top of an $\frac{5}{64}$ inch round-hole sieve which gives similar results to the $\frac{5}{64}$ inch triangular-hole sieve proposed for the mixed grain standards. Thus, this proposal would make the mixed grain standards consistent with other grain standards.

6. FGIS also proposes to change the basis for determining the percentage of each type of grain present in a mixture and the amount of damaged kernels, to the basis of the grain after sieving. Sieving tests conducted by FGIS showed that the use of a $\frac{5}{64}$ inch triangular-hole sieve to separate fine material, significantly shortened the time required for the hand-picking process, thus facilitating the manual separation of whole and broken kernels of each kind of grain and damaged kernels. Because the bulk of the fine material passing through the sieve (fines) is or indeterminate value and origin, this material is proposed to be categorized with foreign material to create a new grading factor, *foreign material and fines*.

7. The current definitions in the mixed grain standards for moisture and test weight per bushel contain obsolete or no longer used references. This proposal includes amended definitions.

8. The equipment and procedures referred to in the mixed grain standards are applicable to grain produced and harvested under normal environmental conditions. As is the case with standards for wheat, FGIS proposes to provide that, when adverse growing or harvesting conditions make the use of routine procedures impractical, minor temporary modifications in the equipment or procedures may be required to obtain results expected under normal conditions. Accordingly, the addition of a new section 810.454 on temporary modifications in equipment and procedures is proposed. Adjustments in interpretations (i.e., identity, quality, and condition) however, shall not be made.

9. In the interest of promoting the clarity of and uniformity between and among the various grain standards, it is proposed that a new section 810.455, *Percentages* be added to reflect rounding and recording procedures (tenths of a percent) for all percentage determinations made under the mixed grain standards. The present standards state that percentages of each kind of grain shall be stated in terms of whole percents.

10. FGIS proposes to add the specific limit of two crotalaria seeds in a 1000 gram sample to the new section 810.456(b) to more clearly define the U.S. Sample grade Mixed Grain. This limit is currently imposed by section 810.901 which renders grain exceeding this limit as distinctly low quality. 7 CFR 810.901, though still applicable to other grains, would no longer be applicable to mixed grain.

11. Because the special grades *Smutty* and *Garlicky* are applicable to samples of triticale under the U.S. Standards for Triticale, FGIS proposes to provide for the application, when appropriate, of these special grades in mixtures in which triticale predominates. Special grades *Smutty* and *Garlicky* are currently applied to samples of wheat and rye and to samples of mixed grain in which wheat and rye are predominate.

12. FGIS proposes to revise section 810.901 so it does not apply to mixed grain, since the provisions of this section will be included in the Sample grade definition. Since this section will only apply to the standards for corn, rye, soybeans, and flaxseed, FGIS proposes to amend 7 CFR 810.901 to show that the section only applies to the standards for these four grains. As these four standards are reviewed, the provisions of § 810.901 will be incorporated elsewhere in the standards with the intention of eventually eliminating § 810.901 from all standards. The interpretation in § 810.901 has already been incorporated in the standards for wheat, barley, oats, sorghum, and triticale.

13. Incorporated also into this proposal are nonsubstantive changes to update references to handbooks and FGIS.

List of Subjects in 7 CFR Part 810

Export, Grain.

Accordingly it is proposed that the United States Standards for Mixed Grain be amended.

PART 810—[AMENDED]

Sections 810.451, 810.452, 810.453, and 810.901 are revised and §§ 810.454 through 810.459 are added with undesignated center headings to read as follows:

United States Standards for Mixed Grain [1]

Terms Defined

§ 810.451 Definition of mixed grain.

Mixed grain shall be any mixture of grains for which standards have been established under the United States Grain Standards Act, provided that such mixture does not come within the requirements of any of the standards for such grains and that such mixture consists of 50 percent or more of whole kernels of grain and/or whole and broken soybeans which will not pass through a $\frac{5}{64}$ inch triangular-hole sieve and/or whole flaxseed passing through such a sieve.

§ 810.452 Definition of other terms.

(a) *Grades.—U.S. Mixed Grain*, or *U.S. Sample grade Mixed Grain*, and special grades provided for in § 810.458.

(b) *Foreign material and fines.* All material except whole flaxseed which passes through a $\frac{5}{64}$ inch triangular-hole sieve, and all material other than grains for which standards have been

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal Laws.

established under the Act, remaining on top of the sieve.

(c) *Damaged kernels.* Kernels and pieces of kernels of grains for which standards have been established under the Act, which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, moldy, diseased, or otherwise materially damaged.

(d) *Heat-damaged kernels.* Kernels and pieces of kernels of grain for which standards have been established under the Act, and which have been materially discolored and damaged by heat.

(e) *Moisture.* Water content in mixed grain as determined by an approved device in accordance with procedures prescribed in the Equipment Handbook[2] for the kind of grain which predominates in the mixture. For the purpose of this paragraph, *approved device* shall include any equipment that is approved by the Administrator as giving equivalent results.[3]

(f) *Stones.* Concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(g) *Test weight per bushel.* The weight per Winchester bushel (2,150.42 cubic-inch capacity) as determined on a test portion of the representative sample using an approved device in accordance with instructions in the Grain Inspection Handbook.[2] Test weight per bushel shall be expressed in whole and half pounds; a fraction of a half pound shall be disregarded. For the purpose of this paragraph, *approved device* shall include any equipment that is approved by the Administrator as giving equivalent results.[3]

Principles Governing Application of Standards

§ 810.453 Basis of determination.

Damaged and heat-damaged kernels, and the percentage of each kind of grain in the mixture shall be on the basis of the sample after removal of foreign material and fines. Test weight, moisture, odor, and foreign material and fines shall be determined on the basis of the sample as a whole. Determinations of definition are also made on the basis of the sample as a whole.

[2] The Equipment Handbook and the Grain Inspection Handbook copies may be obtained from the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250.

[3] Requests for information on approved devices and procedures, criteria for approved devices, and requests for approval of devices should be directed to the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250.

§ 810.454 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the mixed grain standards are applicable to grain produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvest of grain may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, proper notification will be made in a timely manner. Adjustments in interpretations (i.e., identity, quality, and condition) are excluded and shall not be made.

§ 810.455 Percentages.

(a) Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(1) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; for example, state 0.46 as 0.5.

(2) When the figure to be rounded is followed by a figure less than 5, retain the figure to be rounded only; for example, state 0.54 as 0.5.

(3) When the figure to be rounded is even and is followed by the figure 5, retain the even figure; for example, state 0.45 as 0.4. When the figure to be rounded is odd and is followed by the figure 5, round the figure to the next higher number; for example, state 0.55 as 0.6.

(b) Percentages shall be stated in whole and tenth percent to the nearest tenth percent, except when determining the percentage of each kind of grain, and foreign material and fines, which are stated in terms of whole percent.

Grades, Grade Requirements, and Grade Designations

§ 810.456 Grades, grade requirements.

(a) *U.S. Mixed Grain (Grade).* Mixed grain with not more than 15.0 percent of damaged kernels, and not more than 3.0 percent of heat-damaged kernels, and which otherwise does not meet the requirements for the grade *U.S. Sample grade Mixed Grain.*

(b) *U.S. Sample grade Mixed Grain.* Mixed grain which does not meet the requirements for the grade U.S. Mixed Grain; or which contains more than 16.0 percent of moisture; or which contains stones; or which contains more than 2 crotalaria seeds (*Crotalaria* spp.) in 1000 grams of grain; or which is musty, or sour, or heating; or which has any commerically objectionable foreign odor except of smut or garlic; or which is otherwise of distinctly low quality.

§ 810.457 Grade designation.

(a) *Grade designation for Mixed Grain.* The grade designation for mixed grain shall include the words *U.S. Mixed Grain* or *U.S. Sample grade Mixed Grain,* and the name of each applicable special grade. The name and the approximate percentage of each kind of grain which constitutes 10.0 percent or more of the mixture in the order of predominance and when applicable, the words *other grains* followed by a statement of the percentage of the combined quantity of those kinds of grains, each of which is present in quantity less then 10.0 percent shall be shown in the remarks section of the certificate.

(b) *Optional grade designation.* Mixed grain may be certificated under certain conditions,[4] when supported by official analysis as *U.S. Sample grade or better Mixed Grain.* The special grade designation, when applicable, also shall be included (under certain conditions [4]) in the certification.

Special Grades, Special Grade Requirements and Special Grade Designations

§ 810.458 Special grades and special grade requirements.

(a) *Smutty mixed grain.* (1) Mixed grain in which wheat, rye, or triticale predominates, and which contains balls, portions of balls, or spores, of smut, in excess of a quantity equal to 14 balls of average size in 250 grams of mixed grain, or (2) Any other mixed grain which has the kernels covered with smut spores, or which contains smut masses and/or smut balls in excess of 0.2 percent.

(b) *Ergoty mixed grain.* Mixed grain which contains ergot in excess of 0.10 percent.

(c) *Garlicky mixed grain.* (1) Mixed grain in which wheat, rye, or triticale predominates, and which contains 2 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets in 1,000 grams of mixed grain; or (2) any other mixed grain which contains 4 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 500 grams of mixed grain.

(d) *Weevily mixed grain.* Mixed grain which is infested with live weevils or other insects injurious to stored grain.

(e) *Blighted mixed grain.* Mixed grain in which barley predominates and

[4] The conditions are listed in the Grain Inspection Handbook. Copies may be obtained from the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250.

which, as a whole, contains more than 4.0 percent of barley damaged or materially discolored by blight and/or mold.

(f) *Treated mixed grain.* Mixed grain which has been scoured, limed, washed, sulfured, or treated in such a manner that its true quality is not reflected by the grade designation *U.S. Mixed Grain* or *U.S. Sample grade Mixed Grain.*

§ 810.459 Special grade designations.

(a) The special grade designation for smutty, ergoty, garlicky, weevily, and blighted mixed grain shall include as applicable, folowing the terms *U.S. Mixed Grain* or *U.S. Sample grade Mixed Grain,* the word(s) *Smutty, Ergoty, Garlicky, Weevily,* or *Blighted,* and all other information prescribed in § 810.457.

(b) The special grade designation for treated mixed grain shall include the word *Treated,* followed by a statement indicating the kind of treatment (that is, scoured, limed, washed, or sulfured).

Interpretations

§ 810.901 Interpretation with respect to the term distinctly low quality.

The term *distinctly low quality,* when used in the United States Standards for Corn, Rye, Soybeans, and Flaxseed, shall be construed to incude grain which contains more than two crotalaria seeds (*Crotalaria* spp.) in 1,000 grams of grain.

(Secs. 5 and 18, Pub. L. 94–582, 90 Stat. 2869 and 2884 (7 U.S.C. 76 and 87e))

Dated: March 21, 1983.

Kenneth A. Gilles,

Administrator.

[FR Doc. 83–8498 Filed 4–4–83; 8:45 am]

BILLING CODE 3410–EN–M

Agricultural Marketing Service

7 CFR Parts 1007, 1004, 1011, and 1046

[Docket Nos. AO–366–A20 et al.]

Milk in Georgia and Certain Other Marketing Areas; Emergency Decision on Proposed Amendments to Marketing Agreements and Orders

7 CFR Part, Marketing Area, and AO Numbers

1007—Georgia, AO–366–A20
1004—Middle Atlantic, AO–160–A60
1011—Tennessee Valley, AO–251–25
1046—Louisville-Lexington-Evansville, AO–123–A51

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision adopts on an emergency basis proposed amendments to the Georgia, Middle Atlantic, Tennessee Valley, and Louisville-Lexington-Evansville Federal milk marketing orders. The order changes would provide handlers with limited transportation credits from the marketwide pool for certain Class II and Class III milk transferred or diverted to unusually distant outlets for surplus disposal. The changes, which would apply only through June 30, 1983, were considered at a public hearing held on March 1, 1983, in Atlanta, Georgia. The order changes were requested by a cooperative association that represents dairy farmers who supply milk to the four markets.

The adopted order changes are necessary to reflect current marketing conditions and to insure that all producers in the affected markets share more equitably in the costs of disposing of unusually large supplies of surplus milk that are expected this spring. Marketing conditions are such that prompt amendatory action is required. For this reason, a recommended decision and the opportunity to file exception thereto have been omitted. The adopted amendments for each order must be approved by at least two-thirds of the producers in the respective markets before they can become effective.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202/447–4829.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significantly adverse economic impact on a substantial number of small entities. The amendments will promote more orderly marketing of milk by producers and regulated handlers.

Prior document in this proceeding:

Notice of Hearing: Issued February 15, 1983; published February 22, 1983 (48 FR 7461).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Altanta, Georgia, on March 1, 1983. Notice of such hearing was issued on February 15, 1983, and published in the **Federal Register** on February 22, 1983 (48 FR 7461).

Interested parties were given until March 11, 1983, to file post-hearing briefs on the proposals as published in the notice of hearing and on whether these proposals should be considered on an expedited basis.

The material issues on the record of the hearing relate to:

1. Whether the four orders should be amended to provide handlers with transportation credits from the marketwide pool on certain shipments of surplus milk during March, April, May and June 1983.

2. Whether emergency marketing conditions in the four regulated areas warrant the omission of a recommended decision and the opportunity to file written exceptions thereto.

Finding and conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Transportation credits on surplus milk shipments.* The Middle Atlantic, Georgia, Tennessee Valley, and Louisville-Lexington-Evansville orders (the latter three hereafter are referred to as the Southeast orders) should be amended to provide handlers with limited transportation credits from the pool on movements of milk to distant manufacturing plants. The credits should be made available as soon as possible and should continue through June 1983. Such credits are not now operative in any of the orders but were provided for several orders, including those involved in this proceeding, during a limited period in 1982.

Dairymen, Inc. (DI), a dairy farmer cooperative association, proposed amendments to the Middle Atlantic, Georgia, Tennessee Valley, and Louisville-Lexington-Evansville orders. The cooperative represents producers whose milk is pooled under each of these orders.

The proposals, which are virtually identical to provisions adopted for the spring months of 1982, would provide transportation credits of 3.6 cents per hundredweight per 10 miles to handlers for Class II and Class III milk moved to certain nonpool plants. The proposals would specify for each order an area within which such movements of milk would not be eligible for a transportation credit. Thus, the credits

would apply only to that portion of the hauling that is involved in moving milk beyond the no-credit area to nonpool plants. These limitations on credits would vary from order to order. The total of such credits would be deducted from the value of milk in the monthly marketwide pool, which would result in a reduction in the returns to be distributed to those producers who participate in the pool. The proposed credits would be applicable only for the months of March, April, May and June 1983.

A spokesman for DI testified that the proposed credits would help ensure that all producers supplying a market would share in the cost of handling unusually large surplus milk supplies again this spring. According to the witness, further increases in milk production and a continued decline in Class I milk sales in the Southeast orders will result in even greater quantities of milk having to be moved to distant manufacturing outlets during March, April, May and June of this year than were moved last year. He stated that the hauling problem is also due in part to the closing of several manufacturing plants over the last ten years, which has reduced the capacity to handle surplus milk throughout the Southeast area. DI also held that increased production and reduced fluid milk sales likewise have produced a serious surplus milk handling problem in the Middle Atlantic market. In DI's view, the increase in production is due to a general increase in milk output as dairy farmers attempt to maintain their cash flow during a time of economic difficulties. The cooperative's spokesman said he believed that production continues to climb because suitable alternatives to dairy farming are not available under current economic conditions, and that dairy farmers are doing well relative to those engaged in other agricultural enterprises. This, he maintained, increased production results not because any particular group of farmers has decided to produce more milk, but rather because almost all dairy farmers are producing more milk.

DI's spokesman introduced an exhibit showing annual milk production for selected states in 1981 and 1982, as well as monthly production data for January 1982 and 1983, and showing the percentage change from the same period a year earlier. The states included are Georgia, Kentucky, Maryland, Pennsylvania, Tennessee, and Virginia. He noted that for the six-state area total milk production in 1982 was up 2.5 percent from 1981. In January 1983, combined milk output was up 2.3 percent from a year earlier. He explained that these six states make up the primary supply area for the orders under consideration in this proceeding.

DI's spokesman also introduced an exhibit showing total producer milk receipts and producer milk allocated to Class I and Class III (Class II in the Middle Atlantic order) in December 1980, 1981, and 1982 for the four orders. He noted that these data show that producer milk receipts in December 1982 were up 4.0 percent over a year earlier and 10.7 percent over two years earlier. He indicated that although producer milk assigned to Class I in the four markets for December 1982 was up 0.8 percent over a year earlier and 5.8 percent over two years earlier, Class III producer milk was up 8.3 percent and 17.5 percent from December 1981 and 1980, respectively. He pointed out that the modest increase in Class I sales was attributable to the August 1981 opening of a large plant at Murfreesboro, Tennessee, which is pooled under the Georgia order, and the regulation of a bottling plant in South Carolina that previously was unregulated. The witness testified that absent these events the producer milk reported as allocated to Class I would have declined over the 2-year period. He also introduced similar data for April 1980, 1981 and 1982 for the same purpose, i.e., to demonstrate that production is up and sales are down.

The DI witness stated that in the spring months of 1981 and 1982 the cooperative had to move milk to unusually distant outlets for surplus disposal in spite of the relative success of the cooperative's programs designed to give members an incentive to reduce production during the "flush" period. He indicated that the cooperative had hoped that the problem would not recur in 1983 because of expectations that the general trend of production increases would peak and then flatten out somewhat at about year-earlier levels as a result of anticipated changes in the dairy support program, and that the decline in Class I sales would be reversed by a general upturn in the economy. The witness claimed that it was not until after the 1982 Christmas holidays, when it became clear that these expectations would not be realized, that the cooperative concluded there would be an unusually large volume of surplus milk to dispose of during March, April, May and June 1983. He stated that the cooperative then decided that it should propose changes in the four orders.

DI contended that absent the proposed changes some handlers (primarily DI) would carry the full burden of disposing of the larger than normal milk supplies in the four markets this spring. The cooperative's witness stated that DI is a major supplier of milk to fluid milk plants in three of the four markets (all but Middle Atlantic) and is responsible for handling more than its share of all four markets' surplus milk dispositions. He noted that DI balances the daily, weekly, and seasonal fluid milk needs of many plants that receive a portion of their supplies from independent producers. He stated that such plants generally rely on the cooperative to dispose of any surplus milk associated with their operations. He also indicated that some plants call on the cooperative only for "spot" loads of milk when they need it in addition to their regular supplies.

DI maintained that a substantial amount of the extra milk supplies that will need to be handled this year will have to be moved to outlets that are much more distant from the markets than those that usually can accommodate the markets' surplus dispositions. These would include outlets in Ohio, Indiana, Illinois, Iowa, New York, Minnesota, and Wisconsin. The cooperative's witness noted that during the week ending December 31, 1982, DI moved milk to several of these states because manufacturing capacity in the Southeast was inadequate to handle the additional milk. He estimated that for the four markets under consideration there will be 32 million pounds more surplus milk to be handled in April 1983 than in April 1982 based on the extent to which April production normally increases from the previous December. The witness also stated that compared to last year DI expects to handle 25.7 million additional pounds of milk during April 1983 and an estimated additional total of 59 million pounds for April through June.

The cooperative proposed the transportation credits to help offset some of the costs DI expects to incur in moving these excess milk supplies to distant outlets to clear the markets. The cooperative's spokesman presented data showing that during December 1982 DI paid an average of 4.2 cents per hundredweight per 10 loaded miles to contract haulers to move 245 loads of milk. He further stated that DI's cost to haul comparable loads of milk similar distances in the cooperative's own equipment currently is 3.6 cents per hundredweight per 10 loaded miles. Based on these data, the spokesman claimed that 3.6 cents per hundredweight per 10 loaded miles is a reasonable reflection of the actual costs

incurred to haul milk to distant plants and thus would be an appropriate rate for the proposed credit.

The DI spokesman identified the manufacturing plants and their locations that normally are used as outlets for surplus milk by fully regulated handlers in each of the four markets. He also presented estimates of the capacities of most such plants available for manufacturing surplus Grade A milk, noting that some of the plants have regular supplies of non-Grade A milk. The locations of these plants provided the basis for the proposed provisions that would allow handlers a pool credit for transportation of milk to manufacturing plants more distant than those indicated as the normal outlets.

To summarize, DI contends that because of a widespread imbalance between the supply and demand for milk, the orders should again be amended for a limited time so that all producers in each market will share equitably in the costs of disposing of the unusually large surplus milk supplies that will be associated with these markets this spring. The credits would be available to any handler that incurred such costs. The cooperative also contends that, because of the unusual supply-demand situation, the current marketwide pooling arrangement is unable to provide such equity during this 4-month period. DI also held that the problem tends to be regional in nature, and that the proposals must be adopted for each of the four orders.

DI claimed that absent the proposed amendments disorderly marketing conditions would develop. Excess supplies in some markets could prompt price cutting by some handlers in an attempt to obtain local outlets for surplus milk. Handlers unable to obtain a local outlet under these circumstances would be forced to bear the total cost of moving surplus milk to distant outlets. As a result, the burden of disposing of milk historically associated with the market would be unevenly distributed. In addition, unusually large milk supplies in areas immediately surrounding these markets may preclude the use of manufacturing facilities in these areas as outlets for surplus milk for the four markets under consideration. It is the cooperative's view that the proposed credits would provide a mechanism for handling the surplus milk and thus minimize the anticipated disorderly marketing conditions.

DI urged the Secretary to adopt the proposals on an emergency basis in order that they could be made applicable to surplus milk handled during the four months.

A representative of Inter-State Milk Producers' Cooperative, Southampton, Pennsylvania, testified in support of the proposals. The spokesman indicated that the marketing conditions throughout the Southeast as described by DI are quite similar to the problems being experienced by Inter-State in the Middle Atlantic market. Because of this, the cooperative also urged that the Middle Atlantic order be amended on an emergency basis and that the changes apply for the months of March, April, May and June 1983. The spokesman testified that Inter-State expects to move milk to plants beyond the proposed 200-mile zero credit zone and that the costs associated with these shipments should be borne by all producers who supply the market during these months.

A representative of Southeastern Graded Milk Producers Association expressed support for DI's proposals. The spokesman stated that the cooperative sells most of its producers' milk to Southern Belle Dairy of Somerset, Kentucky, a handler regulated by the Louisville-Lexington-Evansville order. The witness indicated that during the spring months of 1982, the cooperative shipped surplus milk to distant nonpool plants and that some of these shipments qualified for transportation credits then in effect. The cooperative anticipates that additional surplus milk this spring will have to be hauled long distances and such shipments would qualify for the proposed credits.

Two proprietary handlers also expressed support for DI's proposals to amend the orders, while two others opposed the proposals.

A spokesman for Mayfield Dairy Farms, Inc., which operates a plant fully regulated under the Tennessee Valley order, stated that the handler was opposed to granting any transportation credits as long as the plant is paying service charges and/or premiums for milk. The witness indicated that the plant receives about 50 percent of its milk from independent producers and the balance is supplied by DI.

Kinnett Daries, which operates a plant pooled under the Georgia order, opposed any change to that order. The handler's spokesman listed several reasons for their opposition: (1) The notice for the hearing was inadequate in that at least 15 days' notice was not provided; (2) the proposed changes are discriminatory and unfair because they would benefit DI but would not help small, independent processors; (3) the proposed changes would penalize small, independent dairy farmers, particularly those that supply milk to Kinnett Dairies; and (4) the over-order premiums that DI charges independent processors are sufficient to cover the hauling costs that DI wants to recover through the proposed transportation credit.

The witness for the handler indicated that its milk is obtained from independent producers and two cooperative associations. He further stated that the two cooperatives dispose of the surplus milk when production exceeds the handler's needs. In his view, the over-order charges paid to the cooperatives on a year-round basis adequately compensates them for the balancing services they provide. The witness stated that if the Secretary decided to adopt the proposals, the decision should clearly state that the changes are temporary.

The National Farmers' Organization (NFO), a cooperative that markets milk for its members in the Middle Atlantic and Louisville markets, opposed the adoption of the DI proposals. The NFO spokesman noted that members' milk also is marketed on the Ohio Valley, Eastern Ohio-Western Pennsylvania, New York-New Jersey and Nashville, Tennessee, Federal order markets, which are adjacent to certain of the markets for which DI is proposing order amendments.

The NFO spokesman stated several reasons for opposing DI's proposals. One was that NFO members would have their returns from the sale of milk lowered if the proposed credits are provided. Also, it was NFO's view that subsidizing Class II and Class III shipments would have unsettling and adverse impacts on some markets adjacent to those included in this proceeding. The concern was that surplus milk from the Georgia, Tennessee Valley, and Louisville markets would be made available to manufacturing plants in Ohio at prices below those normally prevailing in Ohio. NFO held that such milk would displace local milk at Ohio manufacturing plants and that the Ohio milk then would have to be moved to distant outlets without the benefit of a transportation credit. The witness contended that such a situation could domino into other markets, thus creating disorderly marketing conditions. He indicated that the surplus milk problem is even greater in Ohio than in the markets under consideration in this proceeding, which would aggravate any depressing effect the existence of transportation credits in the four orders under consideration would have on pay prices in surrounding markets. NFO's

witness also claimed that the proposed amendments depart from traditional Federal order pricing methods and may not be in accord with the Agricultural Marketing Agreement Act. He also stated that such provisions should not be adopted on an expedited basis because, in his view, there had not been sufficient time to fully analyze the impact of the proposals to identify all possible abuses that could occur if the proposals were to be adopted.

Opposition also was expressed by a spokesman for 35 independent producers located in southern Tennessee who ship their milk to a plant regulated under the Georgia order.

Most of the parties in this proceeding, whether they supported order amendments or opposed them, generally agreed that surplus milk supplies will be much larger this spring than a year ago. They also recognized that milk production is generally up throughout the Southeast and the Middle Atlantic area, and that Class I sales generally have been declining. This common perception is supported by data presented at the hearing.

In the six states (Georgia, Kentucky, Maryland, Pennsylvania, Tennessee, and Virginia) that supply most of the milk pooled under the four orders involved in this proceeding, total production in 1982 was up more than 2 percent from 1981. Production increased in all six states, with the increases varying from a one percent increase for Georgia to a 3.3 percent increase in Pennsylvania.

Similarly, total producer milk pooled under the four orders in 1982 was up 4.4 percent over a year earlier. For the Middle Atlantic market producer milk receipts in 1982 increased 1.7 percent over 1981. The three Southeast orders experienced an 8.1 percent increase in producer milk for 1982 over 1981. Part of that increase resulted from new plants and previously unregulated plants that became fully regulated in 1982. However, even when these events are taken into consideration, it is clear that the Southeast and the Middle Atlantic areas continued to experience a rather substantial increase in milk production.

At the same time, sales of Class I milk (fluid milk products) in the four Federal order marketing areas declined. For all four orders combined, such sales declined 1.6 percent in 1982. The decline ranged from 2.3 percent for the Middle Atlantic market to 0.6 percent for Georgia. The three Southeast orders experienced a Class I sales decline of almost 1 percent.

These data indicate that in the Southeast and the Middle Atlantic areas milk production is increasing while at the same time Class I milk sales are declining. As a result, it is concluded that there will be greater quantities of milk not needed for fluid use than a year ago that will need to be disposed of to manufacturing outlets during the spring months of 1983, which is the time of seasonally high production. In view of this, it is necessary to determine whether the over-supply situation will cause marketing problems that should be dealt with through changes in one or more of the Federal orders involved, as proposed by DI.

Based on the evidence presented at the hearing, the most likely marketing problem will be the disposition in the next few weeks of additional surplus milk to manufacturing outlets. If local manufacturing capacities are adequate to handle the milk, no unusual problems would be expected. However, the record indicates that there is not likely to be adequate manufacturing capacity in the normal surplus disposal area for some of these markets, particularly on weekends.

Exhibits were introduced at the hearing listing the major manufacturing plants that process surplus Grade A milk supplies associated with the four orders under normal supply and demand conditions. One exhibit lists such plants in the Southeast, with an estimate of the volume of Grade A milk that each plant can handle. The total Grade A capacity of these plants was estimated at about 270 million pounds per month. Such data cannot be used alone, however, for determining whether this manfacturing capacity is inadequate to handle all the milk. For example, in December 1982 total Class II and Class III producer milk for the Southeast orders amounted to about 136 million pounds, which obviously is less than the total manufacturing capacity shown in the exhibit. Moreover, while the details are not available, it is presumed that not all of that milk would have needed to move to such outlets, such as milk in Class II uses.

There are several reasons why such a comparison is inconclusive. One is that many of these same manufacturing plants also serve as outlets for surplus milk from unregulated areas in North Carolina, South Carolina, and Virginia, as well as for other nearby and adjacent Federal order markets. Also, excess milk supplies are not evenly distributed throughout the month. Instead, such supplies may be particularly heavy during peak weeks and on weekends, with the surges of surplus milk being far more than can be handled by local manufacturing plants during the short time periods. For the same reasons, similar information presented for the Middle Atlantic market also is inconclusive to demonstrate an adequacy of manufacturing capacity.

It also should be noted that some of the manufacturing plants in the Southeast also receive and process non-Grade A milk, with such milk being their regular supply of milk. To the extent that production of non-Grade A dairy farms also may be increasing, as would be expected, more of the manufacturing capacity would be utilized for such milk, which would decrease the capacity available for surplus Grade A milk.

The best available approach to establishing whether or not surplus milk must be moved unusually long distances to manufacturing plants from the markets involved is to look at what has happened in the past. Data were provided at the hearing for 1-week periods during the December holiday season for the past 4 years and during a week ending in mid-April for the past 3 years, times when surplus milk dispositions were much larger than usual. During the week ending December 31, 1982, DI shipped about 9 million pounds of milk to plants that ordinarily do not handle surplus milk for these markets from its six producer divisions that normally supply milk to these four markets. The distant outlets included plants in Ohio, Indiana, Wisconsin, New York, Illinois, and Missouri. During the same week 3 years earlier, DI moved less than 1 million pounds in this manner, of which only 192,000 pounds went to a location in Ohio, the most distant outlet utilized for the four markets.

During the week ending April 16, 1982, DI moved about 4.2 million pounds of pooled surplus milk to manufacturing plants outside of what it considers the range of regular outlets for the four markets, including some milk that moved to Ohio and Missouri. During the same week in 1980, DI moved only 278 thousand pounds of pooled surplus milk to manufacturing plants other than the normal outlets for these markets.

For the markets in this proceeding, surplus milk disposal is handled primarily by cooperative associations. This stems in part merely from the fact that cooperatives are the major suppliers of milk for fluid distribution. In the Middle Atlantic market, DI and Inter-State Milk Producers account for about half of the market, with DI supplying an estimated 14 percent. In the other markets involved, DI is the major supplier. Its share of the market in December 1982, in terms of milk pooled, was as follows: Georgia, 63 percent; Tennessee Valley, 82 percent; and

Louisville-Lexington-Evansville, 48 percent.

The evidence supports DI's claims that it is not only the major balancer of milk supplies in much of the Southeast but that indirectly it is balancing the surplus milk of nonmember producers as well. This was acknowledged in specific cases by the representatives of two proprietary handlers who testified. The record discloses that in all of these markets there are pool distributing plants that receive only part of their supplies from DI. In the Georgia market, DI indicated that it regularly supplies milk to 16 pool distributing plants. Of these, 10 receive all of their milk from DI while four receive from one-third to about three-fourths of their supplies from DI. Two other plants receive milk from DI on a "spot," or irregular shipment, basis. In the Tennessee Valley market, DI supplies seven pool distributing plants. Four are fully supplied by DI and three are partially supplied by DI. At least one handler receiving a partial supply from DI receives milk from independent producers. In the Louisville market, eight plants regularly receive milk from DI. Five of the eight obtain all of their milk from DI.

The handling of a market's surplus milk can fall unevenly on different groups of producers. As just indicated, DI supplies a number of distributing plants only on a partial basis. A handler may have a group of independent producers, or perhaps a particular group of producers who are members of a cooperative, from which milk is received on a regular basis throughout the year. As the milk production of these producers declines during the seasonal short-production months, the handler may need supplemental supplies and will buy milk from a cooperative such as DI. Then, during the spring, when milk production increases, the milk from the handler's regular producers may be sufficient, or nearly so, to cover his needs and he cuts back the supplemental purchases from DI. In this situation, the producers who are the handler's regular suppliers do not share in the costs of balancing the handler's fluid needs. Instead, these costs fall, in this example, solely on DI. If the surplus milk must be hauled unusually long distances, the cost burden can be particularly heavy on the cooperative.

Although the cost impact of handling surplus milk normally falls largely on members of cooperatives, nonmember producers are not necessarily immune to adverse impacts of the heavy supply situation. Proprietary handlers who do their own balancing may experience difficulties in disposing of the excess milk supplies of their independent producers. Any long-distance milk shipments must be borne by the handlers since they are required to pay producers the minimum Class III (or Class II) price for the milk. Their alternative is to refuse to accept all the milk produced by these dairy farmers. If the latter situation occurred, the impact would fall entirely on those dairy farmers. Any widespread occurrence of this situation could lead to disorderly marketing conditions.

Under normal conditions of supply and demand for fluid milk, the Federal order marketwide pools serve to assure that all producers supplying each market share in both the Class I and surplus values of the milk that is pooled in their market. Such pooling is normally adequate to achieve reasonably equity among all the market's producers. However, in the unusual circumstances that currently exist in much of the Southeast and the Middle Atlantic areas, the orders do not provide a mechanism for ensuring that unusually high costs incurred in handling a market's surplus milk are shared equitably by all producers on that market. Thus, the orders should be amended along the lines proposed to maintain the degree of producer equity that otherwise is obtained through the operation of marketwide pools.

Two proprietary handlers, a cooperative and a group of independent producers objected to the adoption of pool credits on surplus milk movements. The points discussed below were raised at the hearing and/or in their post-hearing briefs.

NFO contended that the proposed amendments are not necessary to preserve producer equity. Their brief noted that the transportation credits provided in these markets in 1982 were not used extensively, and pointed to DI's own programs that have induced its members to reduce milk production in the spring months of 1981 and 1982 as evidence that the problem can be managed internally by cooperatives.

The effectiveness of DI's previous programs to reduce milk production and the extent to which the transportation credits provided in 1982 were utilized by handlers are not relevant to this proceeding. The current record demonstrates that these four markets will experience a supply-demand imbalance this spring and that a significant amount of milk will have to be transported to unusually distant manufacturing plants. As stated previously, this imbalance could create disorderly marketing conditions in which a major part of the cost of disposing of surplus milk would be borne by a small number of producers or handlers. The amendments adopted in this decision will reduce the probability that disorderly marketing conditions will develop, and will help avoid inequities to certain producers.

NFO also contended that the questions of producer equity raised in this proceeding are so important that they should not be resolved without first issuing a recommended decision and giving interested parties an opportunity to comment. Such an approach would preclude any action by the Secretary in time to deal with the problem at hand. Timeliness is an issue here because the proposed remedies would be applicable for only a limited period this spring.

NFO argued that handlers could profit from the proposed credits by hauling milk between plants that qualified for credits under two different orders. NFO contended that the hauling cost for milk where a backhaul is involved could be less than 3.6 cents per 10 miles per hundredweight and, therefore, the rate of credit proposed by DI was too high. There is no basis in the record for concluding that any substantial volumes of milk that might move to distant outlets this spring would be moved at rates based on backhauls. DI's witness estimated that backhaul rates would apply to substantially less than 10 percent of the type of hauls being considered for the credit. It is noted that the data DI offered in support of the 3.6-cent rate show that only 27 of the 247 load hauled by contract haulers moved at rates less than 3.6 cents per hundredweight per 10 miles. The lowest rate indicated was 2.91 cents per hundredweight per 10 miles, while the highest rate shown was 5.35 cents. The average rate for the 245 loads was 4.20 cents per hundredweight per 10 miles, yet DI's proposed rate was 3.6 cents, which is lower than the average. Although the evidence in this case indicates that a higher rate may be justified, a rate of 3.6 cents per hundredweight per 10 miles is a reasonable rate to reflect the cost of hauling milk in large tank trucks.

NFO also expressed concern that the pool credits proposed by the cooperatives could disrupt the marketing of milk in such areas as Minnesota, Wisconsin, Illinois, Indiana, Ohio, and New York. Their brief indicated that the distressed milk supplies in the three orders would be moved to manufacturing plants in these areas, and they contended that the pool credits would, in effect, subsidize the disposal of surplus milk in the northern

areas. NFO claimed that this would make it possible for the milk to be offered to the northern plants at prices below those prevailing locally for surplus milk. It was argued that the "subsidized" surplus milk from these markets could displace local milk at the northern plants, with the local milk then having to be moved to other distant outlets at considerable expense to producers in the northern areas.

It is recognized that with the pool credits on long-distance milk shipments there could possibly be a limited displacement of local milk at manufacturing plants in the northern areas. At least two factors, however, would tend to cause this not to happen. The pool credits adopted herein would not cover all of the cost of hauling the milk. As discussed later, no-credit zones would extend anywhere from 200 to 350 miles from basing points in the local markets. Milk would have to be moved beyond the no-credit zone before a credit would start to apply. Thus, handlers moving the milk would have a strong incentive to find the highest possible price for their surplus milk.

Additionally, once milk is moved beyond the no-credit zone, the incentive to move the milk to the nearest manufacturing plant would tend to be minimal since the 3.6-cent credit rate would cover most of the hauling to any point beyond the no-credit zone. This would tend to lessen the likelihood of handlers under the orders having credits offering surplus milk at distress prices for the purpose of finding a closer outlet.

In this regard, it might be argued that the pool credit arrangement should provide some kind of incentive to move milk to the closest plant. However, in view of the concerns expressed about the possibility of "displaced" milk, it is concluded that this should not be done so that handlers will have more flexibility in seeking surplus milk outlets in the northern areas.

NFO took issue with DI's contention that the pool credits were authorized by § 608c(5)(A) of the Agricultural Marketing Agreement Act. NFO noted that the Act requires class prices under an order to be uniform among all handlers except for certain adjustments, including an adjustment for the location of the plant at which the milk is received. NFO argued that the pool credits would be inconsistent with this provision of the Act. They claimed that the pool credits would be, in effect, an adjustment to the Class III (or Class II) price. In this regard, they pointed out that the credits could vary from handler to handler, by virtue of different points of origin, even though all the handlers may have delivered the surplus milk to the same distant plant. It was argued that under this circumstance the credits would result in Class III prices that are not uniform among all handlers.

In a related but somewhat different vein, NFO also claimed in its brief that the pool credits appeared to result, in effect, in the establishment of a sub-classification of Class III milk based on the distance that the surplus milk is transported. It was argued that this would contravene the principles of *Inter-state Milk Producers' Cooperative v. Butz*, 372 F.Supp. 1010 (E.D. Pa. 1974), a case that dealt with the classification of milk on the basis of distance. Also, NFO argued that within this sub-classification different handlers would be charged different class prices.

The pool credits adopted herein do not represent the establishment of a sub-Class III classification for milk, nor do they represent adjustments to the Class III (or Class II) price for the location of the receiving plant. Instead, such credits represent an additional mechanism in the order for maintaining a reasonable degree of equity among all producers whose milk is pooled and priced under the order. The authority for such a provision is § 608c(7)(D) of the Act, which provides that an order may contain terms and conditions incidental to, and not inconsistent with, other provisions of the Act if such terms and conditions are necessary to effectuate the other provisions of the order. NFO, in its brief argued that the conclusion just stated, which also was reached in the decision adopting limited transportation credits in 1982, is in error. NFO holds that the credits are not legal under § 608c(7)(D) because credits are inconsistent with the uniformity requirement of § 608c(5) (A) and (B).

One of the underlying purposes of the Act is to establish orderly marketing conditions for dairy farmers. The Act authorizes a number of specific means for achieving this, including the pooling of milk on a marketwide basis. Through this pooling procedure, all producers in the market share equitably in both the market's higher-valued fluid sales and the reserve milk supplies that necessarily must be available in the fluid market but which return only the lower manufacturing value. History has demonstrated that in the absence of marketwide pooling the burden of the lower-valued reserve supplies falls unevenly on various groups of producers. This tends to result in various disorderly conditions in the market that are harmful not only to producers but to handlers and consumers as well. Producers have found it in their long-run interest to share uniformly in the burden of the reserve milk supplies.

The pool credits adopted herein are an extension of this marketwide sharing concept. As already described, unusual supply-demand conditions are resulting in certain producers bearing an inequitable share of the costs of handling excess milk supplies associated with the fluid markets. The pool credits represent a reasonable means of maintaining orderly marketing conditions for producers.

The NFO brief also claimed that the pool credits are similar in substance to order provisions found unlawful by the Supreme Court in *Brannan v. Stark*, 342 U.S. 451 (1952). It was pointed out that under the provisions in question in that case cooperatives received a payment from the pool for certain prescribed activities, including the handling of surplus milk. NFO argued that the pool credits proposed by Dairymen, Inc. are unlawful on the basis of the Court's ruling in *Brannan*.

The record of the current proceeding and the manner in which the pool credits adopted herein would apply provide a sufficient basis for distinguishing these credits from those found unlawful in *Brannan*. The record strongly demonstrates that the markets under consideration will be faced this spring with a severe and abnormal problem of disposing of surplus milk. It also indicates that the burden of moving much of this milk unusually long distances will fall unevenly on various producers in the market even though the surplus problem can be attributed essentially to all producers. Moreover, all handlers in the market, whether proprietary handlers or cooperative associations, would be eligible for a pool credit on the surplus milk shipments. In addition, the credits would apply only when the distant milk shipment actually occurs. In *Brannan*, the pool credits in question accrued routinely to cooperatives irrespective of the extent to which marketwide services may have been performed. Thus, the argument presented on this issue in NFO's brief cannot be accepted.

Two proprietary handlers, and NFO in its brief argued that the pool credits proposed by Dairymen, Inc., should not be adopted in view of the over-order charges that the cooperative is charging handlers for milk which they purchase. These handlers claimed that such charges supposedly provide the cooperative adequate compensation for balancing the fluid milk needs of the handlers that it supplies.

There is insufficient information in this record to make any determination

concerning the over-order charges that prevail in these markets. Such charges are basically outside the scope of the order program since Federal orders establish only the minimum prices that regulated handlers must pay to producers. It is recognized that the existence of over-order charges, their amount, their purpose, and whether they result in over-order blend prices to producers are all factors that have relevance in the market. Nevertheless, over-order charges are outside the order program's authority. For this reason, information on over-order charges is seldom sought or made available at public hearings.

The lack of such information is not critical to deciding the appropriateness of the pool credits adopted herein. It is evident that several of the markets are faced with the problem of inadequate manufacturing capacity in the normal surplus disposal area. The record evidence indicates that substantial quantities of milk will have to be moved to distant plants at considerable cost. Such costs were not contemplated in establishing the Class III (Class II) price level for these markets. Thus, it is evident that the current order provisions are not in line with present marketing conditions. This determination is not contingent upon the existence or level of over-order charges in these markets.

In opposing the proposed transportation credit on surplus milk shipments, two parties argued that the hearing was called on unusually short notice. They claimed that this deprived them of the opportunity to prepare adequately for the hearing. It was argued that the proponent cooperative presumably was aware well in advance of the deteriorating marketing conditions that prompted the hearing and that any petition for a hearing should have been submitted in time to permit normal amendatory procedures.

The procedures followed in issuing the notice of hearing for this proceeding were in accordance with the Agricultural Marketing Agreement Act, the Administrative Procedure Act, and the Department's rules for formulating milk orders. In all cases, a hearing may not be held less than three days after the date of publication of the notice in the **Federal Register**. Under normal circumstances, at least 15 days' notice must be provided. The rules provide, however, that a shorter notice may be given when the Department determines that an emergency exists. The Department concluded after receiving the request for a hearing that there was a reasonable indication of an emergency situation and that less than 15 days' notice was warranted. As noted earlier, the hearing notice was published in the **Federal Register** on February 22 and the hearing was convened seven days later.

It is recognized that the amount of notice provided the industry was relatively short. The record of this hearing, however, substantiates the Department's pre-hearing determination that emergency conditions appeared to exist in the area under consideration. It is clearly evident that the order changes sought by proponents could not be made in time to be helpful if the proceeding is not handled on an expedited basis. In this circumstance, the short notice regarding the hearing was consistent with the marketing conditions at hand.

In addition to the views expressed by parties who made appearances at the hearing, a brief expressing opposition to the proposals was filed by Land O'Lakes, Inc. (LOL), Arden Hills, Minnesota. LOL, an agricultural cooperative, took the position that the problem addressed by the proposals, namely the orderly disposition of an unusually large supply of Grade A milk that is surplus to the fluid market, is long-term in nature and nationwide in scope. LOL, therefore contended that an emergency hearing for four orders is not an appropriate way to resolve the problem. LOL also contended that the proposed amendments raise fundamental questions of producer equity. These points also were raised directly or indirectly by other interested parties and have been previously addressed in this decision.

LOL also expressed the view that a better means of resolving the surplus disposal problems would be to reduce Class I milk prices. However, the level of Class I prices was not an issue in this proceeding and thus cannot be considered here.

The order changes adopted herein for the Middle Atlantic, Georgia, Tennessee Valley and Louisville-Lexington-Evansville orders are those proposed by the cooperative association with only a minor alteration regarding the effective date. The provision would be uniform among the orders, except for the definition of the zero credit zone. As noted earlier, the proposed credit rate of 3.6 cents per hundredweight per 10 miles should be adopted for each of the orders amended.

At the hearing and in its brief, NFO stated that the credits more appropriately should reduce only the pooled value of excess milk in the orders that include base-excess plans for paying producers. It is noted that although DI's representative at the hearing concurred with that view, no substantive modification of the proposals or further discussion was offered. Thus, the record lacks any basis for concluding that the credits should be so applied.

Each order should specify an initial distance for which hauling credits would not apply on surplus milk movements. A credit would be applicable to the balance of the haul. In this regard, the evidence supports a procedure whereby the distance to each nonpool manufacturing plant would be measured from the nearer of the basing points now specified in the order for the purpose of determining location adjustments to handlers and producers, the location of the pool plant from which the milk was transferred, or, if the milk is diverted, the location of the pool plant where the milk was last received or the location of the county courthouse in the production area where the diverted milk was produced. Since the milk of those producers who are associated with a particular load of diverted milk may have been delivered to more than one pool plant just prior to being diverted, the pool plant that received the largest portion of such milk should serve as the point from which the mileage to the nonpool plant is measured. Similarly, since a load of diverted milk may include the milk of several producers, the courthouse of the county where the largest portion of the load was produced should be the basing point for that load when the producton area is the closest measuring point on the surplus milk movement. This method of determining the loads of milk for which a credit would apply was proposed by DI and is the same as the provisions adopted for a limited time in 1982. Moreover, no other proposals or modifications were forthcoming at the hearing.

The specific provisions adopted for the four orders are described in the paragraphs that follow.

Middle Atlantic order. In the Middle Atlantic market, transportation credits from the pool should be available to the extent that the distance to the nonpool plant from the nearest of the several locations specified exceeds 200 miles. The 200-mile no-credit area appears to be appropriate based on the location of the plants that normally handle the usual supplies of surplus milk associated with that market and the location of pool plants that serve the market. Thus, no credit would be received for any milk that moved 200 miles or less.

The Georgia order. The provisions adopted for the Georgia order would not provide a transportation differential for any movements of surplus milk that moved less than 350 miles. The basis for

such distance is that the normal outlets for surplus milk associated with pool plants located in the Georgia marketing area generally lie within about 300 miles of Atlanta. The normal range of surplus outlets handling milk from the Murfreesboro area, which is outside the Georgia marketing area and where a distributing plant pooled under the Georgia order is located, is somewhat less. Thus, a distance of 350 miles from the nearer of the locations specified should serve to effectively preclude the application of transportation credits on movements of surplus milk associated with the Georgia order that moves within the normal distance of regular surplus dispositions for that market.

The Tennessee Valley order. Surplus milk regularly associated with the Tennessee Valley market is commonly moved to DI's plant at Lewisburg, Tennessee. During December 1982, for example, milk was hauled from Bristol, Virginia, to Lewisburg, Tennessee, which is in excess of 300 miles. Thus, it is appropriate to disallow credits on any shipment of surplus milk that moves to a nonpool plant that is less than 350 miles from the nearer of the locations specified. This distance also is adequate to cover regular outlets for surplus milk associated with DI's plant at London, Kentucky, which is outside the Tennessee Valley marketing area and which at times is regulated under that order.

The Louisville-Lexington-Evansville order. The order for the Louisville market should specify that surplus milk must move more than 250 miles before a transportation credit would be allowed. This distance is sufficient to cover regular surplus milk dispositions from this market to outlets in southern Indiana, and would include such movements from DI's plant at London, Kentucky, which is normally pooled either on the Louisville order or on the Tennessee Valley order.

2. *Omission of a recommended decision and the opportunity to file exceptions thereto.*

The evidence in the record of this proceeding strongly indicates that surplus milk supplies in the affected markets will be substantially larger than usual during March, April, May and June of this year. The amendments adopted herein are in response to these marketing conditions and are for the purpose of accommodating the handling of surplus milk under unusual circumstances. Unless amendatory action is taken on an emergency basis, the opportunity to assure producer equity in these markets will be lost. The normal procedure of issuing a recommended decision and providing time to file exceptions thereto will not permit the implementation of the amendments in time for them to serve their intended purpose.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the Georgia, Middle Atlantic, Tennessee Valley, and Louisville-Lexington-Evansville order were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement [1] regulating the handling of milk, and an Order amending the orders regulating the handling of milk in the aforesaid specified marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

January 1983 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the respective marketing areas.

List of Subjects in 7 CFR Parts 1007, 1004, 1011, and 1046

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on March 30, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

Order[2] Amending the Orders, Regulating the Handling of Milk in Certain Specified Marketing Areas

7 CFR Part and	Marketing Area
1007	Georgia.
1004	Middle Atlantic
1011	Tennessee Valley
1046	Louisville-Lexington-Evansville.

[1] Filed as part of the original document.

[2] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when each of the aforesaid orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings:* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the aforesaid specified marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

PART 1007—MILK IN THE GEORGIA MARKETING AREA

In § 1007.60, paragraph (g) is revised to read as follows:

§ 1007.60 Handler's value of milk for computing uniform price.

* * * * *

(g) With respect to milk marketed on and after the effective date hereof through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II or Class III milk pursuant to § 1007.42(b)(3) of § 1007.42(d)(2) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 350 miles (as determined by the market administrator) from the nearest of the following locations: The city hall in Atlanta, Georgia; the city hall in Augusta, Georgia; the transferor plant; or, for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the country where the major portion of the milk so diverted was produced. No credit shall apply to the total quanity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

In § 1004.60, paragraph (f) is revised to read as follows:

§ 1004.60 Pool obligation of each pool handler.

* * * * *

(f) With respect to milk marketed on and after the effective date hereof through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II milk pursuant to § 1004.42(d) or § 1004.42(e)(3) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 200 miles (as determined by the market administrator) from the nearest of the following locations: The city hall in Philadelphia, Pennsylvania; the zero milestone in Washington, D.C.; the city hall in Baltimore, Maryland; the transferor plant; or, for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

In § 1011.60, paragraph (g) is revised to read as follows:

§ 1011.60 Handler's value of milk for computing uniform price.

* * * * *

(g) With respect to milk marketed on and after the effective date hereof through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II or Class III milk pursuant to § 1011.42(b)(3) or § 1011.42(d)(2) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 350 miles (as determined by the market administrator) from the nearest of the following locations: The city hall in Bristol, Tennessee; the city hall in Knoxville, Tennessee; the city hall in Chattanooga, Tennessee the transferor plant; or, for diversions, the pool plant of last receipt for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

In § 1046.60, paragraph (g) is added to read as follows:

§ 1046.60 Handler's value of milk for computing uniform price.

* * * * *

(g) With respect to milk marketed on and after the effective date hereof through June 1983, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred or diverted from a pool plant to a nonpool plant and classified as Class II or Class III milk pursuant to § 1046.42(b)(3) or § 1046.42(d)(2) by a rate for each truckload of milk so moved that is equal to 3.6 cents per hundredweight for each 10 miles or fraction thereof that the nonpool plant is located more than 250 miles (as determined by the market administrator) from the nearest of the following locations: The city hall in Louisville, Kentucky; the city hall in Lexington, Kentucky; the city hall in Evansville, Indiana; the transferor plant; or, for diversions, the pool plant of last receipt

for the major portion of the milk on the load or the courthouse of the county where the major portion of the milk so diverted was produced. No credit shall apply to the total quantity of milk so moved to a given nonpool plant by a handler during the month if any portion of the milk is assigned to Class I.

[FR Doc. 83-8731 Filed 4-4-83; 8:45 am]
BILLING CODE 3410-02-M

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7 CFR Part 1013

[Docket No. AO-286-A30]

Milk in Southeastern Florida Marketing Area; Extension of Time for Filing Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to proposed rules.

SUMMARY: This action extends the time for filing exceptions to a recommended decision concerning a proposed amendment to the Southeastern Florida Milk order. the additional time was requested by counsel for Cumberland Farms Food Stores, Inc., a proprietary handler that would be affected by the proposed amendment.

DATE: Exceptions now are due on or before April 8, 1983.

ADDRESS: Exceptions (for copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued August 4, 1982; published August 10, 1982 (47 FR 34573).

Suspension of rule: Issued September 27, 1982; published September 30, 1982 (47 FR 42962).

Partial decision: Issued October 13, 1982; published October 18, 1982 (47 FR 46289).

Order amending the Middle Atlantic order: Issued November 12, 1982; published November 17, 1982 (47 FR 51731).

Recommended Decision: Issued March 10, 1983; published March 15, 1983 (48 FR 10848).

Notice is hereby given that the time for filing exceptions to the March 10, 1983, recommended decision on proposed amendments to the Southeastern Florida milk order is hereby extended to April 8, 1983.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

List of Subjects in 7 CFR Part 1013

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on: March 30, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-8729 Filed 4-4-83; 8:45 am]
BILLING CODE 3410-02-M

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7 CFR Parts 1120, 1126, 1132, and 1138

[Docket Nos. AO-231-A50, et al.]

Milk in Texas and Certain Other Marketing Areas; Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Parts, Marketing Area, and AO Numbers

1126 Texas, AO-231-A50
1120 Lubbock-Plainview, Texas, AO-328-A24
1132 Texas Panhandle, AO-262-A34
1138 Rio Grande Valley, AO-335-A29

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider proposals submitted by Associated Milk Producers, Inc., two proprietary plant operators, and a trade association. One of the proposals to be considered would merge the Texas; Lubbock-Plainview, Texas; Texas Panhandle; and Rio Grande Valley marketing areas. The merged area also would be expanded to include all of the State of Texas, the State of New Mexico, and Little River and Miller Counties in Arkansas. The Texas order provisions, with some modifications, would be used as the basic regulatory provisions of the merged order. Proponents contend that the changes are needed to reflect changed marketing conditions.

DATE: The hearing will convene at 9:30 a.m., on April 26, 1983.

ADDRESS: The hearing will be held at the Sheraton Grand Hotel, Dallas-Ft. Worth Airport, Highway 114 and Esters Boulevard, Dallas, Texas 75261.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4824.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Sheraton Grand Hotel, Dallas-Ft. Worth Airport, Highway 114 and Esters Boulevard, Dallas, Texas 75261, beginning at 9:30 a.m., local time, on April 26, 1983, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid specified marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Proposal No. 1, a proposal to combine the Texas; Lubbock-Plainview, Texas; Texas Panhandle; and Rio Grande Valley marketing areas under one order, raises the issue of whether the provisions set forth in that proposal, as possibly modified by other proposals, would tend to effectuate the declared policy of the Act if they are applied to the proposed merged and expanded marketing area, and, if not, what modifications of the proposals would be appropriate.

The proposed merger of orders as specified in Proposal No. 1 also raises the issue of the appropriate disposition of the producer-settlement funds, marketing service funds, and administrative funds accumulated under the Texas; Lubbock-Plainview, Texas; Texas Panhandle; and Rio Grande Valley milk orders.

Actions under the Federal milk order program are subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to insure that, within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small

businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

List of Subjects in 7 CFR Parts 1120, 1126, 1132, and 1138

Milk marketing orders, milk, dairy products.

Proposed by Associated Milk Producers, Inc.:

Proposal No. 1

PART 1126—MILK IN GREAT SOUTHWEST MARKETING AREA

General Provisions

§ 1126.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1126.2 Great Southwest marketing area.

The "Great Southwest marketing area," hereinafter called the "marketing area," means all territory within the boundaries of the following Texas, New Mexico and Colorado counties, including all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed counties:

Zone 1

Counties in Texas

Camp, Collin, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Franklin, Grayson, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Montague, Morris, Palo Pinto, Parker, Rains, Red River, Rockwall, Somervell, Tarrant, Titus, Upshur, Van Zandt, Wise Wood

Zone 2

Counties in Texas

Bowie, Cass

Counties in Arkansas

Miller, Little River

Zone 3

Counties in Texas

Bell, Bosque, Comanche, Coryell, Erath, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan, Mills, Navarro

Zone 4

Counties in Texas

Anderson, Cherokee, Gregg, Harrison, Henderson, Marion, Panola, Rusk, Smith

Zone 5

Counties in Texas

Bastrop, Blanco, Burnett, Caldwell, Gillespie, Hays, Lee, Llano, Travis, Williamson

Zone 6

Counties in Texas

Brazos, Burleson, Grimes, Madison, Milam, Robertson, Walker

Zone 7

Counties in Texas

Angelina, Houston, Jasper, Leon, Nacogdoches, Newton, Polk, Sabine, San Augustine, Shelby, Trinity, Tyler

Zone 8

Counties in Texas

Bandera, Bexar, Comal, Fayette, Gonzales, Guadalupe, Kendall, Kerr, Lavaca, Medina, Real, Uvalde, Wilson

Zone 9

Counties in Texas

Austin, Brazoria, Chambers, Colorado, Ft. Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Matagorda, Montgomery, Orange, San Jacinto, Waller, Washington, Wharton

Zone 10

Counties in Texas

Aransas, Atascosa, Bee, Calhoun, DeWitt, Dimmit, Frio, Goliad, Jackson, Karnes, La Salle, Live Oak, Maverick, McMullen, Nueces, Refugio, San Patricio, Victoria, Zavala

Zone 11

Counties in Texas

Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Starr, Webb, Willacy, Zapata

Zone 12

Counties in Texas

Archer, Baylor, Clay, Foard, Hardeman, Knox, Wichita, Wilbarger

Zone 13

Counties in Texas

Callahan, Eastland, Fisher, Haskell, Jones, Mitchell, Nolan, Scurry, Shackelford, Stephens, Stonewall, Taylor, Throckmorton, Young

Zone 14

Counties in Texas

Brown, Coke, Coleman, Concho, Crockett, Edwards, Irion, Kimble, Kinney, Mason, McCulloch, Menard, Runnels, San Saba, Schleicher, Sterling, Sutton, Tom Green, Val Verde

Zone 15

Counties in Texas

Armstrong, Carson, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hanford, Harley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Wheeler

Zone 16

Counties in Texas

Bailey, Briscoe, Castro, Childress, Cochran, Cottle, Crosby, Dickens, Floyd, Graza, Hale, Hall, Hockley, Kent, King, Lamb, Lubbock, Lynn, Motley, Parmer, Swisher, Terry, Yoakum

Zone 17

Counties in Texas

Andrews, Borden, Brewster, Crane, Culberson, Dawson, Ector, Gaines, Glasscock, Howard, Jeff Davis, Loving, Martin, Midland, Pecos, Presidio, Reagan, Reeves, Terrell, Upton, Ward, Winkler

Zone 18

Counties in Texas

Chaves, Curry, DeBaca, Eddy, Lea, Quay, Roosevelt

Zone 19

Counties in New Mexico

Bernalillo, Cibola, Colfax, Guadalupe, Harding, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, Torrance, Union, Valencia

Counties in Colorado

Archuleta, La Plata, Montezuma

Zone 20

Counties in New Mexico

Catron, Dona Ana, Grant, Hidalgo, Luna, Lincoln, Otero, Sierra, Socorro

Counties in Texas

El Paso, Hudspeth

§ 1126.3 Route Disposition.

Route disposition means any movement of fluid milk products into wholesale and retail marketing channels from the milk processing and packaging facilities, except delivery to a plant. Fluid milk products stored in stationary cold storage vaults at a plant may be considered as inventory items.

§ 1126.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or

packaged. Separate facilities without stationary storage tanks which are used only as a reload point for transferring bulk milk from one tank truck to another or separate facilities used only as a distributing point for storing packaged fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1126.5 [Reserved]

§ 1126.6 [Reserved]

§ 1126.7 Pool plant.

Except as provided in paragraph (f) of this section, "pool plant" means:

(a) Any plant that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month there is:

(1) Route disposition, except filled milk, in the marketing area equal to 10 percent or more of the receipts of Grade A fluid milk products at such plant, including producer milk diverted from the plant; and

(2) Total route disposition, except filled milk, equal to 50 percent or more of the receipts of Grade A fluid milk products at such plant, including producer milk diverted from the plant. If two plants operated by the same handler each meet the performance requirement of paragraph (a)(1) of this section and such handler requests that the two plants be considered together for the purpose of meeting the total route disposition requirement, each such plant shall be deemed to have met the total disposition requirement of this subparagraph if the combined route disposition, except filled milk, of such plants is 50 percent or more of the combined receipts of Grade A fluid milk products at such plants, including producer milk diverted from the plants.

(b) Any plant, other than a plant described in paragraph (a) of this section, that is approved by a duly constituted regulatory agency for the disposition of Grade A milk in the marketing area and from which during the month 50 percent or more of the receipts at such plant of Grade A milk from dairy farmers (including producer milk diverted from the plant but excluding milk received as diverted milk) and handlers described in § 1126.9(c) is transferred in the form of a bulk fluid milk product, except filled milk, to pool plants described in paragraph (a) of this section, except that such percentage shall be 15 percent for the months of:

(1) August, if the plant was a pool plant under this paragraph or paragraph (d) of this section during the immediately preceding month of July; and

(2) December, if the plant was a pool plant under this paragraph during the immediataely preceding month of November.

(c) Any plant, other than a plant described in paragraph (a) or (b) of this section or that qualifies as a pool plant under another Federal order, from which during the month 50 percent or more of the receipts at such plant of Grade A milk from dairy farmers (including milk diverted from the plant but excluding milk received as diverted milk) and handlers described in § 1126.9(c) is transferred in the form of a bulk fluid milk product, except filled milk, to pool plants described in paragraph (a) of this section and distributing plants fully regulated under other Federal orders, if the total quantity so transferred to pool plants exceeds in the case of each other order the total quantity so transferred to other order distributing plants, except that:

(1) For the following months, such percentage shall be 15 percent and shall apply only to transfers to pool plants described in paragraph (a) of this section:

(i) August, if the plant was a pool plant under this paragraph or paragraph (d) of this section during the immediately preceding month of July; and

(ii) December, if the plant was a pool plant under this paragraph during the immediately preceding month of November; and

(2) Such plant shall not be a pool plant under this paragraph in any of the months of February through July unless it was a pool plant under this paragraph in three or more of the immediately proeceding months of September through January.

(d) Any plant during the months of February through July, other than a plant described in paragraph (a) of this section, that was a pool plant under pargaraph (b) or (c) of this section during each of the immediately preceding months of September through January and is approved by a duly constituted regulatory agency for the disposition of Grade A milk in the marketing area, subject to the following conditions:

(1) For the months of February through July during the first year's operation of this order, the required qualification under paragraph (b) of this section in prior months shall be deemed to have been met if the plant was a pool supply plant under the Texas, Rio Grande Valley, Lubbock-Plainveiw or Texas Panhandle orders (or any combination thereof) during the months of September, October, and November during the prior year; and

(2) If the plant operator files with the market administrator prior to any of the months of February through July a written request for nonpool status, a plant shall not be a pool plant under this paragraph during any of such remaining months through July.

(e) Any plant located in the marketing area that is operated by a cooperative association if pool status under this paragraph is requested for such plant by the cooperative association and 60 percent or more of the producer milk of member of the cooperative association (excluding such milk that is received at or diverted from pool plants described in pargraphs (b), (c) and (d) of this section) is physically received during the month in the form of a bulk fluid milk product at pool plants described in paragraph (a) of this section either directly from farms or by transfer from plants of the cooperative association for which pool plant status under this paragraph has been requested, subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a), (b), (c) or (d) of this section or under the provisions of another Federal order applicable to a distributing plant or a supply plant; and

(2) The plant is approved by a duly constituted regulatory agency for the disposition of Grade A milk in the marketing area.

(f) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A government agency plant;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirement of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area, except that is such plant subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provision of this part until the third consecutive month in which a greater proportion of its route disposition, except filled milk, is made in such other marketing area;

(4) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis of route disposition in such other marketing area and from which there is a greater quantity of route disposition, except filled milk, in this marketing area than in such other marketing area but

which plant is, nevertheless, fully regulated under such other Federal order; and

(5) A plant qualified pursuant to paragraph (b) or (c) of this section which has automatic polling status under another Federal order.

§ 1126.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a governmental agency plant, or a producer-handler plant and from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month but which is not an other order plant, a governmental agency plant, or a producer-handler plant.

(e) "Governmental agency plant" means a plant operated by a governmental agency from which fluid milk products are distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

§ 1126.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk of a producer that is diverted for the account of the cooperative association from a pool plant of another handler in accordance with § 1126.13;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) Any person who is a producer-handler; and

(f) Any person in his capacity as the operator of an other order plant described in § 1126.7(f).

§ 1126.10 Producer-handler.

"Producer-handler" means any person:

(a) Who operates a dairy farm and a processing plant from which there is route disposition in the marketing area;

(b) Who receives no fluid milk products from sources other than his own farm production and pool plants;

(c) Who does not purchase, lease or use dairy production animals from another producer(s), that is directly or indirectly associated from a managerial or financial standpoint with the person identified in paragraph (a) of this section;

(d) Whose receipts of fluid milk products (including such products which he obtains at a location other than his processing plant for distribution on his routes) during the month from pool plants do not exceed the lesser of 5 percent of his Class I disposition during the month or 10,000 pounds;

(e) Who disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from his own farm production or pool plants; and

(f) Who is neither directly nor indirectly associated with the business control or management of, nor has a financial interest in, another handler's operation; nor is any other handler so associated with the person identified in paragraph (a) of this section;

(g) Who provides proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

§ 1126.11 [Reserved]

§ 1126.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for disposition in the marketing area as Grade A milk and whose milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1126.9(c); or

(3) Diverted from a pool plant in accordance with § 1126.13;

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act, or any person that is involved in the ownership and/or operation of a producer-handler;

(2) A governmental agency that operates a plant exempt pursuant to § 1126.8(e), unless such agency is involved in dairy production research financed by State or Federal governments. In such case milk from such agency that is delivered to pool and nonpool plants (excluding deliveries to an exempt plant described in § 1126.8(e)) as set forth in § 1126.13 shall be producer milk.

(3) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1126.44(a)(8)(iii) and the corresponding step of § 1126.44(b);

(4) Any person with respect to milk produced by him that is reported as diverted to another order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; or

(5) Any person with respect to milk produced by him during the months of February through July that is caused to be delivered to a pool plant by a cooperative association or a pool plant operator if during any of the immediately preceding months of September through November more than one-third of the milk from the same farm was caused by such cooperative association or pool plant operator to be delivered to plants as other than producer milk (except milk that is not producer milk as a result of a temporary loss of Grade A approval or the application of § 1126.13(e) (4) and (5), unless such pool plant was a nonpool plant during any of such immediately preceding months.

§ 1126.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1126.9(c);

(c) Picked up from the producer's farm tank in a tank truck owned and operated by, or under the control of the operator of a pool plant but which is not received at a plant until the following month. Such milk shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where it is physically received in the following month. This paragraph shall apply in like manner to milk received by the operator of a poolplant who, in accordance with § 1126.9(c), is the handler for such milk;

(d) Diverted from a pool plant described in § 1126.7(a) for the account of the handler operating such plant to another pool plant, except that milk diverted to a plant operated by a cooperative association may not be milk of the cooperative association's members. Milk so diverted shall be priced at the plant to which diverted; or

(e) Diverted from a pool plant to a nonpool plant that is not a producer-handler plant for the account of the handler operating such pool plant or a handler described in § 1126.9(b), subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion during any month unless milk of such dairy farmer was physically received as producer milk at a pool plant and the dairy farmer has continuously retained producer status since that time and further, during each of the months of September through January not less than 15 percent of the milk of such dairy farmer is physically received as producer milk at a pool plant. If a dairy farmer loses his producer status under this order (except as a result of a temporary loss of Grade A approval), his milk shall not be eligible for diversion until milk of such dairy has been physically received as producer milk at a pool plant;

(2) The total quantity of milk so diverted during the month by a cooperative association shall not exceed one-third of the producer milk that the cooperative association causes to be delivered during the month to pool plants described in § 1126.7 (a), (b), (c), (d), and (e), and that is physically received thereat.

(3) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (e)(2) of this section. The total quantity of milk so diverted during the month shall not exceed one-third of the producer milk physically received at such pool plant during the month that is eligible to be diverted by the plant operator;

(4) Any milk diverted in excess of the limits prescribed in paragraph (e)(2) and (3) of this section shall not be producer milk. If the diverting handler fails to designate the dairy farmers' deliveries that are not to be producer milk, no milk diverted by the handler during the month to a nonpool plant shall be producer milk;

(5) The quantity of milk diverted for the account of a cooperative association from a pool plant of another handler that would cause the pool plant to become a nonpool plant shall not be producer milk; and

(6) Diverted milk shall be priced at the location of the plant to which diverted.

§ 1126.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1126.40(b)(1) from any source other than producers, handlers described in § 1126.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1126.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1126.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1126.40(b)(1) for which the handler fails to establish a disposition.

§ 1126.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package, or reconstituted).

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas specially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1126.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1126.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1126.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1126.19 Current marketing period.

For the purpose of terminating this order under section 608c(16)(B) of the Act, the term "current marketing period" shall mean the first month following the date on which the Secretary publicly announces his finding that the termination of the order is favored by such majority of producers under the order as is prescribed by the Act.

§ 1126.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1126.51(a):

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The

average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Divison, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

Handler Reports

§ 1126.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1126.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1126.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1126.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of producer milk; and

(2) The utilization or disposition of such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1126.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler who elects pursuant to § 1126.73(d) to pay producers shall report to the market administrator the following information with respect to the handler's partial and final payments for producer milk received during such month:

(1) The name and address of each producer;

(2) The amounts paid each producer; and

(3) The dates such payments were made.

(a) On or before the 20th day after the end of the month, each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1126.76(b) shall report to the market administrator with respect to milk received from each dairy farmer who would have been a producer if the plant had been fully regulated the following information for such month:

(1) The name and address of each dairy farmer;

(2) The total pounds of milk received from each dairy farmer;

(3) The average butterfat content of such milk;

(4) The amount and nature of any deductions, as authorized in writing by the dairy farmer, from the payment for such milk; and

(5) The rate of payment per hundredweight and the net amount paid each dairy farmer.

§ 1126.32 Other reports.

(a) On or before two days prior to the payment dates set forth in § 1126.71 (a) and (b), each handler described in § 1126.9 (a), (b) and (c), except a cooperative association with respect to producer milk for which it elects to collect payments, shall report to the market administrator the following information with respect to its receipts of milk during the first 15 days of each month; and during the remainder of each month as further described in paragraphs (a) and (b) of § 1126.71:

(1) The name and address of each producer from whom milk was received;

(2) The total pounds of producer milk received from such producer;

(3) The amount and nature of any deductions, as authorized in writing by the producer, to be made from the partial payment for such milk;

(4) The total pounds of milk received from a handler described in § 1126.9(c); and

(5) The pounds of skim milk and butterfat in bulk fluid milk products received from a pool plant operated by a cooperative association.

(b) On or before the 6th day after the end of each month, each handler described in § 1126.9 (a), (b), and (c) shall report to the market administrator the following information with respect to its receipts of milk during such month:

(1) The name and address of each producer from whom milk was received;

(2) The total pounds of producer milk received from such producer and its average butterfat content;

(3) Except in the case of producer milk for which a cooperative association is collecting payments, the amount and nature of any deductions, as authorized in writing by the producer, to be made from the final payment for such milk;

(4) The total pounds of skim milk and butterfat received from a handler described in § 1126.9(c); and

(5) The pounds of skim milk and butterfat in bulk fluid milk products received from a pool plant operated by a cooperative association.

(c) In addition to the reports required pursuant to paragraphs (a) through (c) of this section and §§ 1126.30 and 1126.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligations under the order.

Classification of Milk

§ 1126.40 Classes of utilization.

Except as provided in § 1126.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1126.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory located in the permanent storage facilities at the processing plant at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory located in the permanent storage facilities at the processing plant at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1126.15, plus the fluid equivalent of loss of nonfat milk solids occurring in the process of modification in any case where determination of the quantity of added nonfat milk solids disposed of in such products is based upon laboratory analysis by the market administrator, such loss allowable pursuant to this subparagraph not to exceed 2 percent of the fluid equivalent of the quantity of added nonfat milk solids so determined to be added; and

(6) In shrinkage assigned pursuant to § 1126.41(a) to the receipts specified in § 1126.41(a)(2) and in shrinkage specified in § 1126.41 (b) and (c).

§ 1126.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1126.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1126.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid

milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraphs (b)(1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1126.9(b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1126.41 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1126.44(a)(12) and the corresponding step of § 1126.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1126.44(a)(7) or the corresponding step of § 1126.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1126.44(a)(11) or (12) or the corresponding steps of § 1126.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1126.40.

(c) *Transfers to producer-handlers and transfers and diversions to governmental agency plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted from a pool plant to a governmental agency plant shall be classified:

(1) As Class I milk, if so moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraphs (d)(2) (ii) through (viii) of this section:

(a) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1126.30 for the month within which such transaction occurred; and

(b) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat feceived at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated

thereunder shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(b) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(d) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferree-plant, shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(b) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(a) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(a) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from poll plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this paragraph.

(e) Transfers by a handler described in § 1126.9(c) to pool plants. Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1126.9(c) to another handler's pool plant shall be classified pursuant to § 1126.44 pro rata with producer milk received at the transferee-handler's plant.

(f) Transfers and diversions to plants located in Mexico. Skim milk and butterfat transferred or diverted in the form of fluid milk or cream products to plants located in Mexico shall be classified as Class I.

§ 1126.43 General classification rules.

In determining the classification of producer milk, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1126.30, make adjustments in reported information based on current audited receipts and utilization information and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1126.9(b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1126.40, 1126.41, and 1126.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1126.9(b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1126.9(b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1126.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1126.9(a) for each of his pool plants separately the classification of producer milk and milk received from a handler described in § 1126.9(c), by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1126.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1126.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1126.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This paragraph shall apply only if the pool plant was subject to the provisions of this paragraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the

pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1126.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1126.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of fluid milk products from a person described in § 1126.12(b)(5);

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraphs (a)(8)(ii)(*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1126.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II and Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1126.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handlers), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this paragraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and

that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1126.45(a); or

(b)The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handlers, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of the this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1126.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk received from a handler described in § 1126.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1126.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1126.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1126.44(a)(12) and the corresponding step of § 1126.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from another order plant, the class to which such receipts are allocated pursuant to § 1126.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to another order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 14th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class.

Class Prices

§ 1126.50 Class prices.

Subject to the provisions of § 1126.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.32.

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1126.51(a) for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that, for each month after the first month in which this paragraph is effective, the final Class II price shall be not less than the Class III price.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1126.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II

formula prices computed pursuant to § 1126.51(a).

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1126.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1126.51(a) Basic Class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1126.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1126.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraphs (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross value per hundredweight of milk determined pursuant to paragraph (b) of this section is accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

§ 1126.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or a handler described in § 1126.9(c) and which is classified as Class I milk without movement in bulk form to a pool plant described in § 1126.7(a) at which a higher Class I price applies, the price specified in § 1126.50(a) shall be adjusted by the amount stated in paragraph (a) (1) through (4) of this section for the location of such plant:

(1) For a plant located within one of the zones set forth in § 1126.2, the adjdustment shall be as follows:

Zones	Adjustment per hundredweight
1	No adjustment.
2	Minus 9 cents
3	Plus 23 cents.
4	Plus 8 cents.
5	Plus 43 cents
6	Plus 38 cents.
7	Plus 33 cents.
8	Plus 58 cents.
9	Plus 68 cents
10	Plus 78 cents
11	Plus 83 cents
12	Minus 12 cents
13	Plus 13 cents.
14	Plus 23 cents.
15	Minus 7 cents.
16	Plus 3 cents.
17	Plus 8 cents.
18	Minus 27 cents
19	Minus 12 cents
20	Minus 17 cents.

(2) For a plant located in the states of Oklahoma, Arizona, Colorado, Kansas, Missouri, Arkansas and Louisiana, the applicable adjustment shall be the amount of difference existing between the Zone 1 price under this order and the Federal order price computed for such plant had such plant been fully regulated by the order nearest to such plant as measured from the plant location to the zero pricing point in the orders applicable in the states listed herein.

(3) For a plant located outside the areas described in paragraphs (a)(1) and (a)(2) of this section, the adjustment shall be minus 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is located from the Dallas, Texas, city hall, such distance to be based on the shortest hard-surfaced highway distance as determined by the market administrator.

(b) For fluid milk products transferred in bulk from a pool plant to a pool distributing plant at which a higher Class I price applies and which are classified as Class I milk, the Class I price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant which shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) Subtract from the pounds of skim milk remaining in Class I at the transferee-plant after the computations pursuant to § 1126.44(a)(12) an amount equal to:

(i) 95 percent of the pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1126.9(c); and

(ii) The pounds of skim milk in receipts of packaged fluid milk products from other pool plants;

(2) Assign any remaining pounds of skim milk in Class I at the transferee-

plant to the skim milk in receipts of bulk fluid milk products from other pool plants, first to the transferor-plants at which the highest Class I price applies and then to other plants in sequence beginning with the plant at which the next highest Class I price applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plants by multiplying the hundredweight of skim milk assigned pursuant to paragraph (b)(2) of this section to each transferor-plant at which the Class I price is lower than the Class I price at the transferee-plant by the difference in Class I prices applicable at the transferor-plant and transferee-plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b)(3) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1126.42(a) and at which the applicable Class I price is less than the Class I price at the transferee-plant, in sequence beginning with the plant at which the highest Class I price applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable adjustment rate determined pursuant to paragraph (b)(3) of this section for such plant. If the aggregate of this computation for all plants having the same adjustment rate as determined pursuant to paragraph (b)(3) of this section exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers from such plants; and

(5) Location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b)(1) through (4) of this section.

(c) The Class I price applicable to other source milk shall be adjusted by the amounts set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1126.53 Announcement of class prices

The market administrator shall announce publicy on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and, for each month after the first month in which this section is effective, the final Class II price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month.

§ 1126.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

Uniform Price

§ 1126.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1126.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1126.9(c) that were classified in each class pursuant to §§ 1126.43(a) and 1126.44(c) by the applicable class prices, and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1126.44(a)(14) and the corresponding step of § 1126.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1126.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1126.44(a)(9) and the corresponding step of § 1126.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1126.44(a)(7) (i) through (iv) and (vii) and the corresponding step of § 1126.44(b), excluding receipts of bulk fluid cream products from another order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1126.44(a)(7) (v) and (vi) and the corresponding step of § 1126.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1126.44(a)(11) and the corresponding step of § 1126.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(g) Subtract for a handler described in § 1126.9(c) the amount obtained from multiplying the Class III price for the preceding month, as adjusted by the butterfat differential specified in § 1126.74, by the hundredweight of skim milk and butterfat contained in inventory at the beginning of the month that was delivered to another handler's pool plant during the month; and

(h) During the months of March, April, May, June and December, subtract an amount determined by multiplying the pounds of producer milk used to make butter, nonfat dry milk, and cheddar cheese by 40 cents per hundredweight.

§ 1126.61 Computation of uniform price (including weighted average price).

For each month the market administrator shall compute the "uniform price" (and "weighted average price") per hundredweight for milk of 3.5 percent butterfat content at pool plants at which no location adjustment applies as follows:

(a) Combine into one total the values computed pursuant to § 1126.60 for all handlers who filed the reports prescribed in § 1126.30 for the month;

(b) Add not less than one-fourth of the unobligated balance in the producer-settlement fund;

(c) Add the aggregate of all minus location adjustments and subtract the aggregate of all plus location adjustments pursuant to § 1126.75;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1126.60(f); and

(e) Subtract not more than 5 cents per hundredweight. The result shall be the "weighted average price."

(f) The weighted average price shall be the "uniform price" for milk received from producers.

§ 1126.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The 5th day after the end of each month the butterfat differential for such month; and

(b) The 13th day after the end of each month the uniform price for such month.

Payments for Milk

§ 1126.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit the payments made by handlers pursuant to §§ 1126.71, 1126.76, 1126.77 and 1126.78 and from which he shall make all payments pursuant to §§ 1126.73 (a) through (f) and 1126.77, except that payments to a cooperative association pursuant to § 1126.73(c) shall be offset by any payments due from such cooperative association pursuant to § 1126.71 that have not been received by the market administrator.

§ 1126.71 Payments to the producer-settlement fund.

(a) Subject to paragraph (d) of this section, each handler shall pay to the market administrator on or before the 20th day of each month an amount determined by multiplying the handler's receipts during the first 15 days of such month of producer milk (excluding, in the case of a handler described in § 1126.9(c), producer milk delivered to a pool plant) and milk from a handler described in § 1126.9(c) by the Class III price for the preceding month, less:

(1) Payments made by the handler on or before such date to producers for milk received during the 15-day period; and

(2) Proper deductions authorized in writing by producers from whom the handler received milk, except that the amount deducted for each producer shall not exceed the value (at the Class III price) of the milk received from the producer during the 15-day period.

(b) Subject to paragraph (d) of this section, each handler shall pay to the market administrator on or before the 5th of the following month an amount determined by multiplying the handler's receipts (from the 16th day through the end of the month) of producer milk (excluding, in the case of a handler described in § 1126.9(c), producer milk delivered to a pool plant) and milk from a handler described in § 1126.9(c) by the Class III price for the preceding month, less:

(1) Payments made by the handler on or before such date to producers for milk received during such period; and

(2) Proper deductions authorized in writing by producers from whom the handler received milk, except that the amount deducted for each producer shall not exceed the value of the milk received from the producer during such period based on the price set forth in paragraph (b) above.

(c) Subject to paragraph (d) of this section, each handler shall pay to the market administrator on or before the 16th day after the end of each month an amount equal to such handler's value of milk for such month determined pursuant to § 1126.60(a), as adjusted by the butterfat differential specified in § 1126.74, and pursuant to § 1126.60 (b) through (g), less:

(1) Payments made by the handler pursuant to paragraphs (a) and (b) of this section for such month;

(2) Payments, other than those specified in § 1126.73(d), that were made by the handler on or before such date to producers for milk received during such month;

(3) Proper deductions for the month that were authorized in writing by producers from whom the handler received milk, except that the amount deducted for each producer shall not exceed the value of the milk received from the producer during the month; and

(4) The value at the weighted average price applicable at the location of the plant from which received of other source milk for which a value was computed pursuant to § 1126.60(f).

(d) The following conditions shall apply with respect to the payments prescribed in paragraphs (a), (b), and (c) of this section:

(1) Payments to the market administrator shall be deemed to have been made by handlers on the date that such payments become spendable funds in the bank account designated by the market administrator and thus available for interbank transfer to handler making payments to producers;

(2) If the date by which payments must be received by the market administrator falls on a Saturday, payments shall be due on the first day prior to such Saturday on which the market administrator's office is open for public business, and if the date by which payments must be received by the market administrator falls on a Sunday or on any Monday that is a national holiday, payments shall not be due until the next day on which the market administrator's office is open for public business; and

(3) Handlers taking credit for authorized deductions from payments otherwise due producers may do so only if such deductions are paid by the handler to assignee by the date(s) payments are due to be made to the producers.

(e) On or before the 25th day after the end of the month, each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (e)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

(f) Payments due the market administrator from a cooperative association handler may be offset by payments determined by the market administrator to be due the cooperative association pursuant to § 1126.73(c).

§ 1126.72 [Reserved]

§ 1126.73 Payments to producers and to cooperative associations.

(a) Subject to paragraphs (c) through (f) of this section, the market administrator shall pay each producer within two (2) days after the date set forth in § 1126.71 (a) and (b) for milk for which payment pursuant to § 1126.71 (a) and (b) has been received by the market administrator. Such payment shall be at a rate per hundredweight equal to the Class III price for the preceding month less the amounts specified in subparagraphs (1) and (2) of § 1126.71 (a) and (b).

(b) Subject to paragraphs (c) through (f) of this section, the market administrator shall pay each producer on or before the 18th day after the end of each month for milk for which payment pursuant to § 1126.71(c) has been received by the market administrator or offset pursuant to § 1126.71(f). Such payment shall be at

the uniform price computed pursuant to § 1126.61 for the month, subject to the following adjustments:

(1) Any applicable adjustments pursuant to §§ 1126.74 and 1126.75;

(2) Less the payments described in § 1126.71(c)(2);

(3) Less deductions for marketing services pursuant to § 1126.86;

(4) Less the authorized deductions specified in § 1126.71(c)(3); and

(5) Any adjustments for errors in calculating payments to an individual producer of past months.

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator, on or before the day prior to the dates specified in such paragraphs, shall pay to each cooperative association that so requests with respect to those producers for whom it markets milk and who are certified to the market administrator by the cooperative association as having authorized the cooperative association to receive such payment an amount equal to the sum of the individual payments otherwise due such producers pursuant to paragraphs (a) and (b) of this section.

(d) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator, on or before the day prior to the dates specified in such paragraphs, shall pay to each handler who so requests for milk received by the handler from producers for whom a cooperative association is not collecting payments pursuant to paragraph (c) of this section an amount equal to the sum of the individual payments otherwise due such producers pursuant to paragraphs (a) and (b) of this section. The handler then shall pay the individual producers the amounts due them by the respective dates specified in paragraphs (a) and (b) of this section. Any handler who the market administrator determines is or was delinquent with respect to any payment obligation under this order by three or more days shall not be eligible to participate in this payment arrangement until the handler has met all prescribed payment obligations for three consecutive months. In making payments to producers pursuant to this paragraph, the handler shall furnish each producer the following information:

(1) The identity of the handler and the producer and the month to which the payment applies;

(2) The total pounds and, with respect to final payments, the average butterfat content of the milk for which payment is being made;

(3) The minimum rate of payment required by the order and the rate of payment used if such rate is other than the applicable minimum rate;

(4) The amount and nature of any deductions from the amount otherwise due the producer; and

(5) The net amount of payment to the producer.

(e) The following conditions shall apply with respect to the payments prescribed in paragraph (a) through (d) of this section:

(1) If the date by which such payments are to be made falls on a Saturday, payments shall be due on the first day prior to such Saturday on which the market administrator's office is open for public business and if the date by which payment must be made falls on Sunday or a Monday which is a national holiday, such payments need not to be made until the next day that the market administrator's office is open for public business; and

(2) If the application of § 1126.71(d)(2) or paragraph (e)(1) of this section results in a delay in the partial or final payments by handlers to the market administrator or by the market administrator to handlers, the corresponding partial or final payments prescribed in paragraphs (a) through (d) of this section may be delayed by the same number of days.

(f) If the market administrator does not receive the full payment required of a handler pursuant to § 1126.71, he shall reduce uniformly per hundredweight the payments due producers for their milk received by such handler to a total amount not in excess of the amount due from such handler. The market administrator shall complete such payments on or before the next date for making payments pursuant to this section following the date on which the remaining payment is received from such handler. Such payment shall include funds collected on the overdue account pursuant to § 1126.78.

(g) Subject to § 1126.71(d)(1) and (2), each handler who receives bulk fluid milk products from a pool plant operated by a cooperative association shall pay the amounts set forth in the following subparagraphs (1) and (2) to the market administrator, who in turn shall transmit such money to the cooperative association. Payments not received in a timely manner pursuant to this section shall be subject to an overdue charge pursuant to § 1126.78, with such collected funds being transmitted on to the cooperative association(s) whose payments have been delayed:

(1) On or before the dates specified in § 1126.71(a) and (b), an amount determined by multiplying such receipts during the first and second half of each month by the Class III price for the preceding month. If the handler so elects, such prices may be adjusted by the butterfat differential specified in § 1126.74 for the preceding month; and

(2) On or before the 16th day after the end of each month, an amount determined by multiplying the quantity of such receipts during the month that was classifed in each class pursuant to § 1126.42(a) by the applicable class price, as adjusted by the butterfat differential specified in § 1126.74, less any payment made by the handler pursuant to paragraph (g)(1) of this section for such month.

§ 1126.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92–score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1126.75 Plant location adjustments for producers and on nonpool milk.

(a) In making the payments required pursuant to § 1126.73, the uniform price computed pursuant to § 1126.61 for the month shall be adjusted by the amounts set forth in § 1126.52 according to the location of the plant where the milk being priced was received.

(b) For purposes of computing the value of other source milk pursuant to § 1126.71, the weighted average price shall be adjusted by the amount set forth in § 1126.52 that is applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

§ 1126.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administor for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1126.30(b) and 1126.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

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(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the weighted average price, both prices to be applicable at the location of the partially regulated distribution plant (except that the Class I price and the weighted average price shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1126.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1126.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1126.60 for such handler shall include, in lieu of the value of other source milk specified in § 1126.60(f) less the value of such other source milk specified in § 1126.71(b)(4), a value of milk determined pursuant to § 1126.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1126.7(b) and the corresponding provision of § 1126.7(d) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1126.30(b) and 1126.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1126.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1126.74 for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1126.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1126.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due the market administrator from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next day for making payment set forth in the provision under which such error occurred. Any monies found to be due a handler from the market administrator shall be paid promptly to such handler, except that the market administrator shall offset any monies due a handler against monies due from such handler.

§ 1126.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1126.71, 1126.73(g), 1126.76, 1126.77, or 1126.85 shall be increased 1 percent per month beginning on the first day after the due date, and on each date of subsequent months following the day on which such type of obligation is normally due, subject to the following conditions:

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously computed pursuant to this section;

(b) For the purpose of this section, any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due;

(c) The amounts collected pursuant to this section shall be credited to the accounts which are overdue.

Administrative Assessment and Marketing Service Deduction

§ 1126.85 Assessment for order administration.

As his pro rata share of the expenses of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk (including such handler's own production) other than such receipts by a handler described in § 1126.9(c) that were delivered to pool plants of other handlers or held in inventory at the end of the month;

(b) Receipts from a handler described in § 1126.9(c);

(c) Other source milk allocated to Class I pursuant to § 1126.44(a) (7) and (11) and the corresponding steps of § 1126.44(b), except such other source milk that is excluded from the computations pursuant to § 1126.60 (d) and (f); and

(d) Route disposition from a partially regulated distributing plant in the marketing area that exceeds the skim milk and butterfat specified in § 1126.76(a)(2).

§ 1126.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section the market administrator, in making payments to producers pursuant to § 1126.73, shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to the milk of such producer (except a handler's own farm production) for whom the marketing services set forth in this paragraph are not being performed by a cooperative association as determined by the Secretary. The monies shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. The services shall be performed by the market administrator or an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, the market administrator shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 18th day after the end of each month shall pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which a deduction was computed for each such producer.

Proposed by the Milk Industry Foundation and the International Association of Ice Cream Manufacturers Proposal No. 2

In lieu of §§ 1126.70 through 1126.73, which appear in proposal No. 1, incorporated the following into a "Great Southwest Marketing Order."

§ 1126.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit the payments made by handlers pursuant to §§ 1126.71, 1126.76 and 1126.77, and from which he shall make all payments pursuant to §§ 1126.72 and 1126.77, except that payments to a cooperative association pursuant to § 1126.72 shall be offset by any payment due from cooperative association pursuant to § 1126.71 that have not been received by the market administrator.

§ 1126.71 Payments to the producer-settlement fund.

(a) Subject to paragraph (c) of this section, each handler shall pay to the market administrator on or before the 15th day after the end of each month the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1126.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1126.75, of such handler's receipts of producer milk and milk received from handlers pursuant to § 1126.9(c). In the case of a cooperative association which is a handler, less the amount due from other handlers pursuant to § 1126.73(d), exclusive of differential butterfat values; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1126.60(f).

(b) Any handler who the market administrator determines was more than three days late in making any payment obligation under Part 1126 shall pay to the market administrator the amount the handler would have otherwise been required to pay to producers and cooperative associations pursuant to § 1126.73. Payment shall be made to the market administrator on or before the day prior to the dates specified in § 1126.73 and such payments shall continue until the handler has met all payment obligations for three consecutive months.

(c) The following conditions shall apply with respect to the payments prescribed in paragraphs (a) and (b) of this section:

(1) Payments to the market administrator shall be deemed not to have been made until such payments have been received by the market administrator; and

(2) If the date which payments must be received by the market administrator falls on a Saturday or Sunday or on any Monday that is a national holiday, payments shall not be due until the next day on which the market administrator's office is open for public business.

(d) Payments due the market administrator from a cooperative association handler may be offset by payments determined by the market administrator to be due the cooperative association pursuant to §1126.73(c).

(e) On or before the 25th day after the end of the month, each person who operated another order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (e)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1126.72 Payment from the producer-settlement fund.

(a) On or before the 16th day after the end of each month the market administrator shall pay to each handler except one making payment pursuant to § 1126.71(b) the amount, if any, by which the amount computed pursuant to

§ 1126.71(a)(2) exceeds the amount computed pursuant to § 1126.71(a)(1).

(b) If the market administrator received payment from a handler(s) pursuant to § 1126.71(b), he shall distribute such amount plus any amount due such handler(s) pursuant to paragraph (a) of this section to producers and to cooperative associations in the same manner as provided in § 1126.73. In the event the handler fails to transmit the total amount due, the market administrator shall reduce uniformly the payments due to producers of such handler and complete such payments when the remaining amount is received.

(c) If at any time the balance in the producer-settlement fund is insufficient to meet all payments pursuant to paragraph (a) of this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1126.73 Payments to producers and to cooperative associations.

(a) Except as provided in § 1126.71(b) and paragraphs (b), (d) and (f) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the 28th day of each month, to each producer who had not discontinued shipping milk to such handler before the 25th day of the month, an amount equal to not less than the previous month's Class III price multiplied by the hundredweight of milk received by such producer during the first 15 days of the month, less authorized deductions.

(2) On or before the 18th day of the following month, an amount equal to not less than the appropriate uniform price as adjusted pursuant to §§ 1126.74 and 1126.75 multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producers pursuant to (a)(1) of this section;

(ii) Less deductions for marketing services made pursuant to § 1126.86;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized in writing by such producer. Provided, that if by such date such handler has not received full payment for such delivery period pursuant to § 1126.72 he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) Except as provided in paragraph (f) of this section, in the case of a cooperative association which the market administrator determines is authorized by those producers for whom it markets milk to collect payments for their milk and which has so requested any handler in writing, such handler other than one specified in § 1126.71(b) shall on or before the 2nd day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from those producers for whom it markets milk as determined by the market administrator an amount equal to not less than the amount due producers as determined pursuant to paragraph (a) of this section.

(c) In making payments to producer pursuant to paragraph (a) of this section or to a cooperative association pursuant to paragraph (b) of this section, each handler shall furnish such producer or cooperative association with respect to each of the producers for whom it markets milk and from whom the handler received milk during the month, a written statement showing:

(1) The identity of the handler and the producer and the month to which the payment applies;

(2) The total pounds, and, with respect to final payments, the average butterfat content of the milk for which payment is being made;

(3) The minimum rate of payment required by the order and the rate of payment used if such rate is other than the applicable minimum rate;

(4) The amount and nature of any deductions from the amount otherwise due the producer; and

(5) The net amount of payment to the producer.

(d) Except as provided in § 1126.71(b) and paragraph (f) of this section, each handler pursuant to § 1126.9(a), who receives milk from a cooperative association as a handler pursuant to § 1226.9(c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk as follows:

(1) On or before the 26th day of the month for milk received during the first 15 days of the month, not less than the applicable partial payment rates specified for such month in paragraph (a)(1) of this section; and

(2) On or before the 16th day of the following month for milk received during the month, not less than the uniform price as adjusted pursuant to §§ 1126.74 and 1126.75 less any payments made pursuant to paragraph (a)(1) of this section.

(e) Except as provided in § 1126.71(b), each handler who received bulk fluid milk or bulk fluid cream products from a pool plant operated by a cooperative association shall pay the following amounts for such products to the cooperative association;

(1) On or before the 26th day of the month, an amount determined by multiplying such receipts during the first 15 days of the month by the applicable partial payment rates specified for such month in paragraph (a)(1) of this section. If the handler so elects, such price may be adjusted by the butterfat differential specified in § 1126.74 for the preceding month.

(2) On or before the 16th day of the following month, an amount determined by multiplying the quantity of such receipts during the month that was clasified in each class pursuant to § 1126.42(a) by the applicable class price, as adjusted by the butterfat differential specified in § 1126.74, less any payments made by the handler pursuant to paragraph (e)(1) of this section for such month. For the purpose of such computation, the applicable Class I price shall be the Class I price applicable at the transferee plant including the applicable administrative assessment rate.

(f) If the application of § 1126.71(c)(2) results in a delay in payment by the market administrator to handlers, the payments prescribed in paragraphs (a), (b) and (d) of this section may be delayed by the same number of days.

(g) If the market administrator does not receive the full payment required of a handler pursuant to § 1126.72(b), he shall reduce uniformly per hundredwieght the payments due producers and cooperative associations for their milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete such payments on or before the next date for making payments pursuant to this section following the date on which the remaining payment is received by such handler.

Proposed by Schepps Dairy, Inc.

Proposal No. 3

Amend § 1126.10 of the current Texas order to add a new paragraph (f) as follows:

§ 1126.10 Producer-handler.

* * * * *

(f) Who purchases and sells fluid milk products under his own label only and does not package his farm production in private labels for distribution and sale by another person.

Proposed by Southland Corporation

Proposal No. 4

Revise § 1126.13 of the current Texas order by adding a new paragraph (f) to read as follows:

§ 1126.13 Producer milk.

* * * * *

(f) In a tank truck that is rejected at a plant due to antibiotics and is not physically received at the plant, if the market administrator is notified of such rejection and is given the opportunity to verify the antibiotics. Milk that is rejected pursuant to this paragraph shall be priced at the location of the plant at which rejected. This paragraph shall not apply to the milk of the producer(s) responsible for the antibiotics.

Proposal No.5

Revise § 1126.40(c)(3) and (4) of the current Texas order to read as follows:

§ 1126.40 Classes of utilization.

* * * * *

(c) * * *

(3) In fluid milk products and products specified in paragraph (b)(1) of this section, and producer milk that is rejected because of antibiotics pursuant to § 1126.13(f), that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section, and producer milk that is rejected because of antibiotics pursuant to § 1126.13(f), that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition or rejection;

* * * * *

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 6

Makes such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators, Richard E. Arnold, P.O. Box 45563, Tulsa, Oklahoma 74145, and C. E. Dunham, P.O. Box 29529, Dallas, Texas 75229; or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington Office only)
Office of the Market Administrator, Lubbock-Plainview, Texas; Texas Panhandle; and Rio Grande Valley Marketing Areas
Office of the Market Administrator, Texas Marketing Area

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on March 30, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-8805 filed 4-4-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103 and 214

Powers and Duties of Service Officers; Availability of Records; Nonimmigrant Classes; Temporary Alien Employees

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the application procedure of extension of stay for temporary workers. It would also allow nonimmigrant temporary workers (H-1 and H-3) to be admitted to the United States for longer periods which are commensurate with the purposes of their admission. Certain employers would also be permitted to file a blanket petition to classify certain classes of their employees as eligible for intra-company transferee visas. These changes will benefit the Service and the public by significantly reducing the number of extensions of stay and petitions which must be filed and processed, and enhance compliance with the Act.

DATE: Comments must be received on or before May 5, 1983.

ADDRESS: Please submit written comments in duplicate to the Commissioner of Immigration and Naturalization, Room 7100, 425 I Street, N.W., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536, Telephone: (202) 633-3048.

For Specific Information: Thomas E. Cook, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536, Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: This proposed rule would require that when an alien applies for an extension of stay under section 214 (h) or (l) of the Act, the validity of the previously approved visa petition must have been extended. This action would formalize a procedure which already takes place whenever an extension of an H or L applicant is granted. This rule is necessary to clarify the confusion caused by the published precedent decision, *Matter of Dacanay*, 16 I. & N. Dec. 238 (BIA 1977). In *Dacanay*, the BIA ruled that a denial of an I-129B petition filed as an extension request was not appealable. The Service desires to clarify that the denial of an extension of stay request is a separate decision from the extension of the validity of a visa petition. All extension requests made on Form I-539 would continue to be nonappealable. Denial of all Form I-129B's would be appealable. The establishment of separate actions for the visa petition and extension of stay will benefit the public by ending any confusion as to what benefit is being sought, and what appeal rights are available. This rule would require all H's and L's to file separate extension of stay requests on Form I-539. While this would increase the number of these filings, the Service believes that proper enforcement of the regulations requires that individual applicants for extension be examined in the greater detail afforded by the information in Form I-539.

The proposed rule would add provisions to revoke the previous approval of a nonimmigrant visa petition filed on Form I-129B. Current service procedures to review an approved petition require the filing of a motion to reopen by the approving officer (district director) under 8 CFR 103.5. The proposed procedure would allow for two types of revocation proceedings, automatic and on notice. Automatic

revocation of an approved Form I-129B would occur when the petitioner dies, goes out of business, or files written withdrawal of the petition. The revocation on notice procedure would be initiated by the district director by serving a notice of intent to revoke the visa petiton. Upon receipt of this notice, the petitioner could submit evidence in rebuttal to the reasons for the proposed revocation. The district director would consider all evidence submitted in making the decision.

The revocation on notice decision could be appealed to the regional commissioner under Part 103 of this chapter. When the beneficiary of a revoked petition is in the United States, a copy of the revocation would be furnished to the alien and an appropriate period in which to voluntarily depart the United States would be set.

8 CFR 214.2(h) presently limits H-1 and H-3 petitions to a period not to exceed one year, reneable for longer periods. The proposed rule would allow for an initial approval period not to exceed two years for H-1 petitions. The H-3 petition approvals would be granted for the duration of the approved training program.

Experience with the administration of the H-1 and H-3 categories of nonimmigrants has shown that extending the initial approval period would greately benefit the public without causing an adverse impact on compliance. First extension requests filed by the vast majority of aliens of distinguished merit and ability (H-1) are routinely granted. Upon initial approval of a petition for a trainee (H-3), the Service has determined that the stated length of the training program is appropriate; therefore, admitting an H-3 for the length of that approved training program relieves the Service from unnecessary review of extension requests.

The proposed rule would add definitions of three major terms contained in section 101(a)(15)(L) of the Act (8 U.S.C. 1101(15)(L)). Those terms are *managerial capacity, executive capacity,* and *specialized knowledge.* Administration of this section of law during the past twelve years has produced a body of administrative law and practice which the proposed definitions reflect. See *Matter of Raulin,* 13 I. & N. Dec. 654 (RC 1970), *Matter of Michelin Tire,* 17 I. & N. Dec. 248 (BIA 1977), *Matter of Penner,* Interim Decision 2865 (INS 1982), and *Matter of Colley,* Interim Decision 2881 (INS 1981).

8 CFR 214.2(1) now requires a petition to be submitted for each individual who wishes to be classified as an intra-company transferee. The approved petition is then forwarded to an American consulate where the beneficiary applies for an L-1 visa. The proposed rule would provide for a blanket petition procedure which would authorize a petitioner to certify the eligibility of managers and executives for temporary transfer to the United States under section 101(a)(15)(L) of the Act based upon the approval of a single petition (Form I-129B). After initial approval of a petition, all executives or managers whom the petitioner desired to transfer to the United States would be permitted to apply directly to an American embassy or consulate for L-1 visa issuance. A separate visa petition for each individual would not be required. Authority to determine that the individual manager or executive qualifies under the Act and regulations would be vested in the consular officer. The authorization period would be valid for three years with possible extensions. The length of stay for the beneficiary would run concurrently with, but not exceed the validity of, the approved visa petition. This change would only apply to executives and managers under the intra-company transferee classifications, and would not include an alien classified as an intra-company transferee under "specialized knowledge". To qualify, the petitioner would have to produce evidence that he has had at least 10 approved visa petitions during the past year. An alien admitted under the blanket petition could be assigned to any business, subsidiary, or affiliate included in the approval of the original petition.

This rule would also add to section 103.1, paragraph (m)(23), the right to appeal the revocation of approvals of certain petitions, as provided in § 214.2(h) and (l).

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

This rule will not be a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects

8 CFR Part 103

Administrative practice and procedure.

8 CFR Part 214

Administrative practice and procedure, Aliens, Authority delegations (Government agencies), Employment, Organization and functions (Government agencies), Passports and visas.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations would be amended to read as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. Section 103.1 would be amended by adding (m)(23) to read as follows:

§ 103.1 Delegation of authority.

* * * * *

(m)* * *

(23) Decisions revoking approval of certain petitions, as provided in § 214.2."

* * * * *

PART 214—NONIMMIGRANT CLASSES

2. Section 214.2 would be amended by revising (h)(1), (h)(6), (h)(7), (h)(8), and (h)(9); (h)(3a) and (h)(11) would be removed, revised and designated as (h)(14) and (h)(10) respectively; (h)(10) would be redesignated as (h)(11); a new paragraph (h)(12) would be added; and the former (h)(12) would be redesignated as (h)(13).

Paragraph (h) would be revised to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(h) *Temporary employees.*—(1) *Petitions.* Any alien defined in section 101(a)(15)(H) of the Act must be the beneficiary of an approved or extended visa petition filed on Form I-129B. The petition must be accompanied by the evidence listed in paragraphs (h)(2), (3), or (4) of this section. The petitioner need not be a United States resident.

(i) *Jurisdiction.* An employer shall file the petition and supporting documents with the district director having administrative jurisdiction over the place in the United States where the beneficiary will perform services or receive training. If the services will be performed or the training will be received in more than one location in the United States, the petition must be filed with a Service office having jurisdiction over at least one of those areas.

(ii) *Multiple beneficiaries.* An employer may include more than one beneficiary in an H petition if the beneficiaries wil be performing the same type of service or receiving the same type of training, applying for visas at the same consulate, and performing services or receiving training in the same Service district.

(iii) *Change in employment or training.* If an alien in the United States desires to perform temporary service or training for another petitioner, the new employer must file a new petition on Form I–129B and the petition must accompany an application of an extension of stay, Form I–539. If the new petition is approved, an extension of stay may be granted for the validity of the approved visa petition.

* * * * *

(3a) [Removed]

* * * * *

(6) *Approval of petition.*—(i) *General.* In adjudicating the petition, the district director shall consider all the evidence submitted, and any other evidence as he may independently require or obtain to assist his adjudication. If all the facts are found to be true and correct, the district director shall notify the petitioner on Form I–171C of the approval of the petition. An approved petition for an alien classified under section 101(a)(15)(H)(i) of the Act is valid for the period of established need for the beneficiary's temporary service but not to exceed two years. An approved petition for an alien classified under section 101(a)(15)(H)(iii) of the Act is valid for the documented length of the approved training program. If a certification by the Secretary of Labor or his designated representative is attached to a petition to accord an alien a classification under section 101(a)(15)(H)(ii) of the Act, the approval of the petition will not be valid beyond the date to which the certification is valid. When the certification does not state a validity period, approval of the petition will not exceed 1 year from the date on which the certification was issued.

(ii) *Spouse and dependents.* The spouse and minor children of the beneficiary are entitled to nonimmigrant H classification if accompanying or following to join the beneficiary in the United States. Neither the spouse nor children may accept employment unless they are the beneficiaries of an approved petition filed in their behalf and have been granted a nonimmigrant classification authorizing their employment.

(7) *Denial of petition.*—(i) *Notice of intent.* If an adverse decision is proposed on the basis of evidence not submitted by the petitioner, the district director shall notify the petitioner of the intent to deny the petition and the basis for the denial. The petitioner may inspect and rebut the evidence and will be granted a period of 10 days from the date of the notice in which to do so. Any rebuttal material will be considered in making a final decision.

(ii) *Notice of denial.* The petitioner will be notified of the decision, the reasons for the denial, and the right to appeal under Part 103 of this chapter. A denial decision by the district director will set forth the pertinent facts adduced from the evidence considered and give the specific reasons for the decision in the light of the facts and relating provisions of section 101(a)(15)(H) of the Act.

(8) *Revocation of approval of petition.*—(i) *Automatic revocation.* The approval of any petition is automatically revoked if the petitioner dies, goes out of business, or files a written withdrawal of the petition. When it comes to the attention of the district director that the approval has been automatically revoked, the district director shall promptly notify the petitioner of the revocation by letter.

(ii) *Revocation on notice.* The approval of a petition may be revoked if the beneficiary is no longer employed by the petitioner in the same capacity as specified in the petition or if the beneficiary is no longer receiving training as specified in the petition. The approval may also be revoked if it is determined that the statement of facts contained in the petition was not true and correct. If the district director finds that any of the above are true, a notice of intent to revoke will be sent to the petitioner. The petitioner may submit evidence in rebuttal within 10 days from the date of the notice. Any rebuttal material will be considered in making the final decision. The petitioner may appeal a revocation on notice to the regional commissioner under Part 103 of this chapter.

(9) *Admission.* A beneficiary may apply for admission to the United States only during the validity period of the petition. The authorized period of the beneficiary's admission will not exceed the date of validity of the petition.

(10) *Extension of stay.* An extension may be authorized in increments of not more than 12 months each under the same terms and conditions that apply to admission. If maintaining status, the beneficiary may apply for an extension for the validity period of the approved visa petition by submitting Form I–539. An application for an extension of stay on behalf of a group of beneficiaries covered by the same original petition must be filed on Form I–539 by each individual alien, but only one Form I–129B for extension of visa petition validity is required. In the case of an extension of stay for an alien ensemble performing as a group, only one Form I–539 is required with an attached list of beneficiaries. A change in the previously authorized employment or training requires the filing of a new petition by the prospective employer or trainer and the filing of an I–539 by the beneficiary. The forms I–539 and I–129B may be filed concurrently. For an alien defined in section 101(a)(15)(H)(ii) of the Act, the application for extension of stay must be accompanied by a labor certification or a notice that the certification cannot be made, and the alien shall not be granted an extension which would result in an unbroken stay in the United States for more than 3 years. An application for an alien athlete or entertainer, admitted under section 101(a)(15)(H)(ii) of the Act to perform services in the United States Virgin Islands, cannot be approved for extension of stay beyond a total of 45 days. There is no appeal from the denial of an alien's request for an extension of stay filed on Form I–539.

(11) *Effect of strike.* (i) A petition to classify an alien as a nonimmigrant as defined in section 101(a)(15)(H) of the Act shall be denied if the Secretary of Labor or his designee certifies to the Commissioner of Immigration and Naturalization or his designee that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation and at the place the beneficiary is to be employed or trained and that the employment or training of the beneficiary would adversely affect the wages and working conditions of U.S. citizen or lawful resident workers.

(ii) If a petition has been approved, but the beneficiary has not yet entered the United States to take up the approved employment or training, and the Secretary of Labor or his designee certifies to the Commissioner of Immigration and Naturalization or his designee that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation and at the place the beneficiary is to be employed or trained, and that the employment or training of the beneficiary would adversely affect the wages and working conditions of U.S. citizen or lawful permanent resident workers, the approval of the petition is automatically suspended and the application for admission on the basis of the petition shall be denied.

(iii) If a petition has been approved, and the beneficiary has entered the United States to take up the employment or training, if the beneficiary is not an "employee" as defined in the National Labor Relations Act (29 U.S.C. 152(3)), and the Secretary of Labor or his designee certifies to the Commissioner of Immigration and Naturalization or his designee that a strike or other labor

dispute involving a work stoppage or workers is in progress in the occupation and place of employment or training, and that the employment or training of the beneficiary would adversely affect the wages and working conditions of U.S. citizens or lawful permanent resident workers, the approval of the petition is automatically suspended.

(iv) If a petition has been approved, and the beneficiary has entered the United States to take up employment, if the beneficiary is an "employee" within the definition of the NLRA, the existence of a strike in the occupation at the place of employment shall result in suspension of the beneficiary's authorization to work, unless the employer establishes to the satisfaction of the Secretary of Labor or his designee, who in turn certifies to the Commissioner of Immigration and Naturalization or his designee, that less than 30 percent of the work force in the occupation at the place of employment are U.S. citizens or lawful permanent resident workers, provided that the Secretary of Labor or his designee also certifies that the strike has been authorized by a majority of such U.S. citizen or lawful permanent resident workers who voted, or a majority of such workers are participating in the strike.

(v) As used in this section, "place of employment" means wherever the employer or a joint employer does business.

(12) *Extension of visa petition validity.* A visa petition extension may be authorized in increments of not more than 12 months each, under the same terms and conditions that applied to the original approval. If there is no change in the previously approved visa petition, an extension may be requested by submitting Form I–129B. Supporting documents are not required unless requested by the Service.

(13) *Special classes.* The services of an entertainer beneficiary shall be restricted to the activity, area, and employer specified in the approved petition. Any engagement not specified in the original petition requires a new petition. A new petition is also required if the entertainer's services are engaged by a new employer or by a new agent or are to be performed in another area, except that a new petition will not be required for the appearance of an alien performer on a bona fide charity show without compensation; provided, the alien is already in the United States under an approved visa petition. A show is not considered a "bona fide charity show" within the meaning of this subparagraph if any of the musicians, entertainers, or other performers receive compensation, including reimbursement for expenses, for their performance. A petition is not required for an appearance, interview, or demonstration, if without remuneration, by any nonimmigrant alien who is not an entertainer by occupation. A separate petition and fee are required for each group of variety entertainers comprising a separate and distinct act.

(14) *Use of Form I–171C.* The Service shall notify the petitioner on Form I–171C whenever a visa petition or an extension of a visa petition is approved under the H classification. The petitioner may furnish the Form I–171C to any one of the beneficiaries who desires to depart from and return to the United States within the period for which the visa petition is valid, but many not duplicate the original form received from the Service; however, additional original forms may be requested. A beneficiary who is required to present a visa for admission and whose visa will have expired before the date of his or her intended return may use Form I–171C, as stated on the form, to apply for a new or revalidated visa. If the beneficiary is exempt from the visa requirement, the beneficiary may present the original Form I–171C at the United States port of entry upon return to be considered for readmission until the expiration date of the validity of the visa petition as shown on Form I–171C.

* * * * *

3. In § 214.2, paragraph (l) would be removed in its entirety and a new § 214.2(l)(1) through (10) added. Paragraph (l) would be revised to read as follows:

(l) *Intra-company transferees.*—(1) *Petition.* Any alien defined in section 101(a)(15)(l) of the Act must be named beneficiary of an approved or extended visa petition filed on Form I–129B, or be assigned to a position identified in an approved blanket petition made on the same form. The petition must be accompanied by the evidence listed in paragraph (l)(1) (iii) of this section. The petitioner need not be a United States resident.

(i) *Jurisdiction.* The prospective employer must file a separate petition for each beneficiary with the district director having jurisdiction over the place in the United States where the beneficiary will perform the services. In the case of a blanket petition, the petition must be filed with the district director having jurisdiction over the employer's main office in the United States. The authority to determine the individual eligibility of beneficiaries covered by blanket petitions under this section is delegated to United States consular officers.

(ii) *Definitions.* As used in this part:

(A) "Managerial capacity" means an assignment within an organization in which the employee directs the organization or a customarily recognized department or subdivision of the organization, controls the work of other employees, has the authority to hire and fire or recommend those actions as well as other personnel actions (promotion, leave authorization, etc.), and exercises discretionary authority over day-to-day operations. This does not include the first-line level of supervision unless the employees supervised are managerial or professional.

(B) "Executive capacity" means an assignment within an organization in which the employee directs the management of an organization and establishes organizational goals and policies, exercise is a wide latitude of discretionary decision-making, and receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the business.

(C) "Specialized knowledge" means knowledge possessed by an individual which relates directly to the product or service of an organization or to the equipment, techniques, management, or other proprietary interests of the petitioner not readily available in the job market. The knowledge must be relevant to the organization itself and directly concerned with the expansion of commerce or it must allow the business to become competitive in the market place.

(D) "New office" means an office that has been in operation for less than one year.

(iii) *Evidence.*—(A) *General.* A petitioner seeking to accord an alien classification under section 101(a)(15)(L) of the Act shall attach a statement to the petition describing the capacity in which the beneficiary will be employed in the United States. The documentary evidence must establish that the services currently performed by the beneficiary, and those to be performed in the United States, have been and will be either exeuctive, managerial, or involve specialized knowledge. The statement must satisfy the requirement in paragraph (l)(1)(ii) of this section. If the petition indicates that the beneficiary is coming to open or to be employed in a newly opened office in the United States, the petition must be accompanied by evidence that sufficient physical premises to house the United States operation have been secured by purchase, lease, or rental, and the petitioner has sufficient resources to remunerate the beneficiary. An

individual petition is required in the case of all petititions involving new offices.

(B) *Individual petition.* A petition must be accompanied by evidence of the corporate interrelationship between the foreign company and the United States-based company in order to establish existence of the interrelationship described in section 101(a)(15)(L) of the Act. A statement explaining the temporary need for the beneficiary's services must also accompany the petition. If the beneficiary is an owner, operator, or major stockholder of the company, the petition must be accompanied by evidence that the beneficiary's services are to be used for a temporary period and also include evidence that the beneficiary will be transferred to an assignment outside the United States upon completion of the temporary services in the United States.

(C) *Blanket petitions.* A petitioner may file a blanket petition if it has transferred at least 10 "L" managerial or executive beneficiaries to the United States during the previous 12 months. The petition must be accompanied by evidence that this requirement has been met. The petition must also be accompanied by evidence of the corporate interrelationship of all foreign and domestic entities which the petitioner identifies in the petition and a list of the positions to which its executives or manager may be assigned in the United States. If an organization will identify more than 10 positions, the petitioner may furnish a description of its personnel structure and identify the level above which it will or may seek to transfer managers or executives. Qualified employees who are being transferred into managerial and executive positions identified in the approved blanket petition shall apply directly to an American embassy or consulate for visa issuance without being named in an individual visa petition. A beneficiary of a blanket petition may be admitted as a manager or executive with any organization or division named in the approved visa petition. When the beneficiary of a revoked petition is in the United States, a copy of the revocation shall be furnished to the alien with a date on which to depart the United States.

(2) *Certification of documents by attorneys.* A copy of a document submitted in support of a visa petition filed pursuant to section 214(c) of the Act and § 214.2(1) of this part may be accepted, without the original, if the copy bears a certification by an attorney, typed or rubber-stamped in the language set forth in § 204.2(h) of this chapter. However, the original document shall be submitted if requested by the Service.

(3) *Approval of petition.*—(i) *General.* The district director shall notify the petitioner on Form I–171C upon approval of a visa petition filed on Form I–129B. An individual petition approved under this paragraph is valid for the period of established need for the beneficiary's temporary services, not to exceed three years. A blanket petition approved under this paragraph is valid for a period of three years from the date of approval of the petition. A blanket petition may be approved in whole or in part. Only those interrelationships found to qualify under seciton 101(a)(15)(l) of the Act shall be approved. A petitioner may utilize the services of a beneficiary in any qualifying executive or managerial position and for any company found qualified in the blanket petition.

(ii) *Spouse and dependents.* The spouse and unmarried minor children of the beneficiary are entitled to the same nonimmigrant classification if accompanying or following to join the beneficiary in the United States. Neither the spouse nor children may accept employment unless they are the beneficiaries of an approved petition filed in their behalf and have been granted a nonimmigrant classification authorizing their employment.

(4) *Denial of petition.*—(i) *General.* A petition denied in whole or in part may be appealed to the regional commissioner under Part 103 of this chapter.

(ii) *Individual petition.* If an individual petition is denied, the petitioner will be notified of the denial, the reasons for the denial, and of the right to appeal on Form I–292.

(iii) *Blanket Petition.* If a blanket petition is denied in whole or in part, the petitioner shall be notified of the decision and the reasons for the denial in part resulting from a finding that some of the claimed inter-company relationships and/or positions do not qualify under section 101 (a) (15) (L) of the Act. The district director shall forward the denial along with Form I–171C. Notice of Approval, when the petition is denied in part. Form I–171C shall list those inter-company relationships and positions which were found to qualify. If the decision of the district director is reversed on appeal, a new Form I–171C shall be furnished to the petitioner to reflect the changes made as a result of the appeal.

(5) *Revocation of approval of petitions.*—(i) *Automatic revocation.* The approval of any petition is automatically revoked if the petitioner dies, goes out of business, files a written withdrawal of the petition, or fails to report any change which would alter qualifying business inter-relationships, or the qualifying executive or managerial duties of the beneficiary.

(ii) *Revocation on notice.* The approval of a petition may be revoked if the ownership and control of the related businesses are altered, and the inter-relationship or employment of the beneficiary no longer qualify under section 101(a(15) (L) of the Act. The petitioner shall notify the Service of any changes in the relationships between authorized companies and any changes to the employment of the beneficiary. If the district director's review of the change finds that the inter-relationship or employment is no longer eligible within the meaning of section 101(a) (15) (L) of the Act, a notice of intent to revoke shall be sent to the petitioner. If an inter-relationship previously approved under a blanket petition is found to no longer qualify, a notice of intent to revoke only that portion of the petition affected by the determination shall be sent to the petitioner. Upon receipt of the notice, the petitioner may submit evidence in rebuttal of the reasons for the proposed revocation. The district director will consider all evidence in making the decision. If the petition is revoked in part, the remainder of the petition shall remain approved and a revised Form I–171C shall be sent to the petitioner with the revocation notice. The petitioner may appeal a revocation on notice to the regional commissioner under Part 103 of this chapter.

(6) *Admission.* A beneficiary may apply for admission to the United States only during the validity period of the petition. The authorized period of the beneficiary's admission shall not exceed the date of validity of the petition.

(7) *Extension of stay.* An alien classified under section 101(a) (15) (L) of the Act shall for an extension of stay on form I–539. The Form I–539 must be accompanied by a statement of continued need signed by an authorized company representative. Extensions of stay may be authorized in increments not to exceed 12 months for a beneficiary of an individual petition and not exceed 36 months for an alien admitted under a blanket petition authorization. No extension will be granted to exceed the validity of the approved petition. The same terms and conditions authorizing the approval of the petition and admission of the beneficiary shall apply. However, an alien admitted under the authority of an

approved blanket petition may be reassigned to any business in a managerial or executive position included in the approval of the blanket petition without referral to the Service. The application for extension of stay for a beneficiary of an approved blanket petition must be filed with the Service office that approved the original visa petition. The spouse and unmarried minor children of an L-1 beneficiary may be included in the extension application and given extensions of stay to the same date as the beneficiary. A new Form I-171C shall be sent to the applicant if the extension is approved. There is no appeal from the denial of an extension of stay. Form I-129B may be filed concurrently for extension of visa petition validity.

(8) *Extension of visa petition validity.* An individual petition may be extended in increments of not more than 12 months each by submitting Form I-129B if all existing conditions in the original approval remain the same. Supporting documents are not required unless requested by the Service. A blanket petition may be extended for an additional three year period by submitting a Form I-129B with the file number of the previously approved petition. Supporting documents are not required if all existing business relationships and authorized positions remain the same. When listed organizations or positions are to be amended, a revised petition must be filed on Form I-129B. Form I171C must list all qualifying inter-company relationships which have qualified under this part.

(9) *Labor disputes.* A petition will be denied if a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place the beneficiary is to be employed. If the petition has already been approved, the approval of the beneficiary's employment is automatically suspended while the strike or other labor dispute is in progress.

(10) *Use of Form I-171C.* The Service shall notify the petitioner on Form I-171C upon approval of a visa petition filed on Form I-129B. The Form I-171C will include the name of the beneficiary or, in the case of a blanket petition, will identify the positions and organizations included in the petition. Each alien seeking a visa to occupy a position named in an approved blanket petition must submit a copy of Form I-171C with a letter from the petitioner which identifies: the position and organization from which the employee is transferring, the new organization and position to which the employee is destined, and a description of the employee's actual duties and salary under both the new and former positions. The employer of a beneficiary named in an individual visa petition may request the Service to issue an original Form I-171C to the employee to facilitate entry into the United States for a beneficiary who does not require a nonimmigrant visa. The original Form I-171C may be retained by the beneficiary and presented for entry during the validity of the petition; provided, the beneficiary is entering or reentering the United States to resume the same employment with the same petitioner within the validity period of the petition. However, and L-1 beneficiary admitted under the authorization of blanket petition may be readmitted even though reassigned to a different managerial or executive position or organization named on the Form I-171C. The orginal Form I-171C received from the Service may only be duplicated by employers who have approved blanket petitions; however, additional forms may be requested by individual petitioners.

* * * * *

(Secs. 103, 214, Immigration and Nationality Act, as amended; 8 U.S.C. 1103, 1184)

Dated: March 3, 1983.

Gerald R. Riso,

Deputy Commissioner, Immigration and Naturalization Service.

[FR Doc. 83-8727 Filed 4-4-83; 8:45 am]

BILLING CODE 4410-10-M

CIVIL AERONAUTICS BOARD

14 CFR Part 320

[Procedural Regulation Docket 41303; PDR-83]

Procedures for Awarding Japanese Charter Authorizations

March 29, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing to amend its transfer and penalty provisions for transfer or nonuse of authorizations for charter flights to Japan. CAB rules now penalize an excessive transfer of "grandfather" authorizations and nonuse of any authorizations in a given year by taking back a number of authorized flights in future years. The proposal would allow carriers to return unused authorizations for the allotment year beginning October 1, 1982, for Board redistribution. "Grandfather" allocations so returned would not be penalized. The proposal is in response to a petition from The Flying Tiger Line, and is intended to allow the maximum use to be made of these limited charter authorizations.

DATES: Comments by April 26, 1983. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: April 12, 1983.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESS: Send comments to Docket 41303, Docket Section, Civil Aeronautics Board, Room 714, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: George Wellington, Bureau of International Aviation, 202-673-5878; or Joseph Brooks, Office of the General Counsel, 202-673-5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: In this notice of proposed rulemaking, the Board is asking for comment on a proposal to amend the transfer and penalty provisions of its rules allocating charter authorizations to Japan. The proposal would allow those carriers receiving authorizations under the rule to return them unused to the Board without penalty for the allocation year beginning October 1, 1982, and ending September 30, 1983.

Background

By PR-251 (47 FR 43352, October 1, 1982) we adopted 14 CFR Part 320, *Procedures for Awarding Japanese Charter Authorizations,* which established procedures for allocating among U.S. carriers 300 yearly one-way charter flights to which the United States is entitled under the terms of an interim aviation agreement with Japan. This agreement was first set forth in a June 4, 1982, Record of Consultations and made effective in a September 7, 1982, Memorandum of Understanding. In adopting the rule, we stated that it may be modified should there be undesirable consequences for the public interest.

The rule provides that certificated carriers with a recent history of charter operations in the Japan market receive "grandfather" allocations of a certain number of those 300 charters, based upon the level of their recent operations. The remaining flights are awarded under the rule through a lottery open to all U.S. carriers holding authority in the market and having the operational capability to serve Japan.

The rule imposed a penalty on excessive transfers of grandfather

authorizations. It required carriers that transfer more than ten percent of their "grandfather" authorizations in any year to forfeit one flight in each future year for each flight transferred above the ten-percent threshold. The rule further placed a penalty on the nonuse of authorizations received from any source by requiring a forfeiture in future years of two flights for every one not used ("year" refers to Japan charter allotment periods running from October 1 to September 30). The rule did permit "grandfather" authorizations to be returned without penalty within 2 days of receipt.

On February 23, 1983, The Flying Tiger Line Inc. (FTL) filed a petition for rulemaking in which it requests that we modify Part 320's provisions for transfer of charter authorizations. FTL stated that U.S. carriers have not to date made extensive use of the Japan charter authorizations awarded to them. FTL contended that current economic conditions have lessened the demand for U.S.–Japan passenger charters, and that the transfer and penalty provisions of Part 320 have acted as a disincentive for carriers holding "grandfather" authorizations to transfer them to other carriers. FTL further stated that it believed most carriers holding authorizations, from either the lottery or as a "grandfather" authorization, will not be able to use the majority of them this year, but that there may be other carriers which, if they could obtain the necessary authorizations, might be able to mount a successful charter program to Japan within the six months remaining for this year's authorization.

FTL stated that in order to prevent the waste of a substantial number of first-year authorizations, we should amend Part 320 to provide a "window" period during which carriers holding authorizations may, without incurring penalty, turn in those they do not plan to use. FTL proposed that we then redistribute these authorizations through a lottery or by other means.

FTL also proposed that the rule provide for this return and redistribution process each year (rather than just the first year) that the rule is in effect.

Answers

Answers to FTL's petition have been filed by Arrow Airways and Capitol Air, Airlift International, Transamerica Airlines, and the Department of Transportation. The Board grants DOT's motion to file a late comment.

Arrow and Capitol opposed the petition. They stated that FTL's main purpose is to be relieved of the penalty provisions of Part 320 which, in adopting the rule, we found to be warranted. They further argued that FTL has not shown that its proposal would result in the operation of any additional U.S.–Japan charters, and that the insulation of FTL and other "grandfather" carriers from the penalty provisions, with no countervailing public benefit, is not in the public interest.

Arrow and Capitol stated that the purpose of the penalty on excessive transfers of "grandfather" authorizations is to provide for their general redistribution to other carriers in future years, in recognition of the fact that a carrier transferring large numbers of authorizations will not need its full allocation in later years. The carriers stated that FTL's proposal, if adopted, would eliminate this desirable reallocation process and could result in "grandfather" carriers retaining, in future years, allocations in excess of those needed to maintain the level of their recent operations. Further, the carriers argued that FTL does not claim that its authorizations cannot be transferred, but only that there is a "Disincentive" to do so. In addition, they contended, the FTL proposal shifts the penalties for nonuse from it to others, since it appears under the proposal that the penalty for nonuse after re-distribution would remain in effect.

Arrow and Capitol also stated that if, as FTL asserts, demand for U.S.–Japan charters is less than anticipated and a large number may go unused, we should not make limited changes in the rule, but should re-examine our charter allocation process in its entirety. Finally, the carriers stated that any such re-examination should not take place until final disposition of their and Airlift's petitions for review of the rule now pending in the Court of Appeals for the District of Columbia Circuit. *Arrow Airways, Inc., Capitol Air, Inc. and Airlift International, Inc. v. Civil Aeronautics Board,* D.C. Cir., case nos. 82–2188, 82–2392.

Airlift also urged that we defer action on FTL's petition until final action by the Court of Appeals.

Transamerica supported FTL's proposal, and stated that the problems U.S. carriers have experienced in operating U.S.–Japan charters have been exacerbated by the refusal of Japan to permit the carriage of U.S.- and Japan-originating traffic on the same aircraft.

The Department of Transportation (DOT) generally supported FTL's petition on the condition that CAB data show that Japan charter authorizations are not being used. DOT stated that even though Part 320 imposes penalties for nonuse and gives some flexibility for carriers to turn-back "grandfather" authorizations, the rule was based on the assumption that demand for the authorizations would exceed their supply, and on the intensity of the carriers interest in the market. If this assumption is not correct, DOT believes that the Board should reexamine its allocation system.

Proposal

In adopting the rule, we anticipated that there would be considerable demand for Japan charter authorizations, as evidenced both by the historic levels of charter operations in the U.S.-Japan market as well as by the intense interest expressed by U.S. carriers in the market and in the proposed rule. The carriers receiving grandfather awards also appear to have had the same view—none exercised its right under section 320.11(c) to turn back any "grandfather" authorizations. Further, all the "grandfather" carriers elected to seek additional authorizations in the lottery.

It now appears that our expectation of demand for Japan charter authorizations may have been incorrect, and that the authorizations may have less value than we originally thought, at least for the first year's allotment of charters. Few authorizations have been used to date, as FTL stated. Less than 20 authorizations have been used by U.S. carriers. Further, we have not received notice of the transfer among carriers of any authorizations.

In light of these circumstances, we are concerned that a number of these authorizations may not be used, and believe that we should take additional measures to facilitate the transfer of unwanted authorizations to other carriers that may be able to use them. Our goal in developing these rules has always been to ensure that all of the charter authorizations are used each year.

We are concerned that the present transfer and penalty provisions may have an undesirable side effect. Specifically, they may cause carriers, in an effort to avoid a penalty, to hold unneeded "grandfather" authorizations until late in the year in the hope that they can use them, rather than transfer them to carriers which can use them now. Then, if not able to use them at that time, the carriers could otherwise dispose of them in a way inconsistent with the public interest objectives of the rule. Such an action would undercut the penalty system and may result in a number of these authorizations ultimately going unused at the end of the year if insufficient business materializes.

It therefore appears that our penalty provisions could contribute to Japan charter authorizations being wasted. This was obviously not our intent in adopting the provision. In an effort to correct this potential problem, we are proposing to amend Part 320 to:

(1) Permit carriers holding authorizations to return, for this allocation year, unwanted authorizations to use for reallocation, without penalty, and (2) allow redistribution of these returned authorizations through a lottery for use this year. We propose to make this "turn-back" provision available to both "grandfather" authorizations and any lottery authorizations which carriers believe they cannot use or transfer themselves.

Although the transfer of a lottery authorization does not subject the transferring carrier to a penalty under Part 320, the carrier would be penalized if it allowed an authorization to expire unused at the end of the year. Thus, under our proposal, a carrier foreseeing that it would be unable to use an authorization, and unable to find another carrier to which to transfer that authorization, could avoid penalty by returning it to us in this allotment year. The penalties would remain in effect after this turn-back period. Because the turn-back and government redistribution would occur in the middle of the allotment year, Arrow's and Capitol's concern about a shifting of penalties, should be lessened.

This proposal does not guarantee that these reallocated authorizations will be used, as Arrow and Capitol argued. However, if the market is as depressed as FTL and Transamerica allege, we believe that carriers are somewhat more likely to accept and use authorizations that they receive free through a government lottery than they would be if required to search for and purchase or trade for them among their competitors in the open market. We would thus like to have comment on the state of the charter market and the effect on it, as well as the effect on this proposal, of the commingling difficulties stated by Transamerica. If the market is that depressed, even a government allocation may not help in making sure that allocations are used.

We believe that the proposed arrangement would give carriers holding Japan charter authorizations the ability to assess their need for the authorizations they have been allotted, and would facilitate, if any demand exists, the redistribution of authorizations. We are not proposing to prohibit carriers from selling unneeded authorizations if they choose and are able to (and we anticipate that they would do so if the demand for them increases). We believe, however, that this mechanism would give carriers increased flexibility in their efforts to use these authorizations in an effective manner under any conditions of demand for the flights.

We specifically request commenters to give us their views on the need for a government reallocation system. We also request carriers holding Japan charter authorizations to give us their best estimates of the number of flights they might return if we adopt this amendment.

The Board is proposing that this turn-back window be implemented only for this allocation year. The lack of demand for these charters might be a short-term phenomenon. Further, as explained below, the Board will shortly begin a complete re-examination of the Japan charter procedures.

We acknowledge Capitol's and Arrow's and DOT's view that a full-scale re-examination of Part 320's allocation procedures is warranted. The charter agreement with Japan is new, and the procedures set up to implement the granting of Board authority are novel. We believe that this request for a change in our procedures shows a need to reexamine them. The rule provides, in section 320.4(b)(3), for an 18-month review of the operation of the charter procedures. We are proposing to change paragraph (b)(3) to call for a review of the rule *not later than* 18 months from adoption. We intend to begin this review shortly.

As an additional matter, we are not at this time persuaded that we should defer action on this petition pending judicial review of our action adopting Part 320. If the proposed amendment is adopted, we will submit the final rule to the Court for review prior to its effective date.

Method of Redistribution

In PR–251 we stated our preference to rely on market forces to direct, through the transfer mechanism, authorizations to carriers best able to use them and able to pay the best price for them. Here, however, we appear to be faced with a situation where the value of authorizations may be relatively small, and where market forces may not be sufficiently strong to induce reallocation. We have tentatively decided that, in this instance, a lottery represents the most equitable and efficient means of reallocating these authorizations. We are proposing a lottery similar to the one already held under Part 320, open to any carriers meeting the eligibility standards of the rule.

Carriers wishing to return flights would, under our proposal, do so in two-flight (one round-trip) blocks. Carriers bidding for these flights in the lottery would also bid in two-flight blocks, with no maximum bid size. If the number of bids received from interested carriers is less than the number of authorizations available, we propose to dispense with the lottery, award the authorizations to the bidding carriers, and distribute the remainder on a first-come-first-served basis.

We believe that this arrangement, with a minimum of restrictions on the allocation process, would best assure that the flights would be reallocated efficiently. We are interested in carrier comments on this procedure, and on other possible ways of reallocating returned authorizations.

Penalties

We are proposing one change in the penalty provisions of the rule. We would make the "grandfather" penalty applicable only to those flights now subject to a penalty (those exceeding 10 percent of the grandfather allotment), transferred by a carrier outside the proposed reallocation system. We do not agree with Capitol's and Arrow's assertion that this proposal would be contrary to our stated desire that future "grandfather" authorizations be reallocated, through our penalty provisions, if carriers transfer an excessive number of them.

Under the assumptions used in adopting the rule, such as a high demand for authorizations and that a certain number of carriers deserved special recognition of their past efforts in the market, if a carrier transferred a large number of flights it would be due either to a change in that carrier's operational plans (a business decision to reduce its activities in the market) or to that carrier's inability to compete effectively with other carriers operating U.S.-Japan charters. We concluded that under such circumstances, if those carriers sold their "grandfather" authorizations, it would be unfair to give the "grandfather" carriers the same number of charters in later years.

Our proposal here is based on a different premise—that demand for Japan charter authorizations may, at times, be low, such that carriers are not able to use all of them, and that a carrier wishing to transfer authorizations is not in a unique position. Thus, the desire to transfer would not be due to circumstances surrounding a particular carrier, but rather to market forces

affecting all carriers. Further, by returning flights to us under our proposal, the "grandfather" carrier would be foregoing its transfer rights and any ensuing profit from the sale of its authorizations. Under these circumstances, we do not believe that a penalty is warranted.

We are not proposing to modify the penalty for nonuse of authorizations. We believe that with the ability to turn back unwanted authorizations, carriers would have no excuse for allowing authorizations to expire unused at the end of this allocation year. The penalty for nonuse would also apply, under our proposal, to carriers receiving reallocated flights, if they allowed them to expire unused.

Finally, for the reasons explained in setting a shortened comment period, if this rule is adopted, we will act quickly to implement it. Interested carriers should prepare to also act promptly if the rule is made final.

Comment Period

In light of the need to conduct any reallocation promptly, comments on this notice of proposed rulemaking will be due 21 days after publication in the **Federal Register**. The charter authorizations distributed under Part 320 expire on September 30 of each year. Because the peak season for passenger charters is rapidly approaching any rule change of this nature would have to be made quickly so that carriers can plan charter programs and attract passengers if the charter authorizations are to be used. For this reason, the Board finds good cause to conduct this rulemaking on an expedited basis with a 21-day comment period.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, the Board certifies that none of the proposed changes, if adopted, will have a significant economic impact on a substantial number of small entities. None of the direct carriers eligible for participation in Part 320 allocations is a small business. Any indirect effect of the proposed change on charter operators, some of which are small businesses, would be marginal.

List of Subjects in 14 CFR Part 320

Charter flights, Reporting and recordkeeping requirements, Treaties.

PROPOSED RULE

PART 320—[AMENDED]

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 320, *Procedures for Awarding Japanese Charter Authorizations*, as follows:

1. Section 320.15 would be amended by designating the existing paragraph as (a) and by adding a new paragraph (b) to read:

§ 320.15 Unused charter authorizations.

* * * * *

(b) Notwithstanding paragraph (a) of this section, any carrier may without penalty return to the Board, by a date established by the Board, any of its allocated authorizations that it is unable to use during the allocation year that began on October 1, 1982. The returned authorizations under this paragraph are to be in two-flight (one round-trip) blocks, and will be redistributed under § 320.16.

2. Section 320.16 would be revised to read:

§ 320.16 Secondary lotteries.

(a) Any charter authorizations forfeited will be reallocated by the Board in a secondary lottery under this paragraph.

(1) Secondary lotteries are open to all carriers that meet the eligibility requirements of § 320.12(a), except for carriers that have forfeited one or more flight authorizations under § 320.15(a) and carriers that have transferred more than 10 percent of their grandfather authorizations under § 320.14(c).

(2) The Board will issue an order shortly after the end of each allocation year establishing the number of authorizations available to be reallocated, and the manner in which and when applications will be entertained. These secondary lotteries will be held not later than November 1 of the following allocation year in which one or more charter flight authorizations were forfeited.

(b) Any charter authorizations returned under § 320.15(b) will be reallocated by the Board in a secondary lottery under this paragraph.

(1) Secondary lotteries are open to those carriers meeting the requirements of paragraph (a)(1) of this section.

(2) The Board will issue an order after receiving all authorizations returned under § 320.15(b) stating the number of authorizations available to be reallocated and setting the manner in which applications may be submitted. The secondary lottery under this paragraph will be held on a date set by the Board.

(3) Each application submitted under this paragraph shall contain bids for one or more two-flight (one round-trip) blocks. If the number of bids in applications is less than the number of authorizations available, the authorizations will be given to the bidding carriers without a lottery, and the remaining authorizations will be distributed on a first-come basis as directed by the Board.

3. Paragraph (b)(3) of § 320.4 would be revised to read:

§ 320.4 Charter authorizations.

* * * * *

(b) * * *

(3) The Board will review the procedures provided by this part not later than 18 months after adoption and make changes after notice and opportunity for public comment as necessary.

* * * * *

(Secs. 204, 401, 407, 1102, Pub. L. 85–726, as amended, 72 Stat. 743, 754, 766, 797; 49 U.S.C. 1324, 1371, 1377, 1502)

By the Civil Aeronautics Board.[1]

Phyllis T. Kaylor,

Secretary.

Smith, Member, Concurring and Dissenting:

I originally dissented on this scheme opposing the grandfathering aspects of the program which tended toward compensating incumbent carriers because of new competition in the market regardless of the intended use of the slots and, likewise, opposing the carrier's ability to sell or transfer slots after an initial award which held the prospect of rewarding third parties who offered nothing to the transportation system at the probable expense of the consumer.

However, I do advocate a window as proposed for carriers to return slots to the Board for redistribution without penalty provided the penalty provisions for non-use of slots after the reallocation remains. This should minimize the grandfathering bias and inter-carrier sales and exchanges while redistributing the rights to those more likely to use them.

I agree that the distribution system beyond the first year should be re-examined at this time.

James R. Smith.

[FR Doc. 83-8817 Filed 4-4-83; 8:45 am]

BILLING CODE 6320-01-M

[1] All Members concurred except Member Smith who concurred and dissented and filed the attached concurring and dissenting statement.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1301

Fees for Registration and Reregistration

AGENCY: Drug Enforcement Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration proposes to adjust its fee schedule for DEA registration. The current fee schedule has been in effect since 1971 and it has been determined that it does not adequately recover the Federal costs involved in the registration and control of manufacturers, distributors, and dispensers of controlled substances.

DATE: Comments must be received on or before June 6, 1983.

ADDRESS: Comments must be submitted in quintuplicate to the Acting Administrator, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Joseph Trincellito, Special Assistant to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633–1172.

SUPPLEMENTARY INFORMATION: The Controlled Substances Act of 1970 (CSA) requires the annual registration of any person who manufactures, distributes, or dispenses a controlled substance. Section 301 of the CSA authorizes the charging of "reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances." The fee schedule under the CSA was established in 1971 and has not changed since then. The following is the current fee schedule as set forth in 21 CFR 1301.11:

Manufacturer	$50
Distributor	25
Importer	25
Exporter	25
Narcotic Treatment Program	5
Researcher	5
Analytical Lab	5
Retail Pharmacy	5
Hospital/Clinic	5
Practitioner	5
Teaching Institution	5

In 1982, the General Accounting Office conducted a review of the annual registration fees charged by DEA. GAO's findings were published in their report entitled, "Comprehensive Approach Needed to Help Control Prescription Drug Abuse," dated October 29, 1982 (GAO/GGD–83–2). It was GAO's finding that DEA's existing fee structure did not adequately recover the costs incurred by the Government. The standards for "user charges" set forth in the Office of Management and Budget (OMB) Circular A–25 are applicable to DEA registration fees. The application of these standards to DEA registration fee schedules clearly indicates that an increase in the fee schedule is appropriate.

GAO's calculations for the year 1980, indicated that a fee schedule of $250 for manufacturers, $125 for distributors and $25 for practitioners would have been appropriate. DEA's current estimates, based on an increase in the number of practitioner registrants since 1980, indicate a similar fee structure is in order but with a slightly lower fee for practitioners.

List of Subjects in 21 CFR Part 1301

Administrative practice and procedure, Drug traffic control, Security measures.

§ 1301.11 [Amended]

It is proposed that 21 CFR 1301.11 be amended to reflect the following fee schedule:

Manufacturer	$250
Distributor	125
Importer	125
Exporter	125
Narcotic Treatment Program	[illegible]
Researcher	[illegible]
Analytical Lab	[illegible]
Retail Pharmacy	[illegible]
Hospital/Clinic	[illegible]
Practitioner	20
Teaching Institution	20

The total economic impact of the proposed fee schedule is not expected to exceed $10 million annually. Accordingly, the Deputy Assistant Administrator for Diversion Control has determined that this proposed rule is "non-major" for purposes of Executive Order 12291.

Pursuant to Executive Order 12291, Sections 3(c)(3) and 3(e)(2)(B), this notice of proposed rulemaking has been reviewed by the Office of Management and Budget.

The vast majority of DEA registrants are considered to be small entities whose interests are to be considered under the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* However, these registrants are predominantly practitioners and pharmacies whose individual registration fees will be increased by $15.00 annually. Accordingly, pursuant to 5 U.S.C. 605(b), the Deputy Assistant Administrator has concluded that the proposed fee increase will have no significant impact upon small entities.

Dated: March 14, 1983.

Gene R. Haislip

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 83–8570 Filed 4–4–83; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–77–80]

Tertiary Injectant Expenses; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the allowance of a deduction for tertiary injectant expenses.

DATES: The public hearing will be held on May 17, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by May 3, 1983.

ADDRESSES: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–77–80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202–566–3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 193 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, January 14, 1983 (48 FR 1761).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations

should submit not later than May 3, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-8677 Filed 4-4-83; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Parts 1 and 4

[LR-100-78]

Foreign Tax Credit

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the description of income, war profits, and excess profits taxes and taxes in lieu of such taxes imposed by foreign countries and possessions of the United States. These proposed regulations also relate to the amount of these foreign taxes paid or accrued to the foreign country or U.S. possession which, subject to certain limitations, are creditable against U.S. income tax liability. This notice supersedes the notice of proposed rulemaking published on November 17, 1980 (45 FR 75695), but does not supersede temporary regulations published on the same date (45 FR 75647).

DATE: Written comments and requests for a public hearing must be delivered or mailed by June 6, 1983. These amendments are proposed to be effective with respect to taxable years beginning more than 30 days after the date of publication of final regulations by a Treasury decision in the **Federal Register**, except that a taxpayer may elect to apply the regulations to earlier open years.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-100-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Herman B. Bouma of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attn: CC:LR:T, 202-566-3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) and the Temporary Income Tax Regulations Relating to the Creditability of Foreign Taxes (26 CFR Part 4) under sections 901 and 903 of the Internal Revenue Code of 1954. These amendments would be issued under the authority contained in section 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

A notice of proposed rulemaking and temporary regulations relating to the creditability of foreign taxes were published in the **Federal Register** on November 17, 1980 (45 FR 75695, 75647). Many interested parties commented on that proposal. These comments have been considered and taken into account as appropriate in the preparation of the proposed regulations contained in this document. The temporary regulations published on November 17, 1980, will continue in effect until final regulations become effective.

Discussion

Section 901

Section 1.901-2

Section 901 allows a credit for the amount of income, war profits, or excess profits taxes paid or accrued by or on behalf of a taxpayer to a foreign country or possession of the United States. A foreign levy is a creditable tax only if it is a tax and its predominant character is that of an income tax in the U.S. sense.

A levy is a tax under proposed § 1.901-2(a)(2) if it requires a compulsory payment pursuant to the foreign country's authority to levy taxes. A payment for a specific economic benefit is not a tax. A dual capacity taxpayer (that is, a taxpayer who directly or indirectly receives a specific economic benefit from a foreign government must establish under proposed § 1.901-2A the portion, if any, of its payment to the foreign government that is a payment of tax. This rule for dual capacity taxpayers varies from the rule in the current temporary regulations.

Under the proposed regulations the predominant character of a foreign tax is that of an income tax in the U.S. sense if the foreign tax is likely to reach net gain in the normal circumstances in which it applies. This standard, set forth in proposed § 1.901-2(a)(3)(i), adopts the criterion for creditability enunciated by the Court of Claims in *Inland Steel Company* v. *U.S.*, 677 F.2d 72 (Ct. Cl. 1982), *Bank of America National Trust and Savings Association* v. *U.S.*, 459 F. 2d 513 (Ct. Cl. 1972), and *Bank of America National Trust and Savings Association* v. *Commissioner*, 61 T.C. 752 (1974). The proposed regulations set forth three tests for determining if a foreign tax is likely to reach net gain: the realization test, the gross receipts test, and the net income test. All of these tests must be met for the predominant character of the foreign tax to be that of an income tax in the U.S. sense.

Paragraph (b) (2) states that the realization test is met if the predominant character of the foreign tax is that of a tax imposed on income at the time or after the time income would be realized under the Internal Revenue Code. This test can also be satisfied if the foreign tax is imposed on the appreciation in value of certain assets or on the value of certain inventory property at the time of transfer, processing, or export, but only if such amounts are not subject to foreign tax at a later time. Certain foreign taxes imposed on the actual or deemed distribution of profits also satisfy the realization test.

The gross receipts test set forth in paragraph (b) (3) is satisfied if the predominant character of the foreign tax is that of a tax imposed on the basis of gross receipts. The proposed regulations allow a tax imposed on a base of estimated gross receipts or on a base of gross receipts that would have resulted from an arm's length transaction to meet this standard in certain cases.

The third test of the proposed regulations is whether the predominant character of the foreign tax is that of a tax on net income. Paragraph (b) (4) states that a tax imposed on a base of gross receipts reduced by significant costs and expenses (including capital expenditures) attributable to that income is a tax on net income. Certain formulary methods of computing taxable income satisfy this test. A foreign tax may be considered to be imposed on net income even if no deductions are allowed in those few cases where the income is of a type (such as wages) that generally does not have significant related expenses.

Even though a foreign tax satisfies these three tests, the predominant

character of the tax is not that of an income tax in the U.S. sense to the extent the foreign tax liability is dependent on the availability of a credit against the taxpayer's liability to another country. This rule is contained in paragraphs (a) (3) (ii) and (c).

Under the proposed regulations, the tests described above are applied to each separate foreign levy. Paragraph (d) provides that a levy consists of separate levies if it is imposed on a base that differs in kind, and not merely in degree, for different classes of persons subject to the levy. Taxes imposed by different levels of a government are always separate levies. A tax imposed under foreign law as modified by a contract is a separate tax imposed on those persons subject to the contractual modification. Special rules with respect to levies imposed on dual capacity taxpayers are found in § 1.901–2A(a).

Amounts of foreign income, war profits, or excess profits taxes that are creditable must be paid or accrued to the foreign country by or on behalf of the taxpayer. Paragraph (e) contains rules with respect to the amount of a qualifying tax that is creditable, subject to limitations such as those contained in section 904. Amounts of tax paid or accrued to a foreign country do not include amounts that are (1) reasonably likely to be refunded, credited, rebated, abated or forgiven, or (2) used directly or indirectly as a subsidy to the taxpayer, or (3) not compulsory payments. To the extent a taxpayer does not make reasonable efforts to minimize its foreign tax liability over time, the payment is not compulsory and is therefore not an amount of tax paid. A taxpayer is not required to change the form of a transaction in order to minimize its foreign tax liability.

Paragraph (e) also provides rules with respect to multiple charges. If the initial amount of one foreign liability is reduced by the amount of another levy, the amount of the first liability that is paid or accrued is the excess of the initial liability over the other levy. This is the rule of *Helvering* v. *Queen Insurance Co.*, 115 F. 2d 341 (2d Cir. 1940), *cert. den.* 312 U.S. 706 (1941). The amount of the other levy that is paid or accrued is not reduced due to its use as an offset. This rule differs from the rule in the current temporary regulations relating to income taxes used to offset other charges. If the taxpayer's liability is the greater or lesser of two amounts, the taxpayer is considered to pay or accrue only the levy for which he is liable for that period. Thus, if the taxpayer is liable for the greater of an income tax or an excise tax and for one period the income tax liability is larger, the taxpayer is considered to be liable only for the income tax, and not for the excise tax, for that period.

The proposed regulations would delete the rule of the temporary regulations regarding the accrual of contested foreign taxes, so that Revenue Rulings 58–55, 1958–1 C.B. 266; 70–290, 1970–1 C.B. 160; and 77–487, 1977–2 C.B. 479, would continue to state the position of the Internal Revenue Service on this issue. The rules of the temporary regulations involving advance corporate taxes would also be deleted because they apply to only one type of integrated tax system. The proposed regulations reserve a paragraph to contain more general rules for the treatment of taxes under integrated tax systems.

Paragraph (f) contains the general rule that a foreign income tax can be paid or accrued only by or on behalf of a taxpayer who is liable for the amount under foreign law. In addition, paragraph (f) contains specific rules with respect to (1) a contractual agreement under which the income tax liability of the taxpayer is paid by another person, and (2) joint and several liability for income tax.

Paragraph (g) contains definitions of the terms "paid," "foreign country," and "foreign levy" for purposes of §§ 1.901–2, 1.901–2A, and 1–903.1.

Paragraph (h) contains the effective date provision for proposed §§ 1.901–2, 1.901–2A, and 1.903–1. Generally, the proposed regulations will be effective for taxable years beginning more than 30 days after publication of final regulations. However, taxpayers may elect to have the final regulations apply to any open taxable year on a country-by-country basis. If the election is made with respect to one country, it applies to all levies imposed by the country and any of its political subdivisions for the year for which the election is made and all subsequent years. The election cannot be revoked.

Section 1.901–2A

Under proposed § 1.901–2(a)(2)(i), a payment to a foreign government in exchange for a specific economic benefit is not a tax. Therefore, taxpayers who receive a specific economic benefit (dual capacity taxpayers) must establish the portion (if any) of their payment to the foreign government that is tax. Rules for meeting this burden of proof are contained in § 1.901–2A.

Under paragraph (a)(1) of § 1.901–2A, a dual capacity taxpayer is subject to the same levy as taxpayers not receiving a specific economic benefit only if the levy is applied, by its terms and in practice, in the same manner to dual capacity taxpayers and to other taxpayers. If a single levy is imposed on both dual capacity taxpayers and other taxpayers, no portion of the payments by a dual capacity taxpayer is considered to be compensation for a specific economic benefit.

Paragraph (b)(2) confirms that a dual capacity taxpayer entitled to the benefits of a tax treaty to which the United States is a party and which provides for the creditability of a foreign tax for U.S. tax purposes, may choose the benefits of the treaty, subject to any terms, conditions, and limitations contained in the treaty.

Paragraph (c) sets forth the two methods available for dual capacity taxpayers (other than those subject to the same levy as other taxpayers and those claiming credit under a treaty) to establish the portion of a levy that is tax and not compensation for a specific economic benefit. The first method is to establish by all of the relevant facts and circumstances, the portion, if any, of the levy that is not paid in exchange for a specific economic benefit. Neither the methodology of the elective safe harbor method described below nor the results that would have obtained if the safe harbor method had been elected may be taken into account as a relevant fact or circumstance under this facts and circumstances method.

The second method, the elective safe harbor method, is described in paragraph (c)(3). A dual capacity taxpayer may elect to use this method in accordance with paragraph (d) on a country-by-country basis. A taxpayer who elects the safe harbor method applies the formula set forth in paragraph (e). The formula is intended to provide a credit under section 901 or 903 for an amount approximating the amount of generally imposed income tax that would have been paid if the taxpayer had not been a dual capacity taxpayer and if the amount considered to be paid for the specific economic benefit had been deductible in determining the foreign income tax liability. An election to use the safe harbor method for a country is effective for the taxable year for which it is made and all subsequent years unless revoked with the consent of the Commissioner of Internal Revenue. The making of a safe harbor election constitutes a waiver of the right to use the facts and circumstances method with respect to any levy imposed by the countries covered by the election.

If a payment by a dual capacity taxpayer to the foreign country is determined to have two elements—an amount that is income tax or tax in lieu

of income tax and an amount that is paid in exchange for a specific economic benefit—the amount paid in exchange for the specific economic benefit is characterized (as royalty, purchase price, etc.) according to the nature of the transaction, and that characterization applies for all purposes of Chapter 1 of the Code, except for sections 611 and 613.

Section 903

Section 903 provides that the credit granted by section 901 shall also be available for a tax paid in lieu of a tax on income, war profits, or excess profits otherwise generally imposed by a foreign country or U.S. possession. The proposed regulations under section 903 describe these taxes. The proposed rules under section 901 for determining the amount of tax paid or accrued by or on behalf of a taxpayer also apply to section 903 taxes.

To qualify as a tax in lieu of a tax on income, war profits, or excess profits, a levy must satisfy the definition of a tax in proposed § 1.901–2 (a)(2). The tax must also be in substitution for, and not in addition to, a generally imposed income tax. To the extend that the amount of the foreign tax liability is contingent upon the availability of a credit against the amount of income tax owed to another country, a tax is not in substitution for an otherwise generally imposed income tax. The comparability requirement in temporary regulation § 4.903–1(c) is not contained in these proposed regulations.

Creditability under § 1.903–1 is not dependent on administrative difficulty in applying the generally imposed income tax. The base of the tax need not bear any relation to realized net income; a section 903 tax may be imposed on gross receipts, gross income or a base tht bears no resemblance to income. A taxpayer may be entitled to credit under section 903 for a tax with respect to certain of its activities, even though the taxpayer is also subject to a generally imposed income tax on its income from other activities. As under section 901, each separate levy is evaluated in its entirety for all persons subject to the tax, and the rules of § 1.901–2A apply to dual capacity taxpayers.

Withdrawal of Notice of Proposed Rulemaking

The notice of proposed rulemaking relating to sections 901 and 903 published in the **Federal Register** (45 FR 75695) on November 17 1980, is hereby withdrawn. The temporary regulations published in the **Federal Register** (45 FR 75647) on November 17, 1980, continue in effect until final regulations take effect.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commission of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Regulatory Flexibility Act and Executive Order 12291

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the proposed regulations are interpretative and that the notice and public comment procedural requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C chapter 6). The Commissioner of Internal Revenue has determined that this proposed rule is not subject to Executive Order 12291.

Drafting Information

The principal author of these proposed regulations is Herman B. Bouma of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury department participated in developing these regulations, both on matters of substance and style.

List of Subjects

26 CFR 1.861–1 through 1.997–1

Income taxes, Aliens, Exports, DISC, Foreign investment in U.S., Foreign tax credit, Sources of income, United States investments abroad.

26 CFR Part 4

Income taxes, United States investments abroad, Foreign tax credit.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Parts 1 and 4 are as follows:

Income Tax Regulations

PART 1—[AMENDED]

Paragraph 1. A new § 1.901–2 is added immediately after § 1.901–1 to read as follows:

§ 1.901–2 Income, war profits, or excess profits tax paid or accrued.

(a) *Definition of income, war profits, or excess profits tax.*—(1) *In general.* Section 901 allows a credit for the amount of income, war profits or excess profits tax (referred to as "income tax" for purposes of this section and §§ 1.901–2A and 1.903–1) paid to any foreign country. Whether a foreign levy is an income tax is determined independently for each separate foreign levy. A foreign levy is an income tax if and only if—

(i) It is a tax; and

(ii) The predominant character of that tax is that of an income tax in the U.S. sense.

Except to the extent otherwise provided in paragraphs (a)(3)(ii) and (c) of this section, a tax either is or is not an income tax, in its entirety, for all persons subject to the tax. Paragraphs (a), (b) and (c) of this section define an income tax for purposes of section 901. Paragraph (d) of this section contains rules describing what constitutes a separate foreign levy. Paragraph (e) of this section contains rules for determining the amount of tax paid by a person. Paragraph (f) of this section contains rules for determining by whom foreign tax is paid. Paragraph (g) of this section contains definitions of the terms "paid by," "foreign country," and "foreign levy." Paragraph (h) of this section states the effective date of this section.

(2) *Tax.*—(i) *In general.* A foreign levy is a tax if it requires a compulsory payment pursuant to the authority of a foreign country to levy taxes. A penalty, fine, interest, or similar obligation is not a tax, nor is a customs duty a tax. Whether a foreign levy requires a compulsory payment pursuant to a foreign country's authority to levy taxes is determined by principles of U.S. law and not by principles of law of the foreign country. Therefore, the assertion by a foreign country that a levy is pursuant to the foreign country's authority to levy taxes is not determinative that, under U.S. principles, it is pursuant thereto. Notwithstanding any assertion of a foreign country to the contrary, a foreign levy is not pursuant to a foreign country's authority to levy taxes, and thus is not a tax, to the extent a person subject to the levy receives (or will

receive), directly or indirectly, a specific economic benefit (as defined in paragraph (a)(2)(ii)(B) of this section) from the foreign country in exchange for payment pursuant to the levy. Rather, to that extent, such levy requires a compulsory payment in exchange for such specific economic benefit. If, applying U.S. principles, a foreign levy requires a compulsory payment pursuant to the authority of a foreign country to levy taxes and also requires a compulsory payment in exchange for a specific economic benefit, the levy is considered to have two distinct elements: a tax and a requirement of compulsory payment in exchange for such specific economic benefit. In such a situation, these two distinct elements of the foreign levy (and the amount paid pursuant to each such element) must be separated. No credit is allowable for a payment pursuant to a foreign levy by a dual capacity taxpayer (as defined in paragraph (a)(2)(ii)(A) of this section) unless the person claiming such credit establishes the amount that is paid pursuant to the distinct element of the foreign levy that is a tax. See paragraph (a)(2)(ii) of this section and § 1.901–2A.

(ii) *Dual capacity taxpayers.*—(A) *In general.* For purposes of this section and §§ 1.901–2A and 1.903–1, a person who is subject to a levy of a foreign state or of a possession of the United States or of a political subdivision of such a state or possession and who also, directly or indirectly (within the meaning of paragraph (a)(2)(ii)(E) of this section) receives (or will receive) a specific economic benefit from the state or possession or from a political subdivision of such state or possession or from an agency or instrumentality of any of the foregoing is referred to as a "dual capacity taxpayer." Dual capacity taxpayers are subject to the special rules of § 1.901–2A.

(B) *Specific economic benefit.* For purposes of this section and §§ 1.901–A and 1.903–1, the term "specific economic benefit" means an economic benefit that is not made available on substantially the same terms to substantially all persons who are subject to the income tax that is generally imposed by the foreign country, or, if there is no such generally imposed income tax, an economic benefit that is not made available on substantially the same terms to the population of the country in general. Thus, a concession to extract government-owned petroleum is a specific economic benefit, but the right to travel or to ship freight on a government-owned airline is not, because the latter, but not the former, is made generally available on substantially the same terms. An economic benefit includes property; a service; a fee or other payment; a right to use, acquire or extract resources, patents or other property that a foreign country owns or controls (within the meaning of paragraph (a)(2)(ii)(D) of this section); or a reduction or discharge of a contractual obligation. It does not include the right or privilege merely to engage in business generally or to engage in business in a particular form.

(C) *Pension, unemployment, and disability fund payments.* A foreign levy imposed on individuals to finance retirement, old-age, death, survivor, unemployment, illness, or disability benefits, or for some substantially sumilar purpose, is not a requirement of compulsory payment in exchange for a specific economic benefit, as long as the amounts required to be paid by the individuals subject to the levy are not computed on a basis reflecting the respective ages, life expectancies or similar characteristics of such individuals.

(D) *Control of property.* A foreign country controls property that it does not own if the country exhibits substantial indicia of ownership with respect to the property, for example, by both regulating the quantity of property that may be extracted and establishing the minimum price at which it may be disposed of.

(E) *Indirect receipt of a benefit.* A person is considered to receive a specific economic benefit indirectly if another person receives a specific economic benefit and that other person—

(*1*) Owns or controls, directly or indirectly, the first person or is owned or controlled, directly or indirectly, by the first person or by the same persons that own or control, directly or indirectly, the first person; or

(*2*) Engages in a transaction with the first person under terms and conditions such that the first person receives, directly or indirectly, all or part of the value of the specific economic benefit.

(3) *Predominant character.* The predominant character of a foreign tax is that of an income tax in the U.S. sense—

(i) If, within the meaning of paragraph (b)(1) of this section, the foreign tax is likely to reach net gain in the normal circumstances in which it applies,

(ii) But only to the extent that liability for the tax is not dependent, within the meaning of paragraph (c) of this section, by its terms or otherwise, on the availability of a credit for the tax against income tax liability to another country.

(b) *Net gain.*—(1) *In general.* A foreign tax is likely to reach net gain in the normal circumstances in which it applies if and only if the tax, judged on the basis of its predominant character, satisfies each of the realization, gross receipts, and net income requirements set forth in paragraphs (b)(2), (b)(3) and (b)(4), respectively, of this section.

(2) *Realizaton.*—(i) *In general.* A foreign tax satisfies the realization requirement if, judged on the basis of its predominant character, it is imposed—

(A) Upon or subsequent to the occurance of events ("realization events") that would result in the realization of income under the income tax provisions of the Internal Revenue Code, or

(B) Upon the occurrence of an event prior to a realization event (a "prerealization event"), but only if the foreign country does not, upon the occurrence of a later event (other than a distribution or a deemed distribution of the income), impose tax with respect to the income on which tax is imposed by reason of such prerealization event, and—

(*1*) The impostion of the tax upon such prerealization event is based on the difference in the values of stock, securities or readily marketable property (as defined in paragraph (b)(2)(iii) of this section) at the beginning and end of a taxable period; or

(*2*) The prerealization event is the physical transfer, processing, or export of readily marketable property.

A foreign tax that, judged on the basis of its predominant character, is imposed upon the occurrence of events described in this paragraph (b)(2)(i) satisfies the realization requirement even if it is also imposed in some situations upon the occurrence of events not described in this paragraph (b)(2)(i). For example, a foreign tax that, judged on the basis of its predominant character, is imposed upon the occurrence of events described in this paragraph (b)(2)(i) satisfies the realization requirement even though the base of that tax also includes imputed rental income from a personal residence used by the owner and receipt of stock dividends of a type described in section 305(a) of the Internal Revenue Code. However, a foreign tax based only or predominantly on such imputed rental income or only or predominantly on receipt of such stock dividends does not satisfy the realization requirement.

(ii) *Certain distributions and deemed distributions.* A foreign charge meets the realization requirement if it is imposed, but only once, with respect to a distribution or deemed distribution of amounts that meet the realization

requirement in the hands of the person that, under foreign law, distributes or is deemed to distribute such amounts.

(iii) *Readily marketable property.* Property is readily marketable if—

(A) It is stock in trade or other property of a kind that properly would be included in inventory if on hand at the close of the taxable year or if it is held primarily for sale to customers in the ordinary course of business, and

(B) It can be sold on the open market without further processing or it is exported from the foreign country.

(iv) *Examples.* The provisions of paragraph (b)(2) of this section may be illustrated by the following examples:

Example (1). Residents of country X are subject to a tax of 10 percent on the aggregate net appreciation in fair market value during the calendar year of all shares of stock held by them at the end of the year. In addition, all such residents are subject to a country X tax that qualifies as an income tax within the meaning of paragraph (a)(1) of this section. Included in the base of the income tax are gains and losses realized on the sale of stock, and the basis of stock for purposes of determining such gain or loss is its cost. The operation of the stock appreciation tax and the income tax as applied to sales of stock is exemplified as follows: *A*, a resident of country X, purchases stock in June, 1983 for 100u (units of country X currency) and sells it im May , 1985 for 160u. On December 31, 1983, the stock is worth 120u and on December 31, 1984, it is worth 155u. Pursuant to the stock appreciation tax, *A* pays 2u for 1983 (10 percent of (120u−100u)), 3.5u for 1984 (10 percent of (155u−120u)), and nothing in 1985 because no stock was held at the end of that year. For purposes of the income tax, *A*, must include 60u (160u−100u) in his income for 1985, the year of sale. Pursuant to paragraph (b)(2)(i)(B) of this section, the stock appreciation tax does not satisfy the realization requirment because country X imposes a tax upon the occurrence of a later event (*i.e.*, the sale of stock) with respect to the income that was taxed by the stock appreciation tax.

Example (2). The facts are the same as in example (1) except that if stock was held on the December 31 last preceding the date of its sale, the basis of such stock for purposes of computing gain or loss under the income tax is the value of the stock on such December 31. Thus, in 1985, *A* includes only 5u (160u−155u) as income from the sale for purposes of the income tax. Because the income tax imposed upon the occurrence of a later event (the sale) does not impose a tax with respect to the income that was taxed by the stock appreciation tax, the stock appreciation tax satisfies the realization rqeuirement.

Example (3). Country X imposes a tax on the realized net income of corporations that do business in country X. Country X also imposes a branch profits tax on corporations organized under the law of a country other then country X that do business in country X. The branch profits tax is imposed when realized net income is remitted by branches in country X to home offices outside of country X. In accordance with paragraph (b)(2)(ii)of this section, the branch profits tax meets the realization requirement.

(3) *Gross receipts.*—(i) *In general.* A foreign tax satisfies the gross receipts requirement if, judged on the basis of its predominant character, it is imposed on the basis of—

(A) Gross receipts; or

(B) Gross receipts computed under a method that is likely to produce an amount that is not greater than fair market value, in the case of—

(*1*) Transactions with respect to which it is reasonable to believe that gross receipts may not otherwise be clearly reflected, such as transactions between related parties; or

(*2*) Situations to which paragraph (b)(2)(i)(B) or, in the case of a deemed distribution, paragraph (b)(2)(ii) of this section applies.

A foreign tax that, judged on the basis of its predominant character, is imposed on the basis of amounts described in this paragraph (b)(3)(i) satisifies the gross receipts requirement even if it is also imposed on the basis of some amounts not described in this paragraph (b)(3)(i).

(ii) *Examples.* The provisions of paragraph (b)(3)(i) of this section may be illustrated by the following examples:

Example (1). Country X imposes a "headquarters company tax" on country X corporations that serve as regional headquarters for affiliated nonresident corporations, and this tax is a separate tax within the meaning of paragraph (d) of this section. A headquarters company for purposes of this tax is a corporation that performs administrative, management or coordination functions solely for nonresident affiliated entities. Due to the difficulty of determining on a case-by-case basis the arm's length gross receipts that headquarters companies would charge affiliates for such services, gross receipts of a headquarters company are deemed, for purposes of this tax, to equal 110 percent of the business expenses incurred by the headquarters company. It is established that this formula is likely to produce an amount that is not greater than the fair market value of arm's length gross receipts from such transactions with affiliates. Pursuant to paragraph (b)(3)(i)(B)(*1*) of this section, the headquarters company tax satisfies the gross receipts requirement.

Example (2). County X imposes a separate tax (within the meaning of paragraph (d) of this section) on income from the extraction of petroleum. Under that tax, gross receipts from extraction income are deemed to equal 105 percent of the fair market value of petroleum extracted. This computation is not designed to produce an amount that is not greater than the fair market value of actual gross receipts; therefore, the tax on extraction income does not satisfy the gross receipts requirement. However, if the tax satisfies the criteria of § 1.903–1(a), it is a tax in lieu of an income tax.

(4) *Net income.*—(i) *In general.* A foreign tax satisfies the net income requirement if, judged on the basis of its predominant character, the base of the tax is computed by reducing gross receipts (including gross receipts as computed under paragraph (b)(3)(i)(B) of this section) to permit—

(A) Recovery of the significant costs and expenses (including significant capital expenditures) attributable, under reasonable principles, to such gross receipts; or

(B) Recovery of such significant costs and expenses computed under a method that is likely to produce an amount that approximates, or is greater than, recovery of such significant costs and expenses.

A foreign tax law permits recovery of significant costs and expenses even if such costs and expenses are recovered at a different time than they would be if the Internal Revenue Code applied, unless the time of recovery is such that under the circumstances there is effectively a denial of such recovery. For example, unless the time of recovery is such that under the circumstances there is effectively a denial of such recovery, the net income requirement is satisfied where items deductible under the Internal Revenue Code are capitalized under the foreign tax system and recovered either on a recurring basis over time or upon the occurrence of some future event or where the recovery of items capitalized under the Internal Revenue Code occurs less rapidly under the foreign tax system. A foreign tax law that does not permit recovery of one or more significant costs or expenses, but that provides allowances that effectively compensate for nonrecovery of such significant costs or expenses, is considered to permit recovery of such costs or expenses. Principles used in the foreign tax law to attribute costs and expenses to gross receipts may be reasonable even if they differ from principles that apply under the Internal Revenue Code (*e.g.*, principles that apply under section 265, 465 or 861(b) of the Internal Revenue Code). A foreign tax whose base, judged on the basis of its predominant character, is computed by reducing gross receipts by items described in paragraph (b)(4)(i) (A) or (B) of this section satisfies the net income requirement even if gross receipts are not reduced by some such items. A foreign tax whose base is gross receipts or gross income does not satisfy the net income requirement except in the rate situation where that tax is almost certain to reach some net gain in the normal circumstances in which it applies because costs and expenses will

almost never be so high as to offset gross receipts or gross income, respectively, and the rate of the tax is such that after the tax is paid persons subject to the tax are almost certain to have net gain. Thus, a tax on the gross receipts or gross income of businesses can satisfy the net income requirement only if businesses subject to the tax are almost certain never to incur a loss (after payment of the tax).

(ii) *Consolidation of profits and losses.* In determining whether a foreign tax satisfies the net income requirement, one of the factors to be taken into account is whether, in computing the base of the tax, a loss incurred in one activity in a trade or business is allowed to offset profit earned by the same person in another activity in the same trade or business. If such an offset is allowed, it is immaterial whether the offset may be made in the taxable period in which the loss is incurred or only in a different taxable period, unless the period is such that under the circumstances there is effectively a denial of the ability to offset the loss against profit. In determining whether a foreign tax satisfies the net income requirement, it is immaterial that no such offset is allowed if a loss incurred in one such activity may be applied to offset profit earned in that activity in a different taxable period, unless the period is such that under the circumstances there is effectively a denial of the ability to offset such loss against profit. In determining whether a foreign tax satisfies the net income requirement, it is immaterial whether a person's profits and losses from one trade or business are allowed to offset its profits and losses from another trade or business, or whether a person's business profits and losses and its passive investment profits and losses are allowed to offset each other in computing the base of the foreign tax. Moreover, it is immaterial whether foreign law permits or prohibits consolidation of profits and losses of related persons, unless foreign law requires separate entities to be used to carry on separate activities in the same trade or business. If foreign law requires that separate entities carry on such separate activities, the determination whether the net income requirement is satisfied is made by applying the same considerations as if such separate activities were carried on by a single entity.

(iii) *Carryovers.* In determining whether a foreign tax satisfies the net income requirement, it is immaterial, except as otherwise provided in paragraph (b)(4)(ii) of this section, whether losses incurred during one taxable period may be carried over to offset profits incurred in different taxable periods.

(iv) *Examples.* The provisions of this paragraph (b)(4) may be illustrated by the following examples:

Example (1). Country X imposes an income tax on corporations engaged in business in country X; however, that income tax is not applicable to banks. Country X also imposes a tax (the "bank tax") of 1 percent on the gross amount of interest income derived by banks from branches in country X; no deductions are allowed. Banks doing business in country X incur very substantial costs and expenses (*e.g.*, interest expense) attributable to their interest income. The bank tax neither provides for recovery of significant costs and expenses nor provides any allowance that significantly compensates for the lack of such recovery. Since such banks are not almost certain never to incur a loss on their interest income from branches in country X, the bank tax does not satisfy the net income requirement. However, if the tax on corporations is generally imposed, the bank tax satisfies the criteria of § 1.903–1(a) and therefore is a tax in lieu of an income tax.

Example (2). Country X law imposes an income tax on persons engaged in business in country X. The base of that tax is realized net income attributable under reasonable principles to such business. Under the tax law of country X, a bank is not considered to be engaged in business in country X unless it has a branch in country X and interest income earned by a bank from a loan to a resident of country X is not considered attributable to business conducted by the bank in country X unless a branch of the bank in country X performs certain significant enumerated activities, such as negotiating the loan. Country X also imposes a tax (the "bank tax") of 1 percent on the gross amount of interest income earned by banks from loans to residents of country X if such banks do not engage in business in country X or if such interest income is not considered attributable to business conducted in country X. For the same reasons as are set forth in example (1), the bank tax does not satisfy the net income requirement. However, if the tax on persons engaged in business in country X is generally imposed, the bank tax satisfies the criteria of § 1.903–1(a) and therefore is a tax in lieu of an income tax.

Example (3). A foreign tax is imposed at the rate of 40 percent on the amount of gross wages realized by an employee; no deductions are allowed. Thus, the tax law neither provides for recovery of costs and expenses nor provides any allowance that effectively compensates for the lack of such recovery. Because costs and expenses of employees attributable to wage income are almost always insignificant compared to the gross wages realized, such costs and expenses will almost always not be so high as to offset the gross wages and the rate of the tax is such that, under the circumstances, after the tax is paid, employees subject to the tax are almost certain to have net gain. Accordingly, the tax satisfies the net income requirement.

(c) *Soak-up taxes.*—(1) *In general.* Pursuant to paragraph (a)(3)(ii) of this section, the predominant character of a foreign tax that satisfies the requirement of paragraph (a)(3)(i) of this section is that of a income tax in the U.S. sense only to the extent that liability for the foreign tax is not dependent (by its terms or otherwise) on the availability of a credit for the tax against income tax liability to another country. Liability for foreign tax is dependent on the availability of a credit for the foreign tax against income tax liability to another country only if and to the extent that the foreign tax would not be imposed on the taxpayer but for the availability of such a credit. See also § 1.903–1(b)(2).

(2) *Examples* The provisions of paragraph (c)(1) of this section may be illustrated by the following examples:

Example (1). Country X imposes a tax on the receipt of royalties from sources in country X by nonresidents of country X. The tax is 15 percent of the gross amount of such royalties unless the recipient is a resident of the United States or of country A, B, C, or D, in which case the tax is 20 percent of the gross amount of such royalties. Like the United States, each of countries A, B, C and D allows its residents a credit against the income tax otherwise payable to it for income taxes paid to other countries. Because the 20 percent rate applies only to residents of countries which allow a credit for taxes paid to other countries and the 15 percent rate applies to residents of countries which do not allow such a credit, one-fourth of the country X tax would not be imposed on residents of the United States but for the availability of such a credit. Accordingly, one-fourth of the country X tax imposed on residents of the United States who receive royalties from sources in country X is dependent on the availability of a credit for the country X tax against income tax liability to another country.

Example (2). Country X imposes a tax on the realized net income derived by all nonresidents from carrying on a trade or business in country X. Although country X law does not prohibit other nonresidents from carrying on business in country X, United States persons are the only nonresidents of country X that carry on business in country X in 1984. The country X tax would be imposed in its entirety on a nonresident of country X irrespective of the availability of a credit for country X tax against income tax liability to another country. Accordingly, no portion of that tax is dependent on the availability of such a credit.

Example (3). Country X imposes tax on the realized net income of all corporations incorporated in country X. Country X allows a tax holiday to qualifying corporations incorporated in country X that are owned by nonresidents of country X, pursuant to which no country X tax is imposed on the net income of a qualifying corporation for the

first ten years of its operations in country X. A corporation qualifies for the tax holiday if it meets certain minimum investment criteria and if the development office of country X certifies that in its opinion the operations of the corporation will be consistent with specified development goals of country X. The tax office will not so certify to any corporation owned by persons resident in countries that allow a credit (such as that available under section 902 of the Internal Revenue Code) for country X tax paid by a corporation incorporated in country X. In practice, tax holidays are granted to a large number of corporations, but country X tax is imposed on a significant number of corporations incorporated in country X (*e.g.* those owned by country X persons and those which have had operations for more than 10 years) in addition to corporations denie a tax holiday because their shareholders qualify for a credit for the country X tax against income tax liability to another country. In the case of corporations denied a tax holiday because they have U.S. shareholders, no portion of the country X tax during the period of the denied 10-year tax holiday is dependent on the availability of a credit for the country X tax against income tax liability to another country.

Example (4). The facts are the same as in example (3), except that corporations owned by persons resident in countries that will allow a credit for country X tax at the time when dividends are distributed by the corporations are granted a provisional tax holiday. Under the provisional tax holiday, instead of relieving such a corporation from country X tax for 10 years, liability for such tax is deferred until the corporation distributes dividends. The result is the same as in example (3).

(d) *Separate levies.*—(1) *In general.* For purposes of sections 901 and 903, whether a single levy or separate levies are imposed by a foreign country depends on U.S. principles and not on whether foreign law imposes the levy or levies in a single or separate statutes. A levy imposed by one taxing authority (*e.g.* the national government of a foreign country) is always separate for purposes of sections 901 and 903 from a levy imposed by another taxing authority (*e.g.* a political subdivision of that foreign country). Levies are not separate merely because different rates apply to different taxpayers. For example, a foreign levy identical to the tax imposed on U.S. citizens and resident alien individuals by section 1 of the Internal Revenue Code is a single levy notwithstanding the levy has graduated rates and applies different rate schedules to unmarried individuals, married individuals who file separate returns and married individuals who file joint returns. In general, levies are not separate merely because some provisions determining the base of the levy apply, by their terms or in practice, to some, but not all, persons subject to the levy. For example, a foreign levy identical to the tax imposed by section 11 of the Internal Revenue Code is a single levy even though some provisions apply by their terms to some but not all corporations subject to the section 11 tax (*e.g.* section 465 is by its terms applicable to corporations described in sections 465(a)(1)(B) and 465(a)(1)(C), but not to other corporations), and even though some provisions apply in practice to some but not all corporations subject to the section 11 tax (*e.g.* section 611 does not, in practice, apply to any corporation that does not have a qualifying interest in the type of property described in section 611(a)). However, where the base of a levy is different in kind, and not merely in degree, for different classes of persons subject to the levy, the levy is considered for purposes of sections 901 and 903 to impose separate levies for such classes of persons. For example, regardless of whether they are contained in a single or separate foreign statutes, a foreign levy identical to the tax imposed by section 871(b) of the Internal Revenue Code is a separate levy from a foreign levy identical to the tax imposed by section 1 of the Internal Revenue Code as it applies to persons other than those described in section 871(b), and foreign levies identical to the taxes imposed by sections 11, 541, 881, 882, 1491 and 3111 of the Internal Revenue Code are each separate levies, because the base of each of those levies differs in kind, and not merely in degree, from the base of each of the others. Accordingly, each such levy must be analyzed separately to determine whether it is an income tax within the meaning of paragraph (a)(1) of this section and whether it is a tax in lieu of an income tax within the meaning of paragraph (a) of § 1.903–1. Where foreign law imposes a levy that is the sum of two or more separately computed amounts, and each such amount is computed by reference to a separate base, separate levies are considered, for purposes of sections 901 and 903, to be imosed. A separate base may consist, for example, of a particular type of income or of an amount unrelated to income, *e.g.*, wages paid. Amounts are not separately computed if they are computed separately merely for purposes of a preliminary computation and are then combined as a single base. In the case of levies that apply to dual capacity taxpayers, see also § 1.901–2A(a).

(2) *Contractual modifications.* Notwithstanding paragraph (d)(1) of this section, if foreign law imposing a levy is modified for one or more persons subject to the levy by a contract entered into by such person or persons and the foreign country, then foreign law is considered for purposes of sections 901 and 903 to impose a separate levy for all persons to whom such contractual modification of the levy applies, as contrasted to the levy as applied to all persons to whom such contractual modification does not apply. In applying the provisions of paragraph (c) of this section to a tax as modified by such a contract, the provisions of § 1.903–1(b)(2) shall apply.

(3) *Examples.* The provisions of paragraph (d)(1) of this section may be illustrated by the following examples:

Example (1). A foreign statute imposes a levy on corporations equal to the sum of 15% of the corporation's realized net income plus 3% of its net worth. As the levy is the sum of two separately computed amounts, each of which is computed by reference to a separate base, each of the portion of the levy based on income and the portion of the levy based on net worth is considered, for purposes of sections 901 and 903, to be separate levy.

Example (2). A foreign statue imposes a levy on nonresident alien individuals analogous to the taxes imposed by section 871 of the Internal Revenue Code. For the same reasons as set forth in example (1), each of the portion of the foreign level analogous to the tax imposed by section 871(a) and the portion of the foreign level analogous to the tax imposed by sections 871 (b) and 1, is considered, for purposes of sections 901 and 903, to be a separate levy.

Example (3). A single foreign statute or separate foreign statutes impose a foreign levy that is the sum of the products of specified rates applied to specified bases, as follows:

Base	Rate (percent)
Net income from mining	45
Net income from manufacturing	50
Net income from technical services	50
Net income from other services	45
Net income from investments	15
All other net income	50

In computing each such base, deductible expenditures are allocated to the type of income they generate. If allocated deductible expenditures exceed the gross amount of a specific type of income, the excess may not be applied against income of a different specified type. Accordingly, the levy is the sum of several separately computed amounts, each of which is computed by reference to a separate base. Each of the levies on mining net income, manufacturing net income, technical services net income, other services net income, investment net income and other net income is, therefore, considered, for purposes of sections 901 and 903, to be a separate levy.

Example (4). The facts are the same as in example (3), except that excess deductible expenditures allocated to one type of income are applied against other types of income to which the same rate applies. The levies on

mining net income and other services net income together are considered, for purposes of sections 901 and 903, to be a single levy since, despite a separate preliminary computation of the bases, by reason of the permitted application of excess allocated deductible expenditurues, the bases are not separately computed. For the same reason, the levies on manufacturing net income, technical services net income and other net income together are considered, for purposes of sections 901 and 903, to be a single levy. The levy on investment net income is considered, for purposes of sections 901 and 903, to be a separate levy. These results are not dependent on whether the application of excess allocated deductible expenditures to a different type of income, as described above, is permitted in the same taxable period in which the expenditures are taken into account for purposes of the preliminary computation, or only in a different (*e. g.* later) taxable period.

Example (5). The facts are the same as in example (3), except that excess deductible expenditures allocated to any type of income other than investment income are applied against the other types of income (including investment income) according to a specified set of priorities of application. Excess deductible expenditures allocated to investment income are not applied against any other type of income. For the reason expressed in example (4), all of the levies are together considered, for purposes of sections 901 and 903, to be a single levy.

(e) *Amounts of income tax that is creditable.*—(1) *In general.* Credit is allowed under section 901 for the amount of income tax (within the meaning of paragraph (a)(1) of this section) that is paid to a foreign country by the taxpayer. The amount of income tax paid by the taxpayer is determined separately for each taxpayer.

(2) *Refunds and credits.*—(i) *In general.* An amount is not tax paid to a foreign country to the extent that it is reasonably likely that the amount will be refunded, credited, rebated, abated, or forgiven. It is not reasonably likely that an amount will be refunded, credited, rebated, abated, or forgiven if the amount is not greater than a reasonable approximation of final tax liability to the foreign country.

(ii) *Examples.* The provisions of paragraph (e)(2)(i) of this section may be illustrated by the following examples:

Example (1). The internal law of country X imposes a 25 percent tax on the gross amount of interest from sources in country X that is received by a nonresident of country X. Country X law imposes the tax on the nonresident recipient and requires any resident of country X that pays such interest to a nonresident to withhold and pay over to country X 25 percent of such interest, which is applied to offset the recipient's liability for the 25 pecent tax. A tax treaty between the United States and country X overrides intenal law of country X and provides that country X may not tax interest received by a resident of the United States from a resident of country X at a rate in excess of 10 percent of the gross amount of such interest. A resident of the United States may claim the benefit of the treaty only by applying for a refund of the excess withheld amount (15 percent of the gross amount of interest income) after the end of the taxable year. *A*, a resident of the United States, receives a gross amount of 100u (units of country X currency) of interest income from sources in country X in the taxable year 1982, from which 25u of country X tax is withheld. *a* files a timely claim for refund of the 15u excess withheld amount. 15u of the amount withheld (25u–10u) is reasonably likely to be refunded; therefore, 15u is not considered an amount of tax paid to country X.

Example (2). A's initial income tax liability under country X law is 100u (units of country X currency). However, under country X law *A's* initial income tax liability is reduced in order to compute its final tax liability by an investment credit of 15u and a credit for charitable contributions of 5u. The amount of income tax paid by *a* is 80u.

Example (3). A computes his income tax liability in country X for the taxable year 1982 as 100u (units of country X currency), files a tax return on that basis, and pays 100u of tax. The day after *A* files that return, *A* files a claim for refund of 90u. The difference between the 100u of liability reflected in *A's* original return and the 10u of liability reflected in *A's* refund claim depends on whether a particular expenditure made by *A* is nondeductible or deductible, respectively. Based on an analysis of the country X tax law, *A's* country X tax advisors have advised *A* that it is not clear whether or not that expenditure is deductible. In view of the uncertainty as to the proper treatment of the item in question under country X tax law, no portion of the 100u paid by *A* is reasonably likely to be refunded. If *A* receives a refund, *A* must treat the refund as required by section 905 (c) of the Internal Revenue Code.

Example (4). A levy of country X, which qualifies as an income tax within the meaning of paragraph (a)(1) of this section, provides that each person who makes payment to country X pursuant to the levy will receive a bond to be issued by country X with an amount payable at maturity equal to 10 percent of the amount paid pursuant to the levy. *A* pays 38,000u (units of country X currency) to country X and is entitled to receive a bond with an amount payable at maturity of 3800u. It is reasonably likely that a refund in the form of property (the bond) will be made. The amount of that refund is equal to the fair market value of the bond. Therefore, only the portion of the 38,000u payment in excess of the fair market value of the bond is an amount of tax paid.

(3) *Subsidies.*—(i) *General rule.* An amount is not an amount of income tax paid by a taxpayer to a foreign country to the extent that—

(A) The amount is used, directly or indirectly, by the country to provide a subsidy by any means (such as through a refund or credit) to the taxpayer; and

(B) The subsidy is determined, directly or indirectly, by reference to the amount of income tax, or the base used to compute the income tax, imposed by the country on the taxpayer.

(ii) *Indirect subsidies.* A foreign country is considered to provide a subsidy to a taxpayer if the country provides a subsidy to another person that—

(A) Owns or controls, directly or indirectly, the taxpayer or is owned or controlled, directly or indirectly, by the taxpayer or by the same persons that own or control, directly or indirectly, the taxpayer, or

(B) Engages in a transaction with the taxpayer, but only if the subsidy received by such other person is determined, directly or indirectly, by reference to the amount of income tax, or the base used to compute the income tax, imposed by the country on the taxpayer with respect to such transaction.

(iii) *Example.* The provisions of this paragraph (e)(3) may be illustrated by the following example:

Example. Country X imposes a 30-percent tax on interest received by nonresident lenders from borrowers who are residents of country X, and it is establish that this tax is a tax in lieu of an income tax within the meaning of § 1.903–1(a). Country X remits to resident borrowers an incentive payment for engaging in foreign loans, which payment is an amount equal to 20 percent of the interest paid to nonresident lenders. Because the incentive payment is based on such interest, it is determined by reference to the base used to compute the tax in lieu of an income tax that is imposed on the nonresident lender. Under paragraph (e)(3)(ii)(B) of this section, the incentive payment is considered a subsidy provided indirectly to the nonresident lender since it is provided to a person (the borrower) that engaged in a business transaction with the lender and is based on the amount of tax in lieu of an income tax that is imposed on the lender with respect to this transaction. Therefore, two-thirds (20 percent/30 percent) of the amount withheld by a resident borrower from interest payments to a nonresident lender is not tax in lieu of an income tax that is paid by the lender under paragraph (e)(3)(i) of this section and § 1.903–1(a).

(4) *Multiple levies.*—(i) *In general.* If, under foreign law, a taxpayer's tentiative liabiity for one levy (the "first levy") is or can be reduced by the amount of the taxpayer's liability for a different levy (the "second levy"), then the amount considered paid by the taxpayer to the foreign country pursuant to the second levy is an amount equal to its entire liability for that levy, and the remainder of the amount paid is considered paid pursuant to the first levy. For an example of the application of this rule, see example (4) of § 1.903–1(b)(3). If, under foreign law, the amount

of a taxpayer's liability is the greater or lesser of amounts computed pursuant to two levies, then the entire amount paid to the foreign country by the taxpayer is considered paid pursuant to the levy that imposes such greater or lesser amount, respectively, and no amount is considered paid pursuant to such other levy.

(ii) *Integrated tax systems.* [Reserved]

(5) *Noncompulsory amounts.*—(1) *In general.* An amount paid is not a compulsory payment, and thus is not an amount of tax paid, to the extent that the amount paid exceeds the amount of liability under foreign law for tax. An amount paid does not exceed the amount of such liability if the amount paid is determined by the taxpayer in a manner that is consistent with a reasonable interpretation and application of the substantive and procedural provisions of foreign law (including applicable tax treaties) in such a way as to reduce, over time, the taxpayer's reasonably expected liability under foreign law for tax, and if the taxpayer exhausts all effective and practical remedies, including invocation of competent authority procedures available under applicable tax treaties, to reduce, over time, the taxpayer's liability for foreign tax (including liability pursuant to a foreign tax audit adjustment). An interpretation or application of foreign law is not reasonable if there is actual notice or constructive notice (*e.g.*, a published court decision) to the taxpayer that the interpretation or application is likely to be erroneous. A remedy is effective and practical only if the cost thereof is reasonable in light of the amount at issue and the likelihood of success. A taxpayer is not required to alter its form of doing business, its business conduct, or the form of any business tansaction in order to reduce its liability under foreign law for tax.

(ii) *Examples.* The provisions of paragraph (e)(5)(i) of this section may be illustrated by the following examples.

Example (1). *A*, a corporation organized and doing business solely in the United States, owns all of the stock of *B*, a corporation organized in country X. In 1983 *A* buys merchandise from unrelated persons for $1,000,000, shortly thereafter resells that merchandise to *B* for $600,000, and *B* later in 1983 resells the merchandise to unrelated persons for $1,200,000. Under the country X income tax, which is an income tax within the meaning of paragraph (a)(1) of this section, all corporations organized in country X are subject to a tax equal to 3 percent of their net income. In computing its 1983 country X income tax liability *B* reports $600,000 ($1,200,000—$600,000) of profit from the purchase and resale of the merchandise referred to above. The country X income tax law requires that transactions between related persons be reported at arm's length prices, and a reasonable interpretation of this requirement, as it has been applied in Country X, would consider *B*'s arm's length purchase price of the merchandise purchased from *A* to be $1,050,000. When it computes its country X tax liability *B* is aware that $600,000 is not an arm's length price (by country X standards). *B*'s knowing use of a non-arm's length price (by country X standards) of $600,000, instead of a price of $1,050,000 (an arm's length price under country X's law), is not consistent with a reasonable interpretation and application of the law of country X, determined in such a way as to reduce over time *B*'s reasonably expected liability for country X income tax. Accordingly, $13,500 (3 percent of $450,000 ($1,050,000—$600,000)), the amount of country X income tax paid by *B* to country X that is attributable to the purchase of the merchandise from *B*'s parent at less than an arm's length price, is in excess of the amount of *B*'s liability for Country X tax, and thus is not an amount of tax.

Example (2). *A*, a corporation organized and doing business solely in the United States, owns all of the stock of *B*, a corporation organized in country X. Country X has in force an income tax treaty with the United States. The treaty provides that the profits of related persons shall be determined as if the persons were not related. *A* and *B* deal extensively with each other. *A* and *B*, with respect to a series of transactions involving both of them, treat *A* as having $300,000 of income and *B* as having $700,000 of income for purposes of *A*'s United States income tax and *B*'s country X income tax, respectively. *B* has no actual or constructive notice that its treatment of these transactions under country X law is likely to be erroneous. Subsequently, the Internal Revenue Service reallocates $200,000 of this income from *B* to *A* under the authority of section 482 and the treaty. This reallocation constitutes actual notice to *A* and constructive notice to *B* that *B*'s interpretation and application of country X's law and the tax treaty is likely to be erroneous. *B* does not exhaust all effective and practical remedies to obtain a refund of the amount of country X income tax paid by *B* to country X that is attributable to the reallocated $200,000 of income. This amount is in excess of the amount of *B*'s liability for country X tax and thus is not an amount of tax.

Example (3). The facts are the same as in example (2), except that *B* files a claim for refund (an administrative proceeding) of country X tax and *A* or *B* invokes the competent authority procedures of the treaty, the cost of which is reasonable in view of the amount at issue and the likelihood of success. Nevertheless, *B* does not obtain any refund of country X tax. The cost of pursuing any judicial remedy in country X would be unreasonable in light of the amount at issue and the likelihood of *B*'s success, and *B* does not pursue any such remedy. The entire amount paid by *B* to country X is a compulsory payment and thus is an amount of tax paid by *B*.

Example (4). *A* is a U.S. person doing business in country X. In computing its income tax liability to country X, *A* is permitted, at its election, to recover the cost of machinery used in its business either by deducting that cost in the year of acquisition or by depreciating that cost on the straight line method over a period of 2, 4, 6 or 10 years. *A* elects to depreciate machinery over 10 years. This election does not result in a payment in excess of the amont of *A*'s liability for country X income tax in any year since the amount of country X tax paid by *A* is consistent with a reasonable interpretation of country X law in such a way as to reduce over time *A*'s reasonably expected liability for country X tax. Because the standard of paragraph (e)(5)(i) of this section refers to *A*'s reasonably expected liability, not its actual liability, events actually occurring in subsequent years (*e.g.* whether *A* has sufficient profit in such years so that such depreciation deductions actually reduce *A*'s country X tax liability or whether the country X tax rates change) are immaterial.

Example (5). The internal law of country X imposes a 25 percent tax on the gross amount of interest from sources in country X that is received by a nonresident of country X. Country X law imposes the tax on the nonresident recipient and requires any resident of country X that pays such interest to a nonresident to withhold and pay over to country X 25 percent of such interest, which is applied to offset the recipient's liability for the 25 percent tax. A tax treaty between the United States and country X overrides internal law of country X and provides that country X may not tax interest received by a resident of the United States from a resident of country X at a rate in excess of 10 percent of the gross amount of such interest. A resident of the United States may claim the benefit of the treaty only by applying for a refund of the excess withheld amount (15 percent of the gross amont of interest income) after the end of the taxable year. *A*, a resident of the United States, receives a gross amount of 100u (units of country X currency) of interest income from sources in country X in the taxable year 1982, from which 25u of country X tax is withheld. *A* does not file a timely claim for refund. 15u of the amount withheld (25u—10u) is not a compulsory payment and hence is not an amount of tax

(f) *Taxpayer.*—(1) *In general.* The person by whom tax is considered paid for purposes of sections 901 and 903 is the person on whom foreign law imposes legal liability for such tax, even if another person remits such tax. For purposes of this section, § 1.901–2A and § 1.903–1, the person on whom foreign law imposes such liability is referred to as the "taxpayer."

(2) *Party undertaking tax obligation as part of transaction.*—(i) *In general.* Tax is considered paid by the taxpayer even if another party to a direct or indirect transaction with the taxpayer agrees, as a part of the transaction, to assume the taxpayer's foreign tax liability. The rules of the foregoing sentence apply notwithstanding anything to the contrary in paragraph

(e)(3) of this section. See § 1.901–2A for additional rules regarding dual capacity taxpayers.

(ii) *Examples.* The provisions of paragraph (f)(2)(i) of this section may be illustrated by the following examples:

Example (1). Under a loan agreement between *A*, a resident of country X, and *B*, a United States person, *A* agrees to pay *B* a certain amount of interest net of any tax that country X may impose on *B* with respect to its interest income. Country X imposes a 10 percent tax on the gross amount of interest income received by nonresidents of country X from sources in country X, and it is established that this tax is a tax in lieu of an income tax within the meaning of § 1.903–1(a). Under the law of country X this tax is imposed on the nonresident recipient, and any resident of country X that pays such interest to a nonresident is required to withhold and pay over to country X 10 percent of the amount of such interest, which is applied to offset the recipient's liability for the tax. Because legal liability for the tax is imposed on the recipient of such interest income, *B* is the taxpayer with respect to the country X tax imposed on *B's* interest income from *B's* loan to *A*. Accordingly, *B's* interest income for federal income tax purposes includes the amount of country X tax that is imposed on *B* with respect to such interest income and that is paid on *B's* behalf by *A* pursuant to the loan agreement, and, under paragraph (f)(2)(i) of this section, such tax is considered for purposes of section 903 to be paid by *B*.

Example (2). Country X imposes a tax called the "country X income tax." *A*, a United States person engaged in construction activities in country X, is subject to that tax. Country X has contracted with *A* for *A* to construct a naval base. *A* is a dual capacity taxpayer (as defined in paragraph (a)(2)(ii)(A) of this section) and, in accordance with paragraphs (a)(1) and (c)(1) of § 1.901–2A, *A* has established that the country X income tax as applied to dual capacity persons and the country X income tax as applied to persons other than dual capacity persons together constitute a single levy. *A* has also established that that levy is an income tax within the meaning of paragraph (a)(1) of this section. Pursuant to the terms of the contract, country X has agreed to assume any country X tax liability that *A* may incur with respect to *A's* income from the contract. For federal income tax purposes, *A's* income from the contract includes the amount of tax liability that is imposed by country X on *A* with respect to its income from the contract and that is assumed by country X; and for purposes of section 901 the amount of such tax liability assumed by country X is considered to be paid by *A*. By reason of paragraph (f)(2)(i) of this section, country X is not considered to provide a subsidy, within the meaning of paragraph (e)(3) of this section, to *A*.

(3) *Taxes paid on combined income.* If foreign income tax is imposed on the combined income of two or more related persons (for example, a husband and wife or a corporation and one or more of its subsidiaries) and they are jointly and severally liable for the income tax under foreign law, foreign law is considered to impose legal liability on each such person for the amount of the foreign income tax that is attributable to its portion of the base of the tax, regardless of which person actually pays the tax.

(g) *Definitions.* For purposes of this section and §§ 1.901–2A and 1.903–1, the following definitions apply:

(1) The term "paid" means "paid or accrued"; the term "payment" means "payment or accrual"; and the term "paid by" means "paid or accrued by or on behalf of."

(2) The term "foreign country" means any foreign state, any possession of the United States, and any political subdivision of any foreign state or of any possession of the United States. The term "possession of the United States" includes Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands and American Samoa.

(3) The term "foreign levy" means a levy imposed by a foreign country.

(h) *Effective date.*—(1) *In general.* This section, § 1.901–2A, and § 1.903–1 apply to taxable years beginning after [date that is 30 days after date of publication of these regulations as final regulations in the **Federal Register**]. In addition, a person may elect to apply the provisions of this section, § 1.901–2A, and § 1.903–1 to earlier years. See paragraph (h)(2) of this section.

(2) *Election to apply regulations to earlier years.*—(i) *Scope of election.* An election to apply the provisions of this section, § 1.901–2A, and § 1.903–1 to taxable years beginning on or before [date that is 30 days after date of publication of these regulations as final regulations in the **Federal Register**] is made with respect to one or more foreign states and possessions of the United States with respect to taxable year of the person making the election beginning on or before [date that is 30 days after date of publication of these regulations as final regulations in the **Federal Register**]. Such election requires all of the provisions of this section, § 1.901–2A, and § 1.903–1 to be applied to such taxable year and to all subsequent taxable years of the person making the election ("elected years"). If an election applies to a foreign state or to a possession of the United States ("election country"), it applied to all taxes of the election country and to all taxes of all political subdivisions of the election country. An election does not apply to foreign taxes carried forward to any elected year from any taxable year to which the election does not apply. Such election does apply to foreign taxes carried back or forward from any elected year to any taxable year.

(ii) *Effect of election.* An election to apply the regulations to earlier years has no effect on the limitations on assessment and collection or on the limitations on credit or refund (see Chapter 66 of the Internal Revenue Code).

(iii) *Manner of making election.* An election to apply the regulations to one or more earlier taxable years is made by attaching a statement to a return, amended return, or claim for refund for the earliest taxable year to which the election relates. Such statement shall state that the election is made and, unless the election is to apply to all foreign countries, the statement shall designate the election countries. In the absence of such a designation of the election countries, all foreign countries shall be election countries.

(iv) *Time for making election.* An election to apply the regulations to earlier taxable years must be made by [date that is 1 year after date of publication of these regulations as final regulations in the **Federal Register**].

(v) *Revocation of election.* An election to apply the regulations to earlier taxable years may not be revoked.

(vi) *Affiliated groups.* A member of an affiliated group that files a consolidated United States income tax return may apply the regulations to earlier years only if an election to so apply them has been made by the common parent of such affiliated group on behalf of all members of the group.

Para. 2. A new § 1.901–2A is added immediately after § 1.901–2 to read as follows:

§ 1.901–2A Dual capacity taxpayers.

(a) *Application of separate levy rules as applied to dual capacity taxpayers.*—(1) *In general.* If the application of a foreign levy (as defined in § 1.901–2(g)(3)) is different, either by the terms of the levy or in practice, for dual capacity taxpayers (as defined in § 1.901–2(a)(2)(ii)(A)) from its application to other persons, then such difference is considered to be related to the fact that dual capacity taxpayers receive, directly or indirectly, a specific economic benefit (as defined in § 1.901–2(a)(2)(ii)(B)) from the foreign country and thus to be a difference in kind, and not merely of degree. In such a case, notwithstanding any contrary provision of § 1.901–2(d), the levy as applicable to such dual capacity taxpayers is a separate levy (within the meaning of § 1.901–2(d)) from the levy as applicable to such other persons, regardless of whether such difference is in the base of

the levy, in the rate of the levy, or both. In such a case, each of the levy as applied to dual capacity taxpayers and the levy as applied to other persons must be analyzed separately to determine whether it is an income tax within the meaning of § 1.901–2(a)(1) and whether it is a tax in lieu of an income tax within the meaning of § 1.903–1(a). However, if the application of the levy is neither different by its terms nor different in practice for dual capacity taxpayers from its application to other persons, then, in accordance with § 1.901–2(d), such foreign levy as applicable to dual capacity taxpayers and such levy as applicable to other persons together constitute a single levy. In such a case, no amount paid (as defined in § 1.901–2(g)(1)) pursuant to such levy by any such dual capacity taxpayer is considered to be paid in exchange for a specific economic benefit, and such levy, as applicable in the aggregate to such dual capacity taxpayers and to such other persons, is analyzed to determine whether it is an income tax within the meaning of § 1.901–2(a)(1) or a tax in lieu of an income tax within the meaning of § 1.903–1(a). Application of a foreign levy to dual capacity taxpayers will be considered to be different in practice from application of that levy to other persons, even if no such difference is apparent from the terms of the levy, unless it is established that application of that levy to dual capacity taxpayers does not differ in practice from its application to other persons.

(2) *Examples.* The provisions of paragraph (a)(1) of this section may be illustrated by the following examples:

Example (1) Under a levy of country X called the country X income tax, every corporation that does business in country X is required to pay to country X 40% of its income from its business in Country X. Income for purposes of the country X income tax is computed by subtracting specified deductions from the corporation's gross income derived from its business in country X. The specified deductions include the corporation's expenses attributable to such gross income and allowances for recovery of the cost of capital expenditures to such gross income, except that under the terms of the country X income tax a corporation engaged in the exploitation of minerals K, L or M in country X is not permitted to recover, currently or in the future, expenditures it incurs in exploring for those minerals. In practice, the only corporations that engage in exploitation of the specified minerals in country X are dual capacity taxpayers. Thus, the application of the country X income tax to dual capacity taxpayers is different from its application to other corporations. The country X income tax as applied to corporations engage in the exploitation of minerals K, L or M (dual capacity taxpayers) is, therefore, a separate levy from the country X income tax as applied to other corporations. Accordingly, each of (i) the country X income tax as applied to such dual capacity taxpayers and (ii) the country X income tax as applied to such other persons, must be analyzed separately to determine whether it is an income tax within the meaning of § 1.901–2(a)(1) and whether it is a tax in lieu of an income tax within the meaning of § 1.903–1(a).

Example (2). The facts are the same as in example (1), except that it is demonstrated that corporations that engage in exploitation of the specified minerals in country X and that are subject to the levy include both dual capacity taxpayers and other persons. The country X income tax as applied to all corporations is, therefore, a single levy. Accordingly, no amount paid pursuant to the country X income tax by a dual capacity taxpayer is considered to be paid in exchange for a specific economic benefit; and, if the country X income tax is an income tax within the meaning of § 1.901–2(a)(1) or a tax in lieu of an income tax within the meaning of § 1.903–1(a), it will be so considered in its entirety for all corporations subject to it.

Example (3). Under a levy of country Y called the country Y income tax, each corporation incorporated in country Y is required to pay to country Y a percentage of its worldwide income. The applicable percentage is greater for such corporations that earn more than a specified amount of income than for such corporations that earn less than that amount. Income for purposes of the levy is computed by deducting from gross income specified types of expenses and specified allowances for capital expenditures. The expenses for which deductions are permitted differ depending on the type of business in which the corporation subject to the levy is engaged, *e.g.*, a deduction for interest paid to a related party is not allowed for corporations engaged in enumerated types of activities. In addition, carryover of losses from one taxable period to another is permitted for corporations engaged in specified types of activities, but not for corporations engaged in other activities. By its terms, the foreign levy makes no distinction between dual capacity taxpayers and other persons. It is established that in practice the higher rate of the country Y income tax applies to both dual capacity taxpayers and other persons and that in practice the differences in the base of the country Y income tax (*e.g.*, the lack of a deduction for interest paid to related parties for some corporations subject to the levy and the lack of a carryover provision for some corporations subject to the levy) apply to both dual capacity taxpayers and other persons. The country Y income tax as applied to all corporations incorporated in country Y is therefore a single levy. Accordingly, no amount paid pursuant to the country Y income tax by a dual capacity taxpayer is considered to be paid in exchange for a specific economic benefit; and if the country Y income tax is an income tax within the meaning of § 1.901–2(a)(1) or a tax in lieu of an income tax within the meaning of § 1.903–1(a), it will be so considered in its entirety for all persons subject to it.

Example (4). The facts are the same as in example (3), except that it is not established that in practice the higher rate does not apply only to dual capacity taxpayers. By reason of such higher rate, application of the country Y income tax to dual capacity taxpayers is different in practice from application of the country Y income tax to other persons subject to it. The country Y income tax as applied to dual capacity taxpayers is therefore a separate levy from the country Y income tax as applied to other corporations incorporated in country Y. Accordingly, each of (i) the country Y income tax as applied to dual capacity taxpayers and (ii) the country Y income tax as applied to other corporations incorporated in country Y, must be analyzed separately to determine whether it is an income tax within the meaning of § 1.901–2 (a) (1) and whether it is a tax in lieu of an income tax within the meaning of § 1.903–1 (a).

Example (5). Under a levy of country X called the country X tax, all persons who do not engage in business in country X and who receive interest income from residents of country X required to pay to country X 25 percent of the gross amount of such interest income. It is established that the country X tax applies by its terms and in practice to banks that are dual capacity taxpayers and to persons who are not dual capacity taxpayers and that application to such dual capacity taxpayers does not differ by its terms or in practice from application to such other persons. The country X tax as applied to all such persons (both the dual capacity taxpayers and the other persons) is, therefore, a single levy. Accordingly, no amount paid pursuant to the country X tax by such a dual capacity taxpayer is considered to be paid in exchange for a specific economic benefit; and, if the country X tax is a tax in lieu of an income tax within the meaning of § 1.903–1(a), it will be so considered in its entirety for all persons subject to it.

(b) *Burden of proof for dual capacity taxpayers.*—(1) *In general.* For credit to be allowable under section 901, or 903, the person claiming credit must establish that the foreign levy with respect to which credit is claimed is an income tax within the meaning of § 1.901–2(a)(1) or a tax in lieu of an income tax within the meaning of § 1.903–1(a), respectively. Thus, such person must establish, among other things, that such levy is a tax. See § 1.901–2(a)(2)(i) and § 1.903–1(a). Where a person claims credit under section 901 or 903 for an amount paid by a dual capacity taxpayer pursuant to a foreign levy, § 1.901–2(a)(2)(i) and § 1.903–1(a), respectively, require such person to establish the amount, if any, that is paid pursuant to the distinct element of the levy that is a tax. If, pursuant to paragraph (a)(1) of this section and § 1.901–2(d), such levy as

applicable to dual capacity taxpayers and such levy as applicable to other persons together constitute a single levy, then no amount paid pursuant to that levy by any such dual capacity taxpayer is considered to be paid in exchange for a specific economic benefit. Accordingly, such levy has only one distinct element, and the levy either is or is not, in its entirety, a tax. If, however, such levy as applicable to dual capacity taxpayers is a separate levy from such levy as applicable to other persons, then a person claiming credit under section 901 or 903 for an amount paid by a dual capacity taxpayer pusuant to such separate levy may establish the amount, if any, that is paid pursuant to the distinct element of the levy that is a tax only by the facts and circumstances method or the safe harbor method described in paragraph (c) of this section. If such person fails to so establish such amount, no portion of the amount that is paid pursuant to the separate levy by the dual capacity taxpayer to such foreign country shall be treated as an amount of tax. Any amount that, either by reason of application of the methods of paragraph (c) of this section or by reason of the immediately preceding sentence, is not treated as an amount of tax shall (i) be considered to have been paid in exchange for a specific economic benefit; (ii) be characterized (*e.g.* as royalty, purchase price, cost of sales, reduction of the proceeds of a sale, or reduction of interest income) according to the nature of the transaction and of the specific economic benefit received; and (iii) be treated according to such characterization for all purposes of Chapter 1 of the Internal Revenue Code, except that any determination that an amount is not tax for purposes of section 901 or 903 by reason of application of the safe harbor method shall not be taken into account in determining whether or not such an amount is to be characterized and treated as tax for purposes of computing an allowance for percentage depletion under sections 611 and 613.

(2) *Effect of certain treaties.* If, irrespective of whether such credit would be allowable under section 901 or 903 in the absence of a treaty, the United States has in force a treaty with a foreign country that treats a foreign levy as an income tax for purposes of allowing credit for United States tax and if the person claiming credit is entitled to the benefit of such treaty, then, unless such person claims credit not under the treaty but under section 901 or 903, and except to the extent the treaty provides otherwise and subject to all terms, conditions and limitations provided in the treaty, no portion of an amount paid with respect to such levy by a dual capacity taxpayer shall be considered to be paid in exchange for a specific economic benefit. If, however, such person claims credit not under such treaty but rather under section 901 or 903 (*e.g.*, so as not to be subject to a limitation contained in such treaty), the provisions of this section apply to such levy.

(c) *Satisfaction of burden of proof.*—(1) *In general.* This paragraph (c) sets out the methods by which a person who claims credit under section 901 or 903 for an amount paid by a dual capacity taxpayer pursuant to a foreign levy that satisfies all of the criteria of section 901 or 903 other than the determination of the distinct element of the levy that is a tax and of the amount that is paid pursuant to that distinct element (a "qualifying levy") may establish such distinct element and amount. Such person must establish the amount paid pursuant to a qualifying levy that is paid pursuant to the distinct element of the levy that is a tax (which amount therefore is an amount of income tax within the meaning of § 1.901–2 (a)(1) or an amount of tax in lieu of income tax within the meaning of § 1.903–1 (a)(a "qualifying amount")) only by the facts and circumstances method set forth in paragraph (c)(2) of this section or the safe harbor method set forth in paragraph (c)(3) of this section. A levy is not a qualifying levy, and neither the facts and circumstances method nor the safe harbor method applies to an amount paid by a dual capacity taxpayer pursuant to a foreign levy, if it has been established pursuant to § 1.901–2 (d) and paragraph (a)(1) of this section that that levy as applied to that dual capacity taxpayer and that levy is applied to persons other than dual capacity taxpayers together constitute a single levy, or if it has been established in accordance with the first sentence of paragraph (b)(2) of this section that credit is allowable by reason of a treaty for an amount paid with respect to such levy.

(2) *Facts and circumstances method.*—(i) *In general.* If the person claiming credit establishes, based on all of the relevant facts and circumstances, the amount, if any, paid by the dual capacity taxpayer pursuant to the qualifying levy that is not paid in exchange for a specific economic benefit, such amount is the qualifying amount with respect to such qualifying levy. In determining the qualifying amount with respect to a qualifying levy under the facts and circumstances method, neither the methodology nor the results that would have obtained if a person had elected to apply the safe harbor method to such qualifying levy is a relevant fact or circumstance. Accordingly, neither such methodology nor such results shall be taken into account in applying the facts and circumstances method.

(ii) *Examples.* The application of the facts and circumstances method is illustrated by the following examples:

Example (1). Country A imposes a levy, called the country A income tax, on corporations that carry on the banking business through a branch in country A. Because all such corporations lend money to the government of country A, the country A income tax is imposed only on dual capacity taxpayers. *L*, a corporation that carries on the banking business through a branch in country A and that is a dual capacity taxpayer, establishes that all of the criteria of section 901 are satisfied by the country A income tax, except for the determination of the distinct element of the levy that is a tax and of *L*'s qualifying amount with respect thereto. The country A income tax is, therefore, a qualifying levy. *L* establishes that, although all persons subject to the country A income tax are dual capacity taxpayers, the country A income tax applies in the same manner to income from such persons' transactions with the government of country A as it does to income from their transactions with private persons; that there are significant transactions (either in volume or in amount) with private persons; and that the portion of such persons' income that is derived from transactions with the government of country A on the one hand or private persons on the other varies greatly among persons subject to the country A income tax. *L* has demonstrated under the facts and circumstances method that the entire amount it has paid pursuant to the country A income tax is a qualifying amount.

Example (2). *A*, a domestic corporation that is a dual capacity taxpayer subject to a qualifying levy of country X, pays 1000u (units of country X currency) to country X in 1986 pursuant to the qualifying levy. *A* does not elect to apply the safe harbor method to country X, but if it had so elected, 800u would have been *A*'s qualifying amount with respect to the levy. Based on all of the relevant facts and circumstances (which do not include either the methodology of the safe harbor method or the qualifying amount that would have obtained under that method), *A* establishes that 628u of such 1000u is not paid in exchange for a specific economic benefit. *A* has demonstrated under the facts and circumstances method that 628u is a qualifying amount. Pursuant to paragraph (b)(1) of this section, 372u (1000u–628u) is considered to have been paid by *A* in exchange for a specific economic benefit. That amount is characterized and treated as provided in paragraph (b)(1) of this section.

Example (3). The facts are the same as in example (2), except that under the safe harbor method 580u would have been *A*'s qualifying amount with respect to the levy.

That amount is not a relevant fact or circumstance and the result is the same as in example (2).

(3) *Safe harbor method.* Under the safe harbor method, the person claiming credit makes an election as provided in paragraph (d) of this section and, pursuant to such election, applies the safe harbor formula described in paragraph (e) of this section to the qualifying levy or levies to which the election applies.

(d) *Election to use the safe harbor method.—(1) Scope of election.* An election to use the safe harbor method is made with respect to one or more foreign states and possessions of the United States with respect to a taxable year of the person making the election (the "electing person"). Such election applies to such taxable year and to all subsequent taxable years of the electing person ("election years"), unless the election is revoked in accordance with paragraph (d)(4) of this section. If an election applies to a foreign state or possession of the United States ("elected country"), it applies to all qualifying levies of the elected country and to all qualifying levies of all political subdivisions of the elected country with respect to which the electing person claims credit for amounts paid (or deemed to be paid) by any dual capacity taxpayer. A member of an affiliated group that files a consolidated United States income tax return may use the safe harbor method for a foreign state or U.S. possession only if an election to use the safe harbor method for that state or possession has been made by the common parent of such affiliated group on behalf of all members of the group. Similarly, a member of an affiliated group that does not file a consolidated United States income tax return may elect to use the safe harbor method for a foreign state or U.S. possession only if an election to use the safe harbor method for that state or possession is made by each member of the affiliated group which claims credit for taxes paid to such state or possession or to any political subdivision thereof. An election to use the safe harbor method for an elected country does not apply to foreign taxes carried back or forward to any election year from any taxable year to which the election does not apply. Such election does apply to foreign taxes carried back or forward from any election year to any taxable year. A person who elects to use the safe harbor method for one or more foreign countries may, in a later taxable year, also elect to use that method for other foreign countries.

(2) *Effect of election.* An election to use the safe harbor method described in paragraph (c)(3) of this section requires the electing persons to apply the safe harbor formula of paragraph (e) of this section to all qualifying levies of all elected countries and their political subdivisions, and constitutes a specific waiver by such person of the right to use the facts and circumstances method described in paragraph (c)(2) of this section with respect to any levy of any elected country or any political subdivision thereof.

(3) *Time and manner of making election.*—(i) *In general.* To elect to use the safe harbor method, an electing person must attach a statement to its United States income tax return for the taxable year for which the election is made and must file such return by the due date (including extensions) for the filing thereof. Such statement shall state—

(A) That the electing person elects to use the safe harbor method for the foreign states and the possessions of the United States designated in the statement and their political subdivisions, and

(B) That the electing person waives the right, for any election year, to use the facts and circumstances method for any levy of the designated states, possessions and political subdivisions.

(ii) *Retroactive election.* Nothwithstanding the requirements of paragraph (d)(3)(i) of this section relating to the time and manner of making an election, an election may be made for a taxable year beginning on or before [date that is 30 days after date of publication of these regulations as final regulations in the **Federal Register**], provided the electing person elects in accordance with § 1.901–2(h) to apply all of the provisions of this section, § 1.901–2 and § 1.903–1 to such taxable year and provided all of the requirements set forth in this paragraph (d)(3)(ii) are satisfied. Such an election shall be made by timely (including extensions) filing a federal income tax return or an amended federal income tax return for such taxable year; by attaching to such return a statement containing the statements and information set forth in paragraph (d)(3)(i) of this section; and by filing amended income tax returns for all subsequent election years for which income tax returns have previously been filed and applying the safe harbor method in such amended returns. All amended returns referred to in the immediately preceding sentence must be filed on or before [date that is 1 year after date of publication of these regulations as final regulations in the **Federal Register**] and at a time when neither assessment of a deficiency for any of such election years nor the filing of a claim for any refund claimed in any such amended return is barred.

(4) *Revocation of election.* An election to use the safe harbor method decribed in paragraph (c)(3) of this section may not be revoked without the consent of the Commissioner. An application for consent to revoke such election with respect to one or more elected countries shall be made to the Commissioner of Internal Revenue, Washington, D.C. 20224. Such application shall be made not later than the 30th day before the due date (including extensions) for the filing of the income tax return for the first taxable year for which the revocation is sought to be effective, except in the case of an event described in (i), (ii), (iii) or (iv) below, in which case an application for revocation with retroactive effect may be made within a reasonable time after such event. The Commissioner may make his consent to any revocation conditioned upon adjustments being made in one or more taxable years so as to prevent the revocation from resulting in a distortion of the amount of any item relating to tax liability in any taxable year. The Commissioner will normally consent to a revocation (including, in the case of (i), (ii), (iii) or iv) below, one with retroactive effect), if—

(i) An amendment to the Internal Revenue Code or the regulations thereunder is made which applies to the taxable year for which the revocation is to be effective and the amendment substantially affects the taxation of income from sources outside the United States under subchapter N of Chapter 1 of the Internal Revenue Code; or

(ii) After a safe harbor election is made with respect to a foreign state, a tax treaty between the United States and that state enters into force; that treaty covers a foreign tax to which the safe harbor election applies; and that treaty applies to the taxable year for which the revocation is to be effective; or

(iii) After a safe harbor election is made with respect to a foreign state or possession of the United States, a material change is made in the tax law of that state or possession or of a political subdivision of that state or possession; and the changed law applies to the taxable year for which the revocation is to be effective and has a material effect on the taxpayer; or

(iv) With respect to a foreign country to which a safe harbor election applies, it is determined that there is no generally imposed income tax and thus

that the qualifying amount under the safe harbor formula of paragraph (e) of this section is zero; or

(v) The election has been in effect with respect to at least three taxable years prior to the taxable year for which the revocation is to be effective.

The Commissioner may, in his discretion, consent to a revocation even if none of the foregoing subdivisions (i) through (v) is applicable. If an election has been revoked with respect to an elected country, a subsequent election to apply the safe harbor method with respect to such elected country may be made only with the consent of the Commissioner and upon such terms and conditions as the Commissioner in his discretion may require.

(e) *Safe harbor formula.*—(1) *In general.* The safe harbor formula applies to determine the distinct element of a qualifying levy that is a tax and the amount paid by a dual capacity taxpayer pursuant to such qualifying levy that is the qualifying amount with respect to such levy. Under the safe harbor formula the amount paid in a taxable year pursuant to a qualifying levy that is the qualifying amount with respect to such levy is an amount equal to:

$$(A–B–C) \times D/(1–D)$$

where:

A = the amount of gross receipts as determined under paragraph (e)(2) of this section

B = the amount of costs and expenses as determined under paragraph (e)(2) of this section

C = the total amount paid in the taxable year by the dual capacity taxpayer pursuant to the qualifying levy (the "actual payment amount")

D = the tax rate as determined under paragraph (e)(3) of this section

In no case, however, shall the qualifying amount exceed the actual payment amount; and the qualifying amount is zero if the safe harbor formula yields a qualifying amount less than zero. The safe harbor formula is intended to yield a qualifying amount that is approximately equal to the amount of generally imposed income tax within the meaning of paragraphs (a) and (b)(1) of § 1.903–1 ("general tax") of the foreign country that would have been required to be paid in the taxable year by the dual capacity taxpayer if it had not been a dual capacity taxpayer and if the base of the general tax had allowed a deduction in such year for the amount ("specific economic benefit amount") by which the actual payment amount exceeds the qualifying amount. Thus, if an elected country has no general tax, application of the safe harbor formula to a qualifying levy of that elected country yields a qualifying amount of zero and a specific economic benefit amount equal to the actual payment amount. The specific economic benefit amount is considered to be the portion of the actual payment amount that is paid pursuant to the distinct portion of the qualifying levy that imposes an obligation in exchange for a specific economic benefit. The specific economic benefit amount is therefore considered to be an amount paid by the dual capacity taxpayer in exchange for such specific economic benefit, which amount must be treated for purposes of Chapter 1 of the Internal Revenue Code as provided in paragraph (b)(1) of this section.

(2) *Determination of gross receipts and costs and expenses.* For purposes of the safe harbor formula, gross receipts and costs and expenses are, except as otherwise provided in this paragraph (e), the gross receipts and the deductions for costs and expenses, respectively, as determined under the foreign law applicable in computing the actual payment amount of the qualifying levy to which the safe harbor formula applies. However, except as otherwise provide in this paragraph (e), if provisions of the qualifying levy increase the liability imposed on dual capacity taxpayers compared to the general tax liability of persons other than dual capacity taxpayers by reason of the determination or treatment of gross receipts or of costs or expenses, the provisions generally applicable in computing such other persons' tax base under the general tax shall apply to determine gross receipts and costs and expenses for purposes of computing the qualifying amount. If neither the general tax nor the qualifying levy permits recovery of one or more costs or expenses, and by reason of the failure to permit such recovery the qualifying levy does not satisfy the net income requirement of § 1.901–2(b)(4) (even though the general tax does satisfy that requirement), then such cost or expense shall be considered a cost or expense for purposes of computing the qualifying amount. If the qualifying levy does not permit recovery of one or more significant costs or expenses, but provides allowances that effectively compensate for nonrecovery of such significant costs or expenses, then, for puposes of computing the qualifying amount, costs and expenses shall not include the costs and expenses under the general tax whose nonrecovery under the qualifying levy is compensated for by such allowances but shall instead include such allowances. In determining costs and expenses for purposes of computing the qualifying amount with respect to a qualifying levy, the actual payment amount with respect to such levy shall not be considered a cost or expense. For purposes of this paragraph, the following differences in gross receipts and costs and expenses between the qualifying levy and the general tax shall not be considered to increase the liability imposed on dual capacity taxpayers compared to the general tax liability of persons other than dual capacity taxpayers, but only if the general tax would be an income tax within the meaning of § 1.901–2 (a)(1) if such different treatment under the qualifying levy had also applied under the general tax:

(i) Differences in the time of realization or recognition of one or more items of income or in the time when recovery of one or more costs and expenses is allowed (unless the period of recovery of such costs and expenses pursuant to the qualifying levy is such that it effectively is a denial of recovery of such costs and expenses, as described in § 1.901–2 (b)(4)(i)); and

(ii) Differences in consolidation or carryover provisions of the types described in paragraphs (b)(4)(ii) and (b)(4)(iii) of § 1.901–2.

(3) *Determination of tax rate.* The tax rate for purposes of the safe harbor formula is the tax rate (expressed as a decimal) that is applicable in computing tax liability under the general tax. If the rate of the general tax varies according to the amount of the base of that tax, the rate to be applied in computing the qualifying amount is the rate that applies under the general tax to a person whose base is, using the terminology of paragraph (e)(1) of this section, "A" minus "B" minus the specific economic benefit amount paid by the dual capacity taxpayer pursuant to the qualifying levy, provided such rate applies in practice to persons other than dual capacity taxpayers, or, if such rate does not so apply in practice, the next lowest rate of the general tax that does so apply in practice.

(4) *Determination of applicable provisions of general tax.*—(i) *In general.* If the general tax is a series of income taxes (*e.g.* on different types of income), or if the application of the general tax differs by its terms for different classes of persons subject to the general tax (*e.g.*, for persons in different industries), then, except as otherwise provided in this paragraph (e), the qualifying amount small be computed by reference to the income tax contained in such series of income taxes, or in the case of such different applications the application of the general tax, that by its terms and in

practice imposes the highest tax burden on persons other than dual capacity taxpayers. Notwithstanding the preceding sentence, the general tax amount shall be computed by reference to the application of the general tax to entities of the same type (as determined under the general tax) as the dual capacity taxpayer and to persons of the same resident or nonresident status (as determined under the general tax) as the dual capacity taxpayer; and, if the general tax treats business income differently from non-business (*e.g.* investment) income (as determined under the general tax), the dual capacity taxpayer's business and non-business income shall be treated as the general tax treats such income. If, for example, the dual capacity taxpayer would, under the general tax, be treated as a resident (*e.g.* because the general tax treats an entity that is organized in the foreign country or managed or controlled there as a resident) and as a corporation (*i.e.* because the rules of the general tax treat an entity like the dual capacity taxpayer as a corporation), and if some of the dual capacity taxpayer's income would, under the general tax, be treated as business income and some as non-business income, the dual capacity taxpayer and its income shall be so treated in computing the qualifying amount.

(ii) *Establishing that provisions apply in practice.* For purposes of the safe harbor formula a provision shall be considered a provision of the general tax only if it is reasonably likely that that provision applies by its terms and in practice to persons other than dual capacity taxpayers.

(5) *Multiple levies.* If, in any election year of an electing person, with respect to any elected country and all of its political subdivisions.

(i) Amounts are paid by a dual capacity taxpayer pursuant to more than one qualifying levy or pursuant to one or more levies that are qualifying levies and one or more levies that are not qualifying levies by reason of the last sentence of paragraph (c)(1) of this section but with respect to which credit is allowable, or

(ii) More than one general tax would have been required to be paid by a dual capacity taxpayer if it had not been a dual capacity taxpayer, or

(iii) Credit is claimed with respect to amounts paid by more than one dual capacity taxpayer,

the provisions of this paragraph (e) shall be applied such that the aggregate qualifying amount with respect to such qualifying levy or levies plus the aggregate amount paid with respect to levies referred to in (i) that are not qualifying levies shall be the aggregate amount that would have been required to be paid in the taxable year by such dual capacity taxpayer (or taxpayers) pursuant to such general tax or taxes if it (or they) had not been a dual capacity taxpayer (or taxpayers) and if the base of such general tax or taxes had allowed a deduction in such year for the aggregate specific economic benefit amount. However, in no event shall such aggregate amount exceed the aggregate actual tax amount plus the aggregate amount paid with respect to levies referred to in (i) that are not qualifying levies, nor be less than the aggregate amount paid with respect to levies referred to in (i) that are not qualifying levies.

(6) *Examples.* the provisions of this paragraph (e) may be illustrated by the following examples:

Example (1). Under a levy of country X called the country X income tax, every corporation that does business in country X is required to pay to country X 40% of its income from its business in country X. Income for purposes of the country X income tax is computed by subtracting specified deductions from the corporation's gross income derived from its business in country X. The specified deductions include the corporation's expenses attributable to such gross income and allowances for recovery of the cost of capital expenditures attributable to such gross income, except that under the terms of the country X income tax a corporation engaged in the exploitation of minerals K, L or M in country X is not permitted to recover, currently or in the future, expenditures it incurs in exploring for those minerals. In practice, the only corporations, that engage in exploitation of the specified minerals in country X are dual capacity taxpayers. Because no other persons subject to the levy engage in exploitation of minerals K, L or M in country X, the application of the country X income tax to dual capacity taxpayers is different from its application to other corporations. The country X income tax as applied to corporations that engage in the exploitation of minerals K, L or M (dual capacity taxpayers) is, therefore, a separate levy from the country X income tax as applied to other corporations.

A is a U.S. corporation that is engaged in country X in exploitation of mineral K. Natural deposits of mineral K in country X are owned by country X, and *A* has been allowed to extract mineral K in consideration of payment of a bonus and of royalties to an instrumentality of country X. Therefore, *A* is a dual capacity taxpayer. In 1984, *A* does business in country X within the meaning of the levy. *A* has validly elected the safe harbor method for country X for 1984. In 1984, as determined in accordance with the country X income tax as applied to *A*, *A* has gross receipts of 120u (units of country X currency), deducts 20u of costs and expenses, and pays 40u (40% of (120u−20u)) to country X pursuant to the levy. *A* also incurs in 1984 10u of nondeductible expenditures for exploration for mineral K. *A* establishes that the country X income tax as applied to persons other than dual capacity taxpayers is an income tax within the meaning of § 1.901–2(a)(1), that is is the generally imposed income tax of country X and hence the general tax, and that all of the criteria of section 903 are satisfied with respect to the country X income tax as applied to dual capacity taxpayers, except for the determination of the distinct element of the levy that is a tax and of *A*'s qualifying amount with respect thereto. (No conclusion is reached whether the country X income tax as applied to dual capacity taxpayers is an income tax within the meaning of § 1.901–2(a)(1). Such a determination would require, among other things, that the country X income tax as so applied, judged on the basis of its predominant character, meets the net income requirement of § 1.901–2(b)(4) notwithstanding its failure to permit recovery of exploration expenses.) *A* has therefore demonstrated that the country X income tax as applied to dual capacity taxpayers is a qualifying levy.

In applying the safe harbor formula, in accordance with paragraph (e)(2), the amount of *A*'s costs and expenses includes the 10u of nondeductible exploration expenses. Thus, under the safe harbor method. *A*'s qualifying amount with respect to the levy is 33.33u ((120u–30u–40u) x .40/(1–.40)). *A*'s specific economic benefit amount is 6.67u (*A*'s actual payment amount (40u) less *A*'s qualifying amount (33.33u). Under paragraph (a) of this section, this 6.67u is considered to be consideration paid by *A* for the right to extract mineral K. Pursuant to paragraph (b) of this section, this amount is characterized according to the nature of *A*'s transactions with country X and its instrumentality and of the specific economic benefit received (the right to extract mineral K), as an additional royalty or other business expense paid or accrued by *A* and is so treated for all purposes of Chapter 1 of the Internal Revenue Code, except that if an allowance for percentage depletion is allowable to *A* under sections 611 and 613 with respect to *A*'s interest in mineral K, the determination whether this 6.67u is tax or royalty for purposes of computing the amount of such allowance shall be made under sections 611 and 613 without regard to the determination that under the safe harbor formula such 6.67u is not tax for purposes of section 901 or 903.

Example (2). Under a levy of country Y called the country Y income tax, each corporation incorporated in country Y is required to pay to country Y a percentage of its worldwide income. The applicable percentage is 40 percent of the first 1,000u (units of country Y currency) of income and 50 percent of income in excess of 1,000u. Income for purposes of the levy is computed by deducting from gross income specified types of expenses and specified allowances for capital expenditures. The expenses for which deductions are permitted differ depending on the type of business in which the corporation subject to the levy is engaged, *e. g.*, a deduction for interest paid to

a related party is not allowed for corporations engaged in enumerated types of activities. In addition, carryover of losses from one taxable period to another is permitted for corporations engaged in specified types of activities, but not for corporations engaged in other activities. By its terms, the foreign levy makes no distinction between dual capacity taxpayers and other persons. It is established that in practice the differences in the base of the country Y income tax (*e. g.*, the lack of a deduction for interest paid to related parties for some coporations subject to the levy and the lack of a carryover provision for some corporations subject to the levy) apply to both dual capacity taxpayers and other persons, but it is not established that in practice the 50 percent rate does not apply only to dual capacity taxpayers. By reason of such higher rate, application of the country Y income tax to dual capacity taxpayers is different in practice from application of the country Y income tax to other persons subject to it. The country Y income tax as applied to dual capacity taxpayers is therefore a separate levy from the country Y income tax as applied to other corporations incorporated in country Y.

B is a corporation incorporated in country Y that is engaged in construction activities in country Y. *B* has a contract with the government of country Y to build a hospital in country Y for a fee. Accordingly, *B* is a dual capacity taxpayer. *B* has validly elected the safe harbor method for country Y for 1985. In 1985, as determined in accordance with the country Y income tax as applied to *B*, *B* has gross receipts of 10,000u, deducts 6,000u of costs and expenses, and pays 1900u ((1,800u x 40%) + (3,000u x 50%)) to country Y pursuant to the levy.

It is assumed that *B* has established that the country Y income tax as applied to persons other than dual capacity taxpayers is an income tax within the meaning of § 1.901–2 (a) (1) and is the general tax. It is further assumed that *B* has demonstrated that all of the criteria of section 901 are satisfied with respect to the country Y income tax as applied to dual capacity taxpayers, except for the determination of the distinct element of such levy that is a tax and of *B*'s qualifying amount with respect to that levy, and therefore that the country Y income tax as applied to dual capacity taxpayers is a qualifying levy.

In applying the safe habor formula, in acordance with paragraph (e)(3), the 50 percent rate is not used becasuse it does not apply in practice to persons other than dual capacity taxpayers. The next lowest rate of the general tax that does apply in practice to such persons, 40 percent, is used. Accordingly, under the safe harbor formula, *B*'s qualifying amount with respect to the levy is 1400u ((10,000u–6000u–1900u) x .40/(1–.40)). *B*'s specific economic benefit amount is 500u (B's actual payment amount (1900u) less *B*'s qualifying amount (1400u)). Pursuant to paragraph (b) of this section, *B*'s specific economic benefit amount is characterized according to the nature of *B*'s transactions with country Y and of the specific economic benefit received, as a reduction of *B*'s proceeds of its contract with country Y; and this amount is so treated for all purposes of chapter 1 of the Code, including the computation of *B*'s accumulated profits for purposes of section 902.

Example (3). The facts are the same as in example (2), with the following additional facts: The contract between *B* and country Y is a cost plus contract. One of the costs of the contract which the country Y is required to pay or for which it is required to reimburse *B* is any tax of country Y on *B*'s income or receipts from the contract. Instead of reimbursing *B* therefor, country Y agrees with *B* to assume any such tax liability. Under country Y tax law, *B* is not considered to have additional income or receipts by reason of country Y's assumption of *B*'s country Y tax liability. In 1985, *B*'s gross receipts of 10,000u include 3000u from the contract, and its costs and expenses of 6,000u include 2000u attributable to the contract. *B*'s other gross receipts and expenses do not related to any transaction in which B receives a specific economic benefit. In accordance with the contract, country Y, and not *B*, is required to bear the amount of *B*'s country Y income tax liability on *B*'s 1000u (3000u–2000u) income from the contract. In accordance with the contract *B* computes its country Y income tax without taking this 1000u into account and therefore pays 1400u ((1000u x 40%) + (2000u x 50%)) to country Y pursuant to the levy.

In accordance with § 1.901–2(f)(2)(i), the country Y income tax which country Y is, under the contract, required to bear is considered to be paid by country Y on behalf of *B*. *B*'s proceeds of its contract, for all purposes of Chapter 1 of the Code (including the computation of *B*'s accumulated profits for purposes of section 902), therefore, are increased by the additional 500u (1900u computed as in example (2) less 1400u as computed above) of B's liability under the country Y income tax that is assumed by country Y and such 500u is considered to be paid pursuant to the levy by country Y on behalf of *B*. In applying the safe harbor formula, therefore, the computation is exactly as in example (2) and the results are the same as in example (2).

Example (4). Country L issues a decree (the "April 11 decree"), in which it states it is exercising its tax authority to impose a tax on all corporations on their 'net income' from country L. "Net income" is defined as actual gross receipts less all expenses attributable thereto, except that in the case of income from extraction of petroleum, gross receipts, are defined as 105 percent of actual gross receipts, and no deduction is allowed for interest incurred on loans whose proceeds are used for exploration for petroleum. Under the April 11 decree, wages paid by corporations subject to the decree are deductible in the year of payment, except that corporations engaged in the extraction of petroleum may deduct such wages only by amortization over a 5-year period and, to the extent such wages are paid to officers, they may be deducted only by amortization over a period of 50 years. The April 11 decree permits related corporations subject to the decree to file consolidated returns in which net income and net losses of related corporations offset each other in computing net income for purposes of the April 11 decree, except that corporations engaged in petroleum exploration or extraction activities are not eligible for inclusion in such a consolidated return. The law of country L does not require separate entities to carry on separate activities in connection with exploring for or extracting petroleum. Net losses of a taxable year may be carried over for 10 years to offset income, except that no more than 25% of net income (before deducting the loss carryover) in any such future year may be offset by a carryover of net loss, and, in the case of any corporation engaged in exploration or extraction of petroleum, losses incurred prior to such a corporation's having net income from production may be carried forward for only 8 years and no more than 15% of net income in any such future year may be offset by such a net loss. The rate to be paid under the April 11 decree is 50% of net income (as defined in the levy), except that if net income exceeds 10,000u (units of country L currency), the rate is 75% of the corporation's net income (including the first 10,000u thereof). In practice, no corporations other than income engaged in extraction of petroleum have net income in excess of 10,000u. All petroleum resources of country L are owned by the government of the country L, whose petroleum ministry licenses corporations to explore for and extract petroleum in consideration for payment of royalties as petroleum is produced.

J is a U.S. corporation that is engaged in country L in the exploration and extraction of petroleum and therefore is a dual capacity taxpayer. *J* has validly elected the safe harbor method for country L for the year 1983, the year that *J* commenced activities in country L, and has not revoked such election. For the years 1983 through 1986, *J*'s gross receipts, deductions and net income before application of the carryover provisons, determined in accordance with the April 11 decree, are as follows:

Year	Gross receipts (105 percent of actual gross receipts)	Deductions other than wages	Wages paid other than to officers (amortizable at 20 percent)	Wages paid to officers (amortizable at 2 percent)	Nondeductible exploration interest expense	Net income (loss) (B-C-amortization of cumulative D-amortization of cumulative E)
A	*B*	*C*	*D*	*E*	*F*	*G*
1983	[illegible]	13,000u	100u	50u	1,000u	(13,021u)
1984	[illegible]	17,000u	100u	50u	2,800u	(17,042u)
1985	42,000u	15,000u	100u	50u	2,800u	26,937u

Year	Gross receipts (105 percent of actual gross receipts)	Deductions other than wages	Wages paid other than to officers (amortizable at 20 percent)	Wages paid to officers (amortizable at 2 percent)	Nondeductible exploration interest expense	Net income (loss) (B-C-amortization of cumulative D-amortization of cumulative E)
A	*B*	*C*	*D*	*E*	*F*	*G*
1986	105,000u	20,000u	100u	50u	2,800u	84,916u

After application of the carryover provisions, *J*'s net income and actual payment amounts pursuant to the April 11 levy are as follows:

Year	Net income (loss)	Actual payment amount (I x 75 percent)
H	*I*	*J*
1983	(13,021u)	0
1984	(17,042u)	0
1985	22,896u	17,172u
1986	72,179u	54,134u

Pursuant to paragraph (a)(1) of this section, the April 11 decree as applied to corporations engaged in the exploration or extraction of petroleum in country L is a separate levy from the April 11 decree as applied to all other corporations. *J* establishes that the April 11 decree, as applied to such other corporations, is a income tax within the meaning of § 1.901–2(a)(1) and that the decree as so applied is the general tax.

The April 11 decree as applied to corporations engaged in the exploration or extraction of petroleum in country L does not meet the gross receipts requirement of § 1.901–2(b)(3); therefore, irrespective of whether it meets the other requirements of § 1.901–2(b)(1), it is not an income tax within the meaning of § 1.901–2(a)(1). However, the April 11 decree as applied to such corporations is a qualifying levy because *J* has demonstrated that all of the criteria of section 903 are satisfied with respect to the April 11 decree as applied to such corporations, except for the determination of the distinct element of such levy that imposes a tax and of *J*'s qualifying amount with respect thereto.

In applying the safe harbor formula, in accordance with paragraph (e)(2), gross receipts are computed by reference to the general levy, and thus are 100%, not 105%, of actual gross receipts. Similary, costs and expenses include exploration interest expense. In accordance with paragraph (e)(2)(i) of this section the difference between the general tax and the qualifying levy in the timing of the deduction for wages, other than wages of officers, is not considered to increase the liability of dual capacity taxpayers because the general tax would not have failed to be an income tax within the meaning of § 1.901–2(a)(1) if it had provided for 5-year amortization of such wages instead of for current deduction. *See*, § 1.901–2(b)(4)(i). However, amortization of wages paid to officers over a 50-year period is such a deferred recovery of such wages that it effectively is a denial of the deduction of the excess of such wages paid in any year over the amortization of such cumulative wages permitted in such year. See § 1.901–2(b)(4)(i). The different treatment of wages paid to officers under the general tax and the qualifying levy is thus not merely a difference in timing within the meaning of paragraph (e)(2)(i) of this section. Accordingly, the difference between the amount of wages paid by *J* to officers in any year and *J*'s deduction (in computing actual tax amount) for amortization of such cumulative wages allowed in such year is, pursuant to paragraph (e)(2) of this section, treated as a cost and expense in computing *J*'s qualifying amount for such year with respect to the April 11 decree. The differences in the consolidation and carryover provisions between the general tax and the qualifying levy are of the types described in paragraph (e)(2)(ii) of this section and, pursuant to paragraph (b)(4)(ii) and (b)(4)(iii) of § 1.901–2, the general tax would not fail to be an income tax within the meaning of § 1.901–2(a)(i) even if it contained the consolidation and carryover provisions of the qualifying levy. Thus, such differences are not considered to increase the liability of dual capacity taxpayers pursuant to the qualifying levy as compared to the general tax liability of persons other than dual capacity taxpayers.

Accordingly, in applying the safe harbor formula to the qualifying levy for 1985 and 1986, gross receipts and costs and expenses are computed as follows:

Gross receipts

1985: 42,000u x (100/105) = 40,000u
1986: 105,000u x (100/105) = 100,000u

COSTS AND EXPENSES

Item	1985	1986
1. Deductions other than wages (column C in the preceding chart)	15,000u	20,000u
2. Amortization of cumulative wages paid in 1983 and thereafter other than to officers	80u	80u
3. Deduction of wages to officers paid in current year, instead of amortization allowed in current year of such cumulative wages paid in 1983 and thereafter	50u	50u
4. Deduction of exploration interest expense	2,800u	2,800u
5. Costs and expenses before carryover of net loss (sum of lines 1 through 4)	17,910u	22,930u

COSTS AND EXPENSES—Continued

Item	1985	1986
6. Recalculation of loss carryover by recalculating 1983 and 1984 net income (loss) to reflect current deduction of wages to officers and exploration interest expense 1983 adjusted net loss carryover: (13,021u) + (49u) + (100u) = (14,070u); 1984 adjusted net loss carryover (17,042u) + (48u) + (2800u) = (19,890u)		
7. Recalculation of limitation on use of net loss carryover deduction		
Gross receipts	40,000u	100,000u
Less costs and expenses	(17,910u)	(22,930u)
Total	22,090u	77,070u
Times 15 percent limitation	3,314u	11,561u
8. Costs and expenses including net loss carryover deduction (line 5 plus line 7)	21,224u	34,491u

In years after 1986, costs and expenses for purposes of determining the qualifying amount would reflect net loss carryforward deductions based on the recomputed losses carried forward from 1983 and 1984 (14,070u and 19,890u, respectively) less the amounts thereof that were utilized in determining costs and expenses for 1985 and 1986 (3,314u and 11,561u, respectively). The 1983 and 1984 loss carryforwards would be considered utilized in accordance with the order of priority in which such losses are utilized under the terms of the qualifying levy.

In applying the safe harbor formula, the tax rate to be used, in accordance with paragraph (e)(3) of this section is .50.

Accordingly, under the safe harbor method, *J*'s qualifying amounts with respect to the April 11 decree for 1985 and 1986 are computed as follows:

1985: (40,000u–21,224u–17,172u) × .50/(1–.50) = 1604u

1986: (100,000u–34,491u–54,134u) × .50/(1–.50) = 11,375u

Under the safe harbor method *J*'s qualifying amounts with respect to the April 11 decree for 1985 and 1986 are thus 1604u and 11,375u, respectively; and its specific economic benefit amounts are 15,568u (17,172u–1604u) and 42,759u (15,134u–11,375u), respectively. Pursuant to paragraph (b) of this section, *J*'s specific economic benefit amounts are characterized according to the nature of *J*'s transactions with country L and of the specific economic benefit received by *J* as additional royalties paid to country with respect to the petroleum extracted by *J* in country L in 1985 and 1986, and these amounts are so treated for all purposes of Chapter 1 of the Code.

Example (5). Country E, which has no generally imposed income tax, imposes a levy called the country E income tax on corporations carrying on the banking business through a branch in country E and on corporations engaged in the extraction of petroleum in country E. All of the petroleum resources of country E are owned by the government of country E, whose petroleum ministry licenses corporations to explore for the extract petroleum in consideration of

payment of royalties as petroleum is extracted. The base of Country E income tax is a corporation's actual gross receipts from sources in country E less all expenses attributable, or reasonable principles, to such gross receipts; the rate of tax is 29%.

A is a U.S. corporation that carries on the banking business through a branch in country E. *B* is a U.S. corporation (unrelated to *A*) that is engaged in the extraction of petroleum in country E. In 1983 *A* receives interest on loans it has made to 160 borrowers in country E, seven of which are agencies and instrumentalities of the government of country E.

A and *B* are dual capacity taxpayers. Each of them has validly elected the safe harbor method for country E for 1983. *A* demonstrates that the country E income tax as applied to banks that make loans to the government of country E (dual capacity taxpayers) is not different by its terms or in practice from the country E income tax as applied to banks that are not dual capacity taxpayers. *A* has therefore established pursuant to paragraph (a)(1) of this section and § 1.901–2(d) that the country E income tax as applied to corporations carrying on the banking business through branches in country E and that make loans to the government of country E (dual capacity taxpayers) and the country E income tax as applied to persons other than dual capacity taxpayers (*i.e.*, such corporations that do not make loans to the government of country E) are together a single levy. *A* establishes that such levy is an income tax within the meaning of § 1.901–2(a)(1). In accordance with paragraph (a)(1) of this section, no portion of the amount paid by *A* pursuant to such levy is considered to be paid in exhange for a specific economic benefit. Thus, the entire amount paid by *A* pursuant to this levy is an amount of income tax paid.

B does not demonstrate that the country E income tax as applied to corporations engaged in the extration of petroleum in country E (dual capacity taxpayers) is not different by its terms or in practice from the country E income tax as applied to persons other than dual capacity taxpayers (*i.e.* banks that are not dual capacity taxpayers). Accordingly, pursuant to paragraph (a)(1) of this section and § 1.901–2(d), the country E income tax as applied to corporations engaged in the extraction of petroleum in country E is a separated levy from the country E income tax as applied to other persons.

B demonstrates that all of the criteria of section 901 are satisfied with respect to the country E income tax as applied to corporations engaged in the exploration of petroleum in country E, except for the determination of the distinct element of such levy that imposes a tax and of *B*'s qualifying amount with respect to the levy. Because country E has no generally imposed income tax, however, *B*'s qualifying amount under the safe harbor formula is 0, and its specific economic benefit amount under the safe harbor formula is identical to its actual payment amount. In acccordance with paragraph (d)(4)(iv) of this section, if, within a reasonable time after the determination that *B*'s qualifying amount is zero, *B* applies for consent to revoke its safe harbor election for country E for 1983, the Comissioner will normally consent to such revocation. Upon obtaining such consent, *B* may apply the facts and circumstances method of paragraph (c)(2) of this section to country E for 1983.

(f) *Effective date.* The effective date of this section is as provided in § 1.901–2(h).

Par. 3. A new § 1.903–1 is added immediately after § 1.902–2 to read as follows:

§ 1.903–1 Taxes in lieu of income taxes.

(a) *In general.* Section 903 provides that the term "income, war profits, and excess taxes" shall include a tax paid in lieu of a tax on income, war profits, or excess profits ("income tax") otherwise generally imposed by any foreign country. For purposes of this section and sections 1.901–2 and 1.901–2A, such a tax is referred to as a "tax in lieu of an income tax"; and the terms "paid" and "foreign country" are defined in § 1.901–2 (g). A foreign levy (within the meaning of § 1.901–2 (g) (3)) is a tax in lieu of an income tax if and only if—

(1) It is a tax within the meaning of § 1.901–2 (a)(2); and

(2) It meets the substitution requirement as set forth in paragraph (b) of this section.

The foreign country's purpose in imposing the foreign tax (*e.g.*, whether it imposes the foreign tax because of administrative difficulty in determining the base of the income tax otherwise generally imposed) is immaterial. It is also immaterial whether the base of the foreign tax bears any relation to realized net income. The base of the tax may, for example, be gross income, gross receipts or sales, or the number of units produced or exported. Determinations of the amount of a tax in lieu of an income tax that is paid by a person and determinations of the person by whom such tax is paid are made under § 1.901–2 (e) and (f), respectively, substituting the phrase "tax in lieu of an income tax" for the phrase "income tax" wherever the latter appears in those sections. Section 1.901–2A contains additional rules applicable to dual capacity taxpayers (as defined in § 1.901–2 (a) (2) (ii) (A)). The rules of this section are applied independently to each separate levy (within the meaning of §§ 1.901–2 (d) and 1.901–2A (a)) imposed by the foreign country. Except as otherwise provided in paragraph (b) (2) of this section, a foreign tax either is or is not a tax in lieu of an income tax in its entirety for all persons subject to the tax.

(b) *Substitution.—(1) In general.* A foreign tax satisfies the substitution requirement if the tax in fact operates as a tax imposed in substitution for, and not in addition to, an income tax or a series of income taxes otherwise generally imposed. However, not all income derived by persons subject to the foreign tax need be exempt from the income tax. If, for example, a taxpayer is subject to a generally imposed income tax except that, pursuant to an agreement with the foreign country, the taxpayer's income from insurance is subject to a gross receipts tax and not to the income tax, then the gross receipts tax meets the substitution requirement notwithstanding the fact that the taxpayer's income from other activities, such as the operation of a hotel, is subject to the generally imposed income tax.

(2) *Soak-up taxes.* A foreign tax satisfies the substitution requirement only to the extent that liability for the foreign tax is not dependent (by its terms or otherwise) on the availability of a credit for the foreign tax against income tax liability to another country. If without regard to this paragraph (b) (2), a foreign tax satisfies the requirement of paragraph (b) (1) of this section (including for this purpose any foreign tax that both satisfies such requirement and also is an income tax within the meaning of § 1.901–2 (a) (1)), liability for the foreign tax is dependent on the availability of a credit for the foreign tax against income tax liability to another country only to the extent of the lesser of—

(i) The amount of foreign tax that would not be imposed on the taxpayer but for the availability of such a credit to the taxpayer (within the meaning of § 1.901–2 (c)), or

(ii) The amount, if any, by which the foreign tax paid by the taxpayer exceeds the amount of foreign income tax that would have been paid by the taxpayer if it had instead been subject to the generally imposed income tax of the foreign country.

(3) *Examples.* The provisions of this paragraph (b) may be illustrated by the following examples:

Example (1). Country X has a tax on realized net income that is generally imposed except that nonresidents are not subject to that tax. Nonresidents are subject to a gross income tax on income from country X that is not attributable to a trade or business carried on in country X. The gross income tax imposed on nonresidents satisfies the substitution requirement set forth in this paragraph (b). See also examples (1) and (2) of § 1.901–2(b)(4)(iv).

Example (2). The facts are the same as in example (1), with the additional fact that payors located in country X are required by country X law to withhold the gross income

tax from payments they make to nonresidents, and to remit such withheld tax to the government of country X. The result is the same as in example (1).

Example (3). Country X has a tax that is generally imposed on the realized net income of nonresident corporations that is attributable to a trade or business carried on in country X. The tax applies to all nonresident corporations that engage in business in country X except for such corporations that engage in contracting activities, each of which is instead subject to two different taxes. The taxes applicable to nonresident corporations that engage in contracting activities satisfy the substitution requirement set forth in this paragraph (b).

Example (4). Country X imposes both an excise tax and an income tax. The excise tax, which is payable independently of the income tax, is allowed as a credit against the income tax. For 1983 *A* has a tentative income tax liability of 100u (units of country X currency) but is allowed a credit for 30u of excise tax that it has paid. Pursuant to paragraph (e)(4)(i) of § 1.90–2, the amount of excise tax *A* has paid to country X is 30u and the amount of income tax *A* has paid to country X is 70u. The excise tax paid by *A* does not satisfy the substitution requirement set forth in this paragraph (b) because the excise tax is imposed on *A* in addition to, and not in subsititution for, the generally imposed income tax.

Example (5). Pursuant to a contract with country X, *A*, a domestic corporation engaged in manufacturing activities in country X, must pay tax to country X equal to the greater of (i) 5u (units of country X currency) per item produced, or (ii) the maximum amount creditable by *A* against its U.S. income tax liability for that year with respect to income from its country X operations. Also pursuant to the contract, *A* is exempted from country X's otherwise generally imposed income tax. *A* produces 16 items in 1984 and the maximum amount creditable by *A* against its U.S. income tax liability for 1984 is 125u. If *A* had been subject to country X's otherwise generally imposed income tax it would have paid a tax of 150u. Pursuant to paragraph (b)(2) of this section, the amount of tax paid by *A* that is dependent on the availability of a credit against income tax of another is 0 (lesser of (i) 45u, the amount that would not be imposed but for the availability of a credit (125u − 80u) or (ii) 0, the amount by which the contractual tax (125u) exceeds the generally imposed income tax (150u)).

Example (6). The facts are the same as in example (5) except that, of the 150u *A* would have paid if it had been subject to the otherwise generally imposed income tax, 60u is dependent on the availability of a credit against income tax of another country. The amount of tax actually paid by *A* (*i.e.*, 125u) that is dependent on the availability of a credit against income tax of another country is 35u (lesser of (i) 45u, computed as in example (5), or (ii) 35u, the amount by which the contractual tax (125u) exceeds the amount *A* would have paid as income tax if it had been subject to the otherwise generally imposed income tax (90u, *i.e.*, 150u − 60u).

(c) *Effective date.* The effective date of this section is as provided in § 1.90–2(h).

Temporary Income Tax Regulations Relating to Creditability of Foreign Taxes

PART 4—[AMENDED]

§§ 4.901–2 and 4.903–1 [Removed]

Par. 4. Sections 4.901–2 and 4.903–1 of 26 CFR Part 4 are removed.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83–8703 Filed 4–1–83; 8:45 am]

BILLING CODE 4830–01–M

VETERANS ADMINISTRATION

38 CFR Part 1

Administrative Control of Funds

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: 31 U.S.C. 1514 requires the head of each executive agency to prescribe, by regulation, a system of administrative controls designed to restrict obligations or expenditures of each fund or appropriation to the amount of apportionments or reapportionments of the appropriation. These new regulations will provide for the administrative control of all funds within the Veterans Administration.

DATE: Comments must be received on or before May 5, 1983.

ADDRESS: Interested persons are invited to submit written comments, suggestions, or objections regarding these proposed regulations to: Administrator of Veterans Affairs (271A), 810 Vermont Avenue, NW, Washington, D.C. 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, of the above address, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays) until May 19, 1983.

FOR FURTHER INFORMATION CONTACT: Dennis Bowser, (202) 389–2311.

SUPPLEMENTARY INFORMATION: A system of administrative controls (approved by the Office of Management and Budget), designed to restrict obligations or expenditures of each fund or appropriation to the amount of apportionments or reapportionments, has been in effect internally in the VA since establishment of this requirement through amendment of Section 3679 of the Revised Statutes by Section 1211 of the General Appropriation Act of 1951.

In accordance with an Office of Management and Budget directive dated June 28, 1977, we revised our Administrative Control of Funds procedures to reflect the 1976 revision of OMB Circular A–34. After receiving OMB approval of our package, we incorporated the revised Administrative Control of Funds into our internal manual on Accounting Principles, Standards and General Requirements.

However, 31 U.S.C. 1514 requires that these administrative controls be published in the **Federal Register** and codified in Title 38 of the Code of Federal Regulations. Therefore, we are now proposing new regulations to comply with 31 U.S.C. 1514.

The Administrator hereby certifies that these proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these proposed rules are therefore exempt from the initial and final regulatory flexibility analysis requirements of Sections 603 and 604. The reason for this certification is that the proposed rules affect only VA employees. These proposed rules have also been reviewed under E.O. 12291 and have been determined to be nonmajor because they only affect internal VA administrative policies and procedures and do not have any adverse economic impact on or increase costs to consumers, individual industries, Federal, State and local government agencies, or geographic regions. There is no Catalog of Federal Domestic Assistance Number.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Employment, Government employees, Government property.

Approved: March 29, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

38 CFR Part 1, General, is amended by adding an undesignated center heading and new §§ 1.670 through 1.673 to read as follows:

PART 1—GENERAL

Administrative Control of Funds

Sec
1.670 Purpose.
1.671 Definitions.
1.672 Responsibilities.
1.673 Responsibility for violations of the administrative subdivision of funds.

Administrative Control of Funds

§ 1.670 Purpose.

The following regulations establish a system of administrative controls for all appropriations and funds available to the Veterans Administration to accomplish the following purposes:

(a) Establish an administrative subdivision of controls to restrict obligations and expenditures against each appropriation or fund to the amount of the apportionment or the reapportionment; and

(b) Fix responsibility for the control of appropriations or funds to high level officials who bear the responsibility for apportionment or reapportionment control. (31 U.S.C. 1514)

§ 1.671 Definitions.

For the purpose of §§ 1.670 through 1.673, the following definitions apply:

(a) *Administrative subdivision of funds.* An administrative subdivision of funds is any administrative subdivision of an appropriation or fund which makes funds available in a specified amount for the purpose of controlling apportionments or reapportionments.

(b) *Allotment.* An allotment is an authorization by the Assistant Deputy Administrator for Budget and Finance to department and staff office heads (allottees) to incur obligations within specified amounts, during a specified period, pursuant to an Office of Management and Budget apportionment or reapportionment action. The creation of an obligation in excess of an allotment is a violation of the administrative subdivision of funds.

(c) *Allowance.* An allowance is a subdivision below the allotment level, and is a guideline which may be issued by department or staff office heads (allottees) to facility directors and other officials, showing the expenditure pattern or operating budget they will be expected to follow in light of the program activities contemplated by the overall VA budget or plan of expenditure. The creation of an obligation in excess of an allowance is not a violation of the administrative subdivision of funds. (31 U.S.C. 1514)

§ 1.672 Responsibilities.

(a) The issuance of an allotment to the department and staff office heads (allottees) is required and is the responsibility of the Assistant Deputy Administrator for Budget and Finance. The sum of such allotments shall not be in excess of the amount indicated in the apportionment or reapportionment document.

(b) The issuance of an allowance is discretionary with department or staff office heads (allottees), as an allowance is merely a management device which allottees may utilize in carrying out their responsibilities. Allottees are responsible for keeping obligations within the amounts of their allotments, whether allowances are issued or not.

(c) The Assistant Deputy Administrator for Budget and Finance is responsible for requesting apportionments and reapportionments from the Office of Management and Budget. Department and staff heads shall promptly request that an appropriation or fund be reapportioned if feasible whenever it appears that obligations may exceed the level of the apportionment. (31 U.S.C. 1514)

§ 1.673 Responsibility for violations of the administrative subdivision of funds.

(a) In the event an allotment or an apportionment is exceeded except in the circumstances described in paragraph (b) of this section, the following factors will be considered in determining which official, or officials, are responsible for the violation.

(1) Knowledge of circumstances which could lead to an allotment or apportionment being exceeded;

(2) Whether the official had received explicit instructions to continue or cease incurring obligations;

(3) Whether any action was taken in contravention of or with disregard for, instructions to monitor obligations incurred;

(4) Whether the official had the authority to curtail obligations by directing a change in the manner of operations of the department or staff office; or

(5) Any other facts which tend to fix the responsibility for the obligations which resulted in the allotment or apportionment being exceeded.

(b) In the event that the sum of the allotments made in a particular fiscal year exceeds the amount apportioned by the Office of Management and Budget, and the apportionment is subsequently exceeded because of this action, the official who made the excess allotments will be the official responsible for the violation. (31 U.S.C. 1514)

[FR Doc. 83-8705 Filed 4-4-83; 8:45 am]
BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 10

Proposed International Express Mail Service To Malaysia and Qatar

AGENCY: Postal Service.

ACTION: Proposed International Express Mail Service to Malaysia and Qatar.

SUMMARY: Pursuant to agreements with the postal administrations of Malaysia and Qatar, the Postal Service proposes to begin International Express Mail Service with Malaysia and Qatar at postage rates indicated in the tables below. The proposed services are scheduled to begin on June 10, 1983.

DATE: Comments must be received on or before May 6, 1983.

ADDRESS: Written comments should be directed to the General Manager, Rate Development Division, Office of Rates, Rates and Classification Department, U.S. Postal Service, Washington, D.C., 20260. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday in Room 8620, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Leon W. Perlinn [202] 245–4414.

SUPPLEMENTARY INFORMATION: The International Mail Manual is incorporated by reference in the Federal Register, 39 CFR 10.1. Additions to the manual needed to introduce the proposed new services, including the rate tables reproduced below, will be made in due course. Accordingly, although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments on international service, and the provisions of the Administration Procedure Act regarding proposed rulemaking [5 U.S.C. 553] do not apply [39 U.S.C. 410(a)], the Postal Service invites interested persons to submit written data, views or arguments concerning the proposed International Express Mail Service to Malaysia and Qatar at the rates indicated in the tables below.

List of Subjects in 39 CFR Part 10

Postal Service, Foreign relations.

MALAYSIA—INTERNATIONAL EXPRESS MAIL

Up to and including Pounds	Rate
Custom Designed Service: [1] [2]	
1	$29.00
2	33.50
3	38.00

MALAYSIA—INTERNATIONAL EXPRESS MAIL—Continued

Up to and including Pounds	Rate
4	42.50
5	47.00
6	51.50
7	56.00
8	60.50
9	65.00
10	69.50
11	74.00
12	78.50
13	83.00
14	87.50
15	92.00
16	96.50
17	101.00
18	105.50
19	110.00
20	114.50
21	119.00
22	123.50
On Demand Service: [2]	
1	21.00
2	25.50
3	30.00
4	34.50
5	39.00
6	43.50
7	48.00
8	52.50
9	57.00
10	61.50
11	66.00
12	70.50
13	75.00
14	79.50
15	84.00
16	88.50
17	93.00
18	97.50
19	102.00
20	106.50
21	111.00
22	115.50

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

QATAR—INTERNATIONAL EXPRESS MAIL

Up to and including Pounds	Rate
Custom Designed Service: [1 2]	
1	$28.00
2	31.70
3	35.40
4	39.10
5	42.80
6	46.50
7	50.20
8	53.90
9	57.60
10	61.30
11	65.00
12	68.70
13	72.40
14	76.10
15	79.80
16	83.50
17	87.20
18	90.90
19	94.60
20	98.30
21	102.00
22	105.70
23	109.40
24	113.10
25	116.80
26	120.50
27	124.20
28	127.90
29	131.60

QATAR—INTERNATIONAL EXPRESS MAIL—Continued

Up to and including Pounds	Rate
30	135.30
31	139.00
32	142.70
33	146.40
34	150.10
35	153.80
36	157.50
37	161.20
38	164.90
39	168.60
40	172.30
41	176.00
42	179.70
43	183.40
44	187.10
On Demand Service: [2]	
1	20.00
2	23.70
3	27.40
4	31.10
5	34.80
6	38.50
7	42.20
8	45.90
9	49.60
10	53.30
11	57.00
12	60.70
13	64.40
14	68.10
15	71.80
16	75.50
17	79.20
18	82.90
19	86.60
20	90.30
21	[illegible]
22	97.70
23	101.40
24	105.10
25	108.80
26	112.50
27	116.20
28	119.90
29	123.60
30	127.30
31	131.00
32	134.70
33	138.40
34	142.10
35	145.80
36	149.50
37	153.20
38	156.90
39	160.60
40	164.30
41	168.00
42	171.70
43	175.40
44	179.10

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

An appropriate amendment to 39 CFR 10.3 to reflect these changes will be published when the final rule is adopted.

(39 U.S.C. 401, 404, 407)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-8708 Filed 4-4-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AW400DC; A-4-FRL 2313-5]

Proposed Revision to District of Columbia State Implementation Plan Controlling Lead Emissions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The District of Columbia submitted a State Implementation Plan (SIP) for the control of lead emissions. The plan submitted by the District provides for attainment and maintenance of the national ambient air quality standards (NAAQS) for lead, including control of lead emissions from new major stationery sources. EPA proposes to approve the District's lead SIP, as the plan appears to meet all of the necessary requirements of the Clean Air Act and 40 C.F.R. Part 51.

DATE: EPA must receive comments on or before May 5, 1983.

ADDRESSES: Send any comments to: Henry J. Sokolowski, P. E., Chief, MD-DE-DC Metro Section (3AW12), Air Programs & Energy Branch, Air & Waste Management Division, U.S. Environmental Protection Agency, 6th & Walnut Sts., Philadelphia, PA 19106.

You may inspect copies of the submittal and EPA's evaluation during normal business hours at:

U.S. Environmental Protection Agency, Region III, 6th & Walnut Sts., Philadelphia, PA 19106

District of Columbia Department of Environmental Services, 5010 Overlook Ave., S.W., Washington, D.C. 20032

FOR FURTHER INFORMATION CONTACT: Harold A Frankford (3AW12) at the above listed EPA address (telephone no. 215/597-8392) Ref: AW400DC.

SUPPLEMENTARY INFORMATION: On October 7, 1982, the District of Columbia (DC) submitted to EPA a State Implementation Plan (SIP) for maintaining the national ambient air quality standard (NAAQS) for lead (Pb). The DC lead SIP contains a statement that the national ambient air quality standard (NAAQS) for lead (1.5 micrograms per cubic meter (ug/m^3) averaged over a calendar quarter) has been attained as of October, 1982. The District certified that a public hearing on this SIP was held on August 24, 1982, as required by 40 CFR Part 51.4.

The DC lead SIP contains the following elements:

(1) A description of the District's ambient air lead monitoring network.

(2) Ambient air quality data for the years 1976 through 1981 (24 quarters).

(3) An emissions inventory for lead.

(4) A modeling analysis which demonstrates attainment of the lead standard by 1982.

(5) D.C. Regulation 8–2:720 which covers permits for new major stationary sources of lead emissions.

Monitoring Program

The SIP indicates that the District initially selected two sites for inclusion in the national air monitoring system (NAMS): a microscale site at Cleveland Park Library and a neighborhood scale site at Takoma Elementary School. However, these sites were found not to be approvable under EPA's monitoring site criteria issued on September 3, 1981 (46 FR 44169). The District has subsequently begun operation of a middle scale lead monitoring site at the Chevy Chase Library, which EPA has determined to be approvable as a Category A NAMS site. The District is presently investigating a site at Kenilworth Avenue and I–295 as a neighborhood scale site, which EPA has preliminarily determined to be approvable. The District should revise its SIP to include these locations as NAMS sites. Although some sites had recorded violations of the lead NAAQS between 1976 and 1979, the District has submitted ambient air quality data showing no violations of the lead standards during 1980 and 1981. The peak ambient concentration level during this time was 3.33 $\mu g/m^3$, quarterly average recorded at the Parkside monitor in 1978.

Emissions Inventory

According to the emissions inventory provided by DC as part of this SIP, most of the District's lead emissions come from mobile sources. In order to calculate mobile source emissions of lead, the District used information generated by the Metropolitan Washington Council of Governments (COG) with respect to vehicle mix, average vehicle speed, and vehicle miles travelled (VMT). The vehicle mix for both 1978 and 1982 was assumed to by 88% light-duty vehicles, 8% light-duty trucks, 3% heavy-duty gasoline trucks and 1% heavy-duty diesel trucks. The average vehicle speed for both 1978 and 1982 was assumed to be 20 miles per hour (mph) for all motor vehicles, and the VMT growth between 1978 and 1982 was assumed to be 2.0%. As of 1978, mobile sources emitted 344 tons per year of lead.

The District's lead SIP also contains an inventory of stationary source emissions. The District's municipal incinerator is the only stationary source located within District boundaries. The remainder of stationary source lead emissions are from area sources. The District estimated its annual stationary source emissions during 1978 to be 11.5 tons, and assumed that stationary source lead emissions would be relatively constant between 1978 and 1982.

Control Strategies

The District describes in its SIP a series of control strategies designed to reduce lead emissions and ensure attainment of the lead NAAQS by 1982. These strategies consist mainly of federal regulations with respect to reduction of lead content in gasoline, increased use of lead-free gasoline, and improved fuel economy. The District has also begun implementation of its vehicle inspection and maintenance (I/M) program as of January 1, 1983. This program, according to the District, will serve to reduce vehicular lead emissions by improving fuel economy and decreasing fuel switching practices. However, the District has not quantified the lead emission reduction benefits of this strategy nor has it been approved as part of the District's carbon monoxide/ozone 1982 SIP revision. Therefore, EPA is taking no action on this strategy at this time.

The District's control strategy for controlling lead emissions from stationary sources consists of Regulation 8–2:720, which is the District regulation requiring permits for all new stationary sources. The District SIP contains no other stationary source control regulations.

Modeling Analysis

In order to predict ambient lead concentrations for 1982, the District used the rollback technique, which assumes that ambient lead concentrations will be reduced between 1978 and 1982 in proportion to the reductions in lead emissions. Based on the stationary and mobile source emissions factors and the effect of the federal mobile source control measures, the District estimated annual lead emissions for 1982 to be 141 tons. When applying a proportional rollback of air quality concentrations to emissions levels, the District predicted the peak average quarterly concentration level at the Parkside monitor to be 1.45 $\mu g/m^3$. In addition, the District's air quality data included with this SIP shows no violations of the lead NAAQS at the Parkside monitor or any other monitor located in the District during 1980 or 1981.

EPA Evaluation/Proposed Action

EPA has reviewed the District of Columbia's lead SIP and concludes that the DC DES followed the proper procedures, as outlined in the Clean Air Act and 40 CFR 51.81 through 51.88, in determining that current ambient concentrations of lead in the District are below the NAAQS. EPA considers District Regulation 8–2:720 to be adequate for controlling new major stationary sources of lead. Therefore, EPA proposes to approve the District of Columbia's lead SIP.

EPA is soliciting public comments on the District of Columbia's lead SIP. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the address above.

The Administrator's decision to approve or disapprove the District's lead SIP will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

The Office of Management and Budget has exempted this proposed rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. Section 605(b), the Administrator has determined that this action will not have a significant impact on a substantial number of small entities. (See 46 FR 8709).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur Oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Authority: Sec. 110(a) and 301(a), Clean Air Act, as amended (42 U.S.C. 7410(a), 7502 and 7601(a)).

Dated: February 16, 1983.

Peter N. Bibko,

Regional Administrator.

[FR Doc. 83–8880 Filed 4–4–83; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 123

[SW–1–FRL 2339–1]

Hazardous Waste Management Program; Connecticut; Application for Interim Authorization, Phase II, Components A, B & C

AGENCY: Environmental Protection Agency, Region I.

ACTION: Notice of public hearing and public comment period.

SUMMARY: EPA is today announcing the availability for public review of the Connecticut application for Phase II, Components A, B & C, Interim Authorization, Hazardous Waste Management Program, inviting public comment, and giving notice that EPA will hold a public hearing on the application.

DATES: A public hearing is scheduled for May 13, 1983, at 10:00 a.m. All written comments on the Connecticut Interim Authorization Application must be received by the close of business on May 20, 1983.

ADDRESSES: EPA will hold a public hearing on Connecticut's Application for Interim Authorization on May 13, 1983, at 10:00 a.m. in the State Office Building, Room 565A, 165 Capitol Avenue, Hartford, Connecticut 06106.

Written comments on the application and requests to speak at the hearing should be sent to: William R. Torrey III, Connecticut State Coordinator, State Waste Programs Branch, U.S. EPA, Region I, Room 1903, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Telephone (617) 223–4448.

Copies of the Connecticut Phase II Interim Authorization application are available during normal business hours at the following addresses for inspection and copying by the public: Department of Environmental Protection, Hazardous Waste Section, Room 9, 122 Washington Street, Hartford, Connecticut 06106, Telephone (203) 566–4869.

Environmental Protection Agency, Region I Office Library, Room 2100 B, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Telephone (617) 223–5791.

EPA Headquarters Library, Room 2404, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: William R. Torrey III, Connecticut State Coordinator, State Waste Programs Branch, U.S. EPA, Region I, Room 1903 John F. Kennedy Federal Building, Boston, Massachusetts 02203, Telephone (617) 223–4448.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified state programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of Connecticut received interim authorization for Phase I on April 21, 1982.

In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availablity of portions or components of Phase II of interim authorization. Component A, published in the **Federal Register** January 12, 1981 (46 FR 2802), contains standards for permitting storage and treatment in containers, tanks, surface impoundments and waste piles. Component B, published in the **Federal Register** January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators. Component C, published in the **Federal Register**, July 26, 1982 (47 FR 32274), contains standards for permitting hazardous waste land disposal facilities.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123, Subpart F, as amended by 47 FR 32377.

As noted in the May 19, 1980 **Federal Register**, copies of complete state submittals for Phase II interim authorization are to be made available for public inspection and comment.

Lists of Subjects in 40 CFR Part 123

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Dated: March 28, 1983.

Paul G. Keough,

Acting Deputy Regional Administrator, Region I.

[FR Doc. 83–8801 Filed 4–4–83; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 465

[WH-FRL 2338-4]

Canmaking Point Source Subcategory Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On February 10, 1983, EPA Proposed a regulation under the Clean Water Act to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities engaged in canmaking operations (48 FR 6268). EPA is extending the period for comment on the proposed regulation from April 11, 1983 to May 20, 1983.

DATE: Comments on the proposed regulation for the canmaking subcategory of the coil coating category must be submitted to EPA by May 20, 1983.

ADDRESSES: Send comments to May L. Belefski, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street, S.W., 20460, Attention: EGD Docket Clerk, Proposed Coil Coating Subpart D—Canmaking Rules (WH–552). The supporting information and all comments on this proposal are available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear, PM–213). The EPA Information Regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Ernst P. Hall (202) 382–7126.

SUPPLEMENTARY INFORMATION: On February 10, 1983, EPA proposed a regulation to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities engaged in canmaking (48 FR 6268). The February 10, 1983 notice stated that comments on the proposed regulation were to be submitted on or before April 11, 1983.

EPA was not able to deliver to interested persons copies of the completed technical development document supporting this proposed regulation until the week beginning March 21, 1983. In addition, EPA experienced a delay in making the complete rulemaking record available to the public. EPA has received numerous requests to extend the comment period. EPA has determined that it is necessary to extend the comment period to May 20, 1983, to allow the public adequate time to review the supporting documentation and comment on the proposed regulation.

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Dated: March 28, 1983.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water

[FR Doc. 83-8800 Filed 4-4-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 447

Medicaid Program; Medicaid Overpayment Reporting Requirements

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: We are proposing an amendment to Medicaid regulations which would require the States to establish procedures to identify overpayments to providers of services and report them to HCFA. The amendment would revise current policy that requires medical assistance grant awards to be reduced at the time overpayments are reported. The proposed regulations provide that provider overpayments would not be offset against a grant award until the States have had a reasonable period of time to verify and resolve the debt (i.e., 12 months for institutional providers and 90 days for non-institutional providers).

Some States do not have effective mechanisms for identifying and reporting overpayments, and some States do not report overpayments timely. The purpose of these proposed regulations is to reduce program costs to both the State and Federal governments by assuring that all overpayments are identified and reported promptly, and that grant awards are adjusted appropriately, and thereby to encourage States to establish or improve controls that will reduce the number and amount of overpayments.

DATES: To assure consideration, comments should be mailed by June 6, 1983.

ADDRESSES: Please address comments in writing to: Health Care Financing Administration, Department of Health and Human Services, BPO-7-P, P.O. Box 17073, Baltimore, Maryland 21235.

Please address a copy of comments on information collection requirements to: Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503, Attention: Desk Officer for HHS.

In commenting, please refer to file code BPO-7-P.

If you prefer, you may deliver your comments to Room 309G, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. or to Room 132 East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

Comments will be available for public inspection, as they are received, beginning approximately three weeks from today, in Room 309G of the Department's office at 200 Independence Avenue, S.W., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202) 245-7890.

FOR FURTHER INFORMATION CONTACT: Guy L. Harriman, Jr.; (301) 594-8193.

SUPPLEMENTARY INFORMATION:

I. Background

Federal grants to the States are authorized under Medicaid (title XIX of the Social Security Act) to provide medical assistance to certain persons with low income. Medicaid programs are jointly financed by the Federal and State governments and administered by the States. The State conducts its program according to a Medicaid State plan approved by the Administrator of HCFA. To carry out the program, the State Medicaid agency reimburses institutional providers of services (e.g., hospitals or skilled nursing facilities) and non-institutional providers (e.g., clinics, laboratories and physicians) that furnish medical assistance to eligible Medicaid recipients.

The Federal government pays it share of a State Medicaid program to the State on a quarterly basis according to a formula described in sections 1903 and 1905(b) of the Social Security Act. The State submits a claim for Federal funds at the end of each quarter. HCFA reviews the claim and transmits to the State a sum to cover the Federal share of allowable payments made by the State to providers in accordance with the State plan. This sum is referred to as Federal financial participation (FFP).

Improper payments inevitably will occur from time to time in any large claims processing system. Examples of improper payments in the Medicaid reimbursement process are duplicate payments for the same services, payments to the wrong provider, payments for noncovered services, and excessive provider reimbursement attributable to reimbursement rate setting methods. Improper payments often are not detected until after the State has submitted its claim for FFP to HCFA. Consequently, the Federal government unknowingly overpays the agency by including, in the quarterly FFP payment, the Federal share of improper payments made by the State to providers. Substantial sums are involved in these improper payments. For example, a recent audit showed that, beginning in 1966, a State had made improper payments to providers totalling 36 million dollars. The State never reported these improper payments to HCFA. FFP was included in this total which resulted in a Federal overpayment to the State of 18 million dollars. In addition, a recent General Accounting Office (GAO) report (HRD-80-77, June 10, 1980) concluded that tens of millions of dollars in overpayments had not been reported.

As evidenced by legislation, Congress has become increasingly concerned about the problem of overpayments in the Medicare and Medicaid programs. Under section 905 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) and section 2104 of the Omnibus Budget Reconcilition Act of 1981 (Pub. L. 97-35), HCFA is provided with expanded authority to recover both Medicare and Medicaid overpayments. Under section 2161 of Pub. L. 97-35, States may obtain an offset against reductions in Federal payments to the State under title XIX of the Social Security Act if they achieve, and can document, certain levels of recoveries of Medicaid funds through anti-fraud and abuse activities. In order to implement these provisions effectively, greater efforts are necessary on the part of the Federal government, as well as the States, to identify and track overpayments so that appropriate recovery actions may be taken.

The Federal Claims Collection Act of 1966 (31 U.S.C. 951-953) requires each Federal agency to attempt to collect money owed to the Federal government from claims arising out of agency activities. Section 1903(d)(2) of the Social Security Act requires that FFP be reduced or increased to the extent of any overpayment or underpayment which the Secretary determined was made to a State in any prior quarter. Additionally, section 1903(d)(3) of the Act states that the Secretary will consider the pro rata Federal share of the net amount recovered during any quarter by a State to be an overpayment. Under the authority of section 1903(d)(2), HCFA has adjusted FFP for the quarter in which an overpayment is reported. This offset normally has been contingent on whether a State notifies HCFA of an improper payment to a provider, or on overpayments identified through HHS HCFA or GAO audit processes.

Medicaid regulations have dealt with the subject of overpayments only in

relation to long-term care facilities. . Thus, 42 CFR 447.296 allowed a State two calendar quarters to report an overpayment made to a long-term care facility. However, as part of the general revisions (September 30, 1981, 46 FR 47964) concerning reimbursement of long-term care facilities, the regulation was deleted.

Our operating policy requires that States report all overpayments to us; however, GAO and HHS audits reveal that some States are not reporting improper payments made to providers unless the State first collects the amount. Moreover, in some cases, States are not reporting collections.

To ensure recovery of the Federal share of Medicaid overpayments, we are proposing in these regulations that States be required to initiate procedures to identify all overpayments and to report that information promptly to HCFA. HCFA would then adjust FFP based on the information supplied by the State as well as information generated by audit or other means. HCFA would also monitor the overpayments from the date on which they are identified by the States and implement methods and procedures to assure timely action to adjust FFP accurately and appropriately.

We want to encourage the States to identify overpayments and report them to HCFA promptly. Therefore, we would provide in these regulations an incentive to the States to report overpayments by allowing a State sufficient time to resolve an overpayment before FFP is adjusted.

The proposed regulations would make Medicaid policy more consistent with that of Medicare (title XVIII of the Social Security Act). Under certain circumstances, the Medicare program permits a provider from 30 days to a year to refund an overpayment to a fiscal intermediary after the provider is notified of the overpayment. In addition, if the Medicare provider demonstrates that repayment within 12 months would create extraordinary financial hardship, HCFA can approve an extended repayment schedule up to 36 months. As noted below, we are proposing a similar provision for recovery of Medicaid overpayments.

II. Major Provisions

A. Identifying and Reporting an Overpayment

The proposed regulations would provide that FFP would not be adjusted (i.e., a disallowance action would not be initiated) until a State has had a reasonable period of time to identify and verify the existence and amount of improper payments. For institutional providers, the period would be 12 months and for non-institutional providers, ninety days. Under the proposed regulations, we would require the States to maintain systems to identify overpayments at all stages of the process employed by the States to properly reimburse providers (such as receipt of cost reports, desk reviews, receipt of audit results, final settlement of cost reports or claims reviews). Once a State has detected an improper Medicaid payment, the State would identify it and report it to HCFA as a "tentative overpayment" on an attachment to the next Quarterly Statement of Expenditures for the Medical Assistance Program, Form HCFA–64 (quarterly report). HCFA would monitor quarterly reports to determine whether the State has resolved the tentative overpayment within the appropriate time period.

B. Establishing an Overpayment

After a tentative overpayment has been identified and reported by the State, we would not determine immediately that an overpayment exists for purposes of adjusting FFP. That determination would be made at the end of the time periods specified in § 447.420 of the proposed regulations (90 days for non-institutional providers and 12 months for institutional providers) or when the State collects the overpayment, whichever is sooner. The stipulated time periods would begin on the date on which the State identifies a tentative overpayment. During the period, the State would be able to ascertain whether in fact an overpayment exists, and if so, the correct amount. Once an overpayment is established, HCFA would recover the overpayment by adjusting FFP through normal grant award procedures.

An exception to this rule would be permitted, as noted below under "Provider Appeals," if recovery of the overpayment from the provider is precluded by State law or court order.

Moreover, if HCFA finds, as a result of an audit or by other means, an incorrect payment that should have been identified and reported by the State as a tentative overpayment but was not so reported, we would determine that an overpayment has been established and make an appropriate adjustment to the State's succeeding grant award.

It should be noted here that HCFA, in accordance with the Federal Claims Collection Act of 1966 and section 1903(d)(2) of the Social Security Act, must recover the full Federal share of an overpayment even if a State is unable to collect an overpayment from a provider.

The proposed regulations do not specify the procedures a State must follow to ensure collection of the State's share of improper payments.

C. Extended Repayment Schedules

Extended repayment schedules have been used in the Medicare program to collect overpayments when a provider is encountering extraordinary financial distress. We propose to allow States to adopt this procedure for use in the recovery of Medicaid overpayments. However, in any case, we would ensure total recovery of the Federal share within 36 months after the repayment schedule takes effect.

This would be accomplished in the following manner. The formula for determining the minimum monthly amount of recovery of FFP is the total amount of the Federal share of the overpayment divided by the number of months, not to exceed 36 months, in the repayment schedule. Thus for example, the minimum monthly recovery for a 20-month repayment schedule would be 1/20th of the total Federal share of the overpayment. However, the minimum monthly recovery for a repayment schedule that exceeds 36 months would be 1/36th of the Federal share of the overpayment regardless of the length of the repayment schedule agreed to by the State. If a repayment by the provider to the State is made that exceeds the amount specified in the repayment schedule, the FFP recovered for that period would be the full Federal share of the actual amount recovered by the State.

We are proposing the inclusion of this recovery formula in the regulations in order to assure full recovery of the Federal share of overpayments within 36 months in situations in which States agree to repayment schedules that exceed 36 months. This formula would also encourage the States not to approve repayment schedules in which the provider could make no repayments during the first 36 months of an agreement and then make the total repayment in the 36th month.

D. Failure of the State To Report

As noted above, the regulations would also state that we would take immediate action to recover the Federal share of an overpayment by adjusting the grant award for the succeeding quarter if we conclude, by audit or other means, that the State has failed to report an overpayment accurately. The intent of this provision is to encourage States to file accurate reports.

In addition, we know that the reimbursement processes employed by the States result in overpayments to some providers. Therefore, if a State fails to report any overpayment activity at all, we would review the State's reimbursement records and adjust FFP for the period in question if we find tentative overpayments that should have been reported. Our review may employ sampling techniques. HCFA would adjust succeeding grant awards appropriately when a State reports overpayments applicable to a prior period for which FFP was adjusted based on such a review.

E. Provider Appeals

The last section of the regulations would provide that a State's obligation to report a tentative overpayment would not be affected by the decision of a provider to appeal either the State's determination that an improper payment exists or the amount of the improper payment. The regulations would make clear that HCFA would make an appropriate adjustment of FFP, once an overpayment is established, regardless of the status of an appeal. However, if a State is precluded, prior to the expiration of the time limits in § 447.420, by State law or court order from exercising recovery action, we would not adjust FFP until a final decision on the appeal is reached or for a period of 24 months from the date the tentative overpayment was identified, whichever is sooner.

If the provider prevails in subsequent administrative or judicial proceedings it initiates, either as to the existence of an improper payment or the amount of the improper payment, the State would report this information to HCFA. We would then make appropriate adjustments in the next grant award.

However, even if the provider prevails in a State administrative proceeding, we would not be obligated to accept the State determination as conclusive for purposes of adjusting FFP. The proposed regulations provide that HCFA may consider all the evidence, including the record and result of the State administrative proceeding, and determine that an overpayment was made.

III. Implementation

We initially intend to implement the reporting requirements only for institutional provider overpayments. After experience is gained, we will implement the reporting requirement for non-institutional provider overpayments. However, until these regulations become effective, States are required to continue to report all provider overpayments in accordance with current HCFA policy.

IV. Overview

The proposed regulations would focus primarily on two areas: first, the requirement that a State promptly identify and report all tentative overpayments to HCFA; and, second, the time period allowed by HCFA during which the State and provider can resolve the tentative overpayment. The process itself would be a simple one: the State would identify and report the tentative overpayment, and HCFA would implement methods and procedures to assure accurate and appropriate adjustment of FFP on expiration of the applicable time period. However, central to the entire process is the obligation of the State to vigorously undertake procedures to detect improper payments.

V. Response to Comments

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

VI. Impact Analyses

A. Executive Order 12291

The Secretary has determined that the proposed regulations do not meet the criteria for a "major rule," as defined by section 1(b) of Executive Order 12291. That is, the proposed regulations will not—

- an annual effect on the economy of $100 million or more;
- Result in a major increase in costs or prices for consumers, any industries, any government agencies or any geographic regions; or
- Have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets.

These proposed regulations are intended to implement a more extensive system for recovery of Medicaid overpayments. We estimate that total annual administrative costs to the Federal and State governments would be relatively minor. We do not have a basis for estimating the savings to be realized, but the net effect of the proposal would be to reduce Medicaid program costs to both the State and Federal governments. In addition, we are required by statute (section 1903(d)(2) of the Social Security Act) to adjust overpayments or underpayments in Federal funding.

B. Regulatory Flexibility Act

The Secretary certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), that these proposed regulations would not have a significant impact on a substantial number of small entities.

As defined by the Regulatory Flexibility Act, the term "small entities" includes "small governmental jurisdictions." The latter term is defined as local governments (cities, counties, towns, townships, villages, school districts, or other special districts) with a population of less than fifty thousand persons.

As explained above, these proposed regulations would require State agencies administering the Medicaid program to identify and report to HCFA overpayments made by the agencies to providers of health care services. Although there might be, in some cases, a remote effect on small health care providers (e.g., if a State increased its overpayment collection activities and a small provider had received an overpayment), the proposed requirements directly affect only the State agencies. Because these agencies do not fall into the category of small governmental jurisdictions, the Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that the proposed regulations will not have a significant economic impact on a substantial number of small entities.

VII. Reporting Requirements

Sections 447.415 (a), (b), and (c) of this proposed rule contain information collection requirements. As required by 44 U.S.C. 3504(h), enacted by the Paperwork Reduction Act of 1980 (Pub. L. 96–511), we have submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of those requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should follow the instructions in the "ADDRESS" section of this preamble.

List of Subjects in 42 CFR Part 447

Accounting, Clinics, Contracts (Agreements), Copayments, Drugs, Grant-in Aid program—health, Health facilities, Health professions, Hospitals, Medicaid, Nursing homes, Overpayments, Payments for services—general, Payments—timely claims, Reimbursement, Rural areas.

PART 447—PAYMENTS FOR SERVICES

The authority citation for Part 447 reads as follows:

Authority: Sec. 1102, Social Security Act (42 U.S.C. 1302), unless otherwise noted.

42 CFR Part 447 is amended as set forth below:

1. The table of contents for Part 447 is amended by adding a new Subpart E as follows:

* * * * *

Subpart E—Identifying and Reporting Provider Overpayments

Sec.
447.401 Basis and purpose.
447.402 State plan requirements.
447.403 Definitions.
447.410 Identifying tentative overpayments.
447.415 Reporting overpayment information to HCFA.
447.420 Establishing an overpayment for FFP adjustment.
447.421 Recovery by HCFA of the Federal share of overpayments.
447.425 Extended repayment schedules.
447.427 Maintenance and retention of records.
447.429 Failure of the agency to report.
447.430 Provider appeals.

2. A new Subpart E is added as follows:

Subpart E—Identifying and Reporting Provider Overpayments

§ 447.401 Basis and purpose.

(a) *Statutory basis.* This subpart implements the Federal Claims Collection Act (31 U.S.C. 951–953) and sections 1903(d)(2) and 1903(d)(3) of the Social Security Act. The latter sections direct that quarterly Federal payments to the States under title XIX of the Social Security Act are to be reduced or increased to the extent of prior overpayments or underpayments that the Secretary determines have been made.

(b) *Purpose.* This subpart sets forth the procedures that—

(1) Medicaid agencies must follow to identify and report tentative overpayments made to Medicaid providers; and

(2) HCFA will follow to recover the Federal share of established overpayments.

(c) *Implementation dates.* This subpart will be effective—

(1) For institutional providers, on the first day of the second calendar quarter following the calendar quarter in which the final regulations are published in the **Federal Register.**

(2) For non-institutional providers, on the first day of the ninth calendar quarter following the calendar quarter in which the final regulations are published in the **Federal Register.**

§ 447.402 State plan requirements.

A State plan must provide that the requirements of this subpart be met.

§ 447.403 Definitions.

For the purposes of this subpart—

"Overpayment" means the amount, paid to a provider by a Medicaid agency, that HCFA determines to be in excess of the amount to which the provider was entitled.

"Tentative overpayment" means—

(1) The amount, identified at any stage of the reimbursement process, that has been paid by a Medicaid agency to a provider and that appears to be in excess of the amount that should have been paid; or

(2) Any amount paid to a provider during a period for which a provider cost report is not timely filed.

§ 447.410 Identifying tentative overpayments.

(a) The agency must establish and maintain procedures to—

(1) Identify promptly, at each stage of the reimbursement process, tentative overpayments made to providers; and

(2) Determine whether the agency had claimed FFP for the payment.

(b) This process must be completed by the agency in the quarter in which it receives information about a possible tentative overpayment.

§ 447.415 Reporting overpayment information to HCFA.

The agency must report to HCFA, on a quarterly report (designated by HCFA instructions) for the quarter in which the action is taken, the following—

(a) Identification of tentative overpayments;

(b) Collection of overpayments from providers; and

(c) Other overpayment information as prescribed by HCFA.

§ 447.420 Establishing an overpayment for FFP adjustment.

(a) For purposes of adjusting FFP, HCFA will establish an overpayment equal to—

(1) The amount reported by the agency as a tentative overpayment—

(i) Twelve months from the date an agency identifies a tentative overpayment made to an institutional provider; or

(ii) Ninety days from the date an agency identifies a tentative overpayment made to a non-institutional provider;

unless § 447.430(b) concerning provider appeals applies.

(2) The amount of collections reported by an agency for any quarter within the time periods listed in paragraph (a)(1) of this section;

(3) The amount set forth in an extended repayment schedule under § 447.425; or

(4) The amount involved in each instance in which HCFA determines, through audit or other means, that an agency—

(i) Did not report a tentative overpayment;

(ii) Did not report a collection; or

(iii) Incorrectly reported the amount of a tentative overpayment or a collection.

(b) Notwithstanding the outcome of a provider appeal in a State administrative process, HCFA may establish an overpayment for purposes of adjusting FFP if it determines, after an independent review, that the evidence substantiates that an overpayment was made to the provider. (See § 447.430 concerning provider appeals.)

(c) If the last day of the time periods listed in paragraph (a)(1) of this section falls on a weekend or legal holiday, HCFA will deem the end of the period to fall on the next regular business day.

§ 447.521 Recovery by HCFA of the Federal share of overpayments.

(a) HCFA will recover the federal share of an overpayment by adjusting FFP, in the appropriate amount and rate, for the quarter in which an overpayment is established in accordance with § 447.420, except that if an extended repayment schedule is adopted under § 447.425, HCFA will recover from the State the Federal share of the installment payments.

(b) If an agency determines that a previously recovered overpayment should be decreased, HCFA will adjust FFP for the quarter in which the information is reported to HCFA.

§ 447.425 Extended repayment schedules.

(a) Notwithstanding the provisions of 45 CFR 201.66 (Repayment of Federal funds by installments), HCFA will adjust FFP on an installment basis to recover an overpayment if an agency enters into an agreement with a participating provider experiencing extraordinary financial hardship to allow the provider to repay overpayment amounts on an installment basis.

(b) The agency must—

(1) Negotiate the agreement with the provider within the time periods listed in § 447.420(a)(1).

(2) Require that the provider demonstrate its financial inability to

repay the overpayment immediately in a lump sum.

(3) Report the agreement as prescribed by HCFA under § 447.415.

(c) If a State agrees to an extended repayment schedule, HCFA will adjust FFP as follows:

(1) If the repayment schedule is 36 months or less, by the total amount of the Federal share of the overpayment divided by the number of months in the repayment schedule.

(2) If the repayment schedule is more than 36 months, by the total amount of the Federal share of the overpayment divided by 36.

(3) If a State receives an amount in addition to the scheduled repayment amount in any quarter, FFP for the additional amount will be adjusted appropriately.

(d) If a provider defaults on a repayment schedule, HCFA will—

(1) Deem the repayment agreement to have been void at its inception; and

(2) Adjust FFP for the quarter in which the agency reports the default by the amount of the Federal share of the unpaid balance.

(e) If a provider's participation in the program is terminated, HCFA will adjust FFP by the amount of the unpaid balance in the quarter in which the termination occurs.

§ 447.427 Maintenance and retention of records.

The agency must—

(a) Maintain a separate record of all overpayment activity for each provider; and

(b) Retain the record for three years from the date the tentative overpayment was identified or until transactions relating to collection and repayment schedules are completed.

§ 447.429 Failure of the agency to report.

(a) If an agency reports no tentative overpayments in a reporting period, HCFA will—

(1) Review the agency's reimbursement records for the reporting period in question; and

(2) Based on the review, which may utilize sampling techniques, adjust FFP if it finds that tentative overpayments were not reported.

(b) If an agency files a report documenting actual overpayment activity for a period in which an adjustment in FFP was taken as a result of a HCFA review under this section, HCFA will adjust FFP in succeeding grant awards.

§ 447.430 Provider appeals.

(a) The agency must report a tentative overpayment to HCFA, even if a provider appeals a Medicaid agency's determination regarding a tentative overpayment.

(b) If, prior to the expiration of the time periods stated in § 447.420(a)(1), a provider files an appeal and the agency is precluded by State law or court order from exercising recovery action, HCFA will not establish an overpayment for purposes of adjusting FFP until after the earlier of—

(1) A final decision on the appeal; or

(2) Twenty-four months from the date the tentative overpayment was identified.

(c) If the amount of an overpayment is increased or decreased as a result of a provider appeal—

(1) The agency must report the corrected amount to HCFA; and

(2) HCFA will adjust FFP appropriately for the quarter in which the agency submits its report.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid)

Dated: November 4, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: December 3, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 83-8815 Filed 4-4-83; 8:45 am]

BILLING CODE 4120-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 20522; FCC 83-106]

Amendment of Annual Report Form M for telephone companies, Form O for wire-telegraph and ocean-cable carriers, Form R for radiotelegraph carriers, and Form H for holding companies to provide for more comprehensive information on corporate ownership

AGENCY: Federal Communications Commission.

ACTION: Notice of dismissal of proposed rulemaking.

SUMMARY: The Commission has adopted a Report and Order terminating the proceeding in Docket 20522 which proposed to revise Annual Report Forms M, O, R, and H by substantially increasing the amount of data regulated carriers would be required to file regarding corporate ownership. This proceeding is terminated because of the overwhelming opposition by the commentors; the lack of a showing of regulatory need; and legal questions which were raised regarding the Commission's ability to enforce the revised regulations. This action is taken to close the record on this item.

FOR FURTHER INFORMATION CONTACT: Gerald P. Vaughan, Common Carrier Bureau, Accounting and Audits Division, (202) 634-1861.

List of Subjects in 47 CFR Part 43

Communications Common Carriers, Ocean-cable, Radiotelegraph, Reporting requirements, Telephone Wire-telegraph.

Report and Order (Proceeding Terminated)

In the matter of amendment of Annual Report Form M for telephone companies, Form O for wire-telegraph and ocean-cable carriers, Form R for radiotelegraph carriers, and Form H for holding companies to provide for more comprehensive information on corporate ownership; Docket No. 20522.

Adopted March 16, 1983.
Released March 22, 1983.

By the Commission.

I. Introduction

1. On June 11, 1975, the Commission adopted a Notice of Proposed Rulemaking (NPRM) (June 24, 1975; 40 FR 26557) which proposed to revise Annual Report Forms M, O, R and H to provide more comprehensive data on corporate ownership of communications common carriers. More specifically, the NPRM was issued to solicit public comments on whether the Commission should incorporate into its regulations substantive provisions of this Model Corporate Disclosure Regulations (MCDR) which were developed in 1974 and 1975 by the Interagency Steering Committee on Uniform Corporate Reporting.[1] The MCDR, which was developed primarily to improve the quality and uniformity of corporate reporting to the Federal Government, called for increased disclosure by regulated companies as to the beneficial ownership of voting stock, corporate structure, affiliations of officers and directors, and debt holders.

2. In issuing the NPRM, the Commission did not cite any specific regulatory need for the additional corporate reporting. Instead, the Commission stated that the proposal resulted primarily from hearings held in 1974 by the Subcommittee on Budgeting, Management, and Expenditures (BME

[1] The Interagency Steering Committee on Uniform Corporate Reporting was comprised of representatives of nine Federal agencies including the Federal Communications Commission. It was disbanded in 1975 after drafting the Model Corporate Disclosure Regulations.

Subcommittee) and the Subcommittee on Intergovernmental Operations of the Senate Committee on Government Operations with respect to the matter, among others, of disclosure of corporate ownership information in reports to independent Federal regulatory agencies. The Commission also noted that the model rules developed by the Interagency Steering Committee were forwarded to the Commission by the late Senator Lee Metcalf, then Chairman of the BME Subcommittee. The Commission stated that it was proposing to amend its annual reports in line with the MCDR and the intent to maintain comprehensive data in reports filed with it.

II. Proposed Amendments

3. The major provisions of the reporting proposed in the NPRM are outlined below:

1. Identification of the respondent's principal business activities using Standard Industrial Classification Codes;

2. Identification of organizations controlled by the respondent and the relationship of the respondent to parents, subsidiaries, and other organizations controlled by the respondent;

3. Reporting of data pertaining to positions held and other business affiliations of directors, officers, trustees, partners, or other persons exercising similar functions in any business organization;

4. Reporting of data pertaining to agreements exceeding $1,000,000, except for the provision of tariffed services, entered into by the respondent with any of the businesses with which a director or officer is affiliated;

5. Reporting of data pertaining to agreements exceeding $600, except for the provision of tariffed services, entered into between the respondent and each named official where payments are made for other than salaries;

6. Reporting of data pertaining to agreements exceeding $600 for professional services furnished the respondent by each business organization with which an official is affiliated;

7. Identification of those persons or institutions that hold voting power in the 30 largest blocks of each class of stock in each reporting company with all nominees or other accounts of each stockholder aggregated and reported as one account;

8. Identification of certain long-term and short-term debt holders as well as the reporting of restrictive covenants attached to the respondent's indebtedness.

Comments

4. The Commission received fourteen responses to its request for comments on the NPRM.[2] Twelve respondents generally opposed the proposed amendments either in whole or in part. The late Senator Lee Metcalf and the Council on Economic Priorities (CEP) supported the proposal, but both of these respondents expressed dissatisfaction that the Commission's proposal did not go far enough in adopting the MCDR.

5. The opposing comments expressed concern that the proposed regulations would impose an extremely heavy burden on carriers, banks, brokers, and this Commission and that the increased reporting burden was not supported by any stated regulatory need for the data. In addition they stated that certain data concerning ownership and voting power of securities are unavailable to the carriers and raise questions as to confidentiality and the right to privacy. The respondents also argued that much of the proposed information duplicates information filed with other government agencies. Finally, it was argued that the imposition of all the disclosure burdens on institutional investment managers might well impede the liquidity of telephone company stock in the marketplace and curtail the ability of the telephone companies to raise needed capital.

6. The comments on burden were particularly concerned about the physical impossibility of the carriers to comply with a requirement to list the 30 largest shareholders. It was argued that the carriers would have to obtain these data from banks, brokers, and insurance companies who are not subject to this Commission's rules and who could not be forced to furnish the carriers with such lists. Respondents further pointed out that in many states it would be contrary to local law for a bank trustee to disclose the names of persons owning the stock over which the bank possesses no voting authority.

7. The late Senator Metcalf was pleased that the Commission had initiated a rulemaking on corporate disclosure but stated his belief that the Commission's proposed revisions contained deficiencies and fell far short of satisfying the reporting needs of the Commission, Congress, and the public. The Senator strongly urged the Commission to adopt the MCDR in its entirety. The CEP endorsed the comments of Senator Metcalf and supported his call for the Commission to adopt the MCDR in its entirety.

Discussion

8. As indicated above, the Commission issued an NPRM to solicit public comments on whether we should adopt substantive provisions of the MCDR developed to improve the quality and uniformity of corporate disclosure data reported to regulatory agencies. Based on the comments received, it is apparent that the proposed reporting would place a heavy reporting burden on the carriers. Moreover, this burden would be compounded because the carriers do not have access to, and may not be able to legally obtain, some of the proposed data. In our view the additional burden of the reporting proposed in the NPRM is not justified on the basis of improved quality and uniformity alone. Moreover, upon further review, we have found no regulatory need for recurring data that cannot be met with the information required in current reports.

9. In our review of this matter, we have also found that the goal of the MCDR for uniform corporate disclosure regulations among regulatory agencies is not likely to be achieved. The Civil Aeronautics Board (CAB) issued an Advance Notice of Proposed Rulemaking in 1977 to solicit public comment on whether it should adopt the MCDR. On March 30, 1978, the CAB terminated that rulemaking proceeding without adopting any of the MCDR.[3] Moreover, although the Interstate Commerce Commission had adopted substantial new reporting requirements in 1978 based on the MCDR, it subsequently eliminated those requirements on February 26, 1982, effective retroactively to January 1, 1981,

[2] The respondents were: The First National Bank of Chicago, Security Pacific National Bank, Harris Trust and Savings Bank, Continental Illinois National Bank and Trust Company of Chicago, RCA Global Communications, Inc., United System Service, Inc., on behalf of the member companies comprising the United Telephone System, The Western Union Telegraph Company, combined comments of the Southern Pacific Company and Southern Pacific Communications Company, The American Telephone and Telegraph Company and associated Bell System operating companies (Bell System), General Telephone and Electronics Corporation and its Domestic Telephone Operating Subsidiaries, American Bankers Association (ABA), Communications Statellite Corporation, the Council on Economic Priorities, and the late U.S. Senator Lee Metcalf.

[3] Civil Aeronautics Board Docket 31205; see EDR-331, 42 FR (39115) August 2, 1977; EDR-331A, 42 FR (42691) August 24, 1977; EDR-331B, 42 FR (49462) September 27, 1977; and EDR-331C, 42 FR (55823) October 19, 1977; EDR-331D, 43 (14523) April 6, 1978.

on the basis that the information was not needed for its regulatory functions.[4]

10. Finally, a considerable amount of time has elapsed since this NPRM was issued. During that time a good deal of attention has been directed toward reducing paperwork burdens imposed by the Federal Government including Congressional enactment of the Paperwork Reduction Act of 1980.[5] Under the Paperwork Reduction Act an agency is required to demonstrate, subject to review by the Director of the Office of Management and Budget, that proposed information requirements are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. With regard to the reporting proposed in the NPRM, we believe that the lack of a pressing regulatory need for the data coupled with the Commission's efforts to reduce carrier reporting burdens in line with the Paperwork Reduction Act make this proposal unacceptable in today's regulatory environment. Accordingly, we have decided to terminate this rulemaking proceeding.

Order Clause

11. Accordingly, it is ordered, That the rulemaking proceeding in Docket 20522 is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-8644 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-228; RM; 4323]

FM Broadcast station in Juneau, Alaska; Proposed changes in Table of Assignments

AGENCY: Federal Communication Commission

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Class C Channel 264 to Juneau, Alaska, in response to a petition filed by Locher Development Corporation. The proposed assignment could provide a third FM service to that community.

DATE: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communication Commission, Washington, D.C. 20554.

[4] Interstate Commerce Commission No. 38588, 46 FR (45967) September 16, 1981; 47 FR (9488) March 5, 1982.

[5] Public Law 96-511—December 11, 1980.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Juneau, Alaska); MM Docket No. 83-270, RM-4323.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 4, 1983, by Locher Development Corporation ("petitioner") proposing the assignment of Class C Channel 264 to Juneau, Alaska, as its third FM assignment. Petitioner submitted information in support of the proposal and expressed its interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Since the proposed assignment of Channel 264 to Juneau, Alaska, is within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government must be obtained.

3. In view of the fact that the proposed assignment could provide a third local FM service to Juneau, Alaska, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Juneau, Alaska	282, 286	264, 282, 286

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b) 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other comments shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8840 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-266; RM-4283]

FM Broadcast Station in Fresno, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 69 to Fresno, California, in response to a petition filed by Millard V. Oakley.

DATES: Comments must be filed on or before reply comments on or before May 12, 1983 and May 27, 1983.

ADDRESS: Federal Communication Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of; Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Fresno, California); MM Docket No. 83-266, RM-4283.

Adopted: March 15, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. Millard V. Oakley ("petitioner"), on December 29, 1982, submitted a petition for rule making requesting the assignment of UHF Television Channel 69 to Fresno, California, as its seventh commercial television assignment. Petitioner stated that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. Fresno (population 218,202),[1] seat of Fresno County (population 515,013) is located in central California, approximately 260 kilometers (160 miles) northeast of San Francisco.

3. In support of his request, petitioner submitted population data for the year 1981. Petitioner also submitted 1981 spendable income and retail sales statistics for the county.[2]

4. We believe that the petitioner's proposal warrants consideration. The proposal meets all spacing requirements and could provide for a seventh commercial television station at Fresno. Comments are invited on the proposal to amend the Television Table of Assignments with regard to the following community:

City	Channel No	
	Present	Proposed
Fresno, California	*18+, 24, 30+, 43, 47, 55, and 59	*18+, 24, 30+, 43, 47, 55, 59, and 69

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 Fed. Reg. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, member of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission Consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parter* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

[2] Information was extracted from Standard Rate & Data Service, Inc.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponents(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8829 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-234; RM-4338]

FM Broadcast Stations in Sutter Creek, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 269A to Sutter Creek, California, in response to a petition filed by Harold Kozlowski. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communication Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634.6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Sutter Creek, California) MM Docket No. 83-234, RM-4338.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 10, 1983, by Harold Kozlowski ("petitioner") seeking the assigment of FM Channel 269A to Sutter Creek, California, as its first FM assignment. Petitioner furnished information in support of the proposal and expressed his interest in applying for the channel, if assigned. A site restriction of 5.8 miles southeast of Sutter Creek is required to avoid short-spacing to a construction permit for KHYL, Channel 266, in Auburn, California.

2. In view of the fact that that the proposed assignment could provide a first FM service to Sutter Creek, the Commission believes that it is appropriate to propose amending the FM Table of Assigments (§ 73.202(b) of the Commission's Rules), with respect to the following community:

City	Channel No	
	Present	Proposed
Sutter Creek, California		269A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration of court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning

the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8835 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-236; RM-4324]

FM Broadcast Stations in Panama City Beach, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM commercial Channel 261A to Panama City Beach, Florida, as its first FM outlet in response to a request by Community Service Broadcasters.

DATES: Comments must be filed on or before May 12, 1983, and reply comments must be filed on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Mass Media Bureau, (202) 632-5414.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the Matter of; Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Panama City Beach, Florida); MM Docket No. 83-236, RM-4324

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration a request from Community Service Broadcasters ("Community") for the assignment of FM Channel 261A to Panama City Beach, Florida. In support of its request, Community states that the assignment could provide a first FM service to Panama City Beach. Community also states that it will promptly apply for a construction permit to build the broadcast facility if the channel is so allocated.

2. In view of the above, we conclude that the public interest would be served by our proposing the amendment of the FM Table of Assignments, § 73.202(b) of the Commission's Rules for the following community:

	Channel No	
	Present	Proposed
Panama City Beach, Florida		261A

3. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules.

See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632–5414. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–8833 Filed 4–4–83; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 83–230; RM–4350]

FM Broadcast Stations in Vero Beach, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of Channel 269A to Vero Beach, Florida, in response to a petition filed by Sunshine Broadcasting, Inc. The assignment could provide Vero Beach with its third FM assignment.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the Matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Vero Beach, Florida): MM Docket No. 83–230, RM–4350.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the chief, Policy and Rules Division.

1. A petition for rule making was filed by Sunshine Broadcasting, Inc. ("petitioner"), seeking the assignment of FM Channel 269A to Vero Beach, Florida, as that community's third assignment. Petitioner indicated that it will apply for the channel, if assigned as proposed.

2. Although petitioner submitted a community profile and preclusion data, such information is not required for this proposal in light of the Commission's action in BC Docket No. 80–130, *Revisions of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982).

3. The required geographical separation between a Class A channel and third adjacent Class C is 65 miles, whereas the distance between Vero Beach and the present transmitter of Channel 266 (Station WCKS) at Cocoa Beach, Florida, is 53 miles. Petitioner acknowledges that its proposal is therefore 12 miles short-spaced to WCKS in contravention of § 73.207 of the Commission's Rules. However, petitioner advises that the licensee of Station WCKS, Southland Broadcasting, Inc., has an application pending (File No. BPH–801230AC), to relocate its transmitter to a site which would

comply with the required distance separation.

4. A staff engineering study reveals that Channel 269A is the only Class A channel available to Vero Beach, Florida. At the present time, however, a site restriction of the magnitude required herein (12 miles) would preclude a Class A station from providing the requisite 70 dBu signal over Vero Beach as required by § 730315(a) of the Commission's Rules. Therefore, the proposed assignment of that channel herein must be contingent on the outcome of the application of Station WCKS (Channel 266) at Cocoa Beach, Florida to relocate its transmitter, which would remedy the short-spacing currently inherent in petitioner's proposal, and permit the required site proximity.

5. In view of the above, the Commission seeks comment on the following proposal to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Vero Beach, Florida, as follows:

City	Channel No	
	Present	Proposed
Vero Beach, Florida	228A and 288A	228A, 269A, and 288A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Section 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 83-8838 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No 83-231; RM-4265]

FM Broadcast Stations in Panama City, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign commercial FM Channel 285A to

Panama City, Florida, as its sixth assignment in response to a request by WANM, Inc.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Mass Media Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Panama City, Florida); MM Docket No. 83-231, RM-4265.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. In a *Report and Order*, BC Docket No. 82-563, published in the **Federal Register** on January 7, 1983 (48 FR 809), the Commission assigned FM Channel 292A to Panama City, Florida, in response to a peitition by WANM, Inc., ("WANM") and comments by Gulf Property and Investment Company. Both stated that they would apply for authority to operate on the channel if it were so assigned. WANM filed further comments in that proceeding requesting the assignment of an additional Class A FM channel to Panama City in light of the additional interest expressed for such a channel.

2. WANM submitted an engineering statement showing that Channels 240A, 261A and 285A could be assigned to Panama City with no significant restrictions on selection of a transmitter site; and that Channels 257A and 288A could be assigned with site restrictions of 4 miles and 2 miles, respectively, east of Panama City.

3. In view of the interest expressed in an additional Class A channel to Panama City and the availability of such a channel, we conclude that the public interest would be served by our proposing the assignment of Channel 285A to Panama City. The assignment would meet all spacing requirements of the Commission's Rules.

4. Accordingly, we solicit comments on the proposed amendment of the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Panama City, Florida	223, 253, 278, 292A, and 300.	223, 253, 278, 285A, 292A, and 300.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 12, 1982, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632-5414. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed.

Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8837 Filed 4-4-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-267; RM-4308]

TV Broadcast Stations in Tampa, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 50 to Tampa, Florida, as its sixth television assignment, in reponse to a petition filed by Harry C. Powell, Jr.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of; Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Tampa, Florida); MM Docket No. 83-267, RM-4308.

Adopted: March 15, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 6, 1983, by Harry C. Powell, Jr. ("petitioner"), seeking the assignment of UHF Television Channel 50 to Tampa, Florida, as its sixth television assignment. The channel can be assigned in compliance with the minimum distance separation requirements and other criteria.

2. Tampa (population 271,523),[1] seat of Hillsborough County (population 646,960), is located on the west coast of Florida, approximatley 320 kilometers (200 miles) northwest of Miami.

3. Petitioner submitted information in support of his request and expressed his interest in applying for the channel, if assigned.

4. In view of the fact that Tampa could receive its sixth television assignment, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the city of Tampa, Florida, as follows:

City	Channel No.	
	Present	Proposed
Tampa, Florida	*3, 8-, 13-, *16, and 28.	*3, 8-, 13-, *16, 28, and 50

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.402(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commisson's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8828 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-269; RM-4319]

FM Broadcast Station in Blackfoot, Idaho; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Class C Channel 247 for Channel 249A in Blackfoot, Idaho, and to modify the Class A license accordingly, in response to a petition filed by Western Communications, Inc.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subject in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Blackfoot, Idaho); MM Docket No. 83-269, RM-4319.

Adopted: March 15, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed December 30, 1982, by Western Communications, Inc.,[1] ("petitioner") which seeks to substitute Class C Channel 247 for Channel 249A at Blackfoot, Idaho, and to modify the license for Station KBLI(FM) (Channel 249A) to specify operation on Channel 247.

2. Petitioner submitted information in support of the proposal. It noted that the Blackfoot region is predominantly agricultural with a scattered population. Petitioner believes that substituting the Class C channel for the existing Class A channel would enable the station to extend is signal. Channel 247 can be substituted in compliance with the minimum distance separation requirements.

3. We believe that the petitioner's proposal warrants consideration. In accordance with our established policy we shall propose to modify the license of Station KBLI(FM), Channel 249A, to specify operation to Channel 247. However, if another party should indicate an interest in the Class C assignment, the modification could not be implemented. Instead, an opportunity for the filing of a competing application must be provided. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). Only in the absence of an expression of interest by the comment deadline could the modification take place.

4. In view of the need for a wide coverage area FM station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, for the following city:

City	Channel No	
	Present	Proposed
Blackfoot, Idaho	249A	247

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposd to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule*

[1] Petitioner is the licensee of Station KBLI(FM), Channel 249A, Blackfoot, Idaho.

Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8830-Filed 4-4-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-270; RM-4274]

FM Broadcast Station in Pana and Ramsey, Illinois; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of a Class A channel to Ramsey, Illinois, and the substitution of one Class A channel for another at Pana, Illinois, with modification of the license accordingly, in response to a petition filed by David Voss. The proposal could provide a first local service to Ramsey.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making and Order to Show Cause

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Pana and Ramsey, Illinois) MM Docket No. 83-270, RM-4274.

Adopted: March 15, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed on December 15, 1982, by Daniel Voss (petitioner), proposing the assignment of Channel 265A to Ramsey, Illinois, as its first FM assignment. The substitution of Channel 232A for Channel 265A at Pana, Illinois, would also be required in order to avoid a short spacing. Petitioner expressed his intention to apply for Channel 265A, if assigned to Ramsey.

2. The Substitution of Channel 232A for Channel 265A at Pana, will require modification of the license for Station WKXK(FM), to specify the new channel. The licensee is therefore requested to respond to the *Order to Show Cause* herein in paragraph 4. The licensee, Pana Broadcasting Corporation, is entitled to reimbursement from the ultimate permittee of the proposed Ramsey assignment for the costs involved in changing its frequency.

3. In view of the foregoing information and the fact that the assignment could provide a first local FM broadcast service to Ramsey, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following cities:

City	Channel No.	
	Present	Proposed
Pana, Illinois	265A	232A
Ramsey, Illinois		265A

4. *It is ordered,* That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Pana Broadcasting Corporation, licensee of Station WKXK(FM) Pana, Illinois, *shall show cause* why its license should not be modified to specify operation on Channel 232A in lieu of Channel 265A.

5. Pursuant to § 1.87 of the Commission's Rules, Pana Broadcasting, Inc. may, not later than May 12, 1983, request that a hearing be held on the proposed modification. If the right to request a hearing is waived, Pana Broadcasting Corporation, may not later than May 12, 1983, file a written statement showing with particularity why its license should not be modified as proposed in the *Order to Show Cause.* In this case, the Commission may call on Pana Broadcasting Corporation to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an *Order* modifying the license as provided in the *Order to Show Cause.* If the right to request a hearing is waived and no written statement is filed by the date referred to above, Pana Broadcasting Corporation, will be deemed to have consented to the modification as proposed in the *Order to Show Cause* and a final *Order* will be issued by the Commission if the above-mentioned channel modification is ultimately found to be in the public interest.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures,

and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

10. It is ordered, That the Secretary of the Commission SHALL SEND, by *Certified mail, return receipt requested*, a copy fo this *Order to Show Cause* to Pana Broadcasting Corporation, 131 South Locust Street, Pana, Illinois.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8832 Filed 4-4-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-268; RM-4337]

FM Broadcast station in Meadville, Mississippi; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 257A to Meadville, Mississippi, in response to a petition filed by Franklin Broadcasting Company of Mississippi.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of; Amendment of § 73.202(b), Table of Assignments, FM Braodcast Stations (Meadville, Mississippi) MM Docket No. 83–268, RM–4337.

Adopted: March 15, 1983

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 7, 1983, by Franklin Broadcasting Company of Mississippi ("petitioner"), which seeks the assignment of Channel 257A to Meadville, Mississippi. Petitioner expressed a desire to apply for the channel, if assigned.

2. In support of the proposal to assign a first FM channel to Meadville,

petitioner submitted population information. However, in view of the action taken in *Revision of FM Policies and Procedures*, 90 F.C.C. 2d 88 (1982), that information is no longer necessary.

3. We have determined that Channel 257A can be assigned to Meadville in conformity with the minimum distance separation requirements provided the transmitter site is located approximately 2 miles south of the city[1]. This restriction is necessary to avoid short spacing to the construction permit for a new transmitter site issued to Station WQMV(FM), Vicksburg, Mississippi.

4. In view of the fact that the proposal could provide for a first local broadcast service to Meadville, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Meadville, Mississippi		257A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexbility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not bee served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in intial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commisson's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–8831 Filed 4–4–83; 8:45 am]

BILLING CODE 6712–01–M

[1]The proposed assignment would be short-spaced by 12 miles to the current location of Station WQMV(FM), Vicksburg, Mississippi. However, the licensee of Station WQMV(FM) has been granted a construction permit to relocate its transmitter site. At the new site only a 2 mile site restriction would be necessary to accommodate the proposal.

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47 CFR Part 73

[BC Docket No. 82–276; RM–4060]

TV Broadcast Stations in Billings, Miles City, and Lewistown, Montana; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes two alternative plans to provide a new TV service to Billings, Montana. The first would reassign VHF Television Channel

*6 from Miles City, Montana, where it is reserved for noncommercial educational use, to Billings, Montana, for commercial use, and replace Channel *6 with Channel *10 in Miles City for noncommercial educational use, as requested by Comanche Enterprises. The second option would reassign VHF Channel 13 from Lewistown, Montana, to Billings, Montana, for commercial use.

DATES: Comments must be filed on or before May 9, 1983, and reply comments on or before May 24, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau (202) 632–5414.

List of Subjects in 47 CFR Part 73

Television broadcasting.

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Billings, Miles City, and Lewiston, Montana [1]); BC Docket No. 82–276, RM–4060.

Further Notice of Proposed Rule Making

Adopted: March 14, 1983.

Released: March 24, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, published in the **Federal Register** on May 28, 1982 (47 FR 22985). The *Notice* proposed that the Television Table of Assignments be amended to reassign Channel *6 from Miles City, Montana, where it is reserved for noncommercial educational use, to Billings, Montana, for commercial use and to replace Channel *6 with Channel *10 in Miles City as the noncommercial educational channel. The *Notice* was issued in response to a petition by Comanche Enterprises ("petitioner").

2. In support of its proposal, petitioner states that it seeks a VHF channel for Billings inasmuch as development of available UHF channels there is impractical.[2] Petitioner contends that surrounding mountainous terrain and inherent disabilities in UHF television service would prevent effective signal transmission to Billings. Petitioner asserts that, because of this, NBC has been unwilling to extend affiliation to Billings. The ABC and CBS television networks have affiliations in Billings with VHF Stations KULF–TV, Channel 8, and KTVQ, Channel 2, respectively. NBC has an affiliation with VHF Station KOUS, Channel 4, Hardin, Montana, fifty miles east of Billings. KOUS broadcasts its signal into Billings, but petitioner alleges that the quality of the signal is poor due to a large ridge between the KOUS transmitter and receiving sets in Billings.

3. Petitioner points out that the Commission originally assigned Television Channels 3, *6, and 10 to Miles City in 1952 when it first established the Television Table of Assignments. Since that time, only Station KYUS (NBC affiliate), Channel 3, has become fully operational. Channels *6 and 10 are currently used for secondary translator operations which rebroadcast the signals of the two full service television stations in Billings.

4. Petitioner emphasized that reassignment of reserved Channel *6 from Miles City to Billings for commercial use would neither preclude nor impair the potential development of educational service in Miles City. Channel 10 would be reserved for future noncommercial educational use should the demand for such service develop.

5. In response to the *Notice*, comments were filed by petitioner; Garryowen Corporation ("KTVQ); KOUS–TV, Inc. ("KOUS"); Harriscope Broadcasting Corporation ("KULR"); and Three C's Broadcasting Company ("Three C's"). Reply comments were filed by KTVQ and by the petitioner, and supplements to reply comments were filed by petitioner.

6. Petitioner supports the proposal here for the reasons previously advanced and reiterates its intention to apply for authority to operate on Channel 6 in Billings if it is so assigned.

7. KULR opposes the proposal on the grounds that no substantial need has been shown for the assignment of a new VHF channel to Billings and that any need for new television service in Billings could be fulfilled by operation on the unused UHF channels already assigned there. KULR asserts that Billings receives adequate television service from Stations KTVQ, KULR and KOUS. KULR contends that the Billings-Hardin market, with 75,800 TV households, already has more VHF service than other comparable television markets, *e.g.*, Laurel-Hattiesburg, Miss., Elmira, N.Y., and Alexandria, La., with TV households of 81,000 to 83,000 and one VHF station; and Panama City, Florida, with TV households of 80,400 and 2 VHF stations.

8. KULR states that in circumstances similar to those which obtain here the Commission denied a petition to reassign a VHF channel. *Salt Lake City, Utah*, 12 R.R. 2d 1584 (1968). There, the petitioner sought the assignment of Channel 13 as a fourth commercial VHF station to Salt Lake City by changing unused VHF assignments elsewhere. The population of Salt Lake City was 445,000. KULR concludes that, if a market the size and importance of Salt Lake City did not warrant a fourth commercial VHF service, Billings cannot be said to have a pressing need for additional service. KULR notes that the Commission did assign Channel 13 to Salt Lake City in the *VHF Drop-in* proceeding in 1980, 81 F.C.C. 2d 233, due in large part to the "tremendous growth" in Salt Lake City.

9. In support of its contention that any new television service in Billings should be implemented on the unused UHF channels there, KULR points to the Commission's action in *Helena and Great Falls, Montana*, 20 F.C.C. 2d 562 (1969), *recons. denied*, 18 R.R. 2d 1805 (1970). There, the licensee of Channel 12 in Helena sought the reassignment of Channel 10 from Helena to Great Falls, Montana, for the establishment of a satellite station, pointing to the population of Great Falls as being twice that of Helena and the infeasibility of using a UHF channel in Great Falls to compete with existing VHF stations there. KULR states that the Commission denied the request on the ground that assignment of another VHF channel to Great Falls could not be justified when two UHF channels there were lying fallow. KULR further states that the availability of unused UHF channels was also a basis for denial of the proposed reassignment in *Salt Lake City, supra.*

10. KTVQ also opposes the petitioner's instant proposal. KTVQ argues that it would cause the loss or substantial reduction of translator service to Miles City and a major portion of Custer County. VHF translator Station K10GF, Miles City, rebroadcasts the signal of Station KTVQ, Billings (Channel 2, CBS). VHF translator Station K06FE, Miles City, rebroadcasts the signal of Station KULR, Billings (Channel 8, ABC). The translators operate on Channels 6 and 10 with a power of 100 watts. KTVQ argues that the reassignment of Channel 6 to Billings and the reservation of Channel 10 in Miles City for noncommercial educational use would result in the translators reducing power to 10 watts or perhaps going silent, leaving NBC with the only off-air network service available to many residents of the Miles City area.

11. KTVQ claims that the importance of translator service to that area should not be underestimated, inasmuch as the latest Nielsen Report shows that 44 percent of all non-cable viewing in

[1] Lewistown has been added to the caption.

[2] Channels 14 and 20 are already assigned and unused at Billings.

Custer County is of Stations KULR–TV and KTVQ via their respective translator stations. KTVQ states that, additionally, the KULR–TV signal on the Miles City cable system would be lost since the system presently picks up the KULR signal from the translator station, K06FE. KTVQ recognizes that translator service is secondary but asserts that the Commission cannot ignore such service where a proposed assignment will result in a significant loss of service to an underserved area, with no countervailing public interest considerations.

12. KTVQ argues that Billings is adequately served, does not need another assignment and will not support a fourth station. KTVQ adds that the proposed assignment of Channel 6 would merely result in the substitution of NBC network service at Billings instead of KOUS-TV in Hardin.

13. KTVQ contends that, contrary to petitioner's claim, the quality of the KOUS–TV signal in the Billings area is good. KTVQ submits an engineering exhibit showing that KOUS–TV places a city-grade signal over Billings and points out that KOUS–TV has recently been authorized to identify with Billings.

14. KTVQ contends that while the Commission's *Notice* herein relies on its decision in *Medford, Oregon,* 44 Fed. Reg. 1503 (1977) for the proposition that it is not desirable to put the third network affiliate on a UHF channel, the decision is not relevant in this case because the three networks are already present in Billings. KTVQ adds that Billings is an ideal location for a UHF station because the mountains are not in the immediate Billings area and would have little, if any effect on reception of the UHF signals.

15. KOUS commented in opposition to the instant proposal. KOUS points out that since the filing of petitioner's instant proposal, Station KOUS–TV has been granted full-time network affiliation with NBC as of September 1, 1982. Previously, the station could broadcast only those NBC programs not carried by KTVQ in its "cherry-picking" relationship with both CBS and NBC. KOUS states that it is effectively serving the Billings-Hardin market.

16. KOUS claims that the proposal herein would remove the only available commercial channel from Miles City, precluding it from any additional commercial VHF service. KOUS states that its stockholders are instrumental in the ownership of Station KYUS, Channel 3, in Miles City, and that, while loss of the only remaining commercial allocation to Miles City would give them a virtual monopoly of the market, the loss would not be in the public interest.

17. KOUS claims that our *Notice* recognized that VHF frequencies are the preferred vehicle for establishment of network service, citing *Medford, Oregon,* 43 Fed. Reg. 1503 (1977), but that without the strong possibility of a network affiliation, a new TV proposal for Billings would be economically unfeasible. KOUS also asserts that petitioner's sole object is to get a lower channel number than what is now allocated to Billings, and that this is contrary to Commission policy citing *Vancouver, Washington,* 46 R.R. 2d 1498 (1980).

18. In its reply comments, KTVQ challenges petitioner's claim that the instant proposal would permit the establishment of a third commercial network service in Billings. KTVQ argues that all three major television networks already have primary affiliates in the Billings market and that the assignment of Channel 6 to Billings could only result in a substitution of service, *i.e.,* the NBC affiliation going from Station KOUS to a new station on Channel 6 in Billings and the consequent demise of Station KOUS. KTVQ urges that the Commission should not allow petitioner to ignore the available UHF assignments in Billings and reiterates its assertion that Billings is an ideal location for a UHF station inasmuch as the terrain is not mountainous. KTVQ points to the recent filing of an application for operation on a UHF channel in Missoula, Montana (File No. ARN–820622KE), which is described as an extremely rugged mountainous area.

19. In its reply comments, petitioner charges that, contrary to opposition statements, Billings does not receive three VHF network signals of adequate quality. Petitioner submits an engineering exhibit which shows on a "best case" analysis that Station KOUS-TV, Hardin, does not provide a city-grade signal to about half of Billings. Petitioner further states that its plans are not altered by the new full-time affiliation agreement between KOUS-TV and NBC. Petitioner asserts that it will still pursue an NBC affiliation. Petitioner also states that aside from the issue of affiliation, the city of Billings needs another media voice. Thus, petitioner states it would proceed with an independent station operation, if necessary. Petitioner points out that when VHF channels were originally assigned to Billings and Miles City, Billings was but three times as large as Miles City, whereas now Billings is seven times the size of Miles City. This disparity in population is said to support the conclusion that Billings deserves more VHF assignments than Miles City.

20. As for the alleged loss of current translator service, petitioner notes that translator service is secondary in nature and the Commission does not permit the existence of translators to affect its ultimate decision in Table of Assignment cases. *Anaconda, Butte and Bozeman, Montana,* BC Docket No. 80–13, F.C.C. Mimeo 28482, released November 26, 1980; *Glenwood Springs and Alamosa, Colorado, and Price and Vernal, Utah,* 46 R.R. 2d 1388 (1980); *Washington, D.C. and Fairfax, Virginia,* 46 R.R. 2d 435 (1979).

21. Petitioner asserts that the fact of UHF channels remaining vacant at Billings should not preclude the assignment of VHF channels to the community. *Cf. Notice of Proposed Rule Making,* BC Docket 82–134, F.C.C. Mimeo No. 31010, released March 15, 1982. Petitioner contends that the assignment of a third VHF channel at Billings is dictated by the facts that terrain conditions in Billings prevent effective use of the UHF signals, that the channels have remained vacant since their assignment to Billings in 1952 and that UHF service competing with VHF service is now infeasible.

22. Petitioner states that the *Salt Lake City* and the *Helena and Great Falls, Montana,* cases (pars. 8 and 9, respectively, *supra*) cited in opposition comments are readily distinguishable from the instant case. Petitioner notes that in *Salt Lake City* there were the following differences: assignment of a fourth rather than a third VHF channel; technical problems associated with the assignment of Channel 13; Commission concern about deterring UHF development in the community where an expression of interest in a UHF channel had been made; and Salt Lake City's status as one of the top 50 TV markets where potential for UHF development was greatest. Petitioner asserts that in *Helena and Great Falls, Montana,* the petitioner was the licensee of the only operating station in Helena and sought reassignment of Channel 10 from Helena to Great Falls, as a satellite station. In denying the petition, the Commission noted that Helena would be left without a diversity of local service and such diversity was essential.

23. Petitioner also states that the opposition's arguments as to adequacy of service and lack of viability of another outlet seem economic in nature and stem from their own desire to keep an additional VHF station out of Billings for their own private benefit. Petitioner asserts that it is settled Commission policy to consider economic impact at the application stage rather than in a rule making proceeding. *Sanger, Clovis,*

Visalia and Fresno, California, 49 R.R. 2d 579 (1981); *Beaverton, Michigan*, 44 R.R. 2d 55 (1978); *Hay Springs, Nebraska*, 42 R.R. 2d 1673 (1978); *Grand Junction, Colorado*, 26 R.R. 2d 513 (1973).

24. Three C's Broadcasting Company "(Three C's") filed "Informal comments" herein on August 4, 1982, a day after the deadline for filing reply comments. Three C's stated that it had information which should be considered in this proceeding, *i.e.*, that it tendered for filing on August 2, 1982, an application to operate as a full service television station on Channel 10, Miles City.[3] Three C's requested that the Commission deny petitioner's instant proposal.

25. Petitioner submitted a request pursuant to § 1.415 of our Rules to file an accompanying supplement to its reply comments in order to respond to Three C's comments. In view of the time factors involved and the new matter brought before us, permission is granted.

26. Petitioner states that Three C's knew full well that the filing of its application would effectively thwart petitioner's proposal to substitute Channel 10 as the reserved channel at Miles City in order to permit the use of Channel 6 at Billings. Petitioner shows that the principals of Three C's are also partners in the ownership of Station KOUS–TV which has opposed petitioner's instant proposal. Petitioner asserts that the facts and circumstances underlying the filing of the application raise serious questions concerning the *bona fides* of the Three C's application and the conduct of KOUS and Three C's in this rule making proceeding.

27. Petitioner states that, moreover, the ownership interests and coverage contours of KOUS and of Three C's proposed station would preclude the expansion of service by either facility. Petitioner submits engineering exhibits to show that any significant increase in the Grade B contour of either station would create overlap prohibited by § 73.636(a)(1) of our Rules concerning multiple ownership.

28. Our *Notice of Proposed Rule Making* was based on the following circumstances: Channel *6 had been vacant for over thirty years and we thought that it would be desirable to utilize the channel now that there was an interest. Moreover, the possibility of a noncommercial educational station at Miles City would not be affected inasmuch as Channel 10 would be reserved for such use. Finally, the assignment of Channel 6 to Billings could provide either a third network service on VHF channels or a first independent service.

29. With the filing, however, of an application by Three C's for a construction permit to operate a commercial station on Channel 10 in Miles City the proposed transfer of Channel 6 to Billings would eliminate a reserved VHF channel at Miles City. It has been the Commission's general policy to retain noncommercial educational reserved channels for future use particularly where there are other available commercial channels.[4] We have found another possible VHF commercial channel for Billings which shall be discussed herein. We believe this option is preferable to foreclosing educational VHF service at Miles City in the future. In support of its challenge to Three C's good faith in submitting its application for Channel 10 at Miles City, petitioner cites a number of cases in which the Commission denied applications after adverse findings on issues of good faith including "strike" and blocking applications. In each case, the application had been set for hearing and a good faith issue included. None was in the context of a rule making. None involved the blocking of a channel assignment. The proper place for resolution of the *bona fides* of an application is in the processing of the application itself. We note that petitioner has filed a petition to deny the Three C's application, and, as stated in footnote 3, *supra*,, the petition will be acted upon in the processing of the application.

30. Petitioner also challenges the conduct of KOUS and Three C's in this rule making proceeding. Without going into the merits of petitioner's allegation, we point out that the rule making proceeding is to detemine the needs of a community for a particular channel. The conduct of the parties is a matter more appropriately considered when raised at the application stage for determination as to whether a hearing is necessary.

31. Petitioner's allegation as to the possible overlap problem with regard to the ownership of Station KOUS and the proposed ownership of Channel 10, Miles City, is also a matter to be considered at the application stage. In the event that a public interest finding favored retention of Channel 10 for commercial use in Miles City, the channel would be available to applicants other than Three C's. The question of overlap would pertain to the comparative hearing.

32. With respect to the potential economic impact of petitioner's proposal on Station KOUS, it is, as we stated in *Sanger, Clovis, Visalia and Fresno, California*, 49 R.R. 2d 579, 581 (1981), settled Commission policy that such issues are better considered during the application process than in an assignment proceeding. The decision in *Grand Junction, Colorado*, 26 R.R. 2d 513, 517 (1973), held that any economic impact on the public interest can be better evaluated in passing upon an applicant's proposed use of the new assignment.

33. KTVQ opposes petitioner's instant proposal on the ground that it would cause the loss or substantial reduction of translator service to Miles City and a major part of Custer County. Section 74.202(b) of our Rules provides that changes in the TV Table of Assignments in § 73.606(b) may be made without regard to translator stations. We stated in *Anaconda, Butte and Bozeman, Montana*, 45 FR 78136 (1980), that pursuant to this rule, the Commission has in the past elected not to permit translator stations—the so-called secondary services—to affect its ultimate decision in Television Table of Assignment cases. The translator stations have the option of switching to other frequencies to avoid the interference. In any case, we traditionally favor a new local service to the reception service currently provided by a translator station.

34. We are not without concern about petitioner's proposal to reassign Channel *6 from Miles City to Billings for commercial use. The concern centers upon the consequent deletion of a commercial channel and the current interest in its use. Our staff has determined that VHF Channel 13, now assigned to Lewistown, Montana, could be reassigned to Billings. We do not ordinarily propose the deletion of an only channel in a community, but Channel 13 was assigned to Lewistown in 1952, and no use has been made of the channel for a full service television station. Inasmuch as it has been vacant for 30 years, we believe that the public interest would be served by proposing its reassignment to a community in which an interest for a full service commercial VHF channel has been expressed. We note that the VHF translator now operating on Channel 13 in Lewistown could probably continue to operate in view of the distance between Lewistown and Billings.

35. Use of Channel 13 in Billings would require a site restriction of 7.5 miles southwest to avoid short-spacing to Channel 13+ in Glendive, Montana.

[3] It is to be noted that petitioner filed with the Commission a petition to deny the Three C's application (BPCT820802KF), which will be acted upon in the course of processing the application.

[4] See, *e.g.*, *Houston, Texas*, 50 R. R. 1420 (1982).

As Billings is within 250 miles of the border, Canadian coordination is required.

36. In view of the foregoing, we further propose the following alternatives A and B for amendments to the Television Table of Assignments, § 73.606(b) of the Commission's Rules:

City	Channel No.	
	Present	Proposed
Alternative A:		
Billings, Montana	2, 8, *11, 14, 20+.	2, 6, 8, *11, 14, and 20+.
Miles City, Montana	3–, *6, 10	3–, *10.
Alternative B:		
Billings, Montana	2, 8, *11, 14, 20+.	2, 8, *11, 13, 14, and 20+
Lewistown, Montana	13	–

37. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

38. Interested parties may file comments on or before May 9, 1983, and reply comments on or before May 24, 1983, and are advised to read the Appendix for the proper procedures.

39. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

40. For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632–5414. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–8843 Filed 4–4–83; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 83–227; RM–4320]

Television Broadcast Station in McCook, Nebraska; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 16 to McCook, Nebraska, as its second TV assignment, in response to a petition filed by Jerrell E. Kautz.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (McCook, Nebraska); MM Docket No. 83–227, RM–4320.

Adopted: March 14, 1983.
Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. Jerrell E. Kautz ("petitioner"),[1] on January 3, 1983, submitted a petition for rule making requesting the assignment of UHF Television Channel 14 to McCook, Nebraska, as a second television assignment. Petitioner stated an interest in applying for the channel, if assigned.

2. McCook (population 8,404),[2] seat of Red Willow County (population 12,615), is located in southwestern Nebraska, approximately 400 kilometers (250 miles) southwest of Omaha. McCook is presently assigned VHF Channel 8 (KSNK–TV).

3. Petitioner describes McCook as a growing community with a need for additional broadcast services. Petitioner claims that Station KSNK–TV (McCook), does not provide adequate coverage of local issues.[3] Therefore, he proposes to operate a second local service as an independent station rather than a network affiliate.

4. A Channel 14 assignment to McCook would be short-spaced to a Channel 14 assignment at Hays, Kansas. The distance between the cities is 141 miles, whereas 175 miles is required. A staff study indicates that Channel 16 can be assigned to McCook, and meet all the spacing requirements without a site restriction. Therefore, we shall propose Channel 16 for McCook, Nebraska.

5. Based on the information provided by the petitioner, we believe that an adequate showing has been made for a second television assignment to McCook, Nebraska. Comments are invited on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Rules, with regard to the following city:

City	Channel No.	
	Present	Proposed
McCook, Nebraska	8–	8–, 16+

[1] Jerrell E. Kautz is the licensee of Station KXMC–FM, McCook, Nebraska.

[2] Population figures are taken from the 1980 U.S. Census Advance Report.

[3] Petitioner claims that the lack of city coverage is largely due to the fact that Station KSNK–TV is used in Oberlin, Kansas, as an affiliate of the Kansas State Network, broadcasting from Wichita. Petitioner alleges that Station KSNK–TV provides McCook with no local programming, except 15 minutes local news daily (six days a week).

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §§ 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference

Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8842 Filed 4-4-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-191; RM-4352]

FM Broadcast Station in Farmington, New Mexico; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 283 to Farmington, New Mexico, in response to a petition filed by John E. Kessler. The proposed assignment could provide a third FM service to that community.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the Matter of an Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Farmington, New Mexico); MM Docket No. 83-191, RM-4352.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 12, 1983, by John E. Kessler ("petitioner"), proposing the assignment of Channel 297 to Farmington, New Mexico, as its fourth [1] FM assignment. Petitioner submitted information in support of the proposal but failed to state that he would apply for the channel, if assigned. He is expected to do so in his comments.

2. This petition was filed as a counterproposal to Docket No. 82-832, which proposed the assignment of FM Channel 297 to Cascade Village, Colorado. Petitioner requested that FM Channel 297 be assigned to Farmington, New Mexico, instead. However, this channel cannot be assigned to both Cascade Village, Colorado, and Farmington, New Mexico. A staff channel search indicates that, as an alternative, Channel 283 can be assigned to Farmington in accordance with our spacing requirements.

3. In view of the fact that the proposed assignment could provide a fourth local FM broadcast service to Farmington, New Mexico, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel number	
	Present	Proposed
Farmington, New Mexico	225, 245	225, 245, 271, 283

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission had determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 F.R. 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and

[1] Another proceeding is pending proposing to assign FM Channel 271 to Farmington, New Mexico, as its third FM channel. (BC Docket 82-716)

Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such coments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-9841 Filed 4-4-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-235; RM-4318]

FM Broadcast Stations in Carrington, North Dakota; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the substitution of FM Channel 252A for Channel 249A at Carrington, North Dakota, to avoid shortspacing to the proposed relocation of Station KFNW-FM (Channel 250), Fargo, North Dakota. The action is proposed in response to a petition from Northwestern College.

DATES: Comments must be filed on or before May 12, 1983, and reply comments must be filed on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Carrington, North Dakota); MM Docket No. 83-235, RM-4318.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. Before the Commission is a petition for rule making filed by Northwestern College ("petitioner"), licensee of Station KFNW-FM (Channel 250), Fargo, North Dakota, proposing the substitution of FM Channel 252A for Channel 249A at Carrington, North Dakota.

2. In support of its request, petitioner advises that it desires to relocate its transmitter due to certain aeronautical constraints inherent in its current location which prevent full utilization of its existing facility. In this regard, petitioner states that it was recently given permission to relocate its antenna to an existing shared-use broadcast tower near Amenia, North Dakota. However, petitioner states that use of this proposed tower would result in short-spacing to Channel 249A at Carrington, North Dakota.[1] Therefore, in order to resolve this conflict, petitioner proposes the substitution of Channel 252A for Channel 249A, which meets the applicable minimum distance separation requirements of § 73.207 of the Commission's Rules. Petitioner states that the proposed channel substitution and subsequent relocation of its antenna would provide it the flexibility needed to achieve greater coverage.

3. As a final matter, petitioner, while acknowledging that the current applicant for Channel 249A has no protected rights to that channel and is subject to the Commission's ultimate determination of whether the proposal is consistent with the public interest, nevertheless expressed its willingness to reimburse the Carrington applicant for reasonable costs associated with the channel change. The Commission takes no position on this matter.

4. We believe that petitioner's proposal warrants consideration. The channel can be substituted consistent with the applicable mileage separation requirements. However, since Carrington is located within 200 miles of the common U.S.-Canadian border, Canadian approval of the proposal is required.

5. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to Carrington, North Dakota, as follows:

City	Channel number	
	Present	Proposed
Carrington, North Dakota	249A	252A

6. The Secretary shall send a copy of this *Notice of Proposed Rule Making* to Carrington Broadcasting, Inc., 859 Main Street, Carrington, North Dakota, 58421, the applicant for Channel 249A at Carrington.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

[1] Currently, an application is on file for Channel 249A at Carrington, North Dakota, by Carrington Broadcasting, Inc. (File No. 821007AK). If the channel assignment at Carrington is changed, the applicant will be permitted to amend its application to specify the newly-assigned channel.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Section 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties much be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8834 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-229; RM-4330]

FM Broadcast station in Woodward, Oklahoma; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 240A to Woodward, Oklahoma, in response to a petition filed by Tyler Todd. The proposal could provide a fifth FM service to that community.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the Matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Woodward, Oklahoma); MM Docket No. 83-229, RM-4330.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 3, 1983, by Tyler Todd ("petitioner"), seeking the assignment of Channel 252A to Woodward, Oklahoma, as its fifth FM assignment. Petitioner submitted information in support of his request and expressed his interest in applying for the channel, if assigned.

2. The assignment of Channel 252A to Woodward, Oklahoma, would be short-spaced to proposals to add Channel 253 to either Clinton, Oklahoma, or Elk City, Oklahoma (See Docket No. 82-833). However, FM Channel 240A is available at Woodward as an alternative. The channel can be assigned in compliance with the minimum distance separation requirements.

3. In view of the fact that the proposed assignment could provide a fifth broadcast service to Woodward, Oklahoma, the Commission believes it is appropriate to propose amending the FM Table of Assignments, (§ 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel number	
	Present	Proposed
Woodward, Oklahoma	221A, 226A, 266, 272A	221A, 226A, 240A, 266, 272A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorported by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of

Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merit of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), and 303(g) and (f), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commissions Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8839 Filed 4-4-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-233; RM-4315]

FM Broadcast Stations in Dimmit, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 240A to Dimmit, Texas, in response to a petition filed by JLP Media, Inc. The proposed assignment could provide a first local FM service to that community.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Dimmit, Texas); MM Docket No. 83-233, RM-4315.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 11, 1983, by JLP Media, Inc. ("petitioner"), proposing the assignment of Channel 240A to Dimmit, Texas, as its first local FM service. Petitioner submitted information in support of its request and expressed its interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a first FM broadcast service to Dimmit, Texas, the Commission believes that it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Dimmit, Texas	...	240A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignements,

§ 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73,504 and 73.606(b) of the commission's rules,* 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact MarK N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comments to which the reply is directed constitutes and *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Propsed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pledings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83–8836 Filed 4–4–83; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 83–239; RM–4360]

FM Broadcast Stations in Springfield, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a first FM assignment to Springfield, Florida, in response to a petition filed by Matthew D. Wiggins.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Springfield, Florida); MM Docket No. 83–239, RM–4360.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 24, 1983, by Matthew D. Wiggins ("petitioner"), which seeks the assignment of Channel 240A [1] to Springfield, Florida. Petitioner stated his intention to apply for the channel, if assigned. The channel can be assigned in full compliance with the minimum spacing requirements of § 73.207 of the Rules.

2. The petitioner submitted population and economic data in an effort to demonstrate a need for the requested assignment. In view of the action taken in *Revision of FM Policies and Procedures,* 90 F.C.C. 2d 88 (1982), that information is no longer needed for this type of proceeding.

3. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, as follows for the community listed below:

[1] Petitioner requested the assignment of Channel 288A to Springfield, Florida. However, due to pending rule makings for Mary Esther, Florida (Channel 288A), BC Docket No. 82–719, and for Appalachicola, Florida (Channel 290), RM–4317, Channel 288A is not available for Springfield. Since Channel 240A can be assigned to Springfield without a site restriction, this *Notice* has substituted that channel for consideration.

City	Channel No.	
	Present	Proposed
Springfield, Florida		240A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §§ 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8809 Filed 4-4-83; 8:45]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-240; RM-4345]

Television Broadcast Stations in Morehead, Kentucky; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign UHF television Channel 67 to Morehead, Kentucky, in response to a petition filed by Stanley G. Emert. The assignment could provide Morehead with its first local commercial television service.

DATES: Comments must be filed on or before May 12, 1983, and reply comments must be filed on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rulemaking

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Morehead, Kentucky); MM Docket No. 83–240, RM–4345.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed by Stanley G. Emert ("petitioner"), seeking the assignment of UHF Television Channel 67 to Morehead, Kentucky, as that community's first commercial television assignment. Petitioner indicates that he, or an entity

of which he is a part, will apply for the channel, if assigned as proposed.

2. Morehead (population 7,789),[1] the seat of Rowan County (population 19,049), is located in northeastern Kentucky, approximately 145 kilometers (90 miles) southeast of Cincinnati, Ohio. It is currently served by educational station WKMB (Channel *38), but has no local commercial television service.

3. According to information supplied by petitioner, Morehead's economic base should be sufficient to support a commercial television assignment.

4. A staff engineering study reveals that Channel 67 could be assigned to Morehead, Kentucky, with a minus carrier offset, provided that a change in channel offset is also effectuated on unused co-channel *67– in Bryson City, North Carolina, from minus to zero. Such action is necessary to satisfy the requirements of our Rules for minimum distance separations to co-channel stations.

5. Because Morehead, Kentucky, is located within 250 miles of the common U.S.-Canadian border, the Commission must obtain Canadian concurrence in the proposal.

6. In view of the foregoing and the fact that the proposed assignment would provide a first local commercial television broadcast service to Morehead, Kentucky, the Commission believes it appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Morehead, Kentucky	*38 +	*38 + and 67 –
Bryson City, North Carolina.	*67 –	*67

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before May 12, 1983 and reply comments on or before May 27, 1983 and are advised to read the Appendix for the proper procedures.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-8810 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures were extracted from the 1980 U.S. Census Advance Report.

47 CFR Part 73

[MM Docket No. 83-245; RM-4288]

TV Broadcast Stations in New Orleans, Louisiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 49 to New Orleans, Louisiana, as its seventh commercial television station, in response to a petition filed by Millard V. Oakley.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose Tyree, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (New Orleans, Louisiana); MM Docket No. 83-245, RM-4288.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. Millard V. Oakley ("petitioner"), on December 30, 1982, submitted a petition for rule making requesting the assignment of UHF Television Channel 49 to New Orleans, Louisiana, as its seventh commercial television assignment. Petitioner stated that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. New Orleans (population 557,482)[1], in Orleans Parish, is located at the mouth of the Mississippi River on the Gulf of Mexico. New Orleans is presently assigned commercial Channels 4 (WWL-TV), 6 (WDSU-TV), 8 (WVUE(TV)), 20 (MULT-TV), 26 (WGNO-TV) and 38 (construction permit pending); also noncommercial Channels *12 (WYES-TV) and *32 (WLAE-TV).

3. In support of his request, petitioner submitted population data for the year 1981. Petitioner also submitted 1981 statistics for total and per household spendable income and retail sales for Orleans Parish.[2]

4. We believe that the petitioner's proposal warrants consideration. The proposal meets all spacing requirements and could provide for a seventh commercial television station. Comments are invited on the proposal to amend the Television Table of Assignments, with regard to the following community:

City	Channel No.	
	Present	Proposed
New Orleans, Louisiana	4+, 6, 8-, *12, 20-, 26, *32+, and 38+.	4+, 6, 8-, *12, 20-, 26, *32+, 38+, and 49.

5. The Commission's authority to institute rule making proceedings, showings, required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may filed comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions

[1] Population figures are taken from the 1980 U.S. Census.

[2] Information was extracted from Standard Rate & Data Service, Inc.

by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8814 Filed 4-4-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-243; RM-4284]

Television Broadcast Stations in Greenville, North Carolina; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a fourth television assignment to Greenville, North Carolina, in response to a petition filed by Millard V. Oakley.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Greenville, North Carolina); MM Docket No. 83-243, RM-4284.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. Millard V. Oakley ("petitioner"), on December 29, 1982, submitted a petition for rule making requesting the assignment of UHF television Channel 38 to Greenville, North Carolina, as a third commercial television assignment. Petitioner stated that he or an entity of which he is a part, will apply for the channel, if assigned.

2. Greenville (population 2,865),[1] seat of Pitt County (population 83,651) is located in eastern North Carolina, approximately 110 kilometers (70 miles) southeast of Raleigh. It is presently assigned commercial Channels 9 and 14, and noncommercial educational Channel *25.

3. In support of his request, petitioner submitted 1981 population data for the city and county. Petitioner also submitted 1981 spendable income and retail sales statistics.[2]

4. We believe that the petitioner's proposal warrants consideration. The proposal meets all spacing requirements and could provide for a third commercial television station to Greenville. Comments are invited on the proposal to amend the Television Table of Assignments, with regard to the following community:

City	Channel No.	
	[illegible]	Proposed
Greenville, North Carolina	9-, 14, and *25.	9-, 14, *25, and 38+.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

[1] Population figures are taken from the 1980 U.S. Census Advance Reports.

[2] Information was extracted from the *Standard Rate & Data Service, Inc.* of Skokie, Illinois.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involved channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if

advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8812 Filed 4-4-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-241; RM-4296]

TV Broadcast Stations in Tulsa, Oklahoma; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 53 to Tulsa, Oklahoma, as its ninth television assignment, in response to a petition filed by Harry C. Powell, Jr.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-8530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Tulsa, Oklahoma); MM Docket No. 83-241 RM-4296.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 3, 1983, by Harry C. Powell, Jr. ("petitioner"), seeking the assignment of UHF Television Channel 53 to Tulsa, Oklahoma, as its ninth television assignment. The channel can be assigned in compliance with the minimum distance separation requirements and other criteria.

2. Tulsa (population 360,919),[1] seat of Tulsa County (population 470,593), is located in northeastern Oklahoma, approximately 150 kilometers (92 miles) northeast of Oklahoma City.

3. Petitioner submitted information in support of his request and expressed his interest in applying for the channel, if assigned.

4. In view of the fact that Tulsa could receive its ninth television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
Tulsa, Oklahoma	2+, 6+, 8-, *11-, 23, *35-, 41+, and 47.	2+, 6+, 8-, *11-, 23, *35-, 41+, 47, and 53.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 12, 1983 and reply comments on or before May 27, 1983 and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634:6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commisson considerations or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commisson or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082: 47 U.S.C. 154, 303).

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (i), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule*

[1] Populations figures are taken from the 1980 U.S. Census Advance Report.

Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8611 Filed 4-4-83; 8:45 am]

BILLING CODE 4310-55-C

47 CFR Part 73

[MM Docket No. 83-237; RM-4355]

FM Broadcast Stations in Hilton Head Island, South Carolina; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 296A to Hilton Head Island, South Carolina, in response to a petition filed by Inter-Island Broadcasters. The proposed assignment could provide a third FM service to that community.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Hilton Head Island, South Carolina); MM Docket No. 83-237, RM-4355.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed by Inter-Island Broadcasters on January 21, 1983, proposing the assignment of Channel 296A to Hilton Head Island, South Carolina, as its third FM assignment. Petitioner submitted information in support of its proposal [1] and expressed an interest in filing for the channel, if assigned. A site restriction of 1.1 miles south of Hilton Head Island is required.

2. In view of the fact that the proposed assignment could provide a third FM broadcast service to Hilton Head Island, South Carolina the Commission believes that it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	[illegible]	Proposed
Hilton Head Island, South Carolina	288A, 292A	288A, 292A, [illegible]

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on

[1] Petitioner submitted population, economic and demographic data demonstrating the need for a third FM assignment to Hilton Head Island, South Carolina. However, in view of the action taken in the *Second Report and Order* in BC Docket No. 80-130, 90 F.C.C. 2d 88 (1982), the information is no longer required.

the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect wil be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8807 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-238; RM-4348]

FM Broadcast stations in Galveston, Texas; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 285A to Galveston, Texas, in response to a petition filed by William T. Conner. The proposed assignment could provide a second FM service to that community.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Galveston, Texas); MM Docket No. 83-238, RM-4348.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 13, 1983, by William T. Conner ("petitioner") proposing the assignment of Channel 285A to Galveston, Texas, as its second FM assignment. Petitioner submitted information in support of the proposal and expressed his interest in applying for the channel, if assigned. A site restriction of 4.4 miles northeast of Galveston is required to avoid short-spacing to Station KFRD-FM, Channel 285A in Rosenberg, Texas.

2. In view of the fact that the proposed assignment could provide a second local FM broadcast service to Galveston, Texas, the Commission believes that it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community.

City	Channel No.	
	Present	Proposed
Galveston, Texas	293	285A, 293

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 3.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 F.R. 114549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp,

Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also be restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–8808 Filed 4–4–83; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 83–244; RM–4307]

FM Broadcast stations in Milwaukee, Wisconsin; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 58 to Milwaukee, Wisconsin, as its ninth television assignment, in response to a petition filed by Harry C. Powell, Jr.

DATES: Comments must be filed on or before May 12, 1983, and reply comments on or before May 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the Matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Milwaukee, Wisconsin); MM Docket No. 83–244, RM–4307.

Adopted: March 14, 1983.

Released: March 28, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 6, 1983, by Harry C. Powell, Jr. ("petitioner") seeking the assignment of UHF Television Channel 58 to Milwaukee, Wisconsin, as its ninth television assignment. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Milwaukee (population 636,212) [1], seat of Milwaukee County (population 964,988) is located on Lake Michigan, approximately 127 kilometers (80 miles) north of Chicago, Illinois.

3. Since the proposed assignment of UHF Channel 58 to Milwaukee, Wisconsin, is within 402 kilometers (250 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

4. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

5. In view of the fact that Milwaukee could receive its ninth television assignment, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the city of Milwaukee, Wisconsin, as follows:

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

City	Channel No.	
	Present	Proposed
[illegible], Wisconsin.	4-, 6, *10+, 12, 18-, 24+, 30, and *36.	4-, 6, *10+, 12, 18-, 24+, 30, *36, and 58.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before May 12, 1983, and reply comments on or before May 27, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Makng to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 306)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-8813 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Proposed 1983–84 Migratory Game Bird Hunting Regulations (Preliminary)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Service proposes to establish hunting seasons, daily bag and possession limits, and shooting hours for designated groups or species of migratory game birds in the contiguous United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands during 1983–84. The Service annually prescribes migratory bird hunting regulations. These regulations provide hunting opportunity, a popular form of outdoor recreation, to the public and aid Federal and State governments in the management of migratory game birds.

DATES: The comment period for proposed regulations frameworks for Alaska, Puerto Rico, and the Virgin Islands will end on June 22, 1983; for early season proposals (seasons opening before October 1) on July 15, 1983; and for late season proposals (seasons opening on or about October 1 or later) on August 19, 1983. Public Hearings: Early Season Regulations, including those for Alaska, Puerto Rico, and the Virgin Islands—June 22, 1983, at 9 a.m.; Late Season Regulations—August 2, 1983, at 9 a.m. Both public hearings will be held in the Auditorium, Interior Department Building, 18th and C Streets, NW., Washington, D.C.

ADDRESSES: Comments and requests to testify may be mailed to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received may be inspected from 8 a.m. to 4 p.m. at the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 536, Matomic Building, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240; (AC 202–254–3207).

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service proposes to establish hunting seasons, bag and possession limits, and shooting hours for migratory game birds during 1983–84 under §§ 20.101 through 20.107 of subpart K of 50 CFR Part 20.

"Migratory game birds" are those migratory birds so designated in conventions between the United States and several foreign nations for the protection and management of these birds. During the 1983–84 hunting season, regulations are proposed for certain designated members of the avian families *Anatidae* (ducks, geese, brant and swans); *Columbidae* (doves and pigeons); *Gruidae* (cranes); *Rallidae* (rails, coots, and gallinules); and *Acolopacidae* (woodcock and snipe). These proposals are described under Proposed 1983–84 Migratory Game Bird Hunting Regulations (Preliminary) in this document.

Notice of Intention to Establish Open Seasons

This notice announces the intention of the Director, U.S. Fish and Wildlife Service, to establish open hunting seasons, daily bag and possession limits, and shooting hours for certain designated groups or species of migratory game birds for 1983–84 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

Factors Affecting Regulations Process

This is the first in a series of proposed and final rulemaking documents for migratory bird hunting regulations. Proposed season frameworks, shooting hours, and daily bag and possession limits are set forth for various groups of migratory game birds for which these regulations ordinarily do not vary significantly from year to year.

The proposals set forth here and the schedule by which more detailed proposals for these and other species will be developed depend upon a number of factors. Among these are the times when various annual population, habitat, and harvest surveys are conducted and results are available for analysis; times of migration and other biological considerations; and times during which hunting may be allowed. The regulatory process for migratory game birds is strongly influenced by the times when the best and latest information is available for consideration in the development of regulations. For these reasons, the overall regulations process for hunting seasons and limits is divided into the following segments: (1) Regulations for migratory game birds in Alaska, Puerto Rico, the Virgin Islands, and Hawaii; (2) seasons in the remainder of the United States opening prior to October 1 (early seasons); and (3) seasons opening in the remainder of the United States about October 1 and later (late seasons). Regulations development for each of the three categories will follow similar but independent schedules. Proposals relating to the harvest of migratory game birds that may be initiated after publication of this proposed rulemaking will be made available for public review in supplemental proposed rulemakings to be published in the **Federal Register**. Also, additional supplemental proposals will be published for public comment in the **Federal Register** as population, habitat, harvest, and other information becomes available.

Because of the late dates when certain of these data become available, it is anticipated that comment periods on some proposals will necessarily be abbreviated. Special circumstances that limit the amount of time which the Service can allow for public comment are involved in the establishment of these regulations. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on one hand, to establish final rules at a time early enough in the summer to allow State agencies to adjust their licensing and regulatory mechanisms and, on the other hand, the lack before late July of current data on the status of most waterfowl.

Publication of Regulatory Documents

The process relating to the establishment of migratory bird hunting regulations in the United States involves a series of regulatory announcements published in the **Federal Register** in accordance with the Administrative Procedures Act. The publication of these documents is divided into three phases, as follows:

1. Proposed rulemakings—proposals to amend Subpart K (and other subparts when necessary) of 50 CFR Part 20, including supplementary proposed migratory game bird hunting regulations, and/or regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

2. Final rulemakings—frameworks. Final migratory game bird regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

3. Final rulemakings—season selections. Amendments to the various specific sections of Subpart K (and other subparts when necessary) of 50 CFR Part 20 based on the final regulations frameworks and on season selections communicated by the States to the Service.

On February 10, 1983, the Service received a letter from Mr. Dwight Wilcox, Biologist, White Earth Reservation Business Committee, White Earth, Minnesota, containing several specific recommendations. He recommended that Indian Reservations with treaty hunting and fishing rights be permitted to propose seasons outside the frameworks recommended for states. Such seasons would be based on historical, traditional or sustenence harvests or assure the political integrity, economic security, health or welfare of its people. Any such harvest proposal would also show biological justification as to the need of seasons outside of the recommended season or that such a season will not have a significant detrimental effect on local or migratory bird populations. Also, any such season would be established as experimental during which time appropriate studies would be done to document actual impacts and that based on the results of those studies the seasons may be permanently adopted, modified, or rescinded to mitigate the significant damages.

This request relates to certain aspects of the management of waterfowl and waterfowl hunting on Indian Reservations that have been a matter of concern to Indian groups in the north

central part of the United States for several years. The Service intends to give the request careful review and consideration in the next few weeks. No changes in procedures relating to the selection of hunting season dates and options by State conservation agencies are proposed pending completion of the review.

Major steps in the 1983–84 regulatory cycle relating to public hearings and Federal Register notifications are illustrated in the accompanying diagram.

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VOL 48 ISS 66 AP 5 1983 UMI

1983 SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS

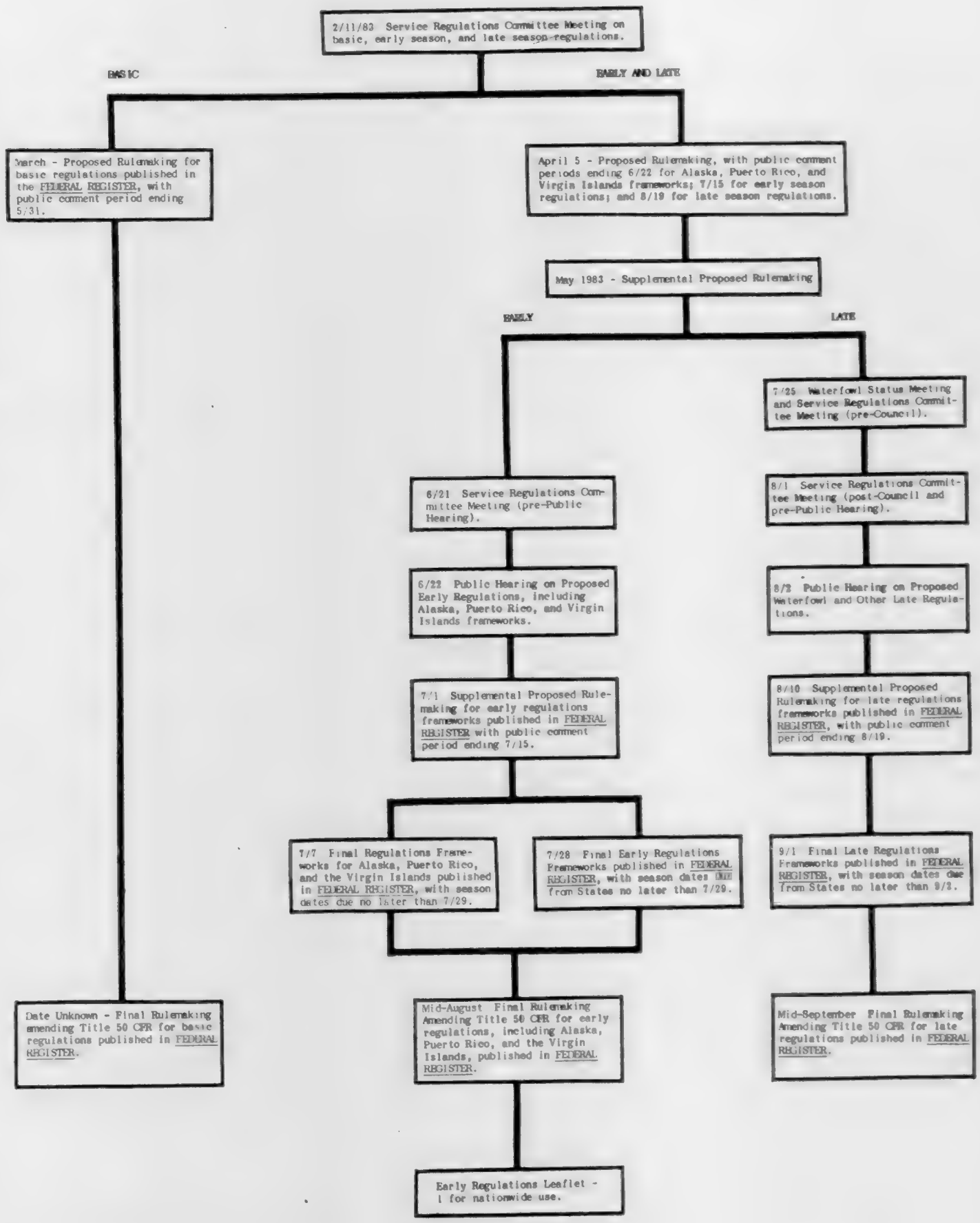

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All dates shown for frameworks and seasons in the Service's regulatory documents are inclusive.

Non-toxic shot regulatory proposals and final regulations are published separately under § 20.21 of subpart C and § 20.108 of Subpart K.

Objectives of the Migratory Bird Hunting Regulations

The objectives of these annual regulations are as follows:

(1) To provide an opportunity to harvest a portion of certain migratory game bird populations by establishing legal hunting seasons.

(2) To limit harvest of migratory game birds to levels compatible with their ability to maintain their populations.

(3) To avoid the taking of endangered or threatened species so that their continued existence is not jeopardized, and their conservation is enhanced.

(4) To limit taking of other protected species where there is a reasonable possibility that hunting is likely to adversely affect their populations.

(5) To provide equitable hunting opportunity in various parts of the country within limits imposed by abundance, migration, and distribution patterns of migratory game birds.

(6) To assist, at times and in specific locations, in preventing depredations on agricultural crops by migratory game birds.

The management of migratory birds in North America is international in scope, and involves other nations, notably Canada and Mexico. Within the United States, other Federal agencies, State conservation agencies, national and regional conservation groups, universities, and the public provide much support to the achievement of these objectives.

Data Used in Regulatory Decisions

The establishment of hunting regulations for migratory game birds in the United States during the 1983–84 season will take into consideration available population information, data from harvest surveys, and information on habitat conditions. Consideration will also be given to accumulated data and trends. The main sources of data result from operational surveys conducted by the U.S. Fish and Wildlife Service in cooperation with the Canadian Wildlife Service, Direccion General de la Fauna Silvestre of Mexico, State and Provincial wildlife agencies, and others. The Service will also consider technical information provided by consultants of the four waterfowl flyway councils. The information from these sources will be analyzed by the Fish and Wildlife Service with an opportunity for the public to review and provide comments on management rationales and proposed regulations, either in public hearings, by correspondence, or other communications.

Various surveys are used to ascertain the status, condition, and trends of migratory game bird populations. These include annual surveys of major waterfowl wintering habitats in the United States and in portions of Mexico each January; aerial surveys of major waterfowl production areas in the United States and Canada in May and early June for breeding population data, and again in July for production information; nationwide surveys in the United States and Canada of waterfowl hunters and the waterfowl harvest, including their geographical and temporal distributions, and species, age, and sex composition of the harvest; and band recovery information. Waterfowl breeding pair and production surveys also provide information on the abundance, duration, and quality of water and other habitat conditions in major production areas. Information on waterfowl populations and habitat conditions outside the aerial survey area is furnished by cooperating State, Provincial, and private agencies. Banding information provides insight into shooting pressures sustained by migratory game bird populations under different population levels and types of regulations. When viewed over many years, information on harvests and regulations is useful for predicting approximate harvest levels which may result from various regulation changes.

Many of the surveys conducted primarily for ducks also provide information on geese. In addition, satellite imagery is used to monitor the rate at which snow and ice disappear from subarctic and arctic breeding grounds traditionally used by most species and the greatest numbers of North American geese. Field observations of geese in the fall and winter also provide information on the production success of the past breeding season. Special population surveys are undertaken for many identifiable populations of geese throughout the year.

The annual call-count survey conducted nationwide in the United States in late May and early June provides information on the breeding population index of mouring doves. Information from past years and the current year is used to establish population trends. The woodcock singing-ground survey is conducted throughout the breeding range of the species in the eastern United States and Canada. Insight into production success is provided by wing-collection surveys of woodcock hunters in the United States and Canada; data from these surveys indicate the age and sex composition of the harvest and its geographical and temporal distribution. Accumulated and current data are examined for possible long-term trends in population size and productivity. Information on white-winged dove populations in Texas and the Southwest is provided by cooperating State agencies. Winter and spring surveys of sandhill cranes are conducted annually on major wintering areas and at the key staging area of the species along the Platte River in central Nebraska. The Service also solicits information on these and other species from knowledgeable individuals.

Definitions of Flyways

Flyways are biological-ecological units frequently used for reference in setting hunting regulations on many migratory game birds. These are defined as follows:

Atlantic Flyway: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway: Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; Colorado and Wyoming east of the Continental Divide; Montana east of Hill, Chouteau Cascade, Meagher and Park Counties; and New Mexico east of the Continental Divide but outside the Jicarilla Apache Indian Reservation.

Pacific Flyway: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof. Flights of most migratory game birds breeding or produced in Alaska are more strongly oriented to this flyway than to the other flyways.

Hearings

Two public hearings pertaining to 1983–84 migratory bird hunting regulations are scheduled. Both

meetings will be conducted in accordance with 455 DM 1 of the Departmental Manual. On June 22 a public hearing will be held at 9 o'clock in the Auditorium of the Department of the Interior Building, on C Street, between 18th and 19th Streets, NW., Washington, D.C. This hearing is for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe. Proposed hunting regulations will be discussed for these species plus regulations for sandhill cranes in some States; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons; other duck seasons in September; and special sea duck seasons in the Atlantic Flyway. On August 2 a public hearing will be held at 9 o'clock in the Auditorium of the Department of the Interior Building, address above. This hearing is for the purpose of reviewing the status and proposed regulations for those waterfowl and other migratory game birds for which regulations were not previously formulated. The public is invited to participate in both hearings.

Persons wishing to participate in these hearings should write the Director (FWS/MBMO, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, or telephone AC 202–254–3207. Those wishing to make statements should file copies of them with the Director before or during each hearing.

Public Comments Solicited

Based on the results of current migratory game bird studies and having due consideration of all data and views submitted by interested parties, the amendments resulting from these proposals will specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common snipe, coots, cranes, and waterfowl; coots, cranes, common snipe and waterfowl in Alaska; sea ducks in coastal waters of certain eastern States; migratory game birds in Puerto Rico and the Virgin Islands; and mourning doves in Hawaii.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or recommendations regarding the proposed amendments.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals.

Final promulgation of migratory bird hunting regulations will take into consideration all comments received by the Director. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals. Interested persons are invited to participate in this rulemaking by submitting written comments as follows:

For comments on Proposed 1983–84 Migratory Game Bird Hunting Regulations (preliminary) write to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C.

Comments received on the proposed annual regulations will be available for public inspection during normal business hours at the Service's office in Room 536, Matomic Building, 1717 H Street, NW., Washington, D.C. The Service will acknowledge but may not respond in detail to each comment. Specific comment periods will be established for each of the three series of proposed rulemakings. All relevant comments will be accepted through the closing date of the last comment period on the particular proposal under consideration. As in the past, the Service will summarize all comments received during the comment period and respond to them.

Flyway Council Meetings

The Service published a final rule in the **Federal Register** dated December 22, 1981 (46 FR 62077) which established certain procedures in the development of the annual migratory bird hunting regulations. This rule took effect on January 21, 1982. One provision is to publish notification of meetings of waterfowl flyway councils where Department officials will be in attendance. In this regard, Departmental representatives will be present at the following spring meetings of the various flyway councils:

Dates: March 19, 1983:

March 20, 1983

Atlantic Flyway Council, 1 p.m.
Mississipi Flyway Council, 9 a.m.
Central Flyway Council, 8:30 a.m.
Pacific Flyway Council, 10:00 a.m.
National Waterfowl Council, 3 p.m.

Address: Council meetings will be held at the Radisson Muehlebach Hotel, Kansas City, Missouri, as follows:

Atlantic Flyway Council, Room 4, Mezzanine Level;
Mississippi Flyway Council, Trianon D, Trianon Level;
Central Flyway Council, Muehlebach A, Mezzanine Level;
Pacific Flyway Council, Lido Room, Trianon Level;
National Waterfowl Council, Colonial Ballroom, Mezzanine Level;

NEPA Consideration

In 1975 the Service determined that the annual migratory bird hunting regulations constituted a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969. Consequently, the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was prepared and filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. These have addressed regulations for various species of migratory game birds and hunting strategies. Among the latter is an environmental assessment on a 5-year cooperative study of stabilized duck hunting regulations underway with Canada. Inasmuch as the assessment addressed the entire 5-year study, no additional assessment is required for 1983–84, the fourth season of stabilized hunting regulations.

Although the 1975 FES is now out of print, copies of the various environmental assessments which supplement it are available upon request from the Office of Migratory Bird Management (address given previously).

Endangered Species Act Consideration

Prior to issuance of the 1983–84 migratory game bird hunting regulations, consideration will be given to provisions of the Endangered Species Act of 1973, and as amended, (16 U.S.C. 1531–1543; hereinafter the Act) to insure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under section 7 of this Act may cause changes to be made to proposals in this and future supplemental proposed rulemaking documents.

Regulatory Flexibility Act, Executive Order 12291, and the Paperwork Reduction Act

In complying with these requirements during the 1981–82 regulatory development cycle, and with Office of Management and Budget concurrence, the Service prepared a Determination of Effects, a Preliminary Regulatory Impact Analysis (PRIA), a Final Regulatory Impact Analysis (FRIA), and a Memorandum of Law. For further information see the **Federal Register**: March 25, 1981, at 46 FR 18669; August 17, 1981, at 46 FR 41739; August 21, 1981, at 46 FR 42843; and September 18, 1981, at 46 FR 46543. The FRIA which was issued by the Service on June 22, 1981, was announced to the public in the **Federal Register** dated August 17, 1981 (at 46 FR 41739). The rules for the 1981–82 hunting season were determined to be "major," because the expenditures arising from these regulations exceed $100 million annually and represent a major Federal action.

A Determination of Effects approved by the Assistant Secretary, Fish and Wildlife and Parks, on February 3, 1982 concluded that the hunting frameworks being proposed for 1982–83 were "major" rules, subject to regulatory analysis. Discussions with Office of Management and Budget officials indicated that inasmuch as little new pertinent information of data had accrued since the issuance of the 1981 FRIA, it would be satisfactory for the Service to update its analysis for the 1982 migratory bird hunting proposed and final rules.

An updated FRIA analysis, focusing on waterfowl hunting, was completed by the Service on February 18, 1982. No new economic data or information had come to light since the 1981 FRIA was issued. Using Consumer Price Index information, the Service updated its estimate of 1975 expenditures arising from waterfowl hunting to $311 million January 1982 dollars. The 1975 estimate of 1981 expenditures for migratory bird hunting was similarly revised from $949 million to $1.58 billion.

The Service recently prepared an update of its 1981 Final Regulatory Impact Analysis for use in the development of the 1983–84 migratory bird hunting regulations. This analysis focused on two sources of new data: (1) Economic data contained in the recently issued report titled *1980 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation;* and (2) waterfowl hunter activity and harvest information for the 1981–82 season. As in the past, emphasis was given to duck hunting regulations and economics. The summary of the 1983 update of the 1981 FRIA follows:

Stabilized regulations were again in effect during the 1982–83 season. New information which could be compared to that appearing in the 1982 update of the 1981 FRIA included estimates of the 1981 fall flight of ducks from surveyed areas, and hunter activity and harvest information from the 1981–82 hunting season. These data were presented by flyways, and for the U.S. Fall flights of waterfowl were depressed modestly in the Central, Mississippi, and Pacific Flyways. The decrease was less than the 10 percent considered necessary to represent a change. Hunter activity, both in numbers of hunters and total days spent afield, decreased in all flyways more than the fall flight reductions. These findings support relationships identified in the 1981 FRIA and 1982 update, and again demonstrate that hunter numbers and days spent afield vary considerably from year to year, even though hunting season frameworks are unchanged. Hunter participation, including expenditures, is influenced by several non-regulatory considerations, including weather, local availability and vulnerability of ducks, habitat conditions, and conditions of the economy. Also, States sometimes do not select comparable seasons and options each year from the Federal frameworks.

The only new economic information is from the *1980 National Survey of Fishing, Hunting, and Wildlife, and Wildlife-Associated Recreation.* Although more plausible than 1975 National Survey data, the new findings were of limited usefulness because of differences in survey procedures and data completion. Little information was specific to duck hunting, the basis of the 1981 FRIA. No new information on the economic impacts of duck hunting on "small entities" is available.

Copies of the supplemental FRIA are available upon request from the Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

The Department of the Interior has determined that this document is a major rule under E.O 12291 and certifies that this document will have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The Service plans to issue its Memorandum of Law for the migratory bird hunting regulations at the time the first of these rules is finalized.

Authorship.

The primary author of the proposed rules on annual hunting regulations is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief, AC 202–254–3207.

List of Subjects in 50 CFR Part 20

Hunting, Wildlife, Exports, Imports, Transportation.

The rules that eventually will be promulgated for the 1983–84 hunting season are authorized under the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended.

Proposed 1983–84 Migratory Game Bird Hunting Regulations (preliminary).

The following general frameworks and guidelines for hunting certain waterfowl, sandhill cranes, mourning doves, white-winged doves, Zenaida doves, scaly-naped pigeons, band-tailed pigeons, gallinules, rails, coots, common snipe, and woodcock are proposed during the 1983–84 season. Changes or possible changes, when noted, are in comparison to 1982–83 final frameworks or regulations, and reflect the Service's position at this time. As noted earlier, public responses, additional data and information, and other considerations may lead to changes in the frameworks being proposed at this time. In this respect, date changes of one to two days, because of the 1983–84 calendars causing dates to fall on different days of the week, are regarded as "no change." All mentioned dates are inclusive. The Service also wishes to alert the public to various recommendations it has received since the 1982–83 regulations were finalized, and prior to the initiation of this year's regulatory cycle. These and the Service's responses or comments follow the frameworks being proposed.

Stabilized Regulations for Duck Hunting. During the 1980–81 hunting season, the Service implemented a program of stabilized regulations (numbers of hunting days and limits) for ducks in the United States. On July 1, 1980, the Service advised in the **Federal Register** (at 45 FR 44546) that it planned to take this action in connection with an evaluation program to be conducted in cooperation with the Canadian Wildlife Service. A stabilized regulations program was initiated in Canada in the 1979–80 hunting season. The study was described at that time, and is repeated for informational purposes as follows:

At the Public Hearing held on August 2, 1979, to review the proposed waterfowl and other late hunting season regulations, the Canadian Wildlife Service announced its intention to initiate a new waterfowl management program that had been developed cooperatively with the Provinces of Alberta, Manitoba, and Saskatchewan. A major element of this program is the stabilization of waterfowl hunting regulations for five years. The Service, in responding to

the Canadian statement, noted that annual changes in hunting regulations constitute a source of difficulty in understanding the population dynamics of waterfowl, particularly the relationship between regulations and harvest rates. It also noted the advantages of the two nations jointly implementing a study of stabilized regulations.

Duck bag limits and season lengths have not been markedly altered among years in the United States for some time. The objectives of this approach have been to hold hunting opportunity reasonably constant, but within a range that would not result in an overharvest of any population, and to provide an opportunity to define more precisely the relationships between regulations and harvest.

During the past few months, the Service has been discussing a cooperative study with Canadian Wildlife Service aimed at investigating more thoroughly the impact of environmental variables on waterfowl populations. To this end, the Service proposes to initiate a program in which hunting regulations during the next five years in each of the Flyways would be maintained at the same general levels as during the 1979–80 hunting season. The focus of the program would be primarily on ducks, and on seasons and bag limits. Consideration will be given to special situations regarding particular species or other aspects of the regulations. An environmental assessment is in preparation in which the proposed program will be examined in more detail, and criteria to be used in guiding it will be defined. The assessment will be made available for public review as soon as possible. The Service proposes to conduct the program in cooperation with the State wildlife agencies and the Canadian Wildlife Service. The program will provide a unique opportunity to study the impact of hunting on North American waterfowl, and to initiate or redirect studies relating to other aspects of waterfowl populations dynamics.

The assessment noted above was subsequently issued, and copies are available from the Office of Migratory Bird Management. The hunting regulations for the 1980–81 season incorporated the concept of regulations stability and represent the first year of a five-year study. The Service proposes to continue with the program of stabilized regulatins during the 1983–84 hunting season, the fourth year of study.

The Service proposes to amend 50 CFR Part 20 as follows:

1. *Shooting hours.* (No change.) Basic shooting hours beginning one-half hour before sunrise and ending at sunset are proposed with the option that more restrictive shooting hours within this framework may be selected by the States or may be established for special seasons.

2. *Framework dates for ducks and geese in the continental United States.* (Possible change.) The Service proposes that these framework are to be generally the same as during the 1982–83 season. From October 1, 1983, to January 20, 1984, for the Atlantic Flyway; from October 1, 1983, to January 20, 1984, for the Mississippi Flyway; and from October 1, 1983, through January 22, 1984, for the Central and Pacific Flyways, with the following exceptions:

(a) Sea ducks: in designated sea duck hunting areas in the Atlantic Flyway—September 15, 1983, through January 20, 1984.

(b) September teal season: September 1 through September 30, 1983, in specified areas.

(c) Special scaup season: October 1, 1983, through January 31, 1984, in specified areas.

(d) Experimental duck seasons: In Florida, Kentucky, and Tennessee, 5-consecutive-day duck seasons may be selected in September.

(e) Snow (including blue) and white-fronted geese: In Louisiana, between October 1, 1983, and February 14, 1984, in zones established for duck hunting seasons.

(f) Snow geese: In the Atlantic Flyway, October 1, 1983, through January 31, 1984. In New Mexico, October 1, 1983, through February 12, 1984.

(g) Canada geese: In New York, Rhode Island, Connecticut, New Jersey, Delaware, the Delmarva Peninsula portions of Maryland and Virginia, and a designated area in southwestern Pennsylvania, the Canada goose season framework extends to January 31, 1984.

(h) Pacific Flyway brant: October 22, 1983, through February 19, 1984.

(i) Alaska waterfowl: September 1, 1983, through January 26, 1984.

In 1982, the Service received several recommendations for changes in the waterfowl hunting season frameworks. The Service believes that before any changes are made, results from the Iowa and Mississippi studies should be available for consideration. The Iowa study, initiated in 1979, involved an any-duck species season of 7 days in late September. The experimental season was offered in lieu of the September teal season and the number of hunting days selected in September were deducted from the number allotted to the regular duck season. The Mississippi experiment, also begun in 1979, involved a framework extension to January 31 with no additional hunting days. Information from these earlier and later experimental seasons should provide useful insight into the effect of framework extensions on hunter participation and duck harvest. It is expected that final reports of the Iowa and Mississippi studies will be available for consideration during the current regulations development cycle. Consequently, the Service presently defers recommendations on duck season framework for these two States as well as for other proposed duck season framework changes pending receipt of final reports of these studies.

Kansas informed the Service of its plans to develop a proposal for extending the season framework for snow geese to February 15 for undesignated counties in the northeastern part of the State. The late season is being proposed as a means of alleviating crop depredation complaints.

Response. The Service defers consideration of the request pending receipt of a detailed proposal and justification, Council recommendations and consultations with Canada.

3. *Black ducks.* The Service has stated on several occasions that a decline in the number of black ducks has occurred over the past 30 years (see **Federal Register**, September 17, 1982, 47 FR 41253). The precise cause or causes of this decline are not clear. Observations and investigations in both Canada and the United States in recent years indicate that a combination of factors may be involved. These factors include deterioration and loss of black duck habitat, competition and hybridization with mallard populations that have expanded into the range of the black duck, and possible overharvest of segments of the black duck population, particularly immature black ducks originating from certain portions of the breeding range. The Service announced on September 17, 1982 (47 FR 41254) that a program to further restrict harvest of black ducks would be initiated in 1983, and that the program would be developed in cooperation with State, Provincial, and Federal wildlife agencies in both Canada and the United States.

On January 18–19, 1983, black duck population status and harvest in eastern Canada was discussed at a technical meeting attended by representatives of the Canadian Wildlife Service and the Provinces of eastern Canada. Representatives from the Service and the Atlantic and Mississippi Flyway Councils were invited and participated in these discussions.

A similar technical meeting of representatives from States in the Atlantic Flyway was held by the Atlantic Flyway Council in Albany, New York, on January 25–26, 1983. Representatives from the Fish and Wildlife Service, the Canadian Wildlife Service, and the Mississippi Flyway Council were invited and participated in these discussions. Strategies for achieving a 25-percent reduction in

black duck harvest in the Atlantic Flyway were reviewed at this meeting.

On Febuary 8–9, 1983, representatives of the Canadian Wildlife Service and the U.S. Fish and Wildlife Service met to review the results of the above meetings and to further coordinate activities relating to management of black ducks in the United States and Canada. The status of black duck populations and possible causes of the decline in black duck numbers were discussed in detail at this meeting.

Results of the above meetings and discussions can be summarized as follows:

A. States of the Atlantic Flyway, where black ducks are harvested at levels higher than 5,000 per year, are developing proposals for regulations changes that will reduce black duck harvest by 25 percent or more in 1983. These proposals will use one or more of the following methods to acheive a reduced harvest:

1. Reduce the daily bag limit for black ducks.

2. Adjust duck hunting season dates to avoid periods when black ducks are most vulnerable to shooting.

3. Reduce the number of hunting days in which black ducks can be taken.

4. Redirect hunting pressure to other duck species or other game species.

B. Regulatory strategies which will reduce the harvest of black ducks in the Mississippi Flyway are being examined by the States of that Flyway. A schedule for implementation has not yet been developed.

C. Discussions with the Canadian Wildlife Service indicated that proposals are being considered for additional restrictions on black duck harvest in portions of Canada in 1984. This is the earliest date possible for regulations changes in Canada due to recently implemented laws regarding public consultation prior to changes.

D. Hunter education programs will be initiated in 1983. These programs will emphasize the downward trend in black duck numbers, the purpose of harvest restrictions, and will encourage hunters to improve their ability to identify black ducks in the field. A meeting on this subject was held by the Service on February 14, 1983, and was attended by public information specialists from six States. Additional meetings of this type will be held in March 1983.

E. Proposals for regulatory changes that will reduce black duck harvest will be reviewed at Flyway Council meetings on March 19 and 20, 1983, with the aim of forwarding recommedations to the Service. After considering these recommendations, the Service will develop more specific proposals for black duck harvest restrictions in 1983 for publication in the **Federal Register** in a suplemental proposal rulemaking in early May.

F. The Service will prepare an Environmental Assessment of these proposed regulations changes. A draft of the assessment will be made available for public review and comment.

4. *Wood ducks* . (No change.) In 1977 regulations for this species were changed to permit southeastern States the option of an early October hunting season during which no special bag and possession limits applied under conventional regulations; under point system regulations, the species was placed in the mid-point category. The criteria for such seasons were described in the **Federal Register** dated May 25, 1977 (42 FR 26669), and are summarized and updated for informational purposes:

The southeastern United States is defined as Virginia, Kentucky, Tennessee, Arkansas, and Louisiana and all States east thereof in the Atlantic and Mississippi Flyways. The Service proposes to again consider regulations aimed at additional wood duck harvest in the southeastern States only within the following guidelines:

(a) In 1983 States in the southeastern United States may split their regular duck hunting season in such a way that a hunting season not to exceed 9 consecutive days occurs between October 1 and October 15.

(b) During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway in 1983 shall apply to wood ducks, and under the point system, the point value for wood ducks shall be reduced from the high to the mid-point category. For other species of ducks daily bag and possession limits shall be the same as established for the Flyway under conventional or point system regulations.

(c) In addition, the extra teal option available to States in the Atlantic and Mississippi Flyways that select conventional regulations and do not have a September teal season may be applied during the period.

(d) This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

(e) This special provision for wood ducks shall be regarded as experimental, and subject to annual and final evaluations by participating States of population, harvest, banding, and other available information.

(f) The experiment shall be conducted for a specified time period to be agreed upon between the Service and parteicipating States.

The Service to retain this option for the 1983 season.

5. *Sea ducks* . (No change.) A maximum open season of 107 days for taking scoter, eider, and oldsquaw ducks is proposed during the period between September 15, 1983, and January 20, 1984, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hamshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia. Such areas shall be described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Any State desiring its sea duck season to open in September must make its selection no later than July 29, 1983. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl seasons.

6. *September teal season* . (No change.) An open season on all species of teal may be selected by Alabama, Arkansas, Colorado (Central Flyway portion), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion), Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days with a bag limit of 4 teal daily and 8 in possession. States must advise the Service of season dates and special provisions to protect non-target species by July 29, 1983.

7. *Extra teal option*. (No change.)

(a) States in the Atlantic (except Florida), Mississippi (except Kentucky

and Tennessee), and Central Flyways selecting neither a September teal season nor the point system may select an extra daily bag of 2 and possession limit of 4 blue-winged teal for 9 consecutive days designated during the regular duck season, These extra limits are in addition to the regular duck bag and possession limits.

8. *Experimental September Duck Seasons. Tennessee, Kentucky, and Florida September Duck Seasons:* Experimental 5-consecutive-day duck seasons may be selected in September by Tennessee, Kentucky, and Florida subject to the following conditions:

1. In Kentucky and Tennessee the seasons will be in lieu of September teal seasons;

2. In all States, the daily bag limit will be 4 ducks, no more than 1 of which may be of a species other than teal or wood duck, and the possession limit will be double the daily bag limit;

3. The experimental season will be for 3 years to facilitate evaluation; and

4. Additional information to be gathered by the States to evaluate the experiment will include hunter and harvest surveys, banding, and population surveys.

Iowa: Earlier, the Service indicated that it defers a recommendation about continuation of a September duck season in Iowa, pending receipt and evaluation of a final report of the experimental season.

9. *Special scaup season.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with daily bag and possession limits of 5 and 10 scaup, respectively, subject to the following conditions:

1. The season must occur between October 1, 1983, and January 31, 1984.

2. The season must occur outside the open season for any other ducks except sea ducks.

3. The season is limited to areas mutually agreed upon between the State and the Service prior to September 2, 1983, and

4. These areas must be described and delineated in State hunting regulations.

5. In lieu of a special scaup-only season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate, and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to special scaup seasons elsewhere.

10. *Extra scaup option.* (No change.) As an alternative to a special scaup-only season, States in the Atlantic, Mississippi, and Central Flyways, except those selecting the point system, may select an extra daily bag and possession limit of 2 and 4 scaup, respectively, during the regular duck hunting season, subject to conditions 3 and 4 listed for special scaup seasons. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

11. *Mergansers.* (No charge.) States in the Atlantic and Mississippi Flyways may select separate bag limits for mergansers in addition to the regular duck bag limits during the regular duck season. The bag limit is 5 daily and 10 in possession. Elsewhere, mergansers are included within the regular daily bag and possession limits for ducks. The restriction on hooded mergansers of 1 daily and 2 in possession is continued in the Atlantic, Mississippi, and Central Flyways.

12. *Canvasback and redhead ducks.* (Possible change.) Last year, the Atlantic, Mississippi, and Central Flyway Councils asked the Service to consider opening areas that are presently closed to the taking of canvasbacks. In addition, the Atlantic Flyway Council requested that designated areas of the flyway be opened to an experimental 6-day season during which 3 male canvasbacks could be taken daily.

In the **Federal Register** dated August 20, 1982, the Service responded to these recommendations by the following statement:

> The Service views these proposals as a further indication of the need for a comprehensive review and update of current management strategies and objectives for this species which have been in place since 1976. The Service proposes to undertake such a review and develop recommendations for consideration for the 1983–84 hunting season. The review will include an evaluation of management measures discussed in an environmental assessment titled *Proposed Hunting Regulations on Canvasbacks and Redhead Ducks* (April 1976), including area closures and the criteria for defining and selecting them, and consideration of alternative management strategies including those proposed by the various Flyway Councils mentioned above. This review is judged to be a necessary preliminary to further consideration of changes in canvasback hunting regulations. Accordingly, the Service proposes to defer consideration of such changes pending completion of the review.

Subsequently, North Dakota, South Dakota, and Wisconsin reiterated their previous requests that all or certain area closed to canvasback taking be abolished.

Response. The Service has underway a study of canvasback management needs and strategies. It anticipates that an environmental assessment addressing these concerns and identifying a proposed action will be available this spring. Also, additional harvest information from the 1982–83 season, and 1983 breeding population survey data will become available in early July. Consequently, the Service will defer consideration of specific changes in the hunting frameworks for the canvasback pending completion of the assessment and receipt of 1983 survey data. No changes are proposed at this time for redheads.

13. *Zoning.* (Possible change.) States of the Atlantic, Mississippi, and Central Flyways may divide their States into zones for establishing different hunting seasons in accordance with criteria described in the **Federal Register** dated May 25, 1977 (42 FR 26671). The criteria for zoning are as follows:

1. The establishment of any of these zones shall be considered experimental until the effects of the zoning are more clearly defined and understood.

2. The primary purpose of the zoning shall be to provide more equitable distribution of harvest opportunity for hunters throughout a State.

3. Proposed zones and season dates shall not substantially change the pattern of harvest distribution among the States within a flyway.

4. Zoning shall not detrimentally change the harvest distribution pattern among species or populations at either the State or Flyway level.

5. Each zoning proposal shall include a detailed evaluation plan describing how changes in harvest will be measured, and what steps will be taken to compensate for any significant changes that might occur.

6. Each zoning proposal shall include an evaluation of anticipated changes due to zoning. If on the basis of this evaluation the Service and the State agree that no significant increase in harvest is likely, the zoning experiment may be conducted without a reduction in season length for each zone, pending further evaluation. If the evaluation indicates that a significant increase in harvest is likely, an appropriate reduction in season length compared to what would be permitted without zoning shall be made for each zone.

7. Where two or more adjoining States in a flyway may be involved simultaneously in zoning experiments, consideration shall be given to the possibility of consolidating zones.

Memoranda of Agreement have been signed between the Service and each State participating in the experimental zoning.

States in the Atlantic and Central Flyways, in lieu of zoning, may split

their seasons for ducks and geese into two or three segments.

In the Atlantic Flyway, Massachusetts indicated an interest in modifying its past zoning arrangement by creating two inland zones in lieu of the one established previously.

There zoning proposals have been received from Mississippi Flyway States. Arkansas and Wisconsin propose 3-year zoning studies to commence with the 1983–84 hunting season. Missouri reported an interest in altering its boundary between the North and South Zones, and possibly in establishing 3 zones. Texas, in the Central Flyway, advised the Service of its desire to establish an eastern zone for setting duck seasons.

Response. The Service will consider these requests once formal proposals and detailed evaluation plan have been received. The Service does not believe that minor boundary changes in States that have concluded a 3-year zoning study requires another special data collection and analysis effort. However, it believes that major modifications, such as increasing the number of zones, should be subject to a new evaluation.

14. *Goose and brant seasons.* The Canadian Wildlife Service, State conservation agencies, the four waterfowl flyway councils, and others traditionally provide population and harvest information useful in setting annual regulations for geese and brant. The midwinter survey, the past season's waterfowl harvest surveys, and satellite imagery and ground studies of May and June of 1983 will provide additional information. No changes from 1982–83 regulations are proposed at this time, however, the folowing proposed general regulations are subject to revision as additional information becomes available.

Atlantic Flyway. Seasons and bag limits are to be generally the same as last year pending receipt of additional information and recommendations. That is, between October 1, 1983, and January 20, 1984, Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, West Virginia, Maryland, and Virginia (excluding those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits are 3 and 6 geese, respectively. However, in the area comprised of New York (including Long Island), Rhode Island, Connecticut, New Jersey, Delaware, the Delmarva Peninsula portions of Maryland and Virginia, and that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on U.S. Highway 22 to the New Jersey border, the Canada goose season length may be 90 days with the closing framework date exended to January 31, 1984. The daily bag limit within this area (except New York, Rhode Island, and Connecticut) will be 4 birds with a possession limit of 8 birds. The daily bag and possession limits in New York, Rhode Island, and Connecticut will be 3 and 6, respectively. Those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select a 50-day season on Canada geese within the October 1, 1983, to January 20, 1984, framework; the daily bag and possession limits are 2 and 4 Canada geese, respectively. North Carolina and South Carolina may select a 43-day season on Canada geese within a December 20, 1983, to January 31, 1984, framework; the daily bag and possession limits are 1 and 2 Canada geese, respectively. The season is closed on Canada geese in Florida and Georgia. States may, in lieu of zoning, split their goose season into two or three segments.

Between October 1, 1983, and January 31, 1984, States in the Atlantic Flyway may select 90-day seasons on snow geese (including blue geese); the daily bag and possession limits may not exceed 4 and 8 geese, respectively.

Between October 1, 1983, and January 20, 1984, States in the Atlantic Flyway may select 30-day seasons on Atlantic brant; the daily bag and possession limits are 2 and 4 brant, respectively.

Environmental assessments made available to the public in 1975 articulate the management rationale being followed for Atlantic brant and greater snow geese. A greater snow goose plan was completed in 1981, and a flyway Canada goose management plan is being developed by the Atlantic Flyway Council.

Mississippi Flyway. Seasons and bag limits for Canada geese to be generally the same as last year, that is, not to exceed 70 days and bag limits not to exceed 2 daily and 4 in possession, pending additional information and recommendations. Seasons and bag limits for specific populations of Canada geese, snow geese (including blue geese), and white-fronted geese are to be determined later when more information is available.

Harvests of the Eastern Prairie and Mississippi Valley Populations of Canada geese in this flyway are controlled by quota allocations. Specific quotas will be established after population management objectives, recent population information, probable production, and expected fall flights have been taken into consideration. It is intended that the entire quota can be safely taken without detriment to the population and that such harvests are justifiable under the appropriate population objectives. Goose seasons in quota areas end when the quota has been achieved and the season terminated by emergency order under provision of section 20.26 of Title 50, or when the permissible number of hunting days has expired. Specific procedural information for any necessary season closures of quota areas will be included in the final regulations.

The Service, in cooperation with the Mississippi Flyway Council and interested States, will undertake an evaluation of the current management plan for Mississippi Valley Population of Canada geese. The review will focus on population size and distribution objectives and harvest quota allocations. Any proposed regulatory changes resulting from the review will be described in a supplemental proposed rulemaking.

Central Flyway. Seasons and bag limits for Canada, white-fronted, Ross', and snow geese (including blue geese) are deferred pending additional information and recommendations. No significant changes from those in effect in 1982–83 are anticipated at this time.

Pacific Flyway. Seasons and bag limits to be generally the same as last year, that is, not to exceed 93 days with overall goose bag limits not to exceed 6 daily and in possession. Specific season frameworks, season lengths, and daily bag limits for geese are deferred pending additional information and recommendations.

15. *Whistling swan.* (No change.) The following frameworks for whistling swans are proposed.

In Utah, Nevada, and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions:

(1) The season must run concurrently with the duck season;

(2) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take 1 whistling swan;

(3) In Nevada, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in Churchill County;

(4) In Montana, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in either Teton or Cascade Counties;

(5) States must employ some method to assure that hunters validate their harvest.

In the past, requests for hunting whistling swans of the eastern population have been made to the Service. The Atlantic Flyway Council and several Atlantic Flyway States favor a limited season. Both North Dakota and South Dakota indicated a desire to participate in whistling swan season during the 1983–84 hunting season. In addition, Montana proposed expanding the area where swan hunting has been permitted previously to include all the Central Flyway portion of the State.

Response. Although the Service does not favor a hunting season at this time in the Atlantic Flyway, or an expanded hunting of eastern population swans elsewhere at this time, it will work closely with the affected States in alleviating depreciation problems caused by these birds.

16. *Sandhill cranes.* (Possible change.) Pending evaluation of harvest data from the 1982–83 season, to be available later, seasons for hunting sandhill cranes may be selected within specified areas in Arizona, Colorado, New Mexico, Texas, Oklahoma, North Dakota, South Dakota, Montana, and Wyoming with no substantial change in dates from the 1982–83 seasons and with a daily bag limit of 3 and a possession limit of 6 sandhill cranes, except in Arizona where the limit is 2 cranes per season for 100 permit holders. The provision for the Federal sandhill crane hunting permit is continued in all the above areas except Arizona.

North Dakota recently suggested that sandhill crane hunting be allowed in some additional counties and that the season be lengthened. Details of the proposal and rationale for the changes will be provided later. A detailed proposal by Texas recommended that sandhill crane hunting be provided in a new south zone during the period of January 14 through February 12, 1984.

Response: The Service will give further consideration to the above requests following receipt of a detailed proposal from North Dakota and recommendations from the Central Flyway Council on both proposals. Consideration will be given as to how the requests relate to provisions of the Management Plan for Mid-Continent Sandhill Cranes that was developed cooperatively by the Central Flyway Council and the Service. Details of both proposals will be included in a supplemental proposed rulemaking scheduled for May. The Service notes that the season recommended by Texas would require extending the proposed sandhill crane hunting season framework.

17. *Coot bag limit.* (No change.) Within the regular duck season, States in the Atlantic, Mississippi, and Central Flyways may permit a daily bag limit of 15 and a possession limit of 30 coots, and States in the Pacific Flyway may permit 25 coots daily and in possession, singly or in the aggregate with gallinules.

18. *Gallinules.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1983, and January 20, 1984, of not more than 70 days. Any state may split if gallinule season without penalty. The daily bag and possession limits may not exceed 15 and 30, respectively. States may select gallinule seasons, at the time they select their waterfowl seasons. In this case, daily bag and possession limits will remain the same and the season length may not exceed that for waterfowl, or 70 days, whichever is the shorter period.

States in the Pacific Flyway must select their gallinule hunting seasons within the waterfowl seasons. A gallinule season selected by any State or portion thereof in the Pacific Flyway may be the same as but not exceed its waterfowl seasons, and the daily bag possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

19. *Rails.* (No change.) The States included herein may select seasons between September 1, 1983, and January 20, 1984, on clapper, king, sora, and Virginia rails as follows:

The season lengths for all species of rails may not exceed 70 days, and any State may split its rail season into two segments without penalty.

Clapper and king rails. 1. In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, the daily bag and possession limits may not exceed 10 and 20 clapper and king rails, respectively, singly or in the aggregate of these two species.

2. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag and possession limits may not exceed 15 and 30 clapper and king rails, respectively, singly or in the aggregate of the two species.

3. The season will remain closed on clapper and king rails in all other States.

Sora and Virginia rails. In addition to the prescribed limits for clapper and king rails, daily bag and possession limits not exceeding 25, singly or in the aggregate of sora and Virginia rails, may be selected in States in the Atlantic, Mississippi, and Central Flyways, and portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway. No hunting season is proposed for rails in the remainder of the Pacific Flyway.

20. *Common snipe.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1983, and February 28, 1984, not to exceed 107 days, except that in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31. Seasons between September 1, 1983, and February 28, 1984, not exceeding 93 days, may be selected in the Pacific Flyway portions of Montana, Wyoming, Colorado, and New Mexico.

All States in the Pacific Flyway except those portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway, must select their snipe seasons to run concurrently with their regular duck seasons. In these Pacific Flyway States, except portions of the four States noted previously, it will be unlawful to take snipe when it is unlawful to take ducks.

Daily bag and possession limits may not exceed 8 and 16, respectively. Any State may split its snipe season into two segments.

States or portions thereof in the three easterly Flyways may defer selections of snipe seasons at the time they choose their waterfowl seasons in August. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

21. *Woodcock.* (Possible change.) Last year the service delayed the woodcock hunting season framework opening date in the Eastern Region from September 1 to October 5. This was done to assist the recovery of breeding woodcock by reducing the hunting pressure in important northern breeding ground areas where the population had declined significantly. In early April of 1982 a severe blizzard followed by low temperatures evidently killed many breeding woodcock in New England. The 1982 singing-ground survey indicated a 20.3 percent decline from 1981 in displaying males in the Eastern Region, with the reduction being most pronounced in northern States. The framework opening delay was designed to reduce hunting pressure on northern woodcock prior to their southward migration. The 1982 situation was described in more detail in the Federal Register dated August 9, 1982 (at 47 FR 34499).

Preliminary information suggests that the reduced status of breeding

woodcock in the northern part of the Eastern Region last year was correctly assessed and that the delayed opening reduced hunting pressure and harvest of local birds. The magnitude of the harvest reduction will not be known until the results of the woodcock wing collection survey are available in early June. Most northern States reported that fewer woodcock were available last year to hunters. Results of the woodcock singing-ground survey, which provides an index to current breeding population levels, will not be known until early June.

In addition to the New England decline caused by the 1982 blizzard, results of recent year singing-ground surveys indicate that the Eastern Region's breeding population has been gradually declining in recent years. Specific causes of the decline have not yet been identified.

In view of the above circumstances, the Service believes that a delayed season framework opening will again be appropriate in 1983; however, the extent of delay has not been determined. It seems unlikely that New England woodcook will recover their former population status in one year. Findings from both the singing-ground and harvest surveys, plus other information, will be considered before a specific framework opening date is proposed. Furthermore, the Service wishes to review management strategies for the eastern population of woodcock with authorities in the Eastern Region, and with Canada, which supplies many woodcock to Eastern Region hunters. Details of the proposed framework rstriction will appear in the supplemental proposed rulemaking scheduled for Federal Register publication in late June, 1983.

No changes are proposed at this time for the Central Region woodcock hunting regulations.

For informational purposes, the general woodcock frameworks are summarized as follows:

States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1983 (a date yet to be determined for the Eastern Region) and February 28, 1984, of not more than 65 days, with daily bag and possession limits of 5 and 10, respectively. In Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end by January 31. Any State may split its woodcock season without penalty. New Jersey may select woodcock hunting seasons by north and south zones divided by State Highway 70. Seasons in each zone may not exceed 55 days.

22. *Band-tailed pigeons.* (No change.)

West Coast States (California, Oregon, and Washington). These States may select hunting seasons not to exceed 30 consecutive days between September 1, 1983, and January 15, 1984. The daily bag and possession limits may not exceed 5 band-tailed pigeons.

California may zone by selecting hunting seasons of 30 consecutive days for each of the following two zones:

1. In the counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and

2. The remainder of the State.

Nevada may select for the counties of Carson City, Douglas, and Lyon an experimental season and limits the same as those selected by California for Alpine County. Each hunter must have in possession a valid band-tailed pigeon hunting permit.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah). These States may select hunting seasons not to exceed 30 consecutive days between September 1 and November 30, 1983. The daily bag and possession limits may not exceed 5 and 10, respectively. Each hunter must have been issued and carry while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State wildlife agency, and such permit will be valid in that State only. The season shall be open only in the areas delineated by the respective States in their hunting regulations. New Mexico may divide its State into a North and a South Zone along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Between September 1, 1983, and November 30, 1983, in the North Zone, and October 1, 1983, and November 30, 1983, in the South Zone, hunting seasons not to exceed 20 consecutive days in each zone may be selected.

23. *Mourning doves.* (No change.) Concern has been expressed by some organizations and individuals about the hunting of mourning doves in September. Accordingly, the Service reviewed and analyzed available information and data on the subject and issued an environmental assessment in July 1977. It was concluded that hunting in September was not detrimental to overall mourning dove populations and that by not permitting September hunting, the opportunities for dove hunting would be curtailed in many areas. Field work in a cooperative Federal-State research program to obtain further information on this matter was completed in 1980 and the final report was issued in 1982. The results of this investigation will be used in future evaluations of September hunting of mourning doves.

In 1982–83 a program of generally uniform frameworks was implemented for all 3 mourning dove management units (47 FR 50162). The Service proposes to offer the same options pending receipt of additional information and recommendations. These are as follows:

Unless otherwise noted, the shooting hours are one-half hour before sunrise to sunset.

Between September 1, 1983, and January 15, 1984, except as otherwise provided, States may select hunting seasons and bag limits as follows:

Eastern Management Unit: All States east of the Mississippi River and Louisiana.

1. Shooting hours between 12 o'clock noon and sunset daily, or as an option, between one-half hour before sunrise to sunset daily.

2. Hunting seasons of not more than 70 full or half days with daily bag and possession limits not to exceed 12 and 24 doves, respectively. As an alternative, seasons not exceeding 45 full or half days, and limits of 15 an 30 doves, respectively, may be selected. In either, the season may run consecutively or be split into not more than three time periods.

3. As an option to the above, Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama—The South Zone is defined as that area south of U.S. Highway 84 running east to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

Georgia—U.S. Highway 280 from Columbus to the Ocmulgee River, along the Ocmulgee River to the western border of Jeff Davis County, south along the western border of Jeff Davis County, east along the southern border of Jeff Davis and Appling Counties, north along the eastern border of Appling County to the Altamaha River, west to the western border of Tattnall County, north along the western boundary of Tattnall and Emanuel Counties, east along the northern boundary of Jenkins County, south along the western border and east along the southern border of Screven County to the South Carolina line.

Louisiana—Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line.

Mississippi—U.S. Highway 84.

B. Within each zone, these States may select hunting seasons of not more than 70 days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the South Zones of these States may commence no earlier than September 20, 1983.

Central Management Unit: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

1. Hunting seasons of not more than 70 days with daily bag and possession limits not to exceed 12 and 24 doves, respectively. As an alternative, seasons not exceeding 45 days, and limits of 15 and 30 doves, respectively, may be selected. In either, the season may run consecutively or be split into not more than three periods.

2. In New Mexico, daily bag and possession limits of mourning and white-winged doves may not exceed 12 and 24 (or 15 and 30 under the alternative), singly or in the aggregate of the two species.

3. In addition to the basic framework and the alternative, Texas may select as Option 1 hunting seasons for each of two previously established zones subject to the following conditions:

A. The hunting season may be split into not more than two periods.

B. The North Zone may have a season of not more than 70 (or 45 under the alternative) days between September 1, 1983, and January 22, 1984.

C. The South Zone may have a season of not more than 70 (or 45 under the alternative) days between September 20, 1983, and January 22, 1984. In that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remaining days must be within the September 20, 1983-January 22, 1984, period.

As Option 2, Texas may select hunting seasons for each of three zones (to be designated), subject to the following conditions:

A. The hunting season may be split into not more than two periods, except that, in that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves.

B. Each zone may have a season of not more than 70 (or 45 under the alternative) days between September 1, 1983, and January 25, 1984.

Western Management Unit: Arizona, California, Idaho. Nevada, Oregon, Utah, and Washington.

1. Daily bag and possession limits not to exceed 12 and 24, respectively.

2. Hunting seasons of not more than 70 full days with daily bag limits not to exceed 12 and 24 doves respectively, which may run consecutively or be split into not more than three periods (except in the Arizona option and portions of California and Nevada described below). As an alternative, seasons not exceeding 45 days and limits of 15 to 30 doves respectively, may run consecutively or be split into not more than 3 periods. In the Nevada counties of Clark and Nye, and in the California counties of Imperial, Riverside, and San Bernardino, daily bag and possession limits of mourning and white-winged doves may not exceed 12 and 24, respectively, with a 70-day season, or 15 and 30 with a 45 day season, singly or in the aggregate of the two species.

Arizona may select for designated white-winged dove management units seasons of 70 full days with a daily bag limit of 12 doves in the aggregate of which no more than 6 of which may be white-winged doves, and a possession limit twice the daily bag limit after the opening day. The aggregate limits apply only during the white-winged dove season.

24. *White-winged doves.* (No change). Arizona, California, Nevada, New Mexico, and Texas may select hunting seasons between September 1 and December 31, 1983, and daily bag limits as stipulated below.

Arizona may select a hunting season of not more than 29 consecutive days running concurrently with the first period of the split mourning dove season. The daily bag limit may not exceed 12 mourning and white-winged doves in the aggregate, no more than 6 of which may be white-winged doves, and a possession limit twice the daily bag limit after the opening day.

In the Nevada counties of Clark and Nye, and in the California counties of Imperial, Riverside, and San Bernardino. the aggregate daily bag and possession limits of mourning and white-winged doves may not exceed 12 and 24, respectively with a 70-day bag season, or 15 and 30 with a 45-day season; however, in either season, the bag and possession limits of white-winged doves may not exceed 10 and 20, respectively.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 12 and 24 (or 15 and 30 if the 45-day option for mourning doves is selected) white-winged and mourning doves, respectively, singly or in the aggregate of the 2 species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season of not more than 4 days for that portion of the State where the species occurs. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

In addition, Texas may also select a white-winged dove season of not more than 70 (or 45 under the alternative) days to be held between September 1, 1983, and January 25, 1984, and coinciding with the mourning dove season. The daily bag limit of both species in the aggregate may not exceed 12 (or 15 under the alternative), of which not more than 2 may be whitewings. The possession limit of both species in the aggregate may not exceed 24 (or 30 under the alternative), of which not more than 4 may be whitewings.

Florida may select a white-winged dove season of not more than 70 (or 45 under the alternative) days to be held between September 1, 1983, and January 15, 1984, and coinciding with the mourning dove season. The daily bag limit of both species in the aggregate may not exceed 12 (or 15 under the alternative), of which not more than 4 may be whitewings. The possession limit of both species in the aggregate may not exceed 24 (or 30 under the alternative) of which not more than 8 may be whitewings.

25. *Migratory bird hunting seasons in Alaska.* (No change.) In 1977, by mutual agreement, the Service and the Alaska Department of Fish and Game initiated a study of stabilized hunting regulations for the 5-year period, 1977 through 1981. Background information on this experiment was given in the **Federal Register** dated March 10, 1977 (42 FR 13317). Alaska submitted its final report of the study on December 31, 1981, and requested that it be permitted to continue setting stabilized regulations in conjunction with the stabilized duck hunting experiment underway in the remainder of the Pacific Flyway. The 1982-83 Alaska frameworks contained the stabilization feature. The Service proposes to allow Alaska to maintain stabilized duck hunting frameworks during the 1983–84 season.

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Alaska, 1983–84

Outside Dates: Between September 1, 1983, and January 26, 1984, Alaska may select seasons on waterfowl, snipe, and sandhill cranes, subject to the following limitations:

Shooting Hours: One-half hour before sunrise to sunset daily.

Hunting Seasons:

Ducks, geese, and brant—107 consecutive days in the Pribilof and Aleutian Islands, except Unimak Island; 107 days in the Kodiak (State game management unit 8) area and the season may be split without penalty; 107 consecutive days in the remainder of Alaska, including Unimak Island. Exception: The season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

Snipe and sandhill cranes—An open season concurrent with the duck season.

Daily Bag and Possession Limits:

Ducks—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

Geese—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily limit of 6 and a possession limit of 12 Emperor geese.

Brant—A daily bag limit of 4 and a possession limit of 8.

Common snipe—A daily bag limit of 8 and a possession limit of 16.

Sandhill cranes—A daily bag limit of 2 and a possession limit of 4.

26. *Migratory game birds in Puerto Rico and doves and pigeons in the Virgin Islands.* (No change.)

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Puerto Rico, 1983–84

Shooting hours: Between one-half hour before sunrise and sunset daily.

Doves and Pigeons

Outside Dates: Puerto Rico may select hunting seasons between September 1, 1983, and January 15, 1984, as follows.

Hunting Seasons: Not more than 60 days for Zenaida, mourning, and white-winged doves, and scaly-naped pigeons.

Daily Bag and Possession Limits: Not to exceed 10 doves of the species named herein, singly or in the aggregate, and not to exceed 5 scaly-naped pigeons.

Closed Areas:

Municipality of Culebra and Desecheo Island—closed under Commonwealth regulations.

Mona Island—closed to protect the reduced population of white-crowned pigeon (*Columba leucocephala*), known locally as "Paloma cabeciblanca."

El Verde Closure Area—consisting of those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public. The purpose of this closure is to afford protection to the Puerto Rican parrot (*Amazona vittata*) presently listed as an endangered species under the Endangered Species Act of 1973.

Cidra Municipality and Adjacent Areas consisting of all of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning. The purpose of this closure is to protect the Puerto Rican plain pigeon *(Columba inornata wetmorei)*, locally known as "Paloma Sabanera," which is known to be present in the above locale in small numbers and which is presently listed as an endangered species under the Endangered Species Act of 1973.

Ducks, Coots, Gallinules, and Snipe

Outside Dates: Between December 1, 1983, and January 31, 1984, Puerto Rico may select hunting seasons as follows.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks, coots, common gallinules, and common snipe.

Daily Bag and Possession Limits:

Ducks—Not to exceed 4 daily and 8 in possession, except that the season is closed on the ruddy duck *(Oxyura jamaicensis)*; the Bahama pintail *(Anas bahamensis)*; West Indian whistling (tree) duck *(Dendrocygna arborea)*; fulvous whistling (tree) duck *(Dendrocygna bicolor)*, and the masked duck *(Oxyura dominica)*, which are protected by the Commonwealth of Puerto Rico.

Coots—Not to exceed 6 daily and 12 in possession.

Common gallinules—Not to exceed 6 daily and 12 in possession, except that the season is closed on purple gallinules *(Porphyrula martinica)*.

Common snipe—Not to exceed 6 daily and 12 in possession.

Closed Areas: No open season for ducks, coots, gallinules, and snipe is prescribed in the Municipality of Culebra and on Desecheo Island.

Proposed Framework for Selecting Open Season Dates for Hunting Migratory Birds in the Virgin Islands, 1983–84

Shooting Hours: Between one-half hour before sunrise and sunset daily.

Doves and pigeons

Outside Dates: The Virgin Islands may select hunting seasons between September 1, 1983, and January 15, 1984, as follows.

Hunting Seasons: Not more than 60 days for Zenaida doves and scaly-naped pigeons throughout the Virgin Islands.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves and 5 scaly-naped pigeons.

Closed Seasons: No open season is prescribed for ground or quail doves, or other pigeons in the Virgin Islands.

Local Names for Certain Birds:

Zenaida dove *(Zenaida aurita)*—mountain dove.

Bridled quail dove *(Geotrygon mystacea)*—Barbary dove, partridge (protected).

Ground dove *(Columbina passerina)*—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon *(Columba squamosa)*—red necked pigeon, scaled pigeon.

Ducks

Outside Dates: Between December 1, 1983, and January 31, 1984, the Virgin Islands may select a duck hunting season as follows.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks.

Daily Bag and Possession Limits: Not to exceed 4 daily and 8 in possession, except that the season is closed on the ruddy duck *(Oxyura jamaicensis);* the Bahama pintail *(Anas bahamensis);* West Indian whistling (tree) duck *(Dendrocygna arborea);* fulvous whistling (tree) duck *(Dendrocygna bicolor),* and the masked duck *(Oxyura dominica).*

27. *Migratory game bird seasons for falconers.* (No change.)

Proposed Special Falconry Frameworks

Extended Seasons: Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Framework Dates: Seasons must fall within the regular season framework dates and, if offered and accepted, other special season framework dates for hunting.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

Regulations Publication: Each State selecting the special season must inform the Service of the season dates and publish said regulations.

Regular Seasons: General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

Note.—In no instance shall the total number of days in any combination of duck seasons (regular duck season, sea duck season, September teal season, special scaup season, special scaup and goldeneye season, or falconry season) exceed 107 days for a species in one geographical area.

28. *Hawaii mourning doves.* (No change.) The mourning dove is the only migratory game bird occurring in Hawaii in numbers to permit hunting. It is proposed that mourning doves may be taken in Hawaii in accordance with regulations set by the State of Hawaii as has been done in the past and subject to the applicable provisions of part 20 of Title 50 CFR. Such a season must be within the constraints of applicable migratory bird treaties and annual regulatory frameworks. These constraints provide that the season must be within the period of September 1, 1983, and January 15, 1984, the length may not exceed 60 full days; the daily bag and possession limits may not exceed 10 and 20 doves, respectively. Other applicable Federal regulations relating to migratory game birds shall also apply.

List of Subjects in 50 CFR Part 20

Hunting, Wildlife, Imports, Exports, Transportation, Lead poisoning.

Dated: March 11, 1983.

J. Craig Potter,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-8780 Filed 4-4-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 66
Tuesday, April 5, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service
Agricultural Marketing Service

Wool and Mohair Advertising and Promotion

Results of Referendum

AGENCIES: Agricultural Stabilization and Conservation Service, (ASCS) and Agricultural Marketing Service, (AMS) USDA.

ACTION: Notice of results of referendum.

SUMMARY: The purpose of this notice is to announce that the requisite number of goat and mohair producers voting in a referendum have approved an agreement between the U.S. Department of Agriculture (USDA) and the Mohair Council of America (MCA). The referendum was conducted by the Secretary of Agriculture in accordance with provisions of Section 708 of the National Wool Act of 1954, as amended "Wool Act" (7 U.S.C. 1787). The agreement authorizes USDA to make deductions from the incentive payments made to producers under the Act with respect to mohair which is marketed during the years 1982 through 1985. Amounts so deducted are to be used by MCA for both domestic and foreign advertising and sales promotion programs and programs for the dissemination of information on product quality, production management, and marketing improvement for mohair, goats, or the products thereof.

EFFECTIVE DATE: April 5, 1983.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Livestock, Meat, Grain, and Seed Division, AMS, USDA, Washington, D.C. 20250, (202) 447–2650.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified as "nonmajor." It has been determined that this notice will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since ASCS and AMS are not required by 5 U.S.C. 533 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The title and number of the Federal assistance program to which this notice applies are: Title—National Wool Act Payments and NUMBER—10.059 as found in the Catalog of Federal Domestic Assistance.

Section 708 of the Wool Act authorizes the Secretary of Agriculture to enter into agreements with or to approve marketing agreements entered into between marketing cooperatives, trade associations, or other organizations for the purpose of developing advertising and sales promotion programs and programs for the development and dissemination of information on product quality, production management, and marketing improvement for wool, mohair, sheep, or goats or their products.

In accordance with Section 708, the Secretary has entered into such an agreement with the MCA for the 1982 through 1985 marketing years. The agreement becomes effective following approval by the goat and mohair producers in a referendum and upon signing by the appropriate officials of MCA and USDA. A referendum was held during the period of December 6 through December 17, 1982. Section 708 provides that approval of the agreement by a minimum of two-thirds of the voting producers or by producers who have produced two-thirds of the volume of mohair represented in the referendum is required for approval. In the referendum, 1,279 producers or 78.4 percent of the voting producers voted to approve of the agreement. Also, 356 producers or 21.6 percent voted against approval of the agreement. The producers voting to approve the agreement owned 585,083 goats or 84.8 percent of the goats owned by all the voting producers. Producers owning 105,786 goats or 15.2 percent opposed the agreement. Anyone who owned goats 6 months of age or older in the United States, continuously, for a period of at least 30 days during the calendar year 1981 was eligible to vote.

The new agreement provides that funds would be made available to the MCA through pro rata deductions from any price-support payments made to producers for the 1982 through the 1985 marketing years. The agreement authorizes the use of funds to pay expenses for the conduct of both domestic and foreign advertising and sales promotion programs and programs for the development and dissemination of information on product quality, production management, and marketing improvement for mohair, goats or the products thereof.

Under the new agreement, deductions will be made from price-support payments on 1982 through 1985 marketings at a rate not to exceed 4½ cents per pound of mohair marketed. Deductions of 4½ cents per pound will be made from payments on 1982 marketings of mohair.

Notice

In accordance with delegations of authority by the Secretary of Agriculture (38 FR 22955, August 28, 1973, 39 FR 23076, June 26, 1974), it has been determined that the agreement providing for pro rata deductions to be made from price-support payments which are made to producers of mohair for the 1982 through 1985 marketing years has the approval of the number of producers required by Section 708 of the National Wool Act of 1954, as amended. More than two-thirds of the total number of producers voting and producers of more than two-thirds of the total volume of production represented in the referendum indicated their approval of such agreement.

The agreement was signed and became effective on March 30, 1983.

Done at Washington, D.C. March 30, 1983.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

Vern F. Highley,

Administrator, Agricultural Marketing Service.

[FR Doc. 83-8697 Filed 4-4-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

[Docket No. 82-355]

Fumigation of Imported Cut Chrysanthemums; Colombia, South America: Finding of no Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: The Animal and Plant Health Inspection Service has prepared an environmental assessment for fumigations of imported cut *Chrysanthemums* spp. from Colombia, South America. On the basis of the assessment, the Animal and Plant Health Inspection Service has determined that no significant adverse impact on the environment will result from the implementation of the selected alternative. Therefore, an environmental impact statement (EIS) on this program will not be prepared.

FOR FURTHER INFORMATION CONTACT: F. E. Cooper, Staff Officer, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 637 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8248.

SUPPLEMENTARY INFORMATION: Agromyzids (insects of the family Agromyzidae) present a significant threat of damage to agricultural products grown in the United States. Agromyzids are leaf eating insects, burrowing tunnels between the outer layers of the leaves. Left unchecked, they will produce significant damage to the agricultural product. To prevent the movement into the United States of these injurious insects, the Animal and Plant Health Inspection Service (APHIS), requires most imported cut flowers found infested with agromyzids to be fumigated at the time of importation with methyl bromide in accordance with specified procedures. However, fumigation is not currently required for any cut flowers from Canada or Mexico or for infested cut *Chrysanthemum* spp. from Colombia unless infested with agromyzids other than *Liriomyza trifolii* (Burgess). These exceptions were based on the determination that the agromyzids occurring in Canada or Mexico and agromyzids of the species *Liriomyza trifoliii* (Burgess) attacking *Chrysanthemums* spp. in Colombia did not present a significant risk of damage to cut flowers or other agricultural crops grown in the United States. There are more than 1,800 species of agromyzids throughout the world that have been identified and, until recently it has not been feasible to differentiate species of agromyzids at the time of importation.

Based on pest interception records and a recent survey in Colombia, APHIS has determined that only two species of agromyzids infest cut flowers of *Chrysanthemum* spp. in Colombia. Inspectors at ports of entry are now able to differentiate between *L. huidobrensis* and *L. trifolii* infesting cut flowers of *Chrysanthemum* spp. from Colombia based on taxonomic characteristics and based on the finding that only these two species of agromyzids are known to infest cut flowers of *Chrysanthemum* spp. in Colombia. *Liriomyza trifolii* is widespread within the United States, and it is not necessary to take action against *L. trifolii* since its movement into the United States would not cause significant additional damage to cut flowers or other agricultural products grown in the United States. Therefore, it is necessary to require fumigation for those cut flowers of *Chrysanthemum* spp. from Colombia found to be infested with agromyzids unless they are infested only with *L. trifolii*.

A series of alternatives concerning fumigations for this purpose were considered. These alternatives were:

(1) To allow the importation without fumigation of any cut flowers of *Chrysanthemum* spp. from Colombia found to be infested with any agromyzids.

(2) To require fumigation for any cut flowers of *Chrysanthemum* spp. imported from Colombia found to be infested with any agromyzids.

(3) To require fumigation for any cut flowers of *Chrysanthemum* spp. imported from Colombia because of a finding of agromyzids unless the agromyzids are determined to be *L. trifolii*.

APHIS has selected alternative (3) because cut flowers of *Chrysanthemum* spp. from Colombia can be imported without a significant risk of spreading injurious agromyzids into noninfested areas of the United States. The fumigation is the only known feasible method of destroying agromyzids in cut flowers. Alternative (1) is not feasible because there would be a substantial risk of spread of *L. huidobrensis* within the United States. Alternative (2) is not desirable because it would cause unnecessary fumigations. The fumigation sites will be APHIS approved commercial or government fumigation chambers or other locations where fumigations are conducted by certified pesticide applicators.

APHIS, after considering the cumulative adverse effects of the implementation of the selected alternative, has concluded that there will be no primary, secondary, or cumulative adverse effects on the quality of the human environment based on the specifications for fumigations that are used for these treatments. No chain reactions or secondary adverse effects of interrelated activities are expected from any of the alternatives. The environmental assessment evaluated the uniqueness or rareness of resources being affected and concluded that the selected alternative will not have an effect on the continued existence of any endangered or threatened species or result in the destruction or adverse modification of the habitats of such species. The assessment indicates that the fumigations will have no appreciable impact on air and water quality. Soil in the fumigation area will not be affected. APHIS possesses the expertise to conduct the selected alternative safely and efficiently.

This action has been reviewed under the requirements of the National Environmenal Policy Act, as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality's (CEQ) National Environmental Policy Act Regulations (40 CFR Parts 1500-1508), and the APHIS Guidelines concerning Implementation of NEPA Procedures.

Done at Washington, D.C., this 31st day of March 1983.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83-8804 Filed 4-4-83; 8:45 am]

BILLING CODE 3410-34-M

Office of the Secretary

National Advisory Council on Rural Development; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-163), notice is hereby given of a meeting of the National Advisory Council on Rural Development. The meeting will be held on April 19 and April 20, 1983, at the Department of Agriculture, 12th and

Independence, SW., Room 104A, Washington, D.C. 20250. The meetings will begin at 9:30 a.m. each day.

The purpose of the meeting will be to discuss implementation of the national rural development strategy which was recently submitted to the Congress, to plan the Council's role in preparing the annual strategy update, and to discuss specific assignments for the remainder of fiscal year 1983.

The meeting will be open to the public as space permits. In order to provide opportunity for the public to comment on the work of the Council, written statements will be received two weeks prior to and two weeks following the meeting. Due to the press of business, however, public participation will be limited to written statements. Views and comments will be addressed in writing, and, when deemed appropriate by the Co-Chair, may be addressed orally at the next meeting of the Council.

Written comments, both prior to and following the meeting, should be addressed to: Mr. Willard (Bill) Phillips, Jr., Director, Office of Rural Development Policy, Room 4128–S, United States Department of Agriculture, 12th and Independence, S.W., Washington, D.C. 20250, (202) 382–0044.

Dated: March 22, 1983.

Willard (Bill) Phillips, Jr.,

Director, Office of Rural Development Policy.

[FR Doc. 83–8690 Filed 4–4–83; 8:45 am]

BILLING CODE 3410–07–M

Soil Conservation Service

Ross County Restoration Unit No. 1 RC&D Measure, Ohio; Finding of no Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ross County Restoration Unit #1, RC&D Measure, Ross County, Ohio.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, Federal Building, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone: (614)–469–6962.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure proposes to stabilize a series of critically eroding areas on state-owned property. The planned works of improvement include the shaping, grading and seeding of approximately three acres of grassed waterways and installing two grade stabilization structures.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Robert R. Shaw.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Robert R. Shaw,

State Conservationist.

March 24, 1983.

[FR Doc. 83–8737 Filed 4–4–83; 8:45 am]

BILLING CODE 3410–16–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

DATE: April 28–29, 1983.

TIME: 8:30 a.m. to 5:00 p.m.

ROOM: 415.

PROGRAM: This meeting will review applications submitted for Special Projects Program Development, Divison of General Programs, for projects beginning after October 1, 1983.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would consititue a clearly unwarrented invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated, January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786–0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83–8822 Filed 4–4–83; 8:45 am]

BILLING CODE 7536–01–M

CIVIL AERONAUTICS BOARD

[Docket No. 41390]

California-Toronto/Montreal Service Case; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to him.

Dated at Washington, D.C., March 31, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge

[FR Doc. 83–8870 Filed 4–4–83; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 41244]

First American Bank of Virginia; Enforcement Proceedings; Postponement of 2nd Prehearing Conference

Notice is hereby given that the second prehearing conference in the above-entitled proceeding which has been scheduled to be held on April 22, 1983, is hereby postponed until April 28, 1983, at 9:30 a.m. (local time), Room 1027, Main Universal Building, 1825 Connecticut Ave., N.W., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., March 31, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-8869 Filed 4-4-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41044]

Frontier Flying Service Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to him.

Dated at Washington, D.C., March 31, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-8871 Filed 4-4-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 17325; Order 83-3-140]

Petition of Southwest Airlines Co.; Order Granting Waiver

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of March, 1983.

In ER-1324 (48 FR 8042, February 25, 1983), the Board adopted rules (14 CFR Part 203) that require all direct U.S. and foreign air carriers to become parties to the Montreal Agreement, thus waiving the low limit of passenger liability and certain carrier defenses under the Warsaw Convention. The Convention, as modified by that Agreement, sets a limit of $75,000 on the liability of the carrier for personal injury or death of passengers in international air transportation. It further requires carriers to include notices as to the liability limit in their conditions of carriage and on or with passenger tickets.

The Board rejected the request of Southwest Airlines that the rule be made inapplicable to U.S. carriers that did not engage in foreign air transportation and did not interline with other airlines. The Board noted that there was an admittedly small risk that the passenger liability limitation of the Warsaw Convention would apply to the traffic carried on such carriers. However, the Board further stated that it was in the public interest to avoid all possibility that the Convention's very low liability limit, absent applicability of the Montreal Agreement, might be made applicable to those passengers because of an unanticipated interpretation of the Convention.

In adopting ER-1324, however, the Board stated:

"A carrier could also consider incorporation in its conditions of carriage of a provision that the carrier does not avail itself of the limits of liability of the Warsaw Convention, and agrees that no limit of liability shall apply, even in the event that the Convention should be applicable. Such a provision would constitute a special contract between the airline and its passengers under Article 22(l) of the Convention, and would avoid the otherwise existing possibility that passengers might unconscionable be limited in their recovery for death or injuries against the airline by reason of the liability limits of the Convention. In such circumstances. the liability limit notice would be superfluous."

By letter dated March 22, 1983, the Southwest Airlines Co. requested a waiver from Part 203 based on its proposal to include in its conditions of carriage an agreement that would waive all limitations of liability under the Warsaw Convention to the extent that the Convention might become applicable to its passengers.[1] Specifically, Southwest proposes, upon grant of its requested waiver, to include the following provision in its conditions of carriage:

"In the event that any Southwest passenger may be determined to be in international transportation under the Warsaw Convention, Southwest waives all limitations of liability contained in that Convention, and agrees not to limit its liability, for death or injury to such passenger."

We will grant Southwest the requested waivers, to be effective only so long as Southwest has and maintains the specified liability waiver in its conditions of carriage. As Southwest points out, the proposed waiver of all passenger liability under the Warsaw Convention would grant its passengers substantially greater protection than its adherence to the Montreal Agreement, as required by Part 203. Under these circumstances the provisions for adherence to the Montreal Agreement and the passenger notice provisions would, as stated in ER-1324, become superfluous.

Accordingly, 1. We grant Southwest Airlines Co. a waiver from the provisions of Part 203 and § 202.12 of the Board's Economic Regulations;

2. The waiver shall be effective only for such periods as Southwest Airlines Co. waives all limitations of liability under the Warsaw Convention for death or injury to passengers, and only so long as Southwest places and maintains thereafter its waiver of such limitations of liability in its conditions of carriage within 30 days from the date of this order;

3. A copy of this order and the letter of March 22, 1983, in which Southwest has agreed to waive such liability limitation shall be placed in Docket 17325, and shall constitute a special contract under Article 22(l1) of the Warsaw Convention between Southwest Airlines Co. and its passengers, waiving all passenger liability limitation under that Convention for death or injury to such passengers; and

4. This order will be published in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-8872 Filed 4-4-83; 8:45 am]

BILLING CODE 6320-01-M

[1] In addition, Southwest requested relief from § 202.12 which implements Part 203 by making adherence to the Agreement a condition on carrier certificates.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-091]

Certain Electric Motors From Japan; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration.

ACTION: Notice of final results of administrative Review of antidumping duty order.

SUMMARY: On June 18, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on certain electric motors from Japan. The review covered the three know exporters of this merchandise to the United States and generally the period from April 1, 1980 through November 30, 1980.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. At the request of the petitioner and one exporter, we held a public hearing on July 23, 1982.

After an analysis of the comments received, the Department has changed the margin for that exporter. The margins in the preliminary results remain unchanged for the other two exporters.

EFFECTIVE DATE: April 5, 1983.

FOR FURTHER INFORMATION CONTACT: F. Patrick Pope or Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–2923/5255.

SUPPLEMENTARY INFORMATION:

Background

On December 24, 1980, the Department of Commerce ("the Department") published in the **Federal Register** (45 FR 84994) an antidumping duty order on certain electric motors from Japan. On June 18, 1982, the Department published in the **Federal Register** (47 FR 26421–3) the preliminary results of its administrative review of the order. The Department has now completed that administrative review.

Scope of the Review

The motors covered by the review are AC, polyphase electric motors of not less than 150 HP but not greater than 500 HP, not including submersible well pump motors. The covered motors are currently classifiable under items 682.4545, 682.4600, 682.5020, and 682.5030 of the Tariff Schedules of the United States Annotated.

The Department knows of three Japanese firms engaged in the production and/or exportation of Japanese large electric motors to the United States. The review covers all three and generally the period April 1, 1980 through November 30, 1980.

Analysis of Comments Received

Interested parties were invited to comment on the priliminary results. The petitioner, the National Electrical Manufacturers Association ("NEMA") and one manufacturer, Toshiba Corporation ("Toshiba"), requested a hearing which was held on July 23, 1982. NEMA, Toshiba and Yaskawa Electric Manufacturing Co., Ltd. ("Yaskawa") submitted comments.

(1) *Comment:* As stated in the preliminary results, the Department used five criteria to determine the most similar comparison model for foreign market value. Those criteria were: (1) Type of motor; (2) whether high or low voltage; (3) horsepower rating within plus or minus 10 HP; (4) number of poles; and (5) the Department's 90–45 day contemporaneous sale rule (See "Final Results of Administrative Review of Antidumping Finding" concerning bicycle tires and tubes from Korea, 47 FR 28727–30). Using these five criteria, the Department first looked to the Japanese home market for an appropriate comparison model, then to Canada, and if no comparable sales existed in either of these markets, the Department used constructed value. NEMA objects to the ±10 HP differential and believes it should be broader for both this and future reviews. It argues that motors with different output powers have similar used, similar costs of production, and similar component materials and are, therefore, "similar" merchandise. Moreover, it believes the method for selecting comparable motor models in the fair value investigation is not binding in this review.

Toshiba objects to the wider horsepower rule profferred by the Department in the preliminary results, ±10 percent of the horsepower rating, for subsequent reviews and argues that in this review we should continue to use the narrow version of this criterion. It argues that ±10 HP rule was clearly enunciated in the final fair value determination and that the petitioner has not given any persuasive reasons as to why a broader criterion would be an improvement.

Department's Position: We agree with NEMA that in the future the HP rule should be broader than what was used in the fair value investigation and in this review. While we do not believe that the ±10 HP rule as applied in the fair value investigation and this review is unreasonable or inconsistent with the law, upon a further examination of NEMA standards, we find that motors are not necessarily dissimilar when there is HP differential of more than ±10 HP.

However, we disagree with NEMA's argument that we should abandon the ±10 HP rule for purposes of the current review. This issue is unlike the profit issue (see below), where we recognize that the past practice of calculating profit on the basis of U.S. sales produces unreasonable results. The use of the ±10 HP rule is certainly within the limits of the Department's discretion. Also, although NEMA objected during the review to the ±10 HP rule, it never gave us any technical justifications for an alternate approach. For these reasons we maintain that our use of the ±10 HP rule for this review is justified.

(2) *Comment:* NEMA objects to the 90–45 day contemporaneity rule. It argues that the Department never obtained all of the information necessary to apply this procedure and that the "preconditions" given for application in the Korean tire final results do not exist in this case.

Department's Position: Our adherence to our ordinary 90–45 day contemporaneity rule in this review was not unreasonable, and was certainly within the limits of the Department's discretion. Furthermore, the petitioner did not object to its use until late in the review. As a result, we will use that rule for this review. However, we agree with NEMA that the time period for selecting contemporaneous sales can be expanded in subsequent reviews because the prices of motors do not always fluctuate sufficiently to require a strict adherence to a 90–45 day rule.

With regard to the "preconditions" cited by NEMA, the hearing officer noted on the record (See page 88 of the July 23, 1982 hearing transcript of this case), that NEMA was misapplying the Korean tire case. Specifically, the "preconditions" and the 90–45 day rule are not related.

(3) *Comment:* In the original fair value investigation, the Department used a weighted-average profit on Toshiba's U.S. sales in calculating constructed value. Subsequently, the Department determined that this method of calculation was incorrect (See "Final Determination of Sales at Less Than Fair Value" concerning strontium nitrate from Italy, 46 FR 25496). For the preliminary results, we calculated constructed value using U.S. profit, but we used a weighted-average profit by model rather than an overall weighted-average figure.

Both NEMA and Toshiba believe that both methods are incorrect. NEMA proposes the use of weighted-average home market profit (as in strontium nitrate), while Toshiba proposes that we use a uniform 8 percent profit, based on Toshiba's interpretation of the statute and past administrative practice. At a mimimum, Toshiba wishes us to continue to use the weighted-average U.S. profit by model, computed separately for each quarterly exchange rate period, finding support in § 353.56(a) of the Commerce Regulations. Toshiba further argues that the Department should not average profits on sales to different levels of trade and should not average profits made on standard and modified motors.

Department's Position: We agree with NEMA and Toshiba that both methods, because they are derived from U.S. profits, produce unreasonable results. They inevitably result in dumping margins unless all U.S. sales were made with an identical profit. As required by the statute, we use the statutory minimum profit of 8 percent only when

the profit in the home market on the same general class or kind of merchandise is below 8 percent. Based on the information on hand, since Toshiba's actual profit is above 8 percent, we disagree with using the statutory minimum profit.

Accordingly, for this review we used home market profit, even though the language in the strontium nitrate decision limited use of this method to prospective application. This action is the only correct one. Because we are now using home market profit, we need not concern ourselves with exchange rates.

(4) *Comment:* In order to determine if sufficient home market sales exist in a given period to compare to U.S. sales, we ordinarily look to sales of such or similar merchandise in the home market. In the original fair value investigation and in this review; however, we went one step further and looked to home market sales on a motor rating-by-rating basis. NEMA objects to the rating-by-rating approach because it limits the use of home market sales, while Toshiba maintains that the method is justified because of the complexity of the product and because of the low volume of home market sales of certain models.

Department's Position: For subsequent reviews we will change to the method favored by NEMA because our practice in fair value and this review may have been unduly restrictive and because the two-step test for viability is not the ordinary procedure. However, since the fair value method of determining viability was not unreasonable (as was the profit calculation) and was within the limits of the Department's discretion, for this review, we have stayed with the fair value method.

(5) *Comment:* NEMA objects to the Department's use of the statutory minima of 8 percent and 10 percent for profit and general expenses, respectively, in the constructed value calculations for Yaskawa. It questions whether all appropriate expenses were included in general expenses. NEMA also claims that by using home market profit for Yaskawa, the Department was inconsistent with the method established during the fair value investigation and with the method for Toshiba in this review.

Department's Position: Admittedly, the Department was inconsistent in its preliminary results in using home market profit for Yaskawa and export profit for Toshiba. As indicated in Comment No. 3 above, we have since determined that use of home market profit is the only correct approach. Subsequent to the hearing, Yaskawa presented at the Department's request supporting evidence that its profit and its total general expenses were below the statutory minima. We have examined this information and are satisfied that it is correct.

(6) *Comment:* NEMA contends that the statute requires that constructed value include an amount for general expenses equal to that "usually reflected" in sales of motors of the same general class or kind in the home market of Japan. NEMA also argues that the legal premise of the Department policy paper on general expenses in constructed value is faulty. NEMA believes that the 1979 change to the Tariff Act of 1930 ("the Tariff Act"), which brought constructed value under foreign market value, does not allow for circumstance of sale adjustments to constructed value. Therefore, it disagrees with the Department's method of making adjustments for differences in selling expenses. NEMA further argues that we did not adhere to the procedure set forth in the policy paper when we did not include in constructed value the selling expenses incurred by Toshiba's U.S. subsidiary, Toshiba International Corporation. Finally, NEMA argues that Toshiba severely distorts its general expenses in its submission in that its claims for circumstance of sale adjustments, including the ESP offset, in price-to-price comparisons are much greater than the general expenses added to constructed value.

Department's Position: Our calculation of constructed value, as set out in the cited policy paper, is in accordance with section 773 of the Tariff Act. Our constructed value includes general expenses (including selling expenses) "usually reflected" in sales of motors of the same general class or kind in the home market that are then adjusted to make allowance for differences in circumstances of sale in accordance with section 773(a)(4)(B) of the Tariff Act. Generally, while general and administrative expense allocations will be the same in any market, selling expense allocations will differ by market. Allowances for these differing selling expense allocations are permitted under section 773(a)(4)(b) of the Tariff Act, and are required as a result of the Department's decision to use home market, rather than U.S. selling expenses, in calculating constructed value. NEMA's suggestion that selling expenses that are statutorily deducted from ESP calculations be added to the constructed value calculation would possibly not allow for fair comparisons between foreign market value and U.S. price.

Finally, upon further analysis of Toshiba's expenses, we agree that certain expenses, specifically, non-operating expenses, should be included in constructed value. We have made appropriate recalculations.

(7) *Comment:* NEMA objects to the use of constructed value for comparison with Yaskawa's U.S. sales of vertical motors, arguing that in the fair value investigation the Department found vertical motors sold in the U.S. to be comparable with horizontal motors sold in Japan. NEMA maintains that Yaskawa's subsequent arguments concerning the non-comparability of vertical and horizontal motors do not warrant a reversal of the original position. Moreover, to the extent that Yaskawa has asserted a claim that vertical motors differ from horizontal motors, its arguments relate only to vertical hollow shaft motors and not to vertical solid shaft motors.

Department's Position: Our determination in the fair value investigation concerned the comparability of specific *Toshiba* vertical and horizontal motors. Whatever the merits of the decision for Toshiba during the investigation, Yaskawa submitted information during the review which adequately demonstrated that its vertical hollow shaft and vertical high thrust solid shaft motors are not comparable to its horizontal solid shaft motors. Yaskawa demonstrated that there are significant differences in component materials, uses, and commercial values. Based on our analysis of this information, we maintain that the vertical and horizontal motors manufactured by Yaskawa are not comparable.

(8) *Comment:* NEMA claims the Department erroneously made purchase price comparisons for Toshiba and Yaskawa sales through their U.S. subsidiaries where the shipments did not pass through a U.S. warehouse. Since the Department used the price charged by Toshiba's and Yaskawa's U.S. subsidiaries for U.S. price and the statute defines these subsidiaries as "exporters", NEMA argues that exporter's sales price should be used.

Department's Position: As provided for in section 772 of the Tariff Act, the Department used purchase price because the merchandise was sold to unrelated purchasers prior to its importation into the United States.

(9) *Comment:* NEMA argues that the Department did not consistently apply its own criteria in selecting the appropriate foreign market sale for comparison. NEMA cites 19 U.S. models of low-voltage and high-voltage motors

where using the five criteria described in Comment #1 for similar merchandise would warrant use of home market sales instead of constructed value or third country sales.

Department's Position: We agree with NEMA with respect to some of the 19 models. As a result, we are deferring appraisement of the affected U.S. sales until a subsequent review.

(10) *Comment:* Toshiba argues that in certain instances the Department incorrectly calculated adjustments for U.S. motor modifications performed by Toshiba in Japan. In a number of cases where motors were modified in Japan, the Department adjusted the calculation of constructed value based on the differences between Toshiba International Corporation's selling price of the modified motors and its selling price of a standard motor of the same rating. As a result, the Department improperly double counted the profit component relating to the modification. Toshiba argues that the Department should include the profit percentage in the constructed value of the standard motor before adding the modification to the constructed value calculations.

Department's Position: Since Toshiba did not provide the cost of production data which the Department requested in order to construct the value of the modification, we used the best information available to calculated the amount. We acknowledge that profit may be included in the modification amount. However, absent actual cost of production information, we cannot calculate the amount of such profit.

(11) *Comment:* Toshiba argues that in certain ESP comparisons the Department used incorrect selling expense deductions in the calculation of Canadian prices. It argues that there is no basis for applying the ESP "cap" for indirect selling expenses, provided for by the last sentence of section 353.15(c) of the Commerce Regulations, since by definition that only applies to home market and not third country sales.

Department's Position: The Department made an adjustment for Canadian selling expenses up to the percent of such expenses incurred on the U.S. sales. The Department erred in its adjustment of the Canadian selling expenses by using a percentage instead of an absolute amount. We have made the appropriate changes. However, the ESP "cap" applies to all foreign market value calculations, regardless of whether home market or third country sales are the basis.

(12) *Comment:* Toshiba alleges specific methodological errors in certain instances. These errors include use of incorrect profit factors and incorrect comparison models.

Department's Position: We have examined each of the sales in question and, where appropriate, we recalculated the results.

After the hearing, Toshiba furnished new information on certain sales for which constructed value was the basis for foreign market value. New information submitted after a hearing is untimely. See, e.g., "Final Results of Administrative Review of Antidumping Finding" regarding stainless steel wire rods from France, 48 FR 2808. We therefore made no adjustments in those cases. Finally, after publication of the preliminary results of review, we found that for certain sales Toshiba failed to supply requested price information in its original response and instead submitted constructed value information. In those instances, we used best information available. The best information available for those sales is the fair value rate.

Final Results of Review

Based on our analysis of the comments received, the additional use of best information as mentioned above, and the correction of certain clerical errors, the margin for Toshiba has changed from that in our preliminary results of review. The results remain the same for Yaskawa and Hitachi. As a result of our review we determined that the following weighted-average margins exist:

Manufacturer	Time period	Margin (percent)
Toshiba	April 1, 1980 to March 31, 1981	6.30
Yaskawa	April 1, 1980 to November 30, 1981.	0.17
Hitachi	....do	6.70

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each manufacturer directly to the Customs Service.

Further, as provided for by section 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of such Japanese electric motors from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Because the margin for Yaskawa is less then 0.5 percent, and therefore *de minimis* for purposes of cash deposit, the Department shall waive the deposit requirement for Yaskawa. For any shipment from a new exporter not covered in this review, unrelated to any covered firm, a cash deposit shall be required at the 6.30 percent rate. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department is currently conducting the next administrative review. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 30, 1983.

[FR Doc. 83-8751 Filed 4-4-83; 8:45 am]

BILLING CODE 3510-25-M

[Docket Number ITA-AB-2-80]

Core Laboratories, Inc.; Decision on Appeal

In this appeal, Core Laboratories, Inc. ("Core") challenges the Administrative Law Judge's ("ALJ") finding that it violated the antiboycott laws and regulations and his imposition of civil penalties on Core.[1] While Core does not seriously dispute the facts found by the ALJ,[2] it does contend that the ALJ failed to give adequate consideration to the various arguments presented by it, breaching his responsibilities under the Administrative Procedure Act. In

[1] Congress first enacted the antiboycott legislation involved in this proceeding as an amendment to the Export Administration Act of 1976, Pub. L. No. 95-52, 91 Stat. 235 (1977). This legislation was subsequently reenacted, without changes, as part of the Export Administration Act of 1979, Pub. L. No. 96-72, 93 Stat. 503. This proceeding, involving conduct occurring in 1978, was commenced under the provisions of the 1977 amendment to the 1976 Act and the pertinent regulations of the Department of Commerce. 15 CFR Part 369 (1979). Statutory references are to the 1977 amendment as codified in 50 U.S.C. app. 2401, *et seq.* (1976 & Supp. I, 1977).

[2] In its original appeal papers, Core stated that "necessary findings of fact are erroneous and/or unsupported by substantial evidence of record." (Appeal of Core Laboratories, Inc., Sept. 1, 1981). However, Core has not identified those facts it finds "erroneous," nor does it specifically challenge any of the evidence of record. (Brief of Core Laboratories, Inc. on Appeal After Remand, June 25, 1982.)

addition, Core disputes the interpretation of the antiboycott law and regulations adopted by the ALJ in his ruling.

I have reviewed the record in this proceeding and considered the arguments advanced by Core. On the basis of this review and consideration, I adopt the findings of fact made by the ALJ and also adopt his conclusion that Core's conduct, as reflected in these findings, constituted 28 separate violations of the statute and implementing regulations. As to the appropriate remedy for these violations, I adopt the ALJ's decision that a civil penalty in the amount of $81,300 be assessed against Core, on the terms and conditions stated in the ALJ's Initial Decision.[3]

Background

This administrative enforcement proceeding was initiated on November 19, 1979, by the issuance of a "charging letter" to Core, alleging 28 violations of the antiboycott laws and regulations in connection with certain of Core's international commercial activities. Core filed an answer, denying that its conduct constituted a violation and specifically denying that any of its actions were taken with the required intent to "comply with, further, or support any unsanctioned foreign boycott." 15 CFR 359.1(e)(1).

Core entered into a stipulation of facts with enforcement counsel for the Department and the parties requested the ALJ to resolve four "preliminary" legal issues on the basis of these stipulated facts.[4] [Agreed Stipulation of Facts and Statement of Issues for Preliminary Submission (May 20, 1980).] The ALJ accepted the parties' proposal and, on the basis of the briefs and arguments of the parties, issued a "Preliminary Decision on Agreed Stipulation of Facts and Statement of Issues," (April 7, 1981) resolving each of the four issues adversely to Core.

Following the ALJ's decision, the parties filed a further stipulation of facts, and additional, briefs. Both sides addressed three issues, not considered in the Preliminary Determination, which had been raised by Core's initial statement of issues.[5]

In addition, Core's brief also addressed the bulk of the issues resolved by the ALJ's "Preliminary Decision". On the basis of the parties' submissions, the ALJ issued an "Initial Decision," finding 28 violations of the statute and regulations and imposing a civil penalty of $81,300 subject to partial suspension on conditions specified by him. (Initial Decision (August 6, 1981), hereinafter I.D.,—.)

Core appealed from the Initial Decision, contending that the facutal and legal issues were not adequately explored and that the legal conclusions were contrary to law. Enforcement counsel took the position that the ALJ did not err in his legal conclusions but agreed that the ALJ did not fully articulate the reasons for his conclusions on two issues: (1) Whether information had been "furnished" in violation of the Act and regulations and (2) whether Core had the requisite boycott-related intent. On the basis of the parties' appeal papers, I remanded the proceeding to the ALJ for reconsideration. (Order on Remand (October 13, 1981).)

On remand, the ALJ received additional submissions from the parties and then issued an "Initial Decision on Remand", treating all of the issues earlier disposed of in his "Preliminary" and "Initial" decisions and considering more fully the three issues not treated in the "Preliminary Decision." (I.D.R., May 4, 1982.) Neither Core nor enforcement counsel requested a hearing on remand and none was accorded by the ALJ. Following the issuance of the decision on remand, Core filed additional appeal papers, challenging that decision and requesting a hearing on appeal.

In brief, the ALJ found that Core had, on 28 occasions, used language in connection with transactions with Arab customers which conveyed information about its dealings with a boycotted country in violation of the Act and regulations. The two sentences used by Core were developed by it as a response to Arab information requests which Core knew were boycott-related. The first sentence stated that none of the shipped items "are of Israeli origin, nor do they contain Israeli materials." The second sentence had two parts, first stating that Core had "no direct or indirect connection whatsoever with Israel" and then affirmatively stating that the shipped items were "manufactured in the United States of North America."

Core's use of the first sentence was not challenged in this proceeding, on the grounds that it constituted a negative certificate of origin permissible prior to June 21, 1978. 15 CFR 369.3(b)(2). It was Core's second sentence, avowing "no direct or indirect connection" with Israel, which was ruled by the ALJ to violate the prohibition on furnishing information about business relationships with boycotted countries. 50 U.S.C. app. 2403–1a(a)(1)(D); 15 CFR 369.2(d).

Twenty-seven of the twenty-eight violations invoved the stamping of this language on documents relating to shipments in the first quarter of 1978. The twenty-eight violation involved an August 1978 response to an invitation to bid received by Core from the Iraq National Oil Company. The invitation had required respondents to declare they had no relationship with Israel or Israeli entities and would comply with Arab boycott rules. Although Core had, in May 1978, attempted to revise its procedures in view of U.S. antiboycott laws, Core included the same language used in its earlier transactions in its response to the Iraqi request. Approximately seven months later, no Iraqi order having been received, Core voided its response and reissued a new one, without the language in question.

Findings of Fact

Because of their importance to this proceeding, it is necessary to present here in full the facts stipulated by the parties and found by the ALJ, I.D.R., 2–6:

1. Core Laboratories, Inc., ("Core") is a corporation organized under the laws of the State of Delaware. Core's principal office is located in Dallas, Texas. Core is a "United States person" as set forth in 15 CFR 369.1(b).

2. Core provides a wide range of services to the petroleum and mining industries; most of those services involve the measurement and application of data associated with rocks and fluids which comprise oil and gas reservoirs.

3. Core conducts its business in a large number of foreign countries, including Bahrain, Egypt, Iraq, and Libya.

4. Sometime in late 1976 or early 1977, in response to requests for information

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[3] I am not adopting the additional condition imposed in the Initial Decision on Remand, which would revoke all export privileges for one year if one-half of the penalty is not paid within 30 days of the Department's final action. (Initial Decision on Remand (May 4, 1982) at 19. Hereinafter I.D.R., —.)

[4] The first of these issues was whether the specific language used by Core on its documents furnished information about Core's business relationships in violation of the Act and regulations. The remaining three issues related to the availability of certain statutory and regulatory exceptions to the prohibitions. Preliminary Decision on Agreed Stipulation of Facts and Statement of Issues (April 7, 1981) at 5–6 (hereinafter P.D.,—).

[5] The three issues addressed by the parties in their briefs were: (1) the interpretation of the "furnishing" language in the prohibition contained in 50 U.S.C. app § 2403–1a(a)(1)(D) and 15 CFR 369.2(d); (2) whether Core had the requisite "intent" to be held legally responsible under the Act and regulations; and (3) what, if any, sanctions should be imposed. See Respondent's Statement of Issues and List of Witnesses and Proposed Exhibits (April 10, 1980) at 2–4; Brief of Respondent Core Laboratgories, Inc. (June 29, 1981); Department of Commerce's Brief on Issues Presented for Final Determination (June 27, 1981).

from Arab countries in connection with shipment of goods to or from those countries, Core adopted the following language to be used uniformly in response to all such requests:

> None of the equipment or supplies described in this invoice (or on this sight draft) are of Israeli origin nor do they contain Israeli materials. Core Laboratories, Inc., has no direct or indirect connection whatsoever with Israel and affirms that all of the equipment described was manufactured in the United States of North America.

5. Core was aware that requests for information that prompted the preparation of the above statement were related to the Arab boycott of Israel.

6. Core also adopted the policy that responses to any requests for information that might be boycott-related should be cleared through Core's Executive Vice President in Dallas.

7. In the fall of 1977, Core became aware of the recent amendments to the Export Administration Act and of the regulations proposed to implement those amendments.

8. In early October 1977, a Core employee overseas attended a dinner at which, among others, Stanley Marcuss, then the Deputy Assistant Secretary for Export Administration, U.S. Department of Commerce, spoke concerning the antiboycott law and regulations. Following the meeting, the Core employee sent a memorandum to Core's Executive Vice President in Dallas relaying his impression of the meeting. He stated:

> The most important thing that I got out of the meeting was that after 21 June, 1978, we will be in violation if we use a negative boycott statement * * *. As we ony have 8 months to develop a course of action so [sic] we had better get to work.

9. On February 8, 1978, Core's Executive Vice President in Dallas sent a letter to Core's Dallas attorneys seeking advice on how the statement used by Core in responding to requests for information from Arab countries "should be phrased after June 21, 1978."

10. During the period from January 21, 1978, to April 5, 1978, Core on 27 occasions shipped supplies and equipment from its Dallas, Texas, facility to locations in Bahrain, Egypt, Iraq, and Libya. These shipments were made in the interestate or foreign commerce of the United States as defined in 15 CFR 369.1(d) (1) and (2). Accompanying the shipments were invoices and/or certificates of origin, concerning which import and shipping documentation Core was subject to the laws and requirements of the countries to which the shipments were made. Core was also subject to all United States laws and regulations with respect to these transactions.

11. Identical language was placed on the documents accompanying these 27 shipments:

> None of the equipment or supplies described in this ——— are of Israeli origin nor do they contain Israeli materials. Core Laboratories, Inc., has no direct or indirect connection whatsoever with Israel, and affirms that all of the equipment described was manufactured in the United States of North America.

The above language was stamped on the documents accompanying these 27 shipments routinely by persons in Core's shipping department in Dallas. No specific request was received by Core to furnish the above language on those documents. The language was added pursuant to the policy established by the company in 1976 with respect to compliance with the shipping and import documentation requirements of certain Arab countries.

12. Each of the 27 transactions was reported by Core to the Department of Commerce. The date each document was prepared and reported to the Department of Commerce is identified in the documents in the record.

13. Each of the 27 shipments originated at Core's Dallas facility. All but one involved shipments to a Core facility in Iraq, Egypt, Libya, or Bahrain; the remaining shipment consisted of personal belongings going to an individual in Egypt.

14. On May 1, 1978, Core's Executive Vice President in Dallas notified Core personnel by memorandum that, effective immediately, Core was modifying its procedures with respect to shipping and import documents.

15. On July 21, 1978, Core received from the Iraq National Oil Company an invitation to bid (request for quotation number X 06.8.1112) that contained the following condition:

> The following declaration shall be a condition of any order and Letter of Credit that may result of this for quotation. We hereby certify that the company we represent has no relationship and/or dealing whatsoever with Israel and/or with company/companies owned/controlled and subsidized [sic] by any Israeli establishment, association and organization [sic] directly or indirectly.
>
> We Confirm [sic] that our company is bound to comply with all the rules enacted in this connection by the League of Arab States and applied by Israel Boycott Bureau.

On August 1, 1978, Core submitted a quotation in response to the invitation; the quotation had the following language typed on it:

> None of the equipment or supplies described in this invoice (or on this sight draft) are of Israeli origin nor do they contain Israeli materials. Core Laboratories, Inc. has no direct or indirect connection whatsoever with Israel and affirms that all of the equipment described was manufactured in the United States of North America.

16. On or about February 8, 1979, Core personnel discovered the language just set forth on the August 1, 1978, quotation. At that time, no purchase order had been received by Core in response to the quotation. Core immediately informed the Iraq National Oil Company that the August 1, 1978, quotation was void and reissued a quotation that did not contain the language in question.

17. The mailing of the original quotation on August 1, 1978, and the subsequent events, were reported by Core to the Department of Commerce on or about March 5, 1979. Copies of the quotations and other relevant documents were also provided by Core to the Department of Commerce at that time.

18. At all times relevant to this proceeding, Israel was the subject of a foreign boycott which was not sanctioned by United States law or regulation.

Issues on Appeal

Core raises several issues concerning the ALJ's Initial Decision on Remand. First, Core contends that the decision reflects the ALJ's "virtually complete failure to address the arguments" advanced by it. (Appeal of Core Laboratories, Inc. (September 1, 1981)). Core urges that this deficiency be remedied by remanding the proceeding again, to a different ALJ, "for plenary review and the issuance of a new Initial Decision." (Appeal of Core, *supra* at p. 4).

Core also challenges the ALJ's conclusion that multiple violations of the statute and regulations occurred. It takes issue with the ALJ's interpretation of the prohibition on the "furnishing" of certain information to a boycotting country. It urges the applicability of several regulatory exemptions from the prohibition and disputes the ALJ's ruling that it had the requisite "intent" to be held responsible for its violations. Core also argues that the ALJ has given an impermissibly broad construction to the statutory and regulatory language in reaching his conclusions. Finally, Core asserts that the ALJ erred in determining the number of violations arising from its conduct and in altering the remedial portion of his Order on Remand.

In the remainder of this decision, the issues raised by Core, together with the

responses of Commerce enforcement counsel, will be addressed.

1. The Administrative Law Judge's Alleged Failure to Address Core's Contentions

The principal argument presented by Core on appeal in urging remand to a different ALJ is that no review is now possible because the Administrative Procedure Act requirements have not been met by the ALJ. Core argues that the ALJ's determination denied its right under the Administrative Procedure Act to a "meaningful consideration" of its contentions. *Mitchell Energy Corp.* v. *FERC,* 651 F. 2d 414, 417 (5th Cir. 1981).

Core's contentions are founded upon an erroneous view of the ALJ's decisions and a misunderstanding of the APA's application to this proceeding. The APA requires that each party have a reasonable opportunity to present its case and that all agency decisions:

"including initial, recommended, and tentative decisions * * * shall include a statement of:

"A) findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law, or discretion presented on the record * * *" 5 U.S.C. 557(c)(3)(A) (1976)."

Applying this standard to the Initial Decision on Remand, I am satisfied that the ALJ has provided a statement of findings and conclusions, together with the reasons or bases therefor, on all of the material issues of fact and law presented on the record. The ALJ, on remand, addressed those issues which had not been fully treated in his earlier rulings. While Core finds the ALJ's rulings unpersuasive and believes that a fuller treatment of its arguments was appropriate, the APA does not require the ALJ to match his rulings to the length of the parties' arguments. For example, Core has presented lengthy and complex arguments concerning the meaning of its "no direct or indirect connection" language. Yet the APA does not mandate that the resolution of this fairly simple issue be presented at similar length or that each subsidiary part of Core's argument be addressed in detail. What is required is a clear articulation of the reasoning by which each of the issues in the proceeding was resolved. The ALJ's Initial Decision on Remand adequately complies with this APA requirement and remand for further proceedings is unnecessary.

In any event, even if the determination of these issues had not met minimal APA standards, I would not be required to remand this case for further proceedings. The APA requirements for agency decisions must be seen in the context of the entire decision-making process, which includes the appeal of the Initial Decision. The APA provides that "on appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule." 5 USC 557(b).

Since the Assistant Secretary for Trade Administration, as agency decision-maker on appeal, 15 CFR § 388.22(a), has all the powers which would exist in making the initial decision, I am not bound to review only the ALJ's decision, but am free to reexamine the entire record. See, *Containerfreight Transportation Co.* v. *ICC,* 651 F.2d 668, 670 (9th Cir. 1981); *Fink* v. *S.E.C.,* 417 F.2d 1058 (2d Cir. 1969). Therefore, even if the Initial Decision were deficient, that would not prevent the Assistant Secretary from resolving the case through a determination complying with APA standards since the prerogatives which exist in the initial proceeding are retained in this review on appeal.

2. Core's Challenges to the Administrative Law Judge's Interpretation of the Act and Regulations

Notwithstanding its assertion that the ALJ failed to articulate the reasoning behind his determination, Core raises a number of challenges to the ALJ's interpretation of the Act and implementing regulations. These issues are whether the Act and regulations msut be narrowly construed, the meaning of the language Core used on its stamp, and the meaning of the statutory "furnishing" and "intent" language in the context of Core's actions.

A. *Core's Contention That the Act and Regulations Must Be Narrowly Construed.* Core asserts that the Act and regulations must be strictly construed because of the presence of criminal penalties in the Act and that, when so construed, the Act and regulations do not prohibit its conduct. In spite of the fact that the Department of Commerce seeks only civil penalties in this proceeding, Core argues that strict construction is required by the existence of criminal sanctions in the Act's remedial structure. Citing *McBoyle* v. *United States,* 283 U.S. 25, 27 (1931), Core argues that "penal statutes are construed narrowly to insure that no individual is convicted unless 'a fair warning [has first been] given to the world in language that the common world will understand, of what the law intends to do if a certain line is passed'."

A fair interpretation of the Act in light of this principle of statutory construction does not support Core's contention. The Export Administration Act creates a broad regulatory scheme, intended to govern the conduct of U.S. persons involved in export trade in a manner designed to further certain basic U.S. policy objectives. Within the framework of this broad scheme, various remedial options can be pursued to further the regulatory objectives. The fact that criminal penalties are among the remedial options potentially applicable to some types of conduct does not require that the entire regulatory scheme be characterized as penal in nature and given a narrow construction. The Supreme Court recognized this principle in *Mourning* v. *Family Publications Service, Inc.,* 411 U.S. 356 (1973).

In *Mourning,* the respondent, which was alleged to have violated the Truth in Lending Act regulations of the Federal Reserve Board, relied upon *FCC* v. *American Broadcasting Co.,* 347 U.S. 284 (1954), for the proposition that legislation must be considered penal by virtue of the availability of criminal penalties for certain violations and must be strictly construed even in an administrative proceeding. Noting that the *American Broadcasting* case involved the FCC's administrative interpretation of a criminal provision prohibiting lotteries, the Court distinguished that case from the interpretation of the Truth in Lending Act which it was required to make. The Court stated,

We cannot agree, however, that every section of an act establishing a broad regulatory scheme must be construed as a "penal" provision, as that term is used in *American Broadcasting,* merely because two sections of the Act provide for civil and criminal penalties. 411 U.S. at 375.

As already noted, the antiboycott provisions of the Export Administration Act are, like the Truth in Lending Act, part of a broad regulatory scheme. No good purpose would be served by narrowly construing the entire Act and its regulations merely because there is a possibility of criminal penalties in some cases. See *FEC* v. *Lance,* 635 F2d 1132 (5th Cir. 1981).

Even if Core's contention were accepted, the result reached here would not change. While it is true that "the coverage of an agency regulation should be no broader than what is encompassed within its terms", *Dravo Corp.* v. *OSHRC,* 613 F. 2d 1227, 1232 (3d Cir. 1980), there is no lack of clarity in the Act or regulations as applied here and no impermissable stretching of the

antiboycott provisions in the determination made. As the ALJ's decision and this decision demonstrate, the intent of the act is clear from its legislative history, as well as from the statutory language. An examination of the history and text of these laws indicates the intent to prohibit communication of the type of information involved in this proceeding.

B. *Core's Contention That Its Language Did Not Cover Its Business Relationships.* The findings of fact reflect Core's development, in late 1976, or early 1977, of language for use in responding to information requests from Arab countries which Core knew were related to the Arab boycott of Israel. See *supra*, p. 6. In the transactions in question here, Core used this language on the documents accompanying its shipments, although it appears no specific request had been received for such information.

With respect to these later shipments, Core now contends that its statement that it had "no direct or indirect connection whatsoever with Israel" did not convey information about Core's business relationship with Israel as is contemplated by the Act and regulations. 50 U.S.C. app. 2403–1a(a)(1)(D); 15 CFR 369.2(d). Core urges that "the most reasonable construction of the language is that it describes only Core's *legal* relationship with Israel, i.e., that Core is neither organized under the laws of Israel nor controlled by the State of Israel." (Respondent's Brief on Issues Submitted for Preliminary Determination, p. 9). In other words, it is Core's contention that the word "connection" refers primarily to Core's legal relationship with Israel and that subsidiary meanings of the word should not be considered under the Act and regulations.

It would be asking a great deal to assume that the phrase in question, when used on a commercial document, did not refer to business, as well as legal, relations. As Core admits, "connection" may refer to many types of relationships, e.g., legal, political, social, religious, ethnic, or charitable ties as well as business. Indeed, Core has conceded that such an interpretation is "conceivable, though strained * * *." (Respondent's Brief on Issues submitted for Preliminary Determination, p. 5). Core's tortuous efforts to twist its language into an artificially narrow and legally acceptable form are unpersuasive. As the ALJ stated, "The plain meaning to be ascribed is as broad as the words themselves and includes business as well as other connections or relationships. * * *" (I.D.R., 10).

C. *Core's Contention That It Did Not "Furnish" Information in Violation of the Act and Regulations.* Core asserts that its actions did not constitute a "furnishing" of information concerning its business relationship with a boycotted country as that concept is employed in the Act and regulations. Core maintains that the Department of Commerce must prove that someone outside of Core actually received and read the stamp on the invoices in order for the "furnish" requirement to be satisfied. Core points out that there is no finding on this point and that it has been found that it received no request from boycotting country in connection with the transactions in question.

Core's argument appears to be premised on a misconception concerning the purpose of the Act. The Act does not concern itself with whether the actions of U.S. persons are actually successful in furthering a foreign boycott. What Congress was concerned with was solely the actions of U.S. persons and what it intended to prohibit was specific actions by U.S. persons of a type which would further such foreign boycotts of countries friendly to the United States.

Congress described the act as "prohibiting U.S. citizens and companies from intentionally and knowingly complying with certain secondary and tertiary boycott requirements." H. Rep. No. 95–190, in U.S. Code, Cong. & Ad. News, 95th Cong., 1st Sess. (1977) at 362. These prohibitions cover such actions taken "(1) Pursuant to an agreement with the boycotting country (including any company, national or resident thereof), (2) to comply with a requirement of the boycotting country, or (3) to comply with a request on behalf of the boycotting country." *Id.*, at 383. There is, however, no requirement, in the language of the Act or in its history, that a boycotting country (or the foreign boycott itself) be shown to have received the benefits of the U.S. person's boycott-supportive action. Core's lexicographic arguments concerning the word, "furnishing", are not, in themselves, convincing, and run counter to the basic thrust of the Act.

The record amply demonstrates that Core's actions were of the boycott-supportive type which the Act was intended to prohibit and the absence of evidence that Core was actually successful in adding to the information available to the boycotting countries is irrelevant. As the subsequent discussion of the "intent" requirement shows, Core provided the challenged information in order to respond to anticipated boycott-related information requests of the boycotting countries. Such actions by a U.S. person with respect to its activities in U.S. commerce are sufficient to constitute a violation of the Act.

D. Core's Contention That the Requisite "Intent" Has Not Been Demonstrated.

A violation of the Act occurs when a U.S. person acts "with intent to comply with, further, or support * * *" an unsanctioned foreign boycott. 50 U.S.C. app. 2403–1a(a)(1) (Supp. I, 1977). The regulations make clear that this intent can be found to exist so long as the unsanctioned boycott is "at least one of the reasons" for the action. 15 CFR 369.1(e). Compliance with the boycott does not have to be the "sole, dominant or most-compelling reason" for taking the action. Moreover, intent can be demonstrated by circumstantial evidence. Indeed, intent can be demonstrated by a showing that the person taking the action knew that action was related to the boycott requirements. This intent standard is firmly founded in the legislative history of the Act. For example, the Senate report stated, "Intent to comply with a boycott could be presumed, subject to rebuttal, where from all the facts and circumstances it is reasonably clear that the information is sought for boycott enforcement purposes." S. Rep. No. 95–104, 95th Cong., 1st Sess. 40 (1977).

Core Laboratories argues that it lacked the required intent because its action with regard to one alleged violation was "inadvertent" within the meaning of § 369.1(e)(3), while its conduct with regard to the other 27 instances was simply beyond the reach of the regulations.[6] With regard to the request for information from the Iraq National Oil Company, Core asserts that the response was "inadvertent" since the secretary who added the prohibited paragraph was unaware that Core's new company policy did not permit the use of the language incorporated on its stamp. Core admits that the offending paragraph escaped the attention of the officer of Core who was aware of the new policy and who signed the document. Core asserts, however, that at worst this was negligent and not an intentional violation.

The legislative history of the Act demonstrates that the intent requirement was added in order to exclude "innocent mistakes" from the coverage of the antiboycott provisions. *Arab Boycott: Hearings to Amend and Extend the Export Administration Act before the Subcommittee on International Finance of the Senate Committee on Banking, Housing and*

[6] Brief of Core (June 26, 1981) p. 25.

Urban Affairs, 95th Cong., 1st Sess. 279,280 (1977). But Core's response to the Iraq National Oil Company cannot be characterized as "innocent".

The stipulated facts in this case reflect Core's development of the language supplied by it "in response to requests for information from Arab countries in connection with shipment of goods to or from those countries * * *." (Stipulation of Facts (June 12, 1981)).

Similarly, "Core was aware that requests for information that prompted the preparation of the above statement were related to the Arab boycott of Israel." (Stipulation, para. 5). In one of its pleadings, Core explains that its language was intended "to satisfy, with one uniform paragraph, various imports and shipping document requirements of some countries to which it was making shipments." (Brief of Core (June 26, 1981) at 23–24). In another filing, Core explains that the language was originally developed "to forestall requests for boycott-related information * * *." (Core Brief on Appeal after Remand (June 25, 1982) at 5).

As these findings and statements by Core show, the language was developed as a means to respond to boycott-related information requests. Core asserts that it attempted to bring its practices into compliance with the Act, after the Act's passage, but the record demonstrates that Core's internal procedures were inadequate. Thus, the alleged "inadvertence" is more properly seen as an example of the inadequate compliance procedures.[7]

Core's claim with regard to the 27 other acts must also be rejected. Core asserts that the lack of requisite intent is demonstrated by the fact that it began use of the language in question before the effective date of the prohibition, and merely continued its prior policy of supplying this language after passage of the Act. However, "routine clerical adherence to a practice" [8] long established is not a defense under the Act and regulations; nor can Core rely on its alleged good faith belief in the legality of its conduct as negating the evidence that such conduct was intended to support the Arab boycott of Israel. I see nothing in the recently decided *Briggs and Stratton Corp.* v. *Baldrige*, No. 80–C–721 (May 10, 1982), which would alter these conclusions. While the *Briggs and Stratton* court did consider the issue of intent under the Act and regulations, its views are consistent with the interpretation presented here.

E. Core's Contention that Its Conduct Falls within the Exemptions to the Prohibition on Furnishing Information.

Core attempts to avoid the conclusion that it violated the act and regulations by the contention that its conduct was covered by one or more of three exemptions contained in the regulations. Core's arguments are not convincing.

(1). *Core's Contention That It Was Providing a Permissible Certification of Ownership.*

In a variation of its interpretation of the language used in its shipping documents, Core asserts that that language might also be read as conveying information concerning the nationality of its owners. Core maintains that any such constriction of the language comes within a narrow regulatory exception effective until June 22, 1978. 15 CFR 369.2(d) as published in 43 FR 11576 (March 20, 1978) amending 15 CFR 369.2(d) as published in 43 FR 3508 (Jan. 25, 1978).

The exception relied upon by Core afose from public confusion concerning the application of one example to 15 CFR 369.2(d), as originally published by the Department of Commerce. While the Department had consistently interpreted 15 CFR 369.2(d), as prohibiting a U.S. person from certifying that it was not the parent, subsidiary or affiliate of a blacklisted entity, some members of the public were construing original example (xvi) of the regulation as permitting such a certification (since it permitted a U.S. person to supply information about the nationality of its owners). 43 FR 3508 (Jan. 25, 1978). In March of 1978, the Department revised this example (and added a new example) to make clear its position that a U.S. person "may not furnish information about his affiliation with any other person who may be blacklisted." 43 FR 11576 (March 20, 1978). Because of the public confusion concerning this question, however the interpretation was to become effective June 22, 1978. *Id.*

The short answer to Core's contention is that, even if the exception is applicable, it does not exonerate Core. Core's language is so broad that it may be reasonably construed as conveying business-related information which is prohibited under the Act but not excused by the cited exception. For example, the language may reasonably be read as stating that Core has no personnel or physical assets within Israel and no other commercial relationships with that country. The furnishing of such information is not excused by the exception cited by Core.

(2) *Core's Contention that It Was Providing a Permissible Negative Certificate of Origin.*

The Act and regulations permit U.S. persons to comply with certain aspects of the import and shipping document requirements of a boycotting country with respect to the country of origin of the goods. 15 CFR 369.3(b)(1)(i). Prior to June 21, 1978, they permitted U.S. persons to provide a negative certificate of origin in transactions such as were involved here. The negative certificate of origin was a not infrequent practice of companies dealing with boycotting states prior to passage of the Act and the Act was intended to phase out that practice, permitting positive statements of origin only. The period of time during which it was still permissible to supply negative statements of origin ended on June 21, 1978.

The first sentence of the stamp which Core Laboratories used states: "None of the equipment or supplies described in this ———— are of Israel origin nor do they contain Israeli materials." That comment is conceded to have been a permissible negative statement of origin under the regulations in effect prior to June 22, 1978.

However, counsel for Core Laboratories, Inc., contends that the language challenged in this proceeding ("Core Laboratories, Inc., has no direct connection whatsover with Israel") also amounted to no more than a negative certificate of origin of the goods. As Judge Dolan observed, Core's assertion is strained since the language does not explicitly address the place of manufacture or the origin of the materials. Indeed, the language is not only ambiguous about the country of origin but would have to be considered redundant when compared with the previous sentence on the stamp. The plain meaning of the sentence goes well beyond issues of country of origin and disclaims any relationship at all between Core and the boycotted country. In addition, Core has not established that the furnishing of such

[7] The record reveals that the challenged language was added by the secretary to the President of Core's export company and that the secretary believed it was Core's policy to supply such information, notwithstanding Core's attempts to achieve compliance with the Act three months earlier. Affidavit of Joan Chapman (June 5, 1981) para. 7. While the President of Core's exporting company was familiar with Core's efforts to achieve compliance, he failed to detect the recurrence of Core's boycott-related language in the document in question. Affidavit of George H. Venner, Jr. (June 5, 1981) para. 2. In addition, while Core had required that all statements of "policy or position in the foreign boycott area" be cleared by its executive vice-president, Affidavit of Gould Whaley, Jr. (June 10, 1981) para. 2, the document in question was not so cleared.

[8] Brief of Core (June 26, 1981) p. 28.

broad information was a "requirement" of the countries to which it made its shipments, within the meaning of 15 CFR 369.3(b)(1). Core's argument that the language was adopted prior to either the passage of the Act or the implementing regulations is similarly unpersuasive. As Judge Dolan pointed out in the Initial Decision on Remand:

> "When the law changed in 1977, it was incumbent upon those practicing in the field to ascertain its impact upon their operations, and make appropriate changes. Core simply failed to do that." Initial Decision on Remand (May 4, 1982) at 14.

(3). *Core's Contention that Its Conduct is covered by the "Grace Period" of 15 CFR 369.3(b)(2).*

In a contention closely related to the preceding point, Core urges that its conduct is excepted from the Act's prohibitions by the grace period contained in 15 CFR 369.3(b)(2). To understand Core's contention, it is necessary to put this grace period into its regulatory context.

As noted in the preceding section, the Act and regulations contain an exception for the furnishing of certain categories of information pursuant to the requirements imposed by boycotting countries with respect to import and shipping documents. 50 U.S.C. app. 2403–1a(a)(2)(B); 15 CFR 369.3(b)(2). The categories of information which may be provided pursuant to such requirements relate to: (1) The country of origin of the goods; (2) the name of the carrier; (3) the route of the shipment; (4) the name of the supplier of the shipment; and (5) the name of the provider of other services. *Id.*

At the time of passage of the Act, however, Congress was aware that U.S. persons had sometimes provided those categories of information in "negative" terms, e.g., the goods are *not* of Israeli origin.

While Congress did not seek to prevent U.S. persons from agreeing to honor primary aspects of a boycott with respect to their shipments to boycotting countries, 15 CFR 369.3(a)(1) ("Compliance with Import Requirements of a Boycotting Country"), it regarded the furnishing of "negative" certificates concerning such compliance as a practice not compelled by the primary boycott and inconsistent with U.S. antiboycott policy.[9] For that reason, it did not except such "negative" certifications from the prohibition on the furnishing of business-related information but merely provided a brief grace period during which U.S. persons would be expected to eliminate such negative certificates from their business practices. However, the touchstone for both the general exception of § 369.3(b) and the "grace period" within it is to relationship of the required information to the primary boycott.

Core seeks to turn this grace period into an exception for any negative language so long as the language "appeared on import and shipping documents and was not obviously and wholly unrelated to the ordinary purposes of such documents." (Respondent's Brief on Issues Submitted for Preliminary Decision (June 4, 1981) at 21). In other words, Core seeks to ignore the Congressional purpose behind the "grace period" of § 369.3(b)(2) and to make it applicable to the furnishing of negative information whether or not required by the boycotting country as part of its primary boycott. There is no basis in the Act or regulations for such a construction.

In both the Act and the regulations, the grace period is made applicable only to negative certifications: (1) Of the five types of information previously described, (2) which are required by the boycotting countries. The Act, after permitting compliance with requirements with respect to the five categories of information, states that no information "in response to such requirements" may be stated in the negative after the grace period. 50 U.S.C. app. 2403–1a(a)(2)(B). The regulations first itemize the information which may be provided pursuant to such requirements, 15 CFR 369.3(b)(1), and then state that "all such information" must be in positive terms after the grace period. 15 CFR 369.3(b)(2).

To read the grace period in the manner proposed by Core would be inconsistent with the Congressional purpose manifest in the Act and would exempt from the Act conduct never contemplated by Congress for such treatment. Core's language, while boycott-supportive, was not *required* by a boycotting country and is much broader than that permitted by 15 CFR 369.3(b)(1). The disclaimer of any connection with Israel "direct or indirect" can reasonably be construed as extending beyond the area covered by the primary boycott and into the secondary or tertiary boycott, involving relationships with black-listed persons. Section 369.3(b) provides no rationale for exempting such language from the prohibitions of the Act.

Core seeks to bolster its argument by citing several interpretations of the Act and regulations issued by the Department 15 CFR Part 369, Supp's. Nos. 1 and 2. These interpretations deal with a complex series of facts concerning certifications relating to shipping and insurance services which boycotting countries were requiring of U.S. persons seeking to do business with them. One part of the first interpretation permits parties unrelated to a vessel to comply with a boycotting country requirement for a certification that a vessel is "eligible" or "otherwise eligible" to enter a boycotting country's ports on the basis of the "grace period" in 15 CFR 369.3(b)(2).

Core asserts that the "eligibility" certification has nothing to do with the five types of information referred to in 15 CFR 369.3(b)(1). Indeed, Core asserts that these interpretations should be read as extending the grace period "to *any* information furnished on impact and shipping documents prior to June 22, 1978." (Respondent's Brief (June 29, 1981) at 18.)

As already noted, the grace period of 15 CFR 369.3(b)(2) is applicable only with respect to information: (1) Which boycotting countries *require* U.S. persons to supply, and (2) which relates to the five subjects denominated in 15 CFR 369.3(b)(1). The interpretations cited by Core are consistent with these principles. As a reading will disclose, the interpretations are all premised on the boycotting countries requiring that the information in question be provided by U.S. persons. While Core has acknowledged the boycott-related nature of its own language, it has not demonstrated that such information was required by the countries with which it was dealing.

While the certifications dealt with in the interpretations do not precisely track the language used in 15 CFR 369.3(b)(1), they are, contrary to Core's contention, quite properly viewed as falling within the categories described in that subsection. The statutory and regulatory language itemize these five categories as the general areas of inquiry for boycotting countries seeking to enforce their primary boycotts. The examples to the regulations provide concrete

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[9] In adopting the Act, Congress recognized "the futility of attempting to legislate against a primary boycott itself." S. Rep. No. 95–104, *supra* at 24. Noting that "[a]ll countries, including the United States, insist on a right to refuse trade with their enemies," *id.*, Congress permitted compliance with boycotting country requirements designed to prevent goods, services, and carriers of the boycotted country from entering the boycotting country. It also permitted compliance with boycotting country documentation requirements needed to carry out the primary boycott. However, "in order to prevent this exception from being used as a device for enforcement of the secondary or tertiary dimensions of a boycott, or to act as a psychological barrier to trade with the boycotted country or black-listed firms," *id.*, it barred negative certifications in response to these documentation requirements after a specified adjustment period [the "grace period" of 15 CFR 369.3(b)(2)].

illustrations of language which falls within these categories, and the interpretations cited by Core are further demonstrations of the way in which the exception is to be applied to concrete factual situtions. The interpretations, like the examples, are founded on the Congressional intention to except ony those types of information necessary to comply with primary boycott requirements, whatever form of language is employed. Thus, while the interpretations deal with the certification of vessel "eligibility," they interpret that language as emanating from primary boycott concerns with the affiliation of carriers entering territorial waters—a concern identified in categories (ii) and (iii) of the regulation. Since Core's language is not limited to the primary-boycott-related categories of 15 CFR 369.3(b)(1) and the interpretations, it cannot claim the benefits of 15 CFR 369.3(b)(3)'s grace period.

3. Core's Contentions Concerning Sanctions

Core raises a number of issues pertinent to the sanctions applied in this case, including challenges to the number of violations determined by the ALJ, the size of the civil penalties assessed and the ability of the enforcement counsel to seek increased penalties on this appeal. With regard to the number of violations which occurred, the controlling statutory langauge states:

> The head of any department or agency * * * or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed $10,000 for *each* violation of this Act or any regulation, order or license issued under this Act * * *. (Emphasis added.) 50 U.S.C. App. 2406(c) (1976 & Supp. I, 1977).

Core argues that only two, or at most five, violations can be found here, not the twenty-eight determined by the ALJ. Core's reasoning is as follows: twenty-seven invoices were stamped using the *same* stamp pursuant to *one* corporate policy, thus constituting *one* violation. Alternatively, Core argues that its shipments went to only four countries, and if each destination is counted as a separate violation, then there would be a total of four violations. The response to the Iraq National Oil Company would constitute the second or fifth violation under Core's alternative theories.

In support of its interpretation, Core sites, *SEC* v. *Sloan*, 436 U.S. 103, 112 (1978), in which the court held that the SEC had no authority, under a provision permitting summary suspension of stock trading for up to 10 days, to issue a series of suspension orders based on a "single set of circumstances." The *Sloan* case is of little precedential value here, however, In *Sloan*, in contrast to the present case, it was clear that a single manipulative scheme provided the basis for the agency's actions and the question addressed by the Court was not how many violations were involved but whether the SEC could use its summary suspension authority to effect a long-term suspension of trading. Noting that in other portions of the Securities Exchange Act of 1934 Congress had required notice and an opportunity for hearing before the imposition of long-term trading restrictions, the court rejected the SEC's use of its summary remedial authority in the circumstances before it.

In its brief on appeal, Core also notes the rejection of an argument similar to its argument in *United States* v. *Reader's Digest Association*, 662 F. 2d 955 (3d Cir. 1981). In that case, the defendant argued that each of its mass mailings, and not each individual distribution of deceptive material, constituted a violation of the cease and desist order entered against it by the FTC in settlement of an earlier administrative proceeding under Section 5 of the Federal Trade Commission Act. 15 U.S.C. 45.

The pertinent statute, 15 U.S.C. 45(l), provided that a civil penalty should be paid "for each violation of a current order and the order prohibited the distribution of any simulated item of value. The court held that each letter containing simulated items of value constituted a separate violation for civil penalty purposes and that the defendant's contention would eviscerate any punitive or deterrent effect of FTC penalty proceedings. 662 F.2d, at 967. On the basis of the facts in the present case and the pertinent provisions of the Act, Core's contentions concerning the number of violations involved here must be rejected.

The $81,300 in civil penalties assessed by the ALJ is also challenged by Core as excessive, while enforcement counsel press for larger penalties. core asserts that enforcement counsel, not having appealed from the ALJ's determination, cannot seek an increase in penalties before me. The appeal procedures of the Department of Commerce generally contemplate that the issues on appeal will be those raised by the appellant in his papers, 15 CFR 388.22, but Core has raised the appropriateness of the penalty amount in its papers. Once the appeal is taken and the issue raised, the Assistant Secretary for Trade Administration has all the powers which the ALJ has in making the initial decision and is free to endorse, reject, or modify the sanctions set by the ALJ. 5 U.S.C. 557(b)(1976).

However, after a full consideration of the record and of the ALJ's decision, I find his assessment of $3,000 for the first 27 violations and $300 for the 28th to be reasonable in the circumstances presented here.

Core also protests the inclusion of new conditions in the remedial order by the ALJ. The paragraph inserted at the end of the Order would revoke Core's export privileges for one year unless one-half of the monetary penalty was paid within 30 days of the final date of the order. This language did not appear in the Initial Decision.

Although it is within my power on appeal to impose such a sanction since it is well within the parameters allowed by law, I am not convinced such a provision is appropriate here. It does not appear that the parties were given an opportunity to consider this provision prior to its imposition or to argue its merits before the ALJ. Nor did the ALJ provide any explanation for this modification of his earlier decision. In these circumstances, I can see no reason to include it in the remedial order in this case.

Order

A civil penalty of $81,300 for the twenty-eight violations of 15 CFR 369.2(d) is assessed against the Defendant, Core Laboratories, Inc. The payment of one-half of that amount is suspended for one year from the data on which the Department of Commerce's final administrative action in this case becomes effective and on condition: (a) that the Defendant commit no further violations of the Export Administration Act during that period, and (b) that it submit within 90 days of the effective date of this Order as stated above, and have approved by the Deputy Assistant Secretary for Export Administration, a satisfactory plan for continuing training of its staff on understanding of and compliance with the Export Administration Act.

So Ordered.

Dated: March 14, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration, U.S. Department of Commerce.

[FR Doc. 83-8752 Filed 4-4-83; 8:45 am]

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Anhydrous and Aqua Ammonia From Mexico; Preliminary Affirmative Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

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ACTION: Preliminary Affirmative Countervailing Duty Determination.

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Mexico of anhydrous and aqua ammonia, as described in the "Scope of Investigation" section of this notice. The estimated net bounty or grant is 3.18 percent *ad valorem*. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the merchandise subject to this determination which is entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or the posting of a bond on the merchandise in the amount equal to the estimated net bounty or grant. If this investigation proceeds normally, we will make our final determination by June 10, 1983.

EFFECTIVE DATE: April 5, 1983.

FOR FURTHER INFORMATION CONTACT: Mary A. Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377–1273.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that the government of Mexico provides certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), to manufacturers, producers, or exporters in Mexico of anhydrous and aqua ammonia, as described in the "Scope of Investigation" section of this notice. We estimate the net bounty or grant to be 3.18 percent *ad valorem*.

Case History

On October 28, 1982, we received a petition from counsel of behalf of the industry in the United States producing anhydrous and aqua ammonia. The petition alleges that the government of Mexico bestows bounties or grants upon the manufacture, production, or exportation of anhydrous and aqua ammonia within the meaning of section 303 of the Act.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation and, on November 14, 1982, we started an investigation (47 Fed. Reg. 53440). We stated that we expected to issue a preliminary determination on or before January 21, 1983.

On December 29, 1982, we postponed the preliminary determination until not later than March 28, 1983. Under section 703(c)(1)(B) of the Act, we determined that the case is extraordinarily complicated because the alleged subsidy practices are numerous and complex and present novel issues (48 Fed. Reg. 683). We determined that the government of Mexico and the other parties concerned were cooperating, and that additional time was necessary to make the preliminary determination.

Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and therefore section 303 of the Act applies to this investigation. Under this section, since certain of the merchandise being investigated is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission (ITC) is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry. Similarly, with respect to the merchandise which is nondutiable, no injury determination is required by the ITC because there are no "international obligations" within the meaning of section 303(a)(2) of the Act which require such a determination for nondutiable merchandise from Mexico.

On December 6, 1982, we presented a questionnaire concerning the allegations in the petition to the government of Mexico in Washington, D.C. In a letter dated December 16, 1982, the government of Mexico requested that this case be designated "extraordinarily complicated" under section 703(c)(1)(B) of the Act. The government of Mexico submitted a response to our questionnaire on February 1, 1983. Additional information was supplied on February 4, 1983. After reviewing the government of Mexico's response, we submitted additional questions and requests for information in a letter dated February 18, 1983. The government of Mexico responded by providing additional information on March 4, 1983.

Petroleos Mexicanos (Pemex), which is a special governmental organism that produces and exports ammonia, provided additional information on March 17 and 25, 1983.

Scope of Investigation

The merchandise covered by this investigation is anhydrous and aqua ammonia from Mexico. The merchandise is currently classified under *Tariff Schedules of the United States Annotated* (TSUSA) numbers 480.6540, 480.6560, 417.2000, and 417.2200.

Anhydrous and aqua ammonia imported under item numbers TSUSA 480.6540 and 480.6560 are duty free. Imports of anhydrous and aqua ammonia under TSUSA item numbers 417.2000 and 417.2200 are dutiable.

Currently, Pemex is the only Mexican producer of ammonia for export sales. Fertilizantes Mexicanos, S.A. (Fertimex) produces a small amount of ammonia for its own internal consumption in manufacturing ammonia-based fertilizers. Pemex exports only liquid anhydrous ammonia; it does not export aqua ammonia (ammonia in solution).

For purposes of the preliminary determination, we are measuring subsidization for calendar year 1981, the most recent period for which all data are available.

Analysis of Programs

Based upon our analysis to date of the petition and the responses to our questionnaires, we preliminarily determine the following:

I. Programs Preliminarily Determined to Confer a Bounty or Grant

We preliminarily determine that bounties or grants are being provided to the manufacturers, producers or exporters of ammonia in Mexico, under the following programs of the government of Mexico.

A. Preferential Pricing for Natural Gas Used to Manufacture Ammonia

As noted above, Pemex is the only Mexican producer of ammonia for either domestic or export sale. Fertimex produces a small amount of ammonia (approximately 16,000 metric tons per year) for its own internal consumption, but it is not authorized to make export sales of anhydrous ammonia.

Pemex is a special governmental organism created by the Decree of the Congress of the United Mexican States of June 7, 1938. The Mexican government carries out the exploration and exploitation of the nation's hydrocarbon assets through Pemex. The principal purposes of Pemex are the exploration, exploitation, refining, transportation, storage, distribution and first-hand sale of petroleum, natural and synthetic gas and refined products; the manufacture, storage, transportation, distribution and first-hand sale of petroleum derivatives which can be used as basic industrial raw materials; and such other activities as are directly or indirectly related to the petroleum and petrochemical industries.

Petitioners allege that the government of Mexio confers a bounty or grant upon Pemex as ammonia producer through its policies for natural gas, which is used as a feedstock and energy source in the

production of ammonia. First, petitioners allege that we should compare the export price of natural gas to its price to the ammonia industry within Mexico. The price of natural gas for export sales was substantially higher than the price of natural gas within Mexico during the period for which we are measuring subsidization.

The existence of a price differential between export and domestic sales of natural gas does not, in and of itself, confer a bounty or grant on ammonia producers within Mexico. Rather, we follow the criteria in section 771(5) of the Act to determine whether this practice confers either an export or domestic bounty or grant. While this investigation is governed procedurally by section 303 of the Act, an analysis of programs based on Title VII of the Act is relevant (*See* section 103(b) of the Trade Agreements Act of 1979).

We preliminarily determine that the pricing differential for export and domestic sales of Mexican natural gas confers neither an export subsidy nor a domestic subsidy upon the Mexican ammonia industry. The pricing differential does not confer a benefit contingent upon export performance, or stimulate export sales of ammonia over domestic sales. Nor does it benefit a "specific enterprise or industry, or group of enterprises or industries" within Mexico. Therefore, our preliminary view is that no bounty or grant is thereby conferred.

Petitioners also note that the natural gas is available to industrial users within Mexico at prices below those charged to other users.

There are two categories of natural gas prices in Mexico, one for industrial use and another for residential use. Both are set by the Direccion General de Precios of the Secretaria de Comercio. The industrial use category is applicable to gas sold for industrial purposes, while the residential use category applies to gas sold for residential, commercial and service uses.

According to the Mexican government, all industrial users of natural gas not receiving sector or region specific benefits under the National Industrial Development Plan (*see* section entitled "Programs Preliminarily Determined Not to Confer Bounties or Grants on the Merchandise Under Investigation" of this notice), are charged the same price for this product. Since all industrial users of natural gas can obtain this good at the same price, gas is not provided to a "specific enterprise or industry, or group of enterprises or industries" under section 771(5)(B) of the Act. Therefore, a domestic bounty or grant is not conferred. In addition, the price to all indusrial users of natural gas is not contingent upon export performance. Nor do we have any information to indicate that the pricing policy for industrial users is operated to stimulate export sales over domestic sales. Thus, this practice does not confer an export bounty or grant.

Petitioners allege a bounty or grant is conferred because Pemex's cost of natural gas used in producing ammonia is less than the price charged to other industrial users of natural gas. Because Pemex is an integrated producer, it uses its internal natural gas supplies in manufacturing ammonia rather than purchasing natural gas. Pemex accounts for internal gas usage based upon costs, calculated on an annual basis. Pemex's internal cost for natural gas used in ammonia production in 1981 was below the price of natural gas for industrial users in Mexico. We preliminarily determine that a countervailable domestic bounty or grant is thereby conferred. A specific enterprise or industry, the ammonia industry, appears to receive a good, natural gas, at rates which are preferential as compared to rates applicable to other industrial gas users in Mexico.

The fact that the same entity, Pemex, produces both natural gas and ammonia does not necessarily dictate a different result. In the context of countervailing duty investigations, where a government provides a good or service to a "specific enterprise or industry or group of enterprises or industries," we must inquire whether it does so at "preferential rates." Although the "rate" which Pemex as natural gas producer charges itself as ammonia producer for natural gas is an internal accounting matter, we nonetheless must use it as the best information available for purposes of this preliminary determination. Since Pemex's cost of natural gas used in ammonia production is less than the price which the Mexican government establishes for natural gas to other industrial gas users, we preliminarily determine that a bounty or grant is thereby bestowed.

We calculated the estimated bounty or grant Pemex received under the government of Mexico's preferential pricing policy for natural gas used for ammonia production by calculating the amount of natural gas used to produce the ammonia sold in 1981. We allocated the benefit received for ammonia sales in 1981 over the value of total sales of ammonia in 1981.

The estimated net bounty or grant for the government of Mexico's preferential pricing policy for natural gas used to manufacture ammonia is 2.96 percent *ad valorem*.

B. "Capital Contributions" from the Mexican Government

Pemex's annual reports and the government of Mexico's response show that Pemex received 6,318.2 million pesos as "capital contributions" from the federal Mexican government from 1938 until 1975. None of these contributions was directly related to ammonia production.

We asked whether these "capital contributions" were infusions of equity, grants, or loans (and if so, on what dates and terms). No adequate response has been given. For this preliminary determination, we assumed that they were grants.

Based on information given by respondent, 20 years is the estimated life of capital assets used in the ammonia industry in Mexico. We applied our grants methodology to the seven "capital contributions" bestowed during the last 20 years and allocated their benefits over 20 years. Since we allocated benefits received in one year to other years, we determined the present value of the benefits using a discount rate. We would prefer to use the long-term government bond rate in the currency involved as the discount rate. However, we were unable for this preliminary determination to locate this rate for the relevant years for the Mexican peso. Thus, the Department chose as its discount rate the U.S. long-term federal bond rate. Using the best information available, we determined the capital contributions were received in 1971 through 1975, and used the above described bond rate for the year the money was received as the discount rate. Since these rates reflect the U.S. dollar discount rates, grant amounts were converted to dollars at the peso/dollar exchange rate when the grant was given. This was done because the grants were dominated in pesos, but the source of the discount rate reflected no exchange rate risk over the period of the grant.

We calculated the estimated net bounty or grant for the "capital contributions" Pemex received from the government of Mexico by allocating the net benefit over Pemex's total sales. This amount is 0.22 percent *ad valorem*.

II. Programs Preliminarily Determined Not to Confer Bounties or Grants on the Merchandise Under Investigation

We preliminarily determine that bounties or grants are not being provided to manufacturers, producers,

or exporters in Mexico of ammonia under the following programs:

A. Preferential Export Tax Program for Petrochemicals

In a memorandum filed March 10, 1983, petitioners alleged that the government of Mexico's export tax scheme on crude oil and derivatives, excluding petrochemicals, confers a bounty or grant on the ammonia industry. After reviewing the government of Mexico's response, petitioners believe that the government of Mexico levies a 58 percent export tax on crude oil and derivatives, but either exempts or taxes at a lower rate petrochemical exports, the bulk of which is ammonia. Thus, it appears to petitioners that Pemex's export sales of ammonia are alleviated, in whole or in part, from a tax burden imposed on exports of crude oil, its derivatives, and presumably natural gas.

Petitioners argue that the Department is bound by *Hammond Lead Products, Inc.* v. *United States*, 306 F. Supp. 460 (Cust. Ct. 1969), *rev'd* 440 F. 2d 1024 (C.C.P.A.), *cert. denied*, 404 U.S. 1005 (1971). In *Hammond Lead*, the Customs Court decided that, based on the facts of that case, a Mexican tax scheme whereby all lead products except litharge were subject to a significant export tax conferred a bounty or grant. While the Department of the Treasury, the former administering authority, appealed the *Hammond Lead* decision on the merits of the case, the issue was never decided because the case was reversed and dismissed by the Court of Customs and Patent Appeals on jurisdictional grounds. Therefore, neither the Treasury nor the Commerce Department have viewed the case as precedential, and the lower court decision has not been followed.

Furthermore, in *Hammond Lead* the Court did not necessarily determine that all exemptions from export taxes are counteravailable. Although the imposition or removal of a disadvantage may affect production of a particular good and thus its trade flow, a bounty or grant does not necessarily result. Such logic would lead us to conclude that the imposition or nonimposition of virtually any disadvantage is or may be a subsidy. Any time a government intervened at the border—such as with export taxes, import duties, or quantitative import or export restrictions on a product used as an input in further production—such action arguably could increase the quantities (and possibly lower the prices) of the domestically produced input product available in further production. The proposition that such governmental actions necessarily confer bounties or grants is untenable on its face, and unsupported by the Act and its legislative history.

In any case, this investigation is distinguishable from *Hammond Lead*, where the court observed that litharge was the sole lead product exempted from an export tax. Other lead products were taxed. There is no evidence here that ammonia is the only petrochemical product exempted or allowed to pay a lower tax.

The fact that exports of natural gas—from which ammonia is made—are subject to a significant export tax undoubtedly discourages exports of natural gas. Theoretically, this could encourage the domestic sale and use of natural gas and that could stimulate production of goods derived from gas, including ammonia. However, such possible increased production would not necessarily stimulate export sales of ammonia over domestic sales, even if all such sales consequently increased. In addition, exemption from the export tax (or imposition of a lesser tax) is not contingent upon export performance by Mexican ammonia producers. We preliminarily determine that ammonia's exemption from an export tax (or subjection to a lesser tax) is not an export bounty or grant.

Nor does the export tax arrangement cited by petitioner appear to confer a domestic bounty or grant. Even if the tax scheme theoretically encourages domestic sales of natural gas at prices lower than those which would be available if there were no export tax, such gas is not provided to a "specific enterprise or industry, or group of enterprises or industries." It is instead generally available and used by a wide spectrum of industries and individual consumers, as described in the section entitled "Programs Preliminarily Determined to Confer a Bounty or Grant."

Moreover, the argument that an export tax on an input (in this case natural gas) confers a bounty or grant on a product (ammonia) using this input, must be based on the fact that the government caused the domestic price of the input to the ammonia industry to drop through use of the export tax (because less would be exported, domestic supply would increase, and the cost per unit would thereby decrease). However, actual resulting prices would depend on a complicated interaction of domestic and international supply and demand elasticities and substitution effects of the input. We have no evidence indicating that the Mexican government performed such a complicated analysis and targeted a specific industry or group of industries. Any real price effect caused in particular by the export tax would be generally available in the Mexican economy to all users of natural gas.

For the above reasons, we preliminarily determine that Mexico's imposition of a 58 percent tax on exports of natural gas, and of a lesser or no tax on exports of ammonia, does not confer a bounty or grant on ammonia producers.

B. Certificates of Fiscal Promotion for Domestically Manufactured Capital Goods

In 1979, the government of Mexico introduced a four-year National Industrial Development Plan (NIDP) which spells out broad economic goals for the country. Tax credits which are called Certificates of Fiscal Promotion (CEPROFIs) are used to promote the NIDP goals, which include increasing employment, promoting regional decentralization, and developing industry, particularly for small and medium-sized firms.

CEPROFI certificates are non-transferable tax certificates of a set value which may be used for a five-year periods to pay federal taxes. CEPROFI certificates are granted for many purposes including investments in "priority" industrial regions of the country, as well as for investments that are available to all companies on equal terms. The amount of the CEPROFI is based upon the location of the activity, the number of jobs generated, the value of the investments in new plant and equipment, or the value of purchases of capital goods produced in Mexico.

Pemex received CEPROFIs for new domestically manufactured capital goods during this period. However, these CEPROFIs are not limited to a specific industry, group of industries or to companies located in specific regions of the country. We do not consider this type of CEPROFI provided for this purpose to confer a bounty or grant. The response states that Pemex received no other CEPROFIs during the period for which we measured subsidization. (*See* section entitled "Programs Preliminarily Determined Not Used").

III. Programs Preliminarily Determined Not Used

We preliminarily determine that the following programs which were listed in the notice of "Initiation of Countervailing Duty Investigation" are not used by the manufacturers, producers, or exporters of ammonia.

A. Preferential Financing

FOMEX is a trust established by the government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury Department, with the Bank of Mexico acting as the trustee. The Bank of Mexico administers the financing of FOMEX loans through financial institutions. The financial institutions establish contracts for lines of credit with manufacturers and exporters of merchandise.

The response states that Pemex has not received any FOMEX pre-export financing with respect to ammonia and there has not been any FOMEX export financing of Pemex ammonia exports to the United States.

B. Preferential State Tax Incentives

The response states that the ammonia industry did not receive any tax incentives, tax discounts or tax rebates from Mexican state or local governments. In addition, the ammonia industry did not get any special treatment on real estate taxes or on infrastructure taxes.

C. Government Financed Technology Development

The response states that Pemex did not receive any preferential loans, grants, or other assistance under the NIDP to help acquire technology for new plant and equipment. Moreover, it states that the ammonia industry did not receive design engineering or technical assistance in planning the construction of ammonia facilities.

D. Government Financed Industrial Promotion

The response states that the ammonia industry did not receive any financial, technical, or other assistance for industrial promotion.

E. Preferential Vessel, Freight, Terminal, Insurance and Internal Transportation Benefits

The response states that the ammonia industry did not receive any direct or indirect tax rebates or price discounts or rebates on freight, vessels, insurance, or terminal storage expenses incurred for domestic transportation of ammonia from the plant to seaports, or from the plant to border points for export to the United States. In addition, the response states the ammonia industry did not receive any direct or indirect tax rebates or any price discounts or rebates on brokerage, seaport handling, ocean freight, or ocean insurance for exportation of ammonia to the United States.

F. Free Export Marketing Promotion

The response states that the ammonia industry has not received overseas marketing and technical services from the Mexican Foreign Trade Institute for exportation of ammonia to the United States.

G. Import Duty Rebates on Equipment Used in Export Production

The response states that the ammonia industry has not received import duty reductions or rebates on imported equipment used by the ammonia industry.

H. Mexican Credit Insurance

Petitioners allege that Mexican manufacturers receive from Compania Mexicana de Seguros de Credito (COMESEC) commercial risk insurance at preferential rates for exports. COMESEC is a company founded by law and owned by private insurance companies which provide export insurance. The Mexican government's response states that PEMEX does not use COMESEC commercial risk insurance.

I. Dual Level Currency Exchange

Petitioners allege that manufacturers, producers, or exporters of ammonia receive benefits under a discriminatory dual exchange rate system.

The government of Mexico's response states that the dual exchange rate was not applicable to Pemex, because Pemex is permitted to maintain a dollar account for the purpose of making payments with respect to foreign purchases and foreign debt obligations.

J. CEPROFIs for Priority Sectors and/or Regions

During the period for which we are measuring subsidization, the government of Mexico's response states that PEMEX did not receive any CEPROFIs for the purpose of encouraging industrial development in specific regions of Mexico, or benefits targeted to a specific sector or sectors of the economy.

K. Certificado de Devolucion de Impuesto (CEDI)

The CEDI is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b. value of the exported merchandise or, if national insurance and transportation are used, a percentage of the c.i.f. value of exported product.

The government of Mexico suspended the eligibility of all products for CEDI tax rebates by an Executive Order published on August 25, 1982, in the *Diario Oficial de la Federacion* (Official Gazette).

The response states that ammonia never was, and is not now, eligible for CEDI.

L. Preferential Pricing of Industrial Energy or Basic Petrochemical Products

The regulations regarding price differentials published in the official publication of the Mexican government on December 29, 1978 and June 19 and 21, 1979 state that companies in a priority development zone (Category 1–A) can receive 30 percent discounts on the cost of their industrial energy. Also, petrochemical companies in this priority development zone under certain conditions, including agreeing to export 25 percent of their product for three years, are eligible to receive a 30 percent discount on their consumption of basic petrochemical products. While the former appears to be a regional benefit and the latter an export benefit, the response states that no price differentials have been granted to the ammonia industry.

IV. Programs For Which We Are Seeking Further Information

A. Exemption From Revenue Tax on Natural Gas Sales

Petitioner alleges that the ammonia industry receives a bounty or grant, if Pemex does not pay a 27 percent revenue tax when it transfers, within the corporation, natural gas for ammonia production, which Pemex must pay when it sells natural gas to unrelated domestic buyers. We note that it is a normal commercial and tax practice for a company not to incur taxes on intra-corporate transfers of goods where there is no sale. In any event, we currently lack sufficient information to determine whether Pemex pays a 27 percent tax on transfers of natural gas to its ammonia facilities, or whether it is exempted from such a tax when it sells natural gas to unrelated parties. Therefore, we will seek further information on this issue before our final determination.

B. Short-term Loans and Borrowings

The response states that Pemex received various short-term loans at rates corresponding to market rates from the Fondo de Financiamento del Sector Publico, and that National Financiera acts as its agent for

borrowings on commercial terms.

We will seek information about these loans so that we can determine whether or not they were made on terms inconsistent with commercial considerations.

Verification

In accordance with section 776(a) of the Act, we will verify the information used in making our final determination.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of anhydrous and aqua ammonia from Mexico which was entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**, and to require a cash deposit or bond for each such entry of the merchandise in the amount of 3.18 percent *ad valorem*.

This suspension will remain in effect until further notice.

Public Comment

In accordance with section 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on May 3, 1983, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy (for Policy) to the Deputy Assistant Secretary by April 26, 1983.

Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.34 within 30 days of this notice's publication, at the above address and in at least 10 copies.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-8873 Filed 4-4-83; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

National Oceanic and Atmospheric Administration; Implemeneting the National Environmental Policy Act; and Environmental Effects Abroad of Major Federal Actions

This Notice supersedes the materials appearing at 45 FR 47898 of July 17, 1980 and 45 FR 80855 of December 8, 1980.

The revision of Department Administrative Order 216-6, "Implementing the National Environmental Policy Act", implements Section 102(2) of the National Environmental Policy Act and the Council on Environmental Quality regulations published pursuant to the Act.

The revision of Department Administrative Order 216-12, "Environmental Effects Abroad of Major Federal Actions", implements requirements set forth for the preparation of environmental documents for use by Federal agencies in reaching decisions on major Federal actions having significant effects on the environment abroad.

Both Orders are effective March 10, 1983. The revisions of both Orders represent general updates with particular focus on the redesignation of Departmental units and officials responsible for executing the Orders to reflect that the Administrator, NOAA, has primary implementing responsibility, supported by the NOAA Ecology and Conservation Division.

For further information contact: Edward J. Wilczynski, Environmental Compliance Officer, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Room 6800, Washington, D.C. 20230, (202) 377-5181.

Frederick R. Jones,

Acting Director, Office of Organization and Management Systems.

[FR Doc. 83-8852 Filed 4-4-83; 8:45 am]

BILLING CODE 3510-DK-M

Office of the Secretary

[Dept. Organization Order 10-14, Transmittal 664]

Department Organization Order; Assistant Secretary and Commissioner of Patents and Trademarks

EFFECTIVE DATE: February 28, 1983.

This Order effective February 28, 1983 supersedes the material appearing at 40 FR 16707 of April 14, 1975 and 45 FR 49311 of July 24, 1980.

Section 1. Purpose

.01 This Order prescribes the scope of authority and functions of the Assistant Secretary and Commissioner of Patents and Trademarks. (The functions of the Patent and Trademark Office are covered in DOO 30-3.)

.02 This revision reflects the fact that the Commissioner is now an Assistant Secretary of Commerce, and Congressional intent that the new Assistant Secretary play a key role in intellectual property issues confronting the nation.

Section 2. Status and Line of Authority

.01 The Patent and Trademark Office is hereby continued as a primary operating unit of the Department of Commerce. First established by the general revision of patent laws enacted by Congress July 4, 1836, (5 Stat. 117) as the Patent Office, an independent bureau under the direction of a Commissioner of Patents, it became a part of the Department of Commerce by Executive Order of April 1, 1925, in accordance with the authority contained in the Act of February 14, 1903 (32 Stat. 830). When the patent laws were codified as Title 35, United States Code, effective January 1, 1953, the Patent Office was continued as an office in the Department of Commerce. By Public Law 93-596, effective January 2, 1975, the name of the Patent Office was changed to "Patent and Trademark Office" and the Commissioner of Patents was designated as the "Commissioner of Patents and Trademarks." By Public Law 97-366 the Commissioner was given the title of Assistant Secretary of Commerce.

.02 The Assistant Secretary and Commissioner of Patents and Trademarks (hereinafter "the Assistant Secretary"), who is appointed by the President by and with the advice and consent of the Senate, shall be the head of the Patent and Trademark Office. The Assistant Secretary shall be principally assisted by a Deputy Assistant Secretary who shall also serve as Deputy Commissioner, five Assistant Commissioners, whose titles and status are specified below, and a Solicitor. As provided by 35 U.S.C. 3, the Deputy Commissioner and the first two Assistant Commissioners are appointed by the President by and with the advice and consent of the Senate.

a. The Deputy Assistant Secretary and Deputy Commissioner.

b. The Assistant Commissioner for Patents (an Assistant Commissioner under 35 U.S.C. 3).

c. The Assistant Commissioner for Trademarks (an Assistant Commissioner under 35 U.S.C. 3).

d. The Assistant Commissioner for Administration.

e. The Assistant Commissioner for Finance Planning.

f. The Assistant Commissioner for External Affairs.

.03 The Deputy Assistant Secretary or, in the event of a vacancy in that office, the Assistant Commissioner appointed under 35 U.S.C. 3 who is senior in date of appointment, shall act as Assistant Secretary during a vacancy in that office. In the absence of the Assistant Secretary the Deputy Assistant Secretary shall act as Assistant Secretary. If the Deputy Assistant Secretary is likewise absent or that office is vacant, one of the Assistant Commissioners or the Solicitor of the Patent and Trademark Office shall act as Assistant Secretary in an order of precedence prescribed by the Assistant Secretary.

.04 The Assistant Secretary shall report and be responsible to the Secretary of Commerce.

Section 3. Delegation of Authority

.01 Pursuant to the authority vested in the Secretary of Commerce by 35 U.S.C. 3 and Reorganization Plan No. 5 of 1950, the functions of the Patent and Trademark Office and its officers specified in Title 35 of the U.S. Code, as amended, are hereby vested in the Secretary of Commerce and redelegated to the Assistant Secretary.

.02 Pursuant to the authority vested in the Secretary of Commerce by law, the Assistant Secretary is hereby delegated authority to perform the following functions vested in the Secretary of Commerce:

a. The functions in Title 15, Chapter 22 of the U.S Code, which pertain to trademarks;

b. The functions in Executive Order 10096 (except section 5) and Executive Order 10930, insofar as these functions relate to determining the ownership of patents and rights to inventions made by Government employees;

c. The functions in 42 U.S.C. 2181 and 2182, which pertain to inventions relating to atomic weapons, and in 42 U.S.C. 2457, which pertain to property rights in inventions made in performance of work under contract for the National Aeronautics and Space Administration;

d. Approve regulations for the conduct of proceedings in the Patent and Trademark Office, as provided in 35 U.S.C. 6(a); and

e. Such functions under other authorities of the Secretary of Commerce as are applicable to performing the functions assigned in this Order.

.03 Exercise of the authorities delegated in paragraphs .01 and .02 of this section shall be subject to such policies or directives as the Secretary of Commerce may prescribe.

.04 The Assistant Secretary may, except as precluded by law or regulation, redelegate the authorities in this section to employees of the Patent and Trademark Office subject to such conditions in the exercise of the delegated authorities as the Assistant Secretary may prescribe.

Section 4. Functions

The Assistant Secretary shall perform the following functions:

.01 Examine applications for patents to determine if they meet the requirements of law for the issuance of patents and, upon such determination, grant patents.

.02 Administer special laws and regulations as to secrecy of certain inventions, licenses for foreign filing, and those relating to atomic energy and space technology.

.03 Decide the ownership of patents and the rights to inventions made by Government employees, as provided by Executive Orders 10096 and 10930.

.04 Provide for the publication, storage, dissemination, and exchange of patents and related documentation.

.05 Maintain systems and facilities providing appropriate access to U.S. and foreign patents and other technical literature for use of the examiners and the public.

.06 Examine applications for the registration of trademarks to determine their entitlement to registration under the law; give public notice of trademarks allowed for registration and publish registered trademarks; maintain the Principal and Supplemental Registers of trademark registrations, and provide for public access to such registers and related trademark records.

.07 Issue patents and certificates of trademark registration.

.08 Reissue defective patents and issue certificates of correction of patents and trademark registrations.

.09 Maintain records as to proprietary interests in patents and trademark registrations and applications therefor.

.10 Carry on or authorize studies and programs, separately or in coordination with other United States, foreign, and international agencies, regarding domestic and international patent and trademark law.

.11 Serve as a Receiving Office, International Searching Authority, and Designated Office as necessary under the Patent Cooperation Treaty.

.12 Reexamine patents based on requests, filed by anyone, that raise a substantial new question of patentability.

.13 Serve as focal point within the Department and be prepared, when requested by appropriate authority, to serve as spokesperson for the Executive Branch for the broad range of intellectual property issues confronting the Nation, both domestically and in the international sphere.

.14 Perform other functions required, or which the Assistant Secretary deems necessary and proper, in exercising the authority delegated herein.

Arlene Triplett,

Assistant Secretary for Administration.

[FR Doc. 83-8853 Filed 4-4-83; 8:45 am]

BILLING CODE [illegible]

[Dept. Organization Order 15-3; Transmittal 559]

Department Organization Order; Office of Public Affairs

Effective Date: January 27, 1983.

This Order effective Janaury 27, 1983 supersedes the materials appearing at 45 FR 69534 of October 21, 1980.

Section 1. Purpose

.01 This Order prescribes the functions, responsibilities, and organization of the Office of Public Affairs.

.02 This revision provides for a realignment of the Office's structure, including the establishment of the Public Liaison Division, abolishment of the Special Projects Division, and addition of photographic services; reflects the present responsibilities of the Director with respect to public affairs functions in the operating units; and generally updates the provisions of the Order.

Section 2. Status and Line of Authority

.01 The Office of Public Affairs, a Departmental office, shall be headed by the Director of Public Affairs who reports and is responsibile to the Secretary. The Director is the principal advisor to the Secretary on public affairs matters; is responsible for the overall public information program of the Department, including policy oversight of the public affairs staffs in the operating units; and serves as the primary liaison for the Department with other Government agencies on public affairs matters.

.02 The Director shall be assisted by a Deputy Director, who acts for the Director in the latter's absence.

Section 3. Functions

The Office of Public Affairs shall:

a. Plan, develop, and implement, in concert with the heads of the operating units, a Departmentwide public information program to support major Departmental priorities and meet the needs of individual operating units;

b. Prepare and issue press releases and broadcast material on matters involving the Secretary or Deputy Secretary, and other officials as appropriate;

c. Provide, or supervise the provision of, other public affairs services required by the Secretary, Deputy Secretary, and other officials of the Department, including the handling of news conferences, arranging for radio, television, and other interviews, and arranging personal appearances;

d. Review and approve for release all news items and related materials, speeches, publications, audiovisual materials for external use, and adverstising programs for public affairs purposes;

e. Maintain liaison with the White House Office of the Press Secretary and Office of Public Affairs, and with counterpart offices in other Government Agencies, to promote consistency and coordination between the Department's public information activities and those of the Executive Banch as a whole;

f. Provide liaison with outside public groups and organizations concerned with the Department's activities;

g. Advise and assist the Office of the Secretary and other offices as appropriate, by providing information, analysis, and news services concerning press and radio/TV coverage of Department activities;

h. Provide advice, assistance and support to the public information programs in the operating units;

i. Review periodically with operating unit heads and their senior public affairs officers the effectiveness of the units' public affairs programs relative to Departmental and operating units' priorities. Furnish results of these reviews to the Secretary;

j. Share with operating until heads the responsibility for preparing periodic performance evaluations on each operating unit's senior public affairs officer;

k. Provide advance consultation and clearance to the heads of operating units concerning the selection of persons to fill all positions at GS–13 or above in public affairs offices in the operating units. Also provide, in addition to the standard counterpart clearances provided by DAO 202–250, informal advance consultation and clearance on all significant personnel actions involving public affairs employees in the operating units at grade GS–9 or above; this encompasses hiring, promotions, and intra-Department transfers; and

l. Review, in accordance with DAO 205–12, Freedom of Information Act requests from the media and proposed responses. Review and evaluate all Freedom of Information Act appearls and the proposed reply to each, as also provided in DAO 205–12.

Section 4. Organization

.01 The *Office of the Director* shall include:

a. The Deputy Director of Public Affairs;

b. The Speechwriter for the Secretary and Deputy Secretary;

c. The Special Assistant; and

d. An Administrative Services Coordinator.

The Director, or a designee, shall provide direction and supervision to the Department's photographic staff.

.02 The *News Relations Division* is responsible for relationships with the media. The Division shall consist of:

a. A *News Room Branch* which is responsible for:

1. Providing liaison and assistance to representatives of the media on a day-to-day basis;

2. Preparing press releases, articles, and other materials on Department-level matters;

3. Reviewing and approving for issuance press releases from operating units;

4. Advising and assisting the public information staffs in the operating units in the preparation and distribution of releases and public information material; and

b. An *Audiovisual Branch* which is responsible for:

1. Developing and producng radio/TV news and features including the Department's Spotmaster service;

2. Advising and assisting Departmental offices and operating units in the use of the Department's radio/TV facilities;

3. Coordination and control of the technical and editorial quality of audiovisual materials produced by the Department, including the approval of proposed audiovisual productions;

4. Review and approval of requests for major audiovisual equipment for all Department elements, to insure quality, compatibility, and elimination of duplication;

5. Preparing guidelines for the development, production, procurement, and distribution of audiovisual materials, and assisting operating units with technical advice;

6. Considering exhibit events for joint participation by the Department's exhibiting units, and deciding purchases of exhibit materials for joint exhibits;

7. Maintaining an inventory of audiovisual equipment available within the Department, and providing suitable equipment and services for in-house meetings and conferences; and

8. Providing audiovisual services for the Secretary and Deputy Secretary, and other elements of the Office of the Secretary.

.03 The *Public Liaison Division* is responsible for relations with the public, and with non-business groups and organizations concerned with the work of the Department. The Division shall:

a. Maintain liaison with outside public groups and organizations;

b. Coordinate media interviews;

c. Evaluate the Secretary's senior staff's speech invitations, and operate a Speakers Bureau to provide, where appropriate, Department spokespersons to groups and organizations which request them;

d. Develop, implement, and administer the "Advance System" to provide for prior arrangments and necessary liaison for public appearances by the Secretary and Deputy Secretary, and other officials, as requested;

e. Coordinate program briefings to the Secretary and Deputy Secretary prior to their national and international appearances; develop briefing books in connection with news conferences and for official travel by the Secretary or Deputy Secretary; and provide these services for other officials, as requested;

f. Handle Presidental/Secretarial messages to organizations and individuals; and

g. Assign, edit, and arrange for publication of special articles and op-eds relating to the Department and Departmental issues;

h. Review all proposed Departmental publications with respect to policy and editorial content, purpose, and justification; and

i. Provide for internal communications through, but not limited to publication of the departmental employee newspaper.

Section 7. The Public Affairs Council

The Public Affairs Council, headed by the Director of Public Affairs, shall consist of the head of the public information function in each operating unit. The Council shall:

a. Serve as a mechanism for disseminating Department policy concerning public affairs matters;

b. Advise the Director with respect to public information problems and developments;

c. Coordinate, as directed by the Director, major public affairs projects

affecting more than one element of the Department; and

d. Represent the views of the heads of operating units in discussions with the Director.

Arlene Triplett,

Assistant Secretary for Administration.

[FR Doc. 83-8854 Filed 4-4-83; 8:45 am]

BILLING CODE 3510-DK-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Additional Import Controls on Certain Man-Made Fiber Textile Products From the Republic of Korea

March 31, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling cotton sweaters in Category 345, cotton nightwear in Category 351, other woven fabrics, wholly of continuous man-made fibers, in Category 612, and man-made fiber brassieres in Category 649, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1983 at respective levels of 53,519 dozen, 102,279 dozen, 88,087,749 square yards, and 464,998 dozen.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

SUMMARY: Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of Decembr 14, 1982, between the Governments of the United States and the Republic of Korea, the United States Government has decided to control imports of cotton and man-made fiber textile products in Categories 345, 351, 612 and 649, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1983, in addition to those categories previously designated.

EFFECTIVE DATE: April 6, 1983.

FOR FURTHER INFORMATION CONTACT: William Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 30, 1982, there was published in the **Federal Register** (47 FR 58338) a letter dated December 23, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products produced or manufactured in the Republic of Korea, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1984. In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports of cotton and man-made fiber textile products in Categories 345, 351, 612, and 649, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1983. Accordingly, in the letter pubished below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of cotton and man-made fiber textile products in Categories 345, 351, 612 and 649 in excess of the designated levels of restraint. The levels of restraint have not been adjusted to account for any imports after December 31, 1982. As the data become available, charges will be made to account for the period which began on January 1, 1983 and extends to the effective date of this action, as well as thereafter.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

March 31, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 23, 1982 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of Korea.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 14, 1982, between the Governments of the United States and Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 6, 1983 and for the twelve-month period which began January 1, 1983 and extends through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 345, 351, 612, and 649, produced or manufactured in Korea and exported on or after January 1, 1983, in excess of the following levels of restraint:

Category	12-month level of restraint [1]
345	53,519 dozen.
351	102,279 dozen.
612	88,087,749 square yards.
649	464,998 dozen.

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1982.

Textile products in Categories 345, 351, 612, and 649 which have been exported to the United States prior to January 1, 1983 shall not be subject to this directive.

Textile products in Categories 345, 351, 612, and 649 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of the Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-8851 Filed 4-4-83; 8:45 am]

BILLING CODE 3510-25-M

Dropping the Import Control Established for Certain Man-Made Fiber Apparel Products From the Philippines

March 31, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Dropping the import control previously established for girls' and infants' man-made fiber underwear in Category 652 pt. (only T.S.U.S.A. Number 378.6030), produced or manufactured in the Philippines and exported during 1983.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 F.R. 55709).

SUMMARY: A data investigation has determined that most of the trade in T.S.U.S.A. Number 378.6030 from the Philippines is not infants wear. A decision has been reached, therefore, to reassign that T.S.U.S.A. number to the limit covering man-made fiber underwear in Category 652, other than infants' underwear, and to drop the import control established on Category 652 pt. (T.S.U.S.A. number 378.6030).

EFFECTIVE DATE: April 6, 1983.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 29, 1982, there was published in the **Federal Register** (47 FR 57986) a letter dated December 22, 1982 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs which established levels of restraint for cotton, wool, and man-made fiber textile products in certain specified categories, including Category 652 pt., produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. In the letter published below the Chairman of the Committee for the Implementaiton of Textile Agreements amends the letter of December 22, 1982 to drop the control previously established for man-made fiber textile products in Category 652 pt.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

March 31, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 22, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the twelve-month period which began on January 1, 1983 of certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in the Philippines.

Effective on April 6, 1983, you are directed to delete the level of restraint established in the directive of December 22, 1982 for man-made fiber textile products in Category 652 pt.

The action taken with respect to the Government of the Republic of the Philippines and with respect to imports of man-made fiber textile products from the Philippines has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83–8750 Filed 4–4–83; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 25, 1983.

The USAF Scientific Advisory Board Tactical Cross-Matrix Panel will meet at Langley AFB, Virginia, April 25–26, 1983. The purpose of the meeting will be to review TAF's role in providing tactical airpower for combined arms warfare. The meeting will convene at 1:00 p.m. and adjourn at 5:30 p.m. on the 25th and on the 26th will convene at 8:00 a.m. and adjourn at 12:00 p.m.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–8706 Filed 4–4–83; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Ad Hoc Committee to Assess Approaches to Space-Based Missile Warning Systems will hold a meeting on April 22, 1983 from 9:30 a.m. to 4:00 p.m. at the Pentagon, Washington, DC in Room 5D982.

The Group will receive classified briefings and hold classified discussions on current requirements, capabilities, advanced technologies and cost comparisons as related to potential space-based missile warning systems.

The meeting concerns matters listed in section 522(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly, the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–8404.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–8704 Filed 4–4–83; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

National Board for the Promotion of Rifle Practice; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–436), announcement is made of the following committee meeting:

Name of committee: The National Board for the Promotion of Rifle Practice (NBPRP).

Date of meeting: 20 April 1983.

Place: Salon C, Twin Bridges Marriott Hotel, Washington, DC.

Time: 0900 Hours.

Proposed Agenda

1. Executive Officer Report.
2. Executive Committee Report.
3. Budget Report.
4. Appointment of Standing Committees.
5. Revision to Army Regulation 920–30.
6. Revision to Army Regulation 920–15.
7. Revised Curriculum for Small Arms Firing Schools.
8. Junior Teams in the National Matches.
9. Remote-Scoring Rifle Target Systems.
10. DCM Support for Biathlon.
11. Proposed National Trophy Team Award.
12. Program Objectives for the NBPRP.
13. Title 10, United States Code, Section 4307–4313.
14. Revision to Title 10, United States Code, Sections 4307–4313.

This meeting is open to the public.

Persons desiring to attend the meeting should contact the Office of the Director of Civilian Marksmanship (202) 272–0810 prior to 20 April 1983 to arrange admission.

Lawrence E. Enterkin,

LTC, USA (Ret), Assistant Executive Officer.

[FR Doc. 83–8883 Filed 4–4–83; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

National Advisory Council on Bilingual Education; Hearing

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice of hearing.

SUMMARY: This notice sets forth the Schedule and proposed agenda of a forthcoming hearing of the National Advisory Council on Bilingual Education. Notice of this hearing is

required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: April 23, 1983—Public Hearing—9:00 a.m.—4:30 p.m. Public Hearing will be held at the Bismarck Hotel, Maximilian Room 1, Chicago, Illinois.

FOR FURTHER INFORMATION CONTACT: Ramon Ruiz, Designated Federal Official, Room 421, Reporters Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202 (202–245–2922).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations.

April 23, 1983, in consonance with the Council's mission to advise in the preparation of regulations under the Bilingual Education Act, testimony will be heard on the following topics which impact on the American Asian & Pacific Bilingual Community:

(1) 1983 Reauthorization;
(2) Research;
(3) Reports of the Effectiveness of Bilingual Education; and
(4) Interrelations and Interdependency of Bilingual Education and Modern Language Teachers.

Witnesses should notify Ramon Ruiz (see address above) of their intention of testifying.

The following procedures shall be observed during the public hearings:

(1) Witnesses shall be heard on a first come basis;
(2) Witnesses shall limit their testimony to twenty minutes;
(3) All testimony shall be tape recorded;
(4) Exceptions to the aforementioned procedures shall be at the discretion of the Chairperson.

Records are kept of all Council proceedings, and are available for public inspection at the Office of Bilingual Education and Minority Languages Affairs, Room 421, Reporters Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202 from the hours of 9:00 a.m. to 5:00 p.m.

Dated: March 24, 1983.

Jesse M. Soriano,

Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 83–8717 Filed 4–4–83; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Northville Industries Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") announces that it has adopted a Consent Order with Northville Industries Corporation as a final order of the Department.

EFFECTIVE DATE: April 5, 1983.

FOR FURTHER INFORMATION CONTACT: Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA, 1421 Cherry Street, Philadephia, Pennsylvania 19102 (215–597–2633).

SUPPLEMENTARY INFORMATION: On February 11, 1983, Vol. 48, No. 30, **Federal Register** 6389, the ERA published a notice in the **Federal Register** that on January 21, 1983 it had executed a Proposed Consent Order with Northville Industries Corporation ("Northville"), which would not become effective sooner than thirty (30) days after publication of that notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the Proposed Consent Order.

As the notice of February 11, 1983 stated, the remedial aspect of the Proposed Consent Order required Northville to refund an aggregate amount of $2,300,000: $200,000 to be paid to the United States Treasury, $319,498 to identified end-users, and $1,780,502 to identified resellers of No. 2 fuel oil. The Proposed Consent Order provided other pertinent details, including that identification of customers to receive refunds and the amount of the refund was subject to the approval of DOE. Those customers and amounts have been identified and approved by DOE.

Only five comments about the Proposed Consent Order were received: one claim from a Northville customer for refund and four comments on behalf of states (Maine, New York, Oregon and Vermont). (Comments received late have nevertheless been considered).

The comment from the State of Oregon did not criticize any aspect of the Proposed Consent Order except the form of relief. The comment suggested that consistent with the commentator's views expressed in other, supposedly similar, cases, the states should be the recipients of certain funds obtained by the Department of Energy in consent orders. While the states may be recipients of relief in appropriate cases such as when end-users cannot be identified, the comment made no indication of why this particular Proposed Consent Order was similar to any other case. Indeed, the Proposed Consent Order terms provided for identification of the particular eligible customers to receive refunds and the amount of refunds subject to DOE approval. As for the $200,000 amount of the refund going to the United States Treasury, that amount is less than 10% of the aggregate, and there is no indication of involvement by purchase of residual fuel from Northville by the State of Oregon or any end-user located in Oregon.

The comment by the State of New York agreed with the Proposed Consent Order provision for refunds to identified end-users, but requested clarification of the products involved and that the indentification and refund should not be entirely in Northville's discretion. As noted, that identification was subject to DOE approval, and the product involved was No. 2 fuel oil. Those eligible customers have been identified, and payment shall be made to them by Northville within thirty (30) days of this Notice (the effective date of the Consent Order).

The objections by the State of New York to the other two forms of refund in the Proposed Consent Order, payment to the United States Treasury and refund to identified resellers of No. 2 fuel oil, were quite the opposite of the State of Oregon: New York did not explicitly claim the states should receive the money but that an OHA Subpart V proceeding should be convened to identify meritorious claimants. As for the $200,000 refund to Treasury, DOE has determined that that amount is with respect to customers who could not be identified readily, even by an OHA Subpart V proceeding, and even if they were identified, the amount of the refund per customer would likely be less than the administrative cost of such proceeding. Similarly, with regard to eligible reseller customers, in lieu of a Subpart V proceeding DOE has already identified such reseller customers and the amounts they will receive. Such refunds will be by credit memoranda issued within thirty (30) days of this Notice (and if such credits are not utilized within one year, Northville must issue a check to the customer including interest as applicable).

The comments from the State of Maine and the State of Vermont essentially raised the same issues and

claimed the $200,000 on behalf of the states as has been addressed above. None of the four state comments identified what end-users were in their states or what portion, if any, each state should receive.

As noted, the fifth comment was merely a claim by an eligible (and now identified reseller customer) recipient of a refund.

The Proposed Consent Order is therefore made final and effective on the date of publication of this Notice.

Issued in Philadelphia, Pennsylvania on this 21st day of March, 1983.

Robert J. McKee, Jr.,

Director, Philadelphia Field Office, Economic Regulatory Administration.

[FR Doc. 83-8712 Filed 4-4-83; 8:45 am]

BILLING CODE 6450-01-M

Pittston Petroleum Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Consent Order and Opportunity for Comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Pittston Petroleum Inc. and provides an opportunity for public comment on the proposed Consent Order.

DATE: Comments by May 5, 1983.

ADDRESS: Send comments to Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

FOR FURTHER INFORMATION CONTACT: Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, (215) 597-4550.

Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On March 22, 1983, the ERA executed a proposed Consent Order with Pittston Petroleum Inc. ("Pittston") of Montvale, New Jersey. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

Pittston, with its home office located in Montvale, New Jersey, is a firm engaged in the sale of covered petroleum products, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212 during the period January 1, 1973 through January 28, 1981 ("the period covered by this Consent Order"). An audidt conducted by the ERA included a review of Pittston's records relating to compliance with the Federal petroleum price and allocation regulations during the period January 1, 1973 through January 28, 1981 (the audit period). In its audit the ERA reviewed Pittston's pricing and allocation policies and procedures and the manner in which Pittston applied the Federal petroleum price and allocation regulations. Pittston has cooperated with this audit. Pittston has made its books and records available to the auditors of the DOE and the auditors have examined and reviewed a substantial volume of such materials. DOE believes that Pittston has maintained procedures reasonably adapted to achieve compliance with the federal petroleum price and allocation regulations. DOE has found no evidence that Pittston has committed any willful or intentional violations of the federal petroleum price and allocation regulations for the period covered by this Consent Order.

The ERA and Pittston disagree in several respects concerning Pittston's compliance with the Federal petroleum price and allocation regulations during the audit period. Notwithstanding the ERA's view as to the proper application of the regulations to Pittston's activities, Pittston maintains that it has correctly construed and applied the regulations. The ERA and Pittston each believes that its respective positions on the legal issues underlying their disagreements are meritorious. However, both parties desire to resolve the issues raised by the audit without resort to complex, lengthy and expensive compliance actions and therefore have entered into this Consent Order. The ERA believes that the Consent Order is in public interest because it provides a satisfactory resolution of disputed issues and an appropriate conclusion of the Pittston audit.

The Consent Order addresses all aspects of Pittston's compliance with the Federal petroleum price and allocation regulations during the audit period and, except for those issues explicitly excluded, resolvs all issues concerning Pittston's compliance with the Federal petroleum price and allocation regulations during the audit period. In settlement of all disputes with the ERA concerning sales of covered petroleum products during the audit period, Pittston has agreed to refund an aggregate amount of $1,150,000. This $1,150,000 is to be paid to identified reseller contract customers of No. 2 heating oil. The Consent Order also provides details concerning records retention and procedures concerning enforcement of the provisions of the Consent Order.

The Consent Order does not constitute and admission by Pittston nor a finding by the ERA of any violation of the Federal petroleum price and allocation regulations. This notice merely summarizes the Consent Order, and neither limits nor modifies it in any way whatsoever. The provisions of 10 CFR 205.199J, including those regarding the publication of this Notice, are applicable to the Consent Order.

Upon full satisfaction of the terms and conditions of this Consent Order by Pittston, the DOE releases Pittston from any civil claims that the DOE may have arising out of the federal petroleum price and allocation regulations.

Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comments on Pittston Petroleum Inc. Consent Order." The ERA will consider all comments it receives by 4:30 PM, local time, on May 5, 1983. any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures at 10 CFR 205.9(f).

Issued in Philadelphia on the 23rd day of March, 1983.

Robert J. McKee, Jr.,

Director, Philadelphia Field Office, ERA.

[FR Doc. 83-8711 Filed 4-4-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-006; OFP Case No. 56372-9228-20-24]

Powerplant and Industrial Fuel Use; Acceptance of Petition for Exemption and Availability of Certification by the Procter and Gamble Manufacturing Co.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Acceptance of Petition for Exemption and Availability of Certification by The Procter and Gamble Manufacturing Company.

SUMMARY: On March 4, 1983, the Procter & Gamble Manufacturing Company (P&G), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for an electric powerplant from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act). Title II of FUA prohibits both the use of petroleum and nutural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the **Federal Register** at 46 FR 59872 (December 7, 1981). Final rules governing the cogeneration exemption were revised on June 25, 1982. (47 FR 29209 (July 6, 1982).)

P&G seeks exemption for a powerplant consisting of a 20 megawatt combustion turbine capable of using natural gas or No. 2 distillate oil to produce electricity and a heat recovery boiler equipped with a duct burner to generate process steam at P&G's Sacramento, California consumer and industrial products manufacturing facility. It is expected that all the net annual electric power generation of P&G's turbine generator will be sold to Pacific Gas & Electric Company (PG&E), making the cogeneration facility an electric powerplant pursuant to § 500.2 of the final rules.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination and is therefore accepted pursuant to § 501.3 of the final rules. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701(c) and (d) of FUA and §§ 501.31 and 501.33 of the final rules, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedon of Information Reading Room, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m. to 4:00 p.m.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATES: Written comments are due on or before May 20, 1983. A request for a public hearing must be made within this same 45-day period.

ADDRESS: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Docket No. ERA-FC-83-006 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Anthony Wayne, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-073C, Washington, D.C. 20585, Phone (202) 252-1730;

Allan Stein, Esq., Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-222, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: P&G proposes to operate a cogeneration system at its Sacramento, California plant which will (1) generate electrical power for sale to PG&E, and (2) produce steam to meet the plant's process requirements. The proposed system will consist of a 20 megawatt aircraft derivative gas turbine/generator, together with a heat recovery boiler, which will utilize exhaust heat from the turbine to produce steam for use in the plant. The heat recovery boiler will be supplemented by a natural gas-fired duct burner with a rating of 40 mm Btu/hr., which will be used only when the plant steam demand exceeds the recoverable heat capacity of the turbine exhaust.

P&G expects to sell all the net annual electric power generation of the turbine generator to PG&E. The sale of in excess of 50 percent of the facility's net annual electric power generation causes it to be classified as an electric powerplant under FUA, subject to the Title II construction and fuel use prohibitions.

Section 212(c) of the Act and § 503.37 of the final rules provide for a permanent congeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1) of the final rules, P&G has certified that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility, where the calculation of savings is in accordance with § 503.37(b) of the final rules; and

2. The use of a mixture of petroleum and natural gas and an alternate fuel in the cogeneration facility for which an exemption under § 503.38 of the final rules would be available, would not be economically or technically feasible.

In accordance with the evidentiary requirements of § 503.37(c), P&G has also included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under § 503.13 of the final rules.

The acceptance of the petition by ERA does not constitute a determination that P&G is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C. on March 29, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-8709 Filed 4-4-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-007; FC Case No. 55381-2900-01-12]

Powerplant and Industrial Fuel Use; Proposed Modification of an Order (granting Permanent Fuels Mixture Exemption to Republic Steel Corp.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice and proposed modification of an order granting permanent fuels mixture exemption to Republic Steel Corporation.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has commenced a proceeding under 10 CFR Part 501, Subpart G to modify the permanent fuels mixture exemption granted by Order to a new major fuel burning installation (MFBI), owned and operated by Republic Steel Corporation (Republic) at its Warren Works Steel Plant, Warren, Ohio, under the Powerplant and

Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act).

Based upon its review of Republic's March 13, 1983, modification request, ERA is proposing to modify the Order on the basis of its determination that significantly changed circumstances, as defined in 10 CFR 501.102(b), exist with respect to the applicability of the original exemption. Accordingly, ERA is hereby giving notice to all parties to the original proceeding of their right, pursuant to 10 CFR 501.101(d), to file a written response to ERA's proposal within 30 days of the publication of this Notice in the **Federal Register** (see) DATE section, below). If no responses are received within the established period, the Order modification, as proposed, shall become final upon the expiration of that period without further action by ERA.

A detailed discussion of the Order and Republic's request for modification thereof is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATE: Written responses to ERA's proposed modification of the Republic Order must be received no later than May 5, 1983.

ADDRESS: Written responses are to be addresses to Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, GA–093, 1000 Independence Avenue, SW., Washington, D.C. 20585. FC–55381–2900–01–12, should be printed on the outside of the envelope and the documents contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073, 1000 Independence Avenue, SW., Washington, D.C. 20585. Telephone (202) 252–8162

Allan Stein, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6B–222, 1000 Independence Avenue, SW., Washington, D.C. 20585. Telephone (202) 252–2967

SUPPLEMENTARY INFORMATION: On October 16, 1980, ERA exempted, by Order, Republic's new No. 3 high pressure boiler at its Warren Works Steel Plant from the prohibitions of section 202 of FUA, which prohibits the use of natural gas or petroleum as a primary energy source by certain MFBIs. The Order was published in the **Federal Register** on October 23, 1980 (45 FR 70305). Subject to the terms and conditions set forth in the Order, the permanent exemption permitted the use of a fuels mixture of blast furnace gas and/or coke oven gas and petroleum (No. 6 fuel oil) or natural gas, the latter in an amount not to exceed 25 percent of the total annual Btu heat input of the primary energy sources of the MFBI. Republic's exemption request was filed under the then effective section 505.28 of ERA's interim rule (44 FR 28530 and FR 28950 (May 17, 1979)) and was granted pursuant to section 212(d) of FUA.

By letter signed on March 13, 1983, Republic requested that ERA modify the Order to delete the following Term and Condition: "4. In accordance with the reporting requirement in § 505.38(d), Republic shall submit an annual report to the Economic Regulatory Administration (ERA), OFC Case Control Unit, Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461, each year within 30 days after the anniversary of the date No. 3 HP Boiler is placed in service containing a certified statement identifying the actual quantities of blast furnace gas, coke oven gas, natural gas (in MCF), and petroleum (in barrels) used in the unit during the year, as well as the heating value (in Btu's) of each of those fuels. The following format for quantities shall be used:

Fuel type	Amount of fuel used (MCF or Bbls)	Btu equivalent	Percent of total Btu's heat input

Note. Cite OFC Case Number 55381–2900–01–12 on all reports.

The certification of fuel use must be executed by a duly authorized representative of Republic."

Republic based its request on the fact that since the issuance of the Order with its annual reporting requirement, DOE has issued final rules amending § 505.38(d) of the interim rule so as to delete therefrom reporting requirements for boilers granted fuel mixtures exemptions (46 FR 59872, December 7, 1981).

As requested, ERA has, pursuant to 10 CFR 501.101(a), commenced a proceeding to modify the above-described exemption Order. The procedures and criteria governing this proceeding are found in 10 CFR Part 501, Subpart G (46 FR 59872, December 7, 1981). Based upon the information contained in Republic's modification request and upon the record as a whole, ERA proposes:

(1) To find that the revision of § 505.38 in the final rules published on December 7, 1981, described *supra*, constitutes significantly changed circumstances that warrant a modification of the Order, as provided by 10 CFR 501.102(b); and

(2) To modify the Order to delete therefrom Term and Condition 4.

Parties to the original Order proceeding are hereby notified of ERA's proposed modification of the Order exempting Republic's No. 3 high pressure boiler from the prohibitions in section 202 of FUA and of their right pursuant to 10 CFR 501.101(d) to file a reponse thereto within 30 days after the publication of this Notice in the **Federal Register**. If ERA receives no responses within the alloted period, the Order modification shall become final as proposed, without further ERA action, upon expiration of that period.

Issued in Washington, D.C. March 29, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–8710 Filed 4–4–83; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 5216–001]

Alyeska Hydro Co.; Surrender of Preliminary Permit

April 1, 1983.

Take notice that Alyeska Hydro Company (Alyeska), Permittee for The Alyeska Creek Project No. 5216, has requested that its preliminary permit for the subject project be terminated. The permit for Project No. 5216 was issued on May 19, 1982, and would have expired on May 31, 1984. The project would have been located on Alyeska Creek near Girdwood, Alaska.

Alyeska filed its request on January 10, 1983, and the surrender of the permit for Project No. 5216 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8759 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2403–000]

Bangor Hydro Electric Co.; Expiration of License

April 1, 1983.

Take notice that the license for the Veazie Project No. 2403 will expire on December 31, 1987. The project is located on the Penobscot River in Penobscot County, Maine and is licensed to the Bangor Hydro Electric Co.

The principal project works currently licensed for Project No. 2403 are: a dam, two powerhouses containing a total of 17 generating units with a total installed

capacity of 8.4 MW, and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 719–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8760 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2727–000]

Bangor Hydro-Electric Co.; Expiration of License

March 31, 1983.

Take notice that the license for the Ellsworth Project No. 2727 will expire December 31, 1987. The project is located on Union River in Hancock County, Maine and is licensed to Bangor Hydro-Electric Company.

The principal project works currently licensed for Project No. 2727 are: two dams, two reservoirs, a powerhouse containing four generating units with an installed capacity of 8,900 kW and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-Federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[40 FR Doc. 83–8761 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2593–000]

Beaver Falls Power Co.; Expiration of License

March 31, 1983.

Take notice that the license for the Beaver Falls Project No. 2593 will expire December 31, 1987. The project is located on Beaver River in Lewis County, New York and is licensed to Beaver Falls Power Company.

The principal project works currently licensed for Project No. 2593 are: a dam, a powerhouse containing a single generating unit with an installed capacity of 1,500 kW and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the originial licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8762 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2644–000]

Bowersock Mills and Power Co.; Expiration of License

April 1, 1983.

Take notice that the license for the Kansas River Project No. 2644 will expire on December 31, 1987. The project is located on the Kansas River in Douglas County, Kansas and is licensed to Bowersock Mills and Power Company.

The principal project works currently licensed for Project No. 2644 are: an existing dam, a one and one-half mile long reservior, one powerhouse containing turbine generators with a total rated capacity of 1,850 kW and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the projeot.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8763 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2335–000]

Central Maine Power Co.; Expiration of License

April 1, 1983.

Take notice that the license for the Williams Project No. 2335 will expire on December 31, 1987. The project is located on the Kennebec River in Somerset County, Maine and is licensed to Central Maine Power Company.

The principal project works currently licensed for Project No. 2335 are: an existing dam, 426-acre reservior, one powerhouse containing turbine

generators with a total rated capacity of 13 NW, and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When a application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8764 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2527–000]

Central Maine Power Co.; Expiration of License

March 31, 1983.

Take notice that the license of the Skelton Project No. 2527 will expire December 31, 1987. The project is located on the Sacco River in York County, Maine and is licensed to Central Maine Power Company.

The principal project works currently licensed for Project No. 2527 are: an existing dam, a 488-acre reservoir, one powerhouse containing two turbine generators with a total rated capacity of 16.8 MW, and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comments, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8765 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2528–000]

Central Maine Power Co.; Expiration of License

March 31, 1983

Take notice that the license for the Cataract Project No. 2528 will expire on December 31, 1987. The project is located on the Saco River in York County, Maine and is licensed to Central Maine Power Company.

The principal project works currently licensed for Project No. 2528 are: an upper dam in two sections with a 259-acre reservoir, a lower dam in two sections with a 14-acre reservoir, a powerhouse at the lower dam containing turbine generators with a total rate capacity of 6,650 KW, and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a-825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8766 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2531–000]

Central Maine Power Co.; Expiration of License

March 31, 1983.

Take notice that the license for the West Buxton Project No. 2531 will expire on December 31, 1987. The project is located on the Saco River in York County, Maine and is licensed to the Central Maine Power Company.

The principal project works currently licensed for Project No. 2531 are: an existing dam; a 131 acre reservoir; an upper powerhouse containing turbine generators with a total rated capacity of 4,125 KW; a 241 foot conduit leading to a lower powerhouse containing turbine generators with a total rated capacity of 4,000 KW, and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8767 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2512–000]

Elkem Metals Co.; Expiration of License

March 31, 1983.

Take notice that the license for the Hawk's Nest-Glen Ferris Project No. 2512 will expire December 31, 1987. The project is located on the New and Kanawha Rivers in Fayette County, West Virginia, and is licensed to Elkem Metals Company.

The principal project works currently licensed for Project No. 2512 are: two storage dams, three powerhouses

containing 12 generating units with total installed capacity of 107.5 MW, and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8768 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2484–000]

Village of Gresham, Wisconsin; Expiration of License

April 1, 1983.

Take notice that the license for the Upper Gresham Dam Project No. 2484 will expire on December 31, 1987. The project is located on the Red River in Shawano County, Wisconsin and is licensed to the Village of Gresham, Wisconsin.

The principal project works currently licensed for Project No. 2484 are: an existing dam and reservoir, one powerhouse containing turbine generators with a total rated capacity of 275 kW and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8772 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2428–000]

J. P. Stevens and Co.; Expiration of License

April 1, 1983.

Take notice that the license for the Piedmont Project No. 2482 will expire on December 31, 1987. The project is located on the Saluda River in Anderson and Greenville Counties, South Carolina and is licensed to J. P. Stevens and Company.

The principal project works currently licensed for Project No. 2428 are: a dam, a powerhouse containing a single generating unit with an installed capacity of 1,000 kW, and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 719–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8769 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2343–000]

Potomac Edison Co.; Expiration of License

March 31, 1983.

Take notice that the license for the Millville Hydro Station Project No. 2343 will expire on December 31, 1987. The project is located on the Shenandoah River in Jefferson County, West Virginia near the Town of Millville and is licensed to the Potomac Edison Company.

The principal project works currently licensed for Project No. 2343 are: one storage dam, a powerhouse containing three vertically driven generators rated at a total capacity of 2,840 kW, a substation and switchyard and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. §§ 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to interevene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8770 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–0–M

[Project No. 2457–000]

Public Service Company of New Hampshire; Expiration of License

April 1, 1983.

Take notice that the license for the Eastman Falls Project No. 2457 will expire on December 31, 1987. The project is located in Merrimack County, New Hampshire and is licensed to the Public Service Company of New Hampshire.

The principal project works currently licensed for Project No. 2457 are: an existing dam; a 467 acre reservoir; a powerhouse containing two turbine generators with a total rated capacity of 6.4 megawatts; and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8771 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 1966–000]

Wisconsin Public Service Corp.; Expiration of License

March 31, 1983.

Take notice that the License for the Grandfather Falls Project No. 1966 will expire December 31, 1987. The project is located on Wisconsin River in Lincoln County, Wisconsin and is licensed to Wisconsin Public Service Corporation.

The principal project works currently licensed for Project No. 1966 are: a dam, two powerhouses containing a total installed capacity of 17,240 kW, a canal, pipelines, and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a–825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application in is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–8773 Filed 4–4–83; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Cases Filed; Week of February 25 Through March 4, 1983

During the week of February 25 through March 4, 1983, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received By the Office of Hearings and Appeals

[Week of February 25 through March 4, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 25, 1983	Atlantic Richfield Co., Washington, D.C.	HRX–0080	Supplemental Order. If granted: The Office of Special Counsel would be required to release certain documents claimed as privileged to Atlantic Richfield Company (Case No. DRO–0193).
Feb. 25, 1983	Gulf Oil Corp., Washington, D.C.	HRX–0081	Supplemental Order. If granted: The Office of Special Counsel would be required to release certain documents claimed as privileged to Gulf Oil Corporation (Case No. DRO–0194).
Feb. 25, 1983	Marathon Oil Co., Washington, D.C.	HRX–0082	Supplemental Order. If granted: The Office of Special Counsel would be required to release certain documents claimed as privileged to Marathon Oil Company. (Case No. DRO–0195).
Feb. 25, 1983	Louisiana Land & Exploration Co., Washington, D.C.	HRX–0083	Supplemental Order. If granted: The Office of Special Counsel would be required to release certain documents claimed as privileged to Louisiana Land and Exploration Company (Case No. DRO–0199).
Feb. 25, 1983	Texaco Inc., Washington, D.C.	HRX–0084	Supplemental Order. If granted: The Office of Special Counsel would be required to release certain documents claimed as privileged to Texaco Inc. (Case No. DRO–0199).
Feb. 25, 1983	T&M Petroleum Corp., Washington, D.C.	HRX–0115 and HRH–0115	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by T&M Petroleum Corporation to the Proposed Remedial Order (Case No. HRO–0101) issued to it on February 22, 1983.
Feb. 28, 1983	Physical Sciences, Inc., Andover, Massachusetts	HFA–0122	Appeal of An Information Request Denial. If granted: The January 28, 1983 Information Request Denial issued by the Office of Project Support and Control Division would be rescinded and Physical Sciences, Inc. would receive access to certain DOE information.
Mar. 2, 1983	Cities Services Co., Tulsa, Oklahoma	HER–0051	Request for Modification/Rescission. If granted: The January 4, 1983, Decision and Order issued to Energy Cooperatives, Inc. would be modified on the basis of information that Cities Service Company claims were withheld from the Office of Hearings and Appeals.
Mar. 19, 1983	Economic Regulatory Administration/Crown Central Petroleum Corp., Washington, D.C.	HRD–0116	Motion for Discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by Crown Central Petroleum Corporation in response to the proposed Remedial Order in Case No. HRO–0072.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of February 25 through March 4, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 19, 1983	341 Tract Unit of Citronelle Field, Washington, D.C.	HER-0050	Request for Modification/Rescission. If granted: The January 31, 1983, Decision and Order issued to the 341 Tract Unit of Citronelle Field (Case No. DEE-7746) would be modified regarding the terms of the exception relief granted.
Mar. 19, 1983	Gentry & Wagner, Knoxville, Tennessee	HFA-0123	Appeal of an Information Request Denial. If granted: The February 15, 1983, Information Request Denial issued by Oak Ridge Operations would be rescinded and Gentry and Wagner would receive access to the transcript of the hearing in the matter of James E. Young V. DOE.

REFUND APPLICATIONS RECEIVED

[Week of February 25 Through March 4, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No.
Mar. 3, 1983	Charter Company/Moore Oil Company	RF23-5
Mar. 4, 1983	Charter Company/Cummings Oil Company	[illegible]
Feb. 28, 1983 to Mar. 19, 1983	Amoco Refund Applications	RF21-3313 through RF21-3633

[FR Doc. 83-8716 Filed 4-4-83; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

International Atomic Energy Agreements; U.S. and Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-JA-327, to Kyoto University, Osaka, Japan, 260 grams of thorium-232, 1 gram of uranium-235, 0.05 grams of uranium-234, and 0.7 grams of uranium-233 to be used to study fission fragment mass yield and neutron cross sections.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: March 30, 1983.

For the Department of Energy.

George J. Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-8713 Filed 4-4-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; U.S. and European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract Number S-EU-763, to the Des Mines d/Uranium de Franceville, a subsidiary of Inmetal, of Paris, France, 684 grams of natural uranium, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: March 30, 1983.

For the Department of Energy.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-8714 Filed 4-4-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; U.S. and Canada

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract Number S-CA-333, to the Canadian Fisheries and Ocean, Freshwater Institute, Winnipeg, Canada, 26 grams of natural uranium, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: March 30, 1983.

For the Department of Energy.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-8715 Filed 4-4-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-10-FRL 2339-2]

Air Quality; Issuance of PSD Permit to Northwest Alaskan Pipeline Co.

Notice is hereby given that on March 11, 1983, the Environmental Protection Agency (EPA) extended a Prevention of Significant Deterioration (PSD) permit issued to Northwest Alaskan Pipeline Company to construct seven compressor stations along the Alaska Natural Gas Transportation System. The extension allows the company three additional years to commence construction. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulation, subject to certain conditions specified in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available only by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

For Further Information Contact: Raymond Nye (206) 442-1272, FTS: 399-1272.

Copies of the permit are available for public inspection upon request at the following location:

Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Room 11D, M/S 532, Seattle, Washington 98101.

Dated: March 11, 1983.

John R. Spencer,

Regional Administrator.

[FR Doc. 83-8748 Filed 4-4-83; 8:45 am]

BILLING CODE 6560-50-M

[AD-FRL 23385]

Designation of Ambient Air Monitoring Equivalent Method for Lead

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7049, 41 FR 11255, 44 FR 47916), has designated another equivalent method for the determination of lead in suspended particulate matter collected from ambient air. The new designated method is:

EQL-0483-057, "Determination of Lead Concentration in Ambient Particulate Matter by Inductively Coupled Argon Plasma Optical Emission Specrometry."

A notice of receipt of application for this method appeared in the **Federal Register,** Volume 48, January 14, 1983, page 1819.

This method has been tested by the applicant (State of Montana, Department of Health and Environmental Sciences) in accordance with the test procedures prescribed in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as an equivalent method. The information submitted by the applicant will be kept on file at EPA's Environmental Monitoring Systems Laboratory, Research Triangle Park, North Carolina, and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act.

This method uses the sampling procedure specified in the reference method for the determination of lead in suspended particulate matter collected from ambient air (43 FR 46258). Lead in the particulate matter is solubilized by extraction with a mixture of nitric acid and hydrochloric acid, facilitated by heat and ultrasonication. The lead content of the sample is analyzed by inductively coupled argon plasma optical emission spectrometry using the 220.35 nm lead emission line and instrument conditions optimized by the user laboratory. A sample of the extract solution is nebulized to form an aerosol which is excited with high temperature argon gas produced by passage of argon through a powerful radio frequency field. Radiation emitted from the plasma enters a spectrometer where it is seperated into selected wavelengths and sensed by separate photomultiplier tubes for each element of interest. The luminous energy thus measured is converted to an output signal which can be related to the concentration of each element of interest in the sample. The analytical system is capable of rapid sequential multi-element determinations. Technical questions concerning the method should be directed to the State of Montana, Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59620.

As a designated equivalent method, this method is acceptable for use by States and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979). For such use, the method must be used in strict accordance with the procedures and specifications provided in the method description. States or other agencies using inductively coupled argon plasma optical emission spectrometry methods that employ procedures and specifications significantly different from those in this method must seek approval for their particular method under the provisions of Section 2.8 of Appendix C to 40 CFR Part 58 (Modifications of Methods by Users) or may seek designation of such methods as equivalent methods under the provisions of 40 CFR Part 53.

Additional information concerning this action may be obtained by writing to Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not a major regulation because it imposes no additional regulatory requirements, but instead announces the designation of an additional equivalent method that is acceptable for use by States and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979) or other applications where use of a reference or equivalent method is required.

This notice was exempted by the Office of Management and Budget for review as required by Executive Order 12291.

Courtney Riordan.

Acting Assistant Administrator for Research and Development.

[FR Doc. 83-8749 Filed 4-4-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

On March 28, 1983 the Federal Communications Commission submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of this submission are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632-7513. Comments should be sent to Edward H. Clarke, Office of Management and Budget, OIRA, Room 3201 NEOB, 726 Jackson Place, NW., Washington, D.C. 20503.

Title: Request for Approval of Proposed Amateur Radio Antenna and Notification of Action.
Form No.: FCC 854.
Action: New.
Respondents: Individuals whose proposed antennas exceed the maximum allowable standards.
Estimated Annual Burden: 250 Responses; 125 Hours.

Antenna data now collected on forms FCC 610 and 714 will be eliminated. Amateur radio operator will request and receive approval from the Field Operations Bureau only.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-8797 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

National Industry Advisory Committee, Common Carrier Communications Subcommittee; Meeting

March 29, 1983.

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Common Carrier Communications Subcommittee of the National Industry Advisory Committee (NIAC) to be held Tuesday, April 19, 1983. The Subcommittee will meet in the Federal Communications Commission's Training Room 330 in the "Brown Building" at 1200-19th Street, NW., Washington, D.C. at 9:00 A.M.

Purpose: To consider emergency communications matters.

Agenda: As follows:

1. Opening remarks by Chairman.
2. Statement of the function and structure of NIAC.
3. Consideration of regulatory implications of the activities of the National Security Telecommunications Advisory Committee (NSTAC).
4. Establishment of an agenda and date for the next meeting of the Common Carrier Communications Subcommittee.
5. Other business.
6. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the NIAC Executive Secretary in the FCC Emergency Communications Division at (202) 634-1549.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-8796 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

Technical Subgroup of Radio Advisory Committee; Meeting

The Technical Subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Wednesday, April 20, 1983 at 10 a.m. in the McCollough Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

The Subgroup will continue its consideration of recommendations to the Federal Communications Commission concerning matters pertinent to the ongoing U.S.-Canadian discussions on the drafting of a new bilateral AM agreement which, it is expected, will replace the North American Regional Broadcasting Agreement (NARBA).

The Subgroup will also discuss preparations for bilateral discussions which have started with Mexico, looking toward post-Rio revision of the U.S.-Mexican AM Agreement.

The meeting, a continuing one, will be resumed after the April 20, 1983 session at such time and place as is decided at that session. It is open for participation by all interested persons.

For further information, please call the Subgroup Chairman, Mr. Wallace E. Johnson, at (703) 841-0500.

William J. Tricarico,

Secretary, Federal Communication Commissions.

[FR Doc. 83-8793 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Steering Committee; Meeting

Pursuant to Section 10(a)(2) of The Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group Steering Committee sheduled to meet on Wednesday, April 27, 1983. The meeting will be held at 9:30 a.m. in Conference Room 918 at AT&T located at 1120 20th Street, NW., Washington, D.C. and will be open to the public.

The agenda is as follows:

I. Review of Minutes of Previous Meeting.
II. General Administrative Matters.
III. Plant Account Model.
IV. Consideration of Account Proposals.
V. Other Business.
VI. Presentation of Oral Statements.
VII. Adjournment.

With prior approval of the Chairman, Gerald P. Vaughan, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Steering Committee objectives. Anyone not a member of the Steering Committee and wishing to make an oral presentation should contact Stephen T. Duffy Group Vice-Chairman (202/634-1509), at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-8792 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group, Auditing and Regulatory Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a two day meeting of the Telecommunications Industry Advisory Group's Auditing and Regulatory Subcommittee. The meeting is scheduled for Thursday, April 28, 1983, at 10:00 a.m. in Room 330 of the Commission's offices at 1200 10th Street NW., Washington, D.C. and Friday, April 29, 1983, at 9:00 a.m. in the Commission Meeting Room (856) located at 1919 M Street NW., Washington, D.C. The meetings will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Continued Analysis of GAAP as it Applies to USOA
III. Continued Analysis of Impact of ERTA of 1981 on Regulated Industries
IV. Further Assignment of Tasks
V. Other Business
VI. Presentation of Oral Statements
VII. Adjournment

With prior approval of Subcommittee Chairman Hugh A. Gower, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral persentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Gower (404/658-

1776) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-8794 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 83-284 et al.; File Nos. BPCT-820930KH et al.]

Beacon Broadcasting, Inc., et al.; Hearing Designation Order

In re applications of: Beacon Broadcasting, Inc., Ft. Walton Beach, Florida; MM Docket No. 83-284, File No. BPCT-820930KH; Hilton Organizations, Inc., Ft. Walton Beach, Florida; MM Docket No. 83-285, File No. BPCT-821105KH; Miracle Broadcasting, Ltd., Ft. Walton Beach, Florida; MM Docket No. 83-286, File No. BPCT-821126KH; For Construction Permit; Designation of applications for consolidated hearing on stated issues.

Adopted: March 21, 1983.

Released: March 29, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television station on Channel 35, Ft. Walton Beach, Florida.

Beacon Broadcasting, Inc. (Beacon)

2. Beacon did not complete Section III, FCC Form 301, in that only one of the questions regarding certification was answered. Beacon has not, therefore, demonstrated its financial qualifications to construct the proposed station. Accordingly, Beacon will be given 30 days from the date of the release of this Order to submit to the Administrative Law Judge the certification required by the Form or to advise that it cannot make the certification. In the latter event, the Administrative Law Judge shall specify an issue.

Hilton Organizations, Inc. (Hilton)

3. Section II, Item 10, FCC Form 301, inquires whether documents, instruments, agreements or understandings for the pledge of stock of a corporate applicant, as security for loans or contractual performance, provide that (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of stockholder rights by the purchaser at such sale, the prior consent of the Commission (pursuant to 47 U.S.C. 310(d)) will be obtained. A negative response to this question requires a full explanation. Hilton answered "no" to Item 10; however, it did not submit the required explanation. Hilton will be required to submit its explanation to the presiding Administrative Law Judge within 15 days after the date of the release of this Order.

Miracle Broadcasting, Ltd. (Miracle)

4. No determination has been made that the tower height and location proposed by Miracle would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, *it is ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Miracle Broadcasting whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. *It is further ordered,* That Beacon Broadcasting, Inc. shall, within 30 days after this Order is released, submit a financial certification as required by Section III, F.C.C. Form 301, or advise the Administrative Law Judge that the required certification cannot be made.

8. *It is further ordered,* That Hilton Organizations, Inc. shall submit its explanation for answering "no" to Section II, Item 10, FCC Form 301, January 1982, to the presiding Administrative Law Judge within 15 days after the date of the release of this Order.

9. *It is further ordered,* That the Federal Aviation Administration *is made a party respondent* to this proceeding with respect to issue 1.

10. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

11. *It is further ordered,* That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Laurence E. Harris,

Chief, Mass Media Bureau.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-8796 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 83-289 and 83-290; File Nos. 50048-CM-P-74 and 50168-CM-P-74]

Digital Paging Systems, Inc., and KC Corp.; Hearing Designation Order

In re applications of Digital Paging Systems, Inc.; CC Docket No. 83-289, File No 50048-CM-P-74; and KC Corporation; CC Docket No. 83-290, File No. 50168-CM-P-74; for Construction Permits in the Multipoint Distribution Service for a New Station at Louisville, Kentucky; Memorandum Opinion and Order designating applications for consolidated hearing on stated issues.

Adopted March 21, 1983.

Released March 29, 1983.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications.[1] [2] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Louisville, Kentucky. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for

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[1] An amendment to application File No. 50168-CM-P-74 was filed on May 23, 1977 to change applicant's name from Howard S. Klotz and William Corbus to KC Corporation, (as a result in minor adjustments) from individuals to corporation. The same principals own KC Corporation in equal shares.

additional information. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.[3]

3. Accordingly, *it is hereby ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications *are designated for hearing*, in a *consolidated proceeding*, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[4]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent chanel use in the same city;

(b) the anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. *It is further ordered*, That Digital Paging Systems, Inc., KC Corporation and the Chief, Common Carrier Bureau, *are made parties* to this proceeding.

5. *It is further ordered*, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules, 47 CFR 1.221.

6. *It is further ordered*, That any authorization granted to Digital Paging Systems, Inc., a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. This Order is effective on its release date. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Rules may be filed within the time limits specified in those sections. See also Rule 1.4(b)(2).

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register**.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-8788 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 83-287 and 83-288; File Nos. BPH-810828AF and BPH-820412AS]

Fox Broadcasters, Inc. and Hill County Broadcasters; Hearing Designation Order

In re Applications of; Fox Broadcasters Inc., Llano, Texas; Req: 104.9 MHz, Channel No. 285A, 3.0 kW (H&V), 155.5 ft.; MM Docket No. 83-287, File No. BPH-810828AF; William E. Hobbs & Vernon Beck d/b/a Hill County Broadcasters, Llamo, Texas; Req: 104.9 MHz, Channel No. 285A, 3.0 kW (H&V), 80 feet; MM Docket No. 83-288, File No. BPH-820412AS; for Construction Permit for a New FM Station; designation of applications for consolidated hearing on stated issues.

Adopted: March 18, 1983.

Released: March 29, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Fox Broadcasters, Inc. (Fox) and William E. Hobbs & Vernon Beck d/b/a Hill County Broadcasters (Hill).

2. *Hill.* Section 73.1125 of the Commission's Rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause may be located outside that community. Hill proposes to locate its main studio at its transmitter site, less than a mile east of Llano, Texas on Highway 29. The applicant alleges that it would be conomically efficient to co-locate its studio and transmitter. We also note that the studio will be accessible from Llano, via Highway 29. Under these circumstances, we believe that good cause has been provided for the proposed studio location.

3. Hill has filed an amendment with the Commission on November 30, 1982. The last day for filing amendments as a matter of right was September 15, 1982. Under Section 1.65 of the Commission's Rules, the amendment will be accepted for filing. However, an applicant may not improve its comparative position after the time for amendments as of right has passed. *Cypress Communications, Inc.*, 47 RR 2d 132 (1980). Therefore, any comparative advantage resulting from Hill's amendment will be disallowed.

4. Data submitted by the applicants indicate that there would be significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive they must be designated for hearing in a consolidated proceeding.

6. Accordingly, *it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding*, at a time and place to be specified in a subsequent Order, upon the following issues:

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, should be granted.

7. *It is further ordered*, That the amendment filed by Hill *is accepted*, but that no improvement in Hill's comparative standing will be allowed.

8. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. *it is further ordered*, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the

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[3] VideOhio, Inc.'s application File No. 50174-CM-P-74 was dismissed without prejudice by letter on December 20, 1982, pursuant to Section 21.28(c) of the Commission's Rules.

[3] This finding is subject to paragraph 6, *infra*.

manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief Audio Services Division, Mass Media Bureau.

Appendix

10. The Commission has not yet received Federal Aviation Administration clearance for the antenna tower(s) proposed by the below listed applicant(s). Accordingly, *it is further ordered,* That the following issue is specified:

1. To determine whether threre is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height(s) and location(s) proposed by Fox and Hill.

11. *It is further ordered,* That the Federal Aviation Administration *is made a party to* the proceeding.

[FR Doc. 83-8795 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 83-282 and 83-283; File Nos. BP-810320AA and BP-810710AE]

LDA Broadcasting, Inc. and Quetzal Bilingual Communications, Inc., Hearing Designation Order

In the matter of application of; LDA Broadcasting, Inc., Chula Vista, California; rq: 1040 kHz, 1 kW, DA-2, U; MM Docket No. 83-282, File No. BP-810320AA; Quetzal Bilingual Communications, Inc., San Diego, California; Req: 1040 kHz, 5 kW, 10 kW-LS, DA-2, U; MM Docket No. 83-283, File No. BP-810710AE; For Construction Permit; Designation of applications for consolidated hearing on Stated issues.

Adopted: March 18, 1983.

Released: March 29, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority has under consideration the above-captioned mutually exclusive applications of LDA Broadcasting, Inc., and Quetzal Bilingual Communications, Inc., for a new AM broadcast station.

2. *LDA Broadcasting, Inc.* This applicant filed amendments to its application on April 26, 1982, June 30, 1982, July 29, 1982, September 7,1982, September 24, 1982, and November 10, 1982. They were required to be filed pursuant to Section 1.65 of the Commission's Rules. The amendments report minor changes in the applicant's stockholders and its officers and directors; changes in business and financial interests of its principals are also reported. The amendments do not alter the compartative position of the applicant and will prejudice no other applicant. The amendments will be accepted.

3. *Quetzal Bilingual Communications, Inc.* This applicant proposes to operate with nightime power of 5 kilowatts. Sections 73.21(a)(2)(ii)(C) and 73.182(a)(2) establish a one-kilowatt nighttime power ceiling for Class II-B stations on 1-A clear channels in areas already well served such as San Diego, California. The applicant has a heavy burden to show the power it proposes is necessary to provide principal city service and will not impede the Commission's allocation objectives; it may meet the latter by showing either that the higher power would not preclude other possible co-channel unlimited-time Class II assignments or that the improved principal-city service entailed by the higher power clearly outweighs any potential service that might be precluded. It cannot be determined from the record if waiver of the rules is warranted, and an issue will be specified.

4. Section 73.24(j) of the Rules requires that the 5 mV/m contour (or at night, the interference-free contour if of higher value) encompass all residential areas of the designated community. Section 73.188(b)(2) requires the transmitter be located so as to provide a minimum field strength of 5 to 10 mV/m over the most distant residential sections of the community. The applicant's proposed daytime 5 mV/m contour and nightime 10 mV/m contour do not encompass the entire city of San Diego. Quetzal has requested a waiver of the rules. We cannot determine from the record if waiver of the rules is warranted. An appropriate issue will be specified.

5. The environmental narrative statement filed by Quetzal did not contain a statement as to the zoning classification of the site and whether the proposed construction has been a source of controversy in the community as required by Section 1.1311 (a)(3) and (4), of the Rules. It must file the required information.

6. The Quetzal application shows David Martinez is treasurer, director and 32% stockholder. Section II, question 17 to the applicant (FCC Form 301), which relates to other broadcast interests of applicants, shows only that David Martinez was a broadcast station employee from 1968 to 1978 and from 1970 to 1971. However an amendment to the application, filed November 5, 1981, on the "B" cut-off date, contains a statement by David Martinez. The statement is dated November 1, 1981 and reads, as follows:

I, David G. Martinez, had 15% interest in an AM 830 radio application. I was not aware that: 1) I could not have more than one AM application; and 2) I needed to list this interest in the Quetzal application for AM 1040.

I hereby notify all interested parties that I am dropping all interest in Oceanside Radio Inc. as an applicant for AM 830. Therefore, my radio interest will be with Quetzal Bilingual Communications application for AM 1040, exclusively.

Section 73.3514 of the Rules requires that each applicant must provide all the information called for by the form on which the application is required to be filed. Clearly, Quetzal did not report David G. Martinex' other ownership interests as required. [1] Appropriate issues will be specified.

7. Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed.[2] However, since the propsals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. Although the applications are for different communities, they would serve substantial areas in common. Therefore, in addition to an issue to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

8. Accordingly, *it is ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding,* at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the facts and circumstances surrounding the failure of Quetzal to report the ownership interests of David Martinez on its application (FCC Form 301) and whether Quetzal violated Section 73.3514 of the Commission's Rules.

2. To determine, in light of the facts adduced pursuant to issue one (1), above, whether Quetzal misrepresented

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[1] Serious allegations concerning the failure to report Mr. Martinez's broadcast interests have been raised in the proceedings involving the Oceanside Radio, Inc. application for a proposed new AM broadcast facility (BP-801117AC). See *Hearing Designation Order,* Docket Nos. 83-248 through 83-256.

[2] Operation with the facilities specified herein is subject to modification suspension or termination without right to hearing if found by the Commission to be necessary in order to conform to the Final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements between the United States and other countries.

facts or concealed information from the Commission.

3. To determine, in light of the facts adduced pursuant to the foregoing issues, whether Quetzal possesses the basic or comparative qualifications to be licensee of the facilities sought here.

4. To determine, with respect to the Quetzal Bilingual Communications, Inc., nighttime proposal, whether circumstances exist which warrant waiver of Sections 73.21(a)(2)(ii)(C) and 73.182(a)(2) of the Commission's Rules.

5. To determine, with respect to the Quetzal proposal, whether circumstances exist which warrant waiver of Sections 73.24(j) and 73.188(b)(2) of the Commission's Rules.

6. To determine the areas and populations which would receive primary service for each proposal, and the availability of other primary aural services to such areas and populations.

7. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

8. To determine, in the event it is concluded that a choice among the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

8a. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. *It is further ordered,* That Quetzal Bilingual Communications, Inc., shall file the environmental narrative statement information discussed in paragraph five (5), above, with the Administrative Law Judge within 30 days of the release of this Order.

10. *It is further ordered,* That the amendments filed by LDA Broadcasting, Inc., *are accepted.*

11. *It is further ordered,* That to avail themselves of the opportunity to be heard and pursuant to Section 1.221(c) of the Commission's Rules, the applicants shall, within 20 days of the mailing of this Order, in person or by attorney, file with the Commission, in triplicate, written appearances stating an intention to appear on the dates fixed for the hearing and to present evidence on the issues specified in this Order.

12. *It is further ordered,* That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed by the Rule, and shall advise the Commission of the publication of the notices as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-8789 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 83-297 et al.; File No. 1342-CM-P-80 et al.]

Tekkom, Inc. et al; Hearing Designation Order

In the matter of applications of; Tekkom, Inc.; CC Docket No. 83-297, File No. 1342-CM-P-80; Telecommunications Systems, Inc.; CC Docket No. 83-298, File No. 4593-CM-P-80; and Microband Corporation of America; CC Docket No. 83-299, File No. 4596-CM-P-80; For Construction Permits in the Multipoint Distribution Service for a New Station at Fort Collins, Colorado; and Telstar Communications, Inc.; CC Docket No. 83-300, File No. 4595-CM-P-80; For Construction Permit in the Multipoint Distribution Service for a New station at Greeley, Colorado; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues.

Adopted March 22, 1983.

Released March 28, 1983.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Fort Collins/Greeley, Colorado. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly *it is hereby ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications *are designated for hearing,* in a *consolidated proceeding,* at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. *It is further ordered,* That Tekkom, Inc., Telecommunications Systems, Inc., Microband Corporation of America, Telstar Communications, Inc. and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

5. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commisison's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this Order to be published in the Federal Register.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-8788 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 83-295 and 83-296; File Nos. 50084-CM-P-82 and 50085-CM-P-82]

Tekkom, Inc. and Richard E. Vail; Hearing Designation Order

In re Applications of; Tekkom, Inc.; CC Docket No. 83-295, File No. 50084-CM-P-82; and Richard E. Vail; CC Docket No. 83-296, File No. 50085-CM-P-82; For Construction Permits in the Multipoint Distribution Service for a New Station at Casper, Wyoming; Memorandum Opinion and Order designating

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[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband Corporation of America to Tymshare. *Transfer of Control/MDS,* 85 FCC 2d 1023 (1981)

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commisison's "cut-off" rules pursuant to § 21.31 of the Rules, CFR 47 21.31, to preserve the status of its pending mutually exclusive application.

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain,* 77 FCC 2d 20 (1980).

applications for consolidated hearing on stated issues.

Adopted: March 22, 1983.

Released: March 28, 1983.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Casper, Wyoming. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, *it is hereby ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications *are designated for hearing,* in a *consolidated proceeding,* at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. *It is further ordered,* That Tekkom, Inc., Richard E. Vail and the Chief, Common Carrier Bureau, *are made parties* to this proceeding.

5. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-8787 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

[1] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain,* 77 FCC 2d 20 (1980).

[CC Docket No. 83-291 and 83-292; File Nos. 50005-CM-P-81 and 50013-CM-P-81]

Microband Corp. of America and Telecommunications Systems, Inc.; Hearing Designation Order

In re applications of: MICROBAND CORPORATION OF AMERICA; CC Docket No. 83-291, File No. 50005-CM-P-81; and TELECOMMUNICATIONS SYSTEMS, INC.; CC Docket No. 83-292, File No. 50013-CM-P-81; For Construction Permits in the Multipoint Distribution Service for a New Station at Prescott, Arizona; Memorandum Opinion and Order designating applications for consolidated hearing on stated issues.

Adopted March 22, 1983.

Released March 28, 1983.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Prescott, Arizona. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, *it is hereby ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications *are designated for hearing,* in a *consolidated proceeding,* at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. *It is further ordered,* That Microband Corporation of America, Telecommunications Systems, Inc. and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

5. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-8791 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband Corporation of America to Tymshare. *Transfer of Control/MDS,* 85 FCC 2d 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001883, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to Section 21.31 of the Rules, 47 C.F.R. § 21.31, to preserve the status of its pending mutually exclusive application.

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain,* 77 FCC 2d 20 (1980).

[CC Docket Nos. 83-293 and 83-294; File Nos. 50073-CM-P-82 and 50074-CM-P-82]

Richard E. Vail and Tekkom, Inc.; Hearing Designation Order

In the matter of applications of; Richard E. Vail; CC Docket No. 83-293, File No. 50073-CM-P-82; For Construction Permit in the Multipoint Distribution Service for a New Station at Rupert, Idaho; and Tekkom, Inc.; CC Docket No. 83-294, File No. 5074-CM-P-82; For Construction Permit in the Multipoint Distribution Service for a New Station at Burley, Idaho; Memorandum Opinion and Order Designating applications for consolidated hearing on stated issues.

Adopted March 22, 1983.

Released March 28, 1983.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications. These

applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Rupert/Burley, Idaho. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolodated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Richard E. Vail, Tekkom, Inc. and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-8790 Filed 4-4-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T-4102.

Title: Crescent/Beaufort Joint Venture Agreement.

Parties: Crescent Wharf and Warehouse Company (Crescent)/ Beaufort Terminals, Inc. (Beaufort).

Synopsis: Agreement No. T-4102 provides for the formation by Crescent and Beaufort of B-C Terminals, a joint venture at the Port of Los Angeles. The term of the agreement is for two years and the parties agree to share equally in all profits or losses.

Filing Party: Joseph N. Mirkovich, Esquire, Ackerman, Ling, Russell, Linsley & Mirkovich, 1000 Sumitomo Bank Building, 444 West Ocean Boulevard, Long Beach, California 90802.

Agreement No.: 57-119.

Title: Pacific Westbound Conference Agreement.

Parties: American President Lines, Ltd.; The East Asiatic Co., Inc.; Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Korea Marine Transport Co., Ltd.; A. P. Moller-Maersk Line; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; OOCL-SEAPAC Service; Sea-Land Service, Inc.; Showa Line, Ltd.; United States Lines, Inc.; Yamashita-Shinnihon Steamship Co., Ltd.; Zim Israel Navigation Co., Ltd.

Synopsis: The basic agreement would be amended to clarify and make explicit that truckers and motor carriers operating in association with member lines are subject to the Conference's neutral body policing authority.

Filing Party: Charles L. Coleman, III, Esq., Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement No.: 5600-45.

Title: Philippines/North America Conference.

Parties: American President Lines, Ltd.; Barber-Blue Sea Line J/S; Galleon Shipping Corporation; Hapag Lloyd A/S; Lykes Bros. Steamship Co., Inc.; Moller-Maersk Line; A.P. (J/S); and Sea-Land Service Inc.

Synopsis: The provisions of the basic agreement would be amended to reduce the current thirty (30) days' notice required for a member to take independent action to seven (7) days, for an interim period of one year.

Filing Party: David N. Dunn, Esq., Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No.: 10355-1.

Title: The Bank & Savill Line/Shipping Corporation of New Zealand Joint Service

Parties: The Bank & Savill Line Limited and The Shipping Corporation of New Zealand

Synopsis: Agreement No. 10355-1 modifies the basic agreement (1) to allow the Bank & Savill Line/SCNZ Joint Service to institute direct call service between Australia/New Zealand and ports on the East Coast of the United States, (2) to clarify the existing scope of the Joint Service's intermodal authority, and (3) to give greater flexibility in terms of the type of ships which the Joint Service may utilize in the U.S.—Australasian trades, while maintaining the same number of vessels as presently authorized and a TEU limit equivalent to that in the current agreement.

Filing Agent: Walter H. Lion, Esquire, Kirlin, Campbell & Keating, One Twenty Broadway, New York, New York 10271.

Agreement No.: 10402-1.

Title: The Bank & Savill Line/Shipping Corporation of New Zealand Joint Service.

Parties: The Bank & Savill Line Limited and The Shaw Savill & Albion Co. Limited

Synopsis: Agreement No. 10402–1 modifies the basic agreement in order to conform it to proposed Amendments of Agreement No. 10355, the Bank & Savill Line/Shipping Corporation of New Zealand Joint Service.

Filing Agent: Walter H. Lion, Esquire, Kirlin, Campbell & Keating, One Twenty Broadway, New York, New York 10271.

By Order of the Federal Maritime Commission.

Dated: March 31, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83–8736 Filed 4–4–83; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; First Missouri Banks, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Missouri Banks, Inc.*, Manchester, Missouri; to acquire 50.2 percent of the voting shares or assets of Manufacturers Bancorp, Inc., St. Louis, Missouri. Comments on this application must be received not later than April 27, 1983.

Board of Governors of the Federal Reserve System, March 30, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83–8734 Filed 4–4–83; 8:45 am]

BILLING CODE 6210–01–M

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities; Citicorp, et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (industrial bank, consumer finance and credit-related insurance activities; Oklahoma): To engage, through a *de novo* subsidiary, Citicorp Savings and Trust Company, in industrial bank activities, including the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health insurance by licensed agents or brokers, as required; the issuing of thrift certificates and thrift passbook certificates; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and the account of others of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. These activities would be performed from offices of the subsidiary in Tulsa and Oklahoma City, Oklahoma, serving the State of Oklahoma. Credit-related life, accident and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Savings and Trust Company. Comments on this application must be received not later than April 29, 1983.

2. *The Bank of New York Company, Inc.*, New York, New York (investment advisor; United States): To engage, through its *de novo* subsidiary Beacon Capital Management Company, Inc., New York, New York, In the following activities: acting as investment or financial advisor to the extent of providing portfolio investment advice to any other person and furnishing general economic information and advice, including general economic statistical forecasting services and industry studies. Such activities would be conducted at its main office located in New York, New York, with a primary service area of the United States. Comments on this application must be received not later than April 29, 1983.

Board of Governors of the Federal Reserve System, March 30, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83–8735 Filed 4–4–83; 8:45 am]

BILLING CODE 6210–01–M

Formation of Bank Holding Companies; Commercial Bancshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a

statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Commercial Bancshares, Incorporated,* Parkersburg, West Virginia; to become a bank holding company by acquiring at least 80 percent of the voting shares of the successor by merger to Commercial Banking and Trust Company, Parkersburg, West Virginia. Comments on this application must be received not later than April 27, 1983.

2. *First National Corporation,* Strasburg, Virginia; to become a bank holding company by acquiring 100 percent of the outstanding shares of the successor by merger to The First National Bank of Strasburg, Strasburg, Virginia. Comments on this application must be received not later than April 29, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Citizens National Bancshares, Inc.,* Hammond, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens National Bank, Hammond, Louisiana. Comments on this application must be received not later than April 27, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Gresham Bancshares, Inc.,* Gresham, Wisconsin; to become a bank holding company by acquiring 94 percent of the voting shares of State Bank, Gresham, Wisconsin. Comments on this application must be received not later than April 29, 1983.

2. *Terry Bancorporation,* Walford, Iowa; to become a bank holding company by acquiring at least 80 percent of the voting shares of Farmers Savings Bank, Walford, Iowa. Comments on this application must be received not later than April 29, 1983.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Financial Properties, Inc.,* Jacksonville, Arkansas; to become a bank holding company by acquiring at least 80 pecent of the voting shares of Citizens National Bank of Jacksonville, Jacksonville, Arkansas. Comments on this application must be received not later than April 29, 1983.

E. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Elmore Bancshares, Inc.,* Elmore, Minnesota; to become a bank holding company by acquiring 91 percent of the voting shares of First National Bank of Elmore, Elmore, Minnesota. Comments on this application must be received not later than April 27, 1983.

F. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Olympic National Bancorp,* Los Angeles, California; to become a bank holding company by acquiring 100 percent of the voting shares of Olympic National Bank, Los Angeles, California. Comments on this application must be received not later than April 29, 1983.

Board of Governors of the Federal Reserve System, March 30, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-8733 Filed 4-4-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83D-0031]

Regulatory Action Criteria for Aflatoxins in Foods; Availability of Guide

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of revised FDA Compliance Policy Guide 7120.26 that contains new methodologies for confirming the presence of aflatoxin B_1 in foods. Compliance Policy Guide 7120.26 will now require that the presence of aflatoxin B_1 in certain foods be confirmed by a negative ion chemical ionization mass spectrometry procedure instead of by the chicken embryo bioassay procedure.

ADDRESS: Requests for single copies of Compliance Policy Guide 7120.26 may be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Raymond W. Gill, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202-245-3092.

SUPPLEMENTARY INFORMATION: FDA has insufficient analytical experience with certain foods to rely on the chemical derivative test alone to demonstrate the presence of aflatoxin B_1. The current Compliance Policy Guide 7120.26 requires confirmation of the presence of aflatoxin B_1 in those foods by means of a chicken embryo bioassay. Because the bioassay requires more than 3 calendar weeks for completion, any necessary compliance actions are delayed.

FDA has now developed a quick, reliable analytical procedure for confirming the presence of aflatoxin B_1 in foods. This procedure involves the use of negative ion chemical ionization mass spectrometry for confirmation of the presence of aflatoxin B_1, and permits confirmation of the toxin in a few hours. The procedure has been tested on a variety of food samples to validate its reliability in confirming the presence of aflatoxins, particularly aflatoxin B_1. The mass spectrometric procedure is more definitive than the bioassay procedure because a particular toxin such as aflatoxin B_1 can be readily identified. The chicken embryo bioassay test is a generic one only, the end point of which is the death of the chick embryo. The bioassay demonstrates the presence of a toxin but does not identify the toxic compound.

Because of the reliability and speed of the negative ion chemical ionization mass spectrometry method, FDA will begin using that method when it is necessary to confirm the presence of aflatoxin B_1 by a second test. FDA has revised Compliance Policy Guide 7120.26 to reflect this change.

Background data and information supporting the revision of this Guide are on file with the Dockets Management Branch (address above), along with a copy of FDA's Compliance Policy Guide 7120.26, and are available in that office for public examination between 9 a.m. and 4 p.m., Monday through Friday. Requests for single copies of Compliance Policy Guide 7120.26 should refer to the docket number found in brackets in the heading of this document and should be submitted to the Dockets Management Branch.

Dated: March 30, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-8707 Filed 4-4-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82P-0316]

Reclassification of Electroconvulsive Therapy Device

AGENCY: Food and Drug Administration.

ACTION: Notice of intent.

SUMMARY: The Food and Drug Administration (FDA) is publishing notice of its intent to initiate proceedings to reclassify the electroconvulsive therapy (ECT) device intended for treating severe depression and schizophrenia from class III (premarket approval) to class II (performance standards).

DATE: Comments by June 6, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert F. Munzner, National Center for Devices and Radiological Health (HFK-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301-427-7226.

SUPPLEMENTARY INFORMATION: On August 13, 1982, the American Psychiatric Association (APA), Washington, DC 20009, submitted to FDA under section 513(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(e)) a petition (82P-0316/F820007) to reclassify the ECT device from class III (premarket approval) to class II (performance standards). The petition was referred to the Neurological Device Section of the Respiratory and Nervous System Devices Panel (the Section) for its recommendation on the proposed change in classification. During an open meeting on November 4, 1982, the Section considered the petition and recommended that ECT devices be reclassified from class III to class II and that any change in classification not take effect until the effective date of a performance standard for the ECT device established under section 514 of the act (21 U.S.C. 360d).

FDA has completed its review of APA's petition and has considered the section recommendations regarding reclassification of the ECT device. FDA tentatively agrees with the Section recommendation that the ECT device be reclassified from class III to class II. Accordingly, under section 513(e) of the act and § 860.130(d) (21 CFR 860.130(d)) of the regulations governing reclassification under section 513(e), FDA is issuing this notice of intent to initiate a change in § 882.5940 (21 CFR 882.5940) of the regulation regarding the classification of the ECT device.

In its petition to reclassify the ECT device, APA asserts that ECT has been shown to be an effective treatment only for depression and schizophrenia, and that it appears to be effective for interrupting manic states. FDA is aware, however, that some manufacturers of ECT devices have included other indications for use in the device's labeling, for example, intractable insomnia or hypersomnia, certain chronic pain syndromes, and anorexia nervosa. FDA tentatively plans to initiate proceedings to reclassify the ECT device into class II only when indicated for treating severe depression and schizophrenia, because FDA believes that there is insufficient "valid scientific evidence" (see 21 CFR 860.7(c)) to show that ECT is safe and effective for other conditions. FDA intends to leave the ECT device in class III when it is indicated for use in conditions other than severe depression and schizophrenia. If manufacturers do not delete from the device's labeling the indications that remain in class III, FDA will initiate proceedings pursuant to section 515(b) of the act (21 U.S.C. 360e(b)) to require that ECT devices labeled for those indications that remain in class III have approved applications for premarket approval.

FDA also is considering adopting the Section's recommendation that reclassification into class II not take effect until the effective date of a performance standard for the ECT device established under section 514 of the act. Under section 513(e) of the act and § 860.130(f) (21 CFR 860.130(f)), a regulation changing the classification of a device from class III to class II may provide that the classification change will not take effect until the effective date of a performance standard established for the device. FDA is requesting comments on whether the Section's recommendation regarding the effective date for reclassification should be adopted. Comments are to be submitted in accordance with the instructions below.

A copy of APA's petition, supporting exhibits, the transcript of the Section meeting, the summary minutes of the Section meeting, and the comments received on the petition are on file in the Dockets Management Branch under Docket Number 82P-0316, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

FDA invites public comment regarding any impact that reclassification of the electroconvulsive therapy device intended for treating severe depression and schizophrenia would have on manufacturers, distributors, or licensed practitioners, on the costs or prices paid by consumers, on governmental agencies or geographic regions, on whether the rulemaking would have significant or adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Data and information supporting any such comments would be helpful. Comments are to be submitted to the Dockets Management Branch (address above). Two copies are to be submitted except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The agency will address the requirements of the Regulatory Flexibility Act and Executive Order 12291 when any proposal based on this notice of intent is published in the Federal Register.

Dated: March 24, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-8595 Filed 4-4-83; 8:45 am]

BILLING CODE 4160-01-M

Office of Human Development Services

Advisory Board on Child Abuse and Neglect; Meeting

Notice is hereby given, pursuant to Public Law 92-463, of the meeting of the Advisory Board on Child Abuse and Neglect, April 21, 1983, Hubert H. Humphrey Building, Washington, D.C., Room 337A, beginning at 9:30 a.m.

The Advisory Board on Child Abuse and Neglect was established by the Department of Health and Human Services to assist the Secretary in coordinating programs and activities related to child abuse and neglect planned, administered, or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects.

At this meeting, the Advisory Board will discuss the Annual Report to the Secretary; a request from the United Nations about information on "Abuses against women and children"; and status of the reauthorization of the Child Abuse and Neglect Legislation.

Further information on the Advisory Board meeting may be obtained from Ms. Arlene Taylor, National Center on Child Abuse and Neglect, Room 2003E,

Donohoe Building, P.O. Box 1182, Washington, D.C. 20013. Telephone number is (202) 245–2840.

Advisory Board meetings are open for public observation.

Dated: March 31, 1983.

Mamie J. Welborne,

HDS Committee Management Officer.

[FR Doc. 83–8868 Filed 4–4–83; 8:45 am]

BILLING CODE 4130–01–M

Social Security Administration

Antigua and Barbuda; Finding Regarding Foreign Social Insurance or Pension System

AGENCY: Social Security Administration, HHS.

ACTION: Notice of finding regarding foreign social insurance or pension system—Antigua and Barbuda.

Finding: Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly Social Security benefits to any individual who is not a United States citizen or national for any month after he or she has been outside the United States for six consecutive months. This prohibition does not apply to such an individual where one of the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through (t)(5)) affects his or her case.

Section 202(t)(2) of the Social Security Act provides that the prohibition against payment shall not apply to any individual who is a citizen of a country which the Secretary of Health and Human Services finds has in effect a social insurance or pension system which is of general application in such country and which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old-age, retirement, or death; and

(b) Permits individuals who are United States citizens but not citizens of that country and who qualify for such benefits to receive those benefits, or the actuarial equivalent thereof, while outside the foreign country regardless of the duration of the absence.

The Secretary of Health and Human Services has delegated the authority to make such a finding to the Commissioner of Social Security. The Commissioner has redelegated that authority to the Director, Office of International Policy. Under that authority the Director, Office of International Policy, has approved a finding that Antigua and Barbuda, beginning November 1, 1981, has a social insurance system of general application which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old-age, retirement, or death; and

(b) Permits U.S. citizens who are not citizens of Antigua and Barbuda to receive such benefits, or their actuarial equivalent, at the full rate without qualification or restriction while outside Antigua and Barbuda.

Accordingly, it is hereby determined and found that Antigua and Barbuda has in effect, beginning November 1, 1981, a social insurance system which meets the requirements of Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

FOR FURTHER INFORMATION CONTACT: Roy G. Hatch, Room 1104, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–6122.

(Catalog of Federal Domestic Assistance Programs No. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors Insurance)

Dated: March 24, 1983.

Andrew J. Young,

Director, Office of International Policy.

[FR Doc. 83–8719 Filed 4–4–83; 8:45 am]

BILLING CODE 4190–11–M

Belize; Finding Regarding Foreign Social Insurance or Pension System

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Finding Regarding Foreign Social Insurance or Pension System—Belize.

Finding

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly Social Security benefits to any individual who is not a United States citizen or national for any month after he or she has been outside the United States for six consecutive months. This prohibition does not apply to such an individual where one of the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402 (t)(2) through (t)(5)) affects his or her case.

Section 202(t)(2) of the Social Security Act provides that the prohibition against payment shall not apply to any individual who is a citizen of a country which the Secretary of Health and Human Services finds has in effect a social insurance or pension system which is of general application in such country and which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old-age, retirement, or death; and

(b) Permits individuals who are United States citizens but not citizens of that country and who qualify for such benefits to receive those benefits, or the actuarial equivalent thereof, while outside the foreign country regardless of the duration of the absence.

The Secretary of Health and Human Services has delegated the authority to make such a finding to the Commissioner of Social Security. The Commissioner has redelegated that authority to the Director, Office of International Policy. Under that authority the Director, Office of International Policy, has approved a finding that Belize, effective with the date of its independence, September 22, 1981, has a social insurance system of general application which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old-age, retirement, or death; and

(b) Permits U.S. citizens who are not citizens of Belize to receive such benefits, or their actuarial equivalent, at the full rate without qualification or restriction while outside Belize.

Accordingly, it is hereby determined and found that Belize has in effect, beginning September 22, 1981, a social insurance system which meets the requirements of Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

FOR FURTHER INFORMATION CONTACT: Roy G. Hatch, Room 1104, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–6122.

(Catalog of Federal Domestic Assistance Programs No. 13.802, Social Security—Retirement Insurance; 13.805 Social Security—Survivors Insurance)

Dated: March 24, 1983.

Andrew J. Young,

Director, Office of International Policy.

[FR Doc. 83–8718 Filed 4–4–83; 8:45 am]

BILLING CODE 4190–11–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Walker River Indian Irrigation Project

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to change the annual per acre assessment rates for the operation and maintenance of the irrigation facilities on the Walker River Indian Irrigation

Project, to properly reflect the actual costs for labor, materials, equipment, and services. The change is from $7.00 to $11.00 per irrigable acre for non-Indian owned land and Indian owned land leased to non-Indians, and from $1.00 to $5.50 per irrigable acre for Indian owned land farmed and operated by Indians.

EFFECTIVE DATE: This notice will become effective on date of publication of this document in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Robert L. Hunter, Superintendent, Western Nevada Agency, 5533 Mark Twain Avenue, Carson City, Nevada 89701, telephone number (702) 882–3411.

SUPPLEMENTARY INFORMATION: This notice is issued under authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior in 209 DM 8 and redelegated by the Deputy Assistant Secretary for Indian Affairs (Operations) to the Area Directors in 10 BIAM 3.

Current operation and maintenance expenses have continued to increase each year until costs now exceed revenue from current charges.

Meetings were held with the Tribal Council and water users and two committees of the Tribe. The above changes were presented and comments were heard and evaluated. It was decided that the above changes have to be made in order that the operation and maintenance of the Walker River Irrigation Project can be undertaken and water delivered to the water users.

The notice shall read as follows:

WALKER RIVER INDIAN IRRIGATION PROJECT

Annual Operation and Maintenance Charges

Annual Per Acre Assessment—The annual assessment against land to which water can be delivered under the Walker River Indian Irrigation Project in Nevada for operation and maintenance of the Project is hereby fixed at $11.00 per irrigable acre for non-Indian owned land and Indian owned land leased to non-Indians, and $5.50 per irrigable acre for Indian owned land farmed and operated by Indians.

Payment—The annual operation and maintenance assessment shall be due and payable on April 1. The assessment shall continue in effect thereafter until further notice. Water will not be delivered to the land until the assessment has been paid or arrangements have been made under 25 CFR 171.17 Operation and Maintenance Charges.

Water Users Responsibility—The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the economical use of the irrigation water.

Distribution and Apportionment—All water of the project is deemed a common water supply in which all irrigable lands of the project are entitled to share equally and such water will be distributed to the lands of the project as equitably as physical conditions will permit.

James H. Stevens,

Area Director.

[FR Doc. 83–8738 Filed 4–4–83; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[F–14840–A]

Alaska Native Claims Selection; T/ihteet' Aii, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), will be issued to T/ihteet' Aii, Inc. for approximately 106 acres. The lands involved are within:

Fairbanks Meridian, Alaska (Unsurveyed)

T. 17 N., R. 9 E.

Secs. 27 and 28, those lands formerly within airport lease F–21745. Containing approximately 106 acres.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the TUNDRA TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by the decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Sand Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43, Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until May 5, 1983 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

T/ihteet' Aii, Inc., Birch Creek, via Fort Yukon, Alaska 99740

Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701

B. LaVelle Black,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 83–8819 Filed 4–4–83; 8:45 am]

BILLING CODE 4310–84–M

[F–14989–B]

Alaska Native Claims Selection; Danzhit Hanlaii Corp. et al.

By decision dated March 23, 1982, certain lands in the vicinity of Circle were determined proper for village selection, and approved for interim conveyance to Danzhit Hanlaii Corporation, under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), as amended, and published in the Federal Register (47 FR 12869–12871, March 25, 1982; corrected at 47 FR 16681, April 19, 1982).

Among other lands, the decision of March 23, 1982, approved for

conveyance sections 14, T. 11 N., R. 17 E., Fairbanks Meridian, excluding Native allotment F–13719. At the time the decision was issued, the Bureau's records indicated that two rights-of-way for Federal aid material sites, F–026299 and F–026324, were located within Native allotment F–13719. Because these material sites were located on land excluded from the lands approved for conveyance, they were not addressed in the decision.

Subsequent review of the material sites revealed inaccuracies in location. After the sites were surveyed by the State, corrected descriptions were submitted, which placed material site F–026299 in sections. 13 and 14, and material site F–026324 in section 14, T. 11 N., R. 17 E., Fairbanks Meridian. Both material sites are no longer within Native allotment F–13719.

In view of the foregoing, the decision dated March 23, 1983, is hereby modified to include items 7 and 8, under "The grant of the above-described lands shall be subject to:"

7. A right-of-way, F–026299, for a Federal aid material site, located in SW¼, section 13, and SE¼, section 14, T. 11 N., R. 17 E., Fairbanks Meridian (section. 17, Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 43 U.S.C. 18), as amended); and

8. A right-of-way, F–026324, for a Federal aid material site, located in SE¼, section 14, T. 11 N., R. 17 E., Fairbanks Meridian (section 17, Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 43 U.S.C. 18), as amended).

Except as herein modified, the decision of March 23, 1982, stands as written.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks in the Fairbanks Daily News-Miner.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have thirty days from receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until May 5, 1983 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Danzhit Hanlaii Corporation, Circle, Alaska 99733.

State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7–005, Anchorage, Alaska 99510.

Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701.

B. LaVelle Black,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 83–8820 Filed 4–4–83; 8:45 am]

BILLING CODE 4310–84–M

[F–14925–A; F–14925–B]

Alaska Native Claims Selection; Dineega Corp.

On September 30, 1982, a Decision to Issue Conveyance (DIC) was issued to Dineega, Corporation and published in the **Federal Register,** Vol. 47, No. 191, on pages 43439 through 43441, October 1, 1982.

The navigability maps attached to the DIC of September 30, 1982, identified the navigable water bodies as recommended in the Alaska State Director (SD), BLM memorandum dated September 8, 1982, concerning final easements and navigability determinations for Dineega, Corporation in the Ruby area.

On December 20, 1982, an amendment to the SD memorandum was issued which contained an administrative redetermination of the Melozitna River. The Melozitna River and its interconnecting sloughs are now determined to be navigable from its confluence with the Yukon River in Sec. 29, T. 8 S., R. 17 E., Kateel River Meridian, through the selection area. This water body is identified on the attached navigability maps, the original of which will be found in easement case file F–14925–EE.

The DIC of September 30, 1982, approved for conveyance the surface estate of the bed of the Melozitna River to Dineega, Corporation and conveyance of the subsurface estate of the same land to Doyon, Limited. As this water body is now considered navigable, the submerged land beneath it is not public land and is not available for conveyance to the Native corporations under the Alaska Native Claims Settlement Act (43 CFR 2650.0–5(g)). Therefore, the DIC of September 30, 1982, is hereby modified to exclude the submerged land beneath the above-described water body from the approval for conveyance to Dineega, Corporation and Doyon, Limited. The acreage of the land will not be charged against the village corporation's entitlement.

The easement numbered EIN 6 C5 has been amended, due to this change in navigability, to read as follows:

(EIN 6 C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 25, T. 7 S., R. 16 E., Kateel River Meridian, on the right bank of the Melozitna River. The uses allowed are those listed for a one (1) acre site.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks in the FAIRBANKS DAILY NEWS-MINER.

Except as modified by this decision, the decision of September 30, 1982, stands as written.

B. LaVelle Black,

Acting Chief, Branch of ANCSA Adjudication.

[Fr Doc. 83–8821 Filed 4–4–83; 8:45 am]

BILLING CODE 4310–84–M

[U-52831]

Utah; Invitation To Participate in Coal Exploration Program; W.K. Minerals, Inc.

March 28, 1983.

W. K. Minerals, Inc., a subsidiary of Natomas Coal Company, is inviting all qualified parties to participate in a program for the exploration of coal reserves on the Wasatch Plateau, approximately eleven miles northwest of Orangeville, Utah. The lands are located in Emery County, Utah and are described as follows:

T. 17 S., R. 6 E., SLM, Utah
Sec. 21, E½W½, E½;
Sec. 22, all;
Sec. 23, all;
Sec. 24, W½W½;
Sec. 25, N½NW¼;
Sec. 26, W½, N½NE¼, W½SW¼NE¼, W½W½SE¼;
Sec. 27, all;
Sec. 28, all;
Sec. 29, E½SE¼;
Sec. 32, E½;
Sec. 33, all;
Sec. 34, all;
Sec. 35, lots 3, 4, W½SW¼NE¼, W½W½SE¼, SW¼, S½NW¼.
T. 18 S., R. 6 E., SLM, Utah
Sec. 1, lots 1–8, S½N½;
Sec. 2, lots 1–8, S½N½;
Sec. 3, Lots 1, 2, and 8.
T. 18 S., R. 7 E., SLM, Utah
Sec. 6, lots 4–7, W½SE¼SW¼, W½E½SW¼.
Containing 6,950.61 acres.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111 and to John Schocke, Vice President, W.K. Minerals, Inc., 5970 South Syracuse Street, Suite 124, Englewood, Colorado 80111. Such written notice must be received with 30 days after the publication in the **Federal Register.**

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rata basis. A copy of the exploration plan, as submitted by W.K. Minerals, Inc. is available for public review during normal business hours, in the following office, under Serial Number U-52831: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

W. R. Papworth,
Deputy State Director for Operations.

[FR Doc. 83-8756 Filed 4-4-83; 8:45 am]
BILLING CODE 4310-84-M

[AR 032636]

Proposed Modification of Withdrawal and Opportunity for Public Hearing; Arizona

March 25, 1983.

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to modify the withdrawal made by Public Land Order 3305 of January 13, 1964, which withdrew the following described public land from all forms of appropriation under the public land laws, including the mining and mineral leasing laws:

Gila and Salt River Meridian, Arizona
T. 6 N., R. 2 E.,
Sec. 28, S½NW¼ and N½SW¼.
The area described aggregates 160 acres in Maricopa County.

The purpose of the withdrawal is for use by the Federal Bureau of Investigation, Department of Justice, for establishment of a law enforcement training facility. The Bureau of Land Management proposes to modify the period of withdrawal from an indefinite period to a period of 20 years, to modify the segregative effect by opening the lands to mineral leasing under the mineral leasing laws, to modify the use to include construction and maintenance of a Federal Correctional Institution on approximately 103 acres of the site by the Bureau of Prisons, and to permit the filing of applications for temporary land uses, licenses, permits and cooperative agreements on the subject land.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal modification. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before June 27, 1983. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objection to the proposed modification may be filed with the undersigned officer on or before June 27, 1983.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The authorized Officer will review the withdrawal rejustification to ensure that the modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized Officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the withdrawal will be modified and if so, for how long. The final determination on the modification of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed modification should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mario L. Lopez,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-8754 Filed 4-4-83; 8:45 am]
BILLING CODE 4310-84-M

New Mexico; Public Hearing; Application for Public Land Withdrawal

March 28, 1983.

Notice is hereby given that public hearings will be held on Wednesday, May 4, 1983 and on Thursday, May 5, 1983 for the purpose of obtaining public testimony on an application for public land withdrawal. The hearings will be held as follows:

Wednesday, May 4, 1983—Alburquerque Convention Center, 2nd and Tijeras, Albuquerque, New Mexico, beginning at 1:00 PM.

Thursday, May 5, 1983—Roadway Inn, South National Park Highwey, Carlsbad, New Mexico, beginning at 9:00 AM.

On January 17, 1983, the U.S. Department of Energy filed application number NM 55234 to withdraw approximately 8,960 acres of public land from settlement, sale, location or entry under the general land laws, including the Mining and Mineral Leasing Laws and the Geothermal Stream Act of 1970.

It was published in the Federal Register on January 27, 1983. the lands are described as follows:

New Mexcio Principal Meridian, New Mexico

T. 22 S., R. 31 E.,
Sec. 15;
Sec. 16;
Sec. 17;
Sec. 18, lots 1, 2, 3, 4, inclusive, E½, and E½,W½;
Sec. 19, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
Sec. 20;
Sec. 21;
Sec. 22;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
Sec. 31, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
Sec. 32;
Sec. 33;
Sec. 34.

The area described contains approximately 8,960 acres of public land and 1,280 acres of State owned land for a total of 10,240 acres, more or less, in Eddy County, New Mexcio.

The Department of Energy requests that this land be reserved for the use of the DOE for the purpose of constructing a research and development facility (the Waste Isolation Pilot Plant—WIPP) to demonstrate the safe disposal of radioactive wastes resulting from the defense activities and programs of the United States; however, no radioactive waste will be stored or disposed of under the terms of this withdrawal. The site is in Eddy County, New Mexcio, approximately 25 miles southeast of Carlsbad.

Persons who wish to comment on the proposed land withdrawal may do so by presenting public testimony at one of the above hearing sessions or they may submit their written comments for the record to the State Director, Bureau of Land Management, Santa Fe. Comments must be received by May 13, 1983, in order to be considered.

Persons who wish to testify at one of the hearing sessions should contact the State Director (912) at the address below and indicate the preferred time and place of their testimony. Every attempt will be made to schedule testimony so that all may be heard at the approximate time requested. Oral presentations will be limited to a 10 minute summation of key points. Complete written testimony may be made a part of the record at the hearings by submitting a copy to the legal reporter at the time of testimony.

Persons who do not make an advance request to present their testimony will be allowed to speak providing there is time remaining. These pesons must register at the beginning of each hearing period and will be placed within the schedule if time allows. Persons are urged to make advance registrations to speak.

The testimony taken must relate only to the withdrawal question as that is the issue to be decided by the bureau of Land Management. Comments on the feasibility of the nuclear program in general, or other issues outside of the responsibility of the BLM and the Department of the Interior will not be heard. The hearings will be conducted by an administrative law judge of the Department of the Interior and all comments both oral and written will be made a part of the record used to make the final decision on the withdrawal.

All requests for information or scheduling for this project should be addressed to the undersigned. bureau of Land Management, P.O. Box 1499, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Acting State Director.

[FR Doc 83-8763 Filed 4-4-83: 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management

[N-37390]

Nevada; Order Providing for Opening of Land

March 24, 1983.

1. In a donation of land made under the Act of December 23, 1980 (94 Stat. 3381) the following land, including minerals, has been conveyed to the United States:

Mount Diablo Meridian, Nevada

T. 16 N., R. 18 E.,
Sec. 8, S½ (within) (Lot 12, Block P, Incline Village Unit No.)

Containing 0.24 acres in Washoe County, Nevada. The land is within the Toiyabe National Forest.

2. At 9:00 a.m., on May 5, 1983, the land described above shall be open to such forms of disposition as may by law be made of national forest lands.

3. Inquiries concerning the land should be addressed to the Supervisor, Lake Tahoe Management Unit, P.O. Box 8465, South Lake Tahoe, CA 95731.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 83-8758 Filed 4-4-83; 8:45 am]

BILLING CODE 4310-84-M

[N-37875]

Nevada; Proposed Withdrawal and Reservation of Land

March 24, 1983.

The Department of the Navy, on March 2, 1983, filed application N-37875 for the withdrawal of the following described land subject to valid existing rights from settlement, sale, location, or entry under all of the general land laws, including the mining laws, but not the mineral leasing laws:

Mount Diablo Meridian, Nevada

T. 18 N., R. 29 E.
Sec. 9, SE¼;
Sec. 16, NE¼, N½SE¼.

The area described comprises approximately 400 acres in Churchill County, Nevada.

The applicant agency desires that the land be withdrawn and reserved for the following purposes: (a) Forty acres to be used for family housing for military personnel and their dependents, and (b) 360 acres to be used for a safety arc in connection with an explosive ordnance handling pad facility. The withdrawal is proposed for a period of 20 years.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the District Manager, Bureau of Land Management, 1050 E. William Street, Carson City, Nevada 89701.

This withdrawal will be authorized under the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743, 43 U.S.C. 1701–1782).

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity will be given for a public hearing in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, on or before July 5, 1983. Upon determination by the State Director that a public hearing will be held, a notice will be published in the Federal Register and a newspaper in the general vicinity of the proposed land withdrawal giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their

resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the land for the purposes other than the applicant's and reaching agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the **Federal Register.** The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2752).

Effective on the date of publication of this notice, the above-described lands shall be segregated from the operation of the public land laws, including the mining laws, but not the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. The segregative effect of this proposed withdrawal shall continue for a period of two years, unless sooner terminated by action of the Secretary of the Interior. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. If the withdrawal is approved, the segregation will continue for the duration of the withdrawal.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the District Manager, Bureau of Land Management, 1050 E. William Street, Carson City, Nevada 89701.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 83-8757 Filed 4-4-83; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 25, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 20, 1983.

Carol D. Shull,

Chief of Registration, National Register.

ARKANSAS

Pulaski County

Little Rock, *MacArthur Park Historic District (Boundary Increase),* 214 E. 14th St.

COLORADO

Chaffee County

Salida, *Manhattan Hotel,* 225 F St.

Denver County

Denver, *Rocky Mountain Hotel,* 2301 7th St.
Denver, *St. Joseph's Polish Roman Catholic Church,* 517 E. 46th Ave.
Denver, *Zeitz Buckhorn Exchange,* 1000 Osage St.

El Paso County

Colorado Springs, *Gliddings Building,* 101 N. Tejon St.

Garfield County

Battlement Mesa, *Battlement Mesa Schoolhouse,* 7201 300 Rd.

Mesa County

Clifton, *Kettle-Jens House,* 498 32nd Rd.

Pueblo County

Pueblo, *City Park Carousel,* City Park
Pueblo, *King, Dr. Alexander T., House and Carriage House,* 229 Quincy St. and 215 W. Routt Ave.

CONNECTICUT

New Haven County

New Haven, *Welch Training School,* 495 Congress Ave.

DELAWARE

Kent County

Leipsic, *Katherine M. Lee (schooner) (Leipsic and Little Crek MRA),* Fox's Dock at Front and Lombard Sts.
Leipsic, *Laws, Alexander House (Leipsic and Little Creek MRA),* Front and Walnut Sts.
Leipsic, *Maggie S. Myers (schooner) (Leipsic and Little Creek MRA),* Killen's Dock at Front and Lombard Sts.
Leipsic, *McClary House (Leipsic and Little Creek MRA),* Main and McClary Sts.
Leipsic, *Rawley House (Leipsic and Little Creek MRA),* Main St.
Leipsic, *Reed House (Leipsic and Little Creek MRA),* Lombard St.

GEORGIA

Bleckley County

Cochran, *Hillcrest,* 706 Beech St.

INDIANA

De Kalb County

Garrett vicinity, *Altona Baptist Church (Keyser -Township MRA),* CR 48
Garrett vicinity, *Bevier, Samuel, House (Keyser Township MRA),* CR 52 and CR 11
Garrett vicinity, *Bowman, Joseph, Farmhouse (Keyser Township MRA),* CR 19 and CR 40
Garrett vicinity, *Breechbill-Davidson House (Keyser Township MRA),* IN 8 and CR 7
Garrett vicinity, *Bretheren in Christ Church (Keyser Township MRA),* CR 7
Garrett vicinity, *Clark, Orin, House (Keyser Township MRA),* CR 48 and CR 3
Garrett vicinity, *De Kalb County Home and Barn (Keyser Township MRA),* CR 40
Garrett vicinity, *DePew, Samuel, House (Keyser Township MRA),* CR 40
Garrett vicinity, *Fountain, William, House (Keyser Township MRA),* IN 8
Garrett vicinity, *Gump House (Keyser Township MRA),* IN 8
Garrett vicinity, *Haag, J. H., House (Keyser Township MRA),* CR 54
Garrett vicinity, *Kelham, Edward, House (Keyser Township MRA),* CR 48
Garrett vicinity, *Keyser Township District School 5 (Keyser Township MRA),* CR 54
Garrett vicinity, *Keyser Township School 8 (Keyser Township MRA),* E. Quincy St.
Garrett vicinity, *Lehmback, Charles, Farmstead (Keyser Township MRA),* CR 15
Garrett vicinity, *Rakestraw House (Keyser Township MRA),* CR 19
Garrett vicinity, *Shull, Henry, Farmhouse Inn (Keyser Township MRA),* CR 11–A
Garrett, *Garrett Historic District (Keyser Township MRA),* Roughly bounded by Railroad, Britton, Warfield and Hamsher Sts., and 3rd Ave.
Garrett, *Peters, Henry, House (Keyser Township MRA),* 201 N. 6th St.
Garrett, *Wilderson, John, House (Keyser Township MRA),* 1349 S. Cowen St.

MARYLAND

Baltimore (Independent City)

Eutaw-Madison Apartment House Historic District, 2502 and 2525 Eutaw Pl., and 2601 Madison Ave.

MASSACHUSETTS

Hampden County

Hampden, *Burgess, Thornton W., House,* 789 Main St.

Norfolk County

Foxboro, *Foxboro Grange Hall,* 11–15 Bird St.
Foxboro, *Memorial Hall,* 22 South St.
Foxboro, *Pratt, Capt. Josiah, House,* 141 East St.

NEW MEXICO

Luna County

Deming, *Deming Armory,* 301 S. Silver Ave.

NEW YORK

Bronx County

New York, *48th Police Precinct Station,* 1925 Bathgate Ave.

OHIO

Brown County

Ripley, *Farmers Branch, State Bank of Ohio,* 14 Front St.

Butler County

Hamilton, *Rentschler House,* 643 Dayton St.

Cuyahoga County

Shaker Heights, *Commodore Apartment Building,* 15610 Van Aken Blvd.

Erie County

Sandusky, *Oakland Cemetery Chapel and Superintendent's House and Office,* 2917 Milan Rd.

Fulton County

Wauseon, *Clement, George S., House,* 137 Clinton St.

Lucas County

Toledo, *Riverview Apartments,* 1829–1837 Summit St.
Toledo, *Spitzer Building,* 514–526 Madison Ave.
Toledo, *St. Ann Roman Catholic Church Complex,* 1105 W. Bancroft and 1120 Horace Sts.

Montgomery County

Dayton, *St. Mary Roman Catholic Church,* 543 Xenia Ave.
Dayton, *Stengel, John S., House,* 325 W. 2nd St.

Muskingum County

New Concord, *Stormont, David, House,* 103 W. Main St.

Ottawa County

Port Clinton vicinity, *Catawba Island Wine Company,* 3845 Wine Cellar Rd.

Paulding County

Paulding, *Paulding County Carnegie Library,* 205 S. Main St.

Stark County

Canton, *Mellett-Canton Daily News Building,* 401 W. Tuscarawas St.

PENNSYLVANIA

Beaver County

New Brighton, *Merrick Art Gallery,* 5th Ave. and 11th St.

Crawford County

Springboro vicinity, *Shadeland,* N of Springboro on PA 18

Cumberland County

Mechanicsburg, *Irving Female College,* Filbert, Main, and Simpson Sts.
Mechanicsburg, *Mechanicsburg Commercial Historic District,* Main St. from Arch to High St.

Dauphin County

Harrisburg, *Midtown Harrisburg Historic District,* Roughly bounded by Susquehanna River, Forster, Verbeke, and 3rd Sts.

Franklin County

Lemasters vicinity, *Findlay Farm,* 6801 Findlay Rd.

Lancaster County

Columbia, *Columbia Historic District,* Roughly bounded by Susquehanna River, Union, Cedar, 4th, and 5th Sts., Chestnut to 9th St.
Maytown, *Grove Mansion,* 133 River Rd.

Northampton County

Easton, *Easton Historic District,* Roughly bounded by Riverside and Bushkill Drs., Ferry and 7th Sts.

Philadelphia County

Philadelphia, *Baptist Institute for Christian Workers,* 1425–1429 Snyder Ave.
Philadelphia, *Girard Group,* Delaware Ave. and Arch St.
Philadelphia, *Harrington Machine Shop,* 1640–1666 Callowhill St.
Philadelphia, *Hockley Row,* 237–241 S. 21st St., 2049 Locust St.
Philadelphia, *Poth and Schmidt Development Houses,* 3306–3316 Arch St.

York County

Dover, *Pettit's Ford,* 4400 Colonial Rd.

TENNESSEE

Hamblen County

Morristown, *U.S. Post Office,* 134 N. Henry St.

WISCONSIN

Dane County

Madison, *Stoner, Joseph J., House* (Proposed Move), 321 S. Hamilton St.

[FR Doc. 83-8823 Filed 4-4-83; 8:45 am]
BILLING CODE 4310-70-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Amoco Production Co. (USA)

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Amoco Production Company (USA) has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1042, block 292, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 28, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-8744 Filed 4-4-83; 8:45 am]
BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Kerr-McGee Corp.

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1528, Block 233, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 28, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-8745 Filed 4-4-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Superior Oil Co.

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that The Superior Oil Company has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 2595 and 2596, Blocks 243 and 244, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 228.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 28, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-8743 Filed 4-4-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Provisional Exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No	Name of railroad, contract No., and specifics	Review Board [1]	Decided
875	Boston and Maine Corp., Robert W. Meserve and Benjamin H. Lacy, ICC–BM–C–0037, (Pulp, paper and paper products)	2	3–25–83
876	Boston and Maine Corp., Robert W. Meserve and Benjamin H. Lacy, ICC–BM–C–0036, (Pulp, paper and paper products)	3	3–25–83
877	Oklahoma, Kansas and Texas Railroad Co., ICC–OKKT–C–0256, (Stone or rock)	1	3–25–83
878	Norfolk and Western Railway Co., ICC–NW–C–0043, Supplement 1, (Liquid corn syrup)	2	3–29–83
879	Seaboard System Railroad, Inc., ICC–SBD–C–0045, (Fertilizer)	[illegible]	3–25–83
[illegible]	Norfolk and Western Railway Co., ICC–NW–C–0003–A (Motor vehicles)	2	3–25–83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8593 Filed 4-4-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 328]

Rail Carriers; Investigation of Car Allowance System

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: The Commission served a decision on April 1, 1983, that clarifies the antitrust status of shipper parties renegotiating the private tank car mileage allowance agreement in this proceeding. The decision includes a model agreement and by-laws which shipper owner and lessor parties to the proceeding may use to form one association to consider the issues involved in the proceeding. If shipper parties form such an association and submit the agreement and by-laws and a supporting statement to the Commission for approval under 49 U.S.C. 10706(a)(5)(A), the agreement and by-laws will receive expedited consideration.

DATES: Parties who wish to form the association must file the agreement and by-laws by April 21, 1983. Persons desiring to comment on the model agreement and by-laws must also file comments by April 21, 1983.

ADDRESS: An original and 15 copies of all comments should be sent to: Room 5344, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision (including the model agreement and by-laws), contact T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area) or (800) 424–5403 (toll-free number).

Dated: March 29, 1982.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Vice Chairman Sterret concurred

in the result. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8747 Filed 4-4-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Proposed Partial Consent Decree in Action To Clean Up Hazardous Waste Disposal Site in Olney, Ill.; A&F Materials Co., Inc.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on February 14, 1983, a proposed partial consent decree in *United States* v. *A & F Materials Company, Inc.*, Civil Action No. 80-4395, was lodged with the District Court for the Southern District of Illinois.

This action was originally filed on September 12, 1980, under the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.* and the Clean Water Act, 33 U.S.C. 1251 *et seq.*, to abate conditions which may endanger public health, welfare, and the environment at two hazardous waste disposal sites in Southern Illinois, Greenup and Olney. The two sites were operated by A & F Materials Company. An amended complaint was filed contemporaneously with the lodging of the partial consent decree. The amended complaint adds as parties defendant to the action those companies which are alleged to be responsible for generating the wastes disposed of at the Olney and Greenup facilities. The amended complaint alleges causes of action under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*

The proposed partial consent decree commits the Aluminum Company of America ("ALCOA") to fund and assure cleanup of the Olney site. Alcoa has also agreed to reimburse the Hazardous Substances Trust Fund in the amount of $61,000 for cleanup already undertaken at the site. The United States has retained its rights to proceed against all responsible parties to secure cleanup of the Greenup facility. The proposed decree may be examined at the office of the United States Attorney for the Southern District of Illinois, Room 330, 750 Missouri Ave., East St. Louis, Illinois 62202; at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, 10th and Pennsylvania Avenue, Washington, D.C. 20530. In requesting a copy please enclose a check in the amount of $2.80 (10 cents per page reproduction charge) payable to the Treasurer of the United States. The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *A & F Materials Company, Inc.*, Civil Action No. 80-4395 (S.D. Ill.), D.J. Reference No. 90-7-1-140.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-8742 Filed 4-4-83; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action Under the Clean Water Act and RCRA To Require Defendant To Cease Illegal Discharges of Pollutants at Chemcentral/Detroit Corporation in Romulus, Michigan

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States of America* v. *CHEMCENTRAL/Detroit Corporation*, Civil No. 80-73730 was lodged with the United States District Court for the Eastern District of Michigan on March 25, 1983.

The proposed consent decree requires CHEMCENTRAL/Detroit Corporation to stop discharging pollutants from its Romulus, Michigan facility; undertake measures to abate and prevent contamination of soil, groundwater and surface water; and implement a program to restore the quality of groundwater, surface water, soils and sediments on an adjacent to the defendant's Romulus, Michigan facility.

The proposed consent decree may be examined at the office of the United States Attorney, 817 Federal Building, 231, W. Lafayette, Detroit, Michigan 48226; at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; and at the Office of the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Tenth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Please forward a check in the amount of $4.00 ($.10 per page) for each copy requested.

The Department of Justice will receive written comment relating to the proposed consent decree for a period of thirty days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Tenth and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *United States of America* v. *CHEMCENTRAL/Detroit Corporation*, D.J. Ref. 90-7-1-153.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-8741 Filed 4-4-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U S C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period March 21, 1983–March 25, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–13,662; Lukens Steel Co., Coatesville, PA

TA–W–13,657; Elkem Metals Co., Alloy, WV

TA–W–13,651; Latrobe Steel Co., Latrobe, PA

TA–W–13,638; Talon, Inc., Woodland, NC

In the following case the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–13,693; Wilco U.S., Inc., Port Sanilac, MI

In the following case the investigation revealed that criterion (3) has not been met for the reason specified.

TA–W–13,711; Lerner Manufocturing, Inc., Melville, NY

Aggregate U.S. imports of plastic garment hangers are negligible.

Affirmative Determinations

TA–W–14,178; Colorado & Wyoming Railway Co., Middle Div., Pueblo, CO

A certification was issued in response to a petition received on November 22, 1982 covering all workers separated on or after November 18, 1981.

TA–W–14,200; Colorado & Wyoming Railway Co., Southern Div., Weston, CO

A certification was issued in response to a petition received on December 27, 1982 covering all workers separated on or after June 1, 1982.

TA–W–13,868; CF & I Steel Corp., Maxwell Mine, Weston, CO

A certification was issued in response to a petition received on October 19, 1982 covering all workers separated on or after October 13, 1981.

TA–W–13,869; CF & I Steel Corp., Allen Mine, Weston, CO

A certification was issued in response to a petition received on October 19, 1982 covering all workers separated on or after October 13, 1981.

TA–W–13,973; CF & I Steel Corp., Bokoshoe Mine, Bokoshe, OK

A certification was issued in response to a petition received on November 16, 1982 covering all workers separated on or after April 1, 1982.

TA–W–13,728; CF & I Steel Corp., Pueblo, CO

A certification was issued in response to a petition received on August 17, 1982 covering all workers engaged in employment related to the production of seamless pipe and tubing, steel rails, rolled products, wire and wire products, basic and semifinished steel, coke and coke chemcials.

TA–W–13,791; Refac Electronics Corp., Winsted, CT

A certification was issued in response to a petition received on September 13, 1982 covering all workers separated on or after August 1, 1982.

TA–W–13,673; Armco, Inc., Southwestern Steel Div., Houston Works, Houston, TX

A certification was issued in response to a petition received on July 23, 1982 covering all workers producing carbon and alloy steel plate, wide flange beams, and basic and semi-finished steel separated on or after July 20, 1981.

TA–W–13,731; Martha Manning Corp., Collinsville, IL

A certification was issued in response to a petition received on August 17, 1982 covering all workers separated on or after August 12, 1981.

TA–W–13,779; U.S. Steel Corp., Pittsburgh Works, Pittsburg, CA

A certification was issued in response to a petition received on September 9, 1982 covering all workers engaged in employment related to the petition of hot and cold rolled sheet, galvanized sheet or, wire and wire products separated on or after September 3, 1981.

TA–W–13,611; Tommies, Inc., Staunton, VA

A certification was issued in response to a petition received on June 24, 1982 covering all workers separated on or after August 29, 1981 and before July 15, 1982.

TA–W–13,400; Jones & Laughlin Steel Corp., Aliquippa Works, Aliquippa, PA

A certification was issued covering all workers of the firm engaged in employment related to the production of wire, wire rod and hot rolled bars who became totally or partially separated from employment on or after April 1, 1981 and all workers of the Aliquippa Works of the Jones & Laughlin Steel Corp., Aliquippa, PA engaged in employment related to the production of pipe and tubing, hot rolled sheet and skelp, basic steel and semi-finished steel (blooms, billets, slabs and tube rounds) who became totally or partially separated from employment on or after October 1, 1981 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I hereby certify that the aforementioned determination were issued during the period March 21, 1983–March 25, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213, during normal business hours or will be mailed to persons who write to the above address.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83–8824 Filed 4–4–83; 8:45 am]

BILLING CODE 4510–30–M

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period; State of Arkansas

This notice announces the ending of the Extended Benefit Period in the State of Arkansas, effective on March 26, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Arkansas on October 3, 1982 and has now triggered off.

Determination of "Off" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured

unemployment in the State for the period consisitng of the week ending on March 5, 1983, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending on March 26, 1983.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State named above should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on March 28, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-8825 Filed 4-4-83; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Request for Nomination of Members

Nominations are requested for membership on the National Advisory Committee on Occupational Safety and Health. The Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health, and Human Services on matters relating to the administration of the Act.

The terms of 6 members of the 12 member committee will expire on June 30, 1983. Nominations will be accepted for the vacancies occurring in the following categories: one public representative, one management representative, one labor representative, one safety representative, and two health representatives.

Any interested person or organization may nominate one or more qualified persons for membership. Nominees should be identified by name, occupation or position, address, and telephone number. The category which the candidate would represent should be specified and a resume of the nominee's background, experience, and qualifications included. In addition, the nomination should state that the nominee is aware of the nomination and is willing to serve as a committee member.

Nominations should be submitted to Clarence Page, Division of Consumer Affairs, Occupatinal Safety and Health Administration, Room N-3635, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, no later than May 15, 1983.

Signed at Washington, D.C., this 30th day of March, 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83-8826 Filed 4-4-83; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Behavioral and Neural Sciences Subpanel for Psychobiology; Meeting

The Subpanel for Psychobiology will be meeting in Washington, D.C. on April 13-15, 1983. The meeting will be part open. The time for the open portion of this meeting is being changed from 12 noon to 2 p.m. on April 15 to 2-4 p.m. on April 15. There are no other changes in the agenda. For further information, please contact Dr. Fred Stollnitz, 357-7949.

The notice of this meeting was published in the Federal Register on Monday, March 28, 1983, page 12864, Vol. 48. No. 60.

Dated: March 31, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-8782 Filed 4-4-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Environmental Biology, Subpanel on Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Ecology of the Advisory Panel for Environmental Biology.

Date and Time: April 21 & 22, 1983-8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Gary W. Barrett, Program Director, Ecology (202) 357-9734, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of Subpanel: To provide advice and recommendations concerning support for research in ecology.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries: and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Closé Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: March 31, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-8783 Filed 4-4-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Physiology, Cellular, and Molecular Biology, Subpanel on Biological Instrumentation; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Biological Instrumentation of the Advisory Panel for Physiology, Cellular, and Molecular Biology.

Date and Time: Thursday, and Friday, April 21 and 22, 1983 from 9:00 a.m. to 5:00 p.m.

Place: Room 638, National Science Foundation, 1800 G Street NW., Washington DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Arthur Kowalsky, Program Director, Biological Instrumentation Program, Room 325E, Telephone: 202/357-7652-53

Purpose of Subpanel: To provide advice and recommendations concerning support for research instrumentation.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries: and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d), Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such

determination by the Director, NSF, on July 6, 1979.

Dated: March 31, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-8784 Filed 4-4-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Electrical Systems; Meeting

The ACRS Subcommittee on Electrical Systems will hold a meeting on April 27, 1983 in Room 1046, at 1717 H Street, NW, Washington, DC. The Subcommittee will review the status of the NRC sponsored research and the status of the Generic Safety Issues relating to the electrical systems in nuclear plants. Notice of this meeting was published March 23, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, April 27, 1983

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 31, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-8864 Filed 4-4-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Waste Management; Notice of Meeting

The ACRS Subcommittee on Waste Management will hold a meeting on April 21-23, 1983, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will review and comment on the Department of Energy's Site Characterization Report for the Basalt Waste Isolation Project (Hanford). Notice of this meeting was published March 23, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, April 21, 1983

8:30 a.m. Until the Conclusion of Business

Friday, April 22, 1983

8:30 a.m. Until the Conclusion of Business

Saturday, April 23, 1983

8:30 a.m. Until the Conclusion of Business

Discussion of the topics noted above.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Ms. R. C. Tang (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: March 31, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-8865 Filed 4-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341 OL]

Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit 2); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of March 30, 1983, oral argument on the appeal of intervenor Citizens for Employment and Energy from the October 29 initial decision of the Licensing Board will be heard at *2:00 p.m. on Wednesday, May 4, 1983,* in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: March 30, 1983.

For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-8866 Filed 4-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co. (Pilgrim Nuclear Power Station); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Boston Edison Company (the licensee) is the holder of Facility Operating License No. DPR-35 which authorizes the operation of the Pilgrim Nuclear Power Station (the facility) at steady-state power levels not in excess of 1998 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Plymouth County, Massachusetts.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The licensee responded to Generic Letter 82–05 by letters dated April 16, and June 9, 1982; the licensee responded to Generic Letter 82–10 by letters dated June 8 and 9, 1982 and January 28, 1983. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed, took technical exception to two items, and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 applied to 16 and 10 items, respectively, for BWRs with jet-pumps. Of the ten items listed in Generic Letter 82–10, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82–111, as amended; and Item II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Eighteen of the 20 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The licensee is taking technical exception to two items (II.E.4.2.7 and II.K.3.22); these items will be addressed in a separate action and are therefore not included in this Order. The staff's evaluation of the licensee's delays for the remaining two items is provided herein:

II.B.3 Post-Accident Sampling and
II.F.1(6) Post-Accident Monitoring System

In order to re-plan and integrate all construction activities in an effort to control the overall magnitude of these activities and provide adequate assurance for reducing potential safety hazards, modification work on these two items was stopped in March 1982. In view of the intense construction activity associated with ongoing modification work at the time, this suspension of activity was necessary to enable effective management and control of available resources and to assure improved control of these and other necessary safety-related modifications.

The licensee will use existing systems and interim procedures for events which might reasonably be expected to occur during the period until these systems are installed and operational. Interim procedures for obtaining primary containment gas samples and reactor water samples have been implemented at Pilgrim. In addition, two redundant hydrogen analyzers and one oxygen analyzer are presently installed at Pilgrim to measure containment atomosphere hydrogen and oxygen content.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, It is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-Accident Sampling	do	Install upgraded post-accident sampling capability	June 1, 1984.
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Complete
II.E.4.2	Containment Isolation Dependability.	July 1, 1981	Part 5-lower containment pressure setpoint to level compatible w/normal operation	Do.
		do	Part 7-isolate purge [1] and vent valves on radiation signal	Technical exception.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Complete.
		do	(2) Provide capability for effluent monitoring of iodine	Do.
		do	(3) Install incontainment radiation-level monitors	Do.
		do	(4) Provide continuous indication of containment pressure.	Do.
		do	(5) Provide continuous indication of containment water level	Do.
		do	(6) Provide continuous indication of hydrogen concentration in containment.	June 1, 1984
II.K.3.15	Isolation of HPCI and RCIC Modification.	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation	Complete.
II.K.3.22	RCIC Suction [1]	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus	Technical exception.
II.K.3.24	Space Cooling for HPCI/RCIC	do	Confirm the adequacy of space cooling for HPCI/RCIC	Complete.
II.K.3.27	Common reference level	July 1, 1981	Provide common reference level for vessel level instrumentation.	Do

[1] Not part of Confirmatory Order.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737	Requirement	Licensee's completion schedule
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dtd June 15, 1982	Complete.
I.A.1.3.2	Minimum Shift Crew [1]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedure [1]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined.
II.D.1.2	RV and SV Test Programs	Jan. 1, 1982	Submit plant specific reports on relief and safety valve program.	Complete
II.K.3.18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	Do.
II.K.3.30 & 31	SBLOCA Analysis [1]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels for Emergency Situations [1].	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [1]	do	do	Do
III.A.2.2	Meterological Data [1]	do	do	Do.
III.D.3.4	Control Room Habitability	To be Determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Not Part of Confirmatory Order

[FR Doc. 83-8394 Filed 4-4-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-325]

Carolina Power & Light Co. (Brunswick Steam Electric Plant, Unit 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Carolina Power & Light Company (the licensee) is the holder of Facility Operating License No. DPR-71 which authorizes the operation of the Brunswick Steam Electric Plant, Unit 1 (the facility) at steady-state power levels not in excess of 2436 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Brunswick County, North Carolina.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been

completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The licensee responded to Generic Letter 82–05 by letters dated April 23, June 24, and December 6, 1982; the licensee responded to Generic Letter 82–10 by letters dated June 9, and December 6, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed, took technical exception to one item, and made firm commitments to complete the remainder. The attached Tables summarizing the licesee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 applied to 16 and 10 items, respectively, for BWRs with jet pumps. Of the 10 items listed in Generic Letter 82–10, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82–111, as amended; and Item II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Eleven of the 20 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The licensee is taking technical exception to one item, II.E.4.2.7, that will be addressed in a separate action and is therefore not included in this Order. The staff's evaluation of the licensee's delays for the remaining eight items is provided herein:

II.B.3 Post Accident Sampling

This item will be delayed by the licensee and will be completed by June 1, 1983. The installation delay has been caused by prolonged equipment procurement and delivery schedules. Installation will be performed during the Fall 1982 outage. The licensee also anticipates substantial test and checkout before the system can be declared operational. The licensee has implemented interim compensatory measures.

II.F.1 (1–6) Post-accident Monitoring (6 items)

The licensee will delay three items, II.F.1.3, II.F.1.5, and II.F.1.6, until June 1, 1983. The licensee asserts that item II.F.1.4 is complete. The licensee anticipates no difficulties completing items II.F.1.3, II.F.1.5 and II.F.1.6 during the upcoming fall outage (refueling outage prior to the start of Cycle 4). With respect to items II.F.1.1 and II.F.1.2, the licensee has experienced significant delays in the development, procurement and delivery of the isokinetic sample probes and in the procurement and delivery of the needed cabling. In addition, certain aspects of the installation will require concurrent outages of the Units 1 and 2. The licensee intends to perform this specific aspect during a brief dual-unit outage during the 1982 fall refueling outage on Brunswick Unit 1. However, should that not prove to be feasible, the licensee will, in any event, complete items II.F.1.1 and II.F.1.2 on both units prior to June 1, 1983.

II.K3.22 RCIC Suction Automatic Transfer

The licensee has committed to complete this item during the upcoming fall 1982 refueling outage. The short-term requirement to insure that procedures adequately address manual suction transfer and when it is needed has been completed.

II.K.3.18 ADS Actuation

The BWR Owners Group generic submittal was made on October 29, 1982. The licensee is assessing the applicability of that submittal to the facility and will provide a plant-unique submittal by February 28, 1983.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay in the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	[illegible]
II.B.3	Post-Accident Sampling	....do	Install upgraded post-accident sampling capability	June 1, 1983.
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete.
II.E.4.2	Containment Isolation Dependability.	July 1, 1981	Part 5—lower containment pressure setpoint to level compatible w/normal operation.	[illegible]

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
		....do	Part 7—isolate purge & vent valves on radiation signal [1]	Technical Exception.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	June 1, 1983.
		....do	(2) Provide capability for effluent monitoring of iodine	Do
		....do	(3) Install incontainment radiation-level monitors	Prior to start of Cycle 4 (June 1, 1983).
		....do	(4) Provide continuous indication of containment pressure	Complete.
		....do	(5) Provide continuous indication of containment water level.	Prior to start of Cycle 4 (June 1, 1983).
		....do	(6) Provide continuous indication of hydrogen concentration in containment.	[illegible]
II.K.3.15	Isolation of HPCI & RCIC Modification.	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation.	Complete.
II.K.3.22	RCIC Suction	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	Prior to start of Cycle 4 (May 1983)
II.K.3.24	Space Cooling for HPCI/RCIC	....do	Confirm the adequacy of space cooling for HPCI/RCIC	Complete
II.K.3.27	Common reference level	July 1, 1981	Provide common reference level for vessel level instrumentation.	Do.

[1] Not Part of Confirmatory Order.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737	Requirement	Licensee's completion schedule (or status)
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd June 15, 1982	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dtd June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew [1]	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [1]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined.
II.D.1.2	RV and SV Test	July 1, 1981	Submit plant specific reports on relief and safety valve program.	Complete.
II.K.3.18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	Feb. 28, 1983.
II.K.3.30 & 31	SBLOCA Analysis [1]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels [1] for Emergency Situations.	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
	Upgrade Emergency Support Facilities [1].	....do	....do	Do.
III.A.2.2	Meteorological Data [1]	....do	....do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete

[1] Not Part of Confirmatory Order.

[FR Doc. 83-8395 Filed 4-4-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-324]

Carolina Power & Light Co. (Brunswick Steam Electric Plant, Unit 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Carolina Power & Light Company (the licensee) is the holder of Facility Operating License No. DPR-62 which authorizes the operation of the Brunswick Steam Electric Plant, Unit 2 (the facility) at steady-state power levels not in excess of 2436 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Brunswick County, North Carolina.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The licensee responded to Generic Letter 82–05 by letters dated April 23, June 24, July 1, and December 6, 1982; the licensee responded to Generic Letter 82–10 by letters dated June 9, and December 6, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed, took technical exception to one item, and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 applied to 16 and 10 items, respectively for BWRs with jet pumps. Of the 10 items listed in Generic Letter 82–10, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82–111, as amended; and Item II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Thirteen of the 20 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The licensee is taking technical exception to one item, Item II.E.4.2.7, that will be addressed in a separate action and is therefore not included in this Order. The staff's evaluation of the licensee's delays for the remaining six items is provided herein:

II.B.3 Post Accident Sampling

This item will be delayed by the licensee and will be completed by June 1, 1983. The installation delay has been caused by prolonged equipment procurement and delivery schedules and by continuing difficulty in establishing and maintaining required systems availability for periods of time sufficient to complete various tie-ins. The licensee also anticipates substantial test and checkout before the system can be declared operational. The licensee has implemented interim compensatory measures.

II.F.1 (1–6) Post-Accident Monitoring (6 Items)

The licensee will delay two Items, II.F.1.1, and II.F.1.2, until June 1, 1983, one Item, II.F.1.5, until eight months after start of Cycle 5 (April 1983), and one Item, II.F.1.6, until the first outage of sufficient duration, but not later than prior to the start of Cycle 6. The licensee asserts that two Items, II.F.1.3 and II.F.1.4, are complete. With respect to Items II.F.1.1 and II.F.1.2, the licensee has experienced significant delays in the development, procurement and delivery of the isokinetic sample probes and in the procurement and delivery of the needed cabling. In addition, certain aspects of the installation will require concurrent outages of both Units 1 and 2. The licensee intends to perform this specific aspect during a brief dual-unit outage during the 1982 Fall refueling outage on Brunswick Unit 1. However, should that not prove to be feasible, the licensee will in any event, complete Items II.F.1.1 and II.F.1.2 on both units prior to June 1, 1983. Late delivery of qualified instrumentation valves and manifolds precluded completion of Item II.F.1.5 during the recent Brunswick Unit 2 outage. It will, however, be complete within eight months after the start of Cycle 5 (May 1983). The installation schedule for Item II.F.1.6 is significantly longer than the schedule for the 1982 refueling outage, with no possibility of reducing the installation time. Thus, the licensee is deferring installation until the first outage of sufficient duration, but no later than prior to the start of Cycle 6 (3/84). In the interim the licensee will continue to use the existing hydrogen and oxygen monitors.

II.K.3.18 ADS Actuation

The BWR Owners Group generic submittal was made on October 29, 1982. The licensee is assessing the applicability of that submittal to the facility and will provide a plant-unique submittal by February 28, 1983.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register.** A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Reqirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-Accident Sampling	...do	Install upgraded post-accident sampling capability	June 1, 1983
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete
II.E.4.2	Containment Isolation Dependability	July 1, 1981	Part 5-lower containment pressure setpoint to level compatible w/normal operation.	Do.

ATTACHMENT 1.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05—Continued

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
		...do	Part 7—isolate purge [1] & vent valves on radiation signal.	Technical Exception.
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	June 1, 1983.
		...do	(2) Provide capability for effluent monitoring of iodine	Do.
		...do	(3) Install containment radiation-level monitors	Complete.
II.F.1		...do	(4) Provide continuous indication of containment pressure.	Do.
		...do	(5) Provide continuous indication of containment water level.	Eight months after start of Cycle 5 (May 1983).
		...do	(6) Provide continuous indication of hydrogen concentration in containment.	First outage of sufficient duration, but no later than prior to the start of Cycle 6.
II.K.3.15	Isolation of HPCI and RCIC Modification.	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation.	Complete.
II.K.3.22	RCIC Suction	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	Do.
II.K.3.24	Space Cooling for HPCI/RCIC	...do	Confirm the adequacy of space cooling for HPCI/RCIC.	Do.
II.K.3.27	Common reference level	July 1, 1981	Provide common reference level for vessel level instrumentation.	Do.

[1] Not part of Confirmatory Order.

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737	Requirement	Licensee's completion schedule (or status)
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dtd June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew [1]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [1]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined.
II.D.1.2	RV and SV Test	July 1, 1981	Submit plant specific reports on relief and safety valve program.	Complete.
II.K.3.18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	Feb. 28, 1983.
II.K.3.30 & 31	SBLOCA Analysis [1]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [1]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [1]	...do	...do	Do.
III.A.2.2	Meteorological Data [1]	...do	...do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Not Part of Confirmatory Order.

[FR Doc. 82-8818 Filed 4-4-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-254/265]

Commonwealth Edison Company and Iowa-Illinois Gas and Electric Co. (Quad Cities Nuclear Power Station, Units 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Commonwealth Edison Company (the licensee) is the holder of Facility Operating License Nos. DPR-29 and DPR-30 which authorize the operation of the Quad Cities Nuclear Power Station, Units 1 and 2 (the facilities) at steady-state power levels not in excess of 2511 megawatts thermal. The facilities are boiling water reactors (BWRs) located at the licensee's site in Rock Island County, Illinois.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The licensee responded to Generic Letter 82–05 by letters dated April 15, June 10, August 5, August 27, and October 14, 1982; the licensee responded to Generic Letter 82–10 by letters dated June 4, and September 20, 1982. In these submittals, the licensee confirmed that all but two of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 applied to 16 and 10 items, respectively, for BWRs with jet pumps. Of the 10 items listed in Generic Letter 82–10, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82–111, as amended; and Item II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Eighteen of the 20 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining two items is provided herein:

II.F.1.2 Provide Capability for Effluent Monitoring of Iodine

The item has been delayed by the inability of the licensee to procure the ordered equipment from the supplier, Victoreen. Based on the current vendor schedule, the licensee expects delivery from the vendor by January 30, 1983. Contingent on the vendor delivery on schedule, the licensee expects the equipment to be installed and operational by July 1, 1983. In the interim, acceptable compensatory measures already instituted by the licensee will remain in effect.

II.F.1.6 Continous Indication of Hydrogen Concentration in Containment

This item is delayed because of the licensee's difficulties in procuring environmentally and seismically qualified hydrogen monitoring equipment. Based on current information the licensee believes that properly qualified equipment can be delivered by September 1983 and made operable by December 31, 1983. In the interim, acceptable compensatory measures will continue to be applied until the upgraded and qualified hydrogen monitoring equipment is made operable.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1982	Include simulator exams in licensing examinations	Complete
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-Accident Sampling	do	Install upgrade post-accident sampling capability	Do.
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Do.
II.E.4.2	Containment Isolation Dependability	July 1, 1981	Part 5—lower containment pressure setpoint to level compatible w/normal operation.	Do.
		do	Part 7—isolate purge and vent valves on radiation signal.	[illegible]
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	[illegible]
		do	(2) Provide capability for effluent monitoring of iodine	July 19, 1983.
		do	(3) Install incontainment radiation-level monitors	Complete.
		do	(4) Provide contenious indication of containment pressure.	Do.
		do	(5) Provide continuous indication of containment water level.	[illegible]
		do	(6) Provide continuous indication of hydrogen concentration in containment.	December 19, 1983.
II.K.3.15	Isolation of HPCI and RCIC Modification.	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation.	Complete.
II.K.3.22	RCIC Suction	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	Do
II.K.2.24	Space Cooling for HPCI/RCIC	do	Confirm the adequacy of space cooling for HPCI/RCIC.	Do.

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05—Continued

Item	Title	NUREG–0737	Requirement	Licensee's completion schedule (or status)
II.K.2.27	Common reference level	July 1, 1981	Provide common reference level for vessel level instrumentation.	Do.

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737	Requirement	Licensee's completion schedule
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dtd June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift [1] Crew	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency [1] Procedures	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1981	Submit plant specific reports on relief and safety valve program.	Complete.
II.K.3.18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	Do.
II.K.3.30 & 31	SBLOCA Analysis [1]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels [1] for Emergency Situations.	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency [1] Support Facilities.	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	Do.
III.A.2.2	Meteorological [1] Data	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Not Part of Confirmatory Order.

[FR Doc. 83-8396 Filed 4-4-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50–331]

Iowa Electric Light and Power Company, Central Iowa Power Cooperative, Corn Belt Power Coop. (Duane Arnold Energy Center); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Iowa Electric Light and Power Company, et al. (the licensee) is the holder of Facility Operating License No. DPR–49 which authorizes the operation of the Duane Arnold Energy Center (the facility) at steady-state power levels not in excess of 1658 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Linn County, Iowa.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The licensee responded to Generic Letters 82–05 and 82–10 by letters dated April 14, 1982 and June 16, 1982, respectively. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 applied to 16 and 10 items, respectively, for BWRs with jet-pumps. Of the ten items listed in Generic Letter 82–10, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82–111, as amended; and Item II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Eleven of the 20 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining nine items is provided herein:

II.B.2 Plant Shielding

This item will be completed during the next refueling outage scheduled to start in February 1983. This delay was caused by the main steam isolation valve repairs requiring a six-week shutdown which resulted in extending the current operating fuel cycle into the first quarter of 1983. The only plant shielding remaining to be completed is associated with the post-accident sampling system which is addressed in Item II.B.3 of this Order.

II.B.3 Post-Accident Sampling

This item will be completed during the next refueling outage scheduled to start in February 1983. This delay was caused by failure of the newly installed system to pass the flow test requirements. The licensee states that valve modifications must be made and require the procurement of long lead items. As a compensatory measure the licensee states that an interim post-accident sampling system is available and operational, pending completion of the required modifications.

II.F.1(1–5) Post-Accident Monitoring (5 Items)

These items will be completed during the next refueling outage scheduled to start in February 1983. Items II.F.1 (1) and (2) are delayed pending the licensee's resolution of the electricial connectors and debugging of the instrumentation system. For item II.F.1(3) the resolution of the electrical connectors, which is presently in progress, will complete this item. Items II.F.1(4) and (5) are delayed because of instrument calibration problems; and the resolution of the notification of defect (10 CFR Part 21) concerning the thermal non-repeatability in certain Barton transmitters. As a compensatory measure, the licensee states that existing procedures and practices post-accident monitoring will remain in force until the modified system is fully imlemented in accordance with the requirements of Item II.F.1.

II.K.3.27 Common Reference Level

This item will be completed during the next refueling outage scheduled to start in February 1983. The amount of time that will be required for the retraining of operators and revision of the procedures is the cause of the delay.

III.D.3.4 Control Room Habitability

This item will be completed during the next refueling outage scheduled to start in February 1983. The extension of the present refueling cycle delay of the completion of the installation of the sodium hypochloride system pending plant shutdown in February 1983. The use of the current system is required during operation.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; and (2) there is good cause for the delays; (unexpected design complexity, interface problems, and equipment delays) and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completeon schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Prior to Cycle 7 Sart-up.
II.B3	Post-Accident Sampling	do	Install upgraded post-accident sampling capability	[illegible]
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete.
II.E.4.2	Containment Isolation dependability.	July 1, 1981	Part 5—lower containment pressure setpoint to level compatible w/normal operation.	[illegible]
		do	Part 7—isolate purge and vent valves on radiation signal.	[illegible]
II.F.1	Accident Monitoring	Jan. 1 1982	(1) Install noble gas effluent monitors	Prior to Cycle 7 Start-up.
		do	(2) Provide capability for effleunt monitoring of iodine	[illegible]
		do	(3) Install incontainment radiation level- monitors	[illegible]
II.F.1		do	(4) Provide continuous indication of containment pres- [illegible]	[illegible]
		do	(5) Provide continuous indication of containment water level.	[illegible]
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Copmplete.
II.K.3.15	Isolation of HPIC & RC/CModification.	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation.	[illegible]
II.K.3.22	RCIC Suction	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	[illegible]
II.K.3.24	Space Cooling for HPCI/RCIC	do	confirm the adequacy of space cooling for HPCI/RCIC	[illegible]

ATTACHMENT 1.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05—Continued

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)
II K.3.27	Common reference level	July 1, 1981	Provide common reference level for vessel level instrumentation.	Prior to Cycle 7 start-up

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NURRG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737	Requirement	Licensee's completion schedule
1.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82–12 dtd June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Pficy Statement issued by Generic Ltr. No. 82–12, dtd June 15, 1982.	Complete.
1.A.1.3.2	Minimum Shift [1] Crew	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revised Emergency [1] Procedures	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports or relief and safety valve program.	Complete.
II.K.3.18	ADS Actuation	Aug. 30, 1982	Submit revised position on need for modifications	Do.
II K.3.30 and 31	SBLOCA Analysis [1]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels [1] for Emergency Situations.	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined
III.A.1.2	Upgrade Emergency [1] Support Facilities	do	Reference SECY 82–111, Requirements for Emergency Response Capability	Do
III A.2.2	Meteorological [1] Data	do	Reference SECY 82–111, Requirements for Emergency Response Capability.	Do
III D 3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Prior to Cycle 7 Start-up.

[1] Not part of confirmatory order.

[FR Doc. 83–8397 Filed 4–4–83; 8:45am]
BILLING CODE 7590–01–M

[Docket No. 50–298]

Nebraska Public Power District (Cooper Nuclear Station); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Nebraska Public Power District (the licensee) is the holder of Facility Operating License No. DPR–46 which authorizes the operation of the Cooper Nuclear Station (the facility) at steady-state power levels not in excess of 2381 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Nemaha County, Nebraska.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The licensee responded to Generic Letter 82–05 by letters dated April 16, and October 18, 1982; the licensee responded to Generic Letter 82–10 by letter dated June 4, 1982. In these submittals, the licensee confirmed that all but two of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 applied to 16 and 10 items, respectively, for BWRs with jet-pumps. Of the ten items listed in Generic Letter 82–10, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82–111, as amended; and Item II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Eighteen of the 20 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining two items is provided herein:

II.F.1(1 and 2) Post-Accident Monitoring (2 Items)

The licensee will complete installation and confirm operability of the noble gas and iodine particulate post/accident monitoring instrumentation during the Spring 1983 refueling outage, which is scheduled to begin in April 1983. The delay is due to continuing vendor equipment delivery delays. The licensee has cancelled its original contract and selected a new vendor that will provide the required instrumentation in time for installation during the Spring refueling outage. In accordance with its letter to NRC (Short Term Lessons Learned) dated April 10, 1980, the licensee has interim procedures in place for post-accident monitoring.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; and (2) there is good cause for the delays, equipment delays; and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's Completion Schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do
II.B.3	Post-Accident Sampling	do	Install upgraded post-accident sampling capability	Do
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Do
II.E.4.2	Containment Isolation Dependability.	July 1, 1981	Part 5-lower containment pressure setpoint to level compatible w/normal operation.	Do
		do	Part 7-isolate purge & vent valves on radiation signal	Do
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Refueling outage 8 (April 1983)
		do	(2) Provide capability for effluent monitoring of iodine	Do.
		do	(3) Install incontainment radiation-level monitors	Complete
II.F.1		do	(4) Provide continuous indication of containment pressure.	Do
		do	(5) Provide continuous indication of containment water level.	Do
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Do
II.K.3.15	Isolation of HPCI & RCIC Modification.	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation.	Do
II.K.3.22	RCIC Suction	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	Do.
II.K.3.24	Space Cooling for HPCI/RCIC	do	Confirm the adequacy of space cooling for HPCI/RCIC	Do
II.K.3.27	Common reference level	July 1, 1981	Provide common reference level for vessel level instrumentation.	Do

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737	Requirement	Licensee's completion schedule
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82–12 dtd June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dtd June 15, 1982	Complete.
I.A.1.3.2	Minimum Shift [1] Crew	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency [1] Procedures	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports or relief and safety valve program.	Complete
II.K.3.18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	Do.
II.K.3.30 & 31	SBLOCA Analysis [1]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels [1] for Emergency Situations.	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency [1] Support Facilities	do	do	Do
III.A.2.2	Meteorological [1] Data	do	do	Do.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10—Continued

Item	Title	NUREG-0737	Requirement	Licensee's completion schedule
III.D.3.4 [1]	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Complete.

[1] Not Part of Confirmatory Order.

[FR Doc. 83-8398 Filed 4-4-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corporation (Nine Mile Point Nuclear Station Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Niagara Mohawk Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-63 which authorizes the operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) at steady-state power levels not in excess of 1850 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Oswego County, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are herey incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The licensee responded to Generic Letters 82-05 and 82-10 by letters dated April 16, 1982 and June 7, 1982, respectively. Subsequently, these letters were augmented by letters dated August 20, 1982, September 30, 1982 and October 1, 1982. Finally, Niagara Mohawk forwarded a letter dated November 29, 1982 which superseded all prior correspondence and the schedular commitments contained therein.

In March 1982 the Nine Mile Point plant was shutdown for an extended period in order to replace all recirculation system piping. In order to accomplish this major replacement effort all fuel was removed from the reactor vessel and placed in the spent fuel pool. In September 1982 Niagara Mohawk advised that plant restart was anticipated in September 1983.

By letter dated November 29, 1982 Niagara Mohawk provided the commitments to complete NUREG-0737 items prior to plant startup at the completion of the present extended outage. The attached Table was developed based on this information.

Generic Letter 82-05 applied to a total of 17 items for Boiling Water Reactors. Since Nine Mile Point is a non-jet pump BWR, Item II.K.3.19 which applies only to non-jet pump BWRs is applicable. However, since Nine Mile Point is not equipped with a Reactor Core Isolation Cooling System (RCICS) two items are not applicable, II.K.3.15 and II.K.3.22. Thus, a total of 15 items from Generic Letter 82-05 are applicable to Nine Mile Point.

Generic Letters 82-10 applied to 10 items for Boiling Water Reactors. Of these 10 items six are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that proceed as a result of its consideration of SECY 82-111, as amended; and Items II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Sixteen of the 19 items addressed in this Order are considered by the licensee to be complete or to require no modifications. The licensee is taking technical exception to one item, II.E.4.2.7 which will be addressed in a separate action and is therefore not included in this Order. The staff's evaluation of the licensee's delay for the remaining items, II.F.1(1) and II.F.1(2) is provided herein.

We find, based upon the above that the licensee's commitment to implement Items II.F.1(1) and II.F.1(2) prior to plant restart at the completion of the present extended outage to be acceptable.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of the public health and safety and that the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. A request for a hearing shall be

addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-Accident Sampling	do	Install upgraded post-accident sampling capability	[illegible]
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Do
II.E.4.2	Containment Isolation Dependability.	July 1, 1981	Part 5-lower containment pressure setpoint to level compatible w/normal operation.	Do
		do	Part 7-isolate purge* & vent valves on radiation signal	Technical Exception
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	To be completed prior to plant start-up for resumption of Cycle 7.
		do	(2) Provide capability for effluent monitoring of iodine	Do.
		do	(3) Install incontainment radiation-level monitors	Complete
	xi	do	(4) Provide continuous indication of containment pressure	Do
		do	(5) Provide continuous indication of containment water level.	[illegible]
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Do.
II.K.3.15	Isolation of* HPCI & RCIC Modification	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation.	Not Applicable
II.K.3.19	Interlock Recirculation Pump Modification.	do	Install interlocks on recirculation pump loops	Complete.
II.K.3.22	RCIC Suction*	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	Not Applicable
II.K.3.24	Space Cooling for HPCI/RCIC	do	Confirm the adequacy of space cooling for HPCI/RCIC	Complete
II.K.3.27	Common reference level	July 1, 1981	Provide common reference level for vessel level instrumentation	Do.

*Not Part of Confirmatory Order.

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737	Requirement	Licensee's Completion Schedule (or status)
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dated June 15, 1982	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82-12, dated June 15, 1982	Complete
I.A.1.3.2	Minimum Shift [1] Crew	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued
I.C.1	Revise Emergency [1] Procedures	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program	Complete
II.K.3.18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	[illegible]
II.K.3.30 & 31	SBLOCA Analysis [1]	1 year after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Levels [1] for Emergency Situations	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability	To be determined
III.A.1.2	Upgrade Emergency Support [1] Facilities	Superseded by SECY 82-111.	Reference SECY 82-111, Requirements for Emergency Response Capability	[illegible]
III.A.2.2	Meteorological [1] Data	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	Do
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as determined by licensee study	To be completed prior to plant startup for Cycle 8 operation

[1] Not Part of Confirmatory Order

[Docket No. 50-263]

Northern States Power Co. (Monticello Nuclear Generating Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Northern States Power Company (the licensee) is the holder of Facility Operating License No. DPR-22 which authorizes the operation of the Monticello Nuclear Generating Plant (the facility) at steady-state power levels not in excess of 1670 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Wright County, Minnesota.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience form the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff has proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committedto meet, and (3) justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory meaures being taken.

III

The licensee responded to Generic Letter 82-05 by letter dated April 16, 1982; and to Generic Letter 82-10 by letter dated June 4, 1982, as supplemented by letters dated June 1, 16, and 28, 1982; July 21, 1982; October 13, 1982; and November 8 and 16, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed, took technical exception to one item, and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82-05 and 82-10 applied to 16 and 10 items, respectively, for BWRs with jet-pumps. Of the ten items listed in Generic Letter 82-10, seven times are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A. 2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82-111, as amended; and Item II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Eighteen of the 19 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The licensee is taking technical exception to Item I.A.1.3.1, that will be addressed in a separate action and is therefore not included in this Order. The staff's evaluation of the licensee's delays for the remaining one item is provided herein:

III.D.3.4 Control Room Habitability Requirements

The licensee will delay completion of III.D.3.4 until June 30, 1983 with this date representing a six month delay. This delay is attributed to (a) engineering, (b) material, and (c) productivity problems for the following reasons: (a) Engineering delays have been experienced because the design of the ventilation equipment and reactor building addition required to house this equipment has continually evolved and required extensive redesign work, (b) Material delays have been experienced because material and equipment deliveries have been late, also causing construction delays; and (c) Productivity delays have been experienced because of cramped working conditions.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG-0737 requirements noted; and (2) there is good cause for the several delays; (unexpected design complexity, interface problems, and equipment delays).

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 Items From Generic Letter 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-Accident Sampling	..do	Install upgraded post-accident sampling capability	Do
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Do
II.E.4.2	Containment Isolation Dependability	July 1, 1981	Part 5-lower containment pressure setpoint to level compatible w/normal operation	[redacted]
		....do	Part 7-isolate purge and vent valves on radiation signal.	Do
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Do
		....do	(2) Provide capability for effluent monitoring of iodine	Do
		..do	(3) Install in containment radiation-level monitors	Do.
II.F.1		.do	(4) Provide continuous indication of containment pressure [redacted]	[redacted]
		..do	(5) Provide continuous indication of containment water level.	[redacted]
		....do	(6) Provide continuous indication of hydrogen concentration in containment.	[redacted]
II.K.3.15	Isolation of HPCI & RCIC Modification	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation.	[redacted]
II.K.3.22	RCIC Suction	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	[redacted]
II.K.3.24	Space Cooling for HPCI/RCIC	....do	Confirm the adequacy of space cooling for HPCI/RCIC	[redacted]
II.K.3.27	Common reference level	July 1, 1981	Provide common reference level for vessel level instrumentation.	[redacted]

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737	Requirement	Licensee's completion schedule
I.A.1.3.1	Limit Overtime*	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dtd June 15, 1982.	Technical Exception.
I.A.1.3.2	Minimum Shift* Crew	To be superseded by Proposed Rule	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued
I.C.1	Revise Emergency* Procedures	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program.	Complete
II.K.3.18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	[redacted]
II.K.3.30 & 31	SBLOCA Analysis*	1 yr. After staff approval of model	Submit plant specific analyses	To be determined following staff approval of model
III.A.1.2	Staffing Level* for Emergency Situations.	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency* Support Facilities	....do	....do	Do
III.A.2.2	Meteorological* Data	....do	....do	Do.
III.D.3.4	Control Room Habitability	To be Determined by licensee	Modify facility as identified by licensee study	June 30, 1983

* Not Part of Confirmatory Order

[FR Doc. 83–8400 Filed 4–4–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–333]

Power Authority of the State of New York (James A. FitzPatrick Nuclear Power Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Power Authority of the State of New York (the licensee) is the holder of facility Operating License No. DPR–59 which authorizes the operation of the James A. FitzPatrick Nuclear Power Plant (the facility) at steady-state power levels not in excess of 2536 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Oswego County, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial Additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. these letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The Power Authority of the State of New York responded to Generic Letter 82–05 by letters dated April 21, August 9, August 23, and December 23, 1982; the licensee responded to Generic Letter 82–10 by letter dated June 9, August 25, and December 23, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 applied to 18 and 10 items, respectively for BWRs with jet-pumps. Of the ten items listed in Generic Letter 82–10, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82–111, as amended; and Item II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Fifteen of the 20 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining five items is provided herein:

II.B.3 Post-Accident Sampling

The licensee has stated that modification work is in progress. However, delays have occurred due to difficulties in obtaining environmentally qualified equipment, the additional engineering and procurement actions necessary to provide an alternate power supply, and the magnitude of the installation effort. The licensee has identified compensatory measures utilizing existing installed hardware, instrumentation, and approved procedures that it believes is adequate to assure the capability to assess core damage until the modifications are completed. All actions pertaining to this item will be completed prior to the start of Cycle 6 (7/83).

II.F.1(1–6) Additional Accident-Monitoring Instrumentation (6 Items)

The licensee has completed three items: II.F.1(1), (4) and (5). The licensee will delay three items: II.F.1(2), (3) and (6). For item II.F.1.(2), Post-Accident Effluent Sampling for Iodine and Particulates, the licensee intends to install a flow dilution sampling system which will permit the sampling and analysis of radioiodines and particulates using NUREG–0737 source terms as a design basis. The licensee has encountered a delay in installation. The delay is based on the time necessary for the licensee to resolve certain apparent discrepancies identified by its consultant as a result of the consultant's reevaluation of this item. All actions pertaining to this item will be completed by October 31, 1983. For Item II.F.1(3), Containment High-range Radiation Monitor, the licensee has installed two monitors during the 1981 refueling outage. One monitor is operable; however, the second monitor was not declared operable because it generated spurious containment isolation signals. A containment entry is necessary to correct the deficiency. All actions pertaining to this item will be completed prior to the start of Cycle 6 (7/83). For Item II.F.1(6), Containment Hydrogen Concentration Monitor, the licensee has experienced delays in completing this item due to difficulties in equipment procurement and in obtaining environmentally qualified equipment. In the interim, the licensee has alternate equipment previously installed which provides a hydrogen monitoring capability, as well as other safety-related system designed to mitigate hydrogen buildup in containment. All actions pertaining to this item will be completed prior to the start of Cycle 6 (7/83).

III.D.3.4 Control Room Habitability

The licensee has experienced delays in completing this item due to difficulties associated with minimizing the impact of design modifications on control room activities, i.e., work area conflicts, manpower availability, and limiting the maximum number of craft, labor, and support personnel. Impact on Control Room activities can thus be minimized by conducting the modifications during planned outages. All actions pertaining to this item will be completed prior to the start of Cycle 6 (7/83).

We have evaluated the delays associated with the above items and find that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays (unexpected design complexity, interface problems, scheduling difficulties and equipment procurement delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commissions' regulations in 10 CFR Part 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 Schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	[illegible]
II.B.3	Post-Accident Sampling	...do	Install upgraded post-accident sampling capability	Prior to start of Cycle 6 (July 1983)
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete.
II.E.4.2	Containment Isolation Dependability.	July 1, 1981	Part 5-lower containment pressure setpoint to level compatible w/normal operation.	Do.
		...do	Part 7-isolate purge & vent valves on radiation signal	[illegible]
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Do.
		...do	(2) Provide capability for effluent monitoring of iodine	Oct. 31, 1983.
		...do	(3) Install incontainment radiation-level monitors	Prior to start of Cycle 6 (July 1983)
II.F.1		...do	(4) provide continuous indication of containment pressure.	Complete.
		...do	(5) Provide continuous indication of containment water [illegible]	Do.
		...do	(6) Provide continuous indication of hydrogen concentration in containment.	Prior to start of Cycle 6 (July 1983).
II.K.3.15	Isolation of HPCI and RCIC Modification.	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation.	Complete.
II.K.3.22	RCIC suction	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	[illegible]
II.K.3.24	Space Cooling for HPCI/RCIC	...do	Confirm the adequacy of space cooling for HPCI/RCIC	Do
II.K.3.27	Common reference level	July 1, 1981	Provide common reference level for vessel level instrumentation.	[illegible]

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737	Requirement	Licensee's completion schedule
1.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82–12 dtd June 15, 1982.	Revised administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dtd June 15, 1982.	Complete.
1.A.1.3.2	Minimum Shift* Crew	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units	To be addressed when Final Rule is issued
I.C.1	Revise Emergency* Procedures	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program.	Complete.
II.K.3.18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	[illegible]
II.K.3.30 & 31	SBLOCA Analysis*	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels* for Emergency Situations	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency* Support Facilities.	...do	...do	Do.
III.A.2.2	Meteorological* Data	...do	...do	[illegible]
III.D.3.4	Control Room Habitability	To be Determined by licensee	Modify facility as identified by licensee study	Prior to the start of Cycle 6 (July 1983).

*Not Part of Confirmatory Order.

[FR Doc. 83–8401 Filed 4–4–83; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Vermont Yankee Nuclear Power Corporation (the licensee) is the holder of Facility Operating License No. DPR–28 which authorizes the operation of the Vermont Yankee Nuclear Power Station (the facility) at steady-state power levels not in excess of 1593 megawatts thermal. The facility is a boiling water reactor (BWR) located near Vernon, Vermont.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information

for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

The licensee responded to Generic Letter 82–05 by letters dated May 27, 1982 and June 4, 1982; the licensee responded to Generic Letter 82–10 by letters dated June 9, June 15, and October 12, 1982, and November 10, 1982. In these submittals, the licensee confirmed that some of the items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

Generic Letters 82–05 and 82–10 applied to 16 and 10 items, respectively, for BWRs with jet pumps. Of the 10 items listed in Generic Letters 82–10, six items are not included in this Order. Item I.A.1.3.2 is part of a separate rulemaking; Items I.C.1, III.A.1.2 (2 items), and III.A.2.2 will be handled separately following Commission actions that would proceed as a result of its consideration of SECY 82–111, as amended; and Item II.K.3.30 and II.K.3.31 (one item) is not required until one year after staff approval of the generic model and staff review of these models has not been completed.

Eighteen of the 20 items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the licensee's delays for the remaining two items is provided herein:

II.B.3 Post-Accident Sampling

The licensee has stated that a system designed to meet the intent of this item was installed as of December 30, 1981. Verification of design is in progress. Any additional modifications resulting from design verification will be completed during the Cycle 10 refueling outage scheduled for March 1983. The installed system provides compensatory capability until design verification is complete.

III.D.3.4 Control Room Habitability

The licensee has submitted and committed to proposed modifications which have been approved by the staff. Long lead times associated with procurement of monitoring equipment and subsequent allowance for operational testing and installation has resulted in delay of the projected implementation date until October 1, 1983.

We find, based on the above evaluation, that: 1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; 2) there is good cause for the delays; and 3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall:

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 14th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

[illegible]	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Do.
II.B.3	Post-Accident Sampling	do	Install upgraded post-accident sampling capability	Prior to start of cycle 10 (3/83).
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete.
II.E.4.2	Containment Isolation Dependability.	July 1, 1981	Part 5-lower containment pressure setpoint to level compatible w/normal operation.	Do.
		do	Part 7-isolate purge & vent valves on radiation signal	Do
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Do.
		do	(2) Provide capability for effluent monitoring of iodine	Do.
		do	(3) Install incontainment radiation-level monitors	Do
II.F.1		do	(4) Provide continuous indication of containment pressure	Do.
		do	(5) Provide continuous indication of containment water level.	Do.
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Do.
II.K.3.15	Isolation of HPCI & RCIC Modification.	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation.	Do.
II.K.3.22	RCIC Suction	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	Do.
II.K.3.24	Space Cooling for HPCI/RCIC	do	Confirm the adequacy of space cooling for HPCI/RCIC	Do.

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05—Continued

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)
II.K.3.27	Common reference level	July 1, 1981	Provide common reference level for vessel level instrumentation.	Do

ATTACHMENT 2.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–10

Item	Title	NUREG–0737	Requirement	Licensee's Completion Schedule
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82–12 Dated June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No. 82–12, dated June 15, 1982.	Complete
I.A.1.3.2	Minimum Shift [1] Crew	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency [1] Procedures	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief and safety valve program.	Complete.
II.K.3 18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	[illegible]
II.K 3.30 & 31	SBLOCA Analysis [1]	1 year after staff approval of model	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels [1] for Emergency Situations.	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support [1] Facilities.	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability.	[illegible]
III.A.2.2	Meteorological [1] Data	Superseded by SECY 82–111	Reference SECY 82–111, Requirements for Emergency Response Capability	[illegible]
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	October 1983.

[1] Not Part of Confirmatory Order.

[FR Doc. 83–8402 Filed 4–4–83; 8:45 am]
BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13105; 811–1949]

Able Associates Fund; Application

March 21, 1983.

In the matter of Able Associates Fund, 174 Birch Drive, Manhasset Hills, New York 11040, (811–1949); Notice of application pursuant to section 8(f) of the Act and Rule 8f–1 thereunder for an order declaring that applicant has ceased to be an investment company.

Notice is hereby given that Able Associates Fund ("Applicant"), registered under the Investment Company Act of 1940 (the "Act") as an open-end, non-diversified management investment company, filed an application on January 18, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act and Rule 8f–1 thereunder, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, a summary of which is set forth below.

Applicant states that it registered under the Act on September 30, 1969, by filing a registration statement on Form N–8b–1 pursuant to Section 8(b) of the Act. On the same date, Applicant states that it filed a registration statement with respect to shares of its common stock, $1.00 par value, pursuant to the Securities Act of 1933. Such registration statement is represented to have become effective on November 5, 1971, and, it is further represented, Applicant commenced the initial public offering of its shares on that date.

Applicant represents that, pursuant to an Agreement and Plan of Reorganization dated June 7, 1982, between Applicant and The Evergreen Total Return Fund, Inc. ("Total Return"), a diversified, open-end investment company registered under the Act, which had been approved by its Board of Directors on May 24, 1982, and which was subsequently approved by its stockholders on August 16, 1982, it sold substantially all its assets, on October 28, 1982, to Total Return in exchange for common stock of Total Return on the basis of relative net assets. The application states that immediately following the sale, such shares of Total Return common stock were distributed pro rata to stockholders of Applicant in complete liquidation of Applicant. Applicant states that it has not retained any assets and that it has no debts or other liabilities outstanding. Applicant further states that a Certificate of Dissolution which it filed with the State of Delaware on December 8, 1982, became effective on December 29, 1982, and Applicant was dissolved under the laws of the State of Delaware. Accordingly, it has ceased conducting the business for which it was organized.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 15, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8804 Filed 4-4-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13117; (811-3452)]

Cardinal Income Trust; Filing of an Application

March 29, 1983.

Notice is hereby given that Cardinal Income Trust ("Applicant"), 155 East Broad Street, Columbus, Ohio 43215, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on February 17, 1983, pursuant to Section 8(f) of the Act, for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

A business trust organized under Pennsylvania law, Applicant states that it has never sold any of its securities. Applicant's registration never became effective, and its president, pursuant to authority granted by Applicant's by-laws and powers of attorney executed and delivered by each of Applicant's trustees, authorized deregistration of Applicant.

Applicant declares that when it filed its application it had no assets or debts, and was not engaged in any business activities other than those necessary for the winding-up of its affairs. Applicant represents that it may in the future commence business activities as an investment company under the Act upon compliance with all applicable laws. Applicant further represents that it is not a party to any litigation or administrative proceeding, and that it has no securityholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall terminate.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 25, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8857 Filed 4-4-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13115; (812-4850)]

Chancellor Tax-Free Money Fund, Inc.; Filing of Application

March 29, 1983.

Notice is hereby given that Chancellor Tax-Free Money Fund, Inc. (the "Applicant" or "Fund"), 100 Gold Street, New York, New York 10292, registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, filed an application on November 13, 1979 and amendments thereto on January 3, 1983 and March 9, 1983, for an order of the Commission pursuant to Section 6(c) of the Act exempting the Fund from the provisions of Section 12(d)(3) of the Act to permit it to acquire rights to sell its portfolio securities to brokers or dealers and from Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit it to value in the manner described in the application such rights acquire from banks, brokers or dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act, for the text of those provisions of the Act to which this exemption applies.

Applicant states that its investment objective is to attain for investors the highest level of current income that is exempt from Federal income taxes, consistent with liquidity and the preservation of capital. Prudential-Bache Securities, Inc. is the investment manager and distributor of the Fund. Prudential-Bache, a Delaware corporation and a broker-dealer registered under the Securities Exchange Act of 1934, is an indirect wholly-owned subsidiary of the Prudential Insurance Company of America ("Prudential"). According to the application, the Fund's portfolio is invested in high quality municipal bonds and notes (including such obligations issued at a discount) with short-term maturities, and, in certain cases, rights to resell such bonds or notes to the sellers thereof at agreed-upon prices within a specified period.

Applicant states that its portfolio is invested only in high quality municipal bonds and notes (including such obligations issued at a discount) with short-term maturities as follows:

1. Municipal Bonds with remaining maturities of one year or less which have been rated AAA or AA by Moody's Investors Service, Inc. ("Moody's") or AAA or AA by Standard & Poor's Corporation ("S&P"), or, if not rated, are of comparable quality as determined by the Board of Directors; or

2. Municipal Notes with remaining maturities of one year or less which are rated MIG-1 or MIG-2 by Moody's or, if appropriate, P-1 or P-2 by Moody's or A-1 or A-2 by S&P, or, if not rated, have been issued by an issuer having outstanding debt securities rated not lower than Aa by Moody's or AA by S&P or are of comparable quality in the judgment of the Board of Directors; or

3. Municipal Bonds or Notes with remaining maturities of one year or less which depend directly or indirectly on the credit of the United States government. Upon receipt of the requested order, the Fund may also purchase municipal bonds or notes together with the right to resell ("put") such bonds or notes to the seller at an agreed upon price or yield within a specified period prior to their maturity. The Fund's policy is generally to exercise the puts on their expiration date when the exercise price is higher than the current market price for related municipal bonds or notes. Although the Fund will generally not seek profits through short-term trading, it may dispose of or put any portfolio security prior to its maturity if, on the basis of a revised credit evaluation of the issuer or other circumstances or considerations, it believes such disposition advisable.

The dollar-weighted average maturity of all such instruments is expected to be maintained at 120 days or less.

The Applicant states that it intends to declare and reinvest its net income as a dividend to its shareholders on a daily basis, and that "net income" for this purpose will consist of all interest income accrued (including amounts of original issue discount amortized) on the portfolio assets of the Applicant, plus any realized gains or losses, less all

expenses of the Applicant. Net income does not include any unrealized capital gains of losses. According to the application, the nature of the investments which Applicant proposes to make has characteristics which are similar to those securitites which are generally designated as money market instruments.

Applicant states that it anticipates the need for immediate liquidity in making purchases of "when-issued" and delayed delivery securities. Since the fund is unable to enter into short-term repurchase agreements, because income in respect thereof is taxable, the same-day sale of portfolio securities may be disadvanatgeous to the Fund, and since the maintenance of univested cash is not an appealing investment strategy, immediate liquidity is an important factor in the Fund's ability to make when-issued or delayed delivery purchase commitments.

Applicant states that it requests an exemption from Section 12(d)(3) of the Act to enable it to adopt policies which would assure same-day settlements on portfolio sales in order to facilitate the same-day payment of redemption proceeds in federal funds and otherwise to enhance the Fund's liquidity; when the Fund purchases a municipal bond or note for its portfolio from a broker, dealer or other financial institution, it proposes to have the flexibility from time to time to acquire, in addition, the option to sell the same principal amount of such securities back to the institution at a specified price. Applicant states that such a right is sometimes referred to in the industry as an "optional delivery, stand-by commitment" and, as described below, is referred to in this Application as a "put".

Applicant states that the puts will have the following features: (1) They will be in writing in the form of a master agreement between the writer of the put and the fund, with the specific terms of the puts for individual issues set forth in a confirmation from the writer, copies of which will be sent to and physically held by Applicant's custodian; (2) they may be exercisable by Applicant at any time prior to the underlying security's maturity; (3) they will be entered into only with dealers, bands and broker-dealers who in the investment adviser's opinion present a minimal risk of default; (4) Applicant's right to exercise them will be unconditional and unqualified; (5) although they will not be transferable, municipal obligations purchased subject to puts could be sold to a third party at any time, even though the put was outstanding; and (6) their exercise price will be (i) Applicant's acquisition cost of the municipal obligations which are subject to the put (excluding any accrued interest which the Applicant paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period Applicant owned the securities, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities were owned by Applicant. Applicant further states that since it values its municipal obligations on an amortized cost basis, the amount payable under a put will be substantially the same as the value of the underlying security.

According to the application, the Applicant expects that it will "pay" for puts through negotiation with the dealer selling the underlying security and that the amount of such "payment" will be allocated by such dealer in the confirmation of the purchase to be received by the Fund. As stated by Applicant, as a matter of policy, the total amount "paid" for outstanding puts held in its portfolio will not exceed ½ of 1% of the value of its total assets calculated immediately after any put is acquired.

As stated in the application, it will be difficult to evaluate the likelihood of exercise or the potential benefit of a put to the Fund if exercised. Therefore, the Applicant states that its board of directors will determine that the value of a put is zero, regardless of whether any direct or indirect consideration is paid. Where the Applicant has paid for a put its cost will be reflected as unrealized depreciation for the period during which the put is held by the fund. In addition, Applicant states that for purposes of complying with the condition of its amortized cost order that the dollar-weighted average maturity of its portfolio shall not exceed 120 days, the puts will be valued at zero and that the dollar-weighted average maturity will not be affected by the acquisition of a put.

Applicant states that the Fund has obtained a favorable ruling from the Internal Revenue Service with respect to puts to the effect that the Fund will be the owner of municipal securities acquired subject to a put option and that interest on the securities will be tax-exempt to the company. Applicant further states, however, that there is no assurance that puts will be available to the Fund, and that the continued availability of puts under all market conditions has not been assumed.

Applicant asserts that the requested relief is appropriate in the public interest and consistent with the protection of investors. Applicant submits that the proposed acquisition of puts will not affect the valuation or assumed maturity of the Fund's underlying municipal bonds and notes, which will be valued in accordance with the Fund's amortized cost order. Furthermore, Applicant states that the acquisition of puts will not meaningfully expose its assets to the entrepreneurial risks of the investment banking business nor require it to evaluate the credit of dealers in determining its net asset value. Applicant asserts that the relationship between it and the dealer will be comparable to a fully collateralized broker-dealer repurchase agreement or security loan and will not be within the purpose of Section 12(d)(3). Finally, Applicant states it will not acquire puts to promote reciprocal practices, to encourage the sale of its shares or to obtain research services.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 25, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature fo his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, vision of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8856 Filed 4-4-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22897 (70-6851)]

Eastern Edison Co., and Montaup Electric Co.; Proposed Issue and Sale of First Mortgage Bonds by Parent and of Debentures by Subsidiary; Purchase of Debentures by Parent

March 29, 1983.

Eastern Edison Company ("Eastern"), 110 Mulberry Street, Brockton, Massachusetts 02403, a public utility subsidiary of Eastern Utilities

Associates, a registered holding company, and Montaup Electric Company ("Montaup"), P.O. Box 391, Fall River, Massachusetts 02722, a generating subsidiary of Eastern, have filed an application-declaration with this Commission pursuant to Sections 6(b), 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42, 45, and 50 thereunder.

Eastern proposes to issue and sell, at competitive bidding, not more than $40,000,000 in principal amount of its First Mortgage and Collateral Trust Bonds, ——— % Series due ——— ("New Bonds"). The interest rate of the New Bonds will be a multiple of ¼ of 1% and the price, exclusive of accrued interest, to be paid to Eastern for the New Bonds will be not less than 98% nor more than 102¾% of the principal amount thereof.

The New Bonds are to be issued under Eastern's Supplemental Indenture. The New Bonds will mature not earlier than five and not later than thirty years from the first day of the month in which they are issued.

It is anticipated that the supplemental indenture relating to the New Bonds will provide, with certain exceptions, that none of the New Bonds will be redeemed for a period of five years after the New Bonds are issued at a regular redemption price if such redemption is a part of, or in anticipation of, any refunding operation involving the incurring of indebtedness having an effective interest cost to Eastern of less than the effective interest cost of the New Bonds.

The proceeds of the sale of the New Bonds will be applied first to the repayment of all short-term bank indebtedness of Eastern which, when the new Bonds and issued, is expected to be outstanding in the amount of approximately $13,000,000. Such indebtedness will have been incurred in part to refinance three series of Eastern's First Mortgage and Collateral Trust Bonds in the aggregate amount of $13,996,000 which have matured in 1983 and in part to finance construction expenditures of Eastern. The remainder of the net proceeds of the New Bonds will be applied to purchase debenture bonds proposed to be issued by Montaup.

Montaup proposes to issue and sell to Eastern, and Eastern proposes to purchase at their principal amount plus accured interest, a principal amount of ——% debenture bonds due ——— ("New Debenture Bonds") which will be approximately equal to the remainder of the net proceeds from the sale of the New Bonds after the repayment of Eastern's short-term bank indebtedness. The maturity date and interest payment date of the New Debenture Bonds will be the same as the corresponding date for the New Bonds. The effective interest rate to Montaup of the New Debenture Bonds will approximate the effective interest rate of the New Bonds. The New Debenture Bonds themselves will contain all of their terms and there will be no indenture or similar instrument governing them.

The proceeds to Montaup from the sale of the New Debenture Bonds are to be applied to reduce short-term bank indebtedness incurred for construction (including facilities owned or to be owned in common with other utilities) or incurred to repay earlier borrowings so incurred. It is expected that bank borrowings of Montaup will be outstanding in the amount of approximately $27,000,000 when the New Debenture Bonds are issued. Eastern will deposit and pledge the New Debenture Bonds under its indenture securing its outstanding First Mortgage and Collatral Trust Bonds, as required by the provisions of the indenture.

Eastern proposes to open bids for the New Bonds on approximately May 17, 1983. It is expected that the New Bonds and the New Debenture Bonds will be issued and sold on approximately May 26, 1983. Eastern may employ alternative competitive bidding procedures in accordance with the statement of policy pursuant to Rule 50(a) (5) under the 1935 Act (Release No. 22623, September 2, 1982), Eastern considers it possible that market conditions at the time of the sale of the New Bonds may make it advisable to endeavor to arrange a sale through a negotiated public offering or by private placement. In such event, Eastern may amend this application-declaration to request an exception from Rule 50 which would permit it to negotiate the terms of such a sale.

The Application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their view in writing by April 22, 1983 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to became effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8858 Filed 4-4-83; 8:45 am]

BILLING CODE 8010-01-M

H.W. Kaufman Financial Group; Notice of Application

[File No. 81-665]

March 30, 1983

Notice is hereby given that H.W. Kaufman Financial Group ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an exemption from the requirements of Sections 13 and 14 of the 1934 Act through December 31, 1983.

For a detailed statement of the information presented, all persons are referred to said application which is on file at the Offices of the Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

Notice is further given than any interested person not later than April 25, 1983 may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.,C. 20549, and should state briefly the nature of the interest of the person submitting such information or requested the hearing, the reason for such request, and the issues of the fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8855 Filed 4-4-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13121; (811-2024)]

Mission Fund; Proposal To Terminate Registration

March 29, 1983.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Mission Fund ("Fund"), Suite 900, 1901 Avenue of the Stars, Los Angeles, CA 90067, registered under the Act as an open-end, diversified, management investment company, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that the Fund was organized under the laws of the State of California on September 30, 1969. It registered under the Act by filing Form N-8A on February 10, 1970, and on the same date it filed a registration statement under the Act on Form N-8B-1, and a registration statement (File No. 2-36256) on Form S-5, pursuant to the Securities Act of 1933 ("1933 Act") in order to make a public offering of its shares of captial stock. The 1933 Act registration statement never became effective; no public offering was made; and it was declared abandoned by the Commission on March 8, 1974.

The files further indicate that the Fund never filed any of the periodic reports required to be filed under the Act and that it never had any assets; that the Fund never actively engaged in the investment company business and that its organizers abandoned the Fund shortly after it registered under the Act. No tax returns were ever filed with the California Franchise Tax Board ("Board") by the Fund and its right to do business in California as a corporation was suspended by the Board on August 17, 1970, for failure to elect an accounting period within nine months after the date of its incorporation. Accordingly, it appears that the Fund is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of that order the registration of that investment company shall cease to be in effect.

Notice is hereby given than any interested person may, not later than April 22, 1983, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8861 Filed 4-4-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13120; (811-460)]

Protected Investors of America Trust of 1934; Proposal To Terminate Registration

March 29, 1983.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Protected Investors of America Trust of 1934 ("Trust of 1934"), 666 Russ Building, San Francisco, CA 94104, registered under the Act as a unit investment trust, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that the Trust of 1934 was created pursuant to the laws of California under an Agreement of Trust dated December 27, 1934 ("Agreement") between Protected Investors of America, a California Corporation, and Title Insurance and Guaranty Company, as Trustee and the holders of the securities ("certificates") issued by the Trust of 1934. Each certificate represented the establishment of a ten-year trust, with Title Insurance and Guaranty Company which subsequently became Western Title Insurance Company, as Trustee. The last certificates were issued in 1940 and matured in 1956. In that year the Trustee requested that all trust accounts be closed. As a result of this action all trusts were terminated and the securities or cash delivered with the exception of seventeen accounts and the amount involved was turned over to the State of California under the provisions of the Unclaimed Property Act. On the basis of the foregoing it appears the Trust of 1934 is no longer an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of that order the registration of that investment company shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the matter may, not later than April 22, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon the company, at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shal be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the matter will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8860 Filed 4-4-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13119; (812-5473)]

Sears Tax-Exempt Investment Trust (and Subsequent Trusts and Similar Series of Trusts); Filing of Application

March 29, 1983.

Notice is hereby given that Sears Tax-Exempt Investment Trust, and all subsequent and similar series of Trusts, c/o Dean Witter Reynolds Inc., Unit Investment Trust Department, 5 World Trade Center, New York, NY 10048

(referred to collectively herein as "Trusts"), each a unit investment trust registered under the Investment Company Act of 1940 ("Act"), and their sponsor, Dean Witter Reynolds Inc. ("Sponsor," and referred to herein with the Trusts as "Applicants"), filed an application on March 4, 1983, for an order of the Commission, pursuant to Section 45(a) of the Act, granting confidential treatment for the profit and loss statements of the Sponsor supplied in connection with registration statements for the Trusts filed with the Commission from time to time. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicants include Sears Tax-Exempt Investment Trust, Series 1 and all subsequent Trusts and all similar series of Trusts, sponsored by the Sponsor. Applicants represent that Series 1 is, and each future Trust will be, governed by a trust indenture ("Indenture") and a Standard Terms and Conditions of Trust ("Agreement") for that Trust (hereinater collectively called the "Trust Agreement") under which the Sponsor will act as depositor, United States Trust Company of New York will act as trustee and Standard & Poor's Corporation will act as evaluator. According to the application, the Trust Agreement for each Trust will incorporate standard terms and conditions of trust common to all Trusts. Pursuant to the Trust Agreement, when the portfolio for the Trust has been acquired, the Sponsor will deposit with the Trustee (on the "Date of Deposit") interest-bearing debt obligations and in some cases, units of previously issued series of Trust ("Portfolio Securities"). Applicants further represent that simultaneously with that deposit the Trustee will deliver to the Sponsor registered certificates ("Certificates") for the requisite number of Units, which will represent the entire beneficial ownership of the Trust at the Date of Deposit. These Units are in turn to be offered for sale to the public through the final prospectus by the Sponsor.

Applicants note that the Portfolio Securities will not be pledged or be in any other way subjected to any debt at any time after the Portfolio Securities are deposited in the Trust. Applicants represent that at least 90% of the Portfolio Securities will be interest-bearing debt obligations issued by or on behalf of states, counties, municipalities or territorial possessions of the United States, or authorities, agencies or other political subdivisions thereof ("Bonds") with fixed maturity dates and not having conversion or equity features. Applicants state that the Sponsor is accumulating the Portfolio Securities for the purpose of deposit for Series 1 and will follow a similar procedure of accumulating the Portfolio Securities for each future Trust. Applicants further represent that, in selecting the Portfolio Securities, the following factors are considered: (1) Minimum credit characteristics similar to those which would receive a Standard & Poor's Corporation or Moody's Investors Services Inc. rating of investment grade; (ii) reasonable value relative to other issues of similar quality and maturity; (iii) diversification of the Portfolio Securities as to purpose and location of Issuer; (iv) availability and cost of insurance, where applicable, for the prompt payment of principal and interest, when due; and (v) length of term of the Portfolio Securities.

The application states that the portfolio of each Trust will consist of the Portfolio Securities, together with accrued and undistributed interest and principal and undistributed cash realized from the sale, redemption, maturity or other disposition of the Portfolio Securities. Certain of the Securities may from time to time be redeemed or will mature in accordance with their terms. Applicants represent that the Sponsor may, under the Trust Agreement, direct the Trustee to sell or liquidate any of the Securities only upon the happening of certain events, as specified in the Agreement. Applicants further state that the proceeds from the maturity, sale, redemption or other disposition of Portfolio Securities will not be reinvested but will be distributed to Unitholders.

Applicants state that each unit in a particular Trust will represent a fractional undivided interest in the principal amount ot Portifolio Securities in the Trust. The numerator of the fractional interest represented by each unit will be 1 and the denominator equal to the number of Units of the Trust then outstanding. Applicants to represent that Units of each Trust will be redeemable. According to Applicants, in the event that any Units shall be redeemed, the demominator of the fraction will be reduced and the fractional undivided interest represented by such Unit increased. Units will remain outstanding until redeemed or until the termination of the Trust Agreement as provided therein. The Trust Agreement may be terminated (i) by written consent of 515 of Unitholders of the Trust, (ii) in the event that the last of the Portfolio Securities then curretly in the porfolio of the Trust has matured or has been redeemed or sold upon direction of the Sponsor to the Trustee, or (iii) automatically on date 50 years after the Date of Deposit. In addition, Applicants assert that the Trust may be terminated, upon written instruction of the Sponsor, if the value of the Trust falls below 30% of the par value of the Portfolio Securities initially deposited in the portfolio. According to the application, following the deposit of Portfolio Securities for each Trust by the Sponsor with the Trustee, and following the declaration of effectiveness of the registration statement of that Trust under the Securities Act of 1933 and clearance by the securities authorities of various states, the Sponsor will offer the Units of that Trust to the public at the public offering price set forth in the Prospecus, plus accured interest.

The application states that, while not obligated to do so, it is the Sponsor's present intention to maintain a market for the Units of each series of the Trusts, and to continually offer to purchase such Units at prices, subject to change at any time, based on the aggregate of the then current, offering prices of the Portfolio Securities in the Trust as computed by the evaluator. If the supply of Units exceeds demand, or for other business reasons, Applicants represent that the Sponsor may discontinue purchases of Units at prices based on the offering prices of the Porfolio Securities. In such event the Sponsor may nonetheless purchase Units, as a service to Unitholders, at a price based on the then current redemption value of those Units. Applicants state that in no event will the price offerd by the Sponsor for repurchase of Units be less than the current redemption value, based on the current bid prices for the Securities in the Trust. Applicants further represent that if the Sponsor purchases any Units at the current redemption value as set forth above, it may not resell such Units or re-offer such Units, but may tender such Units to the Trustee for redemption.

Applicants request conficential treatment for profit and loss statements of the Sponsor pursuant to Section 45(a) of the Act which provides, in pertinent part, the information filed with the Commission "shal be made available to the public, unless and except, insofare as the Commission . . . by order upon appplication finds that public disclosure is neither necessary nor appropriate in the public interest or for the protectio investors."

Applicants submit that public disclosure of the above financial

information is neither necessary nor appropriate in the public interest or for the protection of investors. Investors in the Trusts are not offered an opportunity to acquire any interest whatsoever in the Sponsor. Applicants repesent that apart from the Sponsor's obligation under the Trust Agreement to recommend the disposition of underlying Portfolio Securities for the reasons set forth in the Trust Agreement (which obligations may be performed by the Trustee or succesor Sponsor if not performed by the current Sponsor, the Sponsor functions soloely as an underwriter of the Trusts. Applicants also state that there is no legitimate interest on the part of the investors in the public disclosure of the profit and loss statements of the underwriters from whom the Units are purchased.

According to the application, to the extent that the Sponsor's solvency may concerably be thought relevent to the maintenance or the secondary market in the Units of the Trusts, the Sponsor's statement of financial condition, which is filed with the Commission and various stock exchanges and is readily available to the public, contains fully adequate information in the Prospectus of the Sponsor's right to terminate secondary market activities in a particular Trust. The application states that Unitholders are nevertheless fully protected by their right under the Trust Agreement to redeem their Units upon presentation of such Units properly endorsed to the Trustee. The unit-holders will receive the "Redemption Value" of the Units computed on the underlying assets of the particular Trust. According to Applicants, the existence of the Sponsor and its secondary market activities are irrelevantto the redemption right.

Applicants assert, therfore, that the financial information of the Sponsor is not material from the standpoint of investors. The soundness of the investors' interest in the Trust is solely a function of the fiscal condition of the issuers whose Securities are contained in the Trust's portfolio. Finally, Applicants represent that the financial operations of the Sponsor will in no way enhance of diminish the prospect for an orderly payment of the underlying Securities.

Notice is further given than any interested person wishing to request a hearing on the application may, not later than April 22, 1983, at 5:30 p.m., do so by sumitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be serve personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authirity.

George A. Fitzsimmon,

Secretary.

[FR Doc. 83-8559 Filed 4-4-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13122 (811-465)]

Timetrust Certificates; Proposal To Terminate Registration

March 29, 1983.

Notice is hereby given that the Commission proposes to declare by order on its own motion, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), that Timetrust Certificates ("Timetrust"), 130 Montgomery Street, San Francisco, CA 94104, registered under the Act as a unit investment trust, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that Timetrust was created pursuant to California laws under an Agreement of Trust ("Agreement") dated August 16, 1938, between Timetrust, Incorporated, Title Insurance and Guaranty Company, and holders from time to time of Timetrust Certificates which were issued under the Agreement, and that it registered under the Act on May 12, 1942. Timetrust did not file a registration statement under the Act nor a registration statement pursuant to the Securities Act of 1933 in order to make a public offering of its securities. It never filed any of the periodic reports required to be filed under the Act and it never reported that it had any assets. The files further indicate that Timetrust did not actively engage in business after it registered under the Act other than to redeem in cash and in kind the certificates which were previously issued. It therefore appears that Timetrust is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order and, upon taking effect of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the matter may, not later than April 22, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact of law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon timetrust at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the matter will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc 83-8863 Filed 4-4-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19641; (SR-CBOE-80-16)]

Chicago Board Options Exchange, Inc.; Order Extending Partial Approval of Proposed Rule Change on a Summary and Temporary Basis and Notice of Extended Public Comment Period

March 29, 1983.

On June 9, 1980, the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson, Chicago, IL 60604, filed with the Commission, pursuant to the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change to modify its operations and procedures relating to options market makers. Among other things, the proposed rule change created a single class of market makers by eliminating supplemental appointments, increased the number of options classes in which market makers were permitted to have appointments, and established a new exchange committee responsible for evaluating the performance of and taking disciplinary action against maket

markers. The proposed rule change also prescribed minimum requirements concerning the extent to which a market maker's trading activity must be conducted in person.[1] The rule change was approved by the Commission on February 12, 1982,[2] but its approval order was vacated on April 5, 1982, by the United States Court of Appeals for the Seventh Circuit in *Clement* v. *Securities and Exchange Commission*, an action challenging the minimum requirement for in-person market maker transactions, and the Matter was remanded to the Commission.[3]

On May 11, 1983, the Commission reviewed the rule filing and approved, on a summary basis and for a 90-day period, those portions of the proposed rule change not in contention in the judicial proceeding.[4] That approval was extended for an additional 90 days on August 16, 1982 in anticipation of an amendment to the proposed rule change.[5] CBOE filed a substantive amendment to the proposed rule change on October 19, 1982. To permit the Commission to review this amendment, the Commission on November 1, 1982, extended its temporary approval for an additional 60 days from that date.[6]

The amended proposed rule change requires, among other things, that for each month in a quarter and except in unusual circumstances, 75 percent of a market maker's total options contract volume must be in his appointed options classes and 25 percent of his total options transactions must be executed in person.

The Commission received a letter or comment concerning the proposed rule from the Chicago Board of Trade ("CBT") asserting that the rule would have anticompetitive and discriminatory effects, particularly as applied to CBT members who are also CBOE members.[7] The CBT also requested that the Commission extend the comment period on the proposed rule change. In addition, six comment letters were submitted to the CBOE, which forwarded them to the Commission.[8] On December 30, 1982, the Commission extended the public comment period to January 31, 1983, and extended its summary and temporary approval until March 30, 1983.[9] On February 2, 1983, the Commission received a comment letter from the attorneys for Charles B. Clement, contending that an in-person requirement was unfair to dual CBT/CBOE members, and that it was anticompetitive. The letter further argues that an in-person rule would prevent many CBT members from functioning as CBOE market makers and thus damage CBOE liquidity and price continuity, particularly since, in Clement's case, off-floor orders are market orders, *i.e.*, unconditioned orders to buy or sell at the best available price when the order reaches the trading post.[10] The Commission is interested in receiving further public comment on the rule proposal and is therefore extending the public comment period to May 2, 1983. At the same time, in order to allow the Commission adequate time to review the rule proposal, as well as any additional public comment that may be received, the Commission is extending for 90 days its temporary approval of those portions of the proposed rule change not at issue in *Clement* v. *Securities and Exchange Commission* that previously were approved on a temporary and summary basis.[11]

In order to assist the Commission in determining whether to approve the proposed rule change as amended or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning any portion of the proposed rule change by May 2, 1983. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to file No. SR–CBOE–80–16.

Copies of the original submission, all subsequent amendments, all written statements with respect to the proposed changes which are filed with the Commission and all written communications relating to the proposed changes between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

It is therefore ordered, that the proposed rule change referenced above, and to the extent indicated above, be, and it hereby is, approved until June 28, 1983.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83–8862 Filed 4–4–83; 8:45 am]
BILLING CODE 8010–01–M

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[1] Notice of the proposed rule change was published in Securities Exchange Act Release No. 16919 (June 24, 1980), 45 FR 43914 (1980). Subsequently, on June 9, 1980, the CBOE filed an amendment to the proposed rule change excluding certain closing transactions from the calculations of transactions required to be executed in person by market makers and requiring the recording of additional information on market maker orders. Notice of the amendment to the proposed rule change was published in Securities Exchange Act Release No. 17012 (July 25, 1980), 45 FR 51325 (1980).

[2] Securities Exchange Act Release No. 17535 (February 12, 1981), 46 FR 13055 (1981).

[3] *Clement* v. *Securities and Exchange Commission*, 674, F.2d 641 (7th Cir. 1982).

[4] *See* Securities Exchange Act Release No. 18727 (May 11, 1982), 47 FR 21169 (1982).

[5] Securities Exchange Act Release No. 18983 (August 16, 1982), 47 FR 37020 (1982).

[6] Securities Exchange Act Release No. 19203 (November 1, 1982), 47 FR 50790.

[7] Letter from Thomas R. Donovan, Chairman, Chicago Board of Trade to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, December 10, 1982

[8] See File No. SR–CBOE–80–16.

[9] Securities Exchange Act Release No. 19386 (December 30, 1982), 48 FR 915.

[10] Letter from Coffield Ungaretti Harris & Slavin to George A. Fitzsimmons, January 31, 1983.

[11] CBOE has requested by letter that the Commission extend its temporary approval for 90 days. *See* letter from Anne Taylor to Thomas G. Lovett, March 25, 1983. File No. SR–CBOE–80–16.

[Release No. 19636, SR–PSE–83–3]

Pacific Stock Exchange, Inc.; Proposed Rule Change

March 29, 1983.

In the matter of; Pacific Stock Exchange, Inc., 619 South Spring Street, Los Angeles, CA 90014, (SR–PSE–83–3); Order Approving Proposed Rule Change.

The Pacific Stock Exchange, Inc. ("PSE") submitted on January 28, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to amend current PSE Options Floor Procedure Advice B–6, concerning a market maker's use of floor brokers to effect transactions for the market maker's account. The amendment to paragraph 1(a) of the Advice is intended to resolve a possible ambiguity in the language of that paragraph with respect to market makers giving verbal instructions, rather than written order tickets, to floor brokers. The Advice is being amended to provide that a floor broker should "if possible" prepare an order ticket. In addition, the amendment to paragraph 1(a) will expressly make applicable to floor brokers who handle market maker orders the time-stamping requirements of Rule VI, Section 42 of the rules of the Board of Governors of the PSE.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release

(Securities Exchange Act Release No. 19506, (February 16, 1983) and by publication in the **Federal Register** (48 FR 7840, February 24, 1983)). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8803 Filed 4-4-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region X—Advisory Council Meeting; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Spokane, Washington, will hold a public meeting at 9:30 a.m., Tuesday, April 26, 1983, in the Elizabethan Room on the Mezzanine of the Davenport Hotel, West 807 Sprague Avenue, Spokane, Washington, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Valmer W. Cameron, District Director, U.S. Small Business Administration, Room 651, U.S. Courthouse Building, Post Office Box 2167, Spokane, Washington 99210—(509) 456-3781.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 31, 1983.

[FR Doc. 83-8850 Filed 4-4-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 857]

Validity of Certain Foreign Passports; Addition of Kuwait

"Kuwait" is added to the list of countries which have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign issuing authority for a period of at least six months beyond the expiration date specified in the passport.

This notice amends Public Notice 766 of August 4, 1981 (46 FR 39718).

Diego C. Asencio,

Assistant Secretary for Consular Affairs.

[FR Doc. 83-8739 Filed 4-4-83; 8:45 am]

BILLING CODE 4710-06-M

RAILROAD RETIREMENT BOARD

Senior Executive Service; Performance Review Board; Schedule

AGENCY: U.S. Railroad Retirement Board.

ACTION: Notice.

SUMMARY: Notice is hereby given of the agency's schedule for awarding Senior Executive Service bonuses.

DATE: April 5, 1983.

FOR FURTHER INFORMATION CONTACT: James J. Costello, Bureau of Personnel, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611 (312-751-4570).

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least fourteen days prior to the date on which the awards will be paid.

Schedule for Awarding Senior Executive Service Bonuses

Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service Bonuses at least fourteen days prior to the date on which the awards will be paid. The U.S. Railroad Retirement Board intends to award Senior Executive Service Bonuses for the performance rating cycle of October 1, 1981 through September 30, 1982, with payouts scheduled for May 31, 1983.

Dated: March 25, 1983.

By authority of the Board.

James T. Brown,

Chief Executive Officer.

[FR Doc. 83-8740 Filed 4-4-83; 8:45 am]

BILLING CODE 7905-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 66
Tuesday, April 5, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, April 7, 1983, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda Item No., and Subject

Private Radio—1—*Title:* In re Alaska-Public Fixed Service, amendment of Parts, 2, 81, 83, 87, 90, and 97 of the FCC's Rules and Regulations. *Summary:* The Commission will consider proposing new regulations concerning the Alaska-Public Fixed Service, the Alaska Emergency Frequency, and related rules.

Private Radio—2—*Title: Memorandum Opinion and Order* in the Matter of an Application for Review filed by Kokusai Electric Company of America. *Summary:* The FCC will consider whether to grant the relief requested in an application for review filed by Kokusai Electric Company regarding the grant of a license to X.W. Corporation of Fullerton, California. The license was granted to X.W. Corporation in October 1981, permitting X.W. Corporation to relocate the transmitter for its Station WZN 578, a Specialized Mobile Radio System, from Loop Canyon Peak, CA to Oat Mountain, CA.

Private Radio—3—*Title:* Proposed amendment of Rules to permit operation of Self Powered Vehicle Detectors. *Summary:* The FCC has before it for consideration a Notice of Proposed Rule Making which would amend the Local Government and Highway Maintenance Radio Service rules to permit operation of self powered vehicle detectors in the upper 40 MHz range without specific licensing separate from the base/mobile authorization already held by the applicant.

Common Carrier—1—*Title:* Amendment of Sections 25.151(a) and 25.176(c) of the Commission's Rules with respect to telecommunications satellite procurement. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rulemaking that proposes to amend Sections 25.151(a) and 25.176(c) of the Commission's Rules with respect to telecommunications satellite procurement. The proposed rule will raise the minimum dollar level of procurements subject to the communications satellite procurement regulations from $25,000 to $100,000.

Common Carrier—2—*Title:* Amendment of Annual Report From M regarding revision of certain schedules. *Summary:* The Commission will consider whether to adopt a Report and Order to ease certain reporting requirements in the annual reports of telephone carriers.

Common Carrier—3—*Title:* Notice of Proposed Rulemaking relating to Common Carrier and Satellite Licensing Procedures Pursuant to the Communications Amendments Act of 1982. *Summary:* The Commission will consider whether to issue a Notice of Proposed Rulemaking that proposes amendments to the Commission's Rules and procedures relating to common carrier and satellite radio licensing. The proposed amendments reflect some of the amendments to the Communications Act of 1934 made by the Communications Amendments Act of 1982, Pub. L. No. 97–259.

Common Carrier—4—*Title:* Deregulation of Mobile Customer Premises Equipment. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rulemaking looking toward the deregualtion of mobile telephone customer premises equipment. This equipment was excluded from the scope of the Second Computer Inquiry which deregulated all other conventional telephone equipment.

Common Carrier—5—*Title:* Petition for Reconsideration of Amendment of Annual Report of Licensee in Public Mobile Radio Services (FCC Form L). *Summary:* The Commission will decide whether or not to adopt a Petition for Reconsideration of its decision to eliminate FCC Form L.

Common Carrier—6—*Title:* AT&T Petition for Waiver of Section 64.702 of the Commission's Rules and Regulations with Respect to the Department of Defense and Specified Government Agencies (ENF 83–13). *Summary:* Commission consideration of waiver of Computer II rules to permit Department of Defense and other specified government agencies to obtain new customer premises equipment from Long Lines and the BOCs for emergency and national defense communications until divestiture of the BOCs.

Common Carrier—7—*Title:* Amtel Communications, Inc. *Summary:* The Commission will consider what action to take in light of the suspension of the appeal in *Amtel Communications, Inc. v. F.C.C.*, D.C. Circuit Docket No. 82–1473, in response to a motion for remand by FCC counsel. In the order appealed from, the Commission denied a petition by Amtel Communications, Inc., for a ruling that rates imposed by various Bell System telephone exchange carriers for connections between exchange-line terminations and concentrator identifier units used by telephone answering services are anticompetitive and unreasonably discriminatory. *Amtel Communications, Inc.*, 89 FCC 2d 562 (1982).

Common Carrier—8—*Title: Memorandum Opinion and Order on Reconsideration (Part 2),* in General Docket 80–183 and *Further Notice of Proposed Rulemaking. Summary:* The Commission has before it a *Memorandum Opinion and Order on Reconsideration (Part 2),* of its Report and Order, in General Docket 80–183, 89 FCC 2d 1337, 47 FR 24557 (1982), which allocated 3 MHz of spectrum for private and common carrier one-way paging stations. This Order deals exclusively with nationwide network paging issues. The *Further Notice of Proposed Rulemaking*, requests comments on the nature and extent of rate regulation for the network frequencies.

Audio—1—*Title:* License Renewal Application of Riverside Broadcasting Company, Inc., for Station WKHK(FM), New York, New York. *Summary:* The Commission considers petitions to deny filed by Citizens for Jazz on WRVR, Inc., and the Committee to Save Black Radio alleging that licensee's entertainment format change was not in the public interest; that licensee made misrepresentations to the Commission concerning its entertainment format; and that licensee failed to comply with or violated the Commission's rules or policies concerning equal employment opportunity, stock ownership and reporting, multiple and cross ownership, programing and ascertainment.

Video—1—*Title:* Request for temporary use of television broadcast channels 16 and 19 for point-to-point communications in connection with the 1984 Olympic Games in Los Angeles. *Summary:* The Commission will consider the requests of ABC and the Los Angeles Olympics Organizing Committee for temporary use of broadcast television channels 16 and 19 for point-to-point communications in connection with the 1984 Olympic Games.

Video—2—*Title:* Application for review of Bureau action granting Channel Two Television Company's application for a minor change in the facilities of KPRC–TV, Houston, Texas. *Summary:* The Commission will determine whether the Bureau properly dismissed a petition for reconsideraton of the grant.

Video—3—*Title:* Cablevision of Chicago's notification of aeronautical frequency usage pursuant to Section 76.610 of the Commission's Rules. *Summary:* The

Commission will consider whether to issue a Notice of Apparent Liability for Forfeiture Against Cablevision of Chicago for its use of aeronautical frequencies without authorization.

Policy—1—*Subject:* Notice of Proposed Rulemaking looking toward revision of Section 73.3550 of the Commission's Rules. *Summary:* The Commission will consider its rules and policies with respect to the assignment of new and modified call signs to AM, FM and TV broadcast stations.

Policy—2—*Title:* Amendment of Part 73 of the Commission's Rules to Conform Section 73.3525 to Amendment of Section 311(c)(3) of the Communications Act of 1934, as Amended. *Summary:* The Commission will consider a conforming amendment to the Rule Section that implements Section 311(c)(3) of the Communications Act, regarding agreements to withdraw competing applications.

Policy—3—*Title:* Shared use of Broadcast Auxiliary Facilities with other Broadcast and Non-Broadcast Entities and New Licensing Policies for Television Auxiliary Broadcast Stations (BC Docket No. 81–794). *Summary:* The Commission will consider whether to adopt new rules and policies for the television auxiliary broadcast service. Among the rule changes being considered is a proposal to permit sharing of auxiliary facilities with other broadcast or non-broadcast entities.

Policy—4—*Title:* Amendment of Section 73.593 of the Commission's Rules. *Summary:* A Notice of Proposed Rule Making was issued proposing to delete the requirement that noncommercial educational FM stations could only use their subcarriers to present educational material on a non-profit basis. Instead, the Commission proposed to allow these stations the same uses permitted for commercial FM station subcarriers. The *Report and Order* discusses and resolves the issues which have been raised.

Policy—5—*Title:* Amendment of Parts 2 and 73 of the Commission's Rules Concerning Use of the Subsidiary Communications Authorizations. *Summary:* A Notice of Proposed Rule Making was issued proposing to permit FM licensees to operate subcarriers on a 24-hour-per-day basis and to permit materials of a non-broadcast nature to operate on FM subcarriers. Additionally, the *Notice* proposed technical changes that would increase the FM baseband thereby providing for an additional subcarrier. The *Report and Order* discusses and resolves the issues which have been raised.

Enforcement—1—*Title:* Petition for Issuance of Cease and Desist Order and a Petition for Immediate Issuance of Show Cause Order and Request for Immediate Field Investigation filed, respectively, by Stations WKAQ–TV and WAPA–TV, San Juan, Puerto Rico, relating to a rebroadcast agreement between Stations WKBM–TV, Caguas and WLUZ–TV, Ponce, Puerto Rico. *Summary:* The Commission will consider in a MO & O whether to permit Stations WKBM–TV and WLUZ–TV to continue operating pursuant to a rebroadcast agreement.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: March 31, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–465–83 Filed 4–1–83; 10:20 am]

BILLING CODE 6712–01–M

2

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Closed Meeting on the subject listed below on Thursday, April 7, 1983, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Four Applications for Review of a Petition for Section 403 Inquiry, and two Petitions to Reopen the Record in the Miami, Florida AM radio proceeding (Docket Nos. 79–305, 79–307, 79–310 and 79–312).

Hearing—2—Application for Review of a Review Board Decision denying 11 applications for new DPLMRS authorizations in the Arizona Mobile Telephone Company *et. al.*, DPLMRS proceeding (Docket Nos. 21431 *et. seq.*).

Hearing—3—Petition for Reconsideration in the Faith Center, Inc., San Francisco, California, television comparative renewal proceeding (BC Docket Nos. 82–339 to 82–342).

Hearing 1, 2, and 3, are closed to the public because they concern Adjudication Matters (See 47 CFR 0.603 (j)).

The following persons are expected to attend:

Commissioners and their Assistants
Managing Director and members of his staff
General Counsel and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission:

Hearing 1, and 2, March 30, 1983. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp voting to consider these items in Closed Session.

Hearing 3, March 30, 1983. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, and Rivera voting to consider this item in Closed Session. Commissioner Sharp not participating.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: March 31, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–466–83 Filed 4–1–83; 10:20 am]

BILLING CODE 6712–01–M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Wednesday, April 6, 1983.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

MATTERS TO BE CONSIDERED:

Branch Office Application—Ellwood Federal Savings and Loan Association, Ellwood City, Pennsylvania
Request for Extension of Time—(Proposed) Wawel, Savings and Loan Association, Wallington, New Jersey
Application for Full Trust Powers—First Federal Savings and Loan Association of the Palm Beaches, West Palm Beach, Florida
Waiver of Restriction—Thomas Sung, et al., New York, New York
Insurance of Accounts—Cheviot Building and Loan Company, Cheviot, Ohio

[No. 29, April 1, 1983]

[S–467–83 Filed 4–1–83; 3:00 pm]

BILLING CODE 6720–01–M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 30, 1983.

TIME AND DATE: 10 a.m., Wednesday, April, 6, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Shamrock Coal Company, Docket No. KENT 80–292. (Issues include whether the judge erred in concluding that the operator violated 30 CFR 75.200 by failing to comply with its roof control plan.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653–5632.

[S–468–83 Filed 4–1–83; 3:00 pm]

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FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Monday, April 11, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board 452–3204.

Dated: April 1, 1983.

James McAfee,

Associate Secretary of the Board.

[S–470–83 Filed 4–1–83; 3:20 pm]

BILLING CODE 6210–01–M

6

POSTAL RATE COMMISSION

TIME AND DATE: 2 p.m., Tuesday, April 12, 1983.

PLACE: Conference Room, room 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: (Closed pursuant to 5 U.S.C. 552b(c)(2)(6).

Selection of a Chief Administrative Officer and Secretary of the Commission

CONTACT PERSON FOR MORE INFORMATION: Ron Jensen, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268. Telephone (202) 254–3816.

[S–468–83 Filed 4–1–83; 3:00 pm]

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Federal Register

Tuesday
April 5, 1983

Part II

Department of Health and Human Services

Health Care Financing Administration

Medicare; Automobile Medical, No-Fault or Liability Insurance; ESRD Beneficiaries Under Employer Group Health Insurance

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program, Services Covered Under Automobile Medical, No-Fault, or Liability Insurance; Services Furnished to ESRD Beneficiaries Who Are Covered Under Employer Group Health Insurance

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: These regulations set forth policies and procedures on coverage of services that are reimbursable under automobile medical, no-fault, or liability insurance, and services to end-stage renal disease (ESRD) beneficiaries who are also covered under employer group health plans.

The regulations are necessary to implement section 953 of the Omnibus Reconciliation Act of 1980 and section 2146 of the Omnibus Budget Reconciliation Act of 1981. The first of these sections excludes from Medicare coverage any services for which payment has been made or can reasonably be expected to be made under an automobile or liability insurance policy or plan or under no-fault insurance. The second section makes Medicare benefits secondary to benefits payable under an employer group health plan for services furnished to ESRD beneficiaries during a specified period of up to 12 months.

The intent is to conserve Medicare funds and prevent duplicate payments by Medicare.

EFFECTIVE DATE: These regulations are effective May 5, 1983.

FOR FURTHER INFORMATION, CONTACT: Herbert Pollock, (301) 594-4978.

SUPPLEMENTARY INFORMATION:

Background

Proposed rules published on May 17, 1982 (47 FR 21103) dealt with three basic issues. Those issues, extensively discussed in that preamble, were—

1. Whether Medicare benefits would be secondary even when the private insurance policy or plan makes its benefits secondary to Medicare or otherwise excludes or limits its payments to Medicare beneficiaries.

2. Whether to deny Medicare payments routinely or pay and recover later from the private insurer.

3. Whether the period of secondary benefits for ESRD recipients would be 12 months or less.

Broadly speaking, we proposed—

1. To make Medicare secondary regardless of whether the insurance policy or State law contains a Medicare nonduplication clause.

2. To pay and recover later—

- When the services are covered under liability insurance;
- When payment of benefits under automobile medical or no-fault insurance will be delayed, for instance, because the claim is contested;
- When the intermediary or carrier knows from experience or obtains information indicating that employer plan payment for ESRD beneficiaries will be delayed.

3. To limit to less than 12 months the period during which Medicare benefits will be secondary, if entitlement based on ESRD is delayed because of the 3-month waiting period imposed by the statute or because the application for Medicare was not filed timely.

The first proposal was based on our belief that it is the only interpretation consistent with the cost-saving objective of the section 953 amendments and the clear intent of the section 2146 provisions. In the preamble to the NPRM we quoted extensively from the legislative history, including statements such as the following:

> Under Title XVIII, Medicare will have residual rather than primary liability for the payment of services required by a beneficiary as a result of an injury or illness sustained in an auto accident where payment for the provision of such services can also be made under an automobile insurance policy * * *
>
> The bill changes the benefit coordination * arrangements between the Medicare end-stage renal program and any other health benefits * * * by making any private coverage primary to Medicare for an initial 12 months after the beneficiary is determined eligible * * *

With respect to the second proposal, the different handling of benefits for services covered under different types of private insurance is justified because—

- Payments under automobile medical or no-fault insurance are usually subject to State laws that require prompt payment and are seldom delayed unless a claim is contested;
- Under liability insurance, payment is usually delayed because of the need to obtain a settlement or judgment;
- The law and legislative history for the ESRD amendment provides that Medicare pay and recover later only if payment under the employer plan will be delayed.

The third proposal is consistent with basic ESRD statutory provisions that—

- Impose a 3-month waiting period after dialysis is begun (waived if a patient begins training for self-dialysis before the end of the third month); and
- Limit to 12 months the retroactivity of an application for Medicare benefits.

Discussion of Comments

We received 65 letters of comment—21 from insurance departments, associations, and companies; 14 from ESRD facilities and practitioners; 16 from health facilities and organizations; and 14 from miscellaneous sources, including 1 city, 2 law firms, and several State officials and departments.

The insurance industry representatives were primarily interested in automobile and liability insurance. Only three commented on the ESRD provisions. Seven of the 16 health facilities and organizations focused their comments on ESRD; and 3 on automobile and liability insurance, while 2 expressed concerns about both. The remainder simply objected to or supported the proposal in general terms.

One Congressman, one Governor, one Mayor, and four State agencies commented on automobile and liability insurance. Two State agencies wished to know how recoveries would be handled if Medicaid, as well as Medicare, had paid for services for which there is third party liability. The two law firms were concerned, respectively, with no-fault and liability insurance. The rest of the respondents in the miscellaneous group were generally supportive of the proposal but suggested specific changes.

The specific comments and our response to them are discussed below:

A. Automobile Medical, No-Fault, and Liability Insurance

1. General provisions (§ 405.322):

Proposal: This section defined terms, specified that the regulation would apply to services required because of accidents that occurred on or after December 5, 1980 (effective date of the statutory amendments), specified that if payment was actually *made* under either automobile or liability insurance, Medicare payment would be denied or, if already made, would be recovered, and provided for waiver of recovery if—

- Payment from private insurance was received by the beneficiary within 60 days after publication of the final regulations; or
- The amount involved did not warrant pursuit of the claim.

Comments: Uninsured motorist insurance is first party coverage rather than a form of liability insurance and should be removed from definition.

- Add "personal injury protection" to the definition of automobile medical or no-fault insurance.

Response: Although "uninsured motorist insurance" is separately defined, it is appropriate to include the term in the other definition because the handling of uninsured motorist claims is similar to the handling of liability claims. The fault or negligence of the uninsured party must be established, the claim can be for pain, suffering, and other losses in addition to medical expenses, and the claim is settled or adjusted after negotiation between the injured party (or the party's attorney) and the insurance company. "Personal injury protection" was added to the definition of automobile medical or no-fault insurance.

Comments: Make the regulations effective for accidents that occur after final regulations are published.

• Make clear that recovery will not be sought retroactively.

Response: For discussion of these and other comments regarding effective dates, see the second comment under item A–2.

Comment: Exclusion should not apply to services furnished by HMOs because some States prohibit HMOs from filing claims against or coordinating benefits with nongroup insurers. If the regulation does apply to HMOs, they should not be burdened with the responsibility of filing insurance claims on behalf of members.

Response: Administrative instructions will provide procedures for entities that furnish services and are unable to bill insurers.

Comment: Making the no-fault insurance primary may deprive the patient of a source of payment for Medicare cost sharing expenses and services not covered by Medicare.

Response: With the no-fault insurance primary, Medicare will be available to help pay for the remaining covered expenses. However, it is true that the elimination of duplicate Medicare payments will eliminate windfalls and may require the beneficiary (or the no-fault insurer) to pay for some sevices that are not covered under Medicare.

Comments: • Put a percentage limit on Medicare's right to recover from an insurance settlement.

• Specify that HCFA may participate in compromise settlements (in the sense of reducing the amount of recovery in proportion to the compromise).

Response: The statute requires that Medicare be reimbursed for all payments it made for services reimbursable under an automobile or liability insurance policy or plan. The amount to be recovered would be based on the amount obtained by the beneficiary regardless of how it was obtained.

Comment: The regulation should state that HCFA is bound by any decision of an arbitrator or a judge's decision in a suit for declaratory judgement.

Response: HCFA cannot bind itself to abide by every arbitration decision and declaratory judgement to which it is not a party. There might be some that require further action. The court may lack jurisdiction to decide disputes involving Medicare coverage.

Comment: The last sentence of § 405.322(c) requires HCFA to file an action against the insurer for recovery of any erroneous payment to a beneficiary, provider, or supplier, even if the insurer has paid. Language in paragraph (d)(1) reaches an opposite conclusion and indicates that HCFA would recover erroneous payments from the beneficiary, provider, or supplier, not the insurer, where the insurer has previously paid.

Response: We have deleted "and HCFA may bring an action against the insurer" from the last sentence of § 405.322(c). This was a drafting error. HCFA would not attempt recovery from an insurer that has made its payment.

Comment: Have the beneficiary grant HCFA lifetime subrogation rights when applying for Medicare or require the beneficiary to assign such rights to HCFA when endorsing each benefit check.

Response: The Medicare law does not specifically authorize HCFA to require beneficiaries to assign subrogation rights to HCFA routinely as a condition of entitlement or as a condition of payment for otherwise covered services. However, if a conditional payment is to be made for services for which payment can reasonably be expected under automobile or liability insurance, HCFA may require the beneficiary to assign his or her rights against the individual responsible for the accident or the insurer.

Comment: Thirteen of the commenters approved the exclusion of services reimbursable under automobile or liability insurance and two considered that a person covered by both ought to have a right to both payments.

Response: The statute prohibits duplicate payments by Medicare.

Comment: For administrative convenience, establish a specific dollar tolerance for purposes of waiving recovery of Medicare payments.

Response: Such a tolerance amount may be considered for inclusion in administrative instructions.

2. Special provisions: Services for which payment can reasonably be expected under automobile medical or no-fault insurance. (§ 405.323)

Proposal: This section provided that—

1. Effective 60 days after publication of final regulations, Medicare would deny payment for services covered under automobile medical or no-fault insurance even though the policy or State law made the private insurance benefits secondary to Medicare benefits.

2. Medicare could make a conditional payment if—

• The claim filed by the beneficiary, provider, or supplier was contested or, for any other reason, there will be a substantial delay in making insurance payments; or

• The beneficiary failed to file a claim because of physical or mental incapacity.

3. When a conditional payment is made—

• If the beneficiary receives an insurance payment, he or she must reimburse the program;

• If the insurer does not pay, HCFA may bring action against the insurer and the beneficiary must cooperate in that action;

• As a prerequisite for conditional payment, HCFA may require the beneficiary to authorize it to pursue the beneficiary's rights if the beneficiary does not and to promise to cooperate in HCFA's action;

• The amount to be recovered in HCFA's action will not exceed the amount of the conditional payment;

• At the time a conditional payment is made, the intermediary or carrier will notify the beneficiary of the obligation to refund that payment;

• Failure to notify does not relieve the beneficiary of the obligation to refund the conditional payment.

Comments: Twenty commenters objected to making Medicare secondary to automobile medical and no-fault insurance, when the private insurance policy or State law makes Medicare primary, on the grounds that—

• The statute prohibits duplicate payments but does not prohibit Medicare payment where the automobile policy provides coverage that is secondary to Medicare by law or contract.

• The shifting of insurance costs to the private plans will result in increased automobile premiums for the elderly.

• The regulation would lead to unfair discrimination against older drivers since their Medicare benefits would be reduced while the benefits of elderly persons who do not drive would not be reduced.

• The proposed regulation violates the McCarran-Ferguson Act which provides, in part, that no Federal law shall be construed to invalidate, impair, or supersede any State law for

regulating insurance unless the Federal statute specifically relates to the business of insurance.

Response: Private insurance companies and State legislators cannot dictate the conditions for coverage of services under the Medicare program. It is Congress that has the power to set those conditions, to determine the limits and the timing of Medicare payments, and to provide for recovery of those payments when they are incorrectly or improperly made. To conclude, as some commenters suggest, that State laws and private insurance contracts can make Medicare the primary payer, despite contrary Congressional intent, would lead to the clearly erroneous conclusion that State laws and private parties can dictate Medicare expenditures. That conclusion would also be contrary to the cost reduction purpose of the amendments. If those amendments were interpreted to apply only when the insurance contract or State law accepted primacy, all such contracts and laws could be changed to make Medicare primary payer.

As discussed in the notice of proposed rulemaking, the legislative history of section 2146 of the Omnibus Budget Reconciliaton Act of 1981 noted that most group health policies covering ESRD presently contain provisions that make the policies' coverage secondary to Medicare and expressly stated that section 2146 was intended to reverse this priority for the first 12 months. To carry out this intent, Congress used virtually the same language that it used a year earlier in enacting section 953 relating to automobile, liability, and no-fault insurance. This action confirms our view that Congress intended both section 2146 and section 953 to make Medicare coverage secondary to insurance plans.

We recognize that private insurance rates may increase as a result of this legislation. However, except in some no-fault States, Medicare beneficiaries can retain full Medicare benefits and minimize additional cost by reducing their automobile medical coverage.

In the preamble to the proposed rules, we expressed the opinion that the amendments to section 1862(b) of the Act related to the business of insurance and did not, therefore, contravene the provisions of the McCarran-Ferguson Act.[1] We continue to hold that opinion. We also conclude that the statute and the regulation merely change the order of Medicare payments when private insurance is available. This change does not violate the McCarran-Ferguson Act (42 U.S.C. 1011 through 1015).

Comment: Exclusion should not apply retroactively because this unfairly obligates insurance companies to pay for services that were not reflected in premium rates for contracts that were written before the effective date of the amendments.

Response: Congress specified that Section 953 was to be effective on the date of enactment, December 5, 1980. This admitted of two interpretations: application to services furnished after that date, regardless of when the accident occurred; or application to services related to accidents occurring on or after that date. In recognition of the problems posed for private insurers by the lack of lead time, we took the latter more liberal approach. Section 1862(b) of the Act precludes Medicare payments that duplicate payments made under automobile or liability insurance. However, the exclusion of services for which payment can reasonably be expected under automobile or liability insurance is contingent on regulations. In compliance with section 1862(b), HCFA will recover any Medicare payments that duplicate insurance payments received by a provider for services required as a result of accidents that occurred on or after December 5, 1980. However, in recognition of the special problem for automobile medical and no-fault insurance contracts that provide payments secondary to Medicare, we have made the exclusion applicable to services furnished 60 or more days after publication of these final regulations, as indicated in § 405.323(a). The regulations also specify (in § 405.322(d)(2)) that HCFA will not recover any payment actually received by a beneficiary up to 60 days after final regulations are published. Thus, insurers are not required to reopen any claims which they have already settled and HCFA will take no action against insurers in cases where the insurer has made its payments to Medicare beneficiaries.

We believe these provisions minimize adverse effects on private insurers and recipients of insurance payments to the extent possible within the requirements of the statutory effective date.

Comment: Rules should define "substantial delay" for purposes of qualifying for conditional payment in automobile medical or no-fault cases and should describe procedures for claiming "delay".

Response: Program instructions will deal with this aspect and will take into account variations in automobile insurance requirements and practices in various jurisdictions.

Comment: The requirement that the "carrier" must notify the beneficiary of responsibility to refund Medicare payment could be misinterpreted to mean the private insurance carrier.

Response: This provision has been clarified by inserting "Medicare" before "intermediary or carrier".

3. Special provisions: Services for which payment can reasonably be expected under liability insurance. (§ 405.324)

Proposal: This section—

- Provided that a conditional Medicare payment may be made if the services were required because of an injury or illness allegedly caused by another party and the beneficiary has filed, or has the right to file, a liability claim; and
- Imposed the same rules that apply to conditional payments under § 405.323.

Comment: Questioned HCFA's right to take direct action against an insurer if HCFA made a conditional payment and the insurer does not eventually pay the beneficiary. Aside from the fact that direct action against insurers is permitted in only three States, any rights HCFA might have against an insurer are derivative from the beneficiary. Thus, HCFA stands in the shoes of the beneficiary and the action must be brought in his or her name and all defenses the insurer has against the beneficiary's claim would apply. The proper defendant is the responsible party rather than the insurer. If HCFA maintains that it has the right of direct action against insurers, it should exercise that right only if timely notice has been given to the insurers. (This comment was directed at automobile as well as liability insurance. Our response also deals with both aspects.)

Response: The statute gives HCFA the right to seek reimbursement from the beneficiary, the insurer, or the responsible party whenever Medicare has paid for services covered under automobile or liability insurance. Therefore, HCFA's right of recovery is independent of that of the beneficiary. With respect to liability claims, if a direct action were necessary, HCFA would usually bring the action against both the insurer and the responsible party. If it were necessary to name only the insurer in a suit, and this was contrary to State law, the Federal statute would prevail, since the suit would be necessary to carry out the substantive provisions of section 1862(b)

[1] In general, this Act reserves to the States the right to regulate the business of insurance and provides that no Federal law shall be construed to invalidate, impair, or supersede any State law regulating insurance unless the Federal statute specifically relates to the business of insurance.

in an economical and efficient manner. HCFA's right of direct action against insurers is not conditioned on advance notice.

Comment: Conditional payment in liability cases should be mandatory rather than optional.

Response: We anticipate that conditional Medicare payment will be made routinely in most instances.

Comment: HCFA should recover conditional payments from private insurers (with interest) rather than from providers of services.

Response: The reference in § 405.322(d) to recovery of conditional payments from providers refers only to situations in which the provider received payment both from Medicare and from the automobile or other liability insurer. Sections 405.323(c) and 405.324(a) have been revised to make clear that conditional payments made to providers or suppliers may be recovered from them if they also received payment from automobile medical, no-fault, or liability insurers.

Comment: Several commenters expressed concern, made suggestions, or raised specific questions about the administrative procedures or changes required to implement the rules.

Response: These comments will be considered in developing operating instructions and those instructions will answer the questions and incorporate the viable suggestions.

4. Effect on benefit utilization and deductible (§ 405.325).

This section provided that services for which Medicare payment is not made (or if made is later recovered) because benefits are paid under automobile medical, no-fault, or liability insurance—

- Will not be charged against the Part A benefits available to the beneficiary; and
- Cannot be credited toward the Medicare Part A or Part B deductible.

No comments were received on those provisions.

B. *ESRD beneficiaries who are also insured under employer group health plans.*

1. Scope and applicability (§ 405.326):

Proposal: This section defined the terms "employer" and "employer group health plans" and made clear that the provisions of §§ 405.327 through 405.329 apply to services furnished to individuals who are entitled to Medicare solely on the basis of having end-stage renal disease and are also insured under an employer plan.

Comment: The title of the regulation should be modified to indicate that the portion dealing with services covered under employer health plans applies only to ESRD patients.

Response: The title of the final regulation was modified as suggested.

Comment: The definition of "employer group health plan" conflicts with the statute in that it requires that the plan provide service on an "expense incurred" basis. This would exempt employer plans providing care on other bases, such as the prepayment system followed by HMOs.

Response: The phrase "on an expense incurred basis" has been deleted.

Comment: Section 405.326(a) appears to limit application to persons "insured" under an employer group health plan. The statutory provision is broader in its scope than the regulation.

Response: Section 405.326(a) has been changed to substitute "covered" for "insured" and the same change has been made in the centered heading preceding § 405.326.

2. Medicare benefits secondary to employer group health plan benefits (§ 405.327).

Proposal: This section—

- Established October 1, 1981 as the effective date for making Medicare benefits secondary to employer plan benefits;
- Specified a period of up to 12 months during which Medicare would be secondary and gave examples of how the number of months would be determined in different situations;
- Made clear that Medicare would be secondary even if the employer plan states that its benefits are secondary to Medicare; and
- Specified that during the period when Medicare benefits are secondary, Medicare would make primary payments for services not covered under the employer plan and secondary payments to supplement employer plan payments that cover only a portion of the charge for a service.

Comment: Objects to effective date of October 1, 1981 because HCFA has not yet published final regulations and retroactive implementation would impose administrative and financial hardship on insurance companies and HMOs.

Response: The statute specifies that the effective date of the provision is October 1, 1981. This could have been interpreted to apply to any individual—

- Who was in the specified 12-month period on October 1, 1981;
- Who became entitled to Medicare on or after October 1, 1981; or
- Whose 12-month period began on or after October 1, 1981. We chose the last of these as the most equitable to insurers and least burdensome to providers. Under this interpretation, because of the 3-month waiting period, Medicare payments would generally not be affected before January 1, 1982. The law provides no basis for implementing the provision on a prospective basis or for relating the effective date to the expiration of existing health plan contracts, as was suggested.

Comment: To minimize provider costs, HCFA (rather than providers and facilities) should be responsible for recovery from employer plans for the period from October 1, 1981 until the effective date of regulations, and for recovering conditional payments on an ongoing basis.

Response: Providers are in a better position than HCFA to bill employer plans. They have in their records the information needed to do such billing, i.e., information identifying the private plan that was responsible for providing care during the period before the individual's Medicare entitlement was established and information which formed the basis for determining the start of the period in which Medicare is secondary.

Comment: The statute does not support the provision that makes Medicare secondary payer even if the employer plan states that its benefits are secondary to Medicare's or otherwise excludes or limits its payments to Medicare beneficiaries. Under the statute, Medicare is secondary only if payment has been made by an employer plan or the Secretary determines that payment will be made by such a plan. Accordingly, if the employer plan excludes benefits for services covered under Medicare, the Secretary cannot determine that payment will be made.

Response: It is clear that Congress intended to make Medicare secondary payer to all employer group health plans. In this regard the Senate Finance Committee Report No. 97–139, July 1, 1981, contains the following passage on page 469:

> The bill changes the benefit coordination arrangements between the Medicare end-stage renal program and any other health benefits * * * by making any private coverage primary to Medicare for an initial 12 months after the beneficiary is determined eligible for Medicare coverage under the end-stage renal provisions * * *

Since virtually all employer health plans already provide benefits that are secondary to Medicare, the suggested interpretation would cause any Medicare savings from the ESRD amendment to be negligible. This was not the intent of the Congress, as evidenced by the cited report language and the savings estimates accompanying the Committee Report.

Comments: The regulation would reduce total benefits for ESRD beneficiaries.

Response: The regulation will not adversely affect ESRD beneficiaries on a short-term basis because Medicare will be primary payer for services the employer plan does not cover, and secondary payer for services for which the employer plan does not pay in full. Beneficiaries could be adversely affected if the employer plan contains annual or lifetime limits on the amount of benefits payable. Under this type of plan, beneficiaries would be depleting their lifetime maximum at a faster rate during the period in which Medicare is secondary. As a result, when Medicare is again primary, less group health plan benefits will be available for amounts not covered by Medicare. This result is a consequence of the statute which mandates that Medicare be secondary.

Comment: The regulation will increase the cost of employer health plans, especially if one person in a small group has ESRD.

Response: Increases in the cost of employer plans may result because the statute mandates that Medicare benefits be secondary for up to 12 months.

Comment: The regulations should state explicitly that there is no coordination of benefits for equipment and services covered by the 100 percent reimbursement agreement. (Commenter was referring to the provisions of § 405.438 of current regulations.)

Response: The law does not authorize exemption of particular services or modes of reimbursement. The 100 percent reimbursement agreement is optional. Furthermore, the facility may decide, on a case-by-case basis, which of its home health patients use dialysis machines that are reimbursed at 100 percent. This option is not affected by the secondary payer regulation. If the facility determines that it wants to furnish equipment under the 100 percent agreement, it may do so, even through Medicare is secondary payer. Administrative instructions will explain how to handle this contingency.

Comment: The term "self-dialysis" in § 405.327(c)(1) should be changed to "home dialysis".

Response: Section 226A(c)(1) of the Act provides for waiver of the 3-month waiting period for patients who initiate "self-care dialysis training" before the end of the third month after beginning dialysis.

Comment: The regulations will necessitate additional bill processing time by contractors and a substantial increase in administrative costs.

Response: Some increase in processing time is unavoidable. However, every effort is being made to develop administrative instructions that require a minimum of additional processing steps. We expect the cost of implementing the provision to be small in comparision to the savings of Medicare funds.

Comment: The provision of § 405.327(f), making Medicare secondary in a subsequent period of ESRD entitlement, is not authorized by the statute.

Response: Based on the statutory definition of the 12-month period during which Medicare may be secondary payer, a new period begins if an individual's entitlement to Medicare ended and later the individual became reentitled because of ESRD.

Comment: The regulations should provide for Medicare to be secondary to employer health plans for all beneficiaries, not just ESRD beneficiaries.

Response: The statutory amendment implemented by these rules limits application of this provision to ESRD beneficiaries. (See below concerning recently enacted legislation that applies to other beneficiaries.)

3. Amounts of secondary Medicare payment (§ 405.328).

Proposal: This section—

- Set forth the limitations on Medicare secondary payments for services reimbursed on a cost basis, on a charge basis, and on a fixed rate basis;
- Gave an example of how to compute the secondary payment for services reimbursed on a charge basis; and
- Specified the effect of secondary Medicare payments on utilization of Medicare Part A benefits and on the Part A and Part B deductibles.

Comment: Private plans generally do not have Medicare's special ESRD comprehensive reimbursement provisions. The regulations should show how each special reimbursement provision will be treated in billing private plans and Medicare.

Response: In the ESRD program there are cases of reimbursement on a comprehensive rate basis for services that would probably be covered on a fee-for-individual-service basis by employer plans. Examples include, but are not limited to, the alternative reimbursement method for physicians' services, the outpatient maintenance dialysis and home dialysis treatment rates, the comprehensive payments for surgeons' services in connection with a renal transplantation, and the kidney acquisition charge for kidney transplants. In these cases, the Medicare program considers the unit of service to be all of the items and services that are collectively covered by the comprehensive payment. If the employer plan pays for any of the individual services that are included under any Medicare comprehensive payment, those amounts would be considered in relation to the Medicare comprehensive payment. Medicare's secondary payment would be determined in accordance with § 405.328(c) for services of providers and renal dialysis facilities, and § 405.328(a) for monthly physician payments and transplant surgeon payments. Section 405.328(c) has been revised to clarify that what was referred to as "fixed rate" reimbursement refers to reimbursement on a cost-related basis, that is, reimbursement to providers and dialysis facilities on a basis other than reasonable cost.

Comment: The regulation permits a combined Medicare and employer plan payment that exceeds the reasonable charge.

Response: Section 1862(b)(2)(D) of the Act and the Senate Budget Committee Report (Report No. 97–139, page 469f) provide that the combined payment by Medicare and the employer plan may exceed the reasonable charge, provided the combined payment does not exceed the plan's allowable charge. However, section 1842(b)(3)(D) provides that if a physician or other supplier accepts assignment, the combined payment may not exceed the reasonable charge. The regulation is consistent with these statutory provisions.

Comment: The regulations encourage in-center dialysis because physicians could receive higher reimbursement by billing employer health plans for in-center dialysis services than they receive under Medicare's alternative reimbursement method for such services. This defeats Medicare's objective of equalizing in-center and home physician rates as an incentive for home dialysis.

Response: The regulations do not require that a physician who elects the alternative reimbursement method accept assignment and do not limit total reimbursement from all sources to the Medicare reasonable charge. Thus, it is possible for a combined payment to exceed the alternative reimbursement rate under the reimbursement method set forth in § 405.542(b). We do not, however, see any significant impact on home dialysis incentives. We believe that the alternative reimbursement rates for dialysis compare favorably with the total payment obtainable by billing individual services to private plans. We also believe that the simplicity of this billing method is an added advantage.

Comment: If an employer plan pays more than reasonable costs, would the regulations require the provider or facility to reimburse Medicare for the difference? This would be an inappropriate subsidization of the Medicare program by the private sector.

Response: The payment formula in the regulations describes the amount that Medicare pays when there is Medicare liability. If the employer plan pays in full, Medicare is not involved at all. A provider or facility would never be required to reimburse Medicare unless Medicare had made a payment. The fact that an employer plan paid an amount that exceeds the Medicare reasonable cost does not affect this rule.

4. Conditional payments and recovery of payments (§ 405.329).

Proposal: This section—

- Specified that the Medicare intermediary or carrier would pay conditional primary benefits if it knew from experience or ascertained that the employer plan's payments in general are substantially less prompt than Medicare's;
- Required the beneficiary, provider, or supplier to file a claim with the employer plan and, to the extent that the plan paid the claim, to reimburse Medicare up to the amount paid in excess of its obligation as secondary payer;
- Established HCFA's right to bring action against the employer plan if it does not pay, and the beneficiary's obligation to cooperate in HCFA's action; and
- Made clear that HCFA could, as a prerequisite to making a conditional payment, require the beneficiary to authorize it to pursue the beneficiary's right against the employer plan if the beneficiary does not and to promise to cooperate in HCFA's action.

Comment: Medicare should pay primary benefits first and later recover from the employer plan since language of the Congressional Report indicates that this was the intent of Congress. This approach would avoid provider and facility cash flow problems and patient anxieties because of uncertainty as to what the private insurer will pay for home dialysis and transplantations.

Response: Congress clearly intended that Medicare not pay first when there is a reasonable expectation that the employer plan will pay as promptly as Medicare. Congress also intended that implementation of this provision result in substantial savings for the Medicare trust funds. If Medicare paid primary benefits initially, the intended savings would not be realized because it would be difficult and costly to recoup from various employer plans.

Medicare will be primary payer for items and services not covered by the employer plan and will make conditional primary payments if the intermediary or carrier determines that the employer plan will not pay promptly. Providers and dialysis facilities claim payment from private insurers from the onset of the condition, during the 3-month waiting period for Medicare entitlement and during any additional time it takes to establish Medicare entitlement for the individual. We, therefore, consider it reasonable to assume that the payment arrangements established before the individual's Medicare entitlement are sufficient to effect continuity of payment. Continuation of that arrangement, during the period for which Medicare benefits are secondary, should not be disruptive.

Comment: The regulation should define the term "prompt" as it relates to the timeliness of payments by employer plans.

Response: Guidelines for determining whether an employer plan pays as promptly as Medicare are more appropriate for administrative instructions than for regulations.

Comment: The provision for conditional Medicare payments may encourage delays in payment by employer plans.

Response: The statute provides that Medicare pay conditional benefits if the employer plan does not pay promptly.

Comment: Objects to the requirement (for conditional Medicare benefits) that the beneficiary must cooperate in any legal action HCFA takes against the employer; feels that this may adversely affect the individual's relationship with the employer.

Response: The beneficiary's cooperation is needed to facilitate the recovery of conditional Medicare benefits paid for items or services which are the primary responsibility of an employer plan. HCFA may have no way to recover those payments unless the beneficiary cooperates in HCFA's action against the employer. In most cases, beneficiaries would be required only to file a claim with the employer plan or to authorize HCFA to pursue the beneficiary's rights against the employer plan.

5. Miscellaneous comments.

Comment: The regulation does not address the changes made in the Internal Revenue Code.

Response: The NPRM implements only that portion of the statute which concerns Medicare as secondary payer to employer plans. The statutory changes in the tax law will be implemented by the Internal Revenue Service.

Comment: The law provides an incentive for employers to discriminate against ESRD patients. The regulations should specify that the Secretary will promptly investigate complaints about job discrimination resulting from this provision, as required by the Congressional Conference Committee Report. (H.R. Report No. 97–208, Book 2, 97th Congress, 1st session, 955f (1981).)

Response: The requirement that Medicare be secondary payer for up to one year in the case of ESRD beneficiaries is mandated by a statutory amendment. Congress recognized that this provision might cause employers to discriminate against employees with end-stage renal disease (or employees with dependents having this condition). It made changes in the Internal Revenue Code designed to discourage discrimination in benefits in employer health plans. It also recognized that employers might seek to discourage employment of individuals who have (or whose dependents have) ESRD in order to reduce their health plan costs. The Conference Committee language was addressed only to the Secretary, and it is not necessary to include it in the regulations. However, the Department is aware of the concerns expressed by patients and the professional community and will ensure that complaints are promptly investigated.

Effective Dates

Automobile and Liability Insurance

The regulations apply to services required because of accidents that occur on or after December 5, 1980, with the following exceptions:

- Duplicate Medicare payments will not be recovered if payment under automobile or liability insurance is received by the beneficiary at any time before the 60th day after these regulations are published.
- As indicated in the Effective Date statement of this preamble, services for which payment can reasonably be expected under automobile insurance will be excluded only if the services are funished on or after the 60th day after the regulations are published.

Employer Group Health Plans (ESRD Beneficiaries)

Medicare benefits are secondary to employer plan benefits for months after September 1981.

Related Legislation

Section 116 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248, enacted September 3, 1982)

contains provisions similar to those of section 2146 of Pub. L. 97–35, but applicable to beneficiaries who are entitled to Medicare because of age rather than ESRD. Under section 116, Medicare may not pay for services that are furnished to an employed beneficiary (or his or her spouse) who is between the ages of 64 and 70, to the extent that payment has been made or can reasonably be expected to be made for those services under an employer group health plan.

The provisions of section 116 are effective on January 1, 1983 and are being implemented by separate regulations.

Related Regulations

On December 6, 1982 we published regulations (47 FR 54811) providing for assessment of interest on overpayments and underpayments to providers and suppliers of Medicare services. Under a new § 405.376, HCFA will collect interest on overpayments and pay interest on underpayments that are outstanding more than 30 days after a final determination has been made. Under the regulations published today, any Medicare payment in excess of the proper payment for services that are covered under automobile or liability insurance or an employer group health plan are considered overpayments and as such are subject to recovery. Overpayments to providers and suppliers are subject to interest under § 405.376. However, neither the Medicare law nor current HCFA policy provides for assessing interest on overpayments to beneficiaries.

Impact Analysis

A. Executive Order 12291

This Executive Order requires agencies to prepare and publish a regulatory impact analysis for any "major rule", that is a rule that has an economic impact of $100 million or more, or meets other threshold criteria defined in section 1(b) of the Order. In the NPRM, we estimated the impact of each of the two statutory provisions to be implemented by the proposed rules and determined that neither provision would affect the economy by $100 million or more. These estimates are discussed in detail below. For the final rule, we re-estimated savings for both provisions. The revised automobile liability insurance provision estimate differs from the previous estimate in that we have assumed a somewhat longer litigation and collection process, a later effective date and a change to the fiscal year 1984 budget assumption. These changes will result in no savings in fiscal year 1983 and 1984 and savings of $22 million in fiscal year 1985. The new employer group health plan estimate differs in that we have assumed a later effective date and have incorporated the new fiscal year 1984 budget assumptions. The revised saving estimates are now $10 million in fiscal year 1983 and $45 in fiscal year 1984. We also have revised our estimate of increased revenues from recoveries of conditional Medicare payments under this provision to $10 million in fiscal year 1984. We received two comments that questioned the validity of our estimates noted in the NPRM.

1. *Automobile Liability Insurance Provision.* In the NPRM analysis, we estimated that these provisions would result in program savings of $9 million in FY 1983 and $39 million in FY 1984. As noted above, we now expect no savings to result from this provision until FY 85. Savings of $22 million under this provision will be realized in FY 85 as a result of Medicare benefits being secondary to automobile and liability insurance.

One commenter suggested that a better measure of impact woud be the premium increases which they estimated at $81 million in FY 1984, for seven of the ten no-fault States. We believe the commenter's estimate is subject to error because of the small and non-random sample from which it was extrapolated. If we accept that estimate, and add to it our current estimate of no savings in FY 83, the impact will not exceed $100 million. However, in any case a regulatory impact analysis is not required because the impact is caused by the statutory amendment and not by the implementing rules.

2. *Employer Group Health Plans Provision.* For this provision we estimated, in the NPRM, program savings of $20 million in FY 1983 (now $10 million) and $55 million in FY 1984 (now $45 million). These savings would result from limiting payment for services that are furnished to beneficiaries entitled solely on the basis of end-stage renal disease (ESRD) and who are also covered by employer group health plans. We also anticipated in the NPRM increased revenues of $15 million in FY 1984 (now $10 million) from recoveries of conditional Medicare payments.

One commenter suggested that our estimate was high. We reviewed our original estimate and find no reason to change it for substantitive reasons, although we have made changes for the reasons noted above. In any case, since the economic impact is caused by the statutory amendment, a regulatory impact analysis is not required.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act requires agencies to determine whether a proposed rule has a significant impact on a substantial number of small entities. In the NPRM, we stated that neither provision was likely to result in a significant impact on a substantial number of small entities. We estimated a premium volume of $87 billion in FY 1984, for both property-casualty premiums and group health premiums, against increased outlays of $109 million. We believe that summarizing both categories in a single comparison may have been confusing. We received three comments on this aspect.

1. *Automobile Liability Insurance.* One commenter suggested that the correct premium volume to use for assessing impact was $18.6 billion, representing the 1980 national private passenger automobile liability insurance premium volume. We have examined several sources of insurance data, and conclude that this figure understates relevant premium volume.

In the NPRM, our estimate of total premium volume for FY 1984 included $39 billion for automobile liability insurance. We estimated that program savings of $39 million (now $0) would represent .1 percent (now 0 percent) of total premium volume for that year. However, increased outlays of $22 million in FY 1985, will not have, on average, a significant impact on the affected companies. Furthermore, as stated in the NPRM, this loss can be offset by adjusting premiums.

2. *Employer Group Health Plans.* Of the projected premium volume of $87 billion in FY 1984, $48 billion is associated with these group health plans. The current estimated savings of $45 million for FY 1984 equals .2 percent of the total premium volume. Again, increased outlays of $45 million will not constitute a significant impact, on average, on companies affected by this provision.

One commenter stated that stringent State laws would make premium adjustment difficult. Although it may delay adjustment, State regulation does not preclude premium increases based on legitimate reasons, such as the changes made by the statutory amendments that these rules implement.

Another commenter stated that this provision will also have a significant impact on Medicare carriers and intermediaries. Since these entities receive full reimbursement for their costs, the cost impact of these provisions will fall on HCFA and not on intermediaries and carriers.

List of Subjects in 42 CFR Part 405

Administrative practice and procedure, Certification of compliance, Clinics, Contracts (agreements), Endstage renal disease (ESRD), Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Health suppliers, Home health agencies, Hospitals, Inpatients, Kidney diseases, Laboratories, Medicare, Nursing homes, Onsite surveys, Outpatient providers, Reporting requirements, Rural areas, X-rays.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

In 42 CFR Part 405, Subpart C is amended as set forth below:

A. The table of contents is revised to reflect the insertion of undesignated centered headings and the addition of new §§ 405.322 through 405.329, and to revise the authority statement as follows:

Subpart C—Exclusions, Recovery of Overpayment, Liability of a Certifying Officer and Suspension of Payment

General Provisions

Sec.
405.301 Scope of subpart.
405.310 Types of expenses not covered.
405.310–1 Nonreimbursable expenses; conclusive effect of PSRO determinations on claims payment.

General Exclusions

405.311 Nonreimbursable expenses; individual has no legal obligation to pay for items or services.
405.311a Nonreimbursable expenses; items or services funished by a Federal provider of services or other Federal agency.
405.311b Nonreimbursable expenses; items or services which a provider or other person is obligated to furnish at public expense under a law of, or contract with, the United States.
405.312 Nonreimbursable expenses; items or services paid for by governmental entity.
405.313 Nonreimbursable expenses; items or services not provided in the United States.
405.314 Nonreimbursable expenses; items or service required as a result of war.
405.315 Nonreimbursable expenses; charges imposed by immediate relatives or members of the beneficiary's household.

Exclusion of Services Covered Under Workers' Compensation

405.316 Nonreimbursable expenses; payment for services made under workmen's compensation law.
405.317 Effect of workmen's compensation payment.
405.318 Responsibility of the individual concerning workmen's compensation payment.
405.319 Responsibility of intermediary where there is a possibility of workmen's compensation coverage.
405.320 Effect of lump-sum settlement and final release.
405.321 Apportionment of a lump-sum compromise settlement of a workmen's compensation claim.

Exclusion of Services Covered Under Automobile Medical, No-fault, or Liability Insurance

405.322 Services covered under automobile medical or no-fault insurance or any liability insurance: General provisions.
405.323 Special provisions: Services for which payment can reasonably be expected under automobile medical or no-fault insurance.
405.324 Special provisions: Services for which payment can reasonably be expected under liability insurance.
405.325 Effect on benefit utilization, deductibles, and coinsurance when services are payable under automobile medical, no-fault, or liability insurance.

Limitations on Payment for Services to End-stage Renal Disease Beneficiaries who are Covered Under Employer Group Health Plans

405.326 Scope and applicability.
405.327 Period of secondary medicare payment.
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Payment for Certain Excluded Services

405.330 Payment for certain nonreimbursable expenses.
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Liability for Payments to Providers or Suppliers and Handling of Incorrect Payments

405.350 Individual's liability for payments made to providers and other persons for items and services furnished the individual.
405.351 Incorrect payments for which the individual is not liable.
405.352 Adjustment of title XVIII incorrect payments.
405.353 Certification of amount that will be adjusted against individual title II or railroad retirement benefits.
405.354 Procedures for adjustment or recovery—title II beneficiary.
405.355 Waiver of adjustment or recovery.
405.356 Principles applied in waiver of adjustment or recovery.
405.359 Liability of certifying or disbursing officer.

Suspension of Payment to Providers and Suppliers and Collection and Compromise of Overpayments

405.370 Suspension of payments to providers of services and other suppliers of services.
405.371 Proceeding for suspension.
405.372 Submission of evidence and notification of administrative determination to suspend.
405.373 Subsequent action by intermediary or carrier.
405.374 Collection and compromise of claims for overpayments.

Authority: Secs. 1102, 1815, 1842, 1862, 1866a, 1870, 1871, and 1879 of the Social Security Act (42 U.S.C. 1302, 1395g, 1395u, 1395y, 1395cc, 1395gg, 1395hh, and 1395pp, and 31 U.S.C. 951–953).

B. The regulation text is amended as set forth below:

1. Undesignated centered headings are inserted as follows:

"General Provisions" is inserted immediately before § 405.301.

"General Exclusions" is inserted immediately before § 405.311.

"Exclusion of Services Covered Under Workers' Compensation" is inserted immediately before § 405.316.

"Payment for Certain Excluded Services" is inserted immediately before § 405.330.

"Liability for Payments To Providers or Suppliers and Handling of Incorrect Payments" is inserted immediately before § 405.350.

"Suspension of Payment and Collection and Compromise of Overpayments" is inserted immediately before § 405.370.

2. Undesignated centered headings and new §§ 405.322 through 405.329 are added to read as follows:

Exclusion of Services Covered Under Automobile Medical, No-Fault, or Liability Insurance

§ 405.322 Services covered under automobile medical or no-fault insurance, or any liability insurance: General provisions.

(a) *Applicability.* The provisions of this section and of §§ 405.323 through 405.325 are applicable to services required because of accidents that occurred on or after December 5, 1980.

(b) *Definitions.* As used in this section, and §§ 405.323 through 405.325—"*Automobile*" means any self-propelled land vehicle of a type that must be registered and licensed in the State in which it is owned.

"*Automobile medical or no-fault insurance*" means automobile insurance (including self-insured plans) that pays for all or part of the medical expenses for injuries sustained in the use, occupancy, or operation of an automobile, regardless of who may have been responsible for causing the accident. (This insurance is sometimes called "medical payments coverage" "personal injury protection", or "medical expense coverage".)

"Liability insurance" means insurance (including a self-insured plan) that provides payment based on legal liability for injury to persons or damage to property. It includes, but is not limited to, automobile liability insurance, uninsured motorist insurance, homeowners' liability insurance, malpractice insurance, product liability insurance, and general casualty insurance.

"Self-insured plan" means a plan under which an entity (or an individual) is authorized by State law to carry its own risk instead of insuring itself with a carrier.

"Uninsured motorist insurance" means insurance under which the policyholder's insurer will pay for damages caused by a motorist who has no automobile liability insurance or who carries less than the amount of insurance required by law or is underinsured.

(c) *Exclusion from Medicare payment.* (1) Medicare payment may not be made for any services to the extent that payment has been made or can reasonably be expected to be made under automobile medical or no-fault insurance or under any liability insurance policy or plan (including a self-insured plan). (2) If payment was erroneously made by HCFA for services covered under automobile medical or no-fault insurance, or paid for under liability insurance, the payment is subject to recovery.

(d) *Services paid for under automobile or liability insurance.* Effective for services furnished on or after December 5, 1980, if payment is made under automobile medical or no-fault insurance or any liability insurance—

(1) Except as provided in paragraph (d)(2) of this section. Medicare payment will be denied or, if already made, will be recovered from the provider, supplier, or beneficiary who received the Medicare payment.

(2) *Exception.* HCFA will not recover the Medicare payment if the insurance payment was actually received by the beneficiary before June 6, 1983.

(e) *Waiver of recovery.* HCFA may waive recovery action if the probability of recovery or the amount involved does not warrant pursuit of the claim.

§ 405.323 Special provisions: Services for which payment can reasonably be expected under automobile medical or no-fault insurance.

(a) *Effective date.* This section is effective for services furnished on or after June 6, 1983.

(b) *Automobile medical or no-fault benefits excluded or limited for medicare beneficiaries.* Except as specified in paragraph (c) of this section payment may not be made for services covered under an automobile medical or no-fault insurance policy or plan even though State law or the insurance policy or plan states that its benefits are secondary to Medicare's or otherwise excludes or limits its payments if the injured party is also entitled to Medicare benefits.

(c) *Conditional payment in contested or otherwise delayed cases.* (1) A conditional Medicare payment may be made under any of the following circumstances:

(i) The beneficiary, or the provider or supplier, has filed a claim for automobile medical or no-fault insurance benefits but, because the claim is contested by the insurer or for any other reason, there will be substantial delay in making insurance payments.

(ii) The beneficiary failed to file a claim for automobile medical or no-fault insurance benefits because of physical or mental incapacity.

(2) HCFA may as a prerequisite for the conditional payment, require the beneficiary to authorize it to pursue the beneficiary's rights against the insurer if the beneficiary does not, and to promise to cooperate in HCFA's action.

(3) If a conditional Medicare payment is made, the following rules apply:

(i) If the beneficiary receives payment from the automobile medical or no-fault insurer, he or she must reimburse Medicare up to the amount of the Medicare payment.

(ii) If the provider or supplier receives payment from the automobile medical or no-fault insurer, it must reimburse Medicare up to the amount of the Medicare payment.

(iii) If, for any reason, payment is not received from the insurer, HCFA may bring an action against the insurer to recover the amounts due under the statute. The beneficiary must cooperate in HCFA's action

(4) The amount of recovery under paragraph (c)(3)(iii) of this section will not exceed the amount of the conditional payment.

(5) At the time the conditional payment is made, the Medicare intermediary or carrier will notify the beneficiary or his or her representative of the obligation to refund the conditional payment. However, failure to send notice does not relieve the beneficiary of the obligation to refund the conditional payment, as required by paragraph (c)(3)(i) of this section.

§ 405.324 Special provisions: Services for which payment can reasonably be expected under liability insurance.

(a) *Conditional Medicare payment.* (1) If HCFA has information that services for which Medicare benefits have been claimed are for treatment of an injury or illness that was allegedly caused by another party and that the beneficiary has filed, or has the right to file, a liability claim against the other party, a conditional Medicare payment may be made.

(2) HCFA may, as a prerequisite for conditional payment, require the beneficiary to authorize it to pursue the beneficiary's rights against the insurer or the responsible party if the beneficiary does not, and to promise to cooperate in HCFA's action.

(3) If a conditional Medicare payment is made, the following rules apply:

(i) If the beneficiary receives payment from an insurance carrier or self-insured party, he or she must reimburse Medicare up to the amount of the Medicare payment.

(ii) If the provider or supplier receives payment from the insurance carrier or self-insured party, it must reimburse Medicare up to the amount of the Medicare payment.

(iii) If payment is not received from the insurer or the responsible party, HCFA may bring an action against the insurer or the responsible party, and the beneficiary must cooperate in HCFA's action.

(4) The amount of recovery under paragraph (a)(3)(iii) of this section will not exceed the amount of the conditional payment.

(5) At the time the conditional Medicare payment is made, the Medicare intermediary or carrier will notify the beneficiary or his or her representative of the obligation to refund the conditional payment. However, failure to send notice does not relieve the beneficiary of the obligation to refund the conditional payment as required by paragraph (a)(3)(i) of this section.

(b) *Determining the amount to be recovered from a beneficiary who received a liability insurance payment as a result of a judgment or settlement.*—(1) *Basic rule.* The amount to be recovered from the beneficiary is the amount Medicare paid, less a proportionate share of the costs of procuring the judgment or settlement. If the Medicare payments equal or exceed the amount of the judgment or settlement, the total procurement costs are subtracted from the Medicare payments. The individual will not be required to refund more than the

liability insurance payment minus the procurement costs.

(2) *Computation when Medicare payment is less than the amount of the judgment or settlement.* If the Medicare payment is less than the amount of the judgment or settlement—

(i) Determine the ratio of the Medicare payments to the total amount of the judgment or settlement;

(ii) Apply this ratio to the costs of procuring the judgment or settlement, including attorney fees; and

(iii) Subtract the Medicare share of procurement costs from the Medicare payments. The remainder is the amount of reimbursement to be refunded to the Medicare program.

(3) *Computation when Medicare payment equals or exceeds the amount of the judgment or settlement.* If the Medicare payment equals or exceeds the amount of the judgment or settlement, subtract the total procurement costs from the Medicare payment. The remainder, up to the amount of the liability insurance payment after the procurement costs have been subtracted, is the amount of reimbursement to be refunded to the Medicare program.

§ 405.325 Effect on benefit utilization and deductibles when services are payable under automobile medical, no-fault, or liability insurance.

(a) *Benefit utilization.* Inpatient services for which Medicare payment is not made (or if made is later recovered) because benefits are paid by an automobile medical or no-fault insurer or by a liability insurer will not be counted against the number of inpatient care days available to the beneficiary under Medicare Part A.

(b) *Deductibles.* Expenses for services for which Medicare payment is not made (or if made is later recovered) because benefits are paid by an automobile medical or no-fault insurer or by a liability insurer cannot be credited toward the Medicare Part A or Part B deductible amounts. If an individual is hospitalized twice in the same benefit period, and the first hospitalization is completely paid for by the insurer, the inpatient hospital deductible would apply to the second hospitalization.

Limitations on Payment for Services to End-Stage Renal Disease Beneficiaries Who Are Also Covered Under Employer Group Health Plans

§ 405.326 Scope and applicability.

(a) Sections 405.327 through 405.329 set forth policies and procedures for payment of benefits for services furnished to individuals who are entitled to Medicare solely on the basis of end-stage renal disease (ESRD) and who are also covered under an employer group health plan.

(b) In §§ 405.327 through 405.329 the following terms have the specified meanings:

(1) *"Employer"* means, in addition to individuals and organizations engaged in a trade or business, other entities exempt from income tax such as religious, charitable, and educational institutions, the governments of the United States, the individual States, the Territories, Puerto Rico, the Virgin Islands, Guam and the District of Columbia, and the agencies, instrumentalities, and political subdivisions of these governments.

(2) *"Employer group health plan"* or *"employer plan"* means any group health plan that—

(i) Is of, or contributed to by, an employer; and

(ii) Provides medical care directly or through other methods such as insurance or reimbursement, to current or former employees, or to current or former employees and their families.

(3) *"Secondary,"* when used to characterize Medicare payments, means that medicare benefits are payable only to the extent that payment cannot be made by one or more employer group health plans under which the Medicare beneficiary is covered.

§ 405.327 Medicare benefits secondary to employer group health plan benefits.

(a) *General rules.* (1) Effective for months after September 1981, Medicare benefits are secondary to benefits payable under an employer plan, for services furnished to an ESRD beneficiary during a period of up to 12 consecutive months as specified in paragraphs (b) and (c) of this section.

(2) If the individual becomes entitled to Medicare after the 12-month period has begun, as set forth in paragraph (c) of this section, Medicare benefits are secondary only for that portion of the 12-month period that begins with the month of entitlement.

(3) During the period in which Medicare benefits are secondary, Medicare will—

(i) Pay primary benefits for Medicare covered services that are not covered by the employer plan; and

(ii) Make secondary payments, within the limits specified in § 405.328, to supplement the amount paid by the employer plan if that plan pays only a portion of the charge for the service.

(4) Any Medicare benefits payable within the 12-month period are secondary to employer policies or plans even though the employer policy or plan states that its benefits are secondary to Medicare's or otherwise excludes or limits its payments to Medicare beneficiaries.

(b) *Beginning of 12-month period.* The period of 12 consecutive months specified by law begins with any month after September 1981 that is the earlier of the following months:

(1) The month in which the individual initiates a regular course of renal dialysis.

(2) In the case of an individual who receives a kidney transplant, the first month in which the individual could become entitled to Medicare if he or she filed a timely application, that is, the earliest of the following:

(i) The month in which the transplant is performed.

(ii) The month in which the individual is admitted to the hospital in preparation for, or anticipation of, a transplant that is performed within the next two months.

(iii) The second month before the month the transplant is performed, if performed more than 2 months after admission.

(c) *Beginning of period in which Medicare is secondary payer.* The period in which Medicare is secondary payer begins later than the beginning of the 12-month period (and therefore lasts less than 12 months) if the individual—

(1) Is subject to the 3-month waiting period for individuals who initiate renal dialysis but do not begin training for self-dialysis during the first 3 months of dialysis; or

(2) Files the application for Medicare entitlement more than 12 months after the month in which a 12-month period begins. (Under the Act, an application may not be retroactive for more than 12 months.)

(d) *Examples.* The following examples illustrate how to determine, in different situations, the number of months during which Medicare is secondary payer.

(1) *Individual filed a timely application and became entitled without a waiting period.* In October 1981, John began a regular course of dialysis and filed an application for Medicare. In December 1981, John began training for self-dialysis. Since John initiated self-dialysis training during the first 3 months of dialysis, he is exempt from the waiting period and becomes entitled as of October 1981, the first month of dialysis. In this situation, the month of entitlement coincides with the beginning of the 12-month period and Medicare is secondary payer during the entire period.

(2) *Individual filed a timely application and became entitled to*

Medicare after a waiting period. (i) Janice started a regular course of renal dialysis in October 1981 and filed an application in the same month. The 12-month period begins with the October 1981, but the 3-month waiting period doesn't end until December 1981. The month of entitlement for Janice is January 1982. Medicare is secondary payer from January through September 1982.

(ii) Peter started a regular course of dialysis in January 1982, and was hospitalized and received a kidney transplant in March 1982. The 12-month period begins with January 1982. The kidney transplant cuts short the dialysis waiting period so that Peter becomes entitled in March 1982. Medicare is secondary payer from March through December 1982.

(3) *Individual did not file a timely application.* In January 1982, Katherine suffered kidney failure and received a kidney transplant but did not apply for Medicare until July, 1983. Since the application is retroactive for only 12 months, Katherine becomes entitled to Medicare in July 1982. The 12-month period begins in January 1982, the month in which Katherine could have been entitled if she had filed a timely application. Medicare is secondary payer from July through December 1982.

(e) *Effect of changed basis for Medicare entitlement.* If the basis for an individual's entitlement to Medicare changes from ESRD to age 65 or disability, the 12-month period terminates with the month before the month in which the change is effective.

(f) *Determinations for subsequent periods of ESRD entitlement.* If an individual has more than one period of entitlement based solely on ESRD, a period during which Medicare may be secondary payer will be determined for each period of entitlement, in accordance with this section.

§ 405.328 Amounts of secondary medicare payment.

(a) *Services reimbursed on a reasonable charge basis.* The Medicare secondary payment will be the lowest of the following:

(1) The actual charge by the supplier, minus the amount paid by the employer plan.

(2) The amount that Medicare would pay if the services were not covered by the employer plan.

(3) The sum of the amounts that would have been paid by Medicare as primary payer and the employer plan as secondary payer, minus the amount actually paid by the employer plan.

(4) If the claim is filed under an assignment, the Medicare reasonable charge, minus the amount paid by the employer plan. (If the beneficiary does not assign the claim but files for direct payment, this limit does not apply.)

(b) *Services reimbursed on a reasonable cost basis.* The Medicare secondary payment will be the lower of the following:

(1) The lesser of the provider's reasonable cost or customary charges, minus any applicable deductible or coinsurance amount.

(2) The lesser of the provider's reasonable cost or customary charges, minus the amount paid by the employer plan.

(c) *Services reimbursed on a cost-related basis.* The Medicare secondary payment will be the lower of the following:

(1) The cost-related rate established for the service minus any applicable deductible or coinsurance amount.

(2) The cost-related rate established for the service, minus the amount paid by the employer plan.

(d) *Example of computation of Medicare secondary payment for services reimbursed on a reasonable charge basis.*

(1) Physician's charge for professional services	$120
(2) Employer plan's allowable charge	110
(3) Medicare reasonable charge	100
(4) As primary payer the employer plan pays 80 percent of allowable charge (.80×100)	88
(5) As primary payer, Medicare would pay 80 percent of reasonable charge (.80×100)	80
(6) As secondary payer, the employer plan would pay the difference between its allowable charge and the primary payment ($110−$80)	30
(7) As secondary payer, Medicare pays the lowest of the amounts specified in paragraph (a) of this section:	
(i) The excess of the actual charge over the amount paid by the employer plan is $120−$88	32
(ii) The amount Medicare would pay if the services were not covered by an employer plan is .80×$100	80
(iii) The sum of the amounts that would have been paid by Medicare as primary payer and the employer plan as secondary payer, minus the amount actually paid by the employer plan is ($80+$30=$110)−$88	22
(iv) If the physician accepted assignment the Medicare reasonable charge minus the amount paid by the employer plan is $100−$88	12

Since Medicare pays the lowest of the amounts determined under paragraph (a), the Medicare payment is $22 if the beneficiary filed for direct payment; $12 if the physician filed the claim under an assignment.

(e) *Effect of secondary payments on Part A utilization.* If Medicare pays secondary benefits, the beneficiary will be charged with utilization of Medicare benefits only to the extent that Medicare paid for the services.

(f) *Crediting expenses toward deductibles.* Expenses that would serve to meet the beneficiary's Part A or Part B deductible if Medicare were primary payer, will be credited to the deductible even if the expenses are reimbursed by the employer group health plan.

§ 405.329 Conditional payments and recovery of payments.

If the Medicare intermediary or carrier knows from experience or ascertains that the employer plan's payments in general are substantially less prompt than Medicare's, it will pay conditional primary benefits. In that case—

(a) The claimant (beneficiary, provider, or supplier) must file a claim with the employer plan and, to the extent that the claimant receives payment, reimburse the amount that Medicare paid in excess of its obligation as secondary payer;

(b) If payment is not received from the employer plan for any reason, HCFA may bring an action against the employer plan. and the beneficiary must cooperate in HCFA's action;

(c) HCFA may, as a prerequisite to making the conditional payment, require the beneficiary to authorize it to pursue the beneficiary's right against the employer plan if the beneficiary does not, and to promise to cooperate in HCFA's action;

(d) HCFA may waive recovery action if the probability of recovery or the amount involved does not warrant pursuit of the claim.

(Catalog of Federal Domestic Assistance Program No. 13.733, Medicare—Hospital Insurance; and No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: October 4, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: January 4, 1983.

Richard S. Schweiker,

Secretary.

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Tuesday
April 5, 1983

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Definitions and Terminology; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 701, 779, 780, 783, 784, 816, 817, and 828

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Definitions and Terminology

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is amending the definitions of the terms "adjacent area," "affected area," and "permit area." The term "mine plan area" is removed from various regulatory provisions and replaced where appropriate with either "permit area," "permit area and adjacent area," or other appropriate language. These changes are made to clarify and simplify the existing rules and as a result of litigation on the permanent regulatory program regulations.

This final rule also provides notice that OSM has determined that no further action is necessary with respect to the 2-acre exemption and that the final 2-acre exemption rule, which was published at 47 FR 33424, August 2, 1982, will remain in effect unchanged.

EFFECTIVE DATE: May 5, 1983.

FOR FURTHER INFORMATION CONTACT: Joel Yudson, Division of Surface Mining, Office of the Solicitor, U.S. Department of the Interior, Phone: 202–343–5207.

SUPPLEMENTARY INFORMATION:

I. Introduction.
II. Definitions Relating to Areal Descriptions.
A. "Mine Plan Area"
B. "Adjacent Area"
C. "Affected Area"
D. "Permit Area"
III. 2-Acre Exemption.
IV. Procedural Matters.

I. Introduction

On January 4, 1982 (47 FR 41), OSM published a notice of proposed rulemaking to amend 30 CFR Chapter VII with respect to the 2-acre exemption (§ 700.11(b)), the definition of certain terms, and the regulations regarding special bituminous coal mines in Wyoming. OSM previously issued final rules with respect to the 2-acre exemption and special bituminous coal mines in Wyoming (47 FR 33424, August 2, 1982).

OSM today is issuing final rules with respect to the definition of the terms "adjacent area," "affected area," and "permit area." This rule also removes the term "mine plan area" from the regulations, except where an existing provision using that term is subject to another proposed revision.

The term "road" which was proposed to be amended in the January 4, 1982 rulemaking is being finalized in a separate rulemaking with the performance standards for roads and therefore is not included in this final rule. No final action is being taken with respect to the definitions of "area of potential subsidence" and "area of expected subsidence" and the proposal to add definitions for those terms is being withdrawn.

This final rule also provides notice that OSM has determined that no further action is necessary with respect to the 2-acre exemption and that the August 2, 1982, final rule will remain in effect unchanged.

Public comments on these proposed rules were solicited for 30 days ending on February 3, 1982. This period was subsequently extended to February 16, 1982. Those persons offering comments during this period included State officials, citizens, environmental groups, and industry representatives. A public hearing was scheduled for January 25, 1982, but no testimony was offered. OSM carefully considered all comments received in drafting these final rules.

II. Definitions Relating to Areal Descriptions

A. "Mine Plan Area"

In response to the suspension of the use of the term "mine plan area" by order of the U.S. District Court for the District of Columbia in *In re: Permanent Surface Mining Regulations Litigation*, No. 79–1144 (D.D.C.), Slip op. at pp. 35–36 (February 26, 1980) and Slip op. at pp. 57–58 (May 16, 1980), and the general confusion with respect to areal descriptions used in the regulations, OSM proposed to remove the phrase "mine plan area" from its permanent program regulations and use alternative areal descriptors. This final rule reflects the alterantives included in the proposed rule and comments received on the rulemaking.

The final rule deletes the term "mine plan area" from the regulations, with a few exceptions that will be accomplished in other pending rulemakings. The proposed rule omitted reference to a prior rulemaking completed in August 1980, which deleted certain references to "mine plan area" from the permanent program regulations. (See 45 FR 51550, August 4, 1980.) Changes proposed as part of this rulemaking which overlap changes covered by the prior rulemaking are discussed with the analysis of each section, below. Each use of the term "mine plan area" in the existing regulations, and the substitute selected for use in replacement of that term are detailed below. The discussion encompasses changes already made, changes made in this rule, and changes that will be made as part of other pending revisions.

Provisions Changed

The proposed rules in 30 CFR Chapter VII published on January 4, 1982, (47 FR 41) are divided into three groups. The first group contains the rules proposed on January 4, 1982, that were previously revised on August 4, 1980, (45 FR 51550). The following provisions are not revised since no additional action is necessary:

Section	
779.11	779.12(b).
779.22(c)	779.24(i).
779.25 (e) and (j)	783.11.
783.12(b)	783.22(c).
783.24(i)	783.25 (e) and (j).
779.13(a)	779.15(a).
779.16(a)	779.17.
779.25 (f) and (g)	780.21(a)(1), (a) (3) and (c).
783.13 (a) and (a)(1)	783.14(a).
783.15(a)	783.16(a).
783.17	783.25 (f) and (g).
784.14(a)(1), (a) (3) and (c)	779.18(a).
779.22(b)	779.25 (d) and (h).
779.27(a), (b)(5), (d), (d)(1) and (d)(2)	780.11.
780.14(b)(2)	780.21(b)(1).
780.25 (a) and (b)	780.37(e).
783.18(a)	783.22(b).
783.25 (d) and (h)	783.27(b)(5).
784.11	784.14(b) (1) and (d).
784.16 (a) and (b)(1)	784.23 (b)(2).
784.24(e)	779.16(b)(2).
779.24(g)	783.16(b)(2).
783.24(g)	780.21(b)(3).

The second group contains the proposed rules from the January 4, 1982, notice that are now also being considered in other rulemaking actions. For this reason, no additional action is being taken on the following rules at this time:

Section	
779.13(b)(1)	779.14(a).
785.19(c)(1)	816.41(a).
816.51(b)	816.52(a)(1).
817.41(a)	817.52(a)(1).
764.15(a)(7)	770.5.
786.14(b)(3)	785.19(e)(1)(iv).
816.104(a), (b), (b)(1) and (b)(3)	786.19(c).

Section	
816.116(b)(2)(ii)	816.105(a), (b), (b)(1) and (b)(4).
816.52(a)(2)	817.116 (a) and (b)(2)(ii).
783.14(a)(2)	817.52(a)(2).
788.13(b)	771.23 (e)(1) and (e)(2).
	825.11 (b)(2) and (b)(6).

The third group contains the following rules that are revised by this rulemaking action:

Section	
779.24(k)	783.24(k).
816.13	817.13.
828.11(e)	828.12(a).
780.14(b)	784.23(b).
779.12(a)	783.12(a).

Response to General Comments

Two commenters stated that the elimination of the term "mine plan area" from the regulations was not in accordance with the requirements of the U.S. District Court opinion, since the Court directed OSM to "revise the term" in accordance with the informational requirements of the Act. One of these commenters also stated that the terms used in place of the term "mine plan area" require information beyond OSM's authority. As indicated in the preamble to the proposed rule, OSM has conducted a thorough review of the use of the term "mine plan area" throughout the regulations and has found that no single term satisfactorily covers the Act's requirements in each instance. While it may be possible, in some instances, to develop a new definition for "mine plan area" that would be acceptable, OSM feels that to use the term "mine plan area" is unnecessary and would be confusing. Rather, the final rule utilizes terms that have a more direct relationship to language in the Act and which have a generally accepted meaning.

Several commenters observed that the term "coal mining and reclamation operations" which is used several times in the proposed definitions, is in fact itself undefined. Most recommended that the existing term "surface coal mining and reclamation operation" be retained since it is a defined term. The term "surface coal mining and reclamation operations" has been used in the final rule.

Some commenters stated that OSM had failed to specifically address reasons why certain uses of the broad interpretation provided under the term "mine plan area" had been eliminated. These comments were not specific enough to allow response. The bases for the changes are presented in sufficient specificity to provide a rationale for the terms used in each section. Some commenters stated that the Act allows OSM to require collection of information outside the permit area only for hydrologic data. These commenters suggested that the term "permit area" be used in all locations, other than those sections that relate to the hydrologic balance, rather that the phrase "permit area and adjacent area." OSM disagrees with the general premise that the Act allows collection of information outside the permit area only with respect to hydrologic data. Absent specific comments on individual permit information requirements that exceed the Act's authority, it is impossible to further evaluate the merits of these comments. However, OSM does not intend to preclude individual commenters from petitioning OSM for a rule change with respect to specific informational requirements that may be unnecessary, overburdensome or excessive and which may exceed the minimum requirements of the Act. One commenter stated that the States are in the best position to know local and regional conditions and may establish limits for the adjacent area. OSM agrees that individual regulatory authorities are in the best position to establish the extent of the adjacent area for individual mines based on local conditions. The final rule defining adjacent area provides guidance to the regulatory authority in establishing these limits as part of a State program or on a mine-by-mine basis.

Several commenters stated that the introduction of new, undefined terminology such as "potentially impacted offsite areas" creates uncertainty and inhibits effective analysis. One of these commenters would define "potentially impacted offsite areas" as "the entire area to be affected over the life of the mine" because Section 507(b)(11) of the Act justifies expansive hydrologic coverage. Another commenter would define the term "potentially impacted offsite areas" as "areas outside the permit area where site specific conditions indicate that resources protected by the Act could reasonably be expected to be impacted by coal mining and reclamation operations." A third commenter would substitute the term "adjacent area" for the term "potentially impacted offsite areas." Another commenter would eliminate the phrase because the Act does not require it.

OSM is rejecting the comment that suggests that the term be defined to include the entire area to be affected over the life of the mine. Responsibility for analysis of areas potentially impacted by anticipated future mining operations other than those covered by the proposed permit, including any subsequent permits over the anticipated life of the mine, must be evaluated with the cumulative hydrologic impacts for the proposed mine required under Section 510(b)(3) of the Act. (See proposed hydrology rule: 47 FR 27712, June 25, 1982.) OSM agrees that Section 507(b)(11) anticipates an evaluation of the probable hydrologic impacts of the proposed mining operations beyond the bounds of the permit area. That section requires a determination of the probable hydrologic consequences of mining both "on and off the mine site." The use of the term "potentially impacted offsite areas" would have reflected the requirements of the Act in Sections 507(b)(11) and 508(a)(13) with respect to the consideration of impacts of a proposed mining operation both "on and off the mine site." However, the majority of commenters felt that the use of a new term related solely to hydrologic impacts was unnecessary and that the term "adjacent area" could be used to adequately reflect the required analysis of hydrologic impacts outside the permit area. OSM is accepting these comments and has used the term "adjacent area" rather that "potentially impacted offsite area" to replace "mine plan area" in the final rule. Additionally, the definition of the term "adjacent area" has been revised to reflect consideration of hydrologic resources. (See discussion below.)

One commenter observed that the deletion of underground workings, including those associated with underground mining activities, in situ mining, and auger mining, from the term "permit area and potentially impacted offsite areas," could result in failure to provide the necessary protection and analysis with regard to the hydrologic balance required by the Act. The commenter is correct in pointing out an ambiguity in the proposed rules. As discussed below, OSM has resolved this ambiguity by adopting a sufficiently broad definition for the term "adjacent area" which includes areas potentially impacted by underground workings associated with underground mining activities, auger mining, and in situ mining.

Sections 779.11; 779.12(b); 779.22(c); 779.24(i) and (k); 779.25(e) and (j); 783.11; 783.12(b); 783.22(c); 783.24(i) and (k); 783.25(e) and (j); 816.13 and 817.13

In each of the above sections the proposed rule would have replaced the phrases "mine plan and adjacent areas" and "mine plan area and adjacent area" with "permit area and adjacent area." One commenter agreed with the proposal, except that in § 779.22(c), 779.24(k), 779.25(e), 783.22(c), 783.24(k), and 783.25(e), the term "permit area" should be used to more accurately reflect the area of concern. No other specific comments were received on these sections.

Sections 779.11; 779.12(b); 779.24(i); 779.25(j); 783.11; 783.12(b); 783.24(i); and 783.25(j) were previously revised at 45 FR 51550, August 4, 1980, in accord with the proposal. No additional change is necessary under the proposed rule and, therefore, no final action on these sections in necessary.

Sections 779.22(c) and 783.22(c) require permit applications to include information on existing land uses and land use classifications. These sections require information relevant to the postmining land use requirements of §§ 816.133 and 817.133. Sections 816.133 and 817.133 require that the postmining land use be approved based upon land uses in the surrounding area and the adjacent area under certain circumstances, including where the land had been previously mined, improperly managed, or where an alternative postmining land use is proposed. Thus, information on land uses and land use classifications in the permit area and adjacent area may be necessary to evaluate compliance with these performance standards and no change has been made in response to the comment. Sections 779.22(c) and 783.22(c) were previously revised at 45 FR 51550, August 4, 1980, in accord with the proposal. No additional change is necessary under the proposed rule and, therefore, no final action on these sections is necessary.

Sections 779.24(k) and 783.24(k) require information on land within the boundaries of any units of the National System of Trails or the Wild and Scenic Rivers System to ensure compliance with Section 522(e)(1) of the Act. Section 522(e)(1) generally prohibits mining within the boundaries of such Systems. The requirements of Section 522(e)(1) do not apply to adjacent areas. Therefore, the comment has been accepted and the final rule revises §§ 779.24(k) and 783.24(k) by deleting the existing reference to "permit area and adjacent area" and using the term "permit area."

Sections 779.25(e) and 783.25(e) require information on known workings of active, inactive, or abandoned underground mines. Since underground mines may have impacts beyond the boundaries of the underground mines and because mining is prohibited within 500 feet from underground mines, except in certain circumstances, information on such mines may be necessary to ensure compliance with applicable performance standards. (See 30 CFR 816.79 and 817.79.) Sections 779.25(e) and 783.25(e) were previously revised at 45 FR 51550, August 4, 1980, in accord with the proposal. No additional change is necessary under the proposed rule and, therefore, no final action on these sections is necessary.

No comments were received on the proposed revisions to §§ 816.13 and 817.13. Therefore, the proposal is adopted in the final rule.

Sections 779.13(a) and (b)(1); 779.14(a); 779.15(a); 779.16(a); 779.17; 779.25(f) and (g); 784.14(a)(1), (a)(3) and (c); 785.19(c)(1); 816.41(a); 816.51(b); 816.52(a)(1); 817.41(a); 817.52(a)(1); 828.11(e); 828.12(a)

In each of the above sections, the proposed rule would have replaced the terms "mine plan area," "mine plan area and adjacent area(s)," or "mine plan or adjacent area(s)" with the phrase "permit area and potentially impacted offsite areas." Several commenters would use the phrase "permit area and adjacent area," since "potentially impacted offsite areas" was not defined and this could cause confusion in implementation of the regulations. Another commenter suggested that the phrase "permit area and adjacent area" be used because the Act does not authorize the use of the term "potentially impacted offsite areas." Another commenter suggested that "permit area and adjacent area" be used because the term "potentially impacted offsite areas" could extend beyond the adjacent lands. As previously discussed, the final rule utilizes the phrase "permit area and adjacent area," rather than "permit area and potentially impacted offsite area." The bases for use of this phrase are indicated above. No additional response to these comments is necessary.

Sections 779.13(a); 779.15(a); 779.16(a); 779.17; 779.25 (f) and (g); 784.14(a)(1), (a)(3) and (c) were previously revised at 45 FR 51550, August 4, 1980, in accord with the usage of the phrase "permit area and adjacent area" in this final rule. No additional change is necessary and, therefore, no action on the proposal will be taken.

Sections 779.13(b)(1) and 779.14(a) were previously revised at 45 FR 51550, August 4, 1980, by deletion of the term "mine plan area" and substitution of the term "permit area." This final rule would have revised these sections by using the phrase "permit area and adjacent area" rather than "permit area," to be consistent with the use of the former phrase in other sections of the regulations except that these provisions are proposed to be removed entirely in another rulemaking.

No comments were received on the proposed rule specifically related to §§ 785.19(c)(1); 816.41(a); 816.51(b); 816.52(a)(1); 817.41(a); 817.52(a)(1); 828.11(e); and 828.12(a). Therefore, §§ 828.11(e) and 828.12(e) are revised, as indicated above, by substitution of the phrase "permit area and adjacent area" for "mine plan area," "mine plan and adjacent area(s)," "mine plan or adjacent area(s)," or related terms. The other sections are the subject of pending rulemakings and will be revised accordingly in the future.

Sections 764.15(a)(7); 770.5; 771.23(e)(2); 779.18(a); 779.22(b); 779.25 (d) and (h); 779.27(a), (b)(5), (d)(2) locations), (d)(1), and (d)(2), 780.11; 780.14(b)(2); 780.21(b)(1); 780.25 (a) and (b); 780.37(e); 783.18(a); 783.22(b); 783.25 (d) and (h); 783.27(b)(5); 784.11(j); 784.14 (b)(1) and (d); 784.16 (a) and (b)(1); 784.23(b)(2); 784.24(e); 785.19(e)(1)(iv); 786.14(b)(3); 786.19(c) 816.104 (a), (b)(1) and (b)(3); 816.105 (a), (b), (b)(1) and (b)(4); 816.116(b)(2)(ii); 817.116 (a) and (b)(2)(ii)

In each of the above sections, the proposed rule would have replaced the term "mine plan area" with the term "permit area."

One commenter would replace the term "mine plan area" in §§ 780.11; 780.14(b)(2); 780.21(b)(1); 780.25 (a) and (b); 780.37(e); 784.11; 784.14 (b)(1) and (d); 784.16 (a) and (b)(1)(j); 784.23(b)(2); and 786.19(c) with a broader term than "permit area" because Section 507(b)(11) requires consideration of potential impacts over the life of the mine. As previously indicated, OSM agrees that Section 507(b)(11) anticipates an evaluation of the probable hydrologic impacts of proposed mining operations beyond the bounds of the permit area. However, the analysis required by this section must be separated into two parts: (1) a determination of the probable hydrologic consequences of the operations covered by the permit "on and off the mine site," or in the "permit area and adjacent area," as that phrase is used in this rule; and (2) and assessment of the probable cumulative impacts of all anticipated mining on the

hydrologic balance. As indicated in the proviso to Section 507(b)(11) of the Act, submission of hydrologic information outside the "permit area and adjacent area" is optional and the operator may wait for necessary information to be provided by appropriate Federal or State agencies. Additionally, Section 507(b)(11) provides requirements for the collection and analysis of data on the hydrologic regime and does not require descriptions of mining operations not covered by the permit application. Each of the sections cited by the commenters relates to the description of proposed mining operations, land affected by those operations, and structures related to those operations. For these reasons, the commenters' suggestion is rejected.

Specifically, Sections 780.11; 780.14(b)(2); 780.21(b)(1); 780.25 (a) and (b); 780.37(e); 784.11(j); 784.14 (b)(1) and (d); 784.16 (a) and (b)(1); and 784.23(b)(2) are all related to the provision of information on proposed mining operations, land affected by those operations, and structures related to those operations required by definition to be within the "permit area" and not to the collection of hydrologic data outside the permit area. Each of these sections was previously revised at 45 FR 51550, August 4, 1980, by deletion of the term "mine plan area" and substitution of the term "permit area." Therefore, no action on the proposal with respect to these sections will be taken.

Section 786.19(c) contains criteria for permit approval as provided in Section 510(b)(3) of the Act, and not the permit information requirements of Section 507(b)(11). Section 510(b)(3) requires that proposed operations be designed to prevent material damage to the hydrologic balance outside the "permit area." Therefore, the commenters' suggestion with respect to this section is rejected. The final rule would have revised § 786.19(c) to parallel the language of Section 510(b)(3) by deleting the term "mine plan area" and replacing it with the term "permit area," except that Part 786 is proposed to be removed in another rulemaking.

No comments were received on the proposed revisions to the other sections listed above. However, all of these other provisions either are subject to another pending revision or were previously revised at 45 FR 51550, August 4, 1980, by deletion of the term "mine plan area" and substitution of the term "permit area." Therefore, no action on the proposal with regard to these sections will be taken.

Sections 780.14 and 784.23

The proposed rule would have deleted the terms "mine plan" and "adjacent area" in the first sentence of §§ 780.14 and 784.23; and deleted the phrase "Unless specifically required for the mine plan area or adjacent area by the requirements of this section" from §§ 780.14(b) and 784.23(b). No comments were received with respect to these proposals. Therefore, although the term "mine plan area" was previously replaced, the proposal is adopted in the final rule.

Sections 779.16(b)(2), 779.24(g), 783.16(b)(2), 783.24(g)

In each of the above sections the proposed rule would have deleted the term "mine plan area." One commenter suggested substituting the phrase "within the proposed permit area" rather than simply deleting the term "mine plan area." This comment was accepted. These sections were previously revised at 45 FR 51550, August 4, 1980, in accord with the comments. No additional change is necessary and, therefore, no action on the proposal will be taken.

Section 780.21(b)(3)

The proposed rule would have revised § 780.21(b)(3) by deleting the term "mine plan area" and replacing it with the term "disturbed area." One commenter recommended that the term "permit area" be used rather than "disturbed area" in this section. This comment was accepted. This section was previously revised at 45 FR 51550, August 4, 1980, in accord with the comment. No additional change is necessary and, therefore, no action on the proposal will be taken.

Sections 816.52(a)(2) and 817.52(a)(2)

The proposed rule would have deleted the phrase "on or off the mine plan area" in the above sections and replaced it with the phrase "permit area and potentially impacted offsite areas." One commenter suggested that these sections be revised in a manner consistent with other aspects of the proposal. Other comments suggested use of the phrase "permit area and adjacent area" rather than "permit area and potentially impacted offsite areas." Although these comments have been accepted, §§ 816.52(a)(2) and 817.52(a)(2) are subject to removal in another rulemaking and will not be amended at this time.

Section 783.14(a)(2)

The proposed rule would have revised § 783.14(a)(2) by replacing the phrase "The geology of those surface lands within the proposed mine plan area" with the phrase "The geology of those lands." Two commenters were concerned that the proposed rule could be interpreted such that geologic information would be required over the entire coal basin. Another commenter was concerned that the proposed rule places no limitation on the area for which geologic information could be required. This was not the intent of the proposed rule. These commenters suggested use of the term "permit area" or "permit area and adjacent area" rather than deletion of the term "mine plan area."

Section 783.14(a)(2) was previously revised at 45 FR 51550, August 4, 1980, by deleting the term "mine plan area" and replacing it with term "permit area." Neither the proposed rule nor the existing rule as revised on August 4, 1980, resolves the ambiguity perceived by the commenters. OSM accepts the comment that the geologic description required by § 783.14(a)(2) be limited to the "permit area and adjacent area." This change will be incorporated in the final geology permitting rules which are currently subject to revisions.

Sections 771.23 (e)(1) and (e)(2)

The proposed rule would have revised § 771.23(e)(1) by deleting the phrase "the remainder of the mine plan area and * * *." One commenter recommended the use of the term "permit area" in place of "mine plan area." As indicated in the proposal, the required scale of the maps for areas within the permit area is specified in § 771.23(e)(1). The use of the phrase "permit area and adjacent area" in this context would be contradictory. Therefore, the comment is rejected.

The proposed rule would have revised § 771.23(e)(2) by deleting the phrase "at any place within the mine plan area." No comments were received on the proposed change.

Sections 771.23 (e)(1) and (e)(2) are the subject of another rulemaking and will not be revised at this time.

Sections 779.12(a) and 783.12(a)

The proposed rule would have revised §§ 779.12(a) and 783.12(a) by deleting the phrase "of the subareas of the mine plan area." This section was previously revised at 45 FR 51550, August 4, 1980, by deletion of the term "mine plan area" and substitution of the term "permit area."

One commenter suggested revision of the language of §§ 779.12(a) and 783.12(a) to clarify the intent of the regulation. The commenter would revise Paragraph (a) as follows:

"(a) The lands subject to surface coal mining operations over the estimated life of those operations and the size, sequence, and timing of the subareas for

which it is anticipated that individual permits for mining will be sought, and * * *."

The suggestion is accepted and the final rule revises §§ 779.12(a) and 783.12(a) in accord with the comment.

Section 788.13(b)

The proposed rule would have deleted the phrase "including, but not limited to, any remainder of the mine plan area described in the application for the existing permit," in § 788.13(b). No comments were received on this proposed change. However, § 788.13(b) is the subject of another rulemaking and will not be amended at this time.

Sections 825.11 (b)(2) and (b)(6)

The proposed rule would have deleted the terms "mining plan" and "mine plan" in §§ 825.11 (b)(2) and (b)(6) and replaced them with the term "permit." No comments were received on this proposed change. However, Part 825 was revised on August 2, 1982, in a manner which moots the proposal.

B. "Adjacent Area"

The definition of the term "adjacent area" is being revised to eliminate the reference to the term "mine plan area" and to more closely complement the other areal descriptors used, such as "permit area" and "affected area." The term "adjacent area" is intended to refer to an area of variable size in which specified resources could be adversely impacted by mining operations. The size of the adjacent area could vary on a case-by-case basis depending upon whether impacts on water, fish and wildlife, cultural resources, or others are being considered; it could also be established on a programmatic basis in a State program. (See also 43 FR 41671, September 18, 1978.)

The proposed rule provided two alternative ways of defining "adjacent area." The proposed rule also would have used the term "potentially impacted offsite areas" rather than "adjacent area" in applications dealing with the hydrologic balance.

The final rule adopts the basic language of the first alternative (Alternative A) from the proposal. Under this standard, the term "adjacent area" is defined to include areas outside the permit area where a resource is or resources are located and where those resources will be or could reasonably be expected to be adversely impacted by surface coal mining and reclamation operations. The extent of this area will be determined within the particular context in which the term is used in the regulations and the particular resource under consideration.

As indicated above, the use of the term "potentially impacted offsite areas" has been rejected in favor of continued use of the term "adjacent area." No definition was included in the proposal for the term "potentially impacted offsite area."

Several commenters suggested a definition substantially similar to the proposed definition for the term "adjacent area" and for the term "potentially impacted offsite area," while others suggested simply that the term "adjacent area" be used rather than defining a new term. Another commenter expressed concern that the use of the term "potentially impacted offsite areas" could result in omission of consideration of the hydrologic impacts of underground workings. Based upon these comments, OSM is not using the term "potentially impacted offsite areas." The term "adjacent area," however, has been revised to encompass consideration of potential offsite hydrologic impacts and to include specifically the probable impacts from underground workings, whether they be associated with underground mining activities, auger mining, or in situ mining. This definition will be used to encompass those areas where the hydrologic regime will be impacted by the proposed mining operation, while excluding unnecessary information on areas where there is no reasonable expectation of such an impact. The use of the term "adjacent area" rather than "potentially impacted offsite areas" will apply as well to the use of the term in the proposed hydrology rulemaking (47 FR 27712, June 25, 1982).

The majority of commenters supported Alternative A because it provided a more objective and administratively reasonable standard. Several of these commenters would have inserted "adversely" before "impacted," and "immediately" before "outside" to avoid listing of irrelevant information and to confine "adjacent" to its commonly accepted meaning.

The modifier "adversely" was included in the previous rule. In the final rule, OSM accepts the suggestion and inserts the word "adversely" before "impacted." This is consistent with OSM's intended meaning and was inadvertently omitted from the proposal. The suggestion to add the word "immediately" before "outside" was not accepted. OSM anticipates that the term "adjacent area" will be applied within the context in which the term is used in the regulations and of the particular resource under consideration. Thus, in some circumstances the resources impacted may be "immediately" outside the permit area, while in others, there could be some distance between the permit area and the resource.

Several commenters supported the second alternative (Alternative B). Some believed it would have given the States more flexibility to require permit information. Regulatory authorities have adequate flexibility under the rule adopted to ensure that permit applications include all information necessary to evaluate mining operations in accordance with the requirements of the Act. Individual regulatory authorities that prefer the second alternative, and deem it more appropriate within the context of their individual State regulatory programs, may incorporate the language of Alternative B as part of their programs inasmuch as that alternative is consistent with the "adjacent area" definition adopted.

One commenter preferred Alternative B because it was deemed impossible to determine in all cases whether an area will actually be affected and, therefore, it was argued that the definition should encompass all areas that might be affected. The final rule recognizes that it may be impossible to determine in all cases whether an area will actually be adversely impacted. For this reason, the adjacent area is defined to include areas where an adverse impact can reasonably be expected to occur. The adjacent area need not extend to areas where the potential impacts are remote and speculative and cannot reasonably be expected to occur.

Several commenters felt that neither alternative was acceptable and argued that the term "adjacent area" could only be used under the Act to refer to information related to the hydrologic balance. OSM disagrees with the asserted premise that the Act allows collection of information outside the permit area only with respect to hydrologic data. Thus, the recommendation that the use of the term "adjacent area" be restricted to information related to the hydrologic balance is rejected. (See the above discussion under "Mine plan area" for a more complete response on this issue.)

One commenter criticized the proposal as being too vague, not defining the resources protected, and potentially subject to arbitrary application. This commenter did not suggest an alternate approach. Another commenter suggested that the definition be revised to state specifically that its application would depend upon site specific conditions.

OSM has reviewed the proposed definition and has decided to retain a necessary degree of uncertainty in the

final language. The area determined to be within the "adjacent area" must be defined within the context of the particular resource being evaluated and often will depend upon local conditions. A further resolution of the term will be accomplished either on a permit-by-permit basis or as part of a State program. Thus, the adjacent area may differ from case to case depending upon the factors under consideration. This can be best resolved by the regulatory authority within the context of the particular requirement of the regulatory program and the conditions within the particular State, region, or locale where the proposed mining operation is located. To help clarify this intent, the language of the rule has been revised to reflect more clearly that the resource or resources requiring consideration are determined by the context in which the term "adjacent area" is used in a particular regulatory section. This is not intended to be a substantive change. No further change is necessary to reflect site specific conditions or circumstances where a particular resource does not exist or could not be impacted; only resources impacted or which could be impacted are included.

C. "Affected Area"

This final rule revises the definition of the term "affected area" to more closely reflect the scope of areas covered in Section 701(28) of the Act, and to clarify ambiguity in its application to roads and lands that overlie underground workings. Proposed revisions to the definition of "affected area" were also discussed in the final "two-acre rule," promulgated on August 2, 1982 (47 FR 33424). This rule is in accord with the action taken in that prior rulemaking.

The proposed rule provided four alternative approaches for determining when a road should be included within the "affected area" for a mine. This final rule adopts the second alternative with one modification. When describing roads not within the "affected area," it deletes the requirement for road construction standards as stringent as those applicable to access and haul roads under the applicable State program and requires instead that the road be constructed to meet the road construction standards for other public roads of the same classification in the local jurisdiction. With this change, the final rule excludes from the "affected area" any part of a road which (a) was designated as a public road pursuant to the laws of the jurisdiction in which it is located; (b) is maintained with public funds, and constructed, in a manner similar to other public roads of the same classification within the jurisdiction; and (c) there is substantial (more than incidental) public use. Every other access or haul road used for purposes of a surface mining and reclamation operation is included within the affected area.

Comments received on this aspect of the "affected area" definition are addressed in the August 2, 1982 **Federal Register** and are incorporated here by reference as the basis for this final rulemaking (See 47 FR 33430–33431.)

The proposed rule would also have revised the definition of "affected area" by including in the term for underground mines, in situ mines, and auger mines, either the phrase "area of expected subsidence" or the phrase "area of potential subsidence." Based upon comments received, neither term has been adopted. The final rule requires that, with respect to underground mining, in situ mining, and auger mining, the affected area must include the area located above the underground workings.

Several commenters suggested that the reference to subsidence be deleted entirely from the definition of "affected area." They argued that Congress provided for separate treatment of subsidence under Section 516 of the Act, and exclusion of subsidence would clarify that a reclamation bond need not be posted for areas of expected subsidence.

These comments have been rejected. Because of the potential for surface impacts in areas overlying underground workings, these areas should continue to be included within the "affected area" for the mine. In contrast to the position advanced by the commenters, OSM believes that Sections 516(b)(1) and 516(c) of the Act evidence Congressional intent to include some protection for surface lands from subsidence. Thus, the existing interpretation of the term "affected area," which includes lands overlying underground workings, has not been changed. These commenters are also incorrect in their assertion that the term "affected area" dictates which areas are to be covered by a performance bond. That position would be corrected if the previous definition of "permit area," which included all affected areas, had been retained. That definition is revised, as discussed below. These issues will be covered in more detail by a separate rulemaking on the Subchapter J requirements, which are related specifically to required bond protection.

One commenter supported limiting the term "affected area" to the "area of expected subsidence" because surface areas above underground workings which are designed not to subside are not "affected." Other commenters stated that the existing definition should be retained because determining the areas likely to be affected by underground mining is difficult. Another commenter stated that the "area of expected subsidence" is too broad because it may require an operator to include all areas overlying the projected underground workings merely on the presumption that subsidence may occur. This commenter argued that the requirement in Section 507(b)(14) of the Act for maps showing the location of underground mines is only to provide an opportunity to determine if the proposed underground coal mining could affect certain urbanized areas. Another commenter, however, argued that Section 507(b)(14), as well as Sections 516 (b)(1) and (c) of the Act, strongly support including as part of the affected area all surface areas overlying areas of potential subsidence.

In addition to these comments, OSM also received several comments on the related proposal to include a new definition for the term "area of expected subsidence" or "area of potential subsidence." Several commenters objected to either definition. These commenters also expressed a general preference for the term "area of potential subsidence" rather than the term "area of expected subsidence," if one of the two were to be included in the final rule. Several commenters supported including a definition of the term "areas of expected subsidence," because it was believed to be more consisent with Section 516(b)(1) of the Act and because it was believed that the "areas of potential subsidence" was too broad and unworkable. Other commenters suggested revising the term "area of expected subsidence" to mean simply the area addressed in the subsidence control plan. Another commenter stated that either definition was too narrow, since subsidence may cause serious effects on the hydrologic balance. One commenter stated that OSM's preamble statement that "potentially affected areas" would include all areas except where geologic conditions at the mine would preclude subsidence of the surface, appeared to conflict with OSM's preamble to the existing rules which stated that there has been no "evidence that subsidence can be definitely precluded as a possibility in any circumstance." Another commenter stated that while he agreed that the concept of the "area of expected subsidence" was reasonable, Congressional intent could not be carried out unless the area of

underground workings is included within the definition of "affected area."

OSM has reviewed all of the comments received on the proposal and has decided to accept the comments suggesting that neither definition be adopted and that the term "affected area" continue to include the entire area overlying underground workings. OSM recognizes that Congress provided for the regulation of underground mines only to the extent that they have a surface impact. Ideally this would include a precise prediction of all surface impacts and a corresponding resolution of the extent of OSM jurisdiction under the Act. However, the state of the art in subsidence prediction does not currently allow OSM to define these limitations clearly. On the other hand, Congress specified that the Act was intended to protect society and the environment from the adverse effects of surface coal mining operations (including the surface impacts of underground mining operations) and to assure that such operations are conducted so as to protect the environment. On balance, Congressional intent is more nearly met by including all areas overlying underground workings in the "affected area." For these reasons, OSM has decided to retain the existing scope of the definition of the term "affected area" and to not adopt the proposed definition of "area of expected subsidence" or "area of potential subsidence." If at some point in the future better predictive methodologies are developed which will allow the prediction of the surface impacts of underground workings, OSM may reconsider these definitions.

One commenter suggested deleting auger mining from the definition of "affected area." This comment has been rejected. Auger mining is included as a form of mining covered under Section 701(28) of the Act and as such is properly included within the definition of the "affected area."

One commenter suggested that "fee" tracts of property should be excluded from the "affected area" as well as any areas requested by the land owner. Another commenter objected to the inclusion of any provisions related to subsidence in the definition of "affected area," because it would require that underground mine operators comply with performance standards on lands they typically do not own or control. These comments have been rejected. The Act does not provide a basis for excluding areas from the "affected area" based upon land ownership.

D. Permit Area

The final rule revises the definition of the term "permit area" to follow the definition of "permit area" in Section 701(17) of the Act more closely and to indicate that overlapping permit areas for more than one operation are not required. The proposed rule included two alternatives. The first alternative (Alternative A) would have defined permit area as the area of land indicated on the operator's approved plan submitted with the permit application, which includes the area of land upon which the operator will conduct surface coal mining and reclamation operations under the permit. The second alternative (Alternative B) would have defined "permit area" as the area of land and water within boundaries designated on the permit application maps, as approved by the regulatory authority, including all "affected areas." The final rule adopts the first alternative with a few revisions.

The majority of the commenters preferred the first alternative as more consistent with the Act. One, however, stated that there is no need to define "permit area" since the Act defines it. One commenter supported the first alternative because it was related to the land on which the operator would conduct operations and not an affected area. Another commenter supported the first alternative since it clarified that the permit area would include the areas of land where the operator conducts operations. One commenter, who supported the first alternative also specifically supported the exclusion of areas adequately bonded under another valid permit from the "permit area." Another commenter, however, opposed the provision allowing the exclusion of areas otherwise bonded. This commenter believed that the provision was confusing and unnecessary since the regulatory authority would ensure that no area was double permitted or bonded. Some commenters who preferred the first alternative over the second alternative, also indicated a preference for the language in the Act that specifically related the "permit area" to the bonding requirements.

Several commenters recommended that the second alternative be selected. One commenter believed the second alternative preferable because it would include the area of potential subsidence. Another commenter stated that the second alternative would be preferable only if the final version included all areas of potential rather than expected subsidence.

One commenter thought that neither alternative was workable since they both would exclude parts of an operation. This commenter would have preferred the second alternative if all areas overlying underground workings were included.

OSM has considered all comments received in the development of the final rule. Based upon these comments, the first alternative has been selected. This alternative has been revised in two respects. First, to clarify the relationship further between the "permit area" and the bonding requirements, the definition has been revised to state explicitly that the permit area means the area required to be covered by the operator's performance bond under Subchapter J. This is not a substantive change, since Section 509(a) of the Act specifies bond coverage for an area coextensive with the first proposed alternative definition for "permit area." That is, the performance bond must cover the area of land upon which the operator will conduct surface coal mining and reclamation operations during the term of the permit. Second, the definition has been revised to indicate that at a minimum the permit area must include all disturbed areas. Again this is not intended to be a substantive change, since the operator would necessarily conduct surface coal mining and reclamation operations in all disturbed areas. These changes have been made to clarify the intent of the definition and minimize the potential for confusion in application.

The final rule retains the provision from the proposed rule allowing the exclusion from the permit area of areas adequately bonded under another valid permit. This provision is considered appropriate since each bond must be adequate to cover the anticipated costs of reclamation of the area involved, and therefore, duplicative bonding is unnecessary.

The comments suggesting that the term "permit area" specifically include all areas overlying underground workings has been rejected. The Act requires that the "permit area" include the land covered by the operator's bond. As stated above, this includes all areas upon which surface coal mining and reclamation operations are conducted. Those are the areas for which reclamation operations are planned and for which the performance bond can be accurately set. Although there is a potential for subsidence causing material damage in areas overlying the underground workings, there is no reclamation work planned there (unless there will also be a surface coal mining operation on that area). Thus there is no need for a performance bond on those

areas. Operator financial responsibility for areas outside the permit area is covered under the liability insurance requirements of Section 507(f) of the Act. Accordingly, to the extent the definition of "permit area" is tied to the bonding requirements of the Act, it is incorrect to include in the definition any reference to the "areas overlying the underground workings" or to the "affected area."

Under the revised definition of permit area, the performance standards of the Act will continue to apply to all surface coal mining and reclamation operations. Also, where informational requirements must apply to areas outside the redefined permit area, the provisions enunciating these requirements will be revised if necessary to include information from adjacent areas or other locations.

III. Two-acre Exemption

On August 2, 1982, OSM published final regulations implementing the 2-acre exemption under the permanent regulatory program. (47 FR 33424.) As part of a settlement agreement in *National Wildlife Federation v. Watt*, Civil Action No. 82–0320 (D.D.C.), the Department agreed to include the final 2-acre rule in the supplemental Environmental Impact Statement (EIS) on its permanent program regulations and reconsider the rule if the supplemental EIS demonstrated a need to do so.

The two-acre exemption was subsequently analyzed in OSM's "Final Environmental Impact Statement OSM EIS–1: Supplement." Based upon this supplemental EIS, it has been determined that the August 2, 1982 rule was properly and lawfully promulgated; therefore there is no need to reconsider the issue at this time.

Regarding the two-acre exemption, this notice serves as the record of decision based upon the supplemental EIS and is consistent with the preferred alternative published in Volume III of the supplemental EIS as well as the final rule published on August 2, 1982.

IV. Procedural Matters

Executive Order 12291 and the Regulatory Flexibility Act

The Department of the Interior (DOI) has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) Furthermore, Section 8(a)(2) of E.O. 12291 applies to these final rules which are needed to facilitate resolution of the pending legal challenge to the August 2, 1982 revision to the 2-acre exemption.

National Environmental Policy Act

OSM has analyzed the impacts of these final rules in the "Final Environmental Impact Statement, OSM EIS–1: Supplement," in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(2)(C)). The final EIS is available in OSM's Administrative Record in Room 5315, 1100 L Street, NW, Washington, D.C., or by mail request to Mark Boster, Chief, Branch of Environmental Analysis, Room 134, Interior South Building, U.S. Department of the Interior, Washington, D.C. 20240.

This preamble serves as the record of decision under NEPA. The following differences are noted between this final rule and the preferred alternative in Volume III of the EIS.

1. The final rule amends the sections of the rules that are changed by the definitions included in this rulemaking. The definitions were analyzed in the EIS text. The application of the performance standards of the Act is not changed.

2. Additional clarification is made in Parts 779, 780, 783, 784 and 788 concerning permit applications, maps, plans, and information on the permit application that is within the scope of the EIS analysis.

3. The definition for "permit area" in the final rule is clarified to show that the permit area is covered by the operator's performance bond under Subchapter J of 30 CFR Chapter VII and includes all disturbed areas. These changes are consistent with the EIS analysis.

Federal Paperwork Reduction Act

There are no new information collection requirements established by these rules requiring approval of the Office of Management and Budget under 44 U.S.C. 3507 *et seq.*

List of Subjects

30 CFR Part 701

Coal mining, Law enforcement, Surface mining, Underground mining.

30 CFR Part 779

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 780

Coal mining, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 783

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 784

Coal mining, Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 816

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 817

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 828

Coal mining, Environmental protection, Surface mining, Underground mining.

Accordingly, 30 CFR Parts 701, 779, 780, 783, 784, 816, 817 and 828 are amended as set forth below.

Dated: March 28, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

PART 701—PERMANENT REGULATORY PROGRAM

In § 701.5, the difinition of *Mine plan area* is removed and the definitions of *Adjacent area, Affected area,* and *Permit area* are revised to read as follows:

§ 701.5 Definitions.

* * * * *

Adjacent area means the area outside the permit area where a resource or resources, determined according to the context in which *adjacent area* is used, are or reasonably could be expected to be adversely impacted by proposed mining operations, including probable impacts from underground workings.

Affected area means any land or water surface area which is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which surface coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to surface coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as provided in this definition; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways,

refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property material on the surface resulting from, or incident to, surface coal mining and reclamation operations; and the area located above underground workings. The affected area shall include every road used for purposes of access to, or for hauling coal to or from, surface coal mining and reclamation operations, unless the road (a) was disignated as a public road pursuant to the laws of the jurisdiction in which it is located; (b) is maintained with public funds, and constructed, in a manner similar to other public roads of the same classification within the jurisdiction; and (c) there is substantial (more than incidental) public use.

* * * * *

Permit area means the area of land, indicated on the approved map submitted by the operator with his or her application, required to be covered by the operator's performance bond under Subchapter J of this chapter and which shall include the area of land upon which the operator proposes to conduct surface coal mining and reclamation operations under the permit, including all disturbed areas; provided that areas adequately bonded under another valid permit may be excluded form the permit area.

* * * * *

PART 779—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

2. Section 779.12 is amended by revising paragraph (a) to read as follows:

§ 779.12 General environmental resources information.

* * * * *

(a) The lands subject to surface coal mining operations over the estimated life of those operations and the size, sequence, and timing of the subareas for which it is anticipated that individual permits for mining will be sought; and

* * * * *

PART 780—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

3. Section 780.14 is amended by revising the introductory paragraph and the introductory text to paragraph (b) to read as follows:

§ 780.14 Operation plan: Maps and plans.

Each application shall contain maps and plans as follows:

* * * * *

(b) The following shall be shown for the proposed permit area:

* * * * *

PART 783—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

4. Section 783.12 is amended by revising paragraph (a) to read as follows:

§ 783.12 General environmental resources information.

* * * * *

(a) The lands subject to surface coal mining operations over the estimated life of those operations and the size, sequence, and timing of the subareas for which it is anticipated that individual permits for mining will be sought; and

* * * * *

PART 784—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

5. Section 784.23 is amended by revising the introductory paragraph and the introductory text to paragraph (b) to read as follows:

§ 784.23 Operation plan: Maps and plans.

Each application shall contain maps and plans as follows:

* * * * *

(b) The following shall be shown for the proposed permit area:

* * * * *

PARTS 779, 783, 816, 817, and 828 [AMENDED]

§§ 779.24 and 783.24 [Amended]

6. Sections 779.24(k) and 783.24(k) are amended by removing the words "permit area and adjacent area" and inserting in their place the words "permit area."

§§ 816.13 and 817.13 [Amended]

7. Sections 816.13 and 817.13 are amended by removing the words "mine plan and adjacent area" and inserting in their place the words "permit area and adjacent area."

§§ 828.11 and 828.12 [Amended]

8. Sections 828.11(e) and 828.12(a) are amended by removing the words "mine plan and adjacent area" and "mine plan and in adjacent areas" and inserting in their places the words "permit area and adjacent area."

Authority: Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*

[FR Doc. 83–8488 Filed 4–4–83; 8:45 am]

BILLING CODE 4310–05–M

Federal Register

Tuesday
April 5, 1983

Part IV

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 859]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 30, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the form 121 for this and all previous notices is available on magnetic tape from the National Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS
ISSUED MARCH 30, 1983
VOLUME 859

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION									
-ANR PRODUCTION CO				RECEIVED:	02/28/83	JA: CO			
8325363	82-1039	0500906145		108		COGBURN WECO 01-6	WALSH	17.0	PANHANDLE EASTERN
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/28/83	JA: CO			
8325299	82-934	0506706475		103		SOUTHERN UTE 17-4 32-11	IGNACIO BLANCO	219.0	WESTERN SLOPE GAS
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/28/83	JA: CO			
8325371	82-685	0500506794		103		03 CHAS W MUEGGE 42-11	FAIRWAY	21.7	AMOCO PRODUCTION
8325367	82-609	0512310508		103		BEEBE DRAW 41-15 02	APISTOCRAT	128.0	PANHANDLE EASTERN
8325337	82-735	0512310574		102-2		COAM 32-31 01	BASELINE	2.9	COLORADO INTERSTA
8325369	82-754	0512310574		103		COAM 32-31 01	BASELINE	2.9	COLORADO INTERSTA
8325379	82-752	0512308959		103		CPC 41-35 (2-67) 01	SPINDLE	4.3	AMOCO PRODUCTION
8325366	82-753	0512396260		103		DORIS SMITH & CO 41D-21 01	SPINDLE	10.7	AMOCO PRODUCTION
8325365	82-929	0512310693		103		MILLENBRAND 41-33 03	BANNER LAKES	27.0	COLORADO INTERSTA
8325321	82-854	0500108062		103		NORTH 32-15 02	KRAUTHEAD	25.0	COLORADO INTERSTA
8325320	82-734	0500108063		103		NORTH 41-15 01	KRAUTHEAD	45.0	COLORADO INTERSTA
8325372	82-883	0500506809		103		OAKLAND CATTLE CO 32-27 02	PUMA	55.0	AMOCO PRODUCTION
8325319	82-1003	0500108139		103		WAILES FARMS 11G-4 01X	CHIEFTAIN	3.5	PANHANDLE EASTERN
8325318	82-564	0503906362		103		WHITEHEAD 32-7 03	COMANCHE CREEK	2.5	AMOCO PRODUCTION
-CHEVRON U S A INC				RECEIVED:	02/28/83	JA: CO			
8325394	82-543	0510308630		103		A C MCLAUGHLIN A-3X	RANGELY	4.0	NORTHWEST PIPELIN
8325360	82-530	0510308562		103		C S HEFLEY 4X	RANGELY	1.1	NORTHWEST PIPELIN
8325287	82-550	0510307952		103		CHEVRON FEE 108X	RANGELY	5.3	NORTHWEST PIPELIN
8325392	82-545	0510308438		103		CHEVRON FEE 117X	RANGELY	0.6	NORTHWEST PIPELIN
8325340	82-562	0510308439		103		CHEVRON FEE 118X	RANGELY	4.8	NORTHWEST PIPELIN
8325305	82-551	0510308494		103		CHEVRON FEE 119X	RANGELY	9.4	NORTHWEST PIPELIN
8325386	82-533	0510308575		103		CHEVRON FEE 121X	RANGELY	0.0	NORTHWEST PIPELIN
8325345	82-527	0510308663		103		CHEVRON FEE 122X	RANGELY	6.6	NORTHWEST PIPELIN
8325304	82-552	0510308664		103		CHEVRON FEE 124X	RANGELY	7.2	NORTHWEST PIPELIN
8325344	82-528	0510308681		103		CHEVRON FEE 125X	RANGELY	6.6	NORTHWEST PIPELIN
8325346	82-547	0510308586		103		CHEVRON FEE 126X	RANGELY	6.6	NORTHWEST PIPELIN
8325388	82-553	0510308671		103		CHEVRON FEE 127X	RANGELY	6.6	NORTHWEST PIPELIN
8325298	82-622	0510308688		103		CHEVRON FEE 128X	RANGELY	2.6	NORTHWEST PIPELIN
8325380	82-519	0510308689		103		CHEVRON FEE 129X	RANGELY	0.2	NORTHWEST PIPELIN
8325391	82-546	0510308745		103		CHEVRON FEE 136X	RANGELY	6.6	NORTHWEST PIPELIN
8325302	82-541	0510308761		103		CHEVRON FEE 137X	RANGELY	6.6	NORTHWEST PIPELIN
8325295	82-521	0510308763		103		CHEVRON FEE 138X	RANGELY	1.8	NORTHWEST PIPELIN
8325294	82-531	0510308762		103		CHEVRON FEE 139X	RANGELY	2.2	NORTHWEST PIPELIN
8325396	82-515	0510308536		103		E OLDLAND 5X	RANGELY	1.3	NORTHWEST PIPELIN
8325352	82-513	0510308672		103		E RECTOR 11X	RANGELY	2.0	NORTHWEST PIPELIN
8325332	82-529	0510308481		103		EMERALD 76X	RANGELY	1.0	NORTHWEST PIPELIN
8325303	82-540	0510307948		103		EMERALD 65X	RANGELY	4.0	NORTHWEST PIPELIN
8325301	82-542	0510307974		103		EMERALD 67X	RANGELY	3.5	NORTHWEST PIPELIN
8325333	82-526	0510307975		103		EMERALD 68X	RANGELY	5.6	NORTHWEST PIPELIN
8325347	82-518	0510308169		103		EMERALD 74X	RANGELY	1.7	NORTHWEST PIPELIN
8325393	82-544	0510308437		103		EMERALD 75X	RANGELY	1.9	NORTHWEST PIPELIN
8325341	82-561	0510308480		103		EMERALD 77X	RANGELY	11.0	NORTHWEST PIPELIN
8325398	82-517	0510308491		103		EMERALD 78X	RANGELY	1.3	NORTHWEST PIPELIN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8325397	82-516	0510388492		103		EMERALD #2X	RANGELY	8.7	NORTHWEST PIPELIN
8325288	82-549	0510388535		103		J E COLTHARP 9X	RANGELY	3.4	NORTHWEST PIPELIN
8325387	82-840	0510308736		103		L B WALBRIDGE #4X	RANGELY	6.6	NORTHWEST PIPELIN
8325343	82-559	0510386830		103		LEVISON 35X	RANGELY	12.3	NORTHWEST PIPELIN
8325389	82-944	0510308737		103		M E HEFLY #7X	RANGELY	1.5	NORTHWEST PIPELIN
8325292	82-523	0510308696		103		M E HEFLY 8X	RANGELY	8.3	NORTHWEST PIPELIN
8325293	82-522	0510308810		103		PURDY 2X-1	RANGELY	8.6	NORTHWEST PIPELIN
8325399	82-620	0510308703		103		PURDY 3X-1	RANGELY	8.1	NORTHWEST PIPELIN
8325381	82-520	0510308739		103		SHARPLES-MCLAUGHLIN 13X-33	RANGELY	21.8	NORTHWEST PIPELIN
8325334	82-509	0510307973		103		UNION PACIFIC R R 101X20	RANGELY	8.3	NORTHWEST PIPELIN
8325385	82-534	0510307945		103		UNION PACIFIC R R 105X29	RANGELY	14.9	NORTHWEST PIPELIN
8325350	82-512	0510308450		103		UNION PACIFIC R R 106X32	RANGELY	2.8	NORTHWEST PIPELIN
8325349	82-511	0510386490		103		UNION PACIFIC R R 107X32	RANGELY	3.5	NORTHWEST PIPELIN
8325384	82-535	0510308495		103		UNION PACIFIC R R 108X21	RANGELY	3.7	NORTHWEST PIPELIN
8325335	82-510	0510308497		103		UNION PACIFIC R R 109X32	RANGELY	2.5	NORTHWEST PIPELIN
8325383	82-536	0510308530		103		UNION PACIFIC R R 110X21	RANGELY	11.0	NORTHWEST PIPELIN
8325339	82-563	0510308522		103		UNION PACIFIC R R 111X 29	RANGELY	6.7	NORTHWEST PIPELIN
8325342	82-560	0510308606		103		UNION PACIFIC R R 113X22	RANGELY	1.8	NORTHWEST PIPELIN
8325382	82-537	0510308666		103		UNION PACIFIC R R 115X21	RANGELY	1.3	NORTHWEST PIPELIN
8325300	82-538	0510308697		103		UNION PACIFIC R R 118X21	RANGELY	7.3	NORTHWEST PIPELIN
8325390	82-548	0510308700		103		UNION PACIFIC R R 122X21	RANGELY	2.9	NORTHWEST PIPELIN
8325306	82-840	0510308855		103		UNION PACIFIC R R 131X-32	RANGELY	21.9	NORTHWEST PIPELIN
8325351	82-555	0510308746		103		UNION PACIFIC R R 132X-21	RANGELY	2.2	NORTHWEST PIPELIN
8325289	82-525	0510308667		103		UNION PACIFIC RR 117X-22	RANGELY	6.6	NORTHWEST PIPELIN
8325395	82-514	0510308699		103		UNION PACIFIC RR 120X21	RANGELY	16.6	NORTHWEST PIPELIN
8325353	82-621	0510308705		103		UNION PACIFIC RR 121X-21	RANGELY	0.2	NORTHWEST PIPELIN
8325286	82539	0510308764		103		UNION PACIFIC 133X-21	RANGELY	11.0	NORTHWEST PIPELIN
8325296	82-532	0510308594		103		W H COLTHARP "B" 2X	RANGELY	0.2	NORTHWEST PIPELIN
8325290	82-508	0510308693		103		W H COLTHARP A-7X	RANGELY	12.1	NORTHWEST PIPELIN
8325291	82-524	0510308793		103		W H COLTHARP B-3X	RANGELY	5.0	NORTHWEST PIPELIN
-DONALD S WALKER				RECEIVED:	02/28/83	JA: CO			
8325357	82-568	0512506612		107-TF		SALVADOR 2-5	ROCK CREEK	50.0	CITIES SERVICE GA
-ENERGY MINERALS CORPORATION				RECEIVED:	02/28/83	JA: CO			
8325378	82-1015	0512309562		108-ER		BETH #1	ROGGEN	18.0	PHILLIPS PETROLEU
8325364	82-1050	0512308212		108		STANLEY #4	SPINDLE	6.0	PANHANDLE EASTERN
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED:	02/28/83	JA: CO			
8325336	82-637	0507708462		102-2		COLORADO LAND #3	PLATEAU	31.0	NORTHWEST PIPELIN
-HRUBETZ OIL CO				RECEIVED:	02/28/83	JA: CO			
8325324	82-626	0500900000		102-2		HUME #1-20		90.0	INTERSTA
-J-W OPERATING COMPANY				RECEIVED:	02/28/83	JA: CO			
8325329	82-696	0512506674		107-TF		C JOSH #1-33	UNNAMED	160.0	KANSAS-NEBRASKA N
8325328	82-573	0512506627		107-TF		LENGEL #1-18	WILDCAT	218.0	CITIES SERVICE GA
8325316	82-601	0512506675		107-TF		T BROPHY #28-33	UNNAMED	111.0	KANSAS-NEBRASKA N
8325315	82-697	0512506636		107-TF		V HARDING #2-27	WAGES	149.0	KANSAS-NEBRASKA N
-JOHN P LOCKRIDGE				RECEIVED:	02/28/83	JA: CO			
8325327	82-658	0512506714		107-TF		DEVLIN #14-4	BONNY FIELD	36.0	CITIES SERVICE GA
8325326	82-657	0512506764		107-TF		DEVLIN #32-4	BONNY	36.0	CITIES SERVICE GA
8325325	82-586	0512506731		107-TF		DEVLIN #34-28	BONNY	15.0	CITIES SERVICE GA
8325314	82-588	0512506755		107-TF		HELLING #32-17	BONNY FIELD	50.0	CITIES SERVICE GA
8325313	82-630	0512506644		107-TF		LIPPERT #32-25	BONNY FIELD	15.0	CITIES SERVICE GA
8325312	82-584	0512506735		107-TF		MOELLENBERG #12-6	BONNY FIELD	30.0	CITIES SERVICE GA
8325311	82-583	0512506734		107-TF		MOELLENBERG #14-6	BONNY FIELD	30.0	CITIES SERVICE GA
8325309	82-585	0512506733		107-TF		MOELLENBERG #34-31	BONNY	15.0	CITIES SERVICE GA
8325310	82-582	0512506713		107-TF		MOELLENBERG #34-6	BONNY FIELD	36.0	CITIES SERVICE GA
8325308	82-587	0512506749		107-TF		PINCKARD #34-17	BONNY	36.0	CITIES SERVICE GA
-L & B OIL CO INC				RECEIVED:	02/28/83	JA: CO			
8325317	82-886	0500100080		103		ANDERSON #5	SUN	50.0	KOCH HYDROCARBON
8325377	82-565	0500108812		103		ANDERSON #6	SUN	70.0	KOCH HYDROCARBON
8325373	82-590	0512310169		103		STATE OF COLORADO #3-36 CG	SPACE CITY	1400.0	PANHANDLE EASTERN
-NORRIS OIL CO				RECEIVED:	02/28/83	JA: CO			
8325338	82-952	0507708504		107-TF		CURRIER 31-2	PLATEAU FIELD	9.2	
8325323	82-593	0507708504		103		CURRIER 31-2	PLATEAU	9.2	
8325356	82-605	0507708416		107-TF		HILL 29-2	BUZZARD	8.7	ROCKY MOUNTAIN NA
8325355	82-1004	0507708416		103		HILL 29-2	BUZZARD	8.7	ROCKY MOUNTAIN NA
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	02/28/83	JA: CO			
8325359	82-631	0504506299		107-TF		CLOUGH 21	RULISON MESAVERDE	21.9	NORTHWEST PIPELIN
8325297	82-632	0504506299		103		CLOUGH 21	RULISON MESAVERDE	21.9	NORTHWEST PIPELIN
8325358	82-671	0504506393		107-TF		CLOUGH 26	RULISON MESAVERDE	36.5	NORTHWEST PIPELIN
8325322	82-670	0504506393		103		CLOUGH 26	RULISON MESAVERDE	36.5	NORTHWEST PIPELIN
-SAMUEL GARY OIL PRODUCER				RECEIVED:	02/28/83	JA: CO			
8325348	82-687	0500107974		107-F		HAND MUEGGE #1-32	GAMBREL C SW SE 32-T3	465.0	PANHANDLE EASTERN
-SANDLIN OIL CORP				RECEIVED:	02/28/83	JA: CO			
8325374	82-567	0500107759		103		BULLARD #5	RADAR FIELD	6.0	PANHANDLE EASTERN
8325375	82-566	0500107993		103		BULLARD #6	RADAR	75.0	PANHANDLE EASTERN
-ST VRAIN RESOURCES INC				RECEIVED:	02/28/83	JA: CO			
8325370	82-628	0512310544		103		KNAUB #1	WILDCAT	180.0	PANHANDLE EASTERN
8325331	82-629	0512310544		107-TF		KNAUB #1	WILDCAT	180.0	PANHANDLE EASTERN
-STREAM INC				RECEIVED:	02/28/83	JA: CO			
8325376	82-571	0507508957		103		PRIEST #1	DIPPER GAP	100.0	KANSAS NEBRASKA N
-TETON ENERGY CO INC				RECEIVED:	02/28/83	JA: CO			
8325354	82-614	0510308721		103		SOUTH DOUGLAS CREEK FEE #20	SOUTH DOUGLAS CREEK	192.0	WESTERN SLOPE GAS
8325330	82-615	0510308721		107-TF		SOUTH DOUGLAS CREEK FEE #20	SOUTH DOUGLAS CREEK	192.0	WESTERN SLOPE GAS
8325361	82-613	0510308198		103		SUPERIOR FEE #18	SOUTH DOUGLAS CREEK	108.0	WESTERN SLOPE GAS
-VESSELS OIL & GAS COMPANY				RECEIVED:	02/28/83	JA: CO			
8325362	82-1019	0512307905		108-ER		DOWDY #1	WATTENBERG	14.6	PANHANDLE EASTERN
8325307	82-1048	0512307546		108		SELTZER #1	WATTENBERG	19.0	PANHANDLE EASTERN
-X O EXPLORATION INC				RECEIVED:	02/28/83	JA: CO			
8325368	82-643	0512310324		103		PERRY 3	WATTENBERG	100.0	PANHANDLE EASTERN
********** NEW MEXICO DEPARTMENT OF ENERGY & MINERALS **********									
-C E LONG				RECEIVED:	02/28/83	JA: NM			
8325281		3002500000		108-ER		RECTOR #1	EUMONT YATES	0.0	WARREN PETROLEUM
-FRED POOL OPERATING CO				RECEIVED:	02/28/83	JA: NM			
8325280		3000560745		102-2		J C MAIL #1	PECOS SLOPE - ABO GAS	0.0	TRANSWESTERN PIPE
-HARLAN DRILLING CO				RECEIVED:	02/28/83	JA: NM			
8325284		3004523685		108		HARTMAN #1-Z	FULCHER KUTZ	0.0	EL PASO NATURAL G
-HNG OIL COMPANY				RECEIVED:	02/28/83	JA: NM			
8325277		3001500000		102-2		FAULK "32" #1	NORTH LOVING (ATOKA)	0.0	UNITED GAS PIPELI
-MERRION OIL & GAS CORP				RECEIVED:	02/28/83	JA: NM			
8325285		3004500000		108		CARNAHAN COM #1	FLORA VISTA MESA VERD	5.8	EL PASO NATURAL G
-T H MCELVAIN OIL & GAS PROPERTIES				RECEIVED:	02/28/83	JA: NM			
8325279		3000561513		102-2		RATTLESNAKE ST #1	PECOS SLOPE ABO	100.0	TRANSWESTERN PIPE
-TENNECO OIL COMPANY				RECEIVED:	02/28/83	JA: NM			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8325283		3804524137		108		DAVIS #1	BLANCO MESAVERDE	10.5	NORTHWEST PIPELIN
8325282		3804524137		108		SAM JUAN GRAVEL AIE	BASIN DAKOTA	12.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	02/28/83	JA: NM			
8325278		3800516822		102-3		ROCK HOUSE "VF" ST #1	UND ABO	0.0	TRANSWESTERN PIPE
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	02/28/83	JA: WV			
8325266		4703302082		108		A-751	EAGLE DISTRICT	0.0	CONSOLIDATED GAS
8325265		4704102953		108		A-908	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8325264		4704103015		108		A-995	FREEMAN'S CREEK DISTR	0.0	CONSOLIDATED GAS
-APPALACHIAN ENERGY INC				RECEIVED:	02/28/83	JA: WV			
8325246		4703321997		103		A GAWTHROP A-E-42	CLARK	30.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC				RECEIVED:	02/28/83	JA: WV			
8325263		4701900137		108		EASTERN GAS & FUEL 033-038360	PAINT CREEK	19.0	COLUMBIA GAS TRAN
-CITIES SERVICE COMPANY				RECEIVED:	02/28/83	JA: WV			
8325247		4701702992		103		MAXWELL "A" 872	SMITHBURG	69.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	02/28/83	JA: WV			
8325272		4708101226		108		BARBARA SEELS WN 12635	PLEASANT DISTRICT	10.0	GENERAL SYSTEM PU
8325276		4708101652		108		DANIEL QUEEN WN-10861	HACKERS CREEK	5.0	GENERAL SYSTEM PU
8325269		4708101245		108		HALLIE GRIMM WN 12634	PLEASANT	8.0	GENERAL SYSTEM PU
8325250		4703301303		108		J C NICHOLAS WN-1420	ELK	11.0	GENERAL SYSTEM PU
8325275		4708101666		108		M J HALL WN-11153	FREEMANS CREEK	21.0	GENERAL SYSTEM PU
8325270		4708101239		108		MITCHELL MAYLE #2 WN12632	CLEMTOWN	2.0	GENERAL SYSTEM PU
8325273		4708100664		108		TEDDY A WEAVER 11783	PHILIPPI DISTRICT	22.0	GENERAL SYSTEM PU
8325271		4708101227		[illegible]		VERSAL MAYLE WN 12631	PLEASANT	4.0	GENERAL SYSTEM PU
8325274		4708101761		108		WILLIAM BURNSIDE WN-11275	FREEMANS CREEK	24.0	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC				RECEIVED:	02/28/83	JA: WV			
8325245		4708121269		103		T GORE #1 K-L-184	VALLEY	30.0	COLUMBIA GAS TRAN
8325243		4708121377		103		T GORE #2 K-L-186	VALLEY	[illegible].0	COLUMBIA GAS TRAN
8325244		4708121270		103		T GORE #3 K-L-187	VALLEY	30.0	COLUMBIA GAS TRAN
8325242		4708121378		103		T GORE #4 K-L-202	VALLEY	30.0	COLUMBIA GAS TRAN
8325241		4708121379		103		T GORE #5 K-L-280	VALLEY	30.0	COLUMBIA GAS TRAN
-MERT DEVELOPMENT INC				RECEIVED:	02/28/83	JA: WV			
8325236		4702103691		107-DV		BURTON #1	TROY	75.0	CONSOLIDATED GAS
8325237		4701702933		107-DV		LEMLEY-SMITH #1	GRANT	60.0	CONSOLIDATED GAS
8325235		4702103692		107-DV		MATHENY #1	COVE CREEK	70.0	CONSOLIDATED GAS
8325238		4701702570		107-DV		PANSY HEFLIN #1	WEST UNION	75.0	CONSOLIDATED GAS
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	02/28/83	JA: WV			
8325249		4708101195		103		BADGER COAL CO #2	CLEMTOWN	41.0	CONSOLIDATED GAS
8325248		4703302184		103		BERNARD JOSEPH #1	BRIDGEPORT	0.0	CONSOLIDATED GAS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/28/83	JA: WV			
8325239		4706100312		108		MANNING B-1	SOUTH BURNS CHAPEL	19.0	CONSOLIDATED GAS
8325240		4706100314		108		SELLARO A #1	SOUTH BURNS CHAPEL	20.0	CONSOLIDATED GAS
-STERLING DRILLING AND PROD CO INC				RECEIVED:	02/28/83	JA: WV			
8325251		4708703380		108		ALLEN #423	GEARY DISTRICT	11.4	COLUMBIA GAS TRAN
8325262		4701501658		108		ALOI #13 SDP #140	BUFFALO DISTRICT	3.0	EQUITABLE GAS CO
8325254		4701501869		108		BOGGS #394	OTTER DISTRICT	[illegible].7	COLUMBIA GAS TRAN
8325255		4701500880		108		BOGGS #396	OTTER DISTRICT	4.3	COLUMBIA GAS TRAN
8325252		4701501883		108		BOGGS #397	OTTER DISTRICT	11.0	COLUMBIA GAS TRAN
8325253		4701501870		108		BOGGS #398	OTTER DISTRICT	9.5	COLUMBIA GAS TRAN
8325257		4708701549		108		CARPER #318	OTTER DISTRICT	5.5	EQUITABLE GAS CO
8325268		4702103723		108		DAVIDSON #415	DEKALB DISTRICT	[illegible].5	EQUITABLE GAS CO
8325267		4702103725		108		DAVIDSON #417	DEKALB DISTRICT	14.0	EQUITABLE GAS CO
8325256		4708703386		108		JARVIS 438	GEARY DISTRICT	16.0	COLUMBIA GAS TRAN
8325261		4701500000		108		MULLINS SDP #307	BUFFALO DISTRICT	[illegible].1	EQUITABLE GAS CO
8325260		4704102923		108		SHEARER #313	FREEMAN CREEK DISTRIC	28.7	CONSOLIDATED GAS
8325259		4704102924		108		SHEARER #314	FREEMANS CREEK DISTRI	19.9	CONSOLIDATED GAS
8325258		4708703350		108		WILMOTH #333	GEARY DISTRICT	25.6	COLUMBIA GAS TRAN
DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
-CONOCO INC				RECEIVED:	02/28/83	JA: LA 3			
8325431 G2-2886		1770840357		102-5		SOUTH MARSH ISLAND 136 A-10 STRK 03	SOUTH MARSH ISLAND	74.0	MICHIGAN WISCONSI
8325427 G2-2965		1770840219		102-5		SOUTH MARSH ISLAND 136 A-4	SOUTH MARSH ISLAND	1214.0	MICHIGAN WISCONSI
8325409 G2-2803		1770840276		102-5		SOUTH MARSH ISLAND 136 A-6	SOUTH MARSH ISLAND	13.0	MICHIGAN WISCONSI
8325428 G2-2807		1770840302		102-5		SOUTH MARSH ISLAND 137 A-11	SOUTH MARSH ISLAND	252.0	MICHIGAN WISCONSI
8325408 G2-2799		1770840404		102-5		SOUTH MARSH ISLAND 137 A-12	SOUTH MARSH ISLAND	292.0	MICHIGAN WISCONSI
8325418 G2-2809		1770840429		102-5		SOUTH MARSH ISLAND 137 A-13	SOUTH MARSH ISLAND	830.0	MICHIGAN WISCONSI
8325426 G2-2812		1770840458		102-5		SOUTH MARSH ISLAND 137 A-14	SOUTH MARSH ISLAND	198.0	MICHIGAN WISCONSI
8325411 G2-2811		1770840458		102-5		SOUTH MARSH ISLAND 137 A-14D	SOUTH MARSH ISLAND	955.0	MICHIGAN WISCONSI
8325415 G2-2808		1770840189		102-5		SOUTH MARSH ISLAND 137 A-2 STRK 02	SOUTH MARSH ISLAND	1569.0	MICHIGAN WISCONSI
8325417 G2-2802		1770840204		102-5		SOUTH MARSH ISLAND 137 A-3	SOUTH MARSH ISLAND	[illegible].0	MICHIGAN WISCONSI
8325410 G2-2804		1770840346		102-5		SOUTH MARSH ISLAND 137 A-9	SOUTH MARSH ISLAND	646.0	MICHIGAN WISCONSI
8325403 G2-2805		1770840346		102-5		SOUTH MARSH ISLAND 137 A-9D	SOUTH [illegible] ISLAND	[illegible].0	MICHIGAN WISCONSI
-EXXON CORPORATION				RECEIVED:	02/28/83	JA: LA 3			
8325437 G2-3132		1771540371		102-5		OCS-G 1255 #D-12	SOUTH TIMBALIER	73.0	TRUNKLINE GAS CO
8325432 G2-2924		1771040968		102-5		OCS-G 2111 #C-3	EUGENE ISLAND	100.0	COLUMBIA GAS TRAN
-FELMONT OIL CORPORATION				RECEIVED:	02/28/83	JA: LA 3			
8325408		1770940353		102-1		OCS-G 3811 #A-1	EUGENE ISLAND	1750.0	TRANSCONTINENTAL
8325419 G2-3406		1770940376		102-1		OCS-G 3811 #A-2D	EUGENE ISLAND	1750.0	TRANSCONTINENTAL
8325412 G2-3404		1770940353		102-1		OCS-G-3811 #A-1D	EUGENE ISLAND	1750.0	TRANSCONTINENTAL
8325414 G2-3405		1770940376		102-1		OCS-G-3811 #A-2	EUGENE ISLAND	1750.0	TRANSCONTINENTAL
8325435 G2-3398		1770940394		107-DP		OCS-G-3811 #A-3	EUGENE ISLAND	1750.0	TRANSCONTINENTAL
8325422 G2-3399		1770940414		107-DP		OCS-G-3811 #A-4	EUGENE ISLAND	1750.0	TRANSCONTINENTAL
8325405 G2-3401		1770940415		107-DP		OCS-G-3811 #A-5 ST-1	EUGENE ISLAND	1750.0	TRANSCONTINENTAL
8325430 G2-3400		1770940415		107-DP		OCS-G-3811 #A-5 ST-1D	EUGENE ISLAND	1750.0	TRANSCONTINENTAL
8325406 G2-3402		1770940445		107-DP		OCS-G-3811 #A-6	EUGENE ISLAND	1750.0	TRANSCONTINENTAL
-GULF OIL CORPORATION				RECEIVED:	02/28/83	JA: LA 3			
8325434 G3-3434		1772440232		102-1		OCS-G 4127 WELL A-2 M/P BLK 311	MAIN PASS AREA	108.0	SOUTHERN NATURAL
-HUNT OIL COMPANY				RECEIVED:	02/28/83	JA: LA 3			
8325416 G2-3414		1770940503		107-DP		WELL #3	EUGENE ISLAND	1000.0	MICHIGAN WISCONSI
-MARATHON OIL COMPANY				RECEIVED:	02/28/83	JA: LA 3			
8325402 G2-3368		1771940273		102-1		WEST DELTA BLOCK 86 WELL #A-4	WEST DELTA	3650.0	TEXAS EASTERN TRA
-MESA PETROLEUM CO				RECEIVED:	02/28/83	JA: LA 3			
8325423 G2-2917		1770640439		102-5		VERMILION BLOCK 348 WELL #A-8D	VERMILION BLOCK	1825.0	TRUNKLINE GAS CO
8325428 G2-3165		1770640511		102-1		VERMILION 381 #A-3D	VERMILION	1200.0	UNITED GAS PIPE L
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED:	02/28/83	JA: LA 3			
8325404 G2-2852		1771140367		102-5		OCS-060 #12 - D SHIP SHOAL 72	SHIP SHOAL	91.3	TRANSCONTINENTAL
8325436 G2-3415		1771140594		102-1		SHIP SHOAL 182 #1 - A	SHIP SHOAL	123.5	
8325413 G2-3417		1771140606		102-1		SHIP SHOAL 182 #2-A	SHIP SHOAL	124.0	
8325433 G2-3419		1771140606		102-1		SHIP SHOAL 182 #2-C	SHIP SHOAL	97.0	
8325425 G2-3420		1771140631		102-1		SHIP SHOAL 182 #3 - B	SHIP SHOAL	112.0	
8325429 G2-3424		1771140655		102-1		SHIP SHOAL 182 #4 - A	SHIP SHOAL	123.0	
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/28/83	JA: TX 3			
8325421 G2-2842		4270940509		102-5		OCS G-2688 HIGH ISL BLK A-467 #A-5	HIGH ISLAND BLOCK	908.0	TRANSCONTENTAL GA
8325424 G2-2845		4270940559		102-5		OCS G-2688 HIGH ISL BLK A-467 #A-9D	HIGH ISLAND BLOCK	681.0	TRANSCONTINENTAL
-SUPERIOR OIL CO				RECEIVED:	02/28/83	JA: TX 3			
8325407 G2-3149		4270440090		102-1		BRAZOS BLOCK #578 WELL #B-6	BRAZOA	0.0	TRANSCONTINENTAL
-UNION OIL COMPANY OF CALIF				RECEIVED:	02/28/83	JA: TX 3			
8325401 G2-2828		4271140213		102-5		OCS-G-2423 #A-3	EAST HIGH ISLAND	529.0	TEXAS GAS TRANSMI

[FR Doc. 83-8774 Filed 4-4-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 860]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 30, 1983.

The following notices of determination were received from the indicted jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New resevoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopresured brine
107–CS: Coal Seams
107–DV: Devionian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS
ISSUED MARCH 30, 1983
VOLUME 860

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	02/28/83	JA: KS			
8325439	K-82-1063	1507700000		108		WINGATE #7	SPIVEY-GRABS	10.0	MOBIL OIL CORP
-SOUTHLAND ROYALTY CO				RECEIVED:	02/25/83	JA: KS		0.0	COLORADO INTERSTA
8325438	82-0844	1511920378		108-PB		ADAMS #6-11	LIBERAL - LIGHT	75.0	PANHANDLE EASTERN
-YITAN ENERGY CORP				RECEIVED:	02/28/83	JA: KS			
8325440	81-0747	1517500000		108-ER		LIGHT EST #1-11	BADLANDS	0.0	INTER NORTH INC
MONTANA BOARD OF OIL & GAS CONSERVATION									
-J BURNS BROWN				RECEIVED:	02/28/83	JA: MT			
8325444		2504122154		102-2		LONG 31-33-15B	BLANCO - MESAVERDE	0.0	EL PASO NATURAL G
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-CONSOLIDATED OIL & GAS INC				RECEIVED:	02/28/83	JA: NM			
8325443		3004500000		108-PB		CHAVEZ #1	RUTLAND TOWNSHIP	4.0	COLUMBIA GAS TRAN
OHIO DEPARTMENT OF NATURAL RESOURCES							SALT LICK TOWNSHIP	4.0	MICO-FIBERS INC
-ALTEX INC				RECEIVED:	03/01/83	JA: OH		10.0	COLUMBIA GAS TRAN
8325445		3410522477		103	107-TF	D MITCHELL #1		5.0	
-ALTHEIRS OIL INC				RECEIVED:	03/01/83	JA: OH			
8325446		3412724619		103	107-TF	ALTHEIRS #3	GUSTOVUS	0.0	COLUMBIA GAS TRAN
-AMERICAN EXPLORATION [redacted]				RECEIVED:	03/01/83	JA: OH	GUSTAVUS	0.0	COLUMBIA GAS TRAN
8325602		3411923262		108		C WATSON #2	GUSTAVUS	0.0	COLUMBIA GAS TRAN
-ANDERSON DANIEL C				RECEIVED:	03/01/83	JA: OH	GREEN	0.0	COLUMBIA GAS TRAN
8325474		3416723904		108		R DANIEL WILES & WILLIS MILLER #1	GREENE	0.0	COLUMBIA GAS TRAN
-ATLAS ENERGY GROUP INC				RECEIVED:	03/01/83	JA: OH	GUSTAVUS	0.0	COLUMBIA GAS TRAN
8325451		3415521845		107-TF		F MELONI #1	BROOKFIELD	0.0	COLUMBIA GAS TRAN
8325450		3415521658		107-TF		F MILLER #1	GUSTAVUS	0.0	COLUMBIA GAS TRAN
8325458		3415522136		107-TF		GOULDTHORPE #1	GREENE	0.0	COLUMBIA GAS TRAN
8325452		3415521944		107-TF		LEJEUNE #1	GREENE	0.0	COLUMBIA GAS TRAN
8325457		3415522112		107-TF		QUIGGLE #1			
8325453		3415521982		107-TF		S MELONI #1			
8325459		3415522237		103	107-TF	SALOOM UNIT #1	NEW BEDFORD	15.0	
8325456		3415522066		107-TF		SHON #1	CLARK	15.0	
8325454		3415521983		107-TF		SPANGENBERG #1	CLARK	15.0	
8325455		3415522038		107-TF		YUNKMAN UNIT #1		12.0	COLUMBIA GAS TRAN
-ATWOOD RESOURCES INC				RECEIVED:	03/01/83	JA: OH		0.0	RIVER GAS CO
8325447		3403124783		107-TF		JACOB MILLER #1			
8325449		3407523956		107-TF		JOHN A YODER #3			
8325448		3407523929		107-TF		NOAH J B MILLER #2			
-BATES OIL & GAS INC				RECEIVED:	03/01/83	JA: OH			
8325460		3408322956	D	108		BERMAN FLESHMAN #2			
-BEARDMORE PRODUCING COMPANY				RECEIVED:	03/01/83	JA: OH			
8325461		3416722901		108		STAGE #1			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BELDEN & BLAKE & CO 81									
8325463		3415123810				RECEIVED: 03/01/83 JA: OH			
8325464		3415123829		103		V & L SHRADER COMM #1 - 34-1281	MARLBORO	36.5	
8325462		3401921611		103		V ZUMKEHR #1 - 34-1310	MARLBORO	36.5	
-BETHEL RESOURCES INC				103		WHITACRE-GREER #38 - 34-1272	BROWN	36.5	
8325465		3416922419		RECEIVED: 03/01/83 JA: OH					
-BEVERIDGE DAVID L				103	107-TF	PAUL HIMES #1			
8325475		3411121649		RECEIVED: 03/01/83 JA: OH					
8325476		3411121650		108		WORKMAN #2	WOOSTER WEST	10.0	COLUMBIA GAS TRAN
-BLAUSER WELL SERVICE INC				108		WORKMAN #3		8.0	RIVER GAS CO
8325466		3410522193		RECEIVED: 03/01/83 JA: OH				0.0	RIVER GAS CO
8325467		3410522251		107-DV		ARTHUR D HEINEY #1-104	OLIVE	12.8	COLUMBIA GAS TRAN
-CAMERON BROS				107-DV		ARTHUR D HEINEY #2-104	COOLVILLE	14.6	COLUMBIA GAS TRAN
8325468		3411924738	D	RECEIVED: 03/01/83 JA: OH					
-CAVENDISH PETROLEUM OF OHIO INC				107-TF		ROBERT HICKS #1	PERRY	9.0	NATIONAL GAS & OI
8325469		3411923827		RECEIVED: 03/01/83 JA: OH				17.4	EAST OHIO GAS CO
-CLINTON OIL CO				108		OHIO POWER 14MC			
8325588		3408924255		RECEIVED: 03/01/83 JA: OH					
8325590		3411926533		103		B & E HUSBAND #1-629	HOPEWELL	1.0	
8325589		3411926393		103	107-TF	GRACE VICKERS #1-759	HIGHLAND	10.0	
-CONSOLIDATED RESOURCES OF AMERICA				103	107-TF	RITA SHINDLER #1-732	CASS	10.0	
8325472		3416320787		RECEIVED: 03/01/83 JA: OH					
8325471		3416320471		107-TF		BOLANDER #1	BROWN'S	7.0	COLUMBIA GAS TRAN
8325473		3416320794		103	107-TF	CARPENTER #2	BROWN'S	5.0	COLUMBIA GAS TRAN
8325470		3405923399		107-TF		CARPENTER #3	BROWN'S	7.0	COLUMBIA GAS TRAN
-DAVID SHAFER OIL PRODUCERS INC				103	107-TF	CHARLES J JONES #1	LIBERTY	50.0	COLUMBIA GAS TRAN
8325478		3410321934	D	RECEIVED: 03/01/83 JA: OH					
8325477		3410321929	D	108		DIETER-TRITT #2		0.4	COLUMBIA GAS TRAN
-DERBY OIL & GAS CORP				108		HORN UNIT #2		5.4	COLUMBIA GAS TRAN
8325479		3405922966		RECEIVED: 03/01/83 JA: OH					
8325480		3412725802		107-TF		LELAND MILLS #1	SPENCER	12.0	COLUMBIA GAS TRAN
8325481		3412725803		103		MARGARET CANNON #2	CLAYTON	12.0	NATIONAL GAS & OI
8325482		3412725812		103		MARGARET CANNON #3	CLAYTON	12.0	NATIONAL GAS & OI
-DOME ENERGY #2				103		SPROAT #1	JACKSON	12.0	FORAKER GAS CO IN
8325484		3409321177		RECEIVED: 03/01/83 JA: OH					
8325485		3409321190		107-TF		CASPER #1	COLUMBIA	6.0	COLUMBIA GAS TRAN
8325487		3410323255		107-TF		HUGHES #1	COLUMBIA	8.0	COLUMBIA GAS TRAN
8325486		3410323254		107-TF		MTD #1	LIVERPOOL	2.0	COLUMBIA GAS TRAN
-DON MCKEE DRILLING CO INC				107-TF		MTD #2	LIVERPOOL	1.0	COLUMBIA GAS TRAN
8325483		3412725828		RECEIVED: 03/01/83 JA: OH					
-EAGLE MOUNTAIN ENERGY CORP				103		SKINNER & BINCKLEY #1	THORN	10.0	NATIONAL GAS & OI
8325488		3411523048		RECEIVED: 03/01/83 JA: OH					
8325489		3411523053		107-TF		HADLEY UNIT #2	BRISTOL	20.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP				103	107-TF	HAYWARD GOINS UNIT #2	MALTA	20.0	COLUMBIA GAS TRAN
8325496		3405520709		RECEIVED: 03/01/83 JA: OH					
8325494		3405520702		103	107-RT	BEAM #2	WINDSOR	18.0	
8325491		3405520210		103	107-RT	GREENWOOD #1	WINDSOR	20.0	
8325493		3405520248		103	107-RT	HUNT #2	MIDDLEFIELD	19.0	
8325490		3405520206		103	107-RT	MAST #3	HUNTSBURG	19.0	
8325495		3405520786		103	107-RT	MILLER #15	HUNTSBURG	20.0	
8325492		3405520247		103	107-RT	WENGERD #2	WINDSOR	20.0	
-ENTERPRISE ENERGY CORP				103	107-RT	WHITE #1	MIDDLEFIELD	17.0	
8325497		3407322253		RECEIVED: 03/01/83 JA: OH					
8325498		3416320795		103	107-TF	LANDREE #1	WASHINGTON	36.5	COLUMBIA GAS TRAN
-ENVIROGAS INC				103	107-TF	MCVEY #2	SWAN	27.3	COLUMBIA GAS TRAN
8325500		3408922665		RECEIVED: 03/01/83 JA: OH					
8325501		3408922692		103	107-TF	DRYDOCK COAL #20 TR	TRIMBLE	18.2	COLUMBIA GAS TRAN
8325499		3408922525		103	107-TF	DRYDOCK COAL #29TR	TRIMBLE	18.2	COLUMBIA GAS TRAN
-FUTURE ENERGY CORPORATION				103	107-TF	DRYDOCK COAL #7D	DOVER	18.2	COLUMBIA GAS TRAN
8325502		3411523055		RECEIVED: 03/01/83 JA: OH					
-GASEARCH INC				103	107-TF	HAZEN #1	MALTA	30.0	
8325503		3415522229		RECEIVED: 03/01/83 JA: OH					
-GEO ENERGY INC				103	107-TF	NATIONAL NORTHERN INC #4	LIBERTY	8.0	YANKEE RESOURCES
8325504		3411924114		RECEIVED: 03/01/83 JA: OH					
-GREEN GAS COMPANY				107-RT		PIDCOCK #4	PERRY	18.2	
8325505		3409321188		RECEIVED: 03/01/83 JA: OH					
-HERALD OIL & GAS CO				107-TF		BARTTER #1	COLUMBIA	15.0	COLUMBIA GAS TRAN
8325506		3410521852		RECEIVED: 03/01/83 JA: OH					
8325507		3410522594		107-TF		JAY HALL JR JAYMAR	RUTLAND	8.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO				107-TF		ROBERT KING #3	RUTLAND	8.0	COLUMBIA GAS TRAN
8325509		3412725053		RECEIVED: 03/01/83 JA: OH					
8325603		3408924537		103	107-TF	BERTHA & CHARLES BEATRICE #1	PLEASANT	10.0	COLUMBIA GAS TRAN
8325508		3411926217		103		O VICTOR #1	HANOVER	8.0	NEWZANE GAS CO
-J D DRILLING CO				103	107-TF	PAUL HORN #1	NEWTON	10.0	COLUMBIA GAS TRAN
8325516		3410522342		RECEIVED: 03/01/83 JA: OH					
8325518		3410522482		107-TF		CHARLES ESKEW #6	SALISBURY	6.0	COLUMBIA GAS TRAN
8325521		3410522500		107-DV		CLYDE JOHNSON-DON JOHNSON #1	LEBANON	8.0	COLUMBIA GAS TRAN
8325523		3410522617		107-TF		GUY RUSSELL #1	SALISBURY	5.0	COLUMBIA GAS TRAN
8325522		3410522521		107-TF		GUY RUSSELL #2	SALISBURY	6.0	COLUMBIA GAS TRAN
8325517		3410522373		107-TF		HAROLD & RUTH SELLERS #2	LEBANON	8.0	COLUMBIA GAS TRAN
8325519		3410522488		107-DV		HOWARD ERVIN & NANCY ERVIN #1	SUTTON	6.0	COLUMBIA GAS TRAN
8325520		3410522489		107-TF		J B & ROBERTA O'BRIEN #3	RUTLAND	7.0	COLUMBIA GAS TRAN
8325515		3410522212		107-TF		J B & ROBERTA O'BRIEN #4	RUTLAND	6.0	COLUMBIA GAS TRAN
8325514		3410521529		107-DV		J E & L C DIDDLE #2	SUTTON	5.0	COLUMBIA GAS TRAN
8325511		3405320581		107-DV		LAWRENCE BEEGLE #1	SUTTON	5.0	COLUMBIA GAS TRAN
8325513		3410521419		107-TF		MELVIN STOVER #2	CHESHIRE	5.0	COLUMBIA GAS TRAN
8325512		3407920133		107-DV		PAUL ERVIN UNIT #1	SUTTON	3.0	COLUMBIA GAS TRAN
-J P WHITE				107-DV		WILLIAM MCKELL ESTATE #2	MILTON	7.0	COLUMBIA GAS TRAN
8325525		3405520017	D	RECEIVED: 03/01/83 JA: OH					
-JACK MORAM				108		GARBER #1		0.0	COLUMBIA GAS TRAN
8325510		3408924329		RECEIVED: 03/01/83 JA: OH					
-JOHN C MASON				103		ROBERT & SHIRLEY ROMINE #1	EDEN	8.0	
8325524		3407523948		RECEIVED: 03/01/83 JA: OH					
-KEN-TRAK V				107-TF		DAN & DORA MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8325529		3410522364	D	RECEIVED: 03/01/83 JA: OH					
-KEN-TRAK VI				107-TF		MARK GREUSSER #1	2ND BEREA (LOWER MISS	0.0	
8325528B		3410522328	D	RECEIVED: 03/01/83 JA: OH					
8325528A		3410522328		107-TF		HARRY J DENISON #1 (BELOW 1487)	LOWER MISSISSIPPIAN	0.0	
-KENOIL				RECEIVED: 03/01/83 JA: OH		HARRY J DENISON #1 (TO 1487)	LOWER MISSISSIPPIAN	0.0	
8325527		3416923389		107-TF		HOWARD GARRETT #1		3.0	COLUMBIA GAS TRAN
8325526		3416921874		108		WARD OLLER #2		3.0	COLUMBIA GAS TRAN
-L & M OPERATING INC				RECEIVED: 03/01/83 JA: OH					
8325531		3412724483		108		NEIL ADCOCK #2		10.0	COLUMBIA GAS TRAN
-LEADER EQUITIES INC				RECEIVED: 03/01/83 JA: OH					

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BILLING CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8325530		3408923695		103		BAUGHMAN #A-1	PERRY	12.0	
-LOMAK PETROLEUM INC				RECEIVED:	03/01/83	JA: OH			
8325533		3413322824		107-TF		L A SHOWALTER #2	WINDHAM	20.0	COLUMBIA GAS TRAN
8325532		3409920946		108		L JOHNSON #1		0.2	EAST OHIO GAS CO
-LOVE WINSTON				RECEIVED:	03/01/83	JA: OH			
8325598		3416722747		108		BURKE #1		0.0	RIVER GAS CO
-MICHAELS OIL & GAS CO				RECEIVED:	03/01/83	JA: OH			
8325534		3410322448		107-TF		MICHAELS #5	SHARON	200.0	
-MILLER PETE JR				RECEIVED:	03/01/83	JA: OH			
8325604		3411926547		107-TF		WM P MILLER #1	HOPEWELL	10.0	
-NEW FRONTIER EXPLORATION INC				RECEIVED:	03/01/83	JA: OH			
8325543		3415723809		103	107-TF	EDGAR REYMOND #1	[illegible]	10.0	YANKEE RESOURCES
8325539		3412122915		103	107-TF	GLEN DELANCEY #2	SHARON	20.0	YANKEE RESOURCES
8325540		3412122922		103	107-TF	JOSEPH CROCK #6	ENOCH	20.0	COLUMBIA GAS TRAN
8325538		3405923411		103	107-TF	ROBERT CORNELL #1	LIBERTY	22.0	YANKEE RESOURCES
8325542		3415123805		103	107-TF	THOMPSON-CARLSON UNIT #1	NIMISHILLEN	18.0	YANKEE RESOURCES
8325537		3402920912		103	107-TF	WHITELEATHER-GEISELMAN UNIT #1	WEST	20.0	COLUMBIA GAS TRAN
8325541		3413322963		103	107-TF	WILLARD KALEY #1	DEERFIELD	26.0	YANKEE RESOURCES
-NORTH EAST NATURAL GAS CO INC				RECEIVED:	03/01/83	JA: OH			
8325551		3415722312		108		CANFIELD-MUNTZ #2		0.0	M B OPERATING CO
8325545		3401920595	D	108		M W C D E 1		0.0	M B OPERATING CO
8325548		3415721522		108		M W C D J1		0.0	M B OPERATING CO
8325544		3401920563		108		M W C D 1 A		0.1	M B OPERATING CO
8325547		3401920666		108		MAYDOCK WOJCIK #2		0.0	M B OPERATING CO
8325550		3415721524		108		SEARS B1		0.0	M B OPERATING CO
8325549		3415721523	D	108		WM BELKNAP #B-1		0.1	M B OPERATING CO
8325546		3401920663	D	108		YANICE BROOKS #1		0.0	M B OPERATING CO
-O E D CO				RECEIVED:	03/01/83	JA: OH			
8325552		3400922030		107-TF		MILLFIELD #9	MILLFIELD	14.6	
8325554		3400922328		107-TF		SUGARCREEK #10	MILLFIELD	10.9	
8325553		3400922327		107-TF		SUGARCREEK #9	MILLFIELD	10.9	
-OHIO INDUSTRIAL GAS CO				RECEIVED:	03/01/83	JA: OH			
8325555		3411521265	D	108		SHIRLEY CLARK #1	HACKNEY	1.2	EAST OHIO GAS CO
-ONEAL PETROLEUM INC				RECEIVED:	03/01/83	JA: OH			
8325556		3411522504		107-TF		E NEWSOM #2	PENN	16.0	COLUMBIA GAS TRAN
8325558		3411523014		107-TF		HIPP #2	MALTA	12.0	COLUMBIA GAS TRAN
8325559		3411523082		107-TF		HIPP-ANTLE UNIT #1	MALTA	20.0	COLUMBIA GAS TRAN
8325557		3411523013		107-TF		J SCOTT #1	WINDSOR	66.0	COLUMBIA GAS TRAN
-PETROLEUM ENERGY PRODUCING CORP				RECEIVED:	03/01/83	JA: OH			
8325562		3400720758	D	108		A & J ARCARO #1	BUSHNELL	0.5	EAST OHIO GAS CO
8325565		3400720978	D	108		BROWN UNIT #1		9.0	
8325561		3400720581		[illegible]		D SNYDER #1	BUSHNELL	2.0	THE EAST OHIO GAS
8325560		3400720465		108		E & E ZGRABIK #1		[illegible].0	
8325564		3400720965		[illegible]		H & G CUTTER #1		4.0	
8325567		3400720988		108		L & L FORBES #1		11.0	
8325563		3400720878		108		R & M STEWART #1	BUSHNELL	0.5	EAST OHIO GAS CO
8325566		3400720986	D	108		S A NORTON #1		7.0	
-ROVI RESOURCES CORP				RECEIVED:	03/01/83	JA: OH			
8325568		3411523020		107-TF		BAKER #2	BLOOM	11.0	COLUMBIA GAS TRAN
8325569		3411523021		107-TF		BAKER #3	BLOOM	11.0	COLUMBIA GAS TRAN
8325570		3411523022		107-TF		BAKER #4	[illegible]	11.0	COLUMBIA GAS TRAN
8325571		3411523023		107-TF		BAKER #5	BLOOM	11.0	COLUMBIA GAS TRAN
8325572		3411523043		107-TF		BAKER #8	[illegible]	11.0	COLUMBIA GAS TRAN
8325573		3411523044		107-TF		H REX #2	BLOOM	11.0	COLUMBIA GAS TRAN
8325574		3411523045		107-TF		H REX #6	BLOOM	11.0	COLUMBIA GAS TRAN
8325575		3411523046		107-TF		H REX #7	BLOOM	11.0	COLUMBIA GAS TRAN
8325576		3411523065		107-TF		ROBINSON #1	BLOOM	11.0	COLUMBIA GAS TRAN
8325577		3411523066		107-TF		ROBINSON #2	BLOOM	11.0	COLUMBIA GAS TRAN
8325578		3411523069		107-TF		RUSH #2	BLOOM	11.0	COLUMBIA GAS TRAN
8325579		3411523010		107-TF		RUSH #4	BLOOM	11.0	COLUMBIA GAS TRAN
8325580		3411523074		107-TF		STEWART #1	BLOOM	11.0	COLUMBIA GAS TRAN
8325581		3411523075		107-TF		STEWART #2	BLOOM	11.0	COLUMBIA GAS TRAN
8325582		3411523076		107-TF		STEWART #3	BLOOM	11.0	COLUMBIA GAS TRAN
-SOUTHERN OHIO PETROLEUM CO INC				RECEIVED:	03/01/83	JA: OH			
8325586		3416725213		107-DV		ALDA CULLEN #1	LIBERTY	12.0	COLUMBIA GAS TRAN
8325587		3416725240		107-DV		ALDA CULLEN #3	LIBERTY	12.0	COLUMBIA GAS TRAN
8325584		3412122251		107-DV		JOHN EAGON #1	BEAVER	12.0	COLUMBIA GAS TRAN
8325585		3412122252		107-DV		PEARL CARPENTER #1	BEAVER	12.0	COLUMBIA GAS TRAN
8325583		3401320320		107-DV		WILLIAM KIDD #1	SOMERSET	12.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY				RECEIVED:	03/01/83	JA: OH			
8325535		3415723774		103	107-TF	ALBAUGH #1	UNION	[illegible].0	
8325536		3415723775		103	107-TF	ALBAUGH #2	UNION	[illegible].0	
-TIGER OIL INC				RECEIVED:	03/01/83	JA: OH			
8325591		3412725788		107-TF		T JOHNSON #1	MADISON	5.0	COLUMBIA GAS TRAN
-UNITED PETROLEUM CORP				RECEIVED:	03/01/83	JA: OH			
8325592		3409920859		108		PITCAIRN KOPE #1		[illegible].2	YANKEE RESOURCES
8325593		3409920929		107-RT		R MYERS #1	GOSHEN	28.0	AMERICAN ENERGY S
8325594		3409920934		107-RT		R MYERS #2	GOSHEN	28.0	AMERICAN ENERGY S
-VALENTINE OIL PROPERTIES				RECEIVED:	03/01/83	JA: OH			
8325595		3416727399		103		BETTY ENGLISH #1	GRANDVIEW	12.0	
-W J LYDIC INC				RECEIVED:	03/01/83	JA: OH			
8325601		3407536920		107-TF		KIHER 1-17-3	MECHANIC	[illegible].0	COLUMBIA GAS TRAN
-WALLICK PETROLEUM CO				RECEIVED:	03/01/83	JA: OH			
8325596		3400922590		103	107-TF	BILL DOCIE #B-2	TRIMBLE	[illegible].0	COLUMBIA GAS TRAN
8325597		3400922669		103	107-TF	JAN & DIANA ANGLE #2	TRIMBLE	10.0	COLUMBIA GAS TRAN
-WISP ENERGY INC				RECEIVED:	03/01/83	JA: OH			
8325599		3411523096		107-TF		HAINES #1	MCCONNELSVILLE	[illegible].0	COLUMBIA GAS TRAN
8325600		3411523097		107-TF		HAINES #2	MCCONNELSVILLE	18.0	COLUMBIA GAS TRAN
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-BRAXTON OIL AND GAS CORP				RECEIVED:	01/07/80	JA: WV			
8059223		4702102846		108		PICKENS #1	SAND FORK	16.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED:	02/05/81	JA: WV			
8151034		4701702604		103		J-86	GREENBRIER	8.0	CONSOLIDATED GAS
**********									
## DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, LOS ANGELES,CA									
**********									
-UNION OIL COMPANY OF CALIF				RECEIVED:	02/28/83	JA: CA 2			
8325442 OCS-P 3-83		0431120522		102-5		SANTA CLARA UNIT 5-9	CALIFORNIA OFFSHORE	8.0	PACIFIC LIGHTING
**********									
## DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
**********									
-DUGAN PRODUCTION CORP				RECEIVED:	02/28/83	JA: NM 4			
8325441 NM 1269-82		3004522482		103		BLANCO WASH #2	WHITE WASH MANCOS - D	5.0	EL PASO NATURAL G

[FR Doc. 83-8775 Filed 4-4-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 861]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 30, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS

VOLUME 861

ISSUED MARCH 30, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-C & K PETROLEUM INC				RECEIVED:	03/02/83	JA: LA			
8325979	82-3137	17033201300		102-4		DUPLANTIER "A" 010	UNIVERSITY	13.0	SUGAR BOWL GAS CO
8325972	82-3138	17033201300		102-4		DUPLANTIER "A" 010-D	UNIVERSITY FIELD	1004.0	SUGAR BOWL GAS CO
-CAMPBELL EMERGY CORP				RECEIVED:	03/02/83	JA: LA			
8325989	82-2251	17023216070		102-4		A THERIOT 01 11970' SD RA SUA	KINGS BAYOU	365.0	LOUISIANA INTRAST
-CRUX LTD				RECEIVED:	03/02/83	JA: LA			
8325978	82-2481	17057219260		102-4		CARL J MIRE 01	NORTH LAUREL GROVE	562.0	GULF ENERGY MARKE
-CRYSTAL OIL AND LAND COMPANY				RECEIVED:	03/02/83	JA: LA			
8325998	81-2858	17015216420		102-2	107-TF	KEOUN "A" 01 HAY RA SUI	ARKANA	215.4	ARKANSAS LOUISIAN
-DANIELS WILLIAM E				RECEIVED:	03/02/83	JA: LA			
8325981	82-2601	17073217860		108		FEE 01	MONROE GAS	9.0	MID LOUISIANA GAS
-EDWIN L COX				RECEIVED:	03/02/83	JA: LA			
8325999	82-1138	17097205760		103		SUSAN B GARDNER 01	SOUTH SHUTESTOM	219.0	LOUISIANA INTRAST
-ERIM EXPLORATION ASSOC				RECEIVED:	03/02/83	JA: LA			
8325991	82-1498	17017242750		102-4		TEXACO FEE 05 CV RA SUA SER 0176541	LONGWOOD	540.0	SOUTHWESTERN ELEC
-EXXOM CORPORATIOM				RECEIVED:	03/02/83	JA: LA			
8325975	82-2511	17109225650		107-DP		LATERRE CO INC 042	LIRETTE	3650.0	COLUMBIA GAS TRAN
-FOREST OIL CORPORATION				RECEIVED:	03/02/83	JA: LA			
8325987	82-3163	17057218620		103		J B LEVERT LAND CO 01	THIBODAUX	364.3	TRANSCONTINENTAL
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED:	03/02/83	JA: LA			
8325977	82-2284	17023214520		108		CAMERON PARISH SCHOOL BOARD 029	JOHNSON BAYOU (I-2 SA	47.5	TRANSCONTINENTAL
-GOLDKING PRODUCTION COMPANY				RECEIVED:	03/02/83	JA: LA			
8325990	82-2143	17023217050		103		MIAMI CORP "D" 03	CHENIERE PERDUE	14.6	MICHIGAN-WISCONSI
-GRACE PETROLEUM CORPORATION				RECEIVED:	03/02/83	JA: LA			
8325983	82-3318	17061203290		103		HUNT 01	SIMSBORO	0.0	LOUISIANA GAS PUR
-GULF OIL CORPORATION				RECEIVED:	03/02/83	JA: LA			
8325984	82-3268	17075229280		103		S L 195 QQ WELL 084	NORTH BLACK BAY	21.8	SOUTHERN NATURAL
-HENRY GOODRICH D/B/A GOODRICH OIL C				RECEIVED:	03/02/83	JA: LA			
8325993	82-1129	17027208780		103		HASSELL 01-D	SUGAR CREEK FIELD	365.0	UNITED GAS PIPE L
-HERD PRODUCING COMPANY INC				RECEIVED:	03/02/83	JA: LA			
8325969	82-0717	17111228660		102-2		RUFUS P SMITH 01 SMK A RA SUA	BERNICE	60.0	LOUISIANA GAS INS
-HOGAN EXPLORATIOM INC				RECEIVED:	03/02/83	JA: LA			
8325994	82-0737	17021207990		102-4		WILLIS TARVER 02 MEGLEY RA SUN	WELCOME HOME	75.0	LOUISIANA INTRAST
-HOME PETROLEUM CORPORATIOM				RECEIVED:	03/02/83	JA: LA			
8325980	82-2982	17101212030		107-DP		S L 8396 01	SOUTH ATCHAFALAYA BAY	0.0	TENNESSEE GAS PIP
-LINSCO EXPLORATIOM CO				RECEIVED:	03/02/83	JA: LA			
8325974	82-3172	17109224380		102-4		CONTINENTAL LAND & FUR CO 01	BAYOU PENCHANT	738.0	
-LYONS PETROLEUM INC				RECEIVED:	03/02/83	JA: LA			
8325992	82-1319	17049201810		103		M G BROOKS 01	HODGE	548.0	ARKANSAS LOUISIAN
-MARSHALL EXPLORATION INC				RECEIVED:	03/02/83	JA: LA			
8325985	82-3229	17031214910		103		HORN 06	BELLE BOWER	180.0	TENNESSEE GAS PIP
-MORAN EXPLORATIOM INC				RECEIVED:	03/02/83	JA: LA			
8326000	82-2429	17109225710		102-4		STATE LEASE 9414 01	FOUR LEAGUE BAY 3940	0.0	DOW INTRASTATE GA
-PATRICK PETROLEUM CORP (MI)				RECEIVED:	03/02/83	JA: LA			
8326001	82-2257	17023217070		102-4		E R GARBER 01	SOUTH CREOLE	957.0	
-PIONEER PRODUCTIOM CORPORATIOM				RECEIVED:	03/02/83	JA: LA			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8325971	82-0407	1708120381		102-2		JUSTIN L TEER #1 (COTTON VALLEY)
-PLACID OIL COMPANY				RECEIVED:	03/02/83	JA: LA
8325996	82-1136	1705922108		102-2		IPB LLS #22
-QUINTANA PETROLEUM CORP				RECEIVED:	03/02/83	JA: LA
8325995	82-2509	1710121304		107-DP		MACPHER-WESSLND #7 GC MA 10 RA SU
-SPIRIT PETROLEUM				RECEIVED:	03/02/83	JA: LA
8325988	82-0736	1702120786		102-4		MANVILLE 772 #1
-SPOONER PETROLEUM COMPANY				RECEIVED:	03/02/83	JA: LA
8325982	82-3243	1702120846		102-4		MANVILLE 781 #2
-TEXACO INC				RECEIVED:	03/02/83	JA: LA
8325997	82-0177	1711320968		102-4	103	EU-2 1 ERATH SU
8325978	82-0662	1770720104		103		SL 340 MOUND POINT #84
-TEXAS CRUDE INC				RECEIVED:	03/02/83	JA: LA
8325976	82-2508	1704520754		107-DP		PETIT ANSE #8
-TXO PRODUCTION CORP				RECEIVED:	03/02/83	JA: LA
8325986	82-0821	1701320492		102-4	103	CONTINENTAL CAN "C" #1 PET RA SUA
-WALSH AND WATTS INC				RECEIVED:	03/02/83	JA: LA
8325973	83-5	1706100000		103		HOOD #1 U CV RA SUJ
**********						
TEXAS RAILROAD COMMISSION						
**********						
-ADOBE OIL & GAS CORPORATION				RECEIVED:	03/02/83	JA: TX
8325846	F-8A-63898	4244531095		105		CLARE #11
-ALEXANDER G KASPAR				RECEIVED:	03/02/83	JA: TX
8325862	F-08-63959	4237133675		103		A C ATKINS #1-B #102991
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	03/02/83	JA: TX
8325760	F-09-062933	4218130897		103		MARY #1
8325773	F-09-063234	4218130895		103		D F K #1
-AMINOIL USA INC				RECEIVED:	03/02/83	JA: TX
8325625	F-04-52192	4213135554		102-4	103	GUERRA #1
-AMOCO PRODUCTION CO				RECEIVED:	03/02/83	JA: TX
8325632	F-02-55359	4239131482		103		THOMAS O'CONNOR #11
-ANADARKO PRODUCTION COMPANY				RECEIVED:	03/02/83	JA: TX
8325889	F-09-64021	4249732420		103		R E PETTY #2
-ANDERSON PETROLEUM INC				RECEIVED:	03/02/83	JA: TX
8325697	F-7C-060938	4210533962		103	107-TF	JOE FRIEND ESTATE "A" 3-25
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/02/83	JA: TX
8325860	F-7C-63951	4223531972		103		KETCHUM MT (CLEARFORK) UNIT 056-8
-BALL PRODUCING CO				RECEIVED:	03/02/83	JA: TX
8325743	F-7B-062598	4236332976		102-4		HART 866 #4 (103057)
-BELCO PETROLEUM CORPORATION				RECEIVED:	03/02/83	JA: TX
8325837	F-7C-63865	4210500000		102-4		UNIVERSITY 29-15 #1
-BETA OIL CO				RECEIVED:	03/02/83	JA: TX
8325701	F-03-061052	4248132090		102-4		L G RUST #1
-BETTIS BOYLE & STOVALL				RECEIVED:	03/02/83	JA: TX
8325835	F-08-63863	4222732068		103		CARPENTER ESTATE #1
8325836	F-09-63864	4223734901		103		OWENS 980 #1
8325833	F-09-63852	4223734270		103		RICHARDS #2
8325834	F-09-63862	4223734011		103		UPCHURCH #1
-BLAKE HAMMAN				RECEIVED:	03/02/83	JA: TX
8325614	F-09-044491	4249700000		108-ER		FRANK HARLAN #1 41287
-BOMMER ENGINEERING CO				RECEIVED:	03/02/83	JA: TX
8325781	F-01-06331	4250730425		102-4		MATTHEWS #4
-BORDER EXPLORATION CO				RECEIVED:	03/02/83	JA: TX
8325642	F-04-56694	4242731578		103		NIMMO G U #1 4-P
-BRAZOS PETROLEUM CO				RECEIVED:	03/02/83	JA: TX
8325809	F-08-63646	4232931100		103		ERVIN #1
-C F LAWRENCE & ASSOC INC				RECEIVED:	03/02/83	JA: TX
8325790	F-08-63472	4237134019		103		MCMURTRY #2
8325791	F-08-63473	4237134041		103		MCMURTRY #3
-CIRCLE SEVEN PRODUCTION CO				RECEIVED:	03/02/83	JA: TX
8325758	F-09-062829	4249732321		103		CLOSE ENCOUNTERS #1
-CITIES SERVICE COMPANY				RECEIVED:	03/02/83	JA: TX
8325735	F-01-062390	4246530409		102-3		WEST D #2
-CLAYTON W WILLIAMS JR				RECEIVED:	03/02/83	JA: TX
8325640	F-04-56596	4221500000		103	107-TF	MARY JOHNSON #1
-COASTAL OIL & GAS CORP				RECEIVED:	03/02/83	JA: TX
8325890	F-10-64024	4234130915		103		THOMPSON 2-26J
-COMMAND PETROLEUM CORP				RECEIVED:	03/02/83	JA: TX
8325774	F-7B-063256	4236732234		102-4		CAROTHERS #2
-CONOCO INC				RECEIVED:	03/02/83	JA: TX
8325656	F-7C-57866	4244330297		103		BROWN-BASSETT "220" #2 ID # NOT ASS
8325828	F-04-63842	4242700000		108		T B SLICK EST A-485 #73
8325868	F-04-63982	4242700000		108		T B SLICK EST HB222 #121
-COSTA RESOURCES INC				RECEIVED:	03/02/83	JA: TX
8325859	F-08-63950	4210332516		102-4		ADAMS #4C
-CPC EXPLORATION INC				RECEIVED:	03/02/83	JA: TX
8325784	F-03-063332	4214931155		102-2		MIERTSCHIN UNIT
8325782	F-03-063330	4205132104		102-4		SCHRADER #1
8325783	F-03-063331	4214931133		102-2		WALTER PETERS "C" LEASE NO 15324
-D & S OIL & GAS PROPERTIES				RECEIVED:	03/02/83	JA: TX
8325763		4208300000		102-4		A W GULLEY #A-1 (103257)
-DELTA DRILLING CO				RECEIVED:	03/02/83	JA: TX
8325716	F-06-061641	4242300000		103		FERGUSON #1
-DELTA PETROLEUM & ENERGY CORP				RECEIVED:	03/02/83	JA: TX
8325652	F-03-57860	4204130655		102-2		CARGILL #1
8325654	F-03-57863	4204130661		102-2		DONALD CARROLL UNIT #2 WELL #1
8325655	F-03-57864	4204130627		102-2		SCAMARDO #1
8325653	F-03-57861	4204130662		102-2		TOMAI #1
-DESCO OIL CO				RECEIVED:	03/02/83	JA: TX
8325786	F-03-063355	4224531544		102-4		ROBERT BAUER #1
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	03/02/83	JA: TX
8325853	F-10-63744	4234100000		108		COFFEE "I" #2
8325854	F-10-63945	4221100000		108		FRASS #1-107
8325855	F-10-63946	4234100000		108		HARDWICK #1
8325856	F-10-63947	4234100000		108		THATEN #1
-DISCOVERY OPERATING INC				RECEIVED:	03/02/83	JA: TX
8325772	F-08-063230	4232931053		103		HOFFERKAMP "A" #1
-DIVIDEND PRODUCTION CO				RECEIVED:	03/02/83	JA: TX
8325823	F-7B-63829	4241734554		102-4		DAWSON-CONWAY 1-173
-DONALD C SLAWSON				RECEIVED:	03/02/83	JA: TX
8325715	F-10-061618	4235731286		102-4		BOOKER TOWNSITE #1-118
8325757	F-10-062797	4235731318		102-4		BORN #1-119
8325732	F-10-062266	4235731298		102-4		HENTON #1-59

FIELD NAME	PROD	PURCHASER
MARTIN	0.0	UNITED GAS PIPELI
WILDCAT	91.0	
GARDEN CITY	730.0	UNITED GAS PIPE L
WEST CLARKS FIELD	50.0	LOUISIANA INTRAST
EAST SARDIS CHURCH FI	55.0	TRUNKLINE GAS CO
ERATH	438.0	COLUMBIA GAS TRAN
MOUND POINT	1.8	NATURAL GAS PIPEL
AVERY ISLAND	180.0	LOUISIANA INTRAST
LIBERTY HILL	46.0	UNITED GAS PIPE L
TERRYVILLE	0.0	TEXAS GAS TRANSMI
PRENTICE (6700)	13.0	AMOCO PRODUCTION
SO PECOS VALLEY (ELLE	109.5	DELMI GAS PIPELIN
W F CHAFFIN SURVEY A-	0.0	LONE STAR GAS CO
HENRY KEITH SURVEY A-	0.0	LONE STAR GAS CO
GUERRA (10,600') - PR	3650.0	EL PASO NATURAL G
GRETA /4400/	11.0	TRANSCONTINENTAL
BOONESVILLE (BEND CON	244.0	LONE STAR GAS CO
ALDWELL RANCH (CANYON	308.0	OZONA PIPELINE CO
KETCHUM MOUNTAIN (CLE	9.0	J L DAVIS
CONQUEST (CONGL)	82.0	LONE STAR GAS CO
INGHAM (CLEAR FORK)	8.0	SOUTHWESTERN GAS
HUNGERFORD S (4450) (	68.0	HOUSTON PIPELINE
SARA-MAG (CANYON LOWE	55.0	GETTY OIL CO
WOODKIRK (STRAWN)	15.0	BRAZOS FUEL CO IN
WOODKIRK (STRAWN)	15.0	BRAZOS FUEL CO IN
WOODKIRK (STRAWN)	20.0	BRAZOS FUEL CO IN
BOONSVILLE (BEND CONG	18.0	CITIES SERVICE CO
MATTHEWS RANCH (OLMOS	14.6	MAN - GAS TRANSMI
YZAGUIRRE VICKSBURG (	132.0	VALERO TRANSMISSI
SPRABERRY (TREND AREA	22.0	PHILLIPS PETROLEU
LEHN - APCO (1600)	0.0	
LEHN - APCO (1600)	0.0	
BOONESVILLE (BEND CON	0.0	LONE STAR GAS CO
MASSIE (STRAWN)	75.0	INTRATEX GAS CO
MONTE CHRISTO	0.0	VALERO TRANSMISSI
PANHANDLE (RED CAVE)	3.0	COLORADO INTERSTA
MARMAC (MARBLE FALLS)	46.0	TEXAS UTILITIES F
BROWN BASSETT (ELLENB	101.5	EL PASO NATURAL G
RINCON (FRIO B-2)	21.7	TENNESSEE GAS PIP
RINCON (VXBG BLOCKS 1	1.5	TENNESSEE GAS PIP
COSTA (CLEARFORK UPPE	0.0	INTER NORTH INC
GIDDINGS (AUSTIN CHAL	100.0	PHILLIPS PETROLEU
CALDWELL (AUSTIN CHAL	0.0	FERGUSON CROSSING
GIDDINGS (AUSTIN CHAL	100.0	PHILLIPS PETROLEU
GULLEY (KING SD)	33.0	EL PASO HYDROCARB
CHAPEL HILL (RODESSA)	0.0	ETEXAS PRODUCERS
KURTEN (WOODBINE "E")	16.4	FERGUSON CROSSING
KURTEN (BUDA)	337.6	FERGUSON CROSSING
KURTEN (WOODBINE)	6.6	FERGUSON CROSSING
KURTEN (BUDA)	354.0	FERGUSON CROSSING
BAUER RANCH	255.5	WINNIE PIPELINE C
WEST PANHANDLE	14.0	PANHANDLE EASTERN
CANADIAN NW	11.0	INTER NORTH INC
PANHANDLE WEST	10.0	INTER NORTH INC
PANHANDLE WEST	15.0	INTER NORTH INC
SPRABERRY (TREND AREA	21.6	PHILLIPS PETROLEU
CHRISTI (LAKE SAND)	366.0	RAMPART NATURAL G
BOOKER NORTH	140.0	
BOOKER NORTH	40.0	DELMI GAS PIPELIN
BOOKER NORTH	80.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-DORAN EMERGY CORP				RECEIVED: 03/02/83 JA: TX					
8325657	F-04-58108	4242731674		103		T RODRIGUEZ 04-D	GREGG WOOD S	36.0	VALERO INTERSTATE
-DUNIGAN OPERATING CO INC				RECEIVED: 03/02/83 JA: TX					
8325699	F-10-64061	4217931212		103		CINCO-OSBORNE (02783) 011	PANHANDLE GRAY COUNTY	6.0	PHILLIPS PETROLEU
-EDWIN L & BERRY R COX				RECEIVED: 03/02/83 JA: TX					
8325672	F-04-59479	4221531269		103		HIDALGO-WILLACY OIL CO 01	HARGILL	360.0	TENNESSEE GAS PIP
-EL PASO NATURAL GAS COMPANY				RECEIVED: 03/02/83 JA: TX					
8325902	F-10-64106	4221130254		109		GENE HOWE 02	HOWE RANCH (MORROW UP	11.0	EL PASO NATURAL G
-ENERGY DEVELOPMENT CORPORATION				RECEIVED: 03/02/83 JA: TX					
8325824	F-02-63836	4205731205		102-4		EDC-DOW POWDERHORN RANCH 04 006426	POWDERHORN S W (FRIO	146.0	DOW CHEMICAL CO
-EXCELSIOR OIL CORP				RECEIVED: 03/02/83 JA: TX					
8325766	F-05-063054	4221300080		103		HOLLIDAY GLYNN 01-L	OPELIKA N W (RODESSA)	110.0	LONE STAR GAS CO
8325767	F-05-063056	4221300000		103		MAUDE SAYLORS 01	OPELIKA N E (RODESSA)	110.0	ENDEVCO NATURAL G
-EXXON CORPORATION				RECEIVED: 03/02/83 JA: TX					
8325895	F-06-64053	4208330939		102-4	107-TF	ALEX JOHNSON HEIRS G U 01 WELL 01	BLOCKER (COTTON VALLE	182.0	DELHI GAS PIPELIN
8325797	F-08-63550	4200333184		103		ELIZABETH ARMSTRONG 08	MEANS SOUTH (WOLFCAMP	20.0	PHILLIPS PETROLEU
8325779	F-08-063290	4210300000		108		J B TUBB A/C 1 058	SAND HILLS (TUBB)	8.0	EL PASO NATURAL G
8325780	F-08-063299	4210300000		108		J B TUBB A/C 1 059	SAND HILLS	3.0	EL PASO NATURAL G
8325778	F-08-063297	4210300000		108		J B TUBB A/C 1 066	SAND HILLS (SAN ANGEL	4.0	EL PASO NATURAL G
8325838	F-01-63870	4231100000		108		J C DILWORTH 15 (087193)	DILWORTH (EDWARDS LIM	18.0	TRANSCONTINENTAL
8325776	F-08-063294	4200333182		103		J S MEANS A/C 4 0327	MEANS SOUTH (WOLFCAMP	15.0	PHILLIPS PETROLEU
8325896	F-04-64057	4204700000		108		MCGILL BROS 460 (092282)	KELSEY DEEP (18-E)	16.6	TRUNKLINE GAS CO
8325777	F-08-063296	4200333340		103		MEANS/SAN ANDRES/UNIT 03058	MEANS	15.0	PHILLIPS PETROLEU
8325897	F-04-64058	4242700000		108		M R MONTALVO 49 (03065)	SUN	5.0	TENNESSEE GAS PIP
8325798	F-02-63551	4200333383		103		R M MEANS 0605	MEANS (QUEEN SAND)	15.0	PHILLIPS PETROLEU
8325733	F-8A-062327	4216532311		103		ROBERTSON CLEARFORK UNIT 01131	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8325800	F-8A-63554	4216532386		103		ROBERTSON CLEARFORK UNIT 01141	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8325799	F-8A-63553	4216532376		103		ROBERTSON CLEARFORK UNIT 08403	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8325751	F-8A-062713	4216532346		103		ROBERTSON CLEARFORK UNIT 08503	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8325762	F-8A-062943	4216532318		103		ROBERTSON CLEARFORK UNIT 09701	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8325761	F-8A-062942	4216532313		103		ROBERTSON CLEARFORK UNIT 09703	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8325871	F-06-63993	4220330938		102-4	107-TF	T B HATLEY HEIRS GAS UNIT 01 01	BLOCKER (COTTON VALLE	250.0	DELHI GAS PIPELIN
-FIRST CALGARY USA INC				RECEIVED: 03/02/83 JA: TX					
8325670	F-7B-59276	4236331251		108		LEVI JENKINS 02	PALO PINTO COUNTY REG	4.0	SOUTHWESTERN GAS
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED: 03/02/83 JA: TX					
8325668	F-7C-50618	4243532755		103	107-TF	FLORENCE-HAMILL 26-02	PHYLLIS SONORA	0.0	INTRATEX GAS CO
-FOUR WAY JOINT VENTURE				RECEIVED: 03/02/83 JA: TX					
8325822	F-7B-63824	4225332315		102-4		MILDRED TAYLOR 01 (19010)	FOUR WAY (FLIPPEN LIM	5.0	TEXAS UTILITIES F
-GENERAL PRODUCTION CORP				RECEIVED: 03/02/83 JA: TX					
8325737	F-03-062472	4228731304		102-2		HENRY KIPP UNIT 1 01	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
-GENESIS PETROLEUM CORP				RECEIVED: 03/02/83 JA: TX					
8325728	F-04-061786	4213136099		102-4		G C HINOJOSA 02T UNASSIGNED	STARR BRITE W (5740')	14.0	HOUSTON PIPE LINE
-GETTY OIL COMPANY				RECEIVED: 03/02/83 - JA: TX					
8325739	F-08-062485	4210332952		103		NORTH MCELROY UNIT 039142 RRC 0203M	MCELROY	1.0	PHILLIPS PETROLEU
8 25738	F-08-062486	4210332959		103		NORTH MCELROY UNIT 039150	MCELROY	1.0	PHILLIPS PETROLEU
-GRAHAM EXPLORATION LTD DRILLING PAR				RECEIVED: 03/02/83 JA: TX					
8325621	F-03-51234	4203921734		102-4		JOHN DOUGLAS SMITH ET AL 01	MANOR LAKE	1072.8	AMOCO GAS CO
-GRAHAM PRODUCTION CO				RECEIVED: 03/02/83 JA: TX					
8325703	F-03-061108	4248132347		102-4		KOSTKA UNIT 01	WHARTON SOUTH (FRIO 6	100.0	HOUSTON PIPE LINE
-GULF OIL CORPORATION				RECEIVED: 03/02/83 JA: TX					
8325845	F-03-63887	4215731037		103		A E MYERS 028	THOMPSON	91.0	UNITED TEXAS TRAN
8325844	F-03-63885	4215731018		103		A E MYERS 029	THOMPSON	36.0	UNITED TEXAS TRAN
8325686	F-03-60266	4224531590		102-4		H M BROUSSARD 01	M HALF CIRCLE (10200)	193.0	
8325869	F-10-63984	4229531211		103		HAROLD PEERY 07-766	PEERY CLEVELAND/CLEVE	70.0	TRANSWESTERN PIPE
8325623	F-03-51774	4224531578		102-4		LEBLANC 01	M HALF CIRCLE (10200)	913.0	
-HANSON MINERALS CO				RECEIVED: 03/02/83 JA: TX					
8325637	F-02-55992	4225530909		103		THIELE GAS UNIT 01	HONDO CREEK NORTH (RE	365.0	UNITED GAS PIPE L
-HARWOOD EXPLORATION INC				RECEIVED: 03/02/83 JA: TX					
8325726	F-04-061948	4217531668		102-4		NOE SAENZ 01	STARR NORTH	438.0	SUN GAS CO
-HENRY PETROLEUM CORP				RECEIVED: 03/02/83 JA: TX					
8325669	F-8A-59027	4211500000		103		BULSTERBAUM "82" 01	TEX-HAMON (DEAN)	0.0	GETTY OIL CO
-HEWIT & DOUGHERTY				RECEIVED: 03/02/83 JA: TX					
8325676	F-02-60128	4239180000		103		M F LAMBERT 0111	TOM O'CONNOR (4150')	18.2	UNITED TEXAS TRAN
8325677	F-02-60129	4239180000		103		M F LAMBERT 0112	GRETA (4400')	18.2	UNITED TEXAS TRAN
8325678	F-02-60132	4239180000		103		M F LAMBERT 0114	GRETA (4400')	36.5	UNITED TEXAS TRAN
8325679	F-02-60133	4239180000		103		M F LAMBERT 0115	TOM O'CONNOR (4400')	16.2	UNITED TEXAS TRAN
8325680	F-02-60134	4239180000		103		M F LAMBERT 0116	TOM O'CONNOR (4400')	18.2	UNITED TEXAS TRAN
8325681	F-02-60137	4239180000		103		M F LAMBERT 0119	TOM O'CONNOR (4400')	18.2	UNITED TEXAS TRAN
8325682	F-02-60139	4239180000		103		M F LAMBERT 0121	TOM O'CONNOR (4400')	18.2	UNITED TEXAS TRAN
8325683	F-02-60140	4239180000		103		M F LAMBERT 0122	TOM O'CONNOR (5900')	73.0	UNITED TEXAS TRAN
8325684	F-02-60141	4239180000		103		M F LAMBERT 0123	TOM O'CONNOR (4400')	18.2	UNITED TEXAS TRAN
8325675	F-02-60124	4239180000		103		M F LAMBERT 108	TOM O'CONNOR (5900' S	73.0	UNITED TEXAS TRAN
-HILL JOHN H				RECEIVED: 03/02/83 JA: TX					
8325696	F-7C-060881	4243532777		103	107-TF	HILL EDWIN S MAYER JR "H1"	SAWYER (CANYON)	175.2	LONE STAR GAS CO
8325769	F-7C-063115	4243532750		103	107-TF	HILL MAY M ROY F-1	OLDWELL RANCH (CANYON	522.0	LONE STAR GAS CO
8325770	F-7C-063119	4243532825		103	107-TF	HILL-EDWIN S MAYER JR "GG-1"	SAWYER (CANYON)	627.8	LONE STAR GAS CO
-HNG OIL COMPANY				RECEIVED: 03/02/83 JA: TX					
8325784	F-04-061168	4247900000		102-4	103	BRUNI MINERAL "C" 03	JUANITA (LOBO)	0.0	HOUSTON PIPE LINE
8325784	F-04-061168	4247900000		107-TF		BRUNI MINERAL "C" 03	JUANITA (LOBO)	0.0	HOUSTON PIPE LINE
-HOUSTON OIL & GAS CO INC				RECEIVED: 03/02/83 JA: TX					
8325755	F-03-062761	4248100000		108		A W WITTIG 05 072269	TRANS-TEX (3000 CAT)	9.8	TENNESSEE GAS PIP
8325756	F-02-062763	4223900000		108		HOLLINGSWORTH 08-5 003459	MORALES (FRIO F)	13.8	HOUSTON PIPE LINE
-HUMBLE EXPLORATION CO INC				RECEIVED: 03/02/83 JA TX					
8325870	F-03-63988	4214931194		103		DOROTHY DAWN 01	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-J E JERNIGAN DRILLING CO INC				RECEIVED: 03/02/83 JA: TX					
8325827	F-10-63841	4229531044		103		GRAVES 06	LIPSCOMB (CLEVELAND)	178.0	PHILLIPS PETROLEU
-J M HUBER CORPORATION				RECEIVED 03/02/83 JA: TX					
8325900	F-10-64064	4206531262		103		BURNETT "R" 048	PANHANDLE	33.0	GETTY OIL CO
-J-O'B OPERATING CO				RECEIVED: 03/02/83 JA: TX					
8325695	F-06-060865	4207338477		102-4		S M BRALY 01	PERCY WHEELER (TRAVIS	548.0	UNITED GAS PIPE L
-JIM BIRGE OIL & GAS				RECEIVED: 03/02/83 JA: TX					
8325664	F-7B-58377	4242933292		102-4		ELLEN JUSTICE 01 (103203)	REYNOLDS P (STRAWN 21	37.0	SOUTHWESTERN GAS
-JOHN G MIDDLETON				RECEIVED: 03/02/83 JA: TX					
8325690	F-04-060731	4247932873		103		MIDDLETON 015-1 95358	LAS TIENDAS (OLMOS)	25.9	LONE STAR GAS CO
8325689	F-04-060727	4247932593		103		MIDDLETON 022-2 97863	LAS TIENDAS (OLMOS)	74.1	LONE STAR GAS CO
8325693	F-04-060735	4247932889		103		MIDDLETON 04 97022	LAS TIENDOS (OLMOS)	38.8	LONE STAR GAS CO
8325692	F-04-060734	4247932890		103		MIDDLETON FEE 05 97023	LAS TIENDAS (OLMOS)	70.3	LONE STAR GAS CO
8325691	F-04-060733	4247932899		103		MIDDLETON FEE 06 100145	LAS TIENDAS (OLMOS)	77.5	LONE STAR GAS CO
-K P EXPLORATION INC				RECEIVED: 03/02/83 JA: TX					
8325636	F-04-55827	4213135138		102-4		HUBBERD 01	HERBST WILCOX (HERBST	720.0	ESPERANZA PIPELIN
-KERR-MCGEE CORPORATION				RECEIVED: 03/02/83 JA: TX					
8325832	F-10-63851	4221131348		102-2		BEGERT 7 01	ALLISON PARKS (GRANIT	0.5	EL PASO NATURAL G
-LEAR PETROLEUM EXPLORATION INC				RECEIVED: 03/02/83 JA: TX					
8325613	F-10-43010	4229531037		103		LINCOLN BOOTH 02-638	UNIT (UPPER MORROW)	1277.5	TRANSWESTERN PIPE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-LEO ENERGY INC				RECEIVED:	03/02/83	JA: TX
8325646	F-06-57338	4240131491	103		107-TF	SOUTH OAK HILL UNIT 1 #1
-LHG RESOURCES INC				RECEIVED:	03/02/83	JA: TX
8325611	F-08-41320	4210332574	103			UNIVERSITY #2-48
-LOUIS A MEWITT				RECEIVED:	03/02/83	JA: TX
8325629	F-03-53213	4208930575	102-4			HEIMAN-FLING #1-U
-LULING OIL AND GAS CO INC				RECEIVED:	03/02/83	JA: TX
8325817	F-7B-63768	4208332272	103			WHITTINGTON #3
-LYLES ENERGY INC				RECEIVED:	03/02/83	JA: TX
8325810	F-7B-63668	4213331818	103			SHULTS -D- #1 (15293)
-MANGUM OIL & GAS PRODUCTION				RECEIVED:	03/02/83	JA: TX
8325729	F-04-062124	4247900000	108			RACHAL A-1
-MARATHON OIL COMPANY				RECEIVED:	03/02/83	JA: TX
8325759	F-03-062910	4232131265	103			OHIO-SUN UNIT #39-A
8325641	F-7C-56642	4238300000	108			UNIVERSITY -3955- 964
-MARSHALL EXPLORATION INC				RECEIVED:	03/02/83	JA: TX
8325721	F-03-061819	4231330402	102-4	103		GILBERT #1
8325638	F-06-56458	4240131442	103		107-TF	JONES #1
8325616	F-06-46481	4236531267	103		107-TF	OWENS-WEISS #1-LT
8325615	F-06-46480	4236531267	103			OWENS-WEISS #1-UT
8325694	F-06-060760	4200131343	102-4	103		SAMMONS #1
8325617	F-06-47750	4240131243	103			STONE #1-LT
-MCCANN CORP				RECEIVED:	03/02/83	JA: TX
8325688	F-8A-060569	4211531724	103			F M FUMRMAN #1
-MCCORMICK OPERATING CO				RECEIVED:	03/02/83	JA: TX
8325650	F-05-57818	4229330551	102-2		107-TF	BILLY #1
8325651	F-05-57819	4229330559	102-3		107-TF	FOSHEE #1
8325645	F-03-57240	4226531556	102-4			WINZER UNIT #1
-MGF OIL CORP				RECEIVED:	03/02/83	JA: TX
8325792	F-8A-63484	4211531736	103			KOSLAN #2
8325612	F-7C-41831	4238300000	103			UNIVERSITY "18-B" #1
-MID-AMERICA PETROLEUM INC				RECEIVED:	03/02/83	JA: TX
8325857	F-7C-63948	4238332188	103			TURNER "B" #3
8325858	F-7C-63949	4238332260	103			TURNER "B" #4
-MIN-TEX EXPLORATION CORP				RECEIVED:	03/02/83	JA: TX
8325775	F-7B-063285	4236732371	102-4			TIDWELL #2
-MITCHELL ENERGY CORPORATION				RECEIVED:	03/02/83	JA: TX
8325609	F-09-031586	4249700000	108-ER			BESSIE DICKENSON #2
8325821	F-09-63804	4249700000	108			E P COWLING #1 13776
8325722	F-7C-061820	4245100000	102-4	103		FREYSCHLAG UNIT "B" #1
8325728	F-7C-062062	4240131858	102-4	103		FREYSCHLAG 220 A #1L
8325819	F-09-63800	4249700000	108			JAMES E BUMPASS #1 14686
8325630	F-05-53227	4239500000	103		107-TF	LLOYD WILLIAMS #1
8325831	F-09-63847	4223700000	108			ORNEE STEWART #4 13723
8325723	F-05-061821	4239230618	103		107-TF	PAUL ROTHERMEL #1
8325820	F-09-63801	4249700000	108			R P MALONE -B- #1 18868
-MONTERREY PETROLEUM CORP				RECEIVED:	03/02/83	JA: TX
8325705	F-04-061221	4247933225	102-2		107-TF	APACHE #2
8325706	F-04-061356	4247932940	102-2		107-TF	BLOCKER RANCH "H" 1841 #4
8325707	F-04-061363	4247932920	102-2		107-TF	BLOCKER RANCH "H" 1843 #2
8325708	F-04-061365	4247933220	102-2		107-TF	BLOCKER RANCH "H" 1843 #5
-MUELLER ENGINEERING CORP				RECEIVED:	03/02/83	JA: TX
8325702	F-02-061061	4217500000	102-4			WALLACE SHAY #1
-MURPHY H BAXTER				RECEIVED:	03/02/83	JA: TX
8325808	F-03-63617	4215731340	102-4			SOUTH KATY GAS UNIT #2 WELL #1
-NORTH RIDGE CORP				RECEIVED:	03/02/83	JA: TX
8325725	F-7B-061847	4242933413	102-4	103		J B MORTON #1
-PANHANDLE PLUGGERS INC				RECEIVED:	03/02/83	JA: TX
8325816	F-10-63734	4217931280	103			BENEDICT (00588) #12
-PARAMOUNT PRODUCING INC				RECEIVED:	03/02/83	JA: TX
8325842	F-10-63882	4219500000	108			SCHUBERT #2 (069598)
-PARKER & PARSLEY INC				RECEIVED:	03/02/83	JA: TX
8325765	F-08-063052	4231700000	103			GLASS M #1
8325764	F-08-063051	4232931095	103			JUDKINS "A" #1
-PEERLESS DRILLING CO				RECEIVED:	03/02/83	JA: TX
8325748	F-7B-062655	4236732259	102-4			WRIGHT #1 ID NUMBER APPLIED FOR
-PENNZOIL PRODUCING COMPANY				RECEIVED:	03/02/83	JA: TX
8325749	F-06-062663	4236531453	103		107-TF	MORGAN UNIT #4
-PENTA ENERGY CORP				RECEIVED:	03/02/83	JA: TX
8325788	F-03-63418	4204130822	102-2			MAHONEY SHANNON #2
-PETRO-MAC INC				RECEIVED:	03/02/83	JA: TX
8325811	F-7B-63675	4244132085	103			MCANDREWS #1 (18280)
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	03/02/83	JA: TX
8325888	F-08-64019	4222731422	108			BELLNOLIA #6 (82897)
8325864	F-10-63967	4242100000	108			BIVENS M #1
8325648	F-10-57560	4223300000	108			CHAIN A #1
8325886	F-08-64017	4200304524	108			EMBAR-B #26 (88769)
8325624	F-10-52130	4217900000	108			EMIL #2
8325674	F-10-60082	4217900000	108			GATSY #3
8325887	F-08-64018	4213509030	108			GS ADOBE UNIT #3905 (18713)
8325626	F-08-52243	4213521073	108			JESSIE B #1
8325750	F-10-062677	4217900000	108			JOHNSON AA #17
8325631	F-10-53570	4217900000	108			JOHNSON T #5
8325885	F-08-64016	4213520478	108			N PENWELL UNIT #128 (21556)
8325863	F-10-63966	4242100000	108			PATTULLO #2
-PITCOCK INC				RECEIVED:	03/02/83	JA: TX
8325622	F-7B-51616	4236300000	108			ROSS WATSON #3 078045
-R A W ENERGY CORP				RECEIVED:	03/02/83	JA: TX
8325665	F-09-58412	4249732339	102-4			BATES #1
8325742	F-7B-062579	4236732482	102-4			HODGES #4
8325741	F-7B-062578	4236732378	102-4			JORDAN #2
8325666	F-7B-58413	4236332842	102-4			PRIDDY #1
8325685	F-7B-60239	4236732245	102-4			WEATHERFORD CHAMBER OF COMMERCE #1
-R C BENNETT				RECEIVED:	03/02/83	JA: TX
8325826	F-08-63834	4213534077	103			SHELL COWDEN #2
-R C BENNETT CO				RECEIVED:	03/02/83	JA: TX
8325815	F-08-63732	4213533983	103			SHELL-COWDEN #1
-RALPH L WAY INC				RECEIVED:	03/02/83	JA: TX
8325873	F-7C-63995	4238332373	103			UNIVERSITY-UNION '17' #4
8325875	F-7C-63997	4238332376	103			UNIVERSITY-UNION '17' #7
8325874	F-7C-63996	4238332370	103			UNIVERSITY-UNION '17' #8
-REPUBLIC OIL & GAS CORP				RECEIVED:	03/02/83	JA: TX
8325647	F-04-57410	4242731648	102-4	103		E P ANDERSON #1
-RICHEY & CO INC				RECEIVED:	03/02/83	JA: TX

FIELD NAME	PROD	PURCHASER
OAK HILL SOUTH (COTTO	765.0	TEXAS EASTERN TRA
MCELROY	25.5	PHILLIPS PETROLEU
EASTER W (3240)	227.0	HYDROCARBON GATHE
GLEN COVE S	0.0	UNION TEXAS PETRO
FOSTER (MARBLE FALLS)	73.8	EL PASO HYDROCARB
LAS TIENDAS (OLMOS)	16.5	DELHI GAS PIPELIN
NORTH MARKHAM-NORTH B	133.2	TRANSCONTINENTAL
BIG LAKE	2.3	DORCHESTER GAS PR
MADISONVILLE W (GEORG	268.0	MAR/CON ENERGY IN
MINDEN (COTTON VALLEY	300.0	TEXAS UTILITIES F
BELLE BOWER (COTTON V	[illegible] 0	TENNESSEE GAS PIP
BELLE BOWER (TRAVIS P	150.0	TENNESSEE GAS PIP
PURT W (RODESSA 10200	90.0	ESPERANZA PIPELIN
PENN-GRIFFITH W (PETT	18.0	HENDERSON CLAY PR
ACKERLY (DEAN)	0.0	TEXACO INC
KOSSE SE (COTTON VALL	150.0	TEXAS UTILITIES F
KOSSE SE (BOSSIER)	150.0	TEXAS UTILITIES F
DEVIL	1825.0	WINNIE PIPELINE C
ACKERLY (DEAN SAND)	51.5	GETTY OIL CO
SPRABERRY (TREND AREA	0.0	J L DAVIS
SPRABERRY (TREND AREA	11.0	INTER NORTH INC
SPRABERRY (TREND AREA	13.0	INTER NORTH INC
MARMAC (MARBLE FALLS)	187.0	SOUTHWESTERN GAS
BOONSVILLE (BEND CONG	9.0	NATURAL GAS PIPEL
LEFTWICK (ATOKA 5050)	0.0	NATURAL GAS PIPEL
KWB (STRAWN)	273.5	ESPERANZA PIPELIN
KWB (STRAWN)	266.0	ESPERANZA PIPELIN
BRIDGEPORT/ATOKA CONG	0.0	NATURAL GAS PIPEL
BALD PRAIRIE (COTTON	0.0	UNITED TEXAS TRAN
CUNDIFF SOUTH (CONGL	[illegible] 0	NATURAL GAS PIPEL
POKEY EAST (COTTON VA	273.5	TEXAS UTILITIES F
ALVORD (CADDO CONGL)	0.0	NATURAL GAS PIPEL
GOLD RIVER NORTH (OLM	[illegible] 0	SEAGULL PIPELINE
GOLD RIVER NORTH (OLM	0.0	SEAGULL PIPELINE
APACHE RANCH (OLMOS)	0.0	SEAGULL PIPELINE
GOLD RIVER NORTH (OLM	0.0	SEAGULL PIPELINE
CLARKSON	91.0	UNITED GAS PIPELI
KATY S (FIRST WILCOX)	73.0	UNITED TEXAS TRAN
RANGER (BLACK LIME ME	0.0	PRISM ENTERPRISES
PANHANDLE GRAY COUNTY	4.3	PHILLIPS PETROLEU
HANSFORD (MORROW UPPE	10.0	INTER NORTH INC
SPRABERRY (TREND AREA	0.0	ADOBE OIL & GAS C
SPRABERRY (TREND AREA	15.0	EL PASO NATURAL G
MOBY DICK (CONGL)	1.4	TEXAS UTILITIES F
CARTHAGE/COTTON VALLE	475.0	UNITED GAS PIPE L
KURTEN (WOODBINE)	150.0	FERGUSON CROSSING
LAKE ABILENE (CROSS C	42.0	LONE STAR GAS CO
IATAN EAST (HOWARD)	1.0	GETTY OIL CO
PANHANDLE WEST	0.0	MICHIGAN WISCONSI
PANHANDLE - HUTCHINSO	[illegible].0	PANHANDLE EASTERN
GOLDSMITH (5600')	[illegible].0	EL PASO NATURAL G
PANHANDLE GRAY	0.0	
PANHANDLE - GRAY	[illegible].0	
GOLDSMITH (5600')	1.0	EL PASO NATURAL G
GOLDSMITH (GRAYBURG)	0.0	EL PASO NATURAL G
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	[illegible].0	
PENWELL	2.0	EL PASO NATURAL G
PANHANDLE WEST	[illegible].0	MICHIGAN WISCONSI
LONE CAMP WEST	[illegible].0	SOUTHWESTERN GAS
JONESIE (4400)	0.0	
BRA (STRAWN)	250.0	SOUTHWESTERN GAS
CABBAGE PATCH (BIG SA	250.0	EMPIRE PIPELINE C
BRANSOM M (CONGL UP)	[illegible].0	SOUTHWESTERN GAS
SEVEN-ELEVEN (STRAWN)	300.0	SOUTHWESTERN GAS
HARPER	11.0	PHILLIPS PETROLEU
HARPER	[illegible].0	PHILLIPS PETROLEU
FARMER (SAN ANDRES)	7.2	INTER NORTH INC
FARMER (SAN ANDRES)	[illegible].4	INTER NORTH INC
FARMER (SAN ANDRES)	7.2	INTER NORTH INC
KELSEY SOUTH 5730' (P	210.0	SUN EXPLORATION &

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8325709	F-09-061385	4249732422		103		B & A COCANOUGHER 01
-RIO BRAVO OIL CO INC				RECEIVED:		03/02/83 JA: TX
8325843	F-02-63884	4212331217		102-4		H SOMMER ET AL
-ROBERT P LAMMERTS				RECEIVED:		03/02/83 JA: TX
8325699	F-03-060969	4206100000		102-2		PETER SCOTT 01
-ROPAR OPERATING CO				RECEIVED:		03/02/83 JA: TX
8325731	F-09-062173	4223734653		103		S B EASTER 01
-SAG ENERGY INC				RECEIVED:		03/02/83 JA: TX
8325768	F-7B-063067	4236732362		102-4		MCCULLOH UNIT 01
-SAGE ENERGY CO				RECEIVED:		03/02/83 JA: TX
8325673	F-03-59497	4214931403		102-2		HACKEBEIL 01 RRC ID 0183275
8325812	F-7C-63672	4238332340		103		UNIVERSITY 7-GA 86A RRC 008876
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED:		03/02/83 JA: TX
8325724	F-04-061832	4247932460		102-4		S J MARTIN 02-A
-SANTA FE-WINDSOR PRODUCING CO				RECEIVED:		03/02/83 JA: TX
8325634	F-03-55607	4228731255		102-2	103	MICHAEL 02
8325671	F-03-59469	4228700000		103		PROSKE 01
8325687	F-03-060502	4228700000		103		REGIAN UNIT 01
8325667	F-03-58563	4228700000		103		SANDER 01
-SAXON OIL COMPANY				RECEIVED:		03/02/83 JA: TX
8325710	F-08-061405	4231700000		103		RICHARDS 02
8325713	F-7C-061409	4238300000		103		SANKEY 02
8325730	F-7C-062142	4238300000		103		UNIVERSITY 1324 01
8325712	F-7C-061407	4238300000		103		UNIVERSITY 1324 02
8325727	F-7C-061975	4238300000		103		UNIVERSITY 1324 03
8325711	F-7C-061406	4231700000		103		UNIVERSITY 1324 04
-SCANDRILL INC				RECEIVED:		03/02/83 JA: TX
8325658	F-09-58188	4223734663		102-4	103	DUERSON 012
8325644	F-10-57189	4248330916		102-4	103	REDDING 01
8325814	F-7B-63723	4244733185		103		ROBINSON 02
8325649	F-09-57641	4223734435		102-4	103	SANDERS 06
8325785	F-09-063337	4250335857		102-4		SCAN-KING "E" 04
-SHELL OIL CO				RECEIVED:		03/02/83 JA: TX
8325830	F-8A-63846	4250132297		103		DENVER UNIT 02937
8325829	F-8A-63845	4250132047		103		DENVER UNIT 05719
-SHOW OIL CO				RECEIVED:		03/02/83 JA: TX
8325852	F-7B-63924	4213331645		102-4		MONROE WALKER 01-C (14812)
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:		03/02/83 JA: TX
8325865	F-7C-63971	4209530411		102-4		MALCORINE W STASNEY 01
-STALLWORTH OIL & GAS INC				RECEIVED:		03/02/83 JA: TX
8325851	F-7B-63921	4222100000		108		CARTWRIGHT 03 (045325)
8325849	F-7B-63919	4222100000		108		CARTWRIGHT 04 (052293)
8325861	F-7B-63954	4236700000		108		CARTWRIGHT A-1 (039292)
8325850	F-7B-63920	4236700000		108		CARTWRIGHT A-2 (045221)
8325847	F-7B-63917	4222100000		108		CARTWRIGHT A-3 (052294)
8325848	F-7B-63918	4236700000		108		LOKEY 04 (052296)
-SUN OIL CO				RECEIVED:		03/02/83 JA: TX
8325610	F-04-38165	4221531068		103		J D JEFFRESS MCT-2 012
8325607	F-04-21938	4224900000		108		SEELIGSON UNIT 01-92
8325606	F-04-21937	4224900000		108		SEELIGSON UNIT 014-12C
8325605	F-04-18023	4224900000		108		SEELIGSON UNIT 016-70
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		03/02/83 JA: TX
8325892	F-08-64033	4233532148		103		B ANDERSON "A" 010
8325643	F-04-056971	4224900000		108-ER		B M DUNLAP 063
8325877	F-8A-64004	4250132238		103		BENNETT RANCH UNIT 0338
8325825	F-8A-63832	4250132217		103		BENNETT RANCH UNIT 0341
8325660	F-04-58231	4242700000		102-4		D LAUREL 012
8325881	F-08-64010	4246131926		103		DAMRON "192-A" 02
8325883	F-08-64013	4246131930		103		DAMRON "192-A" 03
8325843	F-08-63876	4246130659		103		DAMRON "192" 01
8325876	F-08-64003	4246131925		103		DAMRON "1928" 02
8325866	F-08-63975	4246131935		103		DAMRON "1928" 03
8325894	F-08-64036	4213500000		108		E GOLDSMITH (SA) UT 027-2
8325839	F-08-63875	4213533995		103		EAST GOLDSMITH HOLT UT 01908
8325893	F-08-64034	4213500000		108		FOSTER JOHNSON UNIT 015-13
8325891	F-08-64032	4243131162		103		I L ELLWOOD 04
8325882	F-08-64012	4233532144		103		J F MCCABE "A" 012
8325880	F-08-64009	4233532388		103		J F MCCABE "A" 013
8325884	F-08-64014	4233532394		103		J F MCCABE "C" 02
8325841	F-08-63875	4233532393		103		J F MCCABE "C" 03
8325639	F-06-56575	4236531224		103	107-TF	JOHN S NEAL 02
8325608	F-7C-025703	4238300000		108-ER		RUPERT P RICKER "E" 02
8325879	F-8A-64006	4221933513		103		SOUTHEAST LEVELLAND UT 0285
8325878	F-08-64005	4233531050		103		W T MCCABE 038
-SYTRO ENERGY CORP				RECEIVED:		03/02/83 JA: TX
8325698	F-7B-060954	4222130703		102-4		HENDRICKS 01
-TANA OIL & GAS CORP				RECEIVED:		03/02/83 JA: TX
8325717	F-04-061689	4221531273		102-4	107-TF	HAMMAN RANCH 01
8325901	F-02-64065	4229732971		102-4		WILLIAMS 01
-TAYLOR OPERATING COMPANY				RECEIVED:		03/02/83 JA: TX
8325867	F-09-63979	4249700000		103		FORMAN 01 (22111)
8325818	F-09-63772	4207700000		103		R O RUMAGE 02 (22565)
-TEE OPERATING CO				RECEIVED:		03/02/83 JA: TX
8325633	F-03-55505	4248132293		102-4		APPLING ESTATE 01
-TEMPLETON ENERGY INC				RECEIVED:		03/02/83 JA: TX
8325771	F-02-063224	4217531485		102-4		RAMSEY 01
-TEXACO INC				RECEIVED:		03/02/83 JA: TX
8325618	F-04-47826	4242731514		102-4	103	GUEPRA SHARE 90 017
8325619	F-04-49892	4242731628		102-4		RUDOLFO ESCOBAR MCT-1 01
8325747	F-08-062616	4243131234		103		STERLING "J" FEE 06
8325734	F-8A-062346	4216532410		103		WHARTON UNIT 0101
-TEXAS CRUDE INC				RECEIVED:		03/02/83 JA: TX
8325795	F-8A-63516	4216531168		103		NORMAN 03-9
8325794	F-8A-63515	4216500000		103		NORMAN 06-9
8325793	F-8A-63514	4216500000		103		NORMAN 07-9
8325796	F-8A-63517	4216500000		103		NORMAN 08-9
-THOMAS C CANAN				RECEIVED:		03/02/83 JA: TX
8325813	F-7B-63706	4242933398		103		CURRY "D" 01
-THOMPSON J CLEO & JAMES CLEO JR				RECEIVED:		03/02/83 JA: TX
8325740	F-7C-062525	4210534004		103	107-TF	HAGELSTEIN 01
-TIPPERARY OIL AND GAS CORP				RECEIVED:		03/02/83 JA: TX
8325807	F-01-63605	4216331733		103		ARTHUR HURT "B" 01
8325806	F-01-63604	4216331730		103		ARTHUR HURT "B" 02
8325805	F-01-63603	4216331735		103		ARTHUR HURT "B" 03

FIELD NAME	PROD	PURCHASER
BOONSVILLE (BEND CONG	275.0	NATURAL GAS PIPEL
KAMITT (ROEDER) FIELD	90.0	INTRASTATE GATHER
BRYAN (WOODBINE)	0.0	FERGUSON CROSSING
CRUM	100.0	LONE STAR GAS CO
MOBY DICK (STRAWN)	237.0	SOUTHWESTERN GAS
GIDDINGS (EDWARDS) GA	390.0	PHILLIPS PETROLEU
FARMER (SAN ANDRES)	1.4	INTER NORTH INC
WEST MORITAS CREEK (W	500.0	TENNESSEE GAS PIP
GIDDINGS (AUSTIN CHAL	36.5	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	36.5	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHAL	189.5	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHAL	36.5	PGP GAS PRODUCTS
BREEDLOVE EAST (SPRAB	0.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
CHAWN (STRAWN)	36.5	LONE STAR GAS CO
REDDING (HUNTON)	174.1	EL PASO NATURAL G
THROCKMORTON COUNTY R	120.8	THROCKMORTON GAS
SHAR-PAT (CONGL)	131.4	LONE STAR GAS CO
WOODWARD RANCH (STRAW	14.6	J M TAYLOR GAS CO
WASSON	186.2	SHELL OIL CO
WASSON	0.4	SHELL OIL CO
PAT KAHAN (MISS)	63.0	LONE STAR GAS CO
FUZZY CREEK	18.0	J-W OPERATING CO
LOKEY (ATOKA 1200)	3.5	LONE STAR GAS [illegible]
LOKEY (ATOKA 1200)	20.1	LONE STAR GAS CO
LOKEY (ATOKA 1250)	3.0	LONE STAR GAS CO
LOKEY (ATOKA 1200)	6.6	LONE STAR GAS CO
LOKEY (ATOKA 1250)	14.9	LONE STAR GAS CO
LOKEY (ATOKA 1250)	9.3	LONE STAR GAS CO
NORTH JEFFRESS	350.0	
SEELIGSON	14.0	TENNESSEE GAS PIP
SEELIGSON	19.0	TENNESSEE GAS PIP
SEELIGSON	21.0	TENNESSEE GAS PIP
JAMESON NORTH (STRAWN	7.0	LONE STAR GAS CO
SEELIGSON	0.0	CHANNEL INDUSTRIE
WASSON	38.0	SHELL OIL CO
WASSON	23.0	SHELL OIL CO
SUN NORTH	833.0	
MCELROY	11.0	PHILLIPS PETROLEU
MCELROY	8.0	PHILLIPS PETROLEU
MCELROY SOUTHEAST (DE	68.0	PHILLIPS PETROLEU
MCELROY	10.0	PHILLIPS PETROLEU
MCELROY	20.0	PHILLIPS PETROLEU
GOLDSMITH EAST (SAN A	2.0	PHILLIPS PETROLEU
GOLDSMITH EAST (HOLT)	10.0	PHILLIPS PETROLEU
FOSTER	0.5	EPX CO
ROSE CREEK (WOLFCAMP	26.0	LONE STAR GAS CO
JAMESON NORTH (STRAWN	4.0	LONE STAR GAS CO
JAMESON N (ELLEN)	45.0	LONE STAR GAS CO
JAMESON N (ELLEN)	10.0	LONE STAR GAS CO
JAMESON N (ELLEN)	7.0	LONE STAR GAS CO
CARTHAGE	200.0	DELHI GAS PIPELIN
SPRABERRY	0.0	EL PASO NATURAL G
LEVELLAND	28.0	AMOCO PRODUCTION
JAMESON NORTH (STRAWN	12.0	LONE STAR GAS CO
BRANSON N (CONGL UPPE	157.0	INTRASTATE GATHER
MONTE CHRISTO (VICKSB	1000.0	TECO PIPELINE CO
PATTESON RANCH (11,70	365.0	TECO PIPELINE CO
ALVORD (ATOKA CONGL)	13.1	LONE STAR GAS CO
BUFFALO SPRINGS SOUTH	11.3	LONE STAR GAS CO
DABOVAL NE (6650)	0.0	
BIG OAK (WILCOX 10500	150.0	
ROMA	150.0	
DRACO	912.5	TENNESSEE GAS PIP
CONGER (PENN)	83.6	VALERO TRANSMISSI
HARRIS	0.0	PHILLIPS PETROLEU
TEX-FLOR/WOLFCAMP	7.5	PHILLIPS PETROLEU
TEX-FLOR/WOLFCAMP	18.0	PHILLIPS PETROLEU
TEX-FLOR/WOLFCAMP	13.0	PHILLIPS PETROLEU
TEX/FLOR/WOLFCAMP	3.5	PHILLIPS PETROLEU
STEPHENS COUNTY REGUL	24.0	SOUTHWESTERN GAS
OZONA NW (CANYON)	360.0	SHELL OIL CO
PEARSALL (AUSTIN CHAL	0.4	TIPPERARY CORP
PEARSALL (AUSTIN CHAL	0.4	TIPPERARY CORP
PEARSALL (AUSTIN CHAL	18.0	TIPPERARY CORP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8325804	F-01-63601	4216331736		103		ARTHUR HURT "B" #5	PEARSALL (AUSTIN CHAL	13.0	TIPPERARY CORP
8325803	F-01-63600	4216331731		103		ARTHUR HURT "B" #6	PEARSALL (AUSTIN CHAL	18.0	TIPPERARY CORP
8325802	F-01-63599	4216331747		103		ARTHUR HURT "B" #7	PEARSALL (AUSTIN CHAL	15.0	TIPPERARY CORP
8325801	F-01-63598	4216331729		103		ARTHUR HURT "B" #8	PEARSALL (AUSTIN CHAL	11.0	TIPPERARY CORP
-TOM BROWN INC				RECEIVED:	03/02/83	JA: TX			
8325872	F-08-63994	4231732590		103		CAFFEY #1	SPRABERRY (TREND AREA	14.0	PHILLIPS PETROLEU
-TRI-COUNTY OIL CORP				RECEIVED:	03/02/83	JA: TX			
8325898	F-7B-64060	4213336104		102-4		W B WRIGHT #3	WRIGHT (MARBLE FALLS	80.0	SOUTHWESTERN GAS
-TRINITY EXPLORATION CO				RECEIVED:	03/02/83	JA: TX			
8325620	F-7B-50647	4213300000		108		CHILDERS #1	EASTLAND COUNTY REGUL	0.0	ODESSA NATURAL CO
-TRINITY RESOURCES INC				RECEIVED:	03/02/83	JA: TX			
8325627	F-02-52377	4223900000		102-4	103	J M BENNETT UNIT 1-C	TWIN LAKES (7220 SAND	0.0	DELMI GAS PIPELIN
8325628	F-02-52649	4223900000		102-4	103	J M BENNETT UNIT 1-T	TWIN LAKES (7700 SAND	72.0	COASTAL CRUDE TRU
-TXO PRODUCTION CORP				RECEIVED:	03/02/83	JA: TX			
8325753	F-7C-062736	4210533906		103	107-TF	BAGGETT "A" #2	OZONA NW (CANYON)	4.0	SHELL OIL CO
8325635	F-05-55826	4216130735		102-4	107-TF	CARTWRIGHT "A" #1	MAN-SU-GAIL (BOSSIER	0.0	
8325714	F-03-061564	4208931301		102-4		SPALINGER #1	BOENING (6350')	0.0	DELMI GAS PIPELIN
-VENUS OIL COMPANY				RECEIVED:	03/02/83	JA: TX			
8325659	F-03-58210	4248100000		102-4		WILLIAM GOERIG	LOUISE NORTH	0.0	DELMI GAS PIPELIN
-VINSON EXPLORATION				RECEIVED:	03/02/83	JA: TX			
8325745	F-7C-062610	4210500000		102-4		UNIV "33-F" #2	INGHAM (QUEEN)	82.0	SOUTHWESTERN GAS
8325746	F-7C-062612	4210500000		102-4		UNIV "34-29" #1	INGHAM (QUEEN)	54.0	SOUTHWESTERN GAS
8325744	F-7C-062609	4210500000		102-4		UNIV "6-30" #1	INGHAM (QUEEN)	25.0	SOUTHWESTERN GAS
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	03/02/83	JA: TX			
8325903	F-08-64121	4210310345		108		STATE "LC" #2	DUNE	0.0	EL PASO NATURAL G
-WATCO ENERGY INC				RECEIVED:	03/02/83	JA: TX			
8325661	F-7C-58248	4239932293		102-4	103	BALES #1	ANDERGRAM (PALO PINTO	26.6	UNION TEXAS PETRO
8325787	F-7C-63413	4239932258		102-4		RODNEY FLANAGAN #3	O V (FRY LOWER)	17.5	ODESSA NATURAL CO
-WCS PETROLEUM INC				RECEIVED:	03/02/83	JA: TX			
8325752	F-03-062731	4205132371		102-2		MILLIE PAGEL #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
-WELLS-BATTELSTEIM OIL & GAS INC				RECEIVED:	03/02/83	JA: TX			
8325700	F-7B-060978	4235331303		102-4		L W SWEET #4	SWEET	13.0	LONE STAR GAS CO
-WESTERN HILLS OIL & GAS CO INC				RECEIVED:	03/02/83	JA: TX			
8325754	F-7B-062755	4236732289		102-4		LAGO LINDO #1 ID NUMBER APPLIED FOR	PEASTER SE (MARBLE FA	2.0	TEXAS UTILITIES F
-WILLIAM PERLMAN				RECEIVED:	03/02/83	JA: TX			
8325719	F-7C-061773	4243532609		103	107-TF	ADA CAUTHORN 403	SHURLEY RANCH (CANYON	0.0	EL PASO NATURAL G
8325663	F-7C-58269	4243532812		102-2	107-TF	MACK CAUTHORN #1295	SHURLEY RANCH (CANYON	0.0	EL PASO NATURAL G
8325662	F-7C-58268	4243532809		102-2	107-TF	MACK CAUTHORN #1296	SHURLEY RANCH (CANYON	0.0	EL PASO NATURAL G
-WILLIAMS EXPLORATION COMPANY				RECEIVED:	03/02/83	JA: TX			
8325736	F-02-062438	4205731288		102-4		P H WELDER "D" #8	KATIE WELDER F-4	7.0	SEAGULL PIPELINE
-WINDSOR GAS CORP				RECEIVED:	03/02/83	JA: TX			
8325718	F-7C-061772	4243532659		103	107-TF	DUKE WILSON #1364	SHURLEY RANCH (CANYON	0.0	VALERO TRANSMISSI
-WOOD & LOCKER INC				RECEIVED:	03/02/83	JA: TX			
8325789	F-08-63459	4217331275		102-4		NUTT 35 #2	NUTT (LOWER WOLFCAMP)	37.0	EL PASO NATURAL G
WEST VIRGINIA DEPARTMENT OF MINES									
-DORAN & ASSOCIATES INC				RECEIVED:	03/01/83	JA: WV			
8325941		4704102864		108		CECIL REXROAD #1 KL-172	FREEMANS CREEK DISTRI	25.0	CONSOLIDATED GAS
8325934		4703322241		108		JOHN DYE #1 KL-127	SARDIS DISTRICT	25.0	CONSOLIDATED GAS
8325932		4703301982		108		MAE ROGERS #1 KL-80	EAGLE DISTRICT	25.0	CONSOLIDATED GAS
8325930		4703302063		108		MCDONALD #1 KL-218	CLAY DISTRICT	25.0	CONSOLIDATED GAS
8325931		4703302006		108		REBECCA MASON #1 KL-220	EAGLE DISTRICT	25.0	CONSOLIDATED GAS
8325928		4704900652		108		RICHARD HARDESTY #1 KL-107	MANNINGTON DISTRICT	25.0	CONSOLIDATED GAS
8325927		4704102865		108		U REXROAD #2 KL-173	FREEMANS CREEK DISTRI	25.0	CONSOLIDATED GAS
8325935		4704102866		108		U REXROAD #3 KL-176	FREEMANS CREEK	25.0	CONSOLIDATED GAS
8325929		4703302232		108		W M JETT #1 KL-224	ELK DISTRICT	25.0	CONSOLIDATED GAS
-FRANCIS E CAIN				RECEIVED:	03/01/83	JA: WV			
8325916		4701303339		103		MRYLA STEVENS #1	CENTER	0.0	ROARING FORK GAS
8325915		4701303120		108		W S FERRELL #4	CENTER	0.0	CABOT CORP
-H D WELLS OIL & GAS EXPL & DEVEL IN				RECEIVED:	03/01/83	JA: WV			
8325939		4703501680		103		OLIVER Z LOGSTON #1	POND CREEK	0.0	GAS TRANSPORT INC
8325940		4703501679		103		W A DELANEY HEIRS #1	POND CREEK	12.0	GAS TRANSPORT INC
-MERT DEVELOPMENT INC				RECEIVED:	03/01/83	JA: WV			
8325917		4700101663		103		MILLER #1	COVE DISTRICT	80.0	COLUMBIA GAS TRAN
8325918		4700101580		103		MOUSER #1	GLADE	85.0	COLUMBIA GAS TRAN
8325919		4708300559		103		POSSON #1	ROARING CREEK	50.0	COLUMBIA GAS TRAN
-PATRICK PETROLEUM CORP (MI)				RECEIVED:	03/01/83	JA: WV			
8325909		4700101136		108		BARTLETT-MARSH B-354	PLEASANT DISTRICT	0.0	CONSOLIDATED GAS
8325913		4704700515		108		ELIZABETH ESTEP #1	SANDY RIVER DISTRICT	0.0	CABOT CORP
8325910		4700100900		108		GLADLYN MCDERMITT #1	PHILIPPI DISTRICT	0.0	CONSOLIDATED GAS
8325906		4700101209		108		J M DUCKWORTH B-1538	PLEASANT	0.0	CONSOLIDATED GAS
8325911		4700100717		108		J L MCBEE #1	PLEASANT DISTRICT	0.0	CONSOLIDATED GAS
8325938		4704102571		108		JOHN A SUTTON B-1506	HACKERS CREEK DISTRIC	0.0	CONSOLIDATED GAS
8325908		4700101181		108		KELLER-MURPHY B-698	PLEASANT DISTRICT	0.0	CONSOLIDATED GAS
8325912		4710900709		108		LASHER ESTATE #1	HUFF CREEK DISTRICT	0.0	CABOT CORP
8325914		4703300767		108		LATE C SMITH #1	SIMPSON DISTRICT	0.0	PETRO-LEWIS CORP
8325933		4700101142		108		RUTH WOODS DAYTON B-675	PHILIPPI DISTRICT	0.0	CONSOLIDATED GAS
8325924		4700100697		108		W H LANTZ #1	PHILIPPI DISTRICT	0.0	CONSOLIDATED GAS
8325907		4700101199		108		WILLIS LANTZ #1 B-1513	PHILIPPI DISTRICT	0.0	CONSOLIDATED GAS
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:	03/01/83	JA: WV			
8325936		4705901005		107-DV		C-26	HARDEE	35.0	COLUMBIA GAS TRAN
8325920		4705901008		107-DV		C-31	HARDEE	35.0	COLUMBIA GAS TRAN
8325937		4705901006		107-DV		C-32	HARDEE	35.0	COLUMBIA GAS TRAN
8325922		4705901007		107-DV		C-33	HARDEE	35.0	COLUMBIA GAS TRAN
8325921		4705901008		107-DV		C-34	HARDEE	35.0	COLUMBIA GAS TRAN
8325926		4705901004		107-DV		C-35	HARDEE	35.0	COLUMBIA GAS TRAN
-TECHWELL INC				RECEIVED:	03/01/83	JA: WV			
8325923		4708505449		107-DV		W VA INVESTMENT CORP D-3	GRANT DISTRICT	0.0	CABOT CORP
8325925		4708505450		107-DV		W VA INVESTMENT CORP D-6	GRANT DISTRICT	0.0	CABOT CORP
WYOMING OIL & GAS CONSERVATION COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	03/09/81	JA: WY			
8151042	NG206-80	4903720811		102-4		CHAMPLIN 313 AMOCO "A" WELL #1	STEWART CREEK UNIT	110.0	CITIES SERVICE GA
8151040	NG178-80	4903721456		102-2		CHAMPLIN 452 AMOCO "E" WELL #1	SIBERIA RIDGE	111.0	CITIES SERVICE GA
8151041	NG178-80A	4903721456		102-2		CHAMPLIN 452 AMOCO "E" WELL #1 LEWI	SIBERIA RIDGE	111.0	CITIES SERVICE GA
8151045	NG215-80	4904120055		102-4		RYCKMAN CREEK UNIT #1	RYCKMAN CREEK	250.0	NORTHWEST PIPELIN
8151046	NG216-80	4904120089		102-4		RYCKMAN CREEK UNIT #10	RYCKMAN CREEK	450.0	NORTHWEST PIPELIN
8151043	NG213-80	4904120158		102-2		RYCKMAN CREEK UNIT #18	RYCKMAN CREEK	300.0	NORTHWEST PIPELIN
8151044	NG214-80	4904120346		102-2		RYCKMAN CREEK UNIT #31	RYCKMAN CREEK	200.0	NORTHWEST PIPELIN
-CHEVRON U S A INC				RECEIVED:	03/26/82	JA: WY			
8258132	NG254-81	4904120362		102-4		PAINTER RESERVOIR UNIT 13-29B	PAINTER RESERVOIR	367.0	INTERNORTH INC
8258133	NG255-81	4904120270		102-4		PAINTER RESERVOIR UNIT 23-31B	PAINTER RESERVOIR	2476.0	INTERNORTH INC

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CIG EXPLORATION INC				RECEIVED:	03/09/81	JA: MY			
8151038 MG94-80		4901320710		103		LYSITE 1-11	LYSITE 1-11	150.0	COLORADO INTERSTA
-CONSOLIDATED OIL & GAS INC				RECEIVED:	03/09/81	JA: MY			
8151035 MG69-80		4900500000		108		DALY #2	HERMAN	3.0	ARCO OIL & GAS CO
8151036 MG70-80		4900500000		108		DALY #3	HERMAN	3.0	ARCO OIL & GAS CO
-DAVIS OIL COMPANY				RECEIVED:	03/09/81	JA: MY			
8151037 MG147-80		4901920544		102-2		I C STATE #1	INDIAN CREEK	16.0	PHILLIPS PETROLEU
8151039 MG153-80A		4901920546		102-2		SCHOONOVER ROAD #2	INDIAN CREEK	15.6	PHILLIPS PETROLEU
-J M HUBER CORPORATION				RECEIVED:	03/01/83	JA: MY			
8325985 MG-296-79B		4901300000		108-ER		DAVISON #6-1	POISON CREEK	0.0	
8325984 MG-296-79A		4901300000		108-SA		DAVISON #6-1	POISON CREEK	0.0	
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
**********									
-CMG PRODUCING COMPANY				RECEIVED:	03/02/83	JA: LA 3			
8325967 G2-2891		1770340125		102-5		452	EAST CAMERON	400.0	CONSOLIDATED GAS
-CONOCO INC				RECEIVED:	03/02/83	JA: LA 3			
8325946 G2-2813		1770840429		102-5		SOUTH MARSH ISLAND 137 A-13D	SOUTH MARSH ISLAND	258.0	MICHIGAN WISCONSI
8325960 G2-2808		1770840241		102-5		SOUTH MARSH ISLAND 137 A-5D	SOUTH MARSH ISLAND	950.0	MICHIGAN WISCONSI
-CONOCO INC				RECEIVED:	03/04/83	JA: LA 3			
8326002 G2-2801		1770840241		102-5		SOUTH MARSH ISLAND 137 A-5	SOUTH MARSH ISLAND	250.0	MICHIGAN WISCONSI
-EXXON CORPORATION				RECEIVED:	03/02/83	JA: LA 3			
8325957 G2-3215		1771540373		102-5		OCS-G 1255 #D-11	SOUTH TIMBALIER	325.0	TRUNKLINE GAS CO
8325947 G2-2921		1771540370		102-5		OCS-G 1255 #D-13	SOUTH TIMBALIER	70.0	TRUNKLINE GAS CO
8325966 G2-2888		1771040961		102-5		OCS-G 2111 #C-6	EUGENE ISLAND	50.0	COLUMBIA GAS TRAN
8325950 G2-3123		1771040993		102-5		OCS-G 2111 #C-9	EUGENE ISLAND	100.0	COLUMBIA GAS TRAN
8325955 G2-3023		1774017900		102-5		OCS-G 2970 #A-10	MISSISSIPPI CANYON	300.0	SOUTHERN NATURAL
8325959 G3-3435		1770840581		102-1		OCS-G 4109 #A-10	SOUTH MARSH ISLAND	4000.0	COLUMBIA GAS TRAN
8325943		1771740130		102-5		OCS-033 #3	GRAND ISLE	50.0	COLUMBIA GAS TRAN
-GULF OIL CORPORATION				RECEIVED:	03/02/83	JA: LA 3			
8325962 G3-3431		1771540438		102-1		OCS-G 3593 #A-5	SOUTH TIMBALIER	1825.0	TEXAS EASTERN TRA
8325954 G3-3439		1770640496		102-1		VERMILION BLK 260 OCS-G 3552 #A-3	VERMILION	3000.0	TEXAS EASTERN TRA
8325961 G3-3438		1770640496		102-1		VERMILION BLK 260 OCS-G 3552 #A-3D	VERMILION	3000.0	TEXAS EASTERN TRA
-MARATHON OIL COMPANY				RECEIVED:	03/02/83	JA: LA 3			
8325944 G-2-3364		1771940239		102-1		WEST DELTA BLOCK 86 WELL #A-5	WEST DELTA	3650.0	TEXAS EASTERN TRA
-MESA PETROLEUM CO				RECEIVED:	03/02/83	JA: LA 3			
8325956 G2-2882		1770640436		102-5		VERMILION BLK 348 WELL #A-6	VERMILION BLOCK	20.0	TRUNKLINE GAS CO
8325953 G2-2883		1770640436		102-5		VERMILION BLOCK 348 WELL #A-6D	VERMILION BLOCK	1825.0	TRUNKLINE GAS CO
8325951 G2-2916		1770640439		102-5		VERMILION BLOCK 348 WELL #A-8	VERMILION BLOCK	20.0	TRUNKLINE GAS CO
8325958 G2-3164		1770640511		102-1		VERMILION 381 #A-3	VERMILION	1200.0	UNITED GAS PIPE L
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED	03/02/83	JA: LA 3			
8325968 G2-3416		1771140594		102-1		SHIP SHOAL 182 #1-B	SHIP SHOAL	123.5	
8325965 G2-3418		1771140606		102-1		SHIP SHOAL 182 #2-B (ALT)	SHIP SHOAL	120.8	
8325963 G2-3425		1771140631		102-1		SHIP SHOAL 182 #3 - A	SHIP SHOAL	70.0	
8325964 G2-2782		1771340061		102-;		SOUTH PELTO 9 #6B	SOUTH PELTO	164.0	TRANSCONTINENTAL
-OXOCO OIL & GAS CO				RECEIVED:	03/02/83	JA: LA 3			
8325942 G2-3281		1770940472		107-DP		OCS-G-2893 #5A	EUGENE ISLAND	2000.0	TENNESSEE GAS PIP
-SHELL OFFSHORE INC				RECEIVED:	03/02/83	JA: LA 3			
8325952 G2-3103		1770540483		107-DP		OCS-G 3128 JA-3	VERMILION	2.0	COLUMBIA GAS TRAN
-TENNECO OIL COMPANY				RECEIVED:	03/02/83	JA: LA 3			
8325948 G2-3410		1773140038		102-1		SABINE PASS 11 #B-2	SABINE PASS	[illegible].0	TENNESSEE GAS PIP
-TEXACO INC				RECEIVED:	03/02/83	JA: LA 3			
8325949 G2-2979		1771840664		102-5		OCS-G-2608 E I 313 #B-7	EUGENE ISLAND	346.0	COLUMBIA GAS TRAN
8325945 G2-2975		1771040590		102-5		OCS-G-2608 EUGENE ISLAND 313 #B-3 M	EUGENE ISLAND	876.0	COLUMBIA GAS TRAN

[FR Doc. 83-8778 Filed 4-4-83; 8:45 am]

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[Volume 8

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[Volume 862]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 30, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publicaton of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd. Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seansonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS — VOLUME 862

ISSUED MARCH 30, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION									
-ANDOVER OIL COMPANY			RECEIVED: 03/02/83 JA: OK						
8326354	19228	3501721953		102-4	103	COURTNEY #36-1		110.0	PHILLIPS PETROLEU
-BLUE QUAIL ENERGY INC			RECEIVED: 03/02/83 JA: OK						
8326322	20279	3510920626		103		MARUSKA #1		0.0	CONOCO INC
8326321	20278	3501722333		IVI		VASICEK #1	E MUSTANG	0.0	CONOCO INC
-C & K PETROLEUM INC			RECEIVED: 03/02/83 JA: OK						
8326319	20272	3508720417		103		HARRISON 3-30	N E LINDSEY	180.0	WARREN PETROLEUM
-CLARK RESOURCES INC			RECEIVED: 03/02/83 JA: OK						
8326324	20283	3507323679		103		POST 22-1	SOONER TREND	40.0	CONOCO INC
8326326	20300	3505320878		III		YERIAN 9-1		25.0	SUN EXPLORATION &
-CORE PETROLEUM LTD			RECEIVED: 03/02/83 JA: OK						
8326338	23357	3501521435		102-2		JENNINGS #1-20		0.0	PRODUCERS GAS CO
-DAVID E MORGAN			RECEIVED: 03/02/83 JA: OK						
8326343	20026	3504700000		III		LANG #1	SOONER TREND	0.0	CHAMPLIN PETROLEU
-DEMCO OIL & GAS COMPANY			RECEIVED: 03/02/83 JA: OK						
8326348	19663	3507121993		108		KAHLE #1-1		6.2	CITIES SERVICE GA
-EL PASO NATURAL GAS COMPANY			RECEIVED: 03/02/83 JA: OK						
8326318	19171	3512920759		102-4	103	JENCKS #1	BERLIN NW CHEROKEE	700.0	EL PASO NATURAL G
-ENSERCH EXPLORATION INC			RECEIVED: 03/02/83 JA: OK						
8326352	18470	3506700000		III		LIBERTY NATIONAL BANK TRUST #2	BLANCHARD	315.0	LONE STAR GAS CO
8326347	14923	3514900000		108-ER		R G JOHNSON #1	BURNS FLAT	21.0	NATURAL GAS PIPEL
-ESTORIL PRODUCING CORP			RECEIVED: 03/02/83 JA: OK						
8326331	19170	3512500000		102-2	103	CARPENTER #1	NE TECUMSEH	0.0	BETHEL GAS CO
8326339	19169	3512500000		102-2	103	ROSE #1	NE TECUMSEH	146.0	BETHEL GAS CO
-EXXON CORPORATION			RECEIVED: 03/02/83 JA: OK						
8326328	22981	3512920831		107-DP		MOORE-MORRISON #1	WEST REYDON	94.0	EL PASO NATURAL G
-GRAHAM-MICHAELIS CORP			RECEIVED: 03/02/83 JA: OK						
8326344	20031	3513900000		108		LEE #1-15	CAMRICK	10.0	KANSAS-NEBRASKA N
-GREEN OPERATING CO			RECEIVED: 03/02/83 JA: OK						
8326309	20133	3504720398		108		EIFERT 33-1	SOONER TREND	6.0	CITIES SERVICE GA
8326308	20132	3504720501		III		GREGORY 31-1	SOONER TREND	8.0	CITIES SERVICE GA
8326310	20134	3509320271		108		HAMMOND 24-1	SOONER TREND	12.0	CITIES SERVICE GA
8326312	20136	3504720333		108		LIGHT #1	SOONER TREND	15.0	CITIES SERVICE GA
8326311	20135	3504720469		III		OPAL 16-1	SOONER TREND	5.0	CITIES SERVICE GA
8326313	20137	3507320404		108		STOTTS 6-1	SOONER TREND	9.0	CITIES SERVICE GA
8326314	20138	3504720349		108		TUCKER 34-1	SOONER TREND	6.0	CITIES SERVICE GA
-GULF OIL CORPORATION			RECEIVED: 03/02/83 JA: OK						
8326332	20113	3507300000		108		BOECKMAN #1	LINCOLN SE	6.0	CONOCO INC
-HACKATHORN H A			RECEIVED: 03/02/83 JA: OK						
8326348	16796	3503100030		103	108	HACKATHROM #20	EAST LAWTON	0.0	MANN INDUSTRIES I
-JORDAN OIL & GAS COMPANY			RECEIVED: 03/02/83 JA: OK						
8326351	17810	3504520641		103		BERRY #1-3	GAGE SOUTHWEST	73.0	TRANSWESTERN PIPE
8326327	21383	3504520949		103		EHRLICH #1-11	GAGE SOUTH	55.0	TRANSWESTERN PIPE
8326349	17718	3504520969		102-2	103	HOUGH 1-35	GAGE SOUTHWEST	73.0	TRANSWESTERN PIPE
8326350	17719	3504520995		III		STUART #1-4	GAGE SOUTHWEST	73.0	TRANSWESTERN PIPE
-JUMAS OIL PART CORP			RECEIVED: 03/02/83 JA: OK						

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
						MEFF UNIT 03	LYONS-QUINN	8.8	PHILLIPS PETROLEU
8326341	19759	3510700000		108		RECEIVED: 03/02/83 JA: OK			
-KEY DRILLING CO				103		LEWIS 04	HECTORVILLE	1.0	PHILLIPS PETROLEU
8326353	18603	3511122483				RECEIVED: 03/02/83 JA: OK			
-MOBIL OIL CORP				108		GRAHAM DEESE UNIT 01-16EC(LAMMAN 016	SHO VEL TUM	8.0	LONE STAR GAS CO
8326333	20175	3501900000				RECEIVED: 03/02/83 JA: OK			
-MULTISTATE OIL PROPERTIES IN				103		SOUTH GRAHAM DEESE SAND UNIT 04-13A	SHO-VEL-TUM	10.0	MOBIL OIL CORP
8326317	19596	3501922562				RECEIVED: 03/02/83 JA: OK			
-NATURAL GAS AMADARKO INC				102-2		BLAIR 1-33	SOUTH ORAY	200.0	TRANSWESTERN PIPE
8326356	19587	3500722315				RECEIVED: 03/02/83 JA: OK			
-QUANTUM RESOURCES CORP				103		GUNGOLL 01		8.0	UNION TEXAS PETRO
8326355	19255	3504700000				RECEIVED: 03/02/83 JA: OK			
-RAINBOW OIL & GAS EXPLORATION				103		SCHOOL LAND A 04		0.0	MID-AMERICA GAS L
8326358	18401	3511700000				RECEIVED: 03/02/83 JA: OK			
-RAMBLER OIL CO				105		WILLIAMSON 01-17		0.0	WARREN PETROLEUM
8326342	19797	3504921990				RECEIVED: 03/02/83 JA: OK			
-REYNOLDS EXPLORATION CO				103		LADWIG 01	SOONER TREND	0.0	CITIES SERVICE CO
8326346	20095	3507322979		103		MICHAEL 01		0.0	UNION TEXAS PETRO
8326345	20094	3504722688				RECEIVED: 03/02/83 JA: OK			
-SAMSON RESOURCES COMPANY				107-DP		MINDEMANN 01	EAST APACHE	1243.9	EL PASO NATURAL G
8326329	23131	3501521471				RECEIVED: 03/02/83 JA: OK			
-SANQUINE LTD				107-DP		BRYAN 01		938.0	UNITED GAS PIPE L
8326335	23365	3510521496				RECEIVED: 03/02/83 JA: OK			
-SNAR-ALAM OIL CO				105		ROBERTS 1-A	CEDARDALE NE	0.0	WESTERN FARMERS E
8326315	23369	3515321418				RECEIVED: 03/02/83 JA: OK			
-STAR RESOURCES INC				103		MATTHEWS 1-4	E METUMKA	45.6	PUBLIC SERVICE CO
8326323	20231	3506321601		103		PARKS 2-15	E METUMKA	73.0	PUBLIC SERVICE CO
8326324	20229	3506321602				RECEIVED: 03/02/83 JA: OK			
-SUN EXPLORATION & PRODUCTION CO				108		R A STAPLES 02	WEST SAMS	3.0	ARCO OIL & GAS CO
8326337	17088	3510300000		108-ER		S W WAKITA UNIT 09-3	S W WAKITA	26.0	CITIES SERVICE GA
8326336	04534	3505300000		103		STROUD PRUE UNIT 015-4	STROUD	0.0	KERR MCGEE CORP
8326325	20286	3503724111				RECEIVED: 03/02/83 JA: OK			
-TENNECO OIL COMPANY				108		E G MARSHALL 1-27	SOONER TREND	7.0	EXXON OIL CO USA
8326307	19587	3507335873		108		EMMA M LUDWIG 1-39	SOONER TREND	4.0	EXXON OIL CO USA
8326305	19585	3507335891		108		HAROLD NEILL 1-27	SOONER TREND	5.0	CONTINENTAL OIL C
8326306	19586	3507350401				RECEIVED: 03/02/83 JA: OK			
-TME WIL-MC OIL CORP				103		COWHERD 01	MAKITA	180.0	SUN GAS CO
8326316	20259	3505320671				RECEIVED: 03/02/83 JA: OK			
-WOOD & LOCKER INC				103		DROKE 01	COTTAGE GROVE	10.0	HYDROCARBON SERVI
8326320	20277	3504321495							

TEXAS RAILROAD COMMISSION

-AMERADA HESS CORPORATION						RECEIVED: 03/07/83 JA: TX	LOST MOGOTES (LOBO 6)	200.0	NATURAL GAS PIPEL
8326859	F-04-055330	4238531339		102-2	107-TF	LEONARD MAYNES ESTATE 09			
-AMOCO PRODUCTION CO						RECEIVED: 03/07/83 JA: TX	LA SAL VIEJA (8 9680-	912.5	TENNESSEE GAS PIP
8326135	F-04-065808	4248930703		103		GAS UNIT B ZONE 8 01	BLOCKER (COTTOM VALLE	6.1	UNITED GAS PIPELI
8326120	F-06-065511	4220330555		107-RT		KATHLEEN M RESCH 01			
-APEX PETROLEUM INC						RECEIVED: 03/07/83 JA: TX	WOLF (SERRATT)	24.0	EL PASO HYDROCARB
8326406	F-7B-061998	4208332336		102-4		JOHN E WOLF 04-A	WOLF (SERRATT)	37.0	EL PASO HYDROCARB
8326081	F-7B-062601	4208333143		102-4		JOHN E WOLF 07			
-ARCADIA REFINING CO						RECEIVED: 03/07/83 JA: TX	CYRIL (TRAVIS PEAK-A)	0.0	HENDERSON CLAY PR
8326131	F-06-063737	4248130951		102-4		A F COOPER 810346			
-ARCO OIL AND GAS COMPANY						RECEIVED: 03/07/83 JA: TX	TWIN (TONKOWA)	25.6	NATURAL GAS PIPEL
8326063	F-10-020705	4219500000		108-ER		LAURENCE J FITZSIMON 01			
-B&L OPERATING CO						RECEIVED: 03/07/83 JA: TX	MIDKIFF (ADAMS BRANCH	0.0	ODESSA NATURAL CO
8326201	F-7B-064147	4213300000		102-4		MIDKIFF 010 (18556)			
-BEACH EXPLORATION INC						RECEIVED: 03/07/83 JA: TX	GORDON STREET (WOLFCA	66.8	PHILLIPS PETROLEU
8326162	F-08-064022	4217331280		103		HOUSTON "A" 01			
-BILL J GRAHAM						RECEIVED: 03/07/83 JA: TX	SHIPLEY (YATES)	27.3	WARREN PETROLEUM
8326161	F-08-063987	4247500000		103		JILL 01			
-C. J. WOFFORD						RECEIVED: 03/07/83 JA: TX	ERATH COUNTY REGULAR	6.0	CORONADO TRANSMIS
8326111	F-7B-063356	4214338643		103		W G HIGGINBOTTOM 01 LEASE 017102	ERATH COUNTY REGULAR	6.0	CORONADO TRANSMIS
8326112	F-7B-063357	4214330652		103		PARKER-HIGGINBOTTOM 01-LEASE 017044			
-CARLSON PETROLEUM CO						RECEIVED: 03/07/83 JA: TX	MINDEN W (RODESSA)	124.0	TEXAS UTILITIES F
8326302	F-04-064428	4240131170		102-4		CURTIS ALLEN 01-C			
-CARTER EXPLORATION CO						RECEIVED: 03/07/83 JA: TX	LINKE SW (3RD NET) FI	200.0	VALERO TRANSMISSI
8326066	F-02-035653	4282500000		102-4		RUTH HARTZENDORF 01	ROMERO TRAP (PETTUS)	0.0	VALERO TRANSMISSI
8326068	F-04-044153	4226900000		103		SCHAEFFER RANCH 01			
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 03/07/83 JA: TX	STRATTON (8-9 RES 7)	401.5	TENNESSEE GAS PIP
8326078	F-04-044668	4235531733		102-4		G P WARDNER 0154	BOONESVILLE (BEND COM	247.0	SOUTHWESTERN GAS
8326101	F-09-062984	4249700000		103		M ARDINGER 02			
-CHEVRON U S A INC						RECEIVED: 03/07/83 JA: TX	KELLY-SNYDER	61.0	EL PASO NATURAL G
8326139	F-8A-063857	4241532262		103		SACROC UNIT 8124-22	KELLY-SNYDER	83.0	EL PASO NATURAL G
8326141	F-8A-063859	4241532287		103		SACROC UNIT 827-16	KELLY - SNYDER	143.0	EL PASO NATURAL G
8326140	F-8A-063858	4241532278		103		SACROC UNIT 832-28	KELLY-SNYDER	190.0	EL PASO NATURAL G
8326138	F-8A-063856	4241532289		103		SACROC UNIT 833-13	KELLY-SNYDER	165.0	EL PASO NATURAL G
8326137	F-8A-063855	4241532290		103		SACROC UNIT 833-14	KELLY-SNYDER	90.0	EL PASO NATURAL G
8326136	F-8A-063854	4241532280		103		SACROC UNIT 874-5			
-CITIES SERVICE COMPANY						RECEIVED: 03/07/83 JA: TX	COLLIE (DELAWARE)	29.0	INTRATEX GAS CO
8326215	F-08-064182	4238931310		103		LAYDEN A 06	COLLIE (DELAWARE)	69.0	INTRATEX GAS CO
8326216	F-08-064183	4238931311		103		LAYDEN-A 03	COWDEN NORTH	8.0	AMOCO PRODUCTION
8326209	F-08-064167	4213534031		103		RHODES COWDEN UNIT 0446	COWDEN NORTH	5.0	AMOCO PRODUCTION
8326210	F-08-064168	4213534030		103		RHODES COWDEN UNIT 0449	COWDEN NORTH	6.0	AMOCO PRODUCTION
8326211	F-08-064169	4213534026		103		RHODES COWDEN UNIT 0450	APPLEBY N (COTTON VAL	71.0	UNITED GAS PIPE L
8326231	F-06-064218	4236730680		102-2	107-TF	STEWART C 01			
-CLOVER ENERGY CORP						RECEIVED: 03/07/83 JA: TX	SHERIFF EAST (8800-A)	8.0	UNITED TEXAS TRAN
8326005	F-02-061868	4205731201		102-4		M M WILSON III 01			
-CMC ENERGY INC						RECEIVED: 03/07/83 JA: TX	BENAVIDES (WALSTEAD 3	3.0	ESPERANZA TRANSMI
8326117	F-04-063626	4213100000		108		SOLIZ A WELL NO 3 098361			
-COASTAL OIL & GAS CORP						RECEIVED: 03/07/83 JA: TX	YZAGUIRRE (8500)	18.0	VALERO TRANSMISSI
8326273	F-04-064553	4242700000		108		NIMMO U 01			
-COMANCHE ENERGY AGENCY						RECEIVED: 03/07/83 JA: TX	WILDCAT	425.0	LONE STAR GAS CO
8326121	F-7B 063557	4205933946		102-4		LINDA JONES 01			
-CONOCO INC						RECEIVED: 03/07/83 JA: TX	JESS BURNER/DELAWARE	876.0	EL PASO NATURAL G
8326822	F-08-061619	4238931303		103		BELL "44" 010 ID 027643	SLAUGHTER	1.2	AMOCO PRODUCTION
8326256	F-8A-064251	4207900000		108		CONOCO DEAN UNIT 048 (60106)	ACKERLY (DEAN SAND)	8.8	TEXACO
8326030	F-8A-064511	4211531732		103		EAST ACKERLY DEAN UNIT 070 ID 60687	ACKERLY NORTH/CISCO	1.2	GETTY OIL CO
8326255	F-8A-064252	4211500000		108		GONZELL MOGO 01 (60914)	SPRABERRY/TREND AREA	6.9	ADOBE OIL CO
8326258	F-04-064255	4231731234		108		GRISHAM & GREEMAN 019 (22261)	GUEST/CANYON SAND	0.2	CITIES SERVICE CO
8326257	F-7B-064256	4243500000		108		GUEST/CANYON SAND/UNIT 834 (10855)	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326294	F-01-064490	4232531166		103		M J CHITTIM 03857	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326291	F-01-064187	4232531360		103		M J CHITTIM 03863	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326292	F-01-064188	4232531389		103		M J CHITTIM 0547	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326296	F-01-064483	4232531390		103		M J CHITTIM 0548			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8326300	F-01-064407	42323331391		103		M J CHITTIM #549	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326299	F-01-064406	42323331392		103		M J CHITTIM #550	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326298	F-01-064405	42323331502		103		M J CHITTIM #551	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326297	F-01-064404	42323331504		103		M J CHITTIM #612	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326295	F-01-064401	42323331503		103		M J CHITTIM #613	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326286	F-01-064392	42323331393		103		M J CHITTIM #6551	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326287	F-01-064393	42323331394		103		M J CHITTIM #6552	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326288	F-01-064394	42323331395		103		M J CHITTIM #6553	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326289	F-01-064395	42323331396		103		M J CHITTIM #6554	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326290	F-01-064396	42323331397		[illegible]		M J CHITTIM #6555	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326301	F-01-064408	4223313980		103		M J CHITTIM #6556	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326293	F-01-064399	42323331505		103		M J CHITTIM MD 614	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8326259	F-7B-064256	4215130365		[illegible]		ROUND TOP/CANYON SAND/UNIT #21 1908	ROUND TOP	9.6	LONE STAR GAS CO
8326256	F-08-064253	4213500000		108		TXL 44-43 87 (16192)	LAWSON/SAN ANDRES	3.3	PHILLIPS PETROLEU
-CROWN CENTRAL PETROLEUM CORP				RECEIVED:	03/07/83	JA: TX			
8326059	F-05-058031	4234900000		103		CHAPMAN #9	POWELL	160.0	LONE STAR GAS CO
-D L DORLAND INC				RECEIVED:	03/07/83	JA: TX			
8326158	F-08-063958	4222732855		103		M M O'DANIEL EST "A"	DORLAND (FUSSELMAN)	10.5	GETTY OIL CO
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	03/07/83	JA: TX			
8326064	F-10-026777	4229500000		108-ER		BASIL DUKE 1-727	BRADFORD NW	4.0	
8326046	F-10-059476	4235731196		102-4	103	DREW ELLIS #2-831	DREW ELLIS	120.0	NATURAL GAS PIPEL
-E C WHITE OIL CO				RECEIVED:	03/07/83	JA: TX			
8326017	F-8A-061325	4207900000		103		J D LANEY #11	LEVELLAND	1.0	CITIES SERVICE GA
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/07/83	JA: TX			
8326029	F-7C-060468	4243519217		108		MECKEL #3	SONORA (CANYON UPPER)	26.0	EL PASO NATURAL G
-EXPANDO PRODUCTION CO				RECEIVED:	03/07/83	JA: TX			
8326090	F-02-062752	4239100000		108		DAVENPORT #1	REFUGIO HEARD 6000	8.0	UNITED GAS PIPELI
-EXXON CORPORATION				RECEIVED:	03/07/83	JA: TX			
8326285	F-03-064389	4220131483		103		E F MILO #16	TOMBALL (SCHULTZ SE)	18.3	NATURAL GAS PIPEL
8326015	F-03-061193	4220131416		103		EXXON-WEST FEE 'C' A/C 1 #84	CLEAR LAKE W (MARGINU	720.0	ARMCO STEEL CORP
8326169	F-08-064048	4237134084		103		FORT STOCKTON UNIT #513	FORT STOCKTON (YATES	20.0	MUECES CO
8326170	F-08-064049	4237134050		[illegible]		FORT STOCKTON UNIT #824	FORT STOCKTON (YATES	24.0	MUECES CO
8326027	F-08-060038	4247532691		103		G Q AVARY JR B #2	RHODA WALKER (CANYON	12.0	INTRATEX GAS CO
8326045	F-06-059440	4240131450		102-4		M A PIERCY OIL UNIT 1 #1	OVERTON N E (PETTIT)	57.0	ARMCO STEEL CORP
8326165	F 08-064043	4200333382		103		J S MEANS A/C 2 #2323	MEANS (QUEEN SAND)	15.0	
8326194	F-04-06413	4227331484		103		K R BORREGOS 556 (102750)	BORREGOS (M-5)	62.0	ARMCO STEEL CORP
8326191	F-04-064127	4224931291		102-4		K R BORREGOS 561 (06544)	BORREGOS (ZONE M-4 W)	176.0	ARMCO STEEL CORP
8326192	F-04-064128	4227331709		[illegible]		K R BORREGOS 586-D (102751)	BORREGOS (P-9 UPPER)	402.0	ARMCO STEEL CORP
8326193	F-04-064129	4227331709		103		K R BORREGOS 586-F (102755)	BORREGOS (ZONE M-4 S	291.0	ARMCO STEEL CORP
8326304	F-04-064435	4227330580		102-4		K R EAST LAURELES B-11-D (103028)	BINA (M-54)	685.0	ARMCO STEEL CORP
8326171	F-04-064066	4227330590		102-4		K R VISHAGA 13-D (ID 10135)	YEARY (M-92)	11.0	ARMCO STEEL CORP
8326035	F-03-061192	4215731359		103		KATY GAS FIELD UNIT 2 W-67	KATY S (FIRST WILCOX)	912.5	ARMCO STEEL CORP
8326164	F-7C-064038	4243131126		103		LOU E JOHNSON ESTATE A/C 1 #35	JAMESON (STRAWN)	14.0	KOCH HYDROCARBON
8326020	F-7C-061594	4243131013		103		LOU E JOHNSON ESTATE A/C 2 #32	JAMESON (STRAWN)	18.0	
8326092	F-7C-062838	4243131160		[illegible]		LOU E JOHNSON ESTATE A/C 2 #33	JAMESON (STRAWN)	31.0	KOCH HYDROCARBON
8326087	F-08-062712	4200333341		103		MEANS/SAN ANDRES/UNIT #1762	MEANS	15.0	PHILLIPS PETROLEU
8326095	F-08-062940	4200333339		103		MEANS/SAN ANDRES/UNIT #3064	MEANS	15.0	PHILLIPS PETROLEU
8326168	F-08-064047	4200333338		103		MEANS/SAN ANDRES/UNIT #3356	MEANS	15.0	PHILLIPS PETROLEU
8326086	F-08-062711	4200333337		103		MEANS/SAN ANDRES/UNIT #7470	MEANS	15.0	PHILLIPS PETROLEU
8326113	F-04-063359	4226130735		102-4		MRS S K EAST 139 (102714)	RITA NE (I-45)	1168.0	ARMCO STEEL CORP
8326172	F-04-064067	4226130742		102-4		MRS S K EAST 140 (ID 102946)	RITA NE (K-12)	280.0	ARMCO STEEL CORP
8326060	F-08-058092	4200333258		103		R M MEANS #1051	MEANS (QUEEN SAND)	15.0	PHILLIPS PETROLEU
8326166	F-08-064044	4200333389		103		R M MEANS #9507	MEANS (QUEEN SAND)	15.0	PHILLIPS PETROLEU
8326167	F-08-064046	4200333380		103		R M MEANS #9515	MEANS (QUEEN SAND)	15.0	PHILLIPS PETROLEU
8326303	F-04-064432	4226130700		102-4		RJK JR TR STILLMAN 55 (103129)	TORDILLA (J-66)	310.0	ARMCO STEEL CORP
8326173	F-04-064068	4204731094		103		VFGU #1 V-6-S (103058)	VIBORAS (MASSIVE FIRS	237.0	ARMCO STEEL CORP
8326010	F-06-062491	4236531381		103	107-TF	W R BANKS (CFEC UNIT 558) #3	CARTHAGE (COTTON VALL	420.0	TEJAS GAS CORP
8326208	F-06-064165	4242330563		103	107-TF	WILLIAM A COLE #1	OVERTON (MAYNESVILLE)	245.0	ARMCO STEEL CORP
8326088	F-7C-062714	4238332019		103		ZULETTE HUGHES #5	SPRABERRY (TREND AREA	8.0	EL PASO NATURAL G
-FAIR ENERGY				RECEIVED:	03/07/83	JA: TX			
8326231	F-01-064244	4216331648		102-2		BOOTH "D" #2	PEARSALL AUSTIN CHALK	0.0	CENTRAL ENERGY TR
8326244	F-01-064235	4216300000		102-2		F I BOOTH "C" #1	PEARSALL AUSTIN CHALK	0.0	CENTRAL ENERGY TR
8326245	F-01-064236	4216300000		102-2		F I BOOTH "C" #2	PEARSALL AUSTIN CHALK	0.0	CENTRAL ENERGY TR
8326249	F-01-064241	4216300000		102-2		F I BOOTH "C" #3	PEARSALL AUSTIN CHALK	0.0	CENTRAL ENERGY TR
8326250	F-01-064242	4216300000		102-2		F I BOOTH "C" #4	PEARSALL AUSTIN CHALK	0.0	CENTRAL ENERGY TR
8326252	F-01-064245	4216300000		102-2		FAIRWAY #1	PEARSALL AUSTIN CHALK	0.0	CENTRAL ENERGY TR
8326253	F-01-064246	4216300000		102-2		FAIRWAY #3	PEARSALL AUSTIN CHALK	0.0	CENTRAL ENERGY TR
8326247	F-01-064239	4216300000		102-2		KEYSTONE RANCH #4	PEARSALL AUSTIN CHALK	0.0	CENTRAL ENERGY TR
8326246	F-01-064238	4216300000		102-2		KEYSTONE RANCH #5	PEARSALL AUSTIN CHALK	0.0	CENTRAL ENERGY TR
8326248	F-01-064240	4216300000		102-2		KEYSTONE RANCH 3A	PEARSALL AUSTIN CHALK	0.0	CENTRAL ENERGY TR
-FRED M NEWMAN INC				RECEIVED:	03/07/83	JA: TX			
8326013	F-08-062554	4237100000		103		UNIVERSITY 3 B #1 826595	CARDINAL (QUEEN W)	36.0	INTER NORTH INC
-FURRY PRODUCING CO				RECEIVED:	03/07/83	JA: TX			
8326133	F-7B-063757	4204900000		103		CURTIS LEWIS	BROWN COUNTY REGULAR	2.0	ODESSA NATURAL CO
8326134	F-7B-063777	4204900000		108		CURTIS LEWIS #3	BROWN COUNTY REGULAR	6.0	ODESSA NATURAL CO
-GAYLYN EXPLORATION INC				RECEIVED:	03/07/83	JA: TX			
8326105	F-09-063096	4223734034		108		BRYSON #1 (21944)	BRYSON SW (STRAWN 344	8.0	SOUTHWESTERN GAS
-GENERAL PRODUCTION CO INC				RECEIVED:	03/07/83	JA: TX			
8326008	F-7B-062162	4205132366		103		JOHN PLASEK A-2	WILLARD (HAVARRO)	0.0	FERGUSON CROSSING
-GETTY OIL COMPANY				RECEIVED:	03/07/83	JA: TX			
8326189	F-08-063233	4210332955		103		N MCELROY UT #3951-F RRC #20377	MCELROY	1.0	PHILLIPS PETROLEU
8326024	F-02-059946	4205700000		102-4		TST 95 #2	PANTHER REEF NW (FRIO	250.0	
-GHR ENERGY CORP				RECEIVED:	03/07/83	JA: TX			
8326052	F-04-055939	4250531498		102-4	107-TF	LA PERLA #41	LA PERLA RANCH (LOBO	6.8	VALERO TRANSMISSI
-GIBBS COX & GIBBS INC				RECEIVED:	03/07/83	JA: TX			
8326115	F-7B-063378	4208332695		108		E S HAYNES #2-A (097025)	SANTA ANNA (MARBLE FA	1.0	EL PASO HYDROCARB
8326116	F-7B-063408	4208332046		108		E S HAYNES "A" #1 (089893)	SANTA ANNA (MARBLE PA	1.0	EL PASO HYDROCARB
-GRAHAM ENERGY LTD				RECEIVED:	03/07/83	JA: TX			
8326039	F-08-058576	4235300000		103		FOSTER S PRICE #2	JAMESON NORTH (STRAW)	561.6	SUN OIL CO
-GULF OIL CORPORATION				RECEIVED:	03/07/83	JA: TX			
8326185	F-08-064119	4213501619		108		W E CONNELL "A" #5	JORDAN (ELLENBURGER)	4.1	PHILLIPS PETROLEU
-GULFSTREAM PETROLEUM CORP				RECEIVED:	03/07/83	JA: TX			
8326011	F-02-062499	4205731187		102-4		STATE TRACT 121 WELL #1	SW PANTHER REEF (FRIO	292.0	HOUSTON PIPELINE
-M E BRYAN				RECEIVED:	03/07/83	JA: TX			
8326073	F-10-052443	4220500000		103		DIVINS #1-A	WEST PANHANDLE	310.0	PHILLIPS PETROLEU
8326074	F-10-052445	4220500000		103		REED #1-A	WEST PANHANDLE	813.0	PHILLIPS PETROLEU
-HARRIS EXPLORATION CO				RECEIVED:	03/07/83	JA: TX			
8326051	F-03-055754	4214931207		102-4		C W WEBB #2	GIDDINGS (AUSTIN CHAL	310.2	PHILLIPS PETROLEU
-MENDERSON & ERICKSON				RECEIVED:	03/07/83	JA: TX			
8326097	F-7B-062950	4236332924		103		JAGGERS "A" #3	PALO PINTO COUNTY REG	23.8	LONE STAR GAS CO
8326096	F-7B-062949	4236332925		103		JAGGERS "A" #4	PALO PINTO COUNTY REG	15.5	LONE STAR GAS CO
-MEWIT & DOUGHERTY				RECEIVED:	03/07/83	JA: TX			
8326234	F-02-064221	4239100000		103		M F LAMBERT #124L	TOM O'CONNOR (5900' S	100.0	UNITED TEXAS TRAN
8326233	F-02-064220	4239100000		103		M F LAMBERT #124U	TOM O'CONNOR (4150' S	200.0	UNITED TEXAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	
-HEXAGON OIL & GAS INC				RECEIVED:	03/07/83	JA: TX	
8326265	F-7B-064298	4236332966		102-6		BOARMAN 01-T	
8326163	F-7B-064025	4236332672		102-2		MAYNEY 01	
8326266	F-7B-064299	4236732222		102-6		THOMAS 01	
-HMG OIL COMPANY				RECEIVED:	03/07/83	JA: TX	
8326190	F-7C-062964	4243532844		103	107-TF	SHANLEY "148" 05	
-HOWELL DRILLING INC				RECEIVED:	03/07/83	JA: TX	
8326036	F-02-058438	4228500000		102-6		GEORGIA MAE GRAMMANN GU 01	
-HUGHES & HUGHES				RECEIVED:	03/07/83	JA: TX	
8326110	F-04-063252	4240931674		102-6		R A FROST 01	
-HUNT ENERGY CORPORATION ET AL				RECEIVED:	03/07/83	JA: TX	
8326213	F-10-064178	4268330888		102-2		BRITT-CALDWELL 01	
-ICE BROTHERS				RECEIVED:	03/07/83	JA: TX	
8326102	F-7C-062988	4241330757		103	107-TF	GUNN 01	
-INTERNORTH INC				RECEIVED:	03/07/83	JA: TX	
8326041	F-10-058917	4221100000		103		LOCKHART "C" 38 01	
-J B HERRMANN				RECEIVED:	03/07/83	JA: TX	
8326235	F-10-064225	4223331478		103		LUCAS 011 04565	
8326236	F-10-064226	4223331529		103		LUCAS 012	
-J M HUBER CORPORATION				RECEIVED:	03/07/83	JA: TX	
8326123	F-10-063566	4223300000		108		JOHNSON "E" 03	
8326124	F-10-063567	4223300000		108		JOHNSON "E" 04	
8326125	F-10-063568	4223300000		108		JOHNSON "E" 05	
8326126	F-10-063569	4223300000		108		JOHNSON "E" 06	
-JAMES E HOLDEN				RECEIVED:	03/07/83	JA: TX	
8326021	F-04-061607	4235532064		102-6		L L BAILEY	
-JMI INC				RECEIVED:	03/07/83	JA: TX	
8326069	F-03-067298	4215731232		102-6		HARRISON GAS UNIT 01	
-JOHN L COX				RECEIVED:	03/07/83	JA: TX	
8326078	F-7C-053927	4246131965		103		SKAGGS "B" 01 RRC 08A	
-KY-TEX PETROLEUM CO				RECEIVED:	03/07/83	JA: TX	
8326093	F-7B-062907	4208333231		102-6		R WOLTERS 01	
-L R SPRADLING				RECEIVED:	03/07/83	JA: TX	
8326214	F-10-064179	4223300000		103		JOHNSON A 02 04992	
-L TEXAS PETROLEUM INC				RECEIVED:	03/07/83	JA: TX	
8326055	F-09-057168	4223733557		103		F B MEEKS 02	
-LEONARD BROTHERS OPERATING CO				RECEIVED:	03/07/83	JA: TX	
8326268	F-7B-064259	4214300000		108		W D STEWART UNIT "A" 01 (870113)	
-LYRIC ENERGY INC				RECEIVED:	03/07/83	JA: TX	
8326232	F-10-064219	4217931093		103		SCHAFFER 03	
-M S KLOTZMAN EXPLORATION				RECEIVED:	03/07/83	JA: TX	
8326025	F-02-059949	4246931984		102-6		C H SCHMIDT 01	
-MARSHALL EXPLORATION INC				RECEIVED:	03/07/83	JA: TX	
8326077	F-06-053721	4236530957		103	107-TF	PELLHAM 01	
8326114	F-06-063371	4200131558		102-6	103	TERRELL 01	
-MCCORMICK OPERATING CO				RECEIVED:	03/07/83	JA: TX	
8326056	F-05-057817	4229330520		102-3	107-TF	C B TILLMAN 01	
-MCIVER INC				RECEIVED:	03/07/83	JA: TX	
8326020	F-7B-060059	4208333123		102-6		KEETIE HAYNES 01-C	
-MERCURY EXPLORATION CO				RECEIVED:	03/07/83	JA: TX	
8326089	F-7B-062189	4244131177		102-4		FRANK ANTILLEY 01	
-MIDWAY OIL CORP				RECEIVED:	03/07/83	JA: TX	
8326046	F-03-059238	4205131566		102-6		RATJEN 01	
-MILES PRODUCTION CO				RECEIVED:	03/07/83	JA: TX	
8326087	F-7B-062065	4208331934		102-2		MILLER RANCH GAS "D" 01 PENDING	
-MITCHELL EMERGY CORPORATION				RECEIVED:	03/07/83	JA: TX	
8326072	F-09-052195	4249700000		108		D L BOULWARE 01 029187	
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	03/07/83	JA: TX	
8326203	F-08-064152	4200333230		103		SHAFTER LAKE SAN ANDRES UNIT 8297	
8326204	F-08-064153	4200333237		103		SHAFTER LAKE SAN ANDRES UNIT 8298	
8326205	F-08-064154	4200333236		103		SHAFTER LAKE SAN ANDRES UNIT 8301	
8326206	F-08-064155	4200333239		103		SHAFTER LAKE SAN ANDRES UNIT 8306	
8326207	F-08-064156	4200333222		103		SHAFTER LAKE SAN ANDRES UNIT 8314	
8326202	F-AA-064150	4250132308		102-4		SHOOK ESTATE 03	
-MORROW RESOURCES INC				RECEIVED:	03/07/83	JA: TX	
8326088	F-7C-062568	4245131072		102-2	103	BROWN 07	
8326014	F-7C-062567	4245131077		102-2	103	BROWN "B" 03	
8326096	F-7C-062953	4245131081		102-2	103	BROWN "D" 02	
8326084	F-7C-062673	4245131069		102-2	103	MATHEWS "B" 03	
-MUELLER ENGINEERING CORP				RECEIVED:	03/07/83	JA: TX	
8326037	F-02-058478	4229700000		108-ER		ISABELLE FERRELL C-1	
-PANHANDLE ENERGY CORP				RECEIVED:	03/07/83	JA: TX	
8326143	F-10-063879	4217931264		103		CAROL 01 (ID 0102937)	
-PARKER & PARSLEY INC				RECEIVED:	03/07/83	JA: TX	
8326129	F-08-063662	4231732593		103		GLASS "A" 01	
-PENNZOIL PRODUCING COMPANY				RECEIVED:	03/07/83	JA: TX	
8326284	F-04-064388	4235500000		108		B B SIMMONDS 014	
8326146	F-04-063910	4235500000		108		B B SIMMONDS 022	
8326283	F-04-064387	4235500000		108		CLARA DRISCOLL 0A-12-L	
8326147	F-04-063911	4221500000		108		SAVAGE "A" UNIT 0A-2	
8326145	F-04-063909	4221500000		108		SAVAGE "B" UNIT 08-1-L	
-PETRO PUMP & SUPPLY INC				RECEIVED:	03/07/83	JA: TX	
8326089	F-7B-062738	4205933955		102-4		R M TATOM 01	
-PETROVEST INC				RECEIVED:	03/07/83	JA: TX	
8326071	F-02-051806	4246931858		103		WEISSER 01A 098439	
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	03/07/83	JA: TX	
8326032	F-10-060946	4235731303		103		BENNETTB 03	
8326175	F-10-064095	4217900050		108		FOXX J 02	
8326018	F-10-061473	4217900000		108		HUSTED 03	
8326174	F-10-064094	4217900000		108		JOHNSON A 02	
8326184	F-10-064184	4217900050		108		OSBORNE 01	
8326177	F-10-064097	4217900000		108		OSBORNE 011	
8326176	F-10-064096	4217900000		108		OSBORNE 012	
8326183	F-10-064183	4217900000		108		OSBORNE 03	
8326182	F-10-064182	4217900000		108		OSBORNE 04	
8326181	F-10-064181	4217900000		108		OSBORNE 06	
8326180	F-10-064180	4217900000		108		OSBORNE 07	
8326179	F-10-064099	4217900000		108		OSBORNE 08	
8326178	F-10-064098	4217900000		108		OSBORNE 09	
8326048	F-7C-059829	4243532655		103	107-TF	WARD C 010	
8326049	F-7C-059831	4243532631		103	107-TF	WARD C 09	
8326108	F-10-063172	4223300000		108		YAKE G 06	
-PHYLKO EMERGY CORP				RECEIVED:	03/07/83	JA: TX	
8326212	F-02-064174	4223931809		102-4		VELMA ROBINSON 01 102318	

FIELD NAME	PROD	PURCHASER
MINERAL WELLS E (CONG	18.0	SOUTHWESTERN GAS
MORGAN MILL (MARBLE F	25.0	INTRASTATE GATHER
MOBY DICK (CONGL)	28.0	SOUTHWESTERN GAS
SAWYER (CANYON)	48.0	INTRATEX GAS CO
JANSKY 10,350' FIELD	0.0	EXXON CORP
TAFT SOUTH (8500) (PR	31.0	HOUSTON PIPE LINE
BRITT RANCH	356.0	ARKANSAS-LOUISIAN
ELDORADO (CANYON)	143.4	INTER NORTH INC
	10.5	INTERNORTH INC
PANHANDLE *	28.0	PHILLIPS PETROLEU
PANHANDLE -	0.0	PHILLIPS PETROLEU
PANHANDLE	1.2	COLORADO INTERSTA
PANHANDLE	1.2	COLORADO INTERSTA
PANHANDLE	1.2	COLORADO INTERSTA
PANHANDLE	1.2	COLORADO INTERSTA
HOLDEN (FRIO 5990)	730.0	VICTORIA GAS CORP
KATY S (FIRST WILCOX)	500.0	INTRASTATE GATHER
SPRABERRY (TREND AREA	10.0	PHILLIPS PETROLEU
HEMPHILL (JENNINGS)	634.0	EL PASO HYDROCARB
PANHANDLE	26.0	PHILLIPS PETROLEU
DILLARD SE (ELLENBURG	0.0	CITIES SERVICE GA
X-RAY (MARBLE FALLS)	3.0	LONE STAR GAS CO
PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
PROPOSED COLETO CREEK	0.0	DELHI GAS PIPELIN
CARTHAGE (COTTON VALL	48.0	WESTERN GAS CORP
PURT W (ROBESSA 10,20	100.0	ESPERANZA PIPELIN
KOSSE SE (COTTON VALL	130.0	TEXAS UTILITIES F
TRICKHAM LOWER CROSSC	25.0	LONE STAR GAS CO
JACKIE GRIMM (GARDNER	28.0	VALERO TRANSMISSI
CALDWELL	188.0	CLAJON GAS CO
COLEMAN COUNTY REGULA	70.0	STRIGINE GAS CO
BOONSVILLE (BEND CONG	6.6	SOUTHWESTERN GAS
SHAFTER LAKE (SAN AND	0.4	PHILLIPS PETROLEU
SHAFTER LAKE (SAN AND	13.9	PHILLIPS PETROLEU
SHAFTER LAKE (SAN AND	8.8	PHILLIPS PETROLEU
SHAFTER LAKE (SAN AND	91.2	PHILLIPS PETROLEU
SHAFTER LAKE (SAN AND	12.0	PHILLIPS PETROLEU
BRAHANEY NORTHWEST (D	1.9	
K W B (STRAWN)	0.0	LONE STAR GAS CO
K W B (STRAWN)	0.0	LONE STAR GAS CO
K W B (STRAWN)	0.0	LONE STAR GAS CO
K W B (STRAWN)	0.0	LONE STAR GAS CO
RAMIRENA (YEGUA 2)	15.4	VALLEY GAS TRANSM
PANHANDLE WEST	100.0	CABOT PIPELINE CO
SPRABERRY (TREND AREA	8.0	ADOBE OIL & GAS C
AGUA DULCE (WRIGHT "B	7.0	UNITED GAS PIPE L
AGUA DULCE (5,200')	19.0	UNITED GAS PIPE L
AGUA DULCE (7,550' ST	9.0	UNITED GAS PIPE L
HIDALGO (BELL) AND (H	7.0	VAL GAS CO
HIDALGO (CORD)	22.0	VAL GAS CO
MIS RAIZES (DUFFER)	77.0	SOUTHWESTERN GAS
ELOISE WEST (MEISSER	100.0	TENNESSEE GAS PIP
FARNSWORTH-CONNER (DE	0.0	PANHANDLE EASTERN
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
SONORA (CANYON UPPER)	411.0	INTRATEX GAS CO
SONORA (CANYON UPPER)	422.0	INTRATEX GAS CO
PANHANDLE WEST	0.0	EL PASO NATURAL G
COLLIER NORTH (2450)	75.0	HOUSTON PIPE LINE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-PICKARD & KIRKPATRICK OIL CO				RECEIVED:	03/07/83	JA: TX
8326128	F-02-063592	4217531655		102-4		SPANGLE #1
-PITCOCK INC				RECEIVED:	03/07/83	JA: TX
8326118	F-7B-063478	4205932446		102-4		WINDHAM #1 072488
-PLATEAU EXPLORATION & DEVELOPMENT			I	RECEIVED:	03/07/83	JA: TX
8326026	F-7C-060015	4241300000		103	107-TF	PLATEAU-ROSE #1
-POLK & PATTON INC				RECEIVED:	03/07/83	JA: TX
8326031	F-03-060544	4205132320		102-2		MAXWELL UNIT #2
-QUEST PETROLEUM INC				RECEIVED:	03/07/83	JA: TX
8326076	F-7B-053551	4236300000		103		MATHIS #1-T
-R A W ENERGY CORP				RECEIVED:	03/07/83	JA: TX
8326157	F-7B-063943	4213334316		102-4		BLACKWELL #1
-R G MCDANIEL				RECEIVED:	03/07/83	JA: TX
8326159	F-08-063978	4237100000		103		ATKINS #1-A #27802
-RAY HERRING				RECEIVED:	03/07/83	JA: TX
8326047	F-7B-059655	4250336190		103		SCARLETT A-2
-RED TOP OIL INC				RECEIVED:	03/07/83	JA: TX
8326057	F-7B-057874	4236332775		102-4		ROSS #3-A (103330)
-REYNOLDS DRLG CO & EMI EXPL CO				RECEIVED:	03/07/83	JA: TX
8326104	F-06-063026	4240131387		103	107-TF	ARNOLD EST #1
-ROBERT KLABZUBA				RECEIVED:	03/07/83	JA: TX
8326199	F-7C-064136	4239931836		102-2		GRAHAM #1 808844
8326198	F-7C-064135	4239931835		102-2		RANSBARGER #2 808710
8326197	F-7C-064134	4209530582		102-2		RANSBARGER #3 808710
8326196	F-7C-064133	4209530591		102-2		SCHWETMELM #3 809531
8326195	F-7C-064132	4239931834		102-2		WILBANKS #1 808962
8326200	F-7C-064137	4239932360		102-2		WILBANKS #2 808962
-ROBERT P LAMMERTS				RECEIVED:	03/07/83	JA: TX
8326033	F-03-060971	4204100000		102-2		RANSOM #1
-SAGE ENERGY CO				RECEIVED:	03/07/83	JA: TX
8326091	F-03-062770	4228700000		103		MALRE #1 RRC #
8326268	F-7C-064308	4210534271		103		SUPERIOR STATE "14" #1 RRC #09923
8326267	F-7C-064307	4210534272		103		SUPERIOR STATE "7" #1 RRC #09917
8326269	F-7C-064309	4238300000		103		UNIVERSITY 18-G #3 RRC #09558
-SAHARA OIL & GAS INC				RECEIVED:	03/07/83	JA: TX
8326042	F-01-058936	4202100000		102-4		FRED HILBIG (098852)
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED:	03/07/83	JA: TX
8326034	F-02-061092	4229733283		102-4		BODDEN-FROST GAS UNIT #1 WELL #3
-SANTA FE-WINDSOR PRODUCING CO				RECEIVED:	03/07/83	JA: TX
8326058	F-03-057918	4228700000		103		KENNETH #1
-SHANNON OIL & GAS INC				RECEIVED:	03/07/83	JA: TX
8326053	F-03-056262	4232100000		102-4		KOUNTZE & COUCH #1-C
-SHELL OIL CO				RECEIVED:	03/07/83	JA: TX
8326217	F-8A-064186	4250132295		103		DENVER UNIT #2938
8326012	F-04-062549	4221531220		102-4		HAMMAN RANCH #12
-SMILE ENERGY INC				RECEIVED:	03/07/83	JA: TX
8326142	F-7B-063861	4213332923		102-4		ROBERTSON A-1 103017
-SO-TEX PETROLEUM, INC.				RECEIVED:	03/07/83	JA: TX
8326130	F-7B-063705	4244132271		102-4		SOUTH CORNETT #5
SOUTHERN CRUDE OIL RESOURCES INC				RECEIVED:	03/07/83	JA: TX
8326127	F-7B-063583	4236732316		102-4		BEN MAY #1
SOUTHERN ROYALTY INC				RECEIVED:	03/07/83	JA: TX
8326094	F-04-062918	4240900000		102-4		TROST #2
-STALEY OPERATING CO				RECEIVED:	03/07/83	JA: TX
8326099	F-7C-062957	4243532852		103	107-TF	HICKS 58 "A" #1
-STUART DEVELOPMENT CO				RECEIVED:	03/07/83	JA: TX
8326065	F-7B-032542	4236731795		102-3		RUTH MARTIN #1
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	03/07/83	JA: TX
8326275	F-8A-064355	4250132232		103		BENNETT RANCH UNIT #347
8326276	F-8A-064356	4250132223		103		BENNETT RANCH UNIT #350
8326061	F-06-058224	4236531422		103		C E MOORE UNIT #3
8326062	F-06-058225	4236531422		107-TF		C E MOORE UNIT #3
8326271	F-09-064313	4227531244		102-4		FANT EST "2" #2
8326272	F-09-064314	4227531232		102-4		FANT EST "2A" #2
8326270	F-09-06-312	4227531233		102-4		FANT EST "58" #1
8326282	F-08-064365	4213500000		108		FOSTER JOHNSON UNIT 818-18
8326278	F-8A-064358	4221933514		103		SOUTHEAST LEVELLAND UNIT #284
8326274	F-8A-064354	4221933510		103		SOUTHEAST LEVELLAND UNIT #286
8326277	F-8A-064357	4221933501		103		SOUTHEAST LEVELLAND UNIT #292
8326279	F-8A-064359	4221933507		103		SOUTHEAST LEVELLAND UNIT #296
8326281	F-7C-064364	4238300000		108		UNIVERSITY A 1-1 1 & A 211 #1
8326280	F-7C-064363	4238300000		108		UNIVERSITY A 1-1 1 & A 211 #2
-TAMARACK PETROLEUM CO INC				RECEIVED:	03/07/83	JA: TX
8326119	F-7C-063498	4241331257		103	107-TF	JOHNSON "113" #1
-TEXACO INC				RECEIVED:	03/07/83	JA: TX
8326103	F-8A-063007	4221933659		103		J I DELOACHE MCT-3 #2
8326843	F-08-058989	4232931084		103		SCHARBAUER C "D" #7
8326840	F-10-058688	4206500000		108		T J BONEY MCT-3 #20
8326083	F-8A-062629	4216532411		103		WHARTON UNIT #103
-TEXAS CITY REFINING INC				RECEIVED:	03/07/83	JA: TX
8326019	F-02-061579	4229733212		102-4		CARTWRIGHT RANCH #1
8326023	F-02-061621	4239131560		102-4		TRULL #1
8326003	F-02-061622	4202531472		102-4		VELA ESTATE #1 (RRC ID #96946)
-TOM BROWN INC				RECEIVED:	03/07/83	JA: TX
8326132	F-08-063749	4251732553		103		AMOCO FLYNT #1
-TRI-EX OIL & GAS INC				RECEIVED:	03/07/83	JA: TX
8326075	F-02-053477	4202500000		102-4		MATOCHA #2
-TSPI INC				RECEIVED:	03/07/83	JA: TX
8326038	F-10-058483	4223300000		103		LATHAM-WISDOM #1-A
-TURILE PRODUCTION CO INC				RECEIVED:	03/07/83	JA: TX
8326122	F-7B-063561	4205932687		102-4		HAL MCGLOTHLIN #1
-TXO PRODUCTION CORP				RECEIVED:	03/07/83	JA: TX
8326079	F-05-054121	4228930491		103	107-TF	MARSHALL "A" #1
-U S OPERATING INC				RECEIVED:	03/07/83	JA: TX
8326004	F-03-061764	4205131788		102-2		EVE #1 RRC ID # N/A
-VINSON EXPLORATION				RECEIVED:	03/07/83	JA: TX
8326082	F-7C-062611	4210500000		102-4		UNIV "29-C" #2
8326239	F-7C-064230	4210500000		102-4		UNIVERSITY "13-30" #1
8326241	F-7C-064232	4210500000		102-4		UNIVERSITY "14-30" #2
8326240	F-7C-064231	4210500000		102-4		UNIVERSITY "15-30" #1
8326238	F-7C-064229	4210500000		102-4		UNIVERSITY "24-30" #1
8326237	F-7C-064228	4210500000		102-4		UNIVERSITY "24-30" #2
8326243	F-7C-064234	4210500000		102-4		UNIVERSITY "4-30" #2
8326242	F-7C-064233	4210500000		102-4		UNIVERSITY "6-30" #2

FIELD NAME	PROD	PURCHASER
MARSHALL SW (COOK MTN	344.0	DELHI GAS PIPELIN
OPLIN E (MISSISSIPPI)	14.0	UNION TEXAS PETRO
SAWYER (CANYON)	188.0	PRODUCER'S GAS CO
BIG "A" TAYLOR	0.0	CLAJON GAS CO
J V T (CONGL 4250)	365.0	SOUTHWESTERN GAS
FAIR (MARBLE FALLS LO	200.0	NORTHERN GAS PROD
SANTA ROSA S (CLEARFO	91.2	DELHI GAS PIPELIN
STEPHENS COUNTY REGUL	10.0	WARREN PETROLEUM
ROSS (MARBLE FALLS LO	1856.0	LONE STAR GAS CO
NORTH TATUM (COTTON V	0.0	UNITED GAS PIPE L
FUZZY CREEK (GOEN)	72.0	
FUZZY CREEK (GOEN)	30.0	
FUZZY CREEK (GOEN)	36.0	
FUZZY CREEK (GOEN)	150.0	
FUZZY CREEK (GOEN)	18.0	
FUZZY CREEK (GOEN)	7.0	
KURTEN (WOODBINE)	0.0	FERGUSON CROSSING
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
FARMER (SAN ANDRES)	1.3	INTERNORTH INC
FARMER (SAN ANDRES)	2.5	INTERNORTH INC
FARMER (SAN ANDRES)	1.8	INTERNORTH INC
HILBIG SOUTH (NAVARRO	45.0	VALERO TRANSMISSI
FANT (WILCOX 10,208)	566.0	UNITED TEXAS TRAN
GIDDINGS (AUSTIN CHAL	36.9	P&P GAS PRODUCTS
MARKHAM (FRIO 4633) N	0.0	FLORIDA GAS TRANS
WASSON	212.6	SHELL OIL CO
MONTE CHRISTO (YEGUA	700.0	VALERO TRANSMISSI
DESDEMONA N (CONGL)	15.0	NORTHERN GAS PROD
SO-TEX (FRY)	48.0	UNION TEXAS PETRO
WEATHERFORD SE (2150)	0.0	SOUTHWESTERN GAS
BULLHEAD CREEK (TROST	0.0	TRUNKLINE GAS CO
MIERS (CANYON)	110.0	INTRATEX GAS CO
SPRINGTOWN (CONYM)	150.0	
WASSON	5.0	SHELL OIL CO
WASSON	4.0	SHELL OIL CO
CARTHAGE	0.0	DELHI GAS PIPELIN
CARTHAGE	0.0	DELHI GAS PIPELIN
FANT	0.4	SUN GAS TRANSMISS
FANT	7.0	SUN GAS TRANSMISS
FANT	9.0	SUN GAS TRANSMISS
FOSTER	0.1	EPX CO
LEVELLAND	16.0	AMOCO PRODUCTION
LEVELLAND	12.0	AMOCO PRODUCTION
LEVELLAND	66.0	AMOCO PRODUCTION
LEVELLAND	6.0	AMOCO PRODUCTION
BIG LAKE SPRABERRY	0.8	EL PASO NATURAL G
BIG LAKE SPRABERRY	3.0	EL PASO NATURAL G
EL DORADO SOUTH (CANY	164.5	INTER NORTH INC
LEVELLAND	0.0	
WILDCAT	0.0	
PANHANDLE CARSON COUN	0.6	GETTY OIL CO
HARRIS	0.0	PHILLIPS PETROLEU
PROPOSED LA GARTO WES	0.0	
PROPOSED BONNIE VIEW	185.0	
TULETA SOUTH (SLICK)	75.0	
BREEDLOVE SOUTH (SPRA	20.0	NORTHERN GAS PROD
PENDING	50.0	
EAST PANHANDLE LOWER	200.0	DIAMOND SHAMROCK
LAJET (FLIPPEN)	1.8	LONE STAR GAS CO
BRANTON (COTTON VALLE	1500.0	DELHI GAS PIPELIN
CLAY N E (DEEP)	0.0	PHILLIPS PETROLEU
INGHAM (QUEEN)	18.0	SOUTHWESTERN GAS
INGHAM (QUEEN)	18.0	SOUTHWESTERN GAS
INGHAM (QUEEN)	91.0	SOUTHWESTERN GAS
INGHAM (QUEEN)	46.0	SOUTHWESTERN GAS
INGHAM (QUEEN)	36.5	SOUTHWESTERN GAS
INGHAM (QUEEN)	14.6	SOUTHWESTERN GAS
INGHAM (QUEEN)	22.0	SOUTHWESTERN GAS
INGHAM (QUEEN)	64.0	SOUTHWESTERN GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-VORTT EXPLORATION CO INC				RECEIVED:	03/07/83	JA: TX
8326067	F-7B-039893	4236332644		102-4		BANKHEAD-DAMM UNIT I 01
-W M TAYLOR ESTATE				RECEIVED:	03/07/83	JA: TX
8326016	F-10-061224	4217900000		108		TAYLOR RANCH #20
-WAGNER & BROWN				RECEIVED:	03/07/83	JA: TX
8326194	F-08-065897	4243131247		103		MILDEBRAND 051-12
-WALTER EXPLORATION INC				RECEIVED:	03/07/83	JA: TX
8326085	F-09-062708	4223734746		102-4		FLETCHER BROTHERS 01
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	03/07/83	JA: TX
8326218	F-08-064199	4210331114		108		C-BAR SAN ANDRES UNIT 0A-14
8326219	F-08-064200	4210331129		108		C-BAR SAN ANDRES UNIT 0A-15
8326220	F-08-064201	4210302580		108		C-BAR SAN ANDRES UNIT 0C-2
8326221	F-08-064202	4210331181		108		C-BAR SAN ANDRES UNIT 0F-13
8326222	F-08-064203	4210331257		108		C-BAR SAN ANDRES UNIT 0G-20
8326223	F-08-064204	4210331425		108		C-BAR SAN ANDRES UNIT 01-17
8326238	F-08-064211	4210311014		108		M B MCKNIGHT 0105
8326225	F-08-064206	4210300001		108		M B MCKNIGHT 033
8326226	F-08-064207	4210300004		108		M B MCKNIGHT 038
8326227	F-08-064208	4210300017		108		M B MCKNIGHT 049
8326228	F-08-064209	4210300018		108		M B MCKNIGHT 050
8326229	F-08-064210	4210310054		108		M B MCKNIGHT 085
8326224	F-08-064205	4210300204		108		M F HENDERSON 0103
8326186	F-08-064128	4210300162		108		M F HENDERSON 0114
8326190	F-08-064129	4210300326		108		STATE "ED" 04
8326189	F-08-064124	4210330814		108		STATE "ED" 07
8326188	F-08-064123	4210302554		108		STATE "KK" 01
8326187	F-08-064122	4210331224		108		STATE "KK" 021
-WESTWIND EXPLORATION INC				RECEIVED:	03/07/83	JA: TX
8326054	F-7B-056675	4235531315		102-4		MCREYNOLDS
-WND INC				RECEIVED:	03/07/83	JA: TX
8326106	F-08-063095	4217300000		102-2		TOM 01 (27253)
8326107	F-08-063096	4217300000		103		TOM #6-X
-WILLIAM PERLMAN				RECEIVED:	03/07/83	JA: TX
8326263	F-7C-064272	4243532846		103	107-TF	MINNIE MAYER 03 ID 0103116
-WILSON ENERGY INC				RECEIVED:	03/07/83	JA: TX
8326148	F-7C-063931	4210500000		108		UNIVERSITY 10 01
8326149	F-7C-063932	4210500000		108		UNIVERSITY 10 02
8326150	F-7C-063933	4210532249		108		UNIVERSITY 10 03
8326151	F-7C-063934	4210533293		108		UNIVERSITY 10 04
8326152	F-7C-063935	4210533294		108		UNIVERSITY 10 05
8326155	F-7C-063938	4210531713		108		UNIVERSITY 12 "B" 01
8326154	F-7C-063937	4210531741		108		UNIVERSITY 12 "B" 02
8326156	F-7C-063940	4210531964		108		UNIVERSITY 13 01
8326153	F-7C-063736	4210531962		IAM		UNIVERSITY 13 "A" 01
-WILSON RESOURCES INC				RECEIVED:	03/07/83	JA: TX
8326160	F-08-063986	4240131500		103		A S WOLFE 02
-WINDSOR GAS CORP				RECEIVED:	03/07/83	JA: TX
8326262	F-7C-064266	4243532803		103	107-TF	DUKE WILSON #1874 #2 0103117
8326261	F-7C-064265	4243538202		103	107-TF	DUKE WILSON #1875 #2 0103118
-WOODSIDE OIL CO				RECEIVED:	03/07/83	JA: TX
8326264	F-8A-064278	4203330767		103		GRIFFIN "C" 01

FIELD NAME	PROD	PURCHASER
SANTO W (MARBLE FALLS	0.0	SOUTHWESTERN GAS
WEST PANHANDLE (GAS)	16.4	PHILLIPS PETROLEU
CONGER (PENN)	171.6	TEXAS UTILITIES F
BUFFTON (5350 CONGL)	0.0	LONE STAR GAS CO
C-BAR (SAN ANDRES)	0.5	EL PASO NATURAL G
C BAR (SAN ANDRES)	0.5	EL PASO NATURAL G
C-BAR (SAN ANDRES)	0.4	EL PASO NATURAL G
C-BAR (SAN ANDRES)	1.1	EL PASO NATURAL G
C-BAR (SAN ANDRES)	0.5	EL PASO NATURAL G
C-BAR (SAN ANDRES)	1.5	EL PASO NATURAL G
ARMER (6350')	2.1	EL PASO NATURAL G
ARMER (6350')	4.6	EL PASO NATURAL G
ARMER (6350')	5.9	EL PASO NATURAL G
ARMER (6350')	7.4	EL PASO NATURAL G
ARMER (TUBB)	2.4	EL PASO NATURAL G
ARMER (6350')	12.9	EL PASO NATURAL G
C-BAR (SAN ANDRES)	0.3	EL PASO NATURAL G
WADDELL	0.5	EL PASO NATURAL G
DUNE	1.3	EL PASO NATURAL G
DUNE	1.9	EL PASO NATURAL G
DUNE	0.3	EL PASO NATURAL G
DUNE	0.8	EL PASO NATURAL G
J & J CADDO FIELD	0.0	PALO DURO PIPELIN
GORDON STREET (WOLFCA	16.0	PHILLIPS PETROLEU
GORDON STREET (WOLFCA	18.2	PHILLIPS PETROLEU
SAWYER (CANYON)	0.0	VALERO TRANSMISSI
FARMER (SAN ANDRES)	0.4	J L DAVIS
FARMER (SAN ANDRES)	0.4	J L DAVIS
FARMER (SAN ANDRES)	0.4	J L DAVIS
FARMER (SAN ANDRES)	0.4	J L DAVIS
FARMER (SAN ANDRES)	0.4	J L DAVIS
FARMER (SAN ANDRES)	0.7	J L DAVIS
FARMER (SAN ANDRES)	0.7	J L DAVIS
FARMER (SAN ANDRES)	2.9	J L DAVIS
FARMER (SAN ANDRES)	0.4	J L DAVIS
HENDERSON (RUSK COUNT	100.0	UNITED GAS PIPELI
SHURLEY RANCH (CANYON	0.0	VALERO TRANSMISSI
SHURLEY RANCH (CANYON	0.0	VALERO TRANSMISSI
HOBO (PENNSYLVANIA)	250.0	GETTY OIL CO

[FR Doc. 83-8777 Filed 4-4-83; 8:45 am]

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Tuesday
April 5, 1983

Part V

Department of Transportation

Federal Highway Administration

Truck Size and Weight Policy Statement

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Ch. I

[FHWA Docket No. 83-4, Notice No. 3]

Truck Size and Weight Policy Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of policy statement.

SUMMARY: This policy statement provides an interim designation of highways on which commercial motor vehicles with dimensions authorized by the Surface Transportation Assistance Act of 1982 (STAA) may operate beginning April 6, 1983. This interim designated network is required by the STAA of 1982 and is based on submissions made by the States as well as comments submitted to the public docket. The interim designated highway network will accommodate the needs of interstate commerce while not compromising the essential requirements for safety and structural integrity until such time as final regulations are issued.

DATES: This policy statement is effective April 6, 1983, and will expire upon issuance of the final rule.

FOR FURTHER INFORMATION CONTACT: Mr. Harry B. Skinner, Office of Traffic Operations, (202) 426-1993, or Mr. David C. Oliver, Office of the Chief Counsel, (202) 426-0825, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On Thursday, February 3, 1983, The Federal Highway Administration (FHWA) published a policy statement in the **Federal Register** (48 FR 5210) discussing its approach to the implementation of the truck size and weight provisions in the Surface Transportation Assistance Act of 1982 (STAA) (Pub. L. 97-424, 96 Stat. 2097) and the Department of Transportation Appropriations Act of 1983 (DOTAA) (Pub. L. 97-369). That policy statement set forth the rationale in establishing an interim, uniform system of highways which would be available to commercial motor vehicles on April 6, 1983.

The February 3, 1983, policy statement was intended to establish a highway network consisting of (1) the Interstate System, (2) four-lane, divided sections of the Federal-Aid Primary System (FAP) with full control of access and, (3) other FAP highways as identified by each State to accommodate the needs of interstate commerce without compromising safety and structural integrity. Almost all of the States have provided the FHWA with a list of their proposed designated network.

The designated route submissions from many States were quite complete and provided extensive coverage. Other States, however, submitted unrealistically lean designations. In assessing these States' responses we find that many of the less comprehensive designations were attributable to constraints imposed by State legislative or administrative requirements, such as a need for public hearings. Thus, some States were unable to comply with the intent of the February 3 policy statement. Several States have designated unconnected and fragmented highway segments. A designated network that contains such discontinuities or that fails to provide reasonable coverage in addition to the Interstate System would not meet the objectives of the STAA to facilitate the free flow of commerce.

We have reviewed the comments submitted to the docket established by the FHWA February 3, 1983, policy statement, and the results of public hearings of both the National Motor Carrier Advisory Committee (NMCAC) and the American Association of State Highway and Transportation Officials (AASHTO). Representatives of vehicle manufacturers, shippers, trucking firms and independent truckers have stated that the full productivity gains intended by the STAA could not be realized if a fragmented network of highway truck routes, governed by different regulations, were designated. Further, uncertainty over the designated highways and reasonable access provisions and potential State-to-State variability in regulations are delaying new equipment orders. These representatives indicated a willingness to cooperate with all requirements necessary to maintain the safety of the traveling public and the structural integrity of the system.

The States are in the process of formulating a position through AASHTO on the implementation of the STAA size and weight provisions. Preliminary indications are that the States endorse the need for industry productivity gains, but are concerned that the burden of proof for safety and operational requirements for designated highways rests upon them.

We recognize that the implementation of these truck size and weight provisions is a complex undertaking which will require many changes to existing State and industry procedures. The FHWA will implement the STAA in a manner consistent with the congressional direction of enhancing productivity gains, without compromising safety or structural integrity.

This notice establishes an interim designated network. Effective April 6, 1983, and until the issuance of final regulations, State and local jurisdictions must allow the operation of commercial motor vehicles with the dimensions authorized by the STAA on the full Interstate System and on those designated FAP and other highways identified in the Appendix except as follows:

- States and local jurisdictions may continue to enforce complete truck restrictions on those highways where no trucks were permitted to operate on January 6, 1983, such as I-66 in Northern Virginia and the District of Columbia.
- States and local jurisdictions may impose and enforce truck restrictions during certain peak hours of travel demand or on specific travel lanes of multi-lane facilities, such as I-94 in Chicago.
- State or local restrictions on truck movements for specific construction-related, seasonal, structural or clearance restrictions, may be imposed and enforced, such as the bridge clearance restrictions on I-278 in New York City

Restrictions in the latter two categories listed above must be based on documented safety, structural integrity or major traffic capacity problems that would be incurred in the absence of such restrictions.

We have received requests from several States to exclude vehicles of the new larger configurations, particularly double trailers on urban Interstate routes. We are not approving these requests at this time. The larger truck configurations provided in the STAA must be allowed to operate on routes on which tractor-semitrailer combination trucks were permitted to operate on January 6, 1983. As States gain experience with the operating characteristics of the larger truck configurations additional or altered restrictions may be developed and implemented in a manner consistent with the intent of the Congress.

The designated routes in the Appendix reflect State submissions which have been supplemented in order to achieve an interconnected network providing reasonable nationwide coverage. These routes make available an average of 53 percent of each State's non-Interstate FAP to accommodate the needs of commerce on an interim basis.

Nationwide, the designated mileage of 134,001 FAP and 42,268 Interstate represents 4.6 percent of all public road mileage. Exceptions to the interim designated network may be granted by FHWA upon request by the States on a case by case basis where road segments will not safely accommodate the larger vehicles due to structural or geometric limitations.

It should be recognized that the STAA did not require immediate change in the weight laws of the barrier States. The Congress specifically stated that a reasonable time period should be granted to States to achieve compliance. We understand that Illinois has not enacted new weight legislation and their current weight limits are 18,000 pounds on a single axle, 34,000 pounds on a tandem axle, and 73,280 pounds gross vehicle weight. In using the designated network, including the Interstate System, in Illinois, vehicles must comply with the State weight laws. This State is expected to be in compliance with the STAA weight provisions by October 1, 1983.

The STAA requires a final rule to designate qualifying highways by October 3, 1983. In the interim, the States have the authority and are encouraged to add highway sections to the federally designated network. In the final rule, we anticipate that a substantial portion of the entire FAP will be designated. Exceptions will be granted for roadway segments on the FAP incapable of safely accommodating the larger vehicles. Criteria for excepting these segments will be stated in a notice of proposed rulemaking (NPRM) to be published in the next few weeks. Opportunity for public comment will be provided. We intend to work closely with appropriate public, industry and safety interests in developing the final regulations.

Questions have been raised on interpretation of grandfather provisions, specialized equipment and truck width. We recognize the importance and complexity of these issues and will address them in the NPRM.

Issued on: March 31, 1983.

R. A. Barnhart,

Federal Highway Administrator.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES

Posted route No.	From	To
Alabama		
US 84	Mississippi St. Line	Georgia St. Line.
AL 52	US 84 Dothan	Georgia St. Line.
US 80	I-20 Mississippi St. Line.	I-65 Montgomery.
US 82	Mississippi St. Line	Jct. US 82-AL 152 near Montgomery.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
AL 110	AL 152 near Montgomery.	US 82 Union Springs.
US 78	Mississippi St. Line	I-59 Birmingham.
US 280	459 Birmingham	Georgia St. Line.
US 72	Mississippi St. Line	Tennessee St. Line.
Alt. US 72	US 72 Muscle Shoals	I-65 Decatur.
US 82	AL 110 Union Springs.	Georgia St. Line.
AL 152	I-65 near Montgomery.	I-65 near Montgomery.
US 45	I-65 Mobile	Mississippi St. Line.
US 43	I-65 Mobile	US 78 Winfield.
US 43	US 78 Hamilton	US 72 Muscle [illegible].
US 43	US 72 near Florence	Tennessee St. Line.
AL 59	I-10 Loxley	I-65 near Stockton.
US 29	Florida St. Line	US 31 Flomaton.
US 31	US 29 Flomaton	I-65 Evergreen.
US 231	Florida St. Line	US 82 near Montgomery.
US 231	I-85 Montgomery	US 280 Sylacanga.
Alt. US 231	US 231 Sylacanga	I-20 Talladega.
AL 21	Alt. US 231 Talladega.	US 431 Anniston.
US 431	US 231 Dothan	US 280 Phenix City.
US 431	US 280 Opelika	Gadsden.
US 231	US 72 Huntsville	Tennessee St. Line.
US 411	US 431 Gadsden	Georgia St. Line.
AL 77	I-59 Gadsden	US 431 Attala.
US 431	AL 77 Attala	US 231 Huntsville.
US 31	Fultondale	Warrior.
US 78	Irondale	Leeds.
AL 20	I-65	US 431 in Huntsville.
Alaska		
AK 1	Soldotna	Tok/AK 2 Jct.
AK 2	Fairbanks/AK 3 Jct.	Canadian border.
AK 3	Palmer/AK 1 Jct.	Fairbanks/AK 2 Jct.
Arizona		
AZ 360	I-10 Phoenix	AZ 87 Mesa.
US 60	I-10 Brenda	I-17 Phoenix.
US 60	AZ 87 Mesa	New Mexico St. Line.
AZ 69	US 89 Prescott	I-17.
US 70	US 60 Globe	New Mexico St. Line.
US 80	AZ 92 Bisbee	New Mexico St. Line.
AZ 84	I-10 Picacho	AZ 87.
AZ 85	I-8 Gila Bend	I-10.
AZ 85	I-10 Avondale	I-17.
AZ 87	AZ 84 Picacho	AZ 387.
AZ 87	AZ 93 Chandler	US 60.
AZ 93	I-10	AZ 87 Chandler.
AZ 187	I-10	AZ 387.
AZ 287	AZ 87 Coolidge	US 89 Florence.
AZ 387	AZ 187	AZ 87.
US 89	I-10 Tucson	US 60.
US 89	AZ 69 Prescott	I-40.
US 89	I-40	Utah St. Line.
AZ 90	I-10	AZ 92 Sierra Vista
AZ 92	AZ 90 Sierra Vista	US 80 Bisbee.
US 95	Mexican Border	I-8 Yuma.
US 160	US 89 Tuba City	New Mexico St. Line.
AZ 169	AZ 69 Dewey	I-17.
AZ 189	Mexican Border	I-19 Nogales.
AZ 504	US 160	New Mexico St. Line.
US	666I-10	US 70 Safford.
US 666	US 60	I-40.
US B-666	Mexican Border	US 80 Douglas.
US 163	US 160 Kayenta	Utah St. Line.
US 77	US 60	I-40.
Arkansas		
US 49	Mississippi St. Line	US 62 Near Piggott.
US 61	I-55 Gilmore	I-55 Blytheville.
US 62	Oklahoma St. Line	Missouri St. Line.
US 63	I-55 Near Memphis	Missouri St. Line.
US 64	I-540 Ft. Smith	I-40 Lamar.
US 64	I-40 Near Conway	US 67 Near Beebe.
US 65	Louisiana St. Line	I-40 Little Rock.
US 65	I-40 Conway	Missouri St. Line.
US 64	US 67 Bald Knob	I-55 West Memphis.
US 67	US 82 Texarkana	I-30 Benton.
US 67	I-40 Little Rock	US 62.
US 67	US 62 Corning	Missouri St. Line.
US 70	Oklahoma St. Line	US 71 De Queen.
US 70	US 71 Provo	I-30 Benton.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
US 71	Louisiana St. Line	I-540 Ft. Smith.
US 71	I-40 Alma	US 62 Fayetteville.
US 71	US 62 Rogers	Missouri St. Line.
US 79	Louisiana St. Line	I-40 [illegible]
US 82	US 71 Texarkana	Mississippi St. Line.
US 70	I-440 Little Rock	I-40 Hicks Station.
US 412	US 67 Walnut Ridge	US 49 Paragould.
US 167	US 67 Bald Knob	US 62 Ash Flat.
US 167	Louisiana St. Line	US 65 Near Little Rock.
US 165	Louisiana St. Line	US 65 Dermott.
US 270	Oklahoma St. Line	US 71 Acorn
US 270	US 71 "Y" City	US 65 Pine Bluff.
All other primary and secondary highways in Arkansas (with the following exceptions) are "qualifying" highways, but may have weight and speed limit restrictions.		
AR 88	Mena AR8	Oklahoma St. Line
AR 22	I-540 Fort Smith	US 64.
US 64	AR 255	AR 22.
AR 59	I-40 Van Buren	Main Street Van Buren.
US 71	US 271	AR 22
AR 68	Oklahoma St. Line	Springdale
California		
CA 2	I-5	I-210 in Los Angeles.
CA 7	I-405	I-10.
I-10	US 101	I-5 in Los Angeles.
CA 11	I-10	US 101.
CA 15	I-5	I-805 in San Diego.
CA 17	I-280 in San Jose	I-80 in Oakland.
CA 22	I-405 in Seal Beach	CA 55 in Orange.
CA 24	I-580 in Oakland	I-680 in Walnut Creek.
CA 52	I-5	I-805 in San Diego
CA 55	I-405 in Costa Mesa	CA 91 in Anaheim.
CA 57	I-5 in Santa Ana	I-210 in Pomona.
CA 60	I-5/10 in Los Angeles.	I-10 in Beaumont.
CA 71	I-10	CA 60 in Pomona.
CA 78	I-5 in Carlsbad	I-15 in Escondido.
Bus I-80	US 50/CA 99 in [illegible]	I-80 Near Watt Ave.
CA 85	I-280	CA 101 in San Jose.
CA 91	I-110 in Los Angeles	CA 60/I-215 in [illegible]
CA 92	I-280 Near San Mateo.	CA 17 in Hayward.
CA 94	I-5	CA 125 in San Diego.
CA 99	I-5 Near Wheeler Ridge.	US 50 in Sacramento.
US 101	I-5/10 in Los Angeles.	I-80 in San Francisco.
CA 117	I-5	I-805 in San Diego.
CA 118	I-405 in Los Angeles	I-210 in San Fernando.
CA 125	CA 94	I-8 in La Mesa.
CA 133	I-405	I-5 Near El Toro.
CA 134	US 101 in Los Angeles.	I-210 in Pasadena.
CA 163	I-8	I-15 in San Diego.
CA 170	US 101	I-5 in Los Angeles
CA 215	I-15 Near Temecula	CA 60 Near [illegible].
CA 238	I-580 in Castro Valley	CA 17 in San [illegible].
CA 14	I-5 Near San Fernando.	US 395 Near Ridgecrest.
CA 46/41	US 101 in Paso [illegible]	CA 99 in Fresno.
CA 58	CA 99 in Bakersfield	I-15 in Barstow.
CA 97	I-5 Weed	Oregon St. Line, Dorris.
US 101	CA 17 (I-180) San Rafael.	Oregon St. Line.
CA 198	I-5 Coalinga	CA 99 Visalia.
CA 197	US 101	Oregon St. Line.
US 395	I-15 Near Victorville	Nevada St. Line.
US 395	Nevada St. Line	Oregon St. Line.
CA 95	US 40 Near Needles	Nevada St. Line.
US 6	US 395 Bishop	Nevada St. Line.
US 50	Sacramento	Nevada St. Line.
US 199	US 101	Oregon St. Line.
US 97	I-5	Oregon St. Line.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
Colorado		
All US and State numbered routes are designated with the following exceptions:		
CO 116	Jct. CO 69	Kansas St. line.
CO 86	Jct. 83	Jct. 40
CO 7	Jct. 72	Jct. 36.
CO 72	Jct. 7	Jct. 119.
CO 119	Jct. 6	Jct. 7.
US 40	Jct. I-70 Near Empire	Winter Park.
CO 6	Jct. I-70 Near Dillon	Jct. I-70 Near Silver Plume.
CO 82	Aspen	Jct. 24.
CO 133	Jct. 82 Hotchkiss	Jct. 82 Carbondale.
CO 92	Jct. US 50 Sapinero	Jct. 133 Hotchkiss.
CO 149	US 160 Near Fork	Jct. US 50.
US 550	Jct. CO 110 Silverton	Jct. CO 361 Ouray.
US 470	Jct. 75	Jct. I-25.
The designated routes in Colorado include most of the Federal-aid Primary Routes as well as other routes designated by the States.		
Connecticut		
US 7	I-95 Norwalk	I-84 West of Danbury.
US 7	I-84 near Danbury	Massachusetts St. Line.
US 6	CT 25 Newtown	I-84 Sandy Hook.
CT 25	CT 8 Bridgeport	US 6 Newtown.
CT 8	I-95 Bridgeport	US 44 Winsted.
US 44	US 7 Canaan	CT 8 Winsted.
CT 66	I-84 Marlon	I-91 East Meriden.
CT 72	CT 8 Thomastown	I-91 East Berlin.
CT 9	I-91 Cromwell	I-95 Old Seybrook.
CT 2	I-84 East Hartford	CT 52 Norwich.
CT 85	CT 52 near New London.	CT 82 Salem Four Corner.
CT 82	CT 85 Salem Four Corner.	CT 11 near Salem.
CT 11	CT 82 near Salem	CT 2 Colchester.
US 6	I-86 Manchester	I-84 Colombia.
US 6	I-84 North Windham	Rhode Island St. Line.
CT 2	I-95 near North Stonington.	CT 78 near Pawcatuck.
CT 78	CT 2 near Pawcatuck	Rhode Island St. Line.
CT 401	Bradley International Airport Acc. Rd., Windsor Locks.	CT 20 Windsor Locks.
CT 20	CT 401 Bradley International Airport Con. Windsor Locks.	I-91 Windsor.
CT 52	I-95 East Lyme	Massachusetts St. Line.
Connecticut permits trucks with Federal weight and width limits on all highways except parkways.		
Delaware		
DE 141	I-95	Jct. w/DE 2.
US 13	Jct. 2/I-495 South of Wilmington.	Maryland St. Line.
US 301	US 13 near Red Lion	Maryland St. Line.
DE 299	Middletown	Odessa.
US 202	I-95 Wilmington	Pennsylvania St. Line.
District of Columbia		
Anacostia Freeway/ Kenilworth Ave.	I-295	Maryland St. Line.
Florida		
US 1	Key West	Homestead.
US 17	Solano at I-75	Fort Meade.
US 19	I-4 near Pinellas Park.	Crystal River.
US 19-98	Crystal river	Perry.
US 19	Capps	Georgia St. Line.
US 27	Pennsco	Andytown.
US 27	Andytown	South Bay.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
US 27	South Bay	Leesburg.
US 27-441	Leesburg	Belleview.
US 27-301	Belleview	Ocala.
US 27	Tallahassee	Ft. Walton Beach.
US 27	Perry	I-75.
US 27	South Bay	US 441 at Belle Glade.
US 29	Pensacola	Alabama St. Line.
US 98	Pensacola	Perry.
US 98	Fort Meade	Lakeland at I-4.
US 231	Panama City	Alabama St. Line.
US 301	Ocala	Georgia St. Line.
US 319	Tallahassee	Georgia St. Line.
US 319	Medart	Tallahassee.
US 441	Belle Glade	US 98 West Palm Beach.
FL 24	Gainesville	US 301 at Waldo.
FL 27	Homestead	Pennsco.
FL 40	Ocala	I-95.
FL 60	I-75 near Brandon	Vero Beach.
FL 80	Tice at I-75	US 27 at Clewiston.
FL 84	US 27 at Andytown	I-95.
FL 85	Ft. Walton Beach	I-10.
FL 202	I-95 in Jacksonville	San Pablo Road.
J. Turner Butler Blvd.		
US 27	I-10 Tallahassee	Georgia St. Line.
FL 20	Youngstown	US 90 near Tallahassee.
Georgia		
US 27	Near GA 179C	GA 411.
US 27	At I-85	Tennessee St. Line.
US 319	Florida St. Line near Thomasville.	I-75 US 82 Tifton.
US 19	Florida St. Line near Thomasville.	I-285 Atlanta.
US 129-221	Near Statenville	US 441 and US 82.
US 441	Near GA 94 at Florida St. Line.	North of Dillard & GA 246.
US 301	Near GA 40 Folkston	Near GA 73 at South Carolina St. Line.
US 1	At US 82 Waycross	Savannah River, South Carolina St. Line near Augusta.
US 19	GA 282 Cleveland Mountain	North Carolina St. Line near Ivy Log.
US 84	Saffold at GA 83 on Alabama St. Line.	I-95 at Blythe Island Naval Reservation.
GA 62	Alabama St. Line	US 27 at Blakely.
US 82	At Alabama St. Line	Near Midway at I-95
US 280	Cusseta	I-16.
US 80	Big Springs at Alabama St. Line.	I-75 near Macon.
US 411	At GA 53 near Cave Spring.	US 41 at GA 293.
US 41	At GA 293	I-285 near Atlanta.
US 78	GA 410 near I-285	Savannah River, South Carolina St. Line.
GA 72	GA 8 Athens	Near Middleton, South Carolina St. Line.
US 76	I-75 at Tennessee St. Line.	Chattooga River, South Carolina St. Line.
US 23	Gainesville	Baldwin US 441.
US 123	Baldwin US 441	Tugalo River, South Carolina St. Line.
US 378	At GA 17 near Washington.	Savannah River, South Carolina St. Line.
Hawaii		
61	Vineyard Boulevard	Kawainui Bridge in Kailua.
63	Nimitz Highway	Kahekili Highway (83).
64	Sand Island Park	Nimitz Highway (92)
72	Kailua-Waimanalo Junction (61).	Airstrut.
83	Weed Junction	Kaneohe-Kailua Highway (61).
92	Pearl Harbor Main Gate.	Kalakaua Avenue.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
93	Beginning of Route H-1.	Makaha Bridge.
95	Route H1	Campbell Harbor.
99	Pearl Harbor Interchange.	Weed Junction.
78	Route H1 (H2 H)	Kamehameha Highway (90) in Aiea.
Idaho		
US 2	Washington	Sandpoint.
US 2	US 95 Bonner Ferry	Montana St. Line.
ID 16	ID 44	Emmett.
ID 19	Wilder	Caldwell.
US 12	US 95 Near Lewiston	Montana St. Line.
US 20	Oregon St. Line	I-84 near Boise.
US 20	Mountain Home	Montana St. Line.
ID 22	ID 33	Dubois.
ID 24	Rupert	Shoshone.
ID 25	Jerome	I-84 Rupert.
US 26	Bliss	Blackfoot.
US 26	Idaho Falls	Wyoming St. Line.
ID 27	Oakley	Paul.
ID 28	Mud Lake	Salmon.
US 30	US 95	I-84.
US 30	Nampa	I-84.
US 30	Bliss	Burley.
US 30	McCammon	Wyoming St. Line.
ID 33	US 20	Wyoming St. Line.
ID 34	Utah St. Line	Conda.
ID 39	American Falls	Blackfoot.
ID 40	I-15	Downey.
ID 41	I-90	Newport.
ID 44	I-84	Boise.
ID 46	Wendell	US 20.
ID 48	Roberts	Rigby.
ID 50	US 30	ID 25.
ID 51	Nevada St. Line	Mountain Home.
ID 53	Washington St. Line	US 95.
ID 55	Marsing	Eagle.
ID 64	Craigmont	Nez Perce.
ID 67	Mountain Home AFB	Mountain Home.
ID 74	US 93	Twin Falls.
ID 75	Shoshone	Ketchum.
ID 77	Declo	I-84.
ID 78	Marsing	ID 51.
ID 81	Malta	Burley.
ID 79	Jerome	South.
ID 87	US 20	Montana St. Line.
US 89	Utah St. Line	Montpelier.
US 91	Utah St. Line	I-15.
US 91	Pocatello	I-15 Bus.
US 93	Nevada St. Line	Shoshone.
US 93	Salmon	Montana St. Line.
US 95	Weisner	Canadian Border.
I-15 Bus.	I-15	Idaho Falls.
I-84 Bus.	I-84	Mountain Home.
Illinois		
IL 5	I-80	US 30 Sterling.
IL 6	I-74	IL 88 Peoria.
US 20	I-90	US 20 West of Rockford.
US 50	Indiana St. Line	East of Lawrenceville.
US 51	US 20	IL 5.
IL 53	I-90	IL 68.
IL 53	I-290	Army Trail Road.
IL 394	I-80	Sauk Trail Chicago Heights.
IL 3	Cairo	East St. Louis.
US 50	Missouri St. Line	IL 3.
IL 13	Murphysboro	US 45 Harrisburg.
IL 149	IL 3	Murphysboro.
IL 146	Ware	I-57.
US 51	Anna IL 146	Rochelle.
US 45-1	I-24 at Vienna	I-70.
US 67	Alton	Moline.
IL 130	Grayville	Newton.
IL 33	Newton	I-70.
IL 29	Pana	Springfield.
IL 125-67	Springfield	US 67 Beardstown.
US 54	Missouri St. Line	US 36 near Pittsfield.
US 52	Iowa St. Line	IL 5 Dixon.
US 50	I-64 East St. Louis	Lawrenceville.
US 36	Missouri St. Line	I-55.
US 36	Decatur	Indiana St. Line.
US 30	Iowa St. Line Clinton	IL 5 Sterling.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
US 24	Quincy	Indiana St. Line.
US 136	Near Keokuk, IA	Macomb US 67.
US 34	Iowa St. Line near Gulfport.	IL 5 Toll Road IL 88.
US 20	East Dubuque	Rockford
IL 26	Freeport	Wisconsin St. Line.
IL 68	US 12	I-94.
IL 31	I-90	Wisconsin St. Line.
US 45	IL 173	Wisconsin St. Line.
IL 173	US 45	I-94.
US 34	Oswego	Illinois Toll Road.
[illegible]	US 34	I-80.
IL 141	US 45 Gossett	Indiana St. Line.

Indiana

Indiana intends to designate all public roads, except those routes prohibited by State or Local jurisdiction.

Iowa

US 18	South Dakota St. Line.	Wisconsin St. Line.
US 20	I-29 at Sioux City	Illinois St. Line.
US 30	Exit 75 on I-29	Illinois St. Line.
US 34	Exit 35 on I-29	Illinois St. Line.
US 52	Near Jct. US 61/151 at Dubuque.	Minnesota St. Line.
US 61	Missouri St. Line	Wisconsin St. Line.
US 63	Missouri St. Line	Minnesota St. Line.
US 65	Missouri St. Line	IA 330 Jasper Co.
US 71	Missouri St. Line	Minnesota St. Line.
US 75	Exit 143 on I-29	Minnesota St. Line.
US 151	US 30/218 at Cedar Rapids.	Wisconsin St. Line.
US 169	US 18 Algona	Minnesota St. Line.
US 218	US 61 at Montrose	Minnesota St. Line.
IA 3	US 218 at Waverly	US 20 at Dubuque.
IA 8	US 63 at Thayer	US 218 Benton Co.
IA 13	US 30 Linn Co.	US 52 Near Froelich.
IA 24	US 18/63 at New Hampton.	US 52 at Calmar
IA 38	US 61 at Muscatine	Near Jct. IA 64 Jones Co.
IA 56	US 18 at West Union	IA 13 at Elkader.
IA 60	US 75 at Lemars	Minnesota St. Line.
IA 64	US 151 at Anamosa	Illinois St. Line.
IA 92	Exit 47 on I-29	US 61 Near Grandview.
IA 136	Near Jct. IA 64 at Wyoming.	US 52/IA 3 at Luxemburg.
IA 163	US 65/69 at Des [illegible].	IA 92 at Oskaloosa.
IA 330	US 65 Jasper Co.	US 30 Nr. Marrshalltown.
IA 346	US 218 at Nashua	US 18/63 Chickashaw Co.

Kansas

All US and State numbered routes are designated. This includes all Federal-aid primary routes as well as other routes designated by the State.

Kentucky

JP 9003	Tennessee St. Line	US 45 Bypass.
US 45B	JP 9003 in Graves Co..	JP 9003.
JP 9003	US 45 Bypass	I-24 in McCracken Co.
WK 9001	I-24	US 31W Hardin Co.
BG 9002	I-65	US 60 near Lexington.
GP 9007	I-65	US 60 Bypass.
MT 9000	I-64	Campton Spur, Ohio St. Line.
KY 4	US 25	US 27
PENN 9004	US 41A	US 41
US 41	PENN 9004	PENN 9004 at Madisonville.
PENN 9004	US 41	US 41 at Henderson.
US 41	PENN 9004	End Concrete Barrier.
AUD 9005	PENN 9004 in Henderson Co..	US 60 Bypass.
CUM 9008	I-65	West of US 27.
KY 4	US 68	KY 922
KY 4	US 27	US 68
KY 471	US 27	I-275
KY 841	KY 135	US 42

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
KY 4	US 25-421 SE of Lexington.	KY 922
KY 8	I-75 in Covington	US 27 in Newport.
KY 10	Germantown	US 62 at Maysville
KY 11	Lewisburg	Maysville.
KY 15	Mountain Pkwy at Campton.	US 119 at Whitesburg.
KY 18	KY 338 at Burlington	US 25 in Florence.
KY 21	I-75	US 25 in Berea.
US 23	Ohio St. Line	US 119 at Pikeville.
US 23	US 119 near Jenkins	Virginia St. Line.
US 25	US 421	I-75 near Richmond
US 25	KY 418	Nandino Blvd in Lexington.
US 25	US 42 in Florence	Ohio St. Line.
US 25E	Virginia St. Line	US 119.
US 25E	KY 2015 near Pineville.	I-75.
US 27	Tennessee St. Line	Ohio St. Line.
US 31E	Tennessee St. Line	US 68 at Glasgow.
US 31W	Tennessee St. Line	KY 255 at Park City.
US 31W	US 31W Bypass in Elizabethtown.	I-264.
US 31W Bypass..	KY 1136	US 31W Bypass in Elizabethtown.
KY 32	I-64	US 60 at Morehead.
KY 35	US 127 at Bromley	I-71
KY 36	I-64	US 60 at Owingsville.
KY 36	US 42 in Carrollton	KY 227.
US 41	End of Concrete Barrier Section.	Indiana St. Line.
US 41A	Tennessee St. Line	Pennyrile Pkwy.
US 41A	Earlington	Madisonville.
US 42	I-264	Oldham County Line.
US 42	KY 55 at Carrollton	KY 47 at Ghent.
US 45	Mayfield	Paducah.
KY 52	Richmond	Irvine.
KY 55	Cumberland Pkwy	South of Lebanon.
KY 55	US 68 in Lebanon	Springfield.
US 60	Owensboro	Hawesville.
US 60	I-264	KY 1531 at Eastwood.
US 60	US 421 in Frankfort	I-75, near Lexington.
US 60	KY 180	US 23 in Ashland.
[illegible] Bypass.	US 60	US 60 at Owensboro.
Us 62	I-24 at Paducah	West Kentucky Pkwy.
US 62	KY 353	US 27 at Cynthiana.
US 68	I-24	Bowling Green.
US 68	KY 4 in Lexington	Maysville.
KY 79	KY 1051 in Brandenburg.	Indiana St. Line.
KY 80	US 27 at Somerset	I-75 Near London.
KY 80	Daniel Boone Pkwy	Near Hazard.
KY 80	KY 15 at Hazard	US 23 at Allen.
KY 90	I-65	Cumberland Pkwy at Glasgow.
KY 90	Monticello	US 27 at Burnside.
KY 114	US 460 at Salyerville	Prestonsburg.
KY 118	Daniel Boone Pkwy	Hyden.
US 119	Pineville	US 23 at Jenkins.
US 127	Tennessee St. Line	I-64.
US 127	I-64	I-71.
US 127 Bypass.	US 127	US 127 at Danville.
US 127 Bypass.	US 127	US 127 at Lawrenceburg.
US 150	Bardstown	US 27 near Stanford.
US 79	Tennessee St. Line	US 68 Russellville.
US 119	Pikeville	West Virginia St. Line.
KY 151	US 127 near Lawrenceburg.	I-64.
KY 180	I-64	US 60 at Cannonburg.
KY 192	I-75	Daniel Boone Pkwy at London.
KY 205	Mountain Pkwy	US 460.
KY 212	KY 20	Greater Cincinnati Airport.
KY 227	KY 355 near Worthville.	KY 36 at Carrollton.
US 231	I-65	US 31W Bypass at Bowling Green.
US 231	US 60 Bypass	Indiana St. Line.
KY 236	KY 212	US 25 at Erlanger.
KY 237	KY 18	I-275 Boone County.
KY 245	I-65	US 62 at Bardstown.
KY 255	US 31W at Park City	I-65.
KY 259	West Kentucky Pkwy	US 62 in Leitchfield.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
KY 341	US 421 near Midway	I-64.
KY 348	Jackson Purchase Pkwy.	US 641 in Benton.
KY 418	US 25, South of Lexington.	I-75.
US 421	KY 80	[illegible]
US 421	US 25 in Lexington	KY 341 near Midway.
US 421	US 460 in Frankfurt	Broadway.
US 431	US 60 Bypass	US 60 in Owensboro.
KY 446	US 31W, Northwest of Bowling Green.	I-65.
US 460	I-64	KY 686 near Mt Sterling.
US 460	KY 114	US 23 near [illegible]
KY 555	US 150 at Springfield	Bluegrass Pkwy
US 641	Tennessee St. Line	KY 348 in Benton
KY 676	US 127 in Frankfort	[illegible]
KY 686	KY 11 at Mt. Sterling	US 460
KY 876	I-75 at Richmond	KY 52.
KY 922	US 25 in Lexington	I-75.
KY 1051	KY 448 South of Brandenburg.	KY 79.
KY 1682	US 68 at Hopkinsville	KY 107.
KY 1751	US 41A in [illegible]	US 41.
KY 1958	KY 627 at Winchester.	I-64.
KY 1998	US 27 at Cold Springs.	KY 9.
[illegible] Bluegrass Pkwy.	US 25 at London	KY 15 near Hazard.
[illegible] Pkwy Extension.	End of Mountain Pkwy at Campton.	US 460.
US 62	Ohio St. Line	KY 11 at Maysville.

Louisiana

LA 1	US 71 in Alexandria	US 71 near Shreveport.
LA 7	I-20	US 79 in Minden
LA 8	Texas St. Line	LA 28 near Leesville.
LA 10	Proposed I-49 near [illegible]	US 71 Lebeau.
LA 14	US 90	I-210 in Lake [illegible]
LA 15	US 65 Clayton	US 80 in Monroe.
LA 28	LA 8 near Leesville	US 84 near Archie
US 65	Mississippi St. Line	LA 15 Clayton.
US 65	I-20 in Tallulah	Arkansas St. Line.
US 71	US 190 near Kortz Springs.	US 165 In Pineville
US 71	LA 1 near Shreveport	Arkansas St. Line
US 79	LA 7 in Minded	Arkansas St. Line.
US 80	LA 15	US 165 in Monore
US 84	LA 28 near Archie	US 65 In Ferriday.
US 90	US 167 in Lafayette	New Orleans.
US 165	I-10 near Iowa	Arkansas St. Line.
US 167	US 71	Arkansas St. Line
US 171	US 90 in Lake [illegible]	US 80 in Shreveport.
LA 511	LA 3132	US 71 in Shreveport.
LA 3094	US 80	US 71 in Shreveport.
LA 3132	I-20	LA 511 in [illegible]port.
LA 3052	LA 24 near Houma	[illegible] near Raceland.
LA 3	I-20	I-220 in Bossier City.
LA 13	US 90	I-10 in Crowley.
LA 20	LA 24 near Thibodaux.	LA 1 in Thibodaux
LA 23	Deer Range	US 90 Bus. in Gretna.
LA 24	US 90 in Houma	LA 20 near Thibodaux.
LA 30	LA 42	LA 73 in Baton Rouge.
LA 39	I-10 in New Orleans	LA 46 near Marrero.
LA 46	LA 39 in New [illegible].	LA 47 in Chalmette.
LA 47	LA 46 in Chalmette	Proposed I-510 in New Orleans.
LA 48	US 90	LA 49 near New Orleans.
US 61	US 90 in New [illegible].	Mississippi St. Line.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
LA 67	LA 408 in Baton Rouge.	Baker.
US 80	LA 72 in Bossier City	I-20 in Minden.
LA 83	US 90 near Baldwin	LA 182 in Baldwin.
US 90 Bus.83.	US 90 near Westwego.	Mississippi River Bridge.
LA 108	LA 27 in Sulphur	I-10 in Maplewood.
LA 137	I-20	US 80 in Rayville.
US 167	LA 14 Bypass in Abbeville.	US 90 in Lafayette.
US 190	Eunice	LA 1032 in Denham Springs.
US 190	I-55	LA 443 in Hammond.
US 190	LA 21 in Covington	LA 22 near Chinchuba.
LA 408	US 61	LA 67 in Baton Rouge.
LA 433	I-10	US 11 in Slidell.
LA 526	LA 3132	I-20 in Shreveport.
LA 3002	I-12	US 190 in Denham Springs.
LA 3021	LA 39	US 90 in New Orleans.
LA 3032	LA 1 in Shreveport	US 71 in Bossier City.
LA 3040	The Houma Tunnel	LA 24 in Houma.
LA 3064	LA 427	LA 73 in Baton Rouge.
LA 3105	US 71	US 80 in Bossier City.
LA 3134	LA 45	LA 45 near Marrero.
LA 3211	US 90	LA 182 near Franklin.
Maine		
Scarboro Connector.	I-295 South Portland	US 1 South Portland.
South Portland Spur.	I-95 South Portland	US 1 South Portland.
US 202	New Hampshire St. Line.	Maine Turnpike.
US 302	New Hampshire St. Line.	I-295 Portland.
Maine Turnpike.	I-95 Portland	I-95 near Gardiner
US 1	I-95 Yarmouth	I-95 Freeport.
US 1	I-95 Brunswick	Canada Border, Fort Kent.
US 1A	US 1 Stockton Springs.	US 1 Ellsworth.
Maryland		
US 48	West Virginia St. Line	MD 639 at Cumberland.
US 40	MD 639 at Cumberland.	I-70 at Hancock.
US 340	MD 67 at Weverton	US 40 at Frederick.
US 40	US 340 in Frederick	I-70 in Frederick.
US 15	US 340 at Frederick	MD 26 North of Frederick
MD 4	US 301 at Upper Marlboro.	MD 223 near Methwood
US 50	I-95	MD 2 near Annapolis.
MD 3	MD 3 Bus.	I-695 Baltimore Beltway
MD 100	MD 607 at Jacobeville.	MD 3.
MD 10	MD 648 in Glen Burnie.	I-695.
MD 46	Baltimore-Washington International Airport.	MD 295
MD 295	MD 46	I-95 in Baltimore.
MD 166	US 1 at St. Denis	I-95.
US 29	MD 103	I-70.
MD I-695	I-95 East of Baltimore.	Beginning of Toll Authority at MD 151
MD 702	I-695 East of Baltimore.	Old Eastern Avenue.
MD 43	West of I-95	US 40.
US 13	Virginia St. Line	Delaware St. Line.
US 301	Virginia St. Line	US 50 At Bowie.
US 301	MD 2 near Annapolis	Delaware St. Line.
MD 4	MD 223	I-95.
US 219	US 40 near Grantsville.	Pennsylvania St. Line.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
US 220	US 40 near Cumberland.	Pennsylvania St. Line.
US 15	MD 26 near Frederick.	Pennsylvania St. Line near Emmitsburg.
US 1	I-695 near Putty Hill	Pennsylvania St. Line near Rising Sun, MD
US 50	US 301 near Queenstown.	Ocean City.
US 219	US 48	West Virginia St. Line.
US 50	West Virginia St. Line.	West Virginia St. Line.
US 220	US 48	West Virginia St. Line.
US 522	West Virginia St. Line.	Pennsylvania St. Line.
MD 2	US 50 Annapolis	I-695 Baltimore.
Massachusetts		
US 7	Connecticut St. Line	Vermont St. Line.
MA 2	New York St. Line	I-91 Greenfield.
MA 2	I-91 near Greenfield	I-95 Lexington.
MA 52	Connecticut St. Line.	I-90 Auburn.
MA 146	Rhode Island St. Line	I-290 Worcester.
US 3	I-95 Burlington	New Hampshire St. Line.
US 1	I-93 Boston	I-95 Winona Street, West Peabody.
MA 128	I-95 Peabody	MA 127 Gloucester.
MA 24	Rhode Island St. Line	I-195 West of US 6, Fall River
MA 24	I-195 Fall River	I-93 Randolph.
MA 25	I-195, I-495, Wareham.	US 6 Wareham.
MA 3	US 6 Sagamore Circle in Bourne.	I-93 Braintree.
US 6	MA 25 Wareham	New Beach, Provincetown.
MA 140	I-195 New Bedford	MA 24 Taunton.
MA 28	MA 28A Falmouth	US 6 Bourne.
Michigan		
MI 1	US 10 Bus and 175 Bus.	Adams Street Detroit.
US 2	Wisconsin St. Line	International Boundary
MI 3	Clark Street and 175 in Detroit.	MI 29 and I-94.
MI 4	US 24	Orchard Lake Road.
MI 5	Oakland-Wayne Co. Line.	I-96
US 8	US 2 Iron Mountain	Wisconsin St. Line.
US 10	Ludington	Detroit.
US 12	Michigan Indiana St. Line.	Detroit.
MI 13	I-69 Lennon	MI 57.
MI 13	US 10 Bay City	US 23 Standish.
MI 14	I-94	I-275.
MI 15	I-75 Clarkston	MI 25 Bay City.
MI 18	US 10	MI 61 Gladwin.
MI 20	US 31 White Cloud	MI 37 New Era.
MI 20	US 27 Mt. Pleasant	US 10 Midland.
MI 21	I-95 near Grand Rapids.	MI 25 Port Huron.
MI 23	Ohio St. Line	Mackinac Bridge
MI 24	I-75 Connector near Lake Orion.	MI 21 Lapeer.
MI 24	MI 46	MI 81 Caro.
US 24	Ohio St. Line	I-75 Pontiac.
MI 26	US 45	LA 28
MI 27	I-75	US 23 Cheboygan.
US 27	Indiana St. Line	I-75 North Higgins Lake
MI 28	US 2 Wakefield	I-75
US 31	Indiana St. Line	Manistee.
US 31	MI 37 Grawn	South Approach of Mackinac Bridge.
MI 32	Hillman	Alpena.
MI 33	Mio	Fairview.
US 33	Indiana St. Line	I-196.
MI 35	US 2 and US 41 Escanaba.	US 2 and US 41.
MI 36	127 Mason	Dansville US 31 and MI 72 Traverse City.
MI 37	I-96 Grand Rapids	MI 46 Kent City.
MI 38	US 45	US 41 Baraga.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
MI 39	Lafayette Street Lincoln Park Detroit.	US 10.
MI 40	Allegan	US 31 Bus. I-196 Holland.
US 41	Wisconsin St. Line	Houghton.
MI 43	MI 37 Hastings	I-69 Lansing.
US 45	Wisconsin St. Line	Rockland.
MI 46	Cedar Springs	Port Sanilac.
MI 47	MI 46	US 10.
MI 50	MI 43 and MI 64 Woodbury.	Eaton Rapids.
MI 50	I-94	I-75.
MI 51	Niles	I-94.
MI 52	Ohio St. Line	US 12.
MI 52	I-94 Chelsea	MI 46.
MI 53	MI 3	MI 25 Port Austin.
MI 55	US 31 Manistee	US 131 Cadillac.
MI 55	US 27	I-75.
MI 55	MI 65	US 23 Tawas City.
MI 56	MI 13 and MI 21	MI 54 Bus.
MI 57	US 131	US 27.
MI 57	MI 52	I-75.
MI 59	US 10 Bus. Pontiac	I-94.
MI 60	MI 62 and Cassopolis	I-69 US 27.
MI 61	MI 115	US 27 Harrison.
MI 61	MI 18 Gladwin	US 23 Standish.
MI 62	Indiana St. Line	US 12.
MI 64	US 2	US 2.
MI 64	MI 28	MI 28.
MI 65	US 23 Omer	MI 55.
MI 65	MI 72	MI 32.
MI 65	Posen	US 23.
MI 66	Indiana St. Line	US 12.
MI 66	Battle Creek	MI 78.
MI 66	MI 43	MI 46
MI 66	US 131 Mancelona	US 131 Kalkaska.
MI 67	US 41 Trenary	MI 94 Chatham.
MI 68	US 31, US 131 Petoskey.	US 23 Bus. Rogers City.
MI 69	US 2, 141 Crystal Falls.	MI 95 Sagola.
MI 72	I-75	US 23 Harrisville.
MI 78	MI 66	I-69, US 27
MI 81	MI 24 Caro	MI 53.
MI 82	MI 37	US 131.
MI 83	Frankenmuth	MI 54.
MI 84	I-75	MI 25.
MI 85	I-75	I-75 Detroit.
MI 89	Allegan	US 131.
MI 90	MI 43	MI 43.
MI 94	US 41	MI 28.
MI 95	US 2	US 41, MI 28.
MI 102	I-96, I-696	I-94.
MI 103	Indiana St. Line	US 12.
MI 104	US 31	I-96.
MI 115	US 27	MI 22.
MI 117	US 2	MI 28.
MI 123	I-75	MI 28.
MI 127	Ohio St. Line	US 27.
MI 131	Indiana St. Line	US 31 Petoskey.
MI 141	Wisconsin St. Line	US 41, MI 28.
MI 142	MI 25	MI 53.
MI 205	Indiana St. Line	US 12.
UIS 223	US 23	US 12.
Minnesota		
US 59	I-90	Slayton.
MN 220	US 75 Climax	East Grand Forks.
MN 22	US 14	St. Peter.
US 71	I-94 Sauk Centre	US 10 Wadena.
US 212	South Dakota St. Line.	Minneapolis.
MN 7	Montevideo	Minneapolis.
MN 15	MN 7 Hutchinson	I-94 St. Cloud.
US 12	Benson	I-494 Minneapolis.
MN 9	Benson	Alberta.
MN 28	Brown's Valley	I-94 Sauk Centre.
MN 55	Minneapolis	Glenwood.
US 10	Minneapolis	Moorhead.
MN 65	Minneapolis	MN 23 Mora.
US 61	Duluth	Two Harbors.
MN 24	I-94	US 10 Clear Lake.
MN 59	MN 28 Morris	US 2 Erskine.
MN 29	Glenwood	Wadena.
MN 210	Breckenridge	Staples.
MN 32	US 10	MN 1 Thief River Falls.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
MN 23	US 12 Willmar	I-35
US 169	Elmore	MN 60
US 59	Detroit Lakes	US 2.
US 63	Iowa St. Line	Rochester.
US 52	Rochester	Minneapolis.
MN 43	I-90 Wilson	US 61 Winona.
US 14	Rochester	South Dakota St. Line
MN 99	US 14	US 169.
MN 68	US 14	MN 60 Mankato.
MN 62	US 71	US 59 Fulda.
MN 60	Iowa St. Line	Mankato.
MN 30	St. James	MN 15.
MN 15	MN 30	MN 60.
MN 60	Madelia	Mankato.
US 169	Mankato	I-35
US 61	I-90	MN 20
US 75	Odessa	Climax.
US 212	Montevideo	US 169.
MN 7	US 75	Montevideo.
US 71	Iowa St. Line	I-90.
MN 34	Park Rapids	MN 371.
MN 371	Brainard	US 2 Cass Lake.
MN 20	US 52	US 61.
US 2	East Grand Fork	Duluth
US 53	Duluth	Cook
US 169	Minneapolis	Princeton.
US 10-MN 18.	US 75 Moorhead	Staples
US 8	I-35	Wisconsin St. Line.
US 169	Aitkin	US 53.
MN 37	US 169	US 53
MN 210	Brainard	Aitkin
MN 33	US 61/I-35	US 53 Independence
US 75	Iowa St. Line	I-90
MN 48	I-35	Wisconsin St. Line.
US 218	Iowa St. Line	I-90.

Mississippi

All U.S. and State numbered routes are available. This includes the Federal-Aid Primary System and other routes designated by the State.

Missouri

US 36	Kansas St Line	Illinois St Line.
US 40	St Charles St. Louis Co Line	I-55/70 St. Louis.
US 169	I-29 at Kansas City	MO 152 at Kansas City
MO 725	US 40 at St. Louis	St. Louis Co. Route D
US 67	Arkansas St. Line	Exit 174 on I-55.
US 61	St Charles St. Louis County Line.	Iowa St. Line.
US 63	Arkansas St. Line	Iowa St Line.
US 65	Arkansas St. Line	Iowa St. Line.
US 71	Arkansas St. Line	I-435 Kansas City
US 71	Exit 53 on I-29	Iowa St Line
Alt. US 71	I-44	US 71 Carthage
US 136	Exit 110 on I-29	US-61 near Keokuk, IA
US 54	Kansas St. Line	Illinois St. Line.
US 60	US 65 Springfield	I-55/57 near Sikeston.
US 24	I-435 Kansas City	US 65 Waverly
MO 7	US 71 Harrisonville	MO 13 Clinton.
MO 13	I-44 Springfield	US 24 Lexington.
US 50	Exit 7 I-470 Kansas City	Exit 247 on I-44.
US 60	Oklahoma St. Line	US 71.
US 67	MO 367	Illinois St Line.
US 412*	Arkansas St. Line	Exit 19 on I-55.
MO 84	Arkansas St. Line	US 412 near Kennett.
MO 25	US 412 near Kennett	US 60 at Dexter.
MO 5	Arkansas St. Line	US 60
MO 47	US 50 at Union	MO 100 at Washington
MO 100	MO 47 at Washington.	I-44
MO 367	I-270	US 67
US 166	Kansas St. Line	I-44
MO 171	Kansas St. Line at KS 57.	US 71 at Webb City.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
Montana		
US 2	Idaho St. Line	North Dakota St. Line.
US 12	Idaho St. Line	North Dakota St. Line.
US 89	Canadian Border	Wyoming St. Line.
US 310	Wyoming St. Line	[illegible]
MT 200	Idaho St. Line	North Dakota St. Line.
US 93	Idaho St. Line	Canadian Border.
US 287	Wyoming St. Line	[illegible]
US 87	Wyoming St. Line	Havre
US 20	Targhee Pass	[illegible]
MT 87	Reynolds Pass	Three Forks.
US 87	Billings	Roundup.
MT 117	Fort Peck	[illegible]
MT 22	Miles City	Jordon.
MT 15	Conrad	Conrad.
MT 5	Scobey	North Dakota St. Line.
MT 59	Miles City	Wyoming St. Line.
MT 23	Sidney	North Dakota St. Line
MT 7	Ekalaka	Wibaux.
MT 41	Ennis	Butte.
US 10	North Dakota St. Line	Idaho St. Line.
MT 24	Canadian Border	MT 200.
MT 13	Wolf Point	Canadian Border.
MT 37	Libby	[illegible]
MT 135	St. Regis	Paradise.
MT 28	Plains	Elmo.
US 212	Crow Agency	Wyoming St. Line.
MT 40	Whitefish	Columbia Falls.
TM 39	Lame Deer	Forsyth
TM 141	Avon	MT 200
TM 44	US 89	US 15.
US 191	West Yellowstone	MT 19.
MT 43	Idaho St. Line	US 15 Divide
TM 48	Anaconda	Warm Springs.
TM 47	Hardin	Custer.
TM 41	Dillon	Twin Bridges.
TM 16	Canadian Border	[illegible]
TM 35	Polson	US 2
TM 3	Billings	Lavina.
TM 55	MT 41 Whitehall	Whitehall.
MT 56	MT 200	US 2
TM 64	Big Sky	Mountain Valley.
TM 66	US 191	Fork Belknap.
TM 67	US 2 in Shelby	MT 15
TM 69	Whitehall	Boulder
MT 90	I-90 Missoula	Missoula.
MT 72	Wyoming Line	US 310
MT 73	I-90 Lodge Grass	US 87.
MT 74	I-90	I-90 Wyola.
MT 77	MT 28 Hot Springs	Hot Springs.
MT 78	Red Lodge	Columbus.
MT 80	Fort Benton	[illegible]
MT 81	MT 80	US 191
MT 82	Somers	MT 35 Big Fork.
MT 83	MT 200	MT 35 Big Fork.
MT 85	US 191 I-90	Belgrade.
MT 86	Bozeman	[illegible]
MT 12	I-90 Garrison	Near I-90.
MT 89	Dillon	Near MT 15.
Nebraska		
US 6	Colorado St. Line	Iowa St. Line.
US 20	Wyoming St. Line	Iowa St. Line.
US 26	Wyoming St. Line	NE 61 near Ogallala.
US 30	Wyoming St. Line	East Jct. US 73 at Blair.
US 34	Colorado St. Line	L-13G at Plattsmouth.
US 73	Kansas St. Line	US 77 at Winnebago.
US 75	Kansas St. Line	US 73 near Dawson.
US 77	Kansas St. Line	Iowa St. Line.
US 81	Kansas St. Line	South Dakota St. Line
US 83	Kansas St Line	South Dakota St. Line.
US 136	US 6/34 near Edison	NE 67 near [illegible]
US 138	Colorado St. Line	US 30 at Big Spring.
US 183	Kansas St. Line	South Dakota St. Line
US 275	US 20 Holt Co.	US 73/75 Omaha.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
US 281	Kansas St. Line	South Dakota St. Line
US 283	Kansas St. Line	US 30 at Lexington.
US 385	Colorado St. Line	South Dakota St. Line
NE 2	US 20 at Crawford	US 73/75 at Nebraska City
NE 4	US 6/34 Harlan Co.	US 73/75 near [illegible]
NE 7	NE 91 at Brewster	US 20 at Ainsworth
NE 8	NE 14 at Superior	US 73 at Falls City
NE 9	US 275 near West Point.	US 20 South of Martinsburg.
NE 10	US 136 at Franklin	NE 29 at Loup City
NE 11	I-80 near Wood [illegible]	US 20 at Atkinson.
NE 12	US 281 Boyd Co.	US 20 Dakota Co.
NE 13	US 81 near Hadar	NE 84 near Center
NE 14	Kansas St. Line	NE 12 at Niobrara.
NE 15	US 136 at Fairbury	NE 12 Cedar Co.
NE 16	NE 51 Cuming Co.	US 20 near Marbrisburg.
NE 19	Colorado St. Line	US 385 near Sidney
NE 21	NE 23 at Eustis	NE 2/92 at Broken Bow.
NE 22	NE 70 Valley Co.	US 81 near Columbus.
NE 23	NE 61 at Grant	US 6/34 near Holdredge
NE 27	NE 2 at Ellsworth	South Dakota St. Line
NE 32	US 275 near West Point.	US 73 at Tekamah
NE 33	US 6 near [illegible]	US 77 Lancaster Co
NE 35	NE 24 at Norfolk	US 77 at Dakota City
NE 39	NE 92 near Osceola	NE 14 near Albion
NE 40	NE 70/92 at Arnold	NE 10 near Kearney
NE 41	Jct NE 15 Saline Co.	NE 50 near Tecumseh
NE 43	NE 41 near Adams	NE 2 near Bennett
NE 44	US 6/34 near Axtell	US 30 at Kearney.
NE 50	NE 8 at Pawnee City	US 275 at Omaha.
NE 51	US 275 at Wisner	US 73 at Decatur
NE 61	US 34 at Benkleman	South Dakota St. Line.
NE 66	NE 14 near Central City.	US 81 near Stromsburg.
NE 66	NE 50 at Louisville	US 73/75 near [illegible]
NE 67	US 73 near Verdon	US 136 at Brownville
NE 70	NE 2 at Brokam Bow	US 281 Wheeler Co.
NE 71	Colorado St. Line	NE 2 Box Butte Co.
NE 84	NE 13 near Center	NE 15 at Hartington.
NE 87	US 385 Box Butte Co	South Dakota St. Line
NE 89	US 83 Red Willow Co	US 136 near [illegible]
NE 91	NE 2 at Dunning	US 73 at Blair.
NE 92	NE 61 at Arthur	US 275 Douglas Co
NE 97	US 83 & NE 70 near North Platte	NE 2 at Mullen
NE 103	NE 4 near Beatrice	NE 33 near Crete
NE NE 109	US 77 near Wahoo	US 77 near Inglewood.

State has also designated all State FAS highways.
FHWA has not designated any additional mileage on the FAP for Nebraska.

Nevada

US 395	California St. Line	[illegible]
US 395	US 50 Carson City	California St. Line.
US 50	California St. Line	Utah St. Line.
US 95	California St. Line	[illegible]
US 95	I-80	Oregon St. Line.
US 6	California St. Line	[illegible]
US 6	US 95 Tonopah	US 50 Ely.
US 93	Jct. FAU 501 Boulder City	US 95.
US 93	I-15	[illegible]
[illegible]	US 50	Idaho St. Line
US 95 Alt	US 95 Scharz	[illegible]
US 50 Alt	[illegible]	[illegible]
US 93 Alt	US 93	I-80 Wendover

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
New Hampshire		
US 3	Massachusetts St. Line.	101 A Nashua.
Everett Turnpike.	101 A Nashua	I-293 Bedford.
NH 101	NH 9 Keene	I-293 Bedford.
NH 9	Vermont St. Line	I-89 Hopkinton.
US 202	Spaulding Turnpike near Rochester.	Maine St. Line.
NH 101	I-93 Manchester	NH 51 Exeter.
NH 51	NH 101 Exeter	US 1 Hampton.
Spaulding Turnpike.	US 4 Dover	US 202 near Rochester.
US 4	I-393 Horse Corner	I-95 Portmouth.
NH 16	US 202 Rochester	US 302 Conway
US 3	I-93 near Franconia Notch.	Canada Border.
US 302	US 3 Twin Mountain	Maine Border.
NH 18	Vermont St. Line	I-93 Littleton.
New Jersey		
US 9	Lewes Ferry	NJ 18 Sayre Woods South.
NJ 83	US 9 Clermont	NJ 47 South Dennis.
NJ 47	NJ 83 South Dennis	NJ 55 Port Elizabeth.
NJ 55	NJ 47 Port Elizabeth	US 40 Malaga.
US 40	NJ 55 Malaga	NJ 47 Malaga.
NJ 47	US 40 Malaga	I-295 Westville Grove.
Atlantic City Expressway	Baltic Avenue	NJ 42 Turnersville.
	Atlantic City	
NJ 42	Atlantic City Expressway at NJ 168 Washington.	I-295 Bellmawr.
US 322	Pennsylvania St. Line	US 130 Bridgeport.
US 130	US 322 Bridgeport	I-295 Logan Turnpike.
US 130	NJ 44 West Deptford	I-295 West Deptford.
New Jersey Turnpike.	I-295 Deepwater	I-95 Exit 10 Raritan.
New Jersey Turnpike.	Pennsylvania St. Line	Exit 6 Mansfield.
NJ 38	NJ 34 Wall	NJ 35 Belmar.
NJ 18	US 1 New Brunswick	NJ 36 Eatontown.
US 206	US 1 Trenton	US 130 Bordentown.
US 1	Pennsylvania St. Line	I-95 Edison.
US 206	I-295 Lawrenceville	I-287 Raritan.
NJ 440	I-95 Edison	New York St. Line at Outer Bridge.
US 22	Pennsylvania St. Line Phillipsburg.	I-78 Greenwich.
US 22	US 206 Raritan	I-78 Newark.
US 202	Pennsylvania St. Line	US 206 Raritan.
NJ 495	I-95 Secaucus	I-495 Weehawken.
NJ 3	US 1 North Bergen	US 46 Clifton.
US 46	I-80 at NJ 23 Wayne	NJ 3 Clifton.
NJ 17	I-80 Hackensack	New York St. Line.
NJ 15	I-80 Dover	US 206 Ross Corner
US 206	NJ 15 Ross Corner	Pennsylvania St. Line.
New Mexico		
US 56	I-25 Springer	Oklahoma St. Line.
US 62	US 285 Carlsbad	Texas St. Line.
US 70	I-10 Las Cruces	US 84 Clovis.
US 84	I-40 Santa Rosa	Texas St. Line.
US 87	US 56 Clayton	Texas St. Line
US 285	Colorado St. Line	Texas St. Line.
US 550	US 666 Shiprock	Colorado St. Line.
US 666	I-40 Gallup	Colorado St. Line.
US 60	Arizona St. Line	US 25 Socorro.
US 64	I-40	Colorado St. Line.
US 70	Lordsburg	Arizona St. Line
US 80	Arizona St. Line	US 10.
NM 504	Arizona St. Line	Shiprock.
US 160	Arizona St. Line	Colorado St. Line.
New York		
NY 430	Pennsylvania St. Line	NY 426 Findley Lake.
NY 426	NY 430 Findley Lake	NY 17 Findley Lake.
NY 17	NY 426 Findley Lake	I-87 Thruway Exit 16.
US 219	Pennsylvania St. Line	NY 17 Carrollton.
US 219	NY 17 Kill Buck	I-90 Thruway Exit 56.
NY 400	I-90 Thruway Exit 54	NY 16 South Wales.
US Alt. 20	NY 400 E. Aurora	I-390 Geneso.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
NY 5	I-190 Buffalo	NY 75.
NY 198	I-190 Thruway Exit N11.	NY 33 Buffalo.
NY 33	Michigan Avenue Buffalo	NY 78 Williamsville.
NY 78	NY 33 Williamsville	I-90 Williamsville.
NY 179	NY 5 Windom	I-90 Windom.
NY 75	NY 5 Mount Vernon	US 20 Mount Vernon.
Walden Avenue	I-90 Thruway Exit 52	NY 277.
NY 277	Near NY 130	Walden Avenue.
US 20	Pennsylvania St. Line	I-87 Connector Albany.
NY 266	Buffalo City Limit	NY 325 Tonawanda.
NY 325	NY 266 Tonawanda	Kenmore Avenue Tonawanda.
NY 104	I-190 near Niagara Falls.	I-81 Maple View.
NY 390	I-490 Rochester	NY 18 North Greece.
NY 590	I-490 Rochester	NY 104 Irondequoit.
Inner Loop	I-490 Rochester	I-490 Rochester.
NY 15	Commerce Drive Rochester	NY 252 Rochester.
NY 15A	NY 252 Rochester	I-390 Rochester.
NY 204	NY 33A Gates	I-490 Gates.
NY 252	NY 15 Rochester	NY 15A Rochester.
NY 441	I-490 East Rochester	NY 253 East Rochester.
NY 481	I-90 Lakeland	NY 370 Baldwinsville.
NY 695	I-81 North Syracuse	NY 104 Oswego
NY 5	NY 5 Fairmont	I-690 Solvay.
NY 298	Maple Avenue Camillus	West Genessee Fairmont.
US 15	I-690 Syracuse	I-81 Syracuse.
NY 13	Pennsylvania St. Line	NY 17 Corning.
NY 7	NY 17 Elmira	I-81 Cortland.
NY 12	I-81 Binghamton	I-88 Port Dickinson.
NY 12	I-81 Glen Castle	I-790 Utica.
NY 12F	I-790 near I-90 Utica	US 11 Watertown.
NY 8	US 11 Watertown	I-81 Watertown.
NY 26	County Road 9 Sauquoit.	NY 12 Utica.
NY 365	NY 365 Rome	NY 46 Rome.
NY 49	I-90 Thruway Exit 33	NY 49 Rome.
North Country Arterial	NY 365 Rome	NY 12 Utica.
US 11	NY 55 Utica	NY 5 Utica.
NY 56	NY 12 Watertown	Canada Border
NY 37	US 11 Potsdam	NY 37 Massena.
Spur	NY 56 Massena	US 11 Malone.
US 2	NY 37 Rooseveltown	Canada Border.
NY 254	US 11 Rouses Point	Vermont St. Line.
US 4	I-87 Glen Falls	US 4 Hudson Falls.
NY 7	NY 254 Hudson Falls	Vermont St. Line.
NY 278	I-787 Troy	Vermont St. Line.
NY 2	NY 7 Brunswick Center.	NY 2 Clums Corner.
Berkshire Thruway.	NY 278 Clums Corner.	Massachusetts St. Line.
US 9	I-87 Thruway Exit 21A.	I-90 Thruway Exit B1.
NY 7	Near NY 254 Glens Falls.	Near County Road 34 Glens Falls.
NY 5	I-890 Schenectady	West City Line of Watervliet.
Wolf Road	NY 7 Schenectady	North City Line of Albany.
NY 440	NY 5 at I-87 Colonie	I-87 At NY 155 Colonie.
NY 495	New Jersey St. Line	I-278 Staten Island Expressway.
	I-278 Brooklyn-Queens Expressway	I-678 Van Wyuk Expressway.
NY 495	I-295 Clearview Expressway.	NY 25 Riverhead Suffolk.
NY 17	New Jersey St. Line	I-87 Suffern.
North Carolina		
US 19	US 64 near Ranger	US 19W Yancey County.
US 129	Georgia St. Line	US 64 near Ranger.
US 226		
US 23	Mars Hill	Tennessee St. Line.
NC 69	Georgia St. Line	US 64 near Hayesville.
US 441	Georgia St. Line	US 64 near Franklin.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
US 25	South Carolina St. Line.	I-26 near East Flat Rock.
US 221	South Carolina St. Line.	NC 226 near Woodlawn.
US 1	South Carolina St. Line.	I-85 near Middleburg.
US 15	US 401 near Laurinburg.	US 1 Aberdeen.
US 15	US 1 Northview	US 64 Pittsboro.
US 401	South Carolina St. Line.	I-40 Raleigh.
US 701	South Carolina St. Line.	US 76 near Whiteville.
US 17	South Carolina St. Line.	Virginia St. Line.
US 421	Kure Beach	I-95 Dunn.
US 421	US 1 Sanford	US 64 Siler City.
US 421	I-40 Winston-Salem	Wilkesboro.
NC 24	US 70 Mansfield	US 701 Clinton.
NC 24	I-95 Bus.	Spout Springs.
US 70	Beaufort	I-95 Durham.
US 64	Tennessee St. Line	US 23 Franklin.
US 64	I-85 Lexington	US 17 Williamston
US 258	NC 24 near Richlands.	US 64 Tarboro.
US 301	I-95 near Kenly	US 158 near Weldon.
US 76	South Carolina St. Line.	US 17 near Leland.
US 601	South Carolina St. Line.	US 74 near Monroe.
US 74	US 221 Rutherfordton.	US 17 near Wilmington.
US 220	US 74 near Rockingham.	Virginia St. Line near Price.
NC 49	I-85 Charlotte	US 52 Richfield.
US 26	South Carolina St. Line.	I-26.
NC 18	I-40 near Morgantown.	US 321 near Lenoir
US 321	South Carolina St. Line.	I-85 near Gastonia.
US 321	I-40 near Hickory	NC 90 near Lenoir
NC 16	I-40 near Conover	US 421 near Wilkesboro.
US 52	NC 24/27 Albemarle	Virginia St. Line.
NC 87	NC 24/27 Spout Springs.	US 421 Sanford.
NC 226	US 221 near Woodlawn.	US 19E near Spruce Pine.
US 158	I-40 Winston-Salem	Virginia St. Line.
North Dakota		
US 85	South Dakota St. Line.	Canadian Border.
US 83	South Dakota St. Line.	I-94 Jct.
US 83	I-94 Jct./Bismark	Canadian Border
US 281	South Dakota St. Line.	I-94 Jct./Jamestown.
US 52/281	I-94 Jct./Jamestown	Carrington.
US 281	Carrington	Canadian Border.
US 81	I-29 Jct./Manvel	I-29 Jct./Joliette.
US 2	Montana Border	US 85 Jct./Williston.
US 2	US-85 Jct.	Minnesota St. Line.
US 52	Carrington	US 2 Jct./Minot.
US 52	US 2 Jct./Burlington	Canadian Border.
US 12	Montana Border	South Dakota St. Line.
US 10	I-94 Jct.	Minnesota St. Line
ND 68	Montana St. Line	Minnesota St. Line.
ND 13	I-29 Mooreton	Minnesota St. Line.
Ohio		
All public highways, except where posted or within certain municipalities where there are restrictions.		
Oklahoma		
US 56	New Mexico St. Line	Kansas St. Line.
US 54	Texas St. Line	Kansas St. Line.
US 59	US 270 Heavener	I-44 Afton.
US 60	Texas St. Line	US 283 Ellis Co.
US 60	US 81 Pond Creek	US 59 Ottawa Co.
US 62	Texas St. Line	US 281 Lawton.
US 64	US 56 Boise City	US 69 Muskogee.
US 62	US 69 Muskogee	Arkansas St. Line.
US 70	US 81 Waurika	Arkansas St. Line.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
US 81	Texas St. Line	OK 11 Medford
US 83	OK 3 Bryan's Corner	Kansas St. Line.
US 75	Texas St. Line	Kansas St. Line.
US 169	I–244 Tulsa	US 60 Nowata.
US 127	US 70 Dixon	US 60 Ponca City.
US 69	US 75 Otoka	Kansas St. Line.
US 77	OK 11 Kildare	Kansas St. Line.
US 183	Texas St. Line	US 270 Sailing.
US 271	US 270 Wister	US 59 Poteau.
US 270	US 177 Tecuinseh	Arkansas St. Line.
US 259	Texas St. Line	US 270 Leflore Co.
US 281	OH 5 Walters	Kansas St. Line.
US 271	Clayton	Arkansas St. Line.
US 283	Texas St. Line	Kansas St. Line.
US 287	Texas St. Line	Colorado St. Line.
OK 3	US 54 Guymon	Arkansas St. Line.
OK 15	US–283 Shattuck	US–64 Enid.
OK 33	US 183 near Custer City	US 270 Kansas St. Line
OK 34	I–40 Elk City	US 64 Harper Co.
OK 8	OK 58 Fairview	US 64 Alfalfa Co.
OK 11	US 64 Cherokee	OK 20 Skiatouk.
OK 45	US 281 Woods Co.	OK 8 Alfalfa Co.
OK 51A	US 270 Watonga	OK 58 Major Co.
OK 53	OK 76 Fox	I–35 Spnnger.
OK 58	OK 51 A	OK 58 Fairview.
OK 5	US 183 Frederick	OK 53 Walters.
OK 67	USA 75 Glenpool	US 64 Bixby.
OK 29	US 81 Marlow	I–35 near Wynnewood.
OK 76	OK 7 Ratliff City	OK 53 Fox.
OK 7	I–35 near Davis	OH 1 Johnston Co.
OK 7	US 281 Lawton	OK 76 Ratliff City.
OK 6	US 283 Greer Co.	I–40 Elk City.
OK 9	OK 44 Lone Wolf	US 177 Tecumseh.
OK 9	US 69 Pittsburg Co.	US 59 LeFlore Co.
OK 39	OK 9 Tabler	OK 3W Asher.
OK 44	US 283 Greer Co.	9 Lone Wolf.
OK 53	I–44 Walters	US 81 Comanche.
OK 36	OK 5 Tilman Co.	US 281 near Lawton.
OK 18	OK 51 Paine Co.	US 60 Osage Co.
OK 20	OK 7 Johnston Co.	US 270 Calvin.
OK 48	I–44 Bristow	US 64 Pawnee Co.
OK 51	I–35 Paine Co.	US 62 Tahlequah.
OK 16	US 75 Preston	US 64 Jamesville.
OK 10	OK 2 Welch	US 59 Miami.
OK 2	US 60 Vinita	OK 10 Welch.
OK 2	US 271 Clayton	I–40 Warner
OK 19	I–35 Paul's Valley	OK 3W Ada.
OK 99	US 70 Madill	OK 11 Osage Co.
OK 199	I–35 Ardmore	US 70 Oakland.
Cimarron Turnpike.	I–35 Noble Co.	US 64 at OK 48.
Muskogee Turnpike.	OK 51 Coweta	I–40 Webers Falls.
Indian Nation Turnpike.	Texas St. Line	I–40 Henryetta.

Oregon

OR 99E	Portland	Salem.
OR 99W	Portland	Eugene
US 730	I–84 Boardman	Washington St. Line.
US 30	Portland	Astoria
US 97	Washington St Line	California St. Line.
US 20	Bend	Idaho St. Line.
US 20	Sisters	US 97 near Bend.
US 20	Newport	Sweet Home.
OR 11	Washington St. Line	Pendleton.
US 101	Washington St. Line	Cannon Beach Jct.
US 101	OR 18 at Otis	Newport.
US 101	Florence	Port Orford.
US 101	Gold Beach	California St. Line.
OR 126	Florence	Prineville.
OR 58	Eugene	US 97 near Chemult.
OR 31	La Pine	US 395 Valley Falls.
OR 62	Medford	Trail.
US 199	Grants Pass	California St. Line.
US 26	Cannon Beach Jct.	US 97 near Madras.
US 26	US 97 Metalius	Mitchell.
US 395	Pendleton	Long Creek.
US 395	John Day	Burns.
US 395	Riley	California St. Line.
OR 8	Beaverton	Forest Grove.
OR 22	OR 18 Near Willamina.	Salem.
OR 42	Coos Bay	Coquille.
OR 6	Tillamook	US 26 near Banks.
OR 18	US 101 Atis	Dayton.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
OR 10	Portland	Beverton
US 197	I–84 Seufort	OR 216 Maupin.
OR 216	US 26 Warm Springs Jct.	Maupin.
OR 38	Reedsport	[illegible].
OR 140	Klamath Falls	OR 39.
OR 39	OR 140	California St. Line.
US 99E	Albany	Junction City.
US 30 Bus.	OR. 99E	US 30 By pass in Portland.
OR 99	Grants Pass	I–5
US 30	North Powder	[illegible]
US 30	In City of Pendleton	[illegible]
OR 214	Woodburn	[illegible]
OR 217	US 26	I–5
OR 22	Salem	Santiam Jct.
OR 223	Dallas	Rickreall.
OR 224	OR 99E	[illegible]
OR 99	Central Point	[illegible]
OR 34	Corvallis	Lebanon.
OR 138	Elkton	I–5.
OR 99	OR 42	I–5.
OR 99	OR 38	I–5.
US 30	In City of Cascade Lock.	
OR 206	Wasco	Heppner.
OR 207	Cold Springs Jct.	Kinzua Road.
OR 78	Burns	US 95.

Note.—Qualified but unmarked routes have not been listed. In addition extensive partially qualifying routes have identified by the State. Full information on Oregon's truck route system is available from the Oregon Division of Highways.

Pennsylvania

US 1	Maryland St. Line	New Jersey St. Line.
US 30	I–70 Breezewood	I–76 Philadelphia.
PA 3	US 202 Westchester	I–76 Philadelphia.
US 202	PA 309 Lansdale	New Jersey St. Line.
US 222	PA 283 Lancaster	PA 9 Allentown.
US 322	I–83 Harrisburg	US 422 Hummelstown.
US 422	US 322 Hummelstown.	I–276 Norristown.
PA 283	I–83 Harrisburg	US 30 Lancaster.
US 522	I–76 Fort Littleton	US 15 Selinsgrove.
US 220	Maryland St. Line	NY 17 at New York St. Border.
US 22	West Virginia St. Line	PA 60 Pittsburgh.
US 22	I–76 Pittsburgh	US 522 Mt. Union.
US 422	PA 60 New Castle	US 22 Edensburg.
PA 60	I–80 West Middlesex	US 422 New Castle.
PA 60	PA 51 Patterson Heights.	US 22 Pittsburgh.
US 6N	I–80 West Springfield	US 6 Mill Village.
US 6	US 6N Mill Village	US 206 NJ Border.
PA 430	I–90 Erie	New York St. Line.
PA 8	I–80 Barkeyville	US 322 Franklin.
US 62	US 322 Franklin	US 6 Youngsville.
PA 28	I–376 Pittsburgh	US 422 Kittanning.
US 119	West Virginia St. Line	US 30 Greensburg.
US 30	I–76 Irwin	US 119 Greensburg.
PA 51	US 119 UnionTown	I–279 Pittsburgh.
US 219	Maryland St. Line	New York St. Line.
PA 56	US 22 Armagh	US 219 Geistown.
US 15	Maryland St. Line	New York St. Line.
PA 147	US 220 Pennsdale	I–80 Milton.
PA 9	I–81 Scranton	I–76 Philadelphia.
PA 33	I–80 Stroudsburg	US 22 Easton.
PA 309	I–276 Philadelphia	I–78 Allentown.
US 202	Delaware St. Line	I–76 King of Prussia.
US 6/19	I–79 Meadville	Northerly 7 miles.
Harrisburg Expressway.	I–83	US 11.
PA 61	US 222	I–78.
Pennsylvania Turnpike.	I–95 Bristol	New Jersey St. Line.
US 322	I–95 Chester	New Jersey St. Line.

Rhode Island

RI 78	Connecticut St. Line	US 1 near Westerly.
US 1	RI 78 near Westerly	RI 4 Allenton.
RI 4	US 1 Allenton	I–95 Warwick.
RI 114	RI 138 Middletown	RI 24 Portsmouth.
RI 24	RI 114 Portsmouth	Massachusetts St. Line.
RI 37	I–295 Cranston	I–95 near Pawtuxet.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No	From	To
RI 195	I–295 Johnston	RI 10 Providence.
RI 10	RI 195 Providence	I–95 Cranston.
US 6	Connecticut St. Line	I–295 Johnston
RI 146	I–95 Providence	Massachusetts St. Line
RI 138	RI 238 Newport	RI 114 Middletown.

South Carolina

US 78	Georgia St. Line	[illegible] near Charleston
US 378	Georgia St. Line	US 502 Conway
SC 72	Georgia St. Line	I–77 Rockhil
US 123	Georgia St. Line	[illegible]
US 76	US 52 Florence	North Carolina St. Line
US 25	North Carolina St. Line.	Georgia St. Line.
SC 18	North Carolina St. Line	US 176 Jonesville
US 176	SC 18 Jonesville	SC 72 Whitmire
SC 121	SC 72 Whitmire	US 251 Trenton
US 321	North Carolina St. Line	I–95 near Savannah
US 601	North Carolina St. Line	SC 9 Pageland
SC 151	SC 9 Pageland	US 52 Darlington.
US 1	North Carolina St. Line.	I–20 Camden
US 52	US 1 near Cheraw	US 17 Charleston.
US 17	I–95 near Ridgeland	North Carolina St. Line
US 501	US 76 Marion	US 17 Myrtle Beach.
US 21	US 7 Gardens Corner	SC 170 Beaufort.
US 276	I–85 Greenville	I–26 near Laurens.
SC 557	US 321 Clover	North Carolina St. Line.
US 521	I–20 Camden	North Carolina St. Line
US 401	US 52 Society Hill	North Carolina St. Line
US 301	Georgia St. Line	US 321 Ulmer
US 76	Georgia St. Line	US 123
SC 277	I–77 near Columbia	US 321 near Columbia.

South Dakota

All roads in the State are designated. This includes all Federal-aid Primary Routes as well as other routes designated by the State.

Tennessee

Briley Pkwy	I–40 near Nashville	I–65 near Nashville Tennessee St. Line
TN 137, US 23	TN 67 Johnson City	TN 1 Kingsport.
US 51	Near Memphis	Purchase Pkwy. Kentucky St. Line.
US 45 Bypass.	Mississippi St. Line	Near Jackson.
US 45/45W Bypass.	Near Jackson	Union City near TN 22
US 79	Memphis near I–40	Guthrie at US 41 Kentucky St. Line.
US 641	I–40 near Natchez Trace State Park.	Kentucky St. Line near TN 140
US 231	Alabama St. Line near Fayetteville.	Kentucky St. Line near TN 52.
US 127	Red Bank near Chattanooga.	State at Kentucky St. Line
US 27	Walden	Kentucky St. Line.
US 25E	Witt I–40	Harrogate at Virginia St. Line
US 70 Alt.	Atwood at US 79	Huntingdon at TN 22
US 70	Huntingdon at TN 22	Dickson
US 70	Sparta at TN 111	Crossville at US 127.
US 70S	Murfreesboro at US 231.	Sparta at TN 111.
US 64/41	Memphis at TN 15	Tracy City.
US 64	Cleveland near I–40	[illegible] at North Carolina St. Line.
US 43	Near St. Joseph at Alabama St. Line	Lawrenceburg at US 64.
US 72	Alabama St. Line	I–24
TN 153	I–75	US 27 at Walden.
TN 96	US 70	I–40.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
US 70	Briley Pkwy	Sparta.
US 127	Crossville	I-40.
Texas		
US 59	New Mexico St. Line	Arkansas St. Line.
US 60	New Mexico St. Line	Oklahoma St. Line.
US 62	New Mexico St. Line	Lubbock.
US 67	Jct. 277 San Angelo	Jct. 84 Santa Ana.
US 69	Los Angeles St. Line	I-20 Tyler.
US 75	Jct. I-30 Dallas	Oklahoma St. Line.
US 77	Mexico Border	I-35 Waco.
US 82	Lubbock	Jct. 277 Seymour.
US 82	Jct. 287 near Wichita Falls.	US 75 Sherman.
US 83	Jct. 77 near Harlinger	Jct. I-35 Laredo.
US 83	Jct. 67 Ballinger	I-20 Abilene.
US 84	New Mexico St. Line	I-20 near Sweetwater.
US 84	US 67 Santa Ana	I-45 Waco.
US 87	Jct. 277 San Angelo	Lubbock.
US 87	I-40 Amarillo	New Mexico St. Line.
US 90	Mexico Border	I-35 San Antonio.
US 183	I-35 Austin	US 84 Goldthwaite.
US 259	US 59 Nacogdoches	Oklahoma St. Line.
US 277	Mexico Border	US 67 San Angelo.
US 277	I-20 Abilene	Oklahoma St. Line.
US 281	US 83 Mc Allen	I-37 near Three Rivers.
US 290	I-10 near Mountain Home.	I-610 Houston.
US 287	I-40 Amarillo	I-35 Ft. Worth.
US 385	I-10 Ft. Stockton	US 62 Seminole.
US 285	New Mexico St. Line	I-20 Pecos.
TX 19	Sulphur Springs	Oklahoma St. Line.
US 81	Bowie	Oklahoma St. Line.
US 283	Vernon	Oklahoma St. Line.
US 83	US 287	US 60.
US 62	US 83	Oklahoma St. Line.
US 287	Dumas	Oklahoma St. Line.
US 54	Dalhart	Texhoma.
Utah		
US 6	I-15 near Spanish Fork.	I-70 near Green River Colorado St. Line.
US 40	I-80 Silver Creek Jct.	near Dinosaues, CO.
US 89	I-70 Salina Interchange.	I-15 near Nephi Interchange.
US 91	I-15 Perry-Brigham Interchange.	Idaho St. Line near Franklin, Idaho.
UT 201	I-80 Lake Point Interchange.	I-15 at 21st near Interchange in Salt Lake City.
US 50	Nevada St. Line near Salina.	I-70.
US 666	Montocello	Colorado St. Line.
US 163	Arizona St. Line	I-70.
US 89	Arizona St. Line	Sevier.
Vermont		
VT 9	New York St. Line	New Hampshire St. Line.
US 7	Massahusetts St. Line.	I-89 Burlington.
US 4	New York St. Line	I-89 White River Jct.
US 2	I-89 Montpelier	I-93 St. Johsbury.
US 2	New York St. Line	VT 78 Alburg.
VT 78	US 2 Alburg	I-89 Swanton.
Virginia		
Alt. US 58	US 23 Norton	US 19 Hamsonville.
US 460	Raven	US 19 Cedar Bluff.
US 460	West Virginia St. Line	I-81 Christiansburg.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
VA 100	Bane	US 460 Pearlsburg.
US 58	US 220 Martinsville	I64 Chesapeake.
VA 44	I-64 Norfolk	US 60 Virginia Beach.
US 460	I-581 Roanoke	I-85 Petersburg.
US 360	US 58 VA 304	VA 150 Richmond.
VA 304	US 360	US 58 South Boston.
US 360	I-295 Richmond	US 17.
VA 195	I-195 Richmond	I-95 Richmond.
VA 146	VA 76 Richmond	VA 175 Richmond.
VA 76	I-195 Richmond	VA 150 Richmond.
VA 150	VA 76 Richmond	I-95 Richmond.
US 211	I-81 New Market	US 29 Warrenton.
VA 7	I-81 Winchester	I-395 Arlington.
US 23	Tennessee St. Line	Kentucky St. Line.
US 19	I-81 Abingdon	West Virginia St. Line Bluefield.
US 220	North Carolina St. Line near Martinsville.	West Virginia St. Line. US 581 Roanoke
US 29	North Carolina St. Line near Danville.	US 50 Fairfax.
US 50	US 29 Fairfax	VA 7 Falls Church.
US 17	I-64 Newport News	US 360 Breys Fork.
US 17	US 360 Tappahanneck.	I-95 near Fredencksburg.
US 17	I-95 near Fredencksburg.	US 29 Opal.
VA 207	I-95 Carmel Church	US 301 Bowling Green.
US 301	VA 207 Bowling Green.	Maryland St. Line.
VA 168	VA 165 Chesapeake	I-64 Chesapeake.
US 13	I-64 Norfolk	Bay Bridge Tunnel.
US 13	Bay Bridge Tunnel	Maryland St. Line.
US 258	North Carolina St. Line.	US 58 Franklin.
US 52	North Carolina St. Line.	I-77 Fancy Gap.
US 17	North Carolina St. Line.	US 13 Chesapeake.
US 50	West Virginia St. Line	I-81 Winchester.
US 522	Winchester	West Virginia St. Line.
VA 340	VA 7 Winchester	Maryland St. Line.
Washington		

All US and state numbered routes are designated. This includes all Federal-aid primary routes and additional routes designated by the State.

West Virginia		
US 19	Jct. I-77 Bradley	Jct. I-79 Gassaway.
US 22	Ohio St. Line	Pennsylvania St. Line.
US 48	I-79 Morgantown	Maryland St. Line.
US 50	I-77 Parkersburg	Virginia St. Line.
US 60	I-77 Charleston	I-64 Sam Black Church.
US 119	Kentucky St. Line	I-77 Charleston.
US 219	US 460 Rich Creek	Maryland St.Line.
US 220	Virginia St. Line	Maryland St. Line.
US 250	I-70 Wheeling	Virginia St. Line.
US 522	Virginia St. Line	Maryland St. Line.
US 460	US 52 Bluefield	219 Rich Creek.
US 119	US 48 Morgantown	Pennsylvania St. Line.
US 340	Virginia St. Line	Maryland St. Line.
Wisconsin		
US 18	Prairie du Chien	Madison.
WI 21	I-90/94	Oshkosh.
US 51	Portage	Ironwood.
WI 29	I-94/90	Greenbay.
US 8	St. Croix Falls	Michigan St. Line.

APPENDIX—LIST OF OTHER QUALIFIED ROUTES—Continued

Posted route No.	From	To
US 14	Madison	La Crosse.
US 151/61	Dubuque	Manitowoc.
WI 69	Illinois Border	US 18.
US 12	Illinois St. Line	Monona.
US 151	I-90/94	Manitowoc.
WI 16	I-94	Portage.
WI 11	WI 15 Elkhorn	WI 31.
US 61	Dickeyville	Iowa St. Line.
US 63	Minnesota Border	US 2 near Ashland.
WI 13	WI 21 near Cottonville.	Ashland.
US 2	Superior	Ironwood.
US 45	US 10 near Appleton	Michigan Border.
US 10	Prescott	I-43 near Maintowoc.
US 141	Abrams	Pembine.
US 41	Abrams 107 St. Milwaukee.	Marinette.
WI 57	Green Bay	Sturgeon Bay.
WI 42	Manitowoc	WI 57.
US 53	La Crosse	Superior.
WI 27	WI 82 near Rising Sun.	Ojibwa.
WI 82	Minnesota St. Line	WI 27
WI 70	Minnesota St. Line	Florence.
WI 32	WI 29	Laona.
WI 58	US 14	Mauston.
WI 80	I-94	Pittsville.
WI 11	Dubuque	WI 15 Delavan.
WI 15	I-90 Beloit	US 45 Greenfield.
WI 23	WI 32 near Sheboygan Falls.	Taylor Drive Sheboygan.
WI 30	Madison	I-90/94 near Madison.
US 41	National Avenue Milwaukee.	Garfield Avenue Milwaukee.
US 45	WI 15-100	I-894 Greenfield.
US 45	I-94-894	WI 175 Milwaukee.
WI 78	I-90-94	WI 51 Columbia Co.
WI 119	I-94	WI 38 Milwaukee.
WI 145	Broadway St. Milwaukee.	Milwaukee Waukesha Co. Line.
WI 172	US 41	County Road X Green Bay.
US 61	Illinois St. Line	Northerly.
WI 20	I-94	WI 31 Racine Co.
WI 31	WI 11	WI 20 Racine Co.
WI 50	I-94 US 41	45th Avenue Kenosha.
WI 124	US 53	WI 29 near Chippewa Falls.
US 141	US 8	Michigan St. Line.
US 141/US 2.	Iron Mountain	Ironwood.
US 14	Madison	Janesville.
US 12	WI 23	Wisconsin Dells.
WI 77	Mellen	Hurley.
WI 17	Eagle River	Rhinelander.
WI 139	US 8	WI 70
WI 35	I-94 Hudson	Minnesota St. Line.
US 12	WI 27 Augusta	I-94.
WI 34	Wisconsin Rapids	US 10.
WI 54	Wisconsin Rapids	US 51 Clover.
US 45	US 10	Illinois St. Line.
WI 26	US 155 Waupon	US 41 Oshkosh
WI 26	I-94	US 16.
WI 82	Mauston	I-94.
Wyoming		

All US and State numbered routes are designated with the exception of US 89/287 and US 212 in Yellowstone National Park. This includes all Federal-aid Primary Routes under the jurisdiction of the State of Wyoming as well as other routes designated by the State.

*Old maps shown as MO 25 from AR to MO 84 and MO 84 to I-55.

[FR Doc. 83-8879 Filed 4-4-83; 8:45 am]

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Tuesday, April 5, 1983

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 5, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's *List of Public Laws.*

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Federal Register

Wednesday
April 6, 1983

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Environmental Protection Agency

Civil Rights
Small Business Administration

Commodity Exchanges
Commodity Futures Trading Commission

Electronic Funds Transfers
Federal Reserve System

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Pesticides and Pests
Environmental Protection Agency

Quarantine
Animal and Plant Health Inspection Service

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Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 5038 of April 4, 1983

Swedish-American Friendship Day, 1983

By the President of the United States of America

A Proclamation

On April 3, 1783, Ambassador Extraordinary Gustav Philip Creutz, representing the King of Sweden, and Benjamin Franklin, Minister Plenipotentiary of the United States of America, signed a Treaty of Amity and Commerce in Paris, France. In the Treaty, they pledged, "firm, inviolable and universal peace and a true and sincere friendship between the King, his heirs and successors, and the United States of America."

They could not then know how dramatically that friendship would flourish, and how closely mingled the fates and fortunes of the two lands would become. During the nineteenth century, thousands of Swedes joined the great current of Scandinavian migration to the United States. Once there, they helped push the frontier westward, achieving great successes in agriculture and industry. Their achievements constitute proud monuments to the Swedish-American heritage and to the development of our country.

Democratic ideals, a belief in ingenuity and hard work, concern for the individual, and free trade are among the many values and principles both countries share. Because of the extensive commerce and interchange of persons and ideas between Sweden and the United States, we have long enjoyed a deep understanding of each other.

For these reasons, the Congress, by Senate Joint Resolution 64, has authorized and requested the President to proclaim April 4, 1983, as Swedish-American Friendship Day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate April 4, 1983, as Swedish-American Friendship Day. I invite the people of the United States to honor the Bicentennial of the Treaty of Amity and Commerce that day by holding appropriate ceremonies and activities in suitable places throughout the land.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-9160
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Presidential Documents

Proclamation 5039 of April 4, 1983

National Child Abuse Prevention Month, 1983

By the President of the United States of America

A Proclamation

Child abuse and child neglect continue to threaten the lives and health of over a million of our Nation's children. Their physical suffering and emotional anguish challenge us, as parents, neighbors, and citizens, to increase our attention to their protection and intensify our efforts to prevent their maltreatment.

Children may be endangered by physical battering, denial of the basic necessities for life and health, sexual abuse and exploitation, or emotional cruelty. Public concern can help prevent maltreatment and help protect children. Action taken after cruelty has occurred is often too late. Prevention of abuse requires that neighborhoods and communities be attentive to the problems of families in their midst and be willing to help when help is needed. It requires the active concern of educational, medical, mental health, law enforcement, and social service professionals, and the efforts of volunteers and private citizens.

The health and well-being of our children underlie the future of our Nation. The Congress, by Senate Joint Resolution 21, has recognized the need for public attention to prevention of child abuse and has requested me to proclaim April 1983 as National Child Abuse Prevention Month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of April 1983 as "National Child Abuse Prevention Month." I urge all citizens to renew our Nation's commitment to meet the serious challenge that child abuse and child neglect pose to the welfare of our children and families.

I invite the Governors of the States; the Commonwealth of Puerto Rico and the Territories; the Mayor of the District of Columbia; the heads of voluntary and private groups; and the offices of local, State and Federal government to join in this observance. I also urge them to encourage activities whose purpose is to prevent and treat child abuse and child neglect.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

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Presidential Documents

Proclamation 5040 of April 4, 1983

Pan American Day and Pan American Week, 1983

By the President of the United States of America

A Proclamation

For the last fifty-two years, the proclamation of an annual Pan American Day has brought to the attention of the world the unique harmony of ideals inspiring the nations of the western hemisphere. These common goals of peace, prosperity, and freedom serve as the foundation for the Organization of American States, which is charged with upholding and defending these principles.

The OAS has succeeded admirably in maintaining and strengthening the traditional bonds of friendship among the peoples of the Americas. At the same time, the peacekeeping mechanisms forged by the OAS member nations have proved effective in preventing the level of conflict that has afflicted other areas of the globe.

The commitment of the Pan American nations to work together to solve their problems has prompted the creation of several specialized inter-American agencies. These agencies, along with the major councils of the OAS, have been instrumental in promoting the economic, social, scientific, educational, and cultural development of the Pan American nations. The Inter-American Human Rights Commission also has made a significant contribution to strengthening respect for basic liberties throughout the hemisphere.

Cooperation among Pan American nations is predicated on mutual respect for the individual character and culture of each people. Pan American Day commemorates this high mutual regard and salutes the great progress that has been made within the OAS framework.

On this Pan American Day of 1983, the people of the United States extend warm greetings to their neighbors in the Americas, and reaffirm their commitment to the spirit of solidarity, the ideals and purposes of the inter-American system, and their active support of the Organization of American States.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Thursday, April 14, 1983, as Pan American Day, and the week beginning April 10, 1983, as Pan American Week; and I urge the Governors of the fifty States, and the Governor of the Commonwealth of Puerto Rico, and the officials of the other areas under the flag of the United States of America, to honor these observances with appropriate activities and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

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Presidential Documents

Proclamation 5041 of April 4, 1983

Prayer for Peace, Memorial Day, 1983

By the President of the United States of America

A Proclamation

Each year, for more than 100 years, we have gathered on Memorial Day to pay tribute to those men and women who have fallen in battle, sacrificing their lives to preserve our freedom and world peace. In doing this, we are reminded that neither peace nor liberty is guaranteed, and that our national ideals remain threatened by global conflict, economic crises, violence, and aggression.

Throughout our history, America has been a symbol of hope for all people. We must always accept the many responsibilities that this requires. Thus, we are prepared to assist other nations in their struggle for economic progress; to help those in other lands who suffer from political repression and injustice; to deter aggression by strengthening democracy around the globe; and to work tirelessly toward a world without war.

Those who have sacrificed their lives for our country serve as a reminder that our work is unfinished. With vision and purpose and a prayer in our hearts, let us dedicate ourselves to their memory.

In recognition of those Americans to whom we pay tribute today, the Congress, by joint resolution of May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Memorial Day, Monday, May 30, 1983, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer. I urge the press, radio, television, and all other information media to cooperate in this observance.

I also request the Governors of the United States and the Commonwealth of Puerto Rico and the appropriate officials of all local units of government to direct that the flag be flown at half-staff during this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control, and I request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-9163
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Presidential Documents

Executive Order 12414 of April 4, 1983

Establishing an Emergency Board To Investigate a Dispute Between The Long Island Rail Road and Certain Labor Organizations

A dispute exists between The Long Island Rail Road and certain labor organizations, designated on the list attached hereto and made a part hereof, representing employees of The Long Island Rail Road.

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended ("the Act").

The New York Metropolitan Transportation Authority, the parent body of The Long Island Rail Road, has requested that the President establish an emergency board pursuant to Section 9A of the Act.

Section 9A(e) of the Act provides that the President, upon request of a party, shall appoint an emergency board to investigate and report on the dispute.

NOW, THEREFORE, by the authority vested in me by Section 9A of the Act, as amended (45 U.S.C. § 159a), it is hereby ordered as follows:

Section 1. *Establishment of Board.* There is established, effective immediately, a board of three members to be appointed by the President to investigate this dispute. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

Sec. 2. *Report.* Within 30 days after creation of the board the parties to the dispute shall submit to the board final offers for settlement of the dispute. Within 30 days after the submission of final offers the board shall submit a report to the President setting forth its selection of the most reasonable offer.

Sec. 3. *Maintaining Conditions.* As provided by Section 9A(h) of the Act, as amended, from the time a request to establish a board is made until 60 days after the board makes its report, no change, except by agreement, shall be made by the parties in the conditions out of which the dispute arose.

Sec. 4. *Expiration.* The Emergency Board shall terminate upon submission of the report provided for in Sec. 2 of this Order.

Ronald Reagan

THE WHITE HOUSE,
April 4, 1983.

LABOR ORGANIZATIONS

ARASA Division, Brotherhood of Railway and Airline Clerks

Brotherhood of Locomotive Engineers

Brotherhood of Railway Carmen of the United States and Canada

International Association of Machinists and Aerospace Workers

International Brotherhood of Electrical Workers

Police Benevolent Association

Railroad Yardmasters of America

Sheet Metal Workers International Association

United Transportation Union

Editorial Note: The President's announcement of Apr. 4, 1983, on the creation of the board is printed in the *Weekly Compilation of Presidential Documents* (vol. 19, no. 14).

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Rules and Regulations

Federal Register
Vol. 48, No. 67
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

[Docket No. 83-042]

Exotic Newcastle Disease; Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document quarantines a portion of Queens County, New York, because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in this portion of Queens County, New York, on March 29, 1983. Therefore, in order to prevent the dissemination of exotic Newcastle disease, it is necessary to take this action.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: W. W. Buisch, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 748, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION:

Exotic Newcastle disease is a communicable viral disease affecting all species of poultry and birds. This disease was diagnosed on a premises in Queens County, New York, on March 29, 1983.

This document on an emergency basis amends 9 CFR Part 82 by quarantining that portion of Queens County, New York, where the disease was diagnosed. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, from the area quarantined, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

Executive Order 12291 and Emergency Action

This final action has been reviewed in accordance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this rule will have an annual effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

Dr. E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, has determined that the emergency nature of this interim rule warrants publication without opportunity for public comment. This amendment is necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry and birds, and must be made effective immediately to accomplish its purpose in the public interest.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the Federal Register.

Certification Under the Regulatory Flexibility Act

James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the quarantine imposed due to the existence of exotic Newcastle disease affects only one premises.

List of Subjects in 9 CFR Part 82

Animal diseases, Poultry and poultry products, Quarantine, Transportation, Exotic Newcastle disease.

PART 82—[AMENDED]

Accordingly, 9 CFR Part 82 is amended as follows:

In § 82.3, new paragraphs (c)(1) is added to read:

§ 82.3 Imposition and removal of quarantine.

* * * * *

(c) * * *

(1) *New York.* (i) The premises of Richard King, 256-08 Craft Avenue, Rosedale, Queens County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f); 7 CFR 2.17, 2.51, 371.2(d))

Done at Washington, D.C., this 31st day of March, 1983.

K. R. Hook,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-8949 Filed 4-5-83; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 32

Consumer Products Containing Small Quantities of Radioactive Material; Modified Reporting and Recordkeeping Requirements

Correction

In FR Doc. 83-7695 beginning on page 12331 in the issue of Thursday, March 24, 1983, make the following corrections.

1. On page 12333, first column, first line of the second paragraph of the "Authority", "sec. 23" should have read "sec. 223".

2. On the same page, second column, second line of § 32.12 (c)(2), the reference to "§ 30.27" should have read "§ 30.37".

BILLING CODE 1505-01-M

10 CFR Part 50

Standards for Determining Whether License Amendments Involve No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Interim final rule.

SUMMARY: Pursuant to Public Law 97–415, NCR is amending its regulations to specify standards for determining whether requested amendments to operating licenses for certain nuclear power reactors and testing facilities involve no significant hazards considerations. These standards will help NRC in its evaluations of these requests. Research reactors are not covered. However, the Commission is reviewing the extent to which and the way such standards should be applied to research reactors.

EFFECTIVE DATE: May 6, 1983. The Commission specifically requests comments on this interim final rule by May 6, 1983. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Written comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of the documents discussed in this notice and of the comments received on the proposed rule and interim final rules may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Thomas F. Dorian, Esq., Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 492–8690.

SUPPLEMENTARY INFORMATION:

Introduction

Pursuant to Public Law 97–415, NRC must promulgate, within 90 days of enactment, regulations which establish (a) standards for determining whether an amendment to an operating license involves no significant hazards considerations, (b) criteria for providing or, in emergency situations, for dispensing with prior notice and reasonable opportunity for public comment on any such determination, and (c) procedures for consultation on any such determination with the State in which the facility involved is located.

Proposed regulations to specify standards for determining whether amendments to operating licenses or construction permits for facilities licensed under §§ 50.21(b) or 50.22 (including testing facilities) involve no significant hazards considerations (item (a) above) were published for comment in the **Federal Register** by the Commission on March 28, 1980 (45 FR 20491). Since the Commission rarely issues amendments to construction permits and has never issued a construction permit amendment involving a significant hazards consideration, it has decided not to apply these standards to amendments to construction permits and to handle these case-by-case. This is in keeping with the legislation which applies only to operating license amendments. Additionally, these standards will not now be applied to research reactors. The Commission is currently reviewing whether and how it should apply these or similar standards to research reactors. In sum, the interim final rule will amend Part 50 of the Commission's regulations to establish standards for determining whether an amendment to an operating license involves no significant hazards consideration.

The rule takes account not only of the new legislation but also the public comments received on the proposed rule. For the sake of clarity, affected prior legislation as well as the Commission's regulations and practice are discussed as background information.

Simultaneously with the promulgation of these standards in § 50.92, the Commission is publishing an interim final rule which contains criteria for providing or, in emergency situations, for dispensing with prior notice and reasonable opportunity for and public comment on a determination about whether an amendment to an operating license involves a significant hazards consideration (item (b) above). This rule also specifies procedures for consultation on any such a determination with the State in which the facility involved is located (item (c) above). The rule appears separately in the **Federal Register.**

These regulations are issued as final, though in interim form, and comments will be considered on them. They will become effective 30 days after publication in the **Federal Register.** Accordingly, interested persons who wish to comment are encouraged to do so at the earliest possible time, but not later than 30 days after publication, to permit the fullest consideration of their views.

Background

A. Affected Legislation, Regulations and Procedures

When the Atomic Energy Act of 1954 (Act) was adopted in 1954, it contained no provision which required a public hearing on issuance of a construction permit or operating license for a nuclear power reactor in the absence of a request from an interested person. In 1957, the Act was amended to require that mandatory hearings be held before issuance of both a construction permit and an operating license for power reactors and certain other facilities. Public Law 85–256 (71 Stat. 576) amending § 189a. of the Act.

The 1957 amendments to the Act were interpreted by the Commission as requiring a "mandatory hearing" before issuance of amendments to construction permits and operating licenses. *See, e.g.,* Hearing Before the Subcommittee on Legislation, Joint Committee on Atomic Energy, 87th Cong., 2d. Sess. (April 17, 1962), at 6. Partially in response to the administrative rigidity and cumbersome procedures which this interpretation forced upon the Commission (*see,* Joint Committee on Atomic Energy Staff Study, "Improving the AEC Regulatory Process", March 1961, at 49–50), section 189a. of the Act was amended in 1962 to eliminate the requirement for a mandatory public hearing except upon the application for a construction permit for a power or testing facility. As stated in the report of the Joint Committee on Atomic Energy which recommended the amendments:

> Accordingly, this section will eliminate the requirements for a mandatory hearing, except upon the application for a construction permit for a power or testing facility. Under this plan, the issuance of amendments to such construction permits, and the issuance of operating licenses and amendments to such construction permits, and the issuance of operating licenses and amendments to operating licenses, would be only after a 30-day public notice and an offer of hearing. In the absence of a request for a hearing, issuance of an amendment to a construction permit, or issuance of an operating license, or an amendment to an operating license, would be possible without formal proceedings, but on the public record. It will also be possible for the Commission to dispense with the 30-day notice requirement where the application presents no significant hazards consideration. This criterion is presently being applied by the Commission under the terms of AEC Regulations 50.59. H. Rep. No. 1966, 87th Cong., 2d. Sess., at 8.

Thus, according to the 1962 amendments, a mandatory public hearing would no longer be required before issuance of an amendment to a

construction permit or operating license and a thirty-day prior public notice would be required only if the proposed amendment involved a "significant hazards consideration." In sum, section 189a. of the Act, now provides that, upon thirty-days' notice published in the **Federal Register**, the Commission may issue an operating license, or an amendment to an operating license, or an amendment to a construction permit, for a facility licensed under sections 103 or 104b. of the Act, or for a testing facility licensed under section 104c., without a public hearing if no hearing is requested by any interested person. Section 189a. also permits the Commission to dispense with such thirty-days' notice and **Federal Register** publication with respect to the issuance of an amendment to a construction permit or an amendment to an operating license upon a determination by the Commission that the amendment involves no significant hazards consideration. These provisions have been incorporated into §§ 2.105, 2.106, 50.58(a) and (b) and 50.91 of the Commission's regulations.

The regulations provide for prior notice of a "proposed action" on an application for an amendment when a determination is made that there is a significant hazards consideration and provide an opportunity for interested members of the public to request a hearing. *See* §§ 2.105(a)(3) and 50.91. Hence, if a requested license amendment is found to involve a significant hazards consideration, the amendment would not be issued until after any required hearing is completed or after expiration of the notice period. In addition, § 50.58(b) further explains the Commission's hearing and notice procedures, as follows:

> The Commission will hold a hearing after at least 30 days notice and publication once in the **Federal Register** on each application for a construction permit for a production or utilization facility which is of a type described in § 50.21(b) or § 50.22 or which is a testing facility. When a construction permit has been issued for such a facility following the holding of a public hearing and an application is made for an operating license or for an amendment to a construction permit or operating license, the Commission may hold a hearing after at least 30 days notice and publication once in the **Federal Register** or, in the absence of a request therefor by any person whose interest may be affected, may issue an operating license or an amendment to a construction permit or operating license without a hearing, upon 30 days notice and publication once in the **Federal Register** of its intent to do so. If the Commission finds that no significant hazards consideration is presented by an application for an amendment to a construction permit or operating license, it may dispense with such notice and publication and may issue the amendment.

Thus, it is very important to note that a determination that a proposed license amendment does or does not present a "significant hazards consideration" has involved the hearing and attendant notice requirements. Consequently, under its present rules the Commission has generally coupled its determination about whether it should provide a hearing before issuing an amendment with its determination about whether it should issue a prior notice, and the central factor in both determinations has been the determination about "no significant hazards consideration." It has been charged that in practice this has meant that the staff has sometimes coupled the decision about the merits of an amendment to the decision about when it should notice the amendment, *i.e.*, whether it should give prior notice or post notice. Additionally, there has been some concern that the Act and the regulations have not defined the term "significant hazards consideration" and that they have not established criteria for determining when a proposed amendment involves a "significant hazards consideration." Section 50.59 does set forth criteria for determining when a proposed change, test or experiment involves an "unreviewed safety question," but it is clear that not every such question involves a "significant hazards consideration." In any event, the Commission's practice with regard to license amendments involving no significant hazards consideration (unless, as a matter of discretion, prior notice was given) was to issue the amendment and then publish in the **Federal Register** a notice of issuance. *See* § 2.106. In such a case, interested members of the public who wished to object to the amendment and request a hearing could do so, but a request for a hearing did not, by itself, suspend the effectiveness of the amendment. Thus, both the notice and hearing, if one were requested, have occurred after the amendment was issued.

It is very important to bear in mind that there is not intrinsic safety significance to the "no significant hazards consideration" standard. Whether or not an action requires prior notice, no license and no amendment may be issued unless the Commission concludes that it provides reasonable assurance that the public health and safety will not be endangered and that the action will not be inimical to the common defense and security or to the health and safety of the public. *See, e.g.*, § 50.57(a). Also, whether or not an amendment entails prior notice, no amendment to any license may be issued unless it conforms to all applicable Commission safety standards. Thus, the "no significant hazard consideration" standard has been a procedural standard only, governing whether public notice of a proposed action must be provided, before the action is taken by the Commission. In short, the "no significant hazards consideration" standards has been a notice standard and has had no substantive safety significance, other than that attributable to the process of prior notice to the public and reasonable opportunity for a hearing.

B. The Sholly Decision and the New Legislation

The Commission's practice of not providing an opportunity for a prior hearing on a license amendment not involving significant hazards considerations was held to be improper in *Sholly* v. *NRC*, 651 F.2d 780 (1980), rehearing denied, 792 F.2d 792 (1980), *cert granted* 101 S. Ct. 3004 (1981) (*Sholly*). In that case the U.S. Court of Appeals for the District of Columbia Circuit ruled that, under section 189a of the Act, NRC must hold a prior hearing before an amendment to an operating license for a nuclear power plant can become effective, if there has been a request for hearing (or an expression of interest in the subject matter of the proposed amendment which is sufficient to constitute a request for a hearing). A prior hearing, said the Court, is required even when NRC has made a finding that a proposed amendment involves no significant hazards consideration and has determined to dispense with prior notice in the **Federal Register**. At the request of the Commission and the Department of Justice, the Supreme Court agreed to review the Court of Appeals' interpretation of section 189a of the Act. The Supreme Court has remanded the case to the Court of Appeals with instructions to vacate it if it is moot and, if it is not, to reconsider its decision in light of the new legislation.

The Court of Appeals' decision did not involve and has no effect upon the Commission's authority to order immediately effective amendments, without prior notice or hearing, when the public health, safety, or interest so requires. *See*, Administrative Procedure Act, Section 9(b), 5, U.S.C. § 558(c), section 161 of the Atomic Energy Act, and 10 CFR 2.202(f) and 2.204. Similarly, the Court did not alter existing law with regard to the Commission's pleading requirements, which are designed to

enable the Commission to determine whether a person requesting a hearing is, in fact, an "interested person" within the meaning of section 189a.—that is, whether the person has demonstrated standing and identified one or more issues to be litigated. *See, BPI* v. *Atomic Energy Commission*, 502 F.2d 424, 428 (D.C. Cir. 1974), where the Court stated that, "Under its procedural regulations it is not unreasonable for the Commission to require that the prospective intervenor first specify the basis for this request for a hearing."

However, the Commission believed that legislation was needed to change the result reached by the Court in *Sholly* because of the implications of the requirement that the Commission grant a requested hearing before it could issue a license amendment involving no significant hazards consideration. The commission believes that, since most requested license amendments involving no significant hazard consideration are routine in nature, prior hearing on such amendments could result in unwarranted disruption or delay in the operations of nuclear plants and could impose regulatory burdens upon it and the nuclear industry that are not related to significant safety matters. Subsequently, on March 11, 1981, the Commission submitted proposed legislation to Congress (introduced as S. 912) that would expressly authorize it to issue a license amendment before holding a hearing requested by an interested person, when it has made a determination that no significant hazards consideration is involved in the amendment.

After the House and Senate conferees considered two similar bills, H.R. 2330 and S. 1207, they agreed on a unified version (*See* Conf. Rep. No. 97–884, 97th Cong. 2d. Sess. (1982)) and passed Public Law 97–415. Specifically section 12(a) of that law amends section 189a of the Act by adding the following with respect to license amendments involving no significant hazard consideration:

(2)(A) The Commission may issue and make immediately effective any amendment to an operating license, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person. Such amendment may be issued and made immediately effective in advance of the holding and completion of any required hearing. In determining under this section whether such amendment involves no significant hazards consideration, the Commission shall consult with the State in which the facility involved is located. In all other respects such amendment shall meet the requirements of this Act.

(B) The amendment shall periodically (but not less frequently than once every thirty days) publish notice of any amendments issued, or proposed to be issued, as provided in subparagraph (A). Each such notice shall include all amendments issued, or proposed to be issued, since the date of publication of the last such periodic notice. Such notice shall, with respect to each amendment or proposed amendment (i) identify the facility involved; and (ii) provide a brief description of such amendment. Nothing in this subsection shall be construed to delay effective date of any amendment.

(C) The Commission shall, during the ninety-day period following the effective date of this paragraph, promulgate regulations establishing (i) standards for determining whether any amendment to an operating license involves no significant hazards consideration; (ii) criteria for providing or, in emergency situations, dispensing with prior notice and reasonable opportunity for public comment on any such determination, which criteria shall take into account the exigency of the need for the amendment involved; and (iii) procedures for consultation on any such determination with the State in which the facility involved is located."

Section 12(b) of that law specifies that:

(b) The authority of the Nuclear Regulatory Commission, under the provisions of the amendment made by subsection (a), to issue and to make immediately effective any amendment to an operating license shall take effect upon the promulgation by the Commission of the regulations required in such provisions.

Thus, as noted above, the legislation authorizes NRC to issue and make immediately effective an amendment to an operating license upon a determination that the amendment involves no significant hazards consideration, even though NRC has before it a request for a hearing from an interested person. At the same time, however, the legislative history makes it clear that Congress expects NRC to exercise its authority only in the case of amendments not involving significant safety questions. The Conference Report states:

The conference agreement maintains the requirement of the current section 189a. of the Atomic Energy Act that a hearing on the license amendment be held upon the request of any person whose interest may be affected. The agreement simply authorizes the Commission, in those cases where the amendment involved poses no significant hazards consideration, to issue the license amendment and allow it to take effect before this hearing is held or completed. The conferees intend that the Commission will use this authority carefully, applying it only to those license amendments which pose no significant hazards consideration. *Id.*, at 37.

In this regard, the Senate stressed:

Its strong desire to preserve for the public a meaningful right to participate in decisions regarding the commercial use of nuclear power. Thus, the provision does not dispense with the requirement for a hearing, and the NRC, if requested [by an interested person], must conduct a hearing after the license amendment takes effect. S. Rep. No. 97–113, 97th Cong., 1st Sess. at 14 (1981).

It should be also noted, in light of the previous discussion about the coupling of the decision on the merits of an amendment with the decision about when to notice the amendment, that Section 12 of Public Law 97–415, by providing for prior public notice and comment, in effect uncouples the determination about prior versus post notice from the determination about whether to issue an amendment.

In sum, the Commission is promulgating as an interim final rule the proposed standards in § 50.92 for determining whether an amendment to an operating license involves no significant hazards consideration, and it is publishing separately an interim final rule to establish (a) procedures for noticing operating license amendment requests for an opportunity for a hearing, (b) criteria for providing or, in emergency situations, dispensing with prior notice and reasonable opportunity for public comment on any proposed determination on no significant hazards consideration, and (c) procedures for consulting with the requisite State on any such determination.

Interim Final Rule on Standards for Determining Whether an Amendment to an Operating License Involves No Significant Hazards Considerations and Examples of Amendments That Are Considered Likely or Not Likely To Involve Significant Hazards Considerations

A. Petition and Proposed Rule

The Commission's interim final rule on standards for determining whether an amendment involves no significant hazards consideration completes its actions on the notice of proposed rulemaking (discussed above), which was issued in response to a petition for rulemaking (PRM 50–17) submitted by letter to the Secretary of the Commission on May 7, 1976, Mr. Robert Lowenstein. For the reasons discussed below, the petition is denied. However, the Commission is promulgating standards, as intended by the petitioner, though not the standards petitioned for. (PRM–50–17 was published for comment in the **Federal Register** on June 14, 1976 (41 FR 24006)). The staff's recommendations on this petition are in SECY–79–660 (December 13, 1979). The notice of proposed rulemaking was published in the **Federal Register** on

March 28, 1980 (45 FR 20491). The staff's recommendations on the interim final rule are in SECY–81–366, 81–366A, 83–16, 83–16A and 83–16B. (These documents are available for examination in the Commission's Public Document Room at 1717 H Street, N.W. Washington, D.C.)

The petitioner requested that 10 CFR Part 50 of the Commission's regulations be amended with respect to the procedures for issuance of amendments to operating licenses for production and utilization facilities. The petitioner's proposed amendments to the regulations would have required that the staff take into consideration (in determining whether a proposed amendment to an operating license involves no significant hazards consideration) whether operation of the plant under the proposed license amendment would (1) substantially increase the consequences of a major credible reactor accident or (2) decrease the margins of safety substantially below those previously evaluated for the plant and below those approved for existing licenses. Further, the petitioner proposed that, if the staff reaches a negative conclusion about both of these standards, the proposed amendment must be considered not to involve a significant hazards consideration.

In issuing the proposed rule, the Commission sought to improve the licensing process by specifying in the regulations standards on the meaning of no significant hazards consideration. These standards would have applied to amendments to operating licenses, as requested by the petition for rulemaking, and also to construction permits, to whatever extent considered appropriate. As mentioned before, the Commission now believes that these standards should not be applied to amendments to construction permits, not only because construction permits do not normally involve a significant hazards consideration but also because such amendments are very rare; the proposed rule has been modified accordingly. Additionally, the Commission is reviewing the extent to which and the way standards should be applied to research reactors. The Commission will handle case-by-case any amendments requested for construction permits or for research reactors with respect to the issue of significant hazards considerations.

In the statement of considerations which accompanied the proposed rule, the Commission explained that it did not agree with the petitioner's proposed standards because of the limitation to "major credible reactor accidents" and the failure to include accidents of a type different from those previously evaluated.

During the past several years the Commission's staff has been guided, in reaching its determinations with respect to no significant hazards consideration, by standards very similar to those now described in this interim final rule as well as by examples of amendments likely to involve, and not likely to involve, significant hazards considerations. These have proven useful to the staff, and the Commission employed them in developing the proposed rule. The notice of proposed rulemaking contained standards proposed by the Commission to be incorporated into Part 50, and the statement of considerations contained examples of amendments to an operating license that are considered likely and not likely to involve a significant hazards consideration. The examples were samples of precedents with which the staff was familiar; they were representative of certain kinds of circumstances; however, they did not cover the entire range of possibilities; nor did they cover every facet of a particular situation. Therefore, they had to be used together with standards in determining whether or not a proposed amendment involved significant hazards considerations.

The three standards proposed in the notice of proposed rulemaking were whether the license amendment would: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of an accident of a type different from any evaluated previously, or (3) involve a significant reduction in a margin of safety.

Before responding to the specific comments on the proposed rule, it should be noted again that it was structured so that the three standards would have been used to decide not only whether the Commission would publish prior notice of an amendment request (as opposed to notice after the amendment was issued) but also to decide whether to grant an opportunity for hearing before issuance of the amendment (as opposed to granting the opportunity after issuance). As explained before, the standards were not meant to be used to make the ultimate decision about whether to issue an amendment—that final decision is a public health and safety judgment on the merits, not to be confused with the decisions on notice and reasonable opportunity for a hearing.

As a result of the legislation, under the final rule the three standards would no longer be used to make a determination about whether or not to issue prior notice of an amendment request. As fully described in the separate **Federal Register** notice mentioned before, the Commission has formulated separate notice and State consultation procedures that will provide in all (except emergency and some exigent) situations prior notice of amendment requests. The standards and the examples will usually be limited to a proposed determination and, when a hearing request is received, to a final determination about whether or not significant hazards considerations are involved in connection with an amendment and, therefore, whether or not to offer an opportunity for a hearing before an amendment is issued. The decision about whether or not to issue an amendment is meant to remain one that, as a separate matter, is based on public health and safety.

B. Comments on the Proposed Rule

1. *General.* Nine persons submitted comments on the petition for rulemaking and nine persons submitted comments on the proposed amendments. The comments on the petition are in SECY–79–660. The comments on the proposed rule are in SECY file PR–2, 50 (45 FR 20491). A summary of the comments and initially-proposed responses to the comments are in SECY–81–366, available for examination at the Commission's Public Document Room. In light of the legislation, the Commission has decided to make its approach more precise (as described below) and has, therefore, revised its response to the comments. The new response is found in SECY–83–16A and 83–16B.

One of the commenters stated that all three standards are unclear and useless in that they imply a level of detailed review of amendment applications far beyond what the staff normally performs. It is the Commission's considered judgment that the standards have been and will continue to be useful in making the necessary reviews. Moreover, the Commission believes that the standards when used together with the examples will enable it to make the requisite decisions. In this regard, it should be noted that Congress was more than aware of the Commission's standards and proposed their expeditious promulgation. For example, Senate Report No. 97–113, cited above, stated:

* * * The Committee notes that the Commission has already issued for public comment rules including standards for determining whether an amendment involves

no significant hazards consideration. The Committee believes that the Commission should be able to build upon this past effort, and it expects the Commission to act expeditiously in promulgating the required standards within the time specified in section 301 [i.e., within 90 days after enactment]. *Id.* at 15.

Similarly, the House noted:

The committee amendment provides the Commission with the authority to issue and make immediate effective amendments to licenses prior to the conduct or completion of any hearing required by section 189(a) when it determines that the amendment involves no significant hazards consideration. However, the authority of the Commission to do so is discretionary, and does not negate the requirement imposed by the Sholly decision that such a hearing, upon request, be subsequently held. *Moreover, the Committee's action is in light of the fact that the Commission has already issued for public comment rules including standards for determining whether an amendment involves no significant hazards considerations. The Commission also has a long line of case-by-case precedents under which it has established criteria for such determinations.* * * * H. Rep No. 97–22 (Part 2), 97th Cong., 1st Sess., at 26 (1981) (Emphasis added).

A number of commenters recommended, in regard to the second criterion in the proposed rule, that a threshold level for accident consequences (for example, the limits in 10 CFR Part 100) be established to eliminate insignificant types of accidents from being given prior notice. This comment was not accepted. Setting a threshold level for accident consequences could eliminate a group of amendments with respect to accidents which have not been previously evaluated or which, if previously evaluated, may turn out after further evaluation to have more severe consequences than previously evaluated.

It is possible, for example, that there may be a class of license amendments sought by a licensee which, while designed to improve or increase safety may, on balance, involve a significant hazards consideration because they result in operation of a reactor with a reduced safety margin due to other factors or problems (*i.e.*, the net effect is a reduction in safety of some significance). Such amendments typically are also proposed by a licensee as an interim or final resolution of some significant safety issue that was not raised or resolved before issuance of the operating license—and, based on an evaluation of the new safety issue, they may result in a reduction of a safety margin believed to have been present when the liscense was issued. In this instance, the presence of the new safety issue in the review of the proposed amendment, at least arguably, could prevent a finding of no significant hazards consideration, even though the issue would ultimately be satisfactorily resolved by the issuance of the amendment. Accordingly, the Commission added to the list of examples considered likely to involve a significant hazards consideration a new example (vii).

When the legislation described before was being considered, the Senate Committee on Environment and Public Works commented upon the Commission's proposed rule before it reported S. 1207. It stated:

The Committee recognizes that reasonable persons may differ on whether a license amendment involves a significant hazards consideration. Therefore, the Committee expects the Commission to develop and promulgate standards that, to the maximum extent practicable, draw a clear distinction between license amendments that involve a significant hazards consideration and those that involve no significant hazards consideration. The Committee anticipates, for example, that consistent with prior practice, the Commission's standards would not permit a "no significant hazards consideration" determination for license amendments to permit reracking of spent fuel pools. *Id.*, at 15.

The Commission agrees with the committee "that reasonable persons may differ on whether a license amendment involves a significant hazards consideration" and it has tried "to develop and promulgate standards that, to the maximum extent practicable, draw a clear distinction between license amendments that involve a significant hazards consideration and those that involve no significant hazards consideration." The Commission believes that the standards coupled with the examples help draw as clear a distinction as practicable. It has decided not to include the examples in the text of the rule in addition to the original standards, but, rather, to keep them as guidelines under the standards for the use of the Office of Nuclear Reactor Regulation.

The Commission wishes licensees to note that when they consider license amendments outside the examples, the Commission may need additional time for its determination on no significant hazards considerations; thus, they should factor this information into their schedules for developing and implementing such changes to facility design and operation.

The interim final rule thus goes a long way toward meeting the intent of the legislation. In this regard, the Conference Report stated:

The conferees also expect the Commission, in promugating the regulations required by the new subsection (2)(C)(i) of section 189a. of the Atomic Energy Act, to establish standards that to the extent practicable draw a clear distinction between license amendments that involve a significant hazards consideration and those amendments that involve no such consideration. These standards should not require the NRC staff to prejudge the merits of the issues raised by a proposed license amendment. Rather, they should only require the staff to identify those issues and determine whether they involve significant health, safety or environmental consideration. These standards should be capable of being applied with ease and certainty, and should ensure that the NRC staff does not resolve doubtful or borderline cases with a finding of no significant hazards consideration. Conf. Rep. No. 97–884, 97th Cong., 2d Sess., at 37 (1982).

It should be noted that the Commission has attempted to draft standards that are as useful and as clear as possible, and it has tried to formulate examples that will help in the application of the standards. These final standards are the product of a long deliberative process. As will be recalled, standards were submitted by a petition for rulemaking in 1976 for the Commission's consideration. The standards and examples are as clear and certain as the Commission can make them—and, to repeat the Conference Report, "should ensure that the NRC staff does not resolve doubtful or borderline cases with a finding of no significant hazards consideration." The Commission welcomes suggestions from the public to make them clearer and more precise, recognizing, in the Senate Committee's words, "that reasonable persons may differ on whether a license amendment involves a significant hazards consideration."

With respect to the Conference Committee's statement, quoted above, that the "standards should not require the NRC staff to prejudge the merits of the issues raised by a proposed license amendment," as will be recalled, it has been the Commission's general practice to couple the determination about prior versus post notice with the determination about provision of a prior hearing versus a hearing after issuance of the amendment; thus, occasionally, the issue of prior versus post notice was seen by some as including a judgment on the merits of issuance of an amendment. Consequently one commenter suggested that application of the criteria with respect to prior notice in many instances will necessarily require the resolution of substantial factual questions which largely overlap the issues which bear on the merits of

the license amendment. The implication of the comment was that the Commission at the prior notice stage could lock itself into a decision on the merits. Conversely, the commenter stated that the staff, in using the no significant hazards consideration standards, was reluctant to give prior notice of amendments because its determination about the notice might be viewed as constituting a negative connotation on the merits.

In any event, the legislation has made these comments moot by requiring separation of the criteria used for providing or dispensing with public notice and comment on no significant hazards consideration determinations from the standards used to make a determination about no significant hazards consideration. Under the legislation, the Commission's criteria for public notice and comment would not be the same as its standards on the determination about no significant hazards consideration. In fact, the Commission will normally provide prior notice (for public comment and for an opportunity for a hearing) for each operating license amendment request. (The Commission's criteria on public notice and comment are discussed in the separate **Federal Register** notice noted before.) Additionally, the Commission believes that use of these standards and examples will help it reach sound decisions about the issues of significant versus no significant hazard considerations and that their use would not prejudge the merits of a decision.

It holds this belief because the standards and the examples are merely screening devices for a decision about whether to hold a hearing before as opposed to after an amendment is issued and cannot be said to prejudge the Commission's final decision to issue or deny the amendment request. As explained above, that decision is a separate one, based on separate public health and safety findings.

2. *Reracking of Spent Fuel Pools.* The Commission has been providing prior notice and opportunity for prior hearing on requests for amendments involving reracking of spent fuel pools. The Commission is not prepared to say that a reracking of a spent fuel storage pool will necessarily involve a significant hazards consideration. Nevertheless, as shown by the legislative history of Public Law 97–415, section 12(a), the Congress was aware of the Commission's practice and statements were made by members of both Houses, before passage of that law, that these members thought the practice would be continued. The report on the Senate side has been quoted above; the discussion in the House is found at 127 *Cong. Record* at H 8156, Nov. 5, 1981.

The Commission is not including reracking in the list of examples that will be considered likely to involve a significant hazard consideration, because a significant hazards consideration finding is a technical matter which has been assigned to the Commission. However, in view of the expressions of Congressional understanding, the Commission feels that the matter deserves further study. Accordingly, the staff has been directed to prepare by August 1, 1983, a report (1) which reviews NRC experience to date with respect to spent fuel pool expansion reviews, and (2) which provides a technical judgment on the basis which a spent fuel pool expansion amendment may or may not pose a significant hazards consideration. Upon receipt and review of this report the Commission will revisit this part of the rule.

During the interim, the Commission will make a finding on the question of no significant hazards consideration for each reracking application, on a case-by-case basis, giving full consideration to the technical circumstances of the case, using the standards in § 50.92 of the rule. It is not the intent of the Commission to make a no significant hazards consideration finding for reracking based on unproven technology. However, where reracking technology has been well developed and demonstrated and where the Commission determines on a technical basis that reracking involves no significant hazards, the Commission should not be precluded from making such a finding. If the Commission determines that a particular reracking involves significant hazards considerations, it will provide an opportunity for a prior hearing, as explained in the separate **Federal Register** notice.

Additionally, it should be noted that under section 134 of the Nuclear Waste Policy Act of 1982, an interested party may request a "hybrid" hearing in connection with reracking, and may participate in such a hearing, if one is held. The Commission will publish in the near future a **Federal Register** notice describing this type of hearing with respect to expansions of spent fuel storage capacity and other matters concerning spent fuel.

3. *Amendments Involving Irreversible Consequences*

The Conference Report stated:

> The conferees intend that in determining whether a proposed license amendment involves no significant hazards consideration, the Commission should be especially sensitive to the issue posed by license amendments that have irreversible consequences (*such as those permitting an increase in the amount of effluents or radiation emitted from a facility or allowing a facility to operate for a period of time without full safety protections).* In those cases, issuing the order in advance of a hearing would, as a practical matter, foreclose the public's right to have its views considered. In addition, the licensing board would often be unable to order any substantial relief as a result of an after-the-fact hearing. Accordingly, the conferees intend the Commission be sensitive to those license amendments which involve such irreversible consequences. (Emphasis added.) *Id.*, at 37–38.

This statement was explained in a colloquy between Senators Simpson and Domenici, as follows:

> Mr. Domenici. In the statement of managers, I direct attention to a paragraph in section 12, the so-called Sholly provision, wherein it is stated that in applying the authority which that provision grants the NRC "should be especially sensitive to the issue posed by license amendments that have irreversible consequences." Is that paragraph in general, or specifically, the words "irreversible consequences" intended to impose restrictions on the Commission's use of that authority beyond the provisions of the statutory language? Can the Senator clarify that, please?
>
> Mr. Simpson. I shall. It is not the intention of the managers that the paragraph in general, nor the words "irreversible consequences," provide any restriction on the Commission's use of that authority beyond the statutory provision in section 189a. Under that provision, the only determination which the Commission must make is that its action does not involve a significant hazard. In that context, "irreversibility" is only one of the many considerations which we would expect the Commission to consider. It is the determination of hazard which is important, not whether the action is irreversible. Clearly, there are many irreversible actions which would not pose a hazard. Thus where the Commission determines that no significant hazard is involved, no further consideration need be given to the irreversibility of that action.
>
> Mr. Domenici. I thank the Senator for the clarification. That is consistent with my readings of the language . . . 134 *Cong. Rec.* (Part II) at S. 13056 (daily ed. Oct. 1, 1982).

The statement was further explained in a colloquy between Senators Mitchell and Hart, as follows:

> Mr. Mitchell. The portion of the statement of managers discussing section 12 of the report, the so-called Sholly provision, stresses that in determining whether a proposed amendment to a facility operating license involves no significant hazards consideration, the Commission "should be especially sensitive . . . to license amendments that have irreversible

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consequences." Is my understanding correct that the statement means the Commission should take special care in evaluating, for possible hazardous considerations, amendments that involve irreversible consequences?

Mr. Hart. The Senator's understanding is correct. As you know, this provision seeks to overrule the holding of the U.S. Court of Appeals for the District of Columbia in Sholly against Nuclear Regulatory Commission. That case involved the venting of radioactive krypton gas from the damaged Three Mile Island Unit 2 reactor—an irreversible action.

As in this case, once the Commission has approved a license amendment, and it has gone into effect, it could prove impossible to correct any oversights of fact or errors of judgment. Therefore, the Commission has an obligation, when assessing the health or safety implications of an amendment having irreversible consequences, to insure that only those amendments that clearly raise no significant hazards issues will take effect prior to a public hearing. *Id.* (Part III), at S. 13292.

In light of the Conference Report and colloquies quoted above, the Commission wishes to note that it will make sure "that only those amendments that clearly raise no significant hazards issues will take effect prior to a public hearing." It will do this by providing in § 50.92 of the rule that it will review proposed amendments with a view as to whether they involve irreversible consequences. In this regard, example (iii) makes clear that an amendment which allows a plant to operate at full power during which one or more safety systems are not operable would be treated in the same way as other examples considered likely to involve a significant hazards consideration in that it is likely to meet the criteria in § 50.92 of the rule.

Finally, it is once again important to note that the examples do not cover all possible examples and may not be representative of all possible concerns. As new information is developed, the Commission will refine these examples and add new examples, in keeping with the standards in § 50.92 of the interim final rule—and, if necessary, it will tighten the standards themselves.

The Commission has left the proposed rule intact to the extent that the rule states standards with respect to the meaning of "no significant hazards consideration." The standards in the interim final rule are substantially identical to those in the proposed rule, though the attendant language in new § 50.92 as well as in § 50.58 has been revised to make the determination easier to use and understand. To supplement the standards that are being incorporated into the Commission's regulations, the guidance embodied in the examples will be referenced in the procedures of the Office of Nuclear Reactor Regulation, a copy of which will be placed in the Commission's Public Document Room.

Examples of Amendments That Are Considered Likely To Involve Significant Hazards Considerations Are Listed Below

Unless the specific circumstances of a license amendment request, when measured against the standards in § 50.92, lead to a contrary conclusion, then, pursuant to the procedures in § 50.91, a proposed amendment to an operating license for a facility licensed under § 50.21(b) or § 50.22 or for a testing facility will likely be found to involve significant hazards considerations, if operation of the facility in accordance with the proposed amendment involves one or more of the following:

(i) A significant relaxation of the criteria used to establish safety limits.

(ii) A significant relaxation of the bases for limiting safety system settings or limiting conditions for operation.

(iii) A significant relaxation in limiting conditions for operation not accompanied by compensatory changes, conditions, or actions that maintain a commensurate level of safety (such as allowing a plant to operate at full power during a period in which one or more safety systems are not operable).

(iv) Renewal of an operating license.

(v) For a nuclear power plant, an increase in authorized maximum core power level.

(vi) A change to technical specifications or other NRC approval involving a significant unreviewed safety question.

(vii) A change in plant operation designed to improve safety but which, due to other factors, in fact allows plant operation with safety margins significantly reduced from those believed to have been present when the license was issued.

Examples of Amendments That Are Considered Not Likely To Involve Significant Hazards Considerations Are Listed Below

Unless the specific circumstances of a license amendment request, when measured against the standards in § 50.92, lead to a contrary conclusion then, pursuant to the procedures in § 50.91, a proposed amendment to an operating license for a facility licensed under § 50.21(b) or § 50.22 or for a testing facility will likely be found to involve no significant hazards considerations, if operation of the facility in accordance with the proposed amendment involves only one or more of the following:

(i) A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature.

(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement.

(iii) For a nuclear power reactor, a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and that NRC has previously found such methods acceptable.

(iv) A relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated. This assumes that the operating restriction and the criteria to be applied to a request for relief have been established in a prior review and that it is justified in a satisfactory way that the criteria have been met.

(v) Upon satisfactory completion of construction in connection with an operating facility, a relief granted from an operating restriction that was imposed because the construction was not yet completed satisfactorily. This is intended to involve only restrictions where it is justified that construction has been completed satisfactorily.

(vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

(vii) A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

(viii) A change to a license to reflect a minor adjustment in ownership shares among co-owners already shown in the license.

Paperwork Reduction Act Statement

This final rule contains no new or amended requirements for record keeping, reporting, plans or procedures, applications or any other type of information collection.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule affects only the licensing and operation of nuclear power plants and testing facilities. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this rule does not fall within the purview of the Act.

Regulatory Analysis

The Commission has prepared a regulatory analysis on these amendments, assessing the costs and benefits and resource impacts. It may be examined at the address indicated above.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, notice is hereby given that the following amendments to Title 10, Chapter I, Code of Federal Regulations, 10 CFR Part 50, are published as a document subject to codification.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting requirements.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 is revised to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sections 50.58, 50.91 and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073, (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80 and 50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 also issued under sec. 186, 68 U.S.C. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 50.58, paragraph (b) is revised to read as follows:

§ 50.58 Hearings and report of the Advisory Committee on Reactor Safeguards.

* * * * *

(b) The Commission will hold a hearing after at least 30-days' notice and publication once in the **Federal Register** on each application for a construction permit for a production or utilization facility which is of a type described in § 50.21(b) or § 50.22 of this part, or which is a testing facility. When a construction permit has been issued for such a facility following the holding of a public hearing and an application is made for an operating license or for an amendment to a construction permit or operating license, the Commission may hold a hearing after at least 30-days' notice and publication once in the **Federal Register**, or, in the absence of a request therefor by any person whose interest may be affected, may issue an operating license or an amendment to a construction permit or operating license without a hearing, upon 30-days' notice and publication in the **Federal Register** of its intent to do so. If the Commission finds, in an emergency situation, as defined in § 50.91, that no significant hazards consideration is presented by an application for an amendment to an operating license, it may dispense with public notice and comment may issue the amendment. If the Commission finds that exigent circumstances exist, as described in § 50.91, it may reduce the period provided for public notice and comment. Both in an emergency situation and in the case of exigent circumstances, the Commission will provide 30 days notice of opportunity for a hearing, though this notice may be published after issuance of the amendment if the Commission determines that no significant hazards considerations are involved. The Commission will use the standards in §50.92 to determine whether a significant hazards consideration is presented by an amendment to an operating license for a facility of the type described in § 50.21(b) or § 50.22, or which is a testing facility, and may make the amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

3. Section 50.91 is redesignated as § 50.92 and revised to read as follows:

§ 50.92 Issuance of amendment.

(a) In determining whether an amendment to a license or construction permit will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of initial licenses or construction permits to the extent applicable and appropriate. If the application involves the material alteration of a licensed facility, a construction permit will be issued prior to the issuance of the amendment to the license. If the amendment involves a significant hazards consideration, the Commission will give notice of its proposed action pursuant to § 2.105 of this chapter before acting thereon. The notice will be issued as soon as practicable after the application has been docketed.

(b) The Commission will be particularly sensitive to a license amendment request that involves irreversible consequences (such as one that, for example, permits a significant increase in the amount of effluents or radiation emitted by a nuclear power plant).

(c) The Commission may make a final determination, pursuant to the procedures in § 50.91, that a proposed amendment to an operating license for a facility licensed under § 50.21(b) or § 50.22 or for a testing facility involves no significant hazards considerations, if operation of the facility in accordance with the proposed amendment would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin of safety.

The views of Chairman Palladino and Commissioners Ahearne, Gilinsky and Asselstine follow.

Dated at Washington, D.C. this 4th day of April, 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary for the Commission.

Chairman Palladino's Additional Views

In my opinion the Commission's decision on reracking represents its best technical judgment at this time on the generic no-significant-hazards question. That is, the Commission cannot say that reracking, as a general matter, would or would not involve a significant hazards consideration. The technical considerations of reracking proposals can vary significantly from one to another.

It was this latter fact, as well as the statements made in the Congress on reracking, that caused me to vote for the staff to study the technical basis for judgments about the hazards considerations presented by particular reracking applications.

I also believe that we may have cleared up one of the Congressional concerns about reracking by stating that it is not our intent to make a no-significant-hazards-consideration finding for reracking based on unproven technology.

Additional Comments of Commissioner Ahearne

There have been several complaints that the criteria for determining when an amendment involves significant hazards considerations are unclear or difficult to apply. For example, in the current notice the Commission notes that a commenter on the proposed rule stated the standards are "unclear and useless in that they imply a level of detailed review of amendment applications far beyond what the staff normally performs."[1] However, these criticisms must be considered in context.

In May 1976 a petition for rulemaking was filed which requested that criteria be specified for determining when an amendment involved no significant hazards considerations.[2] The petition was published for comment in 1976.[3] The Commission received few comments, primarily supporting or opposing criteria which had been proposed in the petition. The discussion focused on underlying philosophical/legal issues rather than specific alternative criteria.

The rulemaking then lay dormant for several years. In late 1979 the Commission addressed the matter and agreed to issue a proposed rule for public comment. The proposed rule was published March 1980.[4] As the Commission explained in that notice:

During the past several years, the Staff has been guided in reaching its findings with respect to "no significant hazards consideration" by staff criteria and examples of amendments likely to involve, and not likely to involve, significant hazards considerations. These criteria and examples have been promulgated within the Staff and have proven useful to the Staff. The Commission believes it would be useful to consider incorporating these criteria into the Commission's regulations for use in determining whether a proposed amendment to an operating license or to a construction permit of any production or utilization facility involves no significant hazards consideration.[5]

With respect to the criticism that the criteria are unclear, we have not received much assistance in developing clearer criteria despite having obtained two rounds of comment over the last seven years. For example, in the comments on the proposed rule mentioned above, NRDC and UCS simply argued: "The NRC should promulgate a rule holding that prior notice and opportunity for hearing should be provided for construction permit and operating licenses amendments in all cases except those involving no significant previously-unreviewed safety issue."[6] In addition, the debate has often become confused by differing assumptions and philosophies that are not usually clearly identified. For example, the NRDC/UCS implication of a detailed level of review arises largely because of an implicit assumption that the criteria are intended to require a merits type review. In fact, what the staff has always done, and what I believe we had in mind, was to make a preliminary judgment.

Basically, we have done the best we can. I would be willing to address any specific alternatives. However, after dealing with this for a number of years, I believe we must move ahead with what we have.

Commissioner Gilinsky's Separate Views on the Interim Final Rule Regarding Standards for Determining Whether License Amendments Involve no Significant Hazards Considerations (Amendments to 10 CFR Part 50)

April 4, 1983.

Standing by themselves, the standards which are set forth in the rule are so general that they offer no real guidance to the NRC staff. In a prior version of the rule, the Commission included, in the rule itself, some very useful examples of which amendments do and do not involve a significant hazards consideration. In the final version, these examples have been downgraded to the preamble of the rule where they will be of little or no legal consequence and where, as a practical matter, they will be inaccessible to anyone but the NRC historian. This diminishes the value of the rule so much that I can no longer approve it.

The earlier version of the rule placed amendments authorizing substantial spent fuel pool expansions in the significant hazards consideration category. The Commission should have retained this categorization which is consistent with the terms of the rule. Moreover, the Commission should not have ignored the strong public and Congressional views which have been expressed on this point, most recently by Senators Simpson, Hart, and Mitchell. I am in agreement with Commissioner Asselstine's analysis of the legislative record underlying this provision.

Additional Views of Commissioner Asselstine

I strongly disagree with the Commission majority's decision to permit the use of the "Sholly amendment" authority contained in section 12 of Public Law 97–415, the NRC Authorization Act for fiscal years 1982 and 1983, for license amendments for the reracking of a spent fuel pool.

The Commission majority's interim final rule would change the Commission's longstanding and consistent policy of requiring that any requested hearing on a license amendment for the reracking of a spent fuel pool be completed prior to granting the license amendment. Although the Commission has considered and approved a large number of spent fuel pool reracking amendments in the past, it has never used the no significant hazards consideration provisions in section 189 a. of the Atomic Energy Act of 1954 as a basis for approving the amendment before the completion of a requested hearing.

It is clear to me from the legislative history of section 12 of Public Law 97–415 that the Congress did not intend that the authority granted by section 12 should be used to approve reracking amendments prior to the completion of any requested hearing. The Sholly amendment was first included in the NRC authorization bill for fiscal years 1982 and 1983 by the Senate Committee on Environment and Public Works. The report of that Committee on the bill (Senate Report 97–113) makes it abundantly clear that the Committee did not intend the Sholly amendment to be used by the Commission to approve reracking amendments in advance of the completion of a requested hearing. Although the report of the Conference Committee on the bill did not repeat this admonition, there is no evidence to indicate a contrary view by the House-Senate conferees on the bill or by the two House Committees that considered the legislation.

Moreover, I believe that the use of the Sholly amendment authority to approve reracking amendments before the completion of any required hearing goes far beyond the justification offered by the Commission when it requested the Sholly amendment. In

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[1] This refers to: "Comments by the Natural Resources Defense Council and the Union of Concerned Scientists on Proposed amendments to 10 CFR Parts 2 and 50: No Significant Hazards Consideration" at 8 (May 23, 1980) (comment 3, PR–2.50 (45 FR 20491)).

[2] The petition was filed May 7, 1976 by Mr. Robert Lowenstein on behalf of Boston Edison Company, Florida Power and Light Company, and Iowa Power Company.

[3] 41 FR 24006 (June 14, 1976).

[4] 45 FR 20491 (March 28, 1980).

[5] *Id.* at 20492.

[6] *Id.* At 11. 10 CFR 50.59 deems actions to be an "unreviewed safety question":

"(i) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (ii) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (iii) if the margin of safety as defined in the basis for any technical specification is reduced."

NRDC/UCS did not propose an alternate definition to be used with their proposal. It is interesting to note the substantial similarity to the significant hazards consideration test.

requesting the enactment of the Sholly amendment, the Commission described in some detail the situations in which it foresaw the need for this authority. The Commission emphasized the need for a large number of unforeseen and unanticipated changes to the detailed technical specifications in the operating licenses for nuclear powerplants that arise each year through such activities as refueling of the plant. The Commission argued that the need to hold a hearing on each of these changes, if one is requested, would be burdensome to the Commission and could disrupt the operation of a number of plants. In order to avoid this problem, the Commission asked the Congress to reinstate the authority that the Commission had exercised in similar situations since 1962. A reracking amendment is substantially different from the situations described by the Commission in requesting the Sholly amendment, because the need for reracking can be anticipated, because reracking involves a substantial physical modification to the plant and because of the significance attached to reracking by State and local officials and by the public.

Finally, I believe that there are strong public policy reasons for continuing the Commissions past practice of completing hearings on reracking amendment proposals before approving the amendment. These public policy reasons include the strong interest and concern on the part of State and local governments and the public regarding reracking proposals and the extent to which proceeding with reracking in advance of the hearing may prejudice the later consideration of other alternatives to the proposed reracking plan.

For these reasons, as a matter of policy, I would not permit the use of the Sholly amendment authority to approve reracking amendments prior to the completion of any requested hearing. I would therefore have added a provision to the Commission's interim final rule that would have required, as a policy matter, the completion of any requested hearing on a spent fuel pool reracking amendment before Commission approval of the amendment.

[FR Doc. 83-9052 Filed 4-5-83; 8:45 am]
BILLING CODE 7590-01-M

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10 CFR Parts 2 and 50

Notice and State Consultation

AGENCY: Nuclear Regulatory Commission.

ACTION: Interim final rule.

SUMMARY: Pursuant to Public Law 97-415, NRC is amending its regulations (1) to provide procedures under which normally it would give prior notice of opportunity for a hearing on applications it receives to amend operating licenses for nuclear power reactors and testing facilities (research reactors are not covered) and prior notice and reasonable opportunity for public comment on proposed determinations about whether these amendments involve no significant hazards considerations, (2) to specify criteria for dispensing with such prior notice and reasonable opportunity for public comment in emergency situations, and (3) to furnish procedures for consultation on any such determinations with the State in which the facility involved is located. These procedures will normally provide the public and the States with prior notice of NRC's determinations involving no significant hazards considerations and with an opportunity to comment on its actions.

DATE: Effective date: May 6, 1983. The Commission invites comments on this interim final rule by May 6, 1983. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Written comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received on the amendments as well as on the Regulatory Analysis proposed in connection with the amendments may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Thomas F. Dorian, Esq., Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 492-8690.

SUPPLEMENTARY INFORMATION:

Introduction

Public Law 97-415, signed on January 4, 1983, among other things, directs NRC to promulgate regulations which establish (a) standards for determining whether an amendment to an operating license involves no significant hazards consideration, (b) criteria for providing or, in emergency situations, dispensing with prior notice and public comment on any such determination, and (c) procedures for consulting on such a determination with the State in which the facility involved is located. *See* Conf. Rep. No. 97-884, 97th Cong., 2d Sess. (1982). The legislation also authorizes NRC to issue and make immediately effective an amendment to a license, upon a determination that the amendment involves no significant hazards consideration (even though NRC has before it a request for a hearing by an interested person) and in advance of the holding and completion of any required hearing. This rulemaking and request for comments responds to the statutory directive that NRC expeditiously promulgate regulations on items (b) and (c) above. NRC is also publishing separately in the **Federal Register** interim final regulations on item (a) above.

These regulations are issued, as final though in interim form, and comments will be considered on them. They will become effective 30 days after publication in the **Federal Register**. Accordingly, interested persons who wish to comment are encouraged to do so at the earliest possible time, but not later than 30 days after publication, to permit the fullest consideration of their views.

Background

A. *Affected Legislation, Regulations and Procedures*

When the Atomic Energy Act of 1954 (Act) was adopted in 1954, it contained no provision which required a public hearing on issuance of a construction permit or operating license for a nuclear power reactor in the absence of a request from an interested person. In 1957, the Act was amended to require that mandatory hearings be held before issuance of both a construction permit and an operating license for power reactors and certain other facilities. Public Law 85-256 (71 Stat. 576) amending section 189a. of the Act.

The 1957 amendments to the Act were interpreted by the Commission as requiring a "mandatory hearing" before issuance of amendments to construction permits and operating licenses. *See, e.g.*, Hearing Before the Subcommittee on Legislation, Joint Committee on Atomic Energy, 87th Cong., 2d. Sess. (April 17, 1962), at 6.) Partially in response to the administrative rigidity and cumbersome procedures which this interpretation forced upon the Commission (*see*, Joint Committee on Atomic Energy Staff Study, "Improving the AEC Regulatory Process", March 1961, pp. 49-50), section 189a. of the Act was amended in 1962 to eliminate the requirement for a mandatory public hearing except upon the application for a construction permit for a power or testing facility. As stated in the report of the Joint Committee on Atomic Energy which recommended the amendments:

> Accordingly, this section will eliminate the requirements for a mandatory hearing, except upon the application for a construction permit for a power or testing facility. Under this plan, the issuance of amendments to such construction permits, and the issuance of operating licenses and amendments to such construction permits, and the issuance of operating licenses and amendments to operating licenses, would be only after a 30-day public notice and an offer of hearing. In the absence of a request for a hearing.

issuance of an amendment to a construction permit, or issuance of an operating license, or an amendment to an operating license, would be possible without formal proceedings, but on the public record. It will also be possible for the Commission to dispense with the 30-day notice requirement where the application presents no significant hazards consideration. This criterion is presently being applied by the Commission under the terms of AEC Regulations 50.58. House Report No. 1966, 87th Cong., 2d. Sess., p. 8.

Thus, according to the 1962 amendments, a mandatory public hearing would no longer be required before issuance of an amendment to a construction permit or operating license and a thirty-day prior public notice would be required only if the proposed amendment involved a "significant hazards consideration." In sum, section 189a. of the Act, now provides that, upon thirty-days' notice published in the **Federal Register**, the Commission may issue an operating license, or an amendment to an operating license, or an amendment to a construction permit, for a facility licensed under sections 103 or 104b. of the Act, or for a testing facility licensed under section 104c., without a public hearing if no hearing is requested by any interested person. Section 189a. also permits the Commission to dispense with such thirty-days' notice and **Federal Register** publication with respect to the issuance of an amendment to a construction permit or an amendment to an operating license upon a determination by the Commission that the amendment involves no significant hazards consideration. These provisions have been incorporated into §§ 2.105, 2.106, 50.58(a) and (b) and 50.91 of the Commission's regulations.

The regulations provide for prior notice of a "proposed action" on an application for an amendment when a determination is made that there is a significant hazards consideration and provide an opportunity for interested members of the public to request a hearing. *See* §§ 2.105(a)(3) and 50.91. Hence, if a requested license amendment is found to involve a significant hazards consideration, the amendment would not be issued until after any required hearing is completed or after expiration of the notice period. In addition § 50.58(b) further explains the Commission's hearing and notice procedures, as follows:

> The Commission will hold a hearing after at least 30 days notice and publication once in the **Federal Register** on each application for a construction permit for a production or utilization facility which is of a type described in § 50.21(b) or § 50.22 or which is a testing facility. When a construction permit has been issued for such a facility following the holding of a public hearing and an application is made for an operating license or for an amendment to a construction permit or operating license, the Commission may hold a hearing after at least 30 days notice and publication once in the **Federal Register** or, in the absence of a request therefor by any person whose interest may be affected, may issue an operating license or an amendment to a construction permit or operating license without a hearing, upon 30 days notice and publication once in the **Federal Register** of its intent to do so. If the Commission finds that no significant hazards consideration is presented by an application for an amendment to a construction permit or operating license, it may dispense with such notice and publication and may issue the amendment.

The Commission's practice with regard to license amendments involving no significant hazards consideration (unless, as a matter of discretion, prior notice was given) was to issue the amendment and then publish in the **Federal Register** a "notice of issuance." *See* § 2.106. In such a case, interested members of the public who wished to object to the amendment and request a hearing could do so, but a request for a hearing did not, by itself, suspend the effectiveness of the amendment. Thus, both the notice and hearing, if one were requested, occurred after the amendment was issued.

It is important to bear in mind that there is no intrinsic safety significance to the "no significant hazards consideration" standard. Whether or not an action requires prior notice, no license and no amendment may be issued unless the Commission concludes that it provides reasonable assurance that the public health and safety will not be endangered and that the action will not be inimical to the common defense and security or to the health and safety of the public. *See, e.g.*, § 50.57(a). Also, whether or not an amendment entails prior notice, no amendment to any license may be issued unless it conforms to all applicable Commission safety standards. Thus, the "no significant hazards consideration" standard has been a procedural standard only, governing whether public notice of a proposed action must be provided, before the action is taken by the Commission. In short, the "no significant hazards consideration" standard has been a notice standard and has had no substantive safety significance, other than that attributable to the process of prior notice to the public to the public and reasonable opportunity for a hearing.

B. *The Sholly Decision and the New Legislation*

The Commission's practice of not providing an opportunity for a prior hearing on a license amendment not involving significant hazards considerations was held to be improper in *Sholly* v. *NRC*, 6512 F.2d 780 (1980), rehearing denied, 651 F.2d 792 (1980), *cert. granted* 101 S.Ct. 3004 (1981) (*Sholly*). In that case the U.S. Court of Appeals for the District of Columbia Circuit ruled that, under section 189a. of the Act, NRC must hold a prior hearing before an amendment to an operating license for a nuclear power plant can become effective, if there has been a request for hearing (or an expression of interest in the subject matter of the proposed amendment which is sufficient to constitute a request for a hearing). A prior hearing, said the Court, is required even when NRC has made a finding that a proposed amendment involves no significant hazards consideration and has determined to dispense with prior notice in the **Federal Register**. At the request of the Commission and the Department of Justice, the Supreme Court agreed to review the Court of Appeals' interpretation of section 189a. of the Act. The Supreme Court has remanded the case to the Court of Appeals with instructions to vacate it if it is moot and, if it is not, to reconsider it in light of the new legislation.

The Court of Appeals' decision did not involve and has no effect upon the Commision's authority to order immediately effective amendments, without prior notice or hearing, when the public health, safety, or interest so requires. *See,* Administrative Procedure Act, section 9(b), 5 U.S.C. 558(c), section 161 of the Atomic Energy Act, and 10 CFR 2.202(f) and 2.204. Similarly, the Court did not alter existing law with regard to the Commission's pleading requirings, which are designed to enable the Commission to determine whether a person requesting a hearing is, in fact, an "interested person" within the meaning of section 189a.—that is, whether the person has demonstrated standing and identified one or more issues to be litigated. *See, BPI* v. *Atomic Energy Commission*, 502 F.2d 424, 428 (D.C. Cir. 1974), where the Court stated that, "Under its procedural regulations it is not unreasonable for the Commission to require that the prospective intervenor first specify the basis for his request for a hearing."

However, the Commission believed that legislation was needed to change the result reached by the Court in *Sholly* because of the implications of the requirement that the Commission grant a requested hearing before it could issue a license amendment involving no significant hazards consideration. The Commission believes that, since most requested license amendments involving no significant hazards consideration are routine in nature, hearings on such amendments could result in disruption or delay in the operations of nuclear powerplants and could impose regulatory burdens upon it and the

nuclear industry that are not related to significant safety matters. Subsequently, on March 11, 1981, the Commission submitted proposed legislation to Congress (introduced as S. 912) that would expressly authorize it to issue a license amendment before holding a hearing requested by an interested person, when it has made a determination that no significant hazards consideration is involved in the amendment.

After the House and Senate conferees considered two similar bills, H.R. 2330 and S. 1207, they agreed on a unified version (*see* Conf. Rep. No. 97–884, 97th Cong. 2d. Sess. (1982)) and passed Pub. L. 97–414. Specifically, section 12(a) of that law amends section 189a. of the Act by adding the following with respect to license amendments involving no significant hazards considerations:

(2)(A) The Commission may issue and make immediately effective any amendment to an operating license, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person. Such amendment may be issued and made immediately effective in advance of the holding and completion of any required hearing. In determining under this section whether such amendment involves no significant hazards consideration, the Commission shall consult with the State in which the facility involved is located. In all other respects such amendment shall meet the requirements of this Act.

(B) The Commission shall periodically (but not less frequently than once every thirty days) publish notice of any amendments issued, or proposed to be issued, as provided in subparagraph (A). Each such notice shall include all amendments issued, or proposed to be issued, since the date of publication of the last such periodic notice. Such notice shall, with respect to each amendment or proposed amendment (i) identify the facility involved; and (ii) provide a brief description of such amendment. Nothing in this subsection shall be construed to delay the effective date of any amendment.

(C) The Commission shall, during the ninety-day period following the effective date of this paragraph, promulgate regulations establishing (i) standards for determining whether any amendment to an operating license involves no significant hazards consideration; (ii) criteria for providing or, in emergency situations, dispensing with prior notice and reasonable opportunity for public comment on any such determination, which criteria shall take into account the exigency of the need for the amendment involved; and (iii) procedures for consultation on any such determination with the State in which the facility involved is located.

Section 12(b) of that law specifies that:

(b) The authority of the Nuclear Regulatory Commission, under the provisions of the amendment made by subsection (a), to issue and to make immediately effective any amendment to an operating license shall take effect upon the promulgation by the Commission of the regulations required in such provisions.

Thus, as noted above, the legislation authorizes NRC to issue and make immediately effective an amendment to an operating license upon a determination that the amendment involves no significant hazards consideration, even though NRC has before it a request for a hearing from an interested person. At the same time, however, the legislative history makes it clear that Congress expects NRC to exercise its authority only in the case of amendments not involving significant safety questions. The Conference Report states:

The conference agreement maintains the requirement of the current section 189a. of the Atomic Energy Act that a hearing on the license amendment be held upon the request of any person whose interest may be affected. The agreement simply authorizes the Commission, in those cases where the amendment involved poses no significant hazards consideration, to issue the license amendment and allow it to take effect before this hearing is held or completed. The conferees intend that the Commission will use this authority carefully, applying it only to those license amendments which pose no significant hazards consideration. *Id.*, at 37.

In this regard, the Senate stressed:

Its strong desire to preserve for the public a meaningful right to participate in decisions regarding the commercial use of nuclear power. Thus, the provision does not dispense with the requirement for a hearing, and the NRC, if requested [by an interested person], must conduct a hearing after the license amendment takes effect. *See* S. Rep. No. 97–113, 97th Cong., 1st Sess., at 14 (1981).

The public notice provision was explained by the Conference Report as follows:

The conferees note that the purpose of requiring prior notice and an opportunity for public comment before a license amendment may take effect, as provided in subsection (2)(C)(ii) for all but emergency situations, is to allow at least a minimum level of citizen input into the threshold question of whether the proposed license amendment involves significant health or safety issues. While this subsection of the conference agreement preserves for the Commission substantial flexibility to tailor the notice and comment procedures to the exigency of the need for the license amendment, the conferees expect the content, placement and timing of the notice to be reasonably calculated to allow residents of the area surrounding the facility an adequate opportunity to formulate and submit reasoned comments.

The requirement in subsection 2(C)(ii) that the Commission promulgate criteria for providing or dispensing with prior notice and public comment on a proposed determination that a license amendment involves no significant hazards consideration reflects the conferees' intent that, wherever practicable, the Commission should publish prior notice of, and provide for prior public comment on, such a proposed determination.

In the context of subsection (2)(C)(ii), the conferees understand the term "emergency situations" to encompass only those rare cases in which immediate action is necessary to prevent the shutdown or derating of an operating commercial reactor . . . The Commission's regulations should insure that the "Emergency situations" exception under section 12 of the conference agreement will not apply if the licensee has failed to apply for the license amendment in a timely fashion. In other words, the licensee should not be able to take advantage of the emergency itself. To prevent abuses of this provision, the conferees expect the Commission to independently assess the licensee's reasons for failure to file an application sufficiently in advance of the threatened closure or derating of the facility. Conf. Rep. No. 97–884, 97th Cong., 2d Sess., at 38 (1982).

C. *Notice for Public Comment and for Opportunity for a Hearing.*

The Commission has decided to adopt the notice procedures and criteria contemplated by the legislation with respect to determinations about no significant hazards consideration. In addition it has decided to combine the notices for public comment on no significant hazards considerations with the notices for opportunity for a hearing, thereby, normally providing both prior notice of opportunity for a hearing and prior notice for public comment of requests it receives to amend operating licenses of facilities described in § 50.21(b) or § 50.22 or of testing facilities.

With respect to opportunity for a hearing, the Commission would amend § 2.105 to specify that it could normally issue in the **Federal Register** at least monthly a list of "notice of proposed actions" on requests for amendments to operating licenses. These monthly notices would provide an opportunity to request a hearing within thirty days. The Commission would also retain the option of issuing individual notices, as it sees fit. If the Commission does not receive any request for a hearing on an amendment within the notice period, it would take the proposed action when it has completed its review and made the necessary findings. If it receives such a request, it would act under a new § 50.91, which describes the procedures and criteria the Commission would use to act on applications for amendments to operating licenses involving no significant hazards considerations. (The interim final rule on "Standards for

Determining Whether License Amendments Involve No Significant Hazards Considerations," published separately in the Federal Register, redesignated the present § 50.91 as § 50.92.]

To implement the main theme of the legislation, under new § 50.91 the Commission would combine a notice of opportunity for a hearing with a notice for public comment on any proposed determination on no significant hazards consideration. Additionally, new § 50.91 would permit the Commission to make an amendment immediately effective in advance of the holding and completion of any required hearing where it has determined that no significant hazards consideration is involved. Thus, § 50.91 would build upon amended § 2.105, providing details for the system of Federal Register notices. For instance, exceptions would be made for emergency situations, where no prior notices (for opportunity for a hearing and for public comment) might be issued, assuming no significant hazards considerations are involved. In sum, this system would add a "notice for public comment" under § 50.91 to the present system of "notice of proposed action" under § 2.105 and "notice of issuance" under § 2.106. Under this new system, the Commission would require an applicant requesting an amendment to its operating license (1) to provide its appraisal on the issue of significant hazards, using the standards in § 50.92 and the examples discussed in the separate Federal Register notice, and (2), if it involves the emergency or exigency provisions, to address the features on which the Commission must make its findings. (Both points will be discussed later.)

When the Commission receives the amendment request, as described below, it would first decide whether there is an emergency or an exigency. If there is no emergency, it would then make a preliminary decision, called a "proposed determination," about whether the amendment involves no significant hazards consideration—normally, this would be done before completion of the safety analysis (also called safety evaluation). In this determination, it might accept the applicant's appraisal in whole or in part or it might reject the applicant's appraisal but, nonetheless, reach the same conclusion.

At this stage, if the Commission decides that no significant hazards consideration is involved, it could issue an individual Federal Register notice or list this amendment in its monthly publication in the Federal Register. This monthly publication would not only list amendment requests received for which the Commission is publishing notice under § 2.105, it would also provide a reasonable opportunity for public comment by listing this and all amendment requests received since the last such monthly notice, and, like an individual notice, (a) providing a brief description of the amendment and of the facility involved, (b) noting the proposed no significant hazards consideration determination, (c) soliciting public comment on the determination, and (d) providing for a 30-day comment period.

While it is awaiting public comment, the Commission would proceed with the safety analysis. In this context, the Commission wishes to note that, though the substance of the public comments could be litigated in a hearing, when one is held, neither it nor its Boards will entertain hearing requests on its actions with respect to these comments. It believes that this is in keeping with the legislation which states that public comment cannot delay the effective date of an amendment.

After the public comment period, the Commission would review the comments, consider the safety analysis, and reach its final decision on the amendment request. If it decides that no significant hazards consideration is involved, it would publish an individual "notice of issuance" under § 2.106 or publish the notice of issuance in its system of monthly Federal Register notices, and thus close the public record. Note that the Commission would not make and publish a final determination on no significant hazards consideration because such a determination is needed only if a hearing request is received and the Commission decides to make the amendment immediately effective and to provide a hearing after issuance rather than before.

If it receives a hearing request during the comment period and the Commission has decided that no significant hazards consideration is involved, it would prepare a "final determination" on that issue, make the requisite safety and public health findings, and proceed to issue the amendment. The hearing request would be treated the same way as in previous Commission practice, that is, by providing any requisite hearing after the amendment has been issued. As explained before, the legislation permits the Commission to make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person (even one that meets the provisions for intervention in § 2.714), in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved. The Commission wishes to state in this regard that any question about its staff's determinations on the issue of significant versus no significant hazards consideration that may be raised in any hearing on the amendment will not stay the effective date of the amendment.

The Commission believes that the procedure just described would be its usual way of handling license amendments, because most of these do not involve emergency or exigent situations and do not entail a determination that significant hazards consideration is involved. These three situations and other unusual ones could arise though.

Returning to the initial receipt of an application, if the Commission receives an amendment request and then determines that a significant hazards consideration is involved, it would handle this request in the same way it does now, by issuing an individual notice of proposed action and providing an opportunity for a hearing under § 2.105. The only change in its present procedure would be that it could notify the public of the final disposition of the amendment by noting its issuance or denial in the monthly Federal Register notice instead of in an individual notice.

Another possibility might be that the Commission receives an amendment request and finds an emergency situation, where failure to act in a timely way would result in derating or shutdown of a nuclear power plant. In this case, also discussed later in connection with State consultation, it may proceed to issue the license amendment, if it determines, among other things, that no significant hazards consideration is involved. In this circumstance, the Commission might not necessarily be able to provide for prior notice for opportunity for a hearing or for prior notice for public comment and might therefore use its present procedure, publishing an individual notice of issuance under § 2.106 (which provides an opportunity for a hearing after the amendment is issued.) Additionally, the Commission's monthly Federal Register notice system would note the Commission's action on the amendment request and, thereby, provide an opportunity for public comment. In connection with emergency requests, the Commission expects its licensees to apply for license amendments in a timely fashion. It will decline to dispense with notice and comment on the no significant hazards consideration determination, if it

determines that the applicant has failed to make a timely application for the amendment in order to create the emergency and to take advantage of the emergency provision. Whenever a threatened closure or derating is involved, the Commission expects the applicant to explain to it why this emergency situation has occurred and why the applicant could not avoid it; the Commission will assess the applicant's reasons for failure to file an application sufficiently in advance of that event.

Still another possibility might be that the Commission receives an amendment request and finds an exigency, that is, a situation other than an emergency where swift action is necessary. The legislation, quoted above, states that the Commission should establish criteria which "take into account the exigency of the need for the amendment." The Conference Report, quoted above, points out that "the conference agreement preserves for the Commission substantial flexibility to tailor the notice and comment procedures to the exigency of the need for the license amendment" and that "the conferees expect the content, placement and timing of the notice to be reasonably calculated to allow residents of the area surrounding the facility an adequate opportunity to formulate and submit reasoned comments."

The Commission believes that extraordinary situations may arise, short of an emergency, where a licensee and the Commission must act quickly and where time does not permit the Commission to publish a **Federal Register** notice soliciting public comment or to provide 30 days ordinarily allowed for public comment. For instance, such a circumstance may arise where a licensee, while shutdown for a short time, wishes to add some component clearly more reliable than one presently installed or wishes to use a different method of testing some system and that method is clearly better than one provided for in its Technical Specifications. In either case, the licensee may have to request an amendment, and, if the Commission determines, among other things, that no significant hazards consideration is involved, it may wish to grant the request before the licensee starts the plant up and the opportunity to improve the plant is lost.

In circumstances such as the two just described, the Commission may use media other than the **Federal Register**, for example, a local newspaper published near the licensee's facility, widely read by the residents in the area surrounding the facility, to inform the public of the licensee's amendment request. In these instances, the Commission will provide the public a reasonable opportunity to comment on the proposed no significant hazards determination. To ensure that the comments are received on time, the Commission may also set up in such a situation a toll-free hotline, allowing the public to telephone their comments to NRC on the amendment request. It should be noted that this method of prior notice for public comment will be in addition to the routine notice of the amendment in the monthly **Federal Register** compilation or to any individual notice of hearing that may be published; it will not affect the time available to exercise one's opportunity to request a hearing, though it may provide that opportunity only after the amendment has been issued, when the Commission has determined that no significant hazards consideration is involved.

The Commission will use these procedures sparingly and wants to make sure that its licensees will not take advantage of these procedures. Therefore, it will use criteria, somewhat similar to the ones it will use with respect to emergency situations, to decide whether it will shorten the comment period and change the type of notice normally provided. Consequently, in connection with requests indicating an exigency, the Commission expects its licensees to apply for license amendments in a timely fashion. It will not change its normal notice and public comment practices where it determines that the licensee has failed to use its best efforts to make a timely application for the amendment in order to create the exigency and to take advantage of the exigency provision. Whenever a licensee wants to use this provision, it will have to explain to the Commission the reason for the exigency and why the licensee cannot avoid it; the Commission will assess the licensee's reasons for failure to file an application sufficiently in advance of its proposed action or for its inability to take the action at some later time.

Another different circumstance may also present itself to the Commission. For instance, it could receive an amendment request with respect to which it finds that it is in the public interest to offer an opportunity for a prior hearing. In this case, it would use its present individual notice procedure and notify the public about the final disposition of the amendment in a notice of issuance or denial in its monthly **Federal Register** notice, instead of in an individual notice.

It should also be noted that these procedures only apply to license applications. The Commission may, under existing §§ 2.202(f) and 2.204, make a determination that the public health, safety, or interest requires it to order an amendment without prior notice for public comment or opportunity for a hearing. In this case, the Commission would follow its present procedure and publish an individual notice of issuance in the **Federal Register** and provide for an opportunity for a hearing on the order.

This new system would change only the Commission's noticing practices; it would not alter the Commission's hearing practices. The Commission has attempted to provide noticing procedures that are administratively simple, involve the least cost, do not entail undue delay, and allow a reasonable opportunity for public comment; nevertheless, they are quite burdensome and involve significant resource impacts and timing delays for the Commission and for licensees requesting amendments. Licensees would be able to reduce these delays, under the proposed procedures, by providing to the Commission their appraisals on the issue of significant hazards. There might also be other ways to make the noticing procedures simpler and to assure that the opportunity for public comment is not curtailed. The Commission is therefore particularly interested in comments addressing the workability of its proposed noticing procedures.

Finally, with respect to amendment requests received before the interim final rule takes effect, the Commission proposes to keep its present procedures and not provide notice for public comment on amendments requested on which the Commission has not acted before the effective date of the interim final rule.

D. State Consultation

As noted above, Public Law 97–415 requires the Commission to consult with the State in which the facility involved is located and to promulgate regulations which prescribe procedures for such consultation on a determination that an amendment to an operating license involves no significant hazards consideration. The Conference Report, cited earlier, stated that the conferees expect that the procedures for State consultation would include the following elements:

(1) The State would be notified of a licensee's request for an amendment;

(2) The State would be advised of the NRC's evaluation of the amendment request;

(3) The NRC's proposed determination on whether the license amendment involves no significant hazards consideration would be discussed with the State and the NRC's reasons for making that determination would be explained to the State;

(4) The NRC would listen to and consider any comments provided by the State official designated to consult with the NRC; and

(5) The NRC would make a good faith attempt to consult with the State prior to issuing the license amendment.

At the same time, however, the procedures for State consultation would not:

(1) Give the State a right to veto the proposed NRC determination;

(2) Give the State a right to a hearing on the NRC determination before the amendment becomes effective;

(3) Give the State the right to insist upon a postponement of the NRC determination or issuance of the amendment; or

(4) Alter present provisions of law that reserve to the NRC exclusive responsibility for setting and enforcing radiological health and safety requirements for nuclear power plants.

In requiring the NRC to exercise good faith in consulting with a State in determining whether a license amendment involves no significant hazards consideration, the conferees recognize that a very limited number of truly exceptional cases may arise when the NRC, despite its good faith efforts, cannot contact a responsible State official for purposes of prior consultation. Inability to consult with a responsible State official following good faith attempts should not prevent the NRC from making effective a license amendment involving no significant hazards consideration, if the NRC deems it necessary to avoid the shut-down or derating of a power plant. *ID.*, at 39.

The Commission believes that the law and its legislative history are quite specific. Accordingly, it proposes to adopt the elements described in the Conference Report quoted above in those cases where it makes a proposed determination on no significant hazards consideration. Normally, the State consultation procedures would work as follows. To make the State consultation process simpler and speedier, the Commission would require an applicant requesting an amendment to send a copy of its appraisal on the question of no significant hazards to the State in which the facility involved is located. (The NRC is compiling a list of State officials who have been designated to consult with it on amendment requests involving no significant hazards considerations; it intends to make this list available to all its licensees with facilities covered by § 50.21(b) or § 50.22 or with testing facilities.)

The Commission would send its **Federal Register** notice, or other notice in case of exigent circumstances, containing its proposed determination to the State official designated to consult with it together with a request to that person to contact the Commission if there is any disagreement or concern about its proposed determination. If it does not hear from the State in a timely manner, it will consider that the State has no interest in its determination—in this regard, the Commission intends to make available to the designated State officials a list of its Project Managers and other personnel whom it has designated to consult with these officials—but, nevertheless, before it issues the amendment, it will telephone the appropriate State official for the purpose of consultation.

In an emergency situation, the Commission would do its best to consult with the State, before it makes a final determination about no significant hazards consideration, by simply telephoning the appropriate State official before it issues an amendment.

Finally, the Commission wishes to note two points in connection with the legislative history. First, though the Commission intends to give careful consideration to the comments provided to it by the affected State on the question of no significant hazards consideration, the State comments are advisory to the Commission; the Commission remains responsible for making the final administrative decision on the question. Second, State consultation does not alter present provisions of law that reserve to the Commission exclusive responsibility for setting and enforcing radiological health and safety requirements for nuclear power plants.

Paperwork Reduction Act Statement

This rule contains a new reporting requirement which the Office of Management and Budget approved under OMB No. 3150–0011 for the Commission's use through April 30, 1985.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule affects only the licensing and operation of nuclear power plants and testing facilities. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this rule does not fall within the purview of the Act.

Regulatory Analysis

The Commission has prepared a Regulatory Analysis on these amendments, assessing the costs and benefits and resource impacts. It may be examined at the address indicated above.

General notice of proposed rulemaking is not required for this interim final rule because the amendments by their nature concern rules of agency procedure and practice. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, notice is hereby given that the following amendments to 10 CFR Parts 2 and 50 are published as a document subject to codification.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants, and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting requirements.

PART 2— RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for Part 2 is revised to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

(Sec. 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955 as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239) Sections 2.200–2.206 also issued under secs. 186, 234, 68 Stat. 955, 83 Stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770 also issued under 5

U.S.C. 557. Sections 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended. (42 U.S.C. 2039). Appendix A also issued under sec. 6, Pub. L. 91–580, 84 Stat. 1473 (42 U.S.C. 2135).

2. In § 2.105, paragraphs (a)(4) through (a)(8) are redesignated as paragraphs (a)(5) through (a)(9), a new paragraph (a)(4) is added, and redesignated paragraph (a)(6) is revised, as follows:

§ 2.105 Notice of proposed action.

(a) * * *

(4) An amendment to an operating license for a facility licensed under § 50.21(b) or § 50.22 or for a testing facility, as follows:

(i) If the Commission determines under § 50.58 that the amendment involves no significant hazards consideration, though it will provide notice of opportunity for a hearing pursuant to this section, it may make the amendment immediately effective and grant a hearing thereafter; or

(ii) If the Commission determines under § 50.58 and § 50.91 that an emergency or exigent situation exists and that the amendment involves no significant hazards considerations, it will provide notice of opportunity for a hearing pursuant to § 2.106 (if a hearing is requested, it will be held after issuance of the amendment);

* * * * *

(6) An amendment to a license specified in paragraph (a)(5) of this section, or an amendment to a construction authorization granted in proceedings on an application for such a license, when such amendment would authorize actions which may significantly affect the health and safety of the public; or

* * * * *

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

3. The authority citation for Part 50 is revised to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

(Sec. 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sections 50.58, 50.91 and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 also issued under sec. 186, 68 U.S.C. 955 (42 U.S.C. 2236).)

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10(a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10(b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. A new § 50.91 is added to Part 50 to read as follows:

§ 50.91 Notice for public comment; State consultation.

The Commission will use the following procedures on an application received after May 6, 1983 requesting an amendment to an operating license for a facility licensed under § 50.21(b) or § 50.22 or for a testing facility:

(a) *Notice for public comment.*—(1) At the time a licensee requests an amendment, it must provide to the Commission its analysis, using the standards in § 50.92, about the issue of no significant hazards consideration.

(2) The Commission may publish in the **Federal Register** under § 2.105 either an individual notice of proposed action as to which it makes a proposed determination that no significant hazards consideration is involved, or, at least once every 30 days, a monthly notice of proposed actions which identifies each amendment issued and each amendment proposed to be issued since the last such monthly notice. For each amendment proposed to be issued, either notice will (i) contain the staff's proposed determination, under the standards in § 50.92, (ii) provide a brief description of the amendment and of the facility involved, (iii) solicit public comments on the proposed determination, and (iv) provide for a 30-day comment period. Normally, the amendment will not be granted until after this comment period expires.

(3) The Commission may inform the public about the final disposition of an amendment request where it has made a proposed determination on no significant hazards consideration either by issuing an individual notice of issuance under § 2.106 or by publishing such a notice in its monthly system of **Federal Register** notices. In either event, it will not make and publish a final determination on no significant hazards consideration, unless it receives a request for a hearing on that amendment request.

(4) Where the Commission makes a final determination that no significant hazards consideration is involved and that the amendment should be issued, the amendment will be effective upon issuance, even if adverse public comments have been received and even if an interested person meeting the provisions for intervention called for in § 2.714 has filed a request for a hearing. The Commission need hold any required hearing only after it issues an amendment, unless it determines that a significant hazards consideration is involved.

(5) Where the Commission finds that an emergency situation exists, in that failure to act in a timely way would result in derating or shutdown of a nuclear power plant, it may issue a license amendment involving no significant hazards consideration without prior notice and opportunity for a hearing or for public comment. In such a circumstance, the Commission will not publish a notice of proposed determination on no significant hazards consideration, but will publish a notice of issuance under § 2.106, providing for opportunity for a hearing and for public comment after issuance. The Commission expects its licensees to apply for license amendments in a timely fashion. It will decline to dispense with notice and comment on the determination of no significant hazards consideration, if it determines that the licensee has failed to make a timely application for the amendment in order to create the emergency and to take advantage of the emergency provision. Whenever a threatened closure or derating is involved, a licensee requesting an amendment must explain why this emergency situation occurred and why it could not avoid this situation, and the Commission will assess the licensee's reasons for failure to file an application sufficiently in advance of that event.

(6) Where the Commission finds that exigent circumstances exist, in that a licensee and the Commission must act quickly and that time does not permit the Commission to publish a **Federal Register** notice allowing 30 days for prior public comment, it will:

(i) Use local media to inform the public in the area surrounding a licensee's facility of the licensee's amendment request and of its proposed determination as described in paragraph (a)(2) of this section;

(ii) Provide for a reasonable opportunity for the public to comment, using its best efforts to make available to the public whatever means of communication it can for the public to respond quickly;

(iii) Publish a notice of issuance under § 2.106, providing an opportunity for a hearing and for public comment after issuance, if it determines that the

amendment involves no significant hazards consideration.

(iv) Require an explanation from the licensee about the reason for the exigency and why the licensee cannot avoid it, and use its normal public notice and comment procedures in paragraph (a)(2) of this section where it determines that the licensee has failed to use its best efforts to make a timely application for the amendment in order to create the exigency and to take advantage of this procedure.

(b) *State consultation.*—(1) At the time a licensee requests an amendment, it must notify the State in which its facility is located of its request by providing to that State a copy of its application and its analysis about no significant hazards consideration and indicate on the application that it has done so. (The Commission will make available to the licensee the name of the appropriate State official designated to receive such amendments.)

(2) The Commission will advise the State of its proposed determination about no significant hazards consideration normally by sending it a copy of the **Federal Register** notice.

(3) The Commission will make available to the State official designated to consult with it about its proposed determination the names of the Project Manager or other NRC personnel it designated to consult with the State. The Commission will consider any comments of that State official. If it does not hear from the State in a timely manner, it will consider that the State has no interest in its determination; nonetheless, before it issues the amendment it will telephone that official for the purpose of consultation.

(4) The Commission will make a good faith attempt to consult with the State before it issues a license amendment involving no significant hazards consideration. If, however, it does not have time to use its normal consultation procedures because of an emergency situation, it will attempt to telephone the appropriate State official. Inability to consult with a responsible State official following good faith attempts will not prevent the Commission from making effective a license amendment involving no significant hazards consideration, if the Commission deems it necessary to avoid a shutdown or derating.

(5) After the Commission issues the requested amendment, it will send a copy of its final determination to the State.

(c) *Caveats about State consultation.* The State consultation procedures in paragraph (b) of this section do not give the State a right:

(1) To veto the Commission's proposed determination;

(2) To a hearing on the determination before the amendment becomes effective; or

(3) To insist upon a postponement of the determination or upon issuance of the amendment;

(4) Nor do these procedures alter present provisions of law that reserve to the Commission exclusive responsibility for setting and enforcing radiological health and safety requirements for nuclear power plants.

Dated at Washington, D.C., this 4th day of April, 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary for the Commission.

[FR Doc. 83-9051 Filed 4-5-83; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Reg. E; Doc. R-0449]

Electronic Fund Transfers; Technical Amendments and Update to Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule and official staff interpretation.

SUMMARY: The Board is adopting technical amendments to Regulation E (Electronic Fund Transfers) to conform certain provisions that refer to Regulation Z (Truth in Lending). These changes reflect redesignated sections in revised Regulation Z. This notice also contains changes to the official staff commentary, which applies and interprets the requirements of Regulation E.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: John C. Wood or Jesse B. Filkins, Senior Attorneys, or Gerald P. Hurst, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, at (202) 452–2412 or (202) 452–3867.

SUPPLEMENTARY INFORMATION:

1. *General.* The Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*) governs any transfer of funds that is electronically initiated and that debits or credits a consumer's account. This statute is implemented by the Board's Regulation E (12 CFR Part 205). The Board's staff has also issued an official commentary that interprets the regulation (EFT–2).

2. *Explanation of revisions. Regulation.* Regulation E contains certain provisions that describe the relationship between the rules governing electronic fund transfers and Regulation Z (Truth in Lending). These provisions cover issuance of access devices, § 205.5(c)(1)(ii) and 205.5(c)(2)(i); liability for unauthorized transfers, § 205.6(d)(1)(i); documentation of transfers, § 205.9(b)(3); and procedures for resolving errors, § 205.11(i). The changes set forth below relate to the updating of Regulation Z sectional references. These changes are needed because Regulation Z sections were redesignated when the Board revised Regulation Z, pursuant to the Truth in Lending Simplification and Reform Act of 1980.

Commentary. This is the first periodic update to the Official Staff Commentary on Regulation E, which was published in September 1981 (46 FR 46876). These changes were proposed for comment on February 2, 1983 (48 FR 4667). Some of the revisions to the commentary relate to amendments to the regulation published on October 12, 1982 (47 FR 44708). Other changes respond to various questions that have arisen concerning Regulation E since the commentary was originally published. Questions that are being added between existing questions are designated ".5"—for example, question 2–5.5 belongs after question 2–5.

It is contemplated that future updates to the commentary will be published annually, unless circumstances dictate more frequent revision. The staff expects to publish the next proposal in November 1983 for a 60-day comment period, and to issue a final version in the first quarter of 1984.

List of Subjects in 12 CFR Part 205

Banks, banking, Consumer protection, Electronic fund transfers, Federal Reserve System.

3. *Text of regulatory revisions.* Pursuant to the authority granted in Section 904 of the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*), the Board amends Regulation E, 12 CFR Part 205, by revising §§ 205.5(c)(1)(ii), 205.5(c)(2)(i), 205.6(d)(1)(i), 205.9(b)(3), and 205.11(i) to refer to the revised sections of Regulation Z, to read as follows:

§ 205.5 Issuance of access devices.

* * * * *

(c) *Relation to Truth in Lending* (1)

* * *

(ii) Addition to an accepted credit card, as defined in 12 CFR 226.12(a)(2), footnote 21 (Regulation Z), of the

capability to initiate electronic fund transfers; and

* * * * *

(2) * * *

(i) Issuance of credit cards as defined in 12 CFR 226.2(a)(15);

* * * * *

§ 205.6 Liability of consumer for unauthorized transfers.

* * * * *

(d) *Relation to Truth in Lending.* (1) * * *

(i) Was initiated by use of an access device that is also a credit card as defined in 12 CFR 226.2(a)(15), or

* * * * *

§ 205.9 Documentation of transfers.

* * * * *

(b) *Periodic statements.* * * *

(3) The total amount of any fees or charges, other than a finance charge under 12 CFR 226.7(f), assessed against the account during the statement period for electronic fund transfers or the right to make such transfers, or for account maintenance.

* * * * *

§ 205.11 Procedures for resolving errors.

* * * * *

(i) *Relation to Truth in Lending.* Where an electronic fund transfer also involves an extension of credit under an agreement between a consumer and a financial institution to extend credit when the consumer's account is overdrawn or to maintain a specified minimum balance in the consumer's account, the financial institution shall comply with the requirements of this section rather than those of 12 CFR 226.13 (a), (b), (c), (e), (f), and (h).

* * * * *

4. *Text of commentary revisions.* The revisions to the Official Staff Commentary to Regulation E (EFT–2, 12 CFR Part 205) read as follows:

Supplement II—Official Staff Commentary—EFT–2

* * * * *

§ 205.2 Definitions and rules of construction.

* * * * *

Q 2–5.5: *Retail repurchase agreements.* A retail repurchase agreement (repo) is essentially a loan made to a financial institution by a consumer that is collateralized by government or government-insured securities. Is a repo an account for purposes of Regulation E?

A: While repos may not be deposits for purposes of some other banking regulations, repos are accounts as defined in Regulation E. (§ 205.2(b))

* * * * *

Q 2–12.5: *Fund transfer—withholding of income tax on interest.* A financial institution electronically debits a portion of the interest on a consumer account for transmittal to the Internal Revenue Service, to comply with withholding requirements. Is the debit subject to the regulation?

A: No. (§ 205.2(g))

* * * * *

Q 2–25.5: *Card-activated telephones.* Does the regulation cover transfers to pay for calls made from a telephone that is activated when the consumer inserts a card into a magnetic strip or card reader, and does the terminal receipt requirement apply?

A: The regulation applies to transfers initiated electronically. As a result the electronic transfers from a consumer's account to pay for telephone calls are covered by the regulation as electronic fund transfers. A receipt is not required provided the only transfer of funds occurring as a result of the use of the card at the combination telephone/reader is to pay for the charges incurred by use of the telephone. (§ 205.2(h))

* * * * *

Q 2–27: *Unauthorized transfers—access device obtained from the consumer.* A consumer is robbed or induced by fraud to furnish another person with an access device. Are transfers initiated at an ATM by the person who obtained the access device from the consumer "unauthorized electronic fund transfers"?

A: The transfers are unauthorized for purposes of Regulation E. Although the definition of "unauthorized electronic fund transfer" excludes any transfer initiated by a person "who was furnished with the access device to the consumer's account by the consumer," it assumes that the consumer has authorized the person to make transfers with the access device. This exclusion does not apply when the access device is "furnished" as the result of a robbery, or as the result of a fraud on the consumer in which the consumer does not authorize the use of the access device to make transfers. But if the consumer furnishes an access device and grants actual authority to make transfers to another person (a family member or coworker, for example) who then exceeds that authority, the consumer is liable for the transfers unless the financial institution has been notified that transfers by that person are no longer authorized. (§ 205.2(l))

* * * * *

§ 205.3 Exemptions.

* * * * *

Q 3–19.5: *Telephone transfers—money market deposit accounts, retail repurchase agreements.* Are telephone transfers between a money market deposit account (or a retail repo account) and another account within the institution subject to the regulation?

A: The answer depends on whether the transfers are made pursuant to a written plan or agreement in which periodic or recurring transfers are contemplated. An agreement that merely permits the consumer to telephone institutions for the rollover of all or a portion of the funds at maturity does not meet this test. (§ 205.3(e))

* * * * *

Q 3–22: *Small institution exemption—grace period.* If the assets of a previously exempt financial institution exceed $25 million on December 31, when must the institution begin complying with the regulation?

A: Such an institution would have a one-year grace period. For example, if the assets exceed $25 million on December 31, 1983, compliance is not required until January 1, 1985. On the other hand, a previously covered institution whose assets fall below $25 million on December 31, 1983, may take advantage of the exemption beginning on January 1, 1984. (§ 205.3(g))

* * * * *

§ 205.7 Initial disclosure of terms and conditions.

* * * * *

Q 7–18.5: *Error-resolution disclosure—foreign-initiated transfers.* The regulation expands the time periods for resolving errors that involve transfers initiated outside the United States, from 10 to 20 business days and from 45 to 90 calendar days. Must the error-resolution disclosure reflect the longer time periods with respect to accounts on which transfers may be initiated outside the United States?

A: The financial institution may but need not refer to the longer time periods in the error-resolution disclosure. (§§ 205.7(a)(10), 205.8(b), and 205.11(c)(4))

* * * * *

§ 205.9 Documentation of transfers.

* * * * *

Q 9–9: *Receipts—type of account.* A footnote states that the type of account need not be identified if the access device used to initiate the transfer can access only one account at a given terminal. When does this exception apply?

A: The exception applies to point-of-sale terminals, ATMs, and any other electronic terminals. It is available even if the access device can access more than one account when used at another terminal. For example, it is available when, in a shared ATM system, an access device can access only one account at a terminal operated by an institution other than the account-holding institution, even though the access device can access more than one account at terminals operated by the account-holding institution. Moreover, account refers only to asset accounts. If a consumer can use an access device at a terminal to debit an asset account and also to access a credit line, for example, the exception is still available. (§ 205.9(a)(3), footnote 3)

* * * * *

Q 9–10.5: *Receipts—type of account, interchange system.* What about an interchange system in which consumers can access multiple accounts of the same type at their account holding institution's terminals, but only a primary account of each type of other terminals in the system—may the receipt at such other terminals describe the account in terms of "checking" or "savings," without unique identification?

A: Yes. (§ 205.9(a)(3), footnote 3)

* * * * *

Q 9–16: *Periodic statements—frequency.* How often must periodic statements be sent for accounts that are subject to the regulation?

A: A monthly statement is required for any account to or from which an EFT has occurred during the month, if the account is one that can be debited electronically (by use of an access device, telephone bill-payment service, or preauthorized transfers from the consumer's account, for example) or if the account can be credited electronically by other than preauthorized deposits. If no transfers occur during some months, the statement must be provided at least quarterly.

There are certain exceptions for accounts on which the only EFT service relates to preauthorized credits. The institution may send quarterly statements or, if the account is a passbook account, the institution may simply update the passbook when it is presented for updating (with the amount and date of each EFT since the last update).

Also, to eliminate duplicative statements, the regulation provides an exception from the periodic statement requirement for certain intra-institutional transfers between a consumer's accounts. This exception does not alter the statement provisions, however, with respect to accounts that receive preauthorized credits; such accounts continue to acquire quarterly statements or passbook updates. (§ 205.9(b), (c), (d), and (h))

* * * * *

Q 9–22 (Reserved.)

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Q 9–28: *Periodic statements—terminal location omitted.* When a consumer makes a deposit at an ATM, the institution need not identify the ATM location on the periodic statement. Does the consumer's request for the terminal location (or any other information about the deposit) trigger the error resolution procedures under the regulation?

A: Yes, if the request for the location is made in accordance with the requirements of the error resolution section. However, in responding the institution need only provide the consumer with the ATM location if it has captured that information with regard to deposits. If the consumer merely calls to ascertain whether or not a deposit (ATM, preauthorized, or any other type of electronic transfer) was credited to the account, the error resolution procedures do not apply. (§§ 205.9(b)(1)(iv), footnote 4a, and 205.11(a)(7))

* * * * *

Q 9–50: *Periodic statements—transfers between accounts.* The regulation provides that an account is excepted from the periodic statement requirements for transfers to or from another account of the consumer within the institution, if these transfers are described on a complying statement for the other account. What effect does this have on the periodic statement requirements for accounts that also are accessed by other electronic transfer activity?

A: The exception applies only to the transfers between accounts. The financial institution must comply with the applicable periodic statement requirements for any other electronic transfers to or from the account. For example, a quarterly Regulation E statement must be sent for an account that also receives payroll deposits electronically; and a Regulation E statement must be sent for any month in which an account is also accessed by a withdrawal at an ATM. However, a financial institution need not comply with the Regulation E requirements on such statements for transfers that are otherwise exempt, such as the transfers between accounts discussed above. (§§ 205.9(c), (d), and (h))

Q 9–51: *Periodic statements—foreign-initiated transfers.* Failure to provide terminal receipts and periodic statements for transfers initiated outside the United States is deemed not to be a failure to comply with the regulation if an inquiry or request for documentation is treated as a notice of an error. What does this mean?

A: The relaxation in documentation requirements takes account of the fact that some foreign-based terminals do not caputure all of the information required by the regulation. However, it is expected that the institution would make a good faith attempt to provide on the periodic statements the information required by the regulation to identify the transfer. For example, even though the institution may not be able to provide the location of the specific terminal, it should, if possible, identify the country and city in which the transfer was initiated. (§ 205.9(i))

* * * * *

By order of the Board of Governors of the Federal Reserve System, March 31, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83–8875 filed 4–1–83; 2:13 pm]

BILLING CODE 6210–01–M

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12 CFR Part 226

[Reg. Z; Doc. No. R–0450]

Truth in Lending; Definition of Arranger of Credit; Exemption of Certain Student Loans; Treatment of Certain Disclosure Errors; and Official Staff Commentary Update

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule and final official staff interpretation.

SUMMARY: The Board is publishing final amendments to revised Regulation Z to implement Truth in Lending amendments made in the Garn-St Germain Depository Institutions Act of 1982. The amendments to 12 CFR part 226 delete from coverage arrangers of credit and exempt certain student loans. For purposes of administrative enforcement, two footnotes relating to disclosure errors caused by the use of faulty calculation tools are also amended. This notice also contains changes to the official staff commentary, which applies and interprets the requirements of the revised Regulation Z as a substitute for individual staff interpretations of the regulation. Some of the changes reflect the statutory amendments while others update the current commentary.

EFFECTIVE DATES:

Regulatory amendments—October 1, 1982.

Commentary changes—April 1, 1983, but reliance optional until October 1, 1983.

FOR FURTHER INFORMATION CONTACT:

The following attorneys in the Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, at (202) 452–3667 or (202) 452–3867:

Regulatory amendments—Claudia Yarus

Commentary:

Subpart A—Gerald Hurst

Subpart B—Ruth Amberg, Jesse Filkins, Richard Garabedian, Lynn Goldfaden, Gerald Hurst, John Wood

Subpart C and Appendices—Clarence Cain, Lucy Griffin, Rugenia Silver, Susan Werthan, Claudia Yarus, Steven Zeisel

Subpart D—Rugenia Silver.

SUPPLEMENTARY INFORMATION:

1. *Introduction.* This notice contains three types of changes to the Board's Regulation Z, and changes to the accompanying official staff commentary. These changes were proposed for comment on February 2, 1983 (48 FR 4669). The Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97–320, October 15, 1982 as amended by Pub. L. 97–457, Jan. 13, 1983) (DIA) made two amendments to the Truth in Lending Simplification and Reform Act of 1980. Section 103(f) of the Truth in Lending Act was amended by deleting "arrangers of credit" from the definition of "creditor," effective October 1, 1982. Section 104 was amended by exempting from coverage (both prospectively and retroactively) loans made, insured, or guaranteed pursuant to a program authorized by Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.). To implement these statutory amendments, the Board is amending § 226.2 of Regulation Z by removing the definition of "arranger of credit" and removing "arrangers of credit" from the "creditor" definition, and amending § 226.3 by adding a new paragraph that exempts loan programs under Title IV of the Higher Education Act of 1965. These amendments are retroactively effective October 1, 1982.

The vast majority of those who commented on the deletion from coverage of arrangers of credit supported the change. A few preferred that the exemption be narrowed to exclude only real estate brokers, but the majority agreed that the regulatory change properly reflected the statutory action.

Only a small number of commenters addressed the exemption for certain student loans. Almost all of the commenters supported the exemption, although a couple of commenters asked that the exemption be broadened to include all student loans.

Amendments to footnote 31a (§ 226.14(a)) and footnote 45a (§ 226.22(a)) are also being made, effective October 1, 1982. These footnotes protect creditors from liability for use of faulty calculation tools. The footnotes provide that an error in the disclosure of the annual percentage rate or finance charge is not considered a violation if: (1) The error results from a corresponding error in a calculation tool used in good faith by the creditor; and (2) upon discovery of the error, the creditor discontinues use of the tool and notifies the Board in writing of the error in the calculation tool. Thus, errors that meet these criteria are not violations and creditors found to have such errors are protected from both civil and administrative actions, particularly restitution.

The Board had eliminated the protection provided by the footnotes as of October 1, 1982, the effective date of the amended act, in the belief that the act's expansion of the bona fide error defense to civil liability made the footnotes unnecessary.

Upon further review, however, the Board believes that the elimination of the protection provided by the footnotes had the effect, without the intent, of exposing creditors to restitution. The amended act protects creditors from civil liability for violations resulting from bona fide errors, even in the absence of the footnotes. However, without the protection of the footnotes creditors could be subject to administrative enforcement, including restitution, for the same errors. The Board therefore proposed to reinstate the protection of the footnotes.

Over 90% of the commenters that addressed the proposal to amend the footnotes supported its adoption without any changes. Very few commenters opposed the amendment.

The creditor's reliance on the tool must be in good faith in order to take advantage of the protection offered by the footnotes. In the Board's view, this imposes on the creditor a reasonable degree of responsibility for assuring that the tool in question provides the degree of accuracy required by the regulation. For example, the creditor might verify the results obtained by use of the tool by comparing those results to the figures obtained by use of another calculation tool. The creditor might also reasonably rely on the expertise of the enforcement agency in making such a determination prior to use of the tool.

Finally, changes to the Regulation Z official staff commentary (Supplement I to Part 226) are being made. Some of the changes correspond to the regulatory amendments implementing the DIA and serve to conform the regulation and commentary. Other commentary changes update the document. This is a periodic update to the commentary, as amended effective September 17, 1982 (47 FR 41388, September 20, 1982) and responds to significant questions that have arisen since the last update. The types of changes being made generally give creditors more flexibility in making disclosures, while preserving basic consumer protections.

For purposes of continuing the commentary as the sole interpretive vehicle of Regulation Z, the staff plans to update the commentary annually. There may, of course, be occasions when updates occur more frequently. It is expected that revisions will be proposed in November for at least a 60-day comment period. Final changes will then be issued after the first of the year, with optional compliance until the uniform effective date of October 1 for mandatory compliance.

2. *Regulatory revisions.* Following is a brief description of the regulatory revisions:

Subpart A—General

Section 226.2 Definitions and rules of construction.

(a)(3) "Arranger of credit"

This definition and footnote 2 are removed to implement the Truth in Lending Act amendment to the definition of "creditor" made in the DIA. The paragraph and footnote numbers are reserved for future use in order to avoid the need for renumbering all subsequent definitions and footnotes.

(a)(17) "Creditor"

This definition is amended by removing paragraph (a)(17)(ii). The amendment conforms the regulatory definition to the statutory definition as amended by the DIA. Paragraphs (a)(17)(iii), (iv), and (v) of the current definition are redesignated as paragraphs (a)(17)(ii), (iii), and (iv), respectively.

Section 226.3 Exempt transactions.

Paragraph (f) is added to exempt loans made, insured, or guaranteed pursuant to a program authorized by Title IV of the Higher Education Act of 1965. The DIA Truth in Lending

amendments expressly exempt these loans from coverage.

Sections 226.14 and 226.22 Determination of annual percentage rate.

The last sentence of both footnote 31a and footnote 45a is removed. This amendment reinstates the protections provided by the two footnotes.

3. *Commentary revisions.* Following is a brief description of the revisions to the commentary:

Subpart A—General

Section 226.2 Definitions and rules of construction.

2(a)(3) "Arranger of Credit"

Comments 2(a)(3)–1 through 6 are removed to correspond to the regulatory amendments that remove "arrangers of credit" from the "creditor" definition.

2(a)(4) "Billing Cycle" or "Cycle"

Comment 2(a)(4)–1 is revised to eliminate possible confusion over whether the periodic statement must in fact be *sent* within the 4-day interval.

2(a)(17) "Creditor"

The work "five" in the first sentence of comment of 2(a)(17)–1 is changed to the word "four".

Comment 2(a)(17)(ii)–1 is removed to conform the commentary to the regulatory amendments that implement the DIA Truth in Lending amendments.

The comment designations—*Paragraph 2(a)(17)(iv)* and *Paragraph 2(a)(17)(v)*—are redesignated *Paragraph 2(a)(17)(iii)* and *Paragraph 2(a)(17)(iv)*, respectively.

2(a)(18) "Downpayment"

Comment 2(a)(18)–1 is revised to include a cross-reference to the commentary to § 226.2(a)(23). Material added to the commentary to § 226.2(a)(23) discusses the allocation of lump-sum payments between the downpayment and the prepaid finance charge.

2(a)(23) "Prepaid Finance Charge"

A new comment 2(a)(23)–4 is added to clarify the treatment to be given discounts and other items that are finance charges under § 226.4 in credit sale transactions involving lump-sum payments by a consumer. This comment discusses the allocation of a lump-sum payment between the downpayment and the prepaid finance charge.

2(a)(24) "Residential Mortgage Transaction"

A new comment 2(a)(24)–5 is added to clarify whether certain transactions are "to finance the acquisition" of the consumer's principal dwelling and are therefore residential mortgage transactions. The comment also discusses some of the effects this determination has on whether disclosures are required and which ones must be given.

References

A sentence is added to the paragraph under *1981 Changes* discussing "arranger of credit" indicating that the definition has been removed from the statute. This reflects the DIA Truth in Lending amendment.

Section 226.3 Exempt transactions.

3(f) Student Loan Programs

Comment 3(f)–1 is added to clarify which loan programs are administered under Title IV of the Higher Education Act of 1965. This comment corresponds to the regulatory amendment implementing the DIA Truth in Lending amendments that exempt these loan programs from the regulation.

Section 226.4 Finance charge.

4(d) Insurance

Comment 4(d)–10 is revised to provide an exception to the requirement that creditors allocate a portion of the premium for coverages that are not VSI or other property insurance when the total amount of the premium in fact attributable to all of the non-VSI coverages included in the VSI policy is $1.00 or less (or in the case of multi-year policies, $5.00 or less).

Subpart B—Open-End Credit

Section 226.5 General disclosure requirements.

5(a) Form of Disclosures

Comment 5(a)(2)–3 is added to clarify that the terms "finance charge" and "annual percentage rate" need not be more conspicuous than numerical amounts or percentages. The material has been revised from the proposal, but is unchanged in substance.

5(b) Time of Disclosures

Comment 5(b)(1)–3 is expanded to clarify that no new initial disclosures need be given when the consumer's account is closed simply to provide the consumer with a new account number, such as when a credit card is reported lost or stolen and a new account number is assigned for security reasons.

Section 226.8 Identification of transactions.

Comment 8–7 is added to give the creditor the option of two means of identifying credit insurance premiums on the periodic statement when the insurance is offered through the creditor but actually provided by another company. In such a case, the creditor could identify the premium using either the rule in § 226.8(a)(2) for "related" sellers and creditors, or the rule in § 226.8(a)(3) for "non-related" sellers and creditors.

Section 226.9 Subsequent disclosure requirements.

9(c) Change in Terms

The first sentence of comment 9(c)(1)–3 is revised to clarify when the change-in-terms notice must be provided to the consumer in those cases in which the 15-day advance-notice requirement is inapplicable.

Comment 9(c)(1)–3 is revised to clarify the scope of the exception to the 15-day change-in-terms requirement. The revision includes an example of an occurrence that would not be considered an "agreement" for purposes of relieving the creditor of its responsibility to provide an *advance* change-in-terms notice. If the change is the type that has been unilaterally made by the creditor and is of general applicability, advance notice must be given. Thus, the "agreed to" rule would not apply in the following example: A creditor has decided to change a term in its open-end plan. Instead of providing change-in-terms notices to its customers 15 days in advance of the term change, the creditor decides to wait until each consumer comes to the creditor's office to request a cash advance. At that time, the consumer is given a change-in-terms notice, and, if the consumer agrees to the term change, the advance is made.

The first sentence of comment 9(c)(2)–2 is revised to add the words "or payments," which is merely an editorial change.

Comment 9(c)(2)–2 is revised to give additional guidance on how the change-in-terms requirement may be satisfied when skip features are involved.

Section 226.15 Right of rescission.

15(a) Consumer's Right to Rescind

Comment 15(a)(3)–4 is revised to clarify that the sale of the consumer's interest in the property terminates the right to rescind, even though the consumer is financing the transaction. The comment has been expanded from the proposal for illustrative purposes.

Subpart C—Closed-End Credit

Section 226.17 General disclosure requirements.

17(a) Form of Disclosures

Comment 17(a)(1)–5 is expanded to add one example of "directly related" information. This example, relating to § 226.18(q), responds to inquiries about an appropriate assumption policy disclosure when a transaction involves a due-on-sale clause. The example makes clear that the creditor may refer to the due-on-sale clause in making the disclosure under § 226.18(q).

Comment 17(a)(2)–1 is expanded to clarify that the terms "finance charge" and "annual percentage rate" need not be more conspicuous than numerical amounts or percentages. The material has been renumbered and revised from proposed comment 17(a)(2)–3, but is unchanged in substance from the proposal.

17(i) Interim Student Credit Extensions

Comment 17(i)–1 is revised to remove references to the Guaranteed Student Loan Program and the PLUS program. These loan programs are administered under Title IV of the Higher Education Act of 1965 and are thus no longer subject to Regulation Z, pursuant to the statutory amendments exempting these loan programs. A cross-reference to § 226.3(f), which reflects that exemption, has been added to comment 17(i)–1.

Comment 17(i)–4 is deleted. This comment addressed loan programs that are now exempt under the DIA Truth in Lending amendments. Comment 17(i)–5 is redesignated comment 17(i)–4.

Section 226.18 Content of disclosures.

18(f) Variable Rate

Comment 18(f)–1 is revised to make clear that the variable-rate disclosure applies not only to an increase in the interest component of the annual percentage rate but also to increases in other elements that affect the rate, such as the rate of required credit life insurance. The comment has been expanded from the proposal for greater clarity.

Comment 18(f)–5 is revised to explain the circumstances under which footnote 43 is available to creditors authorized by recent federal legislation to make alternative mortgage loans. Footnote 43 permits creditors to omit the § 226.18(f) disclosures if variable-rate disclosures are made in accordance with certain variable-rate regulations of other federal agencies. Title VIII of the DIA allows non-federally-chartered housing creditors to offer creative financing in accordance with certain federal regulations, even where applicable state law prohibits such financing by state creditors. The revision to the comment permits those creditors to take advantage of footnote 43, whether or not they are subject to examination by the agencies issuing the regulations. A sentence has been added to the proposal to make clear that creditors using the footnote should look to the other federal regulations rather than to Regulation Z for the timing of the variable-rate disclosures.

Comment 18(f)–5 and the references to other regulations are also revised to reflect the citation to the Federal Home Loan Bank Board's amended adjustable mortgage loan regulation. A reference to the DIA has been added to the statutory references.

18(q) Assumption Policy

Comment 18(q)–1 is revised to include a cross-reference to comment 17(a)(1)–5, which permits creditors to state in the Truth in Lending disclosures that a due-on-sale clause is contained in the loan document.

Section 226.19 Certain residential mortgage transactions.

19(a) Time of Disclosure

Comment 19(a)–3 is revised to clarify when a creditor receives an application that is transmitted by an agent or broker. No change is intended to the general rule that "written application" is defined by the Real Estate Settlement Procedures Act and Regulation X.

Section 226.20 Subsequent disclosure requirements.

20(b) Assumptions

Comment 20(b)–1 is revised to make clear that assumptions other than those defined in § 226.20(b) do not require disclosures. The language has been modified from the proposal for greater clarity.

Comment 20(b)–7 is added to explain the relationship between the abbreviated disclosures of § 226.20(b)(1) through (5) and the general disclosure requirements of §§ 226.17 and 226.18.

The proposal would have added a comment discussing the timing of assumption disclosures. That comment has not been adopted because the issue is adequately addressed by the definition of consummation in § 226.2(a)(13).

Section 226.22 Determination of annual percentage rate.

References

The last sentence under *1981 Changes*, reflecting the elimination of footnote 45a, is deleted in light of the reinstatement of that footnote.

Section 226.23 Right of rescission.

23(a) Consumer's Right to Rescind

Comment 23(a)(3)–3 is revised to clarify that the sale of the consumer's interest in the property terminates the right to rescind, even though the consumer is financing the transaction. The comment has been expanded from the proposal for illustrative purposes.

Subpart D—Miscellaneous

Section 226.28 Effect on State laws.

28(a) Inconsistent Disclosure Requirements

The commentary to § 226.28 is expanded by the addition of new comments 28(a)–8 through 28(a)–10, reflecting recent Board determinations on the effect of the Truth in Lending Act on certain consumer credit laws in Arizona, Florida and Missouri.

Section 226.29 State exemptions.

29(a) General Rule

Comment 29(a)–4 is revised to reflect three additional state exemptions from the Truth in Lending Act granted by the Board since publication of the previous commentary update. The reference to the Oklahoma exemption has been expanded from the proposal to provide more detail on the scope of that exemption.

Appendix D—Multiple-Advance Construction Loans

The commentary and references to Appendix D are revised to reflect the fact that creditors in certain multiple-advance transactions other than construction loans may also use the appendix.

Appendix H—Closed-End Model Forms and Clauses

Current comments H–17 through 20 as they reflect the approval under section 113 of the act of student loan disclosure forms issued by the Department of Education are removed. The loan programs to which the forms apply are exempt from the regulation under the recent DIA amendments to the Truth in Lending Act. New comments H–17 through 20 are added to reflect the approval under section 113 of the act of four student loan disclosure forms issued by the Department of Health and Human Services in conjunction with the Health Education Assistance Loan (HEAL) program. That loan program remains subject to the requirements of the regulation.

List of Subjects in 12 CFR Part 226

Advertising, Banks, banking, Consumer protection, Credit, Federal Reserve System, Finance, Truth in lending, Penalties.

PART 226—[AMENDED]

§§ 226.2, 226.14, 226.22 [Amended]

4. *Text of Regulatory Revisions.* Pursuant to the authority granted in § 105 of the Truth in Lending Act (15 U.S.C. 1604 as amended), the Board is amending Regulation Z, 12 CFR Part 226, by removing and reserving paragraph (a)(3), and reserving footnote 2 to paragraph (a)(3) of § 226.2; removing paragraph (a)(17)(ii) of § 226.2 and redesignating paragraphs (a)(17) (iii), (iv), and (v) as paragraphs (a)(17) (ii), (iii), and (iv), respectively; adding a new paragraph (f) to § 226.3; and removing the last sentence of both footnote 31a to § 226.14 and footnote 45a to § 226.22, to read as follows:

§ 226.3 Exempt transactions.

(f) *Student loan programs.* Loans made, insured, or guaranteed pursuant to a program authorized by Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

5. *Text of Commentary Revisions.* The revisions to the commentary (Supplement I to Part 226) read as follows:

Supplement I—Official Staff Commentary—TIL–1

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Subpart A—General

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§ 226.2 Definitions and rules of construction.

2(a) Definitions

* * * * *

2(a)(3) "Arranger of Credit"

The comment designation *2(a)(3) "Arranger of Credit"* and comments 2(a)(3)–1 through 6 are deleted in their entirety.

* * * * *

2(a)(4) "Billing Cycle" or "Cycle"

1. *Intervals.* In open-end credit plans, the billing cycle determines the intervals for which periodic disclosure statements are required; these intervals are also used as measuring points for other duties of the creditor. Typically, billing cycles are monthly, but they may be more frequent or less frequent (but not less frequent than quarterly).

* * * * *

2(a)(17) "Creditor"

The word "five" in the first sentence of comment 2(a)(17)–1 is changed to the word "four". Comment 2(a)(17)(ii)–1 is deleted. Comment designations *Paragraph (a)(17)(iv)* and *Paragraph 2(a)(17)(v)* are redesignated *Paragraph 2(a)(17)(iii)* and *Paragraph 2(a)(17)(iv).* The reference to "section 226.2(a)(17)(iv)" in new comment 2(a)(17)(iii)–1 is changed to "section 226.2(a)(17)(iii)." The reference to "section 226.2(a)(17)(v)" in new comment 2(a)(17)(iv)–1 is changed to "section 226.2(a)(17)(iv)."

* * * * *

2(a)(18) "Downpayment"

1. *Allocation.* * * * (See the commentary to section 226.2(a)(23).)

* * * * *

2(a)(23) "Prepaid Finance Charge"

* * * * *

4. *Allocation of lump-sum payments.* In a credit sale transaction involving a lump-sum payment by the consumer and a discount or other item that is a finance charge under section 226.4, the discount or other item is a prepaid finance charge to the extent the lump-sum payment is not applied to the cash price. For example, a seller sells property to a consumer for $10,000, requires the consumer to pay $3,000 at the time of the purchase, and finances the remainder as a closed-end credit transaction. The cash price of the property is $9,000. The seller is the creditor in the transaction and therefore the $1,000 difference between the credit and cash prices (the discount) is a finance charge. (See the commentary to sections 226.4(b)(9) and 226.4(c)(5).) If the creditor applies the entire $3,000 to the cash price and adds the $1,000 finance charge to the interest on the $6,000 to arrive at the total finance charge, all of the $3,000 lump-sum payment is a downpayment and the discount is not a prepaid finance charge. However, if the creditor only applies $2,000 of the lump-sum payment to the cash price, then $2,000 of the $3,000 is a downpayment and the $1,000 discount is a prepaid finance charge.

2(a)(24) "Residential Mortgage Transaction"

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5. *Acquisition.* A transaction is not "to finance the acquisition" of the consumer's principal dwelling (and therefore is not a residential mortgage transaction) is the consumer had previously purchase the dwelling and acquired some title to the dwelling, even though the consumer has not acquired full legal title. Thus, the following types of transactions are not residential mortgage transactions:

- The financing of a balloon payment due under a land sale contract.
- An extension of credit made to a joint owner of property to buy out the other joint owner's interest.

As a result, in giving the disclosures for these transactions several provisions of the regulation are not applicable, for example, the exceptions to the right of rescission (sections 226.23(f)(1) and 226.15(f)(1)), the early disclosure requirement (section 226.19(a)), and the disclosure concerning assumability (section 226.18(q)). In the following situation, by contrast, since the transaction is not a residential mortgage transaction, no disclosures are required by section 226.20(b) and therefore the right of rescission does not apply:

- A written agreement between a creditor holding a seller's mortgage and the buyer of the property which allows the buyer to assumer the mortgage, where the buyer previously purchased the property and agreed with the seller to make the mortgage payments.

* * * * *

References

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1981 changes:

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"Arranger of Credit" * * * This definition was deleted effective October 1, 1982.

* * * * *

§ 226.3 Exempt transactions.

* * * * *

3(f) Student Loan Programs

1. *Coverage.* This exemption applies to the Guaranteed Student Loan program (administered by the federal government, state, and private non-profit agencies), the Auxiliary Loans to Assist Students (also known as PLUS) program, and the National Direct Student Loan program.

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§ 226.4 Finance charge.

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4(d) Insurance

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10. *Single-interest insurance defined.* The term "single-interest insurance"as used in the regulation refers only to the types of coverage traditionally included in the term "vendor's single-interest insurance" (or "VSI"), that is, protection of tangible property against normal property damage, concealment, confiscation, conversion, embezzlement,

and skip. Some comprehensive insurance policies may include a variety of additional coverages, such as repossession insurance and holder-in-due-course insurance. These types of coverage do not constitute single-interest insurance for purposes of the regulation, and premiums for them do not qualify for exclusion from the finance charge under section 226.4(d). If a policy that is primarily VSI also provides coverages that are not VSI or other property insurance, a portion of the premiums must be allocated to the nonexcludable coverages and included in the finance charge. However, such allocation is not required if the total premium in fact attributable to all of the non-VSI coverages included in the policy is $1.00 or less (or $5.00 or less in the case of a multi-year policy).

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Subpart B—Open-End Credit

§ 226.5 General disclosure requirements.

5(a) Form of Disclosures

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Paragraph 5(a)(2)

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3. *Disclosure of figures—exception to "more conspicuous" rule.* The terms "annual percentage rate" and "finance charge" need not be more conspicuous than figures (including, for example, numbers, percentages, and dollar signs).

5(b) Time of Disclosures

5(b)(1) Initial disclosures

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3. *Reopening closed account.* If an account has been closed (for example, due to inactivity, cancellation, or expiration) and then is reopened, new initial disclosures are required. No new initial disclosures are required, however, when the account is closed merely to assign it a new number (for example, when a credit card is reported lost or stolen) and the "new" account then continues on the same terms.

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§ 226.8 Identification of transactions.

* * * * *

7. *Credit insurance offered through the creditor.* When credit insurance that is not part of the finance charge (for example, voluntary credit life insurance) is offered to the consumer through the creditor, but is actually provided by another company, the creditor has the option of identifying the premiums in one of two ways on the periodic statement. The creditor may describe the premiums using either the rule in section 226.8(a)(2) for "related" sellers and creditors, or the rule in section 226.8(a)(3) for "non-related" sellers and creditors. This means, therefore, that the creditor may identify the insurance either by providing, under section 226.8(a)(2), a brief identification of the services provided (for example, "credit life insurance"), or by disclosing, under section 226.8(a)(3), the name and address of the company providing the insurance (for example, ABC Insurance Company, New York, New York). In either event, the creditor would, of course, also provide the amount and the date of the transaction.

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§ 226.9 Subsequent disclosure requirements.

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9(c) Change in Terms

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9(c)(1) Written Notice Required

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3. *Timing—advance notice not required.* Advance notice of 15 days is not necessary—that is, a notice of change in terms is required, but it may be mailed or delivered as late as the effective date of the change—in two circumstances:

- If there is an increased periodic rate or any other finance charge attributable to the consumer's delinquency or default
- If the consumer agrees to the particular change. This provision is intended for use in the unusual instance when a consumer substitutes collateral or when the creditor can advance additional credit only if a change relatively unique to that consumer is made, such as the consumer's providing additional security or paying an increased minimum payment amount. Therefore, the following are not "agreements" between the consumer and the creditor for purposes of section 226.9(c)(1): the consumer's general acceptance of the creditor's contract reservation of the right to change terms; the consumer's use of the account (which might imply acceptance of its terms under state law); and the consumer's acceptance of a unilateral term change that is not particular to that consumer, but rather is of general applicability to consumers with that type of account.

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9(c)(2) Notice Not Required

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2. *Skip features.* If a credit program allows consumers to skip or reduce one or more payments during the year, or involves temporary reductions in finance charges, no notice of the change in terms is required either prior to the reduction or upon resumption of the higher rates or payments if these features are explained on the initial disclosure statement (including an explanation of the terms upon resumption). For example, a merchant may allow consumers to skip the December payment to encourage holiday shopping, or a teachers' credit union may not require payments during summer vacation. Otherwise, the creditor must give notice prior to resuming the original schedule or rate, even though no notice is required prior to the reduction. The change-in-terms notice may be combined with the notice offering the reduction. For example, the periodic statement reflecting the reduction or skip feature may also be used to notify the consumer of the resumption of the original schedule or rate, either by stating explicitly when the higher payment or charges resume, or by indicating the duration of the skip option. Language such as "You may skip your October payment," or "We will waive your finance charges for January," may serve as the change-in-terms notice.

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§ 226.15 Right of rescission.

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Paragraph 15(a)(3)

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4. *Unexpired right of rescission.* When the creditor has failed to take the action necessary to start the three-day rescission period running the right to rescind automatically lapses on the occurrence of the earliest of the following three events:

- The expiration of three years after the occurrence giving rise to the right of rescission
- Transfer of all the consumer's interest in the property
- Sale of the consumer's interest in the property, including a transaction in which the consumer sells the dwelling and takes back a purchase money note and mortgage or retains legal title through a device such as an installment sale contract

Transfer of all the consumer's interest includes such transfers as bequests and gifts. A sale or transfer of the property need not be voluntary to terminate the right to rescind. For example, a foreclosure sale would terminate an unexpired right to rescind. As provided in section 125 of the act, the three-year limit may be extended by an administrative proceeding to enforce the provisions of § 226.15. A partial transfer of the consumer's interest, such as a

transfer bestowing co-ownership on a spouse, does not terminate the right of rescission.

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Subpart C—Closed-End Credit

§ 226.17 General disclosure requirements.

17(a) Form of Disclosures

Paragraph 17(a)(1)

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5. *Directly related.* The segregated disclosures may, at the creditor's option, include any information that is directly related to those disclosures. Directly related information includes, for example, the following:

* * * * *

• A statement that a due-on-sale clause is contained in the loan document. For example, the disclosure given under section 226.18(q) may state, "Someone buying your home may, subject to conditions in the due-on-scale clause contained in the loan document, assume the remainder of the mortgage on the original terms."

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Paragraph 17(a)(2)

1. *When disclosures must be more conspicuous.* The following rules apply to the requirement that the terms "annual percentage rate" and "finance charge" be shown more conspicuously:

* * * * *

• The terms need not be more conspicuous than figures (including, for example, numbers, percentages, and dollar signs)

* * * * *

17(i) Interim Student Credit Extensions

1. *Definition.* Student credit plans involve extensions of credit for education purposes where the repayment amount and schedule are not known at the time credit is advanced. These plans include loans made under any student credit plan, whether government or private, where the repayment period does not begin immediately. (Certain student credit plans that meet this definition are exempt from Regulation Z. See section 226.3(f).) Creditors in interim student credit extensions need not disclose the terms set forth in this paragraph at the time the credit is actually extended but must make complete disclosures at the time the creditor and consumer agree upon the repayment schedule for the total obligation. At that time, a new set of disclosures must be made of all applicable items under section 226.18.

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Comment 17(i)–4 is removed. Comment 17(i)–5 is redesignated comment 17(i)–4.

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§ 226.18 Content of disclosures.

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18(f) Variable Rate

1. *Coverage.* The requirements of section 226.18(f) apply to all transactions in which the terms of the legal obligation allow the creditor to increase the rate originally disclosed to the consumer. It includes not only increases in the interest rate but also increases in other components, such as the rate of required credit life insurance. The provisions, however, do not apply to increases resulting from delinquency (including late payment), default, assumption, acceleration or transfer of the collateral.

* * * * *

5. *Other variable-rate regulations.* Transactions in which the creditor is required to comply with and has complied with variable-rate regulations of other federal agencies are exempt from the requirements of section 226.18(f), by virtue of footnote 43. Those variable-rate regulations include the adjustable mortgage loan instrument regulation issued by the Federal Home Loan Bank Board (12 CFR 545.6–2(a)) and the adjustable-rate mortgage regulation issued by the Comptroller of the Currency (12 CFR 29). The exception in footnote 43 is also available to creditors that are required by state law to comply with the federal variable-rate regulations noted above and to creditors that are authorized by Title VIII of the Depository Institutions Act of 1982 (Pub. L. 97–320) to make loans in accordance with those regulations. Creditors using this exception should comply with the timing requirements of those regulations rather than the timing requirements of Regulation Z in making the variable-rate disclosures.

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18(q) Assumption Policy

1. *Policy statement.* Because a creditor's assumption policy may be based on a variety of circumstances not determinable at the time the disclosure is made, the creditor may use phrases such as "subject to conditions" or "under certain circumstances" in complying with section 226.18(q). The provision requires only that the consumer be told whether or not a subsequent purchaser might be allowed to assume the obligation on its original terms and does not contemplate any explanation of the criteria or conditions for assumability. However, the creditor may state that a due-on-sale clause is contained in the loan document. (See comment 17(a)(1)–5 regarding directly related information.)

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References

Statute: Section 128, the Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97–320) and the Real Estate Settlement Procedures Act (12 U.S.C. 2602).

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Other regulations: 12 CFR 545.6–2(a) and 12 CFR Part 29.

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§ 226.19 Certain residential mortgage transactions.

19(a) Time of Disclosure

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3. *Written application.* Creditors may rely on RESPA and Regulation X (including any interpretations issued by HUD) in deciding whether a "written application" has been received. In general, Regulation X requires disclosures "to every person from whom the Lender receives or for whom it prepares a written application on an application form or forms normally used by the Lender for a Federally Related Mortgage Loan" (24 CFR 3500.6(a)). An application is received when it reaches the creditor in any of the ways applications are normally transmitted—by mail, hand delivery, or through an intermediary agent or broker. If an application reaches the creditor through an intermediary agent or broker, the application is received when it reaches the creditor, rather than when it reaches the agent or broker.

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§ 226.20 Subsequent disclosure requirements.

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20(b) Assumptions

1. *General definition.* An assumption as defined in section 226.20(b) is a new transaction and new disclosures must be made to the subsequent consumer. An assumption under the regulation requires the following three elements:

• A residential mortgage transaction.

• An express acceptance of the subsequent consumer by the creditor.

• A written agreement.

The assumption of a nonexempt consumer credit obligation requires no disclosures unless all three elements are present. For example, an automobile dealer need not provide Truth in Lending disclosures to a customer who

assumes an existing obligation secured by an automobile. However, a residential mortgage transaction with the elements described in § 226.20(b) is an assumption that calls for new disclosures; the disclosures must be given whether or not the assumption is accompanied by changes in the terms of the obligation. (See comment 2(a)(24)–5 for a discussion of assumptions that are not considered residential mortgage transactions.)

* * * * *

7. *Abbreviated disclosures.* The abbreviated disclosures permitted for assumptions of transactions involving add-on or discount finance charges must be made clearly and conspicuously in writing in a form that the consumer may keep. However, the creditor need not comply with the segregation requirement of § 226.17(a)(1). The terms "annual percentage rate" and "total of payments," when disclosed according to section 226.20(b) (4) and (5), are not subject to the description requirements of section 226.18 (e) and (h). The term "annual percentage rate" disclosed under section 226.20(b)(4) need not be more conspicuous than other disclosures.

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§ 226.22 Determination of the annual percentage rate.

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References

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1981 changes: The section now provides a larger tolerance (¼ of 1 percentage point) for irregular transactions.

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§ 226.23 Right of rescission.

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23(a) Consumer's Right to Rescind

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Paragraph 23(a)(3)

* * * * *

3. *Unexpired right of rescission.* When the creditor has failed to take the action necessary to start the three-business day rescission period running, the right to rescind automatically lapses on the occurrence of the earliest of the following three events:

- The expiration of three years after consummation of the transaction.
- Transfer of all the consumer's interest in the property.
- Sale of the consumer's interest in the property, including a transaction in which the consumer sells the dwelling and takes back a purchase money note and mortgage or retains legal title through a device such as an installment sale contract.

Transfer of all the consumers' interest includes such transfers as bequests and gifts. A sale or transfer of the property need not be voluntary to terminate the right to rescind. For example, a foreclosure sale would terminate an unexpired right to rescind. As provided in section 125 of the act, the three-year limit may be extended by an administrative proceeding to enforce the provisions of this section. A partial transfer of the consumer's interest, such as a transfer bestowing co-ownership on a spouse, does not terminate the right of rescission.

* * * * *

Subpart D—Miscellaneous

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§ 226.28 Effect on state laws.

28(a) Inconsistent Disclosure Requirements

* * * * *

8. *Preemption determination—Arizona.* Effective October 1, 1983, the Board has determined that the following provisions in the state law of Arizona are preempted by the Federal law:

- Section 44–287 B.5—Disclosure of final cash price balance. This provision is preempted in those transactions in which the amount of the final cash price balance is the same as the Federal amount financed, since in such transactions the State law requires the use of a term different from the Federal term to represent the same amount.
- Section 44–287 B.6—Disclosure of finance charge. This provision is preempted in those transactions in which the amount of the finance charge is different from the amount of the Federal finance charge, since in such transactions the State law requires the use of the same term as the Federal law to represent a different amount.
- Section 44–287 B.7—Disclosure of the time balance. The time balance disclosure provision is preempted in those transactions in which the amount is the same as the amount of the Federal total of payments, since in such transactions the State law requires the use of a term different from the Federal term to represent the same amount.

9. *Preemption determination—Florida.* Effective October 1, 1983, the Board has determined that the following provisions in the State law of Florida are preempted by the Federal law:

- Sections 520.07(2)(f) and 520.34(2)(f)—Disclosure of amount financed. This disclosure is preempted in those transactions in which the amount is different from the Federal amount financed, since in such transactions the State law requires the use of the same term as the Federal law to represent a different amount.
- Sections 520.07(2)(g), 520.34(2)(g), and 520.35(2)(d)—Disclosure of finance charge and a description of its components. The finance charge disclosure is preempted in those transactions in which the amount of the finance charge is different from the Federal amount, since in such transactions the State law requires the use of the same term as the Federal law to represent a different amount. The requirement to describe or itemize the components of the finance charge, which is also included in these provisions, is not preempted.
- Sections 520.07(2)(h) and 520.34(2)(h)—Disclosure of total of payments. The total of payments disclosure is preempted in those transactions in which the amount differs from the amount of the Federal total of payments, since in such transactions the State law requires the use of the same term as the Federal law to represent a different amount than the Federal law.
- Sections 520.07(2)(i) and 520.34(2)(i)—Disclosure of deferred payment price. This disclosure is preempted in those transactions in which the amount is the same as the Federal total sale price, since in such transactions the State law requires the use of a different term than the Federal law to represent the same amount as the Federal law.

10. *Preemption determination—Missouri.* Effective October 1, 1983, the Board has determined that the following provisions in the State law of Missouri are preempted by the Federal law:

- Sections 365.070–6(9) and 408.260–5(6)—Disclosure of principal balance. This disclosure is preempted in those transactions in which the amount of the principal balance is the same as the Federal amount financed, since in such transactions the State law requires the use of a term different from the Federal term to represent the same amount.
- Sections 365.070–6(10) and 408.260–5(7)—Disclosure of time price differential and time charge, respectively. These disclosures are preempted in those transactions in which the amount is the same as the Federal finance charge, since in such transactions the State law requires the use of a term different from the Federal law to represent the same amount.
- Sections 365.070–2 and 408.260–2—Use of the terms "time price differential" and "time charge" in certain notices to

the buyer. In those transactions in which the State disclosure of the time price differential or time charge is preempted, the use of the terms in this notice also is preempted. The notice itself is not preempted.

• Sections 365.070–6(11) and 408.260–5(8)—Disclosure of time balance. The time balance disclosure is preempted in those transactions in which the amount is the same as the amount of the Federal total of payments, since in such transactions the State law requires the use of a different term than the Federal law to represent the same amount.

• Sections 365.070–6(12) and 408.260–5(9)—Disclosure of time sale price. This disclosure is preempted in those transactions in which the amount is the same as the Federal total sale price, since in such transactions the State law requires the use of a different term from the Federal law to represent the same amount.

* * * * *

§ 226.29 State exemptions.

29(a) General Rule

* * * * *

4. *Exemptions granted.* Effective October 1, 1982, the Board has granted the following exemptions from portions of the revised Truth in Lending Act:

• *Maine.* Credit or lease transactions subject to the Maine Consumer Credit Code and its implementing regulations are exempt from chapters 2, 4 and 5 of the Federal act. (The exemption does not apply to transactions in which a federally chartered institution is a creditor or lessor.)

• *Connecticut.* Credit transactions subject to the Connecticut Truth in Lending Act are exempt from chapters 2 and 4 of the Federal act. (The exemption does not apply to transactions in which a federally chartered institution is a creditor.)

• *Massachusetts.* Credit transactions subject to the Massachusetts Truth in Lending Act are exempt from chapters 2 and 4 of the Federal act. (The exemption does not apply to transactions in which a federally chartered institution is a creditor.)

• *Oklahoma.* Credit or lease transactions subject to the Oklahoma Consumer Credit Code are exempt from chapters 2 and 5 of the Federal act. (The exemption does not apply to §§ 132 through 135 of the Federal act, nor does it apply to transactions in which a federally chartered institution is a creditor or lessor.)

• *Wyoming.* Credit transactions subject to the Wyoming Consumer Credit Code are exempt from chapter 2 of the Federal act. (The exemption does not apply to transactions in which a federally chartered institution is a creditor.)

* * * * *

Appendix D—Multiple-Advance Construction Loans

1. *General rule.* Appendix D provides a special procedure that creditors may use, at their option, to estimate and disclose the terms of multiple-advance construction loans when the amounts or timing of advances is unknown at consummation of the transaction. This appendix reflects the approach taken in section 226.17(c)(6)(ii), which permits creditors to provide separate or combined disclosures for the construction period and for the permanent financing, if any; i.e., the construction phase and the permanent phase may be treated as one transaction or more than one transaction. Appendix D may also be used in multiple-advance transactions other than construction loans, when the amounts or timing of advances is unknown at consummation.

2. *Variable-rate multiple-advance loans.* The hypothetical disclosure required in most variable-rate transactions by § 226.18(f)(4) is not required for miltiple-advance loans disclosed pursuant to Appendix D, Part I.

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References

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1981 Changes: The use of Appendix D is limited to miltiple-advance loans for construction purposes or analogous types of transactions.

* * * * *

Appendix H—Closed-End Model Forms and Clauses

* * * * *

17. *HRSA–500–1 9–82.* Pursuant to section 113(a) of the Truth in Lending Act, Form HRSA–500–1 9–82 issued by the U.S. Department of Health and Human Services for certain student loans has been approved. The form may be used for all Health Education Assistance Loans (HEAL) with a variable interest rate that are interim student credit extensions as defined in Regulation Z.

18. *HRSA–500–2 9–82.* Pursuant to section 113(a) of the Truth in Lending Act, Form HRSA–500–2 9–82 issued by the U.S. Department of Health and Human Services for certain student loans has been approved. The form may be used for all HEAL loans with a fixed interest rate that are interim student credit extensions as defined in Regulation Z.

19. *HRSA–502–1 9–82.* Pursuant to section 113(a) of the Truth in Lending Act, Form HRSA–502–1 9–82 issued by the U.S. Department of Health and Human Services for certain student loans has been approved. The form may be used for all HEAL loans with a variable interest rate in which the borrower has reached repayment status and is making payments of both interest and principal.

20. *HRSA–502–2 9–82.* Pursuant to section 113(a) of the Truth in Lending Act, Form HRSA–502–2 9–82 issued by the U.S. Department of Health and Human Services for certain student loans has been approved. The form may be used for all HEAL loans with a fixed interest rate in which the borrower has reached repayment status and is making payments of both interest and principal.

* * * * *

By order of the Board of Governors of the Federal Reserve System, March 31, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83–8874 Filed 4–1–83; 2:13 pm]

BILLING CODE 6210–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 113

[Rev. 1, Amdt. 3]

Nondiscrimination in Federally Assisted Programs of SBA; Effectuation of Policies of Federal Government and SBA

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: In accordance with the requirement of 28 CFR 42.403(d) and in effectuation of Federal government and Small Business Administration policies against discrimination, the Small Business Administration is revising Appendix A of Part 113 by updating its listing of programs that receive Federal financial assistance and by including all nonfinancial programs. In addition, we are amending our definition of "Federal financial assistance" to coincide with the definition which appears at 28 CFR 42.102(c).

DATE: Effective April 6, 1983.

FOR FURTHER INFORMATION CONTACT: Adelino Sanchez, Chief, Office of Civil Rights Compliance, Small Business Administration, 1441 L Street, NW, Room 501, Washington, D.C. 20416, (202) 653–6054.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of 28 CFR 42.403(d), published December 1,

1976, there was published in the **Federal Register** (47 FR 49851–49852) a notice that the Small Business Administration proposed the amendment of its Appendix A to include an updated listing of all financial assistance programs, and by adding a listing of nonfinancial assistance programs which are subject to the nondiscrimination provisions of this part. The definition of "financial assistance" was also amended to coincide with the definition of "Federal financial assistance" as it appears at § 42.102(c) of Title 28 of the Code of Federal Regulations.

Interested parties were given until December 3, 1982, to submit comments, suggestions or objections concerning this proposed amendment. No comments were received.

SBA hereby certifies that this rule, will not constitute a major rule for the purposes of Executive Order 12291. In addition, for purposes of the Regulatory Flexibility Act, this rule will not have a significant economic impact on a substantial number of small entities. The rule constitutes a nonsubstantive procedural change, and by its terms will not significantly affect the administration of any of SBA's financial assistance programs.

List of Subjects in 13 CFR Part 113

Aged, Civil rights, handicapped, Loan programs—business, Marital status discrimination, Religious discrimination, Sex discrimination, Small businesses.

PART 113—[AMENDED]

Accordingly, pursuant to the authority contained in 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), Part 113, Chapter I, Title 13 of the Code of Federal Regulations, is amended as follows:

1. Section 113.2(a) is revised to read as follows:

§ 113.2 Definitions.

* * * * *

(a) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration, or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

* * * * *

2. Appendix A of Part 113 of Title 13 of the Code of Federal Regulations is revised to read as follows:

APPENDIX A

Name of program	Authority
Business Loans	Small Business Act, Section 7(a)
Debtor State Development companies (501) and their small business concerns.	Small Business Investment Act, Title V
Debtor State Development companies (502) and their small business concerns.	Small Business Investment Act, Title V
Debtor certified development companies (503) and their small business concerns	Small Business Investment Act, Title V
Debtor small business investment companies and their small business concerns.	Small Business Investment Act, Title III
Pollution Control	Small Business Investment
Surety Bond Guarantees	Small Business Investment Act, Title IV, Part B
Disaster Loans:	
Physical, including riot	Small Business Act, Section 7(b)(1)
Economic Injury (EIDL)	Small Business Act, Section 7(b)(2)
Federal Action Loan Program.	Small Business Act, Section 7(b)(3) (No funds have been authorized for this programs for FY 1982 through FY 1984)
Women's Business Enterprise.	Executive Order 12138
Procurement Automated source System.	Small Business Act, Section 8
Business Development Program	Small Business Act, Section [redacted]
Subcontracting Program	Small Business Act, Section 8(d)
Small Business Institute	Small Business Act, Section 8(b)(1)
Certificate of Competency	Small Business Act, Section 8(b)(7)
Technology Assistance Program	Small Business Act, Section [redacted]
Small Business Development Centers.	Small Business Act, Section 21
International Trade Program.	Small Business Act, Section 22
Technical and Management Assistance	Small Business Act, Stection 7(j)
Service Corps of Retired Executives and Active Corps of Executive.	Small Business Act, Section 8(b)(1)

(Catalog of Federal Domestic Assistance Programs No. 59.001 through 59.031.)

Dated: March 25, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83–8881 Filed 4–5–83; 8:45 am]

BILLING CODE 8025–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 8899]

Sterling Drug, Inc., et al; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on Oct. 1, 1974 (40 FR 3979). The modified order permits respondents to make claims that environmental surfaces play a significant role in the transmission of viruses and bacteria associated with colds and that household disinfectants can reduce the incidence or prevent the spread of colds, if supported by competent and reliable scientific evidence.

DATES: Final Order issued Oct. 1, 1974. Modifyng Order issued March 11, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/PC, Connie Vecellio, Washington, D.C. 20580. (202) 376–3465.

SUPPLEMENTARY INFORMATION: In the Matter of Sterling Drug, Inc., et al. Codification appearing at 40 FR 3979 remains unchanged.

List of Subjects in 16 CFR Part 13

Household disinfectants.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Order Reopening the Proceeding and Modifying Cease and Desist Order is as follows:

[Docket No. D. 8899]

Sterling Drug, Inc. et al.; Order Reopening the Proceeding and Modifying Cease and Desist Order

On September 20, 1982, Sterling Drug, Inc. and SSC&B, Inc., respondents in the above-captioned matter, filed a petition pursuant to Rule 2.51 of the Commission's Rules of Practice to reopen the proceeding and modify the consent order entered therein. By letter dated January 17, 1983, respondents agreed to modify their original proposal.

The consent order, which has issued in 1974, applies to Lysol or any other household disinfectant products. Sterling Durg manufactures and markets Lysol Brand Disinfectants. SSC&B prepared and distributed the advertising for Lysol Brand Disinfectants which was challenged in the complaint. The advertising represented that Lysol Brand Disinfectants could be used to kill influenza viruses and other germs and viruses on environmental surfaces and in the air, and that such use would be of significant medical benefit in reducing the incidence or preventing the spread of colds, influenza, and other upper respiratory diseases within the home. However, the prevailing view among scientists at the time the advertising was disseminated was that airborne germs and viruses were the known

cause of most colds, influenza, and other upper respiratory diseases, that germs and viruses on environmental surfaces did not play a significant role in the transmission of colds, influenza, and other upper respiratory diseases, and that Lysol Brand Disinfectants would not be of medical benefit in reducing the incidence or preventing the spread of these diseases. Consequently, paragraph I.A and I.B the consent order prohibited the following claims:

A. environmental surfaces play a significant role in the transmission of viruses or bacteria associated with influenza, colds, or streptococcal throat infection;

B. use of any household disinfectant product will be of medical benefit in reducing the incidence or preventing the spread of influenza, colds, or streptococcal throat infection.[1]

In their petition, respondents allege that there has been a dramatic change in scientific opinion since the order was issued in 1974 with respect to the manner in which colds are transmitted. Consequently, they request a change in those provisions of paragraphs I.A. and I.B. of the order which relate to colds.[2] The request, as set forth in the letter of January 17, 1983, is that those paragraphs be changed to prohibit the following claims:

A. 1. Environmental surfaces play a significant role in the transmission of viruses or bacteria associated with influenza or streptococcal throat infection;

2. environmental surfaces play a significant role in the transmission of viruses or bacteria associated with colds unless respondent(s) making such representation has (have) and relies (rely) on competent and reliable scientific evidence that environmental surfaces play a significant role in the transmission of viruses or bacteria associated with colds;

3. it has been established that environmental surfaces play a significant role in the transmission of viruses or bacteria associated with colds, unless such representation is true.

B. 1. Use of any household disinfectant product will be of medical benefit in reducing the incidence or preventing the spread of influenza or streptococcal throat infection;

2. use of any household disinfectant product will be of medical benefit in reducing the incidence or preventing the spread of colds, unless respondent(s) making such representation has (have) and relies (rely) on competent and reliable scientific evidence that such use will be of medical benefit in reducing the incidence or preventing the spread of colds;

3. it has been established that use of any household disinfectant product will be of medical benefit in reducing the incidence or preventing the spread of colds, unless such representation is true.

Respondents presented impressive evidence indicating that most scientists no longer believe that "airborne germs and viruses are the known cause of most colds," as paragraph 9 of the complaint filed in this matter indicates they did in 1974.[3] Rather, there is mounting scientific evidence that, at least for rhinoviruses (which are the major cause of colds in adults), hand contamination with virus and subsequent self-inoculation with the virus may be a more important route of infection than the airborne route.[4] Similar findings have been made for respiratory syncytial virus, the major cause of colds in children.

The evidence indicates that hands can become contaminated with virus in two ways—through contact with viruses on the skin of another person or through contact with viruses which have survived on environmental surfaces. Evidence has been presented which indicates that rhinoviruses can survive for as long as three or four days on environmental surfaces, and respiratory syncytial viruses for as long as six hours. The evidence indicates that most scientists are no longer certain that "germs and viruses on enviromental surfaces do not play a significant role in the transmission of colds," although paragraph 9 of the complaint indicates they did believe this proposition in 1974.[5] Furthermore, while there is certainly controversy on the subject, some eminent scientists have taken the affirmative position that environmental surfaces probably do play some role in the transmission of colds.[6] Finally, while some scientists still support the statement set forth in paragraph 9 of the complaint that disinfectants "will not be of significant medical benefit in reducing the incidence or preventing the spread of colds," some eminent scientists have said that the use of disinfectants may be of benefit.[7]

Thus, we are presented with a change in scientific opinion with respect to issues on which the complaint and order in this matter were based. Most of these issues are now controversial, and there are reputable scientists on both sides of the controversy. We believe that an absolute ban on claims for which there may be reputable scientific support is inappropriate. On the other hand, we believe that such claims must not be made in such a way that they assert or imply that the propositions in question have been established to the satisfaction of the scientific community, unless such is the case.[8] Consequently, we have modified the order to allow claims that environmental surfaces play a significant role in the transmission of viruses or bacteria associated with colds to be made if they are supported by competent and reliable scientific evidence. Similarly, we have modified the order to allow claims that the use of a household disinfectant will be of medical benefit in reducing the incidence or preventing the spread of colds to be made if they are supported by competent and reliable scientific evidence. However, claims that either of these propositions have been established can only be made if it is true that the propositions have been established.

In addition, in the letter of January 17, 1983, respondents have requested that we modify section I.D. of the order "for uniformity of language" with sections I.A. and I.B., as modified. Paragraph D, as presently written, prohibits any representation that

D. use of any household disenfectant product kills germs associated with disease[s], umless such representation expressly mentions the name[s] of the disease[s]; the representation is true;

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[1] The order also contains certain other provisions discussed below.

[2] In their petition, respondents also requested a change in order provisions relating to influenza and streptococcal throat infection. However, by letter dated January 17, 1983, they modified their request. As modified, the request does not seek a change in the existing prohibitions on claims relating to the role of environmental surfaces in the transmission of these diseases or the use of household disinfectants in reducing the incidence of preventing the spread of these diseases.

[3] *See, Sterling Drug, Inc.*, 84 FTC 547, 551 (1974).

[4] Indeed, the evidence indicates that experimenters have been unable to demonstrate that it is possible to transmit a rhinovirus cold via the airborne route.

[5] 84 FTC at 551.

[6] *See, e.g.*, letter of December 2, 1982 to Ernst Zander, M.D. from R. Gordon Douglas, Jr., M.D., Professor and Chairman, Department of Medicine, New York Hospital-Cornell Medical Center; letter of Jan. 7, 1983 to Ernst Zander, M.D., from Robert B. Couch, M.D., Professor of Microbiology and Immunology and Medicine, Baylor College of Medicine. It should be noted that Doctors Douglas and Couch were both designated by complaint counsel as witnesses in the trial scheduled in 1973 for this matter. (Neither testified since the matter was settled before trial.) Both have obviously changed their opinions on the relevant issues since that time.

[7] *Id.*

[8] *See, e.g., American Home Products Corporation*, D. 8918 (Sept. 9, 1981), *modified*, No. 81–2920 (3rd Cir. Dec. 3, 1982); *National Commission on Egg Nutrition*, 88 FTC 89 (1976), *modified*, 570 F. 2d 157 (7th Cir. 1977), *cert. denied*, 430 U.S. 821 (1978).

and respondent[s] making such representation has [have] competent and reliable scientific evidence that such use reduces the incidence or prevents the spread of the named disease[s].

The change requires that a respondent can only make the claims listed in paragraph I.D. if it has and *relies on* competent and reliable scientific evidence for the claims. We believe this is a desirable change which will clarify the meaning of paragraph I.D. of the order.

Finally, respondents requested in their petition that paragraph I.E. of the order be modified to eliminate the requirement that any representation that "use of any household disinfectant kills viruses associated with influenze, colds, streptococcal infection, staphyloccal infection, or other respiratory diseases" must be accompanied by a statement that "there is no evidence that the product portrayed will protect the family against flu or strep throat." (This request is unchanged by the letter of January 17, 1983). Respondents point out that paragraph I.D. of the order guarantees that no representation that a product kills cold viruses will be made unless there is scientific evidence that the product is of benefit in preventing the spread or reducing the incidence of colds. Respondents contend that "[s]uch a well-founded and substantiated statement about *colds* would be confused, not clarified, by a disclaimer directed to other more serious diseases," and that the existing I.E. "would impose an unwarrented and confusing burden upon valid and useful statements reflecting the new scientific knowledge and opinion on colds." Petition, p. 20. We agree that the disclosure required by I.E. is not necessary in advertisements relating only to colds. Consequently, we have modified I.E. so as to delete this requirement.

It is therefore ordered that the proceeding is hereby reopened and the Decision and Order issued October 1, 1974 in Docket No. D. 8899 is hereby modified to read as follows:

Order

I

It is ordered, That respondents Sterling Drug Inc., a corporation, and SSC&B, Inc., a corporation, their successors and assigns and their officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of Lysol Brand Products or any household disinfectant product, shall forthwith cease and desist from representing, directly or by implication, that:

A. 1. Environmental surfaces play a significant role in the transmission of viruses or bacteria associated with influenza or streptococcal throat infection;

2. environmental surfaces play a significant role in the transmission of viruses or bacteria associated with colds unless respondent[s] making such representation has [have] and relies [rely] on competent and reliable scientific evidence that environmental surfaces play a significant role in the transmission of viruses or bacteria associated with colds;

3. it has been established that environmental surfaces play a significant role in the transmission of viruses or bacteria associated with colds, unless such representation is true.

B. 1. Use of any household disinfectant product will be of medical benefit in reducing the incidence or preventing the spread of influenza or streptococcal throat infection;

2. use of any household disinfectant product will be of medical benefit in reducing the incidence or preventing the spread of colds, unless respondent[s] making such representation has [have] and relies [rely] on competent and reliable scientific evidence that such use will be of medical benefit in reducing the incidence or preventing the spread of colds.

3. it has been established that use of any household disinfectant product will be of medical benefit in reducing the incidence or preventing the spread of colds, unless such representation is true.

C. use of any household disinfectant product kills airborne viruses or bacteria associated with influenza, colds, streptococcal throat infection, or other upper respiratory disease, *Provided* That nothing in this subparagraph shall be construed to otherwise restrain demonstrations of aerosol products as room deodorizers or air fresheners;

D. use of any household disinfectant product kills germs associated with disease[s], unless such representation expressly mentions the name[s] of the disease[s]; the representation is true; and respondent[s] making such representation has [have] and relies [rely] on competent and reliable scientific evidence that such use reduces the incidence or prevents the spread of the named disease[s];

E. use of any household disinfectant product kills viruses or bacteria associated with influenza, streptococcal infection, staphylococcal infection, or other upper respiratory diseases other than colds, unless the advertisement in which such representation appears clearly and conspicuously discloses that there is no evidence that the product portrayed will protect the family against flu or strep throat, *Provided*, That nothing in this subparagraph shall be construed to apply to a representation that Lysol Brand Disinfectants kill bacteria which cause streptococcal or staphylococcal skin infections.

II

It is further ordered, That nothing herein contained shall be construed to require any alteration of, or deletion from the labeling of any of Sterling's household disinfectant products of legends, claims or information heretofore specifically accepted by the Environmental Protection Agency or its predecessor agency pursuant to the Federal Insecticide, Fungicide and Rodenticide Acts, as amended 7 U.S.C. Sec. 135, *et seq.*

III

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents forthwith distribute a copy of this order to each of its operating divisions or subsidiaries involved in the advertising, promotion, distribution or sale of Lysol Brand Disinfectants.

It is further ordered, That the foregoing modification shall become effective upon service of this order.

By direction of the Commission.

Issued: March 11, 1983.

Benjamin I. Berman,

Acting Secretary.

Separate Statement of Commissioner Michael Pertschuk on Modification of Order in Sterling, Inc.

March 11, 1983.

Sterling wants out of a 1974 consent order which prohibits it from claiming that spray Lysol can prevent colds. It says that it now has proof that, contrary to prior scientific understanding, cold viruses can be picked up from environmental surfaces and that Lysol can help prevent colds by killing surface viruses. It now seeks to modify the order to permit it to claim that Lysol can help prevent colds.

I have reluctantly voted in favor of the order modification, simply because the only alternative under consideration by a majority

of the Commission would have eroded the advertising substantiation doctrine even further. At the very least, Sterling is cautioned by the Commission letter accompanying the modified order that the modification in no way indicates that Sterling in fact presently has a "reasonable basis" for any claim, express or implied, that Lysol actually prevents colds.

The Commission's concern (however mildly expressed in the letter) is well-founded. The primary piece of evidence which Sterling cites is a study, partly funded by Sterling, conducted by two eminent scientists at the University of Virginia. They directed volunteers with colds to blow their noses on their hands and wipe them on some plastic tiles. Ten minutes later, some tiles were given a three second shot of Lysol; others were not. After fifteen minutes, healthy volunteers were directed to rub their fingers on the tiles, and then pick their noses and rub their eyes. Lo and behold, about half of the healthy volunteers touching the untreated tiles got colds; fewer got colds from touching the tiles that had been sprayed with Lysol, although the results were not statistically significant.

Largely on the basis of this laboratory evidence, demonstrating simply that Lysol killed cold viruses on surfaces that otherwise might be transmitted to people, at least some scientists are now of the opinion that Lysol "may" be of value in reducing colds in the home environment, on the logical assumption that a reduction in the number of viruses will lead to a reduction in colds. Most scientists, however, remain skeptical. They note that, while Lysol might work in *theory*, there's just no *proof* that in fact it does—and reason to think it doesn't. Laboratory results might well be meaningless in the home environment, which is, of course, the only environment consumers care about. (After all, any family that duplicates the bizarre laboratory procedure described above in its own home needs more than a shot of Lysol to solve its problems.) Practical constraints that exist in home environments limit the applicability of the findings. For example, household surfaces are continually being re-infected. Many surfaces which harbor viruses—like skin and clothing—can't be safely sprayed. And perhaps more fundamentally, scientists just don't know the *significance* of the role of surface contamination. Assigning a family member the chore of spraying doorknobs and telephones every ten minutes just isn't likely to be of much help when other sources of cold viruses—such as direct contact with people with colds—may be even more likely to cause colds.

The modified order would require Sterling to prove that an unqualified medical efficacy claim, such as "Lysol reduces the incidence of colds," is in fact recognized by the scientific community to be an established fact. The effect of this standard is properly to prohibit such claims, since it is evident that there is simply no proof that Lysol works to reduce colds. All that Sterling has is an unproved theory.

Nevertheless, apparently motivated by the belief that *all* information has inherent value, the Commission has modified the Order to permit Lysol to make certain "qualified" claims, as long as those claims are supported by "competent and reliable scientific evidence"—in other words, a reasonable basis. In my opinion, the only claim for which Sterling has a reasonable basis goes something like this: "While many scientists disagree, some scientists are of the opinion that in certain circumstances, Lysol may, with an unknown probability, reduce the incidence of colds to an unknown extent in a home environment."

The mischief with this elegant formulation is that the only claims which Sterling is actually likely to make in a typical 30-second television ad will fall far short of giving consumers the complete context they need to properly interpret the claim. After all, Sterling isn't interested in making these claims to educate the public to the possible health hazards of cold viruses harboring on doorknobs and countertops. It wants to make them to sell more Lysol.

Simply put, any "qualified" claim Sterling is likely to make by permission of the revised order must invariably make an implied claim that Lysol reduces colds—precisely the claim for which Sterling lacks proof. As a result, such "qualified" claims have a capacity to mislead which far outweighs their capacity to inform. For that reason, I would have preferred to retain the existing prohibitions on making even qualified claims. As an alternative, I would have been willing to support these modifications with a letter that plainly stated that Sterling presently does not have a reasonable basis for any claim, express or implied, that Lysol reduces colds.

I would note, however, that even under the modified order, the burden will be on Sterling to make sure that their "qualified" claims do not make an implied claim that Lysol reduces the incidence of colds. To that end, Sterling would be well-advised, to the extent that it wishes to avoid making any implied efficacy claims when it makes the qualified claims permitted by the order modification, to disclose that Lysol has not been proven to reduce colds in actual home settings.

[FR Doc. 83-9016 Filed 4-5-83; 8:45 am]
BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket C-3108]

MIB, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires a Westwood, Mass. non-profit medical reporting agency, among other things, to cease reporting that a code in a consumer's file has been cancelled or deleted, except to report the cancellation or deletion to a person who was previously informed of the code's existence. The order prohibits the firm from conditioning the release of information to a consumer on his/her execution of a waiver of claims against the firm and from representing to consumers that their statements concerning disputed items be limited to 100 words or less, unless at the same time, the firm offers to assist the consumer in preparing the statement. Additionally, the firm is required to timely reinvestigate disputed information; contact, where possible, the source(s) of disputed information or other persons identified by the consumer who may possess information relevant to the challenged data and modify its files accordingly.

DATE: Complaint and Order issued March 21, 1983.[1]

FOR FURTHER INFORMATION CONTACT: William P. McDonough, Federal Trade Commission, Boston Regional Office, 150 Causeway St., Room 1301, Boston, MA 02114. (617) 223-6621.

SUPPLEMENTARY INFORMATION: On Friday, Nov. 19, 1982, there was published in the **Federal Register**, 47 FR 52192, a proposed consent agreement with analysis In the Matter of MIB, Inc., d/b/a/ Medical Information Bureau, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Collecting, Assembling, Furnishing or Utilizing Consumer Reports: § 13.382 Collecting, assembling, furnishing or utilizing consumer reports; 13.382-1 Confidentiality, accuracy, relevancy and proper utilization; 13.382-1(a) Fair Credit Reporting Act; 13.382-5 Formal regulatory and/or statutory requirements; 13.382-5(a) Fair Credit Reporting Act. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-37 Formal regulatory and/or statutory requirements.

List of Subjects in 16 CFR Part 13

Consumer reports.

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[1] Copies of the Complaint and the Decision and Order filed with the original document.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 84 Stat. 1128–36; 15 U.S.C. 1681–1681t)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-9017 Filed 4-5-83; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket C-1768]

Success Motivation Institute, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: The Federal Trade Commission, having received no objections to a show cause order, has reopened this proceeding and modified its order issued on July 14, 1970 (35 FR 14207), so as to provide prospective franchisees and distributors with more information on sales data, as well as success and failure rates, so that they may better evaluate their chances for success.

DATES: Consent Order issued July 14, 1970. Modifying Order issued March 22, 1983.

FOR FURTHER INFORMATION CONTACT: Gary D. Kennedy, Acting Director, 5R, Dallas Regional Office, Federal Trade Commission, 8303 Elmbrook Dr., Dallas, TX 75247. (214) 767–7050.

SUPPLEMENTARY INFORMATION: In the Matter of Success Motivation Institute, Inc., a corporation, and Paul J. Meyer, individually and as an officer of said corporation. Codification appearing at 35 FR 14207 remains unchanged.

List of Subjects in 16 CFR Part 13

Franchises.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Order Reopening the Proceeding and Modifying the Decision and Order is as follows:

[Docket No. C-1768]

Success Motivation Institute, Inc., a corporation, and Paul J. Meyer, individually and as an officer of said corporation; Order Reopening the Proceeding and Modifying the Decision and Order

On July 14, 1970, in this matter the Commission issued against respondents Success Motivation Institute, Inc. and Paul J. Meyer, in connection with the sale of franchises or distributorships, in commerce (as "commerce" is defined in the Federal Trade Commission Act), a Decision and Order to Cease and Desist.

On December 8, 1982, the Commission issued an order for respondents to show cause why the proceeding should not be reopened and the Decision and Order to Cease and Desist issued on July 14, 1970, should not be modified in a certain respect.

Respondents Success Motivation Institute, Inc. and Paul J. Meyer raised no objection to the proposed modification.

Therefore, the Commission being of the opinion that the proposed modification will increase the ability of prospective purchasers to evaluate their chances for success as distributors or franchisees of respondents and, therefore, that the public interest will be served by modifying the Decision and Order in this matter as requested,

It is ordered that the proceeding be, and hereby is, reopened.

It is further Ordered that the Decision and Order issued on July 14, 1970, be, and hereby is, modified by deleting paragraph (3) of the order and by substituting for paragraph (4) of the order the following (with paragraphs to be renumbered appropriately):

(4) Failing to furnish to prospective franchisees or distributors a written tabulation or statistical summary showing, on an accumulative and comparative basis, for each fiscal year, for each of the corporate respondent's operating divisions the following information as it pertains to the division of which the prospective franchisee or distributor is considering acquisition of a franchise or distributorship:

(a) The median and mean gross sales to respondents' franchisees or distributors exclusive of intitial inventories sold to new franchisees or distributors during the fiscal year.

(b) The number of franchisees or distributors at the beginning of the fiscal year, the number appointed during the year, the number terminated during the year, the number retained at the end of the year, and the length of time that those retained at the end of the year have been respondents' franchisees or distributors.

(c) The foregoing information shall be tabulated as a running 4-year analysis so that prospective franchisees or distributors will be furnished such information for the 4 fiscal years immediately preceding the year in which the information is to be furnished, provided that, the information for the fiscal year most recently completed prior to the year in which the information is to be furnished will be made available within 45 days of the close of the fiscal year.

(d) The tabulation will include all franchisees or distributors, whether full or part time, whether or not purchases were made during the fiscal year(s) on which the tabulation is based.

(e) The information required to be furnished under this paragraph will be given to prospective franchisees or distributors at the first face-to-face meeting or 10 days before the execution of any franchise or distributor agreement, whichever comes first, on a separate document which the prospective franchisee or distributor may keep.

By direction of the Commission.

Issued March 22, 1983.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-9016 Filed 4-5-83; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket C-2370]

Illinois Central Industries, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: The Federal Trade Commission has reopened this matter and declared that Paragraph VI of the order issued on March 26, 1973 (38 FR 10707) shall be of no further force and effect. Paragraph VI barred Midas-International Corp., an IC subsidiary, from purchasing any product containing automotive brake friction material manufactured by Abex Corp., another IC subsidiary.

DATES: Consent Order issued March 26, 1973. Modifying Order issued March 16, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580. (202) 634–4604.

SUPPLEMENTARY INFORMATION: In the Matter of Illinois Central Industries, Inc., a corporation, and Midas-International Corporation, a corporation. Codification appearing at 38 FR 10707 remains unchanged.

List of Subjects in 16 CFR Part 13

Automotive parts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

The Order Modifying Decision and Order is as follows:

[Docket No. C-2370]

Illinois Central Industries, Inc., a corporation; and Midas-International Corp., a corporation Order Modifying Decision and Order

On November 16, 1982, respondent IC Industries, Inc. (formerly Illinois Central Industries, Inc.) ("IC") filed its "Petition Pursuant To Rule 2.51 To Reopen And Modify Consent Order" ("Petition"). The Petition asked that the Commission reopen the consent order that issued on March 26, 1973 in this matter ("the order") and set aside Paragraph VI thereof. Paragraph VI of the order perpetually bans IC's subsidiary, Midas-International Corporation ("Midas") from purchasing, directly or indirectly, any products containing automotive brake friction materials manufactured by Abex Corporation ("Abex"), another subsidiary of IC. It also bans Midas from selling or distributing such products. Paragraph VI likewise perpetually bars Midas from purchasing automotive flashers from IC or from selling or distributing such flashers manufactured by IC. IC's Petition was on the public record for thirty days and no comments were received.

Based on respondent's Petition and on other information available to it, the Commission has determined that IC has made a satisfactory showing that the public interest warrants reopening and modification of the order in the manner requested by respondent. Accordingly,

It is ordered that this matter be, and it hereby is, reopened and that Paragraph VI of the Commission's order shall be of no further force and effect as of the effective date of this modifying order.

By direction of the Commission.
Issued: March 16, 1983.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-9019 Filed 4-5-83; 8:45 am]

BILLING CODE 6750-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2E2758/R530; PH-FRL 2334-5]

Tolerances and Exemptions From Tolerances For Pesticide Chemicals in or on Raw Agricultural Commodities; O,O-Diethyl O-(2-Isopropyl-6-Methyl-4-Pyrimidinyl) Phosphorothioate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate (Diazinon) in or on the raw agricultural commodity Chinese cabbage. This regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on April 6, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rule published in the **Federal Register** of February 9, 1982 (47 FR 5967) that announced the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 2E2758 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California.

The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the insecticide *O,O*-diethyl *O*-2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate (Diazinon) in or on the raw agricultural commodity Chinese cabbage at 0.75 part per million (ppm). The petition was later amended to propose a tolerance of 0.7 ppm.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule.

There were no comments or requests for referral to an advisory committee received in response to the notice of proposed rulemaking.

The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 18, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.153 is amended by adding and alphabetically inserting the raw agricultural commodity Chinese cabbage to read as follows:

§ 180.153 O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Cabbage, Chinese	0.7
* * * * *	

[FR Doc. 83-8336 Filed 4-5-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2712/R528; PH-FRL 2337-5]

Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Carbaryl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide carbaryl and its hydrolysis product 1-naphthol in or on the raw agricultural commodities prickly pear cactus fruit and pads. This regulation to establish maximum permissible levels for the residues of the

insecticide in or on the commodities was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: Effective on April 6, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule published in the **Federal Register** of February 9, 1983 (48 FR 5965) that announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 2E2712 to EPA on behalf of the RI–4 Technical Committee and the Agricultural Experiment Station of California.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) including its hydrolysis product 1-naphthol, calculated as 1-naphthyl *N*-methylcarbamate, in or on the raw agricultural commodity prickly pear cactus at 12 parts per million (ppm). The petition was later amended to propose tolerances at 12 ppm in or on each of the raw agricultural commodities prickly pear cactus fruit and pads.

There were no comments or requests for referral received in response to the proposed rule.

The data submitted in the petitions and other relevant material have been evaluated and discussed in the proposed rule. The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure; Agricultural commodities; Pesticides and pests.

Dated: March 23, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.169(a) is amended by adding and alphabetically inserting the commodities prickly pear cactus fruit and pads to read as follows:

§ 180.169 Carbaryl; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Prickly pear cactus, fruit	12.0
Prickly pear cactus, pads	12.0
* * * * *	

[FR Doc. 83–8472 Filed 4–5–83; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 0E2377, 1E2580/R532; PH–FRL 2337–4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Permethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide permethrin and its metabolites in or on the raw agricultural commodities horseradish and pears. This regulation to establish maximum permissible levels for residues of the insecticide in or on the commodities was reques'ed, pursuant to petitions submitted, by the Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: Effective on April 6, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule published in the **Federal Register** of February 16, 1982 (48 FR 6897) that announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petitions to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Illinois (PP 0E2377) and New York (PP 1E2580).

These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the insecticide permethrin [(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylate] and its metabolites 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl)methanol (3 PBA) calculated as parent in or on the raw agricultural commodities horseradish (PP 0E2377) at 1.0 part per million (ppm) and pears (PP 1E2580) at 3.0 ppm.

There were no comments or requests for referral received in response to the proposed rule.

The data submitted in the petitions and other relevant material have been evaluated and discussed in the proposed rule. The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the

objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 23, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.378(b) is amended by adding and alphabetically inserting the commodity horseradish and increasing the tolerance for the commodity pears to read as follows:

§ 180.378 Permethrin; tolerances for residues.

* * * * *

(b) * * *

Commodities	Parts per million
* * * * *	
Horseradish	10
* * * * *	
Pears	30
* * * * *	

[FR Doc. 83-8471 Filed 4-5-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 228

[WH-FRL 2338-6]

Ocean Dumping; Final Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates the existing cellar dirt disposal site located in the New York Bight as an EPA approved ocean dumping site for the dumping of cellar dirt. This action is necessary to provide an ocean dumping site for the current and future disposal of this material.

DATE: This site designation shall become effective on May 6, 1983.

ADDRESSES: The final Environmental Impact Statement (EIS) and the letter of comment are available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2404 (rear), 401 M Street Southwest, Washington, DC

EPA Region II Library, Room 1002, 26 Federal Plaza, New York, New York

EPA Region II Library, Woodbridge Avenue, GSA Raritan Depot, Edison, New Jersey

NOAA/RD/OMPA Northeast Office, Old Biology Building, State University of New York, Stony Brook, New York

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, 202/755-0356.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereafter "the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et seq.) and extended on December 9, 1980 (45 FR 81042 et seq.). That list established this site as an interim site, pending completion of an EIS evaluation environmental effects of dumping material at this location.

On September 20, 1982, EPA proposed designation of this site for the disposal of cellar dirt (excavation dirt and rock, broken concrete, rubble, tile, and other nonfloatable debris) (47 FR 41402). The public comment period expired on November 4, 1982.

A final Environmental Impact Statement entitled "Environmental Impact Statement for New York Bight Cellar Dirt Disposal Site Designation" was prepared in accordance with EPA policy which provides for the voluntary preparation of EIS's for certain specific regulatory actions. This EIS addresses the general and specific criteria for selection of sites to be used for ocean dumping contained in §§ 228.5 and 228.6 of EPA's ocean dumping regulations. A notice of availability of the final EIS was published in the **Federal Register** on September 24, 1982 (47 FR 42157). The public comment period expired on October 25, 1982.

One comment was received in response to the proposed rule. The New Jersey Department of Environmental Protection (NJDEP) did not object to the designation and continued use of this disposal site. However, the Department suggested that EPA should limit use of the site to permit applicants who can demonstrate the non-ocean alternatives are not prudent or feasible. In addition, the Department suggested that, in reviewing ocean dumping permits for this site, EPA should consult with them on the potential use of the material for expansion of artificial fishing reefs within the state's territorial waters or for other constructive purposes. EPA agrees that under the statute it is required to address the need for ocean dumping and the availability of alternative disposal methods. Such review and evaluation is accomplished on a case-by-case basis during the permitting process. As in the past, when applications for permits are received, the Agency will work with NJDEP on the potential use of the material for artificial reefs or other beneficial uses.

The Cellar Dirt Site has several advantages. It has been used historically, so that disposal would continue to occur within the range of influence of previous dumping. Localized shoaling is the only documented effect from dumping at the site. The major disadvantage of the Cellar Dirt Site is that it is within one of the more popular sportfishing areas in the New York Bight. As the character of cellar dirt has changed over the past eight years (more sand, less rubble), it is possible that the dumping of cellar dirt may adversely affect the productivity of the fishing bank by smothering the benthos. However, this effect will be localized and will not be severe. For a more complete discussion of the site selection criteria considered, interested persons should examine pages 2-7 through 2-21 of the final EIS.

The final EIS includes the Agency's assessment of the comments received during the comment period on the draft EIS. Comments correcting facts presented in the draft EIS were incorporated in the text and the changes noted in the final EIS. Specific comments which could not be appropriately treated as text changes were responded to point by point in Appendix B.

Based on the information reported in the final EIS and on the comment received, EPA has determined that the Cellar Dirt Site should be designated for

continuing use for the ocean disposal of cellar dirt where the applicant has demonstrated a need for ocean dumping, lack of acceptable alternatives to the dumping, and compliance with EPA's marine environmental impact criteria.

The designation of the existing New York Bight cellar dirt disposal site as an EPA Approved Ocean Dumping Site is being published as final rulemaking. Management authority of this site will be delegated to the Regional Administrator of EPA Region II. The location of the cellar dirt site is approximately 6.6 nautical miles east of Highlands, New Jersey, and 11.7 nautical miles south of Rockaway, Long Island, positioned in a circle with a radius of 0.6 nautical miles and center coordinates as follows:

40° 23′ 00″N; 73° 49′ 00″W.

The site occupies an area of approximately 1.1 square nautical miles. Water depths within this area range from 29 to 38 meters. Disposal operations at the site began in 1914.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for excavation dirt and other nonfloatable debris. Consequently, this proposal does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this action does not necessitate preparation of a Regulatory Impact Analysis.

This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

List of Subjects in 40 CFR Part 228

Water pollution control.

(33 U.S.C. Sec. 1412 and 1418.)

Dated: March 28, 1983.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

PART 228—[AMENDED]

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by adding to § 228.12 an ocean dumping site for Region II. Section 228.12 is amended by adding a paragraph (b)(13) to read as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(13) Cellar Dirt Site—Region II.

Location (center point): Latitude—40° 23′ 00″ N;
Longitude—73′ 49′ 00″ W.
Size: 1.1 square nautical miles.
Depth: Ranges from 29 to 38 meters.
Primary Use: Cellar dirt.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to excavation dirt and rock, broken concrete, rubble, tile, and other nonfloatable debris.

[FR Doc. 83-8951 Filed 4-5-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 1-1, 1-2, 1-3 and 1-6

[FPR Amdt. 229]

Provisions for Purchases Under the Trade Agreements Act of 1979

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment of the Federal Procurement Regulations (FPR) provides a permanent implementation of the Trade Agreements Act of 1979 and the international Agreement on Government Procurement. The bases for the amendment are the referenced Act and the Agreement. The intended effect is to discharge the obligations of the United States Government.

EFFECTIVE DATE: This regulation is effective January 1, 1983, for all solicitations issued on and after that date.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy, (202) 523-4755.

SUPPLEMENTARY INFORMATION: FPR Temporary Regulation 57, January 12, 1981, and Supplement 1, February 2, 1982, implemented the policies and procedures under the Trade Agreements Act of 1979 and the related international Agreement on Government Procurement. This regulation cancels and codifies these temporary regulations and makes certain other changes. The Buy American Act, subject to certain exclusions, has been waived by the President for eligible products originating in designated countries meeting the requirements under Section 301(b) of the Trade Agreements Act of 1979. The waiver is effective when the total price paid for a product is equal to or more than the dollar threshold specified by the U.S. Trade Representative (now $169,000). The Buy American Act continues to apply to purchases of products that are not eligible products.

FPR Temporary Regulation 57 (46 FR 3519, January 15, 1981) and Supplement 1) (47 FR 6021, August 17, 1982) are canceled and, deleted from the appendix at the end of 41 CFR Chapter 1.

List of Subjects

41 CFR Part 1-1

Administrative practice and procedure, Environmental protection, Government procurement, Labor surplus areas, Minority businesses, Recycled material and Small business.

41 CFR Part 1-2

Government procurement, Procurement by formal advertising.

41 CFR Part 1-3

Cost accounting standards, Government procurement, Procurement by negotiation, Small purchases, Types of contracts.

41 CFR Part 1-6

Foreign purchases, Government procurement.

Therefore, 41 CFR Chapter 1 is amended as follows:

PART 1-1—GENERAL

Subpart 1-1.10—Publicizing Procurement Actions

1. Section 1-1.1003-7 is amended to add new paragraphs (b) (10) and (11) as follows:

§ 1-1.1003-7 Preparation and transmittal.

* * * * *

(b) * * *

(10) *Trade Agreements Act of 1979—eligible products.* For the procurement of a potentially eligible product from a designated country (see § 1-6.1601(b)), each synopsis sent to the Commerce Business Daily (CBD), in addition to other requirements of this section shall indicate:

(i) The nature and quantity of the products to be supplied, or envisaged to be purchased in the case of contracts of a recurring nature;

(ii) Whether the purchase is open (competitive) or sole source;

(iii) Any delivery date requirements;

(iv) The address and final date for submitting an application to be invited to offer or for receiving offers;

(v) That offers must be submitted in the English language and in U.S. dollars;

(vi) The address of the activity that will award the contract and any information necessary for obtaining specifications and other documents;

(vii) Any economic and technical requirements, financial guarantees, and information required from suppliers that is stated in the solicitation; and

(viii) The amount and terms of payment of any sum required in order to obtain the solicitation documentation, if any.

(11) Each synopsis shall also include a reference, as appropriate, to numbered note 12, which will appear in the Commerce Business Daily as follows:

12. One or more items under this procurement may be subject to the requirements of the Agreement on Government Procurement approved and implemented in the United States by the Trade Agreements Act of 1979. All offers shall be in the English language and U.S. dollars. The procurement solicitation procedure is open; that is, all interested suppliers may submit an offer. Offers from non-designated countries will be rejected unless an exception is determined to be in the national interest.

PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 1-2 is amended to add three entries, as follows:

* * * * *

Sec.

1-2.202-7 Trade Agreements Act of 1979—eligible products

* * * * *

1-2.408-1 Rejection of offers (general).

1-2.408-2 Rejection of offers under the Trade Agreements Act of 1979.

* * * * *

Subpart 1-2.2—Solicitation of Bids

2. Section 1-2.202-1 is amended by revising paragraph (c) and adding a new paragraph (d) as follows:

§ 1-2.202 Miscellaneous rules for solicitation of bids.

§ 1-2.202-1 Bidding time.

* * * * *

(c) *Minimum bidding time.* As a general rule, bidding time (subject to the provisions of paragraph (d) of this section) shall be not less than 20 calendar days when procuring standard commercial articles and services and not less than 30 calendar days when procuring other than standard commercial articles or services. (When brand name or equal purchase descriptions are used involving a modification of the brand name product, see § 1-1.307-4). This rule need not be observed in special circumstances or where the urgency of the need for the supplies or services does not permit such delay. Procurement activities shall develop procedures for ensuring that these bidding time requirements are observed.

(d) *Trade Agreements Act of 1979—eligible products.* When a solicitation involves potentially eligible products under the Trade Agreements Act of 1979 (see § 1-6.1601(b)), the solicitation shall specify at least a 30-day bidding time from the date of issuance of the solicitation (see § 1-6.1605-1(b)(4)). When solicitations will be sent outside the United States, international air mail shall be used (see § 1-6.1605-1(b)(2).

3. Section 1-2.202-7 is added as follows:

§ 1-2.202-7 Trade Agreements Act of 1979—eligible products.

When a solicitation involves potentially eligible products (see § 1.6-1601(b)), the solicitation shall require that offers be submitted in the English language and in U.S. dollars (see § 1-6.1605-1(b)(6)).

4. Section 1-2.203-4 is revised by redesignating the existing paragraph as (a) and to add a new paragraph (b) as follows:

§ 1-2.203-4 Synopses of invitations for bids.

(a) Synopses of invitations for bids shall be prepared and publicized in the Commerce Business Daily in accordance with § 1-1.1003. Requests for invitations for bids received by the procuring activity as a result of publicizing shall be honored to the extent that copies are available, except that copies shall be provided when eligible products are involved. The names of prospective bidders who are furnished invitations for bids in response to their requests shall be added to the bidders mailing list for the particular procurement. However, when the request is made by a person or an organization known not to be a prospective bidder, no entry shall be made on the bidders mailing list.

(b) The synopsis of a proposed procurement of a potentially eligible product from designated countries, shall state that offers must be in the English language and in U.S. dollars (see § 1-6.1605-1(b)(6)).

Subpart 1-2.4—Opening of Bids and Award of Contract

5. Section 1-2.402 is amended by adding paragraph (d) as follows:

§ 1-2.402 Opening of bids.

* * * * *

(d)(1) When offers involving potentially eligible products from a designated country are opened, offerors or their representatives or an appropriate and impartial witness not connected with the acquisition shall be present.

(2) The name of the impartial witness, if any, shall appear on the abstract of offers.

6. Section 1-2.408 is redesignated as § 1-2.408-1 and a new 1-2.408-2 is added as follows:

§ 1-2.408 Information to bidders.

§ 1-2.408-1 Rejection of offers (general).

* * * * *

§ 1-2.408-2 Rejection of offers under the Trade Agreements Act of 1979.

(a) Contracting officers shall notify unsuccessful offerors in writing within seven working days after the award of a contract (or contracts) that their offers were not accepted when an offer involves an eligible product from a designated country (see §§ 1-6.1601(b) and 1-6.1608(a)).

(b) Additional information requested by an unsuccessful offeror of an eligible product from a designated country shall be provided by an official above the level of the contracting officer (see § 1-1608(b)).

PART 1-3—PROCUREMENT BY NEGOTIATION

The Table of contents for Part 1-3 amended by adding five entries, as follows:

* * * * *

Sec.

1-3.105 Trade Agreements Act of 1979—eligible products.

1-3.105-1 Time for the submission of offers.

1-3.105-2 English language and U.S. dollars.

1-3.105-3 Opening offers.

1-3.105-4 Notification of nonacceptance of offer.

* * * * *

Subpart 1-3.1—Use of Negotiation

7. Section 1-3.105 is added as follows:

§ 1-3.105 Trade Agreements Act of 1979—eligible products.

§ 1-3.105-1 Time for the submission of offers.

When solicitations involve potentially eligible products under the Trade Agreements Act of 1979 (see § 1-6.1601(b)), the solicitation shall specify at least 30 days for the submission of offers (see § 1-6.1605-1(b)(4)). When solicitations will be sent outside the United States, international air mail shall be used (see § 1-6.1605-1(b)(2)).

§ 1-3.105-2 English language and U.S. dollars.

When a solicitation involves potentially eligible products (see § 1-6.1601(b)), the solicitation shall require that offers are to be submitted in the English language and U.S. dollars (see § 1-6.1605-1(b)(6)).

§ 1-3.105-3 Opening offers.

(a) When offers involving potentially eligible products from designated countries are opened, offerors or their representatives or an appropriate and impartial witness not connected with the acquisition shall be present (see § 1-6.1606(a)). However, there shall be no disclosure of the offers.

(b) The name of the impartial witness, if any, shall appear on the abstract of offers (see § 1-6.1606(b)).

§ 1-3.105-4 Notification of nonacceptance of offer.

(a) Contracting officers shall notify unsuccessful offerors in writing within seven working days after the award of a contract (or contracts) that their offers were not accepted when an offer involves an eligible product from a designated country (see §§ 1-6.1601(b) and 1-6.1608(a)).

(b) Additional information requested by an unsuccessful offeror of an eligible product from a designated country shall be provided by an official above the level of the contracting officer (see § 1-6.1608(b)).

PART 1-6—FOREIGN PURCHASES

The table of contents for Part-6 is amended by adding the following entries:

Subparts 1-6.11—1-6.15 [Reserved].

Subpart 1-6.16—Purchases Under the Trade Agreements Act of 1979

Sec.
1-6.1600 Scope.
1-6.1601 Definitions.
1-6.1602 Policy.
1-6.1603 Applicability.
1-6.1604 Labor surplus area set-asides.
1-6.1605 Procedures for the purchase of eligible products from designated countries.
1-6.1605-1 Solicitation procedures under this subject.
1-6.1606 Opening of offers.
1-6.1607 Evaluation of offers.
1-6.1608 Information to unsuccessful offerors.
1-6.1609 Certificate of eligible product.
1-6.1610 Reporting requirements.
1-6.1611 Buy American Act clause.
1-6.1612 Designated countries.
1-6.1613 Agencies covered by the agreement.
1-6.1614 Ineligibility to participate in U.S. procurement.

8. Subpart 1-6.16 is added as follows:

Subparts 1-6.11-1-6.15—[Reserved]

Subpart 1-6.16—Purchases Under the Trade Agreements Act of 1979

§ 1-16.1600 Scope.

This subpart implements the international Agreement on Government Procurement (hereafter referred to as the Agreement) which is a part of the trade agreements negotiated in the Tokyo Round of the Multilateral Trade Negotiations. The Agreements were entered into in Geneva on April 12, 1979, under Section 102 of the Trade Act of 1974. The authority to implement the Agreement is provided by the Trade Agreements Act of 1979 (Pub. L. 96-39, 19 U.S.C. 2511-2518) and Executive Order 12260, December 31, 1980, (46 FR 1653, January 6, 1981) and Determinations by the U.S. Trade Representative, December 31, 1980, (46 FR 1657, January 6, 1981).

§ 1-6.1601 Definitions.

The terms used in this subpart have meanings as follows:

(a) "Designated country" means a country or instrumentality designated by the President or the U.S. Trade Representative under section 301 of the Trade Agreements Act of 1979 (19 U.S.C. 2511). Designated countries are listed in § 1-6.1612.

(b) "Eligible product" means a product that (1) is being procured by a Government agency covered by the Agreement (see § 1-6.1613), (2) involves a purchase price which is equal to (or in the case of idenfinite quantity contracts (see § 1-6.1603(b)) is expected to be equal to) or more than the established dollar threshold (see § 1-6.1601(e)), and (3) involves a purchase which is not otherwise exempt (see § 1-6.1603(e)). This includes service (other than transportation) incidental to the supply of products if the value of those incidental services does not exceed the value of the products themselves. It does not include service contracts. For the United States, all products are eligible when the purchase price exceeds the dollar threshold, except to the extent that a product is purchased by an agency which is not listed (see § 1-6.1613) or is otherwise exempt (see § 1-6.1603(e)).

(c) "Product" means a line item in a solicitation. However, if two or more line items carry identical stock numbers or other identification, this situation shall be deemed to consititute a single line item.

(d) "Rule of Orgin" means that an article is a product of a designated country if (1) it is wholly the growth, product, or manufacture of that country, or (2) in the case of an article which consists in whole or in part of materials from another country, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed (see § 1-6.1609).

(e) "Dollar threshold" means $169,000 or such other dollar amount as may be extablished from time to time, by the U.S. Trade Representative.

§ 1-6.1602 Policy.

(a) Offers from designated countries to furnish potentially eligible products shall be solicited and evaluated in the same manner as offers of products from the United States. Designated countries are listed in § 1-6.1612.

(b) The Buy American Act (see Subpart 1-6.1) and the Balance of Payments Program (see Subpart 1-6.8) are applicable if the product purchased is not an eligible product (see § 1-6.1601(b)) and when the country of origin is not the United States and is not listed in § 1-6.1612.

(c) The Buy American Act, i.e., the preference for U.S. products in the award of contracts, and the Balance of Payments Program are waived for purchases of eligible products.

(b) Countries that benefit under the Agreement from open competition for contracts awarded by the Government are required to offer reciprocal competitive opportunities to U.S. products and suppliers. The Agreement prohibits discrimination against U.S. suppliers in procurements by foreign governments that are signatories to the Agreement. It also requires nondiscrimination and open and transparent application of required procurement procedures.

§1–6.1603 Applicability.

(a) The policies in this subpart apply only if a purchase involves an eligible product (see § 1–6.1601 (b)).

(b) If a contracting officer determines that an individual requirement for the acquisition of a product or products of the same type, e.g., an indefinite quantity type contract, may result in payments during the fiscal year that are equal to or more than the specified dollar thershold, the policies in this subpart shall apply.

(c) No acquistion of a product (which would otherwise be an eligible product) shall be the subject of more than one solicitation for the purpose of reducing the value of the resulting offers to amounts less than the established dollar threshold.

(d) When a solicitation for a product results in two or more contract awards for the product, if the total amount of the contracts is equal to or more than the established dollar threshold and the product is otherwise an eligible product, the provisions of this Subpart 1–6.16 apply.

(e) The policies in this subpart do not apply to:

(1) Purchases under small business set-aside programs or minority business programs (see § 1–6.1604);

(2) Purchases of arms, ammunition, or war materials, or purchases indispenable for national security or national defense purposes, subject to policies established by the U.S. Trade Representative;

(3) Construction contracts;

(4) Service contracts (but services other than transportation incidental to the purchase of eligible products are covered by the Agreement, provided that the value of the service is not greater than the value of the product);

(5) Research and development contracts;

(6) Purchases for resale purposes;

(7) Purchases relating to the products of handicapped persons, of philanthropic institutions, or of prison labor;

(8) Leases or rentals of any items;

(9) Purchases for agencies not subject to the Agreement;

(10) Tied-aid procurements under AID foreign assistance programs; or

(11) Purchases by State and local governments, including purchases by State and local authorities with Federal funds.

§ 1–6.1604 Labor surplus area set-asides.

(a) Total or partial labor surplus area set-asides which are not limited to small business shall not be made for procurements covered by this Subpart 1–6.16.

(b) Total or partial set-asides for small and minority businesses, whether or not combined with a labor surplus area set-aside (see section 117(e) of Pub. L. 96–302), are not covered by the Agreement (see § 1–6.1603).

§ 1–6.1605 Procedures for the purchase of eligible products from designated countries.

§ 1–6.1605–1 Solicitation procedures under this subpart.

When a potentially eligible product is included in a solicitation (see § 1–6.1601(b)), the solicitation procedures in this § 1–6.1605–1 apply.

(a) *Publicizing proposed purchases.* When a potentially eligible product is included in a solicitation and the estimated price is equal to or more than the specified dollar threshold (see § 1–6.1601(b)), a notice of proposed purchase shall be published in the Commerce Business Daily, in accordance with the requirements in § 1–1.1003–7(b) (10) and (11).

(b) *Solicitations involving potentially eligible products.* (1) Sources offering eligible products from designated countries shall be included, upon request by these sources, on bidders mailing lists and comparable source lists, in accordance with the procedures in § 1–2.205.

(2) Solicitations for potentially eligible products shall be sent directly to the sources for the product that appear on appropriate bidders mailing lists. When solicitations will be sent outside the United States, international airmail shall be used (see §§ 1–2.202–1(d) and 1–3.105–1).

(3) Solicitations involving a potentially eligible product shall be made available, on request, to the embassy or other designated place or representative of a designated country.

(4) At least 30 days from the date of a solicitation for supplies or services involving potentially eligible products shall be provided for the submission of offers (see §§ 1–2.202–1(d) and 1–3.105–1). However, in exceptional circumstances, a lesser period may be approved at a level above the contracting officer by reason of an exigency situation, i.e., when the Government will be injured financially or otherwise.

(5) No technical requirements may be imposed solely for the purpose of precluding the acquisition of eligible products from designated countries.

(6) Solicitations involving potentially eligible products shall require that offers be submitted in the English language and in U.S. dollars see §§ 1–2.2027, and 1–3.105–2).

§ 1–6.1606 Opening of offers.

(a) When offers involving potentially eligible products are opened, offerors or their representatives or an appropriate and impartial witness not connected with the acquisition shall be present (see §§ 1–2.402(d)(1) and 1–3.105–3(a)).

(b) The name of the impartial witness, if any, shall appear on the abstract of offers (see §§ 1–2.402(d)(2) and 1–3.105–3(b)).

§ 1–6.1607 Evaluation of offers.

Offers involving potentially eligible products (see § 1–6.1601(b)), shall be evaluated without regard to the Buy American Act or Balance of Payments Program, except as provided in § 1–6.1603.

§ 1–6.1608 Information to unsuccessful offerors.

(a) Contracting officers shall notify unsuccessful offerors in writing within seven working days after the award of a contract (or contracts) that their offers were not accepted (see §§ 1–2.408–2(a) and 1–3.105–4(a)) when an offer involves an eligible product and the offer is from a designated country (see § 1–6.1601(b)).

(b) Subsequent to the notice, if additional information is requested by an unsuccessful offeror, it shall be provided by an official above the level of the contracting officer (see §§ 1–2.408–2(b) and 1–3.105–4(b)).

§ 1–6.1609 Certificate of eligible product.

(a) Contracting officers shall rely on certificates by the offeror for purposes of satisfying the Rule of Origin. The following certificate shall be inserted in all solicitations for eligible products when the estimated price is equal to or more than the specified dollar threshold (see § 1–6.1601(e)).

Certificate of Eligible Product

(a) The offeror hereby certifies that each eligible product, as provided in 41 CFR 1–6.1601(b), which is delivered in accordance with any contract resulting from this solicitation is from a country designated by the President or the U.S. Trade Representative under section 301 of the Trade Agreements Act of 1969.

(b) Offerors are encouraged to obtain advance decisions from the Commissioner of Customs regarding the origin of eligible products, as provided in 19 CFR Part 177. Decisions rendered by the Commissioner should accompany the offer.

(End of Certificate)

(b) The reliance of the contracting officer on the certification for award purposes shall not be affected by a failure of an offeror to obtain an advance decision and to furnish a copy of the decision with its offer.

(c) Any question regarding the validity of a certification that the Contracting Officer receives from another offeror shall be referred to the Commissioner of Customs for consideration by the offeror whose certification is challenged. It shall not be treated as a basis for holding up an award. However, failure of a challenged offeror to refer the matter to the Commissioner of Customs, upon the request of the Contracting Officer, will result in rejection of the offer.

(d) If a certification subsequently is determined by the Commissioner of Customs to be invalid, the imposition of penalties as authorized by law shall be considered, e.g., criminal penalty for false representation under 18 U.S.C. 1001.

§ 1-6.1610 Reporting requirements.

The reporting requirements of the Trade Agreements Act of 1979 will be satisfied by Individual Agency Procurement Action Reports.

§ 1-6.1611 Buy American Act clause.

When a potentially eligible product (see 1-6.1601(b)) is involved, the clause prescribed by § 1-6.104-5 and by Standard Forms 32 and 147 shall be amended by adding an addendum to the solicitation which provides for the incorporation of a parenthetical phrase following the title of the clause as follows:

(This Buy American Act clause is not applicable to contracts involving eligible products that originate in designated countries)

§ 1-6.1612 Designated countries.

Austria
Bangladesh
Belgium
Benin
Bhutan
Botswana
Burundi
Canada
Cape Verde
Central African Republic
Chad
Comoros
Denmark
Federal Republic of Germany
Finland
France
Gambia
Guinea
Haiti
Hong Kong
Ireland
Italy
Japan
Lesotho
Luxembourg
Malawi
Maldives
Mali
Nepal
Netherlands
Niger
Norway
Rwanda
Singapore
Somalia
Sweden
Switzerland
Western Samoa
Sudan
Tanzania U.R.
Uganda
United Kingdom
Upper Volta
Yemen AR

§ 1-6.1613 Agencies covered by the Agreement.

Action
Administrative Conference of the United States
American Battle Monuments Commission
Board for International Broadcasting
Civil Aeronautics Board
Commission on Civil Rights
Commodity Futures Trading Commission
Community Services Administration
Consumer Product Safety Commission
Departments of—
  Agriculture[1]
  Commerce
  Defense[2]
  Education
  Health and Human Services
  Housing and Urban Development
  Interior[3]
  Justice
  Labor
  State
  Treasury
Environmental Protection Agency
Equal Employment Opportunity Commission
Executive Office of the President
Export-Import Bank of the United States
Farm Credit Administration
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Mediation and Conciliation Service
Federal Trade Commission
General Services Administration[4]
Inter-State Commerce Commission
Maritime Administration of the Department of Transportation
Merit Systems Protection Board
National Aeronautics and Space Administration
National Credit Union Administration
National Labor Relations Board
National Mediation Board
National Science Foundation
National Transportation Safety Board
Nuclear Regulatory Commission
Office of Personnel Management
Overseas Private Investment Corporation
Panama Canal Commission
Railroad Retirement Board
Securities and Exchange Commission
Selective Service System
Smithsonian Institution
United States Arms Control and Disarmament Agency
United States International Communication Agency
United States International Development Cooperation Agency
United States International Trade Commission
Veterans Administration

§ 1-6.1614 Ineligibility to participate in U.S. procurement.

No eligible product which originates in a nondesignated foreign country may be purchased after January 1, 1983. However, the U.S. Trade Representative may authorize the waiver of this limitation on a case-by-case basis when such waiver is determined to be in the national interest.

(Sec. 205(c), 83 Stat. 309; (40 U.S.C. 486(c)))

Dated: March 24, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-8721 Filed 4-5-83; 8:45 am]

BILLING CODE 6820-61-M

[1] The Agreement on Government Procurement does not apply to the procurement of agricultural products made in furtherance of agricultural support programs or human feeding programs.

[2] Excludes Corps of Engineers.

[3] Excludes the Bureau of Reclamation.

[4] Excludes purchases by the Commodity Tools Center, and the Region 9 Office (San Francisco, California).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 654 and 658

[Docket No. 30321-48]

Stone Crab Fishery and Shrimp Fishery of the Gulf of Mexico

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency rule.

SUMMARY: The Secretary of Commerce (Secretary) issues emergency regulations amending the Fishery Management Plans for the Stone Crab Fishery and the Shrimp Fishery of the Gulf of Mexico and their implementing regulations. This emergency rulemaking (1) closes an area in the Gulf of Mexico to stone crab fishing, (2) closes two adjacent areas to shrimp fishing, (3) prohibits the intentional placement of articles in the fishery conservation zone that may interfere with fishing gear or fishing vessels, (4) provides for the disposal of stone crab traps found in the closed area, and (5) provides the Secretary with authority to implement further similar emergency regulations for these fisheries by publication of a notice thereof in the **Federal Register**. The

intent of these regulations is to reduce gear conflicts between stone crab and shrimp fishermen.

EFFECTIVE DATE: Section 654.23(b)(1) is effective April 11, 1983, and will remain effective until 0001 hours May 16, 1983. Sections 654.23(b)(2) and 658.23(b)(2) are effective March 31, 1983, and will remain effective until June 29, 1983. All other provisions are effective on March 31, 1983 and will remain effective until 0001 hours May 16, 1983.

ADDRESS: Jack T. Brawner, Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Jack T. Brawner, 813–893–3141.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (Stone Crab FMP), prepared by the Gulf of Mexico Fishery Management Council (Council), was approved by the Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) on March 19, 1979, and implemented by the Secretary on September 14, 1979 (44 FR 53519), under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (Shrimp FMP), prepared by the same Council, was approved by the Assistant Administrator on November 7, 1980, and implemented by the Secretary on May 15, 1981 (46 FR 27489).

The Secretary is undertaking emergency rulemaking under section 305(e)(1) of the Magnuson Act to amend the Stone Crab and Shrimp FMPs and their implementing regulations. Section 305(e)(1) authorizes the Secretary to promulgate emergency regulations necessary to address an emergency in a fishery. The gear conflicts described below constitute such an emergency. The rulemaking (1) closes an area of the fishery conservation zone (FCZ) in the Gulf of Mexico off Florida to stone crab fishing (2) closes two adjacent areas to shrimp fishing (3) prohibits the intentional placement of any article in the FCZ that may interfere with fishing or obstruct fishing gear or fishing vessels, and (4) authorizes the removal and disposal of stone crab pots from the closed areas by authorized officers. This rulemaking also authorizes the Secretary to establish additional area closures, of limited duration and geographic scope, in the event similar conflicts occur in other areas.

Area Restrictions

Gear conflicts between stone crab and shrimp fishermen have occurred intermittently during the past five years in an area west of Citrus County, Florida. Recently, these conflicts have increased in number and severity, resulting in a significant disruption in the peaceful and orderly prosecution of both fisheries. The affected fishermen have attempted unsuccessfully to reduce these conflicts. The State of Florida (State) has implemented remedial legislation, but it does not apply to those conflicts which are occurring within the FCZ. The Council is preparing an amendment to the FMPs which will serve to supplement the State law.

The National Marine Fisheries Service (NMFS) has recently documented cases where stone crab fishermen have placed barbed wire secured to cinder blocks or stone crab traps in the conflict area. Shrimp trawling gear encountering barbed wire has been damaged or destroyed. Damage and injury have occurred to fishing gear, to vessels, and to individuals attempting to disentangle the barbed wire.

Since January 31, 1983, twelve complaints have been received from shrimp fishermen concerning gear destruction and vessel damage. Stone crab fishermen have also complained about shrimp trawling gear being used to destroy stone crab traps.

Alternative actions were considered by NMFS for resolution of this escalating conflict. Earlier testimony by stone crab and shrimp fishermen at public hearings and meetings conducted by the Council indicated an acceptable resolution was a minor westward extension of State-implemented area closures into the FCZ adjacent to Citrus County. Though such an amendment to the FMPs is being considered by the Council, the area affected by the amendment does not include all of the locations to which the conflict has spread.

Information available to the Assistant Administrator indicates that the conflicts will continue to escalate. Threats of physical confrontations have intensified with a resulting increase in the potential for violence and further disruption of the fisheries without Federal intervention. Therefore, emergency regulatory action is being taken to address the situation.

Emergency regulations are implemented closing certain areas of the FCZ to the stone crab and shrimp fisheries. The area closed to stone crab fishing is approximately 26.6 square nautical miles. The area closed to shrimping is immediately adjacent and is approximately 116.9 square nautical miles.

The emergency regulations prohibit the placement of any article in the FCZ to interfere with fishing or obstruct or interfere with fishing gear or fishing vessels, and further prohibit the use of fishing gear to obstruct or damage the fishing gear or fishing vessel of another. In addition, the regulations authorize the Secretary to establish further area closures during the remainder of the current stone crab season by publication of a notice thereof in the **Federal Register**. Any additional closures must be in response to gear conflicts similar to those giving rise to this emergency rulemaking and be of no greater duration or geographic scope than is necessary and appropriate to resolve the gear conflict.

Stone crab traps must be removed from the prohibited area within 10 calender days of filing this rule for public inspection with the Office of the Federal Register; traps will be prohibited from that area until 0001 hours May 16. The prohibitions on placement of articles intended to interfere with fishing, and on the destructive use of fishing gear, are effective immediately and will continue for 90 days. All other provisions of these emergency regulations are effective immediately and will remain in effect until 0001 hours May 16, 1983, unless terminated earlier.

Classification

The Assistant Administrator has determined that these emergency regulations comply with the national standards, other provisions of the Magnuson Act, and other applicable law.

Because of the severity of conflicts between the stone crab and shrimp fishermen, the Council on Environmental Quality has waived the requirement of preparing an environmental assessment.

The Administrator, NOAA, has determined that these rules are not "major" under E.O. 12291 requiring a regulatory impact analysis.

These regulations respond to an emergency situation making it impracticable for the Agency to follow procedures otherwise required by E.O. 12291. Under section 8(a) of that Order, the Director of the Office of Management and Budget (OMB) has been notified of this emergency and a copy of these emergency regulations has been transmitted to the Director.

The Regulatory Flexibility Act is inapplicable as no proposed rule was published.

This amendment does not entail any Federal collection of information as defined by the Paperwork Reduction Act.

Because these regulations respond to an emergency situation with potential danger to human life and safety, the Agency finds good cause to waive the 30-day delayed effective date provisions of the Administrative Procedures Act.

The Assistant Administrator has determined that this action is consistent, to the maximum extent practicable, with Florida's approved coastal zone management program. This determination is being submitted for review to the State of Florida's Department of Environmental Regulations.

List of Subjects in 50 CFR Parts 654 and 658

Fish, Fisheries, Fishing.

Dated: March 31, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Parts 654 and 658 are amended as follows:

1. The authority citation for Parts 654 and 658 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

PART 654—STONE CRAB FISHERY

§ 654.23 [Amended]

2. Section 654.23 is amended by redesignating the existing paragraph as (a) and by adding a new paragraph (b) to read as follows:

* * * * *

(b)(1) Until 0001 hours May 16, 1983, it is unlawful to place stone crab traps in the water or harvest stone crabs from traps in that area of the FCZ bounded by a continuous line connecting the following points expressed by latitude and longitude (LORAN notations are unofficial, and are included only for the convenience of fishermen):

Point	Latitude	Longitude	LORAN rate 7980			
			W	X	Y	Z
Q	28°49.45' N.	82°55.75' W.	14375		45260	62971.4
R	28°49.77' N.	82°56.31' W.	14375			62975
Z	28°42.52' N.	82°56.10' W.	14355			62975
Y	28°42.07' N.	82°55.37' W.	14355			62970
U	28°31.25' N.	82°55.15' W.	14325			62970
V	28°29.80' N.	82°52.86' W.	14325			62955
X	28°37.88' N.	82°53.02' W.	14347.2	31285		62955
Thence northerly along the State boundary to Point Q.						

[1] This point is on the State boundary.

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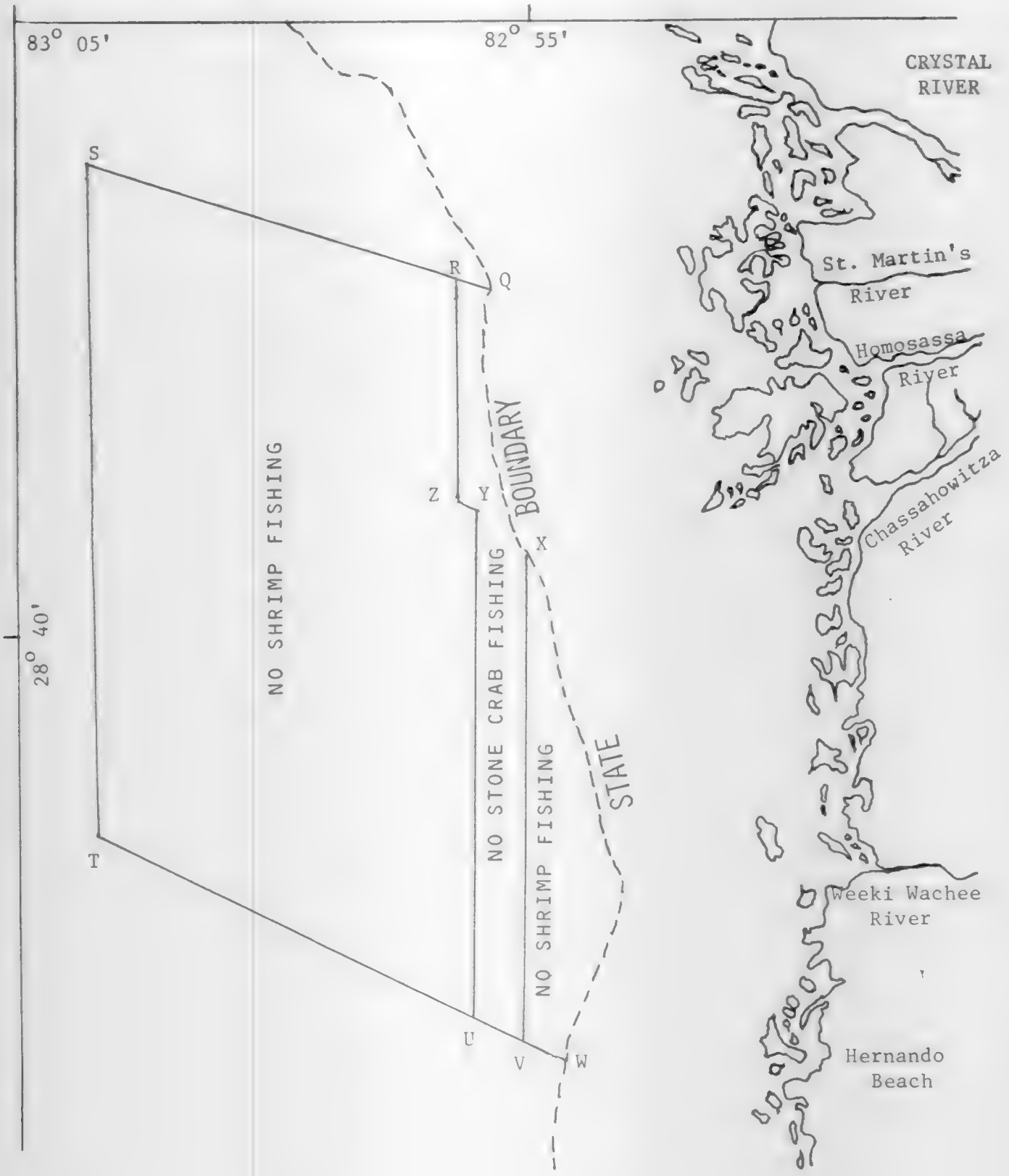

Figure 3. Chart delineating areas closed to fishing for shrimp or stone crabs (not to scale, for illustrative proposes only).

BILLING CODE 3510-22-C

(2) It is unlawful to place into the management area any article, including fishing gear, with the intent to interfere with fishing or obstruct or damage fishing gear or fishing vessels of another; it is further unlawful to utilize fishing gear in such a fashion that it obstructs or damages the fishing gear or fishing vessel of another.

(3) Stone crab traps found in the area described in paragraph (b)(1) of this section before May 16, 1983, will be considered unclaimed or abandoned property and may be disposed of in any manner considered appropriate by the Secretary or an authorized officer. Lines and buoys are considered part of the trap. Owners of these stone crab traps are subject to civil penalties.

(4) In the event that conflicts between stone crab and shrimp fishermen occur in other portions of the management area prior to May 16, 1983, the Secretary may establish additional area closures by publication of a notice of such closures in the **Federal Register**. Any such additional area closures may be established only in response to gear conflicts similar in nature and degree of severity to those giving rise to this emergency rulemaking and may only be of such duration and geographic scope as is necessary to resolve such conflict. Such additional area closures may be established only if they would otherwise be authorized under section 305(e) of the Magnuson Act and if the notice published in the **Federal Register** sets forth the reason for the additional area closures.

PART 658—SHRIMP FISHERY OF THE GULF OF MEXICO

§ 658.23 [Amended]

2. Section 658.23 is amended by redesignating the existing paragraph as (a) and by adding a new paragraph (b) to read as follows:

* * * * *

(b)(1) Until 0001 hours May 16, 1983, it is unlawful to fish for shrimp in the following two areas of the FCZ (see Figure 4):

(i) That area of the FCZ bounded by a continuous line connecting the following points expressed by latitude and longitude (LORAN notations are unofficial, and are included only for the convenience of fishermen):

AREA I

Point	Latitude	Longitude	LORAN rate 7980			
			W	X	Y	Z
[illegible]	28°49.77′ N.	82°56.31′ W.	14375			62975
S	28°53.55′ N.	83°02.89′ W.	14375			[illegible]
T	28°36.11′ N.	83°02.77′ W.	14325			63020
U	28°31.25′ N.	82°55.15′ W.	14325			62970
Y	28°42.07′ N.	82°55.37′ W.	14355			62970
Z	28°42.52′ N.	82°55.15′ W.	14355			62975
R	28°49.77′ N.	82°56.31′ W.	14375			62975

(ii) That area of the FCZ bounded by a continuous line connecting the following points expressed by latitude and longitude (LORAN notations are unofficial, and are included only for the convenience of fishermen):

AREA II

Point	[illegible]	Longitude	LORAN rate 7980			
			W	X	Y	Z
X[1]	28°37.88′ N.	82°53.02′ W.	14347.2	31285		62956
V	28°29.60′ N.	82°52.86′ W.	14325			62955
W[1]	28°28.93′ N.	82°51.50′ W.	14325		45060	62946.3

Thence northerly along the State boundary to Point X

[1] This point is on the State boundary.

BILLING CODE 3510-22-M

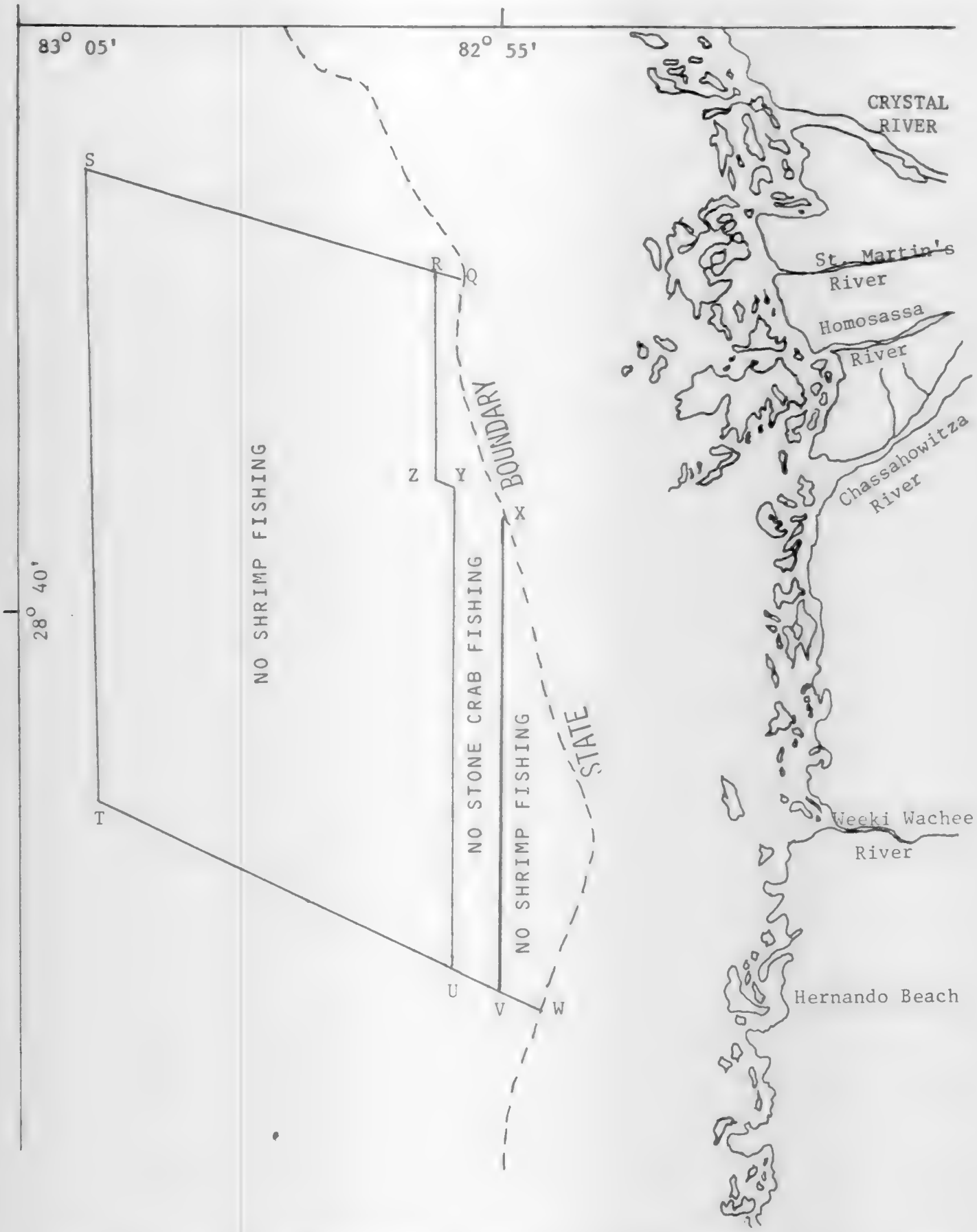

Figure 4. Chart delineating areas closed to fishing for shrimp or stone crab, (not to scale, for illustrative purposes only).

BILLING CODE 3510-22-C

(2) It is unlawful to place into the FCZ any article, including fishing gear, with the intent to interfere with fishing or obstruct or damage fishing gear or fishing vessels of another; it is further unlawful to utilize fishing gear in such a fashion that it obstructs or damages the fishing gear or fishing vessel of another.

(3) In the event that conflicts between stone crab and shrimp fishermen occur in other portions of the FCZ prior to May 16, 1983, the Secretary may establish additional area closures by publication of a notice of such closures in the **Federal Register**. Any such additional area closures may be established only in response to gear conflicts similar in nature and degree of severity to those giving rise to this emergency rulemaking and may only be of such duration and geographic scope as is necessary to resolve such conflict. Such additional area closures may be established only if they would otherwise be authorized under section 305(e) of the Magnuson Act and if the notice published in the **Federal Register** sets forth the reasons for the additional area closures.

[FR Doc. 83-8827 Filed 3-31-83; 4:45 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 67
Wednesday, April 6, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Ch. III

Exceptions Processes

AGENCY: Administrative Conference of the United States; Committee on Regulation.

ACTION: Request for comments.

SUMMARY: The Administrative Conference Committee on Regulation is considering a proposed recommendation on the subject of "administrative exceptions processes". This topic includes agency procedures involved in the granting of waivers, exemptions, exceptions, variances, or other individualized exceptions to rules of general applicability. Views and supporting factual material are requested to be submitted to aid the Committee on its consideration.

DATE: *Comment deadline:* April 21, 1983. One copy is sufficient. Comments received after the deadline will be considered to the extent feasible.

ADDRESS: *Send comments to:* William C. Bush, Administrative Conference of the United States, 2120 L. Street, N.W., Suite 500, Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L. Street, N.W., Suite 500, Washington, D.C. 20037; telephone (202) 254–7065.

SUPPLEMENTARY INFORMATION: The Administrative Conference Committee on Regulation is working toward development of a recommendation concerning agency procedures and practices in the operation of federal agency exceptions processes. The Committee's proposed recommendation, reproduced below, is based largely on a report by our consultant, Professor Peter Schuck of Yale Law School. Copies of Professor Schuck's report, *When the Exception Becomes the Rule: Regulatory Equity, the Exceptions Process, and the Formulation of Energy Policy* (February 16, 1983), are available on request.

Although the consultant's report deals mainly with a study of the Office of Hearings and Appeals at the Department of Energy, the Committee has attempted to derive from the study such recommendations as appear to be useful government-wide. The Committee is particularly interested in the views of those who have had direct experience with exceptions processes in other regulatory agencies.

The Committee does not, by this proposal, intend to advocate the creation of additional exceptions processes for agency programs. Indeed, the proposal is intended more to aid the government-wide avoidance of problems perceived to have existed in one narrow program.

The Committee will meet shortly after the comment deadline to consider all comments received and to determine whether and in what form to propose a final recommendation to the full Administrative Conference in June. Notice of that meeting will appear in the **Federal Register**.

All comments submitted to the Committee will be placed in a file available for public inspection during normal business hours (9:00 a.m. to 5:30 p.m. Monday through Friday, excluding federal holidays) at the Office of the Chairman of the Administrative Conference, 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

Activities of the Committee on Regulation are subject to the Federal Advisory Committee Act (Pub. L. 92–463).

Proposal on Which Comments Are Requested

Proposed Recommendation

Administrative Exceptions Processes

A. Congressional Oversight

1. Congress should review the effectiveness, procedural fairness, and political accountability of the administrative exceptions processes established under existing legislation, including the adequacy of legislative, administrative, and judicial controls over those processes. This may be accomplished during the course of periodic congressional oversight of agency programs.

2. Congress should prescribe the equitable or other criteria that shall govern an agency exception process. Congress should also require that agencies issue regulations further defining those criteria and prescribing the procedures to be used in exceptions proceedings.

3. Congress should determine whether and to what extent agencies are circumventing rulemaking requirements by excessive reliance upon exceptions processes. If an exceptions process is being used by an agency to resolve questions of broad policy significance, Congress should consider requiring that the official in charge of that process be subject to Senate confirmation.

4. Where an exceptions process is part of what was originally an emergency program, Congress should determine whether and to what extent the courts should continue to take the emergency into account in reviewing the legal validity of exceptions decisions.

B. Agency Procedures

1. Each agency with an exceptions program should establish procedures governing exceptions cases that reflect an analysis of the need for particularized regulatory equity in the applicable program. The procedures provided for relatively routine "hardship" applications and for those cases of broader policy significance should differ to take account of the differing demands for information, fairness, and legitimacy.

2. The procedures should provide for adequate notice to all interested members of the public of an application for exceptions relief. Relief should be granted or denied only after an opportunity for the development of relevant factual and policy issues. The degree of formality of the adjudicatory procedures used should depend upon the magnitude of the public and private interests at stake, the need for expeditious decision, the number of interested parties, the kinds of issues to be resolved, and the kinds of procedures that were originally employed to generate the "rule" from which relief if being sought. The agency should assume responsibility for ensuring that all significantly affected interests are in fact represented in the exceptions proceedings.

(3) Where the program allows for

emergency, interim relief, the procedures should include suitable mechanisms—such as an escrow fund, interest obligation, or expiration date for interim orders—to restore the *status quo ante* insofar as possible in the event that such relief is subsequently determined to be inappropriate.

4. The form and independence of the tribunal that is to decide exceptions cases should depend chiefly upon the regulatory policy significance of the exceptions decision and the value of exceptions relief to applicants. The greater the precedential and policy significance of an exceptions decision and the geater the advantage (competitive or otherwise) that the decision confers upon an applicant, the more closely the tribunal should be integrated into the policy-sensitive and politically-accountable decision processes of the agency. The more the exceptions decision is routine, without precedential significance, and purely equitable or "hardship" in nature, the more readily it may be delegated to other decision processes.

C. Coordination with Rulemaking

1. Where there is a relatively high degree or organizational independence between an agency's exceptions process and its rulemaking process, the two should be closely co-ordinated to ensure that important policy decisions and situation-specific equitable decisions are made using the procedures most appropriate to each.

2. When it appears to the exceptions tribunal that a decision under consideration is likely to have broad policy significance, it should promptly inform the agency office with primary rulemaking responsibility in order to give the rulemakers an opportunity to supplement or supplant the exceptions proceeding. Ordinarly, the exceptions tribunal should not decide such a case until the rulemaking office indicates that it does not intend to proceed.

3. If the exceptions tribunal proceeds to decide a case with broad policy significance, it should conduct the proceeding much as a rulemaker would, broadening participation in the pending adjudication and inviting public comments on all significant policy, factual, and remedial issues in the case. In addition, the exceptions tribunal should be expanded to include additional members drawn from the agency's policymaking organs, and the politically responsible agency head should review and sign personally the orders in such cases.

List of Subjects in 1 CFR Ch. III

Administrative practice and procedure, Exceptions.

Richard K. Berg,

General Counsel.

April 1, 1983.

[FR Doc. 83-9033 Filed 4-5-83; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

[Docket No. F&V AO 198—All]

Raisins Produced From Grapes Grown in California; Recommended Decision and Opportunity To File Written Exceptions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written exceptions on the proposed amendment of the California raisin marketing agreement and order program. The proposed amendment would: Change the method of establishing marketing policy and volume regulation to permit more timely responses to changing marketing conditions; change committee composition and nomination procedures; abolish the Executive Operations Committee and transfer its compliance responsibility to the Raisin Administrative Committee; add provisions for export merchandising programs; provide authority for advertising and promotion programs; provide authority for crediting a handler's assessments for certain kinds of advertising and promotion; and provide authority to charge interest fees on deliquent assessments. The intent of the proposed changes is to improve the effectiveness of the program.

DATE: Written exceptions to this recommended decision must be filed by April 19, 1983.

ADDRESSES: Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written exceptions should be submitted, and they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–5697.

SUPPLEMENTARY INFORMATION: Prior documents in the proceeding: Notice of Hearing—Issued August 5, 1982, and published August 11, 1982 (47 FR 34790).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and therefore is not subject to the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated handlers.

It has been determined that a comment period of less than 60 days is warranted. The proposed amendment, if adopted, should be effective no later than August 1, 1983. That date represents the first day of the 1983–84 crop year, and producers and handlers need to know of any marketing order changes as soon as possible so they can plan their operations accordingly.

List of Subjects in 7 CFR Part 989

Marketing agreements and orders, Grapes, Raisins, and California.

Preliminary Statement

Notice is heregy given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed further amendment of the marketing agreement and order, regulating the handling of raisins produced from grapes grown in California, and of the opportunity to file written exceptions thereto. Copies of this decision may be obtained from the hearing Clerk or Richard P. Van Diest, AMS, F&V, 1130 "O" Street, Room 3114, Fresno, California, 93721 (209) 487–5175.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

This proposed amendment was formulated on the record of a public hearing held in Fresno, California, on August 19, 1982. The hearing notice was published in the August 11, 1982, issue of the **Federal Register** (47 FR 34790). That notice contained the proposals submitted by the Raisin Administrative Committee.

Material Issues

The material issues of record are as follows:

(1) Adding the raisin varietal type, Oleate and Related Seedless, to the list of varietal types specified in the order.

(2) Abolishing the Executive Operations Committee and transferring its compliance responsibility to the Raisin Administrative Committee.

(3) Permitting interest fees to be charged on delinquent assessments.

(4) Deleting provisions applicable to satisfying reserve requirements for Layer Muscat raisins.

(5) Changing the method for establishing marketing policy and volume regulation to permit more timely responses to changing marketing conditions.

(6) Changing the Raisin Administrative Committee composition, Committee nomination and acceptance procedures, and the terms of office of members and alternate members.

(7) Adding authority for export incentive programs and for promotion and paid advertising programs in domestic and export markets; adding authority for crediting a handler's assessment for certain kings of promotion and advertising; and making changes in assessment and reporting requirements.

(8) Making such changes in the order as may be necessary to bring it into conformity with any amendment that may result from the hearing.

Findings and Conclusions

(1) Section 989.10 of the California raisin marketing agreement and order (hereinafter referred to collectively as the "order") contains a list of seven varietal types of raisins used in applying quality and volume regulations. Section 989.10 also contains authority for the Raisin Administrative Committee to change, subject to the approval of the Secretary, that list. Pursuant to such rulemaking authority, "Oleate and Related Seedless" was included as another varietal type in § 989.110 of the rules and regulations in 1981 to provide equity among the sun-dried and artificially dehydrated raisin segments of the industry in volume regulation computations.

Prior to the change, oleate raisins, which were developed in an attempt to hasten the sun-drying process and reduce problems resulting from untimely rains, were included with artificially dried water-dipped raisins. Experience with the volume regulation formula in § 989.54 established that whenever there was a substantial production of oleate raisins in any one year, the water-dipped portion of the free tonnage for that varietal type was reduced. In addition, the quantity of oleate raisins needed by the industry to develop free tonnage markets for that type of raisin was restricted. To correct these problems, Oleate and Related Seedless was established as a separate varietal type. Section 989.10 should be revised by adding Oleate and Related Seedless to the list of varietal types contained in that section to conform with current industry operating practices and to conform with the list in § 989.110.

(2) When the order was amended in 1976, an Executive Operations Committee (EOC) was established pursuant to § 989.43 and given the power pursuant to § 989.51 to receive, investigate, and report to the Secretary complaints of violations of this part. It also was given the following duties under § 989.52: (a) To investigate compliance with and to use means available to it to prevent violations of the provisions of this part; and (b) to perform such other functions as assigned by the Committee (Raisin Administrative Committee).

Since its establishment, the EOC has functioned on a very limited basis, and the evidence of record is that the EOC should be abolished and its powers and duties reassigned to the Committee. To accomplish this, the following changes should be made in the order:

(a) Section 989.51, "Powers" should be deleted, and EOC's power to receive, investigate and report to the Secretary complaints of violations of Part 989 should be assigned to the Committee and included as a new paragraph (d) in § 989.35.

(b) Section 989.52 "Duties" should be abolished, and EOC's duty prescribed in § 989.52(a) to investigate compliance and prevent violations of Part 989 should be included as a committee duty, and should be specified as a new paragraph (b) in § 989.36. Accordingly, current paragraphs (b) through (k) in § 989.36 should be redesignated as paragraphs (c) through (l), respectively.

(c) The other duty of the EOC curently prescribed in § 989.52(b) of performing such other functions as assigned by the Committee would no longer be relevant and should be removed from the order.

Furthermore, the following provisions will no longer be necessary and should be removed from the order:

Section 989.19, the center heading "Executive Operations Committee" immediately preceding § 989.43, and §§ 989.43 through 989.50. In addition, the following minor conforming changes should be made:

(i) Current paragraph (j) of § 989.36 "Duties", to be redesignated paragraph (k), should be amended by deleting the words "and the making of nominations to the Secretary for member and alternate member positions on the Executive Operations Committee", and changing the comma (,) after the words "made for such purposes to the Secretary" to a semicolon (;).

(ii) Section 989.39 "Compensation and expenses" should be amended by removing the words "and the Executive Operations Committee" from the first sentence.

(iii) Section 989.85 "Personal liability" should be amended by deleting the words "and no member or alternate member of the Executive Operations Committee".

(iv) Section 989.95 "Right of Secretary" should be amended by removing the words "and the Executive Operations Committee" from the first sentence; the words "or of the Executive Operations Committee" from the second sentence, and "or the Executive Operations Committee" from the third sentence.

(3) Section 989.80 requires each handler to pay assessments to the Raisin Administrative Committee for its maintenance and functioning. That section should be amended by adding a new paragraph (d) authorizing the Raisin Administrative Committee to charge handlers interest fees on delinquent assessments. Paragraph (d) should provide that each handler shall, with respect to administrative assessments not paid within 30 calendar days of the date of the Committee's invoice, pay to the Committee interest on the unpaid assessment at the rate of the prime rate established by the bank in which the Committee has its administrative assessment funds deposited, on the day that the administrative assessment becomes delinquent plus two percent; and further, that such rate of interest be added to the bill monthly until the delinquent handler's assessment plus applicable interest has been paid. That paragraph should also provide that the Committee may, with the approval of the Secretary, modify the interest rate applicable to delinquent handlers' assessments through the establishment of applicable rules and regulations.

Under the order, there is no provision for charging handlers interest on overdue assessments. The evidence of record is that handlers normally pay their assessments when invoiced, but that there have been occasions when assessments have been paid late or have been delinquent. When this occurs, handlers who pay their assessments promptly are placed in an unfair situation relative to other handlers. That is, delinquent handlers can use the money which is due the Committee for other financial obligations, and thus

eliminate interest charges on money that they might otherwise have to borrow. This money could also be invested and earn interest for the delinquent handler. The objective of the proposal is to encourage all handlers to pay assessments promptly, thereby avoiding additional and unnecessary collection costs.

Under the proposal, if a handler does not pay all of his assessments within thirty (30) calendar days of the date of the Committee's invoice, the unpaid portion of the account should be considered delinquent and under the order subject to a late payment charge. The Committee should advise the handler of the late payment charge under the order and that a failure to pay the assessment and late payment charge prior to a specified date will result in additional charges on the unpaid balance each month thereafter. In other words, handlers should be charged interest fees on unpaid assessments and interest fees on any unpaid interest charges until the total obligation is paid in full.

The amount of the late interest charge should reflect, in part, the current interest rate on loans. To accomplish this, the rate used to compute late charges should be the prime rate offered by the bank in which the Committee has its administrative funds on deposit on the day the assessment becomes due plus two percent. The record evidence is that some handlers may delay the payment of assessments if the interest charge is the same as or less than the rate at which they can borrow money to pay other obligations. The additional two percent is intended to discourage this from occurring.

At the hearing, concern was expressed that any charge might exceed limits authorized by California state and federal law. However, the rate of interest would have to be consistent with such laws.

To permit needed flexibility in establishing late interest charges according to existing conditions, the Committee, with the approval of the Secretary, should have authority to modify the interest rate applicable to delinquent handler assessment funds through the establishment of rules and regulations. Historically, the Committee has deposited its administrative funds in a single bank and no change is anticipated. However, if a change does take place, the Committee should be permitted to use such authority to modify the late payment formula or make any other changes necessary to reflect current conditions.

In the interest of equity and ease of application, the interest rate initially applicable to a delinquent account should remain in effect until the delinquent assessments and any late interest charges have been paid in full.

(4) Section 989.69 and the proviso in § 989.66(b)(1) contain provisions applicable to satisfying reserve requirements for Layer Muscat raisins. Layer Muscats are muscat raisins marketed unstemmed and in bunches. These raisins are virtually nonexistent in the marketplace today, and volume regulations have not been imposed for such raisins since the order was initiated in 1949. Consequently, the proviso in § 989.66(b)(1) and the provisions in § 989.69 are unnecessary and should be removed.

(5) Section 989.54 concerns the establishment of marketing policy for all varietal types of raisins for a crop year. Through the marketing policy, the Committee computes free tonnage and reserve tonnage percentages which are submitted to the Secretary for approval. The objective of these percentages is to establish and maintain orderly marketing conditions for all California raisins in accordance with the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "Act").

Currently, the initial step in the seasonal computation of the free and reserve percentages is the computation of a free tonnage quantity. Pursuant to § 989.54(a), the Committee must meet on or before August 15 of each crop year and compute a free tonnage quantity for any varietal type of raisin for which volume regulation may be recommended. The free tonnage quantity is 90 percent of the prior crop year's free tonnage shipments for that varietal type, adjusted by the physical year-end carryin inventory. However, in years following limited free tonnage shipments, the Committee may use the highest shipments of any one of the prior three years as a base to determine the free tonnage.

Prior to 1976, establishment of volume regulation for a crop year resulted in the institution of a two-pool two-price system for that year. The two pools were a free tonnage pool—which were the raisins necessary to meet market needs in the Western Hemisphere, and a reserve tonnage pool—which supplied export markets outside the Western Hemisphere. The Committee had total control of the reserve pool; that is, it had control over the amount of raisins that would be offered to handlers at any given time, the price handlers would be required to pay, the period during which handlers could sell reserve raisins, and the period during which those raisins could be exported. Volumes offered handlers by the Committee were generally limited, prices were usually below the free tonnage price, and periods of sale and export were usually limited to 30 to 90 days.

Beginning in 1976, the phrase "free tonnage shipments" used in establishing a base for the subsequent year's marketing policy was interpreted to include all shipments of raisins for handlers' accounts (not on behalf of the Committee). The evidence of record is that this interpetation resulted in a change in the industry's marketing practices in that handlers began exporting free tonnage raisins and reserve tonnage raisins sold to them for use as free tonnage pursuant to § 989.54(d). This has given raisin handlers greater flexibility by allowing them to make long-term marketing decisions which they were unable to make under the prior system. For example, it allows handlers greater flexibility in deciding whether or not to market raisins in domestic or export outlets. At the same time, it preserves the reserve pool as a price stabilizer against unforeseen increases in demand and as a hedge against a short crop in succeeding years.

The term "free tonnage" is now defined in § 989.65 as either the designated free tonnage percentage of the standard raisins of a varietal type acquired by a handler, or all of the standard raisins of a varietal type acquired by the handler if no free tonnage percentage is designated by the Secretary. The term "free tonnage" also is used in § 989.55 in the same context as used in § 989.65. However, as previously discussed, under § 989.54(a) the term "free tonnage" is a computed quantity arrived at through the formula prescribed in that paragraph. To avoid possible confusion resulting from the use of the term "free tonnage" in different contexts that term should be changed to "trade demand" wherever it appears in § 989.54. Consistent with this, the heading of § 989.54(a) should be changed from *"Free tonnage."* to *"Trade demand."* and the paragraph should read as follows: On or before August 15 of each crop year, the Committee shall hold a meeting to review shipment data, inventory data, and other matters relating to the quantity of raisins of all varietal types. For any varietal type for which a free tonnage percentage may be recommended, the Committee shall compute trade demand. The trade demand shall be 90 percent of the prior crop year's shipments (converted to a natural condition weight) of free tonnage and reserve tonnage sold for free use for that varietal type, into all

market outlets, adjusted by the carryin on August 1 of the current crop year and the desirable carryout for that varietal type at the end of that crop year. If the prior year's shipments were limited because of crop conditions, the Committee may select the shipments of one of the three years preceding the prior crop year.

Section 989.54(a) currently includes a minimum desirable carryin quantity of 35,000 tons for Natural (sun-dried) Seedless raisins but for no other varietal type. The evidence of record is that the term "desirable carryin" pertains to year-end supplies and therefore should be changed to "desirable carryout" to more accurately reflect the marketing policy considerations. And further, the quantity for Natural (sun-dried) Seedless should be increased to 50,000 tons. Because of changing marketing practices, this quantity is needed to fill market requirements until new crop raisins are available in October. The 50,000 ton figure is based on historical data of shipments of this varietal type in past seasons. However, making such a change initially for one season could over-supply the market and disrupt the stability of free tonnage supplies. Therefore, the adjustment should occur at a rate of 5,000 tons per year for the first three crop years following the effective date of any change resulting from this amendatory action.

The evidence of record is that a desirable carryout also should be included in the computations of trade demand for Dipped Seedless and Oleate and Related Seedless raisins, and that a carryout of 1,500 tons for each should be prescribed, upon annual data of shipments of these two varietal types in past years.

In view of this, § 989.54(a) should also provide that the desirable carryout shall be increased from 35,000 to 50,000 tons for Natural (sun-dried) Seedless raisins at a rate of 5,000 tons per year for three crop years, following the effective date of this amended subpart. The desirable carryout for Dipped Seedless raisins shall be 1,500 tons, and Oleate and Related Seedless raisins, 1,500 tons. The trade demand computed by the Committee shall be announced by the Committee in accordance with paragraph (h) of this section.

Section 989.55 should be shortened and changed to correspond with the changes made in § 989.54. Section 989.55 should provide that whenever the Secretary finds, from the recommendation and supporting information supplied by the Committee or from other available information, that to designate final free and reserve percentages for any varietal type of standard raisins acquired by handlers during the crop year will tend to effectuate the declared policy of the Act, the Secretary shall designate such percentages. In the event the Secretary finds that suspension or termination of any percentages computed by the Committee or designated by the Secretary tend to effectuate the declared policy of the Act, the Secretary shall suspend or terminate such percentages.

In conformity with the objectives of the preceding changes, the title of § 989.65 should be changed to "Free and reserve tonnage" and provisions should be added specifying that a handler's reserve tonnage of a varietal type shall be the reserve percentage of the standard raisins of that varietal type acquired by him.

The current reference to a "free tonnage percentage" in that section should be changed to "free percentage" to shorten the term. As a conforming change, references to "free tonnage percentage" and "reserve tonnage percentage" in §§ 989.54 and 989.55 should be changed to "free percentage" and "reserve percentage," respectively, wherever the former terms appear in those sections.

To promote orderly marketing conditions for raisins, § 989.54(b) currently provides for volume regulation when appropriate. That paragraph prescribes the method whereby free and reserve percentages are recommended by the Committee. Section 989.55 currently provides for the designation or modification of free and reserve percentages by the Secretary.

While the methods prescribed in §§ 989.54(b) and § 989.55 generally have proven satisfactory, the evidence of record is that 989.54(b) should be changed to provide a more expeditious method for the establishment of seasonal volume regulations. The method proposed at the hearing would permit more timely implementation of volume regulation percentages by allowing the Committee (through one of its designated employees) to compute and announce preliminary percentages for any varietal type of raisin for which a trade demand has been computed. The computation and announcement would be required to be accomplished on or before October 5 of each crop year (except the date may be extended five business days if warranted by a late crop), the same timing the Committee now is required to follow.

Over the years, a variety of factors have sometimes unduly delayed the designation of seasonal free and reserve percentages recommended by the Committee. These delays tend to cause uncertainty in the marketplace and impair sales. Handlers must know as soon as possible of the designation of marketing percentages so they can plan their operations accordingly. Under the proposal, handlers would have this information in more timely fashion and be able to make firm marketing plans.

In addition, raisin handlers normally begin paying growers for their raisins when percentages are designated by the Secretary. Delays in the designation, therefore, result in delayed grower payments. Growers have an enormous amount of time and money committed to each raisin crop and any delay in payments to them results in substantial hardships.

Further, the Committee does not pay for the insurance on the reserve raisins until the reserve pool is established, which does not occur until the free and reserve percentages are designated by the Secretary. Prior to that time, all standard raisins acquired by handlers are free tonnage, and thus it is necessary for handlers to insure all raisins acquired until the reserve pool is established. The delays in the establishment of reserve pools have required handlers to carry insurance on that portion of their acquisitions which eventually become reserve raisins longer than is warranted. To assure better market planning, speed up producer payments for raisins delivered to handlers, and to reduce handler insurance payments, § 989.54(b) should be revised to allow the Committee to compute and announce preliminary percentages for which it has computed a trade demand.

Revised paragraph (b) should provide that on or before October 5 of each crop year (except that the Committee may extend this date not more than five business days if warranted by a late crop), the Committee shall estimate the production of any varietal type of raisins for which it has computed a trade demand. If the Committee determines that volume regulation is desirable during the crop year for that varietal type, it shall compute and announce preliminary free and reserve percentages for that varietal type. The Committee shall compute a preliminary free percentage to release 85 percent of the computed trade demand, if it determines that a field price has been established for that varietal type, or 65 percent of the trade demand if no field price has been established. The preliminary free percentage shall be computed by multiplying the trade demand by either 85 percent or 65 percent (as the case may be) and dividing the product by the estimated production of that varietal type and

rounding the resulting percentage to the nearest full percent. The difference between 100 percent and the preliminary free percentage shall be the preliminary reserve percentage.

With the exception of the authority allowing the Committee to compute and announce the preliminary free and reserve percentages, this procedure is exactly the same as currently provided in § 989.54(b). In addition § 989.54(b) currently provides that no later than February 15, the Committee shall recommend to the Secretary a free tonnage percentage which will tend to release the full free tonnage for any varietal type. That paragraph also provides that prior to February 15, interim changes of percentages may be recommended by the Committee to the Secretary to release less than the full free tonnage for any varietal type and that the difference between any free tonnage percentage designated and 100 percent shall be the reserve tonnage percentage.

For better organization and recognition of the porposed changes allowing the computation and announcement of volume regulation percentages, the provisions in current paragraphs (c) and (d) should be redesignated as paragraphs (f) and (g) respectively, as hereinafter discussed, and the provisions in § 989.54(b) pertaining to interim percentage changes and the designation of final percentages should be redesignated as new paragraphs (c) and (d), respectively. New paragraph (c) should be titled *"Interim percentages."*, and provided that prior to February 15, the Committee may modify the preliminary free and reserve percentages to release less than the trade demand. New paragraph (d), should be titled *"Final percentages."*, and provide that no later than February 15, the Committee shall recommend, to the Secretary, final free and reserve percentages which will tend to release the full trade demand for any varietal type for which preliminary or interim percentages have been computed and announced. The difference between any final free percentage designated by the Secretary and 100 percent shall be the final reserve percentage. With its recommendation, the Committee shall report on its consideration of the factors in paragraph (e) of § 989.54.

The current provisions of § 989.54(e) regarding the submission by the Committee to the Secretary of a verbatim record of marketing policy discussions should be deleted because this requirement is cumbersome and unnecessary. The minutes of the meetings prepared by the Committee's staff adequately reflect actions taken by the Committee at its meetings. The factors currently contained in § 989.53(b) which the Committee must consider in computing and determining free and reserve percentages for any varietal type of raisin should be redesignated as a new paragraph (e).

In recognition of the proposed change in designating free and reserve percentages, new paragraph (e) should be titled *"Factors."* and provide that when computing preliminary and interim percentages, or determining final percentages for recommendation to the Secretary, the Committee shall give consideration to the factors to be enumerated in new paragraph (e). In the notice of hearing, the factors to be considered by the Committee were the same as those now contained in § 989.54(b). However, to reflect the proposed change in volume regulation implementation, a minor change should be made in factors (4) and (5). Factor (4) currently requires the Committee to consider estimated trade demand for raisins in free tonnage outlets, if different than the free tonnage. Under proposed § 989.54(a), the Committee would compute a "trade demand", not a "free tonnage". Consequently, the phrase "If different than the computed free tonnage" should be changed to "If different than the computed trade demand". Factor (5) currently requires the Committee to make an estimate of desirable carryout at the end of the crop year for free tonnage and, if applicable, for reserve tonnage. Under proposed § 989.54(a), a desirable carryout would be specified for Natural (sun-dried) Seedless, Dipped Seedless, and Oleate and Related Seedless raisins. Consequently, the Committee would only have to estimate a desirable carryout for any other varietal type. To recognize this, the phrase "If not estimated as provided in paragraph (a) of this section, "(i.e., § 989.54) should be placed at the beginning of factor (5).

Current § 989.54(c) pertains to the modification of marketing policy for a crop year. Consistent with the proposed changes in the method for the establishment of volume regulation and for better organization, § 989.54(c) should be redesignated § 989.54(f), and the phrase "as well as the recommendation of the Committee" should de deleted. That phrase is no longer needed. Further, the word "and" should be inserted before the phrase "the basis therefore" to complete the sentence.

Current § 989.54(d) now provides for the controlled release of reserve raisins to augment the supply of free tonnage raisins released by the initial preliminary percentage. By November 15, the Committee must make two offers to sell reserve raisins of each varietal type to handlers for disposition as free tonnage. The quantity in each offer must be equal to ten percent of the preceding years free tonnage shipments. The balance of any reserve is disposed of by the Committee pursuant to § 989.67.

Consistent with the reorganization of § 989.54, the current § 989.54(d) should be redesignated as § 989.54(g) and be revised to recognize that free tonnage, and reserve tonnage sold for free use into all market outlets, will be used in computing preliminary free percentages and that these percentages will be announced by the Committee under the recommended changes in the volume regulation mechanism. In addition, changes should be made to improve the clarity of the current provisions, and to change the length of time of the first-come first-served offers of reserve for free use. Currently, these offers are made for two days. The evidence of record indicates that one day would be adequate time for interested handlers to take advantage of these offers.

Consequently, proposed § 989.54(g) should provide that on or before November 15 of the crop year, the committee shall make two simultaneous offers of reserve tonnage to handlers to sell as free tonnage for each varietal type for which preliminary percentages have been computed and announced. One offer shall consist of a quantity equal to 10 percent of the prior year's (or the alternative year selected by the Committee pursuant to paragraph (a) of § 989.54) shipments of free tonnage and reserve tonnage sold for free use into all market outlets to equate the current year's supply with the prior year's shipments. This offer shall be allocated to handlers on the basis of their prior year's acquisitions. The second offer, for market expansion, shall consist of a quanity equal to 10 percent of the prior year's (or the alternative year selected by the Committee pursuant to paragraph (a) of § 989.54) shipment of free tonnage and reserve tonnage sold for free use. This offer shall be allocated to handlers on the basis of their prior year's shipments of free tonnage and reserve tonnage sold for free use. Each offer shall be open to handlers not more than five business days, and subsequently, two offers of any tonnage unsold in the original offers open not more than two business days each, may be made. The reoffer tonnage shall be allocated to handlers who purchase 100 percent of their allocation in preceding offers, and shall be on the basis of the quantity

each handler purchased, as a percentage of the total quantity purchased by all handlers eligible to participate. At the close of the second reoffer, any remaining tonnage may be offered to handlers who purchased all of their allocations from previous offers on a first-come first-served basis and such offer shall be open to handlers for one business day.

Proposed § 989.54(g) should continue the current stipulation that any handler who had no shipments or acquisitions during the prior crop year will be allocated raisins under these offers on the basis of his acquisition (up to the time the original offer is made) of raisins in the current crop year. If field prices are not established, the offer shall be made not more than fifteen days following such establishment. The price of reserve tonnage raisins offered to handlers to sell as free tonnage, pursuant to this paragraph, shall be the established field price for free tonnage raisins of that varietal type, 3 percent of the established field price, plus the estimated costs incurred by the Committee for equity holders. Section 989.67(j) now contains a reference to reserve offers pursuant to § 989.54(d). This reference should be changed to 989.54(g) consistent with the reorganization of § 989.54

The last sentence of current § 989.54(f) nor requires the Committee to notify handlers, dehydrators, and cooperative bargaining association(s) of the Secretary's actions on percentages by registered or certified mail. In recognition of the recommended changes in volume regulation computation, implementation, and designation, and the reorganization of § 989.54, the current § 989.54(f) should be redesignated as paragraph (h) and the last sentence should be revised to provide that the Committee shall notify handlers, dehydrators, and the cooperative bargaining association(s), and give reasonable publicity to producers, of its computation of the trade demand, preliminary percentages, and interim percentages. That paragraph should also require the Committee to notify handlers, dehydrators, and the cooperative bargaining association(s) of the Secretary's action on percentages by registered or certified mail. These changes should be made so that these persons will be informed adequately of volume regulation actions to enable them to plan their operations accordingly.

(6) The provisions of § 989.26 dealing with the establishment and membership of the Raisin Administrative Committee should be revised to assure adequate and equitable representation for all segments of the raisin industry on the Committee, to recognize changes that have occured, and to provide for changes that may occur, in the relative importance of these segments. The Committee currently consists of 35 producer members, nine handler members, one dehydrator member, one cooperative bargaining association member, and one public member. Each member of the Committee has an alternate member with the same qualifications as the corresponding member. The producer, handler, dehydrator, and cooperative bargaining association members and alternates are nominated by their peers. The public member is nominated by the members of the Committee. All members and alternate members are selected by the Secretary. Handler, dehydrator, bargaining association, and public members and alternate members serve one year terms; producer members and alternate members serve three year terms, with approximately one-third nominated each year. Currently, the 35 producer members are apportioned among 19 districts in the area of production, based on the tonnage of raisins produced in the districts. Section 989.26a authorizes the Secretary, on recommendation of the Committee, to change the total number of producer members on the Committee, to change the number of districts designated in the rules and regulations, to redefine such districts into which the production area is divided, or to change the number of producers members which shall be selected to represent particular districts.

However, there is no allocation of producer representation on the Committee among the various producer groups and, as a result, some of these groups have engaged in spirited and competitive campaigning in recent nominations. While this resulted in much interest and large attendance at nomination meetings, the side effects were not always beneficial to the raisin industry. In addition to the time and effort expended by the interested groups in encouraging and organizing their members to attend nomination meetings, considerable time and effort was also expended by the Committee in verifying eligibility of persons seeking to vote in the nominations, and this was not always accomplished to the satisfaction of all parties involved. Furthermore, because the primary campaigners were the two major cooperative associations of producers, unaffiliated producers were in the minority and lacked sufficient voting strength to obtain their proportionate share of Committee membership.

Based on the evidence of record, § 989.26 should be revised to establish three categories for producer representation. The first category, established in § 989.26(a), should represent major cooperative marketing association(s). These representatives should be members of cooperative marketing associations engaged in the handling of raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the preceding crop year. The number of such producer representatives should be equal to the product, rounded to the nearest whole number, obtained by multiplying 35 (the total number of producer representatives) by the ratio of the cooperative marketing association(s)' raisin acquisitions to the acquisitions of all handlers during the preceding crop year.

The second category, established in § 989.26(b), should represent cooperative bargaining association(s). The number of such producer members should be equal to the product, rounded to the nearest whole number, obtained by multiplying 35 by the ratio of raisins acquired by handlers from bargaining association members to the total acquisitions of all handlers during the preceding crop year. Such representatives must be members of cooperative bargaining association(s).

An overwhelming majority of raisin producers currently belong to cooperative associations within one of these categories. In order to effect industry-wide savings in time, effort, and expense involved in holding nomination meetings, the associations within each category should nominate persons from their membership to serve on the Committee. If more than one association is in a category, they should submit one slate made up of one nominee for each position to which they are entitled on the Committee.

The third category, containing the balance of the 35 producer members on the Committee, should be set forth in proposed § 989.26(c). It was proposed in the notice of hearing that § 989.26(c) include independent producer members who are neither members of cooperative marketing associations, cooperative bargaining associations, nor sell for cash to cooperative marketing associations, to represent all producers not defined in § 989.26(a) or (b). The notice also provided that producer members covered by that paragraph would be selected in the number and for the districts designated in the rules and regulations. Thus, as proposed in the

notice, members of cooperative marketing associations acquiring less than 10 percent of the total raisin acquisitions during the base period would have been excluded from participating in producer nomination meetings or serving on the Committee as producer members. In order to rectify this, and consistent with the testimony in the record, § 989.26(c) should provide that all other producer members who shall not be members of a cooperative bargaining association(s), or a cooperative marketing association(s) engaged in the handling of raisins which acquired 10 percent or more of the total acquisitions during the preceding crop year, nor sold for cash to such cooperative marketing association(s), shall represent all producers not defined in paragraphs (a) or (b) of this section and shall be selected in the number and, when appropriate, for the districts as designated in the rules and regulations.

Under the proposal, the cooperative marketing and bargaining associations would nominate their Committee representatives independent of each other and without regard to districts. Thus, § 989.26 also should be revised by deleting the requirement that all producer representation be selected in the number and for the districts specified in the rules and regulations.

However, since the number of members representing the third category of producers may be subject to a greater degree of variability than the other two categories, § 989.26(c) should provide for the selection of the third category in the number designated in the rules and regulations. Moreover, since those members may be nominated from and represent an extensive area, paragraph (c) also should provide for their selection by districts, when appropriate. Although, specific criteria were not developed at the hearing for delineating these districts in the rules and regulations, such districts should be delineated on a basis which would give such producers equitable representation throughout the designated production area. Delineation of these districts in the rules and regulations would maximize the flexibility of the industry in accomplishing this goal.

Currently, § 989.26(a) through (e) provide for the selection of handler representatives to represent the nine handler groups described in those paragraphs. The first group, described in paragraph (a), consists of one handler doing business as cooperative marketing association(s) or cooperative marketing organization(s) engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year. The second group, described in paragraph (b), consists of three handlers, other than cooperatives, who acquired the largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year. The third group, described in paragraph (c), consists of the three handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during such 12-month period. The fourth group, described in paragraph (d), consists of the four handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during such period. The fifth group of handlers, described in paragraph (e) consists of two members from all other handlers, including cooperatives, each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and all processors.

The evidence of record is that the provision for dehydrator representation on the Committee should be deleted, and that position converted to a handler position, thus increasing the number of handler member positions on the Committee to ten. Approximately two-thirds of all raisin dehydrators are either handlers, members of the major cooperative marketing association, or under contract with that association. Consequently, an adequate opportunity exists for the views of dehydrators to be expressed on program matters at Committee meetings and there is no longer any need for separate dehydrator representation on the Committee.

The evidence of record also is that the 10 handler members should be divided into two groups, those representing major marketing associations and all others. The representation for those two groups should be according to the ratio that each group's raisin acquisitions is to the total acquisitions by all handlers during the preceding crop year.

The first handler group should include cooperative marketing association(s) each of which acquired not less than 10 percent of the total raisin acquisitions during the preceding crop year. The number of Committee members allocated to this handler group should equal the product, rounded to the nearest whole number, of 10 (the total number of proposed handler members) and the ratio of the group's raisin acquisitions to the total acquisitions of all handlers during the preceding crop year. The second group should include all other handlers, which would include all independent handlers and any small cooperative marketing association(s) which acquired less than 10 percent of the total raisin acquisitions during the preceding crop year. Handler nominees for this group should be nominated by all the handlers in this group in a manner to be determined by the Committee, with the approval of the Secretary, and specified in the rules and regulations. Since processors are handlers pursuant to § 989.15, the current reference to processors in § 989.26(e) is unnecessary and need not be repeated in proposed § 989.26 (d)(2).

In the notice of hearing § 989.26a, pertaining to changes in producer representation, was proposed to be revised to delete provisions regarding the establishment of districts and the revision of those districts, but to retain the authority to change the total number of producer members on the Committee. At the hearing, all of § 989.26a was proposed to be deleted by the proponents because the authority to change the total number of producer members (35) on the Committee was not expected to be needed in the foreseeable future. Therefore, 989.26a should be removed from the order.

It was also proposed in the notice of hearing that § 989.26b be revised by removing the authority of the Secretary, on recommendation of the Committee, to change the size of the handler groups set forth in § 989.26 from which handler members shall be selected, the number of handlers comprising any such size group, or the number of handler members to represent any such size group. The factors to be considered in making such changes also were proposed to be removed. The proposal retained the authority in § 989.26b permitting the Secretary to change the total number of handler members on the Committee. At the hearing, the proponents testified that this authority is not needed, and therefore all of § 989.26b should be removed from the order.

Authority for the Secretary to make changes in dehydrator representation on the Committee is contained in § 989.26c. In accordance with the deletion of the provision for a dehydrator member on the Committee, as discussed earlier, § 989.26c is not needed and should be deleted from the order.

Section 989.27 should be revised by deleting the last sentence requiring the Committee to certify during April of each crop year the eligibility of each member and alternate member to serve on the Committee. The certification requirement is unnecessary because each member or the member's

organization should inform the Committee of any change in status affecting eligibility. That section should also be revised by revising the proviso at the end of the first sentence providing that any handler eligible to represent a particular size group shall continue to represent for the entire term the size group for which he was selected. The second group of handler members and alternate members would be nominated in a manner to be determined by the Committee, with the approval of the Secretary. It is possible that the Committee may decide to group handlers by size, geographic location, or other means. In recognition of this and to allow a handler member or alternate member to complete a term of office if that handler for some reason falls outside a particular group, but remains a handler, that proviso should provide that any handler eligible to represent a particular group shall continue to represent handlers for the entire term for which he was selected.

When proposed § 989.29(b) was set forth in the notice, the first sentence of § 989.29(b)(2) provided that only producers, as defined in § 989.11, and engaged as such with respect to the most recent grape crop are eligible to serve on the Committee. Also, the first sentence of § 989.29(b)(3), as published in the notice provided that only handlers who packed or processed raisins during the then current crop year shall be eligible to represent handlers on the Committee. Both of these sentences prescribe eligibility requirements and should be placed in § 989.27 dealing with eligibility.

As revised, § 989.27 should provide that no person shall be selected or continue to serve as a member or alternate member of the Committee who is not actively engaged in the business of the group he represents either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: *Provided,* That only producers, as defined in § 989.11 engaged as such with respect to the most recent grape crop are eligible to serve on the Committee. Only handlers who packed or processed raisins during the then current crop year shall be eligible to represent handlers on the Committee. Any handler eligible to represent a particular group shall continue to represent handlers for the entire term for which he was selected.

The term of office in § 989.28 now prescribes staggered three-year terms ending April 30 for producers and one year terms ending April 30 for handler, dehydrator, cooperative bargaining association, and public members. Over the last several years, a substantial number of incumbents have be renominated in each nomination and thus it is unnecessary to stagger terms of office to achieve continuity and the provision for staggered terms should be deleted. Furthermore, as a result of the changes in the composition of the Committee, annual nominations are unnecessary, and unduly expensive. Therefore, § 989.28 should be revised to provide that the terms of office of all Committee representatives shall be two years ending April 30 of even numbered calendar years and that each such member and alternate member shall continue to serve until the person's successor is selected and has qualified. This change would reduce the time and expense of conducting nominations annually.

In the notice of hearing, it was proposed that the term of office of Committee members and alternates end each April 30 of every odd numbered calendar year. This proposal was made in anticipation of the completion of this amendatory action in early 1983. However, at the hearing, the proponents indicated that this amendatory action should be effective by August 1, 1983, and that the incumbent members and alternates should continue to serve until April 30, 1984, not April 30, 1983, as initially proposed. In view of this, the terms of office of all Committee members and alternate members should end on April 30 of even numbered years.

Section § 989.29 pertains to the selection of initial members and the nomination of successor members of the Committee. Changes should be made in § 989.29 to conform it with the changes proposed to be made in Committee representation in § 989.26.

Section 989.29(a) pertains to the selection of initial members and alternate members of the Committee, and the nomination of successors. To conform with the changes proposed to be made in the Committee representation prescribed in § 989.26. § 989.29(a) should be revised to provide for an orderly transition from one Committee to another by specifying that members and alternate members of the Committee serving immediately prior to the effective date of this amended subpart shall, if thereafter they are eligible, serve on the Committee until April 30, 1984, and until their respective successors have been selected and have qualified.

Because of the change in the composition of the Committee, some changes should be made in the provisions in § 989.29(b) on nominations for successor members. The recommended changes in composition provide for the major cooperative marketing association(s) and cooperative bargaining association(s) to nominate their candidates for producer membership, separate from independent producers and producers who are members of cooperative marketing associations who acquire less than 10 percent of the total industry acquisitions during the preceding crop year. Similar changes also are necessary in the handler nomination procedures to recognize that the major cooperative marketing association(s) would not participate with other handlers in nominating persons to fill the positions to which it was entitled.

In the notice of hearing, it was proposed to modify § 989.29(b)(1) to state that the Committee notify the cooperative marketing association(s) and the cooperative bargaining association(s) of the date by which nominations to fill Committee member and alternate member positions shall be made. The Committee also would be required to give reasonable publicity of a meeting or meetings of independent producers and independent handlers for the purpose of making nominations to fill member and alternate member positions and provide that member and alternate member nominations of independent handlers may be made to the Committee by mail in lieu of meetings.

At the hearing, the proponents indicated that producers affiliated with cooperative marketing association(s) handling a small volume of raisins (less than 10 percent of total industry acquisitions) should be eligible to represent and participate in the nomination of producers not affiliated with the major cooperative marketing association(s), and the cooperative bargaining association(s) and in the nomination of handlers not affiliated with the major cooperative marketing association(s). In recognition of this, the first sentence of § 989.29(b)(1) should be changed to provide that the Committee shall notify the cooperative marketing association(s) engaged in handling not less than 10 percent of the total raisin acquisitions during the preceding crop year, and the cooperative bargaining association(s), of the date by which nominations to fill member and alternate member positions shall be made. The second sentence of § 989.29(b)(1) should specify that the Committee shall give reasonable publicity of a meeting or meetings of producers who are not members of cooperative bargaining association(s), or cooperative marketing association(s)

which handled 10 percent or more of the total raisin acquisitions during the preceding crop year, and of independent handlers and cooperative marketing associations who handled less than 10 percent of total raisin acquisitions during the preceding crop year, for the purpose of making nominations to fill the member and alternate member positions prescribed in § 989.26 (c) and (d). The second sentence should also contain a proviso specifying that member and alternate member nominations by independent handlers and cooperative marketing associations who acquired less than 10 percent of the total raisin acquisitions during the preceding crop year may be made to the Committee by mail in lieu of meetings.

The proposed § 989.29(b)(2) in the notice specified nomination procedures which were limited to independent producers. However, as discussed earlier in connection with this material issue, producers affiliated with small cooperative marketing association(s) (those associations handling less than 10 percent of the total industry acquisitions during the preceding crop year) would also participate with independent producers in nominating persons to fill the producer positions allocated to the producers not associated with the major cooperative marketing association(s) or cooperative bargaining association(s) and also be able to fill these positions on the Committee if nominated. Thus, § 989.29(b)(2) should be revised so the proposed nomination procedures include both independent producers and producers affiliated with cooperative marketing associations handling less than 10 percent of the total raisin acquisitions of the preceding crop year. As revised, § 989.29(b)(2) should provide that any producer representing independent producers and producers who are affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquisitions during the preceding crop year must have produced grapes which were made into raisins in the particular district for which he is nominated, to represent said district as a producer member or alternate producer member on the Committee. In the event any such nominees are engaged as producers in more than one district, they may be a nominee for only one district. One or more independent producers or producers affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquisitions during the preceding crop year may be nominated for each such producer member or alternate member position. Each independent producer and producer affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquisitions during the preceding crop year shall cast only one vote with respect to each position for which nominations are to be made. The person receiving the majority of the votes with respect to each such position to be filled shall be the person to be certified to the Secretary as the nominee. In the event no person receives a majority, there shall be a run-off vote between the two persons receiving the largest number of votes. The eligibility of each producer voting in a producer nomination meeting shall be certified by the Committee during or after the meeting, and in the event one or more producers who voted were not eligible and this may have affected the result of any nomination vote, another meeting with respect to such nominations shall be held.

The nomination procedures proposed in § 989.29(b)(3) applied only to independent handlers. However, to recognize that cooperative marketing associations which handled less than 10 percent of the total raisin acquisitions during the preceding crop year would also be able to nominate persons to fill the handler positions not allocated to major cooperative marketing association(s), § 989.29(b)(3) should provide that one or more eligible handlers for each handler position to be filled may be proposed for nomination to represent independent handlers and cooperative marketing association(s) which acquired less than 10 percent of the total raisin acquisitions during the preceding crop year on the Committee. Nominations shall be made by and from handlers, or employees, representatives, or agents of handlers falling within such groups. Each handler shall cast only one vote with respect to each position for which nomination is to be made. The person receiving the most votes with respect to each handler member or handler alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

Section 989.29(b)(4) now prescribes eligibility and nomination procedures for dehydrator members and alternate members on the Committee. As previously discussed, such representation is proposed to be deleted. Therefore, these provisions are no longer needed and they should be deleted.

Section 989.29(b)(5) now provides that each vote cast shall be on behalf of the person voting, his agents, subsidiaries, affiliates, and representatives, and that voting at each meeting shall be in person. The results of each ballot at each such meeting shall be announced at that meeting. Voting at each such meeting of producers shall be by secret ballot, and at each meeting of handlers, and dehydrators, voting may be by secret ballot. This subparagraph was proposed to be redesignated as subparagraph (4). The third sentence was proposed to provide for the announcement of independent handler nomination results, and the last sentence was proposed to provide for the announcement of independent producer nomination results. Because representatives of cooperative marketing associations which handled less that 10 percent of the total acquisitions of the preceding crop year would participate with independent producers and independent handlers under the proposed representation and nomination procedures, the third and last sentences of redesignated § 989.29(b)(4) should provide, respectively that the results of each ballot at each handler meeting shall be announced at that meeting, and that the results of the voting at producer meetings shall be announced by the Committee following verification of the eligibility of those producers participating at such meetings.

Section 989.29(b)(6) dealing with the certification by the Committee to the Secretary of nominees for member and alternate member positions to be filled on the Committee should be redesignated as § 989.29(b)(5) to conform with the renumbering of § 989.29.

Section 989.30 relates to the selection of Committee members and alternate members by the Secretary. In the notice of hearing, that section was proposed to be revised by deleting references to dehydrator members and dehydrator alternates to conform with the proposed abolishment of the dehydrator member and alternate member positions on the Committee, as discussed earlier. At the hearing, testimony was given to make additional conforming changes in § 989.30 to reflect the recommended deletion of §§ 989.26a and 989.26b (concerning changes in producer and handler representation on the Committee). Consequently, § 989.30 should provide that the Secretary shall select producer, handler, cooperative bargaining association(s), and public members and alternate members in the number specified in § 989.26, as applicable, and with the qualifications specified in § 989.27. Such selections may be made from nominations certified pursuant to § 989.29 or from other eligible producers, handlers, or

cooperative bargaining association(s) officers or employees.

Counsel representing an independent raisin handler at the hearing opposed any change in the current Committee structure, and method of nominating and selecting members and alternate members to the Committee. It was contended that the current Committee structure and nomination system protected the interest of minority groups on the Committee. The attorney was concerned that the Committee, rather than the handlers themselves, would nominate handler representatives for the positions to which they were entitled, and urged that the handler representatives be nominated by the handlers within each group. As discussed earlier, such a procedure for nominating handler membership would be used under the proposed change. Also, the proposed changes provide a means for the producers unaffiliated with the two major cooperative associations to obtain their share of Committee membership.

Section 989.32 should be revised to delete the requirement that a member or alternate member selected to serve on the Committee must file a signed acceptance with the Secretary indicating that he/she will serve on the Committee in the position for which selected. Completion of this form is unnecessary because all the nominated members and alternate members, prior to being selected by the Secretary for the position, are given an opportunity to indicate whether or not they are willing to serve if selected. Elimination of this requirement would eliminate unnecessary paperwork.

Therefore, § 989.32 should specify that each person to be selected by the Secretary as a member or as an alternate member of the Committee shall, prior to such selection, qualify by advising the Secretary that he/she agrees to serve in the position for which nominated for selection.

In the notice of hearing, § 989.38 "Procedure" was proposed to be changed to delete references to dehydrator members and alternate members on the Committee consistent with the proposed change in Committee composition. Testimony presented at the hearing established the need for additional conforming changes in that section; namely, to delete the fifth sentence containing references to §§ 989.26a, 989.26b, and § 989.26c because those sections are proposed to be deleted from the order. Likewise, the phrase in the second sentence, "Except as otherwise provided in § 989.45" should be deleted because § 989.45 also would be eliminated.

Therefore, § 989.38 should provide that the Committee shall meet at the call of the chairman, or vice chairman when acting as chairman, or at the call of any three members. All decisions of the Committee reached shall be by majority vote of the members present. All votes shall be cast in person and a quorum must be present. The presence of 25 members shall be required to constitute a quorum. The Committee shall give to the Secretary the same notice of meetings of the Committee as it gives to its members.

(7) Prior to 1976, the raisin industry tended to view the domestic and export markets as separate markets. Thus, when volume regulations were in effect, most reserve raisins were exported to non-Western Hemisphere markets under a two-price system. That is, the Committee would offer reserve tonnage raisins to handlers at prices set by the Committee and in a manner intended to maximize producer returns and achieve disposition of such raisins before reserve tonnage raisins from the subsequent crop year were available. In order to achieve these goals, the terms and conditions of sale set by the Committee, at times included incentives, bonuses, and special pricing terms for individual countries or groups of countries.

Since 1976, however, and as discussed in Material Issue (5), the industry has changed its marketing practices and has exported significant quantities of free tonnage to markets traditionally supplied by reserve tonnage raisins. This free tonnage included reserve raisins sold to handlers pursuant to § 989.54(d) for free use. In recent years, California's traditional export markets have been eroded by competition from lower priced raisins produced in other countries. Subsidies and other governmental aid programs have enabled other countries to undercut California's export efforts. Increasing world production of raisins, especially in South Africa, Australia, and Mexico, could result in a further erosion of U.S. exports.

The California raisin industry estimates that about 30 percent of its normal raisin production could be forced into the domestic market if it loses its export markets because of foreign government-aid programs, and increasing foreign supplies. If this occurs, U.S. producers and handlers might suffer severe losses. While consumer prices of raisins would decline in the short-run, it is expected that these prices would rise in the long-run because of production declines in response to lower producer returns.

Section 989.53 now authorizes the Committee, with the approval of the Secretary, to establish, or provide for the establishment of, marketing research and development projects designed to assist, improve, or promote the marketing distribution and consumption of raisins. The section contains examples of projects able to be implemented under that authority and guidelines for financing such activities. That section should be revised to clarify and expand that authority in order to maintain and stimulate raisin sales in domestic and foreign markets.

To give the industry the means of responding to changing marketing conditions, § 989.53 should authorize the Committee to undertake projects for the purpose of promoting the marketing, distribution, or consumption of raisins in foreign markets through the use of merchandising programs. While no specific programs were suggested at the hearing, the authority for such programs should be broad enough to permit the use of free tonnage and reserve tonnage raisins in these programs.

In order to reduce the sales price to ultimate purchasers, merchandising programs could include price or volume discounts. For example, a merchandising program could provide a handler with X tons of reserve tonnage for so many tons of free tonnage raisins sold in foreign markets. A price discount could be provided to a foreign purchaser for purchasing a certain amount of California raisins regardless of whether or not he purchased free or reserve tonnage. Another example would be Committee sales of reserve raisins to handlers at reduced prices if they reached certain quanitity goals set by the Committee in a particular export market or markets to encourage them to continue to ship raisins into that market or markets. Any price or volume discounts must be consistent with all applicable trade and antitrust regulations.

The Secretary should be able to determine whether a need existed for a particular merchandising program and whether the program was an effective and equitable way to promote the marketing of California raisins in foreign markets before it is implemented by the Committee. Therefore, the order should provide that each such program be developed by the Committee and presented to the Secretary for review and approval.

Merchandising programs could involve the use of administrative assessments collected pursuant to § 989.80, and/or proceeds from sales of reserve raisins. If a merchandising

program involves only free tonnage raisins, the cost of this program should be from assessment funds collected pursuant to § 989.80. The expense of any project relating solely to reserve raisins should be paid from reserve pool proceeds. If a program involves both free and reserve raisins, and is designed to promote the consumption of raisins generally on a long-term basis, the expenses should be allocated between assessment and reserve funds. Any allocation system should be developed by the Committee subject to the approval of the Secretary.

Considerations by the Committee in arriving at an allocation could include but not be limited to such factors as whether sufficient assessment and reserve funds are available to sustain a viable merchandising program. Or, the decision could be based on the relative benefits to California raisin producers of using the reserve to offset the necessary promotional costs to assure the full marketing of all California raisins. Other factors, unforeseen at this time, but relevant to the particular marketing situation, may also be used in the future.

The Act was amended May 15, 1978, to authorize the addition of marketing promotion including paid advertising to the order to promote the marketing, distribution, and consumption of raisins. The industry has been conducting raisin promotion and paid advertising under a state order and it plans to continue to promote and advertise raisins under that authority. However, the evidence of record is that the authority in the Act for such activities should be included in § 989.53. Proponents testified that, at some future time, the industry may need to conduct generic marketing promotion and advertising activities under the order. These could be either in domestic or foreign markets and similar to those now being conducted under the state order. Before such activities are undertaken under the order, operational and procedural guidelines should be recommended by the Committee and established in rules and regulations approved by the Secretary.

The Act contains provisions authorizing the crediting of the pro rata expense assessment obligation of a handler with such portion of his direct expenditures for marketing promotion including paid advertising as may be authorized under the order.

It was testified that the order should provide for such crediting and that criteria applicable to crediting should be set forth in rules and regulations before any such activities are undertaken by the Committee. It also was testified that the order should provide the Committee with flexibility to implement crediting activities like those current under the state order. Of course, any such activities would have to be consistent with the Act to be implemented under the order.

The major responsibility for applications and justification of crediting under the order should rest with the individual handlers. Also, under the proposed crediting system, a handler should not be permitted to qualify for excess credits. That is, the amount of credit a handler could claim should be limited to the amount of his total assessment obligation designated for marketing promotion, including paid advertising.

For example, the assessment obligation of a handler is $200 and $100 of this is earmarked for marketing promotion including paid advertising; if the handler spends $110 for creditable advertising, his credit should be limited up to the amount of his assessment attributable to marketing promotion including paid advertising, or $100. The remaining $10 should not be carried over into subsequent crop years nor should such excess amount be transferable to another handler. If a handler claims credit for less than that portion of his assessment obligation attributable to marketing promotion including paid advertising, the balance of such obligation should be payable to the Committee for use by the Committee in generic promotion or paid advertising projects, in all likelihood in a succeeding crop year.

Operations under § 989.53, which would authorize the Committee's generic promotion and advertising program and the assessment crediting for handler generic and brand promotion and advertising, should conform to such guidelines for those activities as the Secretary may require. Guidelines could stipulate that no promotion or advertising should disparage the quality, use, value, or sale of any other agricultural commodity or product, and that no false or unwarranted claims be made in conjunction with an advertised or promoted product. Any such guidelines should be recommended by the Committee and approved by the Secretary and set forth in rules and regulations. Also, the Committee, upon the conclusion of each activity, but at least annually, should cause the results of such activities to be summarized to its members and to the Secretary.

At the hearing, an attorney representing a raisin handler indicated that his client supported the proposed changes in § 989.53 allowing the industry to respond quickly to changing marketing conditions. However, the attorney expressed concern whether the proposal gives the industry necessary flexibility and whether proposed § 989.53(b) would allow crediting to be applied to all handlers on a uniform basis. Proponents' objective was to give general direction to the Committee within the authority in the Act in the areas discussed on this material issue. The operational and procedural criteria together with specific programs would be developed by the Committee after the effective date of this amended subpart and be established in rules and regulations approved by the Secretary. The rules and regulations would establish the basis for the uniform regulation of any activity carried out under the proposed changes in § 989.53.

Consistent with the proponents' desire for flexibility, the order should not restrict or prohibit any generic or brand promotion or advertising activity deemed desirable by the Committee to promote the consumption of raisins, raisin products, or their uses in domestic or foreign outlets, or prevent it from granting assessment credit for handler guidelines for those activities as the Secretary may require. Guidelines could stipulate that no promotion or advertising should disparage the quality, use, value, or sale of any other agricultural commodity or product, and that no false or unwarranted claims be made in conjunction with an advertised or promoted product. Any such guidelines should be recommended by the Committee and approved by the Secretary and set forth in rules and regulations. Also, the Committee, upon the conclusion of each activity, but at least annually, should cause the results of such activities to be summarized to its members and to the Secretary.

At the hearing, an attorney representing a raisin handler indicated that his client supported the proposed changes in § 989.53 allowing the industry to respond quickly to changing marketing conditions. However, the attorney expressed concern whether the proposal gives industry the necessary flexibility and whether proposed § 989.53(b) would allow crediting to be applied to all handlers on a uniform basis. Proponents' objective was to give general direction to the Committee within the authority in the Act in the areas discussed on this material issue. The operational and procedural criteria together with specific programs would be developed by the Committee after the effective date of this amended subpart and be established in rules and regulations approved by the Secretary. The rules and regulations would establish the basis for the uniform

regulation of any activity carried out under the proposed changes in § 989.53.

Consistent with the proponents' desire for flexibility, the order should not restrict or prohibit any generic or brand promotion or advertising activity deemed desirable by the Committee to promote the consumption of raisins, raisin products, or their uses in domestic or foreign outlets, or prevent it from granting assessment credit for handler expenditures for activities in these areas when the Committee determines that they are needed to maintain existing raisin markets or stimulate raisin sales. In view of all of the foregoing, proposed § 989.53 should be adopted, except for changing the word "incentive" to "merchandising".

As discussed earlier under Material Issue (3), § 989.80 provides for the collection of handler assessments for the maintenance and functioning of the Committee. In order to implement proposed § 989.53, the first sentence of § 989.80(a) should be amended by adding at the end of that sentence the words, "less any amounts collected pursuant to § 989.53". This conforming change is necessary to eliminate the possibility of handlers having to remit assessments, and of the Committee having to refund excess assessments to handlers when the handlers make expenditures for authorized creditable promotion or advertising.

There was some discussion at the hearing concerinig the need to specify reporting and recordkeeping authority in conjunction with handler creditable advertising. Any implementing rules and regulations would prescribe the documents necessary for a handler to establish proof of performance to the satisfaction of the Committee. If the Committee cannot determine any handler's performance from the documentation submitted, it should have the authority to request additional information before granting assessment credit to the handler. Authority to require reports and other information to enable the Committee to administer effectively any assessment credit program it later implements should be contained in § 989.73. Any such reporting requirements should be recommended by the Committee and approved by the Secretary. To accomplish this, current § 989.73(c) should be redesignated as paragraph (d), and a new paragraph (c) should require each handler to file such reports of creditable promotion including paid advertising as recommended by the Committee and approved by the Secretary.

Rulings on Briefs of Interested Persons: At the end of the hearing, the Administrative Law Judge fixed October 1, 1982, as the final date for interested persons to file proposed findings and briefs, based upon the evidence presented at the hearing. A brief was filed by the Raisin Administrative Committee.

Each point included in the brief was carefully considered, along with evidence in the record, in making the findings and reaching the conclusions contained herein. To the extent that any suggested findings or conclusions contained in the brief or argument are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of facts found and stated in connection with the recommended decision.

General Findings: Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except the findings as to the base period for parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of raisins produced from grapes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(5) There are no differences in the production and marketing of raisins produced from grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(6) All handling of raisins produced from grapes grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Recommended Amendment of the Marketing Agreement and Order. The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Section 989.10 is revised to read as follows:

§ 989.10 Varietal types.

"Varietal types" means raisins generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. Varietal types are the following: Natural (sun-dried) Seedless, Dipped Seedless, Golden Seedless, Muscats (including other raisins with seeds), Sultana, Zante Currant, Monukka, and Oleate and Related Seedless: *Provided,* That the Committee may, subject to approval of the Secretary, change this list of varietal types.

§ 989.19 [Removed]

2. Section 989.19 is removed.

3. Section 989.22 is revised to read as follows:

§ 989.22 District.

"District" means any one of the geographical areas referred to in § 989.26, and designated in the rules and regulations.

4. Section 989.26 is revised to read as follows:

§ 989.26 Establishment and membership.

A Raisin Administrative Committee is hereby established consisting of 47 members of whom 35 shall represent producers, 10 shall represent handlers, 1 shall represent the cooperative bargaining association(s) and 1 shall be a public member. The producer members shall be selected as follows:

(a) Producer members representing the cooperative marketing association(s) shall be members of such association(s)

engaged in the handling of raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the preceding crop year, and those members shall be equal to the product, rounded to the nearest whole number, obtained by multiplying 35 by the ratio the cooperative marketing association(s)' raisin acquisitions are to the acquisitions of all handlers during the preceding crop year.

(b) Producer members representing cooperative bargaining association(s) shall be members of such associations, and the number of those members shall be equal to the product, rounded to the nearest whole number, obtained by multiplying 35 by the ratio the raisins acquired by handlers from bargaining association members are to the total acquisitions of all handlers during the preceding crop year.

(c) All other producer members who shall not be members of a cooperative bargaining association(s), cooperative marketing association(s) engaged in the handling of raisins which acquired 10 percent or more of the total acquisitions during the preceding crop year, nor sold for cash to cooperative marketing association(s), shall represent all producers not defined in paragraph (a) or (b) of this section and shall be selected in the number and, when appropriate, for the districts as designated in the rules and regulations.

(d) The handler members shall be divided into two groups and include the following:

(1) Handler members shall be selected from and represent cooperative marketing association(s) engaged in the handling of raisins each of which acquired not less than 10 percent of the total raisin acquisitions during the preceding crop year, and the number of those members shall be equal to the product, rounded to the nearest whole number, obtained by multiplying 10 by the ratio of the cooperative marketing association(s) raisin acquisitions are to the total acquisitions of all handlers during the preceding crop year.

(2) The remaining handler members shall be selected from and represent all other handlers, which would include all independent handlers and small cooperative marketing association(s) who acquired less than 10 percent of the total raisin acquisitions during the preceding crop year. Handler nominees for this group shall be nominated by all handlers in the group in a manner determined by the Committee, with the approval of the Secretary, and specified in the rules and regulations.

(e) The bargaining association'(s) member shall be selected from the cooperative bargaining association(s). The public member shall be nominated by the Committee and selected by the Secretary as a public member.

(f) For each member of the Committee there shall be an alternate member who shall have the same qualifications as the member for whom he is an alternate.

§ 989.26a [Removed]

5. Section 989.26a is removed.

§ 989.26b [Removed]

6. Section 989.26b is removed.

§ 989.26c [Removed]

7. Section 989.26c is removed.

8. Section 989.27 is revised to read as follows:

§ 989.27 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the Committee who is not actively engaged in the business of the group which he represents either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: *Provided*, That only producers, as defined in § 989.11, engaged as such with respect to the most recent grape crop, are eligible to serve on the Committee. Only handlers who packed or processed raisins during the then current crop year shall be eligible to represent handlers on the Committee. Any handler eligible to respresent a particular group shall continue to represent handlers for the entire term for which he was selected.

9. Section § 989.28 is revised to read as follows:

§ 989.28 Term of office.

The term of office of all representatives serving on the Committee shall be for two years and shall end on April 30 of even numbered calendar years, but each such member and alternate member shall continue to serve until their successor is selected and has qualified.

10. Section § 989.29 is revised to read as follows:

§ 989.29 Initial members and nomination of successor members.

(a) *Initial members.* Members and alternate members of the Committee serving immediately prior to the effective date of this amended subpart shall, if thereafter they are eligible, serve on the Committee until April 30, 1984, and until their respective successors have been selected and qualified.

(b) *Nominations for successor members.* Nominations for successor members and alternate members of the Committee shall be made as follows:

(1) The Committee shall notify the cooperative marketing association(s) engaged in handling not less than 10 percent of the total raisin acquisitions during the preceding crop year, and cooperative bargaining association(s), of the date by which nominations to fill member and alternate member positions shall be made. The Committee shall give reasonable publicity of a meeting or meetings of producers who are not members of cooperative bargaining association(s), or cooperative marketing associations which handled 10 percent or more of the total raisin acquisitions during the preceding crop year, and of independent handlers and cooperative marketing associations who handled less than 10 percent of the total raisin acquisitions during the preceding crop year, for the purpose of making nominations to fill the member and alternate member positions prescribed in § 989.26 (c) and (d): *Provided*, That member and alternate member nominations by independent handlers and cooperative marketing association(s) who acquired less than 10 percent of the total raisin acquisitions during the preceding crop year may be made to the Committee by mail in lieu of meetings.

(2) Any producer representing independent producers and producers who are affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquisitions during the preceding crop year must have produced grapes which were made into raisins in the particular district for which he is nominated, to represent said district as a producer member or alternate producer member on the Committee. In the event any such nominees are engaged as producers in more than one district, they may be a nominee for only one district. One or more producers or producers affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquistions during the preceding crop year may be nominated for each such producer member or alternate member position. Each independent producer and producer affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquisitions during the preceding crop year shall cast only one vote with respect to each position for which nominations are to be made. The person receiving the majority of the votes with respect to each such position to be filled shall be the person to be certified to the Secretary as the nominee. In the event no person receives a majority, there shall be a run off vote between the two

persons receiving the largest number of votes. The eligibility of each producer voting in a producer nomination meeting shall be certified by the Committee during or after the meeting, and in the event one or more producers who voted were not eligible and this may have affected the result of any nomination vote, another meeting with respect to such producer nominations shall be held.

(3) One or more eligible handlers for each handler position to be filled may be proposed for nomination to represent independent handlers and cooperative marketing association(s) which acquired less than 10 percent of the total raisin acquisitions during the preceding crop year on the Committee. Nominations shall be made by and from handlers, or employees, representatives or agents of handlers failing within such groups. Each handler shall cast only one vote with respect to each position for which nomination is to be made. The person receiving the most votes with respect to each handler member or handler alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(4)Each vote cast shall be on behalf of the person voting, his agent, subsidiaries, affiliates, and representatives. Voting at each meeting shall be in person. The results of each ballot at handler meeting shall be announced at that meeting. Voting at each meeting of producers shall be by secret ballot. The results of the voting at producer meetings shall be announced by the Committee following the verification of the eligibility of those participating at such meetings.

(5)Each nomination shall be certified by the Committee to the Secretary on or before April 5 immediately preceding the commencement of the term of office of the member or alternate member position for which the nomination is certified.

11. Section 989.30 is revised to read as follows:

§ 989.30 Selection.

The Secretary shall select producer, handler, cooperative bargaining association(s), and public members and alternate members in the number specified in 989.26, as applicable, and with the qualifications specified in § 989.27. Such selections may be made from nominations certified pursuant to § 989.29 or from other eligible producers, handlers, or cooperative bargaining association(s) officers or employees.

12. Section 989.32 is revised to read as follows:

§ 989.32 Acceptance.

Each person to be selected by the Secretary as a member or as an alternate member of the Committee shall, prior to such selection, qualify by advising the Secretary that he/she agrees to serve in the position for which nominated for selection.

13. Section 989.35 is amended by adding a new paragraph (d) reading as follows:

§ 989.35 Powers.

* * * * *

(d) To receive, investigate, and report to the Secretary complaints of violations of this part.

14. Section 989.36 is amended by redesignating seriatim current paragraphs (b) through (k) as paragraphs (c) through (l), and adding a new paragraph (b) reading as follows:

§ 989.36 Duties.

* * * * *

(b) To investigate compliance and to use means available to it to prevent violations of this part.

* * * * *

15. Section 989.36(j), redesignated as § 989.36(k) is amended by removing the words "and the making of nominations to the Secretary for member and alternate member positions on the Executive Operations Committee".

16. Section 989.38 is amended by removing the phrase "Except as otherwise provided in § 989.45," from the second sentence, and by removing the fifth sentence. As amended, § 989.38 reads as follows:

§ 989.38 Procedure.

The Committee shall meet at the call of the chairman, or vice-chairman when acting as chairman, or at the call of any three members. All decisions of the Committee reached shall be by majority vote of the members present. All votes shall be cast in person and a quorum must be present. The presence of 25 members shall be required to constitute a quorum. The Committee shall give to the Secretary the same notice of meetings of the Committee as it gives to its members.

§ 989.39 [Amended]

17. Section 989.39 is amended by removing the words "and the Executive Operations Committee," from the first sentence.

§ 989.43 through 989.52 [Removed]

18. Sections 989.43 through 989.52 and the center heading "Executive Operations Committee" preceding § 989.43 are removed:

19. Section 989.53 is revised to read as follows:

§ 989.53 Research and development.

(a) *General.* The Committee, with the approval of the Secretary, may establish or provide for the establishment of projects involving marketing research and development and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of raisins in domestic and foreign markets. These projects may include, but need not be limited to those designed to:

(1) Improve through research the accuracy of raisin production estimates;

(2) Improve through research the preparation for market, sanitation, quality, condition, storability, processing, or packaging of raisins;

(3) Ascertain through research the factors affecting acceptance of raisins by manufacturers or consumers;

(4) Promote the marketing, distribution, or consumption of raisins in domestic and foreign markets by collecting data thereon, consulting with members of the trade, and making the information available to producers, handlers, and exporters; and

(5) Promote the marketing, distribution, or consumption of raisins in foreign markets through the use of merchandising programs.

The expense of any such project relating solely to free tonnage raisins shall be paid from funds collected pursuant to § 989.80. The expense of any such project relating solely to reserve tonnage raisins shall be paid from the sale proceeds of such raisins. If any such project encompasses both free tonnage and reserve tonnage raisins, such as one which is designed to promote the consumption in export outlets of raisins generally on a long-term basis, the expense of the project may be allocated between the assessment fund and the pool fund.

(b) *Creditable expenditures.* The Committee, with the approval of the Secretary, may provide for crediting all or any portion of a handler's direct expenditures for marketing promotion, including paid advertising, that promotes the sale of raisins, raisin products, or their uses. No handler shall receive credit for any allowable direct expenditures that would exceed the total of his assessment obligation which is attributable to that portion of his assessment designated for marketing promotion including paid advertising.

(c) *Criteria.* Before any project involving marketing promotion, including paid advertising, and the

crediting of the handler's pro rata expense assessment obligation of handlers is undertaken pursuant to this section, the Secretary, after recommendation by the Committee, shall approve appropriate criteria to effectively regulate such activity.

20. Section 989.54 is revised to read as follows:

§ 989.54 Marketing policy.

(a) *Trade demand.* On or before August 15 of each crop year, the Committee shall hold a meeting to review shipment data, inventory data, and other matters relating to the quantity of raisins of all varietal types. For any varietal type for which a free tonnage percentage may be recommended, the Committee shall compute a trade demand. The trade demand shall be 90 percent of the prior crop year's shipments (converted to a natural condition weight) of free tonnage and reserve tonnage sold for free use for that varietal type, into all market outlets, adjusted by the carry-in on August 1 of the current crop year and the desirable carryout for that varietal type at the end of that crop year. If the prior year's shipments were limited because of crip conditions, the Committee may select the shipments of one of the three years preceding the prior crop year. The desirable carryout shall be increased from 35,000 to 50,000 tons for Natural (sun-dried) Seedless raisins at a rate of 5,000 tons per year for three crop years, following the effective date of this amended subpart. The desirable carryout for Dipped Seedless raisins shall be 1,500 tons, and for Oleate and Related Seedless raisins, 1,500 tons. The trade demand computed by the Committee shall be announced by the Committee in accordance with paragraph (h) of this section.

(b) *Preliminary percentages.* On or before October 5 of each crop year (except that the Committee may extend this date not more than five business days if warranted by a late crop), the Committee shall estimate the production of any varietal type of raisins for which it has computed a trade demand. If the Committee determines that volume regulation is desirable during the crop year for that varietal type, it shall compute and announce preliminary free and reserve percentages for that varietal type. The Committee shall compute a preliminary free percentage to release 85 percent of the computed trade demand, if it determines that a field price has been established for that varietal type, or 65 percent of the trade demand if no field price has been established. The preliminary free percentage shall be computed by multiplying the trade demand by either 85 percent or 65 percent (as the case may be) and dividing the product by the estimated production of that varietal type and rounding the resulting percentage to the nearest full percent. The difference between 100 percent and the preliminary free percentage shall be the preliminary reserve percentage.

(c) *Interim percentages.* Prior to February 15, the Committee may modify the preliminary free and reserve percentages to release less than the trade demand.

(d) *Final percentages.* No later than February 15, the Committee shall recommend, to the Secretary, final free and reserve percentages which will tend to release the full trade demand for any varietal type for which preliminary or interim percentages have been computed and announced. The difference between any final free percentage designated by the Secretary and 100 percent shall be the final reserve percentage. With its recommendation, the Committee shall report on its consideration of the factors in paragraph (e) of this section.

(e) *Factors.* When computing preliminary and interim percentages, or determining final percentages for recommendation to the Secretary, the Committee shall give consideration to the following factors:

(1) The estimated tonnage held by producers, handlers, and for the account of the Committee at the beginning of the crop year;

(2) The expected general quality and any modifications of the minimum grade standards;

(3) The estimated tonnage of standard and off-grade raisins which will be produced;

(4) If different than the computed trade demand, the estimated trade demand for raisins in free tonnage outlets;

(5) If not estimated as provided in paragraph (a) of this section, an estimated desirable carryout at the end of the crop year for free tonnage and, if applicable, for reserve tonnage;

(6) The estimated market requirements for raisins outside free tonnage outlets, considering the estimated world raisin supply and demand situation;

(7) Current prices being received and the probable general level of prices to be received for raisins by producers and handlers;

(8) The trend and level of consumer income;

(9) Any prohibition of trade practices, pursuant to § 989.62, intended for the crop year; and

(10) Any other pertinent factors bearing on the marketing of raisins including the estimated supply of and demand for other varietal types and regulations applicable thereto.

(f) *Modification.* In the event the Committee subsequently deems it advisable to modify its marketing policy on any crop, because of national emergency, crop failure, or other major change in economic conditions, it shall hold a meeting for that purpose, and file a report thereof with the Secretary within 5 days (exclusive of Saturdays, Sundays, and holidays) after the holding of such meeting, which report shall show such modification and the basis therefor.

(g) *Reserve tonnage to sell as free tonnage.* On or before November 15 of the crop year, the Committee shall make two simultaneous offers of reserve tonnage to handlers to sell as free tonnage for each varietal type for which preliminary percentages have been computed and announced. One offer shall consist of a quantity equal to 10 percent of the prior year's (or the alternative year selected by the Committee pursuant to paragraph (a) of this section) shipments of free tonnage and reserve tonnage sold for free use into all market outlets to equate the current years's supply with the prior year's shipments. This offer shall be allocated to handlers on the basis of their prior years's acquisitions. The second offer, to provide for market expansion, shall consist of a quantity equal to 10 percent of the prior year's (or the alternative year selected by the Committee pursuant to paragraph (a) of this section) shipments of free tonnage and reserve tonnage sold for free use. This offer shall be allocated to handlers on the basis of their prior year's shipments of free tonnage and reserve tonnage sold for free use. Each offer shall be open to handlers not more than five business days, and subsequently, two offers of any tonnage unsold in the original offers open not more than two business days each, may be made. The reoffer tonnage shall be allocated to handlers who purchase 100 percent of their allocation in preceding offers, and shall be on the basis of the quantity each handler purchased, as a percentage of the total quantity purchased by all handlers eligible to participate. At the close of the second reoffer, any remaining tonnage may be offered to handlers who purchased all of their allocations from previous offers on a first-come first-served basis and such offer shall be open to handlers for one business day. Any handler who had no shipments or acquisitions of raisins

during the prior crop year will be allocated raisins under these offers on the basis of this acquisitions (up to the time the original offer is made) of raisins in the current crop year. If field prices are not established, the offer shall be made not more than fifteen days following such establishment. The price of reserve tonnage raisins offered to handlers to sell as free tonnage, pursuant to this paragraph, shall be the established field price for free tonnage raisins of that varietal type, plus 3 percent of the established field price, plus the estimated costs incurred by the Committee for equity holders.

(h) *Publicity.* The Committee shall promptly give reasonable publicity to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each meeting to consider a marketing policy or any modification thereof, and each such meeting shall be open to them. Similar publicity shall be given to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each marketing policy report or modification thereof, filed with the Secretary and of the Secretary's action thereon. Copies of all marketing policy reports shall be maintained in the office of the Committee, where they shall be made available for examination by any producer, dehydrator, handler, or cooperative bargaining association representative. The Committee shall notify handlers, dehydrators, and the cooperative bargaining association(s), and give reasonable publicity to producers of its computation of the trade demand, preliminary percentages, and interim percentages and shall notify handlers, dehydrators, and the cooperative bargaining association(s) of the Secretary's action on percentages by registered or certified mail.

21. Section 989.55 is revised to read as follows:

§ 989.55 Regulation by the Secretary.

Whenever the Secretary finds, from the recommendation and supporting information supplied by the Committee or from other available information, that to designate final free and reserve percentages for any varietal type of standard raisins acquired by handlers during the crop year will tend to effectuate the declared policy of the Act, the Secretary shall designate such percentages. In the event the Secretary finds that suspension or termination of any percentages computed by the Committee or designated by the Secretary tend to effectuate the declared policy of the Act, the Secretary shall suspend or terminate such percentages.

22. Section 989.65 is revised to read as follows:

§ 989.65 Free and reserve tonnage.

The standard raisins acquired by handlers which are free tonnage, and any reserve tonnage purchased for free use, may be disposed of by him in any marketing channel, subject to the applicable provisions of this part. A handler's free tonnage of a varietal type of raisin shall be either the free percentage of the standard raisins of the varietal type acquired by him or all of the standard raisins of the varietal type acquired by him if not free percentage is established by the Committee or designated by the Secretary for that varietal type. A handler's reserve tonnage of a varietal type shall be the reserve percentage of the standard raisins of that varietal type acquired by him.

§ 989.66 [Amended]

23. Section 989.66 is amended by removing the proviso in paragraph (b)(1) and changing the punctuation after the word "control" from a colon (:) to a period (.).

§ 989.67 [Amended]

24. Section 989.67(j) is amended by changing the reference from "§ 989.54(d)" to "§ 989.54(g)".

§ 989.69 [Removed]

25. Section 989.69 is removed.

26. Section 989.73 is amended by redesignation current paragraph (c) as (d), and adding a new paragraph (c) reading as follows:

§ 989.73 Reports.

* * * * *

(c) Each handler shall file such reports of creditable promotion including paid advertising as recommended by the Committee and approved by the Secretary.

* * * * *

§ 989.76 [Amended]

27. Section 989.76 is amended by adding the following sentence at the end of that section reading as follows: "The Committee, with the approval of the Secretary, may prescribe rules and regulations to include under this section handler records that detail promotion and advertising activities which the Committee may need to perform its functions under § 989.53.

§ 989.77 [Amended]

28. Section 989.77 is amended by adding at the end of the first sentence the phrase "and promotion and advertising activities conducted by handlers under § 989.53".

29. The first sentence of § 989.80(a) is amended by adding at the end of the sentence the words, "less any amounts credited pursuant to § 989.53."

30. Section 989.80 is revised by adding paragraph (d) to read as follows:

§ 989.80 Assessments.

* * * * *

(d) Each handler shall, with respect to administrative assessments not paid within 30 calendar days of the date of the Committee's invoice, pay to the Committee interest on the unpaid assessment at the rate of the prime rate established by the bank in which the Committee has its administrative assessment funds deposited, on the day that the administrative assessment becomes delinquent plus 2 percent; and further, that such rate of interest be added to the bill monthly until the delinquent handler's assessment plus applicable interest has been paid: *Provided,* That the Committee may, with the approval of the Secretary, modify the interest rate applicable to delinquent handler's assessment through the establishment of applicable rules and regulations.

§ 989.85 [Amended]

31. Section 989.85 is amended by removing the words "and no member or alternate member of the Executive Operations Committee".

§ 989.95 [Amended]

32. Section 989.95 is amended by removing the words: "and the Executive Operations Committee" from the first sentence; "or of the Executive Operations Committee" from the second sentence, and "or the Executive Operations Committee" from the third sentence.

Signed at Washington, D.C. on March 29, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 50

Temporary Operating Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing to adopt amendments to its "Rules of Practice for Domestic Licensing

Proceedings" in 10 CFR Part 2 and to its regulations in 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," providing for the issuance of temporary operating licenses for nuclear power reactors. Public Law 97–415, enacted on January 4, 1983, amended section 192 of the Atomic Energy Act of 1954 (the Act), to authorize the NRC to issue such licenses. Section 192, initially added to the Act on June 2, 1972, authorized the Atomic Energy Commission (AEC) to issue temporary operating licenses for nuclear power reactors under certain prescribed circumstances. (The AEC's licensing authority was transferred to the NRC in 1975.) The authority under the original section 192 expired, however, on October 30, 1973. To the extent that the amended section 192 is in substance the same as the original section, the implementing regulations in the amendments to Parts 2 and 50 are also similar in substance to the now expired regulations which were initially published in 1972 to implement the section. The proposed amendment to Part 2 and 50 set out below are designed to conform Commission regulations and procedures to the new temporary operating licensing authority.

DATE: Comment period expires May 6, 1983. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as the comments received on or before this date.

ADDRESSES: All interested persons who desire to submit written comments or suggestions for consideration in connection with the amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received on the amendments as well as on the Regulatory Analysis prepared in connection with the amendments may be examined in the Commission's Public Document Room at 1717 H Street, NW., Wahington, D.C.

FOR FURTHER INFORMATION CONTACT: Thomas F. Dorian, Esq., Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 492–8690.

SUPPLEMENTARY INFORMATION:

Background

After the March 1979 accident at the Three Mile Island nuclear power plant, the NRC focused its attention on evaluating the accident and its implications for the safe regulation of nuclear power in this country and on developing the necessary regulatory improvements for continued operation of nuclear power plants. During this period, construction continued on those nuclear power plants with construction permits, although NRC applied only very limited effort to preparing and meeting the necessary safety reviews and hearing requirements for the issuance of operating licenses for these facilities. Largely as a result of this state of affairs, in late 1980 it was argued that there was a possibility that delays would occur between the time when construction of some of these plants would be sufficiently completed to allow fuel loading and the start of operations and the time when all requirements for the issuance of operating licenses (including the hearing requirements of the Atomic Energy Act) would be met.

Under the Atomic Energy Act of 1954, as amended (the Act), no person may operate a nuclear power plant without first obtaining an operating license from the NRC. A formal on-the-record evidentiary hearing must be held—and a decision rendered on the basis of that record—if requested by any person whose interest may be affected, before the Commission may issue an operating license. Before the enactment of Pub. L. 97–415, in a case where a hearing is held, the Commission lacked the authority to authorize fuel loading and low-power operation and testing on the basis of its safety and environmental evaluation; a utility was required instead to await authorization in the course of the hearing process. *See* 10 CFR 50.57(c).

It continues to be argued that, notwithstanding the administrative changes to the licensing process designed to reduce the time required to complete the licensing of these plants, there remains a possibility that some licensing delays might occur for some of the plants scheduled to be completed before the end of 1983. In order to obviate the possibility of such delays ever occuring, on March 18, 1981, the Commission submitted a legislative proposal to amend the Act so as to authorize the Commission to issue a temporary operating license for a nuclear power plant, allowing fuel loading and low-power operation and testing, in advance of the conduct or completion of an on-the-record evidentiary hearing on contested issues relating to the final operating license. Pub. L. 97–415 is the final legislative product of the Commission 's proposal. It is an "extraordinary and temporary cure for an extraordinary and temporary situation." Conf. Rep. No. 97–884, 97th Cong., 2d Sess. at 35 (1982).

General

A person applying for an operating license for a nuclear power plant, which is licensed under sections 103 or 104b. of the Act and as to which a hearing is otherwise required under section 189a. of the Act, could apply for a temporary operating license, pending final action by the Commission on the application for the final operating license. The temporary operating license for the facility would authorize fuel loading, testing and operation at a specific power level to be determined by the Commission. The initial petition would have to be limited to power levels not to exceed 5 percent of the nuclear facility's rated full thermal power, and the Commission could not initially authorize a higher power level. After the temporary operating license is issued, the licensee may file one or more additional petitions with the Commission to allow facility operation up to full power in staged increases in power level beyond the initial 5 percent limitation. All authorizations for temporary operating licenses under section 192 and these implementing regulations must be pursuant to a vote and a final order of the Commission itself and cannot be delegated to the NRC staff. The authorizations themselves lie within the discretion of the Commission. This means, among other things, that the Commission in a temporary operating license would authorize both a given power level and the time it deems appropriate for operation at that level before issuance of the full power license.

The present authority and procedures in § 50.57(c) of the regulations (under which a presiding Atomic Safety and Licensing Board may, on motion, and after a decision based on the evidentiary record or upon agreement of the parties to the contested proceeding, authorize the issuance of a fuel load or low-power and testing license) remain available and are not affected at all by these regulations implementing section 192 of the Act. In other words, the new § 50.57(d) (described below) for temporary operating license authority is not coupled to the present § 50.57(c), and a licensee proceeding under § 50.57(c) may also proceed separately under § 50.57(d) without any rights being waived under § 50.57(c). If a license already has a low power license and wishes to go to higher or full power using the temporary operating license procedure (that is, it wants to translate its low power authority under § 50.57(c) to low power authority under § 50.57(d) and then to go to higher power under

§ 50.57(d) for some specified time period), it should show that it is in satisfactory compliance with § 50[579d) and that the temporary operating license for low power would be in all respects the same as or more restrictive than the low power license. Although the Commission does not wish to require *pro forma* acts, a licensee in the situation described above should show that the time periods and authorized power level for both types of licenses are compatible. Additionally, to simplify the Commission's considerations, it should show that the parties affected by this situation (ordinarily the parties in the proceeding under § 50.57(c)) have not waived their rights and agree to its proposed course of action; consequently, to make sure that there truly is an agreement and that everyone's rights are being protected, the Commission expects licensees to demonstrate to it (under the procedures described in § 2.301 *et seq.*, described later) that affected parties were on notice of and have not objected to the licensee's proposed action. If a licensee does not or can not make such a showing, the Commission may still issue the temporary operating license, but may use additional procedures to make its decision.

In delineating the circumstances under which petitions may be filed and conditions under which the Commission may exercise its authority, the proposed rule carefully follows the prescriptions in section 11 of Pub. L. 97–415. These provisions are reflected in the proposed amendments to Parts 2 and 50 set out below. In essence, these amendments would establish a detailed procedural framework for considering and issuing temporary operating licenses. Section 192, as amended, and its accompanying legislative history clearly contemplate that the procedural framework is both useful and needed to govern the Commission's actions in exercising the new authority and to preserve for the public its right to participate in licensing decisions.

Proposed Subpart C to CFR Part 2—"Procedures Under Section 192 for the Issuance of Temporary Operating Licenses."

Subpart C would simply add procedural requirements to 10 CFR Part 2 needed to implement the temporary operating licensing authority in section 192 of the Act as provided for in a new § 50.57(d) of 10 CFR Part 50. Unlike the hearing process on the final operating license, the temporary operating licensing process would not be subject to the hearing requirements of section 189a. of the Act, to the requirements of subpart A, or to all the requirements of subpart G of the Rules of Practice in 10 CFR Part 2. However, certain sections of subpart G would be applied to resolve needless controversy about such items as the filing of papers, service on parties, and so on. These are 10 CFR 2.701, 2.702 and 2.708—2.712, relating to service and filing of documents, maintaining a docket, and time computations and extensions; § 2.713, relating to appearance and practice before the Commission; § 2.758, generally prohibiting challenges to the Commission's rules; and § 2.772, generally granting the Commission's Secretary the authority to rule on procedural matters.

It should be noted that 10 CFR 2.719 and 2.780, relating to separation of functions and *ex parte* communications, would not apply. However, the Commission is sensitive to the concern that the informal contacts that would be allowed thereby should not be extensive and that they should not result in significant data or argument that are both relied on by the Commission in its temporary operating licensing decision and unavailable to the parties for comment before the decision. Thus, if informal contacts do take place which provide significant data or argument and which are both relied on by the Commission and unavailable to the parties, then that data or argument will be made available for comment before the decision. The Commission's decision not to apply separation of functions and *ex parte* rules to temporary operating licensing reflects a preference not to apply rules intended for formal, trial type proceedings, and is based on the belief that operating licensing and temporary operating licensing proceedings on a given plant are separate proceedings for the purpose of application of the formal hearing requirements of the Administration Procedure Act (APA). The amendment to section 192 of the Atomic Energy Act (Act) states that section 189a. of the Act does not apply to a temporary operating licensing proceeding; thus, if section 189a. does not apply, then the APA's formal hearing requirements do not apply either. Furthermore, the Commission's consideration of informal communications with the parties in an informal temporary operating licensing proceeding would not prevent the Commission from eventually considering, as necessary, issues arising from the formal operating licensing proceeding. Information provided in the informal proceeding will not be used in the formal proceeding, unless it is formally included in the record.

It bears mention that the Conference Committee noted that, under section 192, the Commission cannot issue a temporary operating license before "all significant safety issues specific to the facility in question have been resolved to the Commission's satisfaction." *See* Conf. Rep. No. 97–884, 97th Cong., 2d Sess. at 35 (1982).

Subpart C provides all of the necessary procedural guidance regarding requests for, and Commission authorization of, temporary operating licenses. Breifly, Subpart C would provide:

- For the petition for a temporary operating license or for an amendment to that license to be filed in the form of a written motion. The written motion, with supporting affidavits, must be served on all parties to the proceeding for the issuance of the final operating license.
- The initial petition must be limited to power levels not to exceed 5 percent of rated full thermal power. After the issuance of the temporary operating license, the licensee may file subsequent petitions with the Commission to amend the temporary operating license by incremental increases in power levels in excess of the initial 5 percent limitation. Each new petition can request only one incremental increase.
- The proposed subpart provides general guidance on the contents and requirements for affidavits which may be filed in support of or in opposition to petitions for the issuance, or the amendment, of temporary operating licenses.
- The Proposed rules provide for prompt publication of notices of petitions for temporary operating licenses as well as for amendments to such licenses and also provide for a 30-day period for public comment. the notice will inform interested persons about the way they can obtain access to the petition and its supporting affidavits. Such access is needed so that such persons might, as the rules also provide, file responsive affidavits to the petition.
- The proposed rules do not specify a time after the 30-day public comment period for Commission action on the petition. In keeping with the purpose of the temporary operating license authority, the proposed rules provide that the Commission will act as expeditiously as possible on petitions for temporary operating licenses and for amendments to such licenses.
- Issuance of a temporary operating license or an amendment must be pursuant to a final order of the Commission itself, which recites the reasons called for in section 192 of the Act and in § 50.57(d) of the regulations.

As called for by the legislation, the order would be transmitted upon its issuance to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate. The final order of the Commission would be subject to judicial review under section 189b. of the Act. It should be noted that, pursuant to the legislation, the requirements of section 189a. of the Act would not apply to the issuance or amendment of a temporary operating license. Thus, the legislation authorizes the Commission to use procedures other than formal adjudicatory procedures in issuing a temporary operating license. In this regard, the Commission will develop informal procedures case-by-case to resolve particular issues as they arise.

- The proposed rules restate the procedural constraints in section 192 to assure that the isuance of a temporary operating license does not prejudge the outcome of the licensing hearing for the final operating license for that nuclear power plant or prejudice the rights of any party to the hearing to raise any proper issue in that hearing and to have that issue decided.

- The proposed rules require, as does section 192, that any party to the final operating license hearing, or any licensing board member conducting the hearing, promptly notify the Commission about any information made available as part of that hearing: (1) That the terms and conditions of the temporary operating license are not being met or (2) that they are insufficient to provide reasonable assurance that operation of the facility during the period of the temporary operating license will provide adequate protection to the public health and safety and to the environment.

- The proposed rules state that a temporary operating license is subject to modification, suspension or revocation, or to the imposition of civil penalties pursuant to sections 186 and 234 of the Atomic Energy Act and subpart B of 10 CFR Part 2.

- Finally, it should be noted that, pursuant to section 192d. of the Act, the Commission will exert its best efforts to adopt appropriate administrative remedies to minimize the need for the issuance of temporary operating licenses. This is in keeping with the conferees' agreement in the Conference Report that a temporary operating license should be a "last resort remedy, to be employed only when no other alternative is available." Conf. Rep. No. 97–884, 97th Cong., 2d Sess. at 36 (1982). The Commission will also ensure that any administrative remedies it adopts will not themselves infringe upon the right of any party to a full and fair hearing under the Act, again in keeping with the conferees' expectations. *Id.* And, lastly, the Commission will notify the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate of all administrative remedies it proposes to adopt, also in keeping with the conferees' intentions. *Id.*

Proposed § 50.57(d) of 10 CFR Part 50

A new § 50.57(d) would be added to reflect the substance of the temporary operating licensing authority granted by Public Law 97–415 and the special provisions which must be satisfied before the Commission exercises this authority. Pursuant to section 11 of Pub. L. 97–415 and § 50.57(d), the following requirements would be applicable to a petition for and the issuance of a temporary operating license and amendments to that license:

- A petition for the issuance of a temporary operating license could not be filed with the Commission until the Advisory Committee on Reactor Safeguards (ACRS) report, the NRC staff's initial safety evaluation report (SER) and the staff's supplement to this report (SSER) prepared in response to the ACRS report for the plant, the NRC staff's final environmental statement, and, a State, local or utility emergency plan have been filed.

- The initial petition for a temporary operating license and amendments to that license would be handled as described before.

- After the issuance of a temporary operating license, subsequent petitions from the utility for increased power levels, notice and public comment periods on each new petition, and the determinations by the NRC called for by section 192 (and implemented in this new § 50.57(d)) would be required before the Commission could allow operation at power levels beyond the initial 5 percent low-power testing level.

- Before issuing a temporary operating license or amending the license to allow the operation at an increased power level, NRC must provide notice of the request for such authority and a 30-day period for public comment.

- Upon the expiration of the 30-day comment period, the Commission could issue the temporary operating license, or amend the license to allow temporary operation at a power level in excess of the initial license limitation, as the case may be, if the Commission itself determined that: (1) All requirements of law other than the conduct or completion of any required hearing on the final operating license are met; (2) in accordance with such requirements, there is reasonable assurance temporary operation of the facility in accordance with the terms and conditions of the license will provide adequate protection to the public health and safety and the environment; and (3) denial of the temporary operating license will result in delay between the time when the facility is sufficiently completed, in the judgment of the Commission, to permit issuance of the temporary operating license, and the time when a final operating license for the facility would otherwise be issued. For a petition to amend the temporary operating license to permit operation at a power level in excess of 5 percent of the facility's rated full thermal power, the Commission's findings must, of course, be directed to operation at the increased power level which would be authorized by the amendment.

- Any final Commission order authorizing the issuance of a temporary operating license pursuant to section 192 (*i.e.*, as distinguished from an order which may be issued by a presiding Atomic Safety and Licensing Board under paragraph (c) of § 50.57) of the Act must recite with specificity the reasons justifying the findings required by that section and § 50.57(d). The order must be sent upon issuance to the Committees described before.

- The temporary operating license would contain such terms and conditions as the Commission may deem necessary, including the duration of the license and any provision for its extension.

- The Commission would suspend the temporary operating license if it finds that the applicant is not prosecuting the application for the final operating license (and on which a hearing under section 189a. is being conducted) with due diligence. The Commission could, of course, suspend the license for other reasons, such as in the interest of public health and safety.

- Section 192 provides that the Commission's authority to issue new temporary operating licenses shall expire on December 31, 1983. Since the Commission cannot issue new temporary operating licenses after December 31, 1983, it expects any licensee that wishes to apply for such a licensee to do so before November 23, 1983, to allow it to act before its

authority expires. *See* § 2.301. Licensees should also note that their licenses will not expire on that date. Section 192 simply states that the Commission's authority to issue a new temporary operating license, if it finds that the applicant is not prosecuting its application for the final operating license with due diligence. *See* § 2.306. Finally, where the Commission has issued a new temporary operating license before December 31, 1983, and, subsequently, the licensee requests an amendment to that license, this provision does not preclude the Commission from amending that license after December 31, 1983.

Paperwork Reduction Act Statement

This proposed rule contains no new or amended requirements for recordkeeping, reporting, plans or procedures, applications or any other type of information collection reviewable by the Office of Management and Budget under the Paperwork Reduction Act.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this proposed rule does not have a significant economic impact on a substantial number of small entities. This rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this proposed rule does not fall within the purview of the Act.

Regulatory Analysis

The Commission has prepared a Regulatory Analysis on these proposed amendments, assessing the costs and benefits and resource impacts. It may be examined at the address indicated above.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 2 and 50 is contemplated.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 50

Antitrust, Classified information, Fire prevention, Inter-governmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting requirements.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for Part 2 is revised to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Sections 2.200–2.206 also issued under secs. 186, 234, 68 Stat. 955, 83 Stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770 also issued under 5 U.S.C. 557. Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Appendix A also issued under sec. 6, Pub. L. 91–580, 84 Stat. 1473 (42 U.S.C. 2135). The provisions of subpart C also issued under Pub. L. 97–415, 96 Stat. 2071 (42 U.S.C. 2133).

2. A new Subpart C is added to 10 CFR Part 2 to read as follows:

Subpart C—Procedures under Section 192 for the Issuance of Temporary Operating Licenses.

§ 2.300 Scope of subpart.

This subpart prescribes the procedures for issuing a temporary operating license and specifies the framework for Commission determinations. These procedures apply in any proceeding where an applicant has applied for a final operating license for a utilization facility (licensable under sections 103 or 104b. of the Atomic Energy Act (Act) and otherwise requiring a licensing hearing pursuant to section 189a.) and the applicant, pursuant to section 192 of the Act and § 50.57(d) of this chapter, petitions the Commission for a temporary operating license authorizing fuel loading, testing, and initial low power operation (or for an amendment authorizing operation at an increased power level), pending action by the Commission on the application for the final operating license.

§ 2.301 Filing of petition and accompanying affidavits.

(a) Before November 23, 1983, an applicant for an operating license may file a written petition for a temporary operating license with the Commission for each such facility. The applicant must serve the petition, including the accompanying affidavits, on all parties to the proceeding for the issuance of the final operating license. The applicant may file any such petition at any time after the documents called for by section 192 of the Act and § 50.57(d) of this chapter are issued.

(b) The initial petition for a temporary operating license for each such facility shall, in accordance with section 192 of the Act and § 50.57(d) of this chapter, be limited initially to a specified time and to a power level not to exceed 5 percent of the facility's rated full thermal power for that specified time. After the Commission issues a temporary operating license for any such facility, the licensee may file subsequent petitions with the Commission, using the procedure described in paragraph (a), requesting the Commission to amend the temporary operating license to allow facility operation at incremental stages beyond the initial 5 percent level for specified times, up to and including operation at full power, pending completion of the proceeding on the final operating license.

(c) The Commission has full discretion to determine the initial power level up to 5 percent and the incremental increases in power levels it will authorize and the period for which the authorization is granted. It will not grant a temporary operating license or an amendment to that license for a period lasting beyond the date the final operating license is granted, and the temporary operating license and any amendments to that license will expire when the final operating license is issued.

§ 2.302 Contents of affidavits.

The applicant's petition for a temporary operating license or an amendment to that license shall be accompanied by an affidavit or affidavits setting forth the specific facts upon which the petitioner relies to

justify issuance of the issuance of the temporary operating license or the amendment to that license. Any such affidavit and any affidavit filed in response shall state separately the specific facts and arguments and include the exhibits upon which the person relies. The facts asserted in any affidavit filed shall be sworn to or afirmed by persons having knowledge of those facts, and a statement to this effect shall affirmatively appear in the affidavit. Except under unusual circumstances, such persons should be those who would be available to substantiate orally the facts asserted, as the Commission deems appropriate. Any such affidavit shall be accompanied by a list of documents relied on to support the facts stated in the affidavit and the place where such documents, other than those issued by the Commission's staff, are available for inspection.

§ 2.303 Notice of petition.

The Commission will promptly publish notice off each petition for issuance of a temporary operating license and any subsequent petitions for amendments to that license in the **Federal Register** and in such trade or news publications as the Commission deems appropriate in order to give reasonable notice to persons who might have a potential interest in the grant of such a temporary operating license or an amendment to that license. The notice will inform such persons of the arrangements for their access to the petition and supporting affidavits. Any person may file affidavits in support of, or in opposition to, the petition within 30 days after the publication of such notice in the **Federal Register**. The Commission thereafter will act as expeditiously as possible to reach a determination on such petitions.

§ 2.304 Responsive affidavits.

Responsive affidavits in opposition to the petition shall be accompanied by a short and concise statement of the material facts as to which it is contended that there exists a substantial issue concerning the issuance of the temporary operating license or an amendment to that license. Any responsive affidavit and any accompanying statement shall be served on all parties to the proceeding for the issuance of the final operating license.

§ 2.305 Commission authorization.

(a) Issuance of a temporary operating license or an amendment to that license shall be pursuant to a final order of the Commission itself which recites the reasons for such authorization as called for in section 192 of the Act and § 50.57(d) of this chapter.

(b) The requirements of section 189a. of the Act with respect to the issuance of or an amendment to a utilization facility license shall not apply to the issuance of or an amendment to a temporary operating license. Thus, subpart A of this part does not apply to the consideration of a petition for the issuance of or an amendment to such a temporary operating license; and only §§ 2.701, 2.702, 2.708–2.713, 2.758 and 2.772 of subpart G of this part apply to the consideration of such a petition.

§ 2.306 Hearing on the final operating license.

(a) Issuance of a temporary operating license under section 192 of the Act and § 50.57(d) of this chapter shall not prejudice the right of any party to a proceeding for the issuance of the final operating license to pursue properly admitted issues in a hearing required pursuant to section 189a. of the Act. Failure to assert any ground for denial or limitation of such a temporary operating license shall not bar the assertion of such ground in connection with the issuance of a subsequent final operating license. No party shall argue the issuance or denial of a temporary operating license by the Commission as support for its position in a proceeding for the issuance to the final operating license.

(b) Any hearing on the application for the final operating license for a facility required pursuant to section 189a. of the Act shall be concluded as promptly as practicable. The Commission will suspend the temporary operating license if it finds that the applicant is not prosecuting the application for the final operating license with due diligence. The Commission may suspend the license for other public health and safety or common defense and security reasons.

§ 2.307 Notification to the Commission.

Any party to a hearing required pursuant to section 189a. of the Act on the final operating license for a facility for which a temporary operating license has been issued under section 192 of the Act and § 50.57(d) of this chapter, and any member of the Atomic Safety and Licensing Board conducting such a hearing, shall promptly notify the Commission of any infromation that:

(a) The terms and conditions of the temporary operating license are not being met; or that

(b) Such terms and conditions are not sufficient to provide reasonable assurance that operation of the facility will provide adquate protection to the public health and safety and to the environment during the period of the facility's temporary operation.

§ 2.308 Use of informal procedures.

The Commission ordinarily will not use formal adjudicatory procedures in issuing a temporary operating license and will develop informal procedures case-by-case to resolve particular issues as they arise.

§ 2.309 Enforcement.

The Commission may modify, suspend or revoke a temporary operating license, or impose a civil penalty pursuant to sections 186 and 234 of the Act and subpart B of this part.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

3. The authority citation for Part 50 is revised to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sections 50.57(d), 50.58, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2071 (42 U.S.C. 2133). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 also issued under sec. 186, 68 U.S.C 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§50.10 (b) and (c) and 50.54, are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. In § 50.57 of 10 CFR Part 50, a new paragraph (d) is added to read as follows:

§ 50.57 Issuance of operating license.

* * * * *

(d)(1) *Temporary operating license.* An applicant for an operating license, in a case where a hearing is required in a pending proceeding for the final operating license for a facility required to be licensed under sections 103 or 104b. of the Act, pending final action by the Commission on the application for the final operating license, may petition the Commission by a written motion, pursuant to section 192 of the Act and this paragraph for (i) a temporary operating license for the facility

authorizing fuel loading, testing, and operation at up to 5 percent rated full thermal power for a specified time and (ii) an amendment to the temporary operating license requesting for a specified time an incremental increase of the power level beyond that initially granted by the Commission up to full power. The Commission has full discretion to determine the initial power level up to 5 percent and the incremental increases in power levels it will authorize and the period for which the authorization is granted. It will not grant a temporary operating license or an amendment to that license for a period lasting beyond the date the final operating license is granted, and the temporary operating license and any amendments to that license will expire when the final operating license is issued.

(2) The initial petition for a temporary operating license for each such facility may be filed at any time after the filing of: (i) the report of the Advisory Committee on Reactor Safeguards (ACRS) required by subsection 182b. of the Act; (ii) the initial safety evaluation report (SER) on the application by the regulatory staff and the staff's first supplement to the SER prepared in response to the ACRS report; (iii) the staff's final detailed statement on the environmental impact of the facility prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; and (iv) a State, local, or utility emergency preparedness plan for the facility.

(3) Each petition for the issuance of a temporary operating license, or for an amendment to that license allowing operation at a specific power level greater than that authorized in the initial temporary operating license, shall be accompanied by an affidavit or affidavits setting forth the specific facts upon which the petitioner relies to justify issuance of the temporary operating license or the amendment to that license.

(4) The Commission will publish a notice of each such petition in the **Federal Register** and in such trade or news publications as it deems appropriate to give reasonable notice to any persons who might have a potential interest in the grant of such a temporary operating license or amendment. The notice will inform such persons of the arrangements for their access to the petition and supporting affidavits. Any person may file affidavits in support of, or in opposition to, the petition within 30 days after the publication of such notice in the **Federal Register**.

(5) With respect to any such petition, the Commission may issue a temporary operating license, or subsequently amend the license to authorize temporary operation at a specific power level greater than that authorized in the initial temporary operating license, as determined by the Commission, upon finding that:

(i) in all respects, other than the conduct or completion of any required hearing, the requirements of law are met;

(ii) in accordance with such requirements, there is reasonable assurance that operation of the facility during the period of the temporary operating license in accordance with its terms and conditions will provide adequate protection to the public health and safety and to the environment during the period of temporary operation; and

(iii) denial of the temporary operating license will result in delay between the date on which construction of the facility is sufficiently completed, in the judgment of the Commission, to permit issuance of the temporary operating license and the date on which a final operating license for such facility would otherwise be issued under the Act.

(6) Any final Commission order authorizing the issuance of any temporary operating license or an amendment to that license pursuant to section 192 of the Act and this paragraph will recite with specificity the reasons justifying the findings required by that section and this paragraph, and will be transmitted upon its issuance to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(7) The temporary operating license will become effective upon its issuance and will contain such terms and conditions as the Commission may deem necessary, including the duration of the license and any provision for its extension.

(8) The Commission will suspend the temporary operating license if it finds that the applicant is not prosecuting the application for the final operating license with due diligence.

(9) The authority to issue new temporary operating licenses under section 192 of the Act and this paragraph expires on December 31, 1983.

The views of Commissioners Gilinsky and Asselstine follow.

Dated at Washington, D.C. this 4th day of April, 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary to the Commission.

Commissioner Gilinsky's Separate Views Regarding the Proposed Rule on Temporary Operating Licenses (Amendments to 10 CFR Parts 2 and 50)

April 1, 1983.

I have voted against the Temporary Operating License rule because of the Commission's decision to exempt Temporary Operating License proceedings from the *ex parte* and separation of functions rules. "This would mean that the Commission's staff, applicants and intervenors would be free to contact individual Commissioners as well as the Commission's Office of General Counsel and Office of Policy Evaluation to argue their respective position on the temporary operating license." (A sentence of explanation which appeared in the penultimate draft and which the Commission was too modest to leave in the final version.)

This decision is but another example of the Commission's deep-seated hostility toward informing the public and involving it in NRC's proceedings. The decision is incompatible with the basic notions of fairness which underlie the *ex parte* rules since the temporary operating license issues will inevitably be quite similar to the issues in the operating license hearing which will be going on at the same time. As has so often happened, the course chosen by the Commission is likely to be self-defeating: it is bound to result in endless litigation.

Additional Views of Commissioner Asselstine

I strongly disagree with the Commission majority's decision *not* to apply the provisions of 10 CFR Sections 2.719 and 2.780, relating to separation of functions and *ex parte* communications, as part of the procedural requirements for implementing the temporary operating license authority in Section 192 of the Atomic Energy Act of 1954, as amended.

In all likelihood, the issues that will be raised before the Commission in the temporary operating license proceedings under the provisions of Section 192 will be similar to, or the same as, the issues being adjudicated in the hearing in the final operating license proceedings. By permitting the NRC staff and the applicant, among others, to make informal off-the-record contacts with the Commission on these issues during the

temporary operating license proceedings, the Commission majority's proposed rule presents a grave risk of contaminating the formal on-the-record operating license proceeding. I do not believe that this risk of contaminating the final operating license proceeding can be avoided easily if informal, off-the-record contacts on similar issues arising in the temporary license proceedings are permitted. In order to assure procedural fairness in our operating license proceedings, I would apply our regulations relating to separation of functions and *ex parte* communications to temporary operating license proceedings, just as we now do for final operating license proceedings.

[FR Doc. 83-9050 Filed 4-5-83; 8:45 am]

BILLING CODE 7590-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 3, 4, 10, 15, 21, 145, 147, 155, 166, and 170

Introducing Brokers and Associated Persons of Introducing Brokers, Commodity Trading Advisors and Commodity Pool Operators; Registration and Other Regulatory Requirements

AGENCY: Commodity Futures Trading Commission

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing rules to implement recent amendments to the Commodity Exchange Act ("Act") which establish four new categories of persons who must be registered with the Commission. Specifically, the Futures Trading Act of 1982 has amended the Act generally to require the registration of introducing brokers and the associated persons ("APs") of introducing brokers, commodity trading advisors, and commodity pool operators. The Commission is accordingly proposing rules and rule amendments which would establish registration requirements and procedures for those new categories of registrant, prescribe minimum financial, reporting, and recordkeeping requirements for introducing brokers, create certain exemptions from registration, change the fees charged for registration with the Commission, and specify appropriate regulatory responsibilities, such as trading standards, for those new categories of registrant.

DATE: Comments must be received by May 6, 1983.

ADDRESS: Comments on the proposal should be sent to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Attention Secretariat.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Rosenzweig, Assistant Chief Counsel, or Lawrence B. Patent, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Commission is proposing rules and rule amendments to implement recent modifications to the Commodity Exchange Act which require the registration of introducing brokers and the associated persons of introducing brokers, commodity trading advisors ("CTAs"), and commodity pool operators ("CPOs"). Specifically, the Futures Trading Act of 1982 (Pub. L. No. 97-444, 96 Stat. 2294) amends Sections 4d, 4f, and 4k of the Act [1] to require, *inter alia,* those persons who could formerly be characterized as "agents" of futures commission merchants ("FCMs") to register with the Commission as introducing brokers and to require the registration of individuals engaged in the solicitation of customers, discretionary account clients, or pool participants (or the supervision of any person or persons so engaged) to register as associated persons.

Prior to the enactment of the Futures Trading Act of 1982, the Commodity Exchange Act allowed FCMs to operate through networks of unregistered "agents" whose principal function was to procure customer business. [2] The clearing (or "carrying") FCM which handled such business on a "fully-disclosed" basis often attempted to disavow any responsibility for violations of the Act committed by these agents,[3] even though customers may have viewed the agent and the FCM as one entity and did not distinguish between services provided by the agent and those provided by the FCM.[4] Congress recognized that a registration requirement would ensure that individuals or firms who were formerly engaged as agents would be subject to the same fitness requirements that apply to other Commission registrants who deal with commodity customers.[5] Thus, the Commission's legislative proposal to Congress would have required agents engaging in the activities described above to register as associated persons of the FCM for whom they procured business.[6] Although Congress ultimately determined that agents should instead be required to register as introducing brokers or as APs of a futures commission merchant, it was the intent of Congress to eliminate the existing regulatory disparity whereby certain individuals were required to register as associated persons while others escaped the Commission's direct scrutiny by being designated as "agents" of FCMs.[7]

The new legislation defines the term "introducing broker" to mean:

> any person, except an individual who elects to be and is registered as an associated person of a futures commission merchant, engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.[8]

Accordingly, and as discussed elsewhere in this **Federal Register** notice, the Commission is proposing regulations which would delineate, consistent with the amendments to the Act and pursuant to the Commission's general rulemaking authority, the permissible activities and corresponding obligations of introducing brokers and which would require certain commodity trading advisors to register as introducing brokers. The Commission has not, however, specifically addressed in this **Federal Register** notice the extent of an FCM's responsibility for accounts which it carries on a fully-disclosed basis because it does not view the Futures Trading Act of 1982 as having altered the law in this regard.

Prior to the enactment of the Futures Trading Act or 1982, only those persons who were associated with futures commission merchants ("FCMs") in certain specified capacities were required to register as associated persons.[9] That legislation, however, has extended the AP registration requirement to the sales and supervisory personnel of introducing brokers, CTAs, and CPOs, in order to "make the

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[1] 7 U.S.C. 6d, 6f, 6k, *as amended by* Pub. L. No. 97-444 sections 207, 208, 212.

[2] S. Rep. No. 384, 97th Cong., 2d Sess. 111 (1982); H.R. Rep. No. 565 (Part 1), 97th Cong., 2d Sess. 133 (1982).

[3] S. Rep. No. 384 at 40; H.R. Rep. No. 565 (Part 1) at 49; 36 FR 28110, 28111 (December 1, 1971).

[4] S. Rep. No. 384 at 70.

[5] S. Rep. No. 384 at 111; *see* H.R. Rep. 565 (Part 1) at 49.

[6] *See, e.g.,* S. Rep. No. 384 at 40, 111.

[7] H.R. Rep. No. 565 (Part 1) at 49 (1982).

[8] Futures Trading Act of 1982, section 201(1), *amending* Section 2(a) of the Act (7 U.S.C. 2).

[9] Section 4k of the Act, 7 U.S.C. 6k (Supp. V 1981) (*amended by* Futures Trading Act of 1982, Pub. L. No. 97-444, section 212).

[Commission's] registration program more consistent." * * * [by] requir[ing] persons who essentially function in the same capacity as persons associated with futures commission merchants to register as associated persons" and to permit the Commission to conduct fitness checks to uncover past misconduct which may render an applicant unfit for registration as an AP.[10] In order to implement the intent of that legislation, the Commission is proposing to extend to these new associated persons the "sponsorship" and fingerprinting requirements which presently apply to the APs of futures commission merchants.

The Commission is proposing, in § 1.57(b), that any person who, directly or indirectly, is compensated either (1) on a per-trade basis, or (2) for the referral of customers to an FCM (*e.g.*, a "finder's fee"), be required to register under the Act as an introducing broker. An FCM, as floor broker, an associated person of an FCM, or an associated person of an introducing broker would be exempt from that registration requirement. The Commission is also proposing that an introducing broker would have to register under the Act as a CTA if it either (1) directs a client's commodity interest account, or (2) guides the client's commodity interest trading by means of a systematic program that recommends specific transactions. *See* proposed § 4.14(a)(6). If those two proposals are adopted, persons currently operating as "agents" of FCMs may have to register as both introducing brokers and as CTAs. The Commission is also aware that if these proposals are adopted, several presently-registered CTAs may have to register as introducing brokers as well, unless they modify the form and manner in which they are compensated. The Commission believes that these proposals are consistent with the intent of Congress, since the Commission notes that, in enacting the Futures Trading Act of 1982, Congress did not provide a general exclusion from the definition of "commodity trading advisor" for introducing brokers comparable to that provided for futures commission merchants and floor brokers.

The Commission has proposed few restrictions on the operations and activities of introducing brokers. Proposed § 1.57(a) states that each introducing broker would have to open and carry each customer's account with a carrying FCM on a fully-disclosed basis, and that each introducing broker would have to transmit promptly for execution all customer orders to either a carrying FCM or to a floor broker, if the introducing broker "gives up" the name of its carrying FCM. Although an introducing broker cannot carry a regulated customer account, the proposed regulations contain no restrictions upon an introducing broker's ability to trade for its own account or to carry proprietary accounts or accounts in non-regulated commodities (*i.e.*, foreign futures). The Commission is concerned, however, that it may not be appropriate for introducing brokers to have any "back office" operations whatsoever.[11] The Commission is, therefore, requesting specific comment as to whether there should be additional restrictions upon the operations and activities of introducing brokers and, in particular, whether introducing brokers should be permitted to carry any accounts other than the firm's own house account.

The Commission is, however, proposing to restrict the operations and activities of introducing brokers in the options area. The Commission's position is that introducing brokers may not solicit or accept orders for "dealer" options, and that introducing brokers may not solicit or accept orders for exchange-traded options until the National Futures Association ("NFA") has a program in place to supervise such activity. This position is consistent with the Commission's commitment to Congress, which is required by statute, to assure that the options pilot program is limited so that it may be regulated successfully.

The Commission's proposed minimum adjusted net capital requirement for introducing brokers would be $25,000 ($50,000 for each introducing broker which is not a member of a designated self-regulatory organization ("DSRO")). *See* proposed § 1.17(a)(1)(ii). The Commission has been advised that NFA's bylaws will be amended to provide for the membership category of introducing broker and further provide that no NFA member may carry an account, accept an order or handle a transaction in commodity futures contracts, for or on behalf of any non-member of NFA or suspended member that is required to be registered with Commission an introducing broker, and that is acting in respect to the account, order or transaction for a customer, a commodity pool or participant therein, client of a commodity trading advisor, or any other person, unless (a) such member of NFA is a member of another futures association registered with the Commission under Section 17 of the Act, or is exempted from this prohibition by an NFA Board resolution, or (b) such suspended member is exempted from this prohibition by the NFA Appeals Committee.[12] The effect of the change in NFA's bylaws would mean that introducing brokers would generally become NFA members, so that the minimum capital requirement for introducing brokers would effectively be $25,000. By comparison, the minimum adjusted net capital requirement for FCMs is $50,000 for those which are members of a DSRO, and $100,000 for non-members.[13]

The Futures Trading Act of 1982 contains certain exemptions from registration. The Commission is proposing three additional exemptions, contained in proposed § 3.12(h), as follows:

1. A registered CPO need not re-register in oder to be an associated person of a CTA;

2. A registered CTA need not re-register in order to be an associated person of a CPO; and

3. An individual who is registered with the National Association of Securities Dealers as registered representative or as registered principal need not register as an associated person of a CPO in order to solicit funds, securities or property for a participation in a commodity pool, or to supervise any person or persons so engaged.

The Commission is proposing to modify the prohibition on dual and multiple associations of associated persons so that an associated person would only be prohibited from having more than one affiliation with the same category of registrant. Thus, an individual could be an associated person of one firm in each of the following categories: FCM, introducing broker, CTA, and CPO. As a consequence, it will be possible for an individual to be employed by four separate firms as an associated person, as long as no two of the firms in the

[10] S. Rep. No. 384, 97th Cong., 2d Sess. 39 (1982); *accord*, H.R. Rep. No. 565 (Part 1), 97th Cong., 2d Sess. 48–49 (1982).

[11] A securities introducing broker is subject to greater restrictions in these areas. *See* 17 CFR 240.15c3–1(a)(2) (1982).

[12] The Commission notes that NFA has already amended its Articles of Incorporation to make introducing brokers eligible for membership in NFA.

[13] The Commission is aware that a securities introducing broker is subject to a minimum dollar requirement of net capital of $5,000. the Securities and Exchange Commission ("SEC") adopted a requirement of $2,500 in 1965, raised it to $5,000 in 1975, and it has remained unchanged since then. The Commission is also aware, however, that a securities introducing broker is required to maintain the higher of the minimum dollar amount or 6⅔ percent of aggregate indebtedness, which could require such a firm to maintain more than $25,000 of net capital.

same registration category. *See* proposed § 3.12(f).

The Commission is proposing a temporary rule, proposed § 3.12–a(T), to allow associated persons of FCMs to become associated persons of a CTA, CPO or introducing broker without re-registration. This temporary "transfer" provision would apply to any associated person of an FCM who is so registered on the effective date of § 3.12–a(T). Section 3.12–a(T) would expire 180 days after it becomes effective. A major purpose of the provision would be to allow those person currently associated with an FCM through an agent to become associated persons of an introducing broker, without re-registration, when the agent for whom they work becomes registered as an introducing broker.

The Commission is proposing substantial revisions to the registration fee schedule, which for the first time would include a fee for the newly-added principals of a firm. The actual fee levels would be subject to adjustment as the staff develops further information about the Commission's registration processing costs. *See* proposed § 3.3.

Persons intending to file applications for registration as introducing brokers should be aware that the Commission is considering delegating the function of registering introducing brokers and their associated persons to the NFA, in accordance with statutory authority provided in the Futures Trading Act of 1982.[14] The Commission is specifically requesting comment on this issue.

The Commission believes that two other portions of the regulations not included herein will need to be amended to include references to introducing brokers and the new categories of associated persons. They are Part 12, which governs reparations proceedings, and Part 180, which governs arbitration proceedings. Since there are ongoing rulemaking proceedings affecting those parts of the regulations,[15] the Commission is not proposing the text of specific amendments thereto at this time. The Commission expects to include references to introducing brokers and the new categories of associated persons in those rules when rules are adopted for introducing brokers and the new categories of associated persons. The Commission is, accordingly, specifically requesting comments on the appropriateness of any such amendments.

II. Registration

A. Introducing Brokers

The Commission is proposing to establish registration requirements for introducing brokers which would be essentially identical to the procedures for the registration of FCMs. Proposed § 3.15. Specifically, the Commission is proposing to require each applicant for initial registration as an introducing broker to file a Form 7–R, accompanied by a Form 1–FR containing certain financial information [16] and by a Form 8–R and a fingerprint card for those of the applicant's principals who do not already have a current Form 8–R (and, in appropriate cases, a fingerprint card) on file with the Commission. Proposed § 3.15(a). The Commission is also proposing to require the filing of a Form 8–R and a fingerprint card for newly-added principals of an introducing broker. Proposed § 3.15(c). As discussed below, this provision would parallel proposed changes to the applicable filing requirements for floor brokers and the principals of FCMs, CTAs, and CPOs. Applications for renewal of registration, however, would require only the annual filing of a Form 7–R. Proposed § 3.15(b).[17]

The legislative history of the Futures Trading Act of 1982 makes clear that Congress intended to elminate the former unregistered statutory category of "agents" of FCMs and to require those persons who performed the types of activities traditionally engaged in by agents to register with the Commission as introducing brokers.[18] Historically, agents have carried all of their accounts on a fully-disclosed basis with an FCM which provided "back office" services for those accounts and as such, was responsible for compliance with the minimum financial, recordkeeping, and reporting requirements established by the Commission and its predecessor agency, the Commodity Exchange Authority ("CEA").[19] The FCM also provided confirmation, purchase and sale, and monthly statements (as well as any cash remittances) directly to the customers which had been "introduced" by the agent to the carrying FCM. Generally, the agent was compensated by the FCM on a per-trade basis—*i.e.*, the agent would in some manner be allocated a percentage of the commissions charged by the FCM on the trades made by the agent's customers.

In view of the express Congressional intention to require the registration as an introducing broker of those persons who would continue to operate in the same manner as an agent of an FCM, the Commission is proposing generally that any person who receives per-trade compensation—whether from a futures commission merchant (such as in the form of "split" commissions) or from a customer (*e.g.*, by the monthly debiting of the customer's account)—be required to register with the Commission as an introducing broker. Proposed § 1.57(b). This proposal is intended to effectuate the Congressional intent that persons who were formerly agents must now register an introducing brokers or as associated persons of a futures commission merchant. The Commission is further proposing in § 1.57(b) to require registration as an introducing broker by any person who is compensated for the referral of customers to an FCM. Specifically, the Commission is of the opinion that the phrase "soliciting or accepting orders," as it is used in Section 2(a) of the Act, must be construed to encompass not just the literal solicitation or acceptance of customers' orders, but also the solicitation of customers or acceptance of their orders for referral to an FCM for the institution of a trading relationship and the execution of those orders.[20]

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[14] *See* Futures Trading Act of 1982, Pub. L. No. 97–444, sections 224(6), 233(5), 96 Stat. 2315, 2321, which adds new Sections 8a(10) and 17 (*o*) to the Commodity Exchange Act (to be codified at 7 U.S.C. 12a(10) and 21 (*o*).

[15] 48 FR 6720 (February 15, 1983) (reparations) and 46 FR 60834 (December 14, 1981) (arbitration).

[16] *See* proposed §§1.10(a)(2), 3.15(a)(1).

[17] Section 4f(1) of the Act provides that the registrations of FCMS, floor brokers and introducing brokers "shall expire on December 31 of the year for which issued or at such other time * * * as the Commission may rule, regulation, or order prescribe * * *." 7 U.S.C. 6f(1), *as amended by* Section 208 of the Futures Trading Act of 1982, 96 Stat. 2302. The Commission has previously deferred the registration expiration dates of registered FCMs and floor brokers from December 31, 1982 to March 31, 1983 and from December 31, 1983 to March 31, 1984. 47 FR 52954 (November 23, 1982). The Commission contemplates that it will make permanent this April 1-March 31 cycle when it adopts revisions to the Form 7–R to reflect the registration requirements established by the new legislation. With respect to introducing brokers, however, the Commission anticipates that it will require introducing brokers to file their applicatins for renewal of registratin on or before June 30 of each year, the expiration date presently in effect for CTAs and CPOs.

[18] *See, e.g.*, H.R. Rep. No. 565 (Part 1), 97th Cong., 2d Sess. 49, 87 (1982); S. Rep. No. 384, 97th Cong., 2d Sess. 40–41, 70, 87, 111 (1982); *Hearings on S. 2109 Before the Subcommittee on Agricultural Research and General Legislation of the Senate Committee on Agriculture, Nutrition, and Forestry*, 97th Cong., 2d Sess. 222 (1982) (testimony of Edmund R. Schroeder); *id* at 542 (statement of Edmund R Schroeder).

[19] *See, e.g.*, 17 CFR 1.17, 1.33–1.36. Furthermore, because an agent was not authorized to accept customer funds, it was excused from compliance with the Commission's and the CEA's segregation regulations (17 CFR 1.20–1.30, 1.32). *See generally* 36 FR 22810, 22811 (December 1, 1971) (abolition of "§ 1.31a broker").

[20] In this connection, the Report of the Commission's Advisory Committee on Commodity Futures Trading Professionals, in discussing the AP registration requirements enacted in 1974, noted

Similarly, the Commission believes that persons who are currently compensated on a per-trade basis or by a referral fee as described above would be deemed to be the "agent" of a futures commission merchant for the purpose of the acceptance of those customer orders. As such, any person who continues to engage in those activities would be within the definition of, and generally required to register as, an introducing broker.

Furthermore, the Commission views the forms of compensation discussed above as typical of an FCM-agent relationship and thus believes it is appropriate to require those persons who continue to be compensated in this fashion to register as introducing brokers unless they are registered as a futures commission merchant, floor broker, or an AP of a futures commission merchant or of an introducing broker. Although the Commission has not proposed an exemption from this rule for commodity pool operators, the Commission anticipates that its proposal generally would not apply to CPOs insofar as they do not ordinarily receive per-trade compensation from either FCMs or from pool participants nor are they compensated for the referral of customers (*i.e.*, the pool itself) to a particular FCM. Moreover, the Commission does not view the pertinent activities of CPOs and their APs—the solicitation of funds, securities, or property for a participation in a commodity pool—as equivalent to the customer solicitation activities formerly engaged in by agents. For example, whereas an agent or an introducing broker may solicit customers' accounts, a CPO solicits participations in a commodity pool and may accept funds, securities, or other property only in the name of the pool. Thus, the Commission does not believe that its proposal will significantly affect the operations and activities of most CPOs.

The Commission is aware that its proposal would, if adopted, require certain commodity trading advisors either to modify the form and manner in which they are compensated by their customers or to register as introducing brokers. In this regard, the Commission notes that, in enacting the Futures Trading Act of 1982, Congress did not provide a general exclusion from the definition of "commodity trading advisor" for introducing brokers comparable to that provided for futures commission merchants and floor brokers.[21] The Commission therefore believes that it would be contrary to the statutory design to allow those commodity trading advisors who are compensated in the manner described above and who are, therefore, the functional equivalent of introducing brokers to avoid registration and the corresponding responsibilities of an introducing broker merely by registering as commodity trading advisors.

Section 2(a) of the Act defines the term "commodity trading advisor", in pertinent part, to mean "any person who, for compensation or profit, engages in the business of advising others * * * as to the value or advisability of trading in any contract of sale of a commodity for future delivery * * *."[22] As noted above, introducing brokers—unlike FCMs and floor brokers—are not excluded from the definition of a CTA even if their advisory activities are "solely incidental to the conduct of their business or profession." Thus, absent an appropriate exemption, an introducing broker would also be required to register as a commodity trading advisor, even where the introducing broker's advice was limited to analyses of market conditions and the issuance of generalized recommendations to purchase or sell particular futures contracts. The Commission is therefore proposing to exempt from CTA registration those introducing brokers who neither direct customers' accounts [23] nor guide customers' accounts by means of a systematic program that recommends particular transactions. Proposed § 4.14(a)(6).

B. Associated Persons

The amendments to the Act also establish three new categories of associated person. Thus, for the first time, APs of commodity trading advisors and commodity pool operators will be required to register as such. Furthermore, individuals who formerly would have been associated with an FCM through an "agent" as an AP of that FCM will now be required to register as APs of introducing brokers.[24] and is now proposing to apply those standards and requirements to all categories of associated persons [25] and is now proposing to apply those standards and requirements to all categories of associated persons.

Sponsorship. When it adopted the AP sponsorship and fingerprinting requirements for APs of FCMs, the Commission indicated that:

> The new sponsorship requirements are necessary to establish a uniform industry-wide minimum standard for pre-employment evaluation of associated persons; to insure that all FCMs develop programs that will result in the overall upgrading of APs registered with the Commission; to implement fully the provisions of the Commodity Exchange Act that require an individual to be registered as an associated person of a particular FCM; and to reduce a regulatory burden by eliminating the present biennial renewal requirement for all APs and by substituting therefor registration for as long as the person remains associated with a specified registered FCM or its agent. The fingerprinting requirements are necesary to permit improvements in the Commission's background checking of applicants for registration, to permit positive identification of certain individuals with common names, to reduce the number of applications filed by individuals who are unfit for registration, and to facilitate fitness reviews of registrants on a spot and periodic basis.[26]

The Commission believes that these considerations are equally applicable to the APs of CTAs, CPOs, and introducing brokers and is proposing to amend § 3.12 of its regulations to achieve these goals. Thus, an applicant for registration as an associated person would not be registered as such unless that individual is associated with a "sponsor," which is defined in proposed § 3.1(c) to mean the FCM, CTA, CPO, or introducing broker "which makes the certifications required by [§ 3.12] * * * for the registration of an associated person * * *" An AP registered in accordance with those procedures would, however, generally remain registered as long as he remained associated with that sponsor as an associated person and the sponsor itself remained registered. Proposed § 3.12(b).

As indicated above, the Act expressly provides for four different categories (or "capacities") of AP registration. The Act

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that some FCMs employed individuals to direct customers to the firm. Specifically, the Advisory Committee concluded that: "[w]hile these 'introducers' or 'openers' might not handle orders, they should be required to register as associated persons if their compensation from the FCM is based to any extent upon commission revenues generated by the account. It is the incentive of sharing in commissions that creates a potential for misconduct and thus these persons should be required to register. *Report of the Commodity Futures Trading Commission Advisory Committee on Commodity Futures Trading Professionals*, Comm. Fut. L. Rep. (CCH), No. 29, Part II (August 20, 1978) at 20.

[21] Futures Trading Act of 1982, Pub. L. No. 97–444, section 201(2), 96 Stat. 2297–98 (1982).

[22] *Id.*; proposed § 1.3(bb).

[23] Commission rule 4.10(f) (17 CFR 4.10(f)) specifies that term "direct" refers to those agreements "whereby a person is authorized to cause transactions to be effected for a client's commodity interest account without the client's specific authorization."

[24] Futures Trading Act of 1982, Pub. L. No. 97–444, § 212, 96 Stat. 2303–05.

[25] 17 CFR 3.12; *see* 45 FR 80485 (December 5, 1980); 46 FR 24940 (May 4, 1981).

[26] 45 FR 80485, 80485 (December 5, 1980).

further provides, however, that with two limited exceptions, AP registration in one capacity (*e.g.*, as an AP of an FCM) does not eliminate the need to be separately registered as an AP in another capacity (*e.g.*, as an AP of an introducing broker). With respect to the APs of CTAs and CPOs, the Act does permit an individual to be associated with a CTA or CPO in a capacity which would otherwise require AP registration if that individual is registered "as an associated person of another category of registrant." [27] The Commission has carefully considered and, for the reasons set forth below, declined to propose any further exemptions from AP registration which would be based merely on the fact of AP registration in some other capacity.

Because an AP's registration will generally be co-extensive with his association with the sponsor,[28] an FCM, CTA, CPO, or introducing broker which elected to rely solely on the fact that an AP was registered with another sponsoring employer would be subject to the risk that the AP's association (and simultaneously, the AP's registration) with that employer might be terminated at any time. In such a case, the second employer would be in violation of Section 4k of the Act—which generally makes it unlawful for an FCM, CTA, CPO, or introducing broker to permit an unregistered individual engaging in the activities described therein to be associated with that FCM, CTA, CPO, or introducing broker—as soon as the AP's association with his initial sponsor was terminated, which could, of course, happen without the second employer being aware of that termination.[29]

Secondly, Section 4k of the Act further provides that it is

> unlawful for any registrant to permit a person to become or remain an associated person of such registrant, if the registrant *knew or should have known* of facts regarding such associated person that are set forth as statutory disqualifications in Section 8a(2) of [the] Act, unless such registrant has notified the Commission of such facts and the Commission has determined that such person should be registered or temporarily licensed.[30]

An FCM, CTA, CPO, or introducing broker which must make the certifications necessary to the registration of an associated person will be in a position to know whether one of its employees is subject to a statutory disqualification. By comparison, mere reliance on the fact of an AP's registration would *not* excuse a violation of this provision when the firm with which the AP is to be associated should have, in fact, known of the statutory disqualification. Thus, the Commission believes that there are sound policy reasons for its decision not to extend further the limited exemptions from AP registration now provided by the Act. The Commission further believes that in light of these considerations, a commodity trading advisor or a commodity pool operator may be ill-advised to allow an already-registered AP to become associated with it without first requiring that individual's reregistration as an AP of that sponsoring CTA or CPO.

As indicated above, the sponsor of an AP's application would be required to make certain certifications regarding the applicant for AP registration which are essentially identical to those which must presently be made by FCMs for the registration of an associated person. Specifically, proposed § 3.12(c)(1)(i) would require the sponsor to certify on the Form 8–R being filed as an application for AP registration that the applicant is currently associated with the sponsor or will be so associated within thirty days after the receipt of the notification from the Commission provided by proposed § 3.12(c)(4). Proposed § 3.12(c)(1)(i) would further require the sponsoring FCM to certify that the applicant will not be permitted to act as an AP (as defined in proposed § 1.3(aa)) until registered in accordance with § 3.12.[31]

Proposed § 3.12(c)(1)(ii) requires the sponsoring FCM to make whatever inquiries are necessary to certify that it has investigated and verified the preceding five years of the applicant's education and employment history and that such history is accurately presented in the Form 8–R. This "screening" requirement would not apply, however, in the case of "grandfathered" APs who were registered as such prior to July 1, 1982 and who, at the time of the first expiration of their AP registration subsequent to that date, will remain associated with the sponsor at the time of that expiration. Proposed § 3.12(c)(1)(iii) further requires the sponsor to certify that all of the publicly available information supplied by the applicant on the Form 8–R is accurate and complete to the best of its knowledge, information and belief.[32]

As the Commission has earlier indicated, these "screening" requirements "do no more than make uniform what should be the ordinary and customary practice" for every responsible registrant employer.[33] Furthermore, the Commission anticipates that the continued upgrading of quality overall among registrants will ultimately lower costs by reducing turnover of personnel, lost business due to customer dissatisfaction, and litigation arising from the acts of employees.[34] Although the proposed regulations do not prescribe procedures which must be employed by the sponsor prior to making the required certifications, the Commission contemplates that a sponsor would use methods comparable to those customarily employed by the financial community for sensitive positions. For example, some firms may follow the practice commonly used for registration screening in the securities industry, which is to hire investigative agencies to perform some or all of the screening functions. Although the Commission does not object to such a practice, the proposed regulations make clear that,

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[27] Futures Trading Act of 1982, Pub. L. No. 97–444, § 212, 96 Stat. 2304 (to be codified at 7 U.S.C. 6k(2), (3)).

[28] Proposed § 3.1(b)

[29] The Commission is proposing, however, to continue its present policy and practice of allowing those APs who were registered prior to July 1, 1982 to continue to act as such until their current registrations expire. Thus, for example, an AP of an FCM who was registered in February 1982 and whose registration will not expire until two years after that date would, subject to the reporting requirements of proposed § 3.31(e), be able to be associated with an FCM, CTA, CPO, or introducing broker without having to reregister as such until that registration expires. *See* proposed § 3.1(a).

[30] Futures Trading Act of 1982, Pub. L. No. 97–444, section 212, 96 Stat. 2305 (emphasis added). As used in section 4k(5) of the Act, the term "statutory disqualification" means any of eight enumerated conditions—such as suspension or revocation of a prior registration, a court order barring specified conduct involving commodities or securities, or a recent conviction for felonies such as embezzlement or fraud—specified in the amended provisions of Section 8a(2) of the Act. *See* Futures Trading Act of 1982, Pub. L. No. 97–444, section 224, 96 Stat. 2310–12.

[31] If, after the filing of the Form 8–R, the applicant either fails to become an associated person of the sponsor or if that relationship is terminated, the sponsor must promptly report the fact to the Commission. Proposed § 3.31(c)(1).

[32] The Commission has previously construed this requirement to apply primarily to the questions in the existing Form 8–R which relate to regulatory or judicial sanctions (items 16–21). If, for example, an AP applicant or registrant answered "Yes" in response to any of those questions, the sponsor would be required to make whatever inquiries were necessary to certify that the individual's representations about, and documentation of, the status or disposition of the matter were, in fact, accurate and complete. Further, while proposed § 3.12(c)(1)(iii) would require the sponsor to investigate and document any adverse, publicly available information *which is reflected in the application*, the Commission wishes to emphasize that the regulation would not require the sponsor to obtain negative information regarding the applicant when there is no indication of such in the application. *See* 45 FR 80485, 80489 (December 5, 1980).

[33] 45 FR 18356, 18357 (March 20, 1980); 45 FR 80485, 80488 (December 5, 1980).

[34] *Id.*

ultimately, it is the sponsor's responsibility to assure itself of the accuracy of the representations that are made to the Commission.

The Commission recognizes, however, that were it to require these certifications to be completed prior to the submission of an application for AP registration, the overall processing time could be increased by as much as 4–6 weeks—the amount of time which may be needed by a sponsor to complete its background checks on the applicant. The Commission therefore presently permits a sponsoring FCM to submit a Form 8–R without the required "Sponsor's Certification," thereby allowing the Commission to commence its background checks of the applicant[35] while the sponsor conducts its own screening of the applicant prior to its submission of a completed Sponsor's Certification. *See* Commission rule 3.12(c)(2). The Commission contemplates that the same procedure would be available to all sponsors—whether FCMs, CTAs, CPOs, or introducing brokers—and is not, therefore, proposing any change to that portion of its regulations.

Expedited AP registration procedures. Proposed § 3.12(d) would extend the existing expedited registration procedure which is presently available to certain APs of FCMs to applicants for AP registration in any capacity. Specifically, this expedited procedure would be available to: (1) Any person whose AP registration in another capacity is still in effect so that, for example, an AP of a CTA could use this procedure to become registered without delay as an AP of an FCM; (2) any person whose AP registration in any capacity has terminated within the preceding sixty days; and (3) any person who, on or prior to the first expiration of that person's AP registration subsequent to July 1, 1982, becomes associated with a sponsor which has hired or otherwise employed the AP.

These criteria would differ in certain minor respects from those which are currently applicable to APs of FCMs. In particular, in view of the fact that an individual may be registered as an AP in more than one capacity, the Commission is proposing to allow an AP to use the expedited procedure to become registered with more than one sponsor. By comparison, § 3.12(d)(1) currently provides that an AP whose registration was granted within the preceding year is also eligible for this expedited procedure. This procedure was adopted because Section 4k(2) of the Act specified a minimum one-year duration for certain AP registrations. That requirement of Section 4k(2) has now been repealed.[36] The Commission is therefore proposing to delete this latter provision from the bases of eligibility for the expedited registration procedure contained in § 3.12(d).

An individual who is eligible for expedited registration would be registered as an AP on such person's new sponsor upon the mailing to the Commission of a completed Form 8–S, the one-page "Certificate of Special Registration." The Form 8–S, requires a certification by the sponsor that the individual has been hired or otherwise employed by the sponsor as an AP. The applicant would have to personally certify on that Form that his AP registration in any capacity is neither suspended nor revoked, that he qualifies for expedited registration under the criteria described above, and that, if there is a proceeding pending to suspend, revoke, or condition his registration (or if, within the preceding twelve months, the Commission has permitted the withdrawl of an application for registration), the sponsor has been given a copy of the complaint or letter issued in that proceeding. Proposed §§ 3.12(d) (1), (2). Within sixty days of the filing of the Form 8–S, the AP and the sponsor would have to complete and the sponsor would have to file with the Commission a completed Form 8–R (including the "Sponsor's Certification" described above), the registration fee and, except where these Forms are being filed at the time of the first expiration of that individual's registration as an associated person subsequent to July 1, 1982, a fingerprint card. Proposed § 3.12(d)(3).

Fingerprinting. This exemption from the fingerprinting requirement would also apply to those APs for whom their sponsors elect to file only a Form 8–R (instead of Forms 8–S and 8–R, as required under the expedited procedure) when their registration as associated persons first expires subsequent to July 1, 1982. *See* proposed § 3.12(c)(3).[37] Thus, such an AP would not need to be fingerprinted if he remains associated with that sponsor on and after the first expiration of his AP registration subsequent to July 1, 1982. In all other cases, however, where a Form 8–R is being filed in connection with the registration of an associated person, that Form would have to be accompanied by a fingerprint card, irrespective of whether the individual is applying for registration in the first instance or has retained his AP registration in another capacity. This requirement would, if adopted, merely extend to all associated persons the rule that the Commission now applies to APs of FCMs which requires an applicant for AP registration to be fingerprinted each time he changes his affiliation (unless, or course, his pre-July 1, 1982 registration has not yet expired). *See* Commission rule 3.12 (c)(3), (d)(3). By comparison, floor brokers and the principals of FCMs, CTAs, CPOs, and introducing brokers who are not "grandfathered" are generally required to be fingerprinted only once.

The Commission has previously explained that this increased scrutiny of associated persons was necessary because:

> The FBI check reveals criminal records for a significantly greater percentage of AP applicants than for either floor broker applicants or principals. Further, based upon the Commission's experience through its administrative proceedings against registrants, the volume of complaints received, and the reparations cases which have been brought, it appears that APs are the category of registrant most likely to be involved in activities which bring into question their fitness. Moreover, such activity frequently occurs in a time frame fairly contiguous to the AP's change in firm.[38]

In the absence of contrary evidence, the Commission believes that these considerations would apply equally to all categories of associated person and therefore, that its present practice with respect to APs of FCMs should be extended to all categories of associated persons. The Commission notes, however, that any burden which may result from this requirement would be minimized by the Commission's policy of allowing the simultaneous submission of applications for registration in more than one capacity or the simultaneous use of such an application as a biographical supplement for a new principal, in which cases only one fingerprint card would be required for the same individual. The Commission further notes that § 3.21, which the Commission is now proposing to extend to all categories of registrant, allows the filing of a photocopy of the FBI report in lieu of a fingerprint card in certain cases where the applicant has simultaneously applied for registration in the securities industry.[39] The Commission is further

[35] The Commission screens each applicant and principal with the Federal Bureau of Investigation ("FBI") and the Securities and Exchange Commission and, where necessary, conducts or causes to be conducted further investigations of the individual's fitness.

[36] *See* 7 U.S.C. 6k(2), *as amended by* Futures Trading Act of 1982, Pub. L. No. 97–444, section 212, 96 Stat. 2305.

[37] *See* 7 U.S.C. 6k(2), *As amended by* Futures Trading Act of 1982, Pub. L. No. 97–444, section 212, 96 Stat. 2305.

[38] 45 FR 80485, 80487 (December 5, 1980).

[39] *See id.*

proposing to extend § 3.21 to make it available to any individual whose initial registration in any capacity was granted within the preceding ninety days if that initial registration required the filing of a fingerprint card. Thus, for example, a person who applied for registration as an AP of a CTA and, in connection therewith, submitted a fingerprint card could, within ninety days after registration was granted, apply for registration in another capacity (such as an AP of an introducing broker) and be excused from the otherwise-required filing of a second fingerprint card.

Multiple associations. Commission rule 3.12(f) currently prohibits an AP from being associated with more than one FCM.[40] When it adopted this restriction, the Commission explained that "the obvious difficulties of supervision in such a situation and . . . the inherent possibilities of conflict of interest that might arise if an AP were to have more than one sponsor" outweighed any possible adverse effects upon competition which might result from such a prohibition.[41] In view of the establishment of three new categories of associated person, the Commission is proposing to modify this limitation to provide instead that an AP may be associated with only one registrant in each capacity. Proposed § 3.12(f). Thus, for example, if the Commission's proposal were adopted, an AP could be associated with a futures commission merchant and with a commodity trading advisor but could not, absent an exemption,[42] be simultaneously associated with a second FCM or CTA. The Commission specifically requests comments as to the appropriateness of such a limitation and whether the Commission's rule should be modified further to prohibit all such simultaneous associations other than those expressly permitted by Sections 4K(2) and (3) of the Act for APs of commodity trading advisors and APs of commodity pool operators.[43]

Exemptions from AP registration. Section 4k of the Act, as amended, provides several exemptions from AP registration. For example, an individual registered as an FCM, floor broker, or as an introducing broker need not register as an AP in any capacity.[44] In addition, and as discussed above, the Act provides an exemption from registration as an AP of a CTA or of a CPO for any AP who is registered in another capacity. Finally, the Act also provides that a CPO need not register as an AP of a commodity pool operator and that a CTA need not register as an AP of a commodity trading advisor.[45]

The Commission is proposing to augment these statutory provisions by exempting those individuals who are registered as CPOs from registration as APs of commodity trading advisors. Proposed § 3.12(h)(1). The Commission is similarly proposing to exempt individuals who are registered as CTAs from having to register as APs of commodity pool operators. Proposed § 3.12(h)(2).

The Commission is also proposing to exempt from registration as an AP of a commodity pool operator any individual who is registered with the National Association of Securities Dealers ("NASD") as a registered representative or a registered principal.[46] Proposed § 3.12(h)(3). The Commission has earlier proposed to require the registration, as a commodity trading advisor, of certain persons who solicited customers on behalf of CTAs or CPOs.[47] The Commission's proposed rule, however, would have provided an exemption from that registration requirement to any individual who solicited customers in connection with the public offering of a commodity pool if that offering was made pursuant to the provisions of section 5 of the Securities Act of 1933 and if that individual was associated with a broker or dealer which was registered as such with the Securities and Exchange Commission. As the Commission observed at that time:

> [S]ome CPOs register their pool offerings with the Securities and Exchange Commission ("SEC") and, as part of that process, furnish a written "prospectus" to prospective pool participants containing much of the information required by Commission rule 4.21 * * * In recognition of this practice, the Commission has permitted COPs who choose to provide a prospectus to prospective pool participants to supplement that prospectus to comply with the specific requirements of § 4.21 * * *
>
> The Commission believes that similar considerations may apply to the actual solicitation of pool participants * * *[48]

The Commission has subsequently had occasion to provide a temporary no-action position to certain applicants for AP registration who were associated with registered securities brokers or dealers and who were themselves registered with the NASD as a registered representative or registered principal.[49] In that context, the Commission noted that the fitness investigations conducted by the NASD are similar to those conducted by the Commission and that the Commission and the NASD apply similar standards of registration fitness.[50] Furthermore, inasmuch as the Commodity Exchange Act does not relieve any person of any obligation or duty, or affect the availability of any right or remedy available to the Securities and Exchange Commission or any private party arising under the Securities Act of 1933 and the Securities Exchange Act of 1934 governing the issuance, offer, purchase, or sale of securities of commodity pool,[51] the Commission comtemplates that a not insubstantial number of persons who would otherwise be required to register as APs of a commodity pool operator will already be registered with the NASD. In view of these considerations, the Commission believes that its proposed exemption will appropriately limit regulatory duplication and overlap by eliminating the need to register the large numbers of individuals who may only occasionally solicit pool participants.

The following examples are intended to illustrate the operation of the Commission's proposed regulations in certain representative situations:

(1) "A", an individual, is registered as an AP of FCM "W" on January 1, 1984 after "W" filed a completed Form 8–R, a fingerprint card, and the $50 registration fee. Proposed §§ 3.12(c); 3.3(a)(3). "A" continues to be associated with FCM "W" but, on June 15, 1985, also decides to become an AP of CTA "X". Although "A" is not required to register as an AP of "X" (Section 4k(3) of the Act), if CTA "X" elects to register "A" as an AP, it may file Form 8–S and "A" will be registered as an AP of CTA "X" upon the mailing of that Form. "X" must then file a complete Form 8–R (*i.e.*, including the Sponsor's Certification), fingerprint card, and the registration fee within 60

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[40] *See generally* 48 FR 4650 (February 2, 1983).

[41] 45 FR 80485, 80489 (December 5, 1980) (footnote omitted).

[42] *See* proposed § 3.12(g)(1).

[43] As discussed earlier, new Sections 4k(2) and (3) of the Act expressly exempt from re-registration as an AP of a CTA or of a CPO any individual who is already registered "as an associated person of another category of registrant." Futures Trading act of 1982, Pub. L. 97–444, Section 212, 96 Stat. 2304.

[44] *Id.*, Section 212, 96 Stat. 2303–04. The Act separately provides that an individual who is registered as an AP of an FCM need not register as an introducing broker. *See id.*, section 201(1), 96 Stat. 2297.

[45] *Id., section 212, 96 Stat. 2304.*

[46] *See* ANSD Bylaws, Schedule C, Parts I and II, [1967] NASD Manual (CCH) ¶1102A at 1047–54.

[47] 47 FR 2325 (January 10, 1982). In view of the subsequent amendments to the Act and the rules the Commission is now proposing to implement those amendments, the Commission hereby withdraws that earlier proposal.

[48] *Id.* at 2326.

[49] 47 FR 53764 (November 29, 1982).

[50] *Id.* at 53765 nn. 3 & 4.

[51] Futures Trading Act of 1982, Pub. L. No. 97–444, Section 103, 96 Stat. 2296–97.

days. Proposed § 3.12(d). (If "X" does not elect to re-register "A" as its AP, it must notify the Commission of "A"'s new association on Form 3–R and provide the $10 registration fee. Proposed §§ 3.31(d), 3.3(a) (3). Furthermore, "X" is subject to the risk that FCM "W" may terminate "A"'s employment—and therefore, "A"'s registration—without "X"'s knowledge. In such a case, "X" could be in violation of Section 4k of the Act since "A" would no longer be registered as an AP "of another category of registrant.")

(2) The facts are the same as in Example (1) except that "A"'s association with FCM "W" terminated on May 1, 1985. Because "A"'s registration with "W" terminated within the preceding sixty days (*i.e.*, on May 1), "X" may use Form 8–S (as described in Example 1) to register "A" as an AP of "X". Proposed § 3.12(d).

(3) "B" applies to become an associated person of "Y", which is registered as both an FCM and as an intoducing broker. "Y" has to file only one Form 8–R to register "B" as an AP of an FCM and as an AP of an introducing broker, but the application would have to be accompanied by the registration fee for each capacity. Proposed §§ 3.2, 3.3(a)(7).

(4) "C" applies for registration as an AP of FCM "W". In this connection, "W" files a Form 8–R, fingerprint card, and the $50 registration fee on behalf of "C". (The Sponsor's Certification may be submitted separately at a later date.) Proposed §§ 3.12(c), 3.3(a)(3). Before "C" becomes registered, he decides to become simultaneously associated with "Z", an introducing broker.) "Z" must refile a Form 8–R, fingerprint card, and the $50 registration fee to register "C" as an associated person of an introducing broker. "Z"'s Sponsor's Certification may be filed separately from the new Form 8–R.) Proposed §§ 3.2, 3.12(c), 3.3(a)(3). Alternatively, assume that (C) has become registered as an AP of FCM "W" on April 1, 1984. "Z" can now file Form 8–S (which is effective upon mailing) as long as "C" remains registered as an AP of "W". Proposed § 2.12(d). Although "Z" must thereafter file a complete Form 8–R and the $50 registration fee, "Z" would not have to file a fingerprint card for "C" if "Z" files the Form 8–R on or before June 30, 1985, the 90th day after "C" was registered as an AP of FCM "W". Proposed §§ 3.12(d), 3.21(a)(2).

(5) "D", an associated person of CTA "Y", leaves "Y"'s employment on March 1, "D", may become immediately re-registered as an AP of another CTA, or an an AP of an FCM, CPO, or introducing broker, at any time prior to May 1, (the sixty-first day after March 1st) if his new employer files Form 8–S and thereafter files Form 8–R, a fingerprint card, and the registration fee. Proposed § 3.12(d). On and after May 1, "D's" new employer would have to file a Form 8–R, a fingerprint card, and the registration fee and "D" would not be permitted to act as an associated person until registration is granted. Proposed §§ 3.12(c), 3.12(a).

(6) "E" was registered as an associated person of FCM "W" in May 1982. Under the provisions of former Section 4k of the Act and Commission regulation 1.10b, "E" 's registration was granted for two years and will expire on May 31, 1984. Even though "E" ceased to be associated with FCM "W" in January 1983, he may become associated with another FCM, or with a CTA, CPO, or introducing broker without having to register until May 1984. Proposed § 3.12(a). "E" 's new employer must report "E" 's new association on Form 3–R. Proposed § 3.31(e). (When "E" left "W" 's employment, "W" reported "E" 's termination on Form 8–T. Proposed § 3.31(c).) On or prior to the date that "E" 's "old " two-year registration expires, his new employer must file either the Form 8–S or a complete Form 8–R and the $50 registration fee. If the new employer chooses to file the Form 8–S, it must also file a complete Form 8–R and the registration fee within 60 days. In either case, the new employer does not have to verify "E" 's education and employment history (as presented in the Form 8–R) nor does the new employer have to file a fingerprint card for "E". Proposed §§ 3.12(c)(1)(ii), 3.12(c)(3), 3.12(d)(1), 3.12(d)(3).

(7) "F" is registered as an AP of CTA "Y". While still associated with "Y", "F" accepts an offer of employment with another CTA. His application for registration, filed on Form 8–S, will be rejected if "F" continues to be associated with "Y" because "F" cannot be associated with two sponsors who are registered in the same capacity. Proposed §3.12(f).

"Transfer" of associated persons. The Commission recognizes that a not insubstantial number of APs are associated with FCMs through agents of those FCMs. Absent appropriate relief, those APs would generally remain registered in that capacity *(i.e.,* as persons associated with a futures commission merchant) even if the agent by whom they are employed becomes registered as an introducing broker. In those circumstances, an AP would have to re-register as an AP of the introducing broker if he is to continue to solicit or accept customers' orders or supervise any person or persons so engaged. Similarly, an AP would have to re-register under the sponsorship of the new introducing broker if the FCM which had formerly sponsored that AP terminated its sponsorship (and, with it, the AP's registration) upon the registration of its former agent as an introducing broker. *See* proposed § 3.12(b).

The Commission is therefore proposing to exempt these APs on a one-time basis from certain otherwise applicable registration requirements. Specifically, the Commission is proposing in § 3.12a(T) to allow the "transfer" of any registered AP from an FCM to an introducing broker, a commodity trading advisor, or a commodity pool operator.[52] This "transfer" rule, which would be effective for 180 days, would allow the FCM with whom the APs are presently registered and the introducing broker, commodity trading advisor, or commodity pool operator with whom the APs will thereafter be associated to file a statement with the Commission specifying which APs are to be "transferred" from the FCM to the new sponsor. That statement, which the Commission anticipates will be incorporated into Commission Form 3–R, would also require the transferee registrant *(i.e.,* the introducing broker, commodity trading advisor, or commodity pool operator) to acknowledge that the "transferred" APs will thereafter be registered as APs of that registrant as long as they remain associated with that firm and further, that such transferee shall be fully responsible for the conduct of those APs as if they had been sponsored by that firm.

The Commission's proposal would therefore eliminate the need for each of these APs to be formally re-registered. Specifically, the introducing broker, CTA, or CPO to whom an AP is "transferred" in accordance with § 3.12a(T) would be excused from filing Forms 8–S and 8–R, a fingerprint card, and the registration fee for each of those associated persons. *Compare* proposed §§ 3.3(a)(3), 3.12(c), 3.12(d). Furthermore, the FCM with whom the APs were formerly associated would not have to file a termination notice for each of those associated persons. *Compare* proposed § 3.31(c). The Commission

[52] In view of the new registration requirements for APs of commodity trading advisors and commodity pool operators, the Commission is proposing to make this procedure equally available to permit transfer of such APs of FCMs to CTAs and CPOs. In this regard, the Commission notes that some agents of FCMs are presently registered under the Act as CTAs or as CPOs.

therefore anticipates that its proposal would, if adopted, streamline the transfer process, resulting in substantial savings of time and expense to the industry and the Commission while greatly minimizing the adverse effects upon customers which might otherwise result from the disruption of previously-existing business relationships.

C. Floor Brokers and Principals of FCMs, CTAs, CPOs, and Introducing Brokers

The Commission is proposing to make minor, technical amendments to its rules relating to the filing of a fingerprint card by floor brokers and the filing of a Form 8–R and a fingerprint card by principals of an FCM, CTA, or CPO. When those rules were first adopted in December 1980, the Commission determined to "grandfather" from those requirements any individual who had a "current" Form 8–R (or the former Form 94) on file with the Commission on the date those rules first became effective.[53] It has come to the attention of the Commission, however, that this latter exemption is somewhat broader than originally contemplated in that the definition of "current" contained in § 3.1(b), when read in conjunction with the "grandfather" clauses contained in the regulations relating to the registration of FCMs, floor brokers, CTAs, and CPOs, could be interpreted to allow an individual who had a then-current Form 8–R or Form 94 on file with the Commission on July 1, 1982 to leave the industry for an extended period of time and later return without having to file an updated Form 8–R and fingerprint card. This unintended exception, which is contrary to the Commission's intent, may be of particular significance because the duty to update and periodically correct a registrant's or principal's registration filings would generally be abated when an individual is no longer acting in a registered capacity or as a principal.[54]

The Commission is therefore proposing to amend the definition of the term "current" (proposed § 3.1) and to amend pertinent portions of other of its regulations to require the filing of a Form 8–R and a fingerprint card in the limited circumstances described above.[55] The Commission is also proposing to apply the same standard to the principals of introducing brokers.[56] The Commission wishes to emphasize, however, that it is not proposing to change those regulations which specify that principals or floor brokers who are not so "grandfathered" (and who therefore must be fingerprinted in accordance with the Commission's registration regulations) will, in general, only be required to file one fingerprint card and, except in the case of floor brokers, one Form 8–R.[57]

D. Registration Fees

The Commission is proposing to increase the registration fees for all categories of registrants, to establish a fee for introducing brokers, and to charge a fee for the filing of a biographical supplement (Form 8–R) on behalf of a principal. Proposed § 3.3. Specifically, the fees for registration (both initial and renewal) would be increased from $200 to $300 for FCMs, from $50 to $100 for CTAs and CPOs,[58] and from $20 to $50 for APs and floor brokers. Proposed §§ 3.3(a)(1)–(4). The Commission is further proposing to increase from $6 to $10 the fee for each branch office and to make explicit that this latter charge would apply uniformly to the branch offices to FCMs, CTAs, CPOs, and introducing brokers. Proposed § 3.3(a)(5). The Commission is also proposing to charge $50 for each Form 8–R submitted on behalf of a principal; this latter fee would not be assessed, however, where the same Form 8–R is being used simultaneously to apply for registration as an AP or as a floor broker or where an FCM, CTA, CPO, or introducing broker merely notifies the Commission of the addition of a principal on Form 3–R.[59] Proposed §3.3(a)(6). Finally, the Commission is proposing to continue its present practice of requiring separate registration fees for each registration capacity. Proposed § 3.3(a)(7). Thus, for example, if an individual were simultaneously applying for registration in two capacities (*e.g.*,as an AP of a CTA and as an AP of an introducing broker), the application would have to be accompanied by a fee of $100 for those two registration capacities.

The Commission believes that these fees are both reasonable and equitable. The Commission further believes that its proposal would not result in the adoption of fees which "exceed the actual cost . . . to the Commission" [60] of registering each of the enumerated categories of registrant. The Commission is nonetheless continuing to develop data and information which will allow it to assess more precisely the actual cost to the Commission of registering each category of registrant and will, of course, consider that data and information when it adopts final rules.[61] The Commission notes, however, that the applicability of this schedule of registration fees would be suspended once a registered futures association (such as NFA) assumes the Commission's registration processing responsibilities.[62]

E. Other Registration Regulations

The Commission is proposing to make conforming, non-substantive amendments to certain of its other registration regulations to reflect the addition of the four new categories of registrant. Thus, for example, the Commission is proposing to amend § 3.2, which presently specifies that registration in one category under the Act does not include registration in any other capacity, to emphasize that except as may be provided in the Act or by Commission regulation, registration as an AP in any one capacity (*e.g.*, as an AP of a commodity trading advisor) does not include registration in any other capacity (*e.g.*, as an AP of a futures commission merchant).

The Commission is similarly proposing to amend §§ 3.21 and 3.30 to add appropriate references to introducing brokers and the new categories of associated persons. Section 3.21 allows the filing of a photocopy of an applicant's or principal's fingerprint card and criminal history sheet, if any, received from the FBI in certain instances where the applicant or principal was simultaneously fingerprinted for a position which requires registration both with the Commission and, for example, with a securities industry self-regulatory

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[53] 45 FR 80485, 80487 (December 5, 1980). The effective date of those rules was substantially deferred from July 1, 1981 to July 1, 1982. 46 FR 24940 (May 4, 1981).

[54] *See* Commission rule 3.31(b).

[55] *See* Commission rules 3.10(a)(2)(i), (c)(1) (FCMs); 3.11(b)(1) (floor brokers); 3.13(a)(2)(i), (c)(1) (CTAs); 3.14(a)(2)(i), (c)(1) (CPOs).

[56] *See* proposed §§ 3.15(a)(2)(i), (c)(1).

[57] Those persons would, of course, remain subject to the provisions of §3.12, which governs the registration of associated persons, and to the supplemental filing provisions of §3.22. Furthermore, a floor broker would continue to be required to file a Form 8–R to apply for initial registration or for renewal thereof.

[58] The Commission is similarly proposing to charge $100 for the registration of introducing brokers.

[59] Furthermore, and as discussed earlier, the Commission's proposed regulations would generally require only the one-time filing of a Form 8–R for a principal.

[60] Futures Trading Act of 1982, Pub. L. No. 97–444, section 237, 96 Stat. 2326, *amending* Futures Trading Act of 1978, section 28, 92 Stat. 877.

[61] The Commission also intends to provide this data and information to its Congressional oversight committees. *See* H.R. Rep. 97–964, 97th Cong., 2d Sess. 57–58 (1982) (Conference Committee).

[62] *Id.* at 57.

organization.[63] Section 3.30, which merely makes explicit a registrant's or principal's continuing duty to furnish a current address for the receipt of communications from the Commission, would be amended to add references to introducing brokers and to provide that communications from the Commission relating to the registration of an associated person may be addressed to a CPO, CTA, or introducing broker as well as to a futures commission merchant.

Section 3.31, which requires each applicant, registrant, and principal to report changes to the registration information on file with the Commission, would similarly be amended to make those requirements applicable to the four new registration categories. The Commission is also proposing to require any CTA or CPO which allows APs who are already registered in some other capacity to become associated with that CTA or CPO without re-registration to file a Form 3–R to report that association. Proposed § 3.31(d). The Commission hereby gives notice that, although the precise terms are not delineated in § 3.31(d), the Commission is proposing to amend Form 3–R to specify that any such CTA or CPO must make certifications for those newly-added associated persons which would be comparable to those required by proposed § 3.12a–(T). These latter requirements would not apply, however, where the CTA or CPO sponsored the re-registration of the AP in accordance with the provisions of § 3.12 or where the AP's pre-July 1, 1982 registration had not yet expired. *See* proposed §§ 3.31 (d), (e).

Proposed § 3.31(e) is essentially the same as current §3.31(d) and, in conjunction with proposed § 3.12(a), allows any associated person who was registered as such prior to July 1, 1982 and whose registration has not yet expired to change firms without having to re-register. The Commission is proposing to broaden those provisions so as to allow any such AP to be employed not only by an FCM, but also by a CTA, CPO, or introducing broker. The new employer would be required to report that association on Form 3–R but would not have to make certifications comparable to those which would be required under proposed §§ 3.12a–(T) or 3.31(d).[64]

The Commission is also proposing to amend § 3.32(a) to require an introducing broker to re-register in the event of a change in the name of the registrant. A similar requirement already applies to FCMs, CTAs, and CPOs. Finally, the Commission is proposing to incorporate references to introducing brokers into § 3.33, which establishes the procedures for withdrawal from registration.

III. Minimum Financial and Related Reporting Requirements

A. Minimum Adjusted Net Capital Requirement

The Commission's proposals relating to the registration of introducing brokers are designed to fully integrate those persons into the Commission's regulatory framework. Another purpose of the proposals is to eliminate "the current ambiguity and the resulting uncertainties of the regulatory status of agents. [65] Agents are not now directly subject to the Commission's registration authority, but introducing brokers will be directly subject to the Commission's registration authority. Direct regulatory authority over such businesses is needed due to the recent proliferation of such businesses, and concomitant increased contact between such businesses and the public. The Commission recognizes that its authority to register and regulate introducing brokers is intended primarily to close certain regulatory gaps which currently exist and is not intended to facilitate the development of a new segment of the commodity industry nor to facilitate the entry of new firms. In order that the Commission may fully integrate introducing brokers into its regulatory program, Section 4f(2) of the Act has been amended to prohibit registration of introducing brokers who do not meet minimum financial requirements established by the Commission.[66]

The Commission is authorized to establish minimum financial requirements for introducing brokers to insure that they meet their obligations as registrants. Congress stated that a purpose of those requirements should be "to guarantee accountability and responsible conduct of [introducing brokers]." [67] The Commission believes that requiring a registered introducing broker to have a permanent capital base not only would establish a benchmark of economic viability, but would also be an important element of customer protection. The Commission further believes that the proposed minimum adjusted net capital requirement for introducing brokers must be based on several factors: (1) Requiring sufficient capitalization so that an introducing broker will be encouraged to employ the appropriate personnel, resources and equipment to safeguard its stake in the business; (2) insuring that such registrants have a sense of commitment and obligation to their business sufficient to produce responsible, reliable operations; (3) insuring that introducing brokers are not judgment proof; and (4) providing coverage for potential liabilities arising from business operations, customer relations and the handling of proprietary accounts. Another factor which the Commission has considered is its concern that if the adjusted net capital requirement for introducing brokers is set too low, persons who are currently directly supervised by and under the responsibility of FCMs (*i.e.*, associated persons of FCMs) may establish introducing broker firms for which the FCM will have no responsibility. Such a result could lead to a weakening in the current system of supervision and responsibility under the Act, which is directly contrary to the idea behind establishing a comprehensive regulatory scheme for introducing brokers, which is intended to strengthen supervision and responsibility.

The Commission therefore is proposing to amend § 1.17 of its regulations to establish minimum financial requirements for introducing brokers. The Commission, with these factors in mind, has determined to propose a minimum adjusted net capital requirement for introducing brokers of the greater of:

(A) $25,000 ($50,000 for each person registered as an introducing broker who is not a member of a designated self-regulatory organization), or

(B) For securities brokers and dealers, the amount of net capital required by Rule 15c3-1(a) of the Securities and Exchange Commission (17 CFR 240.15c3–1(a)).[68]

The Commission assumes, however, that all introducing brokers will join the NFA, and that therefore the effective minimum dollar amount of adjusted net capital will be $25,000.

The Commission is aware that the Securities and Exchange Commission

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[63] *See* 45 FR 80485, 80487 & n.18 (December 5, 1980).

[64] By comparison, the former employer would be required to report the termination of such an associated person in the same fashion as it reports the termination of any of its APs or principals. *See* proposed § 3.31(c).

[65] H.R. Rep. No. 565, 97th Cong., 2d Sess. 49 (1982). *See also* S. Rep. No. 384, 97th Cong., 2d Sess. 40 (1982).

[66] 7 U.S.C. 6f(2), *as amended by* Futures Trading Act of 1982, Pub. L. No. 97–444, section 208, 96 Stat. 2302 (1983). *See also* H.R. Rep. No. 565 at 48 *and* S. Rep. No. 384 at 40.

[67] *See* S. Rep. No. 384 at 41.

[68] *See* proposed §1.17(a)(1)(ii).

has established a minimum net capital requirement for securities introducing brokers based on the greater of (1) $5,000, or (2) 6⅔ percent of aggregate indebtedness. The Commission believes that the higher minimum dollar amount proposed herein is necessary because introducing brokers in commodities will have fewer restrictions on their activities than is the case for securities introducing brokers. The Commission also notes that securities introducing brokers may be required to maintain net capital of more than $25,000, in order to meet the requirement based on 6⅔ percent of aggregate indebtedness.

The Commission is also proposing that an introducing broker who is not in compliance with the minimum adjusted net capital requirement, or is unable to demonstrate such compliance, would have to immediately cease doing business as an introducing broker until such time as the firm is able to demonstrate such compliance. However, if the introducing broker could immediately demonstrate to the satisfaction of the Commission or its designated self-regulatory organization ("DSRO") the ability to achieve compliance, the Commission or the DSRO may allow the introducing broker up to a maximum of 10 business days in which to achieve compliance without having to cease doing business. If the introducing broker were required to cease doing business because it was undercapitalized, the introducing broker would have to immediately notify each of its customers, and the FCM carrying the account of each customer, that it has ceased doing business. Regardless of whether the introducing broker is forced to cease doing business, the Commission or the DSRO could take action against an introducing broker for non-compliance with any of the provisions of § 1.17. *See* proposed § 1.17(a) (3) and (5).

The proposals relating to an introducing broker's compliance with the minimum adjusted net capital requirement are similar to those in effect for FCMs. *See* proposed § 117(a)(4). However, there is no provision for an introducing broker to transfer all its customer accounts, as there is for an FCM, since customer accounts will not be carried by the introducing broker but will be carried on a fully-disclosed basis by the FCM. The introducing broker would have to immediately notify each of its customers, and the FCM carrying the account of each customer, that it has ceased doing business. The customer and the FCM can then determine how to proceed, and commercial prudence suggests that this circumstance should be addressed in the customer agreement.

B. Computation of Adjusted Net Capital

The minimum amount of adjusted net capital which would have to be maintained by introducing brokers, and what introducing brokers would have to do in the event they failed to maintain that level of adjusted net capital, are set forth in proposed § 117(a), and those requirements have been discussed above. In order to compute its actual adjusted net capital and thus determine whether it is complying with the minimum adjusted net capital requirement, the introducing broker would have to follow the provisions set forth in the remainder of § 1.17. Most of those provisions are not being amended and would apply to introducing brokers as well as FCMs although, as is the case with FCMs, whether any particular provision is relevant to a particular introducing broker depends upon the introducing broker's operations and activities. All introducing brokers should become familiar with all aspects of § 1.17.[69]

Certain definitions applicable only to § 1.17 are contained in § 1.17(b). Generally, if an introducing broker is also a securities broker or dealer, assets and liabilities which are related to the firm's securities business would be treated in accordance with the SEC's financial rules, unless there is a specific provision for different treatment in § 1.17.[70] *See* § 1.17(b)(1).

The definition of a proprietary account for purposes of § 1.17 is more restrictive than the general definition of a proprietary account contained in § 1.3(y). For purposes of § 1.17, a proprietary account means only a commodity futures or option account carried on the books of an applicant or registrant for the applicant or registrant itself (*i.e.*, the firm's house account), or for general partners of the applicant or registrant. Accounts for those persons included in the proprietary account definition in § 1.3(y) but not included in the more restrictive proprietary account definition of § 1.17 are deemed to be "noncustomer" accounts for purposes of § 1.17. *See* § 1.17(b) (2), (3) and (4). Another definition applicable only to § 1.17, the definition of the term "cover," may be found in § 1.17(j).

An introducing broker's net capital would be determined by computing the amount by which its current assets exceed its liabilities. Current assets means cash and other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold during the next twelve months. Specific items which would be included or excluded from current assets are set forth in § 1.17(c)(2).[71] The conditions for determining whether a receivable is secured, which can affect the calculation of current assets,[72] are set forth in § 1.17(c)(3). Those paragraphs are not being amended.

Liabilities would be determined in accordance with the provisions of § 1.17(c)(4). The Commission is proposing two amendments to the liabilities provisions. The first proposed amendment would restrict to FCMs only the applicability of the provision which excluded from liabilities those funds which are properly segregated and due to customers or option customers, if such funds have been excluded from current assets, since introducing brokers will not accept any customer segregated funds. *See* proposed § 1.17(c)(4)(ii). The other proposed amendment would affect an introducing broker who is a sole proprietor. Such an introducing broker would have to include in its liabilities the excess of any liabilities which have not been incurred in the course of business as an introducing broker over assets not used in the course of business as an introducing broker. A similar provision is currently applicable to FCMs which are organized as sole proprietorships, of which there are very few. *See* proposed § 1.17(c)(4)(iii). The other specific provisions of § 1.17(c)(4), which related to subordinated debt, certain tax liabilities, can certain long-term liabilities, are not being amended. An introducing broker would have to consider whether those provisions are

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[69] Section 1.17 may be found at 17 CFR 1.17 (1982), *as amended by* 47 FR 22352 (May 24, 1982) *and* 47 FR 41513 (September 21, 1982) *and* 47 FR 56996 (December 22, 1982).

[70] Similarly, the SEC's financial rules generally defer to those of the Commission with respect to the treatment of commodity-related items. *See* 17 CFR 240.15c3-1b (1982). The Commission and the SEC have undertaken cooperative efforts intended to eliminate, the the extend practicable, duplicate or under regulatory burdens on FCM/broker-dealers and the Commission expects to continue those efforts with regard to firms which are introducing brokers and securities brokers or dealers.

[71] For example, inventories generally would be excluded from current assets. However, spot commodities or securities which adequately collateralize indebtedness may be included in current assets. *See* § 1.17(c)(2)(iv)(A) and (B) Indebtedness would be considered adequately collateralized for those purposes when, pursuant to a legally enforceable written instrument, such indebtedness is secured by identified assets that are otherwise unencumbered and the market value of such assets exceeds the amount of such indebtedness. *See* § 1.17(c)(7).

[72] Except for certain specified types of items, all unsecured receivables, advances and loans would have to be excluded from current assets. *See* § 1.17(c)(2)(ii).

relevant to its particular operations and activities when it computes net capital.

The Commission wishes to note one other point with respect to an introducing broker's liabilities. The Commission assumes that introducing brokers will enter into agreements with clearing FCMs relating to the respective responsibilities of the introducing broker and the FCM for accounts introduced to the FCM by the introducing broker. The Commission further assumes that such agreements will contain an indemnity clause, whereby the introducing broker will agree to indemnify the FCM under specified circumstances, including the failure of any customer promptly to pay any amount due to the FCM. The Commission believes that such a contingent liability of the introducing broker, as well as any other contingent liabilities of the introducing broker, should be reflected in a footnote to the introducing broker's financial statements, but that while such liabilities remain contingent, they need not affect directly the introducing broker's computation of net capital. However, if a contingent liability appears likely to become an actual liability, the introducing broker would have to estimate the amount of actual liability and record that amount on its books.[73] The Commission specifically requests comment on the likelihood of such indemnification agreements between an introducing broker and an FCM, and on the appropriate accounting treatment for contingent liabilities of the introducing broker or the FCM contained in such agreeements.

C. Adjustments to Net Capital.

When an introducing broker has computed its net capital, it would then have to follow the provisions of § 1.17(c)(5) to ascertain what adjustments, if any, would have to be made to its net capital to determine the firm's adjusted net capital. These adjustments, variously referred to as "safety factor charges" or "haircuts," are percentage deductions in the valuation of various assets which would have to be made in order to reflect the possibility of a decline in the value of such assets prior to their disposition.

[73] The Commission recognizes that while an indemnification agreement as described above could have a potential adverse impact on an introducing broker's net capital, conversely there could be a potential positive impact on an FCM's net capital. FCMs should be aware, however, that any such agreements will not affect the exclusion of debit/deficit accounts from current assets, nor will they affect the safety factor charges required to be taken for undermargined accounts, although an indemnification agreement may serve to reduce some or all of the impact of such charges on the FCM's adjusted net capital.

The Commission is proposing two amendments to the safety factor charges. The first proposed amendment relates to the recently-adopted safety factor charge for FCMs which requires FCMs to adjust their net capital by an amount equal to "four percent of the market value of commodity options granted (sold) by option customers on or subject to the rules of a contract market."[74] That safety factor charge for FCMs was added in conjunction with an amendment to the minimum adjusted net capital requirement for FCMs. That amendment to the minimum adjusted net capital requirement for FCMs permits an FCM to exclude the market value of exchange-traded commodity options purchased by the FCM's option customers when it calculates the required minimum amount of adjusted net capital based on segregated funds requirements.[75] The safety factor charge for short option customer positions is related to the proper segregation treatment for exchange-traded option transactions.[76] Since an introducing broker will not accept customer segregated funds and since an introducing broker's minimum adjusted net capital requirement will not be based on segregated funds requirements, the Commission is proposing not to apply to introducing brokers the safety factor charge referred to in this paragraph, but to limit the applicability of that charge to FCMs only.

The second proposed amendment to the safety factor charges is also related to segregation of customer funds. Section 4d(2) of the Act[77] permits an FCM, in accordance with rules set forth by the Commission, to invest customer funds "in obligations of the United States, in general obligations of any State or any political subdivision thereof, and in obligations fully guaranteed as to principal and interest by the United States." If an FCM makes any of those permissible investments using customer funds, § 1.17(c)(5)(v) requires the haircuts specified in that paragraph to be applied to those investments. Since an introducing broker will not accept customer segregated funds and cannot therefore make any permissible investments using customer funds, the Commission is proposing not to apply to introducing brokers the safety factor charge for investment of customer segregated funds. The introducing brokers should be aware, however, that the Commission is not proposing to amend the first clause of § 1.17(c)(5)(v), which refers to "secutiries and obligations used by the applicant or registrant in computing net capital." Therefore, if an introducing broker uses its own funds to purchase securities, including securities purchased under an agreement to resell, the haircuts specified in § 1.17(c)(5)(v)[78] would have to be applied to such securities, as well as to securities owned by partners of an introducing broker if the introducing broker is organized as a partnership, to determine adjusted net capital.

The Commission's proposals place no restrictions on an introducing broker with respect to trading for its own account, carrying and clearing the accounts of noncustomers, or soliciting or accepting orders and funds from customers for purposes of trading in non-regulated commodities. the Commission is, however, concerned that if an introducing broker were to engage in some or all of those activities, a "back office" operation would have to be established, and that this could have an adverse impact on what should be the introducing broker's primary function. It would also require back office as well as front office audits of introducing brokers. The Commission is also concerned that the introducing broker could have a much greater financial exposure if it chooses to engage in some or all of the activities referred to earlier in this paragraph. The Commission also notes that the SEC is more restrictive on these matters with securities introducing brokers.[79] For all of these reasons, the Commission, as noted elsewhere in this release, is specifically requesting comment on whether the permissible activities of introducing brokers should be further restricted.

Since the Commission's proposals place no restrictions on an introducing broker with respect to trading for its own account, carrying and clearing the accounts of noncustomers, or soliciting or accepting orders and funds from customers for purposes of trading in non-regulated commodities, the Commission is not proposing to amend

[74] FR 41513, 41517 (September 21, 1982). This provision will appear in the next edution of the Code of Federal Regulations at 17 CFR 1.17(c)(5)(iii).

[75] FR 41513, 41516–17 (Septemberr 21, 1982). This provision will appear in the next edition of the Code of Federal Regulations at 17 CFR 1.17(a)(1)(ii).

[76] *See* Division of Trading and Markets, "Financial and Segregation Interpretation No. 8—Proper Accounting, Segregation and Net Capital Treatment of Exchange-Traded Option Transactions" (August 12, 1982), 1 Comm. Fut. L. Rep. (CCH) § 7118.

[77] U.S.C. 6d(2) *as amended by* the Futures Trading Act of 1982, Pub. L. No. 97–444, section 207, 96 Stat. 2302 (1983).

[78] Those haircuts incorporate by reference the securities haircuts established by the SEC. *See* 17 CFR 240.15c3–1(c)(2)(vi) and (c)(2)(vii), as well as 17 CFR 240.15c3–1(f) (1982).

[79] *See* 17 CFR 240.15c3–1(a)(2) (1982).

the provisions providing for safety factor charges for undermargined accounts. Therefore, introducing brokers would have to take safety factor charges for undermargined commodity futures and commodity option accounts of noncustomers, if the introducing broker acts as the clearing firm for such accounts. *See* § 1.17(c)(5)(ix). In addition, in the unlikely event that an introducing broker accepts funds (or extends credit in lieu thereof) from customers trading in non-regulated commodities (*e.g.*, contracts traded on the Winnipeg Commodity Exchange), an introducing broker would have to take safety factor charges for undermargined commodity futures and commodity option accounts of customers, and for undermargined omnibus accounts trading in non-regulated commodities. *See* § 1.17(c)(5)(viii) and (ix).

The other safety factor charges contained in § 1.17(c)(5), which related to advances paid on cash commodity contracts, inventory, fixed price commitments, forward contracts, securities options, proprietary account positions in commodity futures and commodity options, contractual commitments [80] and certain unsecured receivables, are not being amended. An introducing broker would have to apply those charges to its net capital, if such charges are relevant to assets used by the introducing broker in computing its net capital, to determine its adjusted net capital. In addition, if an introducing broker is also a securities broker or dealer, it would have to apply any other haircuts specified in the SEC's net capital rule. *See* 17 CFR 1.17(c)(5)(xiv).

D. Other Provisions Relating to Adjusted Net Capital

The only other proposed amendments to § 1.17 are those necessitated by the inclusion of a minimum adjusted net capital requirement for introducing brokers in proposed § 1.17(a)(1)(ii). That proposed addition would require conforming changes in § 1.17(e)(1) regarding the withdrawal of equity capital, and in paragraphs (h)(2)(vi)(C), (h)(2)(vii)(A), (h)(2(vii)(B), (h)(2)(viii)(A), (h)(3)(ii) and (h)(3)(v) of § 1.17, relating to subordinated debt. There are, however, several other provisions in § 1.17 which the Commission is not proposing to amend and which the Commission intends to apply to introducing brokers in the same manner as they currently apply to FCMs. A brief description of those provisions is set forth below for the convenience of introducing brokers who wish to familiarize themselves with how the capital rules would apply to them.

Section 1.17(d) sets forth the "debt-equity" requirement. This requirement means that thirty percent of a firm's required adjusted net capital would have to consist of equity capital. If an introducing broker's required adjusted net capital is $25,000, $7,500 would have to consist of equity capital. Therefore, if an introducing broker maintained adjusted net capital of $37,500 so that it was not under the early warning system, [81] it could have $30,000 of outstanding debt governed to satisfactory subordination agreements (*see* proposed § 1.17(h), discussed *infra*) and $7,500 of equity capital. No matter how much adjusted net capital is maintained by the introducing broker, the thirty percent equity requirement would apply only to the amount of required adjusted net capital.

What constitutes equity capital is set forth in § 1.17(d). Certain subordinated debt may qualify as equity capital if specified conditions are met, in addition to those which apply to subordinated debt in general. These additional conditions are: (1) The lender must be a partner or stockholder of the firm; (2) the initial term of the debt must be at least three years, and there must be a remaining term of not less than twelve months; [82] (3) the governing subordination agreement does not contain most of the otherwise permissible provisions relating to accelerated maturity; (4) the governing subordination agreement allows no special prepayment of the debt (*i.e.*, prepayment before one year from the date such subordination agreement becomes effective); and (5) the debt in question is maintained as equity capital subject to the provisions on withdrawal of equity capital contained in § 1.17(e). If a firm is organized as a partnership, however, additional conditions (3) and (4) need not be met for subordinated debt to quality as equity capital, if "the partnership agreement provides that capital contributed pursuant to a satsifactory subordination agreement as defined in [§ 1.17(h)] shall in all respects be partnership capital subject to the provisions restricting the withdrawal thereof required by [§ 1.17(e)]." [83]

In addition to certain subordinated debt, equity capital includes the following:

(i) In the case of a corporation, the sum of its par or stated value of capital stock, paid in capital in excess of par, retained earnings, unrealized profit and loss, and other capital accounts.

(ii) In the case of a partnership, the sum of its capital accounts of partners (inclusive of such partners' commodities, options and securities accounts subject to the provisions of [§ 1.17(e)]), and unrealized profit and loss.

(iii) In the case of a sole proprietorship, the sum of its capital accounts of the sole proprietorship and unrealized profit and loss. [84]

Section 1.17(e) governs withdrawal of equity capital. If the proposed mimimum adjusted net capital requirement of $25,000 is adopted for introducing brokers, no withdrawals of equity capital could be made if that would leave the introducing broker with less than the greater of $30,000 (120 percent of the applicable minimum dollar requirement of $25,000) or, if the introducing broker is also registered with the SEC as a securities broker or dealer, the amount specified in the SEC's comparable provision limiting withdrawal of equity capital. [85] Also, a withdrawl of equity capital could not be made if it would cause an introducing broker to violate the thirty percent equity capital requirement set forth in § 1.17(d).

Section 1.17(f) governs the consolidation of assets and liabilities of a subsidiary or affiliate for purposes of computing net capital. Such a consolidation would be *required* to be made with any subsidiary or affiliate for which an introducing broker guarantees, endorses or assumes, directly or indirectly, the obligations or liabilities. Such a consolidation would be permitted, but would not be required, if a subsidiary or affiliate is (1) majority owned and controlled by the introducing broker, and (2) the introducing broker can demonstrate, by an opinion of

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[80] Section 1.17(c)(8) defines contractural commitments as follows:

The term 'contractual commitments' shall include underwriting, when issued, when distributed, and delayed delivery contracts; and the writing or endorsement of security puts and calls and combinations thereof; but shall not include uncleared regular way purchases and sales of securities. A series of contracts of purchase or sale of the same security, conditioned, if at all, only upon issuance, may be treated as an individual commitment.

The safety factor charge for contractual commitments will be relevant only to an introducing broker which is also a securities broker or dealer.

[81] The proposed early warning level is 150 percent of the required minimum dollar amount or, if the introducing broker is registered with the SEC as a securities broker or dealer, and higher amount set by the SEC. *See* proposed § 1.12(b)(2).

[82] Subordinated debt entered into today with a maturity date of July 1, 1986 could, therefore, qualify as equity capital if all other requirements were met. On July 1, 1985, however, such subordinated debt would no longer be counted as equity capital unless an extension of the maturity date had been agreed to by the parties, since the remaining term of the debt would be less than one year at that time.

[83] 17 CFR 1.17(d)(1) (1982), *as amended by* 47 FR 22352, 22355 (May 24, 1982).

[84] 17 CFR 1.17(d)(1)(i), (ii) and (iii) (1982).

[85] 17 CFR 240.15c3–1(e) (1982).

counsel, that the net asset values, or the portion related to the introducing broker's interest in the subsidiary or affiliate, may be caused by the introducing broker, or an appointed trustee, to be distributed to the introducing broker within 30 calendar days. The particular requirements relating to the opinion of counsel and the preparation of a consolidated computation of adjusted net capital are set forth in paragraphs (f)(2)(ii), (f)(3) and (f)(4) of § 1.17.

Section 1.17(h) sets forth the minimum and nonexclusive requirements for a satisfactory subordinate agreement. Unless debt is governed by a satisfactory subordination agreement, such debt may not be excluded from liabilities for purposes of computing net capital.

There are two types of subordination agreement. One type is a subordinated loan agreement, which governs a subordinated borrowing of cash. The other type is a secured demand note agreement, which governs the contribution of a secured demand note and the pledge of securities and/or cash as collateral to secure payment of the secured demand note by a lender.

The general requirements for a satisfactory subordinated loan agreement (cash only) include: (1) A minimum term of one year; (2) that it be enforceable in accordance with the terms of the agreement against both parties and their respective heirs, executors, administrators, successors and assigns; (3) that it govern subordinated debt of a specific dollar amount; (4) a provision that the cash proceeds thereof shall be used and dealt with by the borrower as part of its capital and shall be subject to the risks of the business; (5) a provision giving the borrower the right to deposit any cash proceeds in an account or accounts in its own name in any bank or trust company; (6) a prohibition on cancellation by either part; (7) a provision prohibiting payment under the agreement, or the termination, rescission or modification of the agreement, if those actions would have an effect; inconsistent with § 1.17(h); [86] and (8) a clause which effectively subordinates any right of the lender to receive any payment with respect thereto, together with accrued interest or compensation, to the prior payment or provision for payment in full of all claims of all present and future creditors of the applicant or registrant arising out of any matter occurring prior to the date on which the related payment obligation matures, except for claims which are the subject of subordination agreements which rank on the same priority as, or junior to, the claim of the lender such subordination agreement.[87]

A secured demand note agreement must include items (1), (2), (3), (6), (7) and (8) from the preceding paragraph as well as: (1) A provision giving the borrower the right to deposit any cash pledged as collateral in an account or accounts in its own name in any bank or trust company; (2) a provision giving the borrower the right to pledge, repledge, hypothecate and rehypothecate any or all of the securities pledged as collateral, without notice, separately or in common with other securities or property for the purpose of securing any indebtedness of the borrower; (3) a provision giving the borrower the right to lend to itself or others any or all of the securities and cash pledged as collateral; and (4) a provision requiring that, if the secured demand note becomes undercollateralized, either the lender must restore sufficient collateral, the borrower must commence sale of the collateral for the lender's account, or the lender must reduce the unpaid principal amount of the secured demand note, subject to the approval of the borrower and the appropriate regulatory authority.

Collateral for a secured demand note may consist only of (1) cash, and (2) securities which are fully paid for and which may be publicly offered or sold without registration under the Securities Act of 1933 and which are not otherwise restricted regarding offer, sale and transfer. Such securities must also be in bearer form or registered in the name of the borrower or the borrower's nominee or custodian. *See* § 1.17(h)(2)(vi) and (h)(3)(iv). The collateral value of such securities is their market value after applying the percentage deductions contained in § 1.17(c)(5), which are described above. *See § 1.17(h)(1)(iii). Subject to the borrower's prior rights as pledgee, the lender may retain certain rights with repect to the securities used for collateral. See* § 1.17(h)(1)(v)(C) and (D).

If a secured demand note is not paid upon presentment and demand, the borrower has the right to liquidate all or any part of the securities then pledged as collateral and the right to apply the net proceeds of such a liquidation, together with any cash then included in the collateral, in payment of the secured demand note. The secured demand note agreement may provide that neither the lender, nor the lender's heirs, executors, administrators or assigns, shall be personally liable on the secured demand note, and that in the event of default, the borrower may obtain payment of the note solely from the collateral then pleded to secure the note. *See* § 1.17(h)(1)(v)(AA) and (C).

In addition to the provision which must be included in subordination agreements, such agreements may also contain provisions for prepayment and/or special prepayment under certain conditions (*see* § 1.17(h)(2)(vii)) and provisions for accelerated maturity under certain conditions *see* § 1.17(h)(2)(ix) and (x)). Accelerated maturity of the borrower's payment obligation under a subordination agreement is required in the event of any receivership, insolvency, liquidation, bankruptcy, assignment for the benefit of creditors, reorganization, or any other marshalling of the borrower's assets and liabilities. Even in such an event, however, the lender's right to receive payment remains subordinate as set forth in § 1.17(h)(2)(iii). *See* § 1.17(h)(2)(ix)(B).

In addition to the normal type of subordination agreement described above, there are two other types of subordination agreements, a temporary subordination agreement and a nonconforming subordination agreement. A firm may be permitted to enter into a temporary subordination agreement so that it can participate as an underwriter of securities or undertake other extraordinary activities and still remain in complaince with the minimum adjusted net capital requirement. Special conditions applicable to a temporary subordination agreement are set forth in proposed § 1.17(h)(3)(v).

A nonconforming subordination agreement is an agreement governing subordinated debt which is borrowed by a firm when the firm becomes undercapitalized, and such borrowing is permitted in order to assist the firm in achieving compliance with applicable capital requirements. Special conditions applicable to such debt are set forth in § 1.17(h)(4).

Requirements for filing subordination agreements are set forth in § 1.17(h)(3)(iv). Two signed copies of any proposed subordination agreement (including nonconforming subordination agreements) must be submitted to the Commission's Division of Trading and Markets in Washington, D.C., to the attention of the Chief Accountant, at least ten days prior to the proposed effective date of the agreement or at such other time as the Chief Accountant may, for good cause, accept such filing.

[86] Repayment of subordinated debt must be suspended if such repayment would cause the borrower's capital to fall below certain specified levels. *See* proposed § 1.17(h)(2)(viii)(A).

[87] 17 CFR 1.17(h)(2)(iii)(1982).

If the borrower is a member of a designated self-regulatory organization ("DSRO"), copies of any proposed agreement must be filed in such quantities and at such time as the DSRO requires. If the borrower is an applicant for registration or is not a member of any DSRO, the Commission will examine the agreement, and it must be approved by the Commission to be considered a satisfactory subordination agreement for net capital purposes. If the borrower is a DSRO member, the DSRO must examine the agreement, and only approval by the DSRO is necessary (although two copies must still be submitted to the Commission). If the borrower is a DSRO member, the Commission will only be involved directly under certain conditions, such as in the case of a request for prepayment, which requires approval by both the DSRO and the Commission.

Several commodity exchanges and other entities have developed subordination agreement forms that are generally acceptable under the Commission's regulations, and those interested in applying for registration as an introducing broker may want to obtain a copy of such forms and begin to become familiar with such forms.

E. Financial Reporting Requirements

Section 1.10 of the regulations contains most of the requirements relating to the filing and contents of financial reports for FCMs. The Commission is proposing to amend § 1.10 to include such requirements for introducing brokers, which will be very similar to those for FCMs.

Under the proposed amendments, an initial application for registration as an introducing broker would have to be accompanied by a financial report, and the introducing broker applicant would have the choice of two options to meet that requirement. The firm could either file a current form 1–FR (*i.e.*, a form 1–FR dated as of a date not more than 45 days prior to the date on which the registration application is filed) certified by an independent public accountant,[88] or the firm could file a current uncertified form 1–FR together with a form 1–FR certified by an independent public accountant as of a date not more than one year prior to the date of filing. In addition, each introducing broker applicant, as is the case with FCM applicants, would be required to submit with its financial report a statement which describes the source of its current assets and which represents that its capital has been contributed for the purpose of operating the business and will continue to be used for that purpose. *See* proposed § 1.10(a)(2).

An exception to the requirement to file a certified financial report with an application for registration as an introducing broker would be made for an introducing broker applicant which is succeeding to and continuing the business of another introducing broker. (A similar exception presently exists for an FCM applicant which is succeeding to and continuing the business of another FCM.) Such an applicant would not need to file any financial report with its application, but would need to file an uncertified form 1–FR as of the first monthend following the date on which registration is granted. Thereafter, such a firm would file financial reports like any other introducing broker. *See* proposed §1.10(a)(3).

The requirements for filing financial reports after a firm is granted registration as an introducing broker are set forth in proposed § 1.10(b). Each introducing broker would have to file a quarterly form 1–FR, and the report which is filed as of the firm's fiscal year-end date would have to be certified by an independent public accountant in acordance with § 1.16. If the introducing broker elects a fiscal year which does not coincide with the calendar year (*see* proposed § 1.10(e)), the introducing broker would nevertheless be allowed to file a quarterly uncertified form 1–FR as of each calender quarter. However, the year-end certified form 1–FR would have to be filed as of the close of the introducing broker's fiscal year. Uncertified reports would have to be filed within forty-five days after the end of the quarter for which the report is being filed; the certified report would have to be filed within ninety days after the end of the fiscal year. Therefore, an introducing broker with a calendar year fiscal year would have to file its year-end certified report by March 31, and the first quarter report would be due on May 15. *See* proposed § 1.10(b)(1) and 17 CFR 1.10(b)(2) (1982).

The Commission has been advised that the bylaws of the National Futures Association ("NFA"), which at present is the only registered futures association, will be amended to provide for the membership category of introducing broker and effectively to require all introducing brokers to become NFA members. The NFA is a designated self-regulatory organization ("DSRO") under the Commission's regulations. *See* 17 CFR 1.3(ee) (1982) and proposed § 1.3(ff). Proposed § 1.10(b)(3) would provide that if an introducing broker is a member of a DSRO which has minimum financial and related reporting requirements which have been approved by the Commission pursuant to Section 4f(2) of the Act and § 1.52 of the regulations, the introducing broker can satisfy its financial report filing requirement by filing its report with the DSRO and promptly providing the Commission with a copy of the report.[89] The rules of a DSRO may provide for the filing of a year-end certified financial report and a semiannual uncertified interim report, rather than quarterly filing. *See* proposed § 1.52(a).

The Commission is not proposing to amend § 1.10(b)(4), but it intends to extend the coverage of that provision to introducing brokers as well as FCMs. It would require an introducing broker to furnish more frequent reports on form 1–FR, or to supply additional information, upon the written request of the Commission or a self-regulatory organization of which the introducing broker is a member (*e.g.*, the NFA). This would enable the Commission or the self-regulatory organization to obtain more timely information than is supplied by the quarterly financial report. The Commission typically makes such requests with respect to FCMs when a firm is thought to be in a questionable financial condition and expects to apply the rules similarly to introducing brokers.

Form 1–FR is the standard financial reporting form for FCMs, and the Commission is proposing to have introducing brokers use form 1–FR for their financial reporting as well. *See* proposed § 1.10(d). The Commission believes that form 1–FR is familiar to the industry and that using the existing form will make completion of the form by the industry, and its review by the Commission and DSROs, easier than would be the case if a separate form for introducing brokers were developed. The Commission is proposing that introducing brokers also use form 1–FR because a separate form for introducing brokers would necessarily be very similar to, and largely duplicative of, form 1–FR. The Commission believes that having introducing brokers and FCMs both use form 1–FR will result in more efficient compliance with and

[88] The requirements relating to accountant certification are contained in proposed § 1.16, discussed *infra*.

[89] Any financial report or copy thereof which an introducing broker would be required to file with the Commission (exclusive of financial reports submitted with the initial registration application, which would have to be submitted with the firm's application for registration and filed with the Commission's Chicago regional office) would have to be filed with the regional office of the Commission nearest the principal place of business of the introducing broker. *See* 17 CFR 1.10(c) (1982).

administration of financial reporting requirements, but the Commission specifically requests comment as to whether a separate financial reporting form for introducing brokers should be developed.

The form 1–FR would be left essentially unchanged, since much of the same information regarding the financial condition of an FCM will also be required to be furnished by an introducing broker. The instructions to the form would be modified, however, to make it clear that certain items do not apply to introducing brokers, which would include most of those items relating to commodity customer funds and commodity customer accounts. For instance, introducing brokers would not be required to complete the schedule of segregation requirements and funds on deposit in segregation, since introducing brokers would obviously have none. Introducing brokers should complete form 1–FR in accordance with the instructions to the form.[90]

Every certified form 1–FR filed by an introducing broker would be required to contain the following items: (1) A statement of financial condition; (2) statements of income (loss), changes in financial position, changes in ownership equity, and changes in liabilities subordinated to claims of general creditors; (3) a statement of computation of minimum capital requirements; (4) appropriate footnote disclosures; and (5) such further material information as may be necessary to make the required statements not misleading.[91] For the interim uncertified reports, an introducing broker would be required to file the statement of financial condition, the statement of changes in ownership equity, the minimum capital computation, and such further material information as may be necessary to make the required statements not misleading.

Introducing brokers should also be aware that § 1.10(d)(4), which is not being amended, would also apply to them. Section 1.10(d)(4) states that:

> Attached to each form 1–FR filed pursuant to this § 1.10 must be an oath or affirmation that, to the best knowledge and belief of the individual making such oath or affirmation, the information contained in the form 1–FR is true and correct. If the applicant or registrant is a sole proprietorship, then the oath or affirmation must be made by the proprietor; if a partnership, by a general partner; or if a corporation, by the chief executive officer or chief financial officer.

F. Fiscal Year Elections

Section 1.10(e) relates to a firm's fiscal year. Proposed § 1.10(e)(1) provides that each introducing broker or applicant therefor may establish a fiscal year other than the calendar year. Proposed § 1.10(e)(2) provides that each introducing broker or applicant therefor may elect to file its financial reports as of each calendar quarter in lieu of each fiscal quarter, if the firm's fiscal year is other than the calendar year. Each introducing broker or applicant therefor would be able to establish a fiscal year other than the calendar year by notifying the Commission and all self-regulatory organizations of which it is a member, if any, of its election of such fiscal year. Similarly, each introducing broker may elect to file its financial reports as of each calendar quarter in lieu of each fiscal quarter by similar notification of its intent. Such notification would have to be made in writing concurrently with the filing of a form 1–FR submitted with the registration application. An introducing broker would not be able to change such elections unless it made written application to, and received approval from, the Commission.

G. Extension of Time To File Financial Reports

Another provision which would apply to introducing brokers, but which is not being amended, is § 1.10(f) (17 CFR 1.10(f) (1982)). That paragraph governs requests for extension of time to file unaudited financial reports.[92] In the event that an introducing broker found that it could not file an unaudited financial report within the time limits set forth in the regulations without substantial undue hardship, the introducing broker could apply for an extension of time to a specified date not more than 90 days beyond the required filing date. Using the example referred to earlier of an introducing broker with a calendar year fiscal year, the first quarter unaudited report would be due on May 15, which is 45 days after the end of the first quarter. A request for an extension of time for filing such a report would have to contain an agreement to file the report on or before a specified date, which could be no later than August 13, since that is 90 days after May 15. An application for an extension of time would have to state the reasons why the requested extension is necessary, and it would have to be *received* by the principal office of the Commission in Washington, D.C. (the request should be sent to the attention of the Chief Accountant of the Division of Trading and Markets) prior to the report due date, which would be May 15 for the first quarter report. Notice of the extension request would have to be given to the introducing broker's DSRO concurrently with the filing of the request with the Commission. Introducing brokers should be aware of the fact that merely filing a request for an extension of time would not operate as an automatic extension of the time for submitting a financial report.

The Commission shall, within 10 calendar days after receipt of the extension of time request, either notify the introducing broker that the request has been granted or denied, or indicate to the introducing broker that the Commission needs a specified amount of additional time to review the request. The Commission will notify any DSRO of which the introducing broker is a member of the action taken with respect to the extension request. The Commission anticipates that, as has been the experience with FCMs, extensions will be granted only in those rare cases where an introducing broker can demonstrate that substantial undue hardship will be incurred if the extension is not granted.

H. Nonpublic Treatment of Financial Reports

Section 1.10(g) concerns the treatment of financial reports for purposes of the Freedom of Information Act [93] and the Government in the Sunshine Act [94] and

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[90] The changes to the form 1–FR which would be necessitated by the proposed amendments to the regulations discussed herein are not being published in this release because those changes are of a minor, technical nature and because form 1–FR does not appear in the Code of Federal Regulations. Anyone interested in further information regarding the changes to form 1–FR may contact Mr. Patent at the address or telephone number listed in this release. Form 1–FR is available upon request from the Commission.

[91] The statement of financial condition and the statements of income (loss), changes in financial position, changes in ownership equity, and changes in liabilities subordinated to claims of general creditors included in the certified financial reports would not need to be filed in accordance with the format set forth in form 1–FR if the independent public accountant determines that such format would be inconsistent with generally accepted accounting principles for the financial statements of the applicant or registrant. If such a determination were made, the statement of financial condition would have to be presented in a format which is as consistent as possible with form 1–FR, and a reconciliation would have to be provided which reconciles the statement of financial condition to the statement of computation of minimum capital requirements.

[92] Section 1.10(f) governs extensions of time for reports filed in accordance with § 1.10(b)(1) (the normal periodic interim reports), § 1.10(b)(4) (a report filed pursuant to a written request from the Commission or a DSRO), or § 1.12(b) (reports required by the financial early warning system, discussed *infra*). Requests for extension of time to file a certified financial report are governed separately by § 1.16(f), discussed *infra*.

[93] 5 U.S.C. 552.

[94] 5 U.S.C. 552b.

the Commission's regulations promulgated in accordance with those Acts, Parts 145 and 147, respectively. The proposed treatment of a form 1–FR filed by an introducing broker under those Acts and regulations will essentially be the same as it is for an FCM. The introducing broker's statement of financial condition and minimum capital computation, as well as the independent accountant's opinion included with a certified form 1–FR, would be treated as public information. If those portions of the financial report are bound separately by the introducing broker from the remainder of the report (*i.e.*, on certified reports, the income statement, the statement of changes in financial position, the statement of changes in subordinated liabilities, footnote disclosures, and the accountant's report on material inadequacies, and, on all financial reports, the statement of changes in owership equity) the items referred to in parentheses would be treated as nonpublic records. Introducing brokers are advised that the nonpublic treatment of certain portions of the financial report is a waivable option. If the introducing broker does not follow the separate binding procedure, all of the financial report may be treated as a public record by the Commission.[95]

I. Filing Option for Firms Registered With the SEC

Another option which will be available to introducing brokers is contained in proposed § 1.10(h). If the introducing broker is also registered with the SEC as a broker or dealer, it would be able to elect to file a copy of its Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934 ("FOCUS Report") in lieu of form 1–FR. If the introducing broker is a securities clearing broker-dealer, it would file a copy of the FOCUS Report, Part II; if the introducing broker is a securities introducing broker, it would file a copy of the FOCUS Report, Part IIA.[96] The filing option would be permitted on the condition that all of the information which is required to be furnished on and submitted with form 1–FR is provided in the FOCUS Report. Section 1.10(h) includes this proviso to take into account the possibility that the SEC might fail to amend its financial reporting requirements if the Commission in the future requires additional information to be furnished on or submitted with form 1–FR. At present, an introducing broker would be able to use the FUCUS Report, Part II or Part IIA, in lieu of form 1–FR.[97]

J. Outdated References

The Commission also wishes to note that it is eliminating certain outdated references in paragraphs (b)(1), (d)(1)(ii), (d)(2)(ii), (e)(1) and (e)(2) of § 1.10. Such references, which refer to such things as the time for filing certain financial reports or the time within which to make certain elections, no longer have any relevance to FCMs, and separate references for introducing brokers would be unnecessarily confusing and would also shortly become outdated. However, the Commission expects to treat introducing brokers in a manner similar to the treatment accorded FCMs following the effective date of the amendments to the minimum financial and related reporting requirements adopted in 1978. For example, an introducing broker's election of a fiscal year other than the calendar year, and an introducing broker's election to file interim reports based on the calendar year rather than the fiscal year, could always be made concurrently with the introducing broker's registration application. For the 90-day period following the effective date of the amendments to § 1.10(e), the Commission also intends to allow introducing brokers to make such elections even after the filing of their registration application. *See* 17 CFR 1.10(e) (1982).

K. Certification of Financial Reports and the Role of Independent Public Accountants

Under proposed § 1.10(a)(2), an applicant for registration as an introducing broker would have to submit a certified financial report with its application. Under proposed § 1.10(b)(1), a registered introducing broker would have to file a certified financial report as of its fiscal year-end date. *See also* § 1.10(b)(2). The certification of those financial reports would have to be made by a certified public accountant or a licensed public accountant in accordance with § 1.16.

Section 1.16 contains the provisions which relate to accountants and their role in the preparation of certified financial reports. Persons planning to file an application for registration as an introducing broker should become familiar with those provisions, and they should have their accountants become familiar with § 1.16 as well. The Commission, because of the proposal of regulations to govern introducing brokers, is also proposing two minor technical amendments to § 1.16 which are described below, but the substance of that section would remain basically unchanged.

The first proposed amendment would merely conform § 1.16(c)(5) to the proposed amendment to the broker-dealer filing option contained in proposed § 1.10(h),and would allow an FCM or an introducing broker which is also registered as a securities broker or dealer with the SEC to file a copy of either Part II or Part IIA of the FOCUS Report in lieu of form 1–FR. The second proposed amendment would restrict the requirements for auditing funds in segregation and segregation requirements to audits of FCMs only, since only FCMs will be able to hold customer segregated funds. *See* proposed paragraphs (d) and (f)(1) of § 1.16.

As stated above, the substance of § 1.16 would remain basically unchanged. Definitions for purposes of § 1.16 are contained in paragraph (a). Paragraph (b) sets forth the requirements for an accountant who certifies a firm's financial statements, both with respect to professional standing and in terms of independence from the firm being audited. Paragraph (c) sets forth the items which would have to be contained in the accountant's report, which include such things as the accountant's manual signature, the accountant's representation and opinion on certain matters, and an identification of any matters in the firm's financial statements to which the accountant takes exception. The procedures which would have to be followed in the event of the replacement of the accountant are set forth in paragraph (g).

The required objectives of the audit by the independent accountant are set forth in proposed § 1.16(d). The audit

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[95] An introducing broker would, of course, be free to petition the Commission for confidential treatment of all or any portion of any financial report, or any other material submitted to the Commission, in accordance with and subject to the conditions of § 145.9 of the Commission's regulations (17 CFR 145.9 (1982)). However, the separate binding procedure set forth in § 1.10(g) is intended to eliminate the need for such a petition in connection with a financial report.

[96] The Commission is aware that some FCMs who are securities introducing brokers are filing a copy of the FOCUS Report, Part IIA, in lieu of form 1–FR. Section 1.10(h) is being clarified to allow any FCM or introducing broker to file Part II or Part IIA of the FOCUS Report, as appropriate.

[97] In connection with the proposed expansion of the filing option to allow the filing of Part IIA of the FOCUS Report, the Commission is also proposing to add § 145.5(d)(1)(i)(D) and § 147.3(b)(4)(i)(A)(*4*) of the regulations under the Freedom of Information Act and Government in the Sunshine Act, respectively. Those new paragraphs would provide for nonpublic treatment of the FOCUS Report, Part IIA, to the same extent as presently provided for the FOCUS Report, Part II. *See* 17 CFR 145.5(d)(1)(i)(C) and 147.3(b)(4)(i)(A)(*3*) (1982).

would have to include all procedures necessary under the circumstances of the particular introducing broker to enable the accountant to express an opinion on the introducing broker's financial statements and schedules. An audit of an introducing broker would also have to include a review of the practices and procedures followed by the introducing broker in making periodic computations of the firm's adjusted net capital requirement and its actual adjusted net capital. The proper extent and timing of audit procedures are matters for the accountant to determine based on the introducing broker's accounting system and internal accounting controls. *See* § 1.16(e)(1).

One of the principal reasons why the Commission is proposing to require auditing of an introducing broker by an independent licensed or certified public accountant is so that a determination can be made by the accountant as to whether any material inadequacies exist in the introducing broker's accounting system, internal accounting controls and procedures for safeguarding the firm's assets. Under proposed § 1.16(d)(2), such a material inadequacy includes any conditions which contributed substantially to, or if appropriate corrective action is not taken, could reasonably be expected to:

(i) Inhibit an applicant or registrant from promptly completing transactions or promptly discharging his responsibilities to customers or other creditors;

(ii) Result in material financial loss;

(iii) Result in material misstatement of the applicant's or registrant's financial statements and schedules; or

(iv) Result in violations of the Commission's * * * recordkeeping or financial reporting requirements to the extent that could reasonably be expected to result in the conditions described in paragraphs * * * (i), (ii), or (iii) * * *.

Under § 1.16(e)(2), if an accountant discovers a material inadequancy, the accountant would have to call that inadequacy to the attention of the introducing broker. The firm would then be required, as part of the financial early warning system,[98] to inform the Commission and the DSRO, If any, of the fact that the accountant has discovered a material inadequacy. The introducing broker would also have to furnish the accountant with a copy of the introducing broker's notice to the Commission, and if there are statements in that notice with which the accountant disagrees, or if there are items omitted in the notice, or if a copy of the notice is not received by the accountant, the accountant would have to file a report with the Commission and the DSRO, if any regarding those matters.

In addition, under proposed § 1.16(c)(5), whenever an introducing broker or applicant therefor would be required to file a certified financial report, the firm filing their report would have to file concurrently a supplemental report of the independent accountant describing any material inadequacies found to exist as of the date of the audit, or found to have existed since the date of the previous audit. The supplemental accountant's report on material inadequacies would have to indicate any corrective action taken or proposed by the firm with respect to any such material inadequacies. If the audit did not disclose any material inadequacies, the accountant's supplemental report would be required to so state. *See* proposed § 1.16(c)(5).

As stated above in the discussion of requests for extension of time to file unaudited financial reports, requests for extension of time to file certified financial reports are governed separately by proposed § 1.16(f). In the event that an introducing broker found that it could not file its certified financial report within the time limit set forth in the regulations, which is 90 days after the end of the firm's fiscal year (*see* proposed § 1.10(b)(1)), the introducing broker could apply for an extension of time to a specified date not more than 90 days beyond the required filing date. Continuing the example referred to earlier of an introducing broker with a calendar year fiscal year, the certified year-end financial report would be due on March 31, and an extension of time request could specify a date no later than June 29 for filing such a report.

As in the case for a request for extension of time to file an unaudited financial report, an introducing broker's request for extension of time to file a certified financial report would have to: (1) State the reasons why the requested extension is necessary; (2) contain an agreement to file the report on or before a specified date (which, in the example cited in the preceding paragraph, can be no later than June 29); and (3) be *received* by the principal office of the Commission in Washington, D.C. (the request should be sent to the attention of the Chief Accountant of the Division of Trading and Markets) and by the introducing broker's DSRO, if any, prior to the date on which the report is due. In addition, an introducing broker's request for extension of time to file a certified financial report would have to: (1) Indicate that the introducing broker's inability to make a timely filing is due to circumstances beyond the introducing broker's control, if such is the case, and describe briefly the nature of those circumstances; (2) be accompanied by the introducing broker's latest available formal computation of adjusted net capital and minimum financial requirements, computed in accordance with § 1.17; and (3) be accompanied by a letter from the introducing broker's independent public accountant answering the following questions:

A. What specifically are the reasons for the extension request?

B. On the basis of that part of your audit to date, do you have any indication that may cause you to consider commenting on any material inadequacies in the accounting system, internal accounting controls or procedures for safeguarding customer or firm assets?

C. Do you have any indication from the part of your audit completed to date that would lead you to believe that the firm was or is not meeting the minimum capital requirements specified in § 1.17, or has any significant financial or recordkeeping problems?

Introducing brokers should be aware of the fact that merely filing a request for an extension of time would not operate as an automatic extension of the time for submitting a financial report. The Commission shall, within 10 calendar days after receipt of the extension request, either notify the introducing broker that the request has been granted or denied, or indicate to the introducing broker that the Commission needs a specified amount of additional time to review the request. The Commission will notify any DSRO of which the introducing broker is a member of the action taken with respect to the extension request. The Commission anticipates that, as has been the experience with FCMs, extensions will be granted only in those rare cases where an introducing broker can demonstrate that substantial undue hardship will be incurred if the extension is not granted.

L. Financial Early Warning System

The Commission's financial early warning system for FCMs is contained in § 1.12. When the Commission first proposed the present financial early warning system it stated:

In short, the system is designed to afford the Commission and the appropriate industry self-regulatory organizations sufficient advance notice of an FCM's problems to allow the necessary protective, as opposed to enforcement, action to be taken to insure the safety of the FCM's customers' funds and the integrity of the marketplace.[99]

[98] *See* 17 CFR 1.12(d) (1982).

[99] 42 FR 31740 (June 22, 1977).

The Commission is proposing a similar financial early warning system for introducing brokers. The Commission recognizes, however, that there are certain significant differences between the operations of FCMs and introducing brokers, and the Commission is therefore also requesting specific comments on this matter.

The principal element of the financial early warning system, as currently in effect for FCMs, becomes operational when an FCM, or applicant therefor, knows or should have known that its adjusted net capital at any time is less than the greatest of: (1) 150 percent of the required minimum dollar amount; (2) six percent of the customer funds required to be segregated less the market value of exchange-traded commodity options purchased by customers;[100] or (3) if the firm is also a securities broker or dealer, any higher amount required by the SEC's early warning system.[101] The Commission is proposing to add a similar provision for introducing brokers and introducing broker applicants, except that, since introducing brokers will not accept segregated funds, the provision would become operational when an introducing broker, or applicant therefor, knows or should have known that its adjusted net capital at any time is less that the greater of: (1) 150 percent of the required minimum dollar amount, or (2) if the firm is also a securities broker or dealer, any higher amount required by the SEC's early warning system.

An introducing broker which fails to maintain adjusted net capital equal to or in excess of the early warning level would be required to make the same filings as an FCM. The firm would have to file written notice that its adjusted net capital fell below the early warning level within five business days of such event. Further, the firm would have to file a financial report as of the close of business for the month during which its adjusted net capital fell below the early warning level, and as of the close of business for each month thereafter until three successive months have elapsed during which the firm's adjusted net capital is at all times equal to or in excess of the early warning level. Each of those financial reports must be filed within thirty calendar days after the end of the month for which the report is being made. *See* proposed § 1.12(b).

[100] The deduction for each option customer is limited to the amount of customer funds in such option customer's account. The early warning level based on segregation requirements can be viewed as being 150 percent of the required minimum adjusted net capital amount based on segregation requirements (6 percent as compared to 4 percent).

[101] 17 CFR 240.17a–11 (1982).

Another important element of the early warning system, which requires an FCM to give telegraphic notice within 24 hours after it knows or should have known that it is undercapitalized, would be applied to introducing brokers as well. *See* proposed §1.12(a). The only difference in the requirements for FCMs and introducing brokers under proposed § 1.12(a) relates to what would have to be filed within 24 hours of the notice of undercapitalization. FCMs must file a statement of financial condition, a capital computation, and a segregation schedule, all as of the date of undercapitalization. Introducing brokers would only have to file a statement of financial condition and capital computation, since they will not accept segregated funds.

Those persons intending to apply for registration as introducing brokers should become familiar with certain other elements of the financial early warning system which are not being amended but which the Commission intends to apply to introducing brokers. If an introducing broker at any time failed to make or keep current the books and records required to be maintained by the regulations promulgated under the Act, the introducing broker would be required, on the same day such event occurs, to give telegraphic notice of such fact, specifying the books and records which have not been prepared or which are not current. In addition, within five business days after giving such notice the introducing broker would have to file a written report stating what steps have been and are being taken to correct the situation. *See* § 1.12(c).

If an introducing broker were to discover or be notified by an independent public accountant of the existence of a material inadequacy in its accounting system, its internal accounting controls, or its procedures for safeguarding customer and firm assets,[102] the introducing broker would have to give telegraphic notice of such material inadequacy within three business days. In addition, within five business days after giving such notice, the introducing broker would have to file a written report stating what steps have been and are being taken to correct the material inadequacy. *See* § 1.12(d).

Those persons intending to apply for registration as introducing brokers, and the NFA, should be aware that § 1.12(e) also requires any self-regulatory organization which learns that a member registrant has failed to file a notice or written report required under the financial early warning system to immediately report such member's failure to do so.

[102] For an explanation of what constitutes a material inadequacy, *see* proposed § 1.16(d)(2), discussed *supra*.

Every notice which an introducing broker would have to file under the financial early warning system would have to be submitted to the principal office of the Commission in Washington, D.C. (to the attention of the Chief Accountant, Division of Trading and Markets), to the Commission's regional office for the region in which the firm has its principal place of business, to the firm's designated self-regulatory organization, if any, and, if the firm is a securities broker or dealer, to the SEC. All follow-up written reports and financial statements would have to be filed with the same entities, except for the principal office of the Commission. *See* § 1.12(g).

As stated above, the Commission is requesting specific comment on the appropriate financial early warning system for introducing brokers. Commentators should consider the following factors. The early warning level based on the required minimum dollar amount of net capital is 120 percent for securities brokers or dealers, whether the firm engages in a general securities business or merely acts as an introducer of customer accounts to a clearing broker.[103] Furthermore, because introducing brokers will not accept customer funds, an introducing broker's adjusted net capital should be subject to far less fluctuation than that of an FCM. Also, if the Commission establishes an early warning level of adjusted net capital for introducing brokers which is higher than the minimum adjusted net capital requirement, introducing brokers would have to either maintain the early warning level of adjusted net capital or file a form 1–FR each month until three successive months have elapsed during which the firm's adjusted net capital is at all times equal to or in excess of the early warning level. Such a monthly filing requirement (as opposed to a quarterly or semiannual filing requirement) could be burdensome, especially for a small firm, and could

[103] *See* 17 CFR 240.17a–11(b) (1982). The Commission also wishes to point out, however, that the early warning level for a securities broker or dealer using the aggregate indebtedness ("AI") method of computing net capital is 125 percent of the minimum amount, since minimum net capital must be 6⅔ percent of AI and the early warning level is 8⅓ percent of AI. Such a firm which uses the "alternative" method of computing net capital, based on aggregate debit items ("ADI"), has an early warning level which is 250 percent of the required minimum level of net capital since minimum net capital must be 2 percent of ADI and the early warning level is 5 percent of ADI.

divert regulatory resources to firms which do not necessarily require enhanced surveillance from those firms which may require closer scrutiny.

Taking all of those factors into account, the Commission is specifically requesting comment as to whether the financial early warning system for introducing brokers should be essentially the same as it is for FCMs. as the Commission is proposing. One alternative would be to establish the early warning level of adjusted net capital at 120% of the required minimum dollar amount, rather that the proposed 150%, which would be the same as it is for introducing securities brokers or dealers.[104] Another alternative would be to require only notice of undercapitalization, and have no higher early warning level of adjusted net capital for introducing brokers. Commentators should also address whether other elements of the early warning system relating to maintenance of books and records and material inadequacies should apply to introducing brokers.

M. Recordkeeping and Monthly Capital Computation

The Commission is proposing certain other minor amendments in the financial area. The Commission is proposing to amend § 1.18(a) to require an introducing broker to prepare and keep current the same type of financial records which an FCM must keep. The Commission is also proposing to amend § 1.18(b) to require an introducing broker to make a formal computation of its adjusted net capital and of its minimum financial requirements as of the close of business each month. The Commission currently requires an FCM to make such monthly computations.

N. Financial Surveillance and Monitoring by Self-Regulatory Organizations

As stated elsewhere, the Commission has been advised that NFA's bylaws will be amended to provide for the membership category of introducing broker and effectively to require all introducing brokers to become members of NFA. The Commission is proposing to amend § 1.52(a) to require each self-regulatory organization other than a contract market to adopt and submit for Commission approval rules prescribing minimum financial and related reporting requirements for all of its member who are registered introducing brokers. The Commission is proposing to amend § 1.52(a) in this manner so that it would apply only to NFA and to any other futures association which may be registered under the Act (*see also* proposed § 1.3(ff)) because the Commission assumes that even if some introducing brokers are contract market members, the contract markets will not undertake financial surveillance and monitoring of introducing brokers as they do for member FCMs, since introducing brokers will not accept customer segregated funds. The Commission is also proposing to add references to introducing brokers in paragraphs (c), (g), (j), (k) and (l) of § 1.52.

IV. Amendments to Existing Regulations

The Commission is proposing to amend several of the definitions contained in § 1.3 either to conform to the recent amendments to the Act or to incorporate references to the new registration categories. Thus, the Commission is proposing to amend the definitions of "associated person" and "commodity trading advisor" and to add a definition of "introducing broker" to parallel the revisions to the Act made by the Futures Trading Act of 1982. Proposed §§ 1.3(aa), 1.3(bb), 1.33(mm).[105] The Commission is also proposing to amend the definition of the term "designated self-regulatory organization" to include references to introducing brokers. Proposed § 1.3(ff). Finally, the Commission is proposing to delete references to particular registrants in § 10.1(a) in order to make the Commission's Rules of Practice generally applicable to proceedings pursuant to Section 6(b) and 8a of the Act to deny, suspend, or revoke registration in any capacity.

The Commission is proposing to amend § 1.19 in order to extend to introducing brokers the prohibition on granting commodity options currently applicable to FCMs, except where those options are traded on or subject to the rules of a contract market. The Commission's proposals would allow introducing brokers to trade options only for their own accounts; nothing in the rules the Commission is proposing today would authorize an introducing broker to engage in option transactions for or on behalf of option customers. Thus, the Commission is not proposing to amend § 33.3(b) of its regulations[106] which, in general, restricts the solicitation and acceptance of orders from option customers to FCMs (and persons associated with those FCMs) which are members of the contract market on which the option is traded or which are a members of a registered futures association, such as the National Futures Association, which has established a program for the regulation of the option-related activities of its members. Thus, until such time as the Commission approves rules of a registered futures association which specifically provide for the regulation by that futures association of the option-related activities of introducing brokers, an introducing broker will be precluded from participation in the Commission's option pilot program other than as a purchaser or seller of options for its own account. Furthermore, and as discussed more fully below, the Commission is specifically requesting comments as to whether there should be further restrictions on the ability of an introducing broker to trade for its own account or to carry proprietary accounts, including proprietary accounts with option positions.

An introducing broker will also not be authorized to engage in dealer option transactions conducted pursuant to the provisions of Section 4c(d) of the Act[107] and Part 32 of the Commission's regulations.[108] In this regard, the Commission notes that the Futures Trading Act of 1982 in no way alters the previously-existing statutory proscriptions on who may offer and sell dealer options. The Commission therefore does not intend to amend Part 32 of its regulations to permit anyone other than registered futures commission merchants to engage in such transactions.

The Commission is proposing to require introducing brokers to open and carry each customer's account with a carrying FCM on a fully-disclosed basis. An introducing broker would similarly be required to transmit all customer

[104] Based on a required minimum dollar amount of $25,000 (*see* proposed § 1.17(a)(1)(ii)(A)), the early warning level would be $30,000 instead of $37,500.

[105] The proposed definition of the term "commodity trading advisor" would specify that only "the named fiduciary" of a defined benefit plan which is subject to the provisions of the Employee Retirement Income Security Act of 1974 ("ERISA") is to be excluded from that definition. *See* proposed § 1.3(bb)(v). The Commission's proposal is intended to make clear that only those persons who meet the statutory definition of an ERISA fiduciary (*see* 29 U.S.C. 1002(21)) and are subject to another regulatory framework covering their fiduciary activities may be excluded from the definition of "commodity trading advisor" and the Commission's regulatory framework for commodity trading advisors. The Commission specifically requests comment as to the proper interpretation regarding which ERISA fiduciaries, other than named fiduciaries of the plan, should be considered to be excluded from the definition of "commodity trading advisor."

[106] 17 CFR 33.3(b), *as amended by* 47 FR 56996, 57016 (December 22, 1982).

[107] 7 U.S.C. 6c(d), *as amended by* Futures Trading Act of 1982, Pub. L. No. 97–444, section 206(4), 96 Stat. 2301.

[108] 17 CFR Part 32, *as amended by* 47 FR 56996, 57016 (December 22, 1982).

orders either to that carrying futures commission merchant or to a floor broker, if the introducing broker "gives up" the name of (*i.e.*, identifies) its carrying FCM. Proposed § 1.57(a). In view of these proposed requirements, the Commission has not deemed it necessary to amend its segregation regulations (17 CFR 1.20–1.30, 1.32) or most of its other rules relating to customer accounts. For example, the Commission has not proposed to amend §§ 1.33 and 1.46 of its regulations because the FCM which carries accounts for an introducing broker will continue to supply the required confirmation, monthly, and purchase-and-sale statements.

The Commission is proposing, however, to require introducing brokers to prepare a time-stamped record of each customer order and a daily record or journal of all customer trades. These requirements currently apply to FCMs. By comparison, because introducing brokers would not be allowed to carry customer accounts, they would not be required to prepare the financial or contract ledgers required by §§ 1.35(b)(1) and (b)(2).

Although the Commission is proposing to require introducing brokers to introduce all of their customer accounts to a futures commission merchant on a fully-disclosed basis, the Commission has not proposed a similar rule for the "house" or other proprietary accounts [109] of the introducing broker. The Commission is nonetheless concerned that allowing introducing brokers to carry such accounts will necessarily increase the complexity of their operations and require the establishment and daily supervision of a "back office" solely for this purpose. The Commission is further concerned that allowing an introducing broker to carry these accounts could jeopardize the firm's stability in the event that any of the proprietary accounts became undermargined or had a debit balance which required the infusion of additional capital by the introducing broker. The Commission is, therefore, requesting comments on whether it should prohibit introducing brokers from carrying proprietary accounts, as well as accounts in non-regulated commodities such as those traded on foreign boards of trade. The Commission is specifically requesting comments on the appropriateness of such a restriction and advises interested persons that it may impose such a restriction as part of the final regulations adopted in this ruemaking proceeding. As discussed subsequently in this **Federal Register** release, further amendments to the Commission's reporting regulations may be required to extend those regulations to introducing brokers if such restrictions are not adopted.

The Commission is proposing amendmetns to two other sections of Part 1 of the regulations so that coverage of those provisions will be extended to introducing brokers as well as FCMs. Under Commission rule 1.55, an FCM must furnish a customer with a disclosure statement which sets forth the risks of commodity trading, and the customer must sign and date an acknowledgment stating that he received and understood the disclosure statement, before a commodity futures account may be opened for the customer. If a customer were to use the services of an introducing broker, the introducing broker would generally be responsible for furnishing such a disclosure statement to the customer and for obtaining and retaining the required customer acknowledgment. *See* proposed § 1.55(a) and (c). Although such a customer would open an account on a fully-disclosed basis with an FCM, and would be considered a customer of the FCM, the FCM would not have to furnish the same or an additional disclosure statement to any such customer which has received the disclosure statement from, and provided the required acknowledgment to, the introducing broker. Commercial prudence suggests that the introducing broker and FCM establish clearly between themselves which entity is responsible for furnishing the customer with the risk disclosure statement and obtaining and retaining the customer acknowledgment.

The Commission has also included a proposed new paragraph (d) of § 1.55. The Commission recently proposed a new § 1.55(d) which would require FCMs to disclose all material information to their customers.[110] The Commission has included in these proposals the language of proposed § 1.55(d) as it appeared in that earlier release and has merely added a reference to introducing brokers so that the provision would apply equally to introducing brokers and FCMs. The Commission is presently evaluating the comments received in response to its earlier proposal of § 1.55(d), so those persons who commented on that proposal need not comment again on this point. The Commission may in the near future adopt a final rule on this subject which would be applicable solely to FCMs. If such a rule is adopted, the Commission expects to include a reference to introducing brokers in that rule when final rules relating to introducing brokers are adopted. The substance of any such rule would, therefore, be the same for FCMs and introducing brokers.

The Commission is also proposing to amend § 1.56, which relates to the prohibition of guarantees against loss, so that is would apply to introducing brokers as well as to FCMs. The Commission believes, for essentially the same reasons that caused the Commission to adopt such a rule for FCMs,[111] that introducing brokers should not be able to represent that they will guarantee a customer against loss.

The Commission is proposing to amend §§ 4.23 and 4.32 of its regulations relating to CPOs and CTAs, respectively, to require pool operators and trading advisors to indicate in their itemized daily records whether a trade was placed with an introducing broker. The Commission is not proposing, however, to amend §§ 4.21 and 4.31 to require explicitly that CPOs and CTAs disclose any conflict of interest involving an introducing broker. *Compare* §§ 4.21(a)(3), 4.31(a)(5). The Commission believes that such amendments are unnecessary in view of the existing requirements in the Commission's CPO and CTA regulations which specify that disclosure of the information specified in those rules does not relieve a CPO or CTA from the obligation to disclose all material information to existing or prospective pool participants or clients. *See* §§ 4.21(h), 4.31(g).

The Commission is proposing to amend certain of its regulations relating to market sureveillance in order to establish for introducing brokers duties which are similar to those which presently apply to futures commission merchants. Specifically, under §15.05, the introducing broker which introduces an account of any foreign broker or trader would be deemed an agent of the foreign broker and its customers and an agent of the foreign trader for purposes of accepting service of any communication issued by the Commission.[112] Similarly, §§ 21.01, 21.02

[109] The term "proprietary account" is defined in Commission rule 1.3(y) to include, *inter alia*, the accounts of partners, officers, employees, and certain related individuals.

[110] 47 FR 52723 (November 23, 1982).

[111] *See* 46 FR 62841 (December 29, 1981).

[112] Although the futures commission merchant effecting a transaction for a foreign account would also continue to be the agent of both a foreign broker and its customers and of a foreign trader, the Commission is proposing to amend §15.05 because it believes that there may be instances in which service on the foreign parties could be better effected through the introducing broker.

and 21.03 would be amended to prescribe for introducing brokers duties similar to those imposed on futures commission merchants with regard to special calls for information. Thus, for example, introducing brokers would be obligated to provide certain information upon special call, as set forth in those rules, and introducing brokers would be prohibited from accepting any orders from customers who do not respond to selected special calls issued pursuant to § 21.03.[113]

The Commission is proposing to amend its trading standards regulations in Part 155 to make them applicable to introducing brokers. The definition of "affiliated person" would be extended to include the affiliated person of an introducing broker as well as affiliated person of an FCM and would have the same meaning in both contexts. As affiliated person of an introducing broker would thus be any general partner, officer, director, owner of more than ten percent of the equity interest, associated person or employee of the introducing broker, and any relative or spouse of any of the foregoing persons, or any relative of such spouse, who shares the same home as any of the foregoing persons. *See* proposed § 155.1.

Minor amendments are also being proposed to §155.3, which sets forth the trading standards for FCMs. These amendments are intended to ensure that an FCM handles an account of an affiliated person of an introducing broker on the same basis that the FCM handles an account of an affiliated person of another FCM. The FCM would have to receive written authorization from a person designated by the introducing broker with the responsibility for surveillance of the account of that affiliated person before the FCM could knowingly handle such an account. In addition, the FCM would have to prepare written records of all orders for such an account. In addition, the FCM would have to prepare written records of all orders for such an account, and transmit such records on a regular basis to the introducing broker, along with all statements for such account. *See* proposed §§ 155.3(c) (1) and (3) and § 155.3(c)(2).

The Commission is also proposing a new rule, § 155.4, which would set forth trading standards for introducing brokers. The proposed rule is patterned after § 155.3. The proposed rule is designed to ensure that the "customer first" principle which applies to orders given to an FCM is extended to an introducing broker as well. Customer orders would thus have to be transmitted to the FCM carrying the account before the transmission of any similar order for a proprietary account of the introducing broker, for an account in which an affiliated person of the introducing broker has an interest, or for any account over which an afflilated person of the introducing broker has discretion. *See* proposed §155.4(a).

The introducing broker would not be permitted to disclose that it or any of its affiliated persons was holding the order of another person, nor could the introducing broker or any of its affiliated persons knowingly take the other side of a customer's order, except under certain specified conditions. *See* proposed § 155.4(b).

An affiliated person of an introducing broker could maintain an account with an FCM only if the affiliated person received written authorization to do so from a person designed by the introducing broker with the responsibility for surveillance of such activity. Copies of all statements for such an account, as well as all written records of orders for such an account prepared by the FCM, would have to be transmitted to the introducing broker on a regular basis. *See* proposed § 155.4(c).

The Commission assumes that some customers may grant discretion to introducing brokers and to associated persons of introducing brokers to make trades for them. (Such a grant of discretion will require the introducing broker to register as a CTA as well. *Compare* proposed § 4.14(a)(6).) The Commission is therefore proposing to amend § 166.2, which requires a customer's prior authorization to trade the customer's account, so that it would refer to introducing brokers and their associated persons.

The Commission is proposing two amendments in the Part 170 regulations, which relate to registered futures associations. The first amendment is a technical change to § 170.2 concerning membership restrictions. The references to particular registration categories would be eliminated so that the new categories discussed herein, as well as any additional categories created in the future, would be included. The second amendment would add a new § 170.10 relating to proficiency examinations and would permit a futures association to establish different training standards and proficiency examinations for persons registered in more than one capacity. Futhermore, if a person were exempt from registrations in a particular capacity, yet performed the fuctions of a person registered in such capacity, a futures association could require that person to meet training standards and pass a proficiency examination related to that exempted capacity.

V. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA")[114] requires that agencies, in proposing rules, consider the impact of those rules on small businesses.[115] The Commission has already established certain definitions of "small entities" to be used by the Commission in evaluating the impact of its rules on such small entities in accordance with the RFA.[116] In that statement, the Commission concluded that neither FCMs nor registered CPOs should be considered to be small entities for purposes of the RFA. With respect to FCMs, the Commission's determination was based in part upon their obligation to meet the Capital requirement established by the Commission and the purposes of protecting financial integrity, as well as the fiduciary nature of the FCM-customer relations.[117] As for CPOs, the Commission determined that registered CPOs are not small entities based upon its existing regulatory standard for exempting certain small CPOs from the requirement to register under the Act.[118] (A CPO need not register with the Commission if the gross capital contributions for all pools under its management do not exceed $200,000 and there are not more than fifteen participants in any one of the those pools.) Thus, with respect to FCMs and registered CPOs, pursuant to Section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission, certifies that these proposed rules will not have a significant economic impact on a

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[113] As discussed elsewhere in this Federal Register notice, the Commission is considering whether it should prohibit introducing brokers from carrying proprietary accounts and is requesting comments on that issue. If introducing brokers are allowed to carry such accounts, and such accounts are carried on an amnibus basis, the Commission contemplates that it will need to amend §§ 1.37(b), 15.01(b), Part 17, 21.02(g)(3), 21.03(e)(1), and 21.03(e)(1)(iv) of its regulations. The Commission wishes to give notice that if, after consideration of the comments on this ussue and the Commission's own further deliberations, the Commission allows introducing brokers to carry proprietary accounts, it will likely amend those regulations to make them applicable to introducing brokers.

[114] 5 U.S.C. 601 *et seq.*

[115] By its terms, the RFA does not apply to "individuals." *Compare* S. 299, 96th Cong., 1st Sess. (Jan. 31, 1979). Because associated persons must be individuals, (*see* Section 4k of the Act and proposed § 1.3(aa)), the RFA does not apply to APs and no analysis of the economic impact of this rule proposal on such persons is required.

[116] 47 FR 18618–21 (April 30, 1982).

[117] *Id.* at 18619.

[118] *Id.* at 18619–20.

substantial number of small entities. The Commission nonetheless invites comments from any firm which believe that these rules would have a significant economic impact on its operations.

The Commission has also determined that, with respect to floor brokers, any rule proposal should be evaluated for its economic impact at the time it is proposed.[119] To the extent that floor brokers can be considered to be small entities, both the proposed increase in the registration fee and the proposed fingerprinting requirement for certain floor brokers upon re-entry into the business following a lapse of registration implement the regulatory scheme contained in the Futures Trading Act of 1982, as discussed above, and the economic effect on floor brokers of both provisions, if adopted, would be slight.

As with floor brokers, the Commission similarly decided in its policy statement to evaluate within the context of a particular rule proposal whether all or some CTAs should be considered to be small entities, and if so, to then analyze the economic impact on them of any such rule.[120] In this regard, as is the case with floor brokers, the Commission does not consider either the proposed increase in the registration fee or the proposed fingerprinting requirement for certain CTAs upon re-entry into the business following a lapse of registration to have significant economic impact. The Commission is also aware that, if adopted as proposed, § 1.57 would require those CTAs which are compensated either by their customers or by an FCM on a "per-trade" basis or which receive a fee from an FCM for the referral of customers, to register as introducting brokers and to comply with the rules governing introducing brokers. Assuming arguendo that, for purposes of § 1.57, some CTAs are in fact small entities, the Commission has considered whether such a rule would have a significant impact on such entities.[121]

As discussed more fully above, the Commission believes that it is necessary to include within the introducing broker category those CTAs which, in essence, accept or solicit orders for the purchase or sale of futures contracts on behalf of one or more FCMs. Significantly, an alternative to registration as an introducing broker is available to those small CTAs which do business as sole proprietorships in that any such introducing broker may instead register as an AP of an FCM, thereby making compliance with the principal obligations of an introducing broker (such as the minimum capital and reporting requirement) unnecessary. An extensive description of the proposed regulatory responsibilities of introducing brokers has already been provided above. In general, the regulations governing CTAs and introducing brokers neither conflict nor are inconsistent. To the extent that the rules relating to CTAs and introducing brokers would overlap (as, for example, with respect to certain recordkeeping requirements), any such duplication would simply mean that the particular task need not be performed twice.

As discussed above with respect to floor brokers, the Commission does not believe that the registration fee proposed herein for introducing brokers would constitute a significant financial burden and the Commission further believes that the fee for obtaining an introducing broker license is a relatively insignificant cost of doing business. Moreover, the Futures Trading Act of 1982 specifically authorizes the assessment of fees for the processing of applications for registration.[122] The Commission further notes that the proposed fee would be the same as that proposed for CTAs and floor brokers; by comparison, the fee for FCMs would be substantially higher.

Inasmuch as introducing brokers did not exist when the Commission drafted its April 1982 policy statement concerning the definition of small entities, the Commission has not addressed the question of whether such persons are, in fact, small entities for purposes of the RFA. The Commission has sought to integrate introducing brokers into the existing regulatory structure governing FCMs with such modifications as appear to be appropriate. The Commission does not believe that there are regulatory alternatives to those being proposed which would be consistent with the statutory mandate to provide protection to the public against irresponsible or fraudulent business practices.

For purposes of the RFA and future rulemakings, the Commission is hereby proposing that introducing brokers not be considered to be "small entities" for essentially the same reasons that FCMs have previously been determined not to be small entities.[123] As with FCMs, a requirement to maintain a specified level of adjusted net capital would be imposed upon introducing brokers to ensure that they maintain sufficient capital resources to guarantee their financial accountability and to promote responsible and reliable business operations. The Commission's proposed determination is also based on its experience with agents of FCMs, through which a considerable volume of customer business is secured.

As explained in the text above, once those agents are registered as introducing brokers and come within the regulatory framework governing introducing brokers, the Commission does not believe that these entities should continue to be viewed as small businesses for purposes of the RFA. The Commission's position is not inconsistent with the statement in the House Report accompanying the bill which became the Futures Trading Act of 1982 that many agents are individuals or small businesses.[124] This passing reference in the House Report was not intended to require application of the RFA to introducing brokers. In fact, insofar as many agents are individuals, the RFA does not directly apply to them. Moreover, Congress intended to apply standards of financial integrity for both introducing brokers and FCMs, regardless of size. Thus, the House Report stated:

> Although agents may perform the same functions as branch officers of futures commission merchants, agents generally are separately owned and run. Futures commission merchants frequently disavow any responsibility for sales abuses or other violations committed by these agents. The Committee believes that the best way to protect the public is to create a new and separate registration category for "agents" (*e.g.*, as introducing brokers.) * * *.
>
> The new registration category of "introducing broker" would encompass persons who solicit or accept futures orders but who do not handle customer funds, and in the case of individuals, who elect to be registered as introducing brokers rather than associated persons * * *.
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> * * * * * *
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> In addition to permitting greater review of qualifications, the proposed amendment would allow the Commission or NFA to set minimum financial and other standards for introducing brokers, analogous to those presently in effect for futures commission merchants. Compliance with these standards could be monitored and enforcement action could be taken when necessary. Thus, in place of the lack of regulation that now exists for agents, the proposed amendment would fully integrate these persons into the regulatory structure administered by the Commission under the Act.[125]

The Commission believes that, as with FCMs, no regulatory distinctions can be made among introducing brokers in spite of any size differences that may

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[119] *Id.* at 18620.

[120] *Id.*

[121] *See* 5 U.S.C. 603.

[122] Pub. L. No. 97-444, §§ 223, 237, 96 Stat. 2310, 2326.

[123] 47 FR at 18619.

[124] H.R. Rep. No. 565, 97th Cong., 2d Sess. 49 (1982).

[125] *Id.*

exist among them in light of the nature of the relationship between an introducing broker and its customers and the need to protect financial integrity. The minimum capital, bookkeeping, and recordkeeping requirements authorized by Congress apply equally to all introducing brokers regardless of size, and are necessary to provide adequate customer protection. Moreover, the Commission wishes to note that it has sought to fashion its proposed regulatory program for introducing brokers in a manner which is responsive to the function, purposes, and size of the entity being regulated consistent with the objective of the RFA. In particular, the Commission believes that its proposed $25,000 minimum capital requirement would appropriately effectuate the Congressional purpose that introducing brokers have a sufficient reserve of capital to remain economically viable yet would not be so onerous as to constitute a barrier to the entry into, or continuation, in the commodities industry. For the reasons stated above, the Commission hereby proposes not to define introducing brokers as small entities for RFA purposes.

Consequently, the Chairman, on behalf of the Commission, certifies pursuant to Section 3(a) of the RFA, 5 U.S.C. 605(b), that the proposed rules contained herein will not have a significant economic impact on a substantial number of small entities. The Commission nonetheless invites comment from any firm which believes that these rules, as proposed, would have a significant economic impact on its operations.

B. Paperwork Reduction Act

The Commission has submitted to the Director of the Office of Management and Budget ("OMB"), pursuant to the provisions of the Paperwork Reduction act (44 U.S.C. Chapter 35), an explanation and details of the information collection and recordkeeping requirements which would be necessary to implement these proposals. Since several of the proposals contained herein consist of proposed amendments to rules which have already been assigned OMB control numbers, the Commission assumes that the amended rules will be assigned the same OMB control number. Similarly, since the Commission is proposing that the new categories of registrant use amendments to existing forms in order to comply with registration and financial reporting requirements, those forms, as amended, will in all likelihood retain the same OMB control number which they have at present.

Interested members of the public may obtain a complete copy of the information collection proposals relating to the proposed rules contained herein by contacting Joseph Salazar at (202) 254–9735. Persons wishing to comment on the Paperwork Reduction Act implications of these proposals are asked to send a copy of their comments to Mr. Salazar at the Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, and to the OMB Desk Officer for the agency, Robert Veeder, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

List of Subjects

17 CFR Part 1

Financial requirements, Reporting and recordkeeping requirements, Customer protection, Definitions, Registration requirements, Risk disclosure statements, Segregated funds, Introducing brokers.

17 CFR Part 3

Registration requirements, Authority delegations, Fingerprinting, associated persons, Floor brokers, Introducing brokers, Commodity trading advisors, Commodity pool operators, Futures commission merchants.

17 CFR Part 4

Commodity pool operators, Commodity trading advisors, Associated persons, Recordkeeping requirements.

17 CFR Part 10

Administrative practice and procedure.

17 CFR Part 15

Reports by agents, Foreign brokers, Foreign traders, Introducing brokers.

17 CFR Part 21

Special calls for information, Introducing brokers.

17 CFR Part 145

Records, Freedom of Information Act.

17 CFR Part 147

Records, Sunshine Act.

17 CFR Part 155

Trading standards, Introducing brokers.

17 CFR Part 166

Authorization to trade, Customer protection.

17 CFR Part 170

Futures association, Authority delegation.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, Sections 2(a)(1), 4, 4b, 4d, 4e, 4f, 4g, 4h, 4i, 3k, 4m, 4n, 4o, 4p, 6, 8, 8a, 14, 15 and 17 thereof, 7 U.S.C. 2 and 4, 6, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6k, 6m, 6n, 6o, 6p, 8, 9., 9a and 13b, 12, 12a, 18, 19 and 21, *as amended by* the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983), and pursuant to the authority contained in Pub. L. No. 97–444, § 237, 96 Stat. 2326, and in 5 U.S.C. 552 and 552b, the Commission hereby proposes to amend Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. Section 1.3 is proposed to be amended by revising paragraphs (aa), (bb), and (ff) and by adding paragraph (mm) to read as follows:

§ 1.3 Definitions.

* * * * *

(aa) *Associated person.* This term means any natural person who (as provided in Section 4k of the Act) is associated in any of the following capacities with:

(1) A futures commission merchant as a partner, officer, or employee (or any natural person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation or acceptance of customers' or option customers' orders (other than in a clerical capacity) or (ii) the supervision of any person or persons so engaged;

(2) An introducing broker as a partner, officer, employee, or agent (or any natural person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (ii) the supervision of any person or persons so engaged;

(3) A commodity pool operator as a partner, officer, employee, consultant, or agent (or any natural person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation of funds, securities, or property for a participation in a commodity pool or (ii) the supervision of any person or persons so engaged; or

(4) A commodity trading advisor as a partner, officer, employee, consultant, or agent (or any natural person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation of a client's

or prospective client's discretionary account or (ii) the supervision of any person or persons so engaged.

(bb) *Commodity trading advisor.* This term means any person who, for compensation or profit, engages in the business of advising others, either directly or through publications, writings or electronic media, as to the value of or the advisability of trading in any contract of sale of a commodity for future delivery made or to be made on or subject to the rules of a contract market, any commodity option authorized under Section 4c of the Act, or any leverage transaction authorized under Section 19 of the Act, or who, for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning any of the foregoing; but such term does not include (i) any bank or trust company or any person acting as an employee thereof, (ii) any news reporter, news columnist, or news editor of the print or electronic media, or any lawyer, accountant, or teacher, (iii) any floor broker or futures commission merchant, (iv) the publisher or producer of any print or electronic data of general and regular dissemination, including its employees, (v) the named fiduciary of any defined benefit plan which is subject to the provisions of the Employee Retirement Income Security Act of 1974, (vi) any contract market, and (vii) such other persons not within the intent of this definition as the Commission may specify by rule, regulation or order: *Provided,* That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession: *Provided further,* That the Commission, by rule or regulation, may include within this definition, any person advising as to the value of commodities or issuing reports or analyses concerning commodities, if the Commission determines that such rule or regulation will effectuate the purposes of this provision.

* * * * *

(ff) *Designated self-regulatory organization.* This term means a self-regulatory organization of which a futures commission merchant or an introducing broker is a member, or if a futures commission merchant or an introducing broker is a member of more than one self-regulatory organization and such futures commission merchant or introducing broker is the subject of an approved plan under § 1.52, then a self-regulatory organization delegated the responsibility by such a plan for monitoring and auditing such futures commission merchant or introducing broker for compliance with the minimum financial and related reporting requirements of the self-regulatory organizations of which the futures commission merchant or introducing broker is a member, and for receiving the financial reports necessitated by such minimum financial and related reporting requirements from such futures commission merchant or introducing broker.

* * * * *

(mm) *Introducing broker.* This term means any person, except a natural person who elects to be and is registered as an associated person of a futures commission merchant, engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.

2. Section 1.10 is proposed to be amended by revising the section heading and paragraphs (a)(2), (a)(3), (b)(1), (b)(3), (d)(1), (d)(2), (e), (g), and (h) of § 1.10 to read as follows:

§ 1.10 Financial reports of futures commission merchants and introducing brokers.

(a) * * *

(2) Except as provided in paragraph (a)(3) of this section, each person who files an application for registration as a futures commission merchant or as an introducing broker, and who is not so registered at the time of such filing, must, concurrently with the filing of such application file either: (i) A form 1–FR certified by an independent public accountant in accordance with § 1.16 as of a date not more than 45 days prior to the date on which such report is filed, or (ii) a form 1–FR as of a date not more than 45 days prior to the date on which such report is filed and a form 1–FR certified by an independent public accountant in accordance with § 1.16 as of a date not more than 1 year prior to the date on which such report is filed. Each such person must include with such financial report a statement describing the source of his current asset and representing that his capital has been contributed for the purpose of operating his business and will continue to be used for such purpose.

(3) The provisions of paragraph (a)(2) of this section do not apply to any person succeeding to and continuing the business of another futures commission merchant or another introducing broker. Each such person who files an application for registration as a futures commission merchant or as an introducing broker and who is not so registered in that capacity at the time of such filing must file a form 1–FR as of the first monthend following the date on which his registration is approved. Such report must be filed with the Commission and the designated self-regulatory organization, if any, not more than 45 days after the date for which the report is made.

(b) *Filing of financial reports.* (1) Except as provided in paragraph (b)(3) of this section, each person registered as a futures commisson merchant or as an introducing broker must file a form 1–FR for each fiscal quarter of each fiscal year unless the registrant elects pursuant to paragraph (e)(2) of this section to file a form 1–FR for each calendar quarter of each calendar year. Each form 1–FR must be filed no later than 45 days after the date for which the report is made: *Provided, however,* That any form 1–FR which must be certified by an independent public accountant pursuant to paragraph (b)(2) of this section must be filed no later than 90 days after the close of each registrant's fiscal year.

* * * * *

(3) The provisions of paragraphs (b)(1) and (b)(2) of this section may be met by any person registered as a futures commission merchant or as an introducing broker who is a member of a designated self-regulatory organization and conforms to minimum financial standards and related reporting requirements set by such designated self-regulatory organization in its bylaws, rules, regulations, or resolutions and approved after the effective date of these regulations by the Commission pursuant to Section 4f(2) of the Act and § 1.52: *Provided, however,* That each such registrant shall promptly file with the Commission a true and exact copy of each financial report which it files with such designated self-regulatory organization.

* * * * *

(d) *Contents of financial reports.* (1) Each form 1–FR filed pursuant to this § 1.10 which is not required to be certified by an independent public accountant must be completed in accordance with the instructions to the form and contain: (i) A statement of financial condition as of the date for which the report is made; (ii) a statement of changes in ownership equity for the period between the date of the most recent statement of financial condition filed with the Commission and the date for which the report is made; (iii) a statement of the computation of

the minimum capital requirements pursuant to § 1.17 as of the date for which the report is made; (iv) for a futures commisson merchant only, a schedule of segregation requirements and funds on deposit in segregation as of the date for which the report is made; and (v) in addition to the information expressly required, such further material information as may be necessary to make the required statements and schedules not misleading.

(2) Each form 1–FR filed pursuant to this § 1.10 which is required to be certified by an independent public accountant must be completed in accordance with the instructions to the form and contain: (i) A statement of financial condition as of the date for which the report is made; (ii) statements of income (loss), changes in financial position, changes in ownership equity, and changes in liabilities subordinated to claims of general creditors, for the period between the date of the most recent certified statement of financial condition filed with the Commission and the date for which the report is made: *Provided,* That for an applicant filing pursuant to paragraph (a)(2) of this section the period must be the year ending as of the date of the statement of financial condition; (iii) a statement of the computation of the minimum capital requirements pursuant to § 1.17 as of the date for which the report is made; (iv) for a futures commission merchant only, a schedule of segregation requirements and funds on deposit in segregation as of the date for which the report is made; (v) appropriate footnote disclosures; and (vi) in addition to the information expressly required, such further material information as may be necessary to make the required statements not misleading.

* * * * *

(e) *Election of fiscal year.* (1) Any applicant or registrant wishing to establish a fiscal year other than the calendar year may do so by notifying the Commission and the designated self-regulatory organization, if any, of its election of such fiscal year in writing, concurrently with the filing of the form 1–FR pursuant to paragraph (a)(2) of this section, but in no event may such fiscal year end more than one year from the date of the form 1–FR filed pursuant to paragraph (a)(2) of this section. An applicant or registrant which does not so notify the Commission and the designated self-regulatory organization, if any, will be deemed to have elected the calendar year as its fiscal year. A registrant must continue to use its elected fiscal year, calendar or otherwise, unless a change in such fiscal year is approved upon written application to the principal office of the Commission in Washington, D.C., and written notice of such change is given to the designated self-regulatory organization, if any.

(2) Any applicant or registrant may elect to file its form 1–FR for each calendar quarter in lieu of each fiscal quarter by notifying the Commission and the designated self-regulatory organization, if any, of its election, in writing, concurrently with the filing of the form 1–FR pursuant to paragraph (a)(2) of this section. Any registrant wishing to change such election or to make such election other than concurrently with the filing of the form 1–FR pursuant to paragraph (a)(2) of this section may do so only if such change or election is approved by the Commission upon written application to the principal office of the Commission in Washington, D.C., and written notice of such change is given to the designated self-regulatory organization, if any.

* * * * *

(g) *Nonpublic treatment of reports.* All of the forms 1–FR filed pursuant to this section will be public: *Provided, however,* That if the statement of financial condition, the computation of the minimum capital requirements pursuant to § 1.17, and the schedule (to be filed by a futures commission merchant only) of segregation requirements and funds on deposit in segregation are bound separately from the other financial statements (including the statement of income (loss)), footnote disclosures and schedules of form 1–FR, trade secrets and certain other commercial or financial information on such other statements and schedules will be treated as nonpublic for purposes of the Freedom of Information Act and the Government in the Sunshine Act and parts 145 and 147 of this chapter. All of the copies of the Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II or Part IIA, filed pursuant to paragraph (h) of this section will be public: *Provided, however,* That if the statement of financial condition, the computation of net capital, and the schedule (to be filed by a futures commission merchant only) of segregation requirements and funds on deposit in segregation are bound separately from the other financial statements (including the statement of income (loss)), footnote disclosures and schedules of the Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II or Part IIA, trade secrets and certain other commercial or financial information on such other statements and schedules will be treated as nonpublic for purposes of the Freedom of Information Act and the Government in the Sunshine Act and Parts 145 and 147 of this chapter. All information on such other statements, footnote disclosures and schedules will, however, be available for official use by any official or employee of the United States or any State, by any self-regulatory organization of which the person filing such report is a member, and by any other person to whom the Commission believes disclosure of such information is in the public interest. Nothing in this paragraph (g) will limit the authority of any self-regulatory organization to request or receive any information relative to its members' financial condition. The independent accountant's opinion filed pursuant to this section will be deemed public information.

(h) *Filing option available to a futures commission merchant or an introducing broker which is also a securities broker or dealer.* Any applicant or registrant which is registered with the Securities and Exchange Commission as a securities broker or dealer may comply with the requirements of this section by filing (in accordance with paragraphs (a)(2), (b) and (c) of this section) a copy of its Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II or Part IIA, in lieu of form 1–FR: *Provided, however,* That all information which is required to be furnished on and submitted with form 1–FR is provided with such Report.

3. Section 1.12 is proposed to be amended by revising the section heading and paragraphs (a) and (b) to read as follows:

§ 1.12 Maintenance of minimum financial requirements by futures commission merchants and introducing brokers.

(a) Each person registered as a futures commission merchant or as an introducing broker, or who files an application for registration as a futures commission merchant or as an introducing broker, who knows or should have known that its adjusted net capital at any time is less than the minimum required by § 1.17 or by the capital rule of any self-regulatory organization to which such person is subject, if any, must:

(1) Give telegraphic notice as set forth in paragraph (g) of this section that such applicant's or registrant's adjusted net capital is less than is required by § 1.17 or by such other capital rule, identifying the applicable capital rule. This notice

must be given with 24 hours after such applicant or registrant knows or should have known that its adjusted net capital is less than is required by any of the aforesaid rules to which such applicant or registrant is subject; and

(2) If the person is a futures commission merchant or applicant therefor, within 24 hours after giving such notice file a statement of financial condition, a statement of the computation of the minimum capital requirements pursuant to § 1.17 (computed in accordance with the applicable capital rule), and a schedule of segregation requirements and funds on deposit in segregation, all as of the date such applicant's or registrant's adjusted net capital is less than the minimum required; or

(3) If the person is an introducing broker or applicant therefor, within 24 hours after giving such notice file a statement of financial condition and a statement of the computation of the minimum capital requirements pursuant to § 1.17 (computed in accordance with the applicable capital rule) all as of the date such applicant's or registrant's adjusted net capital is less than the minimum required.

(b)(1) Each person registered as a futures commission merchant, or who files an applicant for registration as a futures commission merchant, who knows or should have known that its adjusted net capital at any time is less than the greatest of:

(i) 150 percent of the appropriate minimum dollar amount required by § 1.17(a)(1)(i)(A);

(ii) 6 percent of the following amount: the customer funds required to be segregated pursuant to section 4d(2) of the Act and these regulations less the market value of commodity options purchased by option customers on or subject to the rules of a contract market: *Provided, however,* The deduction for each option customer shall be limited to the amount of customer funds in such option customer's account; or,

(iii) For securities brokers or dealers, the amount of net capital specified in Rule 17a-11(b) of the Securities and Exchange Commission (17 CFR 240.17a–11(b))

must file written notice to that effect as set forth in pararaph (g) of this section within five (5) business days of such event. Such applicant or registrant must also file a form 1–FR (or, if such applicant or registrant is registered with the Securities and Exchange Commission as a securities broker or dealer, it may file, in accordance with § 1.10(h), a copy of its Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II or Part IIA, in lieu of form 1–FR) or such other financial statement designated by the Commission and/or the designated self-regulatory organization, if any, as of the close of business for the month during which such event takes place and as of the close of business for each month thereafter until three (3) successive months have elapsed during which the applicant's or registrant's adusted net capital is at all times equal to or in excess of the minimums set forth in this paragraph (b) which are applicable to such applicant or registrant. Each financial statement required by this paragraph (b) must be filed within 30 calendar days after the end of the month for which such report is being made.

(2) Each person registered as an introducing broker, or who files an applicant for registration as an introducing broker, who knows or should have known that its adjusted net capital at any time is less than the greater of:

(i) 150 percent of the appropriate minimum dollar amount required by § 1.17(a)(ii)(A), or,

(ii) For securities brokers or dealers, the amount of net capital specified in Rule 17a.11(b) of the securites and Exchange Commission (17 CFR 240.17a–11(b)),

must file written notice to that effect as set forth in pararaph (g) of this section within five (5) business days of such event. Such applicant or registrant must also file a form 1–FR (or, if such applicant or registrant is registered with the Securities and Exchange Commission as a securities broker or dealer, it may file, in accordance with § 1.10(h), a copy of its Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II or Part IIA, in lieu of form 1–FR) or such other financial statement designated by the Commission and/or the designated self-regulatory organization, if any, as of the close of business for the month during which such event takes place and as of the close of business for each month thereafter until three (3) successive months have elapsed during which the applicant's or registrant's adusted net capital is at all times equal to or in excess of the minimums set forth in this paragraph (b) which are applicable to such applicant or registrant. Each financial statement required by this paragraph (b) must be filed within 30 calendar days after the end of the month for which such report is being made.

* * * * *

4. Section 1.16 is proposed to be amended by revising paragraphs (c) (5), (d), and (f)(1) to read as follows:

§ 1.16 Qualifications and reports of accountants.

* * * * *

(c) * * *

(15) *Accountant's report on material inadequacies.* A registrant must file concurrently with the annual audit report a supplemental report by the accountant describing any material inadequacies found to exist or found to have existed since the date of the previous audit. An applicant must file concurrently with the audit report a supplemental report by the accountant describing any material inadequacies found to exist as of the date of the form 1–FR being filed: *Provided, however,* That if such applicant is registered with the Securities and Exchange Commission as a securities broker or dealer, and it files (in accordance with § 1.10(h)) a copy of its Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II or Part IIA, in lieu of form 1–FR the accountant's supplmental report must be made as of the date of such report. The supplemental report must indicate any corrective action taken or proposed by the applicant or registrant in regard thereto. If the audit did not disclose any material inadequacies, the supplemental report must so state.

(d) *Audit objective.* (1) The audit must be made in accordance with generally accepted auditing standards and must include a review and appropriate tests of the accounting system, the internal accounting control, and the procedures for safeguarding customer and firm assets in accordance with the provisions of the Act and the regulations thereunder, since the prior examination date. The audit must include all procedures necessary under the circumstances to enable the independent licensed or certified public accountant to express an opinion on the financial statements and schedules. The scope of the audit and review of the accounting system, the internal controls, and procedures for safeguarding customer and firm assets must be sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination in (i) the accounting system, (ii) the internal accounting controls, and (iii) the procedures for safeguarding customer and firm assets (including, in the case of a futures commission merchant, the segregation requirements of Section 4d(2) of the Act

and these regulations) will be discovered. Additionally, as specified objectives the audit must include reviews of the practices and procedures followed by the registrant in making (*a*) periodic computations of the minimum financial requirements pursuant to § 1.17 and (*b*) in the case of a futures commission merchant, daily computations of the segregation requirements of Section 4d(2) of the Act and these regulations.

(2) A material inadequacy in the accounting system, the internal accounting controls, the procedures for safeguarding customer and firm assets, and the practices and procedures referred to in paragraph (d)(1) of this section which is to be reported in accordance with paragraph (e)(2) of this section includes any conditions which contributed substantially to or, if appropriate corrective action is not taken, could reasonably be expected to:

(i) Inhibit an applicant or registrant from promptly completing transactions or promptly discharging his responsibilities to customers or other creditors;

(ii) Result in material financial loss;

(iii) Result in material misstatement of the applicant's or registrant's financial statements and schedules: or

(iv) Result in violations of the Commission's segregation (in the case of a futures commission merchant), recordkeeping or financial reporting requirements to the extent that could reasonably be expected to result in the conditions described in paragraphs (d)(2) (i), (ii), or (iii) of this section.

* * * * *

(f) *Extension of time for filing audited reports.* (1) In the event any applicant or registrant finds that it cannot file its certified financial statements and schedules for any year within the time specified in § 1.10 without substantial undue hardship, it may file with the principal office of the Commission in Washington, D.C., an application for extension of time to a specified date not more than 90 days after the date as of which the certified financial statements and schedules were to have been filed. Notice of such application must be sent to the designates self-regulatory organization, if any. The application must be made by the applicant or registrant and must: (i) State the reasons for the requested extension; (ii) indicate that the inability to make a timely filing is due to circumstances beyond the control of the applicant or registrant, if such is the case; and describe briefly the nature of such circumstances; (iii) be accompanied by the latest available formal computation of his adjusted net capital and minimum financial requirements computed in accordance with § 1.17; (iv) in the case of a futures commission merchant, be accompanied by the latest available computation of required segregation and by a compulation of the amount of money, securities, and property segregated on behalf of customers as of the date of the latest available computation; (v) contain an agreement to file the report on or before the date specified by the applicant or registrant in the application; (vi) be received by the principal office of the Commission in Washington, D.C. and by the designates self-regulatory organization, if any, prior to the date on which the report is due; and (vii) be accompanied by a letter from the independent public accountant answering the following questions:

(A) What specifically are the reasons for the extension request?

(B) On the basis of that part of your audit to date, do you have any indication that may cause you to consider commenting on any material inadequacies in the accounting system, internal accounting controls or procedures for safeguarding customer or firm assets?

(C) Do you have any indication from the part of your audit completed to date that would lead you to believe that the firm was or is not meeting the minimum capital requirements specified in § 1.17 or (in the case of a futures commission merchant) the segregation requirements of Section 4d(2) of the Act and these regulations, or has any significant financial or recordkeeping problems?

* * * * *

5. Section 1.17 is proposed to be amended by revising the section heading and paragraphs (a), (c)(4)(ii), (c)(4)(iii), (c)(5)(iii), (c)(5)(v), (e)(1), (h) (2)(vi)(C), (h)(2)(vii)(A), (h)(2)(vii)(B), (h)(2)(viii)(A), (h)(3)(ii) and (h)(3)(v) to read as follows:

§ 1.17 Minimum financial requirements for futures commission merchants and introducing brokers.

(a)(1)(i) Except as provided in paragraph (a)(2) of this section, each person registered as a futures commission merchant must maintain adjusted net capital equal to or in excess of the greatest of:

(A) $50,000 ($100,000 for each person registered as a futures commission merchant who is not a member of a designated self-regulatory organization), or

(B) Four percent of the following amount: the customer funds required to be segregated pursuant to the Act and these regulations less the market value of commodity options purchased by option customers on or subject to the rules of a contract market: *Provided, however,* The deduction for each option customer shall be limited to the amount of customer funds in such option customer's account, or

(C) For securities brokers and dealers, the amount of net capital required by Rule 15c3–1(a) of the Securities and Exchange Commission (17 CFR 240.15c3–1(a)).

(ii) Except as provided in paragraph (a)(2) of this section, each person registered as an introducing broker must maintain adjusted net capital equal to or in excess of the greater of:

(A) $25,000 ($50,000 for each person registered as an introducing broker who is not member of a designated self-regulatory organization), or

(B) For securities brokers and dealers, the amount of net capital required by Rule 15c3–1(a) of the Securities and Exchange Commission (17 CFR 240.15c3–1(a)).

(2) The requirements of paragraph (a)(1) of this section shall not be applicable if the registrant is a member of a designated self-regulatory organization and conforms to minimum financial standards and related reporting requirements set by such designated self-regulatory organization in its bylaws, rules, regulations or resolutions approved by the Commission pursuant to Section 4f(2) of the Act and § 1.52 after the effective date of this regulation.

(3) No person applying for registration as a futures commission merchant or as an introducing broker shall be so registered unless such person affirmatively demonstrates to the satisfaction of the Commission that it complies with the financial requirements of this § 1.17. Each registrant must be in compliance with this § 1.17 at all times and must be able to demonstrate such compliance to the satisfaction of the Commission and/or the designated self-regulatory organization.

(4) A futures commission merchant who is not in compliance with this §1.17, or is unable to demonstrate such compliance as required by paragraph (a)(3) of this section, must transfer all customer accounts and immediately cease doing business as a futures commission merchant until such time as the firm is able to demonstrate such compliance: *Provided, however,* The registrant may trade for liquidation purposes only unless otherwise directed by the Commission and/or the designated self-regulatory organization: *And, Provided further,* That if such registrant immediately demonstrates to the satisfaction of the Commission or

the designated self-regulatory organization the ability to achieve compliance, the Commission or the designated self-regulatory organization may allow such registrant up to a maximum of 10 business days in which to achieve compliance without having to transfer accounts and cease doing business as required above. Nothing in this paragraph (a)(4) shall be construed as preventing the Commission or the designated self-regulatory organization from taking action against a registrant for non-compliance with any of the provisions of this section.

(5) An introducing broker who is not in compliance with this § 1.17, or is unable to demonstrate such compliance as required by paragraph (a)(3) of this section, must immediately cease doing business as an introducing broker until such time as the registrant is able to demonstrate such compliance: *Provided, however,* That if such registrant immediately demonstrates to the satisfaction of the Commission or the designated self-regulatory organization the ability to achieve compliance, the Commission or the designated self-regulatory organization may allow such registrant up to a maximum of 10 business days in which to achieve compliance without having to cease doing business as required above. If the introducing broker is required to cease doing business in accordance with this paragraph (a)(5), the introducing broker must immediately notify each of its customers and the future commission merchants carrying the account of each customer that it has ceased doing business. Nothing in this paragraph (a)(5) shall be construed as preventing the Commission or the designated self-regulatory organization from taking action against a registrant for non-compliance with any of the provisions of this section.

* * * * *

(c) * * *

(4) * * *

(ii) Excludes, in the case of a futures commission merchant, the amount of money, securities and property due to commodity futures or option customers which is held in segregated accounts in compliance with the requirements of the Act and these regulations: *Provided, however,* That such exclusion may be taken only if such money, securities and property held in segregated accounts have been excluded from current assets in computing net capital;

(iii) Includes, in the case of an applicant or registrant who is a sole proprietor, the excess of liabilities which have not been incurred in the course of business as a futures commission merchant or as an introducing broker over assets not used in the business;

* * * * *

(5) * * *

(iii) In the case of a futures commission merchant, four percent of the market value of commodity options granted (sold) by option customers on or subject to the rules of a contract market;

* * * * *

(v) In the case of securities and obligations used by the applicant or registrant in computing net capital, and in the case of a futures commission merchant with securities in segregation pursuant to Section 4d(2) of the Act and these regulations which were not deposited by customers, the percentages specified in Rule 240.15c3–1(c)(2)(vi) of the Securities and Exchange Commission (17 CFR 240.15c3–1(c)(2)(vi)) ("securities haircuts") and 100 percent of the value of "nonmarketable securities" as specified in Rule 240.15c3–1(c)(2)(vii) of the Securities and Exchange Commission (17 CFR 240.15c3–1(c)(2)(vii)), or where appropriate, for securities brokers or dealers the percentages specified in Rule 240.15c3–1(f) of the Securities and Exchange Commission (17 CFR 240.15c3–1(f)):

* * * * *

(e) * * *

(1) Either adjusted net capital of any of the consolidated entities would be less than the greatest of: (i) 120 percent of the appropriate minimum dollar amount required by paragraphs (a)(1)(i)(A) or (a)(1)(ii)(A) of this section; (ii) for a futures commission merchant or applicant therefor, 7 percent of the following amount: the customer funds required to be segregated pursuant to the Act and these regulations less the market value of commodity options purchased by option customers on or subject to the rules of a contract market: *Provided, however,* The deduction for each option customer shall be limited to the amount of customer funds in such option customer's account; or (iii) for an applicant or registrant which is also a securities broker or dealer, the amount of net capital specified in Rule 15c3–1(e) of the Securities and Exchange Commission (17 CFR 240.15c3–1(e)); or

* * * * *

(h) * * *

(2) * * *

(vi) * * *

(C) The secured demand note agreement may also provide that, in lieu of the procedures specified in the provisions required by paragraph (h)(2)(vi)(B) of this section, the lender, with the prior written consent of the applicant or registrant and the designated self-regulatory organization, or, if the applicant or registrant is not a member of a designated self-regulatory organization, then the Commission, may reduce the unpaid principal amount of the secured demand note: *Provided,* That after giving effect to such reduction the adjusted net capital of the applicant or registrant would not be less than the greatest of: (*1*) 120 percent of the appropriate minimum dollar amount required by paragraphs (a)(1)(i)(A) or (a)(1)(ii)(A) of this section; (*2*) for a futures commission merchant or applicant therefor, 7 percent of the following amount: the customer funds required to be segregated pursuant to the Act and these regulations less the market value of commodity options purchased by option customers on or subject to the rules of a contract market: *Provided, however,* The deduction for each option customer shall be limited to the amount of customer funds in such option customer's account; or (*3*) for an applicant or registrant which is also a securities broker or dealer, the amount of net capital specified in Rule 15c3–1d(b)(6)(iii) of the Securities and Exchange Commission (17 CFR 240.15c3–1d(b)(6)(iii)): *Provided, further,* That no single secured demand note shall be permitted to be reduced by more than 15 percent of its original principal amount and after such reduction no excess collateral may be withdrawn.

(vii) *Permissive prepayments and special prepayments.* (A) An applicant or registrant at its option, but not at the option of the lender, may, if the subordination agreement so provides, make a payment of all or any portion of the payment obligation thereunder prior to the scheduled maturity date of such payment obligation (hereinafter referred to as "prepayment"), but in no event may any prepayment be made before the expiration of one year from the date such subordination agreement became effective: *Provided, however,* That the foregoing restriction shall not apply to temporary subordination agreements which comply with the provisions of paragraph (h)(3)(v) of this section nor shall it apply to "special prepayments" made in accordance with the provisions of paragraph (h)(2)(vii)(B) of this section. No prepayment shall be made if, after giving effect thereto (and to all payments of payment obligations under any other subordination agreements then outstanding, the maturity or accelerated maturities of which are scheduled to fall due within six months after the date such prepayment is to occur pursuant to this provision, or on or prior to the date on which the payment

obligation in respect to such prepayment is scheduled to mature disregarding this provision, whichever date is earlier) without reference to any projected profit or loss of the applicant or registrant, the adjusted net capital of the applicant or registrant is less than the greatest of: (*1*) 120 percent of the appropriate minimum dollar amount required by paragraphs (a)(1)(i)(A) or (a)(1)(ii)(A) of this section; (*2*) for a futures commission merchant or applicant therefor, 7 percent of the following amount: the customer funds required to be segregated pursuant to the Act and these regulations less the market value of commodity options purchased by option customers on or subject to the rules of a contract market: *Provided, however,* The deduction for each option customer shall be limited to the amount of customer funds in such option customer's account; or (*3*) for an applicant or registrant which is also a securities broker or dealer, the amount of net capital specified in Rule 15c3–1d(b)(7) of the Securities and Exchange Commission (17 CFR 240.15c3–1d(b)(7)). Notwithstanding the above, no prepayment shall occur without the prior written approval of the designated self-regulatory organization and the Commission.

(B) An applicant or registrant at its option, but not at the option of the lender, may, if the subordination agreement so provides, make a payment at any time of all or any portion of the payment obligation thereunder prior to the scheduled maturity date of such payment obligation (hereinafter referred to as a "special prepayment"). No special prepayment shall be made if, after giving effect thereto (and to all payments of payment obligations under any other subordination agreements then outstanding, the maturity or accelerated maturities of which are scheduled to fall due within six months after the date such special prepayment is to occur pursuant to this provision, or on or prior to the date on which the payment obligation in respect to such special prepayment is scheduled to mature disregarding this provision, whichever date is earlier) without reference to any projected profit or loss of the applicant or registrant, the adjusted net capital of the applicant or registrant is less than the greatest of: (*1*) 200 percent of the appropriate minimum dollar amount required by paragraphs (a)(1)(i)(A) or (a)(1)(ii)(A) of this section; *(2)* for a futures commission merchant or applicant therefor, 10 percent of the following amount: the customer funds required to be segregated pursuant to the Act and these regulations less the market value of commodity options purchased by option customers on or subject to the rules of a contract market: *Provided, however,* The deduction for each option customer shall be limited to the amount of customer funds in such option customer's account; or (*3*) for an applicant or registrant which is also a securities broker or dealer, the amount of net capital specified in Rule 15c3–1d(c)(5)(ii) of the Securities and Exchange Commission (17 CFR 240.15c3–1d(c)(5)(ii)): *Provided further,* That no special prepayment shall be made if pre-tax losses during the latest three-month period were greater than 15 percent of current excess adjusted net capital. Notwithstanding the above, no special prepayment shall occur without the prior written approval of the designated self-regulatory organization and the Commission.

(viii) *Suspended repayment.* (A) The payment obligation of the applicant or registrant in respect of any subordination agreement shall be suspended and shall not mature if, after giving effect to payment of such payment obligation (and to all payments of payment obligations of the applicant or registrant under any other subordination agreement(s) then outstanding which are scheduled to mature on or before such payment obligation), the adjusted net capital of the applicant or registrant would be less than the greatest of: (*1*) 120 percent of the appropriate minimum dollar amount required by paragraphs (a)(1)(i)(A) or (a)(1)(ii)(A) of this section; (*2*) for a futures commission merchant or applicant therefor, 6 percent of the following amount: the customer funds required to be segregated pursuant to the Act and these regulations less the market value commodity options purchased by option customers on or subject to the rules of a contract market: *Provided, however,* The deduction for each option customer shall be limited to the amount of customer funds in such option customer's account; or (*3*) for an applicant or registant which is also a securities broker or dealer, the amount of net capital specified in Rule 15c3–1d(b)(8)(i) of the Securities and Exchange Commission (17 CFR 240.15c3–1d(b)(8)(i)): *Provided,* That the subordination agreement may provide that if the payment obligation of the applicant or registrant thereunder does not mature and is suspended as a result of the requirement of this paragraph (h)(2)(viii) for a period of not less than six months, the applicant or registrant shall then commence the rapid and orderly liquidation of its business, but the right of the lender to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of this section.

* * * * *

(3) * * *

(ii) *Notice of maturity or accelerated maturity.* Every applicant or registrant shall immediately notify the designated self-regulatory organization and the Commission if, after giving effect to all payments of payment obligations under subordination agreements then outstanding which are then due or mature within the following six months without reference to any projected profit or loss of the applicant or registrant, its adjusted net capital would be less than: (A) 120 percent of the minimum dollar amount required by paragraphs (a)(1)(i)(A) or (a)(1)(ii)(A) of this section; (B) for a futures commission merchant or applicant therefor, 6 percent of the following amount: the customer funds required to be segregated pursuant to the Act and these regulations less the market value of commodity options purchased by option customers on or subject to the rules of a contract market: *Provided, however,* The deduction for each option customer shall be limited to the amount of customer funds in such option customer's account; or (C) for an applicant or registrant which is also a securities broker or dealer, the amount of net capital specified in Rule 15c3–1d(c)(2) of the Securities and Exchange Commission (17 CFR 240.15c3–1d(c)(2)).

* * * * *

(v) *Temporary Subordinations.* To enable an applicant or registrant to participate as an underwriter of securities or undertake other extraordinary activities and remain in compliance with the adjusted net capital requirements of this section, an applicant or registrant shall be permitted, on no more than three occasions in any 12-month period, to enter into a subordination agreement on a temporary basis which has a stated term of no more than 45 days from the date the subordination agreement became effective: *Provided,* That this temporary relief shall not apply to any applicant or registrant if the adjusted net capital of the applicant or registrant is less than the greatest of: (A) 120 percent of the appropriate minimum dollar amount required by paragraphs (a)(1)(i)(A) or (a)(1)(ii)(A) of this section; (B) for a futures commission merchant or applicant therefor, 7 percent of the following amount: the customer funds required to be segregated pursuant to the Act and these regulations less the market value of commodity options purchased by option customers on or

subject to the rules of a contract market: *Provided, however,* The deduction for each option customer shall be limited to the amount of customer funds in such option customer's account; (C) for an applicant or registrant which is also a securities broker or dealer, the amount of net capital specified in Rule 15c3–1d(c)(5)(i) of the Securities and Exchange Commission (17 CFR 240.15c3–1d(c)(5)(i)); or (D) the amount of equity capital as defined in paragraph (d) of this section is less than the limits specified in paragraph (d) of this section. Such temporary subordination agreement shall be subject to all the other provisions of this section.

* * * * *

6. Section 1.18 is proposed to be revised to read as follows:

§ 1.18 Records for and relating to financial reporting and monthly computation by futures commission merchants and introducing brokers.

(a) No person shall be registered as a futures commission merchant or as an introducing broker under the Act unless, commencing on the date his application for such registration is filed, he prepares and keeps current ledgers or other similar records which show or summarize, with appropriate references to supporting documents, each transaction affecting his asset, liability, income, expense and capital accounts, and in which (except as otherwise permitted in writing by the Commission) all his asset, liability and capital accounts are classified into either the account classification subdivisions specified on form 1–FR or, if such person is registered with the Securities and Exchange Commission as a securities broker or dealer and he files (in accordance with § 1.10(h)) a copy of his Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II or Part IIA, in lieu of form 1–FR, the account classification subdivisions specified on such Report, or categories that are in accord with generally accepted accounting principles. Each person so registered shall prepare and keep current such records.

(b) Each applicant or registrant must make and keep as a record in accordance with § 1.31 formal computations of its adjusted net capital and of its minimum financial requirements pursuant to § 1.17 or the requirements of the designated self-regulatory organization to which it is subject as of the close of business each month. An applicant or registrant which is also registered as a securities broker or dealer with the Securities and Exchange Commission may meet the computation requirements of this paragraph by completing the Statement of Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II or Part IIA. Such computations must be completed and made available for inspection by any representative of the Commission or designated self-regulatory organization, if any, within 30 days after the date for which the computations are made, commencing the first monthend after the date the application for registration is filed.

7. Section 1.19 is proposed to be revised to read as follows:

§ 1.19 Prohibited trading in certain options.

No futures commission merchant or introducing broker may make, underwrite, issue, or otherwise assume any financial responsibility for the fulfillment of, any commodity option except for commodity options traded on or subject to the rules of a contract market in accordance with the requirements of Part 33 of this chapter.

8. Section 1.35 is proposed to be amended by revising paragraphs (a), (a–1)(1), and the introductory paragraph of (b) to read as follows:

§ 1.35 Records of cash commodity, futures, and option transactions.

(a) *Futures commission merchants, introducing brokers, and members of contract markets.* Each futures commission merchant, introducing broker, and member of a contract market shall keep full, complete, and systematic records, together with all pertinent data and memoranda, of all transactions relating to its business of dealing in commodity futures, commodity options, and cash commodities. Each futures commission merchant, introducing broker, and member of a contract market shall retain the required records, data, and memoranda in accordance with the requirements of § 1.31, and produce them for inspection and furnish true and correct information and reports as to the contents or the meaning thereof, when and as requested by any authorized representative of the Commission or the United States Department of Justice. Included among such records shall be all orders (filled, unfilled, or canceled), trading cards, signature cards, street books, journals, ledgers, canceled checks, copies of confirmations, copies of statements of purchase and sale, and all other records, data and memoranda which have been prepared in the course of its business of dealing in commodity futures, commodity options, and cash commodities.

(a–1) *Futures commission merchants, introducing brokers, and members of contract markets: Recording of customers' and option customers' orders.* (1) Each futures commission merchant and each introducing broker receiving a customer's or option customer's order shall immediately upon receipt thereof prepare a written record of such order, including the account identification and order number, and shall record thereon, by time-stamp or other timing device, the date and time, to the nearest minute, the order is received, and in addition, for option customers' orders, the time, to the nearest minute, the order is transmitted for execution.

* * * * *

(b) *Futures commission merchants, introducing brokers, and clearing members of contract markets.* Each futures commission merchant and each clearing member of a contract market and, solely for purposes of paragraph (b)(3) of this section, each introducing broker shall, as a minimum requirement, prepare regularly and promptly, and keep systematically and in permanent form, the following:

* * * * *

9. Section 1.37 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.37 Customer's or option customer's name, address, and occupation recorded; record of guarantor or controller of account.

(a) Each futures commission merchant, introducing broker, and member of a contract market shall keep a record in permanent form which shall show for each commodity futures or option account carried or introduced by it the true name and address of the person for whom such account is carried or introduced and the principal occupation or business of such person as well as the name of any other person guaranteeing such account or exercising any trading control with respect to such account. For each such commodity option account, the records kept by such futures commission merchant and member of a contract market must also show the name of the person who has solicited and is responsible for each option customer's account, the appropriate occupational code or codes for such account from the list of such codes that may be promulgated by the Commission, and a symbol indicating whether the option customer is a commercial or non-commercial for each commodity option for which commodity

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option positions are carried for the option customer.

* * * * *

10. Section 1.52 is proposed to be amended by revising paragraphs (a), (c), (g), (j), (k) and (l) to read as follows:

§ 1.52 Self-regulatory organization adoption and surveillance of minimum financial requirements.

(a) Each self-regulatory organization must adopt, and submit for Commission approval, rules prescribing minimum financial and related reporting requirements for all its members who are registered futures commission merchants. Each self-regulatory organization other than a contract market must adopt, and submit for Commission approval, rules prescribing minimum financial and related reporting requirements for all its members who are registered introducing brokers. Each self-regulatory organization shall submit for Commission approval any modification or other amendments to such rules. Such requirements must be the same as, or more stringent than, those contained in §§ 1.10 and 1.17 and the definition of adjusted net capital must be the same as that prescribed in § 1.17(c): *Provided, however,* A designated self-regulatory organization may determine the number of form 1–FRs it receives from its member registrants so long as it requires at least semiannual form 1–FRs, one of which must be certified in accordance with § 1.16 for each such registrant: *Provided, further,* A designated self-regulatory organization may permit its member registrants which are registered with the Securities and Exchange Commission as securities brokers or dealers to file (in accordance with § 1.10(h)) a copy of their Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II or Part IIA, in lieu of form 1–FR.

* * * * *

(c) Any two or more self-regulatory organizations may file with the Commission a plan for delegating to a designated self-regulatory organization, for any registered futures commission merchant or any registered introducing broker which is a member of more than one such self-regulatory organization, the responsibility of:

(1) Monitoring and auditing for compliance with the minimum financial and related reporting requirements adopted by such self-regulatory organizations in accordance with paragraph (a) of this section; and

(2) Receiving the financial reports necessitated by such minimum financial and related reporting requirements. Such plan may also delegate the responsibility of monitoring, and examining the books and records kept by, such registered futures commission merchant or registered introducing broker relating to its business of dealing in commodity futures, commodity options, and cash commodities, insofar as such business relates to its dealings on contract markets, as required by § 1.51(a)(3) and/or Part 33 of this chapter.

* * * * *

(g) After appropriate notice and opportunity for comment, the Commission may, by written notice, approve such a plan, or any part of the plan, if it finds that the plan, or any part of it:

(1) Is necessary or appropriate to serve the public interest;

(2) Is for the protection and in the interest of customers or option customers;

(3) Reduces multiple monitoring and auditing for compliance with the minimum financial rules of the self-regulatory organizations submitting the plan for any futures commission merchant or introducing broker which is a member of more than one self-regulatory organization;

(4) Reduces multiple reporting of the financial information necessitated by such minimum financial and related reporting requirements by any futures commission merchant or introducing broker which is a member of more than one self-regulatory organization;

(5) Posters cooperation and coordination among the contract markets; and

(6) Does not hinder the develoment of a registered futures association under Section 17 of the Act.

* * * * *

(j) Whenever a registered futures commission merchant or a registered introducing broker holding membership in a self-regulatory organization ceases to be a member in good standing of that self-regulatory organization, such self-regulatory organization must, on the same day that event takes place, give telegraphic notice of that event to the principal office of the Commission in Washington, D.C. and send a copy of that notification to such futures commission merchant or such introducing broker.

(k) Nothing in this § 1.52 shall preclude the Commission from examining any futures commission merchant or introducing broker for compliance with the minimum financial and related reporting requirements to which such futures commission merchant or introducing broker is subject.

(l) In the event a plan is not filed and/or approved for each registered futures commission merchant or for each registered introducing broker which is a member of more than one self-regulatory organization, the Commission may design and, after notice and opportunity for comment, approve a plan for those futures commission merchants or introducing brokers which are not the subject of an approved plan (under paragraph (g) of this section), delegating to a designated self-regulatory organization the responsibilities described in paragraph (c) of this section.

11. Section 1.55 is proposed to be amended by revising paragraphs (a) and (c) and by adding paragraph (d) to read as follows:

§ 1.55 Distribution of "Risk Disclosure Statement" by futures commission merchants and introducing brokers.

(a) No futures commission merchant or introducing broker may open a commodity futures account for a customer unless the futures commission merchant or introducing broker first: (1) Furnishes the customer with a separate written disclosure statement containing only the language set forth in paragraph (b) of this section (except for nonsubstantive additions such as captions); and (2) receives from the customer an acknowledgment signed and dated by the customer that he received and understood the disclosure statement.

* * * * *

(c) The acknowledgment required by paragraph (a) of this section must be retained by the futures commission merchant or introducing broker in accordance with § 1.31.

(d) This section does not relieve a futures commission merchant or introducing broker from any obligation under the Act or the regulations thereunder, including the obligation to disclose all material information to existing or prospective customers even if the information is not specifically required by this section.

12. Section 1.56 is proposed to be amended by revising the introductory paragraph of (b), (c) and the introductory paragraph of (d) to read as follows:

§ 1.56 Prohibition of guarantees against loss.

* * * * *

(b) No futures commission merchant or introducing broker may in any way represent that it will, with respect to any

commodity interest in any account carried by the futures commission merchant for or on behalf of any person:

* * * * *

(c) No person may in any way represent that a futures commission merchant or introducing broker will engage in any of acts or practices described in paragraph (b) of this section.

(d) This section shall not be construed to prevent a futures commission merchant or introducing broker from:

* * * * *

13. Section 1.57 is proposed to be added and, as added, would read as follows:

§ 1.57 Operations and activities of introducing brokers.

(a) Each introducing broker must—

(1) Open and carry each customer's account with a carrying futures commission merchant on a fully-disclosed basis; and

(2) Transmit promptly for execution all customer orders to: (i) A carrying futures commission merchant; or (ii) a floor broker, if the introducing broker identifies its carrying futures commission merchant.

(b) Any person who, directly or indirectly, is compensated (i) on a per-trade basis, or (ii) for the referral of customers to a futures commission merchant, must register under the Act as an introducing broker: *Provided,* That the provisions of this paragraph (b) shall not apply to any person who is registered under the Act as a futures commission merchant, a floor broker, an associated person of a futures commission merchant, or as an associated person of an introducing broker.

PART 3—REGISTRATION

14. The authority citation for Part 3 is proposed to be revised to read as follows:

Authority: 7 U.S.C. 2, 4, 4a, 6c, 6d, 6e, 6f, 6k, 6m, 6n, 6p, 12a and 13c; Sec. 237, Pub. L. 97-444.

15. Section 3.1 is proposed to be amended by revising paragraph (b) and by adding paragraph (c) to read as follows:

§ 3.1 Definitions.

* * * * *

(b) *Current.* As used in §§ 3.10–3.15, a current Form 8–R or Form 94 is any such Form which was filed by or on behalf of a registrant or principal on or before July 1, 1982 if, subsequent to the filing of that Form, the registrant or principal has been continuously registered or continuously affiliated with a registrant as a principal.

(c) *Sponsor.* Sponsor means the futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker, respectively, which makes the certifications required by § 3.12(c)(1) or the certifications provided by § 3.12(d)(1) for the registration of an associated person of such sponsor.

16. Section 3.2 is proposed to be revised to read as follows:

§ 3.2 Registration in one capacity not included in registration in any other capacity.

Except as otherwise provided in the Act or in any rule, regulation, or order of the Commission, registration in one capacity under the Act shall not include registration in any other capacity: *Provided further,* That except as may be provided in the Act or in any rule, regulation or order of the Commission, registration as an associated person in one capacity shall not automatically include registration as an associated person in any other capacity.

17. Section 3.3 is proposed to be revised to read as follows:

§ 3.3 Registration fees.

(a) *Amount of fees.*—(1) *Futures commission merchants.* Each application for registration, or for renewal thereof, as a futures commission merchant must be accompanied by a fee of $300.

(2) *Introducing brokers, commodity trading advisors, and commodity pool operators.* Each application for registration, or for renewal thereof, as an introducing broker, commodity trading advisor, or commodity pool operator must be accompanied by a fee of $100.

(3) *Associated persons.* Each Form 8–R submitted in connection with the registration of an associated person must be accompanied by a fee of $50 for each registration capacity for which application is made. Each Form 3–R submitted in accordance with the provisions of § 3.31(d) must be accompanied by a fee of $10 for each associated person specified on that Form 3–R.

(4) *Floor brokers.* Each application for registration, or for renewal thereof, as a floor broker must be accompanied by a fee of $50.

(5) *Branch offices.* In addition to the fees specified in paragraphs (a)(1) and (a)(2) of this section, each futures commission merchant, introducing broker, commodity trading advisor, and commodity pool operator must provide a fee of $10 for each branch office of the applicant or registrant, specified in Form 7–R or in any Schedule thereto or in any Form 3–R filed with the Commission to report the addition of a branch office, operating within the United States and authorized to engage in activities subject to regulation by the Commission on behalf of the applicant or registrant. The fee specified by this paragraph (a)(5) must accompany each Form 7–R filed as an application for initial registration or for renewal of registration and each Form 3–R filed to report the addition of a branch office.

(6) *Principals.* Each Form 8–R submitted for or on behalf of a principal must be accompanied by a fee of $50 unless the same Form 8–R is being submitted in connection with the registration of an associated person or floor broker.

(7) *Separate fees for each registration capacity.* An applicant for registration, or for renewal thereof, must provide the fees specified in paragraphs (a)(1), (a)(2), (a)(3), or (a)(4) of this section for each capacity for which application is made.

(b) *Form of remittance; fees not refundable.* Registration fees must be remitted by check, bank draft, or money order, payable to the Commodity Futures Trading Commission. All registration fees are nonrefundable, unless the applicant withdraws the application before any processing of that application has occurred.

18. Section 3.4 is proposed to be revised to read as follows:

§ 3.4 Notification of registration.

Upon receipt of an application for registration or renewal thereof, the Commission will, if registration is granted, notify the registrant that he has been registered under the Act, except that with respect to an application for registration of an associated person, the Commission will notify the sponsor.

19. Section 3.10 is proposed to be amended by revising paragraphs (a)(2) and (c) to read as follows:

§ 3.10 Registration of futures commission merchants.

(a) * * *

(2) Each Form 7–R filed in accordance with the requirements of paragraph (a)(1) of this section must be accompanied by a Form 8–R, completed in accordance with the instructions thereto and executed by each natural person who is a principal of the applicant, and must be accompanied by the fingerprints of that principal on a fingerprint card provided by the Commission for that purpose. The provisions of this paragraph (a)(2) do not apply to any principal who: (i) has a current Form 8–R Form 94 on file with

the Commission; or (ii) has submitted or caused to be submitted a Form 8–R and a fingerprint card in accordance with the requirements of §§ 3.10, 3.11, 3.12, 3.13, 3.14, or 3.15.

* * * * *

(c) *Addition of principals subsequent to filing of Form 7–R.* Within twenty days after any natural person becomes a principal of the applicant or registrant subsequent to the filing of a Form 7–R in accordance with the requirements of paragraphs (a) or (b) of this section, the applicant or registrant must file a Form 8–R with the Commission. The Form 8–R must be completed by such principal in accordance with the instructions thereto and must be accompanied by the fingerprints of that principal on a fingerprint card provided by the Commission for that purpose. This filing need not be made for any such principal who: (1) has a current Form 8–R or Form 94 on file with the Commission; or (2) has submitted or caused to be submitted a Form 8–R and a fingerprint card in accordance with the requirements of §§ 3.10, 3.11, 3.12, 3.13, 3.14, or 3.15: *Provided,* That the futures commission merchant must notify the Commission within twenty days of the name of such added principal on Form 3–R.

* * * * *

20. Section 3.11 is proposed to be amended by revising paragraph (b) to read as follows:

§ 3.11 Registration of floor brokers.

* * * * *

(b) *Initial registration.* Application for initial registration as a floor broker must be on Form 8–R, completed and filed with the Commission in accordance with the instructions thereto. Each applicant for initial registration as a floor broker must file his fingerprints with the Form 8–R on a fingerprint card provided by the Commission for that purpose except that a fingerprint card need not be filed by any applicant who: (1) has a current Form 8–R or Form 94 on file with the Commission; or (2) has filed a fingerprint card in accordance with the requirements of §§ 3.10, 3.11, 3.12, 3.13, 3.14, or 3.15.

* * * * *

21. Section 3.12 is proposed to be amended by revising paragraphs (a), (b), (c)(1), (c)(3), (c)(4), the introductory paragraph of (d)(1), (d)(1)(i), (d)(1)(ii), (d)(1)(iv), (d)(1)(v), (d)(2), (d)(3), (e), (f), and (g)(1) and by adding paragraph (h) to read as follows:

§ 3.12 Registration of associated persons.

(a) *Registration required.* Except as otherwise provided in Section 4k of the Act or in paragraph (h) of this section, it shall be unlawful for any person to be associated with a futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker as an associated person unless that person shall have registered under the Act as an associated person of the sponsor in accordance with the procedures in paragraphs (c) or (d) of this section, except that this section does not preclude any registered associated person who was so registered on July 1, 1982 from continuing to act as such until that person's current registration expires.

(b) *Duration of registration.* A person registered in accordance with paragraph (c) or (d) of this section and whose registration has neither been suspended nor revoked will continue to be so registered until the cessation of the association of the registrant with, or the revocation, suspension, lapse, or withdrawal of the registration of, the associated person's sponsor.

(c) *Application for registration.* Except as otherwise provided in paragraph (d) of this section, application for registration as an associated person must be on Form 8–R, completed and filed with the Commission in accordance with the instructions thereto.

(1) No person will be registered as an associated person in accordance with this paragraph (c) unless an officer, if the sponsor is a corporation, a general partner, if a partnership, or the sole proprietor, if a sole proprietorship, of such sponsor has signed and dated a certification in writing, stating that:

(i) It is the intention of the sponsor to hire or otherwise employ the applicant as an associated person and that it will do so within thirty days after the receipt of the notification provided in accordance with paragraph (c)(4) of this section and that the applicant will not be permitted to engage in any activity requiring registration as an associated person until the applicant is registered as such in accordance with this section;

(ii) The sponsor has verified the information supplied by the applicant in response to the questions on Form 8–R which relate to the applicant's education and employment history during the preceding five years, except that this paragraph (c)(1)(ii) does not apply to any person who, at the time of the first expiration of that person's registration as an associated person subsequent to July 1, 1982, is associated with the sponsor;

(iii) To the best of the sponsor's knowledge, information, and belief, all of the publicly available information supplied by the applicant on Form 8–R is accurate and complete: *Provided,* That it is unlawful for the sponsor to make the certification required by this paragraph (c)(1)(iii) if the sponsor knew or should have known that any of that information is not accurate and complete; and

(iv) The sponsor has taken, and will take, such measures as are necessary to prevent the unwarranted dissemination of any of the information contained in the Form 8–R, or in the records and documents obtained in support of the certifications required by this section.

* * * * *

(3) Each Form 8–R filed in accordance with the requirements of paragraph (c) of this section must be accompanied by the fingerprints of the applicant on a fingerprint card provided by the Commission for that purpose, except that this paragraph (c)(3) does not apply to any person who, at the time of the first expiration of that person's registration as an associated person subsequent to July 1, 1982, is associated with the sponsor as an associated person.

(4) When the Commission determines that an applicant for registration as an associated person is not unfit for such registration, it will provide notification in writing to the sponsor which has made the certifications required by paragraph (c)(1) of this section that the applicant's registration as an associated person is granted contingent upon the sponsor hiring or otherwise employing the applicant as such within thirty days.

(d) *Special registration procedures for certain persons.* (1) Any person whose registration as an associated person in another capacity is still in effect, whose registration as an associated person in the same capacity or in another capacity has terminated within the preceding sixty days, or who, on or prior to the first expiration of that person's registration as an associated person subsequent to July 1, 1982 becomes associated with a sponsor which makes the certification provided by paragraph (d)(1)(i) of this section, will be registered as, and in the capacity of, an associated person of such sponsor upon the mailing by that sponsor to the Commission of written certifications stating:

(i) That such person has been hired or is otherwise employed by that sponsor;

(ii) That such person's registration as an associated person in any capacity is not suspended or revoked;

* * * * *

(iv) Whether there is a pending proceeding under Section 6(b) of the Act or § 3.20 or former § 1.10e to deny, suspend, revoke, or condition such person's registration in any capacity or if, within the preceding twelve months, the Commission has permitted the

withdrawal of an application for registration in any capacity after instituting the procedures provided in § 3.20 or former § 1.10e and, if so, that the sponsor has been given a copy of the complaint or letter issued by the Commission in connection therewith; and

(v) That the sponsor has received a copy of the complaint or letter issued by the Commission if the applicant for registration has certified, in accordance with paragraph (d)(1)(iv) of this section, that there is a proceeding pending against him as described in that paragraph or that the Commission has permitted the withdrawal of an application for registration as described in that paragraph.

(2) The certifications permitted by paragraphs (d)(1)(i) and (d)(1)(v) of this section must be signed and dated by an officer, if the sponsor is a corporation, a general partner, if a partnership, or the sole proprietor, if a sole proprietorship. The certifications permitted by paragraphs (d)(1)(ii)–(iv) of this section must be signed and dated by the applicant for registration as an associated person.

(3) Within sixty days of mailing the certifications permitted by paragraph (d)(1) of this section, the associated person and the sponsor must complete and the sponsor must file with the Commission a Form 8–R in accordance with the instructions thereto. The Form 8–R must contain the certifications required by paragraphs (c)(1)(ii)–(iv) of this section and must be accompanied by the fingerprint card provided by the Commission or that purpose except that a fingerprint card does not have to be submitted for any person who, at the time of the first expiration of that person's registration as an associated person subsequent to July 1, 1982, is associated with the sponsor as an associated person.

(e) *Retention of records.* The sponsor must retain in accordance with § 1.31 of this chapter such records as are necessary to support the certifications required by this section.

(f) *Certain dual and multiple associations prohibited.* No person may be simultaneously associated as an associated person with more than one futures commission merchant, or with more than one commodity trading advisor, or with more than one commodity pool operator, or with more than one introducing broker.

(g) *Petitions for exemption.* (1) Any person adversely affected by the operation of this § 3.12 may file a petition with the Secretary of the Commisssion, which petition must set forth with particularity the reasons why that person believes that an applicant should be exempted from the requirements of this section and why such a exemption would not be contrary to the public interest and the purposes of the provision from which exemption is sought. The petition will be granted or denied by the Commission on the basis of the papers filed. The Commission may grant such a petition if it finds that the exemption is not contrary to the public interest and the purposes of the provision from which exemption is sought. The petition may be granted subject to such terms and conditions of the Commission as the Commission may find appropriate.

* * * * *

(h) *Exemption from registration for certain persons.* In addition to the exemptions from registration as an associated person specified in Section 4k of the Act:

(1) An individual registered under the Act as a commodity pool operator need not register as an associated person to be associated with a commodity trading advisor as an associated person;

(2) An individual registered under the Act as a commodity trading advisor need not register as an associated person to be associated with a commodity pool operator as an associated person; and

(3) An individual who is registered with the National Association of Securities Dealers as a registered representative or as a registered principal need not register as an associated person of a commodity pool operator.

22. Section 3.12a–(T) is proposed to be added and, as added, would read as follows:

§ 3.12a–(T) "Transfer" of associated persons; temporary exemption.

Notwithstanding the provisions of § 3.12(a)–(d) and of § 3.31, any associated person of a futures commission merchant who is registered as such on the effective date of this section will be registered as an associated person of a registered commodity trading advisor, as an associated person of a registered commodity pool operator, or as an associated person of a registered introducing broker, if the futures commission merchant and the commodity trading advisor, commodity pool operator, or introducing broker with which the associated person will be associated submit to the Commission, not later than 180 days after the effective date of this section, a statement, signed and dated by the futures commission merchant and by the commodity trading advisor, commodity pool operator, or introducing broker, respectively, specifying:

(a)(1) The name of each such associated person;

(2) The identification number, if any, assigned by the Commission to each such associated person;

(3) The registration expiration date of each such associated person if the associated person was registered as such prior to July 1, 1982 and such registration has not yet expired; and

(b) That the commodity trading advisor, commodity pool operator, or introducing broker acknowledges that—

(1) The associated persons specified in accordance with the requirements of paragraph (a)(1) of this section will, upon the effective date of the transfer of their association to the commodity trading advisor, commodity pool operator, or introducing broker, be registered as associated persons of the commodity trading advisor, commodity pool operator, or introducing broker and will remain registered in such capacity in accordance with the provisions of § 3.12(b) as if the commodity trading advisor, commodity pool operator, or introducing broker had been the sponsor with respect to each of those associated persons; and

(2) It is fully responsible for the conduct of the associated persons specified in accordance with the requirements of paragraph (a)(1) of this section as if those associated persons had been registered in accordance with the procedures specified in § 3.12.

23. Section 3.13 is proposed to be amended by revising paragraphs (a)(2) and (c) to read as follows:

§ 3.13 Registration of commodity trading advisors.

(a) * * *

(2) Each Form 7–R filed in accordance with the requirements of paragraph (a)(1) of this section must be accompanied by a Form 8–R, completed in accordance with the instructions thereto and executed by each natural person who is a principal of the applicant, and must be accompanied by the fingerprints of that principal on a fingerprint card provided by the Commission for that purpose. The provisions of this paragraph (a)(2) do not apply to any principal who: (i) Has a current Form 8–R or Form 94 on file with the Commission; or (ii) has submitted or caused to be submitted a Form 8–R and a fingerprint card in accordance with the requirements of §§ 3.10, 3.11, 3.12, 3.13, 3.14, or 3.15.

* * * * *

(c) *Addition of principals subsequent to filing of Form 7–R.* Within twenty

days after any natural person becomes a principal of the applicant or registrant subsequent to the filing of a Form 7–R in accordance with the requirements of paragraphs (a) or (b) of this section, the applicant or registrant must file a Form 8–R with the Commission. The Form 8–R must be completed by such principal in accordance with the instructions thereto and must be accompanied by the fingerprints of that principal on a fingerprint card provided by the Commission for that purpose. This filing need not be made for any such principal who: (1) Has a current Form 8–R or Form 94 on file with the Commission; or (2) has submitted or caused to be submitted a Form 8–R and a fingerprint card in accordance with the requirements of §§ 3.10, 3.11, 3.12, 3.13, 3.14, or 3.15: *Provided,* That the commodity trading advisor must notify the Commission within twenty days of the name of such added principal on Form 3–R.

24. Section 3.14 is proposed to be amended by revising paragraphs (a) and (c) to read as follows:

§ 3.14 Registration of commodity pool operators.

(a) *Initial registration.* (1) Application for initial registration as a commodity pool operator must be on Form 7–R, completed and filed in accordance with the instructions thereto and the provisions of § 4.13(c) of this chapter.

(2) Each Form 7–R filed in accordance with the requirements of paragraph (a)(1) of this section must be accompanied by a Form 8–R, completed in accordance with the instructions thereto and executed by each natural person who is a principal of the applicant, and must be accompanied by the fingerprints of that principal on a fingerprint card provided by the Commission for that purpose. The provisions of this paragraph (a)(2) do not apply to any principal who: (i) has a current Form 8–R or Form 94 on file with the Commission; or (ii) has submited or caused to be submitted a Form 8–R and a fingerprint card in accordance with the requirements of §§ 3.10, 3.11, 3.12, 3.13, 3.14, or 3.15.

* * * * *

(c) *Addition of principals subsequent to filing of Form 7–R.* Within twenty days after any natural person becomes a principal of the applicant or registrant subsequent to the filing of a Form 7–R in accordance with the requirements of paragraphs (a) or (b) of this section, the applicant or registrant must file a Form 8–R with the Commission. The Form 8–R must be completed by such principal in accordance with the instructions thereto and must be accompanied by the fingerprints of that principal on a fingerprint card provided by the Commission for that purpose. This filing need not be made for any such principal who: (1) has a current Form 8–R or Form 94 on file with the Commission; or (2) has submitted or caused to be submitted a Form 8–R and a fingerprint card in accordance with the requirements of §§ 3.10, 3.11, 3.12, 3.13, 3.14, or 3.15: *Provided,* That the commodity pool operator must notify the Commission within twenty days of the name of such added principal on Form 3–R.

25. Section 3.15 is proposed to be added and, as added, would read as follows:

§ 3.15 Registration of introducing brokers.

(a) *Initial registration.* (1) Application for initial registration as an introducing broker must be on Form 7–R, completed and filed with the Commission in accordance with the instructions thereto and the provisions of § 1.10 of this chapter.

(2) Each Form 7–R filed in accordance with the requirements of paragraph (a)(1) of this section must be accompanied by a Form 8–R, completed in accordance with the instructions thereto and executed by each natural person who is a principal of the applicant, and must be accompanied by the fingerprints of that principal on a fingerprint card provided by the Commission for that purpose. The provisions of this paragraph (a)(2) do not apply to any principal who: (i) Has a current Form 8–R or Form 94 on file with the Commission; or (ii) has submitted or caused to be submitted a Form 8–R and a fingerprint card in accordance with the requirements of §§ 3.10, 3.11, 3.12, 3.13, 3.14, or 3.15.

(b) *Renewal of registration.* Application for renewal of registration as an introducing broker must be on Form 7–R, completed and filed with the Commission in accordance with the instructions thereto.

(c) *Addition of principals subsequent to filing of Form 7–R.* Within twenty days after any natural person becomes a principal of the applicant or registrant subsequent to the filing of a Form 7–R in accordance with the requirements of paragraphs (a) or (b) of this section, the applicant or registrant must file a Form 8–R with the Commission. The Form 8–R must be completed by such principal in accordance with the instructions thereto and must be accompanied by the fingerprints of that principal on a fingerprint card provided by the Commission for that purpose. This filing need not be made for any such principal who: (1) Has a current Form 8–R or Form 94 on file with the Commission; or (2) has submitted or caused to be submitted a Form 8–R and a fingerprint card in accordance with the requirements of §§ 3.10, 3.11, 3.12, 3.13, 3.14, or 3.15: *Provided,* That the introducing broker must notify the Commission within twenty days of the name of such added principal on Form 3–R.

26. Section 3.21 is proposed to be amended by revising paragraphs (a) and (b) to read as follows:

§ 3.21 Exemption from fingerprinting requirement in certain cases.

(a) Any person who is required by §§ 3.10, 3.11, 3.12, 3.13, 3.14, or 3.15 to submit a fingerprint card may file, or cause to be filed, in lieu of such card: (1) A legible, accurate and complete photocopy of a fingerprint card which has been submitted to the Federal Bureau of Investigation for identification and appropriate processing and of each report, record, and notation made available by the Federal Bureau of Investigation with respect to that fingerprint card is such identification and processing has been completed satisfactorily by the Federal Bureau of Investigation not more than ninety days prior to the filing with the Commission of the photocopy; or (2) A statement that such person's application for initial registration in any capacity was granted within the preceding ninety days: *Provided,* That the provisions of this paragraph (a)(2) shall not be available to any person who, by Commission rule, regulation, or order, was not required to file a fingerprint card in connection with such application for initial registration.

(b) Each photocopy and statement filed in accordance with the provisions of paragraph (a)(1) or (a)(2) of this section must be signed and dated. Such signature shall constitute a certification by that individual that the photocopy or statement is accurate and complete and must be made by:

(1) *With respect to the fingerprints of an associated person:* An officer, if the sponsor is a corporation, a general partner, if a partnership, or the sole proprietor, if a sole proprietorship;

(2) *With respect to fingerprints of a floor broker:* The applicant for registration; or

(3) *With respect to the fingerprints of a principal:* An officer, if the futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker with which the principal will be affiliated is a corporation, a general partner, if a partnership, or the sole proprietor, if a sole proprietorship.

27. Section 3.30 is proposed to be revised to read as follows:

§ 3.30 Current address for purpose of service to be filed with the Commission.

The residence address of each registrant, applicant for registration and principal, as submitted on the application for registration (Form 7–R or Form 8–R) or as submitted on the biographical supplement (Form 8–R) shall be deemed to be the address for delivery to the registrant, applicant or principal of any communications from the Commission, including any summons, complaint, reparation claim, order, subpoena, special call, request for information, notice, and other written documents or correspondence, unless the registrant, applicant or principal specifies another address for this purpose: *Provided,* That the Commission may address any correspondence relating to a biographical supplement submitted for or on behalf of a principal to the futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker with which the principal is affiliated and may address any correspondence relating to the registration of an associated person to the futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker with which the associated person or the applicant for registration is or will be associated as an associated person. Each registrant, while registered, and each principal, while affiliated with a registrant, must keep current the address on the application for registration, biographical supplement, or other address filed with the Commission for the purpose of receiving communications from the Commission. An order of default or other appropriate relief may be entered in any proceeding, including a reparation proceeding commenced while the registrant is registered or within two years thereafter, for failure to file a required response to any communication sent to the latest such address filed with the Commission.

28. Section 3.31 is proposed to be amended by revising paragraphs (a), (b), (c)(1), (c)(2), and (d) and by adding paragraph (e) to read as follows:

§ 3.31 Deficiencies, inaccuracies, and changes, to be reported.

(a) Except as is otherwise provided in paragraph (c) of this section, each applicant or registrant as a futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker must, in accordance with the instructions thereto, promptly correct any deficiency or inaccuracy in Form 7–R or Schedules A, B or C of Form 7–R which no longer renders accurate and current the information contained therein. Each such correction must be made on Form 3–R and must be prepared and filed in accordance with the instructions thereto.

(b) Each applicant or registrant as a floor broker or associated person and each principal of a futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker must, in accordance with the instructions thereto, promptly correct any deficiency or inaccuracy in the Form 8–R or supplemental statement thereto which no longer renders accurate and current the information contained in the Form 8–R or supplemental statement. Each such correction must be made on Form 3–R and must be prepared and filed in accordance with the instructions thereto.

(c)(1) After the filing of a Form 8–R, a Certificate of Special Registration (Form 8-S), or a Form 3-R by or on behalf of any person for the purpose of permitting that person to be an associated person of a futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker, that futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker must, within ten days after the occurrence of either of the following, file a notice thereof with the Commission indicating: (i) The failure of that person to become associated with the futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker, and the reasons therefor; or (ii) the termination of the association of the associated person with the futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker, and the reasons therefor.

(2) Each person registered as, or applying for registration as, a futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker must, within ten days after the termination of the affiliation of a principal with the registrant or applicant, file a notice thereof with the Commission.

* * * * *

(d) Except as provided in paragraph (e) of this section, each commodity trading advisor and commodity pool operator must promptly file with the Commission a report on Form 3-R, prepared and filed in accordance with the instructions thereto, stating the name of each newly hired or otherwise employed associated person who is already registered as such under the Act in accordance with the procedures set forth in § 3.12 unless the commodity trading advisor or commodity pool operator is the sponsor with respect to that associated person.

(e) Each futures commission merchant, commodity trading advisor, commodity pool operator, and introducing broker must promptly file with the Commission a report on From 3-R, prepared and filed in accordance with the instructions thereto, stating the name of each newly hired or otherwise employed associated person who was registered as such prior to July 1, 1982 unless such associated person is registered in such capacity under the Act as an associated person of the sponsor in accordance with the procedures set forth in § 3.12.

29. Section 3.32 is proposed to be amended by revising paragraph (a) to read as follows. The introductory paragraph of § 3.32 is set out for the convenience of the reader.

§ 3.32 Changes requiring new registration.

A new registration is required in the event of a change:

(a) In the name of the registrant if the registrant is a futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker;

* * * * *

30. Section 3.33 is proposed to be amended by revising paragraph (c) to read as follows:

§ 3.33 Withdrawal from registration

* * * * *

(c) Where a futures commission merchant or an introducing broker is requesting withdrawal from registration in that capacity and the basis for withdrawal under paragraph (a)(1) of this section is that it has ceased engaging in activities requiring registration, the request for withdrawal must be accompanied by a form 1-FR which contains the information specified in § 1.10 (d)(1) of this chapter as of a date not more than 30 days prior to the date of the withdrawal request.

* * * * *

PART 4—COMMODITY POOL OPERATORS AND COMMODITY TRADING ADVISORS

31. Section 4.14 is proposed to be amended by revising paragraphs (a)(4) and (a)(5) and by adding paragraph (a)(6) to read as follows:

§ 4.14 Exemption from registration as a commodity trading advisor.

(a) A person is not required to register under the Act as a commodity trading advisor if:

* * * * *

(4) It is registered under the Act as a commodity pool operator and the person's commodity trading advice is directed solely to, and for the sole use of, the pool or pools for which it has so registered;

(5) It is exempt from registration as a commodity pool operator and the person's commodity trading advice is directed solely to, and for the sole use of, the pool or pools for which it is so exempt; or

(6) It is registered under the Act as an introducing broker and it does not (i) direct a client's commodity interest account, or (ii) guide the client's commodity interest trading by means of a systematic program that recommends specific transactions.

* * * * *

32. Section 4.23 is proposed to be amended by revising paragraphs (a)(1) and (b)(1) to read as follows:

§ 4.23 Recordkeeping.

* * * * *

(a) * * *

(1) An itemized daily record of each commodity interest transaction of the pool, showing the transaction date, quantity, commodity interest, and, as applicable, price or premium, delivery month or expiration date, whether a put or a call, strike price, underlying contract for future delivery or underlying physical, the futures commission merchant carrying the account and the introducing broker, if any, whether the commodity interest was purchased, sold, exercised, or expired, and the gain or loss realized.

* * * * *

(b) * * *

(1) An itemized daily record of each commodity interest transaction of the commodity pool operator and each principal thereof, showing the transaction date, quantity, commodity interest, and, as applicable, price or premium, delivery month or expiration date, whether a put or a call, strike price, underlying contract for future delivery or underlying physical, the futures commission merchant carrying the account and the introducing broker, if any, whether the commodity interest was purchased, sold, exercised, or expired, and the gain or loss realized.

* * * * *

33. Section 4.32 is proposed to be amended by revising paragraph (b)(1) to read as follows:

§ 4.32 Recordkeeping.

* * * * *

(b) * * *

(1) An itemized daily record of each commodity interest transaction of the commodity trading advisor, showing the transaction date, quantity, commodity interest, and, as applicable, price or premium, delivery month or expiration date, whether a put or a call, strike price, underlying contract for future delivery or underlying physical, the futures commission merchant carrying the account and the introducing broker, if any, whether the commodity interest was purchased, sold, exercised, or expired, and the gain or loss realized.

* * * * *

PART 10—RULES OF PRACTICE

Subpart A—General Provisions

34. Section 10.1 is proposed to be amended by revising paragraph (a) to read as follows. The introductory paragraph of § 10.1 is set out for the convenience of the reader.

§ 10.1 Scope and applicability of rules of practice.

These rules of practice are generally applicable to adjudicatory proceedings before the Commodity Futures Trading Commission under the Commodity Exchange Act. These include proceedings for:

(a) Denial, suspension, or revocation of registration in any capacity under the Act pursuant to Sections 6(b) and 8a of the Act, 7 U.S.C. 9, 12a, or denial, suspension, or revocation of designation as a contract market pursuant to sections 6 and 6(a) of the Act, 7 U.S.C. 8;

* * * * *

PART 15—REPORTS—GENERAL PROVISIONS

35. Section 15.00 is proposed to be amended by revising paragraph (f) to read as follows:

§ 15.00 Definitions.

* * * * *

(f) "Customer trading program" means any system of trading offered, sponsored, promoted, managed or in any other way supported by, or affiliated with, a futures commission merchant, an introducing broker, a commodity trading advisor, a commodity pool operator, or other trader, or any of its officers, partners or employees, and which by agreement, recommendations, advice or otherwise, directly or indirectly controls trading done and positions held by any other person. The term includes, but is not limited to, arrangements where a program participant enters into an expressed or implied agreement not obtained from other customers and makes a minimum deposit in excess of that required of other customers for the purpose of receiving specific advice or recommendations which are not made available to other customers. The term includes any program which is of the character of, or is commonly known to the trade as, a managed account, guided account, discretionary account, commodity pool or partnership account.

* * * * *

36. Section 15.05 is proposed to be amended by revising paragraphs (b), (c), and (d) to read as follows:

§ 15.05 Designation of a futures commission merchant or introducing broker to be the agent of foreign brokers, customers of a foreign broker, and foreign traders.

* * * * *

(b) Any futures commission merchant who makes or causes to be made any futures contract or option contract for the account of any foreign broker or foreign trader, and any introducing broker who introduces such an account to a futures commission merchant, shall thereupon be deemed to be the agent of the foreign broker or the foreign trader for purposes of accepting delivery and service of any communication issued by or on behalf of the Commission to the foreign broker or the foreign trader with respect to any futures or option contracts which are or have been maintained in such accounts carried by the futures commission merchant. In the case of a futures commission merchant who makes or causes to be made any futures or option contract for the account of a foreign broker, the futures commission merchant and the introducing broker, if any, shall also be the agent of the customers of the foreign broker (including any customer who is also a foreign broker and its customers) who have positions in the foreign broker's futures or option contract account carried by the futures commission merchant for purposes of accepting delivery and service of any communication issued by or on behalf of the Commission to the customer with respect to any futures or option contracts which are or have been maintained in such accounts carried by the futures commission merchant. Service or delivery of any communication issued by or on behalf of the Commission to a futures commission merchant or to an introducing broker pursuant to such agency shall constitute valid and effective service or delivery upon the foreign broker, a customer of the foreign broker or the foreign trader.

A futures commission merchant or an introducing broker who has been served with, or to whom there has been delivered, a communication issued by or on behalf of the Commission to a foreign broker, a customer of the foreign broker or the foreign trader shall transmit the communication promptly and in a manner which is reasonable under the circumstances, or in a manner specified by the Commission in the communication, to the foreign broker, a customer of the foreign broker or the foreign trader.

(c) It shall be unlawful for any futures commission merchant and for any introducing broker to open a futures or options contract account for, or to effect transactions in futures contracts or option contracts for an existing account of, a foreign broker or foreign trader unless the futures commission merchant or introducing broker informs the foreign broker or foreign trader prior thereto, in any reasonable manner which the futures commission merchant or introducing broker deems to be appropriate, of the requirements of this section.

(d) The requirements of paragraphs (b) and (c) of this section shall not apply to any account carried by a futures commission merchant or introduced by an introducing broker if the foreign broker, customer of a foreign broker, or foreign trader for whose benefit such account is carried or introduced has duly executed and maintains in effect a written agency agreement in compliance with this paragraph with a person domiciled in the United States and has provided a copy of the agreement to the futures commission merchant and to the introducing broker, if any, prior to the opening of an account, or placing orders for transactions in futures contracts or option contracts of an existing account, with the futures commission merchant or introducing broker. This agreement must authorize the person domiciled in the United States to serve as the agent of the foreign broker and customers of the foreign broker or the foreign trader for purposes of accepting delivery and service of all communications issued by or on behalf of the Commission to the foreign broker, customers of the foreign broker, or foreign trader and must provide an address in the United States where the agent will accept delivery and service of communications from the Commission. This agreement must be filed with the Commission by the futures commission merchant or introducing broker prior to opening an account for the foreign broker or foreign trader or effecting transactions in futures or option contracts for an existing account of a foreign broker or foreign trader. Unless otherwise specified by the Commission, the agreements required to be filed with the Commission shall be filed with the Secretary of the Commission at 2033 K Street, N.W., Washington, D.C. 20581. A foreign broker, customer of a foreign broker, or foreign trader shall notify the Commission immediately if the written agency agreement is terminated, revoked or is otherwise no longer in effect. If a futures commission merchant carrying, or an introducing broker introducing, an account for a foreign broker or foreign trader knows or should know that the agreement has expired, has been terminated or is otherwise no longer in effect, the futures commission merchant or introducing broker shall notify the Secretary of the Commission immediately. If the written agency agreement expires, terminates or is not in effect, the futures commission merchant, introducing broker, and the foreign broker, customers of the foreign broker, or foreign trader are subject to the provisions of paragraphs (b) and (c) of this section.

PART 21—SPECIAL CALLS

37. Section 21.01 is proposed to be revised to read as follows:

§ 21.01 Special calls for information on controlled accounts from futures commission merchants and introducing brokers.

Upon call by the Commission, each futures commission merchant and introducing broker shall file with the Commission the names and addresses of all persons who, by power of attorney or otherwise, exercise trading control over any customer's account in commodity futures on contract markets.

38. Section 21.02 is proposed to be amended by revising the introductory paragraph and paragraphs (a), (b), and (f) to read as follows:

§ 21.02 Special calls for information on open contracts in accounts carried or introduced by futures commission merchants, members of contract markets, introducing brokers, and foreign brokers.

Upon special call by the Commission for information relating to futures and/or option positions held or introduced on the dates specified in the call, each futures commission merchant, member of a contract market, introducing broker, or foreign broker, and, in addition, for options information, each contract market, shall furnish to the Commission the following information concerning accounts of traders owning or controlling such futures and/or option positions as may be specified in the call:

(a) The name and address of the person for whom each account is introduced or carried;

(b) The principal business or occupation of the person for whom each account is introduced or carried, as specified in the call;

* * * * *

(f) The number of open futures and/or option positions introduced or carried in each account, as specified in the call; and

* * * * *

39. Section 21.03 is proposed to be amended by revising paragraphs (a), (b), (e), (e)(1), (e)(1)(i), (e)(1)(v), and (f) to read as follows:

§ 21.03 Selected special calls—duties of foreign brokers, domestic and foreign traders, futures commission merchants, introducing brokers, and contract markets.

(a) For purposes of this section, the term "accounts of a futures commission merchant or foreign broker" means all open contracts and transactions in futures and options on the records of the futures commission merchant or foreign broker; the term "beneficial interest" means having or sharing in any rights, obligations or financial interest in any futures or options account; the term "customer" means any futures commission merchant, introducing broker, foreign broker, or trader for whom a futures commission merchant makes or causes to be made a futures or options contract. Paragraphs (e), (g) and (h) of this section shall not apply to any futures commission merchant or customer whose books and records are open at all times to inspection in the United States by any representative of the Commission.

(b) It shall be unlawful for a futures commission merchant to open a futures or options account or to effect transactions in futures or options contracts for an existing account, or for an introducing broker to introduce such an account, for any customer for whom the futures commission merchant or introducing broker is required to provide the explanation provided for in § 15.05(c) of this chapter until the futures commission merchant or introducing broker has explained fully to the customer, in any manner the futures commission merchant or introducing broker deems appropriate, the provisions of this section.

* * * * *

(e) The futures commission merchant, introducing broker, or customer to whom the special call is issued must provide to the Commission the information specified below for the commodity, contract market, and delivery months or

option expiration dates named in the call. Such information shall be filed at the place and within the time specified by the Commission.

(1) For each account of a futures commission merchant, introducing broker, or foreign broker, including those accounts in the name of the futures commission merchant or foreign broker, on the dates specified in the call issued pursuant to this section, a futures commission merchant, introducing broker, or foreign broker shall provide the Commission with the following information:

(i) The name and address of the person in whose name the account is carried or introduced and, if the person is not an individual, the name of the individual to contact regarding the account;

* * * * *

(v) For the accounts which are not carried for and in the name of another futures commission merchant, introducing broker, or foreign broker, the name and address of any other person who controls the trading of the account, and the name and address of any person who has a ten percent or more beneficial interest in the account.

* * * * *

(f) If the Commission has reason to believe that a futures commission merchant or customer has not responded as required to a call made pursuant to this section, the Commission in writing may inform the contract market specified in the call and that contract market shall prohibit the execution of, and no futures commission merchant, introducing broker, or foreign broker shall accept an order for, trades on the contract market and in the months or expiration dates specified in the call for or on behalf of the futures commission merchant or customer named in the call, unless such trades offset existing open contracts of such futures commission merchant or customer.

* * * * *

PART 145—COMMISSION RECORDS AND INFORMATION

40. Section 145.5 is proposed to be amended by adding paragraph (d)(1)(i)(D) to read as follows:

§ 145.5 Nonpublic matters.

* * * * *

(d) * * *
(1) * * *
(i) * * *

(D) The following portions, and footnote disclosures thereof, of the Financial and Operational Combined Uniform Single Report under the Securities and Exchange Act of 1934, Part IIA, filed pursuant to 17 CFR 1.10(h), if the procedure set forth in 17 CFR 1.10(g) is followed: the Statement of Income (Loss), the Statement of Changes in Financial Position, the Statement denoted "Exemptive Provision Under [SEC] Rule 15c3–3," the Statement of Ownership Equity and Subordinated Liabilities maturing or proposed to be withdrawn within the next six months and accruals which have not been deducted in the computation of Net Capital, the Statement of Changes in Ownership Equity, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors, and the accountant's report on material inadequacies filed under 17 CFR 1.16(c)(5);

* * * * *

PART 147—OPEN COMMISSION MEETINGS

41. Section 147.3 is proposed to be amended by adding paragraph (b)(4)(i)(A)(*4*) to read as follows:

§ 147.3 General requirement of open meetings; grounds upon which meetings may be closed.

* * * * *

(b) * * *
(4) * * *
(i) * * *
(A) * * *

(*4*) The following portions and footnotes disclosures thereof, of the Financial and Operational Combined Uniform Single Report under the Securities and Exchange Act of 1934, Part IIA, filed pursuant to 17 CFR 1.10(h), if the procedure set forth in 17 CFR 1.10(g) is followed: the Statement of Income (Loss), the Statement of Changes in Financial Position, the Statement denoted "Exemptive Provision Under [SEC] Rule 15c3–3," the Statement of Ownership Equity and Subordinated Liabilities maturing or proposed to be withdrawn within the next six months and accruals which have not been deducted in the computation of Net Capital, the Statement of Changes in Ownership Equity, the Statement of Changes in Liabilities Subordinated to the Claims of General Creditors, and the accountant's report on material inadequacies filed under 17 CFR 1.16(c)(5);

* * * * *

PART 155—TRADING STANDARDS

42. Section 155.1 is proposed to be revised to read as follows:

§ 155.1 Definitions.

For purposes of this part, the term "affiliated person" of a futures commission merchant or of an introducing broker means any general partner, officer, director, owner of more than ten percent of the equity interest, associated person or employee of the futures commission merchant or of the introducing broker, and any relative or spouse of any of the foregoing persons, or any relative of such spouse, who shares the same home as any of the foregoing persons.

43. Section 155.3 is proposed to be amended by revising paragraphs (c)(1) and (c)(3) to read as follows:

§ 155.3 Trading standards for futures commission merchants.

* * * * *

(c) No futures commission merchant shall knowingly handle the account of an affiliated person of another futures commission merchant or of an introducing broker unless the futures commission merchant:

(1) Receives written authorization from a person designated by such other futures commission merchant or introducing broker with responsibility for the surveillance over such account pursuant to paragraph (a)(2) of this section or § 155.4(a)(2), respectively;

* * * * *

(3) Transmits on a regular basis to such other futures commission merchant or introducing broker copies of all statements for such account and pursuant to paragraph (c)(2) of this section.

* * * * *

44. 17 CFR part 155 is proposed to be further amended by adding a new § 155.4 to read as follows:

§ 155.4 Trading standards for introducing brokers.

(a) Each introducing broker shall, at a minimum, establish and enforce internal rules, procedures and controls to:

(1) Insure, to the extent possible, that each order received from a customer or from an option customer which is executable at or near the market price is transmitted to the futures commission merchant carrying the account of the customer or option customer before any order in any future or in any commodity option in the same commodity for any proprietary account, any other account in which an affiliated person has an interest, or any account for which an affiliated person may originate orders without the prior specific consent of the account owner, if the affiliated person has gained knowledge of the customer's or option customer's order prior to the transmission to the floor of the appropriate contract market of the order for a proprietary account, an account in

which the affiliated person has an interest, or an account in which the affiliated person may originate orders without the prior specific consent of the account owner; and

(2) Prevent affiliated persons from placing orders, directly or indirectly, with any futures commission merchant in a manner designed to circumvent the provisions of paragraph (a)(1) of this section.

(b) No introducing broker or any of its affiliated persons shall:

(1) Disclose that an order of another person is being held by the introducing broker or any of its affiliated persons, unless such disclosure is necessary to the effective execution of such order or is made at the request of an authorized representative of the Commission, the contract market on which such order is to be executed, or a futures association registered with the Commission pursuant to Section 17 of the Act; or

(2) Knowingly take, directly or indirectly, the other side of any order of another person revealed to the introducing broker or any of its affiliated persons by reason of their relationship to such other person, except with such other person's prior consent and in conformity with contract market rules approved by the Commission.

(c) No affiliated person of an introducing broker shall have an account, directly or indirectly, with any futures commission merchant unless:

(1) Such affiliated person receives written authorization to maintain such an account from a person designated by the introducing broker with which such person is affiliated with responsibility for the surveillance over such account pursuant to paragraph (a)(2) of this section; and

(2) Copies of all statements for such account and of all written records prepared by such futures commission merchant upon receipt of orders for such account pursuant to § 155.3(c)(2) are transmitted on a regular basis to the introducing broker with which such person is affiliated.

PART 166—CUSTOMER PROTECTION RULES

45. Section 166.2 is proposed to be revised to read as follows:

§ 166.2 Authorization to trade.

No futures commission merchant, introducing broker or any of their associated persons may directly or indirectly effect a transaction in a commodity interest for the account of any customer unless before the transaction the customer, or person designated by the customer to control the account—

(a) Specifically authorized the futures commission merchant, introducing broker or any of their associated persons to effect the transaction (a transaction is "specifically authorized" if the customer or person designed by the customer to control the account specifies (1) the precise commodity interest to be purchased or sold and (2) the exact amount of the commodity interest to be purchased or sold); or

(b) Authorized in writing the futures commission merchant, introducing broker or any of their associated persons to effect transactions in commodity interests for the account without the customer's specific authorization.

PART 170—REGISTERED FUTURES ASSOCIATIONS

46. The authority citation for Part 170 is proposed to be revised to read as follows:

Authority: 7 U.S.C. 6p, 12a, and 21.

Subpart A—Standards Governing Commission Review of Applications for Registration as a Futures Association Under Section 17 of the Act

47. Section 170.2 is proposed to be revised to read as follows:

§ 170.2 Membership restrictions (Section 17(b)(2) of the Act).

If it appears to the Commission to be necessary or appropriate in the public interest and to carry out the purposes of Section 17 of the Act, a futures association may restrict its membership to individuals registered by the Commission in a particular capacity or to individuals doing business in a particular geographical region or to firms having a particular level of capital assets or which engage in a specified amount of business per year.

48. Section 170.10 is proposed to be added, and as added, would read as follows:

§ 170.10 Proficiency examinations (Sections 4p and 17(p) of the Act).

A futures association may prescribe different training standards and proficiency examinations for persons registered in more than one capacity: *Provided,* That nothing contained in the Act or these regulations, including any exemption from registration for persons registered in another capacity, shall be deemed to preclude the establishment of training standards and a proficiency examination requirement for functions performed in such other capacity.

Issued in Washington, D.C. on March 29, 1983, by the Commission.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 83-8574 filed 4-5-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 4 and 11

[Docket No. RM83-10-000]

Annual Charges Policy Group

Issued March 31, 1983.

AGENCY: Federal Energy Regulatory Commission

ACTION: Order granting petition for rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) grants the petition of the Annual Charges Policy Group (ACPG) to institute a rulemaking for the determination and assessment of annual charges for non-Federal hydroelectric power projects at Government dams. By action taken on March 30, 1983, the Commission has authorized the issuance of a Notice of Proposed Rulemaking on that subject (Docket No. RM83-13-000). The action requested by ACPG has, therefore, been taken and their petition for rulemaking granted.

FOR FURTHER INFORMATION CONTACT: Fredric D. Chenania, Deputy Assistant General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION: On December 13, 1982, the Annual Charges Policy Group (ACPG) filed with the Commission a petition for rulemaking [1] seeking the institution of rulemaking procedures for the determination and assessment of annual charges for non-Federal hydroelectric power projects at Government dams. By action taken on March 30, 1983, the Commission has authorized the issuance of a Notice of Proposed Rulemaking on that subject (Docket No. RM83-13-000). Accordingly, the request for action in the ACPG petition had been satisfied.

Therefore, the Commission orders:

That the petition for rulemaking submitted by the Annual Charges Policy Group is hereby granted.

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[1] The petition is styled "Petition of Annual Charges Policy Group to Institute Formal Rulemaking Proceedings."

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8975 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76-182 (Texas-8 Amendment)]

High-Cost Gas Produced From Tight Formations; Texas

(Issued April 1, 1983)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Geopressured Wilcox Lobo Formation be designated as a tight formation under § 271.703(d)

DATE: Comments on the proposed rule are due on May 16, 1983.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on April 18, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

I. Background

In the matter of High-Cost Gas Produced from Tight Formations; Docket No. RM79-76-182 (Texas-8 Amendment); Notice of Proposed Rulemaking by Director, Oppr.

On January 24, 1983, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that additional areas found in the Geopressured Wilcox Lobo Formation in Zapata County, Texas, be designated as a tight formation. On June 10, 1981, the Commission issued Order No. 153 in Docket No. RM79-76 (Texas-8) in which the Commission designated portions of the Geopressured Wilcox Lobo Formation in Webb and Zapata Counties as a tight formation under § 271.703. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the additional areas of the Geopressured Wilcox Lobo Formation be added to the previously designated tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

On June 10, 1981, in Order No. 153, the Commission approved Texas' recommendation that the Geopressured Wilcox Lobo Formation in Webb and Zapata Counties, Texas, Railroad Commission District 4, be designated as a tight formation. The area designated under that order consists of all of Webb and Zapata Counties with the exception of approximately 130 square miles in the southwestern corner of Webb County and approximately 12.5 square miles in the northwestern corner of Zapata County. This area was excluded from the tight formation recommendation because the well data for that area did not meet the permeability standard set forth in § 271.703(c)(2)(i)(A) of the Commission's regulations.

Texas proposes to amend the Geopressured Wilcox Lobo tight formation designation, as established by Order No. 153, by recommending that the proration units assigned to Gulf Oil Company's Antonio Martinex Well No. 2 and E.T. Martinex Well No. 4, located within the excluded area in Zapata County, be added to the tight formation designation established by Order No. 153. The recommended areas consist of the 320 acre proration unit assigned to the Antonio Marinez Well No. 2, located primarily in the Manuel Garaza Heirs Survey, A-565 and the 176 acre proration unit assigned to the E.T Martinez Well No. 4, located primarily in the Jose Antonio Trevino Survey, A-97 and the Jose Ma De La Garza Survey, A-424.

The Geopressured Wilcox Lobo Formation is encountered at a log depth of 7,752 feet in the A. Martinez Well No. 2 and 7,874 feet in the E.T. Martinez Well No. 4. The formation is approximately 700 feet thick.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) the average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil a day.

Texas further asserts that existing state and federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the additional areas of the Geopressured Wilcox Lobo Formation, as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 16, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-182 (Texas-8 Amendment) and should give reasons including supporting data for any recommendations.

Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for

public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than April 18, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301—3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, a set forth below, in the event Texas' recommentation is adopted.

Kenneth A. Williams,

Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by revising paragraph (d)(35)(i) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * *

(35) Geopressured Wilcox Lobo Sandstone Formation in Texas. RM79–76 (Texas–8)

(i) *Delineation of formation.* The Geopressured Wilcox Lobo Sandstone Formation is located in the southern part of Texas in Webb and Zapata Counties, Railroad Commission District 4. The area underlines all of Webb and Zapata Counties, excluding portions of the following surveys: Pablo Mendiolo A–66—Webb County, A–156—Zapata County; Manuel Garza Hrs. A–423—Webb County, A–565—Zapata County; Jose Ma De La Garza A–424; Jose Antonio Trevino A–295—Webb County, A–97—Zapata County; City of Laredo A–465; Basillo Benavides A–20; Leonardo Sanchez A–281—Webb County, A–82—Zapata County; City of Laredo A–464, A–236, A–716, A–1529, A–237, and A–238; Blas Trevino A–478; Dolores Garcia A–55 and A–54; Jose Cayetano De La Garza A–45; Eugenio Sanchez A–285; Eugenio R. Rodriquez A–269; L. Marulanda A–726; M. R. De Marulanda A–776 and A–777; W. W. Winslow A–2505 and A–2506; GC & SF RR A–588 and A–589; Jose Antonio Nasario A–250; Todeo Sanchez A–472; Jose Bartolo Chapa A–410; Laureano Salinas A–473; R. H. Rains A–594; Lucas De Bois A–587; Jose Miguel Diaz A–540; J. & H. Wormser A–3264; Teoddsio Gutierrez A–3629; Mrs. M. A. Eistetter A–3260; Delia Edwards A–3253; Jose Antonio Diaz A–762; Jose Dionicio Trevino A–3084; Antonio Trevino A–296; Jose Trevino A–3116; Jose Francisco Cordova Moreno A–468; Juan B. Villareal A–3086; Eugenio Martinez Hrs. A–241, Dona Maria G. Sanchez A–284; Laredo City A–239; GB & CNG RR A–62; Rafael Vidaurri A–780; Jane Guyman A–517; Chas. Callaghan A–422; A. B. & M. A–385; E. H. Sauvignet A–687; Mrs. E. A. Billingsley A–664; Manual Villarreal A–2497; GC & SF RR A–1365; and A. L. Juarez A–2993.

* * * * *

[FR Doc. 83–9076 Filed 4–5–83; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Part 271

[Docket No. RM79–76–183 (Texas—11 Addition IV)]

High-Cost Gas Produced From Tight Formations; Texas

(Issued April 1, 1983)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking contains the recommendation of the Railroad Commission of Texas that the Wilcox First Hinnant Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on May 16, 1983.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on April 18, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

I. Background

In the matter of High-Cost Gas Produced from Tight Formations; Docket No. RM79–76–183 (Texas—11 Addition IV) Notice of Proposed Rulemaking by Director, Oppr.

On January 24, 1983, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Wilcox First Hinnant Formation located in Jim Hogg County, Texas, be designated as a tight formation. The Commission previously adopted recommendations that portions of the Wilcox Formation in Webb and Starr Counties, Texas, be designated as tight formations (Orders Nos. 199, 208, 241 and 279 issued December 16, 1981, February 5, 1982, July 8, 1982 and February 3, 1983, respectively, in Docket No. RM79–76 (Texas—11). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Wilcox First Hinnant Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Wilcox First Hinnant Formation, located entirely within the northwestern portion of Jim Hogg County in south Texas, Railroad Commission District 4, be designated as a tight formation. The recommended area encompasses approximately 26 square miles and is located approximately 7 miles northeast of the city of Rondado, Texas. The area is rectangular and is delineated as follows: Beginning at a point at the southwest corner of Section 164, C. Gutierrez Survey A–145, Jim Hogg County, Texas, then due north 22,700 feet to a point in Section 98, E. L. Armstrong A–3 Survey (scaled 2,100 feet FWL and 1,800 feet FSL of Survey), then due west 32,200 feet to a point in Los Animos, Heirs of Felipe de la Pena Grant, A–244 (scaled 9,200 feet FSL and 24,500 feet FEL of said Grant), then due south 22,700 feet to a point scaled on the common boundary between Section 578, R. L. Robinson A–267, and Section 575, W. W. Ferguson A–104, being 6,000 feet south of the north line of the common north boundary of said Sections 578 and 575, then due east 32,200 feet to point of

beginning, comprising 16,700 acres, more or less. The recommended interval is the completion zone from 12,292 feet to 12,350 feet in the Edwin L. Cox and Berry R. Cox, Martinez No. 1 well, identified as the First Hinnant 12,300' sand. The Wilcox First Hinnant reaches a maximum thickness of 100 feet in the Northeast Thompsonville Field area, located 4½ miles northwest of the Cox Martinez No. 1 well. Downdip from the Northeast Thompsonville Field area, at the Cox Martinez No. 1 well, the sand has noticeably thinned and become shalier, with a thickness of only 58 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing state and federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Wilcox First Hinnant Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Streel, NE., Washington, D.C. 20426, on or before May 16, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–183 (Texas—11 Addition IV), and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection of the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than April 18, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(63)(v) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(63) *Wilcox Formation in Texas.* RM79–76 (Texas—11). * * *

(v) *Wilcox First Hinnant Formation in Jim Hogg County.*

(A) *Delineation of formation.* The Wilcox First Hinnant Formation is located entirely within the northwestern portion of Jim Hogg County in south Texas, Railroad Commission District 4, approximately 7 miles northeast of the city of Randado, Texas. The rectangular area recommended begins at a point at the southwest corner of Section 164, C. Gutierrez Survey A–145, then due north 22,700 feet to a point in Section 98, E. L. Armstrong A–3 Survey (scaled 2,100 feet FWL and 1,800 feet FSL of Survey), then due west 32,200 feet to a point in Los Animos, Heirs of Felipe de la Pena Grant, A–244 (scaled 9,200 feet FSL and 24,500 feet FEL of said Grant), then due south 22,700 feet to a point scaled on the common boundary between Section 578, R. L. Robinson A–267, and Section 575, W. W. Ferguson A–104, being 6,000 feet south of the north line of the common north boundary of said Sections 578 and 575, then due east 32,200 feet to point of beginning, comprising 16,700 acres, or approximately 26 square miles.

(B) *Depth.* The top of the Wilcox First Hinnant Formation is encountered at 12,292 feet in the Edwin L. Cox and Berry R. Cox, Martinez No. 1 well. The thickness reaches a maximum of 100 feet in the Northeast Thompsonville Field area, located 4½ miles northwest of the Cox Martinez No. 1 well. Downdip from the Northeast Thompsonville Field area, at the Cox Martinez No. 1 well, the sand has noticeably thinned and become shalier, with a total thickness of 58 feet.

[FR Doc. 83–8977 Filed 4–5–83; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Glacier Bay National Park and Preserve, Alaska; Protection of Humpback Whales

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service proposes a limited extension of existing, temporary regulations for the protection of the humpback whale, an endangered species, at Glacier Bay National Park and Preserve. The affected regulations define terms, limit large and small vessel entry into Glacier Bay, place certain operating restrictions on all vessels within the Bay, and restrict certain commercial fishing activities at the mouth of Glacier Bay. The National Park Service proposes to extend the regulations applicable to vessel entry and operation for three and one-half months, *i.e.*, through August 31, 1983, and to extend the regulations applicable to certain commercial fishing activities through December 31, 1983. The extension will give the National Park Service time to review research now being prepared by the National Marine Fisheries Service, and subsequently issue, as ncessary, permanent regulations which may be less or more stringent according to the conclusions of the research. Minor technical changes

reflecting a name change of the park will be incorporated with the extension.

DATE: Written comments, suggestions or objections will be accepted until May 6, 1983.

ADDRESS: Comments should be directed to: Superintendent, Glacier Bay National Park and Preserve, P.O. Box 1089, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Donald D. Chase, Chief of Operations, Glacier Bay National Park and Preserve, P.O Box 1089, Juneau, Alaska 99802, Telephone: (907) 586–7137.

SUPPLEMENTARY INFORMATION: .

Background

Glacier Bay, a marine body of water within Glacier Bay National Park, has been recognized since the early 1950's as a summer feeding ground for the humpback whale, a declining species placed on the Endangered Species List in 1970. Research showed an average of 20 to 25 whales used the Bay in the several years prior to 1978 for summer feeding. In 1978 and 1979 this pattern drastically altered when whales entered the Bay, but shortly after abandoned it, leaving only three or four whales that spent the entire summer. On August 6, 1979, the National Park Service requested a formal consultation with the National Marine Fisheries Service (NMFS) to assess the problem, in accordance with the Endangered Species Act. NMFS concluded that the uncontrolled increase of vessel traffic, particularly of erratically traveling charter and pleasure craft, may have altered humpback behavior and that a continued increase was likely to jeopardize the existence of the humpback in Southeast Alaska. NMFS recommended that the amount of vessel traffic should be restricted to 1976 levels, that additional research be conducted and that regulations should be developed that would address vessel routing, maneuvering, and speed.

Existing Regulations

Responding to NMFS conclusions and recommendations, the National Park Service promulgated regulations, 36 CFR 7.23 (b)–(d), on May 15, 1980 (45 FR 32228), to remain in effect three years from the date of publication. In summary, these regulations limit the entry of cruise ships into Glacier Bay to 89 vessels during the whale season (June 1 through August 31), with not more than two entries per day. Without regard to size or kind of vessel, all motorized vessels are prohibited from intentionally positioning themselves with ¼ mile of whale, or otherwise pursuing or attempting to pursue a whale. Requirements are also established to govern operations in the event of a vessel-whale encounter to restore the ¼ mile separation safely and with as little disturbance to the whale as possible. Finally, the supertindent is authorized to designate areas in Glacier Bay as "whale waters" where vessels must maintain a constant speed (not to exceed 10 knots) and course, except to avoid coming within ¼ mile distance from a whale.

On the same day the above regulations were published, interim rules were published (46 FR 32234) to limit the adverse impact of small vessels on whales within Glacier Bay, and to prohibit commercial harvesting of four major organisms upon which humpback whales feed. Under this regulation small vessel entries into Glacier Bay are limited to 538 during the whale season. The final rule, 36 CFR 7.23 (e)–(f), was published in the **Federal Register** December 30, 1980 (45 FR 85741) and became effective September 1, 1981. A further amendment pertaining to the collection of information, involved in the issuance of small-vessel entry permits as authorized by 36 CFR 7.23(e), was published October 13, 1981 (46 FR 50370) and codified as 36 CFR 7.23(g).

Proposed Action

The existing regulations were intended to be temporary until more conclusive research on the whales at Glacier Bay could be completed. At that time, the National Park Service would again request formal consultation with the National Marine Fisheries Service to review the research and seek recommendations. The Park Service would then propose any changes necessary in the regulations based upon the conclusions of the research. NMFS has indicated that the final research reports will not be completed and available to the National Park Service until April 15, 1983, one month before the existing temporary regulations expire on May 15, 1983. A period on one month between the notice of research results and the expiration of the regulations is inadequate for the process of reviewing the research data, reinitiating a consultation with NMFS, and developing regulations that properly address the results. The extension of regulations should not be construed to signify any premature conclusions about the need for or nature of any future rulemaking. As necessary, a permanent regulation, which may be more or less stringent than that now in effect, will be promulgated based on NMFS' research reports. Expiration of the regulations is not considered feasible since an unregulated situation, as the NMFS biological opinion states, may have created the disruption in humpback behavior, which the Endangered Species Act and other laws requires the National Park Service to address.

Consequently the National Park Service proposes to extend paragraphs (b)–(e), applicable to vessel entries and operations for three and one-half months, *i.e.*, through August 31, the end of the 1983 whale season. Paragraph (c)(1)(ii) is amended to reflect the extension by revising the phrase "For 1981 and 1982" to read "For 1981, 1982, and 1983."

Paragraph (f), relating to the fishing of certain food species important to the humpback whale, will be extended through December 31, 1983. This latter extension represents an effort to protect food stock for whales during the longer fishing season.

A technical revision is also included at this time *i.e.*, changing the name "Glacier Bay National Monument" to "Glacier Bay National Park and Preserve" where it appears in the title and text of section 7.23. This change conforms to the redesignation of the park pursuant to the Alaska National Interest Lands Conservation Act (94 Stat. 2371).

Public Participation

It is the policy of the Department of the Interior that whenever practicable, the public will be afforded an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this proposed extension of existing regulations to the address noted at the beginning of this rulemaking.

Drafting Information

The following persons participated in the writing of this regulation: Arthur Eck, Division of Ranger Activities and Protection, National Park Service; Maureen Finnerty, Division of Ranger Activities and Protection, National Park Service; Molly Ross, Division of Conservation and Wildlife, Office of the Solicitor; all in Washington, D.C.

Paperwork Reduction Act

The information collection requirement contained in 36 CFR 7.23 will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 *et. seq.* The collection of this information will not be required until it has been approved by the Office of Management and Budget.

Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The regulations impose no new costs on small entities, nor are any new indirect or nonquantifiable costs anticipated. Thus, the aggregate effect of this extension on small entities in not considered significant.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332), the National Park Service determined that these temporary regulations do not represent a major Federal action significantly affecting the quality of the human environment, which would require the preparation of an Environmental Impact Statement. An Environmental Assessment and Finding of No Significant Impact were prepared for the original regulation. These documents, which hold equally for the proposed extension, are available at the address listed at the beginning of this rulemaking.

Authority

Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3); Alaska National Interest Lands Conservation Act (Pub. L. 96–487; 94 Stat. 2371).

List of Subjects in 36 CFR Part 7

National parks.

PART 7—[AMENDED]

In consideration of the foregoing, § 7.23 of Title 36 of the Code of Federal Regulations is hereby amended by the extension of paragraphs (b), (c), (d) and (e) to remain in effect through August 31, 1983, and paragraph (f) to remain in effect through December 31, 1983, as set forth below.

§ 7.23 [Amended]

1. Section 7.23(c)(1)(ii) is amended by removing the phrase "For 1981 and 1982" and inserting, in its place, the phrase "For 1981, 1982 and 1983".

2. Section 7.23 is amended by removing the words "Glacier Bay National Monument" and inserting, in their place, the words "Glacier Bay National Park and Preserve" in the title of the section and the following paragraphs:

(a) Section 7.23 (b)(5) and (b)(8); and

(b) Section 7.23(e)(3)

3. Section 7.23(a)(1) is amended by removing the word "monument" and inserting, in its place, the words "park and preserve".

Dated: March 11, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83–9081 Filed 4–5–83; 8:45 am]

BILLING CODE 4310–70–M

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36 CFR Part 13

National Park System Units in Alaska

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed regulation provides for the permanent closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve, and Katmai National Park and Preserve, to snowmachines, motorboats, motor vessels and aircraft use. These closures are authorized by the Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. No. 96–487, 94 Stat. 2371, and its implementing regulations, 36 CFR 13.30.

DATE: Written comments, suggestions or objections will be accepted until June 6, 1983.

ADDRESS: Comments should be directed to: Regional Director, Alaska Region, National Park Service, 540 West 5th Avenue, Anchorage, Alaska 99501.

FOR FURTHER INFORMATION CONTACT:

Robert Cunningham, Superintendent, Denali National Park and Preserve, McKinley Park, Alaska, (907) 683–2294

Superintendent, Glacier Bay National Park and Preserve, P.O. Box 1089, Juneau, Alaska 99802, (907) 586–7137

David Morris, Superintendent, Katmai National Park and Preserve, P.O. Box 7, King Salmon, Alaska 99613, (907) 246–3305

SUPPLEMENTARY INFORMATION:

Background

ANILCA became law on December 2, 1980. It is a broadranging act, which established new or enlarged National Park System units in Alaska and provided special management direction for those areas. Section 1110(a) of that statute requires the Secretary of the Interior to allow the use of snowmachines, motorboats and airplanes within units of the National Park System in Alaska for traditional activities and for travel to and from villages and homesites. Those uses are subject to reasonable regulations and may be prohibited if, after notice and hearing in the vicinity of the affected unit, it is determined that such use would be detrimental to the resource values of the unit.

On June 17, 1981, the National Park Service promulgated regulations to implement this statute (46 FR 31836). Section 13.30 of these regulations authorizes the superintendent to close an area or restrict an activity on an emergency, temporary or permanent basis. Section 13.30(e) requires that permanent closures or restrictions be published as rulemaking in the **Federal Register**, with a minimum public comment period of 60 days, and must be accompanied by public hearings in the area affected and other locations as appropriate.

This proposed rule seeks to close permanently certain areas within Denali, Katmai and Glacier Bay National Parks and Preserves to one or more of the following: Snowmachines, motorboats, motor vessels, aircraft, motor vehicles, all-terrain vehicles, and foot traffic. All closures are intended to prohibit uses which will be detrimental to the resources of the three units.

Denali National Park and Preserve

One of the primary purposes for establishing Denali National Park and Preserve was to provide protection to certain species of wildlife and their habitats. Since 1917 when Mount McKinley National Park was established, much of the area proposed for closure by this regulation has been protected and, in fact, has been the only place in the interior and northern Alaska where protection of wildlife through minimal disturbance of natural wildlife conditions was provided for. Thus, a near-natural ecosystem developed where predator-prey relationships have functioned without significant human interference. A key factor to the development of this natural balance was the past policy of restricting motorized access.

Motorized use of certain areas of Denali National Park is believed to be detrimental to its ecosystem and the values for which it was established. Accordingly, the following permanent closures are proposed:

1. Close the Denali Park Road and road corridor from its junction with Alaska State Highway 3 to the point where the road crosses to the immediate north of Wonder Lake to motorized transportation, including but not limited to motor vehicles, all terrain vehicles, aircraft, motorboats, motor vessels, and snowmachines, with the following exceptions:

(a) Aircraft are permitted to land at the park airstrip east of the railroad station.

(b) Trains are authorized within their right-of-way.

(c) Motor vehicles are authorized on all park roads except:

(1) West of the Savage River Entrance Station from approximately Memorial Day to Labor Day each year. When this section is closed, access will be provided to private properties, and limited numbers of permits will be available for those with camping reservations for Wonder Lake.

(2) When roads are posted as closed due to deep snows, road repairs, landslides, flooding or similar reasons.

The road corridor is defined as all lands and waters within five miles on each side of the road. The authorized Visitor Transportation System for the Park will be permitted to utilize its established route.

For a number of years, the park road and road corridor have been closed to private vehicles during the height of the visitor season and during the winter when snows prohibit travel. Exceptions are granted to those who travel through the park to an inholding or secure permits to travel to camp at Wonder Lake. The majority of the visitors travel into the park on buses provided by the National Park Service and the concessioner during the summer months. The result is a greatly reduced flow of traffic which is less disruptive to the wildlife. This allows a reasonably normal wilderness scene, and visitors are able to see an abundance of moose, bear, Dall sheep and caribou.

Several studies have been conducted in Denali National Park to determine what happens to wildlife when an unchecked flow of traffic. Generally, the road is open to all traffic for a few weeks in the fall and spring. After three or four days of this use, wildlife abandon the road corridor and visitors are deprived of the opportunity to see and photograph these species. As a result, the normal ecosystem is severely disrupted. By restricting motorized use of the road and road corridor to past levels of use, it is anticipated that wildlife values will be maintained and visitor use enhanced. This proposal is labeled Closure 1 on the attached map.

2. Close two areas marked as Closure 2, on a map available at park address noted above, to all types of motorized transportation, including but not limited to aircraft, snowmachines, motorboats, motor vessels, all terrain vehicles and motor vehicles.

These two areas contain the majority of the park's dwindling caribou herd and wolf population. For unknown reasons, the Denali caribou herd has declined steadily for the past few years and is now at its lowest level. Wolves, the prime predator for caribou, are also in serious decline. The introduction of motorized equipment would be an additional stress factor that would disrupt the herd. These areas also contain a significant nesting population of Trumpter Swans, which are particularly sensitive to aircraft and other motorized equipment. Permanent closure of these areas is therefore considered necessary to protect the unit's valuable wildlife resources.

3. Close Sable Pass within one mile of the road to foot traffic, except for road shoulders and established pullouts.

Sable Pass has an exceptionally high concentration of grizzly bears which are attracted by feed in the area. Foot traffic drives the bears from the area and is a serious hazard to the hiker. This is a prime location for those on the tour buses to see bears close up. Foot traffic would destroy that opportunity. This is designated as Closure 3 on the map.

4. Close the areas marked on Denali map number 2, available at park address noted above, to entry from April 15 to September 30 each year.

The boundaries of the identified areas may vary slightly from year to year, and corrected versions of the map will be posted in numerous locations as that occurs. The size of the areas will increase or decrease not more than 10% each year. Although the boundary locations may vary slightly, they have remained fairly constant over the past few years. If the change in any of these areas constitutes more than a minor boundary change, notice and comment opportunities will be provided.

These areas are prime denning areas for the dwindling wolf population. Each year surveys are taken, and areas surrounding wolf denning sites are closed. The proposed closures will prevent human interference with this important wildlife activity, which is essential to the viability of the wolf population in the park and the unit's wildlife conservation goals.

Glacier Bay National Park and Preserve

In its 56 year history, Glacier Bay National Park and Preserve (formerly Glacier Bay National Monument) did not have appreciable use by aircraft, snowmachines or motorized vessels, except on some marine (salt water) areas. These uses were deemed incompatible with wilderness solitude and uses, and detrimental to the protection of the natural features for which the area was set aside. Accordingly, motorized use was prohibited. In addition, the protection of mammals, waterfowl, marine life and their habitats is an important objective of the park (and the original monument), as it contains many nesting, breeding and foraging areas and provides significant opportunities for wildlife viewing.

In subsection 701(3) of ANILCA, certain federally owned water areas are designated as "wilderness in accordance with subsection 3(c) of the Wilderness Act." Under section 707, those areas are to be administered in accordance with the Wilderness Act. Subsection 4(c) of the Wilderness Act prohibits motor vehicles, motorboats, the landing of aircraft, and other motorized uses in wilderness areas. 16 U.S.C. 1133(c).

Consistent with these requirements, it is proposed to close the following wilderness water areas to motorboats, motor vessels and aircraft landings from May 1 to September 1 each year:

Those portions of the following waterways which are designated wilderness: Adams Inlet, the Hugh Miller Inlet/Scidmore Bay/Charpentier Inlet/Weird Bay complex, Beardslee Islands waterway, except the Beardslee Islands entrance area due north of Young Island and immediately east of Strawberry Island, and Rendu Inlet.

Under paragraph 4(d)(1) of the Wilderness Act, established aircraft and motorboat use may be permitted to continue subject to restrictions deemed desirable. Consistent with park management objectives and the protection of wilderness values, it is proposed to allow these uses to continue in Dundas Bay and the unclosed portions of the Beardslee Islands wilderness waterways. If appropriate, special restrictions on such use will be developed.

These closures would provide sheltered areas free from the disruptive presence of motorized equipment for recreation use and the protection of unique concentrations of mammals and birds, some of which are threatened and/or endangered. These areas have been identified as rich in nutrients and food supplies which attract animal life for feeding and hold them for other activities such as breeding, nesting and rearing of young. All of these water areas are utilized by large numbers of diving ducks and various seabirds for nesting and feeding. Several areas contain extremely fragile rookeries that are very important to individual species. The areas contain a large percentage of the total population of *Branta canadensis fulva*, The Dusky Canada Goose, during the time these birds are nesting and moulting, when they are flightless. Eagle populations are high in these areas, and they nest close to this abundant food supply. The concentrated

food supply attracts and holds a variety of marine mammals including the endangered humpback whale. The Beardslee Islands contain a large concentration of harbor seals. Orcas routinely use the area. These areas have also been recognized as providing unique opportunities for non-motorized recreational activities such as kayaking and canoeing.

However, these areas are important for recreational use and wildlife conservation for only a portion of the year, and the National Park Service is seeking to close it only for that time period. By May 1 of each year, many birds have started their nesting activities and marine mammals are present in large numbers. By September 1, most of these seasonal residents have moved on. High levels of recreational use also coincide with this season.

In addition to the proposed closure of the specified wilderness waters to motorboats, motor vessels and aircraft landings, the following closures are proposed:

1. All beaches within the Glacier Bay portion of the park and all beaches from Cape Fairweather south to the mouth of the De Langle Mountain Creek on the outer coast to aircraft landings, snowmachines, and vehicles.

Beaches play an unusual and highly significant role in Southeast Alaska and in Glacier Bay National Park and Preserve in particular. Vegetation in the park is extremely dense and difficult to traverse. Consequently, mammals, especially bears and wolves, use the beaches as highways for access to various parts of the area. Marine mammals, fish and crustaceans of various types was ashore and provide excellent scavenging for these animals. They also have access to various food sources located in vegetated areas adjacent to the beach. During the winter, goats come down from the high elevations and occupy the beaches and vegetated areas immediately adjacent to them. This combination of factors makes the beach area one of the parts of the park most densely populated by wildlife.

In addition, there are several small streams cutting through outer coast beaches which, according to the State biologists, contain very small, fragile populations of steelhead, some as small as 100 fish. Biologists believe that two or three parties of limit-oriented fishermen could decimate a run.

Beaches also provide key nesting areas for eagles. The present density, due in large part to the scavenging potential, is about one nest per mile, which is very high. To avoid detrimental effects on wildlife which would result from the use of these areas by aircraft, snowmachines and vehicles, this permanent closure is proposed.

2. All waters within one mile of all tidewater glaciers from May 1 to September 1 each year to aircraft landings.

These waters are especially rich in food due, in part, to an upwelling of water that occurs at the face of the glaciers. Consequently, the areas attract large numbers of birds for feeding and nesting. In addition, most of the seal population in the park uses the calved-off bergs as pupping areas. However, by September 1 the young seals have matured enough to leave the area and bird nesting has ended. At that time, the habitat is no longer critical, and aircraft landings would not be a problem.

3. The waters and shorelines of Vivid, Barlett, the Adams Island Lakes, and Lake Seclusion to aircraft landings.

These lakes have large populations of wildlife and provide a showplace for visitors who routinely access by means other than aircraft. Migratory and nesting bird populations frequent these lakes. Salmon runs provide a ready food source for a concentration of eagles and bears. Nowhere else in the park does the public have such a wildlife concentration as in the Adams Inlet area. Consequently, this area is being closed permanently to aircraft because it would be detrimental to these wildlife activities.

4. The shoreline of Adams Inlet, the Klotz Hills and the Casement Glacier outwash to snowmachines and aircraft landings from November 1 to May 1 each year.

These areas, together with Adams Island, are the wintering grounds for the park's largest moose population, large numbers of goats, and wolves. The entire area is an entryway through the Chilkat Range into the park for mammals and contains the first moose population known to use the park. Winter is a particularly sensitive time for wildlife in that the conservation of enegy is essential to survival. Disturbance by snowmachines or aircraft could therefore disrupt wildlife migration and habitat patterns and threaten winter survival activities.

5. The National Park Service is also proposing to close all wilderness waters to commercial fishing in order to comply with the Wilderness Act (16 U.S.C. 1133(c)).

As noted above, subsection 4(c) of the Wilderness Act, as made applicable to Glacier Bay by section 707 of ANILCA, prohibits commercial enteprises in wilderness areas. Accordingly, as a matter of law, it is required that commercial fishing activities be prohibited in all wilderness water areas of the park. Although paragraph 4(d)(6) of the Wilderness Act allows commercial services necessary for activities which are proper for realizing the recreational or other wilderness purposes of the area, commercial fishing does not qualify as such a service. 16 U.S.C. 1133(d)(6). This closure will therefore protect congressionally designated wilderness values and conform park administration to the requirements of ANILCA and the Wilderness Act.

The proposed regulation covers Adams Inlet, the Hugh Miller Inlet/Scidmore Bay/Charpentier Inlet/Weird Bay complex, the entire Beardslee Islands wilderness waterway, Rendu Inlet, and the wilderness water portions of Dundas Bay. All of these areas were reserved by the 1925 and 1939 Presidential Proclamations establishing the Glacier Bay National Park, have been retained under United States ownership, and are subject to wilderness designations and closure.

6. Finally, the Service is proposing to close Glacier Bay to trawling.

Trawling is a fishing method which disrupts feed beds and changes the contour of the bottom of the bay, thus causing serious resource damage to the park. Even in mid-level trawling, significant numbers of shrimp (*Pandaidae*), a prohibited commercial fishery within the bay, are incidentally taken and lost as a whole food source when this method of fishing is employed. Prudence dictates a conservative approach for an activity potentially harmful to the humpback whale, an endangered species, until its food needs are better understood. For this reason, trawling is proposed to be prohibited.

Katmai National Park and Preserve

1. Close the Savanoski River to motorboats and motor vessels.

This area is prime habitat for, and contains unique concentrations of, large mammals such as moose, wolf and brown/grizzly bears. This area probably contains the greatest concentration of large bears left in the world. Many species of birds such as eagles, ospreys, the threatened hawkowl, and whistling swans nest in this drainage. Motorboat travel in this river is marginally safe and requires a lot of maneuvering, varying of speed and revving of motors. This type of activity seriously disturbs nesting birds and drives the bears from their feeding grounds on the gravel bars.

2. Close all lakes in the Margot Creek/Ukak River drainage from 5/1 to 11/1 each year; that portion of the King Salmon River drainage within the park

including Angle, Contact, Takayoto Creeks, Lake 592, Lake 840, Idavain Lake, the small lakes in the Idavain Lake area, Dakavak Lake, Hammersley and Murray Lakes from 9/1 to 6/1 each year to aircraft landings.

By closing these areas seasonally, the National Park Service can protect an extremely large concentration of large moose and brown/grizzly bears. The animal populations move from one area to the next during the various seasons. Not only do aircraft landings disturb these large mammals, but since this is one of the last remaining strongholds of these trophy-sized populations, poaching is a serious problem. Bears in particular have suffered serious depredations from commercial poaching.

3. Close the Valley of Ten Thousand Smokes to aircraft landings.

This area is the result of a violent volcanic eruption which drew attention to the area and was the initial reason that Katmai National Monument was established. The Valley contains vast areas of fragile, unique and rapidly changing volcanic features. It has road access and is widely viewed by the visiting public. Aircraft landings would not only be highly disruptive to these visitors but could damage the volcanic features. For example, wheel marks in this area remain visible for years and could create entire new drainages in this fragile field.

4. Close all lakes, beaches and river bars in the Naknek River drainage including the Savanoski, to aircraft landings.

This closure along with closures 1 and 2 form a triad which protects the unusually high concentrations of large bears and moose in the park. Landings would still be permitted in water areas which generally are back away from the beaches and bars, which are the prime feeding places for bears. Landings on the beaches and bars tend to chase the bears from their feeding stations. Repeated landings keep them away. These bear populations are unique. The animals themselves are huge, sometimes reaching weights over 1,000 pounds. Because of the abundant food, they are also found in large numbers, and it is not unusual to see as many as 20 animals feeding along a 2 or 3 mile stretch of a salmon spawning stream.

Drafting Information

The following persons participated in the writing of this regulation: Robert Cunningham, Denali National Park and Preserve; John Chapman, Rocky Mountain Regional Office, Denver; and David Morris, Katmai National Park and Preserve.

Public Involvement

In addition to the publication of these permanent closures in the Federal Register with a public comment period of 60 days, the National Park Service will hold public hearings. These hearings will be held on the following dates in these locations:

Glacier Bay National Park and Preserve

April 10, Gustavus, Alaska, Gustavus School, 2:00 p.m.
April 14, Juneau, Alaska, Marie Drake Junior High School, 7:00 p.m.
April 11, Pelican, Alaska, Pelican Community Bldg., 7:00 p.m.
April 12, Elfin Cove, Alaska, Elfin Cove Community Bldg., 7:00 p.m.
April 13, Hoonah, Alaska, Hoonah Community Bldg., 7:00 p.m.
April 13, Yakutat, Alaska, Yakutat Town Hall, 7:00 p.m.
April 15, Skagway, Alaska, Skagway Town Hall, 7:00 p.m.
April 16, Haines, Alaska, Haines City Hall, 7:00 p.m.

Denali National Park and Preserve

April 14, Anchorage, Alaska, National Park Service, Regional Office, 540 W. 5th Avenue, 7:00 p.m.
April 13, Healy, Alaska, Tri-Valley Community Center, 7:30 p.m.
April 11, Fairbanks, Alaska, Noel Wein Library, 1215 Cowlee Street, 7:00 p.m.

Katmai National Park and Preserve

April 18, King Salmon, Alaska, ComServFac, 7:00 p.m.
April 19, Levelock, Alaska, Levelock Community Bldg., 1:00 p.m.
April 20, Naknek, Alaska, Bristol Bay Borough Assembly Room, 7:30 p.m.
April 21, South Naknek, Alaska, School Library, 7:30 p.m.

Notice of these proposed closures shall also be published in at least one newspaper of general circulation in the State and in at least one local newspaper, if available, and posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected vicinity, and designated on a map which shall be available for public inspection at the office of each park superintendent and other places convenient to the public, and designated by the posting of appropriate signs.

Paperwork Reduction Act

This rule contains no information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

The Department of the Interior has determined that this document is not a "major rule" under Executive Order 12291 and certifies that this document would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This finding is based on the fact that the total economic effect of this rule is less than $100,000 and will not require any significant budget or personnel changes in Federal, State or local government.

In accordance with the National Environmental Policy Act, 42 U.S.C. 4332, the Service has prepared environmental assessments on these proposed rules. Copies of these assessments are available for public review and comment in the regional and park offices listed above.

Authority

Section 3 of the Act of August 25, 1916, 39 Stat. 535, as amended (16 U.S.C. 3); 16 U.S.C. 1, 1a–1, 1c, 462; and ANILCA, 94 Stat. 2371 and 1281.

List of Subjects in 36 CFR Part 13

Aircraft, Alaska, National parks, Penalties, Traffic regulations.

PART 13—[AMENDED]

In consideration of the foregoing, it is proposed to amend Part 13 of Title 36, Code of Federal Regulations, by the addition of § 13.63(d) and also the addition of §§ 13.65 and 13.66 as follows:

§ 13.63 Denali National Park and Preserve.

* * * * * * *

(d) *Closures.* (1) The Denali Park Road and road corridor is closed to all motorized transportation, including but not limited to, motor vehicles, all terrain vehicles, aircraft, motorboats, motor vessels and snowmachines from its junction with Alaska State Highway 3 to the point where the road crosses to the immediate North of Wonder Lake with the following exceptions:

(i) Aircraft are permitted to land on the Park airstrip east of the railroad station.

(ii) Trains are authorized in their right-of-way.

(iii) Motor vehicles are authorized on all park roads except:

(A) That portion of the park road West of the Savage River check station from approximately Memorial Day to Labor Day each year. During the time that this section is closed access will be provided to private properties and limited numbers of permits will be available for those who have camping reservations.

(B) When roads are posted as closed due to deep snow, road repairs, landslides, flooding or similar reasons.

The road corridor is defined as all lands and waters within five miles on each side of the road.

(2) Two areas north of the Alaska Range identified as "Closure 2" on the Denali National Park Closure Map are closed to all types of motorized transportation, including but not limited to, motor vehicles, aircraft, snowmachines, motorboats, motor vessels and all terrain vehicles. This map is available for public inspection at all offices and information centers in Denali National Park and at the National Park Service Regional Office in Anchorage, Alaska.

(3) Sable Pass is closed to foot traffic within one mile on each side of the road, except for road shoulders and designated pullouts.

(4) Critical Wildlife areas marked on Denali closure map number two are closed to entry from April 15 to September 30 each year. These areas will vary from year to year, but their size shall not increase or decrease more than 10% each year. Copies of this map shall be posted on all in-park public conveyances and posted in all offices and campgrounds in Denali National Park Preserve.

§ 13.65 Glacier Bay National Park and Preserve.

(a) *Closures.* (1) Those portions of the following waterways which are designated wilderness are closed to motorboats, motor vessels and aircraft landings from May 1 to September 1 each year; Adams Inlet; the Hugh Miller/Scidmore Bay/Carpentier Inlet/Weird Bay complex; Beardslee Islands waterway, except for the Beardslee Islands Entrance area due North of Young Island and immediately east of Strawberry Island; and Rendu Inlet.

(2) All beaches within Glacier Bay and all beaches from Cape Fairweather south to the mouth of De Langle Mountain Creek are closed to aircraft landings and snowmachines.

(3) All waters within one mile of all tidewater glaciers are closed from May 1 to September 1 each year to aircraft landings.

(4) The waters and shorelines of Vivid, Bartlett and the Adam Island Lakes are closed to aircraft landings.

(5) The shorelines of Adams Inlet, the Klotz Hills and the Casement Glacier outwash are closed to aircraft landings and snowmachines from November 1 to May 1 each year. These areas are identified on the Glacier Bay National Park and Preserve Closure Map, and it is available for public inspection at all Glacier Bay National Park offices and in the Regional Office in Anchorage.

(6) All waters designated as Wilderness are closed to commercial fishing.

(7) The waters of Glacier Bay are closed to all types of fishing commonly known as trawling.

§ 13.66 Katmai National Park and Preserve.

(a) *Closures.* (1) All lakes within the Margot Creek/Ukak River drainage are closed to aircraft landings from May 1 to November 1 each year.

(2) That portion of the King Salmon River drainage within the Park including Angle, Contact, and Takayoto Creeks, Lakes 592, 840, Dakavak Lake, Hammersley Lake, Murray Lake, Idavain Lake and the smaller lakes in the Idavain Lake area are closed to aircraft landings from September 1 to June 1 each year.

(3) The Savanoski River is closed to motorboats and motor vessels.

(40) The Valley of Ten Thousand Smokes is closed to all motorized access including aircraft landings.

(5) All lake beaches and river bars in the Naknek River drainage, including the Savanoski River, are closed to aircraft landings.

Dated: March 17, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-9080 Filed 4-5-83; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 1E2514/P274; PH-FRL 2335-4]

Permethrin; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the combined residues of the insecticide permethrin and its metabolites in or on the raw agricultural commodity kiwifruit. This proposed regulation to establish a maximum permissible level for the combines residues of permethrin in or on kiwifruit was requested, pursuant to a petition, by ICI Americas, Inc.

DATE: Comments must be received on or before May 6, 1983.

ADDRESS: Written comments to: Product manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, PM-17, (703-557-2690) at the above address.

SUPPLEMENTARY INFORMATION: ICI Americas, Inc., Corcord Pike and New Murphy Road Wilmington, DE 19897, has submitted pesticide petition 1E2514 proposing to amend 40 CFR 180.378 by establishing a tolerance for the combined residues of the insecticide permethrin ((3-phenoxyphenyl) methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcylopropanecarboxylate) and its metabolites in or on the raw agricultural commodity kiwifruit imported from New Zealand. Based upon the residue data, a tolerance of 2.0 parts per million (ppm) is adequate to cover residues of the parent compound and its metabolites, 3-(2,2-dichloroethenyl-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl) methanol (3-PBA).

The toxicological data considered in support of the proposed tolerance were discussed in a related final rule document [PP 9F2099, 9F2196, 9F2243, 9F2192, OF2425, OF2307, 9F2207, 1F2462, 1F2864/R422] published in the **Federal Register** of October 13, 1982 [47 FR 45008].

Using a no-observed-effect level (NOEL) of 5 mg/kg/day, derived from the 2-year rat chronic feeding/oncogenicity study and a 100-fold safety factor, the acceptable daily intake (ADI) was determined to be 0.0500 mg/kg/day. This tolerance would increase the percentage of the ADI used from 21.62 percent to 21.65 percent.

The theoretical maximal residue contribution (TMRC) for the insecticide from the use on kiwifruit will be increased by 0.14 precent. There are no actions currently pending against continued registration of the insecticide.

Tolerances have been previously established (40 CFR 180.378) for residues of the insecticide in or on various raw agricultural commodities at levels ranging from 0.05 ppm to 20.0 ppm. The nature of the residue is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purposes. Kiwifruit is not a feed item, and therefore there is no reasonable expectation of residues in eggs, meat, milk, or poultry from this tolerance.

The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance will protect the public health. It is

proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 1E2514/P274]. All written comments filed in response to this petition will be available in the product manager's office, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950)

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e))).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 21, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.378(b) be amended by adding and alphabetically inserting the commodity kiwifruit to read as follows:

§ 180.378 Permethrin; tolerances for residues

* * * * *

(b) * * *

Commodities	Parts per million
Kiwifruit	2.0

[FR Doc. 83–8337 Filed 4–5–83; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 1E2515/P275; PH–FRL #2335–5]

Pirimiphos-Methyl; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the residues of the insecticide pirimiphos-methyl in or on the commodity kiwifruit. The proposed regulation to establish a maximum permissible level for residues of the insecticide was requested, pursuant to a petition, by ICI Americas, Inc.

DATE: Comments must be received on or before May 6, 1983.

ADDRESS: Written comments to: Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, PM–12, (703–557–2386) at the address given above.

SUPPLEMENTARY INFORMATION: ICI Americas, Inc., Concord Pike and New Murphy Road, Wilmington, DE 19897, has submitted pesticide petition 1E2515 to the EPA proposing to amend 40 CFR Part 180 by establishing a tolerance for the combined residues of the insecticide pirimiphos-methyl [*0*-(2-[diethylamino]-6-methyl-4-pyrimidinyl) *0,0*-dimethylphosphorothioate] and its metabolites *0*-(2-[ethylamino]-6-methyl-4-pyrimidinyl) *0,0*-dimethylphosphorothioate, 2-(diethylamino)-6-methyl-4 (3*H*) pyrimidinone, 2-(ethylamino)-6-methyl-4 (3*H*) pyrimidinone, and 2-amino-6-methyl-4 3*H*) pyrimidinone in or on kiwifruit imported from New Zealand at 5.0 parts per million (ppm). The petition was subsequently amended by deleting the metabolites from the tolerance regulation.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a 2-year rat feeding/oncogenicity study which was negative for oncogenic effects and has a cholinesterase-inhibition and systemic no-observed-effect level (NOEL) of 10.0 ppm and 300 ppm, respectively; a mouse oncogenicity study which was negative for oncogenic effects; a 2-year dog feeding study which had a cholinesterase-inhibition and systemic NOEL of 0.5 milligram (mg)/kilogram (kg)/day and 2.0 mg/kg/day, respectively; a rabbit teratology study which was negative at 16 mg/kg; and a rat reproduction study which had a NOEL of 100 ppm.

Based on the 2-year rat feeding/oncogenicity study with a 10 ppm NOEL for cholinesterase-inhibition, and using a safety factor of 10, the acceptable daily intake (ADI) for man is 0.05 mg/kg of body weight (bw)/day. The theoretical maximal residue contribution (TMRC) in the human diet from this proposed use, utilized 0.08 percent of the ADI.

Desirable data that is lacking from the petition is a subchronic neurotoxicity study in hens. In a letter of November 5, 1982 the petitioner agreed to submit the study within 1 year from the establishment of this tolerance.

For purposes of the proposed use on kiwifruit the nature of the residue is adequately understood. The tolerance for kiwifruit should be established in terms of pirimiphos-methyl only and an adequate analytical method, gas chromatoghraphy, is availabe for enforcement purposes. No actions are currently pending against registration of pirimiphos-methyl nor are there any other relevant considerations involved in establishing the proposed tolerance.

The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 1E2615/P275]. All written comments filed in response to this petition will be available in the product manager's office, Registration

Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e). Stat. 514 (21 U.S.C. 346a(e))).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 21, 1983.

Douglas D. Campt.,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR Part 180 be amended by adding a new § 180.409 to read as follows:

§ 180.409 Pirimiphos-methyl; tolerances for residues.

A tolerance is hereby established for residues of the insecticide pirimiphos-methyl [0-(2-[diethylamino]-6-methyl-4-pyrimidinyl) *0, 0*-dimethylphosphorothioate] in or on the following raw agricultural commodity:

Commodity	Parts per million
Kiwifruit	5.0

[FR Doc. 83–8338 Filed 4–5–83; 8:45 am]

BILLING CODE 6560–50–M

Notices

Federal Register
Vol. 48, No. 67
Wednesday, April 6, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Certification of Claims Under the Contract Disputes Act

AGENCY: Administrative Conference of the United States.

ACTION: Request for public comments.

SUMMARY: The Administrative Conference's Committee on Judicial Review has under consideration a draft recommendation proposing that certification of claims over $50,000 under the Contract Disputes Act should not be a jurisdictional prerequisite to the processing of claims under the Act. Interested persons are invited to comment on the draft recommendation.

DATE: Comment Deadline: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Mary Candace Fowler, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037, Telephone: 202–254–7065.

SUPPLEMENTARY INFORMATION: The draft recommendation under consideration by the Administrative Conference Committee on Judicial Review concerns the statutory requirement that government contractors submitting claims over $50,000 under the Contract Disputes Act certify that the amount claimed is accurate. Recent court decisions have held that this certification requirement is jurisdictional, and that any decision made by a contracting officer before certification is received is, in effect, a nullity. The draft recommendation describes some practical problems this approach presents for contractors and proposes that the certification requirement be retained, but that its jurisdictional status be removed. The draft recommendation favors greater flexibility in the timing of certification so that, for example, a decision on the contractor's entitlement to relief could be made and, if necessary, appealed before any certification or consideration of the exact amount of damages.

The draft recommendation is based on a report to the Committee by consultant Thomas Madden of the law firm Kaye, Scholer, fierman, Hays & Handler in Washington, D.C. Copies of the draft report, which discusses the relevant case law and describes the resulting problems, may be obtained from the Administrative Conference.

Comments on the draft recommenation should be submitted to Mary Candace Fowler at the above address no later than April 25, 1983. The Committee will meet shortly thereafter to consider the proposal in light of the comments received.

Draft Recommendation—The Certification Requirement in the Contract Disputes Act

The Contract Disputes Act, 41 U.S.C. 601–613, enacted in 1978, established a comprehensive system for resolving disputes arising out of federal government contracts. Under the Act, disputes initiated by or brought against executive branch agencies relating to a contract must be first submitted in writing to the agency's contracting officer for decision. Appeals from that decision may then be taken either to an agency board of contract appeals or to the United States Claims Court.

The Act specifies in section 605(c) that claims submitted to the contracting officer by a contractor for more than $50,000 must be certified: "the contractor shall certify that the supporting data are accurate and complete to the best of his knowledge and belief, and that the amount requested accurately reflects the contract adjustment for which the contractor believes the government is liable." It is generally recognized that this requirement was inserted to discourage the submission of frivolous or unwarranted contractor claims.

Recent decisions by the Court of Claims [1] have held this provision to be a jurisdictional one. The court has ruled that unless a contractor has presented a proper certification to the contracting officer prior to his decision, any such decision is a nullity, and the court will dismiss any appeal based on such a decision. Moreover, the court intimated in dicta that agency boards of contract appeal should likewise dismiss appeals from decisions on uncertified claims—a position reluctantly followed in several board decisions.

This formalistic approach portends significant problems for contractors. In many disputes the issue of liability may be ripe for decision before the amount of damages is known, or even before the damages have fully accrued—for example, when a contractor seeks an extension of time for performance because of an excusable delay or seeks an equitable adjustment of the contract terms because of a change by the government. In situations like these it may be more efficient for the contracting office to decide the issue of liability prior to any certification by the contractor of the amount in dispute, so as to allow an expeditious appeal by the contractor in the event the claim is denied. Moreover, under notice requirements imposed on government contractors by the changes clause of their contracts, the contractor has an obligation to notify the government of claims and request an equitable adjustment within 30 days after the contractor learns of the change. Certification at the time of this claim will be extremely difficult when the amount of damages is not yet known. An additional problem arises when a contractor has numerous claims for less than $50,000 and the contracting officer aggregates them and insists on certification. The treatment of certification as a jurisdictional requirement for review will force the contractor in this situation to certify without being able to obtain review of the applicability of the certification requirement.

The Conference believes that the certification requirement does serve a valid purpose—that of discouraging frivolous or unwarranted claims. However, this should not be a matter of jurisdiction. Instead, certification should be insisted upon only as a prelude to a settlement or payment of a claim. So that the requirement will achieve its purpose, the contracting officer should receive the certification before reaching a decision or agreement on the exact amount to be paid. The contracting officer should be free to require the certification whenever, following submission of the claim and before decision, the officer needs it in order to

[1] Although the Court of Claims has been replaced by the United States Claims Court and the Court of Appeals for the Federal Circuit (Pub. L. No. 97–164), its decisions will continue to be binding precedent.

have adequate information to decide the claim. To clarify these matters, the Contract Disputes Act should be so amended.

Recommendation

Section 605(c) of the Contract Disputes Act should be amended by:

(1) Adding a new paragraph (6) which provides that claims over $50,000 shall not be settled or paid by a contracting officer unless the contractor has certified that the claim is made in good faith, that the supporting data are accurate and complete to the best of his knowledge and belief, and that the amount requested accurately reflects the contract adjustment for which the contractor believes the government is liable;

(2) Deleting the second sentence of section 605(c)(1), which contains the current certification requirement; and

(3) Deleting word "certified" from section 605(c)(2).

Richard K. Berg,

General Counsel.

April 1, 1983.

[FR Doc. 83-9032 Filed 4-5-83; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

April 1, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Statistical Clearance Officer, (202) 447-6201.

New

• Food and Nutrition Service
State Retail Vendor License Numbers, FNS-1127-1A and FNS-1127-2A
Nonrecurring
Businesses or other institutions: 4,375 responses; 73 hours; not applicable under 3504(h)
Anne Sherriff (703) 756-3425.

• Food and Nutrition Service
Evaluation of Existing Food Stamp Issuance Systems—Part of Alternative Issuance, Systems Evaluation
Nonrecurring
State or local governments: 305 responses; 675 hours; not applicable under 3504(h)
Carol Klecka (703) 745-3115

Revised

• Farmers Home Administration
7 CFR 1930-B Management and Supervision of Individual Applicants and Borrowers, FmHA-431-1, 431-2, 431-4, 432-1, 432-2, 432-10, 1930-1, 1930-2, 1930-3, 1930-4
On occasion
Individuals, farms, businesses: 259,340 responses; 973,130 hours; not applicable under 3504(h)
Molly T. Baldrige (202) 447-7597

• Agricultural Marketing Service
Fresh Bartlett Pears Grown in Oregon and Washington—Marketing Order 931
Weekly, bi-monthly
Businesses: 3,428 responses; 1,043 hours; not applicable under 3504(h)
William J. Doyle (202) 447-5975

• Statistical Reporting Service
Prospective Planting Surveys
On occasion
Farms: 109,800 responses; 20,130 hours; not applicable under 3540(h)
Lee Sandberg (202) 447-6820

• Packers and Stockyards Administration
Regulations and Related Reporting and Recordkeeping Requirements, Packers and Stockyards Act
P&SA 315, 316
On occasion
Businesses: 42,030 responses; 12,607 hours; not applicable under 3504(h)
Calvin W. Watkins (202) 447-7201

Extension

• Agricultural Stabilization and Conservation Service
7 CFR—Part 1427 (Cotton Loan Program Regulations) 7 CFR—Part 1427 (Seed Cotton Loan Program Regulations)—Reporting and Recordkeeping
CCC Cotton A, A-1, A-2, A-5, CCC-813, 813-1, 813-2, 837, 877, 879, 881, 881-1, 883
Annually
Farms, businesses or other institutions: 3,768,900 responses; 57,225 hours; not applicable under 3504(h)
Carolyn Cozart (202) 447-7987

• Agricultural Stabilization and Conservation Service
Request for Long-Term Agreement, FIP-11
On occasion
Individuals or households and farms: 335 responses; 112 hours; not applicable under 3504(h)
Charles Sims (202) 447-9563

• Rural Electrification Administration
Application for Telephone Loan or Loan Guarantee, REA-490
On occasion
Businesses: 200 responses; 100 hours; not applicable under 3504(h)
John N. Rose (202) 382-8532

• Agricultural Marketing Service
Reporting Requirements Under Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products, DA-125, 132, 155, 168
On occasion
Businesses: 17,779 responses; 1,468 hours; not applicable under 3504(h)
Lynn G. Boerger (202) 382-9363

• Agricultural Stabilization and Conservation Service
Regulations Relating to Eligibility of Cooperative Marketing Associations to
Obtain Price Support, CCC-846-1
On occasion
Businesses or other institutions: 284 responses; 9,508 hours; not applicable under 3504(h)
Dale Wilson (202) 447-5396

• Farmers Home Administration
7 CFR 1901-E, Civil Rights Compliance Requirements, FmHA 400-1, 400-4, 400-7, 400-8
On occasion, monthly
Individuals or households, state or local governments, farms, businesses: 214,940 responses; 84,843 hours; not applicable under 3504(h)
Walter Fredricks (202) 447-3098

Reinstatement

- Farmers Home Administration
7 CFR 1980–C, Guaranteed Emergency Livestock Loans
On occasion
Businesses: 50 responses; 50 hours; not applicable under 3504(h)
James E. Vollmer (202) 382–1647

Marshall L. Dantzler,

Acting Statistical Clearance Officer.

[FR Doc. 83–8937 Filed 4–5–83; 8:45 am]

BILLING CODE 3410–01–M

Federal Grain Inspection Service

Federal Grain Inspection Service Advisory Committee; Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following committee meeting:

Name: Federal Grain Inspection Service Advisory Committee.
Date: April 29, 1983.
Place: U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2096 South Building, Washington, D.C. 20250.
Time: 8:30 a.m.
Purpose: To enable the members to discuss and provide advice to the Administrator of the Federal Grain Inspection Service with respect to the efficient and economical implementation of the U.S. Grain Standards Act of 1976, in order to assure the normal movement of grain in an orderly and timely manner.

The agenda includes: (1) Financial matters, (2) report of the moisture subcommittee, (3) Federal Grain Inspection Service responsibility for official weighing, (4) recording hopper car and barge seals, (5) an update of the quality control plan, and (6) other matters.

The meeting will be open to the public, but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meetings, should contract Dr. Kenneth A. Gilles, Administrator, FGIS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–0219.

Dated: April 1, 1983.

Kenneth A. Gilles,

Administrator.

[FR Doc. 83–9015 Filed 4–5–83; 8:45 am]

BILLING CODE 3410–02–M

COMMISSION ON CIVIL RIGHTS

Alaska and Washington Advisory Committees; Change in Meeting Time

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alaska and Washington Advisory Committees to the Commission originally scheduled for 10:00 a.m. on April 15, 1983, at Juneau, Alaska (FR Doc. 83–7258 on page 11730), has been changed.

The meeting will now be held on April 15, 1983, convening at 12 noon and will end at 2:00 p.m., at the Alaska Court and Office Building, Fourth and Main, Court Room A, Juneau, Alaska 99811.

Dated at Washington, D.C., April 1, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–8955 Filed 4–5–83; 8:45 am]

BILLING CODE 6335–01–M

Michigan Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 5:30 p.m. and will end at 9:00 p.m., on April 26, 1983, in the Richard B Room, at the Westin Hotel, Renaissance Center, Detroit, Michigan 48243. The purpose of this meeting is to discuss tuition tax credits and equality in commercial lending.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, M. H. Rienstra, 1225 Thomas South East, Grand Rapids, Michigan, 49506, (616) 949–4000 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 31, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–8956 Filed 4–5–83; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Electronic Instrumentation, Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 2973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to electronic instrumentation, or technology, (D) exports of the aforementioned commodities subject to unilateral and multilateral controls in which the United States participates including proposed revision of any such controls.

TIME AND PLACE: April 25, 1983, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Avenue NW., Washington, D.C. The meeting will continue to its conclusion on April 26, in Room 3708, Main Commerce Building.

The Committee will meet only in Executive Session to discuss matter properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Facility, Room 6628, U.S. Department of Commerce, telephone: (202) 377–4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export

Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377–2583.

Dated: March 30, 1983.

John K. Boidock

Director, Office of Export Administration.

[FR Doc. 83–8958 Filed 4–5–83; 8:45 am]

BILLING CODE 3510–25–M

U.S.-EC Arrangement on Certain Steel Products: Request for Comments on "Short-Supply"

AGENCY: International Trade Administration, Commerce.

ACTION: Request for technical comments.

SUMMARY: Interested members of the public are requested to submit technical comments on the economic methodology and appropriate data sources for use in connection with Article 8 of the U.S.-EC Arrangement on Certain Steel Products.

EFFECTIVE DATE: April 6, 1983.

FOR FURTHER INFORMATION CONTACT: Michael Levine or Holly Kuga, Agreements Compliance Division, Import Administration, International Trade Administration, U.S. Department Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–3793.

SUPPLEMENTARY INFORMATION: On October 21, 1982, the United States and the European Communities (EC) reached Agreement on the Arrangement on Certain Steel Products (47 FR 49060). Pursuant to this arrangement, the EC is limiting exports of ten categories of basic steel mill products to specified shares of U.S. apparent consumption (shipments plus imports less exports) via and export licensing system. The export ceilings of one or more of these product categories may be increased under Article 8 of the Arrangement if, as discussed in that article, short-supply is determined to exist.

Article 8 of the Arrangement states:

> On the occasion of each quarterly consultation provided for in Article 10 the U.S. and the ECSC will examine the supply and demand situation in the USA for each of the products listed in Appendix B (note: those products subject to licensing). If the U.S. in consultation with the ECSC determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors) an additional tonnage shall be allowed for such product or products by a special issue of licenses limited to 10 percent of the ECSC's unadjusted export ceiling for that product or products. In extraordinary circumstances as determined by the U.S. in consultation with the ECSC the U.S. will increase the allowable level of special licenses.
>
> Each authorized special issue export license and certificate derived therefrom shall be so marked. Each such license must be used within 180 days after the start of the quarter when that special issue began.
>
> (To the extent that the Arrangement products are subject to the Treaty establishing the European Economic Community (the EEC), the term "ECSC" should be substituted by the "EEC".)

The Department of Commerce is in the process of establishing the analytical framework and data base that will be used for determinations under Article 8 of the Arrangement. In connection with that process, we are inviting all interested members of the public to submit comments on the supply and demand factors and economic methodology they consider relevant to a short-supply determination. We further request any information that interested members of the public can provide on the public and private sources of pertinent data and, in addition, encourage the submission of any qualitative and quantitative market information which may be available, including historical data on recognized cases of short-supply of particular steel products in the U.S. steel market.

Persons wishing to comment on these matters should do so within 30 days of publication of this notice by writing to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 3099B, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Requests for confidential treatment of information will be considered. Any information submitted which is not designated as confidential by the person submitting it will not be treated as confidential.

Dated: March 31, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–8959 Filed 4–5–83; 8:45 am]

BILLING CODE 3510–25–M

University of California; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket number 83–81. Applicant: University of California, Los Alamos National Laboratory, P.O. Box 990, Los Alamos, NM 87545. Instrument: Surface Analysis Spectrometer. Manufacturer: Leybold-Heraeus, Incorporated, West Germany. Intended use of instrument: See Notice on page 57982 in the **Federal Register** of December 29, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument operating in its x-ray photoelectron spectrometry mode provides a sensitivity of 30,000 counts per second on the 3d 5_2 guaranteed peak of pure silver at resolution 0.90 electron volts full width half maximum. The National Bureau of Standards advises in its memorandum dated February 9, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–8960 Filed 4–5–83; 8:45 am]

BILLING CODE 3510–25–M

Cornell University Medical College; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review

between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number: 82–00364. Applicant: Cornell University Medical College, 1300 York Avenue, New York, NY 10021. Instrument: High Resolution Scanning Attachment, Model ASID–4D. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: See Notice on page 49056 in the **Federal Register** of October 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that has been previously imported for the use of the applicant institution. The accessory is being furnished by the manufacturer which produced the instrument with which it is intended to be used. We are advised by the Department of Health and Human Services in its memorandum dated January 27, 1983 that the accessory is pertinent to the applicant's intended uses and that it knows of no comparable domestic accessory.

The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with or can be readily adapted to the instrument with which the accessory is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–8961 Filed 4–5–83; 8:45 am]

BILLING CODE 3510–25–M

University of California at Los Angeles; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number: 83–10. Applicant: University of California at Los Angeles, Tokamak Lab, 2567 Boelter Hall, 405 Hilgard Avenue, Los Angeles, California 90024. Instrument: Klystron Tube #VRT2121A16. Manufacturer: Varian, Canada. Intended use of instrument: See Notice on page 53759 in the **Federal Register** of November 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument is a 2 millimeter microwave tube which covers a frequency range of 110–140 gigahertz. The National Bureau of Standards advises in its memorandum dated March 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–8962 Filed 4–5–83; 8:45 am]

BILLING CODE 3510–25–M

University of Wisconsin; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Education, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number: 82–00154R. Applicant: University of Wisconsin, Hospital and Clinics, 600 Highland Avenue, Madison, WI 53792. Instrument: Automated Ultrasonic Body Imager. Manufacturer: Ausonics Pty. Limited, Australia. Application is a resubmission, notice of which was published in the **Federal Register** of May 20, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 82–00154 which was denied without prejudice to resubmission on September 7, 1982 for informational deficiencies. The foreign instrument provides abdominal scanning. The Department of Health and Human Services advises in its memorandum dated January 27, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–8963 Filed 4–5–83; 8:45 am]

BILLING CODE 3510–25–M

University of Texas at Austin; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room

1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number: 83–37. Applicant: The University of Texas at Austin, Electrical Engineering Research Laboratory, 10100 Burnet Road, Austin, TX 78758. Instrument: Reflex Klystron, Frequency 69–75 GHz. Manufacturer: Varian Associates, Canada. Intended use of instrument: See Notice on page 54998 in the **Federal Register** of December 7, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 81–00286 which was partially denied without prejudice to resubmission on March 15, 1982 for informational deficiencies. The foreign instrument provides a minimum power output of 150 milliwatts. The National Bureau of Standards advises in its memorandum dated March 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–8964 Filed 4–5–83; 8:45 am]

BILLING CODE 3510–25–M

National Technical Information Service

Intent To Grant Exclusive Patent License; Abbott Laboratories

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Abbott Laboratories, having a place of business at North Chicago, Illinois, an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Ethiodized Oil Emulsion for Intravenous Hepatography," U.S. Patent Application Serial No. 6–110,293 (filed January 8, 1980). The patent rights in this invention have been assigned to the United States of America, as represented by the Sectetary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151.

Dated: March 30, 1983.

George Kudravetz,

Program Manager, Office of Government Inventions and Patents, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 83–8944 Filed 4–5–83; 8:45 am]

BILLING CODE 3510–04–M

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Waterman Industries, Inc. having a place of business at Exeter, California, an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Remote Control Irrigation System," U.S. Patent Application 6–320, 750 (issued May 23, 1967). The patent rights in this invention will be assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151.

Dated: March 28, 1983.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

[FR Doc. 83–8985 Filed 4–5–83; 8:45 am]

BILLING CODE 3510–04–M

COMMISSION OF FINE ARTS

Meeting; Correction

The Commission of Fine Arts has rescheduled its next meeting for 9:00 a.m. April 19, 1983 instead of 10:00 a.m. on the same day as originally published in the **Federal Register** on March 23, 1983 (48 FR 12136). The meeting is open to the public. Items to be discussed will consist of design review of various projects affecting the appearance of Washington and may include proposals for the Navy Memorial and the Vietnam Veterans Memorial.

Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, NW. Call 566–1066 for assistance. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, 708 Jackson Place, NW., Washington, D.C. 20006 or call the above number.

Dated in Washington, D.C. March 30, 1983.

Charles H. Atherton,

Secretary.

[FR Doc. 83–8982 Filed 4–5–83; 8:45 am]

BILLING CODE 6330–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Coastal Engineering Research Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given of a meeting of the Coastal Engineering Research Board.

The meeting will be held in the conference room of the Wilmington Hilton, 301 N. Water Street, Wilmington, N.C., from 8:30 a.m. to 4:30 p.m. on May 3 and from 8:30 a.m. to 12:30 p.m. on May 5.

The May 3 session will be devoted presentations and discussions by the Corps Engineers' Wilmington District staff on: Overview of Oregon Inlet Project, Barrier Island Studies and Shore Processes; Dredging Studies; Storm Tide

Levels—Pamlico Sound; Geotechnical Investigation and Analysis; Jetty Structural Tests/Design and Constructibility; Wave Penetration between Jetties; Sloping Float Transportable Breakwater; Overview of Environmental Studies/Considerations; Cape Hatteras Lighthouses Protection; Military Ocean Terminal, Sunny Point; and field trip intinerary.

The entire day of May 4 will be an aerial inspection along the coast from Wilmington, N.C. to Oregon Inlet, N.C., including overflight of District projects including Sunny Point, Ft. Fisher, Wrightsville Beach, Morehead City Harbor, Cape Lookout Lighthouse, Oregon Inlet and by government vehicle to the Field Research Facility at Duck, N.C.

The morning of May 5 will be devoted to discussions of the field inspection, Actual Environmental Effects of Dredging, Dredge Material Research Program Outputs and Dredging Operations Technical Support; South Atlantic Division Research Needs, and CERB Recommendations.

Participation by the public is scheduled for 9:00 a.m. on May 5. Members of the public may attend the field inspection but must provide their own transportation.

The entire meeting is open to the public subject to the following:

(1) Since seating capacity of the meeting room at the Wilmington Hilton is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

(2) Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted prior to the meeting or up 30 days after the meeting.

Inquires and notice of intent to attend the meeting may be addressed to Colonel Ted E. Bishop, Executive Secretary, Coastal Engineering Research Board, Kingman Building, Fort Belvoir, VA 22060.

Dated: March 24, 1983.

John O. Roach, II,

DA Liaison Officer with the Federal Register.

[FR Doc. 80-8884 Filed 4-5-83; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Friday, 22 April 1983.

Times: 0830-1700 hours (Closed).

Place: U.S. Army Chemical School, Fort McClellan, Alabama.

Agenda: The Army Science Board Ad Hoc Subgroup on the Army Decontamination Program will meet for classified briefings and discussions on decontamination concepts, doctrine, force structure, training and materiel requirements. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695-3039 or 697-9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83-8974 Filed 4-5-83; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM79-34 and ST83-236]

Transportation Certificates for Natural Gas Displacement of Fuel Oil; Natural Gas Pipeline Company of America; Self-Implementing Transactions

March 31, 1983.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b) (2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

A "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's Regulations. Any interested persons may file a complaint concerning such transaction pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G" (HT) or "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

DOCKET NO. *	TRANSPORTER/SELLER	RECIPIENT	DATE FILED	PART 284 SUBPART	EXPIRATION DATE **	TRANSPORTATION RATE (¢/MMBTU)
ST83-236	NATURAL GAS PIPELINE CO. OF AMERICA	MICHIGAN WISCONSIN PIPE LINE CO.	2/ 1/83	G	-	-
ST83-237	GAS CO. OF NEW MEXICO	EL PASO NATURAL GAS CO.	2/ 1/83	G	-	-
ST83-238	UNITED GAS PIPE LINE CO.	HYDROCARBON LTD	2/ 1/83	B	-	-
ST83-239	MOUNTAIN FUEL SUPPLY CO.	NORTHERN NATURAL GAS CO.	2/ 3/83	G	-	-
ST83-240	LOUISIANA GAS INTRASTATE, INC.	ARKANSAS LOUISIANA GAS CO.	2/ 2/83	C	-	-
ST83-241	LOUISIANA GAS INTRASTATE, INC.	TEXAS EASTERN TRANSMISSION CORP.	2/ 2/83	C	-	-
ST83-242	LOUISIANA INTRASTATE GAS CORP.	TEXAS EASTERN TRANSMISSION CORP.	2/ 4/83	C	7/ 4/83	20.00
ST83-243	NATURAL GAS PIPELINE CO. OF AMERICA	NORTHERN INDIANA PUBLIC SERVICE CO.	2/ 7/83	B	-	-
ST83-244	TENNESSEE GAS PIPELINE CO.	EXCO GATHERING CO.	2/ 7/83	B	-	-
ST83-245	EAST TENNESSEE NATURAL GAS CO.	UNITED CITIES GAS CO.	2/ 8/83	B	-	-
ST83-246	NATURAL GAS PIPELINE CO. OF AMERICA	TENNESSEE GAS PIPELINE CO.	2/10/83	G	-	-
ST83-247	CHANNEL INDUSTRIES GAS CO.	TENNESSEE GAS PIPELINE CO.	2/10/83	C	-	-
ST83-248	RIVERWAY GAS PIPELINE CO.	TRANSCONTINENTAL GAS PIPE LINE CORP.	2/14/83	C	7/14/83	25.00
ST83-249	COLUMBIA GULF TRANSMISSION CO.	TENNESSEE GAS PIPELINE CO.	2/14/83	G	-	-
ST83-250	TEXAS EASTERN TRANSMISSION CORP.	PUBLIC SERVICE ELECTRIC AND GAS CO.	2/15/83	F	-	-
ST83-251	TEXAS EASTERN TRANSMISSION CORP.	TENNESSEE GAS PIPELINE CO.	2/15/83	G	-	-
ST83-252	TRANSCONTINENTAL GAS PIPE LINE CORP.	SOUTHERN NATURAL GAS CO.	2/16/83	G	-	-
ST83-253	TRANSCONTINENTAL GAS PIPE LINE CORP.	CITY OF LAWRENCEVILLE, GEORGIA	2/16/83	B	-	-
ST83-254	MOUNTAIN FUEL RESOURCES, INC.	NORTHERN NATURAL GAS CO.	2/16/83	G	-	-
ST83-255	COLUMBIA GULF TRANSMISSION CO.	LOUISIANA INTRASTATE GAS CORP.	2/17/83	B	-	-
ST83-256	TEXAS EASTERN TRANSMISSION CORP.	COLUMBIA GAS TRANSMISSION CORP.	2/18/83	G	-	-
ST83-257	DELHI GAS PIPELINE CORP.	PRIDGELINE GAS DISTRIBUTION CO.	2/18/83	D	-	-
ST83-258	KANSAS POWER AND LIGHT CO.	CAJUN NATURAL GAS CO.	2/17/83	D	-	-
ST83-259	CONSOLIDATED GAS SUPPLY CORP.	BAY STATE GAS CO.	2/14/83	F	-	-
ST83-260	SUGAR BOWL GAS CORP.	COLUMBIA GAS TRANSMISSION CORP.	2/22/83	C	-	-
ST83-261	COLUMBIA GULF TRANSMISSION CO.	MONTEREY PIPELINE CO.	2/22/83	C	-	-
ST83-262	TENNESSEE GAS PIPELINE CO.	FITCHBURG GAS AND ELECTRIC LIGHT CO.	2/22/83	B	-	-
ST83-263	UNITED GAS PIPE LINE CO.	TENNESSEE GAS PIPELINE CO.	2/25/83	G	-	-
ST83-264	OASIS PIPE LINE CO.	UNITED GAS PIPE LINE CO.	2/28/83	C	-	-
ST83-265	PRODUCER'S GAS CO.	TRANSWESTERN PIPELINE CO.	2/28/83	C	-	-
ST83-266	COLUMBIA GULF TRANSMISSION CO.	CONSOLIDATED GAS SUPPLY CORP.	2/28/83	G	-	-
ST83-267	SEAGULL PIPELINE CORP.	FLORIDA GAS TRANSMISSION CO.	2/24/83	C	7/24/83	10.00

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* THE NOTICING OF THESE FILINGS DOES NOT CONSTITUTE A DETERMINATION OF WHETHER THE FILINGS COMPLY WITH THE COMMISSION'S REGULATIONS.

** THE INTRASTATE PIPELINE HAS SOUGHT COMMISSION APPROVAL OF ITS TRANSPORTATION RATE PURSUANT TO SECTION 284.123(B)(2) OF THE COMMISSION'S REGULATIONS (18 CFR 284.123(P)(2)). SUCH RATES ARE DEEMED FAIR AND EQUITABLE IF THE COMMISSION DOES NOT TAKE ACTION BY THE DATE INDICATED.

[FR Doc. 83-8899 Filed 4-5-83; 8:45 am]
BILLING CODE 6717-01-C

[Docket No. CP83-

Crown Zellerbach Corp.; Application for Commission Certification of Qualifying Cogeneration Facility

March 31, 1983

On February 28, 1983, Crown Zellerbach Corporation, One Bush Street, San Francisco, California 94119, filed with the Federal Energy Regulatory Commission an application pursuant to Section 292.207 of the Commission's Regulations for certification as a qualifying cogeneration facility pursuant to Section 292.207 of the Commission's Regulations.

The topping-cycle cogeneration facility is located at the applicant's Avenue and Railroad Street in Camas, Clark County, Washington. The linerboard mill will produce steam contained in the exhaust gases of a combustion turbine generator. The heat recovery steam generator will be connected to a steam turbine generator extraction/condensing unit to produce electric power. Natural gas will be the source fuel for the combustion turbine. The electric power will be used in the operation of the facility. Installation of the facility is scheduled to begin in May 1983 with recovery of steam in October 1983. No electric power will be sold to any company. The facility will not be owned by an electric utility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before 15 days after publication of this notice in the Federal Register. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-9]
BILLING CO

[Docket No. QF83-168-001]

Crown Zellerbach Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

March 31, 1983.

On February 1, 1983, Crown Zellerbach Corp. of One Bush Street, San Francisco, California 94104, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility is under construction at Wilbur Avenue (P.O. Box 10), Antioch, California, at a facility which produces linerboard from waste or recycled container board. The facility will consist of a combined cycles gas turbine and heat recovery steam generator connected to an existing combination extraction/condensing steam turbine electric generator. The primary energy source to the facility will be natural gas. The electric power production capacity of the facility will be 48.5 megawatts. Installation of the gas turbine and heat recovery steam generator began in 1981. No electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8388 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-213-000]

Energenics Systems Inc., Crosscut Diversion; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 31, 1983.

On March 11, 1983, Energenics Systems, Inc., (Applicant), of 1100 17th Street, N.W. Suite 505, Washington, D.C. 20036, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric facility will be located in Fremont County, Idaho, near the Town of St. Anthony. The generating capacity of the facility will be 1.75 megawatts. There are no other facilities owned by the Applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8390 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-180-001]

Manville Forest Products Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

March 31, 1983.

On February 3, 1983, Manville Forest Products Corp., of P.O. Box 488, West Monroe, Louisiana 71291, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle facility will be located at West Monroe, Louisiana. The primary energy source will be biomass. The electric power production capacity will be 72.5 megawatts. The facility is an industrial power plant which supplies electic power and process steam to a large, integrated pulp and paper mill. The facility's last component was installed in 1977. No electric utility, electric utility's holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8393 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-171-000]

Orthopaedic Hospital; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

March 31, 1983.

On January 24, 1983, Orthopaedic Hospital of 2400 S. Flower Street, Los Angeles, California 90007, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will consist of two Onan 560 Turbine-Generator sets to provide the electrical power requirements of the hospital. The exhaust from the turbine is ducted to a heat recovery steam generator to supply the majority of the steam needs of the hospital. The facility will be located in Los Angeles, California. The primary energy source to the facility will be natural gas. The electric power production capacity of the facility will be 980 kilowatts. Installation of the facility will begin June

1, 1983. Applicant states no electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8885 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01

[Docket No. QF83-209-000]

Tenneco Oil Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

March 31, 1983.

On March 9, 1983, Tenneco Oil Company, of 4700 Stockdale Highway, P.O. Box 9909, Bakersfield, California 93389, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle facility will be located in Midway-Sunset Field, Kern County, California. The primary energy source to the facility will be natural gas. The electric power production capacity of the facility will be 550 kilowatts. The facility consists of a reciprocating gas engine and generator with heat exchangers to recover heat from the engine jacket cooling system and engine exhaust. Recovered heat will be used to preheat feed water running to steam generators which provide steam to enhance oil production. Installation of the facility is scheduled for the second quarter of 1983. Applicant states no electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8887 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-212-000]

Windmaster Partners 1983-1; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 31, 1983.

On March 14, 1983, Windmaster Partners 1983-1, (Applicant), of 106 K Street, Suite 200, Sacramento, California 95814, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The wind facility will be located in the Altamont Pass, Contra Casta County, California. The generating capacity of the facility will be 10,000 kilowatts. No other facility owned by the Applicant is located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8900 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-232-000]

Columbia Gulf Transmission Co.; Application

March 31, 1983.

Take notice that on March 15, 1983, Columbia Gulf Transmission company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP83-232-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport on a contract demand basis 2,000 Mcf per day of United's gas and such further volumes as Applicant agrees to accept produced from gas attributable to Cotton Petroleum's interest in the Trahan No. One Well in Vermilion Parish, Louisiana. It is stated that Applicant would transport United's gas from the point of receipt at the interconnection of United's facilities and Applicant's 4-inch Wright Field line in Vermilion Parish, Louisiana, to Applicant's Rayne compressor station near Rayne, Louisiana. Applicant would redeliver the gas to United by displacement at the outlet of Sea Robin Pipeline Company's (Sea Robin) measuring station at or near the terminus of Sea Robin's offshore pipeline near Erath, Louisiana. Applicant proposes to redeliver to United thermally equivalent quanities of gas less 2.05 percent of the volume received as fuel and unaccounted-for gas plus a *pro rata* share of volumes lost and/or unaccounted for in the Blue Water Project.

For such transportation service, Applicant proposes to change United a contract demand monthly charge of $4,648 for the contract-demand quantity and a commodity rate of 7.64 cents per Mcf of gas for any excess gas received for transportation at the point of receipt.

Applicant asserts that the subject transportation service would enable United to receive into its system gas supplies which are available to United.

Applicant states it would transport such gas for United pursuant to a gas transportation agreement dated December 8, 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 21, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protsts filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8887 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP78-65-015 et al.]

East Tennessee Natural Gas Company, et al.; Filing of Pipeline Refund Reports and Refund Plans

March 31, 1983.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 15, 1983. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
3/4/83	East Tennessee, Natural Gas Co..	RP78-65-015.....	Report.
3/4/83	Midwestern Gas Transmission Co.	RP80-23-014.....	Do.
3/7/83	Consolidated Gas Supply Corp..	RP72-157-061.....	Do.
3/7/83	Tennessee Gas Pipeline Co..	RP81-44-009.....	Do.
3/7/83	Tennessee Natural Gas Lines, Inc..	RP71-11-016.....	Do.

[FR Doc. 83-8889 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1555-000]

John D. Feehan; Application

March 31, 1983.

The filing individual submits the following:

Take notice that on March 24, 1983, John D. Feehan filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

President, Director, Chairman of the Board—Atlantic City Electric Company

Director, President—Deepwater Operating Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. (18 CFR Sections 385.211, 385.214). All such motions or protests should be filed on or before April 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8892 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-479-001]

Northwest Central Pipeline Corp.; Petition To Amend

March 31, 1983.

Take notice that on March 14, 1983, Northwest Central Pipeline Corporation (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-479-001 a petition to amend the order issued September 30, 1982, in Docket No. CP82-479-000 pursuant to Section 7 of the Natural Gas Act so as to permit Petitioner to use the prior notice procedure under Section 157.211 of the Commission's Regulations in connection with requests for sales taps to make direct sales to customers not currently receiving gas from Petitioner at another location on Petitioner's system, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that authorization to tap its transmission lines and install measuring facilities would permit it to make direct sales to small commercial and indistrial users located on or near its transmission facilities without the delay inherent in the preparation, filing for, and approval of applications for certificates of public convenience and necessity covering such sales. Petitioner further states that it is not prohibited by its tariff from adding delivery points to make such sals and that such sales would be limited to no more than 200 Mcf per day to any one customer.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 21, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to

intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8894 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01

[Docket No. CP81-276-001]

Texas Eastern Transmission Corp., and Sabine Production Co.; Petition To Amend

March 31, 1983.

Take notice that on March 11, 1983, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, and Sabine Production Company (Sabine), 1200 Mercantile Bank Building, Dallas, Texas 75201, filed in Docket No. CP81-276-001 a joint petition to amend the order issued August 31, 1981, in Docket No. CP81-276-000 pursuant to Section 7(c) of the Natural Gas Act so as to extend the term of an exchange of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that by order issued August 31, 1981, they were authorized to exchange natural gas until April 16, 1983, so that Sabine could conduct a gas lift operation to recover oil reserves from Wells No. 1 and 2 in Breton Sound Block 53, offshore Louisiana. It is asserted that approximately 80,000 barrels of oil would be produced if the gas lift operation were extended beyond April 16, 1983. Petitioners request that the current exchange authorization be extended until the permanent cessation of oil production from these wells. It is stated that this would take approximately four years.

Any person desiring to be heard or to mse any protest with reference to said petition to amend should on or before April 21, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8895 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2041-000]

John C. Vickery; Application

March 31, 1983.

The filing individual submits the following:

Take notice that on March 24, 1983, John C. Vickery filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Treasurer—Cliffs Electric Service Company
Director—Upper Peninsula Generating Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR Section 385.211, 385.214). All such motions or protests should be filed on or before April 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8891 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2038-000]

Stan Zagol; Application

March 31, 1983.

The filing individual submits the following:

Take notice that on March 14, 1983, Stan Zagol filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President—Orange and Rockland Utilities, Inc.
Vice President—Rockland Electric Company
Vice President—Pike County Light & Power Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before April 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8896 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-406-000]

Arkansas Power and Light Co.; Notice of Filing

April 1, 1983.

The filing Company submits the following:

Take notice that on March 24, 1983, Arkansas Power and Light Company (AP&L) tendered for filing the First Amendment to the Power Coordination, Interchange and Transmission Service Agreement between AP&L and the City of Osceola, Arkansas (City). The Amendment provides for a decrease in capacity made available at one point of delivery.

AP&L requests that the Commission waive any requirements with which AP&L has not already complied.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Captiol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8968 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-405-000]

Connecticut Light and Power Co.; Notice of Filing

April 1, 1983.

The filing Company submits the following:

Take notice that on March 23, 1983, Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to a Transmission Agreement dated May 1, 1982 between (1) CL&P and Western Massachusetts Electric Company (WMECO, and together with CL&P, the NU Companies) and (2) Braintree Electric Light Department (BELD).

CL&P states that the Transmission Agreement provides for transmission services to BELD for the wheeling of their purchase made from the Connecticut Municipal Electric Energy Cooperative (CMEEC) of a portion of CMEEC's entitlement in the Northfield Mountain Pumped Storage Project (the Project) during the period from November 1, 1982 to May 2, 1983.

The transmission charge rate is a weekly rate equal to one-fifty second (1/52) of the estimated annual average cost of transmission service on the electric transmission system of the NU Companies and determined in accordance with Appendix A and Exhibits I, II and III thereto, of the Transmission Agreement. The monthly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-week), and (ii) the number of kilowatts BELD is entitled to receive during each week of such month. The monthly transmission charge is reduced by 50 percent to give due recognition for payments made by BELD to other utility systems also providing transmission service.

CL&P requests an effective date of November 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon WMECO and BELD.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8989 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-407-000]

Delmarva Power & Light Co.; Filing

April 1, 1983.

The filing Company submits the following:

Take notice that Delmarva Power & Light Company (Delmarva) tendered for filing on March 25, 1983 revised tariff leaves:

1. First Revised Leaf No. 37, superseding Original Leaf No. 37.

2. First Revised Leaf No. 38, superseding Original Leaf No. 38.

In addition, also tendered for filing were service agreements between Delmarva for partial requirements service and for transmission service for the Town of Clayton and separate, similar agreements for the Town of Middletown, Delaware. The proposed effective date for the revised leaves is March 31, 1983. It is also requested that the revised tariff be suspended for not more than one day and that waiver of the notice period be granted.

A copy of the instant filing is being served upon each of the Company's resale customers and State Public Service Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8990 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-409-000]

Duke Power Co.; Notice of Filing

April 1, 1983.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on March 28, 1983 a supplement to the Company's Electric Power Contract with Pee Dee Electric Membership Corporation. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 137.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following changes in designated demand: Delivery Point No. 1 from 1,500 KW to 800 KW, Delivery Point No. 2 from 2,000 KW to 3,000 KW and Delivery Point No. 4 from 1,800 KW to 800 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of May 18, 1983.

According to Duke Power, copies of this filing were mailed to Pee Dee Electric Membership Corporation and the North Carolina Utilities Commission.

Any person desiring to be heard to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8991 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

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[Project No. 3774-001]

East Kentucky Power; Surrender of Preliminary Permit

April 1, 1983.

Take notice that East Kentucky Power, Permittee for the proposed Taylorsville Lock and Dam Project No. 3774, has requested that its preliminary permit be terminated. The permit was issued on September 4, 1981, and would have expired on August 31, 1983. The project would have been located on the Salt River in Spencer County, Kentucky.

The Permittee filed its request on March 2, 1983, and the surrender of the preliminary permit for Project No. 3774 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8992 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4761-001]

Energenics Systems, Inc. Surrender of Preliminary Permit

April 1, 1983.

Take notice that Energenics Systems, Inc. (Energenics), Permittee for the EL 85-Station 676+50 Hydroelectric Project No. 4761, has requested that its preliminary permit for the subject project be terminated. The permit for Project No. 5216 was issued on February 26, 1982, and would have expired on July 31, 1983. The project would have been located on the East Low Canal in Franklin County, Washington.

Energenics filed its request on March 14, 1983, and the surrender of the permit for Project No. 4761 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8993 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5940-001]

Energenics Systems, Inc.; Surrender of Preliminary permit

April 1, 1983.

Take notice that Energenics Systems, Inc., Permittee for the Green River Lock and Dam No. 1 Project No. 5940, has requested that its preliminary permit be terminated. The permit was issued on September 2, 1982, and would have expired on April 1, 1984. The project would have been located on the Green River, in Henderson County, Kentucky.

The Permittee filed its request on March 14, 1983, and the surrender of the preliminary permit for Project No. 5940 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8994 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6065-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

April 1, 1983.

Take notice that Energenics Systems, Inc., Permittee for the Thomaston Hydro Project No. 6065 located on the Naugatuck River in Litchfield County, Connecticut, has requested that its preliminary permit be terminated. The preliminary permit was issued on August 16, 1982, and would have expired on February 29, 1984. The Permittee states that Energenics has made engineering and other investigations and acquired data sufficient to determine that the proposed project is infeasible.

Energenics Systems, Inc.'s request was filed March 11, 1983. The surrender of the permit for Project No. 6065 is in the public interest and is accepted as of the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8995 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6131-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

April 1, 1983.

Take notice that Energenics Systems, Inc., Permittee for the Mansfield Hollow Project No. 6131 located on the Natchaug River in Tolland County, Connecticut, has requested that its preliminary permit be terminated. The preliminary permit was issued on August 19, 1982, and would have expired on February 29, 1984. The Permittee states that Energenics has made engineering and other investigations and acquired data sufficient to determine that the proposed project is infeasible.

Energenics Systems, Inc.'s request was filed March 11, 1983. The surrender of the permit for Project No. 6131 is in the public interest and is accepted as of the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8996 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-411-000]

Maine Electric Power Company, Inc.; Filing

April 1, 1983

The filing Company submits the following:

Take notice that on March 28, 1983, Maine Electric Power Company, Inc. (MEPCO) tendered for filing a rate for transmission service to be provided to Central Maine Power Company and Commonwealth Electric Company by MEPCO over its Transmission Facilities system.

MEPCO states that the rate applicable to the provision of transmission service is .03 cents per kilowatt per mile per year which is MEPCO's filed Rate Schedule FPC No. 1.

MEPCO requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Central Maine Power Company, Commonwealth Electric Company, the Maine Public Utilities Commission and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 20, 1983. Protests will be considered by the Commission in determining the appropriate action action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8997 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-408-000]

Michigan Power Co.; Notice of Filing

April 1, 1983.

The filing Company submits the following:

Take notice that on March 28, 1983, Michigan Power Company (Michigan) tendered for filing, proposed changes in Service Schedule B (Concurrent Exchange Service) of the Agreement between Michigan and Indiana &

Michigan Electric Company (I&M), heretofore designated by the Commission as I&M Rate Schedule FPC No. 25. The proposed rate increase would increase Michigan revenue for the service by $78,728. Michigan proposes that the rates become effective sixty days after its tendered filing date of March 28, 1983.

Copies of the filing were served upon the Indiana & Michigan Electric Company, the Michigan Public Service Commission and the Indiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8998 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-21-000]

Northern Natural Gas Co.; Complaint of Violations Under § 154.103 of the Commission's Regulations Under the Natural Gas Act and Titie I of the Natural Gas Policy Act

Issued March 31, 1983.

On March 4, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) filed a complaint with the Federal Energy Regulatory Commission against actions taken by Samson Resources Company, Kaiser-Francis Oil Company, Richard A. Williford, Panhandle Royalty Company, Thomas N. Berry & Company, and Steinberg Associates Ltd-77 (Respondents), in connection with the sale of gas from the Abraham No. 1-22 gas well (Abraham Well), located in Roger Mills County, Oklahoma, pursuant to the 18 CFR 385.206 of the Commission's Rules of Practice and Procedure (Rule 206).

Northern alleges that Respondents are in violation of provisions under the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (Supp. V 1982) (NGPA), the Natural Gas Act of 1938, 15 U.S.C. 717, *et seq.* (NGA) and well established principles of utility rate regulation. Northern requests that the Commission take jurisdiction over this complaint and set the matter asserted herein for informal conference or formal hearing as it deems appropriate under Rule 206.

Northern states that it purchased gas from the Abraham Well under gas purchase contracts executed with Respondents in December, 1979. This sale for resale is in interstate commerce and subject to the Commission's NGA jurisdiction. Northern further states that the subject gas purchase contracts each contain a take-or-pay provision, whereby Northern is obligated to take gas equal to 80 percent of the daily volume of gas the Abraham Well is capable of delivering, averaged over each "contract year." Should Northern in any contract year fail to meet its take obligation, Northern must pay for such gas not taken at the price in effect at the end of the contract year. Northern has the right to "make-up" deficiency purchases under the subject gas purchase contracts by taking gas in excess of the "contract volume" during the five year period following the year in which the deficiency occurred. The price to be paid for make-up gas is the difference, if any, between the price in effect at the time gas is taken and the price previously paid for the gas not taken. At the end of the five year make-up period the right to make-up deficient gas takes ceases, and Respondents have no obligation to refund any outstanding deficiency payment balance which remains.[1]

Northern avers that the take-or-pay provisions in the gas purchase contracts between Northern and Respondents, while possibly in conformity with the literal specification of § 154.103 [2] of the Commission's regulations, "fails to comply with the spirit and intent of such section." Northern contends that the makeup rights under the subject contracts are illusory and ineffective in that they do not permit Northern to receive gas previously paid for but not taken. Further, it will be physically and contractually impossible to makeup any significant volumes.

Northern states that the decline in demand for natural gas has caused it to incur, for the contract year ending June 30, 1981, a deficiency take obligation in the amount of $3,677,171. Additionally, Respondents demand a deficiency take payment for the contract year ending June 30, 1982, which totals $3,296,682. Northern contends that because it is unable to make up the deficiency incurred during the contract year ending June 30, 1981 due to a continuing decline in demand for gas in Northern's market, and a continuing decline in deliverability of gas volumes from the Abraham Well, which further reduces gas available as make up gas, the deficiency payment demanded by Respondents is not recoverable under the terms of the subject contracts. Northern has therefore refused to make a deficiency take payment for the contract year of June 30, 1982.[3]

Northern further contends that the receipt by Respondents of the amounts demanded pursuant to the take-or-pay provisions will result in a violation by Respondents of the maximum lawful price ceilings for those volumes of gas actually delivered under Title I of the NGPA. Thus, "if Northern were to make such payments, * * * it would be participating in or suffering the unlawful act, in violation of section 21(a) of the [NGA]."

Any person desiring to be heard or to make any protest to this complaint should file, within 30 days after notice is published in the **Federal Register**, within the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-8999 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

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[1] There are two exceptions to this provision. A cash repayment is required in the event a well: (1) Is plugged and abandoned, or (2) can not produce into the gathering line a daily volume of gas equal to twenty-five thousand cubic feet of gas prior to the termination of the five year make-up period.

[2] Section 154.103 provides that contracts executed after February 1, 1967 must allow a minimum of 5 years to make-up deficient takes under take or pay clauses unless the contract terminates earlier than the 5 year make-up period.

[3] Northern avers that it has attempted to negotiate a settlement of the dispute without success. Respondents have brought suit to enforce their alleged rights under the terms of the subject gas purchase contracts. *Kaiser-Francis Oil Company* v *Northern Natural Gas Company*, in the District Court of Tulsa County, State of Oklahoma (No. C-82-3291) and *Samson Resources Company, et al.* v *Northern Natural Gas Company*, in the United States District Court for the Northern District of Oklahoma (No. 82-C-1214-E).

[Project No. 5500-001]

Phi Sig Associates; Surrender of Preliminary Permit

April 1, 1983.

Take notice that Phi Sig Associates, Permittee for the Buck Creek Hydropower Project No. 5500, has requested that its preliminary permit for the subject project be terminated. The permit for Project No. 5500 was issued on March 30, 1982, and would have expired on August 31, 1983. The project would have been located on Buck Creek in Snohomish County, Washington.

Phi Sig Associates filed its request on November 5, 1982, and the surrender of the permit for Project No. 5500 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9000 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-410-000]

Washington Water Power Co.; Notice of Filing

April 1, 1983.

The filing Company submits the following:

Take notice that on March 28, 1983, the Washington Water Power Company (Washington) tendered for filing copies of three identified service schedules applicable to what Washington refers to as "Letter Agreements" between Washington and the City of Burbank, the City of Glendale, and the City of Pasadena which apply to the sale of energy which is surplus from Washington's portion of the Centralia coal-fired steam plant and other resources or purchases.

Washington requests an effective date of December 7, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9001 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-251-000]

The Washington Water Power Co.; Notice of Application

April 1, 1983.

Take notice that on March 25, 1983, The Washington Water Power Company (Applicant), East 1411 Madison Avenue, Spokane, Washington 99202, filed in Docket No. CP83-251-000 an application pursuant to Section 7(c) of the Natural Gas Act for a limited and restricted certificate of public convenience and necessity, if necessary, authorizing Applicant to release excess storage capacity to British Columbia Hydro and Power Authority (B.C. Hydro), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant is a one-third owner of the Jackson Prairie Storage Project (Jackson Prairie) located in Lewis County, Washington. Applicant states that, at the present time, it does not require the total daily and seasonal capacity available to it from Jackson Prairie. Applicant states that in order to reduce costs incurred in maintaining its available capacity from Jackson Prairie, Applicant has agreed to release to B.C. Hydro up to 50,572 Mcf of daily withdrawal capacity and 1,719,466 Mcf of seasonal storage capacity from Jackson Prairie. The release of storage capacity by Applicant to B.C. Hydro would be made pursuant to an agreement entitled Release of Jackson Prairie Storage Capacity (Storage Release). The term of the Storage Release is for an initial term of five years. It is asserted that Northwest Pipeline Corporation (Northwest) and Washington Natural Gas Company (Washington Natural), the other two owners of Jackson Prairie, do not require Applicant's excess storage capacity.

Northwest, on March 2, 1983, filed in Docket Nos. CP83-213-000 and CP83-214-000 applications pursuant to Sections 3 and 7 of the Natural Gas Act for the necessary transportation, abandonment, exchange, and import/export authority to effect the Storage Release.

Applicant does not believe any application by it for certificate authorization is required or necessary for the Commission to act upon Northwest's applications in Docket Nos. CP83-213-000 and CP83-214-000. Applicant asserts that Northwest's proposals, if granted by the Commission, would fully reflect the Commission's continuing jurisdiction over Jackson Prairie.

Further, Applicant states that if the Commission finds that certificate authorization is required, then it requests that:

(1) Any certificate granted be limited and restricted to Applicant's transaction in releasing one-half of its deliverability and seasonal capacity in Jackson Prairie to B.C. Hydro,

(2) Any certificate granted by order of the Commission confirm that Applicant is not a natural gas company under the Natural Gas Act for all its other operations, and

(3) The Commission's order expressly waive any requirements that Applicant file any reports with the Commission as required by the Commission's rules applicable to natural gas companies.

Applicant states that Northwest, by reason of the proposed release of storage capacity by Applicant, would concurrently reduce its obligation to sell and deliver natural gas to Applicant under Northwest's FERC Rate Schedule SGS-1 by the quantities of project storage capacity that Applicant would release to B.C. Hydro. It is asserted that the daily service to Applicant under Rate Schedule SGS-1 would be reduced by 530,000 therms from 1,048,000 therms to 518,000 therms and that Applicant's seasonal capacity would be reduced by 18,020,000 therms from 37,728,000 therms to 19,708,000 therms.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice

and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9002 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF81-5021-003]

Western Area Power Administration; Notice of Filing

April 1, 1983.

The filing agency submits the following:

Take notice that on March 21, 1983, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy (the Assistant Secretary), by Rate Order No. WAPA-18, submitted substitute power rates for final approval for the Colorado River Storage Project. The original rates were placed into effect on an interim basis on January 23, 1981, by Rate Order No. WAPA-4, extended on January 23, 1982, by Rate Order No. WAPA-7, and disapproved on October 12, 1982.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervence. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9003 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-412-000]

Wisconsin Power and Light Co.; Notice of Filing

April 1, 1983.

The filing Company submits the following:

Take notice that on March 28, 1983, Wisconsin Power and Light Company (WPL) tendered for filing a new wholesale power contract dated February 15, 1983 between the City of Sheboygan Falls (Sheboygan County), Wisconsin and WPL. WPL states that this contract supersedes the most recent wholesale power contract between the parties dated December 13, 1972.

WPL requests an effective date of February 15, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been provided to the City of Sheboygan Falls and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9004 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 1G2454/T407; PH-FRL 2235-2]

Acetochlor Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for residues of the herbicide acetochlor, in or on the raw agricultural commodities corn (all) grains and soybean grain.

DATE: These temporary tolerances expire March 21, 1985.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, that was published in the **Federal Register** on March 24, 1982 (47 FR 12679), announcing the establishment of temporary tolerances for residues of the herbicide acetochlor, in or on the raw agricultural commodities corn (all) grains at 0.1 part per million (ppm) and soybean grain at 0.4 ppm. These tolerances were issued in response to pesticide petition PP 1G2454, submitted by Monsanto Company, 1101 17th St., NW., Washington, D.C. 20036.

These temporary tolerances have been extended to permit the continued marketing of the raw agricultural commodities named above when treated in accordance with the provisions of experimental use permit (524-EUP-56), which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Monsanto Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire March 21, 1985. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked in the experimental use permit is revoked or if any experience or scientific data with this pesticide

indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981, (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a (j)))

Dated: March 22, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-8325 Filed 4-5-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-318; PH-FRL 2334-8]

Certain Companies Pesticide Petitions; Union Oil Co. of California et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide petitions relating to the establishment and/or exemption of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to: Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF–318] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, 703–557–1800.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide petitions relating to the establishment and/or exemption of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initial Filing

1. *PP 3F2826.* Union Chemicals Division, Union Oil Co., of California, 461 South Boylston St., Los Angeles, CA 90017. Proposes amending 40 CFR 180.1019 by establishing an exemption from the requirement of a tolerance for residues of sulfuric acid when used as a herbicide in or on all raw agricultural commodities. The proposed analytical method for determining residues is titiation with standard base.

2. *PP 2F2713.* Biochemical Research Corp., 140 Little Falls St., Suite 28, Falls Church, VA 22046. Proposes amending 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for residues of the plant growth regulatory 1-triacontanol in or on all raw agricultural commodities. The proposed analytical method for determining residues is electron capture gas chromatography.

3. *PP 3F2839.* Rohm & Haas Co., Independence Mall, West Philadelphia, PA 19105. Proposes amending 40 CFR 180.317 by establishing tolerance for residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide in or on the commodity safflower at 0.1 part per million (ppm). The proposed analytical method for determining residues is electron capture gas liquid chromatography.

4. *PP 2F2681.* Monsanto Co., 1101 17th St., NW., Washington, D.C. 20036. Proposes amending 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for residues of the cross-linked polyurea-type polymer formed by reacting polymethylene polyphenylisocyanate and hexamethylene diamine when used for encapsulating alachlor (2-chloro-*N*-(2,6-diethylphenyl)-N-(methoxymethyl) acetamide) in dry beans, lima beans, peas, potatoes, and soybeans.

5. *PP 3F2832.* Monsanto Co. Proposes amending 40 CFR 180.249 by establishing tolerance for residues of the herbicide alachlor (2-chloro-*N*-(2,6-diethylphenyl)-*N*-(methoxymethyl) acetamide) in or on the commodity soybean hay at 1.0 ppm. The proposed analytical method for determining residues is gas chromatography using a nitrogen specific detector.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: March 22, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-8326 Filed 4-4-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-319; PH-FRL 2235-1]

Certain Companies Pesticide and Feed Additive Petitions; Rhone-Poulenc Inc., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions, relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to: Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF–319] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, 703–557–1900.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

I. Initial Filing

PP 3F2840, PP 3F2841. Rhone-Poulenc Inc., Agrochemical Division, P.O. Box 125, Monmouth Junction, NJ 08852. Proposes amending 40 CFR 180.399 by establishing tolerances for the combined residues of the fungicide iprodione [3-(3,5-dichlorophenyl)-*N*(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide], its isomer [3-(1-methylethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide, and its

metabolite [3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide] in or on the commodity lettuce at 7.0 parts per million (ppm) (PP 3F2840), and garlic at 0.1 ppm (PP 3F2841). The proposed analytical method for determining residues is gas liquid chromatography with electron capture detector.

II. Amendment

1. *FAP 2H5369.* Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409. EPA issued a notice published in the **Federal Register** of November 24, 1982 (47 FR 53116) that announced that Ciba-Geigy Corp. had submitted feed additive petition 2H5369 to the Agency proposing to amend 21 CFR Part 561 by establishing a regulation permitting the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety each expressed as metalaxyl, in or on the commodities soybean hulls, meal, soapstock, and milling fractions of wheat at 1.0 ppm.

Ciba-Geigy Corp. has amended the petition by including the metabolite *N*-(2-hydroxymethyl-6-methylphenyl)-*N*-(methoxyacetyl)alanine methylester, each expressed as metalaxyl in the tolerance expression.

2. *PP 2F2764.* Ciba-Geigy Corp. EPA issued a notice published in the **Federal Register** of November 24, 1982 (47 FR 53116) that announced that Ciba-Geigy Corp. had submitted pesticide petition 2F2764 to the Agency proposing to amend 40 CFR 180.408 by establishing tolerances for the combined residues of the fungicide metalaxyl and its metabolites in or on the commodities soybeans at 0.5 ppm, soybean fodder and forage at 7.0 ppm, wheat grain at 0.2 ppm, and wheat forage and straw at 2.0 ppm.

Ciba-Geigy has amended the petition by adding the metabolite *N*-(2-hydroxymethyl-6-methylphenyl)-*N*-(methoxyacetyl)alanine methylester, each expressed as metalaxyl in the tolerance expression. The proposed analytical method for determining residues is by gas liquid chromatography electron capture detector.

3. *PP 2F2728.* Rhone-Poulenc Inc. EPA issued a notice published in the **Federal Register** of September 22, 1982 (47 FR 41854) that announced that Rhone-Poulenc had submitted pesticide petition 2F2728 to the Agency proposing to amend 40 CFR 180.399 by establishing tolerances as follows.

(a) For residues of the fungicide iprodione 3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1 imidazolidinecarboxamide and its metabolites 3-(1-methylethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide and 3-(3,5-dichlorophenyl-2,4-dioxo-1-imidazolidinecarboxamide, in or on the raw agricultural commodities almond nutmeat at 0.05 ppm and almond hulls at 0.25 ppm.

(b) For the combined residues of 3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide and its non-hydroxylated metabolites, typically 3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide, by converting the nonhydroxylated phenyl ring moiety to the *N*-heptaflurorbutyrate derivative of 3-,5-dichloroaniline common moiety, as iprodione equivalents in or on the raw agricultural commodities meat, meat byproducts (meat, kidney, fat, and liver) of cattle, goats, hogs, horses, and sheep at 0.08 ppm.

(c) For the combined residues of 3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide, 3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide, and *N*-(3,5-dichloro-4-hydroxyphenyl)-ureido carboxamide by converting respectively, the hydroxylated and the non-hydroxylated and the nonhydroxylated moiety to the 4-methoxy-3,5-dichloroaniline and the 3,5-dichloroaniline heptafluorobutyrates, as iprodione equivalents in or on the commodity milk at 0.15 ppm.

Rhone-Poulenc Inc. has amended the petition in II.2.(b) and (c) above as follows:

II.2.(b), decrease the tolerance levels for meat and meat byproducts (meat, kidney, fat, liver) of cattle, goats, hogs, horses, and sheep from 0.80 ppm, to 0.1 ppm.

II.2.(c), decrease the tolerance level for milk from 0.15 ppm to 0.02 ppm. The proposed analytical method for determining residues is gas liquid chromatography with electron capture detector.

(Sec. 408(d)(I), 68 Stat. 512, (7 U.S.C 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: March 22, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-8327 Filed 4-5-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59118A; TSH-FRL 2339-1]

Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of TM-83-27, and TM-83-28, two applications for test marketing exemptions (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

EFFECTIVE DATE: March 25, 1983.

FOR FURTHER INFORMATION CONTACT: Theodore C. Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-204, 401 M St. SW., Washington, DC 20460 (202-382-3725).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and for the time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restrictions apply:

1. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

TME 83-27

Date of Receipt: February 14, 1983.
Notice of Receipt: February 28, 1983 (48 FR 8343).
Applicant: Confidential.
Chemical: Zirconium propanolate substituted (Generic).
Use: Confidential.
Production Volume: Confidential.
Number of Customers: 4.

Test Marketing Exemption Period: 6 months.
Commencing on: March 25, 1983.
Risk Assessment: During manufacture and for the use described in the test market, no significant worker or environmental exposure is expected. Some concern was identified for potential lung irritation if respirable particles are inhaled. Manufacture takes place in a closed system and the density and particle size of the powder are expected to preclude significant inhalation exposure. The test market substance may be moderately toxic to aquatic organisms but no significant release to the environment is expected for this use.
Public Comments: None.

TME 83-28

Date of Receipt: February 15, 1983.
Notice of Receipt: February 28, 1983 (48 FR 8343).
Applicant: Confidential.
Chemical: Modified rosin condensation product (Generic).
Use: Hot melt adhesives.
Production Volume: Confidential.
Number of Customers: One
Test Marketing Exemption Period: 4 months.
Commencing on: March 25, 1983.
Risk Assessment: No significant health or ecotox concerns were identified. Worker exposure and environmental release are expected to be low.
Public Comments: None.

The Agency reserves the right to rescind approval of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk to health or the environment.

Dated: March 25, 1983.

Don R. Clay,
Director, Office of Toxic Substances.

[FR Doc. 83-8931 4-5-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; Madison Agency, Inc.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Madison Agency, Inc.*, Madison, Minnesota; to acquire 87.6 percent of the voting shares or assets of Sanborn State Bank, Sanborn, Minnesota. Comments on this application must be received not later than April 29, 1983.

B. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Sierra Petroleum Co., Inc.*, Wichita, Kansas; to acquire 24.9 percent of the voting and 100 percent of the nonvoting common shares or assets of Hutchinson Financial Corportion, Hutchinson, Kansas, and thereby indirectly acquire 99.76 percent of Hutchinson National Bank, Hutchinson, Kansas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than April 29, 1983.

Board of Governors of the Federal Reserve System, March 31, 1983.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 83-8905 Filed 4-5-83; 8:45 am]
BILLING CODE [illegible]

Formation of Bank Holding Companies; First Carmi Bancshares, Inc.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Carmi Bancshares, Inc.*, Carmi, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The First National Bank of Carmi, Carmi, Illinois. Comments on this application must be received not later than April 29, 1983.

2. *Lake Valley Bancorp, Inc.*, Taylorsville, Kentucky; to become a bank holding company by acquiring 96.8 percent of the voting shares of The Peoples Bank, Taylorsville, Kentucky. Comments on this application must be received not later than April 29, 1983.

3. *Peoples Bancorp of Green County, Inc.*, Greensburg, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of The Peoples Bank & Trust Company, Greensburg, Kentucky. Comments on this application must be received not later than April 29, 1983.

B. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Hutchinson Financial Corporation*, Wichita, Kansas; to become a bank holding company by acquiring 99.76 percent of the voting shares of Hutchinson National Bank, Hutchinson, Kansas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than April 29, 1983.

Board of Governors of the Federal Reserve System, March 31, 1983.

James McAfee,
Associate Secretary of the Board

[FR Doc. 83-8904 Filed 4-5-83; 8:45 am]
BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities; Moore Financial Group Incorporated

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*),

directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve bank not later than the date indicated.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Moore Financial Group Incorporated,* Boise, Idaho, (commercial lending, loans servicing and leasing activities; Washington, Northern Idaho, Montana): To engage, through its subsidiary, Moore Corporate Financial Services, Inc., from an office located in Spokane, Washington, in making or acquiring loans and other extensions of credit such as would be made by a commercial finance company, including commercial loans secured by a borrower's inventory, accounts receivable, or other assets; servicing such loans for others; and making leases of real or personal property in accordance with the Board's Regulation Y. These activities would be performed in the States of Washington, Northern Idaho and Montana. Comments on this application must be received not later than April 29, 1983.

2. *Union Bancorp,* Los Angeles, California and its parent holding companies (Standard Chartered Overseas Holdings, Ltd. and Standard Chartered Bank PLC) (commercial financing, leasing and servicing activities; United States): To engage through its subsidiary StanChart Business Credit, in making, servicing or acquiring for its own account or for the account of others, asset based business loans and other commercial or industrial loans and other extensions of credit, such as would be make by a factoring, rediscount or commercial finance company, and leasing and servicing activities with respect to personal property and equipment and real property. These activities will be conducted from an office in Los Angeles, California serving potential customers throughout the country. Comments on this application must be received not later than April 29, 1983.

Board of Governors of the Federal Reserve System, March 31, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-8806 Filed 4-5-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Office of Federal Supply and Services

Commuted Rate Schedule for Transportation of Household Goods; Availability

The Office of Federal Supply and Services issued on March 14, 1983, Supplement 98 to GSA Bulletin FPMR A-2. Commuted rate schedule for transportation of household goods. The rates and allowances in this supplement are effective for shipments moved on or after January 3, 1983. Supplement 98 transmits the current reimbursable allowances for employees who move their own household goods from one official station to another. Agencies should contact their agency headquarters publications Liaison Officer regarding receipt of copies.

Dated: March 28, 1983.

R. D. Daniere,

Deputy Assistant Administrator for Federal Supply and Services.

[FR Doc. 83-8865 Filed 4-5-83; 8:45 am]

BILLING CODE 6820-AM-M

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Information Capture, Storage, and Retrieval Perpetuation Subcommittee of the Advisory Committee on Preservation will meet on April 25, 1983 from 10:00 a.m. to 4:00 p.m., and April 26, 1983 from 9:00 a.m. to 4:00 p.m. in Room 105, National Archives Building, Washington, D.C. This meeting will be devoted to micrographics program coherency and standards, and media transfer alternatives as related to the mission of the National Archives.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: March 25, 1983.

George N. Scaboo,

Acting Archivist of the United States.

[FR Doc. 83-8806 Filed 4-5-83; 8:45 am]

BILLING CODE 6325-35-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Correlation of Fit Factors and Workplace Protection Factors; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Date: April 28, 1983
Time: 9:00 a.m. to 4:30 p.m.
Place: Appalachian Laboratory for Occupational Safety and Health, Safety Wing, Room 120, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505
Purpose: To discuss the experimental protocol developed to study the relationship between fit factors and workplace protection factors. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.
Additional information may be obtained from: Warren R. Meyers, Division of Safety Research, National Institute for Occupational Safety and Health, Centers for Disease Control, 944 Chestnut Ridge Road, Morgantown, WV 26505, Telephone: (304) 291-4361 or FTS 923-4361

Dated: March 30, 1983.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83-8940 Filed 4-5-83; 8:45 am]

BILLING CODE 4160-19-M

Mine Health Research Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health (NIOSH) committee meeting:

Name: Mine Health Research Advisory Committee

Dates: May 9–10, 1983
Place: Auditorium B, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333
Time: 9:00 a.m. to 4:30 p.m.—May 9; 8:00 a.m. to 12:00 noon—May 10
Type of Meeting: Open
Contact Person: Roy M. Fleming, Sc.D., Executive Secretary, HHS North Building, Room 1060, 330 Independence Avenue, SW., Washington, D.C. 20201, Telephone: 202/472–7134
Purpose: The Committee is charged with advising the Secretary of Health and Human Services on matters involving or relating to mine health research, including grants and contracts for such research.
Agenda: Agenda items will include announcements, consideration of minutes of previous meeting and future meeting dates, overview of the NIOSH mining program, research report on lung changes in newly-hired miners, peer review discussion, prevention strategies for lung diseases, and Coal Study Subcommittee report.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. Anyone wishing to make an oral presentation should notify the contact person listed above as soon as possible before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits. Anyone wishing to have a question answered during the meeting by a schedule speaker should submit the question in writing, along with his or her name and affiliation, through the Executive Secretary to the Chairperson. At the discretion of the Chairperson and as time permits, appropriate questions will be asked of the speakers.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: March 30, 1983.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83–8941 Filed 4–5–83; 8:45 am]

BILLING CODE 4160–19–M

Health Care Financing Administration

Health Financing Research and Demonstration Grants; Availability of Funds for Grants

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: This document announces additional priority subject areas for research and demonstration grants for fiscal year 1983, in addition to those included in the **Federal Register** on September 16, 1982 (47 FR 41090).

DATES: Closing dates for submission of grant applications are presented in Section III of this notice.

FOR FURTHER INFORMATION CONTACT: Frances Lariviere, (301) 594–7474.

If you choose, you may write for information to the following address: Health Care Financing Administration, Office of Research and Demonstrations, Program Support Office, Area 2–B–12, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

SUPPLEMENTARY INFORMATION: HCFA makes funds available for activities that will help to resolve major health financing policy and program issues or to develop innovative methods for the administration of Medicare and Medicaid. A general notice entitled "Health Financing Research and Demonstration Grants; Availability of Funds for Grants" that was published in the **Federal Register** on September 16, 1982 (47 FR 41090), announced subject areas for grants that will be given priority for fiscal year 1983 and contained information about project requirements, application procedures, amounts and duration of grants and waivers of State plan requirements for demonstration projects. We are now announcing additional priority subject areas for fiscal year 1983.

I. Background

The September 16, 1982 general notice (as amended by the notice published November 24, 1982, at 47 FR 53129) specified the basis for HCFA's authorities for making grants, the regulations governing the administration of the grants, the number and size of the grants, the duration of funding, the selection criteria, and the procedures for applications. That information remains the same for this general notice.

II. Grants Subject Matter

We described in detail eight current priorities in the September notice. They are: 1. End Stage Renal Disease (ESRD) Treatment, 2. Long Term Care, 3. Hospital Outpatient Reimbursement Systems, 4. Competition, 5. Prevention, 6. Capital, 7. Durable Medical Equipment and 8. Appropriate Utilization. We are now adding in the appropriate numerical order, the following priorities to those above:

1. ESRD

I. *Demonstration Projects.* We are now soliciting demonstration projects which would test the cost-effectiveness of alternative reimbursement approaches used in the payment of ESRD. These approaches might include the design and implementaion of voucher systems and competitive bidding to encourage the delivery of ESRD services at a lower cost than is not possible under existing reimbursement systems. The reimbursement system proposed should address what services are covered (i.e., all medical care, ESRD related medical care, or maintenance dialysis only), how the level of payment is established (home or center dialysis), and the quality assurance safeguards that will be established.

II. *Research Projects.* In addition to the two ESRD research topics already published (a. An analysis of differences in outcomes and related factors in kidney transplants, and b. Development and testing of systems that include incentives to promote availability of kidneys) HCFA is interested in generating information on the variations in dialysis costs which are attributable to case-mix, organizational characteristics and other variables.

c. Applications are being sought to study the direct and indirect costs of providing renal dialysis care. The direct costs to institutional providers would include such items as personnel, machines, supplies, overhead and any special services needed, for example, to provide dialysis care to hard to treat patients. Indirect costs which might be considered in the analysis would include patient travel time, out of pocket expenses, loss of work time, etc. The analysis should relate the cost of care to such determinants as case mix differences, type of therapy offered and type of facility as well as any other factors that could explain the variations in costs.

9. Medicaid

HCFA is interested in receiving section 1115 applications for State Medicaid agencies to analysze the effects of recent Federal laws on Medicaid recipients. These laws, the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499), the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), and the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248), contain numerous provisions which permit increased flexibility to the States in operating their Medicaid programs. New options include, among other provisions, waiver of freedom of choice of provider and statewideness of benefits, the introduction of a home and community based services waiver to provide alternatives to institutionalization, and provision for a

variety of reimbursement methods. Many States have responded to these provisions by altering Medicaid program eligibility, benefits, and reimbursement. Applications should related specific changes (describing the nature and extend of implementation as well as the intent of such changes) with specific types of effects. Possible topics include the impact of case management and other innovature programs on integration of services, access to care, and patterns of care; the impact and cost-effectiveness of home and community-based services; and the results of changes in eligibility requirements or procedures on the affected population and the State program. This research is intended to give HCFA a preliminary idea of the impact of these changes. We intend to solicit proposals at a later date for contracts to do more comprehensive studies of this area. For this subject area only, grants will limited to 6 months and not more than $60,000, subject to the cost sharing requirement described in section VI.C. of the September notice.

10. Diagnosis Related Groups

HCFA is also soliciting research to refine further the Diagnosis Related Groups (DRGs) for Medicare hospital payment. While the Medicare prospective payment system contains several features that take severity of illness into account, we are also interested in further research in this area. Therefore, we are requesting projects that would develop, refine and test modifications in the existing DRGs with respect to severity of illness.

11. Other Areas

We are also soliciting innovative projects that explore other Medicare and Medicaid financing issues. Projects may consider generic issues such as alternative methods of apyments (other than hospital payments which are governed by the notice published October 8, 1982), coverage, or delivery systems. Specific problems may be addressed, such as the cost effects of increased use of alternative health care providers such as auxiliary or specialized staff.

III. Closing Dates and Time

We process grant applications twice a year and make award announcements approximately five to six months after the closing date. The following closing dates apply for grant applications with or without requests for waivers:

FY 83

Monday, May 2, 1983.

FY 84

Monday, November 7, 1983; Monday, May 7, 1984.

We are changing the closing dates for quarterly reviews of waiver-only applications from those published in the September notice. The new closing dates are the first Monday of the second month of the quarter, i.e., February, May, August and November of each year. For all dates, the closing time is not later than 4:30 P.M., local Baltimore, Maryland time.

Mailed applications will be "on time" if they are either postmarked (first class mail) or received by the deadline. Because of the importance of the postmark, we encourage applicants to request the post office to provide a legible U.S. Postal Service postmark. If express mail or certified or registered mail is used, the applicant should obtain a legible dated mailing receipt from the U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing. Applications submitted by any means other than mailing first class through the U.S. Postal Service are considered as meeting the deadline only if they are physically received at the place specified in the notice on or before the deadline date. We will acknowledge receipt of each application, and will carry over late applications until the next closing date unless the applicant notifies HCFA's Project Grant Branch that it is being withdrawn.

(Sec. 1110, 1115, 1875, and 1881(f) of the Social Security Act (42 U.S.C. 1310, 1315, 1395, 1395rr(f); sec. 222(a) of the Social Security Amendments of 1972 (42 U.S.C. 1395b–1 (note)); sec. 402 of the Social Security Amendments of 1967 (42 U.S.C., 1395b–1)

(Catalog of Federal Domestic Assistance Program No. 13,766 Health Financing Research, Demonstrations and Experiments)

Dated: March 29, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83–9021 Filed 4–5–83; 8:45 am]

BILLING CODE 4120–03–M

Health Resources and Services Administration

Health Professions and Nursing Student Loans; "Low Income Levels" for Loan Repayment, Health Careers Opportunity Grants and Nursing Special Project Grants

This Notice updates the income levels that are used to define a "low income family" for purposes of repayment of educational loans and for the support of training for individuals from disadvantaged backgrounds as provided for under sections 787 and 788, Health Careers Opportunity Grants; and section 820, Nursing Special Project Grants of the Public Health Service Act.

Under sections 741(1) and 836(j) and the applicable program regulations, the Secretary of Health and Human Services may repay all or part of an individual's educational loan made after November 17, 1971, to meet the costs of attending a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or nursing if the Secretary determines that the individual meets all of the following:

(1) Failed, after November 17, 1971, to complete the health professions studies leading to the individual's first professional degree or to complete the specified nursing studies for which the loan(s) was made;

(2) Is in exceptionally needy circumstances;

(3) Is from a low income or disadvantaged family; and

(4) Has not resumed or cannot reasonably be expected to resume the course of study within 2 years following the date the individual ended the studies.

Sections 57.214(c) and 57.317(c) of the applicable program regulations (42 CFR Part 57, Subparts C and D) require the Secretary to publish annually in the **Federal Register** the low income levels which will be used in determining an applicant's eligibility for this repayment program. Aside from their use in determining whether an individual comes from a "low income family," these income levels, together with other relevant factors such as value of assets, unusual expenses, income available to the individual, etc., are also considered in determining whether an individual is "in exceptionally needy circumstances" or is from a "disadvantaged family."

The income figures below were taken from low income levels, published by the U.S. Bureau of Census, using an index adopted by a Federal Interagency Committee for use in a variety of Federal Programs, then multiplied by a factor of 1.3 for adaptation to the Health Professions and Nursing Student Loan Programs and other designated grant programs for which training for individuals from disadvantaged backgrounds is supported. The income figures have been updated to reflect increases in the Consumer Price Index through December 31, 1982.

Size of parent's family (includes only dependents listed on Federal income tax forms)	Income Level [1]
1	$[illegible]
2	[illegible]

Size of parent's family (includes only dependents listed on Federal income tax forms)	Income Level [1]
3	10,000
4	12,800
5	15,100
6 or more	17,100

[1] Income level (adjusted gross income for calendar year 1982).

Dated: March 30, 1983.

Robert Graham, M.D.,

Administrator.

[FR Doc. 83-8903 Filed 4-5-83; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Statute of Limitations Claims List

Correction

In FR Doc 83-8255 beginning on page 13698 in the issue of Thursday, March 31, 1983, make the following corrections:

1. On page 13698, first column, under "FOR FURTHER INFORMATION CONTACT", in the address for the Portland Area Director, "NW" should read "NE"; in the second column, in the entry for the Navajo Area Director, the telephone number should read "871-5151"; also in the second column, in the "SUPPLEMENTARY INFORMATION" section, second paragraph, seventh line, "where" should read "were".

2. On page 13698, in the third column, first paragraph in the first sentence the word "not" is inserted between "claims" and "included" so the sentence reads as follows: "For claims not included on either published list of claims, any right of action shall be barred 60 days after the publication of the supplemental list."

3. In the same paragraph, 17th line, "reasonable" should read "reasonably"; and in the 18th line, "breifly"should read "briefly".

4. On page 13699, second column, second full paragraph, first line, "contain" should read "contains"; and in the third line, "allottee" should read "Allottee".

5. Also on page 13699, third column, in the next to last line, "Ofice" should read "Office".

BILLING CODE 1505-01

Bureau of Land Management

[I-18298]

Competitive Sale of Public Lands; Idaho

AGENCY: Bureau of Land Management, Department of Interior.

ACTION: Notice of Realty Action, I-18298, Modified Competitive Sale of public lands in Lincoln County, Idaho.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of these tracts is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered for sale at public auction for no less than the appraised fair market value of $3,500.00. Both sealed and oral bids will be accepted.

T. 5S., R. 18 East, Boise Meridian, Lincoln County, Idaho
Section 4: NW¼SE¼SW¼
Section 9: N½NW¼NW¼NW¼, SW¼NW¼NW¼NW¼.

The above aggregates 17.5 acres.

Upon publication of this Notice in the **Federal Register**, the land described above will be segregated from all forms of appropriations under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two year period.

A patent for the land, when issued, shall be subject to the following reservations:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All minerals including Gas & Oil shall be reserved to the United States, as required by Section 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.

3. All valid existing rights and reservations of record.

The sale will be held at the Shoshone District Office, Bureau of Land Management, 400 West F. Street, Shoshone, Idaho at 10:00 A.M., Friday, June 3, 1983. Additional information concerning this land, terms and conditions of sale, and bidding instructions may be obtained from the Shoshone District Manager at the above address, or by calling 886-2206.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

For further information contact:

Charles J. Haszier,

District Manager.

Dated: March 29, 1983.

[FR Doc. 83-8933 Filed 4-5-83; 8:45 am]

BILLING CODE 4310-84-M

State of California; Call for Application for Wind Energy Development in the Mountain Pass Area

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice. State of California; Call for Applications for Wind Energy Development in the Mountain Pass area.

SUMMARY: The Mountain Pass area located in Southern California approximately fifteen (15) miles west of the Nevada State Line has been identified for potential wind energy development. In response to applications filed by private interests to develop the wind resource, the Bureau of Land Management (BLM) will prepare an environmental document assessing the impacts of development within the 200 square mile area.

The objectives of the Bureau are to:

1. Ensure timely and orderly development of this important resource in a manner compatible with the use of the public lands for other purposes;

2. Assure that wind exploration, development and production is conducted with maximum protection of the environment, and;

3. Assure the public a fair return for the use of public lands and the use of its renewable resources.

To assist the Director of the BLM in carrying out these objectives and pursuant to Pub. L. 94-579, Title V of the Federal Land Policy and Management Act of 1976 (FLPMA), and 43 CFR Part 2800, requests for applications in addition to those already filed, are now being solicited from interested individuals for the next 60 days for possible granting of rights-of-way for wind power generating facilities on public lands.

Description of the Area

Applications will be considered within the area shown on the Mountain Pass Wind Study Map available at the BLM California Desert District Office, Riverside, California; Needles Resource Area Office, Needles; Barstow Resource Area Office, Barstow, California. Public

lands contained within the study area include:

T. 14 N., R. 14 E.; SBBM: section 5–8 inclusive, 17, 18 (E ½)
T. 15 N., R. 13 E.; SBBM: section 1–3 inclusive, 11–14 inclusive, 25
T. 15 N., R. 14 E.; SBBM: section 1–11 inclusive, 14, 15, 17, 19–22 inclusive, 30, 32, 33
T. 15½ N., R. 14 E.; SBBM: sections 19–35 inclusive
T. 16 N., R. 13 E.; SBBM: sections 1–15 inclusive, 17, 18, 20–29 inclusive, 32–35 inclusive
T. 17 N., R. 13 E.; SBBM: sections 1–5 (S ½'s only) inclusive, 8–15 inclusive, 23, 24, 25 (N ½), 26 (N ½), 35 (all but SE ¼)
T. 16 N., R. 14 E.; SBBM: sections 17, 18, 21, 27–31 inclusive, 33, 34
T. 18 N., R. 12 E.; SBBM: sections 5–8 inclusive, 17–19 inclusive
T. 18 N., R. 14 E.; SBBM: sections 20 (N ½), 34 (N ½)
T. 17 N., R. 17 E.; SBBM: sections 18 (S ½), 19–21 inclusive, 28, 29, 31–33 inclusive

Permits to enter public lands in this area may be obtained by contacting the BLM, Needles Resource Area Office, 641 Front Street, Suite B, needles, CA 92363.

Right-of-way

Applications must be submitted no later than 60 days from the date of this notice. No other applications will be accepted after this date for inclusion in the environmental document. In accordance with 43 CFR Part 2800, Rights-of-Way Principles and Procedures, applicants will furnish BLM a project description detailing what is being proposed and the time period involved; a legal description of lands you wish to apply for with a map showing their location; a non-refundable check to cover processing fees as explained in 43 CFR 2801.1–1; and a copy of the company's charter or articles of incorporation certified by the State. The project description shall be in sufficient detail to enable the authorized officer to determine:

1. Its impact to the environment,
2. Any benefits provided to the public,
3. Safety of the proposal, and
4. The specific public lands proposed to be occupied.

The environmental document will be funded in accordance with 43 CFR 2803.1–1(a)(1).

To accomplish the above and to ensure that applications will be properly analyzed on a site-specific basis for the environmental document, the project description accompanying the application must include all of the information provided below:

Project Description

1. Applicant.
2. Contact—include phone number of project coordinator and engineer.
3. Manufacturer.
4. Location—include a legal description, acreage compilation, and map for all public lands under application.
5. Wind Machine Model—if more than one machine is under consideration for deployment, include specifications for all types. Describe under what conditions one type of machine would be used over another.
6. Physical Specifications:
   Total height.
   Tower height.
   Rotor diameter.
   Total weight.
   Weight of blades.
   Foundation construction (width, depth and height).
   Material specifications including weight of foundation.
   Tower construction—materials and components.
   Blade construction—materials and components.
   Photograph of wind turbine generator model (8 x 10, Black and White).
   Structure designs for the tower and foundation should be supplied.
7. Performance Specification:
   Rotation speed (rotor RPM).
   Speed of blade tips.
   Power output.
   Cut-in speed.
   Noise generation.
   Cut-out speed.
   Rated wind speed.
   Rotor orientation.
   Generator RPM.
   Generator type.
   Gear box step-up ratio.
   Gear box type.
8. Projected Annual Production:
   Output based on annual average wind speed.
9. Additional Information:
   Rotor, hardware specification (i.e., type, size).
   Alternator, hardware specification (i.e., type, size).
10. Brake system:
   Type.
11. Control Functions:
   Automatic yaw.
   Failsafe brake application and release.
   Alternator voltage and phasing.
   Circut breakers for overcurrent control.
12. Variables Monitored—describe your plans for monitoring the following items:
   Alternator output.
   Rotor speed.
   Wind speed.
   Wind direction.
13. Safety Features:
   Electrical systems designed to comply with the National Electrical Code.
   Lightning protection of all circuits.
   Blade throw and probability of occurrence.
14. Wind Machine Construction Activities:
   Site preparation (both temporary and permanent).
   Temporary use areas. Construction yards for material storage and equipment maintenance stations. Provide security arrangements. Equipment pads or leveled areas at each tower site to facilitate equipment operation should be identified. A table similar to that shown below can be used to summarize land areas occupied.

Summary of Land Areas Temporarily and Permanently Occupied

Units	Acres temporarily occupied	Acres permanently occupied
WTG		
Roads		
New main roads		
New spur roads		
Existing roads		
Work areas		
Construction yards		
Other		

   Wind Turbine Installation. Describe installation procedures. Diagrams if available should be submitted.
   Construction equipment. Provide specifications of equipment (i.e., pickup, 4 x 4, crane, 5-ton, etc., including fuel use requirements and length of service over construction schedule).
   Cleanup. Technical and construction personnel—describe work force requirements for construction and maintenance activities.
   Show work force schedule for construction period and source of labor supply (local or regional).
   Construction schedule.
15. Operation and Maintenance:
   Patrols.
   Routine maintenance requirements.
   Equipment needs.
   Access roads.
   Other.
16. Abandonment (plans for).
17. Transmission System and Substation:
   Design.
   Construction.
   Operation and maintenance.
   Abandonment.
   Cost estimates for transmission line and substations may be supplies by servicing utility.
18. Security of Facilities and Equipment.

This information must be received no later than 60 days from the date of this notice in order to facilitate prompt initiation of site-specific analysis in the environmental document.

The authorized officer shall acknowledge in writing receipt of the application. The authorized officer may require the applicant for a right-of-way grant to submit additional information as he deems necessary for review of the application. All requests for additional information will be in writing.

Where the authorized officer determines that information supplied by an applicant is incomplete or does not conform to the FLPMA or 43 CFR Part 2800 regulations the authorized officer shall notify the applicant of these deficiencies and afford the applicant an opportunity to file a correction. Where a deficiency notice has not been adequately complied with, the authorized officer may reject the application. All applications must be submitted to the Bureau of Land Management, Needles Resource Area Office, 641 Front Street, Suite B, Needles, California 92363.

Environmental Analysis and Decision Process

Applications will be evaluated and used along with all applicable resource data pursuant to the National Environmental Policy Act of 1969 to determine what public lands may be available for wind energy development. The environmental analysis process, through the evaluation of alternatives and their effects (environmental, social and economic), will be used as a decision tool to sort out competing uses and potential uses of the public lands. In the event two or more applications for wind power facilities are received for the same site, modified competitive bidding procedures will be utilized. Under this procedure applicants will only be able to bid for areas applied for under the call for applications. Award of rights-of-way will be granted, subject to the terms and conditions found in the Record of Decision, to the qualified responsible bidder of the highest per acre per year cash amount. A notice of any tracks selected for competitive bidding will be published in the **Federal Register** following the Record of Decision stating the conditions and terms for the grant in compliance with established Departmental procedures.

FOR FURTHER INFORMATION CONTACT: Questions regarding submittal of applications should be directed to Beverley Condrey, Realty Specialist, at (619) 326–3896.

Gerald E. Hillier,
District Manager.

[FR Doc. 83–8932 Filed 4–5–83; 8:45 am]
BILLING CODE 4310–84–M

[CA 13254 (Lot 10); CA 13442 (Lot 11)]

California; Realty Action Proposed Sale of Public Land in Calaveras County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less the appraised fair market value (FMV).

MOUNT DIABLO MERIDAN, CALIFORNIA

	Acreage	FMV
T. 5 N., R. 13 E.:		
Section 18:		
Lot 10	10.33	$15,500
Lot 11	11.26	17,000

The above described parcels will be offered for sale by competitive bid on June 10, 1983. The sale will be held at 10:00 AM at the Folsom Resource Area Office, Bureau of Land Management, 63 Natoma Street, Folsom, California 95630. This date is not less than 60 days after the publication of this notice. Particulars for these public auction sales will be made available through local newspaper release approximately 30 days before the scheduled sale date.

The lands being offered for sale are small isolated remnants with no public benefit values. Because of their size and location they are difficult and uneconomic to mange for use by the public. The sale will also enhance land use compatibility with adjoining private lands. The sales are consistent with the Bureau's planning and the lands involved have been discussed with the Calaveras County Planning Department. The parcels have potential for rural residential homesite development but are without legal access. Calaveras County General Plan recognizes the parcels as buildable lots with the only limiting factors being access, water and septic. Public interests would be well served by offering these lands for sale.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719).

3. No preference right will be given to adjoining private landowners. No bids will be accepted for less than the appraised price and bids for a parcel must include all the lands in the parcel. Federal law requires that bidders be U.S. citizens or in the case of a corporation, subject to the laws of any State of the U.S. Proof of citizenship shall accompany the bid.

The sale will be conducted by oral bidding. Bids must be made by the principal or his agent at the time of the sale. The highest oral bid will establish the sale price. The apparent high bidder will be required to submit a nonrefundable deposit of one-fifth of the full bid price immediately at the sale. the remainder of the full bid price shall be paid within 30 days of the sale. Failure to pay the full price within 30 days shall disqualify the apparent high bidder and the deposit shall be forfeited and disposed of as other receipts of sale.

Detailed information concerning the sale, including the land report and environmental assessment report are available for review at the Bakersfield District Office at the above address. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the State Director, California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. An adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Robert D. Rheiner, Jr.,
District Manager.

[FR Doc. 83–8934 Filed 4–5–83; 8:45 am]
BILLING CODE 4310–84–M

[CA 13441]

California; Realty Action, Sale of Public Land in Calaveras County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) at no less than the appraised fair market value ($15,000):

Mount Diablo Meridian, California

T. 5 S., R. 13 E.,
Sec. 18, Lot 9.
Containing 4.57 acres.

The above described parcel will be offered for sale by modified competitive bid on June 10, 1983. The sale will be

held at 10:00 AM at the Folsom Resource Area Office, Bureau of Land Management, 63 Natoma Street, Folsom, California 95630. This date is not less than 60 days after the date of this notice. Particulars for this public auction sale will be made available through local newspaper release approximately 30 days before the scheduled sale date.

The sale parcel is a small isolated remnant with no significant public benefit value. The sale will enhance land use compatibility with adjoining private lands. The sale is consistent with the Bureau's planning and has been discussed with the Calaveras County Planning Department. Calaveras County General Plan recognizes the parcel as a potentially buildable lot with the only limiting factors being access, water and septic. Public interests would be well served by offering the land for sale.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719).

3. No preference right will be given to adjoining private landowners. No bids will be accepted for less than the appraised price and bids for parcel must include all the lands in the parcel. Federal law requires that bidders be U.S. citizens or, in the case of a corporation, subject to the laws of any State of the U.S. Proof of citizenshp shall accompany the bid.

The sale will be conducted by oral bidding. Bids must be made by the principal or his agent at the time of the sale. The highest oral bid will establish the sale price. The apparent high bidder will be required to submit a nonrefundable deposit of one-fifth of the full bid price immediately at the sale. The remainder of the full bid price shall be paid within 30 days of the sale. Failure to pay the full price within 30 days shall disqualify the apparent high bidder and the deposit shall be forfeited and disposed of as other receipts of sale. Stark Realty, Inc. will be offered the right to meet the highest bid.

Detailed information concerning the sale, including the land report and environmental assessment report are available for review at the Bakersfield District Office at the above address. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the State Director, California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the State Director who may vacate or mofify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Robert D. Rheiner, Jr.,

District Manager.

[FR Doc. 83-8935 Filed 4-5-83; 8:45 am]

BILLING CODE 4310-84-M

[CA 13251]

California; Realty Action, Non-Competitive Sale of Public Land in Nevada County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value ($17,000):

Mount Diablo Meridian, California

T. 16 N., R. 9 E.,
Sec. 18, Lot 6.
Containing 3.86 acres.

The land was identified as proper for disposal by a land report and the decision is consistent with the land use plan and sale criteria of 43 CFR 2710.0-3(a). The sale parcel is a small isolated remnant, triangular shaped, some ±1,310 feet long by ±275 feet at the base tapering to about 20 feet at the apex. The parcel is without access and completely surrounded by a 400 acre horse ranch making the tract impossible to manage. Because of its irregular shape, size and location the only logical purchaser is the surrounding landowner. The public interest will be well served by making the sale.

The parcel will be offered at direct sale to Loma Rica, Inc. at the appraised fair market value. No bids will be accepted. The land will not be offered for sale until 60 days after the publication of this notice. Upon notification of sale date, the purchaser will be given 30 days to pay the full appraised market value.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719).

Detailed information concerning the sale, including the land report and environmental assessment report are available for review at the Bakersfield District Office at the above address. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the State Director, California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Robert D. Rheiner, Jr.,

District Manager.

[FR Doc. 83-8936 Filed 4-5-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 18773]

Exchange of Public and Private Lands in Harney County, Oregon

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Willamette Meridian, Oregon

Harney County

T. 36 S., R. 36 E., W.M.,
Sec. 8;
Sec. 18;
Sec. 20;
Sec. 30;
Sec. 32.
T. 37 S., R. 36 E., W.M.,
Sec. 6;
Sec. 8;
Sec. 18, Lots 1 and 2, E½NW¼, NE¼;
Sec. 22, E½;
Sec. 24, W½SW¼, SW¼NW¼;
Sec. 25, SE¼NE¼, SW¼SE¼, SW¼, S½NW¼;
Sec. 26;
Sec. 35.
T. 38 S., R. 38 E., W.M.,
Sec. 13, Lot 1, NE¼SE¼.
Aggregating 6,904.17 acres in Harney County.

In exchange for these lands, the Federal Government will acquire scattered tracts of private land in Harney County from Whitehorse Ranch, Inc., described as follows:

Willamette Meridian, Oregon

Harney County

T. 32 S., R. 25 E., W.M.,
Sec. 36.
T. 35 S., R. 34 E., W.M.,
Sec. 7, Lots 3, 4, E½SW¼;
Sec. 9, S½NE¼, NE¼NW¼, SW¼NW¼, S½;
Sec. 11, S½SE¼, SE¼SW¼, NW¼SW¼;
Sec. 13, NW¼NE¼, SE¼NE¼, SE¼, S½SW¼, NW¼SW¼, NW¼;
Sec. 15, W½;
Sec. 21;
Sec. 23, N½, SW¼;

Sec. 25;
Sec. 27, S½, NW¼;
Sec. 31, Lots 1, 2, 3, 4, E½W½, NE¼;
Sec. 33, W½, SE¼;
Sec. 35.
T. 36 S., R. 34 E., W.M.,
Sec. 3;
Sec. 5, Lots 1, 2, 3, 4, SE¼NE¼, SE¼NW¼, S½;
Sec. 9, N½NE¼, NW¼NW¼.
T. 35 S., R. 35 E., W.M.,
Sec. 17, SW¼SE¼, SW¼SW¼;
Sec. 19.
T. 36 S., R. 35 E., W.M.,
Sec. 5, SE¼;
Sec. 23, NE¼.
T. 35 S., R. 36 E., W.M.,
Sec. 31, Lot 4.
T. 37 S., R. 36 E., W.M.,
Sec. 27, NE¼NE¼, NW¼SW¼, SW¼NW¼;
Sec. 28, E½NE¼;
Sec. 34, SE¼NW¼, NE¼SW¼, S½SW¼.
T. 38 S., R. 38 E., W.M.,
Sec. 19, Lot 4, E½SW¼;
Sec. 21, E½SE¼;
Sec. 22, SW¼SW¼;
Sec. 27, N½NW¼, SE¼NW¼, SW¼NE¼, NW¼SE¼, SE¼SE¼;
Sec. 30, Lot 1;
Sec. 34, NE¼NE¼;
Sec. 35, W½W½.
T. 39 S., R. 38 E., W.M.,
Sec. 2, Lot 4.

Aggregating 9,623.58 acres in Harney County.

The purpose of the land exchange is to facilitate multiple use management of the public lands and acquire private lands which will benefit and support a multiple use federal program. These multiple use values include wildlife and wild horse habitat areas; fish habitat on Willow Creek for the Whitehorse Cutthroat Trout (a sensitive species), and cultural resource values.

The exchange is consistent with the Bureau's planning for the lands involved. The public interest will be well served by making the exchange. The value of the lands to be exchanged are equal.

The publication of this notice segregates the public lands described above from settlement, sale, location, and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The terms, conditions, covenants, and reservations applicable to the land exchange are:

1. The public and private lands described above will be subject to the value equalization and adjustment for title and mineral problems, wilderness and cultural resource values and any other management reasons which may become apparent in the final stage of consummation of the land exchange.

2. The public lands will be exchanged subject to all valid existing rights, including any rights-of-way, easements, and leases of record.

3. Where possible, the full fee estate will be exchanged. This will not be possible for all the lands involved as the mineral estate of portions of the private land is already owned by the United States or is encumbered by third party interests. The United States will convey the mineral estate to the public lands in an acreage as nearly equal to the mineral estate of the private lands acquired as practicable. As to the remaining public lands, the United States will reserve minerals to the extent they are known or reported to be valuable or prospectively valuable.

4. Roads identified as BLM owned and which are necessary for public access and/or land management will be retained by requiring the proposed grantee to convey easements concurrently with issuance of patent, rather than reserving roads in the patent documents.

Detailed information concerning the land exchange, including the Environmental Analysis, Official Land Report, and the record of public discussions, is available for review at the Vale District Office, 365 A Street West (P.O. Box 700), Vale, Oregon 97918.

For a period of 45 days interested parties may submit comments to the Chief, Branch of Lands and Minerals Operations, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 25, 1983.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-8943 Filed 4-5-83; 8:45 am]

BILLING CODE 4310-84-M

[Realty Action, I-18530]

Idaho Falls District; Competitive Sale of Public Land in Caribou County, Idaho

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of these tracts are consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered for sale at public auction for no less than the appraised fair market value indicated below. Both sealed and oral bids will be accepted.

	Acres	Value
Tract #1:		
T. 8 S., R. 42 E., B.M., Sec. 19, NE¼NW¼	40	$4,000
Tract #7		
T. 6 S., R. 38 E., B.M., Sec. 13: Lot 24	7.9	1,650
Tract #9		
T. 8 S., R. 40 E., B.M., Sec. 13: E½E½NE¼SE¼NE¼	62.5	12,000
T. 8 S., R. 41 E., B.M., Sec. 7: W½NE¼SE¼, NE¼SW¼		
Tract #10:		
T. 8 S., R. 40 E., B.M., Sec. 13: NE¼NE¼NE¼	10	3,000
Tract #11:		
T. 8 S., R. 41 E., B.M., Sec. 18: Lot 4	36.4	6,500
The above aggregates	156.8	

Upon publication of this Notice in the **Federal Register**, the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

Tracts #1, #9, #10, and #11:
1. Ditches and Canals
2. Mineral Reservation
3. Subject to All Existing Rights

Tract #7:
1. Ditches and Canals
2. Mineral Reservation
3. Subject to All Existing Rights
4. A reservation to the U.S. of an easement over and across a 100 foot strip parallel and adjacent to the ordinary high water line of the Portneuf Reservoir along the southerly side of Tract 7.

DATE: The public auction will be held on June 7, 1983 at 10:00 a.m.

ADDRESSES: The public auction will be held at the Soda Springs Resource Area Office, 490 East 2nd South, Soda Springs, Idaho. Additional information concerning these lands, terms and conditions of the sale and bidding instructions may be obtained from Marvin R. Bagley, Area Manager, at the Soda Springs Resource Area Office, 490 East 2nd South, Soda Springs, Idaho or by calling (208) 547-2161 during office hours.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final

determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: O'dell Frandsen, District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Dated: March 28, 1983.

O'dell A. Frandsen,

District Manager.

[FR Doc. 83-8939 Filed 4-5-83; 8:45 am]

BILLING CODE 4310-84-M

Availability of Coal Core Analyses; Wyoming

Notice is hereby given that Bureau of Land Management (BLM) core analyses of 10 coal test holes located in Sheridan County, Wyoming are now available to the public. The analyses, completed in December, 1982, as a result of BLM efforts in support of the Federal coal management program, provide geologic information necessary to evaluate and classify coal resources on lands in the public domain.

The test holes, located in Townships 56, 57, and 58 North, Ranges 83, 84, and 85 West, Sixth Principal Meridian, Wyoming, were designed to investigate coal quality in the Fort Union and Wasatch Formations of Paleocene and Eocene age, respectively, in the Sheridan Coal Field of the Western Powder River Basin of north-central Wyoming. The core analyses are available for reproduction from the Bureau of Land Management, Casper District—Resource Evaluation, 111 S. Wolcott, Room 305, Casper, Wyoming 82601 (307) 261-5181.

Dwayne E. Hull,

Acting Minerals Manager, North Central Region.

[FR Doc. 83-8880 Filed 4-5-83; 8:45 am]

BILLING CODE 4130-MR-M

Coos Bay District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Coos Bay District Advisory Council will be held on May 3, 1983.

The meeting will begin at 10 a.m. in the Umpqua Room of the Thunderbird Motel at 1313 N. Bayshore Dr., Coos Bay, Oregon.

The agenda for the meeting is:

1. A discussion of the functions and organization of the council.
2. An orientation to district programs and current issues.
3. A presentation of the new Timber Management Plan for the district.
4. Arrangements for the next meeting.

The meeting is open to the public and news media. Interested persons may make oral statements to the Council between 2 and 3 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, 333 South Fourth Street, Coos Bay, OR 97420, telephone 503-269-5880, by close of business April 29, 1983.

A report of the Council meeting will be maintained at the district office and made available for public inspection and reproduction at the cost of duplication.

Dated: March 25, 1983.

Thomas Roessler,

District Manager.

[FR Doc. 83-8979 Filed 4-5-83; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 83-20]

Proposed Livestock Grazing Management for the Otay Planning Unit; Escondido Project Area, California Desert District, California

Pursuant to Section 102(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a final environmental impact statement concerning a proposed grazing management program for the Escondido Project Area in Los Angeles, Riverside, Orange, and San Diego Counties in Southern California. The proposed action would continue present management of the 55,370 acres of public land presently grazed by cattle, permitting the consumption of 4378 AUMs of forage of 28 grazing allotments. Alternatives analyzed include increased livestock grazing (nine new allotments and 5848 AUMs), decreased livestock grazing (3972 AUMs to livestock) and no grazing. The final EIS includes all comments received during the public review of the draft, and responses to each comment.

Comments on the final Environmental Impact Statement are being solicited from public agencies and interested individuals and entities. Comments will be considered in the subsequent decision process. The Bureau of Land Management invites written comments on the statement to be submitted by ???? to the District Manager, California Desert District, Bureau of Land Management, Attn: Otay Grazing EIS, 1695 Spruce Street, Riverside, California 92507.

A limited number of copies of this document are available upon request at the California Desert District, (714) 351-6394, and the California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484-4701.

In addition to the above offices, copies of this EIS are available for public reading and review at:

Division of Rangeland Management, Bureau of Land Management, Premier Building, Room 909-H, Washington, D.C. 20006.

Ed Hastey,

State Director.

[FR Doc. 83-8987 Filed 4-5-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB interior Desk Officer at 202-395-7340.

Title: Bird Banding Schedule.

Bureau Form Number: 3-860.

Frequency: monthly/annually.

Description of Respondents: Individuals, State and Federal Government employees who are licensed bird banders.

Annual Responses: 33,000.

Annual Burden Hours: 6,600.

Service Clearance Officer: Arthur J. Ferguson, 202-653-7499.

Don W. Minnich,

Acting Associate Director—Wildlife Resources.

[FR Doc. 83-8983 Filed 4-6-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Amoco Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Amoco Production Company (USA) has

submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0780, Block 33, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service Makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 25, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83–8984 Filed 4–5–83; 8:45 am]

BILLING CODE 4310–MR–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Seagull Energy Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Seagull Energy Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3043, Block 831, Mustang Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 28, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83–8986 Filed 4–5–83; 8:45 am]

BILLING CODE 4310–MR–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Conoco Inc.

AGENCY: Minerals Management Service, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the West Delta/Grand Isle Field Federal Unit Agreement No. 14–08–001–2454, submitted on March 22, 1983, a proposed annual plan of development describing the activities it proposes to conduct on the West Delta/Grand Isle Field Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 28, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83–8938 Filed 4–5–83; 8:45 am]

BILLING CODE 4310–MR–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Transco Exploration Co.

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Transco Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on leases OCS–G 4491 and 4492, Blocks 54 and 55, Breton Sound Area offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays, 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 Title 30 of the Code of Federal Regulations.

Dated: March 28, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-8942 Filed 4-5-83; 8:45 am]

BILLING CODE 4310-MK-M

National Park Service

Statue of Liberty-Ellis Island Centennial Commission; Meeting

Notice is hereby given that the location of the meeting of the Statue of Liberty-Ellis Island Centennial Commission previously announced for April 8, 1983, has been changed to Board Room of the Chrysler Corporation, Pan American Building, 54th Floor, 200 Park Avenue.

All information regarding this meeting remains the same as published in Volume 48, No. 55, page 11781, of the **Federal Register** dated March 21, 1983.

Dated: March 31, 1983.

F. Ross Holland, Jr.,

Acting Associate Director, Cultural Resources Assistance, National Park Service.

[FR Doc. 83-8918 Filed 4-5-83; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-142]

Certain Electronic Chromatogram Analyzers and Components Thereof; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. section 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 1, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Bioscan, Inc., 4418 MacArthur Boulevard, NW., Washington, D.C. 20007. An amended complaint was filed on March 15, 1983. The amended complaint (hereinafter the complaint) alleges unfair methods of competition and unfair acts in the importation of certain electronic chromatogram analyzers and components thereof into the United States, or in their sale, by reason of alleged: (1) Direct infringement, (2) contributory infringement, and (3) induced infringement of at least claims 5 and 9 of U.S. Letters Patent 4,019,057. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 31, 1983, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain electronic chromatogram analyzers and components thereof into the United States, or in their sale, by reason of alleged: (1) Direct infringement, (2) contributory infringement, or (3) induced infringement of the claims of U.S. Letters Patent 4,019,057, the effect or tendency of which is to destroy or substantially injure an industry, efficently and economically operated, in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is Bioscan, Inc., 4418 MacArthur Boulevard, MW., Washington, D.C. 20007.

(b) The following respondents are alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Laboratorium, Prof. Dr. Berthold, Calmbacher Str. 22, Postfach 160, D-7547 Wildbad 1, Federal Republic of Germany

Berthold Instruments, Inc., 136 Bradford Avenue, Pittsburgh, Pa. 15205

(c) Ralph Elsas-Patrick, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 125, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR § 210.21). Pursuant to § 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Ralph Elsas-Patrick, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-0440.

By order of the Commission.

Issued: April 1, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-8973 Filed 4-5-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-124 (Preliminary)]

Certain Fresh Potatoes From Canada

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured, by reason of imports from Canada of fresh or chilled round white potatoes, provided for in items 137.20, 137.21, 137.25, or 137.28 of the Tariff Schedules of the United States, which are alleged

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Chairman Eckes dissenting and Commissioner Haggart not participating.

to be sold in the United States at less than fair value (LTFV).

Background

On February 9, 1983, a petition was filed with the Commission and the Department of Commerce by counsel on behalf of the Maine Potato Council alleging that imports of certain fresh potatoes from Canada are being, or are likely to be, sold in the United States LTFV within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673). Accordingly, effective February 9, 1983, the Commission instituted a preliminary antidumping investigation under section 733(a) of the Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.

Notice of the institution of the Commission's investigation and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on February 24, 1983 (48 FR 7822). The conference was held in Washington, D.C. on March 7, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on March 28, 1983. A public version of the Commission's report, *Certain Fresh Potatoes from Canada* (investigation No. 731–TA–124 (Preliminary), USITC Publication 1364, 1983), contains the views of the Commission and information developed during the investigation.

By Order of the Commission.

Issued: March 28, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–8970 Filed 4–5–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–131]

Certain Variable Character Display Devices; Commission Request for Comments Regarding Proposed Termination of Investigation Based on Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Request for public comments on the proposed termination of the above-captioned investigation based on a settlement agreement.

SUMMARY: On January 27, 1983, complainant Stover Manufacturing Co., Inc. (Stover) and respondent Ferranti-Packard Electronics, Ltd. (Ferranti-Packard) filed a joint motion (Motion No. 131–2) to terminate the above-captioned investigation. The motion is based on a nonexclusive patent license agreement between Stover and Ferranti-Packard. The Commission investigative attorney supported the joint motion, and the presiding officer on February 9, 1983, recommended that the joint motion to terminate be granted.

DATES: Comments will be considered if received within thirty (30) days of the date of publication of this notice. Comments should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

Notice of the institution of the investigation was published in the **Federal Register** of September 29, 1982. (47 FR 4284)

Settlement Agreement: The settlement agreement provides for payment by Ferranti-Packard of a lump sum and royalties to Stover. The agreement covers both patents in issue, and applies to representatives, distributors and customers of Ferranti-Packard in the United States.

Written Comments Requested: In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation in the basis of the settlement agreement on: (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than 30 days after the date of publication of this notice in the **Federal Register.** In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

Additional Information: The original and 14 copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's office.

FOR FURTHER INFORMATION CONTACT: Jane K. Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–1627.

By order of the Commission.

Issued: March 30, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–8972 Filed 4–5–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 701–TA–184 (Final)]

Frozen Concentrated Orange Juice From Brazil; Continuation of Final Countervailing Duty Investigation

AGENCY: International Trade Commission.

ACTION: Continuation of final countervailing duty investigation.

EFFECTIVE DATE: March 21, 1983.

SUMMARY: On March 2, 1983, the United States Department of Commerce suspended its countervailing duty investigation concerning frozen concentrated orange juice from Brazil (48 FR 8839). The basis for the suspension was an agreement by the Government of Brazil to offset all benefits which Commerce found to constitute subsidies with an export tax on all exports of the subject product to the United States. Accordingly, pursuant to section 704(f)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1671c(f)(1)(B)), the United States International Trade Commission suspended its countervailing duty investigation on frozen concentrated orange juice from Brazil (48 FR 9969, March 9, 1983). On March 21, 1983, however, a request to continue the investigation was filed with Commerce pursuant to section 704(g)(1) of the Tariff Act (19 U.S.C. 1671c(g)(1)) by counsel for the Government of Brazil. Accordingly, the Commission hereby gives notice of the continuation of investigation No. 701–TA–184 (Final), Frozen Concentrated Orange Juice from Brazil.

FOR FURTHER INFORMATION CONTACT: Mr. David Coombs (202–523–1376),

Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Commission determination

The Commission will make its determination in this investigation within 45 days of the date on which Commerce publishes its final net subsidy determination.

Hearing.—The Commission intends to reschedule a hearing in connection with this investigation as soon as possible following Commerce's final net subsidy determination, if that determination is affirmative.

Written submissions.—Parties to this investigation will be afforded the opportunity to file prehearing and posthearing briefs, and any person who has not entered an appearance as a party to the investigation will be allowed to submit a written statement of information pertinent to the subject of the investigation. The deadlines for filing these submissions will be announced in a later **Federal Register** notice. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's Rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Participation in the investigation.—The deadline for persons who wish to participate in this investigation as parties to file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), was January 19, 1983. Therefore, any entries filed after that date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry. Any person who has previously filed an entry of appearance in this investigation does not need to file a new appearance pursuant to this continuation.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207, as amended by 47 FR 33682, Aug. 4, 1982), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: March 28, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-8971 Filed 4-5-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-101 (Final)]

Greige Polyester/Cotton Printcloth From the People's Republic of China

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: March 28, 1982.

SUMMARY: As a result of an affirmative preliminary determination by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from the People's Republic of China (China) of unbleached and uncolored printcloth fabric in chief value of cotton, containing polyester, and provided for in items 326.2632 through 326.4032 of the Tariff Schedules of the United States Annotated, are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731–TA–101 (Final) under section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. The Department of Commerce has notified us that the investigation will be extended, and that it will make its final dumping determination in the case on or before July 22, 1983. The Commission will make its final injury determination by September 6, 1983 (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Williams (202–523–5702), Office of Industries, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

On September 20, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigation, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of greige polyester/cotton printcloth from China which are alleged to be sold at LTFV. The preliminary investigation was instituted in response to a petition filed on August 5, 1982, by counsel for the American Textile Manufacturers Institute and certain member companies.

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

Staff report.—A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on July 14, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on July 28, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on July 12, 1983. All persons desiring to appear at the

hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on July 14, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is July 25, 1983.

Testimony at the public hearing is governed by section 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on August 4, 1983.

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before August 4, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR Part 207, as amended by 47 FR 33682, Aug. 4, 1982), and Part 201, subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: March 28, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-8969 Filed 4-5-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-190 (Final)]

Nitrocellulose From France

AGENCY: International Trade Commission.

ACTION: Institution of a final countervailing duty investigation and scheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: March 22, 1983.

SUMMARY: On March 22, 1983, the U.S. Department of Commerce made an affirmative final determination that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930 (19 U.S.C. 1671) are being provided by the Government of France to Societe Nationale des Poudres Explosifs, a producer and exporter of industrial nitrocellulose, provided for in item 445.25 of the Tariff Schedules of the United States. Accordingly, the United States International Trade Commission hereby gives notice of the institution of investigation No. 701-TA-190 (Final) under section 705(b) of the act (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. The Commission will make its final injury determination by June 6, 1983 (19 CFR 207.35).

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence Rausch (202-523-0286), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

On October 29, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigation, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of allegedly subsidized imports of nitrocellulose from France. The preliminary investigation was instituted in response to a petition filed on September 14, 1982, by counsel for Hercules, Inc., Wilmington, Del.

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

Staff report.—A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on April 25, 1983, pursuant to § 207.21 of the Commission's Rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on May 9, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on April 22, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on April 25, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is May 4, 1983.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR § 207.22, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be

limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on May 16, 1983.

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 16, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207, as amended by 47 FR 33682, Aug. 4, 1982), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: March 29, 1983.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-8968 Filed 4-5-83; 8:45 am]
BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

The decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,
Secretary.

For the following, please direct status calls to Team 1 at 202-275-7992.

Vol. No. OP1-FC-110

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Krock not participating.)

MC-FC-81319. By decision of March 29, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Reviw Board Number approved the transfer to WILLIAM E. WELLS, JR., d.b.a. ECKERT TRUCK LINE, Cedaredge, CO, of Certificate No. MC-33981, issued August 26, 1949, to ROBERT M. CAMPBELL, d.b.a. ECKERT TRUCK LINE, Cedaredge, CO, authorizing the transportation of general commodities (with exceptions), over regular routes, between Delta and Cedaredge, CO, serving all intermediate points. Representative: James D. Brown, P.O. Box 43, Delta, CO 81416.

MC-FC-81235. By decision of March 29, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to MABCO TRANSIT, INC., Rensselaer, NY, of Certificate No. MC 2221 (Sub-1), issued September 21, 1981, to MABEY'S MOVING & STORAGE, INC., Rensselaer, NY, authorizing the transportation over irregular routes of (1) household goods, between Hudson, NY, on the one hand, and, on the other, points in CT, MA, NH, NJ, NY, PA, RI, VT, IN, and OH, (2) household goods, as defined by the Commission (a) between points in Columbia County, NY, within 20 miles of Hudson, NY, on the one hand, and, on the other, points in CT, IN, MA, NH, NJ, NY, OH, PA, RI, and VT, (b) between Hudson, NY, and points in Columbia County, NY, within 20 miles of Hudson, on the one hand, and, on the other, points in DE, MD, and DC, (3) bakery products, from Hudson, NY, to Pittsfield, MA, and (4) empty containers used in transporting bakery products, from Pittsfield, MA, to Hudson, NY. Transferee is not a carrier. Representative: Neil Breslin, 11 North Pearl St., Albany, NY 12207.

Vol. No. OP1-FC-111

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC-FC 81152. By decision of March 29, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to NEUHOUSER-KRYDER, INC. Leo, IN, of Permit Nos. MC-152701 (Sub-1 and 2), issued May 27, 1981 and May 28, 1981, respectively, to KRYDER'S, INC., Leo, IN, authorizing the transportation of (1) waste or scrap materials, and (2) metal products, between points in the U.S., under continuing contract(s) with Dallas Scrap Bailing, of Dallas, TX, and (3) transportation equipment, between points in the U.S., under continuing contract(s) with The Truck Engineering Company, Inc., of Fort Wayne, IN. Representative: Otto M. Bonahoom, 2100 Fort Wayne National Bank Bldg., Fort Wayne, IN 46802.

MC–FC 81297. By decision of March 28, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to J. Wayne Green, of Rt. 1, Lynchburg, SC, of Permit No. MC 140780 (Sub–2), issued June 8, 1976, to Alvin V. Green, of Rt. 1, Lynchburg, SC, authorizing the transportation of dry fertilizer and fertilizer materials, in bags, between the plant site of Kaiser Agricultural Chemical Company, located near Reigelwood, NC, on the one hand, and, on the other, the facilities of Kaiser in Clarendon, Florence, Lee, Sumter, Williamsburg, Darlington, Kershaw and Georgetown Counties, SC, under continuing contract(s) with Kaiser Agricultural Chemical Company, of Reigelwood, NC.

For the following, please direct status calls to Team 2 at 202–275–7030.

Vol. No. OP2–147

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC 81037. By decision of March 29, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2, approved the transfer to HERBERT Y. GILL d.b.a. CIMMARON TRUCKING CO., Albuquerque, NM, of authority issued to RONALD R. GANDER, Albuquerque, NM, in Permit No. MC 144663 (Sub–3), issued July 28, 1981, authorizing the transportation of wallboard, between points in the U.S., under continuing contract(s) with Western Gypsum Company, of Rosario, NM. Representative: Jack Smith, P.O. Box 1669, Albuquerque, NM, 87103. Transferee holds authority under MC 157486.

MC–FC 81194. By decision of March 29, 1983, issued under 49 U.S.C. 10926, and the transfer rules at 49 CFR Part 1181, Review Board Number 2, approved the transfer to Data-Trans, Inc., of Indianapolis, IN, of Certificate No. MC 2963, issued August 9, 1950, to North Side Transfer Company, Inc., of Indianapolis, IN, authorizing the transportation, over irregular routes, of (1) household goods, (a) between Indianapolis, IN, on the one hand, and, on the other, points in IL, MI, KY, OH, PA, MO, NY, and NJ, and (b) Between Bloomington, IN and points in Marion County, IN (except Indianapolis, IN), on the one hand, and, on the other, points in IL, MI, KY, and OH; and (2) office furniture and equipment and store fixtures, between Indianapolis, IN, on the one hand, and, on the other, points in IL, MI, KY, and OH. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655.

Volume No. OP2–153

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC 81313. By decision of March 30, 1983, issued under 49 U.S.C. 10926, and the transfer rules at 49 CFR Part 1181, Review Board Number 2, approved the transfer to NATIONWIDE SALES & DISTRIBUTING, INC., Longview, TX, of authority issued to NDC TRUCKING COMPANY, Longview, TX, in Certificates No. MC–153773 and Sub–1, 2, and 3, authorizing the transportation of: *MC–153773*, petroleum and coal tar products (except in bulk), between Los Angeles, CA, and points in Boone County, AR, Warren County, MS, Oklahoma County, OK, and Texas, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); *Sub–1*, foodstuffs and related products, between points in Gregg County, TX, and Shelby County, TN, on the one hand, and, on the other, those points in the United States in and east of North Dakota, South Dakota, Wyoming, Colorado, and New Mexico; *Sub–2* (1) pulp, paper, and related products, and printed matter, between points in Lehigh and Montgomery Counties, PA, and Gregg County, TX, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), (2) such commodities as are dealt in by manufacturers or distributors of fabricated metal products, between Dallas, TX, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (3) such commodities as are dealt in by manufacturers or distributors of furniture or fixtures, between points in Dallas and Gregg Counties, TX, Madison County, IN, Gordon County, GA, Montgomery County, PA, Riverside, Mendocino, and Solano Counties, CA, and Worcester County, MA, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and *Sub–3* (1) chemicals and related products, between points in Illinois, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) food and related products, between points in Arkansas, California, Georgia, Illinois, Indiana, Kentucky, New Jersey, New York, Pennsylvania, and Tennessee, on the one hand, and, on the other, points in Texas. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX, 75062.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–MCFC–134

Decided: March 14, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC 81123. (Partial Republication). By decision of February 16, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1, approved the transfer to COUNTRY LINES, INC., Salisbury, MD, of Certificates Nos. MC 138395 (Sub–2), issued February 19, 1974, MC 138395 (Sub–4), issued March 21, 1975, MC 138395 (Sub–8), issued June 14, 1977, MC 138395 (Sub–12), issued November 26, 1980, MC 138395 (Sub–13), issued November 26, 1980, MC 138395 (Sub–14), issued November 14, 1980, MC 138395 (Sub–15), issued January 14, 1981, MC 138395 (Sub–16), issued February 3, 1983, MC 138395 (Sub–17X), issued October 19, 1981, and MC 138395 (Sub–18), issued April 29, 1982, to DOUGLAS H. WEST, Philadephia, PA. The previous publication of February 25, 1983 omitted the following authority: Lumber and wood products and forest products, (1) between points in Wicomico and Somerset Counties, MD and Sussex County, DE, on the one hand, and, on the other, points in that part of PA east of the Susquehanna River and on and south of U.S. Hwy 22, and those in that part of NJ on and south of U.S. Hwy 22, and those in the New York, NY, Commercial Zone as defined by the Commission, (except those on and south of U.S. Hwy 22), and (2) between points in Sussex County, DE, on the one hand, and, on the other, Baltimore, MD; Containers, between points in Wicomico County, MD, on the one hand, and, on the other, points in Cumberland and Atlantic Counties, NJ, New York, NY, Accomack and Northampton Counties, VA, and points in DE and MD; building materials, between Philadelphia, PA, and points in New Castle County, DE, on the one hand, and, on the other, points in Wicomico County, MD; agricultural commodities, between points in Wicomico County, MD, within 15 miles of Hebron, MD, on the one hand, and, on the other, Philadephia, PA, and Allegheny, Lackawanna and Luzerne Counties, PA, and New York, NY; and wood pallets, between points in Kent County, DE, on the one hand, and, on the other, Baltimore, MD, Philadelphia, PA, New York, NY, points in NJ and points in Nassau County, NY. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740.

For the following, please direct status calls to Team 5 at 202–275–7289.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC–81277. By decision of March 25, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to SHAMROCK TRUCKING, INC. OF ALABAMA (An Alabama Corporation), of Fairfax, AL, of Certificate No. MC 158839 and Subs 1, 2, and 3 issued June 4, 1982, February 3, 1982, June 9, 1982, and December 16, 1982, respectively, to SHAMROCK TRUCKING, INC. (A Georgia Corporation), of Forest Park, GA, authorizing the transportation of (1)(a) *metal containers,* (b) *can ends,* (c) *tin plate,* and (d) *bottle caps,* between Atlanta, GA, Philadelphia, PA Baltimore, MD, Chicago, IL, Houston, TX, Milwaukee, WI, and points in Essex County, MA, Hudson County, NJ, Wicomico County, MD, Frederick County, VA, Chesterfield and Spartanburg Counties, SC, Wood County, OH, Kankakee County, IL, Dakota County, MN, Tarrant and Taylor Counties, TX, Washakie County, WY, and Contra Costa and Los Angeles Counties, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI): (2) (a) *animal feed,* and (b) *metal containers,* between points in Fulton County, GA, on the one hand, and on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX; (3) *paper and paper products and plastic and plastic products* (except in bulk), between those points in the U.S. in and east of MN, IA, MO, OK, and TX; (except ME, NH, and VT); (4) *such commodities* as are used or dealt in by manufacturers or distributors of paints, paint remover and thinner, gum turpentine, linseed oil, caulking compounds, spackle and drive-way coatings, between Atlanta, GA, Chicago, IL, Charlotte, NC, Memphis, TN, Houston, TX, Indianapolis, IN, Los Angeles, CA, and points in Sumter County, SC and St. Tammany Parish, LA, on the one hand, and, on the other, points in the U.S. (except AK and HI); (5) *such commodities* as are used or dealt in by manufacturers or distributors of paint brushes, wire brushes, putty knives, scrapers, drop cloths, paint applicators and pans, between Chicago, IL, Jersey City, NJ, and Los Angeles, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (6) *such commodities* as are used or dealt in by manufacturers or distributors of traffic control products, between points in Cobb County, GA, on the one hand, and, on the other, points in the U.S. (Except AK and HI). Representative: Virgil H. Smith, 74 Highway N, Box 245, Tyorne, GA 30290.

MC–FC–81315. By decision of March 25, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to STRONG & SON MOTOR LINES, INC., of Richmond, VA, of Permit No. MC 149518 Sub 1X issued June 19, 1981 and its underlying authority in MC 67118 issued July 31, 1958 to STRONG MOTOR LINES, INC., of Richmond, VA, authorizing the transportation generally, of *chemicals, petroleum products, and such commodities as are dealt in by food business houses,* between points in the U.S., under continuing contract(s), and Permit No. MC 67118 Subs 10, 11, 13, 17, and 20 issued December 1, 1960, October 26, 1965, September 27, 1968, February 2, 1971, and February 7, 1972, respectively, authorizing the transportation generally, of *meat and meat products,* (a) from Richmond, VA, to parts of NC, (b) between specified points in VA and NC, on the one hand, and, on the other, specified points in GA and SC, (c) between Philadelphia, PA, on the one hand, and, on the other, points in NC, SC, VA, and DC, and (d) from Philadelphia, PA to Baltimore, MD, under contract(s) with Hygrade Food Products Corporation, and *groceries and meat,* from specified points in VA to specified points in NC, under contract with the U.S. Department of Defense. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW, Washington, DC. 20006.

MC–FC–81317. By decision of March 25, 1983, issued under 49 U.S.C. 10926 and the transfer rules of CFR Part 1181, Review Board Number 1 approved the transfer to TIMOTHY J. MOORE, of Decatur, GA, of Certificate No.'s MC–139009 Sub 1 issued October 16, 1978 authorizing the transportation of general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Conyers, Doraville, Lithonia, Stone Mountain and Tucker, GA, on the one hand, and, on the other, points in De Kalb, Gwinnett, Newton, Rockdale and Walton Counties, GA, restricted to the transportation of traffic having a prior or subsequent movement by rail in trailer-on-flatcar service, MC–139009 Sub 3 issued October 2, 1981, authorizing the transportation of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Covington, GA, on the one hand, and, on the other, points in Morgan County, GA, restricted to the transportation of traffic having a prior or subsequent movement by rail, MC–139009 Sub 4 issued September 26, 1978, authorizing the transportation of general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the TOFC facilities of Southern Railroad in Fulton County, GA, on the one hand, and, on the other, points in De Kalb, Gwinnett, Newton, Rockdale, Morgan, and Walton Counties, GA, restricted to the transportation of shipments having a prior or subsequent movement by rail in trailer-on-flatcar service, MC–139009 Sub 5F issued January 2, 1981, authorizing the transportation of general commodities, between points in Hall and Fulton Counties, GA, restricted to traffic having a prior or subsequent movement by rail. Applicant intends to tack the sought rights with existing authority at points in Hall County, MC–139009 Sub 6 issued July 24, 1981, authorizing the transportation of machinery, between points in Hamilton County, TN, on the one hand, and, on the other, points in the United States, MC–139009 Sub 7 issued August 4, 1981, authorizing the transportation of ferrous and nonferrous metals, between Atlanta, GA, on the one hand, and, on the other, points in Georgia, Florida, Alabama, North Carolina, South Carolina, Arkansas, Tennessee, Texas, Mississippi, and Louisiana, and MC–139009 Sub 8 issued August 4, 1981, authorizing the transportation of clay, concrete, glass or stone products, between Atlanta, GA, on the one hand, and, on the other, points in Tennessee, Mississippi, North Carolina, Alabama, Florida, South Carolina, and Louisiana, to R & W EXPRESS, INC., of Gainesville, GA. An application for temporary authority has been filed. Representative: William D. Moore, 743 Main Street (P.O. Box 2998), Gainesville, GA 30503

[FR Doc. 83–8822 Filed 4–5–83; 8:45 am]

BILLING CODE 7035–01–M

[Vol. No. OP3–135]

Motor Carriers; Decision-Notice; Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. Se Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2 (d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: March 29, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3 (202) 275–5223

RB1

T–3

MC–F–15212, filed March 22, 1983. JOHN B. TE SLAA, doing business as TE SLAA TRUCKING (TE SLAA) (503 Center St., Hull, IA 51239)—Purchase (Portion)—T.F.S., INC. (TFS) (Rural Route 2, Box 126, Highway 281, Grand Island, NE 68801). Representative: D. Douglas Titus, 340 Insurance Exchange Bldg., Sioux City, IA 51101. Te Slaa seeks to purchase a portion of TFS' certificate No. MC–141575 (Sub-No. 23) which authorizes the transportation of iron and steel pipe fittings, from the plantsite and warehouse facilities of Tubeline Manufacturing Co., located in Queens County, NY to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Kentucky, Missouri, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, and Washington. John B. Te Slaa, who controls Te Slaa, seeks authority to acquire control of the said operating authority through the transaction. Te Slaa holds certificate No. MC-144350 and subnumbers thereunder authorizing the transportation of food and related products between certain points in Iowa, on the one hand, and, on the other, points in the coterminous United States.

[FR Doc. 83–8425 Filed 4–5–83; 8:45 am]

BILLING CODE 7035–01

[No. MC–F–15182]

Motor Carriers; M. C. Bunch, Inc.—Purchase Exemption—Shoemaker Company (Loren Wetzel, Trustee-in-Bankruptcy)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), M. C. Bunch, Inc. (MC-140149) seeks an exemption from the requirement under 11343 of prior regulatory approval for its proposed acquisition of that portion of the operating authority of Shoemaker Trucking Company (MC-138875 Sub-No. 312X, part 35) which authorizes the transportation of metal products, machinery, clay, concrete, glass or stone products, and rubber and plastic products, between points in AR, on the one hand, and, on the other, points in AZ, CA, CO, ID, OR, UT, WA, WI, WY, MI, MN, MT, NC, ND, OH, PA, SC, SD, VA, and WV, together with its underlying Sub-Nos. 187F and 251F.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register**.

ADDRESSES: Send comments to: (1) Motor Section, Room 2139 Interstate Commerce Commission, Washington, D.C. 20423; and (2) Petitioners' representative David E. Wishney, P.O. Box 837, Boise, ID 83701. Comments should refer to No. MC–F–15182.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 29, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–8923 Filed 4–5–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR

1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdiction questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7992.

Vol. No. OP1–114

Decided: March 29, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Krock not participating.)

MC–75281 (Sub-28), filed March 24, 1983. Applicant: BOOTHEEL TRANSPORTATION COMPANY, P.O. Box 511, Sikeston, MO 63801. Representative: Harvey E. Henry, (same address as applicant), (314) 471–7483. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 140401 (Sub-2), filed March 24, 1983. Applicant: W. J. (WES) LE BLANC WHOLESALE PRODUCE, INC., 178 Alder Lane, Ashland, OR 97520. Representative: Weston Le Blanc, (same address as applicant), (503) 686–2309. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 144040 (Sub-5), filed March 22, 1983. Applicant: PINETREE TRANSPORTATION COMPANY, d.b.a., CALIFORNIA CHARTER BUSES, INC., 6400 Westminster Ave., Westminster, CA 92683. Representative: Robert J. Corber, 1250 Connecticut Ave., NW., Washington, DC 20036, (202) 862–2038. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 155361 (Sub-1), filed March 25, 1983. Applicant: CGS & SON TRANSIT, INC., 312 Roslyn St., Rochester, NY 14619. Representative: William J. Hirsch, 64 Niagara St., Buffalo, NY 14202. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 161460 (Sub-1), filed March 22, 1983. Applicant: EMBA BUS SERVICE INC., 1411 Newbridge Rd., No. Bellmore, NY 11710. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10173, (212) 755–9500. Transporting *passengers,* in charter and special operations, between points in the U.S. (including AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166901, filed March 21, 1983. Applicant: ROGER M. WESSELS, SR, d.b.a., WESSELS REFRIGERATED TRANSPORT, 1317 M St., Aurora, NE 68818. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501–2028. (402) 475–6761. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166930, filed March 22, 1983. Applicant: A & E MESSENGER SERVICE, INC., 15502 Trailside Drive, Lockport, IL 60441. Representative: Abraham A. Diamond, 29 South LaSalle street, Chicago, IL 60603, (312) 236–0549. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 166961, filed March 22, 1983. Applicant: DAWSON & WILSON, INC., d.b.a., D & W FREIGHT SERVICES, INC., 305 Courtland St., P.O. Box 70, Lansdale, PA 19446. Representative: Joseph J. Dawson, (same address as applicant), (215) 368–0670. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166970, filed March 22, 1983. Applicant: PATRICK JAMES DOYLE, d.b.a., PATRICK JAMES DOYLE TRUCKING, Box 190—RR 1, Sidney, NE 69162. Representative: Patrick James

Doyle, (same address as applicant), (308) 254–7384. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167011, filed March 24, 1983. Applicant: ROBERT J. SIZEMORE AND KAREN A. SIZEMORE, a Partnership, d.b.a., ARIZONA—TEXAS EXPRESS, P.O. Box 3404, Kingman, AZ 86401. Representative: Robert J. Sizemore, (same address as applicant), (602) 757–8648. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167041, filed March 22, 1983. Applicant: L & W CHARTER SERVICE, INC., R. D. #1, P.O. Box 362, Danville, PA 17821. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Vol. No. OP1–108

Decided: March 28, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC 114571 (Sub–3), filed March 17, 1983. Applicant: YODER TOURWAYS, INC., P.O. Box 8, Mattawana, PA 17054. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956 (414) 722–2848. Transporting *passengers*, in charter and special operations, beginning and ending at points in PA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 127690 (Sub–3(A)), filed March 17, 1983. Applicant: MONTANA TRANSPORT COMPANY, P.O. Box 1292, Billings, MT 59103, Representative: Oliver L. Ewen, (same address as applicant), (406) 248–3694. (1) As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI), and (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munition), between points in the U.S. (except AK and HI).

Note.—Applicant has also filed for authority under the non-fitness procedures docketed MC 127690 (Sub–3(B)), published in this same **Federal Register** issue.

MC 153981 (Sub–2(A)), filed March 2, 1983. Applicant: LEEWAY FLEET LINES, INC., 1218 Chestnut St., Suites 1008–09, Philadelphia, PA 19107. Representative: Curtis J. Lee, Jr., (same address as applicant), (215) 592–8296. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation. Applicant has also filed for authority under the nonfitness criteria, docketed MC 153981 (Sub–2(B)), published in this same **Federal Register** Issue.

MC 157061 (Sub–4), filed March 15, 1983. Applicant: ATLAS CARRIERS, INC., P.O. Box 163, Searcy, AR 72143. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg. Suite 909, Memphis, TN 38103, (901) 526–4114. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 166881, filed March 17, 1983. Applicant: EDWIN L. VARGO, d.b.a. E. L. VARGO TRUCKING, P.O. Box 71, Prince George, VA 23875. Representative: Frank L. Willard, Suite No. 1001, First & Merchants National Bank Bldg., Norfolk, VA 23510, (804) 627–0070. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditdioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 2 at 202–275–7030.

Vol. No. OP2–150

Decided: March 25, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC 69623 (Sub–5), filed March 11, 1983. Applicant: NATIONAL SCHOOL BUS SERVICE, INC., 3735 Genessee St., Buffalo, NY 14225. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW, Washington, DC 20005, 202–783–3525. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note:—Applicant seeks to provide privately-funded charter and special transportation.

MC 150502 (Sub–3), filed March 11, 1983. Applicant: REBANDA TRANSPORTATION, INC., 3450 Mill Creek Rd., Healdsburg, CA 95448. Representative: Ronald C. Chauvel, 100 Pine St., No. 2550, San Francisco, CA 94111, 415–986–1414. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166743, filed March 11, 1983. Applicant: FARLAND FREIGHT, INC., 101 Agena Dr., Georgetown, KY 40324. Representative: George M. Catlett, Suite 700–702, McClure Bldg., Frankfort, KY 40601, 502–227–7384. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 166753, filed March 11, 1983. Applicant: HERMES TRANSPORT, INC., 251 Dundee Rd., Wheeling, IL 60090. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166843, filed March 11, 1983. Applicant: JOHN ROBERT REID**Federal Register** , d.b.a. REID'S BUS SERVICE, Hillside, Trenton, Nova Scotia, Canada, BOK IXO. Representative: John Robert Reid, (same address as applicant), 902–752–7542. Transporting *passengers*, in charter operation, beginning and ending at ports of entry on the International Boundary Line between the U.S. and Canada in ME, and extending to points in ME.

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 166852, filed March 17, 1983. Applicant: MIKE NIELSEN, d.b.a., MIKE NIELSEN TRUCKING, Four Mile Vue, Butte, MT 59701. Representative: Hughan R. H. Smith, 26 Kenwood Place., Lawrence, MA 01841, 617–657–6071. Transporting *food and other edible products and byproducts intended for human consumption*, (except alcoholic beverages and drugs) *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166853, filed March 17, 1983. Applicant: GREAT CONNECTIONS, 8085 38th Ave., North, St. Petersburg, FL 33710. Representative: Sandra Scheitinger, (same address as applicant), 813–384–0725. Transporting *passengers,* in charter and special transportaton, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166903, filed March 21, 1983. Applicant: JAMES M. COPE and SANDRA J. COPE, 1361 Cherry Ave., Bethlehem, PA 18017. Representative: James M. Cope, (Same address as applicant), 215–253–7181. As a *broker* of *gereral commodities* (except household goods), between points in the U.S.

Vol. No. OP2–152

Decided: March 28, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Krock not participating.)

MC 31422 (Sub-3), filed March 7, 1983. Applicant: George KU, INC., 1480 Mt. Jackson Rd., New Castle, PA 16102. Representative: Lewis S. Witherspone, 2455 N. Star Rd., Columbus, OH 43221, (1–614–486–0448). Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 124233 (Sub-9), filed March 8, 1983. Applicant: INTERNATIONAL STAGE LINES, INC., 4171 Vanguard Rd., Richmond, B.C. Canada V6X 2P6. Representative: Robert John McMynn, (same address as applicant), (604) 270–6135. Transporting *passengers,* in charter and special operations, beginning and ending at ports of entry on the international boundary line between the U.S. and Canada, and extending to points in the U. S. (except HI)

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 139602 (Sub-4), filed March 17, 1983. Applicant: WIERSEMA CHARTER SERVICE, INC., Rte. 2, Morrison, IL 61270. Representative: Allan C. Zuckerman, 221 North LaSalle St., Suite 826, Chicago, IL 60601, 312–641–5900.Transporting *passengers,* in charter and special operations, beginning and ending at points in IL, IN, IA, MI, MO, and WI, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 152162 (Sub-2), filed March 10, 1983. Applicant: MANHATTAN COACH LINES, INC., Rte. 46, Elmwood Park, NJ 07407. Representative: Steven L. Weiman, Suite 200–444 North Frederick Ave., Gaithersburg, MD 20877, 301–840–8565. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note—Applicant seeks to provide privately-funded charter and special transportation.

MC 166593, filed March 7, 1983. Applicant: TLTK TRUCKING, INC., 5433 W. 117th St., Inglewood, CA 90304. Representative: Terry E. Morgan, 2131 Almanor St., Oxnard, CA 93030, (805) 485–2040. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazadous or secret materials, and sensitive weapons and munitions), (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, (3) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, and (4) As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI)

MC 166742, filed March 11, 1983. Applicant: J. L. WATTS, d.b.a., J. L. WATTS TRUCKING, P.O. Box 42, S. Hwy 22, Frost, TX 76641. Representative: J. L. WATTS, (same address as applicant), 214–682–3091. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166872, filed March 18, 1983. Applicant: D.M. HILL TRUCKING, INC., 2316 West 2nd St. North Platte, NE 69101. Representative: Jack L. Shultz, 500 The Atrium, P.O. Box 82028, Lincoln, NE 68051–2028, 402–475–6761. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166883, filed March 17, 1983. Applicant: BRUTT'S GARAGE, INC., d.b.a. WESTMINSTER LIMOUSINE AND CHARTER SERVICE, 71 Main St., Westminster, MA 01473. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703–522–0900. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166893, filed March 18, 1983. Applicant: WESTERN DISCOVERY COACH, INC., 4250 Kenilworth, Bladensburg, MD 20701. Representative: Morton J. Preston, (same address as applicant), 301–864–9140. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 3 at 202–275–5223.

Vol. No. OP3–128

Decided: March 25, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 129985 (Sub–1), filed March 8, 1983. Applicant: CAMPTOWN BUS LINES INC., 265 Elizabeth Ave., Newark, NJ 07108. Representative: Ronald I. Shappss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *passengers,* special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 151415 (Sub–3), filed March 15, 1983. Applicant: HORIZON CHARTER COACHES, INC., 10542 W. Donges Court, Milwaukee, WI 53224. Representative: Larry E. Sandburg, (same address as applicant), (414) 355–0240. Transporting *passengers,* in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166674, filed March 7, 1983. Applicant: HOFMANN BUS COMPANY, INC., 1003 Race Rd., Baltimore County, MD 21221. Representative: Wilbur R. Delano, Sr., (same address as applicant), (301) 665–6054. Transporting *passengers,* in special and charter operations, between points in MD, VA, PA, WV, DE, NJ, NY, and DC.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 166835, filed March 15, 1983. Applicant: LITTLETON MOTORS INC., d.b.a. DUNN LINES, 326 Great Rd., Littleton, MA 01460. Representative: Barry W. Dunn, 2 Fuller Brook Rd., Wellesley, MA 02181, (617) 235–5929. Transporting *passengers*, in special and charter operations, beginning and ending at Littleton, MA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Vol. No. OP3–131

Decided: March 28, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 7914 (Sub–8), filed March 21, 1983. Applicant: UTICA–ROME BUS CO., INC, Kirkland Avenue, P.O. Box 223, Clinton, NY 13323. Representative: Robert J. Brooks, 1828 L Street, N.W., Suite 1111, Washington, DC 20036, (202) 466–3892. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 155695 (Sub–1), filed March 18, 1983. Applicant: WEIDHAAS TOURS, INC., 4420 Westfield Ave., Pennsauken, NJ 08110. Representative: Karl W. Weidhaas, Jr., (same address as applicant), (609) 665–2877. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166815, filed March 15, 1983. Applicant: DOUG OBER, Rural Route 1, Creighton, NE 68729. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 358–5426. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166834, filed March 15, 1983. Applicant: B & D CUSTOMHOUSE BROKERS, INC., 1314 Texas Avenue, #1304, Houston, TX 77002. Representative: K. J. Bentsen, (same address as applicant), (713) 227–0715. As a *broker* of *general commodities* (except household goods) between points in the U.S.

MC 166854, filed March 17, 1983. Applicant: REVCO TRANSPORT SYSTEMS, INC., 116 Washington St., Rt. 1, Plainville, MA 02762. Representative: John F. O'Donnell, 60 Adams St. (Box 238), Milton, MA 02187, (617) 698–1660. (1) Transporting, for or on behalf of the United States Government *general commodities* (except use household goods, hazardous or secret materials, and sensitive weapons and munitions), bewteen points in the U.S., (2) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds between points in the U.S., (3) transporting *used household goods* for the account of the United States Government, incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S., and (4) as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166864, filed March 17, 1983. Applicant: BURLWOOD INDUSTRIES, INC., 3333 S. Iron St., Chicago, IL 60608. Representative: Ronald N. Cobert, Suite 501, 1730 M St., MW, Washington, DC 20036, (202) 296–2900. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166875, filed March 14, 1983. Applicant: HARRIS MERCANTILE & MANAGEMENT CO., P.O. Box 3632, Federal Way, WA 98003. Representative: Henry L. Harris, 33021 22nd Pl. So., Federal Way, WA 98003, (206) 838–5044. (A) As a *broker* of *general commodities* (except household goods); and (B) Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighting 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 166934, filed March 18, 1983. Applicant: DESIGNERS OF TRAVEL UNLIMITED, INC., 4025 N. 124th St., Brookfield, WI 53005. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840–8565. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Vol. No. OP4–185

Decided: March 25, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 145956 (Sub–14), filed March 21, 1983. Applicant: TRANSMEDIC CARRIERS, INC., 1340 Indian Rocks Rd., Belleair, FL 33516. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. (1) As a *broker of general commodities* (except household goods), (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (3) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (4) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, and (5) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 166886, filed March 18, 1983. Applicant: ERVIN E. CHRISTENSEN, Route 4, Box 1203, Hillsboro, OR 97123. Representative: Ervin E. Christensen, (same address as applicant), (503) 628–1753. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166896, filed March 21, 1983. Applicant: NANCY J. AMABILE, d.b.a., RED ARROW BROKERAGE, 29891 Red Arrow Highway, Paw Paw, MI 49079. Representative: Nancy J. Amabile, (same address as applicant), (616) 657–3416. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

No. MC 166897, filed March 21, 1983. Applicant: FREIGHT BROKER, INC., 612A, Route 41, Schererville, IN 46375. Representative: Joel H. Steiner, 135 S. LaSalle, Suite 2106, Chicago, IL 60603, (312) 236–0375. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166907, filed March 21, 1983. Applicant: VERONA CARRIERS, INC., 504 S. Nine Mound Rd., Verona, WI 53593. Representative: Richard D. Armstrong, 925 Hyland Dr., Stoughton, WI 53589, (608) 873–8929. Transporting, (1) for or on behalf of the United States

Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); (2) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense; (3) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds; and (4) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166936, filed March 18, 1983. Applicant: WESLEY T. CHURCH, d.b.a. J-W TRUCKING, 2235 W. Bonanza, Wy., South Jordan, UT 84065. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Vol. No. OP4–190

Decided: March 28, 1983.

. By Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 166916, filed March 21, 1983. Applicant: TEDDY'S TRANSPORTATION SYSTEM, INC., 100 Windfield St., E Norwalk, CT 06855. Representative: Arthur J. Piken, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Vol. No. OP4–194

Decided: March 29, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 13856 (Sub-2), filed March 23, 1983. Applicant: CONTINENTAL FRONTIERS, INC., 2378 NE 28th St., Lighthouse Point, FL 33064. Representative: Mark Parets, (same address as applicant), (305) 941–3889. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 147777 (Sub-6), filed March 15, 1983. Applicant: TRAVEL TIME BUS LINES, INC., 99 Arnold St., Springfield, MA 01119. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, (413) 781–8205. Over regular routes, transporting *passengers,* (1) between Springfield, MA, and West Hartford, CT: from Springfield over Interstate Hwy 91 to junction Interstate Hwy 84, than over Interstate Hwy 84 to West Hartford, serving all intermediate points; (2) between West Hartford and New London, CT, (a) from West Harford over Interstate Hwy 84 to junction CT Hwy 2, then over CT Hwy 2 to junction CT Hwy 11, then over CT Hwy 11 to juncton CT Hwy 85, then over CT Hwy 85 to junction U.S. Hwy 1/Interstate Hwy 95, then over U.S. Hwy 1/Interstate Hwy 95 to New London, serving all intermediate points; (b) from West Hartford over Interstate Hwy 84 to junction CT Hwy 2, then over CT Hwy 2 to junction CT Hwy 52, then over CT Hwy 52 to junction CT Hwy 32, then over CT Hwy 32 to junction U.S. Hwy 1/Interstate Hwy 95, then over U.S. Hwy 1/Interstate Hwy 95 to New London, serving all intermediate points, (3) between West Hartford, and Mystic, CT: from West Hartford over Interstate Hwy 84 to junction Interstate Hwy 91, then over Interstate Hwy 91 to junction CT Hwy 9, then over CT Hwy 9 to junction Interstate Hwy 95/U.S. Hwy 1, then over Interstate Hwy 95/U.S. Hwy 1 to Mystic, serving all intermediate points; (4) between West Hartford and Mystic, CT: from West Hartford over Interstate Hwy 84 to junction CT Hwy 2, then over CT Hwy 2 to junction CT Hwy 52, then over CT Hwy 52 to junction CT Hwy 32, then over CT Hwy 32 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Mystic, serving all intermediate points; (5) between Fitchburg, MA, and Mystic, CT; from Fitchburg over MA Hwy 12 to junction Interstate Hwy 190, then over Interstate Hwy 190 to junction Interstate Hwy 290, then over Interstate Hwy 290 to junction Interstate Hwy 193, then over Interstate Hwy 193 to junction CT Hwy 52, then over CT Hwy 52 to junction CT Hwy 32, then over CT Hwy 32 to junction Interstate 95, then over Interstate Hwy 95 to Mystic, serving all intermediate points, (6) between Fitchburg and springfield, MA: (a) from Fitchburg over MA Hwy 2 to junction U.S. Hwy 202, then over U.S. Hwy 202 to junction Interstate Hwy 91, then over Interstate Hwy 91 to Springfield, serving all intermediate points, (b) from Fitchburg over MA Hwy 2 to junction U.S. Hwy 202, then over U.S. Hwy 202 to junction Pelham Rd., then over Pelham Rd. to junction MA Hwy 116, then over MA Hwy 116 to junction MA Hwy 9, then over MA Hwy 9 to junction U.S. Hwy 5/Interstate Hwy 91, then over U.S. Hwy 5/Interstate Hwy 91, then over U.S. Hwy 5/Interstate Hwy 91 to Springfield, serving all intermediate points, and (c) from Fitchburg over MA Hwy 2, to junction U.S. Hwy 202, then over U.S. Hwy 202 to junction Pelham Rd., then over Pelham Rd. to junction MA Hwy 116 then over MA Hwy 116 to Springfield, serving all intermediate points. NOTE: Applicant intends to tack the authority herein with its present authorized operations, and seeks to provide regular route service in interstate or foreign commerce, in intrastate commerce, under 49 U.S.C. 10922(c)(2)(b) over the same routes.

MC 161156 (Sub–1), filed March 25, 1983. Applicant: AMERICAN RELOCATION SERVICES, INC., P.O. Box 4350, Hamden, CT 06514. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785–0024. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Vol. No. OP4–198

Decided: March 30, 1983

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 113567 (Sub–6), filed March 25, 1983. Applicant: LACROSSE AND WESTERN STAGES, INC., d.b.a. HIAWATHA COACHES, 2022 Oak St. LaCrosse, WI 54601. Representative: J. G. Dail, Jr., P.O. Box LL, McLean VA 22101, (703) 893–3050. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166937, filed March 18, 1983. Applicant: RONALD HOGENSON, 22 37th Ave. South, Moorhead, MN 56560. Representative: Ronald Hogenson, (Same address as applicant), (218) 236–6890. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166998, filed March 24, 1983. Applicant: EARL D. PULDA, Route 2, Box 286, Prairie Du Chien, WI 53821. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832,

Portage, WI 53901, (608) 742–3579. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167007, filed March 24, 1983. Applicant: STEVE JOYCE, Box 203 Canalou, MO 63828. Representative: Billy R. Reid, 1721 Carl St., Ft. Worth, TX 76103, (817) 332–4718. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167026, filed March 24, 1983. Applicant: SPECIAL T COACHES, INC., 5194 Island View Dr., Oshkosh, WI 54901. Representative: Phyllis M. Oleson, (same address as applicant), (414) 231–9867. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167046, filed March 24, 1983. Applicant: A & F CHARTERS, INC., 123 Dyers St., Providence, RI 02903. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004, (202) 737–1030. Transporting *passengers*, in charter and special operations, between points in CT, DE, DC, ME, MD, MA, NJ, NH, NY, PA, RI, VT and VA.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167056, filed March 25, 1983. Applicant: RITTMAYER TOURS, 21 Ellis St., Haddonfield, NJ 08033. Representative: Benjamin F. Rittmayer, (same address as applicant), (609) 429–2934. Transporting *passengers*, in charter and special operations, beginning and ending at Philadelphia, PA, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 5 at 202–275–7289.

Vol. No. OP5–148

Decided: March 25, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 114878 (Sub–1), filed March 15, 1983. Applicant: JAMES D. WEST, d.b.a. WEST BUS SERVICE, R.R. 7, Carbondale, IL 62901. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956, 414–722–2848. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 148048 (Sub–1), filed March 16, 1983. Applicant: V. & K., Route 3, Box 6281, Columbia KY 42728. Representative: William L. Willis, Suite 702, McClure Bldg., Frankfort, KY 40601, 502–227–7384. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 160809 (Sub-1), filed March 17, 1983. Applicant: ALTON L. DOCKERY, d.b.a. ABLE CHARTER BUS COMPANY, 6677 Columbus Ave., Riverside, CA 92504. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, 714–667–8107. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 161869 (Sub-1), filed March 15, 1983. Applicant: NIPPON EXPRESS U.S.A., INC., 645 Fifth Avenue, New York, NY 10022. Representative: Harry A. Gavalas, 127 John Street, New York, NY 10038, 212–344–2083. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166858, filed March 8, 1983. Applicant: RENT AFFORDABLE, INC., d.b.a. TRI STATE EXPRESS COMPANY, 630 Market St., Mt. Carmel, IL 62863. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, 217–753–3925. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 166798, filed March 14, 1983. Applicant: PLESS TRAFFIC SALES, INC., 10 Dean Court, Rutherford, NJ 07070. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. To operate as a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166829, filed March 15, 1983. Applicant: RICHARD CARROLL REMINGTON, 16990 Sandlake Road, Cloverdale, OR 97112. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, 503–224–4840. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except HI).

MC 166839, filed March 16, 1983. Applicant: ELVIO SPERDUTO, 8834 Halsted St., San Diego, CA 92123. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055, 206–235–1111. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–8921 Filed 4–5–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Proposed Exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub–1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C 11343*, 367 I.C.C. 113 (1982), 47 F.R. 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.
Agatha L. Mergenovich,
Secretary.

Volume No. OP3–137

Decided: March 31, 1983.

MC–F 15176. Ronald L. Marquardt, Inc., Purchase Exemption; SHOEMAKER TRUCKING COMPANY.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), Ronald L. Marquardt, Inc. (MC 156283), seeks an exemption from the requirement under 49 U.S.C. 11343 of prior regulatory approval of its purchase of the operating authorities issued to Shoemaker Trucking Company in MC 138875 (Sub–276 and 263, and the portions of paragraphs (1) and (7) of Sub–312X which supercede the Sub–276 and 263).

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's Representative, David E. Wishney, P.O. Box 837, Boise, ID 83701.

Comments should refer to MC–F 15176.

Petitioners

MC–F 15177. Presto Transportation, Inc., MC 157763, seeks an exemption from the requirement of prior regulatory approval for its purchase of authorities issued Shoemaker Transportation Company in MC 138875 Sub–266F, and 305 and paragraph 59 of Sub–312X which involves the transportation of such commodities as are dealt in by drug and discount stores between 9 counties in 7 States and points in the United States. (This purchase would necessarily entail the transfer of Sub–248F which was superceded by issuance of paragraph 59 of Sub–312X.) *Stewart Trucking Company*, MC–FC 79592, (December 1, 1982). Petitioner's application for temporary lease of the rights sought to be purchased has already been denied.

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's Representative, David E. Wishney, P.O. Box 837, Boise, ID 83701.

Comments should refer to MC–F 15177.

MC–F 15207. MOTRUX TRANSPORTATION, LTD., Purchase Exemption, MELGAARD FREIGHT SYSTEMS, LTD.

Pursuant to 40 U.S.C. 11343(e), E.M. Brooks Transport Ltd., a wholly owned subsidiary of Motrux Transportation, Ltd. (MC 154912), seeks an exemption from the requirement under section 11343 of prior regulatory approval if its purchase of all of the operating authority of Melgaard Freight Systems, Ltd. (MC 154304), and its subsequent merger with Motrux after the purchase has been consummated.

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's Representative, Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104.

Comments should refer to MC–F 15207.

Volume No. OP1–112

Decided: March 29, 1983.

MC–F 15199. CRST, INC., Purchase Exemption, NIGHT HAWK MOTOR TRANSPORT, INC.

CRST, Inc. (MC 114273), seeks an exemption from the requirements under section 11343 of prior regulatory approval for purchase of a portion of the operating rights of Night Hawk Motor Transport, Inc. (MC 147751) authorizing the transportation of general commodities (with exceptions), between points in Chicago, IL, on the one hand, and, on the other, specified cities and points in Ohio.

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's Representative, Stephen D. Strauss, 2510 Carew Tower, Cincinnati, OH 45202.

Comments should refer to MC–F 15199.

[FR Doc. 83–8926 Filed 4–5–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP4–195]

Motor Carriers, Republications of Grants of Operating Rights, Authority Prior to Certification; Decision Notice

The following grants of operating authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 25 days after the date of this **Federal Register** notice. Such pleading shall address specifically the issue(s) indicated as the purpose for republication. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if not representative is named.

Agatha L. Mergenovich,

Secretary.

MC 135046 (Sub–27 X), filed July 30, 1982, previously noticed in the **Federal Register** issues of September 14, 1982, September 29, 1982 and March 9, 1983, respectively, and republished as follows: Applicant: ARLINGTON J. WILLIAMS, INC., 1398 S. DuPont Hwy, Smyrna, DE 19977. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. In a decision decided February 3, 1983, Division 1, acting as an Appelate Division, found that with respect to the proposed expansion of its commodity descriptions contained in its former certificates MC 135046 and Sub–2 and 11 will be modified as follows: from fibre, fibre products, and insulating materials to: food or related products; textile mill products; apparel, or other finished textile products or knit apparel; lumber or wood products, except furniture; pulp, paper or related products; chemicals or related products; clay, concrete, glass or stone products; fabricated metal products except ordnance, machinery and transportation equipment; instruments; photographic goods or optical goods; watches or clocks; waste or scrap materials not indentified by producing industry, rubber or miscellaneous plastic products; petroleum or coal products, materials, equipment and supplies used in the manufacture and distribution of the above named commodities.

Note.—(1) If no comments are filed within 25 days of publication, the application will be granted. (2) The purpose of this republication is to include rubber or miscellaneous plastic products; and petroleum or coal products, which was previously omitted from the decision of February 3, 1983, as corrected by Notice to the Parties of March 22, 1983.

[FR Doc. 83–8924 Filed 4–5–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3 These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office name in the **Federal Register** publication no later than the 15th calender day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be goverened by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the

quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–251

The following applications were filed in Region I. Send Protests To: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 890 (Sub–1–2 TA), filed March 18, 1983. Applicant: ADKINS TRUCKING & FREIGHT LINES, INC., 750 Charles Street, P.O. Box 190, Gloucester City, NJ 08030. Applicant's Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Contract carrier:* irregular routes: *Food and related products, materials, equipment and supplies used in the manufacture and distribution of food and related products, between Camden, NJ on the one hand, and, on the other, points in NY, under continuing contract(s) with Campbell Soup Company, Camden, NJ. Supporting Shipper: Campbell Soup Co., 100 Market Street, Camden, NJ 08102.*

MC 166355 (Sub–1–1 TA), filed March 18, 1983. Applicant: MARK TOOTHAKER, d.b.a. B & T TRANSPORT COMPANY, 40 Wilkins Avenue, P.O. Box 709, Wilton, ME 04292. Applicant's Representative: John G. Feehan, 178 Middle Street, Portland, ME 04112. *Contract carrier:* irregular routes: *Material, supplies and equipment used in the manufacturing, production and distribution of paper and related products* under continuing contract(s) with International Paper Co. of New York, NY. Supporting Shipper: International Paper Company, International Paper Plaza, 77 West 45th Street, New York, NY 10036.

MC 160736 (Sub–1–2 TA), filed March 18, 1983. Applicant: DAVID R. BELL d.b.a. DAVID R. BELL TRUCKING, 7718 Kendall Road, Pavilion, NY 14525. Applicant's Representative: David R. Bell, (Same as applicant). *Common carrier:* irregular routes: *Agricultural fertilizer and soil conditioners* (1) from Port of Entry on the International Boundary Line Between U.S. and CD on the Niagara River in NY, on the one hand, and, on the other, points in the Counties of Monroe, Livingston, Wyoming, Erie, Niagara, Genesee, Orleans, and Ontario, NY; and (2) between Toledo, OH, Baltimore, MD, Mt. Airy, MD, Wilmington, DE, Mt. Jackson, VA, S. Deerfield, MA, on the one hand, and, on the other, points in the Counties of Monroe, Livingston, Wyoming, Erie, Niagara, Genesee, Orleans, and Ontario, NY. Supporting Shipper(s): American Cyanamid Company, One Cyanamid Plaza, Wayne, NJ 07470; Agriturf, Inc., 124 Elm Street, P.O. Box 143, South Deerfield, MA 01373; George S. Terry & Co., Inc., 165 Park Avenue, Brockport, NY 14420; Robb Custom Service, Inc., 3100 Suckerbrook Road, Perry, NY 14530, Crockers Farm Service, Inc., 7591 Seldon Road, LeRoy, NY 14482.

MC 166613 (Sub-1–1 TA), filed March 21,1983. Applicant: THE CAMELOT COURIER, LTD., Gold Road South, Elizaville, NY 12523. Applicant's Representative: Harold L. Reckson, 33–28 Halsey Road, Fair Lawn, NJ 07410. *Cancelled checks, cash letters, letters of credit, and audit accounting media, EDP printouts and tab cards,* Between Philadelphia, PA, on the one hand, and on the other, New York and Albany, NY, and points in their commerical zones. Supporting Shipper: Philadelphia National Bank, 4th and Market Streets, Philadelphia, PA 19107.

MC 166203 (Sub-1–2 TA), filed March 17, 1983. Applicant: CUSTOMIZED TRANSPORTATION, INC., 54 Sheridan Avenue, Elmira Heights, NY 14903. Applicant's Representative: Dixie C. Newhouse, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. *Contract carrier:* irregular routes: (1) *Wines, including materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Hammondsport, NY, including its commercial zone, on the one hand, and, on the other, points in the U.S. (except AK & HI), under continuing contract(s) with The Taylor Wine Company, Inc., Hammondsport, NY; (2) *Food and related products, including materials, equipment and supplies used in the manufacture, sale and distribution thereof, between Macedon, NY, including its commercial zone, on the one hand, and, on the other, points in the U.S. in and east of IN, KY, TN, GA, FL and KS, under continuing contract(s) with Richardson Foods, Macedon, NY; (3) Iron valves and fire hydrants, including materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Elmira, NY, including its commercial zone, on the one hand, and, on the other, points in the U.S. (except AK & HI), under continuing contract(s) with Kennedy Valve Division ITT Grinnell Valve Co., Inc., Elmira, NY; (4) *Wines, including materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Hammondsport, NY, including its commercial zone, on the one hand, and, on the other, points in the U.S. (except AK & HI), under continuing contract(s) with Gold Seal Vineyard, a division of Joseph E. Seagram & Sons, Inc., Hammondsport, NY; (5) *Confectionary candies, including materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Johnson City, NY, including its commercial zone, on the one hand, and, on the other, points in the U.S. (except AK & HI), under continuing contact(s) with Fairplay Caramels, Inc., Johnson City, NY; (6) *Mobile home accessories,* between Gillette, PA, including its commercial zone, on the one hand, and, on the other, points in MI, IN, WI, IL, VA, WV, KY, MD, DE, NJ, OH, NY, MA, CT, RI, VT, NH and ME, under continuing contract)s) with Dura-Bilt Products, Inc., Gillette, PA; (7) *Wooden ladders, including materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Bath, NY, including its commercial zone, on the one hand, and on the other, points in the U.S. in and east of WI, IL, KY, TN, and MS, under continuing contract(s) with W. W. Babcock, Co., Inc., Bath, NY; (8) *Office fixtures and supplies,* between Sidney, NY, including its commercial zone, on the one hand, and, on the other, points in the U.S. (except AK & HI), under continuing contract(s) with Keith Clark, Inc., Sidney, NY; (9) *Glass bottles and containers, including materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Lawrenceburg, IN, Tampa, FL, Streator, IL, Wharton, NJ, Elmira, NY and Saugas, CA, including their respective commercial zones, on the one hand, and, on the other points in the U.S. (except AK & HI) under continuing contract(s) with Thatcher Gless Corp., Elmira, NY; and (10) *Adhesives, caulkings and sealants, including materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Bainbridge, NY, including its commercial zone, on the one hand, and, on the other points in the U.S. (except AK & HI), under continuing contract(s) with Borden, Inc., Consumer Products Division, Bainbridge, NY. SUPPORTING SHIPPER(S): There are 10 statements of support with this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 155370 (Sub-1–4 TA), filed March 17, 1983. Applicant: KEM CONTRACT CARRIERS, INC., Kirkwood Industrial

Park, P.O. Box 1245, Binghamton, NY 13902–1245. Applicant's Representative: Donald C. Carmien, Esq., Suite 501 Midtown Mall, 15 Chenango Street, P.O. Box 1922, Binghamton, NY 13902–1922. *Contract carrier:* irregular routes: *Medical supplies,* from Ocala, FL, Sumter, SC, Indianapolis, IN, Broken Bow, Columbus and Holdrege, NE, to Fairfield and Parsippany, NJ, and Canaan, CT, under continuing contract(s) with Becton Dickinson Co., Inc. of Rutherford, NJ. Supporting Shipper(s): Becton Dickinson Co., Inc., Box 809, Stanley Street, Rutherford, NJ 07070.

MC 166867 (Sub-1-1 TA), filed March 18, 1983. Applicant: L'EXPRESS DU MIDI, INC., 1076 Union Street, P.O. Box 99, St. Catherine, Quebec,CD JOLIEO. Applicants's Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. *Contract carrier:* irregular routes: *Such commodities as are dealt in or used by retail home improvement and building materials centers,* between points of entry on the International Boundary line between the U.S. and CD, in NY, VT, NH and ME, on the one hand, and, on the other, points in CT, ME, MA, NH, NJ, NY, PA, RI, VT, VA, WI, WV and DC, under continuing contract(s) with Grossman's Division of Evans Products, Braintree, MA. Supporting Shipper: Grossman's Division of Evans Products, Route 3, Union Street Ext., Braintree, MA 02184.

MC 151193 (Sub-1-45 TA), filed March 17, 1983. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Avenue, Avenel, NJ 07001. Applicants's Representative: Michael A. Beam; (Same as applicant). *Contract carrier:* irregular routes: *Freight, all kinds, (except Class A & B explosives, household goods as defined by the Commission, in bulk),* from points in NY to points in CA and IL, under continuing contract(s) with Daylight Transport, Inc., Maspeth, NY. Supporting Shipper: Daylight Transport, Inc., 66–00 Long Island Expressway, Maspeth, NY 11378.

MC 166856 (Sub-1-1 TA), filed March 17, 1983. Applicant: PRIMA MESSENGER & TRUCKING SERVICE, INC., d.b.a. PRIMA TRUCKING SERVICE, Station Road, P.O. Box 582, Cranbury, NJ 08512. Applicant's Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Paper and plastic products, toys, metal products, chemicals and related products, machinery and food and kindred products, (except commodities in bulk and hazardous materials),* between New York, NY Commercial Zone and Mercer County, NJ, on the one hand, and, on the other, points in CT, DE, DC, MA, MD, NJ, NY, PA, RI, and VA. Supporting Shipper(s): There are 7 statements of support with this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 166927 (Sub-1-1 TA), filed March 22, 1983. Applicant: GARY F. SEXTON, INC., d.b.a. SEXTON TRUCKING, 56½ Front Street, Holyoke, MA 01040. Applicant's Representative: Patrick A. Doyle, Esq., 40 Sky Ridge Lane, Springfield, MA 01128. *Contract carrier:* irregular routes: *Plastic and glass materials,* from Holyoke, MA to points in CT, RI, NY, NJ, and NH, under continuing contract(s) with Halmar Distributors of Holyoke, MA. Supporting Shipper: Halmar Distributors, 49 Garfield Street, Holyoke, MA 01041.

MC 163232 (Sub-1-1 TA), filed March 17, 1983. Applicant: VERMONT WILSON LIMITED 156 Porter Place, Rutland, VT 05701. Applicant's Representative: John P. Monte, P.O. Box 686, Barre, VT 05641. *Contract carrier:* irregular routes: *Such merchandise as is dealt with by the manufacturers and distributors of overhead garage doors* between points in the U.S. under continuing contract(s) with Clopay Corporation, Ludlow, VT. Supporting Shipper: Clopay Corp., P.O. Box 235, Deane Brown Industrial Park, Ludlow, VT 05149.

The following applications were filed in Region 6. Send Protests To: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 167022 (Sub–6–1 TA), filed March 24, 1983. Applicant: GRANT C. BECKSTRAND, 558 Fifth St. Wells, NV 89835. Applicant's Representative: (Same as applicant). *General commodities* excepting hazardous materials between points in White Pine, Elko, and Eureka Counties, NV; and points in Twin Falls County, ID, and Tooele, Davis, and Salt Lake Counties, UT for 270 days. Supporting Shippers: INDEPENDENT MEAT COMPANY; Box EE Orchard Drive, Twin Falls, ID 83301; GEM EQUIPMENT, INC.; Box 149, Twin Falls, ID 83301; TWIN VALLEY EQUIPMENT, INC.; Rt. #3 Kimberly Road, East, Twin Falls, ID 83301.

MC 167023 (Sub–6–1 TA), filed March 24, 1983. Applicant: E.J. TRUCKING, 4886 Escapardo Way, Colorado Springs, CO. 80917. Applicant's Representative: Emil Jay Zadina and Bonnie J. Zadina, (same as applicant). *Contract Carrier,* Irregular routes: *Insulation and related materials,* from Wyandotte County, KS to points in CO for the account of Western Insulation Inc., for 270 days. Supporting Shipper: Western Insulation Inc., 2872 S. Shoshone St., Englewood, CO ZIP 80110.

MC 135887 (Sub–6–1 TA), filed March 24, 1983. Applicant: VOYNE E. GLEASON, P.O. Box 1051, Hayden Lake, ID 83835. Applicant's Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. *Malt Beverages and Wine,* between points in CA, OR and WA, on the one hand, and, on the other, points in ID for 270 days. An underlying ETA seeks 120 days authority. Supporting Shippers: Beck Dist. Inc., Box 405, St. Maries, ID. Doug Somers Dist., 1531 N.W. Blvd., Coeur d'Alene, ID. Mogey Dist. Co., Inc., 404 E. Portland, Kellogg, ID.

MC 167002 (Sub–6–1 TA), filed March 23, 1983. Applicant: J & D TRUCKING, INC., 30567 Watts Valley Rd., Tollhouse, CA 93667. Applicant's Representative: Johnie Crouch, 5631 E. Olive Ave., Fresno, CA 93727. *Contract carrier,* irregular routes, *general commodities* (except class A&B explosives, commodities in bulk) between Fresno, CA and points in the U.S. (except AK and HI) for the accounts of Dakota Supply Co., Inc.; Redmond Lumber & Drywall; Steve L. Johnson Lumber; Olympic Cascade Corp.; Fresno Drywall and Supplies, Inc.; J&J Cedar Products, Inc.; and Gold Bond Building Products for 270 days. Supporting Shippers: There are 7 shippers. Their statements may be examined in the office listed.

MC 167020 (Sub–6–1 TA), filed March 24, 1983. Applicant: JUAN NAVA, d.b.a. NAVA TRUCKING, 930 Pualine Ave, Calexico, CA 92231. Representative: Juan Nave, (same address as applicant). *Contract Carrier,* Irregular routes: *Lead acid batteries, component parts for the manufacture of batteries* between Santa Ana, CA and the US Border at Calexico, CA for the account of Elpower Corporation for 270 days. Supporting Shipper: Elpower Corporation, Ave Galaxia #70 Parque Industrial Mexicali Mexicali, B.C. MX.

MC 138624 (Sub–6–6 TA), filed March 24, 1983. Applicant: CLIFF REED, INC., 510 Willow Creek Rd., Corvallis, MT 59828. Applicant's Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. *Fertilizer,* (1) from points in WA to points in ID and MT; (2) from points in ID to points in MT, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper(s): Deer Lodge Livestock Market, 524 Conley, Deer Lodge, MT 59722.

MC 167053 (Sub–6–1 TA), filed March 25, 1983. Applicant: LARRY VAN HOY, d.b.a. L. VAN HOY TRUCKING, P.O. Box 133, Rufus, OR 97050. Applicant's Representative: Lawrence V. Smart, Jr.,

419 N W 23rd Av, Portland, OR 97210. *Contract Carrier:* Irregular routes: *paper and paper articles* and *materials and supplies* used in the manufacture and distribution of paper and paper articles, between points in OR, WA, NV, CA and AZ, for 270 days. Supporting Shipper: Superior Transportation Systems, Inc., 25200 S W Parkway, Wilsonville, OR 97070.

MC 166653 (Sub–6–1 TA), filed March 25, 1983. Applicant: RAMON MEJIA, d.b.a., MEJIA TRUCKING, 11846 Arminta St., North Hollywood, CA 91605. Representative: Ramon Mejia, (same address as applicant). *Contract Carrier,* Irregular routes: *Furniture and materials used in the manufacture of same* between Whittier, CA and points in AZ, NV, OR and WA for the account of Universal Furniture for 270 days. Supporting Shipper: Universal Furniture, 2690 Pellissier Place, Whittier, CA 90601.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–8927 Filed 4–5–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30128]

Rail Carriers; Burlington Northern Railroad Co. and Denver & Rio Grande Western Railroad Co.; Trackage Rights Exemption Bragdon to Pueblo Junction, CO.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11343 the trackage rights agreement between Burlington Northern Railroad Company and The Denver & Rio Grande Western Railroad Company to operate over 810 feet and 10 miles of track between Bragdon and Pueblo Junction, CO.

DATES: This exemption will be effective on April 6, 1983. Petitions to reopen must be filed by April 26, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30128 to: (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423. (2) Petitioner's representatives: Peter M. Lee, 176 East Fifth Street, St. Paul, MN 55101. John S. Walker, P.O. Box 5482, Denver, CO 80217.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Dated: March 30, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–8928 Filed 4–5–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29518 (Sub–1)]

Rail Carriers: Midwestern Rail Properties, Inc., Subsidiary of Chicago and North Western Transportation Co.; Purchase (Portion)— Chicago, Rock Island and Pacific Railroad Co., Debtor; Lines in Minnesota, Iowa, and Missouri

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration and proceedings scheduled.

SUMMARY: The Commission is accepting for consideration the application of Midwestern Rail Properties, Inc., subsidiary of Chicago and North Western Transportation Company, to purchase certain properties of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), located in MN, IA, and MO. The Commission is also setting a schedule for the proceeding, and will issue a final decision by June 20, 1983. Related petitions for exemption under 49 U.S.C. 10505 have also been filed and will be considered with the purchase application.

DATE: Sworn statements supporting or opposing the application or seeking other relief must be filed by April 26, 1983. Sworn statements in response must be filed by May 6, 1983.

ADDRESS: An original and 10 copies of all statements referring to Finance Docket No. 29518 (Sub–1) should be sent to: Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423, Attention: Midwestern Rail Properties, Inc.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write T.S. InfoSytems, Inc, Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289–357 (D.C. Metropolitan area) toll free (800) 424–5403.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–8929 Filed 4–5–83; 8:45 am]

BILLING CODE 7035–1–M

Motor Carriers; Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1170.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions)

we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumtions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate complicance. the unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–148

Decided: March 29, 1983.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell (Member Krock not participating).

MC 29643 (Sub-22), filed March 23, 1983. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Ave., Massena, NY 13662. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, 212–466–0220. Transporting *metal products,* between points in St. Lawrence County, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 96993 (Sub-2), filed March 8, 1983. Applicant: STANLEY TRUCKING CO., INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: Charles R. Reilly, 391 Davisville Rd. North Kingstown, RI 02852, 401–884–0969. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, MA, and RI. Condition: Issuance of a certificate in this proceeding is conditioned upon the coincidental cancellation of Certificate of Registration No. MC–96993 Sub 1, issued December 27, 1983.

MC 110683 (Sub-207), filed March 8, 1983. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Harry J. Jordan, 1090 Vermont Ave., NW., Washington, DC 20005, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Emerson Electric Company, of St. Louis, MO.

MC 123263 (Sub-20), filed March 7, 1983. Applicant: FLOYD R. WANGERIN and LORRAINE C. WANGERIN, d.b.a. WANGERIN TRUCKING CO., R.R. 2, Stephenson, MI 49887. Representative: Michael S. Varda, 121 So. Pinckney St., Madison, WI 53703, (608) 255–8891. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the Upper Peninsula of MI in and west of Delta and Alger Counties, MI, and points in Brown, Eau Claire, Florence, Forest, Marinette, Oconto, Oneida and Vilas Counties, WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 154643 (Sub-2), filed March 10, 1983. Applicant: KLINK TRUCKING, INC., Route 1, Box 345, Pleasant Lake, IN 46779. Representative: Robert B. Hebert, One Indiana Sq., Suite 1600, Indianapolis, IN 46204, (317) 632–6262. Transporting *chemicals and related products,* between points in OH, on the one hand, and, on the other, points in IN and MI.

MC 163563 (Sub-1), filed March 10, 1983. Applicant: ITOFCA CONSOLIDATORS, INC., 1001 W. 31st St., Downers Grove, IL 60515. Representative: Daniel C. Sullivan, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263–1600. As a *broker* of *household goods,* between points in the U.S. (except AK and HI).

Volume No. OP2–149

Decided: March 25, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing (Member Carleton not participating).

MC 2202 (Sub-686), filed March 18, 1983. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20814, 202–986–1410. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Kendavis Industries International, Inc., of Fort Worth, TX.

MC 2202 (Sub-687), filed March 18, 1983. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20814, 202–986–1410. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Chrysler Corporation, of Detroit, MI.

MC 18192 (Sub-2), filed March 15, 1983. Applicant: C. BAIN, INC., 154 Pleasant St., Lynn, MA 01901. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, 617–535–5430. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Honeywell, Inc., of Brighton, MA.

MC 52793 (Sub-127), filed March 18, 1983. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A.

Gallagher (same address as applicant), 312–547–2184. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Union Pacific Railroad Company, of Omaha, NE.

MC 69833 (Sub-168), filed March 18, 1983. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave., NW., Grand Rapids, MI 49503. Representative: Bruce A. Bullock, One Woodward Ave., 26th Fl., Detroit, MI 48226, 313–496–3534. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Montgomery Ward & Co., of Chicago, IL.

MC 121293 (Sub-6), filed March 9, 1983. Applicant: PHILIP E. REEDY d.b.a. VALLEY TRANSFER; Elkhorn, NE 68022. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, 402–397–9900. Transporting *such commodities* as are dealt or used by manufacturers and distributors of (a) iron and steel articles, (b) irrigation systems, (c) light poles, (d) heating and cooling systems, and (e) sewage and waste treatment systems, between points in the U.S. (except AK and HI).

MC 149283 (Sub-3), filed March 8, 1983. Applicant: HAYWARD TRUCKING, INC., 6549 Robinson Rd., Jacksonville, FL 32217. Representative: Norman J. Bolinger, 3100 University Blvd., S., Ste. 225, Jacksonville, FL 32216, 904–724–7539. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MS, MO, NE, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WV.

MC 162253, filed March 8, 1983. Applicant: SUPREME CARRIERS, INC., P.O. Box 916, So. Sioux City, NE 68776. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, 402–397–9900. Transporting (1) *non-metallic minerals*, between points in NE, on the one hand, and, on the other, points in IL, WI, MN, IA, MO, KS, SD, and CO; (2) *such commodities* as are dealt in or used by manufacturers and distributors of building materials, between points in Woodbury County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI); (3) *such commodities* as are dealt in our used by manufacturers and distributors of railroad products, between points in Dodge County, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI); (4) *petroleum, natural gas, and their products, chemicals and related products, and electrical machinery, equipment, and supplies*, between points in Woodbury County, IA, on the one hand, and, on the other, Chicago, IL, St. Paul, MN, Omaha, NE, and points in Lancaster County, NE and Saline County, KS; (5) *plastic products, machinery, and metal products*, between points in NE and IA, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (6) *wood products*, between points in CO, MN, NE, SD, WI, and WY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164513 (Sub-1), filed March 11, 1983. Applicant: LOGISTICAL TRANSPORTATION COMPANY, INC., P.O. Box 40001, Jacksonville, FL 32203–0001. Representative: Marion Graham, Jr., 1824 Lindsey Rd., Jacksonville, FL 32205, 904–781–1787. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, FL, GA, LA, MS, NC, and SC.

MC 165102, filed March 11, 1983. Applicant: PORT VINCENT TRUCK LEASING, INC., Route 3, Box 387, Denham Springs, LA 70726. Representative: Mary Thigpen Gourdon (same address as applicant), 504–698–3425. Transporting *carpet, tile, grout, and cement products*, between points in the U.S., under continuing contract(s) with Bolick Distributors, Inc., of Baton Rouge, LA.

MC 166752, filed March 11, 1983. Applicant: LORAN J. CRITCHETT & SONS, (& SUZY!), INC., 4140 West 127th St., Alsip, IL 60658. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *motor vehicles*, between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166763, filed March 14, 1983. Applicant: FAR NORTH DELIVERY, INC., 8290 Country Woods Dr., Anchorage, AK 99502. Representative: Jack R. Davis, 1200 IBM Bldg., Seattle, WA 98101, 206–624–7373. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AK.

MC 166902, filed March 21, 1983. Applicant: TONY GONZALES TRUCKING, INC., P.O. Box 206, Escalon, CA 95320. Representative: Arden Riess, P.O. Box 7965, Stockton, CA 95207, 209–957–6128. Transporting (1) *ores and minerals*, (2) *chemicals and related products*, (3) *clay, concrete, glass or stone products*, and (4) *waste or scrap materials not identified by industry producing*, between points in AZ, CA, ID, MT, NV, OR, UT, WA, and WY.

MC 166773, filed March 14, 1983. Applicant: TRANS BUS, INC., Rural Route 2, Liberty, IN 47353. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, 317–638–1301. Transporting *transportation equipment*, between points in the U.S. (except HI).

Volume No. OP 2–151

Decided: March 28, 1983.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell. (Member Krock not participating.)

MC 61403 (Sub–300), filed March 9, 1983. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017, 212–532–5100. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Union Carbide Corporation, of Danbury, CT.

MC 107012 (Sub–809), filed March 23, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, (same address as applicant), 219–429–2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with General Electric Company, of Bridgeport, CT.

MC 116503 (Sub–10), filed March 21, 1983. Applicant: B. R. SCHOLL & SONS, INC., 2301 Fifth Street, Perksie, PA 18944. Representative: Francis W. Doyle, 323 Maple Avenue, Southampton, PA 18966, 215–357–7220. Transporting *chemicals and related products,and (2) ores minerals*, between points in DE, MD, NJ, NY, OH, PA, VA and WV.

MC 120302 (Sub–5), filed March 22, 1983. Applicant: KNOX TRUCK LINES, INC., P.O. Box 2427, Grand Prairie, TX 75051. Representative: Fred Knox, (same address as applicant), 214–263–1343. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, FL, GA, IL, IN, IA, KY, TN, and NE.

MC 136713 (Sub–30), filed March 21, 1983. Applicant: AERO LIQUID TRANSIT, INC., 1717 Four Mile Rd., N.E., Grand Rapids, MI 49505. Representative: Daniel J. Kozera, Jr., (same address as applicant), 616–364–6131. Transporting *petroleum and*

petroleum products between points in the U.S. (except AK and HI), under continuing contract(s) with Amoco Oil Company, of Chicago, IL.

MC 160492, filed March 17, 1983. Applicant: CLEATUS P. JONES, 411 North Beverly Drive, Wichita Falls, TX 76305. Representative: Cleatus P. Jones (same address as applicant), 817–723–5888. Transporting *clay, concrete, glass or stone products,* between points in Wichita County, TX, and Comanche, Caddo, and Cotton Counties, OK.

MC 161833 (Sub-2), filed March 14, 1983. Applicant: MARSON TRUCKING CO., 317 A Leroy Avenue Molalla, OR 97038. Representative: Frank J. Marson, Jr. (same address as applicant), 503–829–2700. Transporting (1) *metal products* and (2) *machinery,* between points in OR, WA, CA, and NV.

MC 162913, filed March 8, 1983. Applicant: MARCUS TRUCKING, INC., 6909 W. 64th Place, Chicago, IL 60638. Representative: John T. O'Connell, 521 S. LaGrange Rd., LaGrange, IL 60525, 312–352–7220. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in OH, IN, MI, WI, IA, MO, KY, PA, MN, and WV.

MC 166072, filed March 7, 1983. Applicant: TRAFFIC WEST FREIGHT SYSTEMS, INC., 1225 Sixth Street, San Francisco, CA 94107. Representative: Michael Leiden, P.O. Box 421636, San Francisco, CA 94142, (415) 431–0642. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in CA.

MC 166353, filed March 17, 1983. Applicant: KEN-GO SERVICES, INC., Rte. 2, Parish Rd. 3–5, P.O. Box 1018, Abbeville, LA 70510. Representative: Janet Boles Chambers, 8211, Goodwood Boulevardvd., Suite C–1, Baton Rouge, LA 70806, 504–924–2686. Transporting *Mercer Commodities,* between points in the U.S. (except AK and HI).

MC 166623, filed March 7, 1983. Applicant: LEE BASSFORD TRUCKING, INC., 5121 S.W. 90th Ave., Cooper City, FL 33328. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AD and HI), under continuing contract(s) with F.T.S., Inc., of Ft. Lauderdale, FL.

MC 166673, filed March 7, 1983. Applicant: KINDLE'S PICK-UP AND DELIVERY SERVICE, INC., 4975 Seward R., Pfafftown, NC 27040. Representative: Marion G. Follin III, 700 Southeastern Bldg., Greensboro, NC 27401, 919–274–2992. Transporting (1) *tobacco and tobacco products,* between Winston-Salem, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with R. J. Reynolds Tobacco Company, of Winston-Salem, NC; and (2) *aluminim foil, packaging materials, and aluminum sheet materials, between Winston-Salem, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with RJR Archer, Inc., of Winston-Salem, NC.*

MC 166692, filed March 9, 1983. Applicant: ALASKA VEHICLE TRANSPORT, 9540 Arlene Dr., Anchorage, AK 99502. Representative: Philip C. Blackstone (same address as applicant), (907) 243–8787. Transporting *motor vehicles,* between points in AK, on the one hand, and, on the other, points in the U.S. (except HI).

MC 166882, filed March 17, 1983. Applicant: KEENAN COTTON GIN & GRAIN ELEVATOR, INC., 401 Front St., Dardanelle, AR 72834. Representative: James M. Duckett, Suite 411–221 W. 2d St., Little Rock, AR 72201, 501–375–3022. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AR, on the one hand, and, on the other, points in AL, TN, MS, LA, TX, OK, MO, KS, NE, IA, IL, FL, ND, SD, MN, and MI.

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–109

Decided: March 28, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing (Member Carleton not participating).

MC 127690 (Sub-3(B)), filed March 17, 1983. Applicant: MONTANA TRANSPORT COMPANY, P.O. Box 1292, Billings, MT 59103. Representative: Oliver L. Ewen (same address as applicant), (406) 248–3694. Transporting (1) *salt,* between points in UT, on the one hand, and, on the other, points in MT, ND, ID, and WA, (2) *clay, concrete, glass or stone products,* between points in MT, WY, ND, SD, MN, IL, WI, TX, OK, ID, WA, CA, NE, KS, OR, CO, IN and MI, and (3) *such commodities* as are dealt in or used by manufacturers and distributors of building materials, between points in the U.S. (except AK and HI).

Note.—Applicant has also filed for authority under the fitness procedures docketed MC 127690 (Sub 3(A)), published in this same **Federal Register** issue.

MC 148581 (Sub-4), filed March 7, 1983. Applicant: BUDD TRANSPORTATION SERVICES, INC., 5350 Paschall Ave., Philadelphia, PA 19143. Representative: Brian S. Stern, 5411–D Backlick Rd., Springfield, VA 22151, (703) 941–8200. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of hardware, electrical appliances, tools, radios, sound equipment, sporting goods, house furnishings, and automobile accessories, (2) *metal products,* and (3) *clay, concrete, glass, or stone products,* between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is conditioned upon prior or coincidental cancellation at applicant's written request of permit Nos. MC 30561 issued April 9, 1973, MC 30561 (Sub-No. 3) issued February 1, 1977, and MC 148581 (Sub-No. P3)X, issued April 7, 1982.Note. This application seeks conversion of existing contract authority under 49 U.S.C. 10925(e).

MC 153981 (Sub-2(B)), filed March 2, 1983. Applicant: LEEWAY FLEET LINES, INC., 1218 Chestnut St., Suites 1008–09, Philadelphia, PA 19107. Representative: Curtis J. Lee, Jr. (same address as applicant), (215) 592–8296. Over regular routes, transporting *passengers,* (1) between Fort Dix, NJ, and Philadelphia International Airport, at or near Philadelphia, PA, from Fort Dix, over NJ Hwy 68 via Maguire Air Force Base, at or near Wrightstown, NJ, to junction U.S. Hwy 206, at Mansfield Square, NJ, then over U.S. Hwy 206 to junction Interstate Hwy 295, then over Interstate Hwy 295 to junction Interstate Hwy 76, then over Interstate Hwy 76 via the Walt Whitman Bridge to junction Interstate Hwy 95, then over interstate Hwy 95 to Philadelphia International Airport, and return over the same route, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route. Applicant has also filed for authority under the fitness criteria, docketed MC 153981 (Sub 2(A)), published in this same **Federal Register** issue.

MC 161990 (Sub-2) filed March 18, 1983. Applicant: C & G TRUCKING CORPORATION, P.O. Box 39142, Chicago, IL 60639. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points on the U.S. (except AK and HI).

MC 165400, filed March 18, 1983. Applicant: MCDARIES TRUCKING COMPANY, INC., Route 3, Box 69C, Big Stone Gap, VA 24219. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526, (304) 562–3460. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Plum Creek, Inc., Hardwoods Division, of Kenova, WV.

MC 166580, filed March 1, 1983. Applicant: ROBERT L. CAMPBELL, d.b.a. BILL'S MOVERS, 9225 Idlewild Dr., Highland, IN 46322. Representative: Robert L. Campbell (same address as applicant), (219) 838–0731. Transporting *household goods*, between points in the U.S. (except AK and HI.

MC 166601, filed March 4, 1983. Applicant: FRANCIS PRASHAW d.b.a. DKB TRANSPORTATION CO., Route 1, Richville, NY 13681. Representative: Robert J. Leader, 107 East Main St., Gouverneur, NY 13642–0013. (315) 287–2000. Transporting *metal products*, between Winchester, VA, and points in Broome and St. Lawrence Counties, NY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Cives Steel Company, of Atlanta, GA.

MC 166830, filed March 15, 1983. Applicant: DENVER MOVING & STORAGE, INC., 2030 South Dahlia St., Denver, CO 80222. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods, and furniture and fixtures*, between points in AZ, AR, CA, CO, ID, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 166840, filed March 17, 1983. Applicant: ARIZONA'S FINEST TRANSPORTATION CO., INC. d.b.a. A–ONE MOBILE HOME MOVERS, 3037 W. Clarendon, Phoenix, AZ 85017. Representative: Lewis P. Ames, United Bank Tower, Suite 1302, 3300 N. Central Ave., Phoenix, AZ 85012, (602) 277–3288. Transporting (1) *mobile homes*, (2) *trailers*, and (3) *buildings in sections, mounted on wheeled undercarriages*, between points in AK, CO, IA, ID, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, AZ, CA, UT, WA, and WY.

Volume No. OP1–113

Decided: March 29, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Krock not participating.)

FF 681, filed March 22, 1983. Applicant: ALOHA WORLDWIDE FORWARDERS, INC., 2722 Kilihau St., Honolulu, HI 96819. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006 (202) 833–8884. As a *freight forwarder*, in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles*, between points in the U.S.

MC 47171 (Sub-230), filed March 22, 1983. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant) (803) 879–2101. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Rexnord, Inc., of Milwaukee, WI.

MC 93711 (Sub-3), filed March 22, 1983. Applicant: WALLINGTON MOTOR LINES, INC., P.O. Box 423, Clifton, NJ 07105. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904 (201) 572–5551. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between New York, NY, on the one hand, and, on the other, points in CT, MA, NJ, NY, PA, and RI.

MC 111710 (Sub-10), filed March 22, 1983. Applicant: ARKANSAS TRANSIT, CO., INC., 1400 South Crutcher, Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902 (501) 782–1001. Transporting *containers and packaging materials*, between points in AR, IA, IL, IN, KS, KY, LA, MS, MO, NE, OH, OK, TN and TX.

MC 129480 (Sub-57), filed March 21, 1983. Applicant: TRI-LINE EXPRESSWAYS, LTD., 9559–40 Street, S.E., P.O. Box 1212, Station "T", Calgary, Alberta, Canada T2H 2J1. Representative: James W. Cooper (same address as applicant) (403) 279–7070. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI).

MC 152180 (Sub-3), filed March 21, 1983. Applicant: CONTAINER EXPRESS, INC., 2700 Palmyra Rd., P.O. Box 1974, Albany, GA 31702. Representative: Norman L. Underwood, 1400 Candler Bldg., 127 Peachtree St., N.E., Atlanta, GA 30043 (404) 658–8101.Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in GA and AL.

MC 162900 (Sub-2), filed March 21, 1983. Applicant: BEN R. COX., d.b.a. COX TRUCKING COMPANY, 414 South Road, P.O. Box 5105, High Point, NC 27262. Representative: Jean H. Cox (same address as applicant) (919) 889–4311. Transporting *fibreboard boxes*, between points in the U.S. (except AK and HI), under continuing contract(s) with Container Corporation of America, of Stone Mountain, GA.

MC 165290 (Sub-2), filed February 25, 1983. Applicant: GRIFFIN TRUCKING, INC., Route 3, Box 424, Greencastle, IN 46135. Representative: Michael D. McCormick, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204 (317) 638–1301. Transporting (1) *such commodities* as are dealt in or used by wholesale and retail grocery and food business houses, between points in AR, IA, IL, IN, KY, MI, MN, MO, OH, TN and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *machinery*, between points in AR, IA, IL, IN, MI, MN, MO, MS, OH, PA, TX and WI.

MC 165431, filed March 22, 1983. Applicant: RAPID TRANSPORT, INC., P.O. Box 23, U.S. Highway 285, Orla, TX 79770. Representative: Fred J. Raymond, P.O. Box 22, Robinson's Camp, Orla, TX 79770 (915) 273–4421. Transporting *water and chemicals*, between points in Loving County, TX, on the one hand, and, on the other, points in Eddy and Lea Counties, NM.

MC 165871, filed March 17, 1983. Applicant: HUGO NEU STEEL TRANSPORTATION, INC., 4221 W. 700 So., Salt Lake City, UT 84104. Representative: Bill Milner (same address as applicant) (801) 973–8665.Transporting *metal products*, between points in AZ, CA, NV, UT and WY.

MC 166900, filed March 21, 1983. Applicant: POOL DISTRIBUTION, INC., 11502 S. Main Street, Suite 230, Houston, TX 77025. Representative: Ronald E. Messner (same address as applicant) (713) 666–7307. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in TX.

MC 166940, filed March 22, 1983. Applicant: HILLER FREIGHT, INC., 29870 Middlebelt, Farmington Hills, MI 48018. Representative: Sherman Hirschman, (same address as applicant) (313) 851–2140. Transporting *coal and coal products*, between points in Letcher County, KY, on the one hand, and, on the other, points in Brown County, WI.

For the following, please direct status calls to Team 3, (202) 275–5223.

Volume No. OP3–129

Decided: March 25, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 67234 (Sub-81), filed February 8, 1983, previously noticed in the **Federal Register** issue on March 1, 1983. Applicant: UNITED VAN LINES, INC., One United Dr., Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 So. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with ANG Coal Gasification Company of Detroit, MI.

Note.—The purpose of this republication is to correct the name of the supporting shipper.

MC 120875 (Sub-3), filed March 10, 1983. Applicant: OVERPECK TRUCKING COMPANY, a Corporation, 2520 Summit Ave., P.O. Box 141, Overpeck, OH 45055. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus OH 43215, (614) 228–1541. Transporting *commodities in bulk*, between points in OH, On the one hand, and, on the other, points in IN, KY, MI, OH, PA, and WV.

MC 146965 (Sub-7), filed March 15, 1983. Applicant: REDDING LUMBER TRANSPORT, INC., 4161 Eastside Rd., Redding, CA 96001. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228–3807. Transporting *food and related products*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY, and TX.

MC 159784 (Sub-2), filed March 10, 1983. Applicant: ROCHESTER ARMORED CAR CO., INC., 1441 North 11th St., Omaha, NE 68101. Representative: Robert M. Cimino, 3035 South 72nd St., Suite 200, Omaha, NE 68124, (402) 393–5005. Transporting *coin, currency, securities, bank related items, and other valuables*, between points in the U.S. (except AK and HI).

Vol. No. OP3–130

Decided: March 28, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier (Member Parker not participating.)

W–104 (Sub-31), filed March 9, 1983. Applicant: DRAVO MECHLING CORPORATION, One Oliver Plaza, Pittsburgh, PA 15222. Representative: William F. King, Suite 304, Overlook Bldg., Alexandria, VA 22312 (703) 750–1112. Transporting by water by non-self-propelled vessels with the use of separate towing vessels, in the transportation of *general commodities*, and by towing vessels in the performance of towage: (1) between ports and points on the Arkansas, Cumberland, Illinois, Mississippi, Missouri, Ohio, Ouachita, Red, Tennessee, Tombigbee, Black Warrior Rivers, and (2) Lake Michigan; between Milwaukee, WI and Burns Harbor, IN; and (3) the Gulf of Mexico, between Key West, FL and Brownsville, TX and all tributary and connecting waterways to the aforementioned waterways and channels; (4) between ports and points on the Atlantic, Gulf and Pacific coasts and all tributary and connecting waterways and channels; and (5) between ports and points in (1), (2) and (3) above, on the one hand, and, on the other, ports and points in (4) above.

MC 1745 (Sub-18), filed March 11, 1983. Applicant: INTERSTATE VAN LINES, INC., 5801 Rolling Rd., West Springfield, VA 21152. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006, (202) 466–3778. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Loral Microwave, Inc., of San Diego, CA.

MC 113855 (Sub-544), filed March 17, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. S.E., Rochester, MN 55903. Representative: Leonard L. Bennett, (same address as applicant), (507) 288–3331. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with Oerilikon Motch Corporation and its affiliates and subsidiaries of Cleveland, OH.

MC 121385 (Sub-4), filed March 15, 1983. Applicant: LITTLE DIXIE XPRESS, INC., P.O. Box 189, Thomas, OK 73669. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424–3301. Transporting (1) *metal products, machinery, Mercer commodities, and chemicals and related products*, between points in AR, CO, KS, LA, MT, ND, NE, NM, NV, OK, SD, TX, UT, and WY, and (2) *such commodities* as are dealt in by retail and discount stores, between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 128205 (Sub-112), filed March 8, 1983. Applicant: BULKMATIC TRANSPORT COMPANY, a Corporation, 12000 South Doty Ave., Chicago, IL 60628. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., N.W., Washington, DC 20006, (202) 828–5015. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U. S. (except AK and HI), under continuing contracts with (a) Cereal Food Processors, Inc., of Shawnee Mission, KS, (b) Chicago Sweeteners, of Hillside, IL, (c) International Multifoods, of Minneapolis, MN, and (d) Morton Salt Division, of Morton Thiokol, Inc., of Chicago, IL.

MC 141285 (Sub-3), filed March 16, 1983. Applicant: NORFOLK BEVERAGE COMPANY, INC., 206 E. Northwestern Ave., Norfolk, NE 68701. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd, Omaha, NE 68106, (402) 392–1220. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except HI).

MC 141654 (Sub-7), filed March 8, 1983. Applicant: J. A. DADY TRUCKING, INC., Box 40, Sisseton, SD 57262. Representative: J. Michael Dady, 4200 IDS Center, 80 South Eighth St., Minneapolis, MN 55402, (612) 371–3211. Transporting *food and related products*, between points in Roberts County, SD, on the one hand, and, on the other, points in Brown County, MN.

MC 142254 (Sub-9), filed March 9, 1983. Applicant: FRIEDL FUEL & CARTAGE, INC., 440 West Ann St., Whitewater, WI 53190. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives and household goods), between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150794 (Sub-3), filed March 17, 1983. Applicant: ADVANCE TRANSPORTATION SYSTEMS, INC., 2174 Seymour Ave., Cincinnati, OH 45212. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 151655 (Sub-15), filed March 8, 1983. Applicant: FRANK BROS. TRUCKING CO., 349 Abbott Avenue, Hillsboro, TX 76645. Representative: Charles E. Munson, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI). Condition: Applicant's permits under MC–140601

Sub 2, issued December 15, 1981, MC–140601 Sub 4, issued November 10, 1981, MC–140601 Sub 16, issued July 28, 1980, MC–140601 Sub 21, issued February 10, 1981, MC–151655 Sub 1, issued April 19, 1982, MC–151655 Sub 2, issued July 24, 1981, MC–151655 Sub 8, MC–151655 Sub 9, issued October 6, 1981, respectively, MC–151655 Sub 6X, issued June 15, 1981, and its underlying MC–140601 Sub 12F, MC–151655 Sub 7X, 1981, and its underlying MC–140601 (Sub-Nos. 1, 7F, 8F, 9F, 10F, and 17F), MC–151655 Sub 10X, issued August 28, 1981, and its underlying MC–140601 (Sub-Nos. 11F, 13F, 15F and 20F), are revoked upon issuance of a certificate in this proceeding.

MC 152014 (Sub-3), filed March 16, 1983. Applicant: MARSHALL DILLON TRANSPORT, INC., 7357 E. Fayette St., Tuscon, AZ 85730. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *Electrical machinery, equipment and supplies,* between points in AL, AZ, CA, FL, GA, LA, MS, NM and TX.

MC 158755 (Sub-1), filed March 17, 1983. Applicant: IRELAND FARM EQUIPMENT, LTD., 4814–49 Street, P.O. Box 757, Vermilion, Alberta, Canada TOB 4MO. Representative: Daniel O. Hands, 104 S. Michigan Ave., Chicago, IL 60603, (312) 641–1944. Transporting *machinery,* between points in Floyd County, IA, St. Joseph County, IN and Harvey County, KS, on the one hand, and, on the other, ports of entry on the United States-Canada Boundary line at points in MN, ND, MT and ID.

MC 161124 (Sub-2), filed March 17, 1983. Applicant: C. TILE TRANSPORTATION, INC., 515 Houston St., P.O. Box 2475, Ft. Worth, TX 76113. Representative: Dean O'Leary (same address as applicant), (817) 870–9632. Transporting *food and related products,* between points in the U.S. (except AK and HI).

MC 164545, filed March 10, 1983. Applicant: MAUSTON FARMERS TRANSPORT COOPERATIVE, 310 Prairie St., Mauston, WI 53948. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *petroleum and petroleum products, chemicals and related products,* and *fertilizers and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Mauston Farmers Cooperative Association, of Mauston, WI, and Dane County Farmers Union Coop, of Cottage Grove, WI.

MC 165215, filed March 16, 1983. Applicant: K & W TRANSPORTS, INC., Route 5, Box 350, Kemp, TX 75143. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *food and related products,* between points in AZ, CA, CO, GA, NY, MD, MS, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166795, filed March, 1983. Applicant: THOMAS R. CLINTON, d.b.a. CLINTON TRUCKING, Rt. 1, Bear Creek, WI 54922. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *food and related products,* between points in Outagamie and Waupaca Counties, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166805, filed March 15, 1983. Applicant: WOOD TRANSPORTATION SERVICES, INC., 206 Shady Grove Rd., P.O. Box 140381, Nashville, TN 37214. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004, (202) 347–8862. Transporting *general commodities* (except classes A and B explosives, household good, and commodities in bulk), between points in the U.S. in and east of TX, OK, KS, NE, ND, SD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Vol. No. OP4–189

Decided: March 28, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 2066 (Sub-8), filed March 22, 1983. Applicant: R. M. SULLIVAN TRANSPORTATION, INC., 649 Cottage St., P.O. Box 1555, Highland Station, Springfield, MA 01104. Representative: David M. Marshall, Sixth Floor, 95 State St., Springfield, MA 01103, (413) 732–1136. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT.

MC 29886 (Sub-389), filed March 22, 1983. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 3408 Wisconsin Ave., NW., Suite 202, Washington, D.C. 20016, (202) 363–1848. Transporting *motor vehicles,* between points in the U.S., under continuing contract(s) with persons as defines in Section 10923 of the Motor Carrier Act of 1980, who are engaged in business as manufacturers, distributors, or dealers of motor vehicles.

MC 139526 (Sub-9), filed March 22, 1983. Applicant: HARRY LINDBERY CO., INC., 6901 Maloney Ave., Hopkins, MN 55343. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *food and related products,* between Minneapolis, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152366 (Sub-7), filed March 22, 1983. Applicant: AMERICAN COLLOID CARRIER CORP., P.O. Box 951, Scottsbluff, NE 69361. Representative: Robert N. Garrity, (same address as applicant), (308) 635–3157. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Continental Timber Company, Inc., of Valley Center, KS.

MC 155266 (Sub-6), filed March 21, 1983. Applicant: JOHN J. VETERI LEASING CORP., P.O. Box 624, W. Paterson, NJ 07425. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting *such commodities as are dealt in or used by department stores,* between points in NY, NJ, and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163576 (Sub-1), filed March 21, 1983. Applicant: CBP MOTOR EXPRESS, INC., 67 No. Hilltop Dr., Churchville, PA 18966. Representative: Rick A. Rude, 1730 Rhode Island Ave., NW, Suite 611, Washington, DC 20036, (202) 223–5900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (a) between points in Clarke County, AL, Grant County, IN, Kalamazoo County, MI, Crawford County, MO, Camden County, NJ, Mahoning County, OH, Bucks and Mifflin Counties and Philadelphia, PA, New York, NY, Dayton, OH, and Florence County, SC, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA, and (b) between points in Los Angeles, CA, Philadelphia, PA, and Mercer County, NJ, on the one hand, and, on the other, points in AZ, CO, ID, IL, KS, LA, MO, MT, NE, NV, TX, NM, NY, SD, UT and WY.

Volume. No. OP4–191

Decided: March 28, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 148896 (Sub-4), filed March 22, 1983. Applicant: PAR DELIVERY SERVICE, INC., 4250 So. Santa Fe,

Englewood, CO 80110. Representative: William K. Parchen, (same address as applicant) (303) 781–4411. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Shacklee Corporation of Oakland, CA.

Volume No. OP4–192

Decided: March 28, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 162457 (Sub-3), filed March 22, 1983. Applicant: KEMP FURNITURE INDUSTRIES, INC., 109 W. Cola Dr., Goldsboro, NC 27530. Representative: Earl Buchan, 118 Spring Dr., Dudley, NC 28333, (919) 736–1782. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Foamtech Corporation, of Fitchburg, MA; Metropolitan Furniture Leasing, Inc., d/b/a Metrolease, of Raleigh, NC, and Southern Office Furniture Distributors, Inc., of Greensboro, NC.

MC 166867, filed March 21, 1983. Applicant: L'EXPRESS DU MIDI, INC., 1076 Union St., P.O. Box 99, St. Catherine, Quebec, Canada J0L1E0. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Grossman's Division of Evans Products, of Braintree, MA.

Volume No. OP4–193

Decided: March 29, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 102616 (Sub-1039), filed March 23, 1983. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Rd., Akron, OH 44319. Representative: Fred H. Daly, 2555 M St., NW, Suite 100, Washington, DC 20037, (202) 293–3204. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Union Chemicals Division, Union Oil of California, Schaumburg, IL, Amoco Oil Co., Chicago, IL, and Mobil Oil Corporation of Fairfax, VA.

MC 102906 (Sub-14), filed March 24, 1983. Applicant: McCONNELL HEAVY HAULING, INC., P.O. Box 463, Little Rock, AR 72203. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting *those commodities which because of their size or weight require the use of special handling or equipment, and related contractors' materials and supplies,* between points in the U.S. (except HI).

MC 152107 (Sub-2), filed March 24, 1983. Applicant: INTERPORT TRUCKING, INC., 1100 McLester St., Elizabeth, NJ 07201. Representative: Ronald L. Shapps, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NY, NJ, CT, PA, DE, MD, MA, RI, VA and DC.

MC 152146 (Sub-5), filed March 21, 1983. Applicant: FAR WEST TRANSPORTERS, INC. 14901 Chandler Rd. Omaha, NE 68138. Representative: Arlyn L. Westergren, 9202 W. Dodge Rd., Suite 201, Omaha, NE 68114, (402) 397–7033. Transporting *lumber and wood products, building materials and accessories,* between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation, at applicant's written request, of Permit Nos. MC–152146 Sub 3X, issued December 11, 1981, and MC–143120 Sub 2, issued April 6, 1978. This is a conversion application filed under 49 U.S.C. 10925(e).

MC 154106 (Sub–5), filed March 23, 1983. Applicant: MT. HOPE TRUCKING, INC., P.O. Box 247, Mt. Hope, KS 67108. Representative: Clyde N. Christey, Ks. Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612, (913) 233–9629. Transporting *food and related products,* between points in Cowley County, KS, on the one hand, and, on ther other, points in the U.S. (except AK, HI, WV, WY, MT, NV, UT, and VT).

MC 166017, filed March 23, 1983. Applicant: O & A TRANSPORTATION, INC., 3801 Trailmobile, Houston, TX 77229. Representative: Paul S. Broussard, 501 Crawford, Suite 401, Houston, TX 77002, (713) 227–9735. Transporting *general commodities* (except classes A and B explosives and household goods), between points in LA and TX. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 2410.

MC 166717, filed March 25, 1983. Applicant: THUNDER ROAD LIQUOR DELIVERY, INC., 7979 N. Williams Rd., St. Johns, MI 48879. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482–2400. Transporting *metal and metal products,* between points in the U.S., under continuing contract(s) with Efficiency Production, Inc., of Okemos, MI.

MC 166986, filed March 22, 1983. Applicant: ORLEANS TRUCKING, INC., 13016 Ridge Rd., Albion, NY 14411. Representative: Mark W. Leunig, 700 Midtown Tower, Rochester, NY 14604, (716) 232–6500. Transporting *food and related products,* between points in CT, MA, ME, NH, NY, OH, PA, RI, and VT.

Volume No. OP4–196

Decided: March 30, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 42487 (Sub-1070), filed March 17, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V.R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226-4692. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with General Electric Company, of Bridgeport, CT and its wholly-owned subsidiary, Canadian General Electric Ltd., of Petersboro, ON.

MC 164696, filed March 22, 1983 Applicant: MARK CARRIERS CO. OF NEW JERSEY, INC., 63 Pollock Ave, Jersey City, NJ 07305. Representative: Paul W. Assenza, 22 Savin Court, Staten Island, NY 10304, (212) 351-0824. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between New York, NY, New Haven, CT, points in Bristol County, MA, and points in PA.

Volume No. OP4–197

Decided: March 30, 1983

By the Commission, Review Board No. 1 Members Parker, Chandler, and Fortier. (Member Parker not participating.)

W 406 (Sub-17) filed March 21, 1983. Applicant: OHIO BARGE LINE, INC, 600 Grant St., Pittsburgh, PA 15219, Representative: Henry M. Wick, Jr., 1610 Two Chatham Center, Pittsburgh, PA 15219, (412) 765-1600. To operate as a *contract carrier,* by water, by non-self propelled vessels with the use of separate towing vessels in the transportation of *general commodities,* and by towing vessels in the

performance of *general towage,* (1) between ports and points along the Allegheny River, and (2) between ports and points along the Allegheny River, on the one hand, and, on the other, ports and points on the Arkansas and Cumberland Rivers, the Gulf Intracoastal Waterways, the Illinois Waterway, including points in northern IN by way of Lake Michigan, the Kanawha, Kentucky, Mississippi, Monogahela, Ohio, Red, Tennessee and Verdigris Rivers and their tributary waterways.

Note.—This application contemplates operations which should result in decreased energy consumption in comparision with existing energy consumption in the affected area. To the extent traffic will be diverted from existing transportation modes, greater energy efficiencies may be obtained without disruption to existing patterns of energy distribution or to development of energy resources. The application is, in all respects, consistent with prevailing goals and objectives of the National Energy Policy.

MC 116077 (Sub-443), filed March 25, 1983. Applicant: DSI TRANSPORTS, INC., P.O. Box 1505, Houston, TX 77001. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., N.W., Suite 500, Washington, DC 20006, (202) 828-5015. Transporting *chemicals and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with the class of persons, as defined in Section 10923(d)(2) of the Interstate Commerce Act, that are engaged in business as manufacturers, distributers, or dealers of chemicals.

MC 129427 (Sub-8), filed March 25, 1983. Applicant: JOSEPH GEORGIANA, INC., 26 Lafayette Ave., Somerset, NJ 08873. Representative: James F. Flint, Suite 406, 918 16th St., NW, Washington, DC 20006, (202) 833–1170. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145646 (Sub-1), filed March 23, 1983. Applicant: NATHAN R. BEHNE, d.b.a. BEHNE TRUCK LINE, P.O. Box 307, Sherburn, MN 56171. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291–1215. Transporting *lumber, wood and metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Associated Pipe and Supply Company Inc., of Golden, CO, and Intermountain-Orient, Inc. and Idaho Pacific Lumber Co., Inc., both of Boise, ID.

MC 146807 (Sub-42), filed March 22, 1983. Applicant: S-n-W ENTERPRISES, INC., 2405 San Souci Hwy., Wilkes Barre, PA 18702. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, (413) 781–8205. Transporting *food and related products,* between points in PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146837 (Sub-4), filed March 22, 1983. Applicant: SOUTHERN MINNESOTA GROCERY TRANSPORT, INC., P.O. Box 201, Waseca, MN 56096. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting (1) *food* and *related products,* (2) *chemicals or allied products,* and (3) *such commodities* as are dealt in by farm supply stores, between points in AR, CO, IL, IN, IA, KS, KY, LA, MN, MT, MO, NE, ND, OK, SD, TX, TN, UT, WI and WY.

MC 155377 (Sub-6), filed March 24, 1983. Applicant: PGT TRUCKING, INC., P.O. Box 197, Rt. 68, Industry, PA 15052. Representative: Jon F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania & 13th St., NW, Washington, DC 20004, (202) 628–4600. Transporting *metal products,* between points in AL, CT, DE, FL, IL, IN, KY, MD, MI, MO, NC, NJ, NY, OH, PA, SC, TX, VA, WI, and WV.

MC 166297 (Sub-1), filed March 24, 1983. Applicant: WAGONS WEST, INC., 3 W. Main, P.O. Box 790159, Vernal, UT 84079. Representative: James Waymire (same address as applicant), (801) 789–4891. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 166987, filed March 22, 1983. Applicant: R & R TRANSPORTATION, INC., 1125 9th St., Wenatchee, WA 98801. Representative: Jack R. Davis, 1200 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting (1) *farm machinery and equipment,* between points in CA, OR, MT, ID, and WA, (2) *iron or steel articles, sand, and machinery,* between points in WA, OR, ID, UT, MT, and CA, and (3) *building materials, concrete blocks, concrete add mixes, cement, lime, pumice and steel,* between points in ID, NV, and OR, on the one hand, and, on the other, points in WA.

MC 166997, filed March 21, 1983. Applicant: NATIONAL BUS CARRIERS, LTD., 4225 W. 26th St., Chicago, IL 60623. Representative: Paul J. Maton, 27 E. Monroe St., Suite 1000, Chicago, IL 60603, (312) 332–0905. Transporting *transportation equipment,* between points in the U.S. (except HI), under continuing contract(s) with The Blitz Corporation, of Chicago, IL.

MC 167006, filed March 24, 1983. Applicant: WILLIAM M. AND PAMELA P. BUGG, d.b.a. P. M. TRUCKING COMPANY, Route 1, Box 119–1, Lakeside Dr., Appling, GA 30802. Representative: William M. Bugg (same address applicant), (404) 541–0050. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 167036, filed March 25, 1983. Applicant: EAGLE TRANSFER, INC., 6905 NW 25th St., Miami, FL 33122. Representative: Gerald J. Donovan, 4791 SW 82nd St., Davie, FL 33328, (305) 434–7621. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in FL.

MC 167017, filed March 24, 1983. Applicant: RICHARD H. McMONAGLE d.b.a. NORTH COUNTRY LEASING, P.O Box 224, Garden City MN 56034. Representative: Richard H. McMonagle (same address as applicant), (507) 546–3579. Transporting *such commodities* as are dealt in or used by banking and savings institutions, between points in the U.S. (except HI), under continuing contract(s) with Chubb Systems Midwest, Inc., of Oklahoma City, OK.

Volume No. OP4–199

Decided: March 30, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 139006 (Sub-41), filed January 10, 1983, previously noticed in the **Federal Register** issue of January 27, 1983, and republished this issue. Applicant: RAPIER SMITH, Rural Rt. 5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. Transporting *General Commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Brown-Forman Distillers Corp., and its subsidiaries, of Lousville, KY. Condition: Issuance of a certificate in this proceeding is subject coincidental cancellation of Certificate No. MC 139006 (Sub-41), issued March 25, 1983.

Note:—The purpose of this republication is to correctly state the commodity description.

MC 166906, filed March 21, 1983. Applicant: CLARENCE BROOKS, 4617A 6th St. SE., Washington, DC 20032. Representative: Clarence Brooks (same address as applicant), (202) 563–4410. Transporting *lumber and wood products* and *forest products,* between points in VA, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN and MS.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–147

Decided: March 25, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 5428 (Sub-15), filed March 15, 1983. Applicant: LYON VAN LINES, INC., P.O. Box 5011, Carrollton, TX 75006. Representative: J. B. Stuart (same address as applicant), 214–446–1500. Transporting *household goods* between points in the U.S., under continuing contract(s) with EADS Moving Brokers, a division of EADS Transfer & Storage Company, of Santa Ana, CA.

MC 31389 (Sub-344), filed March 18, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First St., Winston-Salem, NC 27104. Representative: Daniel R. Simmons (same address as applicant), (919) 721–2433. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Magid Glove & Safety Mfg. Co., Inc., of Chicago, IL.

MC 35628 (Sub-451), filed March 21, 1983. Applicant: IMFS, INC., d.b.a. INTERSTATE SYSTEM, 110 Ionia Ave., N.W. Suite 7000, Grand Rapids, MI 49503. Representative: Michael P. Zell, (same address as applicant) (616) 774–0400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Alcan Aluminum Corporation, of Cleveland, OH, B & E Sales Co., Inc., of Detroit, MI, Emerson Electric Co., of St. Louis, MO, and Montgomery Ward & Co., of Chicago, IL.

MC 108859 (Sub-89), filed March 17, 1983. Applicant: CLAIRMONT TRANSFER CO., 1803 Seventh Avenue, North, Escanaba, MI 49829. Representative: John L. Bruemmer, P.O. Box 927, Madison, WI 53701, 608–259–9521. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, IA, KY, MI, MN, MO, OH and WI.

MC 152839 (Sub-4), filed March 18, 1983. Applicant: ROCKET MOTOR FREIGHT LINES, INC., 2715 Rockwood Dr., P.O. Box 623, Peoria, IL 61601. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, 217–753–3925. Transporting *petroleum products*, between points in IL, KY, MI, OH and IN.

MC 156408 (Sub-1), filed March 18, 1983. Applicant: SOUTHWEST CANNERS, INC., P.O. Box 862, Portales, NM 88130. Representative: James W. Hightower, Suite 301, Allied Bank-Oak Cliff Bldg., 5801 Marvin D. Love Freeway, Dallas, TX 75237–2385 (214) 339–4108. Transporting (1) *alcoholic beverages*, between CA, on the one hand, and, on the other, points in CO and NM; (2) *plastic articles*, between Fullerton, CA, on the one hand, and, on the other, points in AZ, CO, NM, OK, TX, and UT; and (3) *metal products*, between St. Louis, MO, on the one hand, and, on the other, points in NM and TX.

MC 146649 (Sub-5), filed March 15, 1983. Applicant: JOHNNY'S TRANSFER CO., INC., Rt. 1, Box 105G, Mt. Holly, NC 28120. Representative: Terrell Price, 800 Briar Creek Rd., Suite DD504, Charlotte, NC 28205, 704–372–8212. Transporting *chemicals* between points in the U.S. (except AK and HI) under continuing contract(s) with Sandoz Colors and Chemicals, a Division of Sandoz, Inc., of Martin, SC.

MC 156069 (Sub-6), filed March 15, 1983. Applicant: TRANSITALL SERVICES, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 60606. Representative: Anthony E. Young, Ltd., 29 South LaSalle Street, Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with American Container Express, Inc., and Washington-Oregon Shippers Cooperative Association both of Chicago, IL, Pacific Northwest Perishable Shippers Association and Trailer Express Inc., both of Seattle, WA, and Whittaker Carpenter Paper Company, Of Elk Grove, IL.

MC 157819 (Sub-2), filed March 17, 1983. Applicant: TRUK-TRAK TRANSPORATION, INC., P.O. Box 28655, Dallas, TX 75288. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214–255–6279. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN and TX on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166788 (Sub-4), filed March 14, 1983. Applicant: QUICK DELIVERY, INC., 4391 Bristolwood Road, Pleasanton, CA 94566. Representative: James H. Gulseth, 100 Bush Street, 21st Floor, San Francisco, CA 94104, 415–986–5778. Transporting, *general commodities*, (except classes A and B explosives, household goods and commodities in bulk), between points in CA, OR, WA, AZ, NV, MT, ID and TX.

MC 166799, filed March 14, 1983. Applicant: FORREST TRUCKING COMPANY, 7 E. First St., London, OH 43140. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *commodities in bulk*, between points in Monroe County, MI, on the one hand, and, on the other, points in OH.

[FR Doc. 83–8987 Filed 4–5–83; 8:45 am]

BILLING CODE 7035–01–M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Change

April 1, 1983.

Changes have been made to the meeting agenda of the National Advisory Committee on Oceans and Atmosphere (NACOA) scheduled to meet on Wednesday and Thursday, April 13–14, 1983 and published in the **Federal Register** of March 29, 1982 (Page 48 FR 13116–13117).

The revised, tentative agenda is as follows:

Wednesday, April 13, 1983

2001 Wisconsin Avenue, NW., Page Building #1, Rooms 416 and B–100, Washington, D.C.

9:00 a.m.–12:30 p.m.—Plenary.

9:00 a.m.–9:930 p.m.—Announcements.

9:30 a.m.–12:30 p.m.—Weather Satellites, Topic: Commercialization.

Speakers: Anthony J. Calio, National Oceanic and Atmospheric Administration.

John W. Townsend, Jr., Fairchild Space Company.

David S. Johnson, University Corporation for Atmospheric Research.

Vern Malahy, United States Air Forces.

Radford Byerly, Jr., House Committee on Science and Technology.

12:30 p.m.–1:30 p.m.—Lunch.

1:30 p.m.–5:30 p.m.—Panel meetings.

Coastal Zone, Co-Chairman: Sharron Stewart, Jack R. Van Lopik, Room B–100, Topic: Wetlands.

Speakers: Representative of Department of Interior.

1:30 p.m.–4:00 p.m.—Steven Shimberg, Senate Subcommittee on Environmental Pollution.

Jeff Curtis, House Subcommittee on Fisheries, Wildlife Conservation and Environment.

Lori Von Minden, Staff of Congressman Lagomarsino.

Steve Parcells, Wildlife Refuge Project.

4:00 p.m.–5:30 p.m.—Topic: OCS Revenue Sharing.

Speaker, William McCluskey, Senate Committee on Commerce, Science and Trasnportation.

3:30 p.m.–5:30 p.m.—Radioactive Waste.
Chairman: John A. Kanuass, Room 416.
Topic: Panel Work Session.
Speakers: Jeanette Eng, New Jersey Department of Environmental Protection.
Mary White, U.S. Department of Energy.
5:30 p.m.—Recess

Thursday, April 14, 1983

2001 Wisconsin Avenue, NW., Page Building #1, Room 416, Washington, D.C.
8:30 a.m.–10:00 a.m.—Panel meeting.
Marine Minerals. Chairman: Burt Keenan.
Topic: Panel Work Session.
10:00 a.m.–12:30 p.m.—Plenary.
Exclusive Economic Zone.
Topic: Legislation.
Speakers: Otho Eskin, Brian Hoyle, Department of State.
James Lawless, National Oceanic and Atmospheric Administration.
Robert Rioux, Department of Interior.
James Brennan, National Oceanic and Atmospheric Administration.
12:30 a.m.–1:30 p.m.—Lunch.
1:30 a.m.–3:30 p.m.—Plenary.
Review of Marine Minerals, Report.
Chairman: Burt Keenan.
Action Items.
Panel Reports.
3:30 a.m.—Adjourn

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion. The mailing address is: NACOA, 300 Whitehaven Street, NW. (Suite 438, Page Building #1), Washington, DC 20235. The telephone number for NACOA is 202/653–7818.

Dated: April 1, 1983.

Steven N. Anastasion,

Executive Director.

[FR Doc. 83–8957 Filed 4–5–83; 8:45 am]

BILLING CODE 3510–12–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Design Arts Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Overview) to the National Council on the Arts will be held on April 21, 1983, from 9:30 a.m.–5:00 p.m. and on April 22, 1983, from 9:30 a.m.–4:30 p.m. at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C.

A portion of this meeting will be open to the public on April 21, from 9:30 a.m.–10:15 a.m. and on April 22, from 9:30 a.m.–4:30 p.m. to discuss policy and guidelines.

The remaining sessions of this meeting on April 21, from 10:15 a.m.–5:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

For further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: March 29, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83–8978 Filed 4–5–83; 8:45 am]

BILLING CODE 7357–01–M

NUCLEAR REGULATORY COMMISSION

[DOCKET NO. 50–369]

Duke Power Company; Issuance of Amendment; Facility Operating License No. NPF–9

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. NPF–9, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Unit 1 (the facility) located in Mecklenburg County, North Carolina.

This amendment replaces the Appendix A Technical Specifications with a revised version which applies to botb Units 1 and 2. Because the McGuire Unit 1 Technical Specifications were upgraded, some systems and components have new Surveillance Requirements which cannot be performed during operation of McGuire Unit 1. We have evaluated these new requirements and conclude that they need not be implemented immediately, but should be performed no later than after the first refueling. The amendment is effective as of its date of issuance except for these Surveillance Requirements.

Issuance of this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Duke Power Company letter dated February 18, 1983, (2) Amendment No. 19 to Facility Operating License No. NPF–9 and (3) the Commission's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of these items may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of March 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing, NRR.

[FR Doc. 83–9025 Filed 4–5–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–219]

GPU Nuclear Corp. and Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Provisional Operating License No. DPR–16, issued to GPU Nuclear Corporation and Jersey Central Power & Light Company (the licensees), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

This amendment authorizes changes to the Technical Specifications to require an Audit of Emergency Preparedness Programs and the Safeguards Contingency Plans (Security Plan) at a frequency of at least once per twelve (12) months.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 18, 1983, (2) Amendment No. 67 to License No. DPR–16, and (3) the Commission's letter of transmittal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Local Public Document Room, 101 Washington Street, Toms River, New Jersey 08753. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 31st day of March, 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83–9026 Filed 4–5–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–278]

Philadelphia Electric Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 91 to Facility Operating License No. DPR–56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications (TSs) for operation of the Peach Bottom Atomic Power Station, Unit No. 3 (the facility) located in York County, Pennsylvania.

The amendment was authorized by telephone on November 19, 1982. It revised TS 3.5.A.5 to allow a one-time extension of the seven-day Limiting Condition for Operation to 10 days regarding the operation of a Residual Heat Removal heat exchanger. The amendment was issued on an expedited basis to avoid an unscheduled plant shutdown.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 23, 1982, (2) the Commission's letter to Philadelphia Electric Company dated November 23, 1982, (3) Amendment No. 91 to License No. DPR–56, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83–9027 Filed 4–5–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. Stn 50–546 and Stn 50–547]

Public Service Company of Indiana, Inc. and Wabash Valley Power Association, Inc.; Receipt of Antitrust Information

Public Service Company of Indiana, Inc. and Wabash Valley Power Association, Inc., co-owners of the Marble Hill Nuclear Generating Station, Units 1 and 2 have submitted antitrust information in conjunction with the application for operating licenses for this facility. The facility consists of two pressurized water reactors known as the Marble Hill Generating Station, Units 1 and 2 and are located in Saluda Township, Jefferson County, Indiana, approximately six miles northeast of the unincorporated area of New Washington, Indiana. The data submitted contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of a staff antitrust review, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under Section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington, D.C. and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be sumbitted for a period of 30 days after the date of the **Federal Register** notice. The results of any reevaluations that are requested will be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for an operating license and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and in the local public document room at the Madison-Jefferson County Public Library, 420 West Main Street, Madison, Indiana 47250.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensees' activities since the construction permit antitrust review

should submit such information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Siting Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation on or before May 6, 1983.

Dated at Bethesda, Maryland, this 25th day of March 1983.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 83-9028 Filed 4-5-83; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-321 and 50-366]

Georgia Power Company, et al. (Edwin I. Hatch Nuclear Plant, Units 1 and 2); Revised Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Georgia Power Company (GPC or the licensee) and three other co-owners are the holders of Facility Operating Licenses Nos. DPR-57 and NPF-5 which authorize operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Hatch or the facilities) at steady state reactor power levels not in excess of 2436 megawatts thermal for each unit. The facilities are boiling water reactors located at the licensee's site in Appling County, Georgia.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82-05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82-10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Georgia Power Company responded to Generic Letter 82-05 by letters dated April 20, June 7 and 11, 1982, December 20, 1982, February 11, 1983 and March 11, 1983. The licensee responded to Generic Letter 82-10 by letter dated June 4, 1982. The licensee had previously informed the staff, in a letter dated October 1, 1981 that it had completed the requirement of Item II.D.1.2. concerning submittal of safety relief valve test reports. In the submittals responding to Generic Letters 82-05 and 82-10, the licensee confirmed which of the other items identified in the Generic Letters had been completed and made firm commitments to complete the remainder. The attached Tables summarizing the licensee's schedular commitments or status were developed by the staff from the Generic Letters and the licensee-provided information.

There are six items from Generic Letter 82-10 that, as noted in the Table (Attachment 2), have licensee schedules to be determined and are therefore not included in this Order. Some of the items addressed in this Order are considered by the licensee to be completed or to require no modifications. The staff's evaluation of the remaining items is provided herein: Common to Units 1 and 2 is Item II.E.4.2(7) Containment Isolation Dependability, Position 7.

This item is still under review by NRC. As a consequence, this item, scheduled for completion by July 1, 1981, will be the subject of a future NRC action and is therefor not included in this Order.

For Hatch 1, regarding Generic Letter 82-05, there are seven incomplete items: II.B.3, Post Accident Sampling, II.F.1(1), (2), (3) and (4), Post Accident Monitors, and II.K.3.22, RCIC Suction Modification and II.E.4.2, Part 7. The licensee's implementation schedule for Item II.B.3 is given as July 1, 1983. The implementation schedule for Items II.F.1(3) and (4) is given as the end of the outage following Cycle 5b (also referred to as Cycle 6). This outage is scheduled for completion in mid-February 1983. Items II.F.1(1) and (2) can be completed with the reactor in operation and are scheduled for completion by March 15, 1983. Item II.K.3.22, for which equipment delivery is expected in June 1983, can also be completed with the reactor in operation and the proposed schedule is Septemer 30, 1983. The reasons given for delaying II.B.3 are that the NRC issuance of Regulatory Guide 1.97 imposed additional requirements which resulted in a significant delay in the system design, a supplier experienced a work stoppage and was unable to meet a scheduled delivery date, and recently identified concerns related to the chloride analysis portion of the sampling system. The remaining five items for Hatch 1 are being impacted by procurement and documentation delays that have resulted in the completion schedule being delayed that have resulted in the completion schedule being delayed as described above. In our judgment, these delays were beyond the control of GPC. For Hatch 2, there are four incomplete items: II.B.3, II.F.1(1) and (2) and II.K.3.22; these items are included in the seven, discussed above for Hatch 1. The licensee's implementation schedule for Hatch 2 is given as July 1, 1983 for item II.B.3, the end of the outage following Cycle 3 for Items II.F.1(1) and (2), and September 30, 1983, for Item II.K.3.22. The Hatch 2 Cycle 4 reload is scheduled for Spring 1983. The reasons given for delaying the Hatch 2 items are the same as for the congruent Hatch 1 items. Therefore, we conclude the delays are justified.

The licensee has provided for interim compensatory measures for all of the items that require a plant hardware modification. In regard to each such hardware item, the compensatory measures are as follow:

II.B.3—Two existing systems in place which can provide for adequate post-accident sampling of both reactor coolant and drywell atmosphere.

II.F.1(1)—Interim systems to quantify high level releases and in-plant iodine are in place.

II.F.1(2)—Same as for II.F.1(1).

II.F.1(3)—Post accident gamma radiation monitors installed in the original plant design are available as interim monitoring devices.

II.F.1(4)—Drywell pressure is currently indicated on a recorder which serves as an interim monitoring device.

II.K.3.22—Manual transfer procedures in place, as interim measure, until automatic swithchover hardware in operation.

We find, based on the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays (unexpected design complexity, interface problems, and equipment delays); and (3) as noted above, interim compensatory measures have been provided.

In view of the foregoing, I have determined that these modifications and actions are required in the interest of public health and safety and, therefore, the licensee's commitment should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered effective immediately that the licensee shall:*

Implement and maintain the specific items described in the Attachments to this Order in the manner described in the licensee's submittals noted in Section III herein no later than the dates in the Attachments.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. *A request for a hearing shall not stay the immediate effectiveness of this order.*

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 30th day of March 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Attachments:

1. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–05
2. Licensee's Commitments on Applicable NUREG–0737 Requirements from Generic Letter 82–10

ATTACHMENT 1—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG–0737 ITEMS FROM GENERIC LETTER 82–05

Item	Title	NUREG–0737 schedule	Requirement	Licensee's completion schedule (or status)	
				Unit 1	Unit 2
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete	Complete
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	do	[redacted]
II.B.3	Post-Accident Sampling	do	Install upgrade post-accident sampling capability	July 1, 1983	July 1, 1983
II.B.4	Training for Mitigating Core Damage.	Oct. 1, 1981	Complete training program	Complete	Complete
II.E.4.2	Containment Isolation Dependability	July 1, 1981	Part 5—lower containment pressure setpoint to level compatible w/normal operation.	do	Do
		do	[1]Part 7—isolate purge & vent valves on radiation signal.	Technical exception	Technical exception
II.F.1	Accident Monitoring	Jan. 1, 1980	(1) Install noble gas effluent monitors	March 15, 1983	([2])
		do	(2) Provide capability for effluent monitoring of iodine.	do	([2])
		do	(3) Install incontainment radiation-level monitors	([3])	Complete
		do	(4) Provide continuous indication of containment pressure.	([3])	Do.
		do	(5) Provide continuous indication of containment water level.	Complete	Do
		do	(6) Provide continuous indication of hydrogen concentration in containment	do	Do
II.K.3.15	Isolation of HPCI & RCIC Modification	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation.	do	do.
II.K.3.22	RCIC Suction	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	Sept. 30, 1983	Sept. 30, 1983
II.K.3.24	Space Cooling for HPCI/RCIC	do	Confirm adequacy of space cooling for HPCI/RCIC	Complete	Complete
II.K.3.27	Common Reference Level	July 1, 1981	Provide common Reference Level for Vessel Level Instrumentation.	do	Do.

[1] Not part of confirmatory order.
[2] End of outage following Cycle 3, currently scheduled for Spring 1983
[3] End of outage followed by Cycle 5b, currently scheduled for completion in Mid-February 1983.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 8B2-10

Item	title	NUREG-0737 schedule	Requirement	Licensee's Completion Schedule (or status) for Units 1 and 2
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Generic Ltr. No 82-12, dtd. June 15, 1982	Complete.
I.A. 1.3.2	[1]Minimum Shift Crew	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued
I.C.1	[1]Revise Emergency Procedures	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1	2RV and SV Test Programs	July 1, 1982	Submit plant specific reports on relief & safety valve program	Complete.
II.K3.18	ADS Actuation	Sept. 30, 1982	Submit revised position on need for modifications	do.
II.K 3 30 & 31	[1]SBLOCA Analysis	1 year after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model .

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 8B2-10—Continued

Item	title	NUREG-0737 schedule	Requirement	Licensee's Completion Schedule (or status) for Units 1 and 2
III.A.1.2	[1] Staffing Levels for Emergency Situations.	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be Determined.
III.A.1.2	[1] Upgrade Emergency Support Facilities.	do	do	do.
III.A.2.2	[1] Meteorological Data	do	do	do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study.	Complete.

[1] Not Part of Confirmatory Order.

[FR Doc. 83-8867-Filed 4-5-83; 8:45 am]
BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Pendency for Request for Approval of Special Withdrawal Liability Rules; ILGWU National Retirement Fund

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Extension of comment period.

SUMMARY: On February 22, 1983, the Pension Benefit Guaranty Corporation published a notice in the **Federal Register**, 48 FR 7526, soliciting public comment on a request PBGC had received from the ILGWU National Retirement Fund for approval of a plan amendment providing for special withdrawal liability rules. Under that notice, comments to PBGC were due by April 8, 1983. The effect of this notice is to advise interested persons that the deadline for submitting comments has been extended to April 28, 1983.

DATE: Comments must be submitted on or before April 28, 1983.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254-4862. [This is not a toll-free number.]

Issued at Washington, D.C. on this 31st day of March, 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-0121 Filed 4-5-83; 8:45 am]
BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[812-5244; Rel. No. 13125]

Auric Metals Corp.; Notice of Application

March 30, 1983.

Notice is hereby given that Auric Metals Corporation ("Applicant") 3804 South Highland Drive, No. 10, Salt Lake City, Utah 84106, a Utah corporation, filed an application on July 12, 1982, and an amendment thereto on February 7, 1983, for an order, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicant from all provisions of the Act, other than: (1) Sections 9, 17(a)–(e), 23, 36(a) and 37; (2) all sections of the Act necessary to implement the above sections of the Act; and (3) all administrative, procedural and jurisdictional sections of the Act, subject to certain conditions and exceptions. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below. Such persons are also refered to the Act and the rules thereunder for the complete text of those provisions thereof from which exemption is being sought.

The application states that Applicant was formed in 1969 as a minerals exploration and development company. Applicant represents that it has been and is now primarily engaged in the exploration, acquisition and development of mining and natural resource properties.

According to the application, Applicant made a Regulation A offering in February 1970, at the conclusion of which it had outstanding 20,000,000 shares of stock with a capitalization of $350.427. Applicant states that no additional stock has been issued or capital raised since that time. Applicant states that it had no income from its exploration and development activities until its fiscal year ended March 31, 1982. Applicant states that all income prior to the last fiscal year was derived from interest and dividends. Applicant further states that dividends and operating income have been used to fund its activities or to repay debt incurred in these activities.

Applicant states that it does preliminary assessment and evaluation of prospective properties; if the properties appear to have potential, Applicant will generally seek to form a joint venture or lease the property to a third party with a retained interest. Applicant states that it does this because it does not have sufficient assets to develop any signficant properties.

Applicant states that, in its 1976 fiscal year, it acquired 18,000 shares of High Plains Natural Gas Company ("High Plains"), a privately owned Texas corporation operating an intrastate pipeline in the Texas panhandle. Applicant states that it aquired the shares pursuant to a plan to effect an eventual merger with High Plains. The application states that, in its 1978 fiscal year, Applicant acquired an additional 11,800 shares of High Plains, bringing its holding to the current level of 29,800 shares, or approximately 10 percent of Hight Plains. Applicant states that the merger has not been effected and there are no indications that it will be at any time in the foreseeable future. Applicant states that the book value of these shares is $100,944.

The application states that, in its 1977 fiscal year, Applicant invested $45,000 in Corporacion de La Fonda ("La Fonda"), a privately owned New Mexico corporation operating the historic La Fonda Hotel in Santa Fe, New Mexico. Applicant states that this investment resulted from the exercise of an option to convert a $45,000 loan to La Fonda into stock at a conversion price of $2.00 per share. Applicant states that it received 22,500 shares, or approximately 28 percent of La Fonda. Applicant states that, bacause it owns 28 percent of La Fonda, the investment is recorded on the equity method. Applicant further states that this accounting method has resulted in an increase in Applicant's book value for the La Fonda stock from $45,000 in 1977 to $219,845 at the end of Applicant's last fiscal year, March 31, 1982, a 37 percent annual increase.

Applicant states that, in its balance sheet dated March 31, 1978, Applicant's investment in securities of High Plains and La Fonda equalled approximately 28 percent of its total assets (exclusive of government securities and cash items). Applicant represents that, since that date, there has been no increase or decrease in its holdings of High Plains or La Fonda shares, and the change in percentage of investment securities to total assets is due entirely to the

application of the equity method of accounting to La Fonda and various reductions in Applicant's total assets. Applicant states that, in its fiscal year ended March 31, 1979, Applicant received payment of a substantial note receivable from High Plains, the proceeds of which were used to retire outstanding debt. The application states that the result of this transaction was a decrease in Applicant's total assets, and, consequently, investment securities comprised 62 percent of total assets. The application further states that, in its 1981 fiscal year, Applicant recorded write-offs of interests in mineral properties which had a cost to Applicant of $152,500. As a result, total assets were again reduced and investment securities increased to approximately 84 percent of total assets.

Applicant states that it presently owns securities having a value exceeding 40 percent of the value of its total non-cash assets. These securities, which were acquired from 1976 to 1978, are the shares of High Plains and La Fonda. Applicant further states that in excess of 64 percent of its gross income during the fiscal year ending March 31, 1982 was comprised of dividends declared on these securities owned by Applicant.

Applicant asserts that any question regarding its status under the Act is the result of circumstances arising inadvertently on the part of Applicant, which circumstances Applicant is actively attempting to change. Applicant asserts that only as a result of the significant reduction in total assets and increases in book value of its holdings in La Fonda due to the equity method of accounting and the absence of any market for the stock of High Plains and La Fonda has any question arisen as to the Applicant's status under the Act. Moreover, Applicant states that it believes that it is not the type of organization that Congress intended be subject to regulation under the Act and the regulation of Applicant under the Act would not provide significant benefits to the shareholders of Applicant. In this regard, Applicant argues that as a mineral exploration and development company, it does not have the objectives, structure, or functions of a traditional investment company.

According to the application, both High Plains and La Fonda are privately held companies for whose stock no market exists. Applicant represents that it has been and is actively seeking potential buyers for either stock, but no terms have been offered which would be advantageous to Applicant. Applicant represents that it is Applicant's intention to dispose of either or both investments in order to reduce debt and further fund its business activities. Applicant states that efforts to dispose of either stock have included contacting shareholders in La Fonda or High Plains and various third parties for any indications of interest. Applicant states that this approach has met with limited success, as only one shareholder has indicated a possible interest. Applicant asserts that, although its efforts to sell the securities of High Plains or La Fonda have been unsuccessful, it is the expectation of Applicant that continued efforts in these areas will eventually bring results. Applicant further states that, at the time Applicant invested in High Plains and La Fonda, it was anticipated that both companies would register shares for public sale and that an active market for the repective shares would develop. This has not been the case, and according to Applicant, recent discussions by the board of directors of both companies have resulted in the conclusion that public financing will not be pursued in the near future or thereafter so long as uncertain general market conditions prevail.

Applicant represents that it holds itself out and is known as an exploration and development company that is primarily engaged in activities other than investing, reinvesting, owning, holding or trading in securities. Applicant believes that the market value of its shares has been continually determined on the basis of its primary activities in mining and natural resources and not on the basis of its investment securities or any expectation of income therefrom. Applicant represents that all dividend income from both High Plains and La Fonda is currently used to finance the operations of Applicant and to further its primary purpose of mineral exploration and development. Applicant further represents that, in its operation, no officer, director or employee spends any significant amount of time on investment matters nor acts in any way as an investment adviser. Applicant further represents that it does not employ an investment adviser or manager. Applicant states that it has no plans to register under the Act, and management does not consider registration under the Act an option to Applicant because it is contended that it would not be in the best interests of the shareholders.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or classes of persons, securities, or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 6(e) of the Act provides, in part, that if, in connection with any order under Section 6 exempting any investment company from Section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company and to other persons in their transactions and relations with such company as though such company were registered investment company.

For the purpose of resolving any questions concerning its status as an investment company under Section 3(a) of the Act, Applicant requests that an order of the Commission be issued pursuant to Section 6(c) of the Act exempting it from all provisions of the Act for a period of two years, except Sections 9, 17(a)-(e), 23, 36(a), 37, all sections necessary to implement and enforce the provisions to which Applicant will remain subject and all administrative, procedural and jurisdictional sections of the Act. Applicant requests a two year exemption period to provide adequate time to develop a market and dispose of the stock on terms favorable to its shareholders.

Applicant states that any order granted by the Commission may be further subject to the following conditions:

1. That Applicant will not issue any additional shares of its common stock, par value $.01 per share, without first obtaining with respect to any such issue an amended exemptive order from the Commission, or first registering with the Commission as an investment company.

2. That, unless Applicant shall have first obtained an amended exemptive order from the Commission in respect of its ceasing to do so, Applicant will continue to:

(a) Hold regular meetings of its shareholders on an annual basis for the purpose of electing directors and transacting such other business as may properly come before such meeting;

(b) Submit for shareholder notification or approval at each annual meeting of shareholders the appointment of the independent certified public accountants engaged by Applicant;

(c) Furnish annually to the shareholders of Applicant audited financial statements of Applicant and a written report of Applicant's operations by the president of Applicant substantially in the form that Applicant has submitted to shareholders in the past.

3. That, unless Applicant shall have first obtained an amended exemptive order from the Commission, or first registered with the Commission as an investment company, Applicant will not acquire and investment securities of a type referred to in Section 3(a)(3) of the Act.

Notice is Further given that any interested person wishing to request a hearing on the application may, not later than April 25, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8908 Filed 4-5-83; 8:45 am]

BILLING CODE 8010-01-M

[812-8440; Rel. No. 13127]

Franklin Life Insurance Co. et al.; Notice of Application for an Order of Exemption Pursuant to Section 6(c) of the Act From the Provisions of Section 17(f)(3) of the Act and Rule 17f-2 Thereunder

March 30, 1983.

In the matter of the Franklin Life Insurance Company, Franklin Life Money Market Variable Annuity Fund C, and Franklin Financial Services Corporation, Franklin Square Springfield, Illinois 62713

NOTICE IS HEREBY GIVEN that the Franklin Life Insurance Company ("Franklin"), Franklin Life Money Market Variable Annuity Fund C ("Fund C"), and Franklin Financial Services Corporation (Franklin Financial") (collectively, the "Applicants"), filed an application on February 1, 1983, and an amendment thereto on March 24, 1983, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for exemptions from the provisions of Section 17(f)(3) of the Act and Rule 17f-2 thereunder to the extent necessary to permit the transactions described in the application. All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and Rules thereunder for a statement of the relevant provisions.

Franklin established Fund C as a separate account, which is registered under the Act as an open-end diversified management investment company, and serves as Fund C's investment advisor. Fund C's investment policy is to invest in money market securities. Franklin Financial is the principal underwriter of the variable annuity contracts offered by Fund C.

1. Appointment of One or More Additional Safekeeper Banks

Section 17(f)(3) of the Act provides, in pertinent part, that a registered management investment company may maintain its securities and investments in its own custody in accordance with rules adopted by the Commission. Rule 17f-2 promulgated under this provision requires, among other things, that such assets be placed in a bank subject to certain other requirements of the rule. In accordance with Section 17(f)(3) and Rule 17f-2 thereunder, securities of Fund C are currently held by The First National Bank of Springfield, Springfield, Illinois (the "Springfield Bank") pursuant to a Safekeeping Agreement among Franklin, Fund C, and the Springfield Bank (the "Safekeeping Agreement") which provides that the Springfield Bank may make arrangements with and be responsible for other banks to act as "sub-safekeepers". Franklin has determined, however, that in some cases it would be more economical to appoint additional independent safekeeper banks in regional markets where short-term securities may be purchased in the future to hold Fund C's short term securities rather than to follow the present arrangement. Applicants therefore request an exemption from the provisions of Section 17(f)(3) of the Act and Rule 17f-2 thereunder to the extent necessary to permit one or more additional safekeeper banks to hold Fund C's securities in circumstances where their deposit with the Springfield Bank would be impracticable and where use of a sub-safekeeper would be uneconomical.

2. Access to Securities

Rule 17f-2 requires, in part, that only certain specified individuals shall have access to the assets placed in a safekeeper bank. In Investment Company Act Release No. 12150, January 8, 1982 (the "Order"), Applicants were granted an exemption from the provisions of Section 17(f)(3) and Rule 17f-2 to the extent necessary to permit not more than five officers or responsible employees of Franklin, designated by the Board of Managers of Fund C, to have access to the assets of Fund C (subject to the provisions of Rules 17f-2 and 17g-1, applicable to such designated officers and responsible employees of Franklin to the same extent as if they were officers or responsible employees of Fund C designated as having access to the securities and similar investments of Fund C), and to permit duly authorized representatives of the Illinois Department of Insurance and of the zonal examination committee of the National Association of Insurance Commissioners to have access to the securities and similar investments of Fund C held by the Springfield Bank in accordance with the otherwise applicable provisons of Rule 17f-2. Applicants request an identical exemption to the extent necessary to permit the same access arrangements to the securities and similar investments of Fund C held by one or more additional safekeepers.

3. Conditions

Applicants represent that: (1) Any safekeeping agreement among Franklin, Fund C and an additional safekeeper bank will be substantially identical to the current Safekeeping Agreement, but with such changes as are described in the Application; (2) in conection with any such safekeeping agreement with an additional safekeeper, the Board of Managers of Fund C will make a determination that the appointment of such safekeeper will be benefical to Fund C, taking into acount the separate location of Fund C's investments and the additional recordkeeping procedures necessitated thereby; and (3) the Board of Managers of Fund C will adopt a system of recordkeeping that will indicate at all times where each instrument held by Fund C is located.

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction from the

provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 25, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8907 Filed 4-5-83; 8:45 am]
BILLING CODE 8010-01-M

[812-5138; Rel. No. 13134]

Franklin Money Fund et al.; Notice of Filing of Application for Order Amending Piior Order

In the matter of Franklin Money Fund, Research Capital Fund, Inc., Research Equity Funds, Inc., Franklin Custodian Fund, Inc., Franklin Option Fund, Inc., Franklin California Tax-Free Income Fund, Inc., Franklin New York Tax-Free Income Fund, Inc., Franklin Federal Money Fund, Franklin Tax-Exempt Money Fund, Franklin Cash Management Fund, Age High Income Fund, Inc., and Franklin Distributors, Inc., 155 Bovet Road, San Mateo, California 94402.

Notice is hereby given that Franklin Money Fund ("FMF"), Research Capital Fund, Inc. ("Capital"), Research Equity Fund, Inc. ("Equity"), Franklin Custodian Fund, Inc. ("Custodian"), Franklin Option Fund, Inc. ("Option"), Franklin California Tax-Free Income Fund, Inc. ("California Tax-Free"), Franklin New York Tax-Free Income Fund, Inc. ("N.Y. Tax-Free"), Franklin Federal Money Fund ("Federal"), Franklin Tax-Exempt Money Fund ("Tax-Exempt"), Franklin Cash Management Fund ("Cash"), AGE High Income Fund, Inc. ("AGE") (collectively, the "Funds"), all registered under the Investment Company Act of 1940 ("Act") as open-end, diversified, management investment companies and their principal underwriter and distributor, Franklin Distributors, Inc. ("Distributors"), a registered broker-dealer under the Securities Exchange Act of 1934, (together with the Funds, "Applicants"), filed an application on Feburary 16, 1983, requesting an order of the Commission amending in the manner described below an earlier order of the Commission dated February 26, 1976 (Investment Company Act Release No. 9177). The previous order of the Commission (1) pursuant to Section 11(a) of the Act, permitted the shareholders of FMF to exchange their shares for those of Capital, Equity and Custodian on a basis other than their relative net asset values; and (2) pursuant to Section 6(c) of the Act, exempted the offer of exchange from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below and to the Act for the complete text of the provisions of the Act cited in the application.

According to the application, Capital, Equity, Custodian, Option, California Tax-Free, N.Y. Tax-Free and AGE, are all engaged in a continuous public offering of their shares at their respective net asset values plus a sales charge. The application further indicates that FMF, Federal, Tax-Exempt and Cash are money market funds whose shares are offered on a continuous basis at net asset value without any sales charge.

Applicants represent that, at present, the shareholders of Capital, Equity, Option, and any of the series of Custodian (except for the U.S. Government Series), may exchange their shares for shares of any of the other of such Funds on the basis of the relative net asset value per share at the time of the exchange, without any sales charge; and the same exchange privilege applies among the shareholders of California Tax-Free, N.Y. Tax-Free, AGE and the U.S. Government Series of Custodian. Applicants state that Capital, Equity, Option, Custodian, AGE and California Tax-Free also, pursuant to the orders of the Commission dated February 26, 1976 (Investment Company Act Release No. 9177) and June 8, 1982 (Investment Company Act Release No. 12472), offer to shareholders of FMF, Federal, Tax-Exempt and Cash, the right to exchange their shares for shares of Capital, Equity, Option, Custodian, AGE and California Tax-Free, on the basis of the relative net asset value at the time of exchange plus, in the case of shares of FMF, Federal, Tax-Exempt and Cash acquired other than pursuant to a previous exchange from shares of Capital, Equity, Option, Custodian, AGE and California Tax-Free, the applicable sales charge described in the current prospectus of the fund being acquired.

Applicants propose that Capital, Equity, Option and each series of Custodian other than U.S. Government Series offer to the shareholders of California Tax-Free, N.Y. Tax-Free, AGE and the U.S. Government Series of Custodian, the right to exchange their shares for shares of Capital, Equity, Option and the other Series of Custodian on the basis of relative net asset value at the time of exchange, plus (other than for shares, including shares accumulated by reinvestment of dividends and distributions, acquired in a previous exchange from such Funds) the difference in the applicable sales charges as described in the current prospectuses of the exchanging Funds. Applicants state that, once the difference in the applicable sales charge is paid, all future exchanges would be at their relative net asset values without any sales charge. Applicants state further that a service charge of up to $10.00 may be charged per transaction to cover the costs thereof. Applicants state that, in addition, it is proposed that the exchange offer approved by the Commission's prior orders be extended to N.Y. Tax-Free on the same basis.

Applicants state that, since the Funds have different investment objectives, the proposed exchange offer will allow a shareholder of any of the Funds who subsequently changes his investment objective to change his investment to a different Fund. Applicant state that shareholders will be informed of their right to exchange shares of one Fund for shares of any other Funds, on the basis set forth in the application.

Applicants submit that the exchange offer to the shareholders of California Tax-Free, N.Y. Tax-Free, AGE and the U.S. Government Series of Custodian (except for shares acquired by exchange from the other Funds) cannot be made at the relative net asset values of the Fund to be acquired because the shareholder of such exchanging Fund may have paid a lower sales charge while a shareholder in the Fund to be acquired

would likely have incurred a higher sales charge.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 25, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securties and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8914 Filed 4-5-83; 8:45 am]

BILLING CODE 8010-01-M

[812-5397; Rel. No. 13133]

Lexington Money Market Trust; Notice of Filing of Application for an Order

Notice is hereby given that Lexington Money Market Trust ("Applicant") 580 Sylvan Avenue, Box 1575, Englewood Cliffs, New Jersey 07632, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act") filed an application requesting an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuation. Persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act and the rules thereunder for the complete text of the provisions thereof from which an exemption is being sought.

Applicant represents that it invests exclusively in the following types of money market instruments: (1) obligations issued, or guaranteed as to interest and principal, by the government of the United States or any agency or instrumentality thereof; (2) obligations (including certificates of deposit, bankers' acceptances and documented discount notes) of banks having total assets in excess of one billion dollars being subject to regulation by the U.S. government, including U.S. branches of foreign banks, and certificates of deposit issued by London branches of U.S. banks (Eurodollar C.D.'s); (3) commercial paper of U.S. corporations, rated A1, or A2 by Standard & Poor's Corporation or P1, or P2 by Moody's Investors Service, Inc.; (4) repurchase agreements under which Applicant may acquire an underlying debt instrument for a relatively short period subject to the obligation of the seller to repurchase, and of Applicant to resell, at a fixed price; [1] (5) other money market instruments.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. In view of this, Applicant requests an exemption from Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

Applicant states that experience indicates that two features are helpful in attracting investment in an investment company such as Applicant: (1) stability of principal and (2) steady flow of investment income. Applicant asserts that by maintaining a portfolio of high quality money market instruments it can provide these features to investors. According to Lexington Management Corporation, Applicant's investment advisor, experience in the management of other investment companies has shown that, given the nature of Applicant's policies and operations, there will normally be a negligible discrepancy between prices obtained by the amortized cost method and those obtained by a market valuation method. Applicant represents that its board of directors has determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects fair value of such money market instruments.

Applicant agrees that the following conditions may be imposed in any order granting the exemptions requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by Applicant's board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review; [2]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, Applicant's board of directors will promptly

[1] Applicant also states that it will enter into repurchase agreements only with commercial banks and dealers in U.S. government securities. Applicant will not enter into repurchase agreements maturing in more than seven days if the aggregate of such repurchase agreements would exceed 10% of the total assets of Applicant.

[2] To fulfill this condition, Applicant will use actual quotations or estimates of market value reflecting current market conditions selected by its board of directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

consider what action, if any, should be initiated; and

(c) If Applicant's board of directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; seeling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity at the date of acquisition of greater than one year, or (b) maintain a dollar-weighted average portfolio in excess of 120 days.[3]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of Applicant's board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit the portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which Applicant's board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service, or in the case of any instrument that is not rated, of comparable quality as determined by Applicant's board of directors.

6. Applicant will include in each quarterly report, in an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is hereby given that any interested person wishing to request a hearing on the application may, not later than April 25, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–8913 Filed 4–5–83; 8:45 am]

BILLING CODE 8010–01–M

[3] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[812–5392; Rel. No. 13129]

The Mutual Life Insurance Co. of New York, et al.; Notice of Filing of Application for an Order Amending Two Prior Orders Pursuant to Section 6(c) of the Investment Company Act of 1940 Granting an Exemption From Provisions of Sections 17(f) and 27(c)(2) of the Act and Rule 17f–2 Promulgated Thereunder

March 30, 1983.

In the matter of the Mutual Life Insurance Company of New York and the Mony Variable Account–A and the Mony Variable Account–B, 1740 Broadway, New York, New York 10019.

Notice is hereby given that the Mutual Life Insurance Company of New York ("MONY") and the MONY Variable Account–A ("VA–A") and the MONY Variable Account–B ("VA–B"), separate accounts of MONY registered under the Investment Company Act of 1940 ("Act") as open-end investment companies ("Applicants"), filed an application on December 10, 1982 and amendments thereto on March 10, 1983 and March 30, 1983 pursuant to Section 6(c) of the Act for an order amending two prior orders granting exemptions from provisions of Sections 17(f) and 27(c)(2) of the Act and Rule 17f–2 thereunder to the extent necessary to permit the custody arrangements described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and are referred to the Act and the rules thereunder for a statement of the relevant provisions.

In Investment Company Act Release No. 5629 (March 11, 1969), the Commission issued an order (the "1969 Order") granting MONY and VA–A an exemption from Sections 17(f) and 27(c)(2) of the Act and Rule 17f–2 promulgated thereunder to permit MONY to hold securities and other investments of VA–A pursuant to procedures which vary in certain respects from those authorized in said sections and rule. In Investment Company Act Release No. 12276 (March 5, 1982), the Commission issued an order (the "1982 Order") granting MONY and VA–B similar exemptions and permitting MONY to hold VA–B's securities and other investments in book-entry form under Section 27(c)(2) of the Act.

Applicants propose to change the arrangements under which they hold certain securities and other investments of VA–A and VA–B ("Securities"). Applicants will enter into a Custodial Services Agreement ("Agreement") with a bank (or banks) qualified under Section 26(a)(1) of the Act (the "Custodian"), whereby Applicants will deposit certain Securities of VA–A and VA–B in separate custodial accounts established by the Custodian ("Custodial Accounts"). The Custodian, in turn, will deposit certain Securities of VA–A (in whole or in part) in the central depository facilities of The Depository Trust Company ("DTC"), a registered clearing agency, or in the Federal Reserve's Book-Entry System (the "Book-Entry System"), but may retain certain Securities in the VA–A Custodial Account. The Securities of VA–B will, under current procedures, be retained in the VA–B Custodial Account, but in the future such procedures may be revised to provide for the deposit of some or all of such Securities in DTC or the Book-Entry System. Other of VA–A's and VA–B's Securities will continue to be held directly by MONY in its vaults as permitted under the prior orders.

Applicants have requested that an order be issued amending the prior orders to the extent necessary to permit Applicants to hold, now or in the future, securities and other investments of VA–A and VA–B in accordance with (a) procedures authorized in the prior orders, or (b) procedures which permit securities and similar investments to be held by one or more qualified custodians (or sub-custodians) in accordance with the terms of the Agreement and the requirements of Rule 17f-4, or (c) procedures which permit securities and similar investments to be held in book-entry form, either directly through a registered clearing agency or indirectly through one or more qualified custodians (or sub-custodians) in accordance with (i) the terms of the Agreement or (ii) such other terms (which are reasonably designed to prevent unauthorized officers' instructions) as may be authorized by resolution of and reviewed annually by the Board of trustees of MONY or the VA–A and VA–B Committees, or (d) such other procedures or combination of procedures generally applicable to the custody of securities as have been or may from time to time be authorized by the Commission under Sections 17(f) and 26(a) of the 1940 Act.

Applicants state that the requested relief is necessary because (a) in the case of VA–A, the 1969 Order does not grant an exemption under Section 27(c)(2) to permit MONY and VA–A to hold Securities directly or indirectly in book-entry form pursuant to the Agreement or otherwise, and does not state whether MONY and VA–A may deposit such Securities with a qualified custodian pursuant to an agreement which does not create a trust; (b) in the case of VA–B, the 1982 Order is not clear regarding whether MONY and VA–B may hold Securities under Section 27(c)(2) in book-entry form indirectly through a qualified bank custodian pursuant to an agreement which does not create a trust; (c) in the case of both VA–A and VA–B, the proposed arrangements for holding Securities in book-entry form vary from those established in Rule 17f-2 and the prior orders in that only one authorized officer (rather than two acting jointly) may have access to certain of such Securities and that notations will be maintained in the form of computer records in the office of MONY's treasurer; and (d) in the case of both VA–A and VA–B, there are minor modifications in the list of persons authorized in the prior orders to have access to the Securities and such persons continue to number more than five. Applicants submit that the arrangements proposed in the Agreement are reasonably designed to prevent unauthorized officers' instructions, while at the same time permitting Applicants to take full advantage of the benefits of book-entry systems.

Section 6(c) of the Act generally authorizes the Commission to exempt any person, security or transaction from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing of the application may, not later than April 25, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–8911 Filed 4–5–83; 8:45 am]

BILLING CODE 8010–01–M

[812–5451; Rel. No. 13124]

NEL Tax Exempt Money Market Trust; Notice of Filing of Application

Notice is hereby given that NEL Tax Exempt Money Market Trust ("Applicant") 501 Boylston St., Boston, Mass. 02117, an open-end, diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on February 9, 1983, and an amendment thereto on March 25, 1983, pursuant to Section 6(c) of the Act, for an order of the Commission exempting Applicant from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit the Applicant to acquire on behalf of its Tax Exempt Money Market Series (the "Series"), rights to sell portfolio securities of the Series to brokers or dealers and from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit the Series' assets to be valued at amortized cost and to permit the aforementioned rights belonging to the Series to be valued in the manner set forth in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act and the Rules thereunder for the complete text of those provisions thereof from which an exemption is being sought.

Applicant states it is a "money market" fund organized as a Massachusetts business trust, and that the investment objective of the Series is to seek current income exempt from Federal income taxes consistent with preservation of captial and liquidity. The Applicant states that the Series will pursue this objective by investing primarily in securities the income from which is exempt from Federal income tax. The application states that although Applicant presently plans to offer only shares of the Series, additional series may be offered from time to time in the future. The Series' adviser is New England Mutual Life Insurance Company.

The Series seeks to achieve its investment objective by investing in a diversified portfolio of municipal securities issued by or on behalf of states, cities, municipalites or municipal agencies. Applicant also states that the Series may invest in floating or variable rate notes which provide that their rate of interest is set as a specific percentage of a designated base rate and that Applicant can demand payment of the obligation on short notice (not to exceed 5 days) at par plus accrued interest. The Applicant states further that the variable rate demand notes will satisfy the requirements of and the maturities thereof will be determined in accordance with the procedures set forth in the Commission's proposed Rule 2a–7 (Investment Company Act Release No. 12206, February 1, 1982) or, if proposed Rule 2a–7 is ultimately adopted, the Rule as so adopted.

The applicant has reserved to the Series the right, under certain circumstances and conditions, to purchase securities together with the right to resell them to the seller at an

agreed-upon price or yield within a specified period prior to the maturity date of such securities. Such a right to resell is commonly known as a "put". Applicant states it will enter into transactions involving puts solely in order to facilitate portfolio liquidity (including flexibility in disposing of portfolio securities acquired with a view to their disposition prior to their stated maturity in order to invest in other, more attractive securities if it should become necessary or advisable to do so in order to meet redemption requirements or to invest in other, more attractive securities). Applicant states that the managers of the Series believe that puts will enable the Series more readily to dispose of portfolio securities if it should become necessary or advisable to do so in order to meet redemption requirements or to invest in other, more attractive securities that are not available for purchase at the time the Series acquires the put. Applicant represents that the Series will not acquire puts with a view to exercising them at time when the exercise price may exceed the current value of the underlying securities.

Applicant states that all puts which it may acquire for the Series will have the following features: (1) They will be in writing and will be physically held by the Series' custodian; (2) they may be excercisable by the Series at any time prior to the underlying security's maturity; (3) the Series' right to exercise them will be unconditional and unqualified; (4) they will be entered into only with dealers, banks and brokers who, in the opinion of the Series' investment adviser, present minimal risk of default; (5) although they will not be transferable, municipal securities purchased subject to such puts could be sold to a third party at any time, even though the put was outstanding; and (6) their exercise price will be (i) the Series' acquisition cost of the municipal securities which are subject to the put (excluding any accrued interest which the Series paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period such securities belonged to the Series, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities belonged to the Series. Applicant further states that, if its request for an order permitting it to value the Series' securities on an amortized cost basis is granted, the amount payable under a put will be substantially the same as the value of the underlying securities. Moreover, the Applicant submits that there is little risk of an event occurring which would make the amortized cost valuation of the Series' portfolio securities inappropriate; however, the applicant represents that in the unlikely event that the market or fair value of securities in the Series' portfolio were not substantially equivalent to their amortized cost value, the securities would be valued on the basis of available market information and held to maturity.

According to the application, the Applicant expects that puts generally will be available without the payment of any specified direct or indirect consideration. However, if necessary or advisable, the Applicant states that the series will pay for the puts, either separately in cash or by paying a higher price for portfolio securities which are acquired subject to the commitment. As a matter of policy, the total amount specifically paid in either manner for outstanding puts held by the Series will not exceed ½ of 1% of the value of the Series' total assets calculated immediately after any put is acquired.

Applicant states that it is difficult to evaluate the likelihood of use or the potential benefit of a put. Therefore, Applicant's Board of Trustees will determine that puts have a "fair value" of zero, regardless of whether any direct or indirect consideration was paid. Where the Series has paid for a put, its cost will be reflected as unrealized depreciation for the period during which the commitment is held, and the maturity of a portfolio security shall not be considered shortened or otherwise affected by any put to which such security is subject.

The application states that, in Investment Company Act Release No. 9786, the Commission issued an interpretation of Rule 2a–4 expressing its view that money market funds should "value debt securities with greater than 60 days remaining to maturity based upon current market quotations if readily available or, if such quotations are not readily available, in such a manner as to take into account any unrealized appreciation or depreciation due to changes in interest rates and other factors which would influence the current fair values of such securities." The application represents that Applicant's Trustees have determined in good faith, in light of the proposed characteristics of the Series and the needs of investors, that, absent unusual or extaordinary circmstances, the amortized cost method of valuing portfolio securities is appropriate and preferable and will reflect the fair value of the Series' securities. Accordingly, applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit the Series to use the amortized cost method to value its portfolio securities and to permit puts belonging to the Series to be valued in the manner set forth in the application.

Applicant also requests an exemption from Section 12(d)(3) of the Act to the extent necessary to permit Applicant, on behalf of the Series, to acquire puts from brokers or dealers. The Applicant asserts that the acquisition of puts will not affect the Series' net asset value per share for purposes of sales and redemptions and will not pose new investment risks, but rather will improve liquidity and the Series' ability to meet redemptions. The Applicant also represents that the credit risks associated with put transactions are not extraordinary and the evaluation of those risks is substantially similar to the evaluations undertaken by the Series with respect to repurchase agreements and reverse repurchase agreements. Additionally, it is represented that the Series will not acquire puts to promote reciprocal practices, to encourage the sale of its shares or to obtain research services.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act and rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits that the granting of the requested exemptions is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Applicant consents to the following conditions to any order granting the exemption from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder requested in the application, such conditions to be applicable to the portfolio of the Series:

1. In supervising the operations of the Series and delegating special responsibilities involving portfolio management by its investment adviser, the Board of Trustees undertakes—as a particular responsibility within the overall duty of care owed to shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Series' investment objectives, to

stabilize the Series' net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Trustees shall be the following:

(a) Review by the Board fo Trustees as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of the Series as determined by using available market quotations from the Series' $1.00 amortized cost price per share and the maintenance of records of such review.[1]

(b) In the event such deviation from the Series' $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the Board of Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Board of Trustees' determines that the extent of any deviation from the Series' $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Series' average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Series will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Series will not (a) purchase any instrument with a remaining maturity of greater than one year (although obligations subject to repurchase agreements may have a maturity in excess thereof), or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

4. The Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above; the Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accesible place) a written record of the Board of Trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The investments of the Series, including repurchase agreements, will be limited to those United States dollar denominated instruments which the Board of Trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Trustees.

6. If any action pursuant to condition 2(c) is taken, the Applicant will file, as an attachment to Form N–1Q relating to the period during which such action took place, a statement as to the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 25, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8909 Filed 4-5-83; 8:45 am]

BILLING CODE 8010-01-M

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[1] To fulfill this condition, the Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classses of money market instruments published by reputable sources.

[2] In fulfilling this condition, the Applicant agrees that if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity for the Series in excess of 120 days, the Series will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[File No. 812-5400; Rel. No. 13128]

The Prudential Insurance Co. of America et al.; Notice of Filing of Application for an Order Granting Exemptions

In the matter of The Prudential Insurance Company of America, The Prudential Individual Variable Contract Account, The Prudential Qualified Individual Variable Contract Account, The Prudential Series Fund, Inc., and Pruco Securities Corporation, Prudential Plaza, Newark, New Jersey 17101.

Notice is hereby given that The Prudential Insurance Company of America ("Prudential"), The Prudential Individual Variable Contract Account ("Account"), The Prudential Qualified Individual Variable Contract Account ("Qualified Account") (collectively, "Accounts"), The Prudential Series Fund, Inc. ("Series Fund"), and Pruco Securities Corporation ("Prusec") (collectively, "Applicants") filed an application on December 16, 1982, and an amendment thereto on March 22, 1983 for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") granting exemptions from the provisions of Sections 2(a)(32), 2(a)(35), 12(d)(1), 15(b), 22(c), 22(d), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder, to the extent necessary to permit the transactions described in the application, and for an order pursuant to Section 11 of the Act approving the terms of certain offers of exchange. All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the Rules thereunder for a statement of the relevent provisions.

The Accounts are separate accounts of Prudential, established to fund certain individual variable annuity contracts (the "Contracts") to be issued by Prudential. Each of the Accounts is registered as a unit investment trust under the Act and has a number of subaccounts, each of which will invest its assets exclusively in a corresponding portfolio of the Series Fund. A contractholder may designate the subaccount(s) of the Accounts to which

his purchase payments will be allocated, and may make transfers among the subaccounts, at net asset value and without any charge, subject to certain conditions. Purchase payments will be invested in shares of the appropriate class of capital stock of the Series Fund no later than one day after their receipt by Prudential.

The Series fund is registered under the Act as an open-end diversified management investment company. Prudential is the investment manager of the Series Fund. The Series Fund has five portfolios, interests in each of which are represented by a separate class of capital stock. The Series Fund presently intends to offer its capital stock exclusively to the Accounts at net asset value, without any underwriting spread or sales charge. Applicants do not intend to issue stock certificates to represent shares of Series Fund stock, which will be held under an open account system. Although Prudential may be deemed an underwriter of the Series Fund capital stock, Applicants propose to forego entering into a written underwriting contract regarding such stock, and they assert that, in view of the described arrangements between the Series Fund and the Accounts, no function would be served by such a written contract. The application also states that Prusec, an indirect, wholly-owned subsidiary of Prudential, may be deemed to be the principal underwriter of the Contracts, which will be sold by registered representatives of Prusec.

Applicants state that no sales charge will be deducted from purchase payments as made. Rather, a deferred sales charge will in some circumstances be assessed in the event of a full or partial withdrawal. In each contract year, a contractholder may withdraw up to 10 percent of the value of his account (as calculated on the date of the first withdrawal during the contract year) without incurring any sales charge. A sales charge will be imposed upon additional withdrawals at the rate of 8% for a payment on deposit one year or less, declining by 1% for each additional year the payment has been on deposit, so that payments on deposit eight years or more may be withdrawn without imposition of the sales charge. Withdrawals will be handled on a first-in, first-out basis, and the sales charge will not be imposed on withdrawn amounts in excess of aggregate purchase payments. The sales charge also will be imposed upon annuitization, unless three or more years have elapsed since the first depoit of purchase payments under the Contract. The sales charge will not be imposed on withdrawals by the beneficiary of a deceased contractholder.

Prudential will impose at the end of each contract year, upon a full withdrawal on a date other than a "contract date," or upon annuitization, an annual account charge of $30, which may not be increased. Applicants assert that this charge is intended to reimburse Prudential for incurred administrative expenses and does not include any element of profit.

Prudential will also deduct daily from each of the Accounts an amount equal to an annual rate of 1.20% of the value of the Account's assets, of which .8% is for assumption of mortality risks, and .4% is for assumption of the risks that the fixed annual account charge will not cover administrative expenses. Applicants assert that this charge is reasonable and within the range of those made by insurance companies with respect to similar contracts, and the basis for this assertion is reflected in documents on file with the Applicants.

Any premium or other taxes imposed by a state or other government entity on a Contract will be deducted upon annuitization.

Applicants also propose that Prudential maintain custody of the assets of the Accounts. In this regard, Applicants state that Prudential is subject to regulation and periodic examination by the New Jersey Department of Insurance, and that such supervision and regulation protect contractholders sufficiently to satisfy the purposes of relevant statutory provisions.

Relief Requested

Applicants request the following exemptions, to the extent necessary: from Sections 2(a)(32), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act, and Rule 22c–1 thereunder, to impose the annual account charge (including its imposition upon full withdrawal); from the foregoing provisions, as well as Section 2(a)(35), to impose the deferred sales charge; from section 22(d) to permit certain withdrawals to be made without imposition of the deferred sales charge; from sections 26(a) and 27(c)(2) to permit Prudential to hold the assets of the Accounts and deduct the mortality and expense risk charge and premium taxes; and from Section 15(b) to permit Prudential to serve as principal underwriter for the Series Fund under the circumstances described above.

Applicants also request an exemption from Section 12(d)(1), to the extent necessary, to permit the Accounts to acquire the shares of the Series Fund. Section 12(d)(1) of the Act, as here relevant, generally restricts the ability of a registered investment company to acquire the securities of any other investment company, and of a registered open-end investment company to sell its securities to any other investment company. However, Section 12(d)(1)(E) removes such restrictions if *inter alia*, the acquired securities are the only securities held by a registered unit investment trust that issues two or more classes of securities, each of which provides for accumulation of shares of a different investment company. Applicants assert that the Accounts' acquisition of the securities of the various portfolios of the Series Fund is within this exception, but because each subaccount holds a different class of stock issued by the Series Fund (rather than securities issued by different investment companies) they are requesting an exemption in order to remove any doubt about this matter.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction from the provisons of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants also request an order pursuant to Section 11 of the Act, to the extent necessary, approving the terms of the offers of exchange described above. Section 11(a) generally makes it unlawful for any registered open-end investment company to make an exchange offer to the holders of its securities on any basis other than relative net asset values unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) apply to any type of exchange offer involving the securities of a registered unit investment trust.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 25, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the

request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8910 Filed 4-5-83; 8:45 am]

BILLING CODE 8010-01-M

[811-3108; Rel. No. 13132]

The Texas Money Fund, Inc.; Notice of Filing of Application Pursuant to Section 8(f) of the Act for Order Declaring That Company Has Ceased To Be an Investment Company.

Notice is hereby given that the Texas Money Fund, Inc. 4550 Montgomery Avenue, Ste. 1000N, Bethesda, Md. 20814, registered under the Investment Company Act of 1940 ("Act"), as an open-end, diversified management investment company, filed an application on February 3, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act and Rule 8f-1 thereunder, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that it registered under the Act on November 4, 1980, and filed a registration statement pursuant to Section 8(b) of the Act on the same day. It is further stated that on November 4, 1980, Applicant also filed a registration statement pursuant to the Securities Act of 1933 ("Securities Act") on Form N-1, and that such registration statement, which covered an indefinite number of shares of common stock, was declared effective May 5, 1981. Applicant's initial public offering, it is stated, commenced immediately thereafter. Applicant also states that its investment adviser has been Calvert Asset Management Company, Inc. ("CAM"), a Delaware corporation wholly-owned by Calvert Group, Ltd.

Applicant states, in addition, that it is a corporation duly organized, validly existing, and in good standing under the laws of the State of Texas. At a special meeting held December 17, 1982, Applicant states, the shareholders of Applicant approved and adopted by a vote in excess of the two-thirds vote required by Texas law, an Agreement and Plan of Reorganization ("Agreement"), which provided for the transfer of all the assets and liabilities of Applicant to Calvert Cash Reserves ("CCR"), also registered under the Act as an open-end, diversified, management investment company, in exchange for shares of beneficial interest in the Prime Portfolio of CCR. The Agreement, Applicant states, further provided for the distribution of CCR shares given in exchange for Applicant's assets to the shareholders of Applicant, the liquidation and dissolution of Applicant and Applicant's deregistration as an investment company under the Act.

Pursuant to the terms of the Agreement, it is stated, Applicant transferred to CCR, effective as of the close of business on December 17, 1982, all of Applicant's assets, subject to liabilities, with a total net asset value of $8,638,801, in exchange for 8,638,801 shares of the Prime Portfolio of CCR having an aggregate net asset value of $8,638,801. Immediately following the closing, Applicant states, it caused shares of CCR to be distributed to Applicant's shareholders in proportion to the number of shares held by each shareholder of record on December 17, 1982, in exchange for Applicant's shares.

Applicant further states that the total expenses incurred in connection with the Agreement are estimated to be approximately $40,000, all of which are to be borne by CAM, which is investment adviser to CCR as well as to Applicant. It is represented that Applicant has retained no assets, that CAM has assumed all of Applicant's debts and liabilities, and that Applicant has no shareholder to whom distribution in complete liquidation of his interest in Applicant has not been made. Applicant states that it is not party to any litigation. Lastly, it is stated that Applicant no longer has any security-holders or assets, is no longer offering its shares, and does not engage, or propose to engage, in any business activities other than those necessary to the winding up of its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall terminate.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 25, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8912 Filed 4-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-19630; File No. SR-PSE-83-07]

Self-Regulatory Organizations; Proposed Rule Change by the Pacific Stock Exchange Inc.; Relating to Rights Distribution to Members

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 4, 1983 the Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I; II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will authorize a distribution of rights to current members of the Pacific Stock Exchange Incorporated. Each right entitles the holder to purchase one-fifteenth of a membership, with fifteen rights and payment of $30,000 being required to make the purchase. The rights are transferable.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change

and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to correct an imbalance in the supply of and demand for memberships in the Pacific Stock Exchange Incorporated. The use of the rights distribution to correct the imbalance is based upon the desire to have current members share in the benefits rersulting from the additional memberships.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 in that it will promote just and equitable principles of trade and remove impediments to a free and open market in securities by correcting an imbalance in the supply of and demand for memberships in the Exchange. The proposed rule change will also help avoid unfair discrimination between brokers or dealers and to foster competition in furtherance of the purposes of the Act.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition but will, in fact, have a favorable impact on competition by correcting an imbalance of supply of and demand for memberships, and increasing the number of members participating in the auction market of the Exchange.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments were neither solicited nor received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 24, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–8915 Filed 4–5–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 13135; 812–5408]

Related Forest City Elderly Limited Partnership I et al.; Application

March 31, 1983.

In the matter of; Related Forest City Elderly Limited Partnership I and the Related Companies, Inc., 645 Fifth Avenue, New York, New York 10022 (812–5408) Notice of filing of application for an order pursuant to section 6(c) of the act granting an exemption from all provisions of the act.

Notice is hereby given that Related Forest City Elderly Housing Limited Partnership I (the "Partnership"), a Massachusetts limited partnership, and its managing general partner, The Related Companies, Inc., a Delaware corporation ("Related Companies" or the "Managing General Partner" and, together with the Partnership, referred to hereinafter as "Applicants"), filed an application on December 21, 1982, and an amendment thereto on March 15, 1983, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), for an order exempting the Partnership from all provisions of the Act and rules thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Partnership was formed on September 1, 1982, and became a limited partnership under the Massachusetts Uniform Limited Partnership Act on September 30, 1982, as a vehicle for equity investment in government-assisted rental housing consistent with the policies and objectives of Title IX of the Housing and Urban Development Act of 1968 ("Title IX"). Applicants further state that the Partnership is operating as a "two-tier" entity, i.e., the Partnership, as the sole limited partner, has invested in four other limited partnerships ("Local Limited Partnerships"), that in turn, engage in the ownership and operation of government-assisted apartment complexes (the "Projects"). According to the application, each Local Limited Partnership owns and operates a fully constructed apartment complex for occupancy by elderly and/or handicapped persons in accordance with the purposes and criteria set forth in Investment Company Act Release No. 8456 (August 9, 1974).

The general partners of the Partnership are the Managing General Partner, Related Elderly I Associates, a New York partnership and Forest City Dillon, Inc. ("Forest City"), an Ohio corporation (collectively, the "General Partners"). In each Local Limited Partnership, Forest City will serve as the Project Managing General Partner. Related Project Partnership Corporation, an affiliate of the Managing General Partner, will serve as Associate General Partner of each of the Local Limited Partnerships, with only limited responsibility to the Local Limited Partnerships. Shearson/American Express Real Estate Corporation is the Special Limited Partner of the Partnership.

Applicants state that the Partnership has sold 100 Units of Limited Partner Interests ("Units") at $58,500 per Unit in transactions exempted from the registration requirements of Section 5 of the Securities Act of 1933, as amended (the "Securities Act") and in compliance with Rule 506 of Regulation D under Section 4(2) of the Securities Act.

Purchasers of Units became Limited Partners ("Limited Partners") of the Partnership. The Partnership had $5,205,000 available for investment after deduction for sales commissions (7 percent of the gross proceeds) and offering expenses (4.1 percent of the gross proceeds). The offering of the Units ended on December 27, 1982, with Units being held by not more than 100 persons.

Applicants state that Shearson/American Express Inc., a member of the National Association of Securities Dealers, Inc., offered and sold the Units as offering broker and received placement fees of $409,500 ($4,095 per Unit). As set forth in the Amended and Restated Agreement and Certificate of Limited Partnership of the Partnership (the "Partnership Agreement") and as described in the Private Placement Memorandum (the "Memorandum"), the General Partners and their affiliates are receiving substantial reimbursements, fees and other compensation from the proceeds of the sale of the Units and from the operations of the Local Limited Partnerships of which affiliates of the General Partners are the general partners. The application states that, from the amount available for investment, the Partnership paid expenses and fees to its General Partners (in such capacity) in the amount of $100,000 (1.7 percent of the gross proceeds), paid to Forest City Rental Properties Corporation ("Properties"), an affiliate of Forest City, $2,750,000 (47.0 percent of the gross proceeds) as part of the consideration for the Partnership's acquisition from Properties of a 99 percent interest on each Local Limited Partnership in consideration of cash and short-term and long-term purchase money notes and invested $850,000 (14.5 percent of the gross proceeds) in the Local Limited Partnerships, which was paid directly to Forest city as the Project Managing General Partner for services relating to the Projects. It is represented in the application that of the $850,000 to be invested in the Local Limited Partnerships from the gross proceeds of the offering, $410,000 will be paid to Forest City as an "operating deficit guarantee fee" as consideration for agreeing to lend funds to the Local Limited Partnerships to meet certain operating deficits and the remaining $440,000 will be paid to Forest City as Partnership Management Fees in consideration of its management services to the four Local Limited Partnerships. It is represented further that Forest City has, in connection with the transactions contemplated for the Partnership and the Local Limited Partnerships, agreed to pay to Related Companies $440,000 in consideration of its performance of certain tax, financial and consulting services. Applicants contend that, as Forest City and Related Companies are independent and unrelated entities, the fees negotiated between the two of them were negotiated at arm's length. Related Companies believes the fee structure to be fair, normal and not excessive for transactions structured with the tax characteristics of an offering of this type and sold to investors meeting suitability standards such as those included with the offering.

Applicants state that an aggregate purchase price of $5,155,152 has been paid by the Partnership for the interest in each Local Limited Partnership. It is represented that the purchase price for the 99% interest in each Local Limited Partnership was based on an independent appraised by Joseph J. Blake and Associates, Inc. of New York, New York, a member of the American Institute of Real Estate Appraisers.

Section 6(c) of the Act provides, as herein pertinent, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from the provisions of the Act and the rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Without conceding that the Partnership is an investment company as defined in the Act, Applicants request that the Partnership be exempted from all the provisions of the Act pursuant to Section 6(c) of the Act. In support of this request, Applicants assert that such exemption is both necessary and appropriate in the public interest and would be consistent with the protection of investors and the purposes and policies underlying the Act.

Applicants assert that investment in low and moderate income housing in accordance with the national policy expressed in Title IX is not economically suitable for private investors without the tax and organizational advantages of the limited partnership form. They assert that the limited partnership structure provides the only means of bringing private equity capital into government-assisted housing, particularly because public investors typically consider investment in low and moderate income housing programs as involving greater risk than real estate investment generally. Applicants state that the limited partnership form insulates each limited partner from personal liability and limits financial risk incurred by the limited partner to the amount he has invested in the program, while also allowing the limited partner to claim on his individual income tax return his proportionate share of the income and losses from the investment.

Applicants assert the despite the advantages it affords investors in government-assisted housing, the limited partnership form of organization is incompatible with the operational framework of the Act. By way of example, it is claimed that the Act requires annual approval by investors of a management contract, but a limited partner may incur general liability if given such voting rights and that the same problem exists with respect to the election of directors and the termination of the investment company management contract. In addition, it is further claimed that the asset coverage limitations imposed by Section 18 of the Act were designed to protect investors in securities from wide fluctuations in market prices and that such concerns are inapposite to the mortgage financing and other federal, state and local government assisted programs developed for low and moderate income housing.

Applicants further state that interests in the Partnership were sold only to investors who met specified suitability standards which the Partnership believes are consistent with the securities laws of all states where the Units were sold. Subscriptions for Units were approved by the Managing General Partner, and such approval was required to be made conditional upon representations as to suitability of the investment for each subscriber. It is represented that investors will receive extensive reports concerning the Partnership's business and operations. Applicants represent, in addition, that under the Partnership Agreement, each Limited Partner is entitled to review the books of account of the Partnership during normal business hours. Applicants further state that, although the interests of the General Partners and their affiliates may conflict in various ways with the interests of Limited Partners, Limited Partners are adequately protected through disclosure in the Memorandum. Further protection for the interests of Limited Partners is provided, Applicants assert, by the numerous provisions of the Partnership Agreement designed to prevent overreaching by the General Partner and

to assure fair dealing by the General Partners with the Limited Partners.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 25, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9030 Filed 4-5-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13130; 812-5329]

Travelers Insurance Co. et al.; Application

March 31, 1983.

In the matter of Travelers Insurance Company, Travelers Fund A for variable annuities, Travelers Fund A–1for variable annuities, Travelers Fund MM for variable annuities, Travelers Fund U for variable annuities, One Tower Square, Hartford, Connecticut 06115 (812–5329). Notice of application pursuant to section 6(c) of the act for an order of exemption from the provisions of sections 2(a) (32), 2(a)(35), 12(b), 22(c), 22(e), 26(a), 26(a)(2)(D), 27(c)(1), 27(c)(2), and 27(d) of the act and rules 12b–1 and 22c–1 thereunder and for approval of the terms of certain offers of exchange pursuant to section 11 of the act.

Notice is hereby given that The Travelers Insurance Company ("The Travelers"), The Travelers Fund A for Variable Annuities ("Account A"), The Travelers Fund A–1 for Variable Annuities ("Account A–1"), The Travelers Fund MM for Variable Annuities ("Account MM"), and The Travelers Fund U for Variable Annuities ("Account U") (hereinafter collectively referred to as "Applicants"), filed an application on September 27, 1982, and amendments thereto on January 26, 1983, February 4, 1983, and March 18, 1983, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for exemptions from the provisions of Sections 2(a)(32), 2(a)(35), 12(b), 22(c), 22(e), 26(a), 26(a)(2)(D), 27(c)(1), 27(c)(2) and 27(d) of the Act, and Rules 12b–1 and 22c–1 promulgated thereunder, all to the extent necessary to permit certain transactions described below, and for Commission approval of the terms of certain exchange offers, pursuant to Sections 11(a) and 11(c) of the Act, both in connection with Applicants' proposed offering of certain variable annuity contracts (the "Contracts"). All interested persons are referred to the application and amendments on file with the Commission for a statement of the facts and representations contained therein, which are summarized below, and are referred to the Act the Rules thereunder for a statement of the relevant statutory provisions.

The Travelers established Accounts A, A–1, MM and U pursuant to Connecticut law as segregated investment accounts through which to set aside and invest assets attributable to variable annuity contracts. Accounts A, A–1, and MM are registered as diversified, open-end management investment companies (a "managed account") (Accounts A, A–1, and MM collectively, the "Managed Accounts").

Account U is registered as a unit investment trust. Each of these separate accounts proposes to offer the Contracts, which are intended to be offered to individuals or groups solely in retirement plans which qualify for special federal income tax treatment under various sections of the Internal Revenue Code.

Under the Contracts, purchase payments, which may be made on a single or flexible basis, will be allocated according to a Contract owner's instructions to one or more of several investment alternatives. The list of investment alternatives currently consists of: (1) Account A, which invests in common stock; (2) Account A–1, which invests in short-to-intermediate term debt securities; (3) Account MM, which invests primarily in short-term money market securities; and (4) Account U, which is divided into investment subdivisions, each of which invests solely in the shares of a specified open-end diversified management investment company registered under the Act (collectively, the "Funds"). There are currently three investment subdivisions, investing in the following: (1) Managed Assets Trust; (2) Aggressive Stock Trust; and (3) Investment Bond Trust. Shares of the Funds will be sold to Account U at net asset value and will be issued under an open account arrangement without use of stock certificates. Prior to annuitization, a Contract owner may transfer, without charge, all or a portion of his investment from one investment alternative to another at relative accumulation unit values next determined following the request. There are currently no restrictions on the frequency or amount of transfers, although The Travelers reserves the right to limit transfers to no more than one in any six-month period.

The Travelers is responsible for administration of the Contracts and the separate accounts. During the period prior to annuitization, The Travelers will deduct a semi-annual maintenance charge of $15 from the value of each Contract to reimburse it for administrative expenses (the "administrative charge"). This charge, which cannot be increased for the duration of individual Contracts and for the first five years of group Contracts, will reimburse The Travelers only for its actual expenses associated with administering the Contracts. The charge will be deducted from the value of each Contract on June 30 and December 31 each year by cancelling accumulation units under each investment alternative on a *pro rata* basis. The administrative charge will be prorated for the first contract year. If the Contract is surrendered for its cash value, the annuitant dies, or annuity payments begin, the charge will be prorated.

In addition, The Travelers will deduct from each separate account an asset charge equal on an annual basis to 1.25% of the net asset value of the separate account to compensate The Travelers for its assumption of certain mortality and expense risks. This 1.25% is allocable approximately 0.50% to The Travelers' assumption of mortality risks, .15% to The Travelers' assumption of administrative expense risks, and .60% to The Travelers' assumption of distribution expense risks. The distribution expense risk component of this charge is intended to compensate The Travelers for assuming the risk of the sales charge shortfall, as discussed in detail below. The level of the asset charge is guaranteed and will not change.

The Travelers represents that it expects to make a profit from this charge. The Travelers also states that the asset charge, when added to its general account, will not be earmarked for any specific purpose but will be utilized to meet expenses relating to the Contracts, including distribution

expenses, as well as to other contracts it issues.

The Travelers Investment Management Company ("TIMCO") furnishes investment management and advisory services to the Managed Accounts in return for a fee, deducted on each valuation date, equivalent to .3233% on an annual basis of the net asset value of each account. TIMCO is a wholly-owned subsidiary of the Travelers Corporation, parent of The Travelers. Keystone Custodian Funds, Inc. serves as investment adviser for the Funds underlying Account U, and receives as compensation for its services an amount, deducted on each valuation date, equivalent on an annual basis to 0.5% of the net asset value of each Fund.

Any premium taxes levied by a state or local governmental entity as a result of the existence of the Contracts or the separate accounts will be paid by The Travelers, and will be assessed against contract value upon annuitization.

Contract owners may withdraw all or part of the contract value prior to annuitization. Subject to certain exceptions set forth below, a contingent deferred sales charge ("sales charge") of 5% will be assessed against amounts withdrawn attributable, on a FIFO basis, to purchase payments made within five years of the withdrawal date. The sales charge will be paid to The Travelers to compensate it in part for the cost of distributing the Contracts. The Travelers asserts that its projections indicate that this sales charge will be insufficient to cover distribution expenses and that it intends to make up the shortfall through use of general account funds, which are attributable in part to the asset charge assessed under the Contracts. The sales charge will be waived under certain circumstances described in the application and under the terms of certain exchange offers.

As fully described in the prospectus, The Travelers proposes to permit indefinitely a participant under a group Contract to transfer his accumulated cash value to an individual Contract without imposition of any sales or transfer charge at the time of the transfer. For persons transferring from a group Contract for which The Travelers does not maintain records regarding individual participant contributions, the amount transferred will be subject to the sales charge normally applicable under the individual Contract (except that the charge will not be imposed upon annuitization at any time after the transfer), and the entire amount transferred will be deemed to constitute a purchase payment as of the date of transfer for purposes of determining the applicability of the sales charge. The Travelers represents that: (1) It will not participate in or precipitate the dissolution of the plan in connection with which the group Contract was purchased, or participate in or precipitate an individual participant's decision to leave such plan; and (2) if The Travelers should participate in or precipitate such dissolution or decision, it will waive the sales charge normally applicable under the individual Contract in addition to waiving the sales charge normally applicable under the group Contract. For persons transferring from a group Contract for which The Travelers does maintain records regarding individual participant contributions, the amount transferred will be subject to the sales charge applicable under the individual Contract, but amounts transferred will be deemed to constitute purchase payments as of the dates such amounts were paid in, pursuant to the group Contract for purposes of computing the applicable sales charge.

In addition, the owner of a group or individual variable annuity contract funded in the Managed Accounts and issued prior to the effective date of the registration statment for the Contracts (an "Old Contract") may transfer cash value accumulated under an Old Contract to a Contract described in this application, provided the owner is otherwise eligible. The exchange will be executed at net asset value, and the applicable sales charge will not be imposed on the amount transferred or appreciation thereon.

Travelers also proposes to offer the Contracts to participants in the Texas Optional Retirement Program ("Program"). Title 110B of the Texas Revised Civil Statutes ("ORP statute") allows as the funding media for the Program fixed or variable annuity contracts purchased from any insurance or annuity company qualified to do business in Texas. Section 36.105 of the ORP statute provides that the benefits of an annuity purchased under the Program are available only if the participant terminates participation in the Program by death, retirement or termination of employment in all institutions of higher education. Applicants propose to limit the redemption privileges otherwise available under the Contracts to the extent required by the ORP statute.

Relief Requested

Section 6(c) of the Act provides, in pertinent part, that the Commission may exempt any person from any provision of the Act or its Rules and Regulations if and to the extent necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. In support of their requested relief, Applicants submit that the exemptions requested below are appropriate in the public interest and fully consistent with the protection of investors and the policy and purposes of the Act.

1. Custodianship Relief

Applicants request an exemption from Sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit The Travelers to hold the assets of Account U for safekeeping rather than to enter into a custodial or safekeeping agreement with a bank. Furthermore, Applicants request an exemption from Section 26(a)(2)(D) of the Act to permit shares of the Funds underlying Account U to be held under an open account arrangement without the use of stock certificates. Applicants state that The Travelers is subject to extensive supervision and control by the Connecticut Director of Insurance and the insurance commissioners of each state in which the Contracts will be sold. In addition, Applicants state that under Connecticut law and the terms of the Contracts, the assets of Account U are not chargeable with liabilities arising out of any other business conducted by The Travelers, and that the Contracts impose on The Travelers continuing obligations that cannot be abrogated without violating Connecticut law. Therefore, Applicants assert, such regulation affords substantially the same protection contemplated by these provisions of the Act and to require the use of either a bank custodian or stock certificates would be an unnecessary burden.

2. Fees and Charges Relief

Applicants request exemptions from Sections 26(a)(2)(C) and 27(c)(2) to the extent necessary or appropriate to permit The Travelers to deduct (a) the administrative charge, (b) premium taxes, (c) the contingent deferred sales charge, (d) the advisory fees, in the case of the Managed Accounts, and (e) the asset charge. Applicants represent that the administrative charge will reimburse The Travelers only for its actual expenses associated with administering the Contracts and that any increases in the charges after the first five years of group Contracts will correspond to increases in the costs of administering those Contracts. Applicants represent that the deduction for premium taxes will be in the amount obligated or

incurred. Applicants represent that the sales charge imposed on any Contract will in no event exceed 9% of purchase payments made. Applicants also represent that the deduction of a sales charge and the advisory fees are appropriate in the public interest and consistent with the protection of investors.

Finally, Applicants represent that the asset charge is reasonable in amount as determined by industry practice with respect to comparable annuity products. Applicants state that this representation is based upon The Travelers analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels and the existence of expense charge guarantees and guranteed annuity rates. Applicants further represent that The Travelers will maintain at its home office, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, The Travelers' comparative survey. In the case of Account U, The Travelers represents that it has determined that the use of the asset charge for distribution has a reasonable likelihood of benefiting Account U and its shareholders and that a memorandum setting forth the basis for this representation will be maintained at The Travelers' home office and will be available to the Commission. Account U further represents that as a condition of this relief it will invest only in funds which undertake to have a board of trustees with a disinterested majority formulate and approve any plan under Rule 12b–1 to finance distribution expenses.

Applicants also request relief from Sections 2(a)(32), 2(a)(35), 22(c), 27(c)(1), 27(d) of the Act and Rule 22c–1 thereunder, to the extent necessary to impose the sales charge.

3. Texas ORP Relief

Applicants request relief from the provisions of Sections 2(a)(32), 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance by Applicants with certain provisions of the ORP statute. The exemptive relief sought is solely for the purpose of, and solely limited to, purchasers who are Program participants. Applicants assert that absent the limited exemptions requested, they will not be able to offer Contracts to Program participants. Applicants assert that granting the requested exemptions is appropriate because: (1) the restrictions on redemption would be voluntarily assumed by purchasers, i.e., eligible employees are not required to participate in the Program; (2) the restrictions were not formulated or suggested by Applicants; and (3) relinquishment of the full right of redemption is a reasonable requirement in exchange for the benefits bestowed by the contributions of the State of Texas. Applicants represent that sales representatives will be instructed to inform prospective purchasers that redemption rights under the Program are restricted, and that Applicants will review any sales literature used to ensure that the restrictions on redemption are disclosed. Furthermore, purchasers will be required to sign a statement acknowledging that they are aware of the restrictions, which will be described in the prospectuses used in the Program market.

4. Section 12(b) and Rule 12b–1 Relief

As noted above, Applicants anticipate that the sales charge will be insufficient to cover the expenses of distributing the Contracts and expect to make up the shortfall through use of general account funds which are attributable in part to the asset charge. The Managed Accounts request an exemption from Section 12(b) of the Act and Rule 12b–1 thereunder, insofar as this proposed distribution financing arrangement might be deemed to involve the direct or indirect use of account assets for distribution.

In support of this request, Applicants contend that Rule 12b–1 was not intended to apply to managed accounts (although Applicants are requesting relief to recover distribution expenses only through the asset charge). Applicants assert that although the rule speaks broadly of "open-end management investment companies," the language and content of the adopting release indicate clearly that the rule's provisions are directed only at traditional mutual funds and thus the rule should not be applied to managed accounts without explicit Commission consideration of the appropriateness of such action.

Applicants also assert that the protections of Rule 12b–1 are not necessary in the case of managed accounts. Applicants state that Commission review under Sections 26 and 27 of the Act of the reasonableness of asset charges of managed accounts and explicit prospectus disclosure that the asset charge may be used for distribution expenses provides sufficient protection for owners of variable annuity contracts and obviates the necessity for a managed account to comply with the requirements of Rule 12b–1.

Applicants further assert that the application of Rule 12b–1 to managed accounts would produce a burdensome and inequitable treatment of this type of account in contrast to separate accounts registered as unit investment trusts ("trust accounts"), which are not subject to Section 12(b) of the Act and Rule 12b–1 thereunder. Applicants assert that managed accounts offering variable annuity contracts are in many respects more analogous to trust accounts than to mutual funds. Applicants submit that application of the rule to managed accounts would place them at an unfair competitive disadvantage with respect to trust accounts offering similar annuity contracts and would create an artificial distinction between managed and trust accounts not justified by policy considerations, since the Commission has not deemed it necessary to adopt a rule for trust accounts comparable to Rule 12b–1. Moreover, Applicants point out that the Commission's review of the reasonableness of asset charges for both managed and trust accounts provides sufficient protection for contract owners on a uniform basis.

Finally, Applicants assert that to the extent that an insurance company pays variable annuity contract distribution expenses from general account assets which are attributable in part to legitimate profits derived from a reasonable asset charge, such payments should not be considered an indirect use of the account's assets for distribution. Rather, Applicants state such payments should be viewed as analogous to an investment adviser paying distribution expenses from his "legitimate" and "not excessive" advisory profits, a situation which the Commission acknowledged in Investment Company Act Rel. No. 11414 (October 28, 1980) does not constitute an indirect use of assets for distribution requiring compliance with Rule 12b–1.

In support of the requested relief, Applicants represent that The Travelers has determined that the proposed distribution financing arrangement has a reasonable likelihood of benefiting the Managed Accounts and owners of Contracts funded thereby. The Travelers represents that it will maintain at its home office, and make available to the Commission, a memorandum setting forth the basis for this representation. Applicants further represent that the Managed Accounts, each of which is presently governed by a board of managers with a majority of disinterested members, will have a board with a disinterested majority formulate and approve any plan under Rule 12b–1 to finance distribution expenses. Applicants also state that

each of the Funds underlying Account U is governed by a Board of Trustees a majority of whom are disinterested, and Account U represents that as a condition of its asset charge relief under Sections 26 and 27, it will invest only in funds which undertake to have a board with a disinterested majority formulate and approve any plan under Rule 12b–1 to finance distribution expenses.

5. Approval of the Terms of Offers or Exchange

As set forth in their application, Applicants propose: (1) to permit Contract owners to transfer their investment between separate account investment alternatives prior to annuitization; (2) to make offers of exchange to certain owners of existing variable annuity contracts (Old Contracts) issued by The Travelers; and (3) to permit the exchange of a group Contract for an individual Contract. Applicants request approval pursuant to Sections 11(a) and 11(c) of the Act to permit these offers of exchange, where permitted by applicable law and applicable plan limitations, and subject to the conditions described above.

Notice is further given That any interested person wishing to request a hearing on the application may, not later than April 25, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–9031 Filed 4–5–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19643; File No. SR–PSE–83–6]

Filing of Proposed Rule Change by Pacific Stock Exchange, Inc.

March 31, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 15, 1983, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

According to the PSE, the proposed revision is intended to address an anomaly which currently exists in the PSE's policies governing transactions in options which are traded on the PSE by market makers on a leave of absence. Options Floor Procedure Advice B–5, in discussing market maker leaves of absence, provides that a market maker is not permitted to make opening transactions in PSE listed options through the use of a floor broker while he is on a leave of absence. Options Floor Procedure Advice B–11 provides that only transactions initiated while a market maker is on the floor shall be counted as market maker transactions and receive exempt credit treatment. Advice B–11 provides an exception for certain "good-til-canceled" ("GTC") orders entered with a floor broker while a market maker is on the floor. These orders may open new positions in the market maker's account which can properly be granted exempt credit treatment.

Both of these Floor Procedure Advices are based on Rule 15c–3–1, promulgated by the Commission, and Regulation T, promulgated by the Federal Reserve Board, which provide that market makers may receive special credit treatment in return for meeting their obligations as market makers. The rationale behind the Advices is that only those transactions that market makers initate while on the floor of the Exchange enable them to perform their obligations as market makers and, therefore, only these transactions should receive exempt credit treatment.

In late 1979, much of the present language of Advices B–5 and B–11 was adopted. (See SR–PSE–80–7 and SR–PSE–80–3). Although an exception was provided for certain GTC orders in Advice B–11, Advice B–5 did not provide the same exemption for a market maker on a leave of absence. Thus, the language of Advice B–5 would appear to prohibit any opening transaction while a market maker is on a leave of absence. This language, according to the PSE, creates an anomaly in the rules. A market maker who simply leaves the floor for a period of longer than two weeks without applying for a leave of absence may leave GTC orders which will open new positions in his account and receive exempt credit treatment. However, a market maker who does apply for a leave of absence would not be accorded the privilege of leaving GTC orders with a floor broker prior to the effective date of the leave of absence which open positions while he is gone.

The purpose of the proposed rule change, according to the Exchange, is to correct this inadvertent anomaly. In adopting Advices B–5 and B–11, the PSE did not intend to create this distinction between a market maker who is on a leave of absence and a market maker who is simply off the floor. The proposed rule change will provide the same exemption for all GTC orders left with a floor broker by a market maker during the market maker's absence, provided the requirements of Advice B–11 are met.

The PSE believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act in that it will promote just and equitable principles of trade, facilitate transactions in securities traded on the PSE, protect investors and the public interest, and prevent unfair discrimination.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR–PSE–36–6.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be

available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-0029 Filed 4-5-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0242]

California Partners; Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that California Partners, 3000 Sand Hill Road, Menlo Park, California 94025, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004) for approval of a conflict of interest transaction.

California Partners proposes to make an investment in Weitek Corporation ("Weitek"), 3255 Scott Boulevard, Building 2B, Santa Clara, California 95054. The proposed financing will be used to purchase 6,667 shares of Apollo's Preferred Stock at a price of $4.50 per share, for a total purchase price of $30,001.50.

California Partners is a California limited partnership. Its corporate general partner is Draper Associates, Inc., of which Mr. William H. Draper III is sole shareholder, Paul M. Wythes is President and Alan R. Brudos Treasurer. The limited partners of California Partners are members of Mr. Draper's immediate family. Mr. Wythes is also one of the general partners of Sutter Hill Ventures (Sutter Hill), a California partnership. SBA deems Sutter Hill and its other general partners as Associates of California Partners. Sutter Hill, its general partners and associates of general partners currently own approximately 20 percent of the voting power in Weitek and, following a proposed March 1983 financing, will own approximately 20 percent of the voting power in Weitek. California Partners currently owns approximately 0.5 percent of the voting power of Weitek, and will own approximately 0.7 percent following its proposed investment. Because Sutter Hill, its partners and their associates own more than 10 percent of the voting power of Weitek, Weitek is defined as an Associate of California Partners in Weitek falls within the purview of § 107.1004(b)(1) of SBA Rules and Regulations and requires SBA prior approval.

Notice is hereby given that any person may not later than 15 days from the date of publication of this Notice submit written comment to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in the Palo Alto and Santa Clara area of California.

Dated: March 29, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-9024 Filed 4-5-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0263]

Capital Equity Corp.; Issuance of a Small Business Investment Company License

On October 29, 1982, a notice was published in the **Federal Register** (47 FR 49136) stating that an application has been filed by Capital Equity Corporation, 1855 Wooddale Boulevard, Baton Rouge, Louisiana 70806, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)) for a license as a small business investment company.

Interested parties were given until close of business November 15, 1982, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 06/06-0263 on March 11, 1983, to Capital Equity Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 50.011, Small Business Investment Companies)

Dated: March 31, 1983.

Edwin T. Holloway,

Associate Administrator for Finance & Investment.

[FR Doc. 83-9022 Filed 4-5-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/10-0150]

Capital Marketing Corp.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Capital Marketing Corporation (CMC), 9004 Ambassador Row, Dallas, Texas 75265, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration (SBA) pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1983)) for approval of a conflict of interest transaction.

CMC proposes to loan $305,900 to Mr. Mike Ellison of Combine, Texas 75159, for construction of a store and purchase of land, equipment and inventory.

The conflict of interest arises because Mr. Ellison is an employee of Affiliated Food Stores, Inc., (Affiliated). Affiliated is an associate of CMC. As a result, CMC's financing of Mr. Ellison falls within the purview of § 107.1004(b)(1) of the SBA Regulations and requires prior written approval of SBA.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Combine, Texas area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 29, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-9023 Filed 4-5-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

During the period March 25 though March 31, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments regarding these information collections

should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0304
Form Number: Letter 257C and 257SC
Title: Request Taxpayer Complete Form SS–5 for Clarification of Number
OMB Number: 1545–0636
Form Number: Form SWR E–2489
Title: Letter for Perfecting Exemption Certificate on Windfall Profit Tax
OMB Number: 1545–0625
Form Number: Form SWR E–2486
Title: Certification/Election Letter–WPT
OMB Reviewer: Norman Frumkin, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Bureau of the Public Debt

OMB Number: N/A (new submission)
Form Number: PD 2514
Title: Request for Reissue of U.S. Savings Bonds in Names of Persons Entitled as Distributees Upon Dissolution of Partnership
OMB Number: N/A (new submission)
Form Number: PD 1934
Title: Application for Relief on Account of the Mutilation or Partial Destruction of U.S. Savings and Retirement Securities
OMB Number: N/A (new submission)
Form Number: PD 385
Title: Certificate of Identity
OMB Number: N/A (new submission)
Form Number: PD 1071
Title: Certificate of Ownership of U.S. Bearer Securities
OMB Number: N/A (new submission)
Form Number: PD 1010
Title: Title: Resolution by Corporate Body Authorizing Assignment and Disposition of Specified Securities owned by it or in care
OMB Number: N/A (new submission)
Form Number: PD 1008
Title: Specific Power of Substitution under Power of Attorney Granted to Corporation to Dispose of Registered Securities
OMB Number: N/A (new submission)
Form Number: PD 1006
Title: Specific Power of Substitution under Power of Attorney Granted to an Individual to Dispose of Registered Securities
OMB Number: N/A (new submission)
Form Number: PD 1003
Title: Power of Attorney by Corporation or Unincorporated Association Authorizing Disposition of Registered Transferable Securities
OMB Number: N/A (new submission)
Form Number: PD 1001
Title: Power of Attorney by Individual Authorizing Disposition of Registered Securities
OMB Number: N/A (new submission)
Form Number: PD 1011
Title: Corporate Resolution Authorizing Disposition of Securities held by Organization and Execution of Bonds of Indemnity for it
OMB Number: N/A (new submission)
Form Number: PD 1014
Title: Certification of Incumbency of Corporate or Organization Officers
OMB Number: N/A (new submission)
Form Number: PD 1048–1
Title: Supplemental Statement of an Application for Relief on Account of Loss, Theft or Destruction of United States Savings and Retirement Securities
OMB Number: N/A (new submission)
Form Number: PD 1050
Title: Creditor's Consent to Disposition of U.S. Securities and Related Checks without Administration of Deceased Owner's Estate
OMB (new submission)umber: (new submission)/A (new submission0
OMB Number N/A: (new submission)
Title: Application for Recognition as a Voluntary Guardian of Incompetent Owner of Securities and Checks Issued as Interest thereon
OMB Number N/A: (new submission)
Form Number: PD 1540
Title: Request for Reissue of U.S. Savings Bonds Upon Change of Name of, or Upon Succession To, Corporation, Unincorporated Association, or Partnership
OMB Number N/A: (new submission)
Form Number: PD 1646
Title: Application for Disposition of Registered Securities and Related Checks without Administration of Decreased Owner's Estate
OMB Number N/A: (new submission)
Form Number: PD 1832
Title: Detached Assignment for Registered Securities
OMB Number N/A: (new submission)
Form Number: PD 1993
Title: Request for Payment of Matured U.S. Savings Bonds and Purchase of U.S. Saving Bonds with Proceeds of Payment of Matured Savings Bonds
OMB Number N/A: (new submission)
Form Number: PD 2066
Title: Application by Survivors for Payment of Bond or Check issued under Armed Forces Leave Act of 1946, as amended
OMB Number N/A: (new submission)
Form Number: PD 2216
Title: Application for Preferred Creditor for Disposition without Administration where Decreased Owner's Estate includes Registered Securities
OMB Number N/A: (new submission)
Form Number: PD 2446
Title: Certificate of Incumbency for Fiduciaries
OMB Number N/A: (new submission)
Form Number: PD 2458–1
Title: Certificate of Entitlement to U.S. Registered Securities and Checks not exceeding $500 after Administration of Deceased Owner's Estate
OMB Number N/A: (new submission)
Form Number: PD 2481
Title: Application for Recognition as Natural Guardian of Minor and for Disposition of Minor's Interest in Registered Securities
OMB Number N/A: (new submission)
Form Number: PD 2488
Title: Disposition of Securities or Checks by Personal Representative of Decedent's Estate for $500 or Less
OMB Number N/A: (new submission)
Form Number: PD 2495
Title: Resolution by Fiduciaries Empowered to Act as a Unit Authorizing Disposition of Specific Registered Securities
OMB Number N/A: (new submission)
Form Number: PD 2513
Title: Application by Voluntary Guardian of Incompetent Owner of U.S. Savings Bonds/Notes
OMB Number N/A: (new submission)
Form Number: PD 4881
Title: Application for Payment of U.S. Savings Bonds/Notes and/or Related Checks in the Amount not exceeding $1,000 by the Survivor of a Deceased Owner Whose Estate is being administered
OMB Number N/A: (new submission)
Form Number: PD 3475
Title: Special Form for Assignment of Federal Housing Insurance Fund Debentures (Detached Assignment)
OMB Number N/A: (new submission)
Form Number: PD 3564
Title: Request of Reissue of U.S. Retirement Plan or Individual Retirement Bonds to Change Beneficiary or Reflect Change of Name
OMB Number N/A: (new submission)
Form Number: PD 3565
Title: Application for Disposition of Retirement Plan and/or Individual Retirement Bonds without Administration of Deceased Owner's Estate
OMB Number N/A: (new submission)
Form Number: PD 3570
Title: Request for Reissue of U.S. Retirement Plan Bonds to Correct an Error in Registration
OMB Reviewer: Norman Frumkin, (202) 395–6880, Office of Management and

Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: April 1, 1983.

Floyd Sandlin,

Chief, Information Resources Management Division.

[FR Doc. 83-9008 Filed 4-5-83; 8:45 am]

BILLING CODE 4810-25-M

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 464; Ref: ATF O 1100.61A]

Authority to Maintain the National Firearms Registration and Transfer Record; Delegation Order

1. **Purpose:** This order delegates the authority to maintain custody and control of the National Firearms Registration and Transfer Record, and the authority to execute certifications relative thereto.

2. **Cancellation:** ATF O 1100.61, Delegation Order—Authority to Maintain the National Firearms Registration and Transfer Record, dated March 31, 1976, is cancelled.

3. **Background:** The authority vested in the Director, Bureau of Alcohol Tobacco and Firearms, to maintain a central registry of all firearms in the United States which are not in the possession of or under the control of the United States is contained in 27 CFR 179.101.

4. **Delegation:** Pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by 27 CFR 179.101, there is hereby delegated to the Chief, Firearms and Explosives Division, to the Chief, National Firearms Act Branch, and to Coordinators, Specialists, and Application Examiners within the National Firearms Act Branch, the custody and control of the National Firearms Registration and Transfer Record, and the authority to execute certifications relative thereto.

5. **Redelegation:** The authority delegated above may not be redelegated.

6. **For Information Contact:** Robert G. Hardt, Procedures Branch, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226. Phone (202) 566-7602.

7. **Effective Date:** This delegation order becomes effective on April 3, 1983.

8. **Approved:** April 1, 1983.

Stephen E. Higgins,

Director.

[FR Doc. 83-9009 Filed 4-4-83; 11:26 am]

BILLING CODE 4810-31-M

Office of the Secretary

Treasury Department Announces Upcoming Income Tax Treaty Negotiations With the People's Republic of China

The Treasury Department announced that negotiation of a treaty between the United States and the People's Republic of China to avoid double taxation of income will take place in Beijing during the week of May 3, 1983. The negotiations will continue discussions initiated in Washington in September 1982.

The negotiations will be based on the U.S. model draft income tax treaty and will also take into account the model draft income tax treaties published by the Organization for Economic Cooperation and Development (OECD) in 1977 and by the United Nations Ad Hoc Group of Experts on Tax Treaties between Developed and Developing Countries.

It is intended that the proposed treaty cover the taxation of income from business activities, personal services, and investments derived from one country by residents of the other; that it provide for administrative cooperation to avoid double taxation and fiscal evasion; and that it specify the method to be used by each country to avoid double taxation.

Interested persons are invited to submit comments in writing to Leslie J. Schreyer, Deputy International Tax Counsel, Room 4013, U.S. Treasury, Washington, D.C. 20220.

Dated: March 31, 1983.

John E. Chapoton,

Assistant Secretary (Tax Policy).

[FR Doc. 83-9007 Filed 4-5-83; 8:45 am]

BILLING CODE 4810-25-M

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Sunshine Act Meetings

Federal Register
Vol. 48, No. 67
Wednesday, April 6, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL HOME LOAN BANK BOARD

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48, Page No. None at this time. Date Published—None at this time.

PLACE: Board Room, 6th Floor, 1700 G St., N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

CHANGE IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled Wednesday, April 6, 1983 at 10:00 a.m.:

Proposed move of the FHLBank of Little Rock to Dallas.

No. 30, April 4, 1983.

[S–47483 Filed 4–4–83; 3:33 pm]

BILLING CODE 6720–01–M

2

FEDERAL MARITIME COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: April 1, 1983, 48 FR 14117.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 6, 1983, 9:00 a.m.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

3. Petition of Trans Freight Lines for investigation of military cargo rates of Sea-Land Service and United States Lines and responses to Section 21 orders.

[S–473–83 Filed 4–4–83; 3:27 pm]

BILLING CODE 6730–01–M

3

SECURITIES AND EXCHANGE COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (48 FR 12198 3/23/83).

STATUS: Closed meeting.

PLACE: 450 5th Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, March 18, 1983.

CHANGES IN THE MEETING: Additional items.

The following additional items were considered at a closed meeting scheduled on Wednesday, March 30, 1983, at 10:00 a.m.

Personnel matter.

Regulatory matters regarding enforcement implications.

Chairman Shad and Commissioners Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Steve Boehm at (202) 272–2467.

April 1, 1983.

[S–472–83 Filed 4–4–83; 3:26 pm]

BILLING CODE 8010–01–M

4

TENNESSEE VALLEY AUTHORITY

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: ——— FR 1153 (March —, 1983).

CHANGE IN PREVIOUSLY ANNOUNCED TIME OF MEETING: The previously announced time of the April 6, 1983 TVA Board meeting is changed to: 8:30 a.m., April 6, 1983.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615–632–3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202–245–0101.

Dated: April 4, 1983.

[S–471–83 Filed 4–4–83; 10:04 am]

BILLING CODE 8120–01–M

federal register

Wednesday
April 6, 1983

Part II

Environmental Protection Agency

National Emission Standards for Hazardous Air Pollutants; Standards for Radionuclides

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AH-FRL 2324-3]

National Emission Standards for Hazardous Air Pollutants; Standards for Radionuclides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule and Announcement of Public Hearing.

SUMMARY: On November 8, 1979, EPA listed radionuclides as a hazardous air pollutant under the provisions of Section 112 of the Clean Air Act. Pursuant to Section 112, EPA is proposing standards (including appropriate reporting requirements) for sources of emissions of radionuclides in four categories: (1) Department of Energy (DOE) Facilities, (2) Nuclear Regulatory Commission licensed facilities and non-DOE Federal facilities, (3) underground uranium mines, and (4) elemental phosphorous plants.

The Environmental Protection Agency (EPA) has identified several additional source categories that emit radionuclides and has determined there are good reasons for not proposing standards at this time for these categories. They are the following: (1) coal-fired boilers, (2) the phosphate industry, (3) other extraction industries, (4) uranium fuel cycle facilities, uranium mill tailings, management of high level waste, and (5) low energy accelerators.

DATES: Comments may be received on or before May 30, 1983.

Public Hearings. An informal public hearing will be held on April 28, 29, and 30, 1983 in Washington, D.C. The exact time and location of the hearing can be obtained by calling the Office of Radiation Programs at (703) 557-0704. Requests to participate in the informal hearing should be made by April 20, 1983. Written statements may be entered into the record before, during, or within 30 days after the hearing.

ADDRESSES: All written comments should be submitted to the Central Docket Section (A-130), U.S. Environmental Protection Agency, Washington, D C. 20460, Attention: Docket No. A-79-11. This docket, containing information used by EPA in developing the proposed standards, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at EPA's Central Docket Section, West Tower Lobby, Gallery One, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Separate sections of the docket have been established for each category of radionuclide emissions to air. Comments specific to a proposed action should be addressed to the following docket sections:

Section III A—Department of Energy Facilities
Section III B—Nuclear Regulatory Commission Licensed Facilities and non-DOE Federal Facilities
Section III C—Underground Uranium Mines
Section III D—Elemental Phosphorous Plants
Section III E—Coal-fired Boilers
Section III F—Phosphate Industry
Section III G—Other Extraction Industries
Section III H—Uranium Fuel Cycle Facilites, Uranium Mill Tailings, and Management of High Level Waste
Section III I—Low Energy Accelerators

Requests to participate in the informal hearing should be made in writing to Richard J. Guimond, Director, Criteria and Standards Division (ANR-460), U.S. Environmental Protection Agency, Washington, D.C. 20460. All requests for participation should include, at least, an outline of the topics to be addressed in the opening statements and the names of the participants. Presentations should be limited to 15 minutes each.

A Background Information Document has been prepared that contains, for each source category, projected doses and risks to nearby individuals and to populations, descriptions of current control technology, and descriptions and costs of emission control technologies. Single copies of the Background Information Document for the proposed standards may be requested in writing from the Program Management Office (ANR-458), U.S. Environmental Protection Agency, Washington, D.C. 10460, or by calling (703) 557-9351.

FOR FURTHER INFORMATION CONTACT: Terrence A. McLaughlin, Chief, Environmental Standards Branch (ANR-460), U.S. Environmental Protection Agency, Washington, D.C. 20460, (703) 557-8977.

SUPPLEMENTARY INFORMATION:

I. Overview of the Proposed Standards

A. Basic Terms Used in This Notice

All matter is made up of atoms; their nuclei contain protons and neutrons. The number of protons in an atom determines the identity of the element. For example, the element with 6 protons is called carbon. Atoms can contain different numbers of neutrons. The total number of protons and neutrons in an atom is called the atomic weight.

The nuclei of atoms of chemical elements with certain atomic weights are unstable by nature. Such nuclei can disintegrate spontaneously in predictable ways and are said to be radioactive. Atoms with nuclei that disintegrate are called radionuclides. For example, carbon atoms with 8 neutrons disintegrate, whereas carbon atoms with 6 neutrons are stable. The number of disintegrations which will occur in a given amount of time is termed activity; the unit of activity is the curie. One curie equals 37,000,000,000 disintegrations per second.

Some radionuclides are found in nature; others are made in reactors and accelerators. This notice concerns facilities which handle or produce all types of naturally occurring and manmade radionuclides in a manner that results in their being released into the air.

B. Background

In 1977, Congress amended the Clean Air Act (the Act) to address airborne emissions of radioactive materials. Before 1977, these emissions had been either regulated under the Atomic Energy Act or unregulated. Section 122 of the Act required the Administrator of EPA, after providing public notice and opportunity for public hearings (provided by 44 FR 21704, April 11, 1979), to determine whether emissions of radioactive pollutants cause or contribute to air pollution that may reasonably be anticipated to endanger public health. On December 27, 1979, EPA published a **Federal Register** Notice listing radionuclides as hazardous air pollutants under Section 112 of the Act (44 FR 76738, December 27, 1979). To support this determination, EPA published the report titled *Radiological Impact Caused By Emissions of Radionuclides into Air in the United States—Preliminary Report* [EPA 520/7-79-006], Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, D.C. (August 1979).

Section 122(c)(2) of the Act directed that, once EPA listed radionuclides to be regulated under the Act, EPA and the Nuclear Regulatory Commission (NRC) were to enter into an interagency agreement with respect to those facilities under NRC jurisdiction. Such a memorandum of understanding was effected on October 24, 1980, and was subsequently published in the **Federal Register** (45 FR 72980, November 3, 1980). When EPA began developing standards for Department of Energy (DOE) facilities, a similar memorandum of understanding was negotiated with DOE. This memorandum of understanding was signed in October 1982, and a copy has been placed in the Docket for public review.

On June 16, 1981, the Sierra Club filed suit in the U.S. District Court for the Northern District of California pursuant to the citizens' suit provision of the Act (Sierra Club v. Gorsuch, No. 81–2436 WTS). The suit alleged that EPA had a nondiscretionary duty to propose standards for radionuclides under Section 112 of the Act within 180 days after listing them. In March 1982, the Court granted the Sierra Club motion for partial summary judgment on the liability issue, and, on September 30, 1982, the Court ordered EPA to publish proposed regulations establishing emission standards for radionuclides, with a notice of hearing, within 180 days of the date of that order.

EPA is proposing standards for certain sources of radionuclide emissions to air and is proposing not to regulate other sources. To EPA's knowledge, these comprise all source categories that release potentially regulatable amounts of radionuclides to air. The deadline established by the Court for this rulmaking has required EPA to proceed with less information than it would like. As always, EPA invites comments and will consider them carefully to ensure that the Agency's decisions are the best possible ones.

C. Estimates of Health Risk

Agencies can never obtain perfect data but have to make regulatory decisions on the basis of the best information available. Although additional study may be suggested to clarify the health implications from exposure to radiation at relatively low levels, EPA is concerned about the potential detrimental effects to human health caused by radiation based on the best scientific information currently available. EPA believes its estimates of doses to humans and the potential human health risks constitute an adequate basis for decisionmaking.

The information used by the Agency in estimating the hazards to health due to exposure to radiation is summarized in the following reports: *The Effects on Populations of Exposure to Low Levels of Ionizing Radiation* (1972) and *Health Effects of Alpha Emitting Particles in the Respiratory Tract* (1976) by the BEIR Committee, the report of the United Nations Scientific Committee on the Effects of Atomic Radiation entitled *Sources and Effects of Ionizing Radiation* (1977), and *Publication 26* (1977) by the International Commission on Radiological Protection. These bodies agree that high levels of radiation cause cancer and mutations and that, when formulating radiation protection standards and guidance, it is reasonable to assume that the risks of cancer and mutations are proportional to radiation dose. Background information on the risk associated with radon emissions can be found in an EPA report titled *Indoor Radiation Exposure Due to Radium–226 in Florida Phosphate Lands*, [EPA 520/4–78–013] (1978).

In concert with the recommendations of these reports, even for relatively low doses, EPA has assumed a linear, nonthreshold, dose-effect relationship as a reasonable basis for estimating the public health hazards due to exposure to radiation. This means that any radiation dose is assumed to pose some risk of damage to health and that the risk associated with low doses is directly proportional to the risk that has been demonstrated at higher doses. EPA believes this assumption is reasonable for public health protection in light of presently available information. However, EPA recognizes that the data available preclude neither a threshold for some types of damage below which there are no harmful effects nor the possibility that low doses of gamma radiation may be less harmful to people than the linear model implies.

As used in this notice, the term "dose to an individual" means an estimate of the dose rate in units of dose equivalent per year (rem/y) to the whole body or to a specified body organ due to exposure to radiation at a given level for the person's lifetime (70 years). These dose rates are a measure of, although not directly proportional to, the individual's risk of fatal cancer. The term "lifetime risk to an individual" means an estimate of the potential probability of premature death due to cancer caused by radiation exposure at a given level for the person's lifetime. There are also risks of nonfatal cancer and serious genetic effects, depending on which organs receive the exposure to radiation. The risks of nonfatal cancer and genetic effects cannot be accurately estimated, but neither risk is larger than the fatal cancer risk. EPA considers all these risks when it makes regulatory decisions on limiting emissions by restricting dose rates or exposures to radionuclide concentrations.

As used in this notice, the term "dose to population" means an estimate of the summed dose received by all persons in a population living within a given distance of the source, typically within 80 kilometers, due to a one year release of radionuclides (person-rem per year of operations). A person-rem is a total amount of exposure received by a large group equivalent to one person receiving an exposure of one rem. The term "risk to population" means an estimate of the number of potential fatal cancers that might occur in the population living within a given distance of the emission source, typically within 80 kilometers. The risk is related to the amount of radionuclides that are emitted during a year of operation. Part of the population risk is likely to occur some time after the radionuclides are emitted because: (1) There is a delay between release and exposure as the radionuclides move through environmental pathways and (2) there is a latent period between exposure and the onset of the disease. The dose to populations for a specific organ is related to, although not directly proportional to, the risks of fatal cancer, nonfatal cancer, and serious genetic effects. EPA considers all fatal and nonfatal risks in making regulatory decisions on whether standards are needed to protect the general public. As used in this notice, the term "health effect" means potential fatal cancers. Additional information on risk can be found in the Draft Background Information Document.

EPA must make numerous assumptions when estimating the radiation dose to individuals and population groups and the likely risk this might present to health. The assumptions introduce uncertainties in the estimates of radiation doses and health risks. All individual risk calculations assume that individuals reside at a single location for a 70 year life and are exposed to a constant source of radionuclide emissions for the entire time. factors such as radionuclide uptake by vegetation, consumption of locally produced crops and milk, and meteorology are quite site specific and can influence the actual risk to any given individual. Individual characteristics such as age, physiology, physical activity level, amount of time spent indoors, and eating habits can influence the rate and amount of radionuclides affecting the individual and, thus, the risk of that person.

EPA's risk estimates are "best estimates" considering the above factors. EPA believes that the estimates are within a factor of ten of the actual health risks to individuals if the assumptions are valid for the particular situation under consideration.

D. Summary of the Proposed Standards

EPA is proposing specific standards for sources in four categories: (1) DOE facilities, (2) NRC-licensed facilities and non-DOE Federal facilities, (3) underground uranium mines and (4) elemental phosphorous plants.

An indirect emission standard is proposed for all DOE facilities that will restrict emissions from each site to the

amount that would cause an annual dose equivalent to 10 millirem (mrem) to the whole body and 30 mrem to any organ of any individual. This emission standard will keep the radiation doses relatively low both to nearby individuals and to populations living around the sites. In addition, EPA expects these facilities to continue to comply with the current Federal Guidance requirement that emissions be limited to as low as practicable levels and has proposed a reporting requirement to describe emission control technology.

An indirect emission standard is proposed for NRC licensees and non-DOE Federal facilities that will restrict emissions from each site to the amount that would cause an annual dose equivalent of 10 mrem to any organ of any individual. This emission standard will keep radiation doses relatively low to nearby individuals and populations in the vicinity of the site. The term "NRC licensees" includes those facilities licensed by the NRC and by States under agreement with the NRC.

An indirect emission standard is proposed for underground uranium mines that will restrict the increase in annual average concentration of radon-222 at places people can live to 0.2 picocurie per liter (pCi/1). A person living in a house for a long time in an area exposed to this concentration might still be subject to a significant estimated level of risk. However, neither control technology nor other methods to reduce radon emissions from these mines are available at reasonable cost; thus, more restrictive controls are not reasonable. The proposed standard will reduce risk to people living closest to the mines; protection of the health of regional and more distant populations is of less concern because most mines are located in remote areas.

An emission standard is proposed for elemental phosphorous plants that will limit annual emissions of polonium-210 from each site to 1 curie. While other radionuclides are emitted from these plants, polonium-210 is the major contributor to the maximum individual risk. Limiting polonium-210 will control the others. Such a standard will keep radiation doses relatively low to both individuals and populations.

While one of the above standards limits stack emissions directly, the other three limit stack emissions indirectly by specifying dose or concentration limits to be achieved. EPA believes this is a reasonable approach, given the extreme diversity of DOE facilities and NRC licensees and the fact that randon-222 emissions from uranium mines are not amenable to controls. The form of the proposed standards follows well developed and widely accepted practices in radiation protection. The use of procedures developed primarily to control chemicals would, in this context, be unworkable.

E. Basis for the Proposed Standards

In the **Federal Register** of May 18, 1960, President Eisenhower directed Federal agencies to follow the Radiation Protection Guidance of the Federal Radiation Council (FRC). When EPA was established, the Federal Radiation Council was abolished, and its responsibilities were transferred to EPA. EPA has considered this Guidance in establishing emission standards under Section 112 of the Clean Air Act, and the Agency's approach is compatible with it. For the purposes of this rulemaking, key elements of the Guidance are:

1. There should not be any man-made radiation exposure without the expectation of benefit resulting from such exposure.

2. The term "Radiation Protection Guide" should be adopted for Federal use. This term is defined as the radiation dose which should not be exceeded without careful consideration of the reasons for doing so; every effort should be made to encourage the maintenance of radiation doses as far below this guide as practicable.

3. For the individual in the population, the basic Radiation Protection Guide for annual whole body dose in 0.5 rem. This Guide applies when the individual whole body doses are known. As an operational technique, where the individual whole body doses are not known, a suitable sample of the exposed population should be developed whose Protection Guide for annual whole body dose will be 0.17 rem per capita per year.

4. There can be no single permissible or acceptable level of exposure without regard to the reason for permitting the exposure. It should be general practice to reduce exposure to radiation, and positive efforts should be carried out to fulfill the sense of these recommendations. It is basic that exposure to radiation should result from a real determination of its necessity.

5. There can be different Radiation Protection Guides with different numerical values, depending upon the circumstances.

6. The Federal agencies shall apply these Radiation Protection Guides with judgment and discretion to assure that reasonable probability is achieved in the attainment of the desired goal of protecting man from the undesirable effects of radiation. The Radiation Protection Guides provide a general framework for the radiation protection requirements. It is expected that each Federal agency, by virtue of its immediate knowledge of its operating problems, will use these Guides as a basis upon which to develop detailed standards tailored to meet its particular requirements.

EPA believes that the following points in these guides are of particular importance: (1) There should be benefits from exposure to radiation; (2) Exposures should be kept as low as practicable; and (3) It is appropriate to have different standards with different values, depending on the circumstances.

These Guides apply to Federal agencies to the extent that they are not imcompatible with more specific legislative directives. The Clean Air Act directs EPA to establish emission standards for hazardous pollutants and directs EPA to propose these standards at a level which, in the Administrator's judgment, will protect the public health with an ample margin of safety. Congress did not describe the degree of protection that provides an ample margin of safety, nor did it describe what factors the Administrator should consider in making these judgments. Therefore, EPA considers those factors it believes are necessary to make reasonable judgments on whether standards are needed and, if so, at what level they should be established.

If a hazardous pollutant under review has been shown to possess a threshold level below which no deterimental health effects are likely, it might be relatively easy to establish an emission standard. For example, the Agency might select an appropriate safety factor, divide the threshold level by this factor, and establish an emission standard that corresponds to the reduced level. This regulatory strategy would provide reasonable assurance that no detrimental effects would result from exposure to the hazardous pollutant.

This approach is not feasible or reasonable for radionuclides. This is because the risk of cancer from exposure to radiation has not been shown to have a threshold level. Consequently, if EPA applied the approach previously described, the Agency would likely conclude that the standard should be established at zero emissions. They only way to meet such a standard would be to close all facilities emitting radionuclides because it is impossible to reduce radionuclide emissions to zero through control technology. If this approach were adopted, society would be harmed greatly since it would have to forgo the

benefits of industries that emit radionuclides. Therefore, to allow society to continue to benefit from these activities, EPA must establish emission standards for radionuclides at a level that may present some human health risk. The Agency is not aware of any single level of risk that would be generally acceptable or consititute an ample margin of health protection. Some argue that an increase in cancer risk not exceeding one in 1000 due to a specific cause is acceptable, whereas others argue that an increase in risk of one in one million is unacceptable. EPA believes it should adopt an approach that will allow those various factors that influence society's health and well being to be weighed in assessing each source category. To accomplish this, EPA has decided to consider the following factors in making its judgments:

1. The radiation dose and risk to nearby individuals;
2. The cumulative radiation dose and risk to populations in the vicinity of the source;
3. The potential for radiation emissions and risk to increase in the future;
4. The availability, practicality, and cost of control technology to reduce emissions; and
5. The effect of current standards under the Act or other applicable legislative authorities.

By considering these factors, EPA will be able to provide public health protection that is consistent with the intent of the Federal Radiation Protection Guides and Clean Air Act.

The first three factors are used to assess the likely impact of emissions on the health of individuals and large populations and to estimate the potential for significant emissions in the future. The fourth factor enables EPA to assess whether state-of-the-art control technologies are currently in use and whether there are any practical means of reducing emissions through control technology or other control strategies. The last factor allows EPA to assess whether regulations or standards that have been established to control particulates or other pollutants are also minimizing releases of radionuclides.

The dose and risk to the individuals nearest a site are often the primary considerations when evaluating the need to control emissions of radionuclides. Controlling maximum individual dose assures that people living nearest a source are not subjected to unreasonably high risk. Further, protecting individuals usually provides an adequate level of protection to populations living further away from the source. Estimating the maximum individual dose and risk allows a comparison of the potential impact of one source to other sources.

EPA believes that cumulative population dose and risk also need to be examined. The cumulative radiation dose and risk to surrounding populations are determined by adding together all of the individual doses and risks that everyone within a certain radius (usually 80 km) of an emission source receives. This factor can sometimes be more important than the maximum individual risk in deciding whether controls are needed, particularly if an extremely large population may be exposed. The aggregate dose and population risk can be of such magnitude that it would be reasonable to require a reduction in the total risk even though, if the maximum individual dose were considered alone, one might conclude that no further controls are needed.

In addition, EPA believes that the potential for emissions and risk to increase in the future needs to be considered even though the current projected maximum individual and population risks are very low. An emission standard might be appropriate because the facilities now, or may in the future, handle large quantities of radionuclides that could escape into the air if improperly controlled. Alternatively, when the amount handled by a facility is small or is decreasing, and there is no potential for large releases now or in the future, standards may not be needed.

The availability and practicality of control technology are important in judging how much control of emissions is warranted. For this rulemaking, EPA believes that the standard should be established at a level that will require best available technology with allowance for variation in emissions, once a determination is made that additional controls are necessary. Additional actions, such as requiring development of new technology, closure of a facility, or other extreme measures may be considered if significant emissions remain after best available technology is in place or if there are significant emissions and there is no applicable control technology. EPA is defining best available technology as that which, in the judgment of the Administrator, is the most advanced level of controls adequately demonstrated, considering economic, energy, and environmental impacts. The technological and economic impacts associated with retrofits are considered when determining best available technology for existing sources.

Finally, EPA believes it is reasonable to consider whether other EPA standards are achieving approximately the same goal as the Act, i.e., protecting public health with an ample margin of safety. In cases where other standards are providing comparable control for radionuclides, EPA believes it is appropriate not to propose redundant standards under the Act. There would be no benefits because the public health would already be protected with an ample margin of safety, but there could be unnecessary costs associated with implementing an additional standard.

EPA considered each of the relevant factors in making determinations for each source category that was reviewed. These factors were not quantitatively balanced through the use of formulas to derive emission limits. Rather, they were qualitatively weighed before deciding whether a standard was needed and, if so, what level of control was suitable. The consideration of these factors as they apply to each source category is detailed in the portion of this preamble devoted to that source category.

EPA requests comments on the appropriateness of the factors it has selected for consideration. Should some factors be added or deleted? Should more emphasis be placed on some factors than others? How should the cost-effectiveness, cost-benefits, or affordability of controls be considered when establishing appropriate emission standards to provide an ample margin of safety? EPA also requests comments on whether the factors were appropriately applied to the nine source categories that were reviewed.

It is the intent of the Act that control technology or operational practices be used to control emissions. Buying land to expand the size of the site or building higher stacks to reduce exposure to nearby individuals may not be used where other emission control devices or operational procedures are reasonably available. However, there are radionuclides, principally radon, which present significant risks and for which emission controls may not always be reasonably available. As a last resort in such cases, EPA has decided to propose standards achievable through dispersion techniques.

II. Department of Energy Facilities (DOE)

A. General Description

DOE administers many facilities that emit radionuclides to air. These facilities are Government owned but are managed and operated for DOE by private contractors. Operations at these

facilities include research and development, production and testing of nuclear weapons, enrichment of uranium and production of plutonium and other fissile materials for nuclear weapons, reactors, and other purposes, and processing, storing, and disposing of radioactive wastes. These facilities are on large sites, some of which cover hundreds of square miles in mostly remote locations, and are located in about 20 different states. Some of the smaller facilities resemble typical industrial sites and are located in suburban areas.

Each facility differs in emission rates, site size, nearby population densities, and other parameters that directly affect the dose from radionuclide emissions. Many different kinds of radionuclides are emitted to air. Six sites have multipurpose operations spread over very large areas. About a dozen sites are primarily research and development facilities, located in more populated areas. Reactor and accelerator operations at these sites may release radioactive noble gases and tritium; other operations may release small amounts of other radionuclides. Several facilities are primarily engaged in weapons development and production and may release small amounts of tritium and cretain long-lived radionuclides. Finally, two sites are dedicated entirely to gaseous diffusion plants that enrich uranium for use in utility electric power reactors and for defense purposes. They primarily emit uranium.

B. Estimates of Dose and Risk

At 15 of the 25 DOE facilities, which are considered as a group in the Background Information Document because of their relatively small health impact, the doses to the nearby individuals ar estimated to be considerably less than 1 millirem per year (mrem/y). The collective dose to the populations living around the sites is also low, no higher than about 10 person-rem as the result of 1 year of site operation. The health risk associated with this group is correspondingly low. The maximum lifetime risk to the most exposed individual is estimated to be less than 10 in 1,000,000 and the impact on the population is estimated to be less than 1 potential health effect per 100 years of operation. These estimates were developed using methods and assumptions discussed in Unit I.C. of this notice.

A second group of 13 facilities, those with the largest emissions of radionuclides, were studied in more detail. They included the following major sites: Argonne National Laboratory, Brookhaven National Laboratory, Feed Materials Production Center, Fermi National Accelerator Laboratory, Hanford Reservation, Idaho National Engineering Laboratory, Lawrence Livermore Laboratory, Los Alamos National Laboratory, Oak Ridge Reservation, Paducah Gaseous Diffusion Plant, Portsmouth Gaseous Diffusion Plant, Rocky Flats Plant, and the Savannah River Plant.

The highest doses to individuals are projected for Los Alamos national Laboratory (about 9 mrem/y to all organs), Oak Ridge Reservation (about 50 mrem/y to lung and 8 mrem/y to the bone) the Paducah Gaseous Diffusion Plant (about 7 mrem/y to bone and 5 mrem/y to the lung), the Portsmouth Gaseous Diffusion Plant (about 11 mrem/y to bone, 7 mrem/y to lung and 2 mrem/y to thyroid), Feed Materials Production Center (about 88 mrem/y to lung and 26 mrem/y to bone), and Savannah River Plant (about 2 mrem/y to most organs and 5 mrem/y to the thyroid). The corresponding doses to large populations ranged up to about 200 person-rem to the lung per year of site operations. The corresponding maximum lifetime risk to the most exposed individual is estimated to be less than about 2 in 10,000, while the total risk to populations surrounding all 13 sites is estimated to be less than 1 potential health effect per 15 years of operation.

All risk estimates for DOE facilities were developed using methods and assumption discussed in Unit I.C. of this notice. It is important to recognize that the actual risk to specific individuals may differ greatly from these estimates because the circumstances involving the actual exposure may differ significantly from the assumptions used to make the estimates.

C. Emission Control Technology

Emissions from DOE facilities are, in general well controlled as part of a long-standing DOE program of systematically upgrading emission controls when practical. High-efficiency filters, usually in series when large amounts of radionuclides are processed, are used to control particulate emissions. At some facilities, there are processes that discharge radioactive noble gases and tritium mixed with large volumes of air. For these cases, control technologies to remove the boble gases and tritium are usually not feasible.

At the Oak Ridge site, the highest doses to nearby individuals are mostly caused by uranium-234 and uranium-238 emissions from the Y–12 plant, a facility that has fabrication operations using enriched uranium. Particulate emissions from this facility are controlled by scrubbers, prefilters, cloth bag filters, or high-efficiency particulate filters. At the Feed Materials Production Center, the highest projected doses to nearby individuals are due to emissions of uranium-234 and uranium-238 from fabrication operations using uranium. There is also high exposure to radon decay products due to wastes containing radium-226 that are stored on this site. Particulate emissions are controlled by cloth bag filters or scrubbers but can be reduced further by additional high-efficiency filters or improved scrubbers. Waste tanks can be sealed to prevent the escape of radon.

D. The Proposed Standard

EPA is proposing that emissions of radionuclides from DOE facilities be restricted to the amount that would cause a dose equivalent rate of 10 mrem/y to the whole body and 30 mrem/y to any organ of any individual living nearby. For most practical purposes, compliance with this standard would be determined by calculating the doese to persons assumed to be living at the site boundary.

Consistent with the principles embodied in Federal Radiation Guidance to keep exposure to radiation as low as practical, it is EPA's intent that facilities subject to the DOE standard shall use best available technology even if compliance is possible with a lesser degree of control. This means that operators should periodically evaluate radionuclide emissions to air and reduce them to as low a level below the standard as is reasonably possible. This also means that the facilities now well controlled to levels considerably below the proposed standard should not relax their emission controls and that new facilities should use best available emission controls.

To determine if the standard is being implemented in a manner that keeps exposure as low as practicable, EPA is proposing a reporting requirement. DOE shall submit to EPA a concise annual report which includes the results of monitoring emissions, dose calculations, and discussions of DOE's programs for maintaining airborne releases of radionuclides as low as practicable. Much of this information is currently being collected; for example, emission data are reported by DOE's effluent information systems and annual site reports describe recent and planned improvements in emission controls. Therefore, EPA believes the burden of this reporting is reasonable. This information will be reviewed by EPA in

carrying out its compliance responsibilities.

The proposed emission standards of 10 mrem/y whole body and 30 mrem/y to any organ were selected by considering highest existing emissions from those major DOE facilities where best available technology is used and considering the level to which emissions would be reduced by applying additional controls to other facilities. Uniform standards for DOE facilities could not be set lower than these values because emissions from some major DOE facilities cannot, as a practical matter, be reduced further without closing major operations at the facilities. These DOE facilities provide substantial benefits in the areas of electrical power generation and national defense. The consequence of a more restrictive standard would be to eliminate some of these beneficial activities. Consequently, the risks associated with the proposed standard are not unreasonable. Those few DOE facilities, tending to have emissions greater than this proposed limit can, in EPA's judgment, reduce their emissions using available technology or work practices. EPA believes that the proposed standard would be met if the following plants upgraded their control technology: (1) Oak Ridge Y–12 plant ($10 million capital costs) (2) Feed Materials Production Center ($15 million capital costs).

The dose allowed by the proposed standard is a factor of 50 lower than the current upper limits now used by DOE. These current upper limits are based on the 1960 recommendations of the Federal Radiation Council, although the Federal Radiation Council admonished Federal agencies to establish standards that would reduce emissions to as low as practical below the upper limits. Actual public exposure to radiation due to releases from DOE facilities has been far below the 1960 Federal Guidance levels because of the DOE practice of limiting emissions to as low as practicable levels. Since the proposed standard is much more restrictive than the 1960 guidance, it will limit radiation doses to low levels. In practice, EPA expects that most DOE facilities will operate well below the proposed standard.

EPA estimates the actual lifetime individual risk associated with the proposed standard to be at the most about 2 in 50,000 when facilities are complying with the standard. EPA believes that the proposed standard and the reporting requirement will protect the public living around DOE facilities with an ample margin of safety. The uncertainty associated with estimates of radiation does and risk is discussed in Unit I.C. and II.B of this notice.

EPA requests comments on the proposed values and the methodology used in arriving at them.

E. Alternatives to the Proposed Standard

EPA considered proposing emission limits in units of curies per year (Ci/y) for each radionuclide, with secondary corrections for particle size, lung clearance class, and other such factors. This approach was rejected because it would require very detailed and complex emission limits for each DOE facility to be as protective of public health as the proposed standard. In EPA's judgment, this would be so complex and difficult as to be infeasible.

The Agency considered proposing higher values than the proposed dose limit. We believe that many of these facilities are achieving the proposed standard at current operating levels. For the few cases where additional controls are needed to meet the standard, the technology appears available and effective and is not unreasonably expensive to purchase or operate. The protection offered by the proposed standard appears achievable, and we have not identified any good reason for accepting a lesser degree of protection.

Lower values were considered. Such limits, would be extremely costly or could force the closure of major operations of benefit to the country, possibly at several sites. The possible small additional reduction of dose and risk to a few individuals is not sufficient to justify such severe action.

Emission limits that would control dose to the general population rather than individuals were considered. In particular, EPA considered emission limits for long-half-life radionuclides such as tritium, carbon-14, krypton-85, and iodine-129. These kinds of radionuclides may cause population doses that are more significant than the doses these radionuclides cause to nearby individuals. EPA decided not to propose this kind of standard. For DOE facilities, population doses from these radionuclides are small; the highest of these small doses are caused by emissions of tritium for which control technologies are not effective. Consequently, proposing emission standards for long-half-life radionuclides at existing DOE facilities would not serve a useful purpose.

Different emission limits were considered for existing and new DOE facilities and for specific groups of DOE facilities, rather than setting uniform standards for all DOE facilities. Such a strategy would permit more restrictive standards for certain DOE facilities, although not for all of them, at the cost of having to develop a much more complex standard. Rather than do this, EPA will rely on existing Federal Guidance to all Federal agencies to ensure that exposures are kept as far below the proposed standard as practicable and has added a reporting requirement to this end. This should provide, in practice, the same measure of emission control. EPA requests comments on the desirability of setting separate standards for different categories of DOE facilities.

EPA considered the alternative of proposing the standard in the form of a risk-equivalent, whole-body dose, using methodology similar to that recently recommended by the International Commission on Radiation Protection. The principal advantage is one of equity; that is, the emissions from each facility are limited on the basis of causing equivalent levels of risk. A disadvantage of this alternative is that the proposed standard would have to be reduced from 10 mrem/y to about 5 mrem/y to maintain a comparable degree of protection with the 30 mrem/y limit to any organ. Some sources could not meet such a standard using currently available technology. The Agency particularly requests comment on the use of the whole-body, risk-equivalent dose method as an approach to selecting emission standards.

EPA considered requiring the proposed standard to be met at a site boundary in all cases, even if there are good reasons why people are not likely to be at that location, but decided not to because this would be unrealistic. EPA requests comments on where the standard should apply.

F. Implementation of the Proposed Standards

The standards will be implemented by DOE pursuant to the Memorandum of Understanding between EPA and DOE. EPA will provide oversight to ensure that implementation procedures are appropriate. The standard should be implemented using pathway and dose calculations based on EPA's codes or, alternatively, on modeling techniques which, in EPA's judgment, are as suitable for particular applications as the EPA codes.

II. NRC Licensed Facilities and Non-DOE Federal Facilities

A. General Description

This category of facilities encompasses a wide range of activities

including research and test reactors, shipyards, the radiopharmaceutical industry, and other industrial facilities. For purposes of this proposed rule, EPA excludes facilities that are part of the uranium fuel cycle. The category includes both facilities licensed by NRC and facilities licensed by a State under an agreement with NRC. These facilities number in the tens of thousands and are located in all 50 states. The principal differences among these various types of activities are their emission characteristics and rates, their sizes, and the population densities of the surrounding areas. The following discussion provides illustrative examples.

There are a wide variety of designs of research and test reactors, and they operate over a range of power levels from near zero to approximately 10 megawatts. They emit primarily argon–41 and tritium at rates ranging from less than 1 Ci/y of each radionuclide up to several thousand Ci/y of argon–41 and several hundred Ci/y of tritium. They are most often located at or near universities.

The radiopharmaceutical industry currently produces about 65 different radionculides for a variety of uses in hospitals and clinics. In most cases, emissions of iodine–125 and iodine–131 cause the highest organ (thyroid) doses to nearby individuals because: (1) They are emitted in the !argest quantities, (2) environmental pathways bring them into contact with man, and (3) the thyroid concentrates iodine. Emissions occur at radiopharmaceutical manufacturing sites, hospitals, and sewage treatment plants receiving hospital wastewater.

There are many other industrial uses of a number of different radionuclides that result in emissions to air, including the manufacture of industrial gauges, static eliminators, radiographic devices, and certain commercial products (e.g., self-illuminating watches and smoke detectors). Most of the industrial uses of radionuclides involve production of sealed (encapsulated) sources. Once their manufacture is completed, these sealed sources do not emit radionuclides.

B. Estimates of Dose and Risk

The vast majority of NRC licensed facilities and non-DOE Federal facilities emit relatively small quantities of radionuclides, which cause correspondingly low doses to people living nearby. Most such facilities cause maximum radiation doses of less than 1 mrem/y; the total dose to the population living around a site rarely exceeds 1 or 2 person-rem per year of operations. The maximum corresponding lifetime risks of such exposures are estimated to be less than 1 in 50,000 for the individuals receiving the highest doses, and the total risk to the population surrounding a typical facility should be less than about 1 health effect per 500 years of operation.

These estimates were developed by using methods and assumptions discussed in Unit I.C. of this notice. It is important to recognize that the actual risk to specific individuals may differ greatly from these estimates because the circumstances involving the actual exposure may differ significantly from the assumptions used to make the estimates.

C. Control Technology

Some NRC-licensed facilities emit argon–41 and tritium mixed with large volumes of air. For this type of facility, virtually all of the dose is caused by argon–41. Demonstrated treatment technology to reduce argon–41 emissions is not available because argon is a noble gas and cannot be filtered or easily trapped. However, design features, operating procedures, and equipment maintenance can be used to minimize formation of argon–41 in these reactors. For example, since air contains a small percentage of argon–40, areas in which air is exposed to neutrons generated by the reactor are sources of argon–41 when argon–40 absorbs a neutron during reactor operation. In some situations, these areas can be purged with an inert gas to reduce the amount of argon–40 available before starting up the reactor. In other cases, sealing air leaks will reduce the amount of argon–41 that would be produced.

Most facilities emitting dust to which radionuclides are attached use conventional particulate removal technology, such as fabric filters, electrostatic precipitators, scrubbers, or high-efficiency particulate air filters.

D. The Proposed Standards

EPA is proposing that emissions of radionuclides from NRC-licensed facilities and non-DOE Federal facilities be limited to that amount that would cause a dose equivalent of 10 mrem/y to any organ of any individual living nearby. Uranium fuel cycle facilities and all particle accelerators are specifically not covered by this standard for reasons discussed Unit VII of this notice.

In proposing this standard, EPA examined emission levels from facilities in this category and estimated the dose these emissions cause for people living nearby. The highest doses are caused by research and test reactors emitting principally argon–41. The dose associated with the operation of these facilities is low and cannot be significantly reduced without major redesign and and reengineering of these facilities. Therefore, EPA has decided to proposed a standard at a level that can be met by existing facilities if they continue to use good management and operational controls to limit their emissions.

EPA believes that the proposed standard protects public health with an ample margin of safety. EPA estimates the risk associated with the proposed standard to be the same as for current practice for the individual receiving the highest dose. The uncertainty associated with estimates of risk is discussed in Units. I.C. and III. B. of this notice.

EPA requests comments on the proposed standards and the methodology used in deriving it.

E. Alternatives to the Proposed Standard

The Agency considered higher and lower dose limits than the one being proposed. Higher values were rejected because the proposed standard is currently being met by all facilities in this group. A lower limit was rejected because the dose associated with these emissions is very low and EPA does not believe it is reasonable to set a lower standard and force these facilities to close or reduce their hours of operations.

EPA considered not proposing a standard for this category of facility because the dose from the operations is generally very low. The Agency rejected this alternative because of the potential impact of new facilities or modifications to existing facilities; a standard will ensure that no facilities will emit radionuclides at unreasonably high levels.

EPA also considered requiring that these facilities submit reports documenting that their emissions are as low as practicable, as is being proposed for DOE facilities. Such a requirement would impose a very large paperwork burden on government and industry. Facilities in this category number in the tens of thousands. For EPA to implement such a requirement for this category would require monitoring and reporting by thousands of facilities and a substantial effort on the part of NRC or EPA to review the reports. This considerable effort would help ensure that emissions remain very low. However, because the risk associated with the proposed standard is already low. EPA does not believe the paperwork burden on government and industry is justified. Furthermore, EPA expects that facilities in this category

will, in practice, keep emission levels as low as practicable, both to ensure compliance with the proposed standard and as a matter of good radiation protection principles when dealing with hazardous materials.

F. Implementation of the Proposed Standards

For NRC licensed facilities, NRC will implement the standards subject to EPA oversight to ensure there is compliance with the standard, as is specified in a Memorandum of Understanding between EPA and NRC (45 FR 72980). Implementation will follow the established NRC practice, which is based on a review of control measures used by licensees and their effectiveness as determined by generic assessments.

For non-DOE Federal facilities, EPA will ensure compliance with the standards. EPA's implementation will use the models AIRDOS–EPA and RADRISK to perform pathway analysis and to calculate dose equivalents.

IV. Underground Uranium Mines

A. General Description

Uranium mining involves the handling of large quantities of ore containing uranium-238 and its decay products. The concentrations of these radionuclides in ore may be up to 1,000 times their concentration in other rocks and soils. After mining, the ore is shipped to a uranium mill where the uranium is separated for subsequent use in nuclear power reactors.

Uranium mining is generally carried out by either surface (open pit) or underground mining methods, depending on the depth of the ore deposit. In 1981, there were 167 underground mines and 50 open pit mines in operation in the United States. These mines accounted for about 80 percent of the uranium produced in this country.

All uranium mining in the United States now takes place in western States. In general, the mines are located in relatively remote, low population areas. In 1981, about 70 percent of domestic uranium ore production took place in New Mexico, Wyoming, and Texas.

EPA has evaluated radionuclide emissions from uranium mining activities. These evaluations show that radon-222 is the most significant radionuclide emitted to air. Radon-222 is released to air from underground mines in relatively high concentration through a series of ventilation shafts installed at appropriate locations along the mine haulage ways. These ventilation shafts provide sufficient air exchange in the working areas of the mine to keep the miners' exposures to radon decay products below the permissible limits. A recent study of 27 underground mines showed that radon-222 emissions to air from individual vents ranged from 2 to 9,000 Ci/y with an average of 900 Ci/y. The number of vents per mine ranged from 2 to 15 with an average of 6 vents per mine. The radon-222 released through these ventilation shafts can cause significant increases in the radon-222 concentration in ambient air in the vicinity of the mine vents.

EPA's evaluation of releases of radon-222 from uranium mines shows that radon-222 is released from surface mines in considerably smaller quantities and in more dilute concentrations than from underground mines. Therefore, radon-222 emissions from surface mines causes only small increases in the radon-222 concentrations in ambient air near the mines and concerns for the health of people near uranium mines is greatest for people living near underground mines.

B. Estimates of Exposure and Risk

Individuals living near underground uranium mines can be exposed to high levels of radon-222. This exposure generally occurs in structures built around the mines. Radon-222 enters the building and decays into other radionuclides which become attached to dust particles in the air. The concentration of these radionuclides build up in the air within the structures. EPA estimated the potential detriment to human health because of radon-222 emissions from uranium mines using the general assumptions discussed in Unit I.C. of this notice. It is important to recognize that the actual risk to individuals may differ greatly from these estimates because the circumstances involving the exposure may differ significantly from the assumptions used to make the estimates. Further, people need to be occupying a structure and not just standing outdoors for these estimates to be applicable.

It is estimated that an individual living 500 meters in the predominant wind direction from a large underground uranium mine will be exposed to a radon-222 concentration of 1 to 2 picocuries per liter (pCi/1) above background. Continuous exposure to *indoor* radon decay product concentrations (0.007–0.014 working level (WL)) produced by this radon-222 level might result in an increased lifetime risk of 1 to 2 in 100, although in areas where there are many mine vents clustered relatively close together, the risks could be as high as an order of magnitude greater. (A working level is a unit used to measure exposure to radon decay products).

Collective exposures for populations living near uranium mines are relatively low because these mines generally are located in low population areas. For example, the population risk due to radon-222 emissions from a large underground mine is estimated to be extremely small (about 1 health effect per 30 years of operation of the mine). Consequently, for underground uranium mines, the exposure to the general population is of considerably less public health concern than the exposure for the people that live very close to the mine vents.

C. Control Technology

There are no radon-222 emission control systems now in use in underground uranium mines. However, several methods for reducing the radon-222 concentration in mine air are available and have been used or tested for controlling radon-222 decay product concentrations in the mine itself. These methods, which primarily involve preventing radon-222 from entering the mine air through the use of sealants on the mine walls, bulkheading or backfilling the mined-out stopes, and mine pressurization can also reduce the radon-222 emissions to the outside air. EPA has carried out engineering evaluations of the cost and effectiveness of some of these methods in a hypothetical mine. These evaluations showed that such control methods would be relatively costly and not very effective. The study predicted radon-222 emission reductions from 14 to 49 percent at costs from $0.30 to $4.70 dollars per ton of ore mined.

Based on available information, EPA has concluded that no practical technology now exists for achieving satisfactory reductions in radon-222 emissions to air from underground uranium mines. The most effective procedure for limiting exposure to individuals is to provide for greater dispersion of the released radon-222. The Act indicates a preference for avoiding this type of control action to reduce health risks. However, in this situation, traditional emission control methods do not appear to be sufficiently effective in reducing the human health risks posed by release of radon-222 from underground uranium mine vents.

D. The Proposed Standard

EPA is proposing a standard that will limit the annual average radon-222 concentration in air due to emissions from an underground mine to 0.2 pCi/1 above background in any unrestricted

area. An unrestricted area is defined to be any area not under the control of the mine owner or a government agency. Under this proposed standard, for a typical, large underground mine using the modeling assumptions previously described, we estimate the lifetime risk to an individual will be on the order of about 1 in 500. For a case in which many mines are located close together, studies which estimate the hazard based on a lifetime exposure show that the potential risks would be higher. However, uranium mines have a limited useful lifetime, usually 5 to 15 years, which limits the period when radon-222 would be released. Further, several other assumptions used in these studies, such as the period of occupancy of the structure, are likely to be less severe in real cases. These factors are expected to make the actual remaining risk to individuals less than 1 in 500, possibly by one or two orders of magnitude, depending on the specific circumstances.

EPA chose a standard of 0.2 pCi/1 because higher values did not provide sufficient protection of public health, particularly when many mines are located close together. Values lower than the proposed standard were judged to be impractical because of the cost and difficulty in controlling additional land and the expense associated with other control measures compared to their effectivenss. EPA believes that the risks associated with the proposed standard are not unreasonable in comparison to the cost of additional control.

The standard can be met by one of the following procedures: (1) Reducing the percentage of time the mine operates, (2) increasing the effective height of the release, and (3) controlling additional land. EPA expects that the least expensive way to meet the standard is for the the mine operator to control the land around the mine so that people do not live in houses on the land. EPA believes that, on the average, compliance with the proposed standard can be achieved by controlling land within 2 kilometers of the mine vents. The cost to meet the standard by purchasing surrounding land and structures is estimated to be about 4 million dollars per year. This estimate was determined from an evaluation of the cost to control land within 2 kilometers of 29 large mines representing about 90% of the underground uranium mine or production

Based on 1981 production values, this cost represents a $0.30 per pound increase in the cost of producing uranium. This represents a 1% increase in production costs. Although the costs for the smaller mines accounting for the remaining ore production are not included in the estimate, these costs will be relatively small because the radon-222 emissions from these mines are expected to be small.

Owners and operators of underground uranium mines will be required to keep records of radon-222 emissions and radon-222 concentration projections consistent with other actions under the Act.

EPA requests comments on the proposed concentration limit of 0.2 pCi/1. EPA believes that the proposed standard is the most practical and effective way to limit the potential risk to individuals due to radon-222 emissions from underground uranium mines.

E. Alternative Standards

The development of standards for uranium mines is more difficult and complicated than for other sources emitting radionuclides into air. Therefore, the Agency requests public comment on other possible options for standards. In particular, comments are requested on appropriate limits, cost, feasibility, and significance for public health for the following options:

Option 1: Land Control Standard. This type of standard would establish an exclusion area of fixed distance from a mine vent. This area would be under the control of the mine owner or a government agency to prevent excessive exposure to individuals.

Option 2: Work Practice Standard. This standard would include requirements for use of one or more of the following techniques to reduce radon emissions: bulkheading worked-out stopes (including the use of charcoal absorbers on bleeder pipes), backfilling worked-out stopes, and using sealants on mine walls.

Option 3: Emission Standard. This type of standard would establish an emission limit in curies per year of radon-222 from a mine vent as a function of the distance from the vent to the nearest unrestricted area. The emission limit would be set at a value that would keep the radon-222 concentration in ambient air in unrestricted areas below some predetermined value above background.

V. Elemental Phosphorus Plants

A. General Description

About 10 percent of the phosphate rock mined in the United States is used to produce elemental phosphorus. Elemental phosphorus is used primarily for the production of high-grade phosphoric acid, phosphate based detergents, and organic chemicals. In 1977, approximately 285,000 metric tons of elemental phosphorus were produced from 4 million metric tons of phosphate rock.

Phosphate rock contains appreciable quantities of uranium and its decay products. The uranium concentration of phosphate rock ranges from about 20 to 200 parts per million (ppm), which is 10 to 100 times higher than the uranium concentration in most natural rocks and soil (2 ppm). The significant radionuclides present in phosphate rock are uranium-238, uranium-34, thorium-230, radium-226, radon-222, lead-210, and polonium-210. Because phosphate rock contains elevated concentrations of these radionuclides, handling and processing this material can, via dust particles, release radionuclides into the air. More importantly for elemental phosphorus plants, heating the phosphate rock to high temperatures in calciners and electric furnaces can volatilize lead-210 and polonium-210, resulting in the release of large quantities of these radionuclides in to the air.

There are eight elemental phosphorus plants in the United States; these plants are located in Florida, Idaho, Montana, and Tennessee. EPA measurements at three of these plants show that polonium-210 and lead-210 are the radionuclides released from these plants in largest quantities. Most of these emissions occur in calciner stack exhausts. Based on these measurements, it is estimated that a large plant processing phosphate rock containing 25 picocuries per gram of uranium-238 and its decay products and using low energy scrubbers on its calciner exhausts would release about 4 curies of polonium-210 and 2 curies of lead-210 per year into the air. Several of the presently operating elemental phosphorus plants may be releasing comparable quantities of polonium-210 and lead-210, and these emissions would represent the largest quantity of alpha-emitting radionuclides released as particulates into the air by any type of facility in the United States.

B. Estimates of Dose and Risk

The most significant hazard associated with radionuclide emissions to air from elemental phosphorus plants is the radiation dose received by individuals living near those plants. EPA estimates that the radionuclide emssions, primarily polonium-210 and lead-210, from a large elemental phosphorus plant will cause radiation doses of 45 mrem/y to the kidney and 36

mrem/y to the lung of the most exposed individual living near the plant. The lifetime risk to the maximally exposed individual associated with these doses is estimated to be about 1 in 10,000.

The risks to the populations living near elemental phosphorus plants are relatively low. EPA estimates that the potential health risk to the population living around a large plant is about 1 health effect per 100 years of plant operation and that the total risk from radionuclide emissions from all elemental phosphorus plants is about 1 health effect per 20 years of operation.

These estimates were developed using methods and assumptions discussed in Unit I.C. of this notice. It is important to recognize that the acutal risk to specific individuals may differ greatly from these estimates because the circumstances involving the exposure may differ significantly from the assumptions used to make the estimates.

C. Control Technology

Particulate emissions from calciner exhausts at elemental phosphorus plants are controlled through the use of wet scrubbers. Most plants use either spray towers or low-energy venturi scrubbers. Such systems are estimated to control particulate emissions to about 0.5 to 1.0 pound per ton of rock processed and are about 80 to 90 percent efficient for removal of polonium-210. One plant operates with two venturi-like scrubbers in series. Such a system should control particulate emissions to about 0.1 pound per ton of rock processed and is about 98 percent efficient for removal of polonium-210.

EPA has estimated the cost of installing high-energy venturi scrubbers on calciner stacks at large elemental phosphorus plants now operating with spray towers or low-energy scrubbers. The capital cost per plant for installing these scrubbers is about $3 million, and the annual operating cost is $1.5 million. A high-energy venturi scrubber is expected to be at least 98 percent efficient for polonium-210 removal and to reduce the emissions of this radionuclide for a large plant to less than 1 Ci/y. Lead-210 will be controlled at least as well because the scrubbers will remove lead with at least equal efficiency.

D. The Proposed Standard

EPA is proposing that the emissions of polonium-210 in the calciner off-gases at elemental phosphorus plants be limited to 1 Ci/y. EPA believes the use of best available technology at these facilities can achieve this standard. Limiting the polonium-210 emissions also effectively limits the lead-210 and other radionuclide emissions in the calciner off-gases. this standard will keep the radiation doses to individuals living near these plants to less than 10 mrem/y to the lung and to less than 15 mrem/y to the kidney. The lifetime risk associated with these doses is less than 3 in 100,000. EPA believes this will protect the individuals living nearby with an ample margin of safety. The assumptions and uncertainties associated with estimates of risk are discussed in Units I.C. and V.B. of this notice.

Complete information is not available on the polonium-210 emissions from all elemental phosphorous plants. Therefore, some uncertainty exists regarding the number of plants that would need to retrofit emission control systems. However, based on presently available information, EPA estimates that no more than two plants would need to install additional control systems to meet the proposed standard. These would be the large-capacity plants processing high-radionuclide-content phosphate rock. Installation of high-energy venturi scrubbers on the calciner exhausts of two plants would result in a capital expenditure of about $6 million and annual operating costs of $3 million per year.

Under the proposed standard, owners or operators of elemental phosphorus plants will be required to (a) measure the polonium-210 emissions from their calciner stacks and to report the results of these tests to EPA and (b) continuously monitor the pressure drop across their calciner scrubbers and to maintain records of these measurements for a minimum of two years.

EPA requests comments on the proposed values and the methodology used in arriving at them.

E. Alternatives to the Proposed Standard

The Agency considered proposing higher or lower values then 1 Ci/y. Higher values did not seem justified because they would either not significantly reduce the radiation doses to individuals living near these plants or would cost just as much to implement as the proposed standard. Lower values were also considered, but available information indicates that additional control technology is not feasible to meet lower levels.

The Agency also considered a standard expressed as curies/metric ton of phosphate rock processed. However, this type of standard may require emmission control retrofit by one or more additional plants even though their emissions of polonium-210 would be significantly less than 1 Ci/y. Since the primary purpose of the standard is to limit the annual radiation doses to the most exposed individual living near these plants, the Agency concluded that an annual emission limit, rather than an emission limit per unit of rack processed, is the more appropriate form of the standard.

VI. Sources for Which Standards Are Not Proposed

EPA has identified several source categories that emit radionuclides to air for which standards are not being proposed. These emissions comprise radionuclides that occur naturally in the environment but are released to air due to industrial processes. In addition to these sources, EPA is not proposing emission standards for uranium fuel cycle facilities, uranium mill tailings, management of high level radioactive wastes, and low energy accelerators. The reasons for these decisions are discussed in the following paragraphs. Additional supporting information may be found in the Docket and in the Background Information Document.

Estimates of risk used in this analysis were developed using methods and assumptions discussed in Unit I.C. of this notice. It is important to recognize that the actual risk to specific individuals may differ greatly from the estimates because the circumstances involving the actual exposure may differ greatly from the assumptions used to make the estimates.

A. Coal-Fired Boilers

Large, coal-fired boilers are used by utilities and industry to generate electricity and by industry to make process steam and to heat water for space heaters and industrial processes. When these boilers are operating, trace amounts of uranium, radium, thorium, and decay products of these radionuclides that are present in coal become incorporated into the fly ash and are emitted along with the particulates into the air. Technology that removes particulates will, therefore, also limit radionuclide emissions.

Particulate emissions from new utility boilers are controlled under Section III of the Act (43 FR 42154, September 19, 1978, revised by 44 FR 33613, June 11, 1979). These New Source Performance Standards (NSPS) require utility boilers constructed after September 19, 1978, to have best available technology that limits particulate emissions to 13 nanograms per Joule (ng/J) (0.03 pound/million Btu). To meet this emission standard, electrostatic precipitators (ESPs) or fabric filter systems are usually installed. Doses from utility

boiler radionuclide emissions under NSPS are low, less than 1 mrem/y to any organ, and there is no practical way to reduce them further since best available technology is already being used. Further reduction in emissions would require a second fabric filter or ESP in series with the first; this would be unreasonably expensive for the emission reduction achieved. Thus, radionuclide emission standards for new utility boilers would be either redundant or, if more restrictive, prohibitively expensive.

Particulate emissions from new large industrial boilers are controlled by NSPS that limit particulate matter to 43 ng/J (0.1 pound/million Btu). EPA plans to propose NSPS for smaller industrial boilers also; draft proposed limits have been circulated for comment. These standards should reduce particulate emissions to low levels and should correspondingly reduce doses to nearby individuals from radionuclide emissions to less than 1 mrem/y to any organ. With NSPS in place, radionuclide standards for industrial boilers would be redundant.

Existing utility and industrial boilers are regulated for particulate emissions by State Implementation Plans (SIPs) required by the Act. Limits vary for specific plants, but, in general, SIPs require large boilers located in populated areas to be well controlled with ESPs. Preliminary information indicates that retrofitting existing utility boilers to further reduce radionuclide emissions would cost approximately $15 billion for capital improvements and $3 billion a year to operate them. Total retrofitting of the industry with best available technology would reduce the estimated potential health effects by about 1 to 2 per year. For industrial boilers, the costs are about $3 billion for capital improvements and $0.7 billion to operate them. Total retrofitting of the industry with best available technology would reduce the estimated potential health effects by about 1 every three years. For both utility and industrial boilers, the costs are judged to be unreasonable in comparison to the reduction in dose and risk that would result.

The amount of radionuclides that could potentially be emitted by coal-fired boilers is strictly limited by the amount of uranium and thorium in the incoming coal. EPA has no reasons, therefore, to expect that massive releases of radionuclides will occur or that current emission rates will increase significantly. Under the current Federal and State regulatory programs, emissions should slowly decrease as old boilers are replaced.

In summary, EPA is not proposing standards for coal-fired boilers because existing emission controls that limit particulate releases also limit radionuclide releases. The risks to nearby individuals and the total risks to populations after application of controls already required are not large when compared to the cost of additional control technology. There is no potential for emissions to increase due to the limited amounts or radionuclides within the coal; rather, overall emissions will decrease with time as old plants are replaced with new ones with improved emission controls as required by the NSPS for particulate emissions.

EPA did consider the possibility that boilers may be using coal with radionuclide content that is significantly above average or that existing boilers may be operating in a manner that causes elevated emissions of radionuclides. If this is the case, there could be a subcategory of coal-fired boilers for which it would be appropriate to issue an emission standard. EPA requests comments and information on whether these situations do exist, their causes, their significance to public health, whether emission standards are needed, and what emission levels would be appropriate.

B. Phosphate Industry

The phosphate industry processes phosphate rock to produce fertilizers, detergents, animal feeds and other products. The production of fertilizer uses approximately 80 percent of the phosphate rock mined in the United States. Diammonium phosphate and triple superphosphate are the phosphate fertilizers produced in the largest quantities. Phosphate deposits contain large quantities of natural radioactivity, principally uranium-238 and members of its decay series. Uranium concentrations in phosphate deposits range from 10 to 100 times the concentration of uranium in other natural rocks and soils.

The processing of phosphate rock in dryers, grinders, and fertilizer plants results in the release of radionuclides into the air. As with coal-fired boilers, control techniques that remove particulates will also control radionuclide emissions and risks. Particulate emissions from the process exhausts of these plants are already well controlled, and the doses to individuals and populations from the radionuclides contained in the particulates are less than 15 mrem/y to any organ.

Particulate emissions from new or modified phosphate rock dryer and grinder facilities are already regulated by NSPS under Section 111 of the Act (47 FR 16582, April 16, 1982). To meet these standards, high-energy scrubbers of high-energy ESPs are usually installed on dryers, and fabric filters are installed on grinders. Particulate emissions from existing dryers and grinders are regulated under SIPs. About 20 percent ot the existing dryers already have controls equivalent to NSPS; the remaining dryers either employ low-energy or medium-energy scrubbers. About 75 percent of the existing grinders already have controls equivalent to NSPS; the remaining grinders use the equivalent of medium-energy scrubbers.

To retrofit all existing phosphate rock dryers with best available technology would require a capital expenditure of $44 million and an increase of $3 million in annual operating costs. This would reduce the maximum individual bone dose from 15 mrem/y to 3 mrem/y and avoid 1 health effect in 50 years of operations. To retrofit all existing phosphate grinders with best available technology would require a capital expenditure of $4 million but would not increase the annual operating cost. This would reduce the maximum individual bone dose from 1 mrem/y to 0.2 mrem/y and avoid 1 health effect in 500 years of operations.

Phosphate fertilizer plants use wet-scrubber systems on their process exhausts. These controls are needed to comply with NSPS (40 CFR Part 60, Subparts T through X) or SIPs for fluoride emissions. About 75 percent of the existing industry production capacity is controlled by both primary and secondary scrubbers. Scrubbers used to control fluoride emissions are also effective controls for particulate emissions.

To retrofit all existing fertilizer plants with secondary scrubbers on their diammonium phosphate and triple superphosphate process stacks would require capital costs of $14 million and would result in an increase of $1.5 million in annual operating costs. This would reduce the maximum individual bone dose from 2 mrem/y to 1 mrem/y and would avoid 1 health effect in 500 years of operations.

In summary, EPA is not proposing standards for phosphate rock dryers and grinders or phosphate fertilizer plants, because (1) the bone dose to individuals represent a small hazard to health compared to a similar dose to most other organs, (2) the potential for increased emissions is not present due to the limited amount of radionuclides in the phosphate rock, (3) other Clean Air Act standards require controls that also

reduce radionuclide emissions, and (4) the cost to further reduce radionuclide emissions is unreasonably large compared to the additional protection achieved.

About 25 percent of the phosphate rock used for fertilizer production is treated in calciners rather than dryers to remove organic matter prior to processing. Since calciners operate at significantly higher temperatures than dryers, this may result in the volatilization and release to air of significant quantities of polonium-210, similar to the emissions from elemental phosphorus plants. Radionuclide emission studies are being planned for phosphate rock calciner plants. However, no radionuclide emission data are available for calciners, and, therefore, EPA is unable to determine at this time that standards are needed for these facilities. EPA requests comments and information on these emissions, their significance to public health, whether emission standards are needed, and what limits would be appropriate.

C. Other Extraction Industries

Almost all industrial operations involving removal and processing of soils and rocks to recover valuable commodities release some radionuclides into the air. EPA has carried out studies of airborne radioactive emissions from such mining, milling, and smelting operations.

The industries studied include iron, copper, zinc, clay, limestone, fluorspar, and bauxite. These are relatively large industries and are, therefore, considered to have the greatest potential for emitting radioactive materials into the air.

Although the analysis of data from these stidies is not complete, the information available to the Agency at the present time shows that the radiation doses to individuals and populations from radionuclide emissions from these types of facilities are small and would not be reduced at reasonable cost. Therefore, EPA is not proposing standards for these parts of the extraction industry.

D. Uranium Fuel Cycle Facilities, Uranium Mill Tailings, and Management of High Level Waste

The Uranium Fuel Cycle (UFC) consists of operations associatd with production of electric power for public use by light-water-cooled reactors using uranium fuel. It includes light-water-cooled nuclear power plants and facilities that mill the uranium ore, enrich uranium, and fabricate and reprocess uranium fuel. EPA has promulgated emission standards for normal operations of the UFC under the Atomic Energy Act (40 CFR Part 190). These standards limit the annual dose equivalent to body organs of nearby individuals to 25 mrem/y (75 mrem/y for the thyroid) and limit the emissions of krypton-85, iodine-129, and other long-half-life, alpha-emitting, transuranium radionuclides. As a practical matter, the EPA standards and their implementation by the NRC require the use of best available technology, which keeps doses to individuals and populations to low levels. The estimated individual risk associated with 25 mrem/y to all organs for a lifetime is about 1 in 2000.

Uranium mill tailings remain after uranium ore is processed to remove the uranium. Altogether, there are many thousands of acres of these tailings at both inactive and active uranium mill sites, mosely in the Southwest. Large amounts of radon-222 are emitted to air from the piles due to the radium-226 remaining in the tailings after the uranium is removed. Congress addressed this problem through the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95–604). Under this authority, EPA has active programs to promulgate standards requiring remedial actions that will, among other objectives, prevent these tailings from being moved and prevent radon from escaping after the piles become inactive. Standards have been promulgated for inactive mill sites and will soon be proposed for active mill sites.

The highly radioactive liquid or solid wastes from reprocessing spent nuclear fuel, or the spent fuel elements themselves if they are disposed of without reprocessing, are called "high level wastes". Over the last several years, the Federal government has intensified its program to develop and demonstrate a permanent disposal method for high level waste. As part of this effort, EPA has proposed standards to limit radiation exposure of members of the public from management of this waste prior to disposal (47 FR 58196, December 29, 1982). These proposed standards would limit the annual dose equivalent to any member of the public to 25 mrem/y to the whole body, 75 mrem/y to the thyroid, or 25 mrem/y to any other organ. Waste managment operations are also to be conducted so as to reduce exposures below these levels to the extent that this is reasonably achievable.

EPA is not proposing additional radionuclide standards for UFC facilities, uranium mill tailings, and high level wastes because the Agency believes that EPA standards established (or to be established) under other applicable authorities will protect public health with an ample margin of safety in the same way as an emission standard established under Section 112 of the Act.

E. Low Energy Accelerators

Accelerators, which impart energy to charged particles such as electrons, alpha particles, and protons, are used for a wide variety of applications, including radiography, activation analysis, food sterilization and preservation, radiation therapy, and research. There are over 1,200 accelerators in use in the United States, not including accelerators owned by DOE. This number has been growing at a rate of approximately 65 machines per year.

Accelerators other than those owned by the DOE operate at low energy levels (i.e., less energy is imparted to the particles). These machines emit very small quantities of radionuclides (specifically, carbon-11, carbon-14, nitrogen-13, oxygen-15, and argon-41) because they operate at relatively low energies. In addition, those accelerators using tritium targets may emit a small quantity of tritium, typically less than 1 Ci/y. The quantity of radionuclides produced is so small that the doses and health risks associated with those emissions are extremely low, generally several orders of magnitude less than other sources discussed in the proposed rule. Further, there is no practical way to reduce them. EPA is not proposing standards for accelerators because of the low doses, less than 1 microrem/y to nearby individuals, and because there is no potential for the doses from existing or new facilities to exceed this level significantly.

F. Request for Comments

EPA requests comments on its proposed decisions not to issue standards for radionuclide emissions from the categories of sources just described. These decisions will be reconsidered if additional information becomes available indicating that doses and risks are significantly greater, costs are significantly lower, or controls are more available than those on which EPA based its decisions.

If the Administrator decides not to issue standards for particular source categories, such decisions are likely to be accompanied by determinations that these decisions are of nationwide scope and effect under the terms of section 307(b) of the Act.

VIII. Miscellaneous

A. Docket

The Docket is an organized and complete file of all information

considered by EPA in the development of these proposed standards. The Docket allows interested persons to identify and locate documents so that they can effectively participate in the rulemaking process. It also serves as the record for judicial review.

A transcript of the hearing and all written statements will be placed in the Docket and will be available for inspection and copying during normal working hours.

B. Executive Order 12291

Under Executive Order 12291, issued February 17, 1981, EPA must judge whether a rule is a "major rule" and, therefore, subject to the requirement that a Regulatory Impact Analysis be prepared. EPA has detemined that this rule is not a major rule as that term is defined in Section 1(b) of the Executive Order.

EPA concluded that the rule is not major under the criteria of section 1(b) because the annual effect of the rule on the economy will be less than $100 million. It will not cause a major increase in costs or prices for any sector of the economy or for any geographic region. Also, it will not result in any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States enterprises to compete with foreign enterprises in domestic or foreign markets.

This proposed rule was submitted to the Office of Management and Budget (OMB) prior to publication, as required by the Executive Order.

List of Subjects in 40 CFR Part 61

Air pollution control, Asbestos, Beryllium, Hazardous materials, Mercury, Vinyl chloride, Radionuclides.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (Pub. L. 96–511) (PRA) requires that the Office of Management and Budget review reporting and recordkeeping requirements that constitute "information collection" as defined. Assuming, without deciding, that some or all of the proposed reporting and recordkeeping requirements constitute information collection within the meaning of the PRA, the PRA requires the Office of Management and Budget to review information collection activities to determine whether they are "necessary for the proper performance of the functions of the Agency" (section 3508).

This proposal, if promulgated, would impose reporting and recordkeeping requirements for one Federal agency and on owners and operators of elemental phosphorus plants and underground uranium mines.

EPA requests comments on the reasonableness of the information collection requirements and on the costs involved as compared to other means of compliance determinations.

D. Regulatory Flexibility Analysis

Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603, requires EPA to prepare and make available for comment an "initial regulatory flexibility analysis" in connection with any rulemaking for which there is a statutory requirement that a general notice of proposed rulemaking be published. The "initial regulatory analysis" describes the effect of the proposed rule on small business entities.

However, Section 604(b) of the Regulatory Flexibility Act provides that Section 603 "shall not apply to any proposed * * * rule if the head of the Agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."

EPA believes that virtually all small businesses covered by this proposed rule are already meeting the proposed standards. Therefore, this rule will have little or no impact on small businesses.

For the preceding reasons, I certify that this rule, if promulgated, will not have significant economic impact on a substantial number of small entities.

Dated: March 29, 1983.

Lee Thomas,

Acting Administrator.

It is proposed to amend Part 61 of chapter I of title 40 of the Code of Federal Regulations as follows:

1. By adding to the table of sections the following items:

Subpart K—National Emission Standards for Radionuclide Emissions from Department of Energy Facilities

Sec.
61.120 Designation of facilities.
61.121 Definitions.
61.122 Standard.
61.123 Emission monitoring and test procedures.
61.124 Compliance and reporting.

Subpart L—National Emission Standard for Radionuclide Emissions From Facilities Licensed by the Nuclear Regulatory Commission and Federal Facilities Not Covered by Subpart K

61.130 Applicability.
61.131 Definitions.
61.132 Standard.

Subpart M—National Emission Standard for Radionuclide Emissions From Underground Uranium Mines

61.140 Applicability.
61.141 Definitions.
61.142 Standard.
61.143 Emission tests.
61.144 Reporting.

Subpart N—National Emission Standard for Radionuclide Emissions From Elemental Phosphorous Plants

61.150 Applicability.
61.151 Definitions.
61.152 Standard.
61.153 Emission tests.
61.154 Test methods and procedures.
61.155 Monitoring of Operations.

* * * * *

Appendix B—Test Methods

* * * * *

Method 111—Determination of polonium–210 emissions from stationary sources.

Authority: Sec. 112 and 301(a), Clean Air Act, as amended [42 U.S.C. 7412, 7601(a)].

2. By adding the following Subpart K:

Subpart K—National Emission Standards for Radionuclide Emissions From Department of Energy Facilities

§ 61.120 Designation of facilities.

The provisions of this subpart apply to radiation dose equivalent values received by members of the public as the result of operations at facilities that are owned or operated by the Department of Energy and that emit radionuclides to air.

§ 61.121 Definitions.

(a) "Whole body" means all human organs, organ systems, and tissues exclusive of the integumentary system (skin) and cornea.

(b) "Organ" means any human organ or tissue exclusive of the integumentary system (skin) and the cornea.

(c) "Radionuclide" means any nuclide that emits radiation.

(d) "Dose equivalent" means the product of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its distribution in the body. The unit of the dose equivalant is the rem.

§ 61.122 Standard.

Emissions of radionuclides to air from operations of Department of Energy facilities shall not exceed those amounts that cause a dose equivalent rate of 10 mrem/y to whole body or 30 mrem/y to any organ of any member of the public.

§ 61.123 Emission monitoring and test procedures.

To determine compliance with the standard, radionuclide emissions shall be determined and dose equivalent values to members of the public calculated using EPA approved sampling procedures, codes AIRDOSE–EPA and RADRISK, or other procedures

which EPA has determined to be suitable.

§ 61.124 Compliance and reporting.

DOE shall submit to EPA an annual report which includes the results of monitoring emissions from points subject to this standard and dose calculations for each site. The report shall also describe the DOE program for maintaining airborne radionuclide releases as low as practicable below the standard, including a discussion of current controls, new control equipment installed during the year, and a discussion of new controls that are under consideration.

3. By adding the following Subpart L:

Subpart L—National Emission Standards for Radionuclide Emissions From facilities Licensed by the Nuclear Regulatory Commission and Federal Facilities Not Covered by Subpart K

§ 61.130 Applicability.

The provisions of this subpart apply to NRC-licensed facilities and to facilities owned or operated by any Federal agency other than the Department of Energy, except that this subpart does not apply to facilities regulated under 40 CFR Part 190 or to any accelerator.

§ 61.131 Definitions.

(a) "Agreement State" means and State with which the Atomic Energy Commission or the Nuclear Regulatory Commission has entered into an effective agreement under subsectin 274(b) of the Atomic Energy Act of 1954, as amended.

(b) "Dose equivalent" means the product of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its distribution in the body. The unit of the dose equivalent is the rem.

(c) "NRC/licensed facility" means any facility licensed by the Nuclear Regulatory Commission or any Agreement State to receive title to, receive, possess, use, transfer, or deliver any source, by-product, or special nuclear material.

(d) "Organ" means any human organ or tissue exclusive of the integumentary system (skin) and the cornea.

(e) "Radionuclide" means any nuclide that emits radiation.

§ 61.132 Standard.

(a) Emissions of radionuclides to air from facilities subject to this subpart shall not exceed those amounts that cause a dose equivalent rate of 10 mrem/y to any organ of any member of the public.

(b) This standard shall be implemented using pathway and dose equivalent calcuations based on EPA's codes AIRDOSE–EPA and RADRISK or modeling techniques which, in EPA's judgment, are as suitable for particular applications as the EPA codes.

4. By adding the following Subpart M:

Subpart M—National Emission Standard for Radionuclide Emission From Underground Uranium Mines

§ 61.140 Applicability.

The provisions of this subpart are applicable to owners or operators of underground uranium mines.

§ 61.141 Definitions.

(a) "Unrestricted area," as used in this subpart, means an area not under the control of the mine owner or operator or a governmental agency for the purpose of restricting the use or establishment of structures for residential purposes.

(b) "Mine vent" means a shaft extending from the working areas of an underground uranium mine to the earth's surface for the purpose of discharging ventilation air from the mine to the earth's atmosphere.

(c) "Curie" is a unit of radioacitivity equal to 37 billion nuclear transformations (decays) per second.

§ 61.142 Standard.

The radon–222 emissions to air from the mine vents of an underground uranium mine shall not result in an increase in the annual average randon–222 concentration in air in an unrestricted area in excess of 0.2 pCi/1.

§ 61.143 Emission tests.

(a) Unless a waiver of emission testing is obtained under 61.13, each mine owner or operator subject to 61.142 shall measure the radon–222 emissions from each of his mine vents:

(1) Within 90 days of the effective date of this rule, and annually thereafter, in the case of an existing source or a new source which has an initial startup date preceding the effective date of this rule; or

(2) Within 90 days of startup, and annually thereafter, in the case of a new source that did not have an initial startup date proceding the effective date.

(b) The Administrator shall be notified at least 30 days prior to an emission test so that EPA may, at its option, observe the test.

(c) Each emission test shall consist of three runs. The tests shall be conducted during normal operating and ventilation conditions. The average of all three runs shall apply in computing the emission rate.

(d) For use in calculating radon–222 concentrations in unrestricted areas under § 61.144, the annual emissions from each mine vent shall be determined by multiplying the radon–222 concentration measured in the air emitted from the mine vent by the total volume of air discharged through the vent over a one year period based on continuous operation of the ventilation system.

(e) Records of emission test results and other data needed to determine total emissions shall be retained at the source and made available for inspection by the Administrator for a minmium of 2 years.

§ 61.144 Reporting.

(a) Each owner or operator of a source subject to the requirements of § 61.142 shall calculate the average annual radon–222 concentration in air at the nearest unrestricted area to each of the mine vents from his mine using the following equation:

$$C_j = 0.1 \sum_i Q_i (X_{ij})^{-1.72}$$

Where

C_j = radon–222 concentration in picocuries per liter (pCi/1) at location j due to all vents from the mine.

Q_i = radon emission rate in kilocuries per year from vent i.

X_{ij} = distance in kilometers from mine vent i to location j.

(b) Rather than use the method prescribed in paragraph (a), an owner or operator of a mine may, subject to the approval of the Administrator, use dispersion factors based on site specific meteorology.

(c) The calculations performed under paragraph (a) or (b) shall be reported to the Administrator within 30 days of completion of the emission tests required under § 61.143.

5. By adding the following Subpart N:

Subpart N—National Emission Standard for Radionuclide Emission From Elemental Phosphorus Plants

§ 61.150 Applicability.

The provisions of this subpart are applicable to owners and operators of nodulizing kilns and electric furnaces at elemental phosphorus plants.

§ 61.151 Definitions.

(a) "Elemental phosphorus plant" means any facility that processes phosphate rock to produce elemental phosphorus using pyrometallurgical techniques.

(b) "Nodulizing kiln" means a unit in which phosphate rock is heated to convert it to a nodular form.

(c) "Electric furnace" means a unit in which the phosphate rock is heated with silica and coke to reduce the phosphate to elemental phosphorus.

(d) "Curie" is a unit of radioactivity equal to 37 billion nuclear transformations (decays) per second.

§ 61.152 Standard.

Emissions of polonium-210 to air from sources subject to this subpart shall not exceed 1 curie in a calendar year.

§ 51.153 Emission tests.

(a) Unless a waiver of emission testing is obtained under § 61.13, each owner or operator required to comply with § 61.152 shall test emissions from his source within the following time limits:

(1) Within 90 days of the effective date of this rule in the case of an existing source or a new source that has an initial startup date preceding the effective date of this rule; or

(2) Within 90 days of startup in the case of a new source that did not have an initial startup date preceding the effective date of this rule.

(b) The Administrator shall be notified at least 30 days prior to an emission test so that EPA may, at its option, observe the test.

(c) Each emission test shall consist of three runs. The phosphate rock processing rate during each test shall be recorded. The averge of all three runs shall apply in computing the emission rate. For determining compliance with the emission standard of § 61.152, the annual polonium-210 emissions shall be determined by multiplying the polonium-210 emission rate in curies per metric ton of phosphate rock processed by the annual phosphate rock processing rate in metric tons. In determining the annual phosphate rock processing rate, the values used for operating hours and operating capacity shall be values that will maximize the expected production rate. If the owner or operator of a source subject to this subpart changes his operation in a way that could change his emissions of polonium-210, he may determine his compliance with the requirements of this subpart on the basis of calculations using data from previous emission tests.

(d) All samples shall be analyzed, and polonium-210 emissions shall be determined within 30 days after the source test. All determinations shall be reported to the Administrator by a registered letter dispatched before the close of the next business day following such determination.

(e) Records of emission test results and other data needed to determine total emissions shall be retained at the source and made available for inspection by the Administrator for a minimum of 2 years.

§ 61.154 Test methods and procedures.

(a) Each owner or operator of a source required to test emissions under § 61.153, unless an eqivalent or alternate method has been approved by the Administrator, shall use the following test methods:

1. Test Method 1 of Appendix A to Part 60 shall be used to determine sample and velocity traverses;

2. Test Method 2 of Appendix A to Part 60 shall be used to determine velocity and volumetric flow rate;

3. Test Method 5 of Appendix A to Part 60 shall be used to collect particulate matter containing the polonium-210;

4. Test Method 111 of Appendix B to this part shall be used to determine the polonium-210 emissions.

§ 61.155 Monitoring of operations.

(a) The owner or operator of any source subject to this subpart using a wet scrubbing emission control device shall install, calibrate, maintain, and operate a monitoring device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be certified by the manufacturer to be accurate within ± 250 pascals (± 1 inch of water). Records of these measurements shall be maintained at the source and made available for inspection by the Administrator for a minimum of two years.

(b) For the purpose of conducting an emission test under § 61.153, the owner or operator of any source subject to the provisions of this subpart shall install, calibrate, maintain, and operate a device for measuring the phosphate rock feed to any affected nodulizing kiln. The measuring device used must be accurate to within ± 5 percent of the mass rate over its operating range.

Appendix B—[Amended]

6. By adding the following test method of Appendix B:

Method 111—Determination of Polonium-210 Emissions From Stationary Sources

Performance of this method should not be attempted by persons unfamiliar with the use of equipment for measuring radioactive disintegration rates.

1.0 Applicability and Principle

1.1 *Applicability.* This method is applicable to the determination of polonium-210 emissions in particulate samples collected in stack gases.

1.2 *Principle.* A particulate sample is collected from stack gases as described in Method 5 of Appendix A to 40 CFR Part 60. The polonium-210 in the sample is put in solution, deposited on a metal disc and the radioactive disintegration rate measured. Polonium in acid solution spontaneously deposits on surfaces of metals which are more electropositive than polonium. This principle is routinely used in the radiochemical analyses of polonium-210 (reference 1).

2.0 Apparatus

2.1 Alpha-counter photomultiplier tube, (5 cm), with associated electronics to record pulses.

2.2 Constant temperature bath at 85°C.

2.3 Polished nickel discs, 3.8 cm diameter, 0.6 mm thick.

2.4 Silver activated zinc sulfide screen.

2.5 Beakers, 400 ml, 150 ml.

2.6 Hot plate, electric.

2.7 Fume hood.

2.8 Teflon beakers, 150 ml.

Teflon is a registered trademark of DuPont Co.

3.0 Reagents

3.1 *Analysis.*

3.1.1 Ascorbic acid, reagent grade.

3.1.2 Distilled water.

3.1.3 Hydrochloric acid 12*M*, concentrated reagent grade.

3.1.4 Hydrofluoric acid 28*M*, reagent grade.

3.1.5 Nitric acid 16*M*, concentrated reagent grade.

3.1.6 Perchloric acid 12*M*, 72 percent reagent grade.

3.1.7 Sodium hydroxide 18*M*. Dissolve 720 g of sodium hydroxide pellets in distilled water and dilute to 1 liter.

3.1.8. Trichloroethylene.

3.2. *Standard solution.* Prepare calibrated solution of polonium-210 from supplier of this radionuclide. Known aliquots are to be used to establish efficiency of deposition.

4.0 Procedure

4.1 *Sample Preparation.*

4.1.1 Place filter collected by EPA Method 5 Part 60 in Teflon beaker, add 30 ml hydrofluoric acid and evaporate to dryness on hot plate in hood.

4.1.2 Repeat step 4.1.1 until glass fiber filter has been digested.

4.1.3 Add 100 ml 16*M* nitric acid to residue in Teflon beaker and evaporate to dryness. Do not overheat.

4.1.4 Add 50 ml 16*M* nitric acid to residue from step 4.1.3 and heat to 80°C.

4.1.5 Decant acid solution into glass beaker and add 10 ml 12*M* perchloric acid.

4.1.6 Heat acid mixture to perchloric acid fumes.

4.1.7 Adjust volume to 60 ml with distilled water and neutralize with 18*M* sodium hydroxide.

4.1.8 Dilute to 100 ml with distilled water and adjust solution to 0.5*M* in HCl by adding 4 ml 12*M* hydrochloric acid.

4.2 *Sample Analysis.* Analyze the solution for polonium-210 using any published method which involves the spontaneous electrodeposition of polonium-210, including the method described below:

4.2.1 Add 200 ml of ascorbic acid and heat solution to 85°C in constant temperature bath.

4.2.2 Melt a thin coating of polyethylene on the unpolished side of disc to prevent deposition. Adhesion of the polyethylene to the disc is enhanced by sanding the nickel surface with garnet paper.

4.2.3 Clean polished side with trichloroethylene, hydrochloric acid, and distilled water.

4.2.4 Suspended nickel disc in the solution using glass or plastic hook.

4.2.5 Maintain disc in solution for 3 hours while stirring the solution.

4.2.6 Remove nickel disc, rinse with distilled water and dry at room temperature.

4.3 Measurement of Polonium-210.

4.3.1 Position deposition side of nickel disc adjacent to zinc sulfide screen on photomultiplier tube and count pulses.

4.3.2 Establish background count rate by measuring counts over clean nickel discs.

4.3.3 Determine procedure efficiency by adding calibrated aliquots of polonium-210 to acid solution with clean filter and following procedure through radioassay step.

4.3.4 Determine counter efficiency by carefully evaporating known aliquots of polonium-210 on nickel disc and measuring count rate, comparing count rate to known disintegration rate as fraction.

5.0 Calculations

5.1 Calculate the curies of polonium-210 in the sample using the following equation:

$$A = \frac{C_T - C_B}{2.22\times10^{+12}\,(E_C)(E_P)(T)(D)}$$

A = Curies of polonium-210 in sample.
C_T = total sample counts for counting period.
C_B = background counts for counting period.
E_P = procedure efficiency.
E_C = counting efficiency.
T = counting time in minutes.
D = decay correction.

5.1.1 Decay Correction

$$\text{Decay correction (D)} = e^{-\frac{0.693(T)}{t_{1/2}}}$$

T = time in days from midpoint of collection time to the counting time.
$t_{1/2}$ = radiological half life of polonium-210, 138.4 days.

5.2 Procedure for Calculating Emissions.

Calculate the polonium-210 emission per metric ton of rock processed using the following equation:

$$E = \frac{AQ_s}{V_t M}$$

E = Curies of polonium-210 per metric ton of rock processed.
A = Curies of polonium-210 in sample from 5.1.
Q_S = Volumetric flow rate of effluent stream in m^3/h.
V_t = Total volume of air sampled in m^3.
M = Rock processing rate during sampling in metric tons/hr.

6.0 References

1. Blanchard, Richard L., Rapid Determination of Lead-210 and Polonium-210 in Environmental Samples by Deposition on Nickel, Anal. Chem., *38*, 189 (1966).

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Part III

Department of the Interior

Minerals Management Service

Outer Continental Shelf; Western Gulf of Mexico; Proposed Oil and Gas Lease Offering (August 1983)

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UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Western Gulf of Mexico
Proposed Oil and Gas Lease Offering (August 1983)

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to section 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed notice of lease offering. The following is a proposed notice of offering scheduled for August 1983 in the offshore waters of the Western Gulf of Mexico. This notice is hereby published as a matter of information to the public.

Robert L. Rioux
"Acting" Director, Minerals Management Service
Robert L. Rioux

Date: 3/31/83

Approved:

Daniel N. Miller, Jr.
Assistant Secretary--Energy & Minerals
Daniel N. Miller, Jr.

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf, Western Gulf of Mexico
Oil and Gas Lease Offering (August 1983)

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (30 CFR Part 256, formerly 43 CFR Part 3300; see the Federal Register at 47 FR 47006, October 22, 1982). A revision of those regulations appeared in the Federal Register of June 16, 1982, at 47 FR 25967 and 26031.

2. Filing of Bids. Sealed bids will be received by the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Boulevard, Metairie, Louisiana 70002. Bids may be delivered in person to the above address until the Bid Submission Deadline at 10:00 a.m., c.s.t., August 23, 1983. Bids will not be accepted on August 24, 1983, the day of Bid Opening. Delivery by mail should be addressed to P.O. Box 7944, Metairie, Louisiana 70010, and must be received by the Bid Submission Deadline. Bids received by the Regional Manager later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the Regional Manager prior to 10:00 a.m., c.s.t., August 23, 1983. Bids may not be withdrawn unless written withdrawal is received by the Regional Manager prior to 8:30 a.m., c.s.t., August 24, 1983. Bid Opening Time will be 9:00 a.m., c.s.t., August 24, 1983, at the _____. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this offering will appear in the Federal Register in April 1983.

3. Method of Bidding. Tract numbers will not be used. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert offering name; date of offering; map number(s); map name(s), if applicable, and block number(s)), not to be opened until 9:00 a.m., c.s.t., August 24, 1983," must be submitted for each block or prescribed bidding unit bid upon. For example, a block would be identified as follows: "Western Gulf of Mexico (August 1983), NH 15-1, (East Breaks) Block 701." For those blocks which must be bid on together as a bidding unit (see paragraph 12), all block numbers of blocks comprising the bidding unit must appear in the label on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Minerals Management Service. No bid for less than all of the unleased

portions of a block or bidding unit will be considered. Bidders are advised to use the description "All the Unleased Federal Portion" for those blocks having only aliquot portions currently available for leasing. Partnerships

When the adjusted quarterly value of production is equal to or greater than $37,740.060000 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of

portions of a block or bidding unit will be considered. Bidders are advised to use the description "All the Unleased Federal Portion" for those blocks having only aliquot portions currently available for leasing. Partnerships also need to submit a list of signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this offering must provide for a cash bonus in the amount of $150 or more per acre or fraction thereof. All leases awarded for this offering will provide for a yearly rental payment of $3 per acre or fraction thereof. Leases awarded under 4(a), (b), and (c) will provide for a minimum royalty of $3 per acre or fraction thereof. The bidding systems to be utilized for this offering apply to blocks or bidding units as shown on the map entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems," available from the Gulf of Mexico OCS Regional Office at the address stated in paragraph 2. The following bidding systems will be used:

(a) Bonus Bidding With a Fixed Sliding Scale Royalty. Bids on blocks or bidding units offered under this system must be submitted on a cash bonus basis with the percent royalty due in amount or value of production fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64. The fixed sliding scale formula operates as follows:

When the quarterly value of production, adjusted for inflation, is less than or equal to $20.873434 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $20.873435 million, but less than or equal to $37,740.050000 million, the royalty percent due on the unadjusted value or amount of production is given by:

$$Rj = b[Ln (Vj/S)]$$

where Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 7.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.5

When the adjusted quarterly value of production is equal to or greater than $37,740.060000 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.56224 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., the nearest dollar; for example, $49.625834 million.

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula previously described under two different values for the quarterly price index.

(b) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the blocks or bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent.

(c) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the blocks or bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent.

(d) Bonus Bidding with a Fixed Net Profit Share. Bids on blocks or bidding units offered under this system must be submitted on a cash bonus basis with the fixed net profit share rate and the capital recovery factor indicated on the map entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems," as applicable to the block(s) bid upon. The net profit share payment shall be calculated according to regulations codified in 30 CFR 261, formerly 10 CFR 390 (originally promulgated by the Department of Energy, 45 FR 3784) see the Federal Register of January 11, 1983, at 48 FR 1181.

Figure 1
Form of the Sliding Royalty Schedule

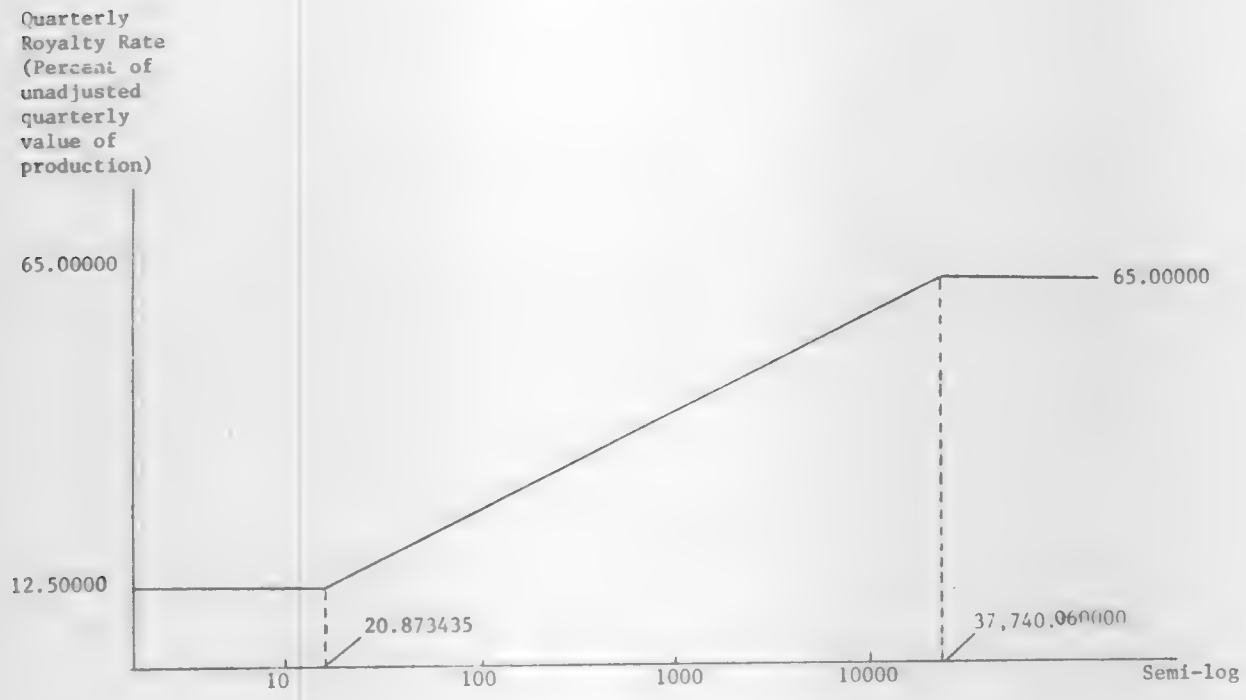

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	12.50000	1.25000
30.000000	200.0	4/3	22.500000	13.02527	3.90758
90.000000	200.0	4/3	67.500000	20.71555	18.64400
270.000000	200.0	4/3	202.500000	28.40584	76.69577
810.000000	200.0	4/3	607.500000	36.09612	292.37857
10.000000	250.0	5/3	6.000000	12.50000	1.25000
30.000000	250.0	5/3	18.000000	12.50000	3.75000
90.000000	250.0	5/3	54.000000	19.15355	17.23820
270.000000	250.0	5/3	162.000000	26.84383	72.47834
810.000000	250.0	5/3	486.000000	34.53412	279.72637

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100. All values are rounded for display purposes only.

11. Leasing Maps/Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Leasing Maps/Official Protraction Diagrams which may be purchased from the Gulf of

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982) and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See paragraph 14, "Information to Lessees."

6. Bid Opening. Bids will be opened at the Bid Opening Time, stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on August 24, 1983, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this offering prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted and no lease for any block or bidding unit will be awarded to any bidder unless:

(a) the bidder has complied with all requirements of this notice and applicable regulations;
(b) the bid is the highest valid bid; and
(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $150 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this notice, the OCS Lands Act, as amended, or applicable regulations, may be returned to the person submitting that bid by the Regional Manager, and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental, and satisfy the bonding requirements of 30 CFR 256 Subpart I within the time provided in 30 CFR 256.47, as amended. A modification of payments procedures for successful bidders appears in the revision of the regulations discussed in paragraph 1. The changes do not apply to the submission of the one-fifth bonus with bids, described in paragraph 3.

11. Leasing Maps/Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Leasing Maps/Official Protraction Diagrams which may be purchased from the Gulf of Mexico OCS Regional Office at the address stated in paragraph 2 of this notice:

(a) Outer Continental Shelf Leasing Maps - South Texas Set. This set of maps sells for $5.00.

Map 1	South Padre Island Area
Map 1A	South Padre Island Area East Addition
Map 2	North Padre Island Area
Map 2A	North Padre Island Area East Addition
Map 3	Mustang Island Area
Map 3A	Mustang Island Area East Addition
Map 4	Matagorda Island Area

(b) Outer Continental Shelf Leasing Maps - East Texas Set. The following set of maps sells for $7.00.

Map 5	Brazos Area
Map 5B	Brazos Area South Addition
Map 6	Galveston Area
Map 6A	Galveston Area South Addition
Map 7	High Island Area
Map 7A	High Island Area East Addition
Map 7B	High Island Area South Addition
Map 7C	High Island Area East Addition South Extension
Map 8	Sabine Pass Area

(c) Outer Continental Shelf Official Protraction Diagrams. These diagrams sell for $2.00 each.

NG 14-3	Corpus Christi
NG 14-6	Port Isabel
NG 15-1	East Breaks
NG 15-2	Garden Banks
NG 15-4	Alaminos Canyon
NG 15-5	Keathley Canyon

12. Description of the Areas Offered for Bids.

(a) Acreages of the following types of blocks offered for bid appear on the documents indicated. Acreages of full blocks and partial blocks occurring at the meeting of map borders appear on Leasing Maps and Official Protraction Diagrams (see paragraph 11). Acreages of split blocks on the Federal/State boundary appear on the set of drawings entitled "Split Blocks - Western Gulf of Mexico," available from the Gulf of Mexico OCS Regional Office (see paragraph 14(a)). Where part of any of the above full, partial, or split blocks is under lease (as indicated in subparagraph (c) of this section), the acreage available for leasing at this offering is listed in the document entitled "Western Gulf of Mexico Lease Offering, August 1983, Open Acreages for Blocks with Aliquots Under Lease," available from the Gulf of Mexico OCS Regional Office.

(b) In several instances two or more blocks have been joined together into bidding units totaling less than 5760 acres. Any bid submitted for a bidding unit having more than one block must be for all of the unleased Federal acreage within all of the blocks in that bidding unit. The list of those bidding units and the total acreage of each one appear on the map entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems" available from the Gulf of Mexico OCS Regional Office.

(c) The areas offered for leasing include all those blocks shown on the OCS Leasing Maps and Official Protraction Diagrams listed in paragraph 11 (a), (b), and (c).

PROPOSED WESTERN GULF OF MEXICO LEASE OFFERING
AUGUST 1983
WESTERN GULF OF MEXICO LEASED LANDS

Descriptions of Blocks Listed Represent All Federal Acreage Leased Unless Otherwise Noted

S Padre Island	Mustang Island (continued)	Matagorda Island (continued)	Brazos (continued)	Galveston	Galveston (continued)
1041				103	
1049	800	568	437	104	322–(cont'd)
1051	815	569	438	144	SW¼SW¼NE¼;
1069	831	586	439	151	NW¼)
	844	587	449	180	323
S Padre Island,	866	588	450	181	350
East Addition	A-2	589	451	189 (SE¼)	352
	A-16	603	452	190 (W½)	353
1117	A-18	619	453	192	384
A-62	A-22	620	475	213	388
A-64	A-31	622	488	223	389
A-65		623	501	239	391
A-70	Mustang Island,	624	502	241	392
A-71	East Addition	632	504	255	393
A-72		634	517	257	420
A-73	734	636	530	282	421
	760	639	578	288–	424
N Padre Island	A-51	640	A-1	(S½NE¼NE¼,	426
	A-52	649	A-3	SE¼NW¼NE¼;	427
919	A-53	652	A-7	S½NE¼,	A-3
924	A-58	653	A-10	E½E½SW¼, SE¼)	A-35
946	A-60	654	A-16	289–	A-38
947	A-65	656	A-17	(SW¼NW¼NW¼,	A-84
956	A-66	657	A-19	W½SW¼NW¼,	A-113
957	A-83	664	A-20	SE¼SW¼NW¼,	
958	A-84	665	A-22	SW¼SE¼NW¼,	Galveston,
965	A-85	666	A-23	SW¼, W½SE¼)	South Addition
966	A-90	668	A-24	295	
967	A-107	669	A-28	(S½NE¼NE¼,	A-126
968	A-111	672	A-29	NW¼NE¼;	A-127
999	A-117	673	A-30	W½SW¼NE¼,	A-129
1021	A-118	680	A-33	NE¼SW¼NE¼,	A-131
1022	A 121	681	A-34	N½SE¼NE¼,	A-155
	A 124	682	A-39	W½ W½NW¼SE¼,	A-156
N Padre Island	A-129	685	A-40	S½SE¼)	A-157
East Addition	A 149	686	A-41	296–	A-158
	A-151	696		(NE¼;	A-187
A-10	A 152	697	Brazos,	NE¼NE¼NW¼,	A-190
A 12	A-153	700	South Addition	S½NE¼NW¼,	A-227
A-13	A 162	701		S½SW¼NW¼,	
A-42	A 174	703	A-47	SE¼NW¼,	High Island
A 51	A 175	704	A-48	N½S½,	
A-93		705	A-69	NE¼SW¼SW¼,	19
	Matagorda Island	709	A-70	N½SE¼SW¼,	22
Mustang Island		710	A-73	N½SW¼SE¼,	35
	487	711	A-74	SE¼SE¼)	49
738	518	712	A-76	301	52
739	526	713	A-77	302	53–
755	527	716	A-78	303	(NE¼, E½NE¼SE¼)
757	528	717	A-102	304	71
758	555	718	A-105	321	72
759	556		A-106	322–	94
762	557		A-131	(NE¼NE¼NE¼,	105
763	558	Brazos	A-132	W½NE¼NE¼,	107
765	565		A-133	NW¼NE¼,	108
791	566	412		N½SW¼NE¼,	109
799	567	436			

High Island (continued)	High Island South Addition (continued)	High Island South Addition (continued)	High Island, East Addition, South Extension (continued)	East Breaks (continued)
110	292	292	292	292

13. Lease Terms and Stipulations.

(a) Leases resulting from this offering will have initial terms as shown

High Island (continued)	High Island South Addition (continued)	High Island South Addition (continued)	High Island, East Addition, South Extension (continued)	East Breaks (continued)
110	A-445	A-578	A-336	292
111	A-446	A-579	A-337	293
135	A-447	A-582	A-339	
(N½, N½S½ SW¼SW¼,	A-448	A 595	A-340	Garden Banks
W½SE¼SW¼,	A-454	A 596	A-341	159
NE¼SE¼SW¼,	A-455		A-342	192
N½S½SE¼)	A-461	High Island, East Addition	A-343	193
136	A-462		A-344	236
(E½, E½NE¼SW¼,	A-466		A-345	237
S½SE¼SW¼)	A-467	38	A-346	
138 (N½)	A-468	39	A 349	Port Isabel
139	A-469	45	A-350	
140	A-471	75	A-351	(Open)
141 (E½)	A-472	76	A-355	
143	A-474	83	A-356	Alaminos Canyon
154	A-475	119	A-357	
155 (W½)	A-476	120	A-365	(Open)
160	A-480	128	A-368	
(NE¼, NE¼NW¼,	A-487	129	A-369	Keathley Canyon
E½SE¼NW¼,	A-489	A-170	A-370	
N½SE¼,	A-490	A-171	A-374	(Open)
N½SE¼SE¼)	A-492	A-244	A-376	
161 -	A-494		A-378	
(NW¼NE¼NW¼,	A-498	High Island, East Addition, South Extension	A-382	
S½NE¼NW¼,	A-499		A-384	
W½NW¼,	A-507		A-385	
SE¼NW¼,	A-508	A-262	A-389	
NE¼NE¼SW¼,	A-511	A-267	A-395	
W½NE¼SW¼,	A-514	A-269	A-397	
NW¼SW¼,	A-515	A-270		
NW¼SW¼SW¼)	A-517	A-273	Sabine Pass	
162	A-520	A-279		
163	A-522	A-280	17	
169	A-523	A 281	18	
170	A-531	A-282	40	
179	A-532	A-283		
193	A-536	A-284	Corpus Christi	
199	A-537	A-285		
200	A-542	A-286	569	
201	A-543	A-287	570	
206	A-545	A-289	612	
A-6	A-546	A-290	656	
A-24	A-547	A-295	700	
A-26	A-548	A 298	743	
A-33	A-549	A 302	744	
A-34	A-550	A-303		
	A-551	A-309	East Breaks	
High Island, South Addition	A-552	A 310		
	A-555	A 312	109	
	A-557	A-313	110	
A-414	A-561	A-315	158	
A-416	A-563	A-317	159	
A-417	A-564	A-318	160	
A-437	A-567	A-323	161	
A-438	A-568	A-325	244	
A-439	A-569	A-327	245	
A-440	A-570	A-330	247	
A-441	A-571	A-332	248	
A-442	A-572	A-334	288	
A-443	A-573	A-335	289	
A-444	A-574			

13. Lease Terms and Stipulations.

(a) Leases resulting from this offering will have initial terms as shown on the map entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems," and will be on Form MMS-2005 (August 1982) (formerly Form 3300-1). Copies of the map and forms are available from the Gulf of Mexico OCS Regional Office at the address stated in paragraph 2.

(b) For leases resulting for blocks offered on a cash bonus basis with a fixed net profit share, Form MMS-2005 will be amended as follows:

> Sec. 4 Rentals. The phrase "which commences prior to a discovery in paving quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."
> Sec. 5 Minimum Royalty. Hereby deleted.
> Sec. 6 Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of ___ percent with a ____ capital recovery factor, calculated pursuant to 30 CFR 261.

(c) For leases resulting from this offering for blocks offered on a cash bonus basis with a fixed sliding scale royalty, Form MMS-2005 will be amended as follows:

> Sec. 6 Royalty on Production. The lessee agrees to pay the lessor a royalty of that percent in amount or value of production from the leased area as determined by the sliding scale royalty formula as follows: When the quarterly value of production, adjusted for inflation, is less than or equal to $20.873434 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $20.873435 million, but less than or equal to $37,740.050000 million, the royalty percent due on the unadjusted value or amount of production is given by
>
> $Rj = b\ [Ln\ (Vj/S)]$
> where
> Rj = the percent royalty that is due and payable on the unadjusted amount or value of production in quarter j
> b = 7.0
> Ln = natural logarithm
> Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars
> S = 3.5

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When the adjusted quarterly value of production is equal to or greater than $37,740.060000 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.56224 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 49.625834 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(d) The applicability of stipulations 1 through 3 that will be included in leases resulting from this offering is as shown on the map entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems," available from the Gulf of Mexico OCS Regional Office. In all stipulations, the term RM refers to the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service. The following stipulations will be included in leases resulting from this offering:

Stipulation No. 1

If the RM has reason to believe that a site, structure, or object of historical or archeological significance, hereinafter referred to as "cultural resource," may exist in the leased area and gives the lessee written notice that the lessor is enforcing the provisions of this stipulation, the lessee shall, upon receipt of such notice, comply with the following requirements:

(1) Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling, and pipeline and platform placement, hereinafter in this stipulation referred to as "operations," the lessee shall conduct remote sensing surveys and/or prepare a report, as specified by the RM, to determine the potential existence of any cultural resource that may be affected by such operation. All data produced, as well as other pertinent natural and cultural environmental data, shall be examined by an archeologist and geophysicist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of such surveys and assessments prepared by an archeologist and geophysicist shall be submitted by the lessee to the RM.

(2) If such cultural resource indicators are present, the lessee shall: (a) locate the site of the lease operation so as not to adversely affect the identified location; or (b) establish to the satisfaction of the RM, on the basis of further archeological investigations conducted by an archeologist and geophysicist using such survey equipment and techniques as deemed necessary by the RM, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

(3) A report of the latter investigation prepared by the archeologist and geophysicist shall be submitted to the RM for review. Should the RM determine that the existence of a cultural resource which may be adversely affected by such operations is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the RM has given directions as to its protection.

In addition, the lessee agrees that if any cultural resource should be discovered during the conduct of any operations on the lease area, he shall report immediately such findings to the RM and make every reasonable effort to protect the cultural resource until the RM gives directions as to its protection.

Stipulation No. 2

In the Western Gulf of Mexico, this stipulation will be included in leases located in the areas so indicated on the map entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems." The high relief banks with their appropriate "no activity" isobath are as follows:

Bank Name	Isobath (meters)
Mysterious Bank[1]	74, 76, 78, 80, 84
Blackfish Ridge[1]	70
Dream Bank[2]	78, 82
Southern Bank[2]	80
Hospital Bank[2]	70
North Hospital Bank[2]	68
Aransas Bank[2]	70
South Baker Bank[2]	70
Baker Bank[2]	70
Big Dunn Bar[1]	65
Small Dunn Bar[1]	65
32 Fathom Bank[1]	52
Stetson Bank	62
Claypile Bank[1]	50
Applebaum Bank	85
Coffee Lump[1]	Various - see map
West Flower Garden Bank[3]	100 (defined by ¼¼¼ system)
East Flower Garden Bank[3]	100 (defined by ¼¼¼ system) (85 m on west side of Block

[1] Low Relief Banks - only subparagraph (a) of the stipulation applies.

[2] Other South Texas Banks - subparagraph (c) of the stipulation shall not apply for exploration operations; for production and development operations, subparagraph (c) of shall not apply, but subparagraph (b) shall apply in both the "1 Mile Zone" and the "3 Mile Zone."

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development

West Flower Garden Bank[3]	100 (defined by ¼¼¼ system)
East Flower Garden Bank[3]	100 (defined by ¼¼¼ system) (85 m on west side of Block A-375)[4]
MacNeil Bank	82
29 Fathom Bank	64
28 Fathom Bank	85
Geyer Bank	85
Elvers Bank[5]	85
Bright Bank[5]	85
18 Fathom Lump[5]	85
Rezak Bank[5]	85
Sidner Bank[5]	85
Parker Bank[5]	85

[3] Flower Garden Banks - has a "4 Mile Zone" vice "3 Mile Zone"; in the "1 Mile Zone", subparagraph (c)(2) of the stipulation shall apply in addition to subparagraph (b); in the "4 Mile Zone," only subparagraph (b) shall apply.

[4] The 85 m isobath will be the boundary of the "No Activity Zone" on the west side of High Island, East Addition, South Extension, Block A-375. Leases granted for this block will have an additional subparagraph (d) added to the Biological Stipulation indicated.

[5] Central Gulf of Mexico banks with "1 Mile Zone" and/or "3 Mile Zone" in Western Gulf of Mexico.

(a) No structures, drilling rigs, or pipelines will be allowed within the listed isobath of the Banks listed above.

(b) Operations within the area shown as "1 Mile Zone" shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

(c) Operations within the area shown as "3 Mile Zone" shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the Regional Manager (RM) on a schedule established by the RM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the RM shall require shunting as specified in (1) above or other appropriate operational restrictions.

(d) (For High Island, East Addition, South Extension, Block A-375, in addition to subparagraphs (a), (b), and (c)). Prior to undertaking any onsite post-lease activities, including the placing of structures, drilling rigs, or pipelines, the lessee shall consult with the RM to ensure that the proposed activity would, to the extent possible, avoid direct contact with any identified coral and algal sponge communities in the vicinity.

Stipulation No. 3

The following stipulation is required of the lessee for operations within each warning area:

Warning Areas Command Headquarters
Western Planning Area

Warning Areas	Command Headquarters
W-228	Naval Air Training Command Naval Air Station Corpus Christi, Texas
W-602	Director of Training Deputy Chief of Staff, Operations Headquarters Strategic Air Command Offutt AFB, Nebraska

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(a) Hold Harmless

Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the United States government, its contractors or subcontractors, or any of their officers, agents, or employees, being conducted as a part of, or in connection with the programs and activities of the command headquarters listed in the table above.

Notwithstanding any limitation of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of its officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) Electromagnetic Emissions

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors, or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the command headquarters listed in the above table to the degree necessary to prevent damage to, or unacceptable interference with, DOD flight, testing, or operational activities, conducted within individual designated warning areas. Necessary monitoring control and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emission shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

(c) Operational

The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic into the individual designated warning areas, shall enter into an agreement with the commander of the individual command headquarters listed in the above table, prior to commencing such traffic. Such an agreement will provide for positive control of boats and aircraft operating into the warning areas at all times.

Stipulation No. 4.

(To be included only in the leases resulting from this offering with the sliding scale royalty bidding system, as indicated on the map entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems.")

(a) The royalty rate on production from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, Minerals Management Service, may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been underway for 1 year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production from the lease area may be taken as royalty in amount, except as provided in section 15(d) of this lease; the royalty on any portion of the production from the lease in excess of 16-2/3 percent may only be taken in value of the production from the lease.

Stipulation No. 5.

(To be included only in the leases resulting from this offering under the net profit share bidding system, as indicated on the map entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms and Bidding Systems.")

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production from the lease area may be taken as a net profit share payment in amount, except as provided in section 15(d) of this lease; additional net profit share payments shall be calculated to include the value of such production in excess of 16-2/3 percent.

14. Information to Lessees.

(a) There is available from the Gulf of Mexico OCS Regional Office a

(g) Bidders are cautioned as to the existence of two inactive ordnance disposal areas in the Corpus Christi and East Breaks area, shown on the map entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems." These areas were used to dispose of

14. Information to Lessees.

(a) There is available from the Gulf of Mexico OCS Regional Office a set of drawings entitled "Split Blocks - Western Gulf of Mexico," depicting the State-Federal boundary, including the acreage on the Federal side of the line. For complete information on any of the subjects mentioned in this notice, including copies of the various documents identified as available from the Gulf of Mexico OCS Regional Office, prospective bidders should contact the Regional Supervisor for Leasing and Environment at the address stated in paragraph 2, either in writing or by phone (504) 837-4720 extension 336.

(b) Operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et. seq.), as amended. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.

(c) Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) Bidders are advised that in accordance with section 16 of each lease offered, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate, a royalty rate based on a sliding scale, or a net profit share payment.

(e) For those blocks identified as having lease terms with an initial period of more than 5 years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to MMS either an exploration plan, where required, or a general statement of exploration intention prior to the end of the ninth lease year.

(f) Revisions of Department of Labor regulations on affirmative action requirements for government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this offering, section 18 of the lease form, Form MMS-2005 (August 1982), would be deleted from leases resulting from this offering. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(g) Bidders are cautioned as to the existence of two inactive ordnance disposal areas in the Corpus Christi and East Breaks area, shown on the map entitled "Western Gulf of Mexico Lease Offering, August 1983, Stipulations, Lease Terms, and Bidding Systems." These areas were used to dispose of ordnance of unknown composition and quantity. The westernmost area has not been used for over 15 years. Water depths in this area range from 185 to 675 meters. The easternmost area was last used for ordnance disposal in 1970. Water depths in this area range from 750 to 1,525 meters. Bottom sediments in both areas are generally soft, consisting of silty clays. Exploration and development activities in these areas require precautions commensurate with the potential hazards. Lessees are advised of an EPA dumping site located in portions of Alaminos Canyon, East Breaks, Garden Banks, and Keathley Canyon.

15. OCS Orders.

Operations on all leases resulting from this offering will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

16. OCS Bid Adequacy Procedures.

The following system of OCS bid adequacy procedures will be used for this offering. The system is composed of two phases. Phase 1 includes market-oriented evaluation criteria for accepting some bids on blocks or bidding units and determining what other bids will receive further evaluation in Phase 2 according to the traditional bid adequacy procedures. Phase 2 utilizes an independent Government evaluation and the traditional bid adequacy rules based upon the Mean Range of Values (MROV), Discounted Mean Range of Values (DMROV), and Geometric Average Evaluation of the Tract (GAEOT) (a tract being a block or bidding unit).

Phase 1

Phase 1 is composed of criteria designed to partition blocks or bidding units receiving bids into three general categories:

- Those receiving bids which MMS has identified as being non-prospective blocks;
- Those where opportunities for strategic underbidding, information asymmetry, collusion, and other noncompetitive practices might most likely occur and where the Government has the most detailed and reliable data; and
- Those where the competitive market forces can be relied upon to assure fair market value.

Since the inception of the OCS leasing program, the Department has continually sought to improve upon techniques which determine bid adequacy. Much of the best information regarding the fair market value of a block or bidding unit is that which is available through observing the market for leases. The above procedures are designed to make better use of that information.

It has been determined that the following four Phase 1 criteria will be applied:

1. High bids on all blocks or bidding units classified by MMS as being either development or drainage will be referred directly for further evaluation using the traditional criteria.

2. All legal high bids for blocks or bidding units judged by MMS to be not located on a viable prospect will be accepted.

3. After screening for anomalously low bids through application of the "one-eighth rule," [1] legal high bids will be accepted for prospective wildcat and proven blocks or bidding units receiving three or more bids and more than the average number of bids for prospective blocks or bidding units bid upon in the offering, i.e., whichever is more.

4. After adjusting for anomalously low bids through application of the "one-eighth rule," all legal high bids will be accepted for prospective wildcat and proven blocks or bidding units where the geometric average bonus bid for the block or bidding unit is in the upper 50th percentile for prospective wildcat and proven blocks or bidding units receiving bids.

Phase 1 will be conducted block-by-block or bidding unit-by-bidding unit, and it is expected that Phase 1 should be completed within 3 days of the Bid Opening.

Phase 2

All prospective wildcat and proven blocks or bidding units which are not accepted as a result of the application of the Phase 1 criteria and all drainage and development blocks or bidding units will receive further evaluation via the traditional bid adequacy procedures currently in effect, i.e., high bids will be compared to the MROV, DMROV, and GAFOI. While it is expected that most analyses would be undertaken based upon data available at the time of the offering, additional geological and geophysical analyses, including additional mapping, can be undertaken post-offering at the discretion of the Regional Manager.

The bid adequacy recommendations developed in Phase 2 should be completed within 3 weeks of the offering.

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[1] Anomalously low bids will not be included in the bid number; e.g., if the lowest bid on a block or bidding unit is less than 1/8 of the next lowest bid, the lowest bid will not be included in the number of bids. This rule can exclude no more than one bid for a given block or bidding unit.

[FR Doc. 83-8886 Filed 4-5-83; 8:45 am]
BILLING CODE 4310-MR-C

federal register

Wednesday
April 6, 1983

Part IV

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 863]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 1, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such materials is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 feet rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet of deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
ISSUED APRIL 1, 1983
VOLUME 863

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** NEW MEXICO DEPARTMENT OF ENERGY & MINERALS **********									
-ALPHA TWENTY-ONE PRODUCTION CO				RECEIVED:	03/04/83	JA: NM			
8326441		3002527745		103		RAE #1	MOORE PERMO PENN	200.0	WARREN PETROLEUM
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/04/83	JA: NM			
8326438		3002527851		103		MCDONALD WN STATE #29	JALMAT YATES-SEVEN RI	19.2	EL PASO NATURAL G
8326440		3002527859		103		STATE 731 #5	JALMAT YATES 7 RIVERS	2.1	PHILLIPS PETROLEU
-DWIGHT A TIPTON				RECEIVED:	03/04/83	JA: NM			
8326445		3002526854		103		LEAVELLE #1	NORTH SHOE BAR WOLFCA	33.6	TIPPERARY CORP
-LATCH OPERATIONS				RECEIVED:	03/04/83	JA: NM			
8326447		3001500000		103		SPURCK #8 B8318	RED LAKE Q-G-SA	25.6	PHILLIPS PETROLEU
-RALPH NIX				RECEIVED:	03/04/83	JA: NM			
8326446		3001523890		103		DEBBIE #1		59.0	NATURAL GAS PIPEL
-UNICOM PRODUCING CO				RECEIVED:	03/04/83	JA: NM			
8326443		3004525433		103		PIERCE "A" #3	ARMENTA GALLUP	19.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	03/04/83	JA: NM			
8326439		3001523941		103		CONNOR "RR" COM #1	WEST ATOKA MORROW	0.0	TRANSWESTERN PIPE
8326444		3001524167		103		DOG CANYON DRAW "UP" ST #1	UND CROW FLATS MORROW	0.0	
8326442		3002527993		103		DOVE "VK" ST #1	LAXY J PENN	0.0	TRANSWESTERN PIPE
********** NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION **********									
-BENNETT PETROLEUM CORP				RECEIVED:	03/04/83	JA: NY			
8326453	2912	3112115955		102-2		BLANCHE M BRICK #1 31-121-15955	UNNAMED	94.9	COLUMBIA GAS TRAN
8326501	2915	3112115948		102-2		LESLIE WRIGHT #1 31-121-15948	UNNAMED	36.5	COLUMBIA GAS TRAN
8326499	2914	3105115833		102-2		MARG C CURRY 31-051-15833	UNNAMED	0.0	COLUMBIA GAS TRAN
8326508	2911	3105115961		102-2		MILO PATRICK #3-31-051-15961	UNNAMED	0.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED:	03/04/83	JA: NY			
8326505	3530	3101317288		102-2		C PIAZZA #1	WILDCAT	25.0	COLUMBIA GAS TRAN
8326506	3522	3101316879		102-2		ENGSTROM #1	STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
8326509	3163	3101316819		102-2		F LIPARI #1	WILDCAT	[illegible].0	COLUMBIA GAS TRAN
8326507	3520	3101317058		102-?		J BYLER UNIT #1	STEBBINS CORNERS	11.0	COLUMBIA GAS TRAN
8326495	3162	3101316909		102-2		L FORBES UNIT #3	GERRY	0.[illegible]	COLUMBIA GAS TRAN
8326502	3685	3101317011		102-2		R S MILLER #6	WILDCAT	12.[illegible]	COLUMBIA GAS TRAN
-BOUNTY OIL & GAS INC				RECEIVED:	03/04/83	JA: NY			
8326503	3663	3101317024		102-2		PFLEEGER #1	BUSTI	0.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED:	03/04/83	JA: NY			
8326519	3826	3101317064		102-2		A BUTTON UNIT #1 KV-16	CARROLL	30.0	COLUMBIA GAS TRAN
8326525	3763	3101316210		102-2		D FRITTON #1 KV-35	CARROLL	30.[illegible]	COLUMBIA GAS TRAN
8326526	3699	3101316033		102-2		D LUNDMARK #1-A KA-93	CARROLL	30.[illegible]	COLUMBIA GAS TRAN
8326521	3700	3101317645		102-2		D SISSON UNIT #1 KV-34	CARROLL	30.[illegible]	COLUMBIA GAS TRAN
8326517	3829	3101317663		102-2		E DERRY #1 KV-18	CARROLL	30.0	COLUMBIA GAS TRAN
8326494	3578	3101316398		102-2		E FEATHERSTONE #1 KA-98	CARROLL	30.0	COLUMBIA GAS TRAN
8326520	3827	3101316252		102-2		ECKSTROM UNIT #1 KA-95	CARROLL	30.[illegible]	COLUMBIA GAS TRAN
8326504	3577	3101315944		102-2		G JOHNSON UNIT #1 KA-89	CARROLL	30.0	COLUMBIA GAS TRAN
8326522	3762	3101316230		102-2		H TODD ADAMS #1 KV-28	CARROLL	30.[illegible]	COLUMBIA GAS TRAN
8326523	3628	3101317063		102-2		M ANDERSON #1 KV-15	CARROLL	30.[illegible]	COLUMBIA GAS TRAN
8326518	3828	3101315981		102-2		M PERCY #1 KV-36	CARROLL	30.[illegible]	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8326524	3698	3101315966		102-2		R JOHNSON #1 KA-91	CARROLL	30.0	COLUMBIA GAS TRAN
8326496	3533	3101315977		102-2		V NELSON #1 KA-90	CARROLL	30.0	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED:	03/04/83	JA: NY			
8326479	3574	3101317123		107-TF		A BLISS #1	CLYMER	18.0	COLUMBIA GAS TRAN
8326473	3722	3101317124		107-TF		A BLISS #2	CLYMER	18.0	TENNESSEE GAS PIP
8326480	3836	3101317256		107-TF		C VOLK #1	CLYMER	18.0	TENNESSEE GAS PIP
8326457	3985	3101317621		107-TF		C VOLLENTINE #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8326455	3890	3101316622		107-TF		D AND C #1	WILDCAT	18.0	NATIONAL FUELS GA
8326462	3889	3101316623		107-TF		D AND C #2	GERRY	18.0	NATIONAL FUEL GAS
8326471	3709	3100917184		107-TF		D BEAVER #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8326469	3708	3100917186		107-TF		D BEAVER #3	WILDCAT	18.0	COLUMBIA GAS TRAN
8326448	3707	3100917201		107-TF		D BEAVER #4	WILDCAT	18.0	COLUMBIA GAS TRAN
8326483	3834	3101317667		107-TF		D WHITE #1-A	CLYMER	18.0	TENNESSEE GAS PIP
8326467	3703	3100917160		107-TF		G BROWN #2	WILDCAT	18.0	COLUMBIA GAS TRAN
8326452	3987	3100917161		107-TF		G BROWN #3	WILDCAT	18.0	COLUMBIA GAS TRAN
8326488	3987	3100917161		107-TF		G BROWN #3	WILDCAT	18.0	COLUMBIA GAS TRAN
8326451	3701	3100917215		107-TF		G BROWN #4	WILDCAT	18.0	COLUMBIA GAS TRAN
8326477	3573	3101317132		107-TF		G MCCRAY #1	CLYMER	18.0	COLUMBIA GAS TRAN
8326466	3720	3100917279		107-TF		G STERLING #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8326478	3571	3100917250		107-TF		H SHETLER #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8326468	3705	3100917213		107-TF		H WALTERS #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8326450	3706	3101317285		107-TF		J AIKEN #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8326476	3572	3100917072		107-TF		J CHAPMAN #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8326464	3719	3101317203		107-TF		J COOPER #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8326460	3991	3101317217		107-TF		J COOPER #2	WILDCAT	18.0	COLUMBIA GAS TRAN
8326459	3988	3101317664		107-TF		J COOPER #3	WILDCAT	18.0	COLUMBIA GAS TRAN
8326458	3983	3101317218		107-TF		J COOPER #4	WILDCAT	18.0	COLUMBIA GAS TRAN
8326472	3723	3101317127		107-TF		K CROSSCUTT #1	CLYMER	18.0	TENNESSEE GAS PIP
8326510	3989	3101317631		107-TF		L BOE #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8326456	3986	3101317630		107-TF		L BOE #2	WILDCAT	18.0	COLUMBIA GAS TRAN
8326461	2343	3101315777		102-2		NYS REFORESTATION AREA 3/ #3	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8326474	3721	3101317607		107-TF		P GABRIEL #1	CLYMER	18.0	TENNESSEE GAS PIP
8326454	3984	3101317684		107-TF		P HESLINK #1-A	CLYMER	18.0	COLUMBIA GAS TRAN
8326470	3724	3101317133		107-TF		R FLETCHER #1	CLYMER	18.0	TENNESSEE GAS PIP
8326465	3725	3101317600		107-TF		R FLETCHER #2	CLYMER	18.0	TENNESSEE GAS PIP
8326481	3837	3101317131		107-TF		R PREGLER #1	CLYMER	18.0	TENNESSEE GAS PIP
8326449	3704	3101317202		107-TF		R SHIELDS #2	WILDCAT	18.0	COLUMBIA GAS TRAN
8326511	3990	3101317219		107-TF		R SHIELDS #3	WILDCAT	18.0	COLUMBIA GAS TRAN
8326463	3835	3101317122		107-TF		R WHITE #2	CLYMER	18.0	TENNESSEE GAS PIP
8326482	3838	3101317130		107-TF		R WHITE #4	CLYMER	18.0	TENNESSEE GAS PIP
8326475	3570	3100917255		107-TF		W WHITE #1	WILDCAT	18.0	COLUMBIA GAS TRAN
-HUGOTON PETROLEUM INC				RECEIVED:	03/04/83	JA: NY			
8326487	3914	3101316951		102-2		COUNTY PARCEL 14 WELL #1	STEBBINS CORNERS	15.0	COLUMBIA GAS TRAN
-NRM PETROLEUM CORPORATION				RECEIVED:	03/04/83	JA: NY			
8326513	3866	3100916786		102-2		ANDREWS #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8326484	3870	3100916874		102-2		ARCHER "A" #2	RANDOLPH	[illegible].0	COLUMBIA GAS TRAN
8326490	3860	3100916941		102-2		BROWN A1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8326515	3863	3100916990		102-2		ECCLES #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8326491	3859	3100916722		102-2		FOY #1	RANDOLPH	[illegible].0	COLUMBIA GAS TRAN
8326486	3868	3100916723		102-2		MEADE #1	RANDOLPH	[illegible].0	COLUMBIA GAS TRAN
8326527	3856	3100916725		102-2		ORMOND #1	RANDOLPH	[illegible].0	COLUMBIA GAS TRAN
8326492	3858	3100916336		102-2		SANDBERG #1	RANDOLPH	.0.0	COLUMBIA GAS TRAN
8326516	3864	3100916764		102-2		SENN #1	RANDOLPH	[illegible].0	COLUMBIA GAS TRAN
8326489	3861	3100916810		102-2		SENN #2	RANDOLPH	[illegible].0	COLUMBIA GAS TRAN
8326514	3865	3100916842		102-2		SMITH "B" #2	RANDOLPH	[illegible].0	COLUMBIA GAS TRAN
8326497	3241	3100916247		102-2		SMITH-WAITE UNIT "A" #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8326485	3869	3100916390		102-2		STONE #1	RANDOLPH	[illegible].0	COLUMBIA GAS TRAN
8326493	3857	3100916785		102-2		VAN CUREN #1	RANDOLPH	[illegible].0	COLUMBIA GAS TRAN
8326512	3867	3100916987		102-2		WAGNER #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
-SEIS-EX GEOPHYSICAL LTD				RECEIVED:	03/04/83	JA: NY			
8326498	3165	3101317126		102-2		SEIS-EX LANGLESS #1	WILDCAT	30.0	COLUMBIA GAS TRAN
-TRAHAN PETROLEUM INC				RECEIVED:	03/04/83	JA: NY			
8326508	3510	3100917197		102-2		COWEN #4 31-009-17197	WILDCAT	36.0	COLUMBIA GAS TRAN
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-ARAPAHO PETROLEUM INCORPORATED				RECEIVED:	03/03/83	JA: OK			
8326540	20314	3507323081		103		PEDIGO 1-9	SOONER TREND	7.3	PHILLIPS PETROLEU
-BOGERT OIL CO				RECEIVED:	03/03/83	JA: OK			
8326530	20361	3500321008		103		GEORGE #1-25	SOONER TREND	90.0	PIONEER GAS PRODU
-BRACKEN EXPLORATION CO				RECEIVED:	03/03/83	JA: OK			
8326553	19136	3503920550		102-4		LOYD SMITH #1-6	WEST STAFFORD	292.0	
-CANAMCO RESOURCES CORP				RECEIVED:	03/03/83	JA: OK			
8326542	20324	3507322711		103		HAWKINS #1-24	NORTH LOYAL	0.0	CITIES SERVICE GA
-CHEROKEE RESOURCE MANAGEMENT				RECEIVED:	03/03/83	JA: OK			
8326564	20318	3508121769		103		ETHRIDGE #2-22	SOUTH STROUD PRUE	20.0	SWAB CORP
-COTTON PETROLEUM CORPORATION				RECEIVED:	03/03/83	JA: OK			
8326573	19097	3512120851		102-2		HODGENS #1	WILDCAT	0.0	ARKANSAS LOUISIAN
-DYCO PETROLEUM CORPORATION				RECEIVED:	03/03/83	JA: OK		70.0	
8326552	20357	3512120924		103		ENGLEMAN 1-36			
8326560	20241	3505920613		108		PRESTON #1	MOCANE - LAVERNE	6.0	MICHIGAN WISCONSI
-FIELDS PETROLEUM				RECEIVED:	03/03/83	JA: OK		91.3	PHILLIPS PETROLEU
8326544	20351	3511123642		103		FRANKLIN #2			
-FLINT & ASSOCIATES				RECEIVED:	03/03/83	JA: OK			
8326568	20328	3510721376		103		BERRY #1	WEST ALABAMA	275.0	PUBLIC SERVICE CO
8326565	20325	3510721430		103		BUD STEWART #1	WEST ALABAMA	95.0	PUBLIC SERVICE CO
8326569	20329	3510721011		103		DITTSWORTH #1	WEST ALABAMA	275.0	PUBLIC SERVICE CO
8326567	20327	3510721234		103		FLORENE #1	WEST ALABAMA	275.0	PUBLIC SERVICE CO
8326570	20330	3510721378		103		GOOBER #1	WEST ALABAMA	95.0	PUBLIC SERVICE CO
8326566	20326	3506321563		103		KILLMER #1	WEST ALABAMA	95.0	PUBLIC SERVICE CO
8326571	20331	3510721347		103		SANDY #1	WEST ALABAMA	95.0	PUBLIC SERVICE CO
-FOSSIL OIL & GAS INC				RECEIVED:	03/03/83	JA: OK			
8326562	20301	3515321299		103		HENSLEY 1-9		45.6	WESTERN FARMERS E
-GEORGE E PATTERSON				RECEIVED:	03/03/83	JA: OK			
8326538	20307	3512322073		103		BALLARD #1	HOMER	48.0	BOETTCHER OIL & G
-GLASGOW EXPLORATION INC				RECEIVED:	03/03/83	JA: OK			
8326563	20303	3502720647		103		TERRY #1	MOORE	30.0	SUN GAS CO
-GULF OIL CORPORATION				RECEIVED:	03/03/83	JA: OK			
8326539	20312	3501121729		103		RICHARDSON #2-6	HITCHCOCK	72.0	
-H G & G INC				RECEIVED:	03/03/83	JA: OK			
8326543	20348	3507323337		103		ALICE BKER #1		0.0	PHILLIPS PETROLEU
-INCLINE PRODUCTION CO				RECEIVED:	03/03/83	JA: OK			
8326531	20364	3503724404		103		RALPH GREER #1-A	MOUNDS	1000.0	PHILLIPS PETROLEU
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	03/03/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8326547	20356	3509330083		108		DOANE #1-28	CHANEY DELL	6.0	UNION TEXAS PETRO
-KARDIA OIL & GAS CO				RECEIVED:	03/03/83	JA: OK			
8326572	20334	3509120509		103		COLE #1 API A09120509	TIGER MOUNTAIN	55.0	CARR GAS CO
-MULTISTATE OIL PROPERTIES NV				RECEIVED:	03/03/83	JA: OK			
8326556	19158	3501922434		103		S GRAHAM DEESE SAND UNIT 4-19	SHO-VEL-TUM	8.0	MOBIL OIL CORP
8326557	19197	3501922446		103		S GRAHAM DEESE SAND UNIT 64-3A	SHO-VEL-TUM	9.0	MOBIL OIL CORP
8326559	20112	3501922555		103		SOUTH GRAHAM DEESE SAND UNIT #65-4A	SHO-VEL-TUM	5.0	MOBIL OIL CORP
8326558	19594	3501922553		103		SOUTH GRAHAM DEESE SAND UNIT 19-1A	SHO-VEL-TUM	[illegible].0	MOBIL OIL CORP
8326534	21047	3501922554		103		SOUTH GRAHAM DEESE SAND UNIT 64-2A	SHO-VEL-TUM	3.0	MOBIL OIL CORP
-PANEX				RECEIVED:	03/03/83	JA: OK			
8326528	22964	3514721495		102-2		PANEX LITTLE #2	WILDCAT	36.0	DIAMOND S GAS SYS
8326536	22963	3514721494		102-2		PANEX LITTLE #3	WILDCAT	36.0	DIAMOND 'S' GAS S
-PAUL WALKER				RECEIVED:	03/03/83	JA: OK			
8326549	17850	3503320342		102-2		SCHOOL LAND #1	N WALTERS	17.0	NATURAL GAS OPERA
-PORTS OF CALL OIL CO				RECEIVED:	03/03/83	JA: OK			
8326548	17792	3510920565		102-2		WALSH #7-1	S E YUKON	365.0	MOBIL OIL CORP
-QUINCY O STEVENS				RECEIVED:	03/03/83	JA: OK			
8326561	20269	3508320706		108		MANNING 1-A 083 53369 OTC	CRESCENT-LOVELL	6.0	EASON OIL CO
-SAMSON RESOURCES COMPANY				RECEIVED:	03/03/83	JA: OK			
8326551	19871	3506120217		108		ALLIANCE TRUST #1	KINTA	12.4	ARKANSAS LOUISIAN
-SOUTHEAST EXPLORATION				RECEIVED:	03/03/83	JA: OK		54.8	EASON OIL CO
8326550	17928	3508321957		102-2	103	SWEENEY #1			
-SOUTHLAND ROYALTY CO				RECEIVED:	03/03/83	JA: OK			
8326532	20409	3513921310		108		YODER #1-1	CHESTER	0.0	INTERNORTH INC
-TENNECO OIL COMPANY				RECEIVED:	03/03/83	JA: OK			
8326554	23010	3501922670		103		SOUTH GRAHAM DEESE SAND UNIT #21A-3	SHO-VEL-TUM	1.0	MOBIL OIL CORP
8326555	23012	3501922671		103		SOUTH GRAHAM DEESE SAND UNIT #44-3A	SHO-VEL-TUM	1.0	MOBIL OIL CORP
8326535	22795	3501922665		103		SOUTH GRAHAM DEESE SAND UNIT #65-2A	SHO-VEL-TUM	1.0	MOBIL OIL CORP
8326533	20853	3501922436		103		SOUTH GRAHAM DEESE SAND UNIT 23-1A	SHO-VEL-TUM	6.0	MOBIL OIL CORP
-TEXACO INC				RECEIVED:	03/03/83	JA: OK			
8326546	20355	3513900000		108		B SHRAUNER "B" #2	CARTHAGE N E	0.0	COLORADO INTERSTA
-THE WIL-MC OIL CORP				RECEIVED:	03/03/83	JA: OK			
8326529	20358	3510321644		103		JOHNSON #1	NOT APPLICABLE	167.4	TRANSOK PIPE LINE
-TREPEL PETROL EXPLOR & DEV CORP				RECEIVED:	03/03/83	JA: OK			
8326541	20321	3507323514		103		WILSON #1	SOONER TREND	131.0	PHILLIPS PETROLEU
-VULCAN ENERGY CORP				RECEIVED:	03/03/83	JA: OK			
8326545	20353	3504300000		103		FEGEL #1	PUTNAM	1476.7	PHILLIPS PETROLEU
-101 ENERGY CORP				RECEIVED:	03/03/83	JA: OK			
8326537	20282	3504722756		103		FUKSA-STUTZ 25-2	SOONER TREND	0.0	WELLHEAD ENTERPRI
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ANGERMAN ASSOCIATES INC				RECEIVED:	03/03/83	JA: PA			
8326482	19157	3712900000		103		LEROY A ALLEMEIER #1 - WES-22074	W PA - UPPER DEVONIAN	35.0	PEOPLES NATURAL G
-ANGERMAN GAS VENTURE #6				RECEIVED:	03/03/83	JA: PA			
8326404	19163	3706323252		108		WILLIAM G LAZOR #2 - IND-23255	W PENNA - UPPER DEVON	13.2	INDUSTRIAL ENERGY
8326405	19164	3706322808		108		WM G LAZOR #1 -IND-22808	W PENNA - UPPER DEVON	13.2	INDUSTRIAL ENERGY
-ANGERMAN GAS VENTURE 7				RECEIVED:	03/03/83	JA: PA			
8326403	19162	3712920854		108		ROBERT L SMELTZ #1 - WES-20854	W PENNA - UPPER DEVON	18.2	INDUSTRIAL ENERGY
-ATLAS RESOURCES INC				RECEIVED:	03/03/83	JA: PA			
8326388	18877	3706327099		102-4		OVERMAN #1	CHERRYHILL	711.0	COLUMBIA GAS TRAN
8326412	19177	3703321470		102-2		SWANK REFRACTORIES #1	IRVONA BOROUGH	0.0	
-B & J EXPLORATION LTD				RECEIVED:	03/03/83	JA: PA			
8326381	18888	3706522667		103		RAYMOR 2-2	HEATHVILLE GAS FIELD	48.0	NATIONAL FUEL GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	03/03/83	JA: PA			
8326408	19168	3712330338		107-TF		FLICK #1	WILDCAT	14.0	COLUMBIA GAS TRAN
8326407	19167	3712330338		102-3		FLICK #1	WILDCAT	14.0	COLUMBIA GAS TRAN
8326400	19148	3712330342		102-3		J L & J JOHNSON #1	WILDCAT	12.0	COLUMBIA GAS TRAN
8326401	19161	3712330342		107-TF		J L & J JOHNSON #1	WILDCAT	12.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:	03/03/83	JA: PA			
8326384	19003	3712132913		102-2		JERRY GALVIN #1	CANAL	50.0	TENNESSEE GAS PIP
8326383	19002	3712132913		107-TF		JERRY GALVIN #1	CANAL	50.0	TENNESSEE GAS PIP
-CARDINAL OIL CO				RECEIVED:	03/03/83	JA: PA			
8326379	18875	3703921862		107-TF		GERALD FULLER #3 82-29 CRA-21862	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CASTLE GAS CO INC				RECEIVED:	03/03/83	JA: PA			
8326387	19022	3706324379		108		D F MCHENRY #4 (C-436) IND-24379	RAYNE TOWNSHIP	5.1	COLUMBIA GAS TRAN
8326418	19239	3706326483		103		M H PEIFFER #1 PNG-5541 IND-26483	EAST MAHONING TOWNSHI	50.0	PEOPLES NATURAL G
8326369	16885	3706326608		103		N F MCINTRYE #2 (C-749) IND 26608	CENTER TOWNSHIP	0.0	PEOPLES NATURAL G
8326385	19020	3706324659		108		R & P COAL CO J DIXON #1 (C-565)	CENTER TOWNSHIP	3.6	COLUMBIA GAS TRAN
8326386	19021	3706324913		108		R & P COAL CO J DIXON #2 (C-584)	CENTER TOWNSHIP	3.6	COLUMBIA GAS TRAN
8326388	19023	3706324613		108		R & P COAL CO SWEASY #1 (C-543)	CENTER TOWNSHIP	3.6	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	03/03/83	JA: PA			
8326377	18622	3706327088		102-4		ROBERT J SMITH #2 WN-1904	GREEN	30.0	GENERAL SYSTEM PU
-CUMBERLAND OIL CORP				RECEIVED:	03/03/83	JA: PA			
8326358	11867	3712338158		107-TF		LEFFLER #1	SUGAR GROVE	20.0	NATIONAL FUEL GAS
-DELTA DRILLING CO				RECEIVED:	03/03/83	JA: PA			
8326378	18656	3706300000		102-4		HESS-ST CLAIR-GIMA #1 IND 27170	CHERRYHILL	0.0	COLUMBIA GAS TRAN
-DOC-NCC SERVICE CO				RECEIVED:	03/03/83	JA: PA			
8326361	15743	3712921764		108		D A & R E PORTER 890-2	EAST HUNTINGDON	13.3	TEXAS EASTERN TRA
8326364	15746	3712921861		108		E A KOCH 793-2	EAST HUNTINGDON	[illegible].2	TEXAS EASTERN TRA
8326362	15744	3712921765		108		E C BAKER 846-2	EAST HUNTINGDON	2.5	TEXAS EASTERN TRA
8326367	15749	3712921783		108		F N STONER TRUST 761-3	EAST HUNTINGDON	[illegible].5	TEXAS EASTERN TRA
8326366	15748	3712921864		108		F N STONER TRUST 761-4	EAST HUNTINGDON	10.[illegible]	TEXAS EASTERN TRA
8326365	15747	3712921902		108		F N STONER TRUST 761-5	EAST HUNTINGDON	11.[illegible]	TEXAS EASTERN TRA
8326360	15739	3712921847		108		FRED W STREET JR 1229-1	EAST HUNTINGDON	15.0	TEXAS EASTERN TRA
8326368	15751	3712921905		108		M L KOMENDA 429-2	EAST HUNTINGDON	12.7	TEXAS EASTERN TRA
8326370	17903	3712921821		108		T J CATALINA 822-2	EAST HUNTINGDON	23.1	TEXAS EASTERN TRA
8326363	15745	3712921822		108		W C LAYMAN 823-3	EAST HUNTINGDON	11.5	TEXAS EASTERN TRA
-FAIRMAN DRILLING CO				RECEIVED	03/03/83	JA: PA			
8326398	19116	3703300000		102-2		MELVIN LEAMER #2 F-3657	CHERRY TREE	40.0	COLUMBIA GAS TRAN
8326406	19165	3703321422		102-2		MELVIN RAINEY #1 F-3706	CHERRY TREE	100.0	COLUMBIA GAS TRAN
-FOX OIL & GAS INC				RECEIVED:	03/03/83	JA: PA			
8326419	19240	3706326525		103		J C CLARK #1	BANKS TOWNSHIP	2.6	T W PHILLIPS GAS
8326421	19242	3706326526		103		J C CLARK #2 244	BANKS TOWNSHIP	2.6	T W PHILLIPS GAS
8326420	19241	3706326549		103		MONNIE CLARK #1 238	BANKS TOWNSHIP	2.6	T W PHILLIPS GAS
-KRIEBEL WELLS #2				RECEIVED	03/03/83	JA: PA			
8326389	19111	3703321484		103		DINSMORE #1	HUDSON - MCGEE'S MILL	15.0	
8326382	18961	3703321487		103		FREEMAN #1	TROUTVILLE	0.0	
-LEBOEUF ENERGY INC				RECEIVED:	03/03/83	JA: PA			
8326376	18573	3704922228		102-2		COFFIN #2 ERI-22228	WATERFORD	0.0	NATIONAL FUEL GAS
8326375	18572	3704922228		107-TF		COFFIN #2 ERI-22228	WATERFORD	0.0	NATIONAL FUEL GAS
8326371	17695	3704922013		102-2		PLAZA #1 ERI-22013	ERIE	0.0	NATIONAL FUEL GAS
8326372	17696	3704922013		107-TF		PLAZA #1 ERI-22013	ERIE	0.0	NATIONAL FUEL GAS
8326373	17697	3704922012		102-2		STULL #1 ERI-22012	ERIE	0.0	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8326374	17698	3704922012		107-TF		STULL #1 ERI-22012	ERIE	0.0	NATIONAL FUEL GAS
-MERIDIAN EXPLORATION CORP				RECEIVED:	03/03/83	JA: PA			
8326417	19235	3704922050		102-2		CAMPBELL #635-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8326416	19232	3704922050		107-TF		P CAMPBELL #635-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8326357	11706	3703921362		107-TF		RIVERSIDE INN UNIT #576-1	CAMBRIDGE SPRINGS	30.0	NATIONAL FUEL GAS
8326415	19231	3704922150		107-TF		V MAHAN #654-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8326414	19230	3704922150		102-2		V MAHAN #654-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION				RECEIVED:	03/03/83	JA: PA			
8326410	19172	3703921857		103		L BATYKO UNIT #1	CONNEAUTVILLE (MEDINA	41.1	COLUMBIA GAS TRAN
8326409	19171	3703921857		107-TF		L BATYKO UNIT #1	CONNEAUTVILLE (MEDINA	41.1	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	03/03/83	JA: PA			
8326359	14323	3710500000		108		R A GOLDSMITH #6069	OSWAYO TOWNSHIP	0.2	GENERAL SYSTEM PU
-PHILLIPS PRODUCTION CO				RECEIVED:	03/03/83	JA: PA			
8326413	19187	3703321411		102-2		WILLIAM DUNLAP #2	BURNSIDE	80.0	
-RHEA OIL & GAS CO				RECEIVED:	03/03/83	JA: PA			
8326397	19124	3703100000		108		CHANDLER FARM 38145 #1	CLARION	0.0	COLUMBIA GAS TRAN
8326396	19123	3703100000		108		CHANDLER FARM 38145 #2	CLARION	0.0	COLUMBIA GAS TRAN
8326391	19118	3703100000		108		J SUMMERVILLE FARM 38190/#1	CLARION	0.0	COLUMBIA GAS TRAN
8326394	19121	3703100000		108		LEE SUMMERVILLE FARM 38205 - #2	CLARION	0.0	COLUMBIA GAS TRAN
8326395	19122	3703100000		108		LEE SUMMERVILLE FARM 38205 #1	CLARION	0.0	COLUMBIA GAS TRAN
8326399		3703100000		108		MANLEY FARM 38175 #1	CLARION	0.0	COLUMBIA GAS TRAN
8326398	19125	3703100000		108		MANLEY FARM 38175 #2	CLARION	0.0	COLUMBIA GAS TRAN
8326393	19120	3703100000		108		RANKIN FARM 38205 #1	CLARION	0.0	COLUMBIA GAS TRAN
8326392	19119	3703100000		108		RANKIN FARM 38205 #2	CLARION	0.0	COLUMBIA GAS TRAN
-T W PHILLIPS GAS & OIL CO				RECEIVED:	03/03/83	JA: PA			
8326428	19254	3706500000		108		ALBERT WEAVER #1	ROSE	0.8	T W PHILLIPS GAS
8326429	19255	3706500000		108		ARCHIE CAMPBELL #5	ROSE	0.7	T W PHILLIPS GAS
8326427	19253	3706500000		108		C J MCKINLEY #3	ROSE	2.3	T W PHILLIPS GAS
8326424	19250	3706500000		108		CLYDE SHICK #1	WASHINGTON	0.8	T W PHILLIPS GAS
8326422	19248	3706500000		108		E S HETRICK #1	WASHINGTON	1.7	T W PHILLIPS GAS
8326434	19260	3703620502		108		FARMERS BANK & TRUST CO #1	ARMSTRONG	5.1	T W PHILLIPS GAS
8326430	19256	3706500000		108		FRANK P SCHUCKERS #1	PINE CREEK	1.0	T W PHILLIPS GAS
8326436	19262	3706300000		108		GEORGE W UNCAPHER #3	ARMSTRONG	0.4	T W PHILLIPS GAS
8326437	19263	3706320533		108		H M & J F KIMMEL #1	ARMSTRONG	2.8	T W PHILLIPS GAS
8326423	19249	3706500000		108		J J MCCURDY #1	WASHINGTON	1.6	T W PHILLIPS GAS
8326433	19259	3706320540		108		J P WILSON AGT ETAL #1	ARMSTRONG	2.0	T W PHILLIPS GAS
8326425		3706500000		108		JAY GALBREATH #1	ROSE	1.1	T W PHILLIPS GAS
8326426	19252	3706500000		108		PARKER JOHNS #1	ROSE	1.6	T W PHILLIPS GAS
8326435	19261	3706320310		108		ROBERT G GEORGE #1	ARMSTRONG	0.6	T W PHILLIPS GAS
8326431	19257	3706500000		108		T T RAYBUCK #2	KNOX	0.6	T W PHILLIPS GAS
8326432	19258	3706320908		108		W A SCHROTH #1	YOUNG	1.6	T W PHILLIPS GAS
-VICTORY DEVELOPMENT CO				RECEIVED:	03/03/83	JA: PA			
8326411	19174	3703321510		103		KOPP #1 CLE-21510	BURNSIDE	36.0	COLUMBIA GAS TRAN
********** WEST VIRGINIA DEPARTMENT OF MINES **********									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	03/04/83	JA: WV			
8326630		4709702422		103		A-1067	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8326624		4701703084		103		A-1087	MCCLELLAN DISTRICT	0.0	CONSOLIDATED GAS
8326629		4709702364		103		A-1088	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8326628		4709702355		103		A-1100	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8326631		4709702428		103		A-1124	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8326627		4709702340		103		A-1125	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8326625		4704103147		103		A-1152	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8326626		4708300646		103		A-1236	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8326622		4703301709		108		A-752	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
8326621		4703301992		108		A-773	UNION DISTRICT	0.0	CONSOLIDATED GAS
8326623		4700101108		108		A-778	COVE DISTRICT	0.0	CONSOLIDATED GAS
-APPALACHIAN PETROLEUM CORP				RECEIVED:	03/04/83	JA: WV			
8326618		4710500904		107-DV		WILDWOOD #1	BURNING SPRINGS	36.0	ROARING FORK GAS
8326617		4710500905		107-DV		WILDWOOD DEVELOPMENT #2	BURNING SPRINGS	36.0	ROARING FORK GAS
-BEM PETRO I				RECEIVED:	03/04/83	JA: WV			
8326616		4707301348		107-DV		BYERS #1	MCKIM WATERSHED	11.0	COLUMBIA GAS TRAN
8326615		4707301409		107-DV		CAMPBELL #1	MCKIM WATERSHED	11.0	COLUMBIA GAS TRAN
-BKK PROSPECTING LTD				RECEIVED:	03/04/83	JA: WV			
8326632		4710301236		103		WYATT #1		2.5	
8326614		4710301237		107-DV		WYATT #2		2.5	
-DELTA DRILLING CO				RECEIVED:	03/04/83	JA: WV			
8326585		4708703564		107-DV		CLELAND/WESTFALL #1	SMITHFIELD	0.0	COLUMBIA GAS TRAN
8326603		4708703564		103		CLELAND/WESTFALL #1	SMITHFIELD	0.0	COLUMBIA GAS TRAN
8326587		4703501647		107-DV		G M SUTTLE #1	SMITHFIELD	0.0	COLUMBIA GAS TRAN
8326608		4703501647		103		G M SUTTLE #1	SMITHFIELD	0.0	COLUMBIA GAS TRAN
8326599		4708703568		107-DV		GANDEE-VINEYARD #1	SMITHFIELD	0.0	COLUMBIA GAS TRAN
8326606		4708703568		103		GANDEE-VINEYARD #1	SMITHFIELD	0.0	COLUMBIA GAS TRAN
8326598		4739037880		107-DV		GOOD-HASKINS #1	SMITHFIELD	0.0	COLUMBIA GAS TRAN
8326602		4739037880		103		GOOD-HASKINS #1	SMITHFIELD	0.0	COLUMBIA GAS TRAN
8326586		4703501646		107-DV		O C GILPIN #1	SMITHFIELD	0.0	COLUMBIA GAS TRAN
8326607		4703501646		103		O C GILPIN #1	SMITHFIELD	0.0	COLUMBIA GAS TRAN
-ENERGY UNLIMITED INC				RECEIVED:	03/04/83	JA: WV			
8326635		4710721185		103		MCCALE #2	UNION DISTRICT	0.0	CONSOLIDATED GAS
8326634		4710701176		103		WESTBROOK #2	UNION DISTRICT	0.0	CONSOLIDATED GAS
-INTERSTATE DRILLING INC				RECEIVED:	03/04/83	JA: WV			
8326594		4704102689		108		ALFRED 48	ROANOAKE	5.0	CONSOLIDATED GAS
8326580		4704102920		108		BRUFFEY #53	ROANOAKE	12.0	CONSOLIDATED GAS
8326575		4704102692		108		ECKES #1	ROANOAKE	9.0	CONSOLIDATED GAS
8326578		4704102858		108		FOX #51	ROANOAKE	0.8	CONSOLIDATED GAS
8326583		4704102989		108		JACKSON #1 60	ROANOAKE	10.0	CONSOLIDATED GAS
8326577		4704102740		108		JARRELL #1 #50	ROANOAKE	8.4	CONSOLIDATED GAS
8326579		4704102868		108		LONG #4 #52	ROANOAKE	3.0	CONSOLIDATED GAS
8326588		4704102954		108		MACE #58	ROANOAKE	3.0	CONSOLIDATED GAS
8326576		4704102739		108		MERTZ LAND B 49	ROANOAKE	7.2	CONSOLIDATED GAS
8326582		4704102940		108		MERTZ 3 #54	ROANOAKE	3.6	CONSOLIDATED GAS
8326581		4704102939		108		SAND FORK & WEST FORK #2	ROANOAKE	8.4	CONSOLIDATED GAS
-KEITH CRIHFIELD				RECEIVED:	03/04/83	JA: WV			
8326633		4701303400		103		STALNAKER #5	ORMA	0.0	ROARING FORK GAS
-PEAKE OPERATING CO				RECEIVED:	03/04/83	JA: WV			
8326601		4710900859		103		#1-A EASTER	(OCEANA DISTRICT)	5.0	ROARING FORK GAS
8326574		4710900859		107-DV		EASTER #1A	(OCEANA DISTRICT)	5.0	ROARING FORK GAS
8326584		4703903853		107-DV		ENNIS #1A	(JEFFERSON DISTRICT)	5.0	
8326612		4703903855		107-DV		STEELE #1A	(JEFFERSON DISTRICT)	0.0	
-RIMROCK PRODUCTION CORP				RECEIVED:	03/04/83	JA: WV			
8326638		4707301404		107-DV		ADAMS #1	MT CARMEL RIDGE FIELD	108.0	COLUMBIA GAS TRAN
8326639		4707301405		107-DV		ADAMS #2	UNION DISTRICT MT CAR	72.0	COLUMBIA GAS TRAN
8326637		4707301481		107-DV		B F ABICHT #1	MT CARMEL RIDGE FIELD	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8326590		4708505469		107-DV		BAKER #1
8326592		4708505590		107-DV		BYRD #1
8326619		4708505516		107-TF		CRANE #1
8326620		4708505455		107-DV		E C CURRY #1
8326613		4708505393		107-DV		HARLAN HODGE #1
8326591		4708505611		107-DV		MARTIN CORBIN #1
8326589		4707301427		107-DV		NICHOLS #1
8326593		4707301381		107-DV		ROBY #1
8326636		4707301467		107-DV		WAUGH #1
-SPARTAN GAS COMPANY				RECEIVED:	03/04/83	JA: WV
8326596		4709901774		103		CARLOS FERGUSON 5-S-288
8326597		4709901773		103		CECIL WOOTEN HEIRS 4-S-287
8326604		4709901766		103		DREXALL SALMONS 3-S-286
8326605		4709901770		103		MARY L S PERKINS 7-S-290
8326595		4709901775		103		THOMAS STROUD 6-S-289
-STERLING DRILLING AND		PROD CO INC		RECEIVED:	03/04/83	JA: WV
8326610		4701502038		103		BRAGG #626
8326611		4701502039		103		BRAGG #627
8326609		4701502049		103		SPINKS #653
-T D DRILLING				RECEIVED:	03/04/83	JA: WV
8326600		4710500957		103		BINGMAN #5

FIELD NAME	PROD	PURCHASER
HURSHERS RUN FIELD	108.0	COLUMBIA GAS TRAN
PRUNTY FIELD	79.[illegible]	COLUMBIA GAS TRAN
WOLFPEN FIELD	72.[illegible]	CARNEGIE NATURAL
PULLMAN	108.0	CARNEGIE NATURAL
HUGHES RIVER	18.0	CARNEGIE NATURAL,
GLENDALE FIELD	78.[illegible]	CONSOLIDATED GAS
FRENCH CREEK	72.0	COLUMBIA GAS TRAN
RT 16 FIELD	72.[illegible]	COLUMBIA GAS TRAN
MT CARMEL RIDGE FIELD	162.[illegible]	COLUMBIA GAS TRAN
LINCOLN	16.[illegible]	COLUMBIA GAS TRAN
LINCOLN	13.0	COLUMBIA GAS TRAN
LINCOLN	15.[illegible]	COLUMBIA GAS TRAN
LINCOLN	36.0	COLUMBIA GAS TRAN
LINCOLN	18.0	COLUMBIA GAS TRAN
OTTER DISTRICT	29.0	BROOKLYN UNION GA
OTTER DISTRICT	31.5	BROOKLYN UNION GA
OTTER DISTRICT	68.0	BROOKLYN UNION GA
LITTLE KANAWHA RIVER	36.5	CABOT CORP

CORRECTIONS TO PREVIOUS NOTICES / REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C: Correction to prior Fed. Register notice
80-14887	KS	Robert F. White	Pritz "B" #1	155	3-06-80	C: Well Name
80-16156	PA	J & J Enterprises, Inc	R & P #13 JEF-21376	161	3-21-80	C: 108 Denied by JA
80-16157	PA	J & J Enterprises, Inc	R & P #25 JEF-21366	161	3-21-80	C: 108 Denied by JA
80-38804	TX	Conoco	West Flowers Unit #13	225	7-14-80	C: Well Name
81-06164	OK	Andover Oil Company	Jensen 35-3	487	8-14-81	C: 102-2 & 103 Approved
81-11954	TX	Conoco	Ned Wilson 133 #8	356	2-05-81	C: Well Name
81-13319	MT	Cankee Oil and Gas Co	State 1-16 T26N-R17E	360	2-12-81	C: Well Name
82-29188	OK	Southwest Explora Inc	Phillips No. 1 Well	649	5-21-82	C: 103 Approved; not 102
82-33086	NM	Mid-America Petro Inc	New Mexico State "A" #1	663	6-14-82	C: 102-4 & 103 Approved
82-35625	NY	Universal Resources	E Barmore #2	673	6-28-82	C: 107-TF Approved; not 107-DV
82-35626	NY	Universal Resources	R Barmore #1	673	6-28-82	C: 107-TF Approved; not 107-DV
82-35635	NY	Universal Resources	F Barmore #1	673	6-28-82	C: 107-TF Approved; not 107-DV
82-35636	NY	Universal Resources	R Barmore #2	673	6-28-82	C: 107-TF Approved; not 107-DV
82-36239	OK	Century Oil & Gas Corp	Reich #1	675	6-28-82	C: 102-4 Denied by JA
82-47425	TX	Mitchell Energy Corp	Lula Jones #2	720	9-08-82	C: 108 & 108-ER Approved
82-49070	KS	Robert F White	Pritz "B" #1	726	9-17-82	C: Well Name
83-02174	TX	GEM & Associates Inc	Hogan #1	768	11-10-82	C: 103 Approved; not 102
83-03446	TX	Cotton Petroleum Corp	Hamker #2	772	11-22-82	C: 108-SA Approved; not 108
83-05774	OK	Bunker Exploration Co	Hissom #1-18	778	11-26-82	C: Well Name
83-06763	TX	HNG Oil Company	Armstrong "20" #1 101530	782	12-07-82	C: 102-2, 103&107-DP Approved
83-06782	TX	Coates Energy Trust	Rafael A Guerra #2	782	12-07-82	C: Well Name
83-06792	TX	Grace Petroleum	McAshan Gas Unit #2	782	12-07-82	C: 102-4 & 107-TF Approved
83-07304	NM	Stevens Operating Corp	Sun Federal #3	784	12-08-82	C: 102-4 & 107-TF Approved
83-08367	OK	Lear Petroleum Explo Inc	City of Westherford 1-34	787	12-14-82	C: 102-2 Approved; not 103
83-09083	LA	Texaco Inc	SL 34 Vermilion Bay "B-71	791	12-14-82	C: 102-4 & 103 Approved
83-09179	LA	Twin Cities Gas Co	Case No. 1	791	12-14-82	C: 103 & 108 Approved
83-09194	LA	Bethlon Production Corp	Heard #1	791	12-14-82	C: 103 & 108 Approved
83-09195	LA	Bethlon Production	Bradley #1	791	12-14-82	C: 103 & 108 Approved
83-09866	TX	Gulf Oil Corp	JT McElroy Consoli #861	795	12-22-82	C: Well Name
83-10321	NM	MTS Limited Partnership	Neal Com #1	796	12-29-82	C: 102-3 & 107-TF Approved
83-11028	CO	MGF Oil Corp	Haller No. 41-21	799	12-29-82	C: 108-ER Approved; not 108
83-11029	CO	MGF Oil Corp	Johnston #14-24	799	12-29-82	C: 108-ER Approved; not 108
83-11030	CO	Vessels Oi & Gas Co	Whiteside No. 1	799	12-29-82	C: 108-ER Approved; not 108
83-11157	TX	Carolina Group Inc	Agri-Place #1	800	12-29-82	C: Well Name
83-11339	KS	TXO Production Corp	Zuercher #3	801	01-06-83	C: 102-4 Denied by JA
83-11340	KS	TXO Production Corp	Muir "D" #1	801	01-06-83	C: 102-4 Denied by JA
83-11573	OK	Ladd Petroleum Corp	Wiens "B" #2	802	01-06-83	C: Well Name
83-11630	CO	American Resources Mgmt	CC 34-d	802	01-06-83	C: 102-2 & 107-TF Approved

CORRECTIONS TO PREVIOUS NOTICES / REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C: Correction to prior Fed. Register notice
83-12223MMS(LA)		Chevron USA	OCS-G-3137 #A-8	804	1-14-83	C: API No. 1770640303
83-12698	OK	Seneca Oil Company	Jolliffee #1-32	805	1-17-83	C: 102-4 & 103 Approved
83-12724	TX	Enfield Corporation	Haddox #2	807	1-17-83	C: 102-2 Approved, not 103
83-12743	TX	Humble Explora Co Inc	Paulina #1	807	1-17-83	C: 103 Approved; not 102-2
83-12814	TX	Retamco Inc	Ella Caps #2	807	1-17-83	C: 102-4 Approved, not 103
83-12881	TX	Samson Resources Co	Willis A Roberson #1	807	1-17-83	C: 107-TF Approved; not 107-TP
83-13215	KS	Walter Kuhn Drilling Co	Stephens #2-16	808	1-17-83	C: Well Name
83-13748	[illegible]	J & G Operating Co	Miller #1-A	810	1-19-83	C: 108 Denied, by JA
83-13752	OK	An-Son Corporation	Dillard #1-25	810	1-19-83	C: Well Name
83-13811	OK	Hanover Management Co	Green #1-19	810	1-19-83	C: Well Name
83-14288	[illegible]	United Petroleum Co	Wilt #3	812	1-24-83	C: 108 Denied by JA
83-14410	NM	Texaco Inc	C. C Fristoe B NCT-2 #12	813	1-24-83	C: Well Name
83-14611	OH	Pine Top Estates Partn.	T R Kelly & M G Kelly #1	814	1-24-83	C: Well Name
83-14896	NY	Envirogas Inc	Glasser #1	815	1-27-83	C: Well Name
83-15093	OK	Hadson Petroleum	Burnett #1-21	816	1-27-83	C: Well Name
83-15170	[illegible]	Davis Oil Company	Ottinger #1	816	1-27-83	C: 102-2 & 103 Approved
83-15335	OK	Kaiser-Francis Oil Co	Fossett #1	816	1-27-83	C: 102-4 & 103 Approved
83-15310	KS	Gramly, Richard E	Witt #1	817	1-27-83	C: Well Name
83-15384	PA	Ashtola Production Co	Donald O Murphy #1	817	1-27-83	C: 102-3 Approved by JA
83-15773	TX	Sun Expl & Prod.	Rupert P. Ricker #2	819	2-01-83	C: Applicant Name
83-15774	TX	Tee Operating Co	Pullen #1-U	819	2-01-83	C: 103 Approved; not 107-TF
83-15778	TX	Phillips Petroleum Co	Bowers D #2	819	2-01-83	C: 107-DP Approved; not 107-TF
83-15826	TX	Mitchell Energy Corp	L. Allen Jr	819	2-01-83	C: 103 Approved; not 102-4
83-15906	TX	Tenneco Oil Co	Mallet Land & Cattle #21A	819	2-01-83	C: Well Name
83-15958	TX	Conoco, Inc	Conoco Avno Ut #1	819	2-01-83	C: 103 & 107-DP Approved
83-15970	TX	Winn Explo/Duke Co	Pryor Ranch #43-C	819	2-01-83	[illegible]: Well Name
83-16122	TX	Reliance Energy & Min	Black Lake #1	820	2-01-83	C: Well Name
83-16270	TX	Delta Drilling Co	Williams "A" #1U	820	2-01-83	[illegible]: 103 Approved; not 108
83-16686	TX	Belco Petroleum Corp	University 13-2	822	2-03-83	[illegible]: 108-PB Approved; not 108-ER
83-16694	TX	Montanray Petroleum	Briscoe "F" 1-20	822	2-03-83	C: Well Name
83-16800	TX	Wells-Battelstein O&G	Elizabeth Almond #1	822	2-03-83	C: Well Name
83-16827	TX	Border Exploration	B S Seyfriedt #1-J	822	2-03-83	[illegible]: 103 Approved; not 102-4
83-16847	TX	RAW Energy Corp	Hodges #3	822	2-03-83	[illegible]: 102-4 Approved; not 103
83-16982	TX	Charles Cough	T.A Owens #6	822	2-03-83	C: Well Name
83-17213MMS(NM)		Northwest Pipeline Corp	Rosa Unit #10	823	2-03-83	C: Well Name

[FR Doc. 83-9005 Filed 4-5-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 864]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 1, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS VOLUME 864
ISSUED APRIL 1, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/07/83	JA: KS			
8326642	K-79-1370	1518700000		108-ER		GULDNER UNIT WN #1		0.0	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED:	03/07/83	JA: KS			
8326641	K-80-0342	1500700000		108-PB		INSLEG A #1	RHODES	0.0	CITIES SERVICE GA
-IMPERIAL OIL COMPANY				RECEIVED:	03/08/83	JA: KS			
8326804	K-80-0976A	1504700000		108-SA		RUSSELL #1		0.0	KANSAS-NEBRASKA N
-SOUTHLAND ROYALTY CO				RECEIVED:	03/07/83	JA: KS			
8326640	K-82-0844	1511920378		108-PB		ADAMS #6-4	CIMARRON	0.0	COLORADO INTERSTA
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMERADA HESS CORPORATION				RECEIVED:	03/07/83	JA: NM			
8326643		3002500000		108		IDA WIMBERLY #14 (DUAL)	JUSTIS	13.1	EL PASO NATURAL G
-DUGAN PRODUCTION CORP				RECEIVED:	03/08/83	JA: NM			
8326817		3004525396		103		FARMING D COM #1-R	BLANCO PICTURED CLIFF	30.0	EL PASO NATURAL G
8326818		3004525396		103		FARMING D COM #1-R	BLANCO PICTURED CLIFF	30.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/07/83	JA: NM			
8326653		3004521320		108-PB		ALLISON UNIT #40	BASIN-DAKOTA GAS	16.[illegible]	EL PASO NATURAL G
8326655		3004510366		108-PB		ATLANTIC A #6	BLANCO-MESA VERDE	15.[illegible]	EL PASO NATURAL G
8326664		3004510366		108-PB		ATLANTIC A #6	BLANCO - MESA VERDE	15.[illegible]	EL PASO NATURAL G
8326648		3004520835		108		ATLANTIC D COM G #8	BLANCO - PICTURED CLI	16.0	EL PASO NATURAL G
8326668		3003920486		108-PB		SAN JUAN 27-5 UNIT #134	TAPACITO-PICTURED CLI	17.[illegible]	EL PASO NATURAL G
8326666		3003907097		108-PB		SAN JUAN 28-6 UNIT #67	BLANCO - MESA VERDE	19.[illegible]	EL PASO NATURAL G
8326654		3003907097		108-PB		SAN JUAN 28-6 UNIT #67	BLANCO - MESA VERDE	19.[illegible]	EL PASO NATURAL G
8326662		3003921637		108-PB		SAN JUAN 28-7 UNIT #250	BASIN-DAKOTA	10.[illegible]	EL PASO NATURAL G
8326656		3003907480		108-PB		SAN JUAN 29-7 UNIT #32	BLANCO-MESAVERDE GAS	14.[illegible]	EL PASO NATURAL G
8326663		3003907480		108-PB		SAN JUAN 29-7 UNIT #32	BLANCO-MESAVERDE GAS	14.[illegible]	EL PASO NATURAL G
8326652		3003907480		108-PB		SAN JUAN 29-7 UNIT #32	BLANCO-MESAVERDE GAS	14.0	EL PASO NATURAL G
8326670		3003900000		108-PB		SAN JUAN 32-5 UNIT #10	BLANCO MESAVERDE	0.[illegible]	EL PASO NATURAL G
8326672		3003900000		108-PB		SAN JUAN 32-5 UNIT #10	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8326671		3003900000		108-PB		SAN JUAN 32-5 UNIT #10	BLANCO MESAVERDE	[illegible].0	EL PASO NATURAL G
8326673		3003900000		108-PB		SAN JUAN 32-5 UNIT #10	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8326647		3004511137		108		SAN JUAN 32-9 UNIT #36	BLANCO - MESA VERDE	22.0	EL PASO NATURAL G
8326658		3002500000		108-PB		SHELL STATE COM E #1	EUMONT QUEEN	26.0	EL PASO NATURAL G
8326665		3003900000		108-PB		SJ 27-5 UNIT 29 PC & MV	TAPACITO PC & BLANCO-	11.3	EL PASO NATURAL G
8326669		3003906979		108-PB		SJ 27-5 UNIT 41 PC & MV	TAPACITO-PC & BLANCO-	15.7	EL PASO NATURAL G
8326650		3003906828		108-PB		SJ 27-5 36 PC & MV	TAPACITO-PC & BLANCO-	13.[illegible]	EL PASO NATURAL G
8326667		3003906828		108-PB		SJ 27-5 36 PC & MV	TAPACITO-PC & BLANCO-	13.0	EL PASO NATURAL G
8326659		3003906828		108-PB		SJ 27-5 36 PC & MV	TAPACITO-PC & BLANCO-	13.[illegible]	EL PASO NATURAL G
8326657		3003907858		108-PB		SJ 30-6 UNIT #41	BLANCO-MESAVERDE GAS	14.2	EL PASO NATURAL G
8326651		3003907858		108-PB		SJ 30-6 UNIT #41	BLANCO-MESAVERDE GAS	14.2	EL PASO NATURAL G
8326661		3004506435		108-PB		TURNER B COM B #7	FULCHER KUTZ - PICTUR	21.[illegible]	EL PASO NATURAL G
8326660		3004506435		108-PB		TURNER B COM B #7	FULCHER KUTZ - PICTUR	21.[illegible]	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED:	03/07/83	JA: NM			
8326649		3002510183		108		SOUTH PENROSE SKELLY #170	EUMONT & PENROSE SKEL	10.8	GETTY OIL CO
-MARBOB ENERGY CORPORATION				RECEIVED:	03/08/83	JA: NM			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8326805		3001523043		103		OLD LOCO UNIT #18	GRAYBURG JACKSON QUEE	1.5	PHILLIPS PETROLEU
8326822		3001523156		103		OLD LOCO UNIT #19	GRAYBURG JACKSON SEVE	1.5	PHILLIPS PETROLEU
8326820		3001523176		103		OLD LOCO UNIT #20	GRAYBURG JACKSON SEVE	2.0	PHILLIPS PETROLEU
8326821		3001523831		103		OLD LOCO UNIT #23	GRBG JACKSON SR QN GR	8.0	PHILLIPS PETROLEU
8326819		3001523954		103		OLD LOCO UNIT #24	GRBG JACKSON SR QN GR	5.0	PHILLIPS PETROLEU
-MGF OIL CORP				RECEIVED:	03/07/83	JA: NM			
8326646		3002527796		102-4		J SPEIGHT #1	UNDESIGNATED (YATES)	558.0	EL PASO NATURAL G
8326644		3002527633		102-4		J WRIGHT #1	UNDESIGNATED	645.1	EL PASO NATURAL G
8326645		3002527778		102-4		MGF-SUN #1	UNDESIGNATED	379.1	
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	03/08/83	JA: NM			
8326811		3003900000		108-PB		AZTEC #2	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8326816		3003900000		108-PB		ROSA UNIT #26	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8326806		3003900000		108-PB		SAN JUAN 29-6 UNIT NP #96	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8326810		3003900000		108-PB		SAN JUAN 29-6 UNIT NP #96	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8326808		3003900000		108-PB		SAN JUAN 29-6 UNIT NP #96	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8326809		3003900000		108-PB		SAN JUAN 29-6 UNIT NP #96	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8326807		3003900000		108-PB		SAN JUAN 29-6 UNIT NP #96	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8326813		3003900000		108-PB		SAN JUAN 30-5 UNIT #58	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8326812		3003900000		108-PB		SAN JUAN 31-6 UNIT #10	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8326815		3004500000		108-PB		SAN JUAN 32-7 UNIT #55	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8326814		3004500000		108-PB		SAN JUAN 32-7 UNIT #55	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-BEREA OIL AND GAS CORPORATION				RECEIVED:	03/07/83	JA: NY			
8326913	3533	3101317031		102-2		MCCRAY UNIT #1	STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
8326912	3526	3101316432		102-2		N & E REED UNIT #7	RIPLEY-MINA	12.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED:	03/07/83	JA: NY			
8326909	4231	3100916993		102-2		D PAYNE #1 KA-112	CONEWANGO	[illegible].0	COLUMBIA GAS TRAN
8326905	4237	3100917278		102-2		D PAYNE #2 KX-17	CONEWANGO	30.0	COLUMBIA GAS TRAN
8326907	4234	3100917199		102-2		D SCHULTZ #2 KX-6	CONEWANGO	[illegible].0	COLUMBIA GAS TRAN
8326911	3210	3100916882		102-2		DONALD BEAVER #1 KA-111	RANDOLPH	[illegible].0	COLUMBIA GAS TRAN
8326915	3554	3101316078		102-2		G BUTTON #1 KA-109	CARROLL	30.0	COLUMBIA GAS TRAN
8326904	4160	3101317701		102-2		HOITINK UNIT #1	FRENCH CREEK	30.0	COLUMBIA GAS TRAN
8326908	4232	3101317773		102-2		MILTON HULTS #1 KA-162	CLYMER	30.0	COLUMBIA GAS TRAN
8326906	4236	3100917647		102-2		ORR KINNEY #1 KX-19	CONEWANGO	30.0	COLUMBIA GAS TRAN
8326917	3627	3101315935		102-2		WAITE UNIT #1 KA-94	CARROLL	[illegible].0	COLUMBIA GAS TRAN
-FAIRMONT OIL CO				RECEIVED:	03/07/83	JA: NY			
8326902	2737	3100316328		102-3		LINDOL & RUTH HUTTON #1		41.1	NATIONAL FUEL GAS
-HUGOTON PETROLEUM INC				RECEIVED:	03/07/83	JA: NY			
8326925	3912	3101316948		102-2		PATTON #1	STEBBINS CORNERS	15.0	COLUMBIA GAS TRAN
8326924	3911	3101316949		102-2		PATTON #2	STEBBINS CORNERS	50.0	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	03/07/83	JA: NY			
8326882	3252	3102914762		108		ANDRES #1178-I	TOWN OF COLLINS	1.9	GENERAL SYSTEM PU
8326901	3216	3102914900		108		BEVIER #1233	TOWN OF NORTH COLLINS	1.4	GENERAL SYSTEM PU
8326893	3210	3102914026		108		BOARDWAY #479	TOWN OF NORTH COLLINS	0.8	GENERAL SYSTEM PU
8326890	3219	3102914027		108		BOARDWAY #480	TOWN OF NORTH COLLINS	1.7	GENERAL SYSTEM PU
8326892	3221	3101314504		108		COOGAN FARM #1956	TOWN OF SHERIDAN	3.4	GENERAL SYSTEM PU
8326879	3251	3102915095		108		CURRY #776-I	TOWN OF HAMBURG	4.3	GENERAL SYSTEM PU
8326881	3254	3102914927		108		FILIPIAK #1253-I	TOWN OF HAMBURG	1.4	GENERAL SYSTEM PU
8326896	3213	3102914906		108		FRANK #1242	TOWN OF NORTH COLLINS	3.8	GENERAL SYSTEM PU
8326884	3248	3102915085		108		GARLOCK #47-I	TOWN OF HAMBURG	4.8	GENERAL SYSTEM PU
8326883	3250	3102903346		108		GROSS #121-I	TOWN OF HAMBURG	8.8	GENERAL SYSTEM PU
8326880	3253	3102915081		108		HECK #1307-I	TOWN OF HAMBURG	1.4	GENERAL SYSTEM PU
8326889	3249	3102914510		108		HELMICK #111-I	TOWN OF HAMBURG	1.6	GENERAL SYSTEM PU
8326898	3215	3102914903		108		HERMAN #1239	TOWN OF NORTH COLLINS	2.3	GENERAL SYSTEM PU
8326897	3214	3102914904		108		HERMAN #1240	TOWN OF NORTH COLLINS	1.9	GENERAL SYSTEM PU
8326886	3229	3102915090		108		HUFF #2370	TOWN OF EVANS	5.5	GENERAL SYSTEM PU
8326888	3256	3100913397		108		JOHNSON #1675-I	TOWN OF NASHVILLE	0.5	GENERAL SYSTEM PU
8326895	3212	3102914912		108		LANTOFF #1302	TOWN OF NORTH COLLINS	2.8	GENERAL SYSTEM PU
8326887	3255	3102914715		108		PATTERSON #1672-I	TOWN OF NASHVILLE	0.1	GENERAL SYSTEM PU
8326900	3217	3102914768		108		SCHMITZ #1201	TOWN OF NORTH COLLINS	4.1	GENERAL SYSTEM PU
8326894	3211	3102914909		108		SIXT #1249	TOWN OF NORTH COLLINS	1.1	GENERAL SYSTEM PU
8326885	3228	3102914910		108		SMITH #1250	TOWN OF NORTH COLLINS	0.7	GENERAL SYSTEM PU
8326891	3220	3102914717		108		TWOGUNS FARM #1669	TOWN OF COLLINS	[illegible].3	GENERAL SYSTEM PU
8326899	3218	3102914767		108		WITTMEYER #1189	TOWN OF NORTH COLLINS	[illegible].8	GENERAL SYSTEM PU
-NORD/MONTARA PETROLEUM CO				RECEIVED:	03/08/83	JA: NY			
8326803	2582	3112113083	D	107-TF		KEEM UNIT #1	JAVA	25.0	COLUMBIA GAS TRAN
-NRM PETROLEUM CORPORATION				RECEIVED:	03/07/83	JA: NY			
8326916	3855	3100916940		102-2		FLEISHMAN #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8326914	3862	3100916724		102-2		O NEILL	RANDOLPH	0.0	COLUMBIA GAS TRAN
-TRAHAN PETROLEUM INC				RECEIVED:	03/07/83	JA: NY			
8326920	3976	3100917155		102-2		BEAVER #1 31-009-17155	WILDCAT	36.0	COLUMBIA GAS TRAN
8326923	3980	3101315751		102-2		CLEMENTE NY #28 31-013-15751	LEON	36.0	COLUMBIA GAS TRAN
8326922	3978	3100917293		102-2		CONGDON NY #100 31-009-17293	CONEWANGO	36.0	COLUMBIA GAS TRAN
8326910	4292	3101317696		102-2		DELARA #1 31-013-17696	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8326926	4291	3101317154		102-2		GLEASON #1 31-013-17154	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8326921	3974	3101312497		102-2		HESS NY #40 31-013-12497	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8326919	3972	3101317153		102-2		MELBY #1 31-013-17153	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8326903	4290	3101317783		102-2		NEWCOMB #2 31-013-17783	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8326918	3970	3101317173		102-2		SCHULZ #2 31-013-17173	ELLINGTON	36.0	COLUMBIA GAS TRAN
-UNION DRILLING INC				RECEIVED:	03/07/83	JA: NY			
8326929	3259	3100916891		102-2		EUGENE SPAULDING #1 NY-0009	RANDOLPH TOWN	0.0	COLUMBIA GAS TRAN
8326928	3257	3101316445		102-2		FRANK B MARSH #1 NY-0004	POLAND TOWN	0.0	COLUMBIA GAS TRAN
8326927	3258	3100917054		102-2		HARRY W WALTERS #1 NY-0001	RANDOLPH TOWN	0.0	COLUMBIA GAS TRAN
OKLAHOMA CORPORATION COMMISSION									
-BAYTIDE PETROLEUM INC				RECEIVED:	03/07/83	JA: OK			
8326794	19322	3511920980		102-4		TREU #1-26		2.6	COLORADO GAS COMP
-BLUE QUAIL ENERGY INC				RECEIVED:	03/08/83	JA: OK			
8326827	19979	3502720663		103		STRAKA #1	STRAKA #1	162.0	CONOCO INC
BOBBY J DARNELL				RECEIVED:	03/07/83	JA: OK			
8326779	20400	3511921877		103		LUTE #1	WEST PRAIRIE VIEW	9.0	EASON OIL CO
-DEMCO OIL & GAS COMPANY				RECEIVED:	03/07/83	JA: OK			
8326793	19664	3507122105		108		KAHLE #35-1		12.0	CITIES SERVICE GA
-EASTOK PETROLEUM CORP				RECEIVED:	03/07/83	JA: OK			
8326781	20422	3509120526		103		EASTOK #4	COATON TIGER MOUNTAIN	150.0	CARR GAS CO
-EL DORADO DRILLING INC				RECEIVED:	03/08/83	JA: OK			
8326824	17727	3510920477		102-2	103	OSWEGO GAS UNIT #80-1		373.8	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/07/83	JA: OK			
8326778	21302	3512920833		107-DP		SAYRE RANCH #1	REYDON WEST UPPER MOR	610.0	EL PASO NATURAL G
-ENSERCH EXPLORATION INC				RECEIVED:	03/07/83	JA: OK			
8326796	19305	3508720784		103		INMAN ESTATE #1-A	BLANCHARD	400.0	LONE STAR GAS CO

JD NO	JA DET	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-GRAHAM OIL & GAS LTD				RECEIVED:	03/07/83	JA: OK			
8326795	19315	3504321403		102-4		CRAIG #1-35		1211.0	PANHANDLE EASTERN
-GREEN OPERATING CO				RECEIVED:	03/07/83	JA: OK			
8326787	20340	3504720456		108		DARROW 27-1	SOONER TREND	12.[illegible]	EXXON CO USA
8326788	20339	3508320146		108		HUME 19-1	SOONER TREND	3.0	EXXON CO USA
8326786	20341	3507300000		108		JOE HAJEK #1	SOONER TREND	10.0	EXXON CO USA
8326785	20342	3504720350		108		OAKWOOD COUNTRY CLUB #1	SOONER TREND	12.[illegible]	CHAMPLIN PETROLEU
8326784	20343	3507320358		108		THORP 31-1	SOONER TREND	[illegible].[illegible]	PHILLIPS PETROLEU
-JAMES W WISE				RECEIVED:	03/08/83	JA: OK			
8326835	20415	3511123793		103		KECK #3	EAST OKMULGEE	20.[illegible]	PHILLIPS PETROLEU
-JORDAN OIL & GAS COMPANY				RECEIVED:	03/07/83	JA: OK			
8326799	17818	3504520641		107-TF		BERRY #1-3	GAGE SOUTHWEST	73.[illegible]	TRANSWESTERN PIPE
8326777	21383	3504520949		107-TF		EHRLICH #1-11	GAGE SOUTH	55.[illegible]	TRANSWESTERN PIPE
8326801	17718	3504520969		107-TF		HOUGH 1-35	GAGE SOUTHWEST	73.[illegible]	TRANSWESTERN PIPE
8326798	17719	3504520995		107-TF		STUART #1-4	GAGE SOUTHWEST	73.0	TRANSWESTERN PIPE
-KAY PIPELINE CORP				RECEIVED:	03/07/83	JA: OK			
8326796	20158	3507121186		108		EDNA GARTNER #34-1	EAST DILLWORTH	9.[illegible]	CITIES SERVICE GA
-MARLIN OIL CORPORATION				RECEIVED:	03/07/83	JA: OK			
8326797	19022	3502520395		102-2		SMALTS #1	NORTHEAST GRIGGS	720.[illegible]	TRANSWESTERN PIPE
-MAY PETROLEUM INC				RECEIVED:	03/08/83	JA: OK			
8326837	20418	3504321496		103		HOLSAPPLE #1-9		274.[illegible]	
8326836	20417	3500722333		103		KERNS #1		274.[illegible]	
-MEEK OIL PRODUCTION CO INC				RECEIVED:	03/07/83	JA: OK			
8326800	17714	3510720959		102-4		AIKENS 5-A		[illegible].[illegible]	SWAB CORP
-MOBIL OIL CORP				RECEIVED:	03/08/83	JA: OK			
8326831	20402	3513921610		103		BLACKMER (RNG 6) UNIT #8	GUYMON-HUGOTON COUNCI	140.0	CITIES SERVICE GA
8326832	20405	3513921651		103		ISHAM (RNG 167) UNIT #3	GUYMON-HUGOTON-CHASE	140.[illegible]	CITIES SERVICE GA
8326833	20407	3513921611		103		PARKES (RNG 221) UNIT #2	GUYMON-HUGOTON-COUNCI	140.0	CITIES SERVICE GA
-MUSTANG PRODUCTION CO.				RECEIVED:	03/08/83	JA: OK			
8326830	20371	3501520837		103		MURPHY #1-18	SOUTHWEST BRIDGEPORT	0.[illegible]	OKLAHOMA GAS & EL
-OKLAHOMA CONVEYANCE CORP				RECEIVED:	03/07/83	JA: OK			
8326789	20252	3507121562		103		C G HONICK #1-3	S PECKHAM	2.[illegible]	CITIES SERVICE GA
-OLD DOMINION OIL CORP				RECEIVED:	03/07/83	JA: OK			
8326783	20391	3500722117		103		BELL 1-A	MOCANE - LAVERNE	91.[illegible]	PHILLIPS PETROLEU
8326782	20392	3515321352		103		HANDLEY #1	UNNAMED	876.6	OKLAHOMA GAS & EL
-RENAISSANCE RESOURCES INC				RECEIVED:	03/08/83	JA: OK			
8326826	17871	3511921770		102-2		SOUTH DOWNEY #2	EAST COYLE	250.0	SUN GAS TRANSMISS
-SENECA OIL COMPANY				RECEIVED:	03/08/83	JA: OK			
8326829	20370	3513723004		103		ANNA WRIGHT #1-2		77.[illegible]	
-SHAR-ALAN OIL CO				RECEIVED:	03/07/83	JA: OK			
8326791	19913	3515320031		108		CAMPBELL #1	CEDERDALE NORTHEAST	17.[illegible]	INTER NORTH INC
8326792	19912	3515320199		108		REISDORPH #1	CEDERDALE NORTHEAST	22.0	MICHIGAN WISCONSI
-SHAR-ALAN OIL CO				RECEIVED:	03/08/83	JA: OK			
8326839	21985	3515321386		103		GERALD WHITLAW 2-1	CEDERDALE NE	0.[illegible]	INTER NORTH INC
8326840	22130	3515300000		103		OTTO ROBERTS 2-26A	CEDARDALE N E	113.[illegible]	MICHIGAN WISCONSI
8326842	23153	3515300000		103		STOTTMAN 1-A	CEDARDALE NE	[illegible].0	INTER NORTH INC
8326841	22131	3515300000		103		STUBER-MCCARTY #2	CEDERDALE N E	[illegible].0	MICHIGAN WISCONSI
8326838	21984	3515321387		103		WHITE #1-32	CEDARDALE NE	[illegible].0	MICHIGAN WISCONSI
-STAR RESOURCES INC				RECEIVED:	03/07/83	JA: OK			
8326788	20432	3506321198		103		HAMMOND 3-9	E WETUMKA	180.[illegible]	PUBLIC SERVICE CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	03/08/83	JA: OK			
8326828	20369	3503724117		103		STROUD PRUE UNIT #13-10	STROUD	1.[illegible]	KERR MCGEE CORP
-SUNRISE EXPLORATION INC				RECEIVED:	03/08/83	JA: OK			
8326825	17806	3505121162		102-2	103	HALL #2	N E AMBER	275.[illegible]	
-TIDEMARK EXPLORATION CO				RECEIVED:	03/08/83	JA: OK			
8326843	20346	3513921641		103		CLAWSON #2-11	SOUTH GUYMON	109.5	PHILLIPS PETROLEU
-TOWNER PETROLEUM CO				RECEIVED:	03/07/83	JA: OK			
8326776	23272	3514920202		107-DP		ARTHUR #24-1		[illegible].0	
-WILLIAM H DAVIS				RECEIVED:	03/08/83	JA: OK			
8326834	20410	3511921892		103		VITEK #1	WILDCAT	[illegible].[illegible]	ARCO OIL & GAS CO
WEST VIRGINIA DEPARTMENT OF MINES									
-B F GILMORE JR				RECEIVED:	03/07/83	JA: WV			
8326934		4708504840		108		MOATS #1	HARRISVILLE	6.0	CONSUMERS GAS UTI
-CARSON PETROLEUM CORP				RECEIVED:	03/07/83	JA: WV			
8326935		4701702908		108		CATHOLIC CHURCH #1	ST CLAIR	13.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	03/07/83	JA: WV			
8326943		4700101225		108		E C ZUMBRUNNEN #12630	PLEASANT DISTRICT	16.[illegible]	GENERAL SYSTEM PU
8326944		4704103085		108		EDWARD O TAYLOR 12706	HACKERS CREEK DISTRIC	[illegible].[illegible]	GENERAL SYSTEM PU
8326941		4703302618		108		ERNEST E SAPP 12696	CLAY DISTRICT	22.0	GENERAL SYSTEM PU
8326939		4703301944		108		LUTHER H COFFMAN 12575	EAGLE DISTRICT	23.0	GENERAL SYSTEM PU
8326940		4703302569		108		M R LODGE 12708	SIMPSON DISTRICT	20.0	GENERAL SYSTEM PU
8326942		4703302627		108		OPAL COURTNEY 12718	UNION DISTRICT	14.[illegible]	GENERAL SYSTEM PU
8326945		4709701613		108		WESLEY O DELL 11968	WASHINGTON DISTRICT	[illegible].[illegible]	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC				RECEIVED:	03/07/83	JA: WV			
8326946		4703302224		108		E KEINER #1 KL-295	SARDIS DISTRICT	25.0	CONSOLIDATED GAS
-FLOE ENERGY INC				RECEIVED:	03/07/83	JA: WV			
8326932		4708503706		108		SNOW HENDRICKSON #1	UNION	0.0	CONSOLIDATED GAS
-NASHVILLE ASSOCIATES INC				RECEIVED:	03/07/83	JA: WV			
8326936		4700701719		108		HEFNER #1	R HEAVNER LEASE	18.0	CONSOLIDATED GAS
8326937		4700701720		108		HEFNER #2	R HEAVNER LEASE	18.0	CONSOLIDATED GAS
-PENNZOIL COMPANY				RECEIVED:	03/07/83	JA: WV			
8326933	3156C2696CC	4708701156		108		LEE WYATT HAS 55-0483550	LITTLE CREEK	11.5	CONSOLIDATED GAS
-PETRO-LEWIS CORPORATION				RECEIVED:	03/07/83	JA: WV			
8326938		4700700806		108		SINGLETON #1 WORTHY	OTTER DISTRICT	5.0	CONSOLIDATED GAS
-T M FARNSWORTH				RECEIVED:	03/07/83	JA: WV			
8326930		4702102076		108		W C BAILEY #1	TROY DISTRICT	0.0	CONSOLIDATED GAS
8326931		4702102113		108		W C BAILEY #2	TROY DISTRICT	0.0	CONSOLIDATED GAS
WYOMING OIL & GAS CONSERVATION COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	03/07/83	JA: WY			
8326878	NG 344-82	4903721933		103		CHAMPLIN 149 AMOCO "F" #1 DAKOTA	BRUFF - DAKOTA	385.0	CITIES SERVICE GA
8326876	NG 343-82	4903721933		107-TF		CHAMPLIN 149 AMOCO "F" #1 FRONTIER	BRUFF-FRONTIER	198.0	CITIES SERVICE GA
8326871	NG 109-81	4903721051		102-2		CHAMPLIN 533 AMOCO "A" #1	WAMSUTTER	81.6	CITIES SERVICE GA
8326877	NG 353-82	4902921113		103		ELK BASIN UNIT EMBAR/TENSLEEP #333	ELK BASIN	14.0	MONTANA DAKOTA UT
8326867	NG 54-81	4902320308		107-TF		WHISKEY BUTTES #25	WHISKEY BUTTES	60.[illegible]	CITIES SERVICE GA
8326866	NG 53-81	4902320309		107-TF		WHISKEY BUTTES #32	WHISKEY BUTTES	400.[illegible]	CITIES SERVICE GA
8326868	NG 55-81	4902320313		107-TF		WHISKEY BUTTES UNIT #24	WHISKEY BUTTES	340.0	CITIES SERVICE GA
-BELCO PETROLEUM CORPORATION				RECEIVED:	03/07/83	JA: WY			
8326865	NG 29-83	4903520703		103		BPMV 15-28	BIG PINEY MESAVERDE	0.0	NORTHWEST PIPELIN
8326864	NG 28-83	4903520703		103		BPMV 15-28	BIG PINEY MESAVERDE	0.0	NORTHWEST PIPELIN
8326875	NG 328-82	4903520696		103		C 79-23	C-47	0.0	NORTHWESTERN PIPE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8326872	NG 197-82	4903520627		103		C78-26
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	03/07/83	JA: WY
8326869	NG 76-81	4903721087		107-TF		WAMSUTTER #9A CSW 33-21N-94W
-CHEVRON U S A INC				RECEIVED:	03/07/83	JA: WY
8326844	NG 1-83	4904120320		102-4		PRU 11-8A
8326862	NG 22-83	4904120451		102-4		PRU 22-5A
8326855	NG 14-83	4904120422		102-4		PRU 31-7A
8326856	NG 15-83	4904120423		102-4		PRU 42-7A
-CITIES SERVICE COMPANY				RECEIVED:	03/07/83	JA: WY
8326863	NG 25-83	4900526731		102-2		HARTZOG DRAW UT TR 133 WELL #5348
-COBRA OIL AND GAS CORPORATION				RECEIVED:	03/07/83	JA: WY
8326848	NG-6-83	4900922154		103		STODDARD-EBY "14" #1
-GULF OIL CORPORATION				RECEIVED:	03/07/83	JA: WY
8326860	NG 19-83	4904120366		102-2		RAY STATE 1-36
-HPC INC				RECEIVED:	03/07/83	JA: WY
8326854	NG 12-83	4900524520		103		SMELTENN STATE #1
-LUFF EXPLORATION CO				RECEIVED:	03/07/83	JA: WY
8326847	NG 5-83	4903722013		103		N-23 AMOCO-CHAMPLIN
-MARATHON OIL COMPANY				RECEIVED:	03/07/83	JA: WY
8326870	NG 90-81	4900720458		107-TF		STANDARD DRAW #3-16
-RESOURCES INVESTMENT CORPORATION				RECEIVED:	03/07/83	JA: WY
8326874	NG 267-81	4904521545		102-4		WEST TODD #2-5
8326873	NG 243-81	4904521546		102-4		WEST TODD #3-5
-ROBERT C BALSAM				RECEIVED:	03/07/83	JA: WY
8326853	NG 11-83	4904521675		102-2		BRUCE #1 49-045-21675
-TEXACO INC				RECEIVED:	03/07/83	JA: WY
8326861	NG 21-83	4903722115		103		TABLE ROCK UNIT #55
-WESTERN PRODUCTION CO				RECEIVED:	03/07/83	JA: WY
8326849	NG 7-83	4904522001		102-4		COLEN 5-10
8326852	NG 10-83	4904522003		102-4		COLEN 6-10
8326851	NG 9-83	4904522002		102-4		COLEN 7-10
8326850	NG 8-83	4904522004		102-4		GRIEVES #19
-WOODS PETROLEUM CORPORATION				RECEIVED:	03/07/83	JA: WY
8326846	NG 4-83	4900526754		102-4		PINE TREE UNIT #9-61
8326845	NG 3-83	4900526754		103		PINE TREE UNIT #9-61
-WYOMING RESOURCES				RECEIVED:	03/07/83	JA: WY
8326858	NG 17-83	4902720514		102-4		S-H TERRA #1
8326857	NG 16-83	4902720538		102-4		S-H TERRA #6
8326859	NG 18-83	4902720310		102-4		ZERBST #2
**********						
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA						
**********						
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/28/83	JA: LA 3
8326823	G2-3412	1770540489		102-1		OCS G-3980 VERMILION BLK 104 #2
**********						
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM						
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-				RECEIVED:	03/03/83	JA: NM 4
8326768	NM 1742-82	3000561743		103	107-TF	GRYNBERG 17 FEDERAL "COM" #2
-AMOCO PRODUCTION CO	-			RECEIVED:	03/03/83	JA: NM 4
8326765	NM-1747-82	3004509129		108		E E ELLIOT "B" #8
8326685	NM-0989-82	3004520341		108		E E ELLIOTT "B" #10
8326682	NM-0592-82	3004524645		103		GALLEGOS CANYON UNIT #217E
8326772	NM-1739-82	3003982337		108		JICARILLA CONTRACT 148 #14
8326773	NM 1732-82-A	3003922306		103		JICARILLA TRIBAL 396 #2
8326767	NM 1737-82B	3003922306		103		JICARILLA TRIBAL 396 #2
8326683	NM-0593-82	3004524755		103		MADELINE M GALT "M" #1E
8326771	NM 1738-82	3004521715		108		VAN HOOK FEDERAL #1 (4TH)
8326680		3004523902		108		W D HEATH "A" #14
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/03/83	JA: NM 4
8326725	NM-1731-82	3002505327		108		DOW FEDERAL COM #1
8326740	NM-179282	3002527821		103		J H MCCLURE "B" WELL #23
-CHACE OIL COMPANY INC				RECEIVED:	03/03/83	JA: NM 4
8326766	NM 1748-82	3003923022		103		JICARILLA 71-10
-CONOCO INC				RECEIVED:	03/03/83	JA: NM 4
8326755	NM-1769-82	3003922950		103		AXI APACHE M #6
8326754	NM-1768-82	3003922949		103		AXI APACHE N NO 17
8326723	NM 0023-82ER	3002500000		108-ER		REED B #4
-COQUINA OIL CORPORATION				RECEIVED:	03/03/83	JA: NM 4
8326728	NM 1716-82	3001523992		103		PURE GOLD "C" FEDERAL #1
-DUGAN PRODUCTION CORP				RECEIVED:	03/03/83	JA: NM 4
8326737	NM-1637-82	3004521895		108		ABO #1
-EL PASO EXPLORATION CO				RECEIVED:	03/03/83	JA: NM 4
8326775	NM-1729-82	3003921989		108		CHACON JICARILLA D #14
8326697	NM 0281-82PB	3003906568		108-PB		JICARILLA 119 N #1
8326696	NM 0280-82PB	3003922073		108-PB		JICARILLA 120 C #16
8326689		3003922076		108-PB		JICARILLA 120 C #19
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/03/83	JA: NM 4
8326695	NM 0289-82PB	3003900000		108-PB		JICARILLA 123 C #20
8326713	NM 0259-82PB	3004506326		108-PB		LODEWICK #8
8326712	NM 0256-82PB	3004500000		108-PB		LODEWICK #10
8326738	NM-1655-82	3004503989		108		LUDWICK #11 PC & MV
8326708	NM 0268-82PB	3003907012		108-PB		S & J 27-5 UNIT #10
8326703	NM 0272-82PB	3003906872		108-PB		SAN JUAN 27-4 UNIT #12
8326707	NM 0265-82PB	3003920484		108-PB		SAN JUAN 27-4 UNIT #60
8326710	NM 0263-82PB	3003920954		108-PB		SAN JUAN 27-4 UNIT #78
8326705	NM 0269-82PB	3003906914		108-PB		SAN JUAN 27-5 UNIT #11
8326701	NM 0278-82PB	3003982363		108-PB		SAN JUAN 27-5 UNIT #80
8326717	NM 0253-82PB	3003920175		108-PB		SAN JUAN 28-4 UNIT #33
8326700	NM 0275-82PB	3003907197		108-PB		SAN JUAN 28-4 UNIT #5
8326706	NM 0270-82PB	3003907342		108-PB		SAN JUAN 28-5 UNIT #46
8326693	NM 0286-82PB	3003907167		108-PB		SAN JUAN 28-6 UNIT #26
8326702	NM 0271-82PB	3003907339		108-PB		SAN JUAN 28-6 UNIT #30
8326719	NM 0251-82PB	3003907271		108-PB		SAN JUAN 28-6 UNIT #32
8326698	NM 0282-82PB	3003982366		108-PB		SAN JUAN 28-6 UT #108
8326716	NM 0254-82PB	3003907255		108-PB		SAN JUAN 286 UNIT #38
8326699	NM 0274-82PB	3003907793		108-PB		SAN JUAN 30-6 UNIT #11
8326709	NM 0262-82PB	3003907843		108-PB		SAN JUAN 30-6 UNIT #80
8326694	NM 0288-82PB	3003900000		108-PB		SAN JUAN 32-5 UNIT #17
8326704	NM 0273-82PB	3003906937		108-PB		SJ 27-4 UNIT 21 PC & MV
8326718	NM 0252-82PB	3003906943		108-PB		SJ 27-5 UNIT #75
8326715	NM 0255-82PB	3003907828		108-PB		SJ 30-4 UNIT NP #9
8326714	NM 0260-82PB	3003907992		108-PB		SJ 32-5 UNIT #7
8326711	NM 0264-82PB	3004508337		108-PB		VANDEWART A #5

FIELD NAME	PROD	PURCHASER
MILLS PROSPECT	0.0	NORTHWEST PIPELIN
WAMSUTTER	420.0	COLORADO INTERSTA
EAST PAINTER RESERVOI	1180.0	
EAST PAINTER RESERVOI	175.0	
EAST PAINTER RESERVOI	1.2	
EAST PAINTER RESERVOI	1180.0	
HARTZOG DRAW UNIT	3.6	PANHANDLE EASTERN
WELL DRAW	100.0	PHILLIPS PETROLEU
WHITNEY CANYON (MISSI	1200.0	TENNESSEE GAS PIP
KINGSBURY CREEK	51.8	PANHANDLE EASTERN
LEUCITE HILLS	876.0	MOUNTAIN FUEL SUP
STANDARD DRAW	730.0	COLORADO INTERSTA
WEST TODD	6.5	PHILLIPS PETROLEU
WEST TODD	51.8	PHILLIPS PETROLEU
BLACK THUNDER	10.0	PHILLIPS PETROLEU
TABLE ROCK	9.9	COLORADO INTERSTA
SHURLEY	[illegible].0	M G P C INC
SHURLEY	[illegible].0	M G P C INC
SHURLEY	3.0	M G P C INC
FINN	4.0	M G P C INC
PINE TREE	36.0	WESTERN GAS PROCE
PINE TREE	36.0	WESTERN GAS PROCE
BOGGY CREEK	11.0	MCCULLOCH GAS PRO
BOGGY CREEK	15.0	MCCULLOCH GAS PRO
BOGGY CREEK	24.0	MCCULLOCH GAS PRO
VERMILION	730.0	TENNESSEE GAS PIP
PECOS SLOPE ABO GAS	8.0	TRANSWESTERN PIPE
BASIN DAKOTA	[illegible].0	EL PASO NATURAL G
BLANCO - PICTURED CLI	21.0	EL PASO NATURAL G
UNDESIGNATED GALLUP	[illegible].8	EL PASO NATURAL G
OTERO - CHACRA	20.0	EL PASO NATURAL G
UNDESIGNATED GALLUP	2.0	EL PASO NATURAL G
CHACON-DAKOTA	20.0	EL PASO NATURAL G
BLOOMFIELD CHACRA	10.0	SOUTHERN UNION GA
BLANCO - PICTURED CLI	20.0	EL PASO NATURAL G
UNDESIGNATED FARMINGT	16.0	EL PASO NATURAL G
DEAN PERMO (PENN)	10.0	TIPPERARY RESOURC
DOLLARHIDE TUBB DRINK	17.0	EL PASO NATURAL G
S LINDRITH GALLUP DAK	21.9	EL PASO NATURAL G
AXI APACHE AREA	214.0	GAS COMPANY OF NE
AXI APACHE AREA	112.0	GAS CO OF NEW MEX
EUMONT YATES 7 RIVER	12.1	PHILLIPS PETROLEU
UNDES (W SAND DUNES M	2000.0	
UNDESIGNATED PICTURED	14.0	EL PASO NATURAL G
CHACON - DAKOTA ASSOC	14.0	EL PASO NATURAL G
TAPACITO - PICTURED C	20.0	NORTHWEST PIPELIN
SOUTH BLANCO PICTURED	14.0	NORTHWEST PIPELIN
BLANCO SOUTH - PICTUR	22.0	NORTHWEST PIPELIN
BLANCO SOUTH	[illegible].0	NORTHWEST PIPELIN
BASIN DAKOTA	21.0	EL PASO NATURAL [illegible]
BASIN-DAKOTA	20.0	EL PASO NATURAL G
AZTEC - PICTURED CLIF	[illegible].0	EL PASO NATURAL G
BLANCO-MESAVERDE GAS	15.0	EL PASO NATURAL G
TAPACITO PICTURED CLI	[illegible].0	EL PASO NATURAL [illegible]
BASIN DAKOTA	17.0	EL PASO NATURAL G
TAPACITO - PICTURED C	11.0	EL PASO NATURAL [illegible]
BLANCO-MESAVERDE	15.0	EL PASO NATURAL G
TAPACITO - PICTURED C	19.0	EL PASO NATURAL G
BASIN - DAKOTA	6.0	EL PASO NATURAL G
BLANCO MESAVERDE	0.0	EL PASO NATURAL [illegible]
BLANCO MESAVERDE	[illegible].0	EL PASO NATURAL [illegible]
BLANCO - MESAVERDE GA	16.0	EL PASO NATURAL G
BLANCO - MESA VERDE	19.0	EL PASO NATURAL G
BLANCO MESAVERDE	[illegible].0	EL PASO NATURAL [illegible]
SOUTH BLANCO PICTURED	[illegible].0	EL PASO NATURAL G
BLANCO MESAVERDE	[illegible].0	EL PASO NATURAL G
BLANCO - MESAVERDE	16.0	EL PASO NATURAL [illegible]
BLANCO-MESAVERDE GAS	19.7	EL PASO NATURAL G
BASIN-DAKOTA	20.0	EL PASO NATURAL G
TAPACITO-PICTURED CLI	14.9	EL PASO NATURAL [illegible]
TAPACITO-PICTURED CLI	15.7	EL PASO NATURAL G
BLANCO EAST-PICTURED	20.0	EL PASO NATURAL G
BLANCO-MESAVERDE GAS	15.0	EL PASO NATURAL G
BLANCO-MESAVERDE	18.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-EXXON CORPORATION				RECEIVED:	03/03/83	JA: NM 4
8326741	NM-1799-82	3001524194		103		YATES FEDERAL "C" #3
-GETTY OIL COMPANY				RECEIVED:	03/03/83	JA: NM 4
8326690	NM-1771-82	3001523692		102-2		SALT DRAW 11 FEDERAL COM #1
-GULF OIL CORPORATION				RECEIVED:	03/03/83	JA: NM 4
8326691	NM 1778-82	3001524154		103		WHITE CITY PENN GAS COM UNIT 3 #2
-HNG OIL COMPANY				RECEIVED:	03/03/83	JA: NM 4
8326730	NM 1676-82	3001523846		103		GOLDEN LANE "1" FEDERAL #1
-KEN BLACKFORD				RECEIVED:	03/03/83	JA: NM 4
8326687	NM-1782-82	3003921822		108		WELL 37-B #6 LEASE #09-000037-B
8326686	NM-1780-82	3003921831		108		WELL 37-B #7 LEASE NO 09-000037-B
-MERRION OIL & GAS CORP				RECEIVED:	03/03/83	JA: NM 4
8326727	NM-1715-82	3003922449		108		EAST LINDRITH #6
8326726	NM-1714-82	3003922429		108		EAST LINDRITH #7
8326732	NM-1713-82	3004320273		108		JICARILLA 428 #4
-MESA PETROLEUM CO				RECEIVED:	03/03/83	JA: NM 4
8326684	NM 0664-82	3003922880		103		SOUTH BLANCO NAVAJO 8 #2
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	03/03/83	JA: NM 4
8326770	NM-1735-82	3001520856		108		FEDERAL NM COM #1
8326692	NM 1772-82	3003923036		103		LINDRITH B UNIT #22
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	03/03/83	JA: NM 4
8326724	NM 063482B	3004524973		103		SAN JUAN 32-7 NP #34
8326720	NM-0235-82PB	3004521330		108-PB		SAN JUAN 32-7 UT #34
-PERRY R BASS				RECEIVED:	03/03/83	JA: NM 4
8326731	NM-1709-82	3001524062		103		JAMES RANCH UNIT #13
-READ & STEVENS INC				RECEIVED:	03/03/83	JA: NM 4
8326764	NM-174682103	3000561437		103		WEST HAYSTACK FEDERAL #2
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:	03/03/83	JA: NM 4
8326677	NM-1629-82	3004524024		108		FOSTER #6
8326675	NM-1620-82	3004505730		108		HODGES #7
8326735	NM-1672-82	3003921030		108		JICARILLA "A" #17
8326736	NM 1671-82-B	3003921853		103		JICARILLA A #22-Y
8326729	NM 1671-82-A	3003921853		103		JICARILLA A #22Y
8326674	NM-1666-82	3003900000		108		JICARILLA B #2
8326734	NM-1670-82	3004523828		108		LARGO FEDERAL #3
8326679	NM-1619-82	3004524327		108		NEWSOM #10-R
8326681	NM-1614-82	3004505904		108		NEWSOM #12
8326678	NM-1617-82	3004524326		108		NEWSOM #23
8326676	NM-1623-82	3004524564		108		NICKERSON #20
8326733	NM-1669-82	3004505708		108		NICKSON #8
-SOUTHLAND ROYALTY CO				RECEIVED:	03/03/83	JA: NM 4
8326721	NM-0250-82PB	3004521800		108-PB		CAIN #21
-SUPRON ENERGY CORPORATION				RECEIVED:	03/03/83	JA: NM 4
8326761	NM1753-82B	3003922529		103		JICARILLA "L" #7
8326760	NM 1753-82A	3003922529		103		JICARILLA "L" #7
8326762	NM-1754-82	3003922596		103		MCCRODEN "B" #3
8326688	NM 1783-82	3004524562		103		NEWSOM 'A' #10
8326758	NM-1760-82	3004524637		103		NEWSOM 'A' #11
8326757	NM-1757-82	3004525076		103		NEWSON "A" #14
8326759	NM-1751-82	3004524787		103		NICKSON #21
8326756	NM-1755-82	3004524759		103		SUMMIT #11
-TENNECO OIL COMPANY				RECEIVED:	03/03/83	JA: NM 4
8326763	NM-1745-82	3004525308		103	107-TF	BARNES 17
8326769	NM-1744-82	3004525341		103	107-TF	BARNES 18
8326739	NM-1797-82	3004525327		103		HAMNER 11
8326744	NM-1794-82	3004525403		103		HUGHES A 2E
8326745	NM-1795-82	3004525228		103		HUGHES A6E
8326750	NM 1787-82	3003922893		103		JICARILLA A 6E
8326748	NM 1786-82	3003922396		103		JICAPILLA A 7E
8326746	NM-1796-82	3003922897		103		JICARILLA A 8E
8326747	NM 1785-82	3003923895		103		JICARILLA B 7E
8326722	NM 0634-82-A	3004524973		103		LAWSON 1R
8326749	NM 1788-82	3004524912		103		MICHENER 2E
8326752	NM-1763-82	3004525301		103		OMLER A15
8326742	NM 1791-82	3004525371		103		TAPP 2E
8326751	NM 1789-82	3004525304		103		VANDENART B 1E
8326743	NM-1793-82	3004525190		103		WILCH 2E
-WESTERN RESERVES OIL COMPANY				RECEIVED:	03/07/83	JA: NM 4
8326802	NM 0888-82	3000560936		103	107-DP	BEVMOR 24 FEDERAL #1
-YATES PETROLEUM CORPORATION				RECEIVED:	03/03/83	JA: NM 4
8326774	NM 1724-82	3001524191		103		ENG "TX" FEDERAL #1
8326753	NM-176482102	3003561651		102-3	107-TF	LEEMAN OC FED #4

FIELD NAME	PROD	PURCHASER
UNDESIGNATED BURTON F	269.0	
UNDESIGNATED MORROW	109.5	UNITED GAS PIPELI
WHITE CITY PENN	0.0	TRANSWESTERN PIPE
WILDCAT ATOKA	182.5	EL PASO NATURAL G
BALLARD PICTURED CLIF	15.0	EL PASO NATURAL G
BALLARD PICTURED CLIF	0.8	EL PASO NATURAL G
SOUTH BLANCO PICTURED	14.0	EL PASO NATURAL G
SOUTH BLANCO PICTURED	11.0	EL PASO NATURAL G
BALLARD PICTURED CLIF	11.0	NORTHWEST PIPELIN
LYBROOK GALLUP EXTENS	120.0	
CARLSBAD SOUTH MORROW	21.8	LLANO INC
CHACON DAKOTA ASSOCIA	93.8	EL PASO NATURAL G
BASIN DAKOTA	0.0	EL PASO NATURAL G
BASIN DAKOTA	0.0	EL PASO NATURAL G
LOS MEDANOS	1400.0	NATURAL GAS PIPEL
UNDESIGNATED (CISCO)	273.0	TRANSWESTERN PIPE
BALLARD	0.0	GAS CO OF NEW MEX
BALLARD PICTURE CLIFF	8.3	GAS CO OF NEW MEX
TAPACITO PICTURE CLIF	7.0	GAS CO OF NEW MEX
BLANCO MESAVERDE	2000.[illegible]	GAS CO OF NEW MEX
BASIN DAKOTA	430.0	GAS CO OF NEW MEX
BLANCO	[illegible].0	GAS CO OF NEW MEX
WILDCAT FARMINGTON SA	7.[illegible]	SOUTHERN UNION GA
BALLARD PICTURE CLIFF	1.8	GAS CO OF NEW MEX
BALLARD PICTURE CLIFF	3.[illegible]	GAS CO OF NEW MEX
BALLARD PICTURE CLIFF	[illegible].[illegible]	GAS CO OF NEW MEX
BALLARD	0.[illegible]	GAS CO OF NEW MEX
BALLARD PICTURE CLIFF	5.0	GAS CO OF NEW MEX
AZTEC	19.0	SOUTHERN UNION GA
OTERO CHACRA	323.0	GAS CO OF NEW MEX
PICTURED CLIFFS	86.[illegible]	GAS CO OF NEW MEX
BLANCO MESAVERDE	713.0	GAS CO OF NEW MEX
BALLARD PICTURED CLIF	1136.0	GAS CO OF NEW MEX
BALLARD PICTURED CLIF	114.0	GAS CO OF NEW MEX
BALLARD PICTURED CLIF	193.0	GAS CO OF NEW MEX
BALLARD PICTURED CLIF	83.0	EL PASO NATURAL G
BLOOMFIELD CHACRA EXT	558.0	SOUTHERN UNION GA
BASIN DAKOTA	500.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
UNDES GALLUP	170.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
BASIN DAKOTA	100.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	NORTHWEST PIPELIN
BASIN DAKOTA	500.0	NORTHWEST PIPELIN
BASIN DAKOTA	500.0	NORTHWEST PIPELIN
BASIN DAKOTA	500.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	500.0	SOUTHERN UNION GA
BASIN DAKOTA	500.0	NORTHWEST PIPELIN
UNDES FRUITLAND	500.0	
BASIN DAKOTA	100.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
BASIN DAKOTA	100.0	EL PASO NATURAL G
UNDESIGNATED (ABO)	206.0	TRANSWESTERN PIPE
UND MORROW	0.0	TRANSWESTERN PIPE
PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C:	Correction to prior Fed. Register notice
83-17389	NM	Carl A Schellinger	Campbell Station U #1	824	2-09-83	C:	102-2 & 107-TF Approved
83-18145	OH	Moreland Oil & Gas	Ruth Carothers #1	828	2-18-83	C:	107-TF Approved; not Denied
83-18190	OH	Whitman Oil & Gas Corp	Swaney #1	828	2-18-83	C:	107-DV A
83-18191	OH	Whitman Oil & Gas Corp	USA McKinnon #2	828	2-18-83	C:	107-DV Approved; not 107-TF
83-18192	[illegible]	Whitman Oil & Gas Corp	Dale & Phillis Haught #10	828	2-18-83	C:	107-DV Approved; not 107-TF
83-18193	OH	Whitman Oil & Gas Corp	Hille Heirs #1	828	2-18-83	C:	107-DV Approved; not 107-TF
83-19064	NM	Cities Service Co	State E #5	832	2-18-83	C:	Well Name
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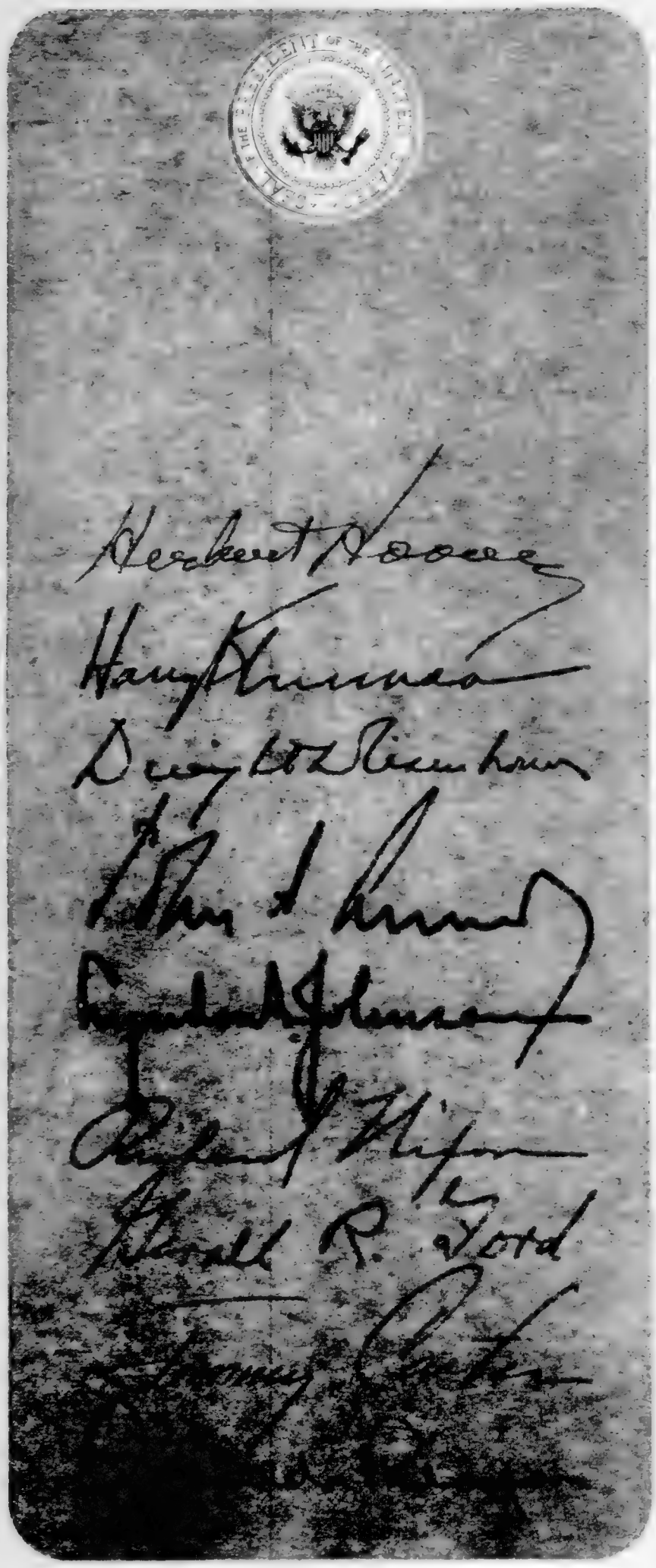

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Coast Guard

Marketing Agreements
Agricultural Marketing Service

Price Support Program
Commodity Credit Corporation

Privacy
Justice Department

Railroad Safety
Research and Special Programs Administration

Veterans
Veterans Administration

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Thursday, April 7, 1983

Presidential Documents

Title 3—

The President

Executive Order 12415 of April 5, 1983

Extension of the Presidential Commission on Drunk Driving

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to ensure the continuation of efforts to assist the States in the fight against drunk driving, it is hereby ordered that Section 4(b) of Executive Order No. 12358, as amended, is amended to read as follows: "The Commission shall terminate on December 31, 1983."

Ronald Reagan

THE WHITE HOUSE,
April 5, 1983.

[FR Doc. 83-9318
Filed 4-6-83; 10:43 am]
Billing code 3195-01-M

Editorial Note: For the President's statement of Apr. 5, 1983, on signing EO 12415, see the *Weekly Compilation of Presidential Documents* (vol. 19, no. 14).

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Rules and Regulations

Federal Register
Vol. 48, No. 68
Thursday, April 7, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 573]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 8–April 14, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on April 4, 1983 at Bakersfield, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is slower.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

List of subjects in 7 CFR 907: Agricultural Marketing Service, Marketing Agreements and Orders, California, Arizona, Oranges (Navel).

1. Section 907.873 is added as follows:

§ 907.873 Navel orange regulation 573.

The quantities of navel oranges grown in California and Arizona which may be handled during the period April 8, 1983 through April 14, 1983, are established as follows:

(1) District 1: 1,700,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 6, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–9339 Filed 4–6–83; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 917

Fresh Pears, Plums, and Peaches Grown in California; Nomination of Pear Commodity Committee Members

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action reallocates the membership on the Pear Commodity Committee and re-groups districts (for purposes of representation) within the production area. The changes reflect the relative quantity of pears shipped from the respective representation areas.

DATE: This rule becomes effective April 7, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of fresh California pears for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 917, regulating the handling of fresh pears, plums, and peaches grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Pear Commodity Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

Under this order, the production area is divided into districts for purposes of representation on the committee. The number of members from each district and the grouping of the districts are based, insofar as practicable, upon the proportionate quantity of pears shipped from the respective districts during the preceding three fiscal years.

This action increases the number of nominees for membership on the Pear Commodity Committee from the Lake District from four to five nominees; and in the Mendocino and North Bay Districts from one to two nominees. The Placer-Colfax and El Dorado Districts are combined and will have one nominee. The number of nominees from the Sacramento River, Stockton, Stanislaus, Contra Costa, Santa Clara and Solano Districts is reduced from four to three.

Section 917.121 of Subpart—Rules and Regulations (7 CFR Part 917, §§ 917.100—917.179) sets forth the allocation of the membership among the districts for the Pear Commodity Committee. This action, pursuant to § 917.35(g) of the order, amends § 917.121 to allocate the membership on the basis of fresh pear shipments in the preceding three fiscal periods (1980–1982).

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because the allocation is prescribed by the order and is based upon shipments of fresh pears in a prior period, thus, no purpose would be served by delaying the effective date of this action.

List of Subjects in 7 CFR Part 917

Marketing Agreements and Orders, California, Pears.

PART 917—[AMENDED]

Therefore, paragraphs (b) through (f) of § 917.121 are revised to read as follows:

§ 917.121 Changes in nomination of Pear Commodity Committee members.

* * * * *

(b) Sacramento River District, Stockton District, Stanislaus District, Contra Costa District, Santa Clara District and Solano District, three nominees.

(c) Placer-Colfax District and El Dorado District, one nominee.

(d) Lake District, five nominees.

(e) Mendocino District and North Bay District, two nominees.

(f) All of the production area not included in paragraphs (a) through (e) of this section, one nominee.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: April 4, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc. 83-9151 Filed 4-6-83; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1434

Honey Price Support Regulations Governing 1982 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The purpose of this interim rule is to revise the Honey Price Support Regulations Governing 1982 and Subsequent Crops to: (1) Provide that steel drums which are used for the storage of honey pledged as collateral for a CCC loan or covered by a CCC purchase agreement, may be filled no closer than 2 inches from the top of the drum; (2) add two ineligible floral sources to the list of ineligible floral sources; (3) provide that honey which has been scorched, burned, or subjected to excessive heat is ineligible for price support; (4) provide that honey stored in a steel drum that has a tare weight of less than 42 pounds is ineligible for price support regardless of whether it meets other eligibility requirements; and (5) provide for the assessment of interest charges explained in supplement for unsettled loans.

EFFECTIVE DATE: April 7, 1983.

Comments must be received on or before June 6, 1983, in order to be assured of consideration.

ADDRESSES: Interested persons should submit comments to Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, 202–447–7987. A copy of the Final Regulatory Impact Analysis is available upon request.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." The provisions of this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this interim rule applies, are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this interim rule.

Since producers of 1983-crop honey will be eligible to obtain price support loans and enter into purchase agreements with CCC with respect to their honey beginning April 1, 1983, it is essential that these producers be informed of any changes in the terms and conditions of the 1983 program as soon as possible.

Accordingly, it has been determined that the changes made by this interim rule shall become effective April 7, 1983. However, comments with respect to this rule are requested and should be submitted on or before June 6, 1983, in order to be assured of consideration. This interim rule will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

The current regulations governing the honey price support program require that 55 gallon drums, which are used to store honey pledged as collateral for a price support loan or covered by a purchase agreement, be filled up to, but no closer than, 4 inches from the top of the drum. The purpose of this requirement was necessary to protect the collateral during storage should the quantity of honey in the drum expand due to heating. However, it has now been determined that 2 inches of empty space in a drum will adequately protect the honey if there is some expansion as the result of heating. In addition, requiring only 2 inches of empty space will also permit producers to utilize more of the container's storage capacity. Accordingly, this interim rule provides that drums which are used to store

honey which is pledged as collateral for a CCC loan or covered by a CCC purchase agreement may not be filled with honey closer than 2 inches from the top of any such drum.

The quality of the honey that has been scorched, burned, or subjected to excessive heat, has been impaired and therefore, the value has been reduced. Therefore, this rule provides that honey that has been scorched, burned, or exposed to excessive heat is ineligible for price support.

Prior regulations provided that honey loan carrot floral source was ineligible for price support, but the current regulations inadvertently omitted carrot from the list of ineligible floral sources. Spurge (leafy spurge) has also been determined to be an ineligible floral source. Therefore, this interim rule includes carrot and spruge (leafy spurge) in the list of ineligible floral sources.

The current regulations provide that the official tare weight for 55 gallon containers of honey delivered to CCC is 53 pounds unless the producer can provide a lesser tare weight. This interim rule provides that CCC will not accept honey stored in a 55 gallon container with a tare weight of less than 42 pounds. This change in the regulations is based on container requirements that are acceptable to the honey industry and are compatible with CCC container requirements for storing other commodities. A tare weight of not less than 42 pounds is considered a reasonable tare weight for a 55 gallon container.

Section 1434.18 of the current regulations provides that loans shall bear interest at the rate announced in a separate notice published in the **Federal Register**. However, if any price support loan is not repaid to CCC by the producer when due and payable, the provisions of 7 CFR Part 1403 shall be applicable with respect to any such unpaid amount. This interim rule provides that the interest rate assessed with respect to unsettled loans shall be the same as the rate which is assessed by CCC with respect to delinquent debts in accordance with 7 CFR 1403.5. Such interest will be assessed until the loan is settled beginning on the date immediately following the loan maturity date or the original required settlement date with regard to loans which have been called.

List of Subjects in 7 CFR Part 1434

Honey price support programs.

Interim Rule

PART 1434—[AMENDED]

Accordingly, 7 CFR Part 1434 is amended as follows:

1. The authority citations to Part 1434 read as follows:

Authority: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); Sec. 5, 62 Stat. 1072 (15 U.S.C. 714c); Secs. 201, 401, 63 Stat. 1052, 1054 (7 U.S.C. 1446, 1421).

2. Section 1434.7 is amended by revising paragraph (c)(2) to read as follows.

§ 1434.7 Eligible honey.

* * * * *

(c) *Containers.* * * *

(2) Steel drums. Steel drums must be open-end type and filled no closer than 2 inches from the top of the drums. In addition, such drums must be new or must be used drums which have been reconditioned inside and outside. They must be clean, treated to prevent rusting, and fitted with gaskets which provide a tight seal.

* * * * *

3. Section 1434.8 is amended by revising paragraphs (a), (c), and (d) to read as follows:

§ 1434.8 Ineligible honey.

(a) *Floral source.* Honey from the following floral sources is not eligible for price support regardless of whether it meets other eligibility requirements: Andromeda, bitterweed, broomweed, cajeput (melaleuca), carrot, chinquapin, dog fennel, desert hollyhock, gumweed, mescal, onion, prickly pear, prune, queen's delight, rabbit brush, snowbrush (ceanothus), snow-on-the-mountain, spurge (leafy spurge), tarweed, and similar objectionably-flavored honey or blends of honey as determined by the Director, Cotton, Grain, and Rice Price Support Division, ASCS. If any blends of honey contain such ineligible honey, the lot as a whole shall be considered ineligible for loan or delivery for purchase.

* * * * *

(c) *Containers.* Honey which is stored: (1) in steel drums having a tare weight less than 42 pounds or having removable liners of polyethylene or other materials, (2) in bung-type drums, or (3) in bulk tanks, is not eligible for price support regardless of whether it meets other eligibility requirements.

(d) *Heat damage.* Honey which has been scorched, burned, or subjected to excessive heat resulting in objectionable flavor, color deterioration or carmelization shall be ineligible for price support.

4. Section 1434.16 is amended by revising paragraph (b)(1) to read as follows:

§ 1434.16 Determination of quantity.

* * * * *

(b) *At time of acquisition—(1) Farm storage.* The quantity of honey acquired by CCC as the result of a loan forfeiture or pursuant to a purchase agreement shall be determined by weighing the honey delivered under the direction of the State committee. The quantity of honey acquired in 5-gallon cans shall be determined by using a tare weight of 2.5 pounds for each can. The quantity of honey acquired in 55-gallon drums shall be determined by using a tare weight of 53 pounds for each drum unless the producer can provide evidence of a lesser tare weight. However, the tare weight of the drum shall not be less than 42 pounds. Title to the containers shall vest in CCC.

* * * * *

5. Section 1434.17 is amended by revising paragraph (a)(1) to read as follows:

§ 1434.17 Determination of quality.

(a) *Quality for loan—(1) Farm storage.* Loans on farm-stored honey will be made on the basis of the floral source, color, and class (table or nontable) of the honey as declared and certified by the producer on the Farm Storage Worksheet at the time the honey is placed under loan. Before loans are disbursed, the moisture content of honey offered for loan shall be determined by a representative of CCC on the basis of samples drawn by a representative of the county committee.

* * * * *

6. Section 1434.18 is revised to read as follows:

§ 1434.18 Interest rate.

(a) Except as provided in paragraph (b), price support loans for honey shall bear interest at the rate announced in a notice which is published in the **Federal Register**.

(b) Price support loans which have not been repaid by the maturity date or the original required settlement date for called loans shall bear interest at the same rate which is assessed by CCC with respect to late payment charges on delinquent debts in accordance with 7 CFR Section 1403.5. Such interest will be assessed until the loan is settled beginning on the date immediately following the loan maturity date or the original required settlement date of called loans, whichever is applicable.

Signed at Washington, D.C. on April 1, 1983.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 83-9149 Filed 4-6-83; 8:45 am]

BILLING CODE 3410-05-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 190

Bankruptcy

Correction

In FR Doc. 83-4692, appearing at pages 8716-8755, in the issue of March 1, 1983, make the following changes:

1. On page 8716, second column, under the heading "B. Discussion of major Substantive issues", in the 3rd line, the word "customer", should read "customers", also, in the 23rd line, "a" should appear immediately after the word "of".

2. On page 8719, in footnote 16, line 14, a comma should appear after ". . . *See also* In re Twist Cap, Inc.".

3. On page 8723, in footnote 39, "11 U.D.C. 764(b)", should read "11 U.S.C. 764(b)". In the middle column, line 34, reference to footnote "41", should be to footnote "42".

4. On page 8724, first column, line 24, the word "to" should appear immediately after "§ 190.10(d)".

5. On page 8725, first column, line 16, the last word should read "satisfy". Also, on this page in the second column, 12 lines from the bottom, "§ 190.0.2(b)(3)" should read "§ 190.02(b)(3)".

6. On page 8726, first column, the 11th line from the bottom, the word "commodity", should be capitalized.

7. On page 8727, first column, 15 lines from the top, the last word should be "involving".

8. On page 8729, middle column, in the 3rd line just above the mathematical equation, the word "to" should be "and".

9. On page 8730, 3rd column, the first word in the 21st line now reading "and", should read "an".

10. On page 8731, in the first column, 29 lines from the bottom, the last word reading "not" should read "no". In the second column, the 11th line should read "out of the making or taking of delivery in". In the third column, the second full paragraph, the 12th line, the word "dos" should be "does". In the third column, the 3rd full paragraph, the 3rd line should read "made to § 190.05 at the request of the".

11. On page 8732, third column, in the first line of the second full paragraph, "make" should be "makes".

12. On page 8735, in footnote 105, "§ 190.07(a)" should read "§ 190.03(a)".

13. On page 8736, first column, under the heading "*Valuation of Leverage Contracts.*", in the second line, "§ 190.07(d)(2)(iv)" should read "§ 190.07(e)(2)(iv)". Also, in the second column, 12 lines from the bottom, "(11 U.S.C. 761(1)(A)(ii)" should read "(11 U.S.C. 761(10)(A)(ii))".

14. On page 8737, in the second column, in line 23, the word "against" should appear just after "applied". In the third column, 31 lines from the bottom, "§ 190.19(d)" should read "§ 190.10(d)".

15. On page 8738, first column, 7 lines from the bottom, "where", should be "were".

16. On page 8739, first column, in the second line from the bottom, a period should follow the word "Supp". In the middle column, the table of contents, Part 190, Subpart C in the entry for "Bankruptcy Appendix Form 4", "claims" should read "claim". In the third, paragraph (c), the term "Bankruptcy Code" should be enclosed in quotations.

17. On page 8440, first column, paragraph (x)(1), second line, "valve" should read "value". In the second column, paragraph (hh), "Public customers" should read "Public customer". In the last line of the second column, the first word should be "Registered".

18. On page 8745, 3rd column, 8 lines from the bottom, replace the comma with a period.

19. On page 8748, first column, in paragraph (c)(1)(i), 16 lines from the top, the word "secion", should read "section". Also, in paragraph (c)(1)(ii), the first word now reading "The" should read "Then".

20. On page 8749, third column, in paragraph (c)(2), the last word in the 4th line should be "recovered".

21. On page 8753, in the middle column, 7 lines from the bottom, the word "exchange-trade" should be "exchange-traded".

22. On page 8754, first column, in the 38th line from the bottom, the first word should be "trades". Also, on this page in the middle column, in the 21st line from the bottom, the colon should be a semicolon.

BILLING CODE 1505-01-M

17 CFR Part 190

Bankruptcy Provisions; Deferral of Effective Date and Correction of Technical Errors

AGENCY: Commodity Futures Trading Commission.

ACTION: Deferral of effective date and correction of certain technical errors in final bankruptcy rules.

SUMMARY: On March 1, 1983, the **Federal Register** published the Commission's new Part 190 which contains rules implementing the Bankruptcy Reform Act of 1978 insofar as that Act pertains to the liquidation of commodity brokers. (48 FR 8716-8755). This release is to defer the effective date until June 30, 1983, of two of those rules which require commodity brokers to make certain disclosures to customers and obtain customer responses thereto. The Commission is similarly extending the effective date of a third rule, already deferred until May 31, 1983, which requires contract markets to adopt certain rules concerning deliveries on behalf of customers of a debtor. The purpose of the deferrals is to give commodity brokers sufficient time to comply with these provisions. In addition, certain technical errors and omissions contained in the Part 190 rules and the accompanying preamble are being corrected at this time.

DATES: Effective as of April 7, 1983, §§ 190.05(b), 190.06(d) and 190.10(c) are deferred until June 30, 1983.

FOR FURTHER INFORMATION CONTACT: Suzanne Ryder, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: The Commission has determined to defer the effective date of Rules 190.06(d) and 190.10(c) until June 30, 1983. (48 FR at 8745, 8751, respectively).[1] This action is

[1] Rule 190.06(d) (1) requires futures commission merchants ("FCMs") to solicit instructions from each customer when undertaking its first hedging contract as to whether such customer prefers, in the event of that FCM's bankruptcy, that the customer's open commodity contracts held in a hedging account, if any, be liquidated without further instruction from the customer. (As provided in the **Federal Register** § 190.06(d) (1) incorrectly refers to "commodity brokers" instead of FCMs. This error is corrected by this release, *infra.*) In addition, Rule 190.06(d)(2) requires the FCM to indicate in the accounting records in which it maintains open trade balances any such customer account which are hedging accounts for which the customer has not

taken to give commodity brokers sufficient time to print, distribute, and obtain the acknowledgment required by Rule 190.10(c), and in the case of Rule 190.06(d), to solicit customer instructions and make the necessary adjustments to their accounting records, and to list or otherwise record the responses as required. Moreover, by deferring the effective date of these provisions for ninety days, the distributions to customers may, in some cases, be included in other mailings being sent to customers, depending upon the timing of those mailings. The Commission has similarly determined to defer the effective date of Rule 190.05(b) until June 30, 1983 to ensure that contract markets will have adequate time to comply with the rulemaking requirements of that provision.[2]

In addition to postponing the effective date of these three rules, the Commission is also taking this opportunity to correct certain errors and omissions in its Part 190 rules. Accordingly, the following corrections should be made to 48 FR 8716–55:

(1) On page 8719, in the third column, in the second complete paragraph, in the seventh and eighth lines, "broker-securities dealer" should be corrected to read "broker/securities broker/dealer."

(2) On page 8720, in the first column, in the second paragraph, in the twenty-second and twenty-third lines, "broker-securities dealer" should be corrected to read "broker/securities broker-dealer."

(3) On page 8721, in the first column, footnote 23, in the third line, "(17) "net" should be corrected to read "(17) net."

(4) On page 8724, in the second column, in the first paragraph, in the third line, "§§ 190.02(a)(2)" should be corrected to read "§ 190.02(a)(2)."

(5) On page 8730, in the third column, in the first paragraph, in the first full sentence which reads "The Commission understands that some contract markets already provide that delivery on the commodity underlying the contract not take place through the broker" should be corrected to read "The Commission understands that in some cases, delivery on the commodity underlying the contract does not take place through the clearing organization."

(6) On page 8734, in the third column, in the first full paragraph, in the eighth line, "liquidation," should be corrected to read "liquidation date."

(7) On page 8737, in the first column, in the first paragraph, in the eleventh line, "nonexempt" should be corrected to read "exempt."

(8) On page 8739, in the first column, in the paragraph of text, in the third line, "act" should be corrected to read "Act."

(9) Also on page 8739, in the second column, in the first paragraph, in the seventeenth line, "objective" should be corrected to read "objectives."

(10) On page 8740, in the third column, in § 190.01(kk)(3), in the ninth line, "filing date" should be corrected to read "entry of the order for relief."

(11) On page 8740 and 8741, in the third and first columns, respectively, in §§ 190.01(kk)(4) and 190.01(kk)(5), in the second line in each provision, "bankruptcy" should be corrected to read "the entry of the order for relief."

(12) On page 8745, in the second column, in § 190.06(d)(1), in the second and third lines, "A commodity broker" should be corrected to read "Each futures commission merchant."

(13) Also on page 8745, in the second column, in § 190.06(e)(1)(i), in the third line, "partnership." should be corrected to read "partnership;".

(14) On page 8747, in the first column, in § 190.07(b)(2)(viii), in the fourth line, "and foreign futures accounts" should be corrected to read "foreign futures accounts and delivery accounts."

(15) On page 8751, in the third column, in the Appendix 1, in item 2, b, in the second line, "DSRO" should be corrected to read "clearing organization."

(16) On page 8752, in the second column, in item 3 of the provision entitled "Seventh Business Day After the Entry of an Order for Relief," in the fourth line, " (§ 190.03(a)(2)" should be corrected to read "(§ 190.03(a)(2))."

(17) On page 8755, following the line which reads "U.S.C. § 152," a new paragraph should be added to read "OMB Control No.: 3038–0021.".

Issued in Washington, D.C. on March 30, 1983.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 83–8878 Filed 4–6–83; 8:45 am]

BILLING CODE 6351–01–M

specified that it prefers that its open contracts be liquidated in bankruptcy without instruction.

Rule 190.10(c) prescribes a risk disclosure statement which all commodity brokers must furnish to customers who post non-cash margin. ("Commodity broker" is defined in Rule 190.01(f), 48 FR at 8739.) The commodity broker is also required to obtain a signed and dated acknowledgment from any such customers before the broker can accept such property as margin.

[2] Rule 190.05(b) in general requires contract markets to adopt rules which permit delivery in fulfillment of certain futures contracts for a physical commodity or options on a physical commodity to be effected outside the estate of a debtor.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for the Taxable Year 1982 and Estimated Tax for the Taxable Year 1983

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final rule; proclamation.

SUMMARY: This proclamation announces the percentage to be used to compute the income tax liability of foreign corporations carrying on life insurance business in the United States.

EFFECTIVE DATE: March 15, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Hudson Milner, Office of Tax Analysis, U.S. Treasury Department, Washington, D.C. 20220 (202–566–2705), not a toll free call.

SUPPLEMENTARY INFORMATION: This proclamation, issued each year by the Secretary of the Treasury, announces the percentage to be used to compute the income tax liability of foreign corporations carrying on life insurance business in the United States.

Proclamation

For purposes of computing the 1982 income tax of foreign corporations carrying on a life insurance business, a percentage of 17.4 shall be used in determining the "minimum figure" under section 819. The same percentage shall be used for purposes of computing the estimated tax and the installment payments of estimated tax for the taxable year 1983. No additions to tax shall be made because of any under-payment of estimated tax for the taxable year 1983 which results solely from the use of this percentage.

This proclamation is issued without notice and public procedure because the public cannot effectively participate in the determination of the percentage. It is computed from information contained in the income tax returns that are not open to the public. The proclamation was not published prior to its effective date because the percentage is computed on the basis of data which was not then available.

John E. Chapoton,

Assistant Secretary (Tax Policy).

March 18, 1983.

[FR Doc. 83–9091 Filed 4–6–83; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 11-12-83]

Establishment of Special Local Regulations for the "Newport to Ensenada Yacht Race"

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Newport to Ensenada Yacht Race, an ocean racing and cruising type sailboat race in Newport Beach, to be held on 23 April 1983 near the Newport Jetty. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 23 April 1983 and terminate on 25 April 1983.

FOR FURTHER INFORMATION CONTACT: LT N. M. Turner, Commander (bpa), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590-2213.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. There was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The principal individuals involved in drafting this rule are LT Noris M. Turner, Chief, Boating and Public Affairs Branch, Eleventh Coast Guard District, and LT Catherine M. Kelly, Project Attorney, Legal Office, Eleventh Coast Guard District.

SPECIAL LOCAL REGULATION

Discussion of Regulations

Newport Ocean Sailing Association's "Newport to Ensenada Yacht Race" will be conducted in Newport Beach beginning April 23, 1983, starting near Newport Jetty. This event will have 800 24- to 85-foot ocean racing and cruising type sailboats that could pose hazards to navigation. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area will be open for the passage of commercial vessels and can be opened periodically to recreational vessels.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding § 100.35-11-1112 to read as follows:

§ 100.35-11-1112 Newport Ocean Sailing Association/Newport to Ensenada Yacht Race.

(a) *Regulated area:* The following regulated area will be closed intermittently to all vessel traffic from 11:30 AM to 2:00 PM on 23 April 1983, for the start of subject race, bounded by the following coordinates:

33°35.3' N	117°53.3' W
33°34.9' N	117°53.3' W
33°34.9' N	117°54.5' W
33°35.3' N	117°54.5' W

(b) *Special Local Regulations:*

(1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated area during the above hours, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(2) When hailed by Coast Guard or Coast Guard Auxiliary vessels patrolling the event area, a vessel shall come to an immediate stop. Vessels shall comply with all directions of the designated Coast Guard Regatta Patrol.

(3) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454, 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: March 30, 1983.

A. P. Manning,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 83-9136 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 3

Allowance in Lieu of Government-Furnished Headstone or Marker

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration has increased the monetary allowance payable in lieu of a Government-furnished headstone or marker from $63 to $67. The need for this action resulted from the fact that the actual cost of a Government-furnished headstone or marker increased from $63 to $67. The effect of this action is to permit payment of up to $67 in lieu of a Government-furnished headstone or marker.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: C. A. Wheeler, 202 389-3005.

SUPPLEMENTARY INFORMATION: On pages 56880 and 56881 of the Federal Register of December 21, 1982, the Veterans Administration published a proposed amendment to 38 CFR 3.1612. Interested persons were given until January 21, 1983, to submit comments, suggestions, or objections to the proposed amendment to § 3.1612.

We received no comments, suggestions, or objections to the proposed amendment of § 3.1612. The amendment is adopted as proposed.

The Administrator hereby certifies that this regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that this regulation affects individual claimants only. Pursuant to 5 U.S.C. 601(b), this regulation is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Veterans Administration has determined in accordance with Executive Order 12291 that this regulation is nonmajor because it simply implements statutory requirements and would have little or no economic impact in itself.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Catalog of Federal Domestic Assistance Program number is 64.101.

Approved: March 22, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—ADJUDICATION

The VA is amending 38 CFR Part 3 as follows:

In § 3.1612, paragraph (e)(2)(ii) is revised as follows:

§ 3.1612 Monetary allowance in lieu of a Government-furnished headstone or marker.

* * * * *

(e) *Payment and amount of the allowance.* * * *

(2) The amount of the allowance payable is the lesser of the following:

* * *

(ii) The average actual cost, as determined by the Veterans Administration, of headstones and markers furnished at Government expense for the fiscal year preceding the fiscal year in which the non-Government headstone or marker was purchased or the services for adding the veteran's identifying information on an existing headstone or marker were purchased. The average actual cost of headstones and markers furnished at Government expense for fiscal year 1981 (October 1, 1980 through September 30, 1981) is $63 and $67 for fiscal year 1982 (October 1, 1981 through September 30, 1982).

* * * * *

[FR Doc. 83-9143 Filed 4-6-83; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS 62024C; TSH FRL 2341-6]

Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Incorporations by Reference Revisions; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule; correction.

SUMMARY: This document corrects a final rule on the incorporations by reference for polychlorinated biphenyls (PCBs) that appeared in the **Federal Register** of February 8, 1983 (48 FR 5729). Inadvertently, the language used restricted "batch testing" for PCBs to transformers only. This provision, under 40 CFR 761.60(g)(1)(ii), was amended in the **Federal Register** of August 25, 1982 (47 FR 37342) to allow "batch testing" of all electrical equipment including transformers. Today's action restores the language of 40 CFR 761.60(g)(1)(ii) to that of the August 25, 1982 amendment.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460. Toll free: (800-424-9065); in Washington, D.C.: (554-1404); outside the USA: (Operator—202-554-1404).

Dated: March, 29, 1983.

Don R. Clay,

Acting Assistant Administrator, Office of Pesticides and Toxic Substances.

PART 761—[AMENDED]

Accordingly, 40 CFR 761.60(g)(1) is corrected by revising paragraph (ii) to read as follows:

§ 761.60 Disposal requirements.

* * * * *

(g) * * *

(1) * * *

(ii) For purposes of complying with the marking and disposal requirements, representative samples may be taken from either the common containers or the individual electrical equipment to determine the PCB concentration. *Except,* That if any PCBs at a concentration of 500 ppm or greater have been added to the container or equipment then the total container contents must be considered as having a PCB concentration of 500 ppm or greater for purposes of complying with the disposal requirements of the Subpart. For purposes of this paragraph, representative samples of mineral oil dielectric fluid are either samples taken in accordance with American Society of Testing and Materials method D-923-81 or samples taken from a container that has been thoroughly mixed in a manner such that any PCBs in the container are uniformly distributed throughout the liquid in the container.

* * * * *

[FR Doc. 83-9079 Filed 4-6-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 4, 26, 35, 78, 97, 109, 167, 185, and 196

[CGD 82-069]

Casualty Reporting Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This Final Rule amends the casualty reporting requirements by eliminating from these requirements the consideration of certain costs associated with the repair of a vessel sustaining damage as the result of a marine casualty. The costs of salvage, cleaning, gas freeing and drydocking are no longer to be included in the estimation of the damage costs resulting from a marine casualty. This Final Rule will reduce the number of reports submitted while still providing the Coast Guard with sufficient marine casualty information to allow it to fulfill its statutory obligation.

DATES: Effective May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Lt. C. V. Mosebach, Office of Merchant Marine Safety (G-MMI-1/14), Room 1405, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593; (202) 426-1455, 7:00 to 3:30 Monday through Friday.

SUPPLEMENTARY INFORMATION: On August 18, 1982 (47 FR 35533), the Coast Guard published a Notice of Proposed Rulemaking (NPRM) (CGD-82-069) concerning eliminating the costs of salvage, cleaning, gas freeing and drydocking from the casualty reporting requirements. As a result of this NPRM, 5 comments were received all of which expressed complete support for this amendment. Two of the commenters also recommended that the existing $25,000 reporting threshold, which became effective on January 1, 1981, be adjusted to reflect escalating repair costs. In addition, both commenters suggested that future adjustments be accomplished by either a routine annual or biennial amendment or through the use of an inflation factor. Since this final rule provides a significant reduction in the costs to be included when determining the damage costs (i.e. the elimination of the costs of salvage, cleaning, gas freeing and drydocking), the Coast Guard does not intend to adjust the $25,000 reporting threshold at this time. However, the impact of inflation on the reporting threshold will be monitored and if an adjustment is warranted these recommendations will be given further consideration.

Regulatory Analysis

This revision has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). The only impact of this change is to reduce the number of reports submitted by an estimated 5 percent. This will reduce the compliance cost to the public from $128,620 to $122,200, a savings of $6,420. Therefore, in accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that this rule will not have a significant economic impact on a substantial number of small entities.

Energy/Environmental Impact

It has been determined that there will be no impact on the environment or upon energy use as a result of this revision.

Authority: 46 U.S.C. 239, 46 U.S.C. 375, 33 U.S.C. 361, 49 U.S.C. 1655(b)(1), and 43 U.S.C. 1348.

List of Subjects

46 CFR Part 4

Administrative practice and procedure, Investigations, Marine Safety, Accidents, National Transportation Safety Board, Reporting and recordkeeping requirements;

46 CFR Part 26

Marine Safety, Penalties, Reporting and recordkeeping requirements, Uninspected vessels, Navigation (water), Passenger vessels, Fishing vessels, Tow boats;

46 CFR Part 35

Hazardous materials transportation, Marine Safety, Tank vessels, Barges;

46 CFR Part 78

Marine Safety, Passenger vessels, Penalties, Reporting and recordkeeping requirements, Navigation (water);

46 CFR Part 97

Cargo vessels, marine safety, reporting and recordkeeping requirements;

46 CFR Part 109

Reporting and recordkeeping requirements, Vessels, Outer Continental Shelf, Marine Safety, Accidents;

46 CFR Part 167

Fire prevention, Reporting and recordkeeping requirements, Marine Safety, Nautical school ships;

46 CFR Part 185

Marine Safety, Small passenger vessels, Reporting and recordkeeping requirements, Navigation (waters);

46 CFR Part 196

Marine Safety, Oceanographic vessels, Reporting and recordkeeping requirements.

In consideration of the foregoing, Title 46, Code of Federal Regulations is amended as follows:

PART 4—MARINE INVESTIGATION REGULATIONS

1. By revising § 4.05–1(f) as follows:

§ 4.05–1 Notice of marine casualty.

* * * * *

(f) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of $25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

* * * * *

PART 26—OPERATIONS (UNINSPECTED VESSELS)

2. By revising § 26.08–1(f) as follows:

§ 26.08–1 Notice of marine casualty.

* * * * *

(f) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of $25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

* * * * *

PART 35—OPERATIONS (TANK VESSELS)

3. By revising § 35.15–1(a)(6) as follows:

§ 35.15–1 Notice of casualty and voyage records.

* * * * *

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of $25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

* * * * *

PART 78—OPERATIONS (PASSENGER VESSELS)

4. By revising § 78.07–1(a)(6) as follows:

§ 78.07–1 Notice of marine casualty.

* * * * *

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of $25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

* * * * *

PART 97—OPERATIONS (CARGO AND MISCELLANEOUS VESSELS)

5. By revising § 97.07–1(a)(6) as follows:

§ 97–07–1 Notice of marine casualty.

(a) * * *

* * * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of $25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

* * * * *

PART 109—OPERATIONS (MOBILE OFFSHORE DRILLING UNITS)

6. By revising § 109.411(a)(6) as follows:

§ 109.411 Notice of marine casualty.

* * * * *

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of $25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

* * * * *

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

7. By revising § 167.65–65(a)(6) as follows:

§ 167.65–65 Notice of marine casualty and voyage records.

* * * * *

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of $25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

* * * * *

PART 185—OPERATIONS (SMALL PASSENGER VESSELS)

8. By revising § 185.15(f) as follows:

§ 185.15–1 Notice of marine casualty.

* * * * *

(f) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of $25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

* * * * *

PART 196—OPERATIONS (OCEANOGRAPHIC VESSELS)

9. By revising § 196.07–1(a)(6) as follows:

§ 196.07–1 Notice of marine casualty.

* * * * *

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of $25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

* * * * *

(Sec. 10, 18 Stat. 128 (33 U.S.C. 361); R.S. 4450, as amended (46 U.S.C. 239); R.S. 4405 (46 U.S.C. 375); 80 Stat. 938 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b); 92 Stat. 655 (43 U.S.C. 1348)

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

March 7, 1983.

[FR Doc. 83–9137 Filed 4–6–83; 8:45 am]

BILLING CODE 4910–14–M

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1–179]

Organization and Delegation of Powers and Duties; Correction

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects a delegation to the General Counsel which inadvertently displaced the delegation to the General Counsel regarding tort claims in the Office of the Secretary.

DATE: The effective date of this amendment is June 7, 1982.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C–50, Department of Transportation, Washington, DC (202) 426–4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register**.

In the **Federal Register** of June 7, 1982 (47 FR 24581), DOT published Amendment 1–171, which delegated to the General Counsel the authority to conduct coordination with foreign governments under section 118 of the Deep Seabed Hard Mineral Resources Act. DOT intended that this authority appear as paragraph (o) of 49 CFR 1.57; it was mistakenly made paragraph (n), thereby displacing from the Code of Federal Regulations the then-existing delegation in paragraph (n) relating to tort claims arising from the activities of the Office of the Secretary. It was never intended in any way to affect the tort claim delegation; consequently, this amendment assigns the correct paragraph letters. The effective date for this change is the same date on which the incorrectly-lettered delegation which caused the problem took effect.

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organization and functions (government agencies), Transportation Department.

PART 1—[AMENDED]

In consideration of the foregoing, § 1.57 of Part 1 of Title 49, Code of Federal Regulations, is amended by revising paragraphs (n) and (o), to read as follows:

§ 1.57 Delegations to General Counsel.

The General Counsel is delegated authority to:

* * * * *

(n) Consider, ascertain, adjust, determine, compromise, and settle for an amount not exceeding $25,000, any tort claim arising from the activities of any employee of the Office of the Secretary. Request the approval of the Attorney General for any such award, compromise, or settlement in excess of $25,000 (28 U.S.C. 2672).

(o) Conduct coordination with foreign governments under section 118 of the Deep Seabed Hard Mineral Resources Act (June 21, 1980).

* * * * *

Authority: 49 U.S.C. 322; 49 CFR 1.57(1).

Issued in Washington, DC, on March 30, 1983.

Rosalind A. Knapp,

Acting General Counsel.

[FR Doc. 83–0020 Filed 4–6–83; 8:45 am]

BILLING CODE 4910–62–M

Research and Special Programs Administration

49 CFR Parts 173, 177, and 178

Carriers and Shippers Concerning Continuing Qualification of Cargo Tanks—83–1

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration Department of Transportation.

ACTION: Rule related notice.

SUMMARY: The purpose of this notice is to enhance safe transportation of hazardous materials in cargo tanks by emphasizing to operators of cargo tanks, marked as meeting DOT specifications as an indication they are authorized for transportation of hazardous materials, that, as a condition for their continued use, the cargo tanks must conform to the specifications under which they were manufactured. This notice also contains statements applicable to shippers who offer hazardous materials for transportation in cargo tanks.

FOR FURTHER INFORMATION CONTACT: Lee E. Metcalfe, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590; (202) 426–2075.

SUMMARY: Paragraph (b) of § 173.33 of the Department's Hazardous Materials Regulations (HMR, 49 CFR, Parts 171–179), specifies that qualification of a cargo tank as an authorized container includes compliance with applicable specifications (as listed) plus current compliance with the retest provisions of § 177.824. Applicable specifications means the specification in effect on the date a cargo tank was identified as a specification cargo tank by attachment of its metal certification plate and a manufacturer's certificate executed as required by the specification.

New construction of cargo tanks under certain specifications has not been authorized for a number of years. Most notable was the prohibition of new construction under seven specifications on September 1, 1967. However, a cargo tank constructed under one of those specifications may be continued in use if it conforms to its applicable specification.

Paragraph (h)(i) of § 177.824 reads as follows:

Withdrawal of certification. If, as the result of an accident or for any other reason a cargo tank no longer meets the applicable specification, the carrier shall remove the metal certification plate or make it illegible * * *. The details of the conditions

necessitating withdrawal of the certification must be recorded and signed on the written certificate for that cargo tank. The vehicle owner shall retain the certificate for at least one year after withdrawal of the certification.

If for any reason a cargo tank does not meet the applicable specification under which it was constructed, its specification plate must be removed or rendered illegible thereby removing its certification as a specification cargo tank. The practical consequence of removal of the certification is the fact that the tank ceases to be identified and qualified as a packaging for those hazardous materials that are required to be transported in a specification cargo tank. It must be noted that required removal of the certification is not determined by whether a hazardous material is to be transported in the cargo tank; therefore, those persons in possession of a cargo tank, who are under the jurisdiction of the HMTA and the HMR, must remove the certification when the cargo tank ceases to be in compliance, regardless of the nature of the commodity carried therein. Section 105(c) of the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1804(c)) provides that a container may not be represented, by marking or otherwise, as qualified for use in the transportation of hazardous materials unless it meets "the requirements of all applicable regulations * * *." Consequently, non-compliance with § 177.824(h)(1) (by failing to remove the certification) constitutes a misrepresentation under the HMTA and a violation of section 105(c) of the Act.

Determination of current compliance with a specification requires continuing reference to the specification in effect when the cargo tank was constructed. For example, the section in effect for the MC 310 cargo tank was § 178.330 until September 1, 1967. This section, unless modified by a provision in § 173.33 which addresses continuing qualification, maintenance and use of cargo tanks, is the section that must be followed in determining if a specification MC 310 cargo tank may be continued in service as evidenced by display of an MC 310 specification identification plate.

For purposes of illustration, the MC 310 specification contains a number of requirements such as those pertaining to closures for manholes, outlets, protection of fittings, shear sections, mimimum thickness of metal, and linings. Concerning the lining requirements, which are essentially the same for the MC 311 and MC 312 specifications, we have the impression that some carriers believe these override (preclude) specification requirements pertaining to mimimum thickness. This is not the case. Paragraph (b) of § 178.330 of the MC 310 specification contains the basic requirements for linings and paragraph (c) the conditions under which tanks need not be lined. As a matter of practicability, paragraph (c) only proved beneficial when a purchaser placed an order for a cargo tank for specific products having known corrosive or noncorrosive effects on the materials of construction. The provision in paragraph (b) pertaining to 10 years of normal service without reduction in thickness below the minimum thickness specified for a cargo tank does not mean a cargo tank may be used continuously in the same service beyond 10 years or, more importantly, for any particular duration. It serves as a means whereby a manufacturer could certify a tank without lining when specified by a customer. This provision does not negate the mimimum thickness requirement which is an essential function in determining the continuing qualification of a cargo tank as an authorized packaging. For example, if an MC 310 cargo tank has a capacity of 2000 gallons, its minimum thickness may be no less than ⅜ inch. If the tank is less than ⅜ inch thick at any point, e.g., as a result of internal or external corrosion, it may no longer be marked "MC 310" on its identification plate, nor may it be used as a specification cargo tank under the HMR.

Section 178.330–6(a) of the MC 310 specification, as well as requirements pertaining to other specifications, specifies that all joints between manhole covers and their seats shall be tight against leakage of vapor and liquid (§ 178.341–3 of the MC 306 specification requires a secure closure, the intent of which is the same as the more specifically stated requirements of other specifications). The Materials Transportation Bureau (MTB) and the Federal Highway Administration's Bureau of Motor Carrier Safety (BMCS) are concerned that some operators of cargo tanks, and shippers who load or participate in or supervise the loading of cargo tanks, are not paying serious attention to compliance with these requirements. Put simply, if a cargo tank does not conform to the specification requirements applicable to it, it may not be identified or used as a specification cargo tank.

Section 173.22(a)(3)(ii) provides for arrangements between carriers and shippers for the communication of information pertaining to identification of specification cargo tanks. Although this provision is particularly reasonable with regard to determining conformance with basic design requirements, it could also be construed to grant a shipper total relief from any responsibility relative to the condition of a cargo tank, even when it is loaded by or under supervision of the shipper. BMCS and MTB do not take this view.

Section 173.24 reads, in part, as follows:

(a) Each package used for shipping hazardous materials under this subchapter shall be so designed and constructed, and its contents so limited, that under conditions normally incident to transportation—

(1) There will be no significant release of the hazardous materials to the environment;

(2) The effectiveness of the packaging will not be substantially reduced; and * * *.

Under these provisions, a shipper may be held accountable for failure to make a reasonable determination that specification deficiencies, e.g., loose dome covers and faulty gaskets, of which the shipper has knowledge, were corrected before or at the time a cargo tank was loaded. Further, it is under this section that BMCS and MTB take the view that a shipper has substantial responsibility for assessing the compatibility of its products with the materials of construction of a cargo tank. For example, it is well recognized that the corrosion rate on certain steels is rapidly accelerated when sulfuric acid is loaded at elevated temperatures. Beyond a basic determination that a cargo tank meets specification requirements, a shipper has a responsibility to ascertain that its actions will not result in a violation of the above quoted regulation. An illustration of this view, based on the results of an accident in Castaic, California on November 5, 1981, is contained in a notice entitled "Prohibition; Propylene Dichloride in Aluminum Packagings" published in the **Federal Register** on March 25, 1982 (47 FR 12911).

In conclusion, it is recommended that a positive and continuing determination be made that each cargo tank marked with a DOT specification identification meets the requirements of that specification. If not, its metal identification plate must be removed or rendered illegible. Shippers should examine their operating practices relative to the offering of hazardous materials for transportation in cargo tanks to be assured of their compliance with the HMR.

Copies of the specifications that are no longer printed in the present edition of the HMR may be obtained for $13.00 from National Tank Truck Carriers, Inc., 1616 P St., NW., Washington, D.C. 20036. The specifications are included in their document entitled "Cargo Tank

Hazardous Materials Regulations." A recommended standard for performing wall thichness measurements of cargo tanks by ultrasonic examination may be found in ASTM E 797–81, "Standard Practice for Measuring Thickness by Manual Ultrasonic Pulse-Echo Contact Method" (See 49 CFR 171.7(b)(6) for address).

In addition to matters raised in this notice concerning the present regulations pertaining to cargo tanks, the Governor of New Jersey has petitioned for changes to the HMR addressing maintenance and use of cargo tanks. His request was prompted by an accident involving a cargo tank transporting hydrochloric acid on the New Jersey Turnpike which "broke open and spilled its entire load." The Governor's requested changes are presently under consideration along with other proposals that address design and maintenance of cargo tanks.

(49 U.S.C. 1804(c) and 1808(d)(3); 49 CFR 1.53(e))

Issued in Washington, D.C. on March 31, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83–9256 Filed 4–6–83; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 351

[Docket No. 30310–37]

Whaling; Amendments to Schedule of the International Convention for Regulation of Whaling

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Final rule.

SUMMARY: Section 916k of the Whaling Convention Act, 16 U.S.C. 916 et seq., requires that the Secretary of Commerce publish the Schedule of the International Convention for the Regulation of Whaling, 1946, in the Federal Register, so that the Schedule will "become effective with respect to all persons and vessels subject to the jurisdiction of the United States in accordance with the terms of such regulations" * * *. This final rule publishes the most recent amendments to the Schedule of the International Convention for the Regulation of Whaling as required even though 50 CFR Part 351 (except as provided for in § 351.36) relates to commercial whaling which is currently proscribed for all persons and vessels subject to the jurisdiction of the United States. Subsistence whaling by United States citizens is the subject of a periodic rulemaking published in 50 CFR Part 230.

EFFECTIVE DATE: These amendments to the Schedule were effective with respect to the United States on February 3, 1983. This final rule becomes effective on publication.

FOR FURTHER INFORMATION CONTACT: Dean Swanson, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, NOAA, Department of Commerce, Washington, D.C. 20235, Telephone—(202) 634–1792.

SUPPLEMENTARY INFORMATION: At its 34th Annual Meeting held in Brighton, England, July 19–24, 1982, the International Whaling Commission (IWC) adopted amendments to the Schedule establishing a cessation of commercial whaling to take effect from the beginning of the 1985–86 pelagic and 1986 coastal whaling seasons, an aboriginal subsistence whaling management procedure to take effect from the beginning of the 1984 whaling season, and catch limits for the 1982–83 pelagic and 1983 coastal whaling seasons.

Notification of amendments to the Schedule was made by the Secretary to the IWC on August 6, 1982, and clarification to the notice was made on September 2, 1982. By terms of the Convention, the amendments become effective at the end of a 90 day objection period except for any to which one or more Contracting Governments file objection. If any amendment is the subject of an objection, it becomes effective with respect to all Contracting Governments that have not objected at the conclusion of a second 90 day objection period or 30 days after the last objection is filed, whichever is later.

At the conclusion of the initial objection period on November 4, 1982, three new Schedule amendments had been the subject of objection: that establishing a catch limit for the Peruvian stock of Bryde's whales, that establishing a catch limit for the Eastern South Pacific stock of Bryde's whales, and that establishing the cessation of commercial whaling. When the second objection period expired on February 2, 1983, no additional objections had been filed. The United States did not object to these or any other Schedule amendments. This publication incorporates all amendments to the Schedule that were or became binding on the United States as of February 3, 1983.

Regulations under the Whaling Convention Act relating to the 1983 harvest of bowhead whales by Alaskan Natives will be published at a later date and will appear in 50 CFR Part 230.

16 U.S.C. 916k requires the Secretary to promulgate IWC Schedule amendments. These amendments result from a process in which NOAA provided ample opportunity for public comment in the development of the United States position for the most recent IWC meeting. Because of the perfunctory nature of this publication and in view of the public's participation in preparing for the IWC meeting that produced the subject Schedule amendments, I for good cause find that a delay of 30 days in effectiveness under 5 U.S.C. 553 is impracticable and contrary to the public interest. Also, this promulgation is exempt from the NEPA environmental document requirements pursuant to Section 6(c)(3) of the revised NOAA Directive (NDM 02–10; 45 FR 49312–49321) implementing NEPA because it constitutes a programmatic function with no potential for significant environmental impact.

The Administrator has reviewed this final rule in accordance with the specifications of Executive Order 12291, "Federal Regulation," and the Departmental guidelines implementing that Order and determined that it has no impact on competition, employment, investment, or productivity. Accordingly, no regulatory impact analysis is required.

The Administrator has certified that this rule will not have a significant economic impact on a substantial number of small entities because it would regulate activities that are otherwise prohibited with the exception of aboriginal subsistence whaling allowed under 50 CFR Part 351.36. This exception will be the subject of a separate rulemaking to be published in 50 CFR Part 230. Accordingly, no regulatory flexibility analysis is required. Finally, this action does not increase the Federal paperwork burden for agencies, individuals, small businesses, or other persons. Therefore, the Paperwork Reduction Act of 1980 does not apply.

List of Subjects in 50 CFR Part 351

Whales, Marine mammals, Conservation/management.

Date: March 28, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management.

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PART 351—WHALING

For reasons set down in the preamble, Part 351 of Title 50, Code of Federal Regulations, is amended as set forth below.

1. The authority citation for Part 351 as follows:

Authority: Article 5, 62 Stat. 1718, Sec. 2–14; 64 Stat. 421–425; 16 U.S.C. 916 et seq.

2. By revising § 351.30 to read as follows:

§ 351.30 Humane killing.

The killing for commercial purposes of whales, except minke whales, using the cold grenade harpoon shall be forbidden from the beginning of the 1980/81 pelagic and 1981 coastal seasons. The killing for commercial purposes of minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1982/83 pelagic and the 1983 coastal seasons.

3. By revising § 351.33(d) to read as follows:

§ 351.33 Classification of areas and divisions.

* * * * *

(d) *Geographical boundaries in the North Pacific.* The geographical, boundaries for sperm, Bryde's and minke whale stocks in the North Pacific are:

Sperm Whale Stocks

Western Division

West of a line from the ice-edge south along the 180° meridian of longitude to 180°, 50° N., then east along the 50° N. parallel of latitude to 160° W., 50° N., then south along the 160° W. meridian of longitude to 160° W., 40° N., then east along the 40° N. parallel of latitude to 150° W., 40° N., then south along the 150° W. meridian of longitude to the equator.

Eastern Division

East of the line described above.

Bryde's Whale Stocks

East China Sea

West of the Ryuku Island chain.

Western

West of 160° W., excluding the East China Sea stock area.

Eastern

East of 160° W., excluding the Peruvian stock area.

Minke Whale Stocks

Sea of Japan—Yellow Sea—East China Sea

West of a line through the Philippine Islands, Taiwan, Ryuku Islands, Kyushu, Honshu, Hokkaido, and Sakhalin Island, north of the equator.

Okhotsk Sea—West Pacific

East of the Sea of Japan—Yellow Sea—East China Sea stock area and west of 180°, north of the equator.

Remainder

East of the Okhotsk Sea—West Pacific stock area, north of the equator.

* * * * *

4. By adding § 351.34(e) to read as follows:

§ 351.34 Classification of stocks.

* * * * *

(e) Notwithstanding the other provisions of Section 351.34, catch limits for the killing for commercial purposes of whales from all stocks for the 1986 coastal and the 1985/86 pelagic seasons and thereafter shall be zero. This provision will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of this decision on whole stocks and consider modification of this provision and the establishment of other catch limits.

5. By revising § 351.35 to read as follows:

§ 351.35 Catch limits for baleen whales.

(a) The number of baleen whales taken in the Southern Hemisphere in the 1982/83 pelagic season and the 1983 coastal season shall not exceed the limits shown in Tables 1 and 2. However, in no circumstances shall the sum of the area catches exceed the total catch limit for each species.

(b) The number of baleen whales taken in the North Pacific Ocean and dependent waters in 1983 and in the North Atlantic Ocean in 1983 shall not exceed the limits shown in Tables 1 and 2.

6. By revising § 351.36 to read as follows:

§ 351.36 Aboriginal substance whaling.

(a) Notwithstanding the provisions of § 351.34, catch limits for aboriginal subsistence whaling to satisfy aboriginal subsistence need for the 1984 whaling season and each whaling season thereafter shall be established in accordance with the following principles:

(1) For stocks at or above the MSY level, aboriginal subsistence catches shall be permitted so long as total removals do not exceed 90 percent of MSY.

(2) For stocks below the MSY level, but above a certain minimum level, aboriginal subsistence catches shall be permitted so long as they are set at levels which will allow whale stocks to move to the MSY level.[1]

(3) The above provisions will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of these provisions on whale stocks and consider modification.

(b) Catch limits for aboriginal subsistence whaling are as follows:

(1) The taking of 10 humpback whales not below 35 feet (10.7 metres) in length per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose.

(2) The taking of bowhead whales from the Bering Sea stock by aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided that: (i) For the years 1981 through 1983, inclusive, the total number of whales landed shall not exceed 45 and the total number of whales struck shall not exceed 65, provided, however, that in any one year the number of whales landed shall not exceed 17. (ii) It is forbidden to strike, take, or kill calves or any bowhead whale accompanied by a calf.

(3) The taking of gray whales from the Eastern stock in the North Pacific is permitted, but only by aborigines or a Contracting Government on behalf of aborigines, and then only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines. The number of gray whales taken in accordance with this subparagraph in 1983 shall not exceed the limit shown in Table 1.

(4) The taking by aborigines of minke whales from the West Greenland stock and fin whales from the West Greenland stock is permitted and then only when the meat and products are to be used exclusively for local consumption. The number of whales taken in accordance with this subparagraph shall not exceed the limits shown in Table 1.

7. By revising § 351.39 to read as follows:

§ 351.39 Catch limits for sperm whales.

Catch limits for sperm whales of both sexes shall be set at zero in the

[1] The Commission, on the advice of the Scientific Committee, shall establish as far as possible (i) a minimum stock level for each stock below which whales shall not be taken, and (ii) a rate of increase towards the MSY level for each stock. The Scientific Committee shall advise on a minimum stock level and on a range of rates of increase towards the MSY level under different catch regimes.

Southern Hemisphere for the 1981/82 pelagic season and 1982 coastal seasons and following seasons, and at zero in the Northern Hemisphere for the 1982 and following coastal seasons: except that the catch limits for the 1982 coastal season and following seasons in the Western Division of the North Pacific shall remain undetermined and subject to decision by the Commission following special or annual meetings of the Scientific Committee. These limits shall remain in force until such time as the Commission, on the basis of the scientific information which will be reviewed annually, decides otherwise in accordance with the procedures followed at that time by the Commission.

Table 1 [Amended]

8. By revising only the following specific entries in Table 1 to Subpart C:

A. The subheading entitled "Southern Hemisphere—1981–82 pelagic season and 1982 coastal season", is revised to read "Southern Hemisphere—1982–83 pelagic season and 1983 coastal season".

B. The catch limits for minke whales in the Southern Hemisphere are revised as follows:

Area I	852
Area II	656
Area III	1,116
Area IV	1,969
Area V	1,896
Area VI	937
Total catch not to exceed	7,072

C. The subheading entitled "Northern Hemisphere—1982 season," is revised to read "Northern Hemisphere—1983 season."

D. The classifications and/or catch limits for the following North Atlantic stocks are amended as follows:

(1) West Greenland stock of minke whales becomes unclassified, indicated by the symbol for a dash, and the catch limit is amended to add references to footnotes 6 and 7.

(2) Canadian East Coast stock of minke whales catch limit is amended to add a reference to footnote 4.

(3) Central stock of minke whales becomes unclassified and the catch limit is revised to read "300".

(4) Northeastern stock of minke whales becomes unclassified and the catch limit becomes undefined, indicated by the symbol for a dash.

(5) West Greenland stock of fin whales becomes unclassified and the catch limit is amended to add reference to footnote 8.

(6) Newfoundland—Labrador stock of fin whales becomes unclassified and the catch limit is revised to read "0" (zero).

(7) East Greenland—Iceland stock of fin whales catch limit is revised to read "167."

(8) Spain-Portugal-British Isles stock of fin whales becomes unclassified and the catch limit is revised to read "120" followed by reference to footnote 10.

(9) North Norway stock of fin whales becomes unclassified and the catch limit is revised to read "0" (zero).

E. The footnotes to Table 1 are amended as follows:

(1) Footnote 2: reference to 1982 is revised to read "1983."

(2) Footnote 5 is revised to read as follows:

Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to § 351.36(b)(3).

(3) Footnote 7 is revised to read as follows:

Of the total numbers shown, a proportion corresponding to needs may be taken by aborigines pursuant to § 351.36(b)(4).

(4) Footnote 8 is revised to read as follows:

Available to be taken by aborigines pursuant to § 351.36(b)(4).

(5) Footnote 9 is revised to read as follows:

The total catch of sei whales shall not exceed 504 in the six years 1980 to 1985 inclusive.

(6) Footnote 10 is revised to read as follows:

The total catch of fin whales shall not exceed 270 in the three years 1983 to 1985 inclusive.

9. By amending only the following specific entries in Table 2:

A. The subheading entitled "Southern Hemisphere and Northern Indian Ocean 1981–82 pelagic season and 1982 coastal season is revised to read "1982–83 pelagic and 1983 coastal seasons."

B. All stock designations from South Atlantic Stock to Peruvian Stock, inclusive, are indented, and the designation reading South Atlantic Stock is preceded by the subheading: Southern Hemisphere.

C. Southern Indian Ocean stock catch limit is revised to read "0" (zero) followed by reference to footnote 2.

D. Solomon Island stock catch limit is followed by reference to footnote 2.

E. Western South Pacific stock catch limit is revised to read "0" (zero) followed by reference to footnote 2.

F. Eastern South Pacific stock catch limit is revised to read "0" (zero) followed by reference to footnote 2.

G. Peruvian stock becomes unclassified, indicated by the symbol for a dash, and the catch limit is revised to read "165" followed by reference to footnote 1.

H. The subheading reading North Pacific—1982 season is amended to read as follows: North Pacific.

I. Eastern stock catch limit is amended by adding a reference to footnote 2.

J. Western North Pacific stock catch limit is revised to read "536."

K. East China Sea stock becomes unclassified, the indication of which is not footnoted, and the catch limit is revised to read "10."

L. North Atlantic—1982 season stock designation is revised to read as follows: North Atlantic. The North Atlantic catch limit is followed by reference to footnote 2.

M. Northern Indian Ocean—1982 season stock designation is revised to read as follows: Northern Indian Ocean.

N. The footnotes to table 2 are amended as follows:

1. Footnote 1: reference to 1981 is changed to 1982.

2. Footnote 2 is removed.

3. Footnote 3 is redesignated as footnote 2.

4. Footnote 4 is removed.

10. By amending only the following specific entries in Table 3.

A. The subheading entitled "Southern Hemisphere 1981–82 pelagic season and 1982 coastal season is revised to read "Southern Hemisphere 1982–83 pelagic season and 1983 coastal season."

B. The Western Division and Eastern Division stock designations for sperm whales are indented, and the Western Division stock designation is preceded by the left justified subheading: North Pacific.

C. Western Division North Pacific sperm whale stock: the symbol for a dash indicating an undefined catch limit is followed by reference to footnotes 1 and 2.

D. North Atlantic sperm whale stock catch limit becomes unfootnoted.

E. North Atlantic bottlenose classification is followed by reference to footnote 3.

F. The footnotes to Table 3 are amended as follows:

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(1) Footnote 1 is revised to read as follows:

No whales may be taken from this stock until catch limits including any limitations on size and sex are established by the Commission.

(2) Footnote 2 is redesignated footnote 3 with the reference to 1982 changed to 1983.

(3) New footnote 2 is added to read: Notwithstanding footnote 1, catch limits for the 1982 and 1983 coastal seasons are 450 and 400 whales, respectively, provided that, included with each of these catch limits there may be a by-catch of females not to exceed 11.5% and all whaling operations for this species shall cease for the rest of each season when the by-catch is reached.

[FR Doc. 83-8556 Filed 4-6-83; 8:45 am]
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DEPART

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7 CFR P

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AGENCY:
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Proposed Rules

Federal Register
Vol. 48, No. 68
Thursday, April 7, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 928

Papayas Grown in Hawaii; Proposed Change in Interest Charges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites comments on a proposal that would change the interest rate charged on delinquent assessments from three-fourths of one percent per month to one percent per month. The proposal would also change the date when assessments are due. The proposed action is designed to bring the interest rate more into line with current comparable rates and to conform with handlers' business cycles.

DATES: Comments must be received not later than May 9, 1983.

ADDRESS: Send two copies of comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077—South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Hawaiian papaya crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This proposal is issued under Marketing Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based upon the recommendations and information submitted by the Papaya Administrative Committee and upon other available information. Under § 928.41 of the marketing order, if a handler does not pay program assessments within a prescribed period, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee. The current interest rate is set forth in § 928.141 of Subpart—Rules and Regulations (§§ 928.141–928.160), and that rate has been in effect since 1971. This proposal would revise the rate from three-fourths of one percent to one percent to reflect a rate more in line with current comparable interest rates. This proposal also would change the date when interest charges accrue from six days after the 15th of the month to six days after the 25th of the month.

List of Subjects in 7 CFR Part 928

Marketing agreements and orders, Hawaii, Papayas.

PART 928—[AMENDED]

The proposal is to revise § 928.141 to read as follows:

§ 928.141 Interest charges.

(a) Assessments levied pursuant to § 928.41 not paid within five days after the 25th of the month on papayas handled during the preceding month shall be subject to an interest charge of one percent per month.

(b) Notification that assessments are due not later than five days after the 25th of the month shall constitute a demand on a handler for the payment of the handler's pro-rata share of expenses within the meaning of § 928.41(a).

Dated: April 4, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–9153 Filed 4–6–83; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 993

Dried Prunes Produced in California; Withdrawal of Proposed Changes in the Time for Filing Reports and Conforming Changes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Withdrawal of proposed amendment to rule.

SUMMARY: This document withdraws a proposal to amend § 993.172(b) and (d) of the Administrative Rules and Regulations which would have changed the time requirements for handlers to file the monthly "New Crop Supply and Inbound Prune Report" and the "Report of Shipments". The purpose of the change was to enable the Prune Marketing Committee (PMC) staff to prepare and release its statistical data on supply and shipments sooner each month. It has been determined that the proposal places added time and cost burdens on the handlers required to file these reports, and that these burdens outweigh the benefits that would have been derived by the prune industry. Therefore, the proposed report deadline filing dates should not be implemented.

In addition, minor conforming changes were proposed to reflect the change in the name of the local industry Committee from Prune Administrative Committee to Prune Marketing Committee. The name change was made in December 1981. Although not addressed in comments, these minor changes will be made at a later date.

DATE: Withdrawal effective April 7, 1983.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Assistant Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053.

SUPPLEMENTARY INFORMATION: This document withdraws the proposal published in the **Federal Register** on January 4, 1983 (48 FR 260–261), to amend the Administrative Rules and Regulations (7 CFR 993.101–993.174) to require handlers to file monthly prune supply and shipment reports sooner and make minor conforming changes in that subpart. The proposal was made under the marketing agreement and Order No. 993, both as amended (7 CFR 993), regulating the handling of dried prunes produced in California. The agreement

and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal invited written comments on changing § 993.172 (b) and (d) until February 28. Six comments were received from affected handlers opposing the proposal. These handlers expressed concern that changing the time requirements for filing the reports from the 10th calendar day of the next succeeding month would impose additional burdens on their business operations, but would not contribute significantly to the intended objective of enabling the PMC to issue its statistical reports sooner each month. Another comment would have given handlers additional time to file these reports, but not sufficient time to lessen the additional burdens expressed by commentators.

After consideration of all relevant matter including the comments received and the benefits that would accrue to the prune industry from the proposed change in reporting the required information, it is determined that the additional burden imposed on handlers would not warrant changing the time requirements for filing the supply and shipment reports.

Therefore, the current time requirements in § 993.172(b) for filing the monthly "new Crop Supply and Inbound Prune Report", and in § 993.172(d) for filing the monthly "Report of Shipments" tend to effectuate the declared policy of the act and shall remain in effect.

List of Subject in 7 CFR Part 993.

Marketing agreements and orders, Plums and Prunes, California.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 4, 1983.

D. S. Kuryleski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83-9152 Filed 4-6-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 4 and 11

[Docket No. RM83–13–000]

Annual Charges for Use of Government Dams and Other Structures Under Part I of the Federal Power Act

March 31, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to amend the regulations governing annual charges for hydroelectric power projects that use Government dams and other structures. The Commission currently determines these annual charges on a case-by-case basis. The proposed rule would adopt a generic, formula-based approach. The Commission proposes to apply the rule to newly-licensed projects, projects with licenses that indicate annual charges will be determined by this rulemaking, relicensing of projects, and readjustments of projects annual charges.

The Commission expects this proposed rule to provide a means to estimate, with reasonable precision, the true economic benefits of a hydro project at a Government dam. Those benefits, after being converted to a constant dollar amount, would be shared equally by the licensee and the United States. The proposed rule also seeks to avoid increasing the costs borne by consumers of electric power.

The rule is expected to reduce the time and resources now needed by the Commission, licensees, and other persons to fix annual charges under the current case-by-case approach. In addition, the overall process for licensing these projects should be expedited.

DATE: Comments must be received on or before May 16, 1983.

ADDRESS: Comments must be submitted to Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should refer to Docket No. RM83–13–000. An original and 14 copies must be filled.

FOR FURTHER INFORMATION CONTACT:

Bernard B. Chew, Director of Interconnection and Systems Analysis, Office of the Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 376–9264

Fredric D. Chanania, Deputy Assistant General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8033.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) proposes to amend the regulations governing annual charges for hydroelectric power projects that use Government dams and other structures. These annual charges are assessed under section 10(e) of the Federal Power Act (FPA).[1] Section 10(e) empowers the Commission to fix reasonable annual charges for the "use, occupancy, and enjoyment" of Government property, including dams and other structures owned by the United States.

The Commission currently determines annual charges on a case-by-case basis. The charge is based upon a "sharing of the net benefits" realized by a licensee from using a Federal dam or other structure.

Measurement of project "net benefits" is, therefore, the critical and fundamental task that lies at the heart of this approach. And, just as important to recognize, measurement of project net benefits is a complex matter. Stated as simply as possible, "net benefits" are the difference between (1) the estimated value of the power produced at the project (equal to the cost of producing equivalent power with the least costly alternative sources of power) and (2) the estimated costs of producing project power.

The Commission has, in exercising the discretion granted in section 10(e), historically split the net benefits equally with a licensee. A licensee pays to the Commission 50% of the estimated net benefits as its annual charge under section 10(e).[2] Payments are made in uniform annual amounts over the term of the project license,[3] unless the annual charge is readjusted under the provisions of section 10(e).[4]

A. Summary of Proposed Method

The Commission proposes to replace the present case-by-case calculation of annual charges under 18 CFR 11.22 with a generic, formula-based approach. This rule would apply to all projects that become available for service (*i.e.*, construction is complete) after the effective date of the final rule or that have licenses which indicate the annual charge will be the amount determined

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[1] 16 U.S.C. 803(e) (1976).

[2] Section 17(a) of the Federal Power Act, 16 U.S.C. 810(a) (1976), provides that these funds shall be paid into the United States Treasury, subject to certain percentage distributions specified in section 17(a).

[3] The annual dollar amount now collected is the same each year since the total estimated net benefits over the license term have been levelized into equal annual amounts.

[4] Pursuant to section 10(e), an annual charge may be readjusted by the Commission "at the end of twenty years after the project is available for service and at periods of not less than ten years thereafter upon notice and opportunity for hearing • • •" *See generally*, Montana Power Co. v. FPC, 459 F. 2d 863 (D.C. Cir. 1972), *cert. denied*, 408 U.S. 930 (1972).

by this rulemaking.[5] This rule would also apply to any readjustments of an annual charge and to relicensing of a project using a Federal dam. The annual charges for pumped storage projects using Federal dams would not be subject to this rule.

As discussed more fully in Section III of this Notice, the proposed method retains the concept of "net benefits" as the basis for setting the annual charge. The two parts of the net benefits calculation would still be the fundaments—finding the cost of power from the least costly alternative sources ("power value") and finding the cost of project power. The proposed rule would, however, use regional estimates for the power value component, not project-specific estimates. In addition, the proposed rule would not use estimates for project construction costs in determining project power cost but, instead, would use actual construction costs as verified by the developer after construction is complete.

These two changes from the presently used method are very significant. The regional power value estimates, focusing on the least costly alternative sources of power in the region, would be based upon standard formulas; standard procedures; Federal data on fuel costs, interest rates, and wage rates; and other published or readily available utility cost data. Under the proposed method, the power value calculation is generalized in that it uses average fuel cost data, average costs of financing, and average investment costs for alternative sources of power, such as baseload coal plants. The electric utility data will be that which is collected and published by recognized sources, such as the Energy Information Administration of the United States Department of Energy.

The estimate of project power costs—the other half of the net benefits equation—would be based upon actual construction costs plus an estimate of operation, maintenance and administrative (O&M) costs for the project. Using actual project costs will eliminate the uncertainties associated with using estimated project construction costs. Project O&M costs, however, necessarily must be estimated. Standard formulas and industry data, specified more precisely in Section III, *infra*, will be used for these O&M cost estimates.

Net benefits will be the difference between the appropriate regional power value and the estimated project power costs (based upon actual construction cost but estimated O&M costs). The power values for the year of project completion and for the region in which the project is located will be applied. Both power values and project power costs will be levelized [6] over the period of time extending from the year the project is available for service until the end of the term of the project license. The net benefits determined from these power values and project power costs will be stated in dollars of the year in which project construction is completed. The annual charges for a project will be calculated immediately following the year in which project construction is completed.

Once the annual charge, sometimes referred to as a "use charge," is established, the charge will be fixed in constant dollars over the remaining term of the project license unless a readjustment is made at a statutorily-prescribed time. The actual annual payment amount will be adjusted for inflation using the Gross National Product (GNP) Deflator.[7] This will keep the relative value of the charge vis-a-vis the project benefits at a constant level.

The Commission will update regional power value data annually by notice in the **Federal Register**. This notice will also specify the GNP Deflator factor that will be applied for the year's annual charges billings. Yearly updates of regional power value data in subsequent years will not affect the anuual charges established for any project completed in an earlier year

B. Objectives and General Considerations

The proposed generic method is intended to estimate, with reasonable precision, the true economic benefits of a hydro project at a Government dam. In trying to estimate the economic worth of the project, it is appropriate to consider electricity value indicators such as levels and trends of fuel prices and costs of electricity from other generation sources in the general locale of the project. This is a basic aspect of the power value formulas in this Notice. Estimates of the costs of producing project power can be based on the costs of construction, financing, operation, maintenance, and project output. The value of project power depends significantly on its effective capacity during the peak electric load season, its annual energy production, and the projected regional market for electric power.

The Commission believes that the proposed methodology for estimating net benefits parallels the evaluation process that an experienced developer would use, that is, it develops an estimate of value of project power output over the term of the license and an estimate of the specific project power costs. Thus, the Commission expects this proposed rule to allow a reasonable and fair approximation of the economic benefits of each project. This will enable the Commission to fix "reasonable" annual charges as mandated by section 10(e) of the FPA.

This methodology, imposed on a generic basis, will reduce the time and resources now needed to fix annual charges under the current case-by-case approach. Licensees will directly benefit from the elimination of the litigation burden that has, at times, accompanied the setting of annual charges for a project. In addition, the overall process for licensing hydro projects at Government dams will be expedited, thereby benefitting project developers. By eliminating the need to estimate project construction costs, the accuracy of calculating net benefits should improve. This will aid in improving the degree of financial predictability for potential developers. In addition, the use of estimated regional power values on a generic basis will eliminate some of the problems of the current approach, such as the variation in assumptions and estimates among various individual licensing cases. In particular, the proposed indexing of annual charges to the GNP will remove the need to estimate future inflation trends when estimating project net benefits. Thus, the

[5] Projects may consist of more than one generating unit, and these individual units may become available for service at different times. The project net benefits will be reevaluated as each unit becomes available for service. However, since the term of the project license normally remains unchanged even though new units may be added on, the period of time over which the net benefits will be levelized will still be from the time each unit is available for service until the end of the license term. *See* note 6, *infra*. If an added unit so substantially changes the project that issuance of a new project license is deemed necessary, the net benefits will be determined over the new license term.

[6] "Levelized" means determining a series of uniform annual amounts which, over a specified period, would result in the same aggregate present value as a series of varying, estimated annual amounts. The concept of using levelized annual costs and benefits as a means of comparing alternatives is discussed in standard texts, such as Grant and Ireson, *Principles of Engineering Economy* (5th ed. 1970).

[7] This is published annually in the Annual Report of the Council of Economic Advisors. The Commission believes that using the GNP Deflator is appropriate, given the nature of this rulemaking. The Consumer Price Index (CPI), as used in Portland General Electric Co., 20 FERC ¶ 61,294 (Sept. 1, 1982), is believed less appropriate for this generic approach because the CPI does not focus comprehensively on the overall economic value of all goods and services across the country.

proposed rule should increase the relative uniformity of annual charges.

Finally, the Commission is fulfilling the mandate of section 10(e) of the FPA to seek to avoid any unwarranted increase in the cost of electric power for consumers. By determining net benefits on a project-specific basis using regional power values, the Commission is attempting to provide a means to consistently and uniformly determine the true benefit of a project. Undervaluation of a project's net economic benefits might reduce electric rates for ratepayers receiving power at cost from a specific project. However, the resulting, overly low annual charge payment to the United States Treasury ultimately places higher costs on other consumer members of the public, who must make up the difference through their taxes. Thus, the proposed rule strikes an even-handed balance between these different consumer and taxpayer interests by standardizing a fair charge-setting process, by determining net benefits based upon the true economic value of the project, and by collecting 50% of those net benefits for the United States.[8]

II. Background

A. Section 10(e) of the Federal Power Act

Under section 10(e) of the FPA, the Commission is directed to fix a reasonable annual charge recompensing the United States for the use of Federally-owned dams and other structures.[9] The charge must be set within certain constraints: The charge must be greater than zero, the charge must reimburse the Government in proportion to the value of using the dam, and the charge should seek to avoid increasing the price of power to consumers.[10] Section 10(e) also allows the Commission to readjust the annual charge at specific times beginning in the 20th year after the project is ready for operation. Readjustments can be made only after notice and opportunity for hearing.

B. Legislative History

The legislative history reveals that Congress believed that the use of a Government dam is a benefit conferred on the licensee.[11] Although the legislative history contains discussion of different methods of assessing the charges, these methods all related to sharing the benefit a licensee receives from use of Federal property.[12] Thus, the legislative history indicates strongly that the Commission should make annual charges proportional to the benefit conferred.[13]

The legislative history also shows that the Commission has discretion to revise the charges to keep them proportional to the benefit conferred. This is embodied in the readjustment provisions of section 10(e). Congress also indicated that the Commission could establish a formula charge which would change annual charges more frequently than at the times specified for readjustment.[14] The Commission has considered the use of such formula-based charges in the past.[15]

C. Implementation of Section 10(e)

Beginning in the early 1920's, the Commission assessed, on a case-by-case basis, annual charges that were proportional to the value of the project to the liceness. Although a number of approaches have been used since the 1920's, the method currently used in most cases has been "sharing of the net benefits" (SNB).[16] The SNB method consists of four steps: (1) Finding the annual cost of power from the least expensive alternative source (power value); (2) finding the annual cost of project power (project powerhouse costs); (3) finding the net benefits by subtracting power cost from power value; and (4) charging the licensee for 59% of the net benefit. The Commission has customarily written the annual charge amount into each license. The annual charge remains unchanged unless it is readjusted at the times specified in section 10(e).

The Commission's implementation of section 10(e) through the SNB method was upheld in the *City of Vanceburg v. FERC.*[17] The *Vanceburg* opinion cites the legislative history of the Act as suggesting that "reasonable" charges should be proportional to the Federal benefits conferred. Even though the *Vanceburg* opinion approves the SNB method, the court does not restrict the Commission to that method alone. The court found that the Commission has discretion, within the statutory language, to use any one of several methods in calculating the charge, so long as the basis of the charge is the "actual value of dam use to the specific licensee."[18] The court indicated it would

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[8] The Commission wishes to emphasize that nothing in this Notice of Proposed Rulemaking should be taken as an indication of the Commission's views on establishing avoided cost rates under the Public Utility Regulatory Policies Act of 1978, 16 U.S.C 2601–2645.

[9] Section 10(e) states in pertinent part:

"That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the Commission * * * for recompensing it for the use, occupancy, and enjoyment of its lands or other property; and for the expropriation to the Government of excessive profits until the respective States shall make provisions for preventing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as herein provided is reached, and in fixing such charges the Commission shall seek to avoid increasing the price to the consumers of power by such charges * * * *Provided*, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations, the Commission shall, subject to the approval of the Secretary of the Interior in the case of such dams or structures in reclamation projects and, in the case of such tribal lands, subject to the approval of the Indian tribe having jurisdiction of such lands . . . , fix a reasonable annual charge for the use thereof, and such charges may with like approval be readjusted by the Commission at the end of twenty years after the project is available for service and at periods of not less than ten years thereafter upon notice and opportunity for hearing . . . but in no case shall a license be issued free of charge for the development and utilization of power created by a Government dam and that the amount charged therefore in any license shall be such as determined by the Commission.

[10] This proposed rule is not intended to apply to annual charges for non-Federal projects located on Indian lands. While the principles and consideration in this rulemaking may be useful on a case-by-case basis for such projects, a separate rulemaking will be necessary for non-Federal projects on Indian lands.

Section 10(e) mentions the phrase "subject to the approval of the Secretary of Interior" with respect to setting certain annual charges. As discussed more fully in Section V.H, *infra*, this phrase grants intervention and judicial appeal rights to the Secretary of the Interior. *See, e.g.*, Montana Power Co. v. FPC, 459 F.2d 863, 873–74 (D.C. Cir. 1972).

Section 10(e) also mentions a reasonable charge to recover excessive profits. This phrase was intended by Congress to apply to situations where state regulation of utilities and other project developers had not yet been imposed. *See* 59 Cong. Rec. 6524, 6528 (1920). Thus, this phrase has little, if any, application to the setting of annual charges at this time.

[11] *See* 54 Cong. Rec. 1185 (1917); 56 Cong. Rec. 9311–12, 9903–05 (1918); 58 Cong. Rec. 2135–36, 2222–24 (1919); 59 Cong. Rec. 1041, 1100–07 (1920).

[12] Among the methods suggested for computing annual charges were: (1) Percentage of licensee profits; (2) a flat rate per horsepower energy developed; and (3) percentage of the savings from choosing hydropower rather than an alternative fuel generating source. *See* note 11, *supra*.

[13] *See* note 11, *supra; see also*, 59 Cong. Rec. 6524–29 (1920). This reading of the legislative history is mentioned in City of Vanceburg v. FERC, 571 F.2d 630 (D.C. Cir. 1977), *cert. denied*, 439 U.S. 818 (1978); *see also* Montana Power Co. v. FPC, 298 F.2d 335 (D.C. Cir. 1962).

[14] 58 Cong. Rec. 2223 (1919); *see also* S. Rep. No. 180, 66th Cong., 1st Sess (1919).

[15] *See, e.g.*, Escondido Mutual Water Co., Opinion Nos. 36 and 36–A, 6 FERC ¶ 61,189 (Feb. 26, 1979), 9 FERC ¶ ——— (Nov. 26, 1979), *rev'd other grounds*, Escondido Mutual Water Co. v. FERC, 692 F.2d 1223 (9th Cir., 1982), *rehearing denied*, March 17, 1983; Portland General Electric Co., 20 FERC ¶ 61,294 (Sept. 1, 1982).

[16] A few annual charges have been computed according to the "sharing-of-costs method," in which the annual costs of joint-use facilities (i.e. the dam and reservoir) are apportioned between the United States and the licensee in the ratio which the benefits of the facilities to the Government bear to the benefits of the facilities to the licensee. However, this method is no longer used.

[17] 571 F.2d 630 (D.C. Cir. 1977).

[18] 571 F.2d at 647. The court in *Vanceburg* also deferred to the Commission's discretion in

defer to any method selected by the Commission as long as the charge is greater than zero, is based on the full value of using the Government dam, seeks to minimize consumer cost, and encourages hydropower development.[19]

III. The Proposed Rule

A. Overview

1. Use of the Basic SNB Theory

The Commission is persuaded that the basic tenets of the "sharing of the net benefits" (SNB) method provide a reasonable foundation upon which to determine the economic resource value of a hydro project using a Government dam. As mentioned earlier, the SNB method has four basic steps:

(1) Determining the annual value of the power to be produced at the hydropower project over the license period (power value). This consists of estimating the cost of the least expensive, equivalent amount of power available from alternative sources;

(2) Determining the annual cost of producing power at the hydropower project over the license period;

(3) Finding the annual net benefit by subtracting the annual project power cost from the annual power value; and

(4) Dividing the annual net benefit equally between the licensee and the United States.

The proposed method follows this four-step process. However, unlike the current, case-by-case SNB approach that estimates all elements of the process on a totally project-specific basis, the proposed method determines net benefits for each project based upon actual project construction costs and estimated regional power values.

The use of estimated regional power values has certain aspects worthy of note. The selection of the regions will be based upon similarity of alternative power generation costs and projected regional fuel costs.[20] Annually, the Commission will publish a notice in the **Federal Register** that lists the year's power value data for each region. Also listed will be capital costs and heat rates of the alterative thermal power plants, the present cost of fuel, the projected real fuel price escalation, and the current and projected regional utility average incremental energy costs. The capital costs of regional steam plant alternatives will be determined from the Concept-5 power plant cost estimating code developed and maintained by the Oak Ridge National Laboratory.[21] The detailed assumptions used as code inputs will be listed.

A regional power value will be directly calculated by the formulas and data as a function of a project's annual capacity factor [22] and its peak season capacity factor.[23] A tabulation of sample power values for selected capacity factors will be included in the annual notice for ready reference.[24] Net benefit estimates, therefore, can be readily made by potential developers at any time, using their own project construction cost estimates and the power value data provided in the Commission's annual update notice.

Power value will be determined for the remaining term of the project license following the completion of construction, using present worth methods. The interest rate will be the real, "inflation-free" cost of money.[25] The power values will be developed and expressed in constant dollars as of the year of project completion.

For purposes of illustration only, this Notice contains power value and net benefit calculations, based upon 1982 data, for the New England and Wyoming regions. These sample caculations are presented in Section IV, *infra*. This illustration also demonstrates how a developer can use the published power value data and its own construction and O&M cost data to estimate what a project's annual charges will be.

2. Use of Standard Formulas and Data

The determination of power values is based on the procedures developed by the Commission, the Army Corps of Engineers, and other Federal water resource agencies to evaluate Federal power projects.[26] Section III.B, *infra*, includes a detailed description of the power value concept and its application under this proposed rule for determining net benefits of projects at Federal dams. Section III.B also explains the proposed power value formulas in detail.

Actual construction costs will be submitted by a developer after the project is completed. The Commission will use these actual costs in calculating net benefits and the actual annual charges. As mentioned earlier, estimates for project O&M costs will be made based upon standard data.[27]

The estimated net benefits determined under the proposed method represent the total benefits over the remaining period of the project license. The aggregate present worth [28] of the varying yearly amounts of benefits is levelized,[29] using the inflation-free discount rate, to establish an annual net benefit measured in constant dollars as of the year of project completion. This follows customary analytical techniques where the total stream of future benefits and costs is present-worthed to the start of project operation and then levelized.

3. Ownership Status of Licensee

The generalized net benefit determination method described in this Notice values the power produced by a hydropower project as equal to the cost of power from the least costly alternative source of power. This cost will depend, in part, on the financing costs of the alternative source of power and the taxes its owner must pay. Similarly, the calculation of the hydro project's power cost also depends, in part, upon the developer's financing costs and the taxes it must pay. Thus, it is clear that the amount of the net benefits and the annual charges will

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approving a method which assessed taxpaying entities a lower relative amount than comparable, non-taxpaying municipalities. The court said that merely because charges for municipal projects were proportionately higher than those assessed for similarly situated, investor-owned facilities does not necessarily mean that municipal licenees are being discriminated against. According to the court, the Commission may elect to consider or to ignore a licensee's taxpaying status when computing annual charges.

[19] *Id.*

[20] It is expected tht 18–20 regions will be identified in the final rule.

[21] The Oak Ridge National Laboratory has published a user's manual for the Concept-5 program. C. R. Hudson II, *Concept-5 User's Manual* (ORNC–5470 January, 1979).

[22] Annual Capacity Factor (ACF) =

$$\frac{\text{Average annual generation (MWh)}}{\text{Installed capacity (MW) x Hrs. in year}}$$

[23] Peak Season Capacity Factor (PSCF) =

$$\frac{\text{Average generation in peak season (MWh)}}{\text{Installed capcity (MW) x Hrs. in peak [illegible]}}$$

The peak season capacity factor is a measure of the capacity available at system peak where the project operator does not control the storage and release of water for power production. This is normally the situation for non-Federal projects at Government dams.

[24] Section IV, *infra*, contains a partial example of how this tabulation would be presented.

[25] *See* Section III.B.3(b), *infra*.

[26] Federal Energy Regulatory Comm'n *Hydroelectric Power Evaluation* (DOE/FERC–0031 August, 1979); U.S. Water Resources Council, *Evaluating Hydropower Benefits* (Dec. 1981).

[27] *Id.*

[28] The present worth of a future benefit is the amount which, if invested at the cost of money, will yield the future benefit in the future year. The present worth technique reflects that a dollar tomorrow is worth less than a dollar today, even without inflation, because a dollar not spent can earn interest. This effect is also termed the "time value of money."

[29] *See* note 6, *supra*. Expressed another way, a "levelized" annual benefit or cost is a uniform annual benefit or cost amount which would provide the same lifetime sum of present worth values as the actual varying benefit or cost amounts.

depend upon whether the project developer is a public or private entity.

Financing costs and taxes appropriately corresponding to the licensee's ownership status will, therefore, be used in all power value and project power cost determinations to reflect more accurately the project's economic value. However, all illustrative examples in this Notice and in the sample regional power values to be published annually in the **Federal Register** will be based on public financing costs and the municipal and State exemption from taxes. This is to ease the burden of preparing these examples which are only illustrative of the net benefits determination. Public ownership status has been selected for these examples because it is expected that the great majority of licensees for power projects using Federal dams will be public entities.

4. Sharing of the Net Benefits

The Commission proposes to continue the current 50%–50% sharing of the net benefits for projects using a Federal dam or other structure. As discussed earlier in this Notice, the Commission is striking a balance between the overall public interest in collecting a fair payment for the benefits conferred upon licensees and the local electric consumers' interest in minimizing the cost of electricity from the project. Historically, the 50–50 sharing of the net benefits has proved to be equitable within the parameters of section 10(e) of the Federal Power Act.

While this Notice proposes to retain the 50–50 split, the Commission recognizes its statutory role to encourage small power projects. Projects of 5 MW or less in general and small projects that are economically marginal may require special consideration. The Commission, therefore, specifically invites comment on whether the 50–50 split should be applied to all projects or whether small projects should retain more than 50% of the net benefits, should be charged a flat fee, or should be exempted from annual charges.

B. Determination of Power Value

1. Background

The concept of power value was developed originally to determine the merit of proposed Federal hydropower projects. Federal agencies have used power values to evaluate Federal projects for economic feasibility and resource efficiency.[30] Power value is the estimated, levelized cost of the least costly alternative source of power that would be used in lieu of the hydro project power.

Some variation has historically occurred among the individual Federal agency attitudes toward certain elements, such as the appropriate fixed charge rate and the appropriate allowance for real fuel price escalation to be used. However, the same basic power value methodology has been widely used because it conveniently and reasonably compares alternatives.[31] The levelized annual cost approach reflects both the time value of money and the differing useful lives of alternatives. The cost of power from the least costly alternative is taken to be the power value of the hydro project power.

The proposed method for calculating power values is consistent with established hydropower project evaluation principles and employs the standard formulas and data elements used to determine the worth of Federal projects.

2. The Power Value Calculation

As noted earlier, the power value of a hydropower project represents the cost of equivalent wholesale electric power from the least costly alternative source or sources of power. Generally, power value consists of both a capacity value and and energy value component. The capacity value component reflects, as a consequence of building the hydropower project, the savings in annual fixed costs to a utility from the reduced need to obtain capacity from other sources to meet projected system load. The capacity value of a hydropower project is estimated in terms of the project's peak season capacity factor and the comparative reliability of hydro and thermal power sources.

The energy value component reflects the cost savings that result from producing hydroelectric energy at the project rather than obtaining equivalent energy from the least costly thermal alternative. The energy value component is determined as the net cost of supplying (a) the firm kilowatt hours of energy that would be produced by the equivalent thermal capacity [32] and (b) any additional non-firm energy produced.[33]

Power value is that combination of capacity and energy values, corresponding to a realistic regional alternative generation source, which provides the lowest total power cost. The capacity and firm energy values must be related to the same specific alternative source or sources of power. For example, the production cost (or energy value) of a baseload, coal-fired steam unit cannot be combined with the fixed cost (or capacity value) of a peaking, combustion turbine unit.

(a) *Capacity Value Component.* The capacity value of a hydropower project is the fixed cost of the thermal alternative, per kilowatt hour of generation, as expressed by the formula:[34]

$$CV = \frac{(I \times R) + FIC + FOC}{ACF \times 8760} \times 100 \times PSCF \times MAF$$

Where

CV = Levelized capacity value of the project (in cents per kWh) [35]

I = Investment (construction) cost of alternative generating unit completed in the same year as the project (in dollars per kW of capacity) [36]

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[30] *See* note 26, *supra*.

[31] Standard economic theory maintains that overall resource efficiency will be achieved by use of the lowest cost resource alternative, as long as the costs of all resources (goods and services) are established by a free market and not distorted by subsidies, price controls, or noncompetitive market characteristics.

[32] Firm energy is energy associated with reliable capacity.

[33] Non-firm energy is energy produced without reliable capacity.

[34] *Hydroelectric Power Evaluation, supra* note 26, explains the development of this expression, except for the final term. The MAF (Mechanical Availability Factor) is the ratio of the statistical mechanical availability of hydro generation versus thermal generation, excluding scheduled maintenance outages. It is expressed as:

$$MAF = \frac{1\text{–EFOR of hydro unit}}{1\text{–EFOR of thermal Unit}}$$

where EFOR is the equivalent forced outage rate. This is based upon the records of the North American Electric Reliability Council (NERC), *Generating Availability Data System Analysis and Reports*. The product of the MAF with the peak season capacity factor (PSCF) represents, as a portion of the installed hydro project capacity, the amount of thermal capacity which has the same load carrying capability as the hydro capacity. The capacity factor of the project during the peak load season (PSCF) represents the statistical hydrological resource availability as determined from records kept at Government dams. *See* note 23, *supra*.

[35] As discussed earlier, the levelizing factors are based on the "real" long-term interest rate and the resulting power values are expressed in dollars of the year of project completion.

[36] This number will be developed from the Concept-5 cost estimating code, *supra* note 21, and

R=Annual fixed charge rate (decimal) [37]
ACF=Annual capacity factor of project (decimal) [38]

FIC=Annual levelized cost of fuel inventory (in dollars per kW of installed capacity) [39]

FOC=Annual levelized fixed operating costs for thermal alternative (in dollars per kW of installed capacity) [40]

PSCF=Capacity factor of project during peak load season [41]

MAF=Mechanical availability factor (decimal) [42]

The capacity factor during the system peak load season (PSCF) is determined by the hydrologic resource availability. Records exist for the monthly flows or releases from Federal dams. These records usually cover at least 15–20 years and can be used by a developer to calculate the average energy production expected at the project during the three-month peak load seasons (*i.e.*, usually June–August or December–February).

In calculating the PSCF factor, it is important to consider both winter and summer peaks and possible shifts of the season in which system peak occurs. The factor computed for the higher peak will be used unless the difference between the seasonal peaks is less than 3 percent in any year. In that case, the smaller seasonal factor will be used because load growth and changes in load composition could more easily shift the peak from one season to another during the term of the license. Therefore, the lower capacity factor would be more apropriate for determining the capacity value for the project.

(b) *Firm Energy Value Component.* The firm energy value of a hydropower project is the value of energy associated with the project capacity value. It is measured as the direct production cost of generating power by the most likely thermal alternative source. The amount of project firm energy may not exceed the alternative's maximum expected annual production. The value of each kilowatt hour of firm energy is expressed by the formula: [43]

$EV_f = F \times HR \times 10^{-6}) + O\&M + EV_a$

Where

EV_f=Levelized from energy value (in cents per kWh)
F=Levelized cost of fuel (in cents per million Btu) [44]
HR=Unit heat rate (Btu per kWh) [45]
10^{-6}=Conversion factor
O&M=Levelized variable operating and maintenance costs (in cents per kWh) [46]
EV_a=Energy value adjustment [47]

(c) *Non-Firm Energy Value Component.* Non-firm energy is that project energy not associated with capacity value. If represents energy produced at uncertain times, depending on water availability. Numerically, it is the excess of project annual energy production (if any) beyond the firm energy produced. It is valued at the incremental cost of wholesale energy in the region where the hydro project is located. This cost is also known as a utility's or power pool's "running cost" or "system lambda."

To obtain a levelized value for the non-firm energy, it is necesssary to estimate the trend of utility running costs in the region over the term of the license. This involves consideration of a region's generation mix. Analysis of data filed with the Commission under 18 CFR Part 290 indicates that utility systems with the optimum economic generation mix (essentially all coal except for peaking units) have average running costs approximately 20–30 percent above the production costs of their most efficient baseload units. Other systems, with significantly non-optimum generating mixes, (large amounts of oil and gas-fired baseload and intermediate generation) exhibit running costs up to 500 percent above baseload coal production costs. These latter systems are likely to correct this imbalance in generating mix in future years through additions or more economic capacity. However, the rate at which corrections can be made is constrained by sunk investment costs and the rate of system load growth.

At industry projected growth rates of 2–3 percent per year, the total installed capacity in the United States will double in the next 25–35 years. With service lives of thermal generating units averaging 30–40 years, there will be substantial replacement of existing capacity following the year 2000. A reasonable assumption, therefore, is that most utilities will be successful in correcting uneconomic generation mixes by the year 2020, but can make little changes before 1990.

Consistent with this evaluation, the proposed rule assumes that running costs of non-optimum systems, in constant dollars, will be unchanged up to 1990. Between 1990 and 2020, their constant dollar running costs are assumed to decline linearly to a level of 1.2 times baseload coal production costs in the year 2020. That level is then assumed for all years after 2020. The running costs of optimum systems are assumed to be 1.2 times baseload coal production costs in all years.

After establishing the system running costs in each year, the levelized non-firm energy value is obtained in the usual manner by present-worthing the running costs for each remaining year of the license, and then levelizing with the appropriate zero-inflation interest rate.

Thus, non-firm energy values are calculated as follows:

$$EV_{nf} = L \times \sum_{n=1}^{N} \times EV_n$$

Where

EV_{nf}=Levelized non-firm energy value, per kWh of non-firm energy (in cents per kWh)
L=Levelizing factor (also known as capital recovery factor)
EV_n=Present worth of energy value (running cost) in year n (in cents per kWh)
n=year, beginning with project completion year
N=total years from year that project is available for service to end of license term

(d) *Formula for Total Power Value.* The total power value is the sum of the capacity value component and the firm and non-firm energy value component. This is determined by applying the appropriate energy quantities to the firm and non-firm energy values.

(a) If there is only firm energy [Z>1.00],

$PV = CV + EV_f$

(b) If there is both firm and non-firm energy [Z<1.00]

$PV = CV + (EV_f \times Z) + EV_{nf} \times (1 - Z)$

Where

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will be stated in the annual data update notice in the **Federal Register**.

[37] Development of the appropriate fixed charge rate is discussed in *Hydroelectric Power Evaluation, supra* note 26.

[38] Note 22, *supra*.

[39] *Hydroelectric Power Evaluation, supra* note 26.

[40] *Id.* These include the fixed operation, maintenance, administrative, and general expenses.

[41] Note 23, *supra*.

[42] Note 34, *supra*. This factor varies with the size of the thermal alternative. For 600 MW coal-fired units, this factor is currently around 1.24.

[43] See *Hydroelectric Power Evaluation, supra* note 26; *see also* note 48, *infra*.

[44] This value will be based upon EIA data on average fuel costs in the region for year of project completion and on real fuel price escalation. These values will be specified in the annual **Federal Register** data update notice.

[45] This value will be based upon EIA data for recently constructed thermal generating units and will be specified in the annual **Federal Register** data update notice.

[46] This value will be based upon Table 4.4 of *Hydroelectric Power Evaluation, supra* note 26, as updated by U.S. Dep't of Labor wage rate statistics.

[47] *Hydroelectric Power Evaluation, supra* note 26, at 3–7.

PV = Total power value (in cents per kWh)
Z = Maximum expected annual generation of thermal alternative having equivalent capacity divided by the expected annual generation of the hydro project, expressed as

$$MAF \times ACFT \times PSCF$$

ACFT = Maximum expected annual capacity factor of thermal alternative.[48]

3. Power Value Formula Considerations

(a) *Control over Water Releases.* Federal dams are often constructed for non-power purposes, such as navigation, flood control or irrigation. Power development at these dams has certain unique characteristics. Ordinarily, the power project operator has no control over water releases at the dam. The water flows are scheduled without regard for electric demand levels. Hence, a project's output can reduce system capacity requirements only by the amount of effective project capacity available during the system-wide peak period.

Lack of control over water releases means that, in determining the capacity value formula as discussed above, the statistical availability of water flow during the peak load season must be used. However, hydrologic uncertainity is no different from the uncertainty of mechanical availability used in determining thermal capacity requirements. Consequently, the capacity value determination is consistent with the probabilistic evaluations used by utilities to establish capacity requirements.

(b) *Real "Inflation Free" Interest Rates.* The calculation of the power values and power costs is made in constant dollars, using the real, long-term, "inflation-free" cost of money.[49] The levelized annual net benefits, also in constant dollars based upon the inflation-free cost of money, thus express project net benefits in units of constant economic value. This permits a convenient adjustment to compensate for the shrinking value of the dollar due to inflation. Inflation results in a steady increase of current dollar project benefits but at unpredictable rates. Instead of attempting to estimate future inflation rates, the constant dollar charge will be indexed to the GNP deflator. Thus there is no need to use estimated interest rates in the power value formulas, which avoids the inevitable controversy on inflationary (or deflationary) economic trends.

This real "inflation-free" discount rate is applied to determined levelized annual capacity costs, corresponding to the investment and fixed costs of the alternative generation, and to the present-worthed, aggregate variable operating costs in determining levelized energy costs. The long-term, inflation-free cost of money is generally agreed to have been approximately 3 percent per year but there is some evidence of a recent increase. In 1979, the staff of the United States Nuclear Regulatory Commission selected at 3 percent discount rate for electric utility studies.[50] More recent evaluations indicate that the rate may be approaching 4 percent.[51] Consequently, the Commission proposes to use a 4 percent real "inflation-free" interest rate in annual charge determinations for privately-financed projects.

Examination of records on the average yields of tax exempt municipal bonds and corporate bonds show that, for a number of years, the tax exempt yields averaged about two-thirds of the equivalent grade corporate bond yields. However, in the past three years, tax exempt yields have increased to about three-fourths of the corporate yields. Consequently, the Commission proposes to use a 3 percent real "inflation-free" interest rate in determining the charges for projects with tax exempt financing.

By using the real, inflation-free cost of money, net benefits are stated in terms of constant dollars valued as of the year of project completion. The inflation adjustment factor, based upon the GNP Deflator, is then applied to determine the annual charge to be billed.

(c) *Capacity-Related Factors.* Because of continuing load growth and the need to construct new generation, the capacity value of a completed hydroelectric project will generally allow a utility to reschedule its construction program and achieve the cost savings represented by the capacity value. However, where a region has excess capacity and very low load growth, a utility in that region may not realize avoidable capacity cost until some year following initial operation of the hydropower project. The power value up to that year, therefore, is simply the savings in system energy costs.

In the computation of the total power value, an adjustment will be made in most cases to exclude capacity value for the first three years after the project becomes available for service,[52] unless the NERC regional reserve margin projection is less than 20 percent in any of these years. In that case, the capacity value component will be included for all years after the project is available for service. This assumption reflects the expectations that: (1) All regions will be planning continued capacity additions, even though small under low load growth conditions, (2) on the average, utility capacity expenditures cannot be reduced to reflect the hydropower addition until three years after project completion, and (3) that regions projection reserve margins of less than 20 percent within three years will still derive immediate benefit from the capacity added by a hydro project. The absence of capacity value for several years at the beginning of project operation will not have a major effect on the power value over the entire life of the hydro project. Nonetheless, this partial absence of capacity value is taken into account to avoid overestimating project net benefits.

(d) *Selection of Least Cost Thermal Alternative.* The least cost alternative to a project depends in part upon the mode of project operation, that is, whether it is run-of-the-river, peaking, subject to seasonal or environmental limitations, and so on. Customarily, a project's mode of operation can be approximately characterized by its average annual capacity factor, which is forecast from existing water flow records. An accurate power value calculation should represent the lowest cost alternative means of supplying capacity and energy equivalent to those of the hydro project. Usually, no single thermal alternative is exactly equivalent to the hydro project,

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[48] The appropriate maximum expected annual capacity factor for thermal alternatives will be specified in the annual **Federal Register** notice. These will be developed from EIA and NERC data.

[49] The nominal interest rate is linked with inflation in accord with the following expression:

$$(1+i)=(1+r)(1+e)$$

where

i = Nominal interest rate.

r = Real interest rate.

e = Inflation rate.

[50] U.S. Nuclear Regulatory Commission, *Treatment of Inflation in the Development of Discount Rates and Levelized Costs in NEPA Analyses for the Electric Utility Industry* (NURGR-0607, January 1980.

[51] *See, e.g.*, Spiro, *The Real Rate of Interest for Corporate Planning* in *Public Utilities fortnightly* (Dec. 9, 1982).

[52] This adjustment will be made by determining the value of the power for the first three years of project operation as non-firm energy only. The aggregate present worth of the first three years net benefits will be added to the aggregate present worth of the benefits in the remaining years of the license term, which include a capacity value. Levelizing the total present worth over all the years of project operation results in the annual levelized net benefits.

although reasonable equivalent alternatives can be found.[53] Ordinarily, where control of water flow is possible, a simple cycle, combustion gas turbine provides the lowest alternative power cost for hydroi projects with annual capacity factors of 5–10 percent; a coal-fired, cycling steam unit of simple design for capacity factors of 30–40 percent; and a high-efficiency, coal-fired baseload generating unit for capacity factors of 50 percent and above.

This selection of thermal alternatives is based upon situations where the hydro capacity is largely available during system peak periods. Where a substantial portion of hydro project capacity is not available at system peak periods, these approximations do not hold. This is generally the case for power projects added to existing dams. The effective capacity at peak load periods is only a portion of the installed capacity, so that the equivalent annual capacity factor of the thermal alternative is much higher than that of the hydro project. In these situations, high-efficiency coal-fired baseload units usually prove to be the least costly alternative, even for project annual capacity factors as low as 20 percent.

C. Project Cost Determination

The Commission proposes to use the actual legitimate original cost of the constructed project to determine the net benefits of a project. In determining this actual legitimate cost, the project developer will be required to use the costing standards and the accounts set forth in Account Nos. 330–335, 350–359, and 389–399.[54] Under the proposed rule, a project developer will be required to submit, within nine months after project completion, a statement from an independent certified public accountant (CPA)[55] verifying that the claimed construction cost conforms in all material respects to the requirements in the Uniform System of Accounts. The statement should include a listing of the amounts as recorded in each of the appropriate series of accounts. The project construction cost will be determined by the Commission based upon the cost shown in the developer's statement as certified by the CPA. Any exceptions noted by the independent CPA or any questions about the statement will be resolved initially by the Office of the Chief Accountant or, if necessary, by the Commission. If appropriate, the project construction cost can be adjusted from time to time if project works are added or retired. These adjustments could also result from a Commission compliance audit.

To complete the project power cost determination, O&M costs will have to be estimated. Licensees will be given an opportunity to submit their own O&M cost estimates, and the Commission will use these licensee estimates unless they depart significantly from reasonable forecasts based upon standard industry data. In such case, the Commission will determine the most reasonable O&M cost estimates to use. To arrive at the O&M estimates, the Commission currently intends to use the historical data of Table 4.6 of *Hydroelectric Power Evaluation*,[56] indexed to current costs by the Department of Labor's statistics on hourly earnings of electric company workers.[57]

D. Determining Annual Net Benefit

Once the power value for a given project is found and once the project power costs are determined, the net benefits can be calculated. The following formula will be used.[58]

$$ANB = IC \times ACF \times 8760 \times (PV - PC) \times 10^{-2}$$

where

ANB = Annual net benefit (in dollars)

IC = Installed capacity of the project (in kW)

ACF = Annual capacity factor

8760 = Hours in a year

PV = Power value (a determined from earlier formula and expressed in cents per kWh)

PC = Project power cost (as determined from estimated O&M and actual construction costs and expressed in cents per kWh)

10^{-2} = Conversion factor

As discussed earlier, the annual charge will equal 50% of the annual net benefit (ANB), set in constant dollars as of the year project constuction is completed, and adjusted yearly for inflation.

IV. Illustrative Examples of Net Benefits Determination

The Commission is providing illustrative examples of the net benefits calculation process to better demonstrate how the proposed formulas work and how the sample tabulation of selected power values will appear in the annual **Federal Register** data update notice. In this Section, the individual steps for determining power values, project power costs, and net benefits are presented and explained.

A. Power Value Data

Data of the type to be presented in the annual update have been developed using the power value methodology described above. The data are based on tax-exempt financing and show both the assumptions employed and the resulting power values for two regions, New England and Wyoming, which are expected to be representative of the highest and lowest power values respectively. The data illustrate the power values that would apply to projects completed in 1982 with 45 years remaining in the term of the license. The data are for illustrative purposes only and do not represent official determinations.

1. Least Cost Alternative Data.

[53] In normal utility operations, a combination of generating units is used to supply each increment of load in the most economical fashion. Thus, the cost of each increment of power is determined by a blending of the costs of discrete units used to provide that power increment. The power value formulas and calculations assume the ideal generating unit combination in determining the power value at each capacity factor.

The actual incremental cost is slightly higher than the cost of an ideal generating system having continuously variable design parameters, optimized for the capacity factor of each load increment. The difference, however, is normally less than the uncertainty in cost estimations.

[54] *See* 18 CFR 4.1; Uniform System of Accounts, 18 CFR Part 101, including general instructions, electric plant instructions, and the instructions for Accounts 330–335, 350–359, and 389–399. For projects with installed capacity over 10,000 kW, costs under Accounts 330–335 are reported by jurisdictional utilities in FPC Form 1.

[55] *See* 18 CFR 41.12 (defining who may qualify as an independent certified public accountant).

[56] *Supra* note 26.

[57] These statistics are published annually in United States Department of Labor, Supplement to Employment and Earnings.

[58] The net benefit is stated as cents per kilowatt of annual production. When multiplied by the annual production (installed capacity x annual capacity factor x hours in the year) and divided by 100 to convert cents to dollars, the result is the annual project net benefit in dollars.

	New England	Wyoming
Alternative thermal capacity	Baseload coal	[illegible]
Unit size (two unit plant)	600 MW	[illegible] MW
On-line date	July 1982	July 1982.
Start construction first unit	July 1975	July 1975.
Operating lifetime	35 years	35 years.
Average interest rate during construction, percent	7.5	7.5.
Investment cost (I), $/kW	895	[illegible]
Fuel	Bituminous	[illegible]
Heat Rate (HR), Btu/kWh	10,100	10,100.

	New England	Wyoming
Maximum expected annual capacity factor thermal, (ACFT)	0.6	0.6.
Fuel cost (1982), ¢/million Btu	233.0	77.4.
Escalation of real fuel cost, percent per year (EIA):		
July 1982 to July 1985	13.93	13.87.
July 1985 to July 1990	−2.78	0.
July 1990 to July 1992	0.66	0.58.
Fuel cost multiplier	1.31	1.47.
Levelized cost of fuel (F), ¢/million Btu	305.2	113.8.
Cost of money (zero inflation), percent	3.00	3.00
Depreciation (3%, 35-year sinking fund), percent	1.654	1.654.
Annual tax rate, percent of investment	0	0.
Annual insurance cost, percent of investment	0.25	0.25.
Fixed charge rate (zero inflation) (R), percent	4.904	4.904.
Average fuel inventory, percent of annual consumption	20	25.
Annual levelized fuel inventory cost (FIC), $/kW	0.97	0.45.
Annual levelized fixed O&M cost, $/kW	15.92	15.92.
Annual levelized administrative and general expenses, $/kW	5.26	5.26.
Annual total fixed operating cost (FOC), $/kW	21.18	21.18.
Annual levelized variable O&M cost (O&M), ¢/kWh	0.24	0.24.
Capacity cost of alternative, (I×R+FIC+FOC), $/kW-yr	66.04	64.20.
Energy cost of alternative, (F×HR×10^{-8})+O&M, ¢/kWh	3.32	1.39.
Mechanical Availability Factor (MAF)	1.20	1.20.

2. Average Marginal Energy Costs of Regional Electric Systems ("System Lambda").

1982 dollars	New England	Wyoming
For 1982, ¢/kWh	5.55	0.97
For 1990, ¢/kWh	5.55	1.45
For 2020, ¢/kWh	3.78	1.45
Levelized cost (1982–2027), ¢/kWh	4.65	1.42

3. Discussion of Least Cost Alternative Data

(a) *Selection.* A series of calculations has shown that for hydropower projects having annual capacity factors in the range of 0.3 to 0.6, and peak season capacity factors not exceeding 0.5, the least cost alternative is generally a baseload coal-fired plant. These ranges of capacity factors are used in the illustrations and are expected to reflect most hydropower projects constructed at Federal dams. To determine the appropriate size of the alternatives, it was noted that coal-fired units up to 550 MW were being constructed in the Wyoming area in the early 1980's and a unit of approximately 570 NW is planned for service in New England in the late 1980's. Consequently, a 600 MW unit size was selected as appropriate for these areas. Since the lowest investment cost per kilowatt generally results from construction of large generating units in pairs, a two-unit plant is postulated. In both areas the fuel is bituminous coal and full environmental control of stack emissions and cooling water is assumed.

(b) *Investment Cost.* The investment costs of two-unit plants completed in mid-1982, assuming construction of the first unit began in mid-1975, are calculated using the CONCEPT 5 cost estimating code. The weighted average interest rate on funds used during construction is assumed to be 7.5 percent, based on the historical record of municipal bond rates published in the quarterly U.S. Department of the Treasury, *Treasury Bulletin.* The code automatically schedules construction expenditures and includes the total interest during construction in the aggregate construction cost. The differences in costs between the New England and Wyoming areas chiefly reflect differences in local labor rates and productivity.

(c) *Heat Rates.* The heat rates of steam electric units depend upon the steam temperature and pressures, the extent of reheat and regenerative provisions, the environmental equipment required, and the fuel characteristics, among other factors. Over the past 15 years, data complied by the Energy Information Administration [59] show that the average operating heat rate for fossil-fueled steam electric plants has remained virtually constant, in the range of 10,350 to 10,480 Btu per kWh, despite large additions of new plants to the inventory. One factor has been the parasitic load of environmental equipment, which has consumed efficiency gains made in other areas.

Various studies [60] indicate that the design choices likely to be made by utilities would result in coal-fired steam plant heat rates at full load in the range of 9600 to 10,000 Btu per kWh. The heat rates with bituminous coal average about 200 Btu/kWh lower than with sub-bituminous coal. Average lifetime heat rates appear to be 3–4 percent more than the full-load heat rates of units.

On the basis of these considerations, the average lifetime heat rate used for new coal-fired units completed in 1982 is 10,100 Btu/kWh for bituminous coal and 10,300 Btu/kWh for sub-bituminous coal.

(d) *Fuel Cost.* The cost of coal delivered to a power plant reflects extraction costs, which vary widely, and transportation costs, which depend on distance and mode. Since utilities try to locate generating plants to minimize total power costs (including transmission costs), large differences in delivered coal prices within an area tend to represent either (a) the existence of limited supplies of low cost coal which can serve only one or, at most, a few plants, or (b) non-optimum plant siting resulting from factors such as unavailability of cooling water, environmental requirements, or the inability to construct transmission lines. New generating plants will generally not be able to acquire coal at the lowest cost reported by existing plants, but also will not necessarily have to incur the highest coal costs. Since detailed siting analyses are not practicable, the average fuel costs of regions selected for general similarity of coal sources and costs are used as a measure of the coal cost for a new plant located in the area.

[59] Energy Information Administration, *Thermal Electric Plant Construction Cost and Annual Production Expenses.*

[60] Electric Power Research Institute, *Coal-Fired Power Plant Capital Cost Estimates* (May 1981).

Energy Information Administration data on delivered coal costs for all of 1982 are not now available. Consequently, 12 month average cost data through October 1982, published by EIA in its monthly report,[61] are used.

(e) *Fuel Cost Escalation.* Real coal price escalation (price increases in excess of the general rate of inflation) are inevitable, in view of the progressive exhaustion of the more easily worked mineral deposits. However, the rate of escalation is influenced by technology development and the stimulus of competition with other energy sources. Forecasts of real future coal price escalation are therefore subject to much uncertainty. From 1973 through 1982, the real fuel price escalation of coal averaged 8.5 percent per year. The most recent (1981) forecast of the Energy Information Administration [62] projected the national average real price of coal to escalate at a rate of 3.4 percent per year from 1980 to 1995. The EIA regional estimates of escalation for specific periods are used in the illustrative development of power values.

Because of the uncertainty as to the escalation of coal prices over the full term of a license and the sensitivity of the net benefit estimate to the escalation assumption, the period of assumed real fuel price escalation is presently limited to the first 10 years of project operation. The fuel escalation multipliers, shown above, convert the assumed fuel prices in each year of project operation to a levelized price, including the assumed escalation. The levelizing term is for the period from the time the project becomes available for service until the end of the licensed term. This period is taken to be 45 years in the illustrations.

(f) *System Lambda (Average Marginal Energy Cost).* Currently, larger utilities are required biannually to file with the Commission cost of service data [63] which include actual and projected monthly marginal energy costs.

However, the data for alternate years are not included and are not available in other published reports. Consequently, although the utility filings appear to offer a means of determining individual system average marginal energy costs, the data may not be sufficiently timely, complete, or certain for the purposes of this rulemaking. As an alternative, the average marginal energy cost on a utility system may be empirically approximated for most systems, in cents per kWh, as 1.25 times the average fuel cost, in dollars per million Btu, of fuel used for the upper 25 percent of the system's energy requirements, applying the most costly fuels used by the system up to the amounts of each fuel actually consumed.

Areas selected for regional power value determinations will have a considerable degree of interconnection and coordination among the utilities, sometimes through formal pooling arrangements. Consequently, there will be exchanges of economy energy tending to reduce the disparities among marginal costs of individual systems. Therefore, the weighted average marginal energy cost in a region is used to establish the estimated regional power values. If the empirical fuel price estimating method is used, the regional fuel prices and amounts may be used directly to obtain the estimated regional average marginal energy cost. This method has been used for the purpose of the illustrations.

In New England, oil is the highest cost fuel and constituted 75 percent of the fuel Btu delivered in the 12 month period through October 1982. Oil supplies approximately 50 percent of total New England generation. Consequently, the cost of oil is used to estimate the marginal energy cost in that region. In Wyoming, coal is essentially 100 percent of the fuel used for electric generation, and its price governs the marginal energy cost. In other regions, where the highest cost fuel may not be used for more than 25 percent of the energy produced, a weighted combination of the highest cost fuels must be used to estimate the marginal energy cost.

(g) *Mechanical Availability Factor.* The factor is calculated from a North American Electric Reliability Council report prepared in connection with its Generating Availability Data System (GADS). The report used for the illustrations is *Ten Year Review, 1971–1980, Report on Equipment Availability.* Outage statistics are presented for fossil fuel generating units grouped by sizes.

The EFOR for fossil units of 400 to 599 MW is 16.44 percent. For units of 600 to 799 MW, it is 20.55 percent. The average, 18.50 percent, is taken to be representative of utility expectations for 600 MW coal-fired units completed in 1982. The hydropower unit statistics are not grouped by sizes. The ten year data show an EFOR for hydro units of 1.85 percent.

Consequently, the Mechanical Availability Factor is calculated as:

$$MAF = \frac{1-EFOR_h}{1-EFOR_t} = \frac{.9815}{.8150} = 1.20$$

4. Illustrative Power Value Calculation.

New England Area

Project annual capacity factor=.45
Project peak season capacity factor=.35

(a) *Capacity value component:*

$$CV = [(I \times R) + FIC + FOC] \left(\frac{100}{8760}\right) \left(\frac{PSCF}{ACF}\right) (MAF)$$

$$= (\text{Alternative Capacity Cost}) \left(\frac{100}{8760}\right) \left(\frac{PSCF}{ACF}\right) (MAF)$$

$$= (66.04) \left(\frac{100}{8760}\right) \left(\frac{.35}{.45}\right) (1.20)$$

=0.704 cents per kilowatt-hour of total project annual generation [64]

[61] Energy Information Administration, *Cost and Quality of Fuels for Electric Utility Plants.*

[62] Energy Information Administration, *Annual Report to the Congress.*

[63] 18 CFR Part 290.

[64] The adjustment for absence of capacity value in the first three years of operation is not made in the illustrative data because of the involved nature of that calculation. A computer program will be used to carry out the process described in footnote 52, *supra.*

(b) *Firm energy value component:*

$EV_f = [F \times HR \times 10^{-6} + O\&M] + EV^*$
$= \text{Alternative Energy Cost} + 0$
$= 3.32$ cents per kilowatt-hour of firm energy generation

The energy value adjustment is not applicable since the thermal alternative will not supply as much energy as the project. In this case the firm energy of the project, by definition, is the same as the energy of the alternative, so that no adjustment is needed.

$$Z = \frac{\text{Annual generation of alternative}}{\text{Annual generation of project}} = MAF \times ACFT \times PSCF$$

$$= \frac{(1.20)\ (.60)\ (.35)}{.45} = .56 \text{ (Less than 1.0, no adjustment)}$$

When Z 1.0, there is no non-firm energy supplied by the project and the difference in generation between the project and the alternative must be accounted for. The energy value adjustment is:

$EV_a = (A-1)\ (EC_t - EC_d)$

Where EC_t = Energy cost of alternative, ¢/kWh

EC_d = Marginal system energy cost (System lambda), ¢/kWh

(c) *Non-firm energy value component:*

Non-firm energy is that supplied by the project in excess of that which would be supplied by the thermal alternative of equivalent capacity. It is valued at the average marginal energy cost, or system lambda, of the electric systems in the region.

As determined from regional fuel use and fuel cost as described in the assumptions for the illustrative data, the levelized non-firm energy value is:

$EV_{nf} = 4.65$ cents per kilowatt-hour of non-firm generation

(d) *Total power value.*

$PV = CV + (EV_f \times Z) + EV_{nf} \times (1-Z)$
$= .70 + (3.32)\ (.56) + (4.65)\ (.44)$
$= 4.61$ ¢/kWh

5. Sample Power Values for New England.

- Total power value in cents per kilowatt-hour of project annual generation, levelized 1982–2027, in 1982 dollars.
- Coal-fired baseload alternative, tax-exempt financing.
- All non-firm energy valued at levelized system lambda, 4.65 cents/kWh.

Annual capacity factor of project	Peak season capacity factor of project	Value of capacity	Value of firm energy	Ratio, firm to total energy	Power value
30	20	60	3 32	48	4.61
	35	1 06	3 32	84	4 59
	50	1.51	3.05	1.00	4.56
	65	1 96	2 57	1 00	4 53
45	20	40	3 32	32	4 63
	35	70	3 32	56	4.61
	50	1 00	3 32	80	4.59
	65	1.31	3 27	1 00	4 58
60	20	30	3 32	24	4 63
	35	[illegible]	3 32	42	4 62
	50	75	3 32	60	4.61
	65	98	3 32	78	4 59

6. Sample Power Values for Wyoming.

- Total power values in cents per kilowatt-hour of project annual generation, levelized 1982–2027, in 1982 dollars.
- Coal-fired baseload alternative, tax exempt financing.
- All non-firm energy valued at levelized system lambda, 1.42 cents/kWh.

Annual capacity factor of project	Peak season capacity factor of project	Value of capacity	Value of firm energy	Ratio, Firm to total energy	Power value
.30	20	59	1.39	48	1.99
	.35	1.02	1.39	.84	2.42
	50	1.47	1.38	1.00	2.84
	65	1.90	1.36	1.00	2.26
45	20	39	1.39	.32	1.80
	35	.68	1.39	.56	2.09
	50	.98	1.39	.80	2.37
	65	1.27	1.39	1.00	2.66
60	20	29	1.39	.24	1.71
	35	.51	1.39	.42	1.92
	50	.73	1.39	[illegible]	2.14
	65	.95	1.39	.78	2.35

B. Project Power Costs

To illustrate the calculation of project power costs and the sensitivity of net benefits to project characteristics (in Section IV.C), two projects are postulated. One is a small size, low-head project. As with the thermal alternative power cost determinations, a 3 percent real cost of money is used for the levelizing process in the illustrations.

The project power costs are developed in the illustration as entirely fixed costs, expressed as dollars per kilowatt-year. This is a common convention to estimate net benefits. However, if the licensee submits data which separate the operating and maintenance costs into fixed and variable components, the project power costs will be developed with both components.

The illustrative data for the two assumed projects are as follows:

	Low-head low capacity project	High-head medium capacity project
Effective head, feet	20	200
Installed capacity, MW	5	50
Investment cost (1982)(I), $/kW [65]	2,200	500
Cost of money (zero inflation), percent	3.00	3.00
Depreciation (3%, 45 year sinking fund), percent	1.079	1.079
Annual tax rate, percent of investment	0	[illegible]
Annual insurance cost, percent of investment	0.10	0.10
Fixed charge rate (zero inflation)(R), percent	4.089	4.089
Annual levelized fixed O&M cost $/kW	12.58	14.37
Annual levelized administrative and general expense, $/kW	4.40	5.02
Annual total fixed operating cost (FOC), $/kW	16.98	19.39
Annual levelized variable O&M cost, ¢/kWh	0	0
Annual capacity cost of project (I×R+FOC), $/kW-yr.	106.94	39.84
Annual energy cost of project, ¢/kWh	0	[illegible]

[65] Approximate costs are derived from Figure 7.1 of *Hydroelectric Power Evaluation, supra* note 26, and Figures 2-3 and 2-4 of the Electric Power Research Institute report *Simplified Methodology for Economic Screening of Potential Low-Head Small Capacity Hydroelectric Sites* (January 1981). Costs are adjusted to July 1982 levels and include interest during construction and an allowance for land, access roads, transmission, etc. Actual costs for different projects with the same capacity and head can vary by as much as 50 percent.

The project power cost, per kilowatt-hour, is simply the annual project cost divided by the annual kilowatt-hours produced. Hence,

$$\text{Power cost} = \frac{\$/\text{kW-yr.}}{(8760 \text{ hrs. in year})\ (\text{project annual capacity factor})}$$

C. Net Benefits Calculation

As described above, the project annual net benefit is the saving in cost per kilowatt-hour of annual production from the project, as compared to the cost per kilowatt-hour from the least costly economic alternative, multiplied by the number of kilowatt-hours produced annually. The following illustrates the net benefit determination.

Region: New England
Project: Installed capacity: 5 MW
Head: 20 feet
Investment cost: $2,200/kW
Annual levelized capacity cost: 106.94 $/kW-yr.
Annual capacity factor: 0.45
Peak season capacity factory: 0.35

Power Production

(106.94/kW-yr.) (100 cents in dollars)

Cost = (8760 hrs. in year) (0.45 annual capacity factor)
= 2.71 cents per kilowatt-hour of annual generation

Net benefit/kW-hr. = (Power value—Power cost)
= 4.61 − 2.71 = 1.90 cents-kWh
Annual net benefit = (NB/kWh) (Capacity in kW) (ACF) (8760) (10^{-2})
= $374,490/year

The following tables show, for illustrative purposes only, the net benefits that would result from the two assumed projects in New England and Wyoming, at various annual and peak season capacity factors. The sensitivity of the net benefit to the project cost and the capacity factor is shown. The smaller, high-cost per kilowatt project appears to be uneconomic in the lower power value region, except if maximum annual and peak season capacity factors are achievable.

1. *Sample Annual Net Benefits in New England* (1982 Dollars).

Project capacity megawatt	Head feet	Annual capacity factor	Peak season capacity factor	Power cost [1]	Net benefit [1]	Annual net benefit (dollars)
5	[illegible]	.30	.35	4.06	.53	[illegible]
			.65		.47	61,758

Project capacity megawatt	Head feet	Annual capacity factor	Peak season capacity factor	Power cost [1]	Net benefit [1]	Annual net benefit (dollars)
		.45	.35	2.71	1.90	374,490
			.65		1.87	358,577
		.60	.35	2.03	2.59	680,652
			.65		2.56	672,768
50		.30	.35	1.52	3.07	4,033,980
			.65		3.01	3,955,140
		.45	.35	1.01	3.60	7,095,600
			.65		3.57	7,036,470
		.60	.35	.76	3.85	10,117,800
			.65		3.83	10,065,240

[1] Cents per kilowatt-hour.

2. *Sample Annual Net Benefits in Wyoming* (1982 Dollars).

Project capacity megawatt	Head feet	Annual capacity factor	Peak season capacity factor	Power cost [1]	Net benefit [1]	Annual net benefit (dollars)
5	20	30	35	4.06	−1.64	215,495
			65		−1.80	−117,120
		45	35	2.71	−.62	122,202
			65		−.05	9,855
		.60	35	2.03	−.11	28,908
			65		+.32	+84,096
50	200	30	35	1.52	.90	1,182,600
			65		1.74	2,286,360
		45	35	1.01	.08	2,128,680
			65		1.65	3,252,150
		.60	35	76	1.16	3,048,480
			65		1.59	4,178,520

[1] Cents pre kilowatt-hour.

V. Application of Proposed Rule

A. Nominal Annual Charge

As determined from the estimated power value and project power cost, the estimated net benefits of a project will be a general indicator of the long-term, economic value of the project. It is possible, however, for this estimated net benefit to be zero or negative, as in some of the illustrative calculations. In such a case, if a developer otherwise can demonstrate during the licensing period that the project is economically and financially feasible,[66] the Commission proposes to charge a nominal fee of one hundred dollars per year. This amount will cover the cost of rendering the annual bill. The Commission is not, under section 10(e) of the Act, permitted to allow a zero annual charge in any year of the project license term. Therefore, the Commission will also charge the same nominal charge of one hundred dollars per year for all years preceding the year in which the project becomes available for service (*i.e.*, when construction is complete).

B. Option To Defer Annual Charges Payment

As indicated above, the bill for each year before the project is available for service (when construction is complete) will be the nominal charge of one hundred dollars. Following the time when the project is available for service, the billed annual charges will be based upon the generic methodology described in the Notice.

For certain hydroelectric projects, however, operations in the first few years may not yield positive net revenues, particularly if the project was initially financed in an inflationary period at a high interest rate. For projects to be economical, this situation must, and normally does, reverse itself in later years with increased revenues and diminished costs. Certain developers may, therefore, have difficulty in meeting the annual charge payment when billed in the first few years of project operation unless their financing arrangements include provision for the payment of annual charges. In order to provide flexibility, the Commission is proposing to allow project developers the option to defer some annual charge payments under certain circumstances. This deferral option would be available to developers only for the first ten years following the

[66] For example, a developer might be able to show that the market price for that particular project's power will exceed the estimated regional power value.

issuance of the project license. Deferral of annual charges billed before the project is constructed and available for service (*i.e.* the nominal one hundred dollar charge) will not be permitted. Thus, the number of billed payments that can be deferred depends on the time it takes to complete project construction. Any deferred payments would accrue interest during the period of deferral.[67]

Developers may elect this payment deferral option if a statement from an independent certified public accountant verifies that project revenues for that year are less than the billed annual charge amount. Of course, developers may continue to make financing arrangements that will permit annual charge payments to be made as billed regardless of yearly net revenues. Under no circumstances, however, will the deferral option be available to a developer in any year if the project revenues for that year of operation are sufficient to meet the annual charge payment as billed.

C. Projects Subject to Rule

The Commission proposes to apply this net benefit methodology to four categories of projects using Government dams or other structures. This first three categories are: (1) Projects for which licenses are issued after the effective date of this rule, (2) projects that are being relicensed, and (3) projects whose annual charges are being readjusted.

The fourth category covers those projects whose licenses, because of the pendency of this rulemaking, do not specify an exact annual charge amount to be billed. For currently licensed projects, these licenses generally either (a) prescribe a maximum amount, which the annual charge established by the rulemaking cannot exceed; or (b) state that the annual charge will be that determined by this rulemaking. The final rule in this docket will also be applied to these types of projects and licensees.

Other projects, completed before the effective date of this rule and for which specified annual charges are now being collected, will not be subject to this rule.

In addition, pumped storage projects using Government dams or other structures would not be subject to the proposed general methodology for determining annual charges. In practice, it is considerably more difficult to establish a reasonably accurate estimate of power value for a pumped storage project than for a conventional project. The power value depends critically upon the using utility's hourly load curve, which changes with the season of the year and with the generation mix of the specific utility. A generalized estimate of power value would require numerous assumptions that would not fit many projects. The resulting net benefits determination is, therefore, likely not to have acceptable accuracy.

Because of these problems, this rule will not cover annual charges for pumped storage projects using Federal dams. There are only 18 Commission licenses that have been issued for pumped storage projects, and only one is for a project at Government dam. Since pumped storage projects at Federal dams will account for such a small proportion of the total number of projects subject to section 10(e) annual charges, the Commission will determine the annual charges for these projects on a case-by-case basis.

D. Submission of Actual Cost Data

Under the proposed rule, each project developer must submit a statement from an independent certified public accountant that verifies the actual legitimate cost of constructing the project. This statement is to be filed with the Commission within nine months after project construction is completed. In addition, this statement must certify that the claimed construction cost conforms in all material respects to the accounting requirements of Account Nos. 330–335, 350–359, and 389–399 in the Uniform System of Accounts, 18 CFR Part 101. Where there are variances, they will be resolved by the Commission. The rectified cost figures will be used in the calculation of project net benefits and annual charges.

Because the requirement for a statement verifying the actual project cost under this proposed rule differs slightly from the current reporting burden, there may be a new reporting burden under the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 *et seq.* The Commission intends to obtain any necessary clearances from the Office of Management and Budget pursuant to normal procedures.

E. Readjustments and Relicensing

As provided under section 10(e) of the FPA, an annual charge can be readjusted at specific points beginning with 20 years after a project is available for service. The indexing of annual charges to the GNP Deflator should make it less likely that readjustments will be necessary. However, some uncertainties, such as estimating long-term real fuel cost escalation, may lead to the need for readjustments. Nothing in this rule is intended to affect the right to request or to conduct a readjustment pursuant to section 10(e). The Commission proposes to apply the generic methodology discussed in this Notice for any readjustment, subject to statutory notice and opportunity for hearing on the need for a readjustment.

Once a project license expires, section 15 of the FPA provides for relicensing of the project. At that time, the Commission is entitled to impose a new annual charge on the holder of the new license. This rulemaking also applies to determination of annual charges in these relicensing situations. Since this rulemaking proposes to adopt standard techniques for determining net benefits of a project, this rule is equally suitable for relicensed projects. The determination of net benefits in relicensing situations will be based upon that period of time covered by the new license.

F. Inflation Adjustment or Indexing

As described above, the net benefits determintion will yield a number representing the total annual net benefits conferred upon a licensee. This number will be expressed as an amount in dollars of the year in which the project is completed. Fifty percent of that constant dollar amount represents the yearly annual charge that will be billed to the licensee. The Commission proposes to maintain the real worth of the annual charges by adjusting that amount according to the GNP Deflator. Thus, while the actual billed amount will vary each year depending on inflation, the economic value of the payment will remain the same.

In situations such as this, where the benefit of a project is to be expressed in monetary units, the fact of inflation is critical to the calculation. For correct determinations, the net benefit of a project should be expressed in terms of constant economic units. To achieve the objective of normalizing the annual costs and benefits in each future year to a constant economic unit (here a constant dollar measure), present worthing of the costs and benefits to the starting year is employed. This technique factors out inflation as long as the assumed inflation rate determining the level of costs in future years and the assumed nominal interest (discount) rate are properly related. After the

[67] No interest would be collected on any annual charge payments until the deferral had actually begun, that is, after the billing of the annual charge for the year in which the project becomes available for service. The interest rate applied will be that specified in 18 CFR 35.19a(a)(2)(iii). The Commission may, in its discretion, grant a licensee's request to defer payments over successive years, starting with the eleventh year. For example, deferred payments for years 5, 6, and 7 could be due in years 11, 12, and 13.

annual "inflation-free" net benefits amount is determined, dollar shrinkage is taken into account by the inflation adjustment per the GNP Deflator.[69] [70] addition to making annual payments equal in economic value, this indexing scheme should allow annual charge payments to be better matched to actual project revenues (which also increase with inflation).

The current case-by-case SNB method of levelizing costs and benefits, using estimated interest rates, includes a built-in projection of inflation. If this method were used to set the annual charges for use of a Federal dam, the aggregate payments over the life of the project give the Government its fair share of the net benefit only if the actual inflation rate matches the assumed rate. Further, this method of levelized current dollar accounts requires payments in the early years representing a greater economic value than those made in later years, with a correspondingly greater economic burden on the licensee in the early years.

Thus, for reasons of accuracy and equity, the Commission is proposing to determine project net benefits using the real inflation-free cost of money. Based on a review of available data and rates adopted by other agencies, the Commission believes the real, long-term, inflation-free interest rates to be approximately 3½ to 4% for private financing and 2½ to 3% for public financing. Because lower interest rates often, but not always, tend to increase the estimated net benefits, the Commission proposes to apply a rate of 4% for private financing and 3% for public financing. These rates will allow for reasonable, but conservative, estimates of net benefits and determinations of annual charges.

G. Annual Update of Power Value Data and Inflation Adjustment Factor

The Commission proposes to issue an annual update of the basic data used to determine regional power values and of the tables showing sample power values for selected project capacity factors. The data will establish the regional power value data applicable to all projects completed or relicensed in that year and to all projects undergoing readjustment of annual charges under section 10(e) procedures. Except for relicensing and readjustment situations, the update would not affect the power values or net benefit determinations for projects completed in other years. The updating will serve primarily to keep the power value calculations up to date. The update will use the annual fuel cost data from EIA's *Cost and Quality of Fuels for Electric Utility Plants*, revised thermal alternative investment costs from the Concept-5 code,[69] updated Department of Labor data on electric utility costs,[70] and NERC data on projected regional peak loads and reserve margins.[71]

The annual updating will also include the inflation adjustment factor that will be applied to all annual charges billed during that year. As discussed earlier, this adjustment factor will be equal to the level of inflation or deflation for the past year, based upon the GNP Deflator. The Commission believes this inflation index to be appropriate, but invites comment on whether another inflation index would be more suitable than the GNP Deflator.

The annual update is expected to be published in the **Federal Register** in the first-half of a given calendar year, depending on how quickly the previous year's data becomes available. Once the updating is fininshed, the yearly billing for annual charges will be sent to project licensees.

H. Licensee Contributions to Dam Construction and Approval of Secretary of Interior

This rulemaking implements section 10(e) of the Federal Power Act by setting a reasonable annual charge based upon the net benefits of the hydroproject. Section 10(e) makes it clear that the Commission is responsible for fixing the charge; that responsibility is being discharged in rulemaking. The Commission, to meet section 10(e) and to fulfill its unilateral licensing authority under section 4(e), must be in a position to ensure that the Government receives its fair share of Federal benefits conferred on non-Federal licensees. Commission licensees at dams owned by the United States Bureau of Reclamation (BuRec) sometimes make arrangements to pay for some or all the cost of dam construction. The Commission is of the opinion that it is inappropriate to allow a credit for these payments to BuRec against the billed annual charges under section 10(e) of the FPA. The BuRec payments are normally designed to repay the costs of construction of the dam or for benefits not related to power produced at the dam. As a result, these payments to BuRec would not qualify in nature as section 10(e) payments, which are intended to value economic benefits conferred by the Government by looking to the least costly alternative source of power and the project powerhouse costs (not dam construction costs).[72]

As mentioned earlier, one clause of section 10(e) states that annual charges fixed by the Commission for reclamation projects are "subject to the approval of the Secretary of the Interior." Conversely, section 10(e) also states without qualification that "but in no case shall a license be issued free of charge for the development of power created by a Government dam and that *the amount charged therefor in any license shall be such as determined by the Commission*" (emphasis added).[73] The Commission believes that, in light of its responsibilities under section 4(e) and the language in section 10(e), the Commission itself is responsible for determining the annual charges to be paid by licensees. This is consistent with the court's opinion in *Montana Power Co. v. FPC*.[74] As mentioned in *Montana Power*, the Secretary has the right to intervene into those licensing proceedings and to recommend an annual charge. If the Secretary of the Interior does not agree with the amount fixed by the Commission, he may register his disagreement with the Commission on rehearing of the licensing order. If the Secretary continues to maintain that the Commission's determination of the annual charge is unreasonable, the Secretary may appeal that determination to the courts.

To interpret section 10(e) differently would grant the Secretary a unilateral veto power over Commission annual charges. This result would be significantly at variance with the language of section 10(e), the court's specific language in *Montana Power*, and the scheme of statutory powers over

[69] For maximum precision, the inflation index applied should exclude real fuel price escalation since a forecast of such escalation was used in determining the net benefit estimate. However, the resultant difference in the inflation index is likely to be so small as to be not significant.

[69] Note 21, *supra*.

[70] These data are published annually by the United States Department of Labor in its *Supplement to Employment and Earnings*.

[71] These data are found in the annual publication of the North American Electric Reliability Council, *Electric Power Supply and Demand*.

[72] *See, e.g.*, Solano Irrig. Dist., 19 FERC ¶ 61,329 (May 25, 1982); 14 FERC ¶ 61,069 (Jan. 29, 1981). The Commission's determination of annual charges under section 10(e) is independent of any determination made by the BuRec under section 9(c) of the Reclamation Act of 1939, 43 U.S.C. 485h(c)(1976). East Colum. Basin Irrig. Dist., 21 FERC ¶ 61,091 (Nov. 22, 1982).

[73] This unilateral power to set annual charges is also echoed by the initial clause of section 10(e), which states "the licensee shall pay to the United States reasonable annual charges in an amount fixed by the Commission * * * for recompensing it for the use, occupancy, and enjoyment of its lands or other property * * *"

[74] 459 F.2d 863 (D.C. Cir. 1972). This case involves annual charges for a project on tribal lands. However, the "approval clause" is equally aplicable to projects at Government dams and to projects on Indian lands.

hydroelectric power licensing committed to the jurisdiction of this Commission.

VI. Other Alternatives Considered

Several alternatives have been considered. These include: (1) A flat rate charge for project energy produced; (2) a flat charge per project; (3) case-by-case sharing of the benefits based on actual revenues (royalty method); and (4) codification of the current case-by-case, sharing of the net benefits (SNB) method.

The Commission has concluded, first, that a generic net benefits method is most appropriate. A generic method will save the Commission and licensees considerable expenditure of time and resources. The unpredictability and variations inherent in case-by-case estimates of net benefits are also avoided. By reducing this unpredictability, a generic method will help to meet the needs of applicants, lending and grant agencies, financial institutions, and others who must predict annual charges as a part of their planning and financial decisions on the economics of a project.

A. Flat Rate Charge for Project Energy Produced

Under this method, a licensee would be charged a flat rate—in cents per kilowatt hour—for each kilowatt hour of energy produced at the project. Either regional or national rates could be created. The regional or national rate would be based on the average net benefit per kilowatt hour for the previous year, estimated from recorded regional or national costs of energy from thermal generation [75] and recorded regional or national costs of hydro projects at Government dams.[76] The Commission could set the rate at some percentage of the average estimated net benefits per kilowatt hour.

This method would appear, at first glance, to be relatively simple to calculate and to apply. Annual cost data, not now required from licensees, would have to be obtained, but some of the necessary data are published regularly. Redetermination of the kilowatt hour change each year would provide an adjustment for inflation with relatively little burden on the Commission staff. The charge would also be fairly predictable since a developer could estimate an annual charge by simply multiplying the most current published rate by the expected annual project output.

There are, however, significant disdvantages to this approach. First, this method would not recognize the enormous variations between projects and project net benefits. Any kilowatt hour charge method would discourage development of the projects having marginal net benefits, unless the charge is set so low as to return to the Government only a small portion of the actual net benefits.

Second, since the flat rate method does not assess charges proportional to the value of the benefits received by an individual licensee, this approach may not comport with section 10(e), at least as interpreted by *Vanceburg*. In addition, this method uses alternative energy costs as the only measure of power value. This allows for no capacity benefits, an assumption that may not be valid for all projects. Finally, there are certain theoretical and mathematical problems associated with the averaging process that is the basis of this method. These would have to be minimized, to the extent possible, in any rule based upon this method.

B. Flat Charge Per Project

Under this method, all licensees using Government dams would be assessed the same charge. This approach would be easily administered and would, in one way, treat all licensees uniformly.

The disadvantages of this method are substantial. The annual charge would not depend on the specific characteristics of a project and would not be proportioned to the value conferred by the Government dam. Also, the proportion of the charge to the value conferred would be different for each project. This would require additional justification. Setting a low charge would be essential to avoid discouraging the development of hydro project with more marginal levels of benefits. This would not provide a reasonable return to the United States. If the annual charge were set higher, the resulting disincentive to develop marginally economical projects would be contrary to section 10(e) of the FPA and to the Commission's other statutory obligations to encourage hydropower development.[77]

C. Sharing of the Benefits Based on Actual Revenues (Royalty Method)

This method would calculate a licensee's "actual" annual net benefit using yearly cost, revenue, and tax data from the licensee's own records together with regional data on electric utility running costs and firm power rates. The annual charge would be a fixed percentage share of this "actual" benefit.

Under this method, there would be no need to forecast the value of benefits conferred over the life of the project since the charge would be based on actual benefits received, measured in current year dollars. The method would reflect the effect of inflation and the changes in the value of electricity. The charge is likely to be low in early years, but would grow over the term of the project license, approximately tracking project net revenues. Over the project life, the aggregate value of the charges would approximate the specified share of the aggregate net benefit conferred.

This case-by-case approach, however, would involve a substantial burden each year on the Commission and on all licensees of projects at Government dams. The effort necessary to administer an actual benefit (or royalty) method, perhaps even in a single year, could easily be more than a one-time effort to determine annual charges based on an estimated net benefits approach. Each project would have to be reanalyzed every year, rather than being analyzed only once as a newly-licensed project.

A royalty charge based on actual revenues also depends considerably on a licensee's own business and management ability. Thus, the value of the hydropower resource would become less significant in setting the annual charge. Another disadvantage stems from the need to monitor and calculate actual revenues and costs on a yearly basis. At a minimum, significant recordkeeping and reporting requirements would be imposed on the licensee. Aside from this regulatory burden on licensees, the public availability of the necessary financial data could be a source of concern to private developers who consider such information to be proprietary and confidential.

Some other problems are inherent in this approach. Where a private developer sells the entire project output to an electric utility, the net income of a project after taxes can be calculated. However, where a developer itself uses same or all of the project output, the Commission would be forced to impute

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[75] The average cost can be calculated by using Department of Energy-Energy Information Administration (EIA) data and from tables in EIA's *Statistics of Privately-Owned Electric Utilities*, which shows total thermal plant production expenses and total kilowatt hours produced.

[76] This determination would, in part, involve finding the average plant capacity factor, average operation and maintenance costs, and average fixed costs for groups of such hydroelectric power plants at various net benefit levels. This method would also require estimation of the relative contribution of each group to the aggregate net benefits of all projects.

[77] City of Vanceburg v. FERC, 571 F. 2d 630 (D.C. Cir. 1977); Section 402 of the Energy Security Act of 1980, Pub. L. 96–294, 94 Stat. 611; Section 401 of the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2701.

revenues and a net return. While prevailing purchase rates for that project or similar projects could be used, any estimates would be controversial, particularly if not done in a standard and consistent way. The Commission believes the need to perform these types of estimates leads to difficulties that are more significant than would be present in the method proposed in this Notice.

D. Codification of the Current Case-by-Case SNB Method

Fixed, current dollar annual charges have been traditionally established at the time of licensing on a case-by-case basis using the four-step SNB method. One option is to retain this traditional method and to codify it in the regulations. However, case-by-case application of the SNB method is not viewed as an acceptable approach. To determine both project power costs and the value of the least costly power from an alternative source, the SNB method requires individual, project-by-project estimates of project construction costs, long-term inflation rates, applicable interest rates, fuel costs, utility power purchase rates, O&M costs, and so on. All of these items cause considerable controversy in many licensing proceedings. The result is that substantial Commission staff time is consumed in fixing the annual charges to be included in a project license. There is also no absolute assurance of uniformity between individual licensing proceedings in setting the annual charges. Moreover, a developer planning a project has significant difficulty in estimating in advance what the annual charge will be. Even though the traditional detailed examination of the specifics of each case has the potential for most accurately reflecting local conditions in measuring the net benefit of each individual project, it cannot adequately account for the uncertainties of future rates of inflation or deflation. As a result, these inherent disadvantages militate against codifying this case-by-case methodology.

VII. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612) requires agencies to prepare certain statements, descriptions, and analyses of proposed rules that, if promulgated, will have a significant economic impact on a substantial number of small entities. The Commission is not required to make such analyses if a proposed rule will not have such an impact.

Most electric utilities and many hydroelectric developers do not fall within the RFA's definition of small entity.[78]

In addition, out of a total of 796 hydroelectric project licensees, only 41 licensees (5%) are involved with projects using Government dams and other structures. Similary, out of a total of 875 pending hydro license and permit applications, only 117 (13%) are for projects using Government dams. These figures reveal that this rule would not affect a substantial number of small entities even among those now subject to Commission jurisdiction. This is even more evident when measured against the large number of potential hydroelectric applicants that might seek Commission licenses.

The economic impact on licensees from this rule is also not likely to be significant. First, there is no assurance that any annual charge would be significantly different in amount from that imposed through the present adjudicatory approach. Second, the sharing of the net benefits necessarily implies that economic benefits, over and above project costs, are being split equitably between the United States and the developers pursuant to section 10(e) of the Federal Power Act. Third, the proposed rule will help to alleviate some of the uncertainty for licensees when making financial decisions. Fourth, the resources now spent in individual licensing proceedings would be saved. Fifth, the use of a yearly inflation adjustment factor will eliminate possibly significant miscalculations in forecasting inflation trends, and will ensure that inflation or deflation is properly taken into account when the annual charges are billed each year. Finally, the deferral option will lessen the burden on licensees for the first, less profitable years of project operation. For these reasons, the Commission does not believe that the economic impact of this rule will be "significant," at least within the meaning of the RFA.

Pursuant to section 605(b) of the FRA, therefore, the Commission certifies that this rule, if promulgated, will not have a "significant economic impact on a substantial number of small entities."

VIII. Finding of No Significant Environmental Impact

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(C), the Commission finds that this rule, if promulgated, would not significantly affect the quality of the human environment. A developer's decision to proceed with a project using a Government dam is based upon an estimate of the value of the power produced versus the cost of producing that power. If the value exceeds the costs involved, the developer will, absent other constraints, most likely decide the project is economical and will build it. The developer is not likely to be dissuaded by the annual charge to the Government, since the developer will still realize 50% of the ecomomic benefits from the project. Project size, site characteristics, and the cost of available, alternative sources of power will be the critical factors in the decision to build or not build a given project. The generic methodology proposed in this rule seeks to provide procedures designed to identify and quantify these factors. The rule does not itself affect the decision to construct a project.

As a result, this proposed rule does not significantly affect quality of the human environment. Consequently, the Commission does not believe that an Environmental Assessment or an Environmental Impact Statement needs to be prepared for this proposed rule. Of course, an appropriate environmental analysis, include possibly an EA or EIS, will continue to be made in connection with individual project applications filed with the Commission.

IX. Public Comment Procedure

The Commission invites interested persons to submit written data, views, and other information concerning matters set out in this Notice. The Commission is particularly interested in receiving comments from the Department of the Interior, the Army Corps of Engineers, and the Bureau of Reclamaton. All comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should refer to Docket No. RM83–13–000. An original and 14 copies should be filed. Comments must be received by the Commission no later than May 16, 1983. The Commission does not contemplate any extension of this comment period.

All written comments will be placed in the Commission's public file and will be available for public inspection during regular business hours at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

[78] 5 U.S.C. 601(3) *citing to* section 3 of the Small Business Act, 15 U.S.C. 632 (Supp. IV 1980). Section 3 of the Small Business Act defines a "small-business concern" as a business which is independently owned and operated and which is not dominant in its field of operation. *See also* SBA's, Small Business Size Standards, 13 CFR Part 121 (1982).

List of Subjects

18 CFR Part 4

Electric Power, Reporting and recordkeeping requirements.

18 CFR Part 11

Electric power.

(Federal Power Act, as amended, 16 U.S.C. 792–828c (1976); Department of Energy Organization Act, 42 U.S.C. 7107–7352 (Supp. IV 1980); E.O. 12009, 3 CFR 142 (1982); 5 U.S.C. 553 (Supp. IV 1980).)

In consideration of the foregoing, the Commission proposes to amend Parts 4 and 11, Title 18, Chpater 1, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 4—LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATION OF PROJECT COSTS

Subpart A—Determination of Cost of Projects Constructed Under License

1. Section 4.1(a) is revised to read as follows:

§ 4.1 Initial cost statement.

(a) *Notification of Commission.* Except for projects subject to § 11.22 which use Government dams or other structures owned by the United States, if a project is constructed under a license issued under the Federal Power Act, the licensee must, within one year after the project is available for service, file with the commission a letter, in quadruplicate, declaring that the original costs have been recorded in compliance with the Commission's Uniform System of Accounts and the books of accounts are ready for audit. For projects governed by § 11.22, the licensee must file the letter required under this section within nine months after the project is available for service and must also meet the requirements in § 11.22(d) (4) and (e).

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2. In Part 11, the table of contents is amended by revising the title of § 11.22 and adding a new § 11.22a, to read as follows:

PART 11— ANNUAL CHARGES UNDER PART I OF THE FEDERAL POWER ACT

Sec.

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11.22 Annual charges for use of Government dams or other structures under section 10(e) of the Act, excluding pumped storage projects.

11.22a Annual charges for pumped storage projects using Government dams or other structures and for use of tribal lands.

* * * * *

3. Section 11.22 is revised to read as follows:

§ 11.22 Annual charges for use of Government dams or other structures under section 10(e) of the Act, excluding pumped storage projects.

(a) *Applicability.* This section applies to any non-Federal hyroelectric power project, except for pumped storage projects, that uses for electric power generation a dam or other stucture owned by the United States.

(b) *Definitions.* For purposes of this section, the following definitions are applicable:

(1) "Annual Capacity Factor" or "ACF" means, for a hydropower project, the ratio resulting from dividing the average annual generation expected from the project (in kilowatt hours) by the product of the hours in a year (8760) and the project's installed capacity (in kilowatts).

(2) "Annual Capacity Factor Thermal" or "ACFT" means, for a thermal generation alternative, the ratio resulting from dividing the average maximum generation expected from the thermal alternative (in kilowatt hours) by the product of the hours in a year (8760) and the thermal alternative's installed capacity (in kilowatts).

(3) "Construction cost" means the total investment directly related to placing a generating unit in service. For licensed projects, this includes the items in Account Nos. 330–335 and 350–359 in the Commission's Uniform System of Accounts, 18 CFR Part 101.

(4) "Fixed Operating Costs" or "FOC" means the fixed operation, maintenance, administrative, and other general costs which do not vary with the amount of electricity produced. These costs are included in (as appropriate) Account Nos. 500–14, 535–45, and 546–54 in the Commission's Uniform System of Accounts 18 CFR Part 101.

(5) "Government dam" means a dam or other structure owned or constructed by the United States, or an agency thereof, for Government purposes with or without financial contrtibutions or repayments by others.

(6) "Levelized" means the conversion of a series of varying costs or benefits for a number of sequential time periods into a uniform series of costs or benefits over the same number of time periods, where the uniform series of costs or benefits have the same total present value as the varying series. For this rule, levelization will be for the period from the time when the project is available for service until the end of the term of the license.

(7) "Licensee" means any person, state, or municipality licensed under the provisions of Part I of the Federal Power Act, and any assignee or successor or interest thereof.

(8) "Net Benefit" or "Net Benefits" means the difference between the cost of power produced at the licensed project and the cost of equivalent wholesale electric power produced by the least costly alternative source(s).

(9) "Operation and Maintenance Costs" or "O&M" means the variable operation and maintenance costs for generating electricity that depend on the amount of electricity produced. These are included in Account Nos. 500–14, 535–45, and 546–54 of the Commission's Uniform System of Accounts, 18 CFR Part 101.

(10) "Peak Season" or "Peak Load Season" means the three-month period in which a region's electric power system or systems experience the maximum seasonal electric demand.

(11) "Peak Season Capacity Factor" or "PSCF" means, for a hydropower project, the ratio resulting from dividing the average generation expected to be produced in the peak load season (in kilowatt hours) by the product of the number of hours in the peak load season and the project's installed capacity (in kilowatts).

(c) *General Rule.* (1) Except as otherwise permitted under subparagraph (c)(2), any licensee whose licensed, non-Federal project uses a Government dam for electric power generation must pay the United States an annual charge for use of such dam, as determined in accordance with this section. Payment of such annual charge is in addition to any reimbursement paid by a licensee for costs incurred by the United States as a direct result of the licensee's project development at such Government dam.

(2) Any licensee that is obligated under the terms of a license, issued on or before [*insert the effective date of this section],* to pay specified annual charges for the use of a Government dam must continue to pay the annual charges prescribed in the project license, pending any readjustment of the annual charge for the project under this section made pursuant to section 10(e) of the Federal Power Act.

(d) *Computation of Annual Charge.* The annual charge for each licensed project that uses a Government dam will be determined according to the terms of this paragraph.

(1) *Annual Charge.* The annual charge is fifty percent (50%) of the Annual Net

Benefit (ANB) computed for the project under subparagraph (c)(2), subject to an inflation adjustment. The inflation adjustment will be established each year by the Commission based upon the Gross National Product Deflator for that year, as determined by the United States Department of Commerce.

(2) *Annual Net Benefit* (ANB). (i) The ANB shall be calculated as the difference between the Annual Power Value (APV) and the Annual Project Power Cost (APPC).

(ii) The ANB is the levelized annual amount equivalent to the aggregate present worth of project net benefits from the time the project becomes available for service until the end of the license term. The ANB will be stated in constant dollars as of the year in which the project becomes available for service.

(iii) Except for relicensed projects and for readjustments of any annual charge, the ANB is determined for each licensed project as of the year the project becomes available for service (completion of construction) in accordance with the applicable regional APV established by the Commission under subparagraph (c)(3). For relicensed projects and for readjustments of any annual charge, the ANB is determined, respectively, as of the year in which the relicensing or readjustment proceeding is begun.

(3) *Annual Power Value* (APV). The APV is the annual levelized cost of equivalent electric power provided by the least costly regional alternative source or sources.

(i) The APV is the sum of two components: a Capacity Value (CV) component and an Energy Value (EV) component.

(A) The CV component is determined by the following formula:

$$CV = \frac{(I \times R) + FIC + FOC}{ACF \times 8760} \times 100 \times PSCF \times MAF$$

where

CV = Levelized capacity value of the project (in cents per kWh),

I = Investment (construction cost) of least costly alternative generating unit completed in the same year as the project (in dollars per kW of capacity),

R = Annual fixed charge rate (decimal),

ACF = Annual capacity factor of project (decimal),

FIC = Annual levelized cost of fuel inventory for thermal alternative (in dollars per kW of installed capacity),

FOC = Annual levelized fixed operating costs for thermal alternative (in dollars per kW of installed capacity),

PSCF = Capacity factor of project during peak load season (decimal),

MAF = Mechanical availability factor (decimal).

(B) The Energy Value component is determined by the following formula:

$EV = (F \times HR \times 10^{-6}) + O\&M + EV_a$ if $Z \geq 1.0$,

or

$EV = [(F \times HR \times 10^{-6}) + O\&M](Z) + EV_{ad} \times (1 - Z)$ if $Z < 1.0$

where

EV = Levelized total energy value (in cents per kWh),

F = Levelized cost of fuel (in cents per million Btu),

HR = Heat rate of thermal alternative generating unit (in Btu per kWh),

10^{-6} = Conversion factor,

O&M = Levelized variable operating and maintenance costs of thermal alternative (in cents per kWh),

EV_a = Energy value adjustment, computed in accord with procedures described in United States Dep't of Energy, Federal Energy Regulatory Commission, *Hydroelectric Power Evaluation* (DOE/FERC–0031 August 1979).

EV_{ad} = Levelized annual average system incremental cost of energy or system lambda (in cents per kWh),

Z = Maximum expected annual generation of alternative, divided by expected annual generation of project, expressed as

$$\frac{MAF \times ACFT \times PSCF,}{ACF}$$

MAF = Mechanical availability factor, expressed as

$$\frac{\text{1-EFOR of hydro unit}}{\text{1-EFOR of thermal unit}}$$

EFOR = Equivalent forced outage rate for type of generation.

(4) *Annual Project Power Cost* (APPC). The Annual Project Power Cost (APPC) is the annual levelized cost of power, including fixed charges, operation, maintenance, and administrative costs of the project. Construction costs, a principle part of fixed charges, are determined by the Commission after examining the cost statement submitted by a licensee pursuant to § 11.22(e), as verified by an independent certified public accountant. Any variance between this cost statement and the amounts recorded in Account Nos. 330–335, 350–359, and 389–399 of the Uniform System of Accounts, 18 CFR Part 101, will be resolved by the Office of the Chief Accountant or, if necessary, by the Commission. Project operation, maintenance, and administrative costs will be estimated by the Commission using licensee-supplied estimates, if any, and generalized cost data for hydropower projects.

(5) *Nominal Annual Charges.* Prior to the time a project becomes available for service and the annual charge is determined under paragraphs (c)(1) through (c)(4) of this section a nominal annual charge of one hundred dollars will be billed to the licensee.

(e) *Licensee Cost Statement.* In connection with all licenses issued after [*insert effective date of this section*], for projects using Government dams, the licensee shall prepare and submit, within nine months after project construction is complete, a statement detailing the total actual legitimate cost of constructing the project. This statement must contain a listing of the claimed amounts which are recorded in Account Nos. 330–335, 350–359, and 389–399 in the Commission's Uniform System of Accounts, 18 CFR Part 101. This statement must also be verified by an independent certified public accountant, who must certify that the claimed construction cost conforms in all material respects to the requirements of the Commission's Uniform Systems of Accounts.

(f) *Method of payment.* (1) Any licensee required to pay an annual charge under this section must submit payment according to this paragraph and the terms of the annual billing given to the licensee pursuant to § 11.31 of this chapter. The annual billing will reflect an annual charge computed in accordance with this section.

(2) If, during any of the first ten years following the issuance of the project license, the net revenues from project operation for a given year are less than the billed annual charge for that year, the project licensee may, at its option,

defer payment of the annual charge as follows.

(i) The licensee must request payment deferral under this subparagraph not later than 45 days after the rendition of the annual charges bill. Any payment deferral request must be accompanied by a supporting statement from an independent certified public accountant verifying that project net revenues for the current year do not exceed the billed annual charge for that year. No requests for deferral will be accepted after the first ten years following the issuance of the project license.

(ii) Upon receipt of a deferral request and supporting statement, the Commission will defer the annual charge payment until after the tenth year of the project license.

(iii) After the tenth year of the project license, a bill will be rendered for both the payment of any deferred annual charges, plus interest for the period of deferral, and the annual charge for the eleventh year of the project license.

(iv) If a licensee obtains deferral of more than one annual charge payment under this paragraph, the licensee may request that the Commission bill these other deferred payments, plus interest for the period of deferral, on a graduated basis in the year or years following the tenth year of the project license. No payment may be deferred beyond the twentieth year after the project license is issued.

(v) No deferral will be allowed for nominal annual charge payments billed prior to the time the project becomes available for service.

(3) The interest rate on any annual charge payments deferred under paragraph (e)(2) of this section is the rate determined under 18 CFR 35.19a(a)(2)(iii).

(4) Any licensee that receives a billing for annual charges under this paragraph must pay the billed amount on or before 45 days after the date on which the Commission renders the bill.

(5) If a licensee makes an estimated annual payment or payments before a bill is rendered, the licensee's next bill will include an adjustment of the payment amount that reflects any overpayment or underpayment.

4. Part 11 is amended by adding a new § 11.22a, to read as follows:

§ 11.22a Annual charges for pumped storage projects using Government dams or other structures and for use of tribal lands.

In accordance with section 10(e) of the Federal Power Act, the Commission will determine, on a case-by-case basis, the annual charges for any pumped storage project using a Government dam or other structure and for the use of tribal lands within Indian reservations.

5. Section 11.28 is revised to read as follows:

§ 11.28 Effective date.

All annual charges, except those imposed under section 10(f) of the Federal Power Act, will commence upon the effective date of the license unless some other date or dates are fixed in the license.

6. In § 11.31, paragraph (a) is revised to read as follows:

§ 11.31 Time for payment, protest or request for hearing; penalties.

(a) *Payment of annual charges.* Unless otherwise permitted under § 11.22, annual charges (except those for headwater benefits) must be paid within 45 days of rendition of a bill therefor by the Commission. Annual charges for headwater benefits must be paid within 60 days of the date on which the Commission renders a bill therefor.

* * * * *

[FR Doc. 83-9014 Filed 4-6-83; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

Proposed Customs Regulations Amendment Relating to the Generalized System of Preferences

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the definition of the term "imported directly," to expand that definition to allow treatment under the Generalized System of Preferences ("GSP") for eligible articles which: (1) Originate in a beneficiary developing country, (2) are shipped to a developed country and auctioned there, and (3) then shipped to the United States.

By allowing those eligible articles to be entered free of Customs duty, the beneficiary developing countries of which they are products, would obtain the intended benefit established by the GSP.

DATES: Comments must be received on or before May 9, 1983. A comment period of only 30 days is being provided for this proposal in order that a decision may be made in time to be effective prior to the next annual sale of Cameroon Tobacco in June of 1983.

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Paul Giguere, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8234).

SUPPLEMENTARY INFORMATION:

Background

Title V of the Trade Act of 1974, as amended (19 U.S.C. 2461-2465), authorizes the President to establish a Generalized System of Preferences (GSP) to provide duty-free treatment for eligible articles imported directly from designated beneficiary developing countries (BDCs). BDCs and articles eligible for GSP treatment are designated by the President by Executive Order in accordance with the provisions of the Trade Act. The Customs Regulations issued to administer the GSP are contained in §§ 10.171-10.178 (19 CFR 10.171-10.178).

By Executive Order 12311 of June 29, 1981, the President first extended GSP treatment to "wrapper tobacco." Wrapper tobacco is that quality of leaf tobacco which has the requisite color, texture, size, and burn, to be suitable for cigar wrappers. However, counsel for the Cigar Association of America, Inc., has informed Customs that "Cameroon wrapper" tobacco, grown in the United Cameroon Republic and the Central African Republic (both BDCs), cannot obtain the benefit of GSP because, under normal marketing procedures, the entire production of wrapper tobacco from these countries is shipped to France (not a BDC) where it is sold at auction and some is later exported to the United States. While in France, the bulk of the wrapper tobacco is held in bonded warehouse at the port of Le Havre, as the actual auction of the product by lot on the basis of sample bales, is held in Paris. The warehoused wrapper is subject to no manipulation or processing other than fumigation and preparation for shipment (*i.e.*, reloading) after sale. Furthermore, the wrapper tobacco does not enter the commerce of France, except for the sale at auction.

Section 503 of the Trade Act of 1974, as amended (19 U.S.C. 2463), provides that duty-free treatment of articles designated eligible for GSP shall apply only "to an acticle which is *imported directly* from a beneficiary developing country into the customs territory of the United States, * * *." (emphasis supplied). The term "imported directly" is defined in § 10.175, Customs Regulations (19 CFR 10.175), to mean a

direct shipment from the BDC to the United States without passing through the territory of any other country. Two exceptions to that rule have been provided in the regulations: (1) If the eligible article is shipped from a BDC to the United States through the territory of any other country, wherein the article has not entered the commerce of that country, and the appropriate documents show the United States as the final destination; or (2) if the eligible article is shipped to the United States through a free trade zone in a BDC, not entering the commerce of that BDC and subjected only to certain minor operations in the free trade zone. The traditional marketing procedures for "Cameroon wrapper" do not fall within either of the exceptions to the direct shipment rule stated above, and thus Customs has held, based on consistent precedent, that as the tobacco in question is not imported directly from a BDC, it cannot receive GSP treatment.

We believe that it was the intent of the President and the Congress to confer BSP, *i.e.*, duty-free, treatment on importations of the subject tobacco. But, as the entire production of "Cameroon wrapper" is shipped to France for auction and later exportation, and therefore subject to duty under the present Customs Regulations, the affected BDCs and cigar manufacturers in the United States do not enjoy that benefit. The marketing procedures involved are longstanding and beyond the control of U.S. importers (buyers for the U.S. market at the Paris auction number 15% of total buyers). Customs believes that the proposal described below is consistent with the fundamental intent of the GSP to extend direct preferential tariff treatment to the exports of BDCs to encourage economic diversification and export development within those countries. Further, we intend that the proposal will inure only to the benefit of the BDCs and their tobacco producers. Accordingly, Customs proposes an amendment to § 10.175 to expand the definition of "imported directly" to allow the intended benefit to the BDCs and domestic business.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

It is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Authority

This proposal is initiated under the authority of R.S. 251, as amended, section 624, 46 Stat. 759, section 503(b)], 88 Stat. 2069, as amended (19 U.S.C. 66, 1624, 2463(b)).

Lists of Subjects in 19 CFR Part 10

Customs duties and inspection, Generalized System of Preferences, Imports, Tobacco.

Proposed Amendment

It is proposed to amend Part 10, Customs Regulations (19 CFR Part 10), as set forth below:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

It is proposed to amend § 10.175 as follows:

§ 10.75 [Amended]

1. In paragraph (b), add "or (d)" after the phrase "paragraph (c)";

2. In paragraph (c)(5), replace the period with "; or"; and

3. Add a new paragraph (d), to read as follows:

* * * * *

(d) If shipped from the beneficiary developing country to the United States through the territory of any other country, provided that the eligible article:

(1) Is wholly the growth or product of the beneficiary developing country;

(2) Remains under the control of the customs authorities of the intermediate country;

(3) Does not enter into the commerce of the intermediate country except for sale other than at retail, and the district director is satisfied that the importation results from the original commercial transaction between the importer and the producer or the latter's sales agent;

(4) Has not been subjected to operations other than loading and unloading, and other activities necessary to preserve the article in good condition; and

(5) Complies with the origin requirements for goods exported to the United States under the Generalized System of Preferences, as stated in the Certificate of Origin Form A, which shall be issued by the beneficiary developing country. In addition, the beneficiary developing country shall provide, upon request, evidence sufficient to satisfy the appropriate Customs official that the shipment complies with the requirements of this paragraph.

Robert P. Schaffer,

Acting Commissioner of Customs.

Approved:

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

March 7, 1983.

[FR Doc. 9107 Filed 4-6-83; 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Part 111

Proposed Customs Regulations Amendments Relating to Customhouse Brokers

AGENCY: Customs Service, Treasury.

SUMMARY: A Customs Headquarters task force on broker licensing and regulation was established to make a comprehensive study of the laws and regulations administered by Customs which relate to licensed brokers and to make recommendations for legislative and regulatory amendments.

This document proposes amendments to the Customs Regulations based upon the recommendations of the task force. Proposed amendments include:

1. Defining the term "records";

2. Clarifying the term "responsible supervision and control";

3. Permitting brokers to maintain records of financial transactions at one central location in a Customs region;

4. Requiring collection by Customs of additional information regarding employees of brokers;

5. Requiring a qualified licensed broker to notify Customs if he ceases to be a qualifying party;

6. Requiring brokers to provide written statements to clients accounting for specified funds and to refund to clients all monies on accounts inactive for a one year period;

7. Clarifying a broker's responsibility, if that party also serves as importer of record, to pay Customs duty;

8. Clarifying Customs authority to recommend suspension of a broker's license for a specific period of time;

9. Providing for Customs acceptance, with Treasury Departmental approval, of a voluntary offer of suspension from a broker;

10 Clarifying information provided to a broker in proposed statement of charges;

11. Providing the effective date of an order of suspension or revocation of a broker's license; and

12. Requiring that Customs be notified of the party having legal custody of records upon termination of a brokerage business.

DATE: Comments must be received on or before June 6, 1983.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs, Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Margaret M. O'Rourke, Chairperson, Customs Headquarters Task Force on Broker Licensing and Regulation, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202–566–8047.

SUPPLEMENTARY INFORMATION:

Background

A customhouse broker ("broker") is a person who is licensed by the Customs Service ("Customs") to transact Customs business on behalf of importers and other persons. Under section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), the Secretary of the Treasury may prescribe rules and regulations governing the licensing as brokers of citizens of the United States of good moral character, and of corporations, associations, and partnerships. Rules and regulations also may be prescribed as necessary to protect importers and the revenue of the United States, to include the keeping of books, accounts, and records by brokers, and the inspection of these and related papers, documents, and correspondence by any duly accredited agent of the United States. Part 111, Customs Regulations (19 CFR Part 111), contains the rules and regulations prescribed by the Secretary relating to the licensing of brokers and their duties and responsibilities.

A Customs Headquarters task force on broker licensing and regulation (Task Force) was established to make a comprehensive study of the laws and regulations administered by Customs which relate to brokers and to make recommendations for legislative and regulatory amendments. This document proposes amendments to Part 111, Customs Regulations,based upon the recommendations of the Task Force for regulations changes. Additionally, this document proposes regulations amendments in other areas relating to brokers. Recommendations for legislative changes made by the Task Force are not the subject of this document.

As part of its review, the Task Force considered the option of whether Customs should remove itself from its licensing role with either a complete or partial deregulation of brokers. Customs consulted extensively with importers and the broker community and learned that those entities oppose the removal of Customs from its licensing role.

Proposed Amendments to Part 111

1. Defining the term "records." Section 111.1(e) defines the term "Books and papers" as including "all books, accounts, records, papers, documents, powers of attorney, data processing materials (other than cards, magnetic tapes and discs, and incidental intermediate forms temporary in nature), and correspondence of a broker relating to his Customs business."

Based on section 508 of Pub. L. 95–410, the "Customs Procedural Reform and Simplification Act of 1978," relating to recordkeeping, by T.D. 79–159, published in the **Federal Register** on June 4, 1979 (44 FR 31962), Customs amended its regulations by defining the term "records" in § 162.1a(a), Customs Regulations (19 CFR 162.1a (a)). Because of that amendment, a change in the definition of the term "books and papers" in § 111.1(e) is appropriate. This document proposes to amend § 111.1(e) and other sections of Part 111 to conform to the definition of the term "records."

2. Clarifying the term "responsible supervision and control." Section 111.11 provides the basic requirements that must be met by an individual, patnership, association, or corporation to obtain a broker's license. Concerning a partnership, § 111.11(b)(2) requires that there must be an office where Customs transactions will be performed by a licensed member of the partnership or a qualified employee. With regard to an association or corporation, § 111.11(c) (3) requires that there must be an office where Customs transactions will be performed by a licensed officer or a qualified employee. In either circumstance, if the transaction is performed by a qualified employee, it must be performed under the "responsible supervision and control" of the licensed members of the partnership or officers of the association or corporation.

At times, a licensed firm will apply for a license for a branch office, usually in another city, and the application will describe how the licensed members or officers in the home office will exercise supervision and control over a qualified employee in the branch office. Occasionally, Customs has found that the description of the supervision and control is inadequate. To clarify the term "responsible supervision and control", this document proposes amending § 111.11 by adding a new paragraph (d) to define this term.

3. Maintaining records of financial transactions at one central location in a region. Section 111.23(a) provides that brokers shall retain their records for a specified period within the Customs district to which they relate. Under modern business practices, records of financial transactions of large firms often are located in a main office of the firm. Brokers have complained that the requirement that records be maintained in each Customs district to which they relate is a burden. It is believed that Customs and brokers would benefit by permitting the business practice of centralizing records of financial transactions which is often complemented by highly efficient automated data processing methods. Therefore, Customs proposes to amend § 111.23 to permit brokers licensed to transact Customs business in districts which are in more than one region to maintain their records of financial transactions at a central location in any of those regions.

Customs anticipates that under the proposal, records such as cash receipts, disbursement journals, accounts receivable and accounts payable, the general ledger, and other summary records would be maintained at one central location. Other basic records for brokers who operate offices in more than one district would be maintained at each location where the broker transacts Customs business. These records would include entry files, immediate delivery release and control files, and other records essential to the day-to-day operations of the local office.

To accomplish this change, this document proposes to amend § 111.23(a) by providing an exemption to the requirement that the records shall be retained within the Customs district to which they relate. A regional commissioner, responsible for the region

in which the centralized records are to be maintained, may grant an exemption under the procedure proposed in new § 111.23(e), permitting authorized brokers to maintain records of financial transactions at one centralized location in the region. New § 111.23(f) would provide the procedure for withdrawing the exemption.

Section 111.23(b) provides that with the approval of the district director, a broker may microfilm certain specified records. Similarly, § 111.23(d) provides that a broker may use other methods of reproduction, including microfiche, upon approval of the district director. This document proposes to further amend § 111.23 by adding a new paragraph (g). Section 111.23(g) would provide that where a regional commissioner permits a broker to maintain records of financial transactions at one centralized location under proposed paragraph (e), that regional commissioner is responsible for approving requests for the reproduction of those centralized records provided for under paragraphs (b) and (d).

Section 111.23(b) provides that neither books of account nor powers of attorney can be microfilmed. Section 111.23(d) provides that neither books of account nor powers of attorney can be reproduced by other methods. This document proposes to amend § 111.23 (b) and (d) by removing books of account from the exception clause thereby permitting them to be microfilmed or otherwise reproduced. Brokers would still be prohibited from microfilming or otherwise reproducing powers of attorney.

Section 111.22(a) provides that in addition to the regular records of account required by § 111.21, each broker shall keep current a record of all Customs transactions in the format set forth in § 111.22(d), unless exempted. Section 111.22(b) provides that the district director may exempt a broker from this requirement if the broker complies with certain specified conditions. Section 111.22(c) provides that the exemption may be withdrawn by the district director if the broker does not comply with the specified conditions.

This document proposes to amend § 111.22 by adding a new paragraph (e) to provide that where a regional commissioner permits a broker to maintain records of financial transactions at one centralized location under proposed § 111.23(e), that regional commissioner is responsible for granting or withdrawing the exemption under § 111.22 (b) and (c) relating to the requirement for an additional record of the transactions.

4. Mandatory collection of additional employee information. Section 111.28(b) provides that at the request of the district director, a broker shall submit a list of names of persons currently employed, their addresses, social security numbers, and dates and places of birth. Having submitted such a list, each broker is required to advise the district director of the names of any new personnel and provide the same information as required for current employees. If the employment of any person is terminated, the regulations provide that the broker promptly shall advise the district director.

Customs believes that to enhance its enforcement capabilities when investigating employees of brokers, it is necessary to amend § 111.28(b) to require that all brokers submit the information relating to their employees. Customs believes that the following additional information should be provided: (1) The last prior home address of each current employee and (2) names and address of each former employer and dates of employment for the 3-year period preceding the current employment with the broker, if the employee has been employed by the broker for a period of less than 3 years. Customs proposes that the list of current employees be submitted with the status report brokers are required to submit in accordance with § 111.30(d). Customs also proposes that the same information shall be submitted by brokers within 10 days after the employment of any new personnel. Within 10 days after the termination of employment of any employee, Customs proposes that brokers shall submit the name of the employee so terminated.

5. *Notice to Customs by qualifying licensed broker.* In accordance with 19 U.S.C. 1641(a), no license shall be granted to any corporation, association, or partnership, unless licenses as brokers have been issued to at least two of the officers of such corporation or association, or two of the members of such partnership, and such licenses are in force. However, on occasion a licensed officer has retired from a corporation and some years have passed before Customs discovered that the licensed corporation was continuing to operate without the required supervision of two licensed brokers.

Section 111.30(d) requires that a corporation, partnership, or association, shall file a report with Customs every third year after February 1, 1979, which includes the names and addresses of the members of the partnership or officers of the corporation or association qualifying it for a license. However, there is no requirement that a licensed broker, who is a qualifying member of a partnership or officer of a corporation or association, notify Customs if he ceases to be a member or officer of that entity. Customs believes that a new paragraph (c) should be added to § 111.28 to require a licensed broker who is a qualifying member or officer to notify Customs if he ceases to be a member or officer.

6. *Broker's written statement to clients accounting for specified funds and refund to clients of funds on inactive accounts.* As amended by T.D. 82-134 (47 FR 32418, July 27, 1982), and T.D. 82-219 (47 FR 52138, November 19, 1982), § 111.29(a) requires that brokers "account" to clients within 60 days from receipt for funds received from the Government for the clients, or received from a client in excess of the governmental or other charges properly payable in response to the client's business. Customs has found that sometimes the "account" has been only a recording of a transaction on the broker's books, and in some cases involving inactive accounts, brokers have retained clients' funds indefinitely. Customs believes that § 111.29(a) should be amended to require that brokers provide a written statement to clients about funds received from the Government for a client, and funds received from a client in excess of an applicable charge which the broker has not yet refunded to the client. This document proposes to amend the third sentence of § 111.29(a) by removing the words "account to clients for funds" and inserting, in their place, the words "provide a written statement to a client accounting for funds." Further, because Customs believes that brokers should refund to a client all funds on accounts which are inactive for 1 year, this document proposes to add a new sentence to § 111.29(a) to implement this determination.

7. *Clarifying a broker's responsibility if the broker also serves as an importer of record to pay Customs duty.* When a broker is the importer of record on Customs documents relating to a shipment of imported merchandise, he has an independent responsibility to pay Customs duties regardless of whether or not payment is received from the client. At times, a broker entering merchandise as the importer of record has not recognized that he has the responsibilities of an importer, as well as of a broker. Customs believes that § 111.29(a) should be amended to clarify this responsibility. This document proposes to add a new sentence between the second and third sentences

of § 111.29(a) to implement this determination.

8. Suspension for a specific period of time. Various sections of Part 111 refer to the sauthority of Customs to seek "suspension or revocation" of a license of a broker. For example § 111.53 provides that failure or refusal to comply with the duties, responsibilities, or other requirements specified in Subpart C or elsewhere in this part relating to brokers may be deemed grounds for suspension or revocation.

In general, after preliminary proceedings, the district director may recommend to the Commissioner of Customs that Customs seek a suspension or revocation of the broker's license. A hearing may be held, and, if so, the hearing officer would recommend a decision in the case and certify the entire record to the Secretary of the Treasury. The Secretary then is authorized to issue an order of suspension or revocation of the license.

Customs has always taken the position that the authority to recommend and impose a suspension for a specific period of time is inherent in the regulations even though the regulations merely sue the term "suspension." However, to avoid any ambiguity on this point, customs proposes to amend the regulations by adding the phrase "for a specific period of time" after the term "suspension", where applicable. Accordingly, this document proposes to amend § 111.53, 111.66, and 111.74.

9. Acceptance of a broker's voluntary offer of suspension. There have been occasions where Customs, in preparing to take action against a particular broker's license, has received a request from the broker that Customs accept the broker's application for voluntary suspension of the license without having a hearing on the matter. For example, the broker may decide that he does not wish to have a hearing after receiving the notice of charges and the statement of charges. To avoid formal proceedings, the broker may request a suspension of his license from Customs.

Part 111, however, does not grant specific authority to the Commissioner or Secretary of the Treasury to accept a broker's application for suspension of the license without a hearing. Section 111.51 provides only for acceptance of a written request for cancellation. Customs believes that Part 111 should be amended to provide that Customs may accept, with Treasury approval, a voluntary offer of suspension of a license submitted by a broker without a hearing. Therefore, this document proposes to amend Subpart D of Part 111 by adding a new § 111.51a, "Voluntary suspension of license."

10. Clarifying information provided to a broker in a proposed statement of charges. Section 111.58 provides that the statement of charges shall give a description of the facts claimed to constitute grounds for suspension or revocation of the license. To clarify the sanction against the broker, this document proposed to amend § 111.58 to provide that the statement of charges also shall specify the sanction being proposed, i.e., suspension of the broker's license, or revocation of the license, or both, but shall not state a specific period of time for which suspension is proposed. * * *

11. *Providing the effective date of an order of suspension or revocation of broker's license.* Under 19 U.S.C. 1641(b), a broker may appeal any order of the Secretary of the Treasury suspending or revoking a license by filing a written petition in the Court of International Trade within 60 days after the entry of such order. The commencement of proceedings shall, unless specifically ordered by the court, operate as a stay of the Secretary's order. Because a broker has 60 days to file an appeal and such action generally operates as a stay of the Secretary's order, Customs believes that § 111.74 should be amended to provide that an order of the Secretary of suspension or revocation shall become effective 60 days after the entry of such order unless the Secretary determines that a shorter period is deemed necessary.

12. *Notification to Customs of the party having custody of records upon termination of a brokerage business.* Presently there is no provision in Part 111 relating to the disposition of brokerage business records upon the termination of the business. This document proposes to amend Part 111 by adding a new § 111.30(e) to provide for the notification to Customs of the name and address of the party having legal custody of the brokerage business records upon the termination of the business. The responsibility for notification would lie with the broker upon the permanent termination of his brokerage business, the broker's designated representative in case of death of the broker, licensed partners upon the permanent termination of the partnership brokerage business, and licensed association or corporate officers upon the permanent termination of the association or corporate brokerage business.

As previously stated, under 19 U.S.C. 1641, the Secretary may prescribe rules and regulations governing the licensing of brokers and requiring licensed brokers to keep records and furnish information relating to their business to any duly accredited agent of the United States. Customs believes that it is entirely within the responsibility of licensed brokers to notify Customs of the location of business records of defunct brokers. The proposed amendment would provide Customs with notice that a licensed broker is no longer in business and would provide the name of the proper party to contact for inspection of the brokerage business records if the circumstances warrant. This notification is necessary to enable Customs to adequately protect the revenue as well as the interests of the broker's former clients.

Authority

These amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624), section 641, 46 Stat. 759, as amended (19 U.S.C. 1641).

Comments

Before adopting this proposal, consideration will be given to any written comments (preferably in triplicate) that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), it is hereby certified that the proposed regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. Many of the proposed amendments are intended to clarify existing regulations. Although the proposed amendments would apparently affect brokers, we are not aware of any information indicating that the proposed changes would not have a

significant economic impact on a substantial number of them.

Paperwork Reduction Act

Pursuant to section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96-511), applicable proposed sections of this document are subject to clearance by the Office of Management and Budget.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 111

Customs duties and inspection, Imports, Brokers.

Proposed Amendments

PART 111—CUSTOMHOUSE BROKERS

It is proposed to amend Part 111, Customs Regulations (19 CFR Part 111), in the following manner:

1. It is proposed to revise § 111.1(e) to read as follows:

§ 111.1 Definitions.

* * * * *

(e) *Records.* "Records" means those documents discussed in § 162.1a of this title and kept as provided in § 162.1b of this title.

* * * * *

2. It is proposed to amend § 111.11 by adding a new paragraph (d) to read as follows:

§ 111.11 Basic requirements.

* * * * *

(d) *Responsible supervision and control.* The term "responsible supervision and control" means that supervision and control necessary to ensure that the qualified employee will provide substantially the same quality of service in handling Customs transactions that the licensed broker would provide. While the determination of what is necessary to maintain responsible supervision and control will vary depending upon the circumstances in each case, factors which the Customs Service will consider include the frequency of visits by the licensed brokers, the issuance of written instructions to the employees, the maintenance of current editions of the Customs Regulations and Tariff Schedules of the United States (TSUS), the availability of the licensed brokers for consultation with the employees when necessary, the review by the licensed brokers of the Customs transactions handled by the employees, and any circumstance which indicates that a licensed broker of the firm does not in fact have a real interest in the firm's operations.

§ 111.21 [Amended]

3. It is proposed to amend the second sentence of § 111.21 by removing the word "papers" both times it appears and inserting, in its place the word "records."

4. It is proposed to amend the introductory paragraph of § 111.22(b) and § 111.22(b)(2) by removing the words "books and".

5. It is proposed to further amend § 111.22 by adding a new paragraph (e) to read as follows:

§ 111.22 Additional record of transactions.

* * * * *

(e) *Authorization.* The regional commissioner for the region in which a customhouse broker has been granted an exemption to maintain records of financial transactions on a centralized system basis, as set forth in § 111.23(e) of this part, is responsible for providing an exemption or withdrawal of exemption under paragraphs (b) and (c) of this section.

6. It is proposed to revise § 111.23(a) and the section heading to read as follows:

§ 111.23 Retention of records.

(a) *Place and period of retention.*—(1) *Place.* The records as defined in § 111.1(e) and required by § 111.21 and 111.22 of this part to be kept by a broker shall be retained within the Customs district to which they relate, unless an exemption has been granted for centralized accounting records under paragraph (e) of this section.

(2) *Period.* The records described in paragraph (a)(1) of this section, other than powers of attorney, shall be retained for at least 5 years after the date of entry. Powers of attorney shall be retained until revoked, and revoked powers of attorney and letters of revocation shall be retained for 5 years after the date of revocation. When merchandise is withdrawn from a bonded warehouse, copies of records relating to the withdrawal shall be retained for 5 years from the date of withdrawal.

* * * * *

7. It is proposed to revise the introductory paragraph of 111.23(b) to read as follows:

§ 111.23 Retention of records.

* * * * *

(b) *Microfilming of records.* A broker, with the approval of the district director for the district in which he is licensed, may record on microfilm any records, other than powers of attorney, required to be retained under the provisions of paragraph (a) of this section, at any time after the entry to which these records pertain has been liquidated, upon the following conditions:

* * * * *

8. It is proposed to amend the first sentence of § 111.23(b)(3) by removing the words "books and papers" and inserting, in their place, the word "records."

9. It is proposed to revise § 111.23(d) to read as follows:

§ 111.23 Retention of records.

* * * * *

(d) *Other methods of reproduction for record retention.* A broker may, with the approval of the district director for the district in which he is licensed, utilize other methods of reproduction, including microfiche, for the reproduction of records, other than powers of attorney, permitted to be microfilmed under paragraph (b) of this section, provided the requirements of paragraphs (b) and (c) of this section are met.

10. It is proposed to further amend § 111.23 by adding new paragraphs (e), (f), and (g) to read as follows:

§ 111.23 Retention of records.

* * * * *

(e) *Exemption.*—(1) *Request.* A written request for the authorization to maintain records of financial transactions on a centralized system basis shall be submitted to the regional commissioner responsible for the region in which the centralized records are to be maintained. The written request shall include:

(i) The address at which the broker desires to maintain the centralized accounting records. This location must be within a district where the broker is licensed.

(ii) A detailed statement describing all the records of financial transactions to be maintained at the centralized location, the methodology of record maintenance, a description of any automated data processing to be applied, and a list of all the broker's Customs business activity locations.

(iii) An agreement that if the authorization is granted, no change in the records, the manner of recordkeeping, or the location at which they will be maintained, will be made unless approved by Customs. Each request for a change requires prior approval in the same manner as prescribed above.

(iv) An agreement to comply with § 111.22, *Customs Regulations.*

(v) An agreement that all financial records pertaining to Customs transactions, whether direct or indirect, will be made available to Customs regulatory auditors for complete inspection.

(2) *Approval.* After the broker's request has been received and reviewed by the regional commissioner, he shall advise the broker in writing of his decision whether to authorize the broker to maintain records of financial transactions on a centralized system basis.

(f) *Withdrawal of exemption.* Whenever an audit by a Customs regulatory auditor indicates that a broker to whom an exemption has been granted is not keeping records in accordance with the requirements of paragraph (e) of this section, the exemption granted to the broker shall be withdrawn by notice in writing from the regional commissioner granting the exemption. The broker shall thereafter keep and maintain records as required by paragraph (a) of this section.

(g) *Reproduction of centralized accounting records.* The regional commissioner for the region in which a broker has been granted an exemption to maintain records of financial transactions on a centralized system basis, provided in paragraph (e) of this section, is responsible for approving requests for the reproduction of centralized financial records provided under paragraphs (b) and (d) of this section.

§ 111.24 [Amended]

11. It is proposed to amend § 111.24 and the section heading by removing the words "books and papers" each time they appear and inserting, in their place, the word "records."

§ 111.25 [Amended]

12. It is proposed to amend § 111.25 and the section heading by removing the words "books and papers" each time they appear and inserting, in their place, the word "records."

§ 111.26 [Amended]

13. It is proposed to amend § 111.26 by removing the words "books and papers" from the section heading and inserting, in their place, the word "records;" and by removing the words "book or paper" each time they appear and inserting, in their place, the word "record."

§ 111.27 [Amended]

It is proposed to amend § 111.27 and the section heading by removing the words "books and papers" each time they appear and inserting, in their place, the word "records."

15. It is proposed to revise § 111.28(b) to read as follows:

§ 111.28 Responsible supervision.

* * * * *

(b) *List of employees.* Each customhouse broker shall submit in writing to each district director where the broker is licensed to transact Customs business a list of the names of persons currently employed. For each such employee, the broker also shall provide the current home address, last prior home address, social security number, date and place of birth, and names and addresses of each former employer and dates of employment for the 3-year period preceding current employment with the broker, if the employee has been employed by the broker for a period of less than 3 years. The list shall be submitted during the month of February 1984, and a revised list shall be submitted during the month of February 1985, and during the month of February of each third year thereafter. Within 10 days after the employment of any new personnel, the broker shall submit in writing to the district director the same information as set forth above for any new employees. Within 10 days after the termination of employment of any employee, the broker shall submit in writing to the district director the name of the employee so terminated.

16. It is proposed to further amend § 111.28 by adding a new paragraph (c) to read as follows:

§ 111.28 Responsible supervision.

* * * * *

(c) *Termination of qualifying employment.* If a licensed broker who is a qualifying member of a partnership, or officer of an association or corporation, terminates his employment as a qualified member or officer, that broker shall give written notice immediately of that fact to the Commissioner and send a copy of the written notice to the district director in each district where the broker is licensed to transact Customs business.

17. It is proposed to revise § 111.29(a) to read as follows:

§ 111.29 Diligence in correspondence and paying monies.

(a) *Due diligence by broker.* Each broker shall exercise due diligence in making financial settlements, in answering correspondence, and in preparing or assisting in the preparation and filing of records relating to any matter handled by him as a broker. Funds received by a broker from a client for payment of duty, tax, or other debt or obligation owing to the Government shall be paid to the Government within 30 days from date of receipt or date due, whichever is later. If a broker is the importer of record, he has the same responsibility to pay Customs charges that any other importer has (see § 141.1 of this chapter). Within 60 days of receipt, each broker shall provide a written statement to a client accounting for funds received for the client from the Government, or received from a client in excess of the governmental or other charges properly payable as part of the client's business. Each broker shall refund to a client all funds on accounts inactive for a 1 year period. He shall account to all other persons within 30 days of receipt for all funds advanced by a client for payment of any charges, debts, or obligations due other persons.

18. It is proposed to amend § 111.30 by revising the section heading and adding a new paragraph (e) to read as follows:

§ 111.30 Notification of change of business address, organization, name, or location of business records; status report.

* * * * *

(e) *Location.* Upon the permanent termination of a brokerage business, both the Commissioner and the district director of each Customs district for which a broker's license has been issued shall be provided written notification of the name and address of the party having legal custody of the brokerage business records. Responsibility for notification shall be as follows:

(1) The broker, upon the permanent termination of his brokerage business,

(2) The broker's designated representative in case of death of the broker,

(3) Licensed partners, upon the permanent termination of the partnership brokerage business,

(4) Licensed association or corporate officers, upon the permanent termination of the association or corporate brokerage business.

Subpart D—Cancellation, Suspension, or Revocation of License

19. It is proposed to amend Subpart D of Part 111 by adding a new § 111.51a to read as follows:

* * * * *

§ 111.51a Voluntary suspension of license.

The Commissioner, with the approval of the Secretary of the Treasury, may accept a broker's written voluntary offer of suspension for a specific period of time of the brokers' license under such terms and conditions as the parties may agree.

20. It is proposed to revise § 111.53 to read as follows:

§ 111.53 Grounds for suspension or revocation.

Failure or refusal to comply with the duties, responsibilities, or requirements specified in Subpart C or elsewhere in this part relating to brokers may be deemed grounds for suspension for a specified period of time or revocation of the license of a broker. Such duties, responsibilities, or requirements are not to be considered as exclusive. Conduct not within the purview of any specification of this part may be deemed to be conduct warranting the suspension for a specified period of time or revocation of a license under the authority of section 641(b), Tariff Act of 1930, as amended (19 U.S.C. 1641(b)).

21. It is proposed to amend § 111.58 by adding a new sentence after the first sentence to read as follows:

§ 111.58 Content of statement of charges.

* * * The statement of charges also shall specify the sanction being proposed, i.e., suspension of the broker's license, or revocation of the license, or both, but shall not state a specific period of time for which suspension is proposed.

§ 111.61 [Amended]

22. It is proposed to amend the first sentence of § 111.61 by removing the word "paper" and inserting, in its place, the word "record."

23. It is proposed to amend § 111.66 by revising the second sentence to read as follows:

§ 111.66 Failure to appear.

* * * The regulations of this part shall apply as though the broker were present, and the Secretary of the Treasury may issue an order of suspension for a specified period of time or revocation of the license of a broker if he finds it to be in order.

24. It is proposed to revise § 111.74 to read as follows:

§ 111.74 Decision and notice of suspension or revocation.

If the Secretary of the Treasury in the exercise of his discretion issues an order of suspension for a specified period of time or revocation of the license of a broker, the Commissioner will notify the broker and publish a notice of suspension or revocation in the Federal Register and in the Customs Bulletin. The order of suspension of revocation shall become effective 60 days after the entry of such order, unless the Secretary determines that a shorter period is deemed necessary.

William von Raab,
Commissioner of Customs.

Approved: March 16, 1983.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

[FR Doc. 83-9144 Filed 4-6-83; 8:45 am]
BILLING CODE 4820-02-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

Production or Disclosure of Material or Information; Privacy Act Exemption

[AAG/A Order No.5-83]

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The Department of Justice proposes to provide additional specificity as to the statutory authority for exempting certain systems of records; to remove from Title 28 of the Code of Federal Regulations (28 CFR) systems which are no longer maintained; to incorporate clarifying language which is a part of the system of records as published in the Federal Register; to rename systems of records in order to more accurately describe the records; to redesignate systems of records under a new 28 CFR section to accomplish consistency with reorganizations; and to make editorial changes. The changes have been made to achieve clarity and consistency for the public. In addition, in Section 16.71, the Department proposes to exempt a system of records entitled "Miscellaneous Attorney Personnel Records System (JUSTICE/DAG-011)" from subsections (d)(1) and (e)(1) of the Privacy Act. The exemption is needed to protect the identities of confidential sources and to ensure the unhampered collection of information for investigative and evaluative purposes concerning the subject's candidacy for the position of attorney. Further, in § 16.72, the Department proposes to exempt a system of records entitled "Freedom of Information and Privacy Appeals Index (JUSTICE/OLP-001) from subsections (d)(1), (2), (3) and (4); from subsections (e)(1), (2) and (5); and from subsection (g) of the Privacy Act. The records contained in this system originated in or are derived from records of other divisions of the Department entrusted with investigative duties. The exemption is needed to protect ongoing investigations, the privacy of third parties, and the identities of confidential sources involved in such investigations.

DATE: All comments must be received by May 9, 1983.

ADDRESS: All comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202-633-3452).

SUPPLEMENTARY INFORMATION: *Section 16.71.* The Office of the Deputy Attorney General (ODAG) is revising paragraph (a) to delete a system from this section and to correct other system number identifiers so that they are consistent with a recent reorganization and with the respective system notices as currently published in the Federal Register (45 FR 60303). By Attorney General Order No. 945-81, dated May 26, 1981, the management roles of the Deputy Attorney General and the Associate Attorney General were restructured, and the Office of Legal Policy (OLP) was established. As a result, a system of records now identified in this section as United States Judges Records System (JUSTICE/DAG-014) is deleted from this section and redesignated under a new section, § 16.72, as United States Judges Records System (JUSTICE/OLP-002), and other system number identifiers in this section are renumbered. In addition, the ODAG is revising paragraph (a) to exempt a system of records entitled "Miscellaneous Attorney Personnel Records System (JUSTICE/DAG-001)" from certain Privacy Act provisions.

Section 16.72. OLP is establishing a new section, § 16.72. By Attorney General Order No. 945.81, dated May 26, 1981, the management roles of the Deputy Attorney General and the Associate Attorney General were restructured, and OLP was established. Paragraphs (a) and (b) of this section exempt from certain Privacy Act provisions a system of records entitled "Freedom of Information and Privacy Appeals Index (JUSTICE/OLP-001)," now under the management of OLP as a result of Attorney General Order No. 945-81. Paragraphs (c) and (d) of this section are a republication of a system of records currently identified in § 16.71 as United States Judges Records System (JUSTICE/DAG-014). JUSTICE/DAG-014 is being deleted from § 16.71 and reprinted in § 16.72 as United States Judges Record System (JUSTICE/OLP-002) since the system is now under new management of OLP.

Section 16.76. The Justice Management Division (JMD) is revising paragraphs (a)(1) and (c)(1) to provide

additional specificity as to the statutory authority for exempting its systems and paragraphs (f) and (f)(1) to correct type errors. In addition, JMD is revising paragraph (f)(1) to reflect JMD's limited reliance on the use of exemption (k)(2) and to incorporate the derivative language currently reported in its system notice (48 FR 5360) to reflect that records secured from other systems of records have been exempted only to the extent that they were exempted under the systems of records from which they were obtained.

Section 16.81. The Executive Office for United States Attorney (EOUSA) is revising paragraph (a) to correct system number identifiers so they are consistent with the respective system notices as currently published in the **Federal Register** (45 FR 303; 46 FR 60351; and 47 FR 20687), to provide additional specificity as to the statutory authority for exempting the systems identified therein, and to make other minor editorial changes. In addition, EOUSA is also revising paragraph (d) to properly reflect the exemptions claimed for this system. This paragraph will then be consistent with the related system notice last published on December 9, 1981 in **Federal Register** Volume 46, page 60356.

Section 16.85. The United States Parole Commission is revising paragraph (a) to correct system number identifiers so that they are consistent with the respective system notices as currently published in the **Federal Register** (48 FR 5369), and to provide additional specificity as to the statutory authority for exempting its systems.

Section 16.88. The Antitrust Division is removing paragraphs (a) and (b) from this section as systems of records identified therein are no longer maintained. Existing paragraphs (c) and (d) are being redesignated as paragraphs (a) and (b). The system of records identified in redesignated paragraph (a) is being renumbered.

Section 16.90. The Civil Rights Division is revising paragraph (f)(1) to provide additional specificity in statutory references.

Section 16.92. The Land and Natural Resources Division (LDN) is revising paragraph (c)(1) to incorporate the derivative language reported in its system notice (48 FR 5363) to reflect that records secured from other systems of records maintained by LDN have been exempted only to the same extent that they were exempted under the systems of records from which they were obtained.

Section 16.96. The Federal Bureau of Investigation is revising paragraph (g) of this section to provide additional specificity as to the statutory authority for exempting this system.

Section 16.97. The Bureau of Prisons is making minor editorial changes to paragraphs (a)(8) and (c).

Section 16.100. The Office of Justice Assistance, Research and Statistics (OJARS) is revising its section heading to omit the name of the former Law Enforcement Assistance Administration and to incorporate the new organizational name, OJARS. OJARS is also revising the first sentence of paragraph (a)(1) to incorporate the new acronym into its system identifier.

Section 16.103. The INTERPOL—United States National Central Bureau (INTERPOL—USNCB) is revising paragraph (a)(1) of this section to change the name of its system from the "Criminal Investigative Records System (CIRS) (JUSTICE/INTERPOL–001)" to the "INTERPOL—USNCB Records System (JUSTICE/INTERPOL–001)." Because the system contains noncriminal case files in addition to criminal cases files, the new name more accurately describes the system. The name change in this section is consistent with the system name change currently published in the **Federal Register** (48 FR 5351).

List of Subjects in 18 CFR Part 16

Administrative practice and procedure, Courts, Freedom of Information, Privacy, and Sunshine Act.

Accordingly, pursuant to the authority vested in the Attorney General by 5 U.S.C. section 552a and delegated to me by Attorney General Order No. 793–78, it is proposed to amend Part 16 of 28 CFR as set forth below.

Dated: February 15, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

1. Section 16.71 is amended by revising paragraphs (a) and (b)(1) as follows:

§ 16.71 Exemption of the Office of the Deputy Attorney General Systems.

(a) The following systems of records are exempt from 5 U.S.C. 552a(d)(1) and (e)(1):

(1) Appointed Assistant United States Attorneys Personnel System (JUSTICE/DAG–002).

(2) Assistant United States Attorneys Applicant Records System (JUSTICE/DAG–003).

(3) Presidential Appointee Candidate Records System (JUSTICE/DAG–006).

(4) Presidential Appointee Records System (JUSTICE/DAG–007).

(5) Special Candidates for Presidential Appointments Records System (JUSTICE/DAG–008).

(6) Miscellaneous Attorney Personnel Records System (JUSTICE/DAG–011).

These exemptions apply only to the extent that information in those systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(b) * * *

(1) From subsection (d)(1) because many persons are contacted who, without an assurance of anonymity, refuse to provide information concerning a candidate for a Presidential appointee, Assistant U.S. Attorney or Department attorney position. Permitting access to the information supplied by persons after a promise of confidentiality has been given could reveal the identity of the source of the information and constitute a breach of the promised confidentiality on the part of the Department of Justice. Such breaches ultimately would restrict the free flow of information vital to a determination of a candidate's qualifications and suitability.

* * * * *

2. A new § 16.72 is added as follows:

§ 16.72 Exemption of the Office of Legal Policy Systems.

(a) The following system of records is exempt from 5 U.S.C. 552a(d)(1), (2), (3), and (4); (e)(1), (2), and (5); and (g):

(1) Freedom of Information and Privacy Appeals Index (JUSTICE/OLP–001). These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(2) and (k)(5).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsections (d)(1), (2), (3) and (4) because the records contained in this system originated in or are derived directly from records of other divisions of the Department of Justice entrusted with law enforcement and investigative duties. Individual access to these records might compromise ongoing investigations, reveal confidential informants or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation.

(2) From subsections (e)(1) and (5) because the records contained in this system originated in or are derived directly from other divisions of the Justice Department. The relevance of the information was determined by the originating division. Questions concerning the relevance of the information should be directed to the originating division.

(3) From subsection (e)(2) because the records contained in this system originated in or are derived directly from records of other divisions of the Justice Department. The collection of such information was determined by the originating division.

(4) From subsection (g) because this system of records has been exempted from the access provisions of subsection (d).

(c) The following system of records is exempt from 5 U.S.C. 552a(d)(1) and (e)(1):

(1) United States Judges Records System (JUSTICE/OLP–002).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (d)(1) because many persons are contacted who, without an assurance of anonymity, refuse to provide information concerning a candidate for a judgeship. Permitting access to the information supplied by persons after a promise of confidentiality has been given could reveal the identity of the source of the information and constitute a breach of the promised confidentiality on the part of the Department of Justice. Such breaches ultimately would restrict the free flow of information vital to a determination of a candidate's qualifications and suitability.

(2) From subsection (e)(1) because in the collection of information for investigation and evaluative purposes, it is impossible to determine in advance what exact information may be of assistance in determining the qualifications and suitability of a candidate. Information which may appear irrelevant, when combined with other apparently irrelevant information, can on occasion, provide a composite picture of a candidate for a position which assists in determining whether that candidate should be nominated for appointment.

3. Section 16.76 is amended by revising the section heading and paragraphs (a), (c), and (f) as follows:

§ 16.76 Exemption of Justice Management Division Systems.

(a) The following system of records is exempt from 5 U.S.C. 552a(d):

(1) Controlled Substances Act Non-public Records (JUSTICE/JMD–002).

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 552a(j)(2).

* * * * *

(c) The following system of records is exempt from 5 U.S.C. 552a(d):

(1) Security Clearance Information System (SCIS) (JUSTICE/JMD–008)—Limited access.

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 552a (j) and (k)(5).

* * * * *

(f) The following system of records is exempt from 5 U.S.C. 552a(c)(3) and (d);

(1) Freedom of Information/Privacy Act (FOIA/PA) Records System (JUSTICE/JMD–019).

These exemptions apply only to the extent that other correspondence or internal memoranda retained with the request file contain investigatory material maintained for law enforcement purposes and are subject to exemption pursuant to 5 U.S.C. 552a(k)(2). Records secured from other systems of records have been exempted from the Privacy Act provisions only to the same extent as the systems of records from which they were obtained.

* * * * *

4. Section 16.81 is amended by revising paragraphs (a) and (d) as follows:

§ 16.81 Exemption of United States Attorneys Systems—Limited Access.

(a) The following systems of records are exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g) and (h):

(1) Citizen Complaint Files (JUSTICE/USA–003).

(2) Civil Case Files (JUSTICE/USA–005).

(3) Consumer Complaints Files (JUSTICE/USA–006).

(4) Criminal Case Files (JUSTICE/USA–007).

(5) Kline-District of Columbia and Maryland-Stock and Land Fraud Interrelationship Filing System (JUSTICE/USA–009).

(6) Major Crimes Division Investigative Files (JUSTICE/USA–010).

(7) Prosecutor's Management Information System (PROMIS) (JUSTICE/USA–011).

(8) United States Attorney, District of Columbia Superior Court Division, Criminal Files (JUSTICE/USA–013).

(9) Pre-Trial Diversion Program Files (JUSTICE/USA–014).

These exemptions apply to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(j)(2) and (k) (1) and (2).

* * * * *

(d) Certain categories of records in the following system have been exempted from subsection (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2): Freedom of Information Act/Privacy Act Files (JUSTICE/USA–008).

Records secured from other systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained.

* * * * *

5. Section 16.85 is amended by revising paragraph (a) as follows:

§ 16.85 Exemption of U.S. Parole Commission—Limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f) and (g):

(1) Docket Scheduling and Control System (JUSTICE/PRC–001).

(2) Inmate and Supervision Files System (JUSTICE/PRC–003).

(3) Labor and Pension Case, Legal File, and General Correspondence System (JUSTICE/PRC–004).

(4) Statistical, Educational and Developmental System (JUSTICE/PRC–006).

(5) Workload Record, Decision Result, and Annual Report System (JUSTICE/PRC–007).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

* * * * *

§ 16.88 [Amended]

6. Section 16.88 is amended by removing paragraphs (a) and (b) and by redesignating existing paragraphs (c) and (d) as (a) and (b) respectively. The newly redesignated paragraph (a)(1) is further amended by changing the identifying number "JUSTICE/ATR–009" to "JUSTICE/ATR–006."

7. Section 16.90 is amended by revising paragraph (f)(1) as follows.

§ 16.90 Exemption of Civil Rights Division Systems.

* * * * *

(f) * * *

(1) In the course of processing requests for records puraunt to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems of records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j)(2) or (k)(2). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what

extent the records should be disclosed, or access provided, or correction made or denied, or for review in the event of administrative appeal or judicial review.

* * * * *

8. Section 16.92 is amended by revising paragraph (c) as follows:

§ 16.92 Exemption of Land and Natural Resources Division System—Limited access, as indicated.

* * * * *

(c) The following system of records is exempt from 5 U.S.C. 552a (c)(3) and (d):

(1) Freedom of Information/Privacy Act Records System. (Justice/LDN–005). These exemptions apply only to the extent that the records contained in this system are subject to exemption pursuant to 5 U.S.C. 552a(k)(2). The exemptions claimed for this system of records apply only to records obtained from other systems of records maintained by the Land and Natural Resources Division and only to the same extent as the records contained in such other systems have been exempted.

* * * * *

9. Section 16.96 is amended by revising paragraph (g) as follows:

§ 16.96 Exemption of Federal Bureau of Investigation Systems—Limited access.

* * * * *

(g) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e)(1), and (2) (3), (e)(4)(G) and (H), (e)(8), (f) and (g): National Crime Information Center (NCIC) (JUSTICE / FBI–001). This exemption applies only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2) and (k)(3).

* * * * *

§ 16.97 [Amended]

10. Section 16.97, paragraph (a)(8), is amended by removing the word "Tax" and inserting the word "Tort". Further, paragraph (c), last sentence, is amended by removing the quotation marks.

11. Section 16.100 is amended by revising the section heading and the first sentence of paragraph (a)(1) as follows:

§ 16.100 Exemption of Office of Justice Assistance, Research and Statistics—Limited Access.

(a) * * *

(1) The Civil Rights Investigative System (Justice/OJARS–008). * * *

* * * * *

12. Section 16.103 is amended by revising the section heading and paragraph (a)(1) as follows:

§ 16.103 Exemption of the INTERPOL—United States National Central Bureau (INTERPOL—USNCB) System.

(a) * * *

(1) The INTERPOL—USNCB Records System (JUSTICE/INTERPOL–001). This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(2) and (k)(5).

* * * * *

[FR Doc. 83–8145 Filed 4–6–83; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD13 83–07]

Regetta, Seattle Seafair Sea-Galley Emerald Cup Race; Proposed Establishment of Controlled Navigation Area

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to establish an area of controlled navigation upon the waters of Lake Washington, Washington, from August 4 until August 7, 1983. This is necessary due to the unlimited hydroplane races scheduled for this time period as part of Seattle's Seafair Sea-Galley Emerald Cup Race. The Coast Guard through this action intends to insure the safety of spectators and participants in this event.

DATES: Comments must be received on or before May 23, 1983.

ADDRESSES: Comments should be mailed to Commander (osr), Thirteenth Coast Guard District, 915 Second Ave., Seattle, WA 98174. The comments will be available for inspection and copying at the Thirteenth Coast Guard District Office, Room 3542, 915 Second Ave., Seattle, WA 98174. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Capt. P. D. Russell, Chief, Search and Rescue Branch, (206) 442–5880.

SUPPLEMENTARY INFORMATION: Interested persons are invited to particiapte in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD13 83–07) and the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information: The drafters of this notice are Cdr. D. H. Hagen, USCGR, Project Officer, Thirteenth Coast Guard District Search and Rescue Branch, and Lcdr R. R. Clark, USCG, Project Attorney, Thirteenth Coast Guard District Legal Office.

Discussion of Proposed Regulation: Each year, Seafair, Inc., a non-profit corporation, sponsors an unlimited hydroplane regatta on the waters of Lake Washington. This year, that organization is sponsoring the Seafair Sea-Galley Emerald Cup Race. This four (4) day event draws several hundred thousand spectators to the beaches and waters surrounding the Lake Washington race course. A large number of these spectators view the event from over eight hundred (800) pleasure craft which anchor around the race course. To insure the safety of both the spectators and the participants, special navigational rules are required.

By the authority contained in Title 46, U.S. Code, Section 454, as implemented by Title 33, Part 100, Code of Federal Regulations, a special local regulation controlling navigation on the waters described is required. By the same authority, the waters involved will be patrolled by vessels of the U.S. Coast Guard. Coast Guard Officers and/or Petty Officers will enforce the regulations and cite persons and vessels in violation.

Economic Assessment and Certification: This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the regulations affect only spectators and participants to the race and applies to a small area of Lake Washington. In addition it will be in effect for only four (04) days, two of those days being Saturday and Sunday. There is no commercial traffic in this area of the lake. On the other side of the economic equation the benefit in saved property damage and personal injury is potentially very considerable. Based upon this assessment it is certified in

accordance with Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Proposed Regulation: In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, by adding § 100.35–1314 to read as follows:

§ 100.35–1314 Lake Washington 1983 Seattle Seafair Sea-Galley Emerald Cup Race.

(a) From August 4 to August 6, 1983, this regulation will be in effect from 0800 until 1700 Pacific Daylight time. On August 7, 1983, this regulation will be in effect from 0800 until one hour after the conclusion of the last race.

(b) The area where the Coast Guard will restrict general navigation by this regulation during the hours it is in effect is:

(1) The waters of Lake Washington bounded by the Mercer Island (Lacey V. Murrow) Bridge, the western shore of Lake Washington, and the east/west line drawn tangent to Bailey Peninsula and along the shoreline of Mercer Island.

(c) The area described in paragraph (b) has been divided into two zones. The zones are separated by a log boom and a line from the southest corner of the boom to the northeast tip of Bailey Peninsula. The western zone is designated Zone I, the eastern zone, Zone II. (Refer to NOAA chart 1447.)

(d) The Coast Guard patrol of the area described in paragraph (b) is under the direction of the Coast Guard Patrol Commander. He is empowered to control the movement of vessels on the race course and in the adjoining waters during the periods this regulation is in effect.

(e) Only authorized vessels may be allowed to enter Zone I during the hours this regulation is in effect. Vessels in the vicinity of Zone I shall maneuver and anchor as directed by Coast Guard Officers or Petty Officers.

(f) During the times in which this regulation is in effect, swimming, wading, or otherwise entering the water in Zone I by any person is prohibited.

(g) Vessels proceeding in either Zone I or Zone II during the hours this regulation is in effect shall do so only at speeds which will create minimum wake, seven (07) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(h) Upon completion of the daily racing activities, all vessels leaving either Zone I or Zone II shall proceed at speeds of seven (07) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(i) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); 33 CFR 100.35)

Dated March 8, 1983.

R. J. Copin,

Captain, Coast Guard, Commander, 13th Coast Guard District, Acting

[FR Doc. 83–9140 Filed 4–6–83; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD13 83–08]

Drawbridge Operation Regulations; Swinomish Channel at Padilla Bay, Whitmarsh, Washington

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Burlington Northern Railroad Company, the Coast Guard is considering establishing operating regulations governing the railroad drawbridge across the Swinomish Channel, mile 8.4, near Whitmarsh, Washington, by requiring that the draw be maintained in the open to navigation position, except when required to be closed for the passage of trains. This proposal is being made because the amount of rail traffic has declined. This action should relieve the bridge owner of the burden of having a person constantly available to open the draw and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before May 23, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays, at the office of the Commander (oan), Thirteenth Coast Guard District, Room 3564, 915 Second Avenue, Seattle, Washington 98174. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch, (Telephone: (206) 442–5864).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information:

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Commander D. Gary Beck, project attorney.

Discussion of the Proposed Regulations:

Swinomish Channel is a natural waterway connecting Skagit Bay at the south end and Padilla Bay at the north. The waterway has a total length of about 10 miles and separates Fidalgo Island from the mainland. Swinomish Channel provides a direct route through protected waters between Skagit Bay and Padilla Bay. It is used extensively by tugs towing barges and log rafts, and fishing vessels. Large numbers of recreational vessels also use the waterway.

All commercial development along Swinomish Channel is concentrated at La Conner near the south end of the waterway. Commercial development consists of a fish cannery, log booming and storage, fish boat moorage and repair service, and a recently constructed port facility providing pleasure boat moorage and repair service. There is little potential for further development along the waterway.

The Burlington Northern Railroad Company owns and operates a railroad drawbridge across Swinomish Channel at mile 8.4 near Whitmarsh, Washington. Train traffic across the bridge consists of an average of three passages per day. Vessel traffic is not logged at the bridge, but is estimated to

be several hundred vessels per day during peak months.

There are no specific operating regulations for the Burlington Northern railroad bridge across Swinomish Channel. The bridge is operated in accordance with the general provisions of 33 CFR 117.1. The proposed regulation would require that the drawspan of the bridge be kept in the open to navigation position at all times except while actually required to be closed for the passage of trains. When the draw of the bridge is closed during foggy weather, and the visibility at the drawtenders station is less than one mile up or down the channel, the drawtender would sound two long blasts every minute. When the draw is again in the open position and the channel is clear for the passage of vessels, the drawtender would sound one long blast followed by one short blast.

This proposal would allow Burlington Northern to maintain the bridge in the open position without a drawtender in attendance unless required by the passage of a train. This would result in savings in operating costs to the bridge owner and would not unreasonably affect navigation on the waterway.

Other than the Burlington Northern Railroad Company, there are no known businesses including small entities, that would be affected by the proposed change. There are only minimal economic impacts on nvaigation or other interests. Therefore, an economic evaluation has not been prepared for this action. The Burlington Northern Railroad Company would benefit because it would be relieved of the burden of providing a salaried full time operator for bridge openings and closures.

Economic Assessment and Certification:

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Proposed Regulation:

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by adding a new § 117.806 to read as follows:

§ 117.806 Swinomish Channel, Wash.; railroad drawbridge

(a) The Burlington Northern railroad bridge across Swinomish Channel, mile 8.4, shall be kept open at all times except when actually required to be closed for the passage of trains or other railroad equipment or when maintenance to the drawspan is being performed.

(b) When the draw of the bridge is closed and the visibility at the drawtender's station is less than one mile up or down the channel, the drawtender shall sound two long blasts every minute. When the draw is reopened, the drawtender shall sound one long blast followed by one short blast.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3)).

Dated: March 22, 1983.

C. F. DeWolf,

Rear Admiral, Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 83–9141 Filed 4–6–83; 8:45 am]
BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD9 83–04]

Drawbridge Operation Regulations; Manitowoc River, Wisconsin

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the requests of the City of Manitowoc, Wisconsin, and Soo Line Railroad Company, the Coast Guard is considering revising the regulations governing the Eighth Street, mile 0.3 Tenth Street, mile 0.5, and Soo Line Railroad, mile 0.9, bridges over the Manitowoc River, Manitowoc, Wisconsin, by permitting the owners of these bridges to remove bridgetenders during periods of time when navigation on the Manitowoc River is negligible with a requirement that the bridges will open on signal upon receipt of an advance notice. This proposal is being made because of a decrease in requests for opening these draws between the hours of 10:30 p.m. and 4:30 a.m. This action may relieve the bridge owners of the burden of having bridgetenders constantly available to open the draws and may still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before May 23, 1983.

ADDRESS: Comments should be submitted to and are available for examination, during normal business hours, at the office of the Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199. Telephone (216) 522–3993.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in this proposal. Persons desiring acknowledgement that their comment has been received should enclose a stamped self-addressed postcard or envelope.

The Commander, Ninth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in the light of comments received.

Drafting Instructions:

The principal persons involved in drafting this proposal are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and LCDR J. A. Blocher, Assistant Legal Officer, Ninth Coast Guard District.

Discussion of Proposed Regulations:

The proposed regulations will allow the City of Manitowoc, Wisconsin, to remove bridgetenders from the Eighth and Tenth Street bridges, and Soo Line Railroad Company to remove bridgetenders from their railroad bridge from April 1 through October 31 between the hours of 10:30 p.m. and 4:30 a.m. with requirement to open the draws of these bridges upon receipt of a six hour advance notice. From November 1 through March 31 bridgetenders would be removed at all times with a requirement that the bridges would open for the passage of vessels upon receipt of a 12 hour advance notice.

Bridgetender logs for these bridges show the following number of openings

from April 1 through October 31, between the hours of 10 p.m. and 5 a.m.:

Bridge	Year	Number of openings
Eighth	1981	49—one opening every 4.3 days.
	1982	66—one opening every 3.2 days.
Tenth Street	1981	16—one opening every 13.4 days.
	1982	36—one opening every 5.9 days.
Soo Line Railroad	1981	52—one opening every 4.1 days.
	1982	53—one opening every 4.0 days

For the period November 1 through March 31, bridgetender logs showed the Eighth Street bridge had 31 openings in 1980–81, 70 in 1981–82; Tenth Street had 22 openings in 1980–81, 33 in 1981–82 and the Soo Line Railroad bridge had 21 openings in 1980–81 and 10 in 1981–82.

Under present regulations the Eighth and Tenth Street bridges open on signal except that the draws need not open from 6:50 a.m. to 7 a.m., 7:50 a.m. to 8 a.m., 11:55 a.m. to 12:10 p.m. and 12:45 p.m. to 1 p.m., Monday through Friday, except federal holidays. The Soo Line railroad bridge opens on signal at all times. During the winter months, November 1 through March 31, the owners of these bridges have been granted temporary regulations, on an annual basis, which allowed them to remove bridgetenders and open the draws upon receipt of a 12 hour advance notice.

Economic Assessment and Certification:

The proposed regulations have been reveiwed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of regulations (DOT Order 2100.5 of 5022–80). An economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is also certified that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The effects of this proposal, as described above, are expected to be minimal because bridgetenders will be removed only during times when requests for openings are minimal. Also, marine interests will be able to transit through the draws of these bridges by giving an advance notice.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the forgoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.650 to read as follows:

§ 117.650 Manitowoc River, Wis; bridges.

(a) The draws of the Eighth Street bridge, mile 0.3, and Tenth Street bridge, mile 0.5, both of Manitowoc, shall open on signal except that:

(1) From April 1 through October 31, Monday through Friday, the bridges need not open from 6:50 a.m. to 7 a.m., 7:50 a.m. to 8 a.m., 11:55 a.m. to 12:10 p.m. and 12:45 p.m. to 1 p.m., except federal holidays.

(i) From 10:30 p.m. to 4:30 a.m. the draws shall open on signal if at least a 6 hour advance notice is given.

(2) From November 1 through March 31 the draws shall open on signal if at least a 12 hour advance notice is given.

(3) The opening signals for these bridges are:

Eight Street—one prolonged blast followed by one short blast.

Tenth Street—two short blasts followed by one prolonged blast.

(i) When signal is given by a car ferry or other large vessel to pass either of the two bridges, the remaining bridge shall open promptly so that such vessels shall not be held between the two bridges.

(b) The draw of the Soo Line Railroad Company bridge, mile 0.9, at Manitowoc, shall open on signal except that:

(1) From April 1 through October 31, between the hours of 10:30 p.m. and 4:30 p.m., the draws shall open on signal if at least a 6 hour advance notice is given.

(2) From November 1 through March 31 the draw shall open on signal if at least a 12 hour advance notice if given.

(3) The opening signal for this bridge is two short blasts followed by one prolonged blast.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3))

Dated: March 25, 1983.

Henry H. Bell,

Rear Admiral, Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 83-9138 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[Region II Docket No. 8; A–2–FRL 2329–4]

Designation of Areas for Air Quality Planning Purposes; Revisions to Section 107 Attainment Status, Designations for the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to announce the Environmental Protection Agency's proposed approval of a request from the Commonwealth of Puerto Rico to revise the air quality designation of the Guayanilla Air Basin from "does not meet secondary standards" to "better than national standards" for particulate matter. Such designations are required by Section 107(d) of the Clean Air Act and may be revised from time to time at the request of a state.

DATE: Comments must be received on or before May 9, 1983.

ADDRESSES: All comments should be addressed to: Jacqueline E. Schafer, Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of Puerto Rico's request and the Environmental Protection Agency's review of this material are available for public inspection during normal business hours at:

U.S. Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

Commonwealth of Puerto Rico, Environmental Quality Board, 204 Del Parque Street, Santurce, Puerto Rico 00910

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act directed each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of national ambient air quality standard attainment status designations for all areas within the state. EPA received such designations from the states and promulgated them on March 3, 1978 (43 FR 8962). As authorized by the Clean Air Act, these designations have been

revised from time to time at a state's request.

On January 25, 1983 the Commonwealth of Puerto Rico's Environmental Quality Board (EQB) submitted to EPA a request to revise the air quality designation of the Guayanilla Air Basin from "does not meet secondary standards" to "better than national standards" with respect to the secondary national ambient air quality standard for particulate matter.

The EQB's particulate matter redesignation request is based on air quality monitoring data and on reductions in particulate emissions. Consistent with EPA criteria for redesignations, the four total suspended particulate monitors located in the Guayanilla Air Basin [1] have shown no contraventions of the national ambient air quality standards for particulate matter during the past eight calendar quarters. The four total suspended particulate monitors used in this evaluation were as follows: Playa De Guayanilla (SAROAD ID# 401100001F02), Barrio Magas Arriba (SAROAD ID# 401100003F02), Barrio Magas Abajo (SAROAD ID# 401100004F02) and Monte Stella (SAROAD ID# 401100005F02).

EPA has reviewed the air quality data submitted by the EQB and concurs that no contraventions of the particulate matter secondary national ambient air quality standard have occurred during the past eight calendar quarters. Consequently, EPA is proposing to approve EQB's request to redesignate the Guayanilla Air Basin from "does not meet secondary standards" to "better than national standards."

EPA's proposed approval of this redesignation is based on its meeting the requirements of Sections 107 and 301 of the Clean Air Act and applicable EPA guidelines.

Interested persons are invited to comment on any element of the subject proposal and on whether it meets Clean Air Act requirements. Comments received by May 9, 1983 will be considered in EPA's final decision. All comments received will be available for inspection at the Region II Office of EPA at 26 Federal Plaza, Room 1005, New York, New York 10278.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

(Sections 107 and 301 of the Clean Air Act, as amended [42 U.S.C. 7407, 7601]).

List of Subjects In 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: March 17, 1983.

Richard T. Dewling,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 83-8950 Filed 4-6-83; 8:45 am]

BILLING CODE 6560-50-M

[1] The following is a description of the Guayanilla Air Basin: On the north, from a point at the intersection of PR-2 and the Municipal boundary of Yauco and Guayanilla, following PR-2 to the east up to and following PR-132 to intersect an imaginary line connecting the 270 meter contours of the mountainous territory northward to the Town of Guayanilla, up to the east boundary of this Basin; on the south, by the Guayanilla and Tallaboa Bay; on the east, by an imaginary longitudinal line connecting San Mateo Church (Penuelas) and PR-2; and on the west, an imaginary longitudinal line connecting the intersection of PR-2 and the Municipal boundary of Yauco and Guayanilla with the southern coast of Puerto Rico near Punta Ventana.

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40 CFR Part 123

[SW-7-FRL 2339-6]

Missouri Application for Interim Authorization, Phase I and II, Components A and B, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region VII.

ACTION: Stay of public comment period and review period extension.

SUMMARY: This stay extends the public comment period on the Missouri Phase I and II, Components A and B Interim authorization application for an indefinite period of time. A previous **Federal Register** notice dated March 17, 1983 (48 FR 11301, March 17, 1983) by the Environmental Protection Agency (EPA) announced the availability of the Missouri Interim Authorization Application for pubic review and gave notice of an April 19, 1983, public hearing. On March 9, 1983, EPA asked the State to make certain legislative changes to bring State law into substantial equivalency with Federal law which required substantive application modifications. To allow for sufficient time to complete these changes and continue the review period, the State is requesting an indefinite suspension of the EPA application review and a stay of the public comment period. When the legislative changes are made and incorporated in the application, a new date of public hearing will be set which will allow the public the full 30 days in which to examine the application and offer their comments prior to the public hearing. A new announcement of the public hearing date and final determination by EPA on the Missouri application will be made.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby, (816) 374-6536.

Dated: March 29, 1983.

Morris Kay,

Regional Administrator.

[FR Doc. 83-9119 Filed 4-6-83; 8:45 am]

BILLING CODE 6560-50-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte Nos. 55 (Sub-No. 43A) and MC-142 Sub-No. 1]

Acceptable Forms of Requests for Operating Authority (Motor Carriers and Brokers of Property; Removal of Restrictions From Authorities of Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Notice of intent to reopen proceedings and institute rulemakings required by recent court action.

SUMMARY: The purpose of this notice is to inform the public of the Commission's intent to reopen these proceedings to conduct a rulemaking for the purpose of modifying certain portions of the guidelines and policy statement previously promulgated. Such modification is required to comply with the court's mandate in *American Trucking Ass'ns* v. *ICC (ATA)*, 659 F.2d 452 (5th Cir. 1982). The Supreme Court has denied the Commission's petition for a writ of certiorari. Notices of proposed rulemakings will be published in the **Federal Register** within 60 days of this publication and interested parties will be given an opportunity to comment. Pending the adoption of final rules, the Commission's notice of March 31, 1982 (47 FR 13603) advising all persons of the portions of the rules declared invalid and undertaking to decide future cases in accordance with the court's mandate, as clarified, shall remain in full force and effect.

FOR FURTHER INFORMATION CONTACT: Andrew L. Lyon, 202-275-7805, or Howell I. Sporn, 202-275-7691.

SUPPLEMENTARY INFORMATION: In Ex Parte No. 55 (Sub-No. 43A), *Acceptable Forms of Requests for Operating Authority (Motor Carriers and Brokers of Property)*, 364 I.C.C. 432 (45 FR 86798, December 31, 1980) and Ex Parte No. MC-142 (Sub-No. 1), *Removal of*

Restrictions From Authorities of Motor Carriers of Property, 45 FR 86747 (December 31, 1980), we promulgated procedural rules and policy guidelines (1) for applicants for new authority to apply for broader grants of authority than had traditionally been authorized, and (2) for existing authority holders to seek removal of restrictions from and broadening of previously-issued narrow authorities.

In *American Trucking Ass'ns* v. *ICC*, 659 F.2d 452 (5th Cir. 1981), the United States Court of Appeals for the Fifth Circuit held that certain of our guidelines were actually rules and that part of the rules were invalid. On February 25, 1982, the Fifth Circuit entered a writ of mandamus requiring the Commission to comply with the court's decision in *ATA*, to publish notice of the rescission of the invalidated portions of the rules, and to issue new replacement rules. The court also clarified its prior decision. *American Trucking Ass'ns* v. *ICC*, 659 F.2d 957 (5th Cir. 1982).

The Commission then asked the United States Supreme Court to stay the Fifth Circuit mandamus order pending the filing and disposition of a petition for writ of certiorari with respect to that order. Although the stay was granted, the Commission stated that it would nevertheless comply with the Fifth Circuit's order in deciding cases. Accordingly, it published a notice in the **Federal Register** on March 21, 1982, indicating its intent to comply with the Court's order and describing those portions of the rules that the Court had declared invalid. See 47 FR 13603.

On March 7, 1983, the Supreme Court denied the Commission's petition for a writ of certiorari. *ICC* v. *American Trucking Ass'ns*, No. 82–88, decided March 7, 1983, 51 U.S.L.W. 3647. Consequently, the Commission is now required to comply with the portion of the Fifth Circuit's mandamus order requiring a modification of those rules declared to be invalid. To do so, the Commission, within 60 days of this publication, will publish notices of proposed rulemaking in the proceedings in Ex Parte No. 55 (Sub-No. 43A) *supra*, and Ex Parte No. MC–142 (Sub-No. 1), *supra*. Notice of the proposed rule changes will be published in the **Federal Register** and interested parties will have opportunity to comment. Pending the adoption of final rules, our notice of March 21, 1982 shall remain in full force and effect and the Commission will continue to comply with the Fifth Circuit's mandate in deciding individual cases.

Decided: March 25, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–8746 Filed 4–6–83; 8:45 am]
BILLING CODE 7035–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine Torreya taxifolia (Florida torreya) as an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to list a tree, *Torreya taxifolia* (Florida torreya), as an Endangered species under the authority contained in the Endangered Species Act of 1973, as amended. This plant is endemic to the Apalachicola River area in Florida and Georgia. The primary threat to this species is a fungal disease, although past habitat reductions have occurred. This proposal, if made final, will implement the protection provided by the Endangered Species Act of 1973, as amended, for *Torreya taxifolia*. The Service seeks data and comments from the public on this proposal.

DATES: Comments from the States of Florida and Georgia and the public must be received by June 6, 1983. Public hearing requests must be received by May 23, 1983.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Comments and materials received will be available for public inspection during normal business hours at the above address, by appointment.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Washington Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION: An evergreen tree reaching 18 meters tall, *Torreya taxifolia* (Florida torreya) was first discovered in 1835 and formally described in 1838 (Arnott, 1838). The Florida torreya and other endemics of the Apalachicola River system have received much attention from scientists and local residents. The relictual nature of the habitats accounts for the presence of many unique species (James, 1967). It has been proposed that during recent glaciations, species migrated southward by way of the Apalachicola River system which served as a refugium during cooling periods. The Apalachicola River is the only far south river system which has its head waters in the southern Appalachians. Cool moist conditions persisted on the bluffs and ravines of the Apalachicola after climatic change rendered the sourrounding area much drier and warmer. The entire Apalachicola River bluff system today is an extremely diverse and unique ecosystem, of which *Torreya taxifolia* is a part.

Torreya taxifolia is a conifer, with whorled branches and stiff, sharp-pointed, needle-like leaves. The trees are conical in nature. Dark green fleshy seeds mature in the midsummer to fall. The leaves of the tree have a strongly pungent or resinous odor when crushed, thus one common name, "stinking cedar." A similar coniferous species of the same plant family (Taxaceae), *Taxus floridana* (florida yew), also occurs in the Apalachicola River area. This small tree is easily distinguished from *Torreya taxifolia*. *Taxus floridana* was also initially recommended for listing as Endangered but recent (1982) studies indicate it is less vulnerable at this time than previously thought.

Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be Endangered, Threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the **Federal Register** (40 CFR 27823) of his acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rulemaking in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register**

publication. *Torreya taxifolia* was included in the July 1, 1975, notice of review and the June 16, 1976, proposal.

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice withdrawing the June 16, 1976, proposal, along with four other proposals which had expired. A 1981 report submitted by the Georgia Plant Program, investigations carried out by Service botanists (Washington Office and Jacksonville Area Office) during the winter of 1981, and a contract completed during 1982 on *Torreya taxifolia* and taxus floridana, have provided significant new data.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et. seq.*) states that the Secretary of Interior shall determine whether any species is an Endangered or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. These factors and their application to *Torreya taxifolia* (Florida torreya) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.—Torreya taxifolia* occurs in the ravines along the eastern side of the Apalachicola River from Lake Seminole in Georgia to Bristol, Florida (Southeastern Wildlife Services, 1982). One population also occurs on the margin of Dog Pond (Florida) which lies to the west of the Apalachicola River.

The Georgia population contained 27 trees in 1981 and occurs entirely on public land administered by the U.S. Army Corps of Engineers (ACE) on the margins of Lake Seminole (Butler, 1981). The construction Lake Seminole has been reported to have resulted in the loss of habitat and possibly individuals of *Torreya taxifolia* (Milstead, 1978). The resource manager at Lake Seminole, however, feels that the impoundment level was below the elevation on the ravines where *Torreya taxifolia* occurs (Butler, 1981). Presently, this resource manager is sensitive to the need for proper management and protection of the species. This proper management and protection will need to continue and should not conflict with the present recreational use of the area.

The Florida populations occur on a State park, a city park, and privately owned lands. Torreya State Park was established for the protection of *Torreya taxifolia* and the unique bluff habitats and species. A city park in Chattahoochee also provides some protected habitat for this species. The majority of the area occupied by *Torreya taxifolia* is in private ownership, however, where no protection status exists. Past habitat destruction has occurred due to housing developments (Baker and Smith, 1981). Another Army Corp of Engineers planned impoundment near Blountstown, Florida, is not expected to affect this species because the proposed high water mark is below the elevations at which *Torreya taxifolia* occurs. The steepness of the bluffs and ravines render them somewhat inappropriate for many types of agriculture, forestry, and housing. As a result, habitat destruction is not the major threat to this species at this time. Proper planning for the protection of this species will be necessary in relation to all ACE and any other future Federal projects.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.*—Not applicable to this species.

C. *Disease or predation (including grazing).*—The major threat facing *Torreya taxifolia* is disease. Since 1962, natural populations have been drastically reduced or eliminated due to a fungal disease (Godfrey, 1962). The fungal disease causes necrosis of the needles and stems and severe defoliation: however, treatment through the application of fungicides seems possible (Alfieri *et al.*, 1967). All that remains in nature are root sprouts, reaching less than 3 meters in height (Baker and Smith, 1981). Trees formerly reached heights of 18 meters. Cultivated, uninfected specimens exist in various botanical gardens and can provide seeds and material for future recovery efforts. Through treatment of diseased individuals or breeding of resistant strains *Torreya taxifolia* can possible be recovered. However, extensive research is needed to determine appropriate treatments and to investigate the possibilities of breeding trees resistant to the disease.

D. *The inadequacy of existing regulatory mechanisms.—Torreya taxifolia* is offered protection under Florida Law, Chapter 65–426, Section 865.06 which includes prohibitions concerning taking, transport, and the selling of plants listed under that law. *Torreya taxifolia* is also included under Georgia's Wild Flower Preservation Act of 1973 which prohibits taking from public lands and intrastate transport and sale of certain rare plant species. The Endangered Species Act would offer additional protection for the species through the recovery process and interstate/international trade prohibitions.

E. *Other natural or manmade factors affecting its continued existence.*—The very limited range and small size of the populations of this species increase the possibility of loss of all or a significant portion of the species as a result of any accidental or natural catastrophe.

Critical Habitat

The Act requires that Critical Habitat be determined at the time of listing, where prudent. The Service has determined that it would not be prudent to determine Critical Habitat for *Torreya taxifolia* at this time. All mature viable trees are located in botanical gardens and arboreta. The wild trees do not now have good long-term survival prospects. The initial focus of recovery will be to address controlling the disease. After the disease has been overcome, recovery efforts would address reintroduction of the species into the wild, and Critical Habitat could be determined at that time, if found prudent to do so. Sites where the species could receive protection and proper management, such as the Army Corps land, the State and city park, and other areas could be chosen. It is not currently possible to determine which areas would be selected and, therefore, Critical Habitat determinations would be imprudent at this time.

Effects of This Rule

In addition to the effects discussed above, the effects of this proposal, if published as a final rule, would include, but would not necessarily be limited to, those mentioned below.

Subsection 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as Endangered or Threatened. Federal agencies are required under Section 7(a)(3) to confer with the Service on any action that is likely to jeopardize proposed species. This rule, if made final, will require Federal agencies to insure that activities they authorize, fund or carry out are not likely to jeopardize the continued existence of this species. Possible effects of this rule on the Army Corps of Engineers have already been discussed, and these are not major. No other Federal involvement is known to exist.

The Act and implementing regulations published in the June 24, 1977, **Federal Register** set forth a series of general trade prohibitions and exceptions which apply to all Endangered plant species. The regulations pertaining to

Endangered plants are found at 50 CFR 17.61 and are summarized below.

With respect to *Torreya taxifolia* all trade prohibitions of Section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import, or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act, 50 CFR 17.62 and 63, also provides for the issuance of permits to carry out otherwise prohibited activities involving Endangered species, under certain circumstances. International and interstate commercial trade in *Torreya taxifolia* is not known to exist. It is not anticipated that many trade permits involving plants of wild origin would ever be sought or issued since this plant is not common in the wild and is not presently in cultivation.

Section 9(a)(2)(B) of the Act, as amended in 1982, states that it is unlawful to remove and reduce to possession Endangered plant species from areas under Federal jurisdiction. Section 4(d) provides for regulations to provide this protection to Threatened plant species. This new prohibition will apply to *Torreya taxifolia* once it is listed. Permits for exceptions to this prohibition are available through Sections 10(a) of the Act, following the general approach of 50 CFR 17.72 until revised regulations are promulgated.

Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903). It is anticipated that few taking permits for the species will ever be requested.

The Service will review this species to determine whether it should be considered for the Convention on Nature Protection and Wildife Preservation in the Western Hemisphere for placement upon its Annex, and whether it should be considered for other appropriate international agreements.

The Service determined on July 7, 1982, that this proposed action is not major as defined in Executive Order 12291, does not have a significant economic effect on a substantial number of small entities as defined in the Regulatory Flexibility Act, and does not contain information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). No small businesses, organizations, groups, or small entities were identified which would be expected to be impacted by this rule. No direct costs, enforcement costs, or information collection and recordkeeping requirement were determined to be imposed on small entities if this proposal were adopted. Small entities in the area would include the cities of Chattahoochee and Bristol and private landowners, but it was determined that these will not be impacted by the listing. These findings were made as a result of analyses by the Office of Endangered Species of information received from the Chattahoochee Office of the Army Corps of Engineers, the State of Florida Department of Transportation and the Division of State Parks, the city of Chattahoochee, Fish and Wildlife Service Regional and Field personnel, local botanists, and private citizens.

National Environmental Policy Act

A draft Environmental Assessment has been prepared in conjuction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined, by appointment, during regular business hours. This assessment forms the basis for a decision, that will be made at the time of final rule as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500–08).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited.

Comments particularly are sought concerning:

1. Biological or other relevant data concerning any threat or the lack thereof th *Torreya taxifolia;*

2. Additional information concerning the range and distribution of this species including specific location information:

3. Current or planned activities in the subject area; the probable impacts of such activities; and

Final promulgation of the regulations on *Torreya taxifolia* will take into consideration the comments and any additional information received by the Director, and such communications may lead him to adopt a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Field Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207.

Author

The primary author of this proposed rule is Ms. E. LaVerne Smith, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

References

Alfieri, S.A., Jr., A.P. Martinez, and C. Wehlburg, 1967. Stem and needle blight of Florida Torreya (**Torreya taxifolia** Arn.). *Proc. Florida State Horticultural Society* . 80: 428–31.

Arnott, G.A.W., 1838. On the Genus *Torreya*. *Annals of Natural History*. 1: 126–32.

Baker, G.S. and E.L. Smith. 1981. Field notes, maps, and report prepared for U.S. Fish and Wildlife Servvice files.

Butler, Will. 1981. Status of the Florida Torreya in Georgia. Unpublished report prepared by the Georgia Protected Plants/Natural Areas program.

Godfrey, R.K. and H. Kurz. 1962. The Florida *Torreya* destined for extinction. Science. 136: 900–02.

James, C.W. 1961. Endemism in Florida. Brittonia. 13(3): 225–44.

Milstead, Wayne. 1978. *Torreya Taxifolia* Status Report. Prepared for U.S. Fish and Wildlife Service.

Southern Wildlife Services. 1982. A Distribution Survey of the Populations of *Taxus floridana* and *torreya taxifolia* in Florida.
A report contracted for by the U.S. Fish and Wildlife Service.

List of Subjects: in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation is as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1241; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

§ 17.12 [Amended]

2. It is proposed to amend § 17.12(h) by adding, in alphabetical order the following to the list of Endangered and Threatened plants:

* * * * *

Species		Historic range	Status	When listed	Critical habitat	Special rule(s)
Scientific name	Common name					
Taxaceae—Yew family: *Torreya taxifolia*	Florida torreya	U.S.A. (FL, GA)	E		N/A	N/A.

Dated: February 7, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-9092 Filed 4-6-83: 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 68
Thursday, April 7, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Quarantine Facility, Los Angeles, California; Finding of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) has prepared an environmental assessment for the conversion of an existing one story office building into an animal quarantine facility. The building to be converted is located at 5510 W. 104th Street in Los Angeles, California. APHIS has leased this building from a private owner who will convert the building in accordance with APHIS specifications. After conversion the building will have 48 stalls for horses, and 50 bird cages. The facility will be used to quarantine an estimated 600 horses and 625 pet birds that arrive each year at Los Angeles International Airport from foreign countries.

This assessment indicates that the proposed project will not cause any significant local, regional or national impacts on the environment. Based upon this Finding Of No Significant Impact (FONSI) it has been determined that the preparation and review of an Environmental Impact Statement (EIS) is not needed for this project.

Copies of this environmental assessment have been sent to the Environmental Protection Agency, appropriate State and local agencies and other interested parties.

FOR FURTHER INFORMATION CONTACT: Copies of the environmental assessment are available upon request from Mr. Dennis Wilmeth, Environmental Protection Specialist, APHIS, ASD, Room 260, 6505 Belcrest Road, Hyattsville, MD 20782, Area Code (301) 436–8775.

SUPPLEMENTARY INFORMATION: The environmental assessment indicates that the animal quarantine facility will comply with local plans and zoning regulations. Special provisions in the design and operations of this facility will keep odors at a minimal level. About 63,000 pounds a year of solid waste from the facility will be disposed of in a landfill or off-site incinerator. About 3000 gallons a day of liquid wastes from the facility will be discharged into the public sewer system. The facility will have a negligible impact on air and water quality, traffic, and public services. The facility is not located in a 100 year flood plain and will not affect any endangered species or cultural resources. Seismic risk at this site is considered normal for the Los Angeles area.

Implementation of the proposed project will not be initiated until 30 days after publication of this notice in the **Federal Register.**

Done at Washington, D.C., this 4th day of April 1983.

James O. Lee, Jr.,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 83-9139 Filed 4-6-83; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Northeastern Area, State and Private Forestry; Cooperative Gypsy Moth Suppression Projects—1983; Decision Notice and Finding of No Significant Impact

An Environmental Assessment (EA) was prepared that documents the site-specific environmental analysis conducted by the USDA Forest Service and State agencies requesting Federal assistance for 1983 cooperative gypsy moth suppression projects. The EA discusses the purpose and need for action in 1983, treatment areas, insecticides, application methods, public involvement notification procedures, monitoring and associated environmental effects.

Cooperative suppression projects are proposed in:

Delaware—7,500 acres in the counties of New Castle and Kent;

Maryland—110,000 acres in the counties of Allegany, Anne Arundel, Baltimore, Carroll, Cecil, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, and Washington;

Massachusetts—10,000 acres in the counties of Barnstable, Berkshire, Bristol, Hampden, Middlesex, Plymouth, and Worcester;

New Jersey, Department of Agriculture—86,000 acres in the counties of Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex, Union and Warren;

New Jersey, Department of Environmental Protection—4,000 acres in the counties of Burlington, Monmouth, and Salem;

New York—15,000 acres in the counties of Albany, Broome, Essex, New York, Orange, Schuyler, Suffolk, and Sullivan;

Pennsylvania—400,000 acres in the counties of Adams, Bedford, Berks, Blair, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Somerset, Susquehanna, Wayne, Wyoming, and York;

Rhode Island—32,000 acres in the counties of Bristol, Kent, Newport, Providence, and Washington;

West Virginia—13,000 acres in the counties of Berkeley and Morgan.

Alternatives for cooperative gypsy moth suppression projects were previously discussed in the Final Programmatic Environmental Impact Statement (FPEIS) for Cooperative Gypsy Moth Suppression and Regulatory Program Activities (USDA FS–FPEIS 81–01) issued February 27, 1981. The alternative selected by the USDA Forest Service in the FPEIS was to provide financial and technical assistance to support an integrated pest management approach to suppress gypsy moth populations in the northeastern United States. The selected alternative guides USDA Forest Service consideration of annual State requests for financial assistance.

The 1983 proposed State cooperative suppression projects meet USDA Forest Service environmental, biological, and economic criteria for financial assistance. Therefore, I have determined that a Federal role exists.

It is my decision to provide Federal financial assistance and technical

support for cooperative gypsy moth suppression projects as proposed by cooperating State agencies and discussed in the EA, to the extent that current Federal funds will permit.

This decision recognizes that damaging gypsy moth populations will remain at high levels within the generally infested area of the Northeast and that natural spread of the insect will continue into adjacent uninfested areas.

Finding of No Significant Impact

Based on the analysis described in the EA, I have determined that this is not a major Federal action and that the proposed 1983 cooperative suppression projects will not cause any significant environmental impacts or adverse effects which have not already been addressed in the FPEIS. Therefore, a revised or amended environmental impact statement is not needed. This decision was made considering the following factors: (a) All chemical and biological insecticides are approved by the EPA; (b) applications of chemical and biological insecticides will comply with applicable EPA labels and State and Federal law; and (c) public involvement, public notification, treatment area selection, insecticide selection, performance standards, and monitoring procedures that are used in cooperative gypsy moth suppression projects will reduce the potential for adverse environmental effects on the areas treated.

Copies of the EA are available for public review at the following offices:

Delaware Department of Agriculture, Division of Production and Promotion, Forestry Section, Drawer D, Dover, DE 19901
Maryland Department of Agriculture, Offices of Plant Industries & Pest Management, Parole Plaza Office Building, Annapolis, MD 21401
Massachusetts Department of Environmental Management, Division of Forests and Parks, 100 Cambridge Street, Boston, MA 02202
New Jersey Department of Agriculture, Division of Plant Industries, Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625
New Jersey Department of Environmental Protection, Division of Parks and Forestry, Forestry Services, CN–401, Trenton, NJ 08625
Pennsylvania Department of Environmental Resources, Bureau of Forestry, 100 Evangelical Press Building, Third and Reily Streets, Harrisburg, PA 17120
New York Department of Environmental Conservation, Bureau of Forest Management, 50 Wolf Road, Albany, NY 12233
Rhode Island Department of Environmental Management, Division of Forest Environment, Veterans Memorial Building, 83 Park Street, Providence, RI 02903
West Virginia Department of Agriculture, Division of Plant Pest Control, State Capitol, Charleston, WV 2305
USDA Forest Service, Northeastern Area State and Private Forestry, 370 Reed Road, Broomall, PA 19008
USDA Forest Service, Northeastern Area State and Private Forestry, Louis C. Wyman Forestry Sciences Laboratory, P.O. Box 640, Durham, NH 03824
USDA Forest Service, Northeastern Area State and Private Forestry, 180 Canfield Street, Morgantown, WV 26505

This decision is not subject to administrative review pursuant to 36 CFR 211.19. Implementation may take place immediately after the date of this decision.

Dated March 30, 1983.

Thomas N. Schenarts,

Area Director, Northeastern Area State and Private Forestry, 370 Reed Road, Broomall, PA 19008.

[FR Doc. 83–9036 Filed 4–6–83; 8:45 am]
BILLING CODE 3410–11–M

Inyo National Forest Grazing Advisory Board; Meeting

A meeting of the Inyo National Forest Grazing Advisory Board is scheduled for 10 a.m. on Tuesday, May 10, 1983. The meeting will be in the Forest Service conference room at 873 North Main St. in Bishop, California 93514.

The purpose of the meeting will be to discuss priority funding of range betterment activities during the 1984 fiscal year, recommendations of the Board concerning Forest Service grazing allotment management policies, the need for subcommittees, and a future meeting date.

The meeting will be open to the public. Written statements may be filed with the committee before or after the meeting. Those persons desiring to speak at the meeting will be given an opportunity to do so. Jim Cooper may be contacted for further clarification by calling (619) 873–5841 or writing to the above address.

Dated: April 1, 1983.

Eugene E. Murphy,

Forest Supervisor.

[FR Doc. 83–9037 Filed 4–6–83; 8:45 am]
BILLING CODE 3410–11–M

Northeastern Area State and Private Forestry; Financial Assistance, Cooperative Federal-State Spruce Budworm; Integrated Pest Management Program, Maine, 1983

An environmental assessment (EA) that discusses the proposed Cooperative 1983 Integrated Pest Management (IPM) Program for spruce budworm in Maine has been prepared and is now available to the public. Unider the 1983 Program, the Maine Forest Service in cooperation with the USDA Forest Service proposed to provide silvicultural assistance to small woodlot owners, utilization-marketing assistance; application of chemical insecticides on 850,000 acres, and application of biological insecticides on 150,000 acres in Aroostook, Franklin, Hancock, Penobscot, Piscataquis, Somerset, and Washington Counties. These actions are part of a proposed 5-year (1981–1985) Integrated Pest Management Program. This Program is described in a Final Programmatic Environmental Impact Statement (FPEIS) prepared in 1981.

Decision Notice

It is my decision, since no Federal funds are available for cooperative suppression in Maine this year, to provide only technical assistance to Maine during the 1983 program. As described in the FPEIS selected alternative (p. 72) and the 1981 Record of Decision, Federal participation in the 1983 Program is contingent upon the environmental analysis process, availability of Federal funds, and a demonstrated commitment by Maine to significantly reduce the use of chemical insecticides, significantly increase assistance to small woodlot owners, increase utilization-marketing assistance, and increase use of biological insecticides.

The proposed 1983 Program meets the requirements specified in the USDA Forest Service's selected alternative in the FPEIS. The 1983 proposed program also meets USDA Forest Service environmental, biological, and economic critieria for financial assistance, and a Federal role exists. Mitigation measures, specific requirements, and monitoring described in the FPEIS and the 1983 EA are adopted as minimum precautions.

Findings of No Significant Impact

I have determined that the proposed 1983 program will not cause any significant adverse effects which exceed those already addressed in the FPEIS. Therefore, an environmental impact statement will not be prepared. This determination was made considering the

following factors: (a) Management requirements and constraints and mitigation measures insure against significant adverse effects: (b) application of chemicals and biologicals will comply with applicable EPA labels, and State and Federal laws and with USDA Forest Service and Maine Forest Service policies: (c) physical and biological effects are limited to the areas of planned treatment: and (d) all chemicals and biologicals are registered by the U.S. Environmental Protection Agency for the proposed use.

Implementation is not expected to take place until 30 days after the date of this decision. This decision is not subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: March 29, 1983.

Thomas N. Schenarts,

Area Director, Northeastern Area State and Private Forestry.

[FR Doc. 83-9097 Filed 4-6-83; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Investigation of Imports of Metal-Cutting and Metal-Forming Machine Tools

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of initiation of an investigation under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and request for comments.

SUMMARY: This notice is to advise the public that an investigation is being conducted under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) to determine the effects on the national security of imports of metal-cutting and metal-forming machine tools. Interested parties are invited to submit written comments, opinions, data, information or advice to the Resource Assessment Division, Office of Industrial Resource Administration, U.S. Department of Commerce.

EFFECTIVE DATE: Comments must be received by June 1, 1983.

ADDRESS: Written comments, in ten copies, should be sent to: Robert F. Kan, Program Manager, Resource Assessment Division, Office of Industrial Resource Administration, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Robert F. Kan, Program Manager, Resource Assessment Division, Office of Industrial Resource Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-3795.

SUPPLEMENTARY INFORMATION: In an application submitted by the National Machine Tool Builders' Association on March 10, 1983, the Secretary of Commerce was requested to initiate an investigation under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effect on the national security of imports of machine tools. On March 14, 1983 the Department of Commerce confirmed receipt of and accepted the application to conduct the investigation. The results of the investigation will be reported by the Secretary of Commerce to the President by March 14, 1984.

The articles to be investigated, metal-cutting type and metal-forming type machine tools, are best described by Standard Industrial Classification Codes 3541 and 3542, and by the Tariff Schedules of the United States Annotated (1981) (TSUS) items 674.1010 and 674.3025 through 674.3599, excluding TSUS classifications for used or rebuilt equipment and equipment valued at less than $2,500.

This investigation is being undertaken in accordance with International Trade Administration Regulation 15 CFR Part 359. Interested parties are invited to submit written comments, opinions, data, information or advice with respect to this investigation to the Resource Assessment Division, Office of Industrial Resource Administration, U.S. Department of Commerce, by June 1, 1983.

All relevant material will be helpful, however, the Department is particularly interested in comments and information directed to the criteria listed in § 359.4 of the Regulations (15 CFR 359.4) as they affect the national security.

(a) Quantity of and circumstances related to the importation of these articles;

(b) Domestic production and productive capacity of these items to meet anticipated national security requirements;

(c) Existing and potential availability of skilled labor, raw materials, production equipment and facilities to produce these items;

(d) Growth requirements of domestic industries (if any) to meet national security requirements and/or requirements to assure such growth;

(e) The impact of foreign competition on the economic welfare and on the capacity of the domestic industry to meet national security needs;

(f) The impact of imports on domestic competition, productivity, and the strength of the domestic industry to meet national security requirements.

All material should be submitted in 10 copies and will be made available at the Department of Commerce for public inspection and copying, except for information or material that is national security classified or determined to be business confidential as provided in § 359.6 of the Regulations (15 CFR 359.6).

Communications from agencies of the United States Government or from foreign governments will not be made available for public inspection.

The public record concerning this investigation will be maintained in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001B, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW, Washington, DC 20230. The records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations.

Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration's Freedom of Information Officer (202-377-3031).

If deemed appropriate by the Department, public hearings may be held to elicit further information as provided in § 359.8 (15 CFR 359.8) of the regulations. Adequate notice will be given as to time, place and matters to be considered at the hearing(s) so that interested parties will have an opportunity to participate. The findings of this investigation and a recommendation by the Secretary of Commerce for action or inaction regarding imports of machine tools shall be given to the President no later than March 14, 1984.

Dated: April 6, 1983.

Vincent F. DeCain,

Acting Deputy Assistant Secretary for Export Administration.

[FR Doc. 83-9120 Filed 4-5-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Issuance of Permit; Outer Continental Shelf Environmental Assessment Program

On January 11, 1983, Notice was published in the **Federal Register** (48 FR 1212), that an application had been filed

with the National Marine Fisheries Service, by Outer Continental Shelf Environmental Assessment Program, national Ocean Service, Juneau, Alaska, for a Scientific Research Permit to take up to 5,000 ringed seals by harassment over a period of three years.

Notice is hereby given that on April 1, 1983, the National Marine Fisheries Service issued a Scientific Research Permit authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), to the Outer Continental Shelf Environmental Assessment Program subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: April 1, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83–9125 Filed 4–6–83; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE INPLEMENTATION OF TEXTILE AGREEMENTS

Changes in the Textile Category System

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Changes in the textile category system.

SUMMARY: The Correlation: Textile and Apparel Categories with the Tariff Schedules for the United States, Annotated, provides for placement of Tariff Schedules of the United States, Annotated (T.S.U.S.A.) numbers in the Textile Category System. Amendments to the T.S.U.S.A. reflecting certain administrative changes require amendments to the Correlation. These changes are cited on the list which follows this notice.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Claire McDermott, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

Dated: April 4, 1983.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

CHANGES TO THE CORRELATION

Category	New T.S.U.S.A.'s beginning April 1, 1983
659	Change 379.3340 to: 379.3331 Men's and boys' ornamented man-made fiber vests with attachments for sleeves 379.3350 Other
659	Change 379.9645 to: 379.9636 Men's and boys' not ornamented man-made fiber vests with attachments for sleeves. 379.9650 Other.
659	Change 383.2360 to: 383.2351 Women's, girls', and infants' ornamented man-made fiber vests with attachments for sleeves 383.2365 Other
659	Change 383.9290 to 383.9267 Women's, girls', and infants' not ornamented man-made fiber vests with attachments for sleeves. 383.9291 Other
635	Change 383.8115 to 383.8108 Reversible sweater jackets, women's girls' and infants' 383.8114 Other coats women's. 383.8117 Other coats, girls' and infants'
634	Change 379.8910 to: 379.8908 Reversible sweater jackets, men's and boys' 379.8911 Other coats.
337	Change 383.5040 to 383.5038 Infants corduroy playsuits. 383.5039 Other corduroy playsuits.

[FR Doc. 83–9124 Filed 4–6–83; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Viral & Rickettsial Diseases.

Date of Meeting: 21 and 22 April 1983.

Time and Place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed Agenda: This meeting will be open to the public from 0830 to 1015 hrs on 21 April for the administrative review and discussion of the scientific research program of the Viral and Rickettsial Group, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), United States Code, Title 5 and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1030 to 1630 hrs on 21 April and from 0900 to 1200 hrs on 22 April for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate director for Research Management, Walter Reed Army Institute of Research, Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield, M.D.,

Colonel, MC, Deputy Commander.

[FR Doc. 83–9174 Filed 4–6–83; 8:45 am]

BILLING CODE 3710–08–M

Defense Logistics Agency

Environmental Assessment for the Disposal of Surplus Pesticide Products

AGENCY: Defense Logistics Agency, Defense Property Disposal Service, DOD.

ACTION: Notice of finding of no significant impact.

SUMMARY: This announces completion of an Environmental Assessment for the Disposal of Surplus Pesticide Products and a Finding of No Significant Impact. Public notice is required by the Council on Environmental Quality Regulations (40 CFR 1501.4).

FOR FURTHER INFORMATION CONTACT: Robert Panebianco, Environmental Protection Specialist, Defense Property Disposal Service, Federal Center (DPDS–HEA), Battle Creek, MI 49016, Telephone: (616) 962–6511, ext. 6860 or 6647.

SUPPLEMENTARY INFORMATION: The Environmental Assessment prepared for the disposal of pesticide products generated by DOD activities concludes that the recommended methods of disposal will not result in significant adverse impact to the environment. As a result of this finding, it has been determined that preparation of an Environmental Impact Statement is not necessary.

The Defense Logistics Agency, through the Defense Property Disposal Service (DPDS), is responsible for the disposal of all pesticide products excess to the needs of DOD activities. If these products cannot be reutilized or sold, they are disposed of. Pesticides were grouped into chemical categories and disposal options for each category were explored in the Environmental Assessment.

The potential ultimate disposal methods examined included: no action, landfilling, incineration, and chemical/

physical methods. Inorganic compounds may be safely disposed of by burial in a secure landfill or by a chemical/physical method that produces non-toxic products. Metallo-organic compounds, especially those containing lead, cadmium, mercury, and arsenic, can be buried in a secure landfill or chemically treated to remove the toxic elements for recycling or disposal. The organic pesticides, including the organohalogens, organonitrogen, and organophosphate compounds can be disposed of in several ways. Incineration in a properly designed and operated facility is most desirable from an environmental point of view, since this destroys the compound completely. The organic pesticides may also be landfilled or broken down by chemical methods that produce inert substances.

Few, if any, of the disposal alternatives discussed above will be performed by DPDS. Therefore, service contracts will be let for the vast majority of pesticide disposal actions. The Statement of Work for these contracts will indicate recommended disposal alternatives and any other requirements needed for environmental protection during the disposal process. DPDS may monitor the operations of the firm selected and will terminate operations if any adverse environmental impacts appear likely.

Interested persons may forward comments on the Environmental Assessment to Mr. Robert Panebianco, Defense Property Disposal Service (DPDS–HEA), Federal Center, Battle Creek, MI 49016. All comments should be received within 30 days of publication of this notice. A limited number of copies of the Environmental Assessment are available to fill single copy requests from the above address. The Environmental Assessment is also available for review at the Defense Logistics Agency Library, Room 4D131, Cameron Station, Alexandria, VA 22314.

Dated: April 1, 1983.

Christ F. Potamos,

Colonel, Staff Director, Installation Services and Environmental Protection.

[FR Doc. 83-9111 Filed 4-6-83; 8:45 am]

BILLING CODE 3620-01-M

Privacy Act of 1974; Amendment To Notices for Systems of Records

AGENCY: Defense Logistics Agency, DOD.

ACTION: Amendments to notices for systems of records.

SUMMARY: The Defense Logistics Agency proposes to amend three notices for system of records, subject to the Privacy Act of 1974. The amended systems are set forth below.

DATE: These changes shall be effective May 9, 1983.

ADDRESS: Send any comments to: Director, Defense Manpower Data Center, 300 North Washington Street, Alexandria, VA 22314.

FOR FURTHER INFORMATION CONTACT: Mr. Preston B. Speed, Chief, Administrative Management Branch, Cameron Station, Alexandria, VA 22314, telephone: 202/274–6234.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency system of records notice for systems of records subject to The Privacy Act of 1974, Title, 5, U.S.C. 552a (Pub. L. 93–579; 88 Stat. 1896 *et seq.*) were published in the **Federal Register** at 47 FR 2574, January 18, 1982.

These amendments do not require an altered system report as prescribed by 5 U.S.C. 552a(o).

Dated: April 4, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

S322.20 DLA-LZ

System Name:

Reenlistment Eligible File (RECRUIT).

Changes:

System Location:

Delete:

"Back-up file: Department of Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314."

Categories of Individuals Covered by the System:

Delete:

"during the immediately preceding forty-eight months" and substitute therefor "since 1971."

Storage:

Delete:

Delete entire entry and substitute therefor "Magnetic disc with magnetic tape back-up."

Safeguards:

Delete:

"Alexandria, Virginia location has tape storage areas in locked room accessible only to authorized personnel; building is locked after hours."

Retention and Disposal:

Delete:

Delete "more then forty-eight months old are purged from the system" and substitute therefor "are maintained permanently."

System Manager(s) and Address:

Delete:

Delete the phrase "On-Line Systems Division" and substitute therefor "DEERS Branch."

S322.35 DLA-LZ

System Name:

Survey Data Base.

Changes:

System Location:

Delete:

"7th Floor, 300 N. Washington, St., Alexandria, VA 22314 and".

Record Access Procedures:

Delete:

In the second paragraph delete the figures "301" after the word "current" and before the word "address".

S322.65 DLA-LZ

System Name:

Retired Personnel Master File.

Changes:

System Location:

Delete:

"Back-up locations for processing: Air Force Data Services Center, Room 1D–167, The Pentagon, Washington, D.C. 20330."

"U.S. Army Management Systems Support Agency, Room BD–972, The Pentagon, Washington, D.C. 20310."

"National Military Command Systems Support Center, Room BE–685, The Pentagon, Washington, D.C. 20331."

"Selective historic files are maintained at Air Force Data Services Center, Room 1D–167, The Pentagon, Washington, D.C. pursuant to court order in IMB anti-trust case. These files will be withdrawn from current location when legally permissible."

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

Delete:

In the fourth line, delete the phrase "Civil Service Commission" and substitute therefor the phrase "Office of Personnel Management."

Safeguards:

Delete:

"The Air Force Data Services Center, the U.S. Army Management Systems Support Agency, and the National Command Systems Support Center are all TOP SECRET facilities."

System Managers(s) and Address:

Delete:

Delete the word "Chief" and substitute therefor the word "Director".

Notification Procedures:

Delete entire entry and enter:
"Information may be obtained from the System Manager."

Records Access Procedures:

Delete the word "Chief" in line 2 and substitute therefor the word "Director".

S322.20 DLA-LZ

SYSTEM NAME:

Reenlistment Eligible File (RECRUIT).

SYSTEM LOCATION:

Primary location: W. R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93940.

BACKUP LOCATION:

Offices of the Defense Manpower Data Center, Monterey, CA.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Former enlisted personnel of the military services who separated from active duty since 1971.

* * * * *

STORAGE:

Magnetic disc with magnetic tape backup.

* * * * *

RETENTION AND DISPOSAL:

Records are maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, DEERTS Branch, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940.

* * * * *

S322.35 DLA-LZ

SYSTEM NAME:

Survey Data Base.

SYSTEM LOCATION:

Primary Location: W. R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93940.

BACKUP LOCATION:

Defense Manpower Data Center Offices, Alexandria, VA and Monterey, CA.

* * * * *

S322.65 DLA-LZ

SYSTEM NAME:

Retired Personnel Master File.

SYSTEM LOCATION:

Primary Location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Backup File maintained at the offices of the Defense Manpower Data Center in Alexandria, VA and Monterey, CA.

Decentralized segments—military personnel and finance centers of the military services; selected civilian contractors with research contracts in the manpower area, other Federal agencies.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Defense Manpower Data Center uses the records for estimating retired pay budgets; future retired populations trends in retirement rates; costs of increases in retired pay; and answering congressional inquiries. The office of Personnel Management uses the records to identify military personnel who are federal civilian employees. Records may be transfered to any Component of the Departmnet of Defense having an official need for the records. Records are used to determine eligibility for military medical care and other benefits provided by the Department of Defense to retired personnel or survivors. Records may be disclosed to the Selective Service System for use in wartime or emergency mobilization planning. Records are also disclosed to the DoD Components or other federal agencies to identify individuals employed as federal civilian employees who may be mobilized in the event of a national emergency.

* * * * *

SAFEGUARDS:

Primary Location—at W. R. Church Computer Center tapes are stored in a locked cage in machine room, which is a controlled access area. Tapes can only be physically accessed by computer center personnel and can be mounted for processing only if appropriate security codes are provided.

At backup locations in Alexandria, VA and Monterey, CA tapes are stored in rooms protected by cypher locks, the buildings are locked during non-duty hours and only properly cleared and authorized personnel have access.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center (DMDC), 550 Camino El Estero Monterey, CA 93940.

NOTIFICATION PROCEDURES;

Information may be obtained from the System Manager.

RECORDS ACCESS PROCEDURES:

Requests from individuals should be addressed to: Deputy Director, Defense Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940. Written requests for information should contain full name, SSAN, and current address and telephone numbers of requester. For personal visits, the individual should be able to provide some acceptable identification such as driver's license, military or other identification card.

* * * * *

[FR Doc. 83-9146 Filed 4-6-83; 8:45 am]
BILLING CODE 3810-01-M

Department of the Navy

Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application for Membership Military Affiliate Radio System (MARS) DD form 630.

Used to collect information by which to make a determination as to the applicant's eligibility for membership in Navy-Marine Corps MARS is made.

Amateur Radio Operators who have an interest in joining Navy-Marine Corps Military Affiliate Radio System: 1000 responses, 375 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John v. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A656, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from Mr. A. R. Delperdang, Naval Telecommunications Command Headquarters (Code MARS), 4401 Massachusetts Ave., NW., Washington, D.C. telephone (202) 282-0840.

Dated: April 4, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-9098 Filed 4-6-83; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary of Defense

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows: Friday, 13 May 1983, Plaza West, Rosslyn, VA.

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 or the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on intelligence support to tactical commanders.

Dated: April 1, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-9094 Filed 4-6-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Purusant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows: Monday & Tuesday, 2-3 May 1983, Plaza West, Roslyn, VA.

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on chemical and biological warfare.

Dated: April 1, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-9095 Filed 4-6-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Dose Assessment Advisory Group; Open Subcommittee Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee's subcommittee meeting regarding the operation of the Coordination and Information Center (CIC).

Name: Dose Assessment Advisory Group (DAAG)

Date and Time: Friday, April 22, 1983—2:00 p.m.—5:00 p.m.

Place: U.S. Department of Energy Nevada Operations Office Auditorium 2753 South Highland Drive Las Vegas, NV 89114

Contact: Marshall Page, Jr. Deputy Project Manager Off-Site Radiation Exposure Review Project Nevada Operations Office U.S. Department of Energy P.O. Box 14100 Las Vegas, NV 89114 Telephone: 703/734-3194

Purpose of Group: To provide the Secretary of Energy and the Manager, Nevada Operations Office (NV), with advice and recommendations pertaining to the Off-Site Radiation Exposure Review Project (ORERP). This project concerns the evaluation and assessment of the amount of radiation received by members of the off-site population surrounding the Nevada Test Site (NTS) as a result of the nuclear test operations conducted at the NTS.

Tentative Agenda

- Overview of the Coordinationi and Information Center (CIC)
- Review of work performed by the CIC
- Discussion of Future Activities and Time Scales
- Public Comments and Questions (5 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the group is empowered to conduct the meeting in a fashion that will in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Marshall Page at the address or telephone number listed above.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 83-9109 Filed 4-6-83; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Sale of Nonfirm Energy to Utilities for Irrigation Loads and Request for Comments

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice and request for comments.

SUMMARY: The Bonneville Power Administration has detemined that it will have large amounts of nonfirm or surplus firm energy available through October 31, 1983, in addition to energy for all its existing obligations. In the absence of additional sales, substantial amounts of hydroelectric energy will be foregone for lack of markets. BPA has authority to dispose of this energy.

Ireigated agriculture in the Northwest is suffering from depressed agricultural markets and increased costs of operation, including increased electricity costs. In order to stimulated economic recovery of Northwest irrigated agriculture, and thereby encourage the widest possible use of current power surpluses, and to assure the continuing viability of irrigation loads, BPA proposes to offer nonfirm energy to its utility customers for increases in irrigation loads above loads which would have occurred absent BPA's offer. Participating utilities would be required to pass through savings to irrigators.

This short-term sale would be effective only through October 31, 1983. BPA would sell nonfirm energy to utilities for this purpose under its current nonfirm energy (NF-2) rate schedule. Utilities participating in this sale must pass through this low-cost energy to identified participating irrigators at a minimal price, which BPA proposes should not exceed 1½ mills above the effective BPA rate.

BPA requests comments on this proposal. Copies of the proposed BPA/utility contract for such sales and a paper outlining the principles of the sale are available from the BPA Public Involvement office.

DATE: Comments on the Irrigation Sale Proposal will be accepted by mail or telephone through April 14, 1983.

ADDRESS: Submit comments to Ms. Donna L. Geiger, Public Involvement Office, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna L. Geiger, Public Involvement Manager, at the above address, 503–230–3478. Oregon callers may use 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800–547–6048. Information may also be obtained from:

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503–230–4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503–687–6952.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3860.

Mr. Ronal K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662–4377, extension 379.

Mr. Richard D Casad, Puget sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206–442–4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION:

Background

On March 15, 1983, BPA requested comments on a then proposed short-term sale of nonfirm energy to its Direct-Service Industrial Customers (DSIs). BPA also requested comments on principles for sales of nonfirm energy to its customers for interruptible industrial and irrigation loads.

To date, BPA has received almost 50 comments on the two issues. The contract for the short-term sale to the DSIs was revised in the light of comments received on that subject and has been offered to the DSIs. This notice responds to comments received on principles for sale of nonfirm energy for iterruptible loads, as those principles apply to irrigation loads

Comments on Irrigation Loads to Date

Commenters who expressed opinions on irrigation issues frequently noted the disparity in terms between the principles for nonfirm sales as they would apply to irrigators and the offer made to the DSIs. The DSI offer is a short-term arrangement based on the current availability of large amounts of nonfirm energy. The principles for nonfirm sales for interruptible loads were intended to apply whenever nonfirm energy is available, in 1983 or any other year. As expressed, commenters said those principles would primarily benefit industrial loads and would be difficult or impossible to apply to most irrigation loads. These comments have been taken into consideration in developing this proposal.

Commenters stated that agriculture is in "just as dire straits economically" as the DSIs. Commenting farmers who previously irrigated crops stated they can no longer afford to do so and intended to revert to dry-land farming or take acreage out of production. These commenters recommended that BPA devise some means of making nonfirm energy available this year to irrigated agriculture in terms similar to the DSI offer. This, they suggested, would help farmers stay in business throught the current recession and help maintain future irrigation loads, even if nonfirm energy is not available to irrigators in future years.

BPA Response

In response to these comments, BPA proposes to offer nonfirm energy for irrigation loads on a short-term basis. BPA's primary objective in making this proposal is to provide low-cost energy to regional irrigators to enable them to lower their production costs or increase crop output beyond that which would have been economic if nonfirm energy were not available. Irrigators can thereby share in the benefits of a "good" water year.

To avoid revenue loss to BPA and its customers, energy made available under this proposal would be intended to be used only for pumping water for crop irrigation in amounts exceeding the amounts which might otherwise have been used. The short-term nonfirm energy sale would not be a substitute for anticipated firm power sales.

BPA intends to offer nonfirm energy to utilities under this proposal on April 15, 1983. The offer will close on May 1, 1983. The contract will remain in effect for participating utilities through October 31, 1983, the day prior to the effective date of BPA's 1983 rates.

Meanwhile, BPA intends to continue to develop a long-term policy on nonfirm sales to interruptible industrial and irrigation loads, and plan to publish a proposed policy on this subject later this spring.

Power Situation

BPA's proposed short-term offer of nonfirm energy for irrigation loads is based on the expectation that BPA will have substantial amounts of surplus firm or nonfirm energy available through October 31, 1983. The most recent forecast for the Columbia River Basin projects a runoff of 121 million acre feet for January through July 1983—110 percent of normal. BPA loads in recent month have been running between 10 and 14 percent below expectations. Columbia River system reservoirs are currently at flood control levels. Under these conditions, BPA expects to spill energy—to have more hydroelectric energy available for sale than markets can absorb—through July 31, 1983, and possibly into August. BPA must either sell this energy or waste the energy potential of this water by spilling it over dams instead of running water through generating turbines. BPA has also determined the availability of large amounts of firm surplus energy through operating year 1983–84.

These surplus and nonfirm energy figures do not include sales to BPA's DSI customers under their short-term contract. To date, DSI loads have increased some 250 average megawatts as a result of that contract. BPA expects it will have ample energy available to meet DSI loads, all other obligations, and any irrigation load increases resulting from the present proposal.

Irrigation Load

Retail Northwest irrigation sales are approximately 5 million megawatthours per year, with a peak irrigation load between 600 and 700 megawatts. BPA has estimated that 1983 irrigation sales would range between 4 to 4½ million megawatthours. These projected sales reflect reduced crop acreage due to poor market prices and the U.S. Department of Agriculture Payment in Kind program; the expected cool, wet summer; and increased electric rates.

While this proposed sale may increase the amount of acreage in irrigated agriculture over current projections for 1983, BPA does not expect this short-term sale to cause any appreciable irrigation of land which has not been previously irrigated.

Proposed Terms of Sale

Under the terms of the proposed contract, each participating Northwest utility would estimate what its irrigation load would have been for 1983 absent any offer from BPA. BPA would offer

nonfirm energy for irrigation sales in excess of utilities' estimated 1983 irrigation load, as long as that estimated load is 70 percent or more of the utility's 1982 irrigation load. Power purchases for irrigation loads up to estimated 1983 irrigation loads would be sold at BPA's existing rate for priority firm energy. Only those purchases for irrigation loads above this baseline would be sold at the applicable nonfirm rates.

Each utility participating in the contract would identify specific irrigators who will use the nonfirm irrigation energy. The ulities will pass on the reduced costs of this energy to these irrigators with only a minimal additional charge for distribution and administrative costs.

Establishing estimated 1983 irrigation sales on a utility-by-utility rather than a regionwide basis is intended to permit equitable treatment or regional variations in the factors influencing irrigation sales, such as retail electricity prices, weather, and the U.S. Department of Agriculture Payment in Kind program. The minimal allowed retail markup on irrigation sales above expected irrigation loads is intended to deter utilities from underestimating irrigation sales and causing relative reductions in BPA's revenues.

Rate

BPA proposes to sell nonfirm energy for irrigation loads under its existing NF–2 rate schedule for nonfirm energy. There are two alternate rates available within this schedule which might appropriately be used in this sale. BPA could either charge all nonfirm energy sold under this proposal at the NF–2 contract rate of 11.2 mills per kilowatthour, or charge 9 mills per kilowatthour when the hydroelectric system is in spill or imminent danger of spilling, and 18 mills when the hydroelectric system is not in imminent danger of spilling. BPA is particularly interested in receiving comments on these alternatives.

National Environmental Policy Act Compliance

BPA environmental staff will undertake appropriate procedures to comply with the National Environmental Policy Act prior to BPA's decision to proceed with the proposal.

Comments Requested

BPA wishes to make this offer for irrigation loads as soon as possible, so that farmers can adjust their irrigation schedules in response to the offer. BPA therefore requests that those who wish to comment on this proposal do so immediately. Comments will be accepted through April 14, 1983. BPA intends to offer the contract to utilities with irrigation loads on April 15, 1983. The offer will remain open through May 1, 1983.

Those comments BPA received on irrigation issues in the context of its March 14 request for comments have been taken into consideration in developing this proposal and will again be reviewed before the offer is made final. Those persons who have submitted comments are welcome to respond further to the terms of this proposal, but need not resubmit comments made previously.

Copies of the proposed contract and principles of the irrigation sale are available from the BPA Public Involvement office at the address and telephone number listed above.

Issued in Portland, Oregon, April 4, 1983.

James J. Jura,

Acting Administrator.

[FR Doc. 83–8317 Filed 4–6–83; 10:04 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–51461; TSH–FRL 2342–3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a) (1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a) (1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipts of twenty PMNs and provides a summary Period:

PMN 83–588, 83–589, 83–590 and 83–591—June 22, 1983
PMN 83–592, 83–593, 83–594 and 83–595—June 25, 1983
PMN 83–596, 83–597,83–598 83–599, 83–600 and 83–601—June 26, 1983
PMN 83–602 and 83–603—June 27, 1983
PMN 83–604, 83–605, 83–606 and 83–607—June 28, 1983

Written comments by:

PMN 83–588, 83–589, 83–590 and 83–591— May 23, 1983
PMN 83–592, 83–593, 83–594 and 83–595— May 26, 1983
PMN 83–596, 83–597, 83–598, 83–599, 83–600 and 83–601—May 27, 1983
PMN 83–602 and 83–603—May 28, 1983
PMN 83–604, 83–605, 83–606 and—May 29, 1983

ADDRESS: Written comments, identified by the document control number "[OPTS–51461]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Office of Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460, (202–382–3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

PMN 83–588

Manufacturer. The Ensign-Bickford Company.

Chemical. (S) 2,6-bis(picrylamino) pyridine.

Use/Production. (S) Site limited intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal and inhalation.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83–589

Manufacturer. The Ensign-Bickford Company.

Chemical. (S) 2,6-bis(picrylamino)-3,5-dinitropyridine.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Non-irritant, Eye—Mild; Skin sensitization: Not a sensitizer.

Exposure. Disposal: dermal, a total of 1 worker, up to 1 hr/da, up to 2 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83–590

Importer. Confidential.

Chemical. (G) Arylsulfonic acid, [[(arylamino)phenyl]azo] compound with alkanolamine.

Use/Import. (S) Colorant for leather. Import range: 1,300–2,200 kg/yr.

Toxicity Data. Acute oral: >10 g/kg; Irritation: Skin—Non—irritant, Eye—Irritant; LC_{50}, 48 hr. 10–100 mg/1; Biodegradation: 50–100%, static method.

Exposure. Processing: dermal, a total of 2 workers, up to 2 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to water. Disposal by publicly owned treatment works (POTW) and approved landfill.

PMN 83–591

Manufacturer. Confidential.

Chemical. (G) Styrene-acrylic terpolymer.

Use/Production. (G) Incorporated into toners for use with dry photo copy machines. Prod. range: Confidential..

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted. Disposal by approved site.

PMN 83–592

Manufacturer. Confidential.

Chemical. (G) Acrylic acid polymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: inhalation, 12 persons/shift.

Environmental Release/Disposal. Disposal by POTW, biological treatment system and approved landfill.

PMN 83–593

Manufacturer. Confidential.

Chemical. (G) Dialkylamino xylenol.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Acute oral: 3,080 mg/kg; Irritation: Skin—Non-irritant, Eye—Severe.

Exposure. Manufacture and processing: dermal, inhalation and ocular, a total of 30 workers, up to 1.25 hrs/da, up to 90 da/yr.

Environmental Release/Disposal. No release. Disposal by biological treatment system and approved landfill.

PMN 83–594

Manufacturer. Azs Chemical Company.

Chemical. (G) Alkyl amino propyl carbamide.

Use/Production. (S) Industrial petroleum additive. Prod. range: 25,000–1,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: inhalation, a total of 6 workers, up to 8 hrs/da, up to 4 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land.

PMN 83–595

Manufacturer. Azs chemical Company.

Chemical. (G) alkyl amino propyl amine.

Use/Production. (S) Industrial fuel additive. Prod range: 27,000–900,000 lb/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: inhalation, a total of 6 workers, up to 8 hrs/da, up to 4 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land.

PMN 83–596

Manufacturer. Confidential.

Chemical. (G) Modified acrylic polymer.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. Acute oral: >5g/kg; Acute dermal: >5 g/kg; Irritation: Skin—Non-irritant, Eye—Minimal.

Exposure. Manufacture and processing: dermal and ocular, a total of 28 workers, up to 8 hrs/da, up to 110 da/yr.

Environmental Release/Disposal. 100–1000 kg/yr released to land. Disposal by approved landfill.

PMN 83–597

Manufacturer. Confidential.

Chemical. (G) Cycloaliphatic isocyanate-amine based polyol prepolymer.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal and inhalation, up to 1 hr/batch.

Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83–598

Manufacturer. E. I. du Pont de Nemours & Company, Inc.

Chemical. (G) Polyester resin of aliphatic polyols, mixed aromatic diacids and aliphatic diacid.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Confidential. No data submitted.

Exposure. Confidential. Manufacture: dermal, a total of 16 workers, up to 16 hrs/da, up to 14 da/yr.

Environmental Release/Disposal. Release is minimal. Disposal by incineration.

PMN 83–599

Manufacturer. E. I. du Pont de Nemours & Company, Inc.

Chemical. (G) Polyester resin of aliphatic polyol, mixed aromatic diacids, aliphatic diacid and aromatic diisocyanate.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 16 workers, up to 16 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Release is minimal. Disposal by incineration.

PMN 83–600

Manufacturer. Confidential.

Chemical. (G) Modified rosin ester.

Use/Production. (S) Industrial non-heat, web offset news inks. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: a total of 2 workers, up to 1 hr/da, up to 260 da/yr.

Environmental Release-Disposal. Less than 10 kg/yr released to air, water and land. Disposal by POTW.

PMN 83–601

Importer. Huels Corporation.

Chemical. (G) Halogenated alkene acid ester.

Use/Import. (S) Industrial auxiliary material of polymerization. Import range: 100–20,000 kg/yr.

Toxicity Data. Acute oral: 6,310 mg/kg; Irritation: Skin-Slight, Eye-Non-irritant; Ames Test: Non-mutagenic.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83–602

Manufacturer. Saytech, Inc.

Chemical. (G) Brominated polyol diester.

Use/Production. (S) Flame retardant for urethane foams. Prod. range: Confidential.

Toxicity Data. Acute oral: 1,910 mg/kg; Acute dermal: >5 g/kg; Irritation: Skin—Mild, Eye—Moderate; Ames Test: Non-mutagenic.

Exposure. Manufacture and processing: dermal, a total of 4 workers, up to .5 hr/da, up to 150 da/yr.

Environmental Release/Disposal. 100–1000 kg/yr released to land. Disposal by approved landfill.

PMN 83–603

Manufacturer. American Cyanamid Company.

Chemical. (G) Substituted nitrile.

Use/Production. (G) Captive intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 83 mg/kg; Acute dermal: 23 mg/kg; Irritation: Skin—Moderate; Ames Test: Negative.
Exposure. Confidential.
Environmental Release/Disposal. Release to air and water.

PMN 83-604

Manufacturer. Confidential.
Chemical. (G) Reaction product of a mixture of mono and disubstituted dioxocarbopolycylic compounds and a 1,4-disubstituted benzene with sulfur.
Use/Production. (S) Textile dye. Prod. range: 1,000–12,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and disposal: dermal, a total of 21 workers, up to 12 hrs/da, up to 180 da/yr.
Environmental Release/Disposal. Less than 10kg/yr released to air with 10–100 kg/yr to water and land. Disposal by biological treatment system and approved landfill.

PMN 83-605

Manufacturer. Confidential.
Chemical. (S) Anthraquinone, 2,2'benzo[1,2-d:4,5-d']bisthiazole-2,6-diylbis [1-amino-.
Use/Production. (S) Industrial textile dye. Prod. range: 1,000–12,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing, use and disposal: dermal, a total of 21 workers, up to 12 hrs/da, up to 180 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air with 10–100 kg/yr to water and land. Disposal by biological treatment system and approved landfill.

PMN 83-606

Manufacturer. Confidential.
Chemical. (S) 9,10-Anthracenedione, 2-methyl-1-nitro-.
Use/Production. (S) Site-limited dye intermediate. Prod. range: 150–1,800 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, use and disposal: dermal, a total of 18 workers, up to 12 hrs/da, up to 180 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by biological treatment system and approved landfill.

PMN 83-607

Manufacturer. Confidential.
Chemical. (G) Di (mixed alkyl) magnesium.
Use/Production. (S) Component of polymerization catalyst. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by biological treatment system.

Dated: April 4, 1983.

Linda A. Travers,
Acting Director, Management Support Division.

[FR Doc. 83-9080 Filed 4-6-83; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-140034; TSH-FRL 2341-7]

Premanufacture Notification; Disclosure of Confidential Business Information to Congress

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Senate Committee on Environment and Public Works has requested access to all premanufacture notices (PMNs) submitted under section 5(a) of the Toxic Substances Control Act (TSCA). The Committee staff will need access to this information to prepare for legislative oversight hearings to be held later this year. Much of this PMN information has been claimed confidential by submitters.

DATE: This information will be provided to the Committee no sooner than April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll Free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: In a letter to EPA, the Chairman of the Senate Committee on Environment and Public Works stated that the Committee wishes certain staff members to review TSCA premanufacture notice files in preparation for upcoming legislative oversight hearings. The PMN information which EPA will be providing the Committee staff may contain confidential business information. Manufacturers and importers have been given the opportunity to claim information as confidential in PMNs submitted to the Agency under section 5(a) of TSCA and have made such claims. Pursuant to 40 CFR 2.209(b), which applies to information submitted under TSCA by CFR 2.306(h), EPA must provide confidential business information to a Congressional committee in response to a written request by the chairman. Before providing the information, EPA is required by 40 CFR 2.209(b) to notify the submitters of the information at least ten days in advance of disclosure.

As required by 40 CFR 2.209(b), this notice is published to inform all manufacturers and importers who have submitted PMNs under section 5(a) of TSCA that EPA will provide the requested confidential business information to the Committee staff no sooner than ten days after publication of this notice in the **Federal Register.** The Agency will identify any information that is subject to a confidentiality claim and will inform the Committee staff of the provisions of section 14(d) of TSCA which sets criminal penalties for unlawful disclosure of confidential business information.

Committee staff will be given access to confidential business information contained in PMNs and related EPA documents and will be allowed to attend meetings where such information is discussed. In addition, EPA employees will be authorized to discuss confidential PMN information with Committee staff.

The Committee has indicated that the staff will have access to confidential business information only on EPA's premises and that no such information will be removed from EPA or published.

Dated: March 30, 1983.

Don R. Clay,
Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-9082 Filed 4-6-83; 8:45 am]
BILLING CODE 6560-50-M

[OPP 00162; PH-FRL 2337-6]

Reestablishment of the Scientific Advisory Panel; Appointment of New Members

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Scientific Advisory Panel (Panel), which was established by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 1975, was terminated by that Act in 1981. EPA has determined that it is in the public interest for the Agency to have the services of a body which can perform the functions of the Panel. Therefore, the Agency has established a Panel under the authority of the Federal Advisory Committee Act and has appointed members to it.

FOR FURTHER INFORMATION CONTACT: Philip H. Gray, Jr., Executive Secretary, FIFRA Scientific Advisory Panel (TS-766C), Office of Pesticide Programs, Environmental Protection Agency, Rm.

1115B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703–557–7096).

SUPPLEMENTARY INFORMATION: The statutory Panel was created on November 28, 1975, under section 25(d) of FIFRA, as amended by Pub. L. 94–140, Pub. L. 95–396, and Pub. L. 96–539. In accordance with this statute, the statutory authorization for the Panel terminated on September 30, 1981. However, EPA has determined that it is in the public interest for the Agency to have the services of such a Panel in connection with the performance of duties imposed upon the Agency by law. Therefore, the Administrator has decided to exercise the authority given under the Federal Advisory Committee Act (5 U.S.C. (App. I) 9(c) and, pursuant to section 21(b) of FIFRA, to reestablish a Scientific Advisory Panel. Inasmuch as the Panel will be performing the same functions as the statutory Panel was performing prior to the September 1981 expiration date, the Panel will be formed, and all its activities will be conducted, as if the requirements of FIFRA section 25 (d) and (e) governed this new Panel.

Public notice of nominees to the Panel, along with a request for public comments, appeared in the **Federal Register** of November 3, 1981 (46 FR 54637). All 7 designees have been selected from the original group of 12 nominees, of whom 6 were chosen by the National Institutes of Health (NIH) and 6 by the National Science Foundation (NSF).

The Panel will provide comments as to the impact on health and the environment of the following regulatory actions:

1. Notices of intent to cancel or reclassify registrations under section 6(b)(1) of FIFRA.

2. Notices of intent to hold a hearing to determine whether or not to cancel or reclassify registrations under section 6(b)(2) of FIFRA.

3. Emergency orders immediately suspending registration of a pesticide before notification of the registrants under section 6(c)(3) of FIFRA.

4. Regulations to be issued under section 25(a) of FIFRA.

The Administrator shall also solicit from the Panel comments, evaluations, and recommendations for operating guidelines to improve the effectiveness and quality of scientific analyses made by personnel of the EPA that lead to decisions by the Administrator.

The comments, evaluations, and recommendations of the Panel and the response of the Administrator shall be published in the **Federal Register**.

The Administrator also may use the Panel to provide peer review of major scientific studies under section 25(e) of FIFRA.

Copies of the Panel charter will be filed with appropriate standing committees of the Congress and the Library of Congress.

Congress originally mandated that the Scientific Advisory Panel would consist of seven members, selected from candidates nominated, as indicated previously, by NSF and NIH. The selection process for the Panel was exceptionally difficult, inasmuch as all candidates were distinguished scientists with outstanding credentials. In response to the November 3, 1981, public notice of the nominees, seven comments were received. These comments were, with one exception, of a positive nature endorsing one or more nominees for membership on the Panel. The decision to appoint the seven designees to serve as members of the Panel was based upon several factors including comments received, the need for a disciplinary mix, and the need for wide geographic representation.

The names and affiliations of the designees are as follows: Ernest Hodgson, Ph.D., Professor, Interdepartmental Toxicology Program, North Carolina State University, Raleigh, North Carolina 27607; Robert Michael Hollingworth, Ph.D., Professor, Department of Entomology, Purdue University, West Lafayette, Indiana 47907; Wendell Warren Kilgore, Ph.D., Professor, Department of Environmental Toxicology, University of California, Davis, California 95616; Robert Everett Menzer, Ph.D., Professor and Chairman, Graduate Program in Marine-Estuarine-Environmental Sciences, University of Maryland, College Park, Maryland 20742; Rosmarie von Rumker, Sc.D., Managing Partner, RvR Consultants, P.O. Box 533, Shawnee Mission, Kansas 66201; Stephen Stanley Sternberg, M.D., Attending Pathologist, Memorial Sloan-Kettering Cancer Center, 1275 York Avenue, New York, New York 10021; and Christopher Foster Wilkinson, Ph.D., Director Institute for Comparative and Environmental Toxicology, Cornell University, Ithaca, New York 14853. Biographic data on the seven designees may be obtained by consulting the November 3, 1981, **Federal Register** notice.

Meetings of the Scientific Advisory Panel are always announced in the **Federal Register** at least 15 days prior to each meeting. When a definite day and place for the first meeting have been decided upon, the appropriate announcement will appear in the **Federal Register**.

Dated: March 24, 1983.

John W. Hernandez,

Acting Administrator.

[FR Doc. 83–9106 Filed 4–6–83; 8:45 am]

BILLING CODE 6560–50–M

[SAB–FRL 2343–2]

Science Advisory Board, Environmental Health Committee; Open Meeting

Under Public Law 92–463, notice is hereby given that a one-day meeting of the Environmental Health Committee of the Science Advisory Board will be held on April 25, 1983, in Conference Room 3906–3908, Waterside Mall, U.S. Environmental Protection Agency, 401 M Street, Southwest, Washington, D.C. The meeting will start at 9:30 a.m., and adjourn no later than 4:30 p.m.

A principal purpose of the meeting will be to review and comment on the scientific adequacy of the revised draft of the Health Assessment Document for Carbon Tetrachloride (Revised March 1983).

An earlier draft dated March 1982 was reviewed by the Environmental Health Committee at a public meeting of the Committee on December 8–9, 1982. The draft to be reviewed at the April 25, 1983, meeting of the Committee reflects the Committee's and other review comments on the earlier draft.

For information on how to obtain copies of the revised draft of the Health Assessment Document for Carbon Tetrachloride please call or write Dr. Richard Hertzberg, Environmental Criteria and Assessment Office, U.S. EPA, 26 West St. Clair Street, Cincinnati, Ohio 45268, (513) 684–7531.

Another principal purpose of the meeting will be to provide consultation on EPA's Health Advisory Program for Unregulated Contaminants in Drinking Water. Pertinent background information on this item is as follows. EPA's Office of Drinking Water (ODW) has established a nonregulatory, advisory program to provide scientific guidance on the health effects of chemicals detected in drinking water supplies for which no standards presently exist. Several draft health advisories have been developed. The Environmental Health Committee has been asked to examine the overall approach, methodology and review process used in the preparation of the health advisories and the adequacy of the distribution system for these advisories. Background documentation for this agenda item are brief discussion papers prepared by EPA's Office of Drinking Water entitled "The ODW

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Health Advisory Program;" "Procedure for Development of ODW Health Advisories;" "Major Issues in ODW Health Advisory Development;" and a sample set of 22 draft health advisories which have been developed over several years and which will serve to illustrate issues discussed in the issues paper.

For information on how to obtain copies of materials related to the Health Advisory Program please call or write Mr. William Lappenbusch, Chief, Health Assessment Branch, Criteria and Standards Division, ODW, WH–550, U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460 (202) 382–7571.

The agenda will also include brief reports and informational items of current interest to the members.

The meeting will be open to the public. Any member of the public wishing to attend, participate, submit a paper, or wishing further information should contact the Executive Secretary, Environmental Health Committee, Science Advisory Board (A–101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. April 20, 1983. Please ask for Mrs. Patti Howard or Mr. Ernst Linde. The telephone number is (202) 382–2552.

Dated: March 30, 1983.

Terry F. Yosie,

Staff Director, Science Avisory Board.

[FR Doc. 83–9088 Filed 4–6–83; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–51444A; TSH–FRL 2340–8]

Substituted Thiocyclic Compound; Premanufacture Notice; Extension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending the review period for an additional 90 days for premanufacture notice (PMN) PMN 83–263, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review period will now expire on July 2, 1983.

FOR FURTHER INFORMATION CONTACT: June Thompson, Chemical Control Division (TS–794), Environmental Protection Agency, Rm. E–201, 401 M St., SW., Washington, D.C. 20460, (202–382–3737).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a PMN to EPA 90 days before manufacture or import begins. Under section 5(c) EPA may, for good cause, extend the notice period for additional periods, not to exceed a total of 180 days from the date of receipt.

On November 30, 1982, EPA received PMN 83–263 for a substituted thiocyclic compound, to be used as a metal finishing product. The submitter of the PMN claimed its identity, the specific chemical identity, the specific use, and the production volume to be confidential business information. Notice of receipt of the PMN was published in the **Federal Register** of December 9, 1982 (47 FR 55422). The original 90-day review period is scheduled to expire on April 3, 1983.

EPA's detailed analysis of the substance described in the PMN addressed the following: chemical analysis of the PMN substance, effects on human health, human exposure, production volume, degree of risk relative to available commercial substitutes, potential marketability, and the identification of other information which may be required to resolve outstanding issues.

As a result of this analysis, EPA has reason to believe the following:

1. Available information on the composition of the PMN substance may be insufficient to permit a reasoned evaluation of the health effects of the substance within the original 90-day review period.

2. Human exposure to the PMN substance may result in adverse health effects, among which may be neurotoxicity.

3. During use of the PMN substance, the potential exists for significant worker exposure.

Based on this analysis, EPA finds that there is a possibility that the substance submitted for review in PMN 83–263 may be regulated under section 5(e) of TSCA. The Agency requires an extension of the review period to further investigate potential health effects and use conditions, to examine its regulatory options and to prepare the necessary documents, should regulatory action be required. An administrative order under section 5(e) must be issued no later than 45 days prior to expiration of the review period. Therefore, EPA has determined that good cause exists to extend the review period for an additional 90 days, to July 2, 1983.

PMN 83–263 is available for public inspection in Rm. E–107, at the EPA Headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: March 29, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83–9086 Filed 4–6–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

April 1, 1983.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C. Chapter 35]. Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer, Cynthia Glassman, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829)

OMB Reviewer, Richard Sheppard, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202–395–6880)

Request for Extension With Revision

1. Report title: Report of Broker Carrying Margin Accounts Agency form No. FR 2240

Frequency: Annual

Reporters: Brokers and dealers extending margin credit

SIC Code: 621

Small businesses are affected.

General description of report: respondent's obligation to reply is mandatory [15 U.S.C. 78q]; a pledge of confidentiality is promised [5 U.S.C. 552(b)(4)].

The FR 2240 report is used to insure compliance of brokers and dealers with Federal Reserve margin regulations on security credit as authorized by Section 7 of the Securities Exchange Act of 1934.

Board of Governors of the Federal Reserve System April 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83–9100 Filed 4–6–83; 8:45 am]

BILLING CODE 6210–01–M

Douglas Bancorporation, Inc.; Proposed Acquisition of Parker Industrial Bank

Douglas Bancorporation, Inc., Parker, Colorado, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Parker Industrial Bank, Parker, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of an industrial bank. These activities would be performed from offices of Applicant's subsidiary in Parker, Colorado, and the geographic areas to be served are Douglas, Elbert, and Arapahoe Counties, Colorado. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 1, 1983.

Board of Governors of the Federal Reserve System, April 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83–9101 Filed 4–6–83; 8:45 am]

BILLING CODE 6210–01–M

Goodenow Bancorporation; Proposed Acquisition of Goodenow Insurance Agency

Goodenow Bancorporation, Wall Lake, Iowa, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)), and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Franck and Goodenow Insurance Agency.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community of less than 5,000. These activities would be performed from offices of Applicant's subsidiary in Wall Lake, Iowa, and the geographic areas to be served are the community of Wall Lake, Iowa, and surrounding area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedure of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 1, 1983.

Board of Governors of the Federal Reserve System, April 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83–9102 Filed 4–6–83; 8:45 am]

BILLING CODE 6210–01–M

Formation of Bank Holding Companies; Merchants Trust, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Merchants Trust, Inc.*, Jackson, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of Merchants Bank, Jackson, Alabama. Comments on this application must be received not later than May 2, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Boyle Bancorp, Inc.*, Danville, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers National Bank of Danville, Danville, Kentucky. Comments on this application must be received not later than May 2, 1983.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *North Central Financial Services, Inc.*, Sioux Falls, South Dakota; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank, Volga, South Dakota. Comments on this application must be received not later than May 2, 1983.

Board of Governors of the Federal Reserve System, April 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9103 Filed 4-6-83; 8:45 am]

BILLING CODE 6210-01-M

Newport Savings & Loan Association; Proposed Retention of a Branch

Newport Savings & Loan Association, Newport, Rhode Island, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain a branch of Newport Savings & Loan Association, located in Middletown, Rhode Island.

Applicant states that the branch engages in the activities of an FSLIC insured state chartered mutual building and loan association. These activities would be performed from offices of Applicant's branch in Middletown, Rhode Island, and the geographic areas to be served are Middletown and Portsmouth, Rhode Island.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than April 29, 1983.

Board of Governors of the Federal Reserve System, April 1, 1983

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9099 Filed 4-6-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Manufacturers Hanover Corp.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been terminated by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Manufacturers Hanover Corporation*, New York, New York (mortgage banking; Illinois): To engage through its subsididary Manufacturers Hanover Corporation in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company, and servicing such loans and other extensions of credit for any person. These activities would be conducted from a *de novo* office of Manufacturers Hanover Mortgage Corporation to be located in Downers Grove, Illinois, and serving DuPage County. Comments on this application must be received not later than May 2, 1983.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Valley Capital Corporation*, Las Vegas, Nevada, (leasing of real and personal property, Nevada): To engage through its subsidiary, Valley Leasing Company, Inc., in leasing personal and real property, and acting as agent, broker, and/or adviser therefor, in accordance with the Board's Regulation Y. These activities would be conducted from the main branch and branch banking offices of Valley Bank of Nevada serving the entire State of Nevada. Comments on this application must be received not later than April 28, 1983.

Board of Governors of the Federal Reserve System, April 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9104 Filed 4-6-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Board of Scientific Counselors, Division of Cancer Biology and Diagnosis; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCBD, National Cancer Institute, May 12, 1983, at the National Institutes of Health, Building 31, Conference Room 8, Bethesda, Maryland. This meeting will be open to the public on May 12, from 1:00 p.m. to adjournment for concept review of proposed DCBD research

projects. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 12, from 10:00 a.m. to 12:00 noon, for the review, discussion, and evaluation of individual programs and projects conducted by DCBD, National Cancer Institute, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institues of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Ihor J. Masnyk, Associate Director, Extramural Research Program, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31, Room 3A–04, National Institutes of Health, Bethesda, Maryland 20205 (301/496–4345) will furnish substantive program information.

Dated: March 22, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83–9055 Filed 4–6–83; 8:45 am]

BILLING CODE 4140–01–M

Clinical Applications and Prevention Advisory Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, National Institutes of Health, June 13, 1983. The meeting will be held at the Federal Building, 7550 Wisconsin Avenue, Conference Room B119, Bethesda, Maryland 20205.

This meeting will be open to the public from 8:30 a.m. to adjournment to discuss new initiatives and program policies and issues. Attendance by the public is limited to space available.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of meetings and rosters of committee members. Dr. William Friedewald, Executive Secretary of the Committee, Federal Building, Room 212, Bethesda, Maryland 20205, phone (301) 496–2533, will furnish substantive program information.

Dated: March 29, 1983.

Betty J. Beveridge,

National Institutes of Health Committee Management Officer.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

[FR Doc. 83–9059 Filed 4–6–83; 8:45 am]

BILLING CODE 4140–01–M

Board of Scientific Counselors, NIA; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute on Aging, May 3–5, 1983, to be held at the Gerontology Research Center, Baltimore, Maryland. The meeting will be open to the public from 9:00 a.m. to adjournment on Tuesday and Wednesday, May 3 and 4. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 5, from 9:00 a.m. until adjournment for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, NIA, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA Building 31, Room 2C–05, National Institutes of Health, Bethesda, Maryland 20205, (telephone: 301/496–5898) will provide a summary of the meeting and a roster of committee members. Dr. Richard C. Greulich, Scientific Director, NIA, Gerontology Research Center, Baltimore City Hospitals, Baltimore, Maryland 21224, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: March 22, 1983.

Betty J. Beveridge,

National Institute of Health Committee Management Officer.

[FR Doc. 83–9057 Filed 4–6–83; 8:45 am]

BILLING CODE 4140–01–M

Board of Scientific Counselors, NIEHS; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, NIEHS, May 10–11, 1983, in Building 18 Conference Room, North Campus, NIEHS, Research Triangle Park, North Carolina.

This meeting will be open to the public 9 a.m. to 12 noon on May 10, for the purpose of presenting an overview of the organization and conduct of research in the Laboratory of Behavioral and Neurological Toxicology (LBNT). Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6) Title 5 U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on May 10 from approximately 1 p.m. to adjournment on May 11, for the evaluation of the programs of the LBNT, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Charles E. Carter, Scientific Director, NIEHS, Research Triangle Park, N.C. 27709, telephone (919) 541–3205, FTS 629–3205, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: March 22, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83–9056 Filed 4–6–83; 8:45 am]

BILLING CODE 4140–01–M

National Diabetes Advisory Board; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Diabetes Advisory Board on May 3, 1983, 8:30 a.m. to 5:00 p.m., at the Bethesda Marriott, 5151, Pooks Hill Road, Bethesda, Maryland. The Meeting, which will be open to the public, is being held to discuss the Board's activities and to continue the evaluation of the implementation of the long-range plan to combat diabetes. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496–6045, will provide an agenda and roster of

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members. Summaries of the meeting may be obtained by contacting Barbara Shapiro, Secretary, National Diabetes Advisory Board, National Institutes of Health, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496–6045.

Dated: March 31, 1983.

Betty J. Beveridge,

National Institutes of Health Committee Management Officer.

[FR Doc. 83–9054 Filed 4–6–83; 8:45 am]

BILLING CODE 4140–01–M

Warren Grant Magnuson Clinical Center; Notice of Conference

Notice is hereby given of the NIH Consensus Development Conference on "Liver Transplantation," sponsored by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, and the NIH Office of Medical Applications of Research. The conference will be held June 20–23, 1983, in the Masur Auditorium of the Warren G. Magnuson Clinical Center (Building 10) at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

Recent advances in research and treatment have improved the prospects for prolonging life through liver transplantation. The survival rate for this procedure has been increased by improvements in patient management and surgery as well as the use of a new immunosuppressant, Cyclosporin A, to control the body's tendency to reject the graft. However, many issues concerning a liver transplantation are still unresolved. Graft rejection remains a significant problem as do methods for obtaining appropriate donor livers in a timely fashion. The prognosis for quality of life and long-term survival after liver transplantation, under current management capabilities, remains difficult to assess.

Key questions to be addressed at the conference are: Are there groups of patients for whom transplantation of the liver should be considered appropriate thereapy? What is the outcome (current survival rates, complications) in the above groups? In a potential candidate for transplantation, what are the principles guiding selection of the appropriate time for surgery? What are the skills, resources, and institutional support needed for liver transplantation? What are the directions for future research?

This Consensus Development Conference will convene liver specialists, transplant surgeons, immunologists, physicians, statisticians, pediatricians, consumers, and representatives of public interest groups. Following 2 days of presentations by medical experts and discussion by the audience, the Consensus Panel will meet on the third day to consider the information presented. The panel members will issue a draft statement responding to the key conference questions on the morning of the fourth day. Consensus Panel Chairman Rudi Schmid, M.D., University of California, San Francisco Medical Center, will read this preliminary Consensus Statement before the conference audience and invite comments and questions.

Information on the program may be obtained from Mr. Peter Murphy, Prospect Associates, 2115 East Jefferson Street, Suite 401, Rockville, Maryland 20852, (301) 468–6555.

Date: March 28, 1983.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 83–9058 Filed 4–6–83; 8:45 am]

BILLING CODE 4140–01–M

Board of Scientific Counselors Division of Resources, Centers, and Community Activities; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Resources, Centers, and Community Activities, National Cancer Institute, National Institutes of Health, May 5–6, 1983, Building 31, C Wing, Conference Room 6, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. through recess on May 5 and from 8:30 a.m. through adjournment on May 6, to discuss the current and future programs of the Division of Resources, Centers, and Community Activities. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of meetings and rosters of committee members upon request.

Dr. Mary E. Sears, Acting Executive Secretary, National Cancer Institute, National Institutes of Health, Blair Building, Room 614, Bethesda, Maryland 20205 (301/427–8630) will furnish substantive program information.

Dated: March 29, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institute of Health.

[FR Doc. 9060 Filed 4–6–83; 8:45 am]

BILLING CODE 4140–01–M

Board of Scientific Counselors, National Institute of Dental Research; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Dental Research (NIDR), on May 9, 10 and 11, 1983, in Conference Room 117, Building 30, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9:00 a.m. to adjournment on May 9 and from 9:00 a.m. to 2:00 p.m. on May 10 to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public from 2:00 p.m. to adjournment on May 10 and from 9:00 a.m. to adjournment on May 11 for the review, discussion, and evaluation of individual programs and projects conducted by the NIDR, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Marie U. Nylen, Director of Intramural Research, NIDR, National Institutes of Health, Building 30, Room 132, Bethesda, MD 20205, (telephone 301 496–1483) will provide summaries of meeting, rosters of committee members, and substantive program information.

Dated: March 22, 1983.

Betty J. Beveridge,

National Institutes of Health Committee Management Officer.

[FR Doc. 83–9064 Filed 4–6–83; 8:45 am]

BILLING CODE 4140–01–M

National High Blood Pressure Education Program Coordinating Committee; Meeting

Notice is hereby given of the Meeting of the National High Blood Pressure Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute on April 20, 1983, from 8:30 a.m. to 12:00 noon, at the Washington Hilton, 1919 Connecticut Avenue, N.W., Washington, DC.

The entire meeting will be open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

For detailed program information, agenda, list of participants, and meeting summary, contact: Dr. Edward J. Roccella, Acting Chief, Health Education Branch, Office of Prevention, Education and Control, National Heart, Lung, and Blood Institute, Building 31, Room 4A24, 9000 Rockville Pike, Bethesda, Maryland, 20205, 301–496–1051.

Dated: March 31, 1983.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 83–9063 Filed 4–6–83; 8:45 am]

BILLING CODE 4140–01–M

President's Cancer Panel ad hoc Working Group To Consider the Parameters of Outstanding Investigator Awards; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the ad hoc Working Group to Consider the Parameters of Outstanding Investigator Awards, President's Cancer Panel, National Cancer Insitute, April 27, 1983, Building 31C, Conference Room 9, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open on April 27 from 8:30 a.m. to adjournment. Attendance by the public will be limited to space available.

The meeting will be for the consideration of working drafts to propose a series of alternatives for the definition and the establishment of an Outstanding Investigator Grant Mechanism.

Requests for information on the meeting should be directed to Dr. Elliott Stonehill, National Cancer Institute, Building 31, Room 11A35, Bethesda, Maryland 20205 (301/496–1148).

Dated: March 29, 1983.

Betty Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83–9061 Filed 4–6–83; 8:45 am]

BILLING CODE 4140–01–M

Pulmonary Diseases Advisory Committee; Changed Meeting

Notice is hereby given of a change in the conference room for the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, which was published in the **Federal Register** on March 17, 1983 (48 FR 11336).

The meeting will now be held on May 7, 1983, at the Radisson Muehlebach Hotel, Room 5, Baltimore and 12th Streets, Kansas City, Missouri 64105. The entire meeting, from 8:30 a.m. to 5:00 p.m. will be open to the public. The Committee will discuss implementation of the Division of Lung Diseases fiscal 1984 initiatives. Attendance by the public will be limited to the space available.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A–21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the Committee members.

Dr. Suzanne S. Hurd, Ph.D., Acting Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research, National Institutes of Health)

Dated: March 24, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83–9062 Filed 4–6–83; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Fort Peck Irrigation Project, Montana

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 230 DM1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3, and by authority delegated to the Project Engineer and to the Superintendents by the Area Director in 10 BIAM 7.0, Sections 2.70–2.75. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 456 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

Pursuant to final rule published on June 14, 1977, in 42 FR 30361, this notice sets forth changes to the operation and maintenance charges and related information applicable to the Fort Peck Irrigation Project, Wolf Point, Montana. These charges were proposed pursuant to the authority contained in the Acts of August 1, 1914, and March 7, 1928, (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387).

This notice was posted in the U.S. Post Offices, and published in local newspapers serving the affected area.

Interested persons were given 30 days in which to submit written comments, views, or arguments regarding the proposed rates and related provisions. No comments were received during the 30 day comment period.

In compliance with the above, and in accordance with 25 CFR Part 191, the operation and maintenance charges for the lands under the Fort Peck Irrigation Project, Montana, for the season of 1983 and until further notice, are hereby fixed as follows:

For the season of 1983 and until further notice, the Project charge per acre is as follows:

Wiota Irrigation Unit—$12.00 per acre
Frazer-Wolf Point Irrigation Unit—$12.00 acre

The following payment and entitlement criteria will be maintained in Project files, and will not be republished each year except for changes or as reminders.

Payment of the annual basic assessment entitles the water user to 2 Acre-feet of water per acre assessed. Any additional water delivered shall be charged for at the rate of $5.00 for each additional Acre-foot, or final fraction thereof in excess over the basic 2 Acre-feet.

Water users shall make application for each delivery of water at the project office, or with the ditch rider at least 72 hours before requested delivery time to allow adjustment of such times and schedules to fit required system adjustments and contacts between water users and project personnel.

Payment:

(a) The basic annual assessment fixed shall become due and payable on April 1 of each calendar year. Charges for excess water delivered during any irrigation season shall be included in the bill for the ensuing season, except in cases of excess water delivery to Lessees on Indian lands where payment is required in advance of delivery.

(b) No water shall be delivered to any lands until all charges shall have been paid in accordance with provisions and exceptions contained in Part 191 of the Code of Federal Regulations.

(c) To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian Lesses which are not paid on or before July 1 of each year there shall be added a penalty of ½% per month or fraction thereof from the due date, April 1, so long as the delinquency continues.

Thomas Whitford, Sr.,

Superintendent, Fort Peck Indian Agency, Fort Peck Irrigation Project.

[FR Doc. 83–9040 Filed 4–6–83; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

Coeur D'Alene District Office, Idaho: Preparation of Amendment to Management Framework Plans

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Management Framework Plan Amendment Preparation.

SUMMARY: Notice is hereby given in accordance with 43 CFR 1601.3(g) that the Coeur d'Alene District Office is beginning the process to amend its Management Framework Plans. The purpose of the Amendment is to categorize all district administered lands into the following categories:

Category I—lands suitable for retention in public ownership and needed for multiple use management;
Category II—lands suitable for disposal;
Category III—lands needing further study before a decision can be made.

The Amendment will involve approximately 250,000 acres of public land scattered throughout the eleven northernmost counties of Idaho.

An interdisciplinary team consisting of a Planning Coordinator, Forester, Wildlife Biologist, Soil Scientist, Hydrologist, Outdoor Recreation Planner, Wilderness Coordinator, Archaeologist, Realty Specialist, Geologist, Economist, Range Conservationist, and Public Information Specialist will develop the amendment.

Public participation will occur throughout the amendment process. Activities will include letters, comment sheets, issue solicitations, open houses, interagency coordination meetings, and Multiple Use Advisory Council meetings. These activities will be announced through local newspapers, radio stations, and individual letters.

Coeur d'Alene Planning Coordinator Ted Graf or District Manager Wayne Zinne can be contacted at the Coeur d'Alene District Office, 1808 North Thrid Street, Coeur d' Alene, Idaho 83814, telephone (208) 765–7356 for further information. All documents relevant to district land use planning are available for public review at that address.

Dated: April 1, 1983.

John B. O'Brien III,

Acting District Manager.

[FR Doc. 83–9046 Filed 4–6–83; 8:45 am]

BILLING CODE 4310–84–M

[Colorado 23716]

Colorado; Conveyance of Public Lands; Park and Fremont Counties, Colorado

March 30, 1983.

Notice is hereby given that pursuant to Sec. 206 of the Act of October 21, 1976 (90 Stat. 2756; 43 U.S.C. 1716), Benjamin F. and Clara Louise Nash, Canon City, Colorado, have received a patent for the following described public lands in Park and Fremont Counties, Colorado:

Sixth Principal Meridian, Colorado

T. 16 S., R. 71 W.,
Sec. 7, Lots 8, 13, 15, 21, and 31;
Sec. 8, Lot 2;
Sec. 17, W½SW¼NW¼;
T. 15 S., R. 72 W.,
Sec. 19, lot 3, and NE¼SW¼;
Sec. 29, SE¼NW¼, and NW¼SW¼;
Sec. 32, SW¼NE¼, and NW¼SE¼;
Sec. 33, SE¼NW¼, and SW¼SW¼;
Sec. 34, NE¼NE¼;
Sec. 35, SW¼;
T. 16 S., R. 72 W.,
Sec. 3, Lots 9, 10, 11, E½SW¼ and W½SE¼;
Sec. 10, NW¼NE¼;
Sec. 14, SE¼SW¼;
Sec. 23, NE¼SW¼.

Containing 957.82 acres.

The purpose of this notice is to inform and give constructive notice to the public and interested state and local government officials of the issuance of this conveyancing document. Federal Minerals only in the following land have also been conveyed in this exchange action:

Sixth Principal Meridian, Colorado

T. 15 S., R. 72 W.,
Sec. 29, W½NW¼, and NE¼NW¼;
Sec. 30, SE¼NE¼.

Containing 160 acres.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83–9044 Filed 4–6–83; 8:45 am]

BILLING CODE 4310–84–M

[C–23716]

Colorado; Order Providing for Opening of Public Lands

March 30, 1983.

1. In an exchange of land made under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743, 2756; 43 U.S.C. 1701, 1716) the following lands have been reconveyed to the United States:

Sixth Principal Meridian

T. 15. S., R. 72 W.,
Sec. 31, W½E½;
Sec. 32, E½SW¼, and SW¼SE¼.
Containing 280.00 acres in Park County.
T. 16 S., R. 72 W.,
Sec. 5, Lots 3, 4, 5, 6 (less Mineral Survey No. 11944, 10.33 acres), 11, and 12, E½SW¼, and SW¼SW¼;
Sec. 6, Lots 1, 2, 9, 10, and 11;
Sec. 8, SE¼NW¼, SW¼NW¼, NE¼SW¼, and NW¼SW¼.

Containing 739.64 acres in Fremont County.

2. The United States owns the mineral rights by reservations in earlier patents as to the above-described lands in lots 3, 4, 5, 6, of section 5, lots 1, 2, 9, 10 and 11 of section 6, the SW¼NW¼,and NW¼SW¼ of section 8, all in T. 16 S., R. 72 W., Sixth Principal Meridian, Colorado. Therefore, these lands have been open to operation of the mining laws and the mineral leasing laws.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in paragraph 1 are hereby opened to the operation of the public land laws. All valid applications received at or prior to 10 a.m. on May 5, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10:00 a.m. on May 5, 1983 the W½E½ of section 31, E½SW¼, and SW¼SE¼ of section 32, T. 15 S, R. 72 W., and lots 11 and 12, E½SE¼, and SW¼SW¼ of section 5, and the SE¼NW¼ and NE¼SW¼ of section 8, T. 16 S., R. 72 W., Sixth Principal Meridian, Colorado, will be opened to applications and offers under the mineral leasing laws, and to location under the United States mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted advese possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83–9045 Filed 4–6–83; 8:45 am]

BILLING CODE 4310–84–M

[Montana 16450]

Montana; Notice of Termination of Classification of Public Lands for Multiple Use Management

March 31, 1983.

1. On December 12, 1970 (FR Vol. 35, No. 241, Page 18927), the public lands described in the Notice, aggregating approximately 96,269 acres in Lewis and Clark, Teton, Pondera, Cascade and Meagher Counties were classified for multiple use management under the Act of September 19, 1964 (43 U.S.C. 1411–18). This classification segregated the land from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9, 25 U.S.C. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands remained open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under paragraph one above is hereby terminated. At 8 A.M. on May 2, 1983, the lands described in said Notice of December 12, 1970, shall be open to operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 A.M. on May 2, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands should be addressed to the Chief, Branch of Lands, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107

Kannon Richards,

Acting State Director.

[FR Doc. 83–9041 Filed 4–6–83; 8:45 am]

BILLING CODE 4310–84–M

Alaska: Notice of Transfer of Mining Claim Recordation Casefiles for Anchorage Land District

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of transfer of mining claim recordation casefiles to Anchorage District Office.

SUMMARY: The location of mining claim recordation casefiles for the Anchorage land district will be officially transferred to the Anchorage District Office at 4700 E. 72nd Avenue, Anchorage, Alaska 99507. This action does not affect the official office for recordation of mining claim documents which will continue to be the Public Service Room, Alaska State Office.

EFFECTIVE DATE: April 18, 1983.

Location: Alaska State Office, Public Service Room, 701 "C" Street, Anchorage, Alaska 99513.

FOR FURTHER INFORMATION CONTACT: Gail Ozmina, (907) 271–5960.

Curtis V. McVee,

State Director.

[FR Doc.83–9043 Filed 4–6–83; 8:45 am]

BILLING CODE 4310–84–M

Pioneer Trails Management Framework Plan, Kemmerer Resource Area, Southwest Wyoming

AGENCY: Bureau of Land Management.

ACTION: Notice of proposed amendment to Pioneer Trails Management Framework Plan, Kemmerer Resource Area, Southwest Wyoming.

SUMMARY: The Kemmerer Resource Area in the Rock Springs District of Southwest Wyoming has reviewed and will amend the first management portion of the Pioneer Trails Management Framework Plan (MFP). The reason for the amendment is to produce fire management decisions that are more beneficial to the natural resources and provide for more cost efficient wildfire suppression. The amended plan and resulting Fire Management Plan that will allow implementation of the new fire decisions this fire season, rather than awaiting completion of the ongoing Kemmerer Resource Management Plan in 1985.

The MFP amendment and proposed fire management plan will be available on the publication of this **Federal Register** Notice. Copies may be obtained from the Kemmerer Resource Area Office in Kemmerer or the Rock Springs District Office in Rock Springs. A public meeting will be held in Kemmerer during the comment period to facilitate public discussion and comment on the proposed amendment.

The proposed amendment and the fire management plan address appropriate areas for full fire suppression, appropriate areas for limited suppression, definition of prescribed fire conditions for various areas, and prescription burning. Defining prescribed fire conditions for various areas within the Kemmerer Resource Area would allow managers to determine if any fire, whether natural or man-caused, would benefit the natural resources present and the limits at which suppression might be necessary. It would also allow the manager to avoid deploying unnecessary manpower and equipment. The amendment and plan address two objectives: (1) How fire management can enhance the natural environment and (2) how to establish cost efficiencies in fire management. Protection of life and property, especially private property, is also considered.

DATES: The public meeting to discuss the MFP amendment and fire management plan will occur on April 28th, 7:00 p.m., at the Lincoln County Public Library in Kemmerer. Comments may be provided to the Kemmerer Resource Area Office no later than 90 days after publication of this notice.

ADDRESSES: Copies of the MFP amendment and fire management plan may be obtained at:

1. Kemmerer Resource Area, U.S. 30, across from old Port of Entry, Kemmerer, Wyoming, phone 307–877–3933
2. Rock Springs District Office, Highway 187 North, Rock Springs, Wyoming, phone 307–382–5350.

Written comments should be provided the Kemmerer Resource Area at P.O. Box 632 in Kemmerer, or brought to the public meeting.

FOR FURTHER INFORMATION CONTACT: Kemmerer Area Manager, Steve Howard at the address and phone number listed above.

Donald H. Sweep,

Rock Springs District Manager.

[FR Doc. 83–9042 Filed 4–6–83; 8:45 am]

BILLING CODE 4310–84–M

Shoshone District Advisory Council; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Shoshone District Advisory Council.

DATE: Tuesday, May 10, 1983, at 9:00 a.m.

ADDRESS: BLM District Office, 400 West F Street, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Terry Costello, Planning and Environmental Coordinator, Shoshone District Office, P. O. Box 2 B, Shoshone, Idaho 83352. Telephone (208) 886–2206 or FTS 554–6576.

SUPPLEMENTARY INFORMATION: The approved agenda for the meeting includes the following items:

Fire Rehabilitation Program
Field Tour of Fire Rehabilitation Area
Proposed 1984 Sale Plan For Asset Management

Monument RMP Alternatives

The Shoshone District Advisory Council is established under Section 309 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94–579; 43 U.S.C. 1701 et seq.), as amended. Operation and administration of the Council will be in accord with the Federal Advisory Committee Act of 1972 (Pub. L. 92–463; 5 U.S.C. Appendix 1) and Department of Interior and BLM regulations, including 43 CFR Part 1784.

The meeting will be open to the public. Anyone may present an oral statement before the Council between 2:00 and 3:00 p.m. or may file a written statement with the Council regarding matters on the agenda. Oral statements will be limited to ten minutes. Anyone wishing to make an oral statement must notify the Shoshone District Manager by May 9, 1983. Records of the meeting will be available in the Shoshone District Office for public inspection or copying within 30 days after the meeting.

Charles J. Haszier,

District Manager.

[FR Doc. 83-9039 4-6-83; 8:45 am]

BILLING CODE 4310-84-M

[AA-6690-A through AA-6690-L]

Alaska Native Claims Selection; Modification of Decision to Issue Conveyance

The purpose of this decision is to modify the Decision to Issue Conveyance (DIC) dated January 10, 1980, and published in the **Federal Register** on pages 2111 through 2114. The DIC reserved certain easements in accordance with the Alaska State Director (SD), BLM memorandum dated November 2, 1979, concerning final easements for the village of Pedro Bay.

On August 27, 1982, an amendment to the SD memorandum of November 2, 1979, was issued in accordance with a stipulation filed on June 23, 1982, with the Alaska Native Claims Appeal Board (ANCAB)(VLS–80–11). This amendment contained changes to easements numbered (EIN 2d D9) and (EIN 7 D9, L).

The Alaska Native Claims Appeal Board was abolished by Secretarial Order No. 5078, effective June 30, 1982, which transferred all responsibilities previously delegated to ANCAB to the Interior Board of Land Appeals (IBLA). ANCAB docket number VLS–80–11 was subsequently assigned IBLA docket number 82–1132.

On February 22, 1983, an amendment to the SD memorandum of November 2, 1979, was issued in response to IBLA order of January 13, 1983, which dismissed the appeal. This amendment contained a further change to easement numbered (EIN 7 D9, L).

Therefore, the DIC dated January 10, 1980, is modified as follows:

Page 2113

Easement (EIN 2d D9) was described as follows:

b. (EIN 2d D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 4, T. 5 S., R. 27 W., Seward Meridian, on the south shore of Pile Bay. The uses allowed are those listed above for a one (1) acre site.

Easement (EIN 2d D9) is hereby modified to read:

b. (EIN 2d D9) A one (1) acre site easement upland of the ordinary high water mark in the W½NW¼NE¼, E½NE¼NW¼, Sec. T. 5 S., R. 27 W., Seward Meridian, on the south shore of Pile Bay, lying between the Pile Bay to Cook Inlet Road (FAS 424), U.S. Survey No. 3920, U.S. Survey No. 3526 and Pile Bay. The uses allowed are those listed above for a one (1) acre site easement.

Subsequent findings identify easement (EIN 7 D9, L) as an omnibus road. The right-of-way interest in this road was transferred to the State of Alaska by quitclaim deed dated June 30, 1959, under the Alaska Omnibus Act, Public Law 86–70 (73 State. 141).

Therefore, the DIC is further amended to include the following under "The grant of lands shall be subject to":

Page 2114

4. Any right-of-way interest in Federal Aid Secondary (FAS) Route 424 from Iliamna Bay, northwesterly to Old Iliamna with a spur to Iliamna Lake, transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86–70 (73 Stat. 141) as to T. 5 S., R. 27 W., Seward Meridian.

As to the following described lands, easement (EIN 7 D9, L) is hereby deleted:

Seward Meridian, Alaska

T. 4 S., R. 27 W.
Secs. 34 and 35.
T. 5 S., R. 27 W.
Secs. 4, 9, 14, 15, 23, and 25.

As to all lands previously conveyed, easement (EIN 7 D9, L) stands as written, and shall be subject to future easement review.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this modified decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the ANCHORAGE TIMES.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96–487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until May 9, 1983 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 710 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Technical Services, Pouch 7–005, Anchorage, Alaska 99510

Pedro Bay Corporation, Pedro Bay, Alaska 99647

Bristol Bay Native Corporation, P.O. Box 220, Anchorage, Alaska 99510

Except as modified by this decision, the decision of January 10, 1980, stands as written.

LaVelle Black,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-9110 Filed 4-6-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-2834]

Idaho; Partial Termination of Classification for Multiple-Use Management

March 30, 1983.

1. Pursuant to the authority delegated by BLM Manual Section 1203–Delegation of Authority (48 FR 85), I hereby terminate the Bureau of Land Management Multiple-Use Classification Order dated December 4, 1970, and published in the **Federal Register** December 11, 1970, Vol. 35, No. 240, Pages 18883–18886, insofar as it affected the lands described below:

Boise Meridian, Idaho

T. 8 N., R. 21 E.,
  Sec. 1, SW¼SW¼;
  Sec. 2, SE¼NE¼, SW¼NW¼, S½SW¼;
  Sec. 11, NW¼, NE¼SW¼.
T. 7 N., R. 22 E.,
  Sec. 1, S½NE¼.
T. 8 N., R. 22 E.,
  Sec. 9, SW¼NE¼, SE¼NW¼;
  Sec. 10, NE¼, E½NW¼, NE¼SW¼, SE¼;
  Sec. 11, W½SW¼;
  Sec. 14, W½NW¼;
  Sec. 15, NE¼;
  Sec. 22, SE¼;
  Sec. 27, W½NE¼, N½NW¼;
  Sec. 35, NE¼SW¼.
T. 7 N., R. 23 E.,
  Sec. 6, lot 5.

The total area described above aggregates approximately 1720.37 acres in Custer County.

2. The segregative effect on the lands described in this order will terminate upon publication of this notice in the **Federal Register** as provided by the regulation in 43 CFR 2461.5(c)(2).

3. At 9:00 a.m. on May 2, 1983, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All valid applications received at or prior to 9:00 a.m. on May 2, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been, and will continue to be open to the mining laws, applications, and offers under the mineral leasing laws.

Inquiries concerning the lands should be addresed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Clair M. Whitlock,

State Director.

[FR Doc. 83-9166 Filed 4-6-83; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[No. 39144 et al.[1]]

Jack Gray Transport, Inc.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Six motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due April 22, 1983. The sought relief will become final May 9, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:
Elaine Dobbins (202) 275–6272
or
Howell I. Sporn (202) 275–7691

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The six motor contract carriers are identified in the appendix filed petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented and the relief sought by these petitioners are substantially similar, we are consolidating them for notice purposes.

The petitioners hold a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. They argue, generally, that the tariff filing requirements represent an undue burden on their ability to compete effectively and to offer their shippers the immediate service often required. Petitioners assert that they are interested in avoiding unnecessary expenses which handicap their efforts to provide economical and efficient service. They also argue that contract rates are negotiated and agreed upon by these carriers and their shippers thereby making it unnecessary to subject them to the tariff filing requirements for such individual agreements.

Several petitioners state that they will provide interested parties with copies of their rates if requested.

We see no reason to deny these carriers the savings to be realized from a tariff filing requirement exemption.[2] It appears that exemption of these carriers from the requirement that they file tariffs covering their existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101. We will not order these carriers to provide copies of their rates upon request by interested parties, since we have not imposed that requirement for other recent filings. See No. 38828, *Three Way Corporation, Petition for Exemption from Tariff Filing Requirements* (not printed), decided June 25, 1982.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that exemption of these carriers, from the requirement that they file tariffs governing their future contact operations, is warranted.[3] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that

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[1] This proceeding embraces four petitions for exemption filed by motor contract carriers, as set forth in the appendix.

[2] A proceeding to investigate the exemption of motor contract carriers on an industry-wide basis has been instituted in Ex Parte No. MC-165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1982).

[3] See No. 38983, *Red & Tan Tours—Petition for Exemptioon from Tariff Filing Requirements*, decided February 24, 1983.

for these carriers and their shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing these contract carriers to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We, therefore, provisionally grant petitioners exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this provisional approval ought to be withdrawn or permitted to become final.

This decision does not appear to have a significant effect on either the human environment or conservation of energy resources. However, comments may be submitted on these issues.

Authority: 49 U.S.C. 10762(b) 10761(b) and 10762(f).

Decided: March 30, 1983.

By the Commission, Division 2, Commissioners Gradison,Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

The dockets embraced by this proceeding are as follows:

No. 39144—Jack Gray Transport, Inc.

No. 39145—Fast Freight Transfer, Inc.

No. 39146—Associated Truck Lines, Inc. Garrett Freightlines, Inc. Graves Truck Line, Inc.

No. 39147—Willis Trucking, Inc.

[FR Doc. 83-9066 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15010]

Charles H. Lien and Bruce H. Lien—Continuance in Control Exemption—Dakota Block Co. and Universal Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343 (b) the acquisition by Charles H. Lien and Bruce H. Lien of control of Universal Transport, Inc. (MC-125909 and MC-126555) and Dakota Block Co., (MC-162830).

DATES: This exemption is effective on May 9, 1983. Petitions for reconsideration must be filed by April 27, 1983. Petitions for stay must be filed by April 18, 1983.

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioners' representatives: Charles H. Lien, Lien Industries, P.O. Box 2920, Rapid City, SD 57709

or

J. Maurice Andren, ICC Practitioner, 1734 Sheridan Lake Road, Rapid City, SD 57701

Pleadings should refer to No. MC-F-15010.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275-7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in No. MC-F-15010. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

Decided: March 30, 1983.

By the Commission, Division 2, commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9074 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs; Missouri Pacific Railroad Co. et at.

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tarffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No	Name of railroad, contract No. and specifics	Review Board [1]	Decided date
881	Missouri Pacific Railroad Co., ICC-MP-C-0289, (Pulpboard)	1	3-30-83
882	Pittsburgh & Lake Erie Railroad Co., ICC-PLE-C-18, (Rail)	II	3-30-83
	Missouri Pacific Railroad Co., ICC-MP-C-0299, (Potash)	3	3-30-83
	Pittsburgh and Lake Erie Railroad Co., ICC-PLE-C-0103, (Bituminous steam coal)	1	3-30-83
	Norfolk and Western Railway Co., ICC-NW-C-0036, Supplement 4, (Soy bean meal)	1	3-30-83
	Richmond, Fredericksburg and Potomac Railroad Co., ICC-RFP-C-0016, (Used motor vehicles)	3	3-30-83
887	Richmond, Fredericksburg and Potomac Railroad Co., ICC-RFP-C-0017, (Used motor vehicles)	1	3-30-83
	Pittsburgh and Lake Erie Railroad Co., ICC-PLE-C-0027, (Locomotives, freight cars and/or rail work equipment)	2	3-30-83
	Southern Pacific Transportation Co., ICC-SP-C-0385, Supplement 3, (Soda ash)	3	3-31-83
890	Richard Ogilvie, Trustee for Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0330, Supplement 2, (Iron and/or steel articles)	3	3-31-83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Member Parker not participating Review Board No 2, Members Carleton, Williams, and Ewing. Member Carleton not participating. Review Board No. 3, Members Krock, Joyce, and Dowell. Member Krock not participating.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-8930 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume No. OP 3–MCF–140

Decided: March 31, 1983.

Ross Brothers Transportation, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-in-Bankruptcy)

MC–F–15179 ROSS BROTHERS TRANSPORTATION, INC., MC–139085 seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating rights of Shoemaker Trucking Company, a motor carrier, (i.e., Certificate Nos. MC–138875 Sub-Nos. 309 and 312X.) Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's representative David E. Wishney, 601 West Hays Street, Suite 11, Bosie, ID 83701–0837. Comments should refer to No. MC–F–15179.

Volume No. OP 4–200

Decided: March 30, 1983.

MC–F–15197 BOBBY KITCHENS, INC.—purchase exemption—RHETT BUTLER TRUCKING, INC., Summary: Pursuant to 49 U.S.C. 11343(e), Bobby Kitchens, Inc. (MC–147494), seeks an exemption from the requirement under section 11343 of prior regulatory approval of the purchase of authority issued to Rhett Butler Trucking, Inc., in No. MC–152056 (Sub-5.) Addresses: Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's representative, Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. Comments should refer to No. MC–F–15197.

Volume No. OP 4–200

Decided: March 30, 1983.

MC–F–15150, SHAFT, INC.,—purchase exemption—SAWYER TRANSPORT, INC., (Nathan York, trustee in bankruptcy) Harold Shafer—continuance in control exemption—Shaft, Inc., and Shale Auto Transport, Inc. Sawyer Transport, Inc. (Sawyer) (MC–123407), and Shaft, Inc., (Shaft) seek an exemption from the requirement of prior regulatory approval for the purchase by Shaft of a portion of Sawyer's authority, MC–123407 (Sub-No. 668)X, paragraph 69, which authorizes the transportation of transportation equipment between points in the United States. Harold Shafer controls Shaft and Shale Auto Transportation, Inc., (Shale) (MC–41635), and upon purchase of the Sawyer authority there will be a continuance in control of Shaft and Shale. A temporary authority application has been filed. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Carl L. Steiner 135 South La Salle Street, Suite 2106, Chicago, IL 60603. Comments should refer to No. MC–F–15150.

Volume OP5–MCF–153

Decided: March 29, 1983.

MC–F–15202, C. Schmidt Trucking Co., Inc.—Purchase Exemption—Spector Red Ball, Inc. (debtor-in-possession). C. Schmidt Trucking Co., Inc. (Schmidt), and Spector Red Ball, Inc. (Spector), seek an exemption from the requirements under section 11343 of regulatory approval for the purchase by Schmidt from Spector, debtor in possession, of Certificates No. MC–2229 (Sub-No. 143) and Sub. Nos. 144, 146, 166, 170, 172, 174, 178, 183, 184,188, 191, 193, 198, 199, 215, 272X, 132, 212F, and portions of Nos. MC–2229 (Sub-No. 119) and Sub-Nos. 169, 182, 186, 203, 250, 251, 252, 254, 255, 257, 259, 260, and 264 authorizing the transportation of general commodities, over regular routes, generally, between: (1) Milwaukee, WI, Quincy, IL, St. Louis, MO, on the west, and, on the east, Boston, MA, New York, NY, serving named intermediate points in IL, MO, IN, OH, PA, NY, MA, CT, RI, NJ, MD, and DC, with restriction, and (2) Kansas City, MO, Chattanooga, TN, Greenville, SC, on the north and east, and, on the south and west, New Orleans, LA, Shreveport, LA, and Fort Smith, AR, serving intermediate and named points in MO, AR, LA, MS, TN, AL, GA, and SC, and (3) over regular routes between Chicago, IL, and Dallas-Forth Worth, TX, serving specified points in IL, MO, OK, and TX. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's representative J. Raymond Chesney, 3177 Irving Blvd., P.O. Box 47407, Dallas, TX 75247, (214) 631–4220 and Charles Schmidt, Jr., 101 West Sanger, P.O. Box 547, Salem, IL 62881, 618–548–5823. Comments should refer to No. MC–F–15202.

[FR Doc. 83–9067 Filed 4–6–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Finance Applications

As indicated by the Findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, (202) 275–5223.

Volume OP 3–MCFC–141

Decided: March 30, 1983.

MC–FC–81295. By decision of March 30, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 1, approved the transfer to KEN HUDSON ENTERPRISES, INC., Thomasville, NC, of Certificate No. MC–157095 issued January 25, 1982, authorizing the transportation of *general commodities* (with usual exceptions), between Greensboro, NC and Knoxville, TN, on the one hand, and, on the other, points in NC, SC, TN and VA. A temporary authority application has been filed. Representative: Kenneth Hudson, 714 Cedar Lane, Thomasville, NC 27360, (919) 475–1534.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–FC–204

MC–FC–81335, filed March 24, 1983. By decision of March 31, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 1 approved the transfer to WILLIAM R. ELDEN, COREY R. ELDEN, AND TRAVIS J. ELDEN, d.b.a. ELDEN MOVING & STORAGE, of Altoona, PA, of Certificate No. MC–79847, issued January 16, 1979, to PARK TRANSFER AND STORAGE CO., INC., of Altoona, PA, authorizing the transportation of *household goods*, between points in Somerset, Cambria, Clearfield, Centre, Huntingdon, Mifflin, Bedford, Fulton, and Blair Counties, PA, on the one hand, and, on the other, points in NY, NJ, OH, MO, MI, IL, CT, DE, MA, MD, NC, IN, WV, SC, VA, WI, and DC. Representative: William R. Elden, 306 8th St., Altoona, PA 16601, for both transferee and transferor.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–FC–154

MC–FC–81308. By decision of March 28, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 1 approved the transfer to PMG AND SONS TRUCKING CORPORATION, San Ysidro, CA, of Certificate No. MC–114178 Sub 1, issued March 16, 1956, to JOSE RODRIGUEZ Y CASAL, doing business as MEXICO-U.S.TRUCK LINE , San Ysidro, CA, authorizing the transportation of general commodities, with exceptions, over regular routes, between San Ysidro, CA, and the port of entry on the international boundary line between the United States and Mexico at San Ysidro, CA. An application for temporary authority has been filed Representative: Alex B. Scheingross, 3232 Fourth Avenue, San Diego, CA 92103

[FR Doc. 83–9068 Filed 4–6–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the approporiate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-80183. By decision of March 29, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 3 approved the transfer to J.R.S. LEASING CHARGER, INC., of Oak Lawn, IL of Permit No. MC-146643 (Sub-No. 36F) issued October 23, 1980 to INTER-FREIGHT TRANSPORTATION, INC., (Thomas E. Raleigh—Trustee in the Bankruptcy), Chicago, IL authorizing the transportation of (1) *cleaning, scouring, washing and buffing compounds* (except in bulk), and (2) *vending machines, mops and brushes*, from Montgomery, IL, to St. Paul, MN, St. Louis, MO, Des Moines, IA, and Indianapolis, IN, under continuing contract(s) with Rochester Germicide Co., of Rochester, NY. No TA filed. Transferee is a borker. Income is under $2 million. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603; Thomas W. Drexler, 105 West Madison St., Chicago, IL 60602.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–9070 Filed 4–6–83; 8:45 am]
BILLING CODE 7035–01–M

[OP3–MCF–144]

Motor Carriers; Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special

rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operated authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectivenes of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: April 1, 1983.

By the Commission, Review Board 1, Members Parker, Chandler, and Fortier. Member Parker not participating.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3 (202) 275-5223.

MC-F-15196, filed March 14, 1983. LEISURE TIME TOURS (LEISURE) (4 Leisure Lane, Mahwah, NJ 07430)—MERGER—GOLDEN COACH-A.C. INC., (GCAC) (4900 Wellington Avenue, Ventnor City, NJ 08406). Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666. Leisure seeks authority to merge all the operating rights and property of GCAC into Leisure for ownership, management and operation. Leisure and GGAC are both wholly-owned subsidiaries of Golden Nugget, Inc. Golden Nugget, Inc., a non-carrier, seeks authority to acquire control of merged operating rights through the transaction. Pursuant to an Agreement and Plan of Merger, effective January 1, 1983, the existence of GCAC shall cease, and all shares of GCAC common stock shall be converted and exchanged for shares of common stock of Leisure. Leisure is a motor common and contract carrier pursuant to certificates and permit in MC-142011 and MC-152677 and sub-numbers thereunder. The operating rights of GCAC to be merged into Leisure are contained in certificate No. MC-151634 (Sub-Nos. 1 thru 6) authorizing: (Sub-Nos. 1 and 6) *passengers and their baggage*, in special operations, over irregular routes, between points in CT, DE, MD, NJ, NY, PA, VA, and the DC, on the one hand, and, on the other, Atlantic City, NJ. (Sub-Nos. 2, 4, and 5) *passengers and their baggage* and *express and newspapers*, in the same vehicle with passengers, over regular and irregular routes, (a) between Philadelphia and Ben Salem Township, PA, on the one hand, and, on the other, Atlantic City, NJ; over regular routes (b) between Bronx, NY, and Atlantic City, NJ; and (c) between Newark, DE, and Atlantic City, NJ; as well as (Sub-No. 3) *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the United States.

Note.— (1) No application for TA has been filed. (2) Any duplication in the authority which may be transferred does not confer more than one operating right.

[FR Doc. 83-9072 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP-5-150]

Motor Carriers; Permanent Authority Decisions; Restriction Removals

Decided: March 29, 1983.

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 5, at (202) 275-7289.

MC 228 (Sub-85X), filed March 15, 1983. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Michael J. Marzano, 99 Kinderkamack Rd., Westwood, NJ 07675, (201) 666-5111. Sub 5: Applicant holds interstate regular-route authority to transport passengers on various routes in New Jersey including service at all intermediate points but restricted against picking up passengers in New York City for discharge in a specified part of NJ, and also restricted against picking up passengers in the described portion of NJ for discharge in New York City. Applicant seeks to remove that

restriction on the basis that it precludes service at all intermediate points.

[FR Doc. 83-9071 Filed 4-6-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form or verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-155

Decided: March 31, 1983.

By the Commission, Review Board No. 3 Members Krock, Joyce, and Dowell. (Member krock not participating.)

MC 263 (Sub-245), filed March 18, 1983. Applicant: GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, ID 83201. Representative: Bruce A. Bullock, One Woodward Ave., 26th Fl., Detroit, MI 48226, 313-496-3534. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Montgomery Ward & Co., of Chicago, IL.

MC 6992 (Sub-25), filed March 22, 1983. Applicant: AMERICAN RED BALL TRANSIT COMPANY, INC., 1335 Sadlier Circle, East Dr., Indianapolis, IN 46239. Representative: John F. Spickelmier (same address as applicant), 317-353-8331. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Rockwell International and its subsidiary, Graphic Systems Division, both of Pittsburgh, PA.

MC 87113 (Sub-32), filed March 22, 1983. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Rd., Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006, 202-833-8884. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Union Carbide Corp., of Danbury, CT.

MC 141002 (Sub-3), filed March 9, 1983. Applicant: ARNEL COACH LINES, INC., 455 Georgia Ave., Atlanta, GA 30312, 404-525-3132. Representative: Robert E. Born, 1447 Peachtree St., NE., Suite 508, Atlanta, GA 30309, 404-892-8020. Transporting *passengers,* (1) over irregular routes, in charter and special operations, between points in the U.S.; and (2) over regular routes, (A) between Manchester and Columbus, GA: from Manchester over GA Hwy 41 to Talbotton, then over U.S. Hwy 80 to Columbus, and return over the same route, (B) between Atlanta and Columbus, GA: from Atlanta over Interstate Hwy 85 to junction Interstate Hwy 185, then over Interstate Hwy 185 to Columbus, and return over the same, and (C) serving all intermediate points on routes (A) and (B) above.

Note.—(A) In part (2) above applicant seeks to provide regular-route service only in interstate of foreign commerce; and (B) applicant may tack the regular-route authority with existing regular route authority.

MC 141652 (Sub-54), filed March 21, 1983. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 39206. Representative: Paul M. Daniell, Atlanta Gas Light Towers, Suite 1200, 235 Peachtree St., NE, Atlanta, GA 30303, 404-522-2322. Transporting *general commodities* (except classes A and B explosivse, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 151193 (Sub-39), filed March 18, 1983. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam (same address as

applicant), 201–499–3869. Transporting *general commodities* (except classes A and B explosives and household goods) between points in the U.S. (except AK and HI), under continuing contract(s) with Daylight Transport, Inc., of Maspeth, NY.

MC 156092 (Sub-1), filed March 7, 1983. Applicant: MAGNUM HAULERS, INC., 515 State Fair Blvd., Syracuse, NY 13204. Representative: Martin R. Martino, 333 So. Glebe Rd., Arlington, VA 22204, (703) 979–1627. Transporting *food and related products*, between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 160393 (Sub-1), filed March 16, 1983. Applicant: JIM MILLER TRUCKING, INC., 644 E. Slater, Marshall, MO 65340. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214–255–6279. Transporting (1) *chemicals and related products*, between points in LA, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *food and related products*, between points in the U.S. (except AK and HI).

MC 163613 (Sub-1), filed March 23, 1983. Applicant: GIBSON TRANSPORTATION, INC., Box 121, Onarga, IL 60955. Representative: Edward D. McNamara, Jr., 907 South Fourth, P.O. Box 5039, Springfield, IL 62705, 217–528–8476. Transporting *construction materials*, between Chicago, IL, on the one hand, and, on the other, points in IN, IA, and WI.

MC 164013 (Sub-2), filed March 7, 1983. Applicant: MIKE BRUA TRUCKING, 1114 Milton Ave., Worthington, MN 56187. Representative: Mike Brua (same address as applicant), (507) 327–2693. Transporting *paper and paper products, plastic and plastic products, virgin resin, and steel wire*, between points in Nobles County, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165382 (Sub-1), filed March 10, 1983. Applicant: MO-TRAN BUS LINES, INC., 104 North Clark St., Moberly, MO 65270. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Over regular routes, transporting *passengers*, (1) between Cedar Rapids and Iowa City, IA: from Cedar Rapids over IA Hwy 149 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Iowa City, and return over the same route; (2) between Ottumwa and Des Moines, IA: from Ottumwa over U.S. Hwy 63 to junction IA Hwy 163, then over IA Hwy 163 to Des Moines, and return over the same route, (3) between Cedar Rapids and Mount Vernon, IA, over U.S. Hwy 30, serving all intermediate points in routes (1), (2), and (3) above.

Note.— (1) Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same routes, and (2) Applicant may track this authority with its existing authority.

MC 16693, filed March 9, 1983. Applicant: AMERICAN VAN LINES, INC., 468 Wild Ave., Staten Island, NY 10314. Representative: Larry Chirco (same address as applicant), (212) 494–8000. Transporting *household goods*, between points in CT, DE, FL, GA, MA, MD, NC, NJ, NY, PA, RI, SC, VA, and DC.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–136

Decided: March 30, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 96854 (Sub-2(A)), filed March 15, 1983. Applicant: LEWIS & MICHAEL, INC., 1827 Woodman Dr., Dayton, OH 45420. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except HI).

MC 166855, filed March 17, 1983. Applicant: GEORGE J. GOTT ASSOCIATES, INC., 134 Landing Rd., Landing, NJ 07850. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166884, filed March 18, 1983. Applicant: J & J SERVICE CO, INC., 35 Dublin Lane, Cherry Hill, NJ 08003. Representative: Edward D. Sheehan, 511 Cooper St., Camden, NJ 08102, (609) 365–7665. Transporting *passengers*, in charter and special operations, between points in NJ, PA, NY, DE, MD, VA, and DC.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

Volume No. OP3–139

Decided: March 31, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 61335 (Sub-20), filed March 17, 1983. Applicant: TRANS–BRIDGE LINES, INC., 2012 Industrial Dr., Bethlehem, PA 18017. Representative: W.C. Mitchell, 144 Ridge Rd., Watchung, NJ 07060, (201) 755–2023. Over regular routes, transporting *passengers*, between Bethlehem, PA and Atlantic City, NJ: From Bethlehem over PA Hwy 29 to junction PA Hwy 63 at Green Lane, PA, then over PA Hwy 63 to junction PA Hwy 9 (Pennsylvania Turnpike) near Kulpsville, PA, then over PA Hwy 9 to junction Interstate Hwy 476 near Plymouth Meeting, PA, then over Interstate Hwy 476 to junction Interstate Hwy 76 at West Conahohocken, PA, then over Interstate Hwy 76 to junction NJ Hwy 42 at Camden, NJ, and then over NJ Hwy 42 and Atlantic City Expressway to Atlantic City, and return over the same route, serving all intermediate points.

Note:— Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922 (c)(2)(B) over the same route.

Note.—This regular route authority may be tacked with carrier's existing authority.

MC 166895, filed March 21, 1983. Applicant: SOUTH PADRE SALES, INC., 203 West Mesquite, P.O. Box 2422, South Padre Island, TX 78597. Representative: Ben Atwell, 3507 Bee Cave Rd., Austin, TX 78746, (512) 327–0342. Transporting *passengers*, in special and charter operations, beginning and ending at points in TX.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–203

Decided: March 31, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 30076 (Sub-2), filed March 28, 1983. Applicant: LUZERNE & CARBON COUNTY MOTOR TRANSIT COMPANY, INC., P.O. Box 208, Corner of Broad & Beaver Sts., Beaver Meadows, PA 18216. Representative: Michael D. Baran (same address as applicant), (717) 455–4361. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9076 Filed 4-6-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-154

Decided: March 31, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Krock not participating.)

MC 28462 (Sub-14), filed March 2, 1983. Applicant: DENVER COLORADO SPRINGS PUEBLO MOTOR WAY, INC., 1055 19th St., Denver, CO 80202. Representative: G. W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655-7937. Transporting (A) *passengers,* in charter or special operations, between points in the U.S. (except HI) and (B) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation in part (A) above.

For the following, please direct status calls to Team 3 at 202-275-5223.

Vol. No. OP3-137

Decided: March 30, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating).

MC 15735 (Sub-75), filed March 18, 1983. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681-8378. Transporting *household goods,* between points in the U.S. (except HI), under continuing contract(s) with The New York Times Co., and its subsidiaries, of New York, N.Y.

MC 42604 (Sub-11), filed March 17, 1983. Applicant: GEORGE HUSACK, INC., 167 Locust Dr., Schnecksville, PA 18078. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357-7220. Transporting *metal products,* between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 53965 (Sub-206), filed March 18, 1983. Applicant: GRAVES TRUCK LINE, INC., 8717 W. 110th St., Suite 700, Overland Park, KS 66210. Representative: Bruce A. Bullock, One

Woodward Ave., 26th Fl., Detroit, MI 48226, (313) 496–3534. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Montgomery Ward & Co., of Chicago, IL.

MC 96854 (Sub-2(B)), filed March 15, 1983. Applicant: LEWIS & MICHAEL, INC., 1827 Woodman Dr., Dayton, OH 45420. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614)464–4103. Transporting (1) *general commodities* (except classes A and B explosives and commodities in bulk), between Dayton, OH, on the one hand, and, on the other, points in OH; and (2) *household goods, office furniture and fixtures,* between points in Montgomery, Preble and Greene Counties, OH, on the one hand, and, on the other, points in OH.

Note.—Applicant's Certificate of Registration, MC 96854 Sub 1, will be revoked upon issuance of a certificate in this proceeding.

MC 123265 (Sub-12), filed February 28, 1983. Applicant: SANTRY TRUCKING COMPANY, 10505 NE Second Ave., Portland, OR 97211. Representative: John G. McLaughlin, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224–5525. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 151774 (Sub-1), filed March 15, 1983. Applicant: WILLARD ORRICK AND LARRY FISCHER, d.b.a. ORRICK TRANSPORTATION, 986 Ruth Layne, Niles, MI 49120. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 South Second St., Elkhart, IN 46516, (219)293–3597. Transporting *chemicals and related products,* between points in Kalamazoo County, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158305, filed March 18, 1983. Applicant: R & J TRUCK, INC., 1395 S. Signal Dr., Pomona, CA 91766. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, and NV.

MC 163285, filed March 18, 1983. Applicant: J. M. WASHBURN-LINDER CO., INC., 12 Trip St., Framingham, MA 01701. Representative: Samuel L. Watts, 54 Middlesex Turnpike, Burlington, MA 01803, (617) 273–3530. Transporting *chemicals and related products,* between points in MA, on the one hand, and, on the other, points in Cook County, IL, under continuing contract(s) with Thiokol Corporation, Ventron Division, of Danvers, MA, and Savogran Company, of Norwood, MA.

MC 166865, filed March 18, 1983. Applicant: C & A TRUCKING, INC., 1135 South Fulton, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 107, 50 Classen Center, 5101 North Classen Blvd., Oklahoma City, OK 73118, (405) 848–7946. Transporting *petroleum and petroleum products,* between points in OK and TX.

MC 166874, filed March 18, 1983. Applicant: RIDDLE TRUCKING, INC., RR 2, Box 256, Montgomery City, MO 63361. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101, (314) 636–9131. Transporting *food and related products,* between points in Audrain County, MO, on the one hand, and, on the other, points in AR, IL, IA, and MO.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–202

Decided: March 31, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 42487 (Sub-1072), filed March 28, 1983. Applicant: CONSOLIDATED FREIGHTWAY CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with International Telephone and Telegraph Corporation, of New York, NY, and its wholly-owned subsidiaries.

MC 114457 (Sub-591), filed March 28, 1983. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, MN 55114. Representative: Alan D. Swenson (same address as applicant), (612) 645–0323. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with James River Corporation, of Richmond, VA.

MC 141747 (Sub-11), filed March 22, 1983. Applicant: ENGLE BROTHERS TRUCKING, INC., Rural Route #1, Rector, AR 72461. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Double E Brokerage Company, of Rector, AR.

MC 153186 (Sub-1), filed March 25, 1983. Applicant: NOX–CHEM TRANSPORTATION, INC., 1444 S. 20th St., Omaha, NE 68108. Representative: Robert S. Meicher (same address as applicant), (402) 341–1622. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–151

Decided: March 29, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 143568 (Sub-7), filed March 21, 1983. Applicant: SIMMONS TRUCKING, INC., 400 South Ave., P.O. Box 71, Glenwood, MO 63541. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105–1961, (816) 221–1464. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Aldi, Inc., of Batavia, IL.

MC 166648, filed March 7, 1983. Applicant: TIM SARTIN TRUCKING, 19637 Thimble Creek Drive, Oregon City, OR 97045. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228–3807. Transporting (1) *food and related products,* (2) *pulp, paper, and related products,* and (3) *printed matter,* between points in WA, OR, and CA, on the one hand, and, on the other, points in WA, OR, CA CO, ID, IL, KS, MI, MO, NE, and UT.

Volume No. OP5–149

Decided: March 29, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF–679, filed March 17, 1983. Applicant: BOMAR INTERNATIONAL FORWARDING, INC., 2405 Bingham St., Honolulu, HI 96826. Representative: Robert G. Voseipka (same address as applicant), (808) 845–2796. As a *freight forwarder* in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles,* between points in the U.S.

MC 18288 (Sub-9), filed February 23, 1983, previously noticed in Federal Register issue of March 14, 1983. Applicant: J. U. BAKER, INC., Landisville, PA 17538. Representative: Christian V. Graf, 407 N. Front Street,

Harrisburg, PA 17101, (717) 236–9318. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (1) between points in Beaver County, PA, on the one hand, and, on the other, points in NY, and (2) between points in Lancaster County, PA, on the one hand, and, on the other, points in OH.

Note.—The purpose of this republication is to show Lancaster County, PA, in lieu of the City of Lancaster, PA in part (2).

MC 87079 (Sub-2), filed March 22, 1983. Applicant: EASTERN OREGON FAST FREIGHT, INC., 526 SE Division Pl, Portland, OR 97202. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Over *regular* routes, transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Portland and Baker, OR, from Portland over Interstate Hwy 84 to Baker and return over the same route, serving all intermediate points and the off-route points of Baker, Union, Wallowa, Umatilla, Morrow, Wasco, Hood River, Sherman and Gilliam Counties, OR.

MC 107229 (Sub-14), filed March 21, 1983. Applicant: AMODIO MOVING, INC., 600 East Street, New Britain, CT 06051. Representative: Jayne M. Amodio (same address as applicant), 203–223–2725. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with Aetna Life and Casualty of Hartford, CT.

MC 134518 (Sub-9), filed March 15, 1983. Applicant: CHEESE HAULING, INC., P.O. Box 1973, Bismarck, ND 58502. Representative: Carl E. Munson, 469 Fischer Bldg., P.O Box 796, Dubuque, IA 52001, (319) 557–1320. Transporting *paper and paper products,* between points in WI, on the one hand, and, on the other, points in ND.

MC 136939 (Sub-6), filed March 21, 1983. Applicant: CLAYTON'S INC., P.O. Box 38, Ucon, ID 83454. Representative: David E. Wishney, P.O Box 837, Boise, ID 83701, 208–336–5955. Transporting *general commodities* (except classes A and B explosives, household goods), between those points in the U.S. in and west of ND, SD, NE, KS, OK and TX (except AK and HI).

MC 141758 (Sub-24), filed March 14, 1983. Applicant: LYDALL EXPRESS, INC., 615 Parker St., Manchester, CT 06040. Representative: Robert J. Dunbar (same address as applicant) (203) 646–1233. Transporting *electrical fuses, related materials and products,* between points in the U.S. (except AK and HI), under continuing contract(s) with McGraw Edison Corporation, Bussman Division, of St. Louis, MO.

MC 143648 (Sub-10), filed March 21, 1983. Applicant: CORALVILLE TRANSPORT, INC., R.R. 1, Lamont, IA 50650. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *chemicals and related products,* between points in Brown County, WI, on the one hand, and, on the other, points in IA.

MC 144449 (Sub-13), filed March 18, 1983. Applicant: A & A MOVING & STORAGE CO., d.b.a. A & A CONTRACT CARRIERS, P.O. Box 1592, Fort Worth, TX 76101. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *electronics, electrical machinery, equipment, and supplies,* between points in the U.S. (except AK and HI), under continuing contract(s) with International Power Machines Corporation, of Mesquite, TX.

MC 153979 (Sub-4), filed March 17, 1983. Applicant: WEST POINT TRANSPORT, INC., 1700 Willis Rd., Richmond, VA 23237. Representative: Paul D. Collins, 7761 Lakeforest Drive, Richmond, VA 23235, (804) 745–0446. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between point in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request of the permits in MC–153979, MC–153979 Sub 1, MC–153979 Sub 2, MC–153979 Sub 3, issued October 23, 1981, April 20, 1982, February 5, 1982, and August 6, 1982, respectively.

Note.—The purpose of this application is to convert applicant's authority from contract to common under 49 U.S.C. 10925(e).

[FR Doc. 83–9077 Filed 4–6–83; 8:45 am]
BILLING CODE 7035–01–M

[Finance Docket No. 30140]

Rail Carriers; Baltimore & Ohio Railroad Co.—Abandonment Exemption—Marion County, WV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.,* the abandonment by the Baltimore and Ohio Railroad Company of its 3.62 mile Annabelle Branch in Marion County, WV, subject to standard employee protective conditions.

DATES: This exemption shall be effective on May 9, 1983. Petitions to stay the effectiveness of this decision must be filed by April 18, 1983, and petitions for reconsideration must be filed by April 27, 1983.

ADDRESSES: Send Pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Rene J. Gunning, Suite 2204, 100 North Charles Street, Baltimore, MD 21201.

Pleadings should refer to Finance Docket No. 30140

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact:

T. S. InfoSystems, Inc., Room 2227, c/o Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423

or telephone:

(202) 289–4357 (D.C. Metropolitan area), (800) 424–5403 (toll free—outside the D.C. area).

Decided: March 30, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–9075 Filed 4–6–83; 8:45 am]
BILLING CODE 7035–01–M

[Finance Docket No. 30121]

Rail Carriers; Consolidated Rail Corporation—Trackage Rights Exemption—Over Chesapeake & Ohio Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 11343, the trackage rights agreement for Consolidated Rail Corporation to operate over 10 miles of the Chesapeake and Ohio Railway Company between Upper Sandusky and Carey, OH.

DATES: This exemption becomes effective on May 9, 1983. Petitions to stay must be filed by April 18, 1983. Petitions for reconsideration must be filed by April 27, 1983.

ADDRESSES: Send petitions for reconsideration referring to Finance Docket No. 30121 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioners' representative: Charles E. Mechem, Consolidated Rail Corporation, 1138 Six Penn Center Plaza, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. to purchase a copy of the full decision write to T.S. Info Systems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll fee (800) 424–5403.

Decided: April 1, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–9073 Filed 4–6–83; 8:45 am]

BILLING CODE 7035–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83–28]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Informal Executive Subcommittee.

DATE: April 27, 1983, 9 a.m. to 4 p.m.

ADDRESS: NASA Headquarters, 400 Maryland Avenue SW, Room 7137, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, Code LB–4, National Aeronautics and Space Administration, Washington, DC 20546 (202/755–8383).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council Informal Executive Subcommittee was established under the NASA Advisory Council to assist the chair in planning the activities, establishing meeting agendas, and otherwise guiding the activities of the Council. The subcommittee is chaired by Mr. Daniel J. Fink, and includes seven other members, six of whom chair standing committees of the Council.

The meeting will be closed to the public. The members will each describe their respective committees, the committee mode of operation, present and prospective future membership, interfaces both with NASA and with outside parties, and areas for future committee activity. Special attention in these discussions will be given to individuals who are being considered as candidates for membership on the Council and its committees. Throughout the sessions, the qualifications of these individuals will be candidly discussed and appraised. Because the meeting will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this meeting should be closed to the public.

Type of meeting: Closed.

Dated: March 31, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83–9105 Filed 4–6–83; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

Reports Issued:

Aircraft Accident Report—Sky Train Air, Inc., Gates Learjet 24, N44CJ, Felt, Oklahoma, October 1, 1981 (NTSB-AAR–82–4) (NTIS Order No. PB82–910404).

Aircraft Accident Report—Ashland Properties, Inc., Cessna 414A, N2620L, near Hanover County Airport, Ashland, Virginia, January 3, 1982 (NTSB-AAR–82–12) (NTIS Order No. PB82–910412).

Aircraft Accident Report—World Airways, Inc., Flight 30H, McDonnell Douglas DC–10–30CF, N113WA, Boston-Logan International Airport, Boston, Massachusetts, January 23, 1982 (NTSB-AAR–82–15) (NTIS Order No. PB82–910415).

Aircraft Accident Report—Gifford Aviation, Inc., deHavilland DHC–6, N103AQ, Hooper Bay, Alaska, May 16, 1982 (NTSB-AAR–82–16) (NTIS Order No. PB82–910416).

Railroad Accident Report—Head-On Collision of Amtrak Trains Extra 769 East and No. 195, Bristol, Pennsylvania, March 29, 1982 (NTSB-RAR–82–5) (NTIS Order No. PB82–916305).

Railroad Accident Report—Derailment of Amtrak Train No. 5 (The San Francisco Zephyr) on the Burlington Northern Railroad, Emerson, Iowa, June 15, 1982 (NTSB/BAR-83/02) (NTIS Order No. PB83–916302).

Railroad/Highway Accident Report—Automobile/Missouri Pacific Railroad Freight Train Collision, Woodland Drive, Lake View, Arkansas, July 9, 1982 (NTSB-TSR-RHR–83–1) (NTIS Order No. PB83–917001).

Highway Accident Report—Pacific Intermountain Express Tractor Cargo Tank Semitrailer/Eagle F.B. Truck Lines, Inc., Tractor Lowboy Semitrailer Collision and Fire, U.S. Route 50, near Canon City, Colorado, November 14, 1981 (NTSB-HAR–82–3) (NTIS Order No. 916203).

Marine Accident Report—Fire On Board the Cypriot Bulk Carrier PROTECTOR ALPHA, Columbia River, Kalama, Washington, February 14, 1982 (NTSB-MAR–83–1) (NTIS Order No. PB83–916401).

Marine Accident Report—Capsizing and Sinking of the U.S. Mobile Offshore Drilling Unit OCEAN RANGER Off the East Coast of Canada, 166 Nautical Miles East of St. John's, Newfoundland, February 15, 1982 (NTSB-MAR–83–2) (NTIS Order No. PB83–916402).

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703–487–4650 and to order subscriptions to reports call 703–487–4630.

Recommendations to:

Aviation—*Federal Aviation Administration: Mar. 24: A–83–27:* Realign the LDA runway 18 approach course [at Washington National Airport] from 147° to 153° or even closer to the Potomac River if possible and provide glideslope guidance down to the lowest altitude allowable by TERPS criteria. *R–83–28:* Add a visual descent point (VDP) to the VOR/DME runway 18 approach, located at a point where the VASI glideslope intersects the MDA or where a 3° descent angle to the touchdown point intersects the MDA. *R–83–29:* Amend the VOR/DME 18 approach chart to depict a transition to visual flight over the Potomac River similar to that depicted on the current LDA 18 approach chart and include an advisory to the effect that:

After obtaining visual reference to the runway, but no sooner than the final approach fix (FAF), transition to visual flight over the Potomac River. Maintain Minimum Descent Altitude until the visual descent point.

A–83–30: Move the ARTS–3 antenna array to a site where it will provide more reliable operation of the minimum safe altitude warning (MSAW) system. *Mar. 8: A–83–3:* Issue an Airworthiness Directive to require that rubberized bladder-type fuel cells in Cessna Models C–180, C–182, C–185, C–188, C–206, and C–207 be drained, purged, and swabbed to eliminate any water that may be entrapped within the cells. Other fuel system components, including fuel header tanks, carburetor bowls, fuel strainers, and fuel lines between the strainer and the low point of the fuel system, also should be drained at the same time. *A–83–4:* Issue an Airworthiness Directive applicable to Cessna Models C–180, C–182, C–185, C–188, C–206, and C–207 equipped with rubberized bladder-type fuel cells to require that a fuel filler cap leak test in accordance with Cessna Owner Advisory SE 82–34A be conducted concurrently with the procedure in Safety Recommendation A–83–3 and subsequently on a periodic basis; if leakage is detected,

require compliance with Cessna Service Letter SE 80–59. *A–83–5:* Conduct an engineering evaluation of general aviation bladder-type fuel systems to determine the best means for improving the detection and elimination of water from these systems. Consideration should be given to bladder design features, installation procedures, and special system requirements. *A–83–6:* Require a fuel system modification to Cessna single-engine airplanes with rubberized bladder-type fuel cells which will provide a means for positive detection and/or elimination of water from the fuel, such as an increased capacity fuel strainer or a separate water collector system and quick drains at the low point of the fuel system. *A–83–7:* Conduct an engineering evaluation of Cessna's flush plastic fuel caps to determine their sealing/venting characteristics under various critical service conditions, including extremes of temperature. If deficiencies are noted, appropriate corrective action should be required. *A–83–8:* Issue an Airworthiness Directive to require the installation of wing fuel tank quick drains on all Piper PA–11, PA–12, PA–18, PA–18A, PA–20, and PA–22 airplanes in accordance with Piper Service Spares Letter No. 6. *A–83–9:* Issue an Airworthiness Directive to require the installation of quick drains at appropriate locations on the fuselage fuel tanks of Piper Models J–3 and PA–25 airplanes. *A–83–10:* Prepare and disseminate an Advisory Circular dealing exclusively with water-in-fuel problems. This circular should outline specific procedures for prevention, detection, and elimination of water in the fuel systems of various types of airplanes. *A–83–11:* Emphasize on a recurrent basis in Advisory Circular 43–16, "General Aviation Airworthiness Alerts," the maintenance and operational considerations related to water in the fuel. *Mar. 25: A–83–13:* Review all Low Level Wind Shear Alert System installations to identify possible deficiencies in coverage similar to the one resulting from the inoperable west sensor at New Orleans International Airport and correct such deficiencies without delay. *A–83–14:* Make appropriate distribution to the aviation community of information regarding (1) the location and designation of remote sensors of the Low Level Wind Shear Alert System (LLWSAS) at equipped airports, (2) the capabilities and limitations of the LLWSAS, and (3) the availability of current LLWSAS remote sensor information if requested from tower controllers. *A–83–15:* Record output data from all installed Low Level Wind Shear Alert System sensors and retain such data for an appropriate period for use in reconstructing pertinent wind shear events and as a basis for studies to effect system improvements. *A–83–16:* Emphasize to pilots on a continuing basis the importance of making prompt reports of wind shear in accordance with prescribed reporting guidelines, and assure that Air Traffic Control personnel transmit such reports to pilots promptly. *A–83–17:* Require that Automatic Terminal Information Service advisories be amended promptly to provide current wind shear information and other information pertinent to hazardous meteorological conditions in the terminal area as provided by Center Weather Service Unit meteorologists, and that all aircraft operating in the terminal area be advised by blind broadcast when a new Automatic Terminal Information Service advisory has been issued. *A–83–18:* Evaluate methods and procedures for the use of current weather information from sources such as radar, Low Level Wind Shear Alert Systems, and pilot reports as criteria for delaying approach and departure operations which would expose the flight to low altitude penetration of severe convective weather. *A–83–19:* Study the feasibility of establishing aircraft operational limitations based on the data available from the Low Level Wind Shear Alert System. *A–83–20:* Make the necessary changes to display Low Level Wind Shear Alert System wind output data as longitudinal and lateral components to the runway centerline. *A–83–21:* Use the data obtained from the Joint Airport Weather Studies (JAWS) Project and other relevant data as a basis to (1) quantify the low-level wind shear hazard in terms of effect on airplane performance, (2) evaluate the effectiveness of the Low Level Wind Shear Alert System and improvements which are needed to enhance performance as a wind shear detection and warning system, and (3) evaluate the aerodynamic penalties of precipitation on airplane performance. *A–83–22:* As the data obtained from the Joint Airport Weather Studies (JAWS) Project become available (1) develop training aids for pilots and controllers to emphasize the hazards to flight from convective weather activity, (2) develop realistic microburst wind models for incorporation into pilot flight simulator training programs, and (3) promote the development of airborne wind shear detection devices. *A–83–23:* Expedite the development, testing, and installation of advanced Doppler weather radar to detect hazardous wind shears in airport terminal areas and expedite the installation of more immediately available equipment such as add-on Doppler to provide for detection and quantification of wind shear in high risk airport terminal areas. *A–83–24:* Encourage industry to expedite the development of flight director systems such as MFD-delta-A and head-up type displays which provide enhanced pitch guidance logic which responds to inertial speed/airspeed changes and ground proximity and encourage operators to install these systems. *A–83–25:* Recommend to air carriers that they modify pilot training on simulators capable of reproducing wind shear models so as to include microburst penetration demonstrations during takeoff, approach, and other critical phases of flight. *A–83–26:* Advise air carriers to increase the emphasis in their training programs on the effective use of all available sources of weather information, such as preflight meteorological briefings, ATIS broadcasts, controller-provided information, PIREPS, airborne weather radar, and visual observations, and provide added guidance to pilots regarding operational (i.e., "go/no go") decisions involving takeoff and landing operations which could expose a flight to weather conditions which could be hazardous.

Railroad—*Association of American Railroads: Mar. 7: R–83–28:* In conjunction with the Railway Labor Executives Association, assist the Federal Railroad Administration in developing a requirement that timely toxicological tests are performed on all operating employees involved in a railroad accident which involves a fatality, a passenger train, releases of hazardous materials, an injury, or substantial property damage. *R–83–29:* In conjunction with the Railway Labor Executives Association, assist the Federal Railroad Administration in developing regulations and procedures to require that alcohol/drug involvement related accidents/incidents be fully reported to the FRA so that a data base can be developed for devising and implementing effective safety countermeasures to eliminate or minimize accidents involving alcohol/drug abuse. *Mar. 8: R–83–27:* Inform its membership of the facts and circumstances of the derailment at Emerson, Iowa, on June 15, 1982, and recommend to its member railroads that they adopt a system of professionally gathered and evaluated meteorological information to better assure timely knowledge of climatic conditions that may affect the safe operation of train movements.

Federal Railroad Administration: Mar. 7: R–83–30: Immediately promulgate a specific regulation with appropriate penalties prohibiting the use of alcohol and drugs by employees for a specified period before reporting for duty and while on duty *R–83–31:* With the assistance of the Association of American Railroads and the Railway Labor Executives Association, develop and promulgate effective procedures to ensure that timely toxicological tests are performed on all employees responsible for the operation of the train after a railroad accident which involves a fatality, a passenger train, releases of hazardous materials, an injury, or substantial property damage. *R–83–32:* With the assistance of the Association of American Railroads and the Railway Labor Executives Association, develop and promulgate a requirement that alcohol/drug abuse involvement accidents/incidents be fully reported to the FRA.

Railway Labor Executives Association: Mar. 7: R–83–33: In conjunction with the Association of American Railroads, assist the Federal Railroad Administration in developing a requirement that timely toxicological tests are performed on all operating employees involved in a railroad accident which involves a fatality, a passenger train, releases of hazardous materials, an injury, or substantial property damage. *R–83–34:* In conjunction with the Association of American Railroads, assist the Federal Railroad Administration in developing regulations and procedures to require that alcohol/drug involvement related accidents/incidents be fully reported to the FRA so that a data base can be developed for devising and implementing effective safety countermeasures to eliminate or minimize accidents involving alcohol/drug abuse.

Pipeline—*Washington Gas Light Company: Mar. 24: P–3–8:* Evaluate its employee training and qualification programs for work on pipelines containing gas under pressure for sufficient emphasis on employees' strictly adhering to company procedures in the

interest of employee and public safety, and modify them as necessary. *P–83–9:* Emphasize to its supervisory personnel their responsibility to assure that employees under their direction adhere to established gas company safety procedures.

American Gas Association: Mar. 24: P–83–10: Notify its member companies of the circumstances of the accident involving natural gas that occurred in Burke, Virginia, on October 29, 1983, and urge them to emphasize to their supervisory personnel the need for strict adherence to established company safety procedures.

Gas Research Institute: Mar. 24: P–83–11: Include within its ongoing research for assessing the cost effectiveness of excess flow valves, an assessment of the potential for such valves to prevent or minimize the effect of accidents which may occur while work is being performed on the system by gas company employees.

Highway—*Seventeen Associations Involved With Colleges and Universities: Feb. 24: H–83–5:* Advise your members of the circumstances of the accident in Lynchburg, Virginia, on Oct. 6, 1982, involving 66 students from the University of Virginia riding in a truck. *H–83–6:* Urge your members to establish a policy for the transportation of student groups to and from offcampus events that would: (1) prohibit the use of truck and other nonpassenger-carrying vehicles, (2) discourage the use of drivers who are members of the student group being transported, and (3) advocate the use of buses and trained, for-hire drivers.

Note.—Single copies of the recommendation letters are available on written request to: Public Inquires Section, National Transportation Safety Board, Washington, D.C. 20594. Please include recommendation number in your request. Copies of recent recommendations are free of charge while supplies last. Recommendations that must be photocopied will be billed at a cost 20 cents per page ($2 minimum charge).

Recommendation Responses from:

Aviation—*Federal Aviation Administration: Mar. 11: A–83–1:* Feels that the minimal added requirements of TSO–C100 concerning child or infant restraint devices are necessary for the safety of children and infants traveling on aircraft. Plans no further action on this recommendation and requests that it be withdrawn unless the Safety Board can provide substantive justifications as to why the requirements of TSO–C100 are unnecessary. *Mar. 11: A–80–113:* Issued Advisory Circular 20–117 on Dec. 17, 1982, titled "Hazards Following Ground Deicing and Ground Operations on Conditions Conducive to Aircraft Icing" as a result of findings derived from research and development effect conducted by the FAA.

Highway—*Federal Highway Administration: Jan. 31: H–81–2:* Plans a two-phase approach to improve the accident data base for use in determining the relationship between compliance with the Federal Motor Carrier Safety Regulations (FMCSR) and the Federal Hazardous Materials Regulations (FHMR) and motor carrier accident/incident reduction. First, the Bureau of Motor Carrier Safety (BMCS) will revise the accident report form. A revised form, capable of identifying preventable from nonpreventable accidents, is anticipated by the beginning of calendar year 1984. Second, accident reporting practices will be reviewed for regulations compliance during audits on larger carriers who have not reported accidents in the last several years. *H–81–3:* During fiscal year 1983, the BMCS plans to conduct approximately 40,000 roadside heavy commercial vehicle/driver examinations from approximately 300 sites in the U.S. *H–81–4:* Completed Safety Effectiveness Evaluation Report which includes safety audit data sampled from approximately 225 medium-sized motor carriers. Encourages and assists all States in developing legislation which adopts the FHMR. Provides State personnel with training on these regulations. *H–81–5:* Concerning the Management Information System, the driver/vehicle inspection form has been revised, the motor carrier accident report form MCS–50 is being revised, and a new computer software package to speed up on-line data entry and return for the basic census system has been implemented. *H–81–6:* The BMCS has developed the capability to identify motor carrier candidates for safety management audits based on National Program Emphasis Areas, Regional Program Emphasis Areas, excessive violation or accident rates, and failure to file accident reports when it can be reasonably expected that a given carrier may have experienced a reportable accident within a given period of time. Lists of carriers meeting the selection criteria were furnished to the FHWA motor carrier safety field staff in September/October 1982. *H–81–7:* Is developing a course to instruct investigators in the development of enforcement case reports and evidence-gathering procedures. *H–81–8:* General guidelines for use when assessing penalties for violations of the FMCSR were sent to Regional Counsels on Feb. 9, 1982. *H–81–9:* Guidelines concerning documentation of assessment mitigation and settlement were sent to Regional Counsels on Feb. 9, 1982.

State of Nebraska: Mar. 1: H–82–18: Acknowledge receipt of recommendation concerning raising the minimum legal drinking age at 21.

State of Alaska: Mar. 1: H–82–18: Several bills have been introducted in the Alaska legislative to raise the minimum legal drinking age. The governor will support one if there is a 3-year "phase in" period.

State of Georgia: Mar. 2: H–82–18: Legislation to raise the drinking age from 19 to 21 has passed the Senate and is now in a House of Representatives committee.

American Personnel and Guidance Association: Mar. 2: H–83–5 and 6: Will discuss the subject of transportation of student groups with the American College Personnel Association.

Pipeline—*United Gas Pipe Line Company: Jan. 18: P–78–78:* Damaged pipelines near Cartwright, Louisiana, was replaced and reinforced concrete pipe protectors were installed where Griffin Road crosses the 20- and 24-inch pipelines *P–76–79:* Believes that all of its pipelines facilities are in compliance with all governmental regulations. Has increased protection at several road crossings by pouring reinforced concrete slabs over pipelines in the ditchline. Performs all work involving its pipelines facilities and keeps a company representative on site during construction to assure the integrity of the facilities. Makes every effort to be aware of any maintenance of the crossing which involves the use of heavy equipment, and has a representative present while such work is being done. *P–76–80:* Has attempted to educate landowners, construction industries, utility companies and local, county and State agencies as to the danger of excavating on a pipelines right-of-way. Has permanently marked all points where public roads cross pipelines.

City of Cordele, Georgia: Jan. 21: P–80–39: Gas Department mobile units have a complete set of maps showing entire gas system network. Supervisor's office has an enlarged map. *P–80–41:* A new odorization injection system was purchased and installed.

Gas Research Institute: Jan. 26: P–74–43 through –46: Has investigated the propensities of gas odorants to be adsorbed by various clays and to react with pipe wall materials. Dynamic laboratory methods were developed for testing both soil/odorant and pipe/odorant interactions. Has begun research to determine the "appropriate" level for odorization and to develop improved odorant concentration measuring instruments.

American Gas Association: Feb. 1: P–79–29: Agrees that all efforts made by gas companies in the their liaison with fire and police departments work to the benefit of the entire gas industry. *P–81–38 and –39:* Has made an extensive study of excess flow valves (EFVs) and concludes that mandatory use of EFVs would result in significant problems for the gas industry, without a concomitant increase in public safety. Does not believe that a regulation is necessary because many companies are now determining whether, and in what circumstances, EFVs can be helpful in preventing the type of incident which occurred at Standardsville, Virginia. *P–79–1:* Forwarded copies of the NTSB recommendation to member companies for their information. *P–80–14:* Suggested word changes in recommendation concerning company review of operating practices regarding proper installation and support of plastic mains and services. *P–80–44:* The new 49 CFR 192.614, "Damage Prevention Programs" addresses utility company responsibilities with respect to potential excavation damage. *P–80–45:* The Materials Transportation Bureau is withdrawing a notice of proposed rulemaking because its study concluded that existing regulations concerning maps and records are adequate. *P–80–51:* Two AGA letters of Apr. 1, 1982, to NTSB provide AGA position of excess flow valves. *P–80–53:* Title 49 CFR 192.615, "Emergency Plans" adequately covers liaison with local emergency response agencies. Training and equipping these agencies for the control of gas distribution pipeline failures in systems where qualified employees cannot respond rapidly, as recommended, would be applicable only in an extremely remote area.

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American Public Works Association: Feb. 10: P–83–5: Has sent a copy of the recommendation concerning the pipeline accident in Portales, New Mexico, on Jun. 28, 1982, to each member of the Utility Location and Coordination Council's Executive Committee for review and comment.

Municipal Utility Board, Pryor, Oklahoma: Feb. 28: P–83–6 and –7: At the request of the customer, the MUB is advising and assisting at no charge to check or locate leaks in gas plumbing. Customer awareness of the dangers of gas leaks has been increased through media coverage.

City of Centralia, Missouri: Mar. 7: P–82–38 and –39: Complies with Missouri State Statutes dealing with excavations of public rights-of-way; particularly Chapter 319 which requires that anyone excavating in a public right-of-way notify utilities and request their assistance in locating underground lines. Taking steps in-house to work out procedures to govern future conduct of equipment operators involved in excavating.

Railroad—*American Trucking Associations, Inc.: Mar. 4: R–83–12:* Will publicize those aspects of the Southern Pacific Freight train accident at Thermal, California, on Jan. 7, 1982, that were motor carrier related. Will continue to urge motor carriers engaged in all types of hazardous material operations to improve their monitoring and enforcement efforts. *R–83–13:* If the MTB, FHWA, or the rail-interest groups have recommendations for a "model plan" that goes beyond the ATA program, ATA will give them serious consideration.

National Railroad Passenger Corporation (Amtrak); Mar. 8: R–81–67: Amtrak and the Illinois Central Gulf Railroad have an ongoing coordinated program to monitor locomotive speed and event recorder tapes and engine crew performance for Amtrak trains operating between Chicago, Illinois, and St. Louis, Missouri. Physical inspections of train handling by qualified ICG operating officers continue to be performed.

Intermodal—*U.S. Department of Transportation: Jan. 31: I–81–13:* In response to the recommendation concerning hazardous materials transportation safety, DOT will require a safety analysis in cases where the request for exemption from regulations is not a minor variation, where the applicant does not provide data regarding technical equivalency, or where equal safety performance cannot be demonstrated. *I–81–14:* Quantity and form consideration are explicitly addressed in the hazardous materials regulations in 49 CFR Parts 171 through 179. DOT safety program includes inspection, enforcement, training, and technical assistance. *I–81–15 and –16:* The MTB has an ongoing process for reviewing existing regulations and eliminating those which are deemed to be of marginal safety effectiveness. DOT is unsure of what improvement in the protection of public safety would result from the imposition of a parallel program whose objectives would be vary similar to those already being pursued by MTB.

Note.—Single copies of these response letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include respondent's name, date of letter, and recommendation number(s) in your request. The photocopies will be billed at a cost of 20 cents per page ($2 minimum charge).

Dated: March 31, 1983.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

[FR Doc. 83–8770 Filed 4–6–83; 8:45 am]

BILLING CODE 4910–58–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Establishment; Fish Propagation Panel

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of establishment of Fish Propagation Panel.

SUMMARY: On March 14, 1983 in a public meeting in Coeur d'Alene, Idaho, the Northwest Power Planning Council established a Fish Propagation Panel as an advisory committee to the Council. This notice describes the Panel, provides information on how to obtain notices of Panel meetings, and explains how to request copies of the Panel's advisory committee charter.

ADDRESSES: Individuals and entities wishing to receive notices of Fish Propagation Panel meetings or copies of the Fish Propagation Panel's advisory committee charter should contact Janie Pearcy by writing her at the Council's central office, Suite 200, 700 Southwest Taylor Street, Portland, Oregon, 97205, or by calling her at (toll free) 1–800–222–3355, from Montana, Idaho, Washington and California; (toll free) 1–800–452–2324 in Oregon; or (503) 222–5161, from other states. The charter also is available for insepection and copying in the public reading room of the Council's central office, Suite 200, 700 Southwest Taylor Street, Portland, Oregon, on weekdays between 8:30 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Curt Marshall, Fish and Wildlife Program Manager at (toll free) 1–800–222–3355 from Montana, Idaho, Washington, and California; (toll free) 1–800–452–2324 in Oregon; or (503) 222–5161, from other states.

SUPPLEMENTARY INFORMATION: On November 15, 1982, the Northwest Power Planning Council ("Council") adopted a Columbia River Basin Fish and Wildlife Program ("Program"), as required by the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 95–501, 16 U.S.C. 839 *et seq.* ("Act"). In Section 740(a) of the Program, the Council stated that it would establish a Fish Propagation Panel composed of individuals with recognized experience and expertise in wild, natural, and hatchery propagation of fish and related fields to advise the Council on opportunities for coordinating and improving fish propagation, throughout the Basin, as described in Section 704 of the Program. The Act authorizes the Council to establish such an advisory committee at Section 4(c)(12), 16 U.S.C. 839b(c)(12). Under Section 4(a)(4) of the Act, the terms of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4, apply "to the extent appropriate" to the Council's advisory committees. 16 U.S.C. 839b(a)(4).

The Council establish the Fish Propagation Panel, named Panel members and selected a Panel chairman in a public meeting on March 14, 1983, in Coeur d'Alene, Idaho. It adopted a charter for the Panel in a public meeting on March 31, 1983 in Portland, Oregon. The charter describes the objectives and activities of the Panel, its authority, and related matters. It also contains rules for Panel procedures on meeting notices, public participation, minutes, records, conflicts of interest, and reimbursement of certain Panel member expenses. Requests for copies of the charter or meeting notices and for additional information may be made as provided above in this notice.

Edward Sheets,

Executive Director.

[FR Doc. 83–9135 Filed 4–6–83; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–19646; File No. SR–MSTC–83–2]

Self-Regulatory Organizations; Proposed Rule Change By; Midwest Securities Trust Company; Relating to Rules and Procedures Which Provide for Deposit and Withdrawal of Bearer Securities

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 8, 1983, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of the rules and procedures found in Exhibit A in the Commission's file. They provide for the deposit and withdrawal of bearer securities at the Midwest Securities Trust Company (MSTC).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The test of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Pursuant to MSTC Rule 2, Section 2, MSTC has determined that certain issues of bearer securities are eligible for deposit with MSTC. The purpose of the proposed rule change is to adopt rules and procedures which would specifically apply to the deposit and withdrawal of bearer securities, primarily securities issued by state and local government ("municipal bonds), at MSTC. The proposed rules are limited to conforming and technical changes to MSTC rules to implement the addition of certain issues of bearer securities as eligible securities. In addition, the procedures set forth as Exhibit A in the Commission's file are the procedures used in the bearer securities program which will apply exclusively to bearer securities. These procedures will be expanded in successive phases. Unless superceded by the rules and procedures developed specifically for bearer securities, all current MSTC By-Laws, Rules, Procedures, Agreements, Interpretations, etc. will apply to bearer securities made eligible at MSTC and to Participants depositing bearer securities. At present, MSTC utilizes the facilities of custodian banks to hold physically the bearer securities and will not hold such securities in MSTC's depository facilities.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to MSTC because the proposed rule change will encourage immobilization of bearer securities. The proposed rule change is consistent with MSTC's responsibilities to safeguard securities and funds in its custody or control or for which it is responsible since MSTC's safeguards for securities, including its insurance program, physical security systems and internal and external auditing procedures will apply to bearer securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subseqent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 1, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-~~08~~-23 Filed 4-~~3~~-83; ~~8:45~~ am]

BILLING CODE ~~8010~~-01-~~M~~

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2078, Amdt. No. 3]

California; Declaration of Disaster Loan Area

The above numbered Declaration (48 FR 8167), Amendment #1 (48 FR 9610) and Amendment #2 (48 FR 12811) are amended to include the Counties of Shasta and Yolo which are adjacent to the previously declared disaster area in the State of California as a result of damage caused by severe storms, high tides, wave action, mudslides and flooding beginning on January 21, 1983. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business on April 11, 1983, and for economic injury until the close of business on November 9, 1983.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: March 16, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-8128 Filed 4-6-83; 8:45 am]

BILLING CODE 8025-01-M

Ohio; Region V, Advisory Council Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Columbus, Ohio, will hold a public meeting at 9:30 a.m., Monday, May 9, 1983, at the U.S. Courthouse, 85 Marconi Boulevard, Conference Room 426 (fourth floor), to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Frank D. Ray, District Director, U.S. Small Business Administration, 85

Marconi Boulevard, fifth floor, Columbus, Ohio 43215—(614) 469–7310.

Dated: April 1, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83–9127 Filed 4–6–83; 8:45 am]

BILLING CODE 8025–01–M

West Virginia; Region III—Advisory Council Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Clarksburg, West Virginia, will hold a public meeting at 9:00 a.m., Thursday, May 5, 1983, at the Marriott Inn, 309 Lee Street, East, Charleston, West Virginia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Marvin P. Shelton, District Director, U.S. Small Business Administration, P.O. Box 1608, Clarksburg, West Virginia 26302–1608—(304) 622–6601.

Dated: April 1, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83–9128 4–6–83; 8:45 am]

BILLING CODE 8025–01–M

Privacy Act of 1974; Proposed Revision of System of Records

AGENCY: Small Business Administration.

ACTION: Notice of proposed revision of system of records.

SUMMARY: Pursuant to Section 3 of the Privacy Act, 5 U.S.C. 552a(e)(4), SBA herein: (1) Updates the description of records system SBA 135, Employee Counseling Program, in order to include the fact that the system is held by SBA Central Office, Regional Offices, District Offices and Branch Offices; (2) gives notice that the categories of individuals covered by the system changes to employees who have been referred to or requested the services of the Employee Counseling Program; (3) deletes from categories of records health benefit, compensation or disability processing assistance; (4) gives notice of change to routine uses, users, and purposes of uses to include disclosure to medical personnel to the extent necessary to meet a bona fide medical emergency, to qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, and if authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause.

DATE: Comments regarding the proposed revision must be received on or before May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Sue Miller, Small Business Administration, Room 300, 1441 L Street, N.W., Washington, D.C. 20416.

SUPPLEMENTARY INFORMATION: Appendix A, referred to in the systems notice, is as previously published.

James C. Sanders,

Administrator.

SBA 135

SYSTEM NAME:

Employee Counseling Program—SBA 135.

SYSTEM LOCATION:

Central Office, Regional Offices, District Offices, Branch Offices. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have been referred to or requested the services of the Employee Counseling Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case history documentation relative to problems such as alcohol abuse, drug abuse, or personal, emotional, financial, marital, family, or legal problems. Counseling data. Referrals for assistance. Names of employees designated as Employee Counseling Program Counselors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 3301; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The content of records may be disclosed to medical personnel to the extent necessary to meet a bona fide medical emergency; to qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation; and if authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor.

STORAGE:

Records are stored in locked file cabinets.

RETRIEVABILITY:

Records are indexed either by the name of the counselor or the employee being counseled.

SAFEGUARDS:

Records are released to authorized personnel only, on a need-to-know basis.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Administrators, District Directors, and Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Administrator for Regional Office records; District Director for District Office records, and Branch Manager for Branch Office records. The addresses of these officers are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Administrator, District Director, or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the appropriate official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

SBA employees and their supervisors.

[FR Doc. 83–9147 Filed 4–6–83; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 83–018]

Houston/Galveston Navigation Safety Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of the third meeting of the Houston/Galveston Navigation Safety Advisory Committee. The meeting will be held on Thursday, April 28, 1983 in

the Randall Room at the Rosenberg Library, 2310 Sealy, Galveston, Texas. The meeting is scheduled to begin at 9 a.m. and end at 4 p.m. The agenda for the meeting consists of the following items:

1. Call to Order.
2. Discussion of recommendations made to Committee sponsor at last meeting.
3. Reports of Subcommittees.
A. Houston/Galveston Vessel Traffic Service.
B. Aids to Navigation.
C. Inshore Waterway Management.
D. Offshore Waterway Management.
E. Environmental.
4. Discussion of Subcommittee Reports.
5. Presentation of any additional new items for consideration to the Committee.
6. Adjournment.

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Secretary no later than the day before the meeting. Any member of the public may present a written statement to the Advisory Committee at any time.

Additional information may be obtained from Commander W. A. Monson, Executive Secretary, Houston/Galveston Navigation Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (mps), Room 1341, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA, 70130, telephone number (504) 589–6901.

Dated: March 30, 1983.

V. W. Driggers,
Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 83–9131 Filed 4–6–83; 8:45 am]
BILLING CODE 4910–14–M

[CGD 83–017]

National Boating Safety Advisory Council; Membership Applications

AGENCY: Coast Guard.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applications for appointment to membership on the National Boating Safety Advisory Council (NBSAC). This Council advises the Secretary of Transportation on rulemaking matters related to recreational boating.

Seven members will be appointed as follows: Three (3) members from the recreational boating industry; two (2) members from the State Boating Administrators; and two (2) members from boating organizations and the public.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women. The Council normally meets twice each year, once in the Washington, D.C. area, and once at another location selected by the Coast Guard.

DATE: Requests for applications should be received no later than June 14, 1983.

ADDRESS: Persons interested in applying should write to Commandant (G–BBS), U.S. Coast Guard Headquarters, Washington, D.C. 20953.

FOR FURTHER INFORMATION CONTACT: Captain R. F. Ingraham, Executive Director, National Boating Safety Advisory Council (G–BBS), Room 4304, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593; (202) 426–1531.

Dated: March 30, 1983.

V. W. Driggers,
Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 83–9132 Filed 4–6–83; 8:45 am]
BILLING CODE 4910–14–M

[CGD–016]

National Boating Safety Advisory Council; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Tuesday and Wednesday, May 17 and 18, 1983 at the Holiday Inn, 210 Holiday Court, Annapolis, Maryland, beginning at 9:00 a.m. and ending at 4:00 p.m. on both days. The agenda for the meeting will be as follows:

1. Introduction of new Council members.
2. Review of action taken at the 30th meeting of the Council.
3. Members' items.
4. Executive Director's report.
5. Compliance Testing Subcommittee report.
6. Notifications and Recalls Subcommittee report.
7. Accident Investigation Subcommittee report.
8. Hybrid Life Preservers Subcommittee report.
9. Ventilation Requirements Subcommittee report.
10. Update on regulations.
11. Report on Visual Distress Signals.
12. Report on Coast Guard Search and Rescue.
13. Presentation on Alcohol and Boating.
14. Briefing on the proposed change of minimum size requirements for Diver's Flag.
15. Report on uniformity of Boat Registration data.
16. Report on the Financial Grant Program.
17. VHF Radios and Bridge Tenders update.
18. Reply to members' items.
19. Chief, Office of Boating, Public, and Consumer Affairs, Remarks.
20. Chairman's session.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain R. F. Ingraham, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard, (G–BBS), Washington, D.C., 20593, or by calling (202) 426–1060.

Dated: March 31, 1983.

V. W. Driggers,
Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 83–9133 Filed 4–6–83; 8:45 am]
BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

DEPARTMENT OF TREASURY

Internal Revenue Service

[FHWA Docket No. 83–8]

Alternative Heavy Truck Use Tax Study; Study Approach; Public Meeting and Opening of Docket

AGENCIES: Federal Highway Administration (FHWA), DOT; Internal Revenue Service, Department of Treasury.

ACTION: Notice of public meeting; request for comments.

SUMMARY: Section 513(g) of the Surface Transportation Assistance Act of 1982 (STAA of 1982) directs the Department of Transportation, in consultation with the Department of Treasury, to conduct a study of alternatives to the heavy truck use tax. The purpose of this notice

is to outline the study approach, announce a public meeting, and open a public docket.

DATES: The meeting will be held from 9 a.m. to 4 p.m. on April 27, 1983, in Washington, D.C. Docket comments must be received on or before September 30, 1983

ADDRESSES: The meeting will be held in Room 2230 of the Department of Transportation's Headquarters Building (Nassif), 400 Seventh Street, SW., Washington, D.C. Submit written comments, preferably in triplicate, to FHWA Docket no. 83–8, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. to 4:30 p.m. ET, Monday through Friday.

Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: In FHWA: Mr. James R. Link, Chief, Operations Analysis Branch, (202) 426–0570; or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 426–0761, 400 Seventh Street, SW., Washington, D.C. In the Department of Treasury: Mr. Eric J. Toder, Office of Tax Analysis, (202) 566–2892, 15th and Pennslyvania Ave., NW., Room 4205, Washington, D.C. 20220; or Mr. Milton Wells, Legislative Analysis Division, Internal Revenue Service, (202) 566–3880, 1111 Constitution Ave., NW., Room 3231, Washington, D.C. 20224.

SUPPLEMENTARY INFORMATION:

Background

The requirement for a study of alternatives to the heavy truck use tax, as called for in Section 513(g) of the Surface Transportation Assistance Act of 1982 (Pub. L. 97–424, 96 Stat. 2177), stems from a goal of the Administration and Congress to ensure that highway taxes be collected in a manner that is not only equitable to all users, but also within practical limits of administrative feasibility.

Section 513(g) directs the Department of Transportation in consultation with the Department of Treasury to study: (1) Alternatives to the heavy truck use tax; and (2) plans for improving the collection and enforcement of the tax and its alternatives. The section further stipulates that alternative taxes include those based either singly or in combination on: (1) Vehicle size or configuration; (2) vehicle weight, both registered and actual operating weight; and (3) distance traveled.

Plans for improving the collection and enforcement of the tax are to include, where practical, Federal and State cooperative activities. In meeting this requirement the Federal agencies must consult with State officials, motor carriers and other affected parties before making recommendations to Congress by January 1, 1985. However, to allow for congressional consideration of the alternatives before the effective date of the heavy truck use tax increases on July 1, 1984, the study completion date will be advanced to January 1, 1984. A preliminary report will be issued in the summer of 1983 outlining selected tax options.

Study Goals

The study will focus on evaluating alternatives to the heavy truck use tax as required in the STAA of 1982. In its present form, the tax is a nationally uniform user charge based on graduated vehicle weight. Payments are made in a lump-sum fashion, due on a quarterly or annual basis. Because the features of the tax may limit its effectiveness in collection highway cost responsibilities as determined through the *Federal Highway Cost Allocation Study* (HCAS), more precise tax methods need to be considered. In doing so, concerns about the present tax and its alternatives will be addressed. A copy of the study has been placed in the public docket for inspection. Copies of these documents are also available upon request from Mr. James R. Link at the address provided above.

The goal of equity is one the Federal Government seeks to embody in the highway tax structure and is a fundamental element of a stable user charge policy. Equity in a use tax means a close correspondence between cost responsibility and amount of tax imposed. As such, it will be a major factor in examining alternative tax methods. Because the tax in its present form does not directly vary with mileage traveled, the nature of payments are such that equity among users has been questioned. The tax does not fully capture the impact of heavy vehicle, high-mileage traffic on highway costs. Very low-mileage vehicles pay the same fee as high-mileage long-haul carriers. While more precise tax methods may alleviate these concerns, other objectives will be addressed in the determination of alternatives to the tax and the level of equity to be achieved. These include: Maintaining adequate highway revenue; administrative feasibility; compliance; and enforcement aspects. Avoidance of payment of highway use taxes by various users also can have a detrimental effect on the yeild and on the equity of the overall user fee structure. Practically then, equity must result from a range of often conflicting objectives in the selection of a tax mechanism. These factors contribute substantially to the need for a study of heavy truck use tax alternatives.

Study Scope

The main study effort will focus on evaluating tax options, either singly or in combination that may: (1) Reduce the inequities of the present heavy truck use tax while retaining equivalent total revenue; (2) increase payment convenience and flexibility, particularly for small truck operators; and (3) be administratively effective while encouraging a high degree of compliance. Collection and enforcement aspects of the tax alternatives will be examined to establish the feasibility of: (1) Continued collection and enforcement at the Federal level; (2) collection and/or enforcement by State governments during vehicle registration/State fuel tax administrative processes; and (3) a combination of the two.

A preliminary list of user fee options to be examined which can be applied singly or in combinations include, but are not limited to, the following:

1. Increase the weight threshold of the tax and/or change the tax rate;
2. Rebate a portion of the heavy truck use tax to low mileage vehicles;
3. Place a fee only on configurations responsible for the greatest damage;
4. Impose a weight/distance related fee, axle weight fee, or distance fee;
5. Impose a fuel surcharge; or
6. Raise diesel fuel fees.

Study Methodology

In conducting this study, the Department of Transportation in consultation with the Department of Treasury will review the recently enacted heavy truck use tax and the distribution of payments made by each vehicle class. Cost responsibilities as established by the *Highway Cost Allocation Study* will serve as a basis for evaluating other tax methods. The cost allocation methodology used to assign the cost responsibilities will not be evaluated.

Cost responsibilities and user payments will be examined for various vehicle configurations or logical groups of vehicles, taking into account both registered and operating weights, and distance traveled. Tax options will be assembled and evaluated based on equity considerations, administrative feasibility, compliance and enforcement aspects, and payment ease.

The study will focus upon determining those tax methods that will best satisfy the often conflicting considerations listed above, while retaining total highway revenues provided for in the STAA of 1982. Public comments on the heavy trunk use tax will be solicited early in the study through a public meeting and an open docket. Special emphasis will be placed on obtaining accurate information on how different tax methods will affect the equitable assignment of tax responsibility. Upon completion of the evaluation process a narrowed set of tax options will be identified and a preliminary report will be issued in the summer of 1983. This report will outline the tax options that best satisfy the range of objectives.

To fully evaluate the remaining options, alternative strategies for improving tax administration will be developed. Such strategies will focus on refining collection and enforcement procedures to achieve greater compliance and administrative efficiency. Existing State vehicle registration and taxation procedures will be investigated to assure that strategies include, where feasible, cooperative Federal and State administrative activities that will facilitate collection and enforcement of the tax.

Public Meeting

A public meeting on this topic will be held on the date and location listed below:

April 27, 1983
Washington, D.C.
Location: Room 2230, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590
Time: 9:00 a.m.–4:00 p.m. ET
Procedure: A one-day meeting will be conducted under the supervision of representatives from each of the two agencies. Should additional time be needed for oral summations, the meeting will be extended for one day. Attendance at the meeting will enable participants to present their written statements and make an oral summation for the record that should not exceed 10 minutes in duration. Statements should consider possible tax options and how they would resolve the issues of: equity among users; ease of payment; and administrative, enforcement and compliance concerns. Those wishing to speak should contact Mr. James R. Link at the address provided above in advance of the meeting to be placed on a roster. Oral presentations will be recorded and later transcribed. Written statements will be accepted by mail.

Issued: April 5, 1983.

R. A. Barnhart,

Administrator, Federal Highway Administration, U.S. Department of Transportation.

John E. Chapoton, Assistant Secretary for Tax Policy, U.S. Department of Treasury.

[FR Doc. 83–9195 Filed 4–6–83; 8:45 am]
BILLING CODE 4910–22–M

Maritime Administration

Change of Name of Approved Trustee

Notice is hereby given that effective June 15, 1981, Houston National Bank, Houston, Texas, changed its name to Republic Bank Houston, National Association.

Dated: March 31, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 83–8885 Filed 4–6–83; 8:45 am]
BILLING CODE 4910–81–M

National Highway Traffic Safety Administration

Public Proceeding Regarding Defect Investigation; Rear Axle Shafts of Certain 1978–80 Model Year Intermediate Size Vehicles Manufactured by General Motors Corporation

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (Pub. L. 93–492, 88 Stat. 1470; October 2, 1974), 15 U.S.C. 1412 (the Act), the Associate Administrator for Enforcement, National Highway Traffic Safety Administration (NHTSA), has made an initial determination that a safety-related defect exists in 1978–80 model year Chevrolet Malibu, Monte Carlo and El Camino, Pontiac LeMans and Grand Prix, Oldsmobile Cutlass and Cutlass Supreme, Buick Century and Regal, and GMC Caballero vehicles manufactured by General Motors Corporation (GM), and equipped with rear axle shafts with thin end buttons. This condition may result in disengagement or separation of the axle shaft and wheel assembly from the vehicle, which could result in loss of vehicle control, accidents, injuries, deaths, and property damage.

NHTSA will hold a public proceeding pursuant to section 152 of the Act at 10:00 a.m. on May 4, 1983, in Room 2230 of the Department of Transportation Headquarters, 400 Seventh Street SW., Washington, D.C. 20590, at which time GM will be afforded an opportunity to present data, views and arguments regarding the initial defect determination.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Ms. Joyce Tannahill, Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 5326, Washington, D.C. 20590 (telephone (202) 426–2850) before close of business on April 27, 1983.

The agency's investigative file in this matter, Case C82–03, is available for public inspection during regular working hours (7:45 a.m. to 4:15 p.m.) in the Technical Reference Library, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 49 CFR 501.81)

Issued on: April 1, 1983.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc.83–9049 Filed 4–6–83; 8:45 am]
BILLING CODE 4910–59–M

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittal to OMB, February 28–March 22, 1983

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, between February 28, 1983 and Mar. 22, 1983 to the Office of Management and Budget (OMB) for its approval. This notice is published in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Windsor, John Chandler, or Annette Wilson, Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426–1887 or Gary Waxman or Wayne Leiss, Office of Management and Budget, New Executive Office Building, Room 3001, Washington, D.C. 20503, (202 395–7313.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice

for publication in the **Federal Register**, listing those information collection requests submitted to the Office of management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements.

On Mondays and Thursdays, as needed, the Department of Transportation will publish in the **Federal Register** a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB of review and approval under the Paperwork Reduction Act. The list will include new items imposing paperwork burdens on the public as well as revisions, renewals and reinstatements of already existing requirements. OMB approval of an information collection requirement must be renewed at least once evey three years. The published list also will include the following information for each item submitted to OMB:

(1) A DOT control number.

(2) An OMB approval number if the submittal involves the renewal, reinstatement or revision of a previously approved item.

(3) The name of the DOT Operating Administration or Secretarial Office involved.

(4) The title of the information collection request.

(5) The form numbers used, if any

(6) The frequency of required responses.

(7) The persons required to respond.

(8) A brief statement of the need for and uses to be made of the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above.

Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipated submitting substantive comments, but find that more than 5 days from the date of publication is needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were sumbitted to OMB between Feb. 28, 1983, and Mar. 22, 1983

- DOT No: 1971
OMB No: None
By: United States Coast Guard
Title: 33 CFR Part 157—Exsisting Vessels of 20,000 to 40,000 DWT Carrying Oil in Bulk
Forms: Reporting and Recordkeeping requirement, no forms
Frequency: On Occasion
Respondents: U.S. and Foreign Tank Vessel Owners, builders and operators
Need/Use: Plans for construction or modification of U.S. and Foreign vessels, or documentation to show compliance with legislated minimum standards

- DOT No: 2126
OMB No: None
By: United States Coast Guard
Title: Application for Certificate in Lieu of Discharge
Forms: SF–180
Frequency: On Occasion
Respondents: Individuals
Need/Use: Individuals who lose their original discharge papers may submit a request to the U.S. Coast Guard and receive a Certificate in Lieu of Discharge. The statutory authority for this activity is contained in 10 USC 1041

- DOT No: 2127
OMB No: None
By: Federal Highway Administration
Title: Study of DOT Transportation Training and Education Programs
Forms: None
Frequency: One time
Respondents: State or Local governments
Need/Use: To gather information from recipient organizations outside DOT on the Department's Education and Training Programs

- DOT No: 2128
OMB No: 2137–0009
By: Research and Special Programs Administration
Title: Applications to Add or Change Materials in the IM Table
Forms: None
Frequency: On Occasion
Respondents: Shippers of Hazardous Materials
Need/Use: The information is used as a basis to amend the IM Table by the RSPA's Materials Transportation Bureau and as a means for the public to request amendment of the IM Table

- DOT No: 2129
OMB No: 2137–0010
By: Research and Special Programs Administration
Title: Intermodal Portable Tanks-Hydrostatic Test and Visual Inspection Reports
Forms: None
Frequency: 5 and 2.5 years, respectively
Respondents: Owners of IM Portable Tanks
Need/Use: Recording of visual inspection and hydrostatic tests to assure that the tanks are safe for continued use in the transportation of hazardous materials

- DOT No: 2130
OMB No: 2115–0058
By: United States Coast Guard
Title: Declaration of Citizenship for Vessel Documentation and Ship Mortgage Purposes
Forms: MA–899
Frequency: On Occasion
Respondents: Owners, sellers and mortgage holders of vessels documented under U.S. laws
Need/Use: A citizen declaration as prescribed under sec. 40 of the Shipping Act of 1916, as amended (46 USC 838), is required when a bill of sale, mortgage, or conveyance of a vessel is presented for recording

- DOT No: 2131
OMB No: 2127–0009
By: National Highway Traffic Safety Administration
Title: Monthly Report of Motor Vehicle Traffic Fatalities
Forms: HS–251
Frequency: Monthly
Respondents: States
Need/Use: The report gives a compilation of national fatality totals involving motor vehicles

- DOT No: 2132
OMB No: 2127–0044
By: National Highway Traffic Safety Administration
Title: Names and Addresses of Motor Vehicle Purchasers
Forms: None
Frequency: On Occasion
Respondents: Motor Vehicle Manufacturers
Need/Use: 15 USC 1418 (b) requires manufacturers to record the name and address of the first purchaser of each motor vehicle sold in order to easily administer fixes and recalls

- DOT No: 2133
OMB No: 2127–0043
By: National Highway Traffic Safety Administration
Title: Vehicle Manufacturer Identification
Forms: None
Frequency: Annually
Respondents: All manufacturers of motor vehicles or equipment
Need/Use: To permit location and identification of manufacturers of motor vehicles or equipment in the event of necessity to contact them due

to defects in the manufacture of vehicles or equipment

- DOT No: 2134

OMB No: None
By: National Aeronautics Space Administration for the Federal Aviation Administration
Title: Community Response to Multiple Helicopter Noise Events
Forms: None
Frequency: One-time survey
Respondents: Individuals
Need/Use: The proposed survey is needed to assist in developing criteria for locations of heliports which consider noise exposure and the proximity of noise sensitive areas. The amelioration of such conflicts is considered essential to the long term economic health of the U.S. helicopter industry

- DOT No: 2135
- OMB No: 2132–0008
- By: Urban Mass Transportation Administration
- Title: Section 15 Reporting System (Accounting)
- Forms: UMTA 2710
- Frequency: Annaully
- Respondents: State and Local Governments, businessess or others.
- Need/Use: Section 15 of the UMT Act of 1964 Mandates uniform system of accounting and records, and a reporting sytem for mass transit operators to enable the operators to compare performance and to assist local, state and Federal Government and general public in setting policy
- DOT No: 2136
- OMB No: 2120–0003
- By: Federal Aviation Administration
- Title: Malfunction or Defect Report
- Forms: FAA Form 8010–4
- Frequency: As Required
- Respondents: Air Taxi and Commercial Operators and Repair Stations
- Need/Use: Information is used to correct conditions adversely affecting continued airworthiness of aeronautical products. Also provides reliability data and airworthiness statistical data
- DOT No: 2137
- OMB No: 2115–0007
- By: United States Coast Guard
- Title: Application for Inspection of U.S. Vessel
- Forms: CG–3752
- Frequency: Annually, biennially, triennially
- Respondents: Owner/operators of U.S. merchant vessels
- Need/Use: The Application for Inspection (CG–3752), must be completed prior to the Coast Guard inspecting a vessel for certification. The requirements are contained in 46 CFR 2.01–1. The application provides the Coast Guard with notification and basic information needed for planning and carrying out an inspection

Issued in Washington, D.C., on March 25, 1983.

Karen S. Lee,

Deputy Assistant Secretary for Administration.

[FR Doc. 83-8785 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-62-m

Urban Mass Transportation Administration

Intent to Prepare an Environmental Impact Statement on Alternative Transit Improvements in the Saint Louis Region, Missouri and Illinois

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice to prepare an environmental impact statement.

SUMMARY: The Urban Mass Transportation Administration (UMTA) and the East-West Gateway Coordinating Council are undertaking the preparation of an Environmental Impact Statement (EIS) for alternative transit improvements in the East Saint Louis/Clayton/Lambert Airport corridor of the Saint Louis region. The EIS is being prepared in conformance with 40 CFR Part 1500, Council on Environmental Quality, Regulations for Implementing the Procedural Requirements of the National Environmental Policy Act of 1969 as amended; and 49 CFR Part 622, Federal Highway Administration and Urban Mass Transportation Administration, Environmental Impact and Related Procedures.

FOR FURTHER INFORMATION CONTACT: Mr. Charles L. Donald, UMTA Region VII, 6301 Rockhill Road, Suite 100, Kansas City, Missouri 64131, telephone (816) 926–5053.

SUPPLEMENTARY INFORMATION:

Scoping Meeting

A public scoping meeting will be held on April 25, 1983 at 7:00 p.m., in the University City Public Library (6701 Delmar Avenue, University City, Missouri 63130) to help establish the purpose, scope, framework, and approach for the analysis. At the scoping meeting, staff will present a description of the proposed scope of the study using maps and visual aids, as well as a plan for an active citizen involvement program, a projected work schedule, and an estimated budget. Members of the public and interested Federal, State, and local agencies are invited to comment on the proposed scope of work, alternatives to be assessed, impacts to be analyzed, and evaluation criteria to be used to arrive at a decision. Comments may be made either orally at the meeting or in writing.

Corridor Description

The East Saint Louis/Clayton/Lambert Airport corridor is a major travel corridor which includes the central business districts of Saint Louis and East Saint Louis, and radiates westward into the Missouri suburbs. The corridor is centered on Market Street, Forest Park Boulevard, and State Route 725. Its boundaries are approximately I–44 to the south, I–270 on the west and north, Florissant Avenue to the northeast, the Saint Louis downtown, and the urbanized areas within St. Clair County, Illinois.

Alternatives

Transportation alternatives proposed for consideration in the corridor are the following:

1. A no-build option, under which existing bus services would continue to operate;
2. A low-cost transportation system management approach that would add express-bus-on-freeway service fron new park/ride lots in suburban areas;
3. A busway that would provide an exclusive or semi-exclusive right-of-way for selected bus routes in the corridor; and
4. A light rail transit facility that would be largely at-grade, typically within existing railroad rights-of-way.

Comments at the scoping meeting should focus on the appropriateness of these and other options for consideration in the study, not on individual preferences for a particular alternative as most desirable for implementation.

Probable Effects

Impacts proposed for analysis include changes in the natural environment (air quality, noise, water quality, aesthetics), changes in the social environment (land use, development, neighborhoods), impacts on parklands and historic sites, changes in transit service and patronage, associated changes in highway congestion, capital costs, operating and maintenance costs, and financial implications. Impacts will be identified both for the construction period and for the long term operation of the alternatives.

The proposed evaluation criteria include transportation, environmental, social, economic and financial measures

as required by current Federal (NEPA) and State environmental laws and current CEQ and UMTA guidelines. Mitigating measures will be explored for any adverse impacts that are identified.

Comments at the scoping meeting should focus on the completeness of the proposed sets of impacts and evaluation criteria. Other impacts or criteria judged relevant to local decisionmaking should be identified.

Issued: March 31, 1983.

Robert H. McManus,

Associate Administrator for Grants Management.

[FR Doc. 83-9128 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-57-M

VETERANS ADMINISTRATION

Advisory Committee on Structural Safety of Veterans Administration Facilities; Meeting

The Veterans Administration gives notice under Public Law 92-463 that a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities will be held in Room 442, of the Lafayette Building, 811 Vermont Avenue, NW, Washington, DC on April 29, 1983, at 10 a.m. The committee members will review Veterans Administration construction standards and criteria relating to fire, earthquake and other disaster resistant construction.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Richard D. McConnell, Director, Civil Engineering Service, Office of Construction, Veterans Administration Central Office (phone 202-389-2864) prior to April 22, 1983.

Dated: March 24, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-9053 Filed 4-6-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 68
Thursday, April 7, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

TIME AND DATE: 9:30 a.m., April 7, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. New filing fee for exemptions from the merger approval requirement under section 408. (OGC, OC, BDA)
3. H.R. 67—A bill to prohibit government acquisition officers from accepting compensation from contractors for 2 years after leaving government employment. (OGC, OASO, OC)
4. Proposal to prohibit some foreign airlines from advertising and selling charter flights before they receive approval to perform those flights. (OGC, BIA)
5. Docket 40987, *Taino International Airways, Inc., Fitness Investigation.* (Memo 1779; OGC)
6. Docket 41163, *Newark-London Backup Case,* Opinion and Order; (Memo 1625–D, OGC)
7. Docket 39897, *Tiger International-Seaboard World Airlines, Inc., Acquisition Case, Petition of International Association of Machinists (IAM)* to compel arbitration of LPP dispute. (Memo 1766, OGC)
8. Employee Protection Program; Applications on Behalf of Employees of various carriers for determinations of qualifying dislocation: Docket 38885, Aeroamerica; Docket 38418, Airlift International; Docket 40201, Air New England; Docket 38570, American Airlines; Docket 38978, Braniff International Airways; Docket 38720, Continental Airlines; Docket 39700, Delta Air Lines Docket 38586, Eastern Air Lines; Docket 39783, Mackey International Airlines; Docket 34562, Overseas National Airways; Docket 38863, Pan American World Airways; Docket 38184, Trans World Air Lines; and Docket 38571, United Airlines. (Memo 501–F, BDA, OGC, OEA)
9. Dockets 40712, 40718, 40754, 40755, Agreements Among Members of the Air Traffic Conference of America amending the Scheduled Airlines Traffic Office (SATO) Agreement, CAB 19994, ATC Resolution 5.53; Agreements CAB 19994, 11574 (ATC Resolution 5.54), and 20010 (Resolution 5.58). (SATO Agreements Show-Cause Proceeding). (Memo 1775, BDA, OGC)
10. Commuter carrier fitness determination of Michigan Airways, Inc. (Memo 1770, BDA)
11. Dockets EAS–565 and 37501, Request of Hazleton, Pennsylvania, for review of the essential air service determination established by Order 81–8–34. (Memo 612–J, BDA, OCCCA)
12. Docket 39843, Notice of Hawaiian Airlines to suspend service at Kamuela, Hawaii. (Memo 855–C, BDA, OCCCA)
13. Docket 39162, Notice of intent of Republic Airlines to suspend service at Beloit/Janesville, Wisconsin. (Memo 326–E, BDA, OCCCA)
14. Docket 41328, Application of Britt Airways, Inc., for compensation for losses at Sterling/Rock Falls, Illinois and motion to withhold information from public disclosure. (Memo 1776, BDA, OCCCA, BCAA, OC)
15. Docket 38623, Agreement CAB 28972 R–1 through R–9, IATA agreement proposing minor revisions to the current Europe-South West Pacific passenger fare structure. (Memo 1772, BIA)
16. Docket 35634, Agreement CAB 28962 R–1 through R–4, Agreement CAB 28964, IATA agreements proposing minor cargo rate revisions to/from South East Asia and Zaire. (Memo 1773, BIA)
17. Docket 38623, Agreement CAB 28942, Agreement CAB 28959, IATA agreements proposing various minor passenger fare revisions. (Memo 1767, BIA)
18. Dockets 40185 and 40186, Joint Motion of Air Florida and Lineas Aereas Costarricenses, S.A. to dismiss their applications for prior approval of agreements and interlocking relationship pursuant to sections 408, 409, and 412 and for antitrust immunity pursuant to section 414, and to vacate Order 81–12–135. (Memo 965–D, BIA, OGC, BDA)
19. Dockets 41246 and 41247, Applications of Pan American World Airways, Inc. for amendment of its certificate of public convenience and necessity for Route 132 to serve Milan, Italy, and Switzerland, and for an exemption to serve NY-Milan, Italy and NY-Zurich, Switzerland. (BIA, OGC)
20. Dockets 41104 and 41161, Applications of Pan American World Airways, Inc., Eastern Air Lines, Inc. for certificates of public convenience and necessity pursuant to section 401 of the Federal Aviation Act of 1958, as amended. (Memo 1782, BIA, OGC, BALJ)
21. Docket 41222, Application of United Air Carriers, Inc. d/b/a Overseas National Airways under section 401 of the Federal Aviation Act of 1958, as amended, for issuance or amendment of a certificate of public convenience and necessity (United States-Lebanon-Qatar). (BIA, OGC, BALJ)
22. Docket 41290, Application of Arkia Israeli Airlines, Ltd., for a disclaimer of jurisdiction or exemption (Israel-Europe). (BIA, OGC)
23. Docket 40500, Petition of Conner Air Lines for review of staff actions granting Seagreen Air Transport Fifth Freedom charter authorizations. (Memo 1495–A, BIA, OBC)
24. Report on the United Kingdom. (BIA)

STATUS: 1–23 open, 24 closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–476–83 Filed 4–5–83; 9:27 am]

BILLING CODE 6320-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, April 4, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Issac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendation regarding the Corporation's assistance agreement involving an insured bank pursuant to section 13(c) of the Federal Deposit Insurance Act.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,658–NR—United States National Bank, San Diego, California

Case No. 45,667–L (Amended)—Newport Harbour National Bank, Newport Beach, California

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: April 4, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-477-83 Filed 4-5-83; 12:09 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, April 4, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidation, or liquidating agent of those assets:

Case No. 45,665-L (Amended)—American City Bank, Los Angeles, California

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(4),(c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(9)(B), and (c)(10)).

Dated: April 4, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-478-83 Filed 4-5-83; 12:09 pm]

BILLING CODE 6714-01-M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, April 12, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Personnel. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, April 14, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Draft AO 1983-7: Ann Lang Irvine, Consultant, on behalf of C. Thomas McMillen
Request for citizens for Larouche for stay of final repayment determination for pending appeal
Final repayment determination and statement of reasons for the Kennedy for President Committee
Addendum to the final audit report—Kennedy for President Committee
Finance Committee report
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Telephone: 202-523-4065.

[S-481-83 Filed 4-5-83; 12:26 pm]

BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 4B, Page No. None at this time. Date Published: None at this time.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled Wednesday, April 6, 1983 at 10 a.m.:

Amortization Methods for Loan Premiums and Deferred Income; State Concurrence in Use of Deferral Accounting
Charters and Bylaws Available to Federal Associations and Savings Banks

[No. 31, April 5, 1983]

[S-480-83 Filed 4-5-83; 12:26 pm]

BILLING CODE 6720-01-M

6

FEDERAL RESERVE SYSTEM
(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, April 13, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of computers within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: April 5, 1983.

James McAfee,

Associate Secretary of the Board.

[S-483-83 Filed 4-5-83; 3:40 pm]

BILLING CODE 6210-01-M

7

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, purusant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of April 11, 1983, at 450 5th Street, N.W., Washington, D.C.

Closed meetings will be held on Tuesday, April 12, 1983, at 10 a.m. and on Thursday, April 14, 1983 following the 2:30 p.m. open meeting. Open meetings will be held on Thursday, April 14, 1983, at 10 a.m. and 2:30 p.m. in Room 1C30.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the close meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Longstreth and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 12, 1983, at 10 a.m., will be:

Settlement of administrative proceeding of an enforcement nature
Litigation matter
Settlement of injunctive action
Institution of injunctive actions

The subject matter of the closed meeting scheduled for Thursday, April 14, 1983 following the 2:30 p.m. open meeting, will be:

Post oral argument discussion

The subject matter of the open meeting scheduled for Thursday, April 14, 1983, at 10 a.m., will be:

1. Consideration of whether to issue a proposed release that would discuss the processing of tender offers and related secondary market transactions within the national clearance and settlement system, and that would publish for comment proposed Rule 17Ad–14 requiring registered transfer agents, when acting as tender agents for bidders, to establish with all qualified securities depositories holding the subject company's stock, specially designated accounts for purposes of receiving by book-entry the delivery of tendered securities by depository participants. For further information, please contact Thomas V. Sjoblom at (202) 272–7345.

2. Consideration of whether to propose for public comment certain amendments to Securities Exchange Act Rule 15c2–11, which regulates the publication and submission of over-the-counter quotations by brokers and dealers. The Commission will also consider whether to solicit comment on whether there is a continuing need for some or all of the Rule's provisions. For further information, please contact Kenneth B. Orenback at (202) 272–7391.

3. Consideration of whether to issue a rule proposal to prohibit the capitalization of internal costs of developing computer software for sale or lease to others by registrants that have not previously disclosed the adoption of such a practice. The proposed rules would also require registrants that have previously disclosed the adoption of such a practice to disclose the effect on net income of not expensing all such costs as incurred. For further information, please contact Robert K. Herdman at (202) 272–2130.

The subject matter of the open meeting scheduled for Thursday, April 14, 1983, at 2:30 p.m., will be:

Oral argument on an appeal by Raphael David Bloom from the initial decision of an administrative law judge. For further information, please contact Herbert V. Efron at (202) 272–7400.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

April 4, 1983.

[S–479–83 Filed 4–5–83; 12:09 pm]

BILLING CODE 8010–01–M

8

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 12198, March 23, 1983.

STATUS: Open meeting/closed.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, March 18, 1983.

CHANGES IN THE MEETING: Delete item/additional meeting. The following item was not considered at an open meeting scheduled for Thursday, March 31, 1983, at 10 a.m.

Consideration of whether to issue a notice on an application filed by ML Venture Partners I, L.P. ("Partnership"), a limited partnership registered with the Commission as a business development company, and Merrill Lynch Venture Capital Co., L.P. ("Managing General Partner"), a registered investment adviser which serves as managing general partner of the Partnership, requesting an order pursuant to Section 206A of the Investment Advisers Act of 1940 exempting them from the provisions of Section 205(1) thereof to permit the Managing General Partner to receive, under certain circumstances, a performance fee on the basis of unrealized capital gains upon the Partnership's portfolio securities. For further information, please contact Brian Kaplowitz at (202) 272–2028.

The following item was considered at a closed meeting scheduled for Thursday, March 31, 1983, following the 10 a.m. open meeting:

Litigation matter

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Steve Beohm at (202) 272–2467.

April 4, 1983.

[S–475–83 Filed 4–5–83; 9:27 am]

BILLING CODE 8010–01–M

9

SYNTHETIC FUELS CORPORATION

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held on the dates and at the times and places specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1) and Section 4 of the Corporation's Statement of Policy and Public Access to Board meetings. During the meeting, the Board of Directors will consider a resolution to close a portion of the meeting session scheduled for April 13, 1983 pursuant to Article II, Section 4 of the Corporation's By-laws, Section 116(f) of the said Act and Sections 4 and 5 of said Policy.

MATTERS TO BE CONSIDERED:

Wednesday, April 13:

Remarks by Chairman
Approval of Minutes
Report of the President
Operations Report of Executive Vice President
Consideration of Competitive Solicitation Qualification Proposals for Oil Shale (closed)

Project Strength Reviews (closed)
Consideration of Projects Under Negotiation (closed)

Thursday, April 14:

Remarks by Chairman
Meeting With Advisory Committee to the Board of Directors
Amendment of System of Organization and By-laws to Establish New Officer Position and Redefine Officer Responsibility for Matters Involving External Relations
Officer Appointment and Compensation
Consideration of Standard Terms and Conditions for Competitive Solicitation for Oil Shale Projects

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

DATE AND TIME: April 13, 1983 at 9 a.m. (e.s.t.).

PLACE: Room 503, 2121 K Street NW., Washington, D.C. 20586.

DATE AND TIME: April 14, 1983 at 9 a.m. (e.s.t.).

PLACE: The Four Seasons Hotel, 2800 Pennsylvania Avenue NW., Washington, D.C.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel (202) 822–6336.

April 5, 1983.

United States Synthetic Fuels Corporation.

Jimmie R. Bowden,

Executive Vice President.

[S–482–83 Filed 4–7–83; 3:39 pm]

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S.J. Res. 64/Pub. L. 98–15 To commemorate the two hundredth anniversary of the signing of the treaty of Amity and Commerce between Sweden and the United States. (Apr. 4, 1983; 97 Stat. 56) Price: $1.75.

H.J. Res. 175/Pub. L. 98–16 To authorize and request the President to proclaim May 1983 as "National Amateur Baseball Month". (Apr. 4, 1983; 97 Stat. 57) Price: $1.75.

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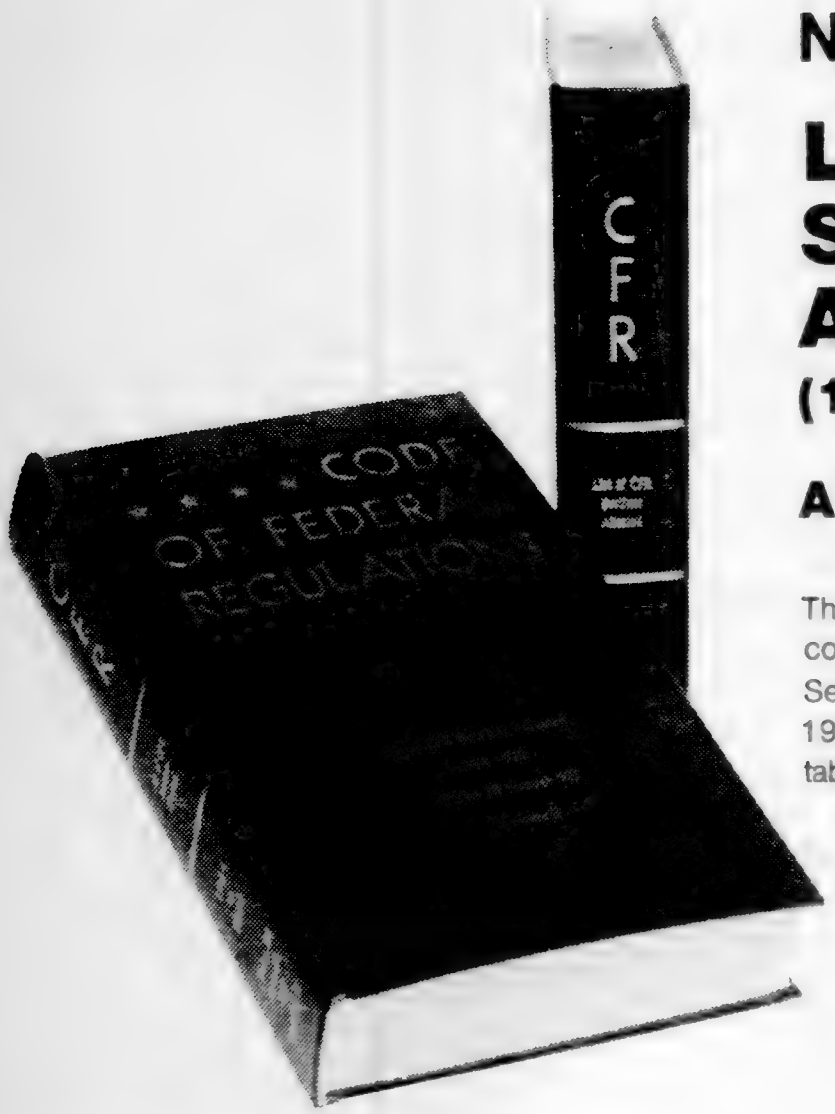

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Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 5042 of April 6, 1983

Mother's Day, 1983

By the President of the United States of America

A Proclamation

Traditionally, this Nation honors its mothers by designating the second Sunday in May as Mother's Day.

To our mothers we owe our highest esteem, for it is from their gift of life that the flow of events begins that shapes our destiny. A mother's love, nurturing, and beliefs are among the strongest influences molding the development and character of our youngsters. As Henry Ward Beecher wrote, "What a mother sings to the cradle goes all the way down to the coffin."

Motherhood is both a great responsibility and one of the most rewarding and pleasurable experiences life has to offer. Mother's Day presents a special opportunity to appreciate our mothers—to consider all they have done, and all they continue to do, in fostering children's physical and emotional growth, nursing illness, encouraging success, easing failure, maintaining family life, supporting their spouses, contributing vitally to the economy through their accomplishments at work, and serving their communities. The quality and scope of their activities, as well as their overriding concern for the well-being of their families and our country, inspires and strengthens us as individuals and as a Nation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby request that Sunday, May 8, 1983, be observed as Mother's Day. I direct Government officials to display the flag of the United States on all Federal Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-9462
Filed 4-7-83; 11:34 am]
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Rules and Regulations

Federal Register
Vol. 48, No. 69
Friday, April 8, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 60

Market News Reports; Establishment of Fees and Charges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service issued a notice of proposed rulemaking on September 27, 1982, in the **Federal Register** (47 FR 42365) to amend the interim final rule originally published on July 8, 1982, at 47 FR 29643–29645, which established the collection of fees for the distribution upon request of copies of market news publications to the general public. The Department proposed to require all media, whether trade publication or general news media, to pay for mailed publications thereby eliminating the exemption for news media presently contained in the interim final rule. The period for public comment having passed with no responses filed, the Agricultural Marketing Service now issues a final rule adopting the interim final rule and proposed amendments.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Dairy reports: Silvio Capponi, Chief, Market Information Branch, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7461. Fruits and vegetable reports: Clay J. Ritter, Chief, Market News Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2745. Livestock and grain reports: James A. Ray, Chief, Market News Branch, Livestock, Meat, Grain, and Seed Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6231. Poultry reports: Raymond S. Wruk, Chief, Market News Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6911.

SUPPLEMENTARY INFORMATION: Notice was given (47 FR 29634–29645, July 8, 1982) that the Department was implementing, effective August 1, 1982, as an interim final rule, regulations providing for the collection of fees for the printing and mailing of market news reports distributed by the Department under the Agriculture and Food Act of 1981 (7 U.S.C. 2242a). Such fees and charges were set at a level which would cover as nearly as practicable the costs of printing, postage and handling of market news reports requested by the general public except news media and certain government agencies who cooperated in collection of data. The Department then issued a proposal to amend the interim final rule to require all news media, whether trade publications or general news media, to pay for market news reports delivered by mail. This proposal was published September 27, 1982, at 47 FR 42366. No comments were received to the proposed rule and the Department is herein promulgating 7 CFR Part 60 which incorporates the interim final rule and the proposed rule.

The Agriculture and Food Act of 1981 establishes authority for the Department to promulgate regulations to establish and collect fees and charges to cover the Department's cost for the printing, handling, and mailing of market news publications reporting economic research and statistical data.

The Department's decision to collect fees for market news reports is consistent with the Department's goal of reducing its cost of distributing publications. A limited distribution list will be established with other bureaus within USDA for copies of publications under the principle of data exchange to complement the various responsibilities of those organizations. In the interim final rule, the Department provided that no fee would be charged for the distribution of market news reports to wire services, newspapers, news magazines, and broadcast news outlets. The interim final rule did provide for the payment of fees by trade journals and trade association publications aimed at organizational memberships for the reason that the Department had determined that it would not be appropriate to provide publications free of charge to these numerous organizations which service limited audiences. However, based upon written comments received from trade associations and trade publications covering a wide variety of agricultural commodities, the Department acknowledged that many publications in direct competition with each other for subscribers could not be easily categorized as news media or trade publications. Therefore, it was proposed that the interim final rule be amended to eliminate the exemption for the news media with the Department continuing to provide current information by wire services and automatic telephone answering devices.

Fees for the publications will vary according to the number of pages, frequency of issues, number of subscribers, cost of equipment, personnel, and other factors affecting printing and distribution. With the expected fluctuating costs of printing, handling, and postage, it has been determined that it would be inappropriate for the fees to be specified in the regulations where any changes would require time-consuming and expensive rulemaking procedures. Therefore, the fees will be computed and revised when necessary to assure recovery of the Departmental costs. Based on estimates of current costs and activity level, fees during the initial subscription period will be charged according to the following schedules:

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[In dollars]

Frequency	Mailed			Picked up in office [1]	
	United States, Canada, Mexico (Annual)	Other countries		Annual rate	Each
		Surface	Air		
Reports issued by the Fruit and Vegetable Division					
Daily	120	160	240	[illegible]	0.25
Semiweekly	[illegible]	126	168	24	.25
Weekly	48	72	96	12	.25
Monthly	12	18	24	4	.25
Annual	[illegible]	[illegible]	[illegible]	2	2.00
Reports issued by the Livestock, Meat, Grain and Seed Division					
Daily	125	125	[illegible]	75	.40
Weekly:					
Single page	30	[illegible]	75	20	.40
Dual page	45	45	85	35	.75
Monthly	12	12	[illegible]	10	.75
Quarterly	5	5	[illegible]	5	1.25
Annual	4	[illegible]	[illegible]	[illegible]	4.00
Reports issued by the Dairy Division					
Weekly	30	30	85	[illegible]	.40
Annual	4	4	6	3	3.00
Reports issued by the Poultry Division					
Weekly	110	110	220	90	.90
Semiweekly	75	75	150	52	.50
Monthly	84	[illegible]	168	75	[illegible].70
Annual	4	[illegible]	[illegible]	4	4.00

1 A single copy of daily, semiweekly, and weekly reports is free of charge when picked up in office.

The final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been determined to be a "non-major" rule because it does not meet any of the criteria established for major rules under the executive order. In conformance with the provision of the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), full consideration has been given to the potential economic impact upon small business. Most producers and dealers fall within the confines of "small business," as defined in the Regulatory Flexibility Act. A number of firms who are expected to use the market news reports do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have an adverse economic impact upon all entities, small and large, and will in no way affect normal competition in the marketplace.

List of Subjects in 7 CFR Part 60

Market news reports, Subscription fees.

Accordingly, a new Part 60 published as an interim rule (47 FR 29643) is adopted as final to read as follows:

PART 60—MARKET NEWS REPORTS

Sec.

60.1 Definitions.
60.3 General.
60.5 Market News Reports published by the Dairy Division; Fruit and Vegetable Division; Livestock, Meat, Grain, and Seed Division; and Poultry Division.

Authority: 7 U.S.C. 1622(g), 7 U.S.C. 2242a.

§60.1 Definitions.

As used in this part:

(a) Market News means marketing information providing historical, current, and outlook information on a wide range of production, supply, demand, price, and other market data to assist in the orderly operation of the United States agricultural economy.

(b) Market News Reports means publications which report statistical and economic research on agricultural marketing.

(c) Department means the United States Department of Agriculture.

(d) Fees refers to charges to recover costs incurred by the Department consisting of printing (including machinery, paper, ink, and miscellaneous supplies), postage and handling (including the accounting supervision) for published reports.

(e) Administrator means the Administrator of the Agricultural Marketing Service, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act for the Administrator.

§60.3 General.

The regulations in this part are issued to implement a subscription fees system for market news reports issued by the Agricultural Marketing Service. All other means of disseminating market news currently in use, such as commercial and public wire services, telephone answering devices, radio, and television will continue without charge to the recipients.

§60.5 Market News Reports published by the Dairy Division; Fruit and Vegetable Division; Livestock, Meat, Grain, and Seed Division; and Poultry Division.

Market news reports under the Act and this part shall be distributed in whatever manner and form and for whatever purpose the Administrator may choose and will be available for distribution as follows:

(a) Market news reports shall be available on an annual subscription (or seasonal subscription for reports issued by the Fruit and Vegetable Division) upon written request and upon payment of a subscription fee, except that no fees will be charged to other government agencies which assist in the collection of market news data for the requested report. Establishment of mailing lists, based on the payment of subscription fees, will begin upon publication of this rule and will be updated on a continuing basis.

(b) Subscription fees shall be reviewed by the Administrator and revised, when necessary, to assure recovering of the Department's costs. Subscription renewal notices will specify the subscription rates. Subscription requests for less than a 12-month period will be prorated but may be subject to an additional handling charge.

(c) Requests involving research of records or reports, file copies, large volumes of reports, or requests which require additional handling, will be assessed fees sufficient to cover the actual cost for the requested service.

(d) Information concerning market news reports and fees may be obtained from the Administrator, Agricultural Marketing Service, USDA, Washington, D.C. 20250.

(e) A single copy of daily, semiweekly, and weekly reports prepared by the local market news office may be picked up free of charge at that office.

Done at Washington, D.C., April 4, 1983.

Vern F. Highley,

Administrator, Agricultural Marketing Service.

[FR Doc. 83–9150 Filed 4–7–83; 8:45 am]

BILLING CODE 3410–02–M

Food and Nutrition Service

7 CFR Parts 272, 274 and 276

[Amendment No. 245]

Food Stamp Program: Mail Issuance Loss Tolerance Levels

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rulemaking.

SUMMARY: This Food Stamp Program rulemaking establishes tolerance limits for mail issuance losses, and procedures for holding State agencies liable for losses that exceed the limits. This rule is based on provisions of the Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97–98), and is designed to control program losses and, thus, to conserve program funding. Interim liability procedures were published on November 9, 1982, and implemented on January 1, 1983. Comments were solicited on the interim procedures. This final action addresses significant issues raised by the commenters.

DATE: This rule is effective retroactively to January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Dan Woodhead, Supervisor, Issuance and Benefit Delivery Section, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302, (703) 756–3425.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed with regard to the requirements of Executive Order 12291 and Secretary's Memorandum 1512–1, and it has been determined that the action is a non-major rule as defined by that Order. It will not result in an annual effect on the economy of $100 million or more because this rule does not mandate any State activities that will significantly increase expenditures. The rule is not likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. State agencies whose mail issuance losses exceed tolerance levels and take no corrective action may experience some increase in program administrative costs, but it is not anticipated that such an increase will be major. Those State agencies that implement corrective action will likely experience a modest increase in costs by using more secure mail issuance systems or alternative issuance systems. Because the rule will not affect the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United Stated-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This action has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). Robert E. Leard, Acting Administrator, Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. Requirements are not placed on small businesses or small organizations. Some requirements are placed on State agencies. However, the requirements do not have significant economic impact on local governments.

Paperwork Reduction Act

The new requirement to report the value and number of returned issuances is subject to OMB approval, and is not effective until OMB approval has been obtained. All other reporting and recordkeeping requirements contained in this action have been approved by OMB and have been assigned OMB numbers 0584–0009 and 0584–0015.

Effective Date

The November 9, 1982 interim mail issuance tolerance procedures took effect at the beginning of the fiscal quarter which began on January 1, 1983. Because this action significantly changes interim procedures for that fiscal quarter, this final rule must be effective retroactively to January 1, 1983. For this reason, Robert E. Leard, the Acting Administrator, Food and Nutrition Service, has determined, pursuant to 5 U.S.C. 553 that good cause exists for making the rulemaking effective less than 30 days after publication.

Background

In the past, FNS has assumed full financial liability for coupons lost in the mail in mail issuance systems. Although mail issuances have been small in most areas using this system, some State agencies have not used adequate control measures to reduce losses. Apportioning the liability for losses between FNS and State agencies would be a strong incentive for States to implement better control measures. The Administration therefore sought legislative authority to permit sharing of liability between FNS and State agencies.

The Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97–98) in section 1312, make State agencies liable for mail issuance losses to the extent prescribed by the Secretary. This provides the basis for implementing regulations which set mail issuance loss tolerance limits.

Comment Analysis

The November 9, 1982 interim rule transfers liability to State agencies for certain mail issuance losses. Comments on the interim procedures were solicited from interested parties through December 9, 1982. The Department received 55 comment letters on the interim rule from State welfare agencies, public interest groups and other groups or individuals. This final action addresses significant issues raised by these commenters.

Setting the Tolerance Level

The interim rule makes State agencies liable, effective January 1, 1983, for the value of mail issuance losses which exceed 0.5 percent of the dollar value of project areas' total quarterly mail issuances in areas with $300,000 or more of mail issuance in a quarter. Areas with less than $300,000 of mail issuances in a quarter are subject to a dollar tolerance of $1,500 per quarter for mail issuance losses.

Nearly every commenter opposed the 0.5 percent tolerance level, stating that it was unrealistic to expect areas within a State which have loss rates over or at the national average loss rate of 0.86 percent to accomplish such a significant reduction in their loss rate within the time provided by the interim rule.

Suggestions by commenters for resolving this issue included raising the tolerance level to 0.75 percent or 0.86 percent, or to assess liability based on Statewide loss rates rather than project area loss rates.

These same commenters also objected to placing the rules in effect on January 1, 1983. They argued that more time should be provided for State agencies to initiate corrective action to reduce their loss rates and avoid sanctions. Some commenters recommended that implementation of the rule be delayed until April 1, 1983.

The Department has decided to delay application of the 0.5 percent tolerance level for areas with $300,000 or more of quarterly mail issuances until the first quarter of fiscal year 1984. Meanwhile, the Department requires that a tolerance level of 0.75 percent be met for the last three quarters of fiscal year 1983. An

0.75 percent tolerance level was chosen because preliminary reports for fiscal year 1983 indicate that the national average mail issuance loss rate is dropping and may drop from 0.86 percent to 0.75 by the end of the fiscal year. We are also making the conforming change to the dollar tolerance level for areas with less than $300,000 of mail issuance in a quarter, from $1500 (0.5 percent of $300,000) to $2250 (0.75 percent of $300,000) for the remainder of fiscal year 1983.

Additionally, the Department has decided to allow an additional quarter for individual areas within a State to reduce their loss rates before sanctions are imposed, provided the Statewide loss rate is under the tolerance level. This final rule provides that in States in which the Statewide loss rate, for the fiscal quarter which began January 1, 1983 is under the 0.75 percent tolerance level, but some individual mail issuance reporting areas within the State are over tolerance, the State agency will have until the end of the third fiscal quarter of 1983 (April, May, June 1983) to bring those individual areas into compliance with the 0.75 percent tolerance. For these reporting units, FNS will assess liabilities beginning with the following quarter and each quarter thereafter for losses which exceed the tolerance levels.

The Department is confident that the combination of raising the tolerance level for fiscal year 1983, and allowing a grace period before sanctions are imposed in areas above tolerance when the Statewide loss rate is under tolerance, sufficiently responds to the concerns of a majority of the commenters while retaining the Department's efforts to improve program operations in the area of mail issuance, and to control program costs.

Low Volume Mail Issuance Areas

The interim rule provides that in areas where the total mail issuances are less than $300,000 per quarter, an actual dollar loss tolerance of $1,500 per quarter is imposed. Areas with issuances of $300,000 or more per quarter are subject to the percentage tolerance when assessing liability for mail issuance losses.

A few commenters objected to $300,000 as the breaking point for switching from a dollar tolerance to a percentage tolerance level. Others objected to the $1,500 as the quarterly dollar tolerance level. Commenters expressed concern that the levels do not take into account urban/rural differences. Alternative dollar levels suggested by commenters included: $200,000 or $500,000 as the breaking point level and $2,000, $2,500, or $3,000 as the quarterly loss tolerance level.

The Department is not changing either aspect of the level. The Department was not concerned with geographical alignment of an area in setting the two levels. Our concern was with the volume of issuances. Under a percentage tolerance, an area with a low volume of issuance which lost a single allotment could be faced with a large liability. The Department believes the $300,000 and $1,500 levels are a reasonable attempt to avoid such situation in a majority of the cases. Therefore, the $300,000 level is adopted by this final rule unchanged. The $1,500 (which represents 0.5 percent of $300,000) is adopted for fiscal year 1984 as explained earlier in this preamble.

Several commenters recommended that an inflation factor be built into the $300,000 and $1,500 levels to account for higher dollar totals of mail issuances when allotments are raised due to annual cost-of-living adjustments. The Department does not foresee this as a significant problem at this time. The next cost-of-living adjustment is not due to occur (under current law) until October 1, 1983, at which time all areas are required to be in compliance with the tolerance limits. Therefore, cost-of-living adjustments would not have an impact on liabilities unless State agencies fail to meet and continue to stay within the tolerance. We will keep a close watch on cost-of-living adjustments and their effect of mail issuance liability. If such adjustments pose serious problems, we will reexamine this issue.

Issuance Loss Reporting

The interim rule provides that FNS will assess liability for mail issuance losses based on reports submitted from reporting units at a level below that of the State agency.

The majority of comments received on this provision of the interim rule requested that losses be based on Statewide reports of mail losses. The final rule adopts unchanged the requirement that liabilities for mail issuance losses be based on losses reported at a level below that of the State agency.

As pointed out in the preamble to the interim rule, establishment of a mail issuance loss tolerance system is not only intended to hold State agencies liable for a portion of high issuance losses, but also to improve program operations by identifying areas where mail issuance is inappropriate, where it should be restricted to certain participant groups, or where alternative issuance systems should be considered. It is difficult to identify such areas when mail issuance data is reported on a Statewide basis.

One commenter suggested that State agencies note on Form FNS–259 (Mail Issuance Report) those nondelivered coupons for which replacements were not made. While State agencies are currently required to maintain records on the value and number of nondelivered coupons which have been returned to the State agency, they are not required to specifically note such information on the FNS–259 report form. The Department believes that it would enhance the accuracy of mail issuance reporting to identify nondelivered coupons for which replacements have or have not been made on the FNS–259 report form. The Department will make provision for the reporting of such information on the revised form FNS–259 being developed to facilitate automation of the mail issuance reporting and sanctioning requirements of this rule.

One commenter suggested that a definition of "mail loss" be incorporated in the rule. The Department has adopted this suggestion. The rule defines "mail loss" as "all replacements of mail issuances except for replacements of returned mail issuances." To alleviate any confusion, the final rule also defines "mail issuance" as all original coupon issuances distributed through the mail.

The remainder of the comments received on this area of the interim rule recommended various other changes to the FNS–259 report form and/or the accompanying instructions for completion of the form. FNS will examine the changes recommended for feasibility and necessity. As specified in the interim rule, FNS reserves the right to make all final determinations on the reporting requirements for mail issuance losses. Any revisions to the reporting requirements will be communicated to the State agencies.

Assessing Liability Amount and Billing

The interim rule provides that FNS will determine State agency liability for mail losses over the tolerance on a quarterly basis and that the State agency will be billed for liabilities semiannually.

The Department received only one comment on the issue of quarterly reporting. That commenter requested that a monthly report be submitted for assessment purposes, stating that too much time elapses between reporting losses and deducting the loss. The Department does not want to increase the reporting burden of State agencies any more than is absolutely necessary.

The Department believes that assessing liability on a quarterly basis is sufficient for the purpose of the rule and is retaining the use of quarterly assessment and reporting in this final rule.

The preamble of the interim rule specified that billing to State agencies would be on a semiannual basis. The Department received only two comments on this issue. The commenters favor semiannual billing. However, one commenter had thought the billing would be quarterly. To avoid confusion, the final rule incorporates the semiannual billing requirement into the regulations.

Grace Period for Areas Newly Implementing Mail Issuance Systems

The interim rule provides that those areas newly implementing a mail issuance system will be subject to a tolerance level of 1 percent for high-volume areas, or $3,000 for low-volume areas, for the first quarter during which the system is implemented. The Department specifically solicited comments on this provision.

The Department received only a few comments on this provision of the interim rule. The majority of those commenting recommended that the provision be eliminated. Commenters contended, and the Department agrees, that areas wishing to implement a mail issuance system should thoroughly analyze the system they intend to operate and ensure that it will work properly before implementing its use. The final rule eliminates the grace period for areas newly implementing a mail issuance system.

Other

Several comments recommended that State agencies not be held accountable for mail issuance losses directly related to Postal Service operations. The Department will carefully examine Postal Service responsibilities in this regard and reexamine this issue in light of our findings to determine if regulatory changes are needed.

Several commenters expressed concern that State agencies may choose to abandon mail issuance rather than face a possible sanction. Several other commenters suggested that the tolerance levels should be established in relation to cost-effectiveness ratios of the various options for food stamp issuance systems. It is not the intent of the mail issuance tolerance rules to force State agencies to abandon mail issuance where it is truly practicable and cost-effective to use. The Department believes that it is not sound program management, nor is it truly cost effective and practicable, to condone the use of mail issuance in areas that run a high risk of loss simply because mail issuance is less costly and more convenient than other issuance systems to operate. In fact, it may be more cost effective in the long run for such State agencies to switch to another type of issuance system, even though more costly to operate, as any decrease in the value of coupons lost will result in a savings at both the Federal and State level.

Cost effectiveness cannot be measured by simply comparing mail issuance losses against increased transaction costs of issuing coupons under a different issuance system. Several commenters offered such an analysis in their letters. A true cost benefit analysis must cost-out all fees and other operational costs of one system (including cost associated with reconciliation, replacements, etc.), plus losses compared to all fees and operational costs of mail issuance, plus losses. Because of the significantly higher operational costs in systems other than mail issuance systems, losses would have to be extremely high under mail issuance to warrant a State agency switching to an alternative issuance system. In most of these cases, the implementation of corrective action will reduce mail losses thereby leaving mail issuance as the more attractive system. Where corrective action cannot be used to reduce the significantly high mail losses, a switch to an alternative system is appropriate.

Note.—Paragraph (b)(2)(v) of 7 CFR 276.2 which was added to regulations in accordance with the November 9, 1982 interim rule is adopted as final unchanged in the form originally set forth in the interim rule. However, the paragraph is set out below along with paragraphs that are being amended or revised by this final action for the convenience of the reader.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Records, Reporting and recordkeeping requirements.

7 CFR Part 274

Administrative practice and procedure, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 276

Administrative practice and procedure, Food stamps, Fraud, Grant programs—social programs, Penalties.

Therefore, 7 CFR Parts 272, 274 and 276 are amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, paragraph (g)(49) is revised to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(49) *Amendment No. 245.* The mail issuance loss rates of 0.75 percent and $2,250 are effective January 1, 1983. The mail issuance loss rate of 0.5 percent and $1,500 are effective October 1, 1983. For the second quarter of fiscal year 1983 only, FNS will look at Statewide loss rates and the loss rates of individual reporting units within the State. Where the loss rate for individual reporting units within the State is over the tolerance in that quarter and the Statewide loss rate is also over tolerance, FNS will assess liability for losses exceeding the tolerance reported for the second quarter of 1983. Where the loss rate for individual reporting units within a State are over tolerance for the second quarter, but the Statewide loss rate is under tolerance, State agencies shall have one additional quarter (the third Fiscal Year 1983 quarter) to bring such individual reporting units' loss rates into compliance with the tolerance levels. Thus for these reporting units, FNS will assess liability beginning with the fourth quarter of fiscal year 1983 and each quarter thereafter for losses which exceed the tolerance levels, regardless of Statewide loss rate. FNS will bill State agencies for losses on a semiannual basis.

* * * * *

PART 274—ISSUANCE AND USE OF FOOD COUPONS

2. In § 274.3, paragraph (c)(4) is revised in its entirety to read as follows:

§ 274.3 Issuance of coupons through the mail.

* * * * *

(c) *Coupons lost in the mail prior to receipt.* * * *

(4) FNS will assume financial liability for coupons lost in the mail except as follows:

(i) In mail issuance reporting areas with $300,000 or more of mail issuance in a quarter, the State agency shall be strictly liable to FNS for the value of all mail issuance losses in excess of 0.75 percent during the 2nd, 3rd, and 4th quarters of fiscal year 1983, and in excess of 0.5 percent per quarter thereafter, of the dollar value of each reporting unit's quarterly mail issuance.

(ii) In mail issuance reporting areas with less than $300,000 of mail issuance in a quarter, the State agency shall be strictly liable to FNS for the value of all mail issuance losses in excess of $2,250 per quarter during the 2nd, 3rd and 4th quarters of fiscal year 1983 and $1,500 per quarter thereafter.

(iii) For the purpose of this section, "mail issuance" means all original coupon issuances distributed through the mail. "Mail loss" means all replacements of mail issuances except for replacements of returned mail issuances.

(iv) The liability shall be computed using data from form FNS–259, *Mail Issuance Loss Report*, or other reporting document agreed to by FNS and the State agency, which is submitted for the quarter for the particular administrative division below the State agency level agreed to by FNS and the State agency as the reporting unit.

(v) Where the State agency reports mail issuance loss data on Statewide losses only, the State agency shall work in consultation with FNS to identify a particular administrative division below that of the State agency that will permit reporting and computation of mail issuance losses and liability assessment. FNS reserves the right to make the final determination on reporting requirements and on administrative divisions within the State for the purpose of determining and assessing liability for mail issuance losses. FNS also reserves the right to revise such determinations as necessary. Revisions will be communicated to State agencies by FNS. Liability assessment will be based on the revised reporting requirements for the next full fiscal quarter.

* * * * *

PART 276—STATE AGENCY LIABILITIES AND FEDERAL SANCTIONS

3. In § 276.2 paragraph (b)(2)(v) is revised to read as follows:

§ 276.2 State agency liabilities.

* * * * *

(b) *Coupon shortages, losses, unauthorized issuance and overissuances.* * * *

(2) * * *

(v) Mail issuance losses that exceed either of the appropriate tolerance levels set forth in § 274.3(c)(4) if applicable.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Programs No. 10. 551, Food Stamps).

Dated: March 31, 1983.

John H. Stokes III,

Acting Administrator.

[FR Doc. 83–9012 Filed 4–7–83; 8:45 am]

BILLING CODE 3410–30–M

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7 CFR Part 295

Availability of Information and Records to the Public

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This action updates the Food and Nutrition Service, Freedom of Information access procedures contained in 7 CFR Part 295 as required by the Freedom of Information Act and 7 CFR 1.4. The revised information mainly reflects changes in office addresses and locations.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph M. Scordato, Freedom of Information Officer, Administrative Services Division, Food and Nutrition Service, USDA, Alexandria, Va. 22302 (703–756–3234).

SUPPLEMENTARY INFORMATION: The Food and Nutrition Service has determined that this rule is not a major rule in the context of Executive Order 12291, because it is not likely to result in an annual effect on the economy of $100 million or more, cause significant increase in costs to consumers or others, or have any other significant adverse effects. This rule will not have a significant economic impact on small entities as defined in the Regulatory Flexibility Act and contains no reporting and recordkeeping requirements subject to review by OMB under the paperwork Reduction Act of 1980.

It is impractical and unnecessary to follow the proposed rule making and public participation procedure of the Administrative Procedure Act since this action only updates locations and addresses.

List of Subjects in 7 CFR Part 295

Freedom of Information.

Accordingly, 7 CFR Part 295 is revised as follows:

PART 295—AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC

Sec.

295.1 General statement.
295.2 Organizational description.
295.3 Informational and educational publications.
295.4 Nutrition education and training status reports.
295.5 Program evaluation status reports.
295.6 Program statistical reports.
295.7 Public inspection and copying.
295.8 Indexes.
295.9 Requests.
295.10 Appeals.

Authority: 5 U.S.C. 301, 552; 7 CFR 1.1–1.16.

§ 295.1 General statement.

This part is issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR 1.1–1.16, and Appendix A, implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations as implemented by the regulations in this part, govern the availability of records of FNS to the public.

§ 295.2 Organizational description.

The description of the central and field organization of FNS is published as a notice in the **Federal Register** and may be revised from time to time in like manner. Such description contains a listing of FNS Washington and field organizational units and their functions.

§ 295.3 Informational and educational publications.

FNS publishes a wide variety of informational and educational periodicals, pamphlets, brochures, leaflets, guides, and educational aids explaining the operation of FNS food assistance programs. For more information concerning FNS publications and how to obtain them, write the Director, Office of Public Information, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

§ 295.4 Nutrition education and training status reports.

Upon completion, FNS prepares summaries containing objectives, methodology, and findings from nutritional training and educational studies, surveys, and projects, awarded through grants, cooperative agreements or contracts with States, nonprofit institutions, universities, and private industry. A limited number of current status reports on completed studies is available for free public distribution. Write the Director, Nutrition and Technical Services Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria VA 22302.

§ 295.5 Program evaluation status reports.

FNS also publishes summaries of objectives and findings of completed studies and projects concerning evaluation of FNS food assistance programs. While supplies last, a copy of the current status report on completed studies may be obtained by writing the

Director, Office of Analysis and Evaluation, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

§ 295.6 Program statistical reports.

Current and historical information on FNS food assistance program size, monetary outlays, geographic distribution, racial and ethnic participation rates, and other data is published throughout the year. Limited supplies are available for public distribution upon request. Write the Director, Management Information Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

§ 295.7 Public inspection and copying.

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying. Such materials maintained by FNS may be inspected and copied during regular office hours (currently 8:30 a.m. to 5 p.m.) at the following FNS, Alexandria, VA offices.

(a) Child Care and Summer Program records-Director, Child Care and Summer Programs Division, Room 413, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Va. 22302.

(b) School Program records-Director, School Programs Division, Room 512, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Va. 22302.

(c) Food Distribution Program records-Director, Food Distribution Division, Room 502, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Va. 22302.

(d) Food Stamp Program records-Director, Program Planning, Development, and Support Division, Room 711, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Va. 22302.

(e) Supplemental Food Program records-Director, Supplemental Food Programs Division, Room 407, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Va. 22302.

§ 295.8 Indexes.

5 U.S.C. 552(a)(2) also requires an index of the materials required to be made available for public inspection and copying, be published quarterly, Copies of this Index for FNS materials will be maintained for public inspection and copying during regular office hours in FNS Library, Room 1002, 3101 Parker Center Drive, Alexandria, Va. 22302. Free copies of the current index may be obtained by writing or visiting the following FNS offices.

(a) Records Management Officer, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Va. 22302.

(b) Director, Financial Management, Food and Nutrition Service, USDA, Mercer Corporate Park, CN 02150 Trenton, NJ 08650.

(c) Director, Financial Management, Food and Nutrition Service, USDA, 1100, Spring St., NW, Atlanta, GA 30367.

(d) Director, Financial Management, Food and Nutrition Service, USDA, 50 E. Washington Street, Chicago, Illinois 60602.

(e) Director, Financial Management, Food and Nutrition Service, USDA, 1100 Commerce St., Dallas, Texas 75242.

(f) Director, Financial Management, Food and Nutrition Service, USDA, 550 Kearney St., San Francisco, CA 94108.

(g) Director, Financial Management, Food and Nutrition Service, USDA, 33 North Avenue, Burlington, MA 01803.

(h) Director, Financial Management, Food and Nutrition Service, USDA, 2420 W. 26th Ave., Denver, CO 80211.

§ 295.9 Requests.

Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with USDA Administrative Regulations 7 CFR 1.3(a) and addressed to the appropriate FNS official listed below:

(a) Child Care and Summer Program records—Director, Child Care and Summer Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

(b) School Program records—Director, School Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

(c) Food Distribution Program records—Director, Food Distribution Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA. 22302.

(d) Food Stamp Program records—Director, Program Planning, Development, and Support Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

(e) Supplemental Food Program records—Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

If the requester is unable to determine the official to whom his request should be addressed, he should address it to: Freedom of Information Officer, Administrative Services Division, 3101 Park Center Drive, Alexandria, VA 22302, who will refer such requests to the appropriate official. Authority is hereby designated to these officials to make determinations in accordance with USDA Administrative Regulations 7 CFR 1.4(c).

§ 295.10 Appeals.

Any person whose request for records is denied shall have the right to appeal that denial in accordance with USDA Administrative Regulations 7 CFR 1.3(e). All appeals shall be addressed to: Administrator, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302.

Dated: March 31, 1983.

John H. Stokes III,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 83-9085 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-30-M

Federal Crop Insurance Corporation

7 CFR Ch. IV

Crop Insurance Regulations; Extension of Sales Closing Dates

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing dates.

SUMMARY: Under the authority contained in the Federal Crop Insurance Act, as amended, the Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the closing date for accepting applications of crop insurance on those crops with March 31 and April 15 closing dates, effective for the 1983 crop year only. This action is necessary because of the delay in processing applications for the Individual Yield Coverage program and is caused by the workload created by the Payment-in-Kind (PIK) program. The intended effect of this notice is to advise all interested parties of the extension of sales closing dates and to comply with the provisions of the crop insurance regulations with respect to the authority of the Manager, FCIC, to extend closing dates.

EFFECTIVE DATE: April 8, 1983, through close of business on April 15, 1983 (for accepting applications for all areas with a March 31 closing date) and April 8, 1983, through close of business on April 30, 1983 (for accepting applications for all areas with an April 15 closing date).

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: Under the provisions of regulations contained in 7 CFR Part 400 *et seq.*, the closing

date for accepting applications for crop insurance for certain crops is March 31 and April 15. Because of a delay in FCIC's ability to process applications for Individual Yield Coverage crop insurance on certain crops created by the workload emcompassed in the Payment-in-Kind (PIK) program, FCIC is extending the sales closing dates for all areas where such sales closing dates are applicable.

Under the authority contained in regulations for insuring crops (7 CFR Part 400 *et seq.),* the closing date for accepting applications may be extended by placing the extended date on file in the service office and by publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result during the period of such extension. If adverse conditions should develop during such period, FCIC will immediately discontinue the acceptance of applications.

Notice

Accordingly, under the authority contained in 7 CFR Part 400 *et seq.*, the Federal Crop Insurance Corporation herewith gives notice that the closing date for accepting applications for all areas with a March 31 or April 15 closing date is hereby extended, effective for the 1983 crop year only, as follows: March 31 closing date extended through close of business on April 15; April 15 closing date extended through close of business on April 30.

Done in Washington, D.C. on March 30, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: March 31, 1983.

Approved by:

Michael A. Bronson,

Acting Manager.

[FR Doc. 83-9035 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 410

[Amdt. No. 1]

Florida Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Florida Citrus Crop Insurance Regulations (7 CFR Part 410), effective for the 1984 and succeeding crop years by: (1) Replacing the present single-crop application with a multi-crop application to reduce the time and administrative requirements; (2) adding fire as an insurable cause of loss; (3) prescribing interest rates to be charged when premium payments are not made within a certain time; (4) requiring the insured to file a notice of loss when the crop is damaged to the extent that a loss is probable, and leave a representative sample of the unharvested crop, and; (5) making minor language corrections to the policy. The intended effect of this amendment is to restore a provision in the regulations regarding losses from fire, improve the debt management practices of FCIC, revise the system of reporting damage to insured crops, and simplifying the application and policy to make them easier to understand.

DATES: Effective Date: April 8, 1983. Comment Date: Written comments, data, and opinions on this interim rule must be submitted by not later than June 7, 1983, to be sure of consideration.

ADDRESS: Written comments on this interim rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3325.

The Impact Statement describing the options considered in developing this interim rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in these regulations (7 CFR Part 410) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981).

Merritt W. Sprague, Manager, FCIC, has determined that: (1) This action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has been determined that this action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). The sunset review date established for these regulations is January 1, 1988.

It has also been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants publication of this rule without providing a period of public comment prior to its publication because the regulations, and any amendments thereto, must be placed on file in the service office not later than 15 days prior to the cancellation date of April 15 in order to be effective for the crop year. There would not be sufficient time to permit a public comment period and comply with the regulations with respect to placing these regulations on file by April 1. Public comment will be solicited for 60 days after publication of this rule in the **Federal Register.** This rule will be scheduled for review so that any amendments made necessary by public comment may be published in the **Federal Register** as quickly as possible.

The public is invited to submit written comments on this interim rule. Any written comments will be available for public inspection in the Office of the Manager Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250 during regular business hours, Monday through Friday.

Lists of Subjects in 7 CFR Part 410

Crop insurance, Florida citrus.

Interim Rule

PART 410—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Florida Citrus Crop Insurance Regulations (7 CFR Part 410), effective for the 1984 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR Part 410 is:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, 77, as amended (7 U.S.C. 1506, 1516)

2. Section 410.7(d) is revised to read as follows:

§ 410.7 The application and policy.

* * * * *

(d) The application for 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37 and 400.38), first published at 48 FR 1023, January 10, 1983, and may be amended from time to time for subsequent crop years. The provisions of the Florida Citrus Insurance Policy for the 1984 and succeeding crop years, are as follows:

Florida Citrus Crop Insurance Policy

(This is a continuous contract. Refer to Section 15)

Agreement to Insure: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of citrus fruit resulting from freeze, hail, fire, hurricane or tornado occurring within the insurance period, unless those causes are excepted, excluded, or limited by the actuarial table or section 9k.

b. We shall not insure against

(1) Any damage to the blossoms or trees; or

(2) Any cause of loss or damage due to:

(a) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(b) The failure to follow recognized good grove management practices; or

(c) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured shall be any of the following insurable citrus types you elect:

Type I—Early and mid-season oranges;

Type II—Late oranges;

Type III—Grapefruit under which freeze damage shall be adjusted on a juice basis for white grapefruit and on a fresh fruit basis for pink and red grapefruit;

Type IV—Navel oranges, tangelos and tangerines;

Type V—Murcott honey orange (also known as Honey tangerines) and temple oranges;

Type VI—Lemons;

Type VII—Grapefruit under which freeze damage shall be adjusted on a fresh basis for all grapefruit;

and located on insured acreage and for which we provide an amount of insurance and premium rate on the actuarial table. "Meyer lemons" and oranges commonly known as "Sour oranges", and "Clementines" shall not be included in any of the insurable types of citrus. When you insure grapefruit, you may elect to insure them as either Type III or Type VII only.

b. The acreage insured for each crop year shall be that citrus located on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured citrus crop at the time insurance attaches.

d. We do not insure any acreage:

(1) On which the citrus fruit can not be expected to mature each crop year in the normal maturity period for the type;

(2) On which the trees have not reached at least the tenth growing season after being set out, unless otherwise provided on the actuarial table; or

(3) Of Robinson tangerines, for any crop year, which you have elected to exclude from insurance prior to April 30 immediately preceding the crop year for which exclusion is to become effective.

e. Upon our approval, you may elect to insure or exclude from insurance for any crop year any insurable acreage which has a potential of less than 100 boxes per acre. If you:

(1) Elect to insure such acreage, we shall increase the potential to 100 boxes per acre when determining the amount of loss;

(2) Elect to exclude such acreage, it shall be disregarded for all purposes related to this contract; or

(3) Do not report or exclude such acreage:

(a) It shall be disregarded if the production is less than 100 boxes per acre; or

(b) If the production from such acreage is 100 or more boxes per acre, we shall determine the percent of damage on all of the insurable acreage for the unit, but shall not allow the percent of damage for the unit to be increased by including such acreage.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

g. We may exclude acreage from insurance or limit the amount of insurance on any acreage which was not insured the previous crop year.

3. Report of acreage, share, and where applicable, practice.

You shall report on our form:

a. All the acreage of insured citrus in the county in which you have a share;

b. The practice; and

c. Your share.

You shall designate separately any acreage that is not insurable or excluded under section 2e. You shall report if you do not have a share in any insured citrus in the county. This report shall be submitted annually on or before May 1. If you do not submit this report by this date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Amounts of insurance.

a. The amounts of insurance shall be contained in the actuarial table.

b. You may change the amount of insurance before the closing date (contained in the actuarial table) for submitting applications for the crop year.

5. Annual premium.

a. The annual premium is earned and payable at the time insurance attaches (See 7a). The amount is computed by multiplying the amount of insurance times the premium rate, times the insured acreage, times your share at the time insurance attaches, times the applicable premium adjustment percentage shown in the following table.

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE [1]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00–.20	100	[illegible]	[illegible]	90	[illegible]	85	80	75	70	70	[illegible]	[illegible]	[illegible]	[illegible]	55	50
.21–.40	100	100	95	95	[illegible]	[illegible]	90	[illegible]	[illegible]	[illegible]	75	75	[illegible]	[illegible]	[illegible]	60
.41–.60	100	100	95	95	95	95	[illegible]	[illegible]	[illegible]	[illegible]	85	85	[illegible]	[illegible]	75	70
.61–.80	100	100	[illegible]	[illegible]	95	[illegible]	[illegible]	[illegible]	90	[illegible]	[illegible]	90	[illegible]	[illegible]	85	80
.81–1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

PERCENTAGE ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE [1]

Loss ratio [2] through previous crop year	Numbers of loss years through previous year [3]: 0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10–1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20–1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40–1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70–1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00–2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50–3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25–3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00–4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00–5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00–Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years." (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the grove operation; or

(3) Your contract if you stop grove operations in one county and start grove operations in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies, unless prohibited by law.

7. Insurance Period.

a. Insurance attaches on insured acreage on May 1 for each crop year except that for the first crop year if the application is accepted by us after May 1, insurance shall attach on the later of May 1 or the tenth day after the application is received in service office.

b. Insurance ends at the earliest of:

(1) Total destruction of the insured citrus;

(2) Harvest; or

(3) The date shown below immediately following the beginning of the crop year:

(a) Tangerines and Navel oranges—January 31;

(b) Lemons, tangelos, early and mid-season oranges—April 30;

(c) Late oranges, grapefruit, Temple and Murcott Honey oranges—the second June 30.

8. Notice of Damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice of:

(a) The date(s) of damage; and

(b) The cause(s) of damage.

(2) If an indemnity is to be claimed on any unit, you must give us notice:

(a) At least 15 days before the beginning of harvest if you anticipate a loss on any unit. If probable loss is later determined or if damage occurs during harvest, immediate notice shall be given; or

(b) By the calendar date for the end of the insurance period if harvest will not begin by that date.

c. You must obtain written consent from us before you destroy any of the insured citrus which is not to be harvested.

d. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit shall be submitted to us on our prescribed form not later than 60 days after the earliest of:

(1) total destruction of the insured citrus on the unit;

(2) harvest of the unit; or

(3) the calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

(1) Establish the total production of citrus on the unit and that any damage has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Computing the average percent of damage to the citrus which (without regard to any percent of damage arrived at through prior inspections) shall be the ratio of the number of boxes of citrus lost from an insured cause to the potential. Citrus shall be considered undamaged potential if it:

(a) Is or could be marketed as fresh fruit;

(b) Is harvested prior to an inspection by us; or

(c) Is harvested within 7 days after a freeze;

(2) Multiplying the result in exess of 10 percent (e.g., 45%–10%=35% payable) times the amount of insurance for the unit (the amount of insurance for the unit is determined by multiplying the insured acreage on the unit times the applicable amount of insurance per acre); and

(3) Multiplying this product by your share.

d. Pink and red grapefruit of citrus Type III and citrus of Types IV, V, and VII which are seriously damaged by freeze as determined by a fresh fruit cut of a representative sample of fruit in the unit in accordance with the applicable provisions of the Florida Citrus Code and is not or could not be marketed as fresh fruit shall be considered damaged to the following extent:

(1) If 15 percent or less of the fruit in a sample shows serious freeze damage, the fruit shall be considered undamaged; or

(2) If 16 percent or more of the fruit in a sample shows serious freeze damage, the fruit shall be considered 50 percent damaged, except that:

(a) For tangerines of citrus Type IV, damage in excess of 50 percent shall be the actual percent of damaged fruit; and

(b) For other applicable varieties, if we determine that the juice loss in the fruit exceeds 50 percent, the amount so determined shall be considered the percent of damage.

e. Notwithstanding the provisions of 9d, as to any pink and red grapefruit of Type III and citrus of Types IV, V, and VII in any unit which is mechanically separated (using the specific gravity "floatation" method) into undamaged and freeze-damaged fruit, the amount of damage shall be the actual percent of freeze-damaged fruit not to exceed 50 percent and shall not be affected by subsequent fresh-fruit marketing. The 50 percent limitation on freeze-damaged fruit mechanically separated, shall not apply to tangerines of citrus Type IV.

f. Any citrus of Types I, II, VI, and white grapefruit of Type III which is damaged by freeze, but may be processed by canning or processing plants, shall be considered as marketable for juice. The percent of damage shall be determined by us by relating the juice content of the damaged fruit as determined by test house analysis to:

(1) The average juice content established by us based on acceptable records furnished by you showing the juice content of fruit

produced on the unit for the three previous crop years; or

(2) The juice content for that type fruit established on the actuarial table if acceptable records are not furnished.

g. Any citrus on the ground which is not picked up and marketed shall be considered 90 percent lost if the damage was due to freeze and totally lost if the damage was due to any other insured cause.

h. Any citrus which is unmarketable either as fresh fruit or for juice because it is immature, unwholesome, decomposed, adulterated, or otherwise unfit for human consumption due to an insured cause shall be considered totally lost.

i. Pink and red grapefruit of citrus type III and citrus of Types IV, V, and VII which are unmarketable as fresh fruit due to serious damage from hail as defined in U.S. Standards for grades of Florida fruit shall be considered totally lost.

j. Citrus lost due to hurricane or tornado shall be the amount of citrus blown from the trees or which falls from the trees as a result of such damage and which is not picked up from the ground and marketed.

k. When you have elected to exclude hail and fire as insured causes of loss insurance and the citrus is damaged by hail or fire, appraisals shall be made in accordance with the terms of Form FCI–78 "Request to Exclude Hail and Fire."

l. The production of units commingled shall be allocated to such units in proportion to the liability on each unit.

m. You shall not abandon any insured citrus acrage to us.

n. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

o. We shall pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

p. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

q. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by us.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may only assign to another party the right to an indemnity for the crop year on our prescribed form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from some one other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and access to grove.

You shall keep for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all citrus produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by us shall have access to such records and the grove for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract on any citrus type may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim shall be the date you sign such claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination for indebtedness dates are April 30.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your amount of insurance is no longer offered, the actuarial table shall provide the amount of insurance which you shall be deemed to have elected. All contract changes shall be available at your service office by April 1 preceding the crop year. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purpose of Florida citrus crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amounts of insurance, premium rates, practices where applicable, insurable and uninsurable acreage, and related information regarding citrus insurance in the county.

b. "Box" means a standard field box as prescribed in the Florida Citrus Code.

c. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

d. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

e. "Crop year" means the period beginning May 1 and extending through June 30 of the following year and shall be designated by the calendar year in which the insurance period ends.

f. "Harvest" means the severance of citrus fruit from the tree either by pulling, picking, or severing by mechanical or chemical means or the picking up the marketable fruit from the ground.

g. "Insurable acreage" means the land classified as insurable by us and shown as such on the actuarial table.

h. "Insured" means the person who submitted the application accepted by us.

i. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

j. "Potential"means production:

(1) Which would have been produced before damage occurred and shall include citrus which:

(a) Was picked before damage occurred;

(b) Remained on the tree after damage occurred;

(c) Was lost from an insured cause; and

(d) Was lost from an uninsured cause.

(2) The potential shall include not less than the product of 100 boxes per acre multiplied by the number of acres in the unit. *However*, if 20 percent or more of any insured citrus acreage within the unit has a potential of less than 100 boxes per acre, we may increase the potential on such acreage to 100 boxes per acre.

(3) The potential shall not include:

(a) Citrus lost before insurance attaches for any crop year;

(b) Citrus lost by normal dropping; or

(c) Any tangerines we determine normally would not, by the end of the insurance period for tangerines, meet the 210 pack size (2 inch minimum diameter) under United States Standards.

k. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

l. "Tenant" means a person who rents land from another person for a share of the citrus or a share of the proceeds therefrom.

m. "Unit" means all insurable acreage in the county of any one of the citrus types referred to in section 2, located on contiguous land on the date insurance attaches for the crop year and:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the citrus on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between us and you. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of or reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

Approved by the Board of Directors on February 23, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

Dated: April 4, 1983.

[FR Doc. 83-9249 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 414

[Amdt. No. 2]

Forage Seeding Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Forage Seeding Crop Insurance Regulations (7 CFR Part 414), effective for the 1984 and succeeding crop years by: (1) Replacing the present single-crop application by a multi-crop application to reduce the time and administrative requirements; (2) adding a modified version of the 60-day claim for indemnity provision adapted to forage seeding crop insurance; (3) adding a hail/fire provision (for use in appraisals for uninsured causes); (4) changing the cancellation and termination for indebtedness dates; and, (5) revising the unit definition to provide for unit determination when the acreage report is filed. In addition to these changes, and applicable only in New York State, the following changes are proposed: (6) providing that the insured crop now includes acreage reseeded before the final spring seeding date; (7) providing that a notice must be given if the acreage is to be reseeded by the final spring seeding date; and, (8) adding a 50 percent reduction in indemnity on spring-seeded acreage with a 55–75 percent of a normal stand. The intended effect of this amendment is to restore a provision dealing with hail and fire coverage, revise the system of determining units, and revise the procedures involving spring-seeded acreage and reseeding practices.

DATES: Effective April 8, 1983. Comment Date: Written comments, data, and opinions on this proposed rule must be submitted not later than June 7, 1983 to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447–3325.

The Impact Statement describing the option considered in developing the rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in these regulations (7 CFR Part 414) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981).

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has been determined that this action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). The sunset review date established for these regulations is January 1, 1988.

It has also been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants publication of this rule without a period for public comment prior to its publication because the regulations contained in 7 CFR Part 414 provide that the regulations, or any amendments thereto, must be placed on file in the service office 15 days prior to the cancellation date. The earliest such cancellation date is April 15; therefore, there would not be sufficient time to permit a public comment period and comply with the regulations with respect to notifying policyholders of changes. Public comment is solicited for 60 days after publication of this rule in the **Federal Register**. This rule will be scheduled for review so that any amendments made necessary may be published in the **Federal Register** as soon as possible thereafter. All written comments made pursuant to this rule

will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250 during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 414

Crop insurance, Forage seeding.

Proposed Rule

PART 414—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Corp Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the Forage Seeding Corp Insurance Regulations (7 CFR Part 414), effective for the 1984 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR Part 414 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, 77, as amended (7 U.S.C. 1506, 1516)

2. Section 414.7(d) is revised to read as follows:

§ 414.7 The application and policy.

* * * * *

(d) The application for 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37 and 400.38), first published at 48 FR 1023, January 10, 1983, and may be amended from time to time for subsequent crop years. The provisions of the Forage Seeding Insurance Policy for the 1984 and succeeding crop years, are as follows:

Forage Seeding Crop Insurance Policy

84–9

(This is a continuous contract. Refer to Section 15)

2–28–83

Agreement to Insure: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of or failure to establish a stand of forage resulting from adverse weather conditions, fire, insects, plant disease, wildlife, earthquake, or volcanic eruption occurring within the insurance period, unless those causes are excepted, excluded, or limited by the actuarial table or section 9h.

b. We shall not insure against any cause of loss of production due to:

(1) the neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) the failure to follow recognized good forage seeding practices;

(3) damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(4) any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The corp insured shall be forage seeded or reseeded the calendar year following seeding to establish a stand of forage intended for harvest as livestock feed; which is seeded on insured acreage; and for which we provide an amount of insurance and premium rate on the actuarial table (hereafter called the crop).

b. The acreage insured for each crop year shall be that acreage seeded to the crop on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured crop at the time of seeding.

d. We do not insure any acreage:

(1) where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(2) which is irrigated and an irrigated practice is not provided for on the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(3) which is destroyed and we determine it is practical to reseed to the crop and such acreage was not reseeded;

(4) initially seeded after the final seeding date contained in the actuarial table;

(5) of volunteer forage;

(6) seeded to a type, variety or mixture not established as adapted to the area or excluded on the actuarial table;

(7) seeded with another crop (excluding nurse crops); or

(8) seeded for the development or production of hybrid seed or for experimental purposes.

e. Where insurance is provided for an irrigated practice:

(1) you shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good forage seeding irrigation practice at the time of seeding; and

(2) any loss of production caused by failure to carry out a good forage seeding irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of seeding, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to seeding.

3. Report of acreage and share.

You shall report on our form:

a. all the acreage of forage seeding and reseeding in the county in which you have a share; and

b. your share at the time of seeding or reseeding. You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any forage seeding or reseeding in the county. This report shall be submitted annually on or before the reporting date established in the actuarial table. We shall have the right to determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage and share or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Amounts of insurance.

a. The amounts of insurance shall be contained in the actuarial table.

b. You may change the amount of insurance on or before the closing date contained in the actuarial table for submitting applications for the crop year.

5. Annual premium.

a. The annual premium is earned and payable at the time of seeding. The amount is computed by multiplying the amount of insurance times the premium rate, times the insured acreage, times your share at the time of seeding, times the applicable premium adjustment percentage shown in the following table.

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE [1]

	Numbers of years continuous experience through previous year															
	[illegible]	[illegible]	[illegible]	3	4	5	[illegible]	7	[illegible]	[illegible]	10	11	12	13	14	15 or [illegible]
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00–.20	100	95	95	[illegible]	[illegible]	[illegible]	[illegible]	75	[illegible]	70	[illegible]	65	[illegible]	[illegible]	55	50
.21–.40	100	100	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	85	[illegible]	[illegible]	75	75	[illegible]	[illegible]	[illegible]	60

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE [1]—Continued

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
.41-.60	100	100	95	95	95	95	95	[illegible]	90	90	85	85	[illegible]	[illegible]	75	70
.61-.80	100	100	95	95	95	95	95	95	[illegible]	90	90	90	[illegible]	85	85	[illegible]
.81-1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

PERCENTAGE ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE [1]

	Numbers of loss years through previous year [3]															
	[illegible]	1	2	3	4	5	6	7	[illegible]	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10–1.19	100	100	100	102	104	106	103	110	112	114	116	118	120	122	124	126
1.20–1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40–1.69	100	100	100	[illegible]	116	124	132	140	148	156	164	172	180	188	196	204
1.70–1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00–2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50–3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25–3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	[illegible]	300
4.00–4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	[illegible]	300
5.00–5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00–Up	100	100	120	136	158	180	202	224	246	268	290	300	300	[illegible]	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) the contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies, unless prohibited by law.

7. Insurance period.

Insurance attaches at the time of seeding and ends at the earliest of:

a. total destruction of the crop;

b. harvest of the forage crop if not reseeded;

c. final adjustment of a loss;

d. May 21 following the calendar year of seeding for spring-seeded forage; or

e. October 15 following the calendar year of seeding for fall-seeded forage.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) during the period before harvest, the crop on any unit is damaged and you decide:

(i) not to further care for the crop; or

(ii) to reseed the acreage in the spring by the final seeding date for spring-seeded acreage; or

(b) you want to consent to put the acreage to another use. Insured acreage may not be put to another use until we have appraised the crop and given written consent. We shall not consent to another use until it is too late to reseed. You must notify us when such acreage is put to another use.

(2) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earlier of:

(a) total destruction of the crop on the unit; or

(b) the calendar date for the end of the insurance period.

b. You must be given written consent by us before you destroy any of the crop which is not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit shall be submitted to us on our prescribed form not later than 60 days after the earliest of:

(1) total destruction of the crop on the unit; or

(2) the calendar date for the end of the insurance period.

b. we shall not pay any indemnity unless you:

(1) establish the acreage seeded on the unit and that any loss has been directly caused by one or more of the insured causes during the insurance period; and

(2) furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Multiplying the insured acreage by the amount of insurance;

(2) subtracting therefrom the total amount obtained by multiplying the sum of the acres with an established stand plus 10 percent of the seeded acres for the unit; and

(3) multiplying this result by your share.

d. If the information reported by you results in:

(1) a lower premium than the actual premium determined by us, the indemnity shall be reduced proportionately; or

(2) a lower amount of liability than the actual amount of liability determined by us, we may reduce the indemnity proportionately.

e. The acres with an established stand shall be determined by us and shall include:

(1) acreage which we determine has at least 75 percent of a normal stand;

(2) acreage abandoned or put to another use without our prior written consent;

(3) acreage damaged solely by an uninsured cause; or

(4) acreage which is harvested and not reseeded.

f. The amount of indemnity on any spring-seeded acreage determined in accordance with section 9b shall be reduced 50 percent if we determine the stand is less than 75 percent but more than 55 percent of a normal stand.

g. A reseeding payment shall be made on any insured fall-seeded acreage with less than a 75 percent stand on which we have given written consent to reseed and which is reseeded in the next succeeding spring by the final spring seeding date. The amount of the

reseeding payment shall be equal to 50 percent of the amount of indemnity determined in accordance with section 9b.

h. When you have elected to exclude hail and fire as insured causes of loss and the crop is damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with the terms of Forem FCI-78, "Request to Exclude Hail and Fire."

i. You shall not abandon any insured forage seeding acreage to us.

j. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

k. We shall pay the loss within 30 days after we reach agreement with you or entity of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

l. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the seeding for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

m. If you have other fire insurance and fire damage occurs during the insurance period and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) the amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) the amount determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by us.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year on our prescribed form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and access to farm.

You shall keep for two years after the time of loss, records of the seeding on each unit including separate records showing the same information for seeding on any uninsured acreage. Any persons designated by us shall have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim shall be the date you sign such claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are:

State	Cancellation and termination date for indebtedness
New York	July 31
All other states	April 15

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless a written partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your amount of insurance is no longer offered, the actuarial table shall provide the amount of insurance which you shall be deemed to have elected. All contract changes shall be available at your service office by the December 31 before the cancellation date in those counties with an April 15 cancellation date and by April 30 of the crop year for which the changes are to be effective. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of forage seeding crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amounts of insurance, premium rates, insurable and uninsurable acreage, and related information regarding forage seeding insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

c. "Crop year" means the period within which the seeding is or normally would become established and shall be designated by the calendar year in which the seeding is made for spring-seeded acreage and the next succeeding calendar year for fall-seeded acreage.

d. "Harvest" means the severance of the forage plant from the land for the intended use as livestock feed.

e. "Insurable acreage" means the land classified as insurable by us and shown as such on the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

h. "Reseed" means the mechanical incorporation of seed into the soil at not less than 50 percent of the original seeding rate.

i. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

j. "Tenant" means a person who rents land from another person for a share of the crop or a share of the proceeds therefrom.

k. "Unit" means all insurable acreage of either fall-seeded or spring-seeded forage in the county on the date of seeding for the crop year:

(1) in which you have a 100 percent share; or

(2) which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, fixed commodity payment, or any consideration other than a share in the crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between us and you. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to

applicable guidelines when adjusting a loss and we may consider any acreage and share of or reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

Approved by the Board of Directors on February 23, 1983.

Dated: April 4, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 83-9248 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 406]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period April 10-16, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: April 10, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1982-83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on April 5, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is easier than that of the previous week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.706 is added as follows:

§ 910.706 Lemon regulation 406.

The quantity of lemons grown in California and Arizona which may be handled during the period April 10, 1983, through April 16, 1983, is established at 275,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 7, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-9521 Filed 4-7-83; 12:08 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 80N-0322]

Temporary Exemptions From Food Labeling Requirements for Conducting Authorized Food Labeling Experiments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule establishing a procedure under which exemptions from certain food labeling requirements may be granted by FDA. This action is intended to encourage participation in authorized labeling experiments designed to provide FDA with pertinent food labeling data. These data are needed to supplement FDA's initiatives to provide consumers with more comprehensible and useful food labeling information.

EFFECTIVE DATE: April 8, 1983.

ADDRESS: Written proposals for labeling experiments should be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Edward Scarbrough, Bureau of Foods (HFF-204), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3117.

SUPPLEMENTARY INFORMATION: FDA is encouraging industry to conduct voluntary experiments for testing different concepts of presenting nutrition information. Data generated by such experiments can be useful for evaluating whether changes in current food labeling requirements are warranted and for developing a nutrition labeling format that is more comprehensible and useful to consumers.

Under current FDA regulations (21 CFR 101.9) food labels are not required to bear nutrition information, except when nutrients are added to the food or when a nutrition claim is made on labeling or in advertising for the food.

Manufacturers may also voluntarily provide nutrition information. If nutrition information is provided on a food, it must conform to the provisions of § 101.9. As a result of the food labeling hearings announced in the Federal Register of June 9, 1978 (43 FR 25296) and subsequent related proceedings, FDA recognized the need for reviewing the nutrition labeling requirements and for permitting the industry to test market reasonable alternatives. Thus, FDA recognized that exemptions from some of the current food labeling requirements would be necessary. Therefore, in the Federal Register of September 5, 1980 (45 FR 58880), FDA published a proposal to establish a procedure for FDA to grant exemptions from the requirements of 21 CFR 101.9, 101.25, 105.66, 105.67, and 105.69 to allow for food labeling experiments.

Most of the comments on the proposal supported the concept of permitting food labeling experiments. Some requested a more detailed explanation of the information that should be submitted to FDA with exemption requests. Other comments expressed concern that the procedure outlined by the proposed regulation was too stringent and inflexible. A summary of the comments to the proposal and of FDA's responses follows:

1. Three comments requested more explicit guidance regarding the type of information that should be submitted in the exemption request. Two comments expressed the opinion that the requirements for evaluating the results of food labeling experiments were not adequately defined by the regulation.

These comments did not elaborate on the types of explicit guidance they desired from FDA. FDA proposed general guidance because more precisely defined and rigid guidance would reduce the flexibility for designing and conducting labeling experiments. Experiments should be designed to provide FDA with statistically valid data, and experimentors should collaborate with FDA to determine the appropriateness of the experimental design and of the proposed techniques for evaluating the results of the experiment.

2. Two comments were concerned that the proposal seemed to be confined to experimental programs offered on a limited basis in specific geographical locations. One comment contended that restricting experiments to a limited time would give no assurance that, if the experimental stage proved successful, the program could be continued. According to the comment, this would be unfair to consumers who rely on the program and would destroy incentive for the industry to commit resources to develop programs of excellence.

FDA proposed in § 101.108(b)(5) (21 CFR 101.108(b)(5)) to provide that a written proposal to undertake a labeling experiment include information on the geographic locale in which the experiment is to be conducted. No limitations on the size of the geographic area or on the size of the population to be tested were proposed. For clarification, the word "locale" in § 101.108(b)(5) has been replaced by the phrase "area or areas". Further § 101.108(b)(4) does not restrict the duration of the experiment. Parameters such as geographic area and duration should be defined in the written proposal submitted to FDA for review and should be selected to achieve the objectives of the experiment. The requirement of the regulation to provide information on these parameters is not directed toward limiting the scope of the experiment but is necessary for identifying the type of information FDA will use to evaluate the experiment. Experimentors are reminded, however, that the purpose of permitting food labeling experiments is to provide FDA with statistically valid data that can be used as a basis for developing food labeling policies. Therefore, FDA expects these parameters to be reasonable for obtaining sufficient, reliable data. FDA will not approve an experiment for which the parameters are so broad that the experiment appears to be designed primarily to circumvent currently established food labeling regulations and policies.

The comment is correct in contending that FDA has not provided assurance that a successful labeling concept could continue to be used beyond the experimental stage. FDA will need to evaluate the success of tested labeling concepts, taking into consideration the agency's over-all food labeling strategy and data from related labeling research, and determine whether a change in a food labeling policy appears warranted. Before implementing a change in food labeling regulations, FDA will publish the proposed change in the Federal Register and provide interested persons an opportunity to comment.

3. One comment contended that the scope of activity contemplated is too narrow, the time frame inappropriate, and the cost economically infeasible and, therefore, that the regulations would not encourage experimentation related to the dietary classification of foods in the supermarket.

FDA disagrees. The parameters of the activity contemplated are to be determined by the experimentor and the rationale for the parameters should be discussed in the written proposal submitted to FDA. FDA recognizes that in some cases the period of time necessary for marketing a new labeling concept may be extensive in order to assess accurately consumer acceptability or comprehension of the labeling concept. FDA will not arbitrarily impose a shorter time frame for an experiment if the time frame proposed by the experimentor is reasonable for accomplishing the objectives of the experiment.

In addition, a few organizations are currently collaborating with FDA in developing experiments to test consumer acceptability of supermarket shelf labeling for highlighting various nutritional aspects of certain foods. For example, one supermarket chain is currently utilizing "shelf talkers" and in-store pamphlets to convey information relative to calorie, sodium, and fat/cholesterol content of specific foods. Ordinarily, conveyance of such nutrition information relative to calorie and fat and cholesterol content would trigger requirements for nutrition labeling according to the provisions of §§ 101.9, 101.25, and 105.66. However, FDA granted the supermarket chain an exemption relative to these nutrition labeling requirements, with the understanding that complete nutrition labeling information would be available to consumers. This exemption enabled the supermarket chain to test consumer response to point-of-purchase, off-label nutrition claims. In addition to this and other supermarket chains that have discussed with FDA alternative methods of conveying nutrition information to consumers, one trade association is currently collaborating with FDA on the concept of establishing flexible guidelines for point-of-purchase, off-label nutrition information. Thus, it appears that experiments related to the dietary classification of foods are economically feasible.

4. One comment requested that FDA clarify in the preamble to the final regulation that it also will consider approval of proposed experiments to test the effect of the deletion of information presently required on the label.

In reviewing current food labeling policies, FDA is evaluating whether certain information should be deleted from the food label. Certain labeling experiments for testing the effect of deleting some currently required nutrition information can provide useful information to the agency and, thus, will be considered for approval. However, any proposed deletions of information

must be consistent with public health needs and statutory requirements for labeling foods and should be directed toward improving the comprehensibility of the food label. Thus, experiments for testing consumer acceptance of the deletion of information should not be designed simply to determine whether consumers will purchase products that provide less information on the label. Rather, experiments should provide information regarding consumer comprehension of and the effectiveness and usefulness fo a particular format that does not include all of the information that is currently presented or that presents the information in a different manner. For example, an experiment to test the effect of totally eliminating nutrition labeling from foods on which nutrition labeling is currently required would not be approved. However, experiments to compare the comprehensibility of the current nutrition labeling format with a revised format would be considered for approval, even if some of the currently required nutrition information were deleted from the revised format. A thorough discussion of the rationale for suspecting that the information to be deleted is not useful to, used by, or needed by consumers should be included in the request for an exemption.

5. One comment suggested that shelf tags, booklets, posters, etc., providing consumers with required labeling information that has been exempted from appearing on the product label during an experiment (§ 101.108(b)(3) and (7)) should not be required as a prerequisite for approval of the proposed experiment. For example, to determine the effect of eliminating certain label information, it may not be desirable to present the information at all.

Shelf tags, booklets, and posters, per se, are not a prerequisite for approval of a proposed experiment to test the effect of deleting information from the label. However, experimentors should be prepared to provide the deleted information, rapidly and efficiently, to consumers who desire the information and should explain the exemption request the mechanism for doing so. In addition, the experiment should be carefully designed to measure the consumer's interest in the deleted information, rather than merely to determine whether consumers will buy products that do not provide the information. It cannot be assumed that consumers who purchase products from which information has been deleted do not need or would not use the information, particularly if there is no readily available mechanism by which the consumer may acquire the deleted information or by which they can inform the experimentor that the information is desired or needed.

6. One comment requested that the requirement of proposed § 101.108(b)(9) to report "promptly to FDA the results of labeling experiments" be revised to require that results be reported to FDA within a reasonable time, e.g., 60 to 120 days following conclusion of the experiment and the analysis of the experimental data.

The word "promptly" in proposed § 101.108(b)(9) should have been interpreted to mean as soon as possible after completion of the written report of the analysis of the experimental data. The projected dates for beginning and ending the experiment and for submitting the written report of analysis to FDA should be included in the proposal. The wording of proposed § 101.108(b)(4) has been revised to clarify this requirement, and proposed § 101.108(b)(9) has been deleted from this final rule.

7. One comment contended that the proposed regulation is too cumbersome and will lead to long delays in gaining FDA approval which will negate the ability to carry out some experiments. The comment suggested streamlining the requirements of § 101.108(b).

FDA does not agree with the comment. Anyone submitting proposed experiments can be assured that FDA will expedite the review and approval of plans for well-designed experimental studies related to food labeling issues on which the agency has requested additional data. However, they should also be aware that the agency has extremely limited resources for assisting in the development and implementation of such experiments and that poorly designed experimental plans may cause unavoidable delays in the review process. Expertise is available in the private sector for designing experiments that provide reliable, well-documented results. It is the responsibility of the experimentor to ensure that such expertise is used to the extent necessary for devising an experiment that will provide statistically valid results, and that information required by this final rule is thoroughly discussed in the written proposal submitted to FDA.

8. One comment supported the development of off-label nutrition information systems, but indicated that these systems must be implemented with more speed and flexibility than the proposal would permit.

FDA supports development of experiments to determine the usefulness of off-label nutrition information systems, and this final rule provides a mechanism for obtaining FDA approval of such experiments. FDA recognizes the necessity for expeditious approval of experiments that can provide valid, useful labeling information and will attempt to provide a timely review that will allow manufacturers to implement the experiment according to the time schedule in the written proposal. However, experimentors must remember that the time necessary for FDA to evaluate an experiment depends on the quality and completeness of the written proposal. Experimentors are encouraged to submit a thorough, well-explained proposal to FDA and to respond promptly to requests from FDA for clarification or for additional information that the agency considers necessary for prompt approval of the experiment.

9. One comment requested that proposed § 101.108(b)(8) be clarified by including the phrase "if such claim has not been previously approved by FDA" so that experimentors would not be required to repeat experiments to verify nutrition claims that previously have been approved by FDA.

Although FDA has defined, by regulation, some of the phrases and terms used to make nutrition claims, it is the responsibility of the food manufacturer to verify, by appropriate testing, that a nutrition claim is valid. FDA routinely examines foods to determine whether nutrition information on the label complies with regulatory requirements; however, FDA does not "approve" such claims, i.e., certify that a claim is accurate for each particular food. Therefore, the phrase suggested by the comment would not be an appropriate addition to § 101.108(b)(8). However, to alleviate some of the comment's concern regarding unnecessary repetition of tests to verify the accuracy of nutrition claims, FDA is revising § 101.108(b)(8) to clarify that the results of past tests performed by the manufacturer to determine nutritional characteristics of a particular product may be relied upon, provided they are still valid for the particular product.

10. One comment requested that the following criteria be included as requirements for proposed food labeling experiments: (a) Dates on which the experiment will begin and end together with a commitment to end the experiment on the termination date, and/or when FDA requires, upon showing that the program subject to experiment is deceiving or otherwise

misleading consumers, or upon passage of new food labeling legislation that affects the terms of this agreement; (b) a commitment to provide consumers with realistic and readily accessible methods of obtaining the required nutrition information that is exempted from nutrition labeling during the experiment; and (c) a commitment to place signs throughout the stores which define the terms being used on the shelf tags and inform consumers about how more complete nutrition information can be obtained.

FDA recognizes and shares the concerns expressed in the comments about ensuring that consumers are not misled by food labeling experiments. The agency will cautiously review proposed experiments to determine whether proposed labeling changes or omissions of information can be misleading. Because the points raised by the comment will be considered before approving an experiment, and the final rule already provides that the written proposal include information related to these points, the final rule had not been further revised.

11. One comment suggested developing detailed guidelines or regulations that define terms or classes of terms that can be used in labeling experiments, e.g., "low" and "reduced" sugar, fat, cholesterol and sodium, or "excellent source of " or "high in" for protein and other nutrients. The comment indicated that these terms should be used consistently.

A proposal setting forth definitions for "sodium free," "low sodium," "moderately low sodium," and "reduced sodium" was published by FDA in the **Federal Register** of June 18, 1982 (47 FR 26580). When such terms are defined by regulation, their consistent use on labels will be required. The provisions of § 101.9(c)(7)(v) are applicable when phrases are used indicating that a product is an "excellent source of" or "high in" a particular nutrient.

12. One comment suggested that FDA establish a formal application form that lists all the information it will require in approving experiments. The comment reasoned that a standardized form would minimize the frequency of requests for additional information, minimize review time and work, facilities comparison of experiments, lower the cost of broad evaluations, encourage experiments, and improve experiment proposals by promoting an exchange of useful success and failure data.

This final rule provides general guidance for the types of information FDA will need to evaluate proposed labeling experiments. The rationale for not providing more detailed guidance was previously discussed. The information required by the regulation must be submitted to FDA in writing and, for clarity, should be formatted using the nine information items in the regulation as general headings (§ 101.108(b) (1) through (9)). FDA does not anticipate that variations in format for the written proposal will present any particular problems for evaluating the proposal and, therefore, has not developed a standardized proposal application form. The extent of detail necessary to discuss thoroughly each of the information items will vary from one experiment to another and a few of the items may not be relevant to some experiments. For example, § 101.108(b)(2) would not be relevant for experiments that do not involve a segregation of foods into different categories based on nutrition or dietary claims. A brief statement in the written proposal indicating that the item is not relevant to the particular experiment would be adequate in such cases. Section 101.108(b) has been revised to clarify that the written proposal should include a thorough discussion of each of the nine information items that apply to the particular experiment.

13. One comment requested that notice of FDA-approved labeling experiments be published in the **Federal Register** and data relating to the experiment be readily accessible.

Following authorization by FDA of a proposed experiment, a copy of the proposal, FDA comments, correspondence, memoranda of meetings and telephone conversations concerning the proposal, and the agency's authorization letter will be made available to interested persons through FDA's Dockets Management Branch. When results from an approved experiment are used in the development of food labeling policies, data on the experimental results also will be filed with the Dockets Management Branch and will be publicly available. Although a **Federal Register** notice will not be published for each approved experiment, appropriate references to experimental data will be provided in **Federal Register** documents, if the data are used as support for the development of a particular regulation.

14. One comment requested that FDA establish a "logo" or "seal" or some other acceptable method to identify products that are being test marketed according to an FDA-approved labeling experiment. This would enable State regulatory officials and other food manufacturers to know which products are being marketed under an FDA-approved experiment.

FDA agrees that State regulatory officials should be notified of approved food labeling experiments so they will be aware of the types of labeling exemptions granted for the test products. FDA will use the National Regional State Telecommunications Exchange Network system to provide this information to State agencies. Food manufacturers or other interested persons may obtain information regarding FDA-approved labeling experiments by writing to the agency's Dockets Management Branch (address above). Therefore, a "logo" or "seal" is not necessary.

15. One comment requested that FDA clarify in the preamble to the final regulation that the program is strictly voluntary and that equal consideration will be given to future food labeling comments made by those who do not participate in a labeling experiment.

The development and administration of a labeling experiment is a voluntary activity. Any firm desiring to provide FDA with valid data that can be used for evaluating current or proposed food labeling policies may participate. However, failure to participate will have no negative impact on those who do not submit proposed experiments. Furthermore, voluntary participation in a labeling experiment will not provide the participant any additional advantage for influencing decisions regarding changes in foood labeling policies.

In addition to changes made in the regulation in response to comments, FDA has revised paragraphs (a), (b), (c), and (d) of § 101.108.

Proposed paragraph (a) has been editorially revised to remove the reference to the **Federal Register** document of December 21, 1979 (44 FR 75990).

Proposed paragraph (b) provided that an experimentor would agree "to conclude the experiment, if necessary, upon request by FDA following the passage of new food labeling legislation." This phrase has been removed because currently there is no pending food labeling legislation under active Congressional consideration, and it is generally understood that a change in a law may annul a food labeling experiment.

Proposed paragraph (c) provided that a written proposal to conduct a food labeling experiment requiring an exemption from current food labeling requirements be sent directly to FDA's Bureau of Foods. Paragraph (c) has been revised to clarify that a written proposal to conduct a food labeling experiment should be submitted as a citizen petition

under 21 CFR 10.30 and submitted for appropriate filing with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Written proposals for labeling experiments requiring exemptions from current food labeling requirements that are received after April 8, 1983 will be filed as citizen petitions and assigned individual docket numbers. Written proposals received before April 8, 1983 and that were submitted to FDA's Bureau of Foods according to the provisions in the September 5, 1980 proposal will be filed with the Dockets Management Branch under Docket No. 80N–0322.

Paragraph (d) has been revised to clarify that "[a]pproval for food labeling experiments will be given by FDA in writing. Foods labeled in violation of existing regulations will be subject to regulatory action unless an FDA-approved exemption to the specific regulation has been granted for that specific product."

The agency has determined under 21 CFR 25.24(d)(13) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with Executive Order 12291, FDA has initially determined that this rule does not constitute a major rule as defined by that Order. The reasons underlying that determination are as follows:

1. The regulation will not have an annual effect on the economy of $100 million or more. The final rule provides guidance to manufacturers for requesting exemptions from the requirements of certain current food labeling regulations so they may conduct food labeling experiments. Participation in these experiments is strictly voluntary. Manufacturers are not likely to volunteer such participation if the costs for an experiment exceed the potential benefit that can be derived from the information resulting from the experiment. Further, because labeling experiments are likely to be of relatively short duration, the costs involved would not be incurred on an ongoing basis.

2. The regulation will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The decision by a manufacturer to conduct a labeling experiment is strictly voluntary, and it is not anticipated that manufacturers will volunteer to conduct experiments that would result in a major increase in their costs or in process changes for their products. Further, because a price differential could be a factor influencing the consumers' decisions about products that are the subject of an experiment and that are labeled differently from similar products, the agency expects that the price of the experimental product will not differ significantly from that of similar products.

3. The regulation will not have significant effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Manufacturers are not likely to participate voluntarily in food labeling experiments that have an unfavorable impact on the marketing of their products. Further, because experiments will be of relatively short duration, any competitive advantage or disadvantage effects experienced by a manufacturer will likely be short lived.

The requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act does not apply to this final rule because the proposed rule was issued prior to January 1, 1981, and is therefore exempt.

The reporting requirement contained in § 101.108(b) has been submitted to the Office of Management and Budget (OMB) under section 3507 of the Paperwork Reduction Act of 1980 and approved under OMB number 0910–0151.

List of Subjects in 21 CFR Part 101

Food labeling, Misbranding, Nutrition labeling, Warning statements.

PART 101—FOOD LABELING

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), Part 101 is amended by adding new § 101.108 to read as follows:

§ 101.108 Temporary exemptions for purposes of conducting authorized food labeling experiments.

(a) The food industry is encouraged to experiment voluntarily, under controlled conditions and in collaboration with the Food and Drug Administration, with graphics and other formats for presenting nutrition and other related food labeling information that is consistent with the current quantitative system in §§ 101.9 and 101.25 and with §§ 105.66, 105.67, and 105.69 of this chapter.

(b) Any firm that intends to undertake a labeling experiment that requires exemptions from certain requirements of §§ 101.9 and 101.25 and §§ 105.66, 105.67, and 105.69 of this chapter should submit a written proposal containing a thorough discussion of each of the following information items that apply to the particular experiment:

(1) A description of the labeling format to be tested;

(2) A statement of the criteria to be used in the experiment for assigning foods to categories, e.g., nutrient or other values defining "low" and "reduced";

(3) A draft of the material to be used in the store, e.g., shelf tags, booklets, posters, etc.;

(4) The dates on which the experiment will begin and end and on which a written report of analysis of the experimental data will be submitted to FDA, together with a commitment not to continue the experiment beyond the proposed ending date without FDA approval;

(5) The geographic area or areas in which the experiment is to be conducted;

(6) The mechanism to measure the effectiveness of the experiment;

(7) The method for conveying to consumers the required nutrition and other labeling information that is exempted from the label during the experiment;

(8) The method that will be or has been used to determine the actual nutritional characteristics of foods for which a claim is made; and

(9) A statement of the sections of the regulations for which an exemption is sought.

(c) The written proposal should be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. The proposal should be clearly identified as a request for a temporary exemption for purposes of conducting authorized food labeling experiments and submitted as a citizen petition under § 10.30 of this chapter.

(d) Approval for food labeling experiments will be given by FDA in writing. Foods labeled in violation of existing regulations will be subject to regulatory action unless an FDA-approved exemption to the specific regulation has been granted for that specific product.

(e) Reporting requirements contained in § 101.108(b) have been approved by this Office of Management and Budget and assigned number 0910–0151.

Effective date. This regulation is effective April 8, 1983.

(Secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a)))

Dated: March 11, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 83–8947 Filed 4–7–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 155

[Docket No. 75P–0322]

Canned Peas and Canned Dry Peas; Standards of Identity

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standard of identity for canned peas to reinstate magnesium hydroxide, magnesium oxide, and magnesium carbonate as optional ingredients. FDA is also amending the standard of identity for canned dry peas to exclude, by cross-reference, these compounds. This action is based on a petition for reconsideration.

DATES: Effective May 10, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun August 31, 1982. Objections by May 9, 1983.

ADDRESS: Written objections are to be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 27, 1980 (45 FR 43394), FDA published a final regulation amending the U.S. standards of identity for canned peas (21 CFR 155.170) and canned dry peas (21 CFR 155.172) that removed magnesium hydroxide, magnesium oxide, and magnesium carbonate as optional ingredients. The confirmation of the effective date of July 1, 1981, was published in the **Federal Register** of April 10, 1981 (46 FR 21359). Before the effective date, a petition for reconsideration was filed on behalf of a company conducting research in food preservation and marketing requesting FDA to reconsider, under 21 CFR 10.33, its decision to remove these compounds from the standard of identity for canned peas and to stay the effective date of the final regulation with regard to these compounds. In the **Federal Register** of July 7, 1981 (46 FR 35086), FDA stayed the effective date of the amendment of the standard of identity that removed the magnesium compounds as optional ingredients. In the **Federal Register** of August 31, 1982 (47 FR 38346), FDA proposed to amend the standard of identity for canned peas to reinstate magnesium hydroxide, magnesium oxide, and magnesium carbonate as optional ingredients.

One comment was received in response to the proposal. The comment stated that preliminary research indicates that canned peas prepared under a new process involving magnesium compounds have strong consumer acceptance because of the resulting superior color retention and that the process is ready to be used in commercial production.

In consideration of the petition for reconsideration and other relevant information, FDA concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standards of identity for canned peas and canned dry peas to reinstate the provision for the use of magnesium hydroxide, magnesium oxide, and magnesium carbonate as optional ingredients in canned peas.

In accordance with the Regulatory Flexibility Act, the agency has previously considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined and certified that no significant impact on a substantial number of small entities would derive from this action. FDA has not received any new information or comments that would alter its previous determination.

List of Subjects in 21 CFR Part 155

Canned vegetables, Food standards, Vegetables.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 155 is amended as follows:

PART 155—CANNED VEGETABLES

1. In § 155.170, by redesignating paragraph (a)(2)(xii) as (a)(2)(xiii) and adding new paragraph (a)(2)(xii) to read as follows:

§ 155.170 Canned peas.

(a) * * *

(2) * * *

(xii) Magnesium hydroxide, magnesium oxide, magnesium carbonate, or any mixture or combination of these in such quantity that the pH of the finished canned peas is not more than 8, as determined by the glass electrode method for the hydrogen ion concentration.

* * * * *

2. In § 155.172, by redesignating paragraph (a)(2) as (a)(3) and by adding new paragraph (a)(2) to read as follows:

§ 155.172 Canned dry peas.

(a) * * *

(2) The optional ingredients specified in § 155.170(a)(2)(xii) shall not be used.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 9, 1983 submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after May 10, 1983 shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register**.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: March 18, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-8948 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 177

[Docket No. 82F-0205]

Indirect Food Additives: Polymers; High-Temperature Laminates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of an aliphatic polyurethane laminating adhesive for fabricating retortable pouches and related high-temperature laminates for use in contact with food. This action is in response to a food additive petition filed by Morton Chemical, Division of Morton-Norwich Products, Inc.

DATES: Effective April 8, 1983. Objections by (May 9, 1983). The Director of the Federal Register approves the incorporation by reference of certain publications at 21 CFR 177.1390 effective on April 8, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Clyde A. Takeguchi, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 27, 1982 (47 FR 32480), FDA announced that a food additive petition (FAP OB3525) had been filed by Morton Chemical, Division of Morton-Norwich Products, Inc., 2 North Riverside Plaza, Chicago, IL 60606, proposing that § 177.1390 (21 CFR 177.1390) be amended to provide for the safe use of a polyurethane adhesive containing polyester-epoxy resins, and 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanates as a cross-linking agent for fabricating high-temperature laminates. The actual cross-linking agent is the cyanurate trimer of the isocyanate (3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate cyanurate).

FDA has evaluated the data in the petition and other relevant material, and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

This amendment reflects the revision of § 177.1390(c)(2) and (3)(i) described in an earlier **Federal Register** document (47 FR 49638; November 2, 1982). In addition, FDA has revised § 177.1390(c)(3)(i)(*a*) to accommodate a new extraction requirement in paragraph (c)(3)(i)(*a*)(*2*), for laminates containing this newly petitioned adhesive. These are editorial changes that clarify the regulation, they do not change the substances or uses authorized.

The petition and the documents the FDA considered and relied upon in reaching its decision to approve the petition, in accordance with § 171.1(h) (21 CFR 171.1(h)), are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Incorporation by reference, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 177 is amended in § 177.1390 by adding new paragraph (c)(2)(v) and by revising paragraph (c)(3)(i)(*a*) to read as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.1390 High-temperature laminates.

* * * * *

(c) * * *

(2) * * *

(v) Polyester-epoxy-urethane adhesives for use at temperatures not exceeding 121° C (250° F) and formulated from the following:

(*a*) Polyester resin formed by the reaction of polybasic acids and polyhydric alcohols listed in § 175.300(b)(3)(vii) of this chapter. Azelaic acid may also be used as a polybasic acid.

(*b*) Epoxy resin listed in § 175.300(b)(3)(viii)(*a*) of this chapter and comprising no more than 30 percent by weight of the cured adhesive.

(*c*) Urethane cross-linking agent comprising no more than 14 percent weight of the cured adhesive and formulated from 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate cyanurate (CAS Reg. No. 53880-05-0).

(3) * * *

(i) * * *

(*a*) For use at temperatures not to exceed 121° C (250° F): The container interior (food-contact side) shall be extracted with deionized distilled water at 121° C (250° F) for 2 hours.

(*1*) The chloroform-soluble fraction of the total nonvolatile extractives for containers using adhesives listed in paragraph (c)(2) (i), (ii), (iii), and (iv) of this section shall not exceed 0.0016 milligram per square centimeter (0.01 milligram per square inch) as determined by a method titled "Determination of Nonvolatile Chloroform Soluble Residues in Retort Pouch Water Extractives," which is incorporated by reference. Copies are available from the Division of Food and Color Additives, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20404, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(*2*) The chloroform-soluble fraction of the total nonvolatile extractives for containers using adhesives listed in paragraph (c)(2)(v) of this section shall not exceed 0.016 milligram per square centimeter (0.10 milligram per square inch) as determined by a method titled "Determination of Nonvolatile Chloroform Soluble Residues in Retort Pouch Water Extractives," which is incorporated by reference in paragraph (c)(3)(i)(*a*)(*1*) of this section.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 9, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each

numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection.

Three copies of all documents shall be submitted and shall be indentified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 8, 1983.

(Secs. 201 (s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: March 15, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83–8954 Filed 4–7–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Gentamicin Sulfate Oral Solution

Correction

In FR Doc. 83–6266, appearing on page 10301, in the issue of Friday, March 11, 1983, make the following corrections.

1. On page 10301, last column, line 2, correct "wanling" to "weanling".

2. On page 10302, first column correct the part heading for Part 520 to read:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

BILLING CODE 1505–01–M

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21 CFR Parts 520 AND 524

Oral, Ophthalmic, and Topical Dosage Form New Animal Drugs Not Subject to Certification; Ronnel Blocks, Tablets, and Emulsifiable Concentrate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify two previously approved new animal drug applications (NADA's) sponsored by Pitman-Moore, Inc. The NADA's provide for the treatment of dogs and cats for certain ectoparasites by oral (tablet), topical (solution), or combination administration of products containing the organophosphate pesticide ronnel. The regulations are also amended to indicate those conditions of use approved by FDA before October 10, 1962.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Terence Harvey, Bureau of Veterinary Medicine (HFV–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Pitman-Moore, Inc., P.O. Box 344, Washington Crossing, NJ 08560, is sponsor of NADA's covering Ectoral Tablets (12–360) and Ectoral Emulsifiable Concentrate (12–361). The products contain the organophosphate pesticide ronnel. The tablets are administered orally to treat demodectic mange, ticks, fleas, and lice in dogs, and fleas in cats. The concentrate is diluted with water to prepare topical solutions used for treating those infestations, as well as sarcoptic mange in dogs and ear mites in dogs and cats. Topical application may be combined with oral treatment for enhanced results. These products were originally approved before the Drug Amendments of 1962 were enacted into law (October 10, 1962) by letters of May 16, 1961 (12–360) and June 2, 1961 (12–361).

In those letters, FDA concluded that the applications contained adequate data and information to demonstrate safety and effectiveness of the products. Accordingly, the regulations are amended to codify Pitman-Moore's approved NADA's and to specify the pre–1962 conditions of use.

Approvals at those times were not codified by publication in the **Federal Register**. This action codifies the previously approved NADA's but does not change the approved uses of the drugs. Because the applications were approved before July 1, 1975, the sponsor is not required to submit a summary of the safety and effectiveness data and information under the freedom of information provisions of the animal drug regulations in 21 CFR 514.11(e)(2).

In addition, the regulation for ronnel blocks is revised to reflect current format.

Since neither product was reviewed by the National Academy of Sciences/National Research Council (NAS/NRC), the Bureau of Veterinary Medicine conducted an effectiveness review and the referenced conditions of use are found effective. For identical or similar products having the same conditions of use, applications for use in non-food animals need not include effectiveness data as specified by § 514.1(b)(8)(ii) or 514.111(a)(5)(ii)(*a*)(*4*) (21 CFR 514.1(b)(8)(ii) or 514.111(a)(5)(ii)(*a*)(*4*)) of the animal drug regulations, but approval may require bioequivalency or similar data as suggested in the guidelines for submitting NADA's for NAS/NRC-reviewed generic drugs, available in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 520

Animal drugs, Oral use.

21 CFR Part 524

Animal drugs, Topical.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 520 and 524 are amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. Part 520 is amended by redesignating § 520.2080 *Ronnel* as § 520.2080a *Ronnel blocks,* by revising its text, and by adding new §§ 520.2080 and 520.2080b to read as follows:

§ 520.2080 Ronnel oral dosage forms.

§ 520.2080a Ronnel blocks.

(a) *Specifications.* Each pound of block contains 25 grams of ronnel (5.5 percent).

(b) *Sponsor.* See 021930 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See 40 CFR 180.177.

(d) *Conditions of use*—(1) *Amount.* 0.25 pound of block (6.24 grams of ronnel) per 100 pounds of body weight per head per month for not less than 75 days.

(2) *Indications for use.* Control of grubs and hornflies.

(3) *Limitations.* Administer free choice to beef cattle and nonlactating dairy animals. Provide 1 block per 15 head of cattle. Use as sole source of ronnel. Do not allow cattle access to salt or other mineral while being fed this product. Withdraw from dairy animals 10 days before calving. If animals freshen during medication, or if medication has not been withdrawn 10 days before freshening, milk must not be used for food for 10 days after the last treatment. Withdraw 10 days before slaughter. Labeling shall also include a warning that ronnel is a cholinesterase inhibitor. Do not use this product simultaneously or within a few days before or after exposure to cholinesterase inhibiting drugs, pesticides, or chemicals.

§ 520.2080b Ronnel tablets.

(a) *Specifications.* Each tablet contains 250 milligrams, 500 milligrams, or 1 gram of ronnel.

(b) *Sponsor.* See No. 011716 in § 510.600(c) of this chapter.

(c) *Generic status.* These conditions of use were reviewed and found effective by FDA before October 10, 1962. New animal drug applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(d) *Conditions of use*—(1) *Indications for use.* Dogs: Treatment of demodectic mange, tick, flea, and lice infections. Cats: Treatment of flea infestations.

(2) *Dosage.* (i) Demodectic mange in dogs: 25 milligrams per pound of body weight daily, preferably in divided doses; in very severe infections, 35 milligrams per pound of body weight daily; continue treatment 3 weeks after all mites in skin scrapings are dead.

(ii) Ticks in dogs: 50 milligrams per pound of body weight daily in single or divided doses; when improvement noted, reduce to maintenance level of 12.5 milligrams per pound of body weight daily.

(iii) Fleas and lice in dogs, or fleas in cats: 25 milligrams per pound of body weight every other day in single or divided doses; with continued control, decrease to 12.5 milligrams per pound of body weight every other day.

(3) *Limitations.* Oral treatment of demodectic mange or ticks in dogs may be combined with application of topical ronnel solutions. Ronnel is a cholinesterase inhibitor. Do not use this product on animals simultaneously or within a few days before or after treatment with or exposure to cholineserase inhibiting drugs, pesticides, or chemicals. Atropine is an antidote. Treat symptomatically. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. Part 524 is amended by adding new § 524.2080 to read as follows:

§ 524.2080 Ronnel emulsifiable concentrate.

(a) *Specifications.* The emulsifiable concentrate contains 33.34 percent ronnel.

(b) *Sponsor.* See No. 011716 in § 510.600(c) of this chapter.

(c) *Generic status.* These conditions of use were reviewed and found effective by FDA before October 10, 1962. New animal drug applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(d) *Conditions of use*—(1) *Dosage and indications.* Administer topically as follows:

Indications (species)	Percent ronnel solution	Length of treatment
Demodectic mange (dogs)	1	Every 4 days for at least 30 days.[1]
Sarcoptic mange (dogs).	1	Every 7 to 10 days for 3 applications.
Ticks (dogs)	1	Apply solution; repeat as indicated.[1]
Fleas and lice (dogs); fleas (cats)	0.25	Apply solution; repeat as indicated.
Ear mites (dogs and cats).	1	Apply solution; repeat as indicated.

[1] Topical application may be combined with oral treatment (tablets).

(2) *Limitations.* Prepare fresh solution for each patient. To prepare a 1-percent solution, add 1 ounce (2 tablespoons) of concentrate to a quart of water. Apply thoroughly to entire body of animal except when treating ear mites. Avoid prolonged or repeated contact of concentrate with skin. Ronnel is a cholinesterase inhibitor. Do not use simultaneously or within a few days before or after treatment with or exposure to cholinesterase inhibiting drugs, pesticides, or chemicals. Treat symptomatically. Atropine is an antidote. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: April 8, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 22, 1983.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 83-8946 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for International Nutrition, Inc., providing for use of 50-gram-per-pound lincomycin premixes in manufacturing 8- and 20-gram-per-pound lincomycin intermediate premixes. The intermediate premixes are subsequently used in swine feeds for treatment and/or control of dysentery.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: International Nutrition, Inc., 67th & L Sts., Omaha, NE 68117, is sponsor of NADA 132-923 filed in its behalf by the Upjohn Co. The NADA provides for use of 50-gram-per-pound lincomycin premixes in manufacturing 8- and 20-gram-per-pound lincomycin intermediate premixes for subsequent incorporation into complete swine feeds. The feeds are used for control and/or treatment of swine dysentery as provided in 21 CFR 558.325(f)(2). Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

Approval of this application is based on safety and effectiveness data contained in Upjohn's approved NADA 97-505. Upjohn has authorized use of the data in NADA 97-505 to support approval of this NADA. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk of exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as a Category II

supplement which does not require reevaluation of the safety and effectiveness data in the original NADA.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.325 is amended by revising paragraph (b)(5) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * * * *

(b) * * *

(5) Premix levels of 8 and 20 grams per pound have been granted to 017255, 017790, and 043733 in § 510.600(c) of this chapter for use as provided in paragraph (f)(2)(i), (ii), and (iii) of this section.

* * * * *

Effective date. April 8, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 16, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-8916 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Dale Alley Co., providing for use of a 50-gram-per-pound lincomycin premix in manufacturing 4, 8, 10, and 20-gram-per-pound lincomycin premixes. The intermediate premixes are subsequently used in swine feeds for treatment and/or control of dysentery.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: Dale Alley Co., 222 Sylvanie St., P.O. Box 444, St. Joseph, MO 64502, is sponsor of NADA 132–922 filed in its behalf by the Upjohn Co. The NADA provides for use of a 50-gram-per-pound lincomycin premix in manufacturing 4, 8, 10, and 20-gram-per-pound lincomycin intermediate premixes for subsequent manufacture of complete swine feeds. The feeds are used for control and/or treatment of swine dysentery as provided in 21 CFR 558.325(f)(2). Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

Approval of this application is based on safety and effectiveness data contained in Upjohn's approved NADA 97–505. Upjohn has authorized use of this data in NADA 97–505 to support approval of this application. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk of exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as a Category II supplement which does not require reevaluation of the safety and effectiveness data in NADA 97–505.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of this Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.325 by adding new paragraph (b)(6) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * * * *

(b) * * *

(6) Premix levels of 4, 8, 10, and 20 grams per pound have been granted to No. 018083 in § 510.600(c) of this chapter for use as provided in paragraph (f)(2)(i), (ii), and (iii) of this section.

* * * * *

Effective date: April 8, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 16, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-8917 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for

Wayne Feed Div., Continental Grain Co., providing for manufacturing 4, 8, and 10-gram-per-pound tylosin premixes from a 40-gram-per-pound premix or granulated concentrate. The intermediate premixes are used to make complete feeds for swine, cattle, and chickens.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: Wayne Feed Div., Continental Grain Co., P.O. Box 459, Libertyville, IL 60048, is the sponsor of a supplement to NADA 99–468 submitted on its behalf by Elanco Products Co. This NADA currently provides for use of premixes containing 40 grams per pound of tylosin (as tylosin phosphate) to make 0.8 and 2 gram-per-pound intermediate premixes subsequently used in complete swine feeds. This supplement provides for use of the 40 gram-per-pound premixes or granulated concentrate to make 4, 8, and 10-gram-per-pound premixes subsequently used to make complete feeds for swine, beef cattle, and chickens in accordance with 21 CFR 558.525(f)(1)(i), (iii), (iv), and (vi). The basis for approval of this supplement is discussed fully in the freedom of information (FOI) summary. Based on the data and information discussed therein, the supplement is approved, and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b)(33), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

* * * * *

(b) * * *

(33) To 034936: 0.8 and 2 grams per pound, paragraph (f)(1)(vi)(*a*); 4, 8, and 10 grams per pound, paragraph (f)(1)(i), (iii), (iv), and (vi) of this section.

* * * * *

Effective date: April 8, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 21, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83–8820 Filed 4–7–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect that the requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(m)) are waived for use of premixes containing not more than 20 grams of lincomycin per pound to manufacture intermediate premixes and finished feeds for chickens and swine. The Upjohn Co. submitted supplements to two new animal drug applications (NADA's) requesting that the regulations be amended to reflect properly the previously granted section 512(m) waivers. These waivers and others were discussed in an August 1982 letter from the Bureau of Veterinary Medicine to the American Feed Manufacturers Association.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, is the sponsor of NADA 34–085 providing for use of a 4 gram-per-pound lincomycin (Lincomix) premix for manufacturing broiler feeds, and NADA 97–505 providing for use of 20 and 50 gram-per-pound premixes for manufacturing broiler and swine feeds. In the **Federal Register** of December 15, 1975 (40 FR 58132), FDA approved supplemental NADA 34–085 providing for a waiver from the requirements of section 512(m) of the act for manufacturing complete broiler feeds from 4 gram-per-pound lincomycin premixes. In the **Federal Register** of March 12, 1982 (47 FR 10807), FDA approved supplemental NADA 97–505 providing for a section 512(m) waiver for manufacturing complete swine feeds from premixes containing not more than 20 grams of lincomycin per pound. FDA also has approved a section 512(m) waiver for use of a 2,600 gram-per-ton feed supplement to manufacture a complete swine feed (41 FR 26855; June 30, 1976). In addition, under § 558.15(g)(1) 21 CFR 558.15(g)(1)), the use of an approved lincomycin premix to manufacture an intermediate premix for use in chickens need not, on an interim basis, comply with the requirements of section 512(b) of the act.

The status of the section 512(m) waiver for several drugs, including lincomycin, was the subject of an August 2, 1982, letter from the Bureau of Veterinary Medicine to the American Feed Manufacturers Association. The letter addressed the section 512(m) administrative waivers as related to the provisions of § 558.15, concluding in relevant part that the use of any premix containing not more than 20 grams of lincomycin per pound to manufacture intermediate premixes or finished feeds (concentrates, supplements, or complete feeds) for poultry or swine as approved in § 558.325 (21 CFR 558.325) has a waiver from the requirement of section 512 (b) and (m).[1]

The letter further stated that the use of lincomycin in combination with other drugs for finished swine and poultry feeds is not required to comply with section 512(m) of the act provided the other drugs have section 512(m) waivers covering their use. The letter went on to caution that these waivers are subject to change under the "Second Generation of

[1] The letter also stated that the use of the following premixes to manufacture intermediate premixes or finished feeds for the listed species in conformity with the listed regulations need not comply with the requirements of section 512 (b) and (m) of the act: bambermycins, 2 grams per pound (g/lb), chickens and swine, 21 CFR 558.95; hygromycin B, 3.2, and 8 g/lb, swine, 21 CFR 558.274; and tylosin, 10 or less g/lb, swine, 21 CFR 558.625. The letter further stated that the requirements of section 512(m) of the act are waived for the manufacture of finished feeds from the following premixes for the listed species in conformity with the listed regulations: coumaphos, 11.2 percent, cattle, 21 CFR 558.185; virginiamycin, not more than 10 g/lb, swine, 21 CFR 558.635.

Medicated Feeds" proposal to be published in the **Federal Register** at a later date.

The Upjohn Co. filed supplements to NADA's 34–085 and 97–505 requesting revision of the section 512(m) waiver provisions in § 558.325(e). The firm asked that the regulation be revised to state that finished feeds containing no more than 20 grams of lincomycin per pound and used as provided in § 558.325(f) are not required to comply with the provisions of section 512(m) of the act. These supplements requested amendment of the regulations to reflect the sponsor's interpretation of current Bureau of Veterinary Medicine policy regarding waivers from section 512(m), and to delete obsolete waiver approval provisions. The supplements are approved, and the regulations are amended to reflect the approvals. The amendment differs from that proposed by the sponsor in that it specifies that intermediate premixes and finished poultry and swine feed manufactured from premixes containing no more than 20 grams of lincomycin per pound are not required to comply with the provisions of section 512(m) of the act. The Bureau of Veterinary Medicine is also providing a waiver when lincomycin is combined with another drug that is also not required to comply with the provisions of section 512(m).

Approval of these supplements does not change the use of the drug. Consequently, approval poses no increased risk of human exposure to residues of the animal drug and does not change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the parent NADA.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.325 is amended by revising paragraph (e), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * * * *

(e) *Special considerations.* (1) Intermediate premixes, finished poultry feeds, and finished swine feeds manufactured from premixes containing no more than 20 grams per pound and conforming to the requirements of this section are not required to comply with the provisions of section 512(m) of the act.

(2) Finished feeds containing drug combinations which are listed in paragraph (f) of this section are not required to comply with section 512(m) of the act if each individual component drug is not required to comply with section 512(m) of the act.

* * * * *

Effective date: April 8, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 17, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83–8919 Filed 4–7–83; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200 and 203

[Docket No. R–83–1013]

Eligibility of Manufactured Homes for Mortgage Insurance

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of announcement of effective date for interim rule.

SUMMARY: This notice announces the effective date for the interim rule published in the **Federal Register** on February 24, 1983 (48 FR 7731) that extended eligibility for mortgage insurance pursuant to Title II of the National Housing Act of manufactured homes constructed in conformance with the Manufactured Home Construction and Safety Standards when permanently attached to a site-built permanent foundation which meets HUD's Minimum Property Standards. The effective date provision of the rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver, and announced that future notice of the rule's effectiveness would be published in the **Federal Register.**

Thirty calendar days of continuous session of Congress have expired since the rule was published.

DATE: The effective date for the interim rule published February 24, 1983 (48 FR 7731), is April 6, 1983.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10278, 451 7th Street, SW., Washington, D.C. 20410, telephone No. (202) 755–7055. (This is not a toll-free number.)

Dated: April 4, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83–9048 Filed 4–7–83; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that USS JARRETT (FFG 33), USS CROMMELIN (FFG 37), and USS CURTS (FFG 38) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval frigates; and (2) has found that USS JARRETT (FFG 33), USS CROMMELIN (FFG 37), and USS CURTS (FFG 38) are members of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: March 23, 1983.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy

Department, 200 Stovall Street, Alexandria, VA 22332. Telephone Number: (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS JARRETT (FFG 33), USS CROMMELIN (FFG 37), and USS CURTS (FFG 38) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arcs of visibility of their forward masthead lights; Annex I, Section 2(a)(i) regarding the height above the hull of their forward masthead lights; and Annex I, Section 3(b) regarding the horizontal relationship of their sidelights to their forward masthead lights, without interfering with their special function as Navy frigates. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS JARRETT (FFG 33), USS CROMMELIN (FFG 37), and USS CURTS (FFG 38) are members of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to these three ships. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner different from that prescribed herein will adversely affect the ships' ability to perform their military function.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water) and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table One of § 706.2 is amended by adding the following vessels for which navigational light certifications are being herewith issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height, section 2(a)(i) Annex I
. . . . .		
USS JARRETT	FFG 33	1.6
USS CROMMELIN	FFG 37	1.6
USS CURTS	FFG 38	1.6
. . . . .		

2. Table Four of § 706.2 is amended by adding to the existing paragraph 8 the following vessels for which navigational light certifications are being issued herewith by the Secretary of the Navy:
USS JARRETT (FFG 33)
USS CROMMELIN (FFG 37)
USS CURTS (FFG 38)

3. Table Four of § 706.2 is amended by adding to the existing paragraph 9 the following vessels for which navigational light certifications are being issued herewith by the Secretary of the Navy:

Sidelights on the following ships do not comply with Annex I, Section 3(b):

Vessel	Number	Distance of sidelight forward of [illegible] lights in meters
. . . . .		
USS JARRETT	FFG 33	[illegible]
USS CROMMELIN	FFG 37	2.75
USS CURTS	FFG 38	2.75
. . . . .		

(EO 11964; 33 U.S.C. 1605)

Dated: March 23, 1983.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 83-9246 Filed 4-7-83; 8:45 am]

BILLING CODE 3810-AE-M

Department of the Air Force

32 CFR Part 806

Disclosure of Air Force Records

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising Part 806—Disclosure of Air Force Records. This revision changes the definition of records; defines responsibilities for processing FOIA requests and appeals from denials; gives expanded guidance on policy for fee assessment; and revises the schedule of fees for searching and duplicating under the FOIA. The intended effect is to provide current information on Air Force policy and procedures for the disclosure of records to the public under the Freedom of Information Act (5 U.S.C. 552). This revision implements the provisions set forth by the Department of Defense Directive 5400.7, March 24, 1980, and Department of Defense Regulation 5400.7–R.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. M. K. Ward, Department of the Air Force, HQ USAF/DAAD, Washington, D.C. 20330, telephone (202) 694–3488.

SUPPLEMENTARY INFORMATION: Because this part implements a higher authority directive it was not published as proposed for public comment. It is published as a final rule for information purposes. The Department of the Air Force has determined that this regulation is not a major rule as defined by Executive Order 12291; is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354); and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96–511). Part 806 is derived from Air Force Regulation (AFR) 12–30, Air Force Freedom of Information Act Program, 15 December 1982.

List of Subjects in 32 CFR Part 806

Freedom of information, Classified information, Records.

Part 806 is revised as follows:

PART 806—DISCLOSURE OF AIR FORCE RECORDS

Subpart A—General Information

Sec.
806.1 Purpose.
806.2 Freedom of Information Act (FOIA) requests.
806.3 Terms explained.
806.4 Use of the functional address symbol, DADF.

Subpart B—Policies Governing Disclosure of Records

806.5 Basic policies on disclosure.
806.6 Specific policies on disclosure.
806.7 Specific policies on withholding records.
806.8 Partial denial.

Subpart C—Processing FOIA Requests

806.9 Documentation Management Office (DAD) Responsibilities.
806.10 Processing requests for records.
806.11 Fee assessment.
806.12 Fees assessed for FOIA requests.
806.13 Schedule of fees for searching and duplicating under the FOIA.
806.14 Notice of administrative extension.

Subpart D—Appeals From Denials

Sec.
806.15 Processing appeals.

Subpart E—How the Public Submits FOIA Requests

806.16 Submitting FOIA requests.
806.17 Where to send FOIA requests.
806.18 Where to address requests for records of military personnel.

Authority: Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 5 U.S.C. 552.

Subpart A.—General Information

§ 806.1 Purpose.

This part outlines policy, gives procedure on the disclosure of records, establishes mandatory time limits, and explains how the public may get copies of Air Force records under the Freedom of Information Act (5 U.S.C. 552). This part implements Department of Defense (DOD) Directive 5400.7, 24 March 1980, and DOD Regulation 5400.7–R. It applies to all Air Force activities and those specified commands supported by the Air Force and listed in Air Force Regulation (AFR) 23–14, Support of the Headquarters of Unified, Specified, and Subordinate Unified Commands. In the case of a conflict, this part takes precedence over any existing Air Force publication that deals in whole or in part with the disclosure of records.

§ 806.2 Freedom of Information Act (FOIA) requests.

Types of requests covered by this part are FOIA written requests for records received from the general public, including military and civilian personnel acting as private citizens.

§ 806.3 Terms explained.

(a) *Denial.* A determination made by a denial authority not to disclose requested records.

(b) *Denial authority.* Anyone who has the authority to deny the disclosure of records requested by the public.

(c) *Determination.* The decision to grant or deny all or part of a request from the public for records.

(d) *Disclosure.* Providing access to and, if required, a copy of the record.

(e) *Disclosure authority.* Anyone who has the authority to disclose records.

(f) *FOIA Manager.* The person responsible for managing the FOIA Program at each organizational level.

(g) *FOIA request.* A written request from the public that:

(1) States the request is made under the Freedom of Information Act (FOIA).

(2) Clearly implies the request is made under the FOIA by referencing "The Law," "The Statute," "Regulation," etc.

(3) Is addressed to a DADF or FOIA office. Exception: If the requester cites any other statutory or regulatory authority, the request must be processed according to that statute or regulation. Examples are: Title VII of the Civil Service Reform Act of 1978, or where the requester is in litigation with the Air Force and makes the request under those discovery provisions in the Federal Rules of Civil Procedure.

(h) *Functional request.* A request for records that does not cite the "FOIA," "DADF," "The Law," "The Statute," "Regulation," etc. The office of primary responsibility (OPR) will deny a non-FOIA request, using the rationale of FOIA exemptions, without specific reference to the FOIA, 5 U.S.C. 552, or this part. Appeal procedures must not be given on such denials. This must not be misconstrued as authority to withhold records that would otherwise be released under the FOIA.

(i) *Partial denial.* A determination that any portion of a requested record be withheld.

(j) *Records.* (1) Documentary material (regardless of age, physical form, or characteristics) made or received by the Air Force and preserved as evidence of organization, functions, policies, decisions, procedures, or operations. A record must exist at the time the request is received. It must be in the possession and control of the Air Force to be considered subject to this part.

(2) Those materials discussed in § 806.3(j)(2)(i) through § 806.3(j)(2)(vi) are not included in the definition of the word "records" as used here. Requests for these materials are not processed according to this section, whether or not the FOIA is invoked. Instead, these requests must be treated according to those policies governing their release and use.

(i) Objects or articles, such as structures, furniture, paintings, sculptures, three-dimensional models, vehicles, and equipment.

(ii) Commercially exploitable resources, including, but not limited to, formulas, designs, drawings, maps and charts, map compilation manuscripts and map research materials, research data, computer programs, and technical data packages that were not made and are not used as primary sources of Air Force information about organizations, policies, functions, decisions, operations, or procedures of the Air Force. These are considered to be exploitable resources because of their development costs, use, or basic value.

(iii) Unaltered publications and processed documents, such as regulations, manuals, maps, charts, and related geophysical materials, available to the public through an established distribution system, either for sale or without charge, such as publications that are available to the requester through the Government Printing Office or the National Technical Information Service. Other examples are maps, charts, and related geophysical products available to the requester through the Defense Mapping Agency, and U.S. Geological Survey or National Ocean Survey distribution points. People who request such material under the FOIA may be referred to the proper sales outlet.

(iv) Library and museum material made, acquired, and preserved primarily for reference or exhibition.

(v) One's personal notes not made available to others and not filed with official records.

(vi) Information stored in a computer for which there is either no existing computer program or printout.

(k) *Statutory time limits.* (1) The 10 workdays allowed by the FOIA to make the initial decision on releasability.

(2) The additional 10 workdays extension allowed under those circumstances explained in § 806.14.

(l) *Workday.* An official duty day (excluding Saturdays, Sundays, and legal public holidays).

§ 806.4 Use of the functional address symbol, DADF.

This symbol must only be used on correspondence relating directly to FOIA requests. Do not use it on regular correspondence.

Subpart B—Policies Governing Disclosure of Records

§ 806.5 Basic policies on disclosure.

(a) The Department of the Air Force discloses its records to the public, unless these records are exempt from public disclosure under the FOIA. Exempt records are made available to the public when it is determined that no governmental interest is jeopardizd by their release.

(b) A record should not be withheld from release because it might suggest administrative error or inefficiency, or might otherwise embarrass the Air Force or an official of the Air Force.

(c) A request for a record is considered fulfilled when:

(1) One copy is provided.

(2) A record is made available for reviewing and copying, if requested.

(3) The requester refuses or fails to pay fees.

(d) Requests for information or records not made under the FOIA must be answered promptly. These records of information may be available to requesters under other established procedures (for example, news media

representatives through public information channels; people seeking access to their personal records).

§ 806.6 Specific policies on disclosure.

(a) Any "reasonably described" material (see § 806.6(d)) in the possession and control of the Air Force that qualifies as a record (see § 806.3(j)) and is not exempt from disclosure under § 806.7, must be made available on written request.

(b) If the information exists in the form of several records, at so many different locations that gathering it would involve excessive time and administrative costs, the requester should be referred to these sources.

(c) There is no obligation to create a record to fulfill a request.

(d) A requester must be reasonably specific in identifying each record sought. The Air Force must make a reasonable effort to find any records requested. Sufficient data must be given to help find the records, in a way that doesn't involve an unreasonable amount of effort. The Air Force isn't required to let requesters browse through entire files or large series of records to find a record that they then "identify." If a record isn't reasonably described, the requester must be asked, by letter, for more specific information. The request should not be processed until the requester answers that letter.

(e) A request for a specific record should not be denied solely because the record is maintained by a computer (see § 806.3(j)(2)(vi)).

§ 806.7 Specific policies on withholding records.

Records or portions of records that fall in one or more of those exemptions listed in § 806.7(a) through § 806.7(i) may be withheld from disclosure to the public. Records that may be exempt from release are:

(a) Those properly and currently classified in the interest of national defense or foreign policy, as authorized by Executive Order. Exemptions on the basis of a classification must be supported by a denial authority's determination that the unauthorized disclosure of such information could reasonably be expected to cause damage to the national security. The classification authority must determine that the information is currently and properly classified. When the OPR that originated the classified record can't be identified, send requested records of 1947 ASG/DADF, for review by HQ USAF/IGS. Unclassified portions of overall classified documents should be released, unless those portions can be withheld for some reason other than classification. Although material is not classified at the time a FOIA request is received, review may be made to determine if it should be classified or otherwise withheld under policies in § 806.7(b) through § 806.7(i). Procedures in DOD 5200.1–R/AFR 205–1, Information Security Program, apply. Information received from a foreign government or foreign source may be properly classified according to Executive Order and DOD 5200.1–R/AFR 205–1.

(b) Those that contain rules, regulations, orders, manuals, directives, and instructions on the internal personnel rules or practices of the Air Force, if these records do not directly affect the general public, or if their disclosure would tend to allow persons to violate the law, or would hinder enforcement of the law. Examples include:

(1) Those operating rules, guidelines, and manuals for Air Force investigators, inspectors, auditors, or examiners that must remain "privileged" to prevent circumvention of their purpose by disclosure to a member of the public.

(2) Personnel and other administrative matters, such as examination questions and answers used in training courses or in determining candidates' qualifications for employment, entrance to duty, advancement, or promotion.

(c) Those that concern matters that a statute specifically exempts from disclosure, by terms that permit no discretion on the issue of withholding or, according to defined standards, for withholding or referring to particular types of matters to be withheld. Examples include:

(1) 42 U.S.C. 2161 (Restricted Data and Formerly Restricted Data).

(2) 50 U.S.C. 402 (National Security Agency Information Exemption).

(3) 35 U.S.C. 181 through 188 (Patent Secrecy). Any documents containing information relating to inventions that are the subject of patent applications on which Patent Secrecy Orders have been issued.

(4) 21 U.S.C. 1175 and 42 U.S.C. 4582 (Drug and Alcohol Abuse Programs).

(5) 18 U.S.C. 798 (Communication Intelligence).

(d) Those containing trade secrets or commercial or financial information submitted by a person outside the Air Force, with the understanding that it will be kept on a privileged or confidential basis, according to customary handling. In these cases, submitters of these data should be contacted for their views on releasability.

(1) If the submitter objects to the release, but the Air Force release authority determines that data are releasable, the submitter should be notified of that decision.

(2) Such documents are withheld if their disclosure would:

(i) Reveal a trade secret;

(ii) Cause substantial harm to the competitive position of the source that provides the information; or

(iii) Impair the government's ability to get necessary information in the future.

(3) Examples of records covered by this exemption include:

(i) Commercial or financial information received in confidence, concerning loans, bids, contracts, or proposals; and other information received in confidence or on a privileged basis, such as trade secrets, inventions, and discoveries, or other proprietary data.

(ii) Statistical data and commercial or financial information concerning contract performance, income, profits, losses, and expenditures, if offered and received in confidence from a contractor or potential contractor.

(iii) Personal statements given in the course of inspections, investigations, or audits, if such statements are received in confidence from the individual and kept in confidence, because they reveal trade secrets or commercial or financial information usually considered confidential or privileged.

(iv) Financial data provided in confidence by private employers for locality wage surveys, used to fix and adjust pay schedules that apply to prevailing rate employees in the Department of Defense.

(v) Scientific and manufacturing processes or developments concerning technical or scientific data; or other proprietary information submitted with an application for a research grant, or with a report while research is in progress.

(e) Intra-agency or interagency memorandums or letters that would not be routinely available to a party in litigation with the Air Force.

(1) Examples include:

(i) Those portions of records which consist of advice, opinions, evaluations, or recommendations the release of which would reveal the deliberative process of the Air Force.

(ii) Advice, suggestions, or evaluations prepared for the Air Force by individual consultants or by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups formed to obtain advice and recommendations.

(iii) Those nonfactual portions of Air Force personnel evaluations of contractors and their products.

(iv) Advance information of a speculative, tentative, or evaluative nature, on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions, if such information would provide undue or unfair competitive advantage to private personal interests or would impede legitimate governmental functions.

(v) Records, exchanged between Air Force personnel and within and among components or agencies, that are prepared for anticipated administrative proceedings or litigations before any Federal, State, or military court, as well as records that qualify for the attorney-client privilege.

(vi) Official reports of inspection, audits, investigations, or surveys on the safety, security, or the internal management, administration, or operation of the Air Force that have been treated by the courts as "privileged" against disclosure in litigation.

(vii) Trade secrets or other confidential research, development, or commercial information owned by the government, where premature release is likely to affect the government's negotiating position or other commercial interests.

(2) If any such intra-agency or interagency record, or a reasonable portion of such a record is made available, on a routine basis through the "discovery process," in the course of litigation with the agency, then the record should not be withheld from the general public. The "discovery process" is that process by which litigants get information from each other that is relevant to those issues in a trial or hearing. The record or document need not be made available to a member of the general public, if the information in only made available through the "discovery process" by special order of the court.

(3) Intra-agency or interagency memorandums or letters that are factual, or that have factual portions that can be separated, are made available, on a routine basis through the "discovery process," and should, therefore, be made available to a requester, unless the factual material is "privileged" or otherwise exempt from release.

(4) Generally, a direction or order from a superior to a subordinate, though contained in an internal communication, can't be withheld from a requester if it forms policy guidance or a decision, as distinguished from a discussion of preliminary matters that would compromise the decisionmaking process.

(f) Personnel and medical files, as well as similar personal information in other files that, if diclosed to a member of the public, would result in a clearly unwarranted invasion of personal privacy.

(1) Examples include:

(i) Records compiled to evaluate or judge the suitability of candidates for employment (including membership in the Armed Forces), and the eligibility of individuals (civilian, military or industrial) for security clearances or for access to particularly sensitive classified information.

(ii) Files containing reports, records, and other material pertaining to personnel matters, where administrative action, including disciplinary action, may be taken.

(2) To determine whether releasing information would result in a "clearly unwarranted invasion of personal privacy," the request must be examined to determine the stated, known, or assumed purpose of the request. When determining whether a release is "clearly unwarranted," the public interest in satisfying that purpose must be balanced against the sensitivity of the privacy interest being threatened. This exemption must not be used in an attempt to protect the privacy of a deceased person, but may be used to protect the privacy of the deceased person's family.

(3) Personnel, medical, or similar files may be withheld from subjects of those records, or their designated legal representative, only according to 5 U.S.C. 552a, the Privacy Act of 1974 (32 CFR Part 806b).

(4) A clearly unwarranted invasion of the privacy of others, identified in a record, may be a basis for deleting some portions, even when providing it to the subject of the record.

(g) Those investigative records compiled for enforcing civil, criminal, or military law, including carrying out executive orders or regulations issued according to the law.

(1) This exemption applies only if the release of a record or portion of a record would:

(i) Interfere with enforcement proceedings;

(ii) Deprive a person of the right to a fair trial or an impartial adjudication;

(iii) Be an unwarranted invasion of the personal privacy of a living person, including surviving family members of a person identified in such a record;

(iv) Disclose the identity of a confidential source;

(v) Disclose confidential information furnished only by a confidential source and obtained by a criminal law enforcement authority in a criminal investigation, or by an agency conducting a lawful national security intelligence investigation;

(vi) Disclose investigative techniques and procedures not already in the public domain, which require protection against public disclosure to ensure that these techniques and procedures remain effective; or

(vii) Endanger the life, physical safety, or well-being of law enforcement personnel or their families.

(2) Examples of investigative records include:

(i) Statements of witnesses and other material developed during the course of the investigation, and all materials prepared for related government litigation or adjudicative proceedings.

(ii) The identity of firms or individuals being investigated for alleged irregularities that involve contracting with the Air Force, when neither an indictment has been obtained nor any civil action filed against these individuals by the United States.

(iii) Information obtained in confidence, expressed or implied, during a civil or criminal law enforcement investigation; or affirmative or counterintelligence information obtained during a lawful national security intelligence investigation, conducted by an authorized agency or office in the Air Force.

(3) The right of subjects to investigative records currently available by law is not decreased.

(4) When the subject of an investigative record is the requester of the record, see 32 CFR Part 806b.

(h) Those in or related to examination, operating, or condition reports prepared by, on the behalf of, or for the use of, an agency responsible for regulating or supervising financial institutions.

(i) Those that have geological and geophysical information and data, including maps, concerning wells.

§ 806.8 Partial denial.

Exempt portions of a record should be deleted and remaining portions that can reasonably be separated should be disclosed to the requester. Each deletion must be justified in writing, citing the FOIA exemption and corresponding section of this part. Describe the deleted material as stated in AFR 12–30, paragraph 25(b)(1) any part of a requested record is withheld, it is considered a partial denial.

Subpart C—Processing FOIA Requests

§ 806.9 Documentation Management Office (DAD) responsibilities.

Usually within each activity, the DAD is the office responsible for processing FOIA requests. As such, this office:

(a) Is the focal point for: (1) Receiving and processing FOIA requests.

(2) Providing facilities and services for inspecting, copying, and furnishing copies of records.

(3) Collecting fees, if proper.

(b) Makes available to the general public, for reference, master publication libraries established under AFR 5–31, Publications Libraries and Sets.

(c) Establishes coordination and local working agreements between administrative reference libraries and other functional areas that maintain technical, professional, and specialized types of documentation.

§ 806.10 Processing requests for records.

When a request is received for the disclosure of records under the FOIA, the FOIA manager sends requests direct to the FOIA office of other government agencies and other Air Force activities, after confirming that the record was originated by the other agency or Air Force activity. (A request for a classified record is referred to an agency outside the Department of Defense (DOD) if the record or a portion of it originated in, or if the classification is derived from, the outside agency. The outside agency must be consulted before referral.) The FOIA manager tells the requester of the referral and identifies the record referred consistent with security requirements. On complicated requests, gives sources of records rather than referring it to other agencies. Requests for National Security Council (NSC) or White House files are sent to the NSC for direct response. Records in which the NSC has a concurrent reviewing interest are sent to OASD(PA) DFOISR, Wash DC 20301, for coordination with NSC and return to the FOIA manager.

§ 806.11 Fee assessment.

(a) The Air Force supports the principle that the general public should have reasonable access to records. Fees must not be used to discourage requests.

(b) When direct search and duplication costs for a single FOIA request total less than $30, usually fees are waived automatically. However, when circumstances show (on the basis of good evidence) that the record will be used for a private or commercial interest, rather than the general public's interest, the requester may be required to justify waiving this amount.

(c) If requesters wish to have fees in excess of $30 waived, they must give information in their requests that will enable the Air Force to exercise its discretion.

(1) A simple statement that the release of records would be in the public's interst is not enough. Since the question of "benefiting the general public" hinges on the use of requested records, the identity or tax status of a requester, or the statement that the record will be made public, is not necessarily good ground for a waiver.

(2) The requester should state how the planned use of records will serve the general public's interest, the segment of the public to be benefited, and other matters that might justify waiving fees.

(3) The requester's statement must not influence the decision to release or not to release the record. It only affects whether or not the Air Force will decide to bear the cost of the request. This information is not required if a requester is willing to bear the cost.

(d) The decision to waive or reduce fees that are more than $30 must be made on a case-by-case basis, by the FOIA manager. As a general guide, fees are usually waived when any of these circumstances are met:

(1) No record is located. Fees may be charged, however, if the requester insists on a search and agrees to pay fees after being informed that such fees are assessable, whether or not records are found that meet the requester's need.

(2) All records requested are denied.

(3) A record is voluntarily created to save an otherwise burdensome effort to provide voluminous amounts of available records, including other information not requested.

(4) A request is from a nonprofit interest group, if the subject of the record is known to be of wide public interest and if it is expected that the group will make the information available to a large part of the general public.

(5) The requester is indigent and the release of records is in the general public's interest.

(6) The request is from a member of the news media, whose requests are reasonable in scope and frequency. But, news media requesters may be charged fees when:

(i) Charges exceed $30;

(ii) Either the requested record doesn't contain information considered as primarily benefiting the general public, or the search for the record requires an excessive amount of personnel time and adversely impacts on an organization's mission.

Note.—When news media requests are broad in scope and considered unreasonable, write the requester as stated in § 806.6(d). An estimate of fee charges may be included in the letter, or provided after a reframed request is received.

(7) A previous denial is reversed in whole or in part, and search and reproduction costs involved are not substantial.

(e) In order to be as responsive as possible to FOIA requests, while keeping Air Force costs to a minimum, § 806.12 should be followed.

(f) If fee assessment is required, the fee schedule in § 806.13 must be used.

§ 806.12 Fees assessed for FOIA requests.

RULE	A If the requester	B and	C then the requester must be advised that
1	is not willing to pay fees and can't justify fee waiver	cost of processing the request exceeds $30	the request will not be processed.
2	is willing to pay fees up to a certain amount and can't justify fee waiver		processing the request will exceed the specified amount and that the request will not be processed until he or she agrees to pay additional costs.
3	doesn't mention fees and can't justify fee waiver		the anticipated charges for processing the request will exceed $30 and that the request will not be processed until he or she agrees to pay the charges.
4	failed to pay fees previously incurred	submits another request	the subsequent request will not be processed until previous charges have been paid or waived.
5	asks for the records to be authenticated	records are authenticated according to AFR 110-10	there is a charge of $3.00 for each authentication (see note).

NOTE: This service is in addition to FOIA requirements and isn't included in FOIA fees schedule.

§ 806.13 Schedule of fees for searching and duplicating under the FOIA.

(a) Fees in this schedule apply to FOIA requests. These fees show direct search and duplication costs, recovery of which is permitted by the FOIA. They are neither intended to imply that fees must be charged when providing information to the public in the routine course of business, nor are they meant as a substitute for any other schedule of fees, such as described in 32 CFR Part 813.

(b) Fees need not be collected before processing the request, unless the cost is expected to exceed $30 and the requester hasn't indicated, in writing, a willingness to pay. Frequently, fees are easier to collect after processing the request, when the requester states that the cost involved is acceptable, or acceptable up to a given amount that covers expected costs. Fees should be collected before processing the request if the requester hasn't agreed, in writing, to pay the expected fee or hasn't paid fees already outstanding.

(c) The fee schedule is used to compute direct search and duplication costs for processing a FOIA request. Decisions to charge fees are based on those fee policies shown in § 806.11 and § 806.12. Search fees are computed based on actual time spent searching for records. Neither time-based or dollar-based minimum charges for search and duplication are authorized.

(1) Search Fees:

(i) Manual Search:

Type	Grade	Hourly rate
Clerical	E9 and GS-8 and below	[illegible]
Professional	01-06 and GS-9-GS-15	16
Executive	07 and GS-16, ES1, and above	26

(ii) Computer search is based on the direct cost of the central processing unit, input or output devices, and memory capacity of the actual computer configuration used. Programming time associated with computer output is chargeable as search time. Charges for locally produced inquiries or desires are computed at the professional or clerical rate depending on the grade of the programmer.

(iii) Actual cost of transporting records or personnel to the search site may be included.

(2) Duplication Fees:

Type	Cost per page
Office Copy	$ 10
Microfiche	25
Printed Material	01

(3) Audiovisual Documentary Materials. Search costs are computed as for any other record. Duplication cost is the actual direct cost of reproducing the material, including the wage of the person doing the work. Audiovisual materials provided to a requester need not be in reproducible format or quality.

(4) Other Records. Direct search and duplication cost for any record not described above must be computed in the same way as audiovisual documentary materials.

§ 806.14 Notice of administrative extension.

In unusual circumstances, the FOIA manager may authorize an administrative extension of the 10-day time limit for processing a request. A written notice must be sent to the requester within the initial 10 workdays, giving the reason for the extension and the date when a notice of determination is expected to be sent. The notice must not give a date that would be more than an additional 10 workdays. Information copies of this written notice must be sent to the MAJCOM or SOA DAD and HQ USAF/DAAD, Wash DC 20330. Unusual circumstances that may justify delay are:

(a) All or part of requested records are at places other than the installation processing the request.

(b) The request requires the collection and evaluation of a substantial number of records.

(c) Consultation is needed with other Air Force activities or other agencies, to determine if all or part of requested records are exempt from release, or if they should be disclosed.

Subpart D—Appeals From Denials

§ 806.15 Processing appeals.

(a) Appeal from denial of records:

(1) If a request for records is denied, the requester may appeal the denial, in writing, to the Office of the Secretary of the Air Force. The appeal must be made within 45 days of denial, unless a written request for an extension beyond 45 days is granted by the denial authority. This authority may be delegated. If the requester doesn't appeal or obtain a time extension within

45 days, the case may be considered closed. Further, the Air Force is not obligated to process other requests by the same requester for those same records. Requesters have exhausted all administrative remedies within the Department of the Air Force when an appeal has been filed on an initial denial and a secretarial decision made on that appeal. That decision is the final Air Force action on the request.

(2) The requester must be told to address the appeal to the Office of the Secretary of the Air Force, and send it through the DADF of the MAJCOM or SOA that denied the request. (For example, if HQ AFLC denied the request, the appeal must be sent to the Office of the Secretary of the Air Force, through HQ AFLC/DADF, Wright-Patterson AFB OH 45433.) The appeal should include the requester's arguments, in full, and reasons for submitting the appeal. Denials involving Office of Personnel Management's controlled civilian personnel records must be appealed within 10 days to the Office of the General Counsel, Office of Personnel Management, P.O. Box 7559, Wash DC 20044.

(3) After coordination with the local staff judge advocate, the MAJCOM or SOA DADF must immediately send the appeal to HQ USAF/JACL for processing, along with:

(i) The original appeal letter and initial request, with any attachments.

(ii) A copy of the denial letter, with an index of the denied material, if applicable.

(iii) A complete description of all records previously provided.

(iv) Copies of all administrative processing documents, including opinions and recommendations discussing the request.

(v) Copies of the denied record, or denied portions of the record. If the record is bulky (several cubic feet or more), a detailed description of denied documents may be substituted for actual documents, with the consent of HQ USAF/JACL.

(vi) A point-by-point discussion of any factual and legal arguments contained in the requester's appeal; and evidence that these arguments have been considered and rejected by the denial authority, and reasons therefor.

(vii) Any other documents in the file of the initial denial authority that will help in processing the appeal.

(viii) If the denial includes intra-agency documents, an explanation of the decisionmaking process and how the denied material fits into that process.

(4) If the initial time limit was extended, the number of additional days used in making the determination must be given.

(5) HQ USAF/JACL either gets approval from the Vice Chief of Staff, USAF, or his or her designee, to release the requested record, or sends the appeal, through the Office of the General Counsel, to the Administrative Assistant to the Secretary of the Air Force (SAF/AA), for final determination.

(6) A determination must be made on an appeal within 20 workdays after it reaches the Office of the Secretary of the Air Force.

(i) If the denial is upheld, in whole or in part, the Secretary's office tells the requester of the determination, explains reasons for the denial, and tells the requester of his or her right to a judicial review of that determination.

(ii) If the appeal is granted, the Office of the Secretary of the Air Force notifies the requester in writing, and releases the record or directs its release.

(b) Appeal from denial to waive or reduce fees:

(1) If a request for a fee waiver or reduction is denied, the requester may appeal to the Secretary of the Air Force.

(2) The requester must be told to address the appeal to the Office of the Secretary of the Air Force, and send it through the DADF of the activity that denied the request for the waiver. The appeal should include the requester's arguments, in full, and reasons for submitting the appeal.

(3) On an appeal, the DADF that denied the waiver of fees must reconsider that denial. If the determination is still to deny waiver, the DADF, after coordination with the local staff judge advocate and MAJCOM/DADF, must immediately send the appeal to HQ USAF/JACL for processing, along with:

(i) The original appeal letter and initial request.

(ii) A copy of the denial letter.

(iii) A point-by-point discussion of any factual and legal arguments contained in the appeal; and evidence that these arguments have been considered and rejected by the official denying the request, and reasons therefor.

(iv) A full accounting of costs incurred or projected in acting on the request.

(v) Any other documents in the file that will help in processing the appeal.

(4) Appeals must be coordinated with the local staff judge advocate before sending them to HQ USAF/JACL.

Subpart E—How the Public Submits FOIA Requests

§ 806.16. Submitting FOIA requests.

Requests must be in writing, giving such information as is reasonably required to identify and locate records. To speed up processing, requesters should address their requests as shown in § 806.17 and § 806.18. Unless otherwise shown in § 806.17 and § 806.18, requesters should use the office symbol DADF when addressing correspondence about their request for records to any Air Force activity. The symbol DADF is the standard Air Force-wide functional address symbol used to identify all forms of communication about requests for records under the Freedom of Information Act. (The DADF symbol must not be used on regular correspondence.)

§ 806.17.

§ 806.18.

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§ 806.17. Where to send FOIA requests.

RULE	A	B
	If the request is for	then address the request to
1	records of civilian employees currently employed by the Air Force	the DADF of base or activity where the civilian is employed
2	records of civilian employees no longer employed by the federal service	National Personnel Records Center (Civilian Personnel Records) 111 Winnebago Street St Louis MO 63118.
3	records of members and former members of the Air Force, Air Force Reserve, or National Guard	(see table 4.)
4	reports of investigation compiled by the Air Force OSI (see AFR 124-4.)	HQ AFOSI/DADF Bolling AFB DC 20332.
5	records of personnel security investigations	Defense Investigative Service Asst for Information 1900 Half Street, NW Wash DC 20324.
6	records where the location is known	the DADF of the base where the record is located.
7	records where the location is not known	1947 ASG/DADF Wash DC 20330.

§ 806.18. Where to address requests for records of military personnel.

RULE	A	B	C
	If military member's status is	and present or past military rank is	then address request to
1	on extended active duty	a commissioned officer or warrant officer	organization of assignment, if known; otherwise to: HQ AFMPC/MPCDOO Randolph AFB TX 78150.
2	on extended active duty	an airman	organization of assignment, if known; otherwise to: HQ AFMPC/MPCDOA Randolph AFB TX 78150.
3	a member of the Air Force Reserve or Air National Guard not on extended active duty	a commissioned officer, warrant officer, or airman	ARPC/DADF Denver CO 80280.
4	retired for temporary disability		HQ AFMPC/MPCDOM Randolph AFB TX 78150.
5	retired with pay	a general officer	HQ AFMPC/MPCDOO Randolph AFB TX 78150.
6		other than a general officer	National Personnel Records Center (Military Personnel Records) 9700 Page Blvd St Louis MO 63132.
7	former member, no longer has an Air Force affiliation	a commissioned officer, warrant officer, or airman	
8	unknown	unknown	HQ AFMPC/MPCDO Randolph AFB TX 78150.

NOTE: Records of members and former members of the Air Force are maintained in different locations, depending on the member's current status. Send requests for such records to the address indicated in this table.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-9245 Filed 4-7-83; 8:45 am]

BILLING CODE 3910-01-M

32 CFR Part 930

USAF Military Working Dog Program

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 930—USAF Military Working Dog Program, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 125-5, has been revised. It is intended for internal guidance and has no applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Capt Doonan, HQ Air Force Office of Security Police, SPOT, Kirtland AFB, NM 87117, Telephone, 505–844–2789.

SUPPLEMENTARY INFORMATION:

PART 930—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 930.

List of Subjects in 32 CFR Part 930

Animals, Federal buildings and facilities, Law enforcement, Security measures, Veterinarians.

(10 U.S.C. 8012)

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–9233 Filed 4–7–83; 8:45 am]

BILLING CODE 3910–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH–FRL 2339–7]

Hazardous Waste Management System: General

AGENCY: Environmental Protection Agency.

ACTION: Technical amendment to final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today amending Appendix III of 40 CFR Part 261 (Chemical Analysis Test Methods) by realigning the lists of test methods and assigning new method numbers. The new format incorporates the numbering system used in the second edition of the test methods manual "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," (1982) (EPA Publication No. SW–846), and makes no substantive changes. It also expands the numbering system used in the Appendix to allow for future incorporation of new methods.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline at (800) 424–9346 (toll free), or (202) 382–3000. For technical information contact James Poppiti, Office of Solid Waste (WH–565B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382–4770.

SUPPLEMENTARY INFORMATION: EPA recently announced the availability of the second edition of its test methods manual "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," (1982) (EPA Publication No. SW–846) **Federal Register** (47 FR 41562). The second edition of this manual, although not including any new analytical procedures, is significantly reorganized and includes expanded explanatory information compared to the first edition. As a result of this reorganization, an expanded sampling and analysis method numbering system was necessary.

The following tables summarize the reorganization and method numbering changes made in the second edition of the methods manual:

Section description	First edition section	Second edition section
Evaluation Plan Design	1.0	1.0
Chain of Custody Procedures	2.0	1.3
Sampling Methodology	3.0	1.4
Sampling Plan Design	3.1	1.1
Sampling Equipment	3.2	1.2.1
Sample Containers	3.3	1.4.1
Sample Handling and Preservation	3.4	1.3
Ignitability	4.0	2.1.1
Corrosivity	5.0	2.1.2
pH Measurement	5.2	9.0
Reactivity	6.0	2.1.3
Extraction Procedure Toxicity	7.0	2.1.4
Quality Assurance/Quality Control	10.0	10.0

Method description	First edition method(s)	Second edition method(s)
Volatile Organics, general	8.01	[illegible] 8015 8020
Volatile Aromatics, selected Ketones and Ethers	8.02	8090
Acrolein, Acrylonitrile and Acetonitrile	[illegible]	8030
Phenols	8.04	[illegible]
Semi-Volatile Organics	8.06	[illegible]
Organochlorine Pesticides and PCBs	[illegible]	[illegible]
Nitroaromatics	[illegible]	[illegible]
Polynuclear Aromatic Hydrocarbons GC Method	8.10	8100
Semi-Volatile Organic Hydrocarbons	8.12	8120
Organophosphorus Pesticides	[illegible]	8140
Chlorophenoxy Acid Pesticides	8.40	8150
Volatile Organics GC/MS	8.24	[illegible]
Semi-Volatile Organics GC/MS	8.25	8250
Capillary Column GC/MS Method for the Analysis of Wastes	8.27	8270
Polynuclear Aromatic Hydrocarbons LC Method	8.30	8310
Antimony	8.50	7040 7041
Arsenic	8.51	7060 7061
Barium	8.52	7080 7081
Cadmium	8.53	[illegible] 7091
Chromium	8.54	7190 7191
Hexavalent Chromium: Coprecipitation	8.545	7195
Hexavalent Chromium: Colonmetric	8.546	7196
Hexavalent Chromium: Chelation/Extraction	8.547	7197
Alkaline Digestion	[illegible]	[illegible]
Lead	8.56	7420 7421

Method description	First edition method(s)	Second edition method(s)
Mercury	8.57	7470 7471
Nickel	8.58	7520 7521
Selenium	8.59	7740 7741
Silver	8.60	7760 7761
Cyanide	8.55	9010
Total Organic Halide	8.56	9020
Sulfides	8.57	9030
Headspace	8.82	5020
Purge and Trap	8.83	5030
Shake Out	8.84	3510
Soxhlet Extraction	8.86	3540
Liquid-Liquid Extraction	9.01	3520

Appendix III of Part 261 lists the sampling and analysis test methods the regulated community can use to evaluate their solid waste. This appendix currently is organized according to the first edition of the methods manual. Because the second edition of the manual reflects a reorganization and expansion of the first edition, it is necessary to reformat Appendix III in order to avoid any confusion when using either manual. The new format of Appendix III will also make it easier for the Agency to issue, and the regulated community to refer to and comment on, subsequent additions and changes to the Chemical Analysis Test Methods contained in Appendix III and the methods manual. EPA is making this change effective immediately and does not feel a comment period is necessary since this technical amendment merely reorganizes Appendix III to correlate with the revised methods manual.

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Dated: March 30, 1983.

Lee M. Thomas,

Acting Assistant Administrator.

PART 261—[AMENDED]

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

2. Appendix III of Part 261 is revised to read as follows:

Appendix III—Chemical Analysis Test Methods

Tables 1, 2, and 3 specify the appropriate analytical procedures, described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," (incorporated by reference, see § 260.11) which shall be used to determine whether a sample contains a given Appendix VII or VIII toxic constituent.

Table 1 identifies each Appendix VII or VIII organic constituent along with the approved measurement method. Table 2 identifies the corresponding methods for inorganic species. Table 3 summarizes the contents of SW–846 and supplies specific section and method numbers for sampling and analysis methods.

Prior to final sampling and analysis method selection the analyst should consult the specific section or method described in SW–846 for additional guidance on which of the approved methods should be employed for a specific sample analysis situation.

TABLE 1.—ANALYSIS METHODS FOR ORGANIC CHEMICALS CONTAINED IN SW–846

Compound	First edition method(s)	Second edition method(s)
Acetonitrile	8.03, 8.24	8030, 8240
Acrolein	8.03, 8.24	8030, 8240
Acrylamide	8.01, 8.24	8015, 8240
Acrylonitrile	8.03, 8.24	8030, 8240
Benzene	8.02, 8.24	8020, 8024
Benz(a)anthracene	8.10, 8.25	8100, 8250, 8310
Benzo(a)pyrene	8.10, 8.25	8100, 8250, 8310
Benzotrichloride	8.12, 8.25	8120, 8250
Benzyl chloride	8.01, 8.12, 8.24, 8.25	8120, 8250
Benzo(b)fluoanthene	8.10, 8.25	8100, 8250, 8310
Bis(2-chloroethoxymethane)	8.01, 8.24	8010, 8240
Bis(2-chloroethyl)ether	8.01, 8.24	8010, 8240
Bis(2-chloroisopropyl)ether	8.01, 8.24	8010, 8240
Carbon disulfide	8.01, 8.24	8015, 8240
Carbon tetrachloride	8.01, 8.24	8010, 8240
Chlordane	8.08, 8.25	8080, 8250
Chlorinated dibenzodioxins	8.08, 8.25	8080, 8250
Chlorinated biphenyls	8.08, 8.25	8080, 8250
Chloroacetaldehyde	8.01, 8.24	8010, 8240
Chlorobenzene	8.01, 8.02, 8.24	8020, 8240
Chloroform	8.01, 8.24	8010, 8240
Chloromethane	8.01, 8.24	8010, 8240
2-Chlorophenol	8.04, 8.25	8040, 8250
Chrysene	8.10, 8.25	8100, 8250, 8310
Creosote [1]	8.10, 8.25	8100, 8250
Cresol(s)	8.04, 8.25	8040, 8250
Cresylic Acid(s)	8.04, 8.25	8040, 8250
Dichlorobenzene(s)	8.01, 8.02, 8.12, 8.25	8010, 8120, [illegible]
Dichloroethane(s)	8.01, 8.24	8010, 8240
Dichloromethane	8.01, 8.24	8010, 8240
Dichlorophenoxyacetic acid	8.40, 8.25	8150, 8250
Dichloropropanol	8.12, 8.25	8120, 8250
2,4-Dimethylphenol	8.04, 8.25	8040, 8250
Dinitrobenzene	8.09, 8.25	8090, 8250
4,6-Dinitro-o-cresol	8.04, 8.25	8040, 8250
2,4-Dinitrotoluene	8.09, 8.25	8090, 8250
Endrin	8.08, 8.25	8080, 8250
Ethyl ether	8.01, 8.02, 8.24	8015, 8240
Formaldehyde	8.01, 8.24	8015, 8240
Formic acid	8.06, 8.25	8250
Heptachlor	8.06, 8.25	8080, 8250
Hexachlorobenzene	8.12, 8.25	8120, 8250
Hexachlorobutadiene	8.12, 8.25	8120, 8250
Hexachloroethane	8.12, 8.25	8010, 8240
Hexachlorocyclopentadiene	8.12, 8.25	8120, 8250
Lindane	8.08, 8.25	8080, 8250
Maleic anhydride	8.06, 8.25	[illegible]
Methanol	8.01, 8.24	8010, 8240
Methomyl	8.32	[illegible]
Methyl ethyl ketone	8.01, 8.02, 8.24	8015, 8240
Methyl isobutyl ketone	8.01, 8.02, 8.24	8015, 8240
Napthalene	8.10, 8.25	8100, 8250
Napthoquinone	8.06, 8.09, 8.25	8090, 8250
Nitrobenzene	8.09, 8.25	8090, 8250
4-Nitrophenol	8.04, 8.25	8040, 8240
Paraldehyde (trimer of acetaldehyde)	8.01, 8.24	8015, 8240
Pentachlorophenol	8.04, 8.25	8040, 8250
Phenol	8.04, 8.25	8040, 8250
Phorate	8.22	8140
Phosphorodithioic acid esters	8.06, 8.09, 8.22	8140
Phthalic anhydride	8.06, 8.09, 8.25	8090, 8250
2-Picoline	8.06, 8.09, 8.25	8090, 8250
Pyridine	8.06, 8.09, 8.25	8090, 8250
Tetrachlorobenzene(s)	8.12, 8.25	8120, 8250
Tetrachloroethane(s)	8.01, 8.24	8010, 8240
Tetrachloroethene	8.01, 8.24	8010, 8240
Tetrachlorophenol	8.04, 8.24	8040, 8250
Toluene	8.02, 8.24	8020, 8024
Toluenediamine	8.25	[illegible]
Toluene diisocyanate(s)	8.06, 8.25	[illegible]
Toxaphene	8.08, 8.25	8080, 8250
Trichloroethane	8.01, 8.24	8010, 8240
Trichloroethene(s)	8.01, 8.24	8010, 8240
Trichlorofluoromethane	8.01, 8.24	8010, 8240
Trichlorophenol(s)	8.04, 8.25	8040, 8250
2,4,5-Trichlorophenoxy propionic acid	8.40, 8.25	8150, 8250
Trichloropropane	8.01, 8.24	8010, 8240
Vinyl chloride	8.01, 8.24	8010, 8240
Vinylidene chloride	8.01, 8.24	8010, 8240
Xylene	8.02, 8.24	8020, 8240

[1] Analyte for phenanthrene and carbazole; if these are present in a ratio between 1.4:1 and 5:1 creosote should be considered present.

TABLE 2.—ANALYSIS METHODS FOR INORGANIC CHEMICALS CONTAINED IN SW–846

Compound	First edition method(s)	Second edition method(s)
Antimony	8.50	7040, 7041
Arsenic	8.51	7060, 7061
Barium	8.52	7080, 7081
Cadmium	8.53	7090, 7091
Chromium	8.54	7190, 7191
Chromium: Hexavalent	8.545, 8.546, 8.547	7195, 7196, 7197
Lead	8.56	7420, 7421
Mercury	8.57	7470, 7471
Nickel	8.58	7520, 7521
Selenium	[illegible]	7740, 7741
Silver	[illegible]	7760, 7761
Cyanides	8.55	9010
Total Organic Halogen	[illegible]	9020
Sulfides	8.67	9030

TABLE 3.—SAMPLING AND ANALYSIS METHODS CONTAINED IN SW–846

Title	First edition		Second edition	
	Section No	Method No	Section No	Method No
Sampling of Solid Wastes	1.0		1.0	
Development of Appropriate Sampling Plans	1.0		1.1	
Regulatory and Scientific Objectives	1.0–2		1.1.1	
Fundamental Statistical Concepts	1.0–3		1.1.2	
Basic Statistical Strategies	1.0–7		1.1.3	
Simple Random Sampling			1.1.3.1	
Stratified Random Sampling			1.1.3.2	
Systematic Random Sampling			1.1.3.3	
Special Considerations	1.0–7			
Composite Sampling			1.1.4.1	
Subsampling			1.1.4.2	
Cost and Loss Functions			1.1.4.3	
Implementation of Sampling Plan	1.0–7		1.2	
Selection of Sampling Equipment			1.2.1	
Composite Liquid Waste Sampler	3.2.1		1.2.1.1	
Weighted Bottle	3.2.2		1.2.1.2	
Dipper	3.2.3		1.2.1.3	
Thief	3.2.4		1.2.1.4	
Trier	3.2.5		1.2.1.5	
Auger	3.2.6		1.2.1.6	
Scoop and Shovel	3.2.7		1.2.1.7	
Selection of Sample Containers	3.3		1.2.2	
Processing and Storage of Samples	3.3		1.2.3	
Documentation of Chain of Custody	2.0		1.3	
Sample Labels	2.0–1		1.3.1	
Sample Seals	2.0–3		1.3.2	
Field Log Book	2.0–5		1.3.3	
Chain-of-Custody Record	2.0–6		1.3.4	
Sample Analysis Request Sheet	2.0–9		1.3.5	
Sample Delivery to Laboratory	2.0–10		1.3.6	
Shipping of Samples	2.0–10		1.3.7	
Receipt and Logging of Sample	2.0–12		1.3.8	
Assignment of Sample for Analysis	2.0–13		1.3.9	
Sampling Methodology	3.0		1.4	
Containers	3.2–2		1.4.1	
Tanks	3.2–2		1.4.2	
Waste Piles	3.2–2		1.4.3	
Landfills and Lagoons	3.2–2		1.4.4	
Waste Evaluation Procedures			2.0	

TABLE 3.—SAMPLING AND ANALYSIS METHODS CONTAINED IN SW-846—Continued

Title	First edition		Second edition	
	Section No.	Method No.	Section No.	Method No.
Characteristics of Hazardous Waste			2.1	
Ignitability	4.0		2.1.1	
Pensky-Martens Closed-Cup Method	4.1		2.1.1	1010
Setaflash Closed-Cup Method	4.1		2.1.1	1020
Corrosivity	5.0		2.1.2	
Corrosivity Toward Steel	5.3		2.1.2	1110
Reactivity	6.0		2.1.3	
Extraction Procedure Toxicity	7.0		2.1.4	
Extraction Procedure Toxicity Test	7.1, 7.2, 7.5			
Method and Structural Integrity Test	7.4		2.1.4	1310
Sample Workup Techniques			4.0	
Inorganic Techniques	8.49		4.1	
Acid Digestion for Flame AAS	[1]		4.1	3010
Acid Digestion for Furnace AAS	[1]		4.1	3020
Acid Digestion of Oil, Grease, or Wax	8.49-9		4.1	3030
Dissolution Procedure for Oil, Grease or Wax	8.49-8			
Alkaline Digestion	8.0	8.458	4.1	3060
Organic Techniques	8.0		4.2	
Separatory Funnel Liquid-Liquid Extraction	9.0	9.1	4.2	3510
Continuous Liquid-Liquid Extraction	9.0	9.01	4.2	3520
Acid-Base Cleanup Extraction	8.0	8.84	4.2	3530
Soxhlet Extraction	8.0	8.86	4.2	3540
Sonication Extraction	8.0	8.85	4.2	3550
Sample Introduction Techniques			5.0	
Headspace	8.0	8.82	5.0	5020
Purge-and-Trap	8.0	8.83	5.0	5030
Inorganic Analytical Methods	8.0		7.0	
Antimony, Flame AAS	8.0	8.50	7.0	7470
Antimony, Furnace AAS	8.0	8.50	7.0	7471
Arsenic, Flame AAS	8.0	8.51	7.0	7060
Arsenic, Furnace AAS	8.0	8.51	7.0	7061
Barium, Flame AAS	8.0	8.52	7.0	7080
Barium, Furnace AAS	8.0	8.52	7.0	7081
Cadmium, Flame AAS	8.0	8.53	7.0	7130
Cadmium, Furnace AAS	8.0	8.53	7.0	7131
Chromium, Flame AAS	8.0	8.54	7.0	7090
Chromium, Furnace AAS	8.0	8.54	7.0	7191
Chromium, Hexavalent, Coprecipitation	8.0	8.545	7.0	7195
Chromium, Hexavalent, Colorimetric	8.0	8.546	7.0	7196
Chromium, Hexavalent, Chelation	8.0	8.547	7.0	7197
Lead, Flame AAS	8.0	8.56	7.0	7420
Lead, Furnace AAS	8.0	8.56	7.0	7421
Mercury, Cold Vapor, Liquid	8.0	8.57	7.0	7470
Mercury, Cold Vapor, Solid	8.0	8.57	7.0	7471
Nickel, Flame AAS	8.0	8.58	7.0	7520
Nickel, Furnace AAS	8.0	8.58	7.0	7521
Selenium, Flame AAS	8.0	8.59	7.0	7740
Selenium, Gaseous Hydride AAS	8.0	8.59	7.0	7741
Silver, Flame AAS	8.0	8.60	7.0	7760
Silver, Furnace AAS	8.0	8.60	7.0	7761
Organic Analytical Methods	8.0		8.0	
Gas Chromatographic Methods	8.0		8.1	
Halogenated Volatile Organics	8.0	8.01	8.1	8010
Nonhalogenated Volatile Organics	8.0	8.01	8.1	8015
Aromatic Volatile Organics	8.0	8.02	8.1	8020
Acrolein, Acrylonitrile, Acetonitrile	8.0	8.03	8.1	8030
Phenols	8.0	8.04	8.1	[illegible]
Phthalate Esters	8.0	8.06	8.1	[illegible]
Organochlorine Pesticides and PCBs	8.0	[illegible]	8.1	[illegible]
Nitroaromatics and Cyclic Ketones	8.0	[illegible]	8.1	[illegible]
Polynuclear Aromatic Hydrocarbons	8.0	8.10	8.1	8100
Chlorinated Hydrocarbons	8.0	8.12	8.1	8120
Organophosphorus Pesticides	8.0	[illegible]	8.1	8140
Chlorinated Herbicides	8.0	8.40	8.1	8150
Gas Chromatographic/Mass Spectroscopy Methods (GC/MS)	8.0		8.2	
GC/MS Volatiles	8.0	8.24	8.2	8240
GC/MS Semi-Volatiles, Packed Column	8.0	8.25	8.2	8250
GC/MS Semi-Volatiles, Capillary	8.0	8.27	8.2	8270
High Performance Liquid Chromatographic Methods (HPLC)	8.0		8.3	
Polynuclear Aromatic Hydrocarbons	8.0	8.10	8.3	8310
Miscellaneous Analytical Methods	8.0		9.0	
Cyanide; Total and Amenable to Chlorination	8.0	8.55	9.0	9010
Total Organic Halogen (TOX)	8.0	8.66	9.0	[illegible]
Sulfides	8.0	8.67	9.0	9030
pH Measurement	5.0	5.2	9.0	9040
Quality Control/Quality Assurance	10.0		10.1	
Introduction	10.0		10.1	
Program Design	10.0		10.2	
Sampling	10.0		10.3	
Analysis	10.0		10.4	
Data Handling	10.0		10.5	

[1] See specific metal.

[FR Doc. 83-8052 Filed 4-7-83; 8:45 am]

BILLING CODE 6560-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 671

[Docket No. 21110-226]

Foreign Fishing and Tanner Crab Off Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues a final rule implementing Amendment 7 to the Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska. The rule: (1) Eliminates the existing foreign fishery for *Chionoecetes opilio* Tanner crab in the Bering Sea District by specifying that the optimum yield (OY) equals the domestic annual harvest, thereby reducing the total allowable level of foreign fishing to zero; (2) changes the OY specification for *C. bairdi* Tanner crab in the Bering Sea District; (3) specifies the OY for all Tanner crab in the modified South Peninsula and the new Chignik Districts; and (4) corrects the metric ton expression of the OY for all Tanner crab in the Kodiak District. The amendment is intended to encourage expansion of the U.S. fishery for *C. opilio* Tanner crab, and to maintain the biological productivity of Tanner crab stocks.

EFFECTIVE DATE: May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. McVey, 907-586-7221.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska (FMP), developed by the North Pacific Fishery Management Council (Council), was implemented on December 6, 1978 (43 FR 57149). Following initial implementation, the FMP has been amended six times under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.*

The Council developed Amendment 7 to the FMP late in 1980. Amendment 7 makes the following changes in the FMP:

(1) Specifies the optimum yield (OY) for *Chionoecetes opilio* Tanner crab in the Bering Sea District to equal the domestic annual harvest (DAH) estimate of 39.5 to 91.0 million pounds, thereby reducing the total allowable level of foreign fishing (TALFF) to zero.

(2) Specifies the OY for *C. bairdi* Tanner crab in the Bering Sea District as a range from 28.0 to 36.0 million pounds.

(3) Specifies the OY for all Tanner crab in the new Chignik District as 5.0 million pounds.

(4) Specifies the OY for all Tanner crab in the modified South Peninsula District as 6.0 million pounds.

This rule implements those changes to the FMP, and additionally corrects the metric ton expression of the OY for all Tanner crab in the Kodiak District from 15,865 mt to 15,876 mt.

The preamble to the proposed rule (46 FR 44203, September 3, 1981) thoroughly discussed the need and justification for Amendment 7; it also invited public comments on the proposed rule until October 19, 1981. Public comments received have been considered and are responded to below. After considering the comments, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has decided to give final approval to Amendment 7 and to implement it with final rules.

These final rules incorporate the following changes from the regulations as proposed. First, a uniform coversion rate of 2204.6 pounds per metric ton has been used in expressing OY in metric tons; hence, the OYs for Tanner crab in the Kodiak and Bering Sea Districts vary somewhat from the figures previously published. In addition, the OYs for all districts are specified in millions of pounds. Second, the so-called "TALFF table", formerly codified as Appendix 1 to 50 CFR 611.20, has been removed from the Code of Federal Regulations (47 FR 44264, October 7, 1982). Therefore, there is no need to remove the entry formerly designated C for the Alaska fisheries from that Appendix, which specified the OY, DAH, DAP, JVP, DNP, reserve and TALFF for Tanner crab.

Public Comments

1. *Comment:* The FMP was not amended in accordance with the procedures specified in the Magnuson Act, because section 303(a) of the Magnuson Act requires that maximum sustainable yield (MSY), OY, DAH, and TALFF be assessed and specified in that sequence, and that the calculation of each value not take account of values coming later in the sequence.

Response: Nothing in the Magnuson Act or its legislative history indicates that the order in which the required features of an FMP were set forth in section 303(a) was intended to prescribe a binding sequence for the calculation of MSY, OY, DAH, and TALFF, or to require that any of these values except MSY be derived without reference to the others. Section 303(a) thus does not even specify a mode or sequence of reasoning much less the "procedure" argued for by the commenter. In fact, it would be unlawful under section 3(18) of the Magnuson Act for OY to be calculated without reference to the resulting level of TALFF where, as in this case, it involves economic factors relevant to a determination of the greatest overall benefit to this Nation.

2. *Comment:* Any departure from MSY in the calculation of OY is premature until the agency has a full understanding of the fishery based on its management for a time at the MSY level. Only then can relevant economic, social, and ecological factors be sufficiently understood to form the basis for adjustments to MSY.

Response: Under section 301(a)(2) of the Magnuson Act, management of a fishery is to be based on "the best scientific information available." A "full understanding" of that fishery is not a prerequisite to management. Given the current inexact nature of fishery science, the attainment of a "full understanding" of any fishery is unlikely in the foreseeable future. Nothing in the Magnuson Act or its legislative history indicates that there is an implied exception to section 3(18) under which relevant economic, social, and ecological factors may be ignored in the calculation of OY pending the attainment of a "full understanding" of the fishery.

3. *Comment:* The OY for *C. opilio* in the Bering Sea is based completely on the DAH and bears no quantitative relationship to the MSY.

Response: The OY for *C. opilio* in the Bering Sea is expressed as a quantitative range, the lower end of which is the 1980 U.S. harvest and the upper end of which is the acceptable biological catch (ABC), which is conceded by the commenter to be substantially equivalent to the MSY. The expression of OY as a range is well established by practice under the Magnuson Act, and the establishment of the upper end of this OY range at ABC belies the commenter's assertion that the OY has not been prescribed on the basis of MSY. That OY is always equal to DAH thus does not affect the fact that it is also based on MSY.

4. *Comment:* The specification of the OY for *C. opilio* in the Bering Sea to eliminate TALFF is contrary to current policies favoring free competition in the United States and world markets.

Response: The elimination of TALFF by setting OY equal to DAH was based on a finding, in a study referred to in the preamble to the proposed rule (*see* 46 FR at 44204), that the control of U.S. and

Japanese Tanner crab markets by Japanese fishing companies having an interest in perpetuating their participation in the Bering Sea Tanner crab fishery may have had anticompetitive effects that hindered development of U.S. Tanner crab fisheries. The elimination of an incentive for such hindrance—the possibility of a TALFF—was intended to increase competition, not restrict it.

5. *Comment:* The specification of the OY for *C. opilio* in the Bering Sea to equal DAH violates National Standard 5 of the Magnuson Act because it is a conservation and management measure having economic allocation as its sole purpose.

Response: National Standard 5 in part provides that "[N]o [conservation and management] measure shall have economic allocation as its sole purpose." It is clear that specifying the *C. opilio* OY as equal to DAH does not violate this provision for two reasons. First, the OY from a fishery is not itself a conservation and management measure. Second, even if it were, this specification of OY does not have economic allocation as its sole purpose. Because the OY specification is based on the ABC, it has as its primary purpose the maintenance of *C. opilio* stocks at a high level of biological productivity. Further, because it is intended to eliminate what appear to be anticompetitive arrangements in the Tanner crab market, the OY specification also has as a purpose an increase in the total amount of Tanner crab products available at reasonable prices to consumers both in the United States and abroad.

6. *Comment:* The specification of OY for *C. opilio* in the Bering Sea to equal DAH violates National Standard 1 of the Magnuson Act because it is unlikely that the U.S. harvest will reach the upper end of the OY range, and therefore OY will not be "achieved."

Response: National Standard 1 requires in part that conservation and management measures achieve OY on a continuing basis. As was indicated in the response to comment 5, the OY from a fishery is not a "conservation and management measure;" rather, it stands as a goal the achievement of which must be considered in designing specific aspects of the management regime (such as area closures or gear restrictions). Furthermore, the OY for *C. opilio* in the Bering Sea District is specified as a DAH range between the 1980 U.S. harvest of 39.5 million pounds and the ABC of 91.0 million pounds. Any U.S. harvest that fell between these two amounts by definition would equal and result in achievement of the OY. Achievement of the OY does not require that the upper end of the OY range be harvested.

7. *Comment:* Congress did not intend to grant the Council and NOAA the authority to regulate the economics of fisheries.

Response: This assertion is inconsistent with language in the Magnuson Act. Section 3(18) of the Magnuson Act states that, in the specification of OY, "relevant economic . . . factor[s]" may be used to modify the MSY. More specifically, one of the purposes of the Magnuson Act is to promote the development of the U.S. fishing industry in fisheries underutilized by U.S. fishermen, "and to that end, to ensure that optimum yield determinations promote such development." Thus it is clear that the Magnuson Act authorizes the Council and NOAA to specify the OY on the basis of factors designed to promote competition between U.S. and foreign fishermen in the marketplace.

8. *Comment:* The specification of OY for *C. opilio* in the Bering Sea to equal DAH violates the policy of the Trade Act of 1974 to encourage the dismantling of international barriers to the availability of supplies of goods to all nations.

Response: The specification of the OY to equal DAH is consistent with, and furthers the policy of, the Trade Act of 1974 to reduce barriers to international movement of supplies of goods. As was noted in the preamble to the proposed rule (46 FR at 44204), the theory underlying this specification of OY is that demand for U.S. exports of Tanner crab is probably being depressed artificially by an anticompetitive arrangement, similar to the types against which the Trade Act was directed. Elimination of this anticompetitive arrangement is expected to increase the ability of the U.S. fishing industry to provide supplies of Tanner crab products at reasonable prices to the world market. The OY specification is intended to shift the source of supply from Japan to the United States so that the United States can fill the foreign market. In short, this specification of OY will not restrict Japanese access to Tanner crab supplies at reasonable prices.

9. *Comment:* The economic factor that was considered in specifying the OY for *C. opilio* in the Bering Sea to equal DAH is relevant only to the assessment of DAH, and should not have formed a basis for the specification of OY.

Response: Under section 3(18) of the Magnuson Act "any relevant economic . . . factor" may be considered when specifying the OY from a fishery. Therefore, the economic factor used to assess the *C. opilio* DAH was relevant.

10. *Comment:* The amendment fails to assess and specify the DAH for *C. opilio* in the Bering Sea because questions concerning costs of production and price were not answered and because the DAH range of 51 million pounds is too large. Uncertainty as to the exact level of the U.S. harvest should have been dealt with through the specification of a reserve that could be apportioned to TALFF during the season if not harvested by U.S. fishermen.

Response: Section 301(a)(2) of the Magnuson Act requires that an FMP be based on the best scientific information available, even if that information is not sufficient to resolve all doubts. The questions concerning costs of production and price that were raised in the commenter's submission are relevant to the assessment of DAH. However, as was acknowledged in that submission, the information necessary for the resolution of these questions is not available. The Council was not required to undertake the great expense of producing that information before addressing the problems to which the amendment responds.

While the DAH range for *C. opilio* in the Bering Sea is very large, it is by no means a foregone conclusion that the upper end of that range will not be achieved by U.S. fishermen in the near future. The pattern of expansion in U.S. fisheries under the Magnuson Act has been one of sudden, prodigious increases in growth during a single year, interrupted by years of little or no growth. It is entirely reasonable to expect that the U.S. harvest of *C. opilio* in the Bering Sea will reach the upper bound of the ABC, based on previous patterns of U.S. expansion in this and other fisheries.

Establishing a "reserve" for *C. opilio* in the Bering Sea would have defeated the basic objective of the OY specification by leaving open the possibility of a foreign Tanner crab fishery if U.S. fishermen failed to take the entire ABC. A "reserve" would have provided an incentive to the Japanese companies that control U.S. and Japanese Tanner crab markets to depress artificially their demand for U.S.-harvested *C. opilio* in hopes of lowering the U.S. harvest and obtaining a TALFF.

11. *Comment:* In assessing DAH for *C. opilio* in the Bering Sea, the Council should have considered the capacity and extent to which the stock would be harvested by U.S. fishermen, and not the capacity and intent of U.S. fishermen to harvest the stock.

Response: Comment accepted. It is the actual extent to which U.S. fishermen will harvest OY, and not their mere intent to do so, which must be determined in the specification of DAH. In approving the amendment, the Assistant Administrator determined that the DAH for *C. opilio* in the Bering Sea reflects the extent to which that stock will be harvested by U.S. fishermen.

12. *Comment:* The OY specification for *C. opilio* in the Bering Sea is not based on the best scientific information available, because the economic study forming its basis included only information from U.S. processors and because that study did not analyze production costs and prices.

Response: Comparison of costs of production between U.S. and foreign processors was not studied for two reasons. First, these data are not available from either the U.S. or foreign processing companies. From discussions held with representatives of U.S. companies, it became apparent that cost of production data are regarded as very confidential since those companies do not wish to reveal their competitive position to other companies. The Council economist also met with representatives of the Japanese Tanner crab industry during the course of his study. Although that industry did provide some data, cost-of-production data for Tanner crab were not included.

Second, even if these data were available, the comparative costs of production between U.S. and foreign processing companies are not at issue. The U.S. industry has demonstrated, over the short history of its participation in the *C. opilio* fishery, the ability to produce and market products at a price consumers are willing to pay, both in domestic and foreign markets. As an example, the Japanese wholesale prices for the same *C. opilio* product produced by the respective Japanese and U.S. fishing industries are compared in Table 18 of the Tanner crab market study. This example shows that a U.S. processing company was able to put on the Japanese wholesale market the same product as that produced by Japanese mothership fleet companies, at a lower price. This was possible despite the Japanese import tariffs included in the price for the U.S. product.

13. *Comment:* The Council was so totally predisposed to eliminating the TALFF for *C. opilio* in the Bering Sea that the scientific information developed to support it constitutes a mere after-the-fact rationalization.

Response: The Council did make known its desire to eliminate the TALFF for Bering Sea *C. opilio* at its October 4–5, 1979, meeting. The former Assistant Administrator, however, independently reviewed the Council-prepared economic analysis that supported Amendment 7 and concluded that it incorporated the best available scientific information and that it supports elimination of the TALFF for Tanner crab. Although the underlying motivation for the study may have been the Council's desire to end the foreign fishery for Tanner crab, that does not appear to have affected the Council's adherence to high professional standards in gathering and presenting much previously unavailable information about Tanner crab markets.

The Council recognized that there are many gaps in the available scientific information. The existence of these gaps, however, is irrelevant to the question of whether the OY specification is based on the best available information, however sparse it might be. It cannot be ignored that neither commenter volunteered significant substantive information to supplement or refute the information contained in the Council study.

14. *Comment:* The "complications" in the Japanese Tanner crab market, relied upon as evidence of anticompetitive practices, have had beneficial effects on the U.S. Tanner crab industry.

Response: While some benefits may have occurred, the amendment is based on the conclusion that the adverse effects of these "complications" on the U.S. Tanner crab industry outweigh the benefits which might have been even greater in the absence of anticompetitive practices.

15. *Comment:* Because U.S. Tanner crab fishermen have never operated north of 58° N. latitude or west of 173° W. longitude, foreign fishing should be allowed in that area so that the *C. opilio* found there will be utilized fully.

Response: The *C. opilio* Tanner crab found north of 58° N. latitude and west of 173° W. longitude appear to migrate freely south and east of those lines. Therefore, these crabs may be fully harvested by U.S. fishermen even if those fishermen do not extend their operations to new areas. In 1982, however, U.S. fishermen did harvest Tanner crab north of 58° N. latitude and west of 173° W. longitude.

16. *Comment:* Scientific evidence indicates that there is a surplus of Tanner crab *(C. opilio)* resource in waters north of 58° N. latitude and west of 164° W. longitude as well as in the waters south of 58° N. latitude and west of 173° W. longitude that would support a continued foreign allocation of no less than 16.5 million pounds, at least for the waters north of 58° N. latitude.

Response: National Marine Fisheries Service (NMFS) scientists estimated the 1981 ABC for *C. opilio* with a carapace width larger than 104 millimeters (considered by U.S. industry as minimum commercial size) north of 58° N. latitude to be 13 million pounds. This estimate was based on trawl surveys conducted by NMFS in 1980 that were designed to sample Tanner crab populations. Based on NMFS data, there does not appear to be a huge surplus of *C. opilio* north of 58° N. latitude. Japan estimated the ABC to be 26 million to 42 million pounds. The discrepancy between Japan's and NMFS' estimates resulted from differences in the "catchability factor," which is a measure that was applied by both countries to NMFS survey data to estimate the sampling success of gear utilized during the trawl surveys. Japan applied a "catchability factor" ranging from 0.3 to 0.5. NMFS applied a "catchability factor" of nearly 1.0, which NMFS believes is more accurate.

17. *Comment:* The amendment violates the Trade Agreements Act of 1979 and the Subsidies Code of the General Agreement on Tariffs and Trade (GATT) because the amendment constitutes a subsidy that results in the United States having more than an equitable share of world export trade in Tanner crab (account being taken of the U.S. and Japanese shares in such trade during a previous representative period, and any special factors which may have affected or may be affecting such trade).

Response: Elimination of the *C. opilio* TALFF in the Bering Sea does not constitute a "subsidy, including any form of income or price support," for GATT purposes. It offers no financial assistance of any kind to the U.S. Tanner crab industry, nor does it attempt to shield that industry from the normal operation of the free market. Indeed, it is intended to allow a fuller operation of the free market by discouraging anticompetitive practices by the Japanese Tanner crab industry. Even if this measure were a subsidy for GATT purposes, however, it would comply fully with the Subsidies Code because it offers the United States no more than an equitable share of world export trade. As was discussed above, the thesis of the amendment is that anticompetitive practices by the Japanese Tanner crab industry have been artificially depressing demand for U.S. Tanner crab products. To the extent that such practices may have increased the Japanese share of world export trade in Tanner crab during the past three years (the normal "representative period" to be taken into account under

the Subsidies Code), that share is inequitable. The elimination of the *C. opilio* TALFF does nothing more than redress this inequity, an effect which is completely permissible under GATT and the Subsidies Code.

18. *Comment:* By eliminating the Japanese fishery for *C. opilio,* the amendment contravenes the Japan-U.S. Governing International Fisheries Agreement (GIFA).

Response: Article IV of the current GIFA stipulates that the Government of the United States shall determine each year the portion of the total allowable catch for a specific fishery resource that, on an annual basis, will not be harvested by fishing vessels of the United States and may be made available to fishing vessels of Japan. Because the OY was expressed as equivalent to the DAH range, any U.S. harvest that fell within the range would by definition yield the OY, thereby leaving no portion available to fishing vessels of Japan.

The GIFA does not provide a mechanism for taking into account, when there is no TALFF, considerations such as traditional fishing by nationals and vessels of Japan; contributions to fishery research and the identification of Tanner crab stocks by Japan; previous cooperation by Japan in enforcement, conservation, and management of Tanner crab resources of mutual concern; and the need to minimize economic dislocation in cases where fishing vessels of Japan have habitually fished for Tanner crab off Alaska. These factors would be considered only if a TALFF were available. The amendment, therefore, does not contravene this GIFA.

19. *Comment:* By eliminating the Japanese fishery for *C. opilio,* the amendment disregards and ignores the premise of the agreement reached at the July 1980 Japan-U.S. trade talks.

Response: NMFS considers full utilization to mean the same as OY and the same rationale given in the response to comment 18 applies. Because there is no TALFF, the premise of the agreements reached at the July 1980 trade talks is neither disregarded nor ignored.

Classification

The Assistant Administrator has reviewed Amendment 7 and the implementing regulations in light of comments submitted during the public comment period. He has determined that Amendment 7 is necessary and appropriate for the conservation and management of Tanner crab resources off the coast of Alaska. Further, he has determined that it is consistent with the national standards in Section 301 of the Magnuson Act, with other provisions of the Magnuson Act, and with other applicable law. Therefore, under sections 304 and 305 of the Magnuson Act, he has approved Amendment 7 and final implementing rules.

The Administrator of NOAA has determined that the rule implementing Amendment 7 is not a major rule requiring a regulatory impact analysis under Executive Order 12291. By reducing foreign control of the markets available to U.S. Tanner crab fishermen and processors, and by enhancing the long-term productivity of the Tanner crab resource and thus its availability to U.S. fishermen and consumers, this rule can be expected to enhance investment in, and the productivity of, the U.S. fishing industry.

This action is taken in compliance with applicable requirements of the National Environmental Policy Act of 1969, the Regulatory Flexibility Act, and the Paperwork Reduction Act of 1980. *See* 46 FR at 44205.

List of Subjects

50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 671

Fish, Fisheries, Reporting and recordkeeping requirements.

Dated: April 4, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons discussed in the preamble, 50 CFR Parts 611 and 671 are amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

§ 611.91 [Removed]

2. § 611.91 is removed.

PART 671—TANNER CRAB OFF ALASKA

3. The authority citation for Part 671 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

4. In §671.21(a), Table I is revised to read as follows:

§ 671.21 Optimum yield.

(a) * * *

TABLE I

Registration area	Optimum yield [1]		Species
	Metric tons	Millions of pounds	
A (Southeast-Yakutat)	2,495	5.5	All.
E (Prince William Sound)	3,175	7.0	All.
H (Cook Inlet)	2,404	5.3	All.
J (Kodiak District)	15,876	35.0	All.
J (South Peninsula District)	2,722	6.0	All.
J (Chignik District)	2,268	5.0	All.
J (Aleutian District)	907	2.0	All.
J (Bering Sea District)	12,701–16,329	28.0–36.0	*C. bairdi.*
	17,917–41,277	39.5–91.0	*C. opilio.*

[1] Catches of Tanner crab in a State of Alaska registration area or district will be considered part of the optimum yield specified for the contiguous Federal registration area or district of the same name.

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Proposed Rules

Federal Register
Vol. 48, No. 69
Friday, April 8, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Part 6

Licenses for Importation of Sugar To Be Re-Exported in Refined Form

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish procedures and conditions for the issuance of licenses which will permit the importation of sugar exempt from the quotas on sugars, sirups and molasses as modified by Presidential Proclamation 4941 of May 5, 1982, as amended. A quantity of sugar equal to the sugar imported under such a license must be re-exported in refined form.

DATES: Comments must be received on or before May 9, 1983.

ADDRESS: Mail comments to Chief, Sugar Group, Horticultural and Tropical Products Division, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: James A. Truran, Chief, Sugar Group, Foreign Agricultural Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C. 20250, Tel: 447–2916.

SUPPLEMENTARY INFORMATION: Presidential Proclamation 4941 of May 5, 1982 modified the import quota for sugar, sirups and molasses described in items 155.20 and 155.30 of the Tariff Schedules of the United States (TSUS) in order in carry out a provision in the Geneva (1967) Protocol of the General Agreement on Tariffs and Trade (Note 1 of Unit A, Chapter 10, Part I of Schedule XX; 19 U.S.T., Part II, 1282) and the International Sugar Agreement, 1977 (T.I.A.S. 9664, 31 U.S.T. 5135). Presidential Proclamation 5002 of November 30, 1982, amended Proclamation 4941 to read in part as follows:

> The Secretary may exempt the entry of articles described in items 155.20 and 155.30 from the requirements or limitations established pursuant to this headnote on the condition that such articles: (1) Be used only for the production (other than by distillation) of polyhydric alcohols, except polyhydric alcohols for use as a substitute for sugar in human food consumption; or (2) be re-exported in refined form or in sugar containing products. Such articles shall be entered under licenses issued pursuant to regulations promulgated by the Secretary * * *

Under the proposed rule, licenses will be issued for the entry, exempt from quota, of sugar to be exported in refined form. The certificate of eligibility requirements contained in 15 CFR Part 2011 would not apply to this sugar. Separate rules would have to be promulgated to provide for the entry, exempt from quota, of sugar to be exported in sugar containing products and for sugar to be used in the production of certain polyhydric alcohols.

Under the proposed rule, a license may be issued only to a refiner of sugar and is not assignable unless specifically authorized. However, the refiner may employ an agent to import or export sugar on behalf of the refiner.

The applicant for a license will be asked to provide certain information to the Licensing Authority. Upon receipt of the required information, a license to import sugar, exempt from quota, will be established in favor of the applicant in the amount requested, not to exceed 25,000 short tons.

A quantity of refined sugar, equivalent to the quantity of sugar imported under license, must be exported within three months of the date of entry. After export, license holders must present to the Licensing Authority an exporter's statement certifying that export has occurred, together with an on-board ocean carrier bill of lading, intermodal bill of lading with on-board date, or an authenticated landing certificate or similar document if exported by land.

As sugar is entered it will be charged to the license amount. As proof of export of refined sugar is received the Licensing Authority will, if requested, credit the quantity exported to the license. The quantity of sugar entered or exported will be adjusted on the basis of sugar content. Subsequent entries and exports would be handled in the same manner, but at no time may charges or credits to the license exceed the license amount.

In order to guarantee that the sugar imported under a license is used only for the purposes intended, a bond must be posted to cover all entries under a license. Such a bond shall provide for the monetary obligation under the bond to automatically increase with the entry of sugar under the license and to decrease as quantities of refined sugar are exported.

The public is invited to submit written comments and suggestions regarding the proposed rule to the above address. Each person submitting comments and suggestions regarding the proposed rule should include his/her name and address and should give reasons for suggested changes. Copies of all written communications will be available for examination by interested persons in Room 6091 South Building, USDA during regular business hours.

This proposed rule has been reviewed under USDA procedures required by Executive Order 12291 and Secretary's Memorandum 151–1 and has been classified as "not major" since the proposed rule, if made final, would not have any of the effects specified in those documents.

The Administrator, Foreign Agricultural Service (FAS), certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Consequently, no regulatory flexibility analysis is required under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The public is invited to comment on the impact of this proposed rule on small entities, and the Administrator, FAS, will review this determination in light of those comments.

The proposed rule should yield benefits to the public by increasing employment in the field of refining and related industries and by improving the balance of trade. Costs should be minimal since the licensing system has been designed to conform as closely as possible to current commercial practices.

An assessment of the impact of this rule on the environment was made and, based on this evaluation, this action is not a major federal action and will have no foreseeable significant effects on the quality of the human environment. Consequently, no environmental impact statement is necessary for this proposed

rule. The environmental assessment is available for review in room 6091, South Building, USDA during normal business hours.

The paperwork requirements imposed by this rule will not become effective until they have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

List of Subjects in 7 CFR Part 6

Foreign trade, Import, Licenses, Quotas, Sugar.

PART 6—[AMENDED]

In accordance with the above, it is proposed to amend 7 CFR Part 6 by adding the following subpart:

Subpart—Importation of Sugar Free From Quota

Sugar To Be Re-Exported in Refined Form

Sec.

6.100 Definitions.
6.101 Issuance of a license.
6.102 Transferability of a license.
6.103 Application for a license.
6.104 Entry of sugar.
6.105 Entry of sugar by an agent.
6.106 Proof of export.
6.107 Bond requirements.
6.108 Charges and credits to licenses.
6.109 Export before import; substitution of sugars.
6.110 Enforcement.
6.111 Waiver.
6.112 Expiration.

Authority: Presidential Proclamation No. 5002, 47 FR 54269.

Subpart—Importation of Sugar Free From Quota

Sugar To Be Re-Exported in Refined Form

§ 6.100 Definitions.

(a) "Appropriate customs officials" means the district or area Director of the U.S. Customs Service, his or her designees, or any other customs officer of similar authority and responsibility for the customs district in which the port of entry is located.

(b) "Date of entry" is the date when the specified U.S. Customs Service entry form is properly executed and deposited, together with any estimated duties and special import fees and any related documents required by law or regulations to be filed with such form at the time of entry with the appropriate customs official.

(c) "Date of export" means the on-board date of an ocean carrier bill of lading or an airway bill or on-board date of an intermodal bill of lading; if exported by rail or truck, the date of entry shown on an authenticated landing certificate or similar document issued by an official of the government of the importing country; or the date of export established by such other proof of export as is acceptable to the Licensing Authority.

(d) "Date of license" means the day when the license is issued by the Licensing Authority.

(e) "Department" means the U.S. Department of Agriculture.

(f) "License" means a license issued by the Secretary through the Licensing Authority permitting the entry of sugar, not chargeable to the import quota for sugar as modified by Presidential Proclamation 4941, as amended, for items covered by 155.20 or 155.30 of the Tariff Schedules of the United States, for the purpose of refining and exporting in the form of refined sugar.

(g) "Licensing Authority" means the Chief, Sugar Group, Foreign Agriculture Service, U.S. Department of Agriculture.

(h) "Person" means any individual, partnership, corporation, association, estate, trust or any other business entity, and, whenever applicable, any unit, instrumentality or agency of a government, domestic or foreign.

(i) "Quota" means any quota on imports of sugar, sirups or molasses as covered by item 155.20 or 155.30 of the Tariff Schedules of the United States under Presidential Proclamation 4941 of May 5, 1982, 47 FR 19661, and any modifications thereto.

(j) "Raw value" means, for a given quantity of sugar, the equivalent of that quantity in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations issued by the Secretary of the Treasury.

(k) "Refiner" means any person who engages in the processing (refining) of sugar to further improve the quality of such sugar.

(l) "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has delegated the authority or to whom the authority hereafter may be delegated to act in the Secretary's place.

(m) "Sugar" means sugars, sirups and molasses derived from sugarcane or sugar beets as defined in items 155.20 and 155.30 of the Tariff Schedules of the United States.

§ 6.101 Issuance of a license.

(a) The Secretary, through the Licensing Authority, will issue licenses to refiners under which sugar may be entered into the United States exempt from the import quotas on items 155.20 and 155.30 of the Tariff Schedules of the United States.

(b) A quantity of refined sugar equivalent to the quantity of sugar, raw value, imported under the license, adjusted in accordance with section 6.108(c) of this subpart, must be re-exported within 3 months of the date of entry of such sugar. The licenses may contain such other conditions, limitations or restrictions as the Secretary, in his or her discretion, deems necessary.

(c) The license amount may not exceed 25,000 short tons of sugar. Quantities of sugar imported under the license shall be charged to the license and quantities of refined sugar exported may be credited to the license as provided in section 6.108. At no time may the outstanding balance of charges or credits exceed the license amount.

(d) No more than one license may be issued and be outstanding at any one time to any one refiner. A license may be surrendered in whole or in part to the Licensing Authority.

§ 6.102 Transferability of a license.

A license holder may, with the written permission of the Licensing Authority, transfer a license to another refiner provided that the other refiner does not have a license. The Licensing Authority may impose such terms and conditions in connection with a license transfer as he or she deems appropriate to carry out the purposes of this subpart.

§ 6.103 Application for a license.

Applicants for licenses must apply in writing to the Licensing Authority. Such a letter of application shall contain as a minimum the following information:

(a) Name and address of the applicant.

(b) License amount requested, not to exceed 25,000 short tons of sugar.

(c) The TSUS number and description of the sugar to be imported.

(d) The name of the firm that will establish a performance bond in favor of the United States Government on behalf of the applicant, if such firm is not the applicant.

(e) Name of anticipated refinery, if known at time of application.

(f) Anticipated dates of entry of sugar and export of refined sugar if known at time of application.

The Licensing Authority may waive any provisions of this section for good cause if it is determined that such a waiver will not adversely affect the implementation of this subpart.

§ 6.104 Entry of sugar.

(a) Entry of the sugar exempt from the quotas on items 155.20 anf 155.30 of the Tariff Schedules of the United States shall be allowed only in conformity with the conditions of the import license, the provisions of this subpart and any other

procedures specified by the Licensing Authority.

(b) The license holder shall submit to the Licensing Authority a statement, certified as true and accurate, of the polarization and weight of the imported sugar to be charged to the license. This statement must adequately identify the imported sugar and state the basis for the determination of the polarization of the sugar. The basis must be either the settlement polarization or some other means approved by the Licensing Authority.

§ 6.105 Entry of sugar by an agent.

In those cases where entry of sugar is made by an agent of the license holder, the agent shall produce for inspection by the appropriate customs official a written authorization designating such person to act as an agent for the purpose of entering sugar.

§ 6.106 Proof of export.

(a) The proof of export shall consist of:

(1) *Certification.* A written certification by the license holder that the license holder has exported a quantity of sugar in refined form. The certification shall include:

(i) The license holder's name and address;

(ii) An identification of the license to which the sugar exported is to be credited;

(iii) The weight and polarization of the sugar exported;

(iv) The date of export, point of export, and an identification of the vessel, railroad or other means of export;

(v) The intended destination; and

(vi) For sugar entered before the export of the corresponding refined sugar, an identification of the imported sugar to which the exported sugar corresponds including the quantity and polarization of the imported sugar.

(b) *Documentation.* A copy of the on-board bill of lading or intermodal bill of lading with an on-board date or, if exported by land, an authenticated landing certificate or similar document issued by an official of the importing country.

(c) The certification must accompany the documentation when submitted to the Licensing Authority. The proof of export must be submitted to the Licensing Authority within 10 working days from the date of export. The Licensing Authority may waive the provisions of this section if exportation is otherwise established to the Licensing Authority's satisfaction. The Licensing Authority may for good cause extend the period for submitting proof of export upon written application of the license holder.

§ 6.107 Bond requirements.

(a) Sugar entered under license shall be subject to all applicable customs bond requirements (see 19 CFR Parts 113, 141, 142, 143 and 144), except that no bond is required under this subpart for the quantity of any sugar entered that corresponds to a quantity of sugar that has been exported prior to the date of entry of such sugar and credited to the license in accordance with § 6.108. To obtain this exception, the license holder must obtain from the Licensing Authority, and present to the appropriate customs official, a specific written waiver of the bond requirements.

(b) The amount of the bond shall be equal to the difference between the daily "spot" price per pound of raw sugar as reported in the Number 12 contract of the New York Coffee, Sugar and Cocoa Exchange or the Market Stabilization Price (MSP) established pursuant to Presidential Proclamation 4940 of May 5, 1982, as amended, whichever is greater, and the daily "spot" price of the Number 11 contract of the New York Coffee, Sugar And Cocoa Exchange, multiplied by the weight of the sugar entered under the license. The Number 12 and Number 11 contract prices and the MSP shall be computed as of the last market day before the execution of the bond. If the New York Coffee, Sugar and Cocoa Exchange does not report a Number 11 or 12 contract price for the last market day before the execution of the bond, then the Licensing Authority may use such price as he or she deems appropriate.

(c) The appropriate customs official will release the obligation under the bond by an amount computed in accordance with paragraph (b) of this section for a corresponding quantity of sugar credited to the license in accordance with § 6.108(b) of this subpart, as determined by the Licensing Authority.

(d) If the license holder fails to obtain a credit to the license within three months of the date of entry of corresponding sugar in an amount sufficient to offset the charge to the license for that corresponding sugar, payment shall be made to the United States under the bond of the monetary amount corresponding to the amount of the charge not offset.

§ 6.108 Charges and credits to licenses.

(a) Charges will be made to a license for quantities of sugar entered under the license. This charge will be adjusted on the basis set forth in subsection (c) when the license holder submits the information required by § 6.104.

(b) At the request of the license holder, the Licensing Authority will credit a license for:

(1) Quantities of refined sugar, adjusted as set forth in subsection (c), for which proof of export has been submitted in accordance with the provisions of this subpart.

(2) Quantities of sugar charged to the license which the Licensing Authority determines have been destroyed or otherwise disposed of so as to render the exportation of a corresponding quantity of sugar in refined form unnecessary to carry out the purposes of this subpart.

(c) To determine the quantity of sugar that must be exported to equal a corresponding quantity of imported sugar charged to the license, divide the quantity of sugar imported, expressed in raw value, by 1.07. To obtain the raw value for sugar with a polarization of 92 degrees or above, the formula to be used is [(Polarization × .0175) − 0.68] × weight. For sugar of less than 92 degrees polarization the total sugar content shall be divided by 0.972.

§ 6.109 Export before import; substitution of sugars.

(a) The sugar exported does not have to be the same sugar entered.

(b) Exportation of sugar in refined form may occur any time after the date of the license, including prior to the date of entry of the corresponding quantity of sugar charged to the license.

§ 6.110 Enforcement.

(a) If at any time after receiving the proof of export described in § 6.106 of this subpart and release of the bond under § 6.107 of this subpart the Licensing Authority determines that an export of refined sugar corresponding to the amount of sugar entered under the license did not occur, the Licensing Authority may hold the license holder liable for up to the difference between the Number 11 and Number 12 daily "spot" price per pound of raw sugar described in section 6.107(b) of this subpart (or such other price determined appropriate by the Licensing Authority in the event no Number 11 or 12 price is reported) in effect on the last market day before the entry of the corresponding sugar or the last market day before the alleged date of export, whichever ir greater, times the amount of sugar, raw value, that should have been, but was not, exported.

(b) If at any time the Licensing Authority determines that a license holder has failed to comply with the

requirements of this subpart, the Licensing Authority may, after notice to the license holder, suspend or revoke the license issued to the license holder pursuant to this subpart and/or refuse to issue future licenses to that refiner.

(c) The determination of the Licensing Authority under subsections (a) and (b) may be appealed to the Director, Horticultural and Tropical Products Division, Foreign Agricultural Service (FAS), within 30 days from the date of notification. The request for reconsideration shall be presented in writing specifically stating any reason as to why such determination should not stand. The Director, Horticultural and Tropical Products Division, FAS will provide such person with an opportunity for an informal hearing on such matter. A further appeal may be made to the Administrator, FAS, within five working days of the notification of the decision of the Director, Horticultural and Tropical Products, FAS.

§ 6.111 Waiver.

Under usual, unforeseen or extraordinary circumstances, the Secretary may extend the 3 month period for the re-export of sugar or may temporarily increase the maximum amount of the license.

§ 6.112 Expiration.

The licenses issued pursuant to the provisions of this subpart shall expire upon written notice to the license holders by the Licensing Authority. The notice will state the expiration date of the licenses and any other details applicable to the expiration of the licenses.

Signed at Washington, D.C. on April 6, 1983.

Richard A. Smith,

Administrator, Foreign Agricultural Service.

[FR Doc. 83-8386 Filed 4-6-83; 3:12 pm]

BILLING CODE 3410-10-M

Food and Nutrition Service

7 CFR Parts 272 and 273

[Amendment No. 246]

Food Stamp Program: Amendments to Food Stamp Program Mass Change Rules; Coordinating Cost of Living Adjustments

AGENCY: Food and Nutrition Service, USDA

ACTION: Proposed rule.

SUMMARY: This proposed rule would require that cost-of-living increases in benefits made between July 1 and September 30 under certain Federal programs not be counted as income of households participating in the Food Stamp Program until the following October. The Federal programs with cost-of-living adjustments which would be affected by this change include Retirement, Survivors, and Disability Insurance, (RSDI) Supplemental Security Income (SSI), benefits under Section 3(a)(1) of the Railroad Retirement Act of 1974, and certain Veterans' benefits. This change is mandated by Section 147 of the Omnibus Budget Reconciliation Act of 1982. The change would require State agencies to make the cost-of-living updates on the same date, October 1, that they adjust the Food Stamp Program's Thrifty Food Plan and deductions. This proposal would also alter the timeframes in which State agencies must implement other mass changes.

DATES: To be assured of consideration in the development of the final rule, comments on this rule must be received by May 9, 1983.

ADDRESS: Comments should be addressed to Judith M. Seymour, Acting Supervisor, Eligibility and Certification Section, Family Nutrition Programs, Food and Nutrition Service, USDA, Room 708, 3101 Park Center Drive, Alexandria, Virginia 22302. All written comments will be open to public inspection at the above address during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Questions regarding this rule should be addressed to Ms. Seymour at the above address or by telephone at (703) 756-3429.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under Executive Order No. 12291 and Secretary's Memorandum No. 1512-1. This action would not result in an annual effect on the economy of $100 million or more or a major increase in costs or prices for consumers, individuals, Federal, State or local governments, or geographical regions. Additionally, this action would not have a significant effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, this action has been classified "not major."

This rule is being published as a proposed rule with a comment period of 30 days, rather than 60 days, in order to allow implementation by July 1, 1983. Section 193 of Pub. L. 97-253 provides that most of the provisions thereof, including section 147 dealing with the coordination of cost of living adjustments, were to be effective upon enactment, September 8, 1981. While this rulemaking will have no actual impact on program participants until the next series of cost-of-living adjustments in July of 1983, we believe it is necessary to make if effective as soon as possible to meet the requirements of section 193 and to provide guidance to State agencies as soon as possible regarding the new provisions. For these reasons, public comment is solicited on this proposed rule for 30 days. All comments received will be analyzed and any appropriate changes in the rule will be incorporated in a subsequent publication.

Regulatory Flexibility Analysis

This action also has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 97-354, Stat. 1164, September 19, 1980). Robert Leard, Administrator of the Food and Nutrition Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. The rule would affect participants who receive benefits under Retirements, Survivors, and Disability Insurance, Supplemental Security Income, Section 3(a)(1) of the Railroad Retirement Act of 1974, and certain Veteran's programs.

Paperwork Reduction Act

This regulation does not contain reporting and recordkeeping requirements subject to approval by the Office of Management and Budget (OMB).

Introduction

This proposed rule would implement changes mandated under Section 147 of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97-253, enacted on September 8, 1982). Section 147 mandates that cost-of-living increases in benefits made between July 1 and September 30 under certain Federal programs not be counted as income for food stamp purposes until the following October. Section 147 stipulates that households not participating in the Food Stamp Program in the month immediately preceding the cost-of-living increase would not be affected by this change: that is, the increase would be included as income as of the first month such households are certified for food stamps.

The Federal programs with cost-of-living adjustments affected by this change are the following:

1. Retirement, Survivors, and Disability Insurance (RSDI) under title II of the Social Security Act;

2. Supplemental Security Income (SSI) under title XVI of the Social Security Act;

3. Benefits under Section 3(a)(1) of the Railroad Retirement Act of 1974; and

4. Veterans' benefits under the Improved Pension Program and the Parents, Dependency, and Indemnity Compensation Program.

These programs currently all make cost-of-living adjustments in their benefits effective July 1 each year. The cost-of-living adjustment factor established and used for RSDI is also used for adjusting the benefits of the other programs affected by this change.

New Provisions

Excluded income.—This proposed rule would add an income exclusion to 7 CFR Part 273.9(b)(4) to reflect the statutory change. State agencies should take note that the new income exclusion would not apply to households which were not certified for food stamps in the month immediately preceding the cost-of-living increase. For these households, the full cash benefits under RSDI, SSI, the Railroad Retirement Act of 1974, or the Veterans' programs would be included as gross income beginning with the first month of certification.

The Department points out that the cost-of-living adjustments under the Railroad Retirement Act of 1974 affected by this change would be limited to those under Section 3(a)(1) of that Act. These benefits are known as "Tier 1" payments for the employee, and include only employee annuities. Cost-of-living adjustments in benefits under other sections of the Railroad Retirement Act of 1974, such as "Tier 2" benefits or benefits for spouses or dependents, would not be excluded as income by this provision and would not have to be processed as mass changes. State agencies should contact Railroad Retirement offices for information regarding affected benefits.

Postponed mass changes.—Current regulations, at 7 CFR 273.12(e)(3), require State agencies to treat cost-of-living increases in RSDI and SSI as mass changes. The State agency is responsible for adjusting the food stamp benefits of the affected households to reflect these cost-of-living increases.

The current regulations require State agencies to count RSDI and SSI cost-of-living increases as income in the month in which the increase is provided, if the State agencies have the necessary staff or computer capability. Otherwise, State agencies have the option to effect the cost-of-living increases either by scheduling recertification or conducting desk reviews of all the affected households during the months of July through October.

With the statutory change regarding when these cost-of-living increases are to be included as income, the mass change provisions regarding RSDI and SSI are no longer appropriate to the July increases. The statute now mandates that the cost-of-living increases in these programs shall not be included in income until October 1. As of October 1, they must be included in income. The statute requires the same treatment for cost-of-living increases of benefits under Section 3(a)(1) of the Railroad Retirement Act of 1974 and Section 3112 of Title 38 of the United States Code (the Veterans' programs identified above). The current regulatory provisions for the automatic mass change effective in July are obviously no longer appropriate. The option to effect the cost-of-living increases over the period July through October is also inappropriate, as State agencies now, as a matter of course, have the period July through September to conduct recertifications or desk reviews, but are prohibited from including the increases as income before October.

The proposed rule would revise the mass change provisions to reflect the new statutory requirements. Instead of imposing elaborate procedures which the State agency must follow in making these mass changes, this rule simply would require that the State agency include the cost-of-living increases in the affected households' income as of October 1. Eligibility and benefit level determinations made on or after October 1 would reflect the cost-of-living increases. Between July 1 and September 30, the cost-of-living increases would not be reflected in eligibility or benefit determinations for households which were certified for food stamps in the month preceding the cost-of-living increase. Since the cost-of-living increases are currently granted in July in each of the affected programs, this means that the increase would be excluded from income until October 1 only for households certified for food stamps in June.

The proposed rule would provide the State agency with the flexibility to establish its own procedures for effecting the mass changes as of October 1. The State agency would be allowed to use SDX or BENDEX information to make an automatic adjustment, or to conduct desk reviews or recertification for the affected cases over the period July through September. These procedures would be essentially like those specified under the current regulations, although the period allowed for recertifications or desk reviews would be shortened by one month.

The State agency may prefer to establish another procedure for making these mass changes. One alternative procedure which has proven effective for many State agencies, using a waiver granted by the Department, has been to make the mass change using a flat percentage adjustment in the appropriate income. (Under this proposed rule, a waiver would not be required to use this procedure.) Under this procedure, the State agencies simply adjust the income, for food stamp purposes, by the same percentage used in making the cost-of-living increase for RSDI. Since the cost-of-living increases affected by the statutory change are all based on the RSDI adjustment factor, this procedure should not be too cumbersome.

The State agency would not be required to have its mass change procedure approved by the Department. Nor would the State agency be required to get a waiver for any procedure which will satisfy the requirement to effect the mass changes on October 1. Of course, the State agency would be responsible for making accurate eligibility and benefit determinations based on the new provisions. In addition, the State agency would be required to provide the household with notice of the mass changes as under current regulations.

Other Mass Changes

The proposed rule would also change the procedures for acting on mass changes that are not affected by the postponement noted above. Current rules require State agencies to act on mass changes within one of two timeframes. The requirement applied to a particular State agency depends on the capability of the State agency to act on changes. State agencies meeting the Department's definition of "capable" are required to reflect changes in benefits issued the month the mass change takes effect. State agencies not meeting the definition of "capable" must reflect mass changes within 120 days of the effective date of the change.

The proposed rule would eliminate the dual standard and apply one timeliness standard to all State agencies. The proposal would require that all households have mass changes reflected in their benefits no later than in the third allotment issued to them following the effective date of the mass change. Thus, a mass change effective on January, would have to be reflected in benefits no later than the March allotments. This change would result in changes in

benefits being put into effect sooner in many States.

The Department believes the proposed change is warranted because of the implementation of monthly reporting and retrospective budgeting (MRRB). When MRRB is implemented, households reporting monthly would report a change due to a mass change on the monthly in report submitted for the month the mass change goes into effect. The benefits of these monthly reporting households would be changed when the allotment is issued for the month in which mass change was effective. Thus, in a two-month system a mass change effective January 1 would be reported in February and be reflected in March's issuance. In effect, because of monthly reporting, no special mass change policies are in effect.

For households subject to retrospective budgeting but not monthly reporting, the proposal would give State agencies more than a month in which to calculate the effect of a mass change on each household's benefits. This time takes into account the fact that there is usually advance warning of a mass change, sometimes up to a month, and that benefits cannot be issued reflecting the mass change until at least the month following the month the mass change takes effect. In a two-month system there is even more time.

The proposed change will affect individual State agencies differently. Those State agencies currently deemed capable to act on mass changes quickly will have more time in which to take action. However, State agencies that currently have 120 days in which to act will have to act more quickly. The Department does not believe that the shortened timeframe will impose a serious administrative burden on these State agencies. First, those affected households that report monthly will have the mass change reflected in their benefits through normal processing procedures. Of the remaining households, the State agencies will have whatever time prior to the effective date of the change they become aware of the change plus the month the change becomes effective to process changes. State agencies with two-month retrospective systems will also have time in the month following the month mass change becomes effective in which to process the changes. While the proposed timeframe is shorter than the one currently allowed, the use of procedures such as acting on changes using percentage differences along with lessening the number of cases subject to the mass change procedures by eliminating those that report monthly lessens the workload on State agencies. The Department is very interested in receiving comments on this proposed change, particularly those that address the effects of the reduced timeframe.

Households subject to monthly reporting and retrospective budgeting.— The current regulations state that housholds shall not be required to report the cost-of-living increases. This proposed rule would clarify that households which are required to submit monthly reports must include any increase in income attributable to cost-of-living increases in their reports. Other households would not be required to report such increase.

For households subject to monthly reporting requirements under § 273.12, the cost-of-living increase would be included on the monthly report due to the State agency in August. The State agency would have to establish procedures for excluding or subtracting the cost-of-living increase from the reported income, as appropriate, up until the October issuance. The State agency could adjust the October issuance based on the information submitted to the household, or it could process the adjustment as a mass change. This budget month would be August in a two month system, and it would be September in a one month system. In any case, the cost-of-living increase would be included in gross household income for the eligibility and benefit determination for October.

The Department recognizes that the new statutory provision adds a complication to the monthly reporting and retrospective budgeting (MRRB) system. However, the Department points out that many households receiving benefits under RSDI, SSI, Section 3(a)(1) of the Railroad Retirement Act of 1974, or the specified Veterans' programs will be excluded from the monthly reporting requirements. For these households, the State agency should follow its mass change procedures for households not subject to MRRB requirements.

Miscellaneous

The current regulations include two provisions dealing with mass changes which would be deleted by this proposed rule. The first provides for mass changes to reflect the July 1980 cost-of-living increases in RSDI and SSI benefits. The second provides for the mass changes which resulted from implementation of the Food Stamp Act of 1977. Since these mass changes have already been made, the provisions are no longer necessary.

Implementation

State agencies would be required to implement the requirements of this rule by July 1, 1983. To do this, State agencies would have to begin developing the necessary procedures as soon as possible.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs-social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs-social program, Penalties, Reporting and recordkeeping requirements, Social security, Students.

Accordingly, the Department proposes to amend 7 CFR Part 272 and 273 as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, a new paragraph(g)(61) is added to read as follows.

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(61) Amendment 246. State agencies shall implement the provisions of this amendment no later than July 1, 1983.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In Part 273.9, a new paragraph (b)(5)(iii) is added as follows.

§ 273.9 Income and deductions.

* * * * *

(b) *Definition of income.* * * *

(5) * * *

(iii) The cost-of-living increases made between July 1 and September 30 in benefits under certain Federal Programs, until the October 1 following such cost-of-living increase. This exclusion from income shall only apply to members of households which were certified for food stamps in the month preceding the month in which the cost-of-living increase was made. The Programs to which this exclusion shall apply include only the following:

(a) Retirement, Survivors, and Disability Insurance under title II of the Social Security Act;

(B) Supplemental Security Income under title XVI of the Social Security Act;

(C) Railroad Retirement benefits under Section 3(a)(1) of the Railroad Retirement Act of 1974; and

(D) Veterans benefits under 38 U.S.C. 3112.

* * * * *

3. In § 273.12:

A. In paragraph (e)(2)(iii), the last sentence is amended by removing the words "paragraph (3)" and adding in lieu thereof the words "paragraph (e)(3)(iii)".

B. Paragraph (e)(3) is revised.

C. Paragraph (e)(4) is removed.

§ 273.12 Reporting changes.

* * * * *

(e) *Mass changes.* * * *

(3) The State agency shall establish procedures for making mass changes to reflect cost-of-living increases in benefits and any other mass changes under RSDI, SSI, Section 3(a)(1) of the Railroad Retirement Act of 1974, and Section 3112 of title 38 of the United States Code. Households excluded from monthly reporting requirements under § 273.21 shall not be required to report these changes. These procedures shall be consistent with the following requirements:

(i) For cost-of-living increases in benefits made between July 1 and September 30, the increases shall be considered in the household's eligibility and benefit determination beginning with the following October, but not before, provided the household was certified for food stamps in the month preceding the cost-of-living increase.

(ii) For a household which was not certified for food stamps in the month preceding the cost-of-living increase, such increase shall be considered in the eligibility and benefit determination beginning with the first month for which the household is certified, unless the household's income is determined on a retrospective basis, as provided under § 273.21(a).

(iii) For any other mass changes not described under paragraph (e)(3)(i) of this section, the State agency shall reflect the change no later than the third allotment issued to non-monthly reporting households following the effective date of the change. Households submitting monthly reports shall report the change on the appropriate monthly report and the State agency shall process the change in accordance with the provisions in § 273.21.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2029)

(Catalog of Federal Domestic Assistance Program No. 10.551, Food Stamps)

Dated: March 31, 1983.

John H. Stokes III,

Acting Administrator.

[FR Doc. 83–9013 Filed 4–7–83; 8:45 am]

BILLING CODE 3410–30–M

Rural Electrification Administration

7 CFR Part 1701

Proposed Addition to REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend Appendix A—REA Bulletins by issuing a "File With" to REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers, to include accounting requirements with respect to recording costs incurred in conducting corrosion surveys and installing sacrificial anodes. Recent construction practices for installing underground power cable have resulted in decreased corrosion protection. As a result, electric utilities have begun conducting surveys to determine if corrosion damage is present and, if necessary, installing sacrificial anodes to prevent further damage. Uniform accounting requirements are needed to account for costs incurred in conducting corrosion surveys and installing sacrificial anodes.

DATE: Public comments must be received by REA no later than June 7, 1983.

ADDRESS: Submit written comments to Roland S. Heard, Chief, Technical Accounting and Auditing Staff, Accounting and Auditing Division, Rural Electrification Administration, Room 2231, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Roland S. Heard, Chief, Technical Accounting and Auditing Staff, above address, telephone number (202) 382–8227. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A—REA Bulletins by issuing a "File With" to REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers. This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. The action will not: (1) Have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment or productivity and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act and is not subject to OMB Circular A–95 review. This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Copies of the draft "File With" are being sent directly to all REA electric borrowers. Copies are also available upon request from the address indicated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours at the above address.

Background

REA Bulletin 181.3, Accounting Interpretations for Rural Electric Borrowers, provides accounting guidance to REA borrowers. Detailed background information and specific accounting requirements related to sacrificial anodes are provided in the text of the proposed "File With" below.

Proposed Addition to REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers

[No. 115 (REA Bulletin 181–3)]

Rural Electrification Administation Accounting Interpretations (Electric); Accounting for Sacrificial Anodes

I. *General*

When the use of underground power facilities was in its infancy, cable manufacturers and electric utility operators were of the opinion that copper did not corrode in most soils. However, experience has shown that copper's earlier high reliability was merely the result of the construction practices used. Copper was usually buried and electrically interconnected with iron, steel, lead and other types of metal pipes. These metals provided copper with a degree of corrosion protection. This corrosion protection is a result of an electrical/chemical phenomenon.

Because of economic and technological improvements in nonmetallic materials, underground power cable began to be installed in locations where there were no protective metals to cause an electrochemical interaction. Copper began to be on its own in soils in the form of copper concentric neutral wires. Reports of corrosion first began in the early '70s. Some reports advised of color changes and some slight pitting of the neutral

wires, while other reports mentioned complete loss of all metal.

Electric utilities began conducting corrosion surveys on existing plant. The purpose of these surveys was to:

1. Determine locations where corrosion existed or was probable.
2. Determine extent of any corrosion damage.
3. Recommend remedial measures to be taken where damage was extensive.
4. Recommend locations and amounts of corrosion protection required.

Some utilities have encountered situations where neutral wires were either totally missing, could not be considered reliable, or were impaired to the extent that corrosion protection was not feasible. In such cases it has been necessary to restore electrical conductivity to assure safety and proper operation of fault protection apparatus. One temporary measure to accomplish this has been to install a separate bare conductor, of sufficient conductivity, as close to the existing cable as possible. Others have chosen to install new cable to provide for a more permanent solution along with installation of corrosion protection.

Corrosion protection designs of neutral wires (deemed feasible for protection) take advantage of the corrosion process itself. When two different metals are buried in the same soil and connected electrically to one another, a galvanic corrosion cell is formed. Current flows from the more active metal, called the *anode* of the cell, to the less active metal, called the *cathode* of the cell. The metal that current flows from corrodes while the metal collecting current is protected from corrosion. Active metals are deliberately buried and inter-connected with less active copper neutral wires. The anode metal is sacrificed to protect the neutral wires—hence, the more active metals are called sacrificial anodes.

Zinc or magnesium sacrificial anodes are often used for cathodic protection of neutral wires. High purity metal is required. The raw metal is placed within a specially prepared powdery type material, all usually enclosed in a cheesecloth bag or cardboard packaged container. Good corrosion protection deign involves choosing loctions where anodes will operate at peak efficiency. Soil resistivity measurements observed during the corrosion survey provide the necessary information for proper anode sites.

II. Questions and Answers:

1. *Question:* What is the accounting for engineering costs when corrosion surveys are done on an existing underground line?

Answer:

a. If it is found that sacrificial anodes are needed, the cost of surveys and engineering shall be capitalized to Account 367, Underground Conductors and Devices, as part of the cable unit.

b. If it is found that no sacrificial anodes are needed, the cost shall be charged to Account 594, Maintenance of Underground Lines.

2. *Question:* What is the accounting for replacement of a neutral that is laid along side the original underground cable?

Answer: The replacement of the neutral shall be charged to Account 594, Maintenance of Underground Lines, because the original neutral was part of the underground cable record unit. The new neutral that is installed takes the place of the original neutral.

3. *Question:* What is the accounting for the sacrificial anode?

Answer: The cost of purchasing and installing the sacrificial anode shall be capitalized in Account 367, Underground Conductors and Devices, as part of the cable unit.

4. *Question:* What is the accounting for corrosion surveys done prior to installation of cable?

Answer: The cost of surveys shall be capitalized in the same manner as other engineering costs incurred.

In view of the need and desirability for uniform accounting requirements for REA borrowers conducting corrosion surveys or installing sacrificial anodes, the Administrator is proposing to issue the above accounting interpretation as an addition to REA Bulletin 181–3, Accounting Interpretations for Rural Electric Borrowers.

List of Subjects in 7 CFR Part 1701

Electric utilities; Loan programs—energy.

Dated: March 22, 1983.

Jack Van Mark,

Acting Administrator.

[FR Doc. 83–9309 Filed 4–7–83; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 79N–0141]

Corn Sugar, Corn Syrup, and Invert Sugar (Syrup); Proposed Affirmation of GRAS Status as Direct Human Food Ingredients; Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the period for submitting data on levels of lead and cadmium in corn sugar, corn syrup, and invert sugar. FDA requested this data in its proposal to affirm that corn sugar, corn syrup, and invert sugar are generally recognized as safe (GRAS) as direct human food ingredients. FDA is granting this reopening of the period for submitting data in response to a request.

DATE: Comments by May 8, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Corbin Miles, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202–472–4750.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 30, 1982 (47 FR 53917), FDA proposed to affirm that corn sugar, corn syrup, and invert sugar are GRAS as direct human food ingredients. Comments on the proposal were to be submitted by January 31, 1983, and data on levels of lead and cadmium in these ingredients were to be submitted by March 30, 1983. FDA has received a request from the Sugar Association, Inc., to reopen the period in which to submit data on levels of lead and cadmium. The request is on file with the Dockets Management Branch (address above).

After carefully evaluating the request, FDA concludes that it is appropriate to reopen the period in which to submit such data. The agency wishes to ensure that all interested parties have a full opportunity to provide such information. Therefore, FDA is reopening the period in which to submit data on lead and cadmium until May 8, 1983.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Interested persons may on or before May 8, 1983, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–9349 Filed 4–7–83; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Parts 182 and 184

[Docket No. 79N-0142]

Sucrose: Proposed Affirmation of GRAS Status as a Direct Human Food Ingredient: Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; reopening of comment periods.

SUMMARY: The Food and Drug Administration (FDA) is reopening the period for submitting data on levels of lead and cadmium in sucrose. FDA requested this data in its proposal to affirm that sucrose is generally recognized as safe (GRAS) as a direct human food ingredient. FDA is granting this reopening of the period for submitting data in response to a request.

DATE: Comments by May 8, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Corbin Miles, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202-472-4750.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 30, 1982 (47 FR 53923), FDA proposed to affirm that sources is generally recognized as safe (GRAS) as a direct human food ingredient. Comments on the proposal were to be submitted by January 31, 1983, and data on levels of lead and cadmium in this ingredient were to be submitted by March 30, 1983.

FDA has received a request from the Sugar Association, Inc., to reopen the period in which to submit data on levels of lead and cadmium. The request is on file with the Dockets Management Branch (address above).

After carefully evaluating the request, FDA concludes that it is appropriate to reopen the period in which to submit such data. The agency wishes to ensure that all interested parties have a full opportunity to provide such information. Therefore, FDA is reopening the period in which to submit data on lead and cadmium until May 8, 1983.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Interested persons may on or before May 8, 1983, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments maybe seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 5, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-9348 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 1030

[Docket No. 75N-0007]

Microwave Diathermy Products; Withdrawal of Proposal

Correction

In FR Doc. 83-5986, appearing on page 10373, in the issue of Friday, March 11, 1983, make the following corrections.

On page 10374, in the middle column, the third complete paragraph, last line, correct "20957" to read "20857" and in the fourth complete paragraph, line 7, correct "21 U.S.C. 302" to read "21 U.S.C. 301".

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

38 CFR Part 1

Time Limit to Request Waiver

AGENCY: Veterans Administration.

ACTION: Proposed rule.

SUMMARY: The Veterans Administration proposes to amend its regulation concerning the time limit in which to request waiver of benefit overpayments. The "Veterans' Compensation, Education, and Employment Amendments of 1982", Pub. L. 97-306, revised the statutory time limit in which to request waiver of benefit overpayments which is found in 38 U.S.C. 3102(a). A payee will now have 180 days, instead of two years, in which to request waiver of a benefit overpayment. This new 180 day time limit affects only those waiver requests based upon a notification of indebtedness issued after March 31, 1983.

DATES: Comments must be received on or before May 9, 1983.

It is proposed to make these amendments effective on April 1, 1983.

ADDRESSES: Interested persons are invited to send written comments to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. Comments will be available for inspection only at the above address between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Peter Mulhern, (202) 389-3405.

SUPPLEMENTARY INFORMATION: This new legislation does not affect waiver requests made under authority of 38 U.S.C. 3102(b) on debts arising out of the loan program administered under chapter 37 of title 38, U.S.C. Likewise, the legislation does not affect waiver requests made under authority of 5 U.S.C. 5584 on debts resulting from the erroneous payment of pay or allowances.

This new legislation further amends 38 U.S.C. 3102(a) by adding that the 180 day period may be extended if the payee can demonstrate that notification of indebtedness was not received within a reasonable time.

The Administrator hereby certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-602. Pursuant to 5 U.S.C. 605(b), this proposed rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604. The reason for this certification is that this proposed rule affects only those individuals indebted to the U.S. Government as a result of participation in Veterans Administration programs. This proposed rule has also been reviewed under E.O. 12291 and has been determined to be nonmajor because it only revises the time limit in which to request waiver and does not have any adverse economic impact on or increase costs to consumers, individual industries, Federal, State and local government agencies or geographic regions.

There is no Catalog of Federal Domestic Assistance number.

List of Subjects in 38 CFR Part 1

Claims, Administrative practice and procedure, Veterans.

Approved: March 28, 1983.

By direction of the Administrator.
Everett Alvarez, Jr.,
Deputy Administrator.

PART 1—GENERAL

1. Section 1.963 is amended by revising paragraph (b) to read as follows:

§ 1.963 Waiver—other than loan guaranty.

* * * * *

(b) *Application.* A request for waiver of an indebtedness under this section shall only be considered:

(1) If made within 2 years following the date of a notice of indebtedness issued on or before March 31, 1983 by the Veterans Administration to the debtor, or

(2) Except as otherwise provided herein, if made within 180 days following the date of a notice of indebtedness issued on or after April 1, 1983 by the Veterans Administration to the debtor. The 180 day period may be extended if the individual requesting waiver demonstrates to the Chairperson of the Committee on Waivers and Compromises that, as a result of an error by either the Veterans Administration or the postal authorities, or due to other circumstances beyond the debtor's control, there was a delay in such individual's receipt of the notification of indebtedness beyond the time customarily required for mailing (including forwarding). If the requester does substantiate that there was such a delay in the receipt of the notice of indebtedness, the Chairperson shall direct that the 180 day period be computed from the date of the requester's actual receipt of the notice of indebtedness. (38 U.S.C. 3102(a)) (April 1, 1983)

* * * * *

§ 1.963a [Amended]

2. Section 1.963a(b)(2)(ii) is amended by changing the word "Controller" to the words "Office of Budget and Finance."

[FR Doc. 83-9241 Filed 4-7-83; 8:45 am]
BILLING CODE 8320-01-M

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38 CFR Part 1

Licensing of Government Owned Inventions

AGENCY: Veterans Administration.

ACTION: Proposed rule.

SUMMARY: The Veterans Administration is proposing to amend the VA regulation governing the licensing of government owned inventions to: (1) Give notice that the licensing of selected VA inventions would be handled by the National Technical Information Service (NTIS) (2) reflect the change of name from Department of Health, Education, and Welfare to Department of Health and Human Services and (3) provide administrative appellate procedures for persons dissatisfied with decisions concerning the licensing of inventions in VA custody, as required by 41 CFR 101–4.105.

DATES: Comments must be received on or before May 9, 1983.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed regulation to: Administrator of Veterans Affairs (271A), 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, of the above address, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Chauncey W. Durden III, 389–2638/3967.

SUPPLEMENTARY INFORMATION: (1) By agreement dated April 26, 1979, the Department of Commerce, NTIS, handles the negotiation and execution of licenses in those VA inventions which the VA refers to the NTIS and which the NTIS accepts. 38 CFR 1.666 does not reflect this.

(2) The present § 1.666 refers to the Department of Health, Education, and Welfare, which name was changed to the Department of Health and Human Services when education functions, not relevant here, were transferred to the new Department of Education.

(3) Recent changes in the patent laws specifically authorize the Admnistrator of General Services to promulgate regulations governing the licensing of Federally-owned inventions. 35 U.S.C. 208. Pursuant to this, GSA promulgated 41 CFR Part 101–4 (FPMR Amdt. A–34) which, among other things, requires each Federal agency to prescribe procedures for appeals by unsuccessful applicants for licenses in inventions controlled by that agency, licensees whose licenses have been modified or terminated, and persons who have unsuccessfully objected to proposals to award exclusive or partially exclusive licenses. 41 CFR 101–4.105. This change to 38 CFR 1.666 is intended to provide for such appeal procedures.

The Administrator has determined that this proposed regulation is not a major rule as that term is defined by E.O. 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. It will not result in any major increases in costs or prices. It will have no significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator has certified that this proposed regulation will not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. This regulation is exempt under 5 U.S.C. 605(b) from the initial and final regulatory flexibility analyses requirements of 5 U.S.C. 603 and 604. This certification is based on the expectation, based on past experience, that very few licenses will be requested on any VA inventions other than those referred to NTIS, which will be governed by Department of Commerce regulations, and the fact that 41 CFR Part 101–4 (FPMR Amdt. A–34), which mandates these appellate procedures, provides for a preference for small business and nonprofit organizations. Accordingly, this regulation will have no significant impact on small entities, i.e. small businesses, small private and nonprofit organizations, and small governmental jurisdictions.

List of Subjects in 38 CFR Part 1

Administrative practice and procedures, Government contracts, Government property, Inventions and patents.

There is no catalog of Federal Domestic Assistance number.

Approved: March 22, 1983.
By direction of the Administrator.
Everett Alvarez, Jr.,
Deputy Administrator.

PART 1— [AMENDED]

In 38 Part 1, *General,* § 1.666 is revised to read as follows:

§ 1.666 Licensing of government-owned inventions.

The licensing of government-owned inventions under VA control and custody will be conducted pursuant to the regulations on the licensing of government-owned inventions promulgated by the General Services Administration in FPMR 101–4.1, as revised. By mutual agreement, the National Technical Information Service of the Deparment of Commerce will administer the licensing of selected inventions in VA control and custody. Control and custody will be transferred to the Department of Commerce before a license is issued. By mutual agreement,

the Department of Health and Human Service will administer the licensing of of VA inventions not administered by the National Technical Information Service. Any person (a) whose application for a license in an invention under VA control and custody has been denied; (b) whose license in such an invention has been modified or terminated, in whole or in part; or (c) who timely filed a written objection in response to a proposal to grant an exclusive or partially exclusive license in an invention under VA control or custody, may, if damaged, appeal any decision or determination concerning the grant, denial, interpretation, modification, or termination of a lincense to the Administrator of Veterans Affairs. Such appeal shall be in writing and shall set forth with specificity the basis of the appeal. Such appeal shall be postmarked not later than 60 days after the action being appealed. Upon request of the appellant, such appeal may be considered by one to three persons appointed on a case-by-case basis by the Administrator of Veterans Affairs. Such a request will be granted only if it accompanies the written appeal. Appellant may appear and be represented by counsel before such a panel, which will sit in Washington, D.C. If the appeal challenges a decision to grant an exclusive or partially exclusive license in an invention under VA control or custody, the licensee shall be furnished a copy of the appeal, shall be given the opportunity to respond in writing, may appear and be represented by counsel at any hearing requested by appellant, and may request a hearing if appellant has not, under the same terms and conditions, at which the appellant may also asppear and be represented by counsel. (41 CFR 101–4.105; 35 U.S.C. 208)

[FR Doc. 83–9242 Filed 4–7–83; 8:45 am]
BILLING CODE 6320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2342-5]

1982 Nonattainment Area Plans; California

AGENCY: Environmental Protection Agency [EPA].

ACTIONS: Notice of comment period extension.

SUMMARY: On February 3, 1983, the Administrator proposed in the **Federal Register** to find the implementation plans for certain areas inadequate to comply with the provisions of Part D of the Clean Air Act (48 FR 4972) and proposed approval/disapproval of plans required to be submitted by July 1, 1982, where extensions of the attainment date to 1987 for carbon monoxide/ozone were previously granted by the Administrator (48 FR 5022–5149). On March 21, 1983 [48 FR 11725] EPA extended the public comment period from March 21, 1982 to May 5, 1983 for all of those areas proposed at 48 FR 4972 and on the disapprovals (but not the approvals) proposed at 48 FR 5022–5149 February 3, 1983. Today's notice extends the public comment period from March 21, 1983 to May 5, 1983 for the California 1982 nonattainment area plans proposed for approval in the February 3, 1983 notice at 48 FR 5074–5085.

DATES: Written comments must be received no later than May 5, 1983.

ADDRESSES: Comments should be addressed as directed in the February 3, 1983 **Federal Register** (48 FR 5074–5085).

FOR FURTHER INFORMATION CONTACT: Wallace D. Woo, Chief, State Liaison Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tele: (415) 974–7634, FTS: 454–7634.

SUPPLEMENTARY INFORMATION: On February 3, 1983, (48 FR 4972–5149), the Agency proposed two sets of actions, approving/disapproving State Implementation Plans (SIP) designed to attain the primary ambient air quality standards as required by Sections 171–179 (Part D) of the Clean Air Act. At that time, the Agency established a 45-day period (ending March 21, 1983) for the receipt of public comment. Subsequent to that action, the Agency has received numerous requests for the Agency to provide additional time for the preparation and delivery of comments on the actions proposed in the **Federal Register** on February 3, 1983. These requests expressed concern regarding the complexity of the proposed actions and the ability to prepare comments on those actions in the time provided.

For California, EPA received requests to extend the comment period for areas proposed for disapproval as well as those areas proposed for approval. On March 21, 1983 (48 FR 11725) EPA did grant an estension of the comment period for all areas proposed for disapproval in the February 3, 1983 notice, but not for areas where the 1982 nonattainment area plans were proposed for approval. There were several such plans in California, and a letter dated March 17, 1983 from the California Air Resources Board emphasized that they required additional time to comment on the plans in areas proposed for approval. EPA has concluded that California commentors do appear to require additional time to formulate and submit comments on the proposed approval actions as well. The Agency, therefore, believes that it is appropriate to grant the requests for an extension to the public comment period on the proposed approvals of California's 1982 nonattainment area plans proposed at 48 FR 5074–5085.

The Agency, recognizing both the need for prompt action on the part of the Agency and the need for public evaluation and comment on the Agency's proposal, believes it is appropriate to provide this limited extension of the comment period. Hence, by today's action, the Agency is granting a 45-day extension of the public comment period to May 5, 1983 as noted above, for the California plans proposed for approval on February 3, 1983. Based upon the requests received to date, the Agency believes that the 45-day extension granted by this notice is sufficient, and does not anticipate granting any requests for further extensions for the comment period.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Authority: This notice is issued under the authority granted by Sections 101, 110, 172, and 301 of the Clean Air Act, 42 U.S.C. 7401, 7410, 7502, 7601.

Dated: March 18, 1983.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 83–9253 Filed 4–7–83; 8:45 am]
BILLING CODE 6560–50–M

40 CFR Part 81

[EPA Action KS 998; A-7-FRL 2323-5]

Revision to State Implementation Plan; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The State of Kansas submitted a request on July 2, 1981, that EPA redefine the boundaries of attainment areas in Kansas. The request resulted from the new definition of baseline area in the August 7, 1980 **Federal Register** at 45 FR 52715. The state requested that the areas currently

defined in the Code of Federal Regulations as "Remainder of State" and "Entire State" be redefined on a county-by-county basis for each pollutant.

EPA is proposing to approve the substance of the request in accordance with EPA's regulations governing the establishment of baseline areas. Today's notice is published to advise the public of EPA's proposed action and to request comments.

DATES: Comments must be received on or before June 7, 1983.

ADDRESS: Comments should be addressed to Mary C. Carter, Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Copies of the state submission are available for inspection during normal business hours at the above address and at the following location: Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374–3791 (FTS 758–3791).

SUPPLEMENTARY INFORMATION: On July 2, 1981, the Kansas Department of Health and Environment submitted a request for redesignation to EPA, which would change the boundaries of the attainment areas in Kansas. The state submitted a list of all counties in the state, and proposed that each county be designated as a separate attainment area for each pollutant for which attainment designations were made under Section 107(d) of the Clean Air Act. (See 40 CFR 81.317 for the specific designations relating to Kansas.) The request would not alter the attainment status of any area of the state, but would merely redraw the boundaries for the portions of the state which are designated attainment or unclassifiable areas.

This request resulted from the new definition of "baseline area," as it pertains to the Prevention of Significant Deterioration (PSD) program. [See 40 CFR 52.21(b)(15).] In the preamble to the PSD regulations (at 45 FR 52716, August 7, 1980) EPA indicated that states may submit redefined boundaries of attainment or unclassifiable areas that were previously included within a larger clean area. EPA suggested that states, may, as in this case, wish to effect such redesignations in order to establish smaller baseline areas for purposes of PSD review. In general, baseline areas are areas designated attainment or unclassifiable under Section 107(d) of the Act. The first permit application filed within such an area establishes the baseline air quality for the entire area, and the air quality impact of any new source proposing to locate within the area will be measured against this baseline to determine maximum allowable emissions. (See generally, 45 FR 52715, August 7, 1980.) The preamble states that EPA will redesignate areas as new attainment or unclassifiable areas if it agrees that the available data support the change, and if no sources subject to PSD regulations have located in, or significantly impacted on, a clean area being considered for redesignation.

No action was taken by EPA, Region VII, on the July 2, 1981, request from Kansas because, at the national level, EPA was preparing to issue a proposed rulemaking which would allow such blanket attainment designations for sulfur dioxide (SO_2) and total suspended particulate matter (TSP) to be interpreted as establishing individual attainment designations for each county in the blanket area. This national proposal was published in the **Federal Register** on January 21, 1982 (47 FR 3011). No final action on this proposal has been taken to date. For this reason, EPA is proposing to take action on the Kansas request, as described below. This proposal relates only to the Kansas request for redesignation, and the specific attainment status list submitted by Kansas. It is not intended to interpret the phrases "Remainder of State" and "Entire State", as found at 40 CFR 81.317.

At present the entire State of Kansas is designated (see 40 CFR 81.317) as one area that is "Better Than National Standards" for SO_2. For TSP, part of Wyandotte County is designated at 40 CFR 81.317 as nonattainment for the primary standard, part of Wyandotte County is designated as nonattainment for the secondary standard, part of Topeka is designated as nonattainment for the secondary standard, while the remainder of the state is classified as one area that is "Better Than National Standards." For carbon monoxide (CO) a portion of Sedgwick County at Wichita is designated nonattainment with the remainder of the state designated as "Cannot Be Classified or Better Than National Standards." Wyandott, Johnson, and Douglas Counties are designated as nonattainment for ozone while the remainder of the state is designated as "Cannot Be Classified or Better Than National Standards" for this pollutant. The entire state is designated as "Cannot Be Classified or Better Than National Standards" for nitrogen dioxide. The state requested (July 2, 1981) that each county in the areas presently classified as either "Cannot Be Classified" or "Better Than National Standards" be redesignated as individual attainment areas for each pollutant. Thus, a permit application for construction within the previously undifferentiated areas would establish the baseline air quality, not for the entire state or remainder of state, as before, but only for the county (or counties) in which the proposed source would have a significant impact. A source is considered to impact an area if it changes the air quality by 1 $\mu g/m^3$ or more of sulfur dioxide or particulate matter on an annual basis (see 45 FR 52716, August 7, 1980.)

Since a designated PSD "area" can be no smaller than the area of significant impact of a source, a permit application for a source which will have a significant impact on the air quality of more than one county will establish all of the significantly affected counties as a single attainment "area." Additionally, the boundaries of a redesignated area may not encroach upon the area of impact of any major stationary source or major modification that has already established the baseline date for the area or part of the area proposed for redesignation (see 45 FR 52716, August 7, 1980.)

At the present time, only two pollutants, SO_2 and TSP, are subject to PSD determinations. In Kansas there have been six PSD permit applications which would determine the baseline date for some redesignated areas. Dispersion analysis indicates that only one PSD source of SO_2 located in Pottawatomie County has a significant impact in an adjacent county, Nemaha County. No particulate PSD sources have a significant impact in an adjacent county.

Proposed Action

EPA is proposing that each county in the area presently classified at 40 CFR 81.317 as "Better Than National Standards" for SO_2 (the entire state) be reclassified on a county-by-county basis for this pollutant, each county being a separate SO_2 attainment area, with the exception of Pottawatomie County and Nemaha County which will be designated as a single SO_2 attainment area.

EPA is proposing that each county in the area presently classified at 40 CFR 81.317 as "Better Than National Standards" for TSP be reclassified on a county-by-county basis for this pollutant, each county being a separate TSP attainment area, with the exception of Wyandotte and Shawnee Counties. The parts of Wyandotte County that are

presently classified as nonattainment for either the primary or secondary TSP standards will remain nonattainment areas, with the remainder of the county, which is presently classified as attainment, to be reclassified as a separate attainment area. The part of Shawnee County that is presently classified as nonattainment for the secondary TSP standard wil remain a nonattainment area, with the remainder of the county which is presently classified as attainment, to be reclassified as a separate attainment area.

EPA is proposing that each county in the area presently classified at 40 CFR 81.317 as "Cannot Be Classified or Better Than National Standards" for CO be reclassified on a county-by-county basis for this pollutant, each county being a separate CO attainment area, with the exception of Sedgwick County. The portion of Sedgwick County presently classified as nonattainment for CO will remain nonattainment for this pollutant, with the remainder of the county, which is presently classified as attainment, to be reclassified as a separate attainment area.

EPA is proposing that each county in the area presently classified as "Cannot Be Classified or Better Than National Standards" for ozone be reclassified on a county-by-county basis for this pollutant, each county being a separate ozone attainment area. Wyandotte, Johnson, and Douglas Counties will remain nonattainment for ozone.

EPA is proposing that each county in the State of Kansas be reclassified on a county-by-county basis for nitrogen dioxide, each county being a separate nitrogen dioxide attainment area.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This notice of proposed rulemaking is issued under the authority of section 107(d) of the Clean Air Act, as amended, 42 U.S.C. 7407(d).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: March 3, 1983.

Morris Kay,

Regional Administrator.

[FR Doc. 83-9252 Filed 4-7-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8560

Special Recreation Permit Policy

AGENCY: Bureau of Land Management, Interior.

ACTION: Opening of public comment on proposed policy.

SUMMARY: The proposed Special recreation Permit Policy describes how the Bureau of Land Management proposes to administer permitted recreational use of public lands and related waters. This proposed policy, as it relates to commercial recreational uses, closely parallels similar outfitter/guide policy proposed by the Forest service. After comments have been received and considered, the policy is scheduled to be revised and issued as final policy by October 1983.

Note that proposed rulemaking needed to implement this policy fully is scheduled to be published in the **Federal Register** in approximately one month. It is expected that the comment period for the proposed rulemaking and for this policy will end at the same time. Like the proposed policy, the proposed rulemaking is scheduled to be revised and issued as Final Rulemaking in October 1983.

DATE: Comments by June 30, 1983.

ADDRESS: Comments or suggestions should be sent to Director (341), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240. Comments will be available for public review in Room 2657 of the above address during regular business hours (7:45 am to 4:15 pm) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Bruce R. Brown or Robert I. Conquergood at (202) 343-9353.

SUPPLEMENTARY INFORMATION: Early in the 1970's recreational use of some Bureau of Land Management administered lands increased to the point where deteriorating resources and user conflicts made it necessary to control use. Permit systems were developed for both commercial and non-commercial recreational uses. Fees were established to recover permitting costs and to allow the Government to receive a return for use of public lands. This permitting system also recognized the public service performed by commercial recreation services in providing access to recreation areas for those users not equipped or desiring to do so themselves.

Today, many areas administered by the Bureau of Land Management have established management and permit systems for regulating recreational use. Although similarities exist among these systems, there are also many differences. This proposed policy on the issuance and administration of special recreation permits attempts to standardize BLM policies and procedures to assure consistency across the Bureau. This effort, as it relates to commercial recreation, is being coordinated with the Forest Service to be as consistent as possible between agencies since many permittees operate on lands of both agencies. This proposed policy represents a basis for discussion with interested publics.

Some of the key features of the proposed policy include: (1) Management consistency in meeting recreation management planning objectives; (2) the requirement for special recreation permits for commercial, competitive, and other recreational uses; (3) enhanced stability for the commercial recreation industry operating on the public lands; (4) a timely appeals process; (5) a statement of goals for allocating limited recreation opportunities; (6) an equitable fee structure that recovers permitting costs and, in some cases, generates net revenues; (7) provisions for fee waivers for educational use which are consistent with Departmental regulations in 36 CFR 71; (8) evaluation of permittee performance at least once per year; and, (9) monitoring and enforcement which will deter unauthorized use.

Other actions to streamline the program have already taken place. For instance, Form 8370-1, Special recreation Application and Permit, was revised during Summer, 1982, to require less time to complete the form. At the same time that form was issued, a new checklist form was distributed to the Bureau of Land Management's recreation personnel. This new checklist is designed to save both time and money and provide Bureau managers an opportunity to review the costs associated with each permit. In another move designed to reduce costs, the Department of the Interior published in the **Federal Register**, on November 5, 1982 (47 FR 50368), revisions of the Department's list of actions which are categorically excluded from environmental review. Several recreation permitting actions which were included in the revision are expected to result in substantial savings.

It is important to note that BLM is exploring other alternative management solutions to streamline the recreation

management program, in line with the new Federalism policies. Alternatives might include obtaining cooperative management agreements with county, State or other Federal agencies to transfer or jointly manage Federal recreation properties and facilities.

Dated: April 4, 1983.

Robert F. Burford,

Director.

Proposed Special Recreation Permit Policy

A. General Policy

1. *Basic Objectives.* The basic objectives of the Bureau of Land Management's (BLM's) special recreation permitting system are to satisfy recreational demand within allowable use levels in a safe and enjoyable manner while minimizing adverse resource impacts and user conflicts.

2. *Consistency With Planning.* Special recreation permits are managed in a manner which is consistent with management objectives determined in resource management plans, recreation area management plans, or in their absence, through recreation management objectives resulting from analysis of resources and visitor use for each area (recreation opportunity spectrum classes).

3. *Privilege.* In issuing special recreation permits to recreational users of public lands, BLM consents to use of the land and/or related waters for the permitted purposes. This represents a privilege to use public lands and/or related waters which is subject to the terms and conditions of the permits.

4. *Permits Required.* Special recreation permits are issued for specific recreational uses of the public lands and related waters. They are issued as a means to control visitor use, to protect recreational resources, and as a mechanism to accommodate commercial recreational uses. Authorized by the Land and Water Conservation Fund Act, there are four types of uses for which these permits are required—commercial, competitive, off-road vehicle use involving 50 or more vehicles, and individual or group use in special areas. (See definitions in 43 CFR 8372.)

There are three exceptions to these permit requirements. Special recreation permits are not required when: (1) BLM sponsors, or co-sponsors uses, such as activities that take place as a result of cooperative or volunteer agreements; (2) the authorized officer *(1)* (See notes at the end of this policy.) determines that permits and fees are unnecessary where a use or event begins and ends on non-public lands, traverses less than 1 mile of public lands, *and* poses no threat of significant damage to public land resource values; and (3) the authorized officer waives the permit and fee requirements for competitive off-road vehicle events that are not commercial when the events comply with off-road vehicle designations for the use area, no cash prizes are awarded, less than 50 vehicles are involved, and there is no public advertising for the event.

5. *Allocation of Use.* As the use in a recreation area increases, one of the actions taken by the authorized officer is to determine the desired level of use of the carrying capacity *(2)*. When necessary, carrying capacities are set in accordance with decisions in the management plan for each area or, in the absence of management plans, through recreation management objectives resulting from analysis of resources and visitor use for each area (recreation opportunity spectrum classes).

If the use level in the area exceeds the carrying capacity, measures must be taken to remedy the problem. Indirect visitor and resource management techniques such as controlling public land access, interpretive efforts to promote environmental awareness and protection, providing extra protection for fragile resources, encouraging voluntary scheduling of commercial trips, or other mitigating measures to resolve user conflicts are used before resorting to direct management methods such as allocating use among users.

When the need for more direct management methods is apparent, use opportunities are allotted between and rationed within competing types of uses. This allocation consists of imposing limits on users who participate in similar types of recreation activities. These limits may effect (1) the overall number of individuals, (2) the number of groups or parties, (3) the number of individuals per group and/or the number of users by sector (e.g., commercial, competitive, or individual/group use).

The following are BLM's allocation goals:

a. Manageability—allocation methods must be workable, implementable, defensible to users, and within legal and budgetary constraints.

b. Flexibility—the method used must be responsive to the relative amount of use and to demand shifts.

c. Fairness and Equity—to the greatest extent possible, for all concerned.

d. Maximization of experiences and allowable use.

e. Minimization of resource impacts and user conflicts.

B. Issuance of Permits.

When the desired use is within the maximum allowable use level determined for the area and the applicant meets any minimum standards which are required to conform with management plan decisions or by State or local agencies, all special recreation permits are generally issued on a first-come-first-served basis. Where possible, a sufficient number of commercial permits are issued to encourage competition among permittees.

When an area's desired use level has been reached, no additional permits will be issued. New permits may become available when:

1. An area's desired use level (carrying capacity) is increased. Desired use levels could be expanded, for example, by increasing the number of allowable users within a use season or by lengthening the season.

2. A permit is revoked or not renewed because of non-compliance.

3. A permittee voluntarily relinquishes a permit.

4. New opportunities become available.

These new permits may be: (1) Awarded according to historical use, (2) limited to existing commercial permit holders, (3) limited to commercial permittees displaced from another area, (4) awarded by a competitive system, or (5) awarded by a combination of methods. For example, two or more current commercial permittees may be marginally economical and the additional allocation or capacity may help ensure better service to the public. In such cases, those competing for the permit may be limited to existing commercial permittees.

In areas where use exceeds the desired use levels, or when the management plan indicates decreases in the use level are necessary, the reductions are generally accomplished proportionally for all permit holders or through voluntary reductions. Another method which may be used to reduce use is to award fewer permits. In this method, subsequent permits may be awarded according to historical use *(3)*, limited to existing commercial permit holders, by a competitive system, or by a combination of methods.

C. Fees. Fees are charged for these permits to meet two objectives: primarily, to recover the cost of issuing and administering the permits; and, where possible, to provide a return for special use of public lands. Fee levels are set with these objectives in mind after study of the direct and indirect cost *(4)* to the government, the benefits to the recipient, the public policy or interest served, the comparable

recreation fees charged by Federal and non-Federal public agencies and the private sector, the economic and administrative feasibility of fee collection, and other pertinent factors such as the value of the use privilege conferred. In most cases these levels provide for recovery of the costs of the permits and in some cases, notably commercial recreation uses, provide a return to the Government for the use of the land.

Substantial unreimbursed costs have been incurred in the past when permit applications were denied based on environmental or other considerations. Therefore, prepayment may be required for work on special recreation permit applications even though there is no certainty that the permit would be issued.

Permits may be required but fees are not charged for uses for edcational or scientific purposes, regardless of whether the use is commercial, so long as the use is not primarily recreational. Applicants on this basis must, however, complete for use allocation in those areas where use is limited (e.g., for allocation purposes, those applicants who meet the definition of commercial compete for commercial permits while others compete for noncommercial permits).

D. Terms.

1. *Permit length.* Commercial permits are generally issued for five years. Other types of permits may be issued for a day, season of use, or any other time period considered appropriate by the authorized officer for the intended use. Criteria used to determine appropriate permit length include management objectives, the time necessary to amortize the permittee's investment, resource management planning timeframes, the environmental risks involved, public demand for the services, and ther permittee's past performance.

At a minimum, an annual evaluation of each multi-year permit is completed to evaluate performance and compliance with terms and conditions of the permit, determine if use still complies with management plan objectives, and review of past year receipts to determine over or under payment.

For commercial special recreation permits, the authorized officer develops performance review standards in consultation with the permittee, State fish and game agencies, State outfitter licensing boards, councils, and other State and Federal land managing agencies. These are included in each permit.

2. *Renewal of Permits.* At the end of the term of each permit a review of the permit similar to the annual review indicated above is conducted. If the permittee applies for another permit and it is determined that the permittee satisfactorily met the requirements of the previous permit and continued use is consistent with the management plan, the Authorized Officer should show preference to that permittee in issuing a new permit. Unsatisfactory performance may lead to denial of the permit applications.

3. *Transfer of Commercial Permit Privileges.* On occasion, existing permittees may wish to sell or otherwise terminate their business and desire the permit privileges be transferred to a new owner. This might occur either at the end of the existing permit period or prior to expiration of the existing permit. Procedure for this type of transfer is as follows:

a. When an existing permittee wishes to have the permit privileges transferred to a potential new owner of his/her business the permittee must so notify the authorized officer is writing.

b. The authorized officer will consider the following in determining whether to allow the transfer:

(1) The new applicant must agree to provide the type and size of operation specified in the management plan.

(2) The new applicant must be able to meet any standards required in conformance with management plan decisions or by State or local agencies (this includes standards of outfitter/guide licensing boards in States with licensing requirements).

(3) Adequate documentation must be provided to the authorized officer that a bona fide business transfer or sale is intended. The transfer or sale must include a substantial portion of the equipment and other tangible assets needed to conduct a business. Any attempted transfer or sale of authorized use *only* is not allowed.

(4) Generally, the previous permittee should have operated to an acceptable standard for at least two consecutive use seasons before requesting a transfer of the permit privileges.

c. If the new applicant has demonstrated the ability to meet the above conditions and has met State and local requirements (as applicable), the authorized officer should reissue the permit. The new permit may contain terms and conditions that vary from the previous permit, including the number of authorized user days and the length of the permit period.

4. *Allowable Use.* The amount and type of use allowed under each permit is set by the authorized officer in conformance with management objectives. Modifications of permit terms within the permit period, including user days or other changes, are allowed only with approval of the Authorized Officer and must be consistent with the management plan. Assignment of permit privileges is not allowed. Consistent non-use of user days by a permittee may be a determining factor in future use allocations and award of permits.

5. *Suspension.* The authorized officer may suspend a special recreation permit if necessary to protect public health, public safety, or the environment. Such suspensions have no effect on the expiration date of the permit.

6. *Area of land.* Special recreation permits are issued for only the minimum amount of land needed for the intended use. If, in the judgment of the authorized officer, additional land is needed, a permit may be amended to include the necessary land.

7. *Inspection of records and accounts.* The authorized officer, or any other duly authorized representative of the Bureau, may examine any of the permittee's records or other documents related to the permit for up to three years after expiration of the permit.

8. *Stipulations.* The authorized officer may require the permittee to comply with any reasonable stipulations or conditions necessary to protect the lands or resources involved and the public interest in general. The permittee's compliance with these stipulations may be monitored at various intervals depending on the type of use involved, the resource values at risk, the permittee's past record of compliance, and other factors. Failure to comply with stipulations or conditions may result in permit cancellation, criminal sanctions, or civil suit.

9. *Bonds.* Performance bonds may be required to ensure payment of fees and/or rehabilitation or restoration of lands and resources.

10. *Insurance.* Insurance is required of all commercial and competitive permittees to provide restitution for damage or injury to the public or to privately owned resources, and to protect the United States from suit resulting from actions taken or caused by the permittee or participants in a permitted use.

11. *Violation of law.* Certain convictions under State laws or Federal laws or regulations related to the special recreation permit may result in cancellation of the permit.

E. *Appeals.* The decisions of the authorized officer regarding special recreation permits may be appealed to the Interior Board of Land Appeals. However, such decisions remain in effect unless ruled otherwise by the

Board. Also, any person who participated in the planning process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may raise only those issues which were submitted for the record to the District Manager during the planning process. Protest procedures and requirements are found at 43 CFR Part 1600.

F. *Monitoring for Compliance.* Permits are monitored for compliance with terms and conditions. The amount of such monitoring is commensurate with the resource values at risk, the permittees' past record of compliance, and other factors. This monitoring includes checking to ensure that all permitting requirements have been met. In addition, the Bureau also relies on permittees to report unauthorized use. When noncompliance or unauthorized use is encountered the Bureau seeks voluntary compliance. If voluntary compliance efforts and other administrative remedies, such as cancellation of permits, are unsuccessful the Bureau must resort to enforcement.

G. *Enforcement.* When voluntary and administrative means of gaining compliance fail, enforcement of criminal and civil sanctions related to the permitting requirements is in the interest of long-term management of BLM's recreation resources.

a. Criminal penalties. Persons who commit prohibited acts are subject to criminal penalties under the Land and Water Conservation Fund Act (conviction can result in a fine of up to $100) and the Federal Land Policy and Management Act (conviction can result in a fine of up to $1000 and/or one year imprisonment). These prohibited acts include:

(1) Failure to obtain a permit or pay a fee required by the special recreation permit regulations;

(2) Violation of stipulations or conditions of a permit issued under authority of the regulations;

(3) Knowingly participating in an event or use subject to the permit requirements of the regulations where no such permit has been issued. This extends criminal sanctions to participants in unauthorized events and is likely to deter many participants from knowingly becoming involved in unauthorized events. Proof of intent to participate in the unauthorized event or use knowingly would be required for conviction;

(4) Failure to post a copy of any commercial or competitive permit in plain view where all participants have the opportunity to read it. This makes participants aware that the use is authorized and it also makes them aware of the conditions of the permit. Participants can report permit violations to BLM.

b. Civil suit. Unauthorized users are subject to civil suit. The Bureau will seek penalties based on the amount of fees (lost revenue had a permit been issued), the cost of repair and/or rehabilitation of any damage caused by the use, and the value of irreparable resource damage. The Bureau can, under regulations in 43 CFR 9239.0–9(b), refuse to sell timber or materials, or to issue a lease or permit to unauthorized users who have been served with a demand for payment and the authorized officer has reason to believe payment will not be made.

Notes

(1) *Authorized Officer.* Any employee of the Bureau of Land Management who has been delegated the authority to perform the duties described herein. A document listing such delegation of authority may be reviewed in each BLM District Office.

(2) *Carrying Capacity.* Carrying capacity is the amount and type of recreational use an area can accommodate without altering either the environment or the user's experience beyond the degree of change deemed acceptable by the management objectives for the area. This can also be called the maximum allowable use level.

(3) *Historical Use.* This is generally defined as the average of the highest two use seasons in the preceding five-year period.

(4) *Direct Costs.* These are costs incurred, after an application for a special recreation permit has been received, to process the application, to issue the permit, and to ensure compliance with the terms of the permit. These include labor costs, travel and per diem, vehicle mileage, supplies needed for that particular permit, and other costs directly attributable to the permit. Services normally provided whether or not permits are issued, such as law enforcement, search and rescue, work done prior to the receipt of the application, and other normal operating costs are *not* included.

Indirect Costs. These are overhead costs affected by the permitting activities, expressed as a percentage of the total direct costs. The percentage for Fiscal Year 1983 is 16.3 percent. Field offices are notified in advance if a change in the percentage is necessary (the indirect cost rate is based on annual analysis of actual indirect costs for the previous year).

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 59 and 61

[Docket No. FEMA–FIA]

National Flood Insurance Program Coverage, Sales and Eligibility Provisions

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the National Flood Insurance Program (NFIP) regulations dealing with flood insurance coverage, the Standard Flood Insurance Policy terms and provisions, and the sale of flood insurance in communities participating in the NFIP. The purpose of the proposed rule is to revise the Program regulations to reflect proposed changes in the Flood Insurance Manual used by private sector property insurance agents and brokers in producing flood insurance business, and coverage changes in the contract of flood insurance, including exceptions from coverage made necessary by reason of statutory changes in the flood insurance eligibility criteria in respect to certain coastal communities participating in the NFIP.

DATE: All comments received on or before June 7, 1983, will be considered before final action is taken on the proposed rule.

ADDRESS: Persons wishing to comment should submit comments in duplicate to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Donald L. Collins, Federal Emergency Management Agency, Federal Insurance Administration, Room 429, 500 "C" Street, SW., Washington, D.C. 20472; telephone number (202) 287–0740.

SUPPLEMENTARY INFORMATION: These proposed amendments are the result of a continuing reappraisal, begun in 1981, of the National Flood Insurance Program (NFIP) from the standpoint of maintaining a business-like approach to the administration of the NFIP by emulating successful property insurance programs in the private sector while, at the same time, supporting the major FEMA goals of achieving greater administrative and fiscal effectiveness in the operation of the NFIP (see "National Flood Insurance Program

Coverage, Sales and Loss Prevention Provisions", 47 FR 19138, May 4, 1982).

Accordingly, these proposed amendments will provide the policyholder with a greater range of insurance deductibles to choose from—at reduced premium rates for the higher deductibles—while, to assure that the premium has been predicated on correct rating information, a program of insurance rating recertification will be introduced as to policy renewals, every three years, as a condition for renewal of flood insurance. The need for this latter measure has been under consideration this past year and was confirmed by an August, 1982 GAO Report entitled "National Flood Insurance:—Marginal Impact on Flood Plain Development—Administrative Improvements Needed," in which a field sampling of risks indicated that some 68 were misrated, resulting in the government receiving inadequate premiums for the risks insured. FIA has commenced Federal claims collection procedures to recoup the additional premium due and owing the government.

It is expected that the recertification program will mitigate, in the future, instances of insufficient premium being paid to the government due to errors in flood insurance rating and classification of risk made upon the application for the NFIP coverage. The recertification program will be handled in much the same way, for example, as property insurer in the private sector might send a questionnaire to its homeowner policyholders on an annual basis in order to properly rate the risk upon renewal of the policy. The NFIP, initially, will do this every three years.

Also, in keeping with private sector insurances practices, a system of surcharging risks subject to repetitive flooding, based on a decade of experience, will be introduced. Loss experience will be analysed beginning with January 1, 1978, for purpose of the surcharge, which marks the date the Federal government became the sole risk-bearer, or insurer, under the NFIP. This should result in the more hazardous flood risks paying a more equitable and realistic share of the costs of providing the insurance and alleviate, indirectly, some of the cross-subsidization of premium rates made by flooding incidences in the most recent ten year period. The surcharging of risks which repetitively flood will also assist the NFIP in reaching its goal of fiscal self-sufficiency by 1988, albeit the surcharges, it is estimated, will impact, over time, only about 1% of the total number of policyholders in the NFIP. The surcharging of risks represents a new classification of risk in the NFIP. To consider its impact on an individual policyholder, the classification system could be likened to situations in the private sector automobile insurer is granted a general rate increase by the State regulator because of bad loss experience in the aggregate, the rate increase is passed on to policyholders whose insurance is renewed subsequent to the rate increase. In some cases, these policyholders are involved, during the policy year, in traffic accidents or receive summonses for moving violations, resulting in percentage increases in their premium payments during the next insurance year. These policyholders must pay premiums, therefore, based upon the general rate increase and, in addition, the surcharges arising out of the moving violations and traffic accidents. In the context of this analogy, it is believed that the NFIP's policyholders will understand the necessity for the surcharge system as proposed for the NFIP.

In addition, Part 61 of the amendments and the related flood insurance policy changes, includes changes in the scope of coverage provided under the Standard Flood Insurance Policy, clarifications of some of the policy's present provisions, and a change in the waiting rule, governing the effective date of any coverage and limits of coverage added to the policy after its inception date, to require a five (5) day waiting period. The change in the waiting period will result in the same period of time, five (5) days, being applied to coverage added mid-term as is applied in the case of initial applications for new coverage.

The most important of these changes is the new exclusion of flood insurance coverage, effective October 1, 1983, made mandatory by the recently enacted Coastal Barrier Resources Act, Pub. L. 97–348, approved October 18, 1982. Pursuant to the Act, the Standard Flood Insurance Policy will exclude coverage for any building, and its contents, newly constructed or substantially improved on or after October 1, 1983, which is located on an undeveloped coastal barrier designated as such by the Congress on maps produced by the Department of the Interior and incorporated into the administration of the NFIP. FEMA's Office of State and Local Programs and Support (SLPS) has been delegated the responsibility, with the advice of FIA, to determine the meaning of the terms "new construction" and "substantial improvements" as used in the Coastal Barrier Resources Act and FIA's exclusion of flood insurance coverage in its final rule which reflect such definitions as are determined by SLPS.

Another important policy change is a provision to permit a policyholder to reinstate a lapsed policy in a case where the NFIP either did not mail a timely renewal notice to the policyholder or mailed the notice to the wrong person or address. Also, in furtherance of NFIP fiscal soundness and to discourage unsafe construction in dangerous coastal and other flood hazard areas, the policy is being amended to exclude coverage for finished basements (and contents therein) and enclosures (and contents) beneath the first floor of elevated structures, although foundation elements and machinery and equipment basic to the use of the insured building, such as heating, electrical, and air-conditioning equipment will still be covered in these areas. This latter policy change will also simplify the rating and insuring of structures by applying to all zones and to both emergency and regular program business. It should be noted that the NFIP is a taxpayer subsidized program as to which it is believed that the flood insurance policy should respond to the basic needs of policyholders. Another initiative will amend the policy provisions dealing with submission of a proof of loss by a policyholder in support of a claim for flood damages, by permitting waiver of this requirement in certain cases. This will have the effect of reducing paperwork and burden-hours requirements on the private sector, consistent with the Paperwork Reduction Act of 1980.

The remaining amendments either clarify policy terms and conditions, conform them to the NFIP Agent's Manual and Rules and Rates, or are editorial in nature. For example, to facilitate flood insurance rate classifications the definition of "Start of construction" will be amended to add, for flood insurance rating purposes, only the flood insurance underwriting practice whereby the rates for new construction are established by the NFIP as of the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. This proposed amendment will not change the definition of "start of construction" for floodplain management purposes, the definition of which will remain. Start of construction means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings of any work beyond the stage of excavation." The reason for the distinct

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definition for use by the insurance component of the NFIP is as follows. The premiums for flood insurance, as to new construction started after the later of December 31, 1974 or the effective date of the community's Flood Insurance Rate Map (FIRM), vary from the subsidized rate available in the community prior to the appropriate effective date. Private sector property insurance agents, in completing an application for flood insurance on behalf of a resident of a participating community, must know the date upon which the building's construction commenced in order to assign the correct premium charge for the policy. Typically, communities have no record of the date on which the "pouring of slabs or footings or any work beyond the stage of excavation occurred", rendering the insurance producer unable to furnish a start of construction date upon which to predicate a rate for the insurance coverage. To conduct the NFIP's insurance business in an orderly manner, therefore, the program permits the insurance producer to utilize the community verification building permit date on the theory that the issuance of the building permit is the first step in the building construction process. It is belived that the underwriting convention is consistent with community practice and, at the same time, provides the insurance producer with a date certain for rating purposes which, otherwise, is not obtainable from the local records. It would be preferable to have a common definition for both insurance and floodplain management purposes and, in this proposed rule, the NFIP seeks ideas on how a common definition might be arrived at. Given the absence of a date certain for insurance rating purposes, however, the present floodplain management definition is unusable from the perspective of the private sector insurance producer, which may necessitate that the NFIP's insurance component maintain a separate, insurance-related definition. However, this definition, as the proposed rule states, will not apply to Pub. L. 97-348, in respect to which a subsequent proposed rule will be published by FEMA defining "start of construction" for puposes of the Act. In addition, while the proposed rulemaking does not address other Program terminology used for insurance purposes only, which may be articulated somewhat differently in their flood plain management counterparts (e.g.—the descriptions of "lowest floor" and "existing" and "new" construction in the rules differ from flood insurance agents' manual language), comments, suggestions for change, and indications of any problems incurred due to differing descriptions, are invited as to any of these definitions or descriptions which might be stated differently in their floodplain management and insurance contexts.

FEMA has determined, based upon an Environmental Assessment, that this rule does not have significant impact upon the quality of the human environment. A finding of no significant impact is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 "C" Street, SW., Washington, D.C. 20472.

These regulations do not have a significant economic impact on a substantial number of small entities and have not undergone regulatory flexibility analysis.

The proposed rule is not a "major rule" as defined in Executive Order 12291, dated February 17, 1981

List of Subjects in 44 CFR Parts 59 and 61

Flood insurance.

Accordingly, Subchapter B of Chapter I of Title 44 is proposed to be amended as follows:

PART 59—GENERAL PROVISIONS

§ 59.1 [Amended]

1. At § 59.1, the definition, "Start of construction" is revised by the addition of the following sentence at the end thereof:

* * * "Start of construction", for insurance purposes (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-348]) includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date.

* * * * *

PART 61—INSURANCE COVERAGE AND RATES

§ 61.3 [Amended]

2. Section 61.3 is amended by the addition of the following language at the end thereof:

* * * Buildings entirely in, on or over water and buildings partially over water into which boats are floated are not eligible for coverage; other buildings partially over water may be covered upon submission of the details of the risk to the NFIP for the assignment of a rate commensurate with the risk and presentment of the correct premium to the NFIP.

§ 61.4. [Amended]

3. Section 61.4(c) is amended by the removing of the phrase "which are volcanic or tectonic in origin" and the placement of the period in the sentence after the word "movements".

§ 61.5. [Amended]

4. Section 61.5(a) is amended by the addition of the following at the end thereof:

(a) * * * No new flood insurance shall be written for any building, and its contents, if the building was newly constructed or substantially improved on or after October 1, 1983 in an area designated as an undeveloped coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348).

* * * * *

5. Section 61.5(d) is revised to read as follows:

* * * * *

(d) Each loss sustained by the insured is subject to a deductible provision under which the insured bears a portion of the loss before payment is made under the policy. The amount of the deductible for each loss occurrence is (1) For structural (i.e., insured building) losses, $500.00; and (2) for contents (i.e., insured personal property) losses, $500.00 (At the policyholder's option, the amount of the deductible for each loss occurrence may be $3,000.00 or $5,000.00 as to any zone. The loss deductible shall apply separately to each building loss [including appurtenant structures under a Dwelling Form, § 61.14, Appendix A (1)] and contents [personal property] loss including, as to each, debris removal); and (3) for the reasonable expenses incurred in connection with the temporary removal of an insured mobile home or insured contents (personal property) from the described and away from the peril of flood, $50.00.

* * * * *

6. Section 61.5(f)(10) is revised to read as follows:

(f) * * *

(10) Enclosures, contents, machinery, building equipment and fixtures below the lowest elevated floor of an elevated building; finished basement walls, floors, ceilings and other improvements to areas enclosed by foundation walls located entirely or partially below ground, and contents, machinery, building equipment and fixtures in such areas; except that, as to this subsection (10), coverage is provided in such areas for oil tanks, furnaces, hot water

heaters, washers, dryers, air conditioners, heat pumps, electric junction and circuit breaker boxes, and related electrical connections servicing the building.

* * * * *

7. Section 61.5(f) is amended by the addition of a new paragraph (11), as follows:

(f) * * *

(11) Any building, and its contents, if the building was newly constructed or substantially improved on or after October 1, 1983 in an area designated as an undeveloped coastal barrier, within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97–348).

* * * * *

8. Section 61.5(g)(2) is revised to read as follows:

(g) * * *

(2) Except for the insurability of "animals, birds and fish", at paragraph (f)(5) of this section, all of the kinds of uninsurable property and contents referenced at paragraph (f) (2) through (5) and at paragraphs (f) (7) through (10).

* * * * *

9. Section 61.5(g) is amended by the addition of a new paragraph (4), as follows:

(g) * * *

(4) Any building, and its contents, if the building was newly constructed or substantially improved on or after October 1, 1983 in an area designated as an undeveloped coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97–348).

* * * * *

§ 61.10 [Revised]

10. Section 61.10 is revised to read as follows:

§ 61.10 Minimum premiums and premium surcharges.

(a) The minimum premium required for any policy, regardless of the terms or amount of coverage, is $50.00.

(b) The following increases in premium, for all coverages and with respect to both the annual term and three-year term policies, shall be applied to the renewal of any such policy affected by these rules:

(1) The total premium charged in respect to any property sustaining more than one flood loss during a ten year period commencing January 1, 1978 shall be 10¢ per hundred dollars of insurance plus the applicable rate from the flood insurance manual rate in effect on the effective date of the new or renewal policy being applied for;

(2) The total premium charged in respect to any property sustaining more than two flood losses during a ten year period commencing January 1, 1978 shall be 20¢ per hundred dollars of insurance plus the applicable rate from the flood insurance manual rate in effect on the effective date of the new or renewal policy being applied for;

* * * * *

§ 61.11 [Amended]

11. Section 61.11 is amended by the removal of paragraph (a)(3).

§ 61.14 [Amended]

12. Section 61.14(b) is amended by the removal of the following:, 1725 I Street, NW.,

Appendix A(1) [Amended]

13. Appendix A(1) of Part 61, referenced at § 61.13, Standard Flood Insurance Policy, is revised, in the following particulars:

a. In the **Dwelling Form—Insuring Agreement** and in *Article II—Definitions*, wherever the phrase "Direct Physical Loss by Flood" appears, it is revised to read "Direct Physical Loss by or from Flood".

b. At *Article II—Definitions*, in the definition of "Direct Physical Loss by or from Flood", delete the parenthetical phrase at the end thereof, placing the period after the word "loss".

c. At *Article IV—Property Covered*, in the second sentence of paragraph B, delete the word "insured", which appears before the word "building."

d. At *Article V—Property Not Covered*, revise paragraph F to read as follows:

F. Enclosures, contents, machinery, building equipment and fixtures below the lowest elevated floor of an elevated building: finished basement walls, floors, ceilings and other improvements to areas enclosed by foundation walls located entirely or partially below ground, and contents, machinery, building equipment and fixtures in such areas; except that, as to this subparagraph (F), coverage is provided in such areas for oil tanks, furnaces, hot water heaters, washers-dryers, air conditioners, heat pumps, electric junction and circuit breaker boxes, and related electrical connections servicing the building.

* * * * *

e. At *Article V—Property Not Covered*, paragraph H is revised to read as follows:

H. On and after October 1, 1982, a mobile home located or placed within a FEMA designated Special Flood Hazard Area that is not affixed to a permanent site (anchored) to resist flotation, collapse, or lateral movement by providing over-the-top frame ties to ground anchors or that otherwise does not meet the community's flood plain management requirements, unless it is a mobile home on a foundation continuously insured by the National Flood Insurance Program at the same site at least since September 30, 1982.

* * * * *

f. At *Article V—Property Not Covered*, add a new paragraph K, as follows:

K. A building, and its contents, newly constructed or substantially improved on or after October 1, 1983, in an area designated as an undeveloped coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97–348).

g. *Article VI—Deductibles* is revised to read as follows:

Article VI—Deductibles

A. Each loss to your insured property is subject to a deductible provision under which you bear a portion of the loss before payment is made under the policy.

B. The loss deductible shall apply separately to each building loss and personal property (contents) loss including, as to each, appurtenant structure, debris removal, and any reasonable expenses incurred under Article III in connection with the preservation and saving of insured property after a flood.

C. The amount of the deductible for each loss occurrence is determined as follows: we shall be liable only when such loss exceeds $500 or, at your option, $3,000.00 or $5,000.00, in the event you have selected one of these optional deductibles when applying for flood insurance coverage.

D. In the case of reasonable expenses incurred pursuant to Article II in the temporary removal of an insured mobile home or insured personal property from the described premises and away from the peril of flood, the amount of the deductible shall be $50.00.

* * * * *

h. At *Article VIII—General Conditions and Provisions*, paragrah B. Concealment, Fraud is revised to read:

* * * * *

B. Concealment, Fraud: We will not cover you under this policy, which shall be void, not can this policy be renewed or any new flood insurance coverage be issued to you, if you have sworn falsely, or willfully concealed or misrepresented any material fact or done any fraudulent act concerning this insurance (See "F" below). In addition, we will not cover you under this policy, which shall be void, in the event you have misstated any fact, whether intentionally or not, on a "Recertification Questionnaire", which causes us to issue a policy to you based on a premium amount which is less than the premium amount which would have been payable by you were it not for the misstatement of fact (see "G", below).

* * * * *

i. At *Article VIII—General Condition and Provisions*, in paragrah G. Policy Renewal, the following is added to the end thereof:

* * * * *

Commencing January 1, 1978, and during any consecutive ten year period thereafter, if the insured property has, at the property address, sustained more than one flood, the total policy premium, upon application for or renewal of the policy after the second flood, shall be 10¢ per hundred dollars of insurance above the otherwise applicable premium in effect as of the effective date of the new or renewal policy and, if the property has sustained more than two floods, the total policy premium shall be 20¢ per hundred dollars of insurance above the otherwise applicable premium in effect as of the effective date of the new or renewal policy. As a condition for the renewal of this policy, you must, once every three years from its inception, recertify, on a Recertification Questionnaire we will provide you, the rating information contained on your most recent application for or renewal of insurance.

Nothwithstanding your responsibility to submit the appropriate renewal premium in sufficient time to permit its receipt by us prior to the expiration of the policy being renewed, we have established a business procedure for mailing renewal notices to assist insureds in meeting their responsibility. Regarding our business procedure, evidence of the placing of any such notices into the U.S. Postal Service, addressed to you at the address appearing on your most recent application or other appropriate form (received by the NFIP prior to the mailing of the renewal notice by us), does, in all respects, for purposes of the NFIP presumptively establish delivery to you for all purposes irrespective of whether you actually received the notice. However, in the event that we determine that, through any circumstances, any renewal notice was not placed into the U.S. Postal Service, or, if placed, was prepared or addressed in a manner which we determine could preclude the likelihood of it being actually and timely received by you prior to the due date for the renewal premium, the following procedures shall be followed:

In the event that you or your agent notifies us not later than one year after the date on which the payment of the renewal was due, of a non-receipt of a renewal notice prior to the due date for the renewal premium, which we determine was attributable to the above circumstances, we sahll mail a second bill providing a revised due date, which shall be thirty days after the date on which the bill is mailed. If the renewal payment is received by such revised due date, the policy shall be renewed as of the date on which the prior policy would have expired. If the renewal payment requested by reason of the second bill is not received by the revised due date, no renewal shall occur and the policy shall remain an expired policy as of the expiration date prescribed on the policy.

* * * * *

j. At *Article VIII—General Conditions and Provisions,* in paragrah I. Requirements in Case of Loss add the following at the end thereof:

* * * * *

5. We may, at our option, waive the requirement for the completion and filing of a Proof of Loss in certain cases, in which event you will be required to sign and, at our option, swear to an adjuster's report of the loss which includes information about your loss and the damages needed by us in order to adjust your claim;

6. Any false statements made in the course of presentment of a claim under this policy may be punishable by fine or imprisonment under the applicable Federal Laws.

* * * * *

k. At *Article VIII—General Conditions and Provisions* in paragraph K, the first sentence is revised to read as follows:

* * * * *

K. When Loss Payable: Within 60 days after you file your proof of loss or within 90 days after the insurance adjuster files an adjuster's report, signed and sworn to by you in lieu of a proof of loss.

* * * * *

l. At *Article VIII—General Conditions and Provisions,* in paragraph "L. Abandonment", add the following to the end thereof:

* * * * *

However, we may permit you to keep damaged, insured property ("salvage") after a loss and reduce the amount of the loss proceeds payable to you under the policy by the value of the salvage.

* * * * *

m. At *Article VIII—General Conditions and Provisions,* in paragraph O. Mortgagee Clause, the first paragraph is revised to read as follows:

* * * * *

O. Mortgagee Clause—(Applicable to building items only and effective only when policy is made payable to a mortgagee (or trustee) named in the application and declaration form attached to this policy or of whom the Insurer has actual notice prior to the payment of loss proceeds under this policy.)

* * * * *

Appendix A(2)

14. Appendix A(2) of Part 61, referenced at § 61.13. Standard Flood Insurance Policy, is revised, in the following particulars:

a. At the *Definitions* section, in the definition of "Direct Physical Loss by Flood" wherever that phrase appears, it is revised to read "Direct Physical Loss by or from Flood" and, at the end of the definition, the parenthetical phrase is deleted and the period is placed after the word "loss".

b. At the *Property Covered* section, in "A. Building", the second paragraph is removed.

c. At the *Property Covered* section, in "B. Contents" the matter following the phrase "The Insurer shall not be liable for loss in any one occurrence for more than: * * *" is revised to read as follows:

* * * * *

The Insurer shall not be liable for loss in any one occurrence for more than $250 in the aggregate on paintings, etchings, pictures, tapestries, art glass windows and other works of art (such as but not limited to statuary, marbles, bronzes, antique furniture, rare books, antique silver, porcelains, rare glass, and bric-a-brac), jewelry, watches, necklaces, bracelets, gems, precious and semi-precious stones, articles of gold, silver, platinum and furs and any article containing fur which represents its principal value.

* * * * *

d. At the *Property Not Covered* section, paragraph F is revised to read as follows:

* * * * *

F. Enclosures, contents, machinery, building equipment and fixtures below the lowest elevated floor of an elevated building; finished basement walls, floors, ceilings and other improvements to areas enclosed by foundation walls located entirely or partially below ground, and contents, machinery, building equipment and fixtures in such areas; except that, as to this subsection (10), coverage is provided in such areas for oil tanks, furnaces, hot water heaters, washers, dryers, air conditioners, heat pumps, electric junction and circuit breaker boxes, and related electrical connections servicing the building.

* * * * *

e. At the *Property Not Covered* section, paragraph H is revised to read, as follows:

* * * * *

H. On and after October 1, 1982, a mobile home located or placed within a FEMA designated Special Flood Hazard Area that is not affixed to a permanent site (anchored) to resist flotation, collapse, or lateral movement by providing over-the-top frame ties to ground anchors or that otherwise does not meet the community's flood plain management requirements, unless it is a mobile home on a foundation continuously insured at the same site by the National Flood Insurance Program, at least since September 30, 1982.

* * * * *

f. In the *Property Not Covered* section, new paragraph K, is added, as follows:

* * * * *

K. A building, and its contents, newly constructed or substantially improved on or after October 1, 1983, in an area designated as an undeveloped coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97–348).

* * * * *

g. The section entitled *Deductibles is* revised to read as follows:

Deductibles

A. With respect to loss to the building and debris removal covered hereunder, the insured shall be liable for only that portion of the loss in any one occurance which is in excess of $500.00.

B. With respect to loss to contents, and debris removal covered hereunder, the insurer shall be liable for only that portion of the loss is any one occurrence which is in excess of $5,000.00.

C. The amount of the deductible in "A" and "B", above is $3,000.00 or $500.00 in the event the Insured has elected, when purchasing this policy, to have such a deductible.

D. In the case of reasonable expenses incurred in the removal of an insured mobile home or personal property from the insured premises away from the peril of flood, the amount of the deductible shall be $50.00.

* * * * *

h. In the section entitled *General Conditions and Provisions*, paragraph B. Concealment, Fraud is revised to read:

* * * * *

B. Concealment Fraud: This entire policy shall be void and no renewal nor new flood insurance coverage can be issued to the Insured if, whether before or after the loss, the Insured has willfully concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof, or the interest of the Insured therein, or in case of any fraud or false swearing by the Insured relating thereto (see "E", below). In addition, this entire policy shall be void if the Insured has misstated any fact, whether intentionally or not, on a "Recertification Questionnaire, which causes the Insurer to issue a policy to the Insured based on a premium amount which is less than the premium amount which would have been payable by the Insured if it were not for the misstatement of fact (see "G", below).

* * * *

i. In the section entitled *General Conditions and Provisions*, in paragraph J. Policy Renewal, the following new paragraphs are added to the end thereof:

* * * * *

Commencing January 1, 1978, and during any consecutive ten year period thereafter, if the property has, at the property address, sustained more than one flood, the total policy premium, upon application for or renewal of the policy after the second flood, shall be 10¢ per hundred dollars of insurance above the otherwise applicable insurance manual premium in effect as of the effective date of the new or renewal policy and, if the property has sustained more than two floods, the total policy premium shall be 20¢ per hundred dollars of insurance above the otherwise applicable premium in effect as of the effective date of the new or renewal policy. As a condition for the renewal of this policy, the Insured must, once every three years from its inception, re-certify, on a Recertification Questionnaire provided by the Insurer, the rating information contained on the Insured's most recent application for or renewal of insurance.

Notwithstanding the above mentioned responsibility of the Insured to submit the appropriate renewal premium in sufficient time to permit its receipt by the NFIP prior to the expiration of the policy being renewed, the Insurer has established a business procedure for mailing renewal notices to assist Insureds in meeting their responsibility. Regarding the Insurer's business procedure, evidence of the placing of any such notices into the U.S. Postal Service, addressed to the Insured at the address appearing on the Insured's most recent application or other appropriate form (received by the NFIP prior to the mailing of the renewal notice by the Insurer), does, in all respects, for purposes of the NFIP presumptively establish delivery to the Insured for all purposes irrespective of whether the Insured actually received the notice. However, in the event that the Insurer determines that through any circumstances, any renewal notice was not placed into the U.S. Postal Service, or, if placed, was prepared or addressed in a manner which the Insurer determines could preclude the likelihood of it being actually and timely received by the Insured prior to the due date for the renewal premium the following procedures shall be followed:

In the event that the Insured or his agent notifies the Insurer, not later than one year after the date on which the payment of the renewal was due, of a non-receipt of a renewal notice prior to the due date for the renewal premium, which the Insurer determines was attributable to the above circumstances, the Insurer shall mail a second bill providing a revised due date, which shall be thirty days after the date on which the bill is mailed. If the renewal payment is received by such revised due date, the policy shall be renewed as of the date on which the prior policy would have expired. If the renewal payment requested by reason of the second bill is not received by the revised due date, no renewal shall occur and the policy shall remain an expired policy as of the expiration date prescribed on the policy.

* * * * *

j. In the section entitled *General Conditions and Provisions*, in paragraph L. Mortgagee Clause, the first paragraph is revised to read as follows:

* * * * *

L. Mortgagee Clause (Applicable to building items only and effective only when policy is made payable to a mortgagee (or trustee) named in the application and declaration form attached to this policy or of whom the Insurer has actual notice prior to the payment of loss proceeds under this policy).:

* * * * *

k. In the section entitled *General Conditions and Provisions*, in paragraph O. Requirements in Case of Loss, add the following paragraph at the end thereof:

* * * * *

The Insurer may, at its option, waive the requirement for the completion and filing of a Proof of Loss in certain cases, in which event the Insured will be required to sign and, at the Insurer's option, swear to an adjuster's report of the loss which includes information about the loss and the damages needed by the Insurer before the loss can be adjusted.

Any false statements made in the course of presentment of a claim under this policy may be punishable by fine or imprisonment under the applicable Federal laws.

* * * * *

l. In the section entitled *General Conditions and Provisions*, in paragraph R. Abandonment, and the following to the end thereof:

* * * * *

However, the Insurer may permit the Insured to keep damaged, insured property ("salvage") after a loss and reduce the amount of the loss proceeds payable to the Insured under the policy by the value of the salvage.

* * * * *

m. In the section entitled *General Conditions and Provisions*, paragraph S. When Loss Payable is revised to read as follows:

* * * * *

S. When Loss Payable: The amount of loss for which the Insurer may be liable shall be payable 60 days after proof of loss, or 90 days after an adjuster's report in lieu of a proof of loss, as herein provided, is received by the Insurer and ascertainment of the loss is made either by agreement between the Insured and the Insurer expressed in writing or by the filing with the Insurer of an award as herein provided.

* * * * *

(National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1958), 42 U.S.C. 4001–4128; Reorganization Plan No. 3 of 1978 (43 FR 4193), E.O. 12127, dated March 31, 1979 (44 FR 19367) E.O. 11988, dated May 24, 1977 and 44 CFR 9, Delegation of Authority to Federal Insurance Administrator)

Issued at: Washington, D.C., April 1, 1983.

Jeffrey S. Bragg,

Federal Insurance Administrator.

[FR Doc. 83–8953 Filed 4–7–83; 8:45 am]

BILLING CODE 6718–01–M

Notices

Federal Register
Vol. 48, No. 69
Friday, April 8, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Technical Advisory Committee for Science and Education Research Grants Program; Subcommittee for Soybean Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, of October 6, 1972, 86 Stat. 770–776), the United States Department of Agriculture announces the following closed meeting:

Name: Subcommittee for Soybean Research of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and time: May 17 and 18, 1983. Tuesday—8:00 a.m. to 5.30 p.m.; Wednesday—8:00 a.m. to 12:00 noon.

Place: United States Department of Agriculture, Room 6431, South Building, 14th Street and Independence Avenue, Washington, D.C. 20250.

Type of meeting: Closed to the public.

Contact person: Charles B. Rumburg, Principal Agronomist, Manager, Soybean Special Grants Program, United States Department of Agriculture, Room 6431, South Building, Washington, D.C. 20250, Telephone: (202) 447–6074.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Soybean Research Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

Dated: April 4, 1983.

C. I. Harris,

Acting Administrator, Cooperative State Research Service.

[FR Doc. 83-9237 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-03-M

Technical Advisory Committee for Science and Education Research Grants Program; Subcommittee for Antidesertification Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, of October 6, 1972, 86 Stat. 770–776), the United States Department of Agriculture announces the following closed meeting:

Name: Subcommittee for Antidesertification Research of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and time: May 19 and 20, 1983, Thursday—8:00 a.m. to 5:30 p.m.; Friday—8:00 a.m. to 12:00 noon.

Place: La Quinta Motor Inn, Room 202, 3975 Peoria Way, Denver, Colorado 80239.

Type of meeting: Closed to the public.

Contact person: Charles B. Rumburg, Principal Agronomist, Manager, Antidesertification Special Grants Program, United States Department of Agriculture, Room 6431, South Building, Washinton, D.C. 20250, Telephone: (202) 447–6074.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Antidesertification Research Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

Dated: April 4, 1983.

C. I. Harris,

Acting Administrator, Cooperative State Research Service.

[FR Doc. 83-9236 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-03-M

Food Safety and Inspection Service

[Docket No. 82-014N]

Organization, Functions and Delegations of Authority

Pursuant to the authority of the Administrator, Food Safety and Inspection Service, appearing at 7 CFR 2.55, the following Statement of Organization, Functions, and Delegations of Authority of Food Safety and Inspection Service is made:

I. Organization

Section 1. *General.* Food Safety and Inspection Service was originally created by the Secretary of Agriculture under the name Food Safety and Quality Service on March 14, 1977. It was renamed the Food Safety and Inspection Service. hereafter referred to as FSIS, on June, 19, 1981, incidental to a realignment of the functions of the Agency.

Section 2. *Central Office.* The central office of FSIS is located at Washington, D.C., and consists of the Office of the Administrator including the Associate Administrator, five Deputy Administrators, and four Staff Directors, as follows:

Office of the Administrator.
Administrator
Associate Administrator
Deputy Administrator, Meat and Poultry Inspection Operations
Deputy Administrator, International Programs
Deputy Administrator, Meat and Poultry Inspection Technical Services
Deputy Administrator, Science
Deputy Administrator, Administrative Management
Director, Information and Legislative Affairs Staff
Director, Policy and Program Planning Staff
Director, Review and Evaluation Staff
Director, Equal Employment Opportunity Staff

Section 3. *Field Organization.* The location of principal field offices is as follows for each major program:

Meat and Poultry Inspection Operations

Regional Operations, Regional Offices:
North Central: 607 East Second Street, Des Moines, IA 50316
Northeastern: 7th Floor, 1421 Cherry Street, Philadelphia, PA 19102
Southeastern: Room 216, 1718 Peachtree Street, NW., Atlanta, GA 30309
Southwestern: Room 5–F41, 1100 Commerce Street, Dallas, TX 75242

Western: Room 102, Building 2–C, 620 Central Avenue, Alameda, CA 94501

Compliance and Staff Operation, Field Office:

North Central: 855 Federal Building, 210 Walnut Street, Des Moines, IA 50309

Northeastern: Balzon II Building, 505 South Lenola Road, Moorestown, NJ 08057

Southeastern: Room 431, North Tower, 1720 Peachtree Street, NW., Atlanta, GA 30309

Southwestern: Room 5–F–33, 1100 Commerce Street, Dallas, TX 75242

Western: Room 111, Building 2-F, 620 Central Avenue, Alameda, CA 94501

Meat and Poultry Inspection Technical Services

MPI Data Center:

Data Services Center, 210 Walnut Street, Room 791, Des Moines, IA 50309

Program Training Division:

U.S. Post Office Building, P.O. Box 1608, Denton, TX 76201

Science

Field Service Laboratories:

Midwestern: Building 105, 4300 Goodfellow Blvd. (Mail: P.O. Box 5080) St. Louis, MO 63115

Eastern: Russell Research Center, College Station Road (Mail: P.O. Box 6085), Athens, GA 30604

Western: U.S. Appraisers Building, 630 Sansome Street (Mail: P.O. Box 2423), San Francisco, CA 94126

Division Laboratories:

Agricultural Research Center East, Beltsville, MD 20705

Chemistry Division:

Chemistry Division Laboratory Branch, Building 318

Food Ingredient Assessment Division:

Product Safety Branch, Building 306

Microbiology Division:

Food Microbiology Branch, Building 322

Medical Microbiology Branch, Building 322

Pathology and Epidemiology Division:

Pathology Branch, Building 318–C

Epidemiology Branch, Building 322

Serological Testing Systems Branch, Building 318–C

Administrative Management

Field Office Branches:

Program Services Branch, Administrative Services Division

Personnel Operations Branch, Personnel Division

The above field offices are located at Butler Square West, 4th floor, 100 North 6th Street, Minneapolis, MN 55403.

Review and Evaluation Staff

Program Review Branch:

2400 31st Street, Lawrence, KS 66044

II. Functions

Section 4. *The Office of the Administrator.*

(a) *The Administrator.* The Administrator of FSIS, under the direction of the Assistant Secretary for Marketing and Inspection Services, formulates, directs, and supervises the execution of FSIS policies, programs, and activities. The Administrator is authorized to take any action, execute any document, authorize any expenditure, promulgate any rule, regulation, order, or instruction, required by or authorized by law and deemed by the Administrator to be necessary and proper to the discharge of the functions assigned to FSIS, and to delegate and provide for redelegation of authority to appropriate officers and employees consistent with, and with due regard to the continuing responsibility for the proper discharge of delegations made by the Administrator. Delegations and provisions for redelegation are stated in Sections 14 through 20.

(b) *The Associate Administrator.* The Associate Administrator shares overall responsibility with the Administrator for the general direction and supervision of the programs and activities assigned to FSIS, and is authorized to act for the Administrator in performing all functions for which the Administrator is responsible.

(c) *The Deputy Administrator, Meat and Poultry Inspection Operations.* The Deputy Administrator, Meat and Poultry Inspection Operations (MPIO), is responsible for:

(1) Participating with the Administrator and other Agency officials in the planning and formulation of policies, programs, and activities of FSIS oriented to the Nation's agricultural and consumer protection needs.

(2) Planning, providing leadership, formulating and coordinating policies and directing the administration of MPIO programs and activities to assure that meat and poultry products moving in interstate and intrastate commerce are wholesome and not adulterated or misbranded.

(3) Implementing regulations pursuant to laws relating to meat and poultry inspection.

(4) Assessing the effectiveness of State inspection programs to assure that standards at least equal to those under the Federal Acts are applied to meat and poultry plants under State jurisdiction.

(5) Conducting a national emergency operations program in situations where meat and poultry products are contaminated with drug or chemical residues, other adulterants or microbial contamination that would require the recall of affected products.

(6) Providing surveillance and enforcement of the Acts in the out-of-plant distribution channels for meat and poultry products and the issuance of letters of warning to parties regarding violations.

(7) Coordinating activities and providing guidance and expertise in the implementation of the Equal Employment Opportunity Program.

These activities are carried out by three functional units: The Regional Operations, the Compliance and Staff Operations, and the Program Management Support Staff. The Regional Operations activities are carried out through the Inspection Coordination Staff and five Regional Offices.

(d) *The Deputy Administrator, International Programs.* The Deputy Administrator, International Programs, is responsible for:

(1) Participating with the Administrator and other Agency officials in planning, formulating, and implementing policies, programs, and activities of FSIS to assure the wholesomeness of imported meat and poultry products and to maintain a favorable trade picture for U.S. products in foreign markets.

(2) Reviewing foreign inspection systems and plants that export meat and poultry to the United States to assure compliance with applicable Federal rules and regulations.

(3) Implementing foreign government's inspection requirements and procedures with a view toward enhancing access to foreign markets for U.S. meat and poultry products.

(4) Aiding representation of U.S. interests within the European Economic Community.

These activities are carried out by two functional units: The Foreign Programs Division and Export Coordination Division.

(e) *The Deputy Administrator, Meat and Poultry Inspection Technical Services.* The Deputy Administrator, Meat and Poultry Inspection Technical Services (MPITS), is responsible for:

(1) Participating with the Administrator in the planning and formulation of policies and programs for the effective direction of FSIS programs.

(2) Providing technical guidance and support for FSIS.

(3) Assessing the food safety and public health implications of agricultural practices and emerging scientific and technological changes.

(4) Developing procedures and methods for conducting inspection of livestock, poultry, and their processed products.

(5) Coordinating the establishment of industry operating requirements needed to produce wholesome carcasses of livestock and poultry and processed meat and poultry products.

(6) Coordinating the establishment of regulatory criteria for determining the disposition of livestock, poultry, and their carcasses and the wholesomeness of processed meat and poultry.

(7) Determining acceptable methods for the conduct of humane slaughter.

(8) Developing proceduers for maintaining product security and control of condemned and inedible materials.

(9) Coordinating field testing of new or revised procedures.

(10) Developing, modifying, and updating work standards to incorporate revised procedures and new technology.

(11) Conducting a comprehensive program of information resources management (IRM) services and technical support for domestic and foreign meat and poultry inspection.

(12) Developing facility, equipment, and sanitary requirements and criteria for meat and poultry regulatory programs.

(13) Approving new construction, plant modification, and equipment for meat and poultry plants subject to regulatory control.

(14) Preparing environmental considerations for regulatory programs and employee safety.

(15) Conducting technical training of personnel engaged in the jnspection of meat and poultry.

(16) Developing meat and poultry standards.

(17) Developing labeling policy.

(18) Reviewing all labels for approval.

(19) Coordinating activities and providing leadership, assistance, guidance, and expertise in the implementation of the Equal Employment Opportunity Program.

These activities are carried out by seven functional units: The Facilities, Equipment, and Sanitation Division, Industrial Engineering and Data Management Division, Processed Products Inspection Division, Program Training Division, Slaughter Inspection Standards and Procedures Division, Standards and Labeling Division, and Technology Assessment Division.

(f) *The Deputy Administrator, Science.* The Deputy Administrator, Science, is responsible for:

(1) Providing FSIS with scientific guidance and support in chemistry, epidemiology, microbiolgy, pathology, toxicology, nutrition, parasitology, and mathematics and statistics.

(2) Developing and maintaining close ties with national and international scientific laboratories and communities in order to keep abreast of scientific and technological advances and to open new avenues for the exchange of scientific information.

(3) Participating with other components of FSIS in developing and reviewing policies and procedures relating to FSIS programs.

(4) Coordinating nutrition activities for FSIS.

(5) Operating a food-borne hazard reporting system.

(6) Identifying recommending, and coordinating the establishment and conduct of appropriate research projects.

(7) Operating the FSIS regulatory field service laboratories to support program needs.

(8) Evaluating the chemical safety of direct and indirect food additives for use in meat and poultry products.

(9) Developing an overall approach to control residues occurring in the meat and poultry supply so that the incidence and levels of toxic compounds present are held to the absolute minimum.

(10) Coordinating activities and providing guidance and expertise in the implementation of the Equal Employment Opportunity Program.

These activities are carried out by seven functional units: The Chemistry Division, Field Service Laboratories Division, Food Ingredient Assessment Division, Mathematics and Statistics Division, Microbiology Division, Pathology and Epidemiology Division, and Residue Evaluation and Planning Division.

(g) *The Deputy Administrator, Administrative Management.* The Deputy Administrator, Administrative Management, is responsible for:

(1) Participating with the administrator in the planning and formulation of policies and programs for the effective direction of FSIS programs.

(2) Providing administrative management services including finance, personnel, administrative services, labor-management relations, and budget planning and evaluation to meet FSIS needs.

(3) Participating with other components of FSIS in developing and reviewing policy and procedures, long-range planning and forecasting, annual workplans, and evaluations relating to FSIS programs.

(4) Planning, providing leadership, formulating and coordinating policies, and directing the following administrative management services to be provided for all organizational segments of FSIS: Budget formulation presentation, and execution; financial analysis; personnel administration and position management; management of materiel procurement, real and personal property, and office services; and organizational review, analysis, and response.

(5) Administering the execution of cooperative agreements and Master Memoranda of Understanding, all agreements between FSIS and other agencies, and all servicing agreements.

(6) Assuring the implementation of national, Department, and FSIS administrative management policies, program goals, and objectives.

(7) Providing leadership to the management of the Safety and Health Program and serving as the designated Safety and Health official.

(8) Coordinating activities and providing leadership, assistance, guidance, and expertise in the implementation of the Equal Employment Opportunity Program.

These activities are carried out by five functional units: The Administrative Services Division, Budget, Planning and Evaluation Division, Finance Division, Labor Management Relations Staff, and Personnel Division.

(h) *The Director, Information and Legislative Affairs Staff.* The Director, Information and Legislative Affairs Staff, under the direction and supervision of the Administrator, is responsible for:

(1) Participating with the Administrator on Agency policy discussions.

(2) Advising the Administrator on information policy and the public information implications of Agency actions.

(3) Serving as liaison to the media, keeping the press informed of FSIS actions, and handling media inquiries. Advising the Administrator of media interest in the Agency's policies.

(4) Planning, coordinating, conducting, and supervising FSIS public information and education activities.

(5) Implementing consumer information and education activities as required by E.O. 12160.

(6) Developing and implementing public participation plans.

(7) Providing information services to the Office of the Administrator and to the Office of the Secretary, as required.

(8) Maintaining liaison with the Office of Governmental and Public Affairs on current information matters and the production of all printed broadcast and visual materials.

(9) Advising and assisting the Administrator and other Agency officials on all matters relating to legislative bills and correspondence.

(10) Maintaining liaison with appropriate congressional committees regarding Agency policies and programs.

(11) Establishing and maintaining a system for the management, control, and timely response to public, congressional

and other legislative inquiries, either oral or written.

(12) Coordinating development of Agency legislative plans.

(13) Coordinating Agency responses to all legislative proposals.

(14) Promoting the Agency Equal Employment Opportunity Program.

These activities are carried out by three functional units: The Public Awareness Office, Information Office, and Legislative Affairs Office.

(i) *The Director, Policy and Program Planning Staff.* The Director, Policy and Program Planning Staff, under the direction and supervision of the Administrator, is responsible for:

(1) Implementing the requirements for the Agency contained in Executive Order 12291 and the Regulatory Flexibility Act.

(2) Conducting policy studies for the Administrator.

(3) Designing and operating the Agency-wide program planning system.

(4) Developing functional plans for Agency activities.

(5) Operating the Agency-wide workplan for the development of regulations.

(6) Assisting in the development of regulations and coordinating necessary reviews and approvals for publication in the **Federal Register.**

(7) Operating the office of the Agency's Hearing Clerk.

(8) Planning and coordinating Agency Freedom of Information and Privacy Act functions.

(9) Managing the FSIS Information Processing Center.

(10) Promoting the Agency Equal Employment Opportunity Program.

(11) Coordinating and providing technical support to the FSIS computer systems.

(12) Coordinating staff support for the Agency's Information Resources Management Review Board (IRMRB)

(13) Coordinating all FSIS emergency preparedness functions.

These activities are carried out by four functional units: The Policy Analysis Office, Regulations Office, Emergency Planning Office, and Executive Secretariat.

(j) *The Director, Review and Evaluation Staff.* The Director, Review and Evaluation Staff under the direction and supervision of the Administrator, is responsible for:

(1) Developing systems, criteria, and procedures for conducting evaluations of the effectiveness of FSIS program operations.

(2) Conducting systematic, on-site monitoring of FSIS program uniformity and effectiveness.

(3) Conducting special studies and analyses of FSIS program operations.

(4) Analyzing, summarizing, and reporting results of reviews and studies and making recommendations.

(5) Performing inquiries, reviews, and interviews, as assigned by the Administrator, in cases requiring independent factgathering.

(6) Divising FSIS plans to eliminate abuse and waste in program operations and improve program integrity.

(7) Developing and maintaining contacts with appropriate review and evaluation groups inside and outside the Department.

(8) Providing support to the Administrator's office on liaison matters with the Office of the Inspector General on audits and with the General Accounting Office.

(9) Promoting the Agency Equal Employment Opportunity Program.

These activities are carried out by three functional units: The Speical Projects Office, Analysis and Evaluation Office, and Program Review Office.

(k) *The Director, Equal Employment Opportunity Staff.* The Director, Equal Employment Opportunity Staff, under the direction and supervision of the Administrator, is responsible for:

(1) Analyzing the status of the FSIS EEO program.

(2) Developing and recommending specific actions designed to assure equal employment opportunity within FSIS to line management officials for their implementation.

(3) Keeping the Administrator, FSIS and top staff officials informed on progress and problems in the Agency's EEO Program (identifying EEO problems, recommending workable solutions, and coordinating the implementation of the solutions for the problems).

(4) Reviewing proposed changes in Agency policies which affect personnel to determine whether these proposed changes will have an impact on the employment of minorities and women.

(5) Seeing that all eligible employees are informed of the Department's Upward Mobility Program and that training plans for employees selected for the Program are implemented on schedule.

(6) Participating with the FSIS Personnel Division and the Deputy EEO officers in developing formal Agency-run Upward Mobility Programs.

(7) Evaluating the EEO activities of subordinate organizational levels (regions, States, offices, or divisions depending on the Agency organization).

(8) Informing managers, supervisors, and employees of their rights and responsibilities under the EEO Program.

(9) Formulating, developing, and preparing directives and regulations on EEO for FSIS.

(10) Maintaining an FSIS EEO Committee which is representative of the workforce, arranging meetings of the Committee members to set projects for the Committee, and following up on the implementation of the Committee's recommendations.

(11) Meeting regularly with the FSIS Federal Women's Program Manager and the Hispanic Employment Program Manager.

(12) Developing projects jointly for the Agency and field FWP and Hispanic Program managers and combining the efforts in these special emphasis areas into the total EEO Program.

(13) Coordinating and reviewing the transmission of formal EEO complaints to the Director of EEO within 5 days. Following up with the appointed FSIS representative to see that an attempt to informally resolve the EEO complaint takes place within 10 days after receipt of the investigation report. Assuring that a proposed disposition of each EEO complaint is prepared within 15 days after receipt of the report on the attempt at informal resolution.

(14) Clearing matters of EEO policy with the EEO Staff in the Office of Personnel.

(15) Serving as the Civil Rights Coordinator for the Title VI Program providing leadership, direction, technical assistance, and training for Agency officials and States' inspection programs in the area of Civil Rights enforcement and compliance activities.

(16) Reviewing Civil Rights policies, regulations, and compliance reviews for legal applicability.

(17) Conducting compliance reviews and providing liaison with USDA's Office of Minority Affairs on Civil Rights complaints and compliance.

Section 5. *Meat and Poultry Inspection Operations.* The Regional Operations, Compliance and Staff Operations, and Program Management Support Staff, under direction of the Deputy Administrator for Meat and Poultry Inspection Operations, are responsible as follows:

(a) *Regional Operations.* Regional Operations is carried out by the Inspection Coordination Staff at headquarters and the Regional Offices in the field.

(1) *Inspection Coordination Staff.* The Inspection Coordination Staff is responsible for:

(i) Participating with the Assistant Deputy Administrator, Regional Operations, in the planning and

formulation of policies and programs of the inplant inspection activities.

(ii) Providing technical direction and coordinating field inspection activities for the inspection of meat, poultry, and related products involving:

—Ante-mortem and post-mortem inspection;
—Processed products inspection;
—Import/export products inspection;
—Control of inedible and condemned products;
—Security requirements to maintain integrity of products;
—Moisture control; and
—Humane slaughter.

(iii) Coordinating the implementation of new or revised inspection procedures.

(iv) Conducting correlation programs for livestock and poultry disposition, import/export inspection, and processed products inspection.

(v) Serving as the program's representative in the resolution of industry appeals which have been elevated to the national level.

(vi) Investigating special or unusual problems and recommend corrective action.

(vii) Participating with the Assistant Deputy Administrator, Regional Operations, in the maintenance of effective communication with the American Federation of Government Employees (AFGE), National Association of Federal Veterinarians (NAFV), and Association of Technical and Supervisory Professionals (ATSP).

(2) *Regional Offices.* The Regional Offices are responsible for:

(i) Planning, providing leadership, and coordinating Regional Operations programs and activities within the region (comprising several States) for the inspection of meat, poultry, and related products involving:

—Ante-mortem and post-mortem inspection;
—Processed products inspection;
—Control of inedible and condemned products;
—Security requirements to maintain integrity of products;
—Moisture control;
—Humane slaughter;
—Application of criteria and findings relating to plant approval, facilities, equipment, sanitation, labeling, marking, packaging, pathology, microbiology, toxicology, chemistry, residues, water, and blueprints.

(ii) Granting, refusing, suspending, and recommending withdrawal of inspection service to meat and poultry establishments within the regions in accordance with applicable provisions of the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended.

(iii) Providing voluntary meat and poultry inspection and certification services relating to wholesomeness of edible products not subject to the Federal meat inspection laws and certification of meat and poultry products for use as food for dogs, cats, and other carnivora.

(iv) Directing, coordinating, and integrating the activities of subordinate area offices which are responsible for the Federal meat and poultry inspection programs in one or more States.

(v) Negotiating and administering a regionwide agreement with the regional AFGE officials.

(b) *Compliance and Staff Operations.* Compliance and Staff Operations is carried out by the Compliance Division, Federal-State Relations Staff, and Emergency Programs Staff.

(1) The Compliance Division is responsible for:

(i) Participating with the Assistant Deputy Administrator, Compliance and Staff Operations, in the development of Division policy for FSIS enforcement programs to promote compliance with and enforce laws and regulations.

(ii) Conducting comprehensive, systematic compliance programs to monitor all types of businesses engaged in marketing and distribution of food products, and prevent violations of laws and regulations.

(iii) Detecting and documenting violations of laws and regulations, and referring reports of findings to appropriate officials for action.

(iv) Taking appropriate administrative action to control products in violation of laws and regulations.

(v) Assisting States in the development of compliance programs for intrastate products and businesses, and monitoring State compliance programs to assure they meet Federal requirements.

(vi) Developing and maintaining contacts with appropriate enforcement groups inside and outside the Department.

(vii) Participating in design of operating compliance systems, methods, guidelines, and procedures for enforcing laws and regulations.

(viii) Providing guidance and direction to Field Officers-in-charge who directly supervise field compliance officers.

(2) The Federal-State Relations Staff is responsible for:

(i) Participating with the Assistant Deputy Administrator, Compliance and Staff Operations, in the planning and formulation of policies and programs of MPIO as they relate to Federal-State and industry relations.

(ii) Planning, organizing, directing, controlling, and coordinating FSIS cooperative activities with States and other Government agencies.

(iii) Establishing programs or projects to insure that States receive technical and advisory assistance necessary to develop, maintain and administer State meat/poultry inspection systems at least equal to Federal inspection under equal State laws and regulations.

(iv) Coordinating, reviewing, and analyzing the results of surveys of State meat/poultry inspection programs. Requesting special surveys and reviews as necessary.

(v) Conferring with officials of State and local inspection systems and trade members; and developing and recommending improvements in service, economies in operation, and new procedures within approved policy.

(vi) Acting in a liaison role with Compliance as it pertains to State programs involving that portion of the Federal Meat Inspection Act and the Poultry Products Inspection Act related to intra/interstate allied industries.

(vii) Planning, directing, and coordinating FSIS' health and safety programs. Collecting and disseminating data to the Assistant Deputy Administrator, and regional offices pertaining to the accidents, injuries, and health problems effecting personnel. Participating in developing training courses in safety and health for supervisors and managers within the program.

(3) The Emergency Programs Staff is responsible for:

(i) Participating with the Assistant Deputy Administrator, Compliance and Staff Operations, in the planning and formulation of policies and programs for emergency program activities.

(ii) Serving as the focal point within FSIS for reporting all contamination problems identified by MPIO personnel (domestic and import), other Federal and State Government Agencies and industry officials.

(iii) Directing the FSIS Contamination Response System (CRS) team, which provides expertise in resolving emergency contamination problems, and provides guidance to field inspection personnel in determining the critical nature of contamination situations.

(iv) Performing pre-emergency planning and develop contingency actions for new standards, regulations, and guidelines which direct the administration of programs involving contaminants and other types of residues in meat and poultry products.

(c) *Program Management Support Staff.* The Program Management Support Staff is responsible for:

(1) Participating with the Deputy and Assistant Deputy Administrators, MPIO, in the planning and formulation of administrative and analytical activities.

(2) Conducting a resource planning, analysis, and allocation program of MPIO's assigned and required dollars and develop improved systems for overseeing the use of financial resources.

(3) Conducting a resource planning, analysis, and allocation program of MPIO's assigned and required human resources and develop improved systems for overseeing the use of human resources.

(4) Coordinating the development of MPIO's operating alternatives and strategies to maximize the utilization of assigned resources.

(5) Administering MPIO's incentive awards program.

(6) Conducting a program and management analysis program to assess the effectiveness and efficiency of MPIO operations, and recommend improvements.

(7) Providing general management advisory assistance and service to MPIO officials.

(8) Carrying out staff responsibilities and objectives through the following functional areas:

—Financial Analysis;
—Program/Management Analysis;
—Administrative Services;
—Incentive Awards.

Section 6. *International Programs.* The Foreign Programs Division and Export Coordination Division, under direction of the Deputy Administrator for International Programs, are responsible as follows:

(a) *Foreign Programs Division.* The Foreign Programs Division is responsible for:

(1) Participating with the Deputy Administrator, International Programs, and the MPIO, as well as the various divisions of Science in the planning and formulation of policies, programs, and activities of Foreign Programs Division.

(2) Planning, providing leadership, and administering activities required in conducting the import inspection of meat and poultry products for entry into U.S. commerce.

(3) Planning, providing leadership, and administering the requirements with respect to imported meats and poultry expressed in Section 20 of the Federal Meat Inspection Act and Section 17 of the Poultry Products Inspection Act. This includes the determination by continuing direct reviews that the system of meat and/or poultry inspection in foreign countries is carried out in plants preparing product for export to the United States, ensuring compliance with requirements at least equal to all provisions of the Acts and regulations applied in the United States.

(4) Preparing the annual calendar year report by the Secretary to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the administration of Section 20 of the Federal Meat Inspection Act.

(5) Coordinating and communicating with the State Department and the Department's Foreign Agricultural Service with respect to the implications and effects of Foreign Programs actions on foreign trade interests of the Department and State Department responsibilities and interests.

(6) Providing policy and staff guidance to import inspection activities carried out under regional and area offices of MPIO

(7) Supervising, directing, coordinating, and integrating activities of area supervisors.

(b) *Export Coordination Division.* The Export Coordination Division is responsible for:

(1) Participating with the Deputy Administrator, International Programs and in the planning and formulation of policies, programs, and activities of Export Coordination Division.

(2) Planning, providing leadership and administering activities required in conducting inspection and certification of meat and poultry products proposed for export in foreign commerce.

(3) Providing policy and staff guidance to export inspection and certification activities including certification of U.S. plant eligibility for export to foreign countries carried on under regional and area offices of Inspection Operations.

(4) Coordinating and communicating with the State Department and USDA's Foreign Agricultural Service with respect to the implications and effects of Export Coordination Division actions on foreign trade interests of USDA and State Department responsibilities and interests.

(5) Coordinating and implementing foreign inspection requirements and procedures with a view toward enhancing access to foreign markets for U.S. meat and poultry products. Obtaining understanding of the exact requirements of each country through interchanges with foreign officials.

(6) Reconciling differences of requirements between the U.S. and foreign government inspection programs with U.S. industry organizations on these differences as well as assisting individual plant management in meeting foreign requirements.

Section 7. *Meat and Poultry Inspection Technical Services.* The Facilities, Equipment, and Sanitation Divison, Industrial Engineering and Data Management Division, Processed Products Inspection Division, Program Training Division, Slaughter Inspection Standards and Procedures Division, Standards and Labeling Division and Technology Assessment division, under direction of the Deputy Administrator for MPITS, are responsible as follows:

(a) *Facilities, Equipment, and Sanitation Division.* The Facilities, Equipment, and Sanitation Division is responsible for:

(1) Developing standards and procedures for the preparation, submission, and evaluation of information regarding the sanitary environment and drawings of facilities and equipment.

(2) Developing sanitary design, construction, placement, maintenance, and operational standards, regulations, and procedures for establishment premises, facilities, equipment, product, and personnel.

(3) Reviewing information and drawings to determine if sanitary principles are being applied to facilities and equipment.

(4) Developing inspectional controls to monitor adherence to sanitary standards and the development of plans to implement standards in the field.

(5) Directing field testing of new or modified facilities, equipment, and sanitary techniques.

(6) Assuring the safety of inspection personnel regarding the layout of facilities.

(7) Interacting with other divisions in developing standards for sanitation, equipment, and facilities for new automated processing equipment and new plant layouts that may be needed to accommodate automated equipment or inspection procedures.

(8) Acting as a consulting authority to other organizations within FSIS on matters pertaining to sanitation, facilities, equipment, energy, and natural resource saving problems.

(9) Acting as a liaison between industry and other FSIS programs regarding matters pertaining to sanitation, facilities, equipment, and energy savings.

(10) Developing the principles and encouraging application of USDA acceptable practices that will conserve energy and natural resources.

(b) *Industrial Engineering and Data Management Division.* The Industrial Engineering and Data Management Division is responsible for:

(1) Formulating and implementing policies and practices pertaining to industrial engineering and data management activities of the meat and poultry inspection programs.

(2) Developing and directing an interrelated management engineering system designed to provide work standards and forecasting criteria for determining workload based staffing requirements.

(3) Designing and applying productivity indicators and other appropriate measures of inspection program accomplishments.

(4) Planning, instituting, and directing an integrated IRM activity for all levels of FSIS. This includes developing and presenting IRM plans and budgets.

(5) Organizing and coordinating the design and approval of IRM systems.

(6) Advising the Deputy Administrator on all technical IRM matters and serve as the liaison for IRM system standardization; resource utilization, and policy recommendations that span FSIS organizational lines.

(7) Providing leadership and assistance to FSIS managers on IRM systems. This includes computer systems design and improvement.

(8) Providing for the access and retrieval of automated information in response to requests from FSIS, USDA, and other public and private organizations.

(9) Performing studies and analyses of program operations using scientific management methods and techniques.

(c) *Processed Products Inspection Division.* The Processed Products Inspection Division is responsible for:

(1) Developing objective inspection procedures—sampling plans, methods, and techniques for use by inspectors to determine compliance with product standards, regulations, manual of instruction and policy.

(2) Reviewing and approving acceptable plant operated process control procedures designed to maintain compliance with product standards, regulations, manual of instruction and policy, and developing plant control procedures for plants that lack the capability of developing their own procedure.

(3) Serving as subject matter experts to the Program Training Division to aid the training staff with lesson plan development for training in process control of processed products.

(4) Developing new and revising meat and poultry regulations and inspection instructions.

(5) Developing inspection systems for imported products.

(6) Developing frequency of inspection monitoring of approved plant-operated process control procedures.

(7) Conducting studies and establishing acceptable levels for defects and product constituents.

(8) Maintaining central control over plant operated process control procedures.

(9) Evaluating application of quality control programs and other processed product inspectional techniques with the goal of improvement in future programs.

(d) *Program Training Division.* The Program Training Division is responsible for:

(1) Participating with the Deputy Administrator, MPITS, in the development, planning, and implementation of all training and professional development programs.

(2) Providing consultation and advice in all areas of performance, as it relates to program mission.

(3) Providing consultation and training to foreign governments, State and local jurisdictions, and other Federal agencies in the area of technical training systems.

(4) Correlating professional, executive, and managerial training development and implementation with the Deputy Administrator, Administrative Management.

(5) Conducting ongoing research and development in the area of performance in the technical area.

(6) Keeping abreast of and incorporating the latest developments in the areas of training and development technology.

(7) Providing the development and delivery of performance problem solutions.

(e) *Slaughter Inspection Standards and Procedures Division.* The Slaughter Inspection Standards and Procedures Division is responsible for:

(1) Developing and implementing standards for:

(i) Humane methods of handling and slaughtering livestock.

(ii) Dispositions of livestock and poultry with disease conditions.

(iii) Acceptable quality levels for livestock and poultry carcasses and parts.

(iv) Water pickup in poultry and livestock carcasses and parts during chilling.

(v) Denaturing, decharacterizing, and otherwise controlling inedible and condemned meat and poultry carcasses and parts produced during slaughtering and allied operations.

(2) Designing, developing, and implementing procedures for:

(i) Insuring the humane handling and slaughtering of livestock.

(ii) Ante-mortem and post-mortem inspection of livestock and poultry for disease conditions.

(iii) Reinspection of livestock and poultry carcasses and parts.

(iv) Controlling water pickup in poultry and livestock carcasses and parts during chilling.

(v) Controlling inedible and condemned meat and poultry carcasses and parts produced during slaughtering and allied operations.

(3) Advising and assisting MPIO and official establishments in the design and implementation of quality control programs to meat inspection standards for dressing defects and water pickup during chilling of meat and poultry carcasses and parts. Reviewing and approving such quality control programs and/or advising Meat and Poultry Inspection Operations officials qualified for this duty.

(4) Preparing draft regulations and inspection guidelines, and rendering advice and interpretation with respect to ante-moretem and post-mortem inspection standards and procedures.

(5) Operating an Animal Disease Reporting System for the purpose of developing data used to design effective and labor efficient inspection procedures, and to provide animal disease information to State and Federal health authorities, livestock producer associations, and universities.

(f) *Standards and Labeling Division.* The Standards and Labeling Division is responsible for:

(1) Participating with the Deputy Administrator, MPITS, in the formulation of policies relative to truthful and informative labeling.

(2) Developing meat and poultry product standards to specify meat content and/or usual ingredients.

(3) Developing criteria and programs to assure uniform application of product standards to meat and poultry product labels.

(4) Developing, implementing, and auditing a system for the review of all meat and poultry product labels.

(5) Conducting reviews to assure that products are formulated with safe and suitable ingredients.

(6) Developing rules to permit or restrict the uses of various food additives.

(g) *Technology Assessment Division.* The Technology Assessment Division is responsible for:

(1) Developing sources and the procedures for the gathering of scientific, technical, industrial, and program information that will impact not only on the program, but also the meat and poultry industries.

(2) Evaluating and reporting the impact of such information on the program and industries.

(3) Storing and indexing pertinent information.

Section 8. *Science.* The Chemistry Division, Field Service Laboratories Division, Food Ingredient Assessment Division, Mathematics and Statistics Division, Microbiology Division, Pathology and Epidemiology Division, and Residue Evaluation and Planning Division, under direction of the Deputy Administrator for Science, are responsible as follows:

(a) *Chemistry Division.* The Chemistry Division is responsible for:

(1) Developing and improving economically feasible, analytical chemical methods for use in analyzing meat and poultry products in support of FSIS initiatives.

(2) Providing consultative and analytical services for collaborative studies, New Animal Drug Application (NADA) chemical methods, special studies and method validations in cooperation with other Federal agencies, State governments, and private sector laboratories.

(3) Providing technical expertise for proposals, contracts and Agency rulemaking as well as analytical and consultative support to other FSIS organizational units on matters related to chemical analysis, including chemical residues and food components.

(4) Managing a quality assurance program to assure acceptance of analytical chemical results generated by FSIS and private sector laboratories.

(5) Managing an Accredited Laboratory Program to assure the quality and integrity of results generated by the use of private sector laboratories which conduct chemical analyses for FSIS.

(6) Providing training for analysts in FSIS field laboratories, other Federal and State agencies, industry and foreign governments, in the conduct of analytical methods developed or used by FSIS.

(7) Participating with other Science Divisions in planning the effective use of chemical resources in the Field Service Laboratories and other Divisions of the Science Program.

(8) Conducting complex chemical analyses for the CRS, Emergency Programs Staff, consumer complaints and others when analytical expertise is not readily available.

(b) *Field Service Laboratories Division.* The Field Service Laboratories Division is responsible for:

(1) Directing the Agency's analytical services which are provided by the Field Service Laboratories in the disciplines of chemistry, microbiology, and pathology.

(2) Planning, scheduling, and coordinating an analytical program to:

—Determine the presence of food additives, the nutritional value of meat and poultry products, and economic fraud.

—Provide diagnostic services to identify disease, parasites and related conditions.

—Conduct microbiological investigations on the quality and safety of meat and poultry products.

—Support the FSIS field staff by onsite technical assistance in the area of microbiology and pathology.

(3) Scheduling analytical support for the FSIS residue monitoring and surveillance program which is designed to prevent meat and poultry containing illegal amounts of drug and chemical residues from entering commerce.

(4) Coordinating laboratory support for onsite reviews and quality assurance analyses for the Accredited Laboratory Program.

(5) Initiating and administering contract operations with State and private laboratories in support of the FSIS food chemistry program.

(6) Providing analytical support as needed to the Emergency Programs Staff including the CRS.

(c) *Food Ingredient Assessment Division.* The Food Ingredient Assessment Division is responsible for:

(1) Conducting expsure assessments, health and safety evaluations, and consumption studies on food ingredients, additives, and residues.

(2) Serving as an FSIS information source on nutrition and product safety related subjects.

(3) Recommending necessary research in nutrition and chemical safety and oversee the conduct of such research.

(4) Serving as leader in developing protocols for FSIS monitoring of meat and poultry ingredients and finished products for nutrients and additives.

(5) Developing recommendations for regulations, bulletins, and other documents to implement necessary Agency standards dealing with nutritional and safety requirements of various products.

(6) Determining that new food additives or new uses of previously approved food additives in meat and poultry products meet established safety requirements.

(7) Determining that nonfood compounds and packaging materials used by industry during the processing of food products regulated by the Agency meet established safety requirements.

(8) Coordinating the formulation of Agency nutrition policy.

(9) Developing technical information and criteria for methods used in determining the level of various nutrients found in food under FSIS jurisdiction.

(10) Developing criteria for fortification of ingredients used in meat and poultry products.

(d) *Mathematics and Statistics Division.* The Mathematics and Statistics Division is responsible for:

(1) Providing staff support for designing acceptance sampling schemes and inspection procedures for the program.

(2) Designing sampling surveys for product standard studies.

(3) Developing, in cooperation with other staffs, residue monitoring and surveillance studies.

(4) Analyzing and summarizing data developed within the Agency and providing the limits of warranted inferences.

(5) Reviewing and assessing scientific studies performed outside the program in support of regulatory actions.

(6) Managing the use of an information resources management system for laboratory sample flow, microbiological and residue monitoring and surveillance, and economic analyses.

(e) *Microbiology Division.* The Microbiology Division is responsible for:

(1) Developing methods for microbiological applications, planning programs to monitor and survey meat and poultry for microbiological trends, and accuracy of microbiological procedures used in Science laboratories.

(2) Developing economical laboratory screening methods that permit the examination of sample numbers sufficiently large so that a small proportion of the samples will be selected as potentially violative.

(3) Developing or selecting laboratory reference methods which will withstand challenge from other scientists, industry, and others.

(4) Participating with other units in FSIS and other agencies in special investigations on process or product safety and quality and in the review of submitted technical information so as to advise on the accuracy and vaildity of such information.

(5) Conducting a Quality Assurance Program for the Microbiology Section in each Science Field Service Laboratory to maintain high standards of accuracy.

(6) Conducting a microbiological monitoring and surveillance program for selected meat and poultry products and

assessing the trends for sanitation and potential public health hazards.

(7) Identifying extraneous material in food products processed under the Agency's inspection.

(8) Identifying species of animal used in food processed under the Agency's control.

(9) Advising the CRS on mirobiological hazards and food poisoning events relative to the meat and poultry supply.

(f) *Pathology and Epidemiology Division.* The Pathology and Epidemiology Division is responsible for:

(1) Conducting pathological, epidemiological, and serological studies of infectious and toxic agents associated with food animals and food.

(2) Investigating food-related conditions potentially hazardous to human and food animal health.

(3) Operating a food-borne hazard control center for receiving reports from departmental employees, State health departments, Federal agencies, and the public.

(4) Conducting epidemiological investigations to determine the cause of the food-borne hazards, and recommending preventive measures for the future.

(5) Developing and monitoring the operation of a pathology service program for the field program and providing staff services to the national offices.

(6) Developing and presenting continuing education programs in pathology, epidemiology, and serology for staff and field veterinarians.

(7) Developing serological testing systems for the detection of infectious and toxic agents in food animals and food.

(8) Conducting epidemiological investigations in support of the Contamination Response System.

(9) Maintaining liaison with State, Federal, and international health agencies related to pathological, epidemiological, and serological matters associated with food hygiene.

(g) *Residue Evaluation and Planning Division.* The Residue Evaluation and Planning Division is responsible for:

(1) Developing an overall approach to control residues occurring in the meat and poultry supply so that the incidence and levels of toxic compounds present are held to the absolute minimum.

(2) Planning and evaluating domestic and foreign residue monitoring and surveillance programs to detect the presence and extent of residues in meat and poultry.

(3) Encouraging residue programs within States and private industries, both on a cooperative and an independent basis, and interacting with Federal agencies to assure that their programs are not contributing to a residue problem in meat and poultry.

(4) Advising foreign governments about methodologies of how to operate a successful residue program so that imported meats do not contain residues.

(5) Participating with Extension Service and professional organizations to increase producer awareness of the need to include consideration of residue control in their management programs.

(6) Developing surveillance programs to prevent residue adulterated food products under control by the Agency from entering commerce.

(7) Investigating and conducting toxicological studies and evaluation of substances in food of potential adverse significance to human health.

Section 9. *Administrative Management.* The Administrative Services Division, Budget, Planning and Evaluation Division, Finance Division, Personnel Division, and the Labor Management Relations Staff, under direction of the Deputy Administrator for Administrative Management, are responsible as follows:

(a) *Administrative Services Division.* The Administrative Services Division is responsible for:

(1) Planning, and providing staff leadership and administrative services and assistance to FSIS managers and program leaders in:

(i) Real and personal property management and utilization;

(ii) Procurement of supplies, equipment, and services through competitive and noncompetitive procedures or from established contract sources;

(iii) Selection, documentation, negotiation, and implementation of agreements;

(iv) Development and control of forms, records systems and disposal, correspondence, reports, records security, printing and distribution and mail services; and

(v) Overall policy, direction, management, coordination, and operating procedures for the design and construction of FSIS facilities.

(b) *Budget, Planning and Evaluation Division.* The Budget Planning and Evaluation Division is responsible for:

(1) Guiding, directing, and coordinating the overall budget, planning and forecasting, and evaluation processes necessary to meet Agency and departmental requirements.

(2) Performing budget formulation, presentation, and execution.

(3) Participating in establishing program objectives, quarterly milestones, and annual budget targets.

(4) Coordinating implementation of annual Agency workplan, travel plan, and other operational and/or technical plans.

(5) Participating in tracking, reviewing, and evaluating program progress on a continuing basis to identify trends and potential and actual problems.

(c) *Finance Division.* The Finance Division is responsible for:

(1) Planning, providing staff leadership, and administering fiscal and related fiscal management programs necessary to requirements of the Agency programs and administrative activities.

(2) Developing the accounting and related financial systems and procedures necessary for the Agency.

(3) Carrying out a program of financial review and analysis related to cooperative Federal-State programs including, but not limited to, negotiation of indirect cost rates for those State agencies for which FSIS has been assigned cognizant responsibility for the Federal government.

(d) *Personnel Division.* The Personnel Division is responsible for:

(1) Providing leadership and coordination for the development and evaluation of programs and systems for implementing and executing an overall personnel program.

(2) Planning, providing staff leadership, and operating personnel management services and assistance to FSIS managers and program leaders in the areas of:

(i) Position management;

(ii) Position classification;

(iii) Salary and wage administration;

(iv) Employee development, training, and related activities;

(v) Recruitment and placement;

(vi) Safety and occupational health; and

(vii) Employee relations.

(3) Providing guidance and assistance to FSIS officials in developing organizational structures to meet the changing requirements of the Agency's programs, and conducting reviews of existing structures to identify and recommend needed changes.

(e) *Labor Management Relations Staff.* The Labor Management Relations Staff is responsible for:

(1) Participating with the Deputy Administrator, Administrative Management, in the overall formulation of FSIS Labor Management Relations policies and programs.

(2) Providing staff assistance and liaison in the coordination of functions

and activities involving labor management relations and relationships with supervisory organizations.

(3) Advising Agency management on appropriate requirements and action in all matters relevant to relationships with employee and labor organizations.

(4) Reviewing and making recommendations on employee grievances, complaints, disputes, impasses, unfair labor practices, unit determinations, and other related matters.

(5) Representing the Agency in consultations with labor and supervisory organizations.

(6) Representing the Agency in negotiations with labor organizations and reviewing and recommending the approval or disapproval of negotiated agreements.

(7) Serving as liaison between Agency management, union officials, and third parties under Title VII of the Civil Services Reform Act.

Section 10. *Information and Legislative Affairs Staff.* The Public Awareness Office, Informatin Office, and Legislative Affairs Office, under direction of the Director for Information and Legislative Affairs Staff, are responsible as follows:

(a) *Public Awareness Office.* The Public Awareness Office is responsible for:

(1) Advising the Administrator about consumer and industry views on Agency proposed policies and programs and making recommendations.

(2) Developing and implementing the Agency consumer education program to respond to public concerns.

(3) Maintaining ongoing contact with representatives of major consumer and industry groups to keep them informed of Agency policies and programs.

(4) Preparing, implementing, and evaluating public participation plans for all significant FSIS proposed regulations to solicit input from industry, consumers, academic and professional representatives.

(5) Managing, monitoring, and evaluating FSIS consumer response system.

(6) Preparing summaries of public comments so that the Administrator and other key decisionmakers are aware of public response to Agency actions.

(7) Planning and coordinating meetings of USDA Consumer Network to facilitate communication within the Department on consumer related issues.

(8) Serving as Agency Consumer contact in accordance with Executive Order 12160.

(9) Coordinating exhibits and scheduling showings at conferences or meetings of consumer groups, homemaker groups, public health groups, educators, and other special interest groups.

(10) Assisting in development of Agency publications and developing and implementing plans for distribution to gain maximum usage and public awareness. Handling inquiries and correspondence, requesting publications, and maintaining stocks of Agency publications.

(b) *Information Office.* The Information Office is responsible for:

(1) Providing liaison with program officials and specialists, covering program developments as they occur and as they are planned.

(2) Planning, preparing, and issuing current information including press releases, factsheets, feature articles, picture stories, publications, backgrounders, radio and television news and feature spots and programs, needed to carry out Agency policies and programs.

(3) Maintaining contact with and furnish information to representatives of press, radio, television, and other media, including the planning of press conferences and briefings.

(4) Planning, preparing, and directing the production of FSIS radio and television materials.

(5) Planning, preparing, and directing the production of visuals such as exhibits, motion pictures, still photographs, graphic posters, charts, demonstration materials, and other artwork.

(6) Serving as the principal channel for contacts with the Office of Governmental and Public Affairs in regard to the production, design, and printing of publications, as well as the production of broadcast and visual materials.

(7) Developing material for use by the Administrator and other top Agency officials for either internal or external use.

(8) Planning, preparing, and issuing popular publications, based on technical program information, designed to provide practical education material for the public.

(9) Editing FSIS' consumer newsletter and coordinating input from other agencies.

(10) Providing for printing services for all public information materials.

(c) *Legislative Affairs Office.* The Legislative Affairs Office is responsible for:

(1) Participating with Director in planning and formulating legislative, executive correspondence, and special assignments programs and policies.

(2) Planning, coordinating, conducting, and supervising FSIS legislative, executive correspondence and special assignments activities.

(3) Establishing clear and continuing lines of communications between FSIS and Congress, other agencies of Government, and interested sectors of private industry in regard to all legislative affairs affecting the Agency.

(4) Preparing legislation; monitoring, analyzing, and drafting reports and comments on legislative proposals, and tracking other congressional or governmental activity affecting FSIS.

(5) Analyzing legislative documents, including bills, resolutions, and hearing records, to determine whether reports are needed to express FSIS positions to the appropriate congressional committees.

(6) Coordinating and assisting in the preparation of Agency testimony and related information requested by congressional committees.

(7) Presenting FSIS, Department, and Administration legislative policies, positions, and concerns to members of Congress, congressional committees, other governmental agencies, and interested persons and groups in the private sector.

(8) Answering or coordinating answers to oral legislative inquiries from congressional members or committees, the President's and Vice-President's offices, the Secretary's Office, the Office of Management and Budget, and other agencies of the Government or the Department.

Section 11: *Policy and Program Planning Staff.* The Policy Analysis Office, Regulations Office, Emergency Planning Office, and Executive Secretariat, under direction of the Director for Policy and Program Planning Staff, are responsible as follows:

(a) *Policy Analysis Office:* The Policy Analysis Office is responsible for:

(1) Developing, recommending, and advising on policy options relating to Agency programs, goals, and objectives. Making determinations of socioeconomic and program ramifications. Participating in the development of and assisting in the coordination of new initiatives in Agency programs. Advising and counseling the Director concerning probable impact of alternative strategies and possible courses of action available.

(2) Researching, developing, and coordinating policy matter reports and monographs. Developing position papers concerning policy issues for the Director and/or the Administrator. Coordinating policy developments that cross program lines.

(3) Participating in the development and use of mathematical, statistical, social, economic, and other scientific methods or studies which affect Agency programs and in determining the best mix and use of quantitative decision processes to develop new or refine ongoing programs.

(4) Preparing analyses for regulations that may have major economic consequences. Presenting conclusions and recommendations to management officials for their use in ensuring efficiency, economy, and balance in the development and execution of regulations.

(5) Designing and operating the FSIS program planning system.

(b) *Regulations Office.* The Regulations Office is responsible for:

(1) Developing and drafting proposed/final regulations and other documents for publication in the **Federal Register**, as required.

(2) Reviewing proposed FIS program issuances and **Federal Register** documents for adequacy, clarity, and compliance with FSIS program policies, USDA policies, and applicable laws and regulations.

(3) Maintaining clearance and publication systems for bulletins, notices, and directives (program issuances).

(4) Coordinating, as appropriate, intra- and inter-agency review of **Federal Register** documents, program issuances, and memoranda of understanding.

(5) Maintaining a status and priority system for tracking all current **Federal Register** documents that are under development of review.

(6) Operating a regulations monitoring system and performing analyses as required in Executive Order 12291, and the Regulatory Flexibility Act, as they relate to the review of regulations.

(7) Coordinating and maintaining the administrative record for all FSIS regulations.

(8) Operating the Office of the Hearing Clerk.

(c) *Emergency Planning Office.* The Emergency Planning Office is responsible for:

(1) Planning, developing, and coordinating all FSIS emergency preparedness functions for both peace-time and war-time emergencies and disasters.

(2) Managing the Radiological Emergency Planning, Preparedness, and Response Program for USDA, including the development of policy, program plans, and procedures for USDA's participation in a Federal response to various types of radiological emergencies.

(3) Directing the USDA response in the event of a national radiological emergency.

(4) Assisting State and local governments in emergency planning and preparedness for peace-time nuclear emergencies.

(5) Participating in various Emergency Mobilization Preparedness Board projects and activities.

(6) Serving as contact between the Department and FSIS regarding emergency preparedness, Regional Emergency Staffs, the State Emergency Boards, and the County Emergency Boards. Serving as liaison for FSIS to the Office of Intergovernmental Affairs.

(d) *Executive Secretariat.* The Executive Secretariat is responsible for:

(1) Coordinating FSIS activity under the Freedom of Information Act (FOIA) and Privacy Act (PA).

(2) Developing FOIA and PA policy and all necessary support systems.

(3) Making all initial determinations to deny or release information requested under FOIA.

(4) Maintaining priority calendar and tracking of the status of priority items for FSIS.

(5) Managing and operating the FSIS Information Processing Center.

(6) Controlling, upon request, all assignments, written and oral, made by the Administrator or Deputy Administrators to other FSIS officials for action; devising correspondence procedures for the Office of the Administrator to reduce the duplication of controls exercised over correspondence routed within that Office.

Section 12. *Review and Evaluation Staff.* The Special Projects Office, Analysis and Evaluation Office, and Program Review Office, under direction of the Director for Review and Evaluation Staff, are responsible as follows:

(a) *Special Projects Office.* The Special Projects Office is responsible for:

(1) Participating with the Staff Director in the development of staff policy for review and evaluation activities to assess uniformity and effectiveness of FSIS program operations.

(2) Designing, recommending, and conducting special studies and analysis of FSIS inspection, technical, and scientific programs.

(3) Providing a focal point for liaison and coordination of Review and Evaluation activities with headquarters units of Meat and Poultry Inspection Operations, Technical Services, and Science.

(4) Participating in the performance of inquiries, review and interviews, as assigned by the Administrator, in cases requiring independent factgathering.

(5) Participating in the technical and scientific analysis and reporting of results of reviews and studies.

(6) Providing technical and scientific input to the design of operating systems, methods, guidelines, and procedures for reviewing FSIS program operations.

(7) Participating in the development of options and alternatives to eliminate abuse and waste in program operations and improve program integrity.

(8) Developing and maintaining contacts with appropriate review and evaluation groups inside and outside the Department.

(b) *Analysis and Evaluation Office.* The Analysis and Evaluation Office is responsible for:

(1) Participating with the Staff Director in the development of staff policy for review and evaluation activities to assess uniformity and effectiveness of FSIS program operations.

(2) Providing primary analytical support to the design of operating review systems, methods, guidelines, and procedures for systematic, on-site reviews of FSIS program effectiveness.

(3) Providing primary analytical support to the design of special studies of inspection, technical, and scientific programs.

(4) Analyzing, summarizing, and reporting results of reviews and studies, identifying patterns and trends, and making recommendations.

(5) Participating in the planning, design, and performance of special studies and of selected inquiries and interviews, as assigned by the Administrator, in cases requiring independent factgathering.

(6) Participating in the development of options and alternatives for FSIS consideration to eliminate abuse and waste in program operations and improve program integrity.

(7) Providing staff support to Associate Administrator in Agency Liaison Officer matters and coordinating these activities with the Office of the Inspector General and other outside audit groups on audit related matters.

(8) Developing management, tracking systems, and information resources systems, both manual and automated, to better collect, retrieve, analyze, and utilize data generated in review efforts.

(9) Preparing responses to inquiries, planning documents, briefing papers, and other materials to describe R&E review and evaluation activities and policies.

(c) *Program Review Office.* The Program Review Office is responsible for:

(1) Participating with the Staff Director in the development of Staff policy for review and evaluation activities to assess uniformity and effectiveness of FSIS program operations.

(2) Participating in the design of operating review systems, methods, guidelines, and procedures for reviewing FSIS program operations.

(3) Conducting systematic, on-site reviews of FSIS program effectiveness as carried out at the delivery points of program operations.

(4) Providing factgathering resources to contribute to special studies carried out by the Staff.

(5) Participating in performance of inquiries, reviews, and interviews, as assigned by the Administrator, in cases requiring independent factgathering.

(6) Providing data for analytical purposes; summarizing and reporting results of reviews and studies and contributing recommendations.

(7) Participating in the development of options and alternatives to eliminate abuse and waste in program operations and improve program integrity.

(8) Developing and maintaining contacts with inspection, scientific, technical, and review and evaluation groups to aid in factgathering and reporting and referrals.

Section 13. *Equal Employment Opportunity Staff.* The Equal Employment Opportunity Staff has a monolithic structure. It is primarily responsible for four Agency-wide programs, namely, those pertaining to Civil Rights, Federal Women, Hispanic Employment, and Upward Mobility.

III. Delegations of Authority

Section 14. *Associate Administrator.* The Associate Administrator is hereby delegated the authority to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator, including the power of redelegation, except when prohibited, and including authority reserved to the Administrator in Section 21 below. He is also authorized to act for the Administrator in his absence or from time to time when the Administrator is not available.

Section 15. *Authority To Serve as Acting Administrator.* (a) When the Administrator and Associate Administrator plan to be absent or unable to perform the duties of the Administrator, the Administrator will make a specific designation, in writing, of an Acting Administrator.

(b) When the Administrator and Associate Administrator are absent or unable to perform the duties of the Administrator and a specific designation has not been made, the Deputy Administrators, in the order named, are designated to serve as Acting Administrator:

(1) Deputy Administrator, Meat and Poultry Inspection Operations.

(2) Deputy Administrator, International Programs.

(3) Deputy Administrator, Meat and Poultry Inspection Technical Services.

(4) Deputy Administrator, Science.

(5) Deputy Administrator, Administrative Management.

(c) In the event of extreme emergency that prevents the Administrator, Associate Administrator, and the Deputy Administrators from assuming the duties of the Administrator, Assistant Deputy Administrators in the order named are designated to serve as Acting Administrator until such time as the Administrator or one of the above designated alternates is capable of serving as Administrator:

(1) Assistant Deputy Administrator, Meat and Poultry Inspection Operations, Regional Operations.

(2) Assistant Deputy Administrator, Meat and Poultry Inspection Operations, Compliance and Staff Operations.

(3) Assistant Deputy Administrator, International Programs.

(4) Assistant Deputy Administrator, Meat and Poultry Inspection Technical Services.

(5) Assistant Deputy Administrator, Science.

(6) Assistant Deputy Administrator, Administrative Management.

Section 16. *Deputy Administrators.* The Deputy Administrator, Meat and Poultry Inspection Operations; the Deputy Administrator, International Programs; the Deputy Administrator, Meat and Poultry Inspection Technical Services; the Deputy Administrator, Science; the Deputy Administrator, Administrative Management; and the officers they designate to act for them are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited), except such authority as is reserved to the Administrator. Each Deputy Administrator shall be primarily responsible for the programs and activities of the Food Safety and Inspection Service herein or hereafter assigned to him/her.

Section 17. *Directors, Information and Legislative Affairs Staff, Policy and Program Planning Staff, Review and Evaluation Staff, and Equal Employment Opportunity Staff.* The Directors, Information and Legislative Affairs Staff, Policy and Program Planning Staff, Review and Evaluation Staff, and Equal Employment Opportunity Staff, are hereby delegated authority in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator, (including the power of redelegation except when prohibited), except such authority as is reserved to the Administrator.

Section 18. *Assistant Deputy Administrators; Regional Directors, Meat and Poultry Inspection Operations; and Division and Staff Directors, Meat and Poultry Inspection Technical Services, International Programs, Science, and Administrative Management.* The Assistant Deputy Administrators; Regional Directors, Meat and Poultry Inspection Operations; and Division and Staff Directors, Meat and Poultry Inspection Technical Services, International Programs, Science, and Administrative Management are hereby delegated authority in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator, except the authorities reserved to the Administrator and Deputy Administrators.

Section 19. *Concurrent Authority and Responsibility to the Administrator.* No delegation or authorization prescribed herein shall preclude the Administrator, or each Deputy Administrator, from exercising any of the powers or functions, or from performing any of the duties conferred upon them herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, and in their respective fields, by each Deputy Administrator.

Section 20. *Prior Authorizations and Delegations.* All prior delegations and redelegations of authority relating to any functions, program, or activity covered by the Statement of Organization, Functions, and Delegations of Authority, shall remain in effect, except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

IV. Reservation of Authority

Section 21. *Reservation of Authority.* There is hereby reserved to the Administrator, or to the individual designated to act in his/her stead, the following:

(a) The initiation, change, or discontinuance of major program activities.

(b) The issuance of regulations pursuant to law.

(c) The transfer of functions between Deputy Administrators.

(d) The reprogramming of the use of appropriated funds among Deputy Administrators.

(e) The transfer of funds between work projects within each Deputy Administrator's area, except those not exceeding 10 percent of base funds, or $50,000 in either work project, whichever is less.

(f) The approval of any change in the formal organization, including a section, its equivalent, or higher level.

(g) The making of recommendations to the Department concerning establishment, consolidation, change in location, or abolishment of: (1) Regional, State, area, and other field headquarters offices, and (2) any region or other program area that involves two or more States, or that crosses State lines, except inspection circuits which are adjusted by the Deputy Administrator.

(h) Authority to establish, consolidate, or change a location, or abolish any field office, or change program area boundaries not included in (g) above.

(i) Approval of all appointments, promotions, and reassignments in GS–14 and above.

(j) Approval of all appointments, promotions, and reassignments of employees to foreign countries.

(k) Approval of budget estimates for submission to the office of the Secretary, Office of Management and Budget, and the Congress.

(l) Approval of all long-term training assignments and all assignments made under the Intergovernmental Personnel Act.

(m) Approval of all cash awards for employees in positions of grades 15 and above.

Section 22. *Availability of Information and Records.* Any person desiring information or to make submittals or requests with respect to programs and functions of the Agency should address his request to the appropriate Deputy Administrator, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. The availability of information records of the Agency is governed by regulations published in 7 CFR Part 1 and 9 CFR Part 390.

This notice is effective April 7, 1983.

Done at Washington, D.C., on April 1, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-9122 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-DM-M

Forest Service

Outfitting and Guiding Permits; Proposed Policy

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed policy.

SUMMARY: The Forest Service is proposing revised policy and procedures for the issuance and administration of special use permits authorizing outfitting and guiding activities on National Forest System lands and waters. The proposed material is intended for publication in Chapter 2720 of the Forest Service Manual. Its purpose is to provide common direction to Forest Service management units in receiving and processing special use permit applications, preparing and issuing permits, administering those permits, and making decisions on outfitting and guiding activities. The Forest Service is publishing this proposal for the purpose of seeking comments and recommendations in written form from agencies of State, local, and Federal government, groups and organizations, and individuals with an interest in this matter.

DATE: Comments must be received in writing on or before June 7, 1983.

ADDRESS: Comments may be mailed to R. Max Peterson, Chief (2300), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Robert A. Wier, Recreation Management, Forest Service, USDA, Room 4247, South Building, 12th and Independence Avenue, SW Washington, DC 20013, (202) 447–2311.

SUPPLEMENTARY INFORMATION: For the past 2 years, the Forest Service in cooperation with the Bureau of Land Management, USDI, has been reviewing outfitter and guide permitting policies and procedures with the objective of formulating changes which would improve the clarity of existing directives and result in greater consistency of interpretation and application. A number of problems with existing policy were identified and, in February of 1982, an options paper was prepared and informally circulated to interested members of the public, user groups, and Forest Service field offices. Comments on the following five issues were sought: (1) Fees paid to the Government, (2) transfer of permits, (3) award of permits, (4) speculation on permit privileges, and (5) operators without permits and licenses. In addition to the input from Forest Service field officers, over 1,200 written comments were received. An analysis of the comments received is available for public review at the Forest Service offices indicated above.

During the course of preparing the proposed policy, Forest Service officials informally consulted with officials of other Federal agencies, national conservation organizations, outfitter industry leaders, members of congress, and others with interest in the subject matter.

The proposed policy responds to the various concerns expressed through this public involvement effort.

Several major changes from current policy direction are included in the proposal. Under certain condition, permits could be issued for longer periods of time than is presently allowed. Modified fee rates and a revised method of fee calculation are also proposed.

Much of the proposal is new policy direction. Under the proposal permit holders would be subject to periodic performance reviews. New direction for handling institutional and semi-public outfitting and guiding activities is included. The direction for reissuance of permits to current permit holders and for issuance of permits to purchasers of currently permitted outfitting businesses is also new.

These proposed changes in permit policy and procedures are designed to improve the stability of the outfitter and guide industry and, thereby, lead to better recreation service for National Forest users. In addition, the revised method of fee calculation proposed herein would assure that the government receives, as required, fair market value for permitted services. By expansion and clarification of the permitting process, the proposed policy would also improve consistency of administration of permitted activities by Forest Service field units.

TITLE 2700—LAND USES MANAGEMENT

Chapter 2720—Special Uses

Contents

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2721.53 Outfitter and Guide

This designation covers the provision of outfitting and guiding services to recreation visitors where little or no development or permanent improvement on the land is required. Normally, the use occurs in general Forest environment areas toward the more primitive end of the Recreation Opportunity Spectrum, but it may occur anywhere.

Permits are issued primarily for the purpose of meeting a general public need but may also be issued as a convenience to individuals or organizations serving selective or restrictive clientele. Permits are issued as the means of encouraging skilled and experienced individuals and companies to conduct outfitting and guiding activities which provide equipment and assistance to National Forest visitors. For example, outfitter/guide type permits are issued for such activities as packing, hunting, float trips, canoe or horse liveries, ski touring, helicopter skiing, jeep touring, and fishing.

Permits authorizing the construction or placement of substantial and permanent improvements on the land will normally be issued under a use category other than outfitting/guiding, even though the developed site on which the improvements are located may serve as the base of operations for an outfitter/guide business. If appropriate, structures such as corrals, shelters, tent frames, and the like may be authorized under outfitter/guide type permits, but permits authorizing substantial permanent structures shall be classified under a developed site category such as resort (FSM 2721.33); rental service (FSM 2721.54); or store, shop, office (FSM 2721.57).

Sponsored, organized, and supervised trips approved by the Forest Service in advance to perform work of benefit to the United States in administration and protection of National Forest System lands will not be covered by special use permit. They are properly covered by cooperative agreements as described in FSM 1580, or volunteer agreements as described in FSM 1830. Typical National Forest System benefits received under these agreements include trail maintenance cleanup, tree planting, range revegetation, and similar work. Examples include conservation group service trips, youth group planting projects, and civic club cleanup projects.

2721.53a Definitions

Guiding. Includes the provision of assistance, protection, supervision, education, training, transportation, interpretation, and guiding services. It includes such personal services as leading, teaching, cooking, packing, or otherwise assisting recreationists in their pursuit of a natural resource-based outdoor recreation experience.

Outfitting. Includes the provision of equipment, supplies, livestock, and materials. It includes such outfitting services as rental of boats, skis, horses, tents, and other equipment or gear.

Service Day. A service day is a day or part of a day for each individual accompanied or provided services, including transportation services, by a packer, outfitter, guide, leader, or instructor. Beginning and ending days of a trip or service period will be considered as full days. Where supply or drop service alone is performed, the full or fractional days involved multiplied by the number of clients in the party equals service days. Any period of time when clients, individually or in groups, are on the National Forest and under the direction or tutelage of a guide will be counted as part of the total service days use for fee calculation purposes.

2721.53b General Policy

1. Permits may be issued to qualified applicants whose services are marketed and available to all members of the public on a recurrent basis during the season of demand and when the proposed use (a) is indentified in an approved Forest Land and Resource Management Plan or implementation plan, (b) provides a needed public service, and (c) assists in the management and utilization of National Forest System resources.

2. Under the direction included in 2721.53g, institutional and semi-public permits may be issued as a convenience to individuals and organizations serving selective or restrictive clientele.

3. Those outfitters based on non-National Forest System land who rent equipment or livestock to the public for use on National Forest land must obtain a permit if they or their employees occupy or use a National Forest in connection with their rental program. For example, a permit is required if a boat livery operator provides service, including delivery or pickup of boats at National Forest sites. No permit is necessary if the operator's customers transport the boats to and from the National Forest locations.

4. Except for institutional type permittees as described in FSM 2721.53g, each current outfitter/guide permit holder will be assigned an amount of use. This amount will be established in terms of number of service days, type of permitted activity, and resource area (wilderness, wild river, etc.) within which the activity is permitted. The amount of use shall be based on the average annual actual use which was permitted during the previous 3 years at the time of calculation. When established, this amount of use shall constitute a Forest Service commitment to the holder to give priority consideration in allowing that level of use until the Forest Land and Resource Management Plan, or other formal written plan prepared pursuant to Section 6 of the National Forest Management Act and regulations promulgated thereunder (36 CFR Part 219), is completed or revised and approved. Use above this level may be authorized for one season at a time, but such temporary authorization does not commit that amount to a permanent authorized use.

5. Permits will be required whether the duration of the trip is a few hours or an extensive number of days.

6. Permits shall be issued under the authority of the Act of June 4, 1897, only on Form 2700–4.

7. An operating plan will be required as a part of all permits.

8. Waiver or discount of fees may be considered only in those circumstances provided in 2721.53g, paragraph 8.

2721.53c Applications and Award of Permits

1. Form 2700–3, Special Use Application, will be used to describe the services to be performed, the number of service days, lands to be occupied, and other elements involved, including modes of transportation, season of use, scheduling, etc. Application procedures established at 36 CFR 251.54 are fully applicable to outfitter/guide applications. Additional application policies and procedures are set forth in FSM 2721.

2. In reapplying for a permit, current holders must be able to show that they continue to have the financial and business ability, resources, and technical skills to fulfill the conditions of the permit.

3. Reissuance of Permits

a. Except for institutional type permittees as described in FSM 2721.53g., permits shall be reissued to current permit holders. Reissuance shall be based on FLRMP's/Multiple Use Plan's or Implementation Plan's objectives and direction, the holder's

past performance record, and their current financial capability/viability.

b. If a change of ownership is expected, the holder must arrange for the prospective new owner to meet with the Forest Service to discuss the past operation and future use prior to concluding the sale or applying for a new permit.

c. Except for institutional type permittees as described in FSM 2721.53g., permits will be reissued to qualified purchasers of currently permitted businesses. The relinquishment/application submitted by the buyer and seller must be accompanied by an executed and recorded contract to purchase, probated will, bill of sale, or other equivalent document that shows a bona fide conveyance of a substantial proportion of the private land, equipment, or other assets previously used in the business. Permits will be issued only if the seller has operated each year of the past 2 years and has performed to an acceptable standard for the past 2 years as determined through evaluation (FSM 2721.53e, paragraph 2).

4. New Permits.

a. New or additional opportunities for outfitting/guiding services may occur, as a result of:

(1) Increased allocation, capacity or public need identified through completion or revision of a Forest Land and Resource Management Plan (FLRMP) or implementation plan.

(2) Termination or non-reissuance due to abandonment or application denial of an existing permit, leaving unused allocation or capacity available.

(3) Competitive interest in an area, unit, or activity where no previous authorized use exists.

(4) Interest arising in an area, unit, or activity where no previous authorized use occurred, and where competitive interest is lacking at this time.

Proposals will be invited for situations fitting (1) and (2) above to select the best qualified applicant(s). Invitees may be limited to existing permit holders at the discretion of the Forest Officer. For example, two or more current holders may be marginally economical, and the added allocation or capacity would help ensure better service to the public. In such cases, the invitees could be limited to existing economically marginal holders, or to permittees whose use has been recently reduced or discontinued due to planning decisions. In determining the best qualified applicant, consideration shall be given to past experience in the general area, financial ability, and past performance record.

For situation (3), the Forest Service invites proposals and selects the best qualified applicant(s). Invitations will be extended to all parties with a known interest, including existing holders.

Once a holder is selected through "invitation for proposals", reissuance procedures for current permit holders will be followed (FSM 2721.53c., Paragraph 3.a.) in the future.

For situation (4), following a formal determination of no competitive interest (i.e., newspaper article scoping document, (EA), permits would be issued to the first qualified applicant.

5. Changes Resulting from Plan Revisions. In some situations, the completion or revision of a FLRMP or implementation plan may direct a level of outfitting/guiding use below present levels. This direction may be based on better data about resource capability, adverse resource impacts, or carrying capacity limitations. The following examples and policies identify how these situations shall be managed:

a. FLRMP or implementation plan sets a carrying capacity that is lower than current use. In this event, three options shall be available to the Forest Officer after consultation with outfitters, State and local agencies, and other interested parties:

(1) Proposals shall be invited to select the most qualified applicant(s) to provide reduced levels of service. Invitees shall be limited to existing holders.

(2) Service days may be reduced proportionately for all current holders.

(3) Service days may be reduced based on past actual use or voluntary reductions.

b. FLRMP or implementation plan concludes that there are too many outfitters/guides. Such a situation might arise when large numbers of outfitters/guides may be operating in an area, unit, or river without a majority of outfitters/guides providing a sufficient, desired level of service to be efficient or profitable in that area, unit, or activity. In this event, proposals shall be invited from the current permit holders to select the best qualified applicant(s).

2721.53d Permit Preparation and Conditions of Use

1. Approved mandatory and optional clauses for consideration are included in FSM 2780.

2. Permits may be issued for variable periods not to exceed 5 years. To the extent possible, the permit period shall coincide with review and revision dates of the Forest Land and Resource Management Plan (FLRMP). Two factors shall be used for determining the duration or length of period. The Forest Supervisor shall consider as a minimum:

a. Management objectives and direction established in FLRMP, Multiple Use Plans, or implementation plans which recognize such factors as carrying capacity, recreation experience levels and opportunities, and public need in relation to specific outfitting and guiding services.

b. The outfitter/guide permit holder's experience, qualifications, and performance during the last permit period. If a holder performs at the "acceptable" performance level (FSM 2721.53e, paragraph 2) for the last permit period, they would qualify for a permit period of 5 years maximum. A holder with a "probationary" level would qualify for a permit not to exceed 1 year. Continued operation at probationary level may lead to future denial of permit applications. Permittees receiving unacceptable ratings shall be subject to termination actions and may be ineligible for reissuance of permits.

3. Applicants who receive a permit, but who have no Forest Service record of past performance, may be issued permits annually for 2 years to provide a performance evaluation period, after which the duration of future permits shall be established based on item 2 above. Examples of such applicants would be a successor in interest to an existing business or an applicant selected through an "invitation for proposal."

4. Except where the outfitter/guide is an employee or agent of a permitted resort, outfitter/guide permits must be issued to the individual or entity making direct use of National Forest System land, rather than to an organization that merely promotes trips and handles reservations.

5. The modes of transportation to be used shall be specified in the permit.

6. A separate grazing permit for pack and saddle stock shall be issued. Grazing use is governed by instructions in FSM 2210 and 2230 and incorporated in the outfitter/guide permit. Actual grazing use records will be kept and such use reported in the annual grazing statistical report (FS 2200–J). Horses under livestock use permits (FSM 2230) are sometimes utilized in outfitting and guiding activities. When this occurs, separate records will be kept for use made under livestock use permits and outfitter guide permits. Each type of use will be included in Report FS 2200–J. Where pack and saddle stock are grazed outside the scope of the outfitter-guide permit, use will be governed by policies in FSM 2230.

7. To the extent possible, planned use of specific campsites will be listed in the permit or operating plan. In those cases

where an itinerary and campsite use are not specified, camp use will be shown on the permit as undesignated. The total number of service days in each service day fee category will be entered in the permit.

8. Holders will be required to provide the authorized officer with reasonably accurate information through an actual use report at least annually within 30 days of the close of the operating season.

2721.53e. Permit Administration

1. Subletting will not be approved. If a holder is unable or unwilling to provide the permitted services, the permit shall be terminated.

2. Outfitter/guide permit holders shall be subject to annual performance evaluations. Forest Supervisors shall develop performance review standards for inclusion in each special use permit and/or operating plan in consultation with District Rangers, the permittee, outfitter/guide associations, State Fish and Game agencies, State outfitter/guide licensing agencies, councils and other State and Federal land managing agencies.

Performance reviews will recognize three different levels: Acceptable, Probationary, and Unacceptable.

The degree of compliance with conditions of the permit and operating plan shall be an important consideration in the evaluation. The review and rating shall be completed annually at the end of the operating season and the permit holder shall be advised of the finding. To the extent allowed by laws and regulations, ratings will be confidential between the Forest Service and permittee.

3. During the course of the season of use, permitted operations will be monitored to verify compliance with the provisions of the permits.

4. Illegal or "Pirate" outfitters are outfitters or guides who operate on National Forest lands without a permit and/or a State license where one is required. This type of operator is a particular problem in activities such as backpacking, whitewater use, and hunting. Forest Supervisors and District Rangers are encouraged to work with State and local authorities, outfitters, and outfitter/guide organizations to resolve the problem. Permits holders are expected to share the responsibility of dealing with unauthorized use and users. Pirate outfitter cases will be investigated and administered as a law enforcement action according to procedures in FSM 5300.

2721.53f Fees

For the purpose of administering fee collections for outfitter/guide permits, the following shall apply:

1. Outfitter/guide fees are determined according to the category listed below which best represents the type of operation:

a. For outfitter/guide activities and services authorized in connection with other permitted commercial, public service use, such as a resort, fees are included in the fee determination for the total authorized use under the Graduated Rate Fee System (GRFS). Where outfitting/guiding was not anticipated or incuded as part of the commercial public service operation at permit issuance, the commercial, public service term permit may be amended with the holder's concurrence, or a separate permit issued.

b. For outfitter/guide activities and services authorized as a distinct activity or service, but which are not a part of an authorized commercial public service use, provision shall be made for payment of the following fees, as appropriate to the use:

(1) A fee for the permit privileges and use of National Forest System lands based upon the planned service days authorized.

(2) An annual rental fee for the exclusive use of National Forest System lands.

(3) Where grazing of livestock used in connection with outfitter/guide services during the use season is authorized outside of special use pastures or convenience enclosures, an additional fee shall be charged for such grazing use based on FSM 2230.

2. *Service Day Fees.*

a. Fees for permitted service days are calculated by multiplying the number of service days authorized by the outfitter's *adjusted service day* client charge shown below:

Outfitters adjusted service day client charge	[illegible] day fee due FS
$1 to 8.00	$0.25
8.01 to 20.00	.40
20.01 to 35.00	.80
35.01 to 50.00	1.30
50.01 to 75.00	1.90
75.01 to 100.00	2.60
100.01 to 125.00	3.40
125.01 to 150.00	4.10
150.01 to 175.00	4.90
175.01 to 200.00	5.60
200.01 to 250.00	6.75
250.01 to 300.00	8.25
300.01	[illegible].00

NOTE.—Fee increases to be phased in over 3 years starting in 1984.

b. Service day fees are due and payable in advance. If annual fees exceed $500, the issuing officer may exercise discretion to accept partial payment in an amount not less than 25 percent at the time of permit issuance with the balance payable in three equal amounts during the use period on dates to be established by the issuing officer.

c. The adjusted service day client charge recognizes that operators provide variable discounts to certain customers and groups as a common business practice. Applicants shall furnish documents reflecting their planned customer rate schedules for the use season and evidence of their discounting program. Documents may include advertising material, brochures, or a signed letter to the authorized Forest Officer reflecting customer rates and discounting program. This material shall be retained with the permit file.

An additional adjustment may be made if the advertised daily rate includes long distance transportation costs or off-Forest lodging in local communities. All other customer charges for services provided and reflected in the advertised daily rate are included in the adjusted service day client daily charge. Transportation or lodging adjustments must be supported by documents provided by the applicant.

d. The minimum annual fee for service day use is $100. Regional Foresters are authorized to establish higher fees per service day or higher minimum annual fees when appropriate.

e. If a holder secures business in addition to that initially authorized, an amended application shall be prepared. Upon approval, any additional service day fees due shall be collected through supplemental billing.

f. Refunds of service day fees paid will not normally be made. However, upon application, refunds may be made at the discretion of the authorized officer when anticipated business is lost due to conditions beyond the holder's control, provided that the nonuse is reported to the authorized officer in sufficient time to allow allocation of the nonuse to other holders, if appropriate. Partial refunds amounting to less than the $100 minimum fee will not be made, but may be credited toward next year's fees.

3. *Exclusive Occupancy Fee*

a. In addition to the service day fee, outfitter/guide permits shall require payment of land use fees for the occupancy of National Forest System lands reserved for, or exclusively used in, the outfitter/guide operation or service. Examples may include, but are not limited to, base camps, caches, corrals and loading facilities, boat launches, and helispots. A minimum annual rental fee of $100 is established

for *each site* reserved for, or exclusively used by, the outfitter/guide in the permitted season of operation.

b. Exclusive occupancy fees will not be prorated for use periods of less than 1 year, and are not subject to waiver, reduction, or discount.

c. Refunds or credits of exclusive occupancy fees paid will not be authorized.

4. The total fee determined for an outfitter/guide permit shall be calculated on a fee determination statement (FSM 2715) and billed as a single amount, to be deposited to recreation use (FSM 6530).

2721.53g. Permits for institutional and semi-public outfitter and guiding activities

Permits for these activities are issued on an opportunity basis rather than as a means of implementing Forest Service planning decisions and objectives. Schedules and services may fluctuate from season to season or year to year as may fit the programs of the applicant.

Holders include a variety of membership or limited constituency institutions such as religious, conservation, youth, fraternal, service club, and social groups; schools, colleges and universities; and similar common interest organizations and associations. It also includes current permit holders who operate commercially on a limited intermittent or irregular basis in providing service to select customer clientele rather than the public at large. Institutional and semi-public outfitting and guiding activities shall be administered under the following policies:

1. Non-renewable annual or trip permits may be issued when the Forest Officer determines the use can be accommodated without causing unacceptable conflict or resource impacts and is in the public interest. The permitted activities must be consistent and compatible with applicable laws, regulations, and Forest Service policies.

2. Applicants must demonstrate financial and technical ability to fulfill the terms of the permit.

3. The permit may be issued for either (a) one trip or (b) a duration of 1 year or less when the use involves several trips.

4. Commitments to give priority consideration for future use shall not be given for institutional or semi-public type permits.

5. Annual permits issued for continuing intermittent use during the year shall require an operating plan. No plan is necessary for trip permits.

6. Documented performance reviews are not required.

7. The modes of transportation and the amount of use expressed in service days will be specified in the permit.

8. Fees will be established as generally provided in FSM 2721.53f; however, certain organizational type of holders may qualify for reduced fees. When the programs and recipients are comparable, and qualify under the provisions of 36 CFR 251.57(b)1—4 and FSM 2715, the fee reduction described in FSM 2721.13, 2723.17 and 2726.22 may be applied to the service day fee. For example, a 60 percent discount may be applied to the service day fee otherwise due, when the use is outfitting and guide service for organized youth program use. As an illustration, if an outfitter provides a service to priority 2 recipients, otherwise providing for a $3 per service day fee due the Forest Service, the fee due in this case would be (3 × 60 percent) or $1.80 per commercial service day. Disadvantaged and handicapped use shall be discounted 75 percent. Discounted fees are subject to the $100 minimum annual fee for service days.

R. Max Peterson,

Chief.

April 4, 1983.

[FR Doc. 83-9235 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Alta Loma Ditch Rehabilitation Land Drainage RC&D Measure, Texas; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Alta Loma Ditch Rehabilitation Land Drainage RC&D Measure, Galveston and Brazoria Counties, Texas.

FOR FURTHER INFORMATION CONTACT: Billy C. Griffin, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76503, telephone 817-774-1214.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Billy C. Griffin, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to provide adequate drainage outlets for farmers. Plan components include ditch excavation, drop pipes, critical area planting, fencing and livestock management.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Billy C. Griffin.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 30, 1983.

Billy C. Griffin,

State Conservationist.

[FR Doc. 83-9224 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-16-M

Sequoyah Park Critical Area Treatment RC&D Measure, Oklahoma; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Sequoyah Park Critical Area Treatment RC&D Measure, Cherokee County, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, (405) 624–4360.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Roland E. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns critical area treatment of a recreation area for shoreline erosion caused by wave action. The planned works of improvement include planting trees along the shoreline and installing a wave arrester to protect the plantings.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Roland R. Willis.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: April 1, 1983.

Billy R. Littlefield,

Assistant State Conservationist.

[FR Doc. 83–9047 Filed 4–7–83; 8:45 am]

BILLING CODE 3410–16–M

Town of Erwin Critical Area Treatment RC&D Measure, New York; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Town of Erwin Critical Area Treatment RC&D Measure, Steuben County, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423–5521.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment for erosion control in the Town of Erwin, New York. The planned works of improvement include surface grading and shaping for water control, spreading of 2 feet of topsoil over exposed areas, liming, fertilizing, seeding, and mulching of approximately 7.3 acres. The area of work is a reclaimed landfill.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Paul A. Dodd.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 25, 1983.

Paul A. Dodd,

State Conservationist.

[FR Doc. 83–9034 Filed 4–7–83; 8:45 am]

BILLING CODE 3410–16–M

Upper Appomattox Watershed, Virginia; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Appomattox Watershed, Appomattox, Buckingham, Cumberland, and Prince Edward Counties, Virginia.

FOR FURTHER INFORMATION CONTACT: Manly S. Wilder, State Conservationist, Soil Conservation Service, 400 North Eighth Street, P.O. Box 10026, Richmond, Virginia 23240, telephone 804–771–2455.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Manly S. Wilder, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The recommended plan includes soil conservation practices and critical area treatment on 20,150 acres and eight agricultural waste management systems. Primary effects of the plan include decreased erosion and sedimentation on agricultural lands and improved water quality.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Gerald P. Bowie.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 29, 1983.

Manly S. Wilder,

State Conservationist.

[FR Doc. 83-8881 Filed 4-7-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 41044]

Frontier Flying Service Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 12, 1983, at 10:00 a.m. (local time), in Room 1012, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., April 1, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-9172 Filed 4-7-83; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Massachusetts Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 6:00 p.m., on May 4, 1983, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110. The purpose of this meeting is to discuss plans for future projects on the implementation of the State civil rights act; sexual harassment; successful affirmative action; and Federal RIFs of minorities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, Post Office Box 95, East Falmouth, Massachusetts 02536, (617) 548-5123 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 5, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-9227 Filed 4-7-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of Industrial Economics

Motorcycle Industry, Prospects for Adjustment Assistance for Firms

The Department of Commerce, pursuant to Section 264 of the Trade Act of 1974, has conducted a study of firms in the motorcycle industry; such a study is required whenever the U.S. International Trade Commission (ITC) begins an investigation under Section 201 of the Trade Act.

In its report issued in February 1983, the Commission determined by a two-to-one vote that heavyweight motorcycles are being imported into the United States in such increased quantities as to threaten serious injury to the domestic industry producing like or directly competitive articles. Heavyweight motorcycles were defined by the Commission as those having engines with total piston displacement of over 700 cubic centimeters.

The two Commissioners who voted affirmatively in the decision recommended that in order to prevent serious injury to the domestic industry, relief take the form of duties, in addition to the existing rates, amounting to 45 percent ad valorem in the first year, decreasing annually to 35 percent, 20 percent, 15 percent, and 10 percent in the next four years on heavyweight motorcycles provided for in item 692.50 of the Tariff Schedules of the United States.

According to Section 202 of the 1974 Trade Act, the President shall determine, within 60 days after receiving a report from the Commission containing an affirmative finding, whether to provide import relief and what methods and amounts of import relief will be provided.

Presently, three firms manufacture motorcycles (excluding mopeds) in the United States. Two of these are subsidiaries of Japanese firms while the other is the sole remaining American-owned producer. Current production for two of the firms is primarily of motocycles over 850cc; the third produces mostly medium-weight motorcycles.

In 1981, total imports of heavyweight motorcycles were $440 million. Japanese imports of heavyweight motorcycles accounted for over 90 percent of total imports by both value and quantity. Imports of motorcycles over 700cc increased 32 percent between 1977 and 1981 to 202,399 units and increased 21 percent for the first three quarters of 1982 from the corresponding period in 1981. Domestic shipments increased between 1977 and 1981, then declined between 1981 and 1982.

Under Section 251 of the Trade Act of 1974, a firm may petition the Department of Commerce to be certified as eligible to apply for trade adjustment assistance; certification requires that increased imports of articles like or directly competitive with those produced by the petitioning firm contributed importantly to: (1) Absolute declines in sales or production, or both, and (2) the separation, or threat of separation, of a significant number or proportion of its workers. A trade-impacted producer may petition the Department for certification at any time regardless of a prospective Commission finding or its results.

As of the date of this report, no petitions for certification have been filed by domestic motorcycle producers, and no firms in the industry have been certified. Based on employment, sales, production, and import data obtained by ITC in its investigation, it appears likely that the one American-owned firm could be certified as eligible for adjustment assistance if it applied, while the other two firms could not be certified.

The program of adjustment assistance for firms authorized by the Trade Act under Title II, Chapter 3, and administered by the International Trade Administration (ITA) in the Department of Commerce, may provide either financial assistance or technical assistance, or both. Financial assistance may take the form of direct loans or loan guarantees, or both, and may be used for the acquisition, construction, installation, modernization, expansion, or conversion of fixed assets, or for working capital necessary for a firm to implement its adjustment plan. Technical assistance may be used for management and operational assistance, feasibility studies and related research to aid in developing and implementing a firm's recovery plan.

Under the Public Works and Economic Development Act of 1965 (PWEDA), as amended, direct and indirect assistance to firms is available without Trade Act certification. Firms located in EDA-designated "redevelopment areas" and "economic development centers" can benefit directly from business development loans and guarantees. There is doubt, however, as to EDA's ability to provide loan or guarantee assistance this fiscal year (FY 1983) or thereafter. It may be possible for firms also to benefit indirectly from public works financing. Under PWEDA, neither grants, loans nor guarantees can be used to assist industries found to have long-term

overcapacity. However, PWEDA does authorize technical assistance to firms regardless of location, and grants of loanable funds to communities with actual or threatened unemployment.

The Farmers Home Administration (FmHA) of the Department of Agriculture has a program which may benefit firms in the motorcycle industry. Loan guarantees are available to businesses located in areas other than cities with a population over 50,000. This would include plants in Marysville, Ohio, Tomahawk, Wisconsin, and Springettesbury, Pennsylvania. As with EDA business loans, however, these guarantees are not available to firms in industries characterized by long-term overcapacity. FmHA can also make loans to public bodies, such as local governments and development organizations, in areas other than cities of over 20,000 population.

The Small Business Administration (SBA) administers three programs of potential assistance to small businesses; however, all three producers would fail to qualify as a "small business" under the SBA definition.

Addition copies of the report, Prospects for Adjustment Assistance for Firms in the Motorcycle Industry, are available from Kevin Ellis, Office of Consumer Goods and Service Industries, Room 4319, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–5127.

Kenneth M. Brown,

Acting Director, Bureau of Industrial Economics.

[FR Doc. 83–9238 Filed 4–7–83; 8:45am]

BILLING CODE 3510–30–M

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments; University of Illinois at Urbana-Champaign

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with Subsections 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register**.

A copy of each application is on file in the department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 1523, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83–148. Applicant: University of Illinois at Urbana-Champaign, Purchasing Division, 223 Administration Building, 506 S.Wright St., Urbana, Ill 61801. Instrument: High Power CW Klystron, Model #2975 with Accessories. Manufacturer: Thomason-CSF, Division Tubes Electronique, France. Intended use of instrument: The instrument is intended to be used as a major component in a high power, cw, radiofrequency source under development. This source will be used jointly by two laboratories for the study of room temperature, cw, electron linac structures appropriate for use in the construction of intermediate and high energy electron accelerators. These studies include measurements of the maximum achievable energy gradient in such structures, the stablization of the resonant frequency, and the control of the amplitude and phase of the rf field in the structure. Application received by Commissioner of Customs: March 22, 1983.

Docket No.: 83–158. Applicant: Harvard University, School of Public Health, Department of Tropical Public Health, 665 Huntington Ave., Boston, MA 92115. Instrument: 150 Longworth Small Mammal Traps and 20 Doors to Longworth Traps. Manufacturer: Penlon, Ltd., United Kingdom. Intended use of instrument: The instrument is intended to be used for year round studies of small mammals in field locations in New England to determine the fluctuations in mammal populations and ectoparasite abundance. Application received by Commissioner of Customs: March 23, 1983.

Docket No.: 83–159. Applicant: The Pennsylvania State University, Material Science and Engineering, University Park, PA 16802. Instrument: Electron Microscope, EM 420T with Accessories. Manufacturer: Philips Gloeilampenfabrieken, The Netherlands. Intended use of instrument: The instrument is intended to be used to examine the whole range of materials, including: metals, ceramics, polymers, carbonaceous materials, minerals and biological materials. The major usage is in microstructural characterization (in terms of phases present, defects, chemistry, etc.). This information can be related to mechanical properties, electronic properties, optical properties etc. In addition the instrument is to be used for the following undergraduate courses: Metal 405—Physical Metallurgy; Material Science 411b—Transmission Electron Microscopy; and Material Science 403—Microscopy of materials. Application received by Commissioner of Customs: March 22, 1983.

Docket No.: 83–160. Applicant: University of Illinois at Chicago, Office of Business Affairs, Health Science Center, 833 S. Wood, Chicago, Ill 60612. Instrument: Electron Microscope, EM 410 and Accessories. Manufacturer: Philips Electronic Instruments Inc., The Netherlands. Intended use of instrument: The instrument will be used to provide subcelluar data that will be helpful in providing final diagnosis of disease processes in the hospital patients population. Training of residents and senior medical students will be simulataneously accomplished as a major educational objective. Application received by Commissioner of Customs: March 23, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–9239 Filed 4–7–83; 8:45 am]

BILLING CODE 3510–25–M

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: The Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls

applicable to computer peripherals, components and related test equipment, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and Place: April 27, 1983, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 1851, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Agenda:

General Session

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Review of the Committee charter and organization.
(4) Discussion of the January 1983 Committee report.
(5) A review of subcommittee activities:
a. Memory and Media,
b. Foreign Availability,
c. Display and Terminals, and
d. Export Regulations.
(6) Review of MCTL limplementation program.
(7) New Business.

Executive Session

(8) Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

Supplementary Information: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202–377–4217.

For Further Information or Copies of the Minutes Contact: Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

Dated: April 4, 1983.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 83-9254 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determination; Carbon Black From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Mexico of carbon black, as described in the "Scope of Investigation" section of this notice. The estimated net bounty or grant is 1.55 percent *ad valorem*. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the merchandise subject to this investigation which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or the posting of a bond on this merchandise in an amount equal to the estimated net bounty or grant. If this investigation proceeds normally, we will make our final determination by June 16, 1983.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill or Deborah A. Semb, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–1273.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that the government of Mexico provides certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), to manufacturers, producers, or exporters in Mexico of carbon black, as described in the "Scope of Investigation" section of this notice. We estimate the net bounty or grant to be 1.55 percent *ad valorem*.

Case History

On November 3, 1982, we received a petition from the Cabot Corporation on behalf of the U.S. industry producing carbon black. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Mexico of carbon black receive, directly or indirectly, bounties or grants within the meaning of section 303 of the Act. We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on November 26, 1982, we started an investigation (47 FR 54526). We stated that we expected to issue a preliminary determination by February 1, 1983.

On January 6, 1983, we postponed the preliminary countervailing duty determination to not later than April 4, 1983 (48 FR 1529). Under section 703(c)(1)(B) of the Act, we determined that the case is extraordinarily complicated because the alleged subsidy practices are numerous and complex and present novel issues. We determined that the government of Mexico and the other parties concerned were cooperating, and that additional time was necessary to make the preliminary determination.

Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and therefore section 303 of the Act applies to this investigation. The merchandise being investigated in nondutiable. However, there are no "international obligations" within the meaning of section 303(a)(2) of the Act which require an injury determination for nondutiable merchandise from Mexico.

Therefore, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

On December 6, 1982, we presented a questionnaire concerning the allegations in the petition to the government of Mexico at its embassy in Washington, D.C. and requested a response from them by January 7, 1983. In a letter dated December 17, 1982, the government of Mexico requested a postponement of the date for the preliminary determination and alleged that the case is "extraordinarily complicated" under section 703(c)(1)(B) of the Act.

The government of Mexico submitted a response to our questionnaire on February 4, 1983. Additional information

was supplied on March 8, 1983. After reviewing the government of Mexico's response, we requested additional information in letters dated March 9 and 18, 1983. We received responses to these on March 18, and 25, 1983.

Scope of Investigation

The merchandise covered by this investigation consists of carbon black. Carbon black is currently classified under item number 473.0400 of the *Tariff Schedules of the United States Annotated.* Carbon black is elemental carbon, with some incidental or planned surface oxidation, that is formed under the controlled cracking, heating and cooling of a petroleum derivative feedstock.

Hules Mexicanos and NEGROMEX, S.A. de C.V. are the only known producers and exporters in Mexico of the carbon black which was exported to the United States. The period for which we are measuring subsidization is January through September of 1982.

Analysis of Programs

Based on our analysis to date of the petition and the response to our questionnaire, we have preliminarily determined the following:

I. Programs Preliminarily Determined to Confer Bounties or Grants

We preliminarily determine that bounties or grants are being provided to manufacturers, producers, or exporters in Mexico of carbon black under the following programs:

A. *Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX).* FOMEX is a trust established by the government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury Department, with the Bank of Mexico acting as the trustee. The Bank of Mexico administers the financing of FOMEX loans through financial institutions. The financial institutions establish contracts for lines of credit with manufacturers and exporters of merchandise.

Two types of FOMEX financing are available: pre-export (production) financing and export financing. In order for a company to be eligible for FOMEX financing, the following requirements must be met: (1) The product to be manufactured must be included on a list made public by FOMEX; (2) the articles to be exported must have at least 30 percent national content in direct production costs; (3) pre-export loans must be in Mexican currency, while loans for export sales may be in U.S. dollars or any other foreign currency acceptable to the Bank of Mexico; and (4) the exporter must carry insurance against commercial risks to the extent of the loans. The maximum annual interest rate that credit institutions may charge borrowers for FOMEX pre-export financing is 8 percent, in Mexican pesos. The maximum annual interest rate for FOMEX export financing is 6 percent.

According to the Mexican government's response, the carbon black industry received only pre-export financing from FOMEX at the maximum interest rate of 8 percent. Since FOMEX pre-export financing provides loans for export related purposes at interest rates significantly less than those for comparable commercially available loans, we preliminarily determine that this program confers a bounty or grant.

As a benchmark for the commercial peso rate of interest, we used the national average commercial interest rate for comparable short-term peso loans during the period January through September of 1982. On the basis of information supplied by the U.S. Department of the Treasury, we preliminarily determine the average short-term commercial peso interest rate for this period is 59.32 percent. Using the Department's standard short-term loan methodology, we calculated the benefit of the FOMEX loans and allocated this benefit over the value of Hules Mexicanos' and NEGROMEX's total exports of carbon black. Total exports were used because FOMEX financing operates and is intended to stimulate export performance over domestic sales. On this basis, we calculated an *ad valorem* benefit of 1.02 percent.

B. *Preferential Prices on Petroleum Products, Natural Gas, and Electric Power Used to Produce Carbon Black.* In Mexico, Petroleos Mexicanos (PEMEX) is the special government entity which owns and controls production of petroleum products including carbon black feedstock and natural gas, used as an energy source in producing carbon black. The petitioner alleges that under the National Industrial Development Plan (NIDP) the Mexican government, through PEMEX, maintains a price structure for petroleum and natural gas which operates to establish a two-tier system of benefits to the carbon black industry. The alleged first-tier benefit results from the difference between the government-controlled domestic prices on petroleum and natural gas paid by Mexican carbon black producers and the higher "world market prices" paid by U.S. producers. The alleged second-tier benefit consists of a preferential 30 percent discount on the controlled national prices of carbon black petroleum feedstock and natural gas. This price discount is given by the Mexican government to qualifying industries, including carbon black, which are located in certain priority development regions established under the NIDP.

Regarding the first-tier benefit, the prices of Mexican petroleum feedstock and natural gas in the export market were substantially higher than the domestic prices of petroleum feedstock and natural gas within Mexico during the period for which we are measuring subsidization. The existence of a price differential between export and domestic sales of petroleum feedstock and natural gas, however, does not in and of itself confer a bounty or grant on carbon black producers within Mexico. Rather, we follow the criteria in section 771(5) of the Act to determine whether this practice confers either an export or domestic bounty or grant. While this investigation is governed procedurally by section 303 of the Act, the analysis of programs is based on Title VII of the Act (*see* section 103(b) of the Trade Agreements Act of 1979).

On this basis, we preliminarily determine that the pricing differential for export and domestic sales of Mexican petroleum feedstock and natural gas confers neither an export subsidy nor a domestic subsidy upon the Mexican carbon black industry. The pricing differential does not confer a benefit contingent upon export performance, or stimulate export sales of carbon black over domestic sales. Nor does it benefit a "specific enterprise or industry or group of enterprises or industries" within Mexico.

In addition to the export and domestic pricing differential described above, we have found that there are two categories of natural gas prices in Mexico, one for industrial use and another for residential use. Both are set by the Direccion General de Precios of the Secretaria de Commercio. The industrial use category is applicable to gas sold for industrial purposes, while the residential use category applies to gas sold to residential, commercial and service users.

According to the Mexican government, all industrial users of natural gas not receiving sectoral or regional discounts under the NIDP are charged the same price for this product (*see* analysis of second-tier regional benefit below). In this case, the response shows prices for natural gas paid by the carbon black industry to be the same as the country-wide rate for all industrial users, before regional discounts are taken into consideration. Since all industrial users of natural gas can obtain this good at the same price,

natural gas is not provided at a preferential price to a "specific enterprise or industry, or group of enterprises or industries" under section 771(5)(B) of the Act. In addition, the price to all industrial users of natural gas is not contingent upon export performance. Nor do we have any information that the pricing policy for industrial users is operated to stimulate export sales over domestic sales. Therefore, the difference between the prices of natural gas to residential users and to industrial users confers neither a domestic nor an export bounty or grant.

The alleged second-tier benefit consists of a preferential 30 percent discount on the controlled national prices of carbon black petroleum feedstock and natural gas granted under the NIDP by the Mexican government to selected industries, including the carbon black industry, located in certain regions. We learned that such discounts may be granted to such industries for electric power and other petrochemical products as well.

The criteria for price differentials of these products under the NIDP are contained in the Regulations Regarding Price Differentials published in the *Diario Oficial de la Federacion (Diario Oficial)* on December 29, 1978, and June 19 and 21, 1979. Articles 8 and 9 allow 30 percent discounts on the cost of industrial energy or basic petrochemical products under certain conditions to firms located in Priority Zone 1A. Article 9A exempts companies established in priority zones from the Electric Energy Contractual Fee. Article 9C allows companies located in Priority Zone 1B that develop new industrial plants to receive a 30 percent discount on two of the following inputs: electric power, natural gas, combustibles or basic petrochemical products. Articles 8 and 9A through 9D appear to confer regional bounties or grants, while Article 9 appears to confer an export bounty or grant since one of its prerequisites is an export commitment.

The response states that Hules Mexicanos has a carbon black plant located in a priority zone and receives a 30 percent discount (more specifically, an "offset in subsequent bills" equal to 30 percent of prior bills) only on its natural gas costs and its electric power rates. According to our information, the carbon black plant is located in Priority Zone 1B. Based upon this information, we preliminarily determine that the carbon black industry has received regional domestic bounties or grants through the provision of preferential prices for natural gas and electric power.

To calculate the total benefit, we allocated the benefits received for carbon black production during the period for which we are measuring subsidization over the total sales value of carbon black during this period. The Mexican government's response states that the carbon black industry received the 30 percent discounts during the period for which we are measuring subsidization. Counsel for the respondents indicates instead that the industry began receiving these benefits only in September 1982. Our information indicates that these benefits are still being received. For purposes of this preliminary determination, we calculated a value of the benefit for nine months, the length of the period for which we are measuring subsidization. We preliminarily determine the net benefit for the regional price differential on natural gas to be 0.23 percent *ad valorem* and the net benefit for the regional price differential on electric power to be 0.30 percent *ad valorem*, for a total bounty or grant 0.53 percent *ad valorem*.

II. Program determined to be Suspended

The Certificado de Devolucion de Impuesto (CEDI) is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b. value of the exported merchandise or, if national insurance and transportation are used, a percentage of the c.i.f. value of the exported product. The CEDIs are non-transferable and may be applied against a wide range of various federal tax liabilities (including payroll taxes, value-added taxes, federal income taxes, and import duties) over a period of five years from the date of issuance.

The government of Mexico suspended the eligibility of the product under investigation for CEDI tax rebates by an Executive Order published on august 25, 1982, in the *Diario Oficial*. The order abrogates prior executive orders which contained the list of products eligible to receive CEDI certificates. Suspension of the eligibility to apply for the CEDI was effective one day after publication of the executive order in the *Diario Oficial*.

Although exporters of the merchandise under investigation received benefits under the CEDI program during the first half of 1982, the CEDI ceased to be available after August 25, 1982. Because exporters use the CEDI certificates on a current basis, the carbon black that was accorded benefits under this program is not likely to enter the United States on or after the date of suspension of liquidation of the merchandise.

Therefore, although the CEDI program would be countervailable, we are not setting a cash deposit rate for it. If an order is issued and this program is reactivated the Department will review its application to respondents in the annual reviews under section 751 of the Act.

III. Programs Preliminary Determined Not To Confer Bounties or Grants

We preliminarily determine that the programs listed below which were listed in the notice of "Initiation of Countervailing Duty Investigation—Carbon Black from Mexico" (47 FR 54526) do not confer bounties or grants to the manufacturers, producers, or exporters in Mexico of carbon black.

A. *Dual Currency Exchange Rate System.* The petitioner alleges that the carbon black industry may have received exchange rate benefits on exports because of Mexico's dual exchange rate system. According to the response, Mexican exporters of carbon black who receive U.S. dollars for their products must deposit these dollars in accounts where they are exchanged for pesos at a "controlled" rate. Currently, the controlled rate is significantly less than the "free" rate of exchange. Thus, this program appears to harm rather than benefit Mexican exporters. Therefore, we preliminarily determine that the dual level currency exchange system does not confer a bounty or grant upon the manufacture, production, or exportation of carbon black from Mexico.

B. *Preferential Rates on Commercial Risk Insurance.* The petitioner alleges that the carbon black industry has benefited from preferential rates on commercial risk insurance through the Compania Mexicana de Seguros de Credito (COMESEC). COMESEC, which provides export insurance was specifically established by law although owned by private insurance companies. In the Department's previous determination, *Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders: Toy Balloons (Including Punchballs) and Playballs from Mexico* (47 FR 57532), we determined that COMESEC did not provide a bounty or grant to manufacturers, producers, or exporters of the subject merchandise in those investigations. We determined that the premium rates that COMESEC charged the manufacturers, producers, or exporters cover COMESEC's operating costs and losses for insurance operations.

In addition, the response states that Hules Mexicanos and NEGROMEX did

not receive preferential prices on their insurance obtained from COMESEC. We preliminary determine that this program does not confer a bounty or grant on the Mexican producers of carbon black.

IV. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that the programs listed below which were listed in the notice of "Initiation of Countervailing Duty Investigation—Carbon Black from Mexico" (47 FR 54526) are not being used by the manufacturers, producers, or exporters in Mexico of carbon black.

A. *Preferential Benefits from Government Shareholding in the Two Mexican Carbon Black Producers.* The petitioner alleges that Hules Mexicanos and NEGROMEX, the two known producers of carbon black, have received preferential benefits because of government shareholding in each company. As is well established shareholding in each company. As is well established, government ownership *per se* is not a bounty or grant. PEMEX owns 60 percent of Hules Mexicanos. The response states that the Nacional Financiera (NAFINSA), "an agency of the Federal Government, holds 10 percent of the shares of NEGROMEX." According to the response, the carbon black industry has not received preferential benefits because of government shareholding in the industry.

B. *Preferential Federal and State Tax Incentives.* According to the response, the carbon black industry received neither federal tax certificates, known as Certificates of Fiscal Promotion (CEPROFIs), nor state or local tax incentives or special treatment on real estate or local infrastructure taxes.

C. *FOGAIN and FOMIN Preferential Financing.* The response states that the carbon black industry did not receive preferential financing from the Guarantees and Development Fund for Medium and Small Industry (FOGAIN), or from the National Industrial Development Fund (FOMIN).

D. *Internal Transportation Benefits.* According to the response, the carbon black industry has not received freight rebates or discounts for transporting carbon black for export by rail to border areas in Mexico.

E. *Preferential Credits for Export Production.* The response states that the carbon black industry has not received preferential credits through the Industrial Equipment Fund Providing Credit for Production of Exports (FONEI).

F. *Preferential Export Marketing Benefits.* According to the response, neither Hules Mexicanos nor NEGROMEX received export assistance through the Instituto Mexicano de Comercio Exterior (IMCE) or indirect tax rebates from the Mexican government for export trading companies.

G. *Import Duty Rebates on Equipment Used in Export Production.* The response states that the carbon black industry did not receive benefits under the foreign investment law, which allows for import duty reductions on imported equipment used to increase production of exports.

V. Programs for Which Additional Information is Needed

We will seek further information on the following programs before reaching our final determination in this investigation.

A. *Additional Regional Development Benefits.* In addition to the regional development program benefits described in the section of this notice titled "Preferential Prices on Petroleum Products, Natural Gas, and Electric Power Used to Produce Carbon Black," the Regulations Regarding Price Differentials may provide certain other benefits constituting either domestic or export bounties or grants to industries located in designated priority development zones. We will seek additional information regarding these programs and verify whether or not they are being used by the respondents.

B. *Exemption from Revenue Tax on Carbon Black Feedstock and Natural Gas Purchases.* The petitioner recently alleged that the carbon black industry receives a bounty or grant because it does not pay a 27 percent sales tax on purchases of carbon black feedstock and natural gas from PEMEX. We currently lack sufficient information to determine whether or not the carbon black industry pays this 27 percent sales tax. We will seek further information on this issue before our final determinaiton.

Verification

In accordance with section 776(a) of the Act, we will verify the information used in making our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of carbon black from Mexico which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**, and to require a cash deposit or the posting of a bond for each such entry of the merchandise in the amount of 1.55 percent *ad valorem.*

This suspension shall remain in effect until further notice.

Public Comment

In accordance with § 355.35 of the Commerce Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on May 11, 1983, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by May 4, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.34, within 30 days of this notice's publication, at the above address and in at least 10 copies.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

April 4, 1983.

[FR Doc. 83-9280 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-25-M

[A-122-005-001]

Carbon Steel Bars and Structural Shapes From Canada; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On December 16, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on carbon steel bars and structural shapes from Canada. The review covers the only manufacturer covered by the finding, Western Canada Steel Limited, for the period September 1, 1980 through August 31, 1981, and three 1978 shipments by Western Canada Steel excluded from the last administrative review. It also covers the five other

known exporters of carbon steel bars and structural shapes manufactured by Western Canada Steel for various periods through August 31, 1981

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments. With the exception of shortening certain time periods reviewed, the final results of review are the same as those presented in the preliminary results of review.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–5255.

SUPPLEMENTARY INFORMATION:

Background

On September 25, 1964, the Treasury Department published in the **Federal Register** (29 FR 13319) an antidumping finding with respect to carbon steel bars and structural shapes from Canada. On December 16, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 56376) the preliminary results of its last administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, currently classifiable under item numbers 606.8300 and 609.8000 of the Tariff Schedules of the United States Annotated, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada.

The review covers Western Canada Steel for the period September 1, 1980 through August 31, 1981, and three 1978 shipments by Western Canada Steel excluded from the last administrative review. It also covers the five other known exporters to the U.S. of this merchandise for various periods through August 3, 1981.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for a hearing. However, since publication the Customs Service notified us of additional shipments by the five exporters that had not been reported to us previously. The five exporters had reported shipments for which they still had records and we reviewed only those shipments in the preliminary results. Because of the newly discovered shipments, we are deferring some time periods to a subsequent review. Based on our analysis, with the exception of the changes in time periods reviewed, the final results of our review are the same as those presented in the preliminary results of review, and we determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Western Canada Steel, Ltd	09/01/80–08/31/81	40.64
Western Canada/A. J. Forsyth Co., Ltd	10/01/78–08/31/80	0.00
	09/01/80–08/31/81	[1]0.01
Western Canada/ Mitsubishi Canada Ltd	02/01/79–08/31/80	0.00
	09/01/80–08/31/81	[1]0.01
Western Canada/Mitsui & Co. (Canada) Ltd	09/01/78–08/31/80	0.00
	09/01/80–08/31/81	[1]0.01
Western Canada/Tudor Sales, Ltd	09/01/76–08/31/78	0.00
	09/01/78–08/31/79	0.02
	09/01/79–08/31/80	0.02
	09/01/80–08/31/81	0.01
Western Canada/Cam Chain Co., Ltd	09/01/79–08/31/80	1.33
	09/01/80–08/31/81	1.33

[1] No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the most recent of the above margins shall be required on all shipments of Canadian carbon steel bars and structural shapes from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For any shipment from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after the most recent period reviewed and who is unrelated to any covered firm, a cash deposit of 40.64 percent shall be required on future entries. Since the most recent margins for A.J. Forsyth Co., Ltd., Mitsubishi Canada Ltd., Mitsui & Co. (Canada) Ltd., and Tudor Sales Ltd. are less than 0.5 percent, and therefore *de minimis* for purposes of cash deposit, the Department shall waive the deposit requirements for these firms.

These deposit requirements and waivers shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of September 1983. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: March 30, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–9255 Filed 4–7–83; 8:45 am]

BILLING CODE 3510–25–M

Initiation of Countervailing Duty Investigation; Pork Rind Pellets From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Mexico of pork rind pellets receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination on or before June 7, 1983.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Rick Herring, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone (202) 377–3963.

SUPPLEMENTARY INFORMATION:

Petition

On March 14, 1983, we received a petition from counsel for Evans Food Products Company filed on behalf of the U.S. industry producing pork rind pellets. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Mexico of pork rind pellets receive bounties or

grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and therefore section 303 of the Act applies to this investigation. Under this section, since the merchandise being investigated is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

Initiation of Investigation

Under Section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on pork rind pellets, and we have found that the petition meets these requirements.

Therefore we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Mexico of pork rind pellets, as described in the "Scope of the Investigation" section of this notice, receive bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by June 7, 1983.

Scope of the Investigation

The merchandise covered by this investigation is pork rind pellets which are currently imported under item 107.3560 of the *Tariff Schedules of the United States Annotated.*

Pork rind pellets are produced by cooking pork skins at very high temperatures. For pork rind pellets to be imported from Mexico, they must be made from either American or Canadian pork skin.

Allegations of Bounties or Grants

The petition alleges that manufacturers, producers, or exporters in Mexico of pork rind pellets receive the following benefits which constitute bounties or grants: preferential financing; investiment and development assistance; tax certificates for exports; preferential exchange rates; import duty reductions and exemptions; preferential insurance rates; market development and promotion assistance and; preferential prices for energy supplies.

Dated: April 4, 1983.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-9260 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-25-M

[A-041-021]

Pig Iron From Finland; Preliminary Results Of Administrative Review Of Antidumping Finding and Tentative Determination To Revoke

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding and tentative determination to revoke.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from Finland. The review covers the only known exporter of this merchandise to the United States, Ovako Oy Ab, and the period July 1, 1981 through June 30, 1982. There were no known shipments of this merchandise to the United States during the period, and there are no known unliquidated entries.

As a result of the review, the Department has tentatively determined to revoke the finding. There have been no shipments of this merchandise to the United States for at least eight years and the last sale, in October 1974, was at not less than fair value. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Alfredo Montemayor or Susan Crawford, Office of Compliance, Interantional Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On February 4, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 5279) the final results of its last administrative review of the antidumping finding on pig iron from Finland (46 FR 42315, July 24, 1971) and announced its intent to conduct the next administrative review by the end of July 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of pig iron, currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated.

The Department knows of only one exporter of Finnish pig iron to the United States, Ovako Oy Ab. The review covers the period July 1, 1981 through June 30, 1982. There were no known shipments to the United States during the period and there are no known unliquidated entries.

Preliminary Results of Review and Tentative Determination to Revoke

There have been no shipments of this merchandise to the United States for eight years and the last sale by Ovako, in October 1974, was at not less than fair value. We are satisfied that there is no likelihood of resumption of sales of this merchandise to the U.S. at less than fair value. In accordance with § 353.54(c) of the Commerce Regulations, we tentatively determine on our own initiative to revoke the finding on pig iron from Finland. If this revocation is made final it will apply to all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results and tentative determination within 30 days of the date of publication of this notice and may request disclousre and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final result of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review, tentative determination to revoke, and notice are in accordance with sections 751(a)(l) and (c) of the Tariff Act (19 U.S.C. 1675(a)(l), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: March 30, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-9257 Filed 4-7-83; 8:45 am]

BILLING CODE 3510-25-M

Importers and Retailers Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Importers and Retailers' Textile Advisory Committee was established by the Secretary of Commerce on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool, and man-made fiber textile agreements.

TIME AND PLACE: May 10, 1983 at 10:30 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

AGENDA: (1) Review of import trends (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, and (4) Other business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meetings. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377–3737.

Dated: April 15, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83–9281 Filed 4–7–83; 8:45 am]

BILLING CODE 3510–25–M

Management-Labor Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Commerce

ACTION: Notice.

SUMMARY: The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textiles and apparel.

TIME AND PLACE: May 5, 1983 at 1:00 p.m. The meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

AGENDA: (1) Review of import trends (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, and (4) Other business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377–3737.

Dated: April 5, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83–9282 Filed 4–7–83; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA Commerce.

ACTION: Notice.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), has established a Scientific and Statistical Committee which will meet to discuss the role of the Scientific and Statistical Committee in relation to the Council, as well as discuss other fishery management matters.

DATES: The public meeting will convene on Wednesday, May 4, 1983, at approximately 10 a.m., and will adjourn at approximately 4 p.m. The meeting may be lengthened or shortended or agenda items rearranged depending upon progress of same, and will take place at the Best Western Airport Inn, Philadelphia International Airport, Philadelphia, Pennsylvania .

FURTHER INFORMATION: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, Delaware 19901, Phone: (302) 674–2331.

Dated: April 5, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83–9305 Filed 4–7–83; 8:45 am]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council's Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), has established a Scientific and Statistical Committee which will meet to discuss a draft five-year master plan; review and make recommendations on public comments to amendment No. 1 of the Spiny Lobster Fishery Management Plan (FMP), and other spiny lobster issues; review methodoloy for certain proposed FY 83 programmatic projects; discuss status of Billfish FMP; review, discuss and comment on progress of Bottomfish Framework FMP, as well as discuss other Committee business.

DATES: The public meetings will convene on Thursday, April 21, 1983, at approximately 10 a.m., and will adjourn at approximately 2:30 p.m., on Friday, April 22, 1983.

ADDRESS: The public meetings will take place at the National Marine Fisheries Service, Southwest Fisheries Center, Honolulu Laboratory, 2570 Dole Street, Honolulu, Hawaii.

FURTHER INFORMATION: Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, Hawaii 96813, Telephone: (808) 523–1368.

Dated: April 15, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83–9306 Filed 4–7–83; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government

Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

Department of Agriculture

SN 6–441,198 Carriage for Cable Logging System.

Department of Health and Human Services

SN 6–427,857 Dimeric Enkephalins.
SN 6–468,590 Repair of Tissue in Animals.
SN 6–470,920 Fiber Optic CO_2 Partial Pressure Sensor.
SN 6–475,352 Plasmid Cloning Vector pAS1.

Department of the Interior

SN 6–258,075 (4,362,557) Purifying Titanium-Bearing Slag By Promoted Sulfation.
SN 6–435,534 Selective Recovery of Base Metals and Precious Metals from Ores.
SN 6–435,535 Selective Recovery of Base Metals and Precious Metals from Ores.
SN 6–440,487 Removal of Insulation from Electronic Scrap.
SN 6–440,893 Hydrometallurgical Recovery of Arsenic from Ores and Concentrates.

[FR Doc. 83–9223 Filed 4–7–83; 8:45 am]
BILLING CODE 3510–04–M

COMMODITY FUTURES TRADING COMMISSION

MidAmerica Commodity Exchange; Live Hog Futures Contract

Correction

In FR Doc. 83–8451 appearing on page 14022 in the issue of Friday, April 1, 1983, make the following correction:

In the middle column of page 14022, under "**DATE:**", insert "May 31, 1983".

BILLING CODE 1505–01–M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a proposed collection of information in the form of a rule which would require the manufacturers of certain wood and coal burning appliances to submit to the Commission copies of labels and directions giving needed safety information which they will be required to furnish with the products under 16 CFR Part 1406. (The Commission expects to issue Part 1406 in the near future.) The manufacturers would also be required to submit to the Commission an explanation of how the appropriate clearance distances stated on the labels and directions were determined. The reporting requirement was proposed at 45 FR 76018 (November 17, 1980).

The purpose of this reporting requirement is to determine the extent to which the subject manufacturers are complying with 16 CFR Part 1406. The Commission is requesting approval of the requirement for a period of three years.

Information about the Proposed Collection of Information:

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Reporting Requirement—Coal and Wood Burning Appliances.

Type of request: Approval of new plan.

Frequency of collection: One time, plus updates when new models are introduced or previously submitted materials are changed.

General description of respondents: Manufacturers and importers of coal and wood burning fireplace stoves, heaters, and similar appliances.

Estimated number of respondents: 330.

Estimated average number of hours per response: 2.

Comments: Comments on this proposed collection of information should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503; telephone (202) 395–7313. Copies of the proposed collection of information requirement are available from Francine Shacter, Office of Budget and Program Implementation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: April 4, 1983.

Sheldon Butts,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 83–9283 Filed 4–7–83; 8:45 am]
BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Community College of the Air Force (CCAF) Advisory Committee; Meeting

The Community College of the Air Force will hold a meeting on May 3, 1983 at 8:30 a.m. in the Conference Room, Number 121, Building 836, located at Maxwell Air Force Base, Montgomery, Alabama.

The meeting is open to the public.

Agenda items include: State of the College, Personnel and Reorganization, Accreditation, Computer, Microform, Affiliated Schools Advisory Panel, and Noncommissioned Officer Professional Military Education Curriculum.

For further information contact Lieutenant Colonel James H. Conely, (205) 293–7937, Community College of the Air Force, Maxwell Air Force Base, Alabama 36112.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–9234 Filed 4–7–83; 8:45 am]
BILLING CODE 3910–01–M

Department of the Army

Army Medical Research and Development Advisory Committee; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Vision and Laser Bioeffects.

Date of meeting: April 30, 1983.

Time and place: 1300 hrs, 1983 Annual Meeting of the Association for Research in Vision and Opthalmology, Sarasota, Florida.

Proposed agenda: This meeting will be open to the public from 1300 to 1430 hrs for the administrative review and discussion of the scientific research program of the Vision and Laser Bioeffects Group, Letterman Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), U.S. Code, Title 5 and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1445 to 1800 hrs. and from 1930 to 2100 hrs. for the review, discussion and evaluation of individual

programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual researdh subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. J. Ryan Neville, Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129 (415/561–4367) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC Deputy Commander.

[FR Doc. 83–9247 Filed 4–7–83; 8:45 am]

BILLING CODE 3710–08–M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

New

This is an assessment of number of children of Army members and demographic data concerning child, family, and agencies providing services to be used by Health Services Command and Department of Army in respect to decisions related to Army Community Service Centers.

State Social Service Departments, Foster Care Units: 900 respondents, 585 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG–OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695–5111.

Dated: April 5, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83–9289 Filed 4–7–83; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Guaranteed Student Loan Program and PLUS Program

AGENCY: Department of Education.

ACTION: Notice of special allowances for quarter ending March 31, 1983.

SUMMARY: The Assistant Secretary for Postsecondary Education announces a special allowance to holders of eligible loans made under the Guaranteed Student Loan Program (GSLP) or the PLUS Program. This special allowance is provided for under section 438 of the Higher Education Act of 1965 (the Act), as amended (20 U.S.C. 1087–1). Except for loans subject to section 438(b)(2)(B) of the Act, 20 U.S.C. 1087–1(b)(2)(B), for the quarter ending March 31, 1983, the special allowance will be paid at the following rates:

[Percent]

	Applicable interest rate	Annual special allowance rate	Special allowance rate for quarter ending Mar. 31, 1983
GSLP loans or PLUS loans made prior to Oct. 1, 1981	7	5.00	1.25
	9	3.00	0.75
GSLP loans or PLUS loans made on or after Oct. 1, 1981	7	4.89	1.2225
	9	2.89	0.7225
	12	0.00	0.00
	14	0.00	0.00

The Assistant Secretary determines the special allowance rate in the manner specified in the Act, for loans at each applicable interest rate by making the following four calculations:

(a) *Step 1.*

Determine the average bond equivalent rate of the 91-day Treasury bills auctioned during the quarter for which this notice applies;

(b) *Step 2.*

Subtract from that average the applicable interest rate (7, 9, 12, or 14 percent) of loans for which a holder is requesting payment;

(c) *Step 3.*

(1) Add 3.5 percent to the remainder; and

(2) In the case of loans made before October 1, 1981, round the sum upward to the nearest one-eighth of one percent;

(d) *Step 4.*

Divide the resulting percent in Step 3 (either (c)(1) or (c)(2), as applicable) by four.

FOR FURTHER INFORMATION CONTACT: Andrejs Penikis, Program Specialist, or Larry Oxendine, Chief, Policy Section, Guaranteed Student Loan Branch, Division of Policy and Program Development, Department of Education on (202) 245–2475.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program and PLUS Program)

Dated: April 5, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83–9274 Filed 4–7–83; 8:45 am]

BILLING CODE 4000–01–M

Intergovernmental Advisory Council on Education; Hearing

AGENCY: Intergovernmental Advisory Council on Education.

ACTION: Notice of hearing.

SUMMARY: This notice sets forth the schedule for a hearing of the Intergovernmental Advisory Council on Education. Notice of this hearing is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: May 12, 1983

ADDRESS: Boston University, George Sherman Union Building, Conference Auditorium, 2nd Floor, 775 Commonwealth Avenue, Boston Massachysetts 02215.

FOR FURTHER INFOMATION CONTACT: Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C. 20202 (202) 472–6464.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education is established under Section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council is established to provide

assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations pertaining to education.

The Intergovernmental Advisory Council on Education will conduct a Public Hearing on May 12, 1983. The hearing schedule is as follows:

9:00–10:00 a.m.—Impact of block Grant Programs

10:30–10:45 a.m.—Break

10:45–12 noon—Federal Role in Education

12:00–1:30 p.m.—Lunch

1:30–3:30 p.m.—Tuition Tax Credits

Individuals, organizations and associations need to *preregister* for the May 12 hearing. To preregister, due to limited space and time, write Mr. Russ Ruffino, Special Assistant, Region I, Department of Education, John W. McCormack Post Office and Courthouse, Post Office Square, Room 526, Boston, Massachusetts 02109 (telephone–(617) 223–7500) by May 2, 1983. (Commenters will be limited to five (5) minutes. Each commenter must provide written comments. Those wishing to submit comments only may do so by mailing them to Mr. Ruffino.)

Record are kept of all Council proceedings and are available for public inspection at the office of the Intergovernmental Advisory Council on Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C.

Signed at Washington, D.C. on April 1, 1983.

Wendy Borcherdt,

Acting Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 83–9212 Filed 4–7–83; 8:45 am]

BILLING CODE 4000–01–M

Veterans' Cost-of-Instruction Payments Program—Payments to Institutions of Higher Education; Application Notice for Transmittal of Applications for New Awards for Fiscal Year 1983

Applications for new awards are invited from institutions of higher education under the Veterans' Cost-of-Instruction Payments Program. This program issues awards to institutions or combinations of institutions of higher education to assist them in providing specific services to veterans.

Authority for this program is contained in Section 420 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1070e–1.

Closing Date for Transmittal of Applications

An application for a new award must be mailed or hand delivered by May 20, 1983.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Veterans' Cost-of-Instruction Program Branch (Room 3514, ROB–3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with it local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application to be hand delivered must be taken to the U.S. Department of Education, Veterans' Cost-of-Instruction Program Branch (Room 3514, ROB–3), 7th and D Street, SW., Washington, D.C. Hand delivered applications will not be accepted after 4 p.m. on the closing date.

Program Information and Application Forms

Program information packages and application forms are expected to be ready for mailing by April 8, 1983. They may be obtained by writing to the U.S. Department of Education, Office of Postsecondary Education, Veterans' Cost-of-Instruction Program Branch (Room 3514, ROB–3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Available Funds

There is authorized 3.0 million dollars for new awards under this program in fiscal year 1983. However, President has proposed a budget rescission which would eliminate these funds. If the rescission is not approved, awards could be made to approximately 800 institutions. The deadline in this notice will not be extended, and applicants should prepare and submit applications in accordance with the deadline unless otherwise notified by the Secretary.

Applicable Regulations

The regulations applicable to this Program appear in 34 CFR Part 629.

Further Information

For further information contact Dr. James F. Rogers, Veterans' Cost-of-Instruction Program Branch, U.S. Department of Education (Room 3514, ROB–3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: 202–245–2806.

(20 U.S.C. 1070e–1)

(Catalog of Federal Domestic Assistance Number 84.540; Higher Education Veterans; Cost-of-Instruction Program (VCIP)).

Dated: April 5, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

FR Doc. 83–9273 Filed 4–7–83; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Damson Oil Corp. and Doram Energy, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Doram Energy, Inc. and Damson Oil Corporation, 396 West Greens Road, Houston, Texas 77067. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.186, 210.62, and 205.202. The principal amount of the alleged violations for the period March through December 1980 is $285,583.48.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania

Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Texas on the 28th day of March, 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc.83-9271 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

Gonsoulin Energy Corporation and Gonsoulin Industries, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Gonsoulin Industries, Inc., Route 1, Box 325 Country Drive, Bourg, Louisiana 70343 and Gonsoulin Energy Corporation, 633 North State Street, Suite 405, Jackson, Mississippi 39201. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.186, 210.62, and 205.202. The principal amount of the alleged violations for the period June through December 1980 is $1,795,021.32.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Texas on the 28th day of March, 1983

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-9272 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-008]

Powerplant and Industrial Fuel Use Act of 1978; Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of approval of conservation plans.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received a number of electric utility conservation plans developed and submitted for DOE approval pursuant to section 808 of the Powerplant and Industrial Fuel Use Act of 1978, as amended, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"). Pursuant to 10 CFR 508.5(b) (47 FR 25729, June 15, 1982), DOE hereby gives Notice of Approval of Conservation Plans submitted by the electric utility owners or operators listed in the "SUPPLEMENTARY INFORMATION" section below.

The public file for each of the listed electric utility owners or operators containing this Notice of Approval of Conservation Plans and all other pertinent documents is available for inspection at the Department of Energy, Freedom of Informatin Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, telephone (202) 252-6020. Approval of each conservation plan is based on ERA's consideration of the entire record of the proceeding, including any comments received during the public comment period for each plan.

DATE: In accordance with 10 CFR 508.5(b), this Notice shall take effect on April 18, 1983.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073 G, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-8162.

Allan Stein, Esq., Office of the General Counsel, Forrestal Building, Room 6B-222, 1000 Independence Avnue, SW., Washington, D.C. 20585 (202) 252-2967.

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA), amended FUA by adding a new section 808, entitled "Electric Utility Consrvation Plan."

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. Approved plans must be fully implemented during the five year period following DOE approval.

Notice of Receipt of the proposed conservation plans described below, providing for a thirty (30) day public comment period during which interested persons were invited to submit written comments concerning the content of any such proposed conservation plan, was published in the **Federal Register** on February 24, 1983 (48 FR 7778). No comments on these proposed plans were received.

Based upon the entire record of this proceeding, ERA has determined that the conservation plans of each of the following utilities meet the requirements for approval contained in 10 CFR 508.8. ERA is restricted by the 120 day time limitation imposed by the Act on the plan approval process as to the amount of information which can be analyzed in order to ascertain the environmental significance of approval of these plans. However, based on the information contained in each utility's submittal, ERA has determined, pursuant to 10 CFR 508.5, that the conservation programs contained in the plan of each utility listed below should not produce environmental consequences significant enough to warrant detailed documentation pursuant to the National Evironmental Policy Act or its implementing regulations (40 CFR Part 1500 *et seq.*). Thus this action clearly does not represent a major Federal action siginificantly affecting the quality of the human environment. Pursuant to 10 CFR 508.5 and section 808(d)(1) of FUA, DOE hereby approves the electric utility conservation plans submitted by the utilities listed below.

Each of the electric utilities whose plans are approved herein shall annually submit a report to ERA pursuant to 10 CFR 508.7 (47 FR 25733, June 15, 1982) identifying the steps taken during the preceding year to implement its approved plan. Each such report shall be submitted within thirty (30) days after the close of a calendar year, beginning with the close of calendar year 1983. The report shall be sent to: Steven E. Ferguson, Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-093, 1000 Independence Avenue, SW., Washington, D.C. 20585.

The following utilities' conservation plans are approved:

Utilities	FC Case No
City of Fairbury, Nebr	50938-9999-99-49
City of Hearne, Tex	51273-9999-99-49
City of Houma, La	51349-9999-99-49

Utilities	FC Case No.
Sierra Pacific Power Co., Reno, Nev.	52658-9999-99-49

Issued in Washington, D.C. on March 30, 1983.

Robert I. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 9259-4 Filed 9259-4-7-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

American Statistical Association Committee on Energy Statistics

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the American Statistical Association's Committee on Energy Statistics will meet with representatives of the Energy Information Administration (EIA) on Thursday, April 28, 1983, at the Hotel Washington, Pennsylvania Avenue and F Streets, Northwest, Washington, D.C., from 1:30 p.m. to approximately 5:00 p.m. The meeting will continue on Friday, April 29, 1983, in the Hotel Washington, from 9:00 a.m. until approximately 3:30 p.m.

The purpose of the meeting is to enable the EIA to utilize the American Statistical Association's Committee on Energy Statistics to obtain advice on EIA programs and to benefit from the Committee's expertise concerning other energy statistical matters.

The tentative agenda is as follows:

A. Opening Remarks

B. Major Topics:

1. Update: Quality Assurance Activities in the Petroleum Supply Division;
2. Analysis of Investor Perceptions of Electric Power;
3. Unresolved Methodological Issues in U.S.-Canadian Electricity Trade;
4. Progress Report: Petroleum Imports Consolidation Study;
5. Findings and Issues from the 1982 State-of-the-Data Report;
6. Potential Application of Superpopulation Models to Weekly Petroleum Surveys;
7. Approaches to Deriving End-Use Consumption Estimates in the Residential Sector from RECS Annual Data;
8. Issues in Conducting Empirical Research on Sampling of Multiple Attributes;
9. Problems in Estimating Industrial Demand.

C. Public Comments

D. Topics for Future Meetings

The meeting is open to the public. Any member of the public may file a written statement with the EIA for forwarding to the Committee, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should inform Ms. Kathleen Repass Weigl, EIA Committee Liaison, (202) 252-6463, or Dr. Fred C. Leone, Executive Director of the American Statistical Association, (202) 393-3253, at least five days prior to the meeting and reasonable provisions will be made to include their presentations on the agenda. Subsequent to approval by the Committee, minutes of an executive summary of the meeting will be available for public review and copying at the Office of Planning and Resources, EI-32, EIA, 1000 Independence Avenue, SW., Room 2H-055, Washington, D.C. 20585, (202) 252-6460, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

Issued at Washington, D.C. on March 30, 1983.

J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc. 83-9286 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of March 4 Through March 11, 1983

During the Week of March 4 through March 11, 1983, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whchever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy. Washington, D.C. 20461.

Dated: March 31, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of March 4 through March 11, 1983]

Date	Name and location of applicant	Case No	Type of submission
Mar. 7, 1983	Anschultz Petroleum marketing, Inc., Washington, D.C	HRD-0110, HRH-0110	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Anschultz Petroleum Marketing, Inc. in response to the Proposed Remedial Order issued to it (Case No. HRO-0109)
Do	Economic regulatory Administration/Marathon Oil Company, Washington, D.C	HRJ-0033	Request for Protective order. If granted: The Economic Regulatory Administration would enter into a Protective Order with Marathon Oil Company regarding the release of propnetary information to Marathon Oil Company in connection with the Statement of Objections submitted by marathon in response to the Proposed Remedial Order issued to it (Case No. BRO-0983)
Do	Economic Regulatory Administration/Murphy Oil Company, Washington, D.C	HRJ-0034	Request for Protective Order. If granted: The Economic Regulatory Administration would enter into a Protective Order with Murphy Oil Company regarding the release of propnetary information to Murphy Oil Company in connection with the firm's Statement of Objections to the Proposed Remedial Order (Case No. HRO-0984)
Do	Elliot, Fund for Open Info Accountability, New York, New York	HFA-0125	Appeal of an Information Request Denial. If granted: Elliot and the Fund for Open Info Accountability would receive access to certain DOE information regarding health studies conducted in 1964 on Bikini Island
Do	Fred C. Hart Associates, Washington, D.C.	HFA-0214	Appeal of an Information Request Denial. If granted: The February 2, 1983 Information Request Denial issued by the Albuquerque Operations Office would be rescinded and Fred C. Hart Associates would receive access to undeleted copies of records regarding the DOE contract with Rockwell International, Contract No. DE AC-76DP03533
Do	Office of Special Counsel/Atlantic Richfield Company, Washington, D.C	HRZ-0139	Interlocutory Order. If granted: The Office of Hearings and Appeals would strike certain portions of the Statement of Legal Objections filed by the Atlantic Richfield Company (Case No. DRO-0193)

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of March 4 through March 11, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Mar 8, 1983	Brownlie, Wallace, Armstrong & Bander, Inc., Englewood, Colorado.	HRD-0112, HRH-0112	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Brownlie, Wallace, Armstrong & Bander, Inc. in response to the Proposed Remedial Order issued to that firm (Case No. HRO-0112)
Mar 10, 1983	Office of Special Counsel, Washington, D.C.	HRZ-0140	Interlocutory Order. If granted: The Office of Hearings and Appeals would resolve certain legal issues in Texaco, Inc. (Case No. DRO-0199) upon request of the Office of Special Counsel
Mar 11, 1983	Cities Service Company, Washington, D.C.	HED-0111, HEJ-0035	Motion for Discovery and Request for Protective Order. If granted: Discovery would be granted to Cities Service Company in connection with the Statement of Objections submitted in response to the Proposed Decision and Order (Case No. BEX-0210) issued to Husky Oil Company. Cities Service Company would enter into a Protective Order with Husky Oil Company regarding the release of proprietary information to Cities Service Company in connection with the Husky Oil Company year end review (Case No. BEX-0210).
Do	Exxon Company, U.S.A., Washington, D.C.	HED-0113, HEJ-0036	Motion for discovery and Request for Protective Order. If granted: Discovery would be granted to Exxon Company, U.S.A. in connection with the Statement of Objections submitted in response to the Proposed Decision and Order (Case No. BEX-0210) issued to Husky Oil Company. Exxon Company, U.S.A. would enter into a Protective Order with Husky Oil Company regarding the release of proprietary information to Exxon Company, U.S.A. in connection with the Husky Oil Company year end review (Case No. BEX-0210).

REFUND APPLICATIONS RECEIVED

[Week of March 4 to March 11, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No.
Mar 7, 1983	Charter/National Petroleum Sales	RF23-7
Mar 8, 1983	Charter/James Petroleum Company	RF23-8
Mar 9, 1983	Charter/Kent Oil & Trading Company	RF23-9
Feb 28, 1983	Charter/Carse Oil Company	RF23-10
Mar 7, 1983 to Mar. 11, 1983	Amoco Refund Applications	RF21-3634 through RF21-4102

[FR Doc. 83-9267 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of March 11 Through March 18, 1983

During the Week of March 11 through March 18, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: March 31, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of March 11 Through March 18, 1983]

Date	Name and location of applicant	Case No	Type of submission
Mar 14, 1983	Amcole Energy Corp., Dallas, Tex	HRH-0117 and HRD-0117	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Amcole Energy Corporation in response to the Proposed Remedial Order issued to it (Case No. HRO-0106)
Mar 14, 1983	Cities Service Co., Tulsa, Okla	HER-0052	Request for Modification/Rescission. If granted: The June 4, 1981, Decision and Order (Case No. BEX-0078) issued to Warrior Asphalt Company would be modified regarding Cities Service Company's entitlements obligations.
Mar 15, 1983	Gulf Oil Corp., Houston, Tex	HED-0114 and HEJ-0037	Motion for Discovery and Request for Protective Order. If granted: Discovery would be granted to Gulf Oil Corporation in connection with the Statement of Objections submitted in response to a Proposed Decision and Order (Case No. BEX-0210) issued to Husky Oil Company. Gulf Oil Corporation would enter into a Protective Order with Husky Oil Company regarding the release of proprietary information to Gulf Oil Corporation in connection with the Husky Oil Company year end review (Case No. BEX-0210).
Mar 15, 1983	Northeast Louisiana Wholesale Oil & Gas, Inc., Monroe, La	HEE-0061	Exception to the Reporting Requirements. If granted: Northeast Louisiana Wholesale Oil & Gas, Inc. would not be required to file form EIA-782B
Mar 17, 1983	Husky Oil Co. of Delaware, Washington, D.C.	HER-0053	Motion for Modification/Rescission. If granted: The March 13, 1983, Decision and Order (Case Nos. HED-0111 and HED-0113) would be modified regarding the access to certain information of Husky Oil Company of Delaware

REFUND APPLICATIONS RECEIVED

[Week of March 11 to March 18, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No
Mar. 14, 1983 to Mar. 18, 1983	Amoco Refund Applications	RF21-4103 through RF21-4559

[FR Doc. 83-9268 Filed 4-7-83; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Period of February 21 Through March 11, 1983

During the period of February 21 through March 11, 1983, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), and person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an agrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection with the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact of law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: March 31, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Dover Energy, Inc., Dover, New Hampshire. HEE-0059; Reporting requirements.

Dover Energy, Inc. filed an Application for Exception which, if granted, would relieve Dover of the requirement to file Form EIA-782B, "Monthly No. 2 Distillate Sales Report." On March 11, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 83-9265 Filed 4-7-83; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Week of March 14 Through March 18, 1983

During the week of March 14 through March 18, 1983, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact of law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: March 31, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Dow Chemical, U.S.A., Houston, Texas, BEE-1680; Reporting requirements.

On August 10, 1982, Dow Chemical, U.S.A. filed an Application for Exception from the provisions of 10 CFR § 211.69 (the Entitlements Program clean-up rule). The exception request, if granted, would permit Dow to file amended ERA-49 forms with the Economic Regulatory Administration pertaining to periods prior to the October 1, 1980 cut-off date specified in Section 211.69. On March 16, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 83-9266 Filed 4-7-83; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of February 28 Through March 4, 1983

During the week of February 28 through March 4, 1983, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: March 31, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appeals

Casson, Calligaro & Mutryn, February 28, 1983, HFA–0114

Casson, Calligaro & Mutryn filed an Appeal from a partial denial by a Deputy Director of the Office of Hearings and Appeals of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that one of the documents which was initially withheld under Exemption 5 should be released to the public. Important issues that were considered in the Decision and Order were whether Exemption 5 applies to: (1) Worksheets used to calculate numbers used in final OHA decisions and (2) predecisional inter-agency memos. The segregability of factual material and the adequacy of search were also discussed.

Edward G. Conner, March 3, 1981, HFA–0118

On February 10, 1983, Edward G. Connor filed an Appeal from a partial denial by the Director of the Office of Personnel of a Request for Information which he had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE noted that the Office of Personnel stated that the information requested had been inadvertently deleted and that this information would be provided to Connor. Accordingly, the Appeal was dismissed.

Remedial Order

True Oil Company, March 3, 1983, DRO–0268

True Oil Company objected to a Proposed Remedial Order (PRO) issued to the firm by the Rocky Mountain District of the Economic Regulatory Administration (ERA) on June 8, 1979. In the PRO, ERA alleged that True sold crude oil during the period September 1, 1973 through December 31, 1974 at prices exceeding the applicable price levels set forth in the Mandatory Petroleum Price Regulations 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subpart D. After considering True's objections, the DOE concluded that the PRO should be issued as a final Remedial Order with certain modifications sought by ERA. The important determinations reached in the Decision and Order include: (i) That the Office of Hearings and Appeals has the authority to adjudicate enforcement actions (ii) that the procedural regulations in 10 CFR Part 205, Subpart O do not deprive firms of their due process rights; (iii) that a written offer to a particular firm to purchase its crude oil which was not publicly circulated does not constitute a "posted price," as defined in 10 CFR 212.31; (iv) that a new "property," as defined in 10 CFR 212.72 is not created by drilling a new well to replace a well on the same lease that had been plugged and abandoned; and (v) that a firm is not entitled to the separate royalty accounting exemption to the property definition for a premises when the royalty owners owned the same percentage interest in all production from the premises.

Request for Exception

Belco Petroleum, March 1, 1983, BXE–1610

Belco Petroleum Corporation (Belco) filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit Belco to sell during the final quarter of 1980 82.42 percent of the crude oil produced and sold for the benefit of the working interest owners that are classified as integrated producers from the White River Unit "B" at market price levels and the remaining 17.58 percent of their production at upper tier ceiling prices.

Request for Modification and or Rescission

ICG Vista Petroleum, Inc., March 1, 1983, BMR–0022

On February 5, 1980, ICG Vista Petroleum, Inc., (ICG) filed an Application for Modification or Rescission of a Decision and Order issued to it on February 4, 1980, which denied an Application for Temporary Exception. In considering the Application, the DOE determined that since the Decision and Order denying the ICG Temporary Exception Application no longer affected the firm, there was no apparant basis for considering a request for modification or rescission of that Order. Accordingly, the Application for Modification or Rescission was dismissed.

Motion for Discovery

Exxon Company, U.S.A./Mobil Oil Corporation, March 4, 1983, HED–0100, HEH–0100

Exxon Company, U.S.A. and Mobil Oil Corporation filed a Joint Motion for Discovery and Evidentiary Proceeding on January 7, 1983. The Joint Motion relates to two pending proceedings which the OHA instituted to review the appropriateness of the level of the crude oil entitlement relief that Little America Refining Company (Larco) received for its fiscal years 1979 and 1980. In their Motion, Exxon and Mobil request that Larco respond to a number of interrogatories and furnish certain documents which contain financial and operating data of Larco and its predecessors for the period 1968 through 1980. Exxon and Mobil assert that their discovery requests are relevant to certain issues raised in those two year-end review proceedings. In this Decision and Order, the OHA determined that part of the material sought by Exxon and Mobil in relation to Larco's acquisition of the assets of Sinclair Oil Corporation is material and relevant to a review of the relief that Larco received. The OHA also determined that other information sought by the moving parties is either available to them under their current protective agreements with Larco, or is irrelevant to any issue that is actually in dispute in the pending proceedings. The OHA therefore granted the Motion only to the extent that the requested information relates to Larco's acquisition of the Sinclair assets.

Interlocutory Order

Amoco Brand Committee, Conoco Brand Committee, Gulf Oil Wholesale Marketers Association Inc., and the National Association of Union Oil Jobbers Inc., March 2, 1983, HEZ–0137

The Amoco Brand Committee, Conoco Brand Committee, Gulf Oil Wholesale Marketers Association Inc., and the National Association of Union Oil Jobbers Inc. (the Petitioners) filed a submission styled "Motion for Clarification." In the Motion, the Petitioners request that the DOE specify when it is appropriate for independent oil jobbers, who are represented by the Petitioners, to file refund claims in the Alkek/Adams crude oil refund proceedings. The Petitioners further request that the DOE provide guidance concerning the nature of information which the DOE might require in evaluating refund claims submitted by individual jobbers. In considering the requests, the DOE found it was appropriate to address the issues raised by the Petitioners, since a response would have broad application to resellers of refined products in general, and because earlier decisions addressing first-stage refund procedures in the Alkek/Adams crude oil refund proceeding did not consider in detail claims submitted by downstream purchasers. The DOE further found that specific application procedures for this class of claimants could not yet be outlined because refund claims from first purchasers of the crude oil covered by the Adams/Alkek consent orders and entitlements program participants are currently under consideration. However, the DOE stated that at the proper time the DOE will issue an Order and publish a Notice in the **Federal Register**, which will inform downstream purchasers of their opportunity to file claims and of specific filing requirements.

Supplemental Order

Consumers Power Company, March 2, 1983, HCX–0071

On November 5, 1982, Consumers Power Company (Consumers) requested that the Office of Hearings and Appeals (OHA) make a determination regarding the date on which the firm first became eligible to participate in the Entitlements Program, 10 CFR 211.67. The firm's submission was brought pursuant to the decision of the United States District Court for the Eastern District of Michign in *Consumers Power Company* v. *DOE*, Civil Action No. 81–71112 (E.D. Mich. September 8, 1982), which reversed a decision issued by the OHA in *Consumers Power Company*, 8 DOE ¶ 80,111 (1981) and remanded the matter to OHA for a determination of the date on which the firm first qualified for treatment as a "refiner" under the regulations governing the Entitlements Program.

On the basis of new information submitted by the firm, OHA determined that Consumers should be classified as a "refiner" for purposes of the Entitlements Program from the Program's inception on November 1, 1974. However, it was further determined that the firm had failed to file its Monthly Refiners' Reports with the ERA for the period prior to February 1, 1976, on a timely basis as required by the entitlements "clean-up" regulation, 10 CFR 211.69(d). The mandatory Form-49 for each of these months was prepared and supplied to the DOE only in response to the request by OHA for information which the agency needed in order to comply with the court's remand. Had the information submitted by Consumers been submitted by any other refiner after August 15, 1981 in an attempt to obtain

additional entitlement benefits for a period of time prior to October 1980, the ERA would be bound to deny the claim under 10 CFR 211.69(d). Because there was no equitable or other basis for distinguishing Consumers from anv other refiner making a late claim for entitlement benefits for the time period November 1974 through January 1976, OHA issued a decision which directed the ERA to calculate additional entitlement benefits for Consumers only for the period from February 1, 1976 through June 16, 1976.

Implementation of Special Refund Procedures

Office of Enforcement: In the matter of Ethyl Corporation, March 1, 1982, HQF–0013

On May 20, 1982, the Office of Hearings and Appeals issued a Decision and Order establishing special refund procedures for distributing funds obtained by the DOE through consent orders with Ethyl Corporation and for other firms. *Office of Enforcement,* 9 DOE ¶ 82,569 (1982). In that Decision, the OHA held that, as the first stage of the refund process, firms who wished to seek a refund of a portion of the DOE escrow fund established by Ethyl could file applications for refund within 90 days of the publication of the Decision in the **Federal Register.** No applications for refund for a portion of the Ethyl fund had been filed by the time the August 24, 1982, deadline had passed. Accordingly, the OHA examined the administrative record in the case in order to make a determination as to the proper second-stage disposition of the Ethyl fund. The OHA determined that the entire fund should be distributed to Gulf States Utilities Company, an investor-owned public utility that was the ultimate consumer of the No. 2 fuel oil covered by the Ethyl consent order The OHA found that Gulf States would pass through the refund to its utility customers in the form of lower rated for electricity and would thereby channel the refunds through the same class of persons who were injured by the alleged overcharges.

Office of Enforcement, Economic Regulatory Administration: In the matter of PVM Oil Associates, Inc., March 4, 1983, HQF–0012

The Office of Hearings and Appeals issued a final Decision and Order establishing procedures for distribution of the $215,000 consent decree fund remitted to the DOE by PVM Oil Associates, Inc. The entire balance of this fund, plus accrued interest remained undistributed following the expiration of the deadline for firms who purchased fuel oil marketed by PVM to submit applications for refund. In this Decision, the OHA ordered the distribution of a portion of the consent decree fund to the General Electric Lamp Division and to the Missouri Pacific Railroad, firms which were end-users of No. 2 fuel oil marketed or brokered by PVM. Disbursement to Missouri Pacific is conditioned on receipt of a statement by the firm indicating that it has notified its governing regulatory agency of the refund, and explaining how the refund will be passed on to consumers. The remainder of the fund will be distributed to New York State, upon approval by the OHA of a plan submitted by the state which will provide restitutionary benefits to consumers of No. 2 fuel oil in New York City metropolitan area. These consumers were the end-users of the remainder of the fuel oil covered by the PVM consent decree.

Refund Applications

Standard Oil Company (Indiana)/Charlotte Standard Service, et al., March 4, 1983, RF21–41, et al.

On December 23, 1982, the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel,* 10 DOE ¶ 85,048 (1982). On March 4, 1983, the DOE issued a Decision and Order concerning 84 Applications for Refund from branded retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. Each retailer therefore submitted detailed information concerning its Amoco purchase volumes. After analyzing this information, the DOE concluded that each of the 84 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. Accordingly, these applications were granted in full.

Standard Oil Company (Indiana)/Cope Oil Company et al., March 3, 1983, RF21–148, et al.

On December 23, 1982 the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel,* 10 DOE ¶ 85,048 (1982). On March 3, 1983 the DOE issued a Decision and Order concerning 153 Applications for Refund filed by wholesalers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. In considering these applications, the DOE concluded that each of the 153 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled $285,672.

Standard Oil Company (Indiana)/Hwy. 55 Standard et al., March 2, 1983, RF21–1098 et al.

On December 23, 1982 the Office of Hearings and Appeals issued a Decision and Order implementing special refund procedures for the distribution of a $72,000,408 fund obtained by the DOE through a consent order with the Standard Oil Company (Indiana) (Amoco). *Office of Special Counsel,* 10 DOE ¶ 85,048 (1982). On March 2, 1983 the DOE issued a Decision and Order concerning 147 Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in the December 23 Decision. In considering these applications, the DOE concluded that each of the 147 applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding totaled $164,980.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Name	Case No.
Gulf Oil Corp., Little America Refining Co.	HEJ–0032

Dismissal

The following submission was dismissed:

Name	Case No
Intercoastal Oil Corporation	HRO–0063

[FR Doc. 83–9289 Filed 4–7–83; 8:45 am]

BILLING CODE 6450–01–M

Objection To Proposed Remedial Orders Filed; Week of February 28 Through March 4, 1983

During the week of February 28 through March 4, 1983, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: March 31, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Automatic Comfort Corp., Hartford, Connecticut, HRO–0126, motor gasoline

On February 28, 1983, Automatic Comfort Corp., Hartford, Connecticut filed a Notice of Objection to a Proposed Remedial Order which the DOE Philadelphia Field Office of Enforcement issued to the firm on January 27, 1983. In the PRO the Philadelphia Field Office found that during March 1, 1979 through September 30, 1979, Automatic Comfort sold regular and unleaded motor gasoline to retail consumers and to commercial ultimate consumers in bulk volumes at prices which exceeded the firm's maximum lawful selling prices.

According to the PRO the Automatic Comfort violation resulted in $363,010.27 of overcharges.

Riverside Oil & Refining Co., Houston, Texas, HRO–0129, crude oil

On March 2, 1983, James M. Burlingame, 225 Barrone Street, New Orleans, Louisiana 70112 filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued jointly to Mr. Burlingame, Riverside Oil & Refining Co., and K. Wayne Buchner on January 28, 1983. On March 7, 1983, K. Wayne Buchner and Riverside also filed Notices of Objection to the PRO. In the PRO the Southwest District found that during the period March through December 1980, Riverside violated the provisions of 10 CFR 212.183, 212.186, 210.62, and 205.202 in its sales of crude oil.

According to the PRO the Riverside violation of sections 212.183, 210.62 and 205.202 resulted in $1,293,396.06 of overcharges. In addition, the PRO alternatively alleges that Riverside's violations of Section 212.183 resulted in overcharges of $641,505.47.

Sabine Refining & Trading Co., Houston, Texas, HRO–0130, crude oil

On March 2, 1983, Sabine Refining & Trading Co., 8401 Westheimer, Suite 273, Houston, Texas 77063 filed a Notice of Objection to a Proposed Remedial Order which the DOE District Office of Enforcement issued to the firm on February 1, 1983. In the PRO the District found that during May 1 to August 31, 1980, Sabine Refining & Trading Company charged prices for crude oil in excess of those allowed pursuant to the Mandatory Petroleum Pricing Regulations. According to the PRO the Sabine Refining & Trading Co. violation resulted in $3,834,341.26 of overcharges.

Sherer Oil company, Inc. and Ringer Tri-State Oil Company, Inc., Johnstown, Pennsylvania, HRO–0128, motor gasoline

On February 28, 1983, Sherer Oil Company, Inc. and Ringer Tri-State Oil Company, Inc. of Johnstown, Pennsylvania (referred to collectively as "Sherer") filed a Notice of Objection to a Proposed Remedial Order (PRO) that the Economic Regulatory Administration of the DOE issued to the firms on January 27, 1983.

In the PRO, the ERA determined that during the period from April 1, 1979 through September 30, 1979 Sherer improperly applied provisions of the DOE pricing regulations in its sales of motor gasoline. According to the PRO the Sherer violation resulted in $391,780.86 of overcharges.

[FR Doc. 83–9270 Filed 4–7–83; 8:45 am]
BILLING CODE 6450–01–M

Office of the Secretary

Basalt Waste Isolation Project Site, State of Washington; Characterization Studies as a Possible Geologic High-Level Radioactive Waste Repository

AGENCY: Department of Energy.

ACTION: Notice of extension of public comment period.

SUMMARY: On March 4, 1983, the Department of Energy announced in the **Federal Register** (44 FR 9332) a notice of public hearing, required by the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425), to notify the public of the proposed nomination of the Hanford Site for site characterization and to solicit their recommendations on issues to be addressed in an environmental assessment and site characterization plan. The public hearing was held in Richland, Washington, on March 25, 1983. Written comments on issues being addressed at the hearing were due March 31, 1983.

As a result of comments received at the hearing, the Department is extending the public comment period from March 31 to April 14, 1983.

DATE: Written comments on issues addressed at the March 25, 1983, public hearing are due by April 14, 1983, to the address below.

ADDRESS: J. William Bennett, Director, Geologic Repository Division, Nuclear Waste Policy Act Project Office, U.S. Department of Energy, Washington, D.C. 20585.

Issued in Washington, D.C. on April 1, 1983.

Donald Paul Hodel,

Secretary of Energy.

[FR Doc. 83–9181 Filed 4–7–83; 8:45 am]
BILLING CODE 6450–01–M

[Docket No. EP–40–83–3]

Energy Emergency Preparedness; Pre-Crisis Forward Sales of Strategic Petroleum Reserve Oil

AGENCY: Department of Energy

ACTION: Notice of inquiry and request for public comments

SUMMARY: The Department of Energy (DOE) has been reviewing a number of issues related to the Strategic Petroleum Reserve (SPR), including applicable plans, policies, procedures and regulations, to implement the currently-effective SPR Drawdown Plan that was submitted pursuant to the Energy Emergency Preparedness Act of 1982 (EEPA), Pub. L. 97–229. As a part of this effort, DOE is investigating whether some form of forward sales of or rights to oil stored in the SPR should be offered in advance of an energy emergency, prior to any drawdown and distribution of the SPR. The DOE requests written public comments on this issue.

The stimulus for this investigation is comments offered by the public in response to a Notice of Inquiry on EEPA published in the **Federal Register** on September 29, 1982, (47 FR 42801) concerning the timing of an SPR drawdown decision and the amount of time it would take for SPR volumes introduced into the marketplace to have their impact. One possible approach suggested was to adopt procedures for "pre-crisis forward sales for SPR oil.[1] DOE expresses no position on the merits of this proposal, which is one of a number of SPR drawdown issues currently under study. Nevertheless, DOE solicits additional written comments from the public on this concept, and specifically, on how it would be implemented, consistent with the statutory and regulatory framework for SPR use. Further, we ask for comments on the benefits and problems that might result from such a program.

DATES: The comment period will be 90 days after publication. Seven (7) copies of written comments and other materials should be submitted to DOE by 5:00 p.m. on July 7, 1983, to ensure their consideration.

ADDRESSES: Comments should be addressed to William A. Vaughan, Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness, Department of Energy, Forrestal Building, Room 4G–084, (Mail Stop EP–1), 1000 Independence Avenue, S.W., Washington, D.C., 20585.

FOR FURTHER INFORMATION CONTACT: Finn Neilsen, Director, Office of Energy Contingency Planning, Office of Energy Emergencies, U.S. Department of Energy, Forrestal Building, Room GH—060 (Main Stop EP—43), 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252–4000.

SUPPLEMENTARY INFORMATION:

I. Background
II. Purpose of the Notice
III. Written Comments Procedures

[1] This issue was also raised at the February 17, 1983, Hearing before the House Subcommittee on Fossil and Synthetic Fuels, Committee on Energy & Commerce, during the testimony by Assistant Secretary William A. Vaughan.

I. Background

A. *Establishment of the SPR.* Creation of the SPR was authorized by the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163, 42 U.S.C. 6201 *et seq.*, signed into law on December 22, 1975. The objective of the SPR is to provide for the storage of substantial quantities of petroleum in order to diminish U.S. vulnerability to the effects of a severe energy supply interruption, and to facilitate carrying out U.S. obligations under the Agreement on an International Energy Program.

B. *SPR Drawdown Capability.* The SPR is being developed in three phases, each of which increases the program's overall storage capacity and drawdown capability. As of April 1, 1983, over 310 million barrels of oil were in storage in the SPR; virtually the entire permanent storage capacity currently available is filled with oil.

Phase I consisted of the development of five underground oil storage facilities in the Gulf Coast, with a capacity of approximately 250 million barrels, and a marine terminal. Phase II is the ongoing expansion of three Phase I sites by 290 million barrels, scheduled to be completed by 1986. Phase III involves the further expansion of two existing SPR sites, and the planned development of a new site at Big Hill, Texas to accommodate an additional 210 million barrels of oil.

The SPR now has the capability to withdraw petroleum from its sites for distribution at a sustainable rate of 1.7 million barrels per day. Upon the completion of Phase II fill, the SPR's distribution capability will increase to 3.5 million barrels per day. At a level of 750 million barrels SPR withdrawal capacity would be 4.5 million barrels per day.

C. *SPR Distribution Plan.* Section 161 of the EPCA requires that the method to be used in drawing down and distributing the SPR be set out in an SPR Distribution Plan. In the EEPA, Congress required that a new SPR "Drawdown" (Distribution) Plan be transmitted to the Congress; it provided that this Plan would take effect on the date transmitted without Congressional review. The Plan was transmitted to Congress on December 1, 1982, and took effect on that date.

This new distribution Plan provides that price competitive sale will be the principal method of distributing SPR oil. Recently, DOE issued a Notice of Proposal Rulemaking (48 FR 11125) to adopt a rule governing price competitive sales of petroleum from the SPR.

D. *Enhancing the Effectiveness of SPR Use.* DOE has been reviewing a number of issues related to the SPR, including applicable plans, policies, procedures, and regulations, to implement the new SPR Drawdown Plan. An important issue concerning the potential utilization of the SPR is the timing of any decision to draw down the Reserve. Related to this is the question of public perception regarding when and how the SPR will be utilized, and how long it will take before SPR sales have their impact on the oil market. With a view toward enhancing the effectiveness of SPR drawdown by expanding the range of possible mechanisms for use of the Reserve, the Doe is currently studying the desirability and feasibility fo so-called "pre-crisis forward sales" of SPR oil.

Under Section 161(d) of the EPCA, drawdown and distribution of the SPR may not be made unless the President finds that such actions are required due to a "severe energy supply interruption or by obligations of the United States under the International Energy Program." Thus, actual sale and distribution of SPR oil cannot occur before the required Presidential finding has been made. Nevertheless, it may be possible to structure "pre-crisis forward sales" for purchase of SPR oil or rights there to in advance of an actual drawdown, should a crisis occur. Mechanisms may include some characteristics of the following generic categories of forward sales; pre-drawdown sales of options to buy SPR oil during drawdown; futures contracts (similar to currently utilized oil market futures); and competitive bid/forward delivery (similar to the normal price competitive sales mechanism for SPR use, but perhaps including some oil sales prior to drawdown with delivery to occur only after drawdown, and possibly involving deliveries to occur months in the future from the date of contract award).

What DOE needs to determine is whether this concept represents a practicable and desirable approach to the distribution of SPR oil, how it can be implemented, what problems might occur and whether current laws and regulations permit such a program to be implemented.

E. *Potential Effects of SPR Forward Sales.* Some initial analytical work has been done on the benefits of sales of future contracts for SPR oil, and further work on alternate types of forward sales (i.e. options, futures, competitive bid/forward delivery) is currently being done under contract of DOE by the Harvard University Energy and Environomental Policy Center. Last year, this project produced a paper by Shanfayanan Devarajan and R. Glenn Hubbard entitled, "Drawing Down the Strategic Petroleum Reserve: The Case for Selling Futures Contracts" (H–82–06) (June 1982). The conclusion to the paper (pages 25–28) described the study's results and possible implications for further policy development:

> In this paper, we have attempted to make a case for drawing down the strategic petroleum reserve by selling futures contracts. The motivation behind this idea is the observation that, during oil supply disruptions, private inventories act in a manner to exacerbate the sharp rise in oil prices. We showed how sales of SPR futures, unlike other policy responses, dampen inventory demand by affecting expectations of future oil prices. Using a two-period model we identified conditions under which the sale of an equivalent amount of SPR oil in the spot and in the futures market would lead to a more favorable sequence of spot prices in the latter case. Our empirical analysis, based on a model of the world oil market and U.S. economy, showed that futures sales: (i) Achieved much of the price-reducing benefits in the early states of a disruption and (ii) led to a lower price trajectory overall when compared with spot market sales. Finally, we identified other possible advantages of SPR futures, which center mainly around the fact that futures contracts postpone, and in some cases avoid, the physical withdrawal of oil from the reserve.
>
> It goes without saying that our results represent a first-pass at analyzing a new policy option for responding to a disruption in the oil market. Both our theoretical and empirical analyses can be extended to incorporate more features of the real world. Yet, we suspect the qualitative nature of our results will remain unchanged: selling futures contracts in SPR oil can be at least as effective in dampening spot market prices as a direct sale in the spot market.
>
> On the other side of modeling and estimating these benefits, there remains the question of how such a scheme may be implemented. As there currently exists only a very thin futures market in crude oil, and as attempts to set up such a market in the past have met with limited success, the procedure by which the government could sell SPR futures contracts deserves considerable attention. Although we believe sales of SPR futures during a disruption are feasible, and in many ways easier to effect than spot market sales, we also feel that the success of such a policy depends on the amount of thought given to its implementation before the interruption occurs.

In addition, the Industrial Oil Consumers Group (IOCG) and the American Iron Steel Institute (AISI) submitted comments to DOE on November 5, 1982, which discussed in some detail a possible method for implementing "pre-crisis forward sales of SPR oil." This was described in the DOE's December 17, 1982, **Federal Register** Notice (47 FR 565480) as follows:

(6) To help assure that SPR oil reaches the marketplace rapidly in an emergency, the IOCG, supported by AISI, recommended monthly pre-crisis sales of rights to SPR oil. Actual distribution would occur only after a Presidential finding of a severe supply shortage, and would include up to 10 percent of the SPR oil in storage. Only domestic refiners with operating capacity would be eligible, competitive bidding with no set-asides would prevail, and a defense override would be provided. The AISI would also set a price floor at the spot price plus a premium. In this way, the IOCG believes use of the SPR oil would result in rapid national supply enhancement, price containment, and increased public confidence in actions being undertaken by the Government to deal with a shortage.

II. Purpose of the Notice

The purpose of this notice is to invite public comments on the merits and drawbacks and on the feasibility of pursuing pre-crisis forward sales of SPR oil.

DOE is especially interested in learning whether forward sales of SPR oil or some form of rights to SPR oil, in advance of an energy emergency, might help reduce abnormal market pressures when the emergency occurs, or expedite the movement of SPR oil into the economy when SPR drawdown is initiated, compared to the current competitive bid process, and whether it is practicable to implement such a system within the context of applicable laws and regulations.

In preparing responses to this Notice of Inquiry we would encourage your review of the IOCG/AISI comments, as well as the Harvard study. Limited numbers of copies of these documents are available at DOE, or they can be obtained directly from the authors, at the following places:

(1) Harvard University Energy and Environmental Policy Center, John F. Kennedy School of Government, 79 Boylston Street, Cambridge, Massachusetts 02138 (Mr. Al Alm: 617/495–1322);

(2) IOCG/AISI: Earle H. O'Donnell, Sutherland, Asbill and Brennan, 1666 K. Street, NW., Suite 800, Washington, D.C. 20006 (202/827–7800).

To the extent possible, DOE would appreciate specific comments on the advantages and disadvantages of the method for "pre-crisis forward sales for SPR oil" which have been proposed to DOE already, as well as any additional methodologies (i.e., futures, options, or other) which should be considered. In addressing these methodologies, commenters should clearly explain the details of the pre-crisis forward sale mechanism they are discussing and the objectives it is designed to achieve.

In particular, DOE would welcome comments regarding the benefits, administrative and market feasibility of pursuing this type of approach for SPR use. Commenters are invited to address the following specific questions, with respect to particular proposals for pre-crisis forward sale of SPR oil:

1. What advantages or disadvantages would there be in pre-crisis forward sales of SPR oil, as compared with price-competitive sales of that oil during a crisis?

A. What effect would such sales have on market pressures, and on oil prices, during an energy emergency?

B. What would be the effect on private inventory levels both before and during an energy supply disruption?

C. Would the national security and foreign policy values of the SPR be affected?

D. How might pre-crisis sales expedite the process of selling SPR oil or transporting it by ship or pipeline?

E. Are there advantages in reserving the rights to some SPR oil for sale during a disruption? What portion of the daily drawdown rate, or of the total SPR, should be pre-sold?

2. If utilized, how should pre-crisis forward sales of SPR oil be structured?

A. Should SPR oil in storage be sold, but held in storage on behalf of the buyer until drawdown? Should options to buy SPR oil at drawdown be used? What other sales forms might be utilized?

B. If options are sold should the potential sales price of the oil be specified in dollar terms; tied to a formula; based on price-competitive sales of other SPR oil during a disruption; ascertained competitively during the sale of options; or determined in some other manner?

C. When and how often should the rights be sold, and how long should they be valid?

D. How should the price of option or other rights to SPR oil be determined? If sold competitively, should a minimum price be established?

E. Who should be eligible to contract for forward sales? Should competition be open to any interested party (as in the present SPR Distribution Plan), or limited to refiners and importers, or to some other category?

F. Are there limitations or requirements with respect to lot size, transportation arrangements, or other aspects of sale and delivery which need to be taken into accoubt?

3. Should the rights to forward sales be transferable?

A. What would be the economic effects, both before and during an energy emergency, or freely transferable rights to SPR oil?

B. What characteristics should the rights have, to foster transferability?

C. How might the Government assure the financial and performance responsibility of a potential buyer of SPR oil who is a rights holder?

4. Is a pre-crisis sale of rights to SPR oil feasible?

A. What would be the estimated value, in today's market, of an assured right to buy SPR oil during a future oil supply interruption, paying the then-prevailing market price? Paying a price established at present, based on current oil values? Paying a price established on some other basis?

B. What contractual commitments would the Government have to make in order for the rights to be valuable? What degree of contractual certainty is required as to oil specifications, time of delivery, delivery points, mode of transportation, etc.? How do these commitments compare with Government's contractual obligations in a price-competitive sale during an emergency, or with prevailing commercial practices?

C. Would a lack of rights transferability affect the viability of system of selling rights to SPR oil in advance of a crisis? [2]

D. How is the practicability of pre-crisis sales of rights to SPR oil affected by the inability to actually sell and deliver oil until the existing statutory criteria for SPR drawdown are met?

In addition, we would be interested in learning whether various commenters would be interested in participating in such a program if it were available, and under what circumstances.

III. Written comment procedures

You are invited to participate in the response to this Notice of Inquiry by submitting views, reports, analyses or other materials to DOE. Comments should be submitted to the address indicated in the "ADDRESSES" section of this notice and should be identified on the outside envelope and on documents submitted with the designation "Energy Emergency Preparedness—SPR, Docket No. EP–40–83–3." Seven (7) copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

[2] The Anti-Assignment Act, 41 U.S.C. 15, provides with respect to Federal contracts, that "No contract or order, or interest therein, shall be transfered by the party to whom such contract or dored is given to any other party* * *".

between 8:00 and 4:00 p.m., Monday through Friday, except on Federal holidays. Comments should be received according to the schedule set forth in the "DATE" section of this Notice in order to ensure consideration.

Pursuant to the provisions of 10 CFR 1004.11, if you are submitting material which you believe to be confidential and exempt by law from public disclosure, you should submit one complete copy of the document, and six copies from which the material claimed to be confidential has been deleted. DOE reserves the right to determine the confidential status of the material and to treat it according to that determination.

Issued in Washington, D.C. April 1, 1983.

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 83-9180 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

Public Hearings to Announce Proposal to Nominate a Site Within the State of Nevada for Characterization Studies

AGENCY: Office of the Secretary, DOE.

ACTION: Extension of written comment period.

SUMMARY: The U.S. Department of Energy has identified a potentially acceptable site in Nevada for a high-level radioactive waste repository and proposes to nominate this site for site characterization pursuant to Section 113 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). Pursuant to Section 112, an environmental assessment will accompany such nomination. Further, before proceeding to sink shafts, a Site Characterization Plan will be issued.

A **Federal Register** notice dated March 7, 1983 (48 FR 9578) provided detailed information regarding hearing dates and locations and a public comment period to solicit comments on the nomination, issues to be included in an environmental assessment supporting the nomination, and issues to be addressed in the Site Characterization Plan. The purpose of this announcement is to give notice of an extension to the written comment period.

WRITTEN COMMENTS: Written comments on the proposed nomination; the issues to be addressed in the environmental assessment; and the issues to be addressed by any Site Characterization Plan, if developed, should be mailed to reach the following address by April 25, 1983: U.S. Department of Energy, Public Hearings on Nevada Test Site Characterization, Mail Stop 555, P.O. Box 14400, Las Vegas, Nevada 89114. This is an extension of the previously announced March 31, 1983, comment due date.

FOR FURTHER INFORMATION CONTACT: Dr. Donald L. Vieth, U.S. Department of Energy, Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114, telephone (702) 734-3662.

Donald Paul Hodel,

Secretary of Energy.

April 5, 1983.

[FR Doc. 9286-4 Filed 4-7-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2343-3]

Availability of Environmental Impact Statements Filed March 28 Through April 1, 1983 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382-5075 or 382-5076

Corps of Engineers:

EIS No. 830175, Draft, COE, AL, William Bacon Oliver Lock and Dam Replacement, Tuscaloosa County, Due: May 23, 1982.

EIS No. 830173, Report, COE, NY, Buffalo Harbor Operation/Maintenance & Diked Disposal Site 4, Erie County.

Department of the Interior:

EIS No. 830181, Draft, BLM, NV, Schell Resource Area WSAs, Designation, NYE, White Pine & Lincoln Counties, Due: July 8,1983

EIS No. 830180, Final, BLM, CA, Otay Livestock Grazing Mgmt., Los Angeles, Riverside & San Diego Counties, Due: May 9, 1983

EIS No. 830174, DSuppl, IBR, ND,Garrison Diversion Unit Initial Development, Due: May 27, 1983

Department of Transportation:

EIS No. 830178, Final, FHW, AL, E. B. Stephens Expressway Extension, 3rd Ave. to I-20/59, Jefferson County, Due: May 9, 1983

EIS No. 830179, Final, FHW, NJ, NJ-24 Freeway Completion, Brooklake Road to I-287, Morris County, Due: May 9, 1983

EIS No. 830177, Final, FHW, WV, Appalachian Corridor G, Chattory to Miller Creek, Mingo County, Due: May 9, 1983

Department of Housing and Urban Development:

EIS No. 830176, Final, HUD, CA, Victoria Community Plan, Mortgage Insurance, San Bernardino County, Due: May 9, 1983

Amended Notices:

EIS No. 830067, Draft, BLM, SEV, REG PRO CO UT WY Federal Oil Shale Management Plan, Published FR February 11, 1983—Review extended, Due: May 12, 1983

EIS No. 820501, Draft, BOP, OK, El Reno Alien Detention Center, Construction, Canadian County, Published FR July 30, 1982—Officially withdrawn.

EIS No. 830156, Draft, BOP, VT, Windham Federal Prison Camp Activation, Windham County, Published FR March 25, 1983—Officailly withdrawn.

Dated: April 5, 1983.

Pasquale A. Alberico,

Acting Director, Office of Federal Activities.

[FR Doc. 83-9284 Filed 4-7-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59122; TSH-FRL 2342-4]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of four applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by April 25, 1983.

ADDRESS: Written comments, identified by the document control number "(OPTS-59122)" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by

the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

TME 83-39

Close of Review period. May 11, 1983.
Manufacturer. Confidential.
Chemical. (G) Acrylic acid polymer.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data on the TME substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

TME 83-40

Close of Review Period. May 11, 1983.
Manufacturer. Minnesota Mining and Manufacturing Company (3M).
Chemical. (G) Perfluoroaliphatic isocyanate adduct.
Use/Production. (S) Site-limited isolated intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—0.5/8.0 (minimally irritating), Eye—17.3/110.0 (mildly irritating).
Exposure. Manufacture and processing: dermal, a total of 3 workers, up to 8 hrs/da, up to 19 da/yr.
Environmental Release/Disposal. No release. Disposal by incineration, landfill and reclamation.

TME 83-41

Close of Review Period. May 11, 1983.
Manufacturer. Minnesota Mining and Manufacturing Company (3M).
Chemical. (G) Modified fluoroaliphatic adduct.
Use/Production/Import. (S) Carpet fiber coating. Prod. range: 6 mos—1000 lbs.
Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—0.4/8.0 (minimally irritating), Eye—59.0/110.0 (extremely irritating).
Exposure. Manufacture: dermal, a total of 3 workers, up to 8 hrs/da, up to 19 da/yr; Processing: dermal, a total of 20 workers, up to 8 hrs/da.
Environmental Release/Disposal. No release. Disposal by incineration, landfill and reclamation.

TME 83-42

Close of Review Period. May 14, 1983.
Manufacturer. Ethyl Corporation.
Chemical. (G) Di (mixed alkyl) magnesium.
Use/Production. (S) Polymerization catalyst. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by biological treatment system.

Dated: April 4, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83-9089 Filed 4-7-83; 8:45 am]

BILLING CODE 6560-50-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SES Performance Review Board; Members

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the SES Performance Review Board.

DATE: To be supplied.

FOR FURTHER INFORMATION CONTACT: Beverly A. Gary, Director, Personnel Management Services, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C., 20506, 202/634-7000.

SUPPLMENTARY INFORMATION: Pursuant to requirement of section 4314(c)(1), Chapter 43, Title 5, U.S.C., membership of the SES Performance Review Board is as follows: Kristine Marcy, Deputy Director, Office of Budget, Office of the Secretary, Department of the Interior (chairperson); Eliseo Carrasco, Special Assistant to the Director, Inter American Region, Latin America Bureau, Agency for International Development; Charles E. Pugh, Deputy Director, Office of Federal Contract Compliance Programs, Employment Standards Administration, Department of Labor; and Leonora L. Guarraia, Director, Office of Special Projects, Equal Employment Opportunity Commission (alternate).

Signed at Washington, D.C., this 4th day of April 1983.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 83-9290 Filed 4-7-83; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL MARITIME COMMISSION

Performance Review Board; Members

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Herron, Jr., Director of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Alan Green, Jr.,

Chairman.

The Members of the Performance Review Board Are:

1. Thomas F. Moakley, Vice Chairman;
2. James V. Day, Commissioner;
3. James J. Carey, Commissioner;
4. John E. Cograve, Chief Administrative Law Judge;
5. William Beasley Harris, Administration Law Judge;
6. Seymour Glanzer, Administrative Law Judge;
7. Charles E. Morgan, Administrative Law Judge;
8. Norman D. Kline, Administrative Law Judge;
9. Joseph N. Ingolia, Administrative Law Judge;
10. James K. Cooper, Managing Director;
11. Wm. Jarrel Smith, Jr., Director of Programs;
12. C. Jonathan Benner, General Counsel;
13. Robert D. Bourgoin, Deputy General Counsel;
14. John Robert Ewers, Director, Bureau of Hearing Counsel;
15. Robert A. Ellsworth, Director, Office of Policy Planning and International Affairs;
16. Francis C. Hurney, Secretary;
17. Daniel J. Connors, Director, Bureau of Investigations;
18. Joseph C. Polking, Director, Bureau of Agreements and Trade Monitoring;
19. Albert J. Klingel, Director, Bureau of Certification and Licensing; and
20. Robert G. Drew, Director, Bureau of Tariffs.

[FR Doc. 83-9291 Filed 4-7-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on March 28, 1983, the Committee amended its Authorization for Domestic Open Market Operations, effective immediately, to raise from $3 billion to $4 billion the limit in paragraph 1(a) on changes between Committee meetings in System Account holdings of U.S. government and federal agency securities and to delete paragraph 2 and renumber the remaining paragraphs. As amended, the Authorization for Domestic Open Market Operations reads as follows:

Authorization for Domestic Open Market Operations

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, to the extent necessary to carry out the most recent domestic policy directive adopted at a meeting of the Committee.

(a) To buy or sell U.S. Government securities, including securities of the Federal Financing Bank, and securities that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States in the open market, from or to securities dealers and foreign and international accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the System Open Market Account at market prices, and, for such Account, to exchange maturing U.S. Government and Federal agency securities with the Treasury or the individual agencies or to allow them to mature without replacement; provided that the aggregate amount of U.S. Government and Federal agency securities held in such Account (including forward commitments) at the close of business on the day of a meeting of the Committee at which action is taken with respect to a domestic policy directive shall not be increased or decreased by more than $4.0 billion during the period commencing with the opening of business on the day following such meeting and ending with the close of business on the day of the next such meeting;

(b) When appropriate, to buy or sell in the open market, from or to acceptance dealers and foreign accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the account of the Federal Reserve Bank of New York at market discount rates, prime bankers acceptances with maturities of up to nine months at the time of acceptance that: (1) Arise out of the current shipment of goods between countries or within the United States, or (2) arise out of the storage within the United States of goods under contract of sale or expected to move into the channels of trade within a reasonable time and that are secured throughout their life by a warehouse receipt or similar document conveying title to the underlying goods; provided that the aggregate amount of bankers acceptances held at any one time shall not exceed $100 million;

(c) To buy U.S. Government securities, obligations that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States, and prime bankers acceptances of the types authorized for purchase under 1(b) above, from dealers for the account of the Federal Reserve Bank of New York under agreements for repurchase of such securities, obligations, or acceptances in 15 calendar days or less, at rates that, unless otherwise expressly authorized by the Committee, shall be determined by competitive bidding, after applying reasonable limitations on the volume of agreements with individual dealers; provided that in the event Government securities or agency issues covered by any such agreement are not repurchased by the dealer pursuant to the agreement or a renewal thereof, they shall be sold in the market or transferred to the System Open Market Account; and provided further that in the event bankers acceptances covered by any such agreement are not repurchased by the seller, they shall continue to be held by the Federal Reserve Bank or shall be sold in the open market.

2. In order to ensure the effective conduct of open market operations, the Federal Open Market Committee authorizes and directs the Federal Reserve Banks to lend U.S. Government securities held in the System Open Market Account to Government securities dealers and to banks participating in Government securities clearing arrangements conducted through a Federal Reserve Bank, under such instructions as the Committee may specify from time to time.

3. In order to ensure the effective conduct of open market operations, while assisting in the provision of short-term investments for foreign and international accounts maintained at the Federal Reserve Bank of New York, the System Open Market Committee authorizes and directs the Federal Reserve Bank of New York: (a) For Federal Open Market Account, to sell U.S. Government securities to such foreign and international accounts on the bases set forth in paragraph 1(a) under agreements providing for the resale by such accounts of those securities within 15 calendar days on terms comparable to those available on such transactions in the market; and (b) for New York Bank account, when appropriate, to undertake with dealers, subject to the conditions imposed on purchases and sales of securities in paragraph 1(c), repurchase agreements in U.S. Government and agency securities, and to arrange corresponding sale and repurchase agreements between its own account and foreign and international accounts maintained at the Bank. Transactions undertaken with such accounts under the provisions of this paragraph may provide for a service fee when appropriate.

By order of the Federal Open Market Committee, April 1, 1983.

Stephen H. Axilrod,

Secretary.

[FR Doc. 83-9150 Filed 4-7-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company; Proposed De Novo Nonbank Activities; First Interstate Bancorp

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating

how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *First Interstate Bancorp.* Los Angeles, California, (mortgage company, credit insurance, Colorado): To engage, through its subsidiary, First Interstate Real Estate Services Company, in mortgage company activities to the extent of making or acquiring real estate or construction loans for its own account or for the account of others; selling or servicing real estate or construction loans for its own account or for the account of others; conducting such related activities as are incidental to the mortgage banking business; and acting as insurance agent or broker with respect to credit life and credit accident and health insurance, and mortgage disability and mortgage redemption insurance directly related to extensions of credit or the provision of other financial services by First Interstate Bancorp or its subsidiaries. These activities would be conducted from an office in Fort Collins, Colorado, serving Colorado. This application is to establish a new office of a previously approved activity conducted through a wholly-owned subsidiary. Comments on this application must be received not later than April 22, 1983.

Board of Governors of the Federal Reserve System, April 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9167 Filed 4-7-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Rosedale First National Corp.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Rosedale First National Corp.*, Rosedale, Mississippi; to become a bank holding compamy by acquiring 80 percent of the voting shares of First National Bank, Rosedale, Mississippi. Comments on this application must be received not later than May 4, 1983.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice Preesident) 400 South Akard Street, Dallas, Texas 75222:

1. *Commercial State Bancorp., Inc.*, Houston, Texas; to become a bank holding company by acquiring 80 percent or more of the voting shares of Commercial State Bancshares, Inc., Houston, Texas, and thereby indirectly acquire Commercial State Bank, Houston, Texas. Comments on this application must be received not later than May 4, 1983.

Board of Governors of the Federal Reserve System, April 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9166 Filed 4-7-83; 8:45 am]

BILLING CODE 6210-01-M

J. P. Morgan & Co. Inc.; Proposal To Engage as a Futures Commission Merchant in Activity of Executing Options on Futures Contracts

J. P. Morgan & Co. Incorporated, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in executing and clearing options on futures contracts in bullion on the Commodity Exchange, Inc. and its affiliated clearing association, and options on futures contracts in U.S. Government securities on The Board of Trade of the City of Chicago and its affiliated clearing association. These activities would be conducted by Applicant's subsidiary, Morgan Futures Corporation, from offices in New York, New York; Chicago, Illinois; and London, England, serving customers in the United States and abroad.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." 12 U.S.C. 1843(c)(8). The proposed activity has not been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies. However, Applicant believes the proposed activity to be so closely related to banking or managing or controlling banks as to be a proper incident thereto, because the proposed activity is, in the Applicant's opinion, operationally or functionally similar to the activity of acting as a futures commission merchant for commodities futures contracts that has been approved by the Board in Orders dated July 1, 1982, regarding Applicant (68 *Fed. Res. Bull.* 514), September 20, 1982, regarding Bankers Trust New York Corporation, New York, New York (68 *Fed. Res. Bull.* 651), and November 30, 1982, regarding Citicorp, New York, New York (68 *Fed. Res. Bull.* 776).

Interested persons may express their views on whether the proposed activity is "so closely related to banking or managing or controlling banks as to be a proper incident thereto," and whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on these questions must be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 4, 1983.

Board of Governors of the Federal Reserve System, April 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9165 Filed 4-7-83; 8:45 am]

BILLING CODE 6210-01-M

Agency Forms Under Review

April 4, 1983.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agenices use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immendiately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

For Further Information Contact:

Federal Reserve Board Clearance Officer, Cynthia Glassman, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829);

OMB Reviewer, Richard Sheppard, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880).

Request for Revision/Extension of Existing Reports

1. Report title: Regulation G Registration Statement; Deregistration Statement; Annual Report
Agency form number: FR G-1; FR G-2; FR G-4
Frequency: Occasional; Annual
Reporters: Federal and State Credit Unions; insurance companies; savings and loan associations; commercial and consumer credit organizations; employee stock option plans; small business; etc.
SIC Code: 612, 614, 615, 631, 632, 633, 635, 636, 637
Small businesses are affected,
General description of report:
Respondent's obligation to reply is mandatory (15 U.S.C. 78g); a pledge of confidentiality is promised (5 U.S.C. 552(b)(4), (b)(6), and (b)(8)).

This group of reports is needed to elicit certain background and financial information about a lender and the types and amount of credit activities engaged in with respect to stock market credit.

2. Report title: Statement of Purpose for an Extension of Credit Secured by Margin Securities by a Person Subject to Registration under Regulation G
Agency form number: FR G-3
Frequency: Occasional
Reporters: Federal and State Credit Unions; insurance companies; savings and loan associations; commercial and consumer credit organizations; employee stock option plans; small business; etc.
SIC Code: 612, 614, 615, 631, 632, 635, 636, 637
Small businesses are affected
General description of report:
respondent's obligation to reply is mandatory (15 U.S.C. 78g and 78w); a pledge of confidentiality is not promised.

This report is required to ensure that a lender does not extend credit to purchase or carry securities in excess of the amount permitted by the Federal Reserve Board pursuant to Regulation G and ensure that a borrower does not violate Regulation X.

3. Report title: Statement of Purpose of an Extension of Credit by a Creditor
Agency form number: FR T-4
Frequency: Occasional
Reporters: Individuals; brokers/dealers
SIC Code: 881; 621
Small businesses are not affected.
General description of report:
Respondent's obligation to reply is mandatory (15 U.S.C. 78g and 78w); a pledge of confidentiality is not promised.

This report is required in order to have a written record of the amount of "non-purpose" credit being extended, the purpose for which the money is to be used, and a listing and valuation of collateral, as well as ensuring that broker/dealers comply with the law.

4. Report title: Record Which Borrowers are Required to Make and Maintain of Facts Concerning Credit Collateralized by Securities, When Such Credit is Obtained from Outside the United States.
Agency form number: FR X-1
Frequency: Occasional
Reporters: U.S. persons, foreign persons controlled by U.S. persons, or foreign persons acting on behalf of or in conjunction with U.S. persons
SIC Code: 881
Small businesses are not affected.
general description of report:
respondent's obligation to reply is mandatory (15 U.S.C. 78g and 78w); a pledge of confidentiality is not promised.

This report is required to have documentation (which covers purpose, collateral and valuation) pertaining to credit obtained outside the United States by U.S. persons, foreign persons who are controlled by U.S. persons, or foreign persons acting on behalf of or in conjunction with U.S. persons.

Board of Governors of the Federal Reserve System, April 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9166 Filed 4-7-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83M-0104]

American Optical Corp.; Premarket Approval of SEPTICON™ Disinfection System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for

premarket approval under the Medical Device Amendments of 1976 of the SEPTICON™ Disinfection System, sponsored by American Optical Corp., Framingham, MA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 9, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, Office of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301–427–7445.

SUPPLEMENTARY INFORMATION: On June 10, 1982, American Optical Corp., Framingham, MA, submitted to FDA an application for premarket approval of the SEPTICON™ Disinfection System, which consists of LENSEPT® Sterile Disinfection Solution (3 percent hydrogen peroxide), the SEPTICON™ Disc, and the SEPTICON™ Cups, for use in disinfection the SOFTCON™ (vifilcon A) Contact Lens. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On March 17, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), disinfecting solutions for use in disinfecting hydrophilic (soft) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such disinfecting solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition for approval, that sponsors of applications for premarket approval of soft contact lenses and lens care solutions for the above use comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above), and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent avisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 9, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 30, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc 83–8901 Filed 4–7–83; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 82P–0282]

Endo-Lase, Inc.; Availability of Approved Variance for a Neodymium-Doped Yttrium-Aluminum-Garnet (Nd:YAG) Laser Product

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a variance from the performance standard for laser products has been approved by the Acting Director, Office of Radiological Health (formerly the Bureau of Radiological Health) of FDA's National Center for Devices and Radiological Health for all models of the mediLas 2, neodymium-doped-yttrium-aluminum-garnet (Nd:YAG) laser product manufactured by Messerschmitt-Bolkow-Blohm, Angewandte Technologie GmbH (MBB-AT) and imported by Endo-Lase, Inc. The medical laser product is used in a variety of surgical procedures.

DATES: The variance became effective January 4, 1983 and ends January 4, 1988.

ADDRESS: The application and all correspondence associated with the variance request have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard S. Sternchak, National Center for Devices and Radiological Health (HFX–460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301–443–3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), Endo-Lase, Inc., 1729 Twenty-First St. NW., Washington, DC 20009, has been granted a variance from § 1040.10(f)(2)(i)(*b*) (21 CFR 1040.10(f)(2)(i)(*b*)) of the performance standard for laser products for the mediLas 2, Nd:YAG laser product. In addition, under § 1040.10(g)(10) (21 CFR 1040.10(g)(10)), relief has been granted from the labeling requirements of § 1040.11(a)(3) (21 CFR 1040.11(a)(3)) of

the performance standard for specific purpose medical laser products applicable to the mediLas 2, Nd:YAG laser product. These actions allow the distribution for investigational use of the mediLas 2, Nd:YAG laser product manufactured by MBB-AT, Munich, West Germany, so long as there is in effect for the product an investigational device exemption in accordance with FDA regulations (21 CFR Part 812) issued under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

The mediLas 2, Nd:YAG laser product is a medical laser product as defined in § 1040.10(b)(22) of the performance standard for laser products and is subject to the requirements of § 1040.11(a) of the performance standard for specific purpose laser products. The Class IV Nd:YAG laser provides radiation through interchangeable, flexible, fiber optic lightguide systems for surgical cutting and coagulation action. The product also incorporates a helium-neon laser as an aiming beam to provide an indication of the target point.

The Director has determined, in accordance with § 1010.4(a)(2), that the product utilizes suitable means for providing radiation safety or protection and is intended for a special purpose for which one or more requirements of the applicable standard would not be appropriate. The Director has determined that § 1040.10(f)(2)(i)(*b*), which precludes removal or displacement of a removable protective housing upon safety interlock failure, is not appropriate for the product because interchangeability of fiber optic lightguides can be essential to the successful completion of a surgical procedure despite interlock system failure.

The Director also has determined, in accordance with § 1040.10(g)(10), that the small size of the distal end of the fiber optic lightguide through which the laser radiation exits the medical product precludes compliance with the requirements of § 1040.11(a)(3) and has approved alternate location and wording for the mediLas 2, Nd:YAG laser product aperture label.

Suitable means of radiation protection are provided by the existing equipment design and by the requirement for the addition of a special hazard warning label on the product. Therefore, on January 4, 1983, FDA approved the requested variance by letter to the manufacturer's agent from the Acting Director of the Office of Radiological Health.

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 31, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-8902 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

Centers for Disease Control

Effectiveness of Hazardous Energy Control Methods; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the Public for observation and participation, limited only by space available:

Date: May 5, 1983.

Time: 9:00 a.m. to 4:30 p.m.

Place: Appalachian Laboratory for Occupational Safety and Health, Safety Annex Conference Room, S-120, 944 Chestnut Ridge Road, Morgantown, WV 26505.

Purpose: To discuss the research protocol of a project to evaluate the effectiveness of certain hazardous energy control methods. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from: Murry L. Cohen, Ph.D., Division of Safety Research, National Institute for Occupational Safety and Health, Centers for Disease Control, 944 Chestnut Ridge road, Morgantown, WV 26505, telephone: PTS: 923-4574; Commercial: 304/291-4574.

Dated: April 1, 1983.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83-9222 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 83F-0073]

Cib-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use or tris(2,4-di-*tert*-butylphenyl)phosphite as an antioxidant/ stabilizer.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3702) has been filed by the Ciba-Geigy Corp., Hawthorne, NY 10532, proposing that the food additive regulations be amended to provide for the safe use of tris(2,4-di-*tert*-butylphenyl)phosphite as an antioxidant/stabilizer in various food-contact applications.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 31, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-9156 Filed 4-7-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings: San Juan District Office, chaired by William E. Martinez-Soto, Consumer Affairs Officer. The topics to be discussed are: Food Labeling Format, Sodium Labeling, Orphan Drugs, and Tamper Resistant Packaging regulations.

DATE: Tuesday, April 26, 1983, 10 a.m. to 12:30 p.m.

ADDRESS: Queen Quarters' Hotel, Christiansted, St. Croix, VI 00820.

FOR FURTHER INFORMATION CONTACT: William E. Martinez-Soto, Consumer Affairs Officer, Food and Drug Administration, P.O. Box S-4427, Old San Juan Station, San Juan, PR 00905, 809-753-4264.

New Orleans District Office, chaired by Robert O. Bartz, District Director. Topics to be discussed are: FDA issues and other current concerns.

Date: Wednesday, April 27, 1983, 2 p.m.

Address: City Hall, 705 W University Ave., City Hall Auditorium, Lafayette, LA 70502.

For Further Information Contact: Frances G. Brysson, Consumer Affairs Officer, Food and Drug Administration, 4298 Elysian Fields Ave., New orleans, LA 70122, 504–589–2420.

St. Louis Station Office, chaired by Ronald M. Johnson, Chief. The Topics to be discussed are: Alternative Food Labeling, FDA issues, and other current concerns.

Date: Friday, April 29, 1983, 1:30 p.m. to 3:30 p.m.

Address: FDA Conference Room, 808 North Collins, Laclede's Landing, St. Louis, MO 63102.

For Further Information Contact: Mary-Margaret Richardson, Consumer Affairs Officer, Food and Drug Administration, 808 North Collins, Laclede's Landing, St Louis, MO 63102, 314–425–5021.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 31, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–9145 Filed 4–7–83; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 83F–0075]

Tal Chemicals Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Tal Chemicals Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of sucrose fatty acid esters as components of protective coatings on pineapples.

FOR FURTHER INFORMATION CONTACT: Patricia J. McLaughlin, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3A3708) has been filed by TAL Chemicals Co., 24–26 Queens Rd., Reading, Berkshire RGI 4AU, United Kingdom, proposing that § 172.859(c) (21 CFR 172.859(c)) be amended to provide for the safe use of sucrose fatty acid esters as components of protective coatings on pineapples.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 31, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83–9155 Filed 4–7–83; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1983:

Name: National Advisory Coucil on Health Professions Education.

Date and Time: May 9–11, 1983, 9:00 a.m.–5:00 p.m.

Place: Conference Room 10, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

Open on May 9, 1983, 9:00 a.m. to 5:00 p.m.

Closed for remainder of meeting.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The open portion of the meeting will cover: welcome and opening remarks; report of the Administrator; budget update; report on Humanistic Health Care, Health Promotion and Disease Prevention, and future agenda items. The meeting will be closed to the public May 10–11, 1983, from 9:00 a.m. to 5:00 p.m., for the review of grant applications for the Health Careers Opportunity Program, Family Medicine Departments, Predoctoral Training in Family Medicine, General Internal Medicine and/or General Pediatrics, Physician Assistants, Health Administration (Allied), Conversion Program and Construction Program. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Mr. Robert L. Belsley, Executive Secretary, National Advisory Council on Health Professions Education, Bureau of Health Professions, Health Resources and Services Administration, Room 8C–22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6883.

Agenda items are subject to change as priorities dictate.

Dated: April 5, 1983.

Jackie E. Baum,

Advisory Committee Management Officer, Health Resources and Services Administration.

[FR Doc. 83–9261 Filed 4–7–83; 8:45 am]

BILLING CODE 4160–15–M

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1983:

Name: National Advisory Council on Nurse Training.

Date and Time: May 16–18, 1983, 9:00 a.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open May 16, 1983, 9:00 a.m. to 1:00 p.m.

Closed for remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of Title XXVII, National Health Service Corps, Health Professions Education, Nurse Training Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRSA.

Agenda: Agenda items for open portion of meeting will cover announcements; consideration of minutes of previous meeting; reports by the Administrator, the Director, Bureau of Health Professions (BHPr), the Financial Management Officer, BHPr, the Director, Division of Nursing, and staff reports. The meeting will be closed to the public on May 16, 1983, at 1:00 p.m., for the remainder of the meeting for the review of grant applications for

advanced nurse training grants, nurse practitioner grants, special project grants, and research project grants. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5, U. S. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to section 10(d) of Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Dr. Mary S. Hill, Bureau of Health Professions, Health Resources and Services Administration, Room 5C–04, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443–6193.

Agenda items are subject to change as priorities dictate.

Date: April 5, 1983.

Jackie E. Baum,

Advisory Committee Management Officer, Health Resources and Services Administration.

[FR Doc. 83–9262 Filed 4–7–83; 8:45 am]

BILLING CODE 4160–15–M

Public Health Service

Interagency Group to Monitor Vaccine Development, Production, and Usage; Open Meeting

The Centers for Disease Control, Food and Drug Administration, and National Institutes of Health, request information from all interested parties to assist in preparation of a report on pertussis and pertussis vaccines. The report will be prepared by the Interagency Group to Monitor Vaccine Development, Production, and Usage, which is composed of representatives of the three above-named Public Health Service agencies.

Items to be addressed in the report include:

1. Diagnosis, reporting, and recordkeeping of incidence and severity of pertussis and adverse reactions to pertussis vaccines;

2. Techniques for vaccine production leading to reduced vaccine reactogenicity;

3. Methodology for identifying children or categories of children who may be at higher risk of adverse reactions to pertussis vaccines;

4. Public and private efforts to develop safer pertussis vaccines;

5. The association, if any, between pertussis vaccination and sudden infant death syndrome; and

6. Compensation programs now in existence in the United States and other countries for severe adverse reactions to pertussis vaccines.

Any such information may be submitted in writing or in person at a meeting to be held April 26, 1983, at the Food and Drug Administration, Room 719, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland, from 9:00 a.m. to noon.

Any questions concerning this notice should be addressed to: Walter R. Dowdle, Ph.D., Chairman, Interagency Group to Monitor Vaccine Development, Production, and Usage, Centers for Disease Control, 1600 Clifton Road (1–6007), Atlanta, Georgia 30333; telephones: FTS: 236–3401, Commercial: 404/329–3401.

Dated: March 31, 1983.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83–9220 Filed 4–7–83; 8:45 am]

BILLING CODE 4160–18–M

Reye Syndrome Task Force; Request for Information

The Public Health Service (PHS) requests information from all interested parties to assist in the development of a new epidemiologic study of the possible relationship between the use of medications (especially salicylates) and Reye syndrome. The Reye Syndrome Task Force has been established by the PHS to coordinate this activity. The Task Force includes representatives from the Centers for Disease Control, Food and Drug Administration, National Institutes of Health, and the Office of the Assistant Secretary for Health.

The PHS is particulary interested in obtaining written advice, suggestions, recommendations, and other pertinent information from scientists, health professionals, and others concerned to permit the broadest input into this effort for the benefit of the public. The objective is to conduct the most effective effort to learn how to prevent this rare, but often fatal disease.

The needed protocol and study will be formulated by the PHS on the basis of information previously submitted and on information received in response to this notice.

Comments should be submitted not later than 30 days from the date of publication of this notice. Comments or any questions should be directed to: Walter R. Dowdle, Ph.D., Chairman, Reye Syndrome Task Force, Centers for Disease Control, 1600 Clifton Road (1–6007), Atlanta, Georgia 30333; telephones: FTS: 236–3401, Commercial: 404/329–3401.

Dated: April 1, 1983.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83–9221 Filed 4–7–83; 8:45 am]

BILLING CODE 4160–18–M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) published a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 1.

Public Health Service

National Institutes of Health

Subject: Application for Research Grants and Research Continuation Grants (0925–0001)—Extension no change

Respondents: Health scientists and investigators applying for research grants

Subject: Fellowship Health Insurance Plan—Private Company (0910–0172)—Extension/no change

Respondents: Research fellows

OMB Desk Officer: Fay S. Iudicello

Alcohol, Drug Abuse, and Mental Health Administration

Subject: Study of Multiple Personality Disorders: Clinical Characteristics, Etiology and Outcome (0930–0082)—Reinstatement

Respondents: Psychiarists

OMB Desk Officer: Fay S. Iudicello

Food and Drug Administration

Subject: Reporting and Recordkeeping Requirements Imposed by the Methadone Regulations (0910–0140)—Extension/no change

Respondents: Narcotic treatment program directors

OMB Desk Officer: Richard Eisinger

Centers for Disease Cotrol

Subject: Evaluation of the Centers for Disease Control Socially Transmitted Disease Prevention/Training Clinic Program—new

Respondents: Socially transmitted disease clinician trainees and training coordinators

OMB Desk Officer: Fay S. Iudicello

Health Care Financing Administration

Subject: Medicaid Program Budget Report (HCFA 25)—Revision
Respondents: State Medicaid agencies
Subject: Billing Forms for the Medicare/Medicaid Hospice Demonstration (HCFA 245, 246 and 1453DR)—extension/no change
Respondents: Hospices participating in the demonstration
Subject: Provider Billing Form for Medical and Other Health Services (HCFA 1483)—revison
Respondents: Medical and other health service providers participating in the Medicare program
OMB Desk Officer: Fay S. Iudicello

Office of Human Development Services

Subject: Three year Report (Protection and Advocacy Program) (0980–0053)—reinstatement
Respondents: State agencies administering the Developmental Disabilities Program
Subject: Protection and Advocacy Program Performances Report—new
Respondents: State agencies administering the Developmental Disabilities Program
OMB Desk Officer: Milo Sundrehauf

Social Security Administration

Subject: Medical Report (General)—SSA–3826, 0960–0052)—revision
Respondents: Physicians and medical facilities treating disability applicants
Subject: State Plans for Refugee Resettlement (0960–0266)—extension/no change
Respondents: State governments participating in the Refugee Resettlement Program
OMB Desk Officer: Milo Sunderhauf

Office of the Secretary

Subject: Instructions for Applying for Federal Assistance from Office of COmmunity Services Discretionary Programs (0980–0136)—revision
Respondents: State and local governments, Indian tribes, and non-profit and for-profit development organizations
OMB Desk Officer: Richard Eisinger

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officr and the appropriate OMB Desk Officer designated above at the following addresses:

Joseph F. Costa, Acting HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524–F, Washington, D.C. 20201
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer)

Dated: April 4, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83–9157 Filed 4–7–83; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT DEIS 83–16]

Availability of the Draft Wilderness Environmental Impact Statement for the Schell Resource Area, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of and public hearing on the Draft Wilderness Environmental Impact Statement (DEIS) for the Schell Resource Area in Nevada.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and Section 603(a) of the Federal Land Policy and Management Act of 1976, the Department of the Interior has prepared a Wilderness Environmental Impact Statement for eight Wilderness Study Areas (WSAs) in the Schell Resource Area, Ely District, Nevada. The eight WSAs contain 424,583 acres. The Preferred Alternative recommends 190,408 acres as suitable for wilderness and 234,175 acres as nonsuitable for wilderness.

Copies of the Draft Wilderness EIS for the Schell Resource Area are available for review at the following Bureau of Land Management offices:

Nevada State Office, 300 Booth Street, Reno, NV;
Elko District Office, 2002 Idaho Street, Elko, NV;
Ely District Office, Star Route 5, Box 1, Ely, NV;
Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, NV;
Winnemucca District Office, 705 E. 4th Street, Winnemucca, NV;
Carson City District Office, 1050 E. William Street, Carson City, NV;
Utah State Office, 136 East South Temple, Salt Lake City, UT;
Caliente Resource Area Office, Highway 93 South, Caliente, NV;
Battle Mountain District Office, North 2nd and Scott Streets, Battle Mountain, NV;
Washington Office, Division of Wilderness and Environmental Areas, Rm. 5616 18th and C Streets, NW., Washington, D.C.;
Tonopah Resource Area Office, Bld. 102 Military Circle, Tonopah, NV; or
Cedar City District Office, 1579 N. Main Street, Cedar City, UT.

Also, copies are available for review at the following public libraries:

White Pine County Library, Campton Street, Ely, NV;
Cedar City Public Library, 136 W. Center, Cedar City, UT;
James Dickenson Library, University of Nevada, Las Vegas, 4505 Maryland Parkway, Las Vegas, NV;
Lincoln County Library, Pioche, NV;
Lincoln County Library, Caliente, NV; or
Government Publications Dept., University of Nevada, Reno Library, Reno, NV.

DATES: Written comments on the draft statement are invited and should be submitted by July 8, 1983. Public hearings as required by Section 3(d) of the Wilderness Act will be held on the following dates:

May 16, Reno, NV, 7:00 p.m., Pioneer Hotel 221 So. Virginia;
May 17, Ely, NV, 7:00 p.m., Bristlecone Convention Center; and
May 18, Pioche, NV, 7:00 p.m., Lincoln County Courthouse.

ADDRESS: Written comments should be submitted to: District Manager, Bureau of Land Management, Ely, SR 5, Box 1, NV 89301.

FOR FURTHER INFORMATION CONTACT: Wayne Howle, Bureau of Land Management, Ely District Office, S.R. 5, Box 1, Ely, NV 89301; (702/289–4865).

Dated: March 30, 1983.

Edward F. Spang,

State Director, Nevada.

[FR Doc 83–8945 Filed 4–7–83; 8:45 am]

BILLING CODE 4310–84–M

[CA 13219]

California; Realty Action Sale of Public Lands in Riverside County

The following described land has been examined and identified as suitable for disposal by sale as one unit under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value ($67,700):

Legal description	Acreage
San Bernardino Meridian	
T. 6 S., R. 12 E.,	
Sec. 10, Lot 1	0.86
Lot 3	20.64
Lot 4	37.03

Legal description	Acreage
Lot 6	24.12
Lot 8	24.14
Lot 10	30.98
Lot 12	35.93
Total	173.70

The lands are being sold subject to a preference right consideration to allow Joseph L. Chiriaco, Inc., to meet the high bid. The sale parcels are contiguous to land owned by Joseph L. Chiriaco, Inc., upon which its commercial facilities are located. For the past three years, the Bureau has issued temporary use permits to Joseph L. Chiriaco, Inc., for establishment of a recreation vehicle area and an area for housing its employees.

Disposal of such tract will serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or feasibly on land other than public land and which outweigh other public objectives and values which would be served by maintaining such tract in Federal ownership. The proposed sale is consistent with the Bureau's planning for the lands involved, and the public interest would be served by offering this land for sale.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719); however, under Section 209 of the said Act of October 21, 1976, the high bidder may apply to purchase the mineral interests.

3. The patent will be subject to all valid existing rights.

4. Federal law requires that all bidders be United States citizens, or in the case of corporations be authorized to own real estate in the State of California. A State, State instrumentality or political subdivision must be authorized to hold property. Proof of these requirements shall accompany the bid.

5. Upon disqualification of an apparent high bidder, the next high bid will be honored.

The above described land will be offered for sale by sealed bid only. The sealed bids will be opened at 10:00 a.m. on June 8, 1983, at the California State Office of the Bureau of Land Management, Room E–2811, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Bids may be made by a principal or a duly qualified agent, either mailed or delivered to the California State Office, Bureau of Land Management, at the above address. Sealed bids shall be considered only if received prior to 10:00 a.m. on June 8, 1983, and are made for at least the appraised value of the land. Each sealed bid shall be accompanied by certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed envelope must be marked in the lower left hand corner "Public sale bid, serial number CA 13219, sale held June 8, 1983." No bid will be accepted for less than the appraised value, and bids must include all of the land in the parcel. If two or more envelopes are received containing valid bids of the same amount, the determination of which is to be considered the highest bid shall be by drawing. The highest qualifying sealed bid will be publicly declared on the day of the sale.

For a period of 30 days following the date of the sale, Joseph L. Chiriaco, Inc., will have the opportunity to claim the preference rights indicated above. Refusal or failure to meet the highest bid shall constitute a waiver of such bidding provisions.

Detailed information concerning the sale, including the land report and environmental assessment report is available for review at the California State Office at the above address. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the State Director, California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: March 31, 1983.

Eleanor Wilkinson,

Chief, Lands and Locatable Minerals Section, Branch of Lands and Minerals Operations.

[FR Doc. 83–9217 Filed 4–7–83; 8:45 am]

BILLING CODE 4310–84–M

Fairbanks District Advisory Council; Meeting

The Fairbanks District Advisory Council of the Bureau of Land Management will conduct a general meeting on May 9 and 10, 1983. The location of the public meeting is the second floor training room at the BLM offices at Fort Wainwright, Gaffney and Marks Road. The meeting will convene at 8:30 a.m. and conclude at 5 p.m. each day. Public comments on agenda items will be received by the Council from 1 p.m. to 3 p.m. on Tuesday, May 10, 1983.

The first four hours of the meeting will be a general orientation of the Council to the BLM in Alaska and to the important issues facing the Fairbanks District. The remainder of the meeting will be devoted to a discussion of the White Mountain National Recreation Area and the Steese National Conservation Areas. Discussion topics will include:

1. Recreational opportunities.
2. Mineral development.
3. Access.
4. Wildlife habitat.
5. The Beaver and Birch Creek Wild River corridors.

All meetings and activities of the District Advisory Council are open to the public.

Donald E. Runberg,

Acting District Manager.

[FR Doc. 83–9214 Filed 4–7–83; 8:45 am]

BILLING CODE 4310–84–M

State of California; Call for Application for Wind Development in the Table Mountain Area

The Table Mountain area, located in Southern California approximately three (3) miles east of Jacumba, has been identified as a promising wind energy development location in California. In response to applications filed by private interests to develop the wind resource, the Bureau of Land Management (BLM) will prepare an environmental document assessing the impacts of development within this 6,470.56 acre area. The objectives of the Bureau are to:

1. Ensure timely and orderly development of this important resource in a manner compatible with the use of the public lands for other purposes;

2. Assure that wind exploration, development and production is conducted with maximum protection of the environment, and;

3. Assure the public a fair return for the use of public lands and the use of its renewable resources.

To assist the Director of the BLM in carrying out these objectives and pursuant to Pub. L. 94–579, Title V of the Federal Land Policy and Management Act of 1976 (FLPMA), and 43 CFR Part 2800, requests for applications in addition to those already filed, are now being solicited from interested individuals for the next 30 days for possible granting of rights-of-way for

wind power generating facilities on public lands.

Description of the Area

Applications will be considered within the area shown on the Table Mountain Wind Study Map available at the BLM California Desert District Office, Riverside, California; and the El Centro Resource Area Office, El Centro, California. Public lands contained within the study area include: All or portions of Sections 15, 21, 22, 26, 27, 28, 33, 34 and 35, T. 17S., R. 8 E., San Bernardino Meridian (SBM); and Sections 2, 3, 10 and 11, T. 18 S., R. 8 E., SBM.

Right-of-Way

Applications must be submitted no later than 30 days from the date of this notice. No other applications will be accepted after this date for inclusion in the environmental document. In accordance with 43 CFR Part 2800, Rights-of-Way Principles and Procedures, applicants will furnish BLM a project description detailing what is being proposed and the time period involved; a legal description of lands you wish to apply for with a map showing their location; a non-refundable check to cover processing fees as explained in § 2803.1–1(a)(1); and a copy of the company's charter or articles of incorporation certified by the State. The project description shall be in sufficient detail to enable the authorized officer to determine:

(1) Its impact to the environment,

(2) Any benefits provided to the public,

(3) Safety of the proposal, and

(4) The specific public lands proposed to be occupied.

The environmental document will be funded in accordance with 43 CFR 2803.1(a)(1). To accomplish the above and to ensure that applications will be properly analyzed on a site specific basis for the environmental document, the project description accompanying the application must include all of the information provided below:

Project Description

1. Applicant.

2. Contact—include phone number of project coordinator and engineer.

3. Manufacturer.

4. Location—include a legal description, acreage compilation, and map for all public lands under application.

5. Wind Machine Model—if more than one machine is under consideration for deployment, include specifications for all types. Describe under what conditions one type of machine would be used over another.

6. Physical Specifications:
Total height.
Tower height.
Rotor diameter.
Total weight.
Weight of blades.
Foundation construction (width, depth and height).
Material specifications including weight of foundation.
Tower construction—materials and components.
Blade construction—materials and components.
Photograph of wind turbine generator model (8 x 10, Black and white).
Structure designs for the tower and foundation should be supplied.

7. Performance Specification:
Rotation speed (rotor RPM).
Speed of blade tips.
Power output.
Cut-in speed.
Noise generation.
Cut-out speed.
Rated wind speed.
Rotor orientation.
Generator RPM.
Generator type.
Gear box step-up ratio.
Gear box type.

8. Projected Annual Production:
Output based on annual average wind speed.

9. Additional Information:
Rotor, hardware specification (i.e., type, size).
Alternator, hardware specification (i.e., type size).

10. Brake system:
Type.

11. Control Functions:
Automatic yaw.
Failsafe brake application and release.
Alternator voltage and phasing.
Circuit breakers for overcurrent control.

12. Variables Monitored—describe your plans for monitoring the following items:
Alternator output.
Rotor speed.
Wind speed.
Wind direction.

13. Safety Features:
Electrical systems designed to comply with the National Electrical Code.
Lightning protection of all circuits.
Blade throw and probability of occurrence.

14. Wind Machine Construction Activities:
Site preparation (both temporary and permanent).
Temporary use areas. Construction yards for material storage and equipment maintenance stations.
Provide security arrangements.
Equipment pads or leveled areas at each tower site to facilitate equipment operation should be identified. A table similar to that shown below can be used to summarize land areas occupied.

Summary of Land Areas Temporarily and Permanently Occupied

Units	Acres temporarily occupied	Acres permanently occupied
WTG		
Roads		
New main roads		
New spur roads		
Existing roads		
Work areas		
Construction yards		
Other		

Wind turbine installation. Describe installation procedures. Diagrams if available should be submitted.

Construction equipment. Provide specifications of equipment (i,e., pickup, 4 x 4, crane, 5-ton, etc., including fuel use requirements and length of service over construction schedule).

Cleanup. Technical and construction personnel—describe work force requirements for construction and maintenance activities.

Show work force schedule for construction period and source of labor supply (local or regional).

Construction schedule.

15. Operation and Maintenance:
Patrols.
Routine maintenance requirements.
Equipment needs.
Access roads.
Other.

16. Abandonment (plans for).

17. Transmission System and Substation:
Design
Construction
Operation and maintenance
Abandonment
Cost estimates for transmission line and substations may be supplied by servicing utility.

18. Security of Facilities and Equipment.

This information must be received no later than 30 days from the date of this notice in order to facilitate prompt initiation of site-specific analysis in the environmental document.

The authorized officer shall acknowledge in writing receipt of the application. The authorized officer may require the applicant for a right-of-way grant to submit additional information as he deems necessary for review of the application. All requests for additional information will be in writing.

Where the authorized officer determines that information supplied by an applicant is incomplete or does not conform to the FLPMA or 43 CFR 2800 regulations the authorized officer shall notify the applicant of these deficiencies and afford the applicant an opportunity to file a correction. Where a deficiency notice has not been adequately complied with, the authorized officer may reject the application.

Environmental Analysis and Decision Process

Applications will be evaluated and used along with all applicable resource data pursuant to the National Environmental Policy Act of 1969 to determine what public lands may be available for wind energy development. The environmental analysis process, through the evaluation of alternatives and their effects (environmental, social and economic), will be used as a decision tool to sort out competing uses and potential uses of the public lands. In the event two or more applications for wind power facilities are received for the same site, modified competive bidding procedures will be utilized. Under this procedure applicants will only be able to bid for areas applied for under the call for applications. Award of rights-of-way will be granted, subject to the terms and conditions found in the Record of Decision, to the qualified responsible bidder of the highest per acre per year cash amount. A notice of any tracts selected for competive bidding will be published in the **Federal Register** following the Record of Decision stating the conditions and terms for the grant in compliance with established Departmental procedures.

Submit Applications to: Bureau of Land Management, El Centro Resource Area, 333 S. Waterman, El Centro, California 92243.

For Further Information Contact: Questions regarding submittal of applications should be directed to either Stephen Johnson or Lynda Kastoll, at (619) 352–5842.

Hugh Riecken,

Associate District Manager.

[FR Doc. 83–9219 Filed 4–7–83; 8:45 am]

BILLING CODE 4310–84–M

[W–71187, W–71188, W–71190]

Wyoming; Proposed Withdrawal Continuation

March 31, 1983.

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Bureau of Reclamation has filed a statement of justification for the partial continuation of their Minidoka Reclamation Project, withdrawn by Secretarial Orders dated July 10, 1903, June 23, 1906, and November 16, 1907. The withdrawn land proposed for continuation is described as follows:

Sixth Principal Meridian, Wyoming

T. 45 N., R. 114 W.,
- Sec. 17, lot 7;
- Sec. 18, lots 1 to 8 inclusive, E½W½, and NE¼SW¼;
- Sec. 19, lots 1, 4, 5, 6, 8, 10, 11, and NW¼NE¼;
- Sec. 20, lot 2, and NE¼NW¼.

T. 44 N., R. 115 W.,
- Sec. 4, lots 2, 3, 4, SW¼NE¼, and N½SW¼;
- Sec. 5, lots 1, 2, and 3.

T. 45 N., R. 115 W.,
- Sec. 3, lots 2 to 6 inclusive, lots 9 to 13 inclusive, and SE¼;
- Sec. 4, lot 1;
- Sec. 6, lots 1, 4, 5, 8, and 9;
- Sec. 7, lots 1 to 4 inclusive;
- Sec. 9, lots 1, and 2;
- Sec. 10, lots 1 to 6 inclusive, and E½;
- Sec. 11, W½W½, and SE¼SE¼;
- Sec. 13, lots 1, 2, N½, N½S½, and S½SW¼;
- Sec. 14, E½, SE¼NW¼, and SW¼;
- Sec. 15, lots 1 to 4 inclusive, NE¼NE¼, and SE¼SE¼;
- Sec. 16, lots 1 to 6 inclusive, S½NW¼, SW¼, and NW¼SE¼;
- Sec. 17, lots 1 to 6 inclusive, SW¼NE¼, and N½SE¼;
- Sec. 18, lots 1, and 2;
- Sec. 19, lots 1 to 4 inclusive;
- Sec. 20, lots 1, and 2;
- Sec. 21, lots 1 to 6 inclusive, and NE¼NW¼;
- Sec. 22, lots 1 to 5 inclusive;
- Sec. 23, lots 1 to 9 inclusive, W½NE¼, and SE¼NW¼;
- Sec. 24, lots 1 to 5 inclusive;
- Sec. 25, lots 2, 3, 6, and NE¼NW¼;
- Sec. 26, lots 1, and 2;
- Sec. 28, lots 1, and 2;
- Sec. 29, lots 1 to 3 inclusive, SW¼NE¼, and NW¼NW¼.
- Sec. 33, lots 1 to 4 inclusive;
- Sec. 34, lots 1 to 4 inclusive;
- Sec. 35, lots 1 to 5 inclusive, and NE¼SW¼.

T. 46 N., R. 115 W.,
- Sec. 3, W½SW¼;
- Sec. 4, W½NE¼, SE¼NE¼, W½, and SE¼;
- Sec. 5;
- Sec. 6, NE¼NE¼;
- Secs. 8, and 9;
- Sec. 10, S½NE¼, W½, and SE¼;
- Sec. 14, NW¼NW¼, and W½SW¼;
- Sec. 15, lots 1 to 6 inclusive, N½NE¼, S½NW¼, SW¼, NW¼SE¼, and SE¼SE¼;
- Secs. 16, and 17;
- Sec. 18, SE¼NE¼, and E½SE¼;
- Sec. 19, NE¼NE¼, S½NE¼, and SE¼;
- Secs. 20, and 21.
- Sec. 22, lots 1 to 5 inclusive, W½E½, and W½;
- Sec. 23, W½W½;
- Sec. 26, NW¼NW¼;
- Sec. 27, lots 1 to 7 inclusive, NW¼NE¼, N½NW¼, SW¼NW¼, SW¼, and NW¼SE¼;
- Secs. 28, and 29;
- Sec. 30, E½E½, and SW¼SE¼;
- Sec. 31, E½, SE¼NW¼, and E½SW¼;
- Secs. 32, and 33;
- Sec. 34, lots 1 to 4 inclusive, W½; and SE¼SE¼.

T. 47 N., R. 115 W.,
- Sec. 18, W½NW¼, SW¼, and SW¼SE¼;
- Sec. 19, W½NE¼, SE¼NE¼, W½, and SE¼;
- Sec. 29, W½NW¼, and SW¼;
- Sec. 30, E½, and E½W½;
- Sec. 31, E½, and NE¼SW¼;
- Sec. 32;
- Sec. 33, W½NW¼, SW¼, and SW¼SE¼.

T. 45 N., R. 116 W.,
- Sec. 12, W½NE¼, S½SW¼, and NW¼SE¼.
- Sec. 13, W½E½, and W½;
- Sec. 14, E½, E½W½, SW¼NW¼, and NW¼SW¼;
- Sec. 23, N½NE¼, and NE¼NW¼;
- Sec. 24, W½E½, NW¼, and NE¼SW¼;
- Sec. 25, NW¼NE¼.

T. 47 N., R. 116 W.,
- Sec. 13, E½E½.

The area described contains 23,626.53 acres in Teton County, Wyoming.

The Bureau of Reclamation proposes the continuation of the withdrawals for a period of 100-years, the life of the project. The lands are presently utilized for an operating irrigation project. Jackson Lake is a primary irrigation water storage facility for the Minidoka Project. The withdrawal is required to assure the continued integrity of the dam and reservoir and to assure continued delivery of water to the contracting irrigation districts. The lands are located within the Grand Teton National Park, and are therefore, not subject to appropriation under the public land laws, including the mining and mineral leasing laws. No change in the segregative effect or use of the land would be affected by the continuation.

Notice is hereby given that a public meeting may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire a meeting to be held on the proposal must submit a written request for a meeting to the undersigned on or before July 7, 1983. Upon the determination by the State Director, Bureau of Land Management, that a public meeting shall be held, a notice stating the time and place of the meeting shall be published in the **Federal Register** and in at least one newspaper having a general circulation in the vicinity of lands involved, at least 30 days before the scheduled date of the meeting. All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM on or before July 7, 1983.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration of the Office of the

Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawals will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

William S. Gilmer,

Acting Chief, Branch of Land Resources.

[FR Doc. 83-9218 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-84-M

Management Framework Plans, Gunnison Basin and American Flats/Silverton Planning Units, Montrose District, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notification of Amendment of Management Framework Plans, Gunnison Basin and American Flats Planning Units, Gunnison Basin Resource Area, and Silverton Planning Unit, San Juan Resource Area, Montrose District, Colorado.

SUMMARY: In accordance with 43 CFR 1601.3, notice is hereby given that the Bureau of Land Management is amending the Gunnsion Basin and American Flats/Silverton Management Framework Plans (MFPs). Recommendations in these planning documents restricted animal damage control methods to ground shooting of problem animals in the Powerhorn Primitive Area and in the American Flats and Silverton Planning Units. The amendments to the framework plans will allow the U.S. Fish and Wildlife Service to use leg traps on problem animals in the specified areas. The U.S. Fish and Wildlife Service has determined that the present method is not adequate to control livestock losses and have provided justification for the use of leg traps for animal damage control work. An environmental assessment evaluating the land management impacts of this action and alternatives will be prepared by the BLM.

Area Under Study

The areas involved in this amendment are the Powerhorn Primitive Area, approximately 40,480 acres of the Cebolla-Powderhorn Planning Unit (03–07) in Gunnison and Hinsdale counties of Colorado, and approximately 133,059 acres of public land in the American Flats/Silverton Planning Unit (03–05; 03–16). The American Flats/Silverton Planning Unit lies within Hinsdale, San Juan, and Ouray Counties, Colorado.

Issues In Areas

The following is a list of issues expected to be addressed in the planning amendment and environmental assessment. These issues were developed from information contained in the existing management framework plans.

1. What effect and impacts will the use of leg traps have on public recreational uses taking place in these areas?

2. What areas within these boundaries should be restricted from the use of leg trapping?

3. What effect will this action have on other wildlife species in these areas?

4. Will the random use of traps now taking place by sheep operators be reduced by allowing the U.S. Fish and Wildlife Service to use traps?

Planning Team

All involved disciplines will provide input and/or have the opportunity to review the amendment to the management framework plans and the environmental assessment. Disciplines will include but not be limited to wilderness, recreation, wildlife, range management, and archeology.

Public Involvement

Concerned publics will be invited to provide input to the amendment and assessment through the use of news releases in local newspapers. The public will also be given a 30-day review period upon completion of the amendment and assessments.

Address

Comments or requests for further information should be addressed to Terry Reed, Area Manager, Gunnison Basin Resource Area, or to Lance Nimmo, Chief, Division of Planning and Environmental Coordination, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81402.

Availability of Planning Documents

Planning documents relating to existing management of these planning areas are available for review at the District or Gunnison Basin Resource Area offices in Montrose, Colorado.

Marlyn V. Jones,

District Manager, Montrose District.

[FR Doc. 83-9264 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-84-M

[UT-942]

Utah; Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This plat of survey of the following described land will be filed in the Utah State Office, Salt Lake City, Utah, immediately:

Salt Lake Meridian, Utah

T. 10½ N., R. 4 E.

This plat, representing the dependent resurvey of a portion of the south boundaries of Tps. 11 N., Rs. 4 and 5 E., and the survey of the subdivisional lines of T. 10½ N., R. 4 E., Salt Lake City Meridian, Utah for Group 580, was accepted March 14, 1983.

This plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

This survey was executed to meet certain administrative needs of this Bureau.

All inquiries relating to this land should be sent to the Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: March 31, 1983.

W. R. Papworth,

Deputy State Director, Operations.

[FR Doc. 83-9216 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and the Office of Management and Budget Interior Desk Officer at a.c. 202 395–7340.

Title: Water Users Census
Bureau Form Number: 7–332
Frequency: Annual

Decription of Respondents: Water users on Federal Reclamation Projects
Annual Responses: 25,000
Annual Burden Hours: 8,333
Bureau Clearance Officer: Wilson M. Carr, a.c. 202 343–4247
Dated: March 30, 1983

William C. Klostermeyer,

Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 83–9232 Filed 4–7–83: 8:45 am]

BILLING CODE 4310–09–M

Fish and Wildlife Service

Receipt of Application for Permit; California Department of Fish and Game

Notice is hereby given that an applicant has applied in due form for a permit to take sea otters as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant: California Department of Fish and Game, 1416 Ninth Street, Sacramento, CA 95814.

2. Type of permit: Threatened Species/Marine Mammal.

3. Name and number of animals: Sea otter (*Enhydra lutris*).

4. Type of Activity: Capture and release.

5. Location of Activity: Coastal waters off California.

6. Period of Activity: May 1, 1983–June 31, 1984.

The purpose of this application is to develop and refine capture techniques and identification of methods to influence the distribution of sea otters without capture (ie. herding).

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2–10207. Written data or views, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements contained in this notice are summaries of those of the applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 601, 1000 North Glebe Road, Arlington, Virginia.

Dated: April 5, 1983.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83–9295 Filed 4–7–83: 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Applications; International Crane Foundation et al.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: International Crane Foundation, Baraboo, WI (PRT 2–10217).

The applicant requests a permit to export six fertile Siberian white crane (*Grus leucogeranus*) eggs to Oka State Nature Reserve, USSR for enhancement of survival.

Applicant: Knoxville Zoological Park, Knoxville, TN (PRT 2–10209).

The applicant requests a permit to import one male Indian lion (*Panthera leo persica*) from Marwell Zoological Park, Great Britain for enhancement of propagation.

Applicant: New York Zoo, Bronx, NY (PRT 2–10175).

The applicant requests a permit to import one male captive-bred pen-tailed bettong (*Bettongia penicillata*) from the Antwerp Zoo, Belgium for enhancement of propagation.

Applicant: San Diego Zoo, San Diego, CA (PRT 2–9956).

The applicant requests a permit to import one female captive-bred black rhinoceros (*Diceros bicornis*) from the Budapest Zoo, Hungary for enhancement of propagation.

Applicant: San Diego Zoo, San Diego, CA (PRT 2–9955).

The applicant requests a permit to import one male captive-bred Indian rhinoceros (*Rhinoceros unicornis*) from the Nehru Zoo, India for enhancement of propagation.

Applicant: New York Zoo, Bronx, NY (PRT 2–10224).

The applicant requests a permit to import three male captive-bred pen-tailed bettong (*Bettongia penicillata*) from the Perth Zoo, Australia for enhancement of propagation.

Applicant: New York Zoo, Bronx, NY (PRT 2–10220).

The applicant requests a permit to import one male captive-bred Siberian tiger (*Panthera tigris altaica*) from the Moscow Zoo, USSR for enhancement of propagation.

Applicant: Oklahoma City Zoo, Oklahoma City, OK (PRT 2–10222).

The applicant requests a permit to import one male captive-bred lowland gorilla (*Gorilla gorilla*) from the Jersey Wildlife Preservation Trust for enhancement of propagation.

Applicant: Henry Doorly Zoo, Omaha, NE (PRT 2–10219).

The applicant requests a permit to import one female captive-bred Siberian tiger (*Panthera tigris altaica*) from the Moscow Zoo, USSR for enhancement of propagation.

Applicant: Indianapolis Zoological Society, Indianapolis, IN (PRT 2–10221).

The applicant requests a permit to import one female captive-bred Siberian tiger (*Panthera tigris altaica*) from the Moscow Zoo, USSR for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: April 5, 1983

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83–9294 Filed 4–7–83: 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Tenneco Oil Exploration & Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities

it proposes to conduct on Lease OCS 0821, Block 183, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metaire, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 1, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-9297 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-MR-M

Pacific Regional Technical Working Group Committee; Meeting

AGENCY: Minerals Management Service. Pacific Outer Continental Shelf Office. Interior.

ACTION: Outer Continental Shelf Advisory Board, Pacific Regional Technical Working Group Committee. Notice and agenda for meeting.

SUMMARY: Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. 92-463).

The Pacific Regional Technical Working Group Committee of the National OCS Advisory Board is scheduled to meet from 9:00 a.m. to 5:30 p.m., May 16, 1983, and 9:00 a.m. to 5 p.m., May 17, 1983, at 1340 W. 6th Street, Room 256.

The agenda for May 16 will include drilling on OCS P-203 and the Draft Environmental Impact Statement, OCS Sale 73. On the agenda for May 17 will be the draft 1985 Environmental Studies Plan, Southern Santa Maria Basin Area Wide Development EIS, and Southern California OCS Lease Offering, February 1984.

The meeting is open to the public. Public seating may be limited. Interested persons may make oral or written presentations to the Committee. Such requests should be made no later than May 4, 1983 to Joanne MacGregor-Hanifan, RTWG Coordinator, Minerals Management Service, 1340 W. 6th Street, Los Angeles, California, 90017, (213) 688-2846 ext. 36. Requests to make oral statements should be accompanied by a written summary of the oral statement. Written statements should be submitted by May 11, 1984.

Minutes of the meeting will be available 30 days after the meeting for public inspection and copying at 1340 W. 6th Street and at the Office of Offshore Information Services, Minerals Management Service, Department of the Interior, 18th and C Streets NW, Washington, D.C. 20240.

Reid T. Stone,

Regional Manager.

[FR Doc. 83-9215 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Intention To Negotiate Concessions Contract; Franca Foods, Inc.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Franca Foods, Inc., authorizing it to continue to provide food facilities and services for the public at Canarsie Pier within Gateway National Recreation Area for a period of approximately ten (10) years from date of execution through April 30, 1993.

This proposed contract requires a construction and improvement program. Although the overall development of Canarsie Pier was previously addressed in the Environmental Impact Statement dated September 27, 1979, that was prepared in conjunction with the General Management Plan for Gateway National Recreation Area, this document did not address the specific aspects of the proposed construction and improvement program. The National Park Service has determined that this specific construction and improvement program would have no significant effect on the human environment and does not involve unresolved conflicts of alternative uses of available resources. Therefore, it is determined to be categorically excluded from the procedural requirements of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which will expire by limitation of time on March 31, 1985, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision in effect, grants Franca Foods, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by Franca Foods, Inc., if Franca Foods, Inc., amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Franca Foods, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, North Atlantic Region, 15 State Street, Boston, Massachusetts 02109 for information as to the requirements of the proposed contract.

Dated: March 25, 1983.

Herbert S. Cables, Jr.,

Regional Director, North Atlantic Region.

[FR Doc. 83-9177 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Negotiate Concession Contract; Parkway Inn, Inc.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate a concession contract with Parkway Inn, Inc., authorizing it to continue the operation of lodging, restaurant, service station and campstore facilities on the Blue Ridge Parkway for a period of twenty years from January 1, 1984, through December 31, 2003.

Although this proposal requires a construction and improvement program, no specific sites have been identified or studied on the Parkway. Therefore, an assessment of the environmental impact of construction will be made prior to the preparation and approval of plans applicable to the terms and conditions of this proposed action.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1983, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the negotiation of a new contract. This provision, in effect, grants Parkway Inn, Inc., the opportunity to meet the terms anc conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by Parkway Inn, Inc. If Parkway Inn, Inc., amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Parkway Inn, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: February 28, 1983.

Neal G. Guse,

Acting Regional Director, Southeast Region.

[FR Doc. 83-9178 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Bend Millwork Company, 62845 Boyd Acres Rd., P.O. Box 5279, Bend, OR 97708.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: Pozzi Window Company (incorporated in Oregon), 62845 Boyd Acres Rd., P.O. Box 5249, Bend, OR 97708.

1. Parent corporation and address of principal office: Riblet Products Corporation, P.O. Box 1124, Elkhart, IN 46515.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: RPC Transportation, Inc. (an Indiana corporation), P.O. Box 1124, Elkhart, IN 46515.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9230 Filed 4-7-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Agricultural Cooperative; Intent to Perform Interstate Transportation for Certain Nonmembers

Dated: April 5, 1983.

The following notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt interstate transportation must file the Notice, Form BOp-102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC. (1) Dallas Co-op, (2) P.O. Box 21, Dallas, Oregon 97338, (3) 1313 Main, Dallas, OR 97338, (4) Junior Updike, P.O Box 21, Dallas, OR 97338. (1) Farmers Coop Oil Assn., (2) P.O. Box 56, Gully, MN 56646, (3) P.O. Box 56, Gully, MN 56646, (4) Alan E. Van de Streek, Gully, MN 56646.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9230 Filed 4-7-83; 8:45 am]

BILLING CODE 7035-01-M

[OP4-F207]

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: April 4, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

MC-F-15210, WHITFIED ASSOCIATED TRANSPORT, INC., (Control Exemption), TANCO DISTRIBUTING COMPANY, INC., Whitfield Associated Transport, Inc. (Whitfield) (No. MC-136275) and Tanco Distributing Company, Inc. (Tanco) (No. MC-162576) seek an exemption from the requirement under section 11343 of prior regulatory approval for the acquisition, by Whitfield, of all of the issued and outstanding stock of Tanco. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative, Mike Cotten, P.O. Box 1148, Austin, TX 78767. Comments should refer to No. MC-F-15210.

[FR Doc. 83-9225 Filed 4-7-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Permanent Authority Decisions

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor

common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problem (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated; common carrier of property—hat the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, it the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parkers, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 3 at (202) 275–5223.

Volume No. OP3–138

Decided: March 31, 1983.

MC 118755 (Sub-6), filed March 18, 1983. Applicant: CIEUTAT PRODUCE COMPANY, Building F Unit 21, State Farmers Market, Forest Park, GA 30050. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133; (404) 949–7756. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 165454 (Sub-1), filed March 17, 1983. Applicant: HURRYIN' HOOSIER TRANSPORT, INC., 2025 North Wabash Ave., P.O. Box 756, Kokomo, IN 46901. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204; (317) 638–1301. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in IL, IN, and OH, and points in Cumberland County, NJ, and Los Angeles and Kern Counties, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166814, filed March 15, 1983. Applicant: D. A. HALL, P.O. Box 179, Route 2, Cumby, TX 75433. Representative: Robert A. Forman, 6606 LBJ Freeway, Suite 5135, Dallas, TX 75240; (214) 934–0963. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166935, filed March 18, 1983. Applicant: MIDCOM SERVICES, INC., 1827 Walden Sq., Schaumburg, IL 60195. Representative: E. H. van Deusen, 2455 N. Star Rd., Columbus, OH 43221; (614) 486–0448. Transporting *food and related products,* between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–205

Decided: April 1, 1983.

MC 136726 (Sub-2), filed March 28, 1983. Applicant: BOB RICH-SCHROEDER TRUCKING, INC., 61 Napoleon St., San Francisco, CA 94124. Representative: Marshall G. Berol, 601 California St., Suite 1900, San Francisco, CA 94108; (415) 986–4812. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC–121702.

MC 161986 (Sub-2), filed March 25, 1983. Applicant: ALPHA CARTAGE COMPANY, INC., 45784 Denise Court, Plymouth, MI 48170. Representative: Gilbert R. Stebbins, Jr., Room 230, 5000 Wyoming, Dearborn, MI 48126; (313) 581–6311. Transporting (1) *general commodities* (except classes A and B expolosives, household goods, and commodities in bulk), (a) between points in AL, AR, GA, IL, IN, IA, KY, LA, MI,

MN, MS, MO, NY, OH, PA, TN, TX, and WI, and (b) between points in MI and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *machinery*, between points in the U.S. (except AK and HI).

MC 167067, filed March 28, 1983. Applicant: SANCO FARMS, INC., P.O. Box 728,Tahoka, TX 79373. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408; (806) 998-5173. Transporting (1) *agricultural equipment*, (2) *industrial equipment* and (3) *lawn and garden equipment*, between points in TX, NM, OK, IA, IL, WI, MO, KS, IN, NC, NE, TN, AZ, CA, MI, GA, ID, UT, WA, PA, ND, CO, AL, FL, and LA.

[FR Doc. 83-9226 Filed 4-7-83; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-6; Sub-139]

Rail Carriers; Burlington Northern Railroad Co., Abandonment, in Henry County, IL; Findings

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 4.16 mile rail line between Alpha, IL (milepost 18.52), and Woodhull, IL (milepost 14.36) in Henry County, IL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9228 Filed 4-7-83; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-6; Sub-131]

Rail Carriers; Burlington Northern Railroad Company, Abandonment, in McCone County, MT; Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its 11.61-mile rail line between Circle, MT (milepost 50.41) and Brockway, MT (milepost 62.02) in McCone County, MT. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9229 Filed 4-7-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30127]

Rail Carriers; Illinois Central Gulf Railroad Company, Abandonment, Exemption in New Orleans, LA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirements of prior review and approval under 49 U.S.C. 10903 *et seq.* abandonment by Illinois Central Gulf Railroad Company of a 0.33-mile segment of line in New Orleans, LA, subject to standard labor protective conditions.

DATES: This exemption shall be effective on May 9, 1983. Petitions to stay the effectiveness of this decision must be filed by April 18, 1983. Petitions for reconsideration must be filed by April 28, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423; or

(2) John W. Adams, Jr., P.O. box 8271, Mobile, AL 36608.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: March 30 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9227 Filed 4-7-83; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Advisory Committee on Job Training Partnership Act; Meeting

Notice is hereby given that a meeting of the Advisory Committee on the Implementation of the Job Training Partnership Act will be held on April 21, 1983, from 9:30 a.m. to 4:00 p.m. at the Quality Inn, 415 New Jersey Avenue, NW., Washington, D.C. The major items to be discussed will be the progress and issues related to implementation of the Job Training Partnership Act.

The public is invited to attend.

For additional information contact: Patrick J. O'Keefe, Acting Administrator, Office of Strategic Planning and Policy Development, Employment and Training Administration, Room 9000, Patrick Henry Building, Washington, D.C. 20213, telephone: (202) 376-6600.

Official records of the meeting will be available for public inspection at Room 9000, Patrick Henry Building.

Signed at Washington, D.C. this 5th day of April 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-9345 Filed 4-7-83; 8:45 am]
BILLING CODE 4510-30-M

Office of Federal Contract Compliance Programs

Court Order; Women's Equity Action League, et al. v. Bell, et al.

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice of court order.

SUMMARY: On March 11, 1983, in the matter of *Women's Equity Action League, et al.* v. *Bell, et al.*, Civil Action No. 74-1720, USDC D.C., Judge John H. Pratt issued an Order requiring the Department of Labor (DOL) to publish in the Federal Register the terms of his

Order modifying the 1977 Consent Order in the case. Pursuant to Judge Pratt's Order, DOL herewith publishes the terms thereof.

Signed at Washington, D.C. this April 5, 1983.

Robert B. Collyer,

Deputy Under Secretary of Labor for Employment Standards.

United States District Court for The District of Columbia

Order

In the matter of: Kenneth Adams, *et al.*, Plaintiffs, Civil Action No. 3095–70 v. Terrel H. Bell, Secretary of Education, *et al.*, Defendants; Women's Equity Action League, *et al.*, Plaintiffs, v. Terrel H. Bell, Secretary of Education, *et al.*, Defendants, Civil Action No. 74–1720.

Preamble

i. The Consent order entered by this Court on December 29, 1977 imposed timeframes and related requirements for disposition of cases under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973 and Executive Order 11246, as amended, based upon principles set forth in Paragraph F of this Court's Order of March 14, 1975 and in the Order of June 14, 1976 negotiated by the parties.

ii. Ruling on motions filed by plaintiffs and plaintiff-intervenors, on February 10, 1982 this Court isssued an Order for defendants to show cause whey they should not be held in contempt of court for failure to adhere to the requirements of the December 29, 1977 Order.

iii. After a hearing on the Order to Show Cause, on March 15, 1982, this Court found that the December 29, 1977 Order "has been violated in many important respects"; ordered that the parties attempt to reach an agreement on a new order by August 15, 1982, or absent such agreement that the parties submit separate orders for consideration by the Court; and declined to discharge the Rule to Show Cause, stating that this Court "will again get into the question of what coercion will be necessary to insure the compliance with this Order, absent the consent of the parties."

iv. On July 13, 1982, in a hearing in chambers, this Court again addressed the importance of the order, finding that if the government is "left to its own devices, the manpower that would normally be devoted to this type of thing, . . . might be shunted off into other directions, will fade away and the substance of compliance will eventually go out the window." This Court also stated that the December 29, 1977 Order should provide the structure for any consideration of changes and modifications.

v. The best efforts of the parties did not result in an agreement on an Order.

vi. Consistent with these directives, the provisions herein modify the terms of the 1977 Consent Order as it applies to the defendants officials of the Department of Education (ED) and the Department of Labor (DOL), their successors, agents and employees.

vii. The provisions in Parts I and II herein relate to all educational institutions in the United States covered by Title VI, Title IX and Section 504 which receive financial assistance from ED, and all other entities in the United States which receive ED funds covered by Section 504. The provisions in Part III herein apply to all educational institutions which receive federal contract funds covered by Executive Order 11246.

viii. The Rule to Show Cause is discharged. Nothing in this Order however, shall prevent plaintiffs and intervenors from seeking such further relief as they deem appropriate, against defendants or any other party, to vindicate their rights under the Constitution, Title VI, Title IX, Section 504, the Executive Order, or other provisions.

Defendants, their successors, agents and employees are enjoined as follows:

Part I: Transitional Provisions

1. The complaints and compliance reviews pending at the date of entry of this Order, which have not been processed within the timeframes required by the December 29, 1977 Order, shall be processed in accordance with the provisions of this paragraph:

(a) ED shall resolve (process to the formal enforcement stage, if necessary) all complaints and compliance reviews in which investigations have been completed within 90 days of the date of entry of this Order.

(b) ED shall resolve all complaints and compliance reviews in which investigations have not been completed within 180 days of the date of entry of this Order.

(c) However, ED may resolve up to twenty percent of the total number of these pending complaints and compliance reviews as late as one year from the date of entry of this Order.

(d) All complaints and compliance reviews which have been processed in accordance with the timeframe provisions (¶¶ 15, 22) of the 1977 Order may be processed in accordance with such provisions as modified in Part II of this Order.

2. For those long-pending complaints in which investigations have been effectively suspended, ED shall for 60 days make reasonable efforts to notify the complainant that ED is now prepared to process the complaint. If, after reasonable efforts are made, Ed is unable to locate the complainant or the complainant does not wish to pursue the allegation, the complaint may be closed. Any complaint so closed shall be reopened only upon good cause shown.

Part II: Provisions Regarding Enforcement of the Applicable Laws

A. Definitions

3. A "complaint" is defined as an allegation that an affected institution has violated one or more of the applicable laws and/or the regulations promulgated under those laws. A "complete complaint" is one which (a) identifies the complainant by name and address; (b) generally identifies or describes those injured by the alleged discrimination (names of the injured person or persons shall not be required); (c) identifies the affected institution or individual alleged to have discriminated in sufficient detail to inform the Office of Civil Rights what discrimination occurred and when it occurred to permit ED to commence an investigation. To be complete the complaint need not allege the law or laws being violated. A complaint which is substantially modified or amended by the complainant (e.g. addition of new allegations or recipients) subsequent to its acknowledgment shall be deemed a new complaint for the purposes of computing the permissible time.

4. A "compliance review" is an investigation or review (other than one limited to the investigation of a specific complaint) of an affected institution undertaken by ED in order to determine whether the institution is in compliance with the applicable laws and/or the regulations promulgated under those laws.

5. An "affected institution" is an educational institution or other entity (hereinafter institution) in the United States which administers a program or activity receiving federal financial assistance from ED. The "applicable laws" are Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, as amended.

B. Procedures for Handling Complaints

6. Within 15 calendar days of receipt of a complaint, ED shall notify the complainant in writing whether the complaint is complete or incomplete.

(a) If the complaint is complete, ED shall notify the complainant, within 15 days of receipt of the complaint, whether ED has jurisdiction over the allegations in the complaint, whether the complaint is patently frivolous; of the timeframes, procedures and laws applicable to the processing of the complaint; and if an on-site investigation is planned, the date scheduled for the investigation of the complaint. If it is determined subsequent to the 15 day period that an on-site investigation will be held, notice of the on-site investigation shall be given at the time of such determination.

(b) If the complaint is incomplete, ED shall notify the complainant, within 15 days of receipt of the complaint, of the particular elements missing in the complaint filed, the information and steps needed to complete the complaint, and the date by which further information necessary to complete the complaint must be received. If the information necessary to complete the complaint is not received within 60 days of the notification, ED shall close the complaint and shall so notify the complainant. For good cause shown, requests to reopen complaints which were closed because of incompleteness shall be granted by the Assistant Secretary for Civil Rights or an authorized designee. If the information necessary to complete the complaint is provided within 60 days, ED shall, within 15 calendar days of receipt of the information, notify the complainant of the information described in paragraph (a) herein.

(c) ED shall also notify the complainant that if any individual is harassed or intimidated by the affected institution because of filing of the complaint or participating in the investigation of the

complaint, such individual may file a complaint alleging such harassment or intimidation which will be handled pursuant to the timeframes set forth herein or on an expedited basis, if ED so determines.

7. Within 15 days of receipt of a complete complaint, ED shall notify the affected institution in writing of the nature of the complaint, the timeframes and procedures for processing complaints, the applicable legal authorities, and if an on-site investigation is planned, the date scheduled for the investigation of the complaint. If it is determined subsequent to the 15-day period that an on-site investigation will be held, notice of the on-site investigation shall be given at the time of such determination.

8. During the investigation of the complaint, ED shall investigate all allegations in the complaint, interview the complainant, contact and develop information from the affected institution and witnesses having information relevant and material to determine whether a violation has occurred, and shall afford to each a full opportunity to present all evidence. During the investigation, whenever the Office of Civil Rights (OCR) anticipates making a partial or total finding adverse to the complainant, ED shall advise the complainant of the evidence either by showing the evidence or by summarizing such evidence. Complainants shall be provided a timely opportunity to respond to such evidence.

9. Once ED determines whether a violation has occurred, it shall notify the complainant and the affected institution of the determination through a letter of findings. The letter of findings shall address all allegations and issues raised in the complaint and during the investigation. It shall set out ED's conclusions regarding each allegation and issue, supported by an explanation or analysis of the relevant information on which the conclusions are based, and set out an outline of the corrective action required, if any. If such corrective action is required, the letter of findings must include a determination of noncompliance as the basis for the corrective action. However, this provision does not preclude a negotiated settlement of the complaint before a letter of findings is required to be issued under ¶ 12(b)(1) or ¶ 13(b) below. Further, ED shall notify the complainant that upon request, it will provide to the complainant a copy of all ED correspondence sent to the affected institution subsequent to the letter of findings, pertaining to ED's determination with respect to the complaint.

10. If ED makes a finding of noncompliance, ED shall seek voluntary compliance through negotiations. Prior to the initiation of negotiations, ED shall consult with and obtain from the complainant any information which may be needed to fashion an appropriate remedy. During the period of negotiations, ED also shall keep the complainant advised of the status of the negotiations as they apply to the remedy being sought for the complainant. If OCR believes that a settlement offer less than that requested by the complainant is appropriate, ED shall advise the complainant of the evidence, if any, and the reasons supporting its belief in the manner set forth in ¶ 8 above. If corrective action is secured, ED shall notify the complainant of the corrective action taken.

11. If voluntary compliance cannot be secured through the negotiations process, ED shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law.

C. Timeframes Concerning Complaints

12. ED shall investigate and resolve all complaints under the applicable laws within the following timeframes:

(a) Within 15 calendar days of receipt of a complaint, ED shall issue the notification required in ¶¶ 6(a) or 6(b) above.

(b) Complete complaints:

(1) If the initial complaint is complete or upon its completion, ED shall conduct a prompt investigation to determine whether a violation has occurred. Such determination shall be made in writing within 105 days of receipt of the complete complaint.

(2) If a violation has occurred, ED shall attempt to bring the affected institution into voluntary compliance through negotiations. If such corrective action is not secured within 195 days of receipt of the complaint, ED shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law no later than 225 days after receipt of the complete complaint.

D. Complaint Timeframe Exception

13. In order to allow greater flexibility in the processing of complete complaints such as complaints raising complex issues or requiring policy development, an exception with longer timeframes shall apply:

(a) For those complaints *not* covered by the transitional provisions ¶¶ 1(a)–(c) above, not more than 20 percent of the complaints received in any fiscal year on a national basis or 30 percent of the complaints from any one subject category (Title VI—race; Title VI—national origin; Title IX; Section 504) on a national basis, and not more than 30 percent of the complaints received or handled by any one region shall be excepted from processing in accordance with ¶ 12 above.

(b) ED shall conduct a prompt investigation of such excepted complete complaints to determine whether a violation has occurred. Such determination shall be made in writing within 195 days of receipt of the complete complaint.

(c) If a violation has occurred, ED shall attempt to bring the effected institution into voluntary compliance through negotiations. If such corrective action is not secured within 315 days of receipt of the complete complaint, ED shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law no later than 345 days after receipt of the complete complaint.

E. Compliance Reviews

14. ED shall conduct an appropriate number of compliance reviews in each fiscal year to ensure adequate enforcement of the applicable law: (1) geographically dispersed throughout the country; (2) in Title VI cases, including a representative number of reviews of discrimination in student assignment in large school districts; (3) covering a range of issues in sex discrimination in elementary, secondary, and post-secondary education (including special problems of minority women); (4) covering student and employment programs and practices; (5) in *Lau* compliance reviews, geographically dispersed throughout the country in proporton to the needs in different regions; (6) an appropriate number of compliance reviews under section 504; (7) covering special purpose districts or schools; and (8) covering vocational education districts or schools including reviews of state agencies implementing Methods of Administration pursuant to Section II of the Vocational Education guidelines (45 CFR Part 80, App. B).

F. Compliance Review Procedures

15. At the beginning of each quarter or within ten days after ED notifies an affected institution ED also shall notify the parties which affected institutions will be subject to compliance reviews, the general subject area of the reviews, the dates on which the reviews will be commenced during the coming quarter of the fiscal year, and which reviews will be conducted pursuant to the compliance review timeframe exception under ¶ 18 below.

G. Compliance Review Timeframes

16. Within 90 days of the date that a compliance review commences ED shall determine whether the affected institution is in compliance with the applicable laws with respect to the issues investigated during the review. If the affected institution is in compliance, ED shall notify the affected institution of the specific issues for which compliance has been found and issue a letter of findings setting forth the specific reasons therefor. If outstanding complaints against the affected institution are not resolved during the compliance review, ED shall advise the affected institution that the finding does not address the issues raised in the complaint and in no way prejudices a future investigation of the complaint. If the affected institution is not in compliance, the letter of findings shall set forth the specific reasons therefor, and an outline of the corrective action required. If such corrective action is required, the letter of findings must include a determination of noncompliance as the basis for the corrective action. However, this provision does not preclude a negotiated settlement of the complaint before a letter of findings must be issued under this paragraph and ¶ 18 below. ED shall seek corrective action through negotiations. If such corrective action is not secured within 180 days of the commencement of the review, ED shall initiate formal enforcement action by administrative proceedings or by other means authorized by law no later than 210 days after commencement of the review. If an on site investigation is scheduled, the timeframes set forth in this paragraph shall run from the date that ED commences the investigation at the site of the affected institution.

17. In the course of the compliance review, ED shall afford parents, students and employees of the affected institution full and

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timely opportunity to present to ED information regarding the subject of the affected institution's compliance with the applicable laws.

H. Compliance Review Timeframe Exception

18. In order to allow greater flexibility in the processing of compliance reviews such as those involving complex issues or requiring policy development, an exception with longer timeframes shall apply.

(a) For those compliance reviews not covered by the transitional provisions of ¶¶ 1a–c above, not more than 20 percent of the compliance reviews conducted in any fiscal year on a national basis, not more than 30 percent of the total compliance reviews from any one subject category (Title VI-race; Title VI-national origin; Title IX; Section 504), on a national basis and not more than 30 percent of the reviews conducted by any one region shall be excepted from processing in accordance with the timeframe requirements of ¶ 16 above.

(b) Within 180 days of the date that a compliance review within this exception commences, ED shall determine whether the affected institution is in compliance with the applicable laws with respect to the issues investigated during the review. If the affected institution is not in compliance, ED shall seek corrective action through negotiations. If such corrective action is not secured within 300 days of the commencement of the review, ED shall initiate formal enforcement action by administrative proceedings or by other means authorized by law no later than 330 days after commencement of the review. If an on-site investigation is scheduled, the timeframes set forth in this paragraph shall run from the date that ED commences the investigation at the site of the affected institution. If no on-site investigation is conducted, the timeframes shall run from the date ED requested information from the affected institution.

I. Limited Tolling of Timeframes

19. The timeframes for processing complaints and compliance reviews set forth in ¶¶ 1, 12, 13, 16 and 18 above shall be tolled under the following conditions:

(a) *Witness Unavailability Caused by Extended Absence:* If any person whose testimony is material and relevant to the allegation is unavailable by reason of an extended absence (*e.g.*, summer recess, sabbatical or illness) so that ED is unable to complete the investigation or negotation within the timeframes specified in ¶¶ 1, 12, 13, 16 and 18 above, ED shall notify the complainant (when applicable) that such timeframes shall be tolled during the period of the witness' absence. ED shall also provide a specified date for completion of the investigation or negotiations, which shall be no later than the time remaining in the applicable old timeframe before the timeframe was tolled.

(b) *Court Order:* If a court order prevents the processing of a complaint or compliance review, the applicable timeframes shall be tolled during the pendency of the court order. In the case of complaints, ED shall notify the complainant of the tolling of the timeframe.

(c) *Pending Litigation:* If the Assistant Secretary for Civil Rights determines that pending litigation involving the same affected institution and the same issues as are the subject of a complaint or compliance review prevents or makes inappropriate processing of the complaint or compliance review, the applicable timeframes shall be tolled during the pendency of the litigation. In the case of complaints, ED shall notify the complainant of the tolling of the timeframes.

(d) *Denial of Access to Information:* If an affected institution refuses to allow an investigation to be conducted, or without good cause refuses to supply records or other materials which are necessary, material and relevant and without which the investigation cannot go forward within 60 days of ED's request to do so, ED shall attempt to secure voluntary compliance within 120 days of the request. If compliance cannot be secured voluntarily, ED shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by laws within 150 days of the request, unless the Assistant Secretary for Civil Rights determines that the failure to provide access or supply records or other materials should be joined in an enforcement action of the substantive issues involved in the investigation. Where the information access issue is joined with the substantive issues, the timeframes set forth in ¶¶ 1, 12, 13, 16 and 18 above shall apply. Where the information access issue is not joined to the substantive issues, the timeframes set forth in ¶¶ 1, 12, 13, 16 and 18 shall be tolled until the information is obtained. In the case of complaints, ED shall notify the complainant of the tolling of the timeframes.

(e) *Age Discrimination:* In complaints containing allegations of age discrimination in addition to allegations of violations of Title IX, Title VI or Section 504, in order to allow the complaint to be forwarded to the Federal Mediation and Conciliation Service (FMCS), the applicable timeframe shall be tolled for 60 days or until the complaint is returned to OCR from FMCS, whichever is earlier. If the complaint is not resolved by FMCS within 60 days, ED must resume processing of the complaint within the applicable timeframes. ED shall notify the complainant of the duration of the tolling of the timeframes.

J. Publishing Annual Plans

20. Each year at least 60 days in advance of the fiscal year commencing with fiscal year 1983, ED shall publish a proposed annual operating plan for the coming fiscal year permitting members of the public to comment thereon. After public comment has been received and evaluated, ED shall publish a final annual plan by the close of the first quarter of the fiscal year.

K. Surveys of Affected Institutions:

21. In fiscal year 1979, HEW conducted a survey under all of the applicable laws of a representative number of elementary and secondary school districts on student services and admissions issues. ED intends to continue to conduct such surveys in alternate fiscal years with submissions due in October. Further, ED intends to conduct a survey under all of the applicable laws of a representative number of institutions of higher education that receive or benefit from ED funds covering student services issues. ED also intends to conduct a survey of vocational schools based on the updated universe of recipients included in the Fall 1979 Vocational Education Civil Rights Survey at least once every four years beginning in fall 1983. All surveys shall request the submission of information and data adequate to assist ED in determining where and if compliance reviews should be conducted, and to facilitate the processing of complaints and the identification of possible violations under the applicable laws. If ED plans any changes in the current survey at the conclusion of the present cycle of the OCR 101/102, such plans shall be submitted to plaintiffs and intervenors for comment in advance of their adoption. ED shall require each surveyed school district or affected institution to keep copies of completed surveys on file and make them available to the public on request. For those years that such surveys are submitted to ED, it shall also make the surveys which it collects available to the public.

L. Notice to the Public

22. Within 30 days of the entry of this Order, ED shall print the full terms of this Order in the **Federal Register.**

M. Assurance Forms:

23. ED shall require any educational institution receiving federal funds to have completed Title IX, Title VI and Section 504 assurance forms. If the regulations requiring educational institutions receiving federal funds to complete assurance forms are amended in any way, this paragraph shall be considered amended without the need to return to this Court for formal approval.

N. Reporting:

24. Six Month Reports: Defendants shall provide to the parties twice a year on April 30 (for October 1 through March 31) and on October 31 (for April 1 through September 30), information which may be supplied by computer printouts, showing its enforcement activities occurring in the previous six months as follows:

(a) *Complaint/Compliance Review Actions:*

(1) Similar to defendants' Exhibit B Management Indicators (submitted to the Court during the March, 1982 hearing) showing summary for nation and for each region, by basis, by month (and 6 month average in the reporting period) and showing separately for complaints and compliance reviews: starts/receipts; total closures; investigated closures; total pending; accountable to regions pending; number of investigators working on complaints/compliance reviews; total investigators; percent of investigators on complaints/compliance reviews; total pending per investigator; accountable pending per investigator; productivity; substantive closures; change closures; percent closures resulting in change.

(2) Similar to Table VII of defendants' current report to parties, national and regional summaries of issues for complaints closed during the reporting period or pending

on the last day of the period, by age and by basis.

(3) Similar to Table VII of defendants' current report, national and regional summaries of complaints closed during the reporting period or pending on the last day of the period, by age and by basis.

(4) Identical to Table VI of defendants' current report, a list of recipients subject to compliance reviews, by region, by basis and issue; date of on-site investigation, date of LOF, dates of referral for enforcement and initiation of enforcement.

(5) As currently prepared by OCR, national summary and regional totals of compliance reviews, by basis and by issue (e.g., as set out in paragraph 14 above) including the number of reviews open at beginning and end of reporting period; and started and closed during reporting period.

(b) *Compliance with Timeframes (Complaints and Compliance Reviews)*

Similar to defendants' Exhibit B, referred to in ¶ 24a, *supra, e.g.*, pp. 2, 4 and Table III of current report to parties, showing summaries of due dates within the reporting period and those missed, separately for complaint and compliance review actions, by nation, region and basis, including the reasons for missed due dates. This information shall be provided for the total number of complaints and compliance reviews; for those complaints and compliance reviews processed under the normal timeframes set forth in ¶¶ 12 and 16 above and for those processed under the exceptional timeframes set forth in ¶¶ 13 and 18 above.

(c) *Early Warning Reports:*

Data showing how long each case remains on the Early Warning Reports.

(d) *Letters of Findings:*

Separately for complaints and compliance reviews, a national summary, month by month, of letters of findings issued, the number in which violations were found and the number in which no violations were found.

(e) *Invocation of Timeframe Exceptions:*

The number and percentage of complaints and the number, percentage and identity of compliance reviews placed in the 20 percent exception provisions set forth in ¶¶ 13 and 18 above within the reporting period by nation, region, basis and reason.

(f) *Invocation of Tolling of Timeframe Provisions:*

Separately concerning each of the tolling provisions set forth in ¶ 19 above, the number of complaints and the number and identity of compliance reviews in which the timeframes were tolled within the reporting period by nation, region, basis and reason.

25. Transition Period: Concerning the one year transitional provisions set forth in ¶ 1 above, defendants shall provide reports to the parties seven months and thirteen months from the date of this Order. The reports shall show (broken out by cases investigated and not investigated as of the date of the Order): the number of affected complaints and the number and identity of affected compliance reviews, the number whose due date fell within the reporting period, the number of due dates met, the number of due dates missed and the reasons for missed due dates, summarized by region.

26. Annual Reports: Defendants shall provide by October 31 of each year the following:

(a) Quality Assurance Study reports for the preceding year;

(b) Budget figures proposed by OCR to ED, proposed by ED to OMB and approved by OMB for the following fiscal year;

(c) The final appropriation for OCR for the preceding fiscal year and the total amount of that appropriation expended at the end of the fiscal year;

(d) Staffing data for OCR for the preceding fiscal year and projected for the forthcoming fiscal year, including total staff ceiling, number of positions filled and number of positions vacant.

27. If ED has failed to comply with the obligations set forth in this order, an explanation of the specific reasons for the failure to so comply.

28. ED shall make available to plaintiffs and intervenors in Washington, D.C., upon request and with at least two weeks notice, the file of a closed complaint and/or compliance review with confidential material deleted.

Part III: Executive Order Provisions

29. The foregoing requirements apply to the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor (DOL) in enforcing compliance with the sex discrimination provision of Executive Order 11246 at all institutions of higher education covered by said Executive Order and implementing regulations.

A. Definitions

30. A "complaint" is defined as an allegation that an entity receiving federal funds covered by the Executive Order (contractor) has violated the Executive Order and/or the implementing regulations. A "complete complaint" is one which identifies: (a) The complainant by name and address; (b) a general description of those injured by the alleged discrimination (names of the injured person or persons shall not be required); (c) the contractor, educational entity or individual alleged to have discriminated by name and address; (d) the alleged discrimination in sufficient detail to permit DOL to commence an investigation, describing what occurred, when it occurred, and the basis for its occurring (discrimination on the basis of sex). To be complete the complaint need not allege the law or laws being violated.

31. A "compliance review" (including a pre-award review) is an investigation or review (other than one limited to the investigation of a specific complaint) of a contractor undertaken by DOL in order to determine whether the recipient is in compliance with the Executive Order and/or the regulations promulgated thereunder.

B. Timeframes and Procedures for Handling Complaints

32. Nothing in this Order shall preclude DOL or OFCCP from referring Executive Order complaints to the Equal Employment Opportunity Commission (EEOC) under the Memorandum of Understanding between OFCCP and EEOC, 46 FR 7435 (January 22, 1981, Memorandum of Understanding).

33. Within 15 calendar days of DOL's receipt of a complaint, OFCCP shall acknowledge the complaint and advise complainant that if jurisdiction is found, an investigation will be initiated and that the complainant will be contacted by OFCCP before or during the investigation.

34. If a complaint has been determined to be incomplete and the complaint is not completed within 60 days from the initial federal agency receipt of the original complaint, OFCCP shall close the complaint.

35. When the complaint is complete, OFCCP shall conduct a prompt investigation, determine in writing whether a violation has occurred, (*see* ¶ 36), and notify the complainant in writing of such determination.

36. The written determination of whether a violation has occurred shall address all allegations and issues raised in the complaint and during the investigation. It shall set out DOL's conclusions regarding each allegation and issue, supported by an explanation or analysis of the relevant information on which the conclusions ae based and set out an outline of the corrective actions required, if any. If such corrective action is required, the letter of findings must include a determination of noncompliance as the basis for the corrective action. In conducting the investigation, DOL shall interview the complainant and shall develop all information relevant and material to the complaint. During the investigation whenever DOL anticipates making a partial or total finding adverse to the complainant, DOL shall advise the complainant of evidence supporting the adverse finding either by showing the evidence or by summarizing such evidence. Complainants shall be provided a timely opportunity to respond to such evidence.

37. If DOL determines that a violation has occurred, DOL shall attempt to correct the violation through mediation, conciliation and persuasion. DOL shall also keep the complainant advised of the status of the negotiations as they apply to the remedy being sought for the complainant. If conciliation fails, DOL shall notify the complainant of the determination and conciliation efforts and shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law.

38. DOL shall investigate and resolve all complaints within the following timeframes:

(a) Within 15 calendar days of receipt of a complaint, DOL shall issue the notification required in ¶ 33 above.

(b) *Complete Complaints:*

(1) If the initial complaint is complete, or upon its completion, DOL shall conduct a prompt investigation to determine whether a violation has occurred. Such determination shall be made in writing within 105 days of receipt of the complete complaint.

(2) If a violation has occurred, DOL shall attempt to bring the educational institution into voluntary compliance through negotiations. If such corrective action is not secured within 195 days of receipt of the complaint, DOL shall initiate formal enforcement action by commencing administrative proceedings or by other means

authorized by law no later than 225 days after receipt of the complete complaint.

39. DOL shall make a preliminary examination of complaints alleging intimidation or retaliation to determine whether the intimidation, coercion, retaliation, etc. are of the nature to require handling of those complaints on an expedited basis.

40. The timeframes for handling compaints set forth herein shall not in any way supersede responsibilities of DOL to meet shorter timeframes (which are therefore fully consistent with this order) set forth in any laws or regulations binding the agency. The Director may grant extenstions for processing of complaints through to enforcement action only where good cause is shown, provided such extensions are no longer than the timeframes provided in ¶ 38 above, ¶ 41 below where the exception in ¶ 41 applies, or ¶ 60 below where ¶ 60 applies.

41. In order to allow greater flexibility in the processing of complete complaints requiring longer timeframes than the standard timeframes provided in ¶ 38 above, the following exception with longer timeframes shall apply:

(a) for those complaints not covered by the transitional provisions ¶ 60 (a)–(c) below, not more than 20 percent of the complaints received in any fiscal year on a national basis, and not more than 30 percent of the complaints received or handled from anyone region shall be excepted from processing in accordance with ¶ 38 above.

(b) DOL shall conduct a prompt investigation of the excepted complete complaints to determine whether a violation has occurred. Such determination shall be made in writing within 195 days fo reciept of the complete complaint.

(c) If a violation has occurred, DOL shall attempt to bring the educational institution into voluntary compliance through negotiations. If such corrective action is not secured within 315 days of receipt of the complete complaint, DOL shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law no later than 345 days after receipt of the complete complaint.

C. Compliance Reviews

42. DOL shall conduct an appropriate number of compliance reviews in each fiscal year of institutions of higher education, which are geographically dispersed throughout the country, to ensure adequate enforcement of the sex discrimination provisions of the Executive Order. In addition, DOL shall conduct pre-award reviews to determine whether an educational institution is currently in compliance with Executive Order requirements before each federal contract of over $1 million is awarded. Such pre-award reviews shall be conducted on-site unless an on-site compliance review has been conducted at the institution within 12 months prior to the award.

D. Compliance Review Procedures and Timeframes

43. (a) In conducting a compliance review or pre-award compliance review, DOL shall investigate and resolve all Executive Order sex-based complaints against the institution of higher education of file with OFCCP at the commencement of the investigation. If, however, the OFCCP Assistant Regional Administrator in charge of the review determines and documents as part of the compliance review report that resolution of an individual complaint may delay completion of the pre-award review, the individual complaint may be deferred and the review concluded. The processing of each deferred individual complaint shall be concluded within the timeframes set forth in ¶ 38 herein.

(b) In conducting the review, DOL shall also request and examine computer tapes requested from and provided by EEOC which summarize complaints alleging discrimination against the institution of higher education being reviewed on file with EEOC at the commencement of the review. DOL shall also examine all employment discrimination complaints on file with ED filed under Title IX against the institution being reviewed. In addition, in accordance with paragraph 6 of the Memorandum of Understanding, DOL shall ascertain whether any unresolved systemic complaint of discrimination against the institution are pending with the EEOC. The subject matter of such systemic EEOC complaints shall be considered during such pre-award review. If these investigations indicate systemic noncompliance, such noncompliance shall be resolved in the review. However, any such investigation and findings are not intended to affect the consideration of such complaints by EEOC.

(c) For the purposes of this Part, class or systemic Executive Order complaints includes those complaints which allege violations affecting more than one job and a number of employees. Individual complaints, on the other hand, are limited in scope and generally to one individual; they also tend to be isolated instances of discrimination.

44. In conducting a compliance review, other than a pre-award review: (a) Within 90 days of the date that a compliance review commences, DOL shall determine whether the contractor is in compliance with the Executive Order and regulations thereunder, including the submission to DOL of an Affirmative Action Plan which meets the requirements of ¶ 52 herein; (b) if the contractor is in compliance, DOL shall notify the contractor of those specific issues for which a finding of compliance has been made; (c) if, with respect to the issues covered in the review, the contractor is not in compliance, the letter of findings shall set forth the specific reasons therefor, and an outline of the corrective action required. If such corrective action is required, the letter of findings must include a determination of noncompliance as the basis for the corrective action. DOL shall attempt to secure voluntary compliance, including, if necessary, the issuance of a show cause notice; and (d) if compliance cannot be secured voluntarily within 180 days of the commencement of the review, DOL shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law within 210 days of the commencement of the review. If an on-site investigation is scheduled, the timeframes set forth in this paragraph shall run from the date that DOL commences the investigation at the site of the contractor. If no on-site investigation is conducted the timeframes shall run from the date DOL requests information from the contractor.

45. The timeframes for handling compliance reviews set forth herein shall not in any way supersede responsibilities of DOL to meet shorter timeframes set forth in any laws or regulations binding the agency except that the Director of OFCCP may for good cause shown grant extensions of time for processing of the compliance review through to referral for enforcement action provided that such extensions are no longer than the timeframes provided in ¶ 44 above, ¶ 47 below where the exception in ¶ 47 applies, or ¶ 60 where ¶ 60 applies.

46. In the course of the compliance review, DOL shall afford employees of the contractors a full and timely opportunity to present information to DOL regarding the subject of the contractor's compliance with the Executive Order.

47. In order to allow greater flexibility in the processing of compliance reviews requiring longer timeframes than the standard timeframes provided in ¶ 44 above, an exception with longer timeframes shall apply:

(a) For those compliance reviews not covered by transitional provision ¶ 60(a)—(c) not more than 20 percent of the compliance reviews conducted in any fiscal year on a national basis, and not more than 30 percent of the compliance reviews conducted by any one region shall be excepted from processing in accordance with the timeframe requirements of ¶ 44 above.

(b) Within 180 days of the date that a compliance review within this exception commences, DOL shall determine whether the contractor is in compliance with the Executive Order with respect to the issues investigated during the review. If the affected institution is not in compliance, DOL shall seek corrective action through negotiations. If such corrective action is not secured within 300 days of the commencement of the review, DOL shall initiate formal enforcement action by administrative proceedings or by other means authorized by law no later than 330 days after commencement of the review. If an on-site investigation is scheduled, the timeframes set forth in this paragraph shall run from the date that DOL commences the investigation at the site of the contractor. If no on-site investigation is conducted, the timeframes shall run from the date DOL requested information from the contractor.

48. Limited Tolling of Timeframes: The timeframes for processing complaints and compliance reviews set forth in ¶¶ 38, 41, 44, 47 above and ¶ 60 below shall be tolled under the following conditions:

(a) *Witness Unavailability Caused by Extended Absence:* If any person whose testimony is material and relevant to the allegation is unavailable by reason of any extended absence (*e.g.*, summer recess, sabbatical or illness) so that DOL is unable to complete the investigation within the timeframes specified in ¶¶ 38, 41, 44, 47 and

60, such timeframes shall be tolled during the period of the witness' absence. DOL shall set a specified date for completion of the investigation, which shall be no more than the time remaining in the applicable old timeframe before the timeframe was tolled.

(b) *Court Order:* If a court order prevents the processing of a complaint or compliance review, the applicable timeframes shall be tolled during the pendency of the court order.

(c) *Pending Litigation:* If the Director of OFCCP determines that pending litigation involving the same contractor and the same issues as are the subject of a compliance review or complaint prevents or makes inappropriate processing of the compliant or compliance review, the applicable timeframes shall be tolled during the pendency of the litigation.

(d) *Denial of Access to Information:* If the institution refuses to allow an investigation to be conducted, or without good cause refuses to supply records or other materials which are necessary, material and relevant and without which the investigation cannot go forward, within 60 days of DOL's request to do so, DOL shall attempt to secure voluntary compliance within 120 days of the request. If compliance cannot be secured voluntarily, DOL shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law within 120 days of the request, unless the Director of OFCCP determines that the failure to provide access or supply records or other materials should be joined in an enforcement action of the substantive issues involved in the investigation. Where the information access issue is joined with the substantive issues, the timeframes set forth in ¶¶ 38, 41, 44, 47 and 60 shall apply. Where the information access issue is not joined with the substantive issues the timeframes provisions set forth in ¶¶ 38, 41, 44, 47 and 60 shall be tolled until the information is obtained.

49. Pre-Award Reviews: A pre-award determination that an educational institution is currently in compliance with Executive Order requirements shall be made before each contract of over $1 million is awarded. Such a finding shall include but not necessarily be limited to a determination that:

(a) alleged sex discrimination violations have been resolved in accordance with ¶ 43 above;

(b) the contractor is in compliance with its obligation to have an approved Affirmative Action Plan (as that term is defined in ¶ 52 below); and

(c) the contractor has complied with the terms of its affirmative action program after a review of such information.

50. If the terms of ¶ 49 are not met, DOL shall take action in accordance with the provisions of 41 CFR 602.2(b) to limit the award of contracts to educational institutions found not to be in compliance with ¶ 49 until the educational institution comes into compliance therewith.

51. OFCCP shall develop and implement a system for contracting agencies to notify OFCCP of contracts in excess of $10,000 awarded to institutions of higher education, and for monitoring whether adequate notice is being given to OFCCP to permit a pre-award review to be conducted before award of contracts of $1 million or more. Such system shall be in operation by the end of 1983.

E. Executive Order Affirmative Action Plan

52. DOL shall require each institution which must maintain an affirmative action plan (AAP), including annual updates thereof, to meet all the requirements of the Executive Order and regulations concerning an AAP and to submit such AAP to DOL within thirty days of a DOL request for submission.

53. If a contractor refuses to submit an AAP within 30 days of DOL's request to do so, DOL shall issue a 30 day show cause notice within 40 days of the request unless other enforcement action authorized by law is to be taken. Subject to the provisions of ¶ 55 below, if a show cause notice is issued and good cause is not shown, OFCCP shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law within 90 days of the request.

54. In the course of the AAP review, DOL shall afford employees of the contractor a full and timely opportunity to present information to DOL regarding the subject of the plan's compliance with the Executive Order.

F. Withdrawal of Show Cause Notice

55. A show cause notice, issued by DOL as set forth herein, shall not be withdrawn unless the standards and procedures set forth in the OFCCP Memorandum of April 18, 1977 to Heads of All Agencies are met.

G. Recordkeeping

56. DOL shall maintain current EEO–6 data, or any successor data providing a workforce breakdown, and shall make such information available to members of the public pursuant to a request.

57. Commencing within one year after the entry of the Order, DOL shall maintain a complete and current list of all educational institutions covered by the Executive Order by state and in alphabetical order, the amounts of the contracts, and the contracting federal agencies. Such lists shall be made available to the public.

58. DOL shall maintain adequate records for determining the number and status of complaints, compliance reviews and affirmative action plan reviews under the Executive Order.

H. Notice ot Public

59. DOL shall publish in the **Federal Register** within 30 days after the effective date of this Order the full terms of this Order.

I. Provisions for Transition Period

60. The complaints and compliance reviews pending at the date of entry of this Order which have not been processed within the timeframes required by the December 29, 1977 Order, shall be processed in accordance with the provisions in this paragraph:

(a) DOL shall resolve (process to the final enforcement stage, if applicable) all complaints and compliance reviews in which investigations have been completed within 90 days of the date of entry of this Order.

(b) DOL shall resolve all complaints and compliance reviews in which investigations have not been completed within 180 days of the date of entry of this Order.

(c) However, DOL may resolve up to twenty percent of the total number of these pending complaints and compliance reviews as late as one year from the date of entry of this Order.

(d) All complaints and compliance reviews which have been processed in accordance with the timeframe provisions of the 1977 Order may be processed in accordance with the timeframe provisions as modified in Part III of the Order.

61. For those long-pending complaints in which investigations have been effectively suspended, DOL shall for 60 days make reasonable efforts to notify the complainant that DOL is now prepared to process the complaint. If after reasonable efforts are made, DOL is unable to locate the complainant or the complainant does not wish to pursue the allegation, the complaint may be closed.

J. Reporting

62. Twice a year on April 30 (for October 1, through March 31) and on October 31 (for April 1 through September 30) DOL shall provide plaintiffs information which may be supplied by computer printouts, showing its enforcement activities under the Executive Order for institutions of higher education which occurred in the previous two quarters of the fiscal year, as follows:

(a) Summaries showing by region for each six month period: (1) The total number of complaints received; (2) the total number of complaints pending at the beginning of the period; (3) the total number of complaints pending at the end of the period; (4) the total number of complaints closed during the period; (5) the total number of complaints closed because no violation was found; (6) the total number of complaints where findings of violations were made; (7) the total number of complaints closed after corrective action was secured; (8) the total number of cases where DOL initiated enforcement action. Such report need not include any complaints which were on file with EEOC and investigated during compliance reviews.

(b) For each complaint received or unresolved: (1) Identification of the complaint by log number and date of initial receipt; (2) the institution against whom the complaint was filed; (3) the substantive allegations raised in the complaint; (4) whether it is a retaliation complaint; (5) the date of acknowledgement of receipt pursuant to ¶ 33; (6) the date a letter of findings was sent and whether or not a violation had occurred; (7) the date corrective action was secured or negotiations were terminated; (8) the date that DOL commenced formal enforcement action.

(c) For each compliance review pending or closed in the previous two quarters: (1) the identity of the institution; (2) whether the contractor's AAP was requested as part of the review and the date the AAP was requested; (3) whether conducted as an on-site or off-site investigation; (4) if on-site, the date on-site investigation was started; (5) the issues covered in the compliance review (*e.g.*, salaries; recruitment, promotion policies,

compliance with AAP); (6) whether the AAP was approved; (7) the date a letter of findings was sent determining whether a violation had occurred; (8) whether or not a violation was found; (9) the date a show cause letter was sent; (10) the date corrective action was secured or negotiations were terminated; (11) if applicable, the date that DOL initiated formal enforcement action.

(d) For each contract of over $1 million on which a federal agency requested a pre-awarded determination with regard to an educational institution, in the previous two quarters: (1) The identity of the institution; (2) the agency requesting the determination; (3) the amount of the contract, if known to DOL; (4) the date the contracting agency informed DOL that the contract was to be let; (5) the dates that DOL conducted its pre-award review; (6) the date that DOL determined whether the recipient was in compliance; (7) the determination by DOL of whether the recipient was in compliance; (8) if the recipient was not in compliance, the action taken by DOL and the date thereof.

(e) If DOL failed to comply with the timeframes or other obligations set forth in this Part, an explanation of the specific reasons for the failure to so comply.

63. The number, percentage and identity of complaints and compliance reviews placed in the 20 percent exception provisions set forth in ¶¶ 41 and 47 above within the reporting period by nation, region and reason.

64. Separately concerning each of the tolling provisions set forth in ¶ 48 above, the number and identity of complaints and compliance reviews in which the timeframes were tolled within the reporting period by nation, region and reason.

65. Concerning the one year transitional provisions set forth in ¶ 60 above, defendants shall provide reports to plaintiffs seven months and thirteen months from the date of this Order. The reports shall show (broken out by cases investigated and not investigated as of the date of the Order): the number and identity of affected complaints and compliance reviews the number whose due date fell within the reporting period, the number of due dates met, the number of due dates missed and reasons for missed due dates, summarized by region.

66. Defendants shall provide by October 31 of each year the following:

(a) Budget figures proposed by OFCCP to DOL, proposed by DOL to OMB and approved by OMB for the following fiscal year;

(b) The final appropriation for OFCCP for the preceding fiscal year and the total amount of that appropriation expended at the end of the fiscal year;

(c) Staffing data for OFCCP for the preceding fiscal year and projected for the forthcoming fiscal year, including total staff ceiling, number of positions filled and number of positions vacant.

67. DOL shall make available to plaintiffs in Washington, D.C., upon request and with at least two weeks notice, the file of a closed complaint, pre-award review, compliance review, and/or affirmative action plan review with confidential material deleted.

Part IV: Cost and Attorneys' Fees

Plaintiffs and intervenors are entitled to costs (including deposition costs) in connection with the monitoring of the December 29, 1977 Order and the entry of the instant Order. Plaintiffs and intervenors are also entitled under 28 U.S.C. 2412 and 42 U.S.C. 1988 to the award of reasonable attorneys' fees in connection with the monitoring of the December 29, 1977 Order and the entry of the instant Order. Applications of award of costs and fees shall be filed within 60 days unless resolved by settlement.

Dated: March 10, 1983.

John H. Pratt,

United States District Judge.

[FR Doc. 83-9329 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-27-M

Mine Safety and Health Administration

[Docket No. M-82-131-C]

Bow Valley Coal Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Bow Valley Coal Resources, Inc., Coalgood, Kentucky 40818 has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to the following mines:

Belmon No. 3 (I.D. No. 15-08700), Belmon No. 8 (I.D. No. 15-11283), Belmon No. 9 (I.D. No. 15-11882), Dulcimer No. 1 (I.D. No. 15-08919), Dulcimer No. 2 (I.D. No. 15-12772), Oxford No. 2A (I.D. No. 15-02799), Oxford No. 4 (I.D. No. 15-12215), Oxford No. 5 (I.D. No. 15-12869), Smith No. 2 (I.D. No. 15-11197), Smith No. 5 (I.D. No. 15-11285), Smith No. 6 (I.D. No. 15-12216), Smith No. 7 (I.D. No. 15-13479), Dulcimer No. 4 (I.D. No. 15-13677), Belmon No. 10 (I.D. No. 15-12328), and Harlan Fuel Company No. 19 (I.D. No. 15-12894), all located in Harlan County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all haulage equipment be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment.

2. As an alternate method, petitioner proposes to use a remote diconnect lever on the mines' rail equipment. This lever is installed on a pivot pin and has the coupling pin permanemtly fastened to the lever. As the lever is pushed down, the coupling pin is pulled out of the hole, allowing the car and motor to be separated. The lever assembly is also equipped with an up and down position lock to assure that the lever does not slip down and cause the accidental uncoupling of the cars.

3. Petitioner states that using this lever will allow the coupling pin to be removed by remote means without placing the worker in a hazardous location. No one will be between the car and the motor while haulage equipment is coupled.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-9112 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-3-M]

Cathedral Bluffs Shale Oil Co.; Petition for Modification of Application of Mandatory Safety Standard

Cathedral Bluffs Shale Oil Co., P.O. Box 2667, Grand Junction, Colorado 81502 has filed a petition to modify the application of 30 CFR 57.21-78 (permissible equipment) to its Cathedral bluffs Mine (I.D. No. 05-03140) located in Rio Blanco County, Colorado. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that only permissible equipment maintained in permissible condition be used beyond the last open crosscut or in places where dangerous quantities of flammable gas are present or may enter the air current.

2. Methane samples taken at the mine indicate that dangerous quantities of methane are nonexistent for the mine. Larger concentrations, or gas pockets, if they exist, would first be encountered either with pneumatic drilling equipment which operate under wet conditions or at the time of blasting when the shaft is completely evacuated of personnel.

3. Petitioner states that nonpermissible equipment will not be used where methane concentration is in

excess of one percent; therefore, petitioner seeks a modification of the standard to permit the use of nonpermissible equipment in the mine. Specifically, petitioner proposes to use a 4-wheel drive scooptram manufactured by Wagner Mining Equipment Company under the following conditions:

a. Air quality control monitoring will be done by hand-sampling methods at specified locations and intervals, with appropriate recordkeeping procedures;

b. Ventilation will be provided by a twin 50 hp permissible type fan mounted near the Service shaft (fresh air source), with air provided by flexible vent tubing. Return air from the heading will be exhausted into the Production shaft and directly out of the mine;

c. If circumstances permit, permissible explosives will be used. Some minor water is expected, particularly in the lifter holes, so that ANFO will not be used. Nonel blasting caps will be used, detonated by a single electric cap tied into the main blasting line in the shaft. All miners will be removed from the mine before blasting and normal methane checks will be made before and after blasting. Drillholes will be a nominal one and one-half inch diameter and drilled eight feet deep. The holes will be loaded with explosives to a depth of six feet.

4. Petitioner states that the procedures outlined above provide the same degree of safety for the miners affected as that afforded by the standard, and for these reasons requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address.

Dated: March 31, 1983.

Patricia W. Silvey

Acting Director Office of Standards, Regulations and Variances

[FR Doc. 83-9117 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-14-C]

D & D Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

D & D Coal Company, R.D. No. 2, Box 309, Pine Grove, Pennsylvania 17963 has filed a petition to modify the application of 30 CFR 75.902 (low- and medium-voltage ground check monitor circuits) to its No. 2 Slope (I.D. No. 36-05384) located in Schuylkill County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that low- and medium-voltage resistance grounded systems include a failsafe ground check circuit to monitor continuously the grounding circuit.

2. The mine generates 480-volt, 3-phase power with a diesel-powered generator, which energizes two 13 hp sump-pumps. The power conductors are 2/0 copper and the grounding conductor, which is continuous from the surface grounding electrodes to the underground electrical equipment, is 1/0 copper.

3. There are no personnel in the mine while electrical circuits are energized. There is no high voltage at the mine. There is no portable or mobile equipment in the mine.

4. Water is pumped from the mine before or after personnel are in the mine. Pump repairs are made by outside contractors and not at the mine. Since there are no personnel in the mine during pumping, there is no chance of personnel contracting the energized frames of mining machinery which might become energized through failure of the insulation of the power conductors.

5. As an alternate method, petitioner proposes that:

a. No personnel will enter the mine while circuits are energized;

b. The pumps, which are controlled from the surface, will be locked out at the disconnect switch by the mine superintendent before personnel enter the mine; and

c. A warning sign of adequate size will be posted at the mine's entry.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address.

Dated: March 31, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc 83-9115 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-18-C]

Eastern Associated Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Eastern Associated Coal Corporation, Koppers Building, Pittsburgh, Pennsylvania 15219 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its Kopperstown No. 1 Mine (I.D. No. 46-01537) located in Raleigh, Wyoming and Boone Counties, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that air currents used to ventilate structures or areas enclosing electrical installations be coursed directly into the return.

2. The 4 Panel Right Mains Area and the adjacent Pond Fork Mains Area have been almost exclusively mined by the longwall method, with the resultant potential for numerous surface breaks, particularly in the vicinity of the seam outcrops. Such surface breaks which occur near gob bleeders and extensively mined areas with minimal ground cover are determental to the safety and efficiency of a negative pressure (exhausting) system of ventilation. Better roof control in the headgate and tailgate entries was obtained with the change from a four- to three-entry development system. Due to the length of the longwall panel, a belt conveyor drive is required approximately 2,500 feet in by the mouth of the panel.

3. As an alternate method to coursing air currents used to ventilate belt line transfer point transformers on longwall headgates into a return, petitioner proposes to use a positive pressure (blowing) system for the currently active 4 Panel Right Mains Area. An eight-foot diameter fan has been installed at the mouth of these mains to provide ventilation improvements. Upon activation of the positive pressure ventilation system, all of the entries on the longwall headgate will become intake aircourses, with the belt conveyor in No. 1, supply track in No. 2 and intake

escapeway in No. 3. Since the air in both No. 2 and No. 3 entries will be used to assure a sufficient volume of intake ventilation to the longwall face and the air in the No. 1 entry must be directed to a return aircourse, a return air split is eliminated in the headgate entries of the longwall panel.

4. In support of this proposed alternate method, petitioner proposes to install and maintain dry chemical fire suppression devices on the transfer point belt line transformers on the 19 Left and 20 Left 4 Panel Right headgate panels during longwall pillar work. These devices will also be installed on all future active longwall headgates where excessive length of beltlines or grades requires the use of belt transfer points to support longwall pillaring.

5. Petitioner states that the alternate method outlined above will provide the same degree of safety as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address:

Dated: March 31, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-9114 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-133-C]

H.J.H. Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

H.J.H. Coal Company, Inc., Route 1, Box 525-A, Grundy, Virginia 24614 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Mine No. 3 (I.D. No. 44-04920) located in Buchanan County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be examined in their entirety on a weekly basis.

2. The mine has two abandoned sections ventilated by one bleeder split of air. The roof in the immediate area is shale and is generally weak; the roof bolts tend to loosen, or layers of shale will fall between bolts. These conditions, cause difficulty in maintaining a safe travelway through approximately 6,000 feet of abandoned works.

3. No methane has been found in the return air.

4. As an alternate method, petitioner proposes to establish three check points in this bleeder split for the purpose of making weekly tests for air quality and methane. Results of these tests will be kept in a book in the mine office, and made available upon request.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address.

Dated: March 31, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-9116 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-96-C]

Kenellis Energies, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Kenellis Energies, Inc., P.O. Box 194, Harco, Illinois 62945 has filed a petition to modify the application of 30 CFR 75.503 (permissible equipment) to its Brushy Creek Mine (I.D. No. 11-02636) located in Saline County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all electric face equipment taken into or used in by the last open crosscut be maintained in permissible condition.

2. Petitioner seeks a modification of the standard to permit the use of Joy continuous mining machines with the foot switch (dead man switch) removed.

3. Petitioner states that the foot switches are found to be taped or wired in the down position, and due to the switches' location on the equipment and the mine's low wet seam, the switches become dirty and corroded, oftentimes remaining in the down position by themselves.

4. Petitioner farther states that the switch location on the machine presents a stumbling hazard to operators getting into and out of the cab, resulting in a diminution of safety.

5. Because the tram levers are self-centering, and the foot switches are only in the tram circuit, petitioner believes that the tram levers are as good or better than the foot switches. In the event of an emergency, when the operator removes physical pressure from the tram levers and/or foot switches, the machines will not tram. Both devices serve the same function; they both return to neutral without physical pressure being applied.

6. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address.

Dated: March 31, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 83-9113 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-19-C]

North River Energy Co.; Petition for Modification of Application of Mandatory Safety Standard

North River Energy Company, P.O. Drawer 519, Berry, Alabama 35546 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its North River No. 1 Mine (I.D. No. 01-00759) located in Fayette County, Alabama. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that permissible equipment taken into or used in by the last open crosscut be maintained in permissible condition.

2. Petitioner seeks a modification of the standard to permit the trailing cable for the shuttle cars and the roof bolter to be 750 feet in length, instead of the maximum allowable length of 550 feet, as specified in 30 CFR 18.82. The additional length is necessary to allow for two breakthroughs and additional development, giving sufficient room to operate safely once a belt and power move is completed.

3. In support of this request, petitioner states that all sections of the mine are equipped with impedence type ground monitoring devices that assure continuity of the pilot and ground circuits through the trailing cables to the various pieces of mobile equipment. This will remove power from the cables and equipment when a variance of three ohms resistance is detected in the individual systems. This ground check system is functioning properly and provides the monitoring and safety necessary for the various trailing cables.

4. Petitioner states that the alternate proposal outlined above will provide the same or greater degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 9, 1983. Copies of the petition are available for inspection at that address.

Dated: March 31, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-9118 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of forms under review: On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in. Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and questions: Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New (not previously approved or expired more than 6 months ago)

- Employment Standards Administration

Payroll Form
WH-347
Weekly
Businesses or other institutions
Small business or organization
SIC: Multiple
11,000,000 responses; 5,500,000 hours; 1 form

Report is used to certify payrolls in accordance with the requirements of the Copeland Act and the Davis-Bacon Act attesting that proper wage rates plus specified fringe benefits have been paid. Contracting officials use these payrolls to verify that legal rates are being paid and as an aid in determining that employees are properly classified for the work they perform (29 CFR 3.3, 5.5(a)(3)(ii)).

- Labor-Management Services Administration

Alternative Method of Compliance with Updated Summary Plan Description Requirements under ERISA
Every fifth plan year for plans that have been amended during the five year period. Every tenth year for plans that were not amended during the five year period.
Businesses or other institutions; small businesses or organization
SIC: All
11,644,143 responses; 3,285,457 hours

This is a proposed alternative method of compliance with the updated summary plan description requirements under ERISA. In general, the proposed alternative would, upon adoption, permit administrators of employee benefit plans to furnish participants with a "notice" and, upon request, a copy of the previously prepared SPD and relevant changes thereto in satisfaction of the statutory five year updated SPD requirements.

Extension

- Employment Standards Administration

Employee Mail Interview Form (English and Spanish)
WH-42
On occasion
Individuals or households
100,000 Responses; 33,333 hours; two forms

The form is used in selected instances during the course of investigations for compliance under the Fair Labor Standards Act, Public Contracts Act, Davis-Bacon and Related Acts. Since violative practices may not be apparent from the records an employer maintains, investigative procedures normally include interviews with at least some employees.

Signed at Washington, D.C. this 1st day of April, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-9130 Filed 4-7-83; 8:45 am]

BILLING CODE 4510-27-M

[Secretary of Labor's Order 5–83]

Delegation of Authority and Functions; Deputy Under Secretary for Employment Standards

April 1, 1983.

Subject: Delegation of Authority and Assignment of Responsibilities for the Migrant and Seasonal Agricultural Worker Protection Act.

1. *Purpose.* To delegate authority and assign responsibilities under the Migrant and Seasonal Agricultural Worker Protection Act to the Deputy Under Secretary for Employment Standards.

2. *Authority and Directives Affected.*

a. *Authority.* This Order is issued pursuant to the Act of March 4, 1913 (37 Stat. 736); 29 U.S.C. 551, 5 U.S.C. 301 and 302(b)(1); and the Migrant and Seasonal Agricultural Worker Protection Act, Pub. L. 97–470.

b. *Directives Affected.* Secretary's Orders 4–75 and 16–75 will be updated to reflect the provisions of this Order.

3. *Background.* The passage of the Migrant and Seasonal Agricultural Worker Protection Act repealed the Farm Labor Contractor Registration Act (Pub. L. 88–582). The new law provides improved protection of working and living conditions for migrant and seasonal agricultural workers and also reduces unnecessary regulatory burdens on agricultural employers and associations.

4. *Delegation of Authority and Assignment of Responsibilities.*

a. *The Deputy Under Secretary for Employment Standards* is delegated authority and assigned responsibility, except as herein provided, for carrying out the policies, programs, and activities of the Department of Labor under the Migrant and Seasonal Agricultural Worker Protection Act. This includes directing field programs, executing those functions to be performed by the Secretary of Labor, and making organizational changes within policies established by the Secretary. The Deputy Under Secretary for Employment Standards shall perform these functions in accordance with existing governmental and departmental regulations, orders and procedures.

b. *The Solicitor of Labor* is responsible for providing legal advice and assistance to all officials of the Department relating to the administration of the Migrant and Seasonal Agricultural Worker Protection Act. The bringing of legal proceedings under the Migrant and Seasonal Agricultural Worker Protection Act, the representation of the Secretary of Labor and/or other officials of the Department of Labor, and the determination of whether such proceedings or representation is appropriate in a given case are delegated exclusively to the Solicitor of Labor.

5. *Redelegation of Authority.* The authority and responsibilities delegated to the Deputy Under Secretary for Employment Standards and the Solicitor of Labor may be redelegated.

6. *Reservation of Authority.* The preparation of reports and recommendations to the President and the Congress concerning the administration of the Migrant and Seasonal Agricultural Worker Protection Act is reserved for the Secretary. Decisions under sections 103(b)(2) and 503(b)(2) which permit the Secretary to modify or vacate the decision of an administrative law judge shall also be reserved for the Secretary.

7. *Effective Date.* This Order is effective immediately.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 83–9179 Filed 4–7–83; 8:45 am]

BILLING CODE 4510–23–M

Employment Standards Administration

[Order No. 83–1]

Delegation of Authority, Organization, and Functions, Wage and Hour Administrator

April 4, 1983.

Subject: Redelegation of Authority and Reassignment of Responsibility for the Migrant and Seasonal Agricultural Worker Protection Act.

1. *Purpose:* To redelegate and reassign responsibility under the Migrant and Seasonal Agricultural Worker Protection Act to the Wage Hour Administrator.

2. *Authority and Directives Affected.* Secretary's Order 16–75 delegated authority and assigned responsibility for employment standards programs to the Assistant Secretary for Employment Standards, with the authority to redelegate. Secretary's Order 81–1 transferred all previous delegations of authority from the Assistant Secretary to the Deputy Under Secretary for the Employment Standards, without affecting existing redelegations within ESA.

Employment Standards Order 78–1 redelegated program authority within ESA, including redelegation of authority for carrying out specific programs to the Wage Hour Administrator, the Director for the Office of Federal Contract Compliance Programs, and the Director, Office of Workers' Compensation Programs, and for the local administration of all ESA programs to the ESA Regional Administrators. Employment Standards Order 80–2 amended Order 78–1 with respect to the authority of the Wage Hour Administrator and officials who act for the Administrator in his or her absence. This order further amends 78–1 and 80–2 by providing an additional redelegation to the Wage Hour Administrator.

3. *Redelegation of Authority and Reassignment of Responsibility.* The Wage Hour Administrator is hereby redelegated authority and reassigned responsibility for the Migrant and Seasonal Agricultural Worker Protection Act of 1983, Public Law 97–470.

4. *Redelegation of Authority.* The authority delegated and responsibilities assigned by this Order may be redelegated in a manner made consistent with further redelegations made pursuant to Orders 78–1 and 80–2. Such redelegations must be in writing and a copy submitted to OMAP, Division of Personnel and Organization Management.

5. *Effective Date.* This Order is effectively immediately.

6. *Filing.* This Order should be maintained by ESA Manual Holders in Section 5300, Delegations of Authority, of the ESA Manual of Administration.

Robert B. Collyer,

Deputy Under Secretary.

[FR Doc. 83–9096 Filed 4–7–83; 8:45 am]

BILLING CODE 4510–27–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Reactor Radiological Effects; Meeting

The ACRS Subcommittee on Reactor Radiological Effects will hold a meeting on April 28–30, 1983 in Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will review NRC Staff's response to the ACRS comments and recommendations on control room habitability, Shippingport decommissioning, the potassium iodide (KI) issue, and generic safety issues that relate to radiological effects, site evaluation, and waste management. Notice of this meeting was published March 23, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its

consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, Friday, and Saturday—April 28, 29 and 30, 1983—8:30 a.m. until the conclusion of business each day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, industry and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Ms. R. C. Tang (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close sessions of this meeting to public attendance to protect material, the premature disclosure of which might significantly frustrate implementation of proposed agency action. The authority for such closure is Exemption 9(B) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

Dated: April 5, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–9275 Filed 4–7–83; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Class-9 Accidents; Meeting

The ACRS Subcommittee on Class-9 Accidents will hold a meeting on April 25 and 26, 1983, Room 1046 at 1717 H Street, NW., Washington, DC. Notice of this meeting was published March 23, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Monday, April 25, 1983—8:30 a.m. until the conclusion of business

The Subcommittee will review "The Industry Degraded Core Rulemaking (IDCOR) Program.

Tuesday, April 26, 1983—8:30 a.m. until the conclusion of business

The Subcommittee will discuss with the Office of Research containment performance, status of source term work and recent decisions on the severe fuel damage program.

During the initial portion of the meeting, the Subcommittees, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Gary Quittschreiber or Staff Engineer, Mr. Alan B. Wang (Telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 5, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–9276 Filed 4–7–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-373]

Commonwealth Edison Co.; Issuance of Amendment of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. NPF–11, issued to Commonwealth Edison Company for operation of the La Salle County Station, Unit No. 1 (the facility) located in Brookfield Township, La Salle County, Illinois.

This amendment grants a change to the Technical Specifications which allows a reduction of level requirements for carbon dioxide storage tanks. The Amendment is effective as of the date of issuance.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commisson's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment and in the safety evaluation in support of the Amendment. Prior public notice of the license amendment was not required since the Amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this Amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this Amendment.

For further details with respect to this action, see (1) the application for amendment dated February 24, 1983; (2) Amendment No. 13 to License No. NPF–11 dated April 1, 1983, and (3) the related safety evaluation in support of the Amendment. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and the Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Marylan d this 1st day of April 1983.

For the Nuclear Regulatory Commission.

A. Bournia,

Acting Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc 83–9277 Filed 4–7–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District (the licensee), which revised Technical Specifications (TSs) for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment revises the Appendix A TSs to show the relocation of one fire hydrant to a new location 25 feet south of its present location.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated December 7, 1983, (2) Amendment No. 47 to License No. DPR-54, and (3) the Commission's letter to the licensee dated March 29, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 83-9278 Filed 4-7-83; 8:45 am]

BILLING CODE 7590-01-M

[Comanche Peak Steam Electric Station, Units 1 and 2; Docket Nos. 50-445-OL and 50-446-OL; ASLBP No. 79-430-06 OL]

Texas Utilities Generating Company, et al.; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board for *Texas Utilities Generating Company, et al.* (Comanche Peak Steam Electric Station, Units 1 and 2), Docket Nos. 50-445-OL and 50-446-OL, is hereby reconstituted by appointing Administrative Judge Peter B. Bloch as Chairman in place of Administrative Judge Marshall E. Miller, who is presently unable to continue to serve because of a recent eye injury.

As reconstituted, the Board is comprised of the following Administrative Judges;

Peter B. Bloch, Chairman
Dr. Kenneth A. McCollom
Dr. Walter H. Jordan

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge Peter B. Bloch, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 4th day of April 1983.

Robert M. Lazo,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 83-9279 Filed 4-7-83; 8:45 am]

BILLING CODE 7590-01-M

Office of Management and Budget

[Circular A-102]

Uniform Requirements for Grants to State and Local Governments

AGENCY: Office of Management and Budget.

ACTION: Notice.

EFFECTIVE DATE: April 8, 1983.

SUMMARY: This announces arrangements worked out between certain States and Federal agencies that will take the Federal lead in the audit partnership with those States. Moreover, it offers other States, not now doing so, an opportunity to make similar arrangements.

In the fall of 1980, following consultation with Federal and State officials and others, OMB made assignments of responsibility for audits of States on a department by department basis, i.e. a Federal agency assigned to each major State department. In the two years since 1980, there have been substantial advances in State level accounting and auditing, increased experience with the single audit approach, greater use of automation, and better coordination among the different levels of government. Accordingly, many States desire to make Statewide audits or at least increase the coordination of individual departmental audits. This announcement comes as a result of that desire and a concomitant willingness on the part of the Federal Government to accommodate the States.

The responsibilities of a "Cognizant Federal Audit Agency" are specified in Attachment P of Circular A-102. A related publication, entitled *Cognizant Audit Agency Guidelines*, (available from the regional offices of the Federal Inspectors General), provides information on the roles of the different Federal agencies when one agency is assigned the lead.

The recent assignments are as follows:

Federal Agency and States

Education:
Delaware
Florida
Louisiana
North Dakota

Labor:
New Hampshire

Health and Human Services:
California
Tennessee
New Jersey
Rhode Island
North Carolina

Transportation:
Maryland
Oklahoma

Agriculture:
Minnesota
Pennsylvania

FOR FURTHER INFORMATION CONTACT: Palmer A. Marcantonio, Management Reform Division, Office of Management and Budget, Washington, D.C. 20503.

SUPPLEMENTARY INFORMATION: This announcement relates to another, dated Monday, October 6, 1980, (Volume 45, No. 195, page 66338), entitled "Federal Agencies Responsible for audits of States."

States desiring more information, or wanting to secure similar arrangements for a lead cognizant audit agency, should contact the Federal Inspector General staff of the regional office closest to them, or the Office of Management and Budget at the address below.

Working with Federal Inspectors General, OMB will try to accommodate specific requests for lead cognizant agencies taking into account ongoing relationships and availability of Federal staff.

Harold I. Steinberg,

Associate Director for Management, Office of Management and Budget.

[FR Doc. 83-9134 Filed 4-7-83; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meetings

Pursuant to the provisons of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, May 5, 1983
Thursday, May 12, 1983
Thursday, May 19, 1983
Thursday, May 26, 1983

These meetings will convene at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additonal information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street NW, Washington, D.C. 20415; (202-632-9710).

Dated: April 4, 1983.

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 83-9240 Filed 4-7-83; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13135; 812-5432]

Merrill Lynch Basic Value Fund, Inc., et al.; Filing of Application

April 4, 1983.

In the matter of; Merrill Lynch Basic Value Fund, Inc., Merrill Lynch Special Value Fund, Inc., Merrill Lynch Capital Fund, inc., Merrill Lynch Pacific Fund, Inc., and Merrill Lynch Funds Distributor, Inc., 633 Third Avenue, New York, New York 10017 and, Merrill Lynch, Pierce, Fenner & Smith, Incorporated, One Liberty Plaza, 165 Broadway, New York, New York 10080, (812-5432); Notice of filing of an application for an order pursuant to section 6(c) of the Act for exemptions from Section 22(d) of the Act and from Rule 22c-1 thereof.

Notice is hereby given that Merrill Lynch Basic Value Fund, Inc., Merrill Lynch Capital Fund, Inc., Merrill Lynch Special Value Fund, Inc., and Merrill Lynch Pacific Fund, Inc., each of which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management company (such funds, together with any existing open-end, diversified investment company and any open-end, diversified investment company organized subsequent to the date hereof for which Merrill Lynch Funds Distributor, Inc. acts as principal underwriter, are herein referred to as the "Funds" or, individually, as the "Fund"), Merrill Lynch Funds Distributor, Inc. (the "Distributor"), and Merrill Lynch, Pierce, Fenner & Smith Incorporated (the "Dealer"), collectively referred to with the Distributor and the Funds as the "Applicants", filed an application on January 14, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, granting an exemption from Section 22(d) of the Act and Rule 22c-1 promulgated under Section 22(d) of the Act to permit the purchase and redemption of shares of the Funds through the Sharebuilder Plan offered to investors by the Dealer in the manner and subject to the conditions stated therein. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemptions apply.

Applicants state that Merrill Lynch Capital Fund, Inc. seeks the highest total investment return consistent with prudent risk through a fully managed investment policy utilizing equity, debt, and convertible securities. Merrill Lynch Special Value Fund, Inc. seeks long-term growth of capital by investing in a diversified portfolio of securities, primarily common stocks, of relatively small companies that management believes have special investment value and emerging growth companies regardless of size. Merrill Lynch Pacific Fund, Inc. seeks long-term capital appreciation primarily through investment in equities of corporations domiciled in Far Eastern or Western Pacific countries, including Japan, Australia, Hong Kong, Singapore, and the Philippines. Merrill Lynch Basic Value Fund, Inc. seeks capital appreciation and, secondarily, income by investing in securities, primarily equities, that management believes are undervalued and therefore represent basic investment value. The Applicants represent that the Distributor is a

wholly-owned subsidiary of Merrill Lynch Asset Management, Inc., which is a wholly-owned subsidiary of Merrill Lynch & Co., Inc. The Distributor serves as the principal underwriter of each of the Funds and for certain other registered investment companies. Applicants state that the Dealer, a wholly-owned subsidiary of Merrill Lynch & Co., Inc., is registered as a broker-dealer under the Securities Exchange Act of 1934.

The application states that the Distributor and the Dealer have entered into selected dealer agreements with respect to shares of each of the Funds. Investors may purchase shares of any of the Funds directly from the Distributor, the Dealer, or other securities dealers with whom the Distributor has executed dealer agreements, at a public offering price based on net asset value per share plus a sales charge. Shares of the Funds are sold with a 6.5% sales charge, subject to reduction for quantity purchases in amounts equal to or in excess of $10,000. Investors may obtain reduced sales charges for quantity purchases pursuant to a right of accumulation or a letter of intention. Applicants further represent that each of the Funds, as well as certain other open-end, investment companies for which the Distributor acts as principal underwriter, offers shareholders of each of the participating funds an exchange privilege. The basis for such exchange is the relative net asset value per share plus an amount equal to the difference, if any, between the sales charge previously paid on the outstanding shares to be exchanged and the sales charge payable at the time of the exchange for the new shares.

The application states that the Dealer offers to investors a service entitled the Sharebuilder Plan ("Sharebuilder"). Through Sharebuilder, investors may trade in full and fractional shares of certain publicly traded securities approved by the Dealer for purchase and sale through Sharebuilder at discounts of up to 40% off the Dealer's regular commission rates. Sharebuilder commissions range from 6% on transactions up to $300 to a rate of $27.50 plus 1% on transactions over $2500. The minimum initial investment through Sharebuilder is $100 and the minimum subsequent investment is $50. The maximum investment per transaction is $5000. Applicants state that purchase orders may be initiated through Sharebuilder by mail or through the Dealer's wire system. Mail orders received at the Sharebuilder offices prior to 1:00 P.M. New York time and wire orders placed with a branch office of the Dealer prior to 6:30 P.M. New York time on any business day are aggregated, by security, overnight and the aggregated order is executed at the opening price on the applicable exchange or maket on the next business day. Participants in Sharebuilder have the right to vote full shares held in their account. They may also maintain a regular brokerage account with the Dealer and may transfer securities held in their Sharebuilder account to their regular brokerage account. Unlike purchase orders effected through a regular brokerage account, all purchase orders effected through Sharebuilder must be accompanied by payment. Moreover, Applicants represent that purchase and sale orders effected through Sharebuilder are not executed until the day following receipt of the order by Sharebuilder and, under some circumstances, until the morning of the second business day following such receipt.

Applicants propose to include shares of each of the Funds in the list of securities available for trading through Sharebuilder. The application states that orders for the purchase and redemption of such shares will be processed through Sharebuilder in the same manner as orders for other securities already traded through Sharebuilder. Orders received prior to the designated cut-off times for mail and wire orders will be aggregated overnight and the aggregate order delivered to the appropriate transfer agent of each Fund on the morning of the next business day. Orders received by Sharebuilder after the applicable cut-off times will be processed with the next business day's orders and delivered to the appropriate transfer agent on the morning of the second business day following receipt by Sharebuilder. Purchase and redemption orders will be executed at net asset value next determined following receipt of the order by the transfer agent. Purchase orders will incur a sales charge calculated in accordance with the Sharebuilder commission schedule previously described. Redemption orders effected through Sharebuilder will not incur a commission charge. Applicants represent that distributions declared by a Fund will be automatically reinvested in the Fund by Sharebuilder without payment of a commission, although Sharebuilder customers may elect not to participate in the automatic dividend reinvestment programs at any time by delivering written notice of such election to Sharebuilder. The application states that the Dealer will establish one omnibus Sharebuilder account with each of the Funds, and all purchase and redemption orders delivered to Sharebuilder will be executed through the omnibus accounts. Sub-accounting, confirmations of trade, and quarterly account statements will be provided by the Dealer, who will also furnish each purchaser of Fund shares with that Fund's current prospectus. The Dealer, Applicants represent, will vote shares held in an omnibus account in accordance with the instructions of the beneficial owners of such shares. Certain ancillary services offered by the Funds will not be available to Sharebuilder customers and only a limited exchange privilege will be offered to such customers. Sharebuilder customers who maintain a regular Merrill Lynch brokerage account will not be permitted to transfer Fund shares purchased through Sharebuilder to their regular brokerage account.

Applicants submit that an order exempting their proposal from Section 22(d) will promote greater flexibility in the sale of mutual fund shares and that such flexibility benefits the investing public without unduly disrupting the current distribution system of the Fund's shares. Under Applicants' proposal, Sharebuilder customers who do not maintain a regular brokerage account with Merrill Lynch will not involuntarily compensate either a dealer or the Distributor for a sales effort they do not receive. Applicants assert that their proposal may also benefit Sharebuilder customers who do maintain Merrill Lynch brokerage accounts, because such customers who do not desire the services of a dealer following their initial investment need not pay a dealer for a sales effort they do not receive. Applicants assert that the offer of Fund shares through Sharebuilder will enhance awareness of the advantages of mutual funds among those investors who can most benefit from professional management and diversification but are the least likely targets of solicitation by mutual fund dealers. Through Sharebuilder, such shares can be offered to the cost conscious, small investor at commission rates competitive with commissions on purchases of non-mutual fund securities. Moreover, Applicants assert that investors will not be assessed the standard sales load for investment guidance they do not receive.

Applicants maintain that their proposal not only reduces sales-related expenses in the distribution of Fund shares, but will also decrease order processing costs. Because the Funds compensate their respective transfer agents on a per account basis, the

establishment of one omnibus account per Fund will reduce the transfer agency expense which the Funds would incur if Sharebuilder customers established individual investment accounts with the Funds. Expenses associated with sub-accounting services, confirmations of transactions, and summary quarterly account statements will be borne by the Dealer at no additional charge to either the Funds or the distributor. Applicants conclude that the reduction in transaction costs incurred by investors purchasing Fund shares through Sharebuilder reflects, in large part, the economies in distribution and selling effort which the Distributor and the Dealer will realize under Applicant's proposal.

Applicants maintain that they must also be exempt, to the extent they propose, from Rule 22c–1 to effect their proposal. Applicants state that the Sharebuilder processing system is based on a computer system which employs a "bunched order" format. The operational constraints of this system render impracticable the collation and aggregation of information necessary to effect a trade in shares of the Funds on the date of receipt of an order. To comply with Rule 22c–1, assert the Applicants, would require replacement of the entire Sharebuilder "bunched order" system with an "on-line" system providing instant access to computerized information. Applicants contend that such replacement would be prohibitively expensive and would effectively preclude the offer of Fund shares through Sharebuilder. Applicants submit that an exemption from Rule 22c–1 is appropriate because economies in distribution and account servicing costs realized by Applicants, and indirectly by investors, in implementing this proposal are possible only because orders for Fund shares can easily be incorporated into the computerized processing system currently employed by the Sharebuilder program. While that processing system could result in a delay of execution of orders of up to two business days following receipt by Sharebuilder, Applicants content that such delay is not unduly prejudicial to the interests of shareholders in relation to the benefits offered by Applicants' proposal. Moreover, Applicants assert that the cost of instituting a processing system capable of providing Sharebuilder customers with next computed price after receipt by Sharebuilder would be so burdensome as to render their proposal uneconomical. Applicants also assert that Rule 22c–1 will not be compromised by their proposal because existing Fund shareholders will not suffer dilution of their shares' value, and potential investors will not gain an opportunity to engage in speculative trading. The price Sharebuilder customers receive on execution of a purchase or redemption order will continue to be determined on a forward pricing basis.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act, or any rule or regulation thereunder, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 29, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the applications will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–9298 Filed 4–7–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19647; File No. SR–MSRB–83–2]

Filing of Proposed Rule Change by Municipal Securities Rulemaking Board

April 4, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), and Rule 19b–4 thereunder, notice is hereby given that on March 8, 1983, the Municipal Securities Rulemaking Board ("MSRB") filed the proposed rule change described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends MSRB Rule G–15(a)(vi) to require inclusion of the CUSIP number, if one has been assigned to that issue, on the customer confirmation. Noting that disclosure of the CUSIP number has been required on inter-dealer confirmations since January 1979, the Board believes that inclusion of the CUSIP number on every customer confirmation will provide a significant benefit to institutional and individual customers, as well as to municipal securities brokers and dealers. The MSRB believes that the rule change will promote more accurate identification of and more efficient transfer of municipal securities held by customers. The rule change is proposed pursuant to Section 15B(b)(2)(c) of the Act.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–MSRB–83–2.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the MSRB's office.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

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[1] 17 CFR 200.30–3(a)(12).

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[Release No. 19648; File No. SR-NASD-83-3]

Filing and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc.

April 4, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 8, 1983, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change clarifies the filing requirements of the NASD's Corporate Financing Interpretation for shelf offerings. Previously, shelf-registrations filed with the Commission on Form S-16 which did not involve an underwriting agreement were exempt from the requirement of the Corporate Financing Interpretation that public offerings, with a few exceptions, be filed with the NASD for a review of the underwriting terms and arrangements. Because shelf-registrations under Form S-16 were expected to be effected as a series of brokerage transactions, with compensation in the form of normal brokerage commissions determined under very competitive circumstances, the NASD believed that advance review of these transactions was unnecessary. With the replacement of Form S-16 by Form S-3, the NASD has determined that the rationale behind the filing exemption for shelf-registrations on Form S-16 is applicable to shelf-registrations by issuers qualified to use Form S-3 due to the presence of adequate market forces in such offerings to ensure the fairness and reasonableness of the underwriting terms and arrangementts. Therefore, the NASD has decided that shelf offerings made pursuant to Rule 415 under the Securities Act of 1933 and registered on a Form S-3 registration statement are not subject to the filing requirements of the NASD's Corporate Financing Interpretation. The NASD notes, however, that such offerings will remain subject to the substantive requirements of the Corporate Financing Interpretation and, where applicable, Schedule E of the NASD's By-Laws.

The foregoing rule change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views, and arguments concerning the submission within 21 days from the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Reference should be made to File No. SR-NASD-83-3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant too delegated authority.[1]

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-8303 Filed 4-7-83; 8:45]

BILLING CODE 8010-01-M

[Release No. 19649; File No. SR-NSCC-83-3]

Filing of Proposed Rule Change by National Securities Clearing Corporation

April 4, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 24, 1983, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposal amends a number of NSCC's rules to comply with certain Division of Market Regulation Standards for the Registration of Clearing Agencies that were adopted under Section 17A(b)(3)(A)-(F) of the Act.[1] The amendments include (i) granting certain hearing rights to participants adversely affected by NSCC's actions; (ii) providing specified financial reports to participants; (iii) notifying other clearing agencies when NSCC files proposed rule changes with the Commission; (iv) modifying participants' rights to receive dividends; and (v) authorizing NSCC's board of directors to interpret NSCC's rules. In its filing, NSCC states its belief that the proposed rule change is consistent with the requirements of Section 17A(b) of the Act because the proposal fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and provides enhanced hearing rights to participants disciplined, sanctioned, or suspended by NSCC.

To assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views, and arguments concerning the submission within 21 days after the date of publication in the Federal Register. persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-NSCC-83-3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

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[1] 17 CFR § 200.30-3(a)(12).

[1] Securities Exchanges Act Release No. 16900 (May 23, 1980), 45 FR 41920 (June 23, 1980).

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9301 Filed 4-7-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22901; 70-6850]

Northeast Utilities; Issue and Sell Stock

April 4, 1983.

In the Matter of; NORTHEAST UTILITIES, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089; 70-6850; Notice of proposal to issue and sell common stock pursuant to a Tax Reduction Act Employees Stock Ownership Plan.

Northeast Utilities ("Northeast"), a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6, and 7 of the Public Utility Holding Company Act of 1935 and Rule 50(a)(5) thereunder.

Northeast proposes to issue and sell on or before December 31, 1984 up to 2,500,000 additional shares of its common stock, $5 par value, pursuant to a Tax Reduction Act Employee Stock Ownership Plan ("TRAESOP"). By order dated May 19, 1978 (HCAR No. 20552), Northeast was authorized, through its subsidiary, Northeast Utilities Service Company ("NUSCO"), to establish the TRAESOP for the benefit of eligible employees of Northeast's subsidiaries.

The purpose of the TRAESOP, which was created by a plan ("Plan") and a trust ("Trust") is to provide eligible employees of Northeast's subsidiaries with the opportunity to own Northeast's common shares, and for Northeast to fund the employees' ownership through additional investment tax credits which are allowed to Northeast and affiliated companies pursuant to the Internal Revenue Code of 1954, as amended. The TRAESOP is funded in the first instance by contributions which Northeast and its subsidiaries may elect to make with respect to any plan year. In certain circumstances, the TRAESOP permits employees to elect to make voluntary cash contributions to the TRAESOP, which are matched by contributions from Northeast and its subsidiaries.

The Plan provides that Northeast may make its contributions to the TRAESOP, either through cash contributions or through the issuance of its authorized but unissued common shares. The Plan provides, however, that so long as the market price of the common shares is below the book value of those shares, the TRAESOP may not be funded through the issuance of authorized but unissued common shares but must be funded entirely through contribution of cash to the TRAESOP and the purchase by the trustee of the TRAESOP of common shares of Northeast on the open market. In addition, employees' voluntary cash contributions and the reinvestment of cash dividends on shares held by the Trust are subject to the same restrictions on their investment by the trustee. If the market price exceeds the book value of a common share at any time in 1983 when Northeast proposes to fund the TRAESOP or the trustee of the Trust is required to reinvest cash dividends on shares held in the Trust as Northeast expects it will, Northeast wants to be in a position, if it so elects, to make its contributions in common shares rather than cash and to instruct the trustee of the Trust to invest such dividends directly in authorized but unissued shares of Northeast rather than to make purchases in the open market.

At its meeting on February 22, 1983, Northeast Board of Trustees authorized, subject to the approval of the Commission and to compliance with the market-to-book value restriction of the TRAESOP, the issuance of up to 1,200,000 authorized but unissued shares of the Company on or before December 31, 1983, for issuance to the Trustee of the Trust (i) as all or part of the employer contribution to the TRAESOP made in 1983 with respect to the 1982 plan year and (ii) for purchase by the Trustee with the proceeds of any cash contributions from Northeast and its subsidiaries, and with the proceeds of any cash dividends received by the Trustee on any common shares held in the Trust. At the same meeting, the Board of Trustees established guidelines, as permitted by the Plan, directing NUSCO to make all employer contributions in 1983 in common shares of Northeast rather than in cash, if at the time any such contribution is to be made the market value per share is equal to or exceeds the book value per share and the approval of the Commission has been received. Similarly, at such meeting, the Board of Trustees adopted guidelines, pursuant to the Plan, directing the trustee to invest any cash contributions received from Northeast and its subsidiaries, and to reinvest any cash dividends received, in common shares purchased from Northeast rather than on the open market if at any time when such investment is to be made the market-to-book value restriction is satisfied.

Issuing shares directly to the Trust in lieu of making employer cash contributions will preserve approximately $8,200,000 of cash in 1983, on the assumptions that (A) Northeast and its subsidiaries will elect to make the maximum amount of employer contributions permissible under the Plan, and (B) that the Maximum basic contribution (i.e., 1% of the qualifying investment in new equipment) will be approximately $5,600,000 in 1983, and (C) that employee participation in the voluntary cash contribution portion of the TRAESOP will be such that the employer's additional, matching contribution will be at the maximum allowable levels. If cash dividends continue at the present rate of $1.38 per share per year, additional proceeds of approximately $900,000 would be realized from issuance of shares upon reinvestment of cash dividends (including dividends on the 199,937 shares held by the trustee as of December 31, 1982). Such proceeds, and the amounts saved by the Northeast's issuance of authorized but unissued shares to the Trust, are expected to be used, together with other funds available to Northeast, to assist Northeast (i) to make open account advances and capital contributions to its subsidiaries in amounts of up to $100 million in the aggregate, primarily to The Connecticut Light and Power Company (up to $70 million) and Western Massachusetts Electric Company (up to $40 million), (ii) to make payments of principal and interest on a loan agreement with an institutional investor, under which an installment of $10 million in principal, plus accrued interest, is due on June 1, 1983, and (iii) to reduce short-term borrowings incurred by Northeast from time to time for the principal purpose of making capital contributions and open account advances to its subsidiaries. These funds will be used by the subsidiaries primarily to repay a portion of their short-term borrowings incurred for the purpose of financing in part their respective construction programs and for general working capital purposes.

Northeast expects that it may require any unused balance of the 2,500,000 shares for issuance in 1984 with respect to the 1983 TRAESOP plan year, although the actual amount cannot be known at this time. In that event, it is expected that the Board of Trustees would adopt resolutions and guidelines comparable to those adopted by it for the 1982 plan year.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April

28, 1983 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the [illegible] Corporat[illegible] pursuant to delegated authority.

George A. Fitzsimmons,

Secretary

[FR Doc. 83-9086 Filed 4-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13136; 811-1502]

Schuster Fund, Inc.; Filing of Application

April 4, 1983.

In the matter of: Schuster Fund, Inc., 342 Madison Avenue, New York, New York 10173, (811-1502); notice of filing of application pursuant to section 8(f) of the Act for order declaring that company has ceased to be an investment company.

Notice is hereby given that Schuster Fund, Inc., registered under the Investment Company Act of 1940 ("Act"), as an open-end, non-diversified management investment company, filed an application on February 10, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act and Rule 8f-1 thereunder, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested person are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that it registered under the Act and filed a registration statement pursuant to Section 8(b) of the Act on or about May 16, 1967. On or about the same day, Applicant states, it also filed a registration statement on Form S-5 pursuant to the Securities Act of 1933 ("Securities Act"), thereby registering 200,000 shares of its common stock, $1.00 par value. Applicant further states that such registration statement became effective on September 20, 1967, and that on that date Applicant's initial public offering began.

Applicant further represents, however, that its legal existence has terminated in accordance with the Business Corporation Law of the State of Maryland. Applicant's state of incorporation. It is stated further that Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are securityholders of Applicant, and that no such entity has been created.

It is further represented that on October 26, 1982, pursuant to a Plan of Reorganization and Agreement of Merger dated October 4, 1982 ("Merger Agreement"), authorized by a favorable vote of 397,257 shares (55.8%) of Applicant's shares, Applicant merged with and into The Partners Fund, Inc. ("Partners"), a registered, open-end, diversified management investment company. Applicant states that on October 26, 1982, immediately preceding the closing for the Merger Agreement, there were 701,5[illegible] shares of Applicant's comm[illegible] k outstanding, representing an aggregate net asset value of $11,137,[illegible]65.82, and a net asset value per share of $15.88. Pursuant to the Merger Agreement, it is stated, Applicant's shares of common stock were converted into shares of Partners' common stock on the basis of 1.149785 shares of Partners for each share of Applicant. Applicant states further that a total of 806,647,716 shares of Partners, representing an aggregate net asset value of $11,139,805, were issued to Applicant's shareholders in accordance with the Merger Agreement. It is stated that no brokerage commissions were paid in connection with the merger of Applicant with Partners. It is also stated that Articles of Merger pertaining to the transaction were filed with the Department of State of the State of Maryland on October 26, 1982, becoming effective as of said date. Applicant states, in addition, that it has no assets or outstanding debts or liabilities and that there are no securityholders of Applicant to whom distribution in complete liquidation of their interests has not been made. Lastly, Applicant represents that it is not now engaged, and does not propose to engage, in any business activity other than that necessary to the winding-up of its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall terminate.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 29, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-9299 Filed 4-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13091; 812-5446]

Connecticut Mutual Life Insurance Co., et al.; Filing of Application

Correction

In FR Doc. 83-7170 beginning on page 11541 in the issue of Friday, March 18, 1983, make the following corrections:

(1) On page 11542, first column, the second complete paragraph, words were omitted from the second sentence. The sentence should have read as follows:

"* * * These charges range from 1.022% on an annual basis in the case of the qualified portion of Account E to 1.4965% on an annual basis in the case of Accounts A & B." * * *"

(2) On page 11543, third column, twelve lines from the bottom of the page, "April 4, 1893" should have read "April 4, 1983".

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 69
Friday, April 8, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

COMMISSION ON CIVIL RIGHTS

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

DATE AND TIME: Monday, April 11, 1983; 11 a.m.–12 noon; 1:30 p.m.–4:30 p.m. Tuesday, April 12, 1983, 9:30 a.m.

STATUS OF MEETING: Open to public.

MATTERS TO BE CONSIDERED: Monday, April 11.

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Discussion with Arnold S. Torres, National Executive Director, League of United Latin American Citizens (LULAC).
IV. Review of the Reasonable Accommodation Monograph, *Accommodating the Spectrum of Individual Abilities.*
V. State Advisory Committee Recharters:
A. Georgia;
B. Nebraska;
C. South Dakota;
D. Wisconsin.
VI. State Advisory Committee Interim Appointments:
A. Maine;
B. New Mexico.
VII. *Colorado Advisory Committee Report Entitled Police Relations in Small Colorado Communities.*
VIII. Massachusetts Advisory Committee Report Entitled *Minority Teachers in an Era of Retrenchment: Early Lessons in an Ongoing Dilemma.*
IX. Missouri Advisory Committee Report Entitled *State Contract Compliance Efforts in Missouri.*
X. New York Advisory Committee Report Entitled *Bigotry and Violence in New York State.*
XI. Wisconsin Advisory Committee Report Entitled *Vocational Education: Where are the Minorities and Women?*
XII. Civil Rights Developments in the Western Region.
XIII. Staff Director's Report:
A. Status of Funds;
B. Personnel Report;
C. Office Directors' Reports.

Tuesday, April 12:

Briefing on Immigration.

PERSON TO CONTACT FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications Division (202) 254–6697.

[S–484–83 Filed 4–6–83; 9:49 am]

BILLING CODE 6335–01–M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 am., Friday, April 22, 1983.

PLACE: 2033 K Street NW., Washington, D.C. eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–487–83 Filed 4–6–83; 9:58 am]

BILLING CODE 6351–01–M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, April 15, 1983.

PLACE: 2033 K Street NW., Washington, D.C., Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–486–83 Filed 4–6–83; 9:58 am]

BILLING CODE 6351–01–M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 am., Tuesday, April 26, 1983.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Third Quarter Objectives
National Futures Association Briefing
CBI 5000 Oz. Silver
Rule Enforcement Reviews (Closed)

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6374.

[S–485–83 Filed 4–6–83; 9:58 am]

BILLING CODE 6351–01–M

5

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, April 13, 1983.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Wood and Coal Burning Stoves FR Document Labeling Rule:*
The Commission will consider the **Federal Register** document requiring labeling for wood and coal burning appliances.
2. *Kerosene Heaters:*
The staff will brief the Commission on the progress of the ongoing investigation into possible fire hazards of kerosene heaters.
3. *Benzidine Dyes:*
The staff will brief the Commission on the benzidine congener dye project.

(For a recorded message containing the latest agenda information, call 301–492–5709).

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207; 301–492–6800.

[S–494–83 Filed 4–6–83; 2:39 pm]

BILLING CODE 6355–01–M

6

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Thursday, April 14, 1983.

LOCATION: Room 456, Westwood Towers Building, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *National Toxicological Program Second Annual Report:*
The staff will brief the Commission on issues related to the second annual report of the National Toxicological Program.

STATUS: Closed to the public.

2. *Compliance Status Report:*
The staff will brief the Commission on the status of various compliance activities

(For a recorded message containing the latest agenda information, call 301–492–5709).

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207; 301–492–6800.

[S-483-83 Filed 4-6-83; 2:39 pm]

BILLING CODE 6385-01-M

7

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, April 12, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room 200, second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s
2. A Report on Commission Operations.
3. Freedom of Information Act Appeal No. 83–1–FOIA–7–BA, concerning a request for deliberative memoranda from a Title VII charge file.
4. Freedom of Information Act Appeal No 83–1–FOIA–9–DE, concerning a request for documents pertaining to Merit Pay classification of certain employees.
5. Freedom of Information Act Appeal No. 83–01–006–FOIA–IN, concerning a request for access to documents in two closed Title VII case files.
6. Freedom of Information Act Appeal No. 83–1–FOIA–1–PX, concerning a request for documents in a charge file.
7. Freedom of Information Act Appeal No. 83–1–FOIA–1–LA, concerning a request for material pertaining to a Commissioner's charge.
8. Proposed Interpretative Memorandum on Kremer v. Chemical Construction Corporation.
9. A proposed contract in connection with a court case.
10. Proposed Regulations Implementing Section 4(g) of the Age Discrimination in Employment Act of 1967, as amended (TEFRA)

Closed:

1. Litigation Authorization: General Counsel Recommendations
2. Briefings on Withdrawal of Certain Charges.
3. OFCCP's Proposed Final Rules.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission (202) 634–6748.

This Notice Issued April 5, 1983.

[S-488-83 Filed 4-6-83; 11:29 am]

BILLING CODE 6750-06-M

8

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., April 13, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public.

1. Agreement No. 5600–44: Modification of the Philippines North America Conference Agreement to amend procedures for exercise of independent rate actions.

Portions closed to the public:

1. Docket No. 80–52: Pooling and Space Chartering Agreement in the Pacific Far East Trades—Compliance with Commission Order—Objection of Lykes Bros. Steamship Co.
2. Docket No. 82–58: Actions to Adjust or Meet Conditions Unfavorable to Shipping in the United States/Venezuela Trade—Review of status of proceeding.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-485-83 Filed 4-6-83; 2:42 pm]

BILLING CODE 6730-01-M

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

April 5, 1983.

TIME AND DATE: 11 a.m., Tuesday, April 5, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Closed (Pursuant to 5 U.S.C. 552(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Jones & Laughlin Steel Corporation, Docket No. PENN 81–9–R

It was determined by a majority vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653–5632.

[S-491-83 Filed 4-6-83; 2:42 pm]

BILLING CODE 6735-01-M

10

INTER-AMERICAN FOUNDATION

TIME AND DATE:

6–9 p.m., April 18, 1983;
9 a.m.–12 p.m., April 19, 1983.

PLACE: 1515 Wilson Boulevard, fifth floor, Rosslyn, Virginia 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED: *April 18, 1983:*

1. Chairman's Report;
2. President's Report.

April 19, 1983:

3. Minutes of the January 17–18, 1983 Meeting;
4. Report of the Audit Committee;
5. Election of new Advisory Council members;
6. The Foundation in Brazil.

CONTACT PERSON FOR MORE INFORMATION: Steve Abrams (703) 841–3812.

[S-492-83 Filed 4-6-83; 2:42 pm]

BILLING CODE 7025-01-M

11

INTERNATIONAL TRADE COMMISSION

International Trade Commission

[USITC SE–83–16A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 14468 April 4, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Wednesday, April 13, 1983.

CHANGES IN THE MEETING: Additional item added to the agenda as follows:

6. Investigation 337–TA–132 (Certain Hand-Operated, Gas-Operated Welding, Cutting and Heating Equipment and Component Parts Thereof)—briefing and vote on review of initial determination denying temporary relief.

In conformity with 19 CFR 201.37(b), Commissioners Eckes, Stern, and Haggart determined by unanimous consent that Commission business requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the addition to the agenda was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161

[S-490-83 Filed 4-6-83; 2:42 pm]

BILLING CODE 7020-02-M

12

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 12888, Monday, March 28, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE: 1 p.m., March 31, 1983.

PREVIOUSLY ANNOUNCED PLACE: Northwest Power Planning Council Central Office, 700 S.W. Taylor, Suite 200, Portland, Oregon.

CHANGES IN THE MEETING: The meeting time and date have been changed to April 7, 1983, 8 a.m. to 9 a.m.

MATTERS TO BE CONSIDERED:

- Briefing on Water Budget Implementation
- Staff Briefing on Condit Dam
- Briefing on Results of Recent Pacific Fishery Management Council Meetings

CONTACT PERSON FOR MORE INFORMATION: Ms. Torian Donohue, (503) 222–5161.

Edward Sheets,

Executive Director.

[S–490–83 Filed 4–6–83; 1:11 pm]

BILLING CODE 0000–00–M

13

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 12633, Friday, March 25, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE: 9 a.m., April 6–7, 1983.

PREVIOUSLY ANNOUNCED PLACE: Northwest Power Planning Council, 700 S.W. Taylor, Suite 200, Portland, Oregon.

CHANGES IN THE MEETING: In a unanimous vote at its open meeting March 31, 1983, the Council decided to close a portion of its meeting previously announced for April 6 and 7, 1983.

MATTER TO BE CONSIDERED: Portion closed to the public:

Council discussion of possible Council participation in Bonneville Power Administration rate proceedings. This portion of the meeting has been closed under the exemption for discussions that specifically concern an agency's participation in a proceeding, under section 552b(o)(10) of Title 5, United States Code.

CONTACT PERSON FOR MORE INFORMATION: Ms. Bess Wong, (503) 222–5161.

Edward Sheets,

Executive Director.

[S–489–83 Filed 4–6–83; 1:10 pm]

BILLING CODE 0000–00–M

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Friday
April 8, 1983

Part II

Environmental Protection Agency

Electrical and Electronic Components Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

VOL
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 469

[WH-FRL 2327-6]

Electrical and Electronic Components Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation limits the discharge of pollutants into navigable waters and publicly owned treatment works (POTWs) from semiconductor and electronic crystal manufacturing facilities. The Clean Water Act and a Settlement Agreement require EPA to issue this regulation.

The purpose of this regulation is to provide effluent limitations for "best practicable technology" (BPT) "best available technology" (BAT), "best conventional technology" (BCT) and "new source performance standards" (NSPS) for direct dischargers and pretreatment standards for new and existing indirect dischargers.

DATES: In accordance with 40 CFR 100.01 (45 FR 26048), this regulation shall be considered issued for purposes of judicial review at 1:00 p.m. Eastern time on April 22, 1983. These regulations shall become effective May 19, 1983.

The compliance date for the BAT regulations for both subcategories is as soon as possible, but no later than July 1, 1984 with one exception. The BAT compliance date for the nonconventional pollutant fluoride for the semiconductor subcategory is as soon as possible but no later than thirty-one months after the publication date. The compliance date for New Source Performance Standards (NSPS) and Pretreatment Standards for New Sources (PSNS) for both subcategories is the date the new source begins operations. The compliance date for Pretreatment Standards for Existing Sources (PSES) for arsenic regulated in the electronic crystal subcategory is thirty-one months after the publication date. For total toxic organics (TTO) the PSES compliance date for both subcategories is July 1, 1984.

Under Section 509(b)(1) of the Clean Water Act judicial review of this regulation can be obtained only by filing a petition for review in the United States Court of Appeals within 90 days after these regulations are considered issued for purposes of judicial review. Under Section 509(b)(2) of the Clean Water Act, the requirements of the regulations may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: Technical information may be obtained by writing to Mr. David Pepson, Effluent Guidelines Division (WH-552), EPA, 401 M Street, S.W., Washington, D.C. 20460, or through calling (202) 382-7157. Copies of the technical documents may be obtained from the National Technical Information Service, Springfield, Virginia 22161 (703) 487-4600. Economic information may be obtained by writing to Ms. Renee Rico, Office of Analysis and Evaluation (WH-586), 401 M Street, S.W., Washington, D.C. 20460 or by calling (202) 382-5386. The economic analysis may also be obtained from the National Technical Information Service.

The record will be available for public review in approximately two weeks from publication in EPA's Public Information Reference Unit, Room 2004 (Rear) (EPA Library), 401 M Street, S.W., Washington, D.C. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: David J. Pepson at (202) 382-7157.

SUPPLEMENTARY INFORMATION:

Organization of This Notice

I. Legal Authority
II. Scope of this Rulemaking
III. Summary of Legal Background
  A. The Clean Water Act and NRDC Settlement Agreement
  B. General Criteria for Effluent Limitations
  C. Prior EPA Regulations
IV. Methodology and Data Gathering Efforts
V. Industry Subcategorization
VI. Available Wastewater Control and Treatment Technology
VII. Summary of Final Regulations and Changes from Proposal
VIII. Executive Order 12291 and Regulatory Flexibility Analysis
IX. Costs and Economic Impact
X. Non-Water Quality Aspects of Pollution Control
XI. Pollutants and Subcategories Not Regulated
XII. Summary of Public Participation and Responses to Major Comments on the Proposed Regulation
XIII. Best Management Practices
XIV. Upset and Bypass Provisions
XV. Variances and Modifications
XVI. Relationship to NPDES Permits
XVII. Availability of Technical Assistance
XVIII. OMB Review
XIX. List of Subjects in 40 CFR Part 469
XX. Appendixes:
  A—Abbreviations, Acronyms and Other Terms Used in this Notice
  B—List of Toxic Organics Comprising Total Toxic Organics (TTO)
  C—List of Toxic Pollutants Excluded from Regulation

I. Legal Authority

This regulation is being promulgated under the authority of Sections 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 *et seq.*, as amended by the Clean Water Act of 1977, Pub. L. 95-217) also called the "Act". This regulation is also being promulgated in response to the Settlement Agreement in *Natural Resources Defense Council, Inc.* v. *Train*, 8 ERC 2120 (D.D.C. 1976), modified, 12 ERC 1833 (D.D.C. 1979), modified by Order dated October 26, 1982.

II. Scope of This Rulemaking

The purpose of this rulemaking is to establish effluent limitations and standards for existing and new semiconductor and electronic crystal manufacturing facilities. This regulation applies to wastewater generated from all process operations associated with the above industries except sputtering, electroplating, and vapor plating. The wastewater generated from these unit operations is subject to the final electroplating and proposed metal finishing effluent limitations and standards.

There are approximately 257 semiconductor plants in the United States; 77 of these plants are direct dischargers while the remaining 180 plants discharge to POTWs. The electronic crystal industry is comprised of 70 plants, 6 of which are direct dischargers and 64 of which are indirect dischargers.

EPA's 1973 to 1976 round of rulemaking emphasized the achievement of best practicable technology currently available (BPT) by July 1, 1977. In general, BPT represents the average of the best existing performances of well-known technologies for control of familiar (i.e., "classical") pollutants. This effort did not include rulemaking for the electrical and electronic components category.

The current round of rulemaking aims for the achievement by July 1, 1984, of the best available technology economically achievable (BAT) that will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants. At a minimum, BAT represents the performance of the best available technology economically achievable in any industrial category or subcategory. Moreover, as a result of the Clean Water Act of 1977, the emphasis of EPA's

program has shifted from "classical" pollutants to the control of toxic pollutants.

EPA is promulgating limitations based on BPT, BAT and BCT, new source performance standards (NSPS), pretreatment standards for existing sources (PSES), and pretreatment standards for new sources (PSNS).

III. Summary of Legal Background

A. The Clean Water Act and NRDC Settlement Agreement

The Federal Water Pollution Control Act Amendments of 1972 established a comprehensive program to "restore and maintain the chemical, physical and biological integrity of the Nation's waters" (Section 101(a)). To implement the Act, EPA was to issue effluent limitations, pretreatment standards, and new source performance standards for industrial dischargers.

The Act included a timetable for issuing these standards. However, EPA was unable to meet many of the deadlines and, as a result, in 1976, it was sued by several environmental groups. In settling this lawsuit, EPA and the plaintiffs executed a court-approved "Settlement Agreement." This Agreement required EPA to develop a program and adhere to a schedule in promulgating effluent limitations guidelines, pretreatment standards, and new source performance standards for 65 "priority" pollutants and classes of pollutants for 21 major industries. See *Natural Resources Defense Council Inc.* v. *Train*, 8 ERC 2120 (D.D.C. 1976). modified, 12 ERC 1833 (D.D.C. 1979), modified by Order dated October 26, 1982.

Many of the basic elements of this Settlement Agreement program were incorporated into the Clean Water Act of 1977 ("the Act"). Like the Settlement Agreement, the Act stressed control of the "priority" pollutants. In addition, to strengthen the toxic control program, section 304(e) of the Act authorizes the Administrator to prescribe "best management practices" (BMP) to prevent the release of toxic and hazardous pollutants from plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage associated with, or ancillary to, the manufacturing or treatment process.

B. General Criteria for Effluent Limitations

Under the Act, the EPA program is to set a number of different kinds of effluent limitations. These are discussed in detail in the preamble to the 1982 proposal and the technical development document supporting these regulations. The following is a brief summary:

1. Best Practicable Control Technology Currently Available (BPT). BPT limitations generally are based on the average of the best existing performance at plants of various sizes, ages, and unit processes within the industry or subcategory. In establishing BPT limitations, EPA considers the total cost of applying the technology in relation to the effluent reduction derived, the age of equipment and facilities involved, the process employed, the engineering aspects of the control technologies, process changes and non-water quality environmental impacts including energy requirements. The total cost of applying the technology is balanced against the effluent reduction.

2. Best Available Technology Economically Achievable (BAT). BAT limitations, in general, represent the best existing performance in the industrial subcategory or category. The Act establishes BAT as the principal national means of controlling the direct discharge of toxic and nonconventional pollutants to navigable waters. In arriving at BAT, the Agency considers the age of the equipment and facilities involved, the process employed, the engineering aspects of the control technologies, process changes, the cost of achieving such effluent reduction, and non-water quality environmental impacts. The Administrator retains considerable discretion in assigning the weight to be accorded these factors.

3. Best Conventional Pollutant Control Technology (BCT). The 1977 Amendments added section 301(b)(2)(E) to the Act establishing "best conventional pollutant control technology" (BCT) for discharges of conventional pollutants from existing industrial point sources. Conventional pollutants are those defined in section 304(a)(4) (biochemical oxygen demanding pollutants (BOD), total suspended solids (TSS), fecal coliform and pH, and any additional pollutants defined by the Administrator as "conventional," i.e., oil and grease. See 44 FR 44501; July 30, 1979.

BCT is not an additional limitation but replaces BAT for the control of conventional pollutants. In addition to other factors specified in section 304(b)(4)(B), the Act requires that BCT limitations be assessed in light of a two part "cost-reasonableness" test. *American Paper Institute* v. *EPA*, 660 F.2d 954 (4th Cir. 1981). The first test compares the cost for private industry to reduce its conventional pollutants with the cost to publicly owned treatment works (POTWs) for similar levels of reduction in their discharge of these pollutants. The second test examines the cost-effectiveness of additional industrial treatment beyond BPT. EPA must find that limitations are "reasonable" under both tests before establishing them as BCT. In no case may BCT be less stringent than BPT.

EPA published its methodology for carrying out the BCT analysis on August 29, 1979 (44 FR 50732). In the case mentioned above, the Court of Appeals ordered EPA to correct data errors underlying EPA's calculation of the first test, and to apply the second cost test. (EPA had argued that a second cost test was not required).

On October 29, 1982 the Agency proposed a revised BCT methodology. See 47 FR 49176. Although the Agency has not yet promulgated its revised BCT cost test methodology, we are promulgating BCT limitations as proposed for the semiconductor and electronic crystal industries. Application of the BCT cost test is not necessary for these industries for reasons presented in Section VII of this preamble.

4. New Source Performance Standards (NSPS). NSPS are based on the best available demonstrated technology. New plants have the opportunity to install the best and most efficient production processes and wastewater treatment technologies.

5. Pretreatment Standards for Existing Sources (PSES). PSES are designed to control the discharge of pollutants that pass through, interfere with, or are otherwise incompatible with the operation of a publicly owned treatment works (POTW). They must be achieved within three years of promulgation. The legislative history of the Act indicates that pretreatment standards are to be technology-based, analogous to the best available technology. EPA has generally determined that there is pass through of pollutants if the percent of pollutants removed by a well-operated POTW achieving secondary treatment is less than the percent removed by the BAT model treatment system. The general pretreatment regulations which serve as the framework for the categorical pretreatment regulations are found at 40 CFR Part 403 (43 FR 27736, June 26, 1978: 46 FR 9462 January 28, 1981).

6. Pretreatment Standards for New Sources (PSNS). Like PSES, PSNS are to control the discharge of pollutants to POTWs which pass through, interfere with, or are otherwise incompatible with the operation of the POTW. PSNS are to be issued at the same time as NSPS. New indirect dischargers, like new direct dischargers, have the opportunity to incorporate the best available

demonstrated technologies. The Agency considers the same factors in promulgating PSNS as it considers in promulgating NSPS.

C. Prior EPA Regulations

No regulations have ever been promulgated for the electrical and electronic components category. The Agency proposed regulations for Phase II of this category on March 9, 1983 (see 48 FR 10012).

IV. Methodology and Data Gathering Efforts

The methodology and data gathering efforts used in developing the proposed regulations were discussed in the preamble to the August, 1982 proposal. In summary, before proposal, the Agency conducted a data collection program at 20 semiconductor and electronic crystal plants. This program stressed the acquisition of data on the presence and treatability of the toxic pollutants. Analytical methods are discussed in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants* (U.S. EPA, April 1977). Based on the results of that program, EPA identified several distinct treatment technologies, including both end-of-pipe and in-plant technologies, that are or can be used to treat wastewaters from these industries.

For each of these technologies, the Agency compiled and analyzed historical and newly generated data on the performance of these technologies, considered the non-water quality impacts (including impacts on air quality, solid waste generation and energy requirements), and estimated the costs and economic impacts of applying it industrywide. Costs and economic impacts of the technology options considered are discussed in detail in *Economic Analysis of Final Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category—Phase I.* A more complete description of the Agency's study methodology, data gathering efforts, and analytical procedures supporting the regulation can be found in the *Development Document for Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category—Phase I.*

V. Industry Subcategorization

The Electrical and Electronic Components Point Source Category (E&EC) is derived from the Standard Industrial Classification (SIC) Major Group 36, Electrical and Electronic Machinery, Equipment and Supplies. Many of the industries listed under this SIC code were never evaluated as part of the E&EC category because EPA initially concluded that the wastewater discharges from these industries were primarily associated with the metal finishing category.

For industries included in the E&EC study, the Agency concluded that product type is an appropriate basis for subcategorization. Product type determines both the raw and process material requirements and the number and type of manufacturing processes used. Using product type as a basis, we established twenty-one (21) subcategories; seventeen (17) of these and one segment of another subcategory are excluded from regulation under Paragraph 8 of the NRDC Settlement Agreement. For two subcategories, electron tubes and luminescent coatings, we proposed regulations on March 9, 1983 (see 48 FR 10012). The remaining two subcategories, semiconductors and electronic crystals, are the subject of this final rule. The subcategories excluded under Paragraph 8 are discussed in Section XI of this notice.

The semiconductor subcategory is comprised of plants manufacturing solid state electrical devices which perform functions such as information processing and display, power handling, and interconversion between light energy and electrical energy. Semiconductors include light emitting diodes (LEDs), diodes and transistors, silicon based integrated circuits, and liquid crystal display (LCD) devices.

The electronic crystal subcategory is comprised of plants manufacturing crystals or crystalline material which are used in electronic devices. These crystals include quartz, ceramic, silicon, and gallium arsenide.

VI. Available Wastewater Control and Treatment Technology

A. Status of In-Place Technology

This section describes the status of in-place technology for the two subcategories to be regulated by this rulemaking, semiconductors and electronic crystals. These technologies cover the following pollutants of concern that were detected in EPA's sampling and analysis efforts: toxic organics, arsenic, fluoride, total suspended solids, and pH.

Wastewater treatment techniques currently used in the semiconductor and electronic crystal industries include both in-process and end-of-pipe waste treatment. In-plant process waste treatment is designed to remove pollutants from contaminated manufacturing process wastewater at some point in the manufacturing process. End-of-pipe treatment is wastewater treatment at the point of discharge.

In-process controls in widespread use in both subcategories include collection of spent solvents for resale or reuse and treatment of contract hauling of the concentrated fluoride waste stream. Contract hauling, in this instance, refers to the industry practice of contracting with a firm to collect and transport wastes for off-site disposal. A few plants in these subcategories practice recycle of the dilute acid rinse stream.

End-of-pipe controls consist primarily of neutralization which is practiced by all direct dischargers in both subcategories. One plant in the electronic crystal industry also uses end-of-pipe precipitation/clarification for control of arsenic and fluoride. Further, all six (6) direct dischargers in the electronic crystal subcategory have already installed end-of-pipe neutralization and precipitation/clarification for control of pH, TSS, and fluoride.

B. Control Treatment Options

EPA considered the following treatment and control options for wastewater discharges from facilities within the semiconductor and electronic crystals subcategories.

Option 1—Neutralization for pH control and solvent management for control of toxic organics. Solvent management is not a treatment system, but rather in-plant control of spent solvents either manually or mechanically through minor piping modifications. Effective solvent management includes well designed segregation controls or practices, collection of routine spills and leaks, and a rigorous employee training program. Since the spent solvents would not be discharged into the wastewater, toxic organic limitations based on this control would be equivalent to the maximum concentration of toxic organics found in the discharge as a result of process wastewater contamination. Process wastewater is the only other source of toxic organics for these subcategories.

Option 2—Option 1 plus end-of-pipe precipitation/clarification for treatment of arsenic, fluoride, and total suspended solids (TSS).

Option 3—Option 1 plus in-plant treatment (precipitation/clarification) of the concentrated fluoride stream.

Option 4—Option 2 plus recycle of the treated effluent stream for further reduction of fluoride.

Option 5—Option 2 plus filtration for reduction of fluoride, arsenic, and suspended solids.

Option 6—Option 2 plus carbon adsorption for further reduction of toxic organic concentrations.

VII. Summary of Final Regulations and Changes From Proposal

This section describes the technology bases and final effluent limitations for each subcategory and discusses the changes we have made in response to public comments.

A. Semiconductors

The pollutant parameters of concern that were detected in EPA's sampling and analysis efforts are pH, fluoride, and toxic organics.

1. BPT. The regulated pollutants are pH and toxic organics. EPA is promulgating BPT based on neutralization for pH control, and solvent management for control of toxic organics (Option 1). As in the proposed rule, toxic organics are being regulated as the total of all toxic organics found in the discharge at concentrations greater than 0.01 milligrams per liter. This limit is defined as total toxic organics (TTO) and the specific toxic organic compounds included in the total are listed in Appendix B. We have added four toxic organics to the proposed TTO list; these are carbon tetrachloride, 1,2 dichloroethane, 1,1,2 trichloroethane, and dichlorobromomethane. As with all other toxic organics included on the TTO list, these toxic organics were found in the effluent from plants in the semiconductor and electronic crystal subcategories at concentrations greater than 0.01 milligrams per liter. The addition of these toxic organics serves only to correct an inadvertent error at proposal and does not substantively affect either the final TTO limit or a plant's ability to achieve compliance with the TTO limit.

While we have not changed the proposed technology basis for BPT, we have changed the TTO limit from 0.47 mg/l to 1.37 mg/l. The revised TTO limit reflects a change in the methodology for deriving the TTO limit.

The methodology for determining the proposed TTO limit consisted of graphing all the effluent TTO data and then examining the graph to locate a point at which a distinct separation occurred in the magnitude of the TTO effluent concentrations. This break point was selected at the TTO effluent limit. The Agency concluded that the concentrations falling below the breakpoint reflected the solvent management practices of the best performing plants, whereas those above the breakpoint reflected poor practice of solvent management. The concentrations of TTO below the 0.47 mg/l breakpoint were attributed to process wastewater contamination.

Several commenters criticized this approach for establishing the TTO limit. These commenters argued that the extreme differences in the effluent TTO concentrations of the sampled plants result from varying degrees of process contamination, and not from the failure to practice proper solvent management. In response to this comment, the Agency revised its methodology for deriving the TTO limit. In contrast to the proposed derivation of the TTO limit, the revised metholdgy, described below, places greater emphasis on process wastewater TTO data.

Based on an examination of the available data and information, we identified the process operations which contribute toxic organics to the effluent via process wastewater contamination. To determine the TTO effluent contribution from each of these streams, we multiplied the measured TTO concentration by the ratio of the plant reported flow for that stream to the total plant effluent. The final TTO limit of 1.37 mg/l is derived from summing the TTO contribution from each of the process wastewater streams. In cases where we had several data points for a particular wastewater stream, we used the worst case TTO contribution in computing the TTO limit. This method of analyzing the TTO data ensures that the TTO limit accounts for all sources and amounts of toxic organics found in the effluent as a result of process wastewater contamination. Therefore, it is EPA's position that concentrations of TTO found in excess of the TTO limit result from dumping of spent solvent or chemical bath solutions that occurs as a result of poor solvent management or the failure to practice solvent management at all.

The Agency is not promulgating a 30 day average limitation for TTO. The daily maximum limitation for TTO is based on solvent management which, unlike most treatment options, does not entail pollution control equipment and is therefore not subject to significant performance variations.

By comparing the revised TTO limit to the effluent TTO concentration at the sampled plants, we estimate that 53 percent of the plants are already in compliance with the BPT TTO limitation. Accordingly, we find that the in-process controls which form the basis of BPT are widely practiced in this industry. EPA estimates that attainment of BPT will result in the removal of 80,000 kilograms per year of toxic organics at a total annual cost of 187 thousand dollars. No adverse economic impacts are expected. Thus, we conclude that the effluent reduction benefits justify the costs. For a further discussion of the derivation of the TTO limit, see Section XII of this notice and Section VII of the *Development Document for Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category—Phase I.*

Option 2 was not selected as the technology basis for BPT because, in the semiconductor subcategory, Option 3 can be substituted for and is also less expensive than Option 2. Fluoride in this industry is primarily generated from a particular process stream, hydrofluoric acid etching. Option 3 (in-plant treatment) treats the smaller volume, highly concentrated etching wastestream and eliminates the need for end-of-pipe treatment of all process wastewater (as in Option 2). Option 3 was not selected because it is more appropriately reserved for consideration under BAT. Options 4, 5, and 6 were not selected for the reasons provided under the BAT discussion.

2. BAT. For BAT, EPA is promulgating limitations based on solvent management and precipitation/clarification of the concentrated fluoride stream (Option 3). The regulated pollutants are toxic organics and fluoride. As discussed under BPT, toxic organics are being regulated as total toxic organics (TTO) and the TTO limit is being changed from 0.47 mg/l to 1.37 mg/l. The TTO limit is the only change from proposal.

Compliance with BAT will result in greater pollutant removal than BPT by reducing the amount of fluoride presently being dicharged by approximately 300,000 kilograms per year. The estimated compliance cost for BAT is $2.9 million annually.

Option 4 (Option 1 plus end-of-pipe precipitation/clarification followed by recycle of the treated effluent) was not selected because very few facilities have been able to solve serious operational problems associated with recycling. Therefore Option 4 is not adequately demonstrated in this industry to serve as the basis of national limitations. However, facilities located in areas which experience water shortages are encouraged to investigate this technology option. Option 5 (Option 1 plus end-of-pipe precipitation/clarification followed by filtration) was not selected because it would only achieve a three (3) percent increase in fluoride reduction.

Because our revised BAT limit for TTO is less stringent than the proposed limit, we again examined carbon adsorption (Option 6) to determine if this end-of-pipe treatment technology would now achieve greater toxic organic reduction than the BAT technology basis of in-plant control using solvent management. The estimated theoretical discharge of toxic organics after treatment using carbon adsorption would range from 0.7 mg/l to 1.7 mg/l depending on which and how many of the 30 regulated toxic organics were present in the wastewater discharge. Based on the theoretical discharge achievable using carbon adsorption, the Agency expects that a TTO limit based on this technology would result in minimal, if any, additional removal of TTO and is, therefore, again rejecting carbon adsorption as the basis for BAT. See Section 7 of the technical development document for a further discussion of the toxic organic removal achieved by carbon adsorption.

The BAT compliance date for TTO is the same as the compliance date for TTO under BPT because the limitations are identical. The compliance date for TTO is as soon as possible as determined by the permit writer; in no case may the compliance date be later than July 1, 1984. As discussed under BPT, 53 percent of all plants are already in compliance with the TTO limit.

The BAT compliance date for fluoride is as soon as possible as determined by the permit writer but in no case later than 31 months after the publication date of this regulation. The technology basis for the BAT fluoride limitations is precipitation/clarification. A survey conducted on precipitation/clarification treatment systems shows that, on average, plants require 31 months to design, install, and "start-up" such treatment systems.

3. BCT. As proposed, EPA is promulgating pH limitations for BCT based on the BPT technology since BPT achieves the maximum feasible control for pH. Since BPT is the minimal level of control required by law, no possible application of the BCT cost tests could result in BCT limitations lower than those being promulgated today. Accordingly, there is no need to wait until EPA finalizes the BCT methodology before promulgating a BCT limitation for pH. There are no other conventional pollutants of concern in the semiconductor subcategory as discussed in Section VIII of this preamble.

4. NSPS. For NSPS, the Agency is promulgating limitations based on solvent management, neutralization, and precipitation/clarification of the concentrated fluoride stream (Option 3). These technologies are equivalent to BAT for control of toxic organics and fluoride, and BCT for control of pH. EPA has determined that Option 3 is the best demonstrated technology for this subcategory. Other options were not selected for the same reasons presented under BAT.

The only change from proposed NSPS is the TTO limit. The TTO limit under NSPS is being changed from 0.47 mg/l to 1.37 mg/l for the reasons presented under BPT.

5. PSES and PSNS. For PSES and PSNS, the Agency is promulgating TTO (total toxic organics) limitations based on solvent management. Since biological treatment at well operated POTWs achieving secondary treatment does not achieve removal equivalent to BAT for TTO, pass through occurs. Effective solvent management can reduce TTO by over 99 percent while a POTW will only remove 13 to 97 percent of these same pollutants. Accordingly, EPA is promulgating PSES and PSNS based on technology equivalent to BPT/BAT/NSPS for reduction of TTO. As previously discussed under BPT, the TTO limit is being changed from 0.47 mg/l to 1.37 mg/l.

The compliance date for pretreatment standards for existing sources in the semiconductor subcategory is July 1, 1984, the same as the proposed date. EPA has determined that achievement by this date is feasible. Plants only need to improve the effectiveness of their solvent management program; they do not have to design and install new or sophisticated pollution control systems. There is no reason this cannot be done by July 1, 1984.

6. Monitoring/Certification Language. At proposal, as an alternative to TTO monitoring, we proposed to allow dischargers to certify that spent solvents are collected for resale or contract disposal instead of being discharged into the wastewater. The commenters supported the decision to develop the certification alternative but strongly objected to the proposed wording. EPA agrees with some of the comments (see Section XII) and has changed the final language accordingly. There are three major differences between the proposed and final language: (1) the discharger may now certify to the solvent management practices he is following to achieve compliance instead of certifying that he is in compliance with the limit, (2) the discharger is required to describe his solvent management plan in greater specificity to the permitting or control authority's satisfaction and certify that he is continuing to follow the solvent management plan, and (3) permitting authorities will incorporate the plan as a condition of the NPDES permit, and compliance with the plan will be required as a pretreatment standard.

7. Definitions. In response to a comment concerning the coverage of this subcategory, EPA has added a definition for semiconductor manufacturing.

B. Electronic Crystals

The pollutant parameters of concern that were detected in EPA's sampling and analysis efforts are arsenic, total toxic organics (TTO), fluoride, total suspended solids (TSS), and pH.

1. BPT. EPA is promulgating BPT based on Option 2, as proposed. This technology consists of Option 1 (solvent management and end-of-pipe neutralization) plus end-of-pipe precipitation/clarification. The regulated pollutants and pollutant parameters are total toxic organics (TTO), fluoride, arsenic, total suspended solids (TSS), and pH. Arsenic is only being regulated at facilities which manufacture gallium or indium arsenide crystals.

We are making two changes to the proposed BPT limitations for the electronic crystal subcategory. The first change is that the TTO Limit is being increased from 0.47 mg/l to 1.37 mg/l. The rationale for this change is set forth under BPT for the semiconductor subcategory. The second change from proposal is a slight increase in the daily maximum and thirty day arsenic limits which apply to gallium and indium arsenide producers.The daily maximum is being changed from 1.89 mg/l to 2.09 mg/l and the thirty day average is being changed from 0.68 mg/l to 0.83 mg/l. These changes correct a minor computational error in the statistical analyses of the data base at proposal.

The Agency is not promulgating a 30 day average limitation for TTO. As discussed under BPT for the semiconductor subcategory, the daily maximum limitation for TTO is based on solvent management which, unlike most treatment options, does not entail pollution control equipment and is therefore not subject to significant performance variations.

EPA estimates that compliance with BPT for this subcategory will result in the removal of 1000 kilograms per year of toxic organics at an annual cost of $15 thousand. No adverse economic impacts are projected; thus we conclude that the effluent reduction benefits justify the costs. Plants generating arsenic wastes have already installed the BPT model technology.

Option 3 was not selected as the basis for regulation because this technology

controls only one process stream, hydrofluoric acid etching, and therefore, does not control the arsenic and TSS found in other wastestreams. The selected option consists of end-of-pipe treatment technology and therefore controls the pollutants in all these wastestreams. Options 4 and 6 were not selected for reasons presented under BAT for the Semiconductor Subcategory. Option 5 was not selected for arsenic because the Agency has no data available to demonstrate that filtration will further reduce arsenic discharges. This option was also not selected for fluoride because, as previously stated under BAT for semiconductors, filtration would only reduce fluoride by three percent.

2. BAT. For BAT, EPA is promulgating limitations based on technology equivalent to BPT. As with BPT, we are changing the proposed TTO and arsenic limits. The new limits are the same as those presented under BPT.

The BAT compliance date for TTO, arsenic, and fluoride is the same as the compliance date for these pollutants under BPT because the limitations are identical. The compliance date is as soon as possible as determined by the permit writer; in no case, may the compliance date be later than July 1, 1984. Available information indicates that all direct dischargers in this subcategory presently have end-of-pipe precipitation/clarification for control of fluoride and for control of arsenic where found.

Option 3 was not selected as the basis for regulation for the same reason presented under BPT above. Options 4, 5, and 6 were not chosen for the reasons presented under BAT for the semiconductor subcategory.

3. BCT. For BCT, EPA is promulgating pH and TSS limitations based on technology eqivalent to BPT. For pH, BPT is equal to BCT for the same reason discussed under the semiconductor subcategory. For TSS, the Agency considered the addition of filtration to BPT (Option 5), but rejected this technology option because of the minimal additional reduction of total suspended solids. Based on BPT, the average removal of TSS for each of the six(6) direct dischargers will be approximately 5400 kilograms per year. Filtration would only increase this amount by 100 kilograms per year (0.4 kgs/day) or by less than two percent (2%). Since there is no other technology option which would remove TSS, EPA is setting BCT equal to BPT. Accordingly, there is no need to conduct the BCT cost test.

4. NSPS. For NSPS, EPA is promulgating limitations based on solvent management, neutralization, and end-of-pipe precipitation/clarification. These technologies are eqivalent to BAT for toxic pollutants plus fluoride, and are equivalent to BPT/BCT for conventional pollutants. The only changes from the proposed NSPS concern the limitations for TTO and arsenic, and these changes have been previously discussed under BPT and BAT.

Other options were not selected as the technology basis for the regulation because, as explained under BAT for the semiconductor subcategory, these model technologies would result in minimal, if any, additional pollutant removal. EPA has determined that Option 2 is the best demonstrated technology for this subcategory.

5. PSES and PSNS. Both TTO and arsenic will be removed to a greater extent by BAT than by biological treatment at well operated POTWs achieving secondary treatment. Effective solvent management can reduce TTO by over 99 percent while a POTW will remove 13 to 97 percent of these same pollutants. Similarly precipitation/clarification of arsenic will remove over 92 percent of this pollutant while a POTW will only remove 35 percent. Therefore, PSES and PSNS are required to prevent pass through. For PSES and PSNS, EPA is promulgating limitations based on solvent management, neutralization, and end-of-pipe precipitation/clarification (Option 2) for the facilities which manufacture gallium or indium arsenide crystals. For facilities which only manufacture other types of crystals, PSES and PSNS are based on solvent management (Option 1). Option 2 will control arsenic in addition to controlling toxic organics. Proposed pretreatment standards for TTO and arsenic are being changed as previously discussed under BPT and BAT.

The compliance date for PSES is as soon as possible but no later than July 1, 1984 for TTO and as soon as possible but no later than 31 months from publication for arsenic. To comply with the TTO standard plants only need to improve the effectiveness of their solvant management program; they do not have to design and install new or sophisticated pollution control systems. The compliance date for arsenic for PSES is longer than for BAT because, unlike direct dischargers, indirect dischargers have not in all cases installed treatment technology. The design, installation, and start-up of the precipitation/clarification system on which the arsenic standard is based is estimated to take 31 months according to data in the public record.

6. Monitoring/Certification Language. As discussed under the semiconductor subcategory, at proposal, as an alternative to TTO monitoring, we proposed to allow dischargers to certify that spent solvents are collected for resale or contract disposal instead of being discharged into the wastewater. The commenters supported the decision to develop the certification alternative but strongly objected to the proposed wording. EPA agrees with some of the comments (see Section XII) and has changed the final language accordingly. There are three major differences between the proposed and final language: (1) The discharger may now certify to the solvent management practices he is following to achieve compliance instead of certifying that he is in compliance with the limit, (2) the discharger is required to discribe his solvent management plan in greater specificity to the permitting or control authority's satisfaction and certify that he is continuing to follow the solvent management plan, and (3) permitting authorities will incorporate the plan as a condition of the NPDES permit, and compliance with the plan will be required as a pretreatment standard.

7. Definitions. In response to a comment concerning the coverage of this subcategory, EPA has added a definition for electronic crystal manufacturing.

VIII. Executive Order 12291 and Regulatory Flexibility Analysis

Executive Order 12291 requires EPA and other agencies to perform regulatory impact analyses of major regulations. Major rules are those which impose a cost on the economy of $100 million a year or more or have certain other economic impacts. This regulation is not a major rule because its annualized cost of $4.4 million is less than $100 million and it meets none of the other criteria specified in paragraph 1(b) of the Executive Order.

Public Law 96-354 requires EPA to prepare an Initial Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. This analysis may be done in conjunction with or as a part of any other analysis conducted by the Agency. The economic impact analysis described above indicates that there will not be a significant impact on any segment of the regulated population, large or small. Therefore, a formal regulatory flexibility analysis is not required.

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IX. Costs and Economic Impacts

The Agency's economic impact assessment of this regulation is presented in *Economic Analysis of Effluent Standards and Limitations for the Electrical and Electronic Components Category—Phase I.* The analysis details the investment and annual costs for the two subcategories covered by the regulation: electronic crystals and semiconductors. The analysis also assesses the impact of effluent control costs in terms of profitability changes, capital availability, plant closures, production changes, employment effects, and balance of trade effects. Profits impacts are analyzed through estimated changes in and levels of return on assets and return on sales. Capital availability impacts are evaluated in relation to revenues for crystals and in relations to average plant and equipment expenditures for semiconductors. These impacts are then related to production changes, plant closures, and employment effects.

EPA has identified 70 establishments in the electronic crystal subcategory and 257 plants in the semiconductor subcategory that are covered by this regulation. Total investment costs for the two subcategories are estimated to be $5.6 million with an annual cost of $4.4 million, including interest and depreciation. No plant closures, employment impacts, or other economic impacts are expected to occur as a result of this regulation. Pollution control requirements for new sources in both subcategories are the same as for existing sources; thus, NSPS/PSNS are not expected to discourage entry or result in a cost disadvantage relative to current manufacturers. Each of the industry subcategories is discussed separately below.

A. Semiconductor Subcategory

Toxic Organics. BPT, BAT, PSES, NSPS and PSNS are controlled to the same level for toxic organics. These limitations and standards are expected to cause compliance costs consisting primarily of monitoring costs. This is because the costs associated with solvent disposal tend to be offset by resale of the solvents for other manufacturing processes. Based upon the estimate of facilities in both subcategories already in compliance with the toxic organics limitation, a number of facilities will have to improve their solvent management systems to comply. EPA projects, however, that the incremental costs incurred by these facilities will either be balanced out by resale of the spent solvents or result in slight additional net costs, therefore resulting in no significant economic impact. In any case, EPA performed a sensitivity analysis, assuming that the solvents were sent to hazardous waste disposal facilities covered by the Resource Conservation and Recovery Act. Worst case incremental compliance costs per plant ranged from $1,200 to $15,000, annually, and would be less than 0.2 percent of sales.

It is difficult to predict precisely how many plants will take advantage of the certification alternative to monitoring, although we expect most plants will want to do so. For purposes of costing, based upon our estimate we are assuming that 53 percent of existing plants already meet the toxic organic limit, and the same percentage, at a minimum, will also choose to certify. On average, EPA estimates that those plants who monitor will be required to do so quarterly. The monitoring costs for those plants would total $300 thousand in capital investment and $620 thousand annually. The impact of these costs is expected to be small, since they are less than 0.25 percent of sales. Some facilities may be required to monitor as frequently as once per month; therefore, EPA did a sensitivity analysis to assess the impact of monthly monitoring. These costs to such facilities are projected to be less than 0.4 percent of sales.

Thus, the sum total of all possible compliance costs for control of toxic organics is not expected to cause other than minor effects on profitability.

2. Fluoride. There are an estimated 77 direct dischargers covered by the BAT fluoride control requirements. Twenty-five of these plants already have treatment in place or haul their fluoride waste to landfills. Investment and annual costs for the remaining 52 plants (including monitoring) are estimated to be 4.3 million and 2.9 million, respectively, based on Option 3. Analysis of the post compliance profitabilities of these plants indicates that there would be some minor profit reduction for all plants in the industry; however, no plant closures or unemployment effects are expected. The analysis also indicates that these costs would be absorbed by the industry, thereby causing no increases in the prices of semiconductor products.

B. Electronic Crystal Subcategory

1. Toxic Organics. BPT, BAT, PSES, NSPS and PSNS are controlled to the same level for toxic organics. These limitations and standards are expected to cause compliance costs consisting primarily of monitoring costs.

This is because the costs associated with solvent disposal tend to be offset by resale of the solvents for other manufacturing processes. Again, based upon the fifty-three percent estimated compliance with the toxic organic limitations, the remaining facilities will have to improve their solvent management systems to comply. EPA projects, however, that the incremental costs incurred by these facilities will either be balanced out by resale of the spent solvents or result in slight additional net costs. In any case, EPA performed a sensitivity analysis, assuming that the solvents were sent to hazardous waste disposal facilities covered by the Resource Conservation and Recovery Act. Worst case incremental compliance costs ranged from $1,200 to $15,000 annually, and would result in post compliance return on investment (ROI) of no less than 27 percent.

It is difficult to predict precisely how many plants will take advantage of the certification alternative to monitoring, although we expect most plants will want to do so. For purposes of costing, based upon our estimate we are assuming that 53 percent of existing plants already meet the toxic organic limit, and the same percentage, at a minimum, will also choose to certify. On average, EPA estimates that those plants who monitor will be required to do so quarterly. These monitoring costs would total $70 thousand in capital investment and $135 thousand annually. The impact of these costs is expected to be small, since they result in post compliance ROIs of no less than 23 percent. Some facilities may be required to monitor as frequently as once per month; therefore, EPA did a sensitivity analysis to assess the impact of monthly monitoring. These costs to such facilities are projected to result in post compliance ROIs of no less than 22 percent.

Thus, the sum total of all possible compliance costs for control of toxic organics is not expected to cause other than moderate effects on profitability.

2. Arsenic. Costs incurred for PSES arise from treatment of arsenic resulting from processing operations. There are seven indirect dischargers that use arsenic in manufacturing crystals. Four of the seven plants already achieve the pretreatment standards and would incur no additional costs. Three plants must install additional treatment equipment. Investment costs for pollution control technologies are estimated to be $950 thousand with annual costs of $696 thousand. A plant specific analysis of these three establishments indicated that annual costs of compliance represent between 0.6 percent and 3.4

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percent of the value of shipments. The economic analysis involved estimated return on sales, return on investment, and the ability to raise capital for the three plants. The profitability of the three plants may decline slightly as a result of the regulation, but any decline is not expected to cause plant closures or unemployment effects.

X. Non-Water Quality Aspects of Pollution Control

The elimination or reduction of one form of pollution may add to other environmental problems. Sections 304(b) and 306 of the Act require EPA to consider the non-water quality environmental impacts of these regulations including air and noise pollution, radiation, solid waste generation, and energy requirements.

Compliance with this regulation will have no effect on air, noise, or radiation pollution and will only result in minimal solid waste generation and minimal increased energy usage. The amount of solid waste generated per year will be 7700 metric tons per year. Available information indicates that the solid waste generated will not be hazardous as defined in the Resource Conservation and Recovery Act (RCRA). Energy requirements associated with these regulations will be 100,000 kilowatt-hours per year or only 7.5 kilowatt-hours per day per facility.

Based on the above non-water quality impacts from these requirements, EPA has concluded that this regulation best serves overall national environmental goals.

XI. Pollutants and Subcategories Not Regulated

A. Settlement Agreement

The Settlement Agreement contained provisions authorizing the exclusion from regulation, in certain circumstances, of toxic pollutants and industry categories and subcategories. These provisions have been rewritten in a Revised Settlement Agreement which was approved by the District Court for the District of Columbia on March 9, 1979, *NRDC* v. *Costle*, 12 ERC 1833.

Data supporting exclusion of the pollutants and subcategories identified below are presented in the Development Document for this rulemaking.

1. Exclusion of Pollutants. Ninety-five (95) toxic pollutants, listed in Appendix C, are being excluded from regulation for both the semiconductor and electronic crystal subcategories. The basis of exclusion for eighty-two (82) of these pollutants is Paragraph 8(a) (iii) which allows exclusion for pollutants which are not detectable with state-of-the-art analytical methods. The basis of exclusion for another nine (9) of these pollutants is provided by Paragraph 8(a)(iii) which also allows exclusion of pollutants which are present in amounts too small to be effectively reduced by technologies known to the Administrator. Four (4) toxic pollutants are being excluded from regulation because these pollutants are generated by unit operations (electroplating, sputtering, or vapor deposition) which will be subject to effluent limitations and standards promulgated under the metal finishing category. This is permitted by Paragraph 8(a)(iii).

In addition to the exclusion of the ninety-five (95) pollutants for both subcategories, another toxic pollutant is being excluded for the semiconductor subcategory only. This pollutant is arsenic and is being excluded under Paragraph 8(a)(iii) because it was found in amounts too small to be effectively treated by technologies known to the Administrator.

2. Exclusion of subcategories. Seventeen subcategories are being excluded from this regulation based on either paragraph 8(a)(iii) or paragraph 8 (a)(iv) of the Revised Settlement Agreement. Five subcategories are being excluded under Paragraph 8(a)(iii) because pollutants are found only in trace amounts and in quantities too small to be effectively reduced by treatment. These subcategories are magnetic coatings, mica paper, carbon and graphite products, fluorescent lamps, and incandescent lamps. (Incandescent lamps are being excluded on these grounds, with the exception of chromium which is excluded under paragraph 8(a)(iii) because the sulfuric-chromium acid cleaning process will be regulated under the metal finishing category). Eight subcategories are being excluded under Paragraph 8(a)(iii) because the pollutants will be effectively controlled by technologies upon which are based other effluent limitations and pretreatment standards. Six of the eight subcategories generate wastewater from unit operations which will be covered by metal finishing: these are switchgear, resistance heaters, ferrite devices, capacitors (fluid-filled), transformers (fluid-filled), and the subcategory of motors, generators, and alternators. Another subcategory, insulated devices, plastic and plastic laminated, will be covered by the plastic molding and forming regulation. The last subcategory, insulated wire and cable, will be covered by a number of other categories which include aluminum and aluminum alloys, copper and copper alloys, iron and steel, plastics processing, and metal finishing.

Two subcategories are being excluded from regulation under Paragraph 8(a)(iv) because no water is used in the manufacturing process; these are resistors and dry transformers. Another subcategory, fuel cells, is also being excluded under Paragraph 8(a)(iv) because there are only two or three plants in this subcategory and fuel cells are not manufactured on a regular basis.

Finally, one subcategory, fixed capacitors, is being excluded under both 8(a)(iii) and 8(a)(iv). All pollutants except copper and lead are being excluded under 8(a)(iii) because these pollutants are present only in trace amounts and are not found in treatable quantities. Copper generated by this subcategory is being excluded from regulation under Paragraph 8(a)(iii) because the unit operation which generates copper will be covered by metal finishing. Lead found in the subcategory is being excluded from regulation under Paragraph 8(a)(iv) because it is unique to two plants.

B. Conventional Pollutants

BOD, fecal coliform, and oil and grease are not being regulated for either subcategory because they were found at concentrations below treatability. Total suspended solids (TSS) is not being regulated in the case of semiconductors because it was found at an average concentration of 10 mg/l which is below treatability.

XII. Public Participation and Responses to Major Comments

On August 24, 1982, the Agency published proposed rules for effluent limitations guidelines, pretreatment standards, and new source performance standards under the Clean Water Act for the semiconductor and electronic crystal subcategories of the Electrical and Electronic Components Point Source Category. Following the publication of the proposed rules, we provided the technical development document and the economic document supporting the proposed rules to industry, environmental groups, government agencies, and the public sector. A workshop was held on the Electrical and Electronic Components BAT Rulemaking in San Francisco on October 15, 1982. On October 21, 1982, in Washington, D.C., a pretreatment public hearing was held at which eight persons presented testimony.

The comment period closed on October 25, 1982. Comments were received from the following: County Sanitation District of Los Angeles, Digital Equipment Corporation, Dionics, Inc., Fairchild Camera and Equipment

Corp., General Development Utilities, General Electric Co., General Motors Corp., Harris Corp., Hemlock Semiconductors Corp., Honeywell, Inc., Monsanto, Motorola, Inc., National Semiconductor, New York State Dept. of Environmental Control, RCA Corporation, Santa Clara Chamber of Commerce, Semiconductor Industry Association, Texas Instruments, Inc., and the U.S. Dept. of the Interior.

All comments received have been carefully considered, and appropriate changes in the regulations have been made whenever available data and information supported these changes. Major issues raised by commenters are addressed in Section VII and this section. A summary of all the comments received and our detailed responses to all comments are included in a report "Responses to Public Comments, Proposed Electrical and Electronic Components Effluent Guidelines and Standards", which is a part of the public record for this regulation.

1. Comment: The TTO limit of 0.47 mg/l is not achievable based on the proposed control technology of solvent management which consists of the collection of spent solvent baths. Many plants are practicing solvent management but do not achieve the proposed limit. EPA did not account for such plants. Further, in developing the proposed TTO limit, the Agency did not fully account for all process sources of toxic organics (e.g. scrubbers). An appropriate effluent TTO limit based on solvent management is 7.9 mg/l.

Response: EPA recognizes that these are plants which consider themselves as practicing solvent management but which do not meet the TTO effluent limitation that EPA states can be achieved. EPA purposefully did not consider all such plants in establishing the effluent limitations because plants vary in the effectiveness with which they practice solvent management. Under the Act, BPT limitations generally represent the average of the best performing plants and BAT represents the best performance economically achievable. Thus EPA does not base limits on the experience of plants with the poorest performance. To the extent that EPA's proposed limit was interpreted as reflecting the highest effluent concentration of TTO found at all plants practicing solvent management *regardless of the effectiveness of the solvent management program*, that interpretation is incorrect.

The Agency has revised its methodology for deriving the TTO limit to more explicitly address the contribution of TTO from process wastewater streams. The revised methodology results in a TTO limit of 1.37 mg/l compared with 0.47 mg/l at proposal. We have no data in the record, nor have any commenters submitted data, to support the claim that a TTO limit based on solvent management, as demonstrated by the best performing plants, should be 7.9 mg/l or otherwise higher than 1.37 mg/l. Solvent management is a demonstrated means of reducing the discharge of total toxic organics to low levels, and EPA sees no basis for establishing a less stringent limitation.

2. Comment: Many commenters objected to the certification language EPA proposed as an alternative to TTO monitoring. While the commenters agreed that certification is preferable to monitoring, some asserted that the only way to truthfully certify to the language EPA proposed would be to monitor continuously. Various alternatives were offered, such as certifying merely that the discharger practices solvent management. One commenter pointed out that EPA had recently proposed new certification language for signatories to permit applications and reports (40 CFR 122.6) as part of a settlement agreement in the consolidated permits litigation, (*NRDC* v. *EPA*, and consolidated cases, No. 80–1607, D.C. Cir.) and suggested that EPA adopt that language here. The specific certification language suggested from each commenter on this issue is presented in EPA's report "Response to Public Comments, Proposed Electrical and Electronic Components Effluent Guidelines and Standards—Phase I".

Response: EPA agrees that changes in the certification language are warranted. First, we believe it is appropriate to modify the proposed language to accord more closely with the certification language agreed to in the consolidated permits settlement agreement concerning 40 CFR 122.22, formerly § 122.6, 47 FR 25548, 25553 (June 14, 1982). We do not see a significant enough difference between this regulation and § 122.22 to justify substantially different language. Thus, we have adapted the proposed settlement language with minor differences reflecting the particular nature of the TTO certification requirement.

Second, we have amended the language to allow the discharger to certify that "no dumping of concentrated toxic organics into the wastewater has occurred since filing the last discharge monitoring report." The proposed language appeared to require the discharger to certify that he is in compliance with the limit; we recognize that it may be difficult to certify to this language in the absence of monitoring. Now the discharger will be allowed to certify as to his solvent management practices. However, because the new wording is less precise (i.e., no "dumping of concentrated toxic organics") and because some commenters pointed to the need for more specificity about certification procedures, we are adding more explicit language requiring the discharger to describe his solvent management plan. The proposed language would have required the discharger to specify the toxic organic compounds used and the procedure used to prevent excessive wastewater discharge of toxic organics, whereas the final language requires the discharger to submit a solvent management plan that specifies to the permitting or control authority's satisfaction the toxic organic compounds used; the method of disposal used instead of dumping, such as resale, reclamation, contract hauling, or incineration; and procedures for assuring that toxic organics do not routinely spill or leak into the wastewater. The discharger must also certify that the facility is implementing the solvent management plan.

Finally, for direct dischargers, the solvent management plan will be incorporated as a condition of their NPDES permits. A similar requirement does not exist for indirect dischargers since under the Clean Water Act permits are not issued for them by the control authority. However, the pretreatment standard does require indirect dischargers to implement the plan which they submit to the control authority. Both these requirements reinforce the discharger's responsibility to implement his certification statement.

We believe these changes will resolve many of the concerns raised by the commenters. We have rejected, however, the suggestions of some commenters that the discharger merely certify that a solvent management program is in effect. We do not believe that general certification of that sort provides sufficient assurance that dumping of used solvents is not occurring, or adequate means of enforcement.

We expect some dischargers may still find the amended certification language to be too restrictive. Such dischargers will have to monitor. Based on our survey of state and regional permitters, we estimate that, on average, monitoring for TTO will be required once per quarter. In some cases, plants may be required to monitor more frequently such as once per month. The annualized monitoring costs for these two sampling frequencies are estimated to range from

$5,500 to $15,000 per year, respectively. A sensitivity analysis of monthly costs shows no adverse economic impact. For a further discussion of the economic impacts resulting from monitoring, see the *Economic Impact Analysis of Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category Phase I.*

As a final point we wish to emphasize that the addition of certification language does not in any way diminish the discharger's liability for noncompliance with the TTO limitation.

3. Comment: EPA's estimate of zero costs to comply with the TTO limit is not supported by the record.

Response: We do not claim that the TTO compliance costs will be absolutely zero, but rather, as explained at proposal, we expect compliance costs to be minimal. However, even accepting industry's assertion that we have significantly understated TTO compliance costs, we have costed the unlikely worst case compliance scenario which is disposal of spent solvents as a hazardous waste subject to RCRA requirements without recovery of residual value. The worst case incremental costs average $3600 per year with a range of $1200 to $15,000 per year depending on the extent to which plants are already collecting spent solvents. Our economic analysis of these costs show that the impact is insignificant, and justified by the effluent reduction. For further economic information on the impact of the TTO compliance costs, see *Economic Impact Analysis of Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category Phase I.*

4. Comment: One commenter objected to the absence of pretreatment standards for fluoride. This commenter argued that EPA gave no reason for not controlling fluoride, that "pass through" as defined in the general pretreatment regulations occurs, and that there are available control technologies.

Response: We are not regulating fluoride under PSES or PSNS for either subcategory. A unique combination of reasons underlies this decision. Fluoride is not a toxic pollutant under the Act and EPA has more discretion concerning the establishment of pretreatment standards for such pollutants. In this particular instance fluoride is not a pollutant of concern for indirect dischargers. The average plant flow for the semiconductor category is 157,000 gallons per day and the average plant concentration of fluoride in the wastewater entering the POTW is 65.5 mg/l. Comparable figures for the electronic crystal subcategory are 29,000 gallons per day and 129 mg/l. EPA's environmental assessment, based on a substantial body of scientific literature, shows that there is little likelihood of health or environmental effects from the introduction of fluoride at these flows and concentrations into a POTW. For these reasons, EPA believes it is not appropriate to establish nationally applicable categorical pretreatment standards.

5. Comment: One commenter requested that the compliance date for pretreatment standards be extended from the proposed date of July 1, 1984 to three years from the date of promulgation. This commenter contends that the proposed compliance date does not allow plants sufficient time to properly design and install the treatment technologies needed to comply with pretreatment standards.

Response: The proposed pretreatment standards regulate toxic organics for all indirect dischargers and arsenic for plants which manufacture gallium or indium arsenide crystals. As previously discussed in section VI of this preamble, the control of toxic organics does not require the installation of any treatment technology and can be readily implemented. Consequently, we are not extending the compliance date for PSES for total toxic organics (TTO). However, we are extending the compliance date for PSES for arsenic from July 1, 1984 to 31 months from promulgation date, if necessary. The control of arsenic is based on precipitation and clarification and the design and installation of this treatment system requires, on average, 31 months.

XIII. Best Management Practices

Section 304(e) of the Clean Water Act authorizes the Administrator to prescribe "best management practices" ("BMP"), described in Section III of this preamble. EPA is not considering BMP for the electrical and electronic components category.

XIV. Upset and Bypass Provisions

A recurring issue is whether industry limitations and standards should include provisions that authorize noncompliance during "upsets" or "bypasses." An upset, sometimes called an "excursion," is unintentional noncompliance beyond the reasonable control of the permittee. EPA believes that upset provisions are necessary, because upsets will inevitably occur, even if the control equipment is properly operated. Because technology-based limitations can require only what technology can achieve, many claim that liability for upsets is improper. When confronted with this issue, courts have been divided on the questions of whether an explicit upset or excursion exemption is necessary or whether upset or excursion incidents may be handled through EPA's enforcement discretion. Compare *Marathon Oil Co.* v. *EPA*, 564 F.2d 1253 (9th Cir. 1977) with *Weyerhaeuser* v. *Costle, supra* and *Corn Refiners Association, et al.* v. *Costle*, No. 78–1069 (8th Cir. April 2, 1979). See also *American Petroleum Institute* v. *EPA*, 540 F.2d 1023 (10th Cir. 1976); *CPC International, Inc.* v. *Train*, 540 F.2d 1320 (8th Cir. 1976); *FMC Corp.* v. *Train*, 539 F.2d 973 (4th Cir. 1976).

Unlike an upset—which is an unintentional episode—a bypass is an intentional noncompliance to circumvent waste treatment facilities during an emergency.

EPA has both upset and bypass provisions in NPDES permits, and the NPDES permit regulations include upset and bypass permit provisions. See 40 CFR Part 122.22, 44 FR 32854, 32862–3 (June 7, 1979). The upset provision establishes an upset as an affirmative defense to prosecution for violation of technology-based effluent limitations. The bypass provision authorizes bypassing to prevent loss of life, personal injury, or severe property damage. Since permittees in the semiconductor and electronic crystal subcategories are entitled to the upset and bypass provisions in NPDES permits, this regulation does not repeat these provisions. Upset provisions are also contained in the general pretreatment regulation.

XV. Variances and Modifications

When the final regulation for a point source category is promulgated, subsequent Federal and State NPDES permits to direct dischargers must enforce the effluent standards. Also, the pretreatment limitations apply directly to indirect dischargers.

The only exception to the BPT effluent limitations is EPA's "fundamentally different factors" variance. See *E. I. duPont de Nemours and Co.* v. *Train, supra; Weyerhaeuser Co.* v. *Costle, supra.* This variance recognizes characteristics of a particular discharger in the category regulated that are fundamentally different from the characteristics considered in this rulemaking. This variance clause is included in the NPDES regulations and not in this regulation. See 40 CFR Part 125.30.

Dischargers subject to the BAT limitations are also eligible for EPA's "fundamentally different factors" variance. Further, BAT limitations *for*

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nonconventional pollutants may be modified under Sections 301(c) and 301(g) of the Act. These statutory modifications do not apply to toxic or conventional pollutants.

The economic modification section (301(c)) gives the Administrator authority to modify BAT requirements for non-conventional pollutants [1] for dischargers who file a permit application after July 1, 1977, upon a showing that such modified requirements will: (1) Represent the maximum use of technology within the economic capability of the owner or operator and (2) result in reasonable further progress toward the elimination of the discharge of pollutants. The environmental modification section (301(g)) allows the Administrator, with the concurrence of the State, to modify BAT limitations for non-conventional pollutants from any point source upon a showing by the owner or operator of such point source satisfactory to the Administrator that:

(a) Such modified requirements will result at a minimum in compliance with BPT limitations or any more stringent limitations necessary to meet water quality standards;

(b) Such modified requirements will not result in any additional requirements on any other point or non-point source; and

(c) Such modification will not interfere with the attainment or maintenance of that water quality which shall assure protection of public water supplies, and the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities, in and on the water and such modification will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity or teratogenicity), or synergistic propensities.

Section 301(j)(1)(B) of the Act requires that application for modifications under section 301 (c) or (g) must be filed within 270 days after the promulgation of an applicable effluent guideline. Initial applications must be filed with the Regional Administrator and, in those States that participate in the NPDES program, a copy must be sent to the Director of the State program. Initial applications to comply with 301(j) must include the name of the permittee, the permit and outfall number, the applicable effluent guideline, and whether the permittee is applying for a 301(c) or 301(g) modification or both. Applicants interested in applying for both must do so in their initial application. For further details, see 43 FR 40859, September 13, 1978.

For the semiconductor subcategory, the nonconventional pollutant fluoride is not regulated at BPT, but is regulated at BAT. For this subcategory only, dischargers who file an initial application within 270 days after the publication of this regulation will be considered for 301(c) and 301(g) modifications. Modifications will be considered at the time the NPDES permit is reissued. Although the Agency intends to issue a regulation establishing criteria for 301(c) and 301(g) determinations, modifications will be made on a case-by-case basis until the 301(c) and 301(g) regulations are final.

Indirect dischargers subject to PSES are eligible for the "fundamentally different factors" variance and for credits for toxic pollutants removed by POTWs. See 40 CFR 403.7; 403.13; 46 FR 9404 (January 28, 1981). Indirect dischargers subject to PSNS are only eligible for the credits provided for in 40 CFR 403.7. New sources subject to NSPS are not eligible for EPA's "fundamentally different factors" variance or any statutory or regulatory modifications. See *E.I. duPont de Nemours* v. *Train, supra.*

XVI. Relation to NPDES Permits

The BPT, BAT and BCT limitations and SNPS in this regulation will be applied to individual plants through NPDES permits issued by EPA or approved State agencies under Section 402 of the Act. Under this regulation for the Electrical and Electronic Components Category, all limitations are concentration based. National mass based limitations are not provided because the Agency has determined that a fundamental relationship between production and pollutant loadings does not exist for either subcategory. See 40 CFR 122.45(f), formerly 122.63(f). Permitting authorities can derive mass based limitations by multiplying the concentration limit by the undiluted discharge flow.

The preceding section of this preamble discussed the binding effect of this regulation on NPDES permits, except when variances and modifications are expressly authorized. The following adds more detail on the relation between this regulation and NPDES permits.

One issue is how the regulation affects the authority of those that issue NPDES permits. EPA has developed the limitations and standards in this regulation to cover the typical facility for this point source category. In specific cases, the NPDES permitting authority may have to establish permit limits on toxic pollutants that are not covered by this regulation. This regulation does not restrict the power of any permit-issuing authority to comply with law or any EPA regulation, guideline, or policy. For example, if this regulation does not control a particular pollutant, the permit issuer may still limit the pollutant on a case-by-case basis, when such action conforms with the purposes of the Act. In addition, if State water quality standards or other provisions of State or Federal law require limits on pollutants not covered by this regulation (or require more stringent limits on covered pollutants), the permit-issuing authority *must* apply those limitations.

A final topic of concern is the operation of EPA's NPDES enforcement program, which was an important consideration in developing this regulation. The Agency emphasizes that although the Clean Water Act is a strict liability statute, EPA can initiate enforcement proceedings at its discretion (*Sierra Club* v. *Train* 557 F. 2d 485, 5th Cir., 1977). EPA has exercised and intends to exercise that discretion in a manner that recognizes and promotes good-faith compliance.

XVII. Availability of Technical Information

The basis for this regulation is detailed in four major documents. Analytical methods are discussed in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*. EPA's technical conclusions are detailed in *Development Document for Effluent Guidelines, New Source Performance Standards, and Pretreatment Standards for the Electrical and Electronic Components Point Source Category—Phase I.* The Agency's economic analysis is presented in *Economic Impact Analysis of Effluent Limitations and Standards for the Electrical and Electronic Components Industry—Phase I.* A summary of the public comments received on the proposed regulation is presented in a report "Responses to Public Comments, Proposed Electrical and Electronic Components Effluent Guidelines and Standards", which is part of the public record for this regulation.

Technical information may be obtained by writing to David Pepson,

[1] Section 301(1) precludes the Administrator from modifying BAT requirements for any pollutants which are on the toxic pollutant list under section 307(a)(1) of the Act.

Effluent Guidelines Division (WH–552), EPA, 401 M Street, S.W., Washington, D.C. 20460 or through calling (202) 382–7157.

Additional information concerning the economic impact analysis may be obtained from Ms. Renee Rico, Economic Analysis Staff (WH–586), EPA, 401 M Street, S.W., Washington, D.C. 20460 or by calling (202) 382–5386. Copies of the technical and economic documents may be obtained from the National Technical Information Service, Springfield, Virginia 22161 (703) 487–4600.

XVIII. OMB Review

The regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Room M2404, U.S. EPA, 401 M Street S.W., Washington, D.C. 20460 from 9:00 a.m. to 4:00 p.m. Monday–Friday excluding Federal holidays.

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the reporting and recordkeeping provisions in 40 CFR 469.13 and 469.23 that are included in this regulation will be submitted for approval to OMB. They are not effective until OMB approval has been obtained and the public is notified to that effect through a technical amendment to this regulation.

XIX. List of Subjects in 40 CFR Part 469

Electrical and electronic equipment, Water pollution control, Waste treatment and disposal.

Dated: March 31, 1983.

Lee M. Thomas,

Acting Administrator.

XX. Appendixes

Appendix A—Abbreviations, Acronyms, and other Terms Used in This Notice

Act—The Clean Water Act.

Agency—The U.S. Environmental Protection Agency.

BAT—The best available technology economically achievable under Section 304(b)(2)(B) of the Act.

BCT—The best conventional pollutant control technology, under Section 304(b)(4) of the Act.

BMP—Best management practices under Section 304(e) of the Act.

BPT—The best practicable control technology currently available under Section 304(b)(1) of the Act.

Clean Water Act—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 *et seq.*), as amended by the Clear Water Act of 1977 (Public Law 95–217).

Direct Discharger—A facility which discharges or may discharge pollutants into waters of the United States.

Indirect Discharger—A facility which discharges or may discharge pollutants into a publicly owned treatment works.

NPDES Permit—A National Pollutant Discharge Elimination System permit issued under Section 402 of the Act.

NSPS—New source performance standards under Section 306 of the Act.

POTW—Publicly owned treatment works.

PSES—Pretreatment standards for existing sources of indirect discharges under Section 307(b) of the Act.

PSNS—Pretreatment standards for new sources of direct discharges under Sections 307 (b) and (c) of the Act.

RCRA—Resource Conservation and Recovery Act (Pub. L. 94–580) of 1976, as amended, 42 U.S.C. 6901 *et seq.*

Appendix B—List of Toxic Organics Comprising Total Toxic Organics (TTO)

1,2,4 trichlorobenzene chloroform
1,2 dichlorobenzene
1,3 dichlorobenzene
1,4 dichlorobenzene ethylbenzene
1,1,1 trichloroethane methylene chloride
napthalene
2 nitrophenol phenol bis(2-ethylhexyl)
phthalate tetrachloroethylene toluene
trichloroethylene
2 chlorophenol
2,4 dichlorophenol
4 nitrophenol pentachlorophenol di-n-butyl
phthalate anthracene
1,2 diphenylhydrazine isophorone butyl
benzyl phthalate
1,1 dichloroethylene
2,4,6 trichlorophenol carbon tetrachloride
1,2 dichloroethane
1,1,2 trichloroethane dichlorobromoethane

Appendix C—List of Pollutants Excluded From Regulation

The following nine (9) pollutants are being excluded from regulation in the semiconductor and electronic crystal subcategories under Paragraph 8(a)(iii) of the Settlement Agreement because they are present in amounts too small to be effectively reduced:

antimony
beryllium
cadmium
mercury
selenium
silver
thallium
zinc
cyanide

The following four (4) pollutants are being excluded under Paragraph 8(a)(iii) because these pollutants are generated by unit operations (electroplating, sputtering, or vapor deposition) which will be subject to effluent limitations and standards being promulgated under the metal finishing category:

lead
nickel
copper
chromium

The following eighty-two pollutants are being excluded under Paragraph 8(a)(iii) because they were not detected in the effluent.

acenaphthene
acrolein
acrylonitrile
benzene
benzidine
chlorobenzene
hexachlorobenzene
hexachloroethane
1,1-dichloroethane
1,1,2,2-tetrachloroethane
chloroethane
bis(2-chloroethyl) ether
2-chloroethylvinyl ether
2-chloronaphthalene
parachlorometa cresol
3,3'-dichlorobenzidine
1,2-trans-dichloroethylene
4,6-dinitro-o-cresol
N-nitrosodimentylamine
N-nitrosodiphenylamine
N-nitrosodi-n-propylamine
di-n-octyl phthalate
diethyl phthalate
benzo(a)anthracene
benzo(a)pyrene
3,4-benzofluorathene
benzo(k)fluoranthane
chrysene
acenphthylene
benzo(ghi)perylene
fluorene
phenanthrene
dibenzo(a,h)anthrene
ideno(1,2,3-cd)pyrene
pyrene
2,3,4,8-tetrachlorodibenzo-p-dioxin
1,2-dichloropropane
1,2-dichloropropylene
2,4-dimethylphenol
2,4-dinitrotoluene
2,6-dinitrotoluene
fluorathene
4-chlorophenyl phenyl ether
4-bromophenyl phenyl ether
bis(2-chloroisopropyl) ether
bis(2-chloroethoxy)methane
methyl chloride
methyl bromide
bromoform
chlorodibromemethane
hexachlorobutadiene
hexachlorocyclopentadiene
nitrobenzene
2,4-dinitrophenol
vinyl chloride
aldrin
dieldrin
chlordane
4,4'-DDT
4,4'-DDE
4,4'-DDD
a-endosulfan-Alpha
b-endosulfan-Beta
endosulfan sulfate
endrin
endrin aldehyde
heptachlor
heptachlor epoxice
a-BHC-Alpha
r-BHC-Beta
g-BHC-Delta

PCB-1242
PCB-1254
PCB-1221
PCB-1232
PCB-1248
PCB-1260
PCB-1016
toxaphene
asbestos
PCB-1248
PCB-1260
PCB-1016
toxaphene
asbestos

For the reasons stated above, EPA is establishing a new Part 469 of 40 CFR, Chapter I as follows:

PART 469—ELECTRICAL AND ELECTRONIC COMPONENTS POINT SOURCE CATEGORY

Subpart A—Semiconductor Subcategory

Sec.

469.10 Applicability; description of the semiconductor subcategory.
469.11 Compliance dates.
469.12 Specialized definitions.
469.13 Monitoring.
469.14 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
469.15 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
469.16 Pretreatment standards for existing sources (PSES).
469.17 New source performance standards (NSPS).
469.18 Pretreatment standards for new sources (PSNS).
469.19 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT).

Subpart B—Electronic Crystals Subcategory

469.20 Applicability; description of the electronic crystals subcategory.
469.21 Compliance dates.
469.22 Specialized definitions.
469.23 Monitoring.
469.24 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).
469.25 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).
469.26 Pretreatment standards for existing sources (PSES).
469.27 New source performance standards (NSPS).
469.28 Pretreatment standards for new sources (PSNS).
469.29 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT).

Authority: Secs. 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977, 33 U.S.C. 1311, 1314, 1316, 1317, 1318, and 1361; 86 Stat. 816, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217.

Subpart A—Semiconductor Subcategory

§ 469.10 Applicability.

The provisions of this subpart are applicable to discharges resulting from all process operations associated with the manufacture of semiconductors, except sputtering, vapor deposition, and electroplating.

§ 469.11 Compliance dates.

The compliance deadline for the BAT fluoride limitation shall be as soon as possible as determined by the permit writer, but no later than November 8, 1985. The compliance deadline for the BAT and BCT limitations for total toxic organics (TTO) and pH, respectively, is as soon as possible as determined by the permit writer, but in no event later than July 1, 1984. The compliance date for PSES for TTO is July 1, 1984.

§ 469.12 Specialized definitions.

The definitions in 40 CFR Part 401 and the chemical analysis methods in 40 CFR Part 136 apply to this subpart. In addition,

(a) The term "total toxic organics (TTO)" means the sum of the concentrations for each of the following toxic organic compounds which is found in the discharge at a concentration greater than ten (10) micrograms per liter:

1,2,4 trichlorobenzene chloroform
1,2 dichlorobenzene
1,3 dichlorobenzene
1,4 dichlorobenzene ethylbenzene
1,1,1 trichloroethane methylene chloride naphthalene
2 nitrophenol phenol bis(2-ethylhexyl) phthalate tetrachloroethylene toluene trichloroethylene
2 chlorophenol
2, 4 Dichlorophenol
4 nitrophenol pentachlorophenol di-n-butyl phthalate anthracene
1, 2 diphenylhydrazine isophorone butyl benzyl phthalate
1, 1 dichloroethylene
2, 4, 6 trichlorophenol carbon tetrachloride
1, 2 dichloroethane
1, 1, 2 trichloroethane dichlorobromomethane

(b) The term "semiconductors" means solid state electrical devices which perform functions such as information processing and display, power handling, and interconversion between light energy and electrical energy.

(c) The term "manufacture of semiconductors" means those processes, beginning with the use of crystal wafers, which lead to or are associated with the manufacture of semiconductor devices.

§ 469.13 Monitoring.

(a) In lieu of monitoring for TTO, the permitting authority may allow direct dischargers to include the following certification as a "comment" on the Discharge Monitoring Report required by § 122.44 (i), formerly § 122.62(i): "Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the solvent management plan submitted to the permitting authority."

(b) In requesting that no monitoring of TTO be required, the direct discharger shall submit a solvent management plan that specifies to the permitting authority's satisfaction the toxic organic compounds used; the method of disposal used instead of dumping, such as reclamation, contract hauling, or incineration; and procedures for assuring that toxic organics do not routinely spill or leak into the wastewater. The permitting authority shall incorporate the plan as a provision of the permit.

(c) In lieu of monitoring for TTO, the control authority may allow industrial users of POTWs to make the following certification as a comment to the periodic reports required by § 403.12(e): "Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the solvent management plan submitted to the control authority."

(d) In requesting that no monitoring be required, industrial users of POTWs shall submit a solvent management plan that specifies to the control authority's satisfaction the toxic organic compounds used; the method of disposal used instead of dumping, such as reclamation, contract hauling, or incineration; and procedures for assuring that toxic organics do not

routinely spill or leak into the wastewater.

§ 469.14 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR Part 125.30–32 any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

SUBPART A—SEMICONDUCTOR BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	(2)
pH	(3)	(2)

[1] Total toxic organics.
[2] Not applicable.
[3] Within the range of 6.0 to 9.0

§ 469.15 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR Part 125.30–32 any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT):

SUBPART A—SEMICONDUCTOR BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	(2)
Fluoride (T)	32.0	17.4

[1] Total toxic organics.
[2] Not applicable

§ 469.16 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES):

(a)

SUBPART A—SEMICONDUCTOR PSES EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	(2)

[1] Total toxic organics.
[2] Not applicable.

(b) An existing source submitting a certification in lieu of monitoring pursuant to § 469.13 (c) and (d) of this regulation must implement the solvent management plan approved by the control authority.

§ 469.17 New source performance standards (NSPS).

Any new source subject to this subpart must achieve the following new source performance standards (NSPS).

SUBPART A—SEMICONDUCTOR NSPS EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	(2)
Fluoride (T)	32.0	17.4
pH	(3)	(2)

[1] Total toxic organics.
[2] Not applicable
[3] Within the range of 6.0 to 9.0

§ 469.18 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR Part 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS):

(a)

SUBPART A—SEMICONDUCTOR PSNS EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	(2)

[1] Total toxic organics.
[2] Not applicable

(b) A new source submitting a certification in lieu of monitoring pursuant to § 469.13 (c) and (d) of this regulation must implement the solvent management plan approved by the control authority.

§ 469.19 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT).

Except as provided in 40 CFR Part 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT):

SUBPART A—SEMICONDUCTOR BCT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
pH	(1)	(1)

[1] Within the range 6.0 to 9.0

Subpart B—Electronic Crystals Subcategory

§ 469.20 Applicability.

(a) The provisions of this subpart are applicable to discharges resulting from the manufacture of electronic crystals.

§ 469.21 Compliance dates.

The compliance date for the BAT fluoride, arsenic and total toxic organic (TTO) limitations and the BCT limitation on total suspended solids (TSS) and pH is as soon as possible as determined by the permit writer, but in no event later than July 1, 1984. The compliance date for PSES for TTO is July 1, 1984 and for arsenic is November 8, 1985. The Consent Decree in *NRDC* v. *Train*, 12 ERC 1833 (D.D.C. 1979) specifies a compliance date for PSES of no later than June 30, 1984. EPA will be moving for a modification of that provision of the Decree. Should the Court deny that motion, EPA will be required to modify this compliance date accordingly.

§ 469.22 Specialized definitions.

The definitions in 40 CFR 401 and the chemical analysis methods in 40 CFR 136 apply to this subpart. In addition,

(a) The term "total toxic organics (TTO)" means the sum of the concentrations for each of the following toxic organic compounds which is found in the discharge at a concentration greater that ten (10) micrograms per liter:

1,2,4 trichlorobenzene chloroform
1,2 dichlorobenzene
1,3 dichlorobenzene
1,4 dichlorobenzene ethylbenzene
1,1,1 trichloroethane methylene chloride
naphthalene

2 nitrophenol phenol bis(2-ethylhexyl) phthalate tetrachloroethylene toluene trichloroethylene
2 chlorophenol
2,4 dichlorophenol
4 nitrophenol pentachlorophenol di-n-butyl phthalate anthracene
1,2 diphenylhydrazine isophorone butyl benzyl phthalate
1,1 dichloroethylene
2,4,6 trichlorophenol carbon tetrachloride
1,2 dichloroethane
1,1,2 trichloroethane dichlorobromomethane

(b) The term "electronic crystals" means crystals or crystalline material which because of their unique structural and electronic properties are used in electronic devices. Examples of these crystals are crystals comprised of quartz, ceramic, silicon, gallium arsenide, and idium arsenide.

(c) The term "manufacture of electronic crystals" means the growing of crystals and/or the production of crystal wafers for use in the manufacture of electronic devices.

§ 469.23 Monitoring.

The certification alternative to monitoring for Total Toxic Organics (TTO) described in § 469.13(a) (b) (c) and (d) is applicable to this subpart.

§ 469.24 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

SUBPART B—ELECTRONIC CRYSTALS BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	([3])
Arsenic (T) [2]	2.09	0.83
Fluoride (T)	32.0	17.4
TSS	61.0	23.0
pH	([4])	([4])

[1] Total toxic organics.
[2] The arsenic (T) limitation only applies to manufacturers of gallium or indium arsenide crystals.
[3] Not applicable.
[4] Within the range of 6.0 to 9.0.

§ 469.25 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically available (BAT):

SUBPART B—ELECTRONIC CRYSTALS BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	([3])
Arsenic [2]	2.09	0.83
Fluoride	32.0	17.4

[1] Total toxic organics.
[2] The arsenic limitation only applies to manufacturers of gallium or indium arsenide crystals.
[3] Not applicable.

§ 469.25 Pretreatment standards for existing sources (PSES).

(a) Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES):

SUBPART B—ELECTRONIC CRYSTALS PSES EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	([2])
Arsenic (T) [3]	2.09	0.83

[1] Total toxic organics.
[2] Not applicable.
[3] The arsenic (T) limitation only applies to manufacturers of gallium or indium arsenide crystals.

(b) An existing source submitting a certification in lieu of monitoring pursuant to § 469.13 (c) and (d) of this regulation must implement the solvent management plan approved by the control authority.

§ 469.26 New source performance standards (NSPS).

Any new source subject to this subpart must achieve the following new source performance standards (NSPS):

SUBPART B—ELECTRONIC CRYSTALS NSPS EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter(mg/l)	
TTO [1]	1.37	([2])
Arsenic(T) [3]	2.09	0.83
Fluoride(T)	32.0	17.4

SUBPART B—ELECTRONIC CRYSTALS NSPS EFFLUENT LIMITATIONS—Continued

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
TSS	61.0	23.0
pH	([4])	([4])

[1] Total toxic organics.
[2] Not applicable.
[3] The arsenic(T) limitation only applies to manufacturers of gallium or indium arsenide crystals.
[4] Within the range of 6.0 to 9.0.

§ 469.27 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS):

(a)

SUBPART B—ELECTRONIC CRYSTALS PSNS EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TTO [1]	1.37	([2])
Arsenic (T) [3]	2.09	0.83

[1] Total toxic organics.
[2] Not applicable.
[3] The arsenic (T) limitation only applies to manufacturers of gallium or indium arsenide crystals.

(b) A new source submitting a certification in lieu of monitoring pursuant to § 469.13(c) and (d) of this regulation must implement the solvent management plan approved by the control authority.

§ 469.28 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT).

Except as provided in 40 CFR 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollution control technology (BCT):

SUBPART B—ELECTRONIC CRYSTALS BCT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter (mg/l)	
TSS	61.0	23.0
pH	([1])	([1])

[1] Within the range of 6.0 to 9.0.

[FR Doc. 83-9173 Filed 4-7-83; 8:45 am]
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Friday
April 8, 1983

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arizona:		
	AZ83-5102	Mar. 4, 1983
	AZ83-5105	Do.
	AZ83-5107	Mar. 18, 1983
Indiana:		
	IN83-2026	Mar. 25, 1983
Illinois:		
	IL83-2014	Mar. 4, 1983
	IL83-2017	Mar. 11, 1983
Louisiana:		
	LA82-4021	May 7, 1982
	LA82-4053	Nov. 5, 1982
	LA83-4001	Jan. 7, 1983
Massachusetts:		
	MA83-3004	Apr. 1, 1983
Michigan:		
	MI83-2015	Mar. 11, 1983
	MI83-2018	Do
	MI83-2007	Feb. 11, 1983
Montana		
	MT81-5138	Aug. 7, 1981
North Dakota:		
	ND81-5131	July 6, 1981
Oklahoma		
	OK83-4011	Jan. 14 1983
	OK82-4035	June 25, 1982
	OK83-4012	Jan. 14, 1983
Oregon:		
	OR83-5100	Feb. 18, 1983
Ohio:		
	OH83-2006	Feb. 11, 1983
	OH83-2010	Do
Texas:		
	TX81-4064	Aug. 7, 1981
	TX82-4025	June 18, 1982
	TX82-4054	Nov. 5, 1982
	TX83-4004	Jan. 7, 1983
	TX83-4006	[illegible]
	TX83-4007	Do.
Tennessee		
	TN82-2056	Nov. 19, 1982
Utah:		
	UT83-5108	Mar. 25, 1983
Washington:		
	WA82-5117	Aug. 13, 1982

Supersedeas Decisions To General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Colorado:	
CO83-5109 (CO81-5149)	Sept. 4, 1981.
Florida:	
FL79-1117 (FL83-1018)	Aug. 17, 1979.
Kentucky:	
KY80-1115 (KY83-1019)	Oct. 31, 1980.
Illinois:	
IL82-2025 (IL83-2034)	Apr. 2, 1982
IL81-2055 (IL32-2035)	Aug. 28, 1981
Indiana:	
IN82-2030 (IN83-2029)	May 14, 1982
Maryland:	
MD81-3021 (MD83-3006)	Mar. 27, 1981.
Oklahoma:	
OK82-4057 (OK83-4027)	Nov. 12, 1982
Pennsylvania:	
PA82-3026 (PA83-3005)	Sept. 3, 1982.
Texas:	
TX82-4046 (TX83-4026)	Oct. 1, 1982.

Signed at Washington, D.C., this 1st day of April 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION NO. 83-5107 - Mod. #1
(48 FR 11605 - March 18, 1983)
Statewide, Arizona

Modification Page 2

	Basic Hourly Rates	Fringe Benefits
Change:		
Carpenters:		
Northern Area:		
Carpenters; Saw Filer	$15.79	$2.53
Pile driverman	16.13	2.53
Central & Southern Areas:		
Carpenters; Saw Filer	13.66	2.53
Pile driver	14.01	2.53
Cement Masons:		
Zone 1:		
Northern Area:		
Cement Masons	17.78	2.47
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine	15.94	2.40
Central & Southern Areas:		
Cement Masons	13.66	2.80
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine	13.95	2.40
Zone 2:		
Cement Masons	13.59	2.47
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine; Clary and similar power screed	13.79	2.47
Power Equipment Operators:		
Area 1:		
Group 1	11.435	2.78
Group 2	13.35	2.78
Group 3	14.25	2.78
Group 4	14.95	2.78
Group 5	15.85	2.78
Group 6	15.165	2.78
Group 7	15.955	2.78
Group 8	16.195	2.78
Group 9	17.465	2.78

	Basic Hourly Rates	Fringe Benefits
Power Equipment Operators:		
Area 2:		
Group 1	$ 9.31	$2.78
Group 2	11.41	2.78
Group 3	11.90	2.78
Group 4	12.47	2.78
Group 5	13.16	2.78
Group 6	13.84	2.78
Group 7	14.23	2.78
Group 8	14.66	2.78
Group 9	15.44	2.78
Truck Drivers:		
Area 1:		
Group 1	13.075	2.52
Group 2	13.245	2.52
Group 3	13.525	2.52
Group 4	13.975	2.52
Group 5	14.175	2.52
Group 5A	14.175	2.52
Group 6	14.300	2.52
Group 7	15.115	2.52
Group 8	15.79	2.52
Group 8A	16.775	2.52
Group 8B	16.225	2.52
Area 2:		
Group 1	10.95	2.52
Group 2	11.12	2.52
Group 3	11.40	2.52
Group 4	11.85	2.52
Group 5	12.05	2.52
Group 5A	12.30	2.52
Group 6	12.47	2.52
Group 7	12.99	2.52
Group 8	13.665	2.52
Group 8A	14.65	2.52
Group 8B	14.10	2.52

Modification Page 4

DECISION NO. LA82-4021 - Mod. #8
(47 FR 19877 - 5/7/82)

	Basic Hourly Rates	Fringe Benefits

Modification Page 1

DECISION NO. AZ81-5102 - Mod. #1
(46 FR 6104 - March 4, 1983)
Maricopa County, Arizona

	Basic Hourly Rates	Fringe Benefits
Change:		
Carpenters:		
Carpenters; Saw Filer; Shingler, and Drywall; Rangers	$13.66	$2.53
Floor Layer & Piledriver	14.01	2.53
Cement Masons:		
Concrete Troweling, Sawing, Scoring, Curber, Gutter Machine	13.66	2.40
Clary and similar power screed operation	13.95	2.40
Finisher	13.84	2.40
Power Equipment Operators:		
Group 1	9.31	2.78
Group 2	11.41	2.78
Group 3	11.90	2.78
Group 4	12.47	2.78
Group 5	13.16	2.78
Group 6	13.84	2.78
Group 7	14.23	2.78
Group 8	14.66	2.78
Group 9	15.44	2.78
Truck Drivers:		
Group 1	10.95	2.52
Group 2	11.12	2.52
Group 3	11.40	2.52
Group 4	11.85	2.52
Group 5	12.05	2.52
Group 5A	12.30	2.52
Group 6	12.47	2.52
Group 7	12.99	2.52
Group 8	13.665	2.52
Group 8A	14.65	2.52
Group 8B	14.10	2.52

Modification Page 3

DECISION NO. AZ83-105 - Mod. #1
(48 FR 9126 - March 4, 1983)
Pima County, Arizona

	Basic Hourly Rates	Fringe Benefits
Change:		
Carpenters:		
Carpenters; Saw Filers and Shinglers	$13.665	$2.53
Floor Layer and Pileliver	14.01	2.53
Power Equipment Operators:		
Group 1	9.31	2.78
Group 2	11.41	2.78
Group 3	11.90	2.78
Group 4	12.47	2.78
Group 5	13.16	2.78
Group 6	13.84	2.78
Group 7	14.23	2.78
Group 8	14.66	2.78
Group 9	15.44	2.78
Truck Drivers:		
Group 1	10.95	2.52
Group 2	11.12	2.52
Group 3	11.40	2.52
Group 4	11.85	2.52
Group 5	12.05	2.52
Group 5A	12.30	2.52
Group 6	12.47	2.52
Group 7	12.99	2.52
Group 8	13.665	2.52
Group 8A	14.65	2.52
Group 8B	14.10	2.52

Modification Page 3

Decision No. IN83-2026

	Basic	Fringe

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Modification Page 3

Decision No. IN83-2026
Mod #1
(48 FR 12642 - March 25, 1983)
Clay, Daviess, Gibson, Greene, Knox, Martin, Parke, Pike, Posey, Putnam, Sullivan, Vanderburg, Vermillion & Vigo Counties

Change:

	Basic Hourly Rates	Fringe Benefits
Bricklayers; Caulkers; Pointers; Cleaners & Stonemasons:		
Area 1	$16.73	2.48
Carpenters:		
Area 5		
Carpenters	14.97	2.00
Piledrivers	15.22	2.00
Cement Masons:		
Area 2	13.80	1.60
Area 4	14.85	2.10
Ironworkers:		
Area 1	17.85	2.21
Millwrights:		
Area 3	17.79	2.10
Painters:		
Area 4		
Brush & Roller	14.70	1.50
Spray	15.70	1.50
Drywall Tapers	14.95	1.50
Plasterers:		
Area 3	16.38	
Plumbers & Steamfitters		
Area 2	19.92	2.20

	Basic Hourly Rates	Fringe Benefits
Laborers:		
Area 1		
Group 1	11.63	1.94
Group 2	11.83	1.94
Group 3	11.93	1.94
Group 4	12.63	1.94
Area 2		
Group 1	12.65	1.94
Group 2	12.85	1.94
Group 3	12.95	1.94
Group 4	13.65	1.94
Roofers:		
Area 3		
Composition & Waterproofers	15.08	2.40
Slate, Tile, Concrete Slab & Gypsum	15.83	2.40

DECISION NO. IL83-2014 - MOD. #2
(47 FR 8072 - March 4, 1982)
Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry, & Will Counties, Illinois

Change:
Ironworkers:
DeKalb (Rem. of Co.) DuPage (Except Argonne & Vic.), Kane, Kendall (N. part), & McHenry (S.E. ½ of Co.) Cos. — Basic Hourly Rates: $19.75; Fringe Benefits: $2.255

DECISION NO. IL83-2017 - MOD. #1
(48 FR 10572 - March 11, 1983)
DuPage, Grundy, Kane, Kendall, Lake, McHenry, & Will Counties, Illinois

Change:
Carpenters; Millwrights; Piledrivermen; & Soft Floor Layers:
Kane, Kendall & McHenry Cos. — Basic Hourly Rates: 14.00; Fringe Benefits: 2.40
Ironworkers:
DuPage (Rem. of Co.), Kane, Kendall (N. part), & McHenry (SE ½) Cos. — Basic Hourly Rates: 19.75; Fringe Benefits: 2.255

Modification Page 4

DECISION NO. LA82-4021 - MOD. #8
(47 FR 19877 - 5/7/82)
Bossier & Caddo Pars., Louisiana

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Electricians:		
Electricians	$15.25	2.40+4%
Cable splicers	15.75	2.40+4%

DECISION NO. LA82-4063 - MOD. #9
(47 FR 50421 - 11/5/82)
Statewide Louisiana

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Asbestos workers:		
Zone 3	15.10	2.42
Electricians:		
Zone 7 - Electricians	15.25	2.40+4%
Cable splicer	15.75	2.40+4%
Line construction:		
Zone 7:		
Linemen, operators	15.25	2.40+3-3/4%
Cable splicers	15.75	"
Groundmen	12.65	"
Painters:		
Zone 3 - Group 1	13.235	2.115
Group 2	13.61	2.115
Group 3	15.535	2.115
Plasterers - Zone 6	11.00	.01

DECISION NO. LA83-4001 - MOD. #3
(48 FR 928 - 1/7/83)
Jefferson, Orleans, Bossier, Caddo, Calcasieu, Beauregard, Cameron, Jefferson Davis, Allen, Plaquemines, St. Bernard & St. Charles Pars., Louisiana

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Electricians:		
Zone 2 - Electricians	15.25	2.40+4%
Cable splicer	15.75	2.40+4%
Line construction:		
Zone 2 - Group 1	15.25	2.40+3-3/4%
Group 2	15.75	"
Group 3	12.65	"
Painters:		
Zones 1,6,7 & 8:		
Group 1	13.235	2.115
Group 2	13.61	2.115
Group 3	15.535	2.115

DECISION NO. MA83-3004 - MOD. #1
(Federal Register of April 1, 1983)
BERKSHIRE, FRANKLIN, HAMPDEN AND HAMPSHIRE, MASSACHUSETTS

CHANGE:

	Basic Hourly Rates	Fringe Benefits
CARPENTERS, SOFT FLOOR LAYERS, DRYWALL CARPENTERS:		
HAMPDEN; HAMPSHIRE (South Hadley, Granby, Belchertown, Amherst, Pelham); FRANKLIN (Leverett, Shutesbury, Suderland)	14.90	2.72
FRANKLIN (Erving, Warwick, Orange, North Orange	15.81	3.52
ELECTRICIANS:		
HAMPDEN (Remainder of County); HAMPSHIRE (Belchertown, Ware)	14.95	3.31+3%
PAINTERS:		
Brush and taper	13.56	2.59
Spray and sandblasting	17.43	2.59
Swing stage and steel riding under 40'	13.75	2.59
Swing stage and steel riding over 40'	14.06	2.59

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DECISION #MI83-2015 - Mod. #1
(48 FR 1067) - March 11, 1983)
Allegan, Barry, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Lenawee, St. Joseph, & Van Buren Counties, Michigan

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Carpenters, Piledrivermen, & Soft Floor Layers:		
Remainder of Counties:		
Soft floor layers	$11.59	2.11
Painters:		
Remainder of Counties:		
Brush, roller, drywall (hand)	14.30	1.75
Paperhangers	14.65	1.75
Structural steel & towers	14.65	1.75
Spray, sandblast, drywall (machine)	14.95	1.75

DECISION #MI83-2016 - Mod. #1
(48 FR 1068 - March 11, 1983)
Alcona, Alpena, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Iosco, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, & Wexford Counties, Michigan

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Ironworkers:		
Remainder of Counties	$15.12	.41

DECISION #MI83-1007 - Mod. #1
(48 FR 6814 - February 11, 1983)
Macomb, Monroe, Oakland, Washtenaw, & Wayne Counties, Michigan

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Carpenters, Piledrivermen:		
Washtenaw County:		
Building Work	$15.82	2.15
Residential Work	11.87	2.15
Soft floor layers:		
Washtenaw County:		
Building Work	15.82	2.15
Residential Work	11.87	2.15
Electricians:		
Remainder of Area:		
Building Work	17.80	1.71
Residential Work	14.40	2.77
Line Construction:		
Remainder of Area:		
Linemen & Technicians	17.38	11.20 + 2.05
Cable Splicers	18.12	"
Combination equipment operators & groundmen	15.94	"
Combination truck drivers & groundmen	13.42	"
Groundmen	12.[illegible]	"

DECISION NO. MT81-5138 - Mod. #8
(46 FR 43[illegible] - August 7, 1981)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits
Add:		
Power Equipment Operators:		
Scraper, [illegible] Engine	[illegible]	[illegible]

DECISION NO. [illegible] - Mod. #1
(46 FR [illegible])
Burleigh, [illegible], Grant, Logan, Morton, Pierce, Sioux, Traill, Walsh and Ward Counties, North Dakota

	Basic Hourly Rates	Fringe Benefits
Change:		
Ironworkers:		
Structural, Ornamental, Reinforcing	$14.13	3.46

Modification Page 6

DECISION #OK81-4011-Mod. #5
(48 FR 1911-January 14, 1983)
Adair, Atoka, Bryan, Coal, Cherokee, Craig, Creek, Delaware, Haskell, Hughes, Leflore, Latimer, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Pittsburg, Pushmataha, Rogers, Tulsa, Sequoyah, Wagoner & Washington Cos., Oklahoma

	Basic Hourly Rates	Fringe Benefits
DELETE:		
Laborers		
Area 4 Washington County		
ADD:		
Washington County to Laborers Area 1 (area definition)		
Lathers		
Area 3	$12.42	$1.64
Lathers Area 3 (area description: Ottawa County)		
CHANGE:		
Plasterers		
Area 4	13.63	1.91

DECISION #OK81-4012 (Mod. #[illegible]
(48 FR 1916-January 14, 1983)
Tulsa, Delaware, Creek, Okmulgee, Mayes, & Rogers Cos., OK

Disregard Mod. #4 of decision #OK81-4012 in Volume 48 FR 9400, dated March 4, 1983 because Decision K81-4 [illegible] superseded Decision #OK81-4012 on January 14, 1983.

DECISION #OK83-4012 (Mod. #[illegible])
(48 FR 1916-January 14, 1983)
Alfalfa, Beckham, Blaine, Caddo, Canadian, Carter, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Oklahoma, Payne, Pontotoc, Roger Mills, Pottawatomie, Seminole, Stephens, Tillman, Wichita, Woods & Woodward Cos., OK.

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Ironworkers		
Area 2	$13.125	$2.35
Area 4	15.15	2.92
Area 5	15.29	1.14

Modification Page 7

DECISION NO. [illegible]-5143-Mod #2
(48 FR 7179 Feb. 15, 1983)
Statewide Oregon

	Basic Hourly Rates	Fringe Benefits
Add:		
Power Equipment Operators:		
Scraper, [illegible] Engine	[illegible]	[illegible]

	Basic Hourly Rates	Fringe Benefits
Change:		
Ironworkers:		
Structural, Ornamental, Reinforcing	$14.13	3.46

Modification Page 8

DECISION NO. TX81-4064 - MOD. #4
(46 FR 40487 - 8/7/81)
El Paso County, Texas

	Basic Hourly Rates	Fringe Benefits
Add:		
Power Equipment Operators:		
Scraper, [illegible] Engine	[illegible]	[illegible]

DECISION NO. TX83-4006 - MOD. #4
(48 FR 933 - 1/7/83)
Travis County, Texas

	Basic Hourly Rates	Fringe Benefits
Add:		
Power Equipment Operators:		
Scraper, [illegible] Engine	[illegible]	[illegible]

DECISION NO. [illegible]-Mod #2 (48 FR 7379 Feb. 16, 1983) Statewide Oregon	Basic Hourly Rates	Fringe Benefits
CHANGE:		
TIMBER SALES ROAD:		
Operating Engineer	$10.37	[illegible].15
Teamster	9.04	[illegible].4
Laborer	8.35	4.30
Power Saw, Driller, Lowderman	9.12	4.30
ZONE DESCRIPTION FOR LABORERS AND TRUCK DRIVERS (POWER EQUIPMENT - HEAVY RIGGING) CITIES: Albany, Astoria, Bend, Bingen, Brookings, Coos Bay, Corvallis, Dayton, Goldendale, Grants Pass, Hermiston, Hood River, Klamath Falls, La Grande, Lakeview, Longview, Madras, Medford, McMinnville, Salem, Union, Oregon City, Newport, Milton-Freewater, Pendleton, Portland, Port Orford, Reedsport, Roseburg, The Dalles, Tillamook		
ZONE 1: Projects within 30 Miles of City Hall in the Cities above.		
ZONE 2: More than 30 but less than 40 miles		
ZONE 3: More than 40 but less than 50 miles		
ZONE 4: More than 50 but less than 80 miles		
ZONE 5: More than 80 miles. (Zone 6 is discontinued)		
ADD:		
Laborers:		
Group 5:		
Landscaping or planting laborer; Fence Builder (includes Guard Rail, Median Rail, Reference Post, Guide Post, Right-of-Way Marker)	8.00	4.30
OMIT:		
Zone Differential:		
Zone 6 - $1.55 (Laborers and Truck Drivers only)		
Laborers:		
Group 1: Omit the following classifications which are now included in Group 5: Fence Builder (including Guard Rail, Median Rail, Reference Post, Right-Of-Way marker); Landscaping or Planting Laborers.		

[illegible]	Basic Hourly Rates	Fringe Benefits
[illegible] CONSTRUCTION		
ZONE DEFINITION		
(Add to Zone 2)		
3 to 20 miles radius from Seattle, Tacoma, Portland, & Medford		

DECISION NO. [illegible]-2004 - MOD. #2 (48 FR 6459 - February 11, 1983) Statewide, Ohio	Basic Hourly Rates	Fringe Benefits
Change:		
Ironworkers:		
Area 9	$15.33	$3.15

DECISION NO. [illegible]-2010 - MOD. #4 (48 FR 6469 - February 11, 1983) Adams, Allen, ...wood & Wyandot Counties, Ohio	Basic Hourly Rates	Fringe Benefits
Change:		
Ironworkers:		
Meigs, Morgan, Noble, & Washington Cos.	15.33	3.15

DECISION NO. TX81-4064 - MOD. #1 (46 FR 40487 - 8/7/81) El Paso County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayers	$10.25	1.47
Ironworkers	12.45	2.95
Sheet metal workers	13.80	1.55+3%

DECISION NO. TX82-4[illegible] - MOD. # (47 FR [illegible] - 6/18/82) Brazos County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers	17.71	3.20

DECISION NO. TX82-4004 - MOD. # (47 FR 50430 - 11/5/82) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayer & stonemason: Zone 2	15.57	2.11
Marble, tile & terrazzo workers (Ex. El Paso Co)	14.42	1.47
Sheet metal workers: Zone 1	16.455	2.06

DECISION NO. TX83-4004 - MOD. #1 (48 FR 930 - 1/7/83) Galveston & Harris Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers	17.71	3.20
Lathers (Harris Co. only)	15.62	1.08
Painters		
East Harris Co.:		
Group 1	18.33	
Group 2	18.685	
Group 3	18.425	
Group 4	18.58	
Group 5	18.725	
Group 6	18.99	

DECISION NO. TX83-4006 - MOD. #1 (48 FR 933 - 1/7/83) Travis County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayer & stonemason	$14.74	2.21

DECISION NO. TX83-4007 - MOD. #1 (48 FR 932 - 1/7/83) Wichita County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters:		
Carpenters	13.45	2.08
Millwrights	13.95	2.08

DECISION NO. TX82-2056 - MOD. #3 (47 FR 51311 - November 19, 1982) Hamilton, Marion, Polk, and Rhea Counties, Tennessee	Basic Hourly Rates	Fringe Benefits
Change:		
Carpenters, Carpet Layers & Soft Floor Layers & Lathers	$12.93	1.63
Piledrivermen	13.055	1.63

DECISION NO. UT83-5108 - Mod. #1 (48 FR 12671 - March 25, 1983) Statewide, Utah	Basic Hourly Rates	Fringe Benefits
Omit:		
Bricklayers as originally issued		
Add:		
Bricklayers:		
Industrial (power plants, refineries, smelters and industrial refractory projects	$13.25	$1.57
All other work	10.00	1.57

DECISION NO. WA83-5111 - Mod #3
(Federal Register - August 12, 1983)
Statewide Washington

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS:		
Area 3	$20.48	$2.80
BRICKLAYERS:		
Area 1	17.11	3.18
ELECTRICIANS:		
Area 3: (Bridges)		3%+4.14
PLUMBERS:		
Area 5	19.25	6.32
LABORERS (Area 1):		
Base Rate (Zone 1):		
Group 1	13.59	
Group 2	13.94	3.55
Group 3	14.24	3.55
Group 4	14.49	3.55
ZONE DESCRIPTION (AREA 3)		
Laborers and Truck Drivers only		
CITIES: Astoria, Bellingham, Goldendale, Longview, Portland, The Dalles, Vancouver		
ZONE 1: Projects within 30 miles of [illegible], in the cities above		
ZONE 2: More than 30 but less than 50 miles		
ZONE 3: More than 30 but less than 50 miles		
ZONE 4: More than 30 but less than 50 miles		
Zone 5: More than 30 miles (Zone 6 is discontinued)		
OMIT:		
Zone Differential (Area 1)		
Laborers and Truck Drivers		
Zone 6 - $1.50		
LABORERS (Area 1):		
Group 1: Applies to the following classifications when they are not included in Group 2: Fence Builder, Installing Guard Rail, Median Rail, Reference Post, Right-of-Way Marker; Landscaping or planting laborers		
ADD:		
LABORERS (Area 1)		
Group 5:		
Landscaping or planting laborer; Fence Builder (includes Guard Rail, Median Rail, Reference Post, Guide Post, Right-of-Way Marker)	9.00	3.55

	Basic Hourly Rates	Fringe Benefits
ADD:		
LINE CONSTRUCTION:		
ZONE DEFINITIONS:		
(Add to Zone 2):		
3 to 20 miles radius from Seattle, Tacoma, Portland, and Medford		

SUPERSEDEAS DECISION

STATE: Colorado
DECISION NUMBER: CO83-5109
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. CO81-5149 dated September 4, 1981, in 46 FR 44620
DESCRIPTION OF WORK: Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits
CARPENTERS:		
Carpenters:		
Zone 1	$14.33	$3.36
Zone 2	14.83	3.36
Underground Carpenters:		
Zone 1	14.53	3.36
Zone 2	15.03	3.36
Working on creosoted coated lumber or other toxic materials, Sawmen continuously assigned to 1½HP saw at job site - $0.30 above journeyman rate		
High work 35' above ground or above permanent floor or deck - $0.35 above journeyman rate		
CEMENT MASONS	13.66	3.52
ELECTRICIANS:		
Area 1:		
Electricians	16.85	2.10+ 3-3/10%
Cable Splicers	17.10	2.10+ 3-3/10%
Area 2:		
Electricians	16.00	1.50+ 4%
Cable Splicers	16.25	1.50+ 4%
Area 3:		
Contracts over $100,000.00:		
Electricians	15.49	2.00+ 4½%
Cable Splicers	17.04	2.00+ 4½%
Electricians on electrical contracts less than $100,000.00	11.50	1.80+ 4½%
Area 4:		
Electricians	16.12	2.06+ 3%

	Basic Hourly Rates	Fringe Benefits
IRONWORKERS:		
Structural, Ornamental, and Reinforcing	$16.25	$3.01
LINE CONSTRUCTION:		
Cable Splicers	18.50	1.40+ 3-3/4%
Journeyman Lineman	17.36	1.40+ 3-3/4%
Line Equipment Maintenance Man	14.62	1.46+ 3-3/4%
Line Equipment Operator, Class 1: Crawler Equipment, Wire equipment, Pullers, Tensioners, Cranes, Heavy Pole Trucks (such as diesel, twin screws), all Bucket Trucks, all Trenchers, Bobcats, all Trucks over 15,000 lbs. empty weight	14.68	1.40+ 3-3/4%
Line Equipment Operators, Class 2: Trucks under 3 tons, C.T.M. classification	13.05	1.40+ 3-3/4%
Groundman	11.90	1.40+ 3-3/4%
PAINTERS:		
Area 1:		
Brush	15.89	2.33
Spray, Swing Stage	16.49	2.33
Area 2:		
Brush	11.20	1.[illegible]8
Spray, Swing Stage	11.80	1.[illegible]8
Area 3:		
Brush	12.19	1.[illegible]
Spray, Swing Stage	12.79	1.[illegible]

	Basic Hourly Rates	Basic Hourly Rates
LABORERS:		
ZONE DESCRIPTION	ZONE 1	ZONE 2
Laborers and Truck Drivers		
Group 1	$13.59	$13.94
Group 2	13.94	14.24
Group 3	14.24	14.49
Group 4	14.49	14.74
Zone Differential (Area 1)		
Laborers and Truck Drivers		
Zone 6 - $1.50		
LABORERS (Area 1):		
Group 1: Applies to the following classifications when they are not included in Group 2: Fence Builder, Installing Guard Rail, Median Rail, Reference Post, Right-of-Way Marker; Landscaping or planting laborers		
ADD:		
LABORERS (Area 1)		
Group 5:		
Landscaping or planting laborer; Fence Builder (includes Guard Rail, Median Rail, Reference Post, Guide Post, Right-of-Way Marker)	9.00	9.35

	Basic Hourly Rates	Basic Hourly Rates
POWER EQUIPMENT OPERATORS:		
ZONE DESCRIPTION	ZONE 1	ZONE 2
Power Equipment Operators		
Group 1	$14.33	$14.83
Group 2	14.83	15.33
Group 3	15.33	15.83
Group 4	15.83	16.33
Group 5	16.33	16.83
Group 6	16.83	17.33
Group

	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2
LABORERS:		
Group 1	$9.95	$10.45
Group 2	10.05	10.55
Group 3	10.35	10.85
Group 4	10.50	11.00
Group 5	10.70	11.20
Group 6	10.75	11.25
TUNNEL LABORERS:		
Group 1	9.95	10.45
Group 2	10.85	11.35
Group 3	10.95	11.45
Group 4	11.03	11.53
Group 5	11.10	11.60
Group 6	12.00	12.50
(Shafts, Raises, Missile Tubes and all underground work other than Tunnels):		
Group 1	10.95	11.45
Group 2	11.10	11.60
Group 3	11.20	11.70
Group 4	11.43	11.93
Group 5	11.53	12.03
Group 6	12.13	12.63
FRINGE BENEFITS: $2.69		

	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2
POWER EQUIPMENT OPERATORS: (Other than for work in Tunnels, Shafts, and Raises):		
Group 1	$13.40	$14.15
Group 2	13.75	14.50
Group 3	14.10	14.85
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.55	15.30
(For work in Tunnels, Shafts, and Raises):		
Group 1	13.65	14.30
Group 2	13.90	14.65
Group 3	14.00	14.75
Group 4	14.25	15.00
Group 5	14.40	15.15
Group 6	14.80	15.55
Group 7	14.55	15.30
FRINGE BENEFITS: $3.20		
TRUCK DRIVERS:		
Group 1	13.01	13.41
Group 2	13.01	13.51
Group 3	13.11	13.61
Group 4	13.16	13.66
Group 5	13.21	13.71
Group 6	13.76	13.76
Group 7	13.31	13.91
Group 8	13.36	13.86
Group 9	13.46	13.96
Group 10	13.51	14.01
Group 11	13.61	14.11
Group 12	13.76	14.26
Group 13	13.81	14.31
Group 14	13.91	14.41
Group 15	14.01	14.51
Group 16	14.11	14.61
Group 17	14.21	14.71
Group 18	14.41	14.91
FRINGE BENEFITS: $2.64		

ZONE DESCRIPTIONS

CARPENTERS:

Counties entirely within Zone 1:

Adams	Crowley	Gilpin	Morgan
Alamosa	Custer	Huerfano	Otero
Arapahoe	Delta	Jefferson	Phillips
Archuleta	Denver	La Plata	Prowers
Bent	Douglas	Lake	Pueblo
Boulder	Eagle	Larimer	Rio Grande
Chaffee	El Paso	Las Animas	Sedgwick
Clear Creek	Elbert	Logan	Teller
Conejos	Fremont	Mesa	Weld
Costilla	Garfield	Montezuma	

Counties entirely within Zone 2:

Baca	Jackson	Moffat	Routt
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lincoln	Pitkin	Summit
Gunnison	Mineral	Rio Blanco	Yuma
Hinsdale			

Legal description of the portions of Montrose, Saguache, and Washington Counties which are included within Zone 1, as follows:

All of Montrose County lying Northerly of the North Line of Ouray County and said North Line extended to the Township Line between R11W and R12W, said part being East of said Township Line of the New Mexico Principal Meridian and the Eastern portion of Saguache County; from Highway #285 to the Town of Saguache, and Highway #114 to the County Line, and all of Washington County lying North of the 40°00'00" Latitude Base Line

Legal description of the portions of Montrose, Saguache and Washington Counties which are included within Zone 2, as follows:

All of Montrose County except that part lying Northerly of the North Line of Ouray County and said North Line extended West to the Township Line between R11W and R12W, said point being East of said Township Line of the New Mexico Principal Meridian and the Western portion of Saguache County; from Highway #285 to town of Saguache and Highway #114 to County Line, and all of Washington County lying South of the 40°00'00" Latitude Base Line.

ZONE DESCRIPTIONS (Cont'd)

ELECTRICIANS:
Area 1: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld, and Yuma Counties
Area 2: Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Routt, San Juan, and San Miguel Counties
Area 3: Alamosa, Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande, and Saguache Counties
Area 4: Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park, and Teller Counties

PAINTERS:
Area 1: Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan; Park County (northern half); Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington, and Weld Counties
Area 2: Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueblo Counties
Area 3: Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray; Park County (southern half); Rio Grande, Saguache, San Juan, San Miguel, and Teller Counties

LABORERS

Zone 1: The area encompassed by 15 driving miles from the Main Post Office at Craig, Steamboat Springs, and Meeker. Also, included are all other Counties not outlined in Zone 2.
Zone 2: The Counties of Jackson, Moffat, Rio Blanco and Routt

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

LABORERS (Cont'd)

Group 2: Chuck Tenders, Nippers, Core, and Diamond Drill Tenders, Powdermen Tenders; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torch on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than Gang Saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension Prestressed Concrete on or off jobsite; Cement Finisher Tender; Sand Blaster; Concrete processing material; Monitor; Spotters; Pumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frost proofing; Any Laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as safety requirement. (All lines and safety belts used shall be of a type approved by State and Federal Laws); Gunniting and Shotcrete Tenders; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form Setters and/or Stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in Trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphones, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on trunk pipe lines in connection with highway work; Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jackhammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal Laws; Pugs and Galleys in Dams

Group 6: Mason Tenders, Brick and Plaster

LABORERS (TUNNEL) (Cont'd)

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers,

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

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LABORERS (TUNNEL) (Cont'd)

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Tenders on Shotcrete, Gunniting and Sand Blasting; Tenders, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Tender, applying of concrete processing materials

Group 6: Collapsible Form Movers and Setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete Placement Men

(Shafts, Raises, Missile Silos and All Underground Work other than Tunnels)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

Group 3: Tenders in Shotcrete Gunniting and Sand Blasting; Tenders on Core and Diamond Drills; Pot Tenders; Cement Finisher Tenders, applying concrete processing materials

Group 4: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 5: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal Laws

Group 6: Collapsible Form Movers and Setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel) support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Tender to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments Grade Checker; Compressors, 360 C.F.M. or less

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Rollers, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, Rotary, Churn, or Cable Tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welders; Winch on truck

Group 4: Cable operated Crane, truck mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer Mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mucking Machines and Front End Loaders, underground, Slusher; Mine Hoist Operator

Group 6: Mole

Group 7: Mechanic - Welder, heavy duty

TRUCK DRIVERS

Group 1: Pickups; Dumpman

Group 2: Dump Trucks, to and including 6 cu. yds.; Sweepers; Flat Rack, single axle; Liquid and Bulk Tankers, single axle

Group 3: Dump Trucks, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack; Tandem Axle; Battery Men; Mechanics' Tenders; Man Haul Shuttle Trunk or Bus

Group 4: Straddle Trunk; Lumber Carrier; Liquid and Bulk Tankers, tandem axle

Group 5: Fork Lift Drivers; Fuel Trunk; Grease Truck; Combination Fuel and Grease

Group 6: Distributor Truck Driver; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination

Group 7: Multi-purpose Truck; Specialty and Hoisting

Group 8: Dump Trucks, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Flmats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, electric or similar; Truck Drivers; Dumptor type Youngbuggy, Jumbo and similar type equipment

Group 9: Truck Driver, Snow Plow

TRUCK DRIVERS (Cont'd)

Group 10: Cement Mixer, Agitator Truck, over 10 cu. yds. to and including 15 cu. yds.

Group 11: Dump Trucks, over 29 cu. yds. to and including 39 cu. yds.

Group 12: Cement Mixer, Agitator Truck, over 15 cu. yds.

Group 13: Dump Trucks, over 39 cu. yds. to and including 54 cu. yds.; Tireman

Group 14: Mechanic

Group 15: Dump Trucks, over 54 cu. yds. to and including 79 cu. yds.

Group 16: Heavy Duty Diesel, Mechanics, Body Man, Welders or Combination Men

Group 17: Dump Trucks, over 79 cu. yds. to and including 104 cu. yds.

Group 18: Dump Trunks, over 104 cu. yds.

ZONE DEFINITONS
POWER EQUIPMENT OPERATORS and TRUCK DRIVERS:

Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	La Plata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

ZONE DEFINITIONS (Cont'd)
POWER EQUIPMENT OPERATORS and TRUCK DRIVERS (Cont'd)

SUPERSEDEAS DECISION

STATE: FLORIDA COUNTIES: OKALOOSA & WALTON
DECISION NUMBER: FL83-1018 DATE: DATE OF PUBLICATION
Supersedes decision No.: FL79-1117 dated August 17, 1979 in 44 FR 48855.

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ZONE DEFINITIONS (Cont'd)
POWER EQUIPMENT OPERATORS and TRUCK DRIVERS (Cont'd)

Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose, and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert, and Las Animas Counties lying west of the Township Line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township Line between R80W and R81W of the 10th Guide Meridian West. All of Montrose County lying east of said Township Line of the New Mexico Principal Meridian and all of Washington County lying north of the 40°00'00" Latitude Base Line

Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose, and Washington Counties which are included within Zone 2, as follows:

All of Adams, Arapahoe, Elbert, and Las Animas Counties lying east of the Township Line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township Line between R80W and R81W of the 9th Guide Meridian West, and all of Montrose County except that part lying Northerly of the North Line between R11W and R12W, said point being East of said Township Line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: FLORIDA COUNTIES: OKALOOSA & WALTON
DECISION NUMBER: FL83-1018 DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL79-1117 dated August 17, 1979 in 44 FR 48550.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANIC	$ 8.97	1.52
BRICKLAYERS	9.00	
CARPENTERS	7.22	
CEMENT MASONS	6.62	
DRYWALL FINISHERS	8.50	
DRYWALL HANGERS	8.09	
ELECTRICIANS	9.80	.85+ 5%
GLAZIERS	8.86	.35
INSULATION INSTALLERS(Batt or Blown)	6.00	
IRONWORKERS	6.62	
LABORERS:		
Mason Tenders	4.39	
Unskilled	4.39	
PAINTERS	6.00	
PLASTERERS	10.50	
PLUMBERS & PIPEFITTERS	7.94	
ROOFERS	5.25	
SHEET METAL WORKERS	$ 8.54	
SOFT FLOOR LAYERS	7.66	
SPRINKLER FITTERS	9.07	
TILE SETTERS	8.30	
TRUCK DRIVERS	5.52	
WELDERS--Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Backhoe	6.00	
Bulldozer	5.00	
Motor Grader	7.50	
Piledriver	4.90	
Roller	9.04	
Spreader	8.13	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: [illegible], BARBOUR, JACKSON, LEE, LINCOLN, MADISON, & OWSLEY.
DECISION NUMBER: KY83-1013 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY80-1115, dated October 31, 1980, in 45 FR 72041.
DESCRIPTION OF WORK: RESIDENT AL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 6.00	
BRICK & BLOCK MASONS	8.00	
CARPENTERS	5.76	
CEMENT MASONS	5.80	
DRYWALL FINISHERS	6.00	
DRYWALL HANGERS	7.58	
ELECTRICIANS	6.00	
INSULATION INSTALLERS	5.71	
LABORERS - GENERAL	4.54	
PAINTERS	6.26	
PLUMBERS & PIPEFITTERS	7.07	
ROOFERS	5.00	
SHEET METAL WORKERS	5.50	
SOFT FLOOR LAYERS	6.69	
TRUCK DRIVERS	4.75	
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 6.40	
Bulldozer	6.60	
Front end loader	6.00	
Paver	6.13	
Roller	6.00	

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: ILLINOIS
DECISION NUMBER: IL83-2034
Supersedes Decision No. IL82-2025, dated April 2, 1982 in 47 FR 14341
DESCRIPTION OF WORK: Heavy and Highway Construction Projects (Including Dredging)

COUNTIES: *SEE BELOW
DATE: Date of Publication

*FORD, GRUNDY, IROQUOIS, KANKAKEE, LASALLE, LIVINGSTON, MCLEAN, MARSHALL, PUTNUM & WOODFORD

	Basic Hourly Rates	Fringe Benefits
CARPENTERS:		
AREA 1	$15.85	$2.13
AREA 2	17.66	1.30
AREA 3	19.10	2.59
AREA 4	15.88	2.71
AREA 5	15.65	2.82
AREA 6	15.58	2.82
CEMENT MASONS:		
AREA 1	16.77	.575
AREA 2	17.31	3.35
AREA 3	16.35	3.00
AREA 4	16.10	1.25
AREA 5	16.79	.92
AREA 6	15.63	2.75
ELECTRICIANS:		
AREA 1	17.35	2.61
AREA 2:		
Joliet & Ottawa Area	17.68	3.09
Kankakee Area	16.88	3.06
AREA 3	17.57	1.72
AREA 4	16.60	2.09
AREA 5	17.33	2.31
AREA 6	17.32	2.50
IRONWORKERS:		
AREA 1	15.00	3.03
AREA 2	16.09	5.535
AREA 3	17.00	3.45
AREA 4	16.35	3.30
AREA 5	15.715	3.32
LINE CONSTRUCTION:		
AREA 1:		
Linemen	18.02	2.18
Groundmen-Equipment Ops., Class 1	18.81	2.08
Groundmen-Truck Drivers with Winch	12.77	1.74
Groundmen-Truck Drivers w/o Winch	12.02	1.67
Groundmen	11.46	1.62
AREA 2:		
Equipment Operators; Linemen	17.05	3.79
Groundmen	12.10	2.69

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
AREA 1:		
Brush	$15.35	$1.20
Spray; Steel	15.85	1.20
New Industrial Work	15.60	1.20
Airless Spray; Bridges	16.35	1.20
AREA 2:		
Bridges w/o Superstructure, Industrial Work under 40 ft.	15.05	2.10
Industrial Work 40 ft. or over from Ground Up; Bridges with a Superstructure or Lift type Bridges	15.55	2.10
AREA 3:		
Brush	12.80	2.30
Sandblasting	14.80	2.30
Spray	14.30	2.30
AREA 4:		
Brush	11.00	1.05
Sandblasting; Spray	12.00	1.05
AREA 5:		
Brush; Roller	15.75	1.40
Sandblasting; Spray	16.75	1.40
AREA 6:		
Brush; Steel; Bridges	13.00	
Work over 40 ft.	14.00	
AREA 7:		
Brush	15.50	1.73
Bridge & New Structural Steel; Pressure Roller; Sandblasting & Spray	16.35	1.73
TRUCK DRIVERS:		
AREA 1:		
Group 1	14.325	1.15+a
Group 2	14.725	1.15+a
Group 3	14.925	1.15+a
Group 4	15.175	1.15+a
AREA 2:		
Group 1	14.875	1.15+a
Group 2	15.275	1.15+a
Group 3	15.475	1.15+a
Group 4	15.725	1.15+a
AREA 3:		
2-3 Axles	15.30	b
4 Axles	15.45	b
5 Axles	15.65	b
6 Axles	15.85	b

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS (CONT'D):		
AREA 4:		
2-3 Axles	$15.075	c&d
4 Axles	15.275	c&d
5 Axles	15.475	c&d
6 Axles	15.625	c&d
LABORERS:		
AREA 1:		
Unskilled	14.42	$1.70
Semi-Skilled	14.62	1.70
Skilled	14.82	1.70
AREA 2:		
Unskilled	13.72	2.40
Semi-Skilled	13.92	2.40
Skilled	14.12	2.40
AREA 3:		
Unskilled	13.50	2.62
Semi-Skilled	13.70	2.62
Skilled	13.90	2.62
AREA 4:		
Unskilled	13.72	2.40
Semi-Skilled	13.92	2.40
Skilled	14.13	2.40
AREA 5:		
Unskilled	13.52	2.295
Semi-Skilled	13.72	2.295
Skilled	13.92	2.295
AREA 6:		
Unskilled	14.27	1.545
Semi-Skilled	14.47	1.545
Skilled	14.67	1.545
AREA 7:		
Unskilled	13.47	2.345
Semi-Skilled	13.67	2.345
Skilled	13.87	2.345
AREA 8:		
Unskilled	12.47	3.345
Semi-Skilled	12.67	3.345
Skilled	12.87	3.345
AREA 9:		
Unskilled	13.25	2.565
Semi-Skilled	13.45	2.565
Skilled	13.65	2.565
AREA 10:		
Heavy & Highway Construction:		
Group 1	13.90	1.92
Group 2	13.975	1.92
Group 3	14.05	1.92
Group 4	14.175	1.92

	Basic Hourly Rates	Fringe Benefits
LABORERS (CONT'D):		
AREA 10 (Cont'd):		
Sewer & Tunnel Construction:		
Group 1	$13.90	$1.92
Group 2	14.025	1.92
Group 3	14.125	1.92
Group 4	14.25	1.92
POWER EQUIPMENT OPERATORS:		
AREA 1:		
Class 1	16.20	2.35
Class 2	16.10	2.35
Class 3	15.90	2.35
Class 4	9.25	2.35
AREA 2:		
Class 1	16.75	4.50
Class 2	16.20	4.50
Class 3	15.10	4.50
Class 4	13.80	4.50
Class 5	12.65	4.50
AREA 3:		
Group 1	16.74	2.35
Group 2	16.54	2.35
Group 3	15.59	2.35
Group 4	15.32	2.35
Group 5	13.88	2.35
DREDGING:		
McLean, Marshall, Putnam, & Woodford Cos.:		
GROUP 1	13.07	1.30
GROUP 2	12.87	1.30
GROUP 3	12.495	1.30
GROUP 4	12.22	1.30
GROUP 5	11.61	1.30

FOOTNOTES:
a. $51.00 Per Week Per Employee
b. $98.00 Per Week Per Employee
c. $90.50 Per Week Per Employee
d. $1.00 Per Hour Per Employee

AREA DESCRIPTIONS (CONT'D)

TRUCK DRIVERS (CONT'D):
AREA 3: Ford (N½), Grundy, Livingston (NW Corner), & McLean (NE Corner) Cos.
AREA 4: Iroquois (Exclu. SE Corner) & Kankakee Cos.

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FOOTNOTES:
a. $51.00 Per Week Per Employee
b. $98.00 Per Week Per Employee
c. $90.50 Per Week Per Employee
d. 900 straight-time hours or more in any 1 calendar year for same employer - 1 week's paid vacation; 3 years - 2 weeks' paid vacation; less than the aforementioned - $.10 per hour

AREA DESCRIPTIONS

CARPENTERS:
AREA 1: Ford (Garber, Guthrie & Areas South thereof) Co.
AREA 2: Ford (Remainder of Co.), Iroquois, & Kankakee Cos.
AREA 3: Grundy & LaSalle (Marseilles & Vicinity) Cos.
AREA 4: LaSalle (Remainder of Co.), Marshall & Putnam Cos.
AREA 5: Livingston & McLean Cos.
AREA 6: Woodford Co.

CEMENT MASONS:
AREA 1: Ford Co.
AREA 2: Grundy Co.
AREA 3: Iroquois & Kankakee Cos.
AREA 4: LaSalle & Putnam Cos.
AREA 5: Livingston, McLean & Woodford (East of Roanoke) Cos.
AREA 6: Marshall & Woodford (Remainder of Co.) Cos.

ELECTRICIANS:
AREA 1: Ford (S. of Benton Twp.), Iroquois (Artesia, Pigeon Grove, & Loda Twps.), LaSalle (SE part), Livingston, McLean (Cropsey, Anchor, Cheney Grove, & Belleflower Twps.), Marshall (Roberts, Evans, Ball, Plain, & Bennington Twps.), Putnam (Magnolia Twp.), & Woodford (Linn, Clayton, Minonk, Roanoke, Green, & Panola Twps.) Cos.
AREA 2: Ford (Remainder of Co.), Grundy, Iroquois (Exclu. Artesia, Pigeon Grove, Loda, Fountain Creek, Lovejoy & Prairie Green Twps.), Kankakee, LaSalle (N ½ & Central Southern part of Co.) Cos.
AREA 3: Iroquois (Fountain Creek, Lovejoy & Prairie Green Twps.) Co.
AREA 4: LaSalle (Deer Park, Eden, LaSalle, Peru, Utica, & Vermilion Twps.), & Putnam (Granville, Hennepin & Senachwine Twps.) Cos.
AREA 5: McLean (Remainder of Co.), & Woodford (Palestine, El Paso & Kansas Twps.) Cos.
AREA 6: Marshall (Area W. of Ball Plain & Roberts Twps.) & Woodford (Area W. of Kansas, Linn, Palestine, & Roanoke Twps.) Cos.

IRONWORKERS:
AREA 1: Ford & McLean (E ½) Cos.
AREA 2: Grundy Co.
AREA 3: Iroquois & Kankakee Cos.
AREA 4: LaSalle, Marshall (Except SW Corner) & Putnam Cos.
AREA 5: Livingston, McLean (Western ½), Marshall (SW Corner), & Woodford Cos.

LINE CONSTRUCTION:
AREA 1: Ford, Iroquois, LaSalle, Livingston, McLean, Marshall, Putnam, & Woodford Cos.
AREA 2: Grundy & Kankakee (Exclu. Ill. Power Co.) Cos.

PAINTERS:
AREA 1: Ford & McLean Cos.
AREA 2: Grundy Co.
AREA 3: Iroquois & Kankakee Cos.
AREA 4: LaSalle (Vicinity of LaSalle, Mendota, Oglesby, Utica, & Peru) & Putnam Cos.
AREA 5: LaSalle (Vicinity of Ottawa, Streator, & Marseilles) Co.
AREA 6: Livingston Co.
AREA 7: Marshall & Woodford Cos.

TRUCK DRIVERS:
AREA 1: Ford (S½), Iroquois (SE Corner), LaSalle, Livingston (Reading, New Town, Sunbury, Nevada, Long Point & Amity), McLean (Except NE Corner), & Putnam Cos.
AREA 2: Marshall & Woodford (NW Corner) Cos.

AREA DESCRIPTIONS (CONT'D)

TRUCK DRIVERS (CONT'D):
AREA 3: Ford (N½), Grundy, Livingston (NW Corner), & McLean (NE Corner) Cos.
AREA 4: Iroquois (Exclu. SE Corner) & Kankakee Cos.

LABORERS:
AREA 1: Ford, Iroquois & Kankakee Cos.
AREA 2: Livingston & Woodford Cos.
AREA 3: McLean Co.
AREA 4: Marshall Co.
AREA 5: LaSalle (Streator & Vicinity) Co.
AREA 6: LaSalle (Marseilles & Vicinity) Co.
AREA 7: LaSalle (Ottawa & Vicinity) Co.
AREA 8: LaSalle (LaSalle & Vicinity) Co.
AREA 9: Putnam Co.
AREA 10: Grundy Co.

POWER EQUIPMENT OPERATORS:
AREA 1: Ford & Iroquois Cos.
AREA 2: Grundy, Kankakee, LaSalle, Livingston, & Putnam (E. of the Illinois River) Cos.
AREA 3: McLean, Marshall, Putnam (W. of the Illinois River), & Woodford Cos.

TRUCK DRIVERS CLASSIFICATIONS FOR AREAS 1 & 2

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

LABORERS CLASSIFICATIONS FOR AREAS 5 THROUGH 9

Unskilled: Asphalt Plant Laborers; Carpenter Tenders; Cleaning Lumber; Common Laborers; Driving of Stakes; Dumpmen & Spotters; Fencing Laborers; Fireman or Salamander Tenders; Fireproofing Laborers; Form Handlers; Gravel Box Men; Landscapers; Laying of Sod; Pitmen; Planting of Trees; Removal of Trees; Stringlines for all Machinery; Tool Cribmen; Unloading Explosives; Wallmen & Housemovers; Wrecking, Diamantling Buildings; & Wrecking Laborers

Semi-Skilled: Asphalt Rakers; Batch Dumpers; Bankmen on Floating Plant; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime & Plasters; Chloride Handlers; Cofferdam Workers plus depth on Concrete Paving; Concrete Workers (Wet); Deck Hand; Dredge Hand; Grade Checker; Handlers (Bulk or Bag); Handling of Materials Treated with Oil, Creosote, Asphalt or any Foreign Material; Kettle & Tarmen; Laborers with De-Watering Systems; Mason & Plasterer Tenders & Material Wheelers; Mortar Mixers; Motorized Buggies or Motorized Unit for Wet Concrete or Handling of Building Materials; Placing, Cutting & Tying or Reinforcing; Plastic Installers; Scaffold Workers; Sewer Workers plus depth; Shore Laborers; Tank Cleaners; Track Laborers; Tunnel Tenders in Free Air; Unloading & Laborers with Steel Workers & Rebars; & Vibrator Operators

LABORERS CLASSIFICATIONS FOR AREAS 3 THROUGH 9 (CONT'D):
Skilled: Air Tamping; Hammerman; Caisson workers plus depth; Chain Saw Operators; Concrete Burning Machine Operators; Concrete Saw Operators; Coring Machine Operators; Curb Asphalt Machine Operators; Cutters, Burners & Torchmen; Dynamite Man or Blaster; Gunnite Nozzle Men; Jackhammer & Drill Operators; Laborers handling Masterplate or Similar Materials; Laborers loading Trucks with Hot Material or where Foreign Materials are Used; Laser Beam Operators; Layout Man; Lead Man on Sewer Work; Lutemen; Multiple Concrete Duct-Leadman; Portable or Temporary Plant; Ready-Mix Scalemen; Screedmen on Asphalt Pavers; Signalman on Crane; Steel Form Setters (Street & Hwy); & Welders

LABORERS CLASSIFICATIONS FOR AREA 10:
Heavy & Highway Construction:
Group 1 - Construction; Tenders; Material Expeditor (Asphalt Plant); Street Paving, Grade Separation, Sidewalk, Curb & Gutter, Strippers & All Laborers not Otherwise Mentioned
Group 2 - Asphalt Tampers & Smoothers; Cement Gun
Group 3 - Cement Gun Nozzle (Laborers) Gunite
Group 4 - Rakers & Lutemen; Machine-Screedmen; Kettlemen; Mixermen; Drum-Men; Jackhammerme: (Asphalt); Pointsman; Mitre Box Spreaders; Laborers on Mitch, Overman & Similar Spreader Equipment; Laborers on Apsco; Laborers on Air Compressors; Paving Form Setters; Jackhammer (Concrete); Power Driven Concrete Saws; Other Power Equipment
Sewer & Tunnel:
Group 1 - Top Laborers; All Laborers not Otherwise Mentioned
Group 2 - Concrete; & Steel Setters
Group 3 - Cement Carriers; Cement Mixers; Concrete Repairmen; Mortar Men; Scaffold Men; & Second Bottom Men
Group 4 - Air Trac Drill Operations; Bottom Men; Bracers-Bracing; Bricklayers Tenders; Cat. Basin Diggers; Brainlayers; Dynamiters; Form Men; Jackhammermen; Pipelayers; Rodders; Welders & Burners; & Well Point System Men

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 1:
CLASS 1: Master Mechanic
CLASS 2: Utility Operator
CLASS 3: Power Cranes; Draglines; Derricks; Shovels; Gradalls; Mechanics; Concrete Mixers with Skip; Tournamixers; Two Drum Machine; One Drum Hoists with Tower or Boom; Cableways; Tower Machines; Motor Patrol; Boom Tractor; Bonnet or Mitch Truck; Winch or Hydraulic Boom Truck; Truck Crane; Tourna-pull; Tractor operating Scoops; Bulldozer; Push Tractor; Asphalt Planer; Finishing Machine on Asphalt; Nose Rollers on Earth; Oilers on Asphalt Mix; Koss Carriers or Similar Machine; Gravel Processing Machine; Asphalt Plant Engineer; Paver Operator; Farm Tractor w/half yard Bucket and/or Backhoe Attachment; Dredging Equipment or Dredge Engineer or Dredge Operator; Central Mix Plant Engineer; CMI or similar type Machine; Concrete Pump; Truck or Skid mounted; Power Crane; Enginc or Rock Crusher Plant; Concrete Plant Engineer; Ditching Machine with Boom Attachment; Tractor mounted Loaders; Cherry Picker; Hydro Crane; Standard or Dinkey Locomotives; Scoopmobiles; Euclid Loader; Soil Cement Machine; Back Filler; Elevating Machine; Power Blade; Drilling Machine, Incl. Well Testing, Caissons, Shaft or any similar type Drilling Machines; Motor Driven Paint Machine; Pipe Cleaning Machine; Pipe wrapping Machine; Pipe Bending Machine; Apsco Paver; Boring Machine; Head Equipment Greaser; Barber-Greene Loaders; Formless Paver; Well Point System; Concrete spreader; Hydra Ax; Reco Concrete Saw; Marine Scoops; Brush Sweeper; Brush Burner; Mesh Placer; Tree Mover; Helicopter Crew (3); Piledriver - Skid or Crawler; Stump Remover; Root Rake; Tug Boat Operator; Refrigerating Machine; Freezing Operator; Chair Cart - Self-Propelled; Hydra Seeder; Straw Blower; Power Sub Grader; Bull Float; Finishing Machine; Self-propelled Pavement breaker (Backhoe attached); Tull or similar type machine; Two Air Compressors; Compressors hooked in Manifold; Overhead Crane; Chip Spreader; Mud Cat; Pull-Air; Tractor Highlift; Tournadozer; Tube Float; Spray Machine; Curing Machine; Concrete or Asphalt Milling Machine

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 1 (CONT'D):
CLASS 4: Concrete Mixers without Skips; Rock Crusher; Ditching Machine under 6'; Curbing Machine; One Drum Machines without Tower or Boom; Air Tugger; Self-propelled Concrete Saw; Machine mounted Post Hole Digger; Two to Four Generators; Water Pumps or Welding Machines within 400 ft.; Air Compressor 600 cu. ft. and under; Rollers on Aggregate and Seal Coat Surfaces; Fork Lift; Concrete and Blacktop Curb Machine; Farm Tractor with less than half yard Bucket; One Water Pump; Oilers; Air Valves or Steam Valves; One Welding Machine; Truck Jack; Mud Jack; Gunite Machine; House Elevators when used for Hoisting Material; Engine Tenders; Fireman; Wagon Drill; Flex Plane; Conveyor; Siphons and Pulsometer; Switchman; Fireman on Paint Pots; Fireman on Asphalt Plants; Distributor Operator on Trucks; Tampers; Self-propelled Power Broom; Striping Machine (motor driven); Form Tamper; Seaman Tiller; Bulk Cement Plant Equipment Greaser; Deck Hands; Truck Crane; Oiler Driver; Cement Blimps; Form Grader; Temporary Heat; Throttle Valve; Farm Tractor
POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 2:
CLASS 1: Asphalt Plant; Asphalt Heater & Planer Combination; Asphalt Spreader; Autograder; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front End Loader Machine (1 cu. yd. & over); Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 1 E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Hammerhead, Linden, Peco & Machines of a like nature; Creter Crane; Derricks; Derrick Boats; Derricks, Traveling; Dredges; Field Mechanic-Welder; Formless Curb & Gutter Machine; Gradall & Machines of a like nature; Grader, elevating; Grader, Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Truck mounted; Hoists, 1, 2, & 3 drum; Locomotives; Mucking Machine; Piledriver & Skid Rig; Pre-stress Machine; Pump Cretes Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck mounted; Roto Mill Grinder; Slip Form Paver; Soil Test Drill Rig (Truck mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Tractor Drawn Belt Loader with or w/o attach. Pusher; Tractor with Boom; Tractaire with attachments; Trenching Machine; Truck Mounted Concrete Pump with Boom; Raised or Blind Hole (tunnel shaft) Drill; Underground Boring and/or Mining Machines 5' in diameter & over tunnel, etc.; Underground Boring and/or Mining Machines under 5'; Wheel Excavator; & Widener (Apsco)
CLASS 2: Batch Plant; Bituminous Mixer; Bobcats (over 3/4 cu. yd.); Boiler & Throttle Valve; Buildozers; Car Loader Trailing Conveyors; Combination Backhoe Front End Loader Machine (Less than 1 cu. yd.); Compressor & Throttle Valve; Concrete Breaker or Hydrohammer; Concrete Grinding Machine; Concrete Mixer or Paver 7S series to & inclu. 27 cu. ft.; Concrete Spreader; Concrete Curing Machine; Burlap Machine; Belting Machine & Sealing Machine; Finishing Machine - Concrete; Greaser Engineer; Highlift shovels or Front End Loader; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (all attachments); Locomotives, Dinky; Pumpcretes: Squeeze Cretes - Screw type Pumps, Gypsum Bulker & Pump; Roller, Asphalt; Rotary Snow Plows; Rototiller, Seaman, etc., self-propelled; Scoops - Tractor Drawn; Self-propelled Compactor Spreader - Chip - Stone, etc.; Scraper; Scraper - Prime mover in Tandem (add $1.00 for each hour & each machine attached thereto); Tank Car Heater; Tractors, Push, Pulling Sheeps Foot, Disc, Compactor, etc.; & Tug Boats
CLASS 3: Boilers; Brooms (all power propelled); Cement Supply Tender; Concrete Mixer (2 Bag & Over); Conveyor, Portable; Farm-type Tractors used for mowing, seeding, etc.; Firemen on Boilers; Forklift trucks; Grouting Machine; Hoists, Automatic; Hoists, all Elevators; Hoists, Tugger Single Drum; Jeep Diggers; Pipe Jacking Machines; Post Hole Digger; Power Saw, Concrete, Power Driven; Pug Mills; Oilers, other than Asphalt; Steam Generators; Stone Crushers; Stump Machine; Winch Trucks with "A" Frame; Work Boats; & Tamper - Form-Motor Driven
CLASS 4: Air Compressor; Asphalt Spreader Backend Man; Combination - small equipment operator; Generators; Heaters, Mechanical; Light Plants, (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, well Points; Tractaire; Welding Machines (2 through 5); Winches, 4-small electric drill winches; & Bobcats (up to and inclu. 3/4 cu. yd.)
CLASS 5: Oilers

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 3:
GROUP 1 - Cranes; Hydro Crane; Shovels; Crane Type Backfiller; Tower Cranes, Mobile & Crawler & Stationary; Derricks & Hoist (3-drum); Dragline; Drott

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTIES: *SEE BELOW
DECISION NUMBER: IL83-2035 DATE: Date of Publication
Supersedes Decision No. IL81-2055, dated August 28, 1981 in 46 FR 43609
DESCRIPTION OF WORK: Heavy and Highway Construction Projects (including Dredging)

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POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 3:

GROUP 1 - Cranes; Hydro Crane; Shovels; Crane Type Backfiller; Tower Cranes, Mobile & Crawler & Stationary; Derricks & Hoist (3-drum); Dragline; Drott Yumbo & similar Types considered as Cranes; Backhoe; Derrick Boats; Pile Driver & Skid Rigs; Clam Shells; Locomotive Cranes; Road Pavers, Single Drum, Dual Drum & Tri Batcher; Motor Patrols & Power Blades, Dumore, Elevating & Similar types; Mechanics; Central Concrete Mixing Plant Op.; Blacktop Plant Ops. & Plant Engineers; Gradall; Caisson Rigs; Skimmer Scoop, Koehring Scooper: Dredges (all types); Hoptoe, Crane type; Escalated rate on Crane & Derricks Booms, $.01 per hour, per ft., over 80' incl. jib; Cherry Pickers; Work Boat; Ross Carrier; Helicopter; Dozer & Tournadozer

GROUP 2 - Asphalt Heater & Planer Combination (used to plane streets); Trench Machines; Pump Crete; Belt Crete; Squeeze Crete; Screw type Pumps & Gypsum; Bulker & Pump; Dinkeys; Tournapulls, all, & similar types; Multiple Unit Earth Movers, $.25 per hour for each scoop over one; Scoops (all sizes); Pushcats; End Loaders (all types); Side Booms; P-H One Pass Soil Cement Machines & similar types; Wheel Tractors (industrial or farm type with Dozer, Hoe, End Loader other attachments; Backfiller; Asphalt Surfacing Machine; Euclid Loader; Fork Lifts; Formless Finishing Machine; Jeep with Ditching Machine or other attachment; Tune-luger; Rockcrusher; Automatic Cement & Gravel Batching Plants; Mobile Drills (Soil Testing); & Similar types; Pugmill with Pump; Flaherty Spreader & Similar types; Heavy Equipment Greaser (Top Greaser on Spread); Power Launches; Boring Machine & Pipe Jacking Machine; C.M.I & similar types; All (1) & (2) Drum Hoists; Dewatering System; Straw Blower; Hydro-seeder; Boring Machine; Hydro-broom; Starting Engineer on Pipeline; F. W. D. & similar types

GROUP 3: Apsco Spreader or similar types; Tractors (track-type) without Power Units pulling Rollers; Rollers on Asphalt-brick or Macadam; Concrete Breakers; Concrete Spreaders; Center Stripper; Cement Finishing Machines; Vibro Tampers (all similar types) self-propelled; Mechanical Bull Floats; Mixers, over 3 bag to 27E; Winch & Boom Trucks; Tractor, pulling Power Blade or Elevating Grader; Porter Tex Rail; Clary Screed; Mule, pulling Rollers; Pugmill without Pump; Barber Greene or similar Loaders; Track-Type Tractors with Power unit attached (minimum); Fireman; Screed Man on Laydown Machine; & Spray Machine on Paving

GROUP 4 - Power Subgrader; Oil Distributor; Straight Tractor; Tracair (without attachments); Curb Machines; Paved Ditch Machines; Truck Crane Oiler; & Truck type Hoptoe Oilers

GROUP 5 - Herman Nelson Heater, Dravo, Warner, Silent Glo & Similar types: Self-propelled Concrete Saws; Assistant Heavy Equipment Greaser; Crawler Crane & Skid Rig Oilers; Rollers, 5 tons & under on Earth & Gravel; Form Graders; Pump (1) or (2); Light Plant (1) or (2); Generator (1) or (2); Conveyor (1) or (2); Mixer, 3 bags & under; Bulk Cement Plant; Air Compressor (1) or (2); & Welding Machine (1) or (2)

DREDGING CLASSIFICATIONS:

McLean, Marshall, Putnam, & Woodford Cos.:

GROUP 1: Operators on Hydraulic Dipper or Clamshell Dredges; Engineers & Repairmen; Operators on Work Boats

GROUP 2: Power Winches 1-2-3 Drums

GROUP 3: Security Engineer

GROUP 4: Cranemen on Dipper Dredges; Operators on Launches or Power Boats

GROUP 5: Fireman & Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTIES: *SEE BELOW
DECISION NUMBER: IL83-2035 DATE: Date of Publication
Supersedes Decision No. IL81-2055, dated August 28, 1981 in 46 FR 43609
DESCRIPTION OF WORK: Heavy and Highway Construction Projects (including Dredging)

*BUREAU, CARROLL, HENRY, JODAVIESS, LEE, OGLE, ROCK ISLAND, STEPHENSON, WHITESIDE, & WINNEBAGO

	Basic Hourly Rates	Fringe Benefits
CARPENTERS:		
AREA 1	$16.49	$2.21
AREA 2	17.15	1.55
AREA 3	15.92	2.78
AREA 4	16.77	1.925
AREA 5	14.35	4.35
AREA 6	17.00	1.70
CEMENT MASONS:		
AREA 1	16.10	1.25
AREA 2	14.66	2.90
AREA 3	15.50	1.50
AREA 4	14.37	1.80
AREA 5	14.95	3.15
ELECTRICIANS:		
AREA 1:		
Electricians	17.68	3.09
Cable Splicers	18.08	3.10
AREA 2	16.60	2.09
AREA 3	16.10	2.07
AREA 4	17.48	2.16
AREA 5	16.64	2.69
AREA 6	14.95	2.36
IRONWORKERS:		
AREA 1	16.35	3.30
AREA 2	16.45	2.79
AREA 3	17.00	4.375
LINE CONSTRUCTION:		
AREA 1:		
Linemen	18.72	2.18
Groundmen Equipment Ops.	16.81	2.08
Groundmen Truck Drivers with Winch	12.77	1.74
Groundmen Truck Drivers without Winch	12.02	1.67
Groundman	11.46	1.62
AREA 2:		
Linemen; Diggers Op.; & Crane Op. (15 tons or over)	17.85	2.61+a
Equipment Operator; Semi-Truck Driver	14.48	2.32+a
Truck Drivers	11.54	1.98+a
Groundman	11.16	1.93+a
AREA 3:		
Linemen; Heavy Equipment Ops & Technicians	16.07	.94
Cable Splicers	14.17	.93
Dynamiter	11.97	.87
LINE CONSTRUCTION (CONT'D):		
AREA 3 (Cont'd):		
Groundman Equipment Op.	$11.39	$.85
Groundman Truck Drivers with Winch	10.06	.80
Groundman Truck Drivers w/o Winch; Groundman	9.72	.79
PAINTERS:		
AREA 1:		
Brush	11.00	1.05
Sandblasting; Spray	12.00	1.05
AREA 2:		
Brush; Roller	14.92	3.04
Spray; Structural Steel	15.42	3.04
AREA 3:		
Brush; Roller	12.50	1.00
Structural Steel	12.75	1.00
Spray	13.00	1.00
AREA 4:		
Brush; Roller	11.30	1.60
Spray; Structural Steel	12.05	1.60
AREA 5:		
Brush; Roller	14.95	2.19
Open Structural Steel	15.20	2.19
Spray	15.50	2.19
Sandblasting	15.95	2.19
PILEDRIVERMEN:		
AREA 1	15.03	2.68
AREA 2	15.41	2.78
AREA 3	16.35	2.53
AREA 4	15.55	1.40
AREA 5	14.18	2.15
AREA 6	15.13	3.25
LABORERS:		
AREA 1:		
Unskilled	13.32	2.295
Semi-Skilled	13.72	2.295
Skilled	13.92	2.295
AREA 2:		
Class 1	14.02	1.665
Class 2	14.22	1.665
Class 3	14.32	1.665
AREA 3:		
Class 1	13.02	2.665
Class 2	13.22	2.665
Class 3	13.32	2.665

	Basic Hourly Rates	Fringe Benefits
LABORERS (CONT'D):		
AREA 4:		
Class 1	$13.02	$2.665
Class 2	13.22	2.665
Class 3	13.32	2.665
AREA 5:		
Unskilled	13.92	2.20
Semi-Skilled	14.12	2.20
Skilled	14.32	2.20
AREA 6:		
Unskilled	13.18	2.20
Semi-Skilled	13.43	2.20
Skilled	13.68	2.20
POWER EQUIPMENT OPERATORS:		
AREA 1:		
Group 1	16.74	2.85
Group 2	16.54	2.85
Group 3	15.59	2.85
Group 4	15.32	2.85
Group 5	13.88	2.85
AREA 2:		
Class 1	16.75	4.50
Class 2	16.20	4.50
Class 3	15.10	4.50
Class 4	13.80	4.50
Class 5	12.65	4.50
AREA 3:		
Class 1	15.30	2.98
Class 2	15.30	2.98
Class 3	13.70	2.98
Class 4	13.70	2.98
Class 5	12.55	2.98
TRUCK DRIVERS:		
AREA 1:		
Group 1	$14.325	b
Group 2	14.725	b
Group 3	14.925	b
Group 4	15.175	b
AREA 2:		
2-3 Axles	14.45	$2.40
4 Axles	14.60	2.40
5 Axles	14.80	2.40
6 Axles	15.00	2.40
AREA 3:		
2-3 Axles	15.30	c
4 Axles	15.45	c
5 Axles	15.65	c
6 Axles	15.85	c
DREDGING:		
Bureau & Henry (E ½) Cos.:		
Group 1	13.07	1.30
Group 2	12.87	1.30
Group 3	12.495	1.30
Group 4	12.22	1.30
Group 5	11.61	1.30

FOOTNOTES:
a. 4 Paid Holidays: Memorial Day; July 4th; Labor Day; & Thanksgiving Day
b. $51.00 per week per employee
c. $48.00 per week per employee

AREA DESCRIPTIONS

CARPENTERS:
AREA 1: Bureau Co.
AREA 2: Carroll, JoDaviess, & Whiteside Cos.
AREA 3: Henry, Ogle (Oregon & S. thereof), & Rock Island Cos.
AREA 4: Lee Co.
AREA 5: Ogle (N. of Oregon) & Winnebago Cos.
AREA 6: Stephenson Co.
CEMENT MASONS:
AREA 1: Bureau Co.
AREA 2: Carroll, JoDaviess, Lee, Ogle, Stephenson, & Whiteside (Excl. Erie & SW thereof) Cos.
AREA 3: Henry (E ½) Co.
AREA 4: Henry (W ½), Rock Island, & Whiteside (Erie & SW thereof) Cos.
AREA 5: Winnebago Co.
ELECTRICIANS:
AREA 1: Bureau (Walnut, Ohio, Lamoille, Clarion, Bureau, Dover, Cherry, Malden, Arlington, Berlin, & Westfield Twps.) Co.
AREA 2: Bureau (Arlington, Concord, Fairfield, Gold, Greenville, Hall, Indiantown, Leepertown, Macon, Manlius, Milo, Mineral, Neponset, Princeton, Shell, Wheatland & Wyanet Twps.), & Henry (Annawan, Burns, Cambridge, Galva, Kewanee, Weller & Whetstonfield Twps. for electrical installations exceeding $5,000.00) Cos.
AREA 3: Henry (Annawan, Burns, Cambridge, Galva, Kewanee, Weller & Whetstonfield Twps. for electrical installations not exceeding $5,000.00) Co.
AREA 4: Carroll (Cattle Grove, Shannon, Rock Creek, Tiffin, Wysox & Elkhorn Grove Twps.), JoDaviess (Carroll, Nash, North, Stockton, Vinegrove, Pleasant Valley & Scottsville Twps.), Lee, Ogle, Stephenson, Whiteside (Coloma, Jordan, Hopkins, Sterling, Hahn, Montgomery, Tampico, & Tuscarora Twps.), & Winnebago Cos.
AREA 5: Carroll (Rural Savanna, Mt. Carroll, Shannon & Thompson Cities), Henry (Rem. of Co.), JoDaviess (Savanna, Thomson & Portion), Rock Island & Whiteside (Rem. of Co.) Cos.
AREA 6: Whiteside (Rem. of Co.) Co.
IRONWORKERS:
AREA 1: Bureau Co.
AREA 2: Carroll (Thompson, Savanna & Vic.), Henry, JoDaviess (E. Dubuque, Galena, Hanover & Vic.), Rock Island, & Whiteside (W ½) Cos.
AREA 3: Carroll (Rem. of Co.), JoDaviess (Rem. of Co.), Lee, Ogle, Stephenson, Whiteside (E ½), & Winnebago Cos.
LINE CONSTRUCTION:
AREA 1: Bureau Co.
AREA 2: Carroll (E. portion incl. Chadwick, Lanark, Milledgeville, & Shannon), JoDaviess (Apple River, E. thereof), Lee, Ogle, Stephenson, Whiteside (E. of Erie, Lyndon, Mt. Pleasant & Prophetstown), & Winnebago Cos.
AREA 3: Carroll (Rem. of Co.), Henry, JoDaviess (Rem. of Co.), Rock Island, & Whiteside Cos.
PAINTERS:
AREA 1: Bureau Co.
AREA 2: Carroll, Henry (N ½ to Interstate #80), Rock Island, & Whiteside (W. of Rt. #78) Cos.
AREA 3: Henry (S ½ to Interstate #80) Co.
AREA 4: JoDaviess Co.
AREA 5: Ogle, Stephenson & Winnebago Cos.

AREA DESCRIPTIONS (CONT'D)

PILEDRIVERMEN:
AREA 1: Bureau Co.

LABORERS CLASSIFICATIONS FOR AREAS 2, 3, & 4:

CLASS 1: Common Laborers; Carpenters' Tenders; Tool, Cribmen, Firemen, or Salamander Tenders; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Dispatchers;

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AREA DESCRIPTIONS (CONT'D)

PILEDRIVERMEN:
AREA 1: Bureau Co.
AREA 2: Henry, Ogle (Oregon & South thereof), Rock Island, & Whiteside (W. of Hwy #78) Cos.
AREA 3: Lee (E ½, inclu. Roxbury & Compton) & Ogle (Rochelle & Vic.) Cos.
AREA 4: Lee (Rem. of Co.) Co.
AREA 5: Whiteside (E. of Hwy #78) Co.
AREA 6: Winnebago Co.

LABORERS:
AREA 1: Bureau Co.
AREA 2: Carroll, JoDaviess, Lee, Ogle (Exclu. City of Rochelle), Stephenson, & Whiteside Cos.
AREA 3: Ogle (City of Rochelle) Co.
AREA 4: Winnebago Co.
AREA 5: Henry Co.
AREA 6: Rock Island Co.

POWER EQUIPMENT OPERATORS:
AREA 1: Bureau & Henry (E ½) Cos.
AREA 2: Carroll, JoDaviess, Lee, Ogle, Stephenson, Whiteside (E ½), & Winnebago Cos.
AREA 3: Henry (W ½), Rock Island, & Whiteside (W ½) Cos.

TRUCK DRIVERS:
AREA 1: Bureau, Carroll (Exclu. N. of Rte. #72 & E. of Rte. #78), Henry, JoDaviess (W. of Rte. #78, inclu. Stockton), Lee (W. of Rte. #51), Ogle (W. of Rte. #51), Rock Island & Whiteside Cos.
AREA 2: Carroll (N. of Rte. #72 & E. of Rte. #78), JoDaviess (E. of Rte. #78, exclu. Stockton), Stephenson, & Winnebago Cos.
AREA 3: Lee (E. of Rte. #51), & Ogle (E. of Rte. #51) Cos.

LABORERS CLASSIFICATIONS FOR AREA 1:

Unskilled Laborers: Common; Carpenter Tenders; Tool Cribman; Firemen or Salamander Tenders; Gravel Box Men; Dumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting and Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Fireproofing Laborers; Wrecking-Dismantling Buildings; Wallmen and Housemovers; Driving of Stakes; Stringlines for All Machinery

Semi-Skilled Laborers: Handling of Materials Treated with Oil, Creosote, Asphalt and/or other Foreign Material; Track Laborers; Cement Handlers; Chloride Handlers; the Unloading and Laborers w/Steel Workers and Rebars; Concrete Workers (Wet); Tunnel Tenders in Free Air; Batch Dumpers; Mason and Plasterer Tenders and Material Wheelers; Kettlemen and Tarmen; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized Buggies or Motorized Units used for Wet Concrete or Handling of Building Materials; Laborers w/Dewatering Systems; All Sewer Workers, plus Depth; Asphalt Raker; Grade Checker; Vibrator Operators; Mortar Mixer Operator; Cement Silica, Clay, Fly Ash, Lime and Plasters; Handlers (Bulk or Bag); Cofferdam Workers, plus Depth (on Concrete Paving); Placing, Cutting and Tying or Reinforcing; Deck Hand; Dredge Hand and Shore Laborers; Bankmen on Floating Plant

Skilled Laborers: Dynamite Man or Blasters; Caisson Workers, plus Depth; Gunnite Nozzle Men; Leadman on Sewer Work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout Man; Steel Form Setters (Street and Highway); Air Tamping Hammerman; Signal Man on Crane; Concrete Saw Operator; Screedman on Asphalt Pavers; Laborers Tending Masons w/Hot Materials are used; Multiple Concrete Duct-Leadman; Lutemen; Curb Asphalt Machine Operator; Ready-mix Scalemen; Portable or Temporary Plant; Laborers Handling Masterplate or similar materials; Laser Beam Operator; Coring Machine Operator; Concrete Burning Machine Operator

LABORERS CLASSIFICATIONS FOR AREAS 2, 3, & 4:

CLASS 1: Common Laborers; Carpenters' Tenders; Tool, Cribmen, Firemen, or Salamander Tenders; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Fireproofing Laborers; Driving of Stakes; Stringlines for all Machinery; Asphalt Workers with Machine & Layers; Grade Checker; Signal Man on Crane; Coring Machine Operator; Concrete Workers (wet), on Concrete Paving; Placing, Cutting and Typing of Reinforcing Steel Form Setters-Street and Highway

CLASS 2 : Scaffold Workers; Handling of Materials Treated with any Foreign Matter Harmful to Skin or Clothing; Bulk Cement Handlers; Unloading of Re-Bars; Tunnel Tenders in Free Air; Batch Dumpers; Mason Tenders; Kettle and Tar Men; Tank Cleaners; Plastic Installers; Motorized Buggies or Motorized Unit Used for Wet Concrete or Handling of Building Materials; Vibrator Operators; Mortar Mixer Operators; Cement Silica; Clay Fly Ash; Lime and Plasters Handlers (Bulk or Bag); Deck Hand; Dredge Hand and Shore Laborers; Bankmen on Floating Plant; Power Tools; Material Selector (Firebrick or Castable Material); Chain Saw Operators; Air Tamping Hammerman; Concrete Saw Operator; Front End Man on Chip Spreader; Luteman; Asphalt Raker

CLASS 3 : Jackhammer and Drill Operators; Laborers with De-Watering Systems; Bottom Sewer Workers Plus Depth; Cofferdam Workers Plus Depth; Caisson Workers Plus Depth; Gunnite Nozzle Men; Leadman on Sewer Work; Welders, Cutters, Burners, & Torchmen; Layout Man and/or Tile Layer; Screenman on Asphalt Pavers; Laborers Tending Masons with Hot Material; Multiple Concrete Duct-Leadman; Curb Asphalt Machine Operator; Ready-Mix Scalemen; Permanent, or Temporary Plant; Laser Beam Operator; Concrete Burning Machine Operators; Underpinning and Shoring of Building; Pump Men

LABORERS CLASSIFICATIONS FOR AREA 6:

UNSKILLED - Common Laborer; Carpenter Tender; Gravel Box Men; Dumpman & Spotter; Form Handlers; Fencing Laborers; Cleaning Lumber; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Scaleman; Deck Hand

SEMI-SKILLED - Laying & Jointing of Telephone Conduit; Darco & Jackhammer Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Jumper; Puddler; Power & Hand Saw (when clearing timber); Center Strip; Reinforcing in Concrete; Wire Mesh; Concrete Saw; Mortar Mixer; Prime Mover or any Mechanical Device taking the place of Concrete Buggy or Wheelbarrow; Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on Joints; Sheeting Hammer Drivers (2-Men); Backup Man or Joint Man with Pipelayer; Laborer in Ditch or Tunnel on Sewer & Water Main & Telephone Conduit; Gas Distribution Men; Pipe Setter on Laterals, Drain Tiles, Culvert Pipe, & Storm Sewer Connections to Catch Basins, Manholes or Main Line; Handling of Materials treated with Oil, Creosote, Asphalt and/or any Foreign Material harmful to Skin or Clothing; Chloride Handlers; The Unloading & Laborers with Steel Workers & Re-Bars; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Bankmen on Floating Plant

SKILLED - String or Wireline (1 Man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on Sewer & Water Main; Gunnite Nozzle Man; Welders; Cutters; Burners & Torchman; Screedman on Asphalt Pavers; Luteman; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coring Machine Operator; Head Grade Man

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 1:

GROUP 1 - Cranes; Hydro Crane; Shovels; Crane Type Backfiller; Tower Cranes, Mobile & Crawler & Stationary; Derricks & Hoist (3-drum); Dragline; Drott Tumbo & similar Types considered as Cranes; Backhoe; Derrick Boats; Pile Driver & Skid Rigs; Clam Shells; Locomotive Cranes; Road Pavers, Single Drum, Dual Drum & Tri Batcher; Motor Patrols & Power Blades, Dumore, Elevating & Similar types; Mechanics; Central Concrete Mixing Plant Op.; Blacktop Plant Ops. & Plant Engineers; Gradall; Caisson Rigs; Skimmer Scoop, Koehring Scooper; Dredges (all types); Hoptoe, Crane type; Escalated rate on Crane & Derricks Booms, $.01 per hour, per ft., over 80' incl. jib; Cherry Pickers; Work Boat; Ross Carrier; Helicopter; Dozer & Tournadozer

GROUP 2 - Asphalt Heater & Planer Combination (used to plane streets); Trench Machines; Pump Crete; Belt Crete; Squeeze Crete; Screw type Pumps & Gypsum; Bulker & Pump; Dinkeys; Tournapulls, all, & similar types; Multiple Unit Earth Movers, $.25 per hour for each scoop over one; Scoops (all sizes); Pushcats; End Loaders (all types); Side Booms; P-H One Pass Soil Cement Machines & similar types; Wheel Tractors (industrial or farm type with Dozer, Hoe, End Loader other attachments; Backfiller; Asphalt Surfacing Machine; Euclid Loader; Fork Lifts; Formless Finishing Machine; Jeep with Ditching Machine or other attachment; Tune-luger; Rockcrusher; Automatic Cement & Gravel Batching Plants; Mobile Drills (Soil Testing); & Similar types; Pugmill with Pump; Flaherty Spreader & Similar types; Heavy Equipment Greaser (Top Greaser on Spread); Power Launches; Boring Machine & Pipe Jacking Machine; C.M.I & similar types; All (1) & (2) Drum Hoists; Dewatering System; Straw Blower; Hydro-seeder; Boring Machine; Hydro-broom; Starting Engineer on Pipeline; P. W. D. & similar types

GROUP 3: Apsco Spreader or similar types; Tractors (track-type) without Power Units pulling Rollers; Rollers on Asphalt-brick or Macadam; Concrete Breakers; Concrete Spreaders; Center Stripper; Cement Finishing Machines; Vibro Tampers (all similar types) self-propelled; Mechanical Bull Floats; Mixers, over 3 bag to 27E; Winch & Boom Trucks; Tractor, pulling Power Blade or Elevating Grader; Porter Tex Rail; Clafy Screed; Mule, pulling Rollers; Pugmill without Pump; Barber Greene or similar Loaders; Track-Type Tractors with Power unit attached (minimum); Fireman; Screed Man on Laydown Machine; & Spray Machine on Paving

GROUP 4 - Power Subgrader; Oil Distributor; Straight Tractor; Tracair (without attachments); Curb Machines; Paved Ditch Machines; Truck Crane Oiler; & Truck type Hoptoe Oilers

GROUP 5 - Herman Nelson Heater, Dravo, Warner, Silent Glo & Similar types: Self-propelled Concrete Saws; Assistant Heavy Equipment Greaser; Crawler Crane & Skid Rig Oilers; Rollers, 5 tons & under on Earth & Gravel; Form Graders; Pump (1) or (2); Light Plant (1) or (2); Generator (1) or (2); Conveyor (1) or (2); Mixer, 3 bags & under; Bulk Cement Plant; Air Compressor (1) or (2); & Welding Machine (1) or (2)

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 2:

CLASS 1: Asphalt Plant; Asphalt Heater & Planer Combination; Asphalt Spreader; Autograder; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front End Loader Machine (1 cu. yd. & over); Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Hammerhead, Linden, Peco & Machines of a like nature; Crater Crane; Derricks; Derrick Boats; Derricks, Traveling; Dredges; Field Mechanic-Welder; Formless Curb & Gutter Machine; Gradall & Machines of a like nature; Grader, elevating; Grader, Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Truck mounted; Hoists, 1, 2, & 3 drum; Locomotives; Mucking Machine; Piledriver & Skid Rig; Pre-stress Machine; Pump Cretes Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck mounted; Roto Mill Grinder; Slip Form Paver; Soil Test Drill Rig (Truck mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Tractor Drawn Belt Loader with or w/o attach. Pusher; Tractor with Boom; Tractaire with attachments; Trenching Machine; Truck Mounted Concrete Pump with Boom; Raisnd or Blind Hole (tunnel shaft) Drill; Underground Boring and/or Mining Machines 5' in diameter & over tunnel, etc.; Underground Boring and/or Mining Machines under 5'; Wheel Excavator; & Widener (Apsco)

CLASS 2: Batch Plant; Bituminous Mixer; Bobcats (over 3/4 cu. yd.); Boiler & Throttle Valve; Bulldozers; Car Loader Trailing Conveyors; Combination Backhoe Front End Loader Machine (Less than 1 cu. yd.); Compressor & Throttle Valve; Concrete Breaker or Hydrohammer; Concrete Grinding Machine; Concrete Mixer or Paver 7S series to & inclu. 27 cu. ft.; Concrete Spreader; Concrete Curin, Machine; Burlap Machine; Belting Machine & Sealing Machine; Finishing Machine - Concrete; Greaser Engineer; Highlift Shovels or Front End Loader; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (all attachments); Locomotives, Dinky; Pumpcretes: Squeeze Cretes - Screw type Pumps, Gypsum Bulker & Pump; Roller, Asphalt; Rotary Snow Plows; Rototiller, Seaman, etc., self-propelled; Scoops - Tractor Drawn; Self-propelled Compactor Spreader - Chip - Stone, etc.; Scraper; Scraper - Prime mover in Tandem (add $1.00 for each hour & each machine attached thereto); Tank Car Heater; Tractors, Push, Pulling Sheaps Foot, Disc, Compactor, etc.; & Tug Boats

CLASS 3: Boilers; Brooms (all power propelled); Cement Supply Tender; Concrete Mixer (2 Bag & Over); Conveyor, Portable; Farm-type Tractors used for mowing, seeding, etc.; Firemen on Boilers; Forklift trucks; Grouting Machine; Hoists, Automatic; Hoists, all Elevators; Hoists, Tugger Single Drum; Jeep Drivers; Pipe Jacking Machines; Post Hole Digger; Power Saw, Concrete, Power Driven; Pug Mills; Rollers, other than Asphalt; Steam Generators; Stone Crushers; Stump Machine; Winch Trucks with "A" Frame; Work Boats; & Tamper - Form-Motor Driven

CLASS 4: Air Compressor; Asphalt Spreader Backend Man; Combination - small equipment operator; Generators; Heaters, Mechanical; Light Plants, (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Tractaire; Welding Machines (2 through 5); Winches, 4-small electric drill winches; & Bobcats (up to and inclu. 3/4 cu. yd.)

CLASS 5: Oilers

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 3:

CLASS 1: Crane; Shovel; Clamshell; Dragline; Backhoe; Derrick; Tower Crane; Cable Way; Concrete Spreader; Asphalt Spreader; Asphalt Mixer Plant Engineer; Dipper Dredge; Dipper Dredge Craneman; Dual Purpose Truck (Boom or Winch); Leverman or Engineman (Hydraulic Dredge); Mechanic; Paving Mixer with Tower Attached; Pile Driver; Boom Tractor; Stationary, Portable or Floating Mixing Plant; Trenching Machine (over 40 H.P.); Building Hoist (two drums); Hot Paint Wrapping Machine; Cleaning & Priming Machine; Backfiller (throw bucket); Locomotive Engineer; Welder; Tow or Push Boat; Concrete Paver; Seaman Trav-L-Plant or similar machines; CMI Autograder or similar machines; Slip Form Paver; Caisson Augering Machine; Mucking Machine; Asphalt Heater-Planer Unit; Hydraulic Cranes; & Mine Hoists

CLASS 2: Athey; Barber-Green; Euclid or Haiss Loader; Asphalt Pug Mill; Fireman & Drier; Concrete Pump; Concrete Spreader; Bulldozer; Endloader; Log Chipper or similar machines; Elevating Grader; Group Equipment Greaser; LeTourneaupul & similar machines; DW-10 Hyster Winch & similar machines; Motor Patrol; Power Blade; Push Cat; Tractor Pulling Elevating Grader or Power Blade; Tractor Operating Scoop or Scraper; Tractor with Power Attachment; Roller on Asphalt or Blacktop; Single Drum Hoist; Jaeger Mix & Place Machine; Pipe Bending Machine; Flexaplane or similar machines; Automatic Curbing Machines; Automatic Cement &

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 3 (CONT'D):

Gravel Batch Plants (one stop set-up); Seaman Pulvi-Mixer or similar machines; Blastholer Self-propelled Rotary Drill or similar machines; Work Boat; Combination Concrete Finishing Machine & Float; Self-propelled Sheep Foot Roller or Compactor; Asphalt Spreader Screed

Operators; Apsco Spreader or similar machine; Forklift (over 6,000 lb. cap. or

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See Below
DECISION NUMBER: IN83-2029 DATE: Date of Publication
Supersedes Decision No. IN82-2030, dated May 14, 1982 in 47 FR 20986
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories)

POWER EQUIPMENT OPERATORS CLASSIFICATIONS FOR AREA 3 (CONT'D):
Gravel Batch Plants (one stop set-up); Seaman Pulvi-Mixer or similar machines; Blastholer Self-propelled Rotary Drill or similar machines; Work Boat; Combination Concrete Finishing Machine & Float; Self-propelled Sheep Foot Roller or Compactor; Asphalt Spreader Screed Operator; Apsco Spreader or similar machine; Forklift (over 6,000 lb. cap. or working at heights above 28 ft.); Concrete Conveyors; & Chip Spreader
CLASS 3: Asphalt Booster; Fireman & Pump at Asphalt Plant; Mud Jack; Underground Boring Machine; Concrete Finishing Machine; Form Grader with Roller on Earth; Mixers (3 bag to 16E); Power Operated Bull Float; Tractor without Power attachment; Dope Pot (agitating motor); Dope Chop Machine; Distributor (back end); Straddle Carrier; Portable Machine Fireman; Hydro-Hammer; Power Winch on Paving Work; Self-propelled Roller or Compactor; Pump (more than one well-point pump); Portable Crusher; Trench Machine (under 40 H.P.); Power Subgrader (on forms) or similar machines; Forklift (6,000 lb. cap. or less); Gypsum Pump; Conveyor over 20 H.P.; Fuller Kenyon Cement Pump or similar machines
CLASS 4: Air Compressor (275 c.f.m. or over); Driver on Truck Crane or similar machines; Light Plant; Mixers (1 or 2 bag); Power Batching Machine (Cement Auger or Conveyor); Boiler (Engineer or Fireman); Water Pumps; Mechanical Broom; Automatic Cement & Gravel Batch Plants (two or three stop set-up); Small Rubber-tired Tractors (not including Backhoes or Endloaders); Self-propelled Curing Machines; & Brush Chippers
CLASS 5: Oiler; Mechanic's Tender; Mechanical Heater (other than steam boiler); Belt Machine; Small Outboard Motor Boats (Safety Boat & Life Boat); Engine Driven Welding Machine; & Small Tractors (used to unroll or roll wire mesh)

TRUCK DRIVERS CLASSIFICATIONS FOR AREA 1:
GROUP 1: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders
GROUP 2: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches
GROUP 3: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls
GROUP 4: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

DREDGING CLASSIFICATIONS:
GROUP 1: Operators on Hydraulic Dipper or Clamshell Dredges; Engineers & Repairmen; & Operators on Work Boats
GROUP 2: Power Winches 1-2-3 Drums
GROUP 3: Security Engineer
GROUP 4: Cranemen on Dipper Dredges; Operators on Launches or Power Boats
GROUP 5: Firemen & Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See Below
DECISION NUMBER: IN83-2029 DATE: Date of Publication
Supersedes Decision No. IN82-2030, dated May 14, 1982 in 47 FR 20986
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories)

*Adams, Allen, Bartholomew, Benton, Blackford, Boone, Cass, Clinton, DeKalb, Delaware, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Maimi, Monroe, Montgomery, Morgan, Noble, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White, & Whitley

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Area 1	$16.85	2.15
Area 2	16.75	2.45
BOILERMAKERS	18.8[illegible]	[illegible].[illegible]05
BRICKLAYERS; CAULKERS; POINTERS; CLEANERS & STONEMASONS:		
Area 1	14.41	1.90
Area 2	14.80	1.77
Area 3	15.47	1.62
Area 4	13.95	1.56
Area 5	16.74	1.68
Area 6	15.72	3.37
Area 7	15.06	2.22
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN & SOFT FLOOR LAYERS:		
Area 1		
Carpenters & Soft Floor Layers	14.68	2.02
Millwrights	15.43	2.02
Piledrivermen	14.88	2.02
Area 2:		
Carpenters & Soft Floor Layers	[illegible]3.[illegible]0	.72+6%
Millwrights & Pile-drivermen	13.[illegible]0	.7[illegible]+6%
Area 3:		
Carpenters & Millwrights	[illegible]5.7[illegible]	3.25
Light Commercial	11.[illegible]4	3.25
Area 4:		
Carpenters & Soft Floor Layers	13.86	2.00
Millwrights	14.61	2.00
Piledrivermen	14.36	2.00
Area 5:		
Carpenters & Soft Floor Layers	[illegible]4.[illegible]E	[illegible].[illegible]0
Millwrights & Pile-drivermen	14.9[illegible]	[illegible].0[illegible]
Area 6:		
Carpenters & Soft Floor Layers	13.63	2.35
Millwrights	13.93	2.35
Piledrivermen	13.83	2.35
Area 7:		
Carpenters & Soft Floor Layers	15.40	2.04
Millwrights	15.65	2.04
Piledrivermen	16.15	2.04
CEMENT MASONS:		
Area 1	12.8[illegible]	1.57
Area 2	13.95	
Area 3	13.40	1.90
Area 4	13.70	1.85
Area 5	14.10	1.95
Area 6	16.13	2.09
Area 7	13.91	1.83
Area 8	12.50	
ELECTRICIANS:		
Area 1	[illegible]6.5[illegible]	1.63+3%
Area 2	[illegible]6.[illegible]E	1[illegible].[illegible]E
Area 3	17.50	1.36+3%
Area 4	1[illegible].3[illegible]	[illegible].00+3%
Area 5	1[illegible].9[illegible]	1.15+[illegible] 1/[illegible]%
Area 6	17.[illegible]7	1.15+3[illegible]%
Area 7	17.[illegible]0	1.86+3%
LINE CONSTRUCTION:		
Linemen, Groundman, Equipment Operators	15.94	.[illegible]E+8%
Groundman & Truck Driver W/Winch	13.[illegible]8	.[illegible]5+8%
Groundman - Truck Driver W/O winch	12.52	.[illegible]5+8%
Groundman	[illegible]1.96	.45+8%
ELEVATOR CONSTRUCTORS:		
Area 1:		
Elevator Constructor	14.15	[illegible].465+a&b
Helper	70%JR	[illegible].465+a&[illegible]
Helpers (Prob.)	[illegible]0%JR	
Area 2:		
Elevator Constructors	16.[illegible]1	[illegible].465+a&b
Helpers	70%JR	2.465 A&b
Helpers (Prob.)	50%J[illegible]	

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	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTORS (CONT'D)		
Area 3:		
Elevator Constructors	16.37	2.465 +a&b
Helpers	70%JR	2.465 +a&b
Helpers (Prob.)	5■%JR	
GLAZIERS:		
Area 1	15.47	.74c
Area 2	13.42	16%
Area 3	18.00	
IRONWORKERS:		
Area 1	15.00	4.09
Area 2	15.55	3.60 +1%
Area 3	14.79	3.32
Area 4	15.40	4.56
Area 5	15.40	3.60 +1%
MARBLE SETTERS; TILE SETTERS & TERRAZZO WORKERS		
Area 1	14.41	1.90
Area 2	14.80	1.77
Area 3	15.47	1.62
Area 4	14.60	1.56
Area 5:		
Marble Setters	1■.■1	1.■2
Tile Setters & Terrazzo Workers	13.35	1.62
Area 6	13.75	2.72
Area 7	15.06	2.22
PAINTERS:		
Area:		
Brush, Roller, Taping and Paperhangers	12.75	1.97
Spray & Sandblasting	13.85	1.97
Area 2:		
Brush, Paperhangers, & Tapers	11.65	1.75
Spray & Sandblasting	12.65	1.75
Area 3:		
Brush, Roller, Drywall & Paperhanging	13.65	1.70
Spray	14.65	1.70
Structural Steel	13.90	1.70
Sandblasting	14.65	1.70
Area 4:		
Brush, Roller, Drywall Tapers, Finishers, & Paperhangers	14.30	1.4■
Spray & Sandblasting	15.30	1.4■
Area 5:		
Brush, Drywall, Roller & Paperhanger	11.67	
Structural Steel	12.42	
Spray & Sandblasting	12.■7	
Area 6:		
Brush, Roller, Drywall Taping and Finishing	13.90	
Spray & Sandblasting	14.90	
Area 7:		
Brush	13.70	2.04
Spray & Sandblasting	14.45	2.04
Drywall Taping	13.70	2.04
Area 8:		
Painters, Drywall Tapers and Finishers	11.69	1.63
PLASTERERS:		
Area 1	13.48	1.40
Area 2	13.95	
Area 3	13.32	.75
Area 4	13.40	.86
Area 5	15.73	1.02
Area 6	13.20	1.22
Area 7	13.20	2.16
Area 8	16.35	1.00
PLUMBERS & STEAMFITTERS:		
Area 1	■6.4■	■.72
Area 2	17.31	1.85
Area 3	16.95	2.16
Area 4	18.60	2.00
Area 5	15.82	2.30
Area 6	15.93	2.45
Area 7	18.2■	■.■0
Area 8	19.92	2.20
ROOFERS:		
Area 1	13.90	.50
Area 2:		
Composition	15.32	2.00
Slate and Tile	15.57	2.00
Area 3:		
Composition	15.45	1.78
Slate and Tile	15.70	1.78
Area 4	13.10	1.35
Area 5:		
Composition	1■.6■	■.■■
Slate & Tile	15.1■	■.■3
SHEET METAL WORKERS:		
Area 1	17.66	3.96
Area 2	17.63	2.62
Area 3	17.68	2.75
Area 4	1■.16	2.1■

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	Basic Hourly Rates	Fringe Benefits
SPRINKLER FITTERS	16.67	2.83
LABORERS:		
Area 1:		
Group 1	10.20	1.09
Group 2	10.40	1.09
Group 3	10.50	1.09
Group 4	11.20	1.09
Area 2:		
Group 1	11.23	1.94
Group 2	11.43	1.94
Group 3	11.53	1.94
Group 4	12.23	1.94
Area 3:		
Group 1	11.48	1.94
Group 2	11.68	1.94
Group 3	11.78	1.94
Group 4	12.48	1.94
Area 4:		
Group 1	12.24	1.94
Group 2	12.44	1.94
Group 3	12.54	1.94
Group 4	13.24	1.94
Area 5:		
Group 1	11.63	1.94
Group 2	11.83	1.94
Group 3	11.93	1.94
Group 4	12.63	1.94
Area 6:		
Group 1	11.58	1.94
Group 2	11.78	1.94
Group 3	11.88	1.94
Group 4	12.58	1.94
POWER EQUIPMENT OPERATORS:		
Area 1:		
Group 1	16.40	3.95
Group 2	15.50	3.95
Group 3	15.05	3.95
Group 4	14.25	3.95
Group 5	13.45	3.95
Area 2:		
Group 1	13.70	1.58
Group 2	13.60	1.58
Group 3	13.40	1.58
Group 4	8.65	1.58
Area 3:		
Group 1	16.75	2.20
Group 2	15.80	2.20
Group 3	12.80	2.20
Group 4	11.30	2.20
Truck Drivers:		
Area 1:		
Group 1	12.62	d91.00 +e
Group 2	12.69	d91.00 +e
Group 3	12.77	d91.00 +d
Area 2:		
Group 1	11.1■	■81.0■ +e
Group 2	11.26	d81.00 +e
Group 3	11.46	d81.■0 +e
Group 4	■1.31	d81.■0 +e
Group 5	11.■1	d81.■0 +e
Group 6	■1.11	■81.00 +e
Group 7	11.■6	■81.00 +e

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AREA DESCRIPTIONS (CONT'D)

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PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 7 Paid Holidays: A through F, & Day after Thanksgiving Day
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 6% for employee who has worked in business less than 5 years
c. 6 Paid Holidays: A through F, provided such employees work the last scheduled day prior to and the next scheduled work day after the holiday unless permission for not working on such day is granted by the employer
d. Per week per employee
e. One week's paid vacation after one year's employment; two weeks' paid vacation after three years employment; three weeks' paid vacation after ten years employment

AREA DESCRIPTIONS

ASBESTOS WORKERS

Area 1: Adams, Allen, Blackford, DeKalb, Grant, Huntington, Jay, Maimi, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2: Remaining Counties

BRICKLAYERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, and Whitley Counties
Area 2: Bartholomew and Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

DECISION NO. IN83-2029

AREA DESCRIPTIONS (CONT'D)

CARPENTERS

Area 1: Adams, Cass, Fulton, Grant, Howard, Huntington, Miami, Tipton, Wabash, and Wells Counties
Area 2: Allen, DeKalb, Noble, Steuben, & Whitley Counties
Area 3: Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (excl. Edenburgh), Marion, Montgomery, Morgan (Excl. Twps. of Washington and Baker), Shelby (Camp Atterbury area, Moral & Van Buren Twps), and Warren Counties
Area 4: Remainder of Bartholomew, Johnson and Shelby Counties
Area 5: Benton, Clinton, Tippecanoe & White Counties
Area 6: Blackford, Delaware, Jay, and Madison Counties
Area 7: Monroe County and Remainder of Morgan County

CEMENT MASONS

Area 1: Adams, Allen, DeKalb, Noble, Steuben, and Whitley Counties
Area 2: Bartholomew and Shelby Counties
Area 3: Benton, Cass, Clinton Fountain, Howard, Miami, Montgomery, Tippecanoe, Warren and White Counties
Area 4: Blackford, Delaware, Grant, Huntington, Jay, Wabash & Wells Counties
Area 5: Boone, Hamilton (8¼ of County N. to New Rte Ind. 32 including Noblesville), Hancock County (S. W. Corner N. to but not including Wilkinson & E. to but not including Fortville), Hendricks, Johnson, Marion, Morgan (N¾) Cos.
Area 6: Fulton County
Area 7: Madison, Tipton and the Remainder of Hamilton and Hancock Counties
Area 8: Monroe County and Remainder of Morgan County

ELECTRICIANS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells and Whitley Counties
Area 2: Bartholomew, Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Montogmery, Morgan and Shelby Counties
Area 3: Benton, Cass, Fulton, Tippecanoe, and White Counties
Area 4: Blackford, Delaware and Jay Counties
Area 5: Clinton, Grant, Howard, Miami, Tipton & Wabash Counties
Area 6: Fountain and Warren Counties
Area 7: Monroe County

DECISION NO. IN83-2029

AREA DESCRIPTIONS (CONT'D)

ELEVATOR CONSTRUCTORS

Area 1: Adams, Allen, Blackford, DeKalb, Grant, Huntington, Jay, Noble, Steuben, Wabash & Wells Counties
Area 2: Cass & Fulton Counties
Area 3: Remainder of Counties

GLAZIERS

Area 1: Adams, Allen, Blackford, DeKalb, Grant, Huntington, Jay, Noble, Steuben, Wabash, Wells and Whitley Counties
Area 2: Fulton County
Area 3: Remainder of Counties

IRONWORKERS

Area 1: Adams, Allen, Blackford, DeKalb, Delaware (North-eastern 1/3 of Co.), Grant (excl. South-western portion) Huntington, Jay, Noble, Steuben, Wabash, Wells, & Whitley Counties
Area 2: Bartholomew, Boone (excluding NW ¼), Clinton (E½), Delaware (S 2/3 of Co.), Grant (SW Portion) Hamilton, Hancock, Hendricks, Howard, Johnson, Madison, Monroe, Morgan, Shelby, & Tipton (excl. NW ¼) Counties
Area 3: Benton, Boone (NW¼), Cass, Clinton (Rem. of Co.), Fountain, Miami, Montgomery, Tippecanoe, Tipton, (NW¼) Warren & White Counties
Area 4: Fulton County
Area 5: Marion County

MARBLE, TILE & TERRAZZO WORKERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, & Whitley Counties
Area 2: Bartholomew & Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

DECISION NO. IN83-2029

AREA DESCRIPTIONS CONT'D)

PAINTERS

Area 1: Adams, Allen, DeKalb, Grant, Huntington, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2: Blackford, Delaware, Howard, Jay, Madison, Miami, & Tipton Counties
Area 3: Benton, Cass, Clinton, Fountain, Montgomery, Tippecanoe, & Warren Counties
Area 4: Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan & Shelby Counties
Area 5: Monroe County
Area 6: Bartholomew County
Area 7: White County
Area 8: Fulton County

PLASTERERS

Area 1: Adams, Allen, DeKalb, Noble, Steuben, & Whitley Counties
Area 2: Bartholomew & Shelby Counties
Area 3: Benton (E. 2/3 W. to & incl. Boswell, Earl, Parke & Raub), Cass, Clinton, Fountain (W. to & incl. Attica, in the N. & W. to but Excl. Veedersburg in the South) Howard, Miami, Montgomery, Tippecanoe, Warren (E. ½ of Judyville, & S. to & Incl. Kramer) & White Counties
Area 4: Blackford, Delaware, Grant, Huntington, Jay, Wabash, & Wells Counties
Area 5: Hamilton (S. of Ind. Rte 32), Hancock (S. of State Rte. 234 & W. of County Rd 300-W), Hendricks, Johnson, Marion, Morgan (N½), and Shelby Counties
Area 6: Monroe County and Remainder of Morgan County
Area 7: Remainder of Hamilton and Hancock Counties, Madison & Tipton Counties
Area 8: Remainder of Benton, Fountain & Warren Counties

PLUMBERS & STEAMFITTERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells & Whitley Counties
Area 2: Bartholomew (excluding Camp Atterbury)
Area 3: Bartholomew (Camp Atterbury) Boone, Hamilton, Hancock, Hendricks, Howard, Johnson, Marion, Miami (S. of Rte. 218), Morgan, Shelby & Tipton Counties
Area 4: Benton, Clinton, Fountain, Montgomery, Tippecanoe, Warren & White Counties
Area 5: Blackford, Grant & Wabash Counties
Area 6: Cass, Fulton & the Remainder of Miami Counties
Area 7: Delaware, Jay & Madison Counties
Area 8: Monroe County

DECISION NO. IN83-2029

AREA DESCRIPTIONS (CONT'D)

SPRINKLER FITTERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells & Whitley Counties
Area 2: Bartholomew & Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

TERRAZZO FINISHERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, & Whitley Counties
Area 2: Bartholomew & Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

TILE FINISHERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, & Whitley Counties
Area 2: Bartholomew & Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

TILE SETTERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, & Whitley Counties
Area 2: Bartholomew & Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

DECISION NO. IN83-2029

CLASSIFICATION DEFINITIONS

ASBESTOS WORKERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells & Whitley Counties
Area 2: Bartholomew & Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

BOILERMAKERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells & Whitley Counties
Area 2: Bartholomew & Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

BRICKLAYERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells & Whitley Counties
Area 2: Bartholomew & Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

CARPENTERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells & Whitley Counties
Area 2: Bartholomew & Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

CARPET LAYERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells & Whitley Counties
Area 2: Bartholomew & Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

CEMENT MASONS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells & Whitley Counties
Area 2: Bartholomew & Monroe Counties
Area 3: Benton, Clinton, Fountain, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Hamilton, Jay, Madison & Tipton Counties
Area 5: Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Counties
Area 6: Cass, Fulton, Howard & Miami Counties
Area 7: Grant & Wabash Counties

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DECISION NO. IN83-2029

AREA DESCRIPTIONS (CONT'D)

ROOFERS

Area 1: Adams, Allen, DeKalb, Noble, Steuben, Wells, & Whitley Counties
Area 2: Bartholomew, Boone, Hancock, Hendricks, Johnson, Marion, Monroe, Morgan, & Shelby Counties
Area 3: Benton, Cass, Clinton, Fountain, Montgomery, Tippecanoe, Warren & White Counties
Area 4: Blackford, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Miami, Tipton & Wabash Counties
Area 5: Fulton County

SHEET METAL WORKERS

Area 1: Adams, Allen, Blackford, Cass, DeKalb, Grant, Howard, Huntington, Jay, Miami, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2: Bartholomew, Boone, Delaware, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Monroe, Morgan, Shelby, & Tipton Counties
Area 3: Benton, Clinton, Fountain, Montgomery, Tippecanoe, Warren & White Counties
Area 4: Fulton County

LABORERS

Area 1: Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wabash, Wells & Whitley Counties
Area 2: Blackford, Delaware, Grant, Hancock, Hamilton, Jay, & Madison Counties
Area 3: Benton, Boone, Cass, Clinton, Fulton, Howard, Miami, Montgomery, Tippecanoe, Tipton & White Counties
Area 4: Marion & Shelby Counties
Area 5: Fountain, Hendricks & Warren Counties
Area 6: Bartholomew, Johnson, Monroe & Morgan Counties

POWER EQUIPMENT OPERATORS

Area 1: Fulton & Noble Counties
Area 2: Boone, Fountain, Hendricks, Monroe, Montgomery, Morgan, & Warren Counties
Area 3: Remainder of Counties

TRUCK DRIVERS

Area 1: Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, & Shelby Counties
Area 2: Benton, Cass, Clinton, Fountain, Howard, Miami, Montgomery, Tippecanoe, Tipton, Wabash, Warren & White Counties

DECISION NO. IN83-2029

CLASSIFICATION DEFINITIONS

LABORERS AREA 1

Group 1 - Building & Construction Laborers; Scaffold Builders other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Civil; Engineer Tender & Surveyor Tenders; Window Washers & Cleaners; Roofer's Tenders; Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Tenders; Carpenter Tenders; Tenders of all other crafts not listed; Mason Tenders; All Portable Water Pumps with Discharge Up to 3 inches
GROUP 2 - Waterproofing; Handling of Creosote Lumber of Like Treated Material (excluding railroad material); Asphalt Rakers & Lutemen; Kettlemen; Air Tool Operators; Vibrators; Chipping Hammer Operators and All Pneumatic Tool Operators; Jackmen & Sheet Men Working Ditches deeper than 6 ft. in depth; Laborers Working Ditches 6 ft. in depth or Deeper; Assembly of Unicrete Pump, Chain Saw & Demolition Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layer (metallic or non-metallic); Motor Driven Wheebarrows & Concrete Buggies; Hyster Operators; Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operator, Cement, Lime or Silia Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Mains & Cable Ducking (metallic non-metallic; Screed Man or Screw Op. on Asphalt Paver
GROUP 3 - Plasterers' Tenders; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold builders when working for Plasterers
Group 4 - Dynamite Men; Drillers - Air Track or Wagon Drilling for Explosives

LABORERS AREAS 2-3-4-5-6

Group 1 - Building and Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Window Washers and Cleaners; Water Boys and Tool Housemen; Roofers Tenders; Railroad Workers; Masonry Wall Washers; Cement Finishers Tenders; Carpenter Tenders; Portable Water Pumps with Discharge up to 3 inches
Group 2 - Waterproofing; Hauling of Creosote Lumber or like treated material (ex railroad material); Asphalt Rakers and Lutemen; Kettlemen; Air Tool Oper.; Pneumatic Tool Op.; Air & Electric Vibrators and Chipping Hammer Op.; Earth compactors; Jackman & Sheetmen in Ditches more than 6 feet Deep; Laborers in ditches 6' deep or deeper; Assemply of Unicrete Pump; Tile Layers (sewer or field); Sewer Pipe Layers; Motor Driven Wheelbarrows and Concrete Buggies; Hyster Op.; Pump Crete Assemblers; Core Drill Op.; Cement, Lime or Silica Clay Handlers; Handling of Toxic Materials Damaging to Clothing Pneumatic Spikers; Deck Engine & Winch Op.; Water Main & Cable Ducking; screed Man or Screw Op.; On Asphalt Paver; Chain Saw & Demolition Saw Op.; Concrete Conveyor Assembler

DECISION NO. IN83-2029

CLASSIFICATION DEFINIITIONS (CONT'D)

LABORERS (AREAS 2-3-4-5-6 (CONT'D)

Group 3 - Plaster Tenders; Mason Tender Mortar Mixers; Welders; Cutting Torch or burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders for Plasterers; Scaffold Builders for Masons Water Blast Mach. Op.

Group 4 - Dynamite Men, Drillers - Air Track or Wagon Drilling for Explosives

POWER EQUIPMENT OPERATORS AREA 1

Group 1 - Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Benoto (requires two Engineers), Boiler and Throttle Valve Boring Machine (road); Caisson Rigs; Central Redi-Mix Plant; Concrete Conveyor Sytems Concrete Power over 27E cu. ft.; Concrete Paver 27E cu. ft. and under; Concrete Placer; Concrete Pumps (truck mounted); Concrete Tower, Cranes All; Cranes, Hammerhead; Creter Cranes; Derricks, All; Forklift capable of Hoisting and mechanically moving Forks horizontally, Grader, Elevating; Highlfit Shovels or Front Endloader; Hoists, Two or more Drums; Locomotives, All; Motor Patrol; Pile Drivers and Skid Rig, Pre-stress Machine; Rock Drill (self-propelled); Rock Drill (truck mounted); Scoops - Tractor Drawn; Slip - Form Paver; Tournapull; Tractor with Boom, and side Boom; Trenching Machines 12 or more inches in width

Group 2 - Combination Backhoe Front End Loader Machine with backhoe bucket or with attachments

Group 3 - Air Compressor 600 cu. ft. and over; Bobcat (over 3/4 cu. yd.); Boilers; Broom, All Power Propelled; Bull Dozers; Compressor and Throttle Valve; Concrete Breaker (Truck mounted); Concrete Mixer of more than 21 cu. ft. capacity; Forklift with a fixed or tilt mast; Greaser Engineer; Hoists, One Drum; Hydraulic Boom Trucks; Post Hole Digger (vehicle mounted); Pump Cretes; Squeeze crete screw type pumps, Gypsum Bulker and Pump; Roller, All; Steam Generators; Stone Crushers; Straddle Buggies; Tractors; Winch Trucks with "A" Frame

Group 4 - Buck Hoist, Combination - Small Equipment Operator, Conveyor, Portable, Grouting Machines, Hoist Elevators Matl. & personnel, Hydraulic Power Units Grouting and Pile Driving, Stud Driving, Trenching Machines less than 12 inches in width, Welding Machines 8 through 15

Group 5 - Bobcat (up to and including 3/4 cu. yds.), Compressor over 210 cu. ft.a nd less than 600 cu. ft., Generators - over 50KW, Heaters, Mechanical; Hoists, All Elevators (perm. installation); Hoist, Automatic; Hoist, Tugger Single Drum; Oilers, Pumps, Well Points and Electric Submersibles, Small Rugger Tired End Loaders ½ cu. yd. and under; Tractors, Farm Type; Welding Machines (2 through 8)

DECISION NO. IN83-2029

CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATOR AREA 2

Group 1: Master Mechanics

Group 2: Utility Operator

Group 3: Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork Lifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor Finishing Machine on Asphalt Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressor, Hetherington Paver Operator, Farm Tractor with half Yard Bucket and or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machines, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractors without Winch, Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Resco Concrete Saw, Marine, Scoops, Brush, Mulcher, Brush Burner, Mesh Placer Tree Mover Helicopter Crew (3), PileDriver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, All one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loader, Hydra Crane, Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled Winch Hydraulic Boom Truck

Group 4: Mixers 14S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine, Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tugger, Truck

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CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS AREA 2 (CONT'D)

Crane Drivers, House Elevator when used for hoisting Material, Two to Four Generators or welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on earth, Engine Tenders, Fireman, Wagon Drill, Flexplane, Conveyor, two to Four Water Pumps, Siphon and Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Diggers, Self-propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mule Jack, Operators to do Winter Repair work in Shop between November 1st and March 1st, Concrete Buggies Motor Driven Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves on Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine Concrete & Blacktop Curb Machine, Deck Hands

AREA 3

Group 1 - Air compressor (pressurizing shafts, tunnels & divers) Air Tugger, Auto Patrol, Back Filler, Back Hoe, Boom Cat, Boring Machine, Bull Dozer, Casisson Drilling Machine, Cherry Picker, Compactor (with dozer blade), Concrete Mixer (dual drum) Concrete Plant, Concrete Pump, Crane with all attachments; Crane-Electric Overhead, Derrick, Ditching Machine (18" and over) Dredge, Elevators (when hoisting material or tools), Fork Lift (Machinery), Formless Paver; Generator (power for welders or conpressors), Grandall, Helicopter, Helicopter Winch Operator, High Lift - Front End Loaders, Hoist - Material and/or personnel over 3 floors, Locomotive, Mechanic on Job Site, Mucking Machine, Panel Boars Concrete Plant, Pile Driver, Push Cat, Scoop & Tractor, scraper - Rubber Tired, Spreader - Tractor Mounted, straddle Carrier - ross type, Sub Base Finish Machine (C.M.I. or similar), Tower Crane, Tractor with bucket (over ½ yd.), Welder (craft)

Group 2 - A Frame Truck, Batcher Plant (automatic dry batch), Bending Machine - Power Driven, Bituminous Mixer, Bituminous Paver, Btiuminous Plant Engineer, Boatman, Bull Float, Compactor or Tamper - Self Propelled, Concrete Mixer (21 cu. ft. or over), Concrete Spreader - Power Driven, Dinkey Engine, Dtiching Machine (less than 18"), Drilling Machine, Finish Machine & Bull Float, Finishing Machine, Fireman - Pile Driving and Boilers, Fork Lift - Masonry & Material, Gunite Machine, Head Greaser, Hoist - Material and/or personnel 3 floors and under, Mechanic in Shop, Mesh Depresser - Mesh Placer, P.C.C. Concrete Belt Placer, Roller - Asphalt Stone & Sub Base, Sheepsfoot Roller - Self Propelled, Shop Mule, Spreader or Base Paver - Self Propelled, Sub Grader, Throttle Valve with Air Compressor or Boiler, Tractor with Backhoe (½ yd. & under), Tractor-High Lift - Farm Type, Tractor - Industrial Type, Tractor with Winch, Well Points, winch Truck

DECISION NO. IN83-2029

CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS AREA 2 (CONT'D)

Group 3 - Air Compressor (210 cu. ft. & over), Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope Pot - Power Agitated, Flex Plane, Form Grader, Hydrohammer, Jack-Hydraulic-Power Driven, Minor Equipment Operator 3,4, or 5, Paving Joint Machine, Post Hole Digger, Roller - Earth, Throttle Valve, Track Jack - Power Driven, Tractor - Farm Type, Truck Crane Driver

Group 4 - Air Compressor (less than 210 cu. ft.), Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Operator - 2 pieces of minor equipment, Power Broom, Pump, Welding Machine

TRUCK DRIVERS AREA 1

Group 1 - Trucks not to exceed 2 tons

Group 2 - Truck Mechanics

Group 3 - Trucks over 2 tons; Semi trailers, tandems (double bottom); Winch trucks when used as winch

AREA 2

Group 1 - Single Axle Straight Trucks and Warehousemen

Group 2 - Tandem Axle and Dudley Straight Trucks

Group 3 - Tandem Axle & semi Trucks

Group 4 - Bituminous Distributors

Group 5 - Pick up Trucks

Group 6 - Greasers and Firemen

Group 7 - Mechanics

SUPERSEDEAS DECISION

STATE: Maryland
DECISION NO.: MD83-3006
COUNTY: Washington
DATE: Date of Publication
Supersedes Decision No. MD81-3021 dated March 27, 1981 in 46 FR 19156
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANIC	[illegible].67	
BRICKLAYERS	[illegible].75	
CARPENTERS	7.96	
CEMENT MASONS	6.[illegible]3	
DRYWALL HANGER	8.00	
DRYWALL FINISHER	7.13	
ELECTRICIANS	[illegible].00	
GLAZIERS	[illegible].22	
IRONWORKERS, STRUCTURAL	7.0[illegible]	
LABORERS	5.66	
PAINTERS	6.08	
PLUMBERS	8.41	
ROOFERS	6.25	
SHEET METAL WORKERS	7.78	
TILE SETTERS	7.66	
TRUCK DRIVERS	5.74	
POWER EQUIPMENT OPERATORS:		
Backhoe	7.33	
Bulldozer	7.00	
Loader	6.75	
Roller	6.73	

	Basic Hourly Rates	Fringe Benefits

SUPERSEDEAS DECISION

STATE: Oklahoma
DECISION NO. OK83-4027
COUNTY: Oklahoma, Cleveland & Canadian
DATE: Date of Publication
SUPERSEDES DECISION #OK82-4057 dated November 12, 1982 in 47 FR 51311
DESCRIPTION OF WORK: Residential construction, single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits
Air conditioning mechanic	$8.30	
Bricklayers	1[illegible].00	
Carpenters	6.46	
Cement Masons	9.00	
Drywall:		
Installers	6.88	
Tapers	6.25	
Electricians	7.28	
Insulation Installers	7.00	
Ironworkers	9.00	
Laborers:		
General	5.46	
Mason tenders	7.00	
Mortar mixers	6.00	
Pipelayers	8.75	
Painters	7.75	
Plumbers & Pipefitters	8.70	
Roofers	10.00	
Sheet metal workers	6.68	
Soft floor layers	6.36	
Tile setters	9.50	
Truck drivers	6.00	
Power equipment operators:		
Backhoe	8.08	
Bulldozer	8.08	
Concrete pump operator	6.82	
Loader	8.60	
Roller - compactor	7.00	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: [illegible]ENNSYLVANIA
DECISION NO.: PA83-3[illegible]5
COUNTY: ALLEGHENY
DATE: DATE OF PUBLICATION
Supersedes Decision No. PA82-3026 dated September 3, 1982, in 47 FR 39085.
DESCRIPTION OF WORK: Residential construction consisting of single family

SUPERSEDEAS DECISION

STATE: TEXAS
DECISION NO.: TX83-[illegible]026
COUNTIES: Jefferson & Orange
DATE: Date of Publication
Supersedes Decision No. TX82-4046 dated 10/1/82, in 47 FR 43525.
DESCRIPTION OF WORK: Building (including Residential) Projects.

SUPERSEDEAS DECISION

STATE: PENNSYLVANIA
DECISION NO.: PA83-3005
COUNTY: ALLEGHENY
DATE: DATE OF PUBLICATION
Supersedes Decision No. PA82-3026 dated September 3, 1982, in 47 FR 39085.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	15.6[illegible]	3.8[illegible]
CARPENTERS:		
(3 story walk-up with no elevator)	10.15	17-½%
Residential 4 story walk-up or with elevator	14.32	27%
CEMENT MASONS	1[illegible].[illegible]1	3.52
ELECTRICIANS (single or two family houses walk-up garden type apartments up to and including 4 stories)	11.38	1.15+ 3%
Residential 4 story walk-up or with elevator	17.7[illegible]	2.85+ 3%
GLAZIERS	14.23	4.4[illegible]
IRONWORKERS	15.32	4.40
LABORERS	7.54	
PAINTERS	8.60	
PLASTERERS	8.50	
PLUMBERS	15.80	3.59
ROOFERS	10.87	
SHEET METAL WORKERS	15.84	3.71
SOFT FLOOR LAYERS	13.60	28½%
STEAMFITTERS	16.30	3.19
TILE SETTERS	13.50	3.86
TRUCK DRIVERS	7.23	
POWER EQUIPMENT OPERATORS:		
Backhoe	16.025	3.04
Hi-Lift	16.025	3.04
Bulldozer	15.825	3.04
Roller Operator	13.94	3.04
Welder - Rate of Craft		

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(ii))."

SUPERSEDEAS DECISION

STATE: TEXAS
DECISION NO.: TX83-4026
COUNTIES: Jefferson & Orange
DATE: Date of Publication
Supersedes Decision No. TX82-4046 dated 10/1/82, in 47 FR 43525.
DESCRIPTION OF WORK: Building (including Residential) Projects.

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers:		
Jefferson County	17.71	3.20
Orange County	17.255	2.215
Boilermakers	16.60	2.415
Bricklayers & Stonemasons	17.48	2.20
Carpenters:		
Carpenters - Commercial	16.87	2.415
Carpenters - Residential const. of not more than 2 units & condominium townhouses of not more than 10 units excluding all apt. const. & multiple bldgs. for rental purposes	14.94	2.415
Millwrights	17.175	2.35
Piledrivermen	17.06	2.30
Cement Masons	17.82	
Electricians	19.63	1.135 +3%
Elevator Constructors:		
Mechanics	15.34	2.465 +a
Helpers	70%JR	2.465 +a
Helpers (Prob.)	50%JR	
Glaziers:		
Northern 1/2 Jefferson Co.	15.03	1.29
Southern 1/2 Jefferson & all of Orange Co.:		
Commercial	16.64	1.29
Residential	11.95	.65
Ironworkers	16.65	2.95
Laborers:		
Group 1	10.66	1.50
Group 2	10.86	1.50
Group 3	10.96	1.50
Group 4	11.11	1.50
Lathers	16.87	2.415
Line Construction:		
Linemen & cable splicers	19.94	.80+ 3-1/2%
Groundmen	14.56	.80+ 3-1/2%

	Basic Hourly Rates	Fringe Benefits
Painters:		
Southern 1/2 of Jefferson Co. & all of Orange Co.:		
Commercial:		
Group 1 - Brush, steel wood & wallpaperhanger	16.64	1.29
Group 2 - Spray, roller, sandblaster, power cleaning, all time spent rigging; hot paint or creosote brush	17.[illegible]9	1.29
Group 3 - Hot paint or creosote spray or roller	17.44	1.1[illegible]
Residential:		
Brush	11.95	.65
Paperhanger	12.20	.65
Spray	12.47	.65
Sandblaster, power cleaning	12.21	.6[illegible]
North 1/2 Jefferson Co.:		
Brush	15.03	1.29
Drywall	15.03	1.29
Spray	15.45	1.29
Paper & vinyl	15.28	1.29
Sign	15.45	1.29
Hand cleaning operation	15.03	1.29
Power tool operations	15.45	1.29
$.25 per hour above the prevailing wage rate when working on window sills or ledge, swing stage, bosun chair, cat walks, spider & skates in all classifications		
Pipefitters	18.02	2.02
Plasterers	15.20	1.69
Plumbers	17.71	.99
Power Equipment Operators:		
Group 1	17.685	1.65
Group 2	14.91	1.65
Group 3	13.69	1.65
Group 4	13.44	1.65

	Basic Hourly Rates	Fringe Benefits
Roofers:		
Composition	13.86	1.58
Slate & tile	14.61	1.58
Kettlemen	12.90	1.58
Sheet Metal Workers:		
Commercial	16.36	2.01+3%
Work on a single family dwelling or multiple family housing unit less than 3 stories in height where each individual family apt. is individually conditioned by a separate & independent unit or system	10.63	2.01+3%
Sprinkler Fitters	16.17	2.83

	Basic Hourly Rates	Fringe Benefits
Tile Setters	15.97	2.80
Truck Drivers:		
Group 1 - Under 1-1/2 ton	13.89	1.10
Group 2 - 1-1/2 tons thru 2-1/2 tons	14.68	1.10
Group 3 - Dump truck less than 7 yds.	14.97	1.10
Group 4 - Over 2-1/2 tons; euclids (not self-loading)	15.15	1.10

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A - New Years' Day; B - Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F - the Friday after Thanksgiving Day; G - Christmas Day

FOOTNOTE FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate; Also seven paid holidays A thru G

LABORERS CLASSIFICATION DEFINITIONS
Group 1 - All hand digging & dirt work;backfilling;loading & unloading of material to & from hoist or cages;loading & unloading of tools & equip.;handling of lumber,steel,cement;distribution of materials;wrecking & razing of bldgs. & struc.; storing materials & tools in & out of receiving lots & sheds;dumper;spotter; carpenter tender & all construction work not hereinafter classified
Group 2 - Air power tool op.; cutting torch op.; gunnite rebound man;machine ops.; power buggy;sandblaster (potman);drill tenders;concrete grademen;wagon drill op.; metal pan & steel form men
Group 3 - Conc. burner;cement mason tender;hod carrier,mortar mixers,plaster tenders & brick mason tenders;pipelayer,pumpcrete nozzlemen;scaffold builder; water pump op.;tank cleaning;all pipe cleaning & wrapping;mortar & plaster mixing machines,grout machines;pumpcrete machines;gunnite mixing machines,incl. placing & cleaning of all pipe & conduits used in placing of conc.
Group 4 - Powdermen & blasters;sandblaster;gunnite workers;terrazzo grinders

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
Group 1 - Heavy duty mechanic;Blade grade,self-propelled;Bullclam;Backfiller; Derrick,power operated,all types;Dragline;Push cat;Bulldozer & all types of cat tractors;Cableway;Backhoe;Shovel;Cranes,power operated,all types; Elevating grader,self-propelled;Hoist-motor driven,two drum or more; Mixmobile;Winch truck;Locomotive crane;Mixer, 14 cu. ft. or more;Paving mixer, all sizes;Piledrivers;Scraper-heavy type,over 3 cu. yds.;Trench machine,all sizes;Gradeall;High-lift;Foundation boring machines;Gasoline or diesel driven welding machines - 7 to 12 machines;Pumpcrete machine;Drill op. - Water well;DW-10 euclid;Tournapulls;Asphalt plants;crushing machine & Batch plants;Scoopmobiles;Fingerlift op.; Elevator when used to haul men or material on const. work; Well point system & operation of similar dewatering devices
Group - Air compressor;Blade grade-towed;Flex plane;Formgrader;Mixer,less than 14 cu. ft.;Pump,Pulsometer;Truck crane driver;Gasoline or diesel welding mach., 3 to 6 machs.;Hoist,single drum;Scraper,3 cu. yds. or less;Conveyors, power op.
Group 3 - Fireman
Group 4 - Oilmr

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Part IV

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Kangaroos and Kangaroo Products

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Removal of Red, Eastern Gray, and Western Gray Kangaroos From the U.S. List of Threatened and Endangered Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The red kangaroo (*Macropus rufus*), eastern gray kangaroo (*Macropus giganteus*), and western gray kangaroo (*Macropus fuliginosus*) have been listed as Threatened species, pursuant to the Endangered Species Act of 1973, since December 30, 1974 (39 FR 44990). When these species were listed as Threatened, their importation for commercial purposes was prohibited until the Australian States demonstrated that they had effective management programs for them, and that commercial trade would not be detrimental to the survival of the kangaroos. In a final rule dated April 29, 1981 (46 FR 23929), the Service determined that the Australian States had met these conditions, and permitted commercial importation of these kangaroos for a 2-year period. In the preamble to that final rule, it was stated that at the close of this 2-year period (May 29, 1983), the Service would again review the commercial importation situation. The present proposed rule notifies the public that the Service has now received substantial data, through a petition from the Australian Government dated November 10, 1982, to warrant removal of the red, eastern gray, and western gray kangaroos from classification under the Act. The same petition also presented evidence, in the alternative, that continued commercial importation of the kangaroos beyond May 29, 1983, is warranted. The Service is proposing herewith to delist these kangaroos, and simultaneously in this issue of the **Federal Register** is publishing a proposal to continue commercial importation. The latter proposal concerning commercial imports will only be subject to a final administrative decision if this proposed rule to delist the kangaroos has not been completed by May 29, 1983.

DATES: Comments from the public must be received by June 7, 1983.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia (703/235–2771).

SUPPLEMENTARY INFORMATION: The red, eastern gray, and western gray kangaroos were listed under the Endangered Species Act as Threatened species on December 30, 1974 (39 FR 44990). This action was taken essentially for the following reasons: (1) There was no clear evidence available to the Service at the time that overall take was being carefully regulated and monitored by the various Australian States; (2) no reliable estimates of kangaroo numbers were available to the Service from most of the Australian States and (3) the Australian government had expressed concern over kangaroo populations and imposed a ban on kangaroo exports. Because of the widespread fear that too many kangaroos were being killed to sustain viable populations, the Service considered it a prudent conservation move to classify the three major trade species (red, eastern gray, and western gray kangaroos) as Threatened. Along with the listing action, the Service imposed a ban on the import of kangaroo products into the U.S. until such time as the Australian Government could certify at a minimum that "(1) a particular Australian State has developed an effective sustained-yield management program (for the kangaroos) and (2) the taking of (the kangaroos) will not be detrimental to the survival of the species * * *" (*Note:* The Service has since learned that the Australian States do not manage their kangaroos on a "sustained-yield" basis since kangaroos in Australia are not regarded as a renewable resource or crop. The purpose of kangaroo culling is to assure minimum conflict between kangaroos and human interests, and thus to aid in the conservation of the kangaroos by reducing the possibility of mass illegal killing by irate ranchers and farmers. Thus, the Service should not have used the term "sustained-yield" in its 1974 regulation prohibiting commercial importation.)

On April 29, 1981, the Service published a notification in the **Federal Register** (46 FR 23939) that the Australian Government had met the above two criteria for removing the import ban on the kangaroos involved, and that the import ban would be lifted for a minimum 2-year period. Briefly, the evidence presented by the Australian Government in support of lifting the ban was as follows: (1) The Australian States had developed effective management programs for the three kangaroos since the original rule rule in 1974; (2) the Australian States had adequately shown that taking and importation of the three species of kangaroos would not be detrimental to the survival of the species; and (3) improved censusing techniques had provided an overall estimate in excess of 32,000,000 adult kangaroos in New South Wales, South Australia, Western Australia, and Queensland.

In a document dated November 10, 1982, the Australian Government has now petitioned the Service to take two actions: (1) To continue allowing commercial importation of kangaroo products into the U.S.; and (2) to remove from any classification under the Act the red, eastern gray, and western gray kangaroos. The Australian Government submitted sufficiently substantial evidence in support of the petition that the Service is hereby publishing simultaneously two documents which would carry out both petitioned actions. The present document proposes removing these kangaroos from classification under the Act. A simultaneously published proposal would continue to allow commercial importation of kangaroo products into the U.S. If the rule to delist the kangaroos is first adopted the need to issue a separate final decision regarding commercial importations would be rendered moot and would be withdrawn. If the final delisting regulation is not adopted, the Service will complete its administrative action on the commercial importation issue and, in light of public comments received, either permit continued commercial importation or further restrict or prohibit such importation altogether. Thus, although the proposal to delist the kangaroos is the more significant of the two actions, the proposal to continue commercial importations is being submitted for public comment in order to maximize the Service's administrative options regarding kangaroos.

The following is a summary of the data presented by the Australian Government to support both proposed actions.

Data To Support Delisting and Continued Commercial Importation

In its final rule of April 29, 1981 (46 FR 23933), to remove the import ban on

kangaroos and kangaroo products, the Service presented the following reasons for maintaining their classification as Threatened: "Kangaroos are commercial commodities that are, and will continue to be, utilized in world trade. In the past, all three species under consideration have been overexploited in various areas, and in the opinion of some this condition could occur again. In addition, all three species are cyclical in nature, and may experience periods of great abundance and then decline to periods of relative scarcity * * *. The Service feels that the Threatened classification is warranted because of the susceptibility of the animals to overexploitation and because of the difficulty of predicting the severity and damage that might be caused by natural or man-made factors affecting them." In addition, the Service felt that lack of adequate law enforcement capability in Australia contributed to the threat to the three species of kangaroos.

In its petition to delist the red, eastern gray, and western gray kangaroos, the Australian Government presented substantial data which leads the Service to believe that the above views may no longer be valid. This petition, and its extensive appendices, are available to the general public for examination at the Service's Office of Endangered Species, but a summary of the main points is as follows:

Population Monitoring

The Australian States have greatly improved their monitoring techniques in the past 2 years. All the States now employ aerial surveys to estimate kangaroo numbers, and the aerial surveys have demonstrated that red, eastern gray, and western gray kangaroos do indeed occur in very large numbers. The results of these surveys are presented in the following table:

State or territory	Percent of State surveyed	Year	Species	Estimated population in percent of State surveyed
New South Wales	62	1982	Red	5,700,000
			E. & W. Gray	3,700,000
Queensland	36	1980	Red	1,800,000
			E. Gray	3,000,000
South Australia	24	1980–81	Red	1,949,800
			W. Gray	350,000
Western Australia	60	1981	Red	1,000,000
			W. Gray	500,000
Northern Territory	50	1981	Red	96,000
Victoria	40	1980	Red	3,100
			E. & W. Gray	35,000

It should be emphasized that the above estimates do not apply to each State as a whole, but only to the percentage of the State actually surveyed. The total number of kangaroos in each State would be much larger.

Objectives of Kangaroo Management

Because it supplied the Service with extensive data on individual State management plans in connection with the Service's 1980 review, the Australian Government in the present petition concentrated on the management of the kangaroos in recent years. According to the petition, the objectives of kangaroo management endorsed by the Australian Council of Nature Conservation Ministers in July 1981 are: (1) To maintain populations of all species of macropodids over their natural range; (2) to contain their deleterious effects on pastoral and agricultural production; and (3) to ensure that the best possible use is made of those kangaroos which have to be taken. The aim of kangaroo management is not to utilize kangaroos as a resource on a sustained yield basis. The commercial utilization of kangaroos is a management tool used by the government wildlife authorities to achieve the above stated objectives.

Current Situation

In each State where they occur, the three species of kangaroos are protected and may only be taken under permits issued by the relevant State wildlife authorities. Permits to cull populations of kangaroos may be granted only by responsible wildlife authorities who are committed in both policy and practice to the conservation of all species of macropodids. The State wildlife authorities are well-trained wildlife biologists, and are competent to manage kangaroos in their own States and to determine appropriate management requirements in each instance.

Regulation and Enforcement

The Australian States appear to have sufficient regulatory and enforcement power. All States employ enforcement officers specifically to police wildlife laws, and the Australian Government reports that in most States the level of enforcement has increased in recent years. In addition, wildlife laws are enforceable by State and Territory police stationed in country areas.

While it is true that illegal killing occurs, it is mostly by exasperated landholders who have been unable to secure the services of a professional shooter. It is not possible for kangaroos taken illegally to enter commercial trade because the the tight controls exercised over it, and there are no other outlets for the products of such shooting. Furthermore, licensed shooters, who are well dispersed throughout the pastoral areas of Australia, have frequently drawn the attention of wildlife authorities to any major incidents of illegal killing which they see as a threat to their livelihoods. In the unlikely event that illegal killing reached a significant level without the relevant authorities knowing, it would almost certainly be drawn to their attention by licensed shooters.

Control Over International Trade

The Commonwealth Government is responsible for export and import controls and has the power to regulate exports. Under the customs regulations, kangaroos and kangaroo products are prohibited from export unless an export permit is issued. To obtain an export permit, intending exporters must demonstrate to the Government's satisfaction that the skins and/or products were derived from animals taken in accordance with State laws under approved State management programs. Export figures for kangaroo skins for the 1980–81 and 1981–82 seasons are as follows:

Raw kangaroo furskins

	Total imported		Total exported to United States		U.S. trade as percent of total trade	
	By number	By value	By number	By value	By number	By value
1980–81	267,502	$1,321,961	33	$429	0.01	0.03
1981–82	214,682	1,161,388	7,256	26,649	3.38	2.47

Pickled kangaroo hides

	Total exported		Total exported to United States		U.S. trade as percent of total trade	
	By number	By value	By number	By value	By number	By value
1980–81	840,742	$3,306,401	1,700	$5,547	0.20	0.17
1981–82	1,325,925	6,703,423	64,146	294,842	4.74	4.40

Kangaroo meat, suitable for human and pet consumption, shipped to the U.S. during the period 1980–1982 was negligible. It can be seen from the above figures that U.S. trade in kangaroo products over the past several years has been a very insignificant part of overall trade.

Wildlife Protection (Regulation of Exports and Imports) Bill 1982

The Australian Government informs the Service that the Commonwealth has passed a major new piece of legislation to consolidate and strengthen arrangements for the protection of Australian wildlife by improving the effectiveness of its trade controls and to allow the Commonwealth to better implement the objectives of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The *Wildlife Protection (Regulation of Exports and Imports) Bill 1982* was assented to by the Australian Governor General on December 31, 1982 (that is to say it formally became effective on that day), and will come into operation on a date to be fixed by Proclamation in the near future.

With respect to Australian native fauna, the bill is based on the premise that commercial trade will only be permitted if it has been conclusively established that such trade will not adversely affect the species. Section 31 of the bill allows commercial trade in kangaroo products taken from the wild in accordance with an approved management program.

The bill places responsibility for the policy aspects of regulation of trade in wildlife with the Minister for Home Affairs and Environment. Administration of the bill will be by the Director of the Australian National Parks and Wildlife Service and enforcement will be by the Bureau of Customs and the Australian Federal Police. The Minister is able to make arrangements with the States and Territories on various aspects of the bill, including enforcement by State police forces and wildlife officers.

Research

A wide range of research on Kangaroo species has been carried out in recent years and is continuing. Much current research is aimed at improving the understanding of how kangaroos function in their environment, including studies of ecology, population dynamics, physiology, biochemistry, parasitology, and genetics. Surveys of distribution and habitat requirements leading to an improved knowledge of the ecology of both common and rare species continue in the field with particular emphasis on selection of suitable reserves and on methods of assessment of population status.

Aerial survey techniques were improved greatly in recent years. Such surveys now represent a valuable means of monitoring kangaroo population trends in the flat and undulating country which forms much of inland Australia.

Australia's Nature Conservation Reserve System

There has been in Australia the progressive development of a comprehensive national park and nature reserve system, and some 4 percent of Australia's land area was reserved for nature conservation as of June 30, 1980. A list of these reserves, showing the area of each, has been published by the Australian National Parks and Wildlife Service. Reservation of suitable areas is continuing; they now compriss about 118,000 square miles of territory. The Service had not been informed at the time of its 1980 review of the magnitude of land Australia has set aside as parks and reserves.

Australian States Management Plans

Each Australian State planning to engage in trade in kangaroo products submitted to the Service its management plans for the kangaroos during the course of the Service's 1980 review of the import ban question. In its subsequent action to allow such imports into the U.S., the Service found each of the management plans of the Australian States to be acceptable, and effective "sustained-yield" programs. The Service erred, however, in terming these programs "sustained-yield" since the Australian Government has now pointed out that none of the Australian States regard their kangaroos as renewable resources to be harvested. Instead, the Service should properly have called these plans "management programs." In the November 10, 1982, petition, the Australian States (New South Wales, Queensland, Western Australia, and South Australia) that submitted management plans for the 1980 review of the import ban situation submitted their current management plans for the kangaroos. While in 1980 some States lacked aerial surveys, all of the States have now instituted regular aerial surveys, and hence have more accurate estimates of their kangaroo numbers. The plans submitted in 1982 are in other aspects identical to those submitted in 1980, and the Service again determines that each of these plans presents an effective conservation program for the species concerned, and refers all interested parties to its April 29, 1981, rule (46 FR 23933), in which the import ban was lifted, for complete details on them.

At the time of the Service's earlier review of the States' management plans, however, the State of Victoria was not engaged in commercial trade involving kangaroos that were taken during its control operations, and hence submitted no management plan. This State has now decided to allow its kangaroos to enter international trade on a trial basis, and therefore its comments, submitted with the Australian petition, are herewith summarized.

For at least 30 years, Victoria has issued individual farmers permits to destroy kangaroos on their property when it was evident that the kangaroos were causing economic damage. Until 1980, it was the practice in this State to prohibit the removal or sale of carcasses from farms in order to discourage killing of kangaroos for any sort of commercial gain. During the 1970's, however, it became increasingly evident that changing economic conditions (high cost of labor, etc.) were making it impossible for farmers to carry out, at their own expense, the work needed to control kangaroos on their farms. In order to assist these farmers, Victoria decided in September 1980 to issue licenses on a trial basis to a small number of "Wildlife Controllers" (about 12) who are specially licensed to destroy kangaroos on behalf of farmers. So that it would not be necessary for farmers to pay for this service, which might tend to discourage its use, the "Wildlife Controllers" are allowed to remove kangaroos, up to the number permitted to be destroyed on the specific property to which they have been assigned, and to sell the skins and meat to a licensed Wildlife Processor; in mid-1982, 16 of

these Wildlife Processors were licensed in the State.

Since the provision to sell Victoria's kangaroo carcasses was introduced on a trial basis, no tagging system has been used. Both Wildlife Controllers and Wildlife Processors are required to keep standardized records of their transactions and submit quarterly returns. The results for the first year showed that less than 1,000 kangaroos were sold by all the Controllers, and it does not seem likely that any Controller could make a living from the operation. The procedure in Victoria is now under review, and if it is not shown to be serving its purpose of assisting in the control of kangaroos on farms, the State may abandon or modify the system.

According to Victoria, the changes over the past 2 years have not affected the number of kangaroos permitted to be destroyed. Permits continue to be issued only in an attempt to relieve damage on farmland, and safe culling levels are assured by restricting killing to agricultural land, while the vast majority of kangaroos are secure and protected on public lands which comprise most of their habitat in this State.

Kill Quotas

Comments have been made in the past that the Australian States set what seem to be unjustifiably high kill quotas for kangaroos. In 1982, the States set the following kill quotas: New South Wales, 550,000 red, 288,000 gray kangaroos; Queensland, 450,000 red, 900,000 eastern gray kangaroos; South Australia, 328,000 red, 64,100 western gray kangaroos; Victoria 28,500 eastern and western gray kangaroos. In addition, there have been objections raised regarding the methods used to kill kangaroos. In its petition, the Australian Government responds to these criticisms as follows:

Under State kangaroo management programs, species which require culling are taken under permit usually by professional kangaroo shooters. These shooters use rifles with telescopic sights and normally shoot the kangaroos cleanly in the head, a quick and humane method of killing. Inhumane methods of killing are not a feature of professional commercial culling where poor shooting adds to costs of taking kangaroos and further reduces returns because of waste of the damaged products.

The State wildlife authorities determine annual quotas for culling common species in their respective States. These are then forwarded to the Commonwealth Government for further consideration and national co-ordination. The Commonwealth Government is responsible for controlling the export of kangaroo skins and other products.

The kill quotas are not set with the idea of actually killing the number of kangaroos designated by the quota. As the State of Victoria points out, the kill quotas are not targets to be achieved. In reality, far fewer kangaroos are killed annually than the numbers specified in the kill quotas. Simply because Victoria has now set a quota of some 30,000 kangaroos, whereas the State formerly had no kill quota, does not mean that it intends to harvest 30,000 kangaroos for commercial purposes. What the quota actually means in that Victoria now has agreed to work within a limit of 30,000 kangaroos, whereas formerly it was not constrained by any such limit.

None of the Australian culling management programs aim at obtaining sustained yields from kangaroo populations, but all are concerned with reducing the impact of kangaroos on agricultural activities. The rate of annual culling rarely exceeds 10 percent of the kangaroo population. Available data indicate that a 10 percent culling level is well below the danger point for species such as the kangaroo populations where continuous breeding is possible. This point is even more cogent when it is realized that the take of kangaroos is preferentially biased towards males. Studies of the rate of increase of kangaroos and responses to culling are continuing in several States.

The development of industries based on kangaroo products is incidental to the primary aim of managing kangaroos, which is to maintain a balance between the needs of kangaroos, other species, man, and agricultural and pastoral industries. The kangaroo management programs, controlled by responsible government wildlife authorities, are designed to ensure that the killing of kangaroos is constantly monitored, and that reasonable numbers of kangaroos are present throughout their natural range.

Summary

An analysis of the specific concerns indicated by the U.S. Fish and Wildlife Service in its reasons for maintaining a Threatened listing for the red, eastern gray, and western gray kangaroos, can be reduced to the following four issues:

1. Has the lifting of the import ban by the U.S. had a detrimental effect on the status of the kangaroos?

2. Is there a likelihood of endangerment stemming from overexploitation of the three species, and a cyclical pattern of population growth and decline?

3. Is there a likelihood of endangerment by unforeseen catastrophe (such as prolonged drought, increased illegal poaching, etc.) in the absense of ability to impose ban by regulation?

4. Are the Australian regulatory and enforcement mechanisms sufficiently strong and effective to deal with any threat to prevent the likelihood of endangerment of kangaroos?

In light of the data provided by the Australian petition, the Service now feels that the above four considerations may no longer be valid justifications for threatened status for the following reasons:

1. Population monitoring programs show that the status of these kangaroos has not been affected by the lifting of the U.S. ban. Aerial surveying of kangaroo populations is now employed by all the states, and about 50 percent of the country has been surveyed. With this effective technique, it has now been demonstrated that over 18 million kangaroos occur in the surveyed areas alone, and these areas do not represent the best kangaroo habitat. Probably well over twice the number of kangaroos found in the surveyed areas occur throughout the country as a whole, which would place the total populations well over 32 million. In 1981, the Australian Government, with a much less accurate idea of the true number of kangaroos in the country, estimated a total population of 32 million. Thus, more accurate surveying has not demonstrated fewer numbers of kangaroos than were formerly believed to exist, and the lifting of the ban by the U.S. appears not to have had any detrimental effect on the status of the kangaroos.

2. The Service was mistaken in its 1981 rule in stating that kangaroo populations are cyclical in nature. Cyclical species are those that undergo regular, periodic declines and increases at specific intervals such as lemmings, snowshoe hares, and Arctic foxes. Kangaroo numbers, however, fluctuate, as do those of most other species, in good seasons and bad seasons. There is no evidence that these fluctuations are of sufficient magnitude to cause concern in relation to culling pressure. Management programs are flexible and conservative, and culling rates have been deliberately reduced when populations are depressed by drought. In addition, the kangaroos are not exploited for commercial purposes; the Australian States utilize sale of kangaroos as a management tool, and do not harvest kangaroos on a sustained yield basis. Therefore, there appears to be little or no potential for overexploitation of these kangaroos.

3. The Australian Government has assured the Service that, should some unforeseen decline in the managed kangaroo populations be detected, State wildlife authorities, backed by Commonwealth control over exports, would curtail commercial shooting before any action that the U.S. Government might contemplate would be justified. All States and Territories have established adequate monitoring programs to detect population changes long before the point of species endangerment becomes likely. In most parts of Australia commercial shooting would cease in any event before populations fall to low levels because of economic considerations.

4. The Australian Government has provided evidence that both State and Commonwealth laws are adequate to deal with any threat to kangaroos caused by man. Data demonstrate that State wildlife authorities have the power to prohibit shooting, and the Commonwealth has the authority to prohibit export and has in fact done so in the past. Should the need for a greater level of enforcement arise, the enforcement capability of all States includes not only wildlife officers appointed specifically to administer the laws but also the State police forces which maintain offices throughout rural Australia, and Commonwealth Customs officers who are available for field investigations.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments set forth procedures for determining whether any species in an Endangered Species or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act.

These factors, and their applicability to the red, eastern gray, and western gray kangaroos, are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.*—The red kangaroo ranges practically throughout the entire interior of Australia; the eastern gray kangaroo occupies approximately the eastern third of the country, and the western gray about one fifth in the south and southwest. Altogether, more than 2,500,000 sq. miles (nearly 7,000,000 sq. km.) comprise the combined ranges of the three species. Of this area, vast regions are essentially uninhabited by humans, and the kangaroos continue to exist as they have done for thousands of years, unmolested by people. Human settlement in Australia is concentrated along the eastern and southeastern coast, and in this region, people have drastically altered the environment. As a general rule, however, habitat modification has not been a threat to the kangaroos.

Aerial surveys have now been conducted in parts of all the mainland Australian States. Very roughly, about 40 to 50 percent of the country has been surveyed aerially, and reliable estimates of kangaroo numbers in these surveyed areas are available. They demonstrate that over 10,000,000 red kangaroos and nearly 8,000,000 gray kangaroos (both species combined) occur in the surveyed areas. It must be remembered that vast areas of land have not been aerially surveyed so that the actual numbers of kangaroos for the country as a whole are much higher than the above figures indicate. Thus, we have a situation where literally millions of kangaroos range over a sparsely inhabited region (total population about 15,000,000 people) of more than 2,500,000 sq. miles. In addition, the Australian Government has an active program of setting aside large tracts of land for national parks and nature reserves. At present, over 118,000 sq. miles of territory is protected in this way and provides much suitable protected habitat for the three species of kangaroos under consideration.

Because the new aerial surveys demonstrate with a good degree of accuracy that kangaroo numbers are high, and that there are vast areas of habitat which have not been modified by people, as well as large areas protected as parks or reserves, the Service does not feel that present or threatened habitat destruction, modification, or curtailment is a factor affecting the survival of the kangaroos.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.*—The kangaroo products enter heavily into commercial trade, but each State involved in this trade has recently developed a management plan which now provides, in the Service's opinion, ample protection to assure the kangaroos' survival and conservation. In addition, it should be noted that none of the States harvest kangaroos strictly for commercial gain; commercial trade is not the motive behind the control programs in which the States are involved. Since kangaroos compete directly with livestock for available food and water, they frequently come into conflict with human interests. This conflict results in antagonism on the part of ranchers and farmers who might, unless some relief is provided them, resort to illegal and dangerous control measures of their own. The Australian States utilize commercial trade as a management tool in that the funds derived from such trade support the needed kangaroo control programs. The Australian States can determine where and when kangaroos should be taken; they have the means to stop kangaroo take when evidence indicates it should be halted; and they have developed effective and uniform tagging systems to prevent illegally taken animals from entering commercial trade. The culling of excessive numbers of kangaroos as a conservation measure has been a management tool of the Australian States for many years, and the Service has no evidence now that this culling has been detrimental to any of the threee species of kangaroos in question. Commercial trade is a means of providing the needed funds for carrying out the management programs. Without the culling of excessive populations, the kangaroos might be threatened through local ranchers and farmers being forced to resort to control measures of their own which in the past have included such genuinely threatening practices as poisoning of water holes. Since the primary purpose for taking kangaroos is control of excess numbers and not commercial profit, and since the Australian States have now demonstrated their ability to carefully manage and regulate take, overutilization for commercial purposes does not seem to be a factor affecting the survival of the kangaroos.

C. *Disease or predation.*—There is no evidence that disease or predation significantly affects the red, eastern gray, or western gray kangaroos.

D. *Inadequacy of existing regulatory mechanisms.*—The Service accepts the Australian Government's assurance that all Australian States employ a sufficient number of enforcement officers to police wildlife laws; the Australian Government also assures the Service that in most States, the level of enforcement has increased in recent years. In addition, wildlife laws are enforceable by State and Territory police stationed in country areas. Based upon the testimony of the Australian Government, the Service feels that while a limited amount of illegal killing undoubtedly occurs, it is probably mostly by exasperated landholders who have been unable to secure the services of professional shooters. It is not possible for kangaroos illegally taken to enter the trade because of the tight control exercised over it, and there are no other outlets for the products of such shooting. Furthermore, licensed shooters, who are well dispersed

throughout many of the pastoral areas of Australia, have frequently informed wildlife authorities of any major incident of killing, which they see as a threat to their livelihoods.

In addition to being able to adequately police against illegal poaching, each Australian State has now developed management and conservation plans for the kangaroos that assure that commercial trade is properly regulated and controlled. Each State has introduced aerial surveys to accurately assess kangaroo numbers. This ensures that any declines will be noted long before any likelihood of endangerment. They have developed uniform tagging techniques, and have instituted regulations that assure that only legally taken animals enter the commercial trade market. Thus, the Australian management of commercial trade in kangaroos is now very comprehensive and adequate.

E. *Other natural or manmade factors affecting its continued existence.*—In the Service's April 29, 1981, rule removing the ban on import of kangaroo products into the United States, it listed the cyclical nature of kangaroo populations, and the possibility of unforeseen catastrophes, such as extended drought, as factors influencing the Service's decision to maintain Threatened status for the kangaroos. The Service has information now, however, which demonstrates that kangaroo populations are *not* cyclical, but fluctuating; just as in all animals, there are increases in populations in good seasons and declines in bad seasons. There is no indication that kangaroos undergo regular, periodic declines and increases in populations such as are found in true cyclical animals such as lemmings, snowshoe hares, or Arctic foxes. The fluctuations in kangaroo numbers are not of sufficient magnitude to cause a likelihood of endangerment when coupled with culling pressure. Management programs are flexible and conservative, and culling rates have been deliberately reduced when populations become depressed by adverse conditions. The size of the population, its wide range, and the availability of monitoring programs all indicate that unforeseen catastrophies are unlikely to endanger species' survival.

With regard to unforeseen catastrophes, such as drought, the Australian Government assures the Service that it would act to curtail commercial shooting before any action by the U.S. could be brought into effect under the U.S. Endangered Species Act. It points out that all States have monitoring programs to detect population changes. Thus the risk of an unforeseen decline continuing unnoticed to the point of endangerment is eliminated. In most parts of Australia, shooting would cease due to economic considerations before populations fell to a low level; i.e., the price paid to shooters for each kangaroo is very small, and there must be large numbers of kangaroos available for shooters to take in order for them to make any sort of profit. Given these assurances by the Australian Government, the Service now feels that there are no natural or manmade factors which might adversely affect kangaroo populations that cannot adequately be handled by professional wildlife authorities in Australia. These factors, therefore, apparently are no longer threats to the survival of the red, eastern gray, and western gray kangaroos.

Effects of This Rule

The red, eastern gray, and western gray kangaroos were listed as Threatened species in 1974. A special regulation was published at that time pertaining to these species, which made it unlawful to import them, or their parts or products, into the United States for commercial purposes until the Australian States could assure the U.S. that they had effective management plans for the kangaroos, and that taking would not be detrimental to their survival. On April 29, 1981, the Australian States met these conditions, and a special regulation was published in the **Federal Register** (46 FR 23938) which made it lawful to import these species of kangaroos for commercial purposes provided they were tagged or otherwise identified as removed from the wild in accordance with the management plans of the Australian States. In addition, any listed Threatened species can be imported into the U.S. under permit for scientific purposes, enhancement of propagation or survival, educational, zoological exhibition, or special purposes consistent with the purposes of the Act. If the present proposed rule is made final, the red, eastern gray, and western gray kangaroos will be removed from any classification under the Act, and hence none of the restrictions, regulations, or prohibitions of the Act would apply to them.

National Environmental Policy Act

An Environmental Assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 N. Glebe Road, Arlington, Virginia, and may be examined, by appointment, during regular business hours (7:45–4:15 p.m.). This assessment forms the basis for a decision that this will not be a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (40 CFR Parts 1500–1508).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in carrying out the purposes of the Act. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed rule are hereby solicited.

The Endangered Species Act also provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Author

The primary author of this proposed rule is John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235–1975).

References

The following sources have been consulted in the preparation of this rule.

Anderson, D. R. 1980. Information on management programs for red, eastern gray, and western gray kangaroos in relation to the U.S. Endangered Species Act. Unpubl. Rep. to U.S. Fish and Wildlife Service, April 8, 41 pp.+98 pages of appendices.

Australian Government. 1982. Petition from Australian Embassy to delist red, eastern gray, and western gray kangaroos from classification as Threatened under U.S. Endangered Species Act. November 10, 35 pp.+Appendices.

Caughley, G., R. G. Sinclair, and G. R. Wilson. 1977. Numbers, distribution and harvesting rate of kangaroos on the inland plains of New South Wales. Aust. Wildl. Res. 4(2):99–108.

Caughley, G., R. G. Sinclair, and G. C. Grigg. 1979. Trends of kangaroo populations in New South Wales, Australia. J. Wildl. Manag. 43(3):775–777.

Caughley, G. and G. C. Grigg. 1981. Surveys of the distribution and density of kangaroos in the pastoral zone of South Australia, and their bearing on the feasibility of aerial

surveys in large and remote areas. Aust. Wildl. Res. 8(1):1–11.

Export statistics (from Australian petition).

Grigg, G. C., P. Harlow, and L. Smith. 1981. The 1981 survey of kangaroos in the pastoral area of South Australia. Unpubl. Report to S. A. Nat. Parks and Wildl. Ser., 36 pp.

Hill, G. J. E. 1981. Distribution of gray kangaroos in south inland Queensland. Aust. Rangel. J. 3(1):58–66.

Hinchey, M. D. (ed.). 1981. Nature Conservation reserves in Australia (1980). Australian National Parks and Wildlife Serv. Occ. Paper No. 5, 51 pp.

Kitchener, D. J., A. Chapman, B. G. Muir, and M. Palmer. 1980. The conservation value for mammals of reserves in the western Australian wheatbelt. Biol. Conserv. 18:179–207.

Poole, W. E. 1978. Management of kangaroo harvesting in Australia. Australian National Parks and Wildlife Serv. Occ. Paper No. 2, 28 pp.

Queensland National Parks and Wildlife Service. 1982. Kangaroo monitoring in Queensland. Its history and results from its commencement to the present. Unpubl. Report, 4 pp.

Short, J. C., and G. C. Grigg. 1982. The abundance of kangaroos in sub-optimal habitats: wheat, intensive pastoral and mallee. Aust. Wildl. Res. 9(2):221–227.

State quota and harvest figures for red, eastern gray and western gray kangaroos: 1976–1982 (from Australian petition).

Lists of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I Title 50 of the Code of Federal Regulations, as set forth below.

1. The authority citation for Part 17, reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

§ 17.11 [Amended]

2. It is proposed to amend § 17.11(h) by removing the entries under *Mammals* for the red kangaroo (*Macropus rufus*), the eastern gray kangaroo (*M. giganteus*, except subspecies *M. g. tasmaniensis*), and the western gray kangaroo (*M. fuliginosus*) from the list of endangered and threatened wildlife.

§ 17.40 [Amended]

3. It is proposed to remove and reserve for future use, § 17.40(a).

Dated: March 3, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-9169 Filed 4-7-83; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Continue Importation of Kangaroos and Kangaroo Products into the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: On April 29, 1981, the U.S. Fish and Wildlife Service published a final rule in the **Federal Register** (46 FR 23929) that permitted the commercial importation of red, eastern gray, and western gray kangaroos, and products made from these kangaroos, into the United States for at least a 2-year period from the effective date of the final rule (May 29, 1983); prior to that action, these three kangaroos, which are listed as Threatened species pursuant to the Endangered Species Act of 1973 (hereinafter "the Act"), were not allowed to be commercially imported into the United States. In the preamble to the final rule, it was stated that at the close of the 2-year period the Service would again review the commercial importation situation. This proposal notifies the public that the Service has received substantial data, through a petition from the Australian Government dated November 10, 1982, that continued commercial importation of the kangaroos is warranted. The same petition also requested, in the alternative, that these kangaroos be delisted entirely and removed from protection under the Endangered Species Act. The Fish and Wildlife Service is proposing such a rule to delist the kangaroos simultaneously with this proposal regarding the continuation of commercial importation. The continued importation of red, eastern gray, and western gray kangaroos (and their parts and products) into the United States would only be the subject of a final administrative decision if final action has not first been taken on the alternative proposal (published elsewhere in this issue) to delist these kangaroos or if that proposal is rejected.

DATES: Comments from the public must be received by May 9, 1983.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, 1000, North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia (703/235–2771).

SUPPLEMENTARY INFORMATION: The red, eastern gray, and western gray kangaroos (*Macropus rufus, M. giganteus,* and *M. fuliginosus)* were listed as Threatened species, pursuant to the Endangered Species Act of 1973, on December 30, 1974 (39 FR 44990) (except the Tasmanian forester, *M. g. tasmaniensis,* which was listed as Endangered in 1973 and will remain unaffected by the present proposal), by special regulation, commercial importation of these kangaroos was prohibited at that time until the Australian States could demonstrate that they had developed effective management plans, and that the take of the kangaroo would not be detrimental to their survival.

On April 29, 1981, the U.S. Fish and Wildlife Service published a final rule in the **Federal Register** (46 FR 23929) which found that the Australian States had met the above requirements, and that kangaroos could be imported into the U.S. beginning on May 29, 1981. The preamble to the rule stated that, at the end of the 2-year period following that date, the Service would review the commercial importation of kangaroos.

On November 10, 1982, the Australian Government petitioned the Service to 1) continue commercial importation of kangaroos beyond the 2-year period, and in the alternative, 2) to entirely remove these kangaroos from classification under the Act. The Australian Government submitted substantial information to support the petition and the Service is hereby publishing a proposal to continue the rule, in response to the first part of the petition, allowing a continuation of commercial importation. Simultaneously, in this same proposed rules section of this issue of the **Federal Register**, the Service is publishing a proposed rule to remove the kangaroos from the Threatened classification of the Act. In such proposed rule, the Service presents in detail the evidence submitted by the Australian Government in support of the petitioned

action concerning delisting the kangaroos. This evidence is also the basis for the petitioned action to continue to allow commercial importation into the United States. Since the delisting proposal is being published simultaneously with this document the Service will merely summarize the essential data, and refer interested persons to the more detailed analysis presented in the delisting proposal. These data may be summarized as follows:

1. All of the Australian States have developed effective conservation programs for the kangaroos that include the authority to halt kangaroo take if necessary for conservation purposes.

2. Each State now uses aerial surveys to estimate and monitor kangaroo numbers; these surveys (covering roughly 50 percent of Australia) demonstrate that kangaroos number in the tens of millions.

3. Australia is a country nearly the size of the U.S., yet has a population of only some 15,000,000 people, mainly settled along the eastern and southern coast; thus, vast areas of the country contain virtually undisturbed habitat for the kangaroos.

4. The Australian Government has a continuing policy of setting up large tracts of land for national parks and reserves. At present over 118,000 square miles of territory is protected in these parks and preserves, and these protected areas provide much suitable, unmolested habitat for the kangaroos.

5. The Australian States do not manage kangaroos as a renewable resource and do not seek a sustained yield harvest of the species. Rather, the take of kangaroos is directly related to relieving population pressures in certain area in which kangaroos and human interests conflict. By taking this action, the Australian States reduce the probability that ranches and farmers will resort to illegal killing of the kangaroos.

6. The U.S. removal of the ban on kangaroos imports has had no adverse effects on kangaroo populations. In fact, the number of kangaroo products (skins, pickled hides, and meat) exported to the U.S. has been a relatively insignificant percentage of the number of such products exported worldwide. In the 1981–82 season, the U.S. market consumed less than 4 percent of the furskins exported; less than 5 percent of the pickled hides; and very little meat for animal or human consumption.

Even if the Australian States were managing their kangaroos as a commercial resource, the U.S. import of kangaroo products has been so small that it would have had minimal effect on the take of kangaroos.

7. In brief, there is no evidence at this time that these species of kangaroos are worse off than they were on April 29, 1981, or that lifting of import prohibition has worsened their lot. There is evidence that their protections have, on the contrary, improved.

For the above reasons (which are discussed in greater detail in the proposal to delist these kangaroos published simultaneously with the present proposal), the Service proposes to continue to permit the commercial importation of kangaroos and kangaroo products into the U.S. beyond May 29, 1983. To the extent that a final administrative decision to delist the kangaroos entirely would render moot the issue of commercial importations, the Service may do one of three things in light of public comments received on both proposals. First, if a final rule delisting the kangaroos is ultimately adopted prior to final disposition of this rulemaking, the present proposal regarding commercial importation would be rendered moot and withdrawn. In the alternative, if such a final delisting regulation is not adopted the Service will then proceed with this administrative action on the commercial importation. In light of public comments received, the Service will either allow a continuation of commercial importation, further restrict it, or prohibit it altogether.

Thus, although the delisting proposal is the more significant of the two proposals, the present proposal on commercial importation is being submitted for public comment in order to give the Service the greatest possible administrative latitude regarding kangaroo import.

National Environmental Policy Act

An environmental assessment has been prepared in conjunction with this proposal. This assessment addresses all of the points relevant to continuation of importation, and is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia; it may be examined, by appointment, during regular business hours (7:45 a.m. to 4:15 p.m.). This assessment leads tentatively to a decision that this will not be a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR parts 1500–1508).

Public Comments Solicited

The Service intends that the decision finally adopted will be as accurate and effective as possible in carrying out the purposes of the Act. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposal is hereby solicited.

Statement of Effects and Certification of Effects on Small Entities

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It will continue to permit activities now engaged in, and thus will have no effect on small entities nor on the economy in general.

Information Collection Requirements

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. *et seq.*

Author

The primary author of this proposal is John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235–1975).

References

The sources used in preparing the proposal are the same as those used to prepare the proposed rule to delist the kangaroos that is being published simultaneously with this document. Interested persons should consult that document for a list of these references.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposal To Continue Rule

PART 17—[AMENDED]

Accordingly, it is hereby proposed to continue importation of kangaroos under 50 CFR 17.40(a)(1)(i)(B) as set forth below.

1. The authority citation for Part 17, reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

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2. It is hereby proposed to continue allowing commercial importation of eastern gray, red, and western gray kangaroos under rules contained in 50 CFR 17.40(a)(1)(i)(B) which reads as follows:

§ 17.40 Special rules—mammals.

(a) * * *
(1) * * *
(i) * * *

(B) Eastern gray, red, and western gray kangaroos—including parts and products of such wildlife—which have been tagged or otherwise identified as removed from the wild in accordance with the management plans of Australian States may continue to be imported into the United States without permits for individual shipments otherwise required by 50 CFR Part 17. Continued importation into the United States must comply with the requirements of 50 CFR Part 14. Service forms 3–177, Declaration for Importation or Exportation of Fish and Wildlife, filed with the U.S. Customs Service upon import shall satisfy the reporting requirements of 50 CFR Part 14, Subpart C.

Dated: March 3, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83–9170 Filed 4–7–83: 8:45 am]

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Friday, April 8, 1983

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Last Listing April 7, 1983

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S. 926/Pub. L. 98–17 To establish uniform national standards for the continued regulation, by the several States, of commercial motor vehicle width on interstate highways. (Apr. 5, 1983; 97 Stat. 59) Price: $1.75

S.J. Res. 32/Pub. L. 98–18 To provide for the designation of May 1983 as "National Arthritis Month". (Apr. 5, 1983; 97 Stat. 61) Price: $1.75

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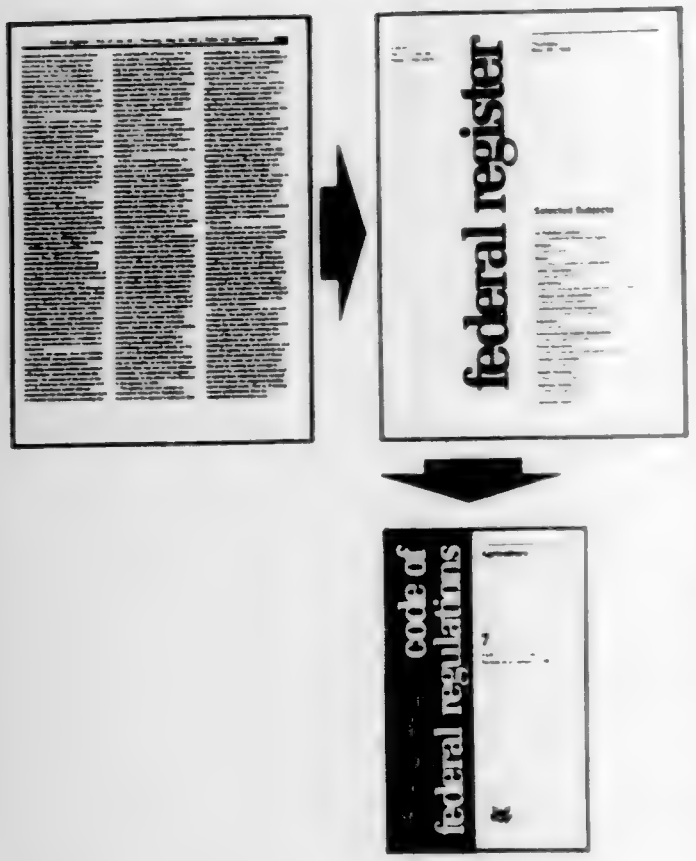

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Presidential Documents

Title 3—

The President

Proclamation 5043 of April 7, 1983

Cancer Control Month, 1983

By the President of the United States of America

A Proclamation

Cancer is a major concern to the American people because statistics demonstrate that at least one out of four Americans now living will become a victim of this disease. However, it is important to recognize that we are making progress against this dread killer—in basic research, in prevention, and in bringing the fruits of cancer research to the community.

Recent empirical studies and basic research are bringing us close to an understanding of how best to prevent, diagnose, and treat cancer. Such scientific advances as the discovery of the oncogene, or cancer gene, have provided fresh insights into the molecular process of this disease. Also on the horizon are positive developments in several areas that enhance our ability to deal with this disease syndrome: e.g., the utilization of hyperthermia, improved immunotherapeutic techniques that include the use of monoclonal antibodies and new vaccines, and approaches to surgery that, while less severe in nature, remain a major weapon in our arsenal.

We continue to gather information indicating that life-style and environment play a significant part in the incidence of cancer. Today there is a growing awareness of carcinogens and radiation as causative factors in cancer development. We recognize more fully the importance of diet and nutrition as factors in the development and prevention of this disease. As we evaluate the incidence of cancer among various groups of people, we may be able to identify substances that can have a chemopreventive effect on the population as a whole.

Reports issued by the Surgeon General increasingly link cigarette smoking with cancer of the lung and other parts of the body.

A concerted effort has begun to bring the latest advances in cancer care and treatment to the community at large in a more effective way than ever before. We hope that with the goodwill, determination, and support of the American people, our continued progress will eventually lead to the control and prevention of this tragic disease.

In 1938, the Congress of the United States passed a joint resolution requesting the President to issue an annual proclamation declaring April to be Cancer Control Month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of April, 1983, as Cancer Control Month. I invite the Governors of the fifty States and the Commonwealth of Puerto Rico, and the appropriate officials of all other areas under the United States flag, to issue similar proclamations. I also ask the health care profes-

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sionals, the communications industry, and all other interested persons and groups to unite during this appointed time to reaffirm publicly our Nation's continuing commitment to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-9667
Filed 4-8-83; 11:59 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5044 of April 7, 1983

Crime Victims Week, 1983

By the President of the United States of America

A Proclamation

For too many years, the scales of justice—the very hallmark of our free society—have been out of balance. Too often innocent victims of crime turn to their government for protection and support only to find that the criminal justice system seems unable to achieve two of its fundamental purposes—protecting those who obey the law and punishing those who break it. Victims and their families must bear the physical, financial, and emotional impact of the crime. It is unjust and inexcusable when they are ignored or mistreated by this system. Victims called for help, and they needed our assistance. Frequently, their pleas have been unheard and their needs have gone unattended.

These were the conclusions of the President's Task Force on Victims of Crime that I established last year. The Task Force conducted hearings around the country, taking testimony from professionals within and outside the system and, most importantly, from victims themselves. The Task Force concluded that the neglect and mistreatment of crime victims are a national disgrace.

I asked the Task Force for recommendations to restore balance to our system. It submitted 68 specific recommendations directed to the Executive Branch and the Congress, State and local legislative bodies, law enforcement officers, the judiciary, prosecutors, defense attorneys, parole boards, bar associations, the religious community, schools, hospitals, the mental health professionals, and the private sector.

No segment of our society should refuse to recognize its responsibility to help. This Administration has already begun implementation of the Task Force's recommendations.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning April 17, 1983, as Crime Victims Week. I urge officials at all levels of government to take immediate and decisive action to meet the needs of crime victims in their jurisdictions. I urge every American to take action to ease the burdens faced by innocent victims. I urge the victims themselves not to despair. You have made us aware of the inequities you have faced, and we are moving forward to correct them. For too long the justice system has failed to address adequately the rights of victims. The time has come to restore the balance. If our system is to survive, it must truly bring justice to all who seek it.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-9668
Filed 4-8-83; 12 noon]
Billing code 3195-0-M

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Presidential Documents

Proclamation 5045 of April 7, 1983

National Defense Transportation Day and National Transportation Week, 1983

By the President of the United States of America

A Proclamation

From Maine to Hawaii, from the Alaskan border to the Gulf of Mexico, America is a land unified, strengthened, and enriched by transportation. We enjoy a mobility unparalleled anywhere in the world. Our transportation systems—land, water, and air—enable us to work where we choose, travel where we please, and ship the products of our farms and factories across the country and around the world.

Through the years, transportation developments have paced the growth and progress of our Nation, led to innovations in other industries, contributed significantly to the expansion of our country, and strengthened our defense and the vitality of our economy. Transportation has become one of America's greatest and most valued assets, and the people of the transportation industries are an essential segment of our society.

The Nation has experienced enormous progress in all forms of transportation, from the earliest Erie Canal boats to today's vast inland waterway system; from the clipper ship to the container ship; from yesterday's primitive Lancaster turnpike to our modern 42,000–mile network of interstate highways; from the ribbons of rail that fused a continent to a national rail complex that carries one-and-a-half billion tons of cargo a year; from the first fledgling flight at Kitty Hawk to a national system serving 300 million passengers and hundreds of thousands of general aviation flyers a year; from horse-drawn transit vehicles to today's sleek urban rail cars and buses. America and its transportation industries have grown and prospered, providing employment, security, safe and efficient mobility for all Americans, and opening avenues to the future with such visionary projects as NASA's space shuttle program.

In recognition of the importance of transportation in America and to honor the millions of Americans who serve and supply our transportation needs, the Congress, by joint resolution approved May 16, 1957, has requested that the third Friday in May of each year be designated National Defense Transportation Day; and by a joint resolution approved May 14, 1962, that the week in which that Friday falls be proclaimed National Transportation Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Friday, May 20, 1983 as National Defense Transportation Day and the week beginning May 15, 1983 as National Transportation Week, and I urge the people of the United States to observe this occasion with appropriate ceremonies which will give full recognition to the importance of our transportation system and the maintenance of its facilities.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-9669
Filed 4-8-83; 12:01 pm]
Billing code 3195-01-M

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Presidential Documents

Proclamation 5046 of April 7, 1983

World Trade Week, 1983

By the President of the United States of America

A Proclamation

The United States is firmly linked with other nations in the global economy by mutually benefical international trade. Exports now account for more than 16 percent of the total value of all goods produced in this country. Two of every five acres of farmland produce for export, and one of every eight jobs in manufacturing depends on overseas trade. Indeed, four of every five new manufacturing jobs are export-related.

As the world's largest trading Nation, the United States has much to gain from the continued expansion of world trade and much to lose if it is diminished. As a country that has been built on economic freedom, America must be an unrelenting advocate of free trade.

As an integral part of the marketplace, the free flow of goods and services across international borders serves to raise the living standards and promote the well-being of people throughout the globe. It inspires private initiative and the entrepreneurial spirit which leads to more open markets, greater freedom, and serves as a boon to human progress. In an interdependent world made smaller by modern communications, free trade is even more essential for the continued economic growth and advancement of both industrialized and developing nations. America must not be tempted to turn to protectionism, but lead the way toward freer trade and more open makets where our producers and trading partners can compete on a fair and equal basis.

Despite the high volume of our international trade, we still are far from matching the international sales efforts of our leading competitors. Only ten percent of our firms export, and only seven percent of our gross national product finds its way into foreign markets—less than half the percentage of our major trading partners.

In this increasingly interdependent world, American business must focus more of its efforts on exporting our goods and services. A promising new tool is now available to increase export participation: the Export Trading Company Act of 1982. This law will help American businesses, particularly small and medium-sized companies, to organize themselves for stronger export efforts with considerably less hindrance by government regulation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 22, 1983, as World Trade Week, and I invite the people of the United States to join in appropriate observances to affirm the enormous potential international trade has for creating jobs and stimulating economic activity in this country, as well as for generating prosperity the world over.

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IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of April, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-9670
Filed 4-8-83; 12:02 pm]
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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0447]

Regulation Q, Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Amendment of Board Order temporarily suspending the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, flooding and mud slides in the designated California counties on March 11, 1983. This action expands that Order to include additional counties in California.

DATES: Effective Date: March 11, 1983, for the counties of Shasta and Yolo; March 17, 1983, for the counties of Riverside, Solano and Trinity; March 21, 1983, for the counties of Madera, Napa, Placer, Stanislaus, Tulare, and Merced; March 28, 1983, for the counties of San Joaquin and Yuba; March 29, 1983, for the county of Sacramento; March 30, 1983, for the county of Fresno; and April 1, 1983, for the counties of Del Norte and Humboldt.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452-3711) or Elaine M. Boutilier, Attorney (202/452-2418), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On February 9, 1983, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the California counties of Alameda, Colusa, Contra Costa, Lake, Los Angeles, Marin, Mendocino, Orange, San Benito, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma, Ventura, Monterey, Butte, Glenn, Kern, Kings, Sutter, Tehama, and San Bernadino, major disaster areas. The Board regarded the President's actions as recognition by the Federal Government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board of Governors, acting through its Secretary, pursuant to delegated authority, suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors suffering property or other financial loss in the disaster areas as a result of severe storms, flooding and mud slides beginning on or about January 21, 1983. (48 FR 11255, March 17, 1983). Subsequent to this action, the Presidential declaration of a major disaster has been amended to include additional California counties. The Board therefore believes it appropriate to amend its Order to include the additional California counties. The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of severe storms, flooding and mud slides beginning on or about January 21, 1983. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This amendment will be retroactive to March 11, 1983, for the counties of Shasta and Yolo; to March 17, 1983, for the counties of Riverside, Solano, and Trinity; to March 21, 1983, for the counties of Madera, Napa, Placer, Stanislaus, Tulare, and Merced; to March 28, 1983, for the counties of San Joaquin and Yuba; to March 29, 1983, for the county of Sacramento; to March 30, 1983, for the county of Fresno; and to April 1, 1983, for the counties of Del Norte and Humboldt, and will remain in effect until 12 midnight, September 11, 1983, for these additional counties.

List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated counties of California directly affected by the severe storms, flooding and mud slides, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, April 5, 1983.

William W. Wiles,
Secretary of the Board.

[FR Doc. 83-9396 Filed 4-8-83; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-24-AD; Amendment 39-4528]

Airworthiness Directives; Beech Models F90, 200, 200C, 200CT, 200T, B200 and B200C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Beech Models F90, 200, 200C, 200CT, 200T, B200 and B200C airplanes which requires inspection of the windows to determine whether they are multi-ply or single-ply and replacement of all single-ply windows with multi-ply windows. The FAA has determined that single-ply windows may have been installed in some airplanes of the affected models in which multi-ply windows are required by the type certification basis. The required

inspection and replacement of any single-ply windows installed will assure that affected airplanes will meet the level of safety established by the type certification requirements.

DATES Effective date: April 18, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Beechcraft Service Instructions Number 1214 applicable to this AD may be obtained from Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, P.O. Box 85, Wichita, Kansas 67201. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Ross R. Spencer, Airframe Branch, ACE-120W, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269-7005, FTS 752-7005.

SUPPLEMENTARY INFORMATION: Following a failure of a window precipitated by stress crazing on a Beech Model A200 airplane which resulted in loss of cabin pressurization, the manufacturer initiated an inspection program to establish the window configuration of all Model A200 airplanes in service. These models, as well as some Models F90 and 200 airplanes, were examined. The results of this program and review of the manufacturer's inspection procedures indicated that airplanes in which multi-ply windows are required to be installed may have been equipped with single-ply windows. The manufacturer has identified the affected airplanes by model and serial numbers. It has issued Beechcraft Service Instructions No. 1214 to provide this information and criteria for inspection and identification of the windows in these airplanes. Any single-ply windows found are to be replaced with the correct multi-ply windows. If the required windows are not installed, failure of a single-ply window could result in cabin decompression and possible occupant injury.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring inspection of the windows to determine whether the windows are single-ply or multi-ply and replacement of any single-ply windows found in accordance with the criteria in Beechcraft Service Instructions Number 1214 on Beech Models F90, 200, 200C, 200CT, 200T, B200 and B200C airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Beech: Applies to Models F90 (S/Ns LA-2 through LA-7 and LA-103 through LA-146), 200 (S/Ns BB-2 through BB-525, BB-789 through BB-792, BB-794 through BB-828 and BB-830 through BB-852), 200C (S/Ns BL-18 through BL-36), 200CT (S/N BN-1), 200T (S/Ns BT-1 through BT-7), B200 (S/Ns BB-793, BB-829, BB-854 through BB-868, and BB-870) and B200C (S/N BL-37) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent decompression and possible injury caused by failure of a one-ply window that may have been installed instead of the required multi-ply window, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(a) Inspect all windows and replace each one-ply window that is found with the required multi-ply window in accordance with the criteria contained in Beechcraft Service Instructions Number 1214.

(b) Airplanes may be flown in accordance with Federal Aviation Regulation 21.197 to a place where this AD may be accomplished, provided a maximum pressure altitude of 25,000 feet and a maximum differential cabin pressure of 4.6 pounds per square inch is not exceeded.

(c) An equivalent method of compliance with this AD may be used if approved by the Manager, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269-7000.

This amendment becomes effective on April 18, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 30, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9206 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-12-AD; Amdt. 39-4608]

Airworthiness Directives: British Aerospace Corporation Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) applicable to BAC 1-11 200 and 400 series airplanes by deleting the requirement for repetitive replacement of hydraulic valves. Service experience has shown that use of Skydrol 500A hydraulic fluid does not have a deleterious effect on these valves.

DATE: Effective April 13, 1983.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Paragraph (a) of AD 68-14-03 (33 FR 9810, July 9, 1968) currently requires replacement of rudder and elevator feel simulator valves, Hobson Part Nos. CHA504-274 or CHA504-405 which have been operated with Skydrol 500A hydraulic fluid at intervals of 6000 hours time in service. The FAA has

determined, based on service experience and testing, that this replacement requirement can be deleted without compromising safety.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Based on the additional in-service experience and additional tests done by the manufacturer, the replacement requirements of AD 68-14-03 are deleted.

Since this amendment only removes a requirement to replace the valves, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive (AD) 68-14-03, Amendment 39-69, by deleting paragraph (a).

This amendment becomes effective—April 13, 1983.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89).

Note.—The Federal Aviation Administration has determined that this document involves an amendment that is relieving in nature and does not impose any additional burden on any person. Therefore: (1) it is not major under Executive Order 12291 (46 FR 13193; February 19, 1981); and (2) it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I certify that it will not have a sigificant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because it is relieving in nature and it involves few small entities.

Issued in Seattle, Washington on March 24, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-9205 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-110-AD; Amdt. 39-4616]

Airworthiness Directives: British Aerospace BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) applicable to BAC 1-11 airplanes by: (1) providing for terminating action; (2) extending the repetitive inspection interval; and (3) revising the area to be inspected. Except for item 3 above, this amendment is relieving in nature. Service experience has shown a need to increase the area of inspection on the 200 series airplanes to detect flap secondary drive shaft failures.

DATES: Effective April 14, 1983.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to British Aerospace, Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: British Aerospace (BAe) BAC 1-11 Alert Service Bulletin 27-A-PM5341, Issue 1, specified inspections of the flap secondary drive shafts and repairs, as necessary. Subsequently, Issue 2 and Issue 3 were released specifying a smaller area of inspection of the flap secondary drive shafts for the 400 series airplanes, but reports of failures of flap secondary drive shafts in the main area of wing rib 1-6 for the 200 series airplanes required an increase in the inspection area for these series airplanes. The inspection intervals were relaxed for both series airplanes. The incorporation of Modification PM5341 which involves the installation of improved secondary drive shafts eliminates the life limitations and repetitive inspections.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is being issued which amends AD 77-17-10 by requiring compliance with BAe BAC 1-11 Alert Service Bulletin 27-A-PM5341, Issue 3, and by adding BAe BAC 1-11 Modification 5341 which, if an operator chooses to incorporate, terminates the inspections required by AD 77-17-10.

Since a situation exists for the BAC 1-11 Series 200 airplanes that requires the immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days. The aspect of this AD applicable to all BAC 1-11 series 400 airplanes is relieving.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 77-17-10, Amendment 39-3021, as follows:

A. Revise paragraphs (a), (b), and (c) to read as follows:

"(a) Inspect the spanwise secondary drive shafts between wing ribs (L.H. and R.H.) 1 and 14 for failure or damage in accordance with paragraph 2.4 of the "Accomplishment Instructions" of British Aerospace BAC 1-11 Alert Service Bulletin 27-A-PM5341, Issue 3, dated September 28, 1981, or an FAA-approved equivalent, as follows:

(1) For flap secondary drive shafts with less than 24,000 hours total time in service on the effective date of this AD, within the next 1200 hours time in service or prior to exceeding 3600 hours total time in service, whichever occurs later, unless already accomplished within the preceding 2400 hours time in service.

(2) For flap secondary drive shafts with 24,000 or more hours time in service on the effective date of this AD, within the next 1200 hours time in service, unless already accomplished within the preceding 1200 hours time in service.

(b) Repeat the inspection required by paragraph (a) of this AD as follows:

(1) For flap secondary drive shafts with more than 3600 but less than 24,000 hours total time in service, at intervals not to exceed 3600 hours time in service from the last inspection.

(2) For flap secondary drive shafts with 24,000 or more hours total time in service, at intervals not to exceed 2400 hours time in service from the last inspection.

(c) The repetitive inspections required by paragraphs (b) and (f) of this AD may be discontinued when the complete flap secondary drive shaft is replaced, repaired, or overhauled in accordance with paragraph (d) or (e) of this AD or when Modification 5341 is incorporated in accordance with the service bulletin."

B. Amend paragraphs (e) and (g) by replacing the words "British Aircraft Corporation Alert Service Bulletin 27–A–PM5341, Issue 1, dated November 28, 1975" with "the service bulletin."

This amendment becomes effective April 14, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended 49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)]

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington on March 25, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83–9203 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–CE–21–AD; Amendment 39–4617]

Airworthiness Directive; British Aerospace, Aircraft Group, Model HP.137 Jetstream MK.1 and Jetstream Series 200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to British Aerospace, Aircraft Group, Model HP.137 Jetstream MK.1 and Series 200 airplanes which requires restricting the maximum cabin differential pressure to 4.0 PSI or 2.5 PSI depending on the number of pressure cycles the airplanes have accumulated. During fatigue testing of the pressure vessel, cracking of the front pressure bulkhead boundary angle developed from repeated pressure loading. Restricting the maximum cabin differential pressure will eliminate the potential for a catastrophic failure of the pressure vessel and resultant cabin depressurization.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: British Aerospace, Aircraft Group, Jetstream Service Bulletin (SB) No. 6/7 dated October 7, 1980, and British Aerospace, Aircraft Group, Jetstream Modification Numbers 5022 Issue 1, dated April 1972, 5115 Issue 1, dated November 1980, and Modification Numbers 5151 Issue 1, and 5152 Issue 1, both dated August 1981, applicable to this AD may be obtained from British Aerospace Incorporated, 13850 McLearen Road, Dulles Industrial Aerospace Park, Herndon, Virginia 22070. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Aerospace Engineer, FAA, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: During fatigue testing, cracking of the front pressure bulkhead boundary angle had occurred due to repeated differential pressure loads applied to the pressure vessel. Although these cracks occurred during fatigue testing of the airplane, the test conditions closely approximate service use of the airplane. As a result, British Aerospace, Aircraft Group, Scottish Division, has issued SB No. 6/7, which restricts the maximum cabin differential pressure to 4.0 PSI if the airplane has accumulated between 2,000 and 13,000 pressure cycles. If the airplane has accumulated 13,000 or more pressure cycles SB No. 6/7 specifies a maximum differential pressure of 2.5 PSI SB No. 6/7 also specifies that the glass of the differential pressure gauge be marked at 2.5 or 4.0 PSI, as appropriate, with a red line extended to the case of the instrument. Extending the red line to the case will avoid confusion if the glass cover is rotated for any reason. British Aerospace Modification Nos. 5151 and 5152 specifies installing a 4.0 PSI or a 2.5 PSI safety valve respectively, depending on pressure cycle accumulation. None of these restrictions are applicable when British Aerospace Modification No. 5115 is installed.

The United Kingdom Civil Aviation Authority (UKCAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of British Aerospace, Aircraft Group, Scottish Division, SB No. 6/7 dated October 7, 1980 and the mandatory classification of this SB by the UKCAA.

Based on the foregoing, the FAA has determined that the condition addressed by this SB is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring that the maximum cabin differential pressure be restricted to 2.5 PSI or 4.0 PSI as appropriate on British Aerospace, Aircraft Group, Scottish Division, Model HP.137 Jetstream MK.1 and Jetstream series 200 airplanes, unless or until Modification No. 5115 is installed.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

British Aerospace, Aircraft Group, Scottish Division: Applies to Model HP. 137

Jetstream MK.1 and Jetstream Series 200 airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent cracking of the front pressure bulkhead boundary angle and possible catastrophic depressurization, accomplish the following:

(a) For all affected airplanes with 12,900 or more flights, unless British Aerospace Modification No. 5115 is installed, within the next 100 flights after the effective date of this AD, apply a red line to the cabin differential pressure gauge to indicate that the maximum allowable differential pressure is 2.5 PSI. Extend the red line to the case of the instrument to avoid confusion if the glass cover is rotated.

(b) For all other affected airplanes with less than 12,900 flights, unless British Aerospace Modification No. 5115 is installed, within the next 100 flights after the effective date of this AD or upon the accumulation of 2,000 flights, whichever occurs later, apply a red line to the cabin differential pressure gauge to indicate that the maximum allowable differential pressure is 4.0 PSI except that in no case shall airplanes in this group be allowed to accumulate more than 13,000 flights without having the cabin differential pressure gauge remarked with a red line at 2.5 PSI in accordance with paragraph (a) of this AD. Extend the red line to the case of the instrument to avoid confusion if the glass cover is rotated.

(c) For all aircraft modified per paragaphs (a) and (b) of this AD, fabricate a placard to read as follows and install it adjacent to the pressure differential gauge:

(1) For aircraft affected by paragraph (a) of this AD: "2.5 PSI max. press. difference".

(2) For aircraft affected by paragraph (b) of this AD: "4.0 PSI max. press. difference".

(d) Within the next 500 flights after the effective date of this AD on all affected airplanes, unless British Aerospace Modification No. 5115 is installed, modify the pressurization systems in accordance with British Aerospace, Aircraft Group Modification No. 5151, Issue 1, dated August 1981 or Modification No. 5152, Issue 1, dated August 1981, as appropriate to limit maximum pressurization to 4.0 PSI or 2.5 PSI respectively.

(e) For purposes of complying with this AD, subject to the acceptance by the assigned FAA maintenance inspector, the number of flights may be determined by multiplying each airplane's hours time-in-service by two.

(f) The modifications specified by paragraphs (a), (b) and (c), or (d) of this AD are no longer applicable when British Aerospace Modificaton No. 5115 is installed.

(g) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(h) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9202 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-SO-59; Amdt. 39-4625]

Airworthiness Directives; Great Lakes Models 2T-1A-1 and 2T-1A-2 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 80-21-12, Amendment 39-3940, applicable to Great Lakes Models 2T-1A-1 and 2T-1A-2 airplanes with Lycoming IO-360 or AEIO-360 engines by adding an optional means of compliance. The manufacturer has developed an easier modification incorporating a louver to the cowl, which accomplishes the same objective as the original AD. The revision makes this means of compliance available to all owners.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Great Lakes Drawing No. 50105, Sheet 3 of 4, Revision C, applicable to this AD, may be obtained from Great Lakes Aircraft Company, Drawer A, Eastman, Georgia 31023; Telephone (912) 374-5535. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Robert R. Goodall, Aerospace Engineer, Propulsion Branch, ACE-140A, Atlanta Aircraft Certification Office, FAA, Central Region, 1075 Inner Loop Road, College Park, Georgia 30337; Telephone (405) 763-7435.

SUPPLEMENTARY INFORMATION: To prevent oil inlet temperature from exceeding acceptable limits, the FAA issued AD 80-21-12, Amendment 39-3940, which required modification of the oil cooler installation on Great Lakes Models 2T-1A-1 and 2T-1A-2 airplanes in accordance with Great Lakes Service Bulletin No. 11, dated September 1, 1980. This modification included, among other actions, relocation of the oil cooler. Subsequently, the manufacturer has developed a modification incorporating a louver plate and louver backing plate on the side of the belly cowling which does not involve moving the oil cooler.

The FAA has determined by test that this optional means of compliance will provide adequate engine oil cooling and will meet the intent of the original Airworthiness Directive. Therefore, the FAA is revising AD 80-21-12 by incorporating an optional means of compliance which permits the oil cooler radiator to remain in its original location on the firewall. It requires the fabrication and installation of a louver plate (P/N 50105-33) and louver backing plate (P/N 50105-32) on the side of the belly cowling in accordance with Great Lakes Drawing Number 50105, Sheet 3 of 4, Revision C, on Great Lakes Models 2T-1A-1 and 2T-1A-2 airplanes. For purposes of clarification, AD 80-21-12, as revised, is being reissued in its entirety.

Since this amendment provides an alternative means of compliance, which includes a cost reduction and will not compromise safety, notice and public procedure hereon are unnecessary and not in the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, AD 80-21-12, Amendment 39-3940, 45 FR 67646, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is revised and reissued to read as follows:

Great Lakes Aircraft Corporation: Applies to Models 2T-1A-1 and 2T-1A-2 (Serial Numbers 501 through 828) airplanes with

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Lycoming IO-360 or AEIO-360 engines installed, certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent engine oil inlet temperatures from exceeding acceptable limits within the next 50 hours time-in-service after the effective date of this AD, accomplish either paragraph (a) or (b) below:

(a) Remove Cowl Face P/N 50106-2 and Belly Cowl P/N 50105-2 and modify in accordance with Great Lakes Service Bulletin No. 11, dated September 1, 1980, and incorporate Great Lakes Parts Kit SPK 101. Perform engine run-up and inspect oil system for leaks; or

(b) Fabricate and install a louver plate (P/N 50105-33) and louver backing plate (P/N 50105-32) on the side of the belly cowling in accordance with Great Lakes Drawing Number 50105, Sheet 3 of 4, Revision C.

(c) The airplane may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(d) An equivalent method of compliance may be approved by the Manager, Atlanta Aircraft Certification Office, FAA Central Region, 1075 Inner Loop Road, College Park, Georgia 30337.

Drawing 50105, Sheet 3 of 4, Revision C, and Great Lakes Service Bulletin No. 11, dated September 1, 1980, pertinent to this AD, may be obtained from Great Lakes Aircraft Company, Drawer A, Eastman, Georgia 31023; Telephone (912) 374-5535.

This amendment revises Amendment 39-3940 (45 FR 67646), AD 80-21-12, in its entirety.

This amendment becomes effective April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation only involves a one-time optional cost reduction of $377.50 on approximately 127 airplanes. Therefore, I certify that this action (1) is not a major rule under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) because of the cost and few airplanes involved owned by small entities, it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9190 Filed 4-8-83; 8:45 am]

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14 CFR Part 39

[Docket No. 83-CE-36-AD; Amendment 39-4619]

Airworthiness Directives; Partenavia Costruzioni Aeronautiche S.p.A. Models P68B and P68C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Partenavia Costruzioni Aeronautiche S.p.A. Models P68B and P68C airplanes which requires installation of a new design stop tube for the fuel selector control system. Failure of the present design stop tube can result in the pilot being unable to determine the correct position of the fuel selector valves. Installation of the new design stop tube will prevent failure of the fuel selector control system stop and ensure that the pilot is able to determine the correct position of the fuel selector valves at all times.

EFFECTIVE DATE: April 14, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Partenavia Costruzioni Aeronautiche S.p.A. Service Bulletin (SB) No. 52 dated March 20, 1981, and Service Instruction No. 13 dated March 24, 1981, applicable to this AD may be obtained from Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, Casoria Naples, Italy. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Foreign FAR 23 Section, ACE-109, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: The manufacturer has reviewed the original design of the stop tube for the fuel selector control system and determined that a new design stop tube must be installed to prevent failure of the stop tube which could result in the pilot being unable to determine the correct position of the fuel selector valve on its Models P68B and P68C airplanes. As a result, Partenavia Costruzioni Aeronautiche S.p.A. has issued Service Bulletin No. 52, dated March 20, 1981, and Service Instruction No. 13, dated March 24, 1981, which provide instructions for the installation of a new design stop tube kit (P/N 68-020). The Registro Aeronautico Italiano (RAI), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy, has classified this Service Bulletin and Service Instruction and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Partenavia Costruzioni Aeronautiche S.p.A., SB No. 52, dated March 20, 1981, and Service Instruction No. 13, dated March 24, 1981, and the mandatory classification of both the Service Bulletin and the Service Instruction by the RAI.

Based on the foregoing, the FAA has determined that the condition addressed by Partenavia Costruzioni Aeronautiche S.p.A., SB No. 52, dated March 20, 1981, and Service Instruction No. 13, dated March 24, 1981, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring installation of a new design stop tube for the fuel selector control system on Partenavia Costruzioni Aeronautiche S.p.A. Models P68B and P68C airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Partenavia Costruzioni Aeronautiche S.p.A. Applies to Models P68B and P68C (from

S/N 123 thru S/N 241) airplanes certificated in any category.

Compliance: Required within the next 100 hours time-in-sevice after the effective date of this AD, unless already accomplished.

To prevent failure of the stop tube for the fuel selector control system, accomplish the following:

(a) Install stop tube kit (P/N 68–020) and adjust the fuel selector control receiver in accordance with Partenavia Costruzioni Aeronautiche S.p.A. Service Bulletin No. 52, dated March 20, 1981, and Service Instruction No. 13 dated March 24, 1981.

(b) Conduct engine run to perform operational check of fuel selector control. Place fuel selector control handle in right tank position and then the left tank position to determine if fuel flow is restricted.

(1) If fuel flow is not restricted, return airplane to service.

(2) If fuel flow is restricted, readjust fuel selector in accordance with Partenavia Costruzioni Aeronautiche S.p.A. Service Instruction No. 13 dated March 24, 1981, and repeat operational check of fuel selector control in accordance with paragraph (b) of this AD.

(c) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(d) An equivalent method of compliance with this AD, if used, must be approved by the manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423; Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule, since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034: February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rule Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–9192 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 83–CE–37–AD; Amendment 39–4624]

Airworthiness Directives; Partenavia Costruzioni Aeronautiche S.p.A. Model P68, P68B, P68C and P68C–TC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Partenavia Costruzioni Aeronautiche S.p.A., Model P68, P68B, P68C and P68C–TC airplanes which requires replacement of the flap selector switch with a new type switch, Part No. (P/N) 7.2345D–1 (MS25201–5). With flap switches other then P/N 7.2345D–1, there is a possibility of an unintentional return of the flaps to the zero degree (0°) position, which could result in the aircraft settling during the landing approach, possibly resulting in an accident. Replacement of the flap selector switch as prescribed in this AD will reduce the possibility of unintentional flap retraction.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Service Bulletin No. 55 dated September 2, 1982, applicable to this AD may be obtained from Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, C.P. 2179, 80026 Casoria, Naples, Italy. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Foreign FAR 23 Section, ACE–109, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: The manufacturer has determined that it is possible to unintentionally return the flaps to the zero degree (0°) position on its Model P68, P68B, P68C and P68C–TC airplanes. Unintentional return of the flaps to the 0° position during a landing approach can result in premature settling of the airplane and a possible short landing accident. As a result, Partenavia has issued Service Bulletin No. 55 dated September 2, 1982, which requires replacement of the flap selector switch with a new switch, Part No. 7.2345D–1 (MS25201–5). The Registro Aeronautic Italiano (RAI) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy has issued Airworthiness Directive 82–206/P.68–15, Rev. 2. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States. The FAA has examined the available information related to the issuance of Service Bulletin No. 55 dated September 2, 1982, and Italian AD 82–206/P.68–15, Rev. 2.

Based on the foregoing, the FAA has determined that the condition addressed by Service Bulletin No. 55 dated September 2, 1982, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring replacement of the flap selector switch with a new part number switch on Partenavia Costruzioni Aeronautiche S.p.A. Model P–68, P–68B, P–68C and P–68C–TC airplanes in accordance with procedures set forth in the above-mentioned SB.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Partenavia Costruzioni Aeronautiche S.p.A.: Applies to Model P–68, P–68B, P–68C and P–68C–TC airplanes (all S/Ns up to S/N 255 excluding S/Ns 220, 224, 227, 228, 234, 235, 236, 239, 249, 251, 252, 253 and 254) certificated in any category.

Compliance: Required within the next 100 hours time-in-service, unless already accomplished.

To prevent unintentional return of flaps to the zero degree (0°) position, accomplish the following:

(a) Replace the flap selector switch with a new type switch, P/N 7.2345D-1 (MS25201-5) as prescribed in Service Bulletin No. 55 dated September 2, 1982.

(b) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "**ADDRESSES**" at the location identified.

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9196 Filed 4-8-83; 8:45 am]

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14 CFR Part 39

[Docket No. 83-CE-41-AD; Amendment 39-4620]

Airworthiness Directives; Pilatus Britten-Norman Ltd. Model BN-2, BN-2A and BN-2B Islander Series and BN-2A MK III Trislander Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Pilatus Britten-Norman Ltd., BN-2, BN-2A and BN-2B Islander Series and BN-2A MK III Trislander Series Airplanes, which supersedes AD 76-15-04, Amendment 39-2677. The new AD incorporates and amplifies the inspections and repairs or parts replacements to the BN-2, BN-2A and BN-2B Islander Series airplanes and extends these requirements to the BN-2A MK III Trislander Series airplanes. The condition addressed by AD 76-15-04 has occurred on the BN-2A MK III Trislander Series airplanes. In addition, the manufacturer has refined its procedures for the detection and correction of upper engine mount deficiencies. This superseding AD will assure detection and repair/replacement of damaged upper engine mounts prior to failure.

DATES: Effective Date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Pilatus Britten-Norman Ltd. Service Bulletin (SB) No. BN-2/SB.61, Issue 4, dated May 12, 1980, applicable to this AD may be obtained from Pilatus Britten-Norman Ltd., Bembridge, Isle of Wight, England. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, FAA ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: To prevent failure of the upper engine mount due to service damage, the manufacturer issued Service Bulletin (SB) No. BN-2/SB.61, Revision 3, recommending visual inspection and repair or replacement, as necessary, of the upper engine mounting brackets used on Pilatus Britten-Norman Ltd. BN-2, BN-2A and BN-2B Islander Series airplanes. The FAA made compliance with this SB mandatory by issuing AD 76-15-04, Amendment 39-2677. Subsequent thereto, the manufacturer has determined that the same type of damage or structural defects may develop in the upper engine mounting brackets used on the BN-2A, MK III Trislander Series airplanes. Also, the FAA has received one report of a failed upper engine mount bracket on a BN-2A MK III-2 airplane and two reports of cracks in the upper engine mount brackets on BN-2A6 airplanes operated in the United States. The manufacturer published Issue 4 of SB No. BN-2/SB.61 dated May 12, 1980, which amplifies the action prescribed by the earlier Issue 3 of the SB and extends the applicability of the bulletin to include the BN-2A MK III Trislander Series airplanes. The United Kingdom Civil Aviation authority (UKCAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom, has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Pilatus Britten-Norman Ltd. SB No. BN-2/SB.61, Issue 4, dated May 12, 1980, and the mandatory classification of this SB by the UKCAA.

Based on the foregoing, the FAA has determined tht the condition addressed by Pilatus Britten-Norman Ltd. SB No. BN-2/SB.61, Issue 4, dated May 12, 1980, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued superseding AD 76-15-04, which requires visual inspection of the upper engine mounting brackets for bolt hole short edge distance, elongation of bolt holes, fretted bushings and cracks radiating from bolt or rivet holes and repair/replacement as necessary, on Pilatus Britten-Norman Ltd. BN-2, BN-2A and BN-2B Islander Series and BN.2A MK III Trislander Series airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Pilatus Britten-Norman Ltd.: Applies to BN–2, BN–2A and BN–2B Islander Series and BN–2A MK III Trislander Series (all serial numbers) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of the upper engine mounting brackets, accomplish the following:

a. Within the next 50 hours time-in-service after the effective date of this Airworthiness Directive (AD) and thereafter at intervals not to exceed 1,000 hours time-in-service:

(1) Visually inspect the upper engine mounting brackets for minimum lug bolt hole edge distance (0.2625 inches), elongation of the bolt holes, fretting of bushings and cracks in accordance with paragraphs 1 and 2 of the "Inspection" section of Pilatus Britten-Norman Ltd. Service Bulletin No. BN–2/SB.61, Issue 4, dated May 12, 1980, (hereinafter referred to as the SB).

(2) If no evidence of defects is found during accomplishment of paragraph a)1) of this AD, return the airplane to service.

(3) If cracks are found extending from bolt or rivet holes during accomplishment of paragraph a)1) of this AD, before further flight, replace the upper mounting brackets with new brackets (Islander Part Number NB–20–D–3463 or Trislander Part Number NB–20–D–5781).

(4) If loose bushings or elongated bolt holes are found during accomplishment of paragraph a)1) of this AD, before further flight, install new bushings or oversize bushing in accordance with paragraph 2 of the "Rectification" section of the SB.

(5) If lug bolt edge distances of less than 0.2625 inches are found during accomplishment of paragraph a)1) of this AD, before further flight, install repair doubler in accordance with paragraph 3 of the "Rectification" section of the SB.

(b) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(c) Aircraft may be flown in accordance with FAR 21.197 to a location where this Airworthiness Directive (AD) can be accomplished.

(d) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment supersedes AD 76–15–04, Amendment 39–2677.

This amendment becomes effective on April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–9193 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–CE–33–AD; Amendment 39–4623]

Airworthiness Directives; Short Brothers and Harland, Ltd., Model SC–7 Series 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Short Brothers and Harland, Ltd., Model SC–7 Series 3 airplanes which requires inspection of cargo door locking pins for proper engagement and removal of any door warning switch adjustment screws which may be installed. These steps will preclude improper operation of the door warning system and possible inflight opening of the cargo door.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Shorts Service Bulletin No. 52–65 dated November 1, 1980, applicable to this AD may be obtained from Short Brothers and Harland, Ltd., Queen's Island, Belfast BT3 9DZ Northern Ireland (U.K.). A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Aerospace Engineer, Foreign FAR 23 Section, ACE–109, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: Short Brothers and Harland, Ltd., advises that cargo door locking pin switches may be improperly adjusted on some Model SC–7 Series 3 airplanes fitted with a one-piece, "flip-type" door. This could prevent proper door lock pin engagement allowing the door to open in flight. As a result, Short Brothers and Harland, Ltd., has issued Shorts Service Bulletin No. 52–65 dated November 1, 1980, which specifies inspection of the cargo door locking pins for correct engagement, removal of an adjustment feature that may be installed on the warning switch and adjustment of the pin operating rods to permit proper door locking. The United Kingdom Civil Aviation Authority (UKCAA), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom, has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Shorts Service Bulletin No. 52–65 dated November 1, 1980, and the mandatory classification of this Service Bulletin by the UKCAA.

Based on the foregoing, the FAA has determined that the condition addressed by this Service Bulletin is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued to correct possible misadjustment in the cargo door locking mechanism that prevents proper engagement of the locking pins on certain Short Brothers and Harland, Ltd., Model SC–7 Series 3 airplanes. This is accomplished by removing an adjustment feature on the "Door Open" warning switch and adjusting the length of the locking pin operating rods.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Short Brothers and Harland, Ltd.: Applies to the following Model/Serial Number airplanes with a one-piece, "flip-type," cargo door installed, certificated in any category:

Model	Serial No.
SC-7 Series 3..	SH1855, SH1860, SH1866 through SH1868, SH1875 through SH1880, SH1887 through SH1891, SH1894 through SH1900, SH1902, SH1904 through SH1906, SH1909 through SH1917, SH1919 through SH1924, SH1928 through SH1929 and SH1931 and on.

Compliance: Required as indicated, unless already accomplished.

To preclude unwanted inflight opening of the cargo door, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(a) Examine the cargo door locking pin microswitch assembly per Part "A" of the Accomplishment Instructions in Shorts Service Bulletin No. 52–65 dated November 1, 1980. If an adjusting screw is found to be installed on the microswitch operating lever as shown on Figure 2 of the Service Bulletin, prior to further flight accomplish the following per Part "B" of Service Bulletin No. 52–65:

(1) Remove the adjusting screw from the microswitch operating lever.

(2) Adjust the length of the locking pin operating rod allowing the pin to act diretly on the lever.

(3) Adjust the microswitch so that the final configuration of the microswitch and locking pin position are as shown in Figure 5 of the Service Bulletin.

(b) Check the operation of the door to assure proper engagement of the locking pins per Step 14 of the Service Bulletin.

(c) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(d) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended. (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "**ADDRESSES**" at the location identified.

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–9197 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–CE–40–AD; Amendment 39–4618]

Airworthiness Directives; Short Brothers and Harland, Ltd., Model SC–7 Series 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Short Brothers and Harland, Ltd. Model SC–7 Series 3 airplanes which requires inspection of all vertical fin attach bolts for proper tightness. The manufacturer has received a report of loose bolts occurring on an in-service airplane.

This AD will preclude looseness of the vertical fins on the horizontal stabilizer, which if loose can result in inflight vibration and possible structural damage.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Shorts Service Bulletin No. 55–53 dated June 25, 1979, applicable to this AD may be obtained from Short Brothers and Harland, Ltd., Queens Island Belfast BT3 9DZ Northern Ireland (U.K.). A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Foreign FAR 23 Section, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: Short Brothers and Harland, Ltd., has received a report of loose bolts which attach the vertical fins to the horizontal stabilizer (tailplane) on its Model SC–7 Series 3 ariplanes. These bolts are located in the front and rear spars of each vertical fin. As a result, Short Brothers and Harland, Ltd. has issued Shorts Service Bulletin No. 55–53 dated June 25, 1979, which recommends inspection of 40 attach bolts in each vertical tail attachment for proper tightness. The United Kingdom Civil Aviation Authority (UKCAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Shorts Service Bulletin No. 55–53 dated June 25, 1979, and the mandatory classification of this Service Bulletin by the UKCAA.

Based on the foregoing, the FAA has determined that the condition addressed by this Service Bulletin is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring inspection of the 40 attach bolts in each vertical fin for proper tightness on Short Brothers and Harland Ltd. Model SC–7 Series 3 airplanes in accordance with procedures set forth in the SB.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Short Brothers and Harland, Ltd.: Applies to Model SC-7 Series 3 (all serial numbers) airplanes certificated in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD.

To preclude looseness of either vertical fin acomplish the following:

(a) Remove Access Panel Nos. T15, T16, and T17 from the vertical fins in accordance with Shorts Skyvan Maintenance Manual, Chapter 7-00, Page 6, Figure 4, and paragraph (A)(1) of Shorts Service Bulletin No. 55-53, Original Issue, date June 25, 1979.

(b) Apply 12-15 in-lbs torque to the 10-32 UNF bolts (one at a time) that attach the fins to the stabilizer (24 bolts in the front spar and 16 bolts in the rear spar).

1. If torque of 12-15 in-lbs can be applied to each bolt without rotating the bolt, replace Access Panel Nos. T15, T16 and T17 in accordance with Shorts Skyvan Maintenance Manual, Chapter 7-00, Page 6, Figure 4, and return the airplane to service.

2. If a bolt rotates with the application of 12-15 in-lbs of torque, remove each rotating bolt (one at a time) and inspect bolt hole for elongation.

(i) If no elongation of the bolt hole is found, add additional washer under the bolt head or nut (maximum of 2 washers under the nut and 1 under the bolt head), apply 12-15 in-lbs torque to bolt and return airplane to service.

Note.—If less than 2 full threads protrude past nut after torquing, replace bolt with a bolt of the same type with a grip length increased by one over the original bolt grip length.

(ii) If elongation of the bolt hole is found, reinstall bolts in accordance with paragraphs (b)1 and 2 of this AD and within 200 hours time-in-service repair in accordance with instructions provided by Shorts Brothers Ltd., P.O. Box 241, Airport Road, Belfast BT3 9DZ and approved as an equivalent method of compliance in accordance with paragraph (e) of this AD. Replace Access Panel Nos. T15, T16 and T17 in accordance with Shorts Skyvan Maintenance Manual, Chapter 7-00, Page 6, Figure 4, and return airplane to service.

(c) The compliance times required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections and repairs concurrent with other scheduled maintenance of the airplane.

(d) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(e) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation regulations (14 CFR 11.89)).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evalution or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9191 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-46-AD; Amendment 39-4627]

Airworthiness Directives; SIAI-Marchetti S205 Series and Models S208 and S208A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a New Airworthiness Directive (AD), applicable to SIAI-Marchetti S205 Series and Models S208 and S208A airplanes which supersedes AD 72-24-01, Amendment 39-1558. The new AD requires visual and dye-penetrant repetitive inspections of the main landing gear long arm cross-member reinforcement plate weld area and replacement of any reinforcement plates if cracks are found. It also extends the serial number applicability to include all S205 Series airplanes and adds all Models S208 and S208A airplanes. There have been reports of cracks developing in the main landing gear cross-member reinforcement plate weld area which could result in failure of the main gear. The inspection procedure will detect the presence of these cracks before failure occurs.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: SIAI-Marchetti Service Bulletin (SB) No. 205B48C, dated April 3, 1981, applicable to this AD may be obtained from SIAI-Marchetti S.p.A., V-12070 via Indipendenza, 2, 21018 Sesto Calende, Italy, telephone number 0331 924842/923598. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Paul Cormaci, Federal Aviation Administration, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: SIAI-Marchetti Service Bulletin (SB) No. 205B36, dated June 28, 1972, specified inspections for the detection of cracks and the replacement of parts in the main landing gear cross-members in the weld area of the longer cross member reinforcement plate. The SB was applicable to certain serial numbers on all SIAI-Marchetti S205 Series airplanes. The FAA made compliance with SB No. 205B36 mandatory by issuing AD 72-24-01, Amendment 39-1558. Subsequent to the issuance of AD 72-24-01, the manufacturer has received several reports of additional cracks in the weld area of the main landing gear long arm cross-member reinforcement plate. After reviewing the service history of the main landing gear reinforcement plates, SIAI-Marchetti issued Mandatory Service Bulletins 205B48, 205B48A, 205B48B and, finally, SB No. 205B48C dated April 3, 1981, which extends the airplane effectivity to include all S205 Series and its Models S208 and S208A airplanes, provides for initial and repetitive dye-penetrant inspection of the weld area of the longer cross-member reinforcement plate and the replacement of any cracked plates. A failure in the weld of the reinforcement plate could cause an overload in the long arm of the main landing gear cross-member. Undetected

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cracks in the weld area of the longer cross-member reinforcement plate could lead to failure of the cross-member and collapse of the landing gear. Therefore, this could result in a hazardous condition during takeoff or landing, particularly on those airplane models equipped with wing tip fuel tanks.

The Registro Aeronautico Italiano (RAI), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy, has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of SB No. 205B48C, dated April 3, 1981, and the mandatory classification of this SB by the RAI.

Based on the foregoing, the FAA has determined that the condition addressed by SB No. 205B48C, dated April 3, 1981, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued superseding AD 72-24-01 which requires initial and repetitive visual and dye-penetrant inspections of the weld area of the reinforcement plate of the long arm cross-member of the main landing gear and replacement of cracked reinforcement plates on SIAI-Marchetti S205 Series and Models S208 and S208A airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

SIAI-Marchetti: Applies to S205 Series and Models S208 and S208A (all serial numbers) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished. To preclude failure of the reinforcement plate weld of the long arm cross-member of the main landing gear, accomplish the following:

(a) Visually inspect the main landing gear cross-member long arm reinforcement plate weld for cracks in accordance with the "Instruction for the Visual Inspection" section of SIAI-Marchetti Service Bulletin (SB) No. 205B48C, dated April 3, 1981, per the following applicable inspection schedules:

(1) Within 100 hours time-in-service, after the effective date of this AD, and thereafter every 100 hours time-in-service, for main gear reinforcement plates with less than 500 hours time-in-service.

(2) Within 50 hours time-in-service, after the effective date of this AD, and thereafter every 50 hours time-in-service for main gear reinforcement plates with more than 500 hours time-in-service and less than 1000 hours time-in-service.

(3) Within 25 hours time-in-service, after the effective date of this AD, and thereafter every 25 hours time-in-service for main gear reinforcement plates with more than 1000 hours time-in-service.

(4) Prior to further flight, after each hard landing, regardless of time-in-service.

(b) Inspect using a dye-penetrant method, the main landing gear cross-member long arm reinforcement plate weld in accordance with the "Instructions for the Dye Check Inspection" section of SIAI-Marchetti Service Bulletin No. 205B48C, dated April 3, 1981, within the next 100 hours time-in-service on those main gear braces having 400 or more hours time-in-service, after the effective date of this AD, or prior to the accumulation of 500 hours time-in-service on those main gear reinforcement plates with less than 400 hours time-in-service on the effective date of this AD and thereafter at intervals not to exceed 500 hours time-in-service.

(c) If cracks are found during inspections to either paragraph (a) or (b) of this AD, prior to further flight, replace the main gear reinforcement plate by an FAA Certified Repair Station authorized to accomplish this replacement in accordance with the following table:

Installed P/N	Replacement P/N
205-9-012 Modified Per SB 205B36	205-9-012-07
205-9-013 Modified Per SB 205B36	205-9-013-08
205-9-012	205-9-012-07
205-9-013	205-9-013-08
205-9-012-05	205-9-012-07
205-9-013-05	205-9-013-08
205-9-502-01	205-9-502-03
205-9-502-02	205-9-502-04

(d) If main gear reinforcement plates (P/N 205-9-012-07, 205-9-013-08, 205-9-502-03, or 205-9-502-04) are installed, compliance is required with only paragraphs (a)(4), (b) and (c) of this AD.

(e) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(f) Operators who have not kept records of hours time-in-service of the main landing gear long arm cross-member must substitute airplane hours time-in-service in lieu thereof.

(g) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(h) An equivalent method of compliance with this AD may be used, if approved, by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment supersedes AD 72-24-01, Amendment 39-1558.

This amendment becomes effective on April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule, since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 31, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9207 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-CE-39-AD; Amendment 39-4622]

Airworthiness Directives; SIAI-Marchetti Model S205-22R Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD),

applicable to SIAI-Marchetti Model S205–22R airplanes which requires fiberscope inspection of the muffler assembly and, if necessary, replacement of the muffler. Instances of detachment of the inside baffling have been reported and can result in partial or complete loss of engine power. The inspection procedure will detect cracks so the muffler can be replaced before failure of the exhaust system occurs.

DATES: Effective date: April 14, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: SIAI-Marchetti Service Bulletin (SB) No. 205B56, dated November 20, 1981, applicable to this AD may be obtained from SIAI-Marchetti S.p.A., V–12070 via Indipendenza, 2, 2108 Sesto Calendé, Italy, whose telephone number is 0331 924842/923598. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Federal Aviation Administration, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: SIAI-Marchetti has received reports of cracks in the muffler assembly of the exhaust system on its Model S205–22R airplane. Instances of detachment of the inside baffling have been reported and can result in partial or complete engine power loss by restricting the flow of the exhaust gases. As a result, SIAI-Marchetti has issued Service Bulletin (SB) No. 205B56, dated November 20, 1981, which requires initial and repetitive fiberscope inspection of the inside baffling of the muffler assembly. If a crack is found, the muffler must be replaced prior to further flight. The Registro Aeronautico Italiano (RAI), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy, has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of SIAI-Marchetti SB No. 205B56, dated November 20, 1981, and the mandatory classification of this SB by the RAI.

Based on the foregoing, the FAA has determined that the condition addressed by SIAI-Marchetti SB No. 205B56, dated November 20, 1981, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring initial and repetitive fiberscope inspection to the inside baffling of the muffler assembly of the exhaust system and, if necessary, replacement of the muffler on SIAI-Marchetti Model S205–22R airplanes in accordance with procedures set forth in the above-mentioned SB.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

SIAI-Marchetti: Applies to Model S205–22R airplanes with a muffler assembly P/N 870–8 or P/N 870–9 installed, certificated in any category.

Compliance: Required as indicated unless already accomplished.

To prevent failure of the exhaust system, accomplish the following:

(a) Within the next 100 hours time-in-service after the effective date of this AD or when the muffler has accumulated 500 hours time-in-service, whichever occurs later, and at each 100-hour time-in-service interval thereafter, accomplish the following:

(1) Perform a fiberscope inspection of the inside baffling of the muffler assembly for cracks by inserting on OLYMPUS ILK–2 type fiberscope (or equivalent) through the exhaust tube into the inside baffling of the muffler assembly in accordance with the "Instruction" section of SIAI-Marchetti Service Bulletin No. 205B56 dated November 20, 1981, or an FAA-approved equivalent.

(i) If cracks are found, prior to further flight, replace the muffler.

(ii) If no cracks are found, continue the repetitive inspections as indicated above.

(b) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(c) Operators who have not kept records of hours time-in-service of the mufflers must substitute airplane hours time-in-service in lieu thereof.

(d) Airplane may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(e) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 1189 of the Federal Aviation Regulations (14 CFR 11.89)).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "**ADDRESSES**" at the location identified.

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–9196 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 83–CE–22–AD; Amendment 39–4621]

Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego, PZL–MIELEC, Model PZL M18 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Wytwornia Sprzetu Komunikacyjnego, PZL–MIELEC, Model PZL M18, Dromader airplanes which requires replacement of the connector segment in the aileron push rods. The manufacturer has found that on four airplanes, serial numbers 1Z005–11 through 1Z005–14, the connector segments in the aileron push rods are shorter than required. This could cause disconnection of the connector to the push rod end threaded connection resulting in loss of primary flight control about the airplane's roll axis. Replacement of the connector segment in both aileron push rods as prescribed in this AD will prevent this condition.

DATES: Effective date: April 14, 1983. Compliance: Within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

ADDRESSES: Mandatory Bulletin No. I/012/81 dated 4/81, applicable to this AD may be obtained from Wytwornia Sprzetu Komunikacyjnego, PZL–MIELEC, 39–301 Mielec, Poland. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Federal Aviation Administration, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: The manufacturer has found that connector segments of the aileron push rods on four Model PZL M18 airplanes, serial numbers 1Z005–11 through 1Z005–14 are too short. As a result, there are fewer screw threads meshed between the connector segment and the push rod ends when rigging adjustments are completed. This could cause disconnection of the push rod end and loss of aileron control. Since the push rods in both right and left aileron controls are too short, it is possible that a total loss of primary flight control about the roll axis could occur. As a result, Wytwornia Sprzetu Komunikacyjnego, PZL–MIELEC has issued Mandatory Bulletin No. I/012/81, dated 4/81, which directs removal of the connecting segment of the aileron push rod and installation of the connecting segment, Part No. 3–26x1–430, ZN–72/L–381–307. The Polish Civil Aircraft Inspection Board (CACA), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Poland, has classified this Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Polish registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of CACA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Mandatory Bulletin No. I/012/81 and the mandatory classification of this Bulletin by CACA.

Based on the foregoing, the FAA has determined that the condition addressed by Mandatory Bulletin No. I/012/81 is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States. Therefore, an AD is being issued requiring replacement of the connecting segment of aileron push rods on certain serial numbered Wytwornia Sprzetu Komunikacyjnego, PZL–MIELEC, Model PZL M18, Dromader airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedures hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effect in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Wytwornia Sprzetu Komunikacyjnego PZL–MIELEC: Applies to Model PZL M18 (Serial Numbers 1Z005–11 through 1Z005–14) airplanes certificated in any category.

Compliance: Required within the next 100 hours time-in-service after effective date of this AD, unless already accomplished.

To prevent loss of primary flight control about the airplane roll axis, accomplish the following:

(a) Replace the connecting segment of the aileron push rods with Part No. 3–26x1–430 ZN–72/L–381–307 as prescribed in Mandatory Bulletin No. I/012/81 dated 4/81.

(b) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this Ad, if used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on April 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "**ADDRESSES**" at the location identified.

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Acting Director, Central Region.

FR Doc. 83–9194 Filed 4–8–83; 4:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 82–CE–39–AD; Amdt. 39–4534]

Airworthiness Directives; Piper PA–31 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects Airworthiness Directive (AD) 82–27–13, Amendment 39–4534 (48 FR 1034, 1035), applicable to Piper PA–31 series airplanes.

This correction is necessary because the phrase "paragraph 6e(1) on pages 10 and 11" was inadvertently included in paragraph e)7. of the AD when the AD was issued and published in the Federal Register.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: W. H. Trammel, ACE–130A, Atlanta

Aircraft Certification Office, FAA, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 763–7781.

SUPPLEMENTARY INFORMATION:
Subsequent to the issuance of AD 82–27–13, Amendment 39–4534 (48 FR 1034, 1035), applicable to Piper PA–31 Series airplanes, the FAA determined that the phrase "paragraph 6e(1) on pages 10 and 11" was inadvertently included in paragraph e)7. of the AD when it was published in the **Federal Register**. Action is taken herein to correct this error. Since this action rectifies and inadvertent administrative mistake and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and not in the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subject in 14 CFR Part 39

Aviation safety, Aircraft.

Correction

In FR Doc. 83–420 (48 FR 1034, 1035) appearing on page 1035 in the **Federal Register** on January 10, 1983, make the following correction in the amendment to § 39.13: In the first sentence of paragraph e)7. delete the words "paragraph 6e(1) on pages 10 and 11."

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89, Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this correction rectifies an administrative error and imposes no burden on any person. Therefore, I certify that this action (1) in not a major rule under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 25, 1983.

John E. Shaw,

Action Director, Center Region.

[FR Doc. 83–9200 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–NM–15–AD; Amdt. 39–4611]

Airworthiness Directives; Rockwell International Models NA265–60 and NA265–80

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) that requires repetitive inspections of Rockwell International Models NA265–60 and NA265–80 airplanes modified in accordance with Supplemental Type Certificates (STC) SA687NW and SA847NW, respectively. This amendment deletes an inspection no longer required, simplifies an inspection, and clarifies the AD.

DATES: Effective April 13, 1983. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: Raisbeck Service Bulletin No. 25, amended by Rockwell International Sabreliner Service Bulletin No. 82–7, and Raisbeck Service Bulletin No. 33 pertain to this matter. These bulletins may be obtained from Rockwell International, Sabreliner Division, 6161 Aviation Drive, St. Louis, Missouri 63134, telephone (314) 731–2260 or may be examined at the addresses listed below. The Rules Docket is located at the Office of Regional Counsel, FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington 98168, telephone (206) 764–7019.

FOR FURTHER INFORMATION CONTACT: Marvin D. Beene, Airframe Branch, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 269–7005.

SUPPLEMENTARY INFORMATION:
Paragraph C. of AD80–04–11R1, Amendment 39–3703 (45 FR 12213, February 25, 1980), as amended by Amendment 39–3921 (45 FR 63483, September 25, 1980), requires an initial inspection of the wing leading edge at 2000 flight hours after modification per STCs SA687NW or SA847NW. These inspections are repeated each 5000 flight hours thereafter in accordance with paragraph V(D) of Raisbeck Service Bulletin (SB) No. 25. Realizing that fastener removal, as required by these inspections, may induce fastener hole damage, Rockwell issued SB 82–7 deleting the requirement from SB No. 25. Recurring inspections at 300 hour intervals performed without the necessity of extensive fastener removal, as delineated in Raisbeck SB No. 33, were substituted. The previous inspection required 180 man hours while the new inspection can be accomplished in one man hour. Since any fuel leak will identify a discrepant fastener hole, removal of the fasteners for inspection is unnecessary. Paragraph C of this AD is therefore amended to reflect these changes.

Paragraph D. of AD 80–04–11R1 requires inspection of the fasteners in the overwing modification every 10,000 hours in accordance with the specifications in Raisbeck SB No. 25 paragraph V(C). Subsequent investigations indicate that these inspections are unnecessary and are therefore cancelled, per Sabreliner SB No. 82–7, based on the following: (1) Inspections performed on a representative airplane showed the fasteners to be properly installed, (2) the area in question is not prime attaching wing structure, and (3) the required inspection could affect the fastener hole quality during removal. Therefore, paragraph D. of this AD is deleted.

Paragraph I. of AD 80–04–11 references the inspections of Amendment 39–3680, AD 80–03–03, as an acceptable alternate to the flap tracks and support structure inspections of AD 80–04–11R1. Since the scope of inspections and repairs identified in AD 80–03–03 were incorporated in AD 80–04–11, AD 80–03–03 was subsequently rescinded by Amendment 39–3680. Paragraph I. is therefore removed from this AD.

Since this amendment is relieving, with the deletion of one inspection requirement and simplification of another, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as amended by 39–3703, AD 80–04–11, and Amendment 39–3921, AD 80–04–11R1, is further amended by deleting paragraphs D. and I. and revising paragraph C. to read as follows:

"C. Before accumulation of 2000 flight hours time in service after modification by STC SA687NW or STC SA847NW, inspect the wing leading edge in accordance with Raisbeck Service Bulletin No. 33. Repeat this inspection every 300 flight hours time in service thereafter."

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request from Rockwell International, Sabreliner Division, 6161 Aviation Drive, St. Louis, Missouri 63134. These documents may also be examined at FAA, Centeral Region, Wichita Aircraft Certification Office, Room 238, Terminal Building

2299, Mid-Continent Airport, Wichita, Kansas, or FAA, Northwest Mountain Region, Office of Regional Counsel, 17900 Pacific Highway South, Seattle, Washington 98168, telephone (206) 764–7019.

This Amendment becomes effective April 13, 1983.

This amendment amends Amendment 39–3703 (45 FR 12213) as amended by amendment 39–3921 (45 FR 63483), AD 80–04–11.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves an amendment that is relieving in nature and does not impose any additional burden on any person. Therefore: (1) it is not major under Executive Order 12291 (46 FR 13193; February 19, 1981), and (2) it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I certify that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because it is relieving in nature and because it involves few small entities.

Issued in Seattle, Washington on March 24, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83–9204 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 83–ASO–15]

Alteration of Control Zone, Eastover, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Eastover, South Carolina, Control Zone by including in the description a provision that will permit use of the FAA's Notice to Airmen (NOTAM) system and the Airport/Facility Directory (A/FD) to publicize the hours during which the control zone is effective. The control zone, which is centered on McEntire Air National Guard Base, is presently effective 24 hours each day. However, the necessary communications and weather reporting service which are prerequisite for a full-time zone do not exist. This alteration will permit McEntire ANGB to correctly publicize the hours during which the control zone is effective.

DATES: Effective Date: 0901 G.M.T., June 9, 1983.

Comments must be received on or before May 9, 1983.

ADDRESS: Send comments on the rule in triplicate to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, ASO–530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves adding a provision to the description of the control zone to provide a more effective method of publicizing the effective hours of the control zone and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to add a provision to the description of the Eastover, South Carolina, control zone which will permit notification of changes in effective hours through use of the NOTAM system. After issuance of appropriate NOTAM's, the effective hours of the control zone will thereafter be listed in the A/FD. If future aeronautical activities indicate a change in effective hours is necessary, such changes could be publicized in a rapid and effective manner to airspace users. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need to amend the discription of the control zone to permit use of the FAA NOTAM system for publication of effective hours. The changes are so minor and nonsubstantive I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.M.T., June 9, 1983, as follows:

Eastover, SC—Amended

By adding the following words to the end of the present text: "* * * This control zone is effective during the specific days and times established in advance by a Notice to Airmen The effective days and times will thereafter be continuously published in the Airport/Facility Directory * * *."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on March 29, 1983

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83–9182 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 82-AGL-21]

Alteration of Transition Area and Control Zone; Houghton, Michigan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action redescribes both the control zone and transition area designated for Houghton, Michigan. The intended effect is to accommodate all existing approach procedures by ensuring segregation of aircraft using instrument approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions, while returning some designated airspace to a non-controlled status.

EFFECTIVE DATE: June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The proposed decommissioning of the Calumet, Michigan, non-directional radio beacon (NDB-CUT) requires that the current descriptions for the Houghton, Michigan, control zone and transition area be rewritten so as to eliminate any reference to that radio beacon. In the process of rewrite, it was noted that some of the airspace currently designated was no longer required and should be returned to a non-controlled status, i.e., elimination of the one-half mile extension north of the radio beacon as contained in the current control zone designation, reduction of the 700-foot transition area radius from 18 miles to 9 miles, and deletion of a portion of the 1200-foot transition area approximately 14 miles by 6 miles located approximately 18 miles north of the Houghton County Memorial Airport. No minimum descent altitudes (MDA's) for established procedures will change, although some may be below the floor of controlled airspace.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 1517 of the **Federal Register** dated January 13, 1983, the FAA proposed to amend §§ 71.171 and 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the control zone near Houghton, Michigan, and to alter the transition area airspace near Houghton, Michigan. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly pursuant to the authority delegated to me, §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective 0901 GMT, June 9, 1983, as follows:

Houghton, Michigan

Within a 6-mile radius of Houghton County Memorial Airport (latitude 47°10'07" N., Longitude 88°29'20" W.).

Houghton, Michigan

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Houghton County Memorial Airport (lat. 47°10'07" N., long. 88°29'20" W.); and that airpace extending upward from 1,200 feet above the surface within an 18-mile radius of the airport and within 9.5 miles northwest and 4.5 miles southeast of the Houghton VORTAC 058 radial extending 18.5 miles northeast of the airport, 9.5 miles northeast and 4.5 miles southwest of the VORTAC 129 radial extending 24.5 miles southeast of the airport, 4.5 miles southwest of the VORTAC 139 radial extending 18.5 miles southeast of the airport, 9.5 miles southwest of the VORTAC 306 radial extending 18.5 miles northwest of the airport, 9.5 miles southwest and 4.5 miles northeast of the VORTAC 309 radial extending 25 miles northwest of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on March 10, 1983.

Monte R. Belger,

Director, Great Lakes Region.

[FR Doc. 83-9186 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-AWA-8]

Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The Canadian Government has requested to extend V-276 from Erie, PA, to Ash, ON, Canada, and realign V-36 between Buffalo, NY, and Toronto, ON, Canada. The V-276 extension will aid air traffic control by permitting added flexibility for maneuvering aircraft between Ash and Erie, thereby reducing terminal and en route delays. The realignment of V-36 will improve the flow of traffic in the Niagara Falls, NY,/Toronto, ON, Canada, area. This amendment will reduce controller workload and expedite traffic.

DATES: Effective date: June 9, 1983. Comments must be received on or before May 23, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-8, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W., Still, Airspace Regulations and Obstructiuons Branch (ATT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves airway alterations and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to extend V–276 from Erie, PA, to Ash, ON, Canada, via the Erie 359°T(005°M) and Ash 251°T(259°M) radials, to Ash, and realign V–36 from Buffalo, NY, via the Intersection of the Buffalo 309°T(317°M) and Toronto, ON, Canada, 147°T(156°M) radials, to Toronto. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to extend V–276 and V–36 in order to expedite this request by the Canadian Government to improve traffic flow and enhance their air traffic control procedures. Also, only 22 miles of the airspace north of Erie and 12 miles northwest of Buffalo are within the United States, thereby having very little impact on U.S. air traffic operations. Therefore, I find that notice and public rulemaking procedures are impracticable and contrary to the public interest and that good cause exists for making this amendment effective on the next charting date (June 9, 1983).

List of Subjects in 14 CFR Part 71

VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, June 9, 1983, as follows:

V–276 [Amended]

By deleting the words "From Erie, PA, via Franklin, PA;" and substituting for them the words "From Ash, ON, Canada, via INT Ash 251° and Erie, PA, 359° radials; Erie; Franklin, PA;"

V–36 [Amended]

By deleting the words "INT Wiarton 150° and Toronto, ON, 314° radials, Toronto, Canada, via INT Toronto 141° and Buffalo, NY, 312° radials;" and substituting for them the words "INT Wiarton 150° and Toronto, ON, Canada, 314° radials; Toronto; INT Toronto 147° and Buffalo, NY, 309° radials;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 30, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83–9183 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 83–NE–11]

Amend the Description of the Bridgeport, Conn., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the description of the Bridgeport, Connecticut Transition Area to eliminate an overlap and dual description of airspace with respect to the State of Connecticut and the State of New York 1200-foot transition areas, and to effect minor editorial changes in the 700-foot transition area.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: David Hurley, Operations Procedures and Airspace Branch, ANE–536, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts; telephone (617) 273–7285.

SUPPLEMENTARY INFORMATION: The Bridgeport, Connecticut Transition Area presently describes both 1200-foot and 700-foot transition areas. Both the States of New York and Connecticut are also designated as 1200-foot transition areas and these transition areas completely overlap the Bridgeport 1200-foot Transition area. This results in a dual description of controlled airspace. Therefore, this action deletes reference to the 1200-foot transition area under the title of Bridgeport, Connecticut. A 700-foot transition area will continue to be described under the title Bridgeport, Connecticut. The description of the 700-foot transition area is being modified, however, so as to eliminate controlled airspace presently included in the description of the White Plains, New York, and Oxford, Connecticut, 700-foot Transition Areas.

Since this matter merely reflects a name change neither increasing nor decreasing controlled airspace, notice and public procedure is impractical and unnecessary and good cause exists for making the change effective upon publication in the **Federal Register.**

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the description of the Bridgeport, Connecticut Transition Area in § 71.181 of the Federal Aviation Regulations [14 CFR Part 71] is amended by deleting the description of the 1200-foot transition area and by revising the description of the 700-foot transition area to read as follows:

"That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, lat. 41°09'48" N., long. 73°07'34" W., of the Igor I. Sikorsky Memorial Airport, Bridgeport, CT, extending clockwise from a 013° bearing to a 055° bearing from the airport; within an 8.5-mile radius of the center of the airport extending clockwise from a 055° bearing to a 248° bearing from the airport; within an 11-mile radius of the center of the airport extending clockwise from a 248° bearing to a 291° bearing from the airport; within a 12.5-mile radius of the center of the airport extending clockwise from a 291° bearing to a 328° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 328°

bearing to a 013° bearing from the airport; within 6.5 miles northwest and 4.5 miles southeast of the Bridgeport, CT, VOR 042° radial extending from the Bridgeport, CT VOR to 17.5 miles northeast of the Bridgeport, CT, VOR; within an 8.5-mile radius of the center, lat. 41°15'51" N., long. 72°53"15" W., of the Tweed-New Haven Airport, New Haven, CT; within 5 miles southeast and 5 miles northwest of the Hartford, CT, VORTAC 222° radial extending from 32 miles southwest of the Hartford, CT, VORTAC to 15 miles southwest of the Hartford, CT, VORTAC; within 5 miles northeast and 5 miles southwest of the Pawling, NY, VORTAC 138° radial extending from 31 miles southeast to 44 miles southeast of the Pawling, NY, VORTAC; within 5 miles northwest and 5 miles southeast of the Carmel, NY VORTAC 065° radial extending from the Carmel, NY, VORTAC to 28 miles northeast of the Carmel, NY, VORTAC; within 5 miles north and 5 miles south of the Carmel, NY, VORTAC 093° radial extending from the Carmel, NY, VORTAC to 28 miles east of the Carmel, NY, VORTAC, and within 5 miles north and 5 miles south of a 274° bearing and a 094° bearing from a point lat. 41°02'00" N., long. 73°18'45" W., extending 6 miles west and 3 miles east of said point, excluding those portions within the White Plains, NY, and Oxford, CT, transition areas."

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 USC 1348(a) and Section 6(c) of the Department of Transportation Act (49 USC 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this regulation involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. For this reason, and for the reasons stated above, it is certified that this (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 DE 11034); February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is nil; (4) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Massachusetts on March 30, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-9211 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 17

[Airspace Docket No. 82-ANM-9]

Transition Area; Kremmling, Colorado; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: Federal Register Document 82-30537 was published on November 8, 1982, (47 FR 50465), designating a 700' transition area at Kremmling, Colorado. That action incorrectly described a true bearing upon which a portion of the transition area is aligned. This action corrects the bearing.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: Ted Melland, Airspace & Procedures Specialist, ANM-533, FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 433-1640.

List of Subjects in 14 CFR Part 71

Transition areas; Aviation safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, Federal Register Document 82-30537 as published on November 8, 1982, is corrected as follows:

Kremmling, Colorado (Amended)

By deleting the words "each side of the Kremmling Airport 215° bearing" and substituting the words "each side of the Kremmling Airport 243° bearing".

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 1165 of the Federal Aviation Regulations (14 CFR 11.65))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (14 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington on March 30, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-9210 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Safeguarding Classified Material

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission is publishing rules to safeguard classified information in accordance with the provisions of Executive Order 12356 (47 FR 14874, April 6, 1982) and its implementing directive, Information Security Oversight Office Directive No. 1 (47 FR 27836, June 25, 1982), which established procedures and criteria for classifying, declassifying and safeguarding national security information.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph G. Salazar, Records Management Officer, Administrative Services, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-8735.

SUPPLEMENTARY INFORMATION: The Information Security Oversight Office ("ISOO"), in accordance with Executive Order 12356, has issued a Directive containing guidelines in the form of model rules for classifying, declassifying and safeguarding national security information. Since the Commission has no classification or declassification authority, the Commission is adopting rules to govern only the safeguarding of national security information subject to the guidelines set forth in the ISOO Directive.

List of Subjects in 17 CFR Part 140

National security information, Procedures for safeguarding national security information.

The Commission finds that these rules relate solely to matters of agency practice and procedure.[1] Therefore, the provisions of the Administrative Procedure Act as codified, 5 U.S.C. 553, generally requiring notice of proposed rulemaking and other opportunity for public participation are not applicable. Because the Executive Order and its implementing directive are already effective, the Commission also finds good cause to make the rules effective immediately. In consideration of the foregoing and pursuant to the authority in Section 2(a)(11) of the Commodity Exchange Act, as amended, 7 U.S.C. 4a(j), Executive Order 12356, 47 FR 14874, April 6, 1982, and Information Security Oversight Office Directive No. 1, 47 FR 27836, June 25, 1982, the Commission hereby amends 17 CFR Part 140 by adding new §§ 140.21, 140.22, 140.23, and 140.24 as follows:

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[1] The Commission also notes that since these rules are procedural in nature and will have no adverse affect on small businesses, the provisions of the Regulatory Flexibility Act are inapplicable. *See* 5 U.S.C. 601(2). Moreover, since the rules do not call for collection of information from the general public by the Commission, the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, also do not apply.

PART 140—[AMENDED]

§ 140.21 Definitions.

(a) *Classified information.* Information or material that is:

(1) Owned by, produced for or by, or under control of the United States Government, and

(2) Determined pursuant to Executive Order 12356 or prior or succeeding orders to require protection against unauthorized disclosure, and

(3) So designated.

(b) *Compromise.* The disclosure of classified information to persons not authorized access thereto.

(c) *Custodians.* An individual who has possession of or is otherwise charged with the responsibility for safeguarding or accounting for classified information.

(d) *Classification levels.* Refers to Top Secret "(TS)", Secret "(S)", and Confidential "(C)" levels used to identify national security information. Markings "For Official Use Only," and "Limited Official Use" shall not be used to identify national security information.

§ 140.22 Procedures.

(a) *Original classification.* The Commodity Futures Trading Commission has no original classification authority.

(b) *Derivative classification.* Personnel of the Commission shall respect the original classification markings assigned to information they receive from other agencies.

(c) *Declassification and downgrading.* Since the Commission does no original classification of material, declassification and downgrading of sensitive material is not applicable.

(d) *Dissemination.* All classified national security information which the Commission receives from any agency will be cared for and returned in accordance with the particular agency's policy guidelines and may not be disseminated to any other agency without the consent of the originating agency.

§ 140.23 General access requirements.

(a) *Determination of trustworthiness.* No person shall be given access to classified information unless a favorable determination has been made as to the person's trustworthiness. The determination of eligibility, referred to as a security clearance, shall be based on such investigations as the Commission may require in accordance with the applicable Office of Personnel Management standards and criteria.

(b) *Determination of need-to-know.* A person is not entitled to receive classified information solely by virtue of having been granted a security clearance. A person must also have a need for access to the particular classified information sought in connection with the performance of official government duties or contractual obligations. The determination of that need shall be made by officials having responsibility for the classified information.

§ 140.24 Control and accountability procedures.

Persons entrusted with classified information shall be responsible for providing protection and accountability for such information at all times and for locking classified information in approved security equipment whenever it is not in use or under direct supervision of authorized persons.

(a) *General safeguards.* (1) Classified material must not be left in unoccupied rooms or be left inadequately protected in an occupied office, or one occupied by other than security cleared employees. Under no circumstances shall classified material be placed in desk drawers or anywhere other than in approved storage containers.

(2) Employees using classified material shall take every precaution to prevent deliberate or casual inspection of it by unauthorized persons. Classified material shall be kept under constant surveillance and face down or covered when not in use.

(3) All copies of classified documents and any informal material such as memoranda, rough drafts, shorthand notes, carbon copies, carbon paper, typewriter ribbons, recording discs, spools and tapes shall be given the same classification and secure handling as the classified information they contain.

(4) Commission personnel authorized to use classified materials will obtain them from the Executive Director or his delegee on the day required and return them to the Executive Director or his delegee before the close of business on the same day.

(5) Classified information shall not be revealed in telephone or telecommunications conversations.

(6) Any person who has knowledge of the loss or possible compromise of classified information shall immediately report the circumstances either to the Personnel Security Officer or to the Executive Director or his delegee. The Executive Director or his delegee shall initiate a preliminary inquiry to determine the circumstances surrounding an actual or possible compromise, and to determine what corrective measures and administrative, disciplinary, or legal action is necessary.

(b) *Reproduction controls.* (1) The number of copies of documents containing classified information must be kept to the minimum required by operational necessity to decrease the risk of compromise and reduce storage costs.

(2) Top Secret documents, except for the controlled initial distribution of information processed or received electrically, shall not be reproduced without the consent of the originator.

(3) Unless restricted by the originating agency, Secret and Confidential documents may be reproduced to the extent required by operational needs.

(4) Reproduced copies of classified documents shall be subject to the same accountability and controls as the original documents.

(5) Classified reproduction shall be controlled by persons with the proper level of security clearance.

(6) Records shall be maintained to show the number and distribution of reproduced copies to all Top Secret documents, of all classified documents covered by special access programs distributed outside the originating agency, and of all Secret and Confidential documents which are marked with special dissemination and reproduction limitations.

(7) Unauthorized reproduction of classified material will be subject to appropriate disciplinary action.

(c) *Storage of classified material.* (1) All classified material in the custody of the Commission will be stored in accordance with the guidelines set forth in 32 CFR 2001.43.

(2) In addition, the Commission remains subject to the provisions of 32 CFR Part 2001, *et seq.*, insofar as they are applicable to classified materials held by the Commission.

Issued by the Commission on April 6, 1983, in Washington, D.C.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-9408 Filed 4-8-83; 8:45 am]

BILLING CODE 6351-01-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 504

Organization

AGENCY: United States Information Agency.

ACTION: Final rule.

SUMMARY: The United States Information Agency on a yearly basis updates Part 504 outlining the organizational changes and office moves

which have occurred during the past year.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT:
Ms. Dina Andrews, Management Plans and Analysis Staff, Bureau of Management, Room 507, 1750 Pennsylvania Ave., NW., Washington, D.C. 20547 (AC) 202–724–0403.

SUPPLEMENTARY INFORMATION:

List of Subjects in 22 CFR Part 504

Organization and functions (Government agencies).

E.O. 12291 Federal Regulation

USIA has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: April 1, 1983.

Charles Z. Wick,

Director, United States Information Agency.

22 CFR, Chapter V, Part 504 is amended as follows:

PART 504—ORGANIZATION

1. Section 504.2 is amended by redesignating and revising paragraphs (c) and (d) as (d) and (e) and by adding a new paragraph (c) as follows:

§ 504.2 Description of central and field organization, established places at which, officers from whom, and methods whereby the public may obtain information.

* * * * *

(c) The International Communication Agency was redesignated the United States Information Agency by Section 303(a) of the United States Information Agency Authorization Act, Fiscal Years 1982 and 1983 (Pub. L. 97–241, 96 Stat. 291).

(d) The United States Information Agency has responsibility for the conduct of international information, education, and cultural activities, including exchange programs to build bridges of mutual understanding between Americans and the other peoples of the world. The United States Information Agency engages in a wide variety of communication activities—from academic and cultural exchanges to press, radio, and television programs—to accomplish its goals of strengthening foreign understanding of American society and support for United States policies. The United States Information Agency operates field posts in 124 foreign countries.

(e) Agency operations are organized along both functional and geographical lines under the Executive Policy group composed of the Director, Deputy Director, four Associate Directors, the Counselor, General Counsel, and Director of Public Liaison. (1) The four Bureaus are: Broadcasting (B), Programs (P), Educational and Cultural Affairs (E), and Management (M). (i) The Bureau of Broadcasting combines the functions of the Voice of America (Radio) and Television and Films. The Voice of America is the global radio network of the United States Information Agency which seeks to promote understanding abroad of the United States, its people, culture and policies. VOA conducts its operations in accordance with the VOA Charter, which states:

(1) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive.

(2) VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions.

(3) VOA will present the policies of the United States clearly and effectively, and will also present responsible discussion and opinion of these policies.

VOA produces and broadcasts radio programs in English and 41 foreign languages, and operates broadcasting and relay facilities to transmit these programs. The Television and Films Service is responsible for the acquisition and production of videotape programs and films for distribution through USIA overseas posts. Annually, 158 USIA video products are produced utilizing Television and Films own studios or facilities, and 195 films and VCRs are acquired annually from private U.S. sources. These products are shown directly by USIA posts to audiences overseas; many are also distributed through foreign media and commercial theaters abroad. USIA also provides foreign TV stations with special film coverages as well as the use of Television and Films facilities to assist foreign broadcasters in developing programs in the U.S. for telecast abroad. (ii) The Bureau of Programs is comprised of two small specialized staffs, three foreign press centers and four major offices and services. Their chiefs all report directly to the Associate Director. The Policy Guidance Staff provides both fast daily and indepth background guidance for operating elements of the Agency on those U.S. foreign policy issues which are susceptible to public diplomacy and on those domestic concerns which are relevant to the conduct of it. This staff also reviews program proposals of the Agency's overseas posts and Washington elements to assure that they are consistent with agreed-upon policy and that resources are allocated in accordance with priorities, and represents USIA in interagency meetings on public affairs issues, evaluates the extent to which media products reflect the Agency's subject priorities, and develops options and policy recommendations over the entire range of international communication policy issues for the Director of USIA and for the consideration of the U.S. Government as a whole. Foreign Press Centers in New York, Washington, and Los Angeles provide facilitative services to foreign journalists working in those cities. The Office of Program Coordination and Development coordinates the design and implementation of all Agency support for major communication projects proposed by the Agency's overseas posts or undertaken by it in response to worldwide and regional priorities set by the Director, recruits American participants for those projects, and develops a systematic aggregation of essential resource materials to guide the acquisition and production of media support for them. This Office also is responsible for the development and coordination of the Agency's arts initiative undertaken through an agreement with the National Endowments, including recruitment and scheduling of all Agency fine arts exhibitions and performing artists and groups for overseas programming. The Office of Research combines the functions of research, foreign media reaction reporting, and the Agency library. The two media services—Exhibits and Press and Publications are responsible for the acquisition and production of a variety of media products for use or adaptation by USIA's overseas posts. These include exhibits in various formats; a daily wireless bulletin to all posts, magazines, pamphlets, reprints, photographs, and picture stories. The media services also operates printing plants at two overseas locations.

(iii) The Bureau of Educational and Cultural Affairs (E) is composed of four major offices. The Office of Cultural Centers and Resources provides policy direction, program support, and

professional guidance and materials to overseas libraries and American and Binational Centers. It promotes the distribution of American books in English and in translation; operates a donated books program; and supports English teaching programs abroad. The Office of Private Sector Programs works with organizations in the private sector and in some cases provides limited financial assistance for their non-profit activities in support of the Agency's public diplomacy and international exchange of persons objectives. The Office of International Visitor Programs is responsible for planning, implementing, monitoring, and evaluating all International Visitor and Voluntary Visitor programs; for managing the Agency's four reception centers; for serving as the Agency's liaison with public and private organizations involved in the International Visitor Program; and for arranging programs in the U.S. for UN Fellows and foreign government trainees. The Office of Academic Programs is responsible for conducting academic exchanges between the United States and other countries; facilitating the establishment and maintenance of close ties between the American academic community and those abroad; encouraging and supporting American studies at foreign universities and other institutions of higher learning; and serving as action office for activities related to USIA's mandate to coordinate the informational, educational, cultural, and exchange programs of the U.S. Government and exercising primary responsibility for government-wide leadership and policy guidance with regard to international educational and cultural affairs; assisting domestic and overseas student support activities such as student advising, testing, university recommendations and orientation efforts; and working with the Board of Foreign Scholarships in the execution of academic exchange programs.

(iv) The Bureau of Management (M) is made up of eight major offices and one staff. The Associate Director of the Bureau is responsible for planning, organizing, directing, and controlling the Agency's administrative and management operations and participating as a member of the Agency's executive policy group. The Bureau's offices provide support services in the areas of administration, advanced technology, personnel and training, budget and fiscal operations, security, equal employment opportunity, inspections, audits, and contracts.

(v) The Counselor of the Agency (C) reports to the Director and Deputy Director. The Counselor assists in the overall direction of the Agency and, as a member of the Agency's "Executive Policy Group" is responsible for establishing broad Agency policies and assuring their effective execution. The Counselor is directly responsible for oversight of the activities of the Area Directors, assisting in negotiations with foreign governments, representing the Agency at interdepartmental meetings, performing representational duties, coordinating within the Agency on matters affecting overseas operations. The Counselor provides the Director and Deputy Director with recommendations on all Foreign Service personnel assignments and undertakes additional assignments as requested by the Director.

(vi) The heads of the five geographic areas are the Agency's principal advisors on all programs within countries in their respective areas. They help to formulate Agency policies and represent the Director in interagency working groups. The Area Directors (Africa; Europe; East Asia and Pacific; American Republics; and North Africa, Near East, and South Asia) are responsible for the coordination and management of all public diplomacy programs for the countries in their geographic areas. They supply a knowledge of field problems and requirements to the Agency's policy and planning processes. They arrange with media services to provide products to their areas. They coordinate with the appropriate area and country officers in the Department of State and other foreign affairs agencies on operational matters of mutual concern.

(vii) The Agency maintains 202 posts abroad in 124 countries. These posts are under the supervision of the U.S. Chiefs of Mission, and with the guidance of the Director and the appropriate Area Office Director, conduct information, educational exchange and cultural programs on behalf of the U.S. Government. Each overseas office is headed by a Public Affairs Officer who is a member of the "Country Team" under the Chief of Mission. A list of overseas offices is maintained by the Management Plans and Analysis Staff, Room 520, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20547.

(viii) The Office of the General Counsel and Congressional Liaison (GC). The General Counsel and legal staff advise all elements of the Agency on the interpretation of all laws, regulations, and Executive Orders that authorize the Agency's programs or relate to the Agency's activities. The Office assists in the drafting of proposed legislation, Executive Orders, regulations, contracts, leases, and other legal documents, and participates in the negotiation of international agreements. The Office represents the Agency in hearings arising from disputes on contracts, equal employment opportunity, grievances, labor disputes, and licensing. The Office provides support to trial counsel in cases tried before domestic and foreign courts. The Office secures the necessary rights clearances for the Agency's activities, exercises in full, authority vested in the Director by law relating to Exchange Visitor Program designation, visa waiver review, and authorized periods of duration of stays, and advises on matters relating to ethical conduct and conflict of interest of Agency employees. On congressional matters it maintains contact with Members and their staffs, provides information about the Agency as appropriate, and serves as Agency coordinator of hearings on substantive legislation and Agency programming of Members and staff.

(ix) The Office of Public Liaison, (PL), directs and carries out activities designed to discharge the Agency's obligation to provide information about USIA policies, mission and programs to the American people, and the communications media. It publishes news releases, fact sheets and pamphlets; provides Agency speakers in response to invitations from organizations and institutions in the U.S.; and holds seminars and workshops with academic, business, professional and public interest institutions, and groups. It is responsible for the publication of the Agency's internal newsletter. The office is responsible for conducting tours of the Agency exhibit at the VOA headquarters. The 1983 estimate provides for a staff of 24 positions.

(x) The foregoing Agency elements have their principal Washington Offices as listed in Appendix I.

Appendix I—United States Information Agency Office Locations in Washington, D.C. Area

(1) Agency element located at 400 C Street, NW., Washington, D.C. 20547:
Office of the Director
Counselor of the Agency
Office of Public Liaison
Office of the General Counsel and Congressional Liaison
Bureau of Programs—
  Office of Research
  Office of Program Coordination and Development
  Exhibits Service
  Press and Publications Service

Bureau of Management—
Office of Administration and Technology
Office of Audits
Office of the Comptroller
Office of Equal Employment Opportunity
Office of Inspections
Office of Personnel
Office of Security
Managements Plans and Analysis Staff
Bureau of Educational and Cultural Affairs—
Office of International Visitors
Office of Academic Programs
Office of Cultural Centers and Resources
Office of Private Sector Programs
Office of African Affairs
Office of European Affairs
Office of East Asian and Pacific Affairs
Office of American Republics Affairs
Office of North African, Near Eastern, and South Asian Affairs United States Advisory Commission on Public Diplomacy
(2) Other Agency Elements and addresses:
(a) United States Information Agency, Health and Human Services Building (North), 330 Independence Avenue, SW., Washington, D.C. 20547; Bureau of Broadcasting.
(b) United States Information Agency, Health and Human Services Building (South), 330 C Street, SW., Washington, D.C. 20547; Bureau of Management—Office of Contracts.
(c) United States Information Agency, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20547; Bureau of Broadcasting—Television and Film Service.
(d) United States Information Agency, Bureau of Programs—Foreign Press Center, National Press Building, 529 14th Street, NW, Washington, D.C. 20547.

Appendix II—United States Information Agency Office Locations Outside the Washington, D.C. Area

United States Information Agency, Bureau of Broadcasting—
(a) Television and Film Service, New York Office, Room 30–100, 26 Federal Plaza, New York, N.Y. 10278
(b) Relay Stations
(1) Bethany Relay Station, P.O. Box 227, Mason, Ohio 45040
(2) Delano Relay Station, Route 1, Box 1350, Delano, Calif. 93215
(3) Dixon Relay Station, Route 2, Box 739, Dixon, Calif. 95620
(4) Marathon Relay Station, P.O. Box 726, Marathon, Fla. 33050
(5) Edward R. Murrow Transmitting Station, P.O. Box 1826, Greenville, N.C. 27834
(c) News Bureaus
(1) Midwest News Bureau, Room 3873, Federal Building, 230 South Dearborn Street, Chicago, Ill. 60604
(2) Southeast News Bureau, Room 1516, Federal Office Building, 51 S.W. First Avenue, Miami, Fla. 33130
(3) West Coast News Bureau, Room 11221, Federal Building, 11000 Wilshire Boulevard, Los Angeles, Calif. 90024
(4) New York News Bureau, Room 30–100, 26 Federal Plaza, New York, N.Y. 10278
Bureau of Programs
(a) Foreign Press Centers
(1) Federal Bldg., 11000 Wilshire Blvd., Los Angeles, Calif. 90024
(2) 18 E. 50th Street, 13th Floor, New York, N.Y. 10022
(b) Senior Advisor for Public Affairs, U.S. Mission to the United Nations, 799 United Nations Plaza, New York 10017
Bureau of Management
Administrative Services Division, New York Services Branch, 830 Third Avenue Brooklyn, N.Y. 11232
Bureau of Educational and Cultural Affairs—Reception Centers
(a) Honolulu—P.O. Box 50186, Honolulu, Hawaii 96850
(b) Miami—Room 1304, Federal Office Bldg., 50 SW. First Avenue, Miami, Fla. 33130
(c) New Orleans—Suite 1130 International Trade Mart 2 Canal Street, New Orleans, La. 70130
(d) New York—Third Floor, 1414 Avenue of the Americas, New York, N.Y. 10019
Office of Public Liaison—New York Public Liaison Office, Room 30–100, 26 Federal Plaza, New York, N.Y. 10278

[FR Doc. 83-9308 Filed 4-8-83; 8:45 am]
BILLING CODE 8230-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 74

[CGD 81-051]

Charges for Coast Guard Aids to Navigation Work

AGENCY: Coast Guard, DOT.

ACTION: Final rules.

SUMMARY: These regulations revise the charges for Coast Guard aids to navigation work. The charges presently listed in the Code of Federal Regulations were established in 1976 and do not reflect current costs. This document deletes these charges from Part 74 of the regulations and directs interested parties to the appropriate Coast Guard District Commander for charge schedules. Additionally, the regulations are simplified with unnecessary material removed.

DATES: This rule is effective May 11, 1983.

FOR FURTHER INFORMATION CONTACT: LTJG Ronald A. Gan, Office of Navigation, Short Range Aids to Navigation Division (G–NSR/14), Room 1416, U.S. Coast Guard Headquarters, 2100 Second St. SW. Washington, D.C. 20593, (202) 426–1973, between 8 AM and 4 PM Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) was published in the **Federal Register** of October 28, 1982 (47 FR 47864). The comment period for this NPRM (CGD–81–051) ended on December 13, 1982. One comment was received. This comment supports the change. No request for a public hearing was received; no public hearing is scheduled.

Drafting Information

The principal persons involved in drafting these regulations are: LTJG Ronald A. GAN, Project Manager, Office of Navigation, and LT Mark D. HANLON, Project Attorney, Office of the Chief Counsel.

Background

Title 14, section 85, United States Code gives the Secretary of Transportation, for the protection of maritime navigation, the authority to prescribe and enforce necessary and reasonable rules and regulations relative to the establishment, maintenance, and operation of lights and other signals on fixed and floating structures in or over waters subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States.

Title 14, section 86, United States Code gives the Coast Guard the authority to mark the location of any sunken vessel or other obstruction to navigation existing on the navigable waters or waters above the Continental Shelf of the United States. The Coast Guard may then, at the discretion of the Secretary of Transportation, charge the owners of the same for the cost of marking.

Title 14, section 642 of the United States Code authorizes the Coast Guard to recover the cost of repair or replacement of an aid to navigation that is damaged or destroyed by a private person.

Discussion of Final Rule

This document revises regulations which specify the charges for Coast Guard aids to navigation work. Presently, the charges are listed in the Code of Federal Regulations. These charges were last reviewed in 1976 and do not reflect the present cost of Coast Guard equipment and services. The transfer of these costs from the regulations to an annually revised, and readily available, Coast Guard publication will allow the Coast Guard to charge the users for the current average cost of manpower and equipment associated with the marking process. The average cost is based upon review of actual expenses recorded by units servicing aids to navigation.

The discrepancies between the prior charges published in 33 CFR Part 74 and the actual costs incurred forced the Coast Guard to absorb any increases in the cost of manpower and equipment. Using 1981 accounting data, the greatest loss absorbed in buoy costs was in the preparation and servicing of an 8-foot lighted buoy. It costs approximately $1,420 to prepare a buoy of this type for setting. The preparation as previously listed in Part 74 was $869. The resulting loss to the Coast Guard was $551. Further, the monthly service charge for this buoy previously listed in Part 74 was $63 while the actual cost is $86. This resulted in a monthly servicing loss of $23.

In the case of certain smaller buoys, the difference between the previously published charges and the actual costs resulted in the user being charged too much for the aids to navigation work. The rest illustration of this is the 4th class can or nun buoy. The previously published preparation charge for this buoy was $112. Due to advances in the design of this type of buoy, preparation is no longer required before setting the buoy and the user was unnecessaily charged. The previously published monthly service charge was $21 while the actual cost is only $4. This discrepancy resulted in the user being overcharged $17 per month by the C ast Guard.

The disparity between the prior published charges and actual charges for aids to navigation work is not limited to the buoy costs alone. The vessel and boat use costs have also gone up markedly since the prior review of charges in 1976.

Using 1981 accounting data, the greatest discrepancy existed in the cost per hour of a coastal buoy tender (WLM). Part 74 listed the cost per hour of a WLM as $194. This published average hourly charge for the three types of WLM was drastically less than the actual cost. In reality, a 175 foot WLM costs $871 per hour to operate, a 157 foot WLM costs $638 per hour, and a 133 foot WLM cost $443 per hour. Consequently, the Coast Guard had to absorb the difference in the costs which ranged from $677 to $249.

The revisions to this Part are necessary and worthwhile because the financial burden for aids to navigation work is more equitably shifted from the taxpayers to the actual users of the service. Subpart 74.05, Charges to Armed Forces and Subpart 74.15, Charges to Federal Agencies Other Than the Armed Forces, are removed. These subparts regulated various charges to other governmental agencies. Agreements between governmental agencies need not be codified in the Code of Federal Regulations.

Regulatory Evaluation

These regulations have been evaluated under DOT Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations", dated May 22, 1980, and have been found not to be significant. The increase in cost to the public will vary since the work performed, types of vessels performing, and charges will vary. A review of past charges was conducted in an effort to determine the scope of the impact of this revision on the public. In 1981, the Coast Guard charged the public $83,750 for the installation and maintenance of aids marking sunken obstructions. It is estimated that this revision will increase the overall replacement charges by 16%, overall preparation charges by 30%, overall service charges by 13%, and overall vessel use charges by 204%. For example, if a third class unlighted buoy is prepared, installed by a 75 foot WLR in three billable hours, and maintained for one year, the previous charge was $562. The charge, based upon the latest average cost figures, is $966. The result is a 72% charge increase. If, for example, a 3½-foot lighted buoy is prepared, installed by a 133 foot WLM in three billable hours, and maintained for one year, the previous charge was $1,193. The present charge, based upon the latest average cost figures, is $2,112. The result is a 77% charge increase. Assuming an average charge increase of 75% and assuming the work performed in the future will be similar to that done in 1981, the amount chargeable will increase from $83,750 to $146,562.

The satisfactory marking of a sunken wreck by its owner is a statutory obligation. If the owner is unable to mark the wreck privately, he may request that the Coast Guard mark the wreck. Any increase in the charge for Coast Guard marking will not additionally burden the owner since he may elect to mark the wreck privately.

These regulations have been evaluated under E.O. 12291 and have been determined not to be major, for the reasons stated above. In addition, these regulations are certified as having no significant economic impact upon a substantial number of small entities. The need to mark an obstruction is a random occurrence which is no more likely to affect small entities than any other entity. In the event that a small business entity is affected, it is anticipated that the maximum increase in the cost of marking an obstruction will be $1,000. This relatively minor cost increase is not expected to significantly impact the economics of small businesses.

List of Subjects in 33 CFR Part 74

Navigation (water).

PART 74—[AMENDED]

In consideration of the foregoing, Part 74 of Title 33, Code of Federal Regulations, is amended as follows:

(1) The authority citation for Part 74 is revised as follows:

Authority: 14 USC 81, 85, 86, 92, 93, 141, 633, 642, 647; (49 CFR 1.46 (b)).

Subpart 74.01—Charges to the Public

(2) By revising § 74.01–10 as follows:

§ 74.01–10 Charges invoiced to owner for marking sunken wrecks and other obstructions to navigation.

Charges for the establishment, maintenance, and replacement by the Coast Guard of an aid, either permanent or temporary, to mark a sunken wreck or other obstruction to navigation are calculated to recover the Coast Guard costs involved in, or associated with, the marking process. These charges will be invoiced to the owner of the obstruction. Charges for the removal of aids to navigation established by the Coast Guard will be invoiced to the owner unless the District Engineer requests the continued marking of the obstruction. All charges will be assessed in accordance with Subpart 74.20 of this part.

Subpart 74.05—Charges to the Armed Forces [Removed]

(3) By removing Subpart 74.05.

Subpart 74.15—Charges to Federal Agencies Other Than the Armed Forces [Removed]

(4) By removing Subpart 74.15.

Subpart 74.20—Aids to Navigation Costs

(5) By revising § 74.20–1 to read as follows:

§ 74.20–1 Buoy and vessel use costs.

(a) The buoy and vessel use costs for establishing, maintaining, repairing, replacing, or removing an aid to navigation under the requirements of this part are contained in COMDTNOTE 7310 (series) which is available at the Office of the Comptroller of the appropriate Coast Guard District Commander.

(b) Buoy and vessel use charges under this part are made for the cost or value of time, in hours, consumed by the

Government vessel, including ship's complement, employed in marking the obstruction. No charge for time and expense of Coast Guard vessels is made when the marking of the obstruction causes only minimal interruption of routinely scheduled ship's duty.

Dated: March 17, 1983.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 83-9382 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Service to Spain and Tunisia

AGENCY: Postal Service.

ACTION: Final action on International Express Mail Service to Spain and Tunisia.

SUMMARY: Pursuant to agreements with the postal administrations of Spain and Tunisia, the Postal Service intends to begin International Express Mail Service with Spain and Tunisia at postage rates indicated in the tables below. Service is scheduled to begin on May 9, 1983.

EFFECTIVE DATE: May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Leon W. Perlinn, (202) 245-4414.

SUPPLEMENTARY INFORMATION: By a notice published in the **Federal Register** on March 7, 1983 (48 FR 9543,), the Postal Service announced that it was proposing to begin International Express Mail Service to Spain and Tunisia on May 9, 1983. Comments were invited on published rate tables, which were proposed amendments to the International Mail Manual (incorporated by reference in the **Federal Register**, 39 CFR 10.1), and which are to become effective on the date service begins. No comments were received.

Accordingly, the Postal Service is confirming that it intends to begin International Express Mail Service with Spain and Tunisia on May 9, 1983 at the rates indicated in the tables below.

List of Subjects in 39 CFR Part 10

Foreign relations.

SPAIN—INTERNATIONAL EXPRESS MAIL

Custom designed service [1] [2]		On demand service [2]	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
1	$27.00	1	$19.00
2	29.90	2	21.90
3	32.80	3	24.80
4	35.70	4	27.70
5	38.60	5	30.60
6	41.50	6	33.50
7	44.40	7	[illegible]
8	47.30	8	39.30
9	50.20	9	42.20
10	53.10	10	45.10
11	56.00	11	48.00
12	58.90	12	50.90
13	61.80	13	[illegible]
14	64.70	14	56.70
15	67.60	15	59.60
16	70.50	16	62.50
17	73.40	17	65.40
18	76.30	18	68.30
19	79.20	19	71.20
20	82.10	20	74.10
21	85.00	21	77.00
22	87.90	22	79.90
23	90.80	23	[illegible]
24	93.70	24	[illegible]
25	96.60	25	[illegible]
26	99.50	26	91.50
27	102.40	27	[illegible]
28	105.30	28	97.30
29	108.20	29	100.20
30	111.10	30	103.10
31	114.00	31	106.00
32	116.90	32	108.90
33	119.80	33	111.80
34	122.70	34	114.70
35	125.60	35	117.60
36	128.50	36	120.50
37	131.40	37	123.40
38	134.30	38	126.30
39	137.20	39	129.20
40	140.10	40	132.10
41	143.00	41	135.00
42	145.90	42	137.90
43	148.80	43	140.80
44	151.70	44	143.70

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

TUNISIA—INTERNATIONAL EXPRESS MAIL

Custom designed service [1] [2]		On demand service [2]	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	[illegible]	18	[illegible]
19	94.60	19	[illegible]
20	98.30	20	[illegible]
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90

SPAIN—INTERNATIONAL EXPRESS MAIL—Continued

Custom designed service [1] [2]		On demand service [2]	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
4	35.70	4	27.70
5	38.60	5	30.60
6	41.50	6	33.50
7	44.40	7	[illegible]
8	47.30	8	39.30
9	50.20	9	42.20
10	53.10	10	45.10
11	56.00	11	48.00
12	58.90	12	50.90
13	61.80	13	[illegible]
14	64.70	14	56.70
15	67.60	15	59.60
16	70.50	16	62.50
17	73.40	17	65.40
18	76.30	18	68.30
19	79.20	19	71.20
20	82.10	20	74.10
21	85.00	21	77.00
22	87.90	22	79.90
23	90.80	23	[illegible]
24	93.70	24	[illegible]
25	96.60	25	[illegible]
26	99.50	26	91.50
27	102.40	27	[illegible]
28	105.30	28	97.30
29	108.20	29	100.20
30	111.10	30	103.10
31	114.00	31	106.00
32	116.90	32	108.90
33	119.80	33	111.80
34	122.70	34	114.70
35	125.60	35	117.60
36	128.50	36	120.50
37	131.40	37	123.40
38	134.30	38	126.30
39	137.20	39	129.20
40	140.10	40	132.10
41	143.00	41	135.00
42	145.90	42	137.90
43	148.80	43	140.80
44	151.70	44	143.70

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

TUNISIA—INTERNATIONAL EXPRESS MAIL—Continued

Custom designed service [1] [2]		On demand service [2]	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40
34	150.10	34	142.10
35	153.80	35	145.80
36	157.50	36	149.50
37	161.20	37	153.20
38	164.90	38	156.90
39	[illegible]	39	160.60
40	172.30	40	164.30
41	176.00	41	168.00
42	179.70	42	171.70
43	183.40	43	175.40
[illegible]	187.10	44	179.10

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

A transmittal letter making these changes in the pages of the International Mail Manual will be published in the **Federal Register** as provided in 39 CFR 10.3 and will be transmitted to subscribers automatically.

(39 U.S.C. 401, 404, 407)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 83-9307 Filed 4-8-83; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 50, 66, 106, and 110

[CGD 80-161]

Ocean Thermal Energy Conversion Facility and Plantship Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These regulations implement the Coast Guard's responsibilities pursuant to the Ocean Thermal Energy Conversion Act of 1980. The Act requires the Coast Guard to prescribe rules for ocean thermal energy conversion (OTEC) facilities and plantships for the purpose of promoting the safety of life and property at sea and protecting the marine environment. The regulations will affect prospective OTEC licensees and related private industry support interests. Vessel marking requirements in this rulemaking will also affect general navigation interests. The rules reference existing regulations and

establish new requirements for features which are unique to OTEC facilities and plantships.

EFFECTIVE DATE: This final rule becomes effective May 11, 1983.

FOR FURTHER INFORMATION CONTACT: LT Thomas M. Curelli, Office of Merchant Marine Safety, Room 1306, U.S. Coast Guard Headquarters, 2100 2nd St. S.W., Washington, D.C. 20593; (202–426–2187).

SUPPLEMENTARY INFORMATION: On October 5, 1981 a Notice of Proposed Rulemaking was published (46 FR 49078) on this subject. Comments were received from nine commenters including private corporations, industry associations, research companies, government agencies, and educational institutions. No requests were received for a public hearing and none was held.

Drafting Information

The principal persons involved in drafting this rulemaking are: LT Thomas M. Curelli, Office of Merchant Marine Safety, and LT Walter Brudzinski, Office of Chief Counsel.

Discussion of Comments

Comments from nine sources were received on fourteen different topics. Commenters were unanimously in favor of this rulemaking although clarification on certain proposed rules appears necessary. A discussion of each comment follows.

Pollution Prevention

One commenter noted that consideration should be given to the pollution potential of the chemical additives used to prevent and remove fouling from the heat exchanger sea water surfaces. The Coast Guard has considered this issue from two perspectives, the threat posed by the possible normal operating discharges and the threat posed by the transportation and storage of these materials.

For substances designated as hazardous by the final rule in § 106.303, the Coast Guard will, if the potential pollution threat warrants, insure OTEC contingency plans adequately address response actions in the event of an accidental discharge. Operational discharges will be evaluated on an individual case basis during the joint federal agency licensing process conducted by NOAA.

Navigation Safety

One commenter suggested that OTEC facilities and plantships carry collision avoidance radar. The Coast Guard feels that even though such radar can be a useful warning device, requiring its use on OTEC facilities and plantships is in excess of established safety requirements. If necessary, a Safety Zone may be established around the facility or plantship.

Documentation, Design and Manning

One commenter noted that routine maintenance procedures will require entry into the "OTEC working fluid zones" and that the procedures for isolating, clearing, ventilating, sealing, testing and reactivating those sections should be subject to procedures developed by the designers/operators and approved by the Coast Guard. This concern involves anticipated maintenance and/or repairs that will require the dismantling and inspection of the components and piping which handle hazardous materials.

The Coast Guard believes that if such maintenance and repairs are to be conducted on vessels and considered normal operations, an approved procedures guide must be used in conjunction with the required hazardous material protection plan. This guide will be approved by the Commandant on an individual vessel basis. The guide should include safety measures for the protection of the work force and procedures to prevent accidental release of hazardous substances. Section 106.305-Safety has been changed to include this requirement.

Two commenters requested an explanation of why an operating manual is not required for guidance in the safe operation of the facility or plantship during normal and extreme conditions. Such operating manuals are required for mobile offshore drilling units (MODUs) in § 109 of Subchapter I–A. Due to the nature of mobile offshore drilling units, the mode of operation changes for extreme weather or changes of station. OTEC facilities and plantships will probably remain under the same mode (operating drafts, loading conditions, etc.) for great lengths of time and will be designed to withstand heavy weather without changes in the vessel mode. Sufficient safe operational guidance is provided in the hazardous materials protection plans, station bills, stability letter and other required documents carried aboard the vessel.

One commenter took issue with the proposed § 106.215-Accommodation Spaces. This section requires that no part of the accommodation spaces deck shall be below the level of the deepest loadline. The commenter suggested that the Commandant may approve exceptions to this in special cases as long as the deck head of the crew spaces does not extend below the deepest load line. The Coast Guard feels this is consistent with established marine safety requirements. Accordingly, § 106.215(b) has been changed to accommodate this suggestion.

One commenter stated that there appears to be no requirement for maneuvering data to be posted on the bridge of OTEC plantships. Although a requirement for maneuvering data is not stated specifically in the proposed PART 106, Subpart K-Operations requires OTEC facilities and plantships to comply with applicable sections of 46 CFR 109.564-Maneuvering characteristics. This section requires that the master or person-in-charge of each self-propelled plantship of 1600 gross tons and over shall ensure that a maneuvering information fact sheet is prominently displayed in the pilothouse.

One commenter noted that the definitions of OTEC facilities and plantships contained in proposed 46 CFR 66.03–21 and 66.03–23 differ from those found in the OTEC Act. The definitions found in Sections 3 (11) and (12) of Pub. L. 96–320 include cables, pipelines, and other associated equipment and appurtenances, while those found in the final rule do not include this equipment. The definitions found in proposed 46 CFR 66.03–21 and 66.03–23 apply solely to the documentation and admeasurement of vessels. Cables, pipelines and other associated equipment are a part of the vessel and not inherently capable of being documented or admeasured. Since they are not independently applicable to the documentation and admeasurement regulations, the inclusion of them in the definitions would be misleading and inaccurate.

One commenter submitted that the definition "Floating OTEC Facility" should include floating plants that use systems such as thrusters and dynamic positioning system for station keeping in addition to those plants that are securely and substantially moored to the ocean floor. The Coast Guard does not agree with this position. The definitions of plantships and floating facilities are very clear. A dynamically positioned OTEC is classified as a plantship, unless it is securely and substantially moored to the ocean floor so that it can not be moved without special effort.

The proposed changes to 46 CFR Part 66 have been superceded by publication of 47 FR 27494, a new 46 Part CFR 67, on June 24, 1982. Therefore, proposed 46 CFR 66.03–5, 66.03–21, 66.03–23 have been retracted from this rulemaking and incorporated without change in 46 CFR Part 67.

One commenter expressed concern that the minimum manning requirements will have a substantial impact on the operating costs of OTEC facilities. He recommended that special provisions be made for minimum crewing of such facilities where automation of operating equipment is provided with remote monitoring from a shore control facility. Present Subchapter P-Manning of Vessels, requirements provide for the minimum level of manning consistent with the vessel's safety. Partial or full automation will be considered for OTEC facilities on an individual facility basis. This will allow the greatest degree of freedom in setting the manning level consistent with an individual vessel's safety and the safety of the marine environment. Partial or full automation will be acceptable under these provisions assuming proper facility design.

Two commenters objected to the proposed § 109.209—Marine Engineering Requirements. This required case by case authorization from the Commandant for the use of aluminum or aluminum alloys which will be in contact with anhydrous ammonia. It was suggested by the commenters that it is not appropriate to apply the same requirements to ocean thermal energy conversion as to the regulation of transportation of anhydrous ammonia. It is not the intent of the proposed rules to prohibit the use of aluminum in OTEC industrial systems. Proposed design will be compared to applicable national or industry standards which have been adapted for marine application. Where no standard exists, proposed designs will be considered by the Commandant on an individual basis. This approach will allow for the development of new technological applications, while assuring the general safety of the system.

Five commenters recommended that Subpart B-Inspection and Certification be amended to provide for special examination in lieu of drydocking as the normal procedure, rather than as an exception requiring approval by the Commandant. The proposed rules required inspections at intervals not to exceed 24 months. If drydocking is found to be feasible for a facility or plantship, then special plans need not be approved by the Commandant and the inspection may be handled entirely by the cognizant Officer in Charge, Marine Inspection (OCMI). Where it is not feasible to drydock a facility or plantship due to size, shape, economic considerations, or other circumstances, a special examination in lieu of drydocking may be conducted in accordance with § 106.103.

It is essential that the Commandant approve the procedures and plans as these examinations will be specific to each type of OTEC facility or plantship and consideration must be given to the adequacy and safety of the examinations. The Coast Guard feels that the final rule provides for the necessary inspections with sufficient flexibility so as not to burden any OTEC configuration.

General Comments

The Coast Guard published a reorganization of navigation rules on Tuesday, May 26, 1981 (46 FR 28153). Those regulations reorganize the rules contained in Title 33 by renaming or deleting the headings of Subchapter D, DD, E, and F, and by renumbering the parts in those Subchapters. No changes were made to the text of any of the affected regulations. Section 106.011 Navigation rules for plantships is changed to reflect this regulation and is revised to read, "* * * 33 CFR Part 81."

One commenter was concerned that the Coast Guard's estimated cost or regulatory compliance was excessive. The draft evaluation used a figure determined from historical data on compliance costs for conventional vessels and mobile offshore drilling units. These figures are very rough estimates derived from marine industry input. In order to determine the cost of compliance for OTEC facilities and plantships a general estimation is included in the final evaluation. This will include estimated costs for an anticipated OTEC of a given size. The Coast Guard does, however, realize that the marginal cost of compliance will very greatly and has designed the regulations to keep the cost of compliance to a minimum.

One commenter took issue with our certification, under the Regulatory Flexibility Act, that the proposed regulations would not have a significant economic effect on a substantial number of small entities. Our conclusion is based on an estimate that not more than ten OTEC facilities and plantships are anticipated and the assumption that the magnitude of the investment required in a project would preclude participation, at the owner/operator level towards which these rules are directed, by other than major companies. The commentor is a small company and states that "if OTEC proves to be an economic and reliable source of power, then there will be thousands of OTEC plants." Nothing in the rules precludes participation by small companies and we believe the flexibility provided by the rules, which the commenter commends, enhances the ability of small firms with innovative designs to participate in the development of the OTEC industry. We remain of the view, however, that for the foreseeable future, the number of OTEC facilities will be limited and there will not be a substantial number of small entities affected by these rules. Section 117 of Pub. L. 96–320, the OTEC Act of 1980, does provide for the periodic review and revision of regulations not more than every three years. The Coast Guard will reevaluate this position as part of each periodic review. Therefore, the Coast Guard certifies under the provisions of Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 801) that the regulations will not have a significant economic impact on a substantial number of small entities.

Evaluation

These regulations are considered non-significant and a final evaluation has been prepared and placed in the public docket as required by the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The Order requires that the evaluation contain an economic analysis which quantifies the estimated costs of the regulations to the private sector, consumers and governments, as well as the anticipated benefits and impacts of the regulations. These regulations will impose no unanticipated costs on the OTEC industry since they largely incorporate existing regulations which apply to similar vessels. The regulations establish a framework within which the emerging OTEC industry may develop. This will permit the rapid and orderly development of a vital alternative energy resource.

The estimated costs of regulatory compliance are outlined in the final evaluation and are considered to be minimal in comparison to non-Coast Guard regulated design and construction where practical seamanship dictates a minimum set of requirements. The marginal cost of compliance is estimated to be less than one percent of the total capital investment. A copy of the final evaluation may be obtained from the Commandant (G–CMC), Room 2418, U.S. Coast Guard Headquarters, 2100 Second St. S.W., Washington, D.C. 20593 (202–426–1477).

The regulations have also been found to be non-major under Executive Order 12291. They are designed to facilitate OTEC development through a minimum of regulatory control. The ocean thermal energy conversion system will produce usable energy at a minimal societal cost.

and by doing so will maximize the benefits to be received by all. The approval of OTEC facility design and equipment will be carried out with a view towards allowing designs which maximize flexibility and are consistent with the needs of safety and environmental protection. This minimizing of regulatory control and cooperation with the OTEC industry should produce maximum benefits for all parties. By fostering the productivity of an emerging industry, innovation and employment of United States industries should be enhanced.

For the reasons discussed above, it is certified that these regulations have also been determined to have no significant economic impact on a substantial number of small entities as required by the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601). No more than ten OTEC facilities are anticipated in the foreseeable future and the cost of each facility will be such as to preclude participation by all but the major energy companies and consortiums. While the number of entities involved will be small, the relative economic size of those entities is unlikely to be within the scope of the small business activities envisioned by the Act.

These regulations may subject some OTEC units to recordkeeping and reporting requirements. However, these requirements will be of limited impact and will be applicable to less than ten units for the foreseeable future. No comments on recordkeeping were received. These regulations will fall under the Section 3506(c)(5) exception of the Paperwork Reduction Act, since fewer than ten facilities are anticipated.

The Coast Guard has concluded that the environmental impact of these particular proposals will be minimal. Coast Guard actions performed under statutory authority for documentation and inspection authority for documentation and inspection of vessels are not normally actions with significant effect on the environment and do not require and Environment Assessment, Findings of No Significant Impact, or Environmental Impact Statement (EIS). Thus, a detailed EIS is not being prepared for this rulemaking.

List of Subjects

46 CFR Part 50

Marine safety, Ocean thermal energy conversion, and Vessels.

46 CFR Part 106

Energy, Environmental protection, Fire protection, Hazardous materials, Marine safety, Ocean thermal energy conversion and Vessels.

46 CFR Part 110

Vessels.

In consideration of the foregoing, the proposed rules in the **Federal Register** of October 5, 1981 (46 FR 49078) are adopted with some modifications as set forth below.

PART 50—GENERAL PROVISIONS

1. Paragraph (k) is added to § 50.01–1 to read as follows:

§ 50.01–1 Authority for regulations.

* * * * *

(k) *OTEC facilities and plantships.* The citation regarding authority to prescribe requirements for OTEC facilities and plantships is in PART 106 of this Chapter.

2. Paragraph (c) is added to § 50.05–15 to read as follows:

§ 50.05–15 Vessels subject to regulations in this subchapter.

* * * * *

(c) The provisions in this subchapter apply to OTEC facilities and plantships licensed under the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq).

3. By adding a new Part 106 to read as follows:

PART 106—OCEAN THERMAL ENERGY CONVERSION FACILITIES AND PLANTSHIPS

Subpart A—General

Sec.

106.001 Purpose.
106.003 Applicability.
106.005 Definition of terms used in this Part.
106.007 Pollution prevention.
106.009 Lights and warning devices.
106.011 Navigation rules for plantships.
106.013 Radiotelephone requirements.
106.015 Navigation safety requirements.

Subpart B—Inspection and Certification

106.100 Application.
106.103 Special examination in lieu of drydocking.
106.105 Plan approval.

Subpart C—Construction and Arrangement

106.200 General.
106.203 Structural standards.
106.205 General fire protection.
106.207 Structural fire protection.
106.209 Marine and electrical engineering requirements.
106.211 Means of escape.
106.213 Ventilation.
106.215 Accommodation spaces.
106.217 Rails.
106.219 Helicopter facilities.

Subpart D—Hazardous Materials

106.300 Purpose.
106.303 Designation of materials.
106.305 Safety.

Subpart E—Stability

106.400 Application.
106.403 Tension tendon tethered facility stability.
106.405 Stability test.

Subpart F—Fire Extinguishing Systems

106.501 Application.

Subpart G—Lifesaving Equipment

106.601 Application.

Subpart H—Cranes and Power Operated Industrial Trucks

106.701 Application.

Subpart I—Equipment Markings and Instructions

106.801 Application.

Subpart J—Miscellaneous Equipment

106.901 Application.

Subpart K—Operations

106.1001 Application.

Subpart L—Manning

106.1101 Requirements.

Authority: Pub. L. 96–320, 94 Stat. 974, (42 U.S.C. 9118, 9119(c), 9153(a), (b)); 49 CFR 1.46(ee).

Subpart A—General

§ 106.001 Purpose.

This part states the requirements for the promotion of safety of life and property on ocean thermal energy conversion facilities and plantships, protection of the marine environment from adverse impact resulting from OTEC activities, and implementation of the requirements of Section 108 of the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9118–9119).

§ 106.003 Applicability.

This part applies to facilities, plantships, vessels, and persons engaged in the production of energy from seawater temperature differences and licensed under the provisions of the Ocean Thermal Energy Conversion Act of 1980.

§ 106.005 Definition of terms used in this Part.

As used in this Part:

"Ocean Thermal Energy Conversion Facility (OTEC Facility)" means any facility which is standing or moored in or beyond the territorial sea of the United States and which is designed to use temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such facility to use this electricity or other form of energy to produce, process, refine or manufacture a product, any equipment

used to transfer the product to other vessels for transportation to users, and all other associated equipment and appurtenances of the facility to the extent they are located seaward of the high water mark.

"Ocean Thermal Energy Conversion Plantship (OTEC Plantship)" means any vessel which is designed to use temperature differences in ocean water while floating unmoored or moving through such water, to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such vessel to use this electricity or other form of energy to produce, process, refine, or manufacture a product, and any equipment used to transfer the product to other vessels for transportation to users, and all other associated equipment and appurtenances of such vessels.

"OTEC" means ocean thermal energy conversion.

"Fixed Bottom Founded OTEC Facility (fixed facility)" means any facility which is permanently fixed to the ocean floor and does not use liquid buoyancy as a means of support.

"Floating OTEC Facility (floating facility)" means any buoyant facility securely and substantially moored to the ocean floor so that it cannot be moved without a special effort.

"Person" means any individual (whether or not a citizen of the United States), any corporation, partnership, association, or other entity organized or existing under the laws of any nation, and any federal, state, local or foreign government or any entity of any such government.

§ 106.007 Pollution prevention.

OTEC facilities and plantships are subject to the oil pollution regulations of 33 CFR Parts 154, 155, and 156.

§ 106.009 Lights and warning devices.

OTEC facilities are subject to the provisions of 33 CFR Part 64, concerning the marking of sunken vessels and other obstructions and 33 CFR Part 66, concerning private aids to navigation.

§ 106.011 Navigation rules for plantships.

The navigation and marking of OTEC plantships shall be in compliance with 33 CFR Part 81.

§ 106.013 Radiotelephone requirements.

The owner or operator of an OTEC facility or plantship shall comply with the radiotelephone requirements of 33 CFR Part 26.

§ 106.015 Navigation safety requirements.

The owner of an OTEC plantship shall ensure that the plantship is in compliance with the navigation safety regulations of 33 CFR Part 164.

Subpart B—Inspection and Certification

§ 106.100 Application.

Each OTEC facility and plantship shall meet Part 107, Subpart B—Inspection and Certification of this chapter, except that reference will be made to Subpart C of this Part for the requirements of § 107.231(a)(1).

§ 106.103 Special examination in lieu of drydocking.

(a) Each fixed facility must be examined at intervals not to exceed 24 months.

(b) Plantships and floating facilities may be specially examined in lieu of the drydocking required by § 107.261 when approved by the Commandant and in accordance with a plan—

(1) Submitted in accordance with paragraph (c) of this section; and

(2) Accepted by the Commandant.

(c) To meet the requirements in paragraphs (a) and (b) of this section, the owner of the OTEC facility or plantship must submit a plan to the cognizant OCMI that describes the methods used to determine the condition of the hull and mooring system or supporting structure for fixed facilities. The plan must contain the following information:

(1) The planned location where the facility or plantship is to be examined.

(2) The draft at which a hull is to be examined, or the depth of supporting structure.

(3) The names of the divers or diving company selected for the examination.

(4) The method of visual presentation for the examination.

(5) The method used to clean the underwater portion of the hull or structure.

(6) The method and location of gauging the underwater portion of the hull or structure.

(7) The number of underwater hull fittings and number of compartments to be opened.

(8) The underwater high stress areas and the welds in those areas to be examined.

(9) The method used to examine the intake and discharge pipes and joints.

§ 106.105 Plan approval.

(a) The list of required plans is general in character, but includes all plans which normally show construction and safety features coming under the cognizance of the Coast Guard. In the case of a particular facility or plantship, all of the plans listed may not be applicable, and it is intended that only those plans and specifications be submitted as will clearly show the arrangement, construction, and required equipment.

(b) Plans must be submitted in accordance with the requirements of Subchapter I–A, §§ 107.305, 107.309 and 107.317 of this Chapter.

(c) An operating manual is not required for OTEC facilities and plantships.

(d) Plans required in addition to those of § 107.305 of this Chapter are:

(1) Outboard profile showing entire mooring and cold water pipe schemes.

(2) Cold water, warm water, and discharge pipe arrangements and details.

(3) Structural calculations and plans showing special structural features.

(4) Bottom attachment details and calculations for fixed structures.

(5) Support structure details and calculations for fixed structures.

(6) The hazardous material plan required by § 106.305 of this Part.

Subpart C—Construction and Arrangement

§ 106.200 General.

(a) To use the rules of a classification society other than the American Bureau of Shipping in meeting the requirements of this section, the owner or operator must request approval from the Commandant. The relevant rules must be submitted with the request.

(b) Substitutes for fittings, materials, apparatus, equipment, arrangements, calculations and tests required in this Subpart may be accepted by the Commandant if the substitute provides an equivalent level of safety.

(c) Where the use of any particular equipment, apparatus, arrangement, or test is impracticable, the Commandant may permit the use of alternate methods that maintain a degree of safety consistent with the minimum standards set forth in this Subpart.

(d) Each item of lifesaving and firefighting equipment maintained in addition to those required by this Subpart must meet the requirements of this PART for that item of equipment. Use of nonapproved fire detection systems may be acceptable as excess equipment provided that they do not endanger the vessel or crew in any way.

§ 106.203 Structural standards.

(a) Except as provided for in § 106.200(b) of this chapter, each OTEC

facility, or plantship must meet the structural standards of the American Bureau of Shipping for the most appropriate vessel or structural configuration.

(b) Appliances for watertight and weathertight integrity must meet the requirements of § 108.114 of this chapter.

(c) If a plantship or floating facility is equipped with sliding watertight doors, each sliding watertight door must be approved under § 163.001 of this chapter.

§ 106.205 General fire protection.

OTEC facilities and plantships must meet the requirements of §§ 108.123 and 108.127 of this chapter.

§ 106.207 Structural fire protection.

OTEC facilities and plantships must meet §§ 108.131 through 108.147 of this chapter.

§ 106.209 Marine and electrical engineering requirements.

(a) Except as noted in paragraphs (b) and (c) of this section, all installations must comply with the marine and electrical engineering requirements of Subchapters F and J of this chapter.

(b) where unusual design or equipment needs make compliance impractical, alternative proposals that provide an equivalent level of safety may be accepted, as provided by §§ 50.20–30, 106.200(c), and 110.20–1 of this chapter.

(c) Detailed design and operating requirements for marine and electrical engineering aspects of OTEC industrial systems have not been fully developed. The general system or design concepts must comply with Subchapters F and J of this chapter where practicable;

(d) If a unique aspect of an installation is not covered by these regulations and is regarded as potentially hazardous to the vessel or personnel or to the marine environment, the proposed design and operating standards will be compared to applicable national or industry standards, adapted for marine applications as necessary. Where no national or industry standards exist, the installation will be reviewed for a level of safety consistent with that required by the marine and electrical engineering regulations.

(e) Conceptual diagrams or schematics including general requirements for materials and a written description of system operation must be submitted to the Commandant for evaluation and determination of applicable standards and requirements. Upon completion of conceptual review, detailed plan review will be conducted by a designated merchant marine technical field office using the requirements and standards established by the Commandant.

(f) The Commandant may accept certification of compliance with accepted standards, by a registered professional engineer, for certain industrial systems and their components in lieu of plan review and inspection by the Coast Guard.

§ 106.211 Means of escape.

OTEC facilities and plantships must meet §§ 108.151 thru 108.167 of this chapter.

§ 106.213 Ventilation.

OTEC facilities and plantships must meet § 108.181 of this chapter.

§ 106.215 Accommodation spaces.

(a) OTEC facilities and plantships must meet § 108.193 and §§ 108.197 through 108.215 of this chapter.

(b) No section of the accommodation spaces deck shall be below the level of the deepest loadline, except that the Commandant may approve exceptions to this in special cases as long as the deckhead of accommodation spaces does not extend below the deepest loadline.

(c) The elevation of the accommodation spaces deck of a fixed facility shall provide adequate clearance above the crest of the design wave.

(d) Each OTEC facility with accommodations for 12 or more persons shall have a hospital space as provided for in §§108.209 or 108.210 of this chapter.

§ 106.217 Rails.

(a) Except as permitted in paragraph (b) of this section, OTEC facilities and plantships must meet §§ 108.217 through 108.223 of this chapter.

(b) Fixed facilities need not comply with the requirements of § 108.221 (b) and (c) of this chapter.

§ 106.219 Helicopter facilities.

OTEC facilities and plantships must meet §§ 108.231 through 108.241 of this chapter.

Subpart D—Hazardous Materials

§ 106.300 Purpose.

This subpart defines those materials considered hazardous to personnel employed aboard an OTEC facility or plantship and prescribes a level of safety in their use onboard as working materials and during their transfer between vessels engaged in OTEC operations.

§ 106.303 Designation of materials.

(a) Hazardous material means any liquid material or substance which is:

(1) Flammable or combustible;

(2) Designated a hazardous substance under Title I, § 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980; or

(3) Designated a hazardous material under section 104 of the Hazardous Material Transportation Act (49 U.S.C. 1803).

(b) Materials which are incompatible due to reactivity shall be provided segregation in compliance with Part 150 of this chapter, or 49 CFR 176.

§ 106.305 Safety.

(a) The total complement of personnel must be protected in the event of accidental leakage, spillage, or combustion of hazardous materials through the use of facility or plantship arrangement, design and construction, and portable protective devices. A hazardous materials protection plan must be developed by the owner/operator and approved by the Commandant.

(b) The owner/operator shall provide guidance to the personnel engaged in the repair or maintenance of OTEC systems. A procedures guide for isolating, clearing, ventilating, sealing, testing and reactivating those sections of OTEC systems where anticipated maintenance or repairs require dismantling and inspection of components and piping that handle a hazardous material, is to be developed by the designers/operators and approved by the Commandant.

(c) Plans, procedures, and specifications for safety and protection measures are approved on an individual facility basis by the Commandant.

Subpart E—Stability

§ 106.400 Application.

(a) Plantships and floating facilities must meet Part 108, Subpart C—Stability, of this chapter, as modified by paragraph (b) of this section.

(b) "Normal operating condition" means a condition of the plantship or facility when loaded and arranged for producing energy or when in ocean transit.

§ 106.403 Tension tendon tethered facility stability.

Each OTEC facility of the tension tendon tethered configuration must be designed so that it continually maintains a tension on each tendon when subjected to the forces described in § 108.311 of this chapter.

§ 106.405 Stability test.

A stability test is not required for a floating facility or plantship if it is shown to the satisfication of the Commandant that, because of its configuration, testing of the facility is not practicable and the facility has inherent adequate stability by design.

Subpart F—Fire Extinguishing Systems

§ 106.501 Application.

OTEC facilities and plantships must meet Part 108, Subpart D—Fire Extinguishing Systems, of this chapter.

Subpart G—Lifesaving Equipment

§ 106.601 Application.

OTEC facilities and plantships must meet Part 108, Subpart E—Lifesaving Equipment, of this chapter.

Subpart H—Cranes and Power Operated Industrial Trucks

§ 106.701 Application.

OTEC facilities and plantships must meet Part 108, Subpart F—Cranes and Power Operated Industrial Trucks, of this chapter.

Subpart I—Equipment Markings and Instructions

§ 106.801 Application.

OTEC facilities and plantships must meet Part 108, Subpart G—Equipment Markings and Instructions, of this chapter.

Subpart J—Miscellaneous Equipment

§ 106.901 Application.

OTEC facilities and plantships must meet Part 108, Subpart H—Miscellaneous Equipment, of this chapter.

Subpart K—Operations

§ 106.1001 Application.

OTEC facilities and plantships must meet Part 109—Operations, of this chapter, except for §§ 109.103, 109.121 and 109.583(c).

Subpart L—Manning

§ 106.1101 Requirements.

(a) OTEC facilities and plantships must be manned or crewed by United States citizens or aliens lawfully admitted to the United States for permanent residence, unless—

(1) There is not a sufficient number of United States citizens, or aliens lawfully admitted to the United States for permanent residence, qualified and available for such work, or

(2) The President makes a specific finding with respect to the particular OTEC facility or plantship that application of this requirement would not be consistent with the national interest.

(b) Manning requirements for floating facilities and plantships are contained in Subchapter P—Manning of Vessels, of this chapter. The application of these regulations is in the same manner and to the same extent as they are applied to conventional vessels.

PART 110—GENERAL PROVISIONS

4. A new paragraph (h) is added to § 110.01–10 to read as follows:

§ 110.01–10 Authority for regulations.

* * * * *

(h) *OTEC facilities and plantships.* The citation regarding authority to prescribe requirements for OTEC facilities and plantships is in Part 106 of this chapter.

5. A new paragraph (b) is added to § 110.05–1 to read as follows:

§ 110.05–1 Vessels subject to the requirements of this subchapter.

* * * * *

(b) The provisions in this Subchapter apply to OTEC facilities and plantships licensed under the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 *et seq.).*

(Pub. L. 96–320, 94 Stat. 974, (42 U.S.C. 9118, 9119(c), 9153(a)(b)); 49 CFR 1.46(ee))

Dated: February 15, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 83–9142 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 82–309; RM–4094]

47 CFR Part 73

FM Broadcast Station in Deer Lodge, Montana; Changes in Tables of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein deletes FM Channel 244A at Deer Lodge, Montana, in response to a petition for reconsideration filed by Deer Lodge Broadcasting, Inc. Petitioner advises that it is no longer supportive of the assignment.

EFFECTIVE DATE: March 29, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Memorandum Opinion and Order

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Deer Lodge, Montana) BC Docket No. 82–309, RM–4094.

Adopted: March 15, 1983

Released: March 29, 1983.

By the Chief, Policy and Rules Division.

1. A petition for reconsideration of the Commission's *Report and Order*, 47 FR 41381, published September 20, 1982, assigning FM Channel 244A to Deer Lodge, Montana, as that community's first FM assignment, was filed on October 8, 1982 by Deer Lodge Broadcasting, Inc. ("petitioner").[1] No responses to the petition for reconsideration were received.

2. Although petitioner initiated the rule making request to assign Channel 244A to Deer Lodge, Montana, it now seeks reconsideration of that action due to recent supervening occurrences that transpired after adoption of the *Report and Order* in this proceeding.

3. Specifically, petitioner advises that at the time its petition was filed, Deer Lodge was deviod of any local FM broadcast facility and thus it desired to implement a first local service to the community. Subsequent to the assignment, petitioner discovered that an existing FM facility in nearby Anaconda, Montana (Channel 249A), had been placed on the market. As a result, petitioner now wishes to acquire the existing Anaconda station and provide service to Deer Lodge from that facility. Moreover, petitioner states that such acquisition would enable the citizens of Anaconda to continue uninterrupted programming from its only local FM facility, while simultaneously preserving the availability of Channel 244A for assignment elsewhere. Hence, petitioner is no longer supportive of the Deer Lodge assignment. Since no other party has expressed an interest in the assignment, it will be deleted consistent with prior Commission precedent. See, *Wadena, Minnesota*, 47 Fed. Reg. 18011, published April 27, 1982.

4. In view of the above, it is ordered, that the petition for reconsideration filed by Deer Lodge Broadcasting, Inc. is granted.

[1] Public Notice of the petition was given on October 29, 1982, Report No. 1383

5. It is further ordered, that pursuant to sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204 and 0.283 of the Commission's Rules, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to Deer Lodge, Montana, by removing the 244A FM Channel assignment as follows:

City	Channel No
Deer Lodge, Montana	

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-9846 Filed 4-8-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-180]

Organization and Delegation of Powers and Duties; National Capital Transportation Assistance Act of 1969

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: This amendment delegates to the Urban Mass Transportation Administrator the authority vested in the Secretary by the National Capital Transportation Assistance Act of 1969, as amended, to make grants to the Washington Metropolitan Area Transit Authority.

DATE: The effective date of this amendment is January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C–50, Department of Transportation, Washington, DC 20590 (202) 426–4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organization and functions (government agencies).

PART 1—[AMENDED]

In consideration of the foregoing, paragraph (d) of § 1.51 of Part 1 of Title 49, Code of Federal Regulations, is revised to read as follows:

§ 1.51 Delegations to Urban Mass Transportation Administrator.

The Urban Mass Transportation Administrator is delegated authority to exercise the functions vested in the Secretary by:

* * * * *

(d) Sections 3 and 9 through 15 of the National Capital Transportation Assistance Act of 1969, as amended (D.C. Code, § 1–2441 et seq).

* * * * *

Authority: 49 USC 322.

Issued in Washington, DC, on April 4, 1983.

Elizabeth Hanford Dole,

Secretary of Transportation.

[FR Doc. 83-9201 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-62-M

49 CFR Part 23

[OST Docket No. 64c; Notice No. 83-10]

Participation by Minority Business Enterprises in Department of Transportation Programs

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of Policy.

SUMMARY: This notice of policy describes how the Department intends to carry out the requirements of section 105(f) of the Surface Transportation Assistance Act of 1982 before the effective date of a final rule to implement this statute. Section 105(f) requires that not less than ten percent of funds authorized to be appropriated by the Act be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. The Department published a notice of proposed rulemaking (NPRM) to implement section 105(f) of the Surface Transportation Assistance Act on February 28, 1983. The comment period for this NPRM closed on April 5, 1983. The Department intends to issue a final rule as soon as possible.

DATES: This notice of policy is effective April 11, 1983, and will remain in effect until the effective date of a final rule implementing section 105(f).

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th St., SW., Room 10421, Washington, D.C., 20590, (202) 426–4723.

SUPPLEMENTARY INFORMATION: The Surface Transportation Assistance Act of 1982 was enacted on January 6, 1983. Section 105(f) of the Act provides that

> Except to the extent that the Secretary determines otherwise, not less than ten percent of the amounts authorized to be appropriated under this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals, as defined by section 8(d) of the Small Business Act (15 U.S.C. section 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

Federal highway program and urban mass transportation program funds to which this section applies began to be apportioned or allocated to recipients as soon as the Act was enacted.

On February 28, the Department published a notice of proposed rulemaking (NPRM) to implement this statute (48 FR 8416). The NPRM proposed that recipients of funds from the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) set overall minority business enterprise (MBE) goals of at least ten percent of contract funds unless the FHWA or UMTA Administrators waive this requirement and approve lower goals. Any waiver must be initiated by the recipient and must document efforts by the recipient to achieve the required MBE participation. The proposed waiver provision is explicitly intended to grant relief to recipients which, despite making appropriate efforts, can not fairly be expected to obtain ten percent MBE participation in a given year.

The comment period on the NPRM ended on April 5. After reviewing the comments, the Department intends to publish a final rule as soon as possible. The Department is aware that recipients and contractors are concerned about what they should do pending the issuance of a final rule. This policy statement is intended to respond to that concern.

Recipients' Goals and Efforts in the Interim Period

Section 105(f) took effect on January 6, 1983, and applies to funds which

recipients are now obligating for contracts. The preamble to the NPRM mentioned that FHWA and UMTA would provide administrative guidance in the near future concerning the handling of goals and waivers for fiscal year (FY) 1983, since the law took effect after the fiscal year had begun.

To provide such administrative guidance and to assure compliance with the statutory mandate, FHWA issued interim instructions to its field offices and recipients in February 1983. The instructions contain three major points. First, recipients should continue to implement the existing MBE rule (49 CFR Part 23) with a new overall goal reflecting the ten percent MBE participation requirement of the statue. Second, since the FY 1983 highway program is well underway, the instructions provide MBE overall goals for the fiscal year. Each state's overall goal has been adjusted by applying the goals previously submitted by the state to the first quarter of FY 1983 and a ten percent goal for the last three quarters of FY 1983. These adjusted goals are the states' overall goals under the existing MBE regulation. Third, the instructions advise states that, during the interim period, they can request a deviation from the adjusted goals under the procedures of 49 CFR 23.41(f).

UMTA is implementing section 105(f) during the interim period by reviewing all MBE program plans submitted under the existing MBE regulation (1) to ensure that they reflect (a) overall MBE participation goals that meet or exceed the ten percent level, or (b) information that would support a waiver of the type referred to in the proposed rule. Like FHWA recipients, UMTA recipients may request a deviation under 49 CFR 23.41(f) during the interim period if they believe they cannot meet such goals.

The adjusted overall goals established by FHWA and the overall goals consistent with section 105(f) required by UMTA will remain in effect for the remainder of FY 1983 unless superseded by provisions contained in the Department's final section 105(f) rule or unless the recipient obtains a deviation under § 23.41(f) of the existing MBE rule (during the interim period) or a waiver under the provisions of the final section 105(f) rule.

It is not the intention of FHWA and UMTA to require recipients to set a *contract-by-contract* goal of ten percent (or a percentage equivalent to the recipient's adjusted overall goal) of the dollar value of each contract during this interim period, but, recipients should recognize that FY 1983 is already half over and that recipients' contracts should, taken together, have contract goals which will make FY 1983 overall goals achievable. The relationship between overall and contract goals is intended to be the same under section 105(f) as it is under the present rule. Contract goals, collectively, should permit the recipient to meet the overall goal, but any particular contract goal may, as circumstances dictate, be above or below the overall goal.

We also point out that contractors' obligations in this interim period have not changed. As under the existing rule, the apparent successful competitor for a contract must meet the contract goal set by the recipient or demonstrate to the recipient that it made good faith efforts to do so. While contract goals may be higher as a result of the state's efforts to meet section 105(f)'s requirement, a contractor may not be denied a contract for failing to meet a goal, so long as the contractor documents good faith efforts to meet it.

The interim steps FHWA and UMTA have taken to implement the statute are intended to make recipients aware that it is likely that many recipients will have to significantly increase their MBE participation from levels originally projected for FY 1983. It is clearly important for recipients to begin increasing their efforts to obtain MBE participation.

In addition to establishing contract goals that will make FY 1983 overall goals achievable, recipients should begin efforts to improve MBE participation, such as outreach programs, training and technical assistance, and removal or lowering of barriers to MBE participation.

Women-Owned Business Enterprise (WBE) Program

The Department's program for women-owned business enterprises is not affected by section 105(f), and will continue to be implemented.

Under 49 CFR Part 23, overall and contract goals for WBEs are separate from the goals for firms owned and controlled by minorities. Some concern has been expressed that, because the definition of "socially and economically disadvantaged individual" under section 105(f) does not presumptively include non-minority women, firms owned and controlled by such women will be excluded from participation in FHWA and UMTA programs. This is not the case. As a matter of fact, some WBEs (i.e., those whose owners, on an individual, case-by-case, basis, are able to show that they are socially and economically disadvantaged) may qualify for participation under the section 105(f) program, as well as the existing WBE program under 49 CFR Part 23.

Deviations or Waivers

Recipients which believe that they may have difficulty in meeting a ten percent goal or the adjusted overall goal given them by FHWA have expressed concern about the way the Department's waiver process would work. In the event that the Department publishes a final rule substantially similar to its NPRM, the waiver process of the final rule would be available to recipients for FY 1983 as well as for future fiscal years. Until a final rule is in effect, however, the Department will expedite action on requests for relief from FY 1983 overall goals made through the deviation procedure of 49 CFR 23.41(f).

Because more than half of FY 1983 will have elapsed before a final section 105(f) rule is effective, the Department will expedite action on appropriately documented submissions from any recipient asserting that an overall goal of less than ten percent or less than the adjusted overall goal for FY 1983 is appropriate for the recipient. In preparing the content of these submissions, recipients should be guided by the waiver criteria outlined in § 23.65(b) of the proposed rule. These submissions should be made to the UMTA or FHWA Administrator, as applicable. Because of the statewide nature of State highway programs, it is important that the Governor of each State concur in any request for FHWA deviation or waiver.

In evaluating such requests, the Department will be conscious that FY 1983 is a transitional year and that a new statutory requirement substantially increasing MBE participation requirements was enacted part way into the year. At the same time, the Department is strongly committed to ensuring the fullest possible compliance with section 105(f). Recipients, particularly those whose MBE participation is not already at or above ten percent, should be working now to improve their MBE participation. The efforts made by recipients between the enactment of section 105(f) and the effective date of the Department's final rule will be one of the factors considered by the Department in evaluating submissions requesting deviations or waivers for the remainder of FY 1983.

The Department will assume that overall goals are achievable if a recipient does not request a waiver or deviation. When a waiver or deviation is granted, it should be accompanied by an agreement to meet the maximum

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feasible goal short of ten percent or the adjusted overall goal. This new goal should be high enough to permit the recipient to use it as an effective transition device to compliance with the statutory requirement for FY 1984 and subsequent fiscal years. Beginning with FY 1984, the Department does not intend to consider the need for transition to a ten percent goal to be a significant factor in reviewing waiver requests.

Issued this 4th day of April 1983, at Washington, D.C..

Elizabeth Hanford Dole,

Secretary of Transportation.

[FR Doc. 83-9258 Filed 4-8-83; 8:45 am]

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ACTION:

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Proposed Rules

Federal Register
Vol. 48, No. 70
Monday, April 11, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-47-AD]

Airworthiness Directives; Piper Model PA-38-112 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD), applicable to certain Piper Model PA-38-112 airplanes that would require the installation of two additional stall strips to the wing leading edge. The manufacturer has incorporated these stall strips on some production airplanes and made them available for field installation. This has resulted in variations in the stall characteristics between the differently configured Piper Model PA-38-112 airplanes in service and increases the possibility that inexperienced pilots may lose control of the airplane. Incorporating the additional stall strips on airplanes not so equipped, together with corresponding changes in the airspeed indicator and Pilot's Operating Handbook, will establish fleet uniformity in stall characteristics.

DATE: Comments must be received on or before June 13, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Piper Service Letter No. 876 dated April 12, 1979, applicable to this AD may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745, or at the address below.

Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 83-CE-47-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: N. Glenn, Flight Test Section, ANE-176, New York Aircraft Certification Office, Room 202, 181 South Franklin Avenue, Valley Stream, New York 11581; Telephone (516) 791-7144.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-CE-47-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

The Piper Model PA-38-112 airplane was certificated with two outboard stall strips. Subsequently, the manufacturer determined that the installation of two additional stall strips to the inboard wing leading edge improved the airplane's response to the flight controls during stall maneuvers and added these strips to production airplanes. The airspeed indicator markings and Pilot's Operating Handbook were also changed to reflect aircraft performance changes caused by installation of these additional strips. Concurrently, Piper made instructions and parts available in Kit Part No. 763-930 for retrofit of the strips to early production airplanes and recommended incorporation of these kits and corresponding changes in these airplanes in Service Letter No. 878 dated April 12, 1979.

Accordingly, there now are two configurations of Piper Model PA-38-112 airplanes in service having different stall characteristics. Inexperienced pilots trained in airplanes with four stall strips may not be prepared to handle the differences in stall characteristics of airplanes with two stall strips. The FAA believes this variation in stall characteristics may result in a hazardous situation for such pilots which could result in loss of airplane control. Since the condition described is likely to exist or develop in other Piper Model PA-38-112 airplanes of the same design, the AD would require installation of Kit Part No. 763-930 and corresponding changes to the airspeed indicator markings and Pilot's Operating Handbook in accordance with Piper Service Letter No. 876 dated April 12, 1979.

There are approximately 1,405 airplanes affected by the proposed AD. The cost of modifying the airplanes as required by this proposed action is estimated to be $359 per airplane for a total cost of $505,000 to the private sector.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Piper: Applies to Model PA-38-112 airplanes (S/N 38-78A0001 through 38-79A0582) certificated in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To standardize and improve the stall characteristics, accomplish the following:

(a) Install Piper Flow Strip Installation Kit, Part No. 763-830.

(b) Replace the airspeed indicator with Piper Part No. 61906-02 or 61905-02, or alter the original airspeed indicator markings to read as follows:

(1) Red radial 138 knots.
(2) Yellow arc from 110 to 138 knots.
(3) Green arc from 52 to 110 knots.
(4) White arc from 49 to 89 knots.

If the instrument is remarked, it must be accomplished by a certificated and appropriately rated instrument repair station.

(c) Insert Piper Part No. 761–658, Revision 3, dated December 18, 1978, containing performance information applicable to airplanes with Kit P/N 763–960 installed in the Pilot's Operating Handbook.

(d) Airplanes may be flown in accordance with FAR 91.197 to a location where this AD may be accomplished.

(e) An equivalent method of compliance with this AD may be used if approved by the Manager, New York Aircraft Certification Office, FAA, Room 202, 181 South Franklin Avenue, Valley Stream, New York 11581.

Piper Service letter No. 876 dated April 12, 1979, covers the subject matter of this AD.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421 and 1423); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

Note.—For reasons discussed earlier in the preamble: the FAA has determined that this document: (1) Involves a proposed regulation that is not major under the provisions of Executive Order 12291, (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) in addition, I certify that under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic inpact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Kansas City, Missouri, on March 28, 1983.

John E Shaw,

Acting Director, Central Region.

[FR Doc. 83–9185 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–CE–35–AD]

Airworthiness Directives; Pilatus Aircraft Ltd. PC–6 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD), applicable to Pilatus Aircraft Ltd. PC–6 series airplanes (up to serial number 815) which would require replacement of the aileron/flap amount attachment fittings. Pilatus Aircraft Ltd. has received reports of cracks being found in the angle brackets forming the attachment of the aileron/flap mountings on two airplanes. Replacement of the aileron/flap mount attachment fittings will prevent failure of the brackets with a resultant loss of an aileron.

DATE: Comments must be received on or before July 18, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Pilatus Aircraft Ltd. Service Bulletin No. 138, dated December 1982, applicable to this AD may be obtained from Pilatus Aircraft Ltd., CH6370–STANS, Switzerland, or the Rules Docket at the address below.

Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 83–CE–35–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Larry Werth, Foreign FAR 23 Section, Federal Aviation Administration, ACE 109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA–public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83–CE–35–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

The manufacturer has received two reports of fatigue cracks being found in the angle brackets which attach the aileron/flap mountings on Pilatus Aircraft Ltd. PC–6 series airplanes. In one instance, the bracket failed, resulting in loss of an aileron. As a result, Pilatus Aircraft Ltd. has issued Service Bulletin No. 138 which requires replacement of aileron/flap mount attachment fittings. The Federal Office for Civil Aviation (F.O.A.) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Switzerland has approved this Service Bulletin and the actions recommended therein by the manufacturer as an Airworthiness Directive on the affected airplanes. On airplanes operated under Swiss registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the F.O.A. combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Service Bulletin No 138 and the approval of this Service Bulletin as an Airworthiness Directive by the F.O.A.

Based on the foregoing, the FAA believes that the condition addressed by Service Bulletin No. 138 is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require replacement of the aileron/flap mount attachment fitting on Pilatus Aircraft Ltd. PC–6 series airplanes (up to serial number 815).

There are approximately seven airplanes affected by the proposed AD. The cost of complying with the proposed AD is estimated to be $12,250 to the private sector.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Pilatus Aircraft Ltd. Applies to PC–6 series airplanes (up to serial no. 815) (all variants) certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent loss of an aileron accomplish the following:

(a) Within the next 100 hours time-in-service after the effective date of this AD for airplanes having more than 2,000 hours time-in-service, or, within the next 200 hours time-in-service, after the effective date of this AD, for airplanes having more than 1,000 hours but less than 2,000 hours time-in-service, or;

within the next 300 hours time-in-service after the effective date of this AD, for airplanes having 1,000 or less hours time-in-service, replace the aileron/flap mount attachment fittings in accordance with Pilatus Service Bulletin No. 138 dated December 1982.

(b) Compliance time of this AD can be adjusted up 10 percent to allow accomplishing these modifications concurrent with other scheduled maintenance of the airplane.

(c) Airplanes may be flown under FAR 21.197 to a place where repairs can be made to this AD.

(d) Equivalent means of compliance may be used, if approved, by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

Note.—For reasons discussed earlier in the preamble: the FAA has determined that this document: (1) Involves a proposed regulation that is not major under the provisions of Executive Order 12291, (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) certifies under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location identified under the caption "ADDRESSES."

Issued in Kansas City, Missouri, on March 31, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–9208 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 83–ACE–05]

Transition Area—Waukon, Iowa; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Waukon, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Waukon, Iowa, Municipal Airport, utilizing the Waukon, Iowa, VORTAC as a navigational aid. This proposed action will change the airport status from VFR to IFR.

DATE: Comments must be received on or before May 13, 1983.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374–3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Wukon, Iowa. To enhance airport usage, a new instrument approach procedure is being developed for the Waukon, Iowa, Municipal Airport, utilizing the Waukon, Iowa, VORTAC as a navigational aid. This navigational aid will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Waukon, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while translating between the terminal and enroute environment.

The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by designating the following transition area:

Waukon, Iowa

The airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waukon Municipal Airport (latitude 43°16'50"N, longitude 91°28'11"W), and within 3 miles each side of the Waukon VORTAC 275° radial extending from the 5-mile radius area to 8.5 miles west of the Waukon Municipal Airport excluding that portion that overlaps the Decorah, Iowa, transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.65 of the Federal Aviation Regulations (14 CFR 11.65)).

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact

on a substantial number of small entities under the criteria of the Regulatory Flexibilty Act.

Issued in Kansas City, Missouri, on March 24, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-9167 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ACE-04]

Transition Area—Mountain Grove, Missouri; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Mountain Grove, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Mountain Grove Memorial Airport, Mountain Grove, Missouri, utilizing the Dogwood, Missouri, VORTAC as a navigational aid. This proposed action will change the airport status from VFR to IFR.

DATE: Comments must be received on or before May 13, 1983.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Misouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operation, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Mountain Grove, Missouri. To enhance airport usage, a new instrument approach procedure is being developed for the Mountain Grove, Missouri, Memorial Airport, utilizing the Dogwood, Missouri, VORTAC as a navigational aid, This navigational aid will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Mountain Grove, Missouri, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment.

The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by designating the following transition area:

Mountain Grove, Missouri

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mountain Grove Memorial Airport (latitude 37°07'13" N, longitude 92°18'44" W) and within 3 miles each side of the Dogwood, Missouri VORTAC 071° radial, extending from the 5-mile radius area to 6.5 miles southwest of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65).

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 24, 1983.

John E. Shaw,

Acting Director, Central Region

[FR Doc. 83-9168 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ACE-03]

Transition Area, Iowa City, Iowa; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at Iowa City, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Iowa City Municipal Airport, Iowa City, Iowa, utilizing a Non-Directional Radio Beacon (NDB) being installed on the airport as a navigational aid.

DATE: Comments must be received on or before May 13, 1983.

ADDRESSES: Send comments on the proposal to: Federal Aviation

Administration, Manager, Operations Procedures and Airspace Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374–3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Iowa City, Iowa. To enhance airport usage, an additional instrument approach procedure to the Iowa City Municipal Airport is being established utilizing the Iowa City NDB as a navigational aid. The establishment of this new instrument approach procedure based on this navigational aid entails alteration of the transition area at Iowa City, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by altering the following transition area:

Iowa City, Iowa

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Iowa City Municipal Airport (latitude 41°38′22″ N, longitude 91°32′46″ W), and within 2 miles each side of the Iowa City VOR 024° radial, extending from the 6-mile radius area to the VOR; within 3 miles each side of the 276° bearing from the NDB facility (latitude 41°37′58″ N, longitude 91°32′31″ W), extending from the 6-mile radius area to 8.5 miles west of the NDB; within 2.5 miles each side of the 103° bearing from the NDB extending from the 6-mile radius area to 6 miles east of the NDB.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.65 of the Federal Aviation Regulations (14 CFR 11.65).

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on March 24, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–9190 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Parts 71 and 75

[Airspace Docket No. 83–AWA–5]

Proposed Alteration to VOR Federal Airways and Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke segments of VOR Federal Airways V–510 and V–90 and Jet Route No. J–85 to accommodate traffic flows within the terminal and en route environment.

DATE: Comments must be received on or before May 23, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Great Lakes Region, Attention: Manager, Air Traffic Division, Docket No. 83–AWA–5, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 80018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Boyd Archer, Airspace Regulations and Obstructions Branch (AAT–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped

postcard on which the following statement is made: "Comments to Airspace Docket No. 83–AWA–5." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering amendments to §§ 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to revoke VOR Federal Airways V–90 between Litchfield, MI, and Windsor, ON, Canada, and V–510 between Lansing, MI, and Salem, MI; and Jet Route No. J–85 between Salem, MI, and Dryer, OH. Changes in traffic flows within the terminal and en route environment and limited utilization justify cancellation of these airway and jet route segments. Sections 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation regulations were republished in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects 14 CFR Parts 71 and 75

Airways and Jet Routes.

The Proposed Amendments

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as follows:

1. V–90 [Revised]

From Windsor, ON, Canada, via INT Windsor 083° and Dunkirk, NY, 266° radials; Dunkirk. The airspace within Canada is excluded.

2. V–510 [Amended]

After the words "Lansing, MI" delete the words "; INT Lansing 091° and Salem, MI, 308° radials; Salem"

3. J–85 [Amended]

After the word "DRYER" delete the words "; to Salem, MI"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 30, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83–9184 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 457

Standards and Certification; Availability of Final Staff Report

AGENCY: Federal Trade Commission.

ACTION: Availability of final staff report.

SUMMARY: Federal Trade Commission's Bureau of Consumer Protection has released to the public a Final Staff Report that summarizes and analyzes the evidence in its rulemaking proceeding on Standards and Certification along with separate statements by Bureau Director Timothy J. Muris and Associate Director Michael C. McCarey. The report includes the staff's recommendations concerning Commission enforcement action. The Report of the Presiding Officer will be published within 60 days of this notice. When the Presiding Officer's Report is published, the public wil be invited to comment on both the Staff and the Presiding Officer's Reports. The Commission has not reviewed or adopted the Staff Report. The Commission's final determination in this matter will be based on the entire rulemaking record, including the Staff and Presiding Officer's Reports and the public comment on them.

DATE: The Presiding Officer's Report will be published within 60 days of this notice. At that time the public will be invited to comment on both the Staff and Presiding Officer's Reports. Comment on the Staff Report prior to publication of the Presiding Officer's Report would be premature.

ADDRESSES: Copies of the Staff Report are available at the Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580. Telephone: 202–523–3598.

FOR FURTHER INFORMATION CONTACT: Robert J. Schroeder, Program Advisor, Standards and Certification, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580. Telephone: 202–523–3510.

SUPPLEMENTARY INFORMATION: The Final Staff Report in the Standards and Certification rulemaking proceeding has been placed on the rulemaking record, Dkt. No. 215–61. Statements of Consumer Protection Bureau Director Timothy J. Muris and Associate Director Michael C. McCarey expressing reservations about the Staff Report's recommendations have also been placed on the record. The rulemaking record and a computer digest of and index to the record are available for use by the public at the Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580. Copying of these materials is permitted upon payment of the appropriate fees.

The Presiding Officer's Report will be published and placed on the rulemaking record within 60 days of this notice. The notice announcing publication of the Presiding Officer's Report will invite the public to submit comments on the Staff and Presiding Officer's Reports. That notice will also list specific issues on which comment is particularly requested. Comment on the Staff Report prior to publication of the Presiding

Officer's Report would be premature.

Generally, new evidence cannot be submitted during this postrecord comment period in Commission rulemaking proceedings. However, in this proceeding the Commission has decided to request new evidence on the impact of Office of Management and Budget Circular A–119, Federal Participation in the Development and Use of Voluntary Standards, on the practices reflected in the record (see 46 FR 10747; February 4, 1981).

Further, staff has determined that additional evidence would be beneficial on the current need for its recommended final rule on standards developers' complaint handling procedures, in light of events occurring since the rulemaking record closed in January 1980. Specifically, the staff has submitted a motion to the Presiding Officer to reopen the record to receive evidence on standards developers' current handling of complaints about allegedly unreasonable restraints of trade. The staff believes that, since the close of the rulemaking record in January 1980, events such as the Supreme Court's decision in *American Society of Mechanical Engineers* v. *Hydrolevel*, 102 S.Ct. 1935 (1982), may have led to improved complaint handling by standards developers. In its motion, the staff has also requested that post-record comment be accepted for a period of 90 days, plus 30 days for rebuttal comments relating to new evidence submitted during the post-record comment period. The notice announcing publication of the Presiding Officer's Report will specify the types of new evidence that will be accepted during the post-record comment period.

The Commission has not made any findings or conclusions in this matter. Such findings or conclusions can be made only after the Commission carefully considers the rulemaking record, and will be based solely on the record. Publication of the Staff Report should not be interpreted as representing the views of the Commission, any individual Commissioner, or the Director of the Bureau of Consumer Protection.

List of Subjects in 16 CFR Part 457

Trade practices, Product standards.

Issued: April 4, 1983.

Timothy J. Muris,

Director, Bureau of Consumer Protection.

[FR Doc. 83–9213 Filed 4–8–83; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance Benefits; Basic Computation of Benefits and Lump Sums; Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability; Deductions; Reductions; and Nonpayments of Benefits; Repeal of Minimum Benefit Provision and Rounding of Benefits

Correction

In FR Doc. 83–5162 beginning on page 10694 in the issue of Monday, March 14, 1983, make the following correction:

(1) On page 10695, third column, third line of § 404.212(c), "our primary insurance" should have read "your primary insurance".

(2) On page 10696, middle column, third line from the top of the page, the section now numbered § 404.216 should have been numbered § 404.261.

(3) On the same page, Appendix III, the caption at the beginning of the table now reading "Extended Table of Benefits Effective January 1983" should have read "Extended Table of Benefits Effective January 1982". (The same caption appears at the top of page 10697 and should be corrected there also.)

BILLING CODE 1505–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 62b

[DOD Directive 1010.xx]

Drunk and Drugged Driving by DOD Personnel

AGENCY: Office of the Secretary, DOD.

ACTION: Proposed rule.

SUMMARY: This rule is issued to reduce the number of deaths and injuries within the Department of Defense due to intoxicated driving. The proposed rule provides specific guidance to all Heads of DoD Components and DoD commanders on the importance of the Intoxicated Driving Prevention Program and information requirements. It addresses only administrative actions to be taken in the case of intoxicated drivers. Legal actions to be taken are covered in other DoD issuances.

DATES: Written comments must be received by May 11, 1983.

ADDRESS: Office of the Deputy Assistant Secretary of Defense for Drug and Alcohol Abuse Prevention (ODAAP), The Pentagon, Room 3D200, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Captain Roger L. McFillen, USN, telephone 202–695–7116/7.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Department of Defense has determined that this proposed rule is not a major rule, because it is not likely to result in an annual effect on the economy of $100 million or more.

Paperwork Reduction Act

This rule imposes no obligatory information requirements beyond internal DoD use.

Regulatory Flexibility Act of 1980.

The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) certifies that this rule, if promulgated, shall be exempt from the requirements under 5 U.S.C. 601–612. In addition, this rule does not have a significant economic impact on small entities as defined in the Act.

List of Subjects in 32 CFR Part 62b

Intoxicated driving prevention program, Military and civilian personnel.

Accordingly, it is proposed that 32 CFR be amended by adding a new Part 62b, reading as follows:

PART 62b—DRUNK AND DRUGGED DRIVING BY DOD PERSONNEL

Sec.

62b.1 Purpose.
62b.2 Applicability.
62b.3 Policy.
62b.4 Procedures.
62b.5 Responsibilities.
62b.6 Intoxicated Driving Prevention Task Force (IDPTF).
62b.7 Definitions.
Appendix 1—Driver's License Information.
Appendix 2—State Driver License Information Address Listing.

Authority: Title 10, United States Code.

§ 62b.1 Purpose.

This Part:

(a) Establishes DoD policy regarding drunk and drugged driving by DoD personnel (hereafter referred to as "intoxicated driving")

(b) Assigns responsibility for and explains DoD policy and procedures on the establishment and operation of the DoD Intoxicated Driving Prevention Program designed to address the problem of and increase the awareness

and attention given to intoxicated driving by DoD personnel.

(c) Establishes the DoD Intoxicated Driving Prevention Task Force.

§ 62b.2 Applicability.

This Part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components"). The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

§ 62b.3 Policy.

(a) Intoxicated driving is incompatible with the maintenance of high standards of performance, military discipline, DoD personnel reliabiity, and readiness of military units and supporting activities. It is DoD policy to reduce significantly the incidence of intoxicated driving within the Department of Defense through a coordinated program of education, identification, law enforcement, and treatment. Specifically, the goal of the DoD Intoxicated Driving Prevention Program is to reduce the number of fatalities and injuries suffered by DoD personnel and the amount of property damage that result from intoxicated driving.

(b) The Department of Defense shall participate in the national effort to prevent intoxicated driving by maintaining appropriate relationships with other governmental agencies and private organizations and shall cooperate with responsible civil authorities in detecting, identifying, apprehending, prosecuting, educating, and counseling intoxicated drivers and in reporting cases as required by state laws and applicable Status of Forces agreements.

§ 62b.4 Procedures.

(a) *Education and Training*

(1) The Military Services shall provide a minimum of 8 hours of drug and alcohol education that focuses on intoxicated driving for each of the following: law enforcement personnel, club managers, and public information, emergency room, and safety personnel. Bartenders and waitresses serving alcoholic beverages and Class VI or package sales personnel shall receive a minimum of 2 hours drug and alcohol education with 1 hour of refresher training annually. In addition, leadership curricula at all levels (POC/PXO indoctrination, precertification training for judge advocates and military judges, and officer and noncommissioned officer schools) shall include specific information and review current Military Service policy on intoxicated driving.

(2) other DoD Components shall provide similiar instruction in conjunction with the training and education requirements of Part 62a of this title.

(3) DoD Components shall cooperate, to the extent feasible, with community leaders and existing grassroots groups such as Mothers Against Drunk Drivers (MADD), Remove Intoxicated Drivers (RID), and Students Against Drunk Drivers (SADD) in planning and implementing local education efforts.

(b) *Suspension of Driving Privileges.* The Military Services shall establish procedures for mandatory suspension of driving privileges on military installations and in areas subject to military traffic supervision.

(1) Military personnel and their dependents, civilian personnel, and others with installation vehicle registration privileges may have their driving privileges suspended, regardless of the geographical location of an intoxicated driving incident. Suspension is authorized for other civilians only with respect to incidents occuring on the military installation or in areas subject to military traffic supervision.

(2) Procedures for preliminary suspension of driving privileges shall be established as follows:

(i) Preliminary suspension is authorized in the following cases, based upon an arrest report or other official documentation of the circumstances of the incident:

(A) Lawful apprehension of an individual for intoxicated driving.

(B) Refusal of an individual to submit to a lawful test of blood alcohol content (BAC) following citation or lawful apprehension.

(C) An individual's operating a motor vehicle on a military installation or in an area subject to military traffic supervision in violation of suspension imposed under this Part.

(ii) The individual shall be notified in writing of the suspension, of the fact that a 1 year suspension can be made in accordance with paragraph (b)(3) of this section, and of the right to request a hearing within 5 working days of the notice of suspension.

(iii) If a hearing is requested, it shall be held within 10 working days of the request. The hearing, which shall be conducted by the installation commander or a person to whom the installation commander delegates this authority, shall consider the following:

(A) If based upon lawful apprehension, the hearing shall be limited to the legality of the apprehension.

(B) If based upon refusal to submit to a BAC test, the hearing shall be limited to the following issues:

(*1*) Did the official have reasonable grounds to believe that the person had been operating a motor vehicle while intoxicated?

(*2*) Was the person cited or apprehended for an intoxicated driving offense; and

(*3*) Did the person refuse to submit to a BAC test required by the law of the jurisdiction.

(C) If based upon driving while privileges have been suspended under this Part, the hearing shall be limited to the issue of whether the individual operated a motor vehicle in violation of such a suspension.

(3) Suspension for a period of 1 year is authorized in the following circumstances:

(i) When there has been a preliminary suspension under paragraph (b)(2) of this section, and:

(A) A hearing is not requested within 5 working days of the notice; or

(B) When such a hearing has been requested and the suspension is not vacated at the hearing.

(ii) When there has been a conviction, nonjudicial punishment, or similar civilian administrative determination (such as revocation of driving privileges) for intoxicated driving. Such action shall be taken only on the basis of an official report.

(4) For each subsequent determination within a 5 year period that suspension is authorized under (b)(3) of this section, driving privileges shall be suspended for 2 years. In such circumstances, the individual shall be prohibited from obtaining or using a U.S. Government Motor Vehicle Operator's Identification card (SF 46) for a minimum of 6 months for each such incident. This does not preclude an installation commander from imposing a prohibition upon obtaining or using such a card for a first offense or for such other reasons as may be appropriate.

(5) Exceptions to the mandatory suspension policies in this paragraph may be granted by installation commanders on a case-by-case basis. Such exceptions may be granted only on the basis of mission requirements or unusual personal hardship and shall be reported by letter to the next official in the chain of command.

(6) A suspension shall be vacated upon acquittal or dismissal with prejudice against the government of all offenses forming the basis for the suspension. If such a suspension is

based solely upon a civilian apprehension and it is determined that civilian authorities do not intend to proceed to a trial or an official administrative determination, the suspension shall be vacated.

(7) Overseas commanders with authority to issue drivers licenses shall establish procedures for suspension of such licenses for intoxicated driving. Such procedures, insofar as the commanders deem practicable, shall be similar to the procedures for suspension of installation driving privileges prescribed in paragraphs (b) (1) through (7) of this section.

(8) DoD personnel whose installation driving privileges are suspended under paragraph (b)(3) of this section shall complete an alcohol safety action program or equivalent alcohol education course (minimum of 8 hours) before their installation driving privileges may be reinstated.

(c) *Screening.* DoD Components shall establish procedures for screening military personnel charged with intoxicated driving offenses within 7 working days to determine whether a member is dependent on alcohol or other drugs. The results of this screening shall be made available to the command having jurisdiction over the case before adjudication. Information concerning personal alcohol and drug abuse provided by a member in response to these screening questions may not be used against the member in a court-martial or on the issue of characterization in an administrative separation proceeding. Nothing in this provision precludes introduction of evidence for impeachment or rebuttal purposes in any proceeding in which evidence of alcohol or drug abuse (or lack thereof) has been first introduced by the member, nor does it preclude disciplinary or other action based on independently derived evidence. Civilian personnel charged with intoxicated driving shall be referred to the Civilian Employee Assistance Program for evaluation in accordance with Federal Personnel Manual Supplement 792–2, Subchapter S5–1.

(d) *Notification of State Driver's License Agencies.* DoD Components shall establish a systematic procedure in accordance with Part 286a of this title to notify state driver's license agencies of DoD personnel whose installation driving privileges are permanently suspended under paragraph (b) of this section. This notification shall be sent to the state in which the driver's license was issued and the state in which the installation is located. Sample letter format is provided in Appendix 1 and state driver's license agencies are listed in Appendix 2. DoD Components shall establish a system to exchange intoxicated driving and driving privilege suspension data when DoD personnel transfer from one location to another. This information requirement is exempt from formal approval and licensing.

(e) The Military Services shall include the intoxicated driving prevention program as an inspection item of special interest for IG inspections.

(f) The Military Services shall direct installation commanders to assess the availability of drugs and alcohol in the vicinity of military installations through their Armed Forces Disciplinary Control Boards or Control Boards of other appropriate federal agencies. Whenever the availability of alcohol, drugs, or both, at an establishment off-base or on-post presents a threat to the discipline, health, and welfare of DoD personnel, such establishments shall be dealt with as prescribed in the Armed Forces Disciplinary Control Board and Off-Installation Military Enforcement Guidance (Army Regulation No. 190–24, Marine Corps Order No. 162.2A, Bupers Inst 1620.4A, Air Force Regulation No. 125.11, Commandant Instruction No. 1620.13).

(g) *Cases Involving Death or Serious Injury.*

(1) To the extent consistent with the Uniform Code of Military Justice and the Manual for Courts-Martial and in accordance with trial counsel's judgment of appropriate tactical and ethical concerns, consideration shall be given to presenting a victim's impact statement (oral or written statement by victims or survivors) before to sentencing in cases in which death or serious injury results from intoxicated driving.

(2) Trial counsel shall make reasonable efforts to ensure that the victim or the victim's family is informed about the progress of the case and its disposition.

(h) DoD Components that operate installations shall establish an incentive awards and recognition program to reward and give recognition to successful local installation intoxicated driving prevention programs.

(i) DoD Components are encouraged to use, as guidance, Report on a National Study of preliminary breath test (PBT) and Illegal Per Se Laws and Interim Report to the Nation by Presidential Commission on Drunk Driving.

§ 62b.5 Responsibilities.

(a) The Assistant Secretary of Defense (Health Affairs) (ASD(HA)) shall:

(1) Develop a coordinated approach to the reduction of intoxicated driving consistent with this Part recognizing that intoxicated driving prevention programs shall be designed to meet local needs.

(2) Appoint the Chairman of the DoD Intoxication Driving Prevention Task Force (IDPTF).

(3) Monitor Military Service regulations that implement the DoD Intoxicated Driving Prevention Program.

(4) Act as focal point for the Department of Defense for interagency and nongovernmental coordination of national intoxicated driving prevention programs.

(5) Evaluate and report biennially to the Secretary of Defense on the effectiveness and efficiency of the DoD Intoxicated Driving Prevention Program.

(b) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* (ASD(MRA&L)) shall:

(1) Ensure the DoD Dependents Schools system includes specific material in the curriculum (grades 7 through 12) on the effects that alcohol and drugs have on the impairment of driving skills.

(2) Ensure that intoxicated driving accident mishap and injury data include:

(i) BAC of drivers in three categories—.00–04, .05–.09, .0 and above.

(ii) Time of day and day of the week the mishap or injury occurred.

(iii) Type of vehicle (include MOPEDs with motorcycle data).

(iv) Death and injury data on DoD personnel killed or injured as a result of intoxicated driving, who were not intoxicated themselves but were involved in a mishap as a result of intoxicated driving by another party.

(v) Government property damage cost.

(vi) Cost of treatment of injured DoD personnel.

(vii) Other chemical substances causing intoxicated driving that contributed to an accident.

(3) Provide an annual report to the Secretary of Defense that assesses the impact of intoxicated driving on the Department of Defense. The report shall include intoxicated driving arrest, apprehension, and conviction data as well as the number of exceptions granted to the mandatory suspension of driving privileges under paragraph (b)(5) of this section.

(4) Establish procedures (when feasible) under which DoD personnel convicted for driving while intoxicated will pay administrative restitution to the government for property damage, medical expenses, and lost wages to the extent permitted by applicable law.

(5) Amend appropriate DoD issuance to include the use of a preliminary or prearrest breathtest (PBT) to be used by law enforcement personnel to indicate

impairment when the arresting officer has reason to believe the operator of a motor vehicle may be intoxicated. (See Report on a National Study of Preliminary Breath Test (PBT) and Illegal Per Se Laws.)

(6) Amend appropriate DoD issuances to require administrative separation processing of a service member who has been involved in 3 separate intoxicated driving incidents within 5 years, in which suspension of driving privileges was warranted under paragraph (b) of this section. Similar procedures shall be established for civilian personnel subject to statutory and regulatory limitations applicable to civilian personnel actions.

(c) *Heads of DoD Components* shall establish and operate intoxicated driving prevention programs prescribed by this Part.

§ 62b.6 Intoxicated Driving Prevention Task Force (IDPTF).

(a) Organization and Management

(1) The IDPTF shall be chaired by the representative from ASD(HA) Office of Drug and Alcohol Abuse Prevention.

(2) The IDPTF shall consist representatives of the Military Services' Drug and Alcohol programs and law enforcement communities and a representative of the Deputy Assistant Secretary of Defense (Equal Opportunity and Safety Policy), Office of the ASD(MRA&L).

(3) Meetings generally shall be held bimonthly; however, special sessions may be required by the chair.

(b) *Functions* The IDPTF shall:

(1) Monitor Military Service policy as it applies to the prevention of intoxicated driving.

(2) Review programs and policy developed by other federal and state agencies and make recommendations of suitable adaptation within the Department of Defense.

(3) Make recommendations to ASD(HA) and ASD(MRA&L) on matters pertaining to intoxicated driving.

§ 62b.7 Definitions.

(a) *Blood Alcohol Content (BAC).* The percentage, by weight, of alcohol in a person's blood as determined by blood, urine, or breath analysis. Percent of weight by volume of alcohol in the blood is based on grams of alcohol per 100 milliliters of blood.

(b) *Conviction.* An official determination or finding as authorized by state or federal law or regulation, including a final conviction by a court or court-martial, an unvacated forfeiture of bail or other collateral deposited to secure a defendant's appearance in court, a plea of nolo contendere accepted by a court, a payment of a fine, or a plea of guilty or a finding of guilty regardless of whether the penalty is rebated, deferred, suspended, or probated.

(c) *DoD Issuances.* DoD Directives, Instruction, publications, and changes thereto.

(d) *DoD Personnel*

(1) *Civilian Personnel.* Employees of the Department of Defense whose salary or wages are paid from appropriated or nonappropriated funds.

(2) *Military Personnel.* All U.S. military personnel on active duty, U.S. military reserve or National Guard personnel on active duty or in a drill status, Military Service academy cadets, and retired personnel.

(e) *Driving Privileges.* Operation of a privately owned motor vehicle on a installation or in areas where traffic operations are under military supervision.

(f) *Intoxicated Driving.* Includes one or more of the following:

(1) Operating a motor vehicle under any intoxication caused by alcohol or drugs or both that is sufficient (sensibly) to impair the rational and full exercise of the mental or physical faculties. (See paragraphs 190 and 191 of the Manual for Courts-Martial.)

(2) Operating a motor vehicle with a BAC of .10 percent or higher. This is often referred to as driving while intoxicated or driving while impaired (DWI) under state law.

(3) Operating a motor vehicle in violation of a law concerning drunk or drugged driving in the jurisdiction in which the vehicle is operated.

Appendix 1—Driver's License Information

FROM: _____

_____

_____

TO: Department of Vehicle Registration and Licenses

_____

_____

_____

SUBJECT: Notification of Person Convicted of Intoxicated Driving

1. This letter is your notification that on ——(date) , ———(last name, first name, middle initial) and (social security number of person) , a member of ———(branch of Military Service or DoD Component) (and unit) , ———(installation location), was found guilty of driving while intoxicated (in a court-martial, non-judicial proceeding under Article 15, or civil court. If civil court, give court name and case number). (He or she) holds a ——(State) driver's license, number ——— , issued ——— , expiring on ———. He or she was arrested ———(date and base location) by ———(State) (or military) police while driving vehicle license number ———.

Should you wish to suspend or limit this individual's driving privileges, (his or her) current address is:

_____

_____

_____

Signer

Appendix 2—State Driver License Information Address Listing Alphabetically by State

Alabama

Data Processing Unit, Driver's Licensing Division, Department of Public Safety, Mongomery, Alabama 36192, (205) 832–5100

Alaska

MVR Desk, Motor Vehicles, Pouch N, Juneau, Alaska 99811 (907) 465–4361

Arizona

1801 W. Jefferson, Box 2100, Phoenix, Arizona 85001 (602) 261–7642

Arkansas

Driver's Control, P.O. Box 1272, Little Rock, Arkansas 72203 (501) 371–1631

California

Information Services, Department of Motor Vehicles, P.O. Box 11231, Sacramento, California 95813

Colorado

Motor Vehicle Division, Master File Section 44–489, 140 W. 6th Avenue Denver, Colorado 80204 (303) 866–3751

Connecticut

Assistant Division Chief, 60 State Street, Wethersfield, Connecticut 06109 (203) 566–3230

Delaware

Senior Clerk, Revocation Section, P.O Box 698, Dover, Delaware 19901 (302) 736–4427

Florida

Department of Highway Safety, Tallahassee, Florida 32301 (904) 488–2117

Georgia

Drivers Support Division, Department of Public Safety, P.O. Box 1456, Atlanta, Georgia 30371–2303 (404) 656–5704

Hawaii

Administrator, District Court, 1111 Alakea Street Honolulu, Hawaii 96813 (808) 548–2467

Idaho

Idaho Transportation Department, Driver Services, P.O. Box 34, Boise, Idaho 83731 (208) 334–2534

Illinois

Abstract Informational Unit, Motor Vehicle Services, 2701 S. Dirksen Parkway, Springfield, Illinois 62703 (217) 782–2720

Indiana

Paid Mail, State Office Building, Room 416, Indianapolis, Indiana 46204 (317) 232–2894

Iowa

Chief Teletype Operator, Lucas State Office Building, Des Moines, Iowa 50319, (515) 281–5559

Kansas

Chief, Driver Control Bureau, State Office Building, Topeka, Kansas 66626, (913) 296–3671

Kentucky

Division of Driver Licensing, Justice Cabinet, Room 220, State Office Building, Frankfurt, Kentucky 40601 (502) 564–6800

Lousiana

Department of Public Safety, Office of Motor Vehicles, P.O. Box 64886, Baton Rouge, Louisiana 70896

Maine

Driver Record Section, Motor Vehicle Division, Statehouse Station #29, Augusta, Maine 04333 (207) 289–2733

Maryland

Director, Driver Records, 6601 Ritchie Highway, NE Glen Burnie, Maryland 21062 (301) 768–7225

Massachusetts

Registry Motor Vehicles, 100 Nashua Street, Boston, Massachusetts 02114

Michigan

Commercial Lookup Unit, Michigan Department of State, Bureau of Driver & Vehicle Services, Lansing, Michigan 48918

Minnesota

Driver License Division, 108 Transportation Building, St. Paul, Minnesota 55155 (612) 296–2023

Mississippi

Mississippi Highway Patrol, MVR Section, P.O. Box 958, Jackson, Mississippi 39205 (601) 982–1212, Ext 268

Missouri

Division of Motor Vehicles & Driver Licensing, P.O. Box 629, Jefferson City, Missouri 65105 (No telephone inquiries)

Montana

Office Manager, Driver Services, 303 North Roberts, Helena, Montana 59620 (406) 449–3000

Nebraska

Administrator, P.O. Box 94789, Lincoln, Nebraska 68509 (402) 471–3888

Nevada

Driver Record Section, 555 Wright Way Carson City, Nevada 89701 (702) 885–5505

New Hampshire

Department of Safety, Division of Motor Vehicles, Hazen Dive, Concord, New Hampshire 03105 (603) 271–2486

New Jersey

Supervisor, Abstract Section, NJDMV, 137 E. State Street, Trenton, New Jersey 08625 (609) 292–4558

New Mexico

Chief, Motor Transportation Department, Manuel Lujan Building, Santa Fe, New Mexico 87503 (505) 827–2362

New York

New York State Dept. of Motor Vehicles, Public Service Bureau, Empire State Plaza, Albany, New York 12228 (518) 474–0705

North Carolina

Director, Diver License Section, Division of Motor vehicles, 1100 New Bern Avenue, Raleigh, North Carolina 27697 (919) 733–[illegible]

North Dakota

Driving Records, Drivers License Division, 600 E. Boulevard, Bismarck, North Dakota 58505 (701) 224–2603

Ohio

Bureau of Motor Vehicles, ATTN: MVOSPA, P.O. Box 16520, Columbus, Ohio 43216

Oklahoma

Oklahoma Department of Public Safety, Driver Improvement Division, Box 11415, Oklahoma City, Oklahoma 73136 (405) 427–6541

Oregon

Supervisor, Files and Correspondence, 1905 Lana Avenue, NE, Salem, Oregon 97314 (503) 371–2225

Pennsylvania

Division Manager, Citation Processing Division, Room 302, Bureau of Traffic Safety Operations, Department of Transportation, Harrisburg, Pennsylvania 17120

Rhode Island

State Office Building, Motor Vehicles, Providence, Rode Island 02903 (401) 227–[illegible]

South Carolina

Motor Vehicle Administrator, P.O. Box 1498, Columbia, South Carolina 29216 (803) 758–[illegible]

South Dakota

Driver Improvement Program, 118 W. Capitol, Pierre, South Dakota 57501–2080 (605) 773–4128

Tennessee

Financial Responsibility Section, P.O. Box 945, Nashville, Tennessee 37202 (615) 741–3954

Texas

Box 4087, Austin, Texas 78773 (512) 465–2000

Utah

4501 S. 2700 W, Salt Lake City, Utah 84119 (801) 969–4425

Vermont

Director of Law Administration, Department of Motor Vehicles, 120 State Street, Montpelier, Vermont 05603 (Mail inquiries only)

Virginia

Division of Motor Vehicles, Attn: Driver's Licensing and Information Department, 2300 W. Broad Street, Richmond, Virginia 23269 (804) 257–0410

Washington

Department of Licensing, Driver; Services Division, Highway Licensing Building, Olympia, Washington 98504 (206) 753–6976

West Virginia

Department of Motor Vehicles, 1800 Washington Street, East, Charleston, West Virginia 25317 (304) 348–0238

Wisconsin

Driver Record File, Department of Transportation, P.O. Box 7918, Madison, Wisconsin 53707–7918 (608) 266–2360

Wyoming

Criminal Identification Division, Boyd Building, Cheyenne, Wyoming 82002

NDR

National Driver Register, Room 5117, NHTSA, 400 7th Street, SW, Washington, DC 20509

District of Columbia

District of Columbia Department of Transportation, Bureau of Motor Vehicles Services, 301 C Street, NW, Washington, DC 20001

Guam

Mr. Patrick Wolfe, Deputy Director, Revenue and Taxation, Government of Guam, Agana, Guam 96910

Puerto Rico

Mr. Jose A. Zayas-Berdecia, Director, Bureau of Motor Vehicles, P.O. Box 41243, Santurce, Puerto Rico 00940

Dated: April 6, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-9387 Filed 4-8-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CCGD8-83-01]

Anchorage Regulations, Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering amending the anchorage regulations on the Lower Mississippi River by establishing a permanent anchorage in the vicinity of Oneida, Louisiana to be called the Belmont Anchorage. This action is necessary to provide needed additional anchorage space for deep draft vessels and to accommodate the increased commercial activity in the Convent, Louisiana area.

DATES: Comments must be received on or before June 13, 1983.

ADDRESS: Comments should be mailed to Commander, Eighth Coast Guard District (mps), Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130.

FOR FURTHER INFORMATION CONTACT: Lt. M. W. Brown, c/o Commander, Eighth Coast Guard District (mps), Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130, Telephone: (504) 589–6901.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice [CGGD8–83–01], the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

A public hearing will be held on Thursday, May 12 1983 at 7 p.m. in the St. James Parish Council Chambers, located at the St. James Parish Courthouse, on Louisiana Route 44, Convent, Louisiana 70723. Attendance is open to the public and members of the public may present oral statements at the hearing. The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement describing the proposed regulation, and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Contact Officer listed above no later than one day before the hearing. Such notification should include the approximate time required to make the presentation. A transcript will be made of the hearing and may be purchased by the public. Any person may present a written statement at the hearing.

These rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

Drafting Information

The principal persons involved in drafting this notice are LT M. W. BROWN, Project Officer, c/o Commander, Eighth Coast Guard District (mps) and LT J. C. HELFRICH, Project Attorney, c/o Commander, Eighth Coast Guard District (dl), Hale Boggs Federal Bldg., 500 Camp Street, New Orleans, LA 70130.

Discussion of Proposed Rule

The New Orlean-Baton Rouge Steamship Pilots Association initially requested the Captain of the Port, New Orleans to recommend to the Commander, Eighth Coast Guard District that an anchorage be established near Oneida, Louisiana on 6 January 1982. After reviewing the request, the Captain of the Port determined that such an anchorage would be desirable and accordingly, recommended to the District Commander that a temporary anchorage be established on 15 March 1982. Based on that recommendation, the Commander, Eighth Coast Guard District established a temporary anchorage on 19 April 1982 for 90 days, and designated it the Belmont Anchorage. The anchorage was established on a temporary basis to evaluate the need and location of the site to insure that it was utilized and caused no navigation safety problems prior to taking any rulemaking action. The temporary anchorage was extended on 14 July 1982 for 90 days, on 14 October 1982 for 30 days and on 14 November 1982 for 7 months. After an extended trial period, the Commander, Eighth Coast Guard District has determined that a permanent anchorage is necessary.

In recent years, the Lower Mississippi River in general and the Convent area in particular has seen increased commercial development. As a result of this development, vessel traffic on the river has increased. On a narrow, twisting waterway affected by strong currents such as the Lower Mississippi River, it is imperative that anchorages be relatively close and downriver from the berths they serve in order to facilitate commerce. This is because it is extremely difficult to predict when a vessel will actually vacate a berth. If an incoming vessel arrives at a berth before it is clear, or without a downstream anchorage in close proximity, a hazardous situation exists as there is no place to safely "hold up" the vessel. Because of this, as a general rule, a vessel will not enter the river or leave an anchorage for a berth until the departing vessel has left. The longer the distance of the anchorage from the berth, the longer the "dead time" at the berth and hence the greater the lost productivity.

The Belmont Anchorage is designed to service the facilities in the Convent Area, a distance of two to five miles upriver. The closest down river anchorage is nine to twelve miles away but vessels must sometimes anchor as far away as forty five miles. The Belmont Anchorage cuts off one to five hours of transit time to the Convent facilities. Based on a $1,000 per hour vessel operating cost, potential savings are conservatively estimated at $365,000 per year.

Anchoring upriver is unacceptable because vessels would have to "round down" proceed past the facility and turn back up river. Rounding a vessel on a narrow waterway is an inherently hazardous maneuver and one that should be avoided if not necessary. Anchoring above a facility introduces and unnecessary element of risk.

The Belmont Anchorage is also needed to relieve overcrowding of the anchorages between New Orleans and Convent, Louisiana. The greater the occupancy of the anchorage, the closer together vessels must anchor. Because of the limited maneuverability of large merchant vessels, the risk of accident increases as vessels anchor closer to each other. There are currently seven anchorages between New Orleans and Convent not counting the Belmont Anchorage with a total capacity of 18 vessels. Of those 18 vessels however, only 13 can have a draft of greater than 30 feet as five of the spaces are too shallow. Overall occupancy of these anchorages for the first five months of 1982 was approximately 57%. Overall occupancy of deep draft vessels during that same time period was approximately 87%. These figures mean on any given day most of the anchorages were filled to capacity.

The Belmont Anchorage began to be used actively in May of 1982 and has been averaging two ships per day. This reduces the overall occupancy rate of all the anchorages between New Orleans and Convent to approximately 50%.

The anchorage is located along a relatively straight stretch of the river and will pose no hazard to navigation. No user conflicts are anticipated.

The site is in the vicinity of four historic properties in the area but will have no effect on any of them. The historic properties are: Oak Alley Plantation at mile 153.2, St. Joseph Plantation at mile 152.3, Felicity Plantation at mile 151.3, and Manresa House at mile 156. Manresa House is on the left descending bank and upriver from the anchorage and the other properties are all on the right descending bank and downriver from the anchorage. There was concern on the part of local interests that an anchorage would somehow alter the historic character of the area and that the noise and dust generated during midstream cargo transfer operations would damage both the historic sites as

well as the environment. The Coast Guard does not agree that the anchorage will alter the historic character of the area. The Mississipi River has been heavily used by vessels transiting the proposed anchorage region. This use of the Mississippi River by vessels is historical and precedes the construction of the concerned historic sites. The banks along the Mississippi River in the vicinity of the sites now contain barge fleeting areas. The anchorage is around the bend from Manresa House over one mile upriver from the St. Joseph, and Felicity Plantations, and will be largely screened from view at Oak Alley.

Noise and dust generated during midstream cargo transfer operations could have an adverse effect as claimed by the local interests. To avoid that possibility midstream transfer operation would be prohibited in the anchorage.

There was also concern on the part of local residents that soot from the stacks of vessel would cause a nuisance. The Coast Guard feels that the normal emissions from vessels are not suficient to cause a nuisance. Excessive emissions can cause a nuisance, but there are existing state laws with an existing state agency to enforce them to alleviate that problem. In any case, the prevailing winds will tend to carry any stack emissions away from heavily populated areas.

Economic Assessment and Certification

These proposed regulations are considered to be non-significant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulation (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since its impact is expected to be minimal. Any economic effects will be positive, however, as this anchorage will reduce vessel transit times and increase productivity. An Environmental Assessment has been prepared for this project and a Finding of No Significant Impact is anticipated.

In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations as follows:

PART 110—[AMENDED]

33 CFR 110.195 is amended by redesignating (a)(24) through (a)(27) as (a)(25) through (a)(28), by adding a new paragraph (a)(24), and by revising (c)(6) to read as follows:

§ 110.195 Mississippi River below Baton Rouge, LA, including south and southwest passes.

(a) * * *

(24) *Belmont Anchorage.* An area 1.7 miles in length along the left descending bank of the river from mile 153.3 to mile 155.0 above Head of Passes. From mile 153.3 to mile 154.5 the area has a width of 700 feet as measured 100 feet riverward from the edge of the Belmont Revetment. From mile 154.5 to mile 155.0 the area has a width of 1100 as measured from shore.

* * * * *

(c) * * *

(6) The intention to transfer any cargo while in an anchorage shall be reported to the Captain of the Port, giving particulars as to name of ships involved, quantity and type of cargo, and expected duration of the operation. The Captain of the Port shall be notified upon completion of operations. Cargo transfer operations are not permitted in the New Orleans General, Quarantine, or Belmont Anchorages. Bunkering and similar operations related to ship's stores are exempt from reporting requirements.

* * * * *

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 33 U.S.C. 1231; 49 CFR 1.46(c)(1); 33 CFR 1.05–1(g))

Dated: March 24, 1983.

W. H. Stewart,

Rear Admiral.

[FR Doc. 83–9391 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–14–M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Submission of Mitigating Circumstances

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations concern two groups of people. The first of these are veterans who are receiving educational assistance under the noncontributory GI Bill. These regulations lengthen the time period these veterans have to report any mitigating circumstances that may be connected with withdrawals from courses or receipt of a grade which is not computed in the veteran's graduation requirements.

The second group are recipients of dependents educational assistance. These proposed regulations will set a limit on the amount of time these eligible persons have to submit mitigating circumstances.

Unless mitigating circumstances exist, the law prohibits the VA (Veterans Administration) from paying for a course from which a veteran or eligible person withdraws or for which he or she receives a grade which is not computed in determining graduation requirements.

DATE: Comments must be received on or before May 9, 1983. The VA proposes making these regulations effective the date of final approval.

ADDRESSES: Send written comments to. Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

All written comments received will be available for public inspection at this address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until May 19, 1983. Anyone visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any of these comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, Washington, DC 20420; (202–389–2092).

SUPPLEMENTARY INFORMATION: Section 21.4136, Title 38, Code of Federal Regulations is amended to allow a veteran 1 year from the date the VA notifies him or her that mitigating circumstances may be submitted, to submit those circumstances. Under the present regulation which allows veterans 1 year from the date of withdrawal or the date a nonpunitive grade was assigned, instances arose where a veteran had little or no time to submit mitigating circumstances after he or she learned of the need to do so. The proposed regulation eliminates this inequity.

Section 21.4137, Title 38, Code of Federal Regulations is amended to allow an eligible person 1 year from the date the VA notifies him or her that mitigating circumstances may be submitted, to submit those

circumstances. In order to insure the orderly administration of benefits the VA may require a measure of diligence from eligible persons.

The VA has determined that these proposed regulations do not contain a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. The proposal will not result in any major increases in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs hereby certifies that these proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these proposed regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because these proposed changes regulate only individual benefit recipients. They will have no significant impact on small entities, i.e. small businesses, small private and nonprofit organizations and small government jurisdictions.

The Catalog of Federal Domestic Assistance numbers for the programs affected by these proposed regulations are 64.111 and 64.117.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—Education, Loan programs—education, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 22, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

It is proposed to amend 38 CFR Part 21 as follows:

1. In § 21.4136, paragraph (k)(1)(ii) is revised to read as follows. The text of the introductory paragraph of (k)(1) is set out for the convenience of the reader.

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. chapter 34.

* * * * *

(k) *mitigating circumstances.* (1) The Veterans Administration will not pay benefits to any veteran for a course from which the veteran withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation unless—

* * * * *

(ii) The veteran submits the circumstances in writing to the Veterans Administration within 1 year from the date the Veterans Administration notifies the veteran that he or she must submit the mitigating circumstances.

(38 U.S.C. 1780(a))

* * * * *

2. In § 21.4137, paragraph (h) is revised as follows:

§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. chapter 35.

* * * * *

(h) *Mitigating circumstances.* (1) The Veterans Administration will not pay benefits to any eligible person for a course from which the eligible person withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation unless—

(i) There are mitigating circumstances, and

(ii) The eligible person submits the circumstances in writing to the Veterans Administration within 1 year from the date the Veterans Administration notifies the eligible person that he or she must submit the mitigating circumstances.

(2) The following circumstances are representative of those which the Veterans Administration considers to be mitigating provided they prevent the eligible person from pursuing the program of education continuously. This list is not all inclusive.

(i) An illness of the eligible person,

(ii) An illness or death in the eligible person's family,

(iii) An unavoidable geographical transfer resulting from the eligible person's employment,

(iv) An unavoidable change in the eligible person's conditions of employment.

(v) Immediate family or financial obligations beyond the control of the eligible person which require him or her to suspend pursuit of the program of education to obtain employment,

(vi) Discontinuance of a course by a school.

(vii) Unanticipated active duty military service including active duty for training,

(3) If the eligible child fails to complete satisfactorily a course of special restorative training or if the eligible person fails to complete satisfactorily a course under section 1733, title 38, United States Code, without fault, the Veterans Administration will consider the circumstances which caused the failure to be mitigating. This will be the case even if the circumstances were not so severe as to preclude continuous pursuit of a program of education.

(38 U.S.C. 1780(a))

[FR Doc. 83-9243 Filed 4-8-83; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Additional Entry Application for Second-Class Publications

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would amend postal regulations to require publishers to give 30 days' notice before mailing any second-class publications at an additional entry post office. Currently, only requester publications are required to give such advance notice.

DATE: Comments must be received on or before May 11, 1983.

ADDRESS: Written comments should be sent to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, D.C. 20260–5200.

Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Office of Mail Classification, Room 8430, 475 L'Enfant Plaza, SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Young, (202) 245–4512.

SUPPLEMENTARY INFORMATION: Current postal regulations require a 30 day advance notice of mailing at an additional entry post office only for requester publications authorized under section 422.6, Domestic Mail Manual. See DMM 442.1. Under the proposed change, publishers would be required to give 30 days' notice before mailing any second-class publication at an additional entry post office.

The Postal Service considers the 30 days' notice necessary to adjust transportation schedules and to ensure that entry offices are capable of handling and distributing the number of copies of the publication deposited with them. It takes approximately 27 days to make and confirm these arrangements. Experience has shown that most publishers now voluntarily give at least 30 days' notice. Therefore, we do not consider it unreasonable to make this notice mandatory. Section 442 of the Domestic Mail Manual would be changed to conform with the new requirement if adopted.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking under 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 442—ADDITIONAL ENTRY APPLICATIONS

Revise 442.1 to read as follows:

§ 442.1 Application Procedure.

If an additional entry point is desired, a Form 3510, Application for Additional Entry or Re-entry of Second Class Publication, must be filed by the publisher at the original entry post office. A separate application must be filed for each office of additional entry desired. A publisher may apply concurrently for entry at an additional office and original entry office. Two copies of the most recent issue of the publication must accompany the application. These must be marked to show the advertising content as described in 483. Publishers must file an application for additional entry 30 days before mailing at the proposed additional entry office. Postage for mailings presented during the 30-day period must be paid at the First-, third-, or fourth-class postage rates.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2), 403)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 83-8322 Filed 4-8-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Action MO 999; A-7-FRL-2294-8]

Approval and Promulgation of Implementation Plans; State of Missouri; 1982 Ozone and Carbon Monoxide Attainment Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The Clean Air Act requires that all states which received an extension beyond December 31, 1982, to attain either the ozone or carbon monoxide standards submit a revised plan by July 1, 1982, showing that the standards would be attained by December 31, 1987. The State of Missouri has submitted a plan for the St. Louis area. EPA is proposing to disapprove this plan. The plan contains numerous deficiencies including a failure to demonstrate attainment of the ozone standard and an inadequate inspection and maintenance program for motor vehicles. Disapproval of the plan would result in a moratorium on the construction and modification of major stationary sources of ozone and carbon monoxide in the nonattainment areas. Restrictions on funds for air quality planning and transportation projects could follow.

EPA is soliciting comments on its proposed action.

DATE: Comments must be received on or before May 11, 1983.

ADDRESSES: comments should be addressed to Mr. Wayne G. Leidwanger, Air Branch, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the state's submission and EPA's technical evaluation are available during normal business hours at the preceding address as well as at the following locations: Missouri Department of Natural Resources, 1101 Rear Southwest Boulevard, Jefferson City, Missouri 65101; East-West Gateway Coordinating Council, 112 North Fourth Street, St. Louis, Missouri 63102.

FOR FURTHER INFORMATION CONTACT: Wayne Leidwanger at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added a new Part D to Title I of the Act. [Sections 171-178 of the Clean Air Act; Section 129(c) (uncodified) of Pub. L. 95-95.] Under this Part, the states had to revise their State Implementation Plans (SIPs) for all nonattainment areas and submit the revisions to EPA by January 1, 1979. The revised plan had to provide for attainment by December 31, 1982, unless the State demonstrated that it could not attain either the ozone or carbon monoxide (CO) standard by that date [Sections 172(a)(1), 172(a)(2)].

If EPA approved this demonstration, the attainment date for ozone or CO could be extended up to December 31, 1987, and the State could defer compliance with certain of the Part D planning requirements. States receiving such extensions were to submit a second SIP revision that provides for attainment by the approved attainment date and complies with all of the Part D requirements [Section 172(c)].

These second SIP revisions had to be submitted by July 1, 1982 [Section 129(c) (uncodified), Pub. L. 95-95]. On January 22, 1981 (46 FR 7182), EPA published final criteria for reviewing these revisions. These criteria supplement the "General Preamble" for SIP revisions for nonattainment areas, which was published on April 4, 1979 (44 FR 20372).[1]

The State of Missouri submitted an initial SIP revision for the St. Louis ozone and CO nonattainment areas in July 1979. The State requested that EPA extend the attainment date for the standards in this area until December 31, 1987. EPA approved this request and conditionally approved the initial plan revision on April 9, 1980 (45 FR 24140). [EPA gave final approval to this initial plan revision on June 10, 1982 (47 FR 25143) after the conditions had been fulfilled.]

Missouri submitted its 1982 revisions to its SIP on December 28, 1982. On February 3, 1983, EPA published a notice of proposed rulemaking on the draft Missouri submission of October 7, 1982. Today's notice addresses the final SIP submission of December 28 and supersedes the earlier notice on the draft SIP. However, persons commenting on the February 3 notice are not required to resubmit those comments in response to today's notice. EPA will consider those comments in preparing a final rulemaking. EPA's review of the State's submittal is divided into three main discussions: 1. the ozone SIP, 2. the carbon monoxide SIP, and 3. the additional requirements set out in EPA guidance, including conformity of federal actions, public participation and consultation with State and local officials and the effect assessment.

[1] EPA published four additional notices supplementing the general preamble in 1979: July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

A. The Ozone SIP

Ozone is formed from various precursors, primarily oxides of nitrogen and a class of hydrocarbons called "reactive volatile organic compounds" (VOCs). VOC emissions are controlled to reduce ozone concentrations.

The St. Louis nonattainment area includes the City of St. Louis and St. Charles, Franklin, Jefferson and St. Louis Counties in Missouri and Madison, Monroe and St. Clair Counties in Illionois. (Today's notice addresses only the Missouri plan; EPA will publish a separate notice on the Illinois SIP.) The ozone modeling analysis for the nonattainment area claims that a 26.4 percent emission reduction will be needed to eliminate violations of the ozone standard. The Missouri 1982 SIP combines a mix of stationary and mobile source strategies to achieve the reduction.

EPA's review of the ozone SIP is divided into seven sections: Emission Iventory, Air Quality Data, Modeling Analysis and the Emission Reduction Target, Stationary Source Controls, Inspection and Maintenance Program, Transportation Control Measures, Reasonable Further Progress and the Attainment Demonstration.

1. *Emission Inventory.* Section 172(b)(4) of the Clean Air Act requires the SIP to contain a comprehensive, accurate and current inventory of actual emissions. In the case of the ozone plan, an inventory of volatile organic compounds (VOC) is necessary for projecting attainment of the ozone standard of 0.12 ppm. Also required for the modeling analysis is an inventory of NO_x emissions. These emission inventories should be prepared for a 1980 base year and projected to a date that will, at a minimum, include the anticipated year of attainment (46 FR 7184, January 22, 1981).

The Missouri SIP provides a base year 1980 emission inventory and projects emissions through 1987, the anticipated year of attainment. Typical summer weekday emission rates are reported for stationary and area sources, the latter including mobile sources. The SIP shows 1980 VOC emissions to be 315,030 kg/day in the Missouri portion of the ozone nonattainment area and projects those emissions to be reduced to 248,870 kg/day without enactment of any additional control measures.

Stationary, area and mobile sources are quantified in the SIP. All stationary sources whose emissions were greater than 40 TPY in 1980 are specifically identified. The East-West Gateway Coordinating Council used EPA's MOBILE–2 emission factor program to determine mobile source emissions. East-West Gateway is the lead planning agency designated under Section 174 of the Clean Air Act. East-West Gateway and the Missouri Division of Employment Security provided the bases for projecting future emissions. Documentation of the methodology employed in developing the emission inventory is contained in the SIP.

EPA believes the emission inventory was prepared in accordance with the applicable guidelines.

Proposed Action

EPA proposes to approve the emission inventory as meeting the requirements of Section 172(b)(4).

2. *Air Quality Data.* For the 1982 SIP, EPA requires the most recent three years of air quality data to be used in the modeling analysis. Generally, this should include all data collected through the third quarter of 1981 (46 FR 7189, January 22, 1981).

The Missouri SIP provides a summary of the ozone monitoring data for a five-year period ending with the third quarter of 1981. Only the last three years (1979–1981) of data were used in the modeling analysis. The highest ozone value recorded during the last three years was 0.210 ppm on September 11, 1979; a number of exceedances of the standard of 0.12 ppm were recorded each year from 1979 to 1981. The "design day", i.e., the day on which the modeled control requirement is based, is attributed to September 22, 1979, when the ozone level was recorded as 0.165 ppm.

EPA believes that the SIP provides sufficient quality assured monitored ozone data on which to develop a control strategy.

Proposed Action

EPA proposes to approve the air quality data for use in the modeling analysis.

3. *Modeling Analysis and Emission Reduction Target.* In its policy on the 1982 SIPs, EPA specified the minimum acceptable models which the states could use in preparing their SIPs. EPA noted the inability of simple models, such as linear or proportional rollback, to adequately consider chemical kinetics and meterological parameters. Accordingly, EPA required the use of more sophisticated models. Photochemical dispersion models have the greatest potential for evaluating the effectiveness of ozone control strategies. However, EPA recognized that these models were very data intensive. Therefore, EPA recommended the use of city-specific EKMA (Empirical Kinetic Modeling Approach) for the 1982 ozone plans (46 FR 7190, January 22, 1981). EKMA is less data intensive but still considers meteorological influences and atmospheric chemistry. By encouraging each state to use city-specific EKMA, consistency among the states having to demonstrate attainment by 1987 could be achieved.

The State of Missouri chose to use city-specific EKMA for its 1982 ozone SIP. The state's modeling shows the control requirement to be 42.2 percent. As described below, the state takes credit for certain emission reductions which allows the control requirement to be reduced to 26.4 percent. However, a review of the state's modeling revealed that the state deviated from EPA's guidelines without adequate justification. For a complete discussion of the issues, the reader should consult EPA's technical support document.

The Missouri SIP indicates that adequate NMOC and NO_x data were not gathered. These data are important elements of the modeling analysis. Without these data, the state had to make assumptions regarding the $NMOC/NO_x$ ratio. The state selected a ratio from the mid-1970s from an EPA study (the Regional Air Pollution Study) and then adjusted it downward on the basis of VOC emission reductions which occurred between 1977 and 1980. The year 1977 was the base year inventory for the 1979 SIP. However, EPA notes that the state made a transposition error in taking credit for the mobile source emission reductions. Furthermore, EPA notes that the comparison of mobile source emissions was based on two different programs. MOBILE–1 was used for the 1977 emission inventory and MOBILE–2 for the 1980 inventory. EPA believes MOBILE–2 provides the best estimate and that a comparison of the two inventories based on different emission factor programs is inappropriate.

The state then further adjusted its modeled control requirement of 42.2 percent by taking credit for emission reductions between 1979 and 1980. The credit (15.8 percent) is based generally on a straight-line interpolation between the 1977 and 1980 emission inventories with certain adjustments to reflect plant closures in 1979. The state's emission reduction target then becomes 26.4 percent as applied to the 1980 emission inventory. EPA believes the credit which the state claims for stationary and area source emission reductions is acceptable. However, as noted previously, the state has not provided a valid demonstration of the mobile source emission reductions. The state's claim of a 38,316 kg/day reduction

between 1979 and 1980 is not supported. The state should use MOBILE–2 for both years and year-specific estimates of vehicle miles traveled (VMT) to make the comparison. (EPA notes that in Appendix H of the ozone plan, East-West Gateway apparently made such a comparison and reported the emission reductions to be 12,900 kg/day.)

Proposed Action

EPA proposes to disapprove the modeling and the emission reduction target. EPA specifically solicits comments on the state's modeling analysis and the emission reduction target.

3. *Stationary Source Control.* Section 172(b)(3) of the Clean Air Act requires states to adopt Reasonably Available Control Technology (RACT). Therefore, as part of the 1982 submittal, states must include RACT for: (1) all sources of VOCs covered by a Control Technique Guideline (CTG) and (2) all remaining major stationary sources of VOCs with the potential to emit more than 100 tons of VOC per year (250 kg/day). EPA requires that the submittal either include legally enforceable measures to implement RACT for these sources, or else document the State's determination that the existing level of control represents RACT for each of these sources (46 FR 7186, January 22, 1981).

The State of Missouri has satisfied the first requirement; that is, it has adopted RACT regulations for all VOC sources for which EPA has issued a CTG. (For a listing of previous EPA actions on Missouri's RACT rules, the reader should consult EPA's technical support document.)

The Missouri SIP identifies 18 major sources which are not covered by previous RACT regulations. Missouri has determined that control of emissions from nine of these sources is not reasonable considering available technology and the cost of control.

The SIP presents Rule 10 CSR 10–5.360, Control of Emissions from Polyethylene Bag Sealing Operations, which will apply to two sources. The rule requires sources to control no less than 65 percent of the uncontrolled VOC emissions. The rule allows sources to use exempted solvents in place of add-on controls. Certain solvents have been exempted from control by EPA because they do not contribute to the formation of ozone in the atmosphere. However, EPA discourages their use because they may contribute to stratospheric ozone depletion. State officials and sources are advised of the possibility of future regulatory action to control these compounds. Nevertheless, EPA believes Rule 10 CSR 10–5.360 does represent RACT.

Permit conditions have been used to limit the emissions of one source to less than 250 kg/day. EPA believes such an approach is acceptable but notes that the full permit was not submitted with the SIP. The permit is an operating permit issued under a permit program which is not part of the SIP. Therefore, the permit must be incorporated into the SIP to be enforceable by EPA. EPA believes this is a significant deficiency. However, EPA understands that the state intends to correct this deficiency prior to final rulemaking.

For six of the emission sources, the State has committed to schedules for adopting RACT by August 1983. There is also a commitment by the state to adopt additional RACT requirements within 12 months of EPA issuing a CTG. EPA believes these schedules represent firm commitments from the state to expeditiously meet the RACT requirement.

The state has also submitted Rule 10 CSR 10–6.100, Alternate Emission Limit, and associated amendments to its permitting rules. These were previously submitted to EPA as a SIP revision on November 17, 1982. EPA is taking no action in this notice on these rules but will propose action in a later **Federal Register** notice, These rules would allow sources to "bubble'" required emission reductions but they are not a requirement of the 1982 SIP.

Proposed Action

EPA proposes to approve the SIP as meeting the requirements for RACT on major stationary sources with the understanding that the full operating permit for Gusdorf will be incorporated into the SIP prior to final rulemaking. EPA specifically proposes to approve Rule 10 CSR 10–5.360 and the schedules for adopting additional RACT requirements by August, 1983. No action is taken on Rule 10 CSR 10–6.100 and the amendments to Rules 10 CSR 10–6.020 and the 10 CSR 10–6.060.

4. *Inspection and Maintenance (I/M) Program.* All major urban areas that needed an extension beyond 1982 to attain a standard for ozone or CO were required to include a vehicle I/M program as a portion of the 1979 SIP revision [Section 172(b)(11) of the Clean Air Act]. I/M is a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excess emissions must then undergo mandatory maintenance.

EPA evaluated and conditionally approved the I/M portion of Missouri's 1979 SIP revision on April 9, 1980, at 45 FR 24140. The state later submitted a specific schedule for implementing I/M in St. Louis by December 31, 1981. That submission was approved by EPA on March 16, 1981, at 46 FR 16895 as fulfilling one of the conditions for EPA's approval of the 1979 SIP. The other condition required the state to submit to EPA a report on the recommended type of I/M program and other details. On August 27, 1981, (46 FR 43139) EPA noted that the state had submitted the report and had fulfilled the condition. However, EPA took no action on the specific recommendations in the report. EPA noted that the state would have to submit a SIP revision in 1982 addressing the requirements for an I/M program.

The 1982 SIP revision must include: (1) The rules and regulations for implementing an I/M program that will meet the minimum requirements for emission reduction, and (2) commitments to other needed program details. (However, I/M elements already submitted and approved as part of an earlier SIP submittal need not be submitted again.) The 1982 SIP policy published on January 22, 1981, discusses these requirements at 46 FR 7186.

The Missouri plan presents a revised schedule calling for implementation of a decentralized mandatory I/M program in St. Louis by December 31, 1983. EPA required that decentralized programs commence by December 31, 1981. the schedule in the plan does not comply with EPA's requirements.

The SIP is also deficient in that it does not contain inspection test procedures, licensing requirements for inspection stations, emission analyzer specifications and maintenance/calibration requirements, quality control and audit and surveillance procedures, and procedures to assure that noncomplying vehicles are not operated on the public roads. (A proposed rule to address some of these requirements is contained in Appendix L of the plan.) The SIP does not include any of the relevant rules and regulations of the State Highway Patrol and the Department of Revenue. These two agencies are also responsible for implementing the program.

The SIP does contain a public awareness plan for the I/M program. EPA believes this element meets the requirements of the 1982 SIP policy.

EPA has specified the I/M programs must achieve a 35 percent reduction in exhaust emissions from light-duty vehicles as calculated by MOBILE–2. Missouri claims that its program will achieve the necessary reductions. The calculations in the SIP are based on the

emission standards in Rule 10 CSR 10–5.380. However, there is no documentation that the projected ten percent vehicle failure rate will be achieved with the emission standards in this rule. EPA also notes that Rule 10 CSR 10–5.380 sets the date for mandatory I/M after January 1, 1984, which does not comply with EPA's policy as noted previously.

Proposed Action

EPA proposes to disapprove the 1982 ozone SIP and Rule 10 CSR 10–5.380 because the plan does not contain the necessary commitments and elements for an I/M program.

5. *Transportation Control Measures (TCMs).* The 1982 SIP must include: (1) an updated emission reduction target for the transportation sector, (2) all reasonably available TCMs, (3) commitments to implement TCMs, (4) measure to meet basic transportation needs, (5) public participation activities, (6) a TCM monitoring plan, (7) conformity procedures and (8) and contingency plan. The reader should consult the 1982 SIP policy at 46 FR 7187 on January 22, 1981, for a full discussion of these requirements.

The East-West Gateway Coordinating Council has adopted a transportation plan which EPA believes meets the above requirements and the state has incorporated the plan into the SIP. Appendix D of the ozone plan (Appendix E in the CO plan) describes the procedures used in evaluation of the candidate transportation control measures. Appendix M of the ozone plan (Appendix D in the CO plan) includes the commitments from state, county and local governments as well as regional agencies to the following categories of transportation measures selected for implementation:

1. Traffic flow improvements;
2. Programs to encourage ridesharing;
3. Programs to encourage vanpooling;
4. Programs to increases transit ridership;
5. Construction of park and ride lots.

A description of the process and procedures for identifying transportation contingency measure where emission shortfalls may occur is also included in the SIP. The St. Louis region proposes to meet its basic transportation needs (BTN) by maintaining, and where possible, improving ridesharing and public transportation projects to the extent that state and Federal funds will allow. Justification for not adopting difficult transportation control measures is given in Appendix C of the ozone plan (Appendix M in the CO plan).

Proposed Action

EPA proposes to approve the 1982 ozone SIP as meeting the requirement for transportation control measures.

6. *Reasonable Further Progress and the Attainment Demostration.* Section 172 (a)(2) and (b)(3) of the Clean Air Act require that the ozone standard be attained as expeditiously as practicable, but not later than December 31, 1987, and that in the interim, reasonable further progress (as defined in Section 171) be shown in achieving emission reductions. No extension beyond December 31, 1987, is available. Furthermore, as described in EPA's 1982 SIP policy, the annual emission reductions must at least equal the emission reductions that would be achieved through a linear attainment program (46 FR 7187, January 22, 1981).

The Missouri SIP projects a 28.6 percent reduction in emissions as a result of RACT on stationary sources, the I/M program, the TCMs and the Federal motor vehicle control program. The state further claims a 2.2 percent margin for growth by comparing the projected emission reductions against the emission reduction target (26.4 percent). However, EPA believes the modeling and the control requirement are incorrect and that the emission reductions should be substantially higher. Consequently, the state's plan fails to demonstrate that the ozone standard will be attained. It also fails to demonstrate that the annual emission reductions will at least equal the emission reductions that would be achieved through a linear attainment program based on a substantially higher emission reduction target. The SIP does not show reasonable further progress.

Proposed Action

EPA proposes to disapprove the 1982 SIP because it fails to demonstrate attainment of, and reasonable further progress towards attaining, the ozone standard.

B. Carbon Monoxide (CO)

CO violations are caused primarily by automobile emissions. They generally occur in the areas around major intersections, or in central business districts, where vehicles tend to idle for relatively long periods. EPA calls these problem areas "hot spots".

The state submittal contains a detailed modeling analysis which demonstrates attainment of the CO standard at local "hot spot" intersections. It also contains a demonstration of reasonable further progress (RFP) where the state modeling indicated violations. Today's notice discuses both of these sections as well as the requirements for stationary source controls, an I/M program and transportation control measures.

1. *Hotspot Analysis.* The APRAC–2 CO diffusion model using MOBILE–2 emission factors was used to project future CO concentrations. This is the EPA-approved model as specified in the 1982 SIP policy. The model predicted maximum 1-hour CO concentrations at 201 receptor sites in the region. With transportation control measures, an I/M program and the Federal motor vehicle control program, the maximum 1-hour CO concentration is predicted to be 8.8 ppm. Compared to the CO standard of 35 ppm, this shows the area will attain the 1-hour standard. The SIP also shows that the predicted 8-hour concentration for 1987 will be 6.2 ppm. This compares favorably to the standard of 9.0 ppm.

Proposed Action

EPA proposes to approve the hotspot analysis.

2. *Reasonable Further Progress (RFP).* The SIP demonstrates that the CO standard will be attained through the implementation of the federal motor vehicle control program, an I/M program, and the TCMs. The SIP shows that annual emission reductions will occur as a result of these programs. The modeling demonstrated that the standard will be attained. With an I/M program and the TCMs, progress in attaining the standard will occur even faster than what would be accomplished by the Federal motor vehicle control program.

Proposed Action

EPA proposes to approve the demonstration of reasonable further progress.

3. *Stationary Source Controls.* There is some uncertainty regarding the contribution of stationary sources to the nonattainment problem. Stationary sources cannot be factored into the APRAC model. EAP's policy is that all stationary sources which emit more than 1000 TPY (or 2500 kg/day) must comply with the requirement for RACT as specified by Section 172 of the Clean Air Act (46 FR 7186, January 22, 1981). This policy will insure that the stationary source contribution to the CO problem, although usually small in comparison to the mobile source sector, will be minimized.

The Missouri SIP indicates that there are three sources which emit greater than 2500 kg/day. EPA agrees that control of emissions from two sources is not considered practical.

The emissions from the third source are estimated at 56,270 kg/day in 1980 and are projected to decline to 17,393 kg/day in 1983. The SIP indicates that this sources will be installing a control system which will meet the requirement for RACT. However, there is no regulation to enforce the emission reductions. Consequently, the SIP is deficient in that it does not demonstrate that the requirements of Sections 172(b)(3) and (10) will be met. However, EPA understands that installation of the controls is related to the VOC RACT regulation which the state is committed to adopt and that the state will provide an adequate demonstration prior to final rulemaking that the emission reductions will be enforceable.

Proposed Action

EPA proposes to approve the CO plan as meeting the requirement for RACT on major stationary sources provided the state demonstrates prior to final rulemaking that the RACT controls will be enforceable.

4. *Inspection and Maintenance Program and Transportation Control Measures.* As explained previously, EPA granted an extension through 1978 for attainment of the CO standard in the St. Louis area. Therefore, Section 172(b)(11) requires that the CO plant contain the I/M and TCM measures previously discussed in the contest of the ozone plan.

Proposed Action

EPA proposes to disapprove the CO plan because it contains the same deficiencies described for the ozone plan regarding the I/M program.

C. Additional Requirements

1. *Conformity of Federal Actions.* Section 176(c) of the Clean Air Act requires that all Federal activities conform to the SIP. In addition, the SIP must identify to the extent possible, the direct and indirect emissions associated with major Federal actions. (See 46 FR 7188, January 22, 1981.)

The SIP indicates that the state has reviewed this matter. No major Federal actions have been identified which would have an appreciable effect on the population of the St. Louis area. The SIP further names the East-West Gateway Coordinating Council as the responsible agency for assuring regional consistency and conformity with the SIP.

Proposed Action

EPA proposes to approve the 1982 SIP as meeting the requirements for conformity of Federal action.

2. *Public Participation and Consultation with State and Local Officials.* The SIP provides evidence of an extensive public participation program which meets the requirements of Section 121 of the Clean Air Act. The East-West Gateway Coordinating Council is the designated lead planning agency under Section 174 of the Act. A memordum of understanding among the responsible agencies was developed for the purpose of defining the roles and responsibilities for the 1982 SIP. That document is provided in the SIP.

The state has provided documentation of the public hearings: the requirements of 40 CFR 51.4 have been met. The state provided adequate notice and held two public hearings on the 1982 SIP.

Proposed Action

EPA proposes to approve the 1982 SIP insofar as it meets the requirements for public participation and consultation.

3. *Effect Assessment.* The Missouri SIP provides a limited analysis of the air quality, health, welfare, economic, energy and social effects of the plan as required by Section 172(b)(9) of the Clean Air Act. EPA has not set forth specific requirements for such an effect assessment.

Proposed Action

EPA proposes to approve Missouri's effect assessment. EPA is specifically soliciting comments on the adequacy of the effect assessment in the 1982 SIP.

D. Summary

EPA is proposing to disapprove Missouri's ozone and CO SIP. EPA is soliciting comments on the state's submission and on the proposed actions described in this notice. The Administrator's decision to approve or disapprove this submission will be based upon the comments received and on whether the SIP revisions meet the requirements of the Clean Air Act, 40 CFR Part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans) and the 1982 SIP policy (46 FR 7184, January 22, 1981).

If the major deficiencies discussed above are not remedied before EPA takes final action, EPA will be required to disapprove the revisions to the ozone and carbon monoxide plans. Under Section 110(a)(2)(I) and 40 CFR 52.24 (1981), disapproval would trigger a moratorium on the construction and modification of major stationary sources of ozone and carbon monoxide in the nonattainment area to which these plan revisions apply.

Disapproval may also result in restrictions on Federal funding pursuant to Sections 176(a) and 316(b) of the Clean Air Act. Under Section 176(a), EPA and the Department of Transportation must limit funds for air quality planning and transportation projects in any nonattainment area where transportation control measures are necessary for attainment and where EPA finds that a State has not submitted, or made reasonable efforts to submit, a plan meeting the requirements of Section 172. Under Section 316(b), the Administrator has discretion to limit sewage treatment funding in similar circumstances.

EPA will publish a separate notice of proposed rulemaking and provide an opportunity for comment before imposing either of these funding restrictions. For more information on the scope of the restrictions and the procedures EPA will follow, see 45 FR 24692 (April 10, 1980) (air quality planning and transportation grants) and 45 FR 53382 (August 11, 1980) (sewage treatment grants).

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the Administrator must assess the impact of proposed and final rules on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator has certified that SIP approvals will not have a significant economic impact on a substantial number of small entities (46 FR 8709). A disapproval, if promulgated, will impose a moratorium on the construction and modification of major stationary sources of ozone and carbon monoxide in the St. Louis area. Although this moratorium may have an impact on some small entities, EPA has not been able to quantify the impact because of the lack of imformation on plans for future business growth. Furthermore, this potential impact cannot affect EPA's action. Under the Clean Air Act, imposition of a construction ban is automatic and mandatory whenever EPA disapproves a SIP for failure to satisfy a Part D requirement.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur dioxide, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

This notice is issued under the authority of Sections 110 and 301 of the Clean Air Act, as amended.

Dated: January 24, 1983.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 83-9250 Filed 4-8-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[EPA Docket No. AW400PA; A-3-FRL 2300-4]

Commonwealth of Pennsylvania; Proposed Pennsylvania State Implementation Plan for Lead

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice proposes the approval of portions of the Pennsylvania State Implementation Plan (SIP) for Lead. No action is being taken on other portions of this SIP for three areas for reasons discussed in this notice.

The Pennsylvania Department of Environmental Resources (DER) submitted this SIP in a letter of September 30, 1982, in order to satisfy requirements of 40 CFR Part 51, Subpart E. This SIP is intended to demonstrate attainment of the ambient standard for lead within three years of its approval.

DATE: Comments must be submitted on or before May 11, 1983.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following locations:

U.S. EPA, Air Programs and Energy Branch, 6th and Walnut Streets, Curtis Building, Philadelphia, PA 19106, ATTEN: Gregory Ham (3AW11)

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120, ATTN: Gary L. Triplett

All comments on the proposed revision submitted on or before May 11, 1983 will be considered and should be sent to: Mr. Glenn Hanson, Chief, Pennsylvania Section (3AW11), Air and Waste Management Division, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philiadelphia, PA 19106.

FOR FURTHER INFORMATION CONTACT: Mr Gregory D. Ham at the address listed for Mr. Glenn Hanson above, or at (215) 597-2745.

SUPPLEMENTARY INFORMATION: The Pennsylvania State Implementation Plan (SIP) for lead was submitted by DER Secretary Peter N. Duncan on September 30, 1982. A public hearing was held on September 8, 1982 on this SIP. In addition, DER has indicated that it has the legal authority necessary to implement this plan and any control strategies related to it.

The National Ambient Air Quality Standard (NAAQS) for lead was published on October 5, 1978 (43 FR 46269), along with the requirements for lead SIP's. The plan which DER has submitted is intended to satisfy these requirements for all areas of the State except Allegheny county and Philadelphia. The following paragraphs discuss these requirements and the adequacy of the State's SIP in meeting these requirements.

1. Emissions Data

DER has submitted lead emissions data for point and area sources. This information was developed from 1975, 1976, and 1977 emissions data. For point sources, DER used information in existing inventories where available (from the 1976 inventory). For sources for which lead emissions information was not available, particulate emissions were used to provide an estimate using particulate-to-lead ratios. In other cases, emission factors were used. This inventory contains all sources that emit 5 tons or more lead per year, and all emission factors and methods used to estimate emissions are documented in the SIP revision.

The area source inventory includes mobile and small stationary sources. The estimates for mobile source emissions, from exhaust and re-entrained dust, were developed according to procedures outlined in EPA's guidelines on lead SIP's. The stationary area source emissions were developed using EPA's Hazardous and Trace Emissions System emission factors.

Summary tables of the emissions inventories above were included in the SIP. The complete point source inventory is available for inspection at the DER office listed in the "**ADDRESSES**" section of this notice. Documentation of the procedures and emission factors used in developing these inventories was also submitted.

DER has projected emissions based on the above inventories, to determine expected emission levels for 1982. For point sources, DER used known or expected changes where information was available, or estimated the changes from projected changes in employment levels in each area. For area sources, DER used the same methods for the projection year as for the base year inventory.

2. Air Quality Data

DER has submitted a summary of air quality data which has been collected since 1974. From this data, all monitors which showed violations were selected for further analysis. Eleven areas in Pennsylvania have shown violations during this time. EPA has reviewed this information, and believes that the data submitted is complete and accurate.

Section 58.20(e) of the Code of Federal Regulations requires States to submit a description of the lead monitoring network to EPA. Pennsylvania has submitted a network description which has been approved by EPA and will be reviewed annually to ensure that the network is adequate to meet air quality data requirements. This and other monitoring requirements are addressed in Chapter 5, "Air Quality Surveillance", of Pennsylvania's SIP for lead.

3. Control Measures

The demonstration of attainment for eight of the areas where violations have occurred, shows that the standard will not be violated in 1982. This is based on emission reductions which have occurred from stationary sources, and due to the decreased emissions of lead from combusted gasoline. Therefore, further control measures for these areas are not required.

Pennsylvania has identified the three secondary lead smelters as contributing to violations of the lead standard in these areas. However, specific, enforceable control measures providing for attainment in these areas have not been submitted. DER has committed to develop agreements with the three companies and has listed specific measures which will be considered for implementation at each plant to bring about attainment. However, because of the lack of enforceable control measures in the SIP, EPA cannot approve the SIP for the areas surrounding the three secondary lead smelters, and is therefore taking no action on the SIP for these three areas.

The three smelters are:

1. East Penn Manufacturing Company, Lyons, PA
2. General Battery Corporation, Muhlenberg, PA
3. Tonolli Corporation, Nesquehoning, PA

4. Demonstration of Attainment/ Modeling

Based on the emissions inventory and air quality data in the SIP, DER has determined that a demonstration of attainment is required for eleven areas in the State. Seven of these areas contain stationary sources, while four are areas where mobile source emissions are predominant.

The Industrial Source Complex Long Term model was used to calculate maximum ambient lead levels for the base year (1976) and the projection year (1982). The results of this modeling showed that the standard will be

attained in all areas but three where secondary lead smelters are located.

For these three areas, DER has committed to attainment of the ambient standard for lead within three years of EPA's approval of the SIP. EPA policy, however, has been that states must show attainment of the primary standard for lead by October 1982, four years and one month after promulgation of the standard. *See* the "Dates" section of the preamble to the lead standards, 43 FR 46246 (October 5, 1978). In 1981 EPA disapproved portions of the Missouri lead SIP including the portion adopting the same attainment date approach as presented by DER. Subsequently, three lead smelters located in Missouri filed a petition asking EPA to reconsider its disapproval of the Missouri lead SIP including its position on the attainment date issue. EPA is currently reviewing that petition and preparing a response on the issue of the proper attainment date under Section 110(a)(2)(A) of the Clean Air Act. Since EPA's action on the Missouri petition directly affects the attainment date proposed by DER for these areas, EPA is also proposing to take no action at this time on the attainment date for these areas in the Pennsylvania plan. As soon as EPA has responded to the petition for reconsideration of the Missouri lead SIP, it will take appropriate action on the Pennsylvania lead SIP attainment date for these three areas (provided that all other SIP deficiencies have been corrected). The decision to defer action on the attainment date will not affect EPA's proposed approval of the Pennsylvania lead SIP for those areas which, according to the State's demonstration, are already attaining the lead standard. Since these areas are currently attaining the standard, the attainment date has no practical impact.

5. General Requirements

Pennsylvania currently has regulations which set forth procedures for review of new and modified sources of lead in order to prevent violations of the standard in the future.

DER has committed to expend the resources necesssary to implement this SIP.

A public hearing on the Pennsylvaina Lead SIP was held on September 8, 1982. A summary of the comments was submitted by the State, with DER's responses to the comments.

EPA has reviewed the elements of Pennsylvania's State Implementation Plan for lead, and is today proposing approval of this Plan for all areas of the State except for the areas in the immediate vicinity of the three secondary lead smelters listed above.

The public is invited to submit, to the address stated above, comments on whether Pennsylvania's Lead SIP should be approved. The Administrator's decision to approve or disapprove the proposed SIP will be based in part on the comments received. Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA , and any EPA response, are available for public inspection at the EPA Region III office listed above.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(42 U.S.C. 7401–7642)

Dated: January 5, 1983.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 83–9397 Filed 4–8–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 387

[BMCS Docket No. MC–94–2; Notice No. 82–12]

Minimum Levels of Financial Responsibility for Motor Carriers of Property—Extension of Reduced Levels

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA requests comments on a proposed revision to its regulation concerning minimum levels of financial responsibility for motor carriers of property. The proposed revision would extend the effective date for reduced liability limits from July 1, 1983 to January 1, 1985, as specifically provided for by Section 406 of the Surface Transportation Assistance Act of 1982. The purpose of this proposed revision is to reduce the economic burden on the motor carrier and insurance industries for the full "phase-in period" permitted by law without diminishing protection to the public.

DATE: Comments must be received on or before May 26, 1983.

ADDRESS: All comments should refer to the docket number and notice number that appear at the top of this document and should be submitted, preferably in triplicate, to Room 3404, Bureau of Motor Carrier Safety, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety (BMCS), (202) 426–9767; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426–0346, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 6, 1983, the President signed into law the Surface Transportation Assistance Act of 1982 (Pub. L. 97–424, 96 Stat. 2097) (STAA of 1982). Section 406(a) of the STAA of 1982 amends Section 30 of the Motor Carrier Act of 1980 (Pub. L. 96–296, 94 Stat. 820) (MCA) by allowing the Secretary to extend the "phase-in period" for the reduced minimum levels of financial responsibility for 2 years to 3½ years.

Section 30 of the MCA sets forth minimum levels of financial responsibility which must be maintained by motor carriers of property. The MCA also gave the Secretary the authority to reduce those levels, by regulation, for up to a 2-year "phase-in period" provided the reduced levels would not adversely affect public safety and would prevent a serious disruption in transportation service.

In the final rule implementing the provisions of Section 30 of the MCA (46 FR 30982, June 11, 1981) as set forth in 49 CFR Part 387, the Secretary exercised his authority by reducing the minimum levels to the lowest levels allowed by the MCA for the full 2-year "phase-in period." This decision was based on comments to the docket (MC–94) received during the rulemaking process as well as on the findings contained in the regulatory evaluation/regulatory flexibility analysis prepared on the subject.

Further, in a Report to Congress required by Section 30 of the MCA, the Secretary recommended an amendment to the MCA which would allow the minimum levels of financial responsibility established by the Secretary to remain in force after June 30, 1983, and permit the Secretary thereafter to initiate rulemaking relative to requiring different levels of financial responsibility as needs of public safety dictate. Such action would have allowed the Secretary to obtain current, valid, substantive information. From this,

reasonable decisions could have been made that would have provided adequate protection for the public. Further, such action would not have adversely affected either the motor carrier or insurance industries. Future limits would have been based on a public record compiled according to rulemaking procedures.

The amendment contained in Section 406 of the STAA of 1982 responds to the Secretary's recommendation in the Report to Congress. While the amendment does not fully grant the Secretary discretionary authority to establish appropriate levels of financial responsibility, it does extend the allowable "phase-in period" from 2 years to 3½ years.

This notice proposes to amend the current regulations regarding the minimum levels of financial responsibility by revising the Schedule Of Limits table located in 49 CFR 387.9 and 387.15 to reflect the additional 18 month "phase-in period" permitted by Section 406 of the STAA of 1980.

This proposal is based on the belief that the proposed 18 month extension will not adversely affect public safety. Available data developed during the promulgation of the current rule indicates that the current minimum levels are sufficient to satisfy liability claims arising from the vast majority of accidents reported. Further, it is believed that the proposed extension would prevent a serious disruption in the transportation industry, since the commercial motor carrier industry is currently undergoing a period of financial difficulty and constriction. The extension of the "phase-in period" will help to stabilize the overhead of motor carriers through the economic recovery period.

Those desiring to comment on this rulemaking action are asked to submit their views, data and arguments to the docket at the above address. Comments need not be limited to the areas specificially mentioned in the NPRM. All comments received will be considered before any final rule is developed.

All comments submitted will be available, both before and after the closing date, for examination by interested persons in the Docket Room of the Bureau of Motor Carrier Safety, Room 3404, 400 Seventh Street, SW., Washington, D.C.. 20590.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation.

The final regulatory evaluation which was prepared for the first rulemaking is available for review in the public docket. A copy may be obtained by contacting Mr. Neill L. Thomas at the address provided above under the heading "For Further Information Contact." The FHWA specifically requests information upon which to determine whether such action would have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 387

Hazardous materials transportation, Insurance, Motor carriers, Surety bonds.

In consideration of the foregoing, the FHWA is considering amending Part 387 of Title 49, Code of Federal Regulations, as set forth below.

1. The Schedule of Limits table in § 387.9 is amended by removing the date "July 1, 1983" and replacing it with the date "January 1, 1985." As revised, the table now reads as follows:

§ 387.9 Financial responsibility, minimum levels.

* * * * *

SCHECULE OF LIMITS.—PUBLIC LIABILITY

*Type of carriage	Commodity transported	July 1, 1981	Jan. 1, 1985
(1) For-hire (In interstate or foreign commerce).	Property (nonhazardous)	$500,000	$750,000
(2) For-hire and Private (In interstate, foreign, or intrastate commerce).	Hazardous substances, as defined in 49 CFR 171.8, liquefied compressed gas, or compressed gas transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk (any quantity) Class A or B explosives or posion gas; or large quantity radioactive materials as defined in 49 CFR 173.389	1,000,000	5,000,000
(3) For-hire and Private (In interstate or foreign commerce: in any quantity) or (In intrastate commerce: in bulk only)	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000
(4) For-hire and Private (In interstate or foreign commerce).	Any quantity of Class A or B explosives; any quantity of poison gas; or large quantity radioactive materials as defined in 49 CFR 173.389	1,000,000	5,000,000

*NOTE.—The type of carriage listed under numbers (1), (2), and (3) apply to vehicles with a gross vehicle weight rating of 10,000 pounds or more. The type of carriage listed under number (4) applies to all vehicles with a gross vehicle weight rating of less than 10,000 pounds.

2. The Schedule of Limits table in Illustration I of §387.15 is amended by removing the date "July 1, 1983" and replacing it with the date January 1, 1985." As revised, the table now reads as follows:

§ 387.15 Forms.

* * * * * * *

SCHEDULE OF LIMITS.—PUBLIC LIABILITY

*Type of Carriage	Commodity transported	July 1, 1981	Jan. 1, 1985
(1) For-hire (In interstate or foreign commerce).	Property (nonhazardous)	$500,000	750,000
(2) For-hire and Private (In interstate, foreign, or intrastate commerce).	Hazardous substances, as defined in 49 CFR 171.8, liquefied compressed gas, or compressed gas transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk (any quantity) Class A or B explosives or poison gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000
(3) For-hire and Private (In interstate or foreign commerce: in any quantity) or (In intrastate commerce: in bulk only).	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000
(4) For-hire and Private (In interstate or foreign commerce).	Any quantity of Class A or B explosives; any quantity of pioson gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000

*Notes.—The type of carriage listed under numbers (1), (2), and (3) apply to vehicles with a gross vehicle weight rating of 10,000 popunds or more. The type of carrage listed under number (4) applies to all vehicles with a gross vehicle weight rating of less than 10,000 pounds.

Note.—This table showing the schedule of limits may appear at the bottom or on the reverse side of form MCS-90.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

(Section 406, Pub. L. 97–424, 96 Stat. 2097; 49 CFR 1.48 and 301.60)

Issued on: April 6, 1983.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc. 83–9355 Filed 4–8–83; 8:45 am]

BILLING CODE 4910–22–M

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Notices

Federal Register
Vol. 48, No. 70
Monday, April 11, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

Posted Stockyards; Holbrook, Ariz. et al.

Pursuant to the authority delegated under the Packers and Stockyards Act, 1981, as amended (7 U.S.C. 181 *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on respective dates specified below.

Facility No., name, and location of stockyard	Date of posting
AZ-112 Sun Valley Livestock Auction, Holbrook, Arizona	Feb. 5, 1982
FL-130 Sparr Farm and Home Auction, Sparr, Florida.	July 30, 1982
MO-254 Laclede County Livestock Producers Association, Lebanon, Missouri.	Feb. 17, 1982
MO-255 Wright County Livestock Auction, Inc., Mountain Grove, Missouri.	Oct. 20, 1982
TX-324 Community Livestock Sales, Inc., Rio Grande City, Texas.	Dec. 15, 1982

Done at Washington, D.C., this 4th day of April 1983.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 83-9429 Filed 4-8-83; 8:45 am]

BILLING CODE 3410-02-M

ARMS CONTROL AND DISARMAMENT AGENCY

Performance Review Board; Membership

AGENCY: U.S. Arms Control and Disarmament Agency.

ACTION: Notice of membership of Performance Review Board.

SUMMARY: In accordance with 5 U.S.C. 4314(c)(4), the U.S. Arms Control and Disarmament Agency announces the appointment of Performance Review Board members.

EFFECTIVE DATE: March 25, 1983.

FOR FURTHER INFORMATION CONTACT: Hazel Wyatt, Personnel Officer, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451 (202) 632-2034.

The following are the names and present titles of the individuals appointed to the register from which Performance Review Boards will be established by the U.S. Arms Control and Disarmament Agency. Each individual will serve a one year renewable term beginning on the effective date of this notice. Specific Performance Review Boards will be established as needed from this Register.

Name and title

James George—Assistant Director, Multilateral Affairs Bureau
Manfred Eimer—Assistant Director, Verification and Intelligence Bureau
Paul Nitze—Special Representative to the INF
Louis Nosenzo—Deputy Assistant Director, Strategic Programs Bureau
Mary Hoinkes—Deputy Assistant Director, Multilateral Affairs Bureau
Albert Christopher—Deputy Assistant Director, Nuclear Weapons and Control Bureau
Norman Clyne—Executive Secretary to the INF
James Timbie—Special Assistant to the Director
Charles Kupperman—Executive Director, General Advisory Committee
Lucas Fischer—Division Chief, Strategic Programs Bureau, Theater Affairs Division
Victor Alessi—Division Chief, Strategic Programs Bureau, Strategic Affairs Division
Robert Rochlin—Chief Scientist, Multilateral Affairs Bureau
Alfred Lieberman—Senior Advisor, Operations Research and Analysis
Alfred Hartzler—Chief, Computer Services Group
William Staples—Division Chief, Nuclear and Weapons Control Bureau, Defense Program and Analysis Division
Joerg Menzel—Division Chief, Nuclear Weapons and Control Bureau, Nuclear Safeguards and Technology Division
Maurice Eisenstein—Division Chief, Nuclear Weapons and Control Bureau, Technology Transfer Group
William Montgomery—Administrative Director
A. Richard Richstein—General Counsel
Norman Wulf—Deputy General Counsel
Thomas Graham—Director, Office of Congressional and Public Affairs
Joseph Lehman—Deputy Director for Public Affairs.

Dated: March 25, 1983.

William J. Montgomery,

Administrative Director.

[FR Doc. 83-9385 Filed 4-8-83; 8:45 am]

BILLING CODE 6820-32-M

CIVIL AERONAUTICS BOARD

[Docket 40524]

Independent Air Inc., Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to commence on April 22, 1983, at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., April 4, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-9424 Filed 4-8-83; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under Subpart Q of the Board's Procedural Regulations; week ended: April 1, 1983.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See 14 CFR 302.1701 et seq.)

Date filed	Docket No.	Description
Mar 28, 1983	41394	Northwest Airlines, Inc., c/o Ronald D. Eastman, Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue, N.W., Suite 700 Washington, D.C. 20036. Conforming Application of Northwest Airlines, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for an amendment to its certificate for Route 179 authorizing Northwest to engage in the scheduled air transportation of persons, property and mail on an unrestricted basis between the United States and Lebanon as follows: "2. Between a point or points in the United States and Tel Aviv, Israel, Shannon, Ireland, and a point or points in Belgium, the Netherlands, Luxembourg, the Federal Republic of Germany, Iceland, Denmark, Norway, Sweden, Finland, Switzerland, Lebanon and Jordan." Answers may be filed by April 13, 1983.
Mar 31, 1983	41401	Aviation Associates Limited, c/o Martin P. Mittet, Mittet & Paja, 569 D Division Street, Port Orchard, Washington 98366 Application of Aviation Associates Limited pursuant to Section 401(d)(1) of the Act and Subpart Q of the Board's Procedural Regulations requests authority, for an indefinite term, to engage in scheduled interstate transportation of persons, property and mail within the State of Alaska for two routes, the first between the terminal points of Ketchikan Harbor and Klawock, with intermediate stops at Ketchikan International Airport and an intermediate stop at Craig, and the second route between the terminal points of Ketchikan Harbor and Hydaburg, with intermediate stops at Ketchikan International Airport. Conforming Applications, Motions to Modify Scope and Answers, may be filed by April 28, 1983.
Apr 1, 1983	41406	Empire Airlines, Inc., c/o Michael Goldman, Verner, Liipfert, Bernhard and McPherson, Suite 1100, 1660 L Street, N.W., Washington D.C. 20036 Application of Empire Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, applies for issuance of a certificate of public convenience and necessity authorizing it to engage in scheduled foreign air transportation with respect to persons, property, and mail between Syracuse, New York, on the one hand, and Montreal, Toronto, and Ottawa, Canada, on the other. Conforming Applications, Motions to Modify Scope and Answers may be filed by April 29, 1983.
Mar 30, 1983	41233	Simmons Airlines, Inc., c/o Michael R. Fournier, 11 East Goethe Street, Chicago, Illinois 60610 Amendment to the Application of Simmons Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, for a certificate of public convenience and necessity for interstate and overseas air transportation. (Additional information) Answers may be filed by April 27, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-9423 Filed 4-8-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping Investigation; Thin Sheet Glass From Belgium

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation—Thin sheet glass from Belgium.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether thin sheet glass from Belgium is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before May 2, 1983, and we will make ours on or before August 23, 1983.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-4929.

SUPPLEMENTARY INFORMATION:

The Petition

On March 16, 1983, we received a petition from counsel for Jeannette Sheet Glass Corporation on behalf of the thin sheet glass industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Belgium are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring a United States industry.

The allegation of sales at less than fair value is supported by comparisons of average 1982 *ex factory* quarterly sale prices of thin sheet glass in Belgium to the 1982 quarterly FOB origin prices of thin sheet glass imported into the United States from Belgium. The petitioner developed U.S. price from FOB prices obtained from U.S. Department of Commerce statistics.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition and have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether thin sheet glass from Belgium is being, or is likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by August 23, 1983.

Scope of Investigation

The merchandise covered by this investigation is thin sheet glass. Thin sheet glass is ordinary glass (i.e. not colored or special), blown or drawn (whether or not continuing wire netting), in rectangles; not ground, not polished and not otherwise processed, other than cast, rolled, pressed, or molded glass; weighing over 4 ounces but not over 12 ounces per square foot, as currently provided for in items 542.1100 and 542.1300 of the *Tariff Schedules of the United States Annotated (TSUSA)*.

Thin sheet glass is separable into two categories: High Quality thin sheet glass and Regular Quality thin sheet glass. High Quality thin sheet glass is glass suitable for use as, and meets the technical specifications for, photographic slides and optical coated glass for instrumentation and other technical and scientific applications, including LED and LCD applications. Regular Quality thin sheet glass is all

other thin sheet glass which does not meet the technical specifications of the High Quality thin sheet glass defined above, e.g. glass suitable for use in microscope slides and covers and cosmetic mirrors.

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by May 2, 1983, whether there is a reasonable indication that imports of thin sheet glass from Belgium are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 5, 1983.

[FR Doc. 83-9406 Filed 4-8-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; Thin Sheet Glass From the Federal Republic of Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation—thin sheet glass from the Federal Republic of Germany.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether thin sheet glass from the Federal Republic of Germany is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before May 2, 1983, and we will make ours on or before August 23, 1983.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-4929.

SUPPLEMENTARY INFORMATION:

The Petition

On March 16, 1983, we received a petition from counsel for Jeannette Sheet Glass Corporation on behalf of the thin sheet glass industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from the Federal Republic of Germany are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring a United States industry.

The allegation of sales at less than fair value is supported by comparisons of average 1982 *ex factory* quarterly sale prices of thin sheet glass in the Federal Republic of Germany to the 1982 quarterly FOB origin prices of thin sheet glass imported into the United States from the Federal Republic of Germany. The petitioner developed U.S. price from FOB prices obtained from U.S. Department of Commerce statistics.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition and have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether thin sheet glass from the Federal Republic of Germany is being, or is likely to be sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by August 23, 1983.

Scope of Investigation

The merchandise covered by this investigation is thin sheet glass. Thin sheet glass is ordinary glass (i.e. not colored or special), blown or drawn (whether or not containing wire netting), in rectangles; not ground, not polished and not otherwise processed, other than cast, rolled, pressed, or molded glass; weighing over 4 ounces but not over 12 ounces per square foot, as currently provided for in items 542.1100 and 542.1300 of the *Tariff Schedules of the United States Annotated (TSUSA).*

Thin sheet glass is separable into two categories: High Quality thin sheet glass and Regular Quality thin sheet glass. High Quality thin sheet glass is glass suitable for use as, and meets the technical specifications for, photographic slides and optical coated glass for instrumentation and other technical and scientific applications, including LED and LCD applications. Regular Quality thin sheet glass is all other thin sheet glass which does not meet the technical specifications of the High Quality thin sheet glass defined above, e.g. glass suitable for use in microscope slides and covers and cosmetic mirrors.

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by May 2, 1983, whether there is a reasonable indication that imports of thin sheet glass from the Federal Republic of Germany are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 5, 1983.

[FR Doc. 83-9404 Filed 4-8-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; Thin Sheet Glass From Switzerland

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation—Thin sheet glass from Switzerland.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether thin sheet glass from Switzerland is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before May 2, 1983, and we will make ours on or before August 23, 1983.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377–4929.

SUPPLEMENTARY INFORMATION:

The Petition

On March 16, 1983, we received a petition from counsel for Jeannette Sheet Glass Corporation on behalf of the thin sheet glass industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Switzerland are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring a United States industry.

The allegation of sales at less than fair value is supported by comparisons of average 1982 FOB *ex factory* quarterly sale prices of thin sheet glass in Switzerland to the 1982 quarterly FOB origin prices of thin sheet glass imported into the United States from Switzerland. The petitioner developed U.S. price from FOB prices obtained from U.S. Department of Commerce statistics.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition and have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether thin sheet glass from Switzerland is being, or is likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by August 23, 1983.

Scope of Investigation

The merchandise covered by this investigation is thin sheet glass. Thin sheet glass is ordinary glass, (i.e. not colored or special), blown or drawn (whether or not containing wire netting), in rectangles; not ground, not polished and not otherwise processed, other than cast, rolled, pressed, or molded glass; weighing over 4 ounces but not over 12 ounces per square foot, as currently provided for in items 542.1100 and 542.1300 of the *Tariff Schedules of the United States Annotated (TSUSA)*. Thin sheet glass is separable into two categories: High Quality thin sheet glass and Regular Quality thin sheet glass. High Quality thin sheet glass is glass suitable for use as, and meets the technical specifications for, photographic slides and optical coated glass for instrumentation and other technical and scientific applications, including LED and LCD applications. Regular Quality thin sheet glass is all other thin sheet glass which does not meet the technical specifications of the High Quality thin sheet glass defined above, e.g. glass suitable for use in microscope slides and covers and cosmetic mirrors.

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by May 2, 1983, whether there is a reasonable indication that imports of thin sheet glass from Switzerland are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 5, 1983.

[FR Doc. 83-9405 Filed 4-8-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Tuna From the Republic of the Philippines

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in the Republic of the Philippines of tuna, as described in the "Scope of the Investigation" section below, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination on or before June 6, 1983.

EFFECTIVE DATE: April 11, 1983.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; (202) 377–1279.

SUPPLEMENTARY INFORMATION:

Petition

On March 11, 1983, we received a petition from counsel for the Tuna Research Foundation, Inc., on behalf of the U.S. industry producing canned tuna. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, manufacturers, or exporters in the Philippines of tuna receive directly or indirectly, bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the "Act").

The Philippines is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and therefore section 303 of the Act applies to this investigation. Under this section, because the merchandise is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten to cause material injury to a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on tuna and we have found that the petition meets these requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in the Philippines of tuna, as listed in the "Scope of the Investigation" section of this notice, receive bounties or grants. If our investigations proceeds normally, we will make our preliminary determination by June 6, 1983.

Scope of the Investigation

The product covered by this investigation is tuna prepared or preserved in any manner, not in oil, in airtight containers. The merchandise is currently classified under item numbers 112.3020, 112.3040 and 112.3400 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Allegations of Bounties or Grants

The petition alleges that producers, manufacturers, or exporters in the Philippines of canned tuna receive the following benefits that constitute bounties or grants: Incentives for registered companies under the omnibus investment code—accelerated depreciation, net operating loss carry-over, tax exemption on imported capital equipment, tax credit on domestic capital equipment, tax credit for withholding tax on interest, deduction for expansion reinvestment and deduction of labor training expenses; additional incentives available to registered export producers under the omnibus investment code—tax credit, reduced income tax, additional tax reduction for use of new brand names, tax-free importation of capital equipment, tax credit on net value earned and tax credit on net local content; export development assistance from the government; preferential financing for exports; equity participation by the government; and preferential export credit insurance and export and foreign loan guarantees.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 5, 1983.

[FR Doc. 83-9407 Filed 4-8-83; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Technology Commercialization Center (TCC) Program; Solicitation Applications

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Technology Commercialization Center (TCC) Program to operate two Technology Commercialization Centers for a period of 12 months each beginning on or about June 1, 1983 in the New York City area and Puerto Rico. Federal funds are estimated at $150,000 for each center with a 10% cost sharing requirement (any combination of cash, in-kind or fees for services). Two separate awards will be made. Reference may be made to Catalog of Federal Domestic Assistance—11.814 Minority Business Development. It is anticipated that the funding instrument will be a grant as defined by the Federal Grant and Cooperative Agreement Act of 1977. The applicant shall be expected to provide and/or broker those services necessary to move technology-based projects from the initial evaluation stage through the product development phase into commercialization. These services shall benefit those minorities capable of engaging in technology-based and growth oriented businesses, inventors, innovators and sources of financial assistance. Experience/capability is required in technology commercialization. There are no restrictions (any profit or non-profit institution is eligible to submit an application).

DATES: The closing date for receipt of applications is April 30, 1983, with a postmark date on or before April 30, 1983.

ADDRESS: New York Regional Office, Minority Business Development Agency, 26 Federal Plaza, Room 36–116, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Joseph F. Korpsak, Telephone: (212) 264–3262.

SUPPLEMENTARY INFORMATION: This program is subject to OMB Circular A–95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

(11.814 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: April 1, 1983.

Joseph F. Korpsak,

Acting Regional Director.

[FR Doc. 83-9342 Filed 4-8-83; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcements; Arizona

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Indian Business Development Center program to operate one project for a 12 month period beginning October 1, 1983 in the State of Arizona. The cost of the project is estimated to be $185,300. The maximum Federal participation amount is $168,300. The minimum amount required for non-federal participation is $17,000. The award number will be 09–10–83016–01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

DATE: Closing date: April 26, 1983.

ADDRESS: Proposals are to be mailed to the following address: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Avenue, Box 36114, San Francisco, California 94102.

FOR FURTHER INFORMATION CONTACT: Mikel Cook at 415/556–6733.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC

program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firm; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Applicants are limited to Indian-owned firms, Indian Tribes, and Indian individuals, profit or non-profit.

—To provide management and technical assistance to qualified Indian firms,
—To develop and maintain an inventory of existing Indian Businesses and prospective entrepreneurs, and
—To provide brokering service that will foster and promote new business ownership, business expansions, market opportunities and new capital sources.

Legal services are excluded.

C. Evaluation Process

All proposal received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I

Capability and Experience of Firm/Staff.—provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—the organization's receptivity in the MBE community to be served, i.e., business contracts in the public and private sector; leadership responsibilites; and experience in assising MBE business persons and firms. (References from clients assisted are pertinent.)
—background credentials and references for the owners of the organization and a capability statement of what the organization can do.
—knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUB, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.
—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.
—Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.
—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note: All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II

Techniques and Methodology—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III

Resources—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order or priority: (1) Cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-Kind contribution*—represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV

Costs—demonstrate in narrative format that costs being proposed will give the minority business client and the goverment the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III— the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

—clear explanations of all expenditures proposed, and

—the extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC) Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms

This program is subject to OMB Circular A–95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A pre-application conference to assist all interested applicants will be held at the above address on March 30, 1983 at 10:00 a.m., Room 15018 (15th Floor).

(11.800 Minority Business Development; Catalog of Federal Domestic Assistance)

Dated: March 10, 1983.

Powell McDaniel,

Regional Director.

[FR Doc. 83–9268 Filed 4–8–83; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Marine Fisheries Advisory Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: Subcommittee meetings of the Marine Fisheries Advisory Committee, April 27, 1983.

DATE: The meetings will convene on April 27, 1983, at 1:00 p.m. and end at approximately 4:30 p.m.

ADDRESS: National Marine Fisheries Service Southwest Center, 8604 La Jolla Shores Dr., and Royal Inn of La Jolla, 7830 Fay Avenue, La Jolla, California.

Meeting Agenda: The Habitat Conservation Subcommittee will meet at 1:00 p.m. on April 27, 1983, in the Conference Room at the National Marine Fisheries Service Southwest Center to discuss the Habitat Conservation Policy paper; the status of Section 404 of the Clean Water Act; and the status of the sanctuaries program in California. The Consumer Affairs Subcommittee will meet at 1:30 p.m. in Room *523* at the Royal Inn of La Jolla, to discuss NMFS reorganization; consumer information and Catch America activities; and new initiatives in domestic marketing and consumer education/information. The Marine Recreational Fishing Subcommittee will meet at 2:30 p.m. in the Auditorium at the National Marine Fisheries Service Southwest Center to discuss: (1) Definition of "fishing industry;" (2) Exclusive Economic Zone Proclamation; (3) status report on implementation of NMFS Marine Recreational Fishing policy; (4) preliminary results of NMFS Socioeconomic Fisheries Survey; (5) status report on NMFS National Statistical Fishery Survey; and (6) proposed Dingell-Johnson legislation. The Budget and Strategic Planning Subcommittee will meet at 3:30 p.m. in Room *224* at the Royal Inn of La Jolla to discuss the FY 1984 budget for NMFS and the NMFS strategic planning system.

FOR FURTHER INFORMATION CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, Washington, DC 20235; telephone: (202) 254–5536.

Dated: April 5, 1983.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 83–9422 Filed 4–8–83; 8:45 am]

BILLING CODE 3510–22–M

COPYRIGHT ROYALTY TRIBUNAL

[CRT Docket 81–1]

Order Directing Partial Distribution of 1980 Cable Royalty Fees

On March 7, 1983, the Tribunal published its final decision distributing the 1980 cable television royalty fees (48 FR 9552). Subsequently, the decision was appealed by Old Time Gospel Hour and National Association of Broadcasters.

On March 24, 1983, a motion was submitted by the Program Suppliers represented by the Motion Picture Association of America requesting distribution of one-half of that fund pending appeals of the Tribunal's decision. Subsequently, comments were received from the Public Broadcasting Service and National Public Radio in support of that motion.

On April 5, 1983, the Tribunal was notified by the Program Suppliers that "counsel for the parties have been contacted regarding their support for this motion. We are authorized to state that the following parties support partial distribution: Joint Sports Claimants, Public Broadcasting Service, ASCAP, BMI, and SESAC, National Public Radio, the Canadian Claimants, Multimedia Program Producers and Spanish International Network. The following parties do not object to a 50% partial distribution: National Association of Broadcasters, Christian Broadcasting Network, Old Time Gospel Hour, and PTL Club."

The Tribunal orders that 50% of the amounts allocated in the Tribunal's notice of Final Determination of March 7, 1983 be distributed to the parties effective May 6, 1983.

The distribution to be allowed at this time is:

	Percent
MPAA	33.915
Joint Sports	7.50
PBS	2.625
U.S. Television Broadcasters (NAB)	2.53
Music Performing Rights	2.125
Canadian Television	0.375
National Public Radio	0.125
Multimedia	0.56
SIN	0.245
Total	50.000

Dated: April 6, 1983.

Edward W. Ray,

Chairman.

[FR Doc. 83–9421 Filed 4–8–83; 8:45 am]

BILLING CODE 1410–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Detailed Project Report (DPR) Document; September 1981 for the Conesus Lake, New York, Flood Control Project; Environmental Impact

AGENCY: U.S. Army Corps of Engineers, Buffalo District, DOD.

ACTION: Notice of intent to prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS).

SUMMARY: 1. *Description of Action.* The proposed action would involve the construction of a "cut-west" modification that would realign the outlet channel to the west of the trailer park at the north end of Conesus Lake. The outlet channel would have a channel bottom width of 60 feet and 1 vertical on 3 horizontal side slopes. The land required for the channel is primarily underdeveloped except for several cottages along Wilson Road (a small gravel road off the Pebble Beach Road and parallel to a small tributary creek). Two cottages would be removed as a result of this alignment. A third cottage to the east would have its access cut off and would require purchase of the property or require a new access right-of-way to be provided.

A maintenance pathway across the old channel would provide maintenance access along the east bank of the proposed outlet channel. Two 4-foot diameter culverts would maintain flow through the old channel to prevent water stagnation.

Recreational facilities to provide ice fishermen access and a limited smallboat launching site will be added. The major recreational components are a parking lot for cars and a small-boat launch facility. The primary location is just south of Wilson Road on the west side of the proposed lake outlet. In addition to the lands at this location, one trailer would need to be purchased. A secondary parking lot would be provided to the north adjacent to Pebble Beach Road. The public would use Pebble Beach Road for access to the primary recreation location. The remainder of the project would remain the same as the Selected Plan described in the FEIS/DPR.

2. *Alternatives.* A wide range of structural and nonstructural alternatives were addressed in the FEIS during earlier stages of the Detailed Project Report formulation. The only alternatives presently being considered for implementation are as follows:

a. No Action.

b. Plan 6, 30–60. This plan is defined as the Selected Plan in the FEIS and DPR. The outlet configuration as described in this alternative would involve severing the trailer park in half, providing an access road from the west, and construction of a pedestrian bridge to connect the two portions of the trailer park. The outlet channel through the trailer park would disrupt its utilities.

Note.—The proposed cut-west modification, described in paragraph 1, would realign the outlet channel to the west of the trailer park.

3. *Scoping Process.* Considerable agency and public coordination has been performed during preparation of the FEIS and during earlier stages of the DPR. Additional agency and public coordination will be accomplished during preparation of the Draft Supplement to the FEIS. Participation of concerned Federal, State, and local agencies, and other interested private organizations and parties is invited. The Draft Supplement will address and assess changes relative to flood control, cultural resources, recreation, socio-economic conditions, and fish and wildlife resources in the project area as a result of the proposed cut-west modification to the Selected Plan.

4. *Scoping Meeting.* No scoping meeting is currently scheduled.

5. *Availability.* The Draft Supplement is scheduled to be available for review in May 1983.

ADDRESS: Questions about the proposed action and Draft Supplement can be answered by Mr. David MacPherson, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207, telephone (716) 876–5454, extension 2245 (FTS 473–2245).

Dated: April 3, 1983.

Robert R. Hardiman,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83–9341 Filed 4–8–83; 8:45 am]

BILLING CODE 3710–GP–M

DEPARTMENT OF EDUCATION

Court Order Entered in Adams v. Bell and WEAL v. Bell

AGENCY: Department of Education.

ACTION: Notice of Court Order Entered in Adams v. Bell and WEAL v. Bell.

SUMMARY: Notice is hereby given that on March 11, 1983, the United States District Court for the District of Columbia entered an Order in Adams v. Bell, Civ. No. 70–3095 (D.D.C.) and WEAL v. Bell, Civ. No. 74–1720 (D.D.C.). On April 21, 1981, the Adams' plaintiffs moved for an Order to Show Cause why the Secretary of Education and the then Acting Assistant Secretary for Civil Rights "should not be held in contempt of this Court's Order of December 29, 1977, setting timeframes for compliance reviews and complaint processing." The Government, on August 16, 1982 filed a Motion to Vacate the December 1977 Consent Order and, alternatively, requested that the Court adopt a revised order submitted by the Government. The Order issued by the Court denied the Government's Motion to Vacate and modified the 1977 Consent Order. The entire text of this Order is published as part of this notice, as required by ¶ 22 of the Court's Order.

FOR FURTHER INFORMATION CONTACT: Harry M. Singleton, Assistant Secretary for Civil Rights, Room 5000, Mary E. Switzer Building, Department of Education, 330 C Street, S.W., Washington, D.C. 20202, Area Code (202) 245–7680.

Dated: April 5, 1983.

T. H. Bell,

Secretary of Education.

United States District Court for the District of Columbia

Kenneth Adams, *et al., Plaintiffs,* v. Terrel H. Bell, Secretary of Education, *et al., Defendants,* (Civil Action No. 3095–70); Women's Equity Action League, *et al., Plaintiffs,* v. Terrel H. Bell, Secretary of Education, *et al., Defendants,* (Civil Action No. 74–1720).

Order

Preamble

i. The Consent Order entered by this Court on December 29, 1977 imposed timeframes and related requirements for disposition of cases under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973 and Executive Order 11246, as amended, based upon principles set forth in Paragraph F of this Court's Order of March 14, 1975 and in the Order of June 14, 1976 negotiated by the parties.

ii. Ruling on motions filed by plaintiffs and plaintiff-intervenors, on February 10, 1982 this Court issued an Order for defendants to show cause why they should not be held in contempt of court for failure to adhere to the requirements of the December 29, 1977 Order.

iii. After a hearing on the Order to Show Cause, on March 15, 1982, this Court found that the December 29, 1977 Order "has been violated in many important respects"; ordered that the parties attempt to reach an agreement on a new order by August 15, 1982, or absent such agreement that the parties submit separate orders for consideration by the Court; and declined to discharge the Rule to Show Cause, stating that this Court "will again get into the question of what coercion will be necessary to insure the compliance with this Order, absent the consent of the parties."

iv. On July 13, 1982, in a hearing in chambers, this Court again addressed the importance of the Order, finding that if the government is "left to its own devices, the manpower that would normally be devoted to this type of thing, * * * might be shunted off into other directions, will fade away and the substance of compliance will eventually go out the window." This Court also stated that the December 29, 1977 Order should provide the structure for any consideration of changes and modifications.

v. The best efforts of the parties did not result in an agreement on an Order.

vi. Consistent with these directives, the provisions herein modify the terms of the 1977 Consent Order as it applies to the defendants officials of the Department of Education (ED) and the Department of Labor (DOL), their successors, agents and employees.

vii. The provisions in Parts I and II herein relate to all educational institutions in the United States covered by Title VI, Title IX and Section 504 which receive financial assistance from ED, and all other entities in the United States which receive ED funds covered by Section 504. The provisions in Part III herein apply to all educational institutions which receive federal contract funds covered by Executive Order 11246.

viii. The Rule to Show Cause is discharged. Nothing in this Order however, shall prevent plaintiffs and intervenors from seeking such further relief as they deem appropriate, against defendants or any other party, to vindicate their rights under the Constitution, Title VI, Title IX, Section 504, the Executive Order, or other provisions.

Defendants, their successors, agents and employees are enjoined as follows:

PART I: TRANSITIONAL PROVISIONS

1. The complaints and compliance reviews pending at the date of entry of this Order, which have not been processed within the timeframes required by the December 29, 1977 Order, shall be processed in accordance with the provisions of this paragraph:

(a) ED shall resolve (process to the formal enforcement stage, if necessary) all complaints and compliance reviews in which investigations have been completed within 90 days of the date of entry of this Order.

(b) ED shall resolve all complaints and compliance reviews in which investigations have not been completed within 180 days of the date of entry of this Order.

(c) However, ED may resolve up to twenty percent of the total number of these pending complaints and compliance reviews as late as one year from the date of entry of this Order.

(d) All complaints and compliance reviews which have been processed in accordance with the timeframe provisions (¶¶ 15, 22) of the 1977 Order may be processed in accordance with such provisions as modified in Part II of this Order.

2. For those long-pending complaints in which investigations have been effectively suspended, ED shall for 60 days make reasonable efforts to notify the complainant that ED is now prepared to process the complaint. If, after reasonable efforts are made, ED is unable to locate the complainant or the complainant does not wish to pursue the allegation, the complaint may be closed. Any complaint so closed shall be reopened only upon good cause shown.

PART II: PROVISIONS REGARDING ENFORCEMENT OF THE APPLICABLE LAWS

A. Definitions

3. A "complaint" is defined as an allegation that an affected institution has violated one or more of the applicable laws and/or the regulations promulgated under those laws. A "complete complaint" is one which: (a) Identifies the complainant by name and address; (b) generally identifies or describes those injured by the alleged discrimination (names of the injured person or persons shall not be required); (c) identifies the affected institution or individual alleged to have discriminated in sufficient detail to inform the Office of Civil Rights what discrimination occurred and when it occurred to permit ED to commence an investigation. To be complete the complaint need not allege the law or laws being violated. A complaint which is substantially modified or amended by the complainant (e.g. addition of new allegations or recipients) subsequent to its acknowledgement shall be deemed a new complaint for the purposes of computing the permissible time.

4. A "compliance review" is an investigation or review (other than one limited to the investigation of a specific complaint) of an affected institution undertaken by ED in order to determine whether the institution is in compliance with the applicable laws and/or the regulations promulgated under those laws.

5. An "affected institution" is an educational institution or other entity (hereinafter institution) in the United States which administers a program or activity receiving federal financial assistance from ED. The "applicable laws" are Title VI of the Civil rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, as amended.

B. Procedures for Handling Complaints

6. Within 15 calendar days of receipt of a complaint, ED shall notify the complainant in writing whether the complaint is complete or incomplete.

(a) If the complaint is complete, ED shall notify the complainant, within 15 days of receipt of the complaint, whether ED has jurisdiction over the allegations in the complaint, whether the complaint is patently frivolous; of the timeframes, procedures and laws applicable to the processing of the complaint; and if an on-site investigation is planned, the date scheduled for the investigation of the complaint. If it is determined subsequent to the 15 day period that an on-site investigation will be held, notice of the on-site investigation shall be given at the time of such determination.

(b) If the complaint is incomplete, ED shall notify the complainant, within 15 days of receipt of the complaint, of the particular elements missing in the complaint filed, the information and steps needed to complete the complaint, and the date by which further information necessary to complete the complaint must be received. If the information necessary to complete the complaint is not received within 60 days of the notification, ED shall close the complaint and shall so notify the complainant. For good cause shown, requests to reopen complaints which were closed because of incompleteness shall be granted by the Assistant Secretary for Civil Rights or an authorized designee. If the information necessary to complete the complaint is provided within 60 days, ED shall, within 15 calendar days of receipt of the information, notify the complainant of the information described in paragraph (a) herein.

(c) ED shall also notify the complainant that if any individual is harassed or intimated by the affected institution because of filing of the complaint or participating in the investigation of the complaint, such individual may file a complaint alleging such harassment or intimidation which will be handled pursuant to the timeframes set forth herein or on an expedited basis, if ED so determines.

7. Within 15 days of receipt of a complete complaint, ED shall notify the affected institution in writing of the nature of the complanit, the timeframes and procedures for processing complaints, the applicable legal authorities, and if an on-site investigation is planned, the date scheduled for the investigation of the complaint. If it is determined subsequent to the 15 day period that an on-site investigation will be held, notice of the on-site investigation shall be given at the time of such determination.

8. During the investigation of the compliant, ED shall investigate all allegations in the complaint, interview the complainant, contact and develop information from the affected institution and witnesses having information relevant and material to determine whether a violation has occurred, and shall afford to each a full opportunity to present all evidence. During the investigation, whenever the Office of Civil Rights (OCR) anticipates making a partial or total finding adverse to the complainant ED shall advise the complainant of the evidence either by showing the evidence or by summarizing such evidence. Complainants shall be provided a timely opportunity to respond to such evidence.

9. Once ED determines whether a violation has occurred, it shall notify the complainant and the affected institution of the determination through a letter of findings. The letter of findings shall address all allegations and issues raised in the complaint and during the investigation. It shall set out ED's conclusions regarding each allegation and issue, supported by an explanation or analysis of the relevant information on which the conclusions are based, and set out an outline of the corrective action required, if any. If such corrective action is required, the letter of findings must include a determination of noncompliance as the basis for the corrective action. However, this provision does not preclude a negotiated settlement of the complaint before a letter of findings is required to be issued under ¶ 12(b)(1) of ¶ 13(b) below. Further, ED shall notify the complainant that upon request, it will provide to the complainant a copy of all ED correspondence sent to the affected institution subsequent to the letter of findings, pertaining to ED's determination with respect to the complaint.

10. If ED makes a finding of noncompliance, ED shall seek voluntary compliance through negotiations. Prior to the initiation of negotiations, ED shall consult with and obtain from the complainant any information which may be needed to fashion an appropriate remedy. During the period of negotiations, ED also shall keep the

complainant advised of the status of the negotiations as they apply to the remedy being sought for the complainant. If OCR believes that a settlement offer less than that requested by the complainant is appropriate, ED shall advise the complainant of the evidence, if any, and the reasons supporting its belief in the manner set forth in ¶ 8 above. If corrective action is secured, ED shall notify the complainant of the corrective action taken.

11. If voluntary compliance cannot be secured through the negotiations process, ED shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law.

C. Timeframes Concerning Complaints

12. ED shall investigate and resolve all complaints under the applicable laws within the following timeframes:

(a) Within 15 calendar days of receipt of a complaint, ED shall issue the notification required in ¶¶ 6(a) or 6(b) above.

(b) Complete complaints:

(1) If the initial complaint is complete or upon its completion, ED shall conduct a prompt investigation to determine whether a violation has occurred. Such determination shall be made in writing within 105 days of receipt of the complete complaint.

(2) If a violation has occurred, ED shall attempt to bring the affected institution into voluntary compliance through negotiations. If such corrective action is not secured within 195 days of receipt of the complaint, ED shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law no later than 225 days after receipt of the complete complaint.

D. Complaint Timeframe Exception

13. In order to allow greater flexibility in the processing of complete complaints such as complaints raising complex issues or requiring policy development, an exception with longer timeframes shall apply:

(a) For those complaints *not* covered by the transitional provisions ¶¶ 1(a)–(c) above, not more than 20 percent of the complaints received in any fiscal year on a national basis or 30 percent of the complaints from any one subject category (Title VI-race; Title VI-National origin; Title IX; Section 504) on a national basis, and not more than 30 percent of the complaints received or handled by any one region shall be excepted from processing in accordance with ¶ 12 above.

(b) ED shall conduct a prompt investigation of such excepted complete complaints to determine whether a violation has occurred. Such determination shall be made in writing within 195 days of receipt of the complete complaint.

(c) If a violation has occured, ED shall attempt to bring the effected institution into voluntary compliance through negotiations. If such corrective action is not secured within 315 days of receipt of the complete complaint, ED shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law no later than 345 days after receipt of the complete complaint.

E. Compliance Reviews

14. ED shall conduct an appropriate number of compliance reviews in each fiscal year to ensure adequate enforcement of the applicable law: (1) Geographically dispersed throughout the country; (2) in Title VI cases, including a representative number of reviews of discrimination in student assignment in large school districts; (3) covering a range of issues in sex discrimination in elementary, secondary, and post-secondary education (including special problems of minority women); (4) covering student and employment programs and practices; (5) in *Lau* compliance reviews, geographically dispersed throughout the country in proportion to the needs in different regions; (6) an appropriate number of compliance reviews under section 504; (7) covering special purpose districts or schools; and (8) covering vocational education districts or schools including reviews of state agencies implementing Methods of Administration pursuant to Section II of the Vocational Education guidelines. (45 CFR 80, App. B)

F. Compliance Review Procedures

15. At the beginning of each quarter or within ten days after ED notifies an affected institution ED also shall notify the parties which affected institutions will be subject to compliance reviews, the general subject area of the reviews, the dates on which the reviews will be commenced during the coming quarter of the fiscal year, and which reviews will be conducted pursuant to the compliance review timeframe exception under ¶ 18 below.

G. Compliance Review Timeframes

16. Within 90 days of the date that a compliance review commences, ED shall determine whether the affected institution is in compliance with the applicable laws with respect to the issues investigated during the review. If the affected institution is in compliance, ED shall notify the affected institution of the specific issues for which compliance has been found and issue a letter of findings setting forth the specific reasons therefor. If outstanding compliants against the affected institution are not resolved during the compliance review, ED shall advise the affected institution that the finding does not address the issues raised in the complaint and in no way prejudices a future investigation of the complaint. If the affected institution is not in compliance, the letter of findings shall set forth the specific reasons therefor, and an outline of the corrective action required. If such corrective action is required, the letter of findings must include a determination of noncompliance as the basis for the corrective action. However, this provision does not preclude a negotiated settlement of the complaint before a letter of findings must be issued under this paragraph and ¶ 18 below. ED shall seek corrective action through negotiations. If such corrective action is not secured within 180 days of the commencement of the review, ED shall initiate formal enforcement action by administrative proceedings or by other means authorized by law no later than 210 days after commencement of the review. If an on-site investigation is scheduled, the timeframes set forth in this paragraph shall run from the date that ED commences the investigation at the site of the affected institution.

17. In the course of the compliance review, ED shall afford parents, students and employees of the affected institution full and timely opportunity to present to ED information regarding the subject of the affected institution's compliance with the applicable laws.

H. Compliance Review Timeframe Exception

18. In order to allow greater flexibility in the processing of compliance reviews such as those involving complex issues or requiring policy development, an exception with longer timeframes shall apply.

(a) For those compliance reviews not covered by the transitional provisions of ¶¶ 1a-c above, not more than 20 percent of the compliance reviews conducted in any fiscal year on a national basis, not more than 30 percent of the total compliance reviews from any one subject category (Title VI-race; Title VI-national origin; Title IX; Section 504), on a national basis and not more than 30 percent of the reviews conducted by any one region shall be excepted from processing in accordance with the timeframe requirements of ¶ 16 above.

(b) Within 180 days of the date that a compliance review within this exception commences, ED shall determine whether the affected institution is in compliance with the applicable laws with respect to the issues investigated during the review. If the affected institution is not in compliance, ED shall seek corrective action through negotiations. If such corrective action is not secured within 300 days of the commencement of the review, ED shall initiate formal enforcement action by administrative proceedings or by other means authorized by law no later than 330 days after commencement of the review. If an on-site investigation is scheduled, the timeframes set forth in this paragraph shall run from the date that ED commences the investigation at the site of the affected institution. If no on-site investigation is conducted, the timeframes shall run from the date ED requested information from the affected institution.

I. Limited Tolling of Timeframes

19. The timeframes for processing complaints and compliance reviews set forth in ¶¶ 1, 12, 13, 16 and 18 above shall be tolled under the following conditions:

(a) *Witness Unavailability Caused by Extended Absence:* If any person whose testimony is material and relevant to the allegation is unavailable by reason of an extended absence *(e.g.,* summer recess, sabbatical or illness) so that ED is unable to complete the investigation or negotiation within the timeframes specified in ¶¶ 1, 12, 13, 16 and 18 above, ED shall notify the complainant when applicable) that such timeframes shall be tolled during the period of the witness' absence. ED shall also provide a specified date for completion of the investigation or negotiations, which shall be no later than the time remaining in the applicable old timeframe before the timeframe was tolled.

(b) *Court Order:* If a court order prevents the processing of a complaint or compliance review, the applicable timeframes shall be tolled during the pendency of the court order. In the case of complaints, ED shall notify the complainant of the tolling of the timeframe.

(c) *Pending Litigation:* If the Assistant Secretary for Civil Rights determines that pending litigation involving the same affected institution and the same issues as are the subject of a complaint or compliance review prevents or makes inappropriate processing of the complaint or compliance review, the applicable timeframes shall be tolled during the pendency of the litigation. In the case of complaints, ED shall notify the complainant of the tolling of the timeframes.

(d) *Denial of Access to Information:* If an affected institution refuses to allow an investigation to be conducted, or without good cause refuses to supply records or other materials which are necessary, material and relevant and without which the investigation cannot go forward within 60 days of ED's request to do so, ED shall attempt to secure voluntary compliance within 120 days of the request. If compliance cannot be secured voluntarily, ED shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by laws within 150 days of the request, unless the Assistant Secretary for Civil Rights determines that the failure to provide access or supply records or other materials should be joined in an enforcement action of the substantive issues involved in the investigation. Where the information access issue is joined with the substantive issues, the timeframes set ¶¶ 1, 12, 13, 16 and 18 above shall apply. Where the information access issue is not joined to the substantive issues, the timeframes set forth in ¶¶ 1, 12, 13, 16 and 18 shall be tolled until the information is obtained. In the case of complaints, ED shall notify the complainant of the tolling of the timeframes.

(e) *Age Discrimination:* In complaints containing allegations of age discrimination in addition to allegations of violations of Title IX, Title VI or Section 504, in order to allow the complaint to be forwarded to the Federal Mediation and Conciliation Service (FMCS), the applicable timeframe shall be tolled for 60 days or until the complaint is returned to OCR from FMCS, whichever is earlier. If the complaint is not resolved by FMCS within 60 days, ED must resume processing of the complaint within the applicable timeframes. ED shall notify the complainant of the duration of the tolling of the timeframes.

J. Publishing Annual Plans

20. Each year at least 60 days in advance of the fiscal year commencing with fiscal year 1983, ED shall publish a proposed annual operating plan for the coming fiscal year permitting members of the public to comment thereon. After public comment has been received and evaluated, ED shall publish a final annual plan by the close of the first quarter of the fiscal year.

K. Surveys of Affected Institutions

21. In fiscal year 1979, HEW conducted a survey under all of the applicable laws of a representative number of elementary and secondary school districts on student services and admissions issues. ED intends to continue to conduct such surveys in alternate fiscal years with submissions due in October. Further, ED intends to conduct a survey under all of the applicable laws of a representative number of institutions of higher education that receive or benefit from ED funds covering student services issues. ED also intends to conduct a survey of vocational schools based on the updated universe of recipients included in the Fall 1979 Vocational Education Civil Rights Survey at least once every four years beginning in fall 1983. All surveys shall request the submission of information and data adequate to assist ED in determining where and if compliance reviews should be conducted, and to facilitate the processing of complaints and the identification of possible violations under the applicable laws. If ED plans any changes in the current survey at the conclusion of the present cycle of the OCR 101/102, such plans shall be submitted to plaintiffs and intervenors for comment in advance of their adoption. ED shall require each surveyed school district or affected institution to keep copies of completed surveys on file and make them available to the public on request. For those years that such surveys are submitted to ED, it shall also make the surveys which it collects available to the public.

L. Notice to the Public

22. Within 30 days of the entry of this Order, ED shall print the full terms of this Order in the Federal Register.

M. Assurance Forms

23. ED shall require any educational institution receiving federal funds to have completed Title IX, Title VI and Section 504 assurance forms. If the regulations requiring educational institutions receiving federal funds to complete assurance forms are amended in any way, this paragraph shall be considered amended without the need to return to this Court for formal approval.

N. Reporting

24. Six Month Reports: Defendants shall provide to the parties twice a year on April 30, (for October 1 through March 31) and on October 31 (for April 1 through September 30), information which may be supplied by computer printouts, showing its enforcement activities occurring in the previous six months as follows:

(a) *Complaint/Compliance Review Actions*: (1) Similar to defendants' Exhibit B Management Indicators (submitted to the Court during the March, 1982 hearing) showing summary for nation and for each region, by basis, by month (and 6 month average in the reporting period) and showing separately for complaints and compliance reviews: starts/receipts; total closures; investigated closures; total pending; accountable to regions pending; number of investigators working on complaints/compliance reviews; total investigators; percent of investigators on complaints/compliance reviews; total pending per investigator; accountable pending per investigator; productivity; substantive closures; change closures; percent closures resulting in change.

(2) Similar to Table VII of defendants' current report to parties, national and regional summaries of issues for complaints closed during the reporting period or pending on the last day of the period, by age and by basis.

(3) Similar to Table VII of defendants' current report, national and regional summaries of complaints closed during the reporting period or pending on the last day of the period, by age and by basis.

(4) Identical to Table VI of defendants' current report, a list of recipients subject to compliance reviews, by region, by basis and issue; date of on-site investigation, date of LOF, dates of referral for enforcement and initiation of enforcement.

(5) As currently prepared by OCR, national summary and regional totals of compliance reviews, by basis and by issue (e.g., as set out in paragraph 14 above) including the number of reviews open at beginning and end of reporting period; and started and closed during reporting period.

(b) *Compliance with Timeframes (Complaints and Compliance Reviews):* Similar to defendants' Exhibit B, referred to in ¶ 24a, *supra, e.g.*, pp. 2, 4 and Table III of current report to parties, showing summaries of due dates within the reporting period and those missed, separately for complaint and compliance review actions, by nation, region and basis, including the reasons for missed due dates. This information shall be provided for the total number of complaints and compliance reviews; for those complaints and compliance reviews processed under the normal timeframes set forth in ¶¶ 12 and 16 above and for those processed under the exceptional timeframes set forth in ¶¶ 13 and 18 above.

(c) *Early Warning Reports:* Data showing how long each case remains on the Early Warning Reports.

(d) *Letters of Findings:* Separately for complaints and compliance reviews, a national summary, month by month, of letters of findings issued, the number in which violations were found and the number in which no violations were found.

(e) *Invocation of Timeframe Exceptions:* The number and percentage of complaints and the number, percentage and identity of compliance reviews placed in the 20 percent exception provisions set forth in ¶¶ 13 and 18 above within the reporting period by nation, region, basis and reason.

(f) *Invocation of Tolling of Timeframe Provisions:* Separately concerning each of the tolling provisions set forth in ¶ 19 above, the number of complaints and the number and identity of compliance reviews in which the timeframes were tolled within the reporting period by naton, region, basis and reason.

25. Transition Period: Concerning the one year transitional provisions set forth in ¶ 1 above, defendants shall provide reports to the parties seven months and thirteen months from the date of this Order. The reports shall show (broken out by cases investigated and not investigated as of the date of the Order): the number of affected complaints and the number and identity of affected compliance

reviews, the number whose due date fell within the reporting period, the number of due dates met, the number of due dates missed and the reasons for missed due dates, summarized by region.

26. Annual Reports: Defendants shall provide by October 31 of each year the following:

(a) Quality Assurance Study reports for the preceding year;

(b) Budget figures proposed by OCR to ED, proposed by ED to OMB and approved by OMB for the following fiscal year;

(c) The final appropriation for OCR for the preceding fiscal year and the total amount of that appropriation expended at the end of the fiscal year;

(d) Staffing data for OCR for the preceding fiscal year and projected for the forthcoming fiscal year, including total staff ceiling, number of positions filled and number of positions vacant.

27. If ED has failed to comply with the obligations set forth in this order, an explanation of the specific reasons for the failure to so comply.

28. ED shall make available to plaintiffs and intervenors in Washington, D.C., upon request and with at least two weeks notice, the file of a closed complaint and/or compliance review with confidential material deleted.

PART III: EXECUTIVE ORDER PROVISIONS

29. The foregoing requirements apply to the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor (DOL) in enforcing compliance with the sex discrimination provision of Executive Order 11246 at all institutions of higher education covered by said Executive Order and implementing regulations.

A. Definitions

30. A "complaint" is defined as an allegation that an entity receiving federal funds covered by the Executive Order (contractor) has violated the Executive Order and/or the implementing regulations. A "complete complaint" is one which identifies: (a) The complainant by name and address; (b) a general description of those injured by the alleged discrimination (names of the injured person or persons shall not be required); (c) the contractor, educational entity or individual alleged to have discriminated by name and address; (d) the alleged discrimination in sufficient detail to permit DOL to commerce an investigation, describing what occurred, when it occurred, and the basis for its occuring (discrimination on the basis of sex). To be complete the complaint need not allege the law or laws being violated.

31. A "compliance review" (including a pre-award review) is an investigation or review (other than one limited to the investigation of a specific complaint) of a contractor undertaken by DOL in order to determine whether the recipient is in compliance with the Executive Order and/or the regulations promulgated thereunder.

B. Timeframes and Procedures for Handling Complaints

32. Nothing in this Order shall preclude DOL or OFCCP from referring Executive Order complaints to the Equal Employment Opportunity Commission (EEOC) under the Memorandum of Understanding between OFCCP and EEOC, 46 FR 7435 (January 22, 1981, Memorandum of Understanding).

33. Within 15 calendar days of DOL's receipt of a complaint, OFCCP shall acknowledge the complaint and advise complainant that if jurisdiction is found, an investigation will be initiated and that the complainant will be contacted by OFCCP before or during the investigation.

34. If a complaint has been determined to be incomplete and the complaint is not completed within 60 days from the initial federal agency receipt of the original complaint, OFCCP shall close the complaint.

35. When the complaint is complete, OFCCP shall conduct a prompt investigation, determine in writing whether a violation has occurred, (*see* ¶36), and notify the complainant in writing of such determination.

36. The written determination of whether a violation has occurred shall address all allegations and issues raised in the complaint and during the investigation. It shall set out DOL's conclusions regarding each allegation and issue, supported by an explanation or analysis of the relevant information on which the conclusions are based and set out an outline of the corrective actions required, if any. If such corrective action is required, the letter of findings must include a determination of noncompliance as the basis for the corrective action. In conducting the investigation, DOL shall interview the complainant and shall develop all information relevant and material to the complaint. During the investigation whenever DOL anticipates making a partial or total finding adverse to the complainant, DOL shall advise the complainant of evidence supporting the adverse finding either by showing the evidence or by summarizing such evidence. Complainants shall be provided a timely opportunity to respond to such evidence.

37. If DOL determines that a violation has occurred, DOL shall attempt to correct the violation through mediation, conciliation and persuasion. DOL shall also keep the complainant advised of the status of the negotiations as they apply to the remedy being sought for the complainant. If conciliation fails, DOL shall notify the complainant of the determination and conciliation efforts and shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law.

38. DOL shall investigate and resolve all complaints within the following timeframes:

(a) Within 15 calendar days of receipt of a complaint, DOL shall issue the notification required in ¶33 above.

(b) *Complete Complaints:* (1) If the initial complaint is complete, or upon its completion, DOL shall conduct a prompt investigation to determine whether a violation has occurred. Such determination shall be made in writing within 105 days of receipt of the complete complaint.

(2) If a violation has occurred, DOL shall attempt to bring the educational institution into voluntary compliance through negotiations. If such corrective action is not secured within 195 days of receipt of the complaint, DOL shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law no later than 225 days after receipt of the complete complaint.

39. DOL shall make a preliminary examination of complaints alleging intimidation or retaliation to determine whether the intimidation, coercion, retaliation, etc. are of the nature to require handling of those complaints on an expedited basis.

40. The timeframes for handling complaints set forth herein shall not in any way supersede responsibilities of DOL to meet shorter timeframes (which are therefore fully consistent with this order) set forth in any laws or regulations binding the agency. The Director may grant extensions for processing of complaints through to enforcement action only where good cause is shown, provided such extensions are no longer than the timeframes provided in ¶38 above, ¶41 below where the exception in ¶41 applies, or ¶60 below where ¶60 applies.

41. In order to allow greater flexibility in the processing of complete compiaints requiring longer timeframes than the standard timeframes provided in ¶38 above, the following exception with longer timeframes shall apply:

(a) For those complaints not covered by the transitional provisions ¶60 (a)–(c) below, not more than 20 percent of the complaints received in any fiscal year on a national basis, and not more than 30 percent of the complaints received or handled from any one region shall be excepted from processing in accordance with ¶38 above.

(b) DOL shall conduct a prompt investigation of the excepted complete complaints to determine whether a violation has occurred. Such determination shall be made in writing within 195 days of receipt of the complete complaint.

(c) If a violation has occurred, DOL shall attempt to bring the educational institution into voluntary compliance through negotiations. If such corrective action is not secured within 315 days of receipt of the complete complaint, DOL shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law no later than 345 days after receipt of the complete complaint.

C. Compliance Reviews

42. DOL shall conduct an appropriate number of compliance reviews in each fiscal year of institutions of higher education, which are geographically dispersed throughout the country, to ensure adequate enforcement of the sex discrimination provisions of the Executive Order. In addition, DOL shall conduct pre-award reviews to determine whether an educational institution is currently in compliance with Executive Order requirements before each federal contract of over $1 million is awarded. Such pre-award reviews shall be

conducted on-site unless an on-site compliance review has been conducted at the institution within 12 months prior to the award.

D. Compliance Review Procedures and Timeframes

43. (a) In conducting a compliance review or pre-award compliance review, DOL shall investigate and resolve all Executive Order sex-based complaints against the institution of higher education on file with OFCCP at the commencement of the investigation. If, however, the OFCCP Assistant Regional Administrator in charge of the review determines and documents as part of the compliance review report that resolution of an individual complaint may delay completion of the pre-award review, the individual complaint may be deferred and the review concluded. The processing of each deferred individual complaint shall be concluded within the timeframes set forth in ¶ 38 herein.

(b) In conducting the review, DOL shall also request and examine computer tapes requested from and provided by EEOC which summarize complaints alleging discrimination against the institution of higher education being reviewed on file with EEOC at the commencement of the review. DOL shall also examine all employment discrimination complaints on file with ED filed under Title IX against the institution being reviewed. In addition, in accordance with paragraph 6 of the Memorandum of Understanding, DOL shall ascertain whether any unresolved systemic complaints of discrimination against the institution are pending with the EEOC. The subject matter of such systemic EEOC complaints shall be considered during such pre-award review. If these investigations indicate systemic noncompliance, such noncompliance shall be resolved in the review. However, any such investigation and findings are not intended to affect the consideration of such complaints by EEOC.

(c) For the purposes of this Part, class or systemic Executive Order complaints include those complaints which allege violations affecting more than one job and a number of employees. Individual complaints, on the other hand, are limited in scope and generally to one individual; they also tend to be isolated instances of discrimination.

44. In conducting a compliance review, other than a pre-award review: (a) Within 90 days of the date that a complicance review commences, DOL shall determine whether the contractor is in compliance with the Executive Order and regulations thereunder, including the submission to DOL of an Affirmative Action Plan which meets the requirements of ¶ 52 herein; (b) if the contractor is in compliance, DOL shall notify the contractor of those specific issues for which a finding of compliance has been made; (c) if, with respect to the issues covered in the review, the contractor is not in compliance the letter of findings shall set forth the specific reasons therefor, and an outline of the corrective action required. If such corrective action is required, the letter of findings must include a determination of noncompliance as the basis for the corrective action. DOL shall attempt to secure voluntary compliance, including, if necessary, the issuance of a show cause notice; and (d) if compliance cannot be secured voluntarily within 180 days of the commencement of the review, DOL shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law within 210 days of the commencement of the review. If an on-site investigation is scheduled, the timeframes set forth in this paragraph shall run from the date the DOL commences the investigation at the site of the contractor. If no on-site investigation is conducted the timeframes shall run from the date DOL requests information from the contractor.

45. The timeframes for handling compliance reviews set froth herein shall not in any way supersede responsibilities of DOL to meet shorter timeframes set forth in any laws or regulations binding the agency except that the Director of OFCCP may for good cause shown grant extensions of time for processing of the compliance review through to referral for enforcement action provided that such extensions are no longer than the timeframes provided in ¶ 44 above, ¶ 47 below where the exception in ¶ 47 applies, or ¶ 60 where ¶ 60 applies.

46. In the course of the compliance review, DOL shall afford employees of the contractors a full and timely opportunity to present information to DOL regarding the subject of the contractor's compliance with the Executive Order.

47. In order to allow greater flexibility in the processing of compliance reviews requiring longer timeframes than the standard timeframes provided in ¶ 44 above, an exception with longer timeframes shall apply:

(a) For those compliance reviews not covered by transitional provisions ¶ 60(a)–(c) not more than 20 percent of the compliance reviews conducted in any fiscal year on a national basis, and not more than 30 percent of the compliance reviews conducted by any one region shall be excepted from processing in accordance with the timeframe requirements of ¶ 44 above.

(b) Within 180 days of the date that a compliance review within this exception commences, DOL shall determine whether the contractor is in compliance with the Executive Order with respect to the issues investigated during the review. If the affected institution is not in compliance, DOL shall seek corrective action through negotiations. If such corrective action is not secured within 300 days of the commencement of the review, DOL shall initiate formal enforcement action by administrative proceedings or by other means authorized by law no later than 330 days after commencement of the review. If an on-site investigation is scheduled, the timeframes set forth in this paragraph shall run from the date that DOL commences the investigation at the site of the contractor. If no on-site investigation is conducted, the timeframes shall run from the date DOL requested information from the contractor.

48. Limited Tolling of Timeframes: The timeframes for processing complaints and compliance reviews set forth in ¶¶ 38, 41, 44, 47 above and ¶ 60 below shall be tolled under the following conditions:

(a) *Witness Unavailability Caused by Extended Absence*: If any person whose testimony is material and relevant to the allegation is unavailable by reason of any extended absence (*e.g.*, summer recess, sabbatical or illness) so that DOL is unable to complete the investigation within the timeframes specified in ¶¶ 38, 41, 44, 47 and 60, such timeframes shall be tolled during the period of the witness' absence. DOL shall set a specified date for completion of the investigation, which shall be no more than the time remaining in the applicable old timeframe before the timeframe was tolled.

(b) *Court Order*: If a court order prevents the processing of a complaint or compliance review, the applicable timeframes shall be tolled during the pendency of the court order.

(c) *Pending Litigation*: If the Director of OFCCP determines that pending litigation involving the same contractor and the same issues as are the subject of a compliance review or complaint prevents or makes inappropriate processing of the complaint or compliance review, the applicable timeframes shall be tolled during the pendency of the litigation.

(d) *Denial of Access to Information*: If the institution refuses to allow an investigation to be conducted, or without good cause refuses to supply records or other materials which are necessary, material and relevant and without which the investigation cannot go forward, within 60 days of DOL's request to do so, DOL shall attempt to secure voluntary compliance within 120 days of the request. If compliance cannot be secured voluntarily, DOL shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law within 120 days of the request, unless the Director of OFCCP determines that the failure to provide access or supply records or other materials should be joined in an enforcement action of the substantive issues involved in the investigation. Where the information access issue is joined with the substantive issues, the timeframes set forth in ¶¶ 38, 41, 44, 47 and 60 shall apply. Where the information access issue is not joined with the substantive issues the timeframers provisions set forth in ¶¶ 38, 41, 44, 47 and 60 shall be tolled until the information is obtained.

49. Pre-Award Reviews: A pre-award determination that an educational institution is currently in compliance with Executive Order requirements shall be made before each contract of over $1 million is awarded. Such a finding shall include but not necessarily be limited to a determination that:

(a) Alleged sex discrimination violations have been resolved in accordance with ¶ 43 above;

(b) The contractor is in compliance with its obligation to have an approved Affirmative Action Plan (as that term is defined in ¶ 52 below); and

(c) The contractor has complied with the terms of its affirmative action program after a review of such information.

50. If the terms ¶ 49 are not met, DOL shall take action in accordance with the provisions of 41 CFR 602.2(b) to limit the award of contracts to educational institutions found

not to be in compliance with ¶ 49 until the educational institution comes into compliance therewith.

51. OFCCP shall develop and implement a system for contracting agencies to notify OFCCP of contracts in excees of $10,000 awarded to institutions of higher education, and for monitoring whether adequate notice is being given to OFCCP to permit a pre-award review to be conducted before award of contracts of $1 million or more. Such system shall be in operation by the end of 1983.

E. Executive Order Affirmative Action Plan

52. DOL shall require each institution which must maintain an affirmative action plan (AAP), including annual updates thereof, to meet all the requirements of the Executive Order and regulations concerning an AAP and to submit such AAP to DOL within thirty days of a DOL request for submission.

53. If a contractor refuses to submit an AAP within 30 days of DOL's request to do so, DOL shall issue a 30 day show cause notice within 40 days of the request unless other enforcement action authorized by law is to be taken. Subject to the provisions of ¶ 55 below, if a show cause notice is issued and good cause is not shown, OFCCP shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law within 90 days of the request.

54. In the course of the AAP review, DOL shall afford employees of the contractor a full and timely opportunity to present information to DOL regarding the subject of the plan's compliance with the Executive Order.

F. Withdrawal of Show Cause Notice

55. A show cause notice, issued by DOL as set forth herein, shall not be withdrawn unless the standards and procedures set forth in the OFCCP Memorandum of April 18, 1977 to Heads of All Agencies are met.

G. Recordkeeping

56. DOL shall maintain current EEO–6 data, or any successor data providing a workforce breakdown, and shall make such information available to members of the public pursuant to a request.

57. Commencing within one year after the entry of the Order, DOL shall maintain a complete and current list of all educational institutions covered by the Executive Order by state and in alphabetical order, the amounts of the contracts, and the contracting federal agencies. Such lists shall be made available to the public.

58. DOL shall maintain adequate records for determining the number and status of complaints, compliance reviews and affirmative action plan reviews under the Executive Order.

H. Notice to Public

59. DOL shall publish in the **Federal Register** within 30 days after the effective date of this Order the full terms of this Order.

I. Provisions for Transition Period

60. The complaints and compliance reviews pending at the date to entry of this Order which have not been processed within the timeframes required by the December 29, 1977 Order, shall be processed in accordance with the provisions in this paragraph:

(a) DOL shall resolve (process to the final enforcement stage, if applicable) all complaints and compliance reviews in which investigations have been completed within 90 days of the date of entry of this Order.

(b) DOL shall resolve all complaints and compliance reviews in which investigations have not been completed within 180 days of the date of entry of this Order.

(c) However, DOL may resolve up to twenty percent of the total number of these pending complaints and compliance reviews as late as one year from the date of entry of this Order.

(d) All complaints and compliance reviews which have been processed in accordance with the timeframe provisions of the 1977 Order may be processed in accordance with the timeframe provisions as modified in Part III of the Order.

61. For those long-pending complaints in which investigations have been effectively suspended, DOL shall for 60 days make reasonable efforts to notify the complainant that DOL is now prepared to process the complaint. If after reasonable efforts are made, DOL is unable to locate the complainant or the complainant does not wish to pursue the allegation, the complaint may be closed.

J. Reporting

62. Twice a year on April 30 (for October 1, through March 31) and on October 31 (for April 1 through September 30) DOL shall provide plaintiffs information which may be supplied by computer printouts, showing its enforcement activities under the Executive Order for institutions of higher education which occurred in the previous two quarters of the fiscal year, as follows:

(a) Summaries showing by region for each six month period: (1) The total number of complaints received; (2) the total number of complaints pending at the beginning of the period; (3) the total number of complaints pending at the end of the period; (4) the total number of complatints closed during the period; (5) the total number of complaints closed because no violation was found; (6) the total number of complaints where findings of violations were made; (7) the total number of complaints closed after corrective action was secured; (8) the total number of complaints where DOL initiated enforcement action. Such report need not included any complaints which were on file with EEOC and investigated during compliance reviews.

(b) For each complaint received or unresolved: (1) Identification of the complaint by log number and date of initial receipt; (2) the institution against whom the complaint was filed; (3) the substantive allegations reised in the complaint; (4) whether it is a retaliation complaint; (5) the date of acknowledgement of receipt pursuant to ¶ 33; (6) the date a letter of findings was sent and whether or not a violation had occurred; (7) the date corrective action was secured or negotiations were terminated; (8) the date that DOL commenced formal enforcement action.

(c) For each compliance review pending or closed in the previous two quarters: (1) The identity of the institution; (2) whether the contractor's AAP was requested as part of the review and the date the AAP was requested; (3) whether conducted as an on-site or off-site investigation; (4) if on-site, the date on-site investigation was started; (5) the issues covered in the compiance review (*e.g.*, salaries; recruitment, promotion policies, compliance with AAP); (6) whether the AAP was approved; (7) the date a letter of findings was sent determining whether a violation had occurred; (8) whether or nof a violation was found; (9) the date a show cause letter was sent; (10) the date corrective action was secured or negotiations were terminated; (11) if applicable, the date that DOL initiated formal enforcement action.

(d) For each contract of over $1 million on which a federal agency requested a pre-award determination with regard to an educational institution, in the previous two quarters: (1) The identity of the institution; (2) the agency requesting the determination; (3) the amount of the contract, if known to DOL; (4) the date the contracting agency informed DOL that the contract was to be let; (5) the dates that DOL conducted its pre-award review; (6) the date that DOL determined whether the recipient was in compliance; (7) the determination by DOL of whether the recipient was in compliance; (8) if the recipient was not in compliance, the action taken by DOL and the date thereof.

(e) If DOL failed to comply with the timeframes or other obligations set forth in this Part, an explanation of the specific reasons for the failure to so comply.

63. The number, percentage and identity of complaints and compliance reviews placed in the 20 percent exception provisions set forth in ¶¶ 41 and 47 above within the reporting period by nation, region and reason.

64. Separately concerning each of the tolling provisions set forth in ¶ 48 above, the number and identity of complaints and compliance reviews in which the timeframes were tolled within the reporting period by nation, region and reason.

65. Concerning the one year transitional provisions set forth in ¶ 60 above, defendants shall provide reports to plaintiffs seven months and thirteen months from the date of this Order. The reports shall show (broken out by cases investigated and not investigated as of the date of the Order): the number and identity of affected complaints and compliance reviews, the number whose due date fell within the reporting period, the number of due dates met, the number of due dates missed and reasons for missed due dates, summarized by region.

66. Defendants shall provide by October 31 of each year the following:

(a) Budget figures proposed by OFCCP to DOL, proposed by DOL to OMB and approved by OMB for the following fiscal year;

(b) The final appropriation for OFCCP for the preceding fiscal year and the total amount of that appropriation expended at the end of the fiscal year;

(c) Staffing data for OFCCP for the preceding fiscal year and projected for the forthcoming fiscal year, including total staff

ceiling, number of positions filled and number of positions vacant.

67. DOL shall make available to plaintiffs in Washington, D.C., upon request and with at least two weeks notice, the file of a closed complaint, pre-award review, compliance review, and/or affirmative action plan review with confidential material deleted.

PART IV: COSTS AND ATTORNEYS' FEES

Plaintiffs and intervenors are entitled to costs (including deposition costs) in connection with the monitoring of the December 29, 1977 Order and the entry of the instant Order. Plaintiffs and intervenors are also entitled under 28 U.S.C. 2412 and 42 U.S.C 1988 to the award of reasonable attorneys' fees in connection with the monitoring of the December 29, 1977 Order and the entry of the instant Order. Applications for award of costs and fees shall be filed within 60 days unless resolved by settlement.

March 10, 1983.

John H. Pratt,

United States District Judge.

[FR Doc. 83-9296 Filed 4-8-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP83-65-000]

Alabama-Tennessee Natural Gas Co.; Proposed Changes in FERC Gas Tariff

April 4, 1983.

Take notice that on March 30, 1983, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following revised tariff sheets:

(a) Thirty-Ninth Revised Sheet No. 3-A, Superseding Second Substitute Thirty-Eighth Revised Sheet No. 3-A.

Sixth Revised Sheet No. 5, Superseding Fifth Revised Sheet No. 5.
Sixth Revised Sheet No. 6, Superseding Fifth Revised Sheet No. 6.
Sixth Revised Sheet No. 11, Superseding Fifth Revised Sheet No. 11.
Fifth Revised Sheet No. 13-B, Superseding Fourth Revised Sheet No. 13-B.
Sixth Revised Sheet No. 14, Superseding Fifth Revised Sheet No. 14.
Second Revised Sheet No. 36-M, Superseding First Revised Sheet No. 36-M.
First Revised Sheet No. 36-N, Superseding Original Sheet No. 36-N.
First Revised Sheet No. 36-O, Superseding Original Sheet No. 36-O.

(b) Alternate Thirty-Ninth Revised Sheet No. 3-A, Superseding Second Substitute Thirty-Eighth Revised Sheet No. 3-A.

Alternate Sixth Revised Sheet No. 5, Superseding Fifth Revised Sheet No. 5.
Alternate Sixth Revised Sheet No. 6, Superseding Fifth Revised Sheet No. 6.
Alternate Sixth Revised Sheet No. 11, Superseding Fifth Revised Sheet No. 11.
Alternate Fifth Revised Sheet No. 13-B, Superseding Fourth Revised Sheet No. 13-B.
Alternate Sixth Revised Sheet No. 14, Superseding Fifth Revised Sheet No. 14.
Alternate Second Revised Sheet No. 36-M, Superseding First Revised Sheet No. 36-M.
Alternate First Revised Sheet No. 36-N, Superseding Original Sheet No. 36-N.
Alternate First Revised Sheet No. 36-O, Superseding Original Sheet No. 36-O.

(c) Second Alternate Thirty-Ninth Revised Sheet No. 3-A, Superseding Second Substitute Thirty-Eight Revised Sheet No. 3-A.

Second Alternate Sixth Revised Sheet No. 5, Superseding Fifth Revised Sheet No. 5.
Second Alternate Sixth Revised Sheet No. 6, Superseding Fifth Revised Sheet No. 6.
Second Alternate Sixth Revised Sheet No. 11, Superseding Fifth Revised Sheet No. 11.
Second Alternate Fifth Revised Sheet No. 13-B, Superseding Fourth Revised Sheet No. 13-B.
Second Alternate Sixth Revised Sheet No. 14, Superseding Fifth Revised Sheet No. 14.
Second Alternate Second Revised Sheet No. 36-M, Superseding First Revised Sheet No. 36-M.
Second Alternate First Revised Sheet No. 36-N, Superseding Original Sheet No. 36-N.
Second Alternate First Revised Sheet No. 36-O, Superseding Original Sheet No. 36-O.

Alabama-Tennessee states that the purpose of the filing is to comply with the Commission's Regulations under § 154.38(d)(4)(vi)(a), which require a company with a PGA clause to file a study at least every 36 months supporting a restatement of its base tariff rate.

Alabama-Tennessee states that copies of this filing have been served upon its customers and the State Commissions of Alabama, Mississippi, and Tennessee.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Section 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 211, 214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9325 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-415-000]

American Electric Power Service Corp.; Filing

April 4, 1983.

The filing Company submits the following:

Take notice that on March 28, 1983, the American Electric Power Service Corporation (AEP) on behalf of its affiliates Appalachian Power Company (Appalachian), Ohio Power Company (Ohio Power), and Wheeling Electric Company (Wheeling), (sometimes collectively referred to as the AEP Parties) Modification No. 14, dated February 15, 1983 to the Operating Agreement, dated June 1, 1971, among Ohio Power, Wheeling, Appalachian, Monongahela Power Company (Monongahela) and West Penn Power Company (West Penn). Monongahela and West Penn are members of the Allegheny Power System (APS) and are sometimes collectively referred to as the APS Parties. The Commission has previously designated the 1971 Agreement as Appalachian's Rate Schedule FERC No. 55, Ohio Power's Rate Schedule FERC No. 73, Wheeling Rate Schedule FERC No. 5, Monongahela's Rate Schedule FERC No. 31, and West Penn's Rate Schedule FERC No. 28.

AEP states that Sections 1 of Modification No. 14 provides for an increase in the transmission demand charge for Short-Term Power to $0.35 per kilowatt per week when AEP parties are the supplying party and to $0.30 per kilowatt per week when the APS parties are the supplying party. Section 2 and 3 increase the Limited Term Power transmission demand charge to $1.50 per kilowatt per month when AEP parties are the supplying and to $1.25 per kilowatt per month when APS parties are the supplying party. These transmission demand charges are utilized just for multi-party transactions and are substantially the same as transmission demand charges that AEP

Parties presently have on file and accepted for filing by the Commission.

AEP requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Pennsylvania Public Utility Commission, the Public Service Commission of West Virginia, the Virginia State Corporation Commission, and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 383.211, 385.214). All such motions or protests should be filed on or before April 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9326 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-700-000]

Bangor Hydro Electric Co.; Refund Report

April 4, 1983.

The filing Company submits the following:

Take notice that on February 14, 1983, Bangor Hydro Electric Company submitted for filing a refund report pursuant to the Commission's letter of December 30, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 18, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9327 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-196-000]

Big Horn Industries; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 4, 1983.

On February 16, 1983, Big Horn Industries, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located in Big Horn County, Montana. The primary energy source to the facility will be subbituminous coal. The electric power production capacity will be 12,000 kilowatts. The facility proposal involves the conversion of a former sugar beet refinery, to a facility which will include electrical cogeneration and fuel grade ethyl alcohol production. Three existing coal fired boilers in the facility, after minor repairs and revisions, will be utilized for steam generation. Installation will begin in July 1983. Applicant states that no electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9328 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-64-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 4, 1983.

Take notice that, on March 29, 1983, Columbia Gas Transmission Corporation (Columbia) tendered for filing the following tariff sheet to its FERC Gas Tariff, Original Volume No. 1:

Third Revised Sheet No. 55

The subject tariff sheet bears an issue date of March 29, 1983, and a proposed effective date of May 1, 1983.

Columbia states that this tariff sheet is being filed to reflect a change to Section 10.2 of the General Terms and Conditions of Columbia's Original Volume No. 1 tariff, providing for the electronic transfer of Federal Funds, or in such other funds which are immediately available, in payment of bills by its gas customers. This is in accord with modern payment methods.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9329 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-413-000]

Commonwealth Edison Co.; Filing

April 4, 1983.

The filing Company submits the following:

Take notice that on March 28, 1983, Commonwealth Edison Company (Commonwealth) tendered for filing changes in its FERC Electric Tariff. Commonwealth states that the proposed changes amend the Electric Service Contract by reducing the charges applicable to the City of Naperville, Illinois under the Company's Rider 7, Meter Lease.

A copy of the filing has been served upon the City of Naperville, Illinois.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 20, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9330 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-51-000; (PGA83-2 and IPR83-2)]

Great Lakes Gas Transmission Co.; Proposed Changes in FERC Gas Tariff Under Purchased Gas Adjustment Clause Provisions

April 4, 1983.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on March 31, 1983, tendered for filing Forty Second-A Revised Sheet No. 57, and Sixth Revised Sheet No. 57-A to its FERC Gas Tariff, First Revised Volume No. 1, proposed to be effective May 1, 1983.

Forty Second-A Revised Sheet No. 57 includes a revised purchased gas cost adjustment which reflects a decrease in the cost of gas purchased from TransCanada PipeLines Limited, its sole supplier of natural gas, as a result of a decrease in the heat content of the gas.

In addition, the revised tariff sheet reflects a purchased gas cost surcharge resulting from maintaining an unrecovered purchased gas cost account for the period commencing September 1, 1982 and ending February 28, 1983.

Sixth Revising Sheet No. 57-A reflects the estimated incremental pricing surcharge for the six month period commencing May 1, 1983 and ending October 31, 1983. No incremental costs are estimated for this period.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 211, 214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9331 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA83-2-46-000]

Kentucky West Virginia Gas Co.; Proposed Change in Rates

April 4, 1983.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on March 31, 1983, tendered for filing with the Commission its Twenty-Seventh Revised Sheet No. 27 and Seventh Revised Sheet No. 27A to its FERC Gas Tariff, First Revised Volume No. 1, to become effective May 1, 1983.

Kentucky West states that the change in rates results from the application of the Purchase Gas Cost Adjustment provision in Section 18, General Terms and Conditions of FERC Gas Tariff, First Revised Volume No. 1.

Kentucky West states that the instant filing reflects a voluntary reduction in the pricing of certain of Kentucky West's pipeline production for the subject PGA filing. Specifically, all Company production of NGPA Section 107 Devonian Shale gas has been priced by Kentucky West at a level of $4.85 per dth, or significantly below the tight sands incentive price previously attributed to such production by Kentucky West. In addition, Kentucky West's filing reflects purchases of deregulated Section 107 gas from its producer affiliates, KEPCO and Philadelphia Oil at the reduced price of $4.85 per dth effective February 1, 1983.

Kentucky West states that a copy of its filing has been served upon its purchasers and interested state commission and upon each party on the service list of Docket No. RP83-46.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9332 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-66-000]

Mississippi River Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 4, 1983.

Take notice that on March 31, 1983, Mississippi River Transmission Corporation (Mississippi) filed pursuant to Section 4 of the Natural Gas Act and the Regulations of the Federal Energy Regulatory Commission (Commission) thereunder proposed changes in its FERC Gas Tariff. Mississippi states the purpose of the filing is to reflect increases in rates for service rendered under its FERC Gas Tariff, and to supersede the entire "First Revised Volume No. 1" of Mississippi's tariff with "Second Revised Volume No. 1". The changes in rate level requested by Mississippi would increase its jurisdictional revenues from sales and transportation service by $39.2 million annually based on the twelve months ending December 31, 1982, as adjusted.

Mississippi states the proposed rate change is necessary to recover increases in all areas of its jurisdictional cost of service, except gas costs which are reflected in the proposed filing on the basis of the average unit cost of purchased gas contained in Mississippi's PGA rate change which became effective March 1, 1983. Mississippi states that the instant filing also reflects the establishment of two new rate schedules which will supersede Mississippi's Rate Schedule CD-1 for certain sales customers presently receiving service thereunder. It is claimed that the new rate schedules are the result of rate design changes, and will affect neither Mississippi's obligation to render service, nor the present level of such service, to any of Mississippi's customers.

Mississippi states the filing of "Second Revised Volume No. 1" to supersede the entire "First Revised Volume No. 1" was due primarily to the establishment of the new rate schedules. It is stated that the new tariff also reflects minor modifications in several areas as well as a general updating of "First Revised Volume No. 1".

Copies of the filing have been served upon Mississippi's jurisdictional

customers, and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9333 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-35-000]

Missouri Edison Co.; Application

April 4, 1983.

Take notice that on March 21, 1983, Missouri Edison Company (Applicant) filed an application seeking authority pursuant to Section 204 of the Federal Power Act to issue up to $15,000,000 principal amount of short-term debt, with final maturities of not later than December 31, 1984.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 14, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 285.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9334 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-63-000]

National Fuel Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

April 4, 1983.

Take notice that National Fuel Gas Supply Corporation ("National Fuel"), on March 30, 1983, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume Nos. 1 and 2. The proposed changes would increase revenues from jurisdictional sales and service by approximately $20,980,000 based on the twelve-month period ended December 31, 1982, as adjusted.

National Fuel states that its sales have declined to a level that prohibits its opportunity to earn its allowed return on equity. In such circumstances, National Fuel requests the Commission to suspend its proposed changes for one day if the Commission suspends the rate increase.

National Fuel states that the increased rates are required to recoup increased costs incurred in operating and maintaining its system, including, but not limited to, increased cost of capital, increased wages and increased taxes.

The rates purposed reflect an overall rate of return of 12.85 percent which is required, National Fuel states, by its increased cost of capital, increased business risk and the need to attract capital.

National Fuel states that copies of this filing were served upon the company's jurisdictional customers and the regulatory commissions of the States of New York, Ohio, Pennsylvania, Delaware and New Jersey.

Any person desiring to be heard or to protest said filing should file a petition to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 214 of the Commission's Procedural Rules (18 CFR 385.214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9335 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-414-000]

New England Power Pool; Filing

April 4, 1983.

The filing company submits the following:

Take notice that on March 28, 1983, New England Power Pool (NEPOOL) tendered for filing a NEPOOL Agreement dated September 1, 1971, as amended, signed by the Vermont Public Supply Authority. NEPOOL states that the New England Power Pool Agreement has previously been filed with the Commission as a rate schedule (designated NEPOOL FPC No. 1).

NEPOOL requests an effective date of May 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9336 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-58-001]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

April 4, 1983.

Take notice that Southern Natural Gas Company (Southern) on March 31, 1983 tendered for filing proposed changes in its FERC Gas Tariff, Sixth Revised Volume No. 1, Original Volume No. 2, and First Revised Volume No. 2A. The proposed changes would increase revenues from jurisdictional sales and services by $72.3 million based on the twelve month period ending December 31, 1982, as adjusted.

Southern states the principal reasons for the proposed rate increase are to reflect (1) declining sales volumes and (2) increased amounts for gas take-or-pay payments.

Copies of the filing were served upon Southern's jurisdictional customers and interested state public service commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Copnmission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or

protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9337 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF83-3041-000]

Southeastern Power Administration; Filing

April 4, 1983.

The filing agency submits the following:

Take notice that on March 28, 1983, the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy (The Assistant Secretary), by Rate Order No. SEPA-15, confirmed and approved on an interim basis effective April 1, 1983, Rate Schedules KP-1-C and JHK-1-E for power from Southeastern Power Administration's (SEPA) Kerr-Philpott System of Projects. Rate Schedule KP-2-B has been eliminated. The interim approval extends through March 31, 1984.

The Assistant Secretary states that on March 4, 1983, the Commission approved extension of Rate Schedules KP-1-B, KP-2-B, and approved Replacement Rate Schedule JHK-1-D through March 31, 1983.

The rate schedules are submitted for confirmation and approval on a final basis pursuant to authority vested in the Commission by Delegation Order No. 0204-33. Approval is requested for a period ending September 30, 1986.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9338 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-297-000]

Arkansas Power & Light Company; Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Rejection and Summary Disposition, Granting Waiver, and Establishing Hearing and Price Squeeze Procedures

Issued: April 1, 1983.

On February 1, 1983, Arkansas Power & Light Company (AP&L) submitted for filing increased rates for firm service to its five wholesale customers in Arkansas (Arkansas customers) and its three wholesale customers in Missouri (Missouri customers).[1] The proposed rates would increase revenues from all of these customers by approximately $9.8 million (26.7%) for the calendar year 1983 test period. AP&L request an April 2, 1983 effective date.

AP&L concurrently submitted for filing a Settlement Agreement, dated January 24, 1983, executed by four of its Arkansas customers[2] which includes proposed settlement rates. The settlement rates would increase revenues from the Arkansas wholesale customers by approximately $6.1 million (17.5%).[3] The settlement agreement provides that the effective date for the proposed settlement rates will be the earlier of the date of approval of the company's proposed retail rate increase that is pending before the Arkansas Public Service Commission (APSC) in Docket No. 82-314-U, or the date on which AP&L implements increased retail rates, subject to refund. In addition, the settlement agreement provides that AP&L will reduce the proposed settlement rates on a proportionate basis in the event that the retail rates it implements are lower than those rates originally proposed in Docket No. 82-314-U. Also, the parties have agreed to request a one day suspension of the rates under the settlement agreement so as to afford refund protection to the wholesale customers should the APSC approve lower retail rates.

Notice of AP&L's filing was published in the **Federal Register** with comments due on or before February 24, 1983. On February 24, 1983, the Arkansas customers filed a motion to intervene which expresses their assent to the proposed settlement.

Also on February 24, 1983, the Cities of Thayer and Campbell, Missouri (Missouri Cities) filed a motion to intervene, protest, request for rejection, or alternatively for a maximum suspension.[4] Missouri Cities base their request for rejection on the assertion that AP&L's submittal contains insufficient support to satisfy the Commission's filing requirements. Absent rejection, Missouri Cities request summary disposition with respect to AP&L's tax adjustment clause and the loss factor contained in the fuel adjustment clause which includes a provision for losses to be calculated according to the Company's "current determination" of losses. Missouri Cities also seek summary disposition as to AP&L's (1) claimed decommissioning charge; (2) charges for the recovery of spent nuclear disposal costs; and (3) use of a two month lag for fuel adjustment clause computations. Furthermore, citing various cost of service issues including rate of return, excessive working capital, and an improper demand allocation factor, Missouri Cities request a maximum suspension and allege price squeeze and price discrimination. The Missouri Cities further request that the price squeeze and price discrimination issues be considered at hearing together with the cost of service issues or that the presiding judge be given the discretion to rule on the phasing issue.

Finally, the Missouri Cities claim that their contracts with AP&L provide that rates may not be increased until a final Commission opinion and that AP&L's filing therefore violates the *Sierra-Mobile* doctrine.[5]

On March 11, 1983, AP&L filed an answer challenging the allegations of the Missouri Cities.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR385.214), the

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[1] *See* Attachment A for customers and rate schedule designations.

[2] The signatory customers are Benton Municipal Light and Water Works, Cities of North Little Rock and Prescott, and Arkansas and Farmers Electric Cooperative Corporation. North Arkansas Electric Cooperative, Inc. (NAEC), the remaining Arkansas customer, has followed a practice of not executing settlement agreements with AP&L, but acquiescing in the rates AP&L negotiates with its other Arkansas wholesale customers.

[3] The Missouri customers have not joined in the settlement agreement and therefore would be subject to the full rate increase which would increase revenues from these customers by approximately $640,000.

[4] AP&L's third Missouri customer is Missouri Utilities (MU). MU has not sought intervention in this proceeding.

[5] *See Federal Power Commission* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956).

unopposed motions to intervene of the Arkansas customers and the Missouri Cities serve to make them parties to this proceeding.

We find that AP&L's submittal substantially complies with the Commission's filing requirements. Therefore, we shall deny Missouri Cities' motion to reject the filing.[6] In addition, we shall deny Missouri Cities' requests for summary judgment as to certain issues.

The Missouri Cities have challenged AP&L's tax adjustment clause arguing that if it is allowed to operate as proposed, AP&L could change its rates at will in contravention of the Federal Power Act. Because the Commission has followed a consistent practice of requiring utilities to submit a timely rate change filing in order to implement a tax adjustment clause,[7] the Missouri Cities' concerns are without basis.

With respect to the request for summary actions as to AP&L's loss factor in the fuel adjustment clause, we agree that AP&L's fuel clause is somewhat vague in stating that losses will be calculated based on the company's "current determination." However, Statement BI of the filing reflects as stated 6.085% loss factor. As in the case of the Tax adjustment clause, we take this opportunity to advise AP&L that any change in the designated 6.085% loss factor will be considered a change in rate schedule requiring a timely filing in accordance with Part 35 of the Commission's regulations.

Concerning the question of AP&L's decommissioning charge, we note that in AP&L's prior rate increases in Docket No. ER81–577–000, that company treated the decommissioning charge as a separate item for billing purposes.[8] AP&L has not changed the decommissioning charge in the instant submittal. Therefore, Missouri Cities request for summary rejection of this charge will be denied.

With respect to the Misouri Cities' request for summary disposition concerning the spent nuclear fuel disposal cost component of the fuel adjustment clause for lack of cost support, we note that the fuel adjustment clause proposed in this case for service to the Missouri customers incorporates stated negative salvage amounts (1.306 mills/kWh and 1.569 mills/kWh for ANO Unit Nos. 1 and 2, respectively) which AP&L states are the product of the Revenue Model referenced in its present fuel clause.[9] It appears that AP&L has simply replaced the formulary language contained in its present fuel clause with stated amounts representing the product of the formula. We believe that this matter raises questions of fact and law and should be investigated during the course of the hearing ordered below. In addition, we find that the design of AP&L's fuel clause raises questions which should be investigated at the hearing. As a result, the Missouri Cities' request for summary rejection of the use of a two month lag for fuel adjustment computations will be denied as well.

The Missouri Cities have previously raised their *Mobile Sierra* Claims in AP&L's prior rate increase proceeding.[10] In that proceeding, Missouri Cities have been allowed to present extrinsic evidence relating to the contractual intent of the parties. No new arguments have been raised in the instant docket. We shall therefore make the determination of this issue subject to the outcome of the proceedings in Docket No. ER81–577–000.

Our preliminary examination of AP&L's filing and the pleadings indicates that, but for the settled rates, AP&L's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

The Commission explained its suspension policy in *West Texas Utilities Company*, Docket No. ER83–23–000, 18 FERC ¶ 61,189 (1982). As noted there, where our preliminary examination indicates that revised rates may be unjust and unreasonable, but may not be substantially excessive as defined in *West Texas*, we will ordinarily suspend the rates for one day. However, where it appears that the rates may be substantially excessive, we will suspend for the maximum period.

Our review of the settlement rates applicable to the Arkansas customers indicates that the proposed rates are cost justified. However, the January 24, 1983 Settlement Agreement provides for a one day suspension of the rates to afford an opportunity for refunds in the event that lower retail rates are approved by the APSC. Furthermore, the affected customers have supported a one day suspension in their motion to intervene. Under these circumstances and consistent with prior Commission treatment of settled rates for the Arkansas customers, we shall accept the settlement rates to the Arkansas customers for filing and suspend them for one day, without a hearing, to become effective as provided in the settlement on the date of approval of the company's proposed increased retail rates or such time as AP&L implements increased retail rates subject to refund, whichever date is earlier. In addition, the January 24, 1983 Settlement Agreement provides that the wholesale rates proposed in the instant submittal will be reduced proportionately in the event that retail rates lower than AP&L's originally proposed retail rates become effective, in order to maintain parity between AP&L's wholesale and retail rate increases. This procedure has been followed as to AP&L's prior rate increases in Docket Nos. ER77–278–000, ER79–339–000, ER80–713–000, and ER81–577–000. AP&L is hereby advised that any reduction in the wholesale rates must be filed with the Commission pursuant to section 35.13 of the regulations and AP&L shall inform the Commission of the date on which AP&L's retail rate increase becomes effective.

Our review further indicates that the proposed rates to Missouri Utilities (MU) may produce substantially excessive revenues. Under these circumstances, we shall suspend the rates applicable to that customer for five months from 60 days after filing to become effective on September 3, 1983, subject to refund. However, with respect to the proposed rates to the Missouri Cities of Campbell and Thayer, it appears that the proposed rates may not yield substantially excessive revenues.[11]

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[6] *See Municipal Light Boards of Reading and Wakefield, Massachusetts, v. FPC*, 450 F.2d 1314 (D.C. Cir. 1971).

[7] This is consistent with our instructions to AP&L in *Arkansas Power and Light Company*, Docket No. ER81–577–000, 16 FERC ¶ 61,150 at 61,341 (1981).

[8] By letter order dated October 21, 1981, in Docket No. ER80–713–000, the Commission accepted AP&L's wholesale rates which first reflected a separate decommissioning provision. The provision was designed to separately bill AP&L's customers for its then-current decommissioning expenses as determined by formula on May 1 of each year. AP&L was advised in the letter order that any change in this charge should be filed a change in rate schedule under Part 35 of the regulations. In Docket No. ER82–180–000, AP&L's filed for an increase in wholesale rates to reflect an increase in the decommissioning charge from .06 mill/kWh to .114 mill/kWh. AP&L treats this item separately and does not propose to increase the decommissioning charge in the instant filing. .

[9] AP&L's present fuel adjustment clause provides that the cost of nuclear fuel will include a negative salvage value to be determined in accordance with the Negative Salvage Nuclear Fuel Revenue Requirement Model prescribed by the APSC's Order No. 16 in Docket No. U–2972 (Revenue Model).

[10] Docket No. ER81–577–000, 16 FERC ¶61,150 (1981). Therein, we concluded that the plain language of the contracts would allow unilateral rate changes, but that further evidence on the question of the parties' intent appeared to be warranted.

[11] our review indicates substantially disparate earned rates of return from the Missouri customers.

As a result, we shall suspend the rates as applied to these customers for one day from 60 days filing to become effective on April 4, 1983, subject to refund.

In light of Missouri Cities' price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339-000, 8 FERC ¶ 61,131 (1979).[12]

Finally, we note that AP&L's proposed fuel adjustment clause incorporated in the settlement rates does not comply with section 35.14 of the Commission's regulations. However, it is identical to that fuel clause used for AP&L's retail service. The settlement agreement with the Arkansas customers provide that AP&L's wholesale fuel clause will track the fuel clause approved for retail service to maintain the bargained parity between the wholesale and retail rates. As we have done in prior orders applicable to the Arkansas customers, we shall grant waiver of the section 35.14 fuel clause requirements and accept the proposed fuel clause for service to the Arkansas customers. It is further noted that the settlement agreement provides for AP&L to file a revised fuel clause with the Commission if a change in the retail fuel clause is ordered by the APSC.

The Commission orders:

(A) The Missouri cities' motions for rejection of AP&L's filing or for summary disposition are herby denied.

(B) AP&L is hereby granted waiver of the section 35.14 fuel clause requirements with regard to the fuel clause provision in the settlement rates applicable to the Arkansas customers.

(C) AP&L's proposed settlement rates to the Arkansas customers are hereby accepted for filing and suspended for one day to become effective subject to proportionate reduction and refunds based on the retail rates as provided in the settlement; such settlement rates shall become effective on the earlier of the date of approval of the company's pending retail rate increase in Docket No. 82-314-U or the date on which AP&L implements increased retail rates, subject to refund. AP&L shall notify the Commission of the date on which its retail rates become effective within fifteen (15) days of such date.

(D) AP&L's proposed rates to the Missouri Cities and to Missouri Utilities are hereby accepted for filing and suspended for one day with respect to the Missouri Cities and five months with respect to Missouri Utilities, to become effective, subject to refund, on April 4, 1983, and September 3, 1983, respectively.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of AP&L's rates to the Missouri customers.

(F) The Commission staff shall serve top sheets in this proceeding on or before April 11, 1983.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(H) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT A—ARKANSAS POWER & LIGHT COMPANY RATE SCHEDULES DESIGNATIONS, DOCKET NO. ER83-297-000

Designation	Customers	Descriptions
(1) Supplement No. 19 to rate schedule FPC No 45	Farmers Electric Cooperative Corp	Settlement agreement
(2) Supplement No. 20 to rate schedule FPC No. 45 (supersedes supplement No. 18 as supplemented).	....do....	Rate schedule WA 83S
(3) Supplement No. 17 to rate schedule FPC No. 49	City of North Little Rock, Ark.	Settlement agreement
(4) Supplement No. 18 to rate schedule FPC No. 49 (supersedes supplement No. 16 as supplemented)	....do....	Rate schedule WA 83S
(5) Supplement No. 14 to rate schedule FPC No. 56	City of Prescott, Ark.	Settlement agreement
(6) Supplement No. 15 to rate schedule FPC No 56 (supersedes supplement No. 13 as supplemented).	....do....	Rate schedule WA 83S
(7) Supplement No. 15 to rate schedule FPC No. 60	Benton Municipal Light and Waterworks.	Settlement agreement.
(8) Supplement No. 16 to rate schedule FPC No. 60 (supersedes supplement No. 14 as supplemented)	....do....	Rate schedule WA 83S
(9) Supplement No. 11 to rate schedule FPC No 62	North Arkansas Electric Cooperative, Inc.	Settlement agreement
(10) Supplement No. 12 to rate schedule FPC No. 62 (supersedes supplement No. 10 as supplemented).	....do....	Rate schedule WA 83S
(11) Supplement No. 9 to rate schedule FERC No. 85 (supersedes supplement No. 7 as supplemented)	Missouri Utilities Co.	Rate schedule MU 83
(12) Supplement No. 7 to rate schedule FERC No 90 (supersedes supplement No. 5 as supplemented).	City of Campbell, Mo.	Rate schedule C83
(13) Supplement No. 7 to rate schedule FERC No. 86 (supersedes supplement No. 5 as supplemented)	City of Thayer, Mo.	Rate schedule T83

[FR Doc. 83-9370 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-298-000]

Centel Corporation, Western Power Division; Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Request for Summary Disposition, and Establishing Hearing and Price Squeeze Procedures

Issued: April 1, 1983.

On February 1, 1983, Centel Corporation, Western Power Division

[12] We are not persuaded from the arguments before us that we should depart from the established phasing practice at this time. However, with respect to the Missouri Cities' request that the phasing issue be left to the discretion of the presiding judge, we note that our existing price squeeze procedures permit the judge to depart from the phased schedule for good cause shown. (*See* Ordering paragraph (H), *infra*). We add, however, that we would expect such a ruling only in extraordinary circumstances.

(Centel) tendered for filing increased rates for full requirements service to 22 customers, partial requirements service to 11 customers, and transmission service to one customer.[1] The proposed rates would increase revenues by approximately $2.3 million (11.95%) for the twelve months ending June 30, 1984. Centel requests that the proposed rates become effective on April 2, 1983

Notice of the filing was published in the **Federal Register** with comments due by February 24, 1983. On February 24, 1983, the Kansas Municipal Group (KMG) [2] filed a timely protest and motion to intervene. KMG raises various cost of service and rate base issues,[3] alleges that the proposed rate is discriminatory and will create a price squeeze, and requests a five month suspension.

Also on February 24, 1983, Centel's REA cooperative customers (Cooperatives) [4] and the Kansas Electric Power Cooperative, Inc., (KEPCo) [5] jointly filed a protest, motion to intervene, motion for a maximum suspension, and request for initiation of price squeeze procedures. In support of their motion for maximum suspension, the Cooperatives and KEPCo contend that Centel's cost of service requires numerous adjustments.[6] They also urge that Centel's accumulated deferred income taxes related to deferred maintenance be summarily excluded from rate base.

Midwest Energy, Inc. (Midwest) also filed a protest, motion to intervene, and request for a maximum suspension on February 24, 1983. Midwest contends that a significant portion of Centel's requested increase results from an arbitrary assignment of equity capital from Centel's parent, Centel Corporation. Midwest asserts that this projected increase in Centel's equity ratio unreasonably escalates Centel's total cost of service.

[1] *See* Attachment A for customers and rate schedule designations.

[2] KMG is a group consisting of Centel's full requirements municipal customers and eight of Centel's ten partial requirements municipal customers.

[3] These issues include: (1) Increases in Period II operating expenses, particularly wages and salaries; (2) stated demand and energy projections; (3) reserve margins; (4) off-system sales revenue credits; (5) stated Transmission losses from the Jeffrey Energy Center; (6) claimed coal-related fuel stocks and cash working capital allowance; (7) calculation of income tax normalization; and (8) claimed return on common equity.

[4] Centel's REA cooperative customers include: Ark Valley Electric Cooperative Association, Inc.; C.M.S. Electric Cooperative Association, Inc.; Jewell-Mitchell Cooperative Electric Company, Inc.; N.C.K. Electric Cooperative, Inc., Ninnescah Rural Electric Cooperative Association, Inc.; Norton-Decatur Cooperative Electric Company, Inc.; Smoky Hill Electric Cooperative Association, Inc.; Sumner-Cowley Electric Cooperative, Inc.; and Victory Electric Cooperative Association, Inc.

[5] The REA cooperative customers purchase partial requirements service from Centel. They are all members of KEPCo, which purchases transmission service from Centel.

[6] The Cooperatives and KEPCo address all of the issues raised by KMG, and additionally contest Centels' rate case expense.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure, the unopposed motions of KMG, the Cooperatives, and KEPCo serve to make them parties to this proceeding.

With respect to Centel's proposed rate base inclusion of deferred income taxes related to deferred maintenance, we believe that this issue raises questins of law and fact which are best resolved on the basis of an evidentiary hearing. We shall therefore deny the request for summary disposition as to this issue.

Our review of Centel's submittal and the pleadings indicates that the proposed rates have not been shown to be just and reasonable, and may be unujst, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. We shall therefore accept Centel's rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶61,189 (1982), we explained the Commission's suspension policy and noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed rates may be unjust and unreasonable but may not produce substantially excessive revenues, as defined in *West Texas*. Because our review suggests that Centel's proposed increase may not yield substantially excessive revenues, we shall suspend the rates for one day from 60 days after filing, to become effective, subject to refund, on April 4, 1983.

In light of the intervenors' price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339-000, 8 FERC ¶61,131 (1979).

The Commission orders:

(A) The Cooperatives' and KEPCo's request for summary disposition is hereby denied.

(B) Centel's proposed rates are hereby accepted for filing and suspended for one day from 60 days after filing, to become effective, subject to refund, on April 4, 1983.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of Centel's rates.

(D) The Commission staff shall serve top sheets in this proceeding on or before April 6, 1983.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT A—CENTEL RATE SCHEDULE DESIGNATIONS DOCKET NO. ER83-298-000

Other party	Designation	Superseded
I. Municipal Wholesale Customers Rate 83-MWh-5		
1. Cawker City	Supplement No. 8 to rate schedule FERC No. 87	Supplement No. 7
2. Cimarron	Supplement No. 8 to rate schedule FPC No. 98	Do
3. Coats	Supplement No. 8 to rate schedule FERC No. 88	Do

ATTACHMENT A—CENTEL RATE SCHEDULE DESIGNATIONS DOCKET NO. ER83-298-000—Continued

Other party	Designation	Superseded
4. Glasco	Supplement No. 8 to rate schedule FERC No. 97.	Do.
5. Glen Elder	Supplement No. 8 to rate schedule FERC No. 89	Do.
6. Holyrood	Supplement No. 8 to rate schedule FERC No. 90	Do
7. Isabel	Supplement No. 8 to rate schedule FERC No 91	Do
8. Lucas	Supplement No. 8 to rate schedule FERC No 93	[illegible]
9. Luray	Supplement No. 8 to rate schedule FERC No. 94	Do
10. Mankato	Supplement No. 8 to rate schedule FERC No 95.	[illegible]
11. Montezuma.	Supplement No. 13 to rate schedule FPC No. 70.	Supplement No. 12
12. Tipton	Supplement No. 8 to rate schedule FERC No. 96	Supplement No. 7.
II. Interconnected Municipal Wholesale Rate 83-A-1		
1. Anthony	Supplement No. 20 to rate schedule FPC No 59	Supplement No. 18
2. Attica	Supplement No. 17 to rate schedule FPC No. 84	Supplement No. 15.
3. Belort	Supplement No. 18 to rate schedule FPC No. 60	Supplement No. 16.
4. Hoisington	Supplement No. 20 to rate schedule FPC No 57	Supplement No. 18.
5. Kingman	Supplement No. 22 to rate schedule FPC No. 58.	Supplement No 20
6 Pratt	Supplement No. 21 to rate schedule FPC No. 34	Supplement No. 19
7. Russell	Supplement No. 20 to rate schedule FPC No. 41	Supplement No. 18.
8. Washington	Supplement No. 20 to rate schedule FPC No. 56	Do.
9. Osborne	Supplement No. 13 to rate schedule FPC No. 86	Supplement No. 11.
10. Stockton	Supplement No. 11 to rate schedule FERC No. 99	Supplement No 9
III. Rural Electric Cooperatives Rate 83-CWh-2		
1. Ark Valley	Supplement No. 14 to rate schedule FPC No. 74.	Supplement No. 13
2. C. M. S.	Supplement No. 17 to rate schedule FPC No. 75.	Supplement No. 16
3. C & W	Supplement No. 14 to rate schedule FPC No. 76	Supplement No. 13
4 Jewell-Mitchell.	Supplement No. 15 to rate schedule FPC No 77	Supplement No. 14.
5. N.C. K.	Supplement No. 15 to rate schedule FPC No [illegible]	Do.
6. Ninnescah	Supplement No. 14 to rate schedule FPC No 79	Supplement No. 13.
7. Norton-Decatur	Supplement No. 13 to rate schedule FPC No [illegible]	Supplement No. 12
8. Smoke-Hill	Supplement No. 13 to rate schedule FPC No 81	Do.
9 Sumner-Cowley	Supplement No. 14 to rate schedule FPC No 82.	Supplement No. 13.
10. Victory	Supplement No. 15 to rate schedule FPC No 83	Supplement No. 14.
IV Service Schedule 83-A		
Midwest Energy Inc.	Supplement No. 19 to rate schedule FPC No. 35 (Supersedes Supplement No. 18)	
V Rate Schedule 83-TSv-1		
Kansas Electric Power Cooperative	Rate Schedule FERC No 108 (supersedes rate schedule FERC No. 105, as supplemented)	Rate schedule 83-TSv-1
	Supplement No. 1 to rate schedule FERC No. 108	Appendix A.
	Supplement No. 2 to rate schedule FERC No. 108	Appendix B
	Supplement No. 3 to rate schedule FERC No. 108	Appendix C

[FR Doc 83-9371 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA83-1-22-002; (PGA83-1) (IPR83-1) (AP83-1)]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

April 1, 1983.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on March 28, 1983, filed a substitute tariff sheet pursuant to the Commisssion's February 28, 1983, order in this proceeding and to make effective a voluntary reduction in rates of $19.2 million to reflect recent decreases in rates from Consolidated's pipeline suppliers. The revisions, shown on Substitute Thirty-Third Revised Sheet No. 16 represent adjustments to Consolidated's semi-annual PGA and would become effective on March 1, 1983.

Consolidated's substitute tariff sheet reflects the elimination of concurrent exchange transactions as required by Ordering Paragraph (G)(2) of the Commission's February 28, 1983 order. Consolidated also filed in support of its March 1, 1983, PGA a revised Appendix B which, it is stated, substantially complies with the Commission's requirement to refile such data in the form required by Exhibit A of Order No. 452. (Ordering Paragraph (G)(1) of the February 28th order.)

Consolidated states that the voluntary PGA rate reduction to reflect recent PGA rates from two of its pipeline suppliers would, if accepted, reduce RQ commodity rates by 8.56¢/Dt.

Consolidated states that the rates contained on Subsitute Thirty-Third Revised Sheet No. 16 reflect old pipeline production (production from wells drilled prior to January 1, 1973, on leases acquired prior to October 8, 1969) on a cost-of-service basis and new pipeline production priced pursuant to the Natural Gas Policy Act of 1978, in accordance with Article V of the Stipulation and Agreement in Docket No. RP82-115 dated December 29, 1982. The settlement treatment of old pipeline production is without prejudice to Consolidated's right to receive first sale treatment for such production should the Supreme Court uphold the U.S. Court of Appeals for the Fifth Circuit's decision in *Mid-Louisiana Gas Company* v. *FERC*, 664 F 2d. 530 (1981).

Copies of the filing were served upon Consolidated's jurisdictional customers as well as interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9372 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2520-000]

Great Northern Nekoosa Corp.; Expiration of License

April 1, 1983.

Take notice that the license for the Mattaceunk Project No. 2520 will expire on December 31, 1987. The project is located on the Penobscot River in Penobscot, Maine and licensed to the Great Northern Nekoosa Corporation.

The principal project works currently licensed for Project No. 2520 are: a storage dam, a powerhouse containing four generating units with an installed capacity of 19,200 KW, and appurtenant facilities.

This notice is issued pursuant to the regulations of the Federal Energy Regulatory Commission, 18 CFR 16.2 (1982). The Commission licenses non-federal water-power projects for periods up to 50 years pursuant to the Federal Power Act, 16 U.S.C. 791a-825r. When a license expires, the Commission may issue a new license to the original licensee or to a new licensee, or may recommend to Congress that the United States acquire the project.

Under the Commission's regulations, the current licensee must file its application for a new license from three to five years before the current license expires. Any other entity seeking the license must file an application in accordance with 18 CFR 16.3(b). When an application is filed, notice will be published and interested persons will have a further opportunity to submit a competing application, file a protest or comment, seek to intervene, or

recommend that the United States acquire the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9373 Filed 4-8-83; 8:45 am]

BILLING CODE 67:7-01-M

[Docket No. RP33-61-000]

Midwestern Gas Transmission Company; Proposed Tariff Sheets

April 1, 1983.

Take notice that on March 24, 1983, Midwestern Gas Transmission Company (Midwestern) submitted for filing the following tariff sheets to Original Volume No. 1 of its FERC Gas Tariff:

First Revised Sheet No. 85A
Third Revised Sheet No. 85

Midwestern states that this filing is to implement revisions to the late payment provisions applicable to the Minimum Annual Gas Charge under Rate Schedule CD-2 applicable to Midwestern's Northern System under which Michigan Wisconsin Pipe Line Company purchases natural gas from Midwestern. Midwestern proposes that these changes become effective December 25, 1982.

Midwestern requests that the Commission grant any waivers it deems necessary for acceptance of this filing.

Midwestern states that copies of the filing were mailed to all customers and affected state regulatory commissions and are available for public inspection during regular business hours at Midwestern's offices in the 1100 Milam Building, Houston, Texas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9374 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-26-001 (PGA83-1, IPR83-1)]

Natural Gas Pipeline Company of America; Changes in Rates

April 1, 1983.

Take notice that on March 28, 1983, Natural Gas Pipeline Company of America (Natural) submitted for filing Second Substitute Forty-ninth Revised Sheet No. 5 to be part of its FERC Gas Tariff, Third Revised Volume No. 1.

Natural states the purpose of this filing was to implement an 8.95¢ per Mcf decrease in the PGA unit adjustment effective March 1, 1983. Natural states the proposed decrease is in addition to the PGA reduction of .26¢ per Mcf filed concurrently in compliance with the Commission order issued February 28, 1983, in Docket No. TA83-1-26 (PGA83-1, IRP83-1).

Natural requests any additional waivers of the Commission's regulations to the extent, if any, required to put the proposed tariff sheets into effect on March 1, 1983. Further, due to the nature of the proposed reduction and the benefits it will provide its customers Natural has requested that the notice period for motion or protest of this filing be shortened.

A copy of this filing has been mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of Rules 211 and 214 or the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9375 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-26-002 (PGA83-1, IPR83-1)]

Natural Gas Pipeline Company of America; Compliance Filing

April 1, 1983.

Take notice that on March 28, 1983, Natural Gas Pipeline Company of America (Natural) submitted for filing, in compliance with the Commission Order issued February 28, 1983, Substitute Forty-ninth Revised Sheet No. 5 to be a part of its FERC Gas Tariff, Third Revised Volume No. 1.

Natural states that the purpose of this revised tariff sheet is to reduce Natural's PGA unit adjustment by 0.26 cents per Mcf,[1] to be effective March 1, 1983, to give effect to the requirements of Ordering Paragraph (B) of the above-referenced order. This adjustment reflects (1) a 0.01 cent per Mcf decrease to correct entries to Account No. 191 for interest received, and (2) a 0.25 cent per Mcf decrease to give effect to the removal of Pro Gas purchases from the current unit adjustment. Also, pursuant to Ordering Paragraph (C), data is submitted in supported of Natural's inclusion of a $1,219,696 entry to Account No. 191.

On March 11, 1983, the Presiding Administrative Law Judge certified an uncontested interim settlement in Natural's Docket Nos. RP82-62-005 and RP83-15-001. If approved, a seven cents per Mcf reduction in Natural's sales commodity rates would become effective retroactively to October 1, 1982. Billing of the reduced sales rates would start as of the first of the month in which the Commission issues an order approving the interim settlement. Therefore, Natural includes in the filing an alternate revised tariff sheet (Alternate Substitute Forty-ninth Revised Sheet No. 5) which includes not only the above compliance revisions, but also reflects the seven cents decrease in the Base Commodity sales rates. The intent of this alternative is to permit the Commission to make effective rates which reflect the interim rate reduction when the latter is approved.

Natural requests that the Commission's regulations be waived to the extent necessary to effectuate the requests contained in the filing.

A copy of this filing was mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or

[1] Concurrently with this filing, Natural is submitted under separate cover an additional reduction to be effective March 1, 1983, in the amount of 8.95 cents per Mcf.

protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9376 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-60-000]

Northwest Central Pipeline Co.; Petition for Use of State-Federal Joint Board

April 1, 1983.

Take notice that on March 8, 1983, the Kansas State Corporation Commission (KCC) submitted for filing, pursuant to Section 17 of the Natural Gas Act, 15 U.S.C. ¶ 717, a petition for creation of a State-Federal Joint Board for the purpsoe of conducting an investigation of the matter of Northwest Central Pipeline Company (Northwest Central) purchasing practices.

The KCC submits that there is no one regulatory body with authority or jurisdiction over the entire natural gas system. Prices at the wellhead are set principally by federal statute, rates of pipeline companies are determined principally by the Federal Energy Regulatory Commission, and rates of distribuiton companies to the end consumer are established by state authority. Clearly, the KCC states, no one agency can address the entire question of Northwest Central's purchasing practices and possibly Congressional action will be required. KCC states that the need for consistent regulatory treatment from producer through pipeline to the final distribution level will require a cooperative effort between state and federal regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9377 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-78-002 et al.]

Northwest Central Pipeline Corporation, et al.; Filing of Pipeline Refund Reports and Refund Plans

April 1, 1983.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 15, 1983. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
Mar. 16, 1983	Northwest Central Pipeline Corporation	RP81-78-002	Report.
Do.	U-T Offshore System	RP81-20-004	Report.
Mar. 17, 1983	Texas Eastern Transmission Corporation	RP74-41-026	Report.
Mar. 25, 1983	Algonquin Gas Transmission Company	RP72-110-028	Report.

[FR Doc. 83-9378 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-41-001 and Rate Schedule SGS-1]

Northwest Pipeline Corp.; Proposed Changes in Service Agreements

April 1, 1983.

Take notice that on March 29, 1983, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance Exercises of Options to two of its Service Agreements pertaining to service under Rate Schedule SGS-1 of its FERC Gas Tariff First Revised Volume No. 1:

(a) Proposed Exercise of Storage Option Provided by Section 10 of Rate Schedule SGS-1 between Northwest and CP National Corporation dated January 31, 1983.

(b) Proposed Exercise of Storage Option Provided by Section 10 of Rate Schedule SGS-1 between Northwest and Northwest Natural Gas Company dated January 31, 1983.

As more fully explained in a tariff filing dated December 30, 1982 at Docket No. RP82-56-005, which was subsequently changed to Docket RP83-41-000, Northwest has proposed certain changes to its Rate Schedule SGS-1. The proposed new Section 10 of the rate schedule would allow Northwest's SGS-1 customers the option to purchase gas during the injection period and have such gas stored for their account. The above referenced Exercises of Options reflect those customers' decision to exercise the proposed option.

Northwest requests an effective date of May 1, 1983 for these Service Agreement additions which is the requested effective date of the proposed changes to Rate Schedule SGS-1 filed December 30, 1982.

Copies of this filing have been served on CP National Corporation, Northwest Natural Gas Company and all parties of record at Docket No. RP82-56-000.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR Parts 211, 214). All such petitions or protests should be filed on or before April 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public convenience.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-9379 Filed 4-8-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER81-400-000]

Pennsylvania Power and Light Company; Order Accepting Agreement for Filing, Granting Interventions, Denying Motion to Reject, Rejecting Notice of Withdrawal, and Waiving Notice Requirements

Issued April 1, 1983.

On April 3, 1981, as completed on March 1, 1983, Pennsylvania Power and Light Company (PP&L) submitted for filing an agreement with Atlantic City Electric Company (AC), dated September 24 1979.[1] The agreement provides for PP&L's sale to AC of 5.94% of the capacity and associated energy from PP&L's Susquehanna Steam Electric Station Units Nos. 1 & 2.[2] PP&L requests waiver of the notice requirements to allow the filing to become effective upon commercial operation of the Susquehanna Station.[3]

By letter dated November 6, 1981, the Commission staff scheduled a conference and provided a list of areas in which further information was needed.[4] Subsequently, by letter dated February 17, 1983, PP&L was directed to revise the income tax calculation of its proposed agreement.[5] In response to that letter, additional data were filed on March 1, 1983, which completed the filing.

The agreement would become effective as of the date on which the first unit becomes commercially operational and would extend through September 30, 1991. Under the agreement, AC will be billed monthly for its pro rata share of the fixed costs associated with the Susquehanna Station consisting of depreciation, taxes, operation and maintenance expenses, and a rate of return incorporating a 13.5% equity return allowance.[6] A similar formulary rate is used for assessing applicable transmission charges. In addition, AC will pay its pro rata share of monthly fuel expenses.

Notice of PP&L's original submittal was published in the **Federal Register** with comments due on or before May 1, 1981. On November 29, 1981, the Public Advocate of New Jersey (Advocate) filed an untimely petition to intervene. On February 24, 1983, the New Jersey Board of Public Utilities (Board) filed an untimely motion to intervene. PP&L filed answers to both pleadings opposing the granting of late intervention. On March 14, 1983, approximately two weeks before the anticipated in-service date of the Susquehanna Unit (*i.e.*, the proposed effective date), Advocate filed a motion to reject PP&L's filing for failure to comply with the Commission's regulations, raising for the first time the contention that the instant submittal is deficient with respect to the Commission's filing requirements.

Advocate's 1981 petition to intervene argued that Advocate had good cause to intervene out of time on the grounds that it had no notice of the filing, that it was unable to obtain sufficient information to analyze the filing, that hearings were being held before the New Jersey Board of Public Utilities on AC's purchase of this power, and that conditions had changed since the filing. Advocate alleged that the following circumstances had changed: (1) AC may no longer need the capacity; (2) the economics of the transaction are no longer attractive to AC's customers; and (3) the estimates of the costs of the plants have increased. Advocate requested that the Commission investigate the reasonableness of the contract and hold hearings as required.

The Board also stated that it had good cause to intervene out of time because the contract was filed at an unusually early date. The Board did not object to the proposed rates and did not request that this Commission institute a hearing. However, the Board stated that it was planning to hold hearings on AC's capacity expansion plans, including the subject purchase. It further stated that, as a preliminary finding in a rate case pending before it, the Board held that there was sufficient evidence to doubt whether AC capacity purchase plans were economical, and that the Board would determine whether the subject purchase is injurious to the ratepayers of AC. The Board requested that the Commission postpone consideration of PP&L's filing until the Board's investigation was complete.

PP&L opposed both requests to intervene out of time because: (1) publication in the **Federal Register** provided sufficient notice; (2) PP&L served a copy of the filing on the Board; (3) Advocate and the Board waited 19 months and 22 months, respectively, to intervene; (4) changed circumstances do not justify late intervention; and (5) PP&L would be prejudiced by granting late intervention because PP&L filed to increase its retail rates and the level of such increase assumes that PP&L will sell capacity and energy to AC in accordance with PP&L's filing. In addition, PP&L opposed deferring consideration of its filing pending completion of the Board's hearings. PP&L argued that the Board has had two years notice of the contract in which to conduct hearings, that this Commission has exclusive jurisdiction over the proposed contract between PP&L and AC, and that such deferral would prejudice PP&L since its retail rate filings assume that PP&L will make the proposed sale to AC.

In its recent motion to reject, Advocate stated that the filing does not contain required revenue projections, billing determinants, comparisons with other rates or similar service, or rate design information. It further contended that PP&L's calculations are based on stale data, particularly with respect to the cost of the units, the cost of capital, diesel fuel, future capitalized repairs, and the capital structure. Advocate also argued that PP&L's filing incorrectly calculates depreciation expenses, stating that depreciation expense should be calculated from July 17, 1982, the date the Nuclear Regulatory Commission issued the operating license rather than on the basis of the useful life of the unit. In addition, Advocate contended that four areas of additional information requested in the staff's November 6, 1981 letter have not been addressed by PP&L.[7] Finally, Advocate argued that

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[1] *See* Attachment A for rate schedule designations.

[2] The Susquehanna Station consists of two 1050 MW nuclear generating units. AC's 5.94% interest corresponds to 6.6% of PP&L's 90% share of the two units and equates to approximately 125 MW.

[3] It is currently estimated that Unit No. 1 of the Susquehanna Station will be placed in commercial operation on or about April 4, 1983.

[4] As a result of the conference, PP&L agreed to revise the capacity and energy sales agreement and resubmit it to the Commission. PP&L prepared a draft for review by AC. AC apparently declined to execute the revised agreement, so the original executed agreement is before the Commission.

[5] The February 17, 1983 letter advised PP&L to revise the filing to: (1) include a rate base offset for the accumulated provision for deferred taxes associated with the difference between production plant tax-book base differences, (2) reflect a provision for taxes deferred in prior years (related to base differences) in the development of the production related income tax allowance, (3) reflect a provision for deferred taxes, a ratable amortization of investment tax credits, and a provision for taxes deferred in prior years in the computation of the transmission related income tax allowance, and (4) reflect a rate base offset for transmission related accumulated deferred income taxes.

[6] The capital structure will be determined as of the end of the year preceeding the billing month.

[7] These matters include: (1) common plant allocation; (2) development of transmission demand allocator; (3) treatment of nuclear plant decommissioning costs; and (4) treatment of nuclear fuel disposal costs

PP&L should have updated its filing to reflect the impact of the recently enacted Nuclear Waste Policy Act of 1982, which requires payment of 1.0 mill/kWh charge for all generation after April 7, 1983.

On March 28, 1983, AC notified the Commission of an order issued on March 25, 1983, by the Board. In that order,[8] the Board found: (1) that the results of AC's 1982 fall load forecast indicating a 1.6% annual growth rate in peak demand and a 1.9% annual growth rate in sales are reasonable and should be used as the basis for AC's capacity expansion plan; (2) that AC does not need the Susquehanna capacity purchase in order to meet its reserve obligations and/or to enable it to render safe, adequate, and proper service; (3) that the most economic capacity expansion plan for AC is one which does not include the Susquehanna purchase; and (4) that current economics indicate that advancing and/or extending the purchase of capacity and energy from Public Service Electric and Gas Company's Burlington Unit #6 is desirable. The Board concluded that, since the Susquehanna purchase is unneeded and uneconomic, it is unjust and unreasonable to allow AC to recover its costs under the Susquehanna Agreement in rates. In addition, the Board found that the adverse financial implications to AC of having to bear the costs under the Susquehanna Agreement will pose a serious threat to AC's ability to provide safe, adequate, and proper service at just and reasonable rates and that the agreement is therefore contrary to the public interest. The Board, based on those findings, "disapproved" the Susquehanna Agreement. The Board further directed AC to withdraw its certificate of concurrence with the Susquehanna Agreement in the proceeding before the Commission.

On March 28, 1983, AC also filed a notice of withdrawal of its certificate of concurrence in PP&L's proposed rate filing. On March 29, 1983, the Board amended its petition to intervene, notifyng the Commission of the findings and conclusions in the Board's order.

On March 29, 1983, PP&L filed a response to the Advocate's motion to reject its filing, again asserting that Advocate should not be a party to the case and requesting that Advocate's motion be denied. PP&L also stated that the disapproval of the agreement by the Board infringes upon this Commission's exclusive jurisdiction over the agreement between PP&L and AC.

[8] *In the Matter of Atlantic City Electric Company Increasing Its Rates for Electric Service (Phase II)*, Decision and Order, BPU Docket No. 822–116.

On the same day, AC filed a copy of a notice of termination of the agreement. The notice asserts that the agreement states that it is effective subject to receipt of necessary governmental regulatory approvals or the taking of necessary governmental action and that the Board's disapproval of the agreement has caused the agreement to be terminated by virtue of a failure to obtain necessary and required regulatory approval. On March 30, 1983, PP&L filed a letter with the Commission which argued that the bases upon which AC believes it may terminate the agreement with PP&L are legally insufficient.

Discussion

Initially, we find that participation by Advocate and the Board in this docket may be in the public interest. The reasons offered for the late filing appear adequate under the circumstances of this case, especially since PP&L filed its contract at least two years before its effective date and filed additional materials as recently as March 1, 1983. Particularly in view of Advocate's capacity as a representative under State law of New Jersey customers and the Board's regulatory responsibilities, we find that good cause exists to grant the untimely requests to intervene. Accordingly, Advocate and the Board will be granted intervenor status.

Before considering the merits of PP&L's filing and the other pleadings, it is appropriate to comment on the relationship between the proceeding before the Board and the matter before us. The agreement before us is for a sale at wholesale in interstate commerce subject to our exclusive jurisdiction. While the Board has authority to evaluate the prudence of AC's purchase in retail rate proceedings, it does not have the authority to disapprove PP&L's contract with AC. The Commission's exclusive jurisdiction over such contracts was recently reaffirmed in *Utah* v. *FERC*, 691 F. 2d 444 (10th Cir. 1982). Because we do not believe the Board had the authority to approve or disapprove the agreement, we also find that AC may not terminate its agreement because of a failure to secure necessary governmental approvals. We believe that the reference to "necessary governmental regulatory approvals" in Article II of the agreement refers to the regulatory approvals listed in Article XIII. The latter article specifically lists approval or acceptance for filing by this Commission as a condition precedent to the parties' obligations under the agreement. It also states that both parties shall undertake to procure approval or acceptance for filing "of any and all regulatory agencies which may have jurisdiction or authority over the transactions set forth in this Agreement." Since this Commission has exclusive jurisdiction over the transactions governed by the agreement, the parties cannot have intended to make State commission approval a condition precedent to their obligations under the agreement. Likewise, Article XIII provides that PP&L agrees to file the agreement promptly with this Commission, to request its acceptance for filing, and to seek waiver of notice. AC, in turn, has agreed to make available for filing a Certificate of Concurrence and to support the agreement before this Commission. It is clear that if State commission approval of the purchase were considered a condition precedent to the obligations under the contract, similar provisions regarding the prompt seeking of such approval would have been included also. In any event, as noted, the State commission can neither approve nor disapprove an agreement subject to this Commission's exclusive jurisdiction, so approval of the purchase could not be considered "necessary" unless it had been specifically bargained for in the agreement.

We next turn to AC's notice of withdrawal of its certificate of concurrence in PP&L's proposed filing. We note that, under the capacity and energy sales agreement, AC agreed to supply, without charge to PP&L, energy from energy sources designated by AC to either the Susquehanna Unit Nos. 1 and 2 (Article V). AC further agreed to execute a certificate of concurrence to PP&L's filing (Article XIII). AC's notice is inconsistent with these contractual obligations. Moreover, AC was required by § 35.1 of the Commission's Regulations to file such a certificate of concurrence since it is supplying energy under the agreement. The Courts have recognized that a utility has a statutory obligation to file a contract setting rates, and the Commission is obligated to enforce this duty to file. 16 U.S.C. 824 (c) and (d); *Borough of Lansdale, Pa.* v. *FPC*, 494 F. 2d 1104, 1117 (D.C. Cir. 1974). The Board may not require AC to violate its statutory obligation under the Federal Power Act to file the certificate of concurrence. Therefore, we decline to accept the notice purporting to withdraw the certificate of concurrence.

With respect to Advocate's motion to reject, we first find that PP&L has supplied sufficient information to evaluate the filing. Concerning the data and comparisons purportedly omitted from PP&L's filing, we note that: (1) PP&L provides no similar service; (2)

PP&L has adequately supported its formulary rate design; (3) billing determinants are inappropriate in that the proposed formula provides that AC will be assessed a pro rata share of the actual costs of the units; and (4) revenue data provided by PP&L in its original submittal complied with applicable filing requirements. Second, PP&L's sample computations are relevant only in terms of illustrating the operation of its formulary rate. Therefore, Advocate's concern about the accuracy of PP&L's estimates is misplaced inasmuch as the formula will in fact track actual costs. Calculation of depreciation expense over the useful life of the facility is appropriate and consistent with Commission policy. Finally, with respect to the problem areas noted in the staff's November 6, 1981 letter, we find that PP&L has adequately explained its common plant and transmission demand methodology. Inasmuch as PP&L's submittal substantially complies with the Commission's filing requirements, Advocate's motion to reject will be denied.[9] However, with respect to spent nuclear fuel and decommissioning expenses, we take this opportunity to advise PP&L that (1) implementation of the decommissioning expense component will constitute a change in rate, requiring a timely filing with the Commission,[10] and (2) consistent with the recently enacted Nuclear Waste Policy Act of 1982, the appropriate nuclear fuel disposal charge to include in Account 518 fuel expense is 1.0 mill/kWh.

Based on our analysis of the filing, we find that the formula proposed by PP&L will not produce excessive revenues. Therefore, we find that it is appropriate to accept the submittal for filing without suspension or hearing. Since the agreement was executed in 1979 and since utilities need to engage in long range planning with agreements of this type, we also find good cause to waive the notice requirements.

We assume that, since the Board has issued its order concerning this agreement, there is no need to act on the Board's request to defer our consideration of PP&L's filing. In light of the Board's order, we wish to make clear that our decision to accept the agreement for filing is premised on the fact that the formula rate for this jurisdictional sale will not produce excessive revenues. Our decision is not, however, based on a determination that AC's purchase is prudent. As we stated under similar circumstances in an earlier case, *Philadelphia Electric Company*, Docket No. ER79–551, 15 FERC ¶ 61,264:

> Further, our decision to accept the contract rate and service arrangement is not predicated on a determination that, over the initial term of the contract, PE could have done no better selling to someone else, or that Jersey Central could have done no better buying from someone else, or that the transaction over this period will redound to the benefit of the retail and wholesale requirements customers of the two respective parties to the contract . . . we do not mean by this order to prejudge, for our own pusposes or those of the respective state commissions, a determination of the prudence of either party in entering into this transaction. 15 FERC ¶ 61,601.

However, we note that power supply arrangements are often negotiated on a long-term basis. It requires many years to build a generating plant and the building utility must be able to rely on long-term sales contracts in making its own capacity plans just as the purchasing utility must be able to rely on long-term contracts for stability of supply.[11] Demand forecasts may change dramatically and quickly, as we have seen in recent years. The prudence of a sales arrangement, therefore, should be judged on the circumstances prevailing at the time such a contract is entered into. If a State commission, this Commission, or a utility itself could release a party to a contract from its contractual commitments simply because the contract, based on hindsight and demand forecasts in later years, no longer appears economical, the utility industry would have no supply stability or reliable basis for constructing plant. We therefore suggest that evaluation of the prudence of a 1979 power contract on the basis of 1982 demand forecasts is neither fair nor appropriate. Thus, while we commend the New Jersey Board for its concern in protecting the ratepayers within its jurisdiction, we do not believe that this protection can be at the expense of Pennsylvania ratepayers and utilities. The latter are entitled to rely on the fact that New Jersey utilities will honor their contractual commitments to purchase capacity built at least partly to fulfill their contractual demand.

The Commission orders:

(A) Advocate's motion to reject PP&L's filing is hereby denied.

(B) AC's notice purporting to withdraw its certificate of concurrence in PP&L's filing is hereby rejected for the reasons set forth above.

(C) Waiver of the notice requirements is hereby granted.

(D) PP&L's submittal in this docket is hereby accepted for filing to become effective, without suspension, on the date of commercial operation of Susquehanna Unit No. 1. PP&L shall notify the Commission within fifteen (15) days of such commercial operation date.

(E) The requests to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure.

(F) Implementation of the decommissioning expense component or any change in the fixed components of the formula or in the formulary rate methodology will constitute a change in rate and will require timely filing pursuant to section 35.13 of the Commission's regulations accompanied by the appropriate data and computations showing the basis for the change in rates.

(G) In accordance with the Nuclear Waste Policy Act of 1982, the appropriate nuclear fuel disposal charge to include in Account No. 518 fuel expense is 1.0 mills/kWh.

(H) Docket No. ER81–400–000 is hereby terminated.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

RATE SCHEDULE DESIGNATIONS, DOCKET NO. ER81–400–000

Designations	Description
(1) *Pennsylvania Power & Light Company* Rate Schedule FERC No. 74	Capacity and Energy Sale Agreement
(2) Supplement No. 1 to Rate Schedule FERC No 74.	Exhibit A.
(3) Supplement No. 2 to Rate Schedule FERC No 74.	Exhibit B
(4) Supplement No. 3 to Rate Schedule FERC No 74	Attachment B of March 1, 1983, filing
(5) *Atlantic City Electric Company* Rate Schedule FERC No. 21 (Concurs in 1 above).	Certificate of Concurrence

[FR Doc. 83–9380 Filed 4–8–83; 8:45 am]

BILLING CODE 6717–01–M

[9] *See Municipal Light Boards of Reading and Wakefield, Mass.* v. *FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

[10] We note that PP&L's most recent full requirements rate increase filing did not include the Susquehanna Station in rate base or the expenses associated with that unit. As a result, the Commission has not yet reviewed PP&L's nuclear plant decommissioning procedure applicable to the unit.

[11] *Cf. United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332, 344; *Borough of Lansdale, supra*, 494 F. 2d at 1113.

[Docket No. ER83-299-000]

Public Service Company of New Mexico; Order Accepting Rates for Filing, Noting Interventions, Denying Requests for Rejection and Summary Disposition, and Establishing Price Squeeze and Hearing and Procedures

Issued: April 1, 1983.

On February 1, 1983, Public Service Company of New Mexico (PSNM) submitted for filing a proposed increase of approximately $11.7 million (12.0%) for the calendar 1983 test period, for service to four partial requirements customers [1] and one full requirements customer, the City of Gallup, New Mexico (Gallup).[2] PSNM's existing contract with Gallup provides that changes in rates for service up to 30 MW (Schedule A rates) may only become effective prospectively after a final Commission order. Additionally, Article V of a stipulation and agreement filed on May 7, 1982, in Docket No. ER82-1-000 (the Gallup Stipulation) provides that Gallup's Schedule A rates under that settlement will remain in effect from January 1, 1984, through March 31, 1985.[3] With respect to the increased Schedule A rates, PSNM requests that an investigation be initiated and that the rates become effective on the earlier of April 1, 1985, or the date of a final Commission order in this docket. As to the rates applicable to the remaining customers and to Gallup for service above 30 MW (Schedule B rates), PSNM requests that such rates become effective on April 2, 1983, but be suspended until August 1, 1983, pursuant to the Gallup Stipulation and another stipulation and agreement filed in Docket Nos. ER81-187-000 and ER82-1-000 (the Farmington Stipulation).[4]

Notice of PSNM's filing was published in the **Federal Register**, with responses due by February 24, 1983. TNP and DOE filed timely motions to intervene which raise no specific substantive issues. Timely motions to intervene were also filed by the Chino Mines Company (Chino) and Molycorp, Inc. (Molycorp), which do not raise any substantive issues. Neither Chino nor Molycorp is a customer of PSNM. However, they state that they purchase power from TNP and a member cooperative of Plains (Kit Carson Electric Cooperative), respectively, and therefore have an interest in the outcome of this proceeding.

A timely motion to intervene, protest, request for a maximum suspension and hearing was also filed by Plains. Plains' request for a maximum suspension and a hearing is based on a number of cost of service and allocation issues including allegations of excessive rate of return, failure to properly credit wholesale service for certain off-system sales, excessive pollution control CWIP in rate base, and excessive allocation of rate case expenses to wholesale customers.

Farmington and Gallup (the Cities) filed a timely protest, and motions to intervene, to reject, for summary disposition, for hearing, and for a maximum suspension. The motion to reject alleges (1) that PSNM has violated the Gallup and Farmington Stipulations as to when PSNM may file changes in rates, (2) that the filing violates the notice requirements of 18 CFR 35.3(a) because the effective dates of the rates to Gallup are more than 120 days after filing, and (3) that the filing fee submitted by PSNM is approximately 3.7 percent less than the Cities believe it should be under 18 CFR 36.2(g)(2)(iii). The request for a five month suspension is based on several cost of service issues, including rate of return, treatment of interest arbitrage from pollution control bond financing, coal costs, and treatment of certain contributions in aid of construction made by the Cities. As to the latter, the Cities seek summary disposition with respect to PSNM's failure to reflect these contributions in its allocated cost of service study. The Cities also allege price squeeze.

PSNM filed a timely answer to the Cities' motions to reject, for summary disposition and for a maximum suspension and to Plains' request for a maximum suspension. PSNM contends that its filing is consistent with the Gallup Stipulation. It acknowledges that its filing fee was approximately $2,000 deficient but states that this defect will be remedied and that the error was not so substantial as to warrant rejection of PSNM's filing. In addition, PSNM responds that its filing complies with section 35.3(a) of the regulations and disputes the Cities' and Plains' cost of service allegations.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motions to intervene serve to make TNP, DOE, Plains, the Cities, Chino, and Molycorp parties to this proceeding absent opposition within fifteen days of their respective pleadings.

The Cities' motion to reject will be denied.[5] The Commission finds that good cause exists to waive the 120-day advance filing limitation of section 35.3(a) of the regulations with respect to the rates to Gallup. It would serve no purpose to require PSNM to refile separate Schedule A and B rate cases for Gallup. No rights of any party will be prejudiced and it is sensible from an administrative standpoint to consider all of the proposed rates in a consolidated proceeding.[6]

With respect to the allegation that the Stipulations have been violated as to the effective dates of new rates, we are not persuaded that rejection is warranted. If the Stipulations provide for effective dates later than those requested, the more appropriate remedy is to accept the rates for filing but make the effective dates conform with the Stipulations. As to PSNM's proposed increase in Gallup's Schedule A rates, we noted above that the Gallup Stipulation provides that the Schedule A rates are to remain in effect through March 31, 1985. The language is quite clear. Reading this language in conjunction with the term of PSNM's contract with Gallup, the only reasonable conclusion is that increased Schedule A rates to Gallup may only take effect upon the later of April 1, 1985, or the date of a final Commission order in this docket.

With regard to the Schedule B rates, Article V of the Gallup Stipulation provides that those rates are to remain effective from May 1, 1982, until August 1, 1983. As noted above, PSNM has requested an "effective date" of April 2, 1983, but subject to suspension until August 1, 1983. The Cities contend that PSNM may not, under Article V, file for a proposed effective date prior to August 1, 1983. In support of their

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[1] The Texas-New Mexico Power Company (TNP), Plains Generation and Transmission Cooperative (Plains), the United States Department of Energy at Los Alamos, New Mexico (DOE), and the City of Farmington, New Mexico (Farmington).

[2] *See* Attachment A for rate schedule designations.

[3] The Schedule A rates currently in effect are those approved in Docket No. ER80-313. The Gallup Stipulation was approved by Commission order of July 20, 1982 (20 FERC ¶ 61,064).

[4] The Farmington Stipulation was filed on March 25, 1982, and approved by letter order issued on May 28, 1982 (19 FERC ¶ 62,469). The rate moratorium provisions of the Gallup and Farmington Stipulations are reproduced in Attachment B at the conclusion of this order.

[5] With respect to the Cities' allegation that PSNM has failed to tender the proper filing fee, we note that the company did submit a check in the amount of $57,290. The apparent computational error of slightly more than $2,000 (less than 4% of the required filing fee) is not so substantial as to render this filing patently defective. Furthermore, the affected customers have not been prejudiced inasmuch as PSNM's cost of service reflects only $50,000 as the projected filing fee. Nonetheless, the company shall immediately remedy its error by tendering the appropriate amount.

[6] *See, Municipal Electric Utilities Association of Alabama* v. *F.P.C.*, 485 F. 2d 967 (D.C. Cir. 1973).

position, they refer to Article V of the Farmington Stipulation which, unlike the Gallup Stipulation, explicitly contemplates PSNM's ability to file an increase in rates prior to June 1, 1983. The Cities reason that this difference in language between the two Stipulations must be interpreted as a waiver by PSNM in the Gallup Stipulation of its right to file and request an effective date prior to August 1, 1983.

We agree with Gallup that, in the absence of language in a settlement specifically reserving or contemplating the right to file for a "proposed effective date" that is earlier than a negotiated effective date under a moratorium provision, the Commission should make any suspension effective from the date the rates would actually otherwise go into effect, *viz.*, the agreed-upon effective date. This is consistent with our decisions in *Delmarva Power & Light,* 12 FERC ¶ 61,185, and 13 FERC ¶ 61,001, to treat the date that a rate would in fact become effective as the "proposed effective date" in the absence of specific language in a moratorium provision reserving to a utility the right to file a rate at an earlier date.

We take this opportunity to advise all parties to a settlement agreement that contains a moratorium provision that the language of such provisions should make it very clear if the parties have agreed to permit a fictional "proposed effective date" in advance of the agreed-upon actual effective date in order to permit the utility to file early enough to eliminate any possible suspension period. We further believe that it is appropriate to require the filing utility to specifically reserve the right to file for an earlier "proposed effective date" under a moratorium provision since the utility may, in effect, control the length of any suspension by following the guidelines set forth by this Commission in *West Texas Utilities Company,* Docket No. ER82–23–000, 18 FERC ¶61,189 (1982).

In light of the above discussion, we shall treat the negotiated moratorium date, *i.e.,* August 1, 1982, as the date that the rate would otherwise go into effect and suspend from that date.

We shall deny the Cities' request for summary disposition. The issue concerning PSNM's purported failure to reflect certain contributions by Gallup in aid of construction raises questions of fact and law best suited for consideration in the hearing to be ordered.

Our preliminary review of PSNM's filing and the pleadings indicates that the rates proposed by PSNM have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In *West Texas Utilities Company, supra,* we explained that where preliminary examination indicates that proposed rates may be substantially excessive, as defined in *West Texas,* we would generally impose a maximum suspension. In the instant proceeding, our examination suggests that except with respect to the rate applicable to Farmington, the proposed rates may yield substantially excessive revenues. Therefore, with respect to TNP, DOE, and Plains, we shall suspend the rates for five months from April 2, 1983, to become effective on September 2, 1983, subject to refund. For the reasons noted above, the Schedule B rates for service to Gallup will be suspended for five months from August 1, 1983, to become effective on January 1, 1984, subject to refund. Our examination suggests that the proposed rate for service to Farmington may not yield excessive revenues. Thus, in accordance with the Farmington Stipulation, we shall suspend the increase to Farmington to become effective, subject to refund, on August 1, 1983.[7] As discussed earlier, the proposed Schedule A increase to Gallup will become effective in accordance with the Gallup Stipulation, upon the later of April 1, 1985, or the date of a final Commission order in this proceeding.

In accordance with the Commission's policy and practice established in *Arkansas Power & Light Company,* Docket No. ER79–339, 8 FERC ¶ 61,131 (August 6, 1979), we shall phase the price squeeze issue raised by the Cities, so that it may be considered, if appropriate, following A Commission determination of the rates which would be just and reasonable but for price squeeze.

The Commission orders:

(A) The cities' motions to reject PSNM's filing and for summary disposition are hereby denied.

(B) Waiver of the 120-day advance filing limitation of 18 CFR 35.3 is hereby granted.

(C) PSNM's proposed rates are hereby accepted for filing and suspended as follows: the proposed rates to TNP, DOE, and Plains are hereby suspended for five months from April 2, 1983, to become effective, subject to refund, on September 2, 1983; the proposed rate for service to Farmington is hereby suspended to become effective, subject to refund, on August 1, 1983; the proposed increase to Gallup under Service Schedule B is hereby suspended for five months from August 1, 1983, to become effective, subject to refund, on January 1, 1984; and the proposed increase to Gallup under Schedule A may become effective on the later of April 1, 1985, or the date of the final Commission order in this proceeding.

(D) Pursuant to the authority contained in and subject the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of PSNM's rates.

(E) The Commission staff shall serve top sheets in this proceeding on or before April 8, 1983.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of

[7] We note that the proposed increase will probably not be effective in any event, since Farmington is due to cease being a firm power customer of PSNM in April of 1983.

the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

PUBLIC SERVICE COMPANY OF NEW MEXICO; RATE SCHEDULE DESIGNATIONS (DOCKET NO. ER83-299-000), FILED: FEBRUARY 1, 1983

Designation	Other party
(1) Supplement No. 30 to rate Schedule FPC No. 31 (supersedes supplement No. 28).	Plains Electric Generation & Transmission Coop., Inc. (115 kV).
(2) Supplement No. 31 to rate Schedule FPC No. 31 (supersedes supplement No. 29).	Plains Electric Generation & Transmission Coop., Inc. (345 kV)
(3) Supplement No. 15 to rate Schedule FPC No. 32 (supersedes supplement No. 14).	Texas-New Mexico Power Company.
(4) Supplement No. 11 to rate Schedule FPC No. 34 (supersedes supplement No. 10).	Department of Energy—Los Alamos.
(5) Supplement No. 3 to supplement No. 3 to rate Schedule FERC No. 51 (supersedes supplement No. 2 to supplement No. 3).	City of Farmington.
(6) Supplement No. 16 to rate Schedule FPC No. 2 (supersedes supplement No. 12).	Gallup—Service Schedule B
(7) Supplement No. 17 to rate Schedule FPC No. 2 (supersedes supplement No. 13).	Gallup—Service Schedule A

Article V

Moratorium On Rate Changes

(Farmington, Department of Energy, Plains and Texas-New Mexico Power Company)

The parties to this Stipulation and Agreement agree that the settlement rates in Docket No. ER82-1-000 shall remain in effect at least for the 15 month period from May 1, 1982 through July 31, 1983. In the event that PNM files a proposed increase in rates before June 1, 1983, the effective date, after suspension, for such increased rates shall be no earlier than August 1, 1983.

Article V

Moratorium On Rate Changes

(Gallup)

The parties to this Stipulation and Agreement agree that the rates in Appendix A shall remain in effect for at least a 15-month period. The rates in Service Schedule A shall remain in effect from January 1, 1984, through March 31, 1985, and the rates under Service Schedule B shall remain in effect from May 1, 1982, through July 31, 1983.

[FR Doc. 83-9381 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER83-301-000 and ER82-427-000]

Southern California Edison Co.; Order Denying Request for Immediate Accounting Interpretation, Noting Interventions, Granting Waivers, Accepting for Filing and Suspending Revised Fuel Adjustment Clause, and Consolidating Proceedings

Issued April 1, 1983.

On February 2, 1983, Southern California Edison Company (SCE) filed a petition requesting that the Commission issue an order clarifying the accounting and ratemaking (fuel adjustment clause) treatment of energy generated by its San Onofre Nuclear Generating Station Unit No. 2 (SONGS 2) during the period that the unit is being tested and before it is put into full commercial operation. SCE requests in the alternative that the Commission waive § 35.14 of the regulations and accept for filing a revised fuel adjustment caluse for SCE's wholesale service if the Commission determines that such a filing is necessary. SCE further requests waiver of the notice requirements to allow the revised fuel adjustment clause to become effective as of September 20, 1982, the date on which SONGS 2 test operations began.

SCE states that since the initial test operations commenced, it has used the "fair value" of test energy in order to reflect test energy in both its wholesale and retail fuel adjustment clauses. While SCE contends that its accounting and associated ratemaking treatment of test energy is appropriate, the company indicates that the Commission's audit staff has expressed the position that SCE's methodology is not in strict compliance with our regulations and that test energy should instead be reflected in the fuel clause at the "actual fuel cost." SCE contends, however, that if it is required to reflect "actual fuel cost" in the fuel adjustment clause, several inequities would result: (1) Current customers would receive benefits from a unit under construction before they share in the costs of the unit; (2) wholesale and retail customers of SCE would be treated differently; (3) SCE would be compelled to maintain separate books of account for wholesale and retail purposes; (4) plant accounts would be improperly inflated; and (5) different costs would ultimately be reflected in base rates for wholesale and retail customers. SCE seeks to avoid any ambiguity by means of an interpretive ruling by the Commission.

The alternative fuel clause modification tendered by SCE would calculate wholesale fuel adjustment charges as though energy provided from facilities undergoing test operations was not available to SCE's system for supply to such customers.[1] SCE contends that since it cannot yet recover capital costs associated with CWIP through base rates, the savings resulting from test energy should not automatically flow through the wholesale fuel clause. In the event that a hearing is ordered concerning SCE's methodology for valuing test energy, the company suggests that such questions be consolidated with SCE's pending rate case in Docket No. ER82-427-000.

Notice of SCE's submittal was published in the **Federal Register** on February 14, 1983,[2] with comments due on or before February 25, 1983. The Cities of Anaheim, Riverside, Banning, Colton, and Azusa, California (Cities) filed a joint protest and motion to intervene on February 25, 1983. The City of Vernon, California (Vernon) also filed a protest and motion to intervene on February 25, 1983. The Cities contend that SCE's request for a clarifying order on the accounting treatment of test energy should be denied because granting SCE's request would have a significant dollar impact on SCE's wholesale customers without there having been a clear showing that SCE's requst should be granted. Cities, however, state that they do not oppose acceptance of SCE's revised fuel adjustment clause for filing or a September 20, 1982 effective date, provided that the submittal is suspended so that the Cities' refund rights are preserved for the period during which the treatment of test energy is at issue. In addition, the Cities agree with SCE that scommon questions of law and fact may exist in Docket Nos. ER83-301-000 and ER82-427-000.

Vernon's protest states that it has not yet had an opportunity to address the merits of SCE's filing. Vernon does request status as an intervenor, a hearing on the issues presented by SCE's filing, and consolidation with Docket No. ER82-427-000.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motions to intervene serve to make Cities and Vernon parties to this proceeding.

With respect to SCE's request for a clarifying order concerning the

[1] SCE estimates that during the period of testing, SCE's share of the SONGS 2 output will be about 2.0 billion kWh.

[2] 48 FR 6583 (1983).

appropriateness of its accounting and ratemaking treatment of test energy, the Commission finds that questions have been raised which would be better resolved on the basis of a record developed at a hearing. We shall therefore deny SCE's request for what amounts to a declaratory order, subject to SCE's right to raise the issues presented in its pleading at hearing.

Pending the outcome of such hearing, we further believe that it is appropriate to grant any necessary waiver of section 35.14 of our regulations and to accept for filing SCE's modified fuel adjustment clause.[3] As the parties recognize in their pleadings, the Commission allowed a similar fuel clause to operate subject to refund and investigation in *Pennsylvania Power & Light Co.*, Docket No. ER82–493–000, 20 FERC ¶ 61,011 (1982). In that case, the utility also sought to collect fuel adjustment charges as if test energy was not available; the company proposed to value test energy at an amount equal to the fuel savings on its system made possible by test operation of generating units. We believe that the rationale expressed in the *Pennsylvania Power & Light Co.* order applies equally here.

However, our preliminary review of SCE's submittal and the pleadings indicates that the modification proposed by SCE has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall suspend the revised fuel clause as ordered below.

In *West Texas Utilities Company*, Docket No. ER83–23–000, 18 FERC ¶ 61,189 (1982), we explained the Commission's suspension policy primarily in the context of filings involving increases in rate level. In the instant case, SCE has indicated that it presently uses the same methodology as that embodied in the proposed fuel clause for the computation of current fuel adjustment charges, and that the proposed fuel clause (even with a September 20, 1982 effective date) would not result in any increase or decrease in the amount currently billed for test energy. In addition, the intervening customers appear to support the proposed effective date, so long as refund protection is made available. Under these circumstances, we believe that good cause exists to impose a nominal suspension and to grant the request for waiver of notice so that SCE's revised fuel clause may become effective, subject to refund, as of September 20, 1982.

[3] *See* Attachment A for rate schedule designations.

Finally, we agree that common questions of law and fact may be presented in Docket Nos. ER83–301–000 and ER82–427–000. As a result, we shall consolidate these dockets for purposes of hearing and decision.

The Commission orders:

(A) SCE's request for a clarifying order concerning its accounting and ratemaking treatment of test energy for the period starting September 20, 1982, is denied as discussed in the body of this order.

(B) Waiver of section 35.14 of the Commission's regulations is hereby granted insofar as is necessary to accept SCE's revised fuel adjustment clause for filing.

(C) Waiver of the notice requirements is hereby granted for good cause shown.

(D) SCE's revised fuel adjustment clause is hereby accepted for filing and suspended to become effective, subject to refund, on September 20, 1982.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of SCE's accounting and fuel clause treatment of test energy.

(F) Docket No. ER83–301–000 is hereby consolidated with Docket No. ER82–427–000 for purposes of hearing and decision.

(G) The administrative law judge designated to preside in Docket No. ER82–427–000 shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge shall determine the procedures best suited for this consolidated proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

Filed: February 2, 1983.

Description: Fuel Clause Modification.

Designation	Other party
(1) Supplement No. 1 to Supplement Nos. 16 and 17 to Rate Schedule FERC No. 6.	Arizona Public Service Co. (Cibola)
(2) Supplement No. 1 to Supplement Nos. 17 and 18 to Rate Schedule FERC No. 13	Vernon
(3) Supplement No. 1 to Supplement Nos. 21 and 22 to Rate Schedule FERC No. 15.	Anaheim
(4) Supplement No. 1 to Supplement Nos. 16 and 17 to Rate Schedule FERC No. 16	Azusa
(5) Supplement No. 1 to Supplement Nos. 22 and 23 to Rate Schedule FERC No. 17.	[illegible]
(6) Supplement No. 1 to Supplement Nos. 15 and 16 to Rate Schedule FERC No. 21	Banning
(7) Supplement No. 1 to Supplement Nos. 15 and 16 to Rate Schedule FERC No. 29	Arizona Public Service Co.
(8) Supplement No. 1 to Supplement Nos. 17 and 18 to Rate Schedule FERC No. 31.	Colton
(9) Supplement No. 1 to Supplement Nos. 19 and 21 to Rate Schedule FERC No. 33	Southern California Water Co (Harnish)
(10) Supplement No. 1 to Supplement Nos. 20 and 22 to Rate Schedule FERC No. 33	Southern California Water Co. (Gold Hill)

[FR Doc. 83-9382 Filed 4-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-17-010]

Texas Eastern Transmission Corporation; Proposed Changes in FERC Gas Tariff

April 1, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on March 23, 1983 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Substitute Revised Second Substitute Sixty-fourth Revised Sheet No. 14
Substitute Revised Substitute Sixty-fourth Revised Sheet No. 14A
Substitute Revised Substitute Sixty-fourth Revised Sheet No. 14B
Substitute Revised Substitute Sixty-fourth Revised Sheet No. 14C
Substitute Revised Substitute Sixty-fourth Revised Sheet No. 14D

The above sheets are being issued in substitution for those sheets filed January 28, 1983 which reflected an Advance Payment reduction to Texas Eastern's rates to be effective March 1, 1983. By order dated February 28, 1983 in Docket No. TA83–1–17–007 (AP83–2), the Commission accepted those sheets filed January 28, 1983, subject to Texas Eastern's refiling revised rates to reflect the proper underlying rates. The sole purpose of the above tariff sheets is to reflect the Commission-approved Advanced Payment reduction applied to the underlying rates on Texas Eastern's Substitute Revised Sixty-fourth Revised Sheet Nos. 14, 14A, 14B, 14C and 14D tariff sheets filed on March 4, 1983. Such

March 4, 1983 sheets reflect the reductions from Texas Eastern's pipeline suppliers approved by Commission order dated March 8, 1983 in Docket No. TA83–1–17–008 (PGA83–1b, IPR83–1b and DCA83–1b), the SS–II and ISS–II space charge reduction approved by Commission order dated March 11, 1983 in Docket No. TA8–1–17–009 (PGA83–1c, IPR83–1c, and DCA83–1c), and the application of the *Seaboard* formula to Texas Eastern's rates as ordered by the Commission in its Order affirming initial decision issued February 15, 1983 in Docket No. RP74–41–000 (Remand).

The proposed effective date of the above substitute tariff sheets is March 1, 1983.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before Apr. 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–9383 Filed 4–8–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RA83–7–000]

341 Tract Unit of the Citronelle Field, Mobile County, Alabama; Further Extension of Time

April 1, 1983.

On March 28, 1983, The 341 Unit of the Citronelle Field (Citronelle Field) filed a motion for a further extension of time to file a petition for review of a decision and order issued January 31, 1983, by the Department of Energy's Office of Hearings and Appeals (OHA) (DOE Case No. 7746). In its motion, Citronelle Field requests that this further extension be granted, pending DOE's ruling on a petition for reconsideration of the decision and order which Citronelle Field filed on March 2, 1983. The motion further states that the Department of Energy does not oppose this extension request.

Upon consideration, notice is hereby given that a further extension of time for the filing of a petition for review is granted to and including May 2, 1983. In the event DOE has not acted by April 27, 1983, Citronelle Field may file a request for an additional extension of time, which request shall include a status report on the DOE proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–9384 Filed 4–8–83; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–00041; TSH–FRL 2343–5]

Interagency Toxic Substances Data Committee; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: This notice announces the forthcoming meeting of the Interagency Toxic Substances Data Committee. The meeting is open to the public.

DATE: The meeting will take place from 9:30 a.m. to 12:30 p.m. on Tuesday, May 3, 1983.

ADDRESS: The meeting will be held in the: First Floor Conference Room, Council on Environmental Quality, 722 Jackson Pl., NW., Washington, D.C. 20006.

Please use the entrance on Jackson Place.

FOR FURTHER INFORMATION CONTACT: Sandra Lee, Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–435C, 401 M St., SW., Washington, D.C. 20460; (202–382–3403).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee usually are held on the first Tuesday of alternate months. However, in order to avoid holding a meeting during the Fourth of July vacation period, the next meeting has been scheduled for June 21, 1983.

Dated: April 5, 1983.

Sandra Lee,

Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 83–9368 Filed 4–8–83; 8:45 am]

BILLING CODE 6560–50–M

[SWH–FRL 2344–1]

RCRA Permit Advisory Committee; Open Meeting

Notice is hereby given of meetings of the RCRA Permit Advisory Committee and its Task Forces. The Committee was established in accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. (Appendix I), *et. seq.* Establishment of the Committee was announced in the **Federal Register** on September 23, 1982, [SWH–FRL–2212–2].

The full Committee meeting will be held on April 27 and April 28, 1983, at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460. Meetings are scheduled as follows:

April 26 10:00 a.m.
- Task Force A—Work Groups—Room 2117
- Task Force B—Work Groups—Room 2123

April 26 1:30 p.m.
- Task Force A—Room 2117
- Task Force B—Room 2123

April 27 10:00 a.m.
- RCRA Permit Advisory Committee—Room 3906–08

April 27 2:00 p.m.
- Task Force A—Room 3906
- Task Force B—Room S353

April 28 9:30 a.m.
- RCRA Permit Advisory Committee—Room 3906–08

The purpose of the meeting is to receive reports from the Task Forces regarding their on-going review of current documents relating to the implementation of Land Disposal, Storage and Treatment, and Incinerator programs. Recommendations proposed by the Task Forces regarding Lifetime Permits, Variances, Class Permits and Permits for Mobile Treatment Units will also be considered at this meeting.

The meeting is open to the public. Any members of the public wishing to submit a written statement to the Committee should submit copies to the Executive Secretary at the meeting. Time will also be allowed for oral comment. Anyone wishing to make a brief oral statement must indicate this to the Executive Secretary at the opening of the meeting.

For further information contact: Susan Mann, Executive Secretary, Office of Solid Waste (202) 382–4498.

Dated: April 5, 1983.

Jack McGraw,

Acting Assistant Administrator.

[FR Doc. 83–9369 Filed 4–8–83; 8:45 am]

BILLING CODE 6560–50–M

[SA-FRL 4344-2]

Science Advisory Board; Environmental Engineering Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Environmental Engineering Committee (EEC) of the Science Advisory Board will be held in Conference Room 2117, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C., on April 27-28, 1983. The meeting will begin at 9:00 a.m. and last until approximately 5:00 p.m. each day.

There will be two main agenda items. First, the Committee will continue review of technical support data pertaining to the proposed EPA effluent guidelines for the pesticides industry, developed under the Clean Water Act. The major issue under review will be the techniques and assumptions used by EPA in determining the types and levels of technology used to establish treatment limits, particularly for those pesticides for which an adequate data base does not exist.

The Committee will also continue its review of proposed revisions to the Agency's definitions of secondary treatment. The major scientific issues pertaining to this review by the Committee include:

(1) The technical implications of using a BOD test that inhibits nitrification in lieu of the present uninhibited BOD test.

(2) The scientific and technical basis for seasonal (cold-weather) adustments to trickling filter effluent limitations; and

(3) Whether newly-designed trickling filters can be expected to meet current effluent limits.

The meeting is open to the public. Any member of the public wishing to participate or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382-2552, or Terry F. Yosie, Staff Director, Science Advisory Board, at (202) 382-4126. Public coment will be accepted at the meeting. Written comment will be accepted in any form, and there will be opportunity for brief oral statements. Anyone wishing to make such comment must contact Mr. Torno prior to April 22, 1983, in order to be placed on the agenda.

Dated: April 4, 1983.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 83-9347 Filed 4-8-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-677-DR]

California; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-677-DR), dated February 9, 1983, and related determinations.

DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

Notice

The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

Humboldt County for Individual Assistance and Del Norte County as an adjacent county for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Joe D. Winkle,

Acting Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-9351 Filed 4-8-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-677-DR]

California; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-677-DR), dated February 9, 1983, and related determinations.

DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

Notice

The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

San Joaquin County for Individual Assistance, and Yuba County as an adjacent County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83-516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-9352 Filed 4-8-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-677-DR]

California; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-677-DR), dated February 9, 1983, and related determinations.

DATE: March 29, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice

The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

Sacramento County as an adjacent county for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83-516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-9353 Filed 4-8-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-677-DR]

Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA–677–DR), dated February 9, 1983, and related determinations.

DATE: March 30, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0501.

Notice

The notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983.

Fresno County as an adjacent county for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83–516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83–9354 Filed 4–8–83; 8:45 am]

BILLING CODE 6718–02–M

Proposed Meeting of FEMA Advisory Board

March 9, 1983.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, announcement is made of the following working committee meeting:

Name: Federal Emergency Management Agency Advisory Board.

Date of Meeting: April 29, 1983.

Place: Federal Emergency Management Agency, Room 401, 500 C Street SW., Washington, D.C. 20472.

Time: 8:30 a.m. to 4:30 p.m.

Purpose: Internal classified discussions on progress of the four Ad Hoc Task Forces. The views of the Board will be discussed with the Director of FEMA.

The Director has determined that the Board meeting should be closed because disclosure is likely to reveal matters that are specifically authorized to be kept Top Secret in the interest of national defense or foreign policy and are properly classified pursuant to Executive Order.

Dalimil Kybal,

Science Advisor.

[FR Doc. 83–9350 Filed 4–8–83; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL HOME LOAN BANK BOARD

[Resolution No. 83–183]

Biscayne Federal Savings and Loan Association; Temporary Suspension of Trading in Securities

Dated: April 6, 1983.

The Federal Home Loan Bank Board ("Board") announced, pursuant to Section 12(k) of the Securities Exchange Act of 1934 ("Exchange Act"), the temporary suspension of exchange and over-the-counter trading in the securities of Biscayne Federal Savings and Loan Association, Miami, Florida ("Biscayne Federal"), a Federally-chartered insured institution, with its principal executive offices located at 1790 Biscayne Boulevard, Miami, Florida 33132, for the ten-day period commencing at 11:40 a.m. (e.s.t.) on April 6, 1983, and terminating at midnight (e.s.t.) on April 15, 1983.

The Board suspended trading in the securities of Biscayne Federal pending a regulatory announcement.

The Board cautions broker-dealers, shareholders and prospective purchasers that they should carefully consider the foregoing information along with all other currently available information and any information subsequently issued by Biscayne Federal.

Furthermore, brokers and dealers should be alert to the fact that, pursuant to Rule 15c2–11 under the Exchange Act, at the termination of the trading suspension, no quotation may be entered unless and until they have strictly complied with all of the provisions of such rule. If any broker or dealer has any questions as to whether or not he has complied with such rule, he should not enter any quotations but immediately contact the staff of the Board's Office of General Counsel, Division of Securities and Corporate Analysis, in Washington, D.C. If any broker or dealer is uncertain as to what is required by Rule 15c2–11, he should refrain from entering quotations relating to the securities in question until such time as he has familiarized himself with such rule and is certain that all of its provisions have been met. If any broker or dealer enters any quotation which is in violation of such rule, the Board will consider the need for prompt enforcement action.

Any broker-dealer or other person who has any information which may relate to this matter is encouraged to telephone the Board's Office of General Counsel, Division of Securities and Corporate Analysis, at (202) 377–6415.

Gregory B. Smith,

Acting Secretary.

Order of Trading Suspension

Dated: April 6, 1983.

In the matter of trading in the securities of Biscayne Federal Savings and Loan Association, Miami, Florida, FHLBB No. 5999; Securities Exchange Act of 1934 Section 12(k).

The Federal Home Loan Bank Board ("Board") intends to make a regulatory announcement which will relate to the securities of Biscayne Federal Savings and Loan Association, Miami, Florida ("Biscayne Federal"). The board is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Biscayne Federal.

Therefore, it is ordered, pursuant to Section 12(k) of the Securites Exchange Act of 1934, that exchanged trading and over-the-counter trading in the securities of Biscayne Federal are suspended, for the period from 11:40 a.m. (e.s.t.) on April 6, 1983, and terminating at midnight (e.s.t.) on April 15, 1983.

By the Federal Home Loan Bank Board.

Gregory B. Smith

Acting Secretary.

[FR Doc. 83–9346 Filed 4–8–83; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

[Agreement No. 10463]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10463 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

Agreement No. 10463 is a proposed space charter arrangement between Holland Pan-American Line (HOPAL) and Lineas Maritimar Paraguayas, S.A. (LMP). LMP operates between U.S. Atlantic/Gulf ports and ports in Argentina, Paraguay and Uruguay. HOPAL operates between U.S. Atlantic/Gulf ports and ports in Argentina, Paraguay, Uruguay and Brazil. The areement proposes, among other things,

to obtain economies of scale, conserve fuel and maximize vessel utilization in these trades.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83–9413 Filed 4–8–83; 8:45 am]

BILLING CODE 6730–01–M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Quick Freight Inc., 6904 N.W. 51 Street Miami, FL 33166
Officers: Hector M. Perez, President/Director/Secretary, Maria Luisa Alvarez, Treasurer

Halcyon Transport Corporation, 1022 Arlington, P.O. Box 70621, Houston, TX 77270
Officers: William Joseph Leach, Jr., President; Jeanne Bunnell Leach, Secretary; William Bunnell Leach, Vice President

Raul Nunez dba Nunez Forwarding Company, 11902 Doncaster, Houston, TX 77024

BTA American Forwarders, Inc., 4727 N.W. 72nd Avenue, Miami, FL 33166
Officers: Juan C. Zighelboim, President; Pedro E. Behrens, Stockholder

Edel Enterprises, Inc., 5419 N.W. 72nd Avenue, Miami, FL 33166
Officers: Enrique Toledo, President; Mario J. Herrera, Asst. Vice President

International Import Export Service, Inc., 15 Park Row, Rm. 939, New York, NY 10038
Officers: Simon S. Byon, President/Director; Yong Hee Byon, Secretary/Director; John G. Duffield, Vice President

Fast Way International Freight Forwarders Corp., 176–24 148th Avenue, Jamaica, NY 11434
Officers: Raul Barbosa, President/Director; Michael Butterman, Secretary; Waldyr Silva, Asst. Secretary

Alberto E. Puentes dba American Forwarding Services, 2040 S.W. 123 Court, Miami, FL 33175

A. R. Torrico and Sons (Shipping) Inc., P.O. Box 55125, Seattle, WA 98155
Officer: A. R. Torrico, President

Dated: April 6, 1983.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83–9412 Filed 4–8–83; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 82–3]

South Atlantic-North Europe Rate Agreement (Agreement No. 9984–23); Gulf European Freight Association (Agreement No. 10270–2); Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 82–3 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

Docket No. 82–3 is an investigation to determine whether amendments extending Agreements Nos. 9984 and 10270 should be approved, disapproved or modified. Parties to Agreement No. 9984, however, have been dismissed from this proceeding.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the **Federal Register** unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83–9411 Filed 4–8–83; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 315]

Air Express International Agency, Inc.; Order of Revocation in Part

On March 10, 1983, Air Express International Agency, Inc., Bldg. #89, JFK International Airport, Jamaica, NY 11430 voluntarily surrendered its right to operate under Independent Ocean Freight Forwarder License No. 315.

Notwithstanding this, Surface Freight Corporation, will continue to hold FMC License No. 315 in its name only.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders; Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Air Express International Agency, Inc.'s authority to use Independent Ocean Freight Forwarder License No. 315 issued to Surface Freight Corporation and Air Express International Agency, Inc. be and is hereby revoked effective March 10, 1983.

It is ordered, that a copy of this Order be published in the **Federal Register** and served upon Air Express International Agency, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83–9414 Filed 4–8–83; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 2303]

Gray International Forwarding, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Gray International Forwarding, Inc., 1290 South Pearl Street, Denver, CO 80210 was cancelled effective March 25, 1983.

By letter dated March 16, 1983, Gray International Forwarding, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2303 would be automatically revoked unless a valid surety bond was filed with the Commission.

Gray International Forwarding, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2303 be and is hereby revoked effective March 25, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 2303 issued to Gray International Forwarding, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Gray International Forwarding, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-9420 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1306-R]

Intercontinental Export Services, Inc.; Order of Revocation

On April 1, 1983, Intercontinental Export Services, Inc., 230 E. 17th Street, Suite 228, Costa Mesa, CA 92627 surrendered its Independent Ocean Freight Forwarder License No. 1306-R for revocation effective March 31, 1983.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1306-R issued to Intercontinental Export Services, Inc. be revoked effective March 31, 1983.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Intercontinental Export Services, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-9417 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2165]

Jade International CHB, Inc.; Order of Revocation

On February 17, 1983, Jade International CHB, Inc., 8400 Isis Avenue, P.O. Box 45735, Los Angeles, CA 90045 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2165.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2165 issued to Jade International CHB, Inc., be revoked effective February 17, 1983 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2165 issued to Jade International CHB, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Jade International CHB, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing

[FR Doc. 83-9416 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1854]

Pioneer Forwarding Corp.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Pioneer Forwarding Corporation, 140 Cedar Street, New York, NY 10006 was cancelled effective March 24, 1983.

By letter dated March 16, 1983, Pioneer Forwarding Corporation was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1854 would be automatically revoked unless a valid surety bond was filed with the Commission.

Pioneer Forwarding Corporation has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1854 be and is hereby revoked effective March 24, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 1854 issued to Pioneer Forwarding Corporation be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Pioneer Forwarding Corporation.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-9410 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1693]

Mattoon & Co., Inc. of Los Angeles; Order of Revocation in Part

On February 15, 1983, Mattoon & Co., Inc. of Los Angeles, 123 West Fourth Street, Los Angeles, CA 90013, voluntarily surrendered its right to operate under Independent Ocean Freight Forwarder License No. 1693.

Notwithstanding this, Mattoon & Co., Inc. will continue to hold FMC License No. 1693 in its name only.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders; Commission Order No. 1 (Revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Mattoon & Co., Inc. of Los Angeles' authority to use Independent Ocean Freight Forwarder License No. 1693 issued to Mattoon & Co., Inc. and Mattoon & Co., Inc., of Los Angeles be and is hereby revoked effective February 15, 1983.

It is ordered, that a copy of this Order be published in the **Federal Register** and served upon Mattoon & Co., Inc. of Los Angeles.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-9418 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1880]

Pracht International Inc.; Order of Revocation

On March 11, 1983, Pracht International Inc., One World Trade Center, Suite 2311, New York, NY 10048 requested that its Independent Ocean Freight Forwarder License No. 1880 be voluntarily revoked effective March 31, 1983.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1880 issued to Pracht International Inc. be

revoked effective March 31, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Pracht International Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-9415 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder Lincense No. 1176]

Trans/World Shippers, Inc.; Order of Revocation

Section 44(c), SHIPPING Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a lincesee to maintain a valid bond on file.

The bond issued in favor of Trans/World Shippers, Inc., 20810 Fordyce Avenue, Carson, CA 90749 was cancelled effective March 25, 1983.

By letter dated March 16, 1983, Trans/World Shippers, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1176 would be automatically revoked unless a valid surety bond was filed with the Commission.

Trans/World Shippers, Inc. has failed to furnish a valid bond.

By virture of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(F) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1176 be and is hereby revoked effective March 25, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 1176 issued to Trans/World Shippers, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Trans/World Shippers, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-9419 Filed 4-8-83; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Systems Agencies and State Health Planning and Development Agencies; Certificate of Need Reviews

AGENCY: Health Resources and Services Administration, Public Health Service, HHS.

ACTION: Notice regarding adjustment of the expenditure minimum for capital expenditures and the expenditure minimum for annual operating costs.

SUMMARY: This notice provides necessary information for each State which chooses to adjust the capital expenditure and annual operating cost expenditure minimums that are used to determine whether proposals are subject to review under a State's certificate of need program. The notice also provides guidance to assist a State Health Planning and Development Agency (State Agency) in determining the exact minimum dollar figure it will use and in seeking further information.

SUPPLEMENTARY INFORMATION: The Health Planning and Resources Development Amendments of 1979 (Pub. L. 96-79) as amended by the Health Programs Extension Act of 1980 (Pub. L. 96-538) and the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) required the Secretary to designate by regulation (1) an index maintained or developed by the Department of Commerce which could be used by States to adjust the minimum threshold for capital expenditures and (2) an index which could be used by States to adjust the minimum threshold for annual operating costs, in the State certificate of need programs. Pub. L. 97-35 also raised the minimum threshold for capital expenditures to $600,000 and for annual operating costs to $250,000 effective October 1, 1981. The Secretary designated the Department of Commerce Composite Construction Cost Index for both threshold adjustments in the certificate of need final regulations published October 31, 1980 (42 CFR 123.401). This notice provides the change in the Department of Commerce Composite Construction Cost Index from October 1, 1981 to October 1, 1982. On October 1, 1981, the index was fixed at 154.9. On October 1, 1982, the index was fixed at 155.8. This .9 point change represents a .6 percent increase. States which are authorized to adjust the capital expenditure and operating cost expenditure minimums may increase them up to .6 percent. Because Section 1531(5) of the Public Health Service Act as amended by Pub. L. 97-35 specifies that the adjustment to the threshold is made with respect to the "figure in effect for the preceding 12-month period," the application of the yearly change in the index is compounded. Thus, the change in the index is applied to the preceding 12-month period's threshold and not to the statutory figure.

FOR FURTHER INFORMATION CONTACT: Jon Gold, Director, Division of Regulatory Activities, Office of Health Planning, BHMORD, 5600 Fishers Lane, Room 13A-44, Rockville, Maryland 20857, (301) 443-6350.

Dated: April 4, 1983.

Robert Graham, M.D.,

Administrator, Assistant Surgeon General.

[FR Doc. 83-9263 Filed 4-8-83; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-83-1225]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the

information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Proposal: Section 223(f) Coinsurance Program: Project Applications and Review of Application; Closing Documents.

Form Number: HUD–92013, HUD–92457, HUD–2530, etc.

Frequency of Submission: On Occasion.

Affected Public: Businesses or Other Institutions (except farms).

Estimated Burden Hours: 40,000.

Status: New.

Contact: Frank D. Brown, HUD, (202) 755–5720 Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 21, 1983.

Proposal: Section 223(f) Coinsurance Program: Application for Approval as a Coinsuring Lender.

Office: Housing.

Form Number: None.

Frequency of Submission: On Occasion.

Affected Public: Buisnesses or Other Institutions (except farms).

Estimated Burden Hours: 3,000.

Status: New.

Contact: Frank D. Brown, HUD, (202) 755–5720 Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 21, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-9189 Filed 4-8-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Finding Against Federal Acknowledgment of the Snohomish Tribe of Indians

March 30, 1983.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.9(f)(formerly 25 CFR 54.9(f)), notice is hereby given that the Assistant Secretary proposes to decline to acknowledge that the Snohomish Tribe of Indians, c/o Mr. William A. Matheson, P.O. Box 247, Snohomish, Washington 98290, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group does not meet four of the criteria set forth in 25 CFR 83.7 and, therefore, does not meet the requirements necessary for a government-to-government relationship with the United States.

The preliminary determination is that the petitioning organization is a limited organization established in 1950 in connection with the Snohomish claim before the Indian Claims Commission. The petitioner and the ancestors of its members have not historically formed part of the Snohomish tribe which was signatory to the Treaty of Point Elliott and which became centered on the Tulalip Indian Reservation after treaty times. The organization's membership is composed of descendants of 19th-century pioneer-Indian marriages, occurring mainly between 1860 and 1870, who maintained few if any ties with the historic Snohomish tribe. These descendants did not and do not now form a distinct Indian community or communities but rather became part of various non-Indian communities. Forty-one percent of the group's membership could not demonstrate Snohomish ancestry but are of Clallam, Snoqualmie, or other Indian ancestry (33%) or are of undetermined Indian ancestry (8%).

The membership of the petitioning organization is derived from Indian descendants who formed part of the membership of a previous claims organization, the Snohomish Tribe of Indians, Inc., which was formed in 1926 primarily in connection with the *Duwamish* v. *United States* claims suit. The organization was disbanded in 1935 when the suit was lost. The membership and leadership of that organization were drawn from a large body of individuals of Snohomish and non-Snohomish ancestry and from the historic Snohomish tribe. The organization was not a formalization or reorganization of the political structure of the historic Snohomish tribe, which continued to exist on Tulalip Reservation. In 1935, the Snohomish and other Indians on the Tulalip Reservation formed a single tribal government under the Indian Reorganization Act.

No Snohomish organization existed from 1935 until the petitioning group was formed in 1950. The current organization is primarily derived from the Indian descendant portion of the 1926 organization's membership. There are only a few Tulalip Reservation Snohomish in the organization. The organization is a limited one, with little social cohesion, and does not form a distinct community or group.

The petitioner submitted copies of governmental documents now being used by the group. Less than one percent of the membership are enrolled members of any other North American Indian tribe. The Snohomish Tribe of Indians has not been the subject of Congressional legislation which has expressly terminated or forbidden a relationship with the Federal Government.

Based on this preliminary factual determination, it is concluded that the group meets criteria d, f, and g and does not meet criteria a, b, c, and e of § 83.7 of the Acknowledgment regulations.

Under § 83.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision is available to the petitioner and interested parties upon written request.

Section 83.9(g) of the regulations provides that any individual or organization wishing to challenge the proposed findings may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 days of the publication of this notice. Comments and requests for a copy of the report should be addressed to the Office of the Assistant Secretary-Indian Affairs, Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C 20245, Attention: Branch of Federal Acknowledgment.

After consideration of the written arguments and evidence rebutting the proposed findings and within 60 days after the expiration of the response period, the Assistant Secretary will publish his determination regarding the

petitioner's status in the Federal Register as provided in § 83.9(h).

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 83-9343 Filed 4-8-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Worland District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Department of Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Worland District Grazing Advisory Board. The agenda for this meeting include:

1. Opportunity for public comment—9:15 a.m.
2. Livestock driveway review and recommendations—9:30 a.m.
3. Public land disposal program for FY 1983—10:00 a.m.
4. Range Improvement Policy (as applying to maintenance, new project construction, M-I-C allotment categories, etc.)—10:30 a.m.
5. FY 1984 project proposals and recommendations—1:00 p.m.

The meeting will be open to the public. Interested persons may make oral statements to the Board, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager by May 9, 1983.

DATE: May 13, 1983, 9:00 a.m.

ADDRESS: Bureau of Land Management Office, Conference Room, 1700 Robertson Avenue, Worland, Wyoming 82401.

FOR FURTHER INFORMATION CONTACT: Chester E. Conard, District Manager, Bureau of Land Management, 1700 Robertson Avenue, Worland, Wyoming 82401.

SUPPLEMENTARY INFORMATION: Summary minutes of this meeting will be on file in the District Office and available for public inspection (during regular business hours) within 30 days of the meeting.

Chester E. Conard,

District Manager.

[FR Doc. 83-9344 Filed 4-8-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Notice of Tentative Terms and Conditions for an Arctic Sand and Gravel Sale

AGENCY: Minerals Management Service, Department of the Interior.

ACTION: Notice of tentative terms and conditions being considered for an Arctic sand and gravel lease sale scheduled for October 1983 and request for comments.

SUMMARY: The Minerals Management Service (MMS) is in the process of planning for a competitive lease sale for sand and gravel offshore in the Arctic in the vicinity of two Outer Continental Shelf (OCS) oil and gas lease sales—Diapir Field Sale No. 71 and Sale Beaufort Sea (BF). The sale is tentatively scheduled for October 1983. No decision has been made as to the terms and conditions for the sale. However, comments are sought on the proposed terms and conditions listed below.

Access to Material: Potential Sale No. 71 bidders have been advised that easements for the use of sand and gravel on their tracts could be granted. To avoid any possible conflicts over rights to sand and gravel, the sand and gravel lease sale will not include those tracts under lease for oil and gas (Sale No. 71 and Sale BF). Sand and gravel lessees will have exclusive rights to the sand and gravel granted on the lease. No future oil and gas lessee will be able to obtain an easement for the use of sand and gravel on a tract under lease for sand and gravel. Easements can be used to obtain sand and gravel from those tracts currently under oil and gas lease.

Eligibility to Bid: Bidders will be restricted to holders of oil and gas leases or partial interests in leases from OCS Sale No. 71 or Sale BF. Assignments or transfers of interests in sand and gravel leases will be restricted to holders of oil and gas leases from Sale No. 71 and Sale BF.

Bonding: Lessees will be required to be bonded in the sum of $25,000 for each lease conditioned on compliance of all lease terms and conditions, or a bond for $100,000 for all sand and gravel leases in the Arctic. Lessees with current $300,000 bonds covering all mineral leases off Alaska will not be required to furnish additional bonds.

Tract Size: Use existing Official Protraction Diagrams and no tract to exceed 2,304 hectares (5,693.18 acres).

Primary Lease Term: 10 years with extensions as long as there is production or if approved under a suspension of operations.

Royalty: None.

Annual Rental: $2.47 per hectare ($1.00 per acre).

Minimum Bid: $61.75 per hectare ($25.00 per acre).

Acreage Restriction: Sand and gravel lessees will be restricted to acquiring no more than 56,932 acres in the Arctic or the amount of acreage covered by their oil and gas leases whichever is greater. This restriction is subject to waiver by the Director, Minerals Management Service if such waiver is determined by the Director to be in the national interest.

COMMENTS: Comments on the tentative terms and conditions are requested within 45 days of the publication of this notice. They should be addressed to Director, Minerals Management Service, Mail Stop 645, 11203 Sunrise Valley Drive, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Chris Oynes (202/343-6906) or Abigail Miller (202/343-3116), Offshore Leasing Management Division (645), Minerals Management Service, at the address listed above.

SUPPLEMENTARY INFORMATION: On January 19, 1982, the Secretary of the Interior announced approval of a program for non-energy mineral leasing activities in U.S. offshore areas. The first phase of the program is a competitive lease sale for sand and gravel offshore in the Arctic in the vicinity of OCS oil and gas lease sales Diapir Field Sale No. 71 and Sale BF. The sand and gravel sale is tentatively scheduled for October 1983. It is authorized by section 8(k) of the OCS Lands Act, 43 U.S.C. 1337

The final Notice of Sale for Sale No. 71, published in the **Federal Register** on September 13, 1982 (47 FR 40362), informed potential bidders on the sand and gravel sale. The Notice further indicated that the Secretary could grant easements for the use of sand and gravel to oil and gas lessees. The sand and gravel lease sale tentatively scheduled for October 1983 is intended primarily to provide construction materials needed to carry out oil and gas operations resulting from Sale No. 71 and Sale BF. Additional sand and gravel lease sales are contemplated to meet future needs. A draft environmental impact statement (EIS) on the sand and gravel sale was made available to the public on November 12, 1982, and a final EIS is expected to be published in April 1983. A final decision regarding terms and conditions will be made at the time the Notice of Sale is published—at least 30 days prior to the proposed sale. Prior to that time, sale terms and conditions will be further analyzed in decision materials, and any comments received

concerning the tentative terms and conditions set forth in this notice will be evaluated as part of that process.

In designing the terms and conditions for this sale, the primary criterion is facilitating access to sand and gravel necessary to expedite oil and gas operations, particularly exploration. Future sand and gravel sales are anticipated to meet other requirements. In particular, proposed terms and conditions for this sale are designed to:

(1) Eliminate the potential for correlative rights problems which could arise if tracts subject to sand and gravel leases were also subject to easements for the use of sand and gravel; and

(2) Reduce the potential for monopolies or near-monopolies which could occur because uneven distribution of sand and gravel deposits in combination with the high cost of transporting the material would restrict the ability of potential buyers from seeking alternate suppliers.

To respond to (1) above, MMS proposes not to offer for sand and gravel lease those blocks subject to easements for sand and gravel. Further, it is proposed not to grant easements for sand and gravel in the future on any block under lease for sand and gravel.

In order to achieve (2) above, restrictions on bidders and acreage held by any single lessee are proposed. Comments are particularly requested on these proposed restrictions, including the need for them. If it is decided not to restrict bidders, it is more likely that sand and gravel will be sold for profit, and a royalty, in addition to the bonus payment and rental, may be appropriate. In conjunction with the proposed acreage restriction, we would like to receive comments on how best to administer this restriction, especially where a bidder outbids competitors for more than the proposed maximum of 10 tracts. Comments are also sought on the method for assessing such a royalty and the royalty rate.

Finally, in order to aid MMS in general sale design matters, oil and gas operators' views are requested on the availability of various construction materials (sand and gravel and others) in relation to both oil and gas tracts and the anticipated need for the material based on available technologies (sand and gravel islands, earth-fill caissons, and others). Further information is desired on the extent to which materials other than sand and gravel and technologies other than sand and gravel islands might be anticipated or acceptable if deposits of sand and gravel are not readily available or economic.

While comments have been especially solicited regarding certain proposed terms and conditions set out in this notice, comments on any of the terms and conditions are welcome.

Harold E. Doley,

Director, Minerals Management Service.

Approved: April 4, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

[FR Doc. 83-9320 Filed 4-8-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 83-5988 beginning on page 9961 in the issue of Wednesday, March 9, 1983, make the following correction:

On page 9962, third column, under MC 118831 (Sub-203), Central Transport Incorporated, in the 8th, 9th, and 10th lines "(except classes A and B explosives, household goods and commodities in bulk)," should have read "(except classes A and B explosives and household goods),".

BILLING CODE 1505-01-M

[Ex Parte No. 347 (Sub-1)]

Coal Rate Guidelines, Nationwide; Environmental Impact

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments to notice of intent to prepare an environmental impact statement and statement of energy impact and proposed scope.

SUMMARY: In the **Federal Register** notice of March 8, 1983, [48 FR 9706], the date comments were due on the proposed scope of the environmental impact statement and the statement of energy impact being prepared in this proceeding was April 7, 1983. At the request of the Edison Electric Institute, Carolina Power & Light Company, Duke Power Company, and other electric utilities, the due date has been postponed to April 28, 1983. Considering the nature of the comments requested and the opposition of the Western, Eastern and Southern Railroads, the requested extension of 45 days does not appear to be warranted.

DATE: Comments are due April 28, 1983.

ADDRESS: Send an original and one copy to: Section of Energy and Environment, Room 4143, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Carl Bausch (202) 275-0800, or Douglas Galloway (202) 275-7278.

By the Commission, Reese H. Taylor, Jr., Chairman.

Dated: March 31, 1983.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9359 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Decision Ex Parte MC-43]

Lease and Interchange of Vehicles By Motor Carriers

Decided: April 1, 1983.

M&G Convoy, Inc. (No. MC-20722, F. J. Boutell Driveway Co., Inc. (No. MC-3468), Complete Auto Transit, Inc. (No. MC-49368), Janesville Auto Transport Co. (No. MC-119642), and Commercial Carriers, Inc. (No. MC-43038), petition for waiver of Subpart B (Sections 1057.11 and 1057.12), except for Paragraph (b) of Section 1057.11, of the *Lease and Interchange of Vehicles Regulations* (49 CFR Part 1057), with respect to equipment augmented among them.

We Find

Petitioners are commonly controlled and administer a common safety program.

Granting the Petition will permit more efficient and economical operations.

There is no public policy consideration or goal which overrides petitioners' goal of reducing energy consumption, fuel and other costs.

A denial of the Petition offers no protection to the public and would prevent greater efficiency, fuel economy, and costs savings.

It Is Ordered

The petition of M&G Convoy, Inc. (No. MC-20722), F. J. Boutell Driveaway Co., Inc. (No. MC-3468), Complete Auto Transit, Inc. (No. MC-49368), Janesville Auto Transport Co. (No. MC-119642), and Commercial Carriers, Inc. (No. MC-43038), for waiver of Subpart B of the leasing regulations except paragraph (b) of Section 1057.11 is granted, provided petitioners or their authorized representatives agree in writing that the lessee shall have control and responsibility for the operation of the equipment from the time possession is taken by the lessee and the receipt required under Paragraph (b) of Section 1057.11 is received by the lessee or the equipment is returned to the lessor or

given to another authorized carrier in an interchange of equipment. A copy of the agreement must be carried in the equipment while it is in the possession of the lessee.

The waiver granted in this decision does not affect the application of the leasing regulations to a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9360 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: April 1, 1983.

National Freight, Inc. (Certificate No. MC-2860 and Permit No. MC-148941 Sub- No. 1F) and Transportation System of America, Inc. (Certificate No. MC-1), petition of waiver of Subpart B (§§ 1057.11 and 1057.12) except paragraph (b) of § 1057.11 of the *Lease and Interchange of Vehicles Regulations* (49 CFR Part 1057), with respect to equipment augmented between them.

We Find

The petitioners are commonly controlled and operate a consolidated, unified safety program.

Granting this petition only with respect to equipment augmented between petitioners will permit more efficient and economic operations. Also, granting this waiver has no affect on the application of the leasing regulations concerning a lease between an owner-operator and an authorized carrier.

No public policy consideration or objective overrides petitioners' purpose of reducing energy consumption and other costs. Denying the petition offers no protection to the public, but would prevent petitioners' purpose of providing more efficient and economical operations, as well as other cost savings.

It Is Ordered

The petition of National Freight, Inc. (Certificate No. MC 2860) and permit No MC-148941 (Sub-No. 1F) and Transportation System of Amreica, Inc. (Certificate No. MC 153811) for waiver of Subpart B of the leasing regulations except paragraph (b) of § 1057.11 is granted, provided petitioners or their authorized representatives agree in writing that the lessee shall have control and responsibility for the operation of the equipment from the time possession is taken by the lessee and the receipt required under Paragraph (b) of Section 1057.11 is received by the lessee or the equipment is returned to the lessor or given to another authorized carrier in a interchange of equipment. A copy of the agreement must be carried in the equipment while it is in the possession of the lessee.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9361 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: April 1, 1983.

National Freight, Inc. (MC-2860 and MC-148941) and Red Systems, Inc. (MC-152873) petition for waiver of Subpart B or §§ 1057.11 and 1057.12, except paragraph (b) of § 1057.11, of the *Lease and Interchange of Vehicles Regulations* (49 CFR Part 1057), with respect to equipment augmented between them.

We Find

1. Petitioners are not under common control. They show only a patriarchal influence between petitioners. There is no common ownership of stock. The patriarchal chairman and majority stockholder of petitioner National holds only the secondary office in petitioner Red Systems.

It Is Ordered

1. The petition of National Freight, Inc. (Certificate No. MC-2860 and Permit No. MC-148941) and Red Systems, Inc. (No. MC-152873) for the waiver of Subpart B, except paragraph (b) of Section 1057.11, is denied without prejudice to a grant of the petition should they submit sufficient additional information for us to conclude that lawful common control, in fact, exists.

By the Commission, Motor Carrier Leasing Board, Board Members, J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9362 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: April 1, 1983.

National Freight, Inc. (Certificate No. MC-2860 and Permit No. MC-148941) and 4-B Lines, Inc. (Permit No. MC-156050) petition for waiver of Subpart B, §§ 1057.11 and 1057.12) except paragraph (b) of § 1057.11, of the *Lease and Interchange of Vehicles* regulations (49 CFR Part 1057), with respect to equipment augmented between them.

We Find

1. Petitioners are not under common control. They show only a patriarchal influence between petitioners. There is no common ownership of stock. The patriarchal chairman and majority stockholder of petitioner National holds only the secondary office in petitioner 4-B.

It Is Ordered

1. The petition of National Freight, Inc. (Certificate No. MC-2860 and Permit No. MC-148941) and 4-B Lines, Inc. (Permit No. MC-156090) for the waiver of Subpart B, except paragraph (b) of § 1057.11, is denied without prejudice to a grant of the petition should they submit sufficient additional information for us to conclude that lawful common control, in fact, exists.

By the Commission, Motor Carrier Leasing Board, Board Members, J. Warren McFarland, Bernard Gaillard and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-9363 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15047]

Rail Carriers; Dutra Trucking, Inc.; Purchase Exemption; Shoemaker Trucking Company (Loren Wetzel, Trustee in Bankruptcy)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirements of prior review and approval under 49 U.S.C. 11343(a), the purchase by Dutra Trucking, Inc., of portions of the operating rights of Shoemaker Trucking Company (Loren Wetzel, trustee in bankruptcy), No. MC-138875 (Sub-No. 312X).

DATES: This exemption is effective on May 11, 1983. Petitions for reconsideration must be filed by May 2, 1983. Petitions for stay must be filed by April 21, 1983.

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and
(2) Petitioner's Representative, Eugene O. Carmody, 15523 Ledgeman Street, San Leandro, CA 94579.

Pleadings should refer to No. MC–F–15047.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in No. MC–F–15047. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: April 4, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–9364 Filed 4–8–83; 8:45 am]

BILLING CODE 7035–0–M

[No. 39097]

Rail Carriers; H. E. Smith & Associates; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: H. E. Smith, a motor contract carrier, has requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments must be received by April 26, 1983. The sought relief will become final on May 11, 1983, unless, in response to timely filed adverse comments, the Commission issues a decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Robin K. Williams (202) 275–7697, or Howell I. Sporn (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b) and 10762(f).

In support of its petition, H. E. Smith & Associates notes that it is a small carrier which serves one contract shipper exclusively. It requests an exemption from the tariff filing requirements, contending that such a requirement constitutes an administrative burden, particularly since the company operates without office personnel. Petitioner emphasizes that an exemption will enable it to timely meet its shippers' needs.

Petitioner's requests are well grounded. We see no reason to deny this motor contract carrier the savings to be realized from a tariff filing exemption.[1] It appears that the exemption of this carrier from the requirements that it file a tariff covering its existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of this carrier from the requirement that it file tariffs governing its future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that, for this carrier and its shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing this contract carrier to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We, therefore, provisionally grant petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval should be made final.

This decision does not appear to have a significant effect on either the human environment or conservation of energy resources. However, comments may be submitted on these issues.

Authority: 49 U.S.C. 10702(b) 10761(b) and 10762(f).

Decided: April 4, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor concurred in part and dissented in part with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Taylor, concurring in part and dissenting in part:

I would grant the provisional exemption only as it applies to existing, not future, contracts.

[FR Doc. 83–9366 Filed 4–8–83; 8:45 am]

BILLING CODE 7035–01–M

[No. 39100 et al.] [1]

Rail Carriers; Norsub, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Six motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 26, 1983. The sought relief will become final on May 11, 1983, unless, in response to timely filed adverse comments, the Commission issues a futher decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

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[1] A proceeding to investigate the exemption of motor carriers on an industry-wide basis has been instituted in Ex Parte No. MC–165, Exemption of Motor Contract Carriers from Tariff Filing Requirements, 47 FR 57303 (December 23, 1982).

[2] See No. 38983, Red & Tan Tours, Petition for Exemption from Tariff Filing Requirements (not printed) decided February 24, 1983.

[1] This proceeding embraces six petitions for exemption filed by motor contract carriers, as set forth in the appendix.

FOR FURTHER INFORMATION CONTACT:
Elaine Dobbins (202) 275–6272, or Howell I. Sporn (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The six motor contract carries identified in the appendix filed individual petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented and the relief sought by these petitioners are substantially similar, we are consolidating them for notice purposes.

The petitioners hold a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. They argue, generally, that the tariff filing requirements represent an undue burden on their ability to compete effectively and to offer their shippers the immediate service often required. Petitioners assert that they are interested in avoiding unnecessary expenses which handicap their efforts to provide economical and efficient service. They also argue that the Motor Carrier Act of 1980 encourages the Commission to remove obstacles which keep contract carriers from realizing their full potential.

Several petitioners, (Norsub, Inc., Keenan Transit Co., and Matlack, Inc.) request that the exemptions sought apply to both existing and future contracts. Several petitioners also state that they will provide interested parties with copies of their rates if requested.

We see no reason to deny these carriers the savings to be realized from a tariff filing exemption for existing contracts. It appears that exemption of these carriers from the requirement that they file tariffs covering their existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101. We will not order these carriers to provide copies of their rates upon request by interested parties, since we have not imposed that requirement for other recent filings. See No. 38828, *Three Way Corporation, Petition for Exemption from Tariff Filing Requirements* (not printed), decided June 25, 1982.

We further conclude that an exemption is justified for future contracts and services. Previously we denied exemptions for future contracts and services. We found that because the term and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of these carriers from the requirement that they file tariffs governing their future contract operations, is warranted.[2]

We provisionally grant each petitioner exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this provisional approval ought to be withdrawn or permitted to become final.

This action does not significantly affect either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

Authority: 49 U.S.C. 10702(b), 10761(b) and 10762(f).

Decided: April 4, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix

The dockets embraced by this proceeding are as follows:

No. 39100	Norsub, Inc.
No. 39101	Keenan Transit Co.
No. 39102	Matlack, Inc.
No. 39103	Four Winds Van Lines, Inc.
No. 39106	Pacific Motor Trucking Co.
No. 39107	Bannock Paving Co., Inc.

[FR Doc. 83–9385 Filed 4–8–83: 8:45 am]
BILLING CODE 7035–01–M

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

[No. 39087 et al.] [1]

Rail Carriers; Shale Auto Transport, Inc., Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Five motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on April 26, 1983. The sought relief will become effective on May 11, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:
Elaine Dobbins (202) 275–6272, or Howell I. Sporn (202) 275–7691.

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The five motor contract carriers identified in the appendix filed individual petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented and the relief sought by these petitioners are substantially similar, we are consolidating them for notice purposes.

The petitioners hold a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. They argue, generally, that the tariff filing requirements represent an undue burden on their ability to compete effectively and to offer their shippers the immediate service often

[1] This proceeding embraces five petitions for exemption filed by motor contract carriers, as set forth in the appendix.

required. Petitioners assert that they are interested in avoiding unnecessary expenses which handicap their efforts to provide economical and efficient service. They also argue that the Motor Carrier Act of 1980 encourages the Commission to remove obstacles which keep contract carriers from realizing their full potential.

We see no reason to deny these carriers the savings to be realized from a tariff filing exemption for existing contracts. It appears that exemption of these carriers from the requirement that they file tariffs covering their existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101. We will not order these carriers to provide copies of their rates upon request by interested parties, since we have not imposed that requirement for other recent filings. See No. 38828, *Three Way Corporation, Petition for Exemption from Tariff Filing Requirements* (not printed), decided June 25, 1982.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that the exemption of these carriers from the requirement that they file tariffs governing their future contract operations, is warranted.[2] The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both these carriers and the Commission. We also recognize that, for these carriers and their shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing these contract carriers to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We provisionally grant petitioners exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be made final.

This decision does not appear to have a significant effect on either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

Authority: 49 U.S.C. 10702(b), 10761(b), and 10762(f).

Decided: April 4, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor concurred in part and dissented in part with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Taylor, concurring in part and dissenting in part:

I would grant the relief sought for present, not future contracts.

Appendix

The dockets embraced by this proceeding are as follows:

No. 39087 Shale Auto Transport, Inc.
No. 39088 Southeast Carpet Transport, Inc.
No. 39089 Brunozzi Transfer & Truck Rental, Inc.
No. 39090 Westexpress, Inc.
No. 39091 Trans Continental Leasing, LTD.

[FR Doc. 83-9367 Filed 4-8-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protests must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-252

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N. E., Atlanta, GA 30309.

MC 167036 (Sub-3-1TA), filed April 1, 1983. Applicant: EAGLE TRANSFER, INC., 6905 N.W. 25th Street, Miami, FL 33122. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328. *General Commodities (Except Classes A and B Explosives, Household Goods, Commodities in Bulk, Those injurious to other commodities),* Between all points and places in the State of FL on shipments having a prior or subsequent movement by water, rail and/or motor. Supporting shipper(s): There are ten statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 167170 (Sub-3-1TA), filed April 1, 1983. Applicant: THOMPSON TRUCKING CO., R.R. 1, Box 57-F, Kelly Davis Rd., Richmond Hill, GA 31324. Representive: Ray Chandlar Smith, P.O. Box 497, Richmond Hill, GA 31324. *Clay, concrete, glass or stone products including, Sand, Stone, Gravel, Screening and Building Materials* between points in Ga., S.C., FL and AL. Supporting shippers, Seacoast Paving Company, Inc., P.O. Box 1782, Hilton Head Island, SC, 29925, MSC, Inc., 3090 Boundary, Beaufort, SC, 29902.

MC 164939 (Sub-3-1TA), filed April 1, 1983. Applicant: CUMBERLAND TRANSPORT COMPANY, Star Route, Box 422, Dunlap, TN 37327. Representative: R. J. Studer, 1243 Mountain Brook Circle, Signal Mountain, TN 37377. *1. Coal in bulk* from Van Buren and Sequatchie counties, TN to Chattooga, Cobb,

[2] See No. 38983, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements,* decided February 24, 1983.

Crawford, Pickens, Polk, Stephens, Troup and Whitfield counties, GA. *On the return trips: 2. Shale aggregate* from Polk county, GA to Hamilton county, Marion county, McMinn county, TN. *3. Crushed white marble* from Pickens, GA to Marion county, TN. Supporting shippers: Sequatchie Valley Coal Corp., Star Route Box 308AA, Dunlap, TN 37327.

MC 166862 (Sub-3–1TA), filed April 1, 1983. Applicant: UNIVERSAL MOTOR EXPRESS, INC., Route 1, Gailey Road, Lavonia, GA 30553. Representative: Jimmy R. Foster (same address as applicant). *General commodities (except Classes A and B explosives, commodities in bulk and household goods as defined by the Commission),* between points in GA, NC, SC, and TX on the one hand, and, on the other, points in the U.S., (except AK and HI). Supporting shipper: Matchmaker Transportation Services, Inc., P.O. Box 240, Trumbull, CT 06611.

MC 148540 (Sub-3–4TA), filed April 1, 1983. Applicant: DIXIE GAS, INC., P.O. Box 40, Marks, MS 38646. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Anhydrous ammonia, in bulk, in tank vehicles,* from the facilities of Chemical Marketing International, Inc., at or near Memphis, TN to points in AL, AR, KY, MS and MO. Supporting shipper: Miss. Chemical Corp., P.O. Box 388, Yazoo City, MS 39194.

MC 141852 (Sub-3–2TA), filed April 1, 1983. Applicant: BILLY G. BARNETT and JOE D. BARNETT d.b.a. BARNETT BROTHERS, 442 Pemberton Dr., Pearl, MS 39208. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Sheet metal stairs and concrete stairs,* from Pearl, MS to points in AL, AR, FL, GA, LA, TN and TX. Supporting shipper: American Stair, Inc., P.O. Box 5925, Pearl, MS 39208.

MC 167174 (Sub-3–1TA), filed April 1, 1983. Applicant: HAROLD ESTES TRUCKING, Box 410, Arab, AL 35016. Representative: Harold Estes (same address as above). *Metal Tubing, Mufflers and Parts, Exhaust Pipes, and Coiled Steel,* between Haleyville, AL on the one hand and, on the other, points in IL, IN, OH, KY, TX, IA, AR, MS, LA, FL, GA, MO, SC, WI, TN, AL, MI. Supporting shipper: Grand Tubes, Inc., Route 4, Box 15–A, Haleyville, AL 35565.

MC 167172 (Sub-3–1TA), filed April 1, 1983. Applicant: H & R TRANSPORT, R.R. 1, Box 262, Ellabell, GA 31308. Representative: Ray Chandlar Smith, P.O. Box 497, Richmond Hill, GA 31324. *Lumber and Wood Products,* between points in the state of GA, SC, FL and NC. Supporting shipper: Georgia-Pacific Corporation, Southern Division, P.O. Box 105603, Atlanta, GA 30348.

MC 166780 (Sub-3–1TA), filed April 1, 1983. Applicant: SEA BRIGHT TRANSPORTATION COMPANY, 106 North Street, Wilder, KY 41071. Representative: Lewis S. Witherspoon, 2455 North Star Road, Columbus, Ohio 43221. *Contract carrier,* irregular routes: *Poly Chlorinated Bithenyls (PCB) and bulk oil transformers* from San Francisco, CA; Denver, CO; Chicago, IL; Detroit, MI; Kansas City, MO; New York, NY; Akron, OH; Cincinnati, OH; Cleveland, OH; Pittsburgh, PA; and Houston, TX, to Chicago, IL; Fort Wayne, IN; Springfield, MA; Model City, NJ; and Batavia, OH, under continuing contract(s) with Sea Bright Environmental Co., Inc. Supporting shipper: Sea Bright Environmental Co., Inc., 106 North Street, Wilder, KY 41071.

MC 145559 (Sub-3–8TA), filed April 1, 1983. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Contract carrier,* over irregular routes. *Glass containers,* from the facilities of Chattanooga Glass Company at or near Mount Vernon, OH, Corsicana, TX, Keyser, WV, Chattanooga, TN, Gulfport, MS, Baltimore, MD, Shelby, OH, and Waxahachie, TX, to points in the U.S. (except AK and HI). Restriction: Restricted to transportation under continuing contract(s) with Chattanooga Glass Company, for 270 days. Supporting shipper: Chattanooga Glass Company, 400 West 45th Street, Chattanooga, TN 37410.

MC 155916 (Sub-3–6TA), filed April 1, 1983. Applicant: ARDMORE FARMS, INC., 1915 N. Woodlawn Blvd., P.O. Box 183, DeLand, FL 32720. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. *Canned and frozen fruits and vegetables,* from points in ID, WA, OR, and CA to points in AL, FL, GA, NC, SC and TN. Supporting shipper: F.A.B., Inc., 6400 Atlantic Blvd., Suite 140, Norcross, GA 30071.

MC 163527 (Sub-3–4TA), filed April 1, 1983. Applicant: R & J ASSOCIATES, INC., 131 Maplewood Ave., Thomasville, NC 27360. Representative: Richard A. Hicks (same address as applicant). *Nails and Steel Wire,* between Winston Salem, NC on the one hand, and on the other Jacksonville, FL, New Orleans, LA, Shreveport, LA, Greenville, MS, Fort Smith, AR, Dallas, TX, Houston, TX, Oklahoma City, OK, Andrews, SC, Knoxville, TN, Louisville, KY, Philadelphia, PA, Baltimore, MD, Richmond, VA, Memphis, TN, Charleston, WV. Supporting shipper: Federal Nail Manufacturing Co., Inc., P.O. Box 605, Winston Salem, NC 27102.

MC 167006 (Sub-3–1TA), filed April 1, 1983. Applicant: WILLIAM M. and PAMELA P. BUGG, d.b.a. P.M. TRUCKING COMPANY, Route 1, Box 119–1, Lakeside Drive, Appling, GA 30802. Representative: William M. and Pamela P. Bugg (address same as applicant). (1) *Brick and Tile* from Augusta, GA to CA, TX, FL, NC, SC; (2) *Animal Feed and Feed Supplements* between GA, and CA, TX, CO, NC, SC, LA, and FL. Supporting shippers: McDuffie Feed and Seed, Rt. 4, Box 443, Thomson, GA 30824; Horse Health Products, Inc., P.O. Box 311, Aiken, SC 29801; Mediterranean Exports, Inc., P.O. Box 2363, Augusta, GA 30903.

MC 163527 (Sub-3–3TA), filed April 1, 1983. Applicant: R & J ASSOCIATES, INC., 131 Maplewood Ave., Thomasville, N.C. 27360. Representative: Richard A. Hicks (same address as applicant). *Particleboard and fiberboard,* Between Rural Hall, N.C. on the one hand, and on the other Holly Hill, SC, Charleston, SC, Waverly, VA, and Franklin, VA. Supporting shipper: Dixie Chipboard Company, Inc., P.O. Box 516, Rural Hall, NC 27045.

MC 167177 (Sub-3–1TA), filed April 1, 1983. Applicant: C. M. MIDDLETON PRODUCE, INC., P.O. Box 171, Loxley, AL 36551. Representative: C. M. Middleton (same address as applicant). *Contract:* Irregular: *Anhydrous Ammonia,* from Pascagoula, MS, to Atmore, Foley, Loxley, Robertsdale, AL. Supporting shipper: Estech, Inc., 340 Interstate North Pky., Suite 150, Atlanta, GA 30339.

MC 166979 (Sub-3–1TA), filed March 21, 1983. Applicant: FERGUSON TRANSPORT, INC., d.b.a. EASTERN CHARTERS/TOURS, 106 Lucy Circle, Warner Robins, GA 31093. Representative: Paul Felty, P.O. Box 2216, Warner Robins, GA 31099. *Passengers and their baggage in special and charter operations* over irregular routes between points in GA on the one hand, and on the other hand, points in FL, TN, SC, NC, VA, WV, DE, CT, DC, MD, NY, AZ, CO, LA, KY, NJ, PA, AL, MS, IN, MI, IL, MA, OK, MO, and OH. There are 11 supporting statements attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 128117 (Sub-3–15TA), filed March 28, 1983. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative:

Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *New furniture,* between points in McMinn County, TN, on the one hand, and, on the other, points in TX. Supporting shipper: Athens Furniture, Inc., Box 929, #10 Matlock Road, Athens, TN 37303.

MC 166969 (Sub-3–1TA), filed March 28, 1983. Applicant: YORK TRANSPORTATION, INC., Route 5, Box 159A, Rock Hill, SC. 29730. Representative: Fred L. Boyd (same address as applicant). *General commodities (except Classes A & B explosives, household goods, and commodities in bulk)* between points in NC and SC, on the one hand, and, on the other, points in the US (except AK and HI). Supporting shippers: There are six statements in support of this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 16717 (Sub-3–1TA), filed March 29, 1983. Applicant: HARLIN TRUCKING CO., Rt. 2, Box 247, Roanoke, AL 36274. Representative: Anthony L. Keenan, 1385 Iris Dr., Conyers, GA 30208. *Crushed stone, gravel, asphalt (plant mix), sand, dirt, and all types of road building materials* between LaGrange, GA; Columbus, GA; Roanoke, AL; Auburn, AL; Anniston, AL; and West Point, GA under continuing contracts with Kline Hicks & Sons, E.S.I. Contractors, Inc., and Starr & Sons, Inc. Supporting shipper(s): Kline Hichs & Sons, P.O. Box 14, Rock Mills, AL 36274; E.S.I. Contractors, Inc., Rt. 1, Box 1, Wadley, AL; and Starr & Sons, Inc., Rt. 1, Box 61, Auburn, AL.

MC 167119 (Sub-3–1TA), filed March 30, 1983. Applicant: HARRIS CORPORATION, 1025 W. Nasa Blvd., Melbourne, FL 32919. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. *Contract:* Irregular. *Printing equipment and materials, equipment and supplies used in their production, installation and distribution* between Champlain, NY; Elyria, Dayton and Cleveland, OH; Grapevine and Kennedale, TX; Dover, NH; Pawcatuck, CT and Palm Bay, FL and points in their commercial zones, on the one hand, and, on the other, points in the U.S. (including AK but excluding HI) Under continuing contract(s) with Harris Graphics Corporation of Melbourne, FL. Supporting shipper: Harris Graphics Corporation, Corporate Headquarters, Melbourne, FL 32919.

MC 162814 (Sub-3–1TA), filed March 30, 1983. Applicant: KENDALL TRUCKING AND GRADING, INC., Route 2, Box 18E, Wadesboro, NC 28170. Representative: Barry Weintraub, Suite 403, 7700 Leesburg Pike, Falls Church, VA 22043. *Contract,* irregular: *Building materials and commodities in bulk* between NC on the one hand, and, on the other points in SC under continuing contract with Southeastern Asphalt and Concrete Company, Inc. of Rockingham, NC. Supporting shipper: Southeastern Asphalt & Concrete Co, Inc., U.S. Highway 1, North, Rockingham, NC 28379.

MC 159141 (Sub-3–2TA), filed March 30, 1983. Applicant: RANDEL LANCE, d.b.a. M & R PRODUCE DISTRIBUTORS, 1437 Angus Trail, Marietta, GA 30060. Representative: James M. Parrish, P.O. Box 1365, 751 Kiowa Dr., N.E., Marietta, GA 30061. *Foodstuffs, frozen, Bacon, Beef, Cheese, Ham, Meat, boxed, Pepperoni, Salami and Sausage,* from the plant site of Doskocil Sausage Co., at or near Hutchinson, KS, to Atlanta, GA, Charlotte, NC, Greenville, SC, Montgomery, AL, Orlando, FL, and Lakeland, FL; and from Lakeland, FL, to Atlanta, GA, and Hutchinson, KS. Supporting shipper: Doskocil Sausage Co., 321 North Main Street, Hutchinson, KS 67505.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub–No. 4–66TA), filed March 22, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods,* between points in the United States, under a continuing contract with Diasonics, Inc., of Milpitas, CA. Supporting shipper: Diasonics, Inc., 1545 Barber Lane, Milpitas, CA 94035.

MC 15735 (Sub–No. 4–67TA), filed March 22, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods,* between points in the United States, under a continuing contract with Marmon Holdings, Inc., and its subsidiaries. Supporting shipper: Marmon Holdings, Inc., 39 South LaSalle Street, Chicago, IL 60603.

MC 129863 (Sub-4–3TA), filed March 21, 1983. Applicant: FREDERICK L. BULTMAN, INC., 11144 West Silver Spring Drive, Milwaukee, WI 53225. Representative: William C. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Floor coverings,* between points in GA. Supporting shippers: Patcraft Mills, Inc., Dalton, GA; Queen Carpet Corp., Dalton, GA; Galaxy Carpet Mills, Inc., Chatsworth, GA; C & R Warehouse, Inc., Milwaukee, WI.

MC 141654 (Sub-4–2TA), filed March 21, 1983. Applicant: J. A. DADY TRUCKING, INC., Box 40, Sisseton, SD 57262. Representative: J. Michael Dady, 4200 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. *Butter* from Sisseton, SD to New Ulm, MN. Supporting shipper: Schiltz Foods, Inc., Sisseton, SD 57262.

MC 147011 (Sub-4–1TA), filed March 22, 1983. Applicant: STEVE SHAFFER TRUCKING, 633 N. Locust, Arcola, IL 61910. Representative: Harry E. Hills & Assoc., 1 Shafer Dr., Forsythe, IL 62535; (217) 875–3880. *General Commodities* between Chicago, IL and its commercial zone, St. Louis, MO., Indianapolis, IN., Memphis, TN., Kansas City, MO and KS and their commercial zones on the hand, and on the other, points in IN, IL, IA, MO, KS, OH, TN, KY, MI, WI, TX, and AR. Supporting shipper: Joan of Arc Co., 2231 W. Altorfer Dr., Peoria, IL 61615.

MC 156517 (Sub-4–4TA), filed March 22, 1983. Applicant: GILLIAM TRUCKING, INC., Rural Route 31, P.O. Box 9, Terre Haute, IN 47803. Representative: Thomas M. O'Brien, Sullivan & Associates, Ltd., 180 North Michigan Avenue, Suite 1700, Chicago, IL 60601. *Such commodities as are dealt in or used by manufacturers of printed matter and containers,* from Vigo County, IN and Cook County, IL to points in CA. Supporting shippers: the Form House, Inc., 1916 Laramie, Cicero, IL 60650; Ivy Hill Packaging, P.O. Box 3189, Terre Haute, IN 47802.

MC 159718 (Sub-4–1TA), filed March 22, 1983. Applicant: BULK TRANSPORT CO. OF ESSEXVILLE, INC., 1500 Pine Street, Essexville, MI 48732; (517) 893–4593. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801; (616) 941–5313. *Chemicals and related products and rubber and plastic products* from Midland and Ludington, MI to points in AL, AR, CT, CO, IL, IN, IA, GA, KY, ME, MN, MS, MO, NJ, NY, NC, OH, PA, TN, TX, VA, WV, WI, RI and OK, restricted to shipments originating at the facilities of Dow Chemical, U.S.A. Supporting shipper: Dow Chemical Company, Michigan Division, 47 Building, Midland, MI 48640.

MC 165292 (Sub-4–1TA), filed March 21 1983. Applicant: SUN-UP TRUCK LINE, INC., 350 Thistle Drive, Boilingbrook, IL 60439. Representative: Albert A. Andrin, 180 North La Salle, Street, Chicago, IL 60601; (312) 332–5106. (1) *Animal feed ingredients,* between Hampshire, IL and points in IA, MN and OH; (2) *Iron and steel products,* between Amarillo, TX, Atlanta, GA, Austin, TX,

Birmingham, AL, Butler, PA, Charlotte, NC, Dallas, TX, El Paso, TX, Ft. Worth, TX, Houston, TX, Kansas City, KS, Kansas City, MO, Lamont, IL, New Orleans, LA, Oklahoma City, OK, Philadelphia, PA, Rapid City, SD, St. Louis, MO, San Antonio, TX, Tulsa, OK, Waco, TX and Wichita Falls, TX; and (3) *Railway track material,* between Chicago Heights, IL and points in and east of ND, SD, NE, KS, OK and TX. Supporting shippers: Borden Inc., Pet-Ag Division, 201 Keyes Avenue, Hampshire, IL 60140; Marmon Keystone Corp., 10700 Marmon Drive, Lemont, IL 60439; and Abex Corporation R.P.G., 11th and Washington Streets, Chicago Heights, IL 60411.

MC 166953 (Sub-4–1TA), filed March 21, 1983. Applicant: THOMAS M. COX d.b.a. WESTERN PRODUCE CARRIERS, 1160 Porter Street, Clearwater, MN 55320. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Beekeeping supplies and specialty wood products,* between Walla Walla County, WA, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contract(s) with Strauser Bee Supply, Inc. of Walla Walla, WA. Supporting shipper: Strauser Bee Supply, Inc., 3rd & C Street, Walla Walla, WA 99362.

MC 166978 (Sub-4–1TA), filed March 22, 1983. Applicant: T.A.C., INC., 9350 Seven Mile Road, McBain, MI 49657. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933; (517) 482–2400. *Agricultural chemicals, supplies and equipment,* and *building materials,* between points in MI, on the one hand, and, on the other, points in OH, IL, IN, PA, and NE. Supporting shippers: Evans & Retting Lumber Company, Inc., P.O. Box 378, 1605 Mitchell Street, Cadillac, MI 49601; Falmouth Cooperative Company, Inc., 260 E. Prosper Road, Falmouth, MI 49632; and Ellens Equipment, Inc., 104 W. Maple, McBain, MI 49657.

MC 116791 (Sub-4–2TA), filed March 29, 1983. Applicant: FARMERS ELEVATOR OF KENSINGTON, MINNESOTA, INC., P.O. Box 184, Kensington, MN 56343. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Twine,* between points in Douglas County, WI; St. Louis County, MN, and the St. Paul/Minneapolis Commercial Zone, on the one hand, and, on the other, points in IA, MN, MT, ND, SD, and WI. Supporting shipper: Twine Producers Sales, Inc., 11583 K-Tel Drive, Hopkins, MN 55343.

MC 147636 (Sub-4–6TA), filed March 29, 1983. Applicant: LARRY E. HICKOX d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 60420. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. *Contract; Irregular. Meats* from points in CO, KS, MO, NE, OK, and TX to points in AZ, CA, CT, GA, IL, IN, KY, MA, MI, NJ, NY, and OH. An underlying E/T/A seeks 120 days authority. Supporting shipper: Mondi, Inc., 7373 Beechmont Ave., Suite 31W, Cincinnati, OH 45230.

MC 150621 (Sub-4–1TA), filed March 29, 1983. Applicant: TED L. CLARK d.b.a. CLARK TRUCK, P.O. Box 317, Carrington, ND 58421. Representative: Thomas J. Van Osdel, 15 Broadway, Suite 502, Fargo, ND 58102. *Contract; Irregular. Pre-fabricated log buildings,* and *materials, supplies and equipment used in the manufacture, installation, construction and distribution of pre-fabricated log buildings,* (except commodities in bulk), between the facilities of Log End Industries, Inc. located in Foster County, ND, on the one hand, and, on the other, points in MN, ND, SD, MT, WY, ID, WA, and OR, under a continuing contract(s) with Log End Industries, Inc. of Carrington, ND. An underlying ETA seeks 120 day authority. Supporting shipper: Log End Industries, Inc., 1475 S. 2nd St., Box 418, Carrington, ND 58421.

MC 165605 (Sub-4–1TA), filed March 29, 1983. Applicant: GODFREY EXPRESS, INC., 1600 Washington Ave., Alton, IL 62002. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102; (314) 421–0845. *Vegetable oil products and materials, equipment and supplies used in the manufacture, processing and distribution thereof,* between St. Louis, MO, on the one hand, and, on the other, Phoenix and Tucson, AZ, Los Angeles, CA and Albuquerque, NM. Supporting shipper: PVO International, 3400 N. Wharf St., St. Louis, MO 63147.

MC 166748 (Sub-4–1TA), filed March 29, 1983. Applicant: WILDWOOD INDUSTRIES, INC., 409 S. Center, Bloomington, IL. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. Contract irregular. *General commodities* (except Classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contracts with the Mead Corporation of Dayton, OH, its subsidiaries and affiliates. Supporting shipper: The Mead Corporation, Courthouse Plaza, N.E., Dayton, OH 45463.

MC 166935 (Sub-4–1TA), filed March 29, 1983. Applicant: MIDCOM SERVICES, INC., 1627 Walden Square, Schaumburg, IL 60195. Representative: E. H. Van Deusen, 2455 North Star Road, Columbus, OH 43221. *Such Commodities as are dealt in by a manufacturer of dairy products (except in bulk),* between the facilities utilized by Hawthorn Mellody, Inc. in WI, IL, IN, OH, PA, IA, MI, MO, MN, KY, TN, GA, FL, on the one hand, and, on the other, points in IL, IN, OH, PA, IA, MI, MO, MN, KY, TN, GA, FL, and WI. Supporting shipper: Hawthorn Mellody, Inc., 1627 Walden Sq., Schaumburg, IL 60195.

MC 167109 (Sub-4–1TA), filed March 29, 1983. Applicant: TEE CEE TRANSPORT, 3641 West 115th Street, Chicago, IL 60655. Representative: John R. Prondle, R.R. 1, Box 19, Irma, WI 54442. A *Contract* irregular *General Commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between points in the United States (except AK and HI), under continuing contract(s) with Mobile Chemical Company, Plastics Division of Macedon, NY. Supporting shipper: Mobil Chemical Company, Plastics Division—Macedon, NY 14502.

MC 167113 (Sub-4–1TA), filed March 29, 1983. Applicant: ARTHUR HEVERMAN d.b.a. ARTHUR HEVERMAN TRUCKING SERVICE, 302 So. Wall Street, Teutopolis, IL 62567. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. *Steel,* from East Chicago, IN to Effingham, IL. An underlying E/T/A seeks 120 days authority. Supporting shipper: Fedders, U.S.A., a Div. of Fedders Corporation, 415 Wabash, Effingham, IL 62401.

MC 167116 (Sub-4–1TA), filed March 29, 1983. Applicant: VERONA CARRIERS, INC., 504 South Nine Mound Road, Verona, WI 53593. Representative: Richard D. Armstrong, 925 Hyland Drive, Stoughton, WI 53589. Contract, irregular: *Sheet Steel Buildings and Accessories* from Madison, WI to points in CT, MA, NJ, NY, OH and PA under continuing contract with Trachte Building Systems of Madison, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Trachte Building Systems, 102 No. Dickinson Street, Madison, WI 53703.

MC 129016 (Sub-4–2TA), filed March 22, 1983. Applicant: M & E Corp., P.O. Box 2097, Muncie, IN 47302. Representative: Michael D. McCormick, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204; (317) 638–1301. *Sweeteners,* in bulk and in bags, from Cincinnati, Findlay, and Fremont, OH to points in IL, IN, KY, MD, MI, MO, NJ, NY, OH, PA, and WV. Supporting shipper: The Great Western Sugar Company, 2000 Thanksgiving Tower, 1601 Elm Street, Dallas, TX 75201.

MC 139772 (Sub-4–2TA), filed March 22, 1983. Applicant: ROBERTS TRUCKING, INC., Route #1, Eldorado, WI 54932. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901. *Food and Related Products* Between Points in WI and CO on the one hand, and, on the other points in AZ, CA and CO. Supporting shippers: There are eight (8).

MC 164764 (Sub-4–4TA), filed March 22, 1983. Applicant: WHITEFORD NATIONALEASE, INC., d.b.a. DEDICATED TRUCK SERVICE, 2020 West Sample Street, P.O. Box 76, South Bend, IN 46624. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract,* irregular: *Metal products,* between Aurora and Hicksville, OH, on the one hand, and, on the other, points in and east of MN, IA, NE, KS and OK. Restricted to continuing contract(s) with Dietrich Industries, Inc., 761 West High Street, P.O. Box 265, Hicksville, OH 43526–0652.

MC 153348 (Sub-4–2TA), filed March 22, 1983. Applicant: HAROLD J. FUNK, d.b.a. FUNK TRANSPORT, 405 S. Polk St., Lancaster, WI 53813. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Common;* irregular; *petroleum and related products* between Dubuque, IA, on the one hand, and on the other hand, points within Grant County, WI. Supporting shippers: Fennimore Co-op Oil Co., 770 Lincoln St., Fennimore, WI 53809; Livingston Co-op Oil Co., Livingston, WI 53554.

MC 156517 (Sub-4–2TA), filed March 22, 1983. Applicant: GILLIAM TRUCKING, INC., Rural Route 31, P.O. Box 9, Terre Haute, IN 47803. Representative: Thomas M. O'Brien, Sullivan & Associates, Ltd., 180 North Michigan Avenue, Suite 1700, Chicago, IL 60601. *Such commodities as are dealt in or used by distributors of chemicals,* from Vigo County, IN to points in CA. Supporting shipper: Grower Service Corporation, 300 N. Fruitridge Avenue, Terre Haute, IN, 47803.

MC 158417 (Sub-4–3TA), filed March 22, 1983. Applicant: BADGER STATE WESTERN, INC., Route 1, Box 204, Owen, WI 54460. Representative: Michael J. Collins, Collins, Beatty & Krekeler, 14 West Mifflin Street, Madison, WI 53703. *Paper and related articles* from Mosinee, WI to points in AZ, CA, CO, ID, NV, OR, UT, and WY. An underlying ETA seeks 90 days authority. Supporting shipper: Mosinee Paper Corp., Pulp and Paper Division, 100 West Main Street, Wausau, WI 55501.

MC 146183 (Sub-4–2), filed March 22, 1983. Applicant: NORTH STATE TRANSIT, INC., P.O. Box 40, Troy Grove, IL 61372. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., P.O. Box 5039, Springfield, IL 62705. *Bituminous coal* from Tabor Dock, LaSalle, IL to Wisconsin Power & Fuel, Beliot, WI. An underlying ETA seeks 180 day's authority. Supporting shipper: Tabor Grain Company, a subsidiary of Archer Daniels Midland, Box 183, LaSalle, IL 61301.

MC 166717 (Sub-4–1TA), filed March 22, 1983. Applicant: THUNDER ROAD LIQUOR DELIVERY, INC., 7979 N. Williams Road, St. Johns, MI 48879. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933; (517) 482–2400. *Contract;* irregular; *Metal and metal products* between Ingham County, MI, on the one hand, and, on the other, various points in the U.S. under continuing contract(s) with Efficiency Production, Inc., of Okemos, MI. An underlying ETA seeks 120-day authority. Supporting shipper: Efficiency Production, Inc., 2360 E. Jolly Road, Okemos, MI 48864.

MC 166967 (Sub-4–1TA), filed March 22, 1983. Applicant: CARE-FREE STEEL HOME CORP. d.b.a. CARE-FREE TRANSIT, Highway 41 and CTH D, Route 1, Allenton, WI 53002. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *building products and such commodities as are dealt in, sold or used by manufacturers of such products* between points within WI on the one hand and on the other hand points within IA, IL, IN, KY, MI, MN and MO. Restriction: restricted to transportation performed under continuing contract(s) with Jack Walters & Sons, Corp. and Walter Square Post Buildings. Supporting shippers: Jack Walters & Sons, Corp., Highway 41 & D, Route 1, Allenton, WI 53002; Walter Square Post Buildings, Highway 45 South, Fairfield, IL.

MC 166972 (Sub-4–1TA), filed March 22, 1983. Applicant: HAROLD EUGENE SCHAMBERGER d.b.a. SCHAMBERGER TRUCK SERVICE, 407 South Ward Street, Stockton, IL 61085. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *Scrap metal,* from Rockford and Stockton, IL, to points in IN, IA, and WI. Supporting shipper: Atwood Vacuum Machine Company, 1400 Eddy Avenue, Rockford, IL 61101.

MC 166976 (Sub-4–1 TA), filed March 22, 1983. Applicant: RONALD H. SPERBERG, d.b.a. R & S TRUCKING, 2409 Woodington Way, Little Suamico, WI 54141. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086; 608–238–3119. *Dairy products, and materials, equipment and supplies used in the production and distribution thereof* between the facilities of Lov-It Creamery, Inc. at or near Green Bay, WI on the one hand and, on the other hand, points in IL, IN, MI, MN, MO, OH and PA under continuing contract(s) with Lov-It Creamery, Inc. An underlying ETA seeks 120 day authority. Supporting shipper: Lov-It Creamery, Inc., 443 North Henry Street, P.O. Box 915, Green Bay, WI 54305.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 67234 (Sub-5–49 TA; filed March 28, 1983. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Contract irregular *General Commodities* (except Classes A and B explosives and commodities in bulk) between points in the United States (including AK and HI) under continuing contract(s) with Burlington Northern, Inc. and its primary subsidiaries. Supporting Shipper: Burlington Northern, Inc. and its primary subsidiaries, St. Paul, MN.

MC 128007 (Sub-5–12 TA; filed March 29, 1983. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, P.O. Box 1979, Topeka, KS 66601. *Carbon Paper and Equipment, Materials and Supplies Used in the Manufacture, Production and Distribution of Carbon Paper,* Between Labette County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: SWC Corp., Parsons, KS.

MC 166768 (Sub-5–1TA), filed March 28, 1983. Applicant: EAGLE TOURS, INC., 501 W. Airport Fwy., Irving, TX 75062. Representative: Eugene Jackson Shields (same as above). *Passengers and baggage,* in Charter and Special Operation between points in the United States. Supporting shippers: Lover's Lane Methodist Church, Dallas, TX; McCarthy Travel, Irving, TX; U.S. Dept. of Justice, Dallas, TX.

MC 167068 (Sub-5–1TA), filed March 28, 1983. Applicant: QUALITY TRANSPORTATION, INC., 5 Par Drive, Iola, KS 66749. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612. *(1) Paper and paper related items; plastic*

items and articles; food products utilized by fast food stores; (2) Truck and trailer parts and equipment; automotive parts and accessories; twine; and articles, items, materials and supplies used in the manufacture, sale and distribution of these items. (1) Between Iola, KS, on the one hand and points in the U.S. (except AK & HI), on the other, and from points in the U.S. (except AK & HI), to Wichita, KS. (2) Between points in the Commercial Zone of Iola, KS on the one hand and points in the United States (except AK & HI) on the other hand.

MC 167074 (Sub-5–1TA), filed March 28, 1983. Applicant: GEORGE H. TRUCK LEASING CO., INC., 2463 Soundview Court, Florissant, MO 63031. Reporesentative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. *Metal products* between points in St. Louis County, MO on one hand and on the other, points in Kay County, OK, Pulaski County, AR, Davidson County, TN, Johnson County, KS, Marshall County, KY, Marion County, IN and Williamson County, IL. Supporting shipper: U.S. Steel Container Products, St. Louis, MO.

MC 167076 (Sub-5–1TA), filed March 28, 1983. Applicant: M. C. TRANSIT, INC., 129 Joyce Circle, Mead, NE 68041. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Food* and *related products* from points in IL, IA, MN, NE and WI to points in CA. Supporting shipper: United Dispatch, Inc., Omaha, NE.

MC 119786 (Sub-5–1TA), filed March 9, 1983. Applicant: NATIONAL OIL & SUPPLY CO., INC. d.b.a. ELLIS TRANSPORT, 2345½ W. Kearney, Springfield, MO 65803. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804. *Gasoline, distillate fuels, diesel fuels, automotive fuels, aviation fuels, industrial fuels, distillate and residual fuels, compounded lubricating oils and petroleum solvents,* in bulk, in tank vehicles, between points in AR, CO, IA, IL, KS, LA, MO, NB, OK, TN, and TX. Supporting shippers: Wood Petroleum Company, Branson, MO; Midwest Petroleum Company, Camdenton, MO; TransChemical, Inc., St. Louis, MO.

MC 142239 (Sub-5–3TA), filed March 24, 1983. Applicant: NEBRASKA COAST, INC., 3125 So. 11th Street, Council Bluffs, IA 51501. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. (1) *Paper, stationery, and related items,* between Omaha, NE and points in the U.S. (except AK and HI). (2) *Such commodities as are used or dealt in by furniture, carpet, or appliance stores,* between Omaha, NE and Council Bluffs, IA on the one hand, and, on the other, points in the U.S. (except AK and HI). (3) *Stone, brick, fireplaces, brick veneer, and heating stoves,* between Omaha, NE on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Forms Associates LTD., Omaha, NE; Michael's Carpets & Furniture, Council Bluffs, IA; and Lumberman's Natural Stone & Brick Center, Omaha, NE.

MC 143165 (Sub-5–5TA), filed March 24, 1983. Applicant: McCLELLAND LUMBER TRANSPORTS, P.O. Box 73, Cuba, Missouri 65453. Representative: Charles W. McClelland, (same address as applicant). *Metal products,* between points in Franklin County, MO on the one hand, and, on the other, points in AR, GA, IL, IN, KY, LA, MS, NC, OK, SC, TN and TX. Supporting shipper: Bull Moose Tube Co., Gerald, MO.

MC 147087 (Sub-5–1TA), filed March 25, 1983. Applicant: W. L. GOOD TRUCKING INC., Mingo, IA 50168. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Liquid Fertilizer,* in bulk, between Polk and Story Counties, IA, on the one hand, and, on the other, points in KS, NE, and OK. Supporting shipper: Carpenter Sales, Inc., Bondurant, Iowa.

MC 150004 (Sub-5–3TA), filed March 23, 1983. Applicant: FRANK D. JAMES d.b.a. F & J LEASING, P.O. Box 13606, St. Louis, MO 63147. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102. General commodities (except Classes A & B explosives, household goods and commodities in bulk) between points in the U.S. (except AK and HI). Supporting shipper: Zenith Radio Corporation, Chicago, IL.

MC 151866 (Sub-5–3TA), filed March 24, 1983. Applicant: R. L. JONES & SONS, INC., 4900 E. 12th Street, Kansas City MO 64127. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068. *Contract,* irregular; *cosmetics and toilet preparations, and machinery, equipment, materials and supplies used in the manufacture, sale & distribution of such commodities,* between Kansas City, MO on the one hand, and, on the other hand, points and places in KS, OK, TX, AR, LA, MS, IN, IL, OH, MN, WI, UT, CO, CA, IA, NE, KY, TN, MO, WY. Supporting shipper: Blankinship Distributing, Inc., Kansas City, MO.

MC 166629 (Sub-5–1TA), filed March 25, 1983. Applicant: TRANSPORTATION SERVICES, INC., P.O. Box 962, North Little Rock, AR 72116. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Paper and Paper Products,* from the facilities of Georgia Pacific Corporation, at Crossett, AR, on the one hand, to points in MO, OK, TX and LA, on the other. Supporting shipper: Georgia Pacific Corporation Crossett, AR 71635.

MC 166850 (Sub-5–1TA), filed March 25, 1983. Applicant: ASH HAULERS, INC., 1 Innwood Circle, Suite 217, Little Rock AR 72211. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Contract irregular: *fly ash and bottom ash* between points in Jefferson and Independence Counties, AR, on the one hand, and, on the other, points in MO, TN, MS, and LA (Restricted: to movements under continuing contract(s) with Chem-Ash, Inc., Little Rock, AR.)

MC 166851 (Sub-5–1TA), filed March 17, 1983. Applicant: NICHOLS CONSTRUCTION CORPORATION, P.O. Box 2750, Baton Rouge, LA 70821. Representative: John Schwab, P.O. Box 3036, Baton Rouge, LA 70821. *Construction equipment and accessories thereto; plant process equipment including but not limited to vessels, exchangers, compressors, pumps, except pipe; electrical transformers; and, other commodities which because of their size or weight require special handling or equipment, except mobile homes or modular housing,* from, to and between points in AL, FL, GA, LA, MS, and TX. Supporting shippers: 17.

MC 166963 (Sub-5–1TA), filed March 23, 1983. Applicant: FARMERS INTERNATIONAL TRANSPORTATION CORP., 8565 Harbach, Des Moines, IA 50311. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Lumber, plywood, particleboard and treated posts,* from points in AR, LA, OK and TX to points in IA, IL, MO and NE. Supporting shipper: Cimarron Lumber & Supply Co., Kansas City, Mo.

MC 166983 (Sub-5–1TA), filed March 23, 1983. Applicant: EUGENE CARLYN JOHANNINGMEIER d.b.a. THE "J" LINE, R.R. #1, Box 94, Luana, IA 52156. Representative: Carl E. Munson, P.O. Box 796, Dubuque, IA 52001. (1) *Lumber and wood products,* from, at or near Janesville and Prairie du Chien, WI, to points in IL, IN, IA, MI, MN, ND and SD; and (2) *Metal products,* from points in the Chicago, IL, commercial zone, Pittsburgh, PA, Beloit and Milwaukee, WI, to Marquette, IA. Supporting shipper: Bituma-Stor, Inc., Marquette, IA.

MC 167015 (Sub-5–1TA), filed March 24, 1983. Applicant: AMERICAN COMMODITY CORPORATION, P.O. Box 699, Marshall, MO 65340.

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Representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, MO 64105–1961. (1) *Fertilizer, animal feed, feed ingredients and grain products,* between AR, MO, KS, CO, IA, IL, IN, MN, TN, WI, MI, NE, WY, NM, KY, OH, OK, TX, AL, LA and MS; and (2) *clay products,* between Thomas County, GA, and Tippah County, MS, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, OH, PA and WI. Supporting shippers: 7.

MC 167016 (Sub-5–1TA), filed March 25, 1983. Applicant: QUALITY DELIVERY SERVICE, INC., 10508 Goodnight Lane, Dallas, TX 75220. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *General Commodities* (except classes A and B explosives, household goods or bulk commodities) between Dallas and Tarrant Counties, TX on the one hand, and, on the other, points in AR, LA, OK and TX. Restricted to shipments having a prior or subsequent movement by rail or water carrier. Supporting shippers: 6.

MC 167018 (Sub-5–1TA), filed March 24, 1983. Applicant: WWC TRUCKING, INC., Box 788, Watonga, OK 73772. Representative: William P. Parker, P.O. Box 54657, Oklahoma City OK 73154. *Metal products,* between Watonga and Canton, OK on the one hand, and, on the other, points in AR, CO, KS, and TX. Supporting shipper: Delhi Pipeline Company, Watonga, OK.

MC 167051 (Sub-5–1TA), filed March 25, 1983. Applicant: JERRY LEE WILSON AND BEVERLY O. WILSON d.b.a. HERMITAGE EXPRESS, Rt. 1, Box 82, Brookline, MO 65619. Representative: Jerry Lee Wilson, (same address as applicant). *General commodities, except classes A and B explosives, used household goods, and commodities in bulk,* between Bolivar, Buffalo, Fair Grove, Galmey, Hermitage, Louisburg, Nemo, Pittsburg, Polk, Preston, Springfield, Tunas, Urbana, and Wheatland, MO, and their commerical zones. Supporting shippers: (10).

MC 147085 (Sub-5–2TA), filed March 31, 1983. Applicant: SIMON FEED STORE INC., P.O. Box 8, Farley, IA 52046. Representative: Carl E. Munson, P.O. Box 796, Dubuque, IA 52001. *Fertilizer and fertilizer ingredients,* from points in Jo Daviess County, IL to points in IA and WI. Supporting shipper: N–REN Corporation, St. Paul Ammonia Products Division, East Dubuque, IL.

MC 166149 (Sub-5–2TA), filed April 1, 1983. Applicant: WORTH INDUSTRIAL EQUIPMENT, INC., 206 East Mill Street, Butler, MO 64730. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Hides and trimmings,* between Butler, MO, on the one hand, and, on the other, points in AZ, CA, CO, FL, IA, IL, KS, KY, IA, ME, MA, MI, MN, NE, NY, ND, OH, OK, PA, TN, TX, WV, WI and WY. Supporting shipper: Cox Hide Co, Butler, MO.

MC 167071 (Sub-5–1TA), filed March 31, 1983. Applicant: CHARLES POGUE TRUCKING, INC., P.O. Box 669, Jonesboro, LA 71251. Representative: Brian Brewton, P.O. Drawer 1375, Winnfield, LA 74483. Contract irregular treated and untreated timber products under a continuing contract with Crown Zellerbach Corporation from LaSalle Parish, LA to points in TX, OK, MS, AL, and AR.

MC 167161 (Sub-5–1TA), filed March 31, 1983. Applicant: BROWN'S TRUCKING, P.O. Box 1024, Cleveland, TX 77327. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706. Contract, Irr.; *Lumber, Plywood and Particleboard,* between Bon Weir, TX, Cleveland, TX and Silsbee, TX, on the one hand, and on the other, La Porte, TX, Houston, TX, Port Arthur, TX and Lake Charles, LA, under continuing contract with Kirby Forest Industries, Inc., Silsbee, TX.

MC 167183 (Sub-5–1TA), filed April 1, 1983. Applicant: CONVOY SYSTEMS, INC., 6716 Berger, Kansas City, KS 66111. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612, *Paper, paper products and related items* between points and places in the Kansas City, KS Commercial Zone, on the one hand, and points in the U.S. (except AK & HI) on the other. Supporting shipper: Graphic Technology, Inc.

MC 167186 (Sub-5–1TA), filed April 1, 1983. Applicant: PETROLEUM SALES & TRANSPORT, INC., 603 W. 2nd Street, Atlantic, IA 50022. Representative: James M. Hodge, 3730 Ingersoll, Des Moines, IA 50312. *Agricultural chemicals, fertilizers and petroleum products* from Omaha, Blair, La Platte, Greenwood and Plattsmouth, NE to points in IA. Supporting shipper: Pellett Petroleum Company, Inc., Atlantic, IA.

Agatha L. Mergenovich,

Secretary

[FR Doc 83–9358 Filed 4–8–83; 8:45 am]

BILLING CODE 7035–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83–29]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NAC Aeronautics Advisory Committee, Ad Hoc Informal Advisory Subcommittee on Simulation Validation/Fidelity for NASA Simulators.

DATE AND TIME: April 19, 1983, 8 a.m. to 5 p.m.; April 20, 1983, 8:30 a.m. to 5 p.m.; April 21, 1983, 8 a.m. to 12 noon.

ADDRESS: Ames Research Center, Building 200, Committee Room, Moffett Field, California 94035.

FOR FURTHER INFORMATION CONTACT: Dr. Melvin Montemerlo, National Aeronautics and Space Administration, Code RTH–6, Washington, D.C. 20546; (202/755–2494).

SUPPLEMENTARY INFORMATION: This ad hoc informal subcommittee was formed to assess current needs and capabilities in the area of simulation fidelity and validity assessment, and to recommend necessary actions to correct identified deficiencies. The subcommittee, chaired by Mr. Duane T. McRuer, is comprised of thirteen members. The meeting will be open to the public up to the seating capacity of the room (approximately 46 persons, including the subcommittee members and participants). The meeting of the Ad Hoc Informal Advisory Subcommittee on Simulation Validation/Fidelity for NASA Simulators is necessary at this time in order to provide sufficient time for the Subcommittee recommendations and actions to be distributed to, and reviewed by, the Informal Subcommittee on Aircraft Controls and Guidance prior to their planned meeting in May 1983.

Type of meeting: Open.

Agenda: April 19, 1983:

8 a.m.—Introduction and Subcommittee Goals.
9 a.m.—NASA Simulation Fidelity Assessment Experience.
3 p.m.—Air Force Simulation Fidelity Assessment Experience.
4 p.m.—Fundamental Human Factors Issues.
5 p.m.—Adjourn.

April 20, 1983:

8:30 a.m.—Fundamental Fidelity and Validation Issues.
10 a.m.—General Discussion.
5 p.m.—Adjourn.

April 21, 1983:

8 a.m.—Subcommittee Report and Recommendations.
12 Noon—Adjourn.

Dated: April 4, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83-9323 Filed 4-8-83; 8:45 am]

BILLING CODE 7510-01-M

[Notice 83-30]

NASA Advisory Council (NAC), Life Sciences Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Life Sciences Advisory Committee (LSAC).

DATE AND TIME: April 29-30, 1983, 8:30 a.m. to 5 p.m. each day.

ADDRESS: NASA Headquarters, Room 226-A, 600 Independence Ave. SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. William P. Bishop, Code EB-3, National Aeronautics and Space Administration, Washington, DC 20546; (202/755-9220).

SUPPLEMENTARY INFORMATION: The Life Sciences Advisory Committee consults with and advises the Council and NASA on the accomplishments and plans of NASA's Life Sciences Programs. The Committee, chaired by Peter Dews, is comprised of 12 members. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including Committee members and participants).

The Committee will discuss planning activities, space adaptation syndrome initiatives, and cardiovascular topics.

TYPE OF MEETING: Open. April 29, 1983:

8:30 a.m.—Committee Business.
9 a.m.—Reports and Discussion on Planning.
1:30 p.m.—Report on Space Adaptation Syndrome Initiative.
5 p.m.—Adjourn.

April 30, 1983:

8:30 a.m.—Presentation on Cardiovascular Topics.
1:30 p.m.—Committee Discussions.
5 p.m.—Adjourn.

Dated: April 5, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83-9324 Filed 4-8-83; 8:45 am]

BILLING CODE 7510-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM—FRL 2343-2]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers, Office of Standards and Regulations, Information Management Section (PM-223), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION: .

Solid Waste Programs

Title: Uniform Hazardous Waste Manifest for Generators and Transporters (EPA ID 0801).

Abstract: Generators must prepare a manifest for each load of hazardous waste transported, with a copy for each handler and one for return to the originator as confirmation of delivery. The facility must retain its copy for three years.

Respondents: Generators and transporters of hazardous waste and hazardous waste facilities.

No agency forms under review were cleared by OMB between March 22 and March 29, 1983.

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), 401 M Street, SW., Washington, D.C. 20460

and

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW.,Washington, D.C. 20503.

Dated: April 1, 1983.

John Warren,

Chief, Statistical Policy Staff.

[FR Doc. 83-9251 Filed 4-8-83; 8:45 am]

BILLING CODE 6560-50-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-31]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Advisory Subcommittee on Space Power and Electric Propulsion.

DATE AND TIME: May 4-5, 1983, 9 a.m. to 5 p.m.; May 6, 1983, 9 a.m. to Noon.

ADDRESS: Langley Research Center, National Aeronautics and Space Administration, Building 1192C, Room 124, Hampton, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Jerome P. Mullin, National Aeronautics and Space Administration, Code RSE, Washington, DC 20546 (202/755-2306).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Space Power and Electric Propulsion was established to provide guidance and direction to the Space Energy Systems research and technology programs of NASA's Office of Aeronautics and Space Technology. The Subcommittee, chaired by Mr. Jerome H. Molitor, is comprised of eight members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons, including the Subcommittee members and participants).

Type of meeting: Open.

Agenda

May 4, 1983

9:00 a.m.—Welcome and Introductory Remarks.
9:30 a.m.—Program Status.
10:00 a.m.—Space Energy Systems Long Range Plan.
2:30 p.m.—Restructured Electric Propulsion Program.
5:00 p.m.—Adjourn.

May 5, 1983

9:00 a.m.—Advanced Laser Program.
10:30 a.m.—Landmark Missions.
1:00 p.m.—Competitive Space Energy Systems Technology in the United States Market.
5:00 a.m.—Adjourn.

May 6, 1983

9:00 a.m.—Subcommittee Review Session.

10:30 a.m.—Subcommittee Remarks.
12:00 a.m.—Adjourn.

Dated: April 5, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83-9321 Filed 4-8-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at Old Post Office, 1100 Pennsylvania Ave., NW., Washington, D.C. 20506:

Date: April 27, 1983.

Time: 8:00 a.m. to 5:30 p.m.

Room: 419.

Program: This meeting will review applications submitted to the Research Program: Intercultural Panel, Division of Research Programs, for projects beginning after July 1, 1983.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83-9356 Filed 4-8-83; 8:45 am]

BILLING CODE 7536-01-M

National Council on the Humanities Advisory Committee; Meeting

April 4, 1983.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on May 4-6, 1983. The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, D.C. A session of the proposed meeting on May 4th, a portion of the morning and afternoon sessions on May 5th and the afternoon session on May 6, 1983 will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the meeting on May 4, 1983 will be as follows:

Open to the Public:

3:00 p.m.-4:00 p.m.—Challenge Grants Committee Meeting Policy Discussion—Room 415

Closed to the Public for the reasons stated above:

4:00 p.m.-5:00 p.m.—Consideration specific applications

The agenda for the sessions on May 5, 1983 follows:

Open to the Public:

8:30-9:30—Coffee for Council Members in Chairman's Conference Room—506
9:30-10:30—Committee Meetings—Policy Discussion
Education and State Programs—Room M-14
Fellowship Programs—Room M-07A
General Programs—Room 415
Research and Planning—Room 315

Closed to the Public for the reasons stated above:

10:30 till adjourn—Consideration of Specific applications

The morning session on May 6, 1983 will convene at 8:30 a.m. in the 1st Floor Council Room M-04 and will be open to the public. The agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.-9:00 a.m.).

Minutes of the Previous Meeting:

Reports

A. Introductory Remarks
B. Introduction of New Staff
C. Contracts Awarded in the Previous Quarter
D. Application Report
E. Gifts and Matching Report
F. FY 1983 Program Funds
G. FY 1984 Appropriations Request
H. FY 1985 Budget Planning
I. Study of Treasury Funds
J. Service by Council Members on State Committees
K. Report from the Public Affairs Office
L. Committee Reports on Policy and General Matters:
a. General Programs
b. Research Programs
c. Planning and Assessment Studies
d. Fellowship Programs
e. Education Programs
f. Challenge Grants
g. State Programs

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code 202-786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83-9357 Filed 4-8-83; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Astronomical Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science

Foundation announces the following meeting:

Name: Advisory Committee for Astronomical Sciences.

Dates: April 28 and 29, 1983.

Time: 9:00 a.m. 5:00 p.m.

Place: April 28—Room 1141 National Science Foundation, April 29—Room 543 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Dr. Laura P. Bautz, Director, Division of Astronomical Sciences, Room 615, National Science Foundation, Washington, D.C. 20550, telephone: (202) 357–9488.

Summary Minutes: May be obtained from the contact person at the above address.

Purpose of Committee: To provide advice and recommendations concerning research in astronomy with the objective of achieving the highest quality forefront research for the funds allocated. To provide advice and recommendations concerning long range plans in astronomy.

Agenda:

April 28, 1983

9 a.m.–5 p.m.: Introductory Remarks, NTT Technology Development Progress Report, Report of mm/Sub-mm Wave Subcommittee, FY 85 Opportunities for Programs of Division of Astronomical Sciences.

April 29, 1983.

9 a.m.–5 p.m.: Continuation of presentations and discussions of previous day.

Dated: April 6, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83–9401 Filed 4–8–83; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Chemistry; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Chemistry.

Date and Time: April 28–29, 1983; 9:00 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Dr. Edward F. Hayes, Director, Chemistry Division, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–7947.

Summary Minutes: May be obtained from Dr. Edward F. Hayes.

Purpose of Committee: To provide advice and recommendations concerning NSF support for research in chemistry.

Agenda: Open-General discussion of the current status and future plans of the Chemistry Division. Advisory Committee review of the oversight team reports for 1982–83.

Dated: April 6, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83–9403 Filed 4–8–83; 8:45 am]

BILLING CODE 7555–01–M

Behavioral and Neural Sciences Advisory Panel; Subpanel on Social and Developmental Psychology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Social and Developmental Psychology of the Advisory Panel for Behavioral and Neural Sciences.

Date and Time: April 27–29, 1983: 9:00 a.m. to 5:00 p.m. each day.

Place: Room 421, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of Meeting: Open April 28—9:00 a.m.–12:00 a.m.

Closed:
April 27–9:00–5:00
April 28–1:00–5:00
April 29–9:00–5:00

Contact Person: Dr. Jean B. Intermaggio, Program Director for Social and Developmental Psychology, Room 320, National Science Foundation, Washington, D.C 20550, telephone/202–357–9485.

Summary Minutes: May be obtained from the contact person as listed above.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Social and Developmental Psychology.

Agenda: Open—April 28, 9:00 a.m.–12:00 a.m. General discussion of research trends and opportunities in Social and Developmental Psychology.

Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L 92–463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

Dated: April 6, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83–9400 Filed 4–8–83; 8:45 am]

BILLING CODE 7555–01–M

Behavioral and Neural Sciences Advisory Panel; Subpanel for Neurobiology Group "C"; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Neurobiology of the Advisory Panel for Behavioral and Neural Sciences.

Date and Time: April 27, 28, 29, 1983: 9:00 a.m. to 5:00 p.m. each day.

Place: Room 523, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of Meeting: Open 1:00 p.m. to 3:00 p.m., April 28; Closed 9:00 a.m. to 5:00 p.m. April 27 and 29.

Contact Person: Dr. Michael Oberdorfer, Staff Associate, Sensory Physiology & Perception Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–7428.

Summary Minutes: May be obtained from the Contact Person, Dr. Michael Oberdorfer at the address listed above.

Purpose of Panel: To provide advice and recommendations concerning support for research in developmental neurosciences.

Agenda: Open—General discussion of current status and future plan of the Developmental Neurosciences.

Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83–9402 Filed 4–8–83; 8:45 am]

BILLING CODE 7555–01–M

Subpanel on Political Science of the Advisory Panel for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Political Science of the Advisory Panel for Social and Economic Science.

Date and Time: April 28 and 29, 1983, 9:00 a.m. to 5:00 p.m.

Place: Room to be announced, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Persons: Dr. Frank P. Scioli, Jr., Acting Program Director and Dr. William Mishler, Associate Program Director, Political Science Program, Washington, D.C. 20550, Telephone (202) 357–7534.

Purpose of Subcommittee: To provide advise and recommendations concerning research in Political Science.

Agenda: Closed: to review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

Dated: April 6, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-9398 Filed 4-8-83; 8:45 am]

BILLING CODE 7555-01-M

Subpanel on Regulation and Policy Analysis Advisory Panel for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Regulation and Policy Analysis of the Advisory Panel for Social and Economic Science.

Date and Time: April 29, 1983—9:00 a.m. to 5:00 p.m.; April 30, 1983—9:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G St., NW (Rm. 1240), Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Laurence C. Rogenberg, Program Director Regulation and Policy Analysis, National Science Foundation, Washington, DC 20550, Room 310, Phone (202) 357–7417.

Purpose of Subpanel: To provide advice and recommendations concerning support for research in Economics.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Dated: April 6, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-9399 Filed 4-8-83; 8:45 am]

BILLING CODE 7555-01-M

OFFICE OF MANAGEMENT AND BUDGET

Privacy Act of 1974; Guidelines on the Relationship of the Debt Collection Act of 1982 to the Privacy Act of 1974

AGENCY: Office of Management and Budget.

ACTION: Issuance of guidance on implementing the Privacy Act of 1974.

SUMMARY: This document provides guidance on how the provisions of Pub. L. 97–365, the Debt Collection Act of 1982, affect the Privacy Act of 1974.

EFFECTIVE DATE: March 30, 1982.

FOR FURTHER INFORMATION CONTACT: Robert N. Veeder, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503; telephone (202) 395–4814.

SUPPLEMENTARY INFORMATION: The Debt Collection Act of 1982 affects the Privacy Act of 1974 in several significant ways, e.g., by authorizing the collection of the Social Security Number in certain instances, by providing a new general disclosure authority in section (b), and by providing other authorities for disclosure of personal information from agencies' systems of records to improve the efficiency of agencies' efforts to collect outstanding debts. These Guidelines are provided to assist agencies in understanding what changes were effected and how to apply the new provisions.

The Guidelines were signed by the Director of OMB on March 30, 1982, and became effective on that date. Their text is set forth below.

Candice C. Bryant,

Acting Deputy Associate Director for Administration.

[M–83–11]

March 30, 1983.

Memorandum for the Executive Departments and Establishments

Subject: Guidelines on the Relationship Between the Privacy Act of 1974 and the Debt Collection Act of 1982

From: David A. Stockman, Director

The following guidance is issued to explain how the disclosure provisions of the Debt Collection Act of 1982 (Pub. L. 97–365), affect agencies' implementation of the Privacy Act of 1974. This guidance supplements the Office of Management and Budget "Privacy Act Guidelines" issued on July 9, 1975 (**Federal Register**, Volume 40, Number 132, pp. 28949–28978). Additional supplements will be issued as needed.

Questions or comments may be addressed to the Office of Information and Regulatory Affairs, Information Policy Branch, Washington, D.C. 20503.

Implementation of the Privacy Act of 1974; Supplemental Guidance on the Relationship of the Debt Collection Act of 1982 to the Privacy Act of 1974

1. *General: The Debt Collection Act of 1982 and the Privacy Act of 1974.*

The preamble to the Debt Collection Act of 1982 (Pub. L. 97–365) clearly states Congress' intent: "To increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of [such] debts." The "additional procedures" the Act provides cover a broad range, many of which are related to the technical aspects of financial management, e.g., collecting claims by administrative offsets, establishing interest rates and penalties on indebtedness, etc. Among these procedures, however, are those which authorize agencies to disclose the names, debt information, and (in certain instances) the addresses of individuals from agency systems of records. These disclosures are intended to let agencies take advantage of debt collection techniques and services commonly used by the private sector, e.g., creditworthiness checks, disclosure of bad debt information to credit bureaus, use of private debt collection agencies.

In order to facilitate these kinds of disclosures and promote the use of these techniques and services, the Debt Collection Act contains provisions which directly affect the primary statute controlling disclosures and use of information about individuals, the Privacy Act of 1974. The Debt Collection Act:

(a) Amends the Privacy Act of 1974 to provide a new general disclosure authority, subsection (b)(12), which lets agencies disclose personal information to consumer reporting agencies.

(b) Creates a statutory authority to satisfy the conditions the Privacy Act establishes under which agencies can make disclosures under subsection (b)(3): For a "routine use." The Privacy Act requires that such disclosures be compatible with the purpose for which

the information was originally collected. The routine use disclosures which the Debt Collection Act authorizes include disclosures of taxpayer mailing addresses in certain instances, as well as disclosures of debtor information to effect administrative or salary offsets.

(c) Creates statutory authority for agencies to collect the Social Security Account Number (SSN) from applicants in certain Federal loan programs.

(d) Amends the Privacy Act to exempt consumer reporting agencies from the "contractor" provisions of the Privacy Act.

This guidance will address each of the areas listed above in detail.

2. *Definitions.*

The following definitions apply to the terms used in these guidelines:

(a) All of the definitions in the Privacy Act (5 U.S.C. 552a) apply. Among them, the following are especially relevant:

(1) The term " 'individual' means a citizen of the United States or an alien lawfully admitted for permanent residence;"

(2) The term " 'system of records' means a group of any records under the control of any agnecy from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;"

(3) The term " 'routine use' means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected."

(b) The term "consumer reporting agency" is as defined in both the Fair Credit Reporting Act and the Debt Collection Act of 1982:

(1) "Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports * * *" (15 U.S.C. 1681a(f)); or

(2) "Any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of (I) obtaining credit or other information on consumers for the purpose of furnishing such information to consumer reporting agencies (as defined in 15 U.S.C. 1681a (f) above, or (II) serving as a marketing agent under arrangements enabling third parties to obtain such information from such reporting agencies * * *" (31 U.S.C. 3711(d)(4)).

(c) The term "debt collection agency" means a person or organization with whom the head of an agency has contracted for collection services to recover indebtedness owed to the United States, (definition inferred from the wording of section 3(f)(1) of the Federal claims Collection Act of 1966 (31 U.S.C. 3711) as added by the Debt Collection Act of 1982).

(d) The term "salary offset" means a deduction from the pay of a Federal employee or member of the Armed Forces, either active or reserve, to satisfy a debt owed the United States by that person (5 U.S.C. 5514(a)).

(e) The term "administrative offset" means "the withholding of money payable by the United States to or held by the United States on behalf of a person to satisfy a debt owed the United States by that person * * *" (31 U.S.C. 3711).

3. *Disclosing to Consumer Reporting Agencies Under Subsection (b)(12) of the Privacy Act of 1974.*

The original text of the Privacy Act contained 11 provisions under which agencies could disclose personal information from systems of records without getting the subject's consent. The Debt Collection Act of 1982 amended the Privacy Act to create a new general disclosure authority as subsection (b)(12). This subsection permits agencies to disclose information from their systems of records, without obtaining the consent of the record subject, "to a consumer reporting agency in accordance with section 3(d) of the Federal Claims Collection Act of 1966 (31 U.S.C. 3711(f))."

Given the procedural steps agencies must take to disclose under section (b)(12), it is apparent that the Congress did not intend to create as broad an authority for disclosures under this section as in other general disclosure authorities, e.g., (b)(7). In its report on a companion bill, H.R. 2811, the House Committee on Government Operations explained that "consumer reporting agency disclosures shall not be treated as general routine uses that are made applicable to all systems of records * * *. Disclosure of information to a consumer reporting agency may be made from the primary system of records containing information about the claim * * *. Disclosures may not be made indiscriminately from any system that happens to contain information about the debtor." (H. Rept. No. 42, 97th Cong. 1st Sess. 4).

To insure against indiscriminate disclosures, the Debt Collection Act places stringent limitations on the disclosure process affecting both the timing and content of the disclosure. The Act also places restrictions on who can receive the information and what that recipient can do with it. Thus:

(a) *Timing of Disclosures Made Under Subsection (b) (12):* Such disclosures can be made only when a claim is *overdue*, and then, only after certain due process steps have been taken to notify the debtor and give him or her a chance to meet the terms of the debt. It should be emphasized that agencies cannot use subsection (b)(12) to disclose information about a debtor who is currently meeting the terms of his debt. The disclosure must be authorized by an agency head or designee.

Note that a "claim" in this context means any obligation to the United States arising under any statutory authority except the Internal Revenue Code, the Social Security Act or the U.S. tariff laws. The Treasury Department, for example, could not use (b)(12) to disclose information about a taxpayer's delinquent account.

(1) *Due Process Steps Agencies Must Take Before Disclosing: Validation.* The agency head or designee must have reviewed the claim and found it to be valid and overdue. This is also consistent with the requirements of the Privacy Act that before disclosing information from systems of records to third parties who are not subject to the Act's provisions, reasonable steps be taken to insure that the information is accurate, complete, timely and relevant for agency purposes (5 U.S.C. 552a(e)(6)). Agencies are reminded that the Privacy Act provides civil remedies for individuals who are harmed by wrongful agency actions in this area.

Notification. The agency head or designee must have sent the debtor written notice that the claim is overdue, that the agency intends to disclose information about the debtor to a consumer reporting agency, what that disclosure will consist of, and what the debtor's rights are with respect to the claim. The fact that an agency does not have on file a current address for the individual does not excuse it from attempting to comply with this section. It is required to "take reasonable action to locate the individual prior to disclosing any information to a consumer reporting agency * * *."

Not that the Debt Collection Act provides authority for agencies to obtain taxpayers' mailing addresses from the IRS "for purposes of locating such taxpayer to collect or compromise a Federal claim against such taxpayer." (Paragraph (2)(A) of section 6103(m) of the Internal Revenue Code of 1954).

Debtor Inaction. The debtor must have failed to do one of the following:

repaid the debt, or agreed in writing to reschedule the debt for repayment, or filed for a review of the claim.

Note that the wording of the Debt Collection Act appears to preclude the agency from making any disclosures to a consumer reporting agency if an individual files for review of the claim, and also if he or she appeals an initial decision about the claim.

Public Notice. Before making any disclosures under the authority of subsection (b)(12), agencies must have published a notice in the **Federal Register** identifying those systems of records from which they intend to disclose. This publication should be in the form of an amendment to an existing system of records notice or included in the text of the notice for a new system. For editorial consistency, it would be appropriate to locate Debt Collection disclosure notices at the end of the routine use section of the system notice; however, it should be noted that such disclosures are *not* routine uses (5 U.S.C. 552a(b)(3)), and that the notices required are not the same as those required for routine uses by section (e)(11) of the Privacy Act. Thus, the agency need not determine that disclosure meets the compatibility standard nor wait for public comments before making any disclosures. Nor should agencies submit reports to the Congress and OMB for review under subsection (o) of the Privacy Act. Because the Congress clearly intended that agencies identify each individual system from which disclosures could be made, agencies should refrain from publishing generic notices similar to "blanket" routine uses.

(b) *Content of Disclosures Made Under Subsection (b)(12):* Unlike most of the other general disclosure authorities in the Privacy Act, subsection (b)(12) disclosures are restricted to a narrow range of very specific information. The only information that may be disclosed from a system of records to a consumer reporting agency is the individual's name, address, taxpayer identification number (SSN), and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose. The legislative history of H.R. 2811 illustrates Congress' concern that disclosure be limited only to that information directly related to the identity of the debtor and the history of the claim: "Disclosures of * * * (other) information, even if used by the agency in connection with the claim, is not releasable. For example, if an individual must meet specific physical or economic conditions in order to qualify for a loan program, information about the conditions must not be disclosed. The fact that an individual has some qualifying condition may be revealed indirectly, however, through identification of the program under which the loan was made." (H. Rept. No. 42, 97th Cong. 1st Sess. 4–5).

(c) *Restrictions on Who Can Receive (b)(12) Disclosures:* In addition to limiting the amount and kind of information that may be disclosed pursuant to (b)(12), the Debt Collection Act also puts restrictions on who can receive this information. Disclosures may be made only to a "consumer reporting agency" as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), or section 3(d)(4)(A)(ii) of the Federal Claims collection Act of 1966 (31 U.S.C. 3711(a)(3)(B)). Further, before it can make any disclosures the agency is required to establish procedures for promptly notifying the consumer reporting agency that was the original recipient of the information of any substantive changes. The agency must also develop procedures for promptly updating its own information about the claim obtained from a consumer reporting agency. These procedures are designed to insure that the standards of accuracy, completeness, timeliness and relevance required by the Privacy Act are met.

(d) *Safeguards Against Recipient Misuse:* The Debt Collection Act exempts consumer reporting agencies who receive records under the provisions of (b)(12) from section (m) of the Privacy Act, and thus from criminal liability for misuse of information obtained under this disclosure authority. To insure against such potential misuse, however, agencies are required to obtain from consumer reporting agencies, prior to making any disclosures, "satisfactory assurances from each such consumer reporting agency concerning compliance by such * * * agency with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and any other Federal law governing the provision of consumer credit information * * *" It would be appropriate to incorporate assurances to this effect in service contracts between Federal and consumer reporting agencies. It should be noted that section 8(a) of the Debt Collection Act specifically forbids agencies to disclose to consumer reporting agencies mailing addresses of taxpayers obtained from the Department of the Treasury for any purpose other than allowing the consumer reporting agency to prepare a commercial credit report. Agencies' use of IRS mailing addresses will be treated in detail below.

4. Disclosure of IRS Taxpayer Mailing Addresses to Third Parties to Collect Federal Claims.

(a) *Disclosure Via Routine Use:* The Debt Collection Act amends section 6103 of the Internal Revenue Code of 1954 to permit the Secretary of the Treasury to disclose "the mailing address of a taxpayer for use by officers, employees or agents of a Federal agency for purposes of locating such taxpayer to collect or compromise a Federal claim against the taxpayer in accordance with section 3 of the Federal Claims Collection Act of 1966 (31 U.S.C. 3711)." This disclosure provision is independent of the disclosure provision in subsection (b)(12) discussed above. It operates to provide the authority for the establishment of a "routine use" disclosure of this information pursuant to subsection (b)(3) of the Privacy Act. It does so by providing a statutory basis for agencies to assume the disclosure is compatible with the purpose for which the data was originally collected. A "routine use" disclosure, then, is the appropriate mechanism for transferring taxpayer mailing address information from both IRS' as well as agencies' systems of records. The wording of the Debt Collection Act indicates that such routine use disclosures could be made from IRS to Federal agencies; from IRS to agencies, debt collection agents directly; or from Federal agencies to their debt collection agents. Note, however that nothing in the wording of the Debt Collection Act authorizes agencies to share information among themselves. Thus, information obtained by one agency for its use in locating an individual could not be furnished to another agency which seeks to locate the same individual for its own debt collection purposes.

The Department of the Treasury has published a routine use for the system of records containing taxpayer mailing addresses indicating their intention to make disclosures pursuant to this new provision in section 6103 of the Tax Code.

Agencies should likewise ensure that they have published routine uses for those systems of records from which they wish to disclose mailing address.

(b) *Restrictions on Use and Redisclosure:* Agencies should be especially mindful that the Debt Collection Act places restrictions on their use and disclosure of these addresses. In addition to the restriction discussed above against agencies' sharing information among themselves, the following limitations apply:

(1) A taxpayer's address may be disclosed to Federal agencies and their debt collection agents, but only "for purposes of locating such taxpayer to collect or compromise a Federal claim against the taxpayer * * *" Note that this wording prevents agencies form converting addresses obtained under this provision to other uses, e.g., the Department of Defense could not obtain a reservist's address in order to collect an overpayment and then use the address to update its ready reserve address file. These recipients are subject to the Privacy Act either by virture of their Federal statues or by the operation of contract.

(2) Addresses may be disclosed to consumer reporting agencies, but only to allow these agencies "to prepare a commercial credit report on the taxpayer for use" by the disclosing agency. Note that agencies should make sure they do not disclose addresses obtained from the IRS to consumer reporting agencies as part of the disclosures they make under subsection (b)(12), since disclosures made under (b)(12) are not "for the purpose of obtaining a commercial credit report." Rather, the reasons for disclosing under that provision are to encourage repayment of an overdue debt.

(3) To insure that agencies and their agents do not misuse the addresses obtained in this manner, the Debt Collection Act further amends section 6103 to make the safeguards provisions of that section apply to these recipients as well. The effect of this provision is to bring into play the penalty provisions of the Internal Revenue Code, 26 U.S.C. 7213(a)(2).

5. *Disclosing Debtor Information to Effect a Salary Offset or an Administrative Offset of a Debt.*

(a) *Establishing a Routine Use:* Sections 5 and 10 of the Debt Collection Act authorize agencies to disclose information about debtors in order to effect salary or administrative offsets. Agencies should publish routine uses pursuant to subsection (b)(3) of the Privacy Act for those systems of records from which they intend to disclose this information. Sections 5 and 10 of the Debt Collection Act comprise the necessary authority to meet the Privacy Act's "compatibility" condition.

(b) *Due Process Steps Prior to Actual Disclosure:* While providing the authority to make these kinds of disclosures, the Debt Collection Act establishes a series of procedural steps for agencies to follow to ensure due process, e.g., agency verification of the debt; written notice to the debtor; provision for debtor to examine agency documentation of the debt; provision for debtor to seek agency review of the debt (or in the case of the salary offset provision, opportunity for a hearing before an individual who is not under the supervision or control of the agency); opportunity for the individual to enter into a written agreement satisfactory to the agency for repayment. Only when all of the steps have been taken are agencies authorized to disclose pursuant to a routine use to effect an administrative or salary offset.

6. *Collecting the SSN from Federal Loan Applicants.*

(a) *Statutory Authority to Collect:* Section 4 of the Debt Collection Act requires each Federal agency that administers an "included Federal loan" program to require applicants to furnish their taxpayer identifying number. For individuals, that number is their SSN (see section 6109 of the Internal Revenue Code of 1954). This provision satisfies the Privacy Act's requirement (in section 7) that agencies must have an authorizing Federal statute in order to condition the provision of a benefit (in this case the processing of a loan application) on the applicant providing his or her SSN.

Agencies should note that this section is statutory authority only for "included Federal loan" programs. These are programs that have been identified by OMB in a **Federal Register** notice, published on December 27, 1982. (47 FR 57595).

(b) *Giving Individuals a Privacy Act Notice:* Even with statutory authority to collect the SSN, agencies must meet the notice provisions of section 7 of the Privacy Act. Specifically, application forms must contain the notice required by that section in which the individual is told:

(1) *Whether the SSN disclosure is mandatory or voluntary.* Agencies should emphasize that while applying for the benefit is a voluntary act, once an individual decides to apply, he or she must furnish the SSN as part of the application.

(2) *By what statutory authority such number is solicited.* Here, agencies should cite section 4 of the Debt Collection Act of 1982 (Pub. L. 97-365). Agencies are reminded, however, that for loan programs not identified as "included," by the OMB **Federal Register** notice cited above, agencies cannot rely on this section of the Debt Collection Act as authority to make provision of the SSN a condition of processing the application.

(3) *What uses will be made of the SSN.* Agencies should be as specific as possible in describing these uses, e.g., "to match application data with state wage information in order to verify eligibility for benefits."

Although this notice is separate from and in addition to the general notice required by section (e)(3) of the Privacy Act, agencies should consider combining the two. Care should be taken however to create a notice in which both requirements are met.

7. *Application of the "Contractor Provision" (Section (m)) of the Privacy Act to Consumer Reporting Agencies and Debt Collection Agencies.*

Section (m) of the Privacy Act provides that when an agency contracts for the operation of a system of records to accomplish an agency function, the agency must include in the terms of the contract provisions making the contractor responsible for complying with the Privacy Act. Section (m) also makes such contractors liable under the criminal provisions of the Privacy Act as "employees of the (Federal) agency."

(a) *Consumer Reporting Agencies and Section (m):* The flow of personal information from agencies' systems of records to consumer reporting agencies and back could be construed to be the operation of a system of records to accomplish an agency function. To the extent that this process was prescribed by contract, it would trigger the provisions of section (m).

Section 2(b) of the Debt Collection Act of 1982 deals with this situation by adding a new subsection ((m)(2)) which provides that "a consumer reporting agency to which a record is disclosed under section 3(d) of the Federal Claims Collection Act of 1966 (31 U.S.C. 3711(f)), shall not be considered a contractor for the purposes of this section." (5 U.S.C. 552a(m)(2)).

This exemption applies only within the context of disclosures made under subsection (b)(12) of the Privacy Act and subsection 3(d) of the Federal Claims Collection Act of 1966 as discussed above. Thus, when an agency contracts with a consumer reporting agency with the intent of disclosing personal information to it under the provisions of subsection (b)(12) and in compliance with section 3(d) of the Claims Collection Act, the terms of the contract do not have to contain provisions subjecting the contractor to the Privacy Act and the contractor is not liable under the criminal provisions of the Act as an agency employee.

(b) *Debt Collection Agencies and Section (m):* Note by contrast, that in establishing contracts for debt collection services, the wording of the Act specifically provides that these contractors "shall be subject to section 552a of title 5, United States Code, to the

extent provided in subsection (m) of that section * * *" Agencies should ensure that they have published systems of records which cover the activities of their debt collection agents.

[FR Doc. 83-9425 Filed 4-8-83; 8:45 am]
BILLING CODE 3110-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 83-021]

Chemical Transportation Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Advisory Committee (CTAC). The meeting will be held on Thursday, May 19, 1983 in Room 3201, U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, DC. The meeting is scheduled to begin at 9 a.m. and end at 4 p.m.

The agenda of the CTAC meeting consists of the following items:

1. March 1983 Memorandum of Understanding between USCG and OSHA.
2. Investigation of Occupational Health Hazards in Marine Transport.
3. CTAC Subcommittee reports:
   a. Chemical Vessels.
   b. Liquified Gas Ships.
   c. Bulk Solids.
   d. Ship Stores.
   e. Shipboard Fumigation.
   f. Waterfront Facilities.
4. Stray Currents and Electrostatics.
5. MARPOL.
6. Schedule of Ship Surveys.
7. Committee Administrative Business.

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Secretary no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Additional information may be obtained from Captain C. M. Holland, Executive Secretary, Chemical Transportation Advisory Committee, U.S. Coast Guard Headquarters (G-CMC), Washington, DC 20593, telephone number (202) 426-1477.

Dated: April 6, 1983.

C. M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Chemical Transportation advisory Committee.

[FR Doc. 83-9389 Filed 4-8-83; 8:45 am]
BILLING CODE 4910-14-M

[CGD 83-020]

Chemical Transportation Advisory Committee; Subcommittee on Chemical Vessels; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Advisory Committee's Subcommittee on Chemical Vessels to be held on Wednesday, May 18, 1983 in Room 4315, U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, DC. The meeting is scheduled to begin at 9 a.m.

The Subcommittee will review a draft revision of 46 CFR Part 151. Attendance is open to the interested public. With advance notice to the Chairma, members of the public may present oral statements at the meeting. Persons requesting additional information or wishing to present oral statements should contact Mr. R. M. Query, U.S. Coast Guard Headquarters (G-MTH-1) 2100 Second St. SW., Washington, DC 20593, (202) 426-1217. Any member of the public may present a written statement to the committee at any time.

Dated: April 6, 1983.

C. M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Chemical Transportation Advisory Committee.

[FR Doc. 83-9390 Filed 4-8-83; 8:45 am]
BILLING CODE 4910-14-M

Federal Aviation Administration

[AC No. 20-27C]

Advisory Circular for Certification and Operation of Amateur-Built Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of Advisory Circular (AC) No. 20-27C, "Certification and Operation of Amateur-Built Aircraft."

On November 15, 1982 (47 FR 51542), a proposed revision to the AC was published in the **Federal Register** for public comment. Interested persons were given until February 1, 1983, to submit their views on the proposal. The comments have been evaluated and the FAA has determined that issuance of the revised AC, incorporating a number of changes recommended by the commenters, would be in the public interest. Accordingly, notice is hereby given that AC No. 20-27C, "Certification and Operation of Amateur-Built Aircraft," was issued on April 1, 1983.

Interested persons may obtain the AC from U.S. Department of Transportation, Publications Section M-443.1, Washington, DC 20590. A copy of the FAA review and disposition of comments may be obtained from the Federal Aviation Administration, Attention: Aircraft Manufacturing Division (AWS-200), 800 Independence Avenue, SW., Washington, DC 20591.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 83-9209 Filed 4-8-83; 8:45 am]
BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 2-4 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: An evaluation for the development of special helicopter routes within terminal airspace.

DATE: Beginning May 2, 1983, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed two weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 7 A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, Room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, (202) 426-3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by April 28, 1983. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washintton, D.C. on April 1, 1983.

Karl D. Trautmann,

Manager, Special Projects Staff.

[FR Doc. 83-9175 Filed 4-8-83; 8:45 am]
BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Executive Steering Committee of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows:

Opening Remarks

Presentation of Task Group Staff Studies, including recommendations:

Task Group 1–1.3 Special Use Airspace Requirments/Separation from Special Use Airspace
Task Group 1–1.4 Flight Test Areas/ National Security
Task Group 1–2.4 Basic, Stage II, III Services
Task Group 1–3.2 Alternate Airway Reduction/Reidentification Fixed RNAV Route Evaluation
Task Group 1–6.3 Instrument Approach Procedures/Charted Visual Flight Procedures Charts
Task Group 1–7.1 U.S. Airspace Classification.

DATE: April 26, 1983, 10:00 a.m. to 4:00 p.m.

ADDRESS: The meeting will be held at the Federal Aviation Administration, room 1010, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., AAT–30 Washington, D.C. 20591 (202) 426–3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT–1, 800 Independence Avenue, SW., Washington, D.C. 20591, by April 19, 1983. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C., on April 5, 1983.

R. J. Van Vuren,

Executive Director, NARAC.

[FR Doc. 83-9178 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Submit comments on or before May 11, 1983.

ADDRESS: Comments to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9023-N	ANF—Industrie, Paris, France	49 CFR 173.315	To authorize shipment of various refrigerant gases in non-DOT specification IMO Type 5 portable tanks. (Modes 1, 2, 3)
9024-N	ETS Fauvet-Girel, St Laurent Blangy, France	49 CFR 173.315	To authorize shipment of various refrigerant gases in non-DOT specification IMO Type 5 portable tanks. (Modes 1, 2, 3).
9025-N	American Greetings Corporation, Cleveland, OH	49 CFR 173.28(m)	To authorize reuse of DOT Specification 17H drums without reconditioning, for shipment of ink, classed as a flammable liquid (Mode 1)
9026-N	Continental Group, Inc., Lombard, IL	49 CFR 178.224	To manufacture, mark and sell fiber drums of not over 75 gallon capacity, comparable to DOT Specification 21C except the top head is molded plastic fastened to the sidewall by a lever locking ring. (Modes 1, 2, 3)
9027-N	McGean-Rohco, Inc., Cleveland, OH	49 CFR 178.131	To authorize a one-time reuse of DOT Specification 37A containers for shipment of chromic acid, solid and chromic acid mixture, classed as an oxidizer. (Modes 1, 2)
9028-N	Degussa Corporation, Teterboro, NJ	49 CFR 173.154, 175.3	To authorize shipment of a flammable solid, n.o.s. in a non-DOT Specification 5-ply waterproof paper bags with inside plastic bag, up to 55 pounds capacity (Modes 1, 2, 3, 4)
9029-N	Hapag-Lloyd AG, Hamburg, Germany	49 CFR 172.101, 172.102, 176.111	To authorize under deck stowage of all corrosive liquids, n.o.s., when transported aboard cargo vessels. (Mode 3)
9030-N	IND Incorporated, Oceanside, NY	49 CFR 173.306(b)(4), 175.30	To ship an ionization chamber, having a total volume approximately 80 cubic inches of nonflammable compressed gas, and a charge pressure not exceeding 618 psi., as "limited quantity." (Modes 1, 2, 3, 4, 5)
9032-N	Southern Pacific Transportation Company, San Francisco, CA.	49 CFR 172.202, 172.203, 174.25, 174.26(c)	To authorize use of computer generated shipping papers omitting certain required descriptions (e.g. placard notation and endorsement, and car location) as acceptable documentation of hazardous material shipments, to utilize the train consist as a substitute for notice to train crew of placard cars. (Mode 2)
9033-N	The Atchison, Topeka and Santa Fe Railway Company, Chicago, IL.	49 CFR 173.204(a), 173.204(d)	To facilities the use of telephone billing relative to repetitive shipping patterns, to authorize a modified version of the shippers certificate implemented by the rail carrier based on oral instructions from the shipper. (Mode 2)
9034-N	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.304(a), 173.305(c), 175.3	To authorize shipment of insecticide, liquefied gas (containing no poison A or B material) insecticide, liquefied gas (containing poison A and B material), compressed gas, n.o.s., dioxane and dioxane mixtures in DOT Specification 3AL cylinders. (Modes 1, 2, 4).
9035-N	Rohm and Haas Company, Philadelphia, PA.	49 CFR 173.245	To authorize shipment of a corrosive liquid, n.o.s. in DOT Specification 51 stainless steel portable tanks. (Mode 1).

NEW EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9036-N	The Manison Company, South Elgin, IL	49 CFR 178.37-4(a)	To manufacture, mark and sell cylinders complying with Specification 3AA except for inspection of certain billets after parting, for shipment of those gases presently authorized in DOT Specification 3AA cylinders (Modes 1, 2, 3, 4, 5).
9037-N	Great Lakes Chemical Corporation, West Lafayette, IN.	49 CFR 173.357(b)(1)	To authorize shipment of chloropincin in non-DOT Specification foreign made cylinders similar to DOT Specification 4BW. (Modes 1, 2, 3)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C. on April 4, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-9292 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification to Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application numbers. Application numbers with the suffix "X" denote renewal; application number with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Submit comments on or before April 29, 1983.

ADDRESS COMMENTS TO: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20509.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, D.C.

Application No	Applicant	Renewal of exemption
2708-X	Union Carbide Corp., Danbury CT (see footnote 1)	2708
3187-X	PPG Industries, Inc., Pittsburgh PA (see footnote 2)	3187
3630-X	Allied Chemical, Mornstown, NJ	3630
3630-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	3630
4354-X	PPG Industries, Inc., Pittsburgh, PA (see footnote 3)	4354
4354-X	Pennwalt Corp., Buffalo, NY	4354
4453-X	Kentucky Powder Co., Lexington, KY	4453
4990-X	Schenley Distillers, Inc., Cincinnati, OH	4990
6184-X	Air Products and Chemicals Inc., Allentown, PA	6184
6531-X	Tavco, Inc., Chatsworth, CA	6531
6738-X	El Paso Products Co., Odessa TX	6738
6738-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	6738
6752-X	Pennwalt Corp., Philadelphia PA (see footnote 4)	6752
6755-X	Lincoln Welding Supply Co. Lincoln, NE	6755
6766-X	DuBois Chemical Co., Cincinnati, OH	6766
6826-X	Atlantic Research Corp Gainsville, VA	6826
6826-X	McDonnell Douglas Astronautics Co., Huntington Beach CA	6826
6923-X	El Paso Products Co., Odessa TX	6923
6939-X	Warren Petroleum Co., Tulsa OK	6939
7060-X	Summit Airlines, Inc., Philadelphia, PA	7060
7060-X	Express Airways, Inc., Sanford FL	7060
7060-X	Sajen Air, Inc., Manchester NH	7060
7060-X	Federal Express Corp., Memphis, TN	7060
7252-X	E. I. du Pont de Nemours & Cko., Inc., Wilmington, DE (see footnote 5)	7252
7277-X	Structural Composite Industries, Inc., Pomona, CA (see footnote 6)	7277
7526-X	Schenng AG, West Berlin West Germany	7526
7611-X	Richfood, Inc., Richmond, VA	7611
7628-X	Chemtech Industries, Inc Saint Louis, MO	7628
7735-X	Rheem Manufacturing Co., Linden, NJ.	7735
7822-X	Air Products and Chemicals, Inc., Allentown, PA.	7822
7872-X	Magna Corp., Houston, TX	7872
7881-X	FMC Corp., Philadelphia, PA	7881
7963-X	Stauffer Chemical Co., Westport, CT (see footnote 7).	7963
8016-X	U.S. Department of Agriculture, Washington, DC.	8016
8079-X	Container Corp., of America, Wilmington, DE (see footnote 8).	8079
8129-X	FMC Corp., Princeton, NJ	8129
8129-X	Allied Chemical, Morristown, NJ	8129
8168-X	Container Corp., of America, Wilmington, DE.	8168
8188-X	Owens-Illinois (Plastic Products Division), Toledo, OH	[illegible]
8218-X	E. I du Pont de Nemours & Co., Inc., Wilmington, DE.	8218
8244-X	Halliburton Services, Inc., Duncan, OK (see footnote 9)	8244
8308-X	Medical Emergency Transportation Corp., Canton, NJ.	8308
8308-X	Sky Cab. Inc., East Brunswick, NJ	8308
8308-X	New England Nuclear Corp., Boston, MA	8308
8308-X	United States Priority Transport Corp., Huntington, NY.	8308
8308-X	MHC Messengers, Inc., Avenel, NJ	8308
8540-X	U S Department of Defense, Washington, DC.	8540
8547-X	Natico, Inc., Chicago, IL	8547
8596-X	Southestern Plastic Container Co., Arlington, TN	8596
8723-X	Ireco Chemicals, Salt Lake City, UT (see footnote 10).	8723
8806-X	Natico, Inc., Chicago, IL (see footnote 11).	8806
8837-X	Fabricated Metals, Inc., San Leandro, CA (see footnote 12)	8837
8897-X	Kerrco, Inc., Hastings, NE (see footnote 13)	8897

[1] To authorize an additional newly designed 13,620 gallon liquefied hydrogen cargo tank

[2] To authorize tertiary butyl peroxyisopropyl carbonate classed as an organic peroxide as an additional commodity

[3] To renew, correct classification of sec-butyl chloroformate, as flammable liquid, and to require cargo tanks to be insulated

[4] To modify exemption to authorize use of DOT Specification 3AAX2200 or 3T2200 tube trailers.

[5] To authorize motor freight as an additional mode of transportation

[6] To authorize an additional aluminum alloy as a material of construction for cylinders containing various flammable and nonflammable gases

[7] To authorize thiophosgene, Class B poison as an additional commodity

[8] To allow for the use of a medium to high density (Type III) polyethylene container in uses where low density is currently authorized

[9] To authorize an additional 500 gallon vertical manne portable tank identical to those presently authorized except for a manway and different part numbers.

[10] To authorize a 2,000 gallon skid mounted tank for shipment of blasting agent.

[11] To authorize water as an additional mode of transportation.

[12] To authorize an additional corrosive material

[13] To authorize water as an additional mode, to add ethyl alcohol and methyl alcohol, classed as flammable liquids and hydrogen peroxide, classed as an oxidizer

Application No.	Applicant	Parties to exemption
6702-P	Spectrum Laboratories, Inc., Indianapolis, IN.	6702
6759-P	Mesabi Powder Co., Hibbing, MN.	6759
6762-P	Economy Service & Sales Co., Philadelphia, PA.	6762
6762-P	Combustioneer Water, Rockville, MD.	6762
6874-P	Harcros, Inc., Bronxville, NY	6874
6895-P	North American Philips Lighting Corp., Bloomfield, NJ	6895
6984-P	Mesabi Powder Co., Hibbing, MN	6984
7052-P	NL Industries, Houston, TX	7052
7052-P	Scientific Columbus, Inc., Columbus, OH.	7052
7060-P	Western States Express Airlines, Tarzana, CA.	7060
7060-P	Air Continental, Inc., Elyria, OH.	7060
7765-P	Texas Instruments Inc., Lewisville, TX	7765
8129-P	Stanford University, Stanford, CA.	8129
8129-P	Safety Specialists, Inc., San Jose, CA.	8129
8285-P	Northrop Services, Inc., Research Triangle Park, NC	8285
8390-P	Eastman Kodak Co Rochester, NY.	8390
8510-P	Norsk Hydro Sales Corp., New York, NY.	8510
8526-P	Bass Transportation Co., Inc., Felmington, NJ	8526
8554-P	Austin Powder Co., Cleveland, OH	8554
8554-P	Evenson Explosives, Inc., Morris, IL	8554
8818-P	Ethyl Corporation, Baton Rouge, LA (see footnote1)	8818
8877-P	Allied Chemical, Morristown, NJ.	8877
8989-P	The Ensign-Bickford Co., Simsbury, CT	8989
9023-P	Societe Auxiliare de Transports et d'Industries, Paris, France	9023
9023-P	Eurotainer S.A.R.L., Paris, France..	9023
9024-P	SLEMI, Paris, France	9024

[1] Request party status and to authorize a lead-lined DOT Specification 105A500W for bromine maximum rail load limit.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on April 4, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-9293 Filed 4-8-83; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Privacy Act of 1974; Proposed Revision of a System of Records; Correction

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Correction of Notice of System of Records.

SUMMARY: On January 5, 1983, the Department of the Treasury published a Notice of a proposed revision of Treasury/OS 00.144—Civil Litigation Records, 48 FR 566. This system of records, retitled "Treasury Interagency Automated Litigation System" (TRIALS), became effective March 7, 1983.

It has come to our attention that the Notice incorrectly proposed to apply the exemption in 5 U.S.C. 552a(j)(2), which relates to records systems containing information on criminal offenders and criminal investigations. Because TRIALS is a civil ligation records system, the (j)(2) exemption does not apply. Therefore, all references to the (j)(2) exemption in the Notice are hereby removed. The corrected elements appear below.

EFFECTIVE DATE: April 11, 1983.

Dated: March 30, 1983.

Cora Beebe,

Assistant Secretary (Administration).

Treasury/OS 00.144

SYSTEM NAME:

Treasury Interagency Automated Litigation System (TRIALS), Treasury/OS 00.144.

* * * * *

NOTIFICATION PROCEDURE:

Individuals wishing to be notified they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identity of the record system, (2) identity of the category and type or records sought, (3) at least two types of secondary information (date of birth, employee identification number, dates of employment or similar information.) The system contains records which are exempt under 31 CFR 1.36; 5 U.S.C. 552a(k)(2); or 5 U.S.C. 552a(d)(5). Address inquiries to Chief, Disclosure Branch, Department of the Treasury, Room 5423, 1500 Pennsylvania Ave., N.W. Washington, D.C. 20220.

* * * * *

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exempted under 31 CFR 1.36, 5 U.S.C. 552a(k)(2).

[FR Doc. 83-9148 Filed 4-8-83; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 70
Monday, April 11, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Tennessee Valley Authority	9

1

FEDERAL COMMUNICATIONS COMMISSION

The following item has been deleted from the list of agenda items scheduled for consideration at the April 7, 1983, Open Meeting and previously listed in the Commission's Notice of March 31, 1983.

Agenda, Item No., and Subject

Video—3—*Title:* Cablevision of Chicago's notification of aeronautical frequency usage pursuant to section 76.610 of the Commission's Rules. *Summary:* The Commission will consider whether to issue a Notice of Apparent Liability for forfeiture against Cablevision of Chicago for its use of aeronautical frequencies without authorization.

Issued: April 4, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-500-83 Filed 4-7-83; 10:59 am]

BILLING CODE 6712-01-M

2

FEDERAL ELECTION COMMISSION

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, April 14, 1983, 10 a.m.

CHANGE IN MEETING: The following matters have been added to the open meeting scheduled for this date—

Eligibility Report—Honorable Walter F. Mondale/Mondale for President Committee, Inc.

Eligibility Report—Honorable Alan Cranston/Cranston for President Committee, Inc.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, telephone: 202-523-4065.

Lena L. Stafford,

Acting Secretary of the Commission.

[S-504-83 Filed 4-7-83; 3:43 pm]

BILLING CODE 6715-01-M

3

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-83-17]

TIME AND DATE: 2:30 p.m., Wednesday, April 20, 1983.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Canape makers (Docket No. 925).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-499-83 Filed 4-7-83; 10:20 am]

BILLING CODE 7020-02-M

4

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

DATE: April 25, 1983.

TIME: 10 a.m.-5 p.m.

PLACE: Room 311, Cannon House Office Building

PURPOSE: To review and consider reports on the guaranteed Student Loan Insurance Premium provision.

FOR FURTHER INFORMATION CONTACT: Richard T. Jerue, Chief Executive Officer (202) 724-2914.

This meeting was called by the Commission Chairman, Mr. David R. Jones.

Submitted the 7th day of April 1983.

Richard T. Jerue,

Chief Executive Officer.

[S-502-83 Filed 4-7-83; 12:16 pm]

BILLING CODE 6820-BC-M

5

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Wednesday, April 13, 1983.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C. 20456.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Review of Central Liquidity Facility Lending Rate.
3. Assessment of Additional Share Insurance Premium in 1983 pursuant to Section 202(c)(3) of the Federal Credit Union Act.
4. Insurance Study as required by the Garn-St Germain Depository Institutions Act of 1982.
5. Study of Directors' Compensation as required by the Garn-St Germain Depository Institutions Act of 1982.
6. Proposed Charter Amendment from Temple FCU, Temple, Texas to Convert its Field of Membership from Occupational to Community Type.
7. Proposed Merger of Sheppard Area FCU, Wichita Falls, Texas and Eastside Community Development CU (State Chartered), Wichita Falls, Texas.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Wednesday, April 13, 1983.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C. 20456.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Proposed Charter Amendment. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Budget Reallocation. Closed pursuant to exemption (2).
4. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, Telephone (202) 357-1100.

[S-497-83 Filed 4-6-83; 4:19 pm]

BILLING CODE 7535-01-M

6

NATIONAL SCIENCE FOUNDATION

National Science Board's Executive Committee, acting on behalf of the Board.

DATE AND TIME: April 21, 1983; 1:30 p.m.

PLACE: Tidewater Inn, Easton, Maryland.

STATUS: This meeting will be closed to the public.

MATTER TO BE CONSIDERED: Nominees for appointment as National Science Foundation staff.

CONTACT PERSON FOR MORE INFORMATION: Ms. Margaret L. Windus, 202/357–9582.

[S–503–83 Filed 4–7–83; 3:06 pm]

BILLING CODE 7555–01–M

7

POSTAL RATE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 14800, Tuesday, April 5, 1983.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, April 12, 1983, 2 p.m.

PLACE: Conference Room 500, 2000 L Street NW., Washington, D.C. 20268.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(2)(6)(10)).

CONTACT PERSON FOR MORE INFORMATION: Mr. Jensen (202–254–3816).

CHANGES IN THE MEETING:

(1) The meeting dates are extended to cover the period April 12–15.

(2) The following new agenda item to add: "Discussion of 3rd Class Mail Rates in Docket No. R80–1."

[S–498–83 Filed 4–6–83; 4:19 pm]

BILLING CODE 7715–01–M

8

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 13305, March 30, 1983.

STATUS: Closed meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, March 28, 1983.

CHANGES IN THE MEETING: Additional item. The following additional item will be considered at a closed meeting scheduled for Wednesday, April 6, 1983, at 10:00 a.m.:

Consideration of amicus participation.

Commissioners Evans, Longstreth and Treadway determined that Commission business required the above change and that no earlier notice thereof was possible.

At time changes in Commission priorities require alterations inthe scheduling of meeting items. For further information and to ascertain what, if any matter have been added, deleted or postponed, please contact: Michael Lefever at (202) 272–2468.

April 6, 1983.

[S–501–83 Filed 4–7–83; 12:16 pm]

BILLING CODE 8010–01–M

9

TENNESSEE VALLEY AUTHORITY

TIME AND DATE: 8:15 a.m., Monday, April 11, 1983.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

MATTER FOR ACTION:

Special Separation Pay Plan for Trades and Labor Annual Employees in the Division of Fossil and Hydro Power.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615–632–3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202–245–0101.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires that this meeting be called at the time set out above and that no earlier announcement of this meeting was possible.

The members of the TVA Board voted to approve the above findings and their approvals are recorded below.

Dated: April 7, 1983.

C. H. Dean, Jr.,

S. David Freeman,

Richard M. Freeman.

[S–505–83 Filed 4–7–83; 3:51 pm]

BILLING CODE 8120–01–M

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federal register

Monday
April 11, 1983

Part II

Department of Education

Student Assistance General Provisions

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DEPARTMENT OF EDUCATION

34 CFR Part 668

Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Final Regulations.

SUMMARY: The Secretary amends Subpart B of the Student Assistance General Provisions Regulations. A recent amendment to the Military Selective Service Act provides that any student who must register with Selective Service and fails to do so is ineligible for student financial assistance provided under title IV of the Higher Education Act. These regulations are being amended to implement this new eligibility criterion for title IV aid.

EFFECTIVE DATE: Unless the Congress take certain adjournments, these regulations will take effect 45 days after publication in the Federal Register. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Mr. William Moran, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 4011, Regional Office Building 3) Washington, D.C. 20202. (202 245–9720).

SUPPLEMENTARY INFORMATION: On September 8, 1982, President Reagan signed the Fiscal Year 1983 Defense Department Authorization Act (Pub. L. 97–252) into law. Included in this legislation is an amendment to the Military Selective Service Act. The amendment mandates that, beginning with the 1983–84 award year, any student who is required to be registered with Selective Service and fails to register is ineligible for student financial assistance provided through programs established under title IV of the Higher Education Act. These programs include the Pell Grant, Supplemental Educational Opportunity Grant (SEOG), College Work-Study (CW-S), National Direct Student Loan (NDSL), Guaranteed Student Loan (GSL), PLUS Loan, and State Student Incentive Grant Programs.

The Congress decided that Federal student aid funds should not be expended on any student who had not complied with Federal law by registering with Selective Service. With few exceptions, all males who are at least 18 years old and born after December 31, 1959, and who are not in the armed services on active duty must be registered.

The Secretary of Education (Secretary) has worked in conjunction with the Director of the Selective Service System (Director) in developing these regulations in order to implement this new title IV eligibility requirement in the most efficient and least burdensome manner consistent with the intent of the law.

Statement of Registration Compliance

The law specifically requires that, in order to receive title IV aid, a student who is required to register with Selective Service must file a statement with the institution he attends certifying that he is in compliance with registration requirements. Therefore, in addition to the Statement of Educational Purpose, which is already required of all title IV recipients by section 484 of the Higher Education Act, the student must file a Statement of Registration Compliance.

These regulations expand the current Statement of Educational Purpose to include the new Statement of Registration Compliance. For the convenience of the institution and the student, the combined statement appears on the 1983–84 Student Aid Report and the 1983–84 Pell Grant Alternate Disbursement System (ADS) Request for Payment (ED Form 304).

Identification of Students Required To Register

A practical problem in implementing the Statement of Registration Compliance requirement is the difficulty in identifying which students are required to be registered, especially since some institutions may not have a record of the student's gender or date of birth. Therefore, to minimize the burden on the institution of determining whether a student is required to be registered or is exempt from registration for any of a number of reasons, the Secretary is requiring all title IV aid recipients to complete and submit to the institution the Statement of Registration Compliance in which the student certifies either the reason why he or she is not required to be registered or that he is registered. If a student certifies that he is not required to register, the institution may rely on that statement unless it has other information available which is inconsistent with the statement.

Certain males are exempted from registering with the Selective Service. Those include, in addition to those exempt by reason of age or active duty in the armed services: (1) All students enrolled in an officer procurement program, the curriculum of which has been approved by the Secretary of Defense, at the Citadel, Charleston, South Carolina; North Georgia College, Dahlonega, Georgia; Norwich University, Northfield, Vermont; or Virginia Military Institute, Lexington, Virginia, and (2) males who are unable to present themselves for registration for reasons beyond their control such as being hospitalized, incarcerated, or institutionalized.

Verification of Statements of Registration Compliance

The Secretary, in response to public comments and in agreement with the Director, has modified the registration verification methodology set forth in the proposed rule published on January 27, 1983 (48 FR 3920). Many colleges and schools expressed concerns about the proposed methodology of registration verification. The major concern regarding regulatory requirements focused upon the administrative burden during the first year of implementation of the proposed verification requirement.

The Secretary agrees with the public comments objecting to the immediate implementation of the proposed verification requirement. These final regulations phase in certification and verification requirements over a three-year period. In place of the 100 percent verification of registration through the college's financial aid office, the Secretary will, through the periodic on-site program reviews conducted by Departmental personnel and, in consultation with Selective Service System personnel, verify students' registration status. This method of verification of registration compliance will be in effect for the 1983–84 and 1984–85 academic years. As a result, for these two academic years, pre-award requirements are reduced so that institutions need only collect the Statement of Educational Purpose/Registration Compliance.

The Secretary plans to evaluate the results of this method of verification of registration during the 1984–85 academic year. Should the Secretary and the Director find that college students are in compliance with the registration requirements of the Military Selective Service Act, the Secretary and the Director will review the compliance process set forth in § 668.26. If the Secretary and the Director determine that the requirements are not necessary, the Secretary, with the concurrence of the Director, may amend or revoke § 668.26.

Reduced Administrative Burden

The concerns expressed by the higher education community regarding the increase in administrative burden which would result from the proposed rules published on January 27, 1983, have convinced the Secretary and the Director to adopt the verification methodology for 1983–84 and 1984–85 academic years set forth in these final regulations. The Secretary and the Director believe that the modifications of the proposed rule embodied in these final regulations will reduce substantially the administrative burden that colleges and schools felt was inherent in the proposed rule.

The concerns expressed by the Secretary and the Director over implementing the proposed rule during the first year have led both agencies to adopt the alternative verification of registration provisions set forth in these final regulations. However, the Secretary and Director believe that the administrative burden on colleges and schools as a result of the verification requirement in § 668.26 will be greatly reduced by waiting until the 1985–86 academic year.

For the 1985–86 and subsequent academic years, the only students who will be required to provide proof of their compliance with Section 3 of the Military Selective Service Act will be those who have not previously received title IV aid.

To decrease administrative burden associated with the submission of registration documentation for transfer students, these regulations amend the financial aid transcript requirements (§ 668.14). A part of the required information on the financial aid transcript is the Selective Service number from the documentation submitted to verify the student's registration compliance. The Selective Service number on that transcript will suffice to document registration compliance for that institution in future years and for any institution to which the student transfers.

Student Responsibility for Verifying Compliance

The primary responsibility for verifying registration compliance rests with the student. For the 1985–86 and subsequent academic years, § 668.26 requires a student who certifies that he is registered on the Statement of Registration Compliance to submit proof of his registration to the institution.

The student must submit proof that he meets this eligibility criterion to the institution before it may disburse aid or certify the GSL and PLUS loan applications and the Pell Grant ADS Request for Payment. Recognizing that verification of registration compliance may present special problems at institutions located outside the United States who are participating in the GSL and PLUS Programs, the Secretary may establish separate procedures on a case-by-case basis for students attending those institutions.

Acceptable Proof of Registration

All registrants receive from Selective Service a letter displaying the information maintained in their registration record (Acknowledgement Letter, SSS Form 3A or 3A–S). Registrants are advised by Selective Service on the Acknowledgement Letter to keep it as proof of registration. The Selective Service has added a statement to the Acknowledgement Letter informing registrants that, in order to receive Federal student aid on or after July 1, 1985, the letter must be presented as proof of registration. In lieu of submitting the Acknowledgement Letter, a student may verify his registration compliance by submitting: (1) the financial aid transcript bearing his Selective Service number; or (2) other documentation from Selective Service if approved by the Secretary and the Director. The institution must make proof of the student's registration compliance, like any other eligibility documentation, a part of the student's record.

Temporary Verification by Affidavit

The Secretary recognizes that in limited circumstances some students may not receive their acknowledgement of registration from Selective Service quickly enough to verify their registration compliance before their first scheduled aid payment. As a limited exception to the general verification rule, these regulations (§ 668.26) allow a temporary verification alternative for students who submit a notarized affidavit to the institution in which they affirm that they have registered but do not have the appropriate documentation from Selective Service. The Secretary intends this method of temporary verification to be used only in exceptional circumstances. First, all students who turned 18 within 90 days of the beginning of the award year and have not received their original Acknowledgement Letter from Selective Service may temporarily verify their registration by means of a notarized affidavit.

Second, any student who has registered and has requested appropriate documentation from Selective Service to confirm his registration but has not yet received it, may file a notarized affidavit with the institution certifying that he is registered and has requested documentation. Institutions will have forms on which a student may request a copy of his Acknowledgement Letter. Financial aid officers are encouraged to keep a copy of the request in the student's file until the Registration Acknowledgement Letter is received.

If the institution receives an appropriate notarized affidavit, it may disburse title IV funds for one payment period and may certify the GSL or PLUS program loan application and the institutional portion of the Pell Grant ADS Request for Payment (ED Form 304).

The student who files an affidavit must submit approved documentation to the institution within 120 days of the date of the affidavit. All title IV funds received for that award period by a student who files an affidavit but does not submit the required documentation within 120 days to verify eligibility would be considered an unauthorized payment and the Department will take appropriate steps to recover those funds from the student.

Special Procedures for 1983–84

The statute makes any student ineligible for title IV assistance if he was required to register with Selective Service but failed to do so. (50 U.S.C. App. 462(f)(1).) Those applicants who have not demonstrated their compliance with registration requirements at the time their loan applications were processed by the institution in the spring of 1983 are nonetheless required by the statute to file a Statement of Registration Compliance in order to qualify for any title IV assistance for use after July 1, 1983. (50 U.S.C. App. 462(f)(2).)

To monitor compliance with the statute by those students who have not filed such statements with the institution during the part of the loan application process that took place before the effective date of the new law, the Secretary adopts special requirements for use for the 1983–84 academic year. This problem will not arise in later years because the law will be in force and institutions must secure the required statements during the loan application process.

The special procedures for 1983–84 deal with loans under the GSL and PLUS programs, Pell ADS, and other title IV programs. Under these procedures, an institution which receives either a loan check or notice from a lender that a loan has been made, must inform students of

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their duty to file Statements of Registration Compliance. If the institution is informed that the student has received a loan, it must notify the lender and the Secretary if the student does not, after being notified of the duty to submit the statement, comply with the requirement. The student would then have failed to qualify for that Federal assistance, and would lose the right to interest benefits on the loan.

Notification of Denial of Assistance

The amendment also directs the Secretary, in consultation with the Director, to establish procedures to notify students of the proposed denial of assistance to those who do not prove registration compliance and to permit them a grace period within which to prove that they are registered. Section 668.27 of these regulations provides that the institution give general notice which may be included on the Statement of Registration Compliance form. This general notice as described in § 668.25 warns the student aid applicant that he will not receive title IV aid if he fails to complete the Statement of Registration Compliance and to prove registration compliance if required.

The regulations permit the student to establish his compliance at any time before the end of the payment period for which he seeks aid, or the 30-day period after notice of denial is received, whichever is later. Because the end of the payment period will usually be the later of these two dates, a student who states and verifies his compliance at any time during the payment period, would be eligible for aid for that period. This will, in most instances, result in a grace period significantly greater than the thirty day minimum set in the statute.

Moreover, consistent with the statutory intent to encourage registration, under these regulations any nonregistrant who was required to register but did not may still qualify for aid in the future payment periods if he registers with Selective Service and complies with the statement and verification requirements.

Administrative Review of Denials of Assistance

The regulations, as required by statute, provide under certain circumstances, for a hearing for those applicants denied title IV aid because they have failed to prove that they have registered (§ 668.27). The opportunity for a hearing is strictly limited to those cases where a student asserts that he has in fact registered but has not been able to prove that registration.

This limitation on the right to a hearing and the scope of that hearing is determined by the statutory limits on the Secretary's authority. In such administrative reviews the Secretary may only rule on whether the applicant has demonstrated compliance. Because he has no authority to act on the basis of challenges to the propriety of the statutory ban on eligibility for nonregistrants, no presentation of such arguments will be considered during these reviews.

Because resolution of the issue of registration will almost invariably depend on documentary proof provided by Selective Service, the Secretary anticipates that there will be few cases in which a hearing will be necessary to resolve the question of compliance. Furthermore, because applicants receive written confirmation of registration in the Registration Acknowledgement Letter and, as noted previously, will be able to promptly secure another copy from Selective Service, these regulations, like the statute itself, place the burden of proof on the applicant to provide the Secretary with information and materials *establishing* that he has complied with the registration requirement, a burden of proof clearly recognized during the Congressional debate over passage of this statute. (Cong. Rec. 4945, May 12, 1982)

Lastly, the Secretary stresses that any determination of registration compliance made under these regulations is made for title IV student assistance eligibility purposes only. Any determination of compliance made here, unless reopened and revised in light of additional evidence, resolves only the issue of the applicant's eligibility for title IV aid and does not determine the applicant's status with the Selective Service System, which has its own independent administrative jurisdiction and procedures. Students are advised that knowingly providing false information regarding registration status when applying for the title IV aid may subject that student to criminal prosecution by the United States government.

Comments and Responses

In response to the proposed rules regarding Selective Service registration as a requirement for Title IV student aid, many comments were received by the Department of Education.

An analysis of these comments indicated that several general themes were consistently repeated by many of the commenters. Many objected to the law itself and are not addressed in these responses. Most commenters objected to the administrative burden attendant with the requirement that schools conduct 100 percent pre-award verification. The following is a summary of the comments received and the Secretary's responses to those comments.

Comment: Many commenters suggested that the collection and maintenance of the signed Statement of Registration Compliance should be all that the school should have to do. Verification, they argued, should be the responsibility of the Federal Government. Commenters also objected to the unusual administrative burden and cost of these verification requirements. They also believed that students would experience undue delays in receiving aid.

Response: A change has been made. The Secretary agrees, in part, with these comments, and consequently has decided that for the 1983–84 and the 1984–85 award years, only the signed statement of registration compliance will be required—not written verification of registration. Verification of those statements will be monitored by the Department through its normal program review and audit activities, in conjunction with the Selective Service System.

Verification of registration compliance, as outlined in § 668.26, will be required for the 1985–86 and subsequent award years. Thus, the Secretary believes that burden and cost to the schools will be minimal, and that delays in the receipt of aid for students should be practically non-existent.

Comment: Several commenters suggested that only males should be required to sign the required Statement of Registration Compliance. Further, some of them asked if a waiver might not be granted for schools which enroll female students exclusively.

Response: No change has been made. Often, it is not clear from a student's name whether the student is a female. Moreover, since students are often paid by credit adjustments to their accounts, there may be no easy way—other than the student's signed statement that she is a female—to assure that registration was not applicable. Further, the signing of the Statement of Educational Purpose (which is now part of the combined "Statement of Educational Purpose/ Registration Compliance) must be done by female as well as male students. Since the Department is providing the combined statement on the Student Aid Report (used primarily for the Pell Grant Program) and other combined statements will routinely be available for non-Pell Grant recipients, the Secretary does not feel that a waiver is necessary, even for schools which only enroll female students.

Comment: Several commenters expressed concern about possible institutional liability that might result from accepting an affidavit of registration compliance allowed under § 668.26(f)(1), and § 668.26(f)(2) that may be false.

Response: A change has been made. An institution does not incur liability if the student falsifies such an affidavit. The student incurs the liability. The institution is responsible for notifying the Secretary that the student has not provided verification within the 120 day period.

Comment: Several commenters asked whether incarcerated students needed to be registered in order to qualify for Title IV aid.

Response: A change has been made. Since the law is clear that an incarcerated male or a male that is similarly unable to present himself for registration, does not have to register with Selective Service until 30 days after he is released from incarceration or otherwise able to present himself for registration, such students cannot be denied Title IV aid because of lack of registration. Thus, there would be no liability (related to a lack of registration compliance) assessed any institution for a payment to an incarcerated student. The Registration Compliance Statement does not include the exemption applicable to incarcerated students. However, the Secretary recognizes that these individuals are exempt from registration requirements. Institutions should simply document in their files that such individuals are incarcerated, hospitalized, or institutionalized, and therefore, are unable to present themselves for registration.

Comment: Several commenters stated that it was unclear whether § 668.24(c) permitted a student who was not 18 (or otherwise did not have to register) to certify on his registration compliance statement that he is not required to be registered before the beginning of the academic years? Further, could this be done even if his status under registration law would change after such a certification but still before the beginning of the academic year? Finally, could that statement suffice for the entire academic year?

Response: No change has been made. However, the answer to all questions is yes. If the normal procedure of both the application process and the administration by the school of the awarding of financial aid result in a student signing his statement before the beginning of the award year, that statement will be considered valid for the entire academic year, even if the student knows his status will change before the academic year actually begins or if his status changes during the academic year. The student would not have to submit another statement until such time he files for Federal student financial assistance for the subsequent academic year.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are classified as nonmajor because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations implement a new statutory eligibility criterion—registration with Selective Service—for title IV student financial assistance.

The small entities affected are small institutions of postsecondary education. Verification of registration compliance, when required in 1985, will be based on documentation furnished by students and will, therefore, not have significant economic impact on these institutions.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the public comments and the Department's own review, the Secretary has determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 668

Administrative practice and procedures, Colleges and universities, Consumer protection, Education, Loan programs—education, Grant programs—education, Student aid.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance Numbers: Supplemental Educational Opportunity Grant Program, 84.007; Guaranteed Student Loan Program, 84.032; PLUS Program, 84.032; College Work-Study Program, 84.033; National Direct Student Loan Program, 84.038; Pell Grant Program, 84.063; State Student Incentive Grant Program, 84.069)

Dated: April 6, 1983.

T. H. Bell,

Secretary of Education.

PART 668—[AMENDED]

The Secretary amends Part 668 of Title 34 of the Code of Federal Regulations as follows:

1. The table of contents for Subpart B is amended, by adding six new sections. to read as follows:

Subpart B

* * * * *

Sec.

668.23 Statement of educational purpose.
668.24 Statement of registration compliance.
668.25 Model statement of educational purpose and registration compliance.
668.26 Verification of registration compliance for award years beginning on or after July 1, 1985.
668.27 Notification and administrative review.
668.28 Record retention requirements.

2. A new § 668.23 is added to read as follows:

§ 668.23 Statement of educational purpose.

An institution may not disburse any funds under any of the title IV student financial assistance programs to a student unless the student files with it a Statement of Educational Purpose. In this statement, the student certifies that he or she will use any funds received under these programs solely for educational expenses connected with attendance at the institution at which the student is enrolled or accepted for enrollment.

(20 U.S.C. 1091)

3. A new § 668.24 is added to read as follows:

§ 668.24 Statement of registration compliance.

(a)(1) Except as provided in paragraph (d) of this section, unless a student who is applying for title IV aid or, under the PLUS Program, who will benefit from the loan, files a Statement of registration Compliance with the institution, an institution may not, for a period of instruction beginning on or after July 1, 1983—

(i) Disburse funds to the student under any title IV student financial assistance program;

(ii) Certify the institutional portion of the application under the Guaranteed Student Loan or PLUS Program; or

(iii) Certify the institutional portion of the Pell Grant Request for Payment (ED Form 304), if the institution is participating in the Pell Grant Program under the Alternate Disbursement System.

(2) In the Statement of Registration Compliance, the student must certify either that he or she is registered with Selective Service or that, for a specified reason, he or she is not required to be registered.

(b) For the 1983–1984 award year only, the rules in paragraph (b) of this section apply with regard to a student who, before July 1, 1983 has applied for a loan under the Guaranteed Student Loan or PLUS Programs, has applied for a Pell grant under the Alternative Disbursement System (ADS), or received a disbursement of any title IV student financial assistance funds, for a period of instruction beginning on or after that date, but who has not filed the Statement of Registration Compliance:

(1) In addition to providing the general notice described in § 668.27(a) of this part, an institution shall inform the student of the requirement to file a Statement of Registration Compliance if the institution—

(i) Receives a loan check, or a notice from a lender that the student has received a loan, under the Guaranteed Student Loan or PLUS Program;

(ii) Receives notice that a loan has been made under the PLUS Program for the benefit of the student;

(iii) Released or endorsed such a loan check before July 1, 1983, for a period of instruction beginning on or after that date for that student;

(iv) Certified the institutional portion of the Pell Grant Request for Payment (ED Form 304), before July 1, 1983 for a period of instruction beginning on or after that date; or

(v) Disbursed, before July 1, 1983, any title IV student financial assistance for a period of instruction beginning on or after that date.

(2) An institution which receives a loan check under the Guaranteed Student Loan or PLUS Programs may not endorse that check or release it to or for the benefit of a student who fails to file a Statement of Registration Compliance in accordance with this section.

(3)(i) An institution shall promptly notify the lender and the Secretary if it determines that a student who has already received or benefited from a Guaranteed Student Loan or PLUS loan intended for a period of instruction beginning on or after July 1, 1983 who is informed of the duty to file a Statement of Registration Compliance pursuant to this section, fails to do so within 30 calendar days of being so informed by the institution.

(ii) If a student fails to file the required Statement of Registration Compliance, that student forfeits the right to receive or retain the loan check or its benefits, as well as the right to the payment of interest benefits on that loan. The borrower shall, on demand of the lender, immediately repay that disbursement.

(4) If an institution is a lender, it shall attempt to recover the amount of any loan disbursed before July 1, 1983 for periods of instruction beginning on or after that date to a student who fails to file a Statement of Registration Compliance.

(5) An institution which participates in the Pell Grant Program under ADS shall promptly notify the Secretary if a student, informed of the duty to file a Statement of Registration Compliance pursuant to this section, fails to do so within 30 calendar days of being so informed by the institution.

(c) A student shall file a Statement of Registration Compliance once for each award year. If the student's status under registration law changes during the award year after he has completed the Statement of Registration Compliance the student is not required to file a new statement for that award year.

(d) The requirement under paragraph (a) of this section of filing a Statement of Registration Compliance and § 668.26 for verification, if required, does not apply to students who are—

(1) Enrolled in an officer procurement program, the curriculum of which has been approved by the Secretary of Defense at the following:

(i) The Citadel, Charleston, South Carolina.

(ii) North Georgia College, Dahlonega, Georgia.

(iii) Norwich University, Northfield, Vermont.

(iv) Virginia Military Institute, Lexington, Virginia; or

(2) Unable to present themselves for registration for reasons beyond their control such as being hospitalized, incarcerated, or institutionalized.

(50 U.S.C. App. 462)

4. A new § 668.25 is added to read as follows:

§ 668.25 Model statement of educational purpose and registration compliance.

The Secretary considers the following statement as satisfying the requirements of § 668.23 and 668.24(a) and the notification requirement of § 668.27(a):

Statement of Educational Purpose/ Registration Compliance

I certify that I will use any money I receive under the title IV student financial aid programs only for expenses related to attendance at (insert name of school) ——— ; and (check as appropriate)

—I certify that I am not required to be registered with Selective Service, because:

—I am a female.

—I am in the armed services on active duty (Note: Members of the Reserves and National Guard are not considered on active duty.)

—I have not reached my 18th birthday.

—I was born before 1960.

—I am a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.

—I certify that I am registered with Selective Service.

Signature: ———

Date: ———

Notice.—You will not receive title IV financial aid unless you complete this statement and, if required, give proof to your school of your registration compliance. If you purposely state falsely that you are registered or that you are not required to be registered, you may be subject to fine or imprisonment, or both. (20 U.S.C. 1091 and 50 U.S.C. App. 462)

5. A new § 668.26 is added to read as follows:

§ 668.26 Verification of registration compliance for academic years beginning on or after July 1, 1985.

(a) This section establishes requirements for verification of registration for title IV aid to be used in an academic year beginning on or after July 1, 1985.

(b) A student who has not previously received title IV student financial assistance shall, in addition to certifying that he is registered with Selective Service on the Statement of Registration Compliance according to the requirement of § 668.24, verify that he is registered by submitting appropriate documentation described in paragraph (d) of this section to the institution.

(c) If the institution determines that the student has verified his registration compliance in a previous academic year that student is not required to resubmit verification documentation.

Note.—A student is still required to file a Statement of Registration Compliance each year pursuant to the requirements of § 668.24 as one condition of receiving title IV aid even if the institution has on file a Registration acknowledgement Letter for that student (SSS Form 3A or 3A–S).

(d) Documentation that may be used to verify registration compliance includes—

(1) A copy of the student's registration Acknowledgement Letter (SSS Form 3A or 3A–s);

(2) The financial aid transcript prepared pursuant to § 668.14 bearing

the student's Selective Service number; or

(3) Other documentation from the Selective Service, if approved by the Secretary and the Director of the Selective Service System.

(e) Except as provided in paragraph (f) of this section, until documentation to verify the student's registration compliance is received, the institution may not—

(1) Disburse funds to the student under any title IV student financial assistance programs;

(2) Certify the institutional portion of the application under the Guaranteed Student Loan or PLUS Programs; or

(3) Certify the institutional portion of the Pell Grant Request for Payment (ED Form 304), if the institution is participating in the Pell grant Program under the Alternate Disbursement System.

(f)(1) A student may temporarily verify his registration by submitting to the institution a notarized affidavit in which he affirms that he—

(i) Has registered with the Selective Service; and

(ii) Does not have his registration Acknowledgement Letter.

(2) An institution which receives an affidavit under paragraph (f)(1) of this section shall—

(i) Disburse the student's title IV funds for not more than one payment period;

(ii) Certify the institutional portion of the application under the Guaranteed Student Loan or PLUS Programs; and

(iii) Certify the institutional portion of the Pell grant Request for payment (ED Form 304), if the institution is participating in the Pell grant Program under the Alternate Disbursement System.

(3) A student who has filed an affidavit under paragraph (f)(1) of this section shall submit documentation to verify his registration to the institution within one hundred and twenty (120) days from the date of the affidavit.

(4)(i) If the student does not submit the documentation within one hundred and twenty (120) days from the date of the affidavit, title IV funds received by the student for the payment period in question constitute an unauthorized payment which the student must repay.

(ii) The institution shall provide the Secretary with the student's name, amount of unauthorized payment, Social Security number, and other relevant information.

(iii) The Secretary takes necessary steps to recover this unauthorized payment, including litigation, as necessary.

(5)(i) If the institution certifies the institutional portion of an application under the Guaranteed Student Loan or PLUS Program for a student who fails to submit the required documentation within one hunderd and twenty (120) days from the date of the affidavit, the institution shall notify the lender and the Secretary.

(ii) A student who fails to submit the required documentation within one hundred and twenty (120) days forfeits the right to receive the benefits of the loan made to or for the student under the Guaranteed Student Loan or PLUS Program, as well as the right to payment of interest benefits on the loan. The borrower shall, if demanded by the lender, immediately repay the disbursement.

(6) The Secretary considers the following affidavit as satisfying the requirement of paragraph (f)(1):

Affidavit of Registration Compliance

I affirm under penalty of perjury that I am registered with Selective Service and that I do not possess my registration Acknowledgement Letter from Selective Service. I understand that if this information is false, I could be subject to either a fine, imprisonment, or both. I also understand that I must provide proof from the Selective Service of my registration to my school within 120 days of the date of this affidavit, and that if I do not provide such proof I must repay any title IV student financial aid I have received for this school period and that I forfeit the right to receive the benefits of any loan made under the GSL or PLUS Program as well as the right to payment of interest benefits on the loan.

Signature: _____

Date: _____

Notary Public: _____

(g) The Secretary may establish separate verification procedures on a case-by-case basis for students attending institutions outside the United States and its Territories.

(20 U.S.C. 1097 and 50 U.S.C. App. 462)

6. A new § 668.27 is added to read as follows:

§ 668.27 Notification and administrative review.

(a)(1) *General Notice.* An institution shall provide written notice to any student seeking aid under any title IV program that he or she must submit a Statement of Registration Compliance to the institution as a condition for receipt of such aid and, if required, provide proof of the student's registration with the Selective Service.

(2) *Specific Notice.* Prior to denying aid to a student under title IV for failure to register with the Selective Service, or for failure to file the Statement of Registration Compliance in accordance with § 668.24 and, if required by § 668.26, to verify that compliance, the institution shall provide individual written notice of denial to that student.

(b)(1) A student who was notified under paragraph (a)(2) of this section and has not registered although required to do so may establish his eligibility for title IV aid for the payment period in which he was notified under paragraph (a)(2) of this section by registering, filing a Statement of Registration Compliance, and, if required, verifying that he is registered in accordance with § 668.26 within thirty days of the receipt of the notice or before the end of the same payment period, whichever is later.

(2) A student, who was notified under paragraph (a)(2) of this section and who has registered but failed to state that he is registered with Selective Service in accordance with § 668.24, and to verify that statement, if required under § 668.26, may establish his eligibility for title IV aid for the payment period in which he was notified under paragraph (a)(2) of this section by filing a Statement of Registration Compliance in accordance with § 668.24 and, if required under § 668.26 by verifying that he is registered, within 30 days of the receipt of the notice or the end of the same payment period, whichever is later.

(3) If a student does not file a Statement of Registration Compliance and, if required under § 668.26, verify that Statement within thirty days of the receipt of the notification under paragraph (a)(2) of this section or before the end of that payment period, whichever is later, he may not receive aid for that payment period or prior payment periods for which the student was not registered, if required.

(c)(1) A student who has been denied title IV assistance because he has not where required provided verification of his registration with the Selective Service, may seek a hearing from the Secretary by filing a request in writing with the Secretary. The student must submit with that request—

(i) A statement that he is in compliance with registration requirements;

(ii) A concise statement of the reasons why he has not been able to verify that he is in compliance with those requirements; and

(iii) Copies of all material that he has already supplied to the institution to verify his compliance.

(2) The Secretary provides an opportunity for a hearing to a student who—

(i) Asserts that he is in compliance with registration requirements; and

(ii) Files a written request for a hearing in accordance with paragraph

(c)(1) of this section within the award year for which he was denied title IV assistance or within 30 days following the end of the payment period, whichever is later.

(3) An official designated by the Secretary shall conduct any hearing held under paragraph (c)(2) of this section. The sole purpose of this hearing is the determination of compliance with registration requirements. At this hearing, the student retains the burden of proving compliance, by credible evidence, with the requirements of the Military Selective Service Act. The designated official shall receive only such evidence as he or she considers relevant to establishing whether the student is in compliance with Selective Service registration requirements. The designated official shall not consider challenges based on constitutional or other grounds to the requirements that a student state and verify, if required under § 668.26, compliance with registration requirements, or to those registration requirements themselves.

(d) Any determination of compliance made under this section shall be final unless reopened by the Secretary and revised on the basis of additional evidence.

(e) Any determination of compliance made under this section shall be binding only for purposes of determining eligibility for title IV student assistance.

(50 U.S.C. App. 462)

7. A new § 668.28 is added to read as follows:

§ 668.28 Record retention requirements.

An institution shall include in each student's record, in accordance with the record retention provisions in each of the title IV program regulations, the following:

(a) The signed Statement of Educational Purpose/Registration Compliance;

(b) When verification is required under § 668.26, the documentation verifying the student's registration compliance.

(20 U.S.C. 1097 and 50 U.S.C. App. 462)

8. Section 668.14 is amended by revising paragraphs (a)(2), (e)(5) and (e)(6), and by adding a new paragraph (e)(7) to read as follows:

§ 668.14 Financial Aid Transcript.

(a) * * *

(2) *Limited exception to the general rule.* If the institution does not receive the student's transcript or a written notice pursuant to paragraph (d) of this section that the transcript will not be forthcoming, in a timely manner, it may disburse title IV funds for only one payment period provided the student has submitted other documentation verifying his Selective Service registration compliance in accordance with § 668.26

* * * * *

(e) * * *

(5) Whether the student is in default on—

(i) A National Direct Student Loan made by the institution; or

(ii) A guaranteed Student Loan or a PLUS Loan that the student received for attendance at the institution if the institution is aware of the default status;

(6) Whether the student owes a refund on—

(i) A Pell or Supplemental Grant for attendance at the institution; or

(ii) A State Student Incentive Grant received for attendance at the institution, if the institution is aware that the student owes the refund; and

(7) The student's Selective Service number from the documentation used to verify the student's registration compliance in accordance with § 668.26, if required.

(20 U.S.C. 1091, 1094; 50 U.S.C. App. 462)

[FR Doc. 83-9393 Filed 4-8-83; 8:45 am]
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Federal Register

Monday
April 11, 1983

Part III

The President

Executive Order 12416

Intergovernmental Review of Federal Programs

Office of Management and Budget

Intergovernmental Review of Federal Programs; Notice of Changes in Implementation

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Presidential Documents

Title 3—

The President

Executive Order 12416 of April 8, 1983

Intergovernmental Review of Federal Programs

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to allow additional time for implementation by State, regional and local governments of new Federal regulations which foster an intergovernmental partnership and strengthened federalism, it is hereby ordered as follows:

Section 1. The preamble to Executive Order No. 12372 of July 14, 1982 is hereby amended by inserting, after the words "42 U.S.C. 4231(a))", the following phrase: ", Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334)".

Sec. 2. Section 5(b) of Executive Order No. 12372 is amended by deleting "April 30, 1983" and inserting in its place "September 30, 1983."

Sec. 3. Section 8 of Executive Order No. 12372 is amended by deleting "within two years" and inserting in its place "by September 30, 1984".

Ronald Reagan

THE WHITE HOUSE,
April 8, 1983.

[FR Doc. 83-9671
Filed 4-8-83; 12:03 pm]
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OFFICE OF MANAGEMENT AND BUDGET

Intergovernmental Review of Federal Programs; Implementation of Executive Order 12372

AGENCY: Management Reform Division and Associate Director for Management, Office of Management and Budget.

ACTION: Notice of implementation changes.

SUMMARY: Executive Order 12372, "Intergovernmental Review of Federal Programs," was signed by President Reagan on July 14, 1982. Section 5 of the Order called for final agency rules effective April 30, 1983. Based on numerous public comments on agency proposed rules requesting more lead time for state and local implementation, today's **Federal Register** includes an amendment to this Order to change the effective date for the final rules to September 30, 1983. In addition, final rules will be issued by June 30, 1983 to allow at least 3 months lead time. In accordance with Section 7 of E.O. 12372, regulations implementing former OMB Circular A–95 will remain in effect until September 30, 1983.

Another public meeting to discuss contemplated, possible changes in agency proposed rules in response to public comments will be announced shortly.

Dated: April 8, 1983.

Harold I. Steinberg,

Associate Director for Management

[FR Doc. 83–9673 Filed 4–8–83: 12:09 am]

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List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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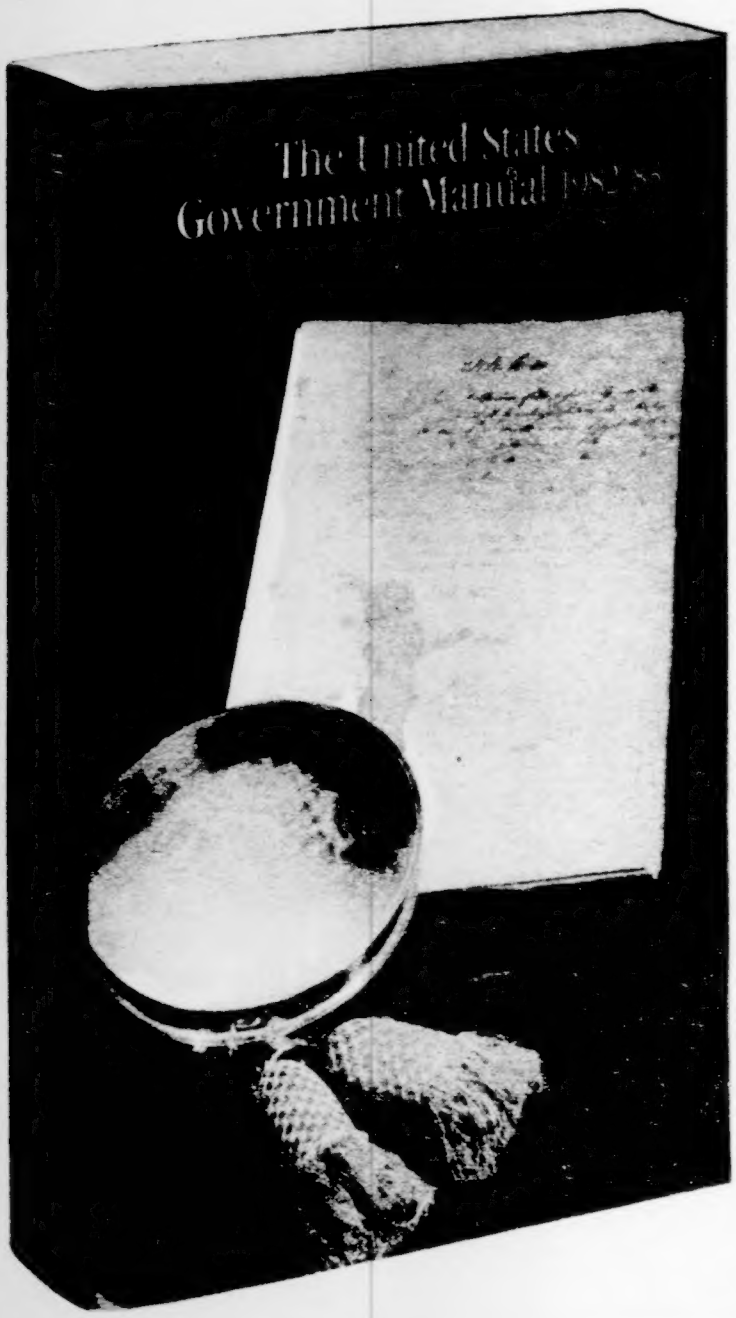

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